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PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, SECOND SESSION

SENATE—*Monday, May 15, 1972*

The Senate met at 12 noon and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of creation, ruler of men and nations, in this quiet pause in the day's occupation, we turn from the clash and clamor of the world, from contentions and confrontations, from drab duties and dateline pressures, to open our hearts to Thy presence and our minds to Thy higher guidance. Spare us from such preoccupation with the burdens of the day that we fail to see the distant scene. Lift our vision beyond things as they are to the vision of a new world of things as they ought to be. Be especially with those who bear the suffering of war and with those who bear the burden of decision-making. Inspire us that we may inspire others. Renew us in mind and heart that we may bring renewal to others.

In Thy holy name, we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 15, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

ENROLLED BILLS SIGNED DURING ADJOURNMENT

Under authority of the order of the Senate of May 11, 1972, the Acting President pro tempore (Mr. METCALF), on May 11, 1972, signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1379. An act to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes; and

H.R. 13334. An act to establish certain positions in the Department of the Treasury, to fix the compensation for those positions, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bill in which it requests the concurrence of the Senate:

H.R. 7130. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 7130) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes, was read twice by its title and referred to the Committee on Labor and Public Welfare.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 11, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ARCTIC WINTER GAMES APPROPRIATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 756, S. 2988.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 2988, to authorize the appropriation of $250,000 to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection. the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Secretary of Commerce the sum of $250,000, for the purpose of assisting the financing of the Arctic Winter Games to be held in Alaska in 1974. The Secretary shall provide for the disbursement of such funds (including the making of grants to appropriate persons or organizations) on such terms and under such conditions as he deems appropriate, including the submission to him of such reports from persons or organizations to which such funds are disbursed as the Secretary considers necessary to protect the interests of the United States and assure that such funds have been used for the purpose for which they were disbursed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–788), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to authorize the appropriation of $250,000 to the Secretary of Commerce to assist in financing the Arctic Winter Games which are scheduled to be held in Alaska in 1974. The Secretary is authorized to provide for the disbursement of these funds under such conditions as he deems appropriate.

BACKGROUND OF THE LEGISLATION

The Arctic Winter Games, which were inaugurated in 1970, are international in scope, with the Northwest and Yukon Territories of Canada and the State of Alaska acting as joint sponsors. Twelve basic sports in the program include badminton, basketball, boxing, curling, figure skating, hockey, shooting, skiing, table tennis, volleyball, and wrestling. Additionally, there may be scheduled six Eskimo and Indian sports indigenous to the northern people, as well as native craftwork and cultural exhibits. The 1974 games will be their third occurrence and the first time they have been hosted by the United States. The

Canadian Federal Government only contributes funds when the games are hosted by Canadian cities. They will not contribute when the games are hosted outside Canada and Alaska.

The successive $250,000 Canadian contributions in the past have been used for:

1. Wages for 18 months for full-time general manager and staff.

(*a*) Office rental and supplies.

(*b*) Transportation and communications.

2. Janitorial services for game areas, offices and lodging during games.

3. Security patrols.

4. Insurance.

5. Food and lodging for 1,200 athletes and coaches for the 7-day game period.

6. Special events; that is, parades and cultural displays.

It is planned that the U.S. contribution for the 1974 games will be used similarly. These costs were contractual obligations of the host to the Arctic Winter Games Corp. The host must establish a nonprofit group to appropriate the funds. The international corporation monitors expenditures, and an audit is supplied to each participating government. These same procedures would be followed with the U.S. contribution.

For the past two games, the Canadian Federal Government expended substantial sums—approximately $250,000 for the 1970 games held in Yellow Knife, Northwest Territories, and a like amount for the 1972 games held in Whitehorse, Yukon Territory. The U.S. Government has not contributed to this program in the past, although the State of Alaska has appropriated $150,000 annually.

COST OF THE LEGISLATION

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510, 91st Congress) the committee estimates that the cost which would be incurred in carrying out this bill would be $250,000. The committee is not aware of any estimates of costs made by any Federal agency which are different from those made by the committee.

CHANGES IN EXISTING LAW

The bill would make no changes in existing law.

PRESIDENT NIXON'S MAIL ON HIS MAY 8 SPEECH

Mr. SCOTT. Mr. President, as of Saturday, May 13, 1972, telegrams and letters received at the White House passed the 100,000 mark. It has not all been recorded and tabulated, but is running heavily in support of the President's speech at a rate of about 4 to 1.

Most letters and telegrams appear to come from a cross section of American families. It is noteworthy that many identify themselves as Vietnam veterans, young people, college professors, college students, members of minorities, and even one conscientious objector who believes the President's action will end the war. Many identify themselves as Democrats, or as persons who have never voted for Mr. Nixon.

One strong theme which recurs is the courage and honesty of the decision which placed the interest of the Nation above politics. Many stress the need for unity to support the President in order to end the war honorably.

Mr. President, I have some of these telegrams in my hand. Let me read one from Mrs. Leah Walcoff, of 410 Campbell Avenue in Havertown, Pa. The telegram reads:

I am again proud to be an American. I am proud you are our President. Your courage compares you to Harry Truman, the highest compliment I can give.

Mr. President, I ask unanimous consent to have these telegrams and letters printed in the Record.

There being no objection, the telegrams and letters were ordered to be printed in the Record, as follows:

Kansas City, Mo.,
May 8, 1972.

President Richard Nixon,
White House,
Washington, D.C.

Dear Mr. President: I want to tell you that I'm behind you 150 percent. I'm 20 years old, a college student, a former Marine discharged honorably on the basis of conscientious objection and a former potential Democrat. If I'm needed to help your campaign of '72 please do not hesitate to have your party leaders contact me, I pray for you and our country. A copy of this telegram will be sent to the North Vietnam delegation and to the USSR Embassy in Washington. Pray for peace, kindest regards.

Richard C. Blanchard.

Overland, Kans.
May 8, 1972.

President Nixon,
Washington, D.C.:

As an 18 year old voter, I fully support your decision to blockade North Vietnam to gain negotiating leverage to free our POWs and safely return our U.S. GI's.

Blanche Berry.

Lynchburg, Va.,
May 9, 1972.

President Nixon,
Washington, D.C.:

I support you as an American mother of soldier who gave his life in Vietnam.

Nellie Shanno.

May 9, 1972.

President Richard Nixon,
Washington, D.C.:

Support your latest move against North Vietnam, have hope for first time in five years.

Family of POW Kenneth Fisher.

Chicago, Ill.,
May 11, 1972.

President Richard M. Nixon,
Washington, D.C.:

I am a student at DePaul University and am in complete support of your Vietnam policy.

Gary Marach.

Epiphany Apostolic College,
Newburgh, N.Y., May 8, 1972.

President Richard Nixon,
White House,
Washington, D.C.

Dear Mr. President: I voted for you in the last two national elections and I will vote for you again if you continue to give the nation the kind of courageous leadership you manifested in your speech tonight. As an American, I was never prouder.

As a Catholic priest, (and I might add. . . a classmate of the Rev. Philip Berrigan, S.S.J. . . . Harrisburgh) I am anxious for world peace. And as a Josephite Father who has worked 17 years in Black America, I would like to see the money spent in Vietnam spent in the inner city. Yet I refuse to compromise with Communism. You never have and I hope you never will. Peace yes . . . and please God soon, but NOT at any price.

The days that lie ahead may be difficult. College campuses may explode. Your decisive action may even cost you the election. But I am confident that when your life is written years from now brave men will recall that this was "your finest hour."

A very proud American,
Rev. Joseph V. Tyson, S.S.J.

Tucson, Ariz.,
May 8, 1972.

President Nixon,
Washington, D.C.:

Regards to your TV speech eve of May 8th, proud to be a naturalized American and concur with your philosophy.

Ron Beal.

Ohio Univerity,
Athens, Ohio, May 9, 1972.

Mr. Richard M. Nixon,
President, White House,
Washington, D.C.

Dear President Nixon: Your actions of May 8, 1972 were those of an American exhibiting the conviction necessary for the future survival of this nation. At this most important period in the history of our country, I thank you for such conviction.

Sincerely,

Bruce A. Grow,
Instructor of Engineering, Representing Lance Cpl. G. L. Grow, U.S.M.C. killed Quang Tri 11-30-67.

Tulsa, Okla.,
May 8, 1972.

President Nixon,
Washington, D.C.

Dear Mr. President: We are students at TU. We admire your firmness in resisting Communist aggression. We pray that God will continue to help you to stand for the freedom of the world and the honor of this country.

Respectfully yours,
Stephen McDonald and Diego Abich.

Scottsdale, Ariz.,
May 9, 1972.

President Nixon,
Washington, D.C.

We are behind you despite news media.

Mr. and Mrs. Jack C. Ware.

University of Scranton,
Scranton, Pa., May 9, 1972.

President Richard M. Nixon,
White House,
Washington, D.C.:

Dear Mr. Nixon: May I offer my congratulations on your courage in standing up for the people of South Vietnam rather than bowing to political expediency or military blackmail.

I believe the people of this country in the main support you in this enterprise.

If there is anything I can do to help, please do not hesitate to ask.

Sincerely yours,

Dr. William J. Parente,
Dean of the College and Associate Professor of Political Science.

Washington, D.C.,
May 9, 1972.

The President,
White House,
Washington, D.C.:

As lawyers, we support the position you announced on May 8, 1972, and your objectives of prisoners of war exchange followed by immediate and total withdrawal.

Frank U. Fletcher.
Marjorie S. Reed.
Edward W. Hummers, Jr.
John C. Harrington.
Vincent J. Curtis, Jr.

Oaklawn, Ill.,
May 9, 1972.

President Richard Nixon,
Washington, D.C.:

Mr. President, your action is a gallant one, brave, honorable, regarding your stand against North Vietnam, you have our full support and confidence. We sympathize with you that some of our people and political leaders are trying to divide our country and have been giving a helping hand to our enemy by their statements. We are praying to God to give you help and wisdom to carry through our Nation in this critical period.

Gus Staphis.

Atlanta, Ga., *May 9, 1972.*

The President,
White House, Washington, D.C.:

You have prayers and support of other fighter pilot son in Vietnam. Excellent speech.

Mrs. Myrtle Elder.

Livonia, Mich.

President, Nixon,
Washington, D.C.

Dear Mr. President: Congratulations on your doing what must be done. I am an electrical contractor and meet people often. Out of approximately 30 people I have talked to all but one felt as I do and the one was only mildly different in his opinion.

P.S. The age group of these people were 25 to 65 years old.

Philip J. Nicholas.

St. Louis, Mo., *May 11, 1972.*
President Richard M. Nixon,
Washington, D.C.:

Congratulations, better late than never, feel you just saved the lives of my eight sons.

Sam Rayburn.

Mt. Rainier, Md.,
May 8, 1972.

President Richard M. Nixon,
The White House,
Washington, D.C.:

Thank you, Mr. President for protecting my son in Vietnam.

Mary Allen Bertram.

Marshalltown, Iowa, *May 8, 1972.*

The President,
White House,
Washington, D.C.:

As an American and wife of a missing man, I stand behind your decision tonight.

Mrs. Bradley Cuthbert.

Johnson City, Tenn.,
May 8, 1972.

President of the United States,
White House,
Washington, D.C.:

My husband is MIA. I support your decision on Vietnam.

Mrs. Douglas Avery.

Fort Walton Beach, Fla.,
May 9, 1972.

President Richard Nixon,
White House,
Washington, D.C.:

I completely agree with you on your latest courageous move.

Mrs. Keith Hall,
A POW Wife.

Fort Worth, Tex.,
May 8, 1972.

President Richard M. Nixon,
Washington, D.C.

Dear Mr. President: My husband has been missing in action since May 1968. While some groups seem to feel peace at any price may I take this opportunity to voice my strong support to the policy you have just taken on Vietnam. I believe in America and support what my husband was fighting for. Am very proud to be an Air Force wife and I feel he too would be proud of the rough but fair and honorable stand you have taken to protect not only the prisoners of war, but all our men in uniform as well as the future of our country. We must not back down.

Sincerely,

Mrs. Tommy E. Gist.

Havertown, Pa.,
May 8, 1972.

President Richard M. Nixon,
Washington, D.C.:

I am again proud to be an American. I am proud you are our President. Your courage compares you to Harry Truman, the highest compliment I can give.

Mrs. Leah Walcoff.

San Luis Obispo, Calif.,
May 10, 1972.

President Richard M. Nixon,
The White House,
Washington, D.C.:

Honor is not worth one more dead. May the Lord have mercy upon you.

Raymond H. Degroote.

Dayton, Ohio,
May 9, 1972.

President Richard M. Nixon,
The White House,
Washington, D.C.:

We totally oppose your disasterous action in Vietnam.

Cobb Family.

Lafayette, Calif.,
May 10, 1972.

President Richard Nixon,
The White House,
Washington, D.C.:

Please stop American invasion and blood bath in Vietnam. Stop the bombing and mining.

Mrs. Edith Lynch.

South Laguna, Calif.,
May 9, 1972.

President Richard Nixon,
The White House,
Washington, D.C.:

We are unalterably opposed to your decision to mine Haiphong Harbor.

Mr. and Mrs. Harold O. Allen.

Arlington, Va.,
May 9, 1972.

The President,
The White House, Washington, D.C.

Dear Sir: I would like to tell you, as a typical long haired, so called "anti-establishment" college student that I support your decision on Vietnam. I find this unusual since I have been opposed to the war for the last four years. One of the main reasons I was opposed to the war is that I felt America had been in Southeast Asia for too long. But now that you are taking a firm and positive position I feel that there is hope, and that you will get us out of there maybe even with victory and honor.

I ask you sir, please get us out of there but not on the same terms as Korea. Thank you for taking time to read my letter.

Sincerely,

Cullen R. Hutchinson.

Berkeley, Calif.,
May 11, 1972.

President Richard Nixon,
The White House,
Washington, D.C.:

I vigorously condemn your stupid useless and asinine escalation of a sickening and murderous conflict.

Hudson Shortwell.

Rancho Cordova, Calif.,
May 11, 1972.

President Richard Nixon,
The White House,
Washington, D.C.:

Admitting defeat is not dishonorable—continuing the bombing is. Stop the war now.

Virginia and Eli Kasser.

Woodburn, Oreg.,
May 12, 1972.

President Richard Nixon,
The White House,
Washington, D.C.

Mr. President: How can you ask anyone to support continued killing? It is absolutely stupid to threaten Russia. Our honor is gone.

Walter W. Dreher.
Virginia Dreher.
Gerald Dreher.

New York, N.Y.,
May 9, 1972.

President Richard Nixon,
The White House,
Washington, D.C.:

Beg you not escalate war further. It would only divide us further.

Dr. Benjamin Spock.

St. Louis, Mo.,
May 9, 1972.

President Nixon,
The White House,
Washington, D.C.:

Your decision to take military action against North Vietnam is not worth the risk involved. My family has always voted republican but we can no longer support your administration.

C. J. Sullins.

Ewton, Mass.,
May 11, 1972.

President Nixon,
The White House,
Washington, D.C.:

Honor is not found in escalation, your sense of morality and ethical behavior is intolerable.

Emily McClung.

Sacramento, Calif.,
May 11, 1972.

President Nixon,
The White House,
Washington, D.C.:

Get out, get out, get out, get out, get out, get out.

James Holden.

Ardmore, Pa.,
May 11, 1972.

President Richard Nixon,
The White House,
Washington, D.C.:

Blockade endangers peace with no possible positive results. Will support your impeachment defeat.

Fred Bench.

Chicago, Ill.,
May 9, 1972.

President Nixon,
The White House, Washington, D.C.:

I am normally a dove but I applaud your speech tonight. Thanks for the courage.

Miss Jean Appleman.

Sebring, Fla.,
May 10, 1972.

President Richard M. Nixon,
The White House, Washington, D.C.:

Support your latest move against North Vietnam. Have hope for first time in five years.

Family of POW Kenneth Fisher.

MARSHALLTOWN, IOWA,
May 9, 1972.

The PRESIDENT,
The White House, Washington, D.C.:

As an American and wife of a missing man I stand behind your decision tonight.

Mrs. BRADLEY CUTHBERT.

HAGERSTOWN, MD.,
May 12, 1972.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: As an ex-marine who fought in Vietnam for seventeen months and who vacated the jungle only upon leaving a leg on deposit there in April 1967, I thank you from the bottom of my heart for last night's courageous decision concerning Vietnam. In a nutshell, it means you are something more than a politician bent only on the next election; it means you are a statesman concerned with the freedom and honor of the next generation.

Politically of course, you may be in a little trouble—at least from the more vocal of my generation. But then you probably never had their vote anyway. Having actively campaigned for you as a freshman in a college wide debate, I want you to know that due to your decision tonight I will continue to support you whenever and wherever the opportunity presents itself.

Again, in behalf of myself and my fellow marines, some of whom lost much more than a leg, thanks. Your courage means that our sacrifices were not in vain.

Respectfully yours,

REUBEN DARBY.

FAYETTEVILLE, N.Y.,
May 8, 1972.

DEAR MR. PRESIDENT: I have just listened to your speech on TV concerning the situation in Vietnam. I am behind you 100%. I am proud to be an American. In spite of what the newspapers and TV newscast try to tell me I understand what you are saying. I also think I speak for the average little guy who knows how great this country is and can be.

Yours truly,

ROBERT J. MEISENHELDER.

LYNCHBURG, VA.,
May 9, 1972.

President RICHARD M. NIXON,
White House,
Washington, D.C.:

The affirmative stand you expressed last night is long overdue. Our previous no-win policy has been disgraceful.

RUTH PEEPLES.

BATON ROUGE, LA.,
May 9, 1972.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

SIR: We of the Baton Rouge Overseas Waiting Wives Club support you in your latest stand on the Vietnam war.

——— ———.

WYOMING, PA.,
May 9, 1972.

President NIXON,
Washington, D.C.:

One who lost his brother on April 7, 1971 in Vietnam, your actions this evening is a blessing courage and totally without malice. I know my brother wherever he may be from this evening on will rest a lot easier. From myself as Korean war veteran and 18 months in a POW camp I send my love and I can sympathize with the tormented feelings that you are going through this evening. Since you became President I followed you and at not one time have I ever lost faith in you.

Truly yours,

Mr. LEWIS MOIER.

TUCSON, ARIZ.,
May 9, 1972.

President NIXON,
The White House,
Washington, D.C.:

Mr. President, after many months of unhappiness with your Vietnam policy I am encouraged by latest move and support you 100 percent.

POW wife VERNA VAN LOAN.

WACO, TEX.,
May 12, 1972.

President RICHARD NIXON,
The White House,
Washington, D.C.:

We Democrats not Hawks, but backing you all the way.

Mr. and Mrs. JUDSON D. WILLIAMS.

MORGANFIELD, KY.

Hon. RICHARD M. NIXON,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: As a twenty-seven-year-old Vietnam veteran and a western Kentucky weekly newspaper publisher, I wholeheartedly support your decision to mine the Haiphong area and take other courageous military steps to bring Hanoi to its knees, while you Mr. President did not involve our country in the Southeast Asia. I admire your devotion to duty and respect your devotion to bring about an honorable end to the war.

JOHN MUNFORD.
Publisher Union County Advocate.

AVON, CONN.,
May 9, 1972.

DEAR MR. PRESIDENT: I have been chain dialing for over three hours to reach Western Union, but the circuits are all tied up.

I'll try later, but just to be sure I get through I'm writing this letter.

We support you fully.

WILLIAM V. MCGUINESS, Jr.,
Family of ten.

ST. LOUIS, MO.,
May 9, 1972.

President RICHARD NIXON,
The White House,
Washington, D.C.:

100 percent in agreement with your policy. Taxpaying Missouri Democrat.

CHARLES DENT.

CHICAGO, ILL.,
May 9, 1972.

The PRESIDENT,
White House,
Washington, D.C.:

The Polish American Congress wholeheartedly supports you and your plans for ending the Vietnam War. We concur and support.

ALOYSIUS A. MAZEWSKI,
President, Polish American Congress.

ORLAND PARK, ILL.,
May 9, 1972.

President NIXON,
White House,
Washington, D.C.:

We wholeheartedly support your Vietnam decision. MCGOVERN and ELLSBERG are wrong.

Faithfully yours,

ROGER and ROXANN PLICHTE.

GLENDALE, ARIZ.,
May 9, 1972.

The PRESIDENT of the United States,
Washington, D.C.:

We are behind you 100 percent on decision you made in Southeast Asia. We are sure our KIA son feels the same.

RALPH and EDITH ECKLUD.

AKRON, OHIO,
May 9, 1972.

President NIXON,
White House,
Washington, D.C.:

Communists must be stopped. Our son is in Gulf of Tonkin.

Mr. and Mrs. ROBERT INGERSOLL.

OMAHA, NEBR.,
May 9, 1972.

President RICHARD NIXON,
White House,
Washington, D.C.:

The men in Geputh and my husband at Utapio, Thailand are well behind your action.

T. Sgt. and Mrs. LARRY O. HANSON.

CHICAGO, ILL.,
May 9, 1972.

President NIXON,
White House,
Washington, D.C.:

In this moment of great strife we the members of the Spanish American businessmens Association wish you to know that we agree with your position and that we wholeheartedly back you.

F. MITCHELL, Jr.
President.

HOLYOKE, MASS,
May 8, 1972.

President RICHARD NIXON,
White House,
Washington, D.C.

DEAR PRESIDENT NIXON: We applaud your stand tonight on TV. We are behind you 100%. This includes my family of 11 adults and 16 grandchildren.

We cannot let those poor people in S. Vietnam down. Today the communists are invading South Vietnam. Tomorrow they will be invading San Francisco. If we don't stop them. Now.

Pray the rosary

Sincerely,

Mrs. HARTIN FINN.

LEXINGTON, KY.,
May 9, 1972.

DEAR MR. PRESIDENT: Upon hearing your speech last evening, I wanted to stand up and cheer. I only wish that a man of your courage and conviction had been in the White House six years ago.

I support your actions without reservation. May God continue to watch and safeguard you and our country.

Sincerely,

TIMOTHY P. LENDMAN.

DALLAS, TEX.,
May 9, 1972.

The PRESIDENT of the United States,
The White House,
Washington, D.C.

SIR: Congratulations for having the guts to do what should have been done years ago.

You have our support. Keep up the good work.

Very truly yours,

LEWIS H. BADER.

Peoria, Ill.,
May 9, 1972.

President Nixon,
White House,
Washington, D.C.:

From a voter that voted against you twice, but will surely vote for you now. I back you all the way in your act of courage in these most trying times.

Bill Livingston.

Russell, Kans.,
May 10, 1972.

President Richard M. Nixon,
The White House,
Washington, D.C.:

As parents of three servicemen, one of whom served in Korea and two in Vietnam, we wish to congratulate you on your brave efforts to end the conflict.

Dr. and Mrs. F. N. White.

Pensacola, Fla.

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: As the mother of two boys, and the wife of a serviceman who has spent 12 years in the service of his country, with a tour of duty in Vietnam and the recipient of two purple hearts, and even though I know that my husband may have to return to Vietnam, I want you to know that you have my wholehearted support.

I feel your decision is the right decision. We can't abandon the people of South Vietnam to the fate that would be in store for them if the communists were allowed to take over their country.

I know it is hard for you to make this decision because it involves so many people in the United States and other countries.

We have to do what's right and more than anything else we have to fight for what we believe in, and we believe in "*freedom.*"

My prayers will be with you and with all our boys.

Sincerely yours,

Maria L. Recaede.

Hobbs, N. Mex.,
May 9, 1972.

Mr. President: I heard your address on the radio last night and I am taking the liberty of writing this letter to let you know that millions of people have been waiting for you to take this type of action for a long time. I am certain that these millions are behind you 100 percent. It makes me proud again to be an American and a veteran.

I am a veteran of WW2 and Korea, my oldest son is a veteran of Vietnam and my youngest son is enlisting in the Navy as soon as he finishes school. Thank you, and God bless you and keep you.

Sincerely, yours,

J. C. Brotherton.

Delta, Pa.,
May 8, 1972.

The President of the United States,
The White House,
Washington, D.C.:

Dear Mr. Nixon: My family and I abhor war, but we commend you for the courageous decision you have made in dealing with the murderous government of North Vietnam.

We feel that most Americans, are of the same opinion and that this is one of the most positive steps our government has ever taken in trying to bring an end to this horrible war.

Our prayers are with you.

Sincerely,

Robert W. Baldwin.

Maple Glen, Pa.,
May 9, 1972.

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear President Nixon: We listened to your excellent speech on television last night. You asked for support on your new policy for Vietnam. You have ours . . . 100 percent.

Nine members of my family have served in Vietnam . . . one for two tours of duty. Two of the nine are there now. They are brothers. One is a chopper pilot; the other, infantry. I want them back *alive.* If this is the best way and I pray to God it is, then you have our support.

You're going to need the Lord's help on this one. We'll remember you in our prayers.

Sincerely,

Constance E. Beck,
Harold R. Beck.

Lillington, N.C.,
May 9, 1972.

Dear President Nixon: I am a college student, and I think you are very brave and intelligent man. I heard your speech last night and I want to tell you that my family and I are proud to be Americans. We shall stand by you and pray for you. May God bless you and your family.

An admirer,

Helen M. Rogers.

Redondo Beach, Calif.,
May 8, 1972.

President Nixon,
White House,
Washington, D.C.

Dear Sir: As a POW family, we are behind you 100% for the decision you have made and announced this day to blockade North Vietnam.

God bless you and we pray every day that you may be guided according to God's will.

Sincerely,

Mr. and Mrs. J. M. Mobley.

New York, N.Y.,
May 12, 1972.

President Richard Nixon,
White House,
Washington, D.C.:

You seem to this Columbia University professor right on Vietnam.

C. Lowell Harriss.

Richmond, Calif.,
May 12, 1972.

President Nixon,
The White House,
Washington, D.C.:

As a responsible college student I am proud of my country and President. I commend you and stand behind you 100 percent. Your finest moment is at hand. God bless.

S. Brown.

New Orleans, La.,
May 9, 1972.

President of the United States,
Washington, D.C.

Mister President: For years I haven't felt this type of pride even with a son in the infantry. I feel better than before. You deserve a medal. God bless us all.

William S. Callahan, Jr.

Portland, Oreg.,
May 9, 1972.

President Nixon,
White House,
Washington, D.C.:

Canvas of this area find 80 percent of people behind your move. Our family are all democrats, and we are all behind you 100 percent.

Joseph C. Miller.

Cleveland, Ohio,
May 10, 1972.

President Richard Nixon,
Washington, D.C.:

In the name of our fallen son we support you, Mr. President, and pray that God will bless and guide you.

Mr. and Mrs. Howard Weber.

Chicago, Ill.,
May 12, 1972.

President Richard Nixon,
White House,
Washington, D.C.:

I am a student at DePaul University and am in complete support of your Vietnam policy.

Gaary Marach.

Highland, Calif.,
May 11, 1972.

President Nixon,
White House,
Washington, D.C.:

I am a Democrat and a disabled veteran but I support you as a loyal American and believe in you sincerely. My prayers are with you.

Lowell Shepard.

IN SUPPORT OF PRESIDENT NIXON'S ACTIONS IN VIETNAM

Mr. SCOTT. Mr. President, Representative William G. Robinson, Republican of Melrose, Mass., was the sponsor of a resolution in the Massachusetts House of Representatives in support of President Nixon's actions in Vietnam.

The resolution was introduced Thursday, May 11 and passed the House of Representatives 149 to 9.

Representative Robinson will be in Washington today to present copies of the resolution to Senator Brooke and Senator Kennedy at 11:30 and 11:50 respectively, and to the White House at 1 o'clock today, May 15.

The public opinion polls over the country, since the decision of the President, all show strong support of the President, most of them at the rate of about 75 percent in support, to about 20 percent against.

The Harris poll, usually the most conservative where any popularity of the President is concerned, comes in with a 59 percent approval.

In the newspapers, these polls usually get about three or four columns over a weekend.

Mr. President, in order better to inform the American people, I ask unanimous consent to have printed in the Record the material which I have discussed, and other material, with reference to some of these polls.

There being no objection, the material was ordered to be printed in the Record, as follows:

Public Opinion Strongly Behind President Nixon on Vietnam

The American people strongly support the President's bold actions to bring an early end to the War in Vietnam. Here's a sample of the evidence.

Polls

Opinion Research—"Three out of four Americans (74%) support President Nixon's decision . . ."

Harris Survey—"68% of those with opinion's support his dramatic decision." (Based on 1400 personal interviews)

Sindlinger—"Three quarters of the American people (76.4%) support the President's initiative in Vietnam."

California Field Poll—"Approval for Mr. Nixon's handling of the war went from 41% before to 53% after, his dramatic decision of May 8, 1972."

ABC Poll—"60% of the American people agree with the President's decision to mine North Vietnam's ports." 71% of those supporting the President's decision would support further military action.

WHITE HOUSE TELEGRAMS AND MAIL

Over 50,000 telegrams have been received thus far at the White House. It is running 4-1 in favor of the President's Vietnam actions. The same strong support (4–1 in favor) is found in the 40,000 letters that have been received by the President. Both telegrams and mail are still pouring into the White House.

OTHER INDICATIONS OF SUPPORT

Massachusetts House of Representatives—By a vote of 149–9, the Massachusetts House urged North Vietnam to withdraw its troops immediately from the South, and *to accept President Nixon's peace terms immediately.* The House earlier rejected anti-war resolutions on the same subject.

Petitions of support have begun to arrive in the White House. Organized groups, from professional associations to labor unions have sent messages of endorsement for the President's actions.

THREE QUARTERS OF THE AMERICAN PEOPLE SUPPORT THE PRESIDENT'S INITIATIVES IN VIETNAM AND THE MINING OF HAIPHONG HARBOR

Sindlinger asked the following question:

"In his address to the Nation Monday evening, the President called for the support of the American people for his efforts to end the war in Vietnam. Would you say you support the President in his effort to end the war or would you say you do not support him?"

The replies were as follows:

	Total	Percentage
Sample	556	
Support	424	76.2
Do not support	128	23.0
No opinion/Won't say	4	.8

SEVENTY-FOUR PERCENT BACK MINING OF HAIPHONG HARBOR; U.S. BACKS PRESIDENT'S STRONG STAND

PRINCETON, N.J.—Three out of every four Americans (74%) support President Nixon's decision to mine the harbor at Haiphong and every other port along the coast of North Vietnam. Only 21% are opposed to the President's dramatic decision Monday night.

Almost an identical number—75% of the American people—support the President's proposal to withdraw all American forces from South Vietnam, within four months after the return of our POWs and an internationally supervised cease-fire.

These are the results of a national opinion survey taken on Tuesday, May 9 after the President's announcement of Monday night. The survey was taken by the Opinion Research Corporation of Princeton, New Jersey.

The results of this survey are based on 702 telephone interviews conducted among a nationwide representative sample of persons 18 years of age and over.

Below are the questions as asked and the results:

"To make sure that the supplies do not reach the North Vietnamese the President has taken the following actions:

(A) Mined all North Vietnam harbors;

(B) Having U.S. forces prevent any supplies from reaching North Vietnam by sea;

(C) Cut off all rail and other communications in North Vietnam to the extent possible;

(D) Continued air strikes against military targets in North Vietnam.

Do you support the President's actions or don't you?"

Yes, support the President—74%.

No, don't support the President—21%.

No opinion—5%.

"President Nixon, in his speech Monday evening, agreed to stop all military action in Vietnam and to withdraw all U.S. troops within four months as soon as all our Prisoners of war are released and an international cease-fire has been established in Indochina. Do you agree or disagree with the President's position?"

Agree with the President's position—75%.

Disagree with the President's position—17%.

No opinion—8%.

ABC NEWS POLL

In a survey covering twelve major cities across the United States, ABC News reports the following results:

Do you agree with the President's decision to mine North Vietnam's ports?

Yes 59%.

No 28%.

Don't Know 13%.

A total of 71% of those favoring the President would support further military action. Of the 1,000 sample, this would mean that 42% of all the people would support additional military action.

Of those opposing the President's action, 71% want total withdrawal, regardless of consequences, 14% do not and 14% don't know.

THE HARRIS SURVEY—59 PERCENT OF PUBLIC BACKS NIXON VIET MOVES

(By Louis Harris)

In a special survey completed on May 9 and 10 the American people give decisive 59 per cent to 24 per cent approval of President Nixon's move in mining the harbors of North Vietnam. These results can be taken as a rallying of public opinion behind the President in a time of national crisis, with 68 per cent of those with opinions supporting his dramatic decision.

At the same time, a national cross-section of 1,385 persons interviewed indicated that it would be willing to go a substantial distance toward compromise at the negotiating table to achieve an end to the Vietnam war:

By 51 per cent to 31 per cent, the public favors a "standstill cease-fire," under which "both sides would keep their troops where they are now."

By a narrow 44 per cent to 36 per cent, it would back "an agreement to end the war, but to let North Vietnam keep the territory in South Vietnam it now occupies."

By a substantial 60 per cent to 14 per cent, it would favor having "president of South Vietnam resign from office, if that were the only way to get peace."

Previous surveys have indicated that upwards of 80 per cent of the public also wants a return of American prisoners of war as a key term in the settlement of the Vietnam conflict.

The cross-section of 1,385 was asked:

Do you approve or disapprove of President Nixon's order to mine all the harbors of North Vietnam?

	Percent
Approve	59
Disapprove	24
Not sure	17

Heaviest support for Mr. Nixon's step to mine North Vietnam harbors could be found among men, residents of the South and West, in smaller towns and rural areas, among those 50 years old and over, those with a high school education and persons with incomes of $10,000 to $13,000.

Opposition was strongest in the East, among those under 30, among Democrats and those with a college education.

The cross-section also was asked:

Considering the fact that the North Vietnamese now occupy much of the northern part of South Vietnam, would you favor or oppose:

A cease-fire in the fighting in which both sides kept their troops where they are now?

	Percent
Favor	51
Oppose	31
Not sure	18

An agreement to end the war but to let North Vietnam keep the territory it now occupies?

	Percent
Favor	44
Oppose	33
Not sure	18

Finally, people were asked:

Suppose the only way we could get peace in Vietnam were to have President Thieu of South Vietnam resign from office. Would you favor or oppose such a move?"

	Percent
Favor	60
Oppose	14
Not sure	26

Those who most favor allowing the North Vietnamese to keep the territories they now occupy are women, easterners, those under 30, the college educated and those with incomes of $15,000 and over.

[From the Dallas News, May 10, 1972]

TEXANS IN CONGRESS BACK NIXON'S VIETNAM ACTIONS

(By Saralee Tiede)

WASHINGTON.—Texans in Congress Tuesday generally rallied behind President Nixon's decision to mine Haiphong Harbor. Some of their colleagues in the House and Senate were more critical.

Republican Sen. John Tower took the more dovish senators to task during lengthy debate on the President's action.

"It seems to me that the suggestion of much of what has been said here is that we should surrender South Vietnam to North Vietnam," he said.

"I can think of nothing more calculated to encourage military aggression."

Tower, who has long favored mining North Vietnamese harbors, said he considers the President's action "the most merciful and humane" means to end the war.

Sen. Lloyd Bentsen, a Democrat, gave a luke-warm endorsement to Nixon's decision when he said, "The President coupled the military action with the most generous peace offer yet advanced. I pray that it will work."

Bentsen said he doubted that the naval interdiction itself would end the war.

Republican Rep. Jim Collins of Dallas expressed similar doubts.

"I've got some apprehension about taking an action like this when we're down to 69,000 troops over there," he said, noting that he had supported Goldwater's similar proposals in 1964 and seen it roundly defeated at the polls.

Collins said he preferred to emphasize the President's peace offer—a definite withdrawal date—over the mining.

Meanwhile House doves and hawks debated the President's announcement in heated language and at one point, ordered anti-war demonstrators cleared from the galleries.

Reps. Bella Abzug and William Ryan, both New York Democrats, called for the impeachment of Nixon and majority whip, Rep. Thomas O'Neill, D-Mass., said that the White House "better show tremendous diplomatic skills in the next three days or we'll be in World War III."

Dallas Rep. Earle Cabell said he considered the harbor plan the proper step—the only positive, honorable thing that can be done.

"It's a calculated risk," he said. "But he's acting with the best judgment and the best advice."

Rep. Olin Teague of College Station, also a Democrat, said "If Kennedy and Johnson had had the guts to do this, the war would be over now."

There is more risk now than there would have been several years ago, he said.

"The greatest sin against the military is to commit them to combat and make them fight with their hands tied behind them," Teague said.

Rep. Clark Fisher, a San Angelo Democrat, said the President's action was justified by the need to protect American soldiers.

"In war everything involves some risk. The enemy takes a risk in making a massive, illegal action," he added.

Fisher, a high-ranking member of the House Armed Services Committee, said that the blockade will have no immediate effect militarily since supply lines are already in being.

[From the Los Angeles Times, May 12, 1972]

MAJORITY BACKS NIXON, SOUTHLAND SURVEY REPORTS

President Nixon's dramatic announcement Monday night that this country has taken new military steps to stop the flow of war materiel to North Vietnam has struck a responsive chord with Southern Californians.

A special telephone interview poll taken for Los Angeles television station KNXT by Field Research Corp. on Tuesday among a cross section of Los Angeles and Orange county residents found that 73% had seen or heard something about Mr. Nixon's speech Monday night.

A summary of results demonstrate public belief that the actions taken by Mr. Nixon will increase our military involvement in the Vietnam war, and that there is now greater danger of war with Russia or China as a result.

Notwithstanding, most of the public in the survey area supports Mr. Nixon's latest moves to blockade North Vietnam and interdict supplies coming in to that country overland.

Ten days ago, 50% of the public in the survey area disapproved of Mr. Nixon's handling of the Vietnam war while 41% approved. In this survey, approval of Mr. Nixon's management has gone from 41% to 53%. Disapproval had declined from 50% to 32%.

Further indications of the change in attitude about the Vietnam war is demonstrated by a comparison of findings to this question asked in both surveys: "We should pull out of Vietnam as soon as possible even if this step is seen by the rest of the world as a political and military defeat for the United States."

Ten days ago, 55% of the public agreed with that statement and 43% disagreed. Now agreement has dropped to 47% and disagreement has decreased to 40%.

FUNDING CUT

On the matter of whether Congress should cut off money for the Vietnam war, there is less agreement for that step now than there was 10 days ago. In the survey before Mr. Nixon's announcement, 53% of the public was in favor of cutting off money and 39% was not. At this point, the public is evenly divided—44% favoring and 44% opposing that step.

Substantial majorities of the public agree with Mr. Nixon's stand that his action is the only way to get the remaining troops out of Vietnam, that the United States made a commitment to South Vietnam which should be honored, and that the move increases the chances of getting prisoners of war returned.

There is little question that Mr. Nixon has virtually overnight rewon a large measure of confidence which he gradually lost in recent months as it became apparent that his Vietnamization policies were not working.

Previous surveys have shown that in national crises, there is an instinctive rallying around the President. For example, this occurred when President Lyndon B. Johnson escalated the Vietnam war after the Gulf of Tonkin incident.

CUBAN CRISIS

In another instance, there was an outpouring of support for President John F. Kennedy during the Cuban missile crisis.

The question of whether Mr. Nixon has permanently halted the decline in public support for his policies will probably depend on how successful he is in these latest Vietnam moves.

In this survey, opinion was sharply divided between Democrats and Republicans and between young and old. Republicans were overwhelmingly supportive of the President and his actions. Democrats disapproved of Nixon's management, but by a smaller margin than previously. People in the 18- to 24-year-old age bracket were most disapproving and unsupportive.

In a special poll conducted by the Field organization for The Times in Los Angeles and Orange counties between April 15 and 17, a majority of persons approved of the renewed U.S. bombing attacks in Vietnam.

But they also said they believed the United States should withdraw from Southeast Asia as soon as possible, even if that step is seen as a political and military defeat.

[From the Chicago Tribune, May 12, 1972]

NIXON MAKES GAIN ON VIET IN CANADA

(By Eugene Griffin)

OTTAWA, ONT., May 11.—President Nixon's decision to mine the ports of North Viet Nam has been greeted with editorial respect in Canadian papers which usually are critical of him.

"Both Hanoi and Moscow now know that the President will not allow 60,000 American troops to be driven bloodily into the sea," the Toronto Star said today. "Not while America has the power to reduce North Viet Nam to a lifeless plain."

The Toronto Globe and Mail, a critic of American policy in Viet Nam, said that "The vague shaky outlines of peace can be seen."

"Whether they take firm shape will depend initially on the Russians, but finally on the Chinese," it said.

The Vancouver Province said: "President Nixon makes it clear that his country is not prepared to end the war by accepting defeat or the consequences of such capitulation. Among the consequences would be the exposure of 17 million South Vietnamese to the reprisals of their Northern conquerors."

In the House of Commons here, Mitchell Sharp, the secretary of state for external affairs, said he did not think it would be helpful for the Canadian government to make a statement on the situation in Viet Nam.

[From the Boston Globe, May 12, 1972]

MASSACHUSETTS FOES OF WAR LOSE IN HOUSE

(By Rachelle Patterson)

The Massachusetts House of Representatives yesterday rejected immediate US withdrawal from Vietnam on a vote of 149 to 9, and instead adopted a resolution urging North Vietnam to withdraw its troops immediately, release American prisoners of war and accept President Nixon's peace terms.

Forty-four representatives, conservatives and liberals alike, voted "present."

The House action repudiates the Senate's 36 to 1 vote Wednesday condemning the escalation of the Vietnam War and urging the immediate withdrawal of all American forces and material from Southeast Asia.

The vote by the Democratic-controlled House comes little more than two weeks after Democrats in the state voted overwhelmingly for US Sen. George McGovern, a presidential candidate, who wants an immediate US withdrawal from Vietnam.

The House resolution calling on Congress to enact an antiwar amendment to end the conflict was briefly resurrected later on in the session by one of its sponsors, Rep. John Businger (D-Brookline), but to no avail. It was again defeated, 105 to 60, with 41 members voting present.

Although the Republican senators appeared sympathetic towards President Nixon during Wednesday's Senate debate, they finally voted for the resolution condemning his action after a specific reference to the President was deleted from the statement. Most Republicans voted against the resolution in the House.

During yesterday's House debate, Rep. Gerald P. Lombard (D-Fitchburg) said the Senate put on a "bizarre" performance. Noting that the Senate resolution was sponsored by Democrats, he said, "There are Democrats and there are Democrats—I'm one of the others. President Nixon has been patient beyond belief."

Rep. William G. Robinson (R-Melrose), who successfully substituted the resolution urging North Vietnam to withdraw for the immediate withdrawal resolution, said he supports the President's move "and it appears to be working."

Rep. Vincent J. Piro (D-Somerville), who wound up voting for the Robinson substitute resolution, opposed the measure in debate, noting "it seems ridiculous to waste our time talking about international politics."

Favoring the antiwar resolution, Rep. Alan D. Sisitsky (D-Springfield), said "some of the President's key advisers disassociated themselves from his policy of escalating the war without consultation."

Businger, one of the sponsors, said Robinson "is trying to cloud the issue," by his substitute resolution, noting that the "House is already on record for North Vietnamese withdrawal."

[From the Wichita Eagle, May 10, 1972]

KANSAS DELEGATION—NIXON'S VIET MOVES DRAW PRAISE, FROWNS

(By Jerry Fetterolf)

James Pearson, Kansas' senior senator and candidate for re-election, said Tuesday afternoon he had "no comment at this time" about President Nixon's plan for the United States to mine North Vietnam ports.

The other six members of the Kansas congressional delegation, contacted by telephone in Washington, gave reactions varying from strongly favoring to mildly disapproving the latest action in the conflict.

In Topeka, Alf Landon, former Kansas governor and 1936 GOP candidate for president, wrote President Nixon the administration's Vietnam policies have received stronger backing than that given President Truman when he sent troops into Korea in 1950.

"Your comprehensive policies and their bold execution to meet the Indo-China problems are receiving the most gratifying popular support here in Topeka," Landon wrote Nixon.

"The only historical comparison is President Truman's decision between night and morning to enter Korea. The support you have today—here in Topeka, at least—is much stronger without reservation."

Sen. Bob Dole, R-Kan., national GOP chairman, termed Nixon's action "a bold move and a necessary move."

In comment about possible Russian reaction and a possible halt to Nixon's planned visit to Moscow this month and the Vietnamese consequences of the mining, Dole said "the option is theirs. We are in the same position with Russia that we are in the Middle East.

"The President took a grave political risk. But, in his mind, re-election was secondary to maintaining the credibility of the United States."

Rep. Keith Sebelius, R-1st District, said: "I don't think we have any choice in the matter. We are still taking men out of Vietnam on schedule, and the package proposal the President made for the North Vietnamese is as it should be."

Rep. William Roy, D-2nd District, said: "I hope that what he is doing will work. But from what I know and from our experience, I have no great expectations that it will work. If this is an error, it will show up later, and all we can do is wait."

Rep. Larry Winn, R-3rd District, said: "It was a grim statement—but I don't know what could have been done differently. It (the statement) was what most of us knew had to be done. We've been sitting around hoping for years the thing would bounce our way—but it didn't. So, now we had to act."

Rep. Gardner Shriver, R-4th District, said: "I had a feeling Congress should be involved in such a grave step as that which was taken."

But he added. "I am pleased with the President's willingness to do everything possible to end the war."

Rep. Joe Skubitz, R-5th District, said the decision was "most courageous."

"Of course, it involves hazards," Skubitz added. "Whether it will prove right or wrong ultimately, only history will decide. In any event, this is a time when all Americans—doves and hawks alike—must show a united front to the world. In division lies danger, perhaps even disaster.

"The world must understand that we Americans can disagree but when our country's welfare is at stake we set aside policy differences and we become as one. There is no alternative."

[From the Detroit News, May 10, 1972]

Dovish Senators Play Politics

To the Editor: The Democratic Party and some of its senators in particular have shown themselves to be true politicians by their anti-Vietnam war statements.

Senator Fulbright called the bombings of Hanoi and Haiphong "barbaric, inhumane and obscene." But does he classify Hanoi's invasion of South Vietnam as an act of mercy? It is an effort to force Communist doctrine upon an independent people.

The reasoning of some of the anti-war do-gooders is incomprehensible. It is obvious Mr. Nixon's only course was to resume our air war and naval bombardment to try to stop the enemy.

Granted, we never should have become involved in the first place in this horrible war. But now we must do all we can to withdraw gracefully and with honor.

I'm not a Republican but I support Mr. Nixon's courageous choice of action and expect leaders of both political parties to do the same.

David D. Jones.

I was shocked by Senator McGovern's vicious attack on Mr. Nixon over Vietnam. McGovern said Mr. Nixon's talk to the nation was political trickery and calculated deception. That sounded like propaganda from Hanoi.

It is frightening to think McGovern could be elected president.

C. Thomas.

Senator McGovern is an ultra-liberal who appeals to peaceniks and radical youth. How can he look the other way when North Vietnamese troops with Russian tanks slaughter everyone in their path in South Vietnam?

Probably he is too busy condemning the bombing of enemy mlitary tarkets to notice!

C. Vogel.

The Vietnam war will never end if any of our dovish Democrats is elected president. Mr. Nixon is our only hope for ending the war—and he is bringing it to a close.

Jimmy Dreyfus.

[From the Indianapolis Star, May 10, 1972]

Hoosiers Cheer, Boo Nixon Action in Viet

Hoosier reaction to the Nixon decision to mine North Vietnamese harbors was varied yesterday.

State Senator Phillip E. Gutman (R-Fort Wayne), Senate president pro tempore, said yesterday he believes President Nixon "has silenced his critics by establishing his deadline for complete withdrawal of American troops from Vietnam within four months, contingent upon the release of American prisoners."

Gutman, a candidate for the Republican gubernatorial nomination, said Mr. Nixon's proposal "leaves the decision to prolong the war squarely up to the North Vietnamese."

"The blockade (announced by Mr. Nixon) is needed to discourage and prevent the needless, senseless slaughter of South Vietnamese and Americans," Gutman said.

Gutman said, "As a gubernatorial candidate, I feel it is imperative that all Hoosiers know that this is my position."

Indiana Attorney General Theodore L. Sendak telegraphed his support to the White House. Sendak's message said, "Every knowledgeable American who puts American security ahead of Communist aggression will support your continuing effective action in Southeast Asia."

American Legion National Commander John H. Geiger indorsed the President's action.

He said, "The security of our Asian allies, our POWs and our troops demand the action you have initiated."

Ten executives of the Christian Church (Disciples of Christ) sent a telegram to President Nixon urging withdrawal of American troops and a cease-fire so the people of Vietnam can begin rebuilding their country.

In Richmond, about 50 students peacefully protested in front of the city's Municipal Building while other students passed out flyers which accused Mr. Nixon of creating an international crisis.

The Hoosiers for Peace called the action of the President "manipulative, and simplistic." They added, "It is the action of a bully who would risk total annihilation to keep from being publicly humiliated."

Alvin F. Koltz, the Hoosiers for Peace executive secretary, said that Mr. Nixon is on an immoral course. He also said that the actions of the North Vietnamese could not be excused and are "just as wrong."

Senator R. Vance Hartke (D-Ind.) said that the President has elected to "bring us to the brink of mankind's last war" because "he could not admit his own failures in Vietnam." He urged Congress to reverse the Nixon decision.

Mrs. Helen Duart, Lafayette, Indiana chairman of the National League of Families of Prisoners of War-Missing in Action, said that she supported President Nixon. "He is still my commander-in-chief," she said

She said that "we can't go on negotiating for 10 more years, because the prisoners won't last that long."

Mrs. Duart is the wife of Air Force Maj. David Duart who has been a captive in North Vietnam for the last five years.

Employees at the Indianapolis office of Western Union said that a large volume of messages has been sent to Washington since the Nixon announcement. The messages were heavily in favor of the President, sources said.

Indianapolis City-County Councilman Kenneth N. Giffin, a Republican and the youngest member of the Council, said that he would introduce a resolution at the May 22 meeting backing the President's decision and praising Mr. Nixon for his "strong defense of American lives and his desire to end the war."

Beurt R. SerVaas, Republican president of the City-County Council, said that it is in the "national interest to withdraw from Vietnam but with honor . . . Surrender is not acceptable to the majority of Americans."

Abbie Hoffman, antiwar activist and "Chicago Seven" conspiracy trial defendant, said yesterday at DePauw University, Greencastle, where he was scheduled for a speech, that "the idea of going to Russia to talk peace in 10 days after attempting to blow up Russian ships in North Vietnam harbors clearly has to be a sign of intense schizophrenia."

About 1,000 persons, mostly Purdue University students, gathered on the campus in West Lafayette last night to protest the Nixon move. They marched to the Tippecanoe County Courthouse in Lafayette.

Mr. SCOTT. Mr. President, the people are behind the President. I hope that Congress will get to work.

I yield back the remainder of my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Kansas (Mr. Pearson) is now recognized for not to exceed 15 minutes.

(The remarks Mr. Pearson made on the submission of Senate Concurrent Resolution 80 are printed in the Record under Submission of a Concurrent Resolution.)

(The remarks of Mr. Robert C. Byrd when he submitted a resolution on behalf of Senators Thurmond and Hollings are printed in the Record under Submission of a Resolution.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

RECOGNITION OF SENATOR GRAVEL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, immediately after the two leaders have been recognized under the standing order, the able Senator from Alaska (Mr. Gravel) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE ATOMIC ENERGY ACT OF 1954

Mr. PASTORE. Mr. President, I should like to have the attention of the Senator from Tennessee, and also the distinguished assistant majority leader, regarding a calendar number which relates to a bill reported by the Joint Committee on Atomic Energy and passed by the House of Representatives.

It is Calendar No. 755, S. 3543.

It is a bill to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

Mr. President, I realize the importance of the pending business and what it means to the Senate to expedite it. I do not want to do anything seriously to interfere with that. I realize, too, that in our conference the other day we suggested there be no postponement of the pending legislation because of its importance.

Now I would not expect a quick answer, but I was wondering whether we could not have at least one day allotted to us at some convenient time, in the judgment of the leadership, so that we could bring up this matter to see if we can dispose of it. I will tell you why, Mr. President, I say that.

We have been told in open hearings that there are many places in the country where, this coming summer, they expect a shortage of electric energy which might result in brownouts or blackouts. We have about 15 nuclear powerplants that have either been constructed or substantially constructed. But, because they have been contested with respect to permanent license applications, they are now in limbo. Tremendous amounts of money have been invested in these plants.

The proposed legislation would authorize the Atomic Energy Commission to grant a temporary, interim license so that we can meet the crisis in these various parts of the country. These plants happen to be located where shortages are expected. That is all the legislation amounts to.

It does not preclude, where a very serious question of safety or environmental effect is raised, going to a trial type of hearing. But in most cases where a crisis or an emergency exists, the commission would have authority to grant a temporary license.

Mr. President, I would hope that we could bring this matter up. I would not want to have it said that we could not meet the contingency of a brownout or blackout because this Senate could not consider the bill and do something about it.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BAKER. Mr. President, I associate myself with the remarks of the distinguished Senator from Rhode Island, the chairman of the Joint Committee on Atomic Energy. This is a bill of first ranking importance in view of the possible emergency faced in this country this coming summer. There is a real threat of a blackout or brownout occurring unless we act. The House acted and acted very promptly.

I am very much hopeful that the Senate will consider the prospect of considering this bill. As the Senator from Rhode Island pointed out, it is a good bill. It is judicially balanced between environmental protection and nuclear power. It is essential that we act on this matter immediately.

I recognize the difficulties of the present procedural situation, and I honor them. However, I believe that it is of sufficient importance to warrant the leadership in trying to make an effort to schedule this bill for prompt action. None of us want to be said to be responsible or partly responsible for having caused a brownout this coming summer.

Mr. PASTORE. Mr. President, even if we do this on a two-track basis.

Mr. BAKER. The Senator is correct; even if we do it on a two-track basis. I suggest this is one of these unique pieces of legislation that requires extraordinary handling.

Mr. ROBERT C. BYRD. Mr. President, I am glad that the able Senator from Rhode Island (Mr. PASTORE) has brought this matter to the attention of the Senate at this time. He and I discussed the matter last week. I in turn discussed it with the distinguished majority leader. Efforts were made last week to schedule this bill for action today. Those efforts were not successful. We were able to get an agreement on the bill limiting the time thereon to 2 hours, 1 hour on the Schweiker amendment, and one-half hour on any other amendment. The majority leader is here and recognizes the exigencies of the situation. We are restricted, somewhat, by the caucus action. However, I feel that there should be a little flexibility reserved to the leadership to bring up critical measures such as the bill to which the Senator from Rhode Island addresses himself.

I will make every effort today, with the approval of the distinguished majority leader, to help schedule this bill perhaps on tomorrow afternoon after the vote on the Byrd amendment, or at the earliest moment possible. It could be handled in one afternoon.

Mr. PASTORE. I would think so. I would leave it up to the leadership. If it becomes too controversial, Senators could make up their minds whether they want to set it aside.

I think we should do something by unanimous consent. It is almost impossible to get that, I realize. However, I would hope that if we have to go on a two-track basis to consider this legislation, we will do so. I daresay that it would not take more than a day to do it.

We were off last Friday for reasons best known to the Senate. And if we had had this bill to consider then, we could have done it last Friday.

Mr. MANSFIELD. Mr. President, I want to assure the Senator that we will try to see if we cannot get this bill considered on a two-track basis.

Mr. PASTORE. Mr. President, I thank the leadership for their cooperation. They have been very kind and cooperative.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. STEVENSON):

A resolution adopted by the Legislature of the State of Hawaii; to the Committee on Finance:

"HOUSE RESOLUTION 341

"Requesting the President and Congress of the United States to revise or repeal the foreign oil import quota program

"Whereas, the foreign oil import quota system was established to safeguard United States national security by encouraging exploration and development of domestic oil resources; and

"Whereas, the mandatory controls on imports of crude and residual oils were established pursuant to Presidential Proclamation 3279 a little over a decade ago and many changes have occurred in the domestic and world petroleum markets since then; and

"Whereas, officials of the federal government, including the Subcommittee on Antitrust and Monopoly of the Judiciary Committee of the United States Senate and the United States Department of Justice, and many economists have questioned the need to protect national security through the oil quota system, and the effect of the oil quota system on the competitiveness of the United States oil and petrochemical industries in domestic and world markets; and

"Whereas, the foreign oil import quota system is unjust to consumers by maintaining the price of petroleum products at higher levels than would exist if unlimited or larger quantities of foreign oil were available for domestic consumption; and

"Whereas, the consumers and economy of Hawaii have suffered more than other states because Hawaii does not have any energy resources of its own and is wholly dependent upon oil; now, therefore,

"Be it resolved by the House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, that the President and Congress of the United States be, and is hereby, respectively requested to review and revise or repeal the present oil import quota program in order to eliminate the inequities to the consumer and to provide and encourage greater competition among the petroleum and petrochemical industries; and

"Be it further resolved that duly certified copies of this Resolution be transmitted to President Richard M. Nixon, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, Senator Hiram L. Fong, Senator Daniel K. Inouye, Congressman

Spark M. Matsunaga, and Congresswoman Patsy T. Mink."

A letter from the Railway Progress Institute relating to the urgent need of the railroad industry for financial assistance; to the Committee on Commerce.

A resolution adopted by the Louisiana State Bar Association relating to the subject of no-fault insurance; to the Committee on Commerce.

A resolution adopted by the city of Tucson, Ariz., concerning redistribution of Federal highway trust funds for use in developing mass transportation systems; to the Committee on Finance.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 12, 1972, he presented to the President of the United States the enrolled bill (S. 1379) to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes.

CHANGE OF REFERENCE—S. 2772

Mr. STENNIS. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from consideration of the bill, S. 2772, to authorize the Secretary of the Army to convey certain lands originally acquired for the Garrison Dam and Reservoir project in the State of North Dakota to the Mountrail County Park Commission, Mountrail County, North Dakota; and that it be referred to the Committee on Public Works. This bill covers conveyance of land acquired by the Army for the construction and maintenance of the Garrison Dam and Reservoir project in North Dakota and more properly comes under the jurisdiction of the Committee on Public Works.

The PRESIDING OFFICER. Without objection the Committee on Armed Services will be discharged from the further consideration of S. 2772, and the bill will be referred to the Committee on Public Works.

CHANGE OF REFERENCE—S. 3198

Mr. STENNIS. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from consideration of the bill S. 3198, to authorize and direct the Secretary of the Army to convey the Andrew Jackson Lodge No. 5, Fraternal Order of Police, of Nashville, Tenn., certain lands of the United States of America at the Old Hickory lock and dam project, Cumberland River, Tenn.; and that it be referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection the Committee on Armed Services is discharged from further consideration of S. 3198, and the bill will be referred to the Committee on Public Works.

CHANGE OF REFERENCE—S. 3549 AND S. 3453

Mr. STENNIS. Mr. President, it has come to my attention that S. 3549 which was referred to the Senate Committee on Armed Services more appropriately falls under the jurisdiction of the Senate Committee on Veterans' Affairs. This bill would amend title 38, United States Code, to provide coverage for the Reserves and National Guard under the Servicemen's Group Life Insurance program.

In addition, S. 3453 which was referred to the Veterans' Affairs Committee more appropriately falls under the jurisdiction of the Armed Services Committee. This bill would credit time in the ROTC and all the Academy programs for military pay purposes.

I therefore ask unanimous consent, Mr. President, that the Senate Committee on Armed Services be discharged from further consideration of S. 3549 and that the bill be referred to the Senate Veterans' Affairs Committee; also that the Veterans' Affairs Committee be discharged from further consideration of S. 3453, and that the bill be referred to the Armed Services Committee.

These proposed actions have been informally cleared with the sponsor of these bills.

The PRESIDING OFFICER. Without objection the Committee on Armed Services will be discharged from further consideration of S. 3549, and it will be referred to the Committee on Veterans' Affairs; and, without objection, the Committee on Veterans' Affairs will be discharged from further consideration of S. 3453, and the bill will be referred to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ALLEN:

S. 3602. A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit the making available of Government procurement sources to Federal grantees and contractors. Referred to the Committee on Government Operations.

By Mr. BOGGS:

S. 3603. A bill authorizing demonstration programs for beach erosion control at certain locations along the shores of Delaware Bay in the State of Delaware. Referred to the Committee on Public Works.

By Mr. BROCK:

S. 3604. A bill to provide for the establishment of safety standards for mobile homes in interstate commerce, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. ROBERT C. BYRD (for Mr. JORDAN of North Carolina):

S. 3605. A bill for the relief of Miss Catherina Van den Akker. Referred to the Committee on the Judiciary.

By Mr. BENTSEN:

S.J. Res. 232. A joint resolution to authorize the President to designate the period beginning April 15, 1973, as "National Plumbing Industry Week." Referred to the Committee on the Judiciary.

By Mr. BOGGS (for himself and Mr. ROTH):

S.J. Res. 233. A joint resolution authorizing and requesting the President to issue annually a proclamation designating the week beginning on the last Monday of May of each year as "National Natural History Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN:

S. 3602. A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit the making available of government procurement sources to Federal grantees and contractors. Referred to the Committee on Government Operations.

Mr. ALLEN. Mr. President, no segment of our economy is more vulnerable to unwarranted pressures and interference than is small business.

It is therefore, with great concern that we observe a major Federal agency taking over the job which has been traditionally performed by small business.

The General Services Administration was created by Congress in 1949 to serve the procurement and supply needs of Federal agencies. It was not established to enter into direct competition with local dealers and wholesalers. Therefore, when GSA began to offer its supply services to most major recipients of Federal funds, over 30,000 small businessmen throughout the Nation, including many in Alabama, protested. On examining the facts, it appears to me that the General Services Administration has not only entered into direct and indirect competition with small businesses, but may soon force a number of small firms out of business. Something must be done immediately to prevent these damages to small business.

Therefore, Mr. President, I am introducing a bill to amend the Federal Property and Administrative Services Act of 1949. This amendment would prohibit GSA from extending its supply services to grantees, subgrantees, contractors, and others outside the official Federal establishment.

The purpose of this bill is to protect the tens of thousands of small businesmen in America today who face severe, direct competition from the Federal Government.

Mr. President, I ask unanimous consent that a memorandum further explaining this bill be printed at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM IN SUPPORT OF THE PROPOSED AMENDMENT TO THE FEDERAL PROCUREMENT AND ADMINISTRATIVE SERVICES ACT OF 1949

The purpose of the Federal Procurement and Administrative Services Act of 1949, (hereinafter the "'49 Act") is to simplify the procurement, utilization and disposal of government property, to reorganize certain agencies of government and for other purposes. The Act seeks to effect maximum efficiency, economy and service in the utilization and procurement of property for agencies in the *executive branch* of the federal government by centering responsibility therefore in the General Services Administration which this Act established. The Act further provides that the General Services Administrator shall, as far as practical upon the request of any agency in the legislative or judicial branch of the government, or of any mixed-ownership government corporations, or of the District of Columbia, purchase, warehouse and distribute personal property and non-personal services to meet their needs.

On April 17, 1971, the General Services Administrator, purporting to act under authority of the '49 Act, promulgated and caused to be published in the Federal Register, Federal Property Management Regulations, 41 C.F.R. section 101–26. In summary, these Regulations authorize other government agencies to, in turn, authorize contractors, sub-contractors, grantees and sub-grantees of such agencies, to buy from G.S.A. inventories, or order directly from manufacturers, supplies and equipment at prices and on other terms and conditions negotiated by G.S.A. with the manufacturers. On December 23, 1971, the Administrator promulgated and caused to be published in the Federal Register, Federal Property Management Regulations, 41 C.F.R. section 101–33, which expand the scope of the Regulations of April 17, 1971.

On January 7, 1972, a suit was filed in the United States District Court for the District of Columbia, N.A.W. et al v. G.S.A. et al., Civil Action No. 30–72, contesting the validity of these Regulations.

Without prejudicing the merits of that suit, it is the purpose and intent of the prohibit encroachment by the General Services Administration and its Administrator into the domain of the Congress. The proposed amendment merely states explicitly that which is already contained in the '49 Act, as amended, namely that the General Services Administration and its Administrator are not empowered to authorize other government agencies to, in turn, authorize contractors, sub-contractors, grantees and sub-grantees of such agencies to use G.S.A. supply sources and facilities. Procurement functions by federal agencies for contractors, sub-contractors, grantees and sub-grantees of such agencies may be authorized by Congress alone, and may be performed by G.S.A. only where such procurement functions are transferred to G.S.A. in accordance with Section 107(b) of the '49 Act (5 U.S.C. section 630e(b)).

By Mr. BOGGS:

S. 3603. A bill authorizing demonstration programs for beach erosion control at certain locations along the shores of Delaware Bay in the State of Delaware. Referred to the Committee on Public Works.

Mr. BOGGS. Mr. President, I am introducing today proposed legislation to authorize the Army Corps of Engineers to undertake demonstration projects to repair the severe beach erosion that has occurred along the Delaware Bay shore in the State of Delaware. This demonstration work would, of course, also seek to prevent further erosion damage.

Mr. President, the situation is dangerous along the Delaware Bay coast and it is continuing to deteriorate. The U.S. Army Corps of Engineers recently finished its national shoreline study, undertaken at the direction of Congress. In its regional inventory report, covering Delaware, the corps made this statement:

> Along the beaches between Pickering Beach and Lewes, erosion of the Shoreline, with few exceptions, has been continuous since earliest surveys dating to 1843. During the 10-year period from 1954 to 1964, the loss of beach above mean low water between Kitts Hummock and Lewes totaled 532,000 cubic yards annually.

The study then added this discouraging point:

> The reach of shore between Pickering Beach and Lewes experienced a net landward recession of the shoreline since 1843, averaging from 3 to 9 feet-per-year between 1843 and 1964.

Quite obviously, the current damage is no cyclical problem. Nature is not repairing itself. This continuing threat must be met with new, innovative methods in order to reverse this damage.

This legislation I am introducing cites a number of specific locations along the Delaware Bay coast where this demonstration work is to be undertaken: Pickering Beach, Kitts Hummock, Bowers, Slaughter Beach, Broadkill Beach, and Lewes. Other sites would also be examined by the Corps of Engineers for potential demonstration work.

Because of continued deterioration at these beaches and others, I believe the coast of Delaware Bay would serve as an ideal location for demonstration work that is applicable to other beach erosion problems in other sections of the Nation.

There is one further advantage to this proposal. The beaches of Delaware Bay are relatively small. Therefore, such a demonstration project could be undertaken at a relatively modest cost. Yet it would yield benefits that can only be described as vast. It would give our Nation new information with which to lessen the loss of vital coastal and beach areas.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized and directed to undertake the development of a demonstration program consisting of planning, constructing, operating, evaluating, and demonstrating shoreline erosion control devices and techniques at locations of serious erosion along the shores of Delaware Bay, particularly at those beaches known as Pickering Beach, Kitts Hummock, Bowers, Slaughter Beach, Broadkill Beach and Lewes in the State of Delaware.

SEC. 2. There is authorized to be appropriated for the fiscal year ending June 30, 1973, and each of the succeeding four fiscal years such sums as may be required to carry out the provisions of this Act. Sums appropriated pursuant to this Act shall remain available until expended.

By Mr. BROCK:

S. 3604. A bill to provide for the establishment of safety standards for mobile homes in interstate commerce, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

NATIONAL MOBILE HOME SAFETY LEGISLATION

Mr. BROCK. Mr. President, I introduce, for appropriate reference, a bill to provide adequate assurances to every potential mobile home buyer that the product he purchases is safe and constructed in such a way as to insure him a home which meets certain basic standards of quality.

This legislation, if enacted, will fill a serious void in State and Federal regulation by instituting Federal standards in an industry which is the fastest growing housing provider in the Nation.

Mr. President, the increased cost of housing is a concern of every American. When I cast the lone dissenting vote against the omnibus housing bill, I expressed my deep concern that the average family finds it virtually impossible to own its own home without some sort of public subsidy. The cost of housing in this Nation has risen at an alarming rate. In the area of single family dwellings, the average rate of increase in the cost of such housing has risen an incredible 23 percent for the period 1967 to 1971. For those families who are unable to obtain Federal assistance, the price of a home has seen an even more precipitous climb. In 1965 the cost of a home was $23,600; in 1970 the price had skyrocketed over $32,500.

The housing bill the Senate passed on March 2, 1972, would allow Federal assistance to any family with an income of less than $11,000. What this means is that in effect subsidies could be available for close to half of all Americans. But, of course, while legally support is available, in practice for every 10 Americans who could qualify for the program, only one will ever receive support because of limited appropriations.

Thus, in their search for low-cost housing, more and more Americans are choosing mobile homes. Over 7 million Americans live in mobile homes. Half of the one family homes built in the United States today are mobile homes and 95 percent of the houses sold for under $15,000 are mobile homes.

The popularity of housing constructed offsite is rising steeply with no end in view. The failure of the conventional home construction industry and trades to institute reforms to encourage productivity is in a large part responsible for this growth.

Last year alone, over half a million mobile homes were manufactured. In Tennessee the number of mobile homes delivered in State rose an incredible 72 percent in just a year's time. Almost every area of the country is experiencing similar growth. In 1971, Florida the Nation's leader in mobile home shipments had slightly less than 50,000 mobile homes installed. This State has approximately 1,300 mobile home parks and over 165,000 individual lots.

Despite the phenomenal increase in manufacturing, sale, and purchase of mobile homes, there has been an apparent lack of effort by the States in the Federal Government to assure that the homes sold meet basic safety standards. With the increased demand for housing, particularly in the case of mobile homes, there has been and are bound to be more incidents of deficiencies in standards and quality of construction.

Therefore, because of the standardization of mobile home construction, the ability of this progressive industry to meet uniform Federal criteria is greatly improved. In fact, the Mobile Home Manufacturer's Association contends that one uniform standard and one enforcement procedure will enable the manufacturer to know precisely what is required of him.

The following is a response to a question I posed to the Mobile Home Manufacturer's Association on why there should be a single construction standard for mobile homes?

> A single standard for mobile home construction will allow manufacturers to market their products on a national basis without having to build to a variety of state and local standards. If states are permitted to promulgate standards which differ or exceed a Federal standard they are, in effect, forcing manufacturers to build as many different products as there are states. A single standard will allow producers to make a universal product. This approach accommodates the elimination of costly production line changes which otherwise add to the cost of the home. A preliminary benefit of any standardization is the resultant reduction of unit cost. Any Federal standards should seek to realize and pass this benefit to the home buying public.

Rather than face a myriad of State requirements and regulations with varying inspection and enforcement procedures, a uniform code will offer the consumer a quality, reliable product wherever he purchases.

Unlike site-constructed homes, mobile homes are not subject to local building codes. You now have at the community level some of the most incredibly archaic and out of date building codes ever designed by man to perpetuate special interests. Fortunately, mobile home manufacturers have not been caught in the bind facing the small homebuilder. However, it is important to remember that local building codes were originally drawn for the protection of the health and welfare of the public. For this same reason, new Federal legislation is needed to protect the interest of the mobile home buyer.

The distinction between standard homes and mobile homes is oftentimes meaningless, as many mobile home models are really not mobile at all. The average size is 12 feet wide and 60 feet long, and they can be purchased in double or even triple width. In most cases, the only time these homes are ever mobile is for the trip between the factory and the mobile home park. Even then, they must be moved by tractor or heavy-duty trucks.

Today, only about half of the States have adopted any direct standards or guidelines covering mobile homes. These standards were developed by the American National Standards Institute. Out of the 10 top manufacturing States, five have no code whatsoever—New York, Pennsylvania, Illinois, Michigan, and Ohio.

These same standards are utilized by the members of the Mobile Home Manufacturer's Association; however, like most self-regulatory activities, they lack teeth.

Moreover, criticism has been made of the ANSI code itself. The final report of the National Commission on Product Safety pointed up several significant deficiencies in the mobile home code.

In most States which have adopted the code, most only apply it to homes manufactured in the State and sold in the State. Mobile homes manufactured in a State without any regulations or guidelines and sold in a State with a code or the reverse are in many cases not regulated at all. This is the situation in my own State of Tennessee.

Equally significant is the lack of enforcement in States which have adopted the code. In Florida, for example, there are three inspectors that handle all complaints against manufacturers of mobile homes and recreational vehicles in addition to inspection of the construction of all such vehicles. As the country's largest consumer of mobile homes, Florida is said to have one of the better enforcement programs.

Although both the Federal Housing Administration and the Veterans' Administration require that all mobile homes financed by either must meet the ANSI standards, there is no formal inspection by federally designated officials. The FHA employs a self-certification procedure and the VA has just begun a quarterly review of manufacturing plants by a person from each of their State offices. It should be recognized that a great deal of expertise is required to adequately inspect a mobile home and many nonprofit inspection companies presently employed by States do little to insure the soundness of a particular unit.

In late 1969, the Federal Home Loan Bank Board authorized a Federal Savings and Loan Association to make loans for purchase of mobile homes. Again, there is no requirement that these homes meet any safety standards whatsoever.

The lack of effective regulation of this rapidly expanding mode of living has resulted in property damage, financial ruin, human suffering, and in some cases even death.

It should be noted, however, that there are only a few manufacturers who fail to adhere to the ANSI code in order to beat the competition. Most violations occur as a matter of oversight and the incidents of malicious intent are almost unknown. Nevertheless, oversights from ignorance or simply the fact that no regulations exist are little excuse for the delivery of inferior, and in some cases unsafe, products.

Let us look at some recent statistics. A leading mobile home insurance company estimated that the average mobile home fire loss in 1971 was $1,529 as compared to $350 for a conventional home. The average mobile home fire loss increased from $889 in 1966 to $1,529 today. An analysis made by one insurance company of 5,543 mobile home fire in 1971 estimated that damage due to such fires amounted to $6,780,972.34. The State of Oregon estimates that the average loss to a mobile home as compared to its value is 3.80 times as great as the same ratio for a standard home. The average age of mobile home that has a fire is 7½ years as compared to 40 years for a conventional home.

The mortality rate in mobile home fires has been estimated by the State of Arizona to be eight times higher than that of ordinary dwellings and 3.29 times greater in the State of Oregon. In one mobile home fire in Syracuse, N.Y., this past winter, five people died within 8 minutes after the fire broke out. A 2½-year-old baby died as a result of a mobile home fire in Indianapolis, Ind. In all, 19.2 percent of all mobile home fires were due to faulty electrical wiring.

Another pressing safety problem relates to wind damage. Most States do not require that mobile homes be fastened on the site. Without foundations they are usually vulnerable to being overturned in windstorms. In January, a tornado swept through a mobile home park of Fort Rucker, Ala., killing five and injuring 80. The worst damage to nearby houses were a few roofs lifted but no personal injury.

In Boulder, Colo., 35 mobile homes were recently destroyed during a windstorm of 65 miles per hour—$800,000 worth of damage was done. The cause of the destruction was threefold.

The turnbuckles used to fasten the cables was not adequate—they were three-eighths of an inch instead of five-eighths of an inch—the cable clamps which attach the cable to the turnbuckles were not properly tightened; and the ends of the cables were put 2½ inches into concrete rods which had no holding power.

Since the vast majority of mobile homeowners are either retired or young persons just getting started who have put their life savings and personal possessions in the mobile home, any fire or loss imposes an enormous hardship.

Warranties offered by mobile home manufacturers cover very few losses. The warranties are oftentimes a short duration and hard to comply with. Some companies, for example, require that the mobile home be returned to the point of purchase for repair under the warranty.

Moreover, insurance companies have become increasingly reluctant to insure certain models of mobile homes due to the high risk of loss involved. Insurance rates for mobile homes are considerably higher than those for standard homes. The insurance on the average $6,000 mobile home is approximately $100. This is equivalent to the insurance on a $40,000 conventional home.

The legislation I am introducing today authorizes the establishment of enforceable uniform national safety standards that will provide protection to the elderly and the very young who purchase mobile homes. Undoubtedly, it will also result in the expanded use of mobile homes as a low cost, enjoyable form of living.

Throughout the country mobile home living has burgeoned and thousands of more Americans will soon find this low-cost form of housing a highly desirable alternative to site constructive homes. Senior citizens wanting to avoid apartment dwelling and young people seeking economical and comfortable housing are choosing the mobile home. If my legislation is enacted, I am confident that the mobile home industry will expand even more rapidly as prospective purchasers will have greater assurance that the home they purchase meets basic safety criteria.

The legislation being offered today is modeled to a certain extent on the Motor Vehicle Safety Act of 1970. It is a balanced, fair approach to the problem. The thrust is to establish minimum, uniform, safety standards while at the same time promoting the use of the mobile home as a low cost, desirable form of housing.

As a member of the Housing Subcommittee of the Senate Committee on Banking, Housing and Urban Affairs, I believe that legislation relating to mobile home safety is imminent. The bill I introduce today is similar to a proposal already introduced by Congressman Lou Frey of Florida whose interest and concern about mobile home construction first drew my attention to the great need for effective and reasonable legislation in this area. This year both the House and Senate housing bills contain additional funds for mobile home programs. In view of this, I am hopeful that early action will be taken to require minimum standards of safety for all mobile homes.

The following is an analysis of the legislation; the Secretary of HUD shall through a National Mobile Home Safety Bureau establish Federal mobile home safety standards. In prescribing standards the Secretary shall consider: First, all relevant mobile home safety data; second, consult with the States; and third, consider whether any proposed standard is reasonable, practicable and will not place undue financial burden on the manufacturer or dealer or result in a substantial increase in the retail price of mobile homes.

The standards would be established no earlier than 180 days after enactment with revised standards at least 180 days later. A National Mobile Home Safety Advisory Council will be established. The majority will be representatives of the general public, including representatives of State and local governments, and the remainder shall include representatives of the American National Standards Institute Committee on Mobile Homes and Recreational Vehicles and representatives of the mobile home manufacturers, dealers, and insurers. The Secretary must consult with the Advisory Council before establishing or amending any standards. These standards shall not apply to the sale, offer for sale, or introduction or delivery for introduction in interstate commerce of any mobile home after the first purchase of it in good faith for purposes other than resale.

Once the standards have been promulgated, no person shall manufacture for sale, offer for sale, or introduce or deliver for introduction in interstate commerce or import into the United States, any mobile home manufactured unless it conforms to such standards.

The Secretary is further authorized to conduct research testing, development, and training for the development of new standards and to determine the relationship between mobile home performance characteristics and accidents involving mobile homes and the occurrence of death or injury from such accidents.

The Secretary is also authorized to conduct with the advisory council a thorough study of standards for used mobile homes and recommend additional legislation if he feels such is necessary within 1 year after this legislation is enacted.

Each violation of the prohibited acts outlined in section 108 of the bill are subject to the civil penalty of $1,000. Injunctive relief is also available in the U.S. district courts. In addition, if a mobile home does not conform to applicable Federal mobile home safety standards and it is prior to a sale by a distributor or dealer, the manufacturer or distributor shall either repurchase the home at his cost or furnish the parts and costs of installation to the distributor or dealer.

Provision is made for judicial review for any person adversely affected by an order—standard—issued by the Secretary.

Inspection and investigation is authorized as may be necessary to enforce the standards established. Designated employees may enter at reasonable times factories or warehouses for prompt inspection. Each manufacturer, distributor, and dealer shall establish and maintain such records and reports as the Secretary may require. The Secretary may also require each manufacturer to give performance and technical data to each prospective purchaser. Finally, each manufacturer shall furnish to each first purchaser and all dealers notification of any defect in a mobile home produced that relates to mobile home safety which he has discovered after manufacturing such home or which has been discovered through testing or inspection by the National Mobile Home Safety Bureau.

Certification that each mobile home conforms to the Federal safety standards shall also be given by each manufacturer to each distributor or dealer at the time of delivery.

Section 120 of the bill allows any State to assume responsibility for the development and enforcement of mobile home safety standards if the plan they submit to the Secretary for such provides for the development and enforcement of mobile home safety standards which are as effective in providing safe mobile homes as is the Federal program. Detailed reports would still be made by manufacturers, distributors, and dealers to the Secretary. And, the State agency will make such reports as the Secretary may require. The Secretary shall make a continuing evaluation of the way each State is carrying out its plan. Approval may be withdrawn at any time.

Grants will be made to States that have designated a State agency to assist them in identifying their needs and responsibilities in the area of mobile home safety standards or in developing State plans. The Federal share shall not exceed 90 percent. Grants of up to 50 percent can also be made to assist the States in administering and enforcing State plans for mobile home safety. Title II in the bill amends existing law to provide that loans made by the FHA, VA or a Federal savings and loan association for the purchase of a mobile home may only be made for a home that meets the mobile home safety standards established by this legislation.

Mr. President, I ask unanimous consent that the complete text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress declares that the purpose of this Act is to reduce the amount of insurance costs, property damage, personal injury, and death resulting from mobile home accidents without any substantial increase in the retail price of a mobile home. Therefore, Congress determines that it is necessary to establish practical Federal safety standards for mobile homes in interstate commerce; to authorize mobile home safety research and development; to encourage and provide financial assistance for the development of State mobile home safety programs; and to provide that for the purposes of any Federal guarantee of a loan for the purchase of a mobile home or the making or investing in any such loan by a Federal savings and loan association, each such mobile home shall meet or exceed such Federal safety standards.

TITLE I—MOBILE SAFETY STANDARDS

SHORT TITLE

Sec. 101. This Act may be cited as the "National Mobile Home Safety Standards Act of 1972".

DEFINITIONS

Sec. 102. As used in this title, the term—

(1) "dealer" means any person who is engaged in the sale and distribution of new mobile homes, primarily to persons who in good faith purchase any such mobile home for purposes other than resale;

(2) "defect" includes any defect in the performance, construction, components, or materials of a mobile home;

(3) "distributor" means any person who is engaged in the sale and distribution of mobile homes for resale;

(4) "interstate commerce" means commerce between any place within a State and any place within another State, or between places within the same State through another State;

(5) "manufacturer" means any person engaged in manufacturing or assembling mobile homes, including any person engaged in importing mobile homes for resale;

(6) "mobile homes" means a factory-assembled structure designed primarily for use as a dwelling unit without a permanent foundation and manufactured and equipped with the necessary service connections so as to be readily movable as a unit on its own running gear;

(7) "mobile home safety" means the performance of a mobile home in such a manner that the public is protected against any unreasonable risk of the occurrence of accidents due to the design or construction of such mobile home, or any unreasonable risk of death or injury to the public if such accidents do occur;

(8) "mobile home safety standard" means a minimum, practicable standard for mobile home performance which meets the need for mobile home safety;

(9) "Secretary" means the Secretary of Housing and Urban Development;

(10) "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa; and

(11) "United States district courts" means the Federal District Courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

FEDERAL MOBILE HOME SAFETY STANDARDS

Sec. 103. (a) The Secretary shall establish by order appropriate Federal mobile home safety standards. Each such Federal mobile home safety standard shall be practicable, shall meet the need for mobile home safety, and shall be stated in objective terms.

(b) The provisions of sections 551 through 559 of title 5, United States Code, shall apply to all orders establishing, amending, or revoking a Federal mobile home safety standard under this title.

(c) Each order establishing a Federal mobile home safety standard shall specify the date such standard is to take effect, which shall not be sooner than one hundred and eighty days or later than one year from the date such order is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest, and publishes his reasons for such finding.

(d) Whenever a Federal mobile home safety standard established under this title is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any mobile home, any safety standard applicable to the same aspect of performance of such mobile home which is not equal to the Federal standard.

(e) The Secretary may by order amend or revoke any Federal mobile home safety standard established under this section. Such order shall specify the date on which such amendment or revocation is to take effect, which shall not be sooner than one hundred and eighty days or later than one year from the date the order is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest, and publishes his reasons for such finding.

(f) In prescribing standards under this section, the Secretary shall—

(1) consider relevant available mobile home safety data, including the results of the research, development, testing, and evaluation activities conducted pursuant to this title, and those activities conducted by the American National Standards Institute Committee on Mobile Homes and Recreational Vehicles to determine how to best protect the public;

(2) consult with such State or interstate agencies (including legislative committees) as he deems appropriate;

(3) consider whether any such proposed standard is reasonable, practicable, and appropriate for the particular type of mobile home for which it is prescribed;

(4) consider whether any such standard will place an undue financial burden upon manufacturers and distributors of mobile homes;

(5) consider whether any such standard will result in a substantial increase in the retail price of mobile homes; and

(6) consider the extent to which any such standard will contribute to carrying out the purposes of this title. (g) The Secretary shall issue initial Federal mobile home safety standards upon the expiration of the one hundred eighty-day period which begins on the date of enactment of this Act. The Secretary shall issue new and revised Federal mobile home safety standards under this title upon the expiration of the three hundred sixty-day period which begins on the date of enactment of this Act.

NATIONAL MOBILE HOME SAFETY ADVISORY COUNCIL

SEC. 104. (a) The Secretary shall establish a National Mobile Home Safety Advisory Council, a majority of which shall be representatives of the general public, including representatives of State and local governments, and the remainder shall include members of the American National Standards Institute Committee on Mobile Homes and Recreational Vehicles and representatives of mobile home manufacturers, dealers, and insurers.

(b) The Secretary shall consult with the Advisory Council before establishing, amending, or revoking any mobile home safety standard pursuant to the provisions of this title.

(c) Members of the National Mobile Home Safety Advisory Council may be compensated at a rate not to exceed $100 per diem (including traveltime) when engaged in the actual duties of the Advisory Council. Such members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 (b) of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Advisory Council employees or officials of the United States for any purpose.

JUDICIAL REVIEW OF ORDER

SEC. 105. (a) (1) In a case of actual controversy as to the validity of any order under section 103, any person who will be adversely affected by such order when it is effective may at any time prior to the sixtieth day after such order is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his order, as provided in section 2112 of title 28 of the United States Code.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may seem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, wtih the return of such additional evidence.

(3) Upon the filing of the petition referred to in pargraph (1) of this subsection, the court shall have jurisdiction to review the order in accordance with the provisions of sections 701 through 706 of title 5, United States Code, and to grant appropriate relief.

(4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action instituted under this subsection shall survive, notwithstanding any change in the person occupying the office of Secretary of any vacancy in such office.

(6) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

(b) A certified copy of the transcript of the record and proceedings under this section shall be furnished by the Secretary to any interested party at his request and payment of the costs thereof, and shall be admissible in any criminal, exclusion of imports, or other proceeding arising under or in respect of this title, irrespective of whether proceedings with respect to the order have previously been initiated or become final under subsection (a).

RESEARCH, TESTING, DEVELOPMENT, AND TRAINING

SEC. 106. (a) The Secretary shall conduct research, testing, development, and training necessary to carry out the purposes of this title, including, but not limited to—

(1) collecting data from any source for the purpose of determining the relationship between mobile home performance characteristics and (A) accidents involving mobile homes, and (B) the occurrence of death, or personal injury resulting from such accidents;

(2) procuring (by negotiation or otherwise) experimental and other mobile homes for research and testing purposes;

(3) selling or otherwise disposing of test mobile homes and reimbursing the proceeds of such sale or disposal into the current appropriation available for the purpose of carrying out this title.

(b) The Secretary is authorized to conduct research, testing, development, and training as authorized to be carried out by subsection (a) of this section by making grants for the conduct of such research, testing, development, and training to States, interstate agencies, and nonprofit institutions.

(c) Whenever he Federal contribution for any research or development activity authorized by this title encouraging mobile home safety is more than minimal, the Secretary shall include in any contract, grant, or other arrangement for such research or development activity, provisions effective to insure that all information, uses, processes, patents, and other developments resulting from that activity will be made freely and fully available to the general public. Nothing herein shall be construed to deprive the owner of any background patent of any right which he may have thereunder.

COOPERATION WITH PUBLIC AND PRIVATE AGENCIES

SEC. 107. The Secretary is authorized to advise, assist, and cooperate with, other Federal departments and agencies, and State and other interested public and private agencies, including the American National Standards Institute Committee on Mobile Homes and Recreational Vehicles, in the planning and development of—

(1) mobile home safety standards; and

(2) methods for inspecting and testing to determine compliance with mobile home safety standards.

PROHIBITED ACTS

SEC. 108. (a) No person shall—

(1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any mobile home manufactured on or after the date any applicable Federal mobile home safety standard takes effect under this title unless it is in conformity with such standard, except as provided in subsection (b) of this section;

(2) fail or refuse access to or copying of records, or fail to make reports or provide information, or fail or refuse to permit entry or inspection, as required under section 112;

(3) fail to issue a certificate required by section 114, or issue a certificate to the effect that a mobile home conforms to all applicable Federal mobile home safety standards, if such person in the exercise of due care has reason to know that such certificate is false or misleading in a material respect; or

(4) fail to furnish notification of any defect as required by section 113.

(b) (1) Paragraph (1) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any mobile home after the first purchase of it in good faith for purposes other than resale. In order to assure a continuing and effective national mobile home safety program, it is the policy of Congress to encourage the adoption of State inspection of used mobile homes. Therefore, to that end the Secretary shall conduct a thorough study and investigation to determine the adequacy of mobile home safety standards and mobile home inspection requirements and procedures applicable to used mobile home vehicles in each State, and the effect of programs authorized by this title upon such standards, requirements, and procedures for used mobile homes, and report to Congress as soon as practicable, but not later than one year after the date of enactment of this Act, the results of such study, and recommendations for such additional legislation as he deems necessary to carry out the purposes of this title. As soon as practicable after the submission of such report, but no later than one year from the date of submission of such report, the Secretary, after consultation with the Council and such interested public and private agencies and groups as he deems advisable, shall establish uniform Federal mobile home safety standards applicable to all used mobile homes. Such standards shall be expressed in terms of mobile home safety performance. The Secretary is authorized to amend or revoke such standards pursuant to this Act.

(2) Paragraph (1) of subsection (a) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that such mobile home is not in conformity with applicable Federal mobile home safety standards, or to any person who, prior to such first purchase, holds a certificate issued by the manufacturer or importer of such mobile home, to the effect that such mobile home conforms to all applicable Federal mobile home safety standards, unless such person knows that such mobile home does not so conform.

(3) A mobile home offered for importation in violation of paragraph (1) of subsection (a) shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, provide for authorizing the importation of such mobile home into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such mobile home will be brought into conformity with any applicable Federal mobile home safety standard prescribed under this title, or will be exported or abandoned to the United States.

(4) The Secretary of the Treasury and the Secretary may, by joint regulations, permit the temporary importation of any mobile home after the first purchase of it in good faith for purposes other than resale.

(5) Paragraph (1) of subsection (a) shall not apply in the case of a mobile home intended solely for export, and so labeled or tagged on the mobile home itself and on the outside of the container, if any, which is exported.

(c) Compliance with any Federal mobile home safety standard issued under this title does not exempt any person from any liability under common law.

CIVIL PENALTY

SEC. 109. (a) Whoever violates any provision of section 108, or any regulation issued thereunder, shall be subject to a civil penalty of not to exceed $1,000 for each such violation. Such violation of a provision of section 108, or regulations issued thereunder, shall constitute a separate violation with respect to each mobile home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty shall not exceed $400,000 for any related series of violations.

(b) Any such civil penalty may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

JURISDICTION AND VENUE

SEC. 110. (a) The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title, or to restrain the sale, offer for sale, or the introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of any mobile home which is determined, prior to the first purchase of such mobile home in good faith for purposes other than resale, not to conform to applicable Federal mobile home safety standards prescribed pursuant to this title, upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this Act, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(c) Actions under subsection (a) of this section and section 109(a) may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

(d) In any actions brought under subsection (a) of this section and section 109(a), subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(e) It shall be the duty of every manufacturer offering a mobile home for importation into the United States to designate in writing an agent upon whom service of all administrative and judicial processes, notices, orders, decisions and requirements may be made for and on behalf of such manufacturer, and to file such designation with the Secretary, which designation may from time to time be changed by like writing, similarly filed. Service of all administrative and judicial processes, notices, orders, decisions and requirements may be made upon such manufacturer by service upon such designated agent at his office or usual place of residence with like effect as if made personally upon such manufacturer, and in default of such designation of such agent, service of process, notice, order, requirement or decision in any proceeding before the Secretary or in any judicial proceeding for enforcement of this title or any standards prescribed pursuant to this title may be made by posting such process, notice, order, requirement or decision in the Office of the Secretary.

NONCOMPLIANCE WITH STANDARDS

SEC. 111. (a) If any mobile home is determined not to conform to applicable Federal mobile home safety standards, or contains a defect which relates to mobile home safety, after the sale of such mobile home by a manufacturer or a distributor to a distributor or a dealer and prior to the sale of such mobile home by such distributor or dealer—

(1) the manufacturer or distributor, as the case may be, shall immediately repurchase such mobile home from such distributor or dealer at the price paid by such distributor or dealer, plus all transportation charges involved and a reasonable reimbursement of not less than 1 per centum per month of such price paid prorated from the date of notice of such nonconformance to the date of repurchase by the manufacturer or distributor; or

(2) the manufacturer or distributor, as the case may be, at his own expense, shall immediately furnish the purchasing distributor or dealer the required conforming part or parts or equipment for installation by the distributor or dealer on or in such mobile home, and for the installation involved the manufacturer shall reimburse such distributor or dealer for the reasonable value of such installation plus a reasonable reimbursement of not less than 1 per centum per month of the manufacturer's or distributor's selling price prorated from the date of notice of such nonconformance to the date such vehicle is brought into conformance with applicable Federal standards, so long as the distributor or dealer proceeds with reasonable diligence with the installation after the required part or equipment is received.

(b) In the event that any manufacturer or distributor refuses to comply with the requirements of paragraphs (1) and (2) of subsection (a), then the distributor or dealer, as the case may be, to whom such nonconforming mobile home has been sold may bring suit against such manufacturer or distributor in any district court of the United States in the district in which such manufacturer or distributor resides, or is found, or has an agent, without respect to the amount in controversy, and shall recover the damage by him sustained, as well as all court costs plus reasonable attorney's fees. Any action brought pursuant to this section shall be forever barred unless commended within three years after the cause of action shall have accrued.

(c) The value of such installations and such reasonable reimbursements as specified in subsection (a) of this section shall be fixed by mutual agreement of the parties, or failing such agreement, by the court pursuant to the provisions of subsection (b) of this section.

INSPECTION OF MOBILE HOMES AND RECORDS

SEC. 112. (a) The Secretary is authorized to conduct such inspection and investigation as may be necessary to enforce Federal mobile home safety standards established under this title. He shall furnish the Attorney General and, when appropriate, the Secretary of the Treasury any information obtained indicating noncompliance with such standards, for appropriate action.

(b) For purposes of enforcement of this title, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized—

(1) to enter, at reasonable times, any factory, warehouse, or establishment in which mobile homes are manufactured, or held for introduction into interstate commerce, or are held for sale after introduction; and

(2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, or establishment.

Each such inspection shall be commenced and completed with reasonable promptness.

(c) Every manufacturer, distributor, and dealer of mobile homes shall establish and maintain such records, make such reports, and provide such information as the Secretary may reasonably require to enable him to determine whether such manufacturer, distributor, or dealer has acted or is acting in compliance with this title and mobile home safety standards prescribed pursuant to this title and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer, distributor, or dealer has acted or is acting in compliance with this title and mobile home safety standards prescribed pursuant to this title.

(d) Every manufacturer of mobile homes shall provide to the Secretary such performance data and other technical data related to performance and safety as may be required to carry out the purposes of this Act. The Secretary is authorized to require the manufacturer to give such notification of such performance and technical data that the Secretary determines necessary to carry out the purposes of this Act, to—

(1) each prospective purchaser of a mobile home before its first sale for purposes other than resale at each location where any such manufacturer's mobile homes are offered for sale by a person with whom such manufacturer has a contractual, proprietary, or other legal relationship in a manner determined by the Secretary to be appropriate, which may include, but is not limited to, printed matter (A) available for retention by such prospective purchaser and (B) sent by mail to such prospective purchaser upon his request; and

(2) the first person who purchases a mobile home for purposes other than resale, at the time of such purchase, or in printed matter placed in the mobile home.

(e) All information reported to or otherwise obtained by the Secretary or his representative pursuant to subsection (b) or (c) which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

NOTIFICATION OF DEFECTS

SEC. 113. (a) Every manufacturer of mobile homes shall furnish notification of any defect in any mobile home produced by such manufacturer which he determines, in good faith, relates to mobile home safety, to the purchaser of such mobile home, within a reasonable time after such manufacturer has discovered such defect.

(b) The notification required by subsection (a) shall be accomplished—

(1) by certified mail to the first purchaser (not including any dealer of such manufacturer) of the mobile home containing such a defect, and to any subsequent purchaser to whom has been transferred any warranty on such mobile home; and

(2) by certified mail or other more expeditious means to the dealer or dealers of such manufacturer to whom such mobile home was delivered.

(c) The notification required by subsection (a) shall contain a clear description of such defect, an evaluation of the risk to mobile home safety reasonably related to such defect, and a statement of the measures to be taken to repair such defect.

(d) Every manufacturer of mobile homes shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to the dealers of such manufacturer or purchasers of mobile homes of such manufacturer regarding any defect in such mobile home sold or serviced by such dealer. The Secretary shall disclose so much of the information contained in such notice or other information obtained under section 112(a) to the public as he deems will assist in carrying out the purposes of this title, but he shall not disclose any information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, unless he determines that it is necessary to carry out the purposes of this Act.

(e) If through testing, inspection, investigation, or research carried out pursuant to this title, or examination of reports pursuant to subsection (d) of this section, or otherwise, the Secretary determines that any mobile home—

(1) does not comply with an applicable Federal mobile home safety standard prescribed pursuant to section 103; or

(2) contains a defect which relates to mobile home safety;

then he shall immediately notify the manufacturer of such mobile home of such defect or failure to comply. The notice shall contain the findings of the Secretary and shall include all information upon which the findings are based. The Secretary shall afford such manufacturer an opportunity to present his views and evidence in support thereof, to establish that there is no failure of compliance or that the alleged defect does not affect mobile home safety. If after such presentation by the manufacturer the Secretary determines that such mobile home does not comply with applicable Federal safety standards, or contains a defect which relates to mobile home safety, the Secretary shall direct the manufacturer to furnish the notification specified in subsection (c) of this section to the purchaser of such mobile home as provided in subsections (a) and (b) of this section.

(f) Every manufacturer of mobile homes shall maintain a record of the name and address of the first purchaser, other than a dealer or distributor, of each mobile home produced by that manufacturer. The Secretary may establish, by order, procedures to be followed by manufacturers in establishing and maintaining such records, including procedures to be followed by distributors and dealers to assist manufacturers to secure the information required by this subsection which will not affect the obligation of manufacturers under this subsection. Such procedures shall be reasonable for the particular type of mobile home for which they are prescribed.

CERTIFICATION OF CONFORMITY WITH SAFETY STANDARDS

SEC. 114. Every manufacturer or distributor of a mobile home shall furnish to the distributor or dealer at the time of delivery of each such mobile home by such manufacturer, the certification that each such mobile home conforms to all applicable Federal safety standards. Such certification shall be in the form of a label or tag permanently affixed to each such mobile home.

NATIONAL MOBILE HOME SAFETY BUREAU

SEC. 115. The Secretary shall carry out the provisions of this title through a National Mobile Home Safety Bureau (hereinafter referred to as the "Bureau"), which he shall establish in the Department of Housing and Urban Development. The Bureau shall be headed by a Mobile Home Safety Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be a citizen of the United States, and shall be appointed with due regard for his fitness to discharge efficiently the powers and the duties delegated to him pursuant to this title. The Director shall perform such duties as are delegated to him by the Secretary.

EFFECT UPON ANTITRUST LAWS

SEC. 116. Nothing contained in this title shall be deemed to exempt from the antitrust laws of the United States any conduct that would otherwise be unlawful under such laws, or to prohibit under the antitrust laws of the United States any conduct that would be lawful under such laws.

USE OF RESEARCH AND TESTING FACILITIES OF PUBLIC AGENCIES

SEC. 117. The Secretary, in exercising the authority under this title, shall utilize the services, research and testing facilities of public agencies to the maximum extent practicable in order to avoid duplication.

RULES AND REGULATIONS

SEC. 118. The Secretary is authorized to issue, amend, and revoke such rules and regulations as he deems necessary to carry out this title.

ANNUAL REPORT TO CONGRESS

SEC. 119. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on March 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include but not be restricted to (1) a thorough statistical compilation of the accidents and injuries occurring in such year; (2) a list of Federal mobile home safety standards prescribed or in effect in such year; (3) the degree of observance of applicable Federal mobile home standards; (4) a summary of all current research grants and contracts together with a description of the problems to be considered by such grants and contracts; (5) an analysis and evaluation, including relevant policy recommedations, of research activities completed and technological progress achieved during such year; (6) a statement of enforcement actions including judicial decisions, settlements, or pending litigation during such year; (7) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to mobile home owners; and (8) a list of all State plans in effect pursuant to section 120 and an evaluation of each such plan.

(b) The report required by subsection (a) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary to promote cooperation among the several States in the improvement of mobile home safety and to strengthen the national mobile home program.

STATE PLANS

SEC. 120. (a) Nothing in this title shall prevent any State agency or court from asserting jurisdiction under State law over any mobile home safety issue with respect to which no standard has been established pursuant to the provisions of section 103.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement of mobile home safety standards relating to any safety issue with respect to which a Federal standard has been established under section 103, shall submit to the Secretary a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State;

(2) provides for the development and enforcement of mobile home safety standards which are or will be at least as effective in providing safe mobile homes as the standards promulgated under section 103;

(3) provides for a right of entry and inspection of all factories, warehouses, or establishments in such State in which mobile homes are manufactured, and which is at least as effective as that provided in section 112;

(4) contains satisfactory assurances that such agency has or will have the legal authority and qualified personnel necessary for the enforcement of such standards;

(5) give satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards;

(6) requires manufacturers, distributors, and dealers in such State to make reports to the Secretary in the same manner and to the same extent as if the State plan were not in effect; and

(7) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary rejects a plan submitted under subsection (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 106, 108, 109, 112, and 113 with respect to comparable standards established under section 103 for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of sections 108, 109, 111, 112, and 113, and standards promulgated under section 103 of this title, shall not apply with respect to any mobile home safety issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any preceding commenced under section 108 or 109 before the date of determination.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan, he shall notify the State agency of his withdrawal of approval of such plan. Upon receipt of such notice by such State agency such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce mobile home standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(g) Each State may obtain a review of each decision of the Secretary withdrawing approval of or rejecting its plan by filing in the United States court of appeals for the circuit in which such State is located within thirty days following receipt of notice of such decision, a petition to modify or set aside in whole or in part the action of the Secretary. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan is not supported by substantial evidence the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

GRANTS TO THE STATES

SEC. 121. (a) The Secretary is authorized to make grants to the States which have designated a State agency under section 120 to assist them—

(1) in identifying their needs and reponsibilities in the area of mobile home safety standards; or

(2) in developing State plans under section 120.

(b) The Governor of each such State shall designate the appropriate State agency for receipt of any grant made by the Secretary under this section.

(c) Any State agency designated by the Governor of the State desiring a grant under this section shall submit an application therefor to the Secretary. The Secretary shall review and either accept or reject such application.

(d) The Federal share for each State grant under subsection (a) of this section may not exceed 90 per centum of the total cost of the application. In the event the Federal share for all States under such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(e) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for mobile home safety contained in State plans approved by the Secretary pursuant to section 120 of this title. The Federal share for each State grant under this subsection may not exceed 50 per centum of the total cost to the State of such a program. The last sentence of subsection (d) shall be applicable in determining the Federal share under this subsection.

AUTHORIZATION OF APPROPRIATIONS

SEC. 122. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

EFFECTIVE DATE

SEC. 123. The provisions of this title shall take effect upon the expiration of the one hundred eighty-day period which begins on the date of the enactment of this Act.

TITLE II—CHANGES IN EXISTING LAW

HOME OWNERS' LOAN ACT OF 1933

SEC. 201. The third paragraph of section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by striking out clause (B) and inserting in lieu thereof the following:

"(B) any loan made for the purchase of a mobile home which meets or exceeds the mobile home safety standards established under the National Mobile Home Safety Standards Act of 1972."

NATIONAL HOUSING ACT

SEC. 202. The last sentence of the second paragraph of section 2(a) of the National Housing Act (12 U.S.C. 1703 (a)) is amended by—

(1) striking out "the livability and durability of the mobile home and" in clause (i);

(2) striking out "and" after the semicolon at the end of clause (i); and

(3) striking out the period at the end of clause (ii) and adding in lieu thereof "; and (iii) require that the mobile home meets or exceeds the mobile home safety standards established under the National Mobile Home Safety Standards Act of 1972."

TITLE 38, UNITED STATES CODE

SEC. 203. Section 1819 of title 38, United States Code, is amended by—

(1) striking out subsection (i) and inserting in lieu thereof the following:

"(i) No loan for the purchase of a mobile home shall be guaranteed under this section unless—

"(1) the mobile home meets or exceeds the mobile home safety standards established under the National Mobile Home Safety Standards Act of 1972; and

"(2) the lot, if any, meets or exceeds standards prescribed by the Administrator for the planning, maintenance, and development of mobile home sites which are attractive residential areas and which are free from, and do not substantially contribute to, adverse scenic or environmental conditions.

For the purpose of assuring compliance with such mobile home safety standards, the Administrator shall from time to time inspect the manufacturing process of mobile homes to be sold to veterans and conduct random onsite inspections of mobile homes purchased with assistance under this chapter."; and

(2) striking out "standards prescribed by the Administrator" in clause (1) of subsection (j) and inserting in lieu thereof "safety standards required".

EFFECTIVE DATE

SEC. 204. The provisions of this title shall apply with respect to any loan application filed, pursuant to the provisions of the Home Owners' Loan Act of 1933, the National Housing Act, or section 1819 of title 38, United States Code, as the case may be after the effective date of title I of this Act.

By Mr. BOGGS (for himself and Mr. ROTH):

S.J. Res. 233. A joint resolution authorizing and requesting the President to issue annually a proclamation designating the week beginning on the last Monday of May of each year as "National Natural History Week." Referred to the Committee on the Judiciary.

Mr. BOGGS. Mr. President, last Saturday morning Senator ROTH and I had the honor to participate in the dedication ceremony for the new Delaware Museum of Natural History.

Our colleagues will be interested to know that this is the first new natural history museum in our country in more than half a century. I think this new museum, the gift of a young ornithologist from Delaware, John du Pont, symbolizes a new national interest in natural history.

All Delawareans are proud of this new museum. It has been suggested that the opening of the Delaware Museum is a fitting time to recognize the national importance of natural history studies.

President Nixon pointed out this great contribution in a letter he wrote last week extending his "congratulations for this important addition to the educational opportunities available to the American people."

The President went on to discuss in some detail the vital role that the collections in our natural history museums can play in creating a better environment for all Americans:

> This event provides me with great satisfaction also because of the research the Museum anticipates with respect to the serious environmental problems of our Mid-Atlantic coastal zone. Its study collections, like those of other major natural history museums, provide the nation with historic insights into such problems, as well as the means for setting rational environmental standards.

Mr. President, Senator ROTH and I are introducing today a joint resolution that will authorize the President to designate the week beginning the last Monday of May each year as "National Natural History Week."

Such a national week will give greater recognition to the important contribution of our Nation's natural history museums.

Mr. President, I request unanimous consent that the text of the joint resolution be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

In addition, Mr. President, I ask unanimous consent that several newspaper articles concerning the opening of the Delaware Museum of Natural History also be printed in the CONGRESSIONAL RECORD, along with welcoming remarks by Mr. du Pont.

There being no objection, the joint resolution and articles were ordered to be printed in the RECORD, as follows:

S.J. RES. 233

Whereas the study of natural history broadens our understanding of the environment;

Whereas the study of natural history gives mankind a greater appreciation of the need to protect rare and endangered species;

Whereas the Delaware Museum of Natural History opened in May of 1972; and

Whereas the Delaware Museum of Natural History is the first natural history museum to be opened in the United States in more than half a century: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating the week beginning on the last Monday of May of each year "National Natural History Week", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

[From the Wilmington (Del.) Evening Journal, May 9, 1972]

Natural History Museum Will Open Saturday

U.S. Sen. J. Caleb Boggs will be the principal speaker at Saturday's dedication of the new Delaware Museum for Natural History on the Kennett Pike.

The museum is the first of its kind to be built in the United States since 1910 and is intended as a research center as well as to display various kinds of mammals, birds and sea shells.

The ceremony will be held in the auditorium of the museum at 10 a.m., one hour after the museum is opened to the public for the first time.

Dr. E. Berkeley Tompkins, directory of the Division of Historical and Cultural Affairs, representing Gov. Russell W. Peterson, will also be a speaker.

John E. duPont, who started planning the museum in 1957 when he was still in college, will close the program with a brief history of the museum and a description of its aims and objectives.

More than one million bird eggs and thousands of sea shells, many of them collected by Du Pont himself throughout the world, are stored in the research area on the second floor of the museum which is not open to the public.

The visitor to the museum first sees a corridor lined with dioramas of birds in their native habitats, with water colors and other exhibits.

At the end of the corridor is a large circular area. In its center is a large craggy rock with several eagles' nests on top, with eagles perched nearby. There are large tree trunks with big birds at rest on the limbs.

Surrounding this central exhibit are more dioramas of different species of birds and mammals. Leading off this circular area is another corridor with displays of more birds, and one showing a wide variety of eggs from all parts of the world.

One striking exhibit is under the floor so that the visitor can look down as if he were peering into clear water. He will see various types of shells and coral as they appear on the floor of the ocean.

A large vertical exhibit of colored shells may be viewed through clear glass on one side and through rippled glass, simulating water, on the other.

At the end of this corridor is a huge reproduction of a waterhole on the lower slopes of Mt. Keyna in Africa. In this display are impala, a warthog, a bush pig, gnus and a secretary bird.

Along the walls surrounding the exhibit are dioramas of other mammals. One shows a Delaware stream with an otter with a fish in its mouth emerging from the stream while a blue jay flies overhead. The other shows a scene in a state forest with a deer and other animals.

These are among the 100 exhibits visitors will view starting Saturday.

The museum will be open Wednesdays through Saturdays from 9 to 4 and on Sundays from 1 to 5. It will be closed on Mondays and Tuesdays.

Admission is $1.25 for adults and 75 cents for children through 16.

Du Point is chairman of the museum's board of trustees. Other officers are Charles Robinson, vice president; J. H. Tyler, McConnell, treasurer, and Peggy Mahler, secretary.

Other trustees are J. Edgar Rhodas, Philip Williamson, Dean Amadon, John M. Martin, Robert C. Myers, Richard W. Thornington, Jr. and Mrs. Edmond du Pont.

[From the Philadelphia Inquirer, May 12, 1972]

Weekend Welcomes a Fine New Museum

A million seashells and 100,000 eggs. A giant clam and wild African animals which glower, un-caged, right beside you.

Part of the scenario for the next Stanley Kubrick science-fiction production? No. It's just some of the things you can expect to find inside the new Delaware Museum of Natural History, which opens its doors Saturday.

The institution, the first major museum of natural history to be constructed in the country since 1910, will open to the public at 10 A.M. Saturday (1 P.M. Sunday) in Greenville, Del., near Wilmington.

The multi-million-dollar institution houses the largest egg collection in the world—100,000 sets. It also features collections of rare seashells, birds and mammals.

Visitors to the public viewing areas on the first floor will see 100 exhibits. A glass floor reveals mollusks in their natural habitat. Nearby, the giant clam shell is three feet long and weighs 400 pounds.

In the center hall, devoted to birds, two wedge-tailed eagles from Australia perch menacingly on a boulder, surrounded by stuffed birds from species found throughout the world—many of them shown in their natural habitats.

"We hope to stimulate a renaissance of this kind of institution throughout the country," said John E. du Pont, a 33-year-old ornithologist and member of the wealthy Delaware family who first conceived of the museum when he was a teenager. He is now its director.

"Too frequently, we have seen significant collections neglected and even abandoned in the great museums of natural history here and abroad," duPont said, because scientific interest and financial support have flagged.

An African wildlife scene believed to be the only exhibit of its kind where the animals are shown without glass enclosures dominates the Hall of Mammals.

In the environment exhibit, the Delaware marshlands and local seashore exhibits illustrate the way in which the tiny state's coastal marsh system is being threatened.

Admission is $1.25 for adults and 75 cents for children. Take Rte. 52 South off U.S. 1 South, past Rte. 202, to Greenville.

[From the New York Times, May 7, 1972]

Delaware Gets Nature Museum—Institute Will Study Ecology of Marine Life and Birds

(By Donald Janson)

GREENVILLE, DEL., May 6.—The first major museum of natural history to be established in this country since 1910 will be opened to the public here next Saturday.

The multi-million-dollar institution, the Delaware Museum of Natural History, will be directed by John Eleuthere du Pont.

The 33-year-old Ornithologist said in an interview at the spacious buff-and-white museum that he hoped it would stimulate renewed interest in a science that has not had a new museum since the Los Angeles County Museum of Natural History opened 62 years ago.

Mr. Du Pont is not the first naturalist in his family. Eleuthere Irenee du Pont de Nemours, his noted forebear, was a botanist when he came to the United States in 1800. But botany did not provide sufficient income for him, and in 1802 he founded the explosives company that bore his name and he manufactured black powder on the banks of the Brandywine River near the site of the new museum.

ECOLOGICAL SURVEYS

John du Pont told an interviewer that the Delaware museum would sponsor research on ecological problems, including surveys of mollusk and other life of the Delaware-Maryland-Virginia peninsula.

Gov. Russell W. Peterson, formerly a du Pont Company official, sponsored last year conservation legislation that prohibits heavy industry from Delaware coastal zones.

Mr. du Pont said that preservation of natural coastal areas was of crucial importance because marine life that breeds in marshy water would be destroyed by industrial development.

The museum, with one of the largest collections of birds' eggs in the world, has been serving government and other environmental researchers ever since construction of the just-completed two-story building was far enough along to move in the first collections of specimens.

PESTICIDE STUDIES SET

In studies on the effects of pesticides, for example, older egg shells at the museum are compared for chemical content and thickness with pesticide-damaged shells of today.

The museum has 100,000 sets of birds' eggs, principally from collections throughout the world acquired by Mr. du Pont for the non-profit education institution. The largest group came from a museum in Tring, England, that lacked space for its collection.

Other major displays in the Delaware museum are Philippine and Mexican birds and from the Indian and Pacific oceans.

The museum has a million seashells, one of the most extensive collections of its kind, particularly from the area stretching from the Indian Ocean to Hawaii.

Of 100 exhibits mounted for the opening, one of the most unusual is underfoot. Visitors walking on glass look down through it to see mollusks depicted in their natural habitat in Australia's Great Barrier Reef. The denizens include giant clams three feet long that weighs 400 pounds.

CHILDHOOD INTEREST

Mr. du Pont began collecting shells on Delaware beaches at the age of 12 and conceived the idea for the museum when he was a teenager. He received a degree in marine biology at the University of Miami. He began traveling to the Philippines to collect specimens as early as 1958, and he is the author of a new book, "Philippine Birds," just published by the museum.

The museum will publish other books by staff members in the future. Among them will be a monograph on the kingfishers of the world and a book on the birds of the central Pacific.

The quarterly publication Nautilus will be edited at the museum. Scientific periodicals to be published by the institution include Indo-Pacific Mollusca and Nemouria, the occasional papers of the museum.

Students are expected to be frequent visitors to see permanent and changing exhibits. A plush, 300-seat auditorium will be used for showing documentary films.

"In creating Delaware's first museum of natural history we hope to stimulate a renaissance of this kind of institution throughout the country," Mr. du Pont said. "All too frequently we have seen significant collections neglected and even abandoned in many of the great museums of natural history here and abroad because scientific interest and needed financial support have been lacking."

REMARKS BY JOHN E. DU PONT, DIRECTOR, DELAWARE MUSEUM OF NATURAL HISTORY, AT DEDICATION CEREMONIES, MAY 13, 1972

My name is John du Pont, director of the Delaware Museum of Natural History. I am privileged to welcome you to our dedication ceremonies this morning. I am particularly pleased that Senator Boggs and Dr. Tompkins are here with us and we are all looking forward to hearing from them in a few minutes.

In dedicating this Museum today we are mindful of the increasing need to develop public understanding of the natural sciences. All to frequently there is a gulf between the daily lives and experiences of most people and the complexity of science and technology. Of course, many attempts have been made to bridge this ever-widening gap, including the publication of books and magazine articles and television programming and general science courses in schools. Although these techniques are most valuable, they do lack an important ingredient, and it is that ingredient we are attempting to supply in this Museum and in the other fine institutions of natural science throughout the country. We offer the props and the environment for the full appreciation of natural history. Teaching science without these props is like explaining the rudiments of horseback riding to an individual without ever letting him near a horse. And there is a great need for providing communities with the opportunity to see the kind of environments that will be available at this Museum.

As we formulated plans for the opening of this Museum, I was appalled to see how few natural history museums had been built in recent years. For example, this institution is the first to be built in this country since the Los Angeles County Museum of Natural History was built in 1910. Also, this Museum is the first institution of its kind in the State of Delaware. It is my hope that the Delaware Museum will help stimulate a renaissance in natural history museums throughout the country.

I say that because as collections are neglected and abandoned and the systematic classification of species is eclipsed by other scientific disciplines, all of the biological sciences begin to suffer. We all too often lose sight of the fact that in order to advance research in these areas, taxonomic studies must be encouraged and supported, Taxonomy, the study of species and classification, is the scientific discipline that is so essential to successful progress in biological and ecological research.

In order to bring about greater public understanding for the role of natural history museums in our society, I'd like to tell you about two different projects this Museum will be undertaking.

First, I have written President Nixon and requested that he declare a nationwide observance of Natural History Week on May 29 this year and every year thereafter. I am also calling upon the leaders of the country's natural history museums to join with the Delaware Museum in sponsorship of this public observance. I have already been assured by Senator Boggs that he will support us in this goal.

Second, I am establishing an annual award for the popular article that best furthers the understanding of natural history. We will call it the Delaware Museum of Natural History Writing Award. It is my hope that by encouraging writers to prepare articles on natural history we can impress upon the nation the significance of this science and its impact on mankind. In the next few weeks we will announce the details of the Delaware Museum of Natural History Writing Award.

As this Museum takes its place with the other fine institutions of natural history throughout the land, we are confident that it will contribute to our storehouse of knowledge of this immensely important discipline.

ADDITIONAL COSPONSORS OF A BILL

S. 3105

At the request of Mr. STENNIS, the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 3105, a bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes.

SENATE CONCURRENT RESOLUTION 80—SUBMISSION OF A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF CONGRESS THAT AN ASIAN PEACE CONFERENCE BE ESTABLISHED

(Referred to the Committee on Foreign Relations.)

Mr. PEARSON. Mr. President, I submit a concurrent resolution expressing the sense of Congress with reference to a new Asian Peace Conference which would be established under the auspices of the United Nations Security Council.

Mr. President, once again our Nation and its Congress divide themselves over the interminable war in Southeast Asia. Once again we are reminded of the human costs of battle. Once again we face the perils of armed conflict in a nuclear age. And once again a President of the United States has asked for the support of all Americans in his effort to end our involvement in Southeast Asia.

I believe that the President's desire to end the war is shared by all Americans. We have fulfilled our commitment to the people of South Vietnam and we must now fulfill our outstanding commitments to the people of America.

Whatever military action we take in Vietnam must be for the purpose of protecting American troops there, securing the release of American prisoners of war, and preventing further death and injury to the people of Vietnam.

During this time of great international peril, I believe that responsible public officials, without regard to party or political aspirations, should pray that the President's dramatic efforts succeed. Their success would mean an end to our involvement and a renewed hope for an end to the fighting in Southeast Asia.

I say this with recognition of the great dangers involved in the current military actions. But now that they have been taken, we must hope that they yield the outcome which the President, his critics and the American people all share: An end to the war and the return of all our men.

The President's proposals to withdraw all our forces from Vietnam within 4 months of a cease-fire and the return of our men held captive by the North Vietnamese is a most generous and realistic offer. It is an offer which the North Vietnamese ignore only at the risk of continued deprivation and hardship for their people. It is a proposal to settle at the negotiating table the political issues which can never be resolved on the battlefield.

While we do not yet know what twists and turns the labyrinth of war and diplomacy will take, we can be certain of one point. If this war and our involvement in it come to an end soon, it will end at the conference table and not on the battlefield.

While we should not abandon any channels of negotiation so long as they offer hope of ending the war, it is apparent that we need a new forum for negotiations. And we must be certain to provide a forum in which to negotiate an end to the conflict throughout Southeast Asia. If present channels are not adequate, then we must create new ones. We need a forum acceptable to all parties involved in the war. We need a forum which can focus the attention of the world on those nations whose refusal to negotiate has led to a prolongation of this war.

In establishing this new forum, we must recognize two basic facts. First, the war is fundamentally an Asian affair. It is neither an American nor a Soviet was to win or lose. If the conflict is to end, it will end with a settlement in Asia by Asians.

But we must also understand a second basic fact. The war could not be conducted with its present scope and intensity if it were not for the assistance of three great powers: The United States, the Soviet Union, and the People's Republic of China. Those three nations are, then, inexorably linked to discussions to end the war.

In the light of these facts and the current international situation, I therefore propose for consideration by the Senate and the President that this Nation call for an Asian Peace Conference to be convened under the auspices of the United Nations.

I propose that the President should instruct our Ambassador to the United Nations to call for an urgent session of the United Nations Security Council to discuss the most feasible method for convening a new Indochina conference, to be held in a neutral South Asian nation, and to determine the best means of securing participation of all states involved in the conflict.

I believe that a conference held in Asia would provide the best forum for Asian nations to resolve Asian problems. Yet because it is held under the auspices of the United Nations Security Council, the three major powers involved in the tragic war in Southeast Asia would participate.

I believe this would be a forum which would offer the best hope for securing the release of our men held captive throughout Indochina. The purpose of this conference, in my view, should not be a narrow one limited only to the end of U.S. involvement. But the conference should address itself to the problem of ending the war and resolving underlying policitical conflicts in Indochina.

The question might be raised, what hope is there for such a conference to succeed? I would respond it is a civilized way to extricate the world from the present morass in Southeast Asia. It is a way to solve the problem of Vietnam with a minimum of further loss of life and destruction. It is a way to remove the focus of world energies from the challenge and response of escalation, and turn them toward the greater challenge of carrying out a peaceful settlement.

We must recognize that another cycle of invasion, bombing, and massive civilian sacrifices will not solve the Vietnam problem for anybody. Nor is the real question whether we should continue to help South Vietnam defend itself. The real question is how do we end this unending war?

I believe a conference of the kind I am proposing would take us from the battlefront to the conference table. It would move us from unwanted hostilities back to the underlying issues of this conflict: Is there to be a unified Vietnam? Can there be security for Laos and Cambodia? What is to be the role of the United States in Southeast Asia? What role does the Soviet Union have there? Can the great powers guarantee their noninvolvement in the affairs of Indochina? How can the aspirations of the people in that region be realized without perpetual war?

The American people want an end to this war. They want an end of our involvement. But they do not want a Communist victory in South Vietnam. Unless we are prepared to run a risk of increasing military escalation and all it implies for the climate of world trade, world security, and the requirements of our own national defense, we must find another way and we must find it now.

Finally, I want to emphasize this proposal is made in the spirit of an honest search for alternatives. I have no illusion that it offers a foolproof way to productive negotiations. I have no illusions about the outcome, if such a conference were convened. But I am convinced that a Senator has a responsibility to offer positive suggestions to the President on matters of such vital importance to our Nation. I am convinced the President and the people desire an end of involvement in Indochina. I advance this proposal, because I believe it merits consideration as a chance for starting meaningful negotiations to end our own involvement in this tragic war, to secure the release of our prisoners of war and missing men, and to end the war itself.

Mr. President, I ask unanimous consent that the concurrent resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 80

Whereas it is in the interest of the United States to seek a prompt end to the conflict in Southeast Asia and a repatriation of its men who are held as prisoners of war;

Whereas the United States should utilize every available means of seeking an end to the war;

Whereas no present negotiations encompass all of the parties now involved in the conflict;

Whereas a primary purpose of the United Nations as stated in Article 1 of its Charter is to "bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes . . .";

Whereas, according to Article 35 of the Charter, "Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly."; and

Whereas Asian nations must assume a primary role in the resolution of Asian problems: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President should seek to establish, under the auspices of the United Nations, a broad-based Asian Peace Conference to be held in a neutral nation in Southeast Asia, and that all participants in the hostilities, whether or not they are member of the United Nations, should be invited to participate in such conference.

SENATE RESOLUTION 301—SUBMISSION OF A RESOLUTION RELATING TO THE PRINTING AND DISTRIBUTION OF LEGISLATIVE PROCEEDINGS WITH RESPECT TO THE DEATH OF FORMER SENATOR JAMES F. BYRNES

(Referred to the Committee on Rules and Administration.)

Mr. ROBERT C. BYRD (for Mr. THURMOND and Mr. HOLLINGS) submitted the following resolution:

SENATE RESOLUTION 301

Resolved, That the legislative proceedings of the Congress relating to the death of the former Senator from South Carolina, James F. Byrnes, ordered by the Senate on May 1, 1972, to be bound and printed as a Senate document, shall be prepared, printed, bound, and distributed, unless and to the extent otherwise provided by the Joint Committee on Printing under chapter 1 of title 44, United States Code, in the same manner and under the same conditions as memorial addresses, on behalf of Members of Congress dying in office, are printed under sections 723 and 724 of such title, except that the number of copies to be printed and the distribution thereof are to be as follows:

(1) 100 copies to the family of the said James F. Byrnes, bound in full morocco, with gilt edges, suitably lettered as may be requested by that family;

(2) 100 copies to each Senator from the State of South Carolina;

(3) 2 copies to the Vice President and each other Senator;

(4) 10 copies to each Member of the House of Representatives from the State of South Carolina; and

(5) 1 copy to each other Member of the House of Representatives, including the Resident Commissioner from Puerto Rico and each Delegate.

SENATE RESOLUTION 302—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENT EXPENDITURES BY THE COMMITTEE ON FINANCE FOR THE PROCUREMENT OF CONSULTANTS (REPT. NO. 92–789)

(Referred to the Committee on Rules and Administration.)

Mr. LONG, from the Committee on Finance, reported the following resolution:

SENATE RESOLUTION 302

Resolved, That the Committee on Finance is authorized from the date of agreement to this resolution through February 28, 1973, to expend not to exceed $5,000.00 for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 2. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee.

ADDITIONAL STATEMENTS

THE U.S. NUCLEAR DETERRENT

Mr. STEVENSON. Mr. President, the U.S. nuclear submarine fleet can deliver about 3,504 nuclear warheads, as opposed to the 502 shorter range warheads for the Soviet fleet. Our fleet of 41 nuclear submarines is virtually immune to attack and will remain so in the foreseeable future. Now and in the foreseeable future its nuclear warheads will be capable of saturating any Soviet ABM defenses. In short. the United States has, and will have, a more than sufficient nuclear deterrent with its Poseidon armed submamarines. The United States lead in deliverable nuclear warheads is, in fact, widening. And yet the administration proposes that to inflict a new generation of huge nuclear subs and missiles upon the taxpayers at a cost of about $1 billion per submarine. This extravagant proposition, ULMS, was discussed on April 27 by Dr. Herbert Scoville in testimony before the Defense Subcommittee of the House Appropriations Committee. Dr. Scoville testified on behalf of the Federation of American Scientists. He was formerly Deputy Director for Research of the CIA and Assistant Director for Science and Technology of the Arms Control and Disarmament Agency. I ask unanimous consent that his convincing testimony about the extravagance and the dangers of ULMS be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF THE FEDERATION OF AMERICAN SCIENTISTS BEFORE DEFENSE SUBCOMMITTEE, APPROPRIATIONS COMMITTEE, U.S. HOUSE OF REPRESENTATIVES ON THE FISCAL YEAR 1973 DEFENSE PROGRAM AND BUDGET PRESENTED BY DR. HERBERT SCOVILLE

Mr. Chairman:

I appreciate this opportunity to appear before this Committee to express on behalf of the Federation of American Scientists our views on the FY 1973 Defense Program. I shall concentrate my attention today on ULMS, the largest proposed weapons program. However, attached to our statement on ULMS is a summary of our views on a number of other weapons programs and on the nature of the Soviet strategic threat to our security.

In this connection, I should just like to point out that, from statements of Secretary Laird and other senior defense officials, it is clear that the strategic threat is far less than had been forecast by administration officials three years ago. The predicted Russian big ICBM program has not materialized, only about 30 new large launchers have been started since the summer of 1969, and MIRV testing has not even begun. The accelerated deployment of large ICBM's armed with MIRV's was the primary basis for Secretary Laird's fears that the Russians were seeking a first strike capability.

STATEMENT ON ULMS

In testimony before Congress last year, the Federation opposed the fiscal 1972 request for $110 million for ULMS. We argued that it went too far toward freezing the ULMS design and committed the U.S. to very large future expenditures. We noted that the threat to Polaris was not now visible. We suggested smaller expenditures devoted to a broad front of technology relevant to protecting our sea-based deterrent against a variety of possible threats. We called, for example, for R&D expenditures on small submarines, as well as large ones, until it was possible to see which approach was the best counter to any developing danger. We also recommended that any new longer range missiles to be designed should fit in the Poseidon launchers to avoid making the Polaris submarines prematurely obsolete.

Our worst fears about the undue acceleration of ULMS have been realized in this year's budget proposal. The military requirement for ULMS is still not visible, and there has been no increase in the estimated threat this year. In fact, it is evaporating fast. Yet the Administration now proposes to accelerate the ULMS program in order to have an operational submarine capability by 1978, and to spend five times as much on ULMS development ($520.4 million). It has even further asked for $394.5 million more for long leadtime items to support the *production* of the system. Along with military construction, $942.2 million is asked. An additional $35 million was asked in supplemental funds in FY '72, but this was disapproved until the overall program could be thoroughly reviewed. Thus, the Administration is now clearly proposing to go beyond the point of no return with ULMS.*

Little public information is available about the details of these expenditures. The project is in two parts: ULMS 1 involves a new missile which would have longer range (4500 nautical miles) than Poseidon but could be fitted into the Polaris submarines. Designing any new missile to make it compatible with the Polaris submarine is in accord with the recommendation of FAS last year. But the second part of the program, ULMS 2, calls also for the development of a still longer range missile and a totally new, very large, faster, and expensive submarine, containing 20–24 large missiles. At no point has the Administration publicly explained the rationale for freezing on a large submarine, as opposed to other alternative system designs. We hope this decision is not just another example of the big battleship mentality which is already evident in the requests for large nuclear carriers. Perhaps, for once, we should consider emulating the Russians by building small and inexpensive naval vessels.

Secretary Laird's annual report is conspicuous for the absence of any strategic rationale for ULMS. Confirming our fears of last year, Dr. Foster, DDR&E, now uses as a justification for speeding up the program that "it is an already established development program." The foot in the door a year ago provides the excuse for a tenfold increase in funding now. The momentum of new technology apparently cannot be denied. This demonstrates the danger of authorizing first steps, even when relatively small, until the need for the final program cannot be visualized.

Defense witnesses in support of the program have not identified any current developments that even indicate a Soviet threat to our sea-based missile deterrent. In short, the Soviet threat can only result from long range technological developments, the nature of which we cannot yet define. The very bottom of the threat barrel is scraped when Dr. Foster opens an explanation of ULMS with this sentence, "The Soviets have *expressed interest* [Italics added] in developing a strategic ASW force that can effectively locate, identify, and destroy our Polaris force . . ." These are the phrases of a desperate intelligence analyst searching for some shred of evidence to support a parallel U.S. program.

Our admirals daily express an interest in developing ASW forces which can counter the Soviet missile submarines; yet, after spending tens of billions of dollars over the last twenty years, we see no light on the horizon leading toward the achievement of this objective. The U.S. is substantially ahead of the U.S.S.R. in ASW technology, so success is even more remote for the Russians. Admiral Levering Smith, the Director of the Navy's Strategic Systems Project, testified in 1969 that even the new generation of Russian ASW submarines will not be able to follow our Polaris ships and that they have no specific antisubmarine warfare methods that would make the Polaris fleet vulnerable to attack. This statement is as valid today as it was in 1969.

The simple fact is that there is no conception of how to design an ASW system which could be relied on to detect within wide ocean areas, to track continuously for long periods and then to destroy almost simultaneously our entire missile submarine deterrent. Countermeasures against ASW, which could be provided the Polaris fleet, would make this task even more difficult. The facts that we stated last year on the invulnerability of the Polaris deterrent are still true today and have never been denied. If we saw an ASW threat arising, and this could not be concealed, ULMS, or perhaps a more effective, and hopefully less expensive counter, could be deployed long before the ASW system could threaten the sea-based deterrent.

Furthermore, the U.S. has been strengthening the Polaris force anyway: it has replaced on 31 submarines the Polaris missile with the Poseidon, which provides a range of about 2500 nautical miles and places about 10 warheads with a yield several times that of the bomb that destroyed Hiroshima on each of the 16 missiles in a submarine. This produces a tremendous increase in its deterrent capability, far more than is actually needed for many years, even if no agreement on ABM's is reached at SALT. For example, Secretary of the Navy Nitze testified in 1964 that eight on-station old Polaris submarines could destroy 25 to 35 million Russians and most of the warmaking capability of the Soviet urban industrial complex. With the MIRVed Poseidon, only one or at the most a few submarines would be required. The Russians would have to destroy almost simultaneously every submarine at sea (two-thirds of the fleet might be there at any one time) if they are not to be annihilated in a retaliatory attack.

If we were denied overseas bases for our submarines—bases presently in England, Spain, and Guam—we could still maintain an overwhelming deterrent force, 20–25 submarines on station, even if restricted to U.S. ports.

Meanwhile, the long range of the U.S. Poseidon missile has already given the submarines lots of room in which to maneuver. Within 2500 nautical miles of Moscow, there are about six million square miles of sea area, including the North Atlantic from the tip of Greenland to North Africa, the Mediterranean, and the Arabian Sea. Since all submarines do not need to attack Moscow, the area from which important industrial and population centers could be reached would be still greater. This area can be still further enlarged, and dependence on foreign bases somewhat reduced, by decreasing the payload of Poseidon and thereby extending its range. If the requirement to penetrate a large nationwide ABM is eliminated at SALT, as President Nixon indicates is likely, then the number of warheads could be reduced and perhaps even their "bus" dispersing mechanism eliminated on at least some Poseidon missiles. With a range of even 3000 nautical miles, missiles could reach Moscow from the Indian Ocean, as well as a large part of the North Atlantic, and also many Russian industrial centers from large areas on the Pacific side of the U.S.S.R. Will we really ever need a 6,000 mile missile, as proposed for ULMS?

ULMS is being proposed before we have even completed the ongoing improvement in the Polaris deterrent, for which there is as yet no current need. The Poseidon MIRV warheads are being installed to overwhelm a Soviet ABM that almost certainly will never be built. Admiral Moorer on February 15, 1972 stated: "The Moscow system, even with improved radars and more and better interceptors, could still be saturated by a very small part of our total missile force. In any event, the programmed Minuteman III and Poseidon forces, with their large numbers of re-entry vehicles, provide a hedge against a *future large-scale* Soviet ABM deployment." The Russians offered one and a half years ago at SALT a more severe limitation on ABM's than that sought by the U.S. This is hardly evidence of an intention on their part to build a large-scale system. If we were worried about this, we should have accepted this offer then, and not sought to allow larger ABM's and not delayed until at least May this year.

The ULMS request is also dangerously premature, because it commits the U.S. to a particular follow-on to Polaris before the threat to Polaris is visible. What will we do in a few years if the presently unforeseen danger to Polaris also happens to threaten ULMS? For example, if some day we believe that Soviet submarines or surface vessels might continuously trail our Polaris, why will we not also fear their shadowing ULMS? Extending the range of the missiles will not necessarily be relevant to countering this tactic. More submarines might be. But would we want to have even faster and bigger (and hence fewer) submarines such as ULMS, or would we want quieter and smaller submarines which we could buy in large numbers? We could procure two or three new Polaris-size submarines for each ULMS. Perhaps instead of increasing the number of missiles to 20 or more per submarine, it would be better to equip the submarines with ASW countermeasures. The proposed ULMS is a technological improvement in search of a problem. After $30 billion is spent on it, ULMS may not be able to protect against a real threat, if and when it arises.

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*In a briefing on the fiscal 1973 Defense Budget, Assistant Secretary of Defense Robert C. Moot answered queries on this point by saying, "It is 942 million. The answer is that you do not move this fast unless you intend to build submarines and new missiles."

The ULMS proposal is wasteful. The ULMS submarine with associated systems may well cost $1 billion or more each, and may be requested in numbers as high as 30. This involves enormous sums of money. Much of the expenditure would occur in the mid- and late Seventies, when, hopefully, the country would be at full employment and the expenditures would not provide jobs but be simply inflationary. Nor can the cost estimates of any major weapon system be considered final. Constant underestimation is the rule.

The Defense Department is not arguing that Polaris is wearing out; the Posture statement makes no such claim. If they are, we should not be spending $5 billion to rearm them. Yet Admiral Moorer has testified, "our present submarines are aging" and that "our *first* [italics added] Polaris submarines would be about 20 years old" when ULMS became available. This is misleading; in 1980, 34 of our 41 submarines will be less than 20 years old. In any case, what is sacred about 20 years? There is no evidence that they will not still continue to provide a reliable and efficient deterrent force when they reach their projected service life of 25–30 years. None of our current missile submarines will reach this point until 1985–90, so this cannot be used to justify a 1978 deployment date. Ships don't wear out as fast as airplanes. Yet the Air Force admits the B–52's will still be flyable in 1980, when they will be 25 years old. Of course, technology has advanced since Polaris was first built, but we can't afford to replace our submarines every day, just to incorporate new developments when our security does not require them. By waiting another five years, we could get a better idea of the ASW threat to be faced and the type of changes we might need to have.

But if, indeed, ULMS is to be justified as a *replacement* for Polaris, do we really want 30 bigger submarines to replace 41 smaller ones—each already big enough to fire 160 warheads? Is this moving forward or backward? If we cut our missile submarine force to 30 ships, we would have fewer on station at any one time than if we gave up our overseas bases now. This could be a replica of the F–14—Phoenix missile fiasco, whose costs have risen so high that we cannot afford enough of them to provide any real military capability!

Since the Defense Department cannot, and has really never even seriously attempted, to justify the expenditures for ULMS on military or strategic bases, they have been forced to fall back on political motivations. This is reflected in Secretary Laird's opening remarks about ULMS in his Posture Statement:

"The continuing Soviet strategic offensive force buildup, with its long term implications, convinced us that we need to undertake a major new strategic initiative. This step must *signal* to the Soviets and our allies that we have the will and the resources to maintain sufficient strategic forces in the face of a growing Soviet threat. It would be diplomatically and politically unacceptable for the U.S. to allow the Soviets to achieve a large numerical superiority in both land-based and sea-based strategic missiles."

In short, the Defense Department felt that the political requirement for a strategic initative dictated advancing the timing of the ULMS program. Why worry about numerical superiority in numbers of missiles, when we already have an overwhelming superiority in warheads?

Furthermore, as President Nixon has stated, our submarines are qualitatively vastly superior to the Russian ones. Their missiles have no MIRV's and half our range, even though their submarines have to travel much further to their launch areas than do ours. In any case, even the irrational objective of numerical parity in launchers cannot be achieved by ULMS, since the replacement of Polaris by ULMS is not the way to run a missile numbers race. A Soviet Y class submarine can probably be built for ⅕ the cost of an ULMS.

It is a dangerous and pernicious doctrine to spend very large amounts of money on strategic weapons for political purposes. The motion of bargaining chips for arms control negotiations was bad enough, since they only served to raise the level of agreed limits or foreclosed, as in the case of MIRV, the opportunity to get any limitation. But this bargaining chip approach has now degenerated into an expression of pique. The Soviets want more than 41 missile-firing submarines to fill out their deterrent. There are good geographical reasons why they might, since their vessels have to travel much longer distances to get to their operational stations. But even if their force were unnecessarily large, that is no reason for us to react in the absence of a military need. Since Soviet missile submarines are not a threat to Polaris in any way, buying new submarines is not an answer to their continued build-up. Their refusal to reach an agreement to stop at 41 ships should not make us waste money on unnecessary new submarines. Can a U.S. investment in overkill to dissuade them from strengthening their deterrent? No, ULMS will not make it harder in any way for the Soviets to have more missile-firing submarines. Why would it encourage them to stop? Instead, it *may* encourage them to still more expenditures. If we should have learned one lesson from our experiences of the Sixties, when we built up a tremendous superiority in numbers of ICBM's and SLBM's, it is that such actions don't force the Soviets to accept a position of numerical inferiority.

We ought to buy what we need. We will be ahead in some areas, and the Soviets will be in others. We cannot afford, and should not indulge in, expenditures that do not help us militarily or strategically. Political realities can be resolved in political ways. We ought to buy military forces only where there is a security need.

I should now just like to summarize our views on ULMS.

The authorization this year of about $1 billion for ULMS commits the U.S. beyond the point of no return to a new strategic weapons system which could eventually cost $30 billion dollars or more and for which there is yet no known military need. The Administration has failed to present any strategic rationale for a still further new submarine missile system. ULMS is not the answer to the build-up in the Russian SLBM force which does not in any way threaten Polaris Poseidon. Likewise, ASW technology is not available to endanger Polaris-Poseidon in the foreseeable future, and indeed the very nature of such a threat cannot even be defined.

The present Poseidon missile, with a range of about 2500 nautical miles, can reach Moscow from 6 million square miles of sea area and attack key Russian targets from 15 million square miles on all sides of the U.S.S.R. There is no early requirements to deploy new missiles with ranges of 4,500 and 6,000 miles, since no ASW threat exists in the present operating areas. Freezing now on the design of a larger and higher speed submarine instead of maintaining an option for a smaller and quieter ship may in the long run result in increased vulnerability for a future Soviet ASW threat, if it develops. Authorizing ULMS construction creates the likelihood that the U.S. will be saddled with a very expensive white elephant. Although more justifiable than a new submarine, we do not even need to procure a new longer range missile at this time. Instead of a large commitment now of funds to a new ULMS submarine or even a new missile, we recommend a much smaller R&D program which covers a wide variety of options to deal with possible future threats.

MISREPRESENTATIONS BY REPRESENTATIVE HATHAWAY, OF MAINE

Mrs. SMITH. Mr. President, in a story headlined "HATHAWAY Hits Senator SMITH on Land Funds," published in the Portland, Maine, Press Herald of May 11, 1972, that newspaper reported that Representative HATHAWAY "said funds are already available by law for the land retirement program, but the Nixon administration 'has refused to spend the money Congress has already appropriated for the program.'"

If the newspaper accurately quoted Representative HATHAWAY, then this constitutes the third misrepresentation that he has made within the past 3 weeks in derogation of my efforts to get funds for the land retirement program.

Contrary to his reported statement that the Nixon administration has refused to spend money already appropriated by Congress, the Under Secretary of Agriculture has stated flatly that—

> The Administration is not withholding funds for this program since no new funds have been appropriated by Congress since fiscal years 1966 and 1967.

Further, in a letter to me, the Under Secretary states:

> As you know, the House conferees on the Second Supplemental Appropriation Bill deleted your amendment that would provide $10,000,000 in new funding. This particular program has not been funded insofar as new contracts are concerned since the 1966–1967 programs.

This same press story reported that Representative HATHAWAY had "admitted that he wrote a constituent telling him that the Appropriations Committeee had no knowledge of Mrs. SMITH's plans to ask for the funding and predicted no such action." The letter referred to was dated April 20, 1973.

This is another serious misrepresentation by Representative HATHAWAY, first, notice was given to the Senate Appropriations Committee in late January as early as 3 months prior to Representative HATHAWAY's letter of April 20, 1972 that I would offer my proposal at the earliest possible time, second, I offered it unsuccessfully on March 14, 1972, to the urgent supplemental bill, and third, later I offered it successfully to the second supplemental bill.

I think it is incumbent upon Representative HATHAWAY to identify the person or persons affiliated with the Senate Appropriations Committee he claims told him such a misrepresentation upon which he based his letter of April 20, 1972. In a letter dated May 12, 1972, the Chief Clerk of the Senate Appropriations Committee denied that any member of the committee staff had made such a misrepresentation. He wrote specifically:

> I have talked to all members of the staff of this Committee, regular as well as Minority, who would have knowledge of Agricultural appropriations, and there is no one on this staff who has advised anyone that "no action had been taken and none is planned" with respect to your amendment for the $10,000,000 for this program.

This same press story further quoted Representative HATHAWAY as representing that my proposed funding would cover only fiscal year 1972, which is almost over, because it was proposed in the supplemental appropriation.

This constitutes a third serious misrepresentation by Representative HATHAWAY in this matter since my amendment specifically guarded against such a June 30, 1972, cut-off by having the words of "to remain available until expended." Such language in my amendment was to insure that funds would be available to be spent before and beyond June 30 for an indefinite time. And Representative HATHAWAY cannot plead ignorance of these words since they were adopted and in the printed form in the bill and available 2 weeks prior to his misrepresentation.

Thus, there are three serious misrepresentations made by Representative HATHAWAY in this matter—the first being that I had sought no action—the second being that the funds in my proposal would be cut off on June 30—and the third being that there were available funds for Aroostook County farmers but that the administration had refused to spend available money appropriated by Congress.

One error might be understandable—but surely not a pattern of three misrepresentations over a period of 3 weeks.

THE SOUTH: YESTERDAY, TODAY, AND TOMORROW

Mr. ALLEN. Mr. President, on April 22, 1972, in Birmingham, Ala., the distinguished chairman of the Committee on Agriculture and Forestry (Mr. TALMADGE) made a speech to the third annual symposium of the L.Q.C. Lamar Society.

I believe it was an important speech because it should lay to rest some of the regional bigotry about the section of the country where Senator TALMADGE and I are privileged to reside and serve.

It also focuses on a subject of immense importance, not only to the South, but to the entire Nation—rural community development and the need for balanced national growth.

I have been privileged to serve with Senator TALMADGE and assist him in his efforts to bring a new life to the American countryside that will have a great influence on the future of major American cities.

Mr. President, I ask unanimous consent that the Senator's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS OF U.S. SENATOR HERMAN E. TALMADGE

I am honored indeed to take part in the Third Annual Symposium of the Lamar Society.

Yours is still a very young organization. But I am very much impressed by your goals, and the splendid work you already have done to promote social and economic advancement of the South.

The Lamar Society brings together some of the brightest and the most imaginative minds in the South. Your record already shows that you are interested in doing, rather than just talking. You aspire to positive action instead of negative reaction.

There are problem areas in the South. . . . in human relations . . . in the economy . . . in education . . . in the environment . . . and in unemployment and poverty.

But—in recognition of the fact that our region is rich in human and natural resources, and plain true grit—the Lamar Society is to be congratulated for its recognition of the ideal that it is better to light one candle than to curse the darkness.

The man in whose honor your society was named is listed in your program as "A nineteenth century Mississippi Statesman." If you will pardon my Georgia chauvinism, I hasten to point out with some pride that L.Q.C. Lamar was a native Georgian . . . born in Putnam County, Georgia . . . educated in Georgia . . . and served at one time in the Georgia House of Representatives. He did bring honor and credit to the State of Mississippi as a member of the United States Senate from that state, and on the U.S. Supreme Court. But once a Georgian always a Georgian . . . especially if they go on to greatness.

You have chosen "Redevelopment of the Rural South" as the central theme of this symposium. I regard rural development as one of the major challenges facing our country for the remainder of the Twentieth Century. I have been very close to the subject for several years. I can say without exaggeration that you have undertaken a monumental task of tremendous importance

I might also warn you that we are getting into this major problem area at least 25 years too late. For a quarter of a century—and even longer than that—people talked about the mass migration to cities and the metropolitan areas. We saw urban areas getting larger and larger. We witnessed the decline of small towns and agricultural communities. We talked about it some more. But no one did much of anything about it. In fact, only a few had the foresight to see what was happening and to predict its consequences. But their warnings went unheeded.

In the mid-1960's there came the "Great Society" war against poverty in the United States. Immediately, attention focused on our cities. Combat plans—mainly involving the huge expense of billions of dollars—were drawn up to fight what we call the urban crisis today.

Then, in 1967, came a Presidential commission report that shocked the nation. I have no doubt that that report is largely responsible for the widespread support we have today for rural redevelopment.

That Presidential study declared:

"Rural poverty is so widespread, and so acute, as to be a national disgrace, and its consequences have swept into our cities, violently. . . . A high proportion of the people crowded into city slums. This fact alone makes it clear how large a stake the people of this nation have in an attack on rural poverty."

The report brought these unsavory facts to our attention:

Two-thirds of the nation's substandard housing is in rural America. Nearly 20 million rural houses lack plumbing.

Infant mortality in rural areas is higher than the national average.

Education is of a far lower quality.

Health care is woefully inadequate.

In short, here is where we find the worst housing, the worst schools, the lowest health standards, the least adequate community services, and the greatest absence of existing opportunities for improvement.

This is the sad condition of rural America today. It is especially true of the rural south. From this standpoint, one could say that the rural south has not advanced too far from the 1930's, when President Roosevelt said the South was the nation's "Number One Economic Problem."

But that is only one side of the picture.

The other side shows the South to be a booming land of prosperity. It is not enough just to say that the South is prospering. Our region is growing faster, gaining more people, and making educational and economic advances faster than any other section of the country.

The decade just passed shows the South to be the nation's leading gainer in just about every area of social and economic activity.

One of the most important indicators was the fact that more people moved into the South during the 1960's, than out of it, for the first time since the 1870's.

During the decade, per capita income rose 14 per cent faster in the South than elsewhere.

Family income increased 48 per cent, compared with 9 per cent for the nation.

Construction of new housing was 37 per cent higher, compared to a 7 per cent increase outside the South.

New car registration rose 65 percent, against 36 per cent for the rest of the nation.

Of the nation's four regions, the South was the most populous in 1946. However, during the two decades leading up to 1960, it lost some 3.5 million people through massive outmigration. Many of these were poor people—black and white—seeking better schooling and job opportunities in the North. However, many of them were also the highly educated and skilled who sought better opportunities outside the South in which to pursue their professions.

This constituted a tremendous brain drain. It has now not only been stopped, it has been reversed. In the last decade, immigration into the South totaled about a half million people. Many of these have been persons with college degrees who have come to work in new industries in the South.

Thus, in terms of social and economic progress, it would appear that the remaining third of the Twentieth Century belongs to the South. Continued prosperity is virtually guaranteed. Our problem now is how best to manage this growth.

As the Wall Street Journal recently pointed out in a front page article on the South's economic growth:

"Dixie leaders worry less about achieving future economic developments than about controlling the region so that it will be livable for the 50 per cent larger population foreseen by the year 2000."

This in essence, states the purpose of this meeting. Rural redevelopment is the key to balanced growth—and quality living—in the years ahead.

Insofar as the South is concerned, we can learn from the mistakes of other parts of the country, especially some of the huge metropolitan areas which have become both unlivable and ungovernable.

This is the purpose of the Rural Development Act of 1972—which I have been pushing in the Senate for more than a year now, and in which I have been involved for longer than that.

This is landmark legislation. It will provide a strategy for survival of rural areas throughout the nation. It can truly be a Magna Carta for rural America.

A main thrust of the legislation is toward providing better economic opportunities. By that I mean more jobs. People abandon rural areas primarily because they cannot find work or are underemployed.

The legislation is ambitious, containing several titles to provide a comprehensive approach to the problem of rural revitalization. It was designed to accomplish two goals:

1. Credit that is needed to build and improve facilities and to finance commercial and industrial expansion in rural areas.

2. Grants and other investment incentives to complement this credit.

Reduced from its legislative technicalities, our bill is designed to provide the necessary financing and incentives to rebuild and revitalize rural areas in every way possible. This includes financing for business and industrial development . . . . for new payrolls and new jobs . . . . for better schools . . . . for medical centers and hospitals closer to the people . . . . for parks and recreation areas . . . . for improved transportation . . . . for day care facilities and desperately needed housing.

It would promote development of industrial parks . . . . water and sewer systems . . . . waste disposal plants . . . . community colleges . . . . rural slum clearance . . . . streets and highways . . . . police and fire protection . . . . more libraries . . . . and many more services that now are so sadly lacking in these areas.

I contend that rural redevelopment is not an optional program. It is no longer something we can simply just talk about. We have reached the point in our society—and especially here in our own rapidly growing region—that action is imperative.

Rural development legislation of one kind or another has been adopted before. But never has there been a program broad enough in scope and sufficiently designed to tackle the problem on a comprehensive basis.

We have been attempting to solve a growing national problem with halfway measures. The fact that hundreds of thousands of rural people are still jamming themselves into cities every year illustrates the fact that present programs are not good enough.

The fact that cities are plagued more than ever by congestion, crime, pollution, inadequate housing, and a multitude of other problems that defy description, indicates that what we have been doing is not nearly enough.

We are privileged to live in the most exciting period of American history. Nowhere is this more true than in the South.

From the depth of the depression of the 1930's our nation and our region have risen like a Phoenix.

Not content to merely promote progress here at home, this nation brought much of the world along with it—even former enemies at war—building the economies and enriching the lives of nations and millions of people all over the world.

But despite the growth, despite all the things we have produced to make the lives of our people easier, we have begun to perceive that this new society of ours is held together in many places with baling wire and library paste.

Our society today doesn't always work the way it was designed to. It is beginning to make some strange sounds. It is time for us to listen to those sounds, and take stock of where we have been and where we want to go.

With a deplorable absence of planning, we have built a society of cities. Still not satisfied with our creation, we started a ripple effect, building mile upon mile of look alike suburbs in a directionless search for something called "The Good Life."

In other words, fun city isn't fun anymore. A tortuous ride over roads we mistakenly call expressways, and a visit to the inner core of our cities, unveils desperate problems of unplanned growth that belie the peaceful chug of power mowers in the suburbs.

Since the conclusion of World War II, we have been on a national joy ride that has produced the greatest migration of human beings in the history of mankind.

Thirty million people have deserted small towns and the countryside, turning our cities into overloaded pressure cookers . . . unable to cope with the social and economic stew we just threw together.

We have shoved untold millions of people into cities because we failed to commit ourselves to the need for a balanced national growth.

Rural people couldn't find jobs, or they were woefully underemployed, so they left.

They lacked clean water to drink, or couldn't get sewer systems, telephone service, or natural gas. So they left.

Agricultural communities and small towns, struggling for existence, could no longer find places for their young people. So they left.

Rural decay set in. Institutions that hold communities together fell apart. Not only were no new jobs created, existing jobs began to disappear.

Now the migration is beginning to slow down. More than one-third of our people still remain in towns of less than 50,000. If we are going to do something to renew rural America, then we had better act quickly while we still have a base from which to work.

Many communities in the South, through inspired local government and effective regional planning commissions, are already hard at work. Some of them have literally succeeded in pulling themselves up by their own boot straps. But they need all the help they can get.

I don't propose a national policy of "back to the farm." I do advocate a sensible policy of balanced national growth to strengthen rural America, and take pressure off our cities.

In the thirteen years between 1961 and 1973, the federal government will have spent $160 billion to help metropolitan areas solve their problems. I do not deplore the expenditure of this money. But we must all admit that urban problems are worse today than when we started.

This should make it clear enough that we need new direction. Are we going to continue to pour billions and billions of dollars into cities in apparently futile pursuit of solutions to the urban crisis? Or are we going to broaden the battle and open up a new front by attacking the urban problem where most of it began in the first place?

In 1970, through an amendment to the National Farm Bill, which I introduced, Congress committed itself to a sound balance between rural and urban America. The Congress adopted a policy that this balance is so essential to the peace, prosperity, and welfare of all our citizens that it must be given the highest priority.

Now, in the years that lie ahead, we must keep that commitment.

Rural development is an idea whose time has come. I submit that never before has a nation had such an opportunity to raise the quality of life for all Americans, whether they live on the farm, in the small town, or in the big city.

In the final analysis, what we aim to accomplish is assurance that every citizen will have the right to live and work in comfort and economic security, wherever he pleases.

ALTERNATIVE STRATEGIES FOR THE 1980'S

Mr. GOLDWATER. Mr. President, a great student of strategy and foreign affairs whom I have known for years, Gen. Robert Richardson III, retired, prepared a paper in February for the Stanford Research Institute entitled "Alternative Strategies for the 1980's." General Richardson has been right more than most people I have followed in their delineations of world affairs. Therefore, I can recommend this paper to Senators who are interested in this general field. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

ALTERNATIVE STRATEGIES FOR THE 1980'S

(By R. Charlwood Richardson III)

Much has been said and written about national security. Experts in and out of uniform are legion. The range of disagreement among authorities of acceptable repute is so wide that one wonders whether there is even room for agreement on the definition of "National Security," let alone on the threat or on how best to deal with it.

Against this background a rational debate on alternative strategies is hard to stage. There are no common points of departure and no common base lines. This has been true for the past decade. It started with the introduction into the military requirements equation of other considerations than the threat and how best to cope with it. Some now disagree as to whether there is a communist threat to the U.S. in the first place. Others consider slowing down the arms race more important than assuring success in the event of war. To this we must add a webb of moral concerns, treaty prohibitions, and Hiroshima complexes to further perturb the decision process.

In the early 1960s the then new administration expressed complete agreement with NATO's well documented requirement for missiles with which to defend Europe in the event of war. They then denied these to SACEUR, not so much because they disagreed with the military need but because they did not consider that the effective defense of Europe in a possible war was more important than implementing arms control concepts or political deals.[1]

Some Congressional and Academic "experts" now claim we can cut defense spending by 25 billion dollars more and still have adequate security.[2] Others now view with alarm our growing inferiority vis-a-vis the U.S.S.R. and advocate increased spending merely to retain parity. Meanwhile, some on both sides of this argument disagree with one another as to whether the U.S. could, or could not effectively intervene to defend Israel from the posture they advocate! Nor can they agree on whether or not we should if we could.

To refresh the classic arguments for more or less defense spending would only add paper to the archives. A new approach to the problem of providing for our future security is needed. The solution cannot call for more money or bigger and better programs. It must not only deal with the question of how much is needed for defense, but also with the question of how the job will be done. It is now clear that we can no longer afford the strategies of the 1960s. We need to define and implement a new method of doing the "business." One that we can afford in this day and age, and that will still provide adequate protection from any foreseeable threats. This is what we must do. How do we do it?

Fortunately, the need for change has been recognized. The Nixon doctrine and its associated concept of realistic deterrence have opened the door to changes. The problem now is to walk through the door and take the right road in terms of both U.S. strategic and allied defense strategies. To do this requires that we first back off from the overall problem and review some fundamental building blocks. If we can agree on these, after suitable debate, we might then establish a sound foundation on which to build towards defensible and achievable strategies for the late 1970s or early 1980s.

It is now too late to do much for the 1970s. The lead time in conceptual change is about ten years. It's harder to change peoples ideas and ways of doing things than to change hardware. The most that can now be done for U.S. security in the 1970s—in terms of strategy—is to put patches and quick fixes on the more glaring errors of the 1960s. What we can and must do in the 1970s is to define, enunciate, and initiate movement towards the ultimate solution. . . . always providing we can agree on one.

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[1] Withdrawal of U.S. IRBM's following the Cuban Missile crises.

[2] Seymour Melman, University of Chicago, 3 December 1971.

The purpose of this paper is to surface in clear, if somewhat over simplified, form the situation we are faced with in the national security area, and discuss some of the fundamental issues that need to be decided as a prerequisite to selecting a strategy. We will suggest a solution based on our conclusions with respect to the issues discussed. But this is only a straw man.

THE PROBLEM IN BRIEF

Before we can discuss defense buidling blocks, let alone come up with a strategy we need to agree on what the problem is. Let's first define it.

The response of the United States, politically, economically, and militarily to the international order of protracted conflict that emerged after World War II, was based on a broad concept of "containment." Containment rested on three major propositions:

(a) U.S. strategic nucelar superiority—to deter attack on the U.S. proper, and to back up overseas defense postures.

(b) Multilateral military alliances—to protect our allies, and to deal with local acts of aggression locally and,

(c) Foreign military and economic assistance programs to provide our allies the initial means for their defense while eventually reducing their dependence on U.S. forces and arms.

The zenith of the "containment concept" was probably reached in the mid 1950s with the signing of the Baghdad Pact and the creation of the Middle East Treaty Organization (CENTO). An agreed strategy for containing Russia had evolved. It ringed the Sino-Soviet Bloc with a contiguous series of multilateral security alliances, bilateral security pacts, and U.S. and allied tactical air and naval bases. These were backed up by an unprecedented strategic atomic capability retained under unilateral U.S. control. The only signatory to *all* of these postwar international security arrangements was the United States.

The erosion in the concept of containment by multilateral alliances and U.S. strategic superiority started in the mid-1950s.

The advent of a direct Soviet strategic missile threat to the U.S. reduced both the U.S. "will" to use—and the allied confidence in—our strategic nuclear forces. In the early and mid 1960s frantic U.S. efforts to decrease reliance on these capabilities by "selling" our allies on "pause," limited war, flexible response, prior consultation, and other similar concepts aggravated and confirmed these trends. Finally the unilateral rejection of a strategic counter force posture—the only meaningful strategic deterrent to limited aggression—and the increasing acceptance of the parity concept completed the decoupling of the old sword and shield. By the mid-1960s military planners recognized that the defense of overseas areas, and allied countries, against local acts of aggression would no longer count upon U.S. strategic nuclear capabilities. We knew this, our allies knew it, and the Soviet knew it, regardless of pious statements or paper undertakings to the contrary. The same was probably the case for Russia's allies. England, France, and China saw this coming and built their own strategic forces. Others no doubt would have if they could have, economically or politically. Some may yet.

The decline in the capability of U.S. strategic forces to contribute to deterrence of acts of aggression other than against the U.S. homeland had a profound impact on overseas force requirements, allied security policies, and foreign aid.

Even before any real questions arose about the U.S. "will" to use its strategic might on behalf of its allies, the minimum forces required to prevent the overrunning and capture of NATO territories in Europe—pending the outcome of the U.S. strategic effort—could not be provided by combined U.S., allied, and aid efforts.[3] This was serious enough to lead NATO to accept a tactical nuclear strategy[4] but not serious enough to challenge the defense purpose of the alliance per se so long as the shortfalls in local force levels remained offset by the real, or imagined, U.S. strategic nuclear umbrella.

By the mid-1960s the usefulness of the "umbrella" to allied security had all but disappeared. Meanwhile the prospect of substituting effective tactical nuclear forces—U.S. or national—declined in the 60s partly due to anti-nuclear Hiroshima complex attitudes and partly to anti-Nth country arms control policies which culminated in the anti-proliferation treaty and test ban agreements.

In the 1960s alliance security became increasingly dependent on theater force levels and these, in turn, were made more and more dependent on conventional forces by anti-nuclear attitudes. The prospects of developing viable strategies for the defense of forward areas, even within these constraints, was further reduced by two other factors.

First, there was a steady increase in cost of weapon systems and military manpower—the "means" to wage war. This made it more and more difficult, if not impossible, to raise the force levels (mass) required for a credible conventional defense.

Second, there was a decline in the U.S. ability or inclination, to provide more military aid. While major allies no longer needed this aid to maintain established force levels, many others—ranging from Greece and Turkey to SEA—were never able to acquire sufficient wealth or industry to take over the upkeep of the forces we originally equipped, for them, let alone any increase in these.

As a result of these developments the U.S. is now faced with the problem of defining, and implementing, a viable strategy for the defense of allies, and allied areas, out of the old essentially bankrupt and over-extended alliance strategy of containment by conventional flexible response. The problem is aggravated by a growing technological and manpower cost squeeze, and by the loss—or near loss—of U.S. strategic superiority which in the past covered up, at least psychologically, for local inferiority.

I have not referred, so far, to the war in Vietnam as being a factor of consequence in our present strategic dilemma. It changed little or nothing in the fundamentals of the overall U.S. security picture. Vietnam only confirmed the fact that tactical nuclear, let alone strategic nuclear, forces would not be used by the U.S. on behalf of most allies. It also raised serious doubts as to the likely future use of conventional U.S. forces overseas in many areas.

Vietnam aggravated the impact of the cost squeeze, thereby expediting conventional U.S. force reductions elsewhere confirmed the political and human resource unsoundness of attempting to fight "controlled wars"; and expedited the advent of U.S. strategic inferiority by drawing resources away from force modernization in the 1960s. To the theoretician, Vietnam was a test tube in which fallacious concepts were demonstrated, and inevitable trends expedited. It produced costly but useful lessons and moral problems but made little or no contribution to the development of defense strategy.

RECOGNITION OF THE NEED FOR CHANGE

The problems outlined above were perceived by many, in and out of the present administration, even before President Nixon took office in 1968. How to deal with them was another matter.

The Republican Policy papers, in "A Choice for America" July 1968, recognized most of the above trends as well as the technology cost squeeze problem. No one needed to prove we were in the wrong war, with the wrong strategy, in Vietnam. The question was how to disengage gracefully, and as we have seen the disengagement is a most difficult maneuver in war as in love.

The threat to U.S. technological and strategic superiority was voiced by military leaders as early as 1962. By 1966 reports began appearing expressing alarm.[5] In 1970 Mr. Nixon himself expressed concern.[7] In September 1970 a prestigious committee of non-government leaders headed by Mr. Lewis F. Powell, now a justice on the U.S. Supreme Court, rendered a report to the President on the Strategic Balance of Military Power.[8] In the spring of 1971 some of the implications of this shift were becoming apparent to students of international trends and were reported in the FPRI Study on "Soviet Military Trends, Implications for U.S. Security." Most recently the Budget Message indicated concern.

The problem was, and is still, not an easy one. More money for defense, while possibly essential for certain quick fixes, is not the long term answer. The U.S. must define a strategy and defense policy that can be implemented at a reasonable cost considering both the rise in cost of men and machines, and the increasing commitments to—let alone demands of—the domestic sector. This means that the solution must at minimum:

(a) Emphasize force and weapon "quality"—hence the products of technology—to reduce "quantity," and

(b) Spread the burden—both the job and its costs—among all that benefit from it—our allies.

Both these prerequisites call for major change in past U.S. policies and concepts. The former can only mean ultimate abandonment of conventional capabilities, and multiple options—so-called flexibility—for reasons of cost/quantity if no other. The latter means that the U.S. must cease to unilaterally try to defend all the free world along with dictating the security policies weapon systems, and defense postures of its allies. It will also affect trends in U.S. aid if the new Nixon doctrine is to be effectively implemented.

THE NIXON DOCTRINE AND STRATEGIC CHANGE

The Nixon doctrine is a sound first step towards a solution. It recognizes the second need above and starts the move towards greater reliance on allied capabilities for allied defenses.

The concept of Realistic Deterrence is, as I understand it, the initial effort to translate the Nixon doctrine into a new U.S. defense strategy and posture. It also recognizes the need to move the U.S. out of the position of being solely responsble for free world defenses, and to move towards less of a bipolar power situation in both strategic and alliance arenas.

The stage is now set for the necessary strategic changes in terms of major policy decisions. The door has been opened by the

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[3] Lisbon goals versus Temporary Council Committee Findings 1952/53.

[4] 1956 NATO political directive Strategic Concept mc 14/2.

[5] American Security Council for the Armed Services Com. on the "Shifting Balance."

[7] New York Times, 10 March, 1971.

[8] Blue Ribbon Panel Supplemental Statement.

Nixon doctrine and Laird posture statement of 1971. The details of the new roads to follow remain to be defined. Within the guidelines now provided there are alternative strategies that can be pursued—both in nature and extent. This is what this discussion is all about.

The one alternative no longer open to the U.S. is: "more of the same." Now that the Nixon doctrine has recognized the need for change, and pointed in at least one direction—greater allied self-sufficiency and less U.S. responsibility for the security of others—we can seriously examine alternative ways and means of achieving these goals. We can also propose other steps and decisions that will be required to implement or complement them.

THREE FUNDAMENTAL QUESTIONS

In addition to cutting costs by trading advanced performance (quality) for mass (quantity); and to sharing the burdens and responsibilities of Free World security with our allies there are 3 other basic decisions that need to be made before we design any new strategy. Without prior agreement on these three questions there can be no consensus on any overall proposals.

(1) On Allied Nuclear and Space Capabilities:

First, is the future U.S. attitude towards allied acquisition, and use of, advanced weapons and space systems.

The U.S. no longer enjoys a monopoly of nuclear weapons or space systems among Free World nations. England has had its own nuclear capacity for many years. France has built stratetgic nuclear weapons and has initiated a program for tactical nuclear weapons development. China joined the nuclear club several years ago and is rapidly expanding her arsenal. Many other countries are studying the problem and some will certainly follow in the steps of France, China, and England notwithstanding the anti-proliferation treaty if this turns out to be a prerequisite to their security. The development of space systems, first for peaceful uses and later, if necessary, for military purposes will follow the same pattern. To deny this is wishful thinking for restraint by treaty will remain valid only so long as the nation concerned has a choice of other acceptible means to insure its independent survival.

When the U.S. is no longer willing or able to underwrite an allied nation's defense, and when the minimum classic conventional systems required for this are either beyond that nations reach, cost-wise, or else clearly ineffective against the obvious threats to it, then its choice becomes surrender or modernize with weapon system it can afford and that are credible. Given this choice it is hard to believe that those who could—such as Japan, India, Israel, Germany, etc.—would sacrifice their security, and possibly the freedom of their people, in order to honor a nonproliferation or peaceful use of space, treaty signed by some under duress. This is an important consideration in our choice of future U.S. strategies. Those that reduce the U.S. commitment to defend its allies, coupled with the technological cost squeeze phenomena, could set up just such a choice for several countries by the mid 1970's.

The U.S. has only two choices: We can continue to resist allied atomic and space aspirations and refuse to assist them even when and where the nation has demonstrated a capability, as we have done with the French. The goal here would seem to be to delay the realization of a valid operational deterrent forces by others. The cost of this goal would seem to include the loss of allied solidarity; the weakening of our alliances; wasteful unnecessary, allied nuclear expenditures at the expense of their other contributions; and the development of unilateral strategic deterrents neither deployed, employed, or built-in consonance with a common plan for Free World defense. France is a perfect example of this.

Our other choice would be to accept each "fair accompli" when it occurs and seek by providing, from that point on, assistance in delivery vehicles, warhead development, and technical know-how, to reap maximum economic and military benefit from any capabilities that emerge. The truth is that the U.S. can no longer afford the luxury of paying vast sums in the pursuit of questionable arms control theories and concepts which is what we have been doing until now.

Active assistance to other nuclear powers seems desirable if we really wish to see the Nixon doctrine and realistic deterrence fully implemented. Our strategy for the 1980's should seek to channel any and all new allied nuclear and space capabilities into coordinated but independent defense efforts. Only by doing this can we:

(a) Insure some stability in an Nth country environment through regional coordination and the sharing of safety and technical experience.

(b) Exploit the new and inevitable allied nuclear or space capabilities to free the U.S. from foreign defense commitments.

(c) Minimize the waste and duplication that can only result from unaided Nth country programs in advanced weapons.

Much has been written on the implications of atomic proliferation and the arguments need not be repeated here. The point of concern now is to provide logically for this inevitable trend when and where it develops, and for whatever reasons, rather than to continue to fight the inevitable to the detriment of our own independence and capabilities.

(2) On the Need for a Strategic Mix:

Second, is the importance of diversified and secure strategic weapon systems. This is a fundamental consideration in the selection of a U.S. strategy for the 1980's, due to the high risk of technological breakthroughs, that can obsolete a supposedly invulnerable system almost overnight, versus the long lead times (10 to 15 years) required to develop and field any alternative or substitute system.

It is also a matter of concern that the importance of both redundancy and survivability be recognized. There is a simplistic view that economy and security could be both served by putting all the U.S. strategic eggs in one basket at sea. It is also claimed this would draw fire away from U.S. cities in the event of war.

Any argument to limit U.S. strategic forces to submarine or sea-based systems must be examined within one of the following three possibilities.

(a) The U.S. policy of deterrence of major war is successful.

If this occurs there is no war and the question of location of the deterrent force versus collateral damage is not pertinent.

(b) Deterrence fails, a war ensues, and the Soviets attack the U.S. military forces (missiles) and the major U.S. industrial and political centers simultaneously.

In this case any collateral damage prevented by at sea deployment of all strategic systems would be insignificant compared to the losses which would result from the direct and premeditated attack of the U.S. industrial capability and other important targets of military significance co-located with population centers.

(c) Deterrence fails, a war ensues, but the Soviets attack only U.S. strategic forces, all of which are deployed outside the U.S. at sea.

This is the only scenario that could conceivably validate the argument for deploying these systems at sea, and then only if one can rationalize such a Soviet strategy. Let us examine this.

LIKELIHOOD OF AN ATTACK LIMITED TO SYSTEMS AT SEA ONLY

The U.S. strategic forces are designed to respond to a Soviet attack by retaliating against the U.S.S.R. The rejection of counter force and adoption of a counter value strategy and capability in the mid 1960's precludes any other use by target. Unless the U.S.S.R. deployed all its forces at sea, and the U.S. adopted a counter force strategy alone, it is hard to visualize a situation where the Soviet would be willing to leave the U.S. undamaged while accepting retaliation against the U.S.S.R. proper.

A Soviet attack on our strategic force at sea alone, could only occur if the Soviet had absolute confidence the attack would prevent any U.S. retaliation; or if it could be assumed that we would surrender rather than retaliate with what we had left and suffer the consequences of a subsequent nuclear attack on the U.S.

The first possibility, total destruction of our retaliatory forces by surprise attack, goes contrary to all efforts to achieve warning and survivability. It assumes every unit at sea as vulnerable to sudden surprise attack thus contradicting the main argument for sea-basing in the first place.

The second possibility acecpts defeat as the inevitable outcome of any Soviet first strike no mater where our forces are. If this idea were agreed, preventive war would be the only counter to an enemy with known agressive intentions.

In actual war, therefore, it must be assumed that deployment of strategic forces at sea would protect the U.S. from damage of consequence only if we admit complete vulnerability to a Soviet first strike, or the willingness to surrender before retaliating. Both assumptions are preposterous. One can hardly envision the Soviet Union accepting an attack by U.S. forces without responding against the U.S. Therefore, we must conclude that, if we fight at all, the U.S. will be hit one way or another and the fact that our main effort is at sea won't reduce the damage to the U.S.

ON CREDIBILITY OF A SEA BASED DETERRENT

What about the relative deterrent value of depoying forces at sea versus both at sea and on land. I suggest that deployment of all strategic retaliatory forces at sea would greatly reduce the credibility or our deterrent.

Obviously, the Soviets know that the U.S. would respond with an all-out attack against the U.S.S.R. if they were to attack U.S. population centers and industry. The same is equally true if the Soviets were to attack missile sites within the continental U.S. On the other hand, an attack directed solely against missile and systems outside the U.S.—with no concurrent attack on the continental U.S.—could seriously raise a question of doubt as to whether or not we would respond against the Soviet Union and thereby invite subsequent attack of the U.S. The decision to initiate massive destruction within both the U.S. and USSR following an attack of missiles at sea would then become ours and ours alone.

While at first glance one would be inclined to say that we would automatically respond to an attack against our strategic systems no matter where they were based, on second thought this might not necessarily be the case. Would we really attack targets in the USSR, if the Soviets subjected our submarine fleet to "slow attrition;" if the Soviets hunted down our submarines on a day-to-day basis? Is massive retaliation the answer to the loss of a few submarines? Or would we engage in a limited naval war in which we would risk and lose all elements of our primary strategic retaliatory forces while the most the USSR risked were some ASW units? Clearly, such a trade (hence war) would be highly advantageous to the U.S.S.R. It is . . . what could occur if we place undue reliance on submarines for national survival.

(3) On Counter Force vs. Counter Value Targeting:

Third, we need to make a conscious decision to pursue a counter force capability to the extent that funds and technology will permit. This is a fundamental building block in any decision on strategy. It is also an area of much misunderstanding and even more information. At the very least we should neither announce, nor take steps that suggest, that we do not have the option of striking any and all types of targets.

Opponents of counterforce targeting are motivated by arms control considerations. They consider a counter force posture to be provocative, and since inherently most do not believe war will, or could, occur they have no interest in either the deterrent or war waging merits of either concept.

To many people, it seems impossible that one side could win a thermonuclear war, given the power and destructiveness of modern weapons. Certainly there could be situations in which neither side won. There could however, be situations where one side emerged with a clear-cut victory (e.g.), if its residual military capabilities far surpassed that of its opponents, while damage at home was limited by an effective counterforce and ABM combination.

Victory in general war is achieved when the enemy's military forces have been destroyed and there remain adequate friendly military, political and economic capabilities to permit the victors to control the international situation. To build such a war-winning capability, a nation must adhere to a military strategy aimed at destroying the enemy's military forces rather than his country or population. That is what is meant by "counterforce" or "counter-military" strategy—using military forces to selectively and decisively destroy enemy military forces that could otherwise destroy you.

COUNTERFORCE IS TRADITIONAL

In broad historical terms, there is nothing new in a counterforce concept. As a matter of fact, it was a traditional military concept until the 20th century. The two World Wars, however, added a new ingredient essential to victory—the destruction of the enemy's war-making capabilities.

The military technology of that time was such that the decisive phase of war came after two to three years of hostilities, when the production lines began to turn out weapons and equipment for use by massive ground armies. Because of the central importance of war production, certain pivotal industries, e.g., fuel and transportation centers, had to be attacked. Destruction of these facilities destroyed the capability of armies. Even this was a form of counter force.

Nuclear weapons and aerospace forces have erased the validity of mobilization concepts in general war. These two instruments of war, joined together, have forced the decision point of war to come at the beginning of hostilities. Consequently, the required war-winning capability must be extracted from the industrial base prior to the initiation of hostilities. The decisive force thus created must concentrate on immediately destroying the fundamental military strengths of the enemy.

The most essential element to be destroyed is the enemy's nuclear delivery systems. Once the enemy's nuclear forces have been defeated access is gained to all other military forces. With this access, the capability to destroy the enemy's remaining forces and otherwise exert pressure on him becomes self-evident and leads to his surrender.

In modern warfare there is no longer any requirement to destroy enemy cities nor is there a need to destroy industries which make no vital contribution after war begins. Under such conditions, striking cities with nuclear weapons would signal an irresponsible act of desparation and revenge, calculated to bring about the spiteful destruction of civilizations rather than military victory. Is this really the U.S. desire?

To implement a counterforce strategy demands a well-integrated national military structure. It requires, first of all, strategic offensive forces to destroy enemy strategic strike forces at their source. Next, strategic defensive forces in depth are needed to destroy enemy strategic weapons inflight, as far from the United States as possible, but as close-in as necessary. Thirdly, we need military forces to conduct a holding action to prevent the overrun of friendly territory. And, finally, there must be accurate information on the status and location of the enemy's residual forces which must be destroyed. With these ingredients, the United States will be able to use its military power with discretion in general war just as it plans to do in limited wars.

The feasibility of a counterforce strategy today varies with the conditions prevailing at the time U.S. forces are launched.

If our forces are launched after a surprise attack by the U.S.S.R., their capabilities to carry out counterforce tasks will be handicapped but not eliminated. At the minimum, those forces on airborne alert, or at sea, will be able to strike enemy targets, and U.S. air defense aircraft and ABM's could degrade seriously the attacking forces.

On the other hand, if U.S. forces are launched in response to an all-out attack on our major allies or on certain knowledge of an impending attack on the United States, a good counter-military capability would insure U.S. victory.

Regardless of the conditions under which hostilities may begin, a counterforce strategy, more than any other, will minimize the enemy's ability to inflict damage on the United States. This should be a prime goal of any U.S. strategy.

Critics of counterforce argue that since implementation of a counterforce strategy requires destroying all enemy strategic capabilities early in the war, it is not an acceptable strategy when the United States responds to a Soviet attack. In such a situation, they contend, the United States would not know which targets to strike and it would not be militarily sound to hit all missile sites after some missiles have been fired.

Critics also point out a valid counter force capability would be too costly to achieve in the present economic environment. This is true, but much of the deterrent benefits of counterforce can be had by keeping our targeting options open, pursuing pertinent developments, and leaving the Soviets in doubt as to actual capabilities.

These difficulties notwithstanding, sound logic demands that the United States strike all enemy missile sites. Unless its military forces plan to go after these targets, the United States cannot launch a strategic blow against the Sino-Soviet bloc to come to the aid of an ally. It cannot strike because it cannot hope to win. Even in a situation where the United States responds to a Soviet attack, the United States must hit missile sites.

Another argument often raised against striking missile sites is basically an economic one. It is said it is too "costly" to hit missile sites after some of the missile may have been launched. This argument, however, does not consider the correct costs. The costs to consider are those of not striking missile sites which house missiles that could be used to defeat the United States. In other words, in terms of U.S. survival potential, it is much more costly *not* to strike all known missile sites.

Moreover, if the Soviets attack the United States, not all their missiles will be launched on the initial strike. Intent on winning the war while minimizing damage to the U.S.S.R., they will have to concentrate initially on military targets. They will retain a sizeable residual force after the initial attack to continue to threaten U.S. industrial and urban areas; to strike additional lower priority targets or high priority targets attacked but not destroyed in the initial attack; to retain a reserve to meet other possible threats from third parties; and to negotiate with or to blackmail. These missiles will be at their launch sites when the United States strikes back. In addition, because of malfunctions, unready missiles, failures in command and control, and reloading of certain missile sites, still additional missiles will be in place.

All these factors might result in as high as 25–30%, or more, of the missiles being on site when the United States strikes back. The United States must have the means to destroy these targets.

Deterrence is man-made, a situation the United States has created in the past by maintaining superior military forces in-being. If the United States does not maintain credible war fighting forces, the Sino-Soviet bloc will realize that, by threatening to raise the level of any limited military conflict to a higher scale, it can bend the United States and the Free World to its will. For these reasons, a counterforce capability is a fundamental precept of any effective national policy of deterrence.

Under the Nixon doctrine, and with our current or prospective loss of strategic superiority, counterforce capabilities are even more important than in the past. As we withdraw from forward areas the possible intervention with our strategic umbrella is a risk to the U.S.S.R., hence, a deterrent, *only* if, given the initiative in such a situation, the U.S. could conceivably blunt an effective Soviet response. The assumed U.S. initiative would in this case offset quantitative force inferiority thus making our lesser force again a valid deterrent to limited aggression.

SOME ALTERNATIVE STRATEGIES FOR CONSIDERATION

Any new strategy to be acceptable must take into account the shift in strategic power that has now, or will soon occur; the U.S. economic and budget situation with its heavy commitment to domestic spending; the likely emergence of more atomic powers; and the demise of the old strategic concept that relied on the ability and will of the U.S. to retaliate with strategic forces, if necessary, in response to major acts of aggression other than against the continental U.S. The solution must also allow for an evolutionary transfer from the present.

There are essentially four strategic variants, or options, to defend the free world from major acts of aggression. Of these, the first and concurrent one: "U.S. strategic support of integrated forward defenses" can no longer be sustained cost or credibility wise. This leaves the following three to choose from:

1. A Supranational Strategic Capability supporting national and/or alliance forward defense forces. This would require that we provide some Free World body, or the U.N., a strategic nuclear capability with which to, at minimum, protect non-nuclear nations from nuclear attack or blackmail. This is a far fetched concept but theoretically it is an option that would free the U.S. from the task of providing the strategic umbrella for others.

2. The establishment of Regional Strategic nuclear capabilities each supporting its own regional forward defense forces, which could be national, allied, or both. The end result would be a multi-polar situation. It could work out to two strategic forces on the communist side . . . Russia and China . . . and three or more on the Free World Side . . . the U.S., European, and some Far East grouping as yet undefined.

3. The abandonment of the defense problem to independent national solutions. Under this formula the U.S. withdraws from

forward commitments in varying degrees leaving it to each nation, with or without U.S. help, to work out their own long term security problems. This might be called a: "suave qui peu" approach that leaves it up to each country to proliferate, accommodate or "hold the faith" in uncertain U.S. support in an hour of peril.

On the surface our choice would seem to lie between the last two options. The last solution is no doubt what will emerge as our basic strategy if we make no positive effort to change the trend in events. The Nixon doctrine ordains reduced involvement in the defense of forward areas but as yet does not indicate what, if anything, we suggest be substituted for the U.S. strategic umbrella and/or major U.S. bases and forces overseas that either provided an alternative to, or insured its use—depending on your point of view.

Any one of the three options will meet our principal requirements. They also appear to fall within the guidelines of the Nixon doctrine and realistic deterrence in that they will reduce our responsibility for the defense of others and our force deployments overseas. In simple terms they all put the "strategic monkey" on someone else's back, though in varying degrees. Before making a choice we might briefly look at some of the pros and cons of the alternatives.

ON THE SUPRANATIONAL FORCE APPROACH

This concept would be a Free World variant of the old NATO multinational or multilateral force that was advocated in the early 1960s. To cover the Nixon doctrine requirements it would have to be Free World wide in its commitment. It would have to have some form of supranational decision mechanism, its own forces and weapons that could not be unilaterally withdrawn by one or more nations, and sufficient capabilities to be credible. Eventually it could become the custodian of all advanced weapons, and possibly the forerunner of a U.N. worldwide police force.

The idea has been advanced from time to time. It has never been seriously studied since on initial analysis it seems unlikely that any nation would agree to surrender control over any of their strategic capabilities to a supranational authority. The Command and Control problem would be tremendous not to mention U.S. national atomic law issues.

The concept has merit as a long range goal if one believes that the future safety of the world depends on increasing collaboration in defense matters as a step towards; first an atlantic community, then a Free World community, and ultimately a U.N. police force. It would be favored by those who consider that any alternative is better than to permit the emergence of independent national or even regional, nuclear forces—which will occur as nations realize that the U.S. and U.S.S.R. cannot forever remain the custodians of all advanced weaponry. The concept had better chances of acceptance in the late 1940s than today.

Most nations have always resented the unilateral control enjoyed by the U.S. and U.S.S.R. over the world's principal strategic forces. The British, French, Chinese and others have from time to time indicated that they wanted some say in the employment, deployment, and use of these capabilities. The MLF[8] idea was an effort to meet this desire in NATO. The argument is that since world war could result from any use of these forces other nations could be affected as well as the powers concerned. The fact that the U.S., and no doubt on its side the U.S.S.R., has always resisted any efforts to diversify control over these forces was the major factor in the development of other national nuclear capabilities where this has occurred. It can be argued therefore that were the U.S. to surrender control of any of its strategic capabilities, even nominally, to a supranational or allied group, allied solidarity and relationships would improve.

Purely from a military effectiveness point of view, the establishment of an International Strategic Force, which would group all resources for strategic war, is sound. It would place strategic targeting, as well as operational control of the strategic forces of all services and free nations under one commander and in one staff. It would, therefore, maximize coordination, dispersed possibilities, and operational effectiveness and minimize duplication and waste, particularly in targeting, and in the development of weapon systems. Others would share in the cost.

From a psychological and public relations point of view the pooling of Free World strategic resources under some form of supranational control could be a popular move. On the other hand, it could well be construed as reducing the security of uncommitted nations not included in the initial grouping. These would not have a say in the use of the strategic effort of either side.

The principal advantage of the establishment of overall Allied Strategic Force would seem to be the long term impact this could have on the so-called Nth Country problem. Obviously, such a force could not be established unless all major Free World nuclear countries agreed to pool sufficient strategic resources. This would mean, for practical purposes, the elimination of the so-called Nth Country prospect, and the establishment of maximum stability over the use of nuclear forces. It would also perpetuate the bipolar power situation unless, and until it became worldwide.

The principal U.S. *national* objective is to deter wars, both general and limited. (The U.S. military objective must be to defend the U.S. if deterrence fails.) The placing of our strategic forces under collective political control would weaken the free world's ability to both deter and wage war since it would dilute the decision mechanism.

If ever the Russians entertain a plan for a limited act of aggression, they have to consider the response the U.S. is likely to make. While they may feel that we would not respond with our strategic atomic forces to—say—an attack in Europe or against Israel, they must remember that they also felt we would not respond in Korea, in Greece, and in Lebanon. Based on these experiences, they must think that even though it may seem illogical, our immediate response to any soviet act of aggression is within the powers of one individual, the President, and this individual could well decide that the time had come to honor our commitments to our allies and order the strategic effort to retaliate, but only *provided* we had a counterforce capability which given the initiative could reduce the inevitable soviet response to acceptable limits.

On the other hand, should the strategic forces be under multinational control, the Soviets could be reasonably certain that their use in response to many limited acts of aggression would only take place after extensive consultation. Under these conditions they could logically assume that those nations not directly threatened by the limited act of aggression would actively oppose the use of the strategic means. The resulting debates and delays would open the question of use, or non-use, to the public. Under these circumstances, there would be little or no risk from the Soviet point of view of sudden and quick act of retaliation which would give the allied strategic effort the advantages of a preemptive strike on the Soviet nuclear forces.

It seems quite clear, therefore, that were the U.S. to surrender unilateral U.S. control, over the use of its strategic forces to multinational direction, we would greatly weaken their deterrent to limited aggression even with a counterforce posture.

The establishment of a supranational strategic capability would probably lead to unduly weakening the local defense forces in all areas. This would result from the fact that many countries maintain their own defense forces at a high level due to the realization that the probability of the U.S. using its strategic forces on their behalf would vary with the size and intensity of the act of aggression. This being true, a certain level of local force is required to trigger the U.S. effort.

If all nations participated in the direction of the Free World strategic capability, many would quickly rationalize that they could risk to reduce their local forces to roughly the equivalent of the lowest common denominator level, since in the last analysis they would have a say in whether or not the strategic forces were committed in their defense. As such, they would not have to hedge against this possibility by providing more local force than they desire to fund and support for economic and political reasons. This would lead, in effect, to the adoption of a collective massive retaliation strategy and to reductions in local defense forces to an unsafe level with undue reliance on strategic nuclear retaliation for even minor acts of aggression.

But the decisive argument against moving towards an international strategic capability is the resulting loss of unilateral U.S. control over forces which we require to insure our basic survival.

It seems highly unlikely that the U.S. Government, or the Congress, would agree to surrendering its authority over these forces in time of peace. Therefore, even if one could make a theoretical case for this concept as being a valid solution to future Free World defense problems, it does not appear to be a practical solution.

ON A REGIONAL DETERRENCE APPROACH

The concept of regional deterrence continues the formerly successful "Sworn and Shield" relationship, but accepts the gradual evolution of the strategic retaliatory "sword" element from a solely U.S. effort into a hopefully coordinated but, separately controlled allied effort. Each new strategic deterrent force would be committed to, and related with, its own shield effort in the same manner as is now the U.S. effort vis-a-vis NATO.

The development of more than one strategic "Sword" within the Free World has many advantages:

(a) It is a logical follow-on, as other nations acquire a nuclear capability of their own, to the sound security policies adopted by the U.S. in the past.

(b) It solves the credibility problem for most nations by, in effect, giving those directly threatened a finger on the strategic trigger.

(c) It precludes any need to attempt to match each level of local threat with an equivalent local, or U.S. mobile, capability at the expense of the U.S. general war and space efforts, or at great additional cost.

(d) It allows the local forces to be maintained at a "minimum" essential strength to insure that any aggression warrants strategic retaliation by those regional entities under attack.—(cost factor)

(c) It greatly increases deterrence of a Soviet surprise attack as a result of diversifying the political decision mechanisms controlling retaliation and the same time deployed the Free World's retaliatory forces on a global basis.

(f) It will improve the survivability of free world strategic deterrent forces by exploiting land areas outside the Western Hemisphere for many elements.

(g) It can be initially implemented without unduly liberalizing U.S. atomic energy laws, since the additional forces could be built around U.S. boosters but with French and U.K. warheads.

(h) Regional deterrence would probably be acceptable as a Free World security policy to both the French and British would help them develop their nuclear production facilities.

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[8] Multilateral Force proposed at Nassau in 1962.

(f) It will improve the survivability of free and increased prestige, to those allies who participated such as Italy, Canada, Australia, Japan, etc. It would reduce their incentives to build national nuclear forces.

(j) Finally, it in effect would implement the Nixon doctrine in the strategic arena, and allow major reductions in U.S. defense commitments to, and involvement with, allies.

There is also the importance of responsible, powerful, independent, third power centers to offsetting the U.S. loss of superiority in the current essentially bipolar world. So long as the members that count in the nuclear balance are limited to two, any unbalance can be readily assessed and invites its exploitation by the stronger. With multiple capabilities under separate control classic realignment can preserve balance and deterrence. A world-wide aggression then has to take on all comers, or figure out how to deal later with powerful non-participants. Even dogs know better than to fight before a third one waiting to pounce on the wounded victor!

As other nations acquire a capability to produce nuclear weapons, we can expect that these weapons will be channelled initially into strategic systems, as we ourselves did. The fact that France and England now have this capability suggests that these new national forces could be integrated on some basis other than within a NATO that was designed for shield force control only.

Now that two other Free World nations possess sources of atomic production, with others soon to follow, the United States no longer has to face the problem of surrendering its warheads, as a prerequisite to adoption of a Free World security concept which accepts the fact that our nations can unilaterally decide to launch strategic nuclear strikes at the U.S.S.R. proper.

Specifically, today and under present strategic deployment plans, the obliteration of the United States proper by a surprise Soviet attack would eliminate almost all of the Free World's strategic retaliatory capability, with the possible exception of the submarine forces which, even when fully deployed, account for only a small percent of the total megatons in the strategic inventory. On the other hand, if hardened ICBMs, were deployed in Europe, European island possessions, Australia, New Zealand, and perhaps elsewhere—in the Pacific, not as part of the U.S. effort but as elements of regional defense forces—the Soviets would have to attack simultaneously many dispersed areas of the world to deal decisively with the Free World's retaliatory punch.

Even if it could be argued that the individual regional strategic capabilities would not individually match the Soviet capability, it seems quite obvious that the U.S.S.R. could not risk an exchange with any one group of strategic powers while the others remained untouched on the sidelines free to combine and exploit the results.

Considering the cost of Minuteman boosters, now that their R&D is retired and that the initial U.S. strategic requirements are met, the capital investment in missiles and hardened sites required for a Minuteman Squadron does not exceed by much—if at all—that required for a modern jet fighter squadron, not counting the fighter base. Maintenance and operation costs, once the ICBM squadrons are in place, are negligible in comparison with those of a bomber force. Manpower requirements are also very small by comparison. Allies can therefore afford to purchase the necessary delivery systems from the U.S. if we encouraged them to do so.

The fact that the regions of many are all close to Soviet target systems will allow the use of very large high-yield warheads suitable for counterforce targeting. By coordinating the targeting employed in a simultaneous Free World strategic retaliation effort, a fully effective pre-emptive counterforce punch should be easily realized. Likewise, the effectiveness of a second strike counterforce capability would be:

a. Assured if the initial attack was limited to only one of the several strategic powers and

b. Much improved by virtue of the global deployment of the forces, if the Soviet could ever rationalize and mount a simultaneous attack against the entire Free World effort.

By creating regional strategic capabilities within the zones of influence of the United States, United Kingdom, and France, we would be building these around the three existing or potential sources of nuclear weapons production. This means that the principal U.S. contribution could be limited to delivery vehicle development and production assistance. The knotty problem of surrendering control of atomic warheads to our allies need not arise initially except possibly in the Far East. Even here U.K. warheads to Australia and New Zealand could provide the backbone capability. Assistance along technical lines to produce allies might prove essential.

If we could group the various swords under regional direction—e.g., Western Europe—an Australian led F.E. alliance—etc.—other Free World countries could associate themselves in due course with a regional entity whose geographical interests were equally jeopardized. Since in this area a threat against one is credible as a threat against all, response would be assured.

On the "Go it Alone" National Approach:

Unless the U.S. supports the inevitable trend towards the acquisition of strategic and tactical nuclear defense capabilities by providing these in either a U.S. or Regional context it seems likely that national capabilities will emerge in due course. This will tend to destroy the solidarity of such alliances as are still viable.

I suggest that proliferation will occur regardless of the anti-proliferation treaty. When nations are faced with a choice between providing their people and territories with no valid defenses, or abrogating the treaty most will rationalize a reason to take the latter step. Proliferation will occur gradually except at first. When the next tier of nuclear nations emerges into daylight, the process will mushroom. Protection from public and international criticism will be obtained through the principle of "safety in numbers". The problem is not if it will occur, but when it will occur. To date the major inhibiting factors have been:

(a) Confidence in the U.S. nuclear umbrella (rapidly declining)

(b) Lack of technical capability. (no longer a problem for many)

(c) Cost of production. (which can be reduced with new techniques)

(d) Public opinion. (will change if the choice is clear)

(e) Treaty. (a paper tiger)

All the above road blocks are falling. Cost of production is still a major hurdle but with the perfection of contrifuge systems, and the advent of a fast flux power plants (breeders) plus more nuclear powers to shop in, I would not give this constraint a life of more than 8 years.

In brief, while it may be unpopular to say so, the U.S. cannot expect to prevent proliferation in an environment of declining U.S. power to provide an alternative or influence other governments. Even NATO is approaching a crossroads. Force levels are at the threshold of credibility for an effective local defense effort . . . even given the U.S. tactical stockpile in Europe. Any major reductions in forces or weapons will raise the question of security in most of the capitals of Europe. Some are now asking themselves:

(a) Is what's left in NATO now valid?

(b) Can we count on U.S. nuclear support? SAC? TAC?

(c) What will the Nixon doctrine do to b above?

(d) Should we plan to go it alone? How could we?

(e) If we can't go it alone, should we move towards accommodation?

These questions are being asked. Quietly for the moment but increasingly. Allied authorities want to know what the Nixon doctrine and realistic deterrence will mean, not in theory but in practice on the ground. They have not had clear answers as yet. They hear it said that part of the concept is that they should do more to protect themselves. Most are caught in the same weapons/manpower cost squeeze that the U.S. is and cannot do much more in terms of quantity of forces. They do not read into the Nixon doctrine that the U.S. is prepared to help them acquire nuclear capabilities to substitute for mass, or reduced U.S. commitments.

Our allies understand that Realistic deterrence means a change in strategic strategy. They also see the shifting balance of power in the strategic area. If realistic deterrence clearly does not mean a greater U.S. commitment of strategic forces to allied defense then it can only mean a lesser one. These questions have not been answered to their satisfaction. They will soon have to be answered particularly if Congress or the budget should force a major force reduction in the NATO area.

Clearly the easiest course of action for the U.S. to take is to adjust our defense policy to our budget, and our strategic commitment to the level of risks we are willing to take, and let our allies do as they please. This is a risky course of action. Even if salted with promises and a few token deployments of weapons and forces—under U.S. lock and key—most of the major countries will eventually get the message and realize they have to go it alone. The preliminary signals can now be read in Japan, Germany, Israel, and in alliance discussions. The French theoreticians seldom miss an opportunity to say "I told you this would happen."

The U.S. in the 1970's can no longer offer security for obedience. Our credit rating is not what it used to be when we had unchallenged strategic superiority, or before our will to win on behalf of an ally was put to test in Vietnam. U.S. commitments in the late 1970's and 1980's will have to be "paid in cash" to be credible and influential. This means promises of protection from, say, nuclear blackmail or aggression will have to be validated by deployments or weapon control arrangements that pretty well ensure they can't be reneged upon. This is a new situation we have not yet fully understood. It is one that must be taken into account in any strategy we adopt.

Either our strategy in the future provides for the defense of Allies with means they do not have, and demonstrates we mean it in practice, or we must help them get the means to do the job themselves. This should preferably be in the best and safest way which is to say not on a random national basis.

There is no way in today's world that non-nuclear nations can be assured of their long term security and survival without access to nuclear means. The same may later prove true for space systems and other advanced weapons on the drawing board. No nation can afford a conventional capability adequate to offset a nuclear threat. If NATO could never meet its minimum conventional force requirements . . . as has been the case since the early 1950's how could others ever expect to? The truth is that technology has priced the world out of conventional warfare in major conflicts.

To allow nations to go it alone without guidance or help from the U.S. cannot but lead to proliferation in some cases and accommodation in others. This is easy to do but by no means necessary. The U.S. still has leverage in its free world leadership in the field of strategic and tactical weapon system technology and production. Many, if not most nations, don't want to have to face their long term security problem alone. The collective approach is a way of life in many areas such as NATO. It can be instilled in other areas such as the Far East. The U.S. still has the candy if not the stick.

Unless we want to see random proliferation and/or accommodation on a national basis by 1980, we should adjust our strategy to further the development of Regional defense capabilities that will be both credible and effective. These may come about on their own in due course but to count on this is risky. Positive U.S. leadership, and some candy, will be required . . . particularly in areas other than the European Community where there is already an organization and momentum.

PROPOSED STRATEGY FOR THE 1980'S

Based on the above considerations I would recommend a strategy of gradual U.S. disengagement from overseas deployments and commitment, accompanied by positive steps to create and substitute independent regional defense capabilities. BOTH strategic and tactical to include nuclear.

Western Europe should be encouraged to create some form of combined strategic deterrent force around the national capabilities there at present. The U.S. candy should be to offer to sell to the collective entity strategic boosters, and provide to existing nuclear powers technical assistance for their own warhead developments.

In the East our strategy should seek to create a defense alliance around Japan and/or Australia. We might consider selling to Australia and New Zealand some strategic boosters, if U.K. would agree to provide them the warheads. This would start the nucleus of an effective Far Eastern regional deterrent to counter the Chinese threat. The U.S. could then pull its umbrella commitment real or implied, back from these forward areas while leaving something valid behind.

With respect to U.S. strategic strategy we should claim to have and seek to develop a reasonable counterforce capability. Counter value targeting is both immoral and ineffective as a deterrent to aggression anywhere except against the U.S. proper. Even in this role it is only a deterrent so long as the aggressor has not figured out how to destroy our response on his first strike, and if he has figured that out it is useless in any configuration. If he has not figured it out, he is not likely to make a first strike no matter how provocative our posture. From the point of view of maximizing deterrence, one should in any event not admit to an inability to hit any target at any time.

Our strategy must emphasize force survivability. This will require both hardening and dispersal. It will also require that we maintain a mix of strategic systems. The greatest threat to survivability is a breakthrough against the main survival measures used by any given system. The sudden ability to locate submarines in real time; intercept any and all ballistic trajectories; destroy satellites with ease and certainty; or black out missile control systems (using different access techniques and delivery technologies being obtained) at the same time is very low. Whether our strategy calls for fielding three or only two variants at a time is a matter for debate but two should be the minimum, out of the four options available today: Ballistic land-based systems, space systems, submarine-based systems, and air breathing systems.

Finally, the key question . . . since it influences cost . . . is relative force quantity. The so-called balance question. Should our strategy seek numerical superiority or even parity in the 1980s. Is this essential for our purposes? Is it possible to have an effective deterrent and war waging force somewhat independently of relative numbers of units?

My conclusion is that IF: We can bring about a multi-polar strategic situation with truly independent decision making and each having a minimum valid and diversified capability, then: "Within reasonable limits quantitative comparisons are no longer important."

If, by substituting regional or other strategic capabilities for the U.S. umbrella over non-nuclear allies we can unequivocally limit our strategic force role to defending the U.S., then: "We can design an effective, realistic, deterrent force based on technological superiority rather than quantitative superiority.

Lastly, our strategy should provide for mobile forces for minor conflicts and police actions. These should be air and sea born, and, while nuclear backed, should be built to exploit non-nuclear technology to optimize their control and firepower capabilities and thus minimize unit quantity requirements.

TREATIES AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, as of August 30, 1971, there were 934 treaties and conventions in force between the United States and various other nations of the world. They cover such diverse subjects as trade, communication, and cultural and scientific exchanges. Some deal with crimes—piracy, slavery, killing seals—and call upon the United States to enact appropriate enforcing legislation. Twenty-seven of them contain provisions for the International Court of Justice to hear and decide disputes—provisions which are outside the scope of the Connally and Vandenberg reservations.

Most of the major substantive articles of the Genocide Convention, those establishing the crime, defining the crime, calling upon the United States to enact appropriate legislation in accordance with our Constitution, and asking for extradition in accordance with the laws and treaties in force, have been included in principle in many of the treaties to which the United States is a party. These other treaties have not hurt the United States. They have not denied our citizens their rights under our Constitution. They have not given other nations control over our domestic affairs.

Consequently it is reasonable to assume that these same provisions in the Genocide Convention will not cause any harm to America or American citizens. Some people who oppose our ratification of this important treaty treat it as if it were unique in the history of American treaties. But this is not the case. There is ample precendent for most of its provisions in the 934 treaties that are presently in force for the United States.

Mr. President, American ratification of the Genocide Convention will put us on record as being unalterably opposed to this horrible crime. It will show the world that we are serious in our desire to prevent the reoccurrence of genocide. I call upon the Senate to ratify the Genocide Convention.

DRUG ABUSE PREVENTION WEEK

Mr. HRUSKA. Mr. President, some 2 years ago, President Nixon designated the week beginning May 24, 1970, as the first National Drug Abuse Prevention Week. In a proclamation that spoke eloquently of "the personal tragedies, the human disasters that tell the real story of what drug abuse does to individuals and can do to our Nation," the President called upon Federal officials, educators, and various groups throughout the land to explore new methods by which the potential dangers of drug experimentation could be communicated to the Nation.

The initial success brought about by the observance of this event moved the President once again to designate a National Drug Abuse Prevention Week in 1971, this time for the week beginning October 3. Once again highly favorable reports were received on the scope and effectiveness of activities in commemoration of this week.

Mr. President, the problem of drug abuse is still very much with us. In spite of the outstanding and widespread efforts of the Nixon administration to combat this national threat—and I have spoken at length in this Chamber on these efforts and the heartening progress they have brought about—drug abuse will be a fact of life to be faced by Americans for several years to come. For this reason, we can readily anticipate the need for further national drug abuse prevention weeks. President Nixon is to be highly commended for initiating this event.

Congress has been anything but idle since the celebration of the first National Drug Abuse Prevention Week in May of 1970. In December 1970, the Comprehensive Drug Abuse Prevention and Control Act of 1970 became law. The enactment of this statute, in which this Senator is proud to have played a role, provided the first modern and coordinated approach to drug abuse control since the early years of this century when the first narcotics laws were enacted. Also passed by Congress in 1970 was the Drug Abuse Education Act, which along with the Comprehensive Drug Abuse Prevention and Control Act provides for an extensive Federal grant program to assist in the education of Americans throughout the land on all aspects of the drug abuse problem.

During the current 92d Congress, another major law has been enacted which will have a far-reaching effect on drug abuse in America. On March 21, 1972, the Drug Abuse Office and Treatment Act of 1972 became law, capping much hard work on the question of Federal coordination in this area which began with President Nixon's comprehensive drug abuse message to Congress on June 17, 1971. By means of this act, the Special Action Office for Drug Abuse Prevention proposed by the President was established under a director having broad supervisory powers over the conduct of drug abuse treatment, rehabilitation, education, and research programs in the Federal Government. The act also amended current law in several respects to insure that various national programs in the health field pay due recognition to the drug abuse situation in America.

Adequate funding of this legislation is of course a must, Mr. President, and I am certain that Congress will continue to meet its obligations in this respect as well. We must give the President all the assistance we reasonably can in his efforts to implement the laws we have enacted.

There is an additional way we can further our joint efforts with the President in attacking drug abuse. The proclamations for the two previous National Drug Abuse Prevention Weeks have been issued without congressional authorization. While the President can certainly do this legally, I believe it is time for Congress to express its support for the observance of this week as a significant national event. Accordingly, I am today announcing that it is my intention to introduce in a week or so a joint resolution which would authorize and request the President to proclaim the week beginning October 15, 1972, as National Drug Abuse Prevention Week for 1972. This expression of congressional support and encouragement should provide an additional constructive step in the national drive to eliminate drug abuse. It is my hope that the joint resolution will be speedily approved by both Houses of Congress.

QUEEN ISABELLA DAY

Mr. ALLEN. Mr. President, the late Gov. Lurleen Wallace, of Alabama, was the first Governor in the United States to issue an official proclamation designating April 22 Queen Isabella Day to perpetuate and honor the memory of the birthday anniversary of Queen Isabella of Castile on April 22, 1451.

This year, 46 State Governors issued Queen Isabella proclamations in recognition of the important role she played in financing the expeditions of Christopher Columbus and in the subsequent development of the Western Hemisphere.

Mr. President, I ask unanimous consent that the Queen Isabella Day proclamation issued by Gov. George C. Wallace designating April 22, 1972, as Queen Isabella Day in Alabama be printed in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

Proclamation

Whereas, the enthusiasm and support of a single ruler led to the discovery of America and the resounding effect this discovery had upon the history of the world; and

Whereas, this great ruler, Queen Isabella of Castile, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th century concept of the world; and

Whereas, the shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere; and

Whereas, the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451;

Now, therefore, I, George C. Wallace, Governor of the State of Alabama, do hereby proclaim Saturday, April 22, 1972, as "Queen Isabella Day" in Alabama and urge all citizens to honor this Spanish Queen who was solely responsible for America's Discovery.

ESSENTIALS OF INTERNATIONAL MONETARY REFORM

Mr. JAVITS. Mr. President, the distinguished and highly respected Chairman of the Board of Governors of the Federal Reserve Board, Dr. Arthur Burns, made a highly significant speech before the 1972 International Banking Conference in Montreal, Canada, on May 12.

Dr. Burns' words reveal clearly the purpose of this major address—namely, to get the negotiations on the reform of the International Monetary System underway on an urgent basis. Dr. Burns' concluded his speech by stating:

> Indeed, I feel it is an urgent necessity to start the rebuilding process quite promptly. It is not pleasant to contemplate the kind of world that may evolve if cooperative efforts to rebuild the monetary system are long postponed. We might then find the world economy divided into restrictive and inward-looking blocs, with rules of international conduct concerning exchange rates and monetary reserves altogether absent. As we learned last fall, a world of financial manipulations, economic restrictions, and political frictions bears no promise for the future. It is the responsibility of financial leaders to make sure that such a world will never come to pass.

Dr. Burns clearly is not setting up a strawman. Negotiations regarding the reform of the International Monetary System are increasingly urgent, as a recent report of First National City Bank of New York makes clear. Exchange controls are proliferating throughout the world in response to continuing monetary uncertainty and the continuing U.S. international deficit position which is likely to worsen over the short term because of events in Vietnam.

I ask unanimous consent that the First National City Bank's listing of these proliferating foreign exchange controls be printed at this point in the Record.

There being no objection, the newsletter was ordered to be printed in the Record, as follows:

[From the First National City Bank's International Economic Newsletter of March 1972]

MISPLACED HOPES

Since European interest-rate policy failed to strengthen the dollar and domestic economic conditions ruled out any further revaluations, some countries resorted—or returned—to various exchange restrictions to stop further inflows of inconvertible dollars:

On March 1, the Germans put into effect a 40% interest-free cash deposit requirement for corporations in Germany borrowing abroad, retroactive to January 1.

The Swiss National Bank signed an agreement with commercial banks to limit foreign holdings of private note issues and to increase the exchange costs of notes and foreign loans on the Swiss market.

The Bank of Japan reimposed controls to eliminate advance payment for exports, and prohibited foreign banks from converting dollars into yen over the amount of balances outstanding at the end of February.

The Dutch central bank reimposed a ban on interest payments on foreign bank accounts in the Netherlands.

The Belgian central bank reinstated limits on banks' net external positions.

Hopes that these measures—and imminent U.S. Congressional approval of the formal devaluation of the dollar—would slow the conversion of dollars into other currencies were bound to be dashed, for they missed one essential reason for the dollar's weakness: its degraded status and a reserve and transactions currency. Thus, each restrictive measure serves to weaken the dollar further, because restrictions limit the dollar's usefulness as private international money, and so tend to reduce the desire to hold it.

Mr. JAVITS. Mr. President, in reviewing Dr. Burns' speech, two points must be recalled:

First, that months continue to slip by without any substantial real progress in terms of the negotiations outside of some talk about the "shape of the negotiating table."

Second, that Dr. Burns chooses his words and timing carefully.

This is only the second time that Dr. Burns has outlined a major economic program during his tenure as Federal Reserve Chairman. The first time was at Pepperdine College, on December 7, 1970, when he put forward his thoughts regarding an "incomes policy" and "productivity," among other matters. That speech was ahead of its time, but it had an enormous influence on the course of our domestic economic policy.

I expect that the Montreal speech will have a similar effect, since those who see clearly the road the United States should follow in international monetary reform have a great advantage over the naysayers who have no positive program other than continuing international uncertainty and tension between nations.

Dr. Burns' speech has moved the negotiations a step forward, and by this action a creative step has been taken toward strengthening the ties between the nations of the free world at this very difficult time in our international relations.

I ask unanimous consent that Dr. Burns' address of May 12, entitled "Some Essentials of International Monetary Reform"; an editorial from the New York Times of May 14; and a Wall Street Journal article date May 15, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Some Essentials of International Monetary Reform

(Remarks of Arthur F. Burns, Chairman, Board of Governors of the Federal Reserve System, before the 1972 International Banking Conference, Montreal, Canada, May 12, 1972)

On August 15 of last year in the face of an unsatisfactory economic situation, the President of the United States acted decisively to alter the nation's economic course. The new policies, especially the decision to suspend convertibility of the dollar into gold or other reserve assets, were bound to have far-reaching consequences for international monetary arrangements. New choices were forced on all countries.

The next four months gave all of us a glimpse of one possible evolution of the international economy. Since exchange rates were no longer tied to the old par values, they were able to float—a prescription that many economists had favored. However, last fall's floating rates did not conform to the model usually sketched in academic writings. Most countries were reluctant to allow their exchange rates to move in response to market forces. Instead, restrictions on financial transactions proliferated, special measures with regard to trade emerged here and there, new twists crept into the pattern of exchange rates, serious business uncertainty about governmental policies developed, fears of a recession in world economic activity grew, and signs of political friction among friendly nations multiplied.

Fortunately, this dangerous trend toward competitive and even antagonistic national economic policies was halted by the Smithsonian Agreement. Despite recent developments in Vietnam, which may cause some uneasiness in financial markets for a time, the Smithsonian realignment of currencies is, in my judgment, solidly based. It was worked out with care by practical and well-informed men, and I am confident that the central banks and governments of all the major countries will continue to give it strong support.

Developments in the American economy since last December have been encouraging. Aggregate activity in the United States has begun to show signs of vigorous resurgence. Price increases have moderated, and our rate of inflation has recently been below that of most other industrial countries. Moreover, the budget deficit of the Federal Government will be much smaller this fiscal year than seemed likely three or four months ago. These developments have strengthened the confidence with which businessmen and consumers assess the economic outlook. International confidence in turn is being bolstered by the passage of the Par Value Modification Act, by the convergence of short-term interest rates in the United States and abroad, and by some promising signs of improvement in the international financial accounts of the United States.

With the Smithsonian Agreement and other indications of progress behind us, it is necessary now to move ahead and plan for the longer future. The Smithsonian meeting was pre-eminently concerned with realigning exchange rates. It did not attempt to deal with structural weaknesses in the old international monetary system. Yet they must eventually be remedied if we are to build a new and stronger international economic order.

We all have to ponder this basic question: Given the constraints of past history, what evolution of the monetary system is desirable and at the same time practically attainable? For my part, I should like to take advantage of this gathering to consider some of the elements that one might reasonably expect to find in a reformed monetary system.

First of all, a reformed system will need to be characterized by a further strengthening of international consultation and cooperation among governments. Our national economics are linked by a complex web of international transactions. Problems and policies in one country inevitably affect other countries. This simple fact of interdependence gives rise to constraints on national policies. In a smoothly functioning system, no country can ignore the implications of its own actions for other countries or fail to cooperate in discussing and resolving problems of mutual concern. The task of statesmanship is to tap the great reservoir of international goodwill that now exists and to make sure that it remains undiminished in the future.

Sound domestic policies are a second requirement of a better world economic order. A well constructed international monetary system should, it is true, be capable of absorbing the strains caused by occasional financial mismanagement in this or that country—such as are likely to follow from chronic budget deficits or from abnormally large and persistent additions to the money supply. But I doubt if any international monetary system can long survive if the major industrial countries fail to follow sound financial practices. In view of the huge size of the American economy, I recognize that the economic policies of the United States will remain an especially important influence on the operation of any international monetary system.

Third, in the calculable future any international monetary system will have to respect the need for substantial autonomy of domestic economic policies. A reformed monetary system cannot be one that encourages national authorities to sacrifice either the objective of high employment or the objective of price stability in order to achieve balance-of-payments equilibrium. More specifically, no country experiencing an external deficit should have to accept sizable increases in unemployment in order to reduce its deficit. Nor should a surplus country have to moderate its surplus by accepting high rates of inflation. Domestic policies of this type are poorly suited to the political mood of our times, and it would serve no good purpose to assume otherwise.

I come now to a fourth element that should characterize a reformed monetary system. If I am right in thinking that the world needs realistic and reasonably stable exchange rates, rather than rigid exchange rates, ways must be found to ensure that payments imbalances will be adjusted more smoothly and promptly that under the old Bretton Woods arrangements.

The issues here are many and complex. There was a consensus at the Smithsonian meeting that wider margins around parities can help to correct payments imbalances, and should provide especially helpful in moderating short-term capital movements—thereby giving monetary authorities somewhat more scope to pursue different interest-rate policies. Our experience has not yet been extensive enough to permit a confident appraisal of this innovation. It is clear, however, that no matter how much the present wider margins may contribute to facilitating the adjustment of exchange rates to changing conditions, the wider margins by themselves will prove inadequate for that purpose.

We may all hope that at least the major countries will pursue sound, noninflationary policies in the future. We should nevertheless recognize that national lapses from economic virtue will continue to occur. In such circumstances, changes in parities—however regrettable—may well become a practical necessity.

Moreover, even if every nation succeeded in achieving noninflationary growth, structural changes in consumption or production will often lead to shifts in national competitive positions over time. Such shifts will also modify the pattern of exchange rates that is appropriate for maintaining balance-of-payments equilibrium.

In my judgment, therefore, more prompt adjustments of parties will be needed in a reformed monetary system. Rules of international conduct will have to be devised which, while recognizing rights of sovereignty, establish definite guidelines and consultative machinery for determining when parities need to be changed. This subject is likely to become one of the central issues, and also one of the most difficult, in the forthcoming negotiations.

Let me turn to a fifth element that should characterize a reformed monetary system. A major weakness of the old system was its failure to treat in a symmetrical manner the responsibilities of surplus and deficit countries for balance-of-payments adjustment. With deficits equated to sin and surpluses to virtue, moral as well as financial pressures were very much greater on deficit countries to reduce their deficits than on surplus countries to reduce surpluses. In actual practice, however, responsibility for payments imbalances can seldom be assigned unambiguously to individual countries. And in any event, the adjustment process will work more efficiently if surplus countries participate actively in it. In my view, all countries have an obligation to eliminate payments imbalances, and the rules of international conduct to which I referred earlier will therefore need to define acceptable behavior and provide for international monitoring of both surplus and deficit countries.

Sixth, granted improvements in the promptness with which payments imbalances are adjusted, reserve assets and official borrowing will still be needed to finance in an orderly manner the imbalances that continue to arise. Looking to the long future, it will therefore be important to develop plans so that world reserves and official credit arrangements exist in an appropriate form and can be adjusted to appropriate levels.

This brings me to the seventh feature of a reformed international monetary system. It is sometimes argued that, as a part of reform, gold should be demonetized. As a practical matter, it seems doubtful to me that there is any broad support for eliminating the monetary role of gold in the near future. To many people, gold remains a great symbol of safety and security, and these attitudes about gold are not likely to change quickly. Nevertheless, I would expect the monetary role of gold to continue to diminish in the years ahead, while the role of special drawing rights increases.

The considerations which motivated the International Monetary Fund to establish the SDR facility in 1969 should remain valid in a reformed system. However, revisions in the detailed arrangements governing the creation, allocation, and use of SDRs will probably be needed. In the future, as the SDRs assume increasing importance, they may ultimately become the major international reserve asset.

Next, as my eighth point, let me comment briefly on the future role of the dollar as a reserve currency. It has often been said that the United States had a privileged position in the old monetary system because it could settle payments deficits by adding to its liabilities instead of drawing down its reserve assets.

Many also argue that this asymmetry should be excluded in a reformed system. There thus seems to be significant sentiment in favor of diminishing, or even phasing out, the role of the dollar as a reserve currency. One conceivable way of accomplishing this objective would be to place restraints on the further accumulation of dollars in official reserves. If no further accumulation at all were allowed, the United States would be required to finance any deficit in its balance of payments entirely with reserve assets.

I am not persuaded by this line of reasoning, for I see advantages both to the United States and to other countries from the use of the dollar as a reserve currency. But I recognize that there are some burdens or disadvantages as well. And in any event, this is an important issue on which national views may well diverge in the early stages of the forthcoming negotiations.

I come now to a ninth point concerning a new monetary system, namely, the issue of "convertibility" of the dollar. It seems unlikely to me that the nations of the world, taken as a whole and over the long run, will accept a system in which convertibility of the dollar into international reserve assets—SDRs and gold—is entirely absent. If we want to build a strengthened monetary system along one-world lines, as I certainly do, this issue will have to be resolved. I therefore anticipate, as part of a total package of long-term reforms, that some form of dollar convertibility can be re-established in the future.

I must note, however, that this issue of convertibility has received excessive emphasis in recent discussions. Convertibility is important, but no more so than the other issues on which I have touched. It is misleading, and may even prove mischievous, to stress one particular aspect of reform to the exclusion of others. Constructive negotiations will be possible only if there is a general disposition to treat the whole range of issues in balanced fashion.

We need to guard against compartmentalizing concern with any one of the issues, if only because the various elements of a new monetary system are bound to be interrelated. There is a particularly important interdependence, for example, between improvements in the exchange-rate regime and restoration of some form of convertibility of the dollar into gold or other reserve assets. Without some assurance that exchange rates of both deficit and surplus countries will be altered over time so as to prevent international transactions from moving into serious imbalance, I would deem it impractical to attempt to restore convertibility of the dollar.

My tenth and last point involves the linkage between monetary and trading arrangements. We cannot afford to overlook the fact that trade practices are a major factor in determining the balance-of-payments position of individual nations. There is now a strong feeling in the United States that restrictive commercial policies of some countries have affected adversely the markets of American business firms. In my judgment, therefore, the chances of success of the forthcoming monetary conversations will be greatly enhanced if parallal conversations get under way on trade problems, and if those conversations take realistic account of the current and prospective foreign trade position of the United States.

In the course of my remarks this morning I have touched on some of the more essential conditions and problems of international monetary reform. Let me conclude by restating the elements I would expect to find in a new monetary system that met the test of both practicality and viability:

First, a significant further strengthening of the processes of international consultation and cooperation;

Second, responsible domestic policies in all the major industrial countries;

Third, a substantial degree of autonomy for domestic policies, so that no country would feel compelled to sacrifice high employment or price stability in order to achieve balance-of-payments equilibrium;

Fourth, more prompt adjustments of payments imbalances, to be facilitated by definite guidelines and consultative machinery for determining when parities need to be changed;

Fifth, a symmetrical division of responsibilities among surplus and deficit countries for initiating and implementing adjustments of payments imbalances;

Sixth, systematic long-range plans for the evolution of world reserves and official credit arrangements;

Seventh, a continued but diminishing role for gold as a reserve asset, with a corresponding increase in the importance of SDRs;

Eighth, a better international consensus than exists at present about the proper role of reserve currencies in the new system;

Ninth, re-establishment of some form of dollar convertibility in the future;

An finally, tenth, a significant lessening of restrictive trading practices as the result of negotiations complementing the negotiations on monetary reform.

I firmly believe that a new and stronger international monetary system can and must be built. Indeed, I feel it is an urgent necessity to start the rebuilding process quite promptly. It is not pleasant to contemplate the kind of world that may evolve if cooperative efforts to rebuild the monetary system are long postponed. We might then find the world economy divided into restrictive and inward-looking blocs, with rules of international conduct concerning exchange rates and monetary reserves altogether absent.

As we learned last fall, a world of financial manipulations, economic restrictions, and political frictions bears no promise for the future. It is the responsibility of financial leaders to make sure that such a world will never come to pass.

[From the New York Times, May 14, 1972]

WORLD MONETARY REFORM

Chairman Arthur F. Burns of the Federal Reserve Board believes that building a new and stronger world monetary system has become an "urgent necessity." As in his Pepperdine College speech in December 1970, urging a national incomes policy to check inflation. Dr. Burns again appears to be prodding the Administration to move faster on a key economic issue. If efforts to rebuild the monetary system are long postponed, he warned an international bankers conference in Montreal, the world may split into restrictive, inward-looking blocs.

More striking than any of Dr. Burns' specific points is his moderate and objective tone—a sharp contrast to the aggressive, almost martyred tone adopted by Secretary of the Treasury Connally, Secretary of Commerce Peterson and other Administration spokesmen. In the manner of a Dutch uncle, however, Dr. Burns did remind other nations that there is "strong feeling" in the United States that some countries have damaged the markets of American firms by restrictive commercial practices, as Under Secretary of the Treasury Paul A. Volcker made clear at the same meeting. The hope of successful monetary negotiations will be greatly enhanced, Dr. Burns noted, if these are matched by parallel talks on trade that take realistic account of America's grievances—reflected in its diminished trade balance.

The most crucial task of monetary reform must be to correct the fatal flaw of the old Bretton Woods system—the rigidity of exchange rates. But Dr. Burns is surely right in his belief that the exchange-rate adjustment process can not be made so smooth and flexible that nations need no longer worry about holding enough reserves to cover their payments deficits.

Dr. Burns, as usual, is conservative without being standpat. He expects gold to go on playing a monetary role but gradually diminishing as an element in total reserves. The dollar should also play a continuing reserve role and therefore should be made convertible into gold or other reserves. But its role, too, would gradually lessen while Special Drawing Rights, the world's new "paper gold," grow in volume and ultimately become the major international form of monetary reserves.

This is a plausible scenario. Indeed, in Dr. Burns' temperate, well-crafted and balanced formulation, the job of rebuilding the world monetary system in a way that will let nations pursue their objectives of full employment, price stability and balance-of-payments equilibrium sounds almost easy.

Certainly that complex task would be far less formidable than it has seemed if all nations—including the United States—strive to rediscover the spirit of trust and cooperation that made possible the postwar phenomenon of virtually continuous growth and economic integration—a historic achievement of universal benefit whose breakdown threatens to inflict serious damage on all nation.

[From the Wall Street Journal, May 15, 1972]

BURNS OFFERS WORLD MONETARY REFORM PLAN THAT MAY SPARK INITIATION OF NEGOTIATIONS

(By Charles N. Stabler)

MONTREAL.—A reform program for the international monetary system, unexpectedly put forth here by the chairman of the Federal Reserve System, may serve to get long-delayed negotiations under way.

This was the hope expressed informally by some delegates as the International Monetary Conference closed Friday. The annual affair, sponsored by the American Bankers Association, doesn't have official standing but it brings together leading commercial bankers, central bankers and government financial officials from around the world.

Despite the uncertainties that have plagued the international monetary system recently, the conference had been unproductive in terms of fresh insights or proposals for reform. That is until Arthur F. Burns addressed the closing session. The lack of fireworks, participants speculated, reflected the present becalmed state of international monetary talks.

In general, the world's money managers have agreed on the need for basic reform of the the system, which broke down Aug. 15 when the U.S. formally ended convertibility of dollars into gold and was only temporarily repaired with a realignment of foreign exchange rates in December.

However, talks on reform have been delayed.

The American position is that these negotiations should also include trade patterns, with the aim of improving the U.S. balance of payments, the flows of funds into or out of the nation. Other countries, especially the European ones, have been awaiting a detailed proposal from Washington, specifically covering the kind of monetary system it desires.

"ESSENTIALS OF REFORM"

The Burns plan, a clearly worded 10-point list of what he called "essentials of international monetary reform," was seen by some participants as a prod to get talks moving. For example, both Louis Rasminsky, governor of the Bank of Canada, and Sir Leslie O'Brien, governor of the Bank of England, viewed it as "helpful and constructive." Other financial leaders used such terms as "a breath of fresh air."

Mr. Burns said his program differs in emphasis on some details from the kind of guidelines previously presented by the U.S. Treasury. However, he said, it provides a "pretty fair indication of the thinking that prevails in the U.S. government at this time."

The program includes:

A significant further strengthening of the processes of international consultation and cooperation. Mr. Burns and other economists at the conference noted that national economies are linked by a complex web of international transactions; problems and policies in one country inevitably affect other nations.

"Responsible" domestic policies in all the major industrial countries. Mr. Burns said he doubted that any international monetary system could long survive if the primary industrial nations fail to follow sound financial practices.

A substantial degree of autonomy for domestic policies, so that no country would feel compelled to sacrifice high employment or price stability to achieve balance of payments equilibrium.

More prompt adjustments of payments imbalances, to be facilitated by definite guidelines and consultative machinery for determining when parities need to be changed. There has been a general recognition at the conference that any future monetary system will involve more flexible changes in the official rates of exchange of international currencies, when economic conditions require them. However, there hasn't been a consensus on the precise meaning of "flexible," in terms of how often exchange rates should be changed or by how much.

A symmetrical division of responsibilities among surplus and deficit countries for initiating and implementing adjustments of payments imbalances. The present system under the agreement of the International Monetary Fund provides various pressures on a nation that is in a deficit position to devalue its exchange rate or take other steps to correct the imbalance. But international money managers are increasingly concerned about the lack of muscle to force a country with a surplus to reduce its accumulations of foreign exchange, chiefly dollars.

Systematic long-range plans for the evolution of world reserves and official credit arrangements.

A continued but diminishing role for gold as a reserve asset, with a corresponding increase in the importance of Special Drawing Rights, which are so-called "paper gold" reserve assets created by agreement of the International Monetary Fund. Mr. Burns said that, "as a practical matter, it seems doubtful to me that there is any broad support for eliminating the monetary role of gold in the near future." This represents a substantial difference from the U.S. Treasury position, which calls for a phasing out of gold in the monetary system.

A better international consensus than exists at present about the proper role of reserve currencies in the new system. Mr. Burns noted that there "seems to be significant sentiment in favor of diminishing the role of the dollar as a reserve currency." However, he said he wasn't persuaded by this line of reasoning, "for I see advantages to both the U.S. and to other countries from the use of the dollar as a reserve currency."

Reestablishment of some form of dollar convertibility in the future. Mr. Burns emphasized in his talk and at a following press conference that settlement of this controversial question depends on concurrent improvements in the exchange rate system so that international transactions won't permit large accumulations of dollars or other currencies in central banks.

A significant lessening of restrictive trading practices as the result of negotiations complementing the negotiations on monetary reform. Mr. Burns said trade negotiations could "parallel" bargaining on the monetary system. The Treasury position is that both should be linked together, in an international forum with "broad horizons."

NOT A FORMAL U.S. STAND

Commenting on the Burns proposals, Paul A. Volcker, Under Secretary of the Treasury for Monetary Affairs, said they didn't represent a formal U.S. position, but he said there was much he would agree with in them.

However, in the matters of the convertibility of dollars into gold and the role of the dollar as a reserve currency, the Burns proposal varies from the broad guidelines the Treasury has expressed.

In terms of the urgency of getting moving on monetary reform, Mr. Burns also lined up more closely with the European position rather than with that of the U.S.

"I feel it is an urgent necessity to start the rebuilding process quite promptly," he said. "It isn't pleasant to contemplate the kind of world that may evolve if cooperative efforts to rebuild the monetary system are long postponed."

While it has been strongly denied by Treasury spokesmen, foreign monetary authorities have accused the U.S. of "heel-dragging" in beginning monetary talks. They have been seeking specific American proposals on convertibility, the mechanisms of setting exchange rates and other issues.

At the monetary conference, Mr. Volcker strongly reiterated the U.S. position that "we haven't any prepackaged plan for reform to spring on the waiting world, nor frankly, have we found other nations yet ready to pronounce their considered judgments." Instead, he said, the U.S. is seeking preliminary agreement on a mandate for a negotiating body that would include trade, as well as monetary, matters.

Both Mr. Burns and Mr. Volcker indicated they would regard the International Monetary Fund meeting of September 1973 as a reasonable target date for general agreement on reform.

WHO WILL SET NATIONAL TRANSPORTATION POLICY?

Mr. WEICKER. Mr. President, with the Senate-House conference on Amtrak coming up on Wednesday, I think it appropriate to have placed in the RECORD an article published in this past Sunday's New York Times.

It is accurate as to its facts. It is clearly written.

It underlines the real question: Who will set the national transportation policy?

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FUNDS CUT LIKELY FOR AMTRAK

WASHINGTON, May 13.—The conflict between what a Government agency wants and what the Office of Management and Budget says it can get is exemplified in the battle over the financing of Amtrak.

A Congressional conference committee will meet next Wednesday to resolve differences between the bill proposed by the Administration and passed by the House and the one approved by the Senate, which authorizes a far larger amount for the operating and capital expenditures of the National Railroad Passenger Corporation.

The position taken by the Office of Management and Budget, the Government's budgetary watchdog, means that it is likely that Amtrak will end up with the $172-million appropriation passed by the House, rather than the $287-million figure approved by the Senate.

And the Administration's stand has placed officials of Amtrak and the Department of Transportation in the position of publicly saying that they really do not need more money, when privately they say they desperately want the additional funds.

When the Government-subsidized corporation took over inter-city passenger operations of most railroads in May, 1971, it had a $40-million grant, $100-million in loan guarantees and monthly payments of $5.5-million from the railroads. But with a total deficit estimated to be over $278-million by July 1, 1973, Amtrak had to go back for more funds.

Accordingly, last fall Amtrak drew up a request for $260-million to cover its deficit. The request was approved by the Department of Transportation and sent to the budget office.

Noting that Amtrak's route structure will undergo a complete review and possibly drastic cut on June 30, 1973, the budget office decided to slash capital improvement plans for the system. Amtrak has scheduled a $340-million, five-year program to improve tracks and equipment, but the office limited the plans to those before the 1973 cut-off—$147.5-million.

By using that lower figure for capital improvements, the office told Amtrak it would have to use its $100-million in guaranteed loans not for capital spending but to cover its operating deficit. Thus, the Administration would recommend only a $170-million appropriation.

As a result John A. Volpe, Secretary of Transportation, submitted draft legislation for that figure last October. The House approved the Administration request (although adding $2-million for international routes) by 237 to 150 on March 15. But the Senate Commerce Committee thought that was not enough.

ADDED TO FUNDS

Prodded by Senator Lowell P. Weicker Jr., Republican of Connecticut, who offered the amendment, the committee increased the Amtrak appropriation to $272-million. In addition to thus freeing $100-million in loan guarantees for capital improvements, the committee voted to add another $150-million to the guarantee provisions.

When the bill reached the Senate floor April 26, the financing was further increased. By voice vote the upper chamber approved an amendment by Senator Edward W. Brooke, Republican of Massachusetts, to add $15-million for service on routes not in Amtrak basic system.

But while both Mr. Volpe and Roger Lewis, president of Amtrak, wanted the larger amount proposed by the Senate, they had no choice but to support the position taken by the budgetary office and the Administration. And that is what brought about the controversial statements by the two at a ceremony celebrating Amtrak's first anniversary, May 1, at Union Station here.

An article appearing in The Wall Street Journal the next day reported that Mr. Lewis had said the higher Senate figure could not be "sensibly" used before the fiscal year 1974. That article was widely circulated and cited by those opposing the higher figure. It so incensed Mr. Weicker that he called for Mr. Lewis' resignation in a speech on the Senate floor May 4.

But what was not reported was Mr. Lewis' and Mr. Volpe's obvious desire to get those funds. Just seconds after Mr. Lewis said that the Administration-recommended figure was "all we could sensibly spend in this period [before fiscal year 1974]," He noted: "The money might be very useful. We would spend it if we had it."

Mr. Volpe remarked several times during the ceremonies that "I'm part of the Administration," as he avoided publicly proclaiming his desire for the higher figure.

Yet the stand taken by Amtrak, at the insistence of the Administration, is likely to mean that the budget office's figure is the one that will be accepted when the five Senate and five House conferees meet on Wednesday.

ENDING THE WAR

Mr. BROCK. Mr. President, an editorial published in the Knoxville Journal of May 10, 1972, gives an excellent overview of the current situation in Vietnam and accurately describes the course we must follow.

I salute the editor for his courage and judgment and ask unanimous consent that his editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FIRM SUPPORT OF PRESIDENT COULD HELP END VIETNAM WAR

For years now the Vietnam War has been dragging on. For years now each new Communist offensive has been greeted by a certain segment of Americans with calls for abandonment of the South Vietnamese people.

As evidenced by what President Nixon termed "arrogance" on the part of the Communist negotiators, the domestic demands for surrender have not contributed to progress at the peace talks in Paris. Nor have the massive withdrawals of American troops. A half million U.S. soldiers have been brought home, and the ground combat phase of the war has been turned over almost completely to the South Vietnamese army. Bombing of the north was halted. Even South

Vietnamese troops have not been outside their own borders for quite some time.

Each of these developments represented substantial diminishing of the war by the allied side. Each of these developments has been met only with stepped-up war activity by the Communists, as demonstrated by the most recent offensive when North Vietnam sent the bulk of its army on an outright invasion of the south.

It is noteworthy that the United States again exhausted all diplomatic channels before taking military action to reduce the ability of North Vietnam to wage aggression.

Had the United States been seeking a military victory all along this step should have been taken many years ago. Mining of North Vietnamese harbors, in fact, constitutes a restrained alternative to destruction of the ports and the vessels docked there through all-out air and naval strikes.

Thus the alternative cited Monday by Nixon—total abandonment of the 17 million South Vietnamese and the 60,000 remaining Americans or continued negotiations—are either unthinkable or proven to be unsuccessful. The President simply had no choice.

The terms he offered for a real cease-fire are not only reasonable but also generous. The mining and other military activity throughout Indo-China will cease, the President said, if all American prisoners of war are released and the Communists halt their offensive. And, if a real cease-fire is achieved, all American troops will be withdrawn in four months.

The peaceniks have had their day. Their way has not worked.

Their ultimate plan—surrender—cannot be condoned. The President has had the courage to make the only decision he could make under the circumstances. The American people ought to have the courage to stand behind him in such a firm manner that sounds of American determination will be heard even in the capitals of the Red bloc.

COMMITTEE ON AGING REPUBLICAN MEMBERS' PROPOSAL FOR AN INDEPENDENT SOCIAL SECURITY COMMISSION

Mr. FONG. Mr. President, the 1972 report to the Senate by the Special Committee on Aging, entitled, "Developments in Aging, 1971," was released Friday.

This 400-page document, including appendices, deserves review in its entirety and careful consideration of all points of view expressed.

Senators Jack Miller, Clifford P. Hansen, Paul J. Fannin, Edward J. Gurney, William B. Saxbe, Edward W. Brooke, Charles H. Percy, and I have joined in a statement of minority views to which I invite the particular attention of the Congress and others concerned about needs of older Americans.

In view of their comparative brevity, I ask unanimous consent that the minority views be printed in the Record at the end of these remarks.

Among some 30 recommendations by Senators Miller, Hansen, Fannin, Gurney, Saxbe, Brooke, Percy, and myself is one which I personally regard as of great importance.

This new recommendation calls for legislation to create an independent, bipartisan, Social Security Commission to maintain constant overview of social security and to report regularly to the President, the Congress, and the people.

Within the next several weeks, I plan to introduce a bill to implement this important recommendation. I shall offer all Senators an opportunity to join me in its sponsorship.

Before commenting now on special reasons for such legislation, I must express my hope that it will receive bipartisan support. Particularly is this important since it will have a bipartisan objective.

My hope is reinforced by our experience within the Special Committee on Aging whose members, and particularly its chairman, Senator Frank Church, have made special efforts for a bipartisan approach to improvements in living conditions for older Americans.

I am convinced that all Members of the Senate share the view of Senator Church and myself that policy development on behalf of older persons should never be submerged in narrow partisan considerations. We must all work together to achieve the best possible life for those who have served our Nation so long, and now too often are rejected by the society they helped build.

I am confident that all Members of the Senate want to do all they can on behalf of older Americans. It is in that spirit that I shall invite you to sponsor and support our recommendation.

Because social security is so important to all Americans, and particularly the aged, I believe our recommendation for creation of an independent Social Security Commission deserves most serious consideration.

As pointed out in our minority views, recent proposals that social security benefits be increased 20 or 25 percent, with no substantial increase in social security taxes, suggest that older Americans and taxpayers may have been shortchanged under the program as it has operated in the past. The only other reasonable conclusion is that there is a willingness to jeopardize the social security system's integrity for the future.

Social security is too important to Americans of all ages to permit its future to depend on decisions by the Federal operating agency, a part-time advisory council, and intermittent review by the Congress. It needs continuous supervision and review by a full-time agency independent of the program's administrators.

One-third of income for older Americans is derived from social security. For the average worker, the social security tax load amounts to over 90 percent of what he usually pays in Federal income tax. Anything less than full-time surveillance of such a huge program now appears undesirable.

In my own personal opinion, which I am sure is shared by others, the very magnitude of the social security program calls for special efforts to be sure that it is well administered, properly conceived, and based on sound actuarial assumptions and financing.

In dollar flow, the social security system is America's biggest domestic business enterprise. Both beneficiaries and taxpayers are entitled to constant review of its operation and full disclosure. This would be the Commission's responsibility.

I have long been personally concerned about maintaining the financial soundness of social security. When I am told all of a sudden that here is a $6 billion surplus, I want to be sure that it is true. When such a claim is questioned by some top economists and actuaries, I believe we should stop, look, and listen.

If the changes in actuarial assumptions about social security advanced by the part-time 1971 Advisory Council on Social Security are indeed correct, there then comes the question of how such a bonanza should be used.

Among Republican members of the committee, some would give highest priority to general benefit increases, perhaps as high as 20 or 25 percent. Some would like to see some of the money used to eliminate the penalty against earnings by beneficiaries. Others, like the President, would prefer to eliminate the $5.80 monthly premium for medicare and make other improvements in the medical aspects of social security.

Choosing from among these and other highly desirable objectives will require most careful consideration. Whatever improvements in social security are made, and all of us endorse their purposes, it is my own judgment that we should never put the system's fiscal integrity in jeopardy.

There being no objection, the minority views were ordered to be printed in the Record, as follows:

MINORITY VIEWS

(Minority views of Messrs, Fong, Miller, Hansen, Fannin, Gurney, Saxbe, Brooke, and Percy)

INTRODUCTION

The Committee's November, 1971 Report entitled, "A Pre-White House Conference on Aging Summary of Developments and Data" was designed to summarize recent hearings and reports by the Senate Special Committee on Aging. It contained a rather comprehensive statement of our views.

Despite the brief interval which has intervened, fulfillment of our responsibilities to older Americans, to citizens of all ages, and to the Senate in accordance with its instructions, makes it appropriate to comment now on: (1) Progress made on behalf of older Americans, particularly during the past three years; (2) Major Federal legislation now before the Congress of special concern to persons past 65; (3) New Proposals on behalf of older persons which deserve prompt consideration by the Congress; and (4) Further action, reasonably capable of fulfillment in the near future, to improve living conditions for older citizens.

Intelligent consideration of specifics in such an agenda for action, however, requires an examination of what we hope ultimately to accomplish for older persons—a careful look at our long-range goals as well as at immediate needs and probabilities.

The multiplicity of needs facing our growing older population—now numbering over 20 million persons past 65—and the complexity of problems in meeting those needs underscores the importance of a long view.

A long view in aging must begin with recognition that older Americans as a whole are too often denied opportunity for lives of dignity, independence and honor. It is essential to America that older persons be accorded a status within community and nation commensurate with their wants, capabilities, and aspirations.

Basic national policy must recognize the dynamics in aging. Great changes in the potential of older persons is inevitable through future social and scientific progress. We have already seen many such advances which change the character of age in America.

Fast action on behalf of those who are now old is essential. Such action may be self-defeating, however, if we ignore implications of progress during the last quarter of the 20th century.

GOALS FOR OLDER AMERICANS

We believe that national policy on aging must be committed to the concept of unlimited opportunity for all older Americans.

Inherent in such a policy are basic rights to which all older Americans are entitled as citizens and human beings. Among these rights are:

1. *The right to recognition* of contributions in the past and of individual potential for the present and future,
2. *The right to involvement* in family, fort and dignity,
3. *The right of choices* as to roles they may play in society and ways in which they shall live,
4. *The right to involvement* in family, community and national life as fully as personal capacity and desire permit—through social participation, communication, productivity, and exercise of responsibility.
5. *The right to growth* with recognition that—while subject to changing circumstances which may require personal adaptation—an individual's need to function and to expand personal horizons remain as long as life.

Decisions made now, or in the future, should be judged on the way in which they move this nation toward strengthening these rights.

Decisions to meet challenges in the new era of aging will be necessary by leaders in all walks of American life and at all levels of authority and responsibility. All elements of society—economic, educational, scientific, and religious—must be involved.

Government alone cannot and should not try to meet all needs of older Americans. Its leadership responsibilities, however, are evident.

The Federal Government in particular should give high priority to action which will:

1. Assure every elderly person of an income sufficient to provide for the basic necessities of life.

Most older Americans have been able, through their own efforts, to achieve economic independence which permits at least minimum levels of living comfort. There are many, however, who through no fault of their own are denied even the barest necessities of life. The good conscience of this Nation demands correction of these deficiencies.

2. Make fully available transportation services, recreational facilities, decent housing, adequate medical care, and other essential services or facilities at prices which all can afford.

While the primary need of older persons is for adequate income, their special needs call for special efforts to be sure that what they require in services and facilities are available to them where they live.

3. Eliminate age-related barriers to full participation in the nation's economic life.

Inevitably this necessitates a new look at retirement practices, employment policies, and related attitudes manifest by government and society as a whole.

4. Expand opportunities for participation in the social life of community and nation so that their experience, skills and wisdom may be fully used to serve older Americans themselves, and the nation.

Meaningful roles in society are important to every human being regardless of age. Too often they are denied older persons to their own disservice and the Nation's loss. Every one should have full opportunity for living with purpose, especially those who have done so much to build America.

5. Promote research of all types to insure that scientific and social advances in aging keep pace with progress in other fields and with growing needs of older persons.

Concurrent with expanding research related to aging must be improved avenues for making available to individual citizens the practical products of new knowledge so developed.

MAJOR IMPEDIMENTS TO ACTION

In looking at developments since the 1961 Eisenhower White House Conference on Aging, creation of this Special Committee on Aging later during that year, hopes generated by the 1971 Nixon White House Conference, and progress during the past 3 years, recognition should be given to 2 major and conflicting factors:

1. The need for action to solve the problems of individual older persons is urgent.

Regrettable as it is inevitable, persons who are now old simply do not have unlimited time to wait. To the extent that they have problems, early solutions are important.

2. So great is the task involved in meeting needs of older Americans, it is unrealistic to expect their immediate complete satisfaction.

Costs alone are a major impediment to early enactment and implementation of many important governmental programs on behalf of older Americans. In competition for tax dollars, the huge amounts of money required for adequate income support, medical care, housing and other necessities for the elderly are serious barriers to enactment of legislation the purposes of which we all endorse. No matter how great the need, such barriers cannot be overcome simply through wishing or through unrealistic promises.

Despite some progress, attitudes toward aging within society as a whole create equally serious obstacles to achievement of proper living conditions for older persons. They impede adequate governmental action. They also produce inadequate non-governmental responses to needs of older persons which sometimes may be just as important. Without new public attitudes, it will be difficult if not impossible to accord older Americans the independence, dignity, and freedom of choice which they deserve.

Nonetheless it must be acknowledged that real progress has been made since the 1961 White House Conference, the first in our nation's history, called by President Eisenhower.

RECENT PROGRESS

Some of the most important advances in our national response to problems of older persons have been made during the past 3 years. Reference is made to this progress elsewhere in this report, so we shall not try to give a comprehensive review here, but some of the highlights are worthy of special comment.

Early enactment of major legislation now before the Congress, including comprehensive proposals by President Nixon, will further improve the record.

It is not unreasonable to observe that the four years from 1969 through 1972 may, in retrospect, become recognized as a period of greatest advances in governmental support of older persons' income since enactment of the original Social Security Act.

Social Security benefit increases have already amounted to more than 26 percent. Not since 1954, during the Eisenhower Administration, has occurred such major growth in benefit levels. Further benefit increases, which we support, are almost inevitable within the next several weeks.

CONTROL OF INFLATION ESSENTIAL

Concurrently there has been a determined and vigorous effort by President Nixon to bring inflation under control—a goal which he recognizes as essential to maintaining the integrity of older Americans' incomes regardless of source.

It is obvious that the battle against spiralling costs of living is far from won. The roots of inflation, including Federal extravagances of the past and extraordinary expenditures of tax dollars for the Viet Nam war, have gone so deeply into our national economy that progress has been slower than any of us had hoped.

There have been momentary set backs, some of which have been most painful. Possibly there will be more in the future. It is essential, however, that the problem of rising costs of living be met.

Since the President insists that inflation is the nation's number one domestic problem—a view with which we agree—it is reasonable to assume that he will diligently apply every practical means to its further control during the months ahead.

No matter how vigorously the President wages his war on inflation, it is clear that he must have continued support in such efforts from the Congress and the people. If he receives such support, we are confident that his efforts will be attended with success.

Income levels for older Americans in general have risen during the past 3 years, even after discounts for cost of living increases. Such growth has fallen short of our hopes, and serious gaps remain, some of which we expect will be corrected momentarily, but recognition should be given to the fact that we have not stood still. The 26.5 percent increase in Social Security benefits, of course, has been most important.

GROWTH IN PRIVATE PENSIONS

In any evaluation of progress, credit must be given for that within the private sector as well as government. Continuing growth of the American phenomenon of extensive private pensions has played an important role along with other private savings efforts in improving the economic position of older Americans.

Latest data shows that approximately 4.7 million retirees and their spouses were participants as beneficiaries of private pension programs at the end of 1970. With a total of over 30 million workers covered by private pension programs at the end of 1970, the private sectors' involvement in retirement income becomes apparent.

Several major proposals have been presented to the Congress for legislation to strengthen the private pension system. Noteworthy among them are those by President Nixon and Senator Jacob K. Javits. They deserve serious consideration.

Concurrent with consideration of legislation regarding private pensions are the continuing efforts of the insurance industry and other financial institutions to achieve improvements and expansion of such private programs.

GAINS RELATED TO QUALITY OF LIFE

There is no question but that progress in expanding income for older Americans and efforts to maintain the integrity of the dollars at their disposal are of highest importance. Concurrent with such improvements, however, there have been advances in other ways to improve services to older persons.

An enumeration of some of these positive steps to better serve the elderly of America or to strengthen their ability to provide for themselves, discussed more fully elsewhere in this report, include:

1. Increased funding for a variety of programs aimed at improving quality of life for older persons: The Administration on Aging, with a 1973 budget increased to $100 million; $100 million for an expanded program of hot meals for the elderly; tripling of funding for the Retired Senior Volunteers Program to $15 million; doubling of special job projects such as Green Thumb and Senior Aides under sponsorship of the Department of Labor; and doubling of the Foster Grandparents program funding.

2. Increases in money and emphasis for housing for older Americans subsidized by the Department of Housing and Urban Development, which will produce a record-breaking 66,000 units during fiscal year 1972, and 82,000 units in fiscal 1973. Expectations under HUD's Nursing Home and Intermediate Care Facility Programs for these 2 years are 14,000 and 18,000 units, respectively.

3. Implementation of the President's 8-point plan to upgrade the quality of care in nursing homes which has, since he enunciated it in August, 1971, resulted in training of over 400 State nursing home inspectors for Federally-sponsored programs; funding of a short-term training during fiscal year 1972 of 20,000 persons to work in nursing homes, and training of 21,000 in fiscal year 1973; employment of 142 additional persons to enforce Medicaid standards and regulations, designation of Social Security district officers as agencies to receive and investigate complaints about nursing home care, and creation of an Office of Nursing Home Affairs, under direction of Assistant Secretary of Health, Education, and Welfare Merlin K. DuVal, M.D., to provide continuing review and improvement of the Nation's nursing homes.

No one regards the 8 point program as an end of action to improve nursing homes, but it is a laudable beginning in a problem area too long neglected.

4. Announcement by the President that the Department of Transportation is to give priority to community requests for capital grants that help the elderly under the Urban Mass Transportation program.

5. A Presidential instruction to the Domestic Council Committee on Aging to determine how other government offices, such as the General Services Administration's information centers and Agriculture Extension Service offices, can be used—along with previously designated Social Security offices—as information centers serving older Americans.

6. A Presidential directive to the Secretary of Labor to take immediate steps to expand employment opportunities in both the public and private sectors for older persons.

It has been apparent for a long time that expansion of employment opportunities as envisioned in the President's directive is given high priority by older people, themselves. We believe that, because of the importance of this need for work by older persons on economic, social and psychological grounds, the President may ultimately find it desirable to involve himself personally in this matter.

He may decide that the full weight of his office should be brought to bear on expansion of part-time employment opportunities for older persons. Such approach might be far more effective than any legislative action. We request him to give serious study to this line or action.

THE EXPANDED NUTRITION PROGRAM

Expansion of the nutrition program to make available one hot meal a day at least five days a week to increasing numbers of older persons is gratifying. Increased funding for this program, which was the object of bi-partisian support, will include $100 million for the fiscal year beginning July 1 and $150 million in the year following.

The Administration on Aging has indicated it expects most of the meals to be served at senior centers, churches, restaurants after hours, and other facilities within walking distance of older people in the neighborhood.

This provision of meals at minimal or no cost to the older person has importance nutritionally; but its value extends far beyond physical satisfaction. As often stated by Senator Charles H. Percy, a primary sponsor of the nutrition program's expansion, "It is not just the hot food they get, although for many of the people it is the only hot meal they get during the day. It is also the fact that these people have someplace to go, an occasion for which to dress up; they have other people to meet and visit with."

WHITE HOUSE CONFERENCE ON AGING

Momentum for continued progress on behalf of older Americans has been generated through activities related to the White House Conference on Aging, held November 28 through December 2 under a call by President Nixon.

Under the leadership of John B. Martin, Commissioner on Aging and Special Assistant on Aging to the President, conference activities began with a nationwide series of community forums at which the elderly were asked to give their own assessment of needs and problems. Over 6,000 of these forums, attended by more than 500,000 persons were held during 1970.

State conference on aging were then held in each of the Federal jurisdictions during the first half of 1971. Their recommendations, along with the results of deliberations by many technical committees and by national organizations of older persons, provided a base for deliberations by the conference at year's end in Washington.

Since extensive references to the recommendations by the various sections of the White House Conference are made in some detail in Part One of this report, and deserve careful consideration, we shall not labor them here. We strongly urge that every member of the Senate carefully review these recommendations in their entirety, as printed by this committee in the form of an interim report from conference chairman, Arthur S. Flemming. Every member of the Senate received a copy of this interim report from the Special Committee on Aging early in this session of Congress.

The speed with which the White House Conference section recommendations were transmitted to the Congress is a credit to Dr. Flemming as conference chairman, and to Senator Frank Church, chairman of the Special Committee on Aging.

The President's personal interest in a successful White House Conference on Aging was manifest in numerous ways, including his personal appearance in a major address delivered to the delegates. No less important was his decision, early in 1971, to ask Dr. Flemming to work full time on the conference as its chairman.

Dr. Flemming, as an educational leader and former Secretary of Health, Education, and Welfare during the Eisenhower administration, brought unique talents, experience, and personal dynamism to the conference which will have a lasting beneficial effect for older Americans. The confidence reposed in Dr. Flemming by members of both political parties and by individuals with widely divergent points of view and interests was a major factor in a successful conference.

Dr. Flemming has pledged, on behalf of President Nixon, that he will vigorously continue in his role as an advocate for older persons in the future. This augurs well for ultimate achievement of conference objectives. That it is no empty gesture by either Dr. Flemming or the President, is emphasized by the latter's action in giving Dr. Flemming staff to support his efforts toward post-conference follow up on its recommendations, and naming him as Presidential Consultant on Aging on a continuing basis.

Among other steps promised by Dr. Flemming is his announced intention, already in progress, to get information out promptly to the States on actions at the White House Conference, to hold regional and State meetings to promote their implementation, and his personal advocacy at all levels of government on behalf of older people.

It is reasonable to assume, therefore, that there will be vigorous follow up on the White House Conference within the executive branch of the Federal government, and, if Dr. Flemming's plans receive appropriate support, at the State and local levels of government as well. We sincerely hope that equally serious consideration of the conference recommendations will be forthcoming from the Congress.

SHARPENED FEDERAL FOCUS ON AGING

President Nixon's initiatives to sharpen the Federal focus on needs of older persons and action to solve their problems, however, go far beyond his appointment of Dr. Flemming, his earlier appointment of John B. Martin as Special Assistant on Aging to the President, or his call of and involvement in the White House Conference. He has acted decisively in other ways to assure that older Americans be given full visibility at the highest levels of the Executive Branch of government and that their needs be given attention of high priority.

Creation of a Committee on Aging within the President's Domestic Council represents a major new emphasis on aging within the Federal government.

Secretary of Health, Education, and Welfare Elliott Richardson, in whose department are lodged the largest array of programs affecting the elderly, serves as chairman of this cabinet level Committee on Aging. Membership includes: Secretary of Agriculture Earl L. Butz, Secretary of Labor James D. Hodgson, Secretary of Housing and Urban Development, George W. Romney, and Secretary of Transportation John A. Volpe.

The Secretaries and Undersecretaries of the several Federal Departments concerned with meeting needs of older persons have been in attendance at its sessions. It is reasonable to assume, in view of the President's personal interest and assignments he has given to the Domestic Council's Committee on Aging, that such participation by department heads will continue in the future.

It is hardly likely that any alternative to the President's Domestic Council can offer higher status to older Americans within the Federal government. The President is to be commended on this development.

Nor is it correct to assume that Presidential initiatives to sharpen Federal focus on aging have been confined to the Domestic Council committee.

President Nixon has issued a number of directives to the various cabinet members for additional attention to needs of older persons as related to services for which they, as department heads, have responsibility, some of which have been discussed earlier in this statement. It is apparent that he is determined that the movement for progress in aging, which began with his call of the White House Conference on Aging, will be pressed forward with vigor and his full personal support.

PRESIDENTIAL PROPOSALS

While insisting on first priority to his recommendations for improvement in the income status of older Americans as set forth in H.R. 1, the President has offered a number of additional proposals important to them.

It is appropriate to make brief reference to them within the context of this discussion of a sharpened Federal focus on aging.

Items in his plans include:

1. A commitment to provide relief from excessive burdens of property taxes,

2. Reformation and expansion of private pension programs,

3. More lenient treatment of persons past 65 under Federal Income tax laws,

4. Elimination of the $5.80 monthly premium for the Medical Insurance program under Medicare,

5. Full Federal funding of State nursing home inspections under Medicaid, and

6. Use of money which may be transferred from the Highway Trust Fund to

development of mass transportation in such a way as to help the elderly.

NO. 1 PRIORITY: OLDER AMERICAN GAINS IN H.R. 1

At the time this was written, it is expected the Senate Committee on Finance will shortly report H.R. 1 for action on the Senate floor. This bill, to be known as the Social Security Amendments of 1972, has been passed by the House of Representatives.

Social Security Act changes of importance to older Americans offered by the bill will have far-reaching implications, both immediate and long range for the aged.

Its potential impact on incomes for older persons, particularly those with lowest incomes, can be greater than any other Federal legislation since 1936. It will also correct some current deficiencies in Federal medical care programs. We strongly endorse prompt action by the Senate on these vital steps forward on behalf of older Americans.

Controversial features of H.R. 1, particularly as they relate to welfare reform, should under no circumstances be permitted to interfere with favorable action on provisions related to older persons which will improve their income status or health care.

It is with regret that we note the persistent reference to H.R. 1, as a "welfare bill." We have no intention of minimizing the importance of developing a more acceptable welfare system for the young. It is unfortunate, however, that so much attention has been given to provisions of the bill related to that subject, that the true significance of its other provisions, including those of special concern to the aging have received under-emphasis in the press and elsewhere.

The most important elements in these Social Security Amendments in our judgement, are not those related to typical welfare clients, but those of concern to more than 20 million older Americans and countless millions who will become aged in the future.

Removal of most persons past 65 from the typical welfare milieu will, indeed, be one of the most dramatic results of H.R. 1 if enacted. This is precisely the purpose and thrust of the new Title XX to be authorized by the bill.

Across-the-board cash benefit increases in Old Age, Survivors and Disability Insurance benefits (OASDI) under Social Security, which we strongly support, are of great importance to all current beneficiaries. The immediate beneficial impact of such increases is apparent and desirable.

Other changes in the Social Security Act which embody major new concepts relating to meeting income needs of older persons, however, ultimately may be at least as important in satisfaction of our national debt to the elderly.

OLDER AMERICANS INCOME ASSURANCE

The older Americans income assurance provisions of H.R. 1, as set forth in the proposed new Title XX constitute a major step forward in our legitimate goal of removing older persons from poverty.

When fully implemented, the new Title XX as passed by the House of Representatives would guarantee minimum income to all citizens past 65 of $150 a month for a single individual and $200 a month for a couple. This will be accomplished through provision of Federal supplements to other income of persons past 65 sufficient to attain these National standards.

Under this program, benefits will be available to all persons past 65 regardless of their Social Security status.

Most importantly it will be a long step toward meeting income problems of single and widowed older women and other persons who had little or no chance to qualify for Social Security. Among the latter are countless retired public employees—whose contribution to America has been second to none—such as policemen, firemen and teachers.

The older Americans income assurance program as passed by the House of Representatives would be administered by the Social Security Administration.

In accordance with intent of the President when he requested action in this direction and of the House in its response to his request, certification and distribution of the Federal supplement would be carried out in a manner appropriate to the dignity with which all older persons should be treated.

We are especially pleased at this imminent new development in the economics of aging because we have long espoused such an approach. It has always had the advantages of fiscal responsibility combined with compassion for the elderly in greatest need.

The concept embodied in the new Title XX of the Social Security Act was first offered as legislation by the late Senator Winston L. Prouty, who served as ranking Republican member of the Special Committee on Aging until his untimely death last year. It was promptly recognized by us as an important step forward and included in subsequent minority views of this committee.

There may be differences of opinion as to the adequacy of income levels applicable to the new Title XX. There can be no argument, however, on the desirability of its use to replace the original State administered Old Age Assistance Programs as the primary mechanism for eliminating extreme poverty among the aged.

Over 10 years ago, we expressed deep concern about the inadequacies of Old Age Assistance programs and the loss of dignity which too often accompanied their administration. While such criticisms were not applicable to all States, they were true for most of them and still are today.

It should be noted further, however, that nothing in Title XX proposes any cutback in State assistance to the aged from levels which now prevail. It contains provisions, on the contrary, which should encourage those few States which have forthrightly met their obligations to the elderly to strengthen such supplemental efforts.

COST-OF-LIVING SOCIAL SECURITY INCREASES

Another new Social Security provision in H.R. 1, which was first espoused by Republican members of this Committee and urged by President Nixon, calls for automatic increases in Social Security benefits based on any rise in price levels.

First introduced in the Senate by Senator Jack Miller, this proposal provides that when living costs rise as much as 3% there shall be an increase in benefits payable.

Late in 1968, this proposal became the object of bi-partisan support for which we have previously expressed our thanks.

Too often older persons, by reason of their very situation in life, cannot wait on the legislative processes to make corrections in benefit levels based on changes in living costs. Nor should any other Social Security beneficiary be expected to do so.

OASDI INCREMENTS FOR THOSE DEFERRING RETIREMENT

Another concept regarding Social Security benefit levels first recommended by Republican members of this Committee which receives some recognition in H.R. 1, is our recommendation made 10 years ago that credit be given through higher benefits to persons who defer retirement to years beyond age 65.

H.R. 1 would provide for a 1 percent annual increase in OASDI benefits for each year they are deferred past 65. We do not believe this goes far enough in correcting this major inequity within Social Security, but we recognize that even this represents a beginning.

If the principle it involves is accepted now, we will have a new precedent for progress in equity to working older persons.

Ultimately we believe that the interests of all older Americans and the Nation will be served by development of fully equitable, actuarily determined increments for those who choose to work past 65.

As pointed out by us previously, there is flexibility—and should be—in Social Security benefits for those who choose to retire early.

We repeat now our earlier recommendation that similar flexibility in Social Security be provided for those who retire late.

HIGHER MINIMUM SOCIAL SECURITY BENEFITS

General increases in cash benefits under Social Security will, of course, result in higher minimum benefits under H.R. 1.

The bill goes beyond this, however, in its attention to minimum benefits for those workers with many years of Social Security coverage, but at very low earning levels.

H.R. 1 introduces a new concept regarding minimum benefits.

If adopted, as passed by the House of Representatives, the 1972 Social Security Amendments would provide a minimum retirement benefit of $5 a month for each year the worker was covered under Social Security if such coverage equals a total of 15 years, up to a maximum of $150 a month.

Thus any worker paying Social Security taxes for 30 years would be eligible for the $150 new minimum benefit.

Unlike an increase in minimum benefits without regard to the duration of a worker's attachment to the work force, this change avoids windfalls to those whose Social Security coverage is so brief as to be almost incidental.

Too little attention has been paid to this new concept and what it will do for lower income workers.

Members of minority groups, who through no fault of their own have been subjected to serious adverse earning situations throughout their lives, will be among the most favorably affected older Americans. So far as it affects them, it is at least a step forward in meeting the triple jeopardy which they often face in their later years.

Over 300,000 persons, most of whom may be assumed to be in the lowest income bracket, would be recipients of increased benefits under this provision.

The Senate Committee on Finance has approved amendments to this part of H.R. 1 which would raise minimum primary benefits to $200 a month for persons with 30 years coverage.

The Finance Committee amendment would provide for a minimum monthly benefit of $10 for each year of contributions in excess of 10.

Whatever may be the ultimate outcome of conflicting House-Senate versions, such recognition of the worker with many years of covered employment is overdue.

H.R. 1 CORRECTION OF OTHER INEQUITIES

Several other major Social Security inequities to which this committee has previously given attention will be the object of corrective action through adoption of H.R. 1.

One which we discussed at length in the past relates to recognition of earnings by married couples both of whom work.

Reviewing and updating what was said in the 1967 minority report of this Committee, we find that what was said then is still pertinent.

It is common practice today for both husband and wife to work—and pay Social Security taxes. Sometimes such dual taxation continues throughout their adult life. Sometimes the wife is in the work force until a baby arrives and then resumes employment after the children have grown up or entered high school or college.

In most cases, little or no additional retirement benefits are received as a result of this dual contribution.

An example can illustrate the inequity.

Let us assume one Couple (A) in which the husband, on reaching retirement has average earnings, subject to Social Security taxes, of $4,000 a year. His wife has had such average earnings of $2,000 a year.

Another Couple (B) is one in which only the husband has been employed with average earnings of $6,000 a year subject to Social Security taxes.

The couples have made identical contributions to the system, but benefits payable at 65 discriminate sharply against couple (A).

Couple (A), assuming both receive benefits, will be paid $257.25 a month. In contrast, couple (B) would receive $336.05 a month.

This problem hardly existed prior to World War II. Since then the working wife, for part or all of her married life, has become an increasingly important factor in our economy.

Already, there are many retirees who have been injured by this treatment of working couples. The number in the future will be even greater.

We believe that this inequity is completely contrary to the original spirit of Social Security.

At least partial recognition of this problem is given under H.R. 1 in its provision to permit a married couple each of whom had at least 20 years of covered earnings under Social Security after marriage to have their earnings for each year combined up to the maximum amount of taxable earnings for that year. If they so elected, each would receive a benefit equal to 75 percent of the benefit based on the combined earnings.

We fully endorse this step forward toward ultimate achievement of equity for such workers under Social Security.

100 PERCENT BENEFITS FOR OLDER WORKERS

We, along with all others interested in the problems of older Americans, have long been disturbed by the treatment given to older widows by Social Security through its provision that they receive only 82½ percent of their insured husband's primary benefits upon his death, while if the wife dies first, he receives 100 percent.

There has been no justification for this discrimination against widows. It has seriously injured their ability to care for themselves after demise of their spouse.

This discrimination has been a factor in placing many older women in economic circumstances of poverty and deprivation.

We have waited too long in correcting this deficiency in Social Security and action on it through H.R. 1 is most essential.

LIBERATION OF THE EARNINGS TEST

H.R. 1 also offers liberalization of the "retirement test" under which Social Security beneficiaries now have deducted from their benefit checks one-half of any earnings they may have between $1,680 and $2,880 during a year and all of their earnings in excess of the latter amount.

Under the proposed change, earnings up to $2,000 a year would be totally unpenalized, and the deduction would not exceed 50 percent of earnings above that amount.

This is a step forward, which we support, but there is serious question as to whether even this liberalization is sufficient.

UPDATING RETIREMENT INCOME TAX CREDIT

Badly needed updating of the retirement credit provision in the Internal Revenue Code is another important step forward offered by H.R. 1.

The purpose of the retirement income tax credit has been to provide equitable tax treatment for persons not on Social Security or Railroad Retirement or similar sources of tax-exempt pension income, by giving such persons comparable consideration for income tax purposes.

Unchanged since 1954, the basic level of income eligible for the tax credit is now $1,542. We have long advocated liberalization of this credit provision so as to re-establish equity which recognizes increases in tax-exempt retirement income generally available through programs such as Social Security and the Railroad Retirement System.

Under H.R. 1 the credit for a single person will be based upon $2,500 instead of $1,524. For a married couple, both over 65, will be based on $3,750.

We believe the Congress should exercise continuing review of the retirement income tax credit to maintain its equity with any and all increases in Social Security.

IMPROVEMENTS IN RAILROAD RETIREMENT

It has been customary, and properly so, for Congressional action to improve benefit levels, and other provisions of the Railroad Retirement Act, to keep pace with strengthening of Social Security.

Sometimes there has been a time lag in establishing such comparability. We urge that the Congress take speedy action on improvements in the Railroad Retirement Act this session to assure that every new or increased benefit authorized for Social Security beneficiaries shall become available also under Railroad Retirement without delay.

IMPROVEMENT IN MEDICARE

There are many major changes in Medicare, such as those related to elimination of the $5.80 monthly premium, provision of out-of-hospital prescription drugs, modifications in deductible and co-insurance features, elimination of the 3 day hospitalization requirement prior to extended care services, and others which deserve serious consideration by the Congress, which are absent from H.R. 1. There are, none-the-less, a number of steps forward offered in the bill.

Reference is made to these new provisions elsewhere in this Committee report. Several deserves additional brief comment here.

MEDICARE'S RETROACTIVE DENTAL PROBLEM

One of the most serious problems under Medicare in the past, for providers of care, patients and their families have been those related to denial of payment for services retroactively. This has been of consequence primarily with regard to services in nursing homes or through home health care programs under extended post-hospital care provisions of Medicare.

That refusal by the government to pay for such services has been required by provisions of the Medicare law, has in no way diminished the hardship it creates.

Patients, physicians, and extended care facilities or home health care programs have filed claims in good faith for reimbursement to which they thought they were fully entitled under Medicare, only to learn later that such claims were disallowed under the law.

This problem has been discussed at length in testimony before this Committee. It is clear, despite administrative improvements, that it has been a factor in refusal by many highly qualified providers of care to participate in Medicare, as well as a source of serious embarrassment to patients and their families.

We believe that full review of this problem and development of sound legislative solutions to it is of high priority.

A step in the right direction, however, is offered in H.R. 1 and should not be delayed. This part of the bill provides that the Secretary of Health, Education, and Welfare be authorized to establish minimum periods of time by medical condition during which a patient would be presumed, for payment purposes, to require post-hospital extended care services or home health services.

DROPPING MEDICARE ENROLLMENT RESTRICTIONS

One feature of the original Medicare act is its provision that enrollment in the supplementary medical insurance program (Part B of Medicare) by otherwise eligible beneficaries be within 3 years of when they first become eligible.

As private health insurers have justifiably accommodated their policies for persons past 65 of Medicare, this provision has worked increasing hardship on many older Americans. It has in effect often denied them protection which they should have readily available.

Under current provisions of H.R. 1 eligible beneficaries would be permitted to enroll in the supplementary medical insurance program during any prescribed enrollment period.

MEDICARE AVAILABILITY TO THE UNINSURED

Many older persons, who through no fault of their own are not covered by Social Security, are now ineligible for the hospital insurance benefits under Medicare. This has been a serious shortcoming of the law, because often this has meant no health insurance protection for the elderly.

For them H.R. 1 offers an opportunity for voluntary enrollment in Medicare.

Persons reaching 65 otherwise ineligible for hospital insurance under Medicare would be able to enroll for hospital insurance coverage in the same way as people can now enroll under Part B, the supplementary medical insurance section of Medicare. Such enrollees would pay the full cost of the protection, initially $31 a month.

Approval of this provision will fill a serious gap in the availability of health insurance for the persons so ineligible.

MEDICARE COVERAGE OF SPOUSES UNDER 65

Another health insurance problem which has become apparent since the beginning of Medicare is that which occurs when a man or woman is eligible, but his or her younger spouse is not, because of age.

An amendment to H.R. 1 introduced by Senator Edward J. Gurney, and already accepted by the Committee on Finance, affords an answer to this problem through voluntary enrollment privileges under Medicare for such younger wife or husband.

This amendment, which we urge be approved by the Senate and accepted by the House of Representatives, would permit a spouse of a beneficiary who is at least 60 years old, but not yet 65, to elect voluntary enrollment in the hospital and medical insurance programs on an actuarily determined cash basis.

NEW ELIGIBILITY FOR INTERMEDIATE CARE

One provision of H.R. 1, as passed by the House of Representatives, on which action has already been taken is the transfer of provision for intermediate care facilities from Title XI to Title XIX (Medicaid) in the Social Security Act.

Prior to passage of Public Law 92–223, December 14, 1971, and its approval by the President, December 28, the highly important Federal provision of support to the elderly in Intermediate Care Facilities was limited to the indigent because provisions for such care are offered only through the public assistance features in Title XI of the Act.

Last year we strongly recommended that such services in Intermediaate Care Facilities be transferred from Title XI to Title XIX, Medicaid. By so doing the number of older persons eligible for Intermediate Care has been substantially increased.

Intermediate Care is important, of course, because many older persons requiring sheltered care, do not need the full range of medical services offered in a skilled nursing home. A home that is less oriented to such medical care often better serves their needs, and at a considerably lower cost.

ACTION ON H.R. 1 ESSENTIAL

The foregoing review of some of the highlights in H.R. 1 does not pretend to be complete. It does indicate, however, how far reaching are its implications for older Americans.

It is small wonder that President Nixon has given the measure highest priority. We urge enactment of at least those provisions in it which will make such a great contribution to the lives of millions of older Americans.

We do, indeed, regard enactment of these provisions as essential to an improving national policy in aging. Important as H.R. 1 is, however, we recognize that much more will have to be done in the future regarding the issues to which it is so admirably addressed. It only represents a new beginning for a new era in aging.

AN EMERGING REVIEW OF NATIONAL POLICY IN AGING

It appears that a major review of national policy toward older Americans may soon develop.

Recent proposals by the President, by distinguished members of the Congress, and a host of recommendations by various sections of the 1971 White House Conference on Aging emphasize the need for a full disclosure of pertinent facts and divergent opinions on policy.

Hundreds of thousands of citizens made contributions to the White House Conference on Aging through community forums, State conferences, and ultimately in deliberations at the Nation's capitol. Anything less than a comprehensive review of national policy on aging at the highest levels of our society would be an unconscionable rejection of their efforts.

Special problems of those who are poor, those who are members of minority groups, those who are enfeebled by great age, those who are sick, and those who are isloated should be given careful and sympathetic attention. Nor should we ignore the special needs of those more able to care for themselves who are, nonetheless, victims of age discrimination.

Social and economic roles of older Americans should be reassessed. Basic attitudes toward age by all Americans need correction. Retirement and employment practices should be reviewed. The contribution which older persons may still make to family, community and nation must be given recognition, and doors opened for their involvement in America's life as fully as individual capacities and desires permit.

NEED FOR INDEPENDENT SOCIAL SECURITY REVIEW

Because, in both its economic and social impact, the Social Security system is a major factor in the lives of most older Americans, a reappraisal of its character deserves high priority. Such examination is equally important because of the impact it also has on the lives of those who, as members of the work force, bear a great amount of the tax burden, especially the younger workers.

With Social Security dollar flow in OASDI cash benefits currently at $37.2 billion per year, and Medicare expenditures at an annual rate of $7.9 billion per year, there is no single enterprise in America—in or out of government—which looms so large. Practically all citizens are involved, either as recipients of benefits or as tax contributors to it.

Every Social Security change—whether designed to overcome inequities, or to change benefits and taxes, or to affect the integrity of the trust funds—has serious implications for all citizens. Accordingly, each change should receive the most careful deliberation possible.

The 1971 Advisory Council on Social Security has proposed changes in financing and acturial assumptions which have potential far-reaching effects on the whole system.

Partially in consequence of such recommendations, a number of major revisions in Social Security beyond those in H.R. 1, as passed by the House of Representatives, have been proposed.

Among them is a proposal for a 20 percent across-the-board increase in benefits.

The President has recommended that the $5.80 monthly premium for the Medical Insurance Plan (Part B) under Medicare be eliminated. He now has under consideration the question of including out-of-hospital prescription drugs as a benefit under Medicare. Application of any available funds to these purposes obviously would provide maximum help to those of greatest age and those in greatest need.

Proposals have been made for elimination of the penalty imposed on earnings by persons otherwise eligible for benefits under Social Security.

Each of these, and a host of other improvements, merit serious consideration. They compete with each other, however, for any Social Security money which may appear to be available as a result of changed financing and actuarial assumptions.

No less important a question is the integrity of the trust funds and the system's ability to continue to make equitable benefits payable over the long run.

The Advisory Council on Social Security said, in a unanimous opinion, that changes in financing and actuarial assumptions it recommended will not undermine the Trust fund's integrity. Serious questions have been raised about these assumption, however, by other actuarial authorities and economic experts.

In simple terms, the Council proposed that use of level-earnings assumptions in cost calculations be replaced with assumptions of persistent increases in real wages and productivity. The validity of the latter has been challenged on the basis that such increases in excess of price increases, while desirable as goals and hopeful of achievement, are not sufficiently sure to warrant their use as a basis for long-range Social Security financing.

We do not presume here to evaluate these conflicting views as to actuarial assumptions. We are determined, however, to support actions designed to maintain the soundness of Social Security financing.

We believe these questions must be resolved most carefully.

Concurrent with such resolution, we believe it important to examine the entire Social Security structure to assess how well it is serving and can best serve the American people.

We believe further that such evaluations are so important that they should be an ongoing, day in and day out responsibility of government.

With all due respect to the distinguished members of the 1971 Advisory Council on Social Security, and they are truly so, we do not believe such a function should be performed on a part-time or intermittent basis.

Nor do we believe that the Social Security Administration, which has responsibility for conduct of the system's operation, should be the only source of information or the primary source of policy recommendations.

We recommend, therefore, that the Congress enact legislation to create a permanent, independent, bi-partisan commission to maintain constant surveillance of Social Security, to provide opportunity for hearing all shades of expert opinion, and to provide the President, the Congress and the people with sufficient information to give maximum assurance that all decisions related to Social Security are well taken. Such a commission should have responsibility also for constant overview as to the Social Security system's adequacy and performance in meeting needs of the country, and might well include an additional mechanism for adjustment of grievances against the system.

Regardless of action taken by the Congress on new proposals by the President and others, we believe that a continuing, independent overview of Social Security is necessary if judgment by the President and the Congress are to be most valid. The people as a whole have an equally important right to know the facts.

Nothing is more basic, of course, than the certainty that the Social Security trust funds will be able to meet their total obligations. For this purpose, validity of long-range actuarial assumptions is essential. It has serious implications for any of the major changes in Social Security which have been advanced during 1972.

Such expansions, including recent proposals that Social Security benefits be increased 20 or 25 percent with no substantial increase in Social Security taxes, suggest that older Americans and taxpayers may have been short-changed under the program as it has operated in the past.

The only other reasonable conclusion is that there is willingness to jeopardize the Social Security system's integrity for the future. The first responsibility of a full-time Social Security Commission would be to assure that the President, the Congress, and the people have the facts.

Social Security is too important to Americans of all ages to permit its future to depend on decisions by the Federal operating agency, a part-time advisory council, and intermittent review by the Congress. It needs continuous supervision and review by a full-time agency independent of the program's administrators.

The Senate Finance Committee and the House Ways and Means Committee have in the past done a remarkable job on Social Security. It has been doubly remarkable in view of their limited staffs and their other important legislative responsibilities.

In view of the magnitude of such responsibilities, it would seem appropriate that a Commission be established to assist these committees and the President in maintaining constant and high level surveillance of the Social Security system.

Properly devised, we believe an independent bi-partisan commission can be of great service to both of these distinguished legislative committees.

One-third of income for older Americans is derived from Social Security.

For the average worker (with an income of $7,200 a year) the Social Security tax load amounts to over 90 percent of what he usually pays in Federal income tax.

Anything less than full-time surveillance of such a huge program now appears undesirable.

Regardless of improvements in Social Security enacted during this session of Congress, and we believe them essential for today's needs, the record indicates the desirability of the permanent, independent, bipartisan review of Social Security which we recommend. The American people, young and old, should be given the assurances about their own security that it could provide.

TAX PROBLEMS OF THE ELDERLY

As pointed out in previous reports of the Special Committee on Aging and again in some detail in Chapter II, Part One of this report many older Americans face serious problems because of high property taxes on their homes.

Without repeating what has been said elsewhere, it is clear that action to reduce the often devastating effect of rapidly rising real estate taxes as they apply to all citizens, and particularly the elderly, should receive high priority at all levels of government.

The President has announced his intention to provide leadership in serious efforts to reduce inequities in the present antiquated system. We urge the Congress to lend full support to every reasonable proposal, including revenue sharing with State and local governments, to develop a more acceptable tax base.

As in the past, we also urge State and local governments to give serious consideration to ways of lightening the property tax burden on older home owners. Some progress has been made in this direction. It should be continued and strengthened.

All individuals required to file income tax returns have faced problems because of their complexity. Special difficulties encountered by older persons have been the object of earlier consideration by the Special Committee on Aging. Such concern should be continued.

Legislation to exempt many older persons from the requirement of filing returns has obviously been helpful.

Serious efforts have been made by the Department of the Treasury to reduce problems by improvements in the tax forms. It is extremely important that this effort be pursued with constant deligence, particularly as it relates to older persons.

EXTENDING THE OLDER AMERICANS ACT

Even when we have achieved our goals related to fully adequate income, financing of medical care, availability of decent housing and similar items recognized as absolute necessities for older Americans, there will still remain major areas of need among the elderly which must be met.

Regardless of the speed with which we may act in providing the so-called basic necessities, we should brook no delay on action in other areas related to quality of life for older persons.

Full recognition of this was given when the Congress adopted the Older Americans Act of 1965 without a dissenting vote in either the House of Representatives or the Senate.

Without prompt action by the Congress, this important program for the elderly authorized by the 1965 Act will be subject to termination June 30.

Legislative Committees in the House and Senate recognize this and now have under consideration a number of proposals for extension of the Older Americans Act.

We recognize that the precise character of such extension has been the object of some differences of opinion. We recognize, too, that the attitude of the Executive Branch of the Federal Government will be a major factor in ultimate success for the Older Americans Act purposes regardless of the precise form the extension takes. Experience with the Older Americans Act of 1965 under both Democratic and Republican Administrations underscores the validity of that fact of governmental life.

As observed earlier in this statement of our views, we believe there is clear evidence that the present national administration is "on the move" in meeting the challenges of aging now before us.

New directions related to work of the President's Domestic Council on Aging, the Administration on Aging, and the continuous personal involvement of H.E.W. Secretary Elliot Richardson and former H.E.W. Secretary, Presidential consultant, Arthur S. Flemming are most encouraging. Recognition of these developments must be factors in action on the Older Americans Act extension.

Whatever may be the exact language of amendments to the Older Americans Act which will emerge from the Senate Committee on Labor and Public Welfare, we believe it essential that ultimate action, legislative and executive, must produce a result compatible with the original intent of Congress in 1965 that the needs and aspirations of older Americans be given a very high status and visibility within the Federal government. Any less adequate response would be regarded by us as unsatisfactory.

RESEARCH IN AGING

Important too for quality of life among older Americans in the future is the potential offered by well conceived and adequately funded research.

To ignore the contributions possible to older persons by all kinds of scientific research is unrealistic.

Medical research of all types, including that directed at major sources of health problems among the elderly such as cancer, osteomyelitis, cardiovascular disease, and arthritis, obviously have major significance for older persons.

Atomic research, while less obvious in its implications, is also creating potentials for progress in aging. In truth every expansion of scientific knowledge can ultimately have an effect on older persons.

Other types of research, including that related to social aspects of aging, is also important.

While the elderly may share in benefits of all research, it still remains important, as we have said in the past, that there be adequate funding of gerontological research as a special entity.

We strongly recommend that the Congress give serious consideration to valid proposals for expanded research before it.

Whatever improvement will be afforded by action to strengthen our Nation's research related to aging, it is of paramount importance that all new knowledge so developed get to the people as promptly as possible.

Our concern with research is primarily related to its possible benefits to individual persons in their daily lives. We urge that social and scientific research personnel never forget our ultimate objective. They and all others with influence on our research projects have an obligation to shape their work for its earliest and most decisive impact on the lives of persons.

QUESTIONS ON AGING IN THE 21ST CENTURY

While we have hopes for near-term benefits from research, it is inevitable that much of its importance will relate to years ahead. This but reinforces our belief that current deliberations regarding national policies in aging must include the long-view.

Scientists already maintain that life expectancy within 3 decades may well be closer to 90 or 100 years than to the current 70.

If there is validity to such predictions, it is apparent that the most significant gains will be those in the later years of life. Such gains, predicated at least in part on anticipated break-throughs in cancer, heart disease, osteomyelitis, and arthritis, will certainly produce a new older generation with even greater capacities and zest for life than the present one—which certainly now contrasts sharply with those of previous eras.

All of this strongly emphasizes the need for recognition that the 21st Century, but 28 years away, will pose new and serious questions related to policies in aging.

Older Americans of today, sensitive as always to needs of their children and grandchildren, would be among the first to insist that long-range considerations be acknowledged as we take forward steps on their behalf today.

Some of the implications of such considerations have been discussed in previous minority reports of this Committee, including needs for reappraisal of basic concepts regarding retirement practices. We will not repeat them here except to reiterate our belief that the challenges on aging in the future will require full application of the best brains and thinking within our society.

A RECAPITULATION OF RECOMMENDATIONS

There are grounds for optimism that a number of the proposals which we have discussed in the foregoing pages—and others on which we have expressed concern in previous reports, including that of November, 1971—will be adopted, or the principles on which they are based accepted during the present session of Congress.

Fundamentally, we believe that: (1) no individual should be denied opportunity because of age, and (2) our Nation cannot afford to waste the resources of talent and experience to be found among its older citizens.

We recommend:

1. Automatic cost-of-living increases in social security, and railroad retirement benefits to keep pace with increases in cost of living;
2. Enactment of an older Americans' income assurance program, which will provide economic support sufficient to provide economic guarantee that the elderly enjoy a decent standard of living;
3. General increases in social security and railroad retirement benefits;
4. Payment of 100 percent of primary social security benefits to aged widows instead of the present 82½ percent of amounts payable to surviving covered workers;
5. Upward adjustments, actuarially determined, in social security benefits for those who defer retirement beyond 65, so that their continuation in the work force will not be penalized;
6. Upward adjustment in social security benefits for married couples both whom work and thus pay dual social security taxes without receiving higher payments when they became OASDI beneficiaries;
7. Extension of social security, financed from the general fund of the Treasury, to more people not covered by an adequate retirement program;
8. Further liberalization of the social security earnings test to permit social security beneficiaries to earn more money without penalty;
9. Revisions in the veterans pension program to protect the right of veterans to a fair share of higher income levels among older Americans;
10. Vigorous efforts to expand and improve the Nation's unique private pension system;
11. Expansion of job opportunities, full time and part time, for older persons desiring employment;
12. Expansion of Medicare enrollment privileges so that persons over 65 not otherwise eligible under social security coverage may participate by buying into the program;
13. Expansion of Medicare enrollment privileges so that spouses of insured persons' spouses who are under 65 may enroll in the program by buying into it;
14. Removal of the present requirement that a Medicare beneficiary must necessarily have 3 days of prior hospitalization to be eligible for extended care;
15. Reexamination of coinsurance and deductible features of Medicare to determine how best the liabilities they impose on beneficiaries may be lightened without injury to the program's financial integrity;
16. Elimination of retroactive denials of extended care facility and home health agency benefits obtained in good faith under Medicare;
17. Prompt consideration of how best to relieve older people of excessive burdens imposed by costs of medical appliances, drugs, and needed professional services not now covered under Medicare;
18. Provision of an unlimited long-term institutional medical care benefit for all persons over a specified advanced age, such as 80 years;
19. Strengthening Federal support for private elderly housing under both mortgage insurance and direct loan programs;
20. Improvement of public housing programs to make them more responsive to special needs of older persons;

21. Updating of the retirement income tax credit provisions of the Internal Revenue Code;

22. Restoration of full deductibility for medical and drug expenses, subject to a Federal taxation;

23. More liberal tax incentives for persons making substantial contributions to the support of needy elderly relatives;

24. Encouragement of appropriate property tax relief measures for older persons at State and local government levels;

25. Adequate financing for research in the field of aging;

26. Creation of a Federal research agency for continuing in depth study of economic, physiological, psychological and social factors in aging as a basis for evaluating policies and programs affecting older Americans of the present and the future;

27. Expansion of economically feasible "second career" and volunteer service opportunities to enable the continued involvement of retirees in the mainstream of community life;

28. Development of transportation services with particular reference to special needs for older persons;

29. Better funding of State commisions on aging with special emphasis on community level programs such as senior centers, homemakers, meals on wheels and friendly visitor services, and educational, social and recreational activities designed to combat the twin fears of aging—loneliness and frustration;

30. Upgrading of the Administration on Aging and strengthening its ability to serve as a focal point for coordination of Federal activities and programs in behalf of older Americans;

31. Basic support of the President's efforts to control inflation, and of needed changes in policy by those in control of Congress to reduce unnecessary Federal spending; and

32. Creation of an independent, permanent bi-partisan Commission to maintain constant over-view of the Social Security system.

In view of President Nixon's personal commitment to aggressive action in the field of aging, which we are confident will be reflected in his decisions at appropriate times, the tenor of current sentiment within the Congress, and new manifestations of interest within the whole Executive Branch of the Federal government, we believe there is justification for optimism regarding the immediate future of older Americans.

At the same time, it is essential that nongovernmental elements of our society recognize that attitudes on aging suitable to the 19th century cannot meet the needs of the 20th century.

We also believe that attention must be given to research—scientific and social—looking to future progress and changes needed to meet developments in the long-range future.

We believe that the wisdom, experience and talents of today's older Americans should be used fully as we develop answers to these challenges of today and tomorrow.

We share the view expressed by members of the White House Conference on Aging section on Retirement Role:

"As we grow older, we continue to need to occupy roles that are meaningful to society and satisfying to us as individuals. However, we emphasize the primacy of such basic necessities as income, health, and housing and these needs must be adequately met.

"Twenty million older people with talents, skills, experience and time are an inexhaustible resource in our society. We represent all segments of the population; our abilities, our education, our occupational skills, and our cultural backgrounds are as diverse as America itself.

"Given proper resources, opportunities and motivation, older persons can make a valuable contribution. We are also capable of being effective advocates of our own cause and should be included in planning, in decision making and in the implementation of programs. Choice of roles must be available to each older person despite differences in language and ethnicity, and limitation because of disability or level of income. The lives of Americans of all ages will be enriched as the Nation provides opportunities for developing and utilizing the untapped resources of the elderly."

Hiram L. Fong.
Jack Miller.
Clifford P. Hansen.
Paul J. Fannin.
Edward J. Gurney.
William B. Saxbe.
Edward W. Brooke.
Charles H. Percy.

IS BUCHER QUALIFIED FOR FEDERAL RESERVE?

Mr. **PROXMIRE.** Mr. President, on Friday, May 12 Jeffrey M. Bucher appeared before the Senate Banking, Housing and Urban Affairs Committee for confirmation to serve as a Governor of the Federal Reserve Board for the next 14 years.

I hope the Senate will take a hard, clear look at this nomination. Mr. William Burkett, a man who has served as superintendent of banks in California, testified that Mr. Bucher is wholly unqualified, and I emphatically support Mr. Burkett's judgment.

Mr. Bucher not only has no experience or training in monetary policy which is the Fed's principal responsibility, he is not, as Mr. Burkett said, not even qualified to head a small bank.

And the principal justification for the Bucher appointment is that he has been a banker.

Mr. Bucher has been a trust department official in banking which qualifies him as a banking expert about the way a lifetime of experience as a business manager for a professional football team would qualify a man as the starting quarterback.

Moreover, Mr. Bucher could not even answer any of the questions I put to him on bank regulatory issues, the field where he is supposed to be qualified. To every question, Mr. Bucher said he did not know and that he would have to give the matter further study.

Mr. Burkett, a highly successful banker himself put it this way:

> This nominee would not qualify for appointment to the presidency of even the smallest bank in California because of his total lack of knowledge and experience in banking—let alone an appointment to the most powerful banking board in the world.

Mr. President there are two reasons why the Senate should insist on applying stringent standards in approving Presidential appointments to the Federal Reserve Board:

First, the Board is without question the most important economic agency of this Government. It can and has pursued policies that have shoved this country into recessions or depressions. The quality of the Board's performance will depend of course on the quality of the men who are appointed to it.

Second, the Federal Reserve Board is, under the Constitution, independent of the executive and very much the responsibility of the Congress.

It is our creature—carrying out our duty defined in article I, section I, paragraph 8—"To coin money and regulate the value thereof." As a matter of fact Presidents have often usurped the congressional money power. And always the same way: by nominating their own men to the Board, and by Congress failing to scrutinize the nomination to determine if the nominee has the qualification to exercise independent judgment.

It is true that when the President makes a nomination to his Cabinet he is nominating a man to be part of his official family, and the President should certainly be given the benefit of the doubt. For instance, the Attorney General is the President's lawyer, his responsibility is to assist the President in his constitutional duty to execute the laws.

A Supreme Court nominee should have a more stringent and independent criteria applied than a Cabinet nomination, because the courts are of course constitutionally separate from the executive.

Nominations to the Federal Reserve Board are in a third category. They should require the strictest congressional criteria, because here unlike the Cabinet official the nominee is to be independent of the executive, and unlike the Supreme Court nominee he is not, and I repeat, not, to be independent of the Congress. His duty is to carry out a clear congressional responsibility under the constitution.

If ever this body has the right to insist on applying our own criteria, it is for nominees to the Fed. These are to be our men, and to rubber stamp anyone the President sends us means that we turn our backs on our clear constitutional responsibility.

For these reasons Mr. President, I am taking the extraordinary step of asking unanimous consent to have the entire transcript of the hearings on the Bucher nomination to the Federal Reserve Board printed in the Record.

I hope that Senators will carefully review this nomination. It should be rejected for three reasons:

First, Mr. Bucher is not qualified.

Second, his appointment could represent a serious conflict of interest. This is not because of any financial holdings by Mr. Bucher, but because he comes from the largest multibank holding company in the country, a holding company with more than $13 billion in assets, and as Governor of the Federal Reserve Board he would have a prime responsibility for regulating multibank holding companies.

Third. Mr. Bucher's appointment can impair foreign confidence in the soundness of our bank regulatory system because of his association with the United California Bank, a bank which has been particularly free wheeling in its international activities. This is the same bank which permitted its Swiss subsidiary to lose $48 million in an ill-fated attempt to corner the international cocoa market. While Mr. Bucher was apparently not directly involved in the Swiss fiasco, he was a member of the bank's top management team and is presumably a product of its aggressive, speculative approach.

Mr. President, I ask unanimous consent that the transcript of the hearings on the Bucher nomination be printed in the RECORD at this point.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF PROCEEDINGS, COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS, NOMINATION OF JEFFREY M. BUCHER OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS, FEDERAL RESERVE SYSTEM, VICE SHERMAN J. MAISEL, TERM EXPIRED

STATEMENT OF WILLIAM A. BURKETT

Former Superintendent of Banks, State of California; Former President, National Association of Supervisors of State Banks; Former Director, Department of Employment, State of California, and Member of the Cabinet of Governor Goodwin J. Knight; Former Chairman, Liaison Committee with the Board of Governors, Federal Reserve System and the National Association of Supervisors of State Banks; and Former President and Chairman of the Board, Security National Bank of Monterey County, now retired.

Nomination of Jeffrey M. Bucher of California, to be a member of the Board of Governors, Federal Reserve System, Vice Sherman J. Maisel, term expired.

Friday, 12 May 1972, United States Senate, Committee on Banking, Housing and Urban Affairs, Washington, D.C.

The committee met at 10:10 a.m. in room 5302, New Senate Office Building, the Honorable John Sparkman, chairman of the committee, presiding.

Present: Senators John Sparkman, William Proxmire, Wallace F. Bennett, and Bill Brock.

The CHAIRMAN. Let the Committee come to order, please.

The purpose of the hearing today is to receive the testimony on the nomination of Mr. Jeffrey M. Bucher, California, to be a Member of the Board of Governors of the Federal Reserve System.

Mr. Bucher has been nominated to serve a fourteen-year term in the place of Governor Sherman J. Maisel, whose term has expired.

In addition, Mr. William Burkett, formerly the Superintendent of Banking of California will appear as a witness.

Senator Proxmire has a statement he wants to make before we start.

Senator PROXMIRE. Mr. Chairman, I believe it is necessary to announce at the outset of these hearings that I strongly oppose the nomination of Mr. Bucher to the Federal Reserve Board. In so doing, I intend no personal disrespect for Mr. Bucher. I am sure he is a fine man, an able lawyer and a competent bank trust executive.

But in my view, he is totally unqualified to serve on the Federal Reserve Board—the most powerful economic agency of the federal government.

During the Kennedy and Johnson administrations, the competence of the Fed was considerably upgraded by the appointment of men experienced in economics and monetary policy.

The Fed was further strengthened when the present Administration appointed Dr. Arthur Burns, a man who is eminently well qualified to serve on the Board and whose appointment I enthusiastically endorsed. However, during the last three months, the Administration has sent the Congress two notably weak nominations—Mr. Jack Sheehan last February and now Mr. Jeffrey Bucher.

The Administration now appears to be taking a major leap backwards by appointing inexperienced amateurs to the Board. These obviously weak appointments can produce tragic results for the American economy.

I believe Mr. Bucher's nomination should be opposed. He has had virtually no previous training in economics or monetary policy. There are literally thousands of economists who are more qualified to serve on the Board.

In stressing the need for economic training, I do not say the entire Board should be composed of academic economists. If banking experience is considered to be a desirable prerequisite, why not select one of the hundreds of eminently qualified economists employed by the commercial banking industry, by the Federal Reserve Banks, or by bank trade associations or consulting firms?

I believe that such men as Roy L. Reierson of Bankers Trust, Leif Olson of the First National City Bank, Tilford C. Gaines of Manufacturers Hanover. Guy E. Noyes of Morgan Guarantee, Beryl W. Sprinkel of Harris Trust or Walter E. Hoadley of Bank of America would all be well qualified to serve on the Fed. I might also add Gabriel Hauge, of Manufacturers Hanover.

All are conservative bank economists with an intimate knowledge of banking and monetary policy. Charles E. Walker, the former Executive Director of the American Bankers Association and now the Undersecretary of the Treasury would be far more qualified to serve on the Fed than Mr. Bucher.

All those men are conservatives, all are expert, all are well qualified.

While I firmly believe that all Fed appointees should have a background in economics and monetary policy, I realize that this is not widely shared within the Congress. However, if my position on this is not accepted, I believe there are several additional reasons for rejecting Mr. Bucher's nomination.

First, Mr. Bucher's specific banking experience has been too narrow to qualify him for the Federal Reserve Board. His principal experience has been in the trust department, a field far removed from the commercial banking functions with which the Fed has been predominantly concerned.

A trust officer essentially acts as the manager of an investment portfolio as does the investment manager of a mutual fund, pension fund or life insurance company. He has little familiarity with commercial bank credit extension which is central to the Federal Reserve Board's regulation of our banking system.

Second, Mr. Bucher would bring to the Board a serious conflict of interest. He comes from the nation's largest multi-bank holding company and as a Board member, he would be required to rule on the many applications by bank holding companies to expand their range of services.

Bank competitors are likewise anxious to stop bank holding companies from invading their particular business. Under the Bank Holding Company Act, the Fed is required to weigh the pro-competitive and anti-competitive effects of banking holding company applications and render a decision which is best for the economy as a whole.

How can Mr. Bucher give an objective and impartial judgment when he comes from the nation's largest multi-bank holding company and because of his young age, will no doubt seek to resume his banking career following his service on the Board?

Third, Mr. Bucher's appointment can impair foreign confidence in the soundness of our bank regulatory system because of his association with the United California Bank, a bank which has been particularly free wheeling in its international activities. This is the same bank which permitted its Swiss subsidiary to lose $48 million in an ill-fated attempt to corner the international cocoa market. This venture produced a major scandal in banking circles, and caused many foreign bankers to wonder just how effectively U.S. banks were supervising their foreign subsidiaries.

Moreover, a multi-million-dollar lawsuit has been filed charging the managers of the United California Bank with gross negligence.

While Mr. Bucher apparently was not directly involved in the activities of the bank's Swiss subsidiary, he was a member of the bank's top management team and is presumably a product of the bank's aggressive management philosophy which caused it to run up a sizable loss.

Mr. Bucher obviously cannot be held responsible for the mistakes of his colleagues. Nonetheless, because of the important role the Fed plays in maintaining confidence in our banking system, we must be extremely careful to appoint men whose backgrounds and previous associations do not contain even the slightest suggestion of imprudent or reckless judgment.

Mr. Chairman, the importance of this nomination cannot be exaggerated. We are dealing with the health of the American economy. An error in judgment by the Fed can plunge this country into a deep recession or produce a runaway inflation. We should, therefore, insist on obtaining the best-qualified men for the Board.

Under our Constitution, only the Congress has the right to regulate our monetary system. Article I, Section 8, of the Constitution specifically gives the Congress the right to "coin money and regulate the value thereof."

These powers belong exclusively to the Congress and not the President. They may have been delegated to the Federal Reserve Board by the Congress. The Fed is therefore an agent of the Congress. It was deliberately created to be independent of the Executive Branch, but not the Congress.

Since the Federal Reserve Board is the exclusive agent of the Congress, we have a far greater responsibility in confirming appointments to the Board compared to a cabinet or judicial appointment. We have the right—indeed the duty—under the Constitution to reject a nominee if he does not measure up to our standards. If Congress is seriously interested in reasserting its constitutional prerogatives, it should begin with the Federal Reserve System where it has an exclusive constitutional jurisdiction.

If we meekly acquiesce to the President and rubber-stamp any appointment, no matter how unqualified the man may be, we surrender a vital constitutional power.

If we confirm the Bucher nomination, I believe we will weaken the traditional independence of the Federal Reserve Board by placing it under the control of the President and the Executive Branch of the Government.

Why do I say this?

Because the appointment of inexperienced men such as Mr. Bucher will increase the power of Chairman Burns to dominate the Board. Can we realistically expect Mr. Bucher and Mr. Sheehan, to argue and vote against the Chairman, when they are unfamiliar with the complex technical issues involved in seting monetary policy?

I have enormous respect for Dr. Burns, but under the Federal Reserve Act, he has only one vote out of seven. By confirming Mr. Sheehan and Mr. Bucher, we really give Mr. Burns three votes. He only needs one more to control the Board

While Mr. Burns is a brilliant economist, he is also closely associated with the political fortunes of President Nixon. He has been one of Mr. Nixon's key economic and political advisors. Had his advice been followed in 1960, Mr. Nixon might very well have defeated President Kennedy.

Dr. Burns has also been a key member of the White House staff prior to his appointment to the Fed. In view of this close association, many may fear that if a conflict developed between a sound monetary policy and the political fortunes of President Nixon, Dr. Burns would choose the latter.

I have full faith in Dr. Burns' integrity, but the very heart of our constitutional system is to divide, not concentrate such great power as the Federal Reserve Board exercises.

By giving Dr. Burns another sure vote on the Fed, we are really giving President Nixon another sure vote—in direct violation of the

Constitution and the Federal Reserve Act. Surely there must be other men with enough intellectual stature to exercise their independent judgment on monetary policy without becoming passive rubber stamps to the White House.

If we conclude there are, then we have a duty, under the Constitution, to reject Mr. Bucher and insist on the appointment of a more qualified man.

Senator BENNETT. I do not have a prepared statement, but I cannot let the statement of my colleague go by without making some observations about it.

In the first place this is the most blatant charge of guilt by association that I have ever heard. Mr. Bucher must be rejected because he has been associated: (a) with banks; (b) with a particular bank. To me, that sort of thing is indefensible.

Secondly, he must be rejected because he works for a bank that is part of a bankholding company and it was suggested that instead of him, selection might be made from a number of important men whom the Senator from Wisconsin mentioned. I have not had time, obviously to check it out, but I think all of them, or most of them, work for banks connected with a bankholding company.

So, if that is a reason to reject a nominee, then the reason should apply to anybody else who comes along.

The Senator makes a great point about the fact that the Federal Reserve Board should be filled up with economists. This man's fatal weakness is that he is not an economist. I would like to put into the record a little bit of history.

In January, 1970, before Mr. Burns became Chairman of the Board, four members were economists and three were not. The Chairman of the Board was a stock broker and one member was a former banker. If Mr. Bucher joins the board, it will again consist of four economists and three non-economists, one of whom, Mr. Bucher will have been a former banker.

But there is an important change which the Senator from Wisconsin has admitted, which is that now instead of having a stock broker as Chairman of the Board, we have an economist. So, to the extent that we need economists in control of the board, we not only have four of them, which was the same as existed when the party—when the administration changed, but we have one of them as Chairman.

Traditionally, until now, there is no former banker on the board and traditionally, one member of the board has always been a banker. In its 68 years of existence, there have only been eleven years when there was not at least one banker on the board and at one time, about 1936, four members of the board, or the control of it, were bankers; and I cannot let this observation pass without noting that one of the most prominent bank chairmen was Mr. Marriner Eccles—Board Chairman was Marriner Eccles, who came from my State of Utah.

Nobody complained in those days because Marriner Eccles was a banker and not a trained economist.

I have inquired, and have been told that there are 250 economists on the staff of the Federal Reserve Board, and approximately 100 of them have their doctorate, have their PHDs. So the Federal Reserve Board is not without the services of economists and I cannot accept as valid the idea that one man out of seven cannot be a banker, nor can I accept the idea that because President Nixon appointed the Chairman and also Mr. Sheehan and Mr. Bucher, that Mr. Sheehan and Mr. Bucher will automatically be rubber stamps for the Chairman.

Now that carries with it the implication the Chairman must be up to some kind of evil. He must be involved in some kind of a plot to destroy the monetary policy of the United States which he can not carry out except with the rubber stamp connivance of other men who have been appointed by President Nixon, who by implication is also involved in some kind of a plot against the soundness of the American monetary system.

To me all this is ridiculous. We have a man before us whose record we should check objectively and we have a man before us who could fill the place that has been traditionally reserved for a banker. And I think we should make our judgment on that basis, and not on this variety of guilt-by-association charges that have been entered into the record, by my friend from Wisconsin.

I think Mr. Bucher should be allowed to stand on his own feet and not be accused of all of the faults, whether they are true or not, of anybody with whom he has been connected.

I have listened too, to the charges—to the statement that since the Fed answers to the Congress, then it is the Congress, and not the President, who in effect should choose the members of the Fed. This is a claim—this is a demand, more or less, that any man the President sends up should be rejected because he was appointed by the President unless he was cleared with the majority of Congress in advance.

Now that is not the way it is done. This President and everyone of his predecessors, since the board was organized has had the privilege of nominating the members of the board and selecting the Chairman. Unless Mr. Bucher is found to be morally unfit, completely without background or basis, I do not think we have the right or the responsibility to say to the President, you are exercising an unconstitutional power when you recommend this man for this job; and because we are members of Congress, we have a constitutional responsibility to reject your appointment.

The CHAIRMAN. Senator Proxmire, do you have a statement?

Senator PROXMIRE. No, sir. I will wait for the questioning.

The CHAIRMAN. I would like to add to what has been said just two very brief things. Senator Bennett, I think, brought out one of them, but as I see it, the President is the appointing officer and we must recognize that fact. Congress does not have the right to name a person.

We can suggest but if the President does not act on it, why, he does not have to act on it. Ours is to hear the man that has been named and pass judgment on whether or not he is qualified for a position.

Second, I would like to say this about Dr. Burns, and I am sure Senator Proxmire would agree with me on this; while it is true Dr. Burns was the intimate Economic Advisor to the President, I think we all would admit that that did not necessarily tie his hands. I recall that even when he was before us for confirmation, we were not fully content with the progress that they were making in their game plan to restore the economy to adequate facility, and I remember that Dr. Burns at that time, recommended something that was not in keeping with the thinking apparently of the President. That was—remember he was the first one to advocate what he called, a "Wage and Price Review Board."

The President did not act on that recommendation for over a year, not until August, 1971, eighteen months after Dr. Burns was designated as Chairman of the Federal Reserve Board; and my impression has been—I just throw this out for what it is worth—Dr. Burns all along has acted, I think, in a manner that showed he was independent of the White House.

Senator PROXMIRE. I just want to say, Mr. Chairman, I have made it clear I have great respect for Mr. Burns and I enthusiastically supported his appointment as Chairman of the Federal Reserve Board. However, I think it is one thing to approve him and something else to give him three votes.

Furthermore, I do think that the fact is that this recommendation on wage and price controls was also made by Ehrlichman, Haldeman, Connally, other very close political associates of the President before the President accepted it.

Senator BENNETT. Connally was not there.

Senator PROXMIRE. Nevertheless, Connally made the recommendations before the President decided to act on—and he did.

The CHAIRMAN. Well, I know nothing about that. I know nothing about the advice the President sought for making appointments. The only thing I know, he did not ask me about it, and I did not direct him about it.

Senator BENNETT. He did not ask me, either.

Senator PROXMIRE. You can tell he did not ask me.

The CHAIRMAN. I would have been glad to recommend somebody if he had asked me. (Laughter.)

The CHAIRMAN. Another thing, I believe that under the law the board member must come from a certain area. The law designates certain areas so it is—while we can throw out these suggestions, I can throw out some suggestions. I am not sure I could suggest somebody in the California area.

Senator PROXMIRE. Hoadley is one of the ones I suggested. He is from the Bank of America in California.

The CHAIRMAN. When did he go out there?

Senator PROXMIRE. He is there now.

Senator BENNETT. He went out before four or five years ago.

The CHAIRMAN. I know Gabriel Hauge—

Senator PROXMIRE. No. Walter Hoadley.

The CHAIRMAN. I thought Hauge was still up in New York.

Well, I do not know him. I could not have recommended him if I had been called on because I do not know him. I am sure he is a good man.

Anyhow, let me proceed then.

Mr. Bucher, we will be very glad to hear from you but not at this moment.

Well, there is a certain formal procedure that always I like to go through with and get done as soon as possible.

We have your biographical sketch, and without objection, that will be placed in the record at this point.

(Biographical sketch of Jeffrey M. Bucher follows:)

JEFFREY M. BUCHER

Home Address: 222 South Figueroa Street, #1811, Los Angeles, California 90012. Telephone: 485-9386.

Business Address: 600 South Spring Street, Los Angeles, California 90014. Telephone: 624-0111.

Date of Birth: February 9, 1933; Los Angeles, California.

Marital status: Married, 5 children.

Admitted to Bar: California, January 1958; U.S. Supreme Court, 1965.

Education: High School: Flintridge Preparatory School, Pasadena, California, 1950.

College: Occidental College, Los Angeles, California, A.B., 1954.

Law School: Standard University, Stanford, California, J.D., 1957.

Military Service: U.S. Army Reserve, 1955–1963.

Employment: 1967 to date—Senior Vice President in charge of Trust Division, United California Bank, Los Angeles, California.

Chairman, Central Trust Committee and other bank committees supervising trust and investment activities; Director, Western Asset Management Company, the bank's investment counseling affiliate.

1957–1959, 1961–67—Vice President, Secretary to the Board of Directors and Treasurer, United California Bank, Los Angeles, California.

1959–1961—Associate, Stephens, Jones, LaFever and Smith, Attorneys, Los Angeles, California. General corporate, real estate and probate practice.

Membership: Member, Los Angeles County, California and American Bar Associations; American Society of Corporate Secretaries; Director, Travelers Aid Society of Los Angeles; Trustee, Flintridge Preparatory School for Boys; Phi Gamma Delta and Phi Delta Phi.

Other Activities: Co-author, *California Bankers Guide to the Uniform Commercial Code* (published by California Bankers Association); Author, *The Uniform Commercial Code In California* (published by the Conference of Barristers of the State Bar of California); Lecturer for the Continuing Education of the Bar, American Institute of Banking and speaker before numerous legal and banking groups.

RESUMPTION OF TESTIMONY

The Chairman. Second, we have your financial statement. I discussed with you, when you came by my office, the necessity for that, and you told me you had already got it and that you would file with the committee a financial statement. That statement is before us now, with your certification, from the——

Senator Bennett. Mr. Thomas J. O'Connell—which is the General Counsel's opinion as to the absence of conflict of interests. I assume Mr. O'Connell is General Counsel of the Board?

The Chairman. And we do have a certification from him that he finds nothing and I have checked—I have checked the—I have checked your statement, and I certainly see nothing in it. I invite the other members to check it and, as I explained to Mr. Bucher, it is available to all of the members of this committee here in this room, or in the committeeroom.

After they have had that opportunity, it will be sealed and placed in a safe, locked-up safe, and will be kept on file during the time that you hold this office, and for one year thereafter. Then it will be destroyed.

I will ask you the question, do you have any holdings or any interests in anything which you feel would constitute a conflict of interests with your holding this job?

Mr. Bucher. I do not, Mr. Chairman.

The Chairman. Now, if you have a statement, would you like to make a statement to us?

Mr. Bucher. Mr. Chairman, I have no formal statement. You have my biography as you mentioned.

The Chairman. Yes. Yes, we do have it.

I note that the age was given by Senator Proxmire that you are 39. I have noted the different connections that you have had and your activities not only in banking but in all—publications, for instance, the California Bankers' Guide to the Uniform Commercial Code, published by California Bankers' Association; that you were author of the Uniform Commercial Code in California, published by a Conference of Barristers of the State Bar of California; that you have lectured a great deal; that you have participated in various civic activities, and that, as I say, that will be placed in the record at this point.

By the way, just incidentally, Senator Bennett referred to Marriner Eccles. Marriner Eccles was appointed Chairman of the Board just a short time before I entered Congress. He was appointed in 1936, and that was done following a reorganization of the Federal Reserve Board as authorized by the Banking Act of 1935, or at least by an act of 1935 that provided for the—there was a Banking Act of 1935.

Then, in 1940, he was again designated as Chairman, appointed Chairman for four years and then, in 1940 was again designated as Chairman and in 1944 was reappointed to a full 14-year term and redesignated as Chairman. In 1948 President Truman appointed Mr. Tom McKenney, whom I recall quite well, and designated him as Chairman.

Mr. Eccles remained as a member of the Board until July 15th, 1951, when he resigned. He had 15 years of service on the board. He was a banker, a very able banker. And I believe he is still in the banking industry out in Utah.

Senator Bennett. No, Marriner Eccles now lives in California and heads what used to be the Utah Construction Company. It may—they may still have the same name, which was the Eccles firm which participated as one of the six companies to build the Boulder Dam, the Hoover Dam, and is now engaged in construction around the world.

Marriner, in his eighties, is still the active head.

The Chairman. I'm glad to have that information.

I have letters from him infrequently. I know he still maintains a great interest——

Senator Bennett. It's his brother, George Eccles, whom you have met who is head of the banking department.

The Chairman. Yes. But I knew Marriner quite well and I do still have letters from him from time to time.

Anyhow, I believe that's all that we have to get into the record on a formal basis.

Senator Proxmire?

Senator Proxmire. Can you tell us how you learned you were being considered for the appointment to the Federal Reserve Board?

Mr. Bucher. Yes.

I was informed of that by a representative from the White House.

Senator Proxmire. Did you seek the appointment or were you recommended for it?

Mr. Bucher. I did not seek the appointment.

Senator Proxmire. You were recommended for it?

Mr. Bucher. I really don't know how the name came up.

Senator Proxmire. Could you identify the persons recommending you for the job?

Mr. Bucher. No, I cannot identify persons recommending me for the job. I can identify the person who contacted me.

Senator Proxmire. No. I am thinking of the people who recommended you. You have no idea? You were never told by anyone?

Mr. Bucher. I have never been formally told.

Senator Proxmire. How about informally told?

Mr. Bucher. I know some people who were contacted. I think that's a better way of putting it.

Senator Proxmire. Are you acquainted with Mr. C. R. Smith of San Diego?

Mr. Bucher. No, sir, I am not.

Senator Proxmire. To your knowledge has Mr. Smith contacted anyone in support of your nomination to the Federal Reserve Board?

Mr. Bucher. To my knowledge, no. I have no reason to believe he did. I know nothing that would indicate that he did.

Senator Proxmire. As you know, appointments to the Federal Reserve Board are for 14 years and non-renewable.

You mentioned something about this in your opening statement. If confirmed can you assure this Committee that you will serve out your full 14-year term?

Mr. Bucher. It is definitely my present intention to serve a full term, yes, sir.

Senator Proxmire. Should you serve the full 14-year term I believe—you will be 53 years old. And at the peak of your career.

Would you intend at that time to return to the commercial banking industry?

Mr. Bucher. I have no intent in that regard at this point, no, sir. I am looking forward to 14 years and I have made no plans beyond that point in time.

Senator Proxmire. Wouldn't it be logical that this would be what you would do?

I am 56, by my lights. At that time you will be a young man.

Mr. Bucher. I will say off the record I hope I am in the condition you are when I am over fifty.

Senator Proxmire. I am very flattered. I hope you won't have to resort to hair transplants.

Mr. Bucher. I have to be honest with you. I do not have any plans. To me that is a very long time. I am looking forward, if confirmed by this Committee and by the Senate, to devoting my full efforts to the Federal Reserve Board. I really have not made any plans and I assure you, I have made no commitments.

Senator Proxmire. How would you feel about pledging categorically to this Committee that under no circumstances would you return to the commercial banking industry following your service with the Federal?

Senator Bennett. I don't think—we have no right.

Senator Proxmire. Then he can say yes or no to that.

The Chairman. I think that would be improper.

Senator Proxmire. I am not saying he should. Of course other members of the Committee can vote for this nominee on any basis they want to. If he doesn't want to say this, that's what I would expect. If he does, I think that would have a great effect.

The Chairman. I just don't think a person should be required to look ahead 14 years and promise that he will or will not do any particular thing about that. I have been in a campaign down in Alabama. Some of my good friends asked me, will you run again after this term? I said, well, I won't answer a question like that at all. I don't—I just don't think it's proper.

Senator Proxmire. Yes.

Well, as I say I certainly am not forcing the nominee to do anything at all.

The Chairman. No. But you asked him categorically.

Senator Proxmire. Well, he can say no. That's it. I think all the other members of the Committee will all accept that as the kind of answer they would expect as logical.

I would hope he would answer the other way. I won't press it.

As indicated in my opening remarks, Mr. Bucher, the United California Bank lost $48 million through its Swiss subsidiary in an ill-fated attempt to corner the international cocoa market. Do you think speculation is a proper market to be in?

Mr. Bucher. No, I do not.

Senator Proxmire. Do you think the officials of your bank acted properly in permitting the Swiss subsidiary to engage in commodity speculation?

Mr. Bucher. First, let me say that I was not, as I have said before to other people and to, I believe, some of your representatives; I was not involved in the decision to acquire the subsidiary. I was not involved in the management or the investment-making decisions in that connection, nor with regard to the liquidation.

I can, from secondhand, say that I understand some facts about the situation. It was in the public press. It was well known. I have heard it discussed.

My understanding was that that speculation was not authorized by the management of United California Bank. That speculation was undertaken by the management of the subsidiary with the express statement to them previously by management of the bank that they should not participate in commodity speculation.

Senator Proxmire. Don't you think there is a lack of effective responsibility with the officials of your bank? Or do you think the officials of your bank were negligent in not adequately supervising the activities of the Swiss subsidiary?

Shouldn't this have been known? Shouldn't you have had a method by which you could determine whether this enormous investment of $48 million or more was being made so that you could decide—it could be decided not by you but by those responsible in your bank for this kind of commitment?

Mr. Bucher. I think the best answer I can give you is that I am not really familiar enough with the day-to-day operations of our international division, either now or during that period, to be able to speculate how much contact there was; and without that knowledge, I think it's difficult for me to make a judgment on negligence.

Senator Proxmire. How is it possible for a scheme of this magnitude to be carried on without the top management knowing about it?

Mr. Bucher. I really can't answer that. Again, I have to say—and I don't want to make a speculation without the facts. That's what would concern me if I were to answer your question directly. Please forgive me—

Senator Proxmire. Let me make sure I understand what you are saying:

You are saying you don't know about it but are you telling me that the bank should have known about it and should have had a method of determining whether this kind of large commitment was being made?

Mr. Bucher. What I am saying is I do not know how much time and how much effort was devoted to the supervision of this subsidiary. If it was a very high level of supervision and this event took place in spite of that, then I would have to comment the bank did everything they could under the circumstances and within a situation where they trusted some people who went astray. That's why I can't answer directly.

Senator Proxmire. Isn't it true the Chairman of the Bank is also the Chairman of the Swiss subsidiary?

Mr. Bucher. I believe that was true.

Senator Proxmire. Shouldn't he have known about it?

Mr. Bucher. I have to go back and say I don't know how much contact he had with the bank.

Senator Proxmire. Let me ask you this:

One of your bank's vice presidents was quoted in the press as saying, "You win some, you lose some," when he was informed of the $48 million loss.

Does that reflect your management philosophy?

Mr. Bucher. No, sir, it does not.

Senator Proxmire. Did you at any time know or suspect that something was wrong with your bank's subsidiary? I am not talking about this particular incident, but in any other way?

Mr. Bucher. No, sir.

Senator Proxmire. You know that in February of 1970, six months before your bank's Swiss subsidiary failed, that your bank ordered the reimbursement of its Swiss subsidiary for $2½ million by using unregistered stocks?

Mr. Bucher. No, sir, I did not know that.

Senator Proxmire. Do you think it's proper for a bank to advise its customers to invest in unregistered stock?

Mr. Bucher. Generally in the areas in which I have dealt, that would not be the type of recommendation that I would tend to favor. Circumstances I think would have to be looked at in each case but certainly in the investment activities in which I was involved, and of course these are of a fiduciary nature, unregistered stock would not be a type of investment I would recommend.

Senator Proxmire. Mr. Chairman, I have two articles from *The Wall Street Journal* dealing with this matter which set forth the details and facts. I ask you to look them over and if you would approve, I would appreciate them being placed in the record.

The Chairman. I haven't any objection to their being placed in the record.

Senator Bennett. I think they are irrelevant. I think this whole line of questioning is irrelevant. The witness has indicated that as Trust Officer of the Bank he had nothing to do with the operation of the Swiss subsidiary. But if the Chairman—if the Senator from Wisconsin would feel better if these are in the record, it's all right with me.

Senator Proxmire. Now, Western Bancorporation——

The Chairman. No objection. They will be placed in the record.

Senator Proxmire. —is the apparent parent corporation?

Mr. Bucher. That's right.

Senator Proxmire. Can you describe the size of this bank holding company, the total number of banks it owns, the total number of banks under its control, number of states it operates in?

Mr. Bucher. Some of these are going to be estimates, Senator. The deposits, I believe, are in the $12 billion range.

Senator Proxmire. $12 billion?

Mr. Bucher. Yes.

Senator Proxmire. Yes, sir.

Mr. Bucher. That is not the largest bank holding company in the country, I might add.

Senator Proxmire. But it is the largest multibank holding company.

Mr. Bucher. Bank of America is larger. Also, they have some 23 banks. They have—I would guess some 600 banking offices.

Senator Proxmire. Bank of America is not a multibank holding company you operate in a number of states.

Mr. Bucher. In 11 states, that is right.

Senator Proxmire. This Western Bancorporation is one of the few bank holding companies to operate across state lines.

Do you see any problems in interstate banking on the part of bank holding companies?

Mr. Bucher. Not per se. I am a great believer in competition and I believe in the antitrust laws and I think the test in the situation is, certainly one of the significant tests should be the competitive factor.

I don't want to say categorically that I think crossing state lines is bad from that standpoint.

Senator Proxmire. Well, then, do you think that other bank holding companies should be given the same privilege being enjoyed by the Western Bancorporation with respect to interstate banking?

Mr. Bucher. I think you have to look at the facts of each case, Senator.

Senator Proxmire. What does that mean? What criteria would you provide?

Mr. Bucher. I think you would have to look at the facts of the case that would be presented and I think it would vary depending upon the circumstances. I think the competitive factor would be very important.

Senator Proxmire. There is a prohibition in the law as I understand it, now, against interstate banking by multibank holding companies. Would you favor lifting that prohibition?

Mr. Bucher. No, I wouldn't without certainly considering all the factors involved.

I am not aware of all the factors that might be presented.

Senator Proxmire. What nonbanking activities are performed by Western Bancorporation?

Mr. Bucher. How would you define nonbanking, Senator?

Senator Proxmire. Well, those that didn't have to do with the direct functions of borrowing and lending and so forth.

Is it engaged in any kind of service operation, any kind of manufacturing operation, any kind of operation of this kind?

Mr. Bucher. Of course, banking is a service business.

Senator Proxmire. That is right. That is a good point. I am talking about any kind of nonborrowing or lending service.

Mr. Bucher. Of course, the trust activity is a nonlending. Our investment counselling part of trust is a nonlending activity. We provide payroll services, which as you know, is quite uniform throughout the banking business as a service being provided.

Senator Proxmire. Computer services?

Mr. Bucher. Pardon?

Senator Proxmire. Computer services?

Mr. Bucher. We do not provide computer services as such through an affiliate as some banks do. Certainly a part of the payroll service is offering computer time.

Senator Proxmire. How about insurance?

Mr. Bucher. No, sir. We do have mortgage banking divisions which are not separate companies. They are part of one of the banks. That has been that way for some time.

Senator Proxmire. Does Western Bancorporation have plans for engaging in future nonbanking activties?

Mr. Bucher. Not that I am aware of.

Senator Proxmire. In view of your association with the nation's largest multi bank holding company, how do you feel about the kind of conflict of interest which I have raised here? Do you think that you would have a serious conflict of interest in regulating bank holding companies?

Here is what I am getting at. On the one hand, the bank holding company might be eager to expand into a nonbanking activity.

On the other hand, the firms already in that business might petition the Board to prevent the bank holdng company from expanding into their business.

Under these circumstances, how could you, as one who has been so closely identified, how can you render an impartial judgment which would be fair to both parties in view of your close association with the largest multi bank holding company in the country?

Mr. Bucher. The best answer I can give you is that I am not going on the board in any regard as a representative of banking, bankers, or bank holding companies.

I have a very strong feeling about my attitude with regard to this type of situation should I be confirmed and become a member of the board.

I feel my background in banking, incidentally, it has been broader than trust work, quite a bit broader than that, that is only the most recent position I have held—I feel that background can be——

Senator Proxmire. Go ahead, and expand on that.

Mr. Bucher. I was with the bank's law division for a number of years. This was prior to—prior to 1967, and in that capacity, I was involved in a lot of different functions as their representative in negotiating loan agreements, working with the commercial department, installment credit department, real estate loan department, in almost every activity they were involved with because there are legal aspects to all of these.

I was also secretary-treasurer of the bank and in this capacity, I worked with loan committees. I feel I have a very sound grounding in banking from all aspects.

I don't claim to be all knowing, Senator, but I think I have a very good feel for all aspects of the commercial bank.

I was saying that I am not going to be representative of banking or bank holding companies. I can assure you of that, now. My voting record, if I am confirmed—I know will be proof of that to everyone. I hope to you.

I think the best thing to do is tell you that is what my attitude is. With regard——

Senator Proxmire. We are in a difficult position here, as I am sure you can appreciate.

You obviously have impressed members of the committee. You have had a chance to talk with them privately, many of them. You go on—All we can judge is on the basis of what you have done. This is our only crack at your 14-year service on the board. You don't come back in two, four, six years for confirmation. You are on for 14 years. Most of us will be in the grave by then. If not in the grave, at least in the political grave.

This is the only chance we have to determine policies of the board for the next 14 years as far as you are concerned. So while you can give us this kind of assurance, we have to make a judgment based on what you have done so far.

Mr. Bucher. I understand that. I am very pleased to answer any questions you have as long as you wish.

Senator Proxmire. In 1933 Congress passed the Glass-Steagall Act, which separated commercial banking from investment banking, one of the principal reasons, as you well know, was due to the inherent conflict of interests between a bank's investment banking activities and its commercial banking activities.

As the financial debacle of the early thirties shows, many banks sold worthless stocks and bonds to their customers.

Now, I would like to ask you this: As a matter of general philosophy, do you support the strict separation of commercial banking and investment banking?

Mr. Bucher. Yes, I do.

Senator Proxmire. One of the most significant issues to face the banking industry and the Federal Reserve Board over the next ten years is whether a similar conflict of interest exists between a bank's trust department and its commercial lending activities.

For example, if a bank has a substantial equity in trust accounts and the company were in trouble, it might be tempted to rescue it through the commercial loan department, or the reverse might be true.

This trust department might invest in a company's stock in order to shore up the shaky loan made by its trust department. Do you think there is a conflict or danger in combining these two functions?

Mr. Bucher. I think those two functions must remain separate. I think there is no question about that. I think in most institutions, financial institutions, where they are a part of the same corporate structure, they are in fact, as a practical matter, separate. That has been true in the organizations in California.

Senator Proxmire. That is reassuring to make that assertion, but as I say, there is the conflict. After all; you have common ownership. They are separate only in the sense you have separate departments and separate people. They are under the same management and have the same incentive to prevent loss and increase profits as long as you permit this operation. There is a constant tendency for conflicts to develop.

Mr. Bucher. I would agree there are potential conflicts and that is why I think it is so important they be separated. I don't feel, however, that corporate separation is necessarily absolutely important for this purpose. I think as long as the operations are run separately, as long as the officers who are responsible understand the potential conflict, and do take every step to avoid it, which I do believe is a fact, then I am not concerned.

Senator Proxmire. But as a matter of fact, the only way Congress can assure this is to have the kind of surgical operation that the Glass Steagall Act represented with respect to commercial and development banking, a clean separation.

Senator Bennett. Will the Senator now offer a bill to forbid banks to have trust departments?

Senator Proxmire. I am trying to get the thinking of the future member of the Federal Reserve Board who will have a great deal to say about this. I want to see if there is some other way we can do it. I may very well do that.

Senator Bennett. You put it clearly and state you feel there must be a surgical separation.

Senator Proxmire. I object to that. When I ask a question, it doesn't mean I espouse the implication of that question. I am trying to draw——

Senator Bennett. Who else does?

Senator Proxmire. I am trying to draw the nominee out to find out how he feels about it.

Senator Brock. He has answered.

Senator Proxmire. You fellows do this on your own time. I am happy to yield to you. If he wants to answer—if my time is up—I will come back.

The Chairman. Let me at this point put a little levity into this thing. The Banking Act of 1933, the Grass-Steagall Act——

Senator Proxmire. I beg your pardon.

The Chairman. I want to make that correction out of respect——

Senator Proxmire. If the Chairman would yield——

The Chairman. He was a friend from Alabama——

Senator Proxmire. This is the first time in a long time that I have been accused of having too little gall.

Senator Bennett. Probably the last.

Senator Proxmire. Thanks.

Senator Bennett. I would prefer to have the Senator finish his questions.

The Chairman. That's all right. I told Miss Chase not to call time.

Senator Proxmire. I will be another few minutes.

Let me take a specific example. The trust department of your bank under your management owned nearly 5000 shares in Lockheed. At the same time the bank's loan department loaned Lockheed $21 million under the government guarantee agreement. Do you think a decision of your bank to take part in the Lockheed loan was influenced by the fact that your trust department has such a sizeable equity interest in the company?

Mr. Bucher. No, I do not.

Senator Proxmire. You don't?

Mr. Bucher. Were those shares that you refer to held in discretionary accounts?

Senator Proxmire. We received a questionnaire from the bank last year and it didn't indicate whether these were discretionary or not.

Mr. Bucher. If it is, the questionnaire usually sent out, they do define which it is. My venture would be those are discretionary accounts, meaning somebody else directed the investment.

Senator Proxmire. That would mean that under those circumstances there is no conflict of interest?

Mr. Bucher. Under any there are—under your question, I don't believe there would have been either, because of the way we separate the departments. But my feeling would be, from my knowledge of our portfolios, that those were directed by a third party, which would be an added factor as far as the separation.

Senator Proxmire. You see, here is the difficulty we have: It seems that when a bank gets as much as $20 million into a company like Lockheed, and they indicate they so desperately and urgently need additional funds in order to keep their head above water, then isn't there a temptation to go ahead, to be members of the team although your trust department is separate, a temptation is there, isn't there?

Mr. Bucher. People might speculate in the abstract that there could be such a temptation. From the practical operation, certainly in United California Bank, that would not be the case.

Senator Brock. Was there a new issue of stock? Was this a new issue of stock, a recent issue Lockheed put out?

Senator Proxmire. It wasn't an issue of stock.

Senator Brock. Any purchase of stock by the trust department wouldn't be from Lockheed providing them funds. They wouldn't be assisting Lockheed.

Senator Proxmire. Well, there was $12½ million of additional loans. That's what I was asking. I don't think I had any question with respect to what stock were issued.

Mr. Bucher. My understanding was yes, you were indicating that we were—the trust department might be supplying capital. I think the—Senator Brock's question is whether that would provide capital. Of course, the answer is no. The stock would be purchased on the market.

Senator Proxmire. No. It was the other way around.

The Chairman. I understood your question to be do you think that your trust department would be—that the bank would be influenced by reason of the fact—I mean, that there might be a conflict of interests to the trust department and the bank, when the bank made this additional loan, because of the bank's interest, ownership of an interest in the Lockheed Company.

Mr. Bucher. Then you are talking the other way. I understand what you are saying.

My answer would be the same.

Senator Proxmire. Let me get back. We had an interruption, and you didn't give your philosophy on the surgical separation of the trust department from banking. I may or may not take one position or the other. I want to know what your position is.

Mr. Bucher. If I were to be confirmed, I would be serving in a capacity quite a bit different than I have before. I have said that I thought I can make use of my knowledge from practical operations of commercial banks. I have also said that I have—I am committing to you that I have no predetermined ideas with respect to any aspect of bank regulations, the subject which we are discussing. My answer would have to be that I—as a member of the Federal Reserve Board, would ask for all the facts, would sort the facts. I have already said to you that I feel I believe in competition. I believe in the antitrust laws. I think this is an important aspect. I would have to look at those facts and make a consideration. I don't believe it would be proper for me to make a philosophical expression at this point on that subject.

Senator Proxmire. As a former trust official, how can we expect you to render an impartial judgment, should the matter that I refer to with respect to Lockheed loans and your former bank come before the Fed?

Mr. Bucher. As far as any matters relating to my former association, my mental attitude is such that I have already—it is expressed. That is that I would have an open mind. Directly related to UCB or to Western Bank Corporation, however, because of what other people might think, I would venture that the proper action for me to take would be to abstain for at least a couple of years on matters that are directly affecting those companies, and if a Lockheed matter directly affecting UCB were to arise before the board within the next two years, I would venture that abstaining would be the proper action.

Senator Proxmire. Why do you limit it to two years? If a Lockheed matter should arise during 14 years of service, why wouldn't you abstain?

Mr. Bucher. The reason for it is not what my mental attitude is. The reason for it would be what other people might think. I would be concerned about anyone having the impression I was influenced by my past.

Senator Proxmire. Why wouldn't they have it five years from now?

Mr. Bucher. It is purely an arbitrary thought. I can't promise you that the opinion will change. But I think maybe it would be less of a chance after I had shown my impartiality in my voting records on the board after a couple of years. There would be less chance that anyone might even suspect that I would be influenced by my previous job.

Senator Proxmire. Let me shift gears and get into another area concerning this committee, and that is the area of housing.

There was an article in the Wall Street Journal about a disturbing meeting of international economists at Montreal yesterday. Let me read the first paragraph on it.

"Prospects are dim for getting chronic worldwide inflation under control, judging from the gloomy session of the economists here. The economists presented a picture of persistent, almost unrelieved, upward price pressure, while unemployment remained stubbornly high. The only exception was the U.S.," where Mr. Stein said, "The revival of price pressure in the U.S. is becoming a source of concern."

My problem is this. You have had experience, as I understand it, in teaching housing law and so forth, and you have thought about this matter. How do we go about this very difficult problem of trying to insulate housing from a monetary restraint designed to restrain inflation? In the past, it's been a victim and a terrific victim of monetary restraint. In the '66–'67 period, housing starts went down below a million because they are so sensitive to high interest. What can you tell us about this as one who has been concerned about housing and replaces, incidentially, Governor Maisel on the board in this area.

Mr. Bucher. I share your concern about housing. I am very disturbed about the effect that tight money has had on both housing and financing of local governments.

I don't think anyone has come up with the answer that universally is accepted as the word as far as housing—the solution to this problem is concerned. There have been proposals that I think should be looked at further, and I think make a lot of sense. One of them is to find a way during these credit crunch periods to channel capital from other areas.

The proposal has been made for an adjustment in the investment tax credit, for instance, whereby funds that would have otherwise flowed into capital spending might be available for housing to relieve the pressure. I don't purport to know the answer. I am not sure anybody does.

Senator Proxmire. One of the other governors of the Federal Reserve Board has suggested reserve requirements. In other words, if a bank puts its funds into the housing area, the reserve requirements would be eased:

Mr. Bucher. I am aware of that suggestion.

Senator Proxmire. How do you feel about that approach?

Mr. Bucher. I know it as a theory. I have not had an opportunity to study it in depth. I think it would be unwise for me to make an answer specifically.

Senator Proxmire. How about the proposal that some of us have been urging very strongly in fact is passed by this committee, of permitting the Federal Reserve Board to have the discretion under these circumstances, not only to invest in government securities, but in housing obligations?

Mr. Bucher. Well, of course, now they have Federal agencies which has an indirect effect.

Senator Proxmire. I am not talking about the open market. I am talking about direct purchase.

Mr. Bucher. This is something that I would again have to say that I would have to learn more about before I would become directly involved.

Senator Proxmire. I would hope this is an area where you would be able to come on the board with a fresh, vigorous viewpoint. This area is so important, where you have had some experience.

Mr. Bucher. Senator, I am from California. California is a gigantic housing market. I have seen first hand the effects of credit crunch on housing and on people. Believe me, I would be very interested in this area.

Senator Proxmire. For months we have been waiting for the Federal Reserve Board housing study. It has now arrived, and it includes few recommendations for action the Federal Reserve Board can take, the board largely limits itself to what other agencies can do. What important steps to help us meet your housing goals can the reserve system take?

Mr. Bucher. I think we have covered this to some extent in a prior question. I know the Federal Reserve Board has concern, and I share that concern about engaging in projects which have an adverse effect on the role of monetary policy. This is why it becomes a difficult question. It is the balancing of the role as the monetary policymaker, in effect, with other responsibilities, and I know that is what concerns the Fed. I know they are concerned also about housing, very deeply so, and I am afraid I cannot say at this point that I know the answer.

Senator Proxmire. You see the problem with this is that our central bank the Fed seems to be all alone in the world. Almost every major banking system in the world, except the Fed, can and does assist housing or other sectors as a means of counteracting the adverse influence of tight money. But the Federal Reserve system continues to oppose that. Your view, I take it, is that you would have to study this, that you recognize it as a problem, especially since you come from California where you have a big housing need, and an enormous housing market, but that you don't have any settled views.

Mr. Bucher. I do not have any settled views at this point.

Senator Proxmire. I have one other question, and then I will yield.

The Chairman. At that point would the Senator—off the record, please.

(Discussion off the record.)

Senator Proxmire. My final questions are these and I will ask them together and you can made one response.

The 1970 amendments to the Bank Holding Act engendered much controversy. The board is required to make decisions and set limits on bank holding companies and subsidiaries.

First, I want to know do you have any views on the steps the board has taken to implement these amendments? Secondly, is the board going too fast or too slow in authorizing permissible activities, and finally has the board been too restrictive in the activities the board has permitted?

Mr. Bucher. I think to give a proper answer to that, I would have to do more than I have done to this point and that is to read excerpts from articles in financial newspapers with regard to rulings from time to time. Your questions ask me to give critical answers or at least I would want to have well thought out answers with respect to your questions. I really don't feel that I have enough background knowledge nor enough information of the specific—I certainly understand generally the provisions of the act. I understand some of the things that have happened but I think it would be unwise for me to give a specific answer in view of my—the fact that I really don't have the background on the cases that you are referring to.

Senator Proxmire. Let me follow up by asking whether or not you support the Hunt Committee recommendations—that regulation Q be gradually phased out?

Mr. Bucher. I would have to study that further. The Hunt Commission report has many, many recommendations. You are speaking of the Q recommendations with regard to Q applying to all intermediaries, is that the point you are making?

Senator Proxmire. That is correct.

Mr. Bucher. I think I would have to——

Senator Proxmire. Commercial banks and savings and loans.

Mr. Bucher. As I say, I want to answer your questions directly, but I am concerned about answering where I haven't seen the background material and specifics and the arguments on both sides. I think that should be deferred.

Senator Proxmire. Thank you.

The Chairman. With reference to these last questions that Senator Proxmire has asked, I would like to say that I think that is a very—is a matter of importance. I was about to say of real concern but I don't want to be construed as necessarily criticizing anything that has been done. But the language of the ones in the multi-holding company said that any activity that a bank could undertake would have to be closely, as I recall, closely related to banking. I have no particular objection to any ruling, any decision made but I think some people are beginning to wonder if the—if they are giving sufficient attention to that wording closely related to banking. I do hope that when you go on the board, careful attention will be given to that language because it was our intention, and this, I think, is agreed to both by the House and by the Senate and by the Congress, that any activity other than banking, that of one bank holding company be engaged in, would have to be directly related. We had great—I mean closely.

The word directly was in there at one time on one side or the other. We had great difficulty in getting the language. What we were trying to do was to lay down general guidelines but leave it up to the Federal Reserve Board to act on each individual case within those guidelines. I hope that they will give very close attention to that language and be careful in trying to carry it out. I am in full sympathy with what Senator Proxmire——

Oh, there is one other thing I want to say. He brought up the question of regulation Q. I am aware of the Hunt Commission treatment of that and of—and there is probably a feeling by a good many people that regulation Q has probably spent its force and ought to be dispensed with as far as savings and loans associations and banks are concerned. I don't feel that way. I feel that regulation Q is most helpful and certainly could be in the case of tight money policies. I hope it will not be done away with.

I don't know whether that, in order to eliminate it, whether it would require legislation. I don't believe it would. I think the Federal Reserve could act on it, couldn't it?

Senator Proxmire. I think it could. It is a regulation.

The Chairman. But I hope they don't act on it because as Senator Proxmire pointed out, housing took a terrible beating in '66 and '67 in the money crumple and they suffered in '69 and '70, I believe it was, too. It always suffers when a tight money policy is invoked.

We have worked in this committee and in the Congress, I think, in trying to broaden the home mortgage market as much as possible. I think we have done a pretty good job in doing that. I would hate to see anything happen that would narrow that market because when the market is narrowed, it means people cannot—a great many people cannot buy homes because the mortgages cannot be disposed of advantageously. I think it is very important that those things be done and I think it is very important that housing be kept in mind because housing always catches the worst end of it.

I believe it was Governor Maisel who pointed out that although the amount of housing within the gross national product was only a very small—

Senator Proxmire. Three and a half percent.

The Chairman. Three and a half percent, that it took 70 percent, wasn't it?

Senator Proxmire. That is right.

The Chairman. Of the impact of that '66–'67 crunch. It didn't go that bad, I am quite sure, in the 1969–70 but we were on our way and I hope—I have always felt—and this goes back many years. I used to argue with Mayner Eckels when he was Chairman of the board that not enough attention was given to the peculiar position that housing occupies when we go into a tight money situation. I do hope that that can be kept in mind and if other things are necessary, that they can be worked out to relieve that situation. I want to put in that word because I think it is most important and the Federal Reserve Board does have a most important part to play in it.

Senator Bennett. I would like to yield to Senator Brock.

The Chairman. Okay. Senator Brock?

Senator Brock. Thank you. I have—perhaps it would clarify it a little bit on this bank holding company matter if I could ask you a couple of broad questions. Do you agree with our intent in passing the holding company act of trying to avoid conflict of interest by expansion of bank activities into nonbank areas?

Mr. Bucher. Yes, I do.

Senator Brock. Do you think that the law as passed was adequate to achieve that objective?

Mr. Bucher. I think we have to work with it and I think you shouldn't say in any instance that it should be—that it should remain the same, if under working circumstances there are improvements that can be made.

Senator Brock. I think we do have——

Mr. Bucher. Generally, I favor the law.

Senator Brock. The point raised by Senator Proxmire with regard to bank purchase of houses, central bank purchases of houses and securities or papers, you referred to other central banks. The problems that other central banks, in Euope, for example, are not independent of the political body of the country. We have deliberately established the independence of federal with a particular reason in mind, that being to have the monitary system set aside as something almost sacrosanct to allow the authorities in control of that particular element of the economy to provide for maximum sustainable economic growth, full employment without inflation and there is in my mind an enormously valid justification for that independence, would you not agree?

Mr. Bucher. I agree with that.

Senator Brock. The question then arises as to whether or not if we force you to involve yourself in the purchase of housing securities, and I personally hope very much that you will not do so, we are in danger of making this more of a social purpose agency than a monetary agency. We then open the Pandora's Box because if you were appearing before the education committee they would tell you to buy those. Any other committee of the Congress would want you to support its particular area of interest. I think you would lose the very important quality of a concentration on your fundamental purpose of maintaining an adequate money supply and encouraging maximum growth and full employment.

I won't ask you to comment. You have already done so. But I feel very strongly on the matter.

One other thing that the Senator from Wisconsin raised, the implication that you would be a pawn of Arthur Burns. Now I have a great regard, as he does, for Arthur Burns, but perhaps you can assure us as to the independence of thought that you might bring to the board.

Mr. Bucher. I share without any reservation your feeling about Arthur Burns. It seems to be a universal feeling. That pleases me very much and working with him is something I look forward to with a great deal of anticipation and happiness. I am really very pleased about it.

I assure you, however, that I will be my own man and that is under all circumstances in very situation.

I might comment in that regard that the same question or a comparable question was asked of Governor Sheehan on his confirmation hearing and I can't cite case and the number and the page, but I know that Governor Sheehan has voted on the other side from Chairman Burns on at least one instance. I know his mental attitude and that is he will continue where he feels appropriate in a situation to do that. I will do the same.

Senator Brock. That is good. And I appreciate it.

I am sure you are familiar with Section 10 of the Federal Reserve Act but perhaps for the record maybe I ought to read one particular phrase here which says the President shall have due regard to a representation and the financial, agricultural, industrial and commercial industries of the country. Mr. Proxmire apparently wants only economists on the board but I think it would be very difficult to have all economists and adhere to the law. He charges that you and the President are in collusion to violate the Constitution. I think the law is very clear here. The intent of the Federal Reserve Act was to require a balanced board. To be specific, if you—if, not when, you go on the board the board will have one lawyer, pure and simple, one banker-lawyer, if you will and one businessman and four economists.

Now, I happen to think that is a pretty good spread. I think the board ought to have a diversion of input—or diffusion of input that allow broad range perspective on the total problem. I happen to thoroughly disagree with the Senator from Wisconsin as to the need for all economists. That would be a mistake.

As a matter of fact, I am somewhat surprised. I thought he had a higher regard for Governor Robertson. He would surely not be a professional economist by definition. He is an attorney as I understand it. I was wondering when I read the Congressional Record of the Senator's statement whether or not he had been working with Mr. Patman on that particular statement.

But anyway, there are so many—I don't know how to phrase it, but some problems relating to the decision of the board that do deal with the specific aspects of economic life in this country and I for one think we need some practical input on that board, not just theoretical.

I would like to conclude by saying I am absolutely delighted that the President has seen fit to appoint you and I think he is making quite a contribution to the board just by the nature of your background. I think you will be an asset to the board to have that viewpoint.

I think Mr. Proxmire may be giving you unusual credit. He seems to think you will dominate the board as soon as you go on. You may go. You would be quite a guy if you did.

I congratulate you on giving us an excellent statement today. I support your nomination.

The Chairman. That would be disregarding the rule of seniority.

Senator Brock. That is my pitch not yours.

(Laughter.)

The Chairman. Senator Bennett?

Senator Bennett. I think most of the questions I have have been presented. I was a little sorry to see Senator Proxmire raise the question of your background as an attorney. I was saving that.

It seems to me that it is not a bad idea to have an attorney on the Board who also had banking experience rather than a man whose practice had not been so broad.

I made a lot of notes. It is a temptation to go back and get further into the debate with the Senator from Wisconsin; but I think that would be time wasted.

I would just like to say to you, as I did when I met you for the first time in my office, that I am impressed with your background and of course will be very happy to vote for your confirmation and I say to you, I envy you. At your age, with 14 years of opportuntiy to be at the center of financial problems of the country and the world.

I am sure you will be able to measure up to that responsibility.

Mr. Bucher. Thank you, Senator.

Senator Proxmire. Could I make one closing observation, rather combine a series, very briefly.

I think the day is going to come when we have nothing but experts on the Federal Reserve Board. It may not be while I am alive and while you are alive. That Board is so important and so technical. I would hope where you have people who are bankers, they are bank economists, people from the agriculture section that are agriculture economists, that we look for that kind of expertise on the Board.

I wish you would put in the record the one instance when you revise your remarks where Mr. Sheehan differed from Dr. Burns, so we can have that as a matter of record.

I wish that Mr. Brock were still here, because there is nothing in the Constitution, but nothing, to say that the Federal Reserve Board should be politically independent. It is independent of the Executive, but it is a direct agency and dependency of the Congress.

Finally, again with complete respect for you, Mr. Bucher, as a person, the fact is that you did not really give a single specific answer to any one of my substantive questions. In virtually every case you indicated that you wanted to study it, you don't have the facts at hand, even though I was asking in areas like housing and multi-bank holding companies, where you should have whatever competence you bring to the Board.

I don't mean to derogate your ability, but I think this was established by the record this morning.

Thank you.

Senator Bennett. Mr. Chairman, I would like to get back into—for just one comment. I think to ask Mr. Bucher to tell us in advance what he is going to do at the end of 14 years, and then in all of the times inbetween with the basic problems that come before him, is like asking a baseball player how many home runs he can guarantee in next season's game.

I disagree with the Senator that the Federal Reserve Board should be all economists. It is obvious that the Federal Reserve Board is able to hire economists, 250 of them, and maybe you better have a non-economist up there to just kind of keep the thing practical.

And one final comment about this question of independence: I think the key is the independence of the Federal Reserve board from the Treasury. If the Treasury were able to use the Fed to quote the old phrase, as an engine of inflation, which has been the case in most countries around the world where their central bank was an adjunct to the Treasury, I think we would be in much more serious problem.

I agree with him that it was created to be answerable to the Congress. To that extent, it is not completely independent. But, thank heaven it is independent of the Treasury.

The Chairman. Senator Bennett, when you got to talking about home runs, I thought you said the question was whether or not my fellow-Alabaman, Willie Mays, would be able to catch up with Babe Ruth's record now that he is with the Mets; or I will throw in another competitor, Hank Aaron with the Atlanta Braves. I believe he is one behind Willie Mays.

Senator Bennett. I see you have been doing a good political job?

Senator Proxmire. You have the fans' votes. You know all the answers.

The Chairman. Of course I could name Joe Louis and Jessie Owens and a good many others; Willie Coultey.

Senator Proxmire. Don Hudson?

The Chairman. Yes.

Senator Proxmire. Green Bay Packers.

The Chairman. Scott Hunter is up there now.

Senator Bennett. Maybe we better get an athlete on this Federal Reserve Board.

The Chairman. I wanted to go back to just two things:

First, I think Bill—Senator Brock—brought this out. Of course, there is nothing in the Constitution relating to this except that it gives Congress the right to—as a branch of government to legislate and we did legislate or our forbears did, and it did say that the appointments should be by the President, should be appointed by the President, and it further says that the President shall have due regard to a fair representation of the financial, agricultural, industrial and commercial interests and geographical divisions of the country.

Now I have great respect for economists and I certainly think that at all times there ought to be full—a good representation of economists on the Board, but I think that these other things are essential, too.

The only other thing I want to state for the record is that both Senator Cranston and Senator Tunney have approved this nomination.

Anything further from this witness?

Thank you very much, Mr. Bucher.

Now we will hear from Mr. Burkett.

(Discussion off the record.)

The Chairman. All right.

Mr. Burkett, do you have a statement?

STATEMENT OF WILLIAM A. BURKETT, FORMER SUPERINTENDENT OF BANKS, STATE OF CALIFORNIA; FORMER PRESIDENT, NATIONAL ASSOCIATION OF SUPERVISORS OF STATE BANKS; FORMER DIRECTOR DEPARTMENT OF EMPLOYMENT, STATE OF CALIFORNIA, AND MEMBER OF THE CABINET OF GOVERNOR GOODWIN J. KNIGHT; FORMER CHAIRMAN, LIAISON COMMITTEE WITH THE BOARD OF GOVERNORS, FEDERAL RESERVE SYSTEM AND THE NATIONAL ASSOCIATION OF SUPERVISORS OF STATE BANKS; AND FORMER PRESIDENT AND CHAIRMAN OF THE BOARD, SECRETARY NATIONAL BANK OF MONTEREY COUNTY, NOW RETIRED

Mr. Burkett. Yes, Mr. Chairman.

Members of the committee, I respectfully submit the following 14 reasons why I believe Mr. Bucher should not be appointed.

The Chairman. Just a minute.

Mr. Burkett, for the benefit of the record, while I stated back in the beginning that you would be—you would appear and that you were a former supervisor of state banks, will you give—you are from California?

Mr. Burkett. Yes.

Senator Proxmire. I would like to point out the witness has a prepared statement which has his qualifications on it. I think he has not handed it out. Perhaps if the clerk could get it we could all have copies of it.

I happen to have a copy here.

The Chairman. I was going to suggest that the record show just what your situation—your connection is.

Mr. Burkett. I was Former Superintendent of Banks in the State of California.

Senator Bennett. What year, Mr. Burkett?

Mr. Burkett. 1953—1956 to '58.

I was also former Director of Employment of the State of California prior to that and I was a member of Governor Knight's cabinet in California from 1953 to 1959, serving some time under Governor Brown.

I was also President of the National Association of Supervisors of State Banks of the U.S. and was the liasion officer between the Federal Reserve from the State Bank Supervisors to the Federal Reserve and I was likewise Former President and Chairman of the Board of the Security National Bank of Monterey County, California.

I am now retired, physically disabled.

The Chairman. Thank you very much.

I didn't realize that was a part of your printed statement. I did want to give it in the record.

Mr. Burkett. The first reason is that I believe—this gentleman is totally unqualified to serve as a member of the Board of Governors of the Federal Reserve System.

He is without any experience whatsoever in commercial banking or dealing with the economic and monetary problems of our nation which are handled by the Federal Reserve System.

A trust department officer is not truly a banker. A man who does trust department work is as removed from a knowledge of the nation's banking and fiscal problems as a horse doctor is from the skill required by a heart surgeon for open heart surgery.

The title "banker" or "doctor" is sometimes deceiving.

On the other hand, the Board of Governors of the Federal Reserve System appears to be sorely in need of an appointee with wide banking experience and a knowledge of the nation's fiscal problems.

(2) As Superintendent of Banks, State of California, it was my duty to pass on the qualifications of a candidate selected to be the president of a state bank.

This nominee would not qualify for appointment to the presidency of even the smallest bank in California because of his total lack of knowledge and experience in banking—let alone an appointment to the most powerful banking Board in the world.

There are hundreds of outstanding, knowledgeable, brilliantly qualified retired commercial bankers in the United States—with no axe to grind—who would be far better qualified than Mr. Bucher, and who the President could appoint if he made the slightest effort to seek them out.

There are many knowledgeable retired presidents and retired chairmen of the Board of banks who would make a major contribution to this Board of Governors if asked to serve by the President of the United States.

The term "retired banker" is purposely used here, for such an appointee would have less likelihood of "conflict of interest" while performing his duties such as sitting with the Board of Governors, while ruling on bank holding companies, or ruling on bank and branch applications where the problems of competitive banking arise.

Certainly with a retired commercial banker serving on the Board, you would eliminate the possibility offered by the ambitious young appointee looking consciously, or unconsciously, to better himself in the future with one of the nation's 14,000 banks.

As a banker and as a citizen, I challenge the reasoning or the motive back of the appointment of such a poorly qualified person for such a vitally important governmental position.

(3) A trust officer is the last man in the financial field that should be appointed to the Federal Reserve Board because they are a particularly evil influence on banking generally.

The trust departments of commercial banks are helping to destroy the integrity of banks because a trust department obviously operates as a "conflict of interest" within commercial banking.

(Someday, I predict, we will have federal legislation forcing the separation of commercial banking from trust work.)

For example, Mr. Bucher's UCB trust department that must have had knowledge of an $18 million bad loan that UCB made to Lockheed. His UCB made this $18 million unsecured loan despite the fact that Lockheed was financially insolvent.

The honest fact is that Mr. Bucher's trust department at UCB held millions of dollars in rich pension funds which were administered for Lockheed. UCB couldn't afford to lose such a rich, profit-making trust.

Therefore, UCB gave special consideration to insolvent Lockheed when it asked for a loan. The commercial banker within UCB was blinded by the trust business that Lockheed had given to UCB.

(4) It is no secret that there is not a single bank in California—no large, commercial bank in California—that can or will make a large commercial loan to any corporation or business of any kind unless that corporation or business will transfer their profit-sharing pensions, trust matters, and corporate trusts to the lending bank's trust department.

Therefore, you can see the evil influence that a trust officer at UCB, or any other bank, wields in making such power to assist, or not to assist, a business in obtaining bank loans from the commercial side of the bank.

(5) Mr. Bucher's trust department was likewise negligent in allowing his UCB bank to participate in loans to Penn Central Railroad. Certainly, the commercial bankers in UCB also knew that in granting further loans to this insolvent railroad that they were enhancing, or at least protecting, the many millions of dollars of Penn Central Railroad stock and bonds which Mr. Bucher's trust department held in its various private trusts and pension portfolios, administered by UCB.

(6) This obvious "conflict of interest" type of experience that a trust officer has is, in my opinion, not the experience needed or wanted on the Board of Governors of the Federal Reserve System.

Every Senator who has the power to vote against this appointment should, I believe, demand that our government, our powerful Federal Reserve System, should have a better qualified man.

I doubt very much that Mr. Bucher has even the slightest knowledge of the Board of Governor's Regulations, let alone a knowledge of bank reserve requirements; foreign currency operations; financial flow and credit markets' Federal Reserve bank examination operations; guidelines for banks and nonbank financial institutions; lending authority of reserve banks; revenue bond underwriting by member banks; or policy actions of the Board of Governors on gold reserve requirements; international liquidity; bank holding companies; open market transactions; maximum permissible interest rates; time deposits; or balance of payment and economic problems involved in our government's fiscal problems.

All of these are problems which pass over the desks of members of the Board of Governors of the Federal Reserve System for discussion and solution.

Where would Mr. Bucher's previous knowledge of a bank trust business be of value here?

I firmly believe that any one of the Chairmen of the twelve Federal Reserve Banks, or Deputy Chairmen of the Board of Directors of any of these 12 Federal Reserve Banks would be a far better, more knowledgeable, more experienced appointee by the President than Mr. Bucher.

Mr. Bucher's very limited qualifications and total lack of experience or knowledge of Federal Reserve matters would work a severe hardship on the Board of Governors who are, more than anyone else, solely responsible for the monetary and economic policies of this nation.

(7) I further object to trust officer Bucher's appointment because he also served as secretary and treasurer of UCB where he supervised some of the investment activities of UCB.

If Mr. Bucher held these positions with UCB, I respectfully suggest that he be questioned as to how he escaped his duty as an officer of the bank when UCB lost $48 million from a 58 percent owned subsidiary with UCB operated in Basel, Switzerland, known as the "United California Bank in Basel AG." This $48 million loss to UCB seriously reflects on the management and investment policies of UCB.

The most gross kind of negligence by UCB has been uncovered. This may turn out to be one of the worst bank scandals since the bank holidays of the early 1930s. I understand, however, that Mr. Bucher has denied any involvement.

(8) Mr. Bucher wishes to sit with the Board of Governors, but I would like to ask why the Board of Governors of the Federal Reserve System ever gave this official sanction to Mr. Frank L. King, Chairman of the Board of UCB, to allow UCB to pay off this $40 million loss?

Did Mr. Bucher's bank inform the Federal Reserve that Mr. King was also Chairman of the Board of this Swiss subsidiary and a member of its Executive Committee at the time of the $40 million loss?

Was the Federal Reserve informed that under Swiss law, the bank's bankruptcy would make Mr. King personally liable and responsible for some of the $40 million loss? (The additional $8 million loss was UCB's investment.)

The question now is whether or not Mr. Bucher should be appointed to the Federal Reserve System at a time when this entire $48 million loss is in litigation in the federal courts in California and an official investigation of the actions of all of UCB's officers in connection with these losses have been requested of the House Banking Committee and the Senate Banking Committee.

Senator Proxmire. Could I interrupt. You skipped "including Mr. Bucher."

Mr. Burkett. I have asked to go through all officers' involvement in it. It is hard to escape which one should know or would not know. It should include Mr. Bucher. It should include Mr. Bucher.

Wouldn't it be better to have the President appoint someone not in any way connected, even remotely connected, to this scandalous UCB affair, a bank with which Mr. Bucher has been associated for the past several years?

(9) If Mr. Bucher, as an officer of UCB, claims to have no knowledge of this $48 million loss by UCB in Switzerland, and the other millions of dollars of possible loss involved in the Lockheed and Penn Central matters, how did he escape knowing about it when it was known even by bankers outside of UCB?

And can we then regard Mr. Bucher as qualified to sit as a member of the most powerful banking board in the world? The Board of Governors of the Federal Reserve System has life and death control over every bank in the United States, which total approximately 14,000 commercial banks, and 22,000 branches with commercial deposits totaling over $500 billion.

(10) I do not believe Mr. Bucher will deny that he has been the protege and trainee of California banker, Frank King.

Mr. King wears three hats with UCB in California. He is chairman of the board of the above insolvent Swiss bank subsidiary of UCB that lost $48 million last year.

Mr. King is also chairman of the board of UCB in Los Angeles where Mr. Bucher works; and Mr. King is also chairman of the board of Western Bancorporation, the world's largest bank holding corporation which, in turn, owns approximately 98.6 percent of UCB.

If Mr. Bucher is knowledgeable of banking as he claims to be, then why, during his career as an attorney, an auditor, and an officer of UCB, didn't he object to such elementary bank financial statements distributed publicly by the UCB of Basel, which disclosed under the "due from banks" item some $7.5 million which actually were not in any way "due from banks," but were "due from brokerage houses"—something entirely different—and dangerously different.

The "due from banks" item on a bank's financial statement is such an elementary commercial bank terminology that even most ordinary depositors understand the term, especially a former attorney, auditor and officer of a bank.

As an officer, Mr. Bucher knew, or could have known by making the most elementary inquiry, that this Swiss bank subsidiary of UCB was operating as a gambler's bank for commodity trading. Most of the executives of UCB in Los Angeles had known this from the very beginning of the bank's existence, yet Mr. Bucher and his fellow UCB officers allowed this illegal banking practice to continue until it eventually caused the insolvency of the bank and the $48 million loss to UCB, which is the largest bank loss in the history of Swiss banking.

Such gross negligence on the part of officers of UCB is shocking. What assurance is there that Mr. Bucher's performance on behalf of this nation would be any more responsible than his demonstrated record at UCB?

(11) Mr. Bucher claims to have knowledge and responsibilities in handling his bank's investments as well as UCB leasing business. If this is true, then why did Mr. Bucher allow UCB's 58 percent owned Swiss subsidiary in Basel to purchase the worst kind of "lettered investment securities", meaning securities that are restricted and cannot be sold in the open market, which lost UCB $1.25 million?

It is either lack of initiative on Mr. Bucher's part in not finding out what was going on at UCB, or a studied effort to be blinded during one of the worst banking scandals to face the nation in decades.

(12) Mr. Bucher was the personal appointee of Mr. Frank King to the positions he has held with UCB. I am sure that Mr. Bucher knows, as most California bankers know, that Mr. King has been a very large financial supporter to Richard Nixon throughout Mr. Nixon's entire political career. I fear that Mr. Bucher's appointment will be interpreted as a political payoff and not as an appointment based on qualifications that are needed on this important Board.

(13) In connection with Mr. Bucher's appointment, I have reason to believe that Mr. King, chairman of the board of UCB, and mentor of Mr. Bucher, solicited the aid of Mr. C. Arnholt Smith, the most powerful Republican banker in California. Mr. Arnholt Smith of San Diego admits to having raised hundreds of thousands of dollars for Mr. Nixon's political campaigns. There are some reports that he has even raised as much as a million dollars during his career.

The question is raised as to whether or not it was Mr. Smith's hand that engineered the Bucher appointment from the President, with Mr. King being the first to enlist Mr. Arnholt Smith's powerful support.

(14) Finally, another point against the Bucher appointment is that Mr. Arnholt Smith recently purchased 94.5 percent of the Fidelity Bank of Beverly Hills, California, and this bank's purchase and merger will require the approval of the Board of Governors of the Federal Reserve System. Lawsuits are now being prepared to prevent this merger. Mr. Arnholt Smith is constantly seeking the approval of the Board of Governors for banks that he purchases to merge into his U.S. National Bank of San Diego, owned, in turn, by his conglomerate, the Westgate-California Corporation.

The U.S. National has 62 branches and Mr. Smith is the chairman of the board of the U.S. National Bank.

In conclusion, I wish to say that I firmly believe that selfish banking interests are trying to foist upon the American public a man totally unqualified to sit as a member of the Board of Governors of the Federal Reserve System for the next 14 years, and worse than that, a man who could possibly be subjected to undue influence by his powerful former employer, the UCB bank, owned by the world's largest bank holding company, and possibly by the powerful California bankers, C. Arnholt Smith and Frank L. King. Will this gentleman be the product of thinking of his former associates?

What will happen in the future if he is faced with conflict of interest?

I respectfully hope that you will vote to reject Mr. Bucher's nomination and that you will in this way ask the President of the United States to submit a better-qualified candidate for this high position.

President Nixon's high sounding, idealistic public promise to bring into government "the very highest qualified and experienced men" to serve their country should be put to the test by your committee. There are many such men who would be better qualified for this appointment in every way than Mr. Bucher.

Certainly, during these critical inflationary times, with deterioration in U.S. foreign trade, continued large deficits in the federal budget, questionable economic activities, restlessness and lack of confidence of business, labor and the people generally, certainly this is no time for the President to appoint to the Federal Reserve System someone less than the best qualified banker in the nation.

Thank you.

The Chairman. Thank you very much, Mr. Burkett.

I shall ask you very few questions. I was looking to see what was given in your little biographical sketch at the beginning of your statement, with reference to your own banking experience.

Mr. Burkett. I was President and Chairman of the Board——

The Chairman. I see that. President and Chairman of the board of the Security National Bank in Monterey County.

The Chairman. I see that. President and Chairman of the Board in Monterey County?

Mr. Burkett. Yes.

The Chairman. Was that after you were superintendent or before?

Mr. Burkett. Yes. A few years afterwards.

The Chairman. Did you have any banking connections before you were superintendent?

Mr. Burkett. Yes, I did.

The Chairman. What was that?

Mr. Burkett. I was with the Trust Department of Bank of America which in my opinion qualifies me, I believe; that trust department and commercial banking don't mix. It didn't—it was lack of knowledge, at that time, as an appointment was—I needed experience in banking.

The Chairman. Was that all of the banking experience you have had before being appointed?

Mr. Burkett. Right. I had been with the U.S. Treasury intelligence unit during the Estes Kefauver tax scandals in the fifties.

The Chairman. Were you in any way ever connected with this UCB?

Mr. Burkett. They approached my bank.

The Chairman. What, that Security Bank?

Mr. Burkett. Yes.

The Chairman. When?

Mr. Burkett. It's a small country bank in Monterey County. I received—I am most interested in UCB's welfare. This is not in the sense of a critical condition other than constructive criticism.

I received over—over several thousand shares of Western Bank and UCB Stock. I receive over 100,000 a year in net income from them, from bank buildings that they rent from me. I have only the greatest interest in UCB's welfare.

I am critical of this—of the loss of $48 million.

The Chairman. What is the name of the holding company, Western——

Mr. Burkett. Western Bank Corporation; they are the world's largest bank holding company. They own 98.6 percent of United California Bank and Mr. King is Chairman of the Board of that, and Chairman of the Board of UCB, and Chairman of the Board of the Swiss bank.

The Chairman. Mr. King was?

Mr. Burkett. Yes, sir. And chief executive officer up until recently.

The Chairman. You said this bank was in—is it UCB or the Western—the holding company that is in litigation?

Mr. Burkett. The United California Bank.

The Chairman. Is in litigation?

Mr. Burkett. Yes, sir. There are three suits.

The Chairman. What are those suits?

Mr. Burkett. Derivative suits and stockholders class actions.

Senator Bennett. Are you the sponsor of one of the suits?

Mr. Burkett. I am not. At one time an attorney without my authority signed my name to a complaint. I was out of the country at the time and I had been working with the attorneys, but I have a semi-cancerous condition which does not permit me to participate—this is the first public appearance I have made in about five years.

I thought it was worthwhile to come from California to testify because I believe in the vitalance of this plus bringing the Senate attention to the UCB banking scandal.

I withdrew—to answer your question—it was filed without my authority. My attorney in turn did not bring malpractice against the attorney. He just simply asked me to put my name off of it and it did. It did appear in *The Wall Street Journal* that I was a part of the suit. There is no doubt about it that I had felt strongly about it and I support the suits. I also support the management in doing something about it as promptly as they can.

But not by taking $48 million out of the assets of this bank to pay off something. They only owned 58 percent. They didn't have to pay 100 percent.

Senator Bennett. Isn't this another case of guilt by association?

Mr. Burkett. Absolutely not, Senator.

Senator Bennett. You are attempting to flot onto Mr. Bucher whatever guilt may belong to Mr. King and his associates who manage the bank. You are attempting to tell us that because Mr. King may have mismanaged or even been guilty of wrong-doing, we should therefore reject Mr. Bucher.

Mr. Burkett. The last time I testified before a Senate committee was Senator Kefauver and it was the same thing. No one had investigated a certain bad situation but Senator Kefauver. We all agreed that these were facts that should be looked into. I am saying that it wasn't guilt by association. It was simply saying that these facts should be investigated, held up, looked into, investigate before we hastily go ahead.

In that case, six men were indicted by Senator Kefauver. It took him a year or two to get statements. The Senate Committee went——

Senator Bennett. Are you saying that Mr. Bucher is in such a situation that he probably should be indicted?

Mr. Burkett. That's ridiculous, sir. I didn't mean it in any way. I think you are now associating me by guilty by circumstances of saying the same sort of thing.

Senator Bennett. You made the parallel that——

Mr. Burkett. I say as a Senate Committee you have certain authority as elected Senators. My uncle used to be U.S. Senator. They have certain duties.

I believe that you are to pass on the qualifications of this man. I think that by asking qualifications—I was Director of the Employment of the State of California. We didn't. We didn't pass it on men without checking into them. More than a cursory question.

I was also on the Governor's Cabinet, his inner cabinet. I was the first man appointed and the last man to leave Governor Knight. We checked out very carefully.

This is one of the most important jobs in the U.S., almost in the world.

The Chairman. Let me——

Senator Bennett. I will come back.

The Chairman. Let me get back to my questioning.

Now, you heard Mr. Burcher say in connection with the questioning on this Swiss fiasco that he had no connection with the management of that bank at all; did you not?

Mr. Burkett. Yes. He said he had no connection with the bank at all.

The Chairman. Do I understand correctly—when did this happen?

Mr. Burkett. Well, they bought this bank in 19—first this bank—it is not a Swiss bank. It was an American promoter that went—from San Diego, a man named Sailen. I had the SEC—the SEC had questions on him. It—as started in 1964 and UCB approached this in 1969 with 58 percent of the interest.

The Chairman. 1969?

Mr. Burkett. Yes.

The Chairman. Well, when did—when was it the Kefauver Committee?

Mr. Burkett. No. I have been ill——

The Chairman. Was the Kefauver matter connected with UCB?

Mr. Burkett. No.

The Chairman. I want to be sure the record is clear on that.

Mr. Burkett. You wish to have me repeat it, sir?

The Chairman. No. No. You stated in answer to my question, because——

Mr. Burkett. Then UCB was advised by the Swiss authorities that men like Erdman and the President and Seaforth—in 1969 making gambling commodities, type of investments, and they were asked to take off certain officers.

But these officers even were not removed. Mr. King was a former banker. When banking authorities tell you that something is probably wrong, that these are not qualified people, they certainly——

The Chairman. Well, I want to get a distinction between Mr. King, who headed up the whole thing, and Mr. Bucher.

Mr. Bucher says he was a Trust Officer.

Mr. Burkett. Yes.

The Chairman. And was not in any way connected with the management so far as that—what we call the Swiss bank—was concerned.

Do you have any reason to doubt that statement?

Mr. Burkett. Depositions are now being taken of the officers and various people. It's one of the great bank mysteries. By Swiss authorities as well as others that believe it is. It was never made a branch like Chase National. It was a subsidiary.

Here they found these unauthorized commodity trading to cover up officer's fraud. Some six have been indicted. There have been——

The Chairman. Wait a minute. Six have been indicted on this?

Mr. Burkett. In Swiss. But this side has never been investigated by the House Banking Committee or the Senate investigating committee.

There have been none that has—although an official investigation has been requested of you.

The Chairman. I notice in your statement you say investigation has been requested by the House Banking Committee and the Senate Banking Committee. I don't recall anything like that.

Mr. Burkett. Senator, Congressman Packman——

The Chairman. No, I am talking about the Senate Banking Committee.

Mr. Burkett. That was over a year ago. October of 1970, when the request was made?

The Chairman. Who?

Mr. Burkett. I did it.

The Chairman. You said——

Mr. Burkett. I talked with the Staff here just recently. If I came back, I asked Mr.——

The Chairman. I was mistaken. I thought it was requested by. I believe you say requested of.

Mr. Burkett. Yes.

I respectfully request it again, sir.

I think that's all from me.

Senator Proxmire?

Senator Proxmire. First, Mr. Burkett, I want to say that I think what you have done today is extraordinary. You are in serious condition and I understand you have had an operation for cancer of the colon.

Mr. Burkett. My entire insides have been removed on three occasions. I have a very limited time effort between sleeping and taking medicine.

Senator Proxmire. When you say disabled, you mean disabled.

Mr. Burkett. I am totally disabled.

Senator Proxmire. This is the first time you have appeared in public in five years so you think this is a serious matter?

Mr. Burkett. This is right.

Senator Proxmire. As you say, this is the most important economic appointment a president can make, and certainly the most significant economic appointment this committee can pass upon. It has a profound effect and I want to thank you so much for your coming before us.

I am very impressed by your background. I don't know how you could have higher qualifications. You have been a bank president, you have been in the trust department, so as you say, you understand the limitations of the Bucher appointment. Would you say that it is fair and not an exaggeration to contend that Mr. Bucher will simply have to develop on the basis of on-the-job training, that he would be getting on-the-job training as a governor of the Federal Reserve Board that he brings no qualifications to it whatsoever?

Mr. Burkett. I agree 100 percent with what you said.

Senator Proxmire. How about your statement on page 4? You go through the functions of the board and point out in no respect does he have significant qualifications. You were present when I questioned Mr. Bucher on Mr. Arnholt Smith, and he replied to the best of his knowledge, he had no connection with him at all.

You say in point 14, you connect Mr. Arnholt Smith with Mr. King, and say Mr. Bucher was a protege of Mr. King. Is that the only connection, as far as you know, between Mr. Bucher and Mr. Smith?

Mr. Burkett. Yes, as far as I know.

Senator Proxmire. You have no reason to question the assertion of the nominee that he did not know——

Mr. BURKETT. He may not know, but many of the appointments—I say it because I sat with the governor in his cabinet when we made appointments, we sorted them out before we gave them to the governor. As I stated, the pressure is quite great. There are certain funnels in which the applications come through, and a lot of the nominees, including my own—I know where it came from afterwards, probably. But Mr. Arnholt Smith has hardly anything of this top nature of banking and finance that does not clear through him, through Mr. Nixon.

I used to have something to do with the campaign funds in the state for the governor, and I have knowledge that Mr.—Arnholt Smith—I know he doesn't deny it, that he has given many thousands to the party and even to the National Committee. There are several thousands on record, if you care to call the headquarters here. It's been carried as high as $1 million that he has raised, and he himself is thought of as being around a quarter of a million personally.

Senator PROXMIRE. Mr. Arnholt Smith is a direct friend and contributor and benefactor of the President of the U.S. And Mr. King has been his close associate, is that correct?

Mr. BURKETT. Yes. They are very close. That group of bankers work in tandem.

Senator PROXMIRE. Are you saying that this is in the way of a political pay-off, that Mr. Bucher is appointed as a pay-off to Mr. King and that Arnholt Smith is the man responsible for engineering it, is that the gist of what you are telling us?

Mr. BURKETT. To the best of my knowledge and belief and sincere within my heart, I believe this to be nothing else than exactly what you stated.

Senator PROXMIRE. And you say that because you can see no real qualifications for the Federal Reserve Board for this gentleman?

Mr. BURKETT. Yes, sir.

Senator PROXMIRE. He is very closely associated with Mr. King. Mr. King could stand to benefit greatly by policies of the Federal Reserve Board, is that right?

Mr. BURKETT. Yes, sir.

Senator PROXMIRE. Now I take it you don't share my view, and very few people seem to, that only professional economists should be appointed to the Federal Reserve Board. Although you disagree on that, you still feel that Mr. Bucher is not qualified?

Mr. BURKETT. I am sorry, Senator, I cannot agree with you on economists. They are very, very needed people, but I agree with Senator Bennett that a banker, a practical banker with no axes to grind, and there are many fine, honest, able men, not only active, but some retired, two or three presidents of PFA, Proctor, Citizens, Security, able and wonderful men.

Senator PROXMIRE. You are saying if you want a banker, don't get a man from the trust department?

Mr. BURKETT. Right, sir.

Senator PROXMIRE. It's like getting a man to coach football who's had only experience in baseball.

Mr. BURKETT. Yes, sir.

Senator PROXMIRE. You had an opportunity to hear Mr. Bucher's answer to my questions on bank regulatory manners. In your opinion, were his answers responsive and do they demonstrate a solid knowledge of banking?

Mr. BURKETT. I would say again if he were interviewed for the presidency of a bank in California and couldn't answer some of those basic questions, he would not in any way be qualified to be a president of a bank in California, during—and as a member of the board of governors, Senator, I say that he is not in any way qualified because the answers were totally evasive and certainly some of them were quite elementary. The terminologies that I would say the majority of the bankers, even the small country bankers, could answer.

Senator PROXMIRE. Didn't the—I am trying to get beyond to see if there is any other example, in addition to the cocoa speculation, the Swiss bank where he lost $48 million, didn't the Basel Bank, this branch of UCB, speculate on the British pound devaluation in 1967? Wasn't this known to the management of the UCB when it purchased the Basel Bank?

Mr. BURKETT. Yes. This—the audit reports—not only does the bank send auditors there, but the Swiss authorities sent auditors. It brought this out to management. It was several months before it was released to the public. Then it was on Labor Day of 1970, and the points that you mentioned were there. The chairman of the board was on the executive committee and many of the officers in the group knew about it, and in fact they had been advised by the Swiss authorities of this. They were scuttling around. A loss was expected. One of the officers went and—who has a board of directors of an insurance company, rushed down and asks that insurance company to get a bond.

Now later this bonding company will not bond after something that was known several months ahead of time. Now they lost—there was a $15 million policy from Lloyds and another $5 million that came in. So there was—indemnity was only in the $20 millions. The losses will be over $20 million. But the knowledge of bankers on staff, just as your staff work and as your committee work, bankers work the same way. The trust department officer on staff meetings and top echelon—and he was a senior vice president—it is hard to say whether he was there or not there, but the general workings of a large bank means that there is communication between departments.

In fact, the communications go on out through all the branches. I can show you communications on the Basel Bank that went out to the branches.

Senator PROXMIRE. So as for the bank president who is a superintendent of banks in California, you consider it highly unusual that a man in Mr. Bucher's position had no knowledge, no understanding about this speculation into the cocoa market and the kinds of commitment and investment they were making?

Mr. BURKETT. Well, unless he is of the clerk type of banking mind, which I do not know him to be——

Senator PROXMIRE. In which case, that would be a point against him?

Mr. BURKETT. He wouldn't know what is going on. The Basel Bank was known through California as a situation that was tricky. Mr. Lake was a San Diego man and he set this thing up and sold it for $10 million, $8 million to United California Bank. The Swiss authorities tell UCB people that these people are bad. It's a common knowledge on the street, in the banking circles, that this is a bad thing, and yet they allow this commodity stuff to keep going and all of a sudden, say, oh, and rush down to the Federal Reserve System and say can we pay it all off. So they did. But was there investigation by the Federal Reserve System? They approved the manner of payment and now $40 million has been paid off to people who made investments there, as one stated—I sent an attorney over there on two occasions, and one of them—the only place in my life I ever bought stock or made investments, and I made a bad one, and they gave my money back. Here is UCB paying off this type—this is one of the greatest bank losses in the U.S., and has been for many, many years, since the Depression days.

Senator PROXMIRE. Now Mr. Bucher may or may not have been involved in any way in the speculations with which you are interested, the big loss in which you are a party to the investigation of the suit?

Do you have any firmer information or firmer association of this man with either the Lockheed situation which you allude to, or the Penn Central situation?

As a Trust Department official, what would be his responsibility there?

Mr. BURKETT. I have always found in banking there were two kinds. One, who took initiative and who was not wedded to his paycheck or his Civil Service status in government and will speak out and say to management, look, this is a—an unsecured loan. They didn't put up any collateral like you and the rest of us do.

Lockheed came in, insolvent, with statements, and they gave them $18 million unsecured. They have the pension funds upstairs and Mr. Bucher's department has them. When they reviewed the investments of stocks and bonds, they start to worry about things that are bad. They don't want their portfolio full of insolvent things.

Senator PROXMIRE. So here the connection with Mr. Bucher would be that he would be responsible in one way or another, with the 5,000 shares of stock Lockheed in the Trust Department and you are saying that it would be unusual if there were not some kind of influence with respect to a loan unsecured to Lockheed for $18 million in view of Lockheed's tenuous record and difficult position, that a banker would normally require there to be some security on that.

Mr. BURKETT. That is right.

A strong, able trust officer would go on record opposing such a loan and a weak one would close his eyes and say, this is—and permit this sort of thing to go.

I don't know the circumstances, but we do know the results that Lockheed got the $18 million loan, an unsecured loan, at a time they were insolvent.

Senator PROXMIRE. And apropros of a strong officer, what kind of a man do you think we should have in the Fed?

Mr. BURKETT. Certainly a strong man, a man of—who could not be influenced in any way, who would speak out.

If Mr. Bucher had a record of speaking out against these things to Mr. King, or he said, yes, I told them, I knew that this bond—I was worried about the condition of aircraft condition in Southern California. Lockheed wasn't just overnight—when they take a review, take through the—and security analyst, and so forth, and Lockheed had a director, I believe, sitting on the Board of Directors, at the very time. All of these things are available to UCB to ask the situation and when you get into that kind of money, 18 million, you go out and make a real, first-class audit of the condition of an organization.

You just don't—old school tie—maybe that was the case here. I don't know. The result is, they got an $18 million loan unsecured.

And Mr. King, I can show you in the stockholders' meetings, where he admits this. It is printed that it is an unsecured $18 million loan.

Senator PROXMIRE. Do you know as a matter of fact that Mr. King was responsible—you talk about Mr. Bucher being his protege, was this a personal relationship that Mr. King promoted, and was he responsible for the career, to a great extent, of Mr. Bucher, or do you simply——

Mr. BURKETT. Not by association, sir.

On an appointment of that category in a large bank, it has to be approved by the president. He was the president and the executive officer of the bank at that time, as well as chairman of the board.

Senator PROXMIRE. Mr. King was?

Mr. BURKETT. Yes, and he has always been a man who personally handled these things until just recently.

Senator Proxmire. You are saying that he would have had to have direct explicit knowledge of the appointment of Mr. Bucher and he would have been responsible—it would have had to have been cleared by him?

Mr. Burkett. That is right.

Senator Proxmire. One other question.

I mentioned in my questioning of the nominee that one senior vice president of this bank was quoted as saying, "you win some, you lose some," when told about the $48 million loss.

Does that indicate that UCB knew about the activities of the Swiss subsidiary, that it took a risk and lost?

Mr. Burkett. It indicated that to me, sir. It is that type of management that is being criticized by members of the public, certain legislators.

Senator Proxmire. Kind of a racetrack psychology. You go out and take a little money, win it or lose it. But here you are dealing with the depositors' money.

Mr. Burkett. I don't think anything like that has been said in banking circles publicly since the days of the Insull scandal. It is impossible to believe a banker would say that unless it is—is association as to what is going on in that type of management.

That is what I say here, that if he had spoken out as secretary-treasurer, he knows these things, he knew these things as a trust officer, he certainly has the potential, at least, or the responsibility of being paid as an officer of the bank to ask questions, not be a rubber stamp.

Senator Proxmire. Thank you very much.

The Chairman. I just want to say this, we have ranged pretty wide on this. This is not a court proceeding, but I think everyone recognizes the fact that very little of what has been said here regarding UCB and the Swiss bank and Mr. King and Mr. Smith—Smith is that his name?

Mr. Burkett. Yes, sir.

The Chairman. Would be allowed in testimony at a court proceeding. A lot of it is hearsay, a lot of it is surmise. A lot of it is on the basis that it seems to me you should have known. No tie-in of any responsibility at all.

I don't say that critically, but I just think it is well for us to keep these facts in mind.

Mr. Burkett. I asked, Senator, if I came back here—the idea was the hope that as an investigating arm that you would investigate this UCB—if it happens in one bank we have other international banks that we could lose millions in.

As I said the time I appeared before Senator Kefauver and it was the same type of questioning, and he said is this true? I said, we have reason to believe.

He said, fine, we will investigate it. That ended up in the 1950 tax scandals in which six or seven were indicted in San Francisco.

That is the only relationship that I intended.

The Chairman. I agree with you on that.

I am glad you brought this before us.

I think in weighing it on the question of a confirmation of Mr. Bucher, we have got to be very careful to try to find out what the facts are and not what some surmise is.

I just wanted to make that comment.

Senator Bennett, if you have anything further?

Senator Bennett. I have a lot of things here because, Mr. Burkett, I deeply resent some of the things you have said here today, as a Republican, as a member of this committee.

The Chairman. That does not include raising that money, does it?

Senator Bennett. I did not get any of it.

Senator Proxmire. That is why you resent it.

Senator Bennett. They think—I am going to pass most of them by. Just one comment. You talked about an $18 million loan to an insolvent corporation. The President, I guess he is Chairman of the Board of the Bank of America, testified that when that loan was made, which was one of about 20 loans that were made by big banks all over the country; Lockheed had a net worth of $370 million, had shown a net profit of $50 million a year before taxes.

Now, that is not—those are not the stigmata of an insolvent company. Afterwards, they were discovered to be insolvent. It is easy to go back and second guess these things. But the inference that these all—all the loan officers of these 30 banks that loaned Lockheed money, of which United California was only one, were all involved knowingly in loaning the stock—the stockholder's and the depositor's money to an insolvent company. That just is not true.

Mr. Burkett. Senator, it is a felony to make out a financial statement that is fraudulent. Now, I—perhaps your Senate Committee would like to inspect this financial statement and check it out as our bank examiners do when small businessmen might want to make a statement, he has $50 thousand, when he has only $2,000. Ask Lockheed.

Senator Bennett. That thing was fought through on the floor of the Senate and in committees. Was it last year?

Senator Proxmire. Yes.

Senator Bennett. There is no use opening it up again now. But you come here and make a categorical statement which puts you in direct contradiction with the Chief of—the Chairman of the Board of the Bank of America.

Mr. Burkett. I do not contend to be that, sir. I just asked one question. Did you investigate the financial statement, line by line, of Lockheed?

Senator Bennett. This is not your privilege to ask us. It was given to us and we did look at it. The inference that we acted as we did is that we compounded the felony, by agreeing, as I do, with Mr. Medberry, that it was not insolvent.

Now, when you were a trust officer of the Bank of America, were you aware of what went on in the Bank of America's foreign subsidiaries?

Mr. Burkett. I was in the trust department as a trainee for a year and I sat with the Vice President who went to the penitentiary. I learned one thing; that was to be very careful and do some night school work and learn more. I did. I went to night school and learned more about trust work.

But—and commercial banking. Then I——

Senator Bennett. But you are coming here and saying, because you were part of the trust department, you are in a position to pass judgment on Mr. Bucher?

Mr. Burkett. Yes. I was likewise the head of the investigations of every trust department in the State of California, Superintendent of Banks. There, we went over a lot of these things. That is when I decided by talking about bankers, meeting with bankers, discussing with bankers, and being President of all the Bank Commissioners in the United States, I sat with the bank examiners, and we always felt that—of the trouble the trust departments could be to the commercial side of a bank.

Senator Bennett. Let us go down to Mr. Bucher, himself. When you left your position as head of the Banking Commission of California; Mr. Bucher was 21 years of age. So you had no experience with him while you were Commissioner?

Mr. Burkett. No. I have never—I have none whatsoever.

Senator Bennett. Have you ever seen him before today?

Mr. Burkett. No, I have not.

Senator Bennett. So, you are coming here to condemn a man, pass judgment on him, and be very specific in some of the things you accuse him of, and you have never met him?

Mr. Burkett. As far as meeting people, I am sure you have not met a lot of people, Senator. You have looked at the record. There are a lot of things you can judge without personality. This has nothing to do with his personality.

From what I saw, I think he is a fine, able-looking person. You do not judge a man by how many hairs he has on his head.

(Laughter.)

Senator Bennett. What of Mr. Bucher's record, do you know? You do not know anything of Mr. Bucher except the fact that he works for Mr. King and you do not like Mr. King?

Mr. Burkett. That is not true. I like Mr. King. That is absolutely a false statement, sir. I do not mean it in any way. I am sorry you made that interpretation.

Senator Bennett. You have made some rather serious charges against Mr. King for the way he allowed the Swiss Bank Scandal to develop.

Mr. Burkett. That is your personality side. I am talking about his administrative side. You are talking about personalities here.

Senator Bennett. I am talking about his position as Chairman of that bank. You attack Mr. Bucher because you think Mr.—he is Mr. King's protege. Do you know whether Mr. King got him the job in the bank in the first place? Did Mr. King have anything to do with the successive promotion he got before he became the Senior Vice President in charge of the Trust Department?

Mr. Burkett. Mr. King had something to do with his promotions within the bank. No one can become Secretary-Treasurer of the 14th largest bank in the world—in the United States without being—knowing something about the man. He has—and then to move him up to the senior trust position?

Senator Bennett. Is that not true of every officer in that bank?

Mr. Burkett. No.

Senator Bennett. Isn't it true of every major officer of the bank and company you then say that all of them are proteges of Mr. King, and that what Mr. King does that may be wrong rubs off on them and makes them—makes it impossible for them to qualify for a job like this?

That's the inference you have left with us.

Mr. Burkett. Was that a question, sir?

Senator Bennett. I will phrase it as a question: Do you believe that Mr. Bucher is the kind of a protege of Mr. King which—who, because of his associations with Mr. King would be rendered undesirable as—to be appointed in this particular job?

Mr. Burkett. Yes.

Senator Bennett. So it is not guilt by association?

Mr. Burkett. Not in the way I look at it, sir.

Senator Bennett. You admit you don't know the man. You admit you don't know anything about his specific record and all you know is the record of Mr. King.

So if Mr. Bucher is unfit for the job, it's because he worked for Mr. King and the inference is that in order to work for Mr. King, he had to be a party to or involved in certain things that you think were improper.

Mr. Burkett. I say that in the top management of a bank which he was, he would have to have some knowledge of what's going on. There is nothing in the record that he said—and here today—that I spoke out about that, I do not approve of these things. This is bad. This is bad. This is bad. He had to study it. He had no knowledge about it.

Senator Bennett. And you want us to assume that the chief trust officer of a bank has a responsibility for the operation of the subsidiary in Switzerland and you just assume because he has that position he automatically has the information and you don't know whether he spoke out or not. You don't know anything about it.

Mr. BURKETT. I think that question was asked indirectly. He said he had no knowledge.

Senator BENNETT. Just one final comment. In your testimony you indicated that there are many fine retired bankers who would be better candidates for this position. Have you heard of a youth movement in the U.S.? in getting a young man into this position as he has been interested in getting young men in other positions and can you suggest a retired banker who could hope to serve out his 14 years as a member of the Federal Reserve Board without bumping his head against the—the age 70 limit?

Mr. BURKETT. Yes. I believe there are. And there is no assurance that they won't drop dead next week.

Senator BENNETT. I am not talking about serving out in terms of living to serve it out. You take a retired banker and put him in a job that has two qualifications: It's a 14-year job and you have to quit when you're 70——

Mr. BURKETT. Yes, sir.

Senator BENNETT. Do you know of any retired bankers that could meet those two qualifications?

Mr. BURKETT. Yes. I believe there are some in California and on the West Coast particularly.

Senator BENNETT. Men who have retired at less than 56?

Mr. BURKETT. Yes, because of differences on policy of certain banking operations. They have taken their hat and taken a walk.

There are some in Pebble Beach where I live.

Senator BENNETT. You think they would be more qualified for the job than Mr. Bucher?

Mr. BURKETT. Yes, sir.

Senator BENNETT. You think anybody would be more qualified for the job than Mr. Bucher?

Mr. BURKETT. I didn't say that, sir. I was referring to a banker's qualifications, knowledge of economics, monetary and fiscal policies of this nation.

Senator BENNETT. You admit you don't know anything about his personal record, his personal experience; all you know is what you read in the papers or what you judge by looking at the resume? You have no personal background to judge Mr. Bucher?

Mr. BURKETT. You mean this piece of paper where he went to college? That's all I have seen, that's right.

Senator BENNETT. On that basis you condemn him?

Mr. BURKETT. No, I don't condemn him on one piece of paper.

Senator BENNETT. You didn't condemn him on that basis. You condemned him on guilt by association because he works for Mr. King.

Mr. BURKETT. That's a matter of opinion, sir, if it's your opinion, fine; it's not mine.

Senator PROXMIRE. Mr. Burkett, I think you have performed a very tough and difficult and painful job. It's no fun to come before a Committee and have to oppose a nomination. You are a sick man. You have come all the way across the country, your only public appearance in five years.

As I said before, I think you have served as a very good citizen and as one Senator, I am deeply grateful that you have appeared before us.

The most important judgment we can make, I think, is with respect to the Federal Reserve Board. The one way we have an opportunity, or a real influence on the Federal Reserve Board, is to scrutinize the appointees carefully and make sure they are well qualified. I think in this case we have no more information than the Senator accused you of having.

We just have these resumes in front of us. The only way we can develop additional information is to try to find out what has been done by the nominee in the past, what his responsibilities are, and what he knows about those areas where he has had some influence.

I must say on the basis of the record this morning, it's very clear the nominee does not have knowledge even in the areas where he has had training and experience.

Senator BENNETT. Mr. Chairman, I have to—I remind myself of the cartoon of the husband and wife, somebody said, doesn't your wive have the last word, and the husband said, she's never reached it yet.

So I have to have one last word.

Mr. Bucher asked to visit every—I think every member of the Committee. He came to visit me. I had an opportunity to discuss the background with him.

Did he get to visit you?

Senator PROXMIRE. Let me say I made the decision that under no circumstances will I ever again have a nominee come into my office in advance of a public hearing to discuss privately with me whether he should be appointed. I made that decision because again and again I found that I am a nice affable fellow just like you Senator Bennett, and I always want to make him feel good.

I say that without having had a chance to hear the man as a witness, without having a chance to study his record. I have talked as a matter of fact with other members of the Senate—just yesterday on the telephone, about this nominee. They asked me why didn't you tell me before he came into my office? I think this is a great evil and as far as this Senator is concerned, I say in the future, no nominee is going to see me privately.

That's a policy I am going to adopt from now on.

The CHAIRMAN. I think that's okay. I think it would be fine——

Senator BENNETT. While you say you are seeing him, you are going to see him publicly. You have developed with Mr. Burkett a very obvious campaign against him.

Mr. BURKETT. I want to say on the record, Senator, I never saw in the newspapers and I never knew Senator Proxmire was opposed to him. I read in the paper last night that he was against him.

I sat down and dictated my statement and hadn't been able to finish it completely. There have been many changes in that.

But I didn't know Senator Proxmire had these views. I commend him for them because the Federal Reserve System was being weakened.

Senator BENNETT. Will you tell the Committee on the record that you have had no previous contact with Senator Proxmire or any member of his Staff with respect to your—the testimony that you have given here today?

Mr. BURKETT. I was—I talked to a staff member of this Committee—the Banking Committee, Mr. McLean. I have asked him questions.

Senator BENNETT. Did you outline to him the nature of the testimony.

Mr. BURKETT. He asked me what I thought of him. I had about 20 reasons to be against him. In the time I reduced them to 14.

The CHAIRMAN. I think we have discussed this sufficiently Mr. Burkett, I feel certain that you felt moved to come here and present your case. I want to say on behalf of the Committee that we appreciate your coming.

Mr. BURKETT. Thank you, sir.

The CHAIRMAN. Thank you.

I will ask members of the Committee to stay here a minute. All of the others, get out, please.

(Whereupon, the open session of the hearing was adjourned to Executive Session at 12:45 p.m., Friday, May 12, 1972.)

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, S. 3526, which the clerk will state.

The assistant legislative clerk read the bill by title, as follows:

> A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending amendment is amendment No. 1187, as modified.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on March 11, 1972, the President had approved and signed the following bills and joint resolutions:

S. 641. An act for the relief of Luis Guerrero-Chavez, Guadalupe Guerrero-Chavez, and Alfredo Guerrero-Chavez;

S. 1089. An act for the relief of Robert Rexroat;

S. 1675. An act for the relief of Antonio Plameras;

S. 1923. An act for the relief of Harold Donald Koza;

S. 2713. An act to amend title 18 of the United States Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released;

S.J. Res. 173. A joint resolution to provide for the appointment of A. Leon Higginbotham, Junior, as citizen regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 174. A joint resolution to provide for the appointment of John Paul Austin as citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 175. A joint resolution to provide for the appointment of Robert Francis Goheen as citizen regent of the Board of Regents of the Smithsonian Institution.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer (Mr. TUNNEY) laid before the Senate a message from thhe President of the United States submitting the nomination of Lt. Gen. George Irvin Forsythe, Army of the United States (major general USA), to be placed on the retired list in the grade of lieutenant general, which was referred to the Committee on Armed Services.

TIME EXTENSION ON TOBACCO QUOTA TRANSFERS—CONFERENCE REPORT

Mr. TALMADGE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13361) to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT (S. REPT. No. ——)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13361) to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the second sentence of subsection (c) of section 316 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows: "Any lease of Flue-cured tobacco acreage-poundage marketing quotas from any farm with an acreage-poundage marketing quota in excess of 2,000 pounds filed on or after June 15 in any year shall not be effective unless the acreage planted on both the lessor and the lessee farms during the current marketing year was as much as 50 per centum of the farm acreage allotment in effect for such year."; and the Senate agree to the same.

HERMAN E. TALMADGE,
B. EVERETT JORDAN,
LAWTON CHILES,
JACK MILLER,
CARL T. CURTIS,
Managers on the Part of the Senate.

WATKINS M. ABBITT,
JOHN MCMILLAN,
WALTER B. JONES,
WILLIAM C. WAMPLER,
WILMER MIZELL,
Managers on the Part of the House.

Mr. TALMADGE. I ask unanimous consent for the present consideration of the report and that the joint explanatory statement of the committee of conference be ordered not printed as a Senate document by the Senate since it will be printed by the House of Representatives.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TALMADGE. There were two differences between the House bill and the Senate amendment, and these differences were resolved as follows:

First. The House bill exempted all kinds of tobacco for which leasing is provided by section 316—that is, Flue-cured, Maryland, Cigar-filler, types 42–44, and cigar binder, types 51–53—from the requirement in existing law that leases be filed with the county committee by a fixed date no later than planting time established by the Secretary.

The Senate amendment made the same provision for Flue-cured tobacco only.

The conference substitute adopts the provisions of the House bill.

Second. The House bill restricted Flue-cured leases filed after June 15 to cases where both the lessor and lessee farms have planted at least 75 percent of their allotments.

The Senate amendment contained no similar provision.

The conference substitute modifies the House provision by completely exempting leases and transfers of Flue-cured tobacco involving farms with acreage-poundage quotas of 2,000 pounds or less from the June 15 deadline for filing such leases. It also changes the 75-percent requirement of the House bill to 50 percent.

Mr. President, I move the adoption of the conference report.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

QUORUM CALL

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VISIT TO THE SENATE TOMORROW BY APOLLO 16 CREW AND THEIR WIVES

Mr. ROBERT C. BYRD. Mr. President, the Apollo 16 crew and their wives will visit the Senate Chamber tomorrow at 1:30 p.m. They will enter the Senate Chamber from the Vice President's formal office and will proceed to the well of the Chamber.

There will be no speeches. It will be a simple and informal visit.

The visit will allow Senators to offer their congratulations to the crew of Apollo 16 and their wives.

I think it might be well today for the cloakrooms to announce to Senators that there will be this occasion tomorrow, this opportunity to meet the Apollo 16 crew, so that Senators can be present to show appropriate expressions of welcome and appreciation to the crew and their wives.

Mr. GOLDWATER. Mr. President, I did not quite understand what group the Senator mentions is coming here tomorrow.

Mr. ROBERT C. BYRD. The Apollo 16 crew and their wives?

Mr. GOLDWATER. At what time?

Mr. ROBERT C. BYRD. They will visit the Senate Chamber tomorrow at 1:30 p.m.

Mr. GOLDWATER. I thank the Senator.

ORDER FOR 30-MINUTE RECESS TOMORROW, BEGINNING AT 1:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, the Senate stand in recess beginning at 1:30 p.m., for not to exceed 30 minutes.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and hope that the cloakrooms will indicate that this could very well be the final quorum call for today, unless Senators have speeches to make. We would like to know.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks of the able Senator from Alaska (Mr. GRAVEL), the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I am going to suggest the absence of a quorum again to give the cloakrooms time to ascertain whether any Senators want to speak this afternoon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

THE BYRD AMENDMENT TO THE CASE-CHURCH AMENDMENT

Mr. CHURCH. Mr. President, on Thursday, May 11, the distinguished Senator from New Jersey (Mr. CASE) and I sent to our colleagues a letter fully explaining why we find the Byrd addendum to the Case-Church amendment unacceptable. The Case-Church measure provides for the total withdrawal of our Armed Forces 4 months after an agreement is reached for the release of our prisoners of war. Adding another element, an "internationally supervised cease-fire," only makes the return of our men now held captive by the North Vietnamese and their allies that much more difficult.

The letter reads as follows:

Dear Colleague: Senator Robert Byrd has introduced an amendment to the Case-Church amendment which would add an internationally supervised ceasefire as a precondition to the cutting off of funds for further American participation in the war, four months after an agreement is reached for the release of American prisoners.

We are opposed to the adoption of the Byrd amendment for the following reasons:

1. If the North Vietnamese do not accept a ceasefire, then the President will have an implicit Congressional endorsement—it might even be claimed he had a mandate—to continue indefinitely American participation in the war.

2. A ceasefire requirement, if ratified by Congress and adhered to by the President, could give the Saigon Government veto power over American withdrawal and the return of our prisoners. If Saigon is thus given the power to keep Americans fighting its battles, our involvement in the war will never end.

3. Congressional endorsement of a ceasefire requirement might restrain the President from accepting, or later proposing, an unfettered agreement with the North Vietnamese for the return of all American prisoners in exchange for American withdrawal. We believe that such an agreement would be in our country's best national interest. To make prisoner release contingent on a cease fire might well be condemning the prisoners to many more years in North Vietnamese jails.

In conclusion, our aim is to end American participation in the war, once an agreement is reached on releasing the prisoners. We believe that this is in keeping with the stated goal of Vietnamization, namely that the South Vietnamese take over the responsibility for defending themselves.

We hope that the Vietnamization program works, but we are convinced that the United States has done all it can to help the South Vietnamese. The ceasefire requirement raises the prospect of American troops and airpower remaining indefinitely in South Vietnam, and we find this prospect unacceptable.

We hope you will join us in voting against the Byrd amendment.

Mr. President, we enclosed with the letter the new version of the Case-Church amendment, modified to conform to the President's 4-month prescription for completing an American withdrawal, plus a copy of Murrey Marder's analysis of a ceasefire, in which the noted Washington Post diplomatic correspondent raises many questions, pointing up the fact that what the President means by an internationally supervised ceasefire remains to be defined. At this time, Congress is in the dark with respect to that question, and I doubt if any Member here can provide a reliable answer.

I ask unanimous consent that the text of our letter, most of which I have read into the record, together with the text of the modified version of the Case-Church amendment, and the Murrey Marder article to which I have referred be included at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., May 11, 1972.

Dear Colleague: Senator Robert Byrd has introduced an amendment to the Case-Church amendment which would add an internationally supervised ceasefire as a precondition to the cutting off of funds for further American participation in the war, four months after an agreement is reached for the release of American prisoners.

We are opposed to the adoption of the Byrd amendment for the following reasons:

1. If the North Vietnamese do not accept a ceasefire, then the President will have an implicit Congressional endorsement—it might even be claimed he had a mandate—to continue indefinitely American participation in the war.

2. A ceasefire requirement, if ratified by Congress and adhered to by the President, could give the Saigon Government veto power over American withdrawal and the return of our prisoners. If Saigon is thus given the power to keep Americans fighting its battles, our involvement in the war will never end.

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We hope that the Vietnamization program works, but we are convinced that the United States has done all it can to help the South Vietnamese. The ceasefire requirement raises the prospect of American troops and airpower remaining indefinitely in South Vietnam, and we find this prospect unacceptable.

We hope you will join us in voting against the Byrd amendment.

We enclose, for your information, the new version of Case-Church modified to confirm to the President's four-months prescription for completing an American withdrawal. Also enclosed is a copy of Murrey Marder's analysis of ceasefire that appeared in today's Washington Post.

If you have any further questions, please contact one of us directly or have a member of your staff call Tom Dine on extension 56142 or John Marks on extension 53224.

Sincerely,

Clifford P. Case,
U.S. Senator.
Frank Church,
U.S. Senator.

The Modified Language of the Case-Church Amendment to the State Department Authorization Bill Introduced in the U.S. Senate May 9, 1972

(By Senators Clifford P. Case, R-N.J., and Frank Church, D-Idaho)

TITLE VII—TERMINATION OF HOSTILITIES IN INDOCHINA

Sec. 701. Notwithstanding any other provision of law, none of the funds authorized or appropriated in this or any other Act may be expended or obligated for the purpose of maintaining, supporting, or engaging United States forces, land, sea, or air, in hostilities in Indochina, four months after reaching an agreement for the release of all prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

[From the Washington Post, May 11, 1972]

"Indochina Cease-Fire" Remains To Be Defined

(By Murrey Marder)

The United States has left open for negotiation the critical details of its offer for a "cease-fire throughout Indochina" that would accompany an American military disengagement from the war.

Dispute about the exact meaning of the Nixon administration's cease-fire proposal was threaded through Senate debate yesterday over end-the-war legislation and also aroused questioning by diplomats and newsmen.

Administration officials acknowledged that the cease-fire terminology is open to various interpretations that are being reserved for diplomatic bargaining.

Presidential adviser Henry A. Kissinger said on Tuesday that "we will be delighted to spell out the details of our proposal as soon as a negotiation starts . . ." In these negotiations, said Kissinger, the United States would display "a generous spirit," with "the attitude of bringing about a rapid end to the war."

The deliberately vague response, was given to side-step one of the many questions on the cease-fire offer: Whether the United States would insist that the cease-fire require the withdrawal of North Vietnamese forces who have crossed into South Vietnam.

Defense Secretary Melvin R. Laird was reminded at his news conference yesterday that he stated on April 7 that there could not even be negotiations until North Vietnam "withdraws" its forces that launched a "massive invasion" across the Demilitariged Zone on March 30.

Laird was not alone in stating that condition, which he repeated more forcefully on April 18 in a Senate Foreign Relations Committee hearing, saying it would be "the height of irresponsibility" to hold negotiations while North Vietnam continues its "violation" of earlier agreements.

Secretary of State William P. Rogers, testifying a day earlier, on April 17, also originally ruled out negotiations "while this major invasion is under way." But Rogers reconsidered a little later in the hearing, and he added the qualification that the United States will not negotiate further until it is convinced "the other side has a serious purpose or, second, until this invasion is repelled or they withdraw."

Both statements, of course, have been overtaken by events in which the United States changed its position and did resume briefly both the formal negotiations with North Vietnam in Paris and the secret talks, the latter between Kissinger and Le Duc Tho on May 2.

President Nixon, in his Monday night version of the latest offer for ending U.S. participation in the war, said that present intensified military actions against North Vietnam and its supply lines will cease when Hanoi agrees that:

1. All American prisoners of war "must be returned." 2. There "must be an internationally supervised cease-fire throughout Indochina." 3. "Once prisoners of war are released, and once the internationally supervised cease-fire has begun, we will stop all acts of force throughout Indochina." 4. "At that time we will proceed with a complete withdrawal of all American forces from Vietnam within four months."

This proposal, on its face, states no requirement for the parallel withdrawal of North Vietnamese forces from South Vietnam. In earlier versions of this proposal, first offered by Kissinger to Le Duc Tho in May 31, 1971 and subsequently amplified, the United States intentionally omitted any demand for mutual troop withdrawal.

Kissinger, in discussing the U.S. military disengagement approach on Jan. 26, after President Nixon disclosed the 1969–71 sequence of secret Kissinger-Tho talks, said of the May 31 1971, offer:

"This was the first time that the United States had indicated a willingness to set a date, the first time that the United States was prepared to do so unilaterally; that is to say, without an equivalent assurance of withdrawal from the other side."

In other words, the United States was offering unilateral withdrawal of its troops. Administration officials, including Secretary Rogers, have said since the present Communist offensive began, that previous offers made to North Vietnam will stand. Kissinger said that in his May 2 meeting with Le Duc Tho, the Hanoi envoy refused "even to discuss" the U.S. proposals, but Kissinger expressed the view that in time North Vietnam may "believe that it now has proved its military capacity to the point where it could afford a purely military solution. . . ."

When and if that time comes, there would be a barrage of bargaining questions, including many that presently are being left unanswered.

What would be the duration of the cease-fire? What kind of cease-fire would it be, a standstill cease-fire, a grouping of forces, etc.? Would South Vietnam's government have a veto over the terms of the cease-fire? Could military conditions for the cease-fire involve political factors?

Mr. JAVITS. Mr. President, will the Senator yield to me at that point?

Mr. CHURCH. I shall be happy to yield to the Senator, after making two insertions.

IDAHO EDITORIALS URGE OUR TOTAL WITHDRAWAL

Mr. President, two outstanding Idaho newspapers, the Idaho Statesman and the Blackfoot, Idaho, News, editorialized recently, urging our total withdrawal from the Vietnam conflict in order to gain the release of our prisoners. The Statesman said—

> If Hanoi will agree to a return of U.S. prisoners, we should adopt a policy of withdrawing our forces by the end of the year.

The Blackfoot News commented—

> The war just won't go away . . . we don't seem able to learn from past mistakes.

I ask unanimous consent that both editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Idaho Statesman, Apr. 19, 1972]

U.S. PARTICIPATION SHOULD END

Events in Vietnam show how easily a war which semed to be winding down can heat up. After seven years of heavy fighting and sacrifices the U.S. is still deeply involved.

The renewed heavy bombing of North Vietnam may yield benefits, if it brings Hanoi back to the negotiating table and results in a settlement ending our participation. Basically, however, the defense of South Vietnam must rest with the South Vietnamese. With 45,000 dead and billions spent, the U.S. has given South Vietnam more help than our strategic interests warrant.

The bombing re-escalates our involvement, creates renewed animosity for American policy at home and abroad and creates a risk.

If Hanoi will agree to a return of U.S. prisoners, we should adopt a policy of withdrawing our forces by the end of the year. By that time the President will have had four years to make good on his commitment to end U.S. involvement.

The South Vietnamese have managed to halt the North Vietnamese offensive. But the North Vietnamese are digging in for what looks like a long and bloody struggle.

If we were to reintroduce ground forces to help drive the North Vietnamese back, they could attack again in a few months, a year or five years. Hanoi can call the shots on the tempo and the length of the conflict.

Since we cannot win the war for the South Vietnamese and we have already invested more than South Vietnam is worth in terms of our vital interests, the logical course is to ask for the release of our prisoners and withdraw.

Since we still have 87,000 troops remaining in Vietnam, the President is obligated to see that they are protected until they are withdrawn. We should continue to help South Vietnam economically and with military supplies.

President Nixon has declared and followed a policy of gradual withdrawal. There should be no turning back. That means a stern test for the South Vietnamese but the United States cannot commit its resources indefinitely to a war which seems to have no end.

[From the Blackfoot (Idaho) News, Apr. 20, 1972]

MR. NIXON'S WAR AN ISSUE

History has a way of repeating itself, because we don't seem able to learn from past mistakes. The Vietnam war knocked Lyndon Johnson out of the White House in 1968. Because it drags on indefinitely it may knock Richard Nixon out of the White House in 1972.

In 1968 the nation was in need of a foreign policy debate that dealt with the establishment of new national priorities. The debate didn't occur, but it can scarcely be avoided in 1972.

Mr. Nixon in 1968 had achieved the miracle of political resurrection and the nomination of the Republican Party by saying he had a plan to end the war. His alternative was Hubert Humphrey, who achieved the nomination not because of popular appeal but because the Democratic Party superstructure exercised its control over the nomination process in a manner that was frustrating to many elements of its natural constituency.

Poor Mr. Humphrey was unable to emerge from the brooding shadow of the man remaining in isolation in the White House. His inability to take a position on the war in Vietnam that deviated from that of LBJ made his hoppity, yackety "politics of joy" campaign appear as an obscenity to millions of voters.

Mr. Nixon with his "I have a plan (just trust me) to end the war" prevailed over Mr. Humphrey—but just barely, and the campaign answered no questions. The nation accepted with a sense of resignation the Nixon Administration's receivership of national aspirations.

The war, which LBJ in his final months had steered into the path of a negotiated settlement, offered Mr. Nixon a stage on which he could have revealed a new brand of statesmanship.

No one can tell for sure what his "plan" might have been. Judging from his exercise of power in three years that have been vacuous of new ideas, he must have believed there was nothing wrong with the war but something very wrong with the people of the United States.

His actions have indicated two major objectives: to "cool down" his opposition, particularly the younger generation, and to win the war which a majority of the people of the nation were anxious to write off as a failure in 1968.

He accomplished his first objective in chilling fashion. One need only recall the wonderment of 300,000 peace demonstrators in Washington about the quality of the man in the White House who, surrounded by a ring of machineguns, chose to ignore them and express his contempt for them by announcing his interest in a televised football game. Also remembered was his instinctive initial approval of National Guard gunfire on the Kent State campus.

He pursued his second objective by announcing a policy of "Vietnamization" of the war. This involved the substitution of increased airpower for manpower; application of the latest technological methods of long distance killing; intensive mechanization of the ARVN; withdrawal of U.S. foot soldiers, and the substitution of brown corpses for white corpses in the continuing jungle war. By invading Cambodia and Laos he opened up a massive new field of operation for "protective reaction" bombing strikes.

Now when the people's armies of Vietnam have the indecency to mount a new drive in an effort to reclaim their country, he is rushing in aircraft carriers and fleets of additional bombers from reserve bases in the United States.

It's now Mr. Nixon's war that the nation continues to fight. He repeatedly claims it will not be an issue in the election of 1972, but none of his prophecies appear self-fulfilling. The war just won't go away.

There is anxiety in the minds of millions of Americans about the quality of the man who will emerge as the Democratic alternative to Mr. Nixon.

The generation Mr. Nixon "cooled off" is reappearing to register as voters and from the cadre of Democratic challengers' organizations.

The current surge to Senator McGovern indicates how many people will rally to a man whose approach to solution of the Indochina war differs most radically from that of Mr. Nixon.

THE PRESIDENCY WOULD BE MORE RESPECTED IF WE WITHDREW TOTALLY FROM INDOCHINA

Mr. CHURCH. Mr. President, the latest American military moves in Vietnam were made without any consultation with Congress. This continues a conscious policy of disregard for Capitol Hill which has been in effect throughout this senseless war, a Presidential war. This attitude helps to continue the dismemberment of the system of government our Founding Fathers brilliantly devised almost 200 years ago. As a result of the withering of any checks and balances, we are now faced, according to former Defense Department official Townsend Hoopes, with an "almost total disconnection from the constitutional process." I agree with this dismal observation.

While we seem to stay on indefinitely in Indochina, we wreak havoc with our own Government here at home. Consequently, the opposite is true from what President Nixon said the other night when he told the American people:

> If the United States at this time leaves Vietnam and allows a Communist take-over, the office of President of the United States will lose respect, and I am not going to let that happen.

I believe, on the contrary, that if we left Indochina, respect for the Office of the Presidency, as well as that for the United States, would be enhanced greatly.

Former career diplomat Charles Yost wrote in this regard that—

It would be difficult to recall a case in which a President won or held respect by persisting year after year on a course which was clearly beyond the power and control of the United States.

I ask unanimous consent that the articles by Mr. Hoopes and Mr. Yost be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, May 2, 1972]

Question of Constitutionality—"Arbitrary Conduct" of Foreign Policy

(By Townsend Hoopes)

What is ultimately disturbing about Mr. Nixon's conduct of foreign policy is its almost total disconnection from the Constitutional processes. He and Henry Kissinger, assisted by the Joint Chiefs of Staff, seem to dwell in some nether realm. They do not consult with Congress or even the State Department; they make no effort to develop broad public support for their policies; they ignore their critics; and they show something less than a decent respect for the opinion of mankind. Mr. Nixon gets away with it because the other elements of America's political system are no match for the President's power of initiative, his control of the war machine, his capacity to manipulate information and events under the inherently fluid and confusing conditions of war.

After nearly four years in office, he remains convinced (even after his new approach to China) that American prestige in Asia rides on the survival of an anti-Communist regime in Saigon. And the price of holdings to the sanctity of that objective—which thus far includes searing domestic division, the alienation of American youth, the demoralization of America's armed forces and an interminable war of bloodshed and destruction for the peoples of Southeast Asia—does not seem to him too high.

There is discernible in Mr. Nixon's approach to Communist challenge a rather wide (though partially disguised) streak of fanaticism, recalling Thomas Jefferson's perception that tyranny springs most often from a fanatical pursuit of virtue, and that all holders of great power are inherently dangerous. "If the people become insensitive to public affairs," Jefferson wrote, "you and I and Congress and assemblies, judges and governors would become wolves." The immediate problem, however, is not the insensitivity of the people; it is the nonresponsiveness of the President. The people are sensitive and alert, but neither they nor Congress can control the President.

In the nearly four years that Mr. Nixon has been "winding down" the Vietnam war, the American people have drawn fundamental lessons from the vast illusions and miscalculations of the Kennedy and Johnson administrations. There are perhaps six of these: (1) "World Communism" is not a monolithic apparatus, but a contentious, politically fragile confederation; (2) Hanoi is essentially independent of both Russia and China in its policies, programs and operations; (3) Hanoi's ambitions are nationalistic and essentially limited to the unification of Vietnam; (4) Hanoi's history and finite resources would dictate such limits in any case; (5) The "domino theory" is thus hopelessly obsolete (if it was ever valid); (6) The United States can accommodate itself to whatever indigenous solution emerges from the bitter civil war struggles in Vietnam and throughout Indochina, without risk to any important American security interest. In strategic terms, we have no "vital interests" in Indochina.

Mr. Nixon has steadfastly refused to accept these arguments. Forced, however, to acknowledge the political fact that a large majority of his countrymen do not share his anti-Communist fervor, but favor a total cessation of American war operations (provided only our prisoners are returned), he has maneuvered to pursue a policy which aims at reducing the American role in the war without giving up his basic objective. Behind smokescreen promises to "end the war" and achieve a "just peace" he has applied a policy of relentless military pressure—a feat made possible by inflated claims for the success of "Vietnamization," the steady withdrawal of U.S. ground forces, and the strange tendency of Americans to regard lethal air strikes and naval gunfire as somehow not really war.

He had calculated that 1972 would see the emergence of a South Vietnamese force able to defend itself without large-scale American help. Indeed he had hoped to gain the extra dividend of a dramatic breakthrough toward negotiated settlement, on the eve of the Republican Convention. But the hard and determined men of Hanoi, refusing to play his game, have now brought back the war to American front pages, embarrassing an administration which thought it had tranqilized this whole issue.

The savage new American bombing effort thus reflects the anger of frustration, miscalculation—and impotence. It is the only instrument of response left to a policy that has failed by trying to have it both ways—i.e., to reap the domestic political benefits of withdrawal while continuing to wage uncompromising war against "world Communism" in Asia.

The bombing is a confession that "Vietnamization" is still too fragile to be fully tested, but it also reflects what must be perceived in the White House as the comparable fragility of Mr. Nixon's political position in an election year. The sudden reversion to bombing tactics which bear no direct relationship to the fighting in the South and which plainly involve heavy civilian casualties looks too much like an effort to cover political weakness to be viewed without cynicism.

Without consulting anyone, the American president, facing reelection, has brought the United States to the brink of military confrontation with the Soviet Union for reasons that are singularly unpersuasive and over issues which a clear majority of his constituents long ago decided were not worth the candle. The arbitrary nature of this conduct forces Americans to the conclusion that the United States is now governed by leaders who cannot be persuaded either by reason or experience. They should be voted out of office.

More To Lose Than To Gain By Continuing in Vietnam?—Respect for the Presidency and the Limits of Power

(By Charles W. Yost)

In his remarks at Secretary John Connally's ranch, Mr. Nixon emphasized, as he has on many previous occasions, the worldwide respect in which the United States Presidency is held. He added: "If the United States at this time leaves Vietnam and allows a Communist take-over, the office of President of the United States will lose respect, and I am not going to let that happen."

In his TV address May 8, the President made a similar point: "In these circumstances, with 60,000 Americans threatened, any President who failed to act decisively would have betrayed the cause of world peace."

American presidents have during the two hundred years of our national life been respected for a variety of qualities—integrity, courage, compassion, sound judgment, foresight, political acumen, dependability. It would be difficult to recall a case in which a President won or held respect by persisting year after year on a course which was clearly beyond the power and control of the United States.

Great as our power has been during the past three decades, there are limits to the capacity of any nation to control events on the far side of the world, and limits to the costs a democracy is prepared to pay to try to do so when it is not convinced its vital interests are at stake.

It is often recalled that General de Gaulle ended the war in Algeria when he perceived that France had more to lose than to gain by continuing it, and that he gained rather than lost respect by doing so. It is less often remembered that Stalin accepted the loss of Yugoslavia and abandoned the Communists in the Greek civil war, and that Mao and Stalin's successors swallowed their failure to take over the whole Korean peninsula.

These were setbacks of a kind which any overambitious great power must expect from time to time. They do not seem to have destroyed "respect," in the political sense, for the leaders and governments of the Soviet Union and China.

The inescapable fact is that the United States has suffered a setback in Vietnam and that that setback is likely to become more intense and conspicuous no matter what we do. The failure, however, is not ours, except as we made an error of judgment in not extricating ourselves more quickly. The decisive failure lies with our Vietnamese allies who, from lack of political will and dedication, did not take sufficient advantage of the enormous help we supplied over a period of seven years.

At this stage of the tragic affair, respect for the American presidency will be far more effectively enhanced by an exercise of sober judgment than by Quixotic persistence in driving up a dead-end street.

A head-on collision with the Soviet Union, blowing sky high prospects for a summit, detente and "a generation of peace," would be the likely consequence of the latter.

Had we withdrawn earlier, we could have left the hard political decisions to the Vietnamese, who will have to face the crumbling of the status quo in South Vietnam, no matter how many bombs we drop or mines we plant.

It is this difficult choice for which the President should be preparing the country, rather than confusing and agitating it, even more than it already is, by some of the extravagant forecasts he made at the Connally ranch. He seems to be almost compulsively constrained to place what is happening in Vietnam in the worst possible light, both for the country and for himself.

It is of course, possible that there may be a "bloodbath" in South Vietnam if the Communists win, but it is very doubtful that it could be any worse than the prolonged bloodbath now going on, to which we are substantially contributing.

On the other hand, there is no reason whatsoever to believe that, if the Communists should win in Vietnam "that pattern [as he put it] would be repeated in other countries throughout the world—in the Mideast, in Europe, and in others as well." On the contrary, if the Moscow summit were permitted to take place and were successful, there would be a reasonable prospect of substantial detente in Europe, and at least continued stalemate in the Mideast. If the summit is aborted by our action, then indeed further confrontation in the Middle East and Europe would be all too likely.

What do Americans and foreigners, friends and adversaries, respect in the Presidency? They certainly respect resolution and fortitude, but I should suspect that they respect wise leadership, cool judgment and sober realism even more. That is what most Americans thought they were voting for in 1964 and again in 1968. More and more they feel they have been misled, and that feeling is not conducive to respect.

Also, as Joseph Kraft has pointed out, there is after all a moral question. How far are we morally justified in going on pouring death and destruction from the air and sea in order to "win" a war that is not essentially ours? Does this massive and promiscuous use of our air and sea power enhance respect for the Presidency and reflect, as we approach the 200th anniversary of our famous declaration, a "decent respect to the opinions of mankind?" It seems unlikely that history, or even our own children, will so judge.

Mr. **CHURCH**. I am happy to yield to the Senator from New York.

Mr. **JAVITS**. Mr. President, I have been away for a few days, in my own constituency, and it is very useful, I think, to exchange some ideas with the Senator from Idaho, who has taken such a very fine position, with my colleague the Senator from New Jersey (Mr. CASE), in respect to the problem which we face.

First, may I say by way of information to the Senate that the fact that the Senate passed a war powers bill by so decisive a majority is very high in my own mind and in my own list of priorities.

The Senate Foreign Relations Committee has also reported, although unfavorably, on a bill from the other body dealing with the same question. Our bill is in the other body as a Senate-passed bill, so that it is possible to move either toward conference or action in the other body on the Senate bill. I thought, and my cosponsors agree, that it would be desirable at this particular time to let these ideas take root in the minds of our House colleagues before we pursued any definitive course; but I can assure the Senator that everything that motivated me in the war powers bill has only been fortified and strengthened as a result of making so portentous a decision as the President made, involving so great a risk, far beyond the confines of land or air or sea engagement in Vietnam, without in any way telling the congressional leadership what he was doing, except what he was going to say an hour before he said it.

The second thing I would like to comment on is some idea that we are out of danger in this matter. The Soviet Union has kept all of its options very much open, and I am very gratified that the President is going to Moscow. I think it is a great vindication of his initiative and a very intelligent approach for the Soviet Union and our country. But Moscow is only a place where the President stops to negotiate. What will be negotiated and the products of that negotiation are critically important and will affect the future of this country for a long time. That includes SALT agreements, limiting nuclear armaments, a trade agreement, perhaps fishing agreements, and other agreements.

I hope the President goes to Moscow completely uninhibited by what is taking place in Vietnam, because what we give and what we take can be heavily determined by the outlook which the President takes to Moscow.

I believe the American people are adult enough to realize that if he comes back without a deal, if it means making a deal that is not reasonably profitable for this country, the whole world is not going to collapse. It is a very touchy moment, and I know, knowing the President as I do and his skill in foreign affairs, that he has that in mind. I think we should reassure him on that subject. There is no reason for this country to give up what the United States should not give up, and we are quite willing to face up to the eventualities, whatever they are, where they are consistent with our policy. Vietnam should not be the mote in terms of what we can offer in consideration of our security and peace in the world. The people of the United States, in my judgment, have not, by any means, lost all their marbles, and they are quite able to see the true conditions in the world which will produce peace.

Our attitude on Vietnam—and I am one of those who has that attitude—should not be mistaken for selling out and running away from our responsibilities in terms of peace of the world.

Finally—and I would greatly appreciate the indulgence of the Senator from Idaho on this—we are constantly faced with the fact that x percent of the people of the United States—70 percent or some other figure—"approve" what the President has done. Mr. President, it is one thing for the American people, where the President makes a fateful decision, to have an immediate reaction, of support for the President when he sticks his head out a mile, to use a colloquial term, but it is a far different thing for the American people to decide what ought to be done about what caused that risk to be run.

I submit, with all respect to my colleagues, there is no way we had to ascertain, on a finite action, whether a given action suggested looking after the security of our troops in Vietnam, or whether it went far beyond that. It would seem to me it went far beyond that. Perhaps it did not. I do not know. The President did not do us the honor of consulting us, so I do not know. So what is the alternative? The alternative is to get out. That is the only way we do not have to have there, the troops whose security has to be protected.

I respectfully submit that as many of the American people—and I bring this home from my own constituents—will support that, at the very least, as are allegedly supporting the President in "the action which he took."

I hope very much that my Senate colleagues will give that appraisal of the public sentiment their utmost consideration. We are deeply solicitous about our prisoners of war. We are deeply solicitous about our 60,000 odd people in Vietnam. Of course we are. But we are equally solicitous about getting them out and getting and end to that improvident commitment, and an end to what the Russians like to provocations.

But we are there, so we have to do whatever the President says needs to be done to protect them, even though, when he says it, he also links it up with the fact that we are underwriting the government in Saigon. This is the only way to solve the problem, and I hope very much, as we zero in on Case-Church and the various other amendments to be voted on, Senators will look at the local feeling in their own States, and I think they will find very much what I have found in my State.

Mr. **CHURCH**. I thank the Senator from New York for his observations, which are always pertinent and timely. The formula contained in the so-called Case-Church amendment, namely, the withdrawal of all of our forces within 4 months of reaching agreement on the release of our prisoners, and the cutoff of funds thereafter, also has the approval of 71 percent of the American people.

The Senate is quite right when he observes that in the immediate aftermath of any action on the President's part that appears to be affirmative and decisive, the American people are always forthcoming in their support. This has happened to us many times during the 8 years we have engaged in this war. However, after a few weeks pass and the action about which such hopes were raised fails to produce the expected results, the opinion of the American people reverts once more to one of dissatisfaction and disapproval of this war.

The same thing will happen again, for I see little prospect that the mining of the enemy harbors will produce the results which the American people have been led to expect. Once more, their hopes will be dashed. Once more, it will be demonstrated that the North Vietnamese are determined to persist.

They have fought for 20 years. They have been on the receiving end of nearly 7 million tons of American bombs. Never has a people in so small a country been subjected to such bombardment. Yet, despite such a massive and prolonged assault from the air, they have now mounted the largest and most effective offensive of the war.

So, Mr. President, as the Senate approaches the vote tomorrow, I hope Senators will remember that there is nothing in the formula contained in the Case-Church amendment that conflicts with the President's pledge. It is true that the amendment does not contain a ceasefire requirement, but it reaches through to the one consideration that is uppermost in the hearts of the American people; namely, the release of our prisoners of war.

The amendment would cut off funds for all American participation in the war 4 months after agreement is reached for the release of the prisoners. The 4-month period conforms with the President's own timetable, for he has said that he could withdraw the remainder of our forces in an orderly fashion within that length of time.

Therefore, Mr. President, I hope that Senators will carefully consider the arguments against the proposal offered by the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), and that they will weigh them carefully before they cast their votes tomorrow.

Mr. President, I yield the floor.

The **PRESIDING OFFICER**. What is the will of the Senate?

Mr. **STENNIS**. Mr. President, I shall not detain the Senate at length with reference to a further discussion of this amendment, that is, to section 701 of the bill, which my amendment proposes to strike out. I am sure there will be further debate on this matter tomorrow, at which time I shall want to be heard briefly. But I do want to make clear now, Mr. President, that we do not know what form this amendment will take through the passage or the defeat, whichever way it goes, of the Byrd amendment; so, skipping over that part for the time being, I wish to point out several reasons, quite briefly, why I could not bring myself to vote for any kind of amendment that puts the congressional branch of the Government, while we are engaged in a war, in the position of automatically cutting off all appropriations for our own military personnel in that part of the world. Since they have been sent there under military order, I just think it would be a great mistake, not only for the present but for the future.

This is not a matter of what the President has said. The President is Chief Executive, and is our negotiator. The Nation's negotiator has said in his speech that after certain things are true as a result of his negotiations, then, 4 months after that, he would withdraw those troops.

That is all right. That is a good negotiating point. But for Congress to come along, then, before he has had a chance to make those negotiations, or endeavor to make negotiations, before it is known what he will get, for Congress just to come along and say, "Regardless of all that, we are going to cut off the funds, we take this matter out of the negotiator's hands, the Chief Executive's hands, and say we are going to cut it off now," through language passed now that would automatically terminate it, I think that is altogether a horse of another color. There is a principle involved, and say what you will, it will decrease any chance that may exist for this chief negotiator, the President of the United States, whoever he may be, to get terms that are possibly within his grasp, if he did not have this undercutting and this tying of his hands behind his back.

I do not have any doubt about that myself, although I respect others who see the matter another way. I warn Senators now, Mr. President, this amendment will not be a form that adopts the President's approach. It cannot. Congress cannot substitute itself for the President in making negotiations, and we are treading on very dangerous ground. It is said they want to get something that will get a lot of votes, and all; but I will not subscribe to that as a matter of expediency. I know in my own mind that a principle is involved here.

There was no time during the Civil War when it would have been wise and sound for Congress, which was not in sympathy with all Lincoln's policies, to pass a law cutting off funds after a certain date.

There was no time in the Spanish-American War, so-called, in 1898—if I know anything about history—when it would have been applicable for Congress to have passed a law cutting off funds.

There was no time during World War I when it would have been helpful for Congress to have cut off funds, under any conditions, in advance, and to have taken away from the Chief Executive his power to negotiate and get the best terms he could.

I cannot think of any time during World War II when it would have been advantageous for our Nation to adopt this policy, through its legislative branch, and say that after a certain date President Roosevelt would not have any authority to spend money on our military in certain areas of the world. The same would apply during the Korean war.

When you send a man into battle or send him where he may get into battle or may be attacked in any way, he wears an American military uniform and represents the flag of this Nation; and wherever he is sent, the total resources of this Nation—manpower and other resources are pledged to back him up. When we begin whittling on that or chiseling on it or undermining it or trying to get something that might be palatable for the moment to some group or some area, we are undermining the basic structure of our country, call it what you will. I think it is a deterioration of our system.

How are we going to send men out, if we do have another war? And we are not going to live soon in time without any conflict at all. What are we going to tell them? We cannot tell them anything less than that everything we have in manpower, resources, and everything else is pledged to back them up.

I do not buy anything less than the solid, firm, irrevocable promise that was made to every one of these men—prisoners of war and all the rest—when they left our shores or when they left their homes.

I do not know of any time during the Korean war when it would have been proper to have cut off funds in advance or for Congress to have set such a date, and I do not think there is any proper time in the war in Vietnam, unfortunate as it is. I have not been in favor of the war in Vietnam as a matter of policy, but I have been unyielding in backing up the men and the country once we became involved.

I do not know of any time when it has been proper or will be proper to take such action. We will have to do the best we can by some other method. I do not think there is any time when we should come in here and cut off the negotiating power of the Chief Executive, who has already been selected. I think he is doing a rather good job. I know he is doing a splendid job in trying and a rather good job in getting us out of this war.

I do not believe there will be any time in any war we have hereafter—I want to emphasize this—when we, as Congress, with the men still on the other side of the world, trying to get them home, trying to negotiate, and trying to get the prisoners of war home, should tell the Chief Executive, far in advance, "We are going to cut off your funds at a certain time, after some other things happen."

Say what you will, that power is vested in the President by the Constitution. Say what you will, that power is vested in him by commonsense.

Seven days from now, the President is due to be in Moscow, and we are talking about the possibility of adopting an amendment to a pending bill on another matter—the amendment really is extraneous to the subject matter of the bill—to declare solemnly now that the Chief Executive's power is limited and is cut off and his hands are tied behind his back, to a degree.

Throughout the history of this great Nation, which is now almost 200 years old—through wars and depressions and famines and everything else—it never has been necessary to do anything such as this. We have always kept the Chief Executive with the powers and responsibilities that are placed in his hands by the Constitution of the United States, war or no war, and especially during time of war.

I do not want to vest in the President any authority that is not already vested in him. I was strongly in favor of the bill that was passed by a sizable majority providing that there had to be a declaration of war hereafter before the Nation could be committed to war. But we already are committed to this one. Those men are already over there. I think we greatly decrease the chance of getting them home or of the President bringing this matter to an end if we adopt amendments such as this to cut off the funds. If we want to be consistent, we ought to select someone in our group and say, "You represent us; you be the chief negotiator; because we are relieving the President of the United States of the responsibility that has been placed on his shoulders by law, that he is assuming, and with which he is doing the best he can."

We do not want the President to go to Moscow with his hat in his hand. The American people do not like this war. They do not want their representative, the Chief Executive, to go over there with his hat in his hand or kneeling or kowtowing or having any kind of disadvantage because of an amendment adopted here that would tend to diminish his responsibilities and powers or create doubt. In a mission of this kind, we want the Chief Executive to have the firm assurance that the Nation is behind him.

I do not believe that those who are not behind him on this mission to Moscow have delved deeply enough into the thought of the people of this country, the so-called rank and file. If he is going, the people of this country want him to go as a full-fledged President, unhindered and unhampered and untied, as the spokesman for this country, carrying the conviction to all adversaries, whomever they may be, that he does represent us and that we will be bound by whatever he does, as Chief Executive, to the extent of his power. I think that anything else is a second-rate deal, second-rate merchandise, and I do not believe that under those conditions he could bring back anything worthwhile or could be expected to do so.

Mr. President, I do not want to detain the Senate any longer. I will address myself to this subject tomorrow. I am not talking about Presidents; I am talking about principles—solid, necessary principles—of government.

I yield the floor.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Stafford). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I had not intended speaking until I heard my good friend the Senator from Mississippi (Mr. Stennis) commenting on the nature of the amendments before this body; but I think this is a good time to get a few things off my chest—which thoughts I am sure similarly lie on the minds of other Americans.

What bothers me is that we hear the same rhetoric taking place today by those supporting the President and those who are against the President. This even though the facts have changed.

I have nothing but praise for President Nixon in the way he has handled our commitments in Southeast Asia. Since the day he took office, he has lived up to his word. He has withdrawn American troops from Southeast Asia to the point where we have 60,000 remaining compared with 565,000 in 1968.

I have supported him, in opposing every one of the amendments brought before the Senate to cut off funds for the Vietnam war, because I thought it was undermining his role as Commander in Chief while the withdrawal process was going on. That process for all practical intents and purposes is at the point where it can be quickly terminated.

Those that come in here and say President Nixon's policies are the same as those of the Johnson administration, just have not bothered to do their homework. Those who say the military actions engaged in by the United States today are taken to enable us to stay in Vietnam, have not bothered to do their homework, either. They forget 60,000 Americans still there, who are in imminent danger of being overwhelmed by the invading North Vietnamese.

The majority of us in this Nation want our troops withdrawn. But we want them withdrawn in safety.

Having said that, the next question is: What further commitments do we have in South Vietnam?

Is it contradictory, for example, to support the President on the one hand in the measures which he is taking to protect our withdrawing troops and, on the other hand, to support the Case-Church amendment which sets a date certain to cut off all funds for the war in and over Indochina?

I do not believe it is contradictory. I believe it fulfills exactly what is in the minds of the majority of my fellow Americans. Specifically, that they support all necessary measures taken to protect our troops, but they want no further commitments to South Vietnam of American lives either on the ground, in the air, or on the sea.

It is not a question of undercutting the President in his visit to the Soviet Union. We have 60,000 troops there as a result of the Nixon withdrawal policy. Of those, roughly 6,000 are combat troops. We have nothing to negotiate over insofar as our ground troops in Vietnam are concerned. There is no way, Mr. President, that they can play an effective role in the pursuit of this conflict against the North Vietnamese or the Vietcong.

The President, in his comments the other evening, indicated that we could withdraw all our troops in 4 months. The Case-Church amendment does not take hold until the end of this year, which is considerably more time than that period for withdrawal admitted to as possible by the President.

I hope the President throws everything but the kitchen sink at the North Vietnamese and the Vietcong to protect our American boys who are coming out of there. But the time has also come to say that, at the end of this year we expect all our American boys to be out. The business of this Nation is a business whose time has come.

Mr. President, I yield the floor.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, on May 9, I offered amendment No. 1187 to amendment No. 1186, proposed to S. 3526 by the distinguished senior Senators from Idaho and New Jersey. I did so at that time for the simple reasons of conscience and conviction.

My attitude is quite uncomplicated with respect to this matter. I view the matter—in the context of my amendment—as one basically of humanitarianism, buttressed by a strong revulsion toward the prospect of a continuation of the killing in Indochina. The United States has lost more than 50,000 killed and 300,000 wounded since the Vietnam war began. The dead and the wounded among the Vietnamese people—both combatant, and noncombatant—number many hundreds of thousands.

As long as the guns are firing, as long as the shells are exploding and bombs are dropping, men, women, children—military service personnel and civilians—will continue to die. It is long past the time that this slaughter should have ended. But it will not end until the guns, all the guns—not just U.S. guns and not just South Vietnamese guns, but all the guns—including those of the North Vietnamese, are stilled. The guns will not be stilled and the killing will not cease until both the North Vietnamese forces and the South Vietnamese forces cease their own firing. Moreover, a ceasefire in Indochina would insure against the possibility of U.S. forces getting involved perhaps at some future date in the protection of Thailand.

The President of the United States has proposed several times to the North Vietnamese that the parties to the conflict negotiate in good faith to end the war. Two weeks ago the President tried once more. He offered a plan for peace so generous in its terms that one of the Nation's most respected news analysts—and heretofore one of the administration's severest critics—felt moved to say, "If the North Vietnamese do not accept these terms they are crazy."

As is well known to my colleagues in this Chamber, the President's offer contained a provision for an internationally supervised cease-fire. The amendment proposed by Senators Church and Case seeks to cut off funds—as of a specific time after our prisoners of war are returned and our missing in action are accounted for—for our remaining air, naval, and ground in South Vietnam.

I support the desire—as everyone else does—to bring home our American servicemen who are still in Vietnam. Regrettably, however, the adoption of the Church-Case language in itself would not stop the killing in Vietnam.

There is no question in my mind, Mr. President, with respect to the sincerity, the honesty in their purposes, or the dedication to this Nation's best interests of those Senators who favor the Church-Case amendment. I share those sentiments with them. But if there is to be an end to the war soon, if there is to be an end to the wholesale slaughter of civilians and military personnel in Vietnam, it cannot be accomplished merely by withdrawing the few remaining U.S. forces from Vietnam.

The President's latest proposal to end the war involves the return of the prisoners, the withdrawal of U.S. forces, and a cease-fire—an internationally supervised cease-fire—throughout Indonesia.

I said earlier that they were most generous terms which many critical observers have been advising North Vietnam to accept. They are also terms which may have considerable appeal to the Chinese People's Republic and to the Soviet Union—whose interests are not necessarily identical to, and which do not necessarily coincide with, those of the leaders in Hanoi.

We have heard the many predictions about the disastrous results in our relationships with Peking and Moscow which would result from the actions announced by the President on May 8 to prevent the supplies of war from reaching the invading forces of North Vietnam, but today it seems more and more hopeful that these predictions will not come about. I hope they will not be fulfilled. There is some indication, at least, that the People's Republic of China and the Soviet Union possibly view our actions in the larger context of their own larger interests. They may similarly be able to view the President's proposals in a larger context than can the leaders in Hanoi.

The President's recent trip to China and the trip that he will shortly take to Moscow involve relationships that not only may well have an important bearing upon the terms for a cessation of hostilities in Indochina, but also undoubtedly involve relationships that are much broader—subjects that are far more monumental in terms of their impact upon lasting peace throughout the world—than just those which relate directly to the war in Vietnam. Conceivably, American insistence on a cease-fire in Indochina could have some appeal to both the Soviets and the Chinese. The Chinese are interested in seeing U.S. forces out of there, and this is what the proposition for a cease-fire offers. The Soviets have larger considerations than Vietnam. Therefore, I think that the President should be allowed to explore all of these possibilities along the lines of the proposals he made on May 8, and I do not believe that we should preempt that possibility by resigning ourselves in advance to the idea that hostilities cannot be stopped, that a cease-fire is not attainable, and that the killing cannot be ended in Vietnam.

There are those who say that the North Vietnamese will not agree to a cease-fire or that the South Vietnamese will not agree to a cease-fire. This is a matter of opinion. We do not really know what may yet come out of all this, and I would not want to second-guess what either government will or will not do in the days ahead.

It may be at a later time, Mr. President, that I would vote for just such language as that which has been proposed in the amendment by Mr. CHURCH and Mr. CASE. But as of now, I do not feel that I could vote for that language as it now stands, the trip to Moscow being at hand, and there being a possibility—in my own mind, at least—for some kind of internationally supervised cease-fire which would stop, once and for all, the wholesale killing in Vietnam. This, Mr. President, is the way I personally see the matter. Such a cease-fire could be supervised by Asian nations themselves, conceivably, which would even be preferable inasmuch as they would have a special interest in preventing the continuation and spread of hostilities.

I voted in the caucus last week against the Church-Case language. I was one of the eight who voted against that language, but I stated at the time that I would keep my options open insofar as action on the floor was concerned. The amendment I have offered is one which would, therefore, enable me to vote for the cutoff of funds. In my own view, therefore, the adoption of my amendment could enhance and improve the chances for passage by the Senate of a funds cutoff.

As I say, it may be that at a later date I might be willing to vote for a stricter application of the cutting off of funds, but as of now I do not view an internationally supervised cease-fire to be hopeless. I think it would be very, very desirable if such could be obtained, and I think we ought to do our utmost to obtain a cease-fire.

As I say, feeling that the larger interests of the Soviet Union and the Republic of China are such that they do not coincide with the more narrow interests of the North Vietnamese, I feel that the President should be given every chance to see if there is any prospect whatsoever for an internationally supervised cease-fire which would stop the wanton murder of women and children as well as military personnel in Vietnam. I believe this is hardly the time for the Senate to interpose a mandatory cutoff of funds which does not carry with it a requirement for a cease-fire.

I have no count on what the vote will be tomorrow. I have not asked any Senator as to how he would vote. I have not asked any Senator to vote for my amendment. I do not intend to do so. This is a matter of deep conviction with all Senators. It is a matter which has its emotional aspects with all of us, and I do not feel that it is my role to attempt to prevail upon the wishes of other Senators or to persuade them to see my viewpoint. How other Senators will vote will be a matter of their own conscience entirely.

Others Senators are as dedicated to the future of our country and as loyal to their respective consciences as I am to mine, and they are perfectly capable of making up their own minds on this matter. However they may vote, every Senator will have my personal respect for his viewpoint. I always try to keep in mind that I can be wrong, and I often am wrong, but I am following my own convictions in this matter, and I have stated my reasons for offering the amendment. I have also stated my reasons as to why I shall support it on tomorrow.

DEATH OF DR. DEAN R. BRIMHALL

Mr. MOSS. Mr. President, it is with a feeling of great sadness that I inform my colleagues of the death in Salt Lake City Sunday night of one of our State's most revered and gifted citizens—Dr. Dean R. Brimhall.

Dr. Brimhall, who was 86, has been called Utah's greatest conservationist. He was also our foremost authority on Indian art in the red rock country of Utah's canyonlands.

It was Dean Brimhall who discovered and photographed the renowned pictographs of Barrier Canyon which has been called the "finest gallery of prehistoric pictographs in theh world."

He guided Dr. Joseph O. Brew of Harvard's Peabody Museum and Noell Morss, a noted authority on Indian ruins, to view these great pictographs. Together they mounted a campaign to preserve them. Their preservation was assured last year when Barrier Canyon was added to Canyonlands National Park through congressional action on a bill which I introduced. Thus protection for all time to come is assured.

Dean Brimhall was a most remarkable man. A doctor of psychology from Columbia University, a professor at Brigham Young University, a Utah State planner and onetime head of research for the Federal Aviation Agency, he returned to his native State and beloved West when he retired in 1952 from his Washington post, and took up a ranch in the heart of what is now Capitol Reef National Park in Utah. From this modest ranch he explored deep into the unknown canyons of southern and southeastern Utah—making his way on foot, by horseback, by jeep with his extension ladder atop, and by light plane which he piloted himself. Scrambling over slick rock and through deep ravines, he slipped and slid into back canyons and pockets where probably no white man had ever been before, to discover not only the Barrier Canyon pictographs, but many others as well, scattered throughout the area, many of them classics of their type. We are moving to preserve them—wherever they may be. They are a legacy left to us through the efforts and care of Dean Brimhall—no one could bequeath a finer or more lasting memorial.

I saw Dean only recently in Utah at the dedication of Capitol Reef National Park. A tall, weathered man, unobtrusive and undemanding, he slipped quietly into the ceremonies. It took some urging on my part to get him to come to the platform where he could be introduced. It was obviously a great moment for him—and his lean face was serene and satisfied as he saw the area he had known and enjoyed for so long, dedicated as a National Park. I am glad that he lived to see that day.

I want to express my deepest sympathy to his wife, Lila Eccles Brimhall, another remarkable Utahan who has appeared as a talented actress and who for many years has been a professor of drama at the University of Utah.

The two Brimhalls have always been among Utah's most talented and respected citizens. Now one of them is gone. All Utah mourns Dean's passing

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PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After the two leaders have been recognized, the distinguished Senator from Alaska (Mr. GRAVEL) will be recognized for not to exceed 15 minutes, to be followed by the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.), who will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will resume the consideration of the unfinished business, S. 3526, a bill to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes. The pending question at that time will be on agreeing to Amendment No. 1187, as modified, offered by the junior Senator from West Virginia (Mr. ROBERT C. BYRD). Time on that amendment tomorrow is under control and is divided.

At 1:30 p.m. the Senate will go into a recess so as to allow Senators the opportunity to meet and congratulate the crew of Apollo 16 and the wives of the crew members. The recess will not extend beyond 30 minutes. At 2 p.m., a vote will occur on amendment No. 1187, as modified. That will be a rollcall vote.

ADJOURNMENT UNTIL 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 2:44 p.m. the Senate adjourned until tomorrow, Tuesday, May 16, 1972, at 10 a.m.

NOMINATION

Executive nomination received by the Senate May 15, 1972:

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. George Irvin Forsythe, [redacted] Army of the United States (major general, U.S. Army).

HOUSE OF REPRESENTATIVES—*Monday, May 15, 1972*

The House met at 12 o'clock noon.

Dr. Jack P. Lowndes, president, Home Mission Board, Southern Baptist Convention, and pastor, Memorial Baptist Church, Arlington, Va., offered the following prayer:

I will extol Thee, O Lord, among the nations—Psalm 18: 49.

Eternal God, enlighten our minds with Thy wisdom and capture our hearts with Thy love. Help us to know Thy eternal truth and apply it to our lives.

Watch over our Nation, we pray, and save us from the pitfalls of selfish pride and misused power. Guide all of our leaders that we may with all mankind find the paths of peace.

Give to all of us help in facing our temptations, comfort in bearing our griefs, assurance in handling our anxieties, and wisdom in using our gifts and powers. In the Master's name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 8116. An act to consent to the Kansas-Nebraska Big Blue River Compact; and

H.R. 14070. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 953. An act to authorize long-term leasing of Indian land on the Walker River Reservation.

The message also announced that the Vice President, pursuant to Public Law 86-830, appointed Mr. PERCY as a member of the Advisory Commission on Intergovernmental Relations in lieu of Mr. MUNDT, resigned.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

ESTABLISHING A COMMISSION ON REVISION OF JUDICIAL CIRCUITS

The Clerk called the bill (H.R. 7378) to establish a Commission on Revision of the Judicial Circuits of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, this bill has been previously "put over" for reasons listed, including the need for questions and answers and debate, and also the suggestion that it be listed on the calendar for consideration under the rules for suspensions. This was done without prejudice. It is now so listed. I am personally appreciative of that.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice on the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ARLINGTON HOUSE, THE ROBERT E. LEE MEMORIAL

The Clerk called the bill (H.R. 10595) to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House—the Robert E. Lee Memorial.

There being no objection, the Clerk read the bill as follows:

H.R. 10595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the joint resolution entitled "Joint resolution dedicating the Lee Mansion in Arlington National Cemetery a permanent memorial to Robert E. Lee", approved June 29, 1955 (69 Stat. 190), is amended by striking "Custis Lee Mansion" each place it appears therein and inserting in lieu thereof "Arlington House", the Robert E. Lee Memorial. Any law, map, regulation, document, record, or other paper of the United States in which such mansion is designated or referred to as the Custis-Lee Mansion shall be held to designate or refer to such mansion as the "Arlington House".

With the following committee amendments:

On page 1, line 7, strike out "Custis-Lee Mansion" and insert in lieu thereof "the Custis-Lee Mansion."

On page 1, lines 8 and 9, strike out "'Arlington House', the Robert E. Lee Memorial" and insert in lieu thereof "Arlington House, The Robert E. Lee Memorial".

On page 2, line 4, strike out "the 'Arlington House'" and insert in lieu thereof "Arlington House, The Robert E. Lee Memorial".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Virginia, its original historial name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, The Robert E. Lee Memorial."

A motion to reconsider was laid on the table.

SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE FOR MEMBERS OF READY RESERVE AND THE RETIRED RESERVE

The Clerk called the bill (H.R. 14742) to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the retired reserve up to age 60.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I have studied this bill in detail, along with the report, and fully understand that the establishment of the servicemen's group life insurance (SGLI) coverage for members of the Ready Reserve and the Retired Reserve is a part of the "package" providing incentive, perhaps, for increasing the Reserves up to the authorized numbers, as well as the National Guard; but it is not clear to me from a study of the report and of the bill itself as to why they could not gain this while on their extended active duty training, as many other reservists and guardsmen have and are eligible for, with the same principles of conversion if maintained, at any time prior to their 61st birthdays.

I wonder if the gentleman from Mississippi could explain this, and I am glad to yield to the gentleman for that purpose.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding.

As the gentleman will recall, several years ago there was adopted by a unanimous vote in the House and passed by the Congress the provision that we authorize such insurance, up to $15,000, for guardsmen and reservists when they were on active duty or at summer camp and going to and from drills.

They pay for this themselves. That is the law. Under this bill we give them coverage 24 hours a day whether they are in full training or not. This would cost the reservist about $3 a month. Also in the bill a person who has had 20 years' good time has retired in the Reserve or the National Guard can also carry this insurance by paying $6 a month until he reaches the age of 60, then he will receive the retirement benefits. In effect this is a survivor benefit for those reservists between the time when they retire and the time when then reach the age of 60.

Mr. HALL. And it does only apply, I will ask, Mr. Speaker, during the 24-hour period any portion of which they spent on active duty; and it is term insurance, is that correct?

Mr. MONTGOMERY. This is the law now, this bill will protect the reservist whether he is on active duty or not. To the second part of your question this is term insurance.

Mr. HALL. Mr. Speaker, I have one further question under the reservation. The report implies that the insured would bear the cost except for the insignificant expenses of the Veterans' Administration—presumably toward the administration thereof. Is not all of this insurance subsidized in part by the Government, and if so, what would its true cost be?

Mr. MONTGOMERY. I would say it is not subsidized by the Government. There are over 400 insurance companies, commercial companies, who write this insurance. In effect the insured will be paying for the operation costs and also for the coverage itself.

Mr. HALL. Mr. Speaker, in view of the gentleman's explanation, plus the favorable departmental reports and the known need for incentives for "re-upping" in the service and maintaining our Reserves as we cut down on the active duty forces, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZWACH. Mr. Speaker, reserving the right to object, and I will not object, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ZWACH. Mr. Speaker, I withdraw my reservation of objection.

Mr. Speaker, H.R. 14742, a bill I was pleased to cosponsor, provides full-time coverage under servicemen's group life insurance for those members of the Active Reserve forces and the National Guard who are assigned to a unit or position scheduled to perform at least 12 periods of inactive duty training per year that is creditable for retirement purposes. Under existing law, insurance coverage for National Guardsmen and reservists is limited to periods of actual participation in active or training duty.

The bill, Mr. Speaker, also provides full-time coverage under servicemen's group life insurance to reservists and National Guardsmen who, having completed at least 20 years of service that is creditable for retirement purposes, are transferred to the Retired Reserve. Such insurance coverage would terminate upon the receipt of the intial payment of military retired pay. Retired pay in such cases commences at age 60.

At the present time, members of the Reserve and National Guard components become eligible for longevity retirement, in most cases, prior to their 60th birthday. Military retired pay, however, does not begin until the 60th birthday. Despite the fact that the retiree may have elected the family protection plan, which permits the acceptance of a reduced retirement annuity by the retiree, so that his spouse may receive an annuity in the event of his death, his widow would receive no payment unless his death occurred after the receipt of at least one retirement check. Thus, the family of a retired reservist is unprotected by survivor benefits during the period between the completion of his Active Reserve service and his 60th birthday.

The bill, H.R. 14742, will permit this individual to purchase relatively low premium term insurance, thus affording his family some measure of protection during this crucial period.

This bill is supported by the administration, and all claims costs and administrative expenses will be borne by the insureds. I urge that it be passed.

Mr. MONTGOMERY. Mr. Speaker, the major thrust of this bill is to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the Retired Reserve up to age 60.

The bill would provide full-time coverage under servicemen's group life insurance—SGLI—for persons who volunteer for assignment to the Ready Reserve of a uniformed service and are assigned to a unit or position in which they may be required to perform active duty or active duty for training, and each year will be scheduled to perform at least 12 periods of inactive duty training that is creditable for retirement purposes under chapter 67 of title 10, United States Code. At the present time, this group, along with other Reserves, are covered under SGLI only on the days they are on active duty or active duty for training under a call or order to duty that specifies a period of less than 31 days, during the hours of scheduled inactive duty training, and while traveling to or from such duties.

The second purpose of the bill is to provide full-time coverage under SGLI for persons assigned to, or who, upon application would be eligible for assignment to the Retired Reserve of a uniformed service who are under 60 years of age and have completed at least 20 years of satisfactory service creditable for retirement purposes under chapter 67 of title 10, United States Code. At the present time, members of the Retired Reserve have no eligibility for SGLI.

The full-time coverage of a member of the Ready Reserve would terminate 120 days after separation or release from an assignment which qualifies him for such coverage. However, if on the date of such separation or release the member was totally disabled, SGLI coverage would continue in effect during total disability up to 1 year as is provided in present law for persons on extended active duty. Further, if on the date of separation or release from such an assignment, the member has completed at least 20 years of satisfactory service creditable for retirement purposes, the full-time coverage, unless converted, would continue in force until receipt of the first increment of retirement annuity by the member or the member's 61st birthday, whichever occurs earlier. Such continued coverage would be subject to the timely payment of premiums under terms prescribed by the administrator directly to the office of servicemen's group life insurance—OSGLI.

The premium charges for members of the Reserve eligible for full-time coverage under the bill—other than members assigned to the Retired Reserve—will be contributed from the appropriation made for active duty pay of the uniformed service concerned. Any amounts so contributed on behalf of an individual shall be collected by the Secretary concerned from such individual—by deduction from pay or otherwise—and shall be credited to the appropriation from which such contribution was made.

The bill grants the administrator authority to establish premiums charged members assigned to the retired reserve by various age groupings as he may determine to be necessary according to sound actuarial principles. Also, such premiums shall include an amount necessary to cover the administrative cost of such insurance to the commercial underwriters. A separate accounting may be required of the underwriters by the administrator for insurance issued to or continued in force on the lives of members of the Retired Reserve, and for SGLI issued to others. In such accounting, the administrator is authorized to allocate claims and other costs among such programs of insurance according to accepted actuarial principles.

As I stated at the outset, this legislation is designed to encourage persons to join and remain in the Reserves and National Guard by extending full-time SGLI coverage in lieu of the rather limited coverage they now have only when engaged in active or training duty. Further, it will provide a sorely needed survivor benefit for members of the Reserves who may retire after 20 years of service but are ineligible to receive retirement pay until they reach the age of 60. This provision will extend insurance coverage during such a period. After a retired Reservist is himself eligible for retirement pay he then may elect an annuity option for his widow under the armed services family protection plan.

The Department of Defense strongly recommends the enactment of H.R. 14742 "as a positive and feasible incentive for service in the National Guard and Ready Reserve forces, particularly the Selected Reserve." The Office of Management and Budget advises that it has no objection to the presentation of the Department of Defense favorable report from the standpoint of the administration program.

Hearings on this bill were held by the Subcommittee on Insurance on April 25 and 26, 1972. Enthusiastic support of its objectives was expressed by representatives of the Reserve Officers Association of the United States, National Guard Association of the United States, and the American Legion.

Mr. Speaker, I strongly urge approval of this meritorious bill by the Members of the House.

The **SPEAKER**. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 14742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (5) of section 765 of title 38, United States Code, is amended to read as follows:

"(5) The term 'member' means—

"(A) a person on active duty, active duty for training, or inactive duty training in the uniformed services in a commissioned, warrant, or enlisted rank or grade;

"(B) a person who volunteers for assignment to the Ready Reserve of a uniformed service and is assigned to a unit or position in which he may be required to perform active duty, or active duty for training, and each year will be scheduled to perform at least twelve periods of inactive duty training that is creditable for retirement purposes under chapter 67 of title 10, United States Code;

"(C) a person assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service who has not received the first increment of retirement annuities or has not yet reached sixty-one years of age and has completed at least twenty years of satisfactory service creditable for retirement purposes under chapter 67, of title 10, United States Code; and

"(D) a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises."

SEC. 2. Section 767 of title 38, United States Code, is amended—

(1 Subsection 767(a) is amended to read as follows:

"(a) Any policy of insurance purchased by the Administrator under section 766 of this title shall automatically insure against death—

"(1) any member of the uniformed service on active duty, active duty for training, or inactive for training scheduled in advance by competent authority;

"(2) any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 765(5) (B) of this title; and

"(3) any member assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service who meets the qualifications set forth in section 765(5) (C) of this title;

in the amount of $15,000 unless such member elects in writing not to be insured under this subchapter, or to be insured in the amount of $10,000 or $5,000. The insurance shall be effective the first day of active duty or active duty for training, or the beginning of a period of inactive duty training scheduled in advance by competent authority, or the first day a member of the Ready Reserve meets the qualifications set forth in section 765(5) (B) of this title, or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 765(5) (C) of this title, or the date certified by the Administrator to the Secretary concerned as the date Servicemen's Group Life Insurance under this subchapter for the class or group concerned takes effect, whichever is the later date."

(2) Subsection 767(b) is amended by deleting therefrom "ninety-days" wherever it appears therein and inserting in lieu thereof "one hundred and twenty days".

(3) Subsection 767(c) is amended by inserting after the words "any member" the words "(other than a member assigned to the Retired Reserve)".

SEC. 3. Section 768 of title 38, United States Code, is amended—

(1) Subsection 768(a) is amended by inserting "or while the member meets the qualifications set forth in sections 765(5) (B) or (C) of this title," before the words "and such insurance shall cease".

(2) Subsections 768(a) (2) and (3) is amended by deleting therefrom "ninety days" wherever it appears therein and inserting in lieu thereof "one hundred and twenty days".

(3) Subsection 768(a) is further amended by adding at the end thereof the following:

"(4) with respect to a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 765(5) (B) of this title, one hundred and twenty days after separation or release from such assignment—

"(A) unless on the date of such separation or release the member is totally disabled, under criteria established by the Administrator, in which event the insurance shall cease one year after the date of separation or release from such assignment, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event prior to the expiration of one hundred and twenty days after separation or release from such assignment; or

"(B) unless on the date of such separation or release the member has completed at least twenty years of satisfactory service creditable for retirement purposes under chapter 67 of title 10, United States Code, and would upon application be eligible for assignment to or is assigned to the Retired Reserve, in which event the insurance, unless converted to an individual policy under the terms and conditions set forth in section 777(e) of this title, shall, upon timely payment of premiums under terms prescribed by the Administrator directly to the administrative office established under section 766 (b) of this title, continue in force until receipt of the first increment of retirement annuity by the member or the member's sixty-first birthday, whichever occurs earlier.

"(5) with respect to a member of the Retired Reserve who meets the qualifications of section 765(5) (C) of this title, and who was assigned to the Retired Reserve prior to the date insurance under this amendment is placed in effect for such members, at such time as the member receives the first increment of retirement annuity, or the member's sixty-first birthday, whichever occurs earlier, subject to the timely payment of the initial and subsequent premiums, under terms prescribed by the Administrator, directly to the administrative office established under section 766(b) of this title."

(4) Subsection 768(b) is amended—

(A) by deleting the semicolon at the end of subsection 768(b) (1) and inserting in lieu thereof a period.

(B) by deleting from subsection 768(b) (2) the words "ninety days" and "ninety-day" and inserting in lieu thereof the words "one hundred and twenty days" and "one hundred and twenty-day" respectively.

(C) by adding at the end of subsection 768(b) the following:

"(3) with respect to a member of the Ready Reserve of a uniformed service who meets the qualifications of section 765(5) (B) of this title, effective the one hundred and twenty-first day after separation or release from such assignment, unless on the date of such separation or release the member is totally disabled, under criteria established by the Administrator, in which event the insurance may be converted at any time while it is continued in force by reason of such disability, but in no event more than one year after the date of separation or release from such assignment.

"(4) with respect to a member who was assigned to the Retired Reserve of a uniformed service before insurance for such members was placed in effect there shall be no right of conversion."

(5) The third and fourth sentences of subsection 768(c) are amended to read as follows: "Such converted insurance shall be issued without a medical examination if application is made within one hundred and twenty days after separation or release (1) from active duty or active duty for training under a call or order to duty that did not specify a period of less than thirty-one days, or (2) from an assignment which meets the qualifications set forth in section 765(5) (B) of this title. Medical examinations and evidence of qualifying health conditions may be required in any case where the former member alleges that his insurance is continued in force or may be converted beyond the normal termination or conversion date by reason of qualifying disability incurred or aggravated during active duty, active duty for training, inactive duty training, or while assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications of section 765(5) (B) of this title."

SEC. 4. Section 769 of title 38, United States Code, is amended—

(1) by redesignating subsections 769(a) (2) and (3) as "(3)" and "(4)", respectively, and by adding after subsection 769(a) (1) a new subsection (2) to read as follows:

"(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications of section 765(5) (B) of this title, or is assigned to the Reserve (other than the Retired Reserve) and meets the qualifications of section 765(5) (C) of this title, and is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under this policy, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any individual shall be collected by the Secretary concerned from such individual (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made."

(2) by deleting from subsection 769(a) (3) (redesignated as (4) by this amendment) the words "subsection (1) hereof, or fiscal year amount under subsection (2) hereof" and inserting in lieu thereof the words "subsections (1) or (2) hereof, or fiscal year amount under subsection (3) hereof".

(3) by adding at the end of section 769 a new subsection (e) to read as follows:

"(e) The premiums for Servicemen's Group Life Insurance placed in effect or continued in force for a member assigned to the Retired Reserve of a uniformed service who meets the qualifications of section 765(5)(C) of this title, shall be established under the criteria set forth in section 771(a) and (c) of this title, except that the Administrator may provide for average premiums for such various age groupings as he may determine to be necessary according to sound actuarial principles, and shall include an amount necessary to cover the administrative cost of such insurance to the company or companies issuing or continuing such insurance. Such premiums shall be payable by the insureds thereunder as provided by the Administration directly to the administrative office established for such insurance under section 766 (b) of this title. The provisions of sections 771 (d) and (e) of this title shall be applicable to Servicemen's Group Life Insurance continued in force or issued to a member assigned to the Retired Reserve of a uniformed service. However, a separate accounting may be required by the Administrator for insurance issued to or continued in force on the lives of members assigned to the Retired Reserve and for other insurance in force under this subchapter. In such accounting, the Administrator is authorized to allocate claims and other costs among such programs of insurance according to accepted actuarial principles."

SEC. 5. The first clause of section 770(a) of title 38, United States Code, is amended to read as follows: "First, to the beneficiary or beneficiaries as the member or former member may have designated by a writing received prior to death (1) in the uniformed service, or (2) in the administrative office established under section 766(b) of this title if separated or released from service, or if assigned to the Retired Reserve, and insured under this subchapter."

SEC. 6. Section 771(e) of title 38, United States Code, is amended by deleting therefrom "section 766" and inserting in lieu thereof "section 769 (d) (1)."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NEW PROGRAM OF VETERANS' GROUP LIFE INSURANCE (VGLI)

The Clerk called the bill (H.R. 14752) to provide for the conversion of servicemen's group life insurance to veterans' group life insurance, and for other purposes.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter III of chapter 19 of title 38, United States Code, is amended as follows:

(1) Section 767(b) and section 768(a) (2) and (3) are amended by deleting therefrom "ninety days" wherever it appears therein and inserting in lieu thereof "one hundred and twenty days."

(2) Section 767(c) is amended by adding the following new sentence at the end thereof: "Any former member insured under Veterans' Group Life Insurance who again becomes eligible for Servicemen's Group Life Insurance and declines such coverage solely for the purpose of maintaining his Veterans' Group Life Insurance in effect shall upon termination of coverage under Veterans' Group Life Insurance be automatically insured under Servicemen's Group Life Insurance, if otherwise eligible therefor."

(3) Section 768(b) is amended to read as follows:

"(b) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Administrator, that, except as hereinafter provided, Servicemen's Group Life Insurance which is continued in force after expiration of the period of duty or travel under sections 767(b) or 768(a) of this title, effective the day after the date such insurance would cease, shall be automatically converted to Veterans' Group Life Insurance subject to (1) the timely payment of the initial premium under terms prescribed by the Administrator, and (2) the terms and conditions set forth in section 777 of this title. Such automatic conversion shall be effective only in the case of an otherwise eligible member or former member who is separated or released from a period of active duty or active duty for training or inactive duty training on or after the date of approval of this amendment. Servicemen's Group Life Insurance continued in force under section 768(a) (4) (B) or (5) of this title shall not be converted to Veterans' Group Life Insurance. However, a member whose insurance could be continued in force under section 768(a)(4)(B) of this title, but is not so continued, may, effective the day after his insurance otherwise would cease, convert such insurance to an individual policy under the terms and conditions set forth in section 777(e) of this title. The amendment made by this Act shall not be construed to deprive any person heretofore so separated or released of their rights to convert Servicemen's Group Life Insurance to an individual policy under the provisions of law in effect prior to the date of enactment of this Act."

(4) Section 768(c) is hereby repealed.

(5) Sections 769(a) (1) and (2) are amended by deleting therefrom "is insured under a policy of insurance purchased by the Administrator, under section 766 of this title" and inserting in lieu thereof "is insured under Servicemen's Group Life Insurance".

(6) Section 769(a)(3) is amended by deleting therefrom "this subchapter" and "insurance under this subchapter" and inserting in lieu thereof "Servicemen's Group Life Insurance".

(7) Section 769 (b) is amended by deleting therefrom "this subchapter" and inserting in lieu thereof "Servicemen's Group Life Insurance".

(8) Section 769 (c) is amended by deleting therefrom "such insurance" and inserting in lieu thereof "Servicemen's Group Life Insurance."

(9) The last sentence of subsection 769 (d) (1) is amended to read as follows: "All premium payments and extra hazard costs on Servicemen's Group Life Insurance and the administrative cost to the Veterans' Administration of insurance issued under this subchapter shall be paid from the revolving fund.".

(10) The first clause of section 770(a) is amended to read as follows:

"First, to the beneficiary or beneficiaries as the member or former member may have designated by a writing received prior to death (1) in the uniformed services if insured under Servicemen's Group Life Insurance, or (2) in the administrative office established under section 766(b) of this title if separated or released from service and insured under Servicemen's Group Life Insurance, or if insured under Veterans' Group Life Insurance;".

(11) Sections 770 (f) and (g) are amended by adding after the words "Servicemen's Group Life Insurance" wherever it appears therein the words "or Veterans' Group Life Insurance".

(12) Section 771(b) is amended by deleting therefrom the words "the policy or policies" and inserting in lieu thereof the words "Servicemen's Group Life Insurance".

(13) Section 771 (e) is amended by deleting therefrom "section 766" and inserting in lieu thereof "section 769 (d) (1)".

(14) Subchapter III of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 777. Veterans' Group Life Insurance

"(a) Veterans' Group Life Insurance shall be issued in the amounts of $5,000, $10,000, or $15,000 only. No person may carry a combined amount of Servicemen's Group Life Insurance and Veterans' Group Life Insurance in excess of $15,000 at any one time. Any person insured under Veterans' Group Life Insurance who again becomes insured under Servicemen's Group Life Insurance may within sixty days after becoming so insured convert any or all of his Veterans' Group Life Insurance to an individual policy of insurance under subsection (e) of this section. However, if such a person dies within the sixty-day period. Veterans' Group Life Insurance will be payable only if he is insured for less than $15,000 under Servicemen's Group Life Insurance, and then only in an amount which when added to the amount of Servicemen's Group Life Insurance payable shall not exceed $15,000.

"(b) Veterans' Group Life Insurance shall (1) provide protection against death; (2) be issued on a nonrenewable five-year term basis; (3) have no cash, loan, paidup, or extended values; (4) except as otherwise provided, lapse for nonpayment of premiums; and (5) contain such other terms and conditions as the Administrator determines to be reasonable and practicable which are not specifically provided for in this section, including any provisions of this subchapter not specifically made inapplicable by the provisions of this section.

"(c) The premiums of Veterans' Group Life Insurance shall be established under the criteria set forth in sections 771 (a) and (c) of this title, except that the Administrator may provide for average premiums for such various age groupings as he may decide to be necessary according to sound actuarial principles, and shall include an amount necessary to cover the administrative cost of such insurance to the company or companies issuing such insurance. Such premiums shall be payable by the insureds thereunder as provided by the Administrator directly to the administrative office established for such insurance under section 766(b) of this title. In any case in which a member or former member who was mentally incompetent on the date he first became insured under Veterans' Group Life Insurance dies within one year of such date, such insurance shall be deemed not to have lapsed for nonpayment of premiums and to have been in force on the date of death. Where insurance is in force under the preceding sentence, any unpaid premiums may be deducted from the proceeds of the insurance. Any person who claims eligibility for Veterans' Group Life Insurance based on disability incurred during a period of duty shall be required to submit evidence of qualifying health conditions and, if required, to submit to physical examinations at their own expense.

"(d) Any amount of Veterans' Group Life Insurance in force on any person on the date of his death shall be paid, upon the establishment of a valid claim therefor, pursuant to the provisions of section 770 of this title. However, any designation of beneficiary or beneficiaries for Servicemen's Group Life Insurance field with a uniformed service until changed, shall be considered a designation of beneficiary or beneficiaries for Veterans' Group Life Insurance, but not for more than sixty days after the effective date of the insured's Veterans' Group Life Insurance, unless at the end of such sixty-day period, the insured is incompetent in which event such designation may continue in force until the disability is removed but not for more than five years after the effective date of the insured's Veterans' Group Life Insurance. Except as indicated above in incompetent cases, after such sixty-day period, any designation of beneficiary or beneficiaries for Veterans' Group Life Insurance to be effective must be by a writing signed by the insured and received by the administrative office established under section 766(b) of this title.

"(e) An insured under Veterans' Group Life Insurance shall have the right to convert such insurance to an individual policy of life insurance upon written application for conversion made to the participating company he selects and payment of the required premiums. The individual policy will be issued without medical examination on a plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount as premiums if the insured engages in the military service of the United States. The individual policy will be effective the day after the insured's Veterans' Group Life Insurance terminates by expiration of the five-year term period, except in cases where the insured is eligible to convert at an earlier date by reason of again having become insured under Servicemen's Group Life Insurance in which event the effective date of the individual policy may not be later than the sixty-first day after he again became so insured. Upon request to the administrative office established under section 766(b) of this title, an insured under Veterans' Group Life Insurance shall be furnished a list of life insurance companies participating in the program established under this subchapter. In addition to the life insurance companies, participating in the program established under this subchapter, the list furnished to an insured under this section shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Administrator and agree to sell insurance to former members in accordance with the provisions of this section.

"(f) The provisions of sections 771 (d) and (e) of this title shall be applicable to Veterans' Group Life Insurance. However, if separate accounting shall be required for each program of insurance authorized under this subchapter. In such accounting, the Administrator is authorized to allocate claims and other costs among such programs of insurance according to accepted actuarial principles."

SEC. 2. The analysis of subchapter III of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following:

"777. Veterans' Group Life Insurance.".

Mr. MONTGOMERY. Mr. Speaker, the principal purpose of H.R. 14752 is to automatically convert servicemen's group life insurance continued in force after separation from service to a nonrenewable 5-year term veterans' group life insurance, and to provide at the end of the 5-year period for the conversion of veterans' group life insurance to an individual policy of insurance with the commercial insurance company selected by the insured.

Under the present law, since September 1965, all persons called to active duty for 31 days or more are automatically covered—unless they elect out—by servicemen's group life insurance. Originally, the maximum amount was $10,000 but this was increased to $15,000 by the 91st Congress. Such group life insurance continues in effect for 120 days after discharge and up to 1 year in total disability cases. Insureds have the right to convert to an individual policy of life insurance with the commercial company of their choice. This conversion takes place at the end of the 120-day period, or during coverage up to 1 year after discharge in total disability cases.

Reservists on duty for less than 31 days or on inactive duty training are covered only during the duty dates or periods and while traveling to and from their duties. Reservists have no extended coverage or conversion rights, unless disabled while on duty. If so disabled as to be uninsurable at standard premium rates the insurance continues in force for 90 days and they can convert to an individual policy at the end of the 90-day period. The bill would extend servicemen's group life insurance coverage from 90 to 120 days after termination of duty in these disabled reservists' cases.

Where servicemen's group life insurance is continued in effect for 120 days after the period of duty or travel, or in total disability cases up to 1 year after the period of duty of 31 days or more, the bill would automatically convert servicemen's group life insurance to a new veterans' group life insurance, effective the day after the date servicemen's group life insurances terminates, subject to the timely payment of the initial premium under terms prescribed by the Administrator. Enactment of the bill would not be construed to deprive any person separated or released from duty prior to the date of enactment of his right to convert servicemen's group life insurance to an individual policy as is provided under present law.

The new veterans' group life insurance would be issued in the amounts of $5,000, $10,000, or $15,000. No person may carry a combined amount of servicemen's group life insurance and veterans' group life insurance in excess of $15,000 at any time. This new insurance would, first, provide protection against death; second, be issued on a nonrenewable 5-year term basis; third, have no cash, loan, paid-up, or extended values; fourth, except as otherwise provided—in incompetent cases—lapse for nonpayment of premiums; and fifth, contain such other terms and conditions as the administrator determines to be reasonable and practicable, which are not specifically provided for in the bill. Insureds could convert veterans' group life insurance to an individual policy with a commercial insurer effective the day after veterans' group life insurance terminates by reason of expiration of the 5-year term period.

The Veterans' Administration representative testified that if today a veteran 23 years of age buys a $15,000 ordinary life policy, with no added benefits, from a company which will pay dividends, a typical monthly premium would be about $21. This cost would, of course, be reduced in the future by dividends as declared. The proposed program would reduce, by more than 75 percent, most veterans' initial outlay for the same amount of insurance. While the coverage is limited term life insurance only, the premium reduction is of particular importance to those veterans readjusting to civilian life, many of whom have limited incomes and many of whom will undertake programs of education, during which time they will not have an income from employment.

In connection with its favorable recommendation on this bill, the Veterans' Administration pointed out that, under the bill, "all insured veterans will have a period of 5 years and 4 months—in a few total disability cases, 6 years—in which to have adjusted socially and economically. Toward the end of that period, they will be in a far better position to assess their insurance needs and select plans and amounts of insurance, than they are within 4 months of separation." The Veterans' Affairs Committee fully concurs in this analysis of the social and economic position facing our young veterans today upon their separation from the military service.

Mr. Speaker, I recommend approval by the House of H.R. 14752:

H.R. 14752

(For Mr. MONTGOMERY's response in the event a question is asked about the cost of H.R. 14752.)

The administrative cost of the bill to the Veterans' Administration will involve the printing of pamphlets, forms, publishing of regulations, etc. These costs, those relating to furnishing information to SGLI insureds as to their conversion rights, and the conversion costs in disabled cases are presently borne by the insureds, and are recouped from the SGLI revolving fund. Such costs under the bill will properly be borne and recouped in the same manner. All claims costs and the insurance company's expenses will be covered by the premium paid by the insureds. Hence, enactment of the bill would not result in any cost to the Government.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYANCE OF CERTAIN VETERANS' ADMINISTRATION PROPERTY IN CANANDAIGUA, N.Y., TO SONNENBERG GARDENS, A NONPROFIT EDUCATIONAL CORPORATION

The Clerk called the bill (H.R. 13780) to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, N.Y., to Sonnenberg Gardens, a nonprofit educational corporation.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I must observe that there are no departmental reports; nor does this particular piece of legislation, as meritorious as it might be from the ideal and cultural or community point of view, meet other criteria of the Consent Calendar. Therefore I ask that it be put over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LETTER FROM DAVID M. ABSHIRE RE TRAVEL TO CHINA

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. BOGGS. Mr. Speaker, I would like to insert at this point in the RECORD a letter from David M. Abshire, Assistant Secretary for Congressional Relations, Department of State, dealing with the proposed travel of Members of Congress to China.

The letter is as follows:

DEPARTMENT OF STATE,
Washington, D.C., May 11, 1972.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The relationship that is beginning to develop between the United States and the People's Republic of China has resulted in increased interest in travel to that country by members of the Congress and employees of the Legislative Branch. The President has asked the Department of State to assume responsibility for facilitating such travel and to seek your cooperation in preventing any misunderstandings that might set back the developing relationship with the People's Republic of China.

In that connection, it would be very helpful if Members, staff personnel or employees planning to travel to China in either an official or private capacity would inform the Secretary of State before applying for a visa of the purpose of the trip, the dates of travel and the planed itinerary.

The Department will respond promptly to any request for advice on how best to proceed with the application to the People's Republic of China and will inform the intended traveller of any foreign policy considerations involved.

It would be appreciated if this letter would be printed in full in the body of the Congressional Record before being assigned to Committee.

We will be very grateful for your cooperation in this matter.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

COMMENDATION OF THE PARK POLICE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I want to commend the Park Police for cleaning up in front of the White House.

Last night the Park Police impounded sleeping bags and other camping equipment of so-called war protestors who had been eating and sleeping in an area in front of the White House.

Mr. Speaker, this demonstration has been an eyesore to thousands of visitors coming to Washington as well as some of us who pass the White House every day.

I congratulate the Park Police and hope they will continue to keep this area clean.

THE AIR FORCE IS TRYING TO SWEEP A SCANDAL UNDER THE RUG

(Mr. PIKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PIKE. Mr. Speaker, it is time the Air Force and the Pentagon told the American people the truth about the so-called retirement of a four-star general who was removed as the head of all of our Air Force operations in Vietnam just 1 week after the Communist offensive was launched.

The Air Force put out a little story that the general had retired "for personal and health reasons." The Air Force did not tell the truth. I believe there is a major issue here, important to our Air Force, and important to our Nation.

Perhaps the most major issue is the credibility of our military. The military complains that it is misunderstood and mistrusted. It cannot be understood and will not be trusted as long as it tries to sweep its scandals under the rug and as long as it persists in trying to obscure the truth instead of telling the truth.

CANDID DISCUSSIONS OF NATIONAL PURPOSE AND POLICY SHOULD OCCUR IN HOUSE OF REPRESENTATIVES

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYMINGTON. Mr. Speaker, we, together with the Members of the other body, constitute the Congress of these United States. If candid discussions of national purpose and policy can occur anywhere in this land, they can and should occur here.

At what point does this responsibility begin, and where does it end? I submit it began when the first Congress met and will never end.

Perhaps we need to be reminded from time to time that personal candor, even in the most troublous of times, ought not to be equated with the want of commitment to the Nation's welfare. As such a reminder, I would offer here an observation by one whose credentials for both candor and commitment need no defense.

> If men are to be precluded from offering their sentiments on a matter which may involve the most serious and alarming consequences that can invite the consideration of mankind, reason is of no use to us; the freedom of speech may be taken away, and dumb and silent we may be led, like sheep to the slaughter.—Address to officers of the Army—March 15, 1783

These are the words of George Washington, Father of our Country, whose portrait and example dominate this and every Congress which has met, or ever will meet. It is a great portrait and a good example to follow.

CALL OF THE HOUSE

Mr. RONCALIO. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 150]

Abourezk
Addabbo
Badillo
Baker
Barrett
Belcher
Bell
Bingham
Blackburn
Blanton
Blatnik
Bow
Buchanan
Cabell
Chamberlain
Chisholm
Clancy
Clark
Clay
Conyers
Cotter
Curlin
Davis, Ga.
Davis, S.C.
Delaney
Denholm
Dent
Diggs
Dowdy
Downing
Dulski
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Fish
Ford, Gerald R.
Fraser
Frelinghuysen
Galifianakis
Gallagher
Gray
Green, Pa.
Griffin
Hagan
Halpern
Hanna
Hawkins
Hébert
Heckler, Mass.
Helstoski
Hillis
Hosmer
Hull
Jones, Tenn.
Kemp
Kluczynski
Landgrebe
Link
Lloyd
Long, La.
McClory
McCormack
McEwen
McKay
McKevitt
Macdonald, Mass.
Madden
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Minshall
Mitchell
Mizell
Mollohan
Nix
O'Neill
Patman
Pelly
Peyser
Pickle
Pryor, Ark.
Pucinski
Rangel
Reid
Robison, N.Y.
Rodino
Rousselot
St Germain
Sandman
Sarbanes
Scheuer
Schmitz
Schwengel
Shoup
Springer
Stephens
Stubblefield
Sullivan
Teague, Calif.
Thompson, Ga.
Udall
Whalley
Wilson, Bob
Yatron

The SPEAKER. On this rollcall, 323 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 13361, TIME EXTENSION, TOBACCO QUOTA TRANSFERS

Mr. ABBITT submitted the following conference report and statement on the bill (H.R. 13361) to amend section 316 (c) of the Agricultural Adjustment Act of 1938, as amended:

CONFERENCE REPORT (REPT. NO. 92–1064)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13361) to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the second sentence of subsection (c) of section 316 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows: "Any lease of Flue-cured tobacco acreage-poundage marketing quotas from any farm with an acreage-poundage marketing quota in excess of 2,000 pounds filed on or after June 15 in any year shall not be effective unless the acreage planted on both the lessor and the lessee farms during the current marketing year was as much as 50 per centum of the farm acreage allotment in effect for such year."

And the Senate agree to the same.

W. M. Abbitt,
John L. McMillan,
Walter B. Jones,
William C. Wampler,
Wilmer D. Mizell,
Managers on the Part of the House.

Herman E. Talmadge,
B. Everett Jordan,
Lawton Chiles,
Jack Miller,
Carl T. Curtis,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (H.R. 13361) to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

There were two differences between the House bill and the Senate amendment, and these differences were resolved as follows:

1. *The House bill* exempted all kinds of tobacco for which leasing is provided by section 316 i.e., flue-cured, Maryland, cigar-filler (types 42–44), and cigar-binder (types 51–53) from the requirement in existing law that leases be filed with the county committee by a fixed date no later than planting time established by the Secretary.

The Senate amendment made the same provision for flue-cured tobacco only.

The Conference substitute adopts the provisions of the House bill.

2. *The House bill* restricted flue-cured leases filed after June 15 to cases where both the lessor and lessee farms have planted at least 75 percent of their allotments.

The Senate amendment contained no similar provision.

The Conference substitute modifies the House provisions by completely exempting leases and transfers of flue-cured tobacco involving farms with acreage-poundage quotas of 2,000 pounds or less from the June 15 deadline for filing such leases.

In the case of flue-cured tobacco leases involving an acreage-poundage quota of more than 2,000 pounds filed after June 15 of any year, the transfer shall not be effective unless the acreage planted on both the lessor and the lessee farms during the current marketing year was at least one-half of the farm acreage allotment in effect for such year.

W. M. Abbitt,
John L. McMillan,
Walter B. Jones,
William C. Wampler,
Wilmer D. Mizell,
Managers on the Part of the House.
Herman E. Talmadge,
B. Everett Jordan,
Lawton Chiles,
Jack Miller,
Carl T. Curtis,
Managers on the Part of the Senate.

PERMISSION TO FILE REPORT ON APPROPRIATIONS FOR STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES, 1973

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the bill making appropriations for the Department of State, Justice, Commerce, and the Judiciary and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

Mr. CEDERBERG reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ESTABLISHING A COMMISSION ON REVISION OF JUDICIARY CIRCUITS

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7378) to establish a Commission on Revision of the Judicial Circuits of the United States, as amended.

The Clerk read as follows:

H.R. 7378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Commission on Revision of the Judicial Circuits (hereinafter referred to as "Commission").

Sec. 2. (a) The Commission shall be composed of fifteen members appointed as follows:

(1) four members appointed by the President of the United States;

(2) four Members of the Senate appointed by the President of the Senate;

(3) four Members of the House of Representatives appointed by the Speaker of the House of Representatives; and

(4) three members appointed by the Chief Justice of the United States.

(b) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Eight members of the Commission shall constitute a quorum, but three may conduct hearings.

Sec. 3. It shall be the duty of the Commission to study the present division of the United States into the several judicial circuits, and to recommend to the President, the Congress, and the Chief Justice such changes in the geographical boundaries of the circuits as, in the opinion of the Commission, may be most appropriate for the expeditious and effective disposition of judicial business.

Sec. 4. (a) Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not exceeding the maximum amounts authorized under section 456 of title 28, United States Code.

(b) Members of the Commission from private life shall receive $100 per diem, when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

Sec. 5. (a) The Director of the Administrative Office of the United States Courts shall serve as Executive Director to the Commission.

(b) The Administrative Office of the United States Court shall provide administrative services including financial and budgetary services for the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services on a reimbursable basis.

(c) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its function under this Act; and each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chairman of the Commission.

Sec. 6. The Commission shall transmit its final report containing its recommendations to the President, the Congress, and the Chief Justice within one hundred and eighty days of the date on which its ninth member is appointed. The Commission shall cease to exist ninety days after the date of the submission of its final report.

Sec. 7. There is hereby authorized to be appropriated the sum of $50,000 to carry out the purposes of this Act.

The SPEAKER. Is a second demanded?

Mr. McCULLOCH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New York (Mr. Celler) is recognized.

Mr. CELLER. Mr. Speaker, the purpose of this bill is to establish a short term commission composed of four Members of the House, four Members of the Senate, three members to be appointed by the Chief Judge of the United States and four members to be appointed by the President—15 in all to study and to recommend changes in the geographical boundaries of the U.S. Courts of Appeals.

The legislation is sponsored by the Judicial Conference of the United States and is endorsed by the Department of Justice, the American Bar Association, the Chief Justice of the United States, the Administrative Office of the U.S. Courts and the chief judges of each of the 11 courts of appeals.

The bill has the unanimous approval of the House Committee on the Judiciary.

Today there are 11 judicial circuits and 97 authorized circuit judges. There has only been one significant change in the geographical organization of the Federal judicial circuits since the Court of Appeals Act of 1891.

In other words, the lines that exist today existed over 80 years ago—with one exception—when the Tenth Circuit was carved out of the then Eighth Circuit, in 1929.

There has been a steady and substantial rise in the work load of the courts of appeals. For example, in the decade of the 1960's, the appeals docket rose from 3,899 to 11,662. The steady upward trend continued in fiscal year 1971 when appeals rose to 12,788—10 percent above the year before.

In the past decade, a total 154 new Federal district judges have been added to cope with the burgeoning litigation in the Federal trial courts. These and other factors have combined to increase the appellate caseload per judge—54 filings per judge in 1961 as compared to 132 filings per judge in 1971.

Although terminations have also increased over the years, the backlog of appeals now pending on the dockets of the appeals courts has increased from approximately 3,000 in 1962 to over 9,000 in 1971.

One way of relieving the appellate courts of their increasing workload has been the creation of additional appellate judgeships. Currently a bill is pending before the Judiciary Committee which proposes to create 10 additional circuit judgeships. However, adding additional judgeships has serious limitations.

Today, for example, there are 13 judgeships authorized for the ninth circuit and 15 authorized for the fifth circuit.

Let us dwell for a moment on the fifth circuit. Geographically, the fifth circuit runs from El Paso eastward clear over to Key West. It takes in the States of Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, and the Canal Zone. In that circuit there are 15 circuit judges. When they sit en banc, the 15 judges have to sit together; ofttimes, there are three senior judges, making it 18 judges sitting.

We have a similar situation in the ninth circuit. What does the ninth circuit consist of? Just think of it: the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, and the territory of Guam. Years ago those States were sparsely settled. It was probably quite appropriate to make one circuit out of all of those States.

But now with the vast population that has poured into those States, it is almost impossible to conduct affairs in the ninth circuit with 13 judges sitting.

So, you see, it is quite essential that changes be effectuated and that those circuits be realized. The fifth circuit, certainly, standing almost alone in the southern part of the United States, might well be divided, and the ninth circuit should have some of the States taken away from it.

The Commission composed of members appointed by the three branches of government must make a report within 180 days. The report is not self-executing. It does not become law of its own accord. It is only recommendatory. The Commission can recommend additional circuits, it can recommend fewer circuits.

The reason we did not make the recommendations self-executing was that to do so would take away from Congress its powers to finally determine where these lines should be drawn.

There is also a very nice question whether making the Commission's findings self-executing would unconditionally interfere with the Presidential power of veto.

For these reasons the Judiciary Committee felt it would be most appropriate to provide that the Commission will only make recommendations, and that the House, the Senate, and the President shall finally give approval to any changes in the geographical boundaries of the circuit courts.

The heavy caseload in the fifth and ninth circuits threatens to increase, and failure to undertake some realinement in the geographical boundaries is bound to worsen the situation. Circuit revision will enable more manageable members of circuit judges to function as a collegial unit. The bill, H.R. 7378, as amended, would establish a short-term commission, as I said before, composed of 15 members with a responsibility to study and recommend generally a geographical revision in circuit court boundaries. As indicated, they would have the authority to recommend increases or decreases in the number of circuit courts of appeals.

The life of the Commission properly has been limited to 6 months in order to facilitate effective legislative action in the next Congress.

The main provisions of the committee amendment to H.R. 7378 can be summarized as follows:

First, in the belief that persons other than judges should participate in the formulation of recommendations for realinement, Commission membership has been increased from 12 to 15 members; congressional participation is increased from four to eight members.

Second, the life of the Commission is reduced from 2 years, as originally contemplated, to 6 months. The bill specifically provides that the services of the Administrative Office of the U.S. Courts and of the Federal Judicial Center should be utilized in lieu of a special Commission staff—the bill also provides the Director of the Administrative Office of the U.S. Courts shall serve as Executive Director of the Commission.

Third, unlike the original bill, the Commission's recommendations to Congress are not self-executing. The bill, as amended, requires affirmative legislative action by Congress to effectuate the Commission's recommendations, and

Fourth, the amount of appropriations authorized for the Commission is established at $50,000. It is hoped that the amount of $50,000 will not be reached.

Despite the limitations that have been imposed, the Committee on the Judiciary believes that an in-depth study and recommendation for geographic realignment of the judicial circuits can be made by the proposed Commission. Such studies and recommendations are essential to improve judicial administration in the appellate courts.

I urge my colleagues to support H.R. 7378, as amended.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question?

Mr. CELLER. I yield to the gentleman from Iowa.

Mr. GROSS. We have already tried two remedies for this situation. One was legislation providing for 29 more appellant judges some a few years ago, and in the 91st Congress, the preceding session of Congress, legislation was enacted which gave each of these appeals circuits an executive officer. What has happened with respect to these executive officers in disposing of the caseloads which now allegedly confront these appeals judges?

Mr. CELLER. Not all the circuits have availed themselves of the right to appoint these court executives. Only a few of the circuits have availed themselves of that officer, but I presume that in due course all of them will avail themselves of that additional help.

Mr. GROSS. What about the magistrates as well?

And why have they not appointed the executive officers that were approved by Congress?

Mr. CELLER. The circuit executives have to be certified as to qualifications. That process of certification took a long while. There have been some circuit executives appointed, but not many.

Mr. GROSS. It seems to me that there is serious slippage of some kind. It seems to me that there have been remedies provided, but they have not been used. I still wonder why they have not been used.

Mr. CELLER. Some of the circuits have availed themselves of this new officer. Others have not. We in the Congress cannot compel them to do so.

Mr. GROSS. I just do not understand why it should be within the purview of the judges, who the gentleman seems to indicate here are overburdened with caseloads they cannot dispose of, to refuse the help they have offered. Why should it be within their purview to reject this additional help and at the same time ask for legislation of this nature?

Mr. CELLER. The gentleman's questions as I understand them, are not pertinent to the pending bill. This bill only provides for changing the boundary lines of the circuit courts and has nothing to do with the question of court executives or secretaries for the circuit judges.

Mr. GROSS. But the changing of the geographical lines, whatever it may result in—whether a greater number of judicial circuits or a realinement to provide for less work in some of these circuits—relates directly to caseloads and the ability to dispose of them with personnel that can now be made available.

Mr. CELLER. May I say to the gentleman, it is not only the caseload, but it is also the great distances which must be traveled by the litigants and the lawyers.

There is also the volume of cases generated by circuits encompassing expansive geographic areas.

Just think of the situation I am told of in the ninth circuit, where we have the lines extending from Alaska way out to Hawaii. That seems an abomination. We should not allow that to continue.

Years ago we had no choice, probably, but now the situation is so different I believe we have to address ourselves to the situation. We cannot allow this to go on further.

As I indicated to the gentleman, in the fifth circuit it is almost absurd to have a circuit court extending from the uttermost western part of Texas to the almost eastern part of Florida. That seems barbarous. We have to address ourselves to making changes in that regard.

That is all this bill does.

Mr. GROSS. It would appear to have been a ponderous way of doing business from the inception of it, but I assume the appellate judges recommended the size of these circuits in the first place.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Missouri.

Mr. HUNGATE. The gentleman makes some worthwhile points. I believe that in this legislation, however, we are not dealing with executive officers. In other words, the executive officers would have no power to redraw these districts.

I would recommend this legislation to the House on the basis that this is an opportunity to redistrict the Federal courts.

I do not know how many years ago these circuits were drawn. How long have they been in existence?

Mr. CELLER. Since 1891.

Mr. HUNGATE. They may have been appropriate geographically and populationwise when created, but that has long since ceased to be.

I agree with the gentleman that if any judge has failed to exercise his power with respect to an executive officer to run the courts, that is unfortunate. I would agree with the gentleman that some of the decisions of the Federal courts in my opinion have been unfortunate.

But the problem we deal with here is the only one we can reach at the moment, which is the way some of these circuits unfortuately are drawn at this point. We had hoped to create a mechanism to redefine these circuits. We have drawn a bill where there will be 15 members of the Commission, and eight of them will be congressional. I believe that is important.

Mr. GROSS. Will all of them be lawyers?

Mr. HUNGATE. They may all have licenses. The Speaker would make his appointments.

Mr. GROSS. Does the gentleman not think that there ought to be some nonlawyers on some of these commissions that have to do with regulating the judiciary? The public does have a real interest in the courts. Moreover, the courts have no hesitancy in coming to Congress as in this case, and in upsetting acts of Congress.

In other words, they can lay down the rule of one-man-one-vote and make the Members of Congress like it. Yes, I believe we ought to have some nonlawyers on these commissions that deal with the judiciary.

Mr. HUNGATE. If the gentleman will yield further, I am not aware of any requirement for lawyers.

Mr. CELLER. There is nothing in the act which says the Commission members must be lawyers. It is left, in the case of the President, to his own discretion, and it is left to the discretion of the Speaker and of the President pro tempore of the Senate.

Mr. GROSS. There is no requirement that every member of the Judiciary Committee be a lawyer, either, but they are.

Mr. HUNGATE. If the gentleman will yield further at that point, I can only seek to reassure him that if I should have the privilege of serving I can simply say, as I once told an opponent of mine, "While I am a lawyer, I am not much of a lawyer."

Mr. BROOKS. Will the gentleman yield to me for 2 minutes?

Mr. CELLER. I yield to the gentleman.

Mr. BROOKS. I want to say that this bill simply provides a technique for realining the boundaries of the circuit courts of appeals. It needs to be done. alining the boundaries of the circuit courts of appeals. It needs to be done. The difficulty has been who would make the needed recommendations. I think that this proposed Commission may well resolve the problems. I think geographical revision needs to be done in many parts of the Nation. I know it needs to be done in my own circuit where there has been a 17-percent increase in population between 1960 and 1970, and where the boundaries stretch from Florida to Texas. The Fifth Circuit Court of Appeals consists of 15 judges, which is a little bit too large to effectively administer despite a very fine chief judge named John Brown who runs that circuit court with dispatch and with great skill. It is still a problem to administer a circuit court with that kind of geographical breadth. So I hope that the Members will join with me and approve this bill so that revision of the geographical boundaries of circuit courts can begin.

Mr. SNYDER. Will the gentleman yield?

Mr. BROOKS. I yield to the gentleman.

Mr. SNYDER. I agree with much of what has been said as to the necessity of making these changes, but my only query is why did not the Committee on the Judiciary do this? I am not adverse to lawyers, as my friend from Iowa. I am curious why the committee does not get together and draw these lines themselves? Why do we have to have a commission?

Mr. BROOKS. I would be perfectly willing to do that except for the fact that I have spent the last 20 years of my life in Congress, and not practiced law in the circuit courts. In addition, I believe the committee will benefit from the comprehensive study and recommendations of the Commission contemplated in H.R. 7378.

Mr. McCULLOCH. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, as amended, H.R. 7378 is good legislation. It is more than that. It is legislation urgently needed.

In the last 10 years, appeals docketed in the 11 Federal judicial circuits have increased by 199 percent, and the backlog of appeals pending on the dockets has increased by 297 percent. There are many reasons. Our population has grown. Our economy has expanded. New laws have been written. New disputes have arisen. More crime is being committed. Our society is more pluralistic, more sophisticated and more litigation conscious. Bigger caseloads and greater docket congestion mean longer delays in the determination of citizen rights, obligations and penalties. If the problem is not solved soon, it will overwhelm us.

The solution could take one or all of three courses—the creation of additional appellate judgeships, the revision of appellate court procedure and jurisdiction or the reconfiguration of the geographical boundaries of the judicial circuits. The committee amendment chooses the latter course.

It may be necessary later to create additional judgeships. Indeed, the Judicial Conference has only recently recommended 10. But at the moment, the committee has not chosen this course. There is a limit to the number of judges that can function efficiently as a collegial unit. The committee felt that it would be better to rearrange the geography and thereby redistribute the workload among existing judges before increasing the number of judges.

Neither did the committee choose the course of revising appellate procedure and jurisdiction. This does not mean that reform is not necessary. It means simply that such complex and delicate reform should await the redrawing of the judicial map.

The course the committee chose as the priority step to be taken involves the use of a blue-ribbon commission. As originally introduced, H.R. 7378 would have made the report of the commission self-executing. This is, the decisions of the commission would have automatically become law unless they were specifically disapproved, in whole or in part, by one House of the Congress within 90 days after submission of the commission's report.

The committee amendment rejects this approach. It does so for two reasons. First, it is unworkable. Disapproval of a single boundary by a single House would frustrate the entire proposal, and since there would be no opportunity for a House-Senate conference, differences could never be reconciled. And the problem would remain unsolved.

Second, the self-executing mechanism is subject to serious constitutional challenge. Article I, section 7 of the Constitution requires that every bill passed by the two Houses of Congress be submitted to the President for his approval or disapproval. The Constitution gives the President a definite role in the lawmaking process. He can propose legislation. He can sign legislation. And he can withhold his signature from legislation. The bill in its original form denied the President all participation whatever, save only the right to name some of the members of the commission.

Article III, section 2 of the Constitution vests in the Congress power to ordain, establish, and maintain inferior Federal courts and fix their jurisdiction. Can the elected representatives of the people delegate to an unelected commission the power to make decisions concerning jurisdictional boundaries of Federal courts—decisions which will become law through the inaction of the Congress?

These two constitutional questions might be answered in the affirmative or in the negative, but they would almost certainly lay the predicate for litigation. And no matter how the question of constitutionality might be decided, I feel that is unwise as a matter of policy to pursue the approach proposed in the original version of the bill.

The committee amendment makes the function of the commission advisory only and reserves to the Congress and the President both the initiative and the final disposition of the matter.

The original bill called for a 2-year study, a separate commission staff, and an open-end authorization. The committee amendment reduced the term from 2 years to 6 months, dispensed with the separate staff and fixed an appropriations ceiling.

Two years is too long; the need is too urgent. A separate staff is unnecessary: the committee amendment utilizes the existing staffs of the Federal judicial center and the administrative office of the U.S. Courts and appoints the director of the latter executive director of the commission.

As for the open-end authorization, the estimate under the original bill was more than half a million dollars. The ceiling fixed by the committee amendment is $50,000. Only one-tenth of the original estimate.

In summary, the bill as amended will save money, hasten a solution to a grave problem, preserve the dignity of the legislative process and promote the cause of speedy justice.

Mr. RARICK. Mr. Speaker, will the gentleman yield?

Mr. POFF. Yes, I yield to the gentleman from Louisiana.

Mr. RARICK. I would merely like to inquire of the gentleman if the committee gave any consideration modifying the appellate court jurisdiction?

Mr. POFF. The gentleman refers to one of the three possible solutions I mentioned in the preface of my remarks. We had witnesses who addressed themselves specifically to that possibility. Indeed, there was great dialog between the witnesses and interested members of the committee on this point.

Clearly, this is an area which cries out for reform, and I am encouraged to hope that the Judiciary Committee next year will be able to give priority attention to this phase of the solution.

Mr. RARICK. Mr. Speaker, will the gentleman yield further?

Mr. POFF. Yes, I yield further to the gentleman from Louisiana.

Mr. RARICK. I only have one further question of the gentleman from Virginia.

I was wondering if the committee had made further inquiry of the witnesses from the Judiciary as to when the Federal judges will submit their report on their outside financial holdings, which could well have an adverse effect on their workload?

Mr. POFF. I will say in response to the gentleman that the occasion for such an inquiry did not present itself in the course of these hearings.

Mr. McCULLOCH. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I rise to indicate my support of the bill in the form in which the committee reported it.

This bill which is presently pending before the House will create a commission, very limited in time—only 6 months duration—and a majority of the members of that commission will be Members of Congress.

I will say when the bill was originally introduced, one of the problems I had in connection with it was that it would have created a commission outside of the Congress and would have given the decision of that commission the force of law unless we veto the decision.

I am pleased to say, in the form in which the bill stands before the House this afternoon, it will create a commission which can make a recommendation only. That commission will itself be made up in its majority by the Members of the Congress and it will be up to the Congress to do with that recommendation of the commission as the Congress wills.

I think there is no question of the need after so many years for an examination and a redrawing of the circuit court boundary lines in this country.

I would like to say further that it is my understanding, as a member of the committee, that it is the committee's intent that in the commission's recommendations the commission may recommend a larger number of circuit courts than now exists.

We presently have 11. If the commission should recommend that we have 12 or 13, that would be within the commission's power of recommendation. Whether such circuit courts were actually created would still be left to the Congress.

Mr. McCULLOCH. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Speaker, I rise in support of this bill.

Certainly, the system of circuit courts of appeal which was set up in 1891 has become outmoded and inadequate to handle the problems of the Federal judiciary today. I think the mere fact that some of the circuit courts now have as many as 13 and 15 sitting judges is an indication of how cumbersome and unwieldy the present geographical assignment of States to the respective circuits has become.

It is extremely difficult to administer a court with so many judges.

The inclusion of members of the judiciary on this commission is very essential to its success. I am glad the congressional representation has been increased, but nevertheless, it is the circuit court judges themselves who daily grapple with this problem and have the most knowledge concerning it through practical experience. They certainly should be represented on the commission and under the bill as reported by the committee. The Chief Justice will have the power to include circuit judges in his appointments.

I feel that it will greatly enhance the administration of justice in this country to have this kind of commission at work on this important problem.

Mr. McCULLOCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 7378, as amended by the Judiciary Committee. This bill would authorize the establishment of a commission of 15 members charged with the responsibility to study, within 6 months, the present division of the judicial circuits and to recommend to the President, the Congress, and the Chief Justice such changes in geographical boundaries of the circuits as may be most appropriate for the expeditious and effective disposition of judicial business.

Mr. Speaker, this legislation has no opposition. Subcommittee No. 5 held 5 days of public hearings and received testimony from nine witnesses and correspondence from many more interested parties. It was reported favorably on a unanimous vote both in the subcommittee and in the full committee. As amended, it has the support of the Department of Justice, the Judicial Conference of the United States, the Federal Judicial Center, the American Bar Association, the Federal Bar Association, and the chief judges of each of the 11 courts of appeals.

Our circuit court boundaries have not been studied with a view toward total realinement since 1890. Our country has changed considerably since the original circuit boundaries were established some 82 years ago. Different times creates new duties and responsibilities with consequent changes in the work and practices of our courts.

There has been a tremendous rise in the workload of the courts of appeals. In the last 10 years alone, appeals docketed have risen from 3,899 to 11,662—an increase of 199 percent. During the same period, a total of 154 new Federal district judgeships have been created. These and other factors have combined to increase the appellate caseload per judge.

Adding additional judgeships has serious limitations for our appellate courts. To increase the number of judgeships in a circuit beyond 15, and some say beyond nine, results in an unreasonable and unmanageable situation. Unless some realinement in geographic boundaries occurs, greater numbers of appellate judges will be needed. For this reason, it is important that this legislation be enacted and a short-term study commission established.

POPULATION INCREASES IN SELECTED CIRCUITS FROM 1890 TO 1970—H.R. 7378

	Year 1890	Year 1970
2d circuit:		
Connecticut	746, 258	3, 032, 217
New York	6, 003, 174	18, 241, 266
Vermont	332, 422	444, 732
Total	7, 081, 854	21, 718, 215
5th circuit:		
Alabama	1, 513, 401	3, 444, 165
Florida	391, 422	6, 789, 443
Georgia	1, 837, 353	4, 589, 575
Louisiana	1, 118, 588	3, 643, 180
Mississippi	1, 289, 600	2, 216, 912
Texas	2, 235, 527	11, 196, 730
Total	8, 385, 891	31, 880, 005
6th circuit:		
Kentucky	1, 858, 635	3, 219, 311
Michigan	2, 093, 890	8, 875, 083
Ohio	3, 672, 329	10, 652, 017
Tennessee	1, 767, 518	3, 924, 164
Total	9, 392, 372	26, 670, 575
9th circuit:		
Alaska	32, 052	302, 173
Arizona	88, 243	1, 772, 482
California	1, 213, 398	19, 953, 134
Hawaii (year 1900)	154, 001	769, 913
Idaho	88, 548	713, 008
Montana	142, 924	694, 409
Nevada	47, 355	488, 738
Oregon	317, 704	2, 091, 385
Washington	357, 232	3, 409, 169
Guam (year 1901)	9, 676	84, 996
Total	2, 451, 133	30, 279, 407

TABLE 10.—POPULATION BY JUDICIAL DISTRICT, 1970, 1960, AND 1950

Circuit and district	Population			Percent change, 1970 over 1960
	1970	1960	1950	
Total all districts	206, 069, 480	181, 813, 984	153, 675, 486	13.3
District of Columbia	756, 510	763, 956	802, 178	-1.0
1st circuit	11, 060, 169	9, 933, 796	9, 140, 129	11.3
Maine	993, 663	969, 265	913, 774	2.5
Massachusetts	5, 689, 170	5, 148, 578	4, 690, 514	10.5
New Hampshire	737, 681	606, 921	533, 242	21.5
Rhode Island	949, 723	859, 488	791, 896	10.5
Puerto Rico	2, 689, 932	2, 349, 544	2, 210, 703	14.5
2d circuit	21, 667, 689	19, 707, 419	17, 215, 219	9.9
Connecticut	3, 032, 217	2, 535, 234	2, 007, 280	19.6
New York:				
Northern	2, 928, 766	2, 725, 454	2, 418, 585	7.5
Eastern	7, 410, 580	6, 625, 843	5, 429, 473	11.8
Southern	4, 896, 094	4, 703, 024	4, 641, 092	4.1
Western	2, 955, 300	2, 727, 983	2, 341, 042	8.3
Vermont	444, 732	389, 881	377, 747	14.1
3d circuit	19, 573, 377	17, 864, 539	15, 678, 091	9.6
Delaware	548, 104	446, 292	318, 085	22.8
New Jersey	7, 168, 164	6, 066, 782	4, 835, 329	18.2
Pennsylvania:				
Eastern	5, 111, 646	4, 747, 271	4, 217, 152	7.7
Middle	2, 425, 829	2, 285, 850	2, 212, 482	6.1
Western	4, 256, 434	4, 286, 245	4, 068, 378	-.7
Virgin Islands	63, 200	32, 099	26, 665	96.9
4th circuit	17, 987, 705	15, 866, 808	13, 846, 189	13.4
Maryland	3, 922, 399	3, 100, 689	2, 343, 001	26.5
North Carolina:				
Eastern	1, 921, 494	1, 791, 880	1, 614, 992	7.2
Middle	1, 707, 404	1, 514, 918	1, 323, 180	12.7
Western	1, 453, 161	1, 249, 357	1, 123, 757	16.3
South Carolina	2, 590, 516	2, 382, 594	------------	8.7
Eastern	------------	1, 414, 637	1, 214, 463	------------
Western	------------	967, 957	902, 564	------------
Virginia:				
Eastern	3, 089, 023	2, 485, 510	1, 891, 220	24.3
Western	1, 559, 471	1, 481, 439	1, 427, 460	5.3
West Virginia:				
Northern	777, 018	775, 702	807, 624	.2
Southern	967, 219	1, 084, 719	1, 197, 928	-10.8
5th circuit	31, 924, 655	27, 218, 378	21, 904, 072	17.3
Alabama:				
Northern	2, 006, 998	1, 856, 672	1, 733, 469	8.1
Middle	802, 795	774, 655	765, 398	3.6
Southern	634, 372	635, 413	562, 876	-.2
Florida:				
Northern	807, 804	671, 488	493, 770	20.3
Middle [2]	3, 483, 237	2, 598, 933	------------	34.0
Southern [2]	2, 498, 402	1, 681, 139	2, 277, 535	48.6
Georgia:				
Northern	2, 327, 699	1, 819, 920	1, 478, 421	27.9
Middle	1, 365, 142	1, 281, 705	1, 190, 791	6.5
Southern	896, 734	841, 491	775, 366	6.6
Louisiana:				
Eastern	1, 885, 856	1, 719, 714	1, 339, 822	9.7
Western	1, 757, 324	1, 537, 308	1, 343, 694	14.3
Mississippi:				
Northern	889, 115	915, 168	987, 714	-2.9
Southern	1, 327, 797	1, 262, 973	1, 191, 200	5.1
Texas:				
Northern	3, 678, 996	3, 138, 775	2, 449, 485	17.2
Eastern	1, 476, 321	1, 341, 745	1, 307, 282	10.0
Southern	3, 384, 478	2, 757, 020	2, 089, 028	22.8
Western	2, 656, 935	2, 342, 137	1, 865, 399	13.4
Canal Zone	44, 650	42, 122	52, 822	6.0
6th circuit	26, 670, 575	24, 134, 836	20, 554, 917	10.5
Kentucky:				
Eastern	1, 499, 312	1, 459, 435	1, 527, 078	2.7
Western	1, 719, 999	1, 578, 721	1, 417, 728	8.9
Michigan:				
Eastern	6, 300, 659	5, 540, 674	4, 826, 545	13.7
Western	2, 574, 424	2, 282, 520	1, 545, 221	12.8
Ohio:				
Northern	5, 979, 998	5, 503, 518	4, 494, 852	8.7
Southern	4, 672, 019	4, 202, 879	3, 451, 775	11.2
Tennessee:				
Eastern	1, 623, 441	1, 501, 705	1, 410, 825	8.1
Middle	1, 100, 518	977, 053	896, 173	12.6
Western	1, 200, 205	1, 088, 331	984, 720	10.3
7th circuit	20, 725, 578	18, 695, 433	16, 080, 975	10.9
Illinois:				
Northern	7, 720, 576	6, 877, 685	5, 721, 292	12.3
Eastern	1, 471, 371	1, 405, 428	1, 343, 225	4.7
Southern	1, 922, 029	1, 798, 045	1, 647, 659	6.9
Indiana:				
Northern	2, 173, 756	1, 959, 615	1, 592, 794	10.9
Southern	3, 019, 913	2, 702, 883	2, 341, 430	11.7
Wisconsin:				
Eastern	2, 767, 963	2, 467, 394	2, 047, 030	12.2
Western	1, 649, 970	1, 484, 383	1, 387, 545	11.2
8th circuit	15, 998, 613	15, 001, 776	14, 065, 606	6.6
Arkansas:				
Eastern	1, 186, 124	1, 123, 897	1, 188, 611	5.5
Western	737, 171	662, 375	720, 900	11.3
Iowa:				
Northern	1, 377, 638	1, 371, 413	1, 298, 626	.5
Sourthern	1, 447, 403	1, 386, 124	1, 322, 447	4.4
Minnesota	3, 085, 069	3, 413, 864	2, 982, 483	11.5
Missouri:				
Eastern	2, 542, 084	2, 352, 474	2, 143, 218	8.1
Western	2, 135, 315	1, 967, 339	1, 811, 435	8.5
Nebraska	1, 483, 791	1, 411, 330	1, 325, 510	5.1
North Dakota	617, 761	632, 446	619, 636	-2.3
South Dakota	666, 257	680, 514	652, 740	-2.1
9th circuit	30, 281, 337	24, 194, 485	17, 263, 793	25.2
Alaska	302, 173	226, 167	128, 643	33.6
Arizona	1, 772, 482	1, 302, 161	749, 587	36.1
California:				
Northern [3]	5, 035, 266	3, 989, 816	4, 058, 154	26.2
Eastern	3, 143, 471	2, 620, 650	------------	20.0
Central	10, 342, 051	8, 001, 622	------------	29.2
Southern [3]	1, 432, 346	1, 105, 116	6, 528, 069	29.6
Hawaii	769, 913	632, 772	499, 794	21.7
Idaho	713, 008	667, 191	588, 637	6.9
Montana	694, 409	674, 767	591, 024	2.9
Nevada	488, 738	285, 278	160, 083	71.3
Oregon	2, 091, 385	1, 768, 687	1, 521, 341	18.2
Washington:				
Eastern	838, 777	813, 857	699, 285	3.1
Western	2, 570, 392	2, 039, 357	1, 679, 678	26.0
Guam	86, 926	67, 044	59, 498	30.0
10th circuit	9, 423, 272	8, 432, 558	7, 124, 317	11.7
Colorado	2, 207, 259	1, 753, 947	1, 325, 089	25.8
Kansas	2, 249, 071	2, 178, 611	1, 905, 299	3.2
New Mexico	1, 016, 000	951, 023	681, 187	6.8
Oklahoma:				
Northern	654, 349	581, 542	491, 620	12.5
Eastern	520, 403	617, 896	720, 153	-15.8
Western	1, 384, 501	1, 128, 846	1, 021, 578	22.6
Utah	1, 059, 273	890, 627	688, 862	18.9
Wyoming	332, 416	330, 066	290, 529	.7

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[1] Eastern and Western districts of South Carolina consolidated under Public Law 89-242, effective Oct. 7 1965.

[2] The Middle district of Florida established under Public Law 87-562, effective July 30, 1962.

[3] The Eastern and Central districts of California were established under Public Law 89-372, effective Sept. 18, 1966.

Source: Census of Population, Advance Report, U.S. Bureau of the Census.

Mr. McCULLOCH. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, the first question I wish to ask the chairman of the committee is whether he intends to stay with the $50,000 that he is asking to be authorized for the support of this Commission, or whether he expects to come in with a supplemental for $500,000 or some such figure.

Mr. CELLER. It would be only a 6-month Commission, and the estimates that we get from the Director of the Administrative Office of the U.S. Courts indicate that maybe only $40,000 will be spent, not $50,000 which is authorized in the bill.

Mr. GROSS. I hope the gentleman is correct, and I hope you stay with the $50,000, since that is the presentation and justification you are making to the House today.

On page 6 of the bill, you definitely limit the scope of this bill to the geographical boundaries of the circuits. Why should not the proposed Commission have a look at whether these judges are performing properly, whether they are spending the time on the job that they ought to be spending? Why was the work of the Commission limited exclusively to boundaries? Can the gentleman from Virginia give me a little help on that question? Why was the work of the Commission limited to geographical boundaries and not broadened to include any other aspect of the functioning of courts of appeal?

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I am glad to yield to the gentleman from Virginia.

Mr. POFF. The bill as drawn had a much broader scope. It would have authorized the Commission to inquire not only into questions of geography but also questions of jurisdiction, procedure, and perhaps other proposed changes in the law. But that would have required a 2-year period. It would have involved an expenditure in excess of a half million dollars. And the recommendations of the Commission were to become law with the inaction of the Congress. We felt that it would be wiser to limit the mandate to the Commission.

Mr. GROSS. Let me ask the gentleman this pertinent question: Why was the position of the Department of Justice not included in the report accompanying the bill? There is nothing in the report to indicate its position. I would think that the Department of Justice would be one Department whose reaction the committee would have sought

Mr. POFF. It is true, as the gentleman has said, that there is no formal communication from the Department printed in the report, but the text of the report cites the fact that the Justice Department supports the bill with this limited mandate.

Mr. GROSS. Let me ask the gentleman this question. At the bottom of page 6 of the bill the language provides that the Director of the Administrative Office of the U.S. Court shall serve as Executive Director to the Commission, and then in the next sentence on page 7 the bill refers to "The Administration Office of the United States Courts." Do we have two such offices?

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Virginia.

Mr. POFF. The gentleman has preempted my own thought. Not more than an hour ago I called this typographical error to the attention of the Clerk. It will be corrected by an appropriate amendment.

Mr. GROSS. That leads to my next question. Why cannot the Administrative Office of the U.S. Courts or the so-called Federal Judicial Center, or the two in combination, instead of creating a commission and spending $50,000, come in with a recommendation?

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. McCULLOCH. Mr. Speaker, I yield the gentleman from Iowa 1 minute.

Mr. GROSS. Mr. Speaker, I yield to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, I was about to say in response to the gentleman's question that the Administrative Office of the U.S. Courts and the Federal Judicial Center are both oriented toward the Judiciary, and the committee felt it would be best to have the commission consist of both professionals and laymen.

Mr. McCULLOCH. Mr. Speaker, I yield the remaining time to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, under any rules of procedure of the House, this committee today closely exemplifies the fact that those in opposition to a bill should demand and obtain the "second", rather than flavor their action with the milk of human kindness.

Be that as it may, the reasons have been many times multiplied here today as to why this bill should be at least considered under limited debate and not brought up by unanimous consent. I think the colloquy has amply proved that.

I, for one, do appreciate the committee's actions in "sweetening" this bill as they have. The fact remains we are populating ourselves out of existence, and the statistics submitted by the gentleman from Ohio are impressive. Although we are rapidly becoming judicially—as well as consumers—beyond the capability of producers to support, the question here is not simply the increase in population relative to the number of judges that we in this body have created according to the Constitution. It is a question of additional assignments of jurisdiction plus the self-assumed duties of the various courts by fiat and by decree which have brought about the problem and the great backlog of cases. It is the problem of the judicial image being tarnished by other responsibilities than attendance in the court—and being first off the golf tee instead of doing overtime in the courtrooms—that has allowed the backlog of cases to build up. This can only be solved by our changing the rules of appointment, tenure, and termination in the entire judiciary.

The answer is not more personnel, more money, more clerks, more magistrates, and more executive officers.

Mr. Speaker, I would like to ask what the members of the Commission will be paid if they are appointed from outside the executive, legislative, or judicial branches?

Members are only to be paid expenses according to the report, but their staffs, of course, are allowed an authorization of $50,000. It appears, furthermore, that there is some reservation, because the use of the word "appears," or the phrase "on the face of it" is replete in the Administrative Office of the U.S. Courts concurrence in this bill.

For all these reasons, I question whether we should establish another Commission or whether we should rather do our own duty, ourselves.

I finally question whether this Advisory group comes under last week's passage of the Federal Advisory Committee Standards Act in this body, or not.

Mr. RARICK. Mr. Speaker, H.R. 7378 would establish a commission to redistrict the judicial circuits of the United States. Judging from the debate, the prime criteria for redistricting will be the circuits' caseloads or even more interestingly upon their backlogs.

The committee report indicates that the caseload of the Supreme Court of the United States has remained fairly constant for some time, while the court of appeals, with 97 judges is said to continue to suffer from the pressures of an ever-increasing volume of litigation.

I most certainly agree that the caseload figures submitted indicate that attention must be given to our appellate court process. However, I question that merely redefining the circuits geographically would in itself offer any solution in removing the case backlog or in settling the differences of judicial temperament and the variances of judicial discretion among the various judges of the circuits.

Little consideration is being given to the causes responsible for the ever-increasing volume of litigation. I was happy to learn from the gentleman from Virginia (Mr. POFF) that at least modification of appellate jurisdiction was recognized as one solution to the problem. Yet, nowhere in this legislation is the commission authorized to consider repeal or revision of any appellate jurisdiction which has been conferred by the Congress. Anyone familiar with the judicial process in this country, is aware that the backlog in justice is the result of the volumes of so-called reform legislation which has been passed by this Congress authorizing extension of Federal questions. Appellate courts, especially the Fifth Circuit Court of Appeals in which my district is located, is deluged with class actions, cases on social justice, race relations, school desegregation, with a dismal promise for the future with increased litigation from consumerism and ecology.

Also involved is the matter of judicial

discretion, which is beyond legislation. There is a wide variation between the exercise of judicial discretion among judges of the various circuits. Certainly many of the judges in those circuits who feel that they are so overworked bring much of their overload upon themselves by failure to exercise sound discretion as to what is a justiciable matter and, by warping the rules of their court and expanding the interpretation of our laws, seem to go out of their way to find an excuse to grant appellate jurisdiction.

In my area, citizens grow weary of being told that justice must be delayed while the appellate judges are busy making headlines over cases deciding the length of a young girl's skirt, the proper length of a boy's hair that will allow him to remain in school, or the spectacle of holding court on a high school teacher to force him to remove a Confederate flag from his office, or to enjoin a high school from allowing its band to play "Dixie," or to be told that the judge is in Washington or New York City cutting national TV tapes to prevent confirmation of a Supreme Court appointee, or to redistrict a school board or a State legislature, or congressional districts so that they can conform to some one-man one-vote theory of equality of numbers.

I most certainly agree that we have a problem, not with the Federal courts, but for the most part, with some who presently serve on the bench and who lack the initiative and fair judgment to run their own office. If they are unable to dispose of their own backlog, then we most certainly accomplish nothing by continuing to give them jurisdiction by passing new reform laws. To the contrary, if they look to us to solve their little crises of procrastination because they are socially occupied playing golf and attending judicial seminars, we do not need any commission to rubber stamp approval of their recommendations—which we all know will be that we give them additional judges—we need only here in this House to modify their appellate juridiction under existing laws and start limiting their discretion to grant appeals on every whim. Justice would not be harmed more than it now is by delay since the Supreme Court has the right to review lower court decisions by way of writs.

By way of passing, I note that the committee report which accompanies the bill contains an interesting letter from the U.S. Commission on Civil Rights to the chairman, which I would like to read:

U.S. Commission on Civil Rights,
Washington, D.C., May 17, 1971.

Hon. Emanuel Celler,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This is in response to your request of April 13 for comments of this agency on H.R. 7378—To establish a Commission on Revision of the Judicial Circuits of the United States.

H.R. 7378 is a bill establishing a Commission on the Revision of the Judicial Circuits of the United States. The proposed Commission would study the present division of the United States into several judicial circuits and would recommend to the President, Congress, and the Chief Justice of the United States, appropriate changes designed to more expeditiously and effectively dispose of judicial business in the United States Courts of Appeal. Section 6 provides that the Commission shall submit a final report within two years of the date of the act. Its recommendation shall take effect within 90 days of the final report subject to specific disapproval by Congress in part or in whole.

On its face, the establishment of this Commission, with its attendant obligation to make recommendations appears to have no adverse consequences from the viewpoint of this agency. Section 6 appears to provide sufficient safeguards for legislative consideration of recommendations which might have adverse civil rights consequences.

Since it is not known what specific recommendations the Commission proposed by H.R. 7378 would make, any comment on this issue would be purely speculative and premature. In the event that the Commission on Revision of the Judicial Circuits is established by Congress, the Commission on Civil Rights would be pleased to have an opportunity to comment on draft recommendations before a final report is made to the President and Congress as provided in Section 6 of the bill.

Sincerely,

Howard A. Glickstein.

It is not quite certain whether the committee regards the Civil Rights Commission as an appellate forum over the commission here sought to be established. But it does raise questions as to why the Civil Rights Commission was requested to comment on the appellate revision or if it is now necessary to have a no-opposition report from the Civil Rights Commission before Congress can consider judicial legislation. Especially is this true noting the suggestion that the Civil Rights Commission be granted an opportunity to comment on the proposed draft recommendations before the final report is returned to the President, or Congress. Such inquiry is only aggravated by consideration as to why the Civil Rights Commission letter was regarded so important to this legislation that it was included in the report which accompanies this bill, unless it is an acknowledgement that civil rights legislation constitutes a major portion of the backlog.

Because I do not feel that the commission duty proposed by this legislation will solve the problems we all acknowledge exist, I oppose this legislation. Rather, I feel that this problem can only be solved by limiting appellate jurisdiction and by demanding that those who occupy the Federal bench devote their full time and energies to their judicial duties. The American people have the right to a full financial disclosure of the outside interests of Federal judges who now seek additional relief at taxpayers' expense.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. Celler), that the House suspend the rules and pass the bill H.R. 7378, as amended.

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 319, nays 25, not voting 87, as follows:

[Roll No. 151]

YEAS—319

Abourezk
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Baring
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Dellenback
Dellums
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffiths
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
King
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Long, Md.
Lujan
McCloskey
McClure
McCollister
McCulloch
McDade
McDonald, Mich.
McFall
McKinney
McMillan
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Obey
O'Hara
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Saylor
Scherle
Schneebeli
Schwengel
Sebelius
Seiberling
Shipley
Shriver
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stokes
Stratton
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.

Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Young, Tex.
Zablocki
Zion
Zwach

NAYS—25

Abbitt
Abernethy
Andrews, Ala.
Ashbrook
Camp
Chappell
Gaydos
Gross
Hall
Jones, N.C.
Mathis, Ga.
O'Konski
Poage
Rarick
Satterfield
Scott
Sikes
Spence
Steiger, Ariz.
Stuckey
Waggonner
Whitten
Winn
Wylie
Young, Fla.

NOT VOTING—87

Addabbo
Anderson, Tenn.
Badillo
Baker
Barrett
Belcher
Bell
Bingham
Blackburn
Blanton
Bow
Chamberlain
Chisholm
Clay
Conyers
Cotter
Curlin
Davis, Ga.
Davis, S.C.
Delaney
Denholm
Diggs
Dowdy
Dulski
Edmondson
Eshleman
Evins, Tenn.
Fish
Ford, Gerald R.
Fraser
Frelinghuysen
Galifianakis
Gallagher
Goldwater
Green, Pa.
Griffin
Hagan
Halpern
Hanna
Hawkins
Helstoski
Hull
Johnson, Calif.
Jones, Tenn.
Kemp
Kluczynski
Link
Lloyd
Long, La.
McClory
McCormack
McEwen
McKay
McKevitt
Macdonald, Mass.
Madden
Melcher
Mikva
Miller, Calif.
Mills, Ark.
Mitchell
Mizell
Mollohan
Nichols
Nix
O'Neill
Peyser
Pickle
Pryor, Ark.
Pucinski
Robison, N.Y.
Rodino
Rousselot
St Germain
Sarbanes
Scheuer
Schmitz
Shoup
Sisk
Stephens
Stubblefield
Sullivan
Thompson, Ga.
Udall
Whalley
Wilson, Bob
Yatron

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Gerald R. Ford.
Mr. Rodino with Mr. Bow.
Mr. Addabbo with Mr. Whalley.
Mr. Davis of Georgia with Mr. Rousselot.
Mr. Delaney with Mr. Fish.
Mr. Dulski with Mr. Halpern.
Mr. Green of Pennsylvania with Mr. Eshleman.
Mr. Hagan with Mr. Schmitz.
Mr. Helstoski with Mr. Frelinghuysen.
Mr. Hull with Mr. Belcher.
Mr. Jones of Tennessee with Mr. Lloyd.
Mr. Kluczynski with Mr. McClory.
Mrs. Sullivan with Mr. Chamberlain.
Mr. Sisk with Mr. Bob Wilson.
Mr. Yatron with Mr. Kemp.
Mr. Macdonald of Massachusetts with Mr. McEwen.
Mr. Mikva with Mr. Barrett.
Mr. Miller of California with Mr. Bell.
Mr. Nichols with Mr. Shoup.
Mr. Nix with Mr. Gallagher.
Mr. Pickle with Mr. Thompson of Georgia.
Mr. Pucinski with Mr. Bingham.
Mr. Sarbanes with Mrs. Chisholm.
Mr. St Germain with Mr. Peyser.
Mr. Stubblefield with Mr. Mizell.
Mr. Stephens with Mr. Blackburn.
Mr. Madden with Mr. Clay.
Mr. Mollohan with Mr. McKevitt.
Mr. Cotter with Mr. Conyers.
Mr. Blanton with Mr. Curlin.
Mr. Anderson of Tennessee with Mr. Baker.
Mr. Hanna with Mr. Robison of New York.
Mr. Fraser with Mr. Diggs.
Mr. Davis of South Carolina with Mr. McKay.
Mr. Link with Mr. Long of Maryland.
Mr. Udall with Mr. Scheuer.
Mr. Denholm with Mr. Mitchell.
Mr. Hawkins with Mr. Badillo.
Mr. Edmondson with Mr. Galifianakis.
Mr. McCormack with Mr. Mills of Arkansas.
Mr. Evins of Tennessee with Mr. Goldwater.
Mr. Griffin with Mr. Melcher.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill (H.R. 7378) just passed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING SECRETARY OF THE INTERIOR TO PARTICIPATE IN PLANNING AND DESIGN OF NATIONAL MEMORIAL TO FRANKLIN DELANO ROOSEVELT

Mr. NEDZI. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 812) to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the joint resolution approved August 11, 1955 (69 Stat. 694), providing for the establishment of a Commission to formulate plans for a memorial to Franklin Delano Roosevelt, is amended by redesignating section 3 as section 4 and inserting the following new section:

"SEC. 3. The Secretary of the Interior is authorized, upon the request of the Commission, to participate in the planning and design of the memorial."

(b) Section 4, as herein redesignated, of such joint resolution is amended to read as follows:

"SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution."

The SPEAKER. Is a second demanded?

Mr. SCHWENGEL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. NEDZI. Mr. Speaker, the purpose of this joint resolution is to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt. This legislation has been unanimously approved by the Committee on House Administration.

As you know, Congress in 1955 established the Franklin Delano Roosevelt Memorial Commission and directed it to formulate plans for a memorial to the late President. Subsequently, Congress reserved 27 acres in West Potomac Park as the site. However, there has not been concurrence on a design for the memorial on the part of the appropriate authorities.

Recently, the concept of a national rose garden was advanced, and it appears that this plan has appeal to all parties concerned. Accordingly, the Chairman of the Franklin Delano Roosevelt Memorial Commission, the Honorable Eugene J. Keogh, advises that the Commission has requested the assistance of the Department of the Interior in this matter, and that the passage of this joint resolution would expedite the erection of a suitable memorial and insure that the ultimate design would conform to the long range plans of the Park Service for the area.

The Department of the Interior, in recommending the enactment of this legislation, estimates the costs of planning and design, including materials, to be $175,000.

Comments on House Joint Resolution 812 were requested from the Department of the Interior, the Commission of Fine Arts, the National Capital Planning Commission, the District of Columbia, and the Franklin Delano Roosevelt Memorial Commission. None expressed any objections to this measure.

Mr. Speaker, as you know, more than a quarter century has passed since the death of President Roosevelt. In my view, an appropriate and lasting memorial to F. D. R. is long overdue, and this legislation will spur concerted action toward its realization. Accordingly, I urge the final approval of House Joint Resolution 812.

Mr. SCHWENGEL. Mr. Speaker, I rise in support of this joint resolution and yield myself such time as I may consume.

I believe it is fitting and proper that the Park Service be involved in this, through the Secretary of the Interior. I had much to do with the planning, preparation, and care aspects. I believe it is fitting and proper that this joint resolution be considered and advanced.

I should like to point out that this kind of a memorial is not a new idea. We have the site for the memorial for Teddy Roosevelt. We took Roosevelt Island and built a setting there where we had an appropriate memorial in a fine setting.

I believe this is an appropriate and hopefully an adequate memorial to a great leader in a very critical time.

Those Members who have served in the House of Representatives for a number of years remember well that we have gone round on this matter several times previously in efforts to reach agreement as to a suitable monument for our late President.

The Franklin Delano Roosevelt Commission was established in 1955 to formulate plans for a suitable memorial. In 1959 the Commission was authorized to hold a national competition for a memorial design. The prize-winning design was the cluster of giant stone tablets which was immediately dubbed as the "Instant Stonehenge," and was turned down. In an effort to gain acceptance that design was modified but it was still rejected, as was another new design.

Finally it was proposed that a rose garden be planted to honor the Nation's 32d President and that idea seems to have gained general acceptance.

The rose garden memorial would be located on a site already reserved in West Potomac Park in the area between the Tidal Basin and the Potomac River. An important reason for bringing the Interior Department in at this time to participate in the planning of the memorial is to help assure that the plans are in keeping with the overall plans for the Mall and surrounding areas.

I believe that the rose garden along with a modest but appropriate statue would be a fitting memorial to our late President Franklin D. Roosevelt. Incidentally, Mr. Speaker, the name "Roosevelt," as I understand it, from its Dutch origin means "Field of Roses."

Mr. Speaker, I urge the passage of this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. May I ask the gentleman why this bill was left with an open-end authorization?

Mr. SCHWENGEL. We discussed this matter. I believe the chairman of the committee outlined the estimated cost of $175,000. The plans now are to get the money from the public by donation.

There is a fund somewhere, and the chairman may be able to confirm this, of money now in the extent of some substantial amount to be used for this.

Mr. NEDZI. Mr. Speaker, if the gentleman will yield, the Department of the Interior has indicated the estimate of the cost would be $175,000. The reason why there is an open-end authorization is that we do not know for certain just what the amount will be.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, that is the whole point of the authorizing legislation. The Members of the House are entitled to have some fixed amount. Under a suspension of the rules procedure no amendment can be affored even to write in a limitation of $175,000.

Let me ask the gentleman another question. Perhaps colleagues on the other side of the aisle can answer. How much has already been spent on architectural fees, planning, and so on and so forth, for a memorial for President Franklin Delano Roosevelt? Does anyone have an estimate?

Mr. SCHWENGEL. I have one figure. It is a substantial amount used in the original planning, something over $300,000 already put into planning.

Mr. NEDZI. Mr. Speaker, if the gentleman will yield, it is $360,000. This includes the prize money that was awarded for the design which was subsequently turned down.

Mr. SCHWENGEL. And that was under a provision of legislation authorized by the Congress some years ago, I think in 1955.

Mr. GROSS. Will the gentleman yield further?

Mr. SCHWENGEL. Yes.

Mr. GROSS. If I may ask the gentleman from Michigan, was the winning architect, the architect who came up with the proposal for concrete slabs all over the 27 acres, or was it the architect who is now recommending a rose garden?

Mr. NEDZI. No, the winning design was the so-called concrete slabs.

Mr. GROSS. And that was rejected out of hand by the Roosevelt family; was it not?

Mr. NEDZI. Among others, that is correct.

Mr. SCHWENGEL. And by the Congress.

Mr. GROSS. That is some $360,000-odd down the drain.

Mr. HALL. Will the gentleman yield?

Mr. SCHWENGEL. Yes, I yield to the gentleman.

Mr. HALL. May I ask if under the rose garden concept it is planned to use the entire 27 acres of the Potomac Park area?

Mr. SCHWENGEL. As I understand it, this is yet to be considered. We have that set aside under authority of the Congress itself. My observation is when the question was raised before the committee that that may or may not be.

Mr. HALL. I hope the legislative record might be made that that portion which is not to be used for an appropriate rose garden would revert to the National Park Service for continued use by the public.

Mr. SCHWENGEL. It will. As I understand the legislation as now written, that will be the provision.

Mr. HALL. I thank the gentleman.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. NEDZI) that the House suspend the rules and pass the joint resolution (H.J. Res. 812).

The question was taken.

Mr. ROSTENKOWSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 332, nays 3, not voting 91, as follows:

[Roll No. 152]

YEAS—332

Abbitt
Abernethy
Abourezk
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baring
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Dellenback
Dellums
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Long, Md.
Lujan
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McFall
McKinney
McMillan
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Obey
O'Hara
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Satterfield
Saylor
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stuckey
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—8

Clawson, Del
Crane
Daniel, Va.
Goldwater
King
Landgrebe
O'Konski
Scherle

NOT VOTING—91

Addabbo
Anderson, Tenn.
Badillo
Baker
Barrett
Belcher
Bell
Bingham
Blackburn
Blanton
Bow
Brooks
Carey, N.Y.
Celler
Chamberlain
Chisholm
Clausen, Don H.
Clay
Conyers
Cotter
Curlin
Davis, Ga.

Davis, S.C.
Delaney
Denholm
Diggs
Dowdy
Dulski
Edmondson
Eshleman
Fish
Ford, Gerald R.
Fraser
Frelinghuysen
Galifianakis
Gallagher
Green, Pa.
Hagan
Halpern
Hanna
Hawkins
Helstoski
Holifield
Hull
Jones, Tenn.
Keith
Kemp
Kluczynski
Link
Lloyd
Long, La.
McClory
McCollister
McCormack
McEwen
McKay
McKevitt
Macdonald, Mass.
Madden
Mailliard
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Mitchell
Mizell
Mollohan
Nichols
Nix
O'Neill
Peyser
Pickle
Pryor, Ark.
Pucinski
Robison, N.Y.
Rodino
Rousselot
St Germain
Sarbanes
Scheuer
Schmitz
Shoup
Sisk
Stephens
Stubblefield
Sullivan
Thompson, Ga.
Udall
Whalley
Wilson, Bob
Yatron

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Gerald R. Ford.
Mr. Rodino with Mr. Bow.
Mr. Addabbo with Mr. Whalley.
Mr. Davis of Georgia with Mr. Rousselot.
Mr. Delaney with Mr. Fish.
Mr. Dulski with Mr. Halpern.
Mr. Green of Pennsylvania with Mr. Eschleman.
Mr. Hagan with Mr. Schmitz.
Mr. Helstoski with Mr. Frelinghuysen.
Mr. Hull with Mr. Belcher.
Mr. Jones of Tennessee with Mr. Lloyd.
Mr. Kluczynski with Mr. McClory.
Mrs. Sullivan with Mr. Chamberlain.
Mr. Sisk with Mr. Bob Wilson.
Mr. Yatron with Mr. Kemp.
Mr. Macdonald of Massachusetts with Mr. McEwen.
Mr. Mikva with Mr. Barrett.
Mr. Miller of California with Mr. Bell.
Mr. Nichols with Mr. Shoup.
Mr. Nix with Mr. Gallagher.
Mr. Pickle with Mr. Thompson of Georgia.
Mr. Pucinski with Mr. Bingham.
Mr. Sarbanes with Mrs. Chisholm.
Mr. St Germain with Mr. Peyser.
Mr. Stubblefield with Mr. Mizell.
Mr. Stephens with Mr. Blackburn.
Mr. Madden with Mr. Clay.
Mr. Mollohan with Mr. McKevitt.
Mr. Cotter with Mr. Conyers.
Mr. Blanton with Mr. Curlin.
Mr. Anderson of Tennessee with Mr. Baker.
Mr. Hanna with Mr. Robison of New York.
Mr. Fraser with Mr. Diggs.
Mr. Davis of South Carolina with Mr. McKay
Mr. Link with Mr. Long of Maryland.
Mr. Udall with Mr. Scheuer.
Mr. Denholm with Mr. Mitchell.
Mr. Hawkins with Mr. Badillo.
Mr. Edmondson with Mr. Galifianakis.
Mr. McCormack with Mr. Mills of Arkansas.
Mr. Pryor of Arkansas with Mr. Keith.
Mr. Celler with Mr. Mailliard.
Mr. Carey of New York with Mr. McCollister.
Mr. Metcalfe with Mr. Don H. Clausen.
Mr. Holifield with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RICHARD CHAPUT: MORE ON THIS REMARKABLE MAN

(Mr. CLEVELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, in the CONGRESSIONAL RECORD, volume 117, part 8, page 10152, I made remarks entitled, "Richard Chaput, a Remarkable Man." at that time, I told something of the life which Dick Chaput has made for himself, though he has been paralyzed from the neck down by poliomyelitis for almost 25 years. I commented that I hoped to be with him for the occasion of his 34th birthday.

Well, by good fortune, I was able to be with Dick for his birthday. Just as every other time I have been with Dick Chaput, this was an inspiring occasion, and a reminder of the importance of faith, and the rewards of hard work. For Dick has based his life on the faith of his religion, and has made his life meaningful to himself and others through his hard work.

Mr. Speaker, not only was I able to be with Dick Chaput on that memorable day, but I was pleased to read with him an eloquent telegram from President Nixon.

But not only did the President send this telegram to Dick Chaput, but he also made the opportunity to meet him during a brief visit to Nashua, N.H., later in the summer. This is a great tribute to Dick Chaput, and what he has made of himself; it is also a commentary on our President that he would take time to give personal recognition to this remarkable man who has made such a meaningful life for himself against such a handicap.

Mr. Speaker, in my remarks of April 7, 1971, I commented that Dick Chaput had published one book, "Not To Doubt," and that a second is in manuscript form. It is a pleasure to bring that comment up to date by noting that the second book, "All I Can Give," is about to go to press, published by Alba House Communications.

At this point, I would like to return briefly to a point I made in my remarks last year, on the relativity of problems. Each person has his own problems, and usually thinks them to be serious. But, a visit with Dick Chaput is a reminder that in fact most of our problems are indeed small, and that even our largest ones can be met if faced with faith in God and determination to overcome them. This is a lesson we should all remember in these trying times.

Mr. Speaker, at this point I would like to insert the text of President Nixon's telegram to Richard Chaput in the RECORD.

THE WHITE HOUSE,
Washington, D.C., April 14, 1971.

MR. RICHARD CHAPUT,
Nashua, N.H.

It pleased me to learn from your Congressman and my good friend, Jim Cleveland, of the tremendous courage and inspiring desire to serve which has enabled you to overcome overwhelming obstacles and set a record of civic achievement that all may imitate.

Your finest testimonial on this birthday is surely the heart-warming knowledge that you have brought so much joy and satisfaction to others. May this thought and the esteem and admiration of so many fellow citizens make this day a particularly memorable one for you just as you have made so many days happier for those whom you have generously helped throughout your life.

My warmest congratulations to you and best wishes always.

RICHARD NIXON.

COMPARISON OF MINING IN NORTH VIETNAM AND SOUTH VIETNAM

(Mr. TALCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALCOTT. Mr. Speaker, it is amazing and shocking to hear and see TV commentators, Members of this House, students, columnists, and editorial writers condemning the mining of Haiphong harbor by the United States who have not once mentioned, let alone criticized, the long and continuous mining in South Vietnam by the North Vietnamese and the Vietcong. Apparently it depends upon whose "ox is being gored" or whose side you are on. The evidence is clear, however. The comparison is dramatic. I feel compelled to invite some attention to a comparison between the mining in South Vietnam and in North Vietnam.

The U.S. mining of Haiphong Harbor was the most humane in the history of warfare. Three days notice; begun May 11, 1972; full warning of the exact locations of the mines; their purpose is only to interdict shipment of war materials bound for the invasion of South Vietnam. There are no victims of our mines except those who knowingly take a calculated risk.

The North Vietnamese and Vietcong mining in South Vietnam is the most vicious. It has been occurring continuously for more than 10 years; it is clandestine and indiscriminate; its purpose is to terrorize as well as to destroy; their mines have been positioned anywhere and everywhere: harbors, open sea, rivers, warehouses, hospitals, lakes, schools, paddies, officers' clubs, canals, bridges, parliaments, pleasure boats, bicycles, airports, roads, utilities. Their targets have been military, civilian, women, children. They give no warning. Enemy mines are being accidentally detonated every day by unsuspecting persons throughout South Vietnam.

I abhore mining by anyone and deplore the situation that required mining to become a tactic of the United States, but I believe any discussion of mining in this war should be complete and objective and not just self-serving.

You would expect the Vietcong, North Vietnamese, and the Communists to report only the mining in Haiphong—but it is shocking to see and hear Americans present so repetitiously such a lopsided picture and to misrepresent the tactic in a way which only damages our objective and aids the enemy. I urge you to look behind the report and make your own comparisons. The mining is only one face of this horrendous war—but an objective comparison can be instructive and perhaps indicative of other tactics and goals of the combatants.

HOW NOT TO BACK AMERICA

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, in Fort Walton Beach, Fla., last week, under the sponsorship of radio station WFTW with the support of other news media, the local townspeople staged a parade of thousands with flags and banners down flag-lined streets attesting to their support of America's objectives in Indochina as outlined by the President. There were no sour notes, no protest placards, and no antiwar demonstrators. These efforts were climaxed by gathering 16,000 signatures in support of the President's program. A delegation from Fort Walton Beach came to Washington on Friday, were taken to the White House by me for delivery of the signatures. They were very cordially received. The visit to the White House and the signatures were characterized as the first concrete results which bear out the widespread support which it is believed is felt for America's air strikes against the North Vietnamese offensive.

I consider this an outstanding demonstration of the patriotic spirit which I am confident prevails throughout the Nation. In today's overorganized world, antiwar protests and demonstrations can be put together with a few well-placed telephone calls to people whose business it is to create disturbance. Regretfully, there have been few similar efforts to bring out the true facts of America's patriotic motivation and the public is confused. The people of Fort Walton Beach in Florida's first and finest district are to be congratulated and praised for what they did.

The extremely limited coverage given to this dramatic enterprise by the Washington newspapers is very disappointing. In substance, they ignored what was probably the Nation's outstanding example of patriotic support of the President's end-the-war program in Vietnam. But they recorded every antiwar demonstration of any kind throughout the Nation.

It is interesting to speculate on what would have been the press coverage in Washington had there been an antiwar demonstration in Fort Walton Beach, or even had a dozen hecklers interfered with the progress of the patriotic march which took place there. Let me say for the local television stations that they showed no such disregard of the Fort Walton Beach program. It is very disappointing when important segments of the national press portray events in America in a manner which pleases Hanoi and discourages the people of America.

PUBLIC'S RESPONSE TO PRESIDENT NIXON'S DECISION TO MINE HAIPHONG

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, we have all read about the reports that the White House was receiving an overwhelming amount of mail and telegrams in support of the President's latest decision with respect to the mining of Haiphong. Well, I do not know how other Members' mail, telephone calls, and telegrams are running, but I thought it might be of interest to note that, as of this morning, unsolicited communications to me from people in the 14th Congressional District of Ohio, are running this way: The total of letters, telegrams and phone calls received in my office and opposed to Nixon's decision are 629; for Nixon's decision 21, a ratio of 31 to 1 against the President's decision.

I thank you and yield back the balance of my time.

MAGISTRATE'S PAY SHOULD NOT EQUAL JUDGES

Mr. MAYNE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, I wish to call attention of my colleagues in the House to a bill which is coming up Tuesday to increase the salaries of U.S. magistrates. Full-time magistrates now receive $22,500, but the committee bill would raise the ceiling permitting them to receive as much as $36,000. This would be 90 percent of the salary of district judge who receives $40,000, only $4,000 more than the ceiling now proposed for magistrates.

I propose to offer an amendment in which a number of colleagues on the Judiciary Committee will join which would limit this salary ceiling authorization to 75 percent of a U.S. district judge's salary, rather than 90 percent as the committee bill in its present version now provides.

Mr. Speaker, the position of magistrate is a relatively new one created by the Magistrate's Act in October 1968. When we in the Congress were persuaded to create these new positions we were told they were to be assistants to and not rivals to U.S. district judges. It was never the intent of the Congress that magistrates be given the same power, reresponsibility, authority, or practically the same salary as district judges. Judges, after all, are appointed by the President with the advice and consent of the Senate, whereas magistrates are appointed by the judges themselves as their assistants and subordinates.

Mr. Speaker, I favor a reasonable increase for magistrates and the 75 percent of judge's salary amendment I favor will give them an increase of $7,500 or 33⅓ percent above their present ceiling, which will rise from $22,500 to $30,000. It would rise further automatically whenever judicial salaries were increased. But it is not reasonable and not fair to the Federal judges or taxpayers of this country to raise the ceiling on these recently created magistrates from $22,500 to $36,000, or 60 percent in one fell swoop. I therefore urge my colleagues to support the 75-percent amendment, and to vote against the committee bill if the amendment fails.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, I have requested this time in order to ask the distinguished majority leader if he will inform us of any program changes that might be made this week.

Mr. BOGGS. Mr. Speaker, will the gentleman from Illinois yield?

Mr. ARENDS. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the distinguished minority whip, Mr. Speaker, I would like to announce that we have changed the legislative program for this week.

On Wednesday we will not call up H.R. 11627, the Motor Vehicle Information and Cost Savings Act, and H.R. 6788, the mining and mineral research centers legislation.

Instead, we have programed for Wednesday H.R. 14734, a bill to authorize appropriations for the Department of State and for the U.S. Information Agency.

Mr. Speaker, we have done this in order to consider the authorization for State and USIA prior to the consideration of the appropriation bill for that agency later in the week.

The SPEAKER. May the Chair inquire of the gentleman if that announcement is made subject to a rule being granted?

Mr. BOGGS. That is correct, Mr. Speaker.

Mr. ARENDS. I thank the gentleman from Louisiana.

ALTERNATIVE FEDERAL DAY CARE STRATEGIES

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 15 minutes.

Mr. QUIE. Mr. Speaker, child care and development is an issue which has received considerable attention during the 92d Congress. As we move forward with legislation there are many fundamental questions which are yet to be resolved. On February 16, 1972, I inserted in the RECORD, page 4152, a study done in my own State of Minnesota by the Day Care Policy Studies Group of the Institute for Interdisciplinary Studies. That paper discussed the challenges to the rapid expansion of Federal-sponsored day care programs and attempted to analyze and focus on the policy issues and the questions involved in choosing the ideal blend of day care delivery systems. The report was discussed from the perspective of both pending legislation and regulations and in terms of the perspective of how programs should be administered on the local level. The intent was to provide a framework with which to allocate the limited resources that are available to avoid the usual problems encountered when the Federal Government rapidly expands a program.

I am today inserting the final report done by the same group entitled, "Alternative Federal Day Care Strategies for the 1970's: Summary Report." I think the in-depth work done throughout this study by this institute has been outstanding and has added perspective and dimension to matters which must be considered before finalizing any legislative proposal.

The study itself did not address one point which I feel is of utmost importance if there is to be any new child development legislation—that is establishing programs wherever possible in public schools throughout the Nation. It is my belief that school systems have developed an awareness of the importance of preschool programs and have incorporated many of the changes in their own programs that were initiated by existing Government programs for children. Today it is commonplace to find nonprofessional or uncertified personnel working in classrooms with professional teachers. Educators today do not talk in terms of merely providing kindergarten, but a full range of preschool programs. One of the most important considerations which should accompany any expansion of child development programs must be how to utilize available resources and have maximum parental involvement and participation in order to improve the capability of established national institutions, rather than continue to build parallel and competing educational systems.

There are experimental programs in which child care centers have been established within public school buildings and not only have professional educators been able to work in them, but the high school students have participated as well. Programs in which students have been given responsibilities have been very successful and beneficial to both preschoolers and teenagers alike. Using high school and college students nationwide in child care/development programs could add a new and valuable resource to this field which has not yet been tapped.

School systems that are willing to participate in preschool programs should be given every priority as they offer many advantages. They already have facilities, equipment, transportation, and close ties with the educational system can provide the link through which the efforts made in the early years can be continued and expanded. If there has been one criticism of the Headstart program it is that there are limited lasting effects. It is my belief that, if the schools play a greater role in the preschool program, they will be in a better position to sustain any gains made in the preschool years. I recognize that not all school systems are capable or even willing to participate in preschool programs, but as a general rule from the Headstart experiences it is clear that many school districts have the desire and capability necessary to do so.

Some will contend that child development programs should not be vested in the schools as they believe schools are too rigid. But I think anyone who has observed the growth of the public schools within the last 5 years and taken the time to notice the great change that has taken place, must admit that generalizations about the public schools are both inaccurate and unfair.

Mr. Speaker, in making reference to my feelings about the desirability of utilizing public schools in any expansion of the Federal Government's efforts on behalf of preschool children, I do not wish to detract from the study I am inserting here today. The Day Care Policy studies Group in Minneapolis was not given as one of its responsibilities the exploration of the school matter and it is for that reason that the school question was not addressed. The report is as follows:

FINAL REPORT: PART I—ALTERNATIVE FEDERAL DAY CARE STRATEGIES FOR THE 1970's: SUMMARY REPORT

(This report is submitted to the Office of Economic Opportunity in fulfillment of Contract B00-5121 by the Day Care Policy Studies Group, Institute for Interdisciplinary Studies, Minneapolis, Minn.)

(NOTE.—In this summary, all references to the various volumes of the Final Report will be made in abbreviated form; for example, (*Final Report*, II, V. 1, ch. 3, pp. 58–67) abbreviates Final Report, Part II, volume 1, chapter 3, pages 58–67.))

INTRODUCTION

This volume, a summary of the Final Report, has three policy-oriented goals: First, to provide information concerning the role of day care in advancing various federal objectives; second, to show the relevance of this information to major legislative decisions, specifically those proposed in this report and the day-care-related sections of the Social Security Act Amendments of 1971 and the comprehensive child care bills; and third, to provide recommendations concerning the most effective delivery system for providing increased support to day care, should the federal government decide to do so.

This Summary Report is not intended to be a comprehensive review of all findings concerning day care and child development. We present here only those findings, conclusions, and recommendations that bear most directly on the major questions of policy now facing Congress and the President. Many more detailed findings and recommendations are presented in the other parts of the Final Report.

The strong impetus behind the various proposals for increased federal involvement in child care gains much of its force from the conviction that such services can contribute significantly to the solution of such massive social problems as rising welfare costs, the educational impoverishment that the children of the poor experience, and inequities in the treatment of mothers in the existing employment market.

In some proposed legislation, billions of dollars would be spent with the stated goal of helping to solve these problems by injecting the nation with federally supported day care programs. The unfortunate fact is that it has yet to be established that many of these problems can be significantly diminished by proposed programs. In chapter one we address this question generally by analyzing the situation in which the current federal involvement in day care exists. We explore the problems that many expect will be solved by increased federal involvement in day care, and we isolate several major objectives proposed by advocates of that involvement. Our purpose is to show the ways in which day care is considered as a means to various ends, what those ends might be, and how the possibility of achievement of these ends must be considered in the perspective of the basic concerns of society. Our intent is to show that in some cases there might be more effective responses to the problem than day care, and that increased federal support of day care can be effective only if it is considered in a realistic perspective, as a very limited aid and not a panacea.

In the second chapter, we seek to provide information about the existing day care industry. If federal involvement in day care is to achieve its goals, it must be based upon knowledge of the dynamics and characteristics of the existing industry. This knowledge must include an understanding of the existing resources, as well as an understanding of how the existing industry developed and why it is the way it is. Without this essential background, federal plans and programs run the high risk of being based on opinion, desires, and hopes, rather than knowledge, information, and understanding. Wise use of the existing day care industry and its potential for expansion can allow the government to furnish services at the lowest possible cost, and thus amplify the impact of federal funds. Ignoring the existing capacity of the day care industry will entail unnecessary expense.

The purpose of chapter three is to answer the question: "Should the federal government provide more day care services?" The answer to this question is complex. We analyze the question from the perspectives of the various federal objectives and social concerns discussed in chapter one; and we evaluate the potential for achieving these objectives through increased involvement in day care services. Necessarily, our answer goes beyond that simple question of whether or not the federal involvement should increase its support of day care.

Much of the debate on the subject of day care has been concerned with its relationship to child development services. In chapter four our intent is to analyze and clarify this relationship. In view of the possible long-range objectives of federal support of child care, and in an attempt to respond to the basic social concerns underlying those objectives, we also discuss child development as an end in itself, exclusive of any relation to day care. As in chapter three and chapter one, our purpose is to respond to the broader, longer-range questions of the function of federally supported child development programs.

In chapter five, we analyze and make our recommendations concerning the delivery system best suited to increased federal involvement in day care. Our basic purpose is to ensure that day care would be allowed to develop in the manner most suited to the needs of the American public, not only in response to the immediate problems that have stimulated public interest but in readiness to respond to problems that may arise in the future. The predicted needs for day care are expected to evolve rapidly, thus requiring a flexible industry. Further, forecasts of future need could be upset by unpredictable trends; the discussion and recommendations presented in chapter five take this unpredictability into account in considering the best delivery system to meet current needs of the government and the public.

Because this summary document has been especially written for policymakers, we have included a chapter that proposes guidelines and modifications by which the recommendations made in the report can be implemented. Chapter six presents detailed specifications for the delivery system, the method of payment, the key resources program, and for further research and development. We have also included critiques of the relevant portions of the proposed Amendments to the Social Security Act of 1971 and the proposed comprehensive child development legislation along with specific recommendations for modifications that would enhance the possibility of this legislation achieving federal objectives and solving the social problems to which they were intended to be responsive.

In placing the material presented in this report in accurate perspective, two general comments are pertinent. First, as in any treatment of major federal policy issues, we were plagued by the varying quality of pertinent data, and in many cases its absence. We have sought to present the data available on relevant points, provide estimates where necessary and useful, to comment on uncertain data, and to reflect in policy recommendations the degree of uncertainty that lack of current knowledge in specific areas seems to dictate.

Second, while we have sought to be as objective as possible in our treatment of this complex topic and to present reasoning and data on all sides of policy alternatives, it is clearly impossible for any policy analysis of this nature and scale to be entirely value-free. In the interest of increased objectivity, therefore, we are bound to acknowledge that certain beliefs, values, and perhaps biases have influenced our thinking throughout the course of this study. First, we believe that a central concern of social programs should be the welfare of the poor and the disadvantaged. Thus, while we have presented a wide range of potential federal objectives drawn from current debate concerning child care, we believe the welfare of the poor and disadvantaged deserves paramount consideration. Second, we believe in equitable treatment for all like individuals under federal programs; it is our bias that if a certain type of service, such as day care, is to be made available under federal sponsorship in response to the needs of some individuals, it should be made available to all individuals with the same need. Third, given the fact of limited national resources and the pressing needs of the disadvantaged, we believe that only programs of proven value should be implemented on a national scale. Thus, we feel that rigorous assessment of the value of potential services and the effectiveness of proposed methods of service delivery through well-designed pilot program and demonstrations should precede the legislative mandate of delivery. To those who argue that certain services, although of unproven value, may do not harm and might help if delivered to the disadvantaged, we reply that there are alternatives for the expenditure of such funds which will better serve the interests of the disadvantaged. These include (a) increasing the level of federal investment in other services of proven value, (b) increasing financial assistance, and/or (c) making investments in research, demonstrations, and evaluations to develop truly effective services in areas of critical need. A fourth bias relates to our conviction that the "free market" model of service delivery is preferable to the "central planning" delivery model. In addition to the reasons that lead to this general conviction there are particular reasons for favoring a market model method of providing federal support. This method would be responsive to parents' expressed preferences for a range and variety of services, and be consistent with the inevitable central role of parents in the care of their children. The free market concept is also consistent with our belief that poor families in general can and should participate substantially as day care providers in their communities under any expanded federal program.

1.0 STATEMENT OF THE PROBLEM

At present current federal support for day care and child development is estimated at more than $500 million. This report is intended to directly support federal policy makers who are considering a significant extension of this current federal involvement. Such consideration is now under way. The pending H.R. 1 bill proposes to allocate $750 million for child care services per year. Comprehensive child care legislation proposed by Senator Javits would increase the cost to $1.2 billion in the first operational year. A bill introduced by Senators Nelson and Mondale would cost $1.5 billion in the first operational year.

This chapter first identifies the social context in which day care and child development programs must be evaluated. Multiple and at times conflicting social forces relate to the question of whether or not the federal government should more actively participate in day care and child development programs, and if so what the nature, shape, and purpose of this role might be.

In a sense, the board issue in relating day care to social issues is the extent to which day care can significantly impact the primary social forces of concern. The level of national attention day care has received suggests that some feel it can. Others are skeptical.

Second, this chapter identifies a range of federal objectives that seem implied in current debate; we recommend that government consider these objectives explicitly as it determines its role in day care and child development programs. An explicit statement of possible federal objectives is used as a framework for our evaluation of the potential benefits and costs of increased federal expenditures for day care. It is our conviction that, if programs are to be made sufficiently accountable, public expectations must be realistic and the government must carefully select, explicitly state, and tailor programs to a set of objectives.

1.1 Dynamics of social trends

Five major social trends have a significant bearing on the role of the federal government in day care and child development:

1. the increasing costs of Aid to Families with Dependent Children (AFDC);
2. the job market for women;
3. the concern over early child development services;
4. the emphasis on family planning services; and
5. the impact of the movement for women's equality.

The costs of AFDC

A significant number of the American children are poor. Approximately 10.5 million or 14% of American children (under 18) were in poverty conditions in 1970. About half of these poor children, 5.5 million, were aided by current welfare (AFDC) programs. The number of children receiving such aid is rapidly increasing. In 1971, 7.5 million were on AFDC; in 1973, 8.5 million are expected to be receiving aid.

The cost of this support is substantial and is increasing. The cost doubled from 1965 to 1970. In 1970. In 1970 AFDC cost was $2.1 billion; in 1971 it was estimated at $3 billion and in 1973, $3.7 billion. Under H.R. 1, family benefits would cost $5.8 billion.

The rapid increase in AFDC is disturbing because it continues to escalate regardless of economic conditions. Until the early 1960's the number of AFDC recipients has increased with unemployment and decreased with employment. After 1963, however, the rolls increased greatly in spite of decreasing employment ratios.

Within the AFDC program the largest increases have been payments to families in which the father is absent from the home (75% of all AFDC cases not including the 5% of the cases where the father has died). In 16% of all AFDC cases the father has deserted, and in 28% of all AFDC cases, the father was not married to the mother.

The illegitimacy rate increased only slightly from 1960 to 1968, but this increase occurred exclusively in births to women 15 to 19 years old; for all other age groups the rate dropped during this time period. A substantial percentage of the illegitimate children are supported by AFDC. Forty-four percent of all AFDC families have one or more illegitimate children (1969 AFDC survey). The increase in the number of illegimate children supported by AFDC is partly explained by the facts that most of these young mothers are economically unable to support their children and that increasing numbers of unwed mothers are caring for their children rather than placing them for adoption.

The consequences of the welfare system are numerous:

human resources are wasted;

generational cycles of poverty are created;

state and local governments are threatened by bankruptcy;

many Americans are demanding that the welfare recipient work; and

the American people are faced with increased polarization.

It is in this context that day care services are viewed by the public and policy makers alike as one means to enable more welfare recipients to gain productive employment and thereby reduce welfare costs.

The job market for women

The number of working women (now 30 million) has more than doubled since just before World War II. Increasingly mothers have entered the labor market. In 1969 there were 7,245,000 working mothers with children over six and 4,100,000 working mothers with children under six.

While the growth in the number of women working has been dramatic, the types of jobs held by women has remained relatively stable. Despite increased educational opportunities, decreased importance of physical strength on jobs, increased use of aptitude tests, women still concentrate in a narrow range of jobs. Although there are 250 distinct occupations listed by the Census Bureau, one-fourth of the employed women work in five occupations—secretary-stenographer, household worker, bookkeeper, elementary or secondary school teacher, or waitress (Hedges, 1970, p. 19).

The manpower projects of the Bureau of Labor Statistics for the period 1968–1980 indicate the need for many more women to seek jobs outside "women's occupations" in the 1970's. In trying to determine whether women will disperse their career decisions, one commentator concludes: "The strong attachment of women to the labor force and the pressures for new sources of manpower in certain professional occupations and skilled trades auger well" (Hedges, 1970, p 29).

The cautiously optimistic prospect of an overall increased demand and supply of women in the labor market must be tempered with the recognition of present unemployment rates among low-skilled women. In 1970 the unemployment rate for men was 4.4% and for women 5.9%. This gap is explained in part by the fact that women generally have lower educational levels and seek employment in less-skilled jobs. For example in 1970 white-collar workers (primarily men) had an unemployment rate of 2.8%; whereas service workers (with as many women) had a rate of 4.5% (Bell, 1972). The projected increase in unskilled jobs is not expected to be significant. From 1968 to 1970 the total projected increase is approximately 20 million jobs. Only 1.4 million of that increase in jobs is to take place in the unskilled and semiskilled jobs.

While general unemployment rates among women is significant, unemployment among poor female-headed families is even more severe. For example, in 1969 the unemployment rates for black mothers with married husbands absent with children under six was 15.3% and for comparable white families 10.6% (Waldman, 1970, p. 22).

Day care services have been proposed as a means to ensure that the increasing number of children of the working mothers (30 million at present) receive adequate care. Day care services have also been proposed as a means of allowing and encouraging mothers to work, thereby promoting the equality of women and adding significantly to the "man"-power skills of the nation.

The concern over early child development services

Awareness is growing in the United States of the importance of early childhood years in determining an individual's mental, physical, and social status as an adult. The increased prevalance of preschool educational television programs, preschool health care, and preschool educational centers have all arisen because of the hope that providing child development services to young children will significantly reduce their social and economic problems in later years. The public is becoming increasingly impressed with the negative consequences of the multi-faceted deprivation suffered by the low-income child.

The extent to which the disadvantaged child had difficulty in school has been documented by numerous studies, one of which states: "The children of poor families also contribute to a disproportionate share of their number to the delinquent and the socially rejected" (Chelman, 1966, p. 2). A day care type setting has been viewed by some as an ideal means for providing child development services to low-income children. The federal Head Start program was implemented based on this rationale. (See chapter four for further background on child development.)

The emphasis on family planning services

The national concern over the population expansion is reflected in a February 16, 1972, report of the Census Bureau. The report stated that, for the first time in Census Bureau history, most young married women plan to limit their families to fewer than three children.

Furthermore, recent studies suggest that the American people favor governmental support for population control. The Commission on Population Growth and the American Future published a survey that revealed that 57% of the group sampled thought Americans should limit family size, even when they can afford a larger family; 56% thought the government should try to do something to slow population growth; and 87% said the government should make birth control information available to those who want it.

Governmental support for family planning has increased markedly in the past few years. In fiscal year 1971, with the passage of the first explicit family planning legislation (PL 91–572), federal financial support doubled. From 1968 to 1970, 45 states liberalized their laws or policies regarding the delivery of family planning services (Goldman and Kogan, 1971).

The new concern about and financial support for family planning is expected to have a substantial effect on the birth rate for all income groups, especially the poor. A recent study conducted by Planned Parenthood-World Federation pointed out that birth rates among lower-income women declined so sharply between 1965 and 1970 that they bore 1,065,000 fewer children than they would have born at the birth rates for 1960 to 1962 (Rosenthal, 1972).

Low-income and higher-income parents basically share the same views on family size, but actual child-bearing patterns do not coincide with expressed desires. Median income was highest for families with two children ($6,900), lower for families with four children ($6,500, and lowest for families with six or more children ($5,000) (Birch and Gussow, 1970, p. 85).

Presently, only 30% of the low-income women who want and need subsidized family planning services are receiving them (Jaffe, 1971, p. 84). "In those few areas where local agencies have developed energetic, imaginative and dignified programs, the response among welfare clients has been considerable" (Birch and Gussow, 1970, p. 85). Research has demonstrated that family planning is an effective means of reducing and preventing poverty (Family Planning Service Programs, 1970, p. v). Given the success of current limited family planning efforts among the poor, it seems reasonable to expect that the new financial support for family planning, the liberalization of state restrictions, and the public support for voluntary family planning for all Americans, will enable the poor to realize more closely their desire for fewer children.

The impact of the movement for women's equality

An informal and diverse alliance of organizations has formed a national movement to campaign actively for women's equality. The provision of day care services has become a priority issue for the movement as it seeks to open opportunities for women.

The chart below compares the official positions of a small sample of the newly formed women's liberation groups and a few of the established women's groups. This limited sample obviously does not speak for every position on day care of every women's group, but it does point out the commonalities among several large and increasingly influential organizations in regard to day care.

Summary

Social conditions and trends cited can be summarized as follows:

1. The number of children on AFDC and the cost of AFDC is substantial at present, and it is expected to increase. Five and a half million children were receiving AFDC in 1970, at a cost of $2.1 billion. In 1972, AFDC costs are estimated at $3.7 billion. Under H.R. 1, family payments would total $5.8 billion.

2. The growth in AFDC is affected by two factors:

The increase in single adults with children:

Illegitimacy rates among 15 to 19 year old women are rising,

More unwed mothers are keeping their children,

16% of AFDC families are deserted by their fathers, and

The extension of family planning services has had some impact; and

The economic situation:

Among married poor women with children under six who are the heads of their families, the unemployment rate for whites is 10.6% for blacks the rate is 15.3%;

The unemployment rates for low-skilled jobs (5.3%) is higher than for highly skilled jobs (2.8%);

Of the 20.8 million projected increases in jobs from 1970–1980 only 1.4 million of that increase is in unskilled and semi-skilled jobs, many women earn less than men for similar jobs;

Disincentives for low income work with welfare as an alternative.

3. The number and percentage of working mothers is increasing; this reflects a growing acceptance of the important economic role of mothers.

Eligibility	Developmental services	Flexible hours	Community and parental control	Voucher system	Federal administration	Tax deduction
National Organization of Women (18,000 members)—Available to all with flexible fees	(1)	(1)	(1)	(2)	(2)	(1)
National Women's Political Caucus	(2)	(2)	(2)	(2)	(2)	(1)
League of Women Voters (142,000 members)—Priority to low income but economic mix important	(1)	(2)	(1)	(2)	(2)	(2)
National Council of Negro Women (4 million members)—Heavy priority for poor	(3)	(1)	(1)	(2)	(2)	(2)
National Council of Jewish Women (100,000 members)—Priority to poor but liberalize eligibility under S. 2003 for subsidized care	(1)	(2)	(1)	(4)	(5)	(2)

[1] Means an official affirmative position.
[2] Means no position has been adopted.
[3] With medical services.
[4] Federal funds only for nonprofit care.
[5] One agency administration and strong Federal standard.

4. The women's liberation movement provides a motivating force for federal consideration of an increased role in supporting day care and child development programs.

5. The increasing public awareness of the multi-faceted deprivation inflicted upon the disadvantaged child is putting greater attention on the role of early child development services.

The following perspective is obtained by comparing the potential impact of day care on social forces and trends.

The growth of AFDC welfare costs is due to the increase in the number of single mothers with inadequate earnings to support their families. The increase in the number of female-headed households is a basic social force related to increasing AFDC welfare costs. Family size is also directly related to the economic needs of AFDC families. Federal initiatives, other than day care, are more appropriate for consideration in this area with research and program focus on family planning, promotion of family stability, and adoption practices.

Federal programs that have provided AFDC mothers with training, day care, and other services have achieved some limited success in placing mothers in employment. Unfortunately, the earnings of such mothers have often not been adequate to allow them to leave welfare rolls altogether. Thus, we are led to expect that day care, while relevant in theory, can at best serve only a limited role in reducing welfare costs. Specifically, it can be expected that day care will be most effective for those AFDC mothers with highest earning powers and smaller family sizes. At present, most mothers with these characteristics are already working under conditions supported in part by existing programs.

The current social forces leading to a relative decrease in the availability of low-skilled and unskilled jobs can be expected to exacerbate both the number of families in need and the limited effectiveness of day care and all other support services in reducing welfare costs through the employment of welfare recipients.

The current trends toward smaller families and increased use of family planning offer major potential for significantly reducing the welfare problem.

The women's liberation movement—and the general societal attitude toward women it reflects—has led to a greater acceptance of welfare mothers gaining employment; this has increased the feasibility of federal policies based upon women working and suggests a growing willingness on the part of all mothers to seek employment. The women's liberation movement more broadly and more fundamentally represents a force, embryonic at present, that may develop increasing pressure for societal provision of day care services for all children, independent of the welfare problem.

The concern for better opportunities for the development of disadvantaged children, however, is an immediate and a pressing issue. Thus, the potential relationship between day care and child development services for the disadvantaged is clearly a major policy issue.

1.2 Federal objectives in day care

The following federal objectives in day care and child development warrant consideration because they all have been treated or implied in public and governmental debate. We present them only because they figure so prominently in most discussions concerning day care and child development, and not because we recommend their adoption. (For a more detailed presentation see "An Explication of Some Alternative Federal Strategies for the 70's," an intermediary paper submitted to OEO in May, 1971, by this Policy Studies Group.)

1. *Decrease the immediate or short-term cost of current federally supported welfare programs.* This objective would be accomplished through the provision of day care services to welfare recipients who can work but are not able to do so because of their need to take care of children in the home. Their income would thus replace a part or all of their current welfare payments. The net savings in welfare financial support would, of course, have to consider the federal share of day care services provided. Of interest are both the potential savings under the current welfare program and the welfare forms proposed under H.R. 1 and other welfare reform proposals. Note that an additional benefit to welfare recipients might accrue if they are able to escape the "stigma" of welfare by leaving the welfare rolls.

2. *Increase the net income of existing poor.* The poor population includes both the welfare recipient and the working poor (families with incomes greater than the minimum for welfare payments but still below the poverty line). The net income to this total group could be increased by the federal provision of day care in several ways. First, for two-parent, "working-poor" families, day care could allow the second parent in families with children to work, thereby increasing family income. Second, for working-poor families already using day care, the assumption of all or a portion of the cost of day care by the government would increase the net income of the existing poor. Note that in some cases the federally supported day care may be of higher quality or value than that already used by working poor. Therefore, the substitution may benefit the poor beyond the savings to the family of the previous cost of day care. In general, day care can be viewed as an income transfer "in kind."

3. *Establish a work requirement as a condition of welfare.* It is argued by some that all welfare recipients who are able to do so should either work or make themselves available for work as a condition of receiving welfare benefits. In relation to this objective, day care is seen as a means of freeing at least some welfare parents who are able to work to do so. It has also been argued that if work or the jeopardy of work (requirement for work registration without the assurance that in every case a welfare recipient will be placed in a job) is made a condition of welfare, that this serves as a deterrent to "lazy" families for either registering for welfare or taking personal actions which maintain dependence on welfare.

4. *Improve the equality of children's opportunity by enhancing the development of the disadvantaged child.* It is argued by some that child development services can be provided to disadvantaged children receiving day care services and further that such services will help to equalize the opportunities for development of disadvantaged children by making up for or providing a substitution for developmental factors that many children obtain as a part of family living. It is also argued that a child's maturation in an environment where one or more parents' work is more likely to have the child adopt work as an adult life-style. Many feel that, in addition to providing for equal developmental opportunity for all children, this objective may reduce the costs of welfare in future generations.

5. *Enhance the equality of women.* It is argued by some that the social responsibility for child care often assigned to women detracts from their ability to participate in other activities, such as employment, training and career development, and the use of leisure time, especially as compared with men. Federally supported day care—by increasing either the supply of convenient and otherwise acceptable day care, or by reducing the financial cost to women of day care, or both—would enhance the equality of women in American society.

6. *Provide adequate day care to children of currently working parents.* Many children whose parents are now working are not currently receiving day care in licensed facilities. It is argued that some or all of these children are receiving inadequate care. The role of federally supported day care under this objective would be to replace existing inadequate care with at least adequate care.

7. *Support the development of the most effective and efficient delivery system.* The federal government has the option of promoting two basically different structures for the day care industry. One alternative structure for the day care industry is a competitive, market-oriented structure. This system places central reliance on consumer choice and supports a diversity of day care services furnished by a variety of providers. Since the key to this system is parent choice, the parents must have sufficient purchasing power. Providers would thus "compete" for consumers with parent preferences (that is, market forces) determining the rate and nature of growth of the different day care programs. The free market system does not imply an industry without controls or regulations. Regulations are a part of all competitive U.S. industries.

The second major alternative for the day care industry is a centrally planned, centrally controlled, and centrally operated industry. In this system, decisions about the nature, type, availability and sponsorship of day care in a given region would be determined by a central agency (policy council), which would design, approve, supervise, and operate all day care services in the region.

The essential difference between the two systems is the control of the purchasing power. In the market-oriented system, parents purchase; and in the centrally planned system, the agency purchases.

2.0 EXISTING CHILD CARE SYSTEM

In considering the degree to which increased federal involvement in child care will yield impacts, benefits, and potential costs in relation to federal objectives, it is necessary to examine the existing child care industry and the forces that have shaped its development. Unfortunately, comprehensive up-to-date information concerning the child care industry is not available. The information presented in this section was drawn together from diverse sources and must be interpreted with caution.

A day care industry of significant size currently exists in the United States. The current industry consists primarily of informal arrangements, most of which are free or inexpensive. (Informal does not imply that arrangements are haphazard or unreliable.) The formal child care industry, composed of family day care homes and day care centers serves only 15% of the children of working mothers. A fairly comprehensive picture of center care can be obtained from available data, but very little is known about care provided in family day care homes or in informal arrangements. Day care centers are generally small operations, either privately owned and operated or operated as not-for-profit services.

The average annual costs per child for center care are $400 for basic care and supervision; $700 for care which may include an educational component; and $1,300 for more comprehensive developmental programs (Day Care Survey—1970).

Of the estimated $1.4 billion spent annually for child care, $229 million comes from federal sources (Tables 1, 2). About half of these funds go directly for center care.

2.1 Magnitude and financial sponsorship of existing day care industry

In 1965 approximately 17.3 million children under 18 years of age had working mothers (Low and Spindler, 1968). Of these children, 3.8 million were under six years of age. By 1969, the number of preschool children of working mothers had increased by 2 million, a 53% increase over 1965. (The 1969 figures for the number of children under 14 years of age and for child care arrangements are not available. Thefore, the following summary relies on 1965 data, the latest information available. Notable changes based on later data are included when possible.)

About three-fourths of the day care arrangements are free. Thus, all national expenditures for child care, which amounted to $1.4 billion in 1970, go to purchase only one-fourth of the total care provided. If all day care had been purchased at the same rate as the paid care, the total national cost would have been $5 billion. This total is based on the projected cost of day care for all working mothers; the total day care industry is even larger since it is also used for other purposes.

The day care arrangements and respective expenditures are shown in Table 1. Fifty percent of total expenditures is for care in someone else's home; nearly 40% for care in the child's own home; and a little over 10% for center care.

The extent of federal involvement, 16% of total dollar volume (Table 2) which may be supplemented by state and local matching funds, is a relatively small portion of total day care costs and aids less than 5% of all children cared for. However, the financial impact of federal funds may be greater than its market share. Most day care supported by federal funds is related to two major objectives, child development and employment of disadvantaged or minority groups. Payment mechanisms and delivery systems vary widely, ranging all the way from the community planning mode of Head Start to federal income tax deductions.

TABLE 1.—ESTIMATED ANNUAL PAYMENTS BY WORKING MOTHERS FOR DAY CARE, 1965 (CHILDREN UNDER 14)

Arrangement	Number of children (thousands)	Percent of total number of children receiving care[1]		Total estimated expenditure[2] (thousands)	Percent of total expenditures for care[1]	
		Number	Percent		Number	Percent
Care in own home by	1,156		9			38
Nonrelative who only looked after children	581	5		$160,425	16	
Nonrelative who also did housework	575	5		210,975	22	
Care in someone else's home by	1,932		16			51
Relative	953	8		156,425	16	
Nonrelative	979	8		335,200	35	
Other arrangements	328		3			11
Care in group center	265	2		$104,800	11	
Other paid arrangements	63	.5		4,900	.05	
Total paid arrangements	3,416		28	972,725	[1]100	
Arrangements for which mother did not pay	8,861	72				
Total	12,287	[1]100				

[1] Totals do not equal 100 percent due to rounding.

[2] The following estimates were used in calculating expenditures: Families paying under $5 per week: estimated annual expenditure $125; families paying $5 to $7 per week: estimated annual expenditure, $350; families paying $10 or more per week: estimated annual expenditure, $600.

Source: Based on data from Low & Spindler, 1968 p. 107

TABLE 2.—ESTIMATED FEDERAL SUPPORT FOR DAY CARE FOR LOW-INCOME WORKING MOTHERS, 1970

Program	Federal expenditure (millions)	Number of Children		
		6 or younger	Older than 6	Total
Social Security:				
Title IV(a):				
AFDC—direct payment	$96	[1]62,000	[1]50,000	112,000
Income disregard	50	[1]146,000	[1]119,000	265,000
Work incentive (WIN)	[2]18	57,000	69,000	126,000
Headstart (OEA: Title II–B)	[3]36	30,000		30,000
Concentrated employment program (CEP) (OEA, title I)	[4]8	[1]6,000	[1]4,000	10,000
Migrant (OEA, title III–B)	[4]$1	1,000	1,000	2,000
Subtotal	209	302,000	243,000	545,000
Estimated Federal subsidy through income-tax deductions	[5]20			
Total	229			

[1] Estimated on basis of 1969 AFDC survey.

[2] $52,000,000 appropriated, $18,000,000 spent.

[3] Estimated from p. 9, "Child Care" (reflecting only that portion spent for full day care of working mothers).

[4] 1971 estimate.

[5] Tax deductions for 1966 of $131,000,000 for an estimated subsidy of $20,000,000.

Note: There is also Federal support in the amount of 15 percent of $21,000,000 for child welfare services. There are no quantitative data on Federal support of model cities day care.

Source: "Child Care Data and Materials," U.S. Senate Committee on Finance, June 16, 1971, pp. 9 and 22; "Social Security Amendments," 1971, hearings of the Committee on Finance, U.S. Senate, July 27, 29, Aug. 2, 3, 1971.

The major portion of federally supported day care is provided to the poor; in total, approximately 550,000 poor children have some or all of their care financed by the federal government. Federal funds provide support for approximately equal numbers of preschool and school-age children.

It is of interest to determine if federal support indicates a preference in favor of one or another type of arrangement. Data of this type is only available on center care. About half of the federal funds go directly to day care centers. Tax deductions and income disregard undoubtedly provide an additional indirect federal subsidy to day care centers.

For center care, the government supports almost exclusively non-proprietary care when it provides funds directly to center operators. Only .7% of the receipts of proprietary centers come from the federal government, compared to 43.9% of the receipts of non-proprietary centers (Day Care Survey—1970). However, income disregard for AFDC recipients and income tax deductions undoubtedly provide some additional support to proprietary centers. For centers as a whole, 17% of the parents' fees are paid by some combination of parent and public assistance funds. The amount of federal funds proprietary centers receive through parents' fees is not known; however, since proprietary centers are more apt to charge parents fees, some federal funds must be reaching these programs as well as family day care homes through parents' payments.

Center care is heavily subsidized by revenue sources other than parents' fees. Only about one-half of the total costs of center care (99% of costs of proprietary centers; 20% of the total of non-profit centers) is provided through parent fees. The federal government, primarily the Department of HEW, pays directly one-fourth of the total costs of center care; state and local governments pay 11%. The remainder comes from community organizations, individuals, and other sources (Day Care Survey, 1970). For non-proprietary centers, sources of funds vary with the size of the programs. Small centers receive more funds from church sources. Middle-sized centers tend to be funded by Community Action Programs and welfare, while large centers obtain more funds from communtiy organizations (Day Care Survey—1970).

TABLE 3.—ESTIMATED PERCENTAGE DISTRIBUTION OF CENTERS' ANNUAL RECEIPTS FROM VARIOUS REVENUE SOURCES AND OWNERSHIP OF CENTER

Source	Percent of annual receipts reported by—		
	Proprietary	Nonproprietary	Total
Parent fees	98.7	21.5	52.4
Federal Government:			
Department of Labor	0	1.1	.7
OEO (CAP)	0	8.3	5.0
HEW	.1	31.3	18.8
Other Federal	.6	3.2	2.2
State government	.1	5.5	3.3
Local government	0	12.5	7.5
Community organizations	.1	9.2	5.5
Individual contributions	.1	1.1	.7
Other sources	.3	6.3	3.9
Total percent received	100.0	100.0	100.0
Total dollars received (in thousands)	179,824	269,242	449,066

Source: Day care survey, 1970, p. 92.

2.2 Types of day care arrangements and their costs

A variety of arrangements are utilized by working mothers for their children. Arrangements are generally categorized by the settings in which the care is provided and the services which are included.

Types of child care arrangements

In this and supporting reports, child care or supplementary child care refers to the care and supervision which augments care provided by the parent(s) or guardian(s) of the children. The responsibility for supplementary care is delegated by the parents or guardians and is generally provided in their absence. Such care of children is considered supplementary since the parent or guardian maintains the primary responsibility for rearing their children. (This definition excludes the placement of children in foster homes for extended periods of time and the legal adoption of children.) The term child refers to any person under 14 years of age for whom care is needed. Care includes the variety of activities and services provided for the children by the delegated caregiver. The number and kinds of activities included in care may range from the provision of supervision, of food, and of other physical necessities for custodial care to comprehensive supportive services for meeting educational, medical, dental, social and psychological needs of the children. The first is frequently called day care and the second, child development services.

The most frequently settings for day care are the child's own home, someone else's home and center care. These are generally defined as follows:

In own home: Care for the children provided by a single family member within the child's (children's) own home. Caregiver may be a parent, another relative, or a nonrelative who may or may not perform some household tasks while providing care.

Family Day Care Home: Care provided in the caregiver's home, usually for no more than six children, including those of the caregiver.

Day Care Center: Serves groups of seven or more children. Children are often grouped according to their ages. Centers usually accommodate children two and one-half years of age or older. Centers may be housed in private residences, church, schools, or other community buildings, or in specially constructed facilities.

These definitions generally apply to the care discussed in this report. However, different sources of information may differ somewhat in exact numbers of children in family day care homes or centers. Such discrepancies do not, for the most part, affect the general picture of child care presented in this report. In this report, group day care homes, treated as a separate category in some studies, are included either in the family care or the center care category, depending on the number of children cared for.

Description of day care and child development services

As used in public debate over proposed child care legislation, a certain vagueness surrounds the definition of day care and child development services. At the general level, child development services are often thought of in terms of their general objective; i.e., enhancing the development of and/or the developmental opportunities for children. In order to analyze the potential cost and benefit of such services in any setting, it is necessary to establish a reference definition of such services. Analysis of proposals for the provision of comprehensive child development services indicates that child development services can be defined in terms of a number of discrete components which can be examined and evaluated individually and to which costs can be assigned. These services typically include: educational, nutritional, medical, dental, psychological, and parent education. In some instances, transportation for children and training for personnel are also included.

Day care: Offers custodial care, food, shelter, and adult supervision, but no additional services.

Developmental Care (in a day care setting): Offers custodial care plus one or more child development services, but usually not all.

Child development services

Nutritional Services: These services primarily provide food for children. They vary by the number of meals and/or snacks provided and their nutritional content. For preschool children in full day care, one meal and two snacks are considered minimum. One of the goals of these services is to contribute to the child's well being through adequate nutrition.

Educational Services: These services include variety of experiences in all areas of development, especially in language and communication, concept learning, perceptual development, and attention span, as well as specific knowledge in science, reading, social studies, and numerical skills. The objective of these services is to help children to obtain information; to learn skills and facts necessary for formal education; to think of new ways of doing things; to appreciate and enjoy learning and to create a desire to continue learning; to learn how to live with others and enjoy the experiences; and to become self-reliant and confident.

Medical and Dental Services: Medical services range from the maintenance of medical records, first aid, and assistance to parents in locating sources of care to complete physical examinations including vision and hearing tests, immunizations, periodic reexaminations, and referral for treatment or the provision of treatment to correct defects. Dental services may include an annual examination, referral and/or followthrough treatment to insure correction of defects. The primary objective of both medical and dental services is to obtain and to maintain adequate physical health for the child.

Psychological Services: Psychological services may include: identification and diagnosis of psychological problems; identifying how psychological problems relate to the attitudes, behavior, and situation of the family; working to change the behavior of children in ways supportive to improved psychological development; and referral to, or provision of, psychotherapeutic services. The objective of psychological services is to facilitate the participation of children in daily activities and in family life.

Social Services: Social services involve a range of possible activities aimed at helping the child (and his family) to participate actively in the child care program and in family and community life. Social services may involve the recruitment and enrollment of children in the day care program; working with parents, providing transportation to day care settings and to other services, such as physical examinations, and other liaison activities between the caregivers, parents, and the community.

Parent Education: This service can include providing to parents: information on the child and his behavior; information and referral to community services and resources of potential benefit to child and/or family; information on the services offered by the day care center; and providing advice and education on child rearing, nutrition, health and family life, and counseling.

Transportation: Transportation may be provided for bringing children to the care location and/or for excursions as a part of the learning experiences. In either instance, the provision of transportation enables children to participate in the program.

All of the services can go beyond the standard for "adequate care." For example, educational experiences may help children work toward their potential by supplementing educational services received at home and in school; nutritional services can provide better quality, greater variety, or more pleasing meals, as well as contributing to the child's total nutritional needs; dental services and medical services, through diagnosis and referral, can aim at having each child attain higher health standards.

In addition to the above services provided directly to the child and his family, the training of child care personnel is sometimes included in a listing of child development services. Training activities include the provision of reading materials, demonstrations, discussions, staff meetings, orientation, formal classes and complete training programs. Although the ultimate objective of training is the improvement of the quality of care children receive, it is sometimes used as a means for utilizing community residents, especially in programs such as Head Start.

Child care costs

The cost of purchasing child care in general and custodial day care in particular is a critical policy variable in considering increased federal support to day care services. Pertinent data include the minimum cost levels at which custodial day care can be purchased for each of the various types of day care arrangements (including informal arrangements, family or group care, and center care). Coupled with a knowledge of parent preferences and willingness to use these various types of care at various cost levels, part of the necessary foundation is laid for the development of realistic program cost estimates, pricing policies, and selection of appropriate payment mechanisms. Unfortunately, in spite of major national surveys in this area, major gaps in knowledge remain.

Cost estimates

There is considerable debate over the respective costs of custodial child care in comparison with developmental child care. To gain perspective on this debate, it is instructive to take into consideration not only estimates of costs but also empirical data derived from actual operating experience. (Note 4 presents a detailed analysis of cost estimates and survey data related to custodial day care and developmental care by service components.)

Existing child care costs

The most recent and complete survey of actual day care cost is provided by the Day Care Survey—1970. As would be expected, the cost of existing child care arrangements and the services provided vary widely throughout the industry. The most expensive, most comprehensive services tend to cluster in nonprofit centers, which, as mentioned earlier, are heavily supported by federal funds. Higher costs and comprehensiveness of services are not characteristics of the center mode of care but rather of nonprofit centers. Many proprietary centers offer care at about one-third the cost of nonprofit centers. Statistically, for whatever it means, the difference in cost between proprietary centers and nonprofit centers is roughly equivalent to the amount of federal and state or local subsidy provided to the nonprofit segment of the center industry.

Free care

As indicated previously, approximately three-fourths of the arrangements used by working mothers are free—at least, money is not exchanged for the services—(Low and Psychological services can include the detection of a variety of behavior problems. Social services can enable both the children and their families to participate in beneficial child care arrangements.

Spindler, 1968. These free or inexpensive arrangements usually consist of care by the father or other relative in the child's home; by the mother while working; or the child is in school or the child cares for himself. The actual services delivered in these arrangements are not known.

Family home care costs

There is little national information about the services and costs in family day care homes. Most family day care homes provide lunch for the children, about two-thirds provide breakfast, and about a quarter of the homes provide dinner. Snacks are provided in about two-thirds to three-fourths of the homes (Day Care Survey—1970). Although some educational activities may take place, other child development services are not formally included in family day care unless the caregivers are a part of a larger day care system. Most family day care is provided in single family dwellings.

Nationally, 50% of family day care homes have weekly fees of between $7 and $12.99—$364 to $776 per year (Day Care Survey—1970, p. 23). Fees are generally reduced for the second or third child from the same family.

Center care costs

Costs of center care vary with the services provided and with ownership (proprietary or nonproprietary). Proprietary centers nearly always have lower annual per child costs than nonprofit programs, $412 compared to $1,250 for preschool children, but usually provide services. Approximately one-fourth of the day care centers provide care at a cost of $400 per year, and about an equal number provide care at a cost of $1,250 per year. The remaining 50% at about $800 per year (Day Care Survey—1970). The factors contributing to these differences in costs have not been explained by the literature. The more expensive child care programs generally report more services provided, higher teacher salaries, and higher staff-to-child ratios. More expensive centers are also newer, are more often operated by community agencies, have more equipment, including more child-scale equipment and facilities, more extensive health and education programs, serve disadvantaged families, and have more parent involvement than the lowest cost programs. Differences in efficiency have not been studied. Regional variations influence the costs of care. Child care services tend to cost less in the southern part of the nation.

Two factors influencing the total costs of care for which data are available are personnel and start-up costs. Personnel costs range from 45-80% of total center budgets. Proprietary centers usually spend less for personnel than non-proprietary centers. Approximately 127,000 paid staff members are employed in day care centers at a median monthly salary of $358 (Day Care Survey—1970). Salaries range from less than $300 per month in the lowest-cost centers to $380 per month in the highest-cost programs. Staff characteristics vary with the services and costs of care. Few staff members in the $400 programs have had education beyond high school and most are not certified teachers. About half of the staff members in the most expensive centers have some college education and are more apt to be certified.

The latest national survey of day care center costs was summarized as follows:

Good custodial centers approximate good home care. Centers providing custodial care were defined as those that offer ". . . that kind of care which is necessary for maintaining the physical well-being and safety of the child but without any systematic attempt to educate him. Good custodial care approximates good home care. They have small child to staff ratios, variety and sufficient quantity of equipment and playthings, adequate space, safe environments, warm and child loving adults, nutritious food and happy children." (Day Care Survey—1970, p. x.)

"On the average, a center receives $400 yearly per full-day child for essentially custodial care, $700 for a basic package of services that typically includes an educational component, and $1,300 for reasonably comprehensive development programs." (Day Care Survey—1970, p. 2F)

No attempt was made to evaluate day care centers. Good and bad Type A (custodial) centers can be found (Day Care Survey—1970, p. x).

John Wilson in the introduction to the Day Care Survey—1970, states, "While information on parent outlays and center incomes is not complete and inferences must therefore be drawn with caution, it is reasonable to assume that actual costs in 1970 dollars to deliver comprehensive day care services are somewhat lower than usually estimated."

Cost estimate

The Office of Child Development prepared the following estimates:

	Preschool custodial per year	Preschool developmental care per year
Family home care	$752	$1,423
Center care	813	1,245

These estimates are reduced from earlier estimates in 1967 which estimated the cost of custodial preschool care in centers to be $1,245 and developmental care in centers to be $2,320 per child per year.

The earlier higher cost estimates may reflect a tendency not to *underestimate* the level of adequate care (for fear of harming children coupled with a desire to provide as much child development services as possible), and the subsequent revision of estimates may reflect increased confidence based on a fuller knowledge of actual existing programs. The general price level at which adequate care can be purchased for each type of arrangement is still not clearly established. Given the critical policy implications of this question, further research on this issue is recommended for priority attention.

2.3 Parent preferences, patterns of usage, consumer satisfaction, and other factors affecting demand

Current Patterns of Use

As shown in Table 4, a variety of child care arrangements are utilized by working mothers in the United States. Most frequently arrangements for children under 14 years of age are within the child's own neighborhood, either in his own home (46%) or the home of someone else (16%) (Day Care Survey-1970; Low and Spindler, 1968, p. 70). Other arrangements in order of their use by working mothers: the mother cares for the child while working (13%); child cares for himself (8%); and the group care (less than 5%).

Nearly one million children care for themselves. Although 21,000 of these children were under six, the remainder were divided equally into children six to 11 and children 12 to 13. Also, the majority of these children (59%) were left alone for less than 10 hours per week (two hours per day). Almost all of the rest (34%) were left alone for 10 to 19 hours per week. Thirty-seven thousand children were left alone for 40 hours or more per week but 33,000 of these children were 9-13 years of age. None was under six years of age (Low and Spindler, 1968).

No day care arrangements are needed for approximately 15% of the children of working mothers since their mothers work only while the children are in school.

The amount of time children spend in day care varies. Forty hours or more of care a week are provided for about one-fourth of the children, while an equal number are cared for less than 10 hours per week (Low and Spindler, 1968, p. 100). Care is provided in multiple arrangements for approximately 11% of all of the children of working mothers, not including school time (Low and Spindler, 1968, p. 73).

Relatives are the primary care givers while mothers work. Fathers care for 15% of the children and other relatives care for an additional 29%.

This same general pattern of care is evident for all sub-groups of working mothers, although the specific proportions within each category vary somewhat with family income, ages, and numbers of children and whether the mother is employed full- or part-time. Regardless of family income, the arrangement most frequently used is in the child's own home. However, in low income families, somewhat less care takes place in the child's home and caretakers are more apt to be relatives, while in higher income families a greater proportion of in-home caretakers are non-relatives.

There are other differences between the higher and lower income families (Table 4). The differences are in the number of children who care for themselves, in the number of mothers who care for their own children while working, or work while their children are in school, and in the number of children cared for by relatives. One of the most prominent differences is in the number of children, especially of pre-school age, who care for themselves. In families with incomes under $3,000, 1½% of the children under six care for themselves. In 1965, this totaled 10,000 children. Although the percentage of the total is less than half that for the lowest income families, there were 9,000 preschool children from families in the $3,000 to $5,999 range left to care for themselves. As income increases, fewer preschool children are left alone. The same trend is evident for school-aged children. Fifteen percent of the children between six and 13 are left to care for themselves in the lowest income families while only 10% care for themselves in the highest income families. In 1965, this included 186,000 children from the lowest income level families and 304,000 from families in the $3,000 to $5,999 income range.

The other arrangements which appear to be most affected by family income are the proportion of mothers who care for their children while working and those who work only while their children are in school. More of the low income mothers care for their children while they are working; 21% of the children from families with incomes under $3,000 are cared for in this way, while only 13% of children from families with incomes over $10,000 are cared for by their mothers while their mothers are working. The trend for mothers who work only while their children are in school is the opposite. Fewer mothers at the lowest income level work only while their children are in school (one out of seven) while one out of every four mothers from the over $10,000 level works only during the children's school hours.

TABLE 4.—CURRENT CHILD CARE ARRANGEMENTS BY FAMILY INCOME AND AGE OF CHILD

[In percent]

	Total		Less than $3,000		$3,000 to $5,999		$6,000 to $9,999		Over $10,000	
	Younger than 6	6 to 13	Younger than 6	6 to 13	Younger than 6	6 to 13	Younger than 6	6 to 13	Younger than 6	6 to 13
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Care in own home	46.8	44.3	44.0	38.2	38.1	44.2	54.8	47.0	50.6	44.0
Father	14.7	15.3	6.3	8.0	13.4	16.2	20.3	18.8	13.3	12.4
Other relative	16.9	22.0	29.4	26.5	14.6	22.8	15.5	20.9	12.0	19.3
Under 16 years	2.1	5.7	7.6	4.8	1.2	7.1	1.3	6.0	.4	3.5
16 years and over	14.8	16.3	21.7	21.7	13.4	15.8	14.2	14.9	11.7	15.9
Nonrelative	15.2	7.1	8.3	3.7	10.1	5.3	19.0	7.3	25.3	12.3
Nonrelative who looked after children	8.7	3.3	6.5	2.7	6.1	3.3	11.8	3.2	9.9	4.1
Nonrelative who usually did additional household chores	6.5	3.7	1.8	1.1	4.1	2.0	7.3	4.1	15.4	8.1

TABLE 4.—CURRENT CHILD CARE ARRANGEMENTS BY FAMILY INCOME AND AGE OF CHILD—Continued

[In percent]

	Total		Less than $3,000		$3,000 to $5,999		$6,000 to $9,999		Over $10,000	
	Younger than 6	6 to 13	Younger than 6	6 to 13	Younger than 6	6 to 13	Younger than 6	6 to 13	Younger than 6	6 to 13
Care in someone else's home	31.1	9.3	29.7	9.5	36.3	11.0	28.5	8.9	26.7	7.2
Relative	14.9	4.7	15.2	5.9	17.8	5.7	14.5	4.3	8.9	3.1
Nonrelative	16.2	4.6	15.5	3.6	18.5	5.2	14.0	4.6	17.8	4.1
Other arrangements:										
Care in group care center	5.4	.5	3.4	.6	6.8	.2	4.1	.6	7.7	.8
Child looked after self	.6	11.5	1.6	14.9	.7	11.7	.2	10.9	....	9.9
Mother	15.8	33.7	21.2	36.4	17.9	32.6	11.8	31.9	15.0	37.0
Mother looked after child while working	15.0	21.1	20.8	20.6	17.7	13.0	10.6	8.3	12.9	11.3
Mother worked only during child's school hours	.8	21.6	.4	15.8	.2	19.6	1.1	23.6	2.2	25.7
Other	.3	.7	....	.4	.2	.3	.7	.8	....	1.2

Source: Low & Spindler, 1968, pp. 92–93.

There are also some differences by income among those who care for the children. The proportion of children cared for in their own homes increases with family income from 44% for the lowest income families to 51% for those with incomes over $10,000. Children in lower-income families are more apt to be cared for by relatives than are children from higher income families. Nearly 8% of the children being cared for by relatives are relatives under 16 years old. There is an increase with income in the number of caretakers who also do housework from less than 2% among those in low income levels to 15% among those at the highest income levels.

As is evident from the general patterns of care, formal arrangements in either family day care homes (about 10%) or group care (around 5%) accommodate very few children of the nation's working mothers (Day Care Survey—1970; Low and Spindler, 1968, p. 70). In 1970 this totaled approximately 1.3 million children (Day Care Survey—1970).

There are some clear differences between families using formal and informal child care arrangements. Users of day care centers have fewer children, are more apt to be single parent families, and have an annual family income slightly below the national average.

Consumer satisfaction

Initially, choices of child care arrangements are strongly influenced by the cost and the convenience of the care to the familly. Continued satisfaction with arrangements appears to be related to qualities of the caretaker.

Distance from home is a second factor affecting the use of child care services. Although no national data are available, one mile or less seems to be the distance that about 70% of the consumers are willing to travel to deliver their children to child care settings (Emlen, 1971; Day Care: Planning to Meet Community Needs, 1970).

Most working mothers report being satisfied with their arrangements. (Day Care Survey—1970; Low and Spindler, 1968, 110). Changes desired by center users are for improved center care. Leaving children with relatives under 16 years old, in the home of a non-relative or to look after themselves are viewed as the least satisfactory arrangements.

Satisfaction with formal arrangements outside the child's home has been found to be somewhat more child centered than the initial reason for selection of care. In family day care, the caregiver's concern for the child was found to be the strongest factor in the mother's satisfaction with the arrangement (Emlen, 1971). In another small study, personal attributes of the caregiver and quality of care were the criteria cited nearly as frequently as convenience as reasons why they chose their child care arrangement (Who Cares for the Children?, 1970).

Parents' preferences and other factors affecting demand

In addition to estimates of the total demand for child care, information about demand for specific types of care must be considered in planning for services. Indications of potential demand for services are waiting lists for some programs, expressed preferences for types of care, the number of mothers currently working who would change arrangements if their preferred alternatives were available, trends in the employment of women and patterns of utilization.

Approximately 164,000 children are on waiting lists for day care centers. Eighty percent of these are on the waiting lists for non-proprietary centers. A part of this demand, however, is apparently due to the uneven distribution of centers since there are estimated 63,000 vacancies (evenly divided between proprietary and non-proprietary programs) in other day care centers (Day Care Survey-1970).

Expressed preference for child care arrangements vary some from the actual patterns of usage. While care in their own home is the expressed preference of the majority of working or potentially employed women at all income levels, center care is the next most desirable. About one-third of the working mothers, including those using other types of care, express preference for center care and about an equal number of non-working mothers say that if they went to work they would prefer to have their children cared for in centers (Day Care Survey-1970).

The clear first preference of parents is for good care, food, and safety of the child. The specific services parents consider desirable are qualified staff and child development related educational and medical services. Closeness to home and low cost are particular concerns for low-income families.

The amount parents are willing to pay for desired care, however, is around $10 per week for preschool children and less for school-age children. More than half of the mothers of school-age children said they would not be willing to pay anything for their care (Day Care Survey-1970). This reflects actual behavior in terms of the age of children left to care for themselves.

Interpretation of parent preference data is difficult since parents may tend to express preference for the more socially acceptable services. Also, many respondents to preference surveys indicate a lack of information about the range of possible child care arrangements (Who Cares for the Children?, 1970; Zamoff, 1971).

Besides preferences for types of care, there are some general trends which could increase the demand for services of all types. Trends and changes that could effect demand include the growth, nature, and size of families; changes in public attitudes toward the employment of women and toward different patterns of child care; changes in the value the public places on preschool education; and changes in the labor market.

Participation of women in the labor force is affected by (a) the number and ages of the children in the family; (b) the educational level of the mother; (c) stability of the marriage; and (d) presence in the household of adult female relatives. Trends in these factors show a decreasing number of children per family, increasing levels of mothers' education, increasing numbers of disrupted marriages, and decreasing numbers of female adults living in the households. The implications of these trends are that not only will there be greater numbers of women in the labor force in the future, but that the rate of women joining the labor force will increase. Therefore, the need for child care can be expected to increase over the next decade. The decrease in family size and the resulting decrease in the number of births and the number of preschool children over the next decade could increase the demand for day care, since women with smaller families have higher rates of participation in the labor force. Also, women with higher levels of education are those who are having small families, which tends to increase the demand for day care even more (see Final Report, VIII).

During the last decade the labor force participation rates of mothers of preschool children have increased more rapidly than the rates of mothers of older children (60% compared with 20%). Both the total number of working women and their rate of participation are expected to increase during the 1970's (Travis, 1970).

There are also corresponding changes in the attitudes of the public, especially among younger people, toward greater acceptance and support both of women working and the care of children outside the family setting. If these younger people carry their attitudes with them through the decade, this could also lead to an increased demand for day care (see Final Report, VI).

A trend that could directly affect the components provided in child care programs is the increased enrollment of preschool children from high-income families in nursery schools. While mothers from higher-income families are less apt to work and do not utilize day care, they evidently feel some preschool experience outside of their homes is desirable. The trend may have two different implications for the provision of day care. First, this trend may filter downward to lower-income, middle-class families, who may also desire such preschool experience for their children but who cannot presently afford them. Second, as low-income families move to higher economic status, they may also come to value preschool experiences for their children. The Head Start Program may accelerate the acceptance and value of these programs among low-income families.

2.4 Organization of the industry

The services supplied by the day care industry are divided into two major components: the 85% which are informal and provided mostly free or inexpensively either in the child's own home or outside by relatives and the 15% that are provided in centers and family day care homes. Little is systematically known about the informal portion and relatively little is known about family day care homes.

With few exceptions, formal day care operations are small and local. Nearly all family day care homes and the majority of day care centers (60%) are small owner-operator type businesses, although some of these owners do not consider themselves "in business" in the traditional sense.

Centers

There are an estimated 17,500 centers in the United States with an average of 33 children each (Day Care Survey–1970). Centers range in size from seven to over 100 children, but the majority had full day enrollments between 13 and 44 children. Only a little over 400 day care centers in the United States are estimated to have more than 100 children enrolled (Day Care Survey–1970). Most centers serve 3 to 5 year old children.

Although only 40% of the total numbers of centers are non-proprietary, about half of the children attend such centers. Non-proprietary centers are sponsored by a variety of different community organizations. Non-profit centers sponsored by churches account for 18 of the 40%, making this the largest single form of sponsorship. The oldest day care programs are those operated by United Fund agencies. It is estimated that public school day care centers provide care for a little over 100,000 children, about 8% of the total (Day Care Survey–1970).

Proprietary day care centers are more apt to provide custodial care, while more of the comprehensive child development services are found in the non-profit centers.

The facilities for proprietary centers are usually owned by the proprietor. Non-proprietary centers usually rent facilities.

There have been some recent attempts to establish chain or franchise day care centers (Breathitt, 1969; Elliott, 1971, a, b, c, d). Some of these new programs are backed by established firms in other fields such as Gerber Products, General Electric, Performance Systems and the Singer Company. However, the total number of chains or franchise companies in the nation probably is less than 50 and some have not yet opened any centers. Less than 10 of these firms had more than 10 centers in operation in 1971. Only four firms had 20 or more centers underway. The largest number of centers franchised by a single firm are those co-owned by CenCor, Inc., which reports 65 centers (Les Petites Academies). At least three companies have discontinued child care services.

The individual centers of most of the chain or franchise operations are planned to accommodate 100–200 children. The largest centers projected are those of Educare, which would serve about 2,000 with over 230 children in each center (Educare, 1970).

A few centers have been sponsored by industries as a benefit for their employees. The most prevalent are those of hospitals. There are about 100 hospital operated or sponsored programs in the country (Child Care Services Provided by Hospitals, 1970). Other industry related programs are KLH, Ohio and Illinois Bell Telephone, Control Data Corporation, and Amalgamated Clothing Workers of America, union sponsored centers. Several of these centers now admit children of non-employees in order to reach capacity (Hawkins, et al, n.d.).

Except for the few centers which are parts of a community or school system or a commercial chain, individual day care centers are usually operated independently with few contacts with each other. In a few cities, owners have organized private child care associations. There may be some cooperative referrals with different centers, especially among the non-profit programs, but there is little direct communication. Some of the Community Coordination Child Care (4–C) efforts are attempting to organize joint purchasing, training, referral, and professional resource personnel, especially in the fields of health and education.

Even at the federal level, where there are numerous agencies and departments involved in day care services, there is little communication or coordination. Despite interagency requirements, administration is fragmented and inconsistent. Centers at the local level, especially non-profit centers, with more than one source of funds, must prepare different applications and reports for each of the federal agencies involved (*Final Report*, III; Study of Child Care Objectives, 1972).

Family day care homes

The average number of children cared for in each of the 450,000 family day care homes in the United States is less than two although they range from one to seven children (Day Care Survey-1970). Family day care homes are more apt to have children under two years old. Family day care takes place in the home of the caregiver. The caregivers have limited formal contact with each other, although some operators may be acquainted on an informal basis. A few organized systems of family day care exist in some of the larger cities, such as Houston and New York. The New York City program, which is the largest, involves nearly 1,000 teacher-mothers, with a maximum of six children each (Roupp, 1971).

Growth

The growth rate of day care services is difficult to estimate since data are not available on informal arrangements, the largest source of care or for family day care homes most of which are unlicensed. The number of day care slots available in day care centers and licensed homes was estimated as 475,000 in 1967; 640,000 in 1969; and 745,000 in 1970. (Day Care Facts, 1970; Day Care Survey-1970; Low and Spindler, 1968).

Reports of the length of time day care centers and family homes have been in operation also indicate recent rapid growth. Two-thirds of the centers and homes have been in operation less than three days. Most of the remaining third have been operating over five years (Day Care Survey-1970, p. 42).

Little is known about the life span of day care operations. The half-life of day care centers is reported to be three years in Chicago (McClellan, 1971). There is also some indication that some child care programs are discouraged or restrained from entering the market by licensing regulations and agencies (State and Local Licensing Requirements, 1971).

2.5 Regulation of the industry

The 85% of the industry that is informal is not regulated by any formal mechanism. However, most parents exercise considerable quality control over the care arrangements they make for their children in the normal course of their relationships with the persons providing care.

The formal day care industry, centers and family day care homes, in addition to the parent quality checks, is regulated primarily by state and local licensing codes. All but two states, Idaho and Mississippi, have mandatory licensing of centers, but only 37 states require family day care homes to be licensed. About half of these states exclude the family day care home from licensing if the caregiver is a relative, and some exempt from licensing homes that serve only children from one family.

In addition to the state and local requirements, centers receiving any federal funds are supposed to meet Federal Interagency Day Care Requirements, which generally are more stringent than state laws and generally require: provision of a full range of services including social, educational, and health; parent participation; and opportunity for employment of poor people. These requirements are currently being revised.

The licensing authority in most states is the department of welfare. Centers are usually licensed by the state agency while family day care homes are approved by county departments. No two states, cities or counties, however, follow the same specific procedures or interpret regulations in the same way (State and Local Day Care Licensing Requirements, 1971). There is currently an effort underway, sponsored jointly by the Office of Economic Opportunity and the Office of Child Development, to develop a model state licensing code. Thirty-seven states are either revising or planning to revise their regulations.

At present, the licensing process is lengthy, involving approval by several different agencies at the local level. An estimated 90% of centers are licensed but only 2% of the family day care homes are. Even when homes and centers are licensed, they do not necessarily meet all the requirements.

In order to be licensed, applicants must successfully complete 15–20 major tasks. Each center and home must meet requirements established by the department of welfare, fire safety, zoning, health and building codes. The requirements of these latter codes are the most frequently cited sources of delay in the licensing process. Information from local officials and licensing agency records shows that average number of days that licensing is delayed in the process of meeting the requirements of each of these codes: fire inspection, 38 days; sanitation inspection, 23 days; health inspection, 35 days; zoning, 40 days; and general processing, technical reviews, caseworker reports, etc., 40 days (State and Local Day Care Licensing Requirements, 1971, p. 29).

Over half of the applicants who do not complete the licensing process give as their reasons the licensing requirements. Most are unable to meet the requirements for the physical structure and fire safety apparatus. Forty-two percent cite business reasons, primarily insufficient funds or the decision to obtain other employment. In the majority of states licenses for the operation of day care centers and homes are valid only one year; then the operator must essentially repeat the process.

2.6 Barriers to entry into the current day care industry.

There are at least three major barriers to entry into the current day care industry. These apply mainly to center care.

Start up costs

Available evidence indicates that establishment of day care centers requires significant start up costs when "new firms" enter the day care market place.

Construction costs range from $1,000 to $1,200 per child. Renovation costs may be less, about $500–$1,000 per child (see *Final Report*, IV, vol. 1). However, there may be differences unrelated to basic start-up costs in the building of new facilities. These may include the quality of the completed structure, maintenance costs, ease in meeting licensing requirements, and usable space. In addition to facility costs, approximately $100 per child is needed for equipment.

Day care centers are not "quick profit" investments. Franchises sell for $20,000–$35,000. One franchise advertises the land acquisition, building and equipment of a school for 150 children, training of two master Montessori teachers, community education program, national public relations and advertising and consultation during the program's formative period for $35,000, plus an annual management fee of $7,500 or 5% or gross income, whichever is greater (L'Academie Montessori, Inc., 1970).

Another new proprietary company anticipates losses of $50,000–$90,000 during each of the first three years of operation of each center; after this period, 15% profit is expected (Mason, 1971). This estimate requires enrollment of 150 children at a charge of $1,650 per child per year for a full-day program to break even at $225,000. Fees for the children in these centers must be paid in advance or a 10% carrying charge is added.

A third private corporation which has purchased land for its first day care center states in its offering circular that "no assurance can be given that such centers, if and when they are built, can be operated on a profitable basis by the company" (Synergetic Systems, 1971, p. 8).

Licensing

Licensing requirements for formal care, (family or center care) are often difficult, time consuming and costly to meet. While such requirements screen out some truly unqualified providers, in their present form they may also prevent some qualified providers from entering the market.

Technical knowledge and know-how

Some organizations desiring to enter the day care field, especially those representing minority or disadvantaged populations, lack the experience and know-how necessary to raise the initial start up costs, meet licensing requirements and organize the initial programs.

Organizations have reported difficulty in recruiting center directors and managers (though not general staff).

2.7 Status of the industry

The current day care industry in the United States is a vast private industry serving over 25.8 million children under 18 (5.8 million under six) and 11.8 million working mothers in 1969.

The largest portion of this care (85%) is privately provided by family members and relatives. Even within the 15% of the formal arrangements, 12% are provided by proprietary providers. Within the remaining 3% of the non-proprietary providers, the churches constitute the largest single source of sponsorship.

To replace the existing day care industry, even assuming that the relatively low costs that now prevail were to remain unchanged and that demand for care was limited to working mothers only, would require an initial capital investment of $19 billion, an annual payroll of $8.8 billion, and estimated annual costs of $14.5 billion. This would provide day care (not child development) services to the children of working mothers only. Other child development programs such as Head Start, which serve mainly non-working mothers, would add to these costs.

Estimated replacement costs of the private day care industry (for children under 14 of working mothers only)

	Million
Capital investment—facilities:	
Private informal care (at $1000/child construction)	$16,500
Family day care (at $1000/ child construction)	825
Center care (17,546 centers at $50,000)	877
Subtotal	18,192
Equipment:	
Private informal care (at $40/child)	660
Family day care (at $40/child)	33
Center care	44
Subtotal	837
Payroll:	
Private informal care (at $350/month and 1/10 staff ratio)	6,930
Family day care (at $350/month and 1/10 staff ratio)	347
Center care (at $350/month)	423
Subtotal	8,690
Estimated Total Annual Cost	14,483

2.8 Summary

Of all the existing arrangements made by working mothers, the most widespread is care in their own homes (46%). Most of the children cared for in their own homes are looked after by relatives; children from families whose incomes are less than $3,000 per year are cared for by relatives to a substantially greater extent than are children in general. The formal child care industry (centers and family day care homes) serves about 1.3 million children, less than 15% of all children of working mothers; more than half of these formal arrangements are in family day care homes. More than half of the children of working mothers come from families whose annual incomes are less than $6,000; 80% come from families whose incomes are less than $10,000.

Half of the centers and most of the family day care homes are proprietary businesses. Proprietary centers tend to be smaller than non-proprietary centers, and tend to offer custodial care. Non-proprietary centers are more apt to offer child development services.

Most working mothers report being satisfied with their current child care arrangements. Most current arrangements are either free or very inexpensive (less than $2 a week) and are located less than a mile from the mothers' homes. Surveys indicate that, initially at least, the factors of cost and convenience to the family are the strongest influences on mothers' choices of arrangements; continued satisfaction, however, is more strongly influenced by their opinion of the quality of the caregiver. Expressed preferences for arrangements do not coincide with patterns of use: The majority of mothers seem to prefer in-home care, and make extensive use of such care; but the next largest expressed preference is for center care, which is the least-used arrangement. Current public attitudes imply a growing acceptance, perhaps even a preference, among parents for preschool child care as a necessity because of employment and as an aid to children's educations.

The annual expenditures for the care of children in the United States are estimated to be nearly $1.4 billion. Of this amount, it is estimated that $229 million comes from federal sources. Parents' fees are the primary source of the remainder; of those who do pay for care the average cost is around $500 per year. Some funds also come from state and local governments and some from contributions. Most federal funds are probably used for non-proprietary center and family care.

The costs of care vary with the services offered. The estimated annual cost of care in a center providing basic care and supervision is $400 per child, approximately $700 per year per child for centers offering some educational activities, and $1,300 per year for centers providing child development services. Two major cost areas are personnel and the initial financing of facilities.

Quality of care is currently controlled through licensing. The system, however, is relatively ineffective; the requirements are not uniform throughout the nation and most children are cared for in programs not covered by license requirements.

3.0 POLICY ISSUE: SHOULD THE FEDERAL GOVERNMENT PROVIDE MORE DAY CARE SERVICES?

The analysis presented in this section concludes that there is no doubt that the increased availability of day care services will be of real value to some families and that some of the federal objectives stated could be served by an increased federal role in day care. Thus we recommend that an increased federal role be actively and carefully considered on the basis of its merits and associated costs by federal policy makers. Since objectives considered are multiple, and in some cases contradictory (for example, lowering or reducing welfare-related costs conflicts in part with objectives associated with increased service), and since costs-allocation decisions are policy questions outside the scope of our analysis, our recommendations on the policy question: "Should the federal government provide more day care services?" are neutral. Rather, we have attempted to organize results and findings relevant to the costs and benefits of various federal actions in relation to various federal objectives and leave policy decisions in the hands of the policy makers.

The federal objectives that we analyze in this chapter are described in some detail in chapter one. We have rephrased them slightly for the purposes of the discussion here; they are as follows:

1. Reducing the number of children now receiving inadequate day care services, such as children left to care for themselves.
2. Decreasing the cost of welfare (either the current AFDC program or the H.R. 1 program) by helping mothers to work.
3. Increasing the net income of poor families by helping mothers to work.
4. Increasing the work fare concept (reduce "free loading"):

By decreasing the welfare rolls by helping mothers who can work their way off welfare to do so, and

By increasing the percentage of mothers on welfare who are also working and thus contributing toward their support.

5. Increasing opportunities for women outside the home.

(Objectives four and seven in the discussion presented in chapter one have not been included in this listing, as they are not pertinent to the policy question under anlaysis in this chapter. They relate, respectively, to child development and to delivery systems, which are discussed in chapters four and six of this Summary Report.)

The impact of increased federal day care support is considered for three major categories of families:

1. The *welfare poor*, (basically, current AFDC families—female headed households);
2. The *working poor*, (families with incomes under $4,000 generally not eligible for AFDC but eligible under H.R. 1);
3. The *near poor*, families with incomes between $4,000 and $8,000.

Since the cost level of day care to be furnished is itself a policy question, we have analyzed the implications of various levels of cost. The day care services for each category of family are considered at cost levels of $400, $800, $1,200 and $2,000 per year for preschool children for both welfare poor and working poor families and $400, $800 and $1,200 for near-poor families. Care for school-age children is considered for both welfare-poor and working-poor families at $300 per year. (See "Notes" for this chapter for a description of the type of services that would typically be purchased for each price level.)

The estimation of the potential impact of day care services in relation to federal objectives requires that certain conditions be assumed. The estimates presented here assume that: (1) a variety of day care settings are available; (2) the use of services is voluntary; and (3) there is a reasonably good labor market (4% unemployment). The estimates of the employment response were developed from several different approaches, including economic models (wage subsidy), employment behavior by characteristics of mothers and children, and survey results.

3.1 Replacement of existing "Inadequate Care" with "Adequate Care"

A major reason often offered for increased federal provision of day care services is that existing day care arrangements used by working parents are inadequate. What effect would the increased provision of day care services have on moving children from "inadequate care" to "adequate" or "better than adequate care"?

Obviously, the key to this estimate is the definition of inadequate, adequate, or better than adequate care. There are no agreed upon definitions of these terms. Some definitions of inadequate care that have been offered arbitrarily exclude many day care arrangements that may be of excellent quality. The following subsection presents some examples.

Possible definitions of adequate care

1. All care not in licensed facilities is inadequate. This definition automatically defines as inadequate the 70% of day care arrangements that do not have to be licensed, including over half of all day care arrangements where a relative cares for the child (usually the child's father in the child's own home). Many such day care arrangements may not only be adequate but some may even be more than adequate.

2. All day care not in comprehensive day care centers is inadequate. This definition defines as inadequate not only all care in the child's own home but also all care in family day care homes or in the home of a relative. Many children receive "comprehensive services" through their own families and hence do not need such services in a day care setting.

The first definition is often used to measure the need for day care services. For example, one proposed day care bill states: ". . . there are fewer than 700,000 spaces in licensed day care centers to serve the over 5 million preschool children whose mothers work" ("Economic Opportunity Amendments of 1972," p. S1971). This implies that all of the five million preschool children need to be served in licensed day care centers if they are to receive adequate care. There are no sources of data to determine exactly where the five million preschool children of working mothers are cared for, but an analysis of the care arrangements of approximately 1.6 million preschool children of working mothers with family incomes under $8,000 per year indicates the inappropriateness of measuring the "need" for day care by the difference between the number of children working mothers and the number of licensed day care slots.

Table 6 shows the distribution of arrangements for the 1.6 million preschool children by the type of care and by whether the types of care are licensed—that is, subject to license requirements. The large majority of children, more than 70%, are cared for in situations not subject to license requirements.

More than 915,000 arrangements, or 44% of the care, was in the child's own home. The largest single group of caretakers in the home were fathers, who provided care in 377,000, or 19% of the cases. Hence, almost one out of every five children cared for in an "unlicensed" facility was cared for by his father in his own home. Another 15% of the children are cared for outside the home by a relative, also an "unlicensed" caregiver in an "unlicensed" facility.

Only about 30% of the arrangements (603,000) are subject to licensing. Further, the largest group of care outside the home is in family day care homes, which in some states and under some conditions are not subject to licensing. (The rule is usually that homes caring for less than three children are not required to have a license. Since the average enrollment per family home was 1.6 children and about half the homes cared for only one child, it is reasonable that many of these homes are not licensed because there is no requirement for licensure.)

In view of the situation described above, unless one is willing to require fathers (and other relatives) to be licensed to care for their own children or unless one is willing to require that all children be cared for outside their own home in centers or licensed family homes, it is unlikely that even half of the children of working mothers will ever be cared for in licensed facilities. This is especially true since care by fathers and relatives in the home is assigned the highest level of satisfaction by mothers in preference surveys (Day Care Survey-1970).

Thus, the difference between the number of children of working mothers and the number of licensed day care slots is an unrealistic measure of either the lack of adequate care or the need for more licensed day care slots.

What can be used as measures of the effect of increased day care services on the number of children receiving inadequate care? In view of the lack of accepted objective standards of adequate care there are two possible definitions of day care situations that might be reasonable to use as definitions of inadequate care. These are situations where (1) a child (especially preschool) is left to care for himself, and (2) situations where the mother states that she is "not very well satisfied" with the care arrangement.

Child cares for himself

It can, perhaps, be agreed that care by a child for himself, especially a preschool child, is inadequate. Of mothers using this type of care (for both preschool and school-age children) only 38% indicate that they are very well satisfied with it; 39% are pretty well satisfied; and 12% are "not very well satisfied" with it.

TABLE 6.—DAY CARE ARRANGEMENTS FOR PRESCHOOL CHILDREN OF WORKING MOTHERS WITH INCOMES UNDER $8,000[1]

Type of arrangements	Number of arrangements[2] (thousands)	Percent[3]	License status
Child in school	[4]107	5	Licensable.
Mother care for child while working	92	5	Not subject to licensing.
Child cares for self	11	1	Do.
In-home care	915	44	Do.
By father	377	19	Do.
By sibling	85	4	Do.
By relative	302	14	Do.
By nonrelative	150	7	Do.
Out-of-home care	920	45	
By relative	317	15	Do.
By nonrelative	22	2	May be licensable
Day care homes	366	18	Do.
Day care centers	215	10	Licensable.
Total	2,045	100	

[1] Derived from tables 4.27, 4.28, 4.29 day care survey, 1970.

[2] Since mothers often make more than 1 arrangement, there are about 2,000,000 arrangements for the 1,600,000 preschool children.

[3] To nearest whole percent.

[4] Nursery school, etc.

For families with incomes less than $8,000 there are reported approximately 11,000 situations where preschool children are left to care for themselves and 249,000 situations where school-age children (six to 14 years) care for themselves. Most of these arrangements, about 65% (160,000) are short-term situations of less than two hours, almost all the remaining ones, 97,000, are for between two and five hours; 3,000, or about 1%, are for more than nine hours. Most of these arrangements are probably school-age children caring for themselves after school.

There is no information on why the mothers leave their chidren to care for themselves. However, on the basis of the characteristics of the hours of care and type of children involved, it might be concluded that if day care services were to reduce substantially the number of children left to care for themselves, such services would have to include: (1) short term care situations and (2) many after school care situations for children six or older. Thus, the creation of centers whose priority for care is assigned to full-day preschool children may not significantly help children now left to care for themselves. Also, approximately 50% of the mothers would prefer an after school supervised recreational program for their school age children.

Since 39% of the mothers indicate that they are "very well satisfied" with the arrangement of leaving children to care for themselves, it could not be expected that the provision of day care services would eliminate all cases where the child is left to care for himself. It could be expected that, if given the opportunity, mothers would, at the minimum, make new arrangements for the 31,000 situations where mothers are dissatisfied with the arrangement of leaving the children to care for themselves.

Care not satisfactory to mothers

On the basis of the mothers' own evaluation, there are some 358,000 care situations with which the mother states she is "not very well satisfied." These are distributed as follows:

Type of arrangement	Number of unsatisfactory situations[1]
Mother watches child while she works	36,000
Child cares for self	31,000
In-home care	126,000
By father	49,000
By sibling	35,000
By other relative	10,000
By nonrelative	32,000
Out-of-home care	166,000
By relative	76,000
By nonrelative	7,000
Day care home	74,000
Day care center	9,000

Derived from table 4.37 day-care survey, 1970.

These unsatisfactory arrangements are 9% of all day care arrangements and are distributed across all types of care arrangements.

Nothing is directly known about why the mothers are dissatisfied with the care arrangements—although the same survey indicated that most mothers *expected* that day care should provide good care, good food, and a safe place to leave the child. It may be these aspects of the arrangement with which the mother is dissatisfied. This is supported by the fact that, while only 9% of the mothers were "not pretty well satisfied" with their day care arrangements, over 50% desired to change their current arrangements. This desire to change may thus be related to factors other than the characteristics of the care itself, and include such aspects as the convenience (time, location, hours, distance from home) or the cost of the care.

It might be concluded that if given the opportunity these mothers would seek to replace at least 358,000 arrangements that at least in their own evaluation were unsatisfactory. Also, after-school supervised recreational programs for school-age children would probably be heavily used if available, since 50% of the mothers prefer this arrangement.

3.2 School-age day care for poor families

The provision of day care services for school-age children will increase the employment response of poor mothers, by less than 5%. Specific findings for the welfare poor and the working poor are as follows:

Welfare poor

Families now receiving welfare (AFDC) tend to include children younger than six. "Because families with older children usually *leave the program*, the AFDC caseload is mainly one of young people (60% of the AFDC families have at least one child under the age of six)" (emphasis added; Services to AFDC Families, HEW, July 1971).

Mothers whose children are six years old or older already participate in the labor force to a considerable extent. For example, nearly 70% of female heads-of-households (with less than $3,500 income other than their own wage) and whose children are all older than six are already in the labor force

(*Final Report*, II, V. 1, Cr. 5, tables 19 and 20).

Hence, AFDC mothers whose children are six and older who remain on AFDC may do so because they are unable to work (physically incapacitated, lack of skills, age) or cannot find work, and not because they lack child care services. (Statistics on AFDC mothers by status of the mothers with children six and older would be able to verify if this is so. However, AFDC survey data is not presently broken down by status of the mother with only children over six. With the available published statistics, it is impossible to tell how many AFDC mothers with children over six are already employed.)

The number of school-age children left to care for themselves (some 15% of all known child care arrangements for AFDC school-age children) is further evidence that the lack of child care services for school-age children does not prevent AFDC mothers from taking jobs (though it may present evidence of the lack of day care services for school-age children).

Working poor

The same facts generally apply to working-poor mothers. More than 55% of all mothers in poor, two-parent families whose children are all six years old or older are already working.

Because the employment response to school-age day care services is expected to be low, the following estimates should be viewed not as precise numbers but as general indicators of the low magnitude of the possible response.

EMPLOYMENT RESPONSE TO SCHOOL-AGE DAY CARE (MOTHERS WHOSE CHILDREN ARE OLDER THAN 6)

[In percent]

	Mothers working	Increase
Welfare poor	Unknown	2.7
Working poor	55	5.0

Based upon the above estimates, a mandatory work requirement for all AFDC mothers whose children are older than six may not produce much employment response. Recent changes in welfare programs in New York City and California should provide the first empirical information on the effect of this policy decision. Because of the low employment response to the provision of day care services for school-age children, such a program would have little or no effect in achieving the federal objectives of reducing welfare cost, increasing the "workfare" concept, or increasing the income of poor families.

3.3 *Can Preschool Day Care Services Decrease the Short-Term Costs of Welfare?*

The provision of federal financial support to all preschool children of low-income working mothers will not decrease the cost of welfare; the cost of the day care services will increase total welfare costs.

Welfare poor

The provision of preschool day care services to the welfare poor (female-headed households) would decrease welfare payments by approximately $36 million, plus an additional $3 million in increased income taxes, thus resulting in a gross savings to the federal government of $39 million. (The cost for the program is based on benefit levels of $2,400 for a family of four plus work incentives of 30 plus one-third.)

The cost of the day care services is, however, greater than the savings brought about by the reduced welfare costs. Thus, in totals, a day care program would increase rather than decrease the total cost of the welfare services. Table 7 shows the amounts for alternative costs of day care services.

TABLE 7.—WELFARE COSTS FOR WELFARE POOR

Day-care cost per year	Total day care costs (millions)	Savings (welfare plus income tax) (millions)	Net loss (millions)
$400	$203	$39	$164
$800	406	39	367
$1,200	610	39	571
$2,000	1,016	39	977

The basic reason for the high costs of the day care program is that the day care costs of some 446,000 children of mothers who are already working must be paid for, as well as the cost of the day care for the 62,000 children of mothers who would enter the labor force as a result of the day care program. If the day care program could be limited to paying for the cost of the day care of only the 62,000 children of mothers *newly* entering the labor force (as a result of the program) the cost of this care, $25 million (at $400 per year), would be less than the estimated reduction of welfare costs, $39 million. Total savings in this case would be $14 million. If the program were further limited to the 4,000 mothers with only one child requiring care, the cost of the care, $1.2 million, would be less than the cost reduction of $11.5 million, a saving of $9.9 million.

Working poor

The situation is similar for the working poor. Under an H.R. 1 benefit-level plan, the cost of day care services is greater than the estimated reduction in welfare costs. For this group, the estimated welfare reductions are $30 million; they will also contribute an additional $10 million in income tax payments, so the total savings is estimated to be $40 million.

However, the cost of providing day care to the 310,000 children of already-working mothers in the group, plus the 91,000 children of newly working mothers, at $400 per year, is $160 million, greater than the reduced welfare costs. Table 8 shows the comparisons at different costs per year of day care.

TABLE 8.—WELFARE COSTS FOR WORKING POOR

Cost per year of day care	Total day care cost (millions)	Savings (welfare plus income tax) (millions)	Net loss (millions)
$400	$160	$40	$120
$800	321	40	281
$1,200	481	40	468
$2,000	802	40	762

As with the previous group, the cost of the day care is great because of the cost of care for the children of mothers who are already working.

3.4 *Can day care increase net incomes for poor families?*

The provision of day care services is estimated to be effective when measured against the objective of increasing family income for poor families in which the mother is able to work.

Welfare poor

For the welfare poor it is estimated that the provision of day care services will allow approximately 29,000 families with 50,000 children to leave poverty. Six thousand of the families with 11,000, will be in near poverty and 23,000 families, with 39,000 children, will be able to achieve a non-poverty status due to increased earnings. These families will have increased earnings of $128 million and increased family income of $990 million (see note 6 for the definition of poverty used in this analysis and for tables of increased earnings).

Working poor

For the working poor, the earnings of the working mother will allow 20,000 families, with 37,000 children, to leave poverty. Seven thousand of the families, with 12,000 children, will be in near poverty; and 13,000 families, with 25,000 children, will be able to achieve non-poverty. These families will have increased earnings of $149 million and increased family income of $108 million.

Near poor

For the near poor (families with income between $4,000 and $8,000), the earnings of the wife will increase the total family income by 25%. However, this percentage will increase with more mothers taking full-time work. For example, WIN graduates averaged $2.28 per hour and 38.7 hours per week (Social Security Amendments of 1971, Appendix B. Senate Hearings, July and August 1971, Table 14). This is $4,588 per year and thus may raise the income of these near-poor families by 50% to 100%. These families will have increased family earnings of $1,147 million.

3.5 *Increased "workfare" concept*

It is argued by some, particularly members of the middle class, that it is undesirable for society to use tax monies to offer welfare payments to individuals and families who have the potential to contribute something constructive to society but are not doing so. The feeling against giving something for nothing runs so strong in some citizens that it raises the policy question of the desirability of increasing the productive engagement of existing welfare recipients—even if doing so will increase the net cost of current welfare expenditures. "Free loading" in this sense would be reduced to the extent that either the number of adults on welfare is reduced or of the number on welfare, the percentage working or productively employed is increased.

Public employment programs have received increased attention in relation to this goal and represent a primary means to achieving this end. This section, however, is limited to an exploration of the potential role, potential impacts, and associated costs of day care and assumes no public employment program.

Analysis shows that the provision of preschool day care to poor persons (AFDC) and working-poor persons (not now eligible for welfare but eligible under H.R. 1 as proposed) would have the following effects:

The number of families currently on welfare (AFDC) would be reduced by about 2.5%. The number of working poor families (eligible under H.R. 1) would be reduced by approximately 8%.

Day care would serve to increase the percentage of existing (AFDC) welfare mothers working. It is estimated that the number of mothers working full-time would increase from 39% to 46%. Part-time employment would decrease from 9% to 7%.

Day care would also serve to increase the percentage of working poor mothers under H.R. 1. Full time employment would increase from 27% to 40%, and part-time employment would increase from 8% to 11%.

The total cost of such a program at $400 (child) per year would be $203 million for AFDC and $160 million additional for the children of working poor mothers.

The cost of the program would increase proportionately for higher day care cost levels.

3.6 *Can day care increase equality of opportunity for women?*

Day care services have been proposed as a means of freeing mothers for activities outside the home. The increased provision of preschool day care services is estimated to allow approximately 683,000 mothers to seek employment opportunities outside the home; of these, 183,000 will be from the welfare or working poor families. Due to the labor market, only about 50% of the women will actually become employed. The remaining mothers could participate in public service programs or volunteer activities.

MOTHERS AVAILABLE FOR OUTSIDE ACTIVITIES DUE TO PRESCHOOL DAY-CARE SERVICES [1]

	Before	After
Welfare poor	264,000	329,000
Working poor	185,000	302,000
Near poor	1,345,000	1,845,000

[1] The estimates for the welfare and working poor are from the full-employment model (final report, II, V. 1, ch. 5, table 40).

3.7 Conclusions and recommendations

We have analyzed five of the seven major potential objectives of increased federal support for day care that were discussed in the "Statement of the Problem" (chapter one). The objectives are multiple and in some cases contradictory (for example, lowering or reducing welfare costs conflicts in part with the objectives relative to increased day care service). The selection and weighing of objectives is a policy decision which necessarily places it outside the scope of this document. However, the following material is instructive in terms of the expected impacts of day care.

Reduced welfare cost

Increasing federal support of day care by providing day care to all working families is not expected to reduce welfare costs, even at low cost levels for day care ($400 per year per child). There are several reasons for this. Most important, a large number of employable welfare mothers are already working, especially those with school-age children to whom the mandatory work requirement applies. Day care support for working welfare mothers would thus require providing day care for children to mothers already working. This would result in increased expense at no savings. This expense would more than equal the savings in welfare payments that would result from welfare mothers being newly employed and leaving welfare.

If day care were offered only to welfare mothers who would become newly employed as a result of receiving the service and already-working welfare mothers were excluded, the provision of services would reduce welfare costs, but only if day care were provided at a cost of $600 or less per child per year. If services were further limited to such families with only one child, welfare costs would be reduced by the subsidy of day care at $1,000 per child or less. If day care were offered at $400 per child per year to these two groups, welfare savings at the proposed H.R. 1 benefit levels are estimated at $14 million (multiple child) per year and $9.9 million (single child) per year respectively.

The provision of preschool day care services to all working welfare mothers (AFDC) with preschool children is estimated to have the following benefits:

32,000 additional welfare mothers would be employed;

62,000 additional children would receive day care services;

total welfare families receiving day care would increase 6%;

12,000 families would leave welfare (under H.R. 1);

23,000 of these families with 39,000 children would escape poverty;

Family earnings for this group would increase $128 million per year.

The increased federal cost of providing day care to working welfare mothers at the rate of $400 per child per year is estimated to cost $53 million more than current federal expenditures, $256 million more at $800 per year, $460 million more at $1,200 per child per year, and $866 million more at $2,000 per child per year (gross costs).

The provision of preschool day care services to all working poor mothers is estimated to have the following benefits:

58,000 additional working poor mothers would be employed;

91,000 additional children would receive day care services;

The total of working poor families receiving day care would increase 11%;

40,000 families would be able to leave welfare (under H.R. 1);

20,000 families (with 37,000 children) would escape poverty;

Family earnings for this group would increase $148 million per year.

The gross federal cost of providing day care to working poor mothers at the rate of $400 per child per year is estimated to be $160 million; $321 million at $800 per child per year; $481 million at $1,200 per child per year; and $802 million at $2,000 per child per year.

The gross federal cost of providing day care to working poor mothers at the rate of $400 per child per year is estimated to be $160 million; $321 million at $800 per child per year

Increased family income

The provision of preschool day care to working mothers of all families with incomes of less than $8,000 per year (welfare poor, working poor, near poor) would significantly increase the income of families involved. The increase in income would be especially significant for near-poor and working-poor families, many of which are two-parent families in which day care would enable the mother to work. Annual increases in earnings are estimates as follows:

Increased earnings for welfare poor, $128 million per year;

Increased earnings for working poor, $149 million per year;

Increased earnings for near poor, $1,147 million per year.

Assuming a sliding fee schedule for the near poor, the increase in federal cost for such a program is estimated to be $413 million per year (at $400 per child per year for day care). The total day care costs (not reflecting savings in welfare costs and returns in income tax) is estimated to be $563 million per year. This would represent an increase in the overall group's income of $2.50 for each federal dollar spent. Most of this benefit would go to the near poor.

School-age day care

Little relative benefit can be expected in relation to an increased employment response of welfare-poor and working-poor mothers with school-age children. This employment response is estimated to be 2.7% and 5% respectively. Most mothers either are already working or off welfare when their children are of school-age, or unable to work. This is the group to which the H.R. 1 work requirement applies, whereas employment is voluntary with regard to mothers with preschool children.

Replacement of inadequate care

The argument that increased federal support to day care is necessary to replace widespread existing "inadequate" care is exaggerated by some (although significant to the individual children who do not receive adequate care). It is estimated that at present 11,000 preschool children of working mothers with incomes less than $8,000 a year are left alone while their mothers work. Most such children are left alone for two hours a day or less. An estimated 130,000 school-age children care for themselves during the hours of non-school time while their mothers work. Surveys of poor-working mothers indicate that 9% are dissatisfied with existing child care arrangements. The number of children receiving care in unlicensed facilities is judged irrelevant in itself in relation to the adequacy of care since many adequate arrangements are not subject to license requirements including, for example, care in the child's home by its father.

The provision of after-school programs for school-aged children at $300 per child per year would serve one million children at a cost of $300 million. This care could reduce by about half the number of school-age children (130,000) presently left alone during the non-school hours. No reliable estimates are available on the effect of federal support of preschool day care or on the number of preschool children left alone. The number would be reduced but not eliminated.

Cost considerations

There has been much discussion of the cost of adequate custodial day care. Current Office of Child Development (ODC) estimates are approximately $800 per child per year. Previously OCD had estimated $1,200 as required for adequate care. However, a national survey (Day Care Survey—1970) reports that the average cost of "adequate custodial care" in day care centers is $400. Custodial care offers food, shelter, and adult supervision but makes no attempt to provide education or other services, such as health care or family counseling (Day Care Survey—1970, p. 18). While this figure is low, it represents the most systematic and empirical estimate available.

Based upon the data cited, federal policy makers seem bound to consider the rationale for furnishing day care at higher cost levels. At all costs the quality of care varies; thus higher cost care in itself offers no assurance that the quality of care would be higher. Further, as described in chapter two and chapter four, the basic services purchased with day care dollars above $400 are "child development" oriented. There is no conclusive evidence that such services in a day care setting have either a long-term positive effect on the child or enhance the employment response of mothers. Nor is there any reliable evidence that good quality day care provided at the $400 level is harmful to children. We do not intend these observations as a recommendation that the $400 day care level be adopted but rather to point out that there is a lack of conclusive evidence that higher cost care is necessary to purchase "adequate" custodial care in the free market.

There is no conclusive evidence that the development of children will be harmed by quality custodial day care as contrasted with their spending the same time at home. Neither is there conclusive evidence that the development of children will not be harmed by day care less intensive in its development components than Head Start. This question has simply not been researched but is clearly relevant to the policy issue at hand, and we strongly recommend its examination. (The Head Start frame of reference follows from comparison of Head Start children with control groups which showed that Head Start children fared no worse than children not receiving services.)

In sum, increased federal support of day care services to the R.R. 1 welfare group and/or the near poor will increase welfare costs (unless limited to newly working mothers only and provided at a cost of less than $1,000 to one-child families and less than $600 to multiple-child families). Tangible but limited benefits will accrue since many mothers are already working, especially mothers with school-age children. Benefits will include increased employment among families, movement for some families off welfare and of some families out of poverty. Many of the children of mothers (9% of total) who feel existing care is unsatisfactory could be expected to obtain care the mothers judge to be more satisfactory.

Inclusion of families with incomes of $8,000 or below in a federally supported day care program on a sliding fee schedule basis would substantially benefit the near-poor group with an estimated $1,147 million increase in earnings.

An omnibus package, providing day care vouchers to all families with incomes less than $8,000 at $400 per year per child with a sliding fee schedule for near-poor families and after-school care for school-aged children for one million children at $300 per year per child, would cost a net of $680 million (total cost $853 million).

If the cost of day care were offered at the level of $800 per year per child, the cost of this package would increase to a net of $1,343 million (total cost $1,526 million).

4.0 POLICY ISSUE: SHOULD CHILD DEVELOPMENT SERVICES BE PROVIDED IN FEDERALLY SUPPORTED DAY CARE ARRANGEMENTS?

It is impossible to consider day care without also considering child development. Virtually all debate about day care has, implicitly or explicitly, considered the inclusion of child development services with day care. The debate usually centers on the services that should be included in day care and the cost levels that will buy "adequate care." The more expensive estimates of "adequate care" invariably includes provisions of child development services. Some observers feel that some advocates of child development promote high estimates of day care costs to squeeze as much child development service as possible into federal day care programs. A detailed analysis of child development was beyond the scope of our study, but because the issue is so important as it relates to day care, salient policy issues are treated in this report.

It is useful to consider the following issues: Is there a need for some type of child development service? (We have found that there is.) Will purely custodial day care damage children by providing an environment devoid of the developmental nurturance that the child would have received in his own home? (We find no evidence.) Can effective child development services be provided in a day care setting and, will they measurably enhance a child's development? (No operational program has been proven effective; a very few experimental programs show short-term gains.) We consider these issues in this chapter, and on the basis of our analysis, we present our recommendation for federal action: further research, and demonstration and evaluation prior to federal support of a national child development program in conjunction with day care.

A definition of child development services is necessary to consider these issues carefully; we present this definition in chapter two. In this chapter, unless otherwise specified, the term "child development services" is intended to mean comprehensive services (medical, dental, nutritional, educational, and psychological services, and parent education). We particularly emphasize intellectual development.

4.1 Rationale for Federal initiative in child development

There is a growing awareness of the importance of early childhood in mental, physical, and social development. There is also an increasing recognition that poverty, the forces that create it, and the opportunities for the development of poor children are mutually reinforcing.

Numerous findings document the inferior opportunities for development afforded the poor child in society today, the human consequences of this lack, and the pressing need for alteration of these circumstances. It is our conviction that the nature, extent, and significance of this problem demands federal attention. The issue, in our opinion, is not whether such attention is necessary, but rather the most effective form and focus of such attention. To illustrate the reality of the problem, we present a few additional reported findings below.

The child born into a poor family shows the effects of fewer child development services before birth and continually throughout his life. A close correlation has been established between prematurity and low socioeconomic status and between low birth weight and high rates of infant mortality. Serious handicaps, such as brain damage, mental retardation, blindness, and other disabilities, occur more frequently among poor children than among children in the general population. Data show that a large proportion of poor mothers, particularly nonwhite mothers, receive no prenatal care and inadequate obstetrical care at delivery. According to one study: "of the estimated 3% of children who are mentally retarded, 75% show no obvious brain damage and have few physical handicaps. Typically, these seemingly non-organic cases come from census tracts where the median income is $3,000 a year or less" (Crisis in Child Mental Health, 1969).

Research findings suggest that poor children show the effects of the lack of child development opportunities by their relatively poor health status and mental performance throughout their entire life, as documented below.

Health

The National Nutrition Survey showed that 26% of the children from the lower-income families had unacceptable hemoglobin levels, compared with 13% at the highest-income levels. Similar findings were found with respect to vitamin deficiencies; three times as many poor children were found to have deficiencies of vitamins A and C as children in high-income families (Children in Profiles, 1970, Chart 113).

Fifteen per cent of the poor children studied showed growth retardation. Children between one and three years were considerably below the average height of United States children the same age (Mibauer and Leinward, 1971).

Many poor children receive no health services. "Most of the 600,000 children . . . in Head Start in 1964 had never seen a physician or dentist and had received no immunization . . . Seventy per cent of youth enrolled in the Job Corps Program had never seen a physician. In 1966, only 7.5% of children younger than 17 living in poor families visited a pediatrician. In families with incomes over $10,000, 33% visited a pediatrician (Lowe, 1971).

A higher incidence of dental problems among poor children has been reported: In families with incomes under $3,000 the average number of decayed teeth per child was 3.4; for families over $15,000 income it was 0.7 (Children in Profiles, 1970). For example:

"One study found that 70 per cent of several thousand first graders in a typical Negro district in Chicago were mildly to severely maladapted to the psychological requirements of first grade. Compared to a well-adjusted white group, these youngsters ran a 9 to 1 risk of developing psychiatric symptoms by the end of the school year.

In the same district, some 10 per cent of the youngsters between 7 and 17 years of age came to the attention of authorities each year because of delinquent behavior" (Crisis in Child Mental Health, 1969, p. 25).

Research findings suggest that the poor child falls farther behind the norm as he grows older, while an advantaged child is often able to overcome initial handicaps through family support and other services. For example, in a study in a Maryland county it was found that among lower income black children, 15% were considered mentally retarded by 10 to 14 years of age; and by 20 years of age almost 19% were classified as mentally retarded. In contrast, among middleclass white children, the number identified as having an intellectual deficit was 4% at 5 to 9 years of age, but at 20 years of age the level had fallen to 2% (Lowe, 1970).

Research findings suggest that these mental and psychological handicaps of poor children are reflected in their school performance and intellectual levels:

"Disadvantaged children show high rates of cumulative educational retardation: e.g., it is estimated that 85% of the eighth grade students in Harlem are 'functional illiterates' " (Crisis in Child Mental Health, 1969, P. 25).

It can be argued that lack of educational performance leads to school dropouts:

"There is a consistent correlation between poverty and the number of school dropouts. Of the millions of youths who will drop out this year, about 65 per cent will come from families with incomes of less than $5,000 a year; about 85% will come from families with incomes of less than $7,500. Dropout rates for certain minority groups run as high as 60 to 70 per cent" (Crisis in Child Mental Health, 1969, p. 25).

It can be further reasoned that termination of education by dropping out of school tends to perpetuate poverty and inferior child development opportunities for children of school dropouts. One study on science achievement reported the following relationship between the performance of children and the educational level of their parents. Children of parents with less than an eighth grade education tested 7% to 12% below national averages; with at least one parent graduated from high school scores were 1% to 3% higher than the national average; and with at least one parent educated beyond high school, scores were from 5% to 9% higher than the national average (Report on Education Research, 1971, p. 5).

4.2 Custodial care as a surrogate for parental care

The care provided for children while their mothers work is a substitute for the care that otherwise would be provided by the children's mothers. Considering that the preschool of full-time working mothers probably will spend an average of ten hours a day in the day care setting, it is necessary to evaluate the extent to which custodial care is an adequate substitute for care by the mother. If custodial day care, as such, is found not to be an adequate substitute for parental care in relation to the development of the child, then child development services should be provided at least to the point where day care would be generally equivalent to the development opportunities that would otherwise be found in the home.

Very limited research results have been reported on this issue. These are summarized in this section. Generally they indicate that there is no conclusive evidence on this question. On the basis of the available research findings, we would predict that custodial care that provides nutritionally adequate meals, care and supervision comparable to a good home, and care-givers who have emotional warmth, are friendly and are somewhat child-oriented, would not be detrimental to the development of children. Further for those children now responsible for themselves while their mothers work, especially those under twelve years old, the provisions of adequate supervision and meals may well be an improvement over their current status. Even the best custodial care, however, probably will not result in much improvement in children's development over what normally would have occurred.

Given the critical nature of this issue, in relation to the implications of a nationally supported day care program, we urge that aggressive efforts be made to further research the subject.

There is ample evidence that care provided in different day care homes and centers varies considerably (Day Care Survey—1970; Milich, 1971; Prescott and Jones, 1967). As yet, however, there is little information regarding the impacts of these variations upon the children. Available evidence relates primarily to experimental center programs in which some children may have received additional or more intensive services but in which all children were probably provided more than basic care and supervision. The one study that documented differences in care and staff behavior in day care centers reported only ratings based largely on the extent to which children were attentive, emotionally centered, and spontaneously involved in ongoing activities (Prescott and Jones, 1967). No other assessments of impacts upon children were made. Based on their findings, the authors concluded that ". . . day care should function as a substitute for a good home and that programs which best assume this function will be characterized by a rich and varied environment in which teacher manner is sensitive and friendly and teacher behavior is high in encouragement and balanced in the use of guidance, neutral behavior, and restriction" (Prescott and Jones, 1967, p. 337).

Further evidence of the effects of care givers' or teachers' behavior suggests that some adult behaviors are consistently related to more positive outcomes for children. The general atmosphere or tone of interaction with the children, control techniques and the quality of presentation of information are relevant. Adults who are warm, friendly, somewhat child-centered and who present clear and well-organized instructions are most frequently associated with better outcomes for children. When the adults were hostile authoritarian, rigid and disorganized, children tended to perform less well in school, have lower self-concepts, and less mature social interactions (Kilmer, 1971).

Little information about the impacts of care given by persons other than the mother is available. The effects of day care on the expression and control of emotions, the development of nuturance, independence, individuality, and the freedom to pursue one's own activities are important facets that have not been reseached. Prescott and Jones (1967, 1971) reported that day care centers, unlike the home setting, typically have neither opportunities for the expression of strong feelings nor activities that might evoke them. They also feel that group day care gives children less access to adult attention than might be available at home. Individuality, they feel, is limited; the children must learn to conform to group needs. In addition, the degree of freedom of children in group settings is limited: "In groups, children typically are not permitted out of an adult's view and, consequently, are also accessible to other children" (Prescott and Jones, 1971, p. 56).

These same authors also express concern about the types of activities provided for children in day care settings. In general, well-equipped day care centers probably offer a greater choice and variety of activities. However, the authors point out that some centers may overemphasize activities that demand only small-muscle skills at the expense of large spontaneous movement. In addition, children may not be given the opportunity to choose activities. Schedules in homes may be more flexible than those in day care centers, too; there may be a tendency to program activities so closely for children in group settings that the children have few opportunities for dealing with unexpected or unanticipated events. Children's areas of activity may also be restricted to one room, or at the most, two or three rooms; whereas at home they would most likely be able to go freely to any room in the house, or even to visit friends within the neighborhoods.

Research on the effects of day care on the social-emotional development of children is badly needed. The areas of freedom versus restriction, availability of role models, conformity to group demands, limitations of free time, and opportunity for expression of strong emotions in day care settings need to be investigated. In addition, the impacts from relationships between children and caretakers need to be examined more closely. Basic research is needed for the long-range impacts from child care, especially for children who spend several years in group settings.

4.3 Child development as a part of day care

Child development services—nutritional, medical, dental, educational, and psychological services—are needed by all children. Traditionally most of these services have been provided for children by their own families, either directly or as a result of the families' initiative. Some children, however, have not received the necessary child development services through their families. The government and other agencies have assisted families in providing such services through the provision of information, funds, and services. One of the ways child development services have been delivered directly to children is through their inclusion in day care programs. (Descriptions and cost estimates of various levels of child development services are presented in chapter two of this Summary Report.)

The existing federal program that is most nearly descriptive of comprehensive child development services in a day care setting is the Head Start program. Two pieces of proposed legislation, the Nelson-Monday Comprehensive Child Care act and the Javits bill, basically propose to extend the coverage and to expand a system of day care based on the Head Start model for the delivery of comprehensive child development services. In the following sections we address the questions of the potential benefits from child development services in day care settings, the numbers of children who could be served, and alternative means for the delivery of such services.

Estimation of Program Benefits

Only limited empirical evidence of the impacts from child development services in day care on disadvantaged children is available at this time. There are no empirical data for school-age children in day care or for children cared for in family day care settings. However, some information is available on the impacts of child development services in a day care setting on preschool children. Two significant data sources are Head Start volunteers and data derived from university-based experimental programs.

Head Start is directed toward disadvantaged children three to five years old, but the programs are diverse. They vary in ages and types of children served, in specific program objectives, and in implementation strategies. It has been the federal intent that Head Start programs include all child development services; the actual kinds and levels of services provided for children in various setings are not well documented, but the information that exists shows that they vary considerably. The estimated cost per child per year is $1,200 (Child Care Data and Materials, 1971). Numerous small research projects with varying results have been reported (Data, 1969; Grotberg, 1969). However, the national evaluation of Head Start found that children who had attended the program for nine months were only slightly better in measures of intellectual development in first grade than were age-mates who had not attended Head Start. Program evaluators referred to program gains as quite modest and 'marginally effective.' Only limited data is available on the retention of gains realized by children participating in the Head Start program; but two studies of this question have been conducted. The first compared second-grade children who participated in Head Start for a full nine-months preschool period with second-grade non-participants. No significant differences were found between these two groups. A second evaluation compared first-grade children who had participated in a similar preschool Head Start program with non-Head Start first-graders and identified modest but statistically significant differences. It is unknown whether these gains will be retained, due to lack of follow-up data. However, the lack of significant differences in the second-grade children (a different study) and evidence from other programs leaves as a critical question whether or not significant gains can be sustained over succeeding years (see *Final Report*, II, Vol. 1, ch. 3).

There were no statistically significant differences between the children who attended only summer programs and those who did not (Impact of Head Start, 1969). Whether these limited results are due to the conceptualization of Head Start or the implementation of the programs, which varied considerably and received limited central control, is not known. Also, it is not known whether second and later years of the Head Start program will prove more effective due to start-up problems associated with the first year of the program.

There is evidence that some federal programs for children do not reach the intended recipients (Robin, n.d.; Title I of ESEA, 1969). The most promising results on the potential impact of child development services in a day care setting have been reported by experimental programs operating under the auspices of colleges and universities. Such programs definitely are not representative of those generally available to the public in existing Head Start programs or other operational programs (Bereiter, 1966; Bereiter and Englemann, 1966; Heber and Rynders, 1969; Karnes, 1968; Kittrell, 1968; Kugel and Parsons, 1967; Lindstrom and Tannebaum, 1970; and Peters et al., 1969). These university-related programs probably have the best chance of any existing programs to foster changes in children. They generally have a high adult-child ratio; a trained, highly motivated staff (although not necessarily all professional); in-service training and supervision; facilities, supplies, equipment; and greater availability of both material and informational resources. The content and activities in these experimental programs were directed primarily toward intellectual development; were based on a clearly articulated rationale and objectives; and were teacher-structured, carefully planned, and presented. Although cost information is not available, these programs are expensive, probably equivalent to the $2,300 level discussed in chapter two—although these programs do not necessarily include the full range of child development services.

In the university-based experimental programs, of all the child development services, education is the only component, with few exceptions, for which impacts upon the children have been assessed. Only the enumeration of the services delivered is available for the other areas. Even when educational services have been evaluated, the impacts assessed have been rather narrowly defined and the available evidence deals primarily with cognitive development of children in infant and preschool programs. Almost no research is available about impacts of care on the social and emotional development of children, although, as discussed in section 4.2, there is the possibility of negative impacts from group care. The findings from this research in experimental programs are summarized below. They are discussed in detail in *Child Care Programs: Estimation of Impacts and Evaluation of Alternative Strategies* (*Final Report*, II, 3 volumes).

1. Programs for infants and toddlers generally have not significantly changed the children's scores on the Bayley Developmental scales—although children in such programs usually score higher than non-participants and there is some evidence of accelerated growth curves and possible delayed or cumulative effects (Caldwell, et al., 1969; Fowler, et al. n.d.; Heber and Rynders, 1969).

2. Preschool children who have participated in intensive experimental programs for at least nine months to a year have showed gains on some measures of language and intellectual development (Day Care Days, 1970; Bereiter, 1968; Bereiter and Engelmann, 1966; Fuschillo, 1968; Gray and Klaus, 1965, 1970; Heber and Rynders, 1969; Karnes et al., 1968; Kugel and Parsons, 1967; Weikart, 1969; Weikart et al., 1970). Even with these gains, however, disadvantaged children generally score no higher than the average for all children their age.

3. Even when the differences between children in experimental programs and their agemates are not statistically significant, the children attending the experimental programs usually score higher on most measures (Cawley et al., 1970; Keister, 1970; Meier et al., 1968; Peters et al., 1969; Spicher et al., 1966).

4. Children in programs with some structured content and learning situations score higher on measures of language, intelligence, and achievement than do children in the more traditional and less structured programs (Berger, 1969; Clasen et al., 1969; Dickie, 1968; Di Lorenzo, 1969; Erickson et al., 1969; Kaines et al., 1968; Miller and Dyer, 1970; Siefert, 1969; Weikart, 1969).

5. Differences are less evident between children who have attended experimental preschool programs and those who have not as the children progress through elementary school. Gains made in preschool drop off as sharply in the first two grades and most differences are no longer statistically significant by the end of the fourth grade (Gray and Klaus, 1970; Weikart, 1970).

6. There is some evidence that a combination of group programs for children plus parent-training programs may be most effective (Barbrack, 1970; Gray and Klaus, 1965, 1970; Klaus and Gray, 1968; Miller, 1969; Neidermeyer, 1969; Radin, 1969).

Thus, it is our conclusion that, although the benefits have been modest, there have been some positive impacts from the inclusion of educational services in intensive experimental programs for preschool children. Although these benefits are no longer statistically significant by the end of the fourth grade, it is argued by some that gains of a four-year duration during elementary school may be of significant value. It should be noted that services in addition to educationally-related ones, especially nutritious meals, were included in these experimental programs and may be related to reported gains.

One of the differences between the results of Head Start and the experimental programs showing positive results is the magnitude and longer maintenance of intellectual gains. These differences may be the result of a more extensive, systematic educational component in the experimental programs.

Although there are little data describing the impacts of other child development services, such provisions, especially nutritious meals and health services may well have some positive impacts upon the recipients.

We recommend that federal resources be allocated for the assessment of impacts from nutritional, medical, dental, psychological, and social service components of the Head Start, Parent, Child Centers, and other programs for children. Expected impacts must be defined and appropriate measures developed to determine specific impacts. Research is needed to specify what actually happens in programs, to identify the specific factors contributing to the impacts, the characteristics of children who benefit from such services, and the best ways of effectively maintaining benefits over a longer period of time. Although many feel such services are necessary to foster optimal development of children, systematic research and development is needed before programs showing long-term gains are designed and proven, and effective means of delivering services on a mass scale is established. Then, in our opinion, the time will be ripe to consider major federal involvement in supporting operational programs.

Program coverage

The nature, degree, and longevity of gains associated with the offering of child development services in a day care setting is one considered relevant to the policy question of federal inclusion of such services in federally supported day care. Another consideration is the extent to which child development services offered in this mode would reach the total population of disadvantaged children. The objective of providing equal developmental opportunities for all children makes this question especially meaningful. Analysis is reported in this section on the total number of children who would be served under different federally supported day care programs and how the percentage relates to the total number in need.

Table 9 presents estimates of the percentage of disadvantaged preschool children who could be served under these proposed programs: H.R. 1 as it passed the House (7.5%), the Nelson-Mondale bill as introduced (19%), and an example program described in this report (23%).

These percentages are relatively modest if the goal of a child development program is stated as reaching all disadvantaged preschool children. The modest nature of the percentages is partly related to the high cost of providing services in this manner; a subject which is treated in the following section. The estimates of the number of children served by each proposed program are based upon cost levels of service as stated by the proponents of each program. The issue of the impact or benefits received by participants is, of course, another question (see Note 1 in the "Notes" to this chapter for explanation of estimates).

Program costs

The day care mode of providing child development services is an expensive one. The magnitude of this expense is illustrated by Table 10.

The table has been developed assuming that adequate custodial care can be purchased for $400 per child per year (see chapter two for a discussion of day care cost levels). The table also presents a $2,300 per child per year cost for a child development component. This estimate is high, relative to current Head Start program costs and the estimates of various professionals, but it is our best estimate of the cost of providing the only type of child development services which have been *proven* effective in the short run (gains that are retained for more than one grade level): programs modeled after the university-based experimental projects cited earlier. It might be useful for those who would wish such cost estimates lower to ask what evidence exists that programs costing less than $2,300 per child per year are as effective. We have found none, although we wish we had.[2] It should be noted that the experimental cost levels of $2,300 can be expected to decrease as programs move from experimentation to the operation stage.

Footnotes at end of article.

TABLE 9.—ESTIMATED NUMBERS OF PRESCHOOL CHILDREN SERVED UNDER DIFFERENT FEDERAL DAY CARE PROGRAMS

Program	Eligibility criteria	Number of children under 6 years old served (thousands)	Percent of potential H.R. 1 working mothers served	Other children served (thousands)	Percent of total number of children eligible for H.R. 1 served
Example program described in this report	Children under 6 years.[1] Limited to children of mothers working or in work-related activities. Family income under $4,320 for a family of 4.	[2] 909	100	([3])	23
H.R. 1 (as it passed the House)	Children under 6 years.[1] Family income under $4,320 for a family of 4,	[4] 292	32	([3])	7.5
Nelson-Mondale bill S. 3193, as introduced in the 2d session, 92d Congress.	Priorities: Family income below BLS lower living standard, Children under 6 years.[1] Children of working parents. Children of single parents.	[5] 830	[6] 8	83	19

[1] All bills cover children under 14 years old. These estimates are only for children under 6 years old.

[2] See ch. 3: Estimated total number of preschool children of mothers who are likely to work.

[3] None.

[4] Estimates a 3d of total of 875 day care slots under H.R. 1, "Report in Preschool Education, Sept. 22, 1971".

[5] Estimate of the total number of preschool children served is based on a total allocation of $1.5 billion; $500,000,000 is restricted to Headstart programs; $1,000,000,000 is evenly divided between preschool and school-aged children. This provides a total of $1,000,000,000 for preschool children. Based on the cost of $1,200 per child for child development services, $1,000,000,000 will serve 830,000 preschool children.

[6] Allocated at current percentage (19 percent) of full day, full year Headstart program or 158,000 slots. 50 percent of children with working mother. Current ratio is approximately 30 percent "Child Care Data and Materials, 1971."

[7] Based on current Headstart ratio of 90 percent "disadvantaged" meaning H.R. 1 eligible and 10 percent above H.R. 1.

TABLE 10.—ESTIMATED ANNUAL COSTS OF PROVIDING CHILD DEVELOPMENT SERVICES FOR PRESCHOOL CHILDREN UNDER DIFFERENT FEDERAL CHILD-CARE PROGRAMS

Program	Number of children to be served (thousands)[1]	Annual per-child cost of custodial care at $400	Annual incremental cost of child care at $800 (Headstart)	Annual incremental cost of child development component at $1,900 per child (millions)	Total program cost: day care plus child development at $2,300 per child (millions)
1. Service to all disadvantaged children (under H.R. 1)	3,900	$1,560	$3,120	$7,410	$8,970
2. Example program described in this report	909	363	727	1,727	2,090
3. H.R. 1 (as it passed the House)	292	117	234	555	672
4. Nelson-Mondale bill S. 3193, as introduced in the 2d sess., 92d Cong.	830	$332	$664	$1,577	$1,909

[1] Estimates presented in table 9.

It may be argued by some that not only is $400 per child per year too low a cost to purchase on a large-scale but also that even where adequate custodial care can be purchased at this price, much of it may be available only in settings which are unsuitable for the university-project type of child development services. In all probability this is partly true, but if child care sites are selected on the basis of their appropriateness for intensive child development services, then the additional cost of site selection is appropriately attributed to the child development program component.

An incremental cost equivalent to the cost of Head Start style programs is shown on the table to indicate the cost of such a program component. At present, findings show such a program to be "marginally effective," but further research and development could lead to the development of more effective programs at this cost level.

4.4 Alternative models for the delivery of child development services

The inclusion of child development services in a day care setting is only one possible approach for the provision of child development services to children. Alternative methods include: pre-parent and parent education to increase the effectiveness of parents in offering child development experiences; provision of services directly to children either in their own homes through media, tutors, or home visitors, or outside their homes through services available to all children (or at least all poor children); and programs involving active participation of parents with children either in or outside their homes. Some experimentation is currently underway for the provision of child development services, especially education and other activities related to school success. It may, perhaps, be beneficial to increase the amount of home training or to focus the home training on the parent, who can then give support over a longer period of time and at more times during the day. In several experimental efforts, parents have been trained in effective ways of interacting with their children. Some of these have been successful, especially those which were concrete and involved specific suggestions or instructions for activities and methods of presenting information to young childern (Barbrack and Horton, 1970; Boger, 1969; and Levenstein, 1970). Since these programs are relatively recent, the durability of gains or measures of intelligence or achievement of children is not known.

Courses in child development, psychology, and experiences with young children are being tried in several junior high and high schools (Programs for Infants and Young Children, 1969).

Sesame Street focused on symbolic representation, cognitive processes and concepts, and environmental information. After one year, the results are that those children who watched the most gained the most on all tests (Ball and Bogatz, 1970). The tests were devised by the experimenters. Media presentations for parents as well as children should be researched.

It may also be possible to include some services within a day care setting at a lower cost than the services now cost. Combinations of group and family day care arrangements may be less expensive and enable children to have some more planned educational and social experiences. Some success has been found with the inclusion of limited daily tutoring sessions either for children in custodial day care programs or in their own homes (Blank and Solomon, 1969, 1970).

While an in-depth analysis of these alternatives was beyond the scope of our analysis, these and other methods of delivering child development services should be evaluated. Their advantages, weaknesses and costs should be assessed and given full policy consideration prior to a major federal commitment to support child development services in day care.

In relation to modes of delivering child development services which are alternatives to inclusion with custodial day care, several points are worth noting.

First, the federal policy decision as to whether or not child development services should be offered to disadvantaged children is *not* the same decision as to whether such services should receive federal support as a part of day care; there are other means, and a decision not to include the services in day care settings does not preclude use of other means or even later inclusion in day care settings.

Second, there is evidence that other modes of delivery (without commenting on effectiveness) are significantly cheaper than day-care-based child development (educational component). For example, TV program costs are lower on a per child basis than day care, if given wide dissemination.

Some leading child development professionals are of the opinion that further research is necessary prior to selection of any mode of national implementation of child development services.[3]

4.5 A recommended national research program on child development

Given available evidence, we feel it is too early for a federal policy decision to be made to support comprehensive child development services on a national scale in a day care setting. Further, it is our opinion that there is too little evidence to indicate that day care will necessarily provide the most efficient and effective mode of offering child development services. Consequently, we recommend that federal actions related to day care be taken in a manner allowing maximum flexibility for possible later inclusion of child development services, as yet of undefined form; that federal operational investments in offering comprehensive child development services on a national basis be held in abeyance pending further research and development; and that a formal, aggressive national program of research, demonstration, and evaluation in child development services for the disadvantaged be created.

These recommendations are based upon our conclusion that there is a significant, unmet social need for enriched child development opportunities for the disadvantaged; that research, demonstration, and evaluation results are tantalizing in their suggestiveness of significant potential for effective, federally supported programs; that such programs have not yet even proven effective in a form practical for national implementation; and, finally, that disadvantaged children will not be well served by expenditures of funds for programs likely to be ineffective. Rather, disadvantaged children will be best served by a concentrated and aggressive effort to identify, prove, and ready for implementation effective programs which can be offered at a cost which will allow such services to reach as many children as possible: ideally, all in need.

In order to facilitate effective planning and delivery of child development services, we recommend that the research and development program include: systematic evaluations of the impacts and costs of day care and child development services; systematic investigation of alternative methods for providing day care and child development services to obtain the maximum benefits; the development of effective means of disseminating information about day care and child development and related topics; and the development of an effective system for controlling services for children.

We strongly recommend that the responsibility for such research and development activities be assigned to an agency or agencies not directly responsible for providing services. We recommend the authority for planning and conducting such research activities be delegated to an officially created Office of Child Development, Department of Health, Education, and Welfare. (See Note 1 to chapter six in the "Notes" section of this Summary Report.) Such an office should be charged with reporting to Congress on all matters relevant to the creation of a federally supported national child development program. We recommend that Congress not enact such a program until adequate data demonstrate the value of such a program, and methods are developed and proven for delivering such services effectively and efficiently.

Further details of this recommended program are presented in chapter six. The recommended program would entail no additional cost to the federal government, since it would supplant the current Head Start program.

4.6 Conclusions

The following are the conclusions from our analysis of the policy question, "Should child development services be provided in federally supported day care arrangements?"

In relation to the objective of an equal development opportunity for all children, beyond a doubt there exists an unmet need. There are 10.5 million poor children (age 0–

Footnotes at end of article.

18). About a third, or 3.5 million, are younger than six. Many of these children do not have full opportunities for development; this lack of opportunity degrades the quality of their lives and increases the burdens of society.

Custodial care providing adequate safety, supervision, and meals by a competent care giver will probably not be detrimental to the development of children. Other than providing for children who are not now receiving care while their mothers work, little, if any, positive changes in the children's development will result from custodial care.

The Head Start experience suggests that the program as delivered in the past, at best, has offered only limited short-term educational gains for participants.

Results from other, more carefully controlled and more intensive experimental programs indicate some gains in educational level and/or intellectual development for preschool children. However, the benefits gained by children participating drop to zero by the end of the fourth grade.

Impacts from other child development components (health, dental, nutritional, psychological, and parent education) that might be included in day care settings have not been assessed. Research is needed to identify and evaluate the impacts of these child development services provided in day care settings.

Current proposals for implementing child development services as a part of day care on a large scale—providing children the benefits suggested by experimental programs—are expensive, limited to only a segment of the population, and highly likely to offer very limited or no measurable benefits because of the lack of adequate means to control quality. The incremental costs of child development services using increased cost estimates to match referenced experimental programs ($2,300 total: $400 custodial and $1,900 developmental services) are $55 million for H.R. 1 and $1,577 million for the Nelson/Mondale proposal. If child development services of this type were offered to all children of working-poor mothers, the estimated cost of child development services would be $1,727 million. These estimates are for preschool only (Table 10).

Child development services offered through day care settings, as reflected in these proposals, would reach only a portion of disadvantaged preschool children (23% of those eligible if provided to children of all mothers working under H.R. 1; 7.5% under H.R. 1 as it passed the House; and 19% under the Nelson/Mondale bill). Other disadvantaged children in need would not receive child development services under these proposal programs (Table 9).

The allocation of funds alone does not guarantee the delivery of child development benefits to children. An effective system for controlling the quality of services provided for children is essential.

There is a variety of potential modes of delivering child development services to disadvantaged children that may reach more children, may be more effective, and may be less expensive than the inclusion of child development services in a day care setting, but little is known about them. We recommend research into alternative modes for delivering child development services prior to the creation of any federally supported, national child development program.

We recommend that a major federal program of research, demonstration, and evaluation in child development be formally created, given a generous budget, and be required to report to Congress on all matters relevant to the creation of a federally supported national child development program. We recommend that Congress not enact such a program until adequate data demonstrates the value of such a program and methods are developed and proven for delivering such services effectively and efficiently. We further recommend that the funds currently allocated to Head Start be reallocated to finance the research, demonstration, and evaluation program.

In summary, it is our opinion that there is not yet sufficient knowledge or understanding of child development to implement or even design a national program offering child development services through a day care situation. Experimental programs that show significant benefits from child development programs are few and recent; the long-term value to children of the programs that have demonstrated measurable benefits is limited to benefits that last no longer than the fourth grade. Very little is known about alternative ways of providing child development services. The control of quality of services offered by existing programs appears crucial to the success reported for experimental programs, yet no effective means has yet been developed for controlling the quality of child development services on a large scale. Research suggests that many child development programs and techniques have significant potential, but there is no adequate knowledge or technology to implement large-scale programs or to offer any assurance that there are not more effective, more efficient, and less expensive means for offering services.

Current proposals for implementing national child development services as a part of day care—apparently attempting to provide to children the benefits suggested by experimental programs—are expensive and limited to only a segment of the population; further, for lack of adequate means of controlling quality, they are highly likely to offer limited benefits or no measurable benefits at all in relation to intellectual development.

If a child development program using day care as a setting were to be rapidly pushed to operational status, and assuming that an adequate method of quality control (which seems a critical factor in the success of experimental programs to date) had been developed and implemented, the costs of the program would have to be high to be effective (perhaps as high as $2,300 per child per year). Some argue that the estimates of the costs of the currently proposed programs have been reduced by public debate in response to political pressure to levels of cost that could not offer significant benefits in relation to the intellectual development of children. Finally, even if current proposals are not judged to be below the effective cost levels, the funding levels proposed would represent substantial expenditures with uncertain returns.

5.0 An analysis of alternative federal delivery-system strategies for further involvement in the day care industry

If the federal government makes a policy decision to significantly increase its level of support of day care services, the immediate question is must answer is what will be the form of this involvement. The extent to which federal program objectives will be achieved will depend upon the effectiveness of the delivery system chosen to support day care services. This chapter analyzes alternative delivery systems and suggests component elements that a proposed delivery system should contain. The chapter also examines the potential effect of the delivery systems proposed by major pieces of day care legislation. The nature of the current industry provides a frame of reference for these analyses.

5.1 An analysis of the existing industry: A context for decisionmaking about Federal involvement in day care

The federal government operates within the current industry in two distinct manners. Through AFDC and a variety of other federally supported programs, money flows into the open-market day care system in the same manner as consumer, out-of-pocket money. On the other hand, the federal government has developed a number of highly structured, community-agency planned and based comprehensive programs—typified by Head Start, Model Cities day care centers, and other centrally planned community operated models.

In effect, two divisions within the day care industry have thus been created by the magnitude of the influence of federal money. Much can be learned from the experience of both of these approaches. This chapter examines the experience, tendencies, characteristics, and the theoretical advantages and disadvantages of both the market model and the centrally planned model as applied to the day care industry.

The Magnitude of the Existing Industry

Day Care is free of charge in about 72% of all cases; the remaining 28% of day care constitutes a $1.4 billion industry, including all public and consumer out-of-pocket money contributed to the industry. Thus, if all day care were to be paid for at the cost that 28% of the current services now bring, day care would become a $5 billion industry, an amount greater than the current AFDC payments program. The individual cost of existing paid day care is so low, mostly less than $10 per week, that it is difficult to imagine any direction for prices to go except up. Further, if federal day care involvement were extended to the point where the federal government assumed full responsibility for ownership and provision of day care to all currently working mothers, the costs would be staggering: an estimated $19 billion for capital costs and $14 billion for operating costs (see note 5 in "Notes: Chapter Two"). Clearly, the current industry is heavily subsidized by private and individual resources, and their continual use is the only means of keeping program costs within the bounds of feasibility for a program of national scope.

The majority of the existing day care industry is composed of private providers, but the bulk of federal support is channeled to not-for-profit providers.

In addition, the growth of the industry has been rapid in recent years and available evidence indicates a likelihood of continued growth. Therefore, in any consideration of federal priorities, of which day care might well be one, the sheer bulk of the industry justifies extreme caution in any federal effort even approximating a takeover or nationalization of day care. Such an undertaking might be compared to the establishment, from next to nothing, of a program equivalent to the existing elementary education system.

Characteristics of the Existing Industry

One way to describe the existing day care industry is to note the characteristics of current parental choices and preferences as revealed in the actual options selected in the currently relatively uncontrolled market. Although only limited information is available on parents' preferences, we do know that the existing day care takes place in three alternative settings: the child's own home, someone else's home, or a day care center. Only 15% of all work-related day care takes place in a formal setting, and even the majority of that is provided in family day care homes or other non-center arrangements. The bulk of all day care, thus, takes place in extremely informal settings about which little is known.

Some evidence does exist describing parental choices and preferences about their day care arrangements. No one form of day care is preferred by even half of working mothers, but the form most preferred is in-home care (about 45% preferring this form of care). Not surprisingly, inexpensive, convenient day care is preferred. Interestingly, however, much center care is not appreciably more expensive than other paid arrangements.

Perhaps the most significant preference—and possibly the most significant single feature of adequate day care—is the warmth and concern of the caretaker. This fact seems to be strong evidence favoring the existing diversified and informal system, in light of the virtually total lack of evidence regarding the value of services, or the correct mix of inputs. This fact also serves as an endorsement of the advisability of maximum parental choice, as is discussed in this chapter.

Other factors favoring the existing industry include at least the following: First, since so little is known regarding the value and effect of various services provided in day care settings, standardization seems inappropriate, if that would ever be a desirable goal. Rather, diversity appears to have emerged naturally and serves to meet the varying needs and desires for day care arrangements. Second, most mothers indicate satisfaction with their present day care arrangements, with the proviso that if more options were available some shifts would take place, and with the proviso that the lack of purchasing power and information precludes certain options, particularly for low-income families.

Past Experience in Federally Supported Day Care

An interesting contrast develops as we compare the existing industry, with its apparent advantages of low cost, convenience, diversity, satisfaction to parents, and so on, with the typical experience in day care when the federal government has taken a substantial role at the level of controlling the operation and provision of the services themselves. The basic features of federally supported day care in the past may be summarized as follows:

Almost all agencies choose to operate their own programs and to provide comprehensive center care; only in a relative few instances were contracts used or were family day care homes involved.

The vast bulk of federal investment is in day care centers.

Over 98% of the investment in centers is for non-proprietary day care.

Programs are generally high cost and comprehensive in nature.

Programs are usually selective: participating children receive substantial services and nonparticipating children receive none.

Little evaluation or other study has been accomplished to determine the value of various services offered in the day care setting.

Standards are set and adhered to that other components of the day care industry, lacking substantial federal support, cannot meet.

The extent of services is generally above the average parental desires as reflected in their free choices in the remainder of the industry.

Professionals and public or quasi-public agencies are usually characterized by the fear of liability and the desire for accountability, resulting in rigid and highly structured or formalized programs and procedures.

If the federal government chooses to further involve itself in the provision of day care in the manner it has in the past, when federal involvement has been substantial and formal at the operational level, every indicator suggests that the day care provided would substantially conform to the characteristics noted above. It can further be argued that in spite of any attempt to legislate or regulate structures in other forms, federal involvement at the local operational and control level will necessarily tend toward certain models, due to such virtually unchangeable characteristics as:

The fear of liability demonstrated by many public agencies and the responses of those agencies to demands for high accountability;

The rigidity or inflexibility of public programs following their initial establishment;

The tendency among public and often professional agencies towards centralization, standardization, or lack of diversity.

5.2 Analysis of essential elements of a federally supported day care delivery system

Maximum Parental Choice

This characteristic would ensure diversity, as apparently is desired, and as appears appropriate in an area where no ideal system is known. Indeed, the value of most components of day care remains substantially unknown. Presumably development and experimentation with new and existing ideas will likewise be encouraged. Parent choice can be maximized through the provision of purchasing power where needed. Parental satisfaction with services provided can likewise best be assured by allowing the greatest possible freedom of choice.

Perhaps more important, parental choice constitutes the best known means of quality control in day care. Again, a key fact is the absence of knowledge regarding any ideal day care programs or components. When such features as the warmth and caring of the provider are suspected to be the key elements of adequate day care, no better selection system appears than parental choice—given the current state of knowledge. Furthermore, historically, licensing and the enforcement of standards have been virtually impossible in many day care settings. Professional standards have also tended to be unnecessarily high in contrast to the known needs of children and the wants and desires of parents.

Parental desire in contrast to preferences of professionals is also relevant to cost. When WIN (or AFDC) recipients arranged for their own day care, the care averaged $315 per child. When the Welfare department arranged care, cost averaged $1,140 per child (*Child Care Data*, 1971, p. 12).

Flexibility and Adaptability

Flexibility and adaptability are obviously required to ensure the diversity and response to parental choice discussed above. Flexibility and adaptability in the delivery system are also required to take into account future trends and future needs.

If any characteristic of the day care industry is obvious, it is that the whole industry is evolving. Among other trends that may affect the provision of services in the future are such things as the increase in the number of women in the labor force, the emphasis on "workfare" and public-employment programs, and expanding knowledge in the area of useful child development services.

The flexibility must be sufficient to allow outmoded facilities and programs to either adapt or be phased out. Public-agency or bureaucratically operated programs are not noted for flexibility, particularly not to the extent of allowing institutions or programs to fail when outdated or no longer demanded. Unless the delivery system for day care has the element of substantial flexibility, this program may well follow the course of other programs that were established prior to the availability of sufficient knowledge and later proved themselves unresponsive to changes in knowledge and in the circumstances of society.

Ease of Transition

As is discussed above, the existing day care industry is massive. Unless the federal policy is to supplement and build upon this existing industry, the cost of a large scale day care program, among other staggering implementation problems, will be virtually prohibitive. On the other side of the issue, the effective federal takeover or nationalization of day care services would eliminate this same massive industry currently functioning in and affecting the national economy. Since the bulk of the current industry is proprietary care, ease of transition as well as maximum use of resources would indicate that further federal involvement should accept proprietary providers.

The existence of the industry does not necessarily mean that it is adequate, where operating, nor that it is complete. Within the existing industry, substantial roles appear to exist for federal supplement of the equality of opportunity for day care services through the provision of purchasing power on an equitable basis and through the stimulation, development, and equalization of needed resources for the provision of adequate child care in all areas and under all conditions.

An Industry for the Poor

Most existing and proposed day care programs are primarily aimed at low-income population groups. Our conclusions and recommendations concern the provision of day care services to the poor. Federal involvement in day care can be designed to serve the poor in two regards:

1. the provision of day care services to poor people in need of services; and
2. the provision of services by poor people who can receive income through such employment.

This latter goal appears possible and should be emphasized in any federally supported day care program. The effect of emphasizing the use of poor people as providers of day care services would be to channel back to the poor community some or all of 60% to 80% of the money now being spent by day care programs for personnel. Also, additional amounts used for expenses for remodeling, equipment, and so on, could contribute to the betterment of residences of the poor providers. The only other option is to have these same funds diverted to business interests in the middle- and upper-class brackets.

The amounts of money thus returned to the community if the form of increase could run as much as $1.2 billion in the first year of operations under the budgets proposed in the comprehensive child care bills, and one-half that amount under the H.R. 1 welfare package. These theoretical maximums may not be approached, but substantial sums might still be so diverted.

A key element in encouraging poor people to act as providers of day care is the structuring of a program so that employment opportunities will exist for this population group. In day care a great deal of this structuring already exists. The industry is very informal. Virtually no technical or other skills beyond those possessed by the average parent are required to enter the industry. Start-up costs for concerns such as family care homes are very small in most cases. No significant barriers appear that would hinder entry into this industry by economically disadvantaged persons.

It would seem a safe assumption that the majority of these informal providers are relatives, neighbors, and such who are likewise poor. If current patterns in the informal day care industry continue, the program could not only make day care services more adequately and equitably available to the poor but could, as we have said, also channel the payments for day care services back into the poor community.

Another key to the realization of this goal is the placement of adequate purchasing power in the hands of the poor. Obviously, without the provision of adequate purchasing power, no increased program or industry will develop. If purchasing power is provided to parents, and they are allowed to continue with their current patterns of behavior, these events in all probability will occur. If, on the other hand, unreasonable constraints are placed on parental choice, or if the decision-making authority is taken away from individual parents, the poor could conceivably be excluded from participation if centralization, standardization, professionalization, and complex administration are encouraged.

At the policy level and at the administrative level, all reasonable efforts should be undertaken to encourage the involvement of the poor community in the provision of day care services. The channeling back to the poor community of the bulk of what will prove to be a $1 billion program will certainly provide some relief to the economically disadvantaged, as well as to the high cost of the existing welfare program.

5.3 An analysis of alternative theoretical and proposed day care delivery system models

Most national child care proposals under consideration by the Congress include provisions for systems of delivering expanded services. The proposed delivery systems, of course, would be imposed upon the existing patterns of delivery child care. The proposed as well as the existing delivery systems represent combinations of elements of two possible basic models: a market model and a centrally planned model.

These models do not exist in pure form in practice, but represent "ideal" reference points for analysis. More specifically, our recommended delivery system, a modified market model, relies heavily upon consumer choice and product differentiation as a basis for competition—and not on price alone, which is the basic variable in the theoretical market model.

Any system that provides goods and service must include a mechanism by which resources are allocated. Resource allocation, in turn, depends on what goods and services are produced, how they are produced, and to whom they are distributed. In other words, production, efficiency, and distribution issues are all involved in the resource allocation question. The market model and the centrally planned model can be viewed as extremes on a continuum that represents the degree of governmental intervention in the system. At one extreme, government intervention is entirely absent, and the market mechanism is free to determine the allocation, production, efficiency, and distribution outcomes. At the other extreme, government interventon is total; all decisions affecting allocation and soon, are made by fiat.

The models discussed in this section are less extreme versions of these two types. The market model allows for some regulation to facilitate the workings of the market and to assure that all child care produced is of at least a certain minimum quality (for example, certain health and safety standards must be met). At the same time, the centrally planned model allows for a certain malleability in the fiat system by requiring the decision makers to be in some way representative of the population receiving services (elected consumer representatives on a local governing board is one example). We are using our models, therefore, to make the distinction between what Rudolf Klein has called the "market economy" model and the "political economy" model (Klein, 1971, p. 112).

The emphasis in this analysis will be upon our recommended choice of a primarily competitive market model. Additionally, however, the problems of such a system are discussed and the pros and cons of the central planning model are presented.

The Market Model—Characteristics and Advantages of the Market Model

The key feature of a market mechanism is that the price system is allowed to carry out the basic economic functions mentioned above. Consumers select from the goods and services available to them those that best meet their needs, given the constraint imposed by the amount of their incomes. As shortages or surpluses develop, prices adjust so that the market is cleared. At the same time, prices perform a more vital function: they serve as resource-allocation signals. Price combined with quantity purchases determines revenue; revenue minus cost yields profit. Consumers' choices and the response of prices thus determine the profitability of various activities. Provided that barriers to entry are few, resources tend to flow into high-profit activities and out of low-profit or low-producing activities. If costs accurately reflect the value of alternative uses to which resources can be put, then profitability is a good indicator of those economic activities that consumers most want performed, and the resulting flow of resources is desirable.

The market mechanism we outline here does generate consumer sovereignty: the demands of the consumers determine the allocation of resources. The market mechanism also allows for as much diversity as consumers desire—provided that desire is translated into effective demand for goods that are profitable to produce. Also, as long as resources can flow freely into and out of various economic activities, and if producers strive to stay in business and to maximize profits, the competition generated between producers by the market mechanism will result in efficient production. The market model thus appears to deal admirably with the issues of production, distribution, efficiency, and allocation.

The diversity allowed by the market model could be described as a part of a larger attribute of flexibility, larger because flexibility in this model exists for longitudinal change as well as current diversity. At present, day care is an actively provided commodity in this country offered primarily through occasional or informal arrangements, and at a relatively low cost. The next major step in the evolution of the day care industry in this country could well involve its use to help stimulate increased employment among AFDC mothers. This type of service to be effective must emphasize the rapid development of capacity that meets the convenience of the AFDC mother at as low a cost as possible, consistent with adequate quality for the care of children. As the industry develops over the years, it is probable that it will serve more and more women of all economic strata who will enter the labor force. For middle- and upper-income families, day care will be purchased and supplied in response to free market sources.

The other significant development that is now taking place is the advancing knowledge regarding child development services. As the services are proven feasible and valuable, new delivery systems within or beyond day care settings may prove necessary. The development and delivery of truly effective child development services on a national basis may not be many years off. The point, then, is that the flexibility of the market model is highly desirable for the evolving day care and child development industry. The flexibility must allow some providers to fail when no longer needed or in demand. The retention of providers, facilities, and such, when not in demand would inhibit progress and the evolution of the delivery system of new and better services.

Problems with the Model: The Role of Government

The market model rests on certain key assumptions, which may not hold in the day care area. Also, the model neglects at least one important issue of particular relevance to a program directed at the poor and near poor populations. The assumptions of concern are:

1. Consumers must have adequate information on which to base their decisions; but consumers, especially the poor, may be unable to discriminate between good and bad day care. Government intervention in this area could take the form of improved information and education on day care, as well as periodic surveys of the consumers of services from different providers to assess their level of satisfaction with each particular provider. Such surveys could help potential consumers in making their decisions; parents would thereby learn from the experiences of other parents.

2. Barriers to entry in the market model are few. Entering the day care industry is, as yet, a relatively easy process. However, for comprehensive service day care centers significant capital costs are involved. Government intervention can increase the difficulties of entering the industry by increasing the strictness of its regulations. If barriers to entry are to be kept low, then standards must be reasonable and directly related to quality. Certain standards, of course, are necessary to ensure the health and safety of the children.

3. Latent demand may be unrecognized and unmet. It is difficult for consumers to purchase goods that do not exist. A profitable opportunity may be present but overlooked because no potential provider recognizes it. For example, a day care center might be a profitable undertaking in a certain neighborhood, but this will never be known unless someone takes the risk of establishing a center there. Government action in this area might include providing incentives for risk-taking, or carrying out surveys intended to measure the latent demand for different types of day care in specific, apparently high-risk localities.

4. The important issue that the market model neglects is income distribution. The market model, if the above assumptions hold, will allocate resources efficiently given an adequate prevailing income distribution. Specifically, consumers will purchase the amount and type of day care that best meets their needs (i.e., which maximizes their utility), given their income level. However, one of the fundamental tenets underlying proposed day care programs is that the amount of child care that persons with low incomes can purchase is sufficient. The policy objective is to increase the amount of child care obtainable by the low-income population. This requires some form of government subsidation of day care expenditures for the poor.

The financial mechanisms by which the federal government would subsidize the purchasing power of parents could include a variety of types; but under the market model they must ensure that the choice of service remains with the parent, even if the actual purchasing power or money does not. Available mechanisms that the federal government might use include tax deductions or tax credits, income disregard, vouchers, or direct vendor payments. These mechanisms alter the day care prices faced by the consumer in different ways and will thus lead to different resource-allocation outcomes. For this reason, the alternative mechanisms must be carefully compared. However, subsidation of day care must be made in a way that is consistent with consumer sovereignty, an essential element of the market model.

The Centrally Planned Model—Characteristics of the Centrally Planned Model

The essence of the centrally planned model is that all functions and resources are vested in one agency. This agency, thus, has the power to control, monitor, approve, create, or remove all day care services in the region. Each region (either a state or smaller region) would be governed by an agency. Most proponents of this type of day care industry envision each agency governed by at least some consumers or parents who are using the day care services provided.

Interested groups or organizations who wished to provide federally supported day care services in the given area would first have to apply for approval from the central planning agency. It is possible that the agency could act so as to set up competing providers in a given area and then let consumer response determine which providers will succeed and which will fail. In other words, a central agency model is not necessarily incompatible with a market model, in that it could allow that model to operate. However, as noted earlier in this presentation, we have deliberately developed two extreme and clearly distinct cases in order to best illustrate the issues involved.

There is not clear analogy that would represent what a fully operating central planning day care industry would look like. In general, it may be envisioned as a centrally planned system governed by either an elected or appointed board, or a combination. In an embryonic way, Head Start approximates this industry form.

Financing a centrally planned day care industry would consist of direct financing from the federal government to local or regional planning agencies. These agencies would, in turn, either directly operate programs or contract for the provision of services with qualified organizations.

Parents or individual consumers would not usually have direct purchasing power but, if eligible, would receive child care services if they chose to enroll their child in a program operated or contracted by the central planning agency.

Advantages of the Centrally Planned Model

A number of advantages are usually cited for the centrally planned form of delivery system. The most important are:

1. Such a system would allow the central agency to deal directly with perceived deficiencies in purchasing power and unmet demand. If the agency felt that a certain group of people in a certain area "deserves" more child care but was not receiving it, the agency could funnel resources into that area and make the chosen group eligible for the resulting services. Also, the agency could act to prevent unnecessary duplication of facilities and thereby, presumably promote efficiency.

2. Centralized planning and control does not rely on consumers or parents to make choices they are unable or unprepared to make. Many professionals feel that the consumers who need good day care services the most are the least likely to choose them. No generalization can be made concerning the ability of low-income parents to serve, either directly or indirectly, their children's best interests; however, this population has generally less education and, perhaps, sophistication in the mechanics of obtaining services. Furthermore, all citizens in almost all situations can benefit from both collective and expert wisdom in making decisions.

3. Consumer "control" or representation in the agency would ensure that the kind of services consumers desire would be provided. It is argued that the kind of decisions made by a parent-controlled agency would reflect the collective desires and wisdom of the group.

Problems with the Centrally Planned Model

While the centrally planned model may have certain advantages over the market model, it also creates a number of problems. The basic difference betwen the two approaches is that the price mechanism is replaced by the political process as the allocator of resources in the centrally planned model. The central agency must know and apply the appropriate criteria for resource allocation. Somehow, "needs" must be determined; services to be provided must be precisely defined and directed to the areas of greatest need; the prices to be paid to providers must be determined, usually on the basis of negotiations that attempt to establish a "fair price"; and the eligible population for each type of service must be defined. When shortages or surpluses develop, there is no automatic means to adjust the system; political pressure would have to take its place. Because competition is eliminated, the pressure for efficiency is also seriously reduced.

The outcome of all these deficiencies can be a system that mis-allocates resources, uses them inefficiently, and distributes the resulting products in an arbitrary—and therefore probably inequitable—manner. Some of the major problems are:

1. The potential exists for the central planning agency to be dominated by consumers, professionals, governmental officials, or some coalition of these individual who can force their preferences in day care services on all consumers in the area. Additionally, conflicts or stalemates within the agency could hinder decision-making and, thereby, the availability of quality day care services.

2. Based upon the decisions of one board, day care services will tend to be uniform; innovation, variations and diversity of services will be minimal. The uniformity of school programs run by over 5,000 independent school districts evidence this potential problem.

3. Centralized planning will require extensive administrative machinery and staff, which will raise costs. In addition, monopolistic power is likely to raise costs. (Theoretically, monopolies or central planning agencies can reduce costs through better planning and allocation of resources. In actual practice this rarely if ever happens; costs usually increase.)

4. The day care industry may be more subject to political influences, since most proposed central planning agencies have several politically appointed members.

5. Central planning agencies tend to operate all their own programs (like training) and thus tend to be inefficient, since other organizations may be better equipped to carry out such functions. Central planning agencies tend to have little faith in the capability of other agencies; they tend to believe "we can do it better ourselves," without realizing the complexities involved. Also, these agencies have little incentive to economize or to operate efficiently, since they are not rewarded for doing so.

6. Central planning models tend to become inflexible and rigid once established, since existing programs, facilities, and so on, tend to be retained; thus they consume resources that could be used to develop alternatives to meet changing demand. Failures and phaseouts will not be allowed to occur naturally.

5.4 An analysis of existing and pending Federal strategies and actions

Certain major and even relatively minor policy decisions by the federal government with regard to its strategies and actions in day care can and will be a powerful influence in shaping the nature and type of day care industry that will develop. As important in determining the nature of the day care industry as the amount of money the federal government decides to invest or spend on day care will be the way in which the money will be spent.

The federal government has three basic decision areas with regard to federal involvement in day care:

1. Purchasing power (operating costs).

2. Key resources (facilities, training, and equipment).

3. Performance (quality) control or regulation.

Within each of the first two areas the federal government must make two decisions:

1. How much money it will invest in each area.

2. Who will have control of the expenditures.

(In the case of regulation the decisions are, what will be regulated and who will have authority to enforce regulations.)

The essential fact influencing the following analysis is that policy decisions and actions that tend to place purchasing and decision-making power in the hands of individual consumers will shape the industry toward a market model. Policy decisions and actions that place purchasing power and decision-making authority in a single agency will tend to shape the industry toward a centralized planning and controlled industry.

Actions and Strategies Favoring the Competitive Market Model.

The following are examples of legislative actions or policy decisions that would significantly help shape the industry toward a market industry.

1. *Actions to provide increased consumer demand through the provision of purchasing power:*

Income disregards for the cost of day care services (AFDC program, Opportunities for Families Program, H.R. 1);

Vendor payments for day care services (AFDC program);

Vouchers for day care services (such as Food Stamps);

Opportunity for Families Program and Family Assistance Plan (H.R. 1), which provides money for day care for public assistance recipients and emphasizes parental choice; and

Increased tax deductions for day care services (the Revenue Act of 1971 and prior legislation).

Tax credits for day care services (similar to tax credits for tuition in non-public schools).

2. *Actions to stimulate creation of new programs through the investment of public funds for start-up costs, such as construction, renovation, equipment, and technical assistance.* Most of the major proposed day care legislation provides for key resource support. Obviously the creation of facilities and other key resources are of benefit under either delivery system model. Some examples of this kind of assistance include:

The Opportunities for Families Program and Family Assistance Plan (H.R. 1), which provides specific money for construction, training, and leaves to the discretion of the Secretaries of HEW and Labor how to spend a large pool of funds, at least a portion of which could be spent for the creation of key resources;

The Child Care Corporation concept introduced by Senator Long (but not reintroduced into this session of Congress as of this date), which has as a primary intent the stimulation of key resources through grants, loans, mortgage assistance, and other financing devices;

These programs tend to be oriented toward a market model in the means they have of making funds available both for operations and for development. (H.R. 1 does contain provision for community action agencies to control the operation and delivery of services but does not stress this feature.)

The comprehensive child development approaches, such as the Nelson-Mondale approach (S. 3193) and the Senator Javits approach (S. 3228), which provide the substantial monies for key resource development in the forms of either direct development by community agencies or by grants, loans, contracts, and other appropriate financing mechanisms to day care providers and developers.

These programs are geared entirely to the central planning model for the provision of services and the development of key resources, but are not incompatible with a competitive market model in their basic provision of the support for key resource development.

3. *Actions to stimulate competition by investing or permitting more than one type of sponsor or program.* Some of the major proposed legislation have permitted support to a diversity of sponsors, including both public and private, profit and non-profit, day care and child development:

H.R. 1 and the corporation idea permit such diversity, in that no centralized authority is required except at the federal level;

The comprehensive child development approaches are less likely to promote such diversity since all providers must operate at the sufferance of local central planning authorities with fixed, and presumably limited, goals and approaches (assuming the providers wish to be a part of the federally subsidized industry).

4. *Actions to simplify regulations and permit a diversity of programs to operate:*

The HEW national conference on standards to simplify in general and relax standards for facilities and personnel;

Federal authority to override state laws inhibiting the day care industry;

Technical assistance to states in the development of standards.

Actions and Strategies Hindering the Competitive Market Model.

The following legislative actions and strategies will tend to severely hinder the development of a market-oriented system providing for diversity of services and parental choice:

1. *Actions that would create central planning authorities and day care.*

All of the Comprehensive Child Development bills, which require the use of the central planning authority and prime sponsorship approach;

The Head Start Program (Economic Opportunity Act of 1954, as amended, Section 222 (a) (1), which operates only through a central planning agency, but not necessarily with substantial governmental control or sponsorship.

2. *Actions that would limit federal financial support to only selected public and private non-profit agencies (mainly excluding the private-for-profit providers):*

The comprehensive child development bills exclude from federal financial support private for-profit organizations, reducing the innovations and technology that may be brought into the industry and precluding firms from offering services that may not otherwise be provided.

3. *Action that impose ideal or "optimum" standards or limit the types of care provided.*

All of the pending legislative proposals either contain standards or direct that such standards be developed soon after enactment. No direction regarding the severity or freedom of such standards are generally imposed. Care must be exercised to insure that standards will allow the operation of a variety of types of day care providers under any delivery system.

The 1968 Interagency Day Care Standards are a good example of the failure of impractical guidelines to be enforced.

4. *Actions that could impose restrictions on what day care services a parent can utilize with his purchasing power.*

The Comprehensive Child Development approach has the potential to restrict the types of day care services available. Obviously, the parent can only make use of the services that the central planning agency either operates or authorizes.

Vendor payments under Title IV–A of the Social Security Act have the potential to restrict parental choice in the event any conditions are imposed regarding authorized vendors.

Any licensing or standards that are so restrictive as to prohibit certain providers that parents otherwise might use, substitutes the standards of others for parental choice.

Actions and Strategies Favoring a Centralized Planning Industry Model.

In contrast to legislative actions that would help promote a market oriented industry, numerous proposed legislative actions that significantly favor the development of a centrally planned industry. The following are examples:

1. *Actions that would create central planning agencies with decision-making power:*

All of the Comprehensive Child Development bills require the use of the central planning authority and prime-sponsorship approach.

The Head Start Program [Economic Opportunity Act of 1954, as amended, Section 222(a) (1)] operates only through a central planning agency.

2. *Actions that provide purchasing power (operating money) and authority only to central planning agencies to operate or purchase day care (as approved to providing it to parents):*

The Comprehensive Child Development approach,

The Head Start approach,

Any community action or parent-controlled requirement.

3. *Actions that would limit what services parents could purchase.*

The Comprehensive Child Development approach has the potential to restrict, the types of day care services provided. Obviously the parent can only make use of the services which the central planning agency either operates or authorizes.

Vendor payments under Title IV–A of the Social Security Act has the potential to restrict parental choice in the event standards are imposed regarding authorized vendors.

Any licensing or standards which are so restrictive as to prohibit certain providers which parents otherwise might use, substitutes the standards of others for parental choice.

5.5 Conclusions and recommendations for the nature of Federal involvement in the delivery of day care services

While we remain neutral on the policy decision of whether or not the federal government should increase its involvement in day care services, we definitely recommend that, if the decision is made to increase the level of involvement, that the increased involvement take place through the following programs:

1. a program of vouchers to place purchasing power for day care services under the control of and at the discretion of eligible parents;

2. a program of key-resource development, primarily operating through community development agencies.

The use of a Voucher System for the Federal Support for the Payment of Day Care Services.

The provision of purchasing power to the consumer may be accomplished through a variety of mechanisms—vouchers, vendor payments, income disregard, tax credits, and tax deductions. Competing arguments suggest the advisability of each. The decision to recommend the use of vouchers is based on three conclusions:

1. Income disregards, tax credits, and tax deductions are regressive in nature and may be taken advantage of only by persons with sufficient income or tax liabilities to make use of these devices:

2. Vendor payments seem often to be associated with related standards or conditions imposed upon eligible vendors and, hence, tend to limit a free-choice system.

3. Of all the available payment mechanisms the voucher imposes the fewest constraints and affords the greatest choice and ease of purchase of services to the consumer.

The specific payment device, however, is not the primary point in this recommendation. The significant recommendation regarding a voucher system is that the market model, as discussed earlier, be followed in federal policy for the actual provision and operation of basic day care services. The evidence presented earlier in this report is relevant to this recommendation in at least the following ways:

1. Little is known regarding what services are needed or what services are best for children; no ideal prototype for day care exists.

2. Parent preferences are diverse and not well known.

3. The majority of welfare mothers now work and pay something for day care services but families would benefit from additional day care purchasing power.

With these considerations in mind, the recommendation to follow the market model for the provision of services appears justified upon the following grounds.

1. A market industry will allow for the maximum freedom of choice by parents in selecting and using day care services, and the maximum variety of types of day care services.

2. A market industry will have the flexibility to allow the day care to develop and will place few barriers in the path of emerging and evolving patterns of day care and child development, while a central planning model will tend to establish and preserve a system.

3. A market industry will tend to produce the required day care services at a lower cost, since each service must attract consumers to stay in business; hence efficiency in the provision of desired services would be rewarded.

4. A market industry will minimize federal involvement in and standardization of the direct operating details of day care services, but it will still allow the federal authority a policy and decision role.

Key Resource Development Primarily Through Community Development Agencies.—Key resource development, in this context, means the provision of funds for planning, technical assistance, start-up costs, facilities, staff training, and so on. The recommended key resource development program is an important adjunct to the competitive market model. Many industries have received governmental subsidies and stimulation. The recommendation of this program merely takes into account the reality of the fact that pure market forces to not always operate freely to develop adequate supply to meet demand in an equitable manner. More specifically, supplying vouchers above—and thus greatly stimulating demand—will, in the short-run, make the current supply of day care insufficient. The prices charged for services will increase; centers will compete (for example, for directors) and thereby force salaries beyond normal limits. The result will be that the true value of the voucher (at any level) would be considerably reduced.

Hence, a program of key resources is necessary to help the market adjust to the new demand levels, without inflating prices unnecessarily. The logic of this recommendation especially prevails if the attempt is made to increase substantially the demand upon an industry, when past experience indicates that competitive industries have limited ability to respond rapidly to extreme change.

Another important reason for providing a key resource program is to help promote a diversity of services by those who would otherwise be unable to enter the industry. Limiting entry into the day care market to only those organizations or groups who have sufficient capital skill and experience will exclude many community groups or minority organizations from providing services, though parents may want just those types of services the community or minority groups might provide.

In the long-run, the recommendation for a key resource development program anticipates that in certain geographical areas, under certain economic conditions, in order to meet the needs of special population groups, and to otherwise ensure adequate provision of day care services, an additional development program is advisable.

A key resource program will facilitate the entry of new providers into the day care market and promote services that would not otherwise be possible and assure adequate day care in areas of special need. It must be noted, however, that key resource money is for initial entry only. After establishing the services, the provider must be able to attract consumers on the "open market" just as any other provider would.

It must be anticipated that some providers applying for and receiving key resources for initial start-up will eventually fail. Undoubtedly, some will misjudge the desirability of the service they intend to provide and will not be able to stay in business. Such providers must be allowed to go out of business—just as will providers who have not received key resource support.

The development of key resources need not be lodged in community development agencies for any inherent reason. Obviously, a federal agency or a state agency could be given the responsibility for developing resources for an emerging day care industry. On balance, however, this recommendation takes into account a variety of considerations that tend to indicate the policy of establishing a preference for community development agencies, broadly representative of the community, to carry out the function of key resource development. The rationale behind this recommendation includes the following points:

1. Key resource development will take place only under the special circumstances noted above. Knowledge of particular local conditions giving rise to special need is most likely to be present in a group representative of the community involved. It can generally be assumed that the more centralized the authority becomes, the less attuned that authority is likely to be to special and unusual situations occurring at the local level.

2. Key resource development will take place only when normal market operations have failed to provide an adequate supply of day care services. The logical assumption follows that something more than individual buying power is required. The decision to develop a particular type of resource or facility, in most instances, will affect more than a given individual. Collective wisdom and decision-making regarding such development seems appropriate, therefore, by the group representing the collective interests of the population to be served. On the other hand, our earlier comments regarding becoming too centralized and, thereby, making the collective decision unresponsive to local special needs also applies to this point and favors the local community model.

3. Placing key resource development in the hands of a person other than providers and operators of day care services provides an additional check against a provider-dominated industry, possible exploitation of the consumer by the industry, and the development of universally low-quality care in a particular area. This extra safeguard is particularly relevant in the areas of special need in which key resource development would be undertaken.

As noted earlier, the most important element of this recommendation is the establishment of a capacity for the development of key resources. The recommendation for preference to community development agencies in this function is based on a balance of the relevant factors involved, but is not thereby made a necessity of the program. In fact the program contemplates key resource development support through other means, if community groups do not respond to the opportunity. Key resource development is an important adjunct to the market model to ensure against any inadequacies that might arise in that system.

5.6 The impact of pending legislation upon the delivery of day care services

Any of the major legislation regarding day care and child development pending before Congress would significantly increase the demand for day care, the amount of day care offered, and the federal role in day care. Federal involvement at this level undoubtedly, will be the primary source shaping the future of the developing day care industry.

By applying the principles contained in this chapter to the approches found in pending day care legislation, and by using some of the knowledge of past experience in day care contained in this report, tentative predictions or probabilities concerning the future of the day care industry can be ventured. For example, the various comprehensive child development proposals currently pending contain delivery systems that are virtually central planning model in themselves. The welfare reform measures contained in the Social Security Amendments of 1971 call less conclusively for the central planning model, although Administration sources have indicated that substantial use of a central planning model for the delivery of day care services is contemplated. The comprehensive child development approaches have the additional philosophy, if not adequate resources at the moment, for the immediate provision of comprehensive child development services primarily in day care settings with emphasis on the example of Head Start.

Presumably, the characteristics of a centrally planned industry, as discussed earlier, can be expected to arise in the event of the passage of one of the comprehensive child development bills. However, with the priorities for economically disadvantaged children and children of working parents, plus the emphasis in the Administration's welfare-reform package on children of working parents, the opportunities for selectivity and comprehensiveness may be reduced in practice. Also, the central planning model under any proposal has the potential—but in the past not the propensity—to steer a course different from the provision of highly uniform, centrally located services.

In spite of the priorities contained in the various pending legislation, the central planning agency will be faced with allocation problems.

These possibilities or probabilities appear to apply equally in the event of the passage of the Administration's welfare-reform package, should the Administration decide to move to the heavy use of a central planning model for the provision of child care services. Under this legislation, however, the likelihood of a selective, highly developmental service system is virtually eliminated, in terms of both philosophy and limited resources. This legislative program has a greater potential for steering away from the central planning model. To the extent day care under the Social Security Amendments of 1971 manages to avoid central planning, a greater likelihood exists that some of the advantages of the market model, as well as the disadvantages, might be realized.

As indicated earlier, a key adjunct to the operation of the market model is a program for key resource development. This pending legislation may not adequately meet this need; the exact need for added key resources for the day care industry is difficult to predict. Certain funds for construction, research, and such, would be available under this proposed program. However, latent demand may go unmet without sufficient funds or a sufficient system to uncover special needs of special areas and populations. Similarly, the entry into the industry of certain kinds of providers may be effectively prevented unless the necessary start-up costs, loans, and other resource development mechanisms are adequately provided.

These considerations are but a few of the predictions that could be made. Nevertheless, they appear to constitute the major impacts that might occur in the event of the passage of some of the pending legislation. The general tendency towards the central planning model is clearly indicated. The principles enunciated earlier regarding the advantages and disadvantages of this model can be assumed to be likely results. Movement of any of these proposals toward the market model would garner at least some of the advantages of that system.

6.0 IMPLEMENTATION

Our recommendations concerning federal expansion in the field of day care are neutral; and we favor, for the present, only research and development in the field of child development. In this report we suggest and discuss the advantages and disadvantages of the alternatives available to the federal government regarding further involvement in day care, but we do not attempt to answer the basic policy questions. Such decisions, whether or not to launch a new or expanded day care program and what the purposes and objectives of such a program might be, must be made by the federal government.

The recommendations for implementation that we make in this section will be applicable only when the basic policy questions have been decided. We present these recommendations for implementation to complete the potential usefulness of the report should the federal government proceed in the areas of day care and child development programs; our extended discussion is not an indication of a recommended policy decision regarding day care. Our recommendations concerning the implementation of a program of research and development in child development concern only that program; we make no recommendations regarding any other form of federal involvement in child development at this time.

In section 6.1 we present the guidelines for legislation which, if enacted, would bring into being a day care and child development program in a manner we would recommend should the federal government decide to expand its involvement in these areas. In section 6.2 we present alternative forms of implementation of the proposals through suggested amendments and modifications of the pending day care provisions in the proposed Social Security Act Amendments of 1971 and pending child development bills.

In the following presentations we are dealing with the essential elements of our proposed program and modification of other pending pieces of legislation. In doing so, we hope to increase the usefulness of the materials by presenting our implementation recommendations in substantial detail. This attempt, however, does not reach the proportions of technical legislative draftmanship. The reasons for many of the guidelines are self-evident. In instances where explanation is thought to be useful or necessary, statements of rationale are provided.

The Objectives of the Recommended Program.—The recommendations of the Policy Studies Group have been set forth in substantial detail in the preceding portions of this report. For the purposes of summation and organization, a brief statement of the major proposals of the research is presented here.

The first major proposal is the establishment of a program for the provision of work-related basic child care primarily through the use of a federally administered voucher payment system. The program would be housed in an agency of the Department of Health, Education, and Welfare or the Department of Labor.[1] The program would be designed to serve the children of parents on welfare and the working poor and near poor who are participating in work-training or employment or related activities. A voucher system would be utilized to build a delivery system characterized by two major features: a maximum of parental choice and the maximum development of a competitive industry that would involve both profit and not-for-profit providers.

The second basic proposal would establish a program for the development of key resources and technical assistance for day care providers. This program would also be housed in the Department of Labor or that of Health, Education, and Welfare[1] and would concern work-related day care. The program would develop such key resources as, for example, facilities and staff, when geographic, social, economic, or other conditions indicate a need for assistance in the development of an adequate system of day care services. In this development phase of the overall system, preference would be given to community groups seeking to provide assistance for the development of the day care industry in under-served areas and for under-served population groups. These com-

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munity groups or councils could be composed of parents, interested citizens, government officials, and other appropriate parties. It would be mandatory that the group be composed of a majority of parents. The use of such resources, however, would still be up to the voluntary selection of parents through the expenditure of vouchers. In no event would these community groups be involved with the actual provision of day care services, only in the development of resources.

The day care thus provided would be designed to replace all work-related day care currently provided under, or to be provided through, the AFDC program, the WIN program, the recently enacted Talmadge Amendments to the Social Security Act, the pending Social Security Amendments of 1971, and the pending comprehensive child development bills. Our proposals, however, are not directed at the existing system for the provision of non-work-related day care. (For example, our suggestion that child care services under the AFDC program be repealed does not refer to special day care provided by welfare agencies that are unrelated to work training, employment, and related activities. For another example, under the Social Security Act Amendments of 1971, our recommended program would not change the day care provided through the "Family Assistance Plan" for welfare recipients who would not be required to register or accept training and employment; our proposals would affect only those individuals required by the "Opportunities for Families Program" to register and accept training and employment and those employed near-poor with incomes up to $8,000 per year.)

The third essential recommendation would establish a legislatively mandated Office of Child Development. This office would engage in a substantial program of research, development, and demonstration projects, as well as in experimental and evaluation programs, in a variety of areas of inquiry related to day care and child development. The broad purpose of this research would be to answer the multitude of important questions that must be answered prior to the development, enactment, and implementation of a nationwide comprehensive child development program. This office would appear, logically—but not necessarily—to be part (or under the jurisdiction of the Department of Health, Education, and Welfare).

The program would be substituted for the existing Head Start Program, but with important distinctions: The new program would consider a variety of delivery systems, variations in program content, alternative settings, and methods of child development. The program would attempt to build on the early efforts of Head Start and similar child development programs, but in no way would be obligated to accept the features of those programs.

Legislative Scenarios.—Three basic legislative strategies can be considered for the eventual enactment and implementation of our Policies Study Group recommendations. The advisability of each of these strategies will have to be evaluated against the political and legislative environment of the given moment.

The first approach would be to seek the introduction and passage of a bill, as yet to be written, conforming to the legislative guides presented in the section 6.1. The enactment of such legislation could be sought either prior to the enactment of pending child care legislation or in addition to, or replacement of, any current or future laws.

The second strategy involves the pending Social Security Act Amendments of 1971 (H.R. 1). The recommendations implicit in the legislative guidelines presented in 6.1 could, if technically completed, replace the current work-related child care provisions of H.R. 1. We know that a total incorporation of our recommendations may not be feasible or desirable; we provide in section 6.2 recommended modifications and additions to H.R. 1 that would include our proposals in that welfare-reform package. Of course, the option exists at any time after the passage of H.R. 1 in its current form to enact legislation repealing the work-related child care provisions of that law and replacing them with provisions similar to our recommendations.

The third legislative strategy (also presented in 6.2) would be the possible modification of one or more of the comprehensive child development bills pending in Congress. This option presents less flexibility because the proposed comprehensive programs have less in common with our recommendations. Nevertheless, the proposed modifications and additions would improve the current comprehensive approaches and would adequately incorporate our principal recommendations for a child care and child development industry. In the instance of this strategy, it is more important that modifications be made prior to enactment of the pending legislation; a different course of action from the one proposed here would rapidly be pursued upon passage of one of the comprehensive child development bills.

6.1 Legislative guidelines for a recommended Federal day care and child development program

Title I: A program for the Provision of Work-Related Basic Child Care and the Use of a Voucher System.

1. The Secretary of the Department of Labor (hereinafter the Secretary) shall be authorized to provide basic day care to all children younger than 15 years of age in need of such care due to the participation of one or both of the parents of such children in work training or employment if such family qualifies for income maintenance assistance under federal law or qualifies as "near poor," as defined herein.

2. For the purposes of this program, "near poor" shall mean all families with incomes of less than $8,000 per year.

Rationale: This definition was selected as an estimate for the purposes of analysis of costs, fee schedules, and so on, and should not be considered a firm specification.

3. The Secretary shall determine within the Department of Labor the appropriate existing or new agency to administer the basic day care program established herein.

4. Adequate day care under this program must ensure the protection, safety and well-being of children.

Rationale: The Policy Studies Group recommendations separate the function of the provision and development of basic day care services from the provision of more comprehensive child development, the latter to be provided through a substantial research and demonstration program. The two programs will not necessarily operate in isolation but the required responsibility in the basic voucher program extends only to adequate care.

5. The Secretary shall have the authority to issue and redeem vouchers for the payment of day care services, in conformance with the purposes and provisions of this legislation.

6. Vouchers for day care services in an amount up to $400 per child per year shall be made available to eligible parents; the Secretary may redeem these vouchers only for day care services provided for a fixed fee up to a maximum of $400 per child per year.

Rationale: A policy decision regarding voucher amounts must be made among the alternatives analyzed in prior sections of this report. This amount is used here because it represents a minimum meaningful amount for day care services, but it should not be considered as a recommendation of the Policy Studies Group. Cost-plus charges are excluded because they tend to be inflationary and to inhibit a competitive market.

7. The Secretary is authorized, but not required, to develop a schedule of reasonable allowable fixed fee charges for day care based upon such considerations as average costs in geographic areas or economic areas, patterns of provision of day care, the relationship of the provider to the parent or child, and other determinants of the economic relationships among the parties; and to utilize such cost schedules in the determination of the amounts of vouchers for distribution and redemption.

Rationale: Varying prices according to geographic regions, economic conditions, and so on will help to stimulate the industry and ensure the provision of adequate child care. The intent of this provision is to ensure equality in buying power.

8. The Secretary is authorized, but not required, to develop a sliding scale for the value of vouchers distributed dependent upon such considerations as the income of the family, the number of children in the family, and other considerations of equity between and among participants in this program.

Rationale: A correctly designed sliding fee scale will minimize "notch effects" and other inequities in payment for day care services. The details of this schedule must take into account budget restrictions, economic conditions, and other variables that may change over a period of time and to which a fee schedule must adapt. The Policy Studies Group tentatively has suggested, as a point of reference, vouchers of $400 per preschool child for families with incomes up to $3,999 per year; $200 per preschool child for families with incomes up to $5,999 per year; and $100 per preschool child for families with incomes up to $7,999 per year; lesser amounts would be allowed for school-age day care. Decisions regarding the amounts of voucher and sliding-scale payments or contributions must be made by policy makers and administrators, and our tentative suggestions are not intended as recommendations.

9. The Secretary shall have the authority, in specific cases where good cause has been shown for such variance in order to protect the well-being of the child or children involved, or to prevent fraud, to institute other forms of payment for day care as he may deem appropriate; these forms of payment should include, but are not limited to, vendor payments, third-party control of vouchers, and so on. Such alternative forms of payment shall not exceed amounts in excess of those authorized for voucher payments.

Rationale: The intent of this provision is to provide authority to the Secretary, similar to that granted under the current welfare system, to make protective arrangements in cases of misuse or fraudulent use of vouchers. The authority to interfere with the voucher system for other reasons is not granted, nor is the Secretary granted the authority to use other systems in lieu of the voucher system except as would be stipulated by this provision or in connection with research and demonstration projects under Title III of this proposal.

10. The Secretary shall be authorized to make special monies available, through increased payment amounts, not to exceed a 25% increase in the maximum voucher amounts, when necessary to ensure the availability of day care that adequately meets the basic needs of children of racial and ethnic minorities, bilingual families, and children with physical, mental and emotional problems requiring special attention in the day care setting.

Rationale: The principle of equity underlying this proposal requires similarity of treatment to children in like circumstances. That principle is not violated, and the needs of children are best served, by recognizing that some children will require extra help just to receive equal care. The authorization is not intended to allow entrance into the child development area but only to provide remedial assistance in the form of special transportation, special personnel, and so on, which will allow children with special needs to participate in the basic day care program.

11. Vouchers shall be issued to eligible parents to be used for the payment for day care services selected at the sole discretion of such parents; except that parents may not redeem vouchers for day care provided by themselves for their own children, nor for reciprocal day care provided to avoid this exception. This exception shall not apply to parents who are employees of day care centers in which the parent has no financial equity.

Rationale: Parental choice is one goal of this program, but a child-allowance or increase in basic welfare grant levels through the use of vouchers is not intended. Thus, this provision is designed to preclude parents from claiming to operate as family care providers for their own children, redeeming their own vouchers, and effectively increasing their grant level without altering their work-related circumstances. If a policy of child allowances or increases in grant levels is to be accomplished, it should be done directly and equitably. The trading of child care responsibilities in order to cash vouchers should likewise be avoided. The same considerations do not apply when the parent is a bona fide employee of a center in which the parent has no financial equity and which redeems that parent's voucher.

12. The Secretary shall not interfere with parenthal discretion except upon the receipt of substantial evidence that intervention is required to protect the physical, mental, or emotional well-being of the child or children involved, or to prevent fraud.

13. No parent shall be required to use current or future publicly owned or operated day care facilities or programs.

14. The Secretary of Health, Education, and Welfare shall make available to this program child care facilities and other child care assets which have been developed under his control and jurisdiction and are no longer required to meet HEW child care responsibilities.

Rationale: As with all of these points parental choice is the primary principle insured. Existing HEW and other public facilities and programs should not be retained in violation of this principle but certainly should be used when meeting a demand.

15. Parents have the option to use vouchers for the payment of day care services in both licensed facilities and facilities for which no licensing controls are imposed, except that a specific provider or facility may be declared by the Secretary as ineligible for the redemption of vouchers under this program when such declaration is necessary to protect the physical, mental, or emotional well-being of a child or children.

Rationale: Prior approval of all providers appears impractical at present. However, a regular system of quality assurance should be instituted. When inadequate providers emerge, mechanisms should exist to prevent their continued participation in the program.

16. All public and private, profit and nonprofit individuals, agencies and organizations are eligible providers of day care services.

17. The Secretary must establish procedures in connection with work registration and the distribution of vouchers, and as he may otherwise determine, for the dissemination of complete information to parents regarding available alternative day care services in the community and the rights of the parents to the use of and choice among such services.

Rationale: Free choice by parents requires information regarding alternative choices and rights surrounding the exercise of choice.

18. The Secretary shall make maximum use of state and local Department of Labor agencies currently in existence for the distribution and collection of vouchers and for the dissemination of information.

19. The Secretary shall provide for adequate procedures to ensure against the fraudulent redemption of vouchers through periodic and sample visits to day care facilities; he should place particular emphasis upon visits to unlicensed providers.

Title II: Key Resource Development and Technical Assistance for Day Care.

1. The Secretary shall make special funds available through either or both grants and loans and, through such other means as the Secretary at his discretion may deem appropriate, to assist the development of key resources when special needs of various target populations, special geographic areas, or special economic and related considerations necessitate such assistance.

Rationale: The effect of this program would be to establish a network of "Day Care Development Councils" throughout the nation to ensure the evolution of a child care industry that would adequately meet the needs of eligible children and the purposes of a developing program. The purpose of the key-resource development supplement to the market-industry model is to assist and assure adequate supply when special conditions prevent the usual rules of supply and demand from operating. The intent is not to build a universal system to supply providers with federal day care resources.

2. Assistance with key resources shall not be provided unless the Secretary determines that private or other public funds are not available to meet the need for the development of a day care industry in the location indicated.

3. "Key resources" under this section shall be deemed to include planning, technical assistance, staff training and development, facilities including construction and rental, equipment and materials, start-up costs, and related items.

Rationale: When a market system does not respond to the demands and choices of individual demands, the Secretary will need assistance at the local level to determine and understand the special needs that must be met to assure the delivery of adequate day care in the area. Local groups under procedures and regulations as the Secretary shall provide, can best determine and meet the resource needs of the community.

4. The Secretary, subject to the next following provision, may accept applications and provide funding for key resources from any public or private not-for-profit agency or organization; but no such agency or organization receiving key-resource development shall be an operator or provider of day care services.

5. The Secretary shall give preference, both nationally and when competing applications for a particular location are present, to the community development group that the Secretary deems most likely to reflect the wants and needs for key resources in under-served areas and within under-served population groups.

6. The Secretary, by regulation, shall establish the requirements for qualified community development groups that shall include at least the following: representation of a population area of a minimum of 100,000; a majority, within the group, of parents using or likely to use the child care services provided under this program; a group that is widely representative of the racial, ethnic, economic, and social makeup of the geographic area requiring key resource development; some expertise within the group or available to the group to carry out the planning and other responsibilities which might be entrusted to it under this program.

7. The Secretary shall have the authority to reject all applications for key resource development in an area and to provide key resource development directly when according to criteria the Secretary shall establish, the best needs of the area would not be met by any existing applicant.

8. The Secretary shall not engage in the direct operation or provision of day care services, but the Secretary shall have authority to increase the value of vouchers, the availability of key resource fundings, and provide other incentives to encourage the development of day care in locations and situations encountering maldistribution of services.

9. In providing staff and staff training through key resource development the Secretary shall place particular emphasis upon the training and employment of the elderly, the younger population, the economically disadvantaged, and the parents of children participating in the day care program.

10. The Secretary shall proceed to recover return on loans of money, equipment, facilities, or other goods when such items have been exchanged on a loan basis; but the Secretary shall make no other provision for the partial or total matching of funds or other goods by any state or local governmental body or any public or private provider of day care.

11. The Secretary shall, through the key resource program, provide research and technical assistance to state and local regulatory agencies regarding the development and enforcement of day care and child development licensing and standards.

12. Notwithstanding any state law or regulation to the contrary, the Secretary shall have the authority to implement the purposes and provisions of this legislation. State law and regulation that does not interfere with the purposes and provisions of this legislation shall govern the operation and development of all day care and child development services.

Rationale: State standards, regulations, licensing, and other controls, can provide valuable assistance to a federal program. Substantial barriers at the state level to the fulfillment of federal goals and purposes should yield to the higher federal authority present in this situation, according to the normal principles of federal-state relations. This issue and authority is complex in nature and, as a matter of policy and administration, must be meticulously specified and clarified in final legislative language.

Title III: Research, Development, Demonstration, and Evaluation in Child Development.

1. There shall be established under the Secretary of Health, Education, and Welfare an office to be known as the Office of Child Development (hereinafter OCD)[1] for the purpose of carrying out research, development, demonstration and experimental projects, and evaluation in the areas of child care and child development.

Rationale: This office shall carry out only research and demonstration; the purpose of the effort is to answer questions prior to a comprehensive child development program, not to institute such a program.

2. OCD through the provision of grants, loans, and other appropriate financing mechanisms, shall fund special projects designed to expand knowledge concerning the methods, administration, substance, and need for child development.

3. OCD shall not fund any project that does not contain a substantial element of research, or development, or demonstration, or experimentation, or evaluation.

4. Parent or community involvement in such projects is to be permitted and encouraged for the purposes of experimentation, research, and development but shall not be required.

5. Children in families who are not poor or near poor and children in families with non-working parents may be included by OCD for participation on a voluntary basis when necessary to effectuate the purposes of this program, provided that the parents of such children be required to pay all or a portion of the costs of services so received.

6. The participation of parents or children in any such project must be on a strictly voluntary basis without any interference

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with the parents' exercise of discretion in the selection of day care for their children or in their right to receive vouchers in preference to other payment mechanisms.

7. OCD shall have the authority to conduct research through the use of its own staff or by grant or contract with any governmental or non-governmental agency or organization.

8. OCD may receive, at the discretion of the Secretary of Labor, permission to increase or decrease voucher amounts or the amounts of other payment mechanisms, and to exempt certain providers from key resource development and other regulations for the purposes of carrying out OCD projects; but in no event shall such variance be sought under circumstances that may endanger the physical, mental, or emotional well-being of a child or children involved.

9. Appropriate areas of research and other authorized activities for the projects of OCD shall include, but shall not be limited to, at least the following:

Alternative delivery systems for child development services that include, but are not limited to, the day care setting;

Benefit/cost analysis of alternative day care and child development settings and arrangements;

Substantive inquiries into the areas of social and cognitive effects upon children from various day care and child development programs;

The appropriateness of day care and other child development settings for the provision of health and nutritional services;

The accumulation and dissemination of existing knowledge regarding health, nutritional, educational, and other problems of children;

The development of methods for the enforcement of quality assurance in day care and child development services;

The effects of parental education on child development;

The alternative uses and values of parent participation in planning and operating day care and child development programs;

Methods of training and developing staff for day care and child development programs;

The ability and reliability of consumer versus professional choice in matters related to day care and child development;

The development of descriptors or indicators of children's needs according to their family characteristics;

Methods of producing and disseminating information to parents regarding child care, child development, family planning, and related subjects.

10. On or before June 30, 1974, OCD shall submit to the Secretary of Health, Education, and Welfare; the Secretary of Labor; the President; and the Congress a report that shall describe the results and findings of its research, development, demonstration, experimental and evaluation efforts, and present recommendations regarding federal policy and programs in day care and child development specifically including findngs and recommendations regarding:

The effectiveness of alternative delivery systems for day care and child development;

The feasibility and advisability of extending day care and child development vouchers to additional income groups and non-working parents;

The effectiveness of child development services provided in the day care settings.

Title IV: Miscellaneous Provisions.

1. For the fiscal year ending June 30, 1973, the appropriation for Title I of this legislation shall be such amount as may be necessary.

2. The appropriaton for the fiscal year ending June 30, 1973, for Title II of this legislation shall be $75 million, plus such amounts as may be necessary to guarantee mortgages and loans up to a value of $50 million.

3. The appropriation for the fiscal year ending June 30, 1973, for Title III of this legislation shall be $360 mllion.

4. For the fiscal year ending June 30, 1974, the appropriaton for Title I of this legislation shall be such amounts as may be necessary.

5. No new funds shall be appropriated for the fiscal year ending June 30, 1974, for Title II of this legislation, but unused funds appropriated for this title in the previous fiscal year may be expended.

6. The appropriation for the fiscal year ending June 30, 1974, for Title III of this legislation shall be $360 million.

Rationale: To be consistent wtih a universal voucher system for the eligible population, the appropriations for Title I must be open-ended. In the analysis of the Day Care Policy Studies Group an estimated $863 million per year would be necessary to provide vouchers to the currently eligible population (we must emphasize, however, that this estimate is based upon *minimum* voucher amounts that we suggest *only* as reference points). The appropriation for Title II is, in fact, a two-year appropriation designed to ensure a flexible key resource development program. For example, the first year should not be limited to planning if some construction might already be deemed advisable. The entire two-year amount reflects an estimation of the cost of providing needed key resources to the entire population. The total amount is the sum of the following specific estimates:

Planning and technical assistance, $25 million;

Facilities, $75 million (plus funds to guarantee loans and mortgages up to $50 million);

Training, $25 million;

Equipment and start-up costs, $25 million.

The Title III appropriation approximates the current Head Start budget plus the current research funds available to the existing Office of Child Development; the two budgets have been combined only to give an estimate of the possible budget for the research and demonstration program presented in this proposal.

7. The child care and child development provisions of Title IV–A and IV–C of the Social Security Act, as amended, are repealed to the extent they involve families involved in working-training, employment, and related activity programs.

8. The provisions of this legislation shall in no way interfere with current Title IV programs for day care and child development for families not required to register or participate in work-training or employment or other related activities.

9. The Head Start program, Economic Opportunities Act of 1954, as amended, Section 222(a)(1) is repealed.

6.2 Recommended modifications and additions to the child care provisions of major pending legislation

Social Security Amendments of 1971 (H.R. 1).—As discussed earlier, there are a number of legislative options for the incorporation of proposals into the eventual H.R. 1 program. A bill incorporating our recommendations could be amended, in total, into H.R. 1 in place of the current work-related day care provisions contained therein. If the provisions of H.R. 1 pass intact, the recommendations of this report could be enacted at a later date, to replace such provisions as enacted.

Again two important points need emphasis. First, the focus of our recommendations is upon work-related day care. Consequently, the recommendations deal with the day care provisions of the Opportunities for Families Program and treat the provision of the Family Assistance Plan only to the extent that they affect work-related programs. Second, our discussion attempts to treat only the essential or key features of our proposals in contrast to the H.R. 1 legislation. Complete legislative proposals or amendments require additional drafting.

The comparison is presented in section-by-section analysis and comment. The significance of the recommended modifications will be apparent in relation to the more comprehensive guidelines already presented in this chapter.

WORK-RELATED DAY CARE COMPONENTS OF H.R. 1 AND DISCUSSION OF MODIFICATIONS

1. Under H.R. 1, the Secretary of Labor is charged with the responsibility of providing child care services for individuals required to register for work and training under the OFF program. The care contemplated is adequate protective and safe care, but not comprehensive developmental services.

Discussion: This provision conforms to the Policy Studies Group (PSG) recommendation for the lodging of the work-related child care program in the Department of Labor. PSG recommends this procedure whether or not mandatory work requirements exist. Similarly, the level and content of the required care conforms to the PSG proposals. PSG would recommend that a specific agency within the Department of Labor be designated the responsibility for the provision of basic child care and other related matters which will be subsequently discussed.

2. The Secretary is authorized to arrange for and purchase day care from any source with a priority for the utilization of facilities developed by the Department of HEW. Where HEW facilities are not available, the Secretary may procure day care from any public or private source.

Discussion: Regarding these provisions, PSG would make several recommended amendments. First, a voucher system should be established as the priority means for arranging and purchasing child care. The use of HEW facilities should not interfere with the free choice of parents nor the free operation of a developing competitive industry. In other words, federal facilities, like any other private or public facilities, if unwanted, should be phased out of operation. These facilities certainly should be made available to the Secretary for his use and for use by the research and development arm of the total child care program. All public and private agencies or other persons are appropirate providers of day care services under H.R. 1 and PSG guidelines.

3. The Secretary of Labor is prohibited from using funds for the construction of facilities. $50 million is specifically authorized to the Secretary of HEW for the purpose of construciton of facilities.

Discussion: While construction is a prohibited activity for the Secretary of Labor, presumably the remaining functions of key resources development are available to HIM. PSG recommends that the construction authority and a more substantial bulk of funds for the entire key resource development program be lodged in the same office charged with the responsibility for the payment mechanisms for child care. The key resource program should explicitly be made a separate program with its functions explicitly listed in the legislation and with separate appropriations for its operation.

4. The Secretary has the authority to operate the child care program through community groups appointed by appropriate local officials. To the extent appropriate, the Secretary is to provide school-aged child care through local educational agencies.

Discussion: PSG recommends that the function of these community groups be limited to the development of key resources. The attempt to develop a competitive child care industry through the primary vehicle of a voucher system is incompatible with a council-type, local authoritarian control over the actual delivery of child care services. PSG recommendations also suggest that these provisions should be modified to eliminate the preferences for officially designated central groups and local education agencies. These groups should be allowed to apply competitively for designation as local, key-resource-development community agencies.

5. The Secretary is authorized to devise and implement a sliding fee scale. The Secretary is further required to substitute an income-disregard procedure for reimbursement for child care services to the working welfare population.

Discussion: The development of sliding fee scales conforms to PSG proposed program. The use of income-disregard as an alternative to direct voucher payments should be eliminated, except in regard to experimental programs. The income-disregard as a means of payment has maximum and minimum income limits; this makes it an inadequate provision for certain family groups. Similarly, the possibility of delays in the reimbursement of income-disregard can result in the unavailability or inadequacy of day care under certain circumstances.

6. At least 50% of the funds available to the Secretary are to be expended according to a formula based upon the number of mothers registered in various states.

Discussion: PSG recommends that once a voucher system has been installed into this program, such things as formulas of this nature will not be required. A voucher system necessarily distributes funds among states or regions according to the number of parents in work and training. The number of persons registered for work does not conform to the number of persons in need of child care due to their involvement in work training employment, and related activities. Additionally, no limit is placed on the price that the Secretary should or could pay for child care services. The Secretary should be given authority to pay up to $400 per year per child for day care, except under unusual circumstances where additional payments are necessary to take into account the special needs of certain population groups, and for experimental purposes.

7. The Secretary is authorized to carry on a small program research and development.

Discussion: PSG recommends that a small program for the Secretary of Labor be continued, but that the child care provisions of H.R. 1 be amended in a manner including both the Opportunities for Families Program and the Family Assistance Plan to establish in HEW an Office of Child Development. This office will carry out a large-scale research, development, demonstration, experimentation, and evaluation program in the areas of child care and child development. This program would replace the existing Head Start program with a broader experimental approach to a wide variety of operational means and methods for providing child development on a national scale.

8. $700 million is appropriated for the provision of all day care services (under both the Opportunities for Families Program and the Family Assistance Plan) with an additional $50 million allocated specifically for construction.

Discussion: PSG recommends that the legislation be amended to authorize specifically that three separate activities be funded in their first two years of operation. The amounts of such appropriations, the rationale by which they were estimated, and the specific estimated allocations can be found at the end of section 6.1.

Recommended Modifications and Additions to Pending Comprehensive Child Development Legislation.

Legislation has recently been introduced in the Congress proposing national comprehensive child development programs. Many of these proposed bills are similar to the comprehensive child development programs considered in the last session of Congress. One bill eventually passed Congress but was vetoed by the President. Title V of the Economic Opportunity Amendments of 1972 (S. 3193) recently introduced by Senators Nelson and Mondale contains a proposed comprehensive child development program. Senator Javits has introduced a separate comprehensive child development bill (S. 3228). All of these bills are very similiar even to the extent of much identical language, as are a number of bills in the House of Representatives.

The "comprehensive child development" legislation is substantially different from our proposed approach to the operation of day care and child development programs. As demonstrated below, the contemplated activities in the areas of resource development and research and experimentation are more compatible. Because of the substantial differences of approach in some areas, the strategy of suggesting legislative modifications and amendments must be pursued prior to enactment, since following enactment a program substantially at variance with our recommendations would rapidly develop.

The description below sets forth key provisions generally contained in comprehensive child care bills and constrasts them to our guidelines, in the same manner as used in an analysis of H.R. 1. The same caution would likewise apply: we are not attempting to present a technically complete legislative draft or analysis.

COMPONENTS OF PENDING COMPREHENSIVE CHILD DEVELOPMENT LEGISLATION AND DISCUSSION OF MODIFICATIONS

1. The comprehensive bills generally place responsibility for all aspects of child care and child development in an Office of Child Development in HEW.

Discussion: This office should have authority only for a substantial research and development program prior to the enactment of a massive child development program. PSG recommends that work-related day care be transferred to the responsibility of the Secretary of Labor where the work-registrants will be located, and that non-work-related day care not be part of any presently enacted program, but be left in the Department of HEW and currently existing programs such as Title IV–A.

2. The comprehensive approach stresses the need of all children for child care and development services with preliminary emphasis and priority given to certain racial and economic groups, the economically disadvantaged children of working parents, and preschool children.

Discussion: In practice this approach may not differ substantially from the emphasis PSG recommends. However, these provisions should be amended to indicate that emphasis and priority shall be given to the children of working welfare parents and near-welfare parents, with special emphasis and funding available to special target group populations having unusual needs. Since PSG recommendations primarily relate to basic day care, with child development services to be developed through a research and experimentation program, no emphasis on preschool children should be included.

3. Under these proposals, both operational and resource development would be carried on by local child care council under the auspices of a governmental body, or combination of governmental bodies, as prime sponsors. These councils would represent population groups of 25,000 (Javits) or 50,000 (Nelson-Mondale). These councils, through planning, development, and operations, would control all aspects of federally supported day care and child development in a location. The areas of activities of these groups both in terms of content and function are extremely comprehensive.

Discussion: The provisions relating to these councils should be amended to limit their function to the development of key resources for a day care industry in their location. These councils, broadly representative of the community, should be released from necessarily being under the sponsorship of a governmental agency and necessarily being comprised of a large number of public officials. The size of the representative population should be amended to 100,000. Any authority to directly provide day care child development services should be deleted. The authority to provide basic day care services should be granted directly to the Secretary of Labor, who will implement the services through a voucher mechanism.

4. States are required to provide central planning and coordination services and permitted to act as prime sponsors in instances where smaller governmental units have not assumed that role.

Discussion: Any mandatory or preferential role for states should be eliminated. States and other units of government could be key-resource developers in the event that, in competition with other applicants, designation of such governmental units or the councils that they support, is made by the Secretary.

5. The first year of operation of these programs would be limited to $100 million in planning and set-up costs. A research and demonstration component is built into these programs for subsequent years.

Discussion: These functions should be divided among key-resources developers and an Office of Child Development in HEW. Planning and technical assistance would be carried out through the Department of Labor and key resource development councils. The research and demonstration component in OCD should be substantially increased to replace the current Head Start Program in operating a comprehensive program for the development of experimental programs designed to lead eventually to recommendations for a national comprehensive child development program. The operational aspects of a basic day care system should not be delayed during a one-year planning phase.

6. Funding priorities are established for certain minority groups and funding among states and prime sponsors would be based on percentages of such populations along with percentages of the economically deprived, the number of working mothers, and so on.

Discussion: PSG agrees with the recommendations as to the need for or advisability of such funding priorities, at the discretion of the Secretary, in connection with the program and projects of the recommended OCD. In regard to the provision of basic day care services, the proposed voucher system, if incorporated into this legislation, would necessarily distribute the funding for work-related day care to the appropriate parents. The key resource development program contained in the recommendations, if implemented through this legislation. would take into account these same priorities.

7. The comprehensive child development legislation provides that families receiving any amount of welfare subsidies shall have no

charge for day care and child development services, while families exceeding the welfare breakoff point shall pay for services on a sliding fee scale up to a maximum income of $6,900.

Discussion: PSG recommendations place these decisions in the hands of the Secretary of Labor. PSG recommends that a sliding fee scale be established.

8. The various alternatives of this type of legislation provide $100 million for planning in the first fiscal year of operation, and $1.2 to $1.5 million for the provision of services in the second year of the operation of the program.

Discussion: PSG recommends that the legislation be amended to authorize specifically that three separate activities be funded in their first two years of operation. The amounts, rationale, and specific estimates of such appropriations are presented at the end of section 6.1.

NOTE: CHAPTER ONE

Note 1—Day Care: Solution to the Welfare Problem?

Gilbert Steiner states in relation to one social force, the welfare problem, ". . . after a few years it will inevitably be discovered that work training and day care have had little effect on the number of welfare dependents and no depressing effect on public relief costs . . . the more realistic approach would be to . . . reject continued fantasizing about day care and welfare as miracle cures." (Steiner, 1971.)

NOTES: CHAPTER 2

Note 1—Status of the Day Care Industry

The primary sources of data for this chapter are two national surveys, *Child Care Arrangements of Working Mothers in the United States* (Low and Spindler, 1968) and *Day Care Survey—1970* (1971). The first reports a special census survey of working mothers undertaken early in 1965. Questions were asked nationwide in sample households in which the mother had worked at least 27 weeks during 1964 and who had at least one child under 14 years old living at home.

Day Care Survey—1970 was the first national study of existing day care provisions.

This survey provided extensive information about day care centers and the arrangements utilized by families with annual incomes under $8,000 and at least one child under 9.

Both of these studies also have limitations. The data presented in *Child Care Arrangements of Working Mothers in the United States* is now seven years old. *The Day Care Survey—1970* does not include data for family day care homes comparable to that for centers nor information about arrangements utilized by families with annual incomes above $8,000. Also, the sample size was small and inferences, especially for subgroups of the populations, must be made with caution.

Note 2—Day Care Expenditures and Their Sources

To obtain a general picture of the amount of money spent annually for child care, estimates of the expenditures by working mothers were added to estimated federal expenditures. Estimates of the amount of money spent by mothers was determined by estimating expenditures of working mothers for care in 1965, $975,725,000 and inflating this by 20% to take account of the increased numbers of mothers working in 1970. The estimated 1970 total is $1,167,270,000.

Note 3—Revenue from Day Care

Estimated based on .7% of $220 million, total annual revenues for proprietary centers and 34.5% of total revenues $320 million for nonprofit centers, these figures are $1,540,000 and $110,400,000 totaling $111,940,000 of the $229 million annual federal expenditure.

Note 4—Estimated Annual Per Child Costs of Child Care Services (preschool and school age)

See Tables N4a and N4b on following pages.

Note 5—Variations in Cost Estimates

Estimates of day care costs may reflect two biases. Some estimates may be weighted in favor of the inclusion of all child developmental services on theory that these are required for the adequate care of children, especially disadvantaged children.

TABLE N4a.—ESTIMATED ANNUAL PER CHILD COSTS OF CHILD CARE SERVICES (PRESCHOOL)

Service level	Family day care			Center			
	OCD revised minimum [1]	OCD child development [2]	OCD Comprehensive child development [3]	Survey minimum [4]	OCD revised minimum [1]	OCD child development [2]	OCD Comprehensive child development [3]
Staff:							
Child care:							
1:6 children	$615						
1:5 children		$880					
1:4 children			$1,100				
1:15 children				(6)			
1:10 children					$380		
3:20 children						$595	
4:15 children							$1,045
Secretary-bookkeeper	None						
1:100 children		80	80		38	40	
1:67 children							60
Janitor	None						
1:100 children					38	40	
1:67 children							60
Cooks and aides	None						
1:50 children					76	114	(6)
1:40 children							
Social service	None			None			
1:150 children		44				65	
1:100 children			66				65
Community, social service, health, or parent aide	None						
2:100 children			44				45
Special resource	None						
Personnel (psychology, art, music, consultants, etc.)		20	264			20	120
Supervision	None						
1:100 children		80			80		
2:100 children							160
3:100 children			240				
Facilities and utilities:							
Rental					50	90	110
Reimbursement	25	30	30				
Food, meals, snacks, kitchen supplies:							
1 meal, 2 snacks	89	100		(5)	100		
2 meals, 2 snacks			150			140	210
Supplies and materials	20	20	50		38	40	75
Equipment (annual replacement costs)		9	20		10	10	15
Medical and dental:							
Exam and referral plus treatment when not available	None	20			None	20	60
Otherwise			60				
Insurance	4						
Work with parents	None			None			
Problems only		10				15	
Parent education, family type activities, counseling			70				7
Transportation	None	None	None		None	50	60
Clothing, emergency needs	None	20	20		None	20	20
Personnel training	None	110	178		53	75	145
Total	752	1,423	2,372	396	813	1,245	2,320

[1] Office of child development estimates for minimum estimates for minimum care, 1971.

[2] Previous office of child development, estimates for minimum care.

[3] Previous office of child development, estimates for comprehensive cihld development based care.

[4] Day care survey, 1970 (type A center).

[5] Included.

[6] Unspecified.

TABLE N4b.—ESTIMATES ANNUAL PER CHILD COSTS OF CHILD CARE SERVICES (SCHOOL AGE)[1]

Service/level	Family day care		Center		
	OCD revised minimum [2]	OCD child development [3]	OCD revised minimum [2]	OCD child development [4]	OCD comprehensive [5]
Staff:					
Child care/recreation	385	385	147	93	153
1:25 children					
1:15 children					
Secretary/Bookkeeper: 1:100 children	None	None	33		
Janitor: 1:100 children			33		
Business: 1:250				16	16
Cooks and aides: 1:100 children			33		
Social service	None	None		None	None
Community social service, health or parent aide				None	None
Special resource: 1:30 children	None	None		None	121
Supervision				32	48
1:250 children					
2:250 children (40 weeks)					
3:250 children (12 weeks)					
1:100 children			55		
Personnel subtotal	385	385	301	141	338
Facilities and utilities (assume use of nonrent facility)	16	16	15	30	30
Food, meals, snacks, kitchen supplies:					
Snack only (40 weeks); meal and snack (12 weeks)	55	63	65	65	
Meal and snack (40 weeks); meals and snack (12 weeks)					120
Supplies and materials; equipment (annual replacement costs)	13	16	20	15	25
Medical and dental: Examinations and referrals	None	13	None	None	None
Insurance:					
Health and accident			6		
Liability	3	3			
Work with parents:					
Urgent need only	None	6	None	15	
Supplementary to school services					35
Transportation	None	16	10	None	None
Clothing, emergency need	None	None	None	None	None
Personnel training	None	6	30	14	50
Total	472	524	487	310	653

[1] Estimates based on 40 weeks before and after school care; 12 weeks full-time care.
[2] Office of child development estimates for minimum care, 1971.
[3] Office of child development care.
[4] Previous office of child developments, estimates for minimum care.
[5] Previous office of child development estimates for comprehensive child development care.

Lower estimates of day care costs may reflect political realities associated with the massive costs of a federally supported day care program.

The reduction in estimates and the lower actual operating costs may also reflect the following additional factors:

True cost reduction—The same service purchased at a lower price; for example, salaries may be less than originally estimated.

Different levels of services—Different levels of services may be provided; for example, staff-to-child ratios may be increased. This does not necessarily imply reduced quality of service.

Services dropped—Some services, such as medical treatment, were eliminated from earlier estimates and limited to screening and immunization. Also most comprehensive programs in operation do not provide *all* child development services, but only some of the services.

Under-reported costs—It is suspected that operating programs may under-report actual costs, such as the cost of donated space, space in the family day care home, etc.

Note 6—Cost of Replacing the Day Care Industry

The table was prepared to provide a general estimate of the magnitude of the cost of replacing the current private day care industry with a public, perhaps federal financed and operated program.

The capital cost requirements for facilities were estimated from new construction costs (Hedrick and Talcott, 1970) for serving those children now served in private homes. The value of existing day care centers is unknown but assumed to be $50,000 per facility. This is more than the new construction cost of $570 million for these centers.

Equipment costs are estimated for family homes and children in private homes at $40 per child, the lowest value reported by the Day Care Survey—1970.

Payroll costs are estimated at $350 approximately the average salary for center workers reported by the Day Care Survey–1970. Staff ratios of 1:10 are assumed.

Total costs are estimated from payroll cost assuming that personnel costs are 60 percent of total operating costs.

NOTES: CHAPTER THREE

Note 1—Definitions

Population groups—in estimating the impacts of day care services, three population groups are used:

1. *Welfare Poor:* This population group consists mainly of female-headed families with incomes below $4,000 per year. In general, this population group is current AFDC mothers.

2. *Working Poor:* This group consists mainly of families headed by males. These families are, in general, not eligible for assistance under the AFDC program but would be included under H.R. 1. These families have incomes less than $4,000.

3. *Near Poor:* This population group refers to families (both single and two-parent) that have incomes between $4,000 and $8,000. These families are not eligible for either AFDC or, in general, under H.R. 1.

(For precise definitions of the population groups see *Final Report*, II, V. 1, ch. 5.)

Note 2—Description of day care and child development services

This note presents information on the nature of child development services that can be purchased at the cost levels used as a basis of analysis in chapter three. The costs presented represent differences in input or services offered. They do not necessarily represent differences in efficiency of operation or impacts upon the children.

Estimates of day care costs are based on the kinds or levels of services included. For the purpose of this report, four different cost levels have been summarized. These represent the two extremes of services—custodial care for $400 per year at the one end of the continuum, and $2,000 for comprehensive child development services at the other end. In between are two moderate programs. These estimates come from several sources. The $400 estimated is the average cost found for centers offering custodial services in a national survey of day care centers currently in operation. The cost level of $800 corresponds to centers providing "educational" care and $1,300 for "comprehensive" care (Day Care Survey—1970). The Office of Child Development estimates approximately $800 for custodial and $1,245 for comprehensive care. Although there are some differences in costs between family day care and group settings, the costs for the same services are similar. The following focuses on group care costs.

To a considerable extent, the cost of day care beyond that of basic care and supervision is related to the cost of child development services provided. For the $400 annual cost, the care is custodial—offering food (one meal and snack), shelter, and adult supervision. Such centers make no attempt to provide educational or other services. The number of children per child-related staff member is high, 15:1; and there are few certified teachers in such centers, 1 to 470 children. Staff salaries are low.

Centers operating at a cost of $800 per child per year may include some educational activities in addition to the basic care and supervision. No other child development services are included. The ratio of child-related staff to children is about the same as the custodial program, 1:14; but the staff is more apt to be certified (one certified teacher for every 39 children). Salaries for the child-related staff members are higher—about twice that for personnel in custodial centers.

Child development services such as social services, medical and dental examinations and referrals, counseling for parents with serious problems, some resource personnel, and an additional meal for the children, are included at the $1,200 level. The ratio of children to child-related staff is lower, 1:6; and the number of children per certified teacher is also smaller, some 35:1.

When care costs $2,000, more child development services at higher levels are included and the staff-child ratios are smaller (for example, the care would include a child-related staff member for every four children or less). Treatment, if not available otherwise, is provided in addition to medical and dental examinations and referral services. Work with parents includes parent education, family activities and counseling. Both the numbers and kinds of staff members are increased. Transportation is provided for the children.

The variations in services for family day care for the different cost levels are similar to those for group care and the total costs are approximately the same. However, there is no comparable information for the $400 level of care.

For school-aged children, total costs range from $300 to $650. These estimates are based on 40 weeks of care for three hours a day and 12 weeks of full-day care.

The figures above are overall estimates and actual costs of such services vary according to such factors as the total number of children served, the level of service, and the location (region of the country and whether the day care is located in an urban or a rural setting). Also, these costs may be reduced by the availability of facilities, personnel, and services through other funding sources.

Note 3—Assumptions and qualifications of employment-response estimates

An analysis of the potential impact of day care services requires certain assumptions about the nature of existing services and the conditions under which they are available. For example, if all or a substantial portion of the day care services were made available only in day care centers as opposed to a variety of day care settings, different utilization of the services would be expected, since parents show a variety of preferences for day care settings. Similarly, different impacts would be expected if day care were provided only as part of a mandatory work requirement program for welfare or if the use of specific day care services, such as licensed services, were mandatory.

The estimates of the expected impacts presented in this section assume that the use of day care services is voluntary—that it is not related to the mandatory use of specific day care services—and that the day care services provided will include a diversity of services, including in-home care—that maximum choice is provided to parents.

The above premises imply the following conditions for the actual operation of any day care program. The first and most important condition is that the day care provided would include all the varieties of day care that parents prefer and use. It thus, must include care in the child's own home and a variety of care arrangements outside the home, including care by relatives. The assumption is that to the greater extent parents can find the day care arrangements they prefer, then to this greater extent will they use the day care and thereby be allowed to seek employment. Conversely, to the extent that day care arrangements are limited to a few options or specific types, then only those parents desiring those forms of day care will use them and thus be free to seek employment.

The implication of this assumption for the estimated impacts presented in this section is that the impacts should be viewed as maximum responses or maximum employment effects. If, for example, a day care program were implemented that only or majorly emphasized the provision of day care services in centers, as opposed to the inclusion of other arrangements such as the child's own home or the home of another (including family day care homes), then the employment response will be significantly less, perhaps by as much as 60% since only 27% of non-working mothers (incomes $0–$8,000) indicate they prefer day care centers, while 45% prefer day care in their own home (Day Care Survey-1970).

Further restrictions on the use of day care services, such as the mandatory use of licensed day care facilities as opposed to the high current use of day care in the child's own home or the home of a relative (neither or which are covered by license laws) would have at least a similar or more drastic effect in reducing the employment response to the day care program.

The introduction of a mandatory work requirement either for the welfare poor or the non-welfare poor (if, for example, H.R. 1 were enacted) would not significantly increase the employment responses presented in this section. There are a number of reasons for this. First, the employment response is clearly related to the educational levels of the mothers and, presumably, to her job skills or employment potential. A mandatory work requirement would not, by itself, increase the educational levels of those mothers not seeking work and, therefore, would not increase their likelihood of employment.

Second, the employment-response model used in this analysis included in the employment response all mothers who worked at anytime during the year (as opposed to the percentage who may be employed at any given time during the year) and thus is a high estimate of the employment response.

A possible effect of a mandatory work requirement may be an increase in full-time employment. Our model predicts substantial changes from part-time to full-time employment as the result of day care services, but there is still some potential for more mothers to accept full-time rather than part-time employment. This effect would not increase the number of mothers working, but it would contribute to the reduction of welfare payments to their families.

Mothers will be able to obtain employment and thus use day care only to the extent that jobs are available. The estimates presented are based on a period of relatively low unemployment (1967). Hence, the estimates may be high for periods of high unemployment. In other words, high unemployment conditions will cause a reduction in the response rates reported.

The reduction in welfare costs and welfare rolls will depend upon both the level of welfare benefits and the wages women are able to earn. The welfare rolls and costs are based on proposed H.R. 1 benefit levels of $2,400 for family of four plus incentive payments (30 plus ⅓). To the extent that benefit levels are higher, as they are in most states, the reduction in welfare rolls and costs will be less. (The wages of working mothers are based on actual wages earned in 1967, updated to 1969.)

Note 4—The estimation model

The estimates of employment response presented in chapter three were developed from several analytical approaches to the estimation problem. The approaches include the use of survey results; economic estimation models (the wage-subsidy approach); and a cross-classification model based on changes in employment behavior as the child becomes school age and thus eligible for some "free day care services." The estimates for the employment response to preschool day care services for the welfare poor and working poor are based on this model. The estimates for the near poor are based primarily on survey results and current employment patterns. A full presentation of the development of the estimates is presented in chapter five, volume one, of Part II of this Final Report.

Two estimates of the employment response to preschool day care services were developed. The full response estimates assume that all mothers who potentially would seek or could take employment would be able to find and retain a suitable job. A second estimate of the employment response was developed by reducing the full-employment response potential by 50%. This reduction is based on the realization that not all mothers who could or would seek jobs if day care were available would be able to find suitable employment.

The WIN program from May 1970 to April 1971 averaged 20% completions of all new entrants (see Table 12, Appendix B, material Related to H.R. 1—Work and Training Provisions Hearings on H.R. 1, August 1971). In April 1971, 37% of WIN enrollees who had completed training could not be placed because jobs were not available (Table 7). Cumulatively, from June 1970 to April 1971, 43% of WIN completions have been placed in jobs (Chart 7). Thus, the 50% employment rate is in accord with actual program results.

The estimates presented in chapter three assume a 50% participation rate for the near-poor population who are not eligible under H.R. 1 for direct financial assistance but could be eligible for a day care subsidy under a sliding fee schedule. This means that of all mothers in this group eligible for a day care subsidy, only 50% will apply for it. This is a realistic estimate. Even in direct financial assistance programs such as AFDC, participation rates are not 100% and may be as low as 40%, depending upon the benefit level. HEW estimates 50% participation rates for day care programs not required under H.R. 1 (Report on Preschool Education, 1971, p. 5).

The model estimates for the welfare poor and working poor are based on all families with income other than the mother's own wage of less than $3,500 in the largest 97 SMSAs (Current Population Survey 1967).

Note 5—School-age employment response of mothers with school-age children

The 5% induced labor force participation rate for working poor mothers was estimated through a wage-subsidy model by Auerbach. (See Final Report, II, V. 1, ch. 5, pp. 202–203.) The estimate for the employment response for the welfare poor was obtained by determining the ratio of the employment response of the two population groups from our cross-classification, 50%-response model and applying it to the 5% response rate for the working-poor population.

Note 6—"Poverty": Definition

Because of grouped data it was impossible to determine individual family income. The definition of poverty classifications (for a family of four) are based on categories of income within given ranges:

Poverty: income $0 to $4,000 with average income $2,000 or less;

Near poverty: income $2,000 to $5,500 with average incomes $3,750 or less;

Non-poverty: incomes averaging above $3,750; including both assistance payments under H.R. 1 and earnings. A family may achieve non-poverty status due to the supplemental assistance under H.R. 1. Thus, not all families classified as achieving non-poverty status will be earning enough to place them completely above welfare status (see final Report, II, V. 1, ch. 5).

INCREASED FAMILY INCOME FOR WELFARE POOR [1]

Cost per year of day care	Total day care cost (millions)	Increased family income (millions)	Increased family earnings (millions)
$400	$203	$90	$128
$800	406	90	128
$1,200	610	90	128
$2,000	1,016	90	128

INCREASED FAMILY INCOME FOR WORKING POOR [1]

$400	$160	$108	$149
$800	321	108	149
$1,200	481	108	149
$2,000	802	108	149

[1] Table 43, final report, II, V. 1, ch. 5.

INCREASED FAMILY INCOME FOR NEAR POOR

Cost per year of day care	Total day care cost [1] (millions)	Increased family earnings [2] (millions)
$400	$200	$1,147
$800	399	1,147
$1,200	599	1,147

[1] 50 percent participation rate and sliding-fee scale.

[2] At $4,588 per year, which is equal to WIN graduate wage levels for 250,000 mothers.

Note 7—Reduction in welfare rolls

Because of grouped data, it is impossible for the cross-classification model to determine individual families that would leave welfare as the result of wages from employment. These estimates are derived from estimated earnings.

WORKING MOTHERS AMONG WELFARE POOR[1]

Cost per year of day care	Total day care cost (millions)	Mothers working								Total day care cost (millions)	Mothers working							
		Before				After					Before				After			
		Part-time		Full-time		Part-time		Full-time			Part-time		Full-time		Part-time		Full-time	
		Percent	Number	Percent	Number	Percent	Number	Percent	Number		Percent	Number	Percent	Number	Percent	Number	Percent	Number
$400	$203	9	48,000	39	216,000	7	40,000	46	257,000	$160	8	44,000	27	141,000	11	56,000	40	187,000
$800	406	9	48,000	39	216,000	7	40,000	46	257,000	321	8	44,000	27	141,000	11	56,000	40	187,000
$1,200	610	9	48,000	39	216,000	7	40,000	46	257,000	481	8	44,000	27	141,000	11	56,000	40	187,000
$2,000	1,016	9	48,000	39	216,000	7	40,000	46	257,000	802	8	44,000	27	141,000	11	56,000	40	187,000

[1] Table 41, final report, II, vol. 1, ch. 5.

PRESCHOOL WELFARE POOR FAMILIES LEAVING WELFARE DUE TO PRESCHOOL DAY CARE SERVICES

Cost per child per year of day care	Total cost of day care (millions)	Families leaving welfare	
		Number	Percent eligible
$400	$203	12,500	2.5
$800	406	12,500	2.5
$1,200	610	12,500	2.5
$2,000	1,016	12,500	2.5

WORKING POOR FAMILIES LEAVING WELFARE DUE TO PRESCHOOL DAY CARE SERVICES

Cost per child per year of day care	Total cost of day care (millions)	Families leaving welfare	
		Number	Percent eligible
$400	$160	40,000	8
$800	321	40,000	8
$1,200	481	40,000	8
$2,000	802	40,000	8

NOTE 8.—TOTAL COSTS OF DAY CARE AT $800 AND $400 PER YEAR

DAY CARE PROGRAM AT $400 VOUCHER LEVEL (PRESCHOOL) AND $300 (SCHOOL-AGE)

	Cost for preschool day care (millions)			
	Welfare poor	Working poor	Near poor	Total costs
PRESCHOOL				
Estimated cost	$203	160	200	$563
Minus current expenditures	150			
Total	53	160	200	413
Minus welfare savings and taxes	39	40	114	
Total	14	120	86	220
SCHOOL-AGE				
Estimated cost (all families)				300
Minus current expenditures (for welfare poor families)				59
Net cost				241
Total cost (preschool and school age)				863
Current expenditures				209
New expenditures				654
Welfare and tax savings				−183
Net cost				680

DAY CARE PROGRAM AT $800 VOUCHER LEVEL (PRESCHOOL) AND $300 (SCHOOL-AGE)

	Cost for preschool day care (millions)			
	Welfare poor	Working poor	Near poor	Total
PRESCHOOL				
Estimated cost	$406	321	339	$1,126
Minus current expenditures	150			
Total	256	321	399	976
Minus taxes and welfare savings	39	40	114	[1] 783
SCHOOL-AGE				
Estimated cost (all families)				300
Minus current expenditures (for welfare poor families)				59
Net cost				241
Total cost (preschool and school-age)				1,526
Current expenditures				209
New expenditures				1,317
Welfare savings and taxes				−183
Net cost				1,343

[1] Net cost.

NOTES: CHAPTER FOUR

Note 1—Estimated numbers of preschool children served under different Federal Day Care Programs

An estimated 909,000 preschool children of working mothers (about one-fourth of the total number of preschool children eligible for income maintenance support under H.R. 1) would need care under H.R. 1. (See chapter three for the detailed explanation of how this estimate was derived.)

Given allocations, about one-third of these 909,000 or 292,000 would be served under H.R. 1 as it passed the House. This estimate is based on the assumption that one-third of the slots to be provided would be for preschool children, as stated by Secretary Richardson (September 22, 1971), at a cost of $1,200 per year.

Although an estimated 830,000 children would receive child development services under the Nelson-Mondale bill (at a cost of $1,200), only 8% (72,720) of the 909,000 disadvantaged children of working mothers would be included. The Nelson-Mondale bill as introduced would, in total, serve 19% (675,000) of the total number of children under H.R. 1 (of both working and non-working mothers). In addition to these children, 83,000 children from families with incomes above the $4,320 level would be served. This estimate of the total number of preschool children served is based on a total allocation of $1.5 billion, of which $.5 billion is restricted to Head Start programs; second, $1 billion is to be evenly divided between preschool and school-age children. This provides a total of $1 billion for preschool children. Based on the cost of $1,200 per child for child development services, $1 billion will serve 830,000 preschool children.

Thus, if the intent of federal support of day care services is to provide care for working mothers from poor families, this can best be accomplished through limitation of the services to children of mothers who would be working, as provided for by the example program described in this report.

If, however, the intent of federal support is to provide child development services to poor preschool children as specified in the Nelson-Mondale bill, then only one out of five poor children would receive services at the present budget levels. At the same time, this bill would provide services to approximately 83,000 children above the poverty level. If child development services were included for the children of working mothers, then about one-fourth of the children of working mothers would be served. None of the programs shown in Table 9 would provide child development services for all poor children.

Note 2—Child development: Estimates of cost

As cited earlier, we find William L. Pierce's observations in a paper entitled, "Cost and Quality in Early Childhood Programs" of interest. He states:

"Somehow, the estimates of cost for early childhood programs have become politicized so that the estimates of Steiner, Keyserling, (3) Reid (4) and others, which cluster around the $2,200 level for full day, full year programs for preschoolers, are dismissed in favor of lower estimates that match political, not practical, reality. The people and organizations whose estimates cluster around $1,600 have, to date, been less precise in describing their bases for computation than have the $2,200 people."

(3) Mary Dublin Keyserling quoted a $2,200 figure in her testimony before the Senate Finance Committee. See p. 1409, *Hearings*, Family Assistance Act of 1970. Mrs. Keyserling is the former director of the Women's Bureau and is presently conducting a study of day care for the National Council of Jewish Women.

(4) Joseph H. Reid, executive director of the Child Welfare League, told the Senate Finance Committee in the 1970 hearings (p. 1540) that the cost of group day care was about $2,234."

Pierce's statement is all the more interesting since current estimates of child care with a child development component associated with H.R. 1 and the Nelson-Mondale bill are based upon a $1,200 per year per child cost estimate (cost as reported in Child Care: Data and Materials, 1971).

The costs estimates presented here of approximately $2,200 do not buy the same services that the experimental program do for about the same cost. The programs discussed above provide more medical and dental care, and other non-educational services, while the experimental programs tend to spend most of the money on education services.

Note 3—Child development: State of the art

Dr. Edward Ziegler cited and quoted in *Report on Preschool Education,* (July 28, 1971, p. 2):

Knowledge Base Needed for Day Care. In earlier testimony, Ziegler said he thought the massive Head Start program which his office now administers had been launched without building sufficient knowledge base and without enough early experimental demmonstration. Faced now with the prospect of a "quantum leap" in day care, Ziegler said one of OCD's main concerns has been to avoid that pitfall again if at all possible. A study comparing the effectiveness of four different kinds of day care programs—center programs for large groups of children, group home care involving about 12 children and two adults, family home care involving one adult and about five children, and at-home care provided in the child's home by a caretaker—is one of the demonstration projects which Ziegler said OCD already has underway.

"Given passage of the new welfare bill, H.R. 1, the base we are now developing in day care with this money will have to support a $400 million program. I really do not believe it is wise for a nation to push ahead spending $400 million in day care without spending two or three years before that trying to find out what works, what are more economical ways of doing it, and what ways we can do it to optimize the development of children," Ziegler explained..

Dr. Edward Ziegler cited and quoted in *Report on Education,* (July 21, 1971, p. 6) commenting on a proposed "Home Start Program": The benefits of this kind of a program is, of course, that the efforts of a developmental home life are far more long lasting and continuous than we could ever expect from a few hours a week in developmental centers alone."

Dr. Edward Ziegler cited and quoted in *Report on Education,* (March 24, 1971, p. 4):

"There is a valid theoretical basis to the idea that most 'cognitive and social development of the child' take place in the family, he said. OCD would try to capitalize on this by 'supplementing family life' without, he hoped, coming to 'supplant it'. He outlined two approaches to the effort. First, parent training in high school. Every adolescent, said Ziegler, should have a course in how to be a parent. Second, the bulk of the effort would be to begin "Home Start." Experimental programs have demonstrated the effectiveness of helping the parent, a field where "precious little work has been done."

Note 4—Child development: The syndrome

An interesting analysis of one aspect of the mutually reinforcing nature of child development opportunities and poverty is the following argument:

A child born into a poor family has less opportunity to receive child development services than does his more affluent counterpart for two reasons. First, because of the factors that are related to his family's being poor such as low educational levels of the parents, low earning power, and low-skilled occupations or being born or raised in a female-headed household. Second, the presence of the additional child himself places extra strain on the already low purchasing power or resources of the family. Hence, the additional financial needs associated with the birth of the child may be the event that places the family in poverty.

Given the relatively low earning power of many families, increasing family size is the single most significant factor that places the family in poverty. While the mother or father's earning power may be sufficient to support one or two children above the poverty line or beyond the welfare levels, it is extremely unlikely that families can support family sizes above these levels.

NOTES: CHAPTER SIX

Note 1—Administrative authority

Policy decisions will have to be made regarding the placement within the federal governmental structure of administrative authority for the various components of the suggested program. Competing arguments exist in the case of the three program areas—providing purchasing power, development of key resources, and research and demonstration. On a balance of the considerations involved, we tentatively suggest placement of each component in the following manner.

1. *Administration of the Voucher Program.*—The primary responsibility for the provision of vouchers for work-related day care services seems logically to fall to the federal agency that would have responsibility for other work-related programs and services under current and proposed legislation. If this situation should change, the logic of this placement might likewise change.

2. *Administration of the Key Resource Program (Department of Labor).*—The reason for housing this program in the Department of Labor is the assumed efficiency and effectiveness of the development of key resources through the same central administration as that responsible for the provision of services, or to one that is closely related. Other considerations suggest placing this program in other offices, such as the Department of Health, Education, and Welfare. Principal among reasons for placement in HEW would be that department's substantial past and current activity and responsibility in the area.

3. *Administration of the Child Development Research and Demonstration Program (Department of Health, Education, and Welfare).*—Past HEW experience and current capabilities and activities in the field suggest the wisdom of placing this new office with that department. Overall coordination and cooperation in the whole child care program suggests placement of a research with the Department of Labor, if other parts of the program reside there, and if one portion of the program would not exercise undue influence over another.

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CONSUMER CONFIDENCE AND SPENDING RISE

The SPEAKER. Under a previous order of the House, the gentleman from Arizona (Mr. RHODES) is recognized for 5 minutes.

Mr. RHODES. Mr. Speaker, recent economic reports clearly show that consumer confidence and spending are on the rise. The consumer sector promises to be a full-fledged participant in our economic advance.

Personal consumption expenditures rose nearly 8 percent at an annual rate during the first quarter this year. The savings rate, which has been abnormally high in recent years compared to past trends, dropped to 7.4 percent during the quarter, suggesting fewer consumer doubts about the economy. This optimism is confirmed by recent surveys of consumer sentiment. Private surveys by the University of Michigan and Sindlinger & Co. suggest that consumers are optimistic on the economic outlook.

There is other evidence of surging consumer demand. Consumer credit expanded by a record amount in March. The demand for credit is a good measure of consumer expectations, and this recent surge reflects a positive view of the future. Retail sales during the same month rose to $36.2 billion seasonally adjusted, a 9-percent increase over a year earlier. The retail sales increase over February was 3 percent, an unusually high rate for 1 month. And new car sales soared to a record 897,000 units in April, 9.3 percent above a year ago.

In addition to being an indicator of increasing confidence in the economy, rising consumer spending will help stimulate the expansion. Higher consumer demand will create more jobs and income. When combined with rising activity in the business sector, recent consumer advances suggest our economic expansion will continue and strengthen in the month ahead.

PRESIDENT'S PEACE PROPOSAL MOST GENEROUS OFFER YET

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 10 minutes.

Mr. TALCOTT. Mr. Speaker, I am today introducing a joint resolution, House Concurrent Resolution 613, expressing the sense of the Congress to end the war in Southeast Asia. My thesis adopts the President's peace proposal of May 8. To my knowledge it is the most generous peace offer yet proposed by an American

President and is more generous than any serious offer—short of surrendering the South Vietnamese to the subjugation of the North Vietnamese by force and terror—proposed by any Democratic or Republican candidate for the Presidency in 1968 or 1972.

Instantly many of the anti-Nixon columnists, the political partisans, four presidential candidates, the national and international media and the North Vietnam sympathizers emphasized and decried the mining of Haiphong harbor and the bombing of enemy military supply dumps and logistics lines, yet they practically ignored the important peace offer which would stop the killing, restore peace and return our POW's. Their incessant drumbeat continues although it becomes more forced and less substantial.

The President's offer may be sincerely considered by some to be too generous. A cease-fire in place appears to give the Communist Government of North Vietnam control and domination over part of South Vietnam which they have recently occupied by military force. Some, myself included, would prefer that the withdrawal of all foreign forces from South Vietnam be a condition to the withdrawal of our forces.

However, I consider this a compromise—a risk, a concession perhaps—worth taking to end the killing and arrange a peace. The portion of South Vietnam now under Communist control contains less than 3 percent of the population—most of whom have escaped South. The land is marginal at best and sparsely inhabited. The North Vietnamese have encroached only about 22 miles south along the coast from the DMZ.

Under any fair and impartially supervised election in South Vietnam, the freedom loving electorate would overwhelmingly defeat the Communists now occupying this small area.

I deplore accession to domination by force, terror or aggression, but the total longrange good seems to justify acceptance of the President's proposal for peace in this instance at this time.

I go further than the text of the President's proposal in that I require an accounting of our missing-in-action as well as the safe return of our prisoners of war. We have obligations of the highest order to all military personnel and their families—especially to those who have been lost or missing in combat. We must insist on an accounting of all who came under enemy control whether or not they are still living and whether or not they are still being held in North Vietnam.

I urge the House to adopt this resolution promptly. We urgently need to demonstrate—in the cherished and respected American representative parliamentary process—that the Congress and the people of the United States support the President in his effort to achieve peace with freedom for the beleaguered peoples in Southeast Asia.

I have heard no critics of the President's Vietnam proposal who are now demonstrating or shouting against the mining of Haiphong harbor who said anything, even in a whisper, about the continuous wholesale indiscriminate mining by the North Vietnamese in South Vietnam.

Compare these abbreviated aspects of "mining":

(a) In North Vietnam vs. (b) In South Vietnam:

1. *Beginnings:*

(a) In North Vietnam, on May 10 in Haiphong and other northern coastal ports.

(b) In South Vietnam, in the early stages of the war more than 10 years ago and has continued to this day.

2. *Numbers killed:*

(a) None in North Vietnam.

(b) Thousands in South Vietnam.

3. *Damages:*

(a) None in North Vietnam.

(b) Millions of dollars in South Vietnam.

4. *Objective of mining operations:*

(a) Interdiction of military supplies in North Vietnam bound for South Vietnam.

(b) Destruction of everything and anything, and terrorism of everyone including innocent civilians in South Vietnam.

5. *Location of Mines:*

(a) In the channels of ports and inland waterways in North Vietnam.

(b) Everywhere in South Vietnam: ports, harbors, channels, open seas, rivers, lakes, paddies, canals, roads, airports, bridges, officers clubs, theaters, parliament buildings, vehicles, dead bodies, etc., etc.

6. *Warning of mining operations:*

(a) In North Vietnam, 3 days of extraordinary public notice by every means available, greatly assisted by the news media of the world. It would seem impossible for anyone to lack any knowledge of the kind, place or objective of our mines in North Vietnam harbors.

(b) In South Vietnam, no notice whatsoever ever. In fact most mining, if not all, was and is highly secret, clandestine. Never was a warning given; in fact, the hidden mine is designed to terrorize as well as to destroy.

7. *Activation of mines:*

(a) We meticulously gave notice before activation and have prearranged deactivation so that extended dread of old undetonated mines is avoided. We have agreed to sweep the mines when their objective is achieved.

(b) North Vietnamese mines in South Vietnam are still in place or floating around and are still being accidentally detonated by unsuspecting victims.

It is generally conceded that we are utilizing our mines in the most humane way possible—to interdict rather than to destroy or terrorize. The North Vietnamese, because of their clandestine and indiscriminate use, are generally conceded to be the most vicious and decivilized users of mines.

We could have elected to sink ships entering harbors in North Vietnam together with their military cargoes and crews. We did not. We are interested solely in interdicting war materials, weapons, munitions, and supplies. We give the shippers a warning and an alternative. The North Vietnamese give none of their victims any warning or opportunity to avoid the lethal detonations.

Other distinctions—all equally illuminating—could be recited. Little attention has been given to this vicious tactic of guerrilla war which has been perpetrated upon the South Vietnamese night and day for years.

Also remember when you criticize the mining of Haiphong harbor, that it came after the massive Easter invasion South Vietnam across the DMZ.

Regarding our bombing of North Vietnam. Every presidential aspirant loudly condemns the bombing now that President Nixon is Commander in Chief.

Our bombing is strictly aimed at military targets in North Vietnam. There are no civilian targets. Admittedly, accidents and mistakes have and will occur; but our policy is scrupulously practiced to avoid damage or injury to civilians. North Vietnamese artillery fire and bombs have intentionally killed many thousands of civilians and destroyed schools, churches, orphanages, hospitals, theaters, clubs in South Vietnam. Pictures and other documentation are readily available but seldom used or published.

You know, as well as I, that if the North Vietnamese could produce a single photograph of a school, hospital or church or any other civilian structure damaged by our bombing it would be prominently and repetitiously published in the New York Times, the Washington Post, Newsweek and Life as well as on the national television networks. Not one such picture has been produced—even though we hear allegations to this effect repeated and repeated by the Communists.

Of course it is inevitable that some mistake may occur. It will be well publicized, never fear.

Refugees often tell a poignant but accurate story by their footprints. In this war the refugees are all headed south, not north. They know the conditions—the real conditions. Their thoughts and statements may not be too accurately reported, but their direction is clear. Their movement is more eloquent than any stories about disenchantment with the government or life in South Vietnam.

I am not suggesting that the government or life any place in Southeast Asia is satisfactory. I suggest only that we make some comparisons of our own before we believe everything reported to us from Southeast Asia and before we make judgments.

In deploring war and violence we ought to be objective and fair. Only a little fairness and objectivity would go a long way toward molding a rational public opinion and a national policy which could bring this horrendous war to a speedy conclusion.

The critics of the President's peace proposal should subject their alternative proposals, if any, to the same careful analysis, evaluation and judgment that they expect of the President in making his decisions.

For these, and other reasons, I have decided to introduce my concurrent resolution.

AN UNTAPPED SOURCE OF SUBSTANTIAL INCREASED FEDERAL REVENUE

The SPEAKER. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 5 minutes.

Mr. WYMAN. Mr. Speaker, the following article from the April 10, 1972, issue of Newsweek clearly points out the popularity of gambling among the citizens of the United States. In many instances such activity is illegal, with the proceeds going directly to finance organized crime. The most conservative estimates place illegal betting revenue at $20 billion a year of which $7 billion is estimated as clear profit to criminals.

In this time of continuing Government overspending of revenues, why not tap this lucrative source for badly needed Federal revenue? Several States have instituted lotteries which have proven successful, and more than 70 nations have a national lottery of one form or another. In America such a lottery could produce billions of dollars of critically needed revenue each year to help finance the increasing number of services the Federal Government is being called upon to perform.

A national lottery would also materially reduce the revenues of organized crime, while offering citizens so inclined a legal opportunity to take a lawful chance to win tax-exempt prizes under a program honestly run. Wagering can and does exist in the United States of America on a massive daily basis despite all efforts to discourage or stop it. Nor can it be contended with force any longer that it is immoral. In these circumstances, Uncle Sam is foolish not to be offering the action, instead of the underworld.

I have introduced H.R. 2386 to establish a national numbers drawing and I urge my colleagues to seriously consider this proposal as a practical step toward helping resolve our deepening fiscal crisis. In addition, my proposal would bring about true and meaningful revenue sharing because participating States take 15 percent of each pool under my bill.

I will include the following:

Everybody Wants a Piece of the Action

Gamblers have always dwelt on the fringes of society, shadowy figures consumed by the unending pursuit of the "special feeling" of tension, pain, and exhilaration that perhaps only Dostoevski's compulsive gambler and his millions of fellows could truly understand. Gambling is as old as history: Mercury "played at tables" to win a share of the moon's light in Roman mythology, and archeologists have found many dice—some of them loaded—in the ruins of Pompeii. In the United States alone, people bet on everything from the ballet-like jai-alai games of South Florida to the precise minute each spring when the ice breaks on Alaska's Nenana River.

Through it all, few gamblers have achieved Joe E. Lewis's whimsical goal of breaking even; for the gambling business, whether formal or informal, legal or illegal, has always been stacked against the player. But the gambler has endured and proliferated, and now he has become part of a remarkable boom. For with the enormous interest in televised sports such as football and basketball, there has been a corresponding explosion in betting—particularly throughout the middle and upper-middle classes. As a result, gambling now stands as a major U.S. industry, right up there with the automobile, oil, construction, and other industrial giants. Consequently, more and more entrepreneurs and politicians are looking to the gambling market as the cornucopia of profits and revenues that could help solve chronic city and state fiscal crises.

Last year alone in the 28 states that allow parimutuel wagering on horse racing, tracks handled about $6 billion, and the states realized some $500 million in direct taxes, as well as millions more in taxes on track admissions, horse sales and other transactions. Nevada, the only state with legal casinos, collected all of $41 million from that tax source, financing 40 per cent of the state budget. New York City's year-old pioneering venture in off-track betting, hampered by its own inefficiency and fighting for its life in the face of a proposed take-over by the state and tracks, still ranks as a remarkable success, handling about $1.4 million a day in its 59 crowded offices. And New Jersey's state lottery, the best-designed of the lotteries recently inaugurated by states, is expected to handle $320 million in the next fiscal year—with half of the action going to the state.

The statistics on legal wagering, however, represent only the tip of the iceberg. Gambling experts have estimated that for every dollar bet legally, five to seven dollars are wagered illegally on events ranging from the national pastime of baseball to the exotic ethnic lotteries that flourish in Puerto Rican, Cuban and Chinese ghettos. That formula points to illegal action totaling as much as $40 billion annually; and even the most conservative official estimate—offered in 1966 by the President's Strike Force on Organized Crime—placed the yearly illegal betting handle at $20 billion. And as that $20 billion is churned through bookmaking channels, with a percentage being extracted from every dollar that comes and goes, it produces awesome revenues. Even after operating expenses—including an estimated $2 billion for corruption of public officials—the bookmaking industry is left with a profit of $7 billion.

That revenue is unquestionably the main source of income for the American underworld. Some of it is divided among the thousands of underlings who man telephones, write and collate bets and make collections, but much more is funneled upward through the crime structure. For one thing, every bookie needs to balance his bets on each side of any given event to insure that he cannot lose money when he pays the winners; to do so, he passes on unbalanced bets to mob-sanctioned "layoff men," who can draw on much wider gambling markets to make the books balance. The mob also offers two services that individual bookmakers need—corruption and security.

MOBSTERS AND MONEY

Any small bookie can bribe the cop on his beat; but only the Mafia can buy enough judges, politicians and law-enforcement officials to make sure that the nationwide gambling business can operate with relatively little fear of crippling raids, jail terms or the disruptive glare of public scrutiny. As for security, the mob has the ability to infiltrate law-enforcement agencies and provide valuable warning when raids are imminent. It keeps careful vigilance over the conduct of sports—an important function, since no one is more concerned with keeping sports honest than the bookies, the men who could be burned by a fix.

In return for such services to lower-echelon gamblers, the top mobsters get funds to invest in other lucrative activities, from loan-sharking and narcotics peddling to a number of "legitimate" businesses such as trucking and handling vending machines and juke boxes. They also get very rich. Bosses who concentrate on gambling are reputed to be among the richest of all mafiosi.

It was only recently that civic leaders decided that governments should share in that wealth; and now the pace of legalized gambling is picking up. Already, at least two other states in the East—Connecticut and Pennsylvania—have decided to follow New York into the off-track-betting arena within the next few years; half a dozen others have appointed study groups to keep a close watch on the OTB experiments. Last month Pennsylvania and Massachusetts became the fifth and sixth states to launch lotteries, while legislators as far away as Oregon and Washington cleared the way for future lotteries of their own. And though politicians in a number of Southern and Midwestern states remain reluctant to espouse gambling in the face of fundamentalist opposition, at least one conservative state, Virginia, is now rated a good bet to drop its antigambling statute and allow racetracks to open in a few years. With each passing week, in fact, gambling seems to take on greater significance as a dominant social, political and economic force of the 1970s.

The trend can be attributed partly to the general permissiveness of society; like alcohol, marijuana and sexual freedom, the institution of gambling is steadily losing its shock value and becoming accepted as a part of modern life. But most gambling advocates are more realistic than permissive. They argue that instead of draining money out of the economy and into the underworld, gambling should be legalized and taxed. Anti-gambling laws are virtually impossible to enforce. Charles Siragusa, executive director of Illinois Legislative Investigating Committee, labels them "a waste of time." They also often lead to ironically hypocritical situations. In Texas, for example, church groups proudly proclaim that a ban on all gambling is saving the state form "moral decadence"—but Texas public safety director Col. Wilson Speir admits that known bookmaking operations handle $767 million annually on football alone. Increasingly, legislators are reasoning that if they can't stop such large-scale action, they might as well try to grab a piece of it.

The New Betting Breed

Perhaps the greatest impetus behind the gambling explosion, however, is the changing nature of the gambler himself. For centuries, gambling was considered the province of the very rich or very poor. The wealthy amused themselves in posh casinos and made racing their own "sport of kings." The poor placed their daily bets with numbers runners or crowded into track grandstands in vain hopes of striking it rich. But in recent years gambling has become much more than an idler's pastime or a mass opiate. The modern gambler may be the middle-class suburbanite who calls his equally middle-class bookmaker in Scarsdale or Santa Monica to bet a few dollars on each of a weekend's televised football games. She may be the Queens housewife who stops at her neighborhood off-track-betting parlor to take a $3 flyer on the nightly big-payoff Superfecta. He may be the New Jersey office worker who picks up a 50-cent lottery ticket each time he buys a paper at the newsstand. He may even be one of the growing number of woodland hippies who journey from their northern California communes each weekend to take in the free drinks, festive atmosphere—and casino action—of South Lake Tahoe, Nev.

As diverse as their life-styles and betting habits may be, almost all gamblers soon acquire similar perspectives on their wagering. They find that the exquisite pain of losing a photo finish or having a lottery ticket that misses by one digit is a thrill in itself; they even learn in many cases that winning or losing is not quite as important as simply being able to look forward to a game or race or drawing with money at stake—the sublime feeling of being "in action."

A bearded young man in Tahoe recently lost his last $40 at blackjack. "I know it's stupid," he philosophized. "'But I always feel my good karma will get me through. And anyway, what's money for if not to have fun with?" Urbane New York restaurateur Norton Peppis, who has been known to bet 40 college basketball games a night without knowing the name of a player on any of the 80 teams, nodded approvingly at the man's statement. "There's a kid who knows how to get high," said Peppis. "When you're betting, you can get high on the air conditioning. Worrying about winning is for amateurs. The point is to be in action. It makes me like a teapot. I hiss and whistle and then I boil over."

Understandably, the commissioners of America's major sports prefer to ignore the millions of bettors on the social spectrum between the kid in Tahoe and Norton Peppis. The men who sell sports would have us believe that they are attracting millions of fans each year with the sheer excellence and excitement of their spectacles. Any candy-store bookmaker, of course, can correct that impression. The fact is that most bookies handle racing only as an accommodation to regular customers; as much as 90 per cent of the business thrives on team sports. Because its schedule offers the most games, baseball is estimated to lead the league in betting handle each year; but pro basketball, with its own expanding season, is not far behind, and pro football stimulates by far the most action per game. Football, in fact, is probably the best example of the ideal marriage of sports, gambling and television. The game itself is perfectly suited for television, and the use of point spreads equalizes teams enough to make all games competitive from a betting standpoint. So fans consistently combine watching and betting, with results that have been happy for all concerned. The sport is riding a crest of tremendous popularity, television executives are getting high ratings and high-priced sponsors, and bookmakers have no trouble keeping their girl friends in mink.

Before the last Super Bowl, football commissioner Pete Rozelle unveiled a Harris poll that had been commissioned by the National Football League presumably to show that football was America's favorite sport. The survey examined fan reactions to a score of football phenomena; but somehow, amid all the efforts to find out why people like the sport, nobody bothered to ask if the reason might be betting. "Nobody thought of it," Rozelle explained lamely.

Sportswriters, angry at what seemed a clumsy public-relations ploy, blasted the poll and offered their own estimates of the impact of gambling; some guessed that as many as 75 per cent of fans made at least token bets. "That would be a little high," says odds maker Jimmy (The Greek) Snyder, whose betting lines have made him almost as much of a pro football figurehead as Rozelle. "I would put it just below 50 percent." Whatever the figure might be, any casual observer can get a good reading on the amount of betting with his own litmus test. Pick a meaningless game between bad teams in miserable weather; wait until the fourth quarter, when the result of the game is beyond doubt—but the point spread remains within reach of the losers. And then count how many people leave the stadium. That handful, you can be fairly sure, didn't bet.

The love of action is closely related to the other staple of the gambler's emotional diet—the tantalizing stimulating element of hope. "Let's face it," says upstate New York track operator Leon Greenberg, "we're selling dreams." The demand for well-packaged dreams has been clearly illustrated in the fans' response to gimmick bets like the Superfecta, which requires bettors to select the first four finishers of a race in precise order. But the dreams can also take more down-to-earth forms. Every lottery ticket and every call from a bookie stirs vague but palpable hopes that the one big payoff is on the way or even that the modest $20 football bet is the one that will end a losing streak and, in the gambler's phrase, "turn things around." Even in the dreariest of times, every bet is an invitation to look ahead to brighter things—and thus a psychic stimulant in itself. As one racing maxim expresses it. "Nobody ever commits suicide on the racetrack. You've always got to hang around for the good one that runs tomorrow."

"Logically, you should have a 50–50 chance on every game even if you're just tossing coins," says a New Jersey businessman who has lost as much as $47,000 on pro football in one weekend. But it doesn't work out that way. It's much easier to pick six straight losers than six straight winners. I know that—I paid for that knowledge. But when the next weekend's schedule comes up, I push it right out of my mind. If you're a gambler, you've got to look ahead."

It is this attitude that makes the gambler the best consumer—and the most taxable citizen—society has to offer. Racetracks and states extract between 15 and 20 cents out of every dollar he bets before they pay him off for any winners. In sports betting, bookies make him put up $11 to win $10; this comes to only a 4.06 percent rake-off, but the living styles of most bookmakers attest to the adequacy of the arrangement. All the percentages assure the bettor of losing in the long run. As Frank Erickson, most famous of all bookmakers, used to tell his aides, Boys, don't be envious of any rich consumer. No matter how much money he makes in his own business, remember if he keeps playing horses, he's working for us."

The gambler's capacity for punishment seems bottomless. A veteran can hardly be daunted by expenses or outrageous taxation. As New York bettor John McGuire says, The bet always costs the same amount. They only take a cut from the winners. And if you're winning, how can you care?" A former bookie makes the point more directly: A real gambler is the type of guy you abuse him and throw him out a window, and a minute later he's knocking on the door asking for the price on the Celtics game."

NOBILITY OR DISEASE?

Gamblers see a certain nobility in their own perseverance, but even amid the current gambling boom, critics still raise their voices in protest, bemoaning the sickness of the bettor, the criminal nature of the activity and its erosive effect on society. Gamblers Anonymous, an organization patterned after Alcoholics Anonymous, claims a nationwide membership of 4,000 as well as a potential membership of "10 million compulsive gamblers who need help." Sociological critics argue that legalized gambling is a grossly unfair form of taxation, since it takes most of its cash from the poor; and some clergymen and politicians insist simply that gambling is morally wrong.

Unfortunately for the critics, the public seems increasingly unconcerned with such views. Gambling is a "victimless" crime and a hazy one at that; many citizens who don't even bet are acquainted with bookmakers at their favorite restaurants or country clubs; they accept them as members of a service industry that is meeting a demand for action. "There is a national ambivalence about gambling laws," says a Justice Department prosecutor. "Sometimes it's manifested by leniency in the courts, sometimes by police tolerance, sometimes by political reluctance to pursue a gambling prosecution." And even when people do recognize that relatively "clean" bookies' money eventually finds its way into "dirty" underworld enterprises such as narcotics, they are less inclined to call for massive and often futile crackdowns than simply to legalize it and keep the money "clean"—and taxable. "We let a business grow to a point where it's No. 1 or 2 in the nation," groans a top Internal Revenue Service officer, "and we're hardly getting any of the action."

As for the allegedly inequitable burden on the poor, gambling sources argue that inner-city residents are playing the numbers anyway—to the extent of $1.5 billion annually in New York alone—and that legal lotteries can compete for that trade and at least steer some profits back into welfare programs or education. "The average numbers bet in Bedford-Stuyvesant is 32 cents," says Ralph Salerno, the organized-crime expert for New York's OTB Corporation. "This means that a fifty-cent lottery can compete for the daily small player's business." Thus far, New York's lottery has made few inroads into the intimate, personalized trade offered by numbers runners in the ghettos; but New Jersey officials estimate that they have siphoned off as much as 15 per cent of that state's numbers action into the lottery.

In addition, a customer survey commissioned by New York's OTB last fall revealed that OTB was catering to a large proportion of single male bettors of higher-than-average socioeconomic status; of 1,126 people interviewed, 57 per cent earned over $10,000 a year and 78 per cent had finished at least high school. "Many of our customers have endured computer breakdowns and delays, instead of utilizing the convenience and credit that bookies can offer them," says Salerno. "This proves that many decent citizens actually prefer to bet legally."

Gamblers Anonymous can cite cases of such decent people ruining their lives by betting; and some of the tales of GA members are indeed sordid. "Sure it can be abused," replies Salerno. "But so can an automobile." And most of the millions whom GA would like to help are apparently either unaware of or content with their "disease"; some even jest at the idea that they need a cure. "I went to a GA meeting once," reports a Brooklyn cab driver named Victor. "Aqueduct had just closed for the winter, so I had some time, and a guy took me. I stood up and confessed that I couldn't stop betting, and I drove two shifts a day to support my habit. I told them I was so degenerate that as soon as I walked out of the meeting, I would probably drive four hours to Bowie in Maryland to play the horses. When I finished, three members were waiting for me 'Hey Vic,' they said, 'You got room for us in the car?' "

Some gamblers consider four-hour drives to tracks and pilgrimages to major sports events as sacred rituals, but millions of Americans also share in the gambling culture by venturing no farther than neighborhood gatherings for social gambling. From the international backgammon matches where tens of thousands of dollars change hands down to the ubiquitous penny-ante "Monday night out" poker games across the country, the total amount of such action is beyond anyone's guess.

While every major city has its share of high-stakes draw and stud poker games in its posh hotels and apartments, the draw poker capital of the country, oddly enough, is little Gardena, Calif. The California Legislature banned games of chance in 1891 but excluded draw poker, presumably considering it the one true game of skill. There are now 400 poker parlors in 176 communities; Gardena, a Los Angeles suburb, has six parlors that handle about $15 million a year and pay a healthy $612,000 in taxes. Many of the customers are elderly, and the action accelerates with the arrival of monthly social-security checks; through the years the regulars have picked up Runyonesque nicknames (Dirty-Mouth Paula, Banana-Nose Louie), and a reputation as some of the most dedicated gamblers in the country. One night, according to one story, a 75-year-old woman slumped to the table during a two-and-four dollar game. An attendant pronounced her unconscious or dead and called an ambulance. The game continued around her until the ambulance arrived. Then as the lady was being wheeled out, one player called, "Okay, we got a free chair. Bring us a live one."

The counterparts to this kind of gambler are legion, and they make up a market that assures almost any legalized gambling operation of prosperity. Yet offtrack betting and lotteries have proved to be anything but an instant panacea. Initial lottery programs in New Hampshire and New York floundered, for example, because they failed to offer quick and accessible action; tickets were overpriced and drawings for winners were too infrequent, so gamblers never really got involved. It was only last year that New Jersey hit upon a viable formula. Tickets were sold for only 50 cents and drawings were held every week—and the response was amazing. The lottery has produced more than ten times the revenue projected by its advocates, and other states have rushed to copy the New Jersey model.

A REMARKABLE JOB

As head of OTB, New York City's Howard Samuels has done a remarkable job in building a multimillion-dollar industry from scratch in less than a year. But he is still struggling to overcome huge problems with his computers and to provide steady and efficient service. He has also been hampered by his failure to hire experienced gambling personnel; just recently, for example, OTB aroused public anger with an outrageous blunder in handling a Superfecta race. Perhaps most important of all, Samuels has been handicapped by the ill-designed OTB legislation itself, which deprives tracks and horesemen of anything approaching a fair share of the action.

Samuels has proposed remedial legislation to give the tracks more and insure the health of the industry—which is clearly essential to the long-range health of OTB. The tracks, distressed by drastic declines in their business—only partly caused by OTB—have rejected his plan as inadequate and sought legislation that would give them a much greater role in OTB, at the direct expense of Samuels and the possible expense of the city OTB was set up to help. The drama is being enacted against the backdrop of a recent strike at Aqueduct and threats of future boycotts by horsemen; the entire gambling industry is anxiously awaiting its resolution—and other states hope to learn from the mistakes and arguments in New York. And despite demands for lotteries and off-track betting, not all lawmakers have been in a rush to establish OTB programs in other states. Just last week, the Maryland Legislature killed an off-track-betting bill that had been vigorously backed by Gov. Marvin Mandel.

The short-term problems should make all legislators approach gambling cautiously; but the long-range possibilities are so enticing that the gambling boom seems certain to grow even bigger in the years ahead. A short-lived midwinter OTB television show from Monticello Raceway was shut down by the opposition of some track owners, but not before it showed that intelligent use of that medium could multiply wagering beyond the fondest hopes of track operators and OTB officials alike. Beyond that, there is the likelihood of legalized betting on all sports, which would allow governments into the broadest gambling market of all. And there have already been suggestions that casino gambling could save decaying resort towns such as Atlantic City, N.J.—and might even help New York to raise funds and simultaneously give new meaning to the term Fun City.

These visions are utopian to some and frightful to others, and they obviously won't be accomplished without leadership that is bold, wise and alert to countless challenges and problems. But there is no question that advocates of legal gambling will always have an invaluable ally in the American gambler himself. As gambling proliferates, it is only natural to pose the question: Will the source ever run dry? One answer lies in the continued expansion of illegal wagering. Few bookmakers have ever complained about a shortage of clients. But the larger answer lies in the gambler himself, that resilient figure who has endured all the centuries of unfriendly cards and bad bounces and slow horses—even those loaded dice at Pompeii—only to emerge at center stage in the 1970s, approaching the era of legalized betting with his hopes and dreams still intact, waiting as patiently as ever for that good one that runs tomorrow.

HOW TO GET THE MONEY WASHED

While almost everyone has been exposed to some aspect of the gambling explosion, many citizens may remain confused by the many forms that betting can take and the terminology that describes it. As a guide to the innocent, Newsweek offers a glossary of gambling phrases—along with hints on the realities of the betting world:

BOOKMAKER

Whether he runs your corner candy store or a multimillion-dollar office, he's the man who can accept a bet, extend credit and meet clients weekly to pay or collect. Some bookies can be almost fatherly, buying drinks, listening to problems, even giving losers added time to pay. Others respond to insolvent losers with a harder line: "When I lose, I pay."

CALL BACK

The most common way of placing a bet by phone. Wary of wiretaps on direct calls, most bookies require bettors to call an answering service and leave a code name and phone number. They return the calls from pay phones or from apartments that have been made "safe" by payments to police.

MONEY-WASHING

A general term for the many ways in which illegal bookmakers make their profits repectable or "clean"—and thus easy to spend. Obviously a man with a handsome six-figure income wants to live accordingly; but as he spends money in a visible way, he must account for it. For this purpose he may buy a bar, restaurant or, fittingly enough, a car wash, and declare it as the source of his income. Another form of "washing" involves the simple shuffling of currency. Since most bookies and loan-sharks pay customers in large bills and collect in small ones, they often need to trade in small bills for large ones. One man hired for this purpose dutifully "washed" $100,000 a week for mobsters. Then he couldn't resist using the money for one shot at the races. He lost half of it. "When I went to tell them, I had terrible visions of shattered kneecaps," he said. "But they were understanding. All they did was take over my business."

NUMBERS

Sometimes called the ghetto dwellers stock exchange, the numbers racket is a daily lottery based on the day's racing payoffs. Although the Mafia controls the racket from the top, its operations are handled by intricate inner-city networks of "banks" and runners—some of whom are among the best-known citizens of their communities. The industry rakes off about 40 percent of the handle. This is slightly less than legal lotteries take, but the legal system offers an added bonus: a big winner won't find that his friendly neighborhood runner has vanished with the loot.

PITCHER LINE

The odds that govern baseball betting, generally influenced by who is pitching each day. A prospective baseball bettor receives the line on the game in the form of two numbers—6½–7½, for example. This means that if he likes the favorite, he must put up $7.50 to win $5; if he wants the underdog, he puts up $5 in hopes of winning $6.50. The unpaid dollar in the middle sends the bookie on his Acapulco vacation.

POINT SPREAD

The equalizing factor that governs betting on football, basketball and hockey. The favorite must win by more than the point spread to win the bet. If Dallas is favored by 7 over Miami, for example, a 20–14 Dallas victory is a victory for those who bet on Miami and a loss for Dallas bettors; a 22–14 Dallas triumph, however, rewards Dallas backers. The point spread has done almost as much as television for the popularity of pro football.

PUSH

A game that falls precisely on the point spread, so bettors don't win or lose. If 7-point-favorite Dallas beat Miami, 21–14, all bettors would "push"—a result that most gamblers find frustrating after sweating out three hours of tense action.

TOUT

A self-proclaimed expert who advises bettors on what horses or teams they should bet. In return for his services, the tout demands a share of all his clients' winnings; he does not, of course, contribute to losses. Many gamblers consider touts to be the lowest form of parasitic life; others save even more scorn for the suckers who listen to them. The late turf writer Joe Palmer probably summed up the matter best: "As to the encounter between tout and foe, the one brings sharpness, a polished tale, an elementary sense of psychology and, of course, dishonesty. The other brings dumbness, money and the desire to profit by larceny he wasn't smart enough to create in the first place. How can you take sides?"

VIGORISH

The percentage of all betting handle that goes to the bookie, the racetrack or whoever else is running the action, stacking the game hopelessly against the bettor. It is also called vig or juice, but most gamblers prefer not to speak of it at all. It is, after all, an invisible, painless form of paying for gambling services, and to dwell on it would only interfere with the sustaining delusions of most gamblers, who are more than content in the gloriously illogical conviction that the next bet is the big winner.

H.R. 2386

A bill making it a Federal crime to engage in numbers wagering except in national drawings the proceeds of which shall be apportioned among the Law Enforcement Assistance Administration, the Department of Health, Education, and Welfare, and such States as may elect to participate therein

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 95 of title 18 of the United States Code (relating to racketeering) is amended by adding at the end thereof the following new section:

"§ 1955. Engaging in numbers games

"(a) Whoever in the United States conducts, assists in conducting, places a wager in or receives a wager placed in, or otherwise engages in any numbers, policy, bolita, or similar game shall be fined not more than $5,000 or imprisoned for not more than one year, or both.

"(b) This section and section 1953 shall not apply to any national lottery conducted by the National Lottery Commission."

SEC. 2. (a) There is hereby established a National Lottery Commission (hereinafter in this Act referred to as the "Commission") to be composed of three members to be appointed by the President, by and with the advice and consent of the Senate. For administrative purposes, the Commission shall be treated as part of the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service.

(b) Each member of the Commission shall receive compensation at the annual rate of $40,000.

(c) The term of office or members shall be five years. A member shall be eligible for reappointment once but not a second time.

(d) Any vacancy in the Commission shall be filed in the same manner as the original appointments to the Commission. Vacancies in the Commission, so long as there are two members in office, shall not impair the powers of the Commission to execute its functions under this Act, and two of the members in office shall constitute a quorum.

(e) Members of the Commission shall have had prior experience and training in law enforcement and demonstrated exemplary records in positions of public trust and responsibility either State or Federal.

(f) Not more than two members of the Commission in office at any time shall be members of the same political party.

(g) The Commission shall prescribe such rules and regulations, and employ such personnel, as may be necessary in the exercise of its functions under this Act.

SEC. 3. The National Lottery Commission shall conduct a national lottery at least once each month. It shall conduct a national lottery more frequently if it deems fit, and daily, in its discretion, when and as electronic equipment and technology renders daily drawings feasible.

SEC. 4. (a) The Bureau of Engraving and Printing in the Department of the Treasury shall print numbers on stamps in sheets of one hundred. The Bureau shall use the latest means to prevent the ability to counterfeit such stamps.

(b) The Commission shall distribute these sheets to the post offices located throughout the United States either in participating States or in exclusively Federal areas. While such post offices shall be the primary outlets for each distribution of stamps, the Commission may from time to time provide for additional outlets for such distributions.

(c) The price of each numbered stamp shall be established by the Commission but shall not be less than 25 cents.

(d) Stamps may be sold, for cash only, by the post offices (or other outlets) to any adult applying therefor, either singly or in quantity and may be resold by original and subsequent purchasers. Stamps purchased in any multiple of one hundred shall be sold by post offices at a discount of 10 per centum. No official identification or other form of accreditation may be required of any person purchasing or reselling such stamps.

(e) The stamps shall be bearer stamps and shall be honored for prize money by presentation by the bearer thereof.

(f) The Commission shall reimburse the Post Office Department for such additional administrative expenses as it may incur by reason of the enactment of this Act.

SEC. 5. (a) In the case of any lottery the pay-out for the winning numbers shall not be less than 40 percentum of the net proceeds of that lottery less the amounts payable under section 6. Such pay-out shall be distributed as follows:

(1) one winning number shall receive one-half of one percent of the net proceeds; and

(2) other winning numbers shall share equally in 39½ per centum of the net proceeds.

(b) Illustrative example: If the net proceeds (that is, the gross receipts less administrative expenses authorized by this Act) of any drawing (whether monthly or more frequently) are $100,000,000, the pay-out to individual winners will be $40,000,000 distributed as follows:

(1) one individual winner will receive $500,000, and

(2) Seven thousand nine hundred individual winners will receive $5,000 each.

(c) Any amount received by an individual by reason of holding a winning number in a national lottery conducted under this Act shall be exempt from all taxation, Federal, State, or local.

(d) Any individual holding a winning number may establish his entitlement by presenting the winning number to any post office at which stamps for such lottery were available for sale. Upon presentation, the postmaster or other person in charge of such outlet shall certify that the individual has presented that number; and, after certification by the National Lottery Commission that it is a winning number and the amount of the winnings, the number shall be transmitted to the Commission for issuance of its draft in payment therefor.

(e) Prize money remaining unclaimed thirty days following the drawing shall be held by the Commission in escrow account for one year thereafter. Prize money unclaimed on the four hundredth day following the drawing shall escheat to the general funds of the United States Treasury.

SEC. 6. (a) Any of the several States may elect not to participate in such national lotteries by so certifying to the Commission on or before the ninetieth day after the date of the enactment of this Act. Any State which does not so elect and certify shall be a participating State.

(b) On or before the 10th day after the close of each calendar month the Commission shall distribute among the several participating States 5 per centum of the net proceeds of any national lottery for which the drawing was held during such month. The share of each participating State in any such distribution shall be determined on the relation of its population to the population of all participating States.

(c) On or before the 10th day after the close of each lottery participating States shall each receive an additional distribution in an amount equal to 10 per centum of the proceeds to any national lottery from the sale of such stamps within the borders of that State.

(d) For purposes of this Act, the term "State" includes the District of Columbia and any Territory of Trust Government of the United States.

SEC. 7. The net proceeds of national lotteries in excess of amounts needed for the pay-outs to holders of winning numbers provided by section 5 and for the distributions to participating States provided by section 6 shall be deposited in the Treasury of the United States and shall be credited as follows:

(1) the first $100,000,000 so deposited in each calendar year shall be credited to the account of the Law Enforcement Assistance Administration for use by that Administration cooperatively with the several States (whether or not such States are participating States within the meaning of section 6) in fighting crime, and

(2) the remaining amount so deposited in each calendar year shall be credited to the account of the Department of Health, Education, and Welfare for use by that Department to assist in the financing of such programs concerned with health, education, and welfare as may be entrusted to its administrative responsibility by the Congress from time to time.

SEC. 8. (a) Chapter 61 of title 18 of the United States Code (relating to lotteries) is amended by adding at the end thereof the following new sections:

"§ 1307. National lotteries

"Sections 1301 to 1304, inclusive, of this chapter shall not apply with respect to any national lottery conducted by the National Lottery Commission.

"Whoever forges or counterfeits any stamp made for purposes of a national lottery conducted by the National Lottery Commission; or

"Whoever alters any number on such stamp; or

"Whoever robs, purloins, or steals such a stamp; or

"Whoever offers for sale or sells any such forged, counterfeited, altered, or stolen stamp, knowing it to be such; or

"Whoever presents any such forged, counterfeited, altered, or stolen stamp to any person engaged in carrying out a national lottery with intent to defraud the United States or any participant in any such lottery—

"Shall be fined not more than $50,000 or imprisoned for not more than ten years, or both.

"§ 1308. Sale of national lottery stamps at outlets in non-participating States prohibited

"(a) Whoever offers for sale or sells any national lottery stamp within the borders of a State which has elected not to participate in national lotteries and has certified such election within the time prescribed by law shall be fined not more than $5,000 or imprisoned for not more than one year, or both."

(b) Section 4005 of title 39 of the United States Code is amended by adding at the end thereof the following new subsection:

"(d) This section shall not apply to any stamp made for purposes of a national lottery conducted by the National Lottery Commission or to any other matter related to such a national lottery; and nothing in this section, section 4001, or any other provision of law shall be construed to make such matter nonmailable."

SEC. 9. (a) This Act and the amendments made thereby shall apply notwithstanding any other provision of law.

(b) Any law of the United States which is inconsistent with this Act or any amendment made thereby is, to the extent of such inconsistency, hereby repealed.

(c) This Act and the amendments made thereby preempt any law of any State in conflict therewith, and no law of any State shall authorize any similar drawing: *Provided, however,* That nothing in this Act or the amendments made thereby shall be construed to invalidate existing State laws permitting the conduct and operation of sweepstakes related to parimutuel racing.

(d) If any provision of this Act (including any amendment made thereby), or the application of any such provision to any person or circumstances, is held invalid, the remaining such provisions, or the application of such remaining provisions to other persons or circumstances, shall not be affected thereby.

SEC. 10. This Act shall take effect on the day on which this Act is enacted. The first three members of the National Lottery Commission shall take office not later than sixty days after such date of enactment.

MEMORIAL TO SENATOR ROBERT L. OWEN

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 5 minutes.

Mr. PATMAN. Mr. Speaker, on February 3, 1971, a memorial was dedicated to Senator Robert L. Owen by the Cherokee National Historical Society. As the following correspondence indicates, Senator Owen was one of the founders of the Federal Reserve System. He was, in fact, coauthor of the bill with Senator Glass and had played a major role in pressing for currency reform during the decade which preceded the founding of the system.

Senator Owen was the first chairman of the Senate Banking and Currency Committee, having been instrumental in winning approval for the formation of the committee in 1913. He served in this capacity with distinction and won recognition for his numerous contributions to the development of monetary and economic thought. After leaving the Senate, he continued to serve the Congress and the people by acting as an advisor on much of the important banking legislation of the 1930's.

Mr. Speaker, I am pleased to offer the following correspondence in testimony to the achievements of the late Senator Robert L. Owen of Oklahoma.

Federal Reserve System,
Washington, D.C., April 28, 1972.
Hon. Wright Patman,
House of Representatives,
Washington, D.C.

Dear Congressman Patman: I know how dear to you is the memory of Senator Robert Owens, and I therefore think that you will be interested in the copies of the enclosed correspondence.

Sincerely yours,

Arthur F. Burns.

Northeastern State College,
Tahlequah, Okla., April 12, 1972.
Dr. Arthur F. Burns,
Chairman, Board of Governors, Federal Reserve System, Washington, D.C.

Dear Dr. Burns: On February 3, 1971, the Cherokee National Historical Society dedicated a memorial to Senator Robert Latham Owen, an Oklahoman of Cherokee ancestry, who distinguished himself as teacher, editor, lawyer, banker, businessman, and statesman. Mr. George H. Clay, President of the Federal Reserve Bank of Kansas City, and Mr. W. W. Keeler, Chairman of Phillips Petroleum Company and Principal Chief of the Cherokee Nation, delivered commemorative addresses at the dedication ceremonies held at Tsa La Gi. Mr. Clay, at a luncheon held on the campus of Northeastern State College, described the contributions of Senator Owen to the development of the federal reserve system.

Located in the historic capitol city of the Cherokee Nation, Northeastern State College is aware of the important contributions which have been made and are being made by the Cherokees and by the members of other Indian tribes and nations and we want other people to know of these contributions. We hope that the enclosed brochure, containing the remarks of Mr. Keeler and Mr. Clay, will contribute to a greater understanding of the role that Indian-Americans have played in the development of our country.

Sincerely yours,

R. E. Collier,
President.

Federal Reserve System,
Washington, D.C., April 27, 1972.
Mr. R. E. Collier,
President, Northeastern State College, Tahlequah, Okla.

Dear Mr. Collier: I greatly appreciate your courtesy in sending me the brochure containing the remarks of Mr. W. W. Keeler and Mr. George H. Clay on the occasion of the dedication of a memorial to Senate Robert Latham Owen by the Cherokee National Historical Society. As Mr. Clay indicated in his remarks, I have long felt that Senator Owen's important role in the founding of the Federal Reserve System deserved special recognition and I am pleased that the Federal Reserve was given an opportunity to participate in the dedication of the memorial in the Sherokee Hall of Fame at Tsa La Gi. I regret that my own schedule did not permit me to attend the ceremonies.

Sincerely yours,

Arthur F. Burns.

INADEQUATE FUNDING FOR FEDERAL IMPACT AREA AID—AN EDUCATION CRISIS FOR ALASKA

The SPEAKER. Under a previous order of the House, the gentleman from Alaska (Mr. Begich) is recognized for 15 minutes.

Mr. BEGICH. Mr. Speaker, I am sure you are aware of the disastrous reductions being asked by the administration for Public Law 81–874, providing impacted area aid funds for education. Because the impact of the Federal Government is so substantial in Alaska, these cuts will be particularly harmful there.

My recent testimony before the House Appropriations Subcommittee set out this problem in Alaska, and emphasized the problem by utilizing the opinions of numerous school districts in the State. So that these facts might be widely known, I ask that this testimony be included in the Record today.

Testimony of Alaska Congressman Nick Begich

Mr. Chairman: Thank you for the opportunity to appear before this Subcommittee on this vital issue of the education budget for Fiscal Year 1973. I realize the Committee has a great number of individual items to consider, and for that reason I will limit my remarks to a single topic which is of vital importance to Alaska. This is the budget for FY 1973 for impacted area aid funds under Public Law 81–874.

I cannot begin without calling the direct attention of this Committee to the requested overall budget for Impacted Areas Aid which has been reduced from $592.6 million in FY 1972 to only $415 million for FY 1973, an almost incredible reduction of $177.6 million.

The reason for this reduction given by the Office of Education was that the entire program is being restored to its original legislative intent, which was to give financial assistance to districts heavily impacted by children associated with federal government operations, mainly military. I suspect the cuts also relate to the domestic austerity this country is now being asked to bear.

Mr. Chairman, such thinking entirely neglects two basic factors which this committee will consider, I am certain. First, is the point that a cut in these funds totaling nearly one-third of the prior years level is unprecedented, and comes absolutely without warning to the hundreds of school districts across the Nation which rely on these funds as a vital part of their budget. The impact of this loss on planning is incalculable, and I will have more to say on this later.

Second, the reduction comes without the slightest indication as to how the deficiency can be made up, aside from going back to the overburdened property taxpayers for even more money. No new appropriations for Federal education assistance, or for Indian education, are mentioned. Let me be very direct in saying that this reduction of $177.6 million in the area of education, is the sort of "savings" that is very expensive in the long run.

With specific regard to Alaska, it is my intention to let the people speak for themselves. My own examination of the requested appropriation for Alaska, however, discloses that of the twenty-six school districts in Alaska applying for aid under P.L. 81–874, only six stand to gain funds under FY 1973 budget, and those only by the narrowest of margins. The rest suffer substantial losses.

The effect of such losses on individual school districts is demonstrated in the following letters from various districts in my state. They speak far more eloquently than I on this matter. I conclude my remarks to the Committee by adding these letters for your consideration, and requesting that, at the minimum, the Fiscal Year 1972 level of appropriations be continued for Fiscal Year 1973.

Thank you.

St. Marys Public Schools,
St. Marys, Alaska, April 7, 1972.
Hon. Nick Begich,
Representative for Alaska, U.S. House of Representatives, Washington, D.C.

Dear Representative Begich: This school district depends upon P.L. 874 for its continued financial health. Since the economy of the community is basically subsistence with a few part and full time jobs the school district expects no more than token support from local tax revenues—indeed the other needs of the community are so great that the proportions of revenue for schools is expected to remain small for many years to come.

P.L. 874 funding comes to us in lieu of property taxes and in practical terms is treated as local tax revenue for schools—*any* cut is a severe cut because we have no revenue to turn to in its place. A cut from $20,206.00 to $10,706.00 represents nearly a 50% reduction in available revenue.

At this time taxable real property in the district totals $231,500 and taxable personal property totals $91,000 for a total taxable property valuation of $322,500. To raise the difference in PL874 from real property taxes we would be required to levy a 41 mil tax—a bit unreasonable it would seem. Even to tax real and personal property at the same rate it would take nearly 30 mils to raise the $9,500.00 difference.

If anything, we should be funded 100% rather than cut to a lower level. Perhaps a worthwhile concept would be to set a cut off point in terms of local property valuations so that districts below the cut off could be fully funded and cuts then could be applied to districts which have sufficient property to tax to make up the PL874 reductions.

Sincerely,

John Kerr.

Ketchikan Gateway
Borough of School District,
Ketchikan, Alaska, April 7, 1972.
Hon. Nick Begich,
House of Representatives,
Longworth House Office Building,
Washington, D.C.

Dear Nick Begich: Thank you for your attention to our concerns about the cut to Ketchikan school district of 874 entitlement funds this fiscal year. We hope you have success in securing legislation that will allow us a "wind-down period" in our anticipated revenues.

We have another concern relative to 874 monies based upon a OE print-out receipt from your office. We identify an additional cut during next fiscal year. Our cut for this FY in revenue was brought about by transferring the local Federal Building to the U.S. Postal Service negating the 874 revenue entitlement for that facility. The Post Office occupies the first floor only, the other four floors house other Federal agencies, for example, Customs, Immigration, Bureau of Indian Affairs, U.S. Coast Guard Marine Inspection, U.S. Forest Service, jail and Superior Court System, U.S. Marshal's office, Medicare and Social Security offices. The Post Office occupies, at most, one-fifth of the plant.

Evaluating further, the initial cut will cost us approximately 30% of our entitlement this year. The second cut will take from us another 35%. The dollar entitlement this year, under the old system, was $72,919.00. Under the new system, if that is what it is, the dollar entitlement will be $40,047.00.

Wearing my other hat, that of a Borough Assemblyman, I planned to make an attempt to place the Federal Building on our Borough tax roles, except that the idea died aborning because of another Federal regulation. We can't tax the Federal Building, federal property!

We are not asking the Federal government to carry what is rightfully a local tax effort. If our present school budget proposal is accepted as submitted April 1, 1972, an additional 5 mil tax effort will be levied locally. You recognize we are merely seeking what in the past has been considered a fair and equitable participation by the Federal government in lieu of local taxes.

We appreciate your efforts on our behalf and hope the foregoing will be of value to you in any testimony you might give before any committees relative to the matter of 874 monies.

Sincerely,

C. G. FADER,
Director, Vocational Education.

State, congressional district and appl. school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard. 1973
ALASKA (157)								
Greater Anchorage Area Borough School District	16, 123	19, 247	1, 736, 636	990, 509	2, 174, 983	742, 903	1, 752, 659	1, 009, 756
Ketchikon Gateway Borough School District	3, 897	12, 510	69, 022	34, 404	129, 108	26, 005	72, 919	46, 914
St. Mary and S City School District	5, 629	7, 699	14, 577	0	9, 500	85, 000	20, 206	10, 706
Wrangell Public Schools	0	0	11, 064	481	40, 037	10, 583	11, 064	481
Petersburg public school district	865	962	18, 616	4, 090	43, 549	14, 429	19, 481	5, 052
Alaska Department of Education	16, 721, 294	16, 871, 293	488, 649	477, 037	1, 047, 130	138, 387	17, 209, 943	17, 348, 330
Matanuska Susitna Borough School District	35, 078	38, 976	57, 782	4, 330	100, 180	49, 554	92, 860	43, 306
Bristol Bay Borough School District	32, 239	32, 720	13, 699	0	26, 185	13, 218	45, 938	32, 720
Craig Public School District	2, 164	2, 405	5, 093	0	6, 203	4, 852	7, 257	2, 405
Kake City School District	432	8, 661	23, 183	0	11, 459	114, 593	23, 615	12, 156
Dillingham City School District	42, 344	61, 592	10, 110	0	38, 060	9, 238	52, 354	61, 592
Kenai Peninsula Borough School District	87, 047	96, 719	71, 481	27, 427	388, 311	34, 382	158, 528	124, 146
Greater Haines Borough School District	865	962	7, 727	0	30, 546	7, 630	8, 592	962
Nome School Board	22, 518	25, 021	19, 846	0	68, 039	17, 343	42, 364	25, 021
Fairbanks North Star Borough School District	10, 826	12, 029	376, 200	64, 237	585, 492	310, 760	387, 026	76, 266
Greater Juneau Borough School District	12, 558	24, 540	178, 792	42, 103	230, 273	124, 707	191, 350	66, 643
Klawock City School District	4, 763	5, 293	8, 079	0	3, 097	3, 097	12, 842	9, 745
Nenama Public Schools	6, 929	9, 623	3, 863	0	8, 813	6, 169	10, 792	9, 623
Hoonah Public Schools	55, 336	76, 990	12, 996	0	17, 387	8, 658	68, 332	75, 990
Corodova City School District	1, 731	1, 924	7, 727	5, 774	36, 711	1, 760	9, 458	7, 698
Greater Sitka Borough School District	136, 850	159, 755	37, 409	6, 495	105, 315	8, 009	174, 259	166, 250
Kodiak Island Borough School District	86, 614	101, 049	41, 097	11, 307	183, 411	15, 355	127, 711	112, 356
Hydaburg City School District	0	0	7, 376	0	2, 135	2, 135	7, 376	5, 241
Yakutat City School District	7, 699	9, 623	1, 229	0	6, 850	695	8, 928	9, 623
King Cove City School District	0	16, 841	6, 147	0	2, 458	10, 694	6, 147	16, 841
Unalaska City School District	6, 495	13, 473	5, 444	0	5, 918	1, 534	11, 939	13, 473
Congressional district total (26)	17, 300, 196	17, 609, 907	3, 233, 744	1, 668, 194	5, 311, 150	1, 239, 644	20, 533, 940	19, 294, 296
State total (26)	17, 300, 196	17, 609, 907	3, 233, 744	1, 668, 194	5, 311, 150		20, 533, 940	19, 294, 296
ARIZONA (001)								
Mesa Elementary School District No. 4	87, 910	157, 313	149, 360	64, 431	448, 495		237, 270	221, 744
Mesa High School District No. 207	24, 367	92, 537	57, 917	46, 609	275, 663		82, 284	139, 146
Glendale Upper High School District No. 205	0	0	48, 410	20, 905	422, 768		43, 410	20, 905
Scottsdale Common School District No. 48	0	0	63, 046	32, 044	627, 156		63, 046	32, 044
Tempe Upper High School District	0	0	18, 513	25, 361	168, 219		18, 513	25, 361
Fowler Elementary School District No. 45	0	0	4, 012	5, 483	5, 717		4, 002	5, 483
Chandler Elementary School District No. 80	0	1, 028	49, 161	60, 661	96, 674		49, 161	61, 689
Cartwright School District No. 83	0	0	198, 397	187, 810	278, 402		198, 397	187, 810
Dysart High School District No. 218	77, 114	77, 114	4, 128	5, 654	32, 141		81, 242	82, 768
Gila Bend High School District	6, 168	7, 197	250	171	10, 675		6, 418	7, 368

KENAI PENINSULA
BOROUGH SCHOOL DISTRICT,
Soldotna, Alaska, April 4, 1972.
Hon. NICK BEGICH,
Congressman for Alaska,
Longworth House Office Building,
Washington, D.C.

DEAR MR. BEGICH: The Kenai Peninsula Borough Board of Education is concerned as other Alaskans are, with the proposed cutback of funds for the Public Law 874 Program for fiscal 1973. We wish to go on record requesting the full restoration of these funds.

Last year our P.L. 874 allotment was reduced by $39,459 because of the reduced appropriation. Based on the same number of pupils as last year we will suffer a further reduction of $34,382 in fiscal 1973 if the Presidential Budget proposal stands. This is a reduction of $73,841 from our total entitlement or a reduction of thirty-five percent.

We are attempting to hold a maintenance type budget for fiscal 1973 because of the financial problems plaguing the State of Alaska. Because of the financial problems of the State we do not anticipate any additional State revenues for the operation of our district in the coming year. The result has been that we are now proposing a 70% increase in local effort for next year in order to maintain the programs and staff that we have for the current fiscal year.

If we are to take a further reduction in our P.L. 874 revenue it will mean that we will have to reduce our educational program, as we are now straining the limit that can be raised from local funds.

The percentage of our various budgeted revenues for operation are: Local Revenue, 21.8%; State Revenue, 77.2%; and Federal Revenue, 1.0%.

We realize that budgets are being squeezed throughout the country and throughout the government, but we believe that if the proposed P.L. 874 cut is allowed to stand it will have a detrimental effect on the educational program in our district and in other districts as we will be forced to reduce our program.

We would urge and support your every effort to restore the Public Law 874 funding back to 100% of entitlement. Should your office require more information concerning the application of P.L. 874 funds in our district please let us know.

We would appreciate receiving word on any developments that take place concerning the P.L. 874 funding.

Sincerely,

RICHARD SWARNER,
Business Manager.

CITY AND BOROUGH OF
JUNEAU SCHOOL DISTRICT,
Juneau, Alaska, April 4, 1972.
Hon. NICK BEGICH,
House of Representatives,
Washington, D.C.

DEAR NICK: I am writing in response to your letter of March 24 regarding Federal funding under P.L. 874. The accompanying form will show that our receipts for the fiscal year ending June 30, 1972, is very similar to the figure mentioned in your letter.

Be assured that any efforts you can put forth to insure that the funding of the Federal P.L. 874 remain at its current level will be greatly appreciated. A cut of the magnitude proposed would be disastrous in terms of educational programs offered in Juneau.

Best personal regards.

Sincerely,

JOHN E. COFFEE,
Acting Superintendent.

NENANA CITY PUBLIC SCHOOLS,
Nenana, Alaska, April 4, 1972.
Hon. NICK BEGICH,
U.S. Representative, House of Representatives, Washington, D.C.

DEAR NICK: As you are aware, Alaska, perhaps more than any other State depends rather heavily on PL 874 Impact Funds in lieu of taxes since such a large amount of the land is owned by the Federal Government. The steadily decreasing rate by which this act has been funded is an alarming fact with which Alaskan Administrators and School Boards have had to live.

The PL 874 funds in our District are approximately 50% each year of the City's local effort. If the funding rate continues to decrease it is readily apparent that the tax burden on the local property owners has to increase to compensate for those families which reside on Federal lands. This is one law that I feel should be funded 100% each year.

On behalf of myself and the Nenana City School Board I want to extend our congratulations on the fine job you have done to date and certainly hope you are able to convey to this committee the worth of funding PL 874 at a higher rate if not 100%.

Yours truly,

Richard W. Leath,
Superintendent.

Fairbanks North Star
Borough School District,
Fairbanks, Alaska, February 25, 1972.

Hon. Nick Begich,
House Office Building,
Washington, D.C.

In Re: Federal Impact Assistance
PL874

Dear Congressman Begich: Last year when this school district formulated the 1971–72 budget, it was anticipated that PL874 would yield a total of $520,000.00. A month or two ago we were informed that Congress had not appropriated our full entitlement, that we would be receiving only $380,000.00, leaving us with a shortage of $140,000.00.

This shortage is very serious to us and we would appreciate anything you can do to influence Congress to appropriate our full funding.

Sincerely yours,

Dayton Benjamin,
Acting Superintendent of Schools.

Petersburg Public Schools,
Petersburg, Alaska, April 3, 1972.

Congressman Nick Begich,
House of Representatives,
Washington, D.C.

Dear Mr. Begich: Your letter of March 24, 1972 relative to proposed P. L. 874 cutbacks has been received.

P.L. 874 is very much needed in Alaska since so much of it is still Federal land. Your figures indicate a reduction of about 75% for Petersburg. This could result locally in the reduction of the staff by one member.

If we were to receive for FY 73 only the amount your figures indicate, it would hardly pay the district to participate. It does take a good many man-hours to conduct the survey and attend to the necessary paper work.

You are urged to oppose any proposal that would reduce the monies that would otherwise come to the school districts in Alaska.

Yours truly,

D. W. Schultz,
Supt. of Schools.

Craig City School District,
Craig, Alaska, April 6, 1972.

Hon. Nick Begich,
House of Representatives,
Washington, D.C.

Dear Mr. Begich: The proposed cut in PL 874 as presented in the 1973 Presidential Budget would be a devastating blow to our entire financial system. This one single cut would put the City of Craig in a financial crisis.

This city of 300 people is presently $107,000 in debt. We have just budgeted for an additional $50,000. If we must now start putting another $5,000.00 in our budget from local sources, we can not pay our current bonded indebtedness. The $5,000.00 cut to Craig may seem like pocket change to men in Washington, but it can almost bankrupt us.

How in the world are we suppose to encourage federal development if the federal government is not willing to do their part in supporting local communities. PL 874 has long been a fairly agreeable way of Uncle Sam doing his part in the community for education. Now when the entire country needs additional funds to run their schools, here comes another cut.

We are required by law to pay a certain per cent of the total budget from the local level. The purposed PL 874 cut will jeopardize our financial system and therefore our educational programs as a whole. Let's think of the kids, after all, thats who the schools are for. Please be assured of this district's backing in what ever action you may feel is necessary in maintaining the current level of funding. Best of luck when you testify and please fight for quality education through adequate funding.

Sincerely,

Stanley L. Bippus.

Alaska State-Operated
School System,
Elmendorf Air Force Base, Alaska,
April 5, 1972.

Congressman Nick Begich,
House of Representatives,
Washington, D.C.

Dear Nick: Received the H.R. 13915 & 16. Can't say that I think either one gets to the problem—just one more band aid. It is too bad it takes a Florida election to make the administration and Congress see they have a problem. We are in a sad state when judges have to make laws and for that matter are even allowed to do so. My political science taught me they were to interpret law but enough of that.

Nick I think when Congress gets around to putting the money where the problem is we will get some place with the poverty education imput. It doesn't take much thinking to realize that it takes more money to educate a deprived youngster than one that has no problem. If a simple system could be worked out to simply give the Principal of those schools more money for each student than the district provides on the average I am sure the Principal will improve the quality of education. We hardly need the help of instantaneous experts to tell us what to do. Jon Buchholtz & Co. what very simply is needed is people and materials to make a difference in the product output. The problem with this suggestion of course is that it is too simple and does not require a research grant of half of the available funds. I guess there are no simple answers to complex problems but I tried.

The integration problem was not created by schools nor in my opinion will it be solved by schools. The segregation of people is economic and political. Therefore until that can be solved not much of importance will happen. Housing patterns create the problems and I am sure in a few cases political attendance areas were at fault to me they would be a minor factor. But as you and I have talked before when a state or national crisis occurs people to turn to schools to solve the problem so I guess it was natural to overhaul schools to solve a problem not created by schools. Maybe we will someday spend transportation money to improve schools where they are and where the students are. Guess this is enough philosophy from an old North Dakota farmer.

Things have gone pretty well this year here. A couple of bad choices for Special Ed teachers and Carl and I decided to split. He is now at SOS. Don't know just what happened but it got to the place where I had to act so I did.

The bill in the legislature creating 12 SOS Districts looks like it might go. It would solve a lot of problems for many pepole. If it does I believe the On-Base set up would be a real boom to Alaska. It would be different as far as budget goes because a clean clear cut budget could be presented to the legislature based on 874 and they would understand it. The USOE would not argue about a much higher cost per pupil so it could become a model for Alaska. Even I could get excited about that possibility.

Let us know when you are going to make it back here again. We should get together for coffee. Keep up the good work Nick.

Sincerely yours,

Henry G. Bryant,
Superintendent.

Hoonah Public Schools,
Hoonah, Alaska, April 11, 1972.

Congressman Nick Begich,
House of Representatives,
Washington, D.C.

Dear Congressman Begich: I am sorry for the delay in answering your letter of March the 24th of 1972. However, I have been out of town for the last two weeks on a recruiting trip and have not been able to answer this letter. The best information that I can give to you in regards to the PL–874 would be the inability at this point for us to collect taxes from our people in Hoonah. As you are well aware of the poverty condition of the people here and PL–874 money is what keeps this school district going without a tax base. Our present assessed value for real and personal property is one million eight hundred thirty eight thousand five hundred and seventy five dollars. As you are aware this makes a very limited tax base for operating schools. Our PL–874 represents fifteen percent of our present operating cost. A cut of any magnitude to this fifteen percent would very much jeopardize the educational system in Hoonah where it is extremely difficult for a school of our size without additional expenditures. We appreciate your effort on behalf of the Hoonah Schools and all the schools in Alaska where PL–874 money is essential for their operation.

Sincerely,

Donald L. MacKinnon, Jr.,
Superintendent.

Wrangell Public Schools,
Wrangell, Alaska, April 12, 1972.

Mr. Nick Begich,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Begich: Thank you for calling to my attention the proposed cuts in Federal funding under P.L. 874.

Our budget for 1972–73 has already been prepared, and any reduction in funding would have a detrimental effect in our school operation. The anticipated enrollment for next year will be increased approximately five percent.

Your efforts to obtain full funding will be greatly appreciated.

Sincerely yours,

Richard R. McCormick,
Superintendent of Schools.

Matanuska-Susitna
Borough School District,
Palmer, Alaska, April 26, 1972.

Hon. Nick Begich,
House of Representatives,
Washington, D.C.

Dear Congressman Begich: Please forgive the delay in our reply to your letter of March 24, 1972. I have been on an educational mission to Russia and just returned to my office this week.

Perhaps the following comments will be of some interest and help to you, even at this late date.

In addition to the cut in the amount you mentioned under the 1973 Presidential budget, we will also be hurt by the following listed factors.

Fewer people employed on Federal property.

The Experiment Station being turned over to the University of Alaska.

More homesteads are patented now.

Many citizens work on the military bases and some military personnel live in our District. A cut back of military will definitely effect this District.

You can well understand how this will hurt the funding of our educational program. Anything you can do to assist in up-dating the aid from the amount to be budgeted, would be greatly appreciated. We would hope that assistance could be worked out whereby this established program would become more stable rather than replacing with other programs of a less permanent nature.

Thank you for your consideration.

Sincerely yours,

Norman S. Rousey,
Superintendent of Schools.

Haines Borough School District,
Haines, Alaska, April 3, 1972.

Hon. Nick Begich,
U.S. Representative from Alaska, U.S. House of Representatives, Washington, D.C.

Dear Congressman Begich: Thank you for your letter of March 24. I appreciate knowing of the proposed cuts in Federal funding under P.L. 874.

It seems rather interesting to me to think of another possible cut in the funding of our school program. It appears that more and more local communities are being asked to pay more and more of a share in education when, ideally, it is the State and Federal responsibility to at least share, where they have an obligation to, with sufficient funds to make educational opportunities realistic.

We seem to be able to spend Federal funds for many many projects which should in reality have lower priorities than the education of today's youth.

Now, granted $8592.00 doesn't seem a great deal, but when we realize that it is equivalent to ⅝ of a mil, our local assessed evaluation, it does have a little meaning to a small community.

Further looking at this $8592.00, it is a far cry in local taxation values when one considers the true value of the U.S. Army Tank Farm and facilities in our area.

I do hope that you will do all in your power to see that public funding and P.L. 874 remains as it is at this time. We really believe in quality education and in young people—and what we need is more Federal funding at the district level rather than less.

Sincerely yours,

Karl Ward,
Superintendent.

Kake Public Schools,
Kake, Alaska, March 30, 1972.

Hon. Nick Begich,
U.S. House of Representatives,
U.S. Congress,
Washington, D.C.

Dear Mr. Begich: Thank you for your letter of March 24, 1972 regarding proposed cuts in Federal funding under PL 874.

Kake is a small Southeastern Alaska village situated on Kupreanof Island and off the beaten path. The people here are solely dependent upon fishing as its main source of livelihood. Fishing being seasonal in nature and confined to the summer months does not always mean our local people are going to make enough money to properly provide their families with the necessities of present day living. No other opportunity for employment exists in the area, with the exception of the few people employed at the nearby logging camp. Housing in the village is below substandard. In general, this community is in great need for an economic development program which can provide some year round employment, to ease hardships being experienced by at least 85% of our local people.

Our school enrollment is increasing every year. We anticipate about 200 students for the 1972–73 school year. The people of Kake are making every effort to upgrade the educational program of this community and it takes money to operate any kind of effective program. With the type of economy that exists here, enforcing any kind of tax structure to offset school operational expenses, would be like taking the food out of the mouths of the children.

We cannot over-emphasize the great importance and need for the full Federal funding under PL 874 to carry on our educational commitment to this community. We cannot afford at this time, to short change the young people the future leaders of our state and country. Education holds the key to progress and for the fulfillment of a better way of life. We urge our Congressmen to oppose any kind of Federal educational budget cut.

We appreciate your concern and intent to champion for quality education in our country.

Sincerely,

Joseph M. Kahklen,
Superintendent.

PERSONAL FINANCIAL DISCLOSURE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Kastenmeier) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, consistent with a practice I first adopted in 1963 and repeated in each succeeding year, I am placing in the Congressional Record, today, an accounting of my personal financial condition for the calendar year 1971.

As I have stated in the past in reports to constituents of Wisconsin's Second Congressional District which I represent, Members of Congress and holders of high elective office in general should make periodic public disclosures of their personal finances as a matter of course. Such statements are needed to provide the public with information that will enable them to assess whether their elected representatives' personal holdings have affected in any way, the performance of their public trust, and last year, I introduced legislation, H.R. 8360, which requires a complete public disclosure annually of all sources of income for Members of Congress, as well as members of the Federal judiciary and certain employees of the executive branch of the Government.

Mr. Speaker, a report of my personal financial condition for 1971 follows:

Statement of financial condition, Dec. 31, 1971

Cash on account with the Sergeant at Arms Bank, House of Representatives	$10.55
Riggs National Bank, Washington, D.C., checking account	7.10
Securities:	
Austral—100 shares, 16⅞	* 1,687.50
Solitron Devices—100 shares, 11⅞	* 1,187.50
Reynolds Metals—100 shares, 17⅞	* 1,787.50
Residential real estate:	
House, Arlington, Va. (assessed value)	69,650.00
Less mortage	43,077.67
Equity	26,572.33
Household goods and miscellaneous personality	6,600.00
Miscellaneous assets: Deposits with U.S. civil service retirement fund through Dec. 31, 1971, available only in accordance with applicable laws and regulations	28,660.07
Cash surrender value of life insurance policies:	
On the life of Robert W. Kastenmeier	none
On the life of Dorothy C. Kastenmeier	544.00
Donaldson Run deposit	300.00
Automobiles:	
1963 Oldsmobile	400.00
1971 Ford Thunderbird	4,200.00
Total assets	71,956.55
Liabilities	none
Net	71,956.55
Income for calendar year 1971, excluding congressional salary and expenses:	
Gain, sale of stock:	
Solitron Devices	.31
Banister Continental	480.35
Speaking honorarium (1)	440.75
Per diems (4)	189.08
Stock dividends	30.00
Total	1,140.49

* No longer held

LEGISLATION TO REIMBURSE COMMUNITIES FOR THE COSTS OF DEALING WITH DEMONSTRATIONS

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. Boland) is recognized for 10 minutes.

Mr. BOLAND. Mr. Speaker, I am joining my distinguished colleague from Massachusetts, Senator Edward W. Brooke, in introducing legislation to help relieve the country's political subdivisions—its States and counties, its cities and States—of the staggering expenses they often bear in dealing with demonstrations. Already caught up in a financial squeeze of almost unprecedented severity, most State and local governments simply cannot cope with such expenses. The cost of police overtime, for example, or of mustering the National Guard diverts funds from the pressing social needs that every State and community now faces: schools, hospitals, building projects, vital services of every kind.

Chicopee, Mass., for example, a city in my congressional district, is now confronted with the burdensome costs of controlling a series of major antiwar demonstrations outside the gates of Westover Air Force Base. Hundreds of other communities throughout the United States find themselves in the same plight, threatened by the wholly unforeseen costs of demonstrations against national policy decisions. It is conceivable, Mr. Speaker, that demonstrations could quite literally bankrupt a community, so thoroughly pillaging its treasury that it could no longer carry out municipal services.

The legislation I am introducing today would reimburse State, county, and local governments for the principal costs of dealing with demonstrations that arise from national policy.

The bill would authorize reimbursements from the Justice Department for the cost of overtime paid to law enforcement officers and court personnel, from the Department of Defense for the cost of deploying the National Guard.

The need for this bill is obvious: the diminishing financial resources of State, county and local government must not be jeopardized by demonstrations stemming from policy decisions made by the Federal Government—decisions on the Vietnam war, on busing, on environmental controversies, public works projects, on any comparable issue.

The Federal Government must assume responsibility for the consequences of its own actions.

Following is the text of the bill:

H.R. 14965

A bill to provide reimbursement to States and political subdivisions for police and National Guard overtime compensation incurred with respect to national policy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 31 of title 28, United States Code, is amended by adding at the end thereof the following section: 527. Reimbursement for police, National Guard and court personnel overtime compensation incurred with respect to disturbances relating to national policy.

"(a) Upon request of any State or political subdivision thereof, the Attorney General is authorized to reimburse as soon as practicable, such State or political subdivision for overtime compensation determined by the Attorney General to have been paid by that State or political subdivision to any law enforcement officer or employee of a court of that State as the result of overtime work performed by such officer or member with respect to any demonstration, riot, or other disturbance related to any national issue or policy.

"(b) The Attorney General is authorized to promulgate rules and regulations to carry out this section.

"(c) Upon request of any State or political subdivision thereof, the Secretary of Defense is authorized to reimburse as soon as practicable, such State or political subdivision for overtime compensation determined by the Secretary to have been paid by that State or political subdivision to any member of the National Guard as the result of overtime work performed by such officer or member with respect to any demonstration, riot, or other disturbance related to any national issue or policy.

"(d) The Secretary is authorized to promulgate rules and regulations to carry out this section.

"(e) For purposes of this section, 'State' includes the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico and any other territory of the United States."

(f) The analysis of such chapter 31, preceding section 501, is amended by adding at the end thereof the following new item:

"527. Reimbursement for police, National Guard and court employee overtime compensation incurred with respect to disturbances relating to national policy.

NEED FOR A BROADER MILITARY DRUG BILL

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, in the near future we will be considering H.R. 12846—a bill designed to combat the drug problem which is plaguing our military forces throughout the world by providing treatment and rehabilitation to those servicemen who are found to be drug dependent. I believe this bill is inadequate and represents only a half-hearted assault on a massive problem.

The bill fails to provide treatment and rehabilitation for those servicemen who abuse the most widely used of all drugs, alcohol. We can no longer afford to sweep alcoholism under the rug. This disease has undoubtedly broken up many homes, wrecked careers, and deprived the Armed Forces of many capable servicemen.

It is not only unfair but also uneconomical to fail to deal with alcoholism in this bill. The costliness of this disease was illustrated very vividly in a report issued in November 1971 by the U.S. General Accounting Office—GAO. Assuming that the incidence of alcoholism in the military services averaged 5 percent, GAO estimated an annual loss of almost a quarter-billion dollars to the Government. The report pointed out that about half of this amount could be saved if the services started the kind of treatment and rehabilitation programs that have succeeded in private industry and elsewhere.

While most of the services have made some progress in dealing with alcoholism, I strongly believe that they need the support of Congress to insure significant and continuing progress by declaring a war against alcoholism as well as the other abused drugs.

I am likewise disturbed because the bill offers no guarantee for the confidentiality of medical records of servicemen with drug problems. The need for such provision was recognized when Congress enacted Public Law 92–255 which established the Special Action Office for Drug Abuse Prevention. Just as the doctor-patient relationship is important to the successful treatment of drug dependents in civilian life, so also is it important in the successful treatment of our military personnel. If we are to encourage our servicemen with a drug problem to voluntarily seek treatment and rehabilitation, we must provide them with the assurance that their medical records will be properly safeguarded so that they will not be stigmatized as drug abusers for the rest of their lives. A man's life could be needlessly ruined by the Army's unwillingness to keep his medical information confidential. It is difficult enough to successfully treat drug dependent persons without throwing another obstacle in their way.

AMERICANS FEEL A SQUEEZE IN HEALTH CARE

(Mr. STEED asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STEED. Mr. Speaker, all over America people are starting to feel the squeeze in health care that comes from our having neglected health institutions and practices for too long. A current incident in my own State, in Oklahoma City, provides an ominous example of what is beginning to happen throughout the Nation.

There, for a number of reasons, the University of Oklahoma School of Medicine has found it necessary to consolidate the in-patient services of University Hospital and Children's Memorial Hospital. Many Oklahomans fear that the eventual result—perhaps the next step—may be a reduction in the health services provided by the medical school, although as yet nothing has been curtailed except an emergency room "night clinic."

I will not take the time just now to detail this course of events, for the situation is both complicated and agonizing, but I do want to point out the underlying causes that I feel are common to other health-care situations.

The first is the rapid escalation in the cost of health care, which no one can doubt, and which strangely enough has been accompanied by a general reduction in support for health care by government—whether that government be Federal, State, or local.

The second underlying cause is the steadily increased demand for health services by the general public and especially by that segment of the public that cannot afford to pay all the costs of these services.

The third reason is the exceptionally high cost of starting new health services and facilities, whether they be new hospitals and clinics, new schools for any of the health professions, or new methods of delivering health care to the public.

Taken together, these pressures are causing severe strains on professional health education, on the community services provided by these basically educational institutions, and on all the citizens who need the best health care they can get.

I am not saying that there are programs in next year's HEW appropriations bill that could solve all these problems, although there are plenty of opportunities to provide relief. I am saying that the health institutions of this country are beginning to get into serious trouble—trouble that can be avoided only if we in the Congress examine the health budget and its programs in great detail, and only if we in the Congress provide leadership and funding in greater amounts than the administration has done.

I intend to do this in the coming weeks, and I hope many of my colleagues will join me. We cannot afford to do less, for the sake of the people we represent.

SOUTH ATLANTIC BASIN ENVIRONMENTAL CONSERVATION PROGRAM

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am introducing a bill today to authorize a South Atlantic Basin environmental program. The proposed legislation would provide a long-range regional approach to overcome pollution problems of small streams, rivers, and lakes in the South Atlantic Basin.

It would authorize long-range, whole-farm, and nonfarm cost-sharing contracts for land treatment to curb pollution by sediment, animal waste, fertilizer, and chemicals which result from soil erosion. It would offer Federal cost sharing with individual land users to install conservation measures over a period of time in accordance with technically sound conservation plans.

The proposed South Atlantic Basin environmental conservation program is modeled in principle after the Great Plains conservation program authorized Congress in the 1950's, which has proven to be a successful approach to improving the quality of the environment in that region of our Nation.

In the Great Plains conservation program the land owner or operator:

First. Develops a conservation plan suited to his land and to the kind of operation he desires.

Second. Works out a schedule for applying the plan.

Third. Enters into a contract with the Secretary of Agriculture to apply all needed conservation work on the entire unit within 3 to 10 years.

Fourth. Gets help from the specialists of the Soil Conservation Service as he needs it.

Fifth. Receives the Federal share of the cost as he completes each conservation step.

An intensive program of soil erosion prevention, conservation, and land-use adjustment is urgently needed in the South Atlantic Basin because the soils in this high rainfall region are highly susceptible to erosion.

Cosponsors with me in introducing the proposed authorization for a South Atlantic Basin environmental conservation program are: Mr. Griffin, Mr. Bevill, Mr. Brinkley, Mr. Landrum, Mr. Fuqua, Mr. Montgomery, Mr. Pepper, Mr. Bennett, Mr. Jones of North Carolina, Mr. Davis of Georgia, Mr. Nichols, and Mr. Preyer of North Carolina.

THE OTHER SIDE OF MR. PAPANDREOU

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, a number of my colleagues have noted the activities of Mr. Andreas Papandreou who has been publicized, particularly in the New York press, for advocating the overthrow of the Government of Greece by force. I have friends both among the Greek people and among Americans of Greek descent who strongly believe that Mr. Papandreou's activities have not been fully presented in published articles. The Greek-American daily newspaper Atlantis which is published in New York recently carried a letter to the editor which throws more light on this subject. I feel that it is proper that this be reprinted in the Congressional Record, and I ask to insert it at this point:

[From the Atlantis, May 7, 1972]

To the Editor:

Recently Andreas G. Papandreou made the following remark at a local rally: "Our struggle for freedom will inevitably proceed to confrontation with the junta, no matter what the cost." Can this mean that, if called upon, Mr. Papandreou would give his life? If so, I, among many others, are delighted by this news. Indeed, Mr. Papandreou is to be congratulated for this heroic gesture. But getting rid of this individual by such noble-minded means is wishful thinking. It is no secret that Mr. Papandreou cannot record pride as his most redeeming quality. He had an excellent opportunity to prove that he was made of the same stuff as brave men. But instead of choosing martyrdom by clinging to his tawdry ideals and remaining in prison, he snivelled for outside intervention for his release.

It is time that Andreas G. Papandreou be dismissed as a pathetic and irresponsible figure. He is not a "patrioti"—a genuine Greek. He is utterly bereft of "pono" for Greece and the Greek people. Were he possessed of this most overwhelming of all Greek sentiments, he would instinctively behave accordingly. If we can assume that Mr. Papandreou has not fully lost his power of reasoning then he must know that the present Greek Government is, in every sense, the most honourable regime that Greece has had since her Independence in 1821. Obviously, Andreas G. Papandreou's frustrations stem from the fact that instead of simply being a "has been" he is a most distinguishable "never was."

Further, one cannot but wonder at the audacity of Margaret Papandreou who frequently lends her signature to certain insidious ghost-written articles. How dare she criticize and denounce the present Greek Government? In reference to certain of her/his remarks about terrorization and torture, I can say that I lived in Greece when literally millions of Greeks were terrorized and tortured—not by discipline and fair-play, the systematic mode of procedure since April 21, 1967 but by false-hearted leadership, much of which is intimately familiar to the slandering and evildoing Papandreou duo.

At that time, I participated actively, full time, without any remuneration, on five Welfare Committees, two Greek, one Canadian and two International. In this capacity, I travelled all over Greece. I saw real terror—panic and alarm for the present and the future—on the faces of the countryside Greeks. I heard their tortured cries—of anguish and despair, of misery and privation. These poor but proud and valorous people were reduced to beggary, victims of ruthless neglect, subjected to the rule of vainglorious ringleaders who were thoroughly indifferent and impervious to their suffering. But no more. Today their faces are serene. Their desperate cries are stilled. Their optimism and their desire for work has returned. I correspond with many of these loyal and dependable Greek nationalists. They write to say that now they feel secure and cared for.

But then Mrs. Andreas G. Papandreou can't possibly know what I'm talking about. I never encountered her on any of my travels when I visited poor communities to dispense foreign aid and to parcel out the most important commodity of all—hope. Thankfully, they now have pretty much all they hoped for.

JULIE CHARLES.

NEW YORK, N.Y., *April 25, 1972.*

AS LONG AS THERE IS A MARINE CORPS

(Mr. DORN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DORN. Mr. Speaker, Maj. Gen. Michael P. Ryan delivered an outstanding address on May 6 when the memorial was unveiled to the memory of L. Cpl. James Donnie Howe, U.S. Marine Corps. Corporal Howe is the fourth recipient of the Congressional Medal of Honor from Pickens County. In addition to Corporal Howe, the beautiful memorial before the courthouse in Pickens is dedicated to the memories of Pvt. Furman I. Smith, Pvt. William A. McWhorter and Pvt. Charles H. Barker, all U.S. Army, previous Pickens County recipients of this highest honor.

General Ryan, deputy commander, Fleet Marine Force, Atlantic, made a moving and superb address which I commend to the Congress and to the American people.

ADDRESS BY GEN. RYAN

Lt. Gov. Marris, Senator Thurmond, Congressman Dorn, Congressman Mann, families of the men we honor today, distinguished guests, ladies, and gentlemen:

We have come here today to dedicate a memorial to Lance Corporal James Donnie Howe, United States Marine Corps, who gave his life that the men who fought beside him might live.

He was a young man, and we all grieve at the death of one in the prime of his manhood. But there is pride in our grief, for what more can a man accomplish than to have found his place in life; to have filled it with honor; to have left the world better for having lived, and to be forever an inspiration to those who remember him.

James Donnie Howe was born December 17, 1948 in Six Mile, Pickens, South Carolina. He enlisted in the Marine Corps Reserve in October, 1968 and transferred to the regular Marines in December of that year.

In June, 1969 he went to Vietnam where he served as a rifleman and then as radio operator with the 3d Battalion, 7th Marine Regiment. On May 6, 1970 in Quang Nam Province, Lance Corporal Howe and two other Marines were occupying a defensive position in a sandy beach area fronted by bamboo thickets. Enemy sappers launched a grenade attack against the position. Donnie and his two comrades moved out to assault the attackers and a grenade was thrown at their feet. Shouting a warning to his fellow Marines, Donnie placed himself so as to insure the safety and lives of his comrades. His heroic and selfless action, far above and beyond the call of duty, cost him his life. He was presented the Nation's highest tribute, the Medal of Honor, posthumously, on September 9, 1971.

Lance Corporal Howe was the fourth serviceman from Pickens County, South Carolina to be awarded the Medal of Honor. In January, 1945, Private First Class Furman I. Smith, United States Army, received the Medal of Honor for conspicuous bravery in Italy during World War II. Private First Class William A. McWhorter, United States

Army, was killed in action at Leyte, Philippine Islands and was presented the Medal of Honor for valor in September 1945. Private First Class Charles H. Barker, United States Army, received the Medal of Honor in October, 1954 for bravery beyond the call of duty in Korea, where he was killed in action.

The Medal of Honor is the highest award for bravery in combat that can be given any individual in the United States. It is awarded for gallantry which risks the life of the serviceman in an action which he is not called upon to perform by duty, but by a higher devotion to his fellow men.

The Medal of Honor for Navy and Marine Corps enlisted men was the first military decoration formally recognized by the American Government. It was authorized in 1861. It is awarded in the name of the Congress of the United States, as the elected representatives of the American people. For this reason it is often called the "Congressional Medal of Honor." Whenever possible it is presented by the President of the United States as Commander in Chief of the Armed Forces and as the elected representative of all Americans.

In the 191-year history of the Marine Corps, only 296 Marines have been awarded the Medal of Honor: 296 Marines out of over 3½ million Americans who have served as Marines since this country was founded. One hundred twenty of these medals were awarded from 1862 to 1932, 80 during World War II, 42 for Korea, and 54 for Vietnam. Fifty-four out of the 300,000 Americans who have served as Marines in Vietnam. This will give you some idea of the singularity and significance of the actions of Lance Corporal Donnie Howe.

Four men from this small area have given their lives for their country in such a manner that they will live forever in the history of this Nation as heroes. No other section of this Nation can claim such a percentage. What inspired these men to sacrifice themselves for their comrades? Patriotism, certainly, for this State of South Carolina has always bred patriots, men and women who believed in a great cause and were prepared to live for that cause and to sacrifice for it. Devotion, certainly, devotion to family, devotion to duty, and devotion to the fellowship of men.

Honor, certainly, not personal glory for there is no glory in war. But honor to the principles they were taught at home, in their schools, and in their churches. Honor to the principles that they absorbed perhaps from this very land itself, this peaceful bit of earth where they learned to lift their eyes to the hills and feel one with all mankind.

Ladies and gentlemen, today as never before our country needs heroes, such as these men. Our people are troubled, divided, uncertain of the future, as they have not been for over a hundred years. This year we are faced, as we have never been before, with the realization that current tides in our nation are eroding concepts of honor, patriotism, personal responsibility and even belief in our destiny. We hear loud and clear the voices of those who doubt this nation's ability to resist these tides. Young people drop out and many die from drug abuse—wasted lives, bringing grief to their families, leaving absolutely nothing behind.

Too many of our young people have made heroes of the unworthy—terrorists, hijackers, frauds and confidence men, the greedy, the corrupt and the immoral whose fame, or infamy, spreads like an epidemic across the country. There is a tendency today to deny individual responsibility—to institutionalize evil and thus to blame someone else for personal shortcomings. Too many blame the government, the schools, the armed forces or even the war for their own failures.

The very worst aspect of this cult is the harm done to the youth of our country. If this nation is to remain strong, or even free, we must have belief in our institutions and in our systems. We must maintain a sense of honor and individual responsibility.

As we dedicate this memorial to Lance Corporal Donnie Howe, we can honor him by dedicating ourselves to the cause he believed in.

We must remember the hundreds of thousands who fought in Vietnam—who fought with courage and compassion. We must not let their sacrifice be forgotten in the sensationalism of the failures of a few.

Let us give our support to the men who are prisoners of war and to their families and let us offer our prayers for a lasting peace that will give increased significance to the sacrifices these men have made.

We can continue to believe that ours is a great Nation that is worth sacrificing for.

We can respect the heritage of every American and judge him by his contributions, not his background.

We can remember that our strength lies in our unity—that no man is an island, entire of himself and any act that diminishes the least of our countrymen diminishes us all. Conversely the actions of Lance Corporal Donnie Howe have enhanced us all and have enhanced this Nation.

For the Marine Corps, I pledge to you that we will be a memorial to Lance Corporal James Donnie Howe: That we will remain strong, disciplined, and united as a force for peace. We will continue to stress duty, honor, loyalty—and personal responsibility; the finer impulses that govern the lives of men. We will maintain the Marine Corps as an institution to which this Nation can look for leadership, for pride, and for a sense of community such as all men seek. And as long as there is a Marine Corps, we will remember the sacrifice of Lance Corporal James Donnie Howe.

In the name of the Commandant of the Marine Corps, General Robert E. Cushman, Jr., I dedicate this memorial to a brave and gallant Marine.

A NEW McCARTHYISM

(Mr. DORN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DORN. Mr. Speaker, Vice Adm. H. G. Rickover's statement last year on "humanistic aspects of technology" is even more pertinent to the deliberations of Congress this year. In our search for an improved environment we must not and cannot permit misinformation and hysteria to destroy that technology so essential to a better way of life for all mankind.

I commend again to the attention of my colleagues the superb statement of Admiral Rickover before the Senate Appropriations Committee on March 11, 1971:

Opening Statement by Vice Adm. H. G. Rickover Before the Committee on Appropriations, U.S. Senate

"Mr. Chairman, it is an honor for me to appear before this committee to discuss the humanistic aspects of technology. I particularly welcome this opportunity to expand past remarks I have made on this subject. As you know, I am one of the early proponents of the need to find ways to obtain the benefits of technology without harming the individual or the Nation. As early as 1963, I stated the following:

"I would suggest we recognize that what we have in essence is a crisis of intelligence. The wise use of technology calls for a higher order of thinking than we have so far accorded it. We have largely left it to the management of practical men. I submit that we now have scientific knowledge of such immensely dangerous potential that we ought to bring a broader range of intellectual power to bear upon its use.

"I think one can make a general statement that the practical approach to a new scientific discovery is short range and private, concerned with ways to put the discovery to use in the most economical and efficient manner, little thought being given to side effects and future consequences. The scholarly approach—if I may use this term—is long range and public; it looks to the effects which the use of a new discovery may have on people in general, on the Nation, perhaps on the world; present and future. Of course there are men who combine the two approaches and you find them among people whose primary interest is practical, no less than among those whose primary interest is scholarly. What is important is to recognize that each approach is necessary to illuminate the problem and help solve it. To exclude one or the other prevents finding a way to reconcile technology and democracy.

In addition, I said at that time:

"Many activities that in the past could safely be left to private decision now involve such complex relationships and such potentially dangerous consequences that they need all the intelligence we can muster merely to be fully understood, not to mention the need to solve them in ways that will preserve our democratic way of life. This way of life is infinitely precious and worth preserving at all cost. It is also capable of giving our society great flexibility and strength. Therefore, the most practical person will surely have no difficulty recognizing that by giving our democratic institutions primacy over habitual ways of using technology, we preserve for ourselves and our children the greatest single advantage our way of life gives us. It is not affluence of consumer goods but freedom that will let us prevail in the grim struggle for survival that has been forced upon us.

"These statements and others I have made are the credentials which identify me as having been a concerned citizen at a time when such concern had not become as popular as it is today. Because of my deep interest in the well-being of our country, I believe it appropriate that I take this opportunity to express my concern over recent developments in the public attitude on ecological matters. It appears that the pendulum has swung from one extreme to another; from indifference to all nonmaterialistic considerations to an almost hysterical disregard for the technological needs of an overpopulated world which would starve and succumb to pandemics of every contagious disease if we tried seriously to return to the simple life of a century ago. As Senator Jackson has said, 'a new McCarthyism' is developing among environmental extremists.

"This overreaction to environmental problems can present as serious a problem to our Nation as the previous public indifference. Advances in our civilization through applied technology could be unnecessarily delayed or prevented as a result of an improper evaluation of the effects of these developments on present and future generations or on the earth's ecology.

"In previous discussions, when I spoke of the need to evaluate the consequences of new technologies before putting them into effect, I said that the question of whether or not a particular technology has harmful potentialities should be decided by competent and disinterested professionals. These are complex problems. The general public is not in a position to understand and evaluate them fully and with all due care. In the past, I cautioned that one should be wary of those having vested interests in the profit to be had from technology. Today I would caution against those who have a vested interest in campaigning against all uses of technology. I am not sure just what it is that motivates the antitechnology extremists. Perhaps they want personal recognition; perhaps they find it easier to concentrate on the negative aspects of technological progress. Perhaps they subconsciously compare 'what is' with some ideal of 'what ought to be.' In any case, an indiscriminately negative approach to technological development, whether laymen or scientists, may well—as happened in the past—result in needlesly delaying useful and desirable progress.

"This pessimism, this negative evaluation of technological advance, is not new. There are many examples. I will give you a few to illustrate that laymen as well as scientists have, at times, ignored the world as it is and allowed unknown fears or imaginary concepts to mold their thinking. The transportation industry, more than any other, seems to have fallen victim to this pessimism. Here are some of the dire predictions accompanying the development of the railroad—one wonders that this form of transportation ever evolved.

"It was predicted that the steam locomotive would result in death of birds, it would frighten cows and hens, causing a decrease in milk and egg production. Also, the sparks released from the funnel would set fire to houses.

"There were predictions that trains would adversely affect man's well-being. Speed, in particular, was of prime concern. The Royal Society in England warned that at speeds over 30 miles an hour, the air supply to passenger compartments would be cut off and passengers die of asphyxiation. The College of Physicians in Munich warned that at these speeds, travelers would suffer headaches and vertigo, and possibly lose their sight because of the blurring of the surroundings. Others believed that these speeds the passengers would go mad. Large numbers of passengers would be slaughtered by locomotive explosions, and the mere sight of a steam locomotive would cause a miscarriage in pregnant women.

"All this, mind you, at a speed less than 30 miles per hour, the maximum, as everyone knew, which could ever be achieved, for at greater speeds, any obstacle on the track, even a twig, would cause the steel wheels to shatter, causing major train accidents.

"Some who had faith in the railroads were hardly less fanciful. One expert claimed that the presence of rail tracks in the southwestern part of the United States had increased the desert rainfall because of electrical effects on the atmosphere!

"In 1709, the Portuguese Jesuit Bartholomew Lourenco de Gusamao, the first man to fly (with the aid of gas-filled balloons), obtained a patent on the process he invented, while at the same time the Portuguese Government outlawed the building of another flying machine because of the fear of this new technology. In fact, de Gusamao was brought before the Inquisition and would have been charged with sorcery had he not escaped to Spain.

"The red-flag law passed in Britain is credited by some to have delayed development of the automobile in that country. This law, passed out of fear of the horseless carriage, prohibited speeds greater than 4 miles per hour on open roads, and 2 miles in built-up areas. In addition, the horseless carriage had to be preceded by a man carrying a red flag. In similar manner, laws were passed in the United States prohibiting open flames in garages; this may have been one of the reasons why the steampowered car was not fully developed.

"The use of electric lights in ships was opposed on the grounds that they would detract from the value of the running lights required by law. It was also feared the powerful electric lights would cause confusion and result in collisions in crowded channels.

"Interest in the effects of technology on human welfare is not a new phenomenon, although it receives more attention today because of the mass media. It was predicted that smallpox innoculations would produce cowlike faces and those who were vaccinated would grow hairy and cough like cows. In the early days of radio, laws were passed in Britain limiting the peak transmitter power to 10 watts for fear of the effect of higher electrical power on people.

"In my own work, I have also encountered an unreasoning fear of new technology in supposedly intelligent people. These fears had no basis in fact, and it was not apparent where they originated. During World War II, I was responsible for the design and installation of electrical equipment in our naval ships. One change being made was the general installation of fluorescent lighting. The captain of one ship visited me and requested that the light bulbs in his cabin not be changed to fluorescent lighting. Only after much questioning did I learn the real reason for his reluctance to have this better lighting. He believed fluorescent lights would cause him to become sterile. I told him that considering his age, I did not believe this eventuality would have any effect on the world's population.

In developing protection against magnetic mines, we installed large electrical coils in our ships. Again, a captain approached me with his concern about the effect these coils would have on his virility and that of his men. After I assured him that both experiment and practice had proved this fear unfounded, he was satisfied.

"Of course, not all fears of the consequences of technological advance were unfounded; we know of many which were justified. What I am attempting to show is simply that evaluation of technological advances must be made with caution. Even respected engineers and scientists have at times been wrong in predicting the consequences of some new invention. Thomas Edison, for example, was emphatic in his criticism of the use of alternating current for electric power distribution. He and other critics of this system, which uses higher voltages than the direct current system, declared that higher voltages constituted an unacceptable hazard to the user. These same advocates of direct current also opposed the installation of electric wires underground. They feared that the condensation of moisture, water leakage, or the corrosive effect of coal gas and air on the insulation would result in electrocuting innocent bystanders. To prove their point, Edison and his associates initiated an active propaganda campaign. This resulted in a decrease in the dog population of the State of New York for, in order to demonstrate the hazards of alternating curent, public electrocutions of dogs were held frequently. This propaganda campaign was so effective that the State of New York installed an electric chair for the execution of prisoners.

"Known scientific facts are often so distorted that erroneous conclusions are reached. Half truths are like half a brick—they can be thrown farther. The borough council of London outlawed the installation of outdoor gas lighting on the basis of expert scientific opinion that it was too dangerous. A leak anywhere in the gas distribution system would supposedly result in an explosion that could destroy the entire city.

"It is possible to postulate hazards for any new concept. Therefore, a careful evaluation should always be made to confirm or disprove these hazards before action is taken to restrict development of the concept. A simple experiment by the company which was to install the gas light system in London demonstrated that gas leaks in the distribution system did not constitute a major hazard, and the lights were installed. In many cases the action necessary to prove or disprove a potential hazard may not be as costly as the debates or delays associated with these technological advances.

"We must not let public emotions take the place of accurate scientific or engineering evaluation. Many decisions relative to technological applications have been made solely on the basis of voice level—small pressure groups raising their voices and appearing to a dominant force. Then, too, ideas that flatter a current tendency or emotional attitude have an almost irresistible momentum. Contrary ideas will be distorted so as to make them fit into the current attitude. The final residue left in the public mind by the mass media is not likely to be a distillation of what is best and wisest. It is more likely to represent the common prejudices of a vocal minority. The examples I have given illustrate this point.

"As I have said in the past, technology can and must be controlled. Control is necessary to assure that it will produce maximum benefit and do minimum harm to humans and to the values that make for civilized living. This is what I have called a humanistic technology. What I have tried to do today is show the need for sound judgment in exercising this control. History has shown that fear of the unknown associated with technological advances produces illogical reflex action in laymen and scientists. As a result, unnecessary obstacles to technological advancement may be created.

"Man, from the beginning of his evolution, has directed his actions toward transformation of the earth from its natural state to one more suitable for human habitation. Some believe that in light of past mistakes this goal must be completely renounced. They reject the modern world because the byproducts of industrialization and population increase have been air pollution, destruction of scenery, harm to the ecology, etc.

"I would suggest, however, that in actual fact, and despite all its shortcomings, the world of 1971 is a much safer and pleasanter place for nearly all human beings than the world of 10,000 B.C., or even of 1,000 A.D.

"Thank you, Mr. Chairman."

NADER'S CONGRESS PROJECT

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, a few Congressmen has indicated concern about Ralph Nader's ongoing Congress project.

As I noted in the April 21 Congressional Record I welcome the indepth study. I think Mr. Nader was correct in his November 2, 1971, speech to the National Press Club when he said he believed—

> The often futile efforts at internal reform by some Congressmen in Congress have failed because they were largely undertaken with little understanding and less participation by citizens.

I have high hopes that the study will provide the necessary citizen understanding.

For Members who did not read Mr. Nader's speech which I also inserted in the April 21 CONGRESSIONAL RECORD, I would refer them to his description of the project's purpose:

> To concentrate on dynamic and internal forces, to diagnose deficiencies, record strengths and recommend the ways and mean of effecting the desired changes based on past experience of the Congress and future prospects of reform.

Volunteers assisting in the project have been recruited in almost every congressional district. Eighty graduate students and young professionals will be working in Washington by June 1.

I believe the following story from the Corpus Christi Caller-Times, of March 12, 1972, give an indication of the conscientious effort of project leaders to recruit competent, concerned volunteers in congressional districts.

SHAZAAM! SHE'S A NADER RAIDER

(By Shelby Hodge)

Mrs. D. C. Brown describes herself as a "middle-aged Nader Raider" but is more surprised than anyone to find herself doing research for the nation's No. 1 consumer advocate.

She's not sure how she qualified as a citizen researcher in Nader's national study of congressmen and never really wondered what her congressman was doing until she joined the survey. Besides that she wasn't particularly involved in political or civic activities and never thought she would be selected a volunteer researcher.

Mrs. Brown, 6810 Aswan, is gathering information on U.S. Rep. John Young (D.-Texas) to determine his relationship to the voters in his congressional district. One of the aspects of the Nader Congress Project involves an analysis of a congressman's interaction with local citizens and his relationship to his constituents. Individual profiles will be made of all congressmen for the study.

Contacted by a family friend who works for Nader in Washington, D.C., Mrs. Brown was sure she wouldn't be selected for the work because she was too apolitical. However, she considered the survey a valuable one and applied. As she explained it, "The survey is a needed service. It can't help but make people more aware of what kind of representation they are getting."

Mrs. Brown admitted she was flattered when she was approached to do the research, but began to have second thoughts when stacks of instructions, questionnaires and information arrived. Nevertheless, she accepted the work as a challenge.

"I knew that if I didn't accept the job I would always be sorry. If I couldn't do it, all I could do was bomb and it wouldn't be the first time."

She expects to have no trouble with the survey. "The directions and questions are explicit. It's just like reading a recipe," she said. Estimates are that it will take 50 hours for each volunteer to complete research on the local level where Mrs. Brown is involved.

She began last week by making a study of local newspapers printed during the last two years. Mrs. Brown is checking all news stories on Young. She also will interview Young's past opponents, workers in his local office, leaders of both political parties and local leaders. Mrs. Brown also will be concerned with how well Young's activities in Congress are known. Particular emphasis will be placed on his activities during primary election months.

Her work is limited to Corpus Christi which is considered to be the major city in Young's district. Additional citizen researchers are working around the nation with identical surveys. The research will be completed in September.

The total project is expected to take a year to complete. It is intended to concentrate on "forces upon Congress and within Congress, diagnose deficiencies, record strengths and recommend ways and means of reform."

Mrs. Brown is having no trouble gathering her information, but her image of a Nader representative does not coincide with her self-image. When she hears "Ralph Nader" or "Nader Raider" she pictures young students valiantly crusading for the consumer. She said she doesn't consider herself "very young" and isn't a stduent, but she is enjoying the work.

A native of Dallas, Mrs. Brown has lived in South Texas with her husband for 26 years and in Corpus Christi for 10 years. They have four children. She attended Tarleton Junior College in Stephenville and the University of Texas.

She is involved in work with the Campfire Girls and served as temporary acting director for several months. She also works with Service and Activities Geared to the Elderly and helps out part-time in her husband's insurance agency.

ANTIPOVERTY ELECTIONS SHOULD NOT BE HELD ON A SABBATH DAY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am introducing a bill to amend the Economic Opportunity Act of 1964 so as to provide that elections for membership on boards of community action agencies do not take place on a Sabbath day. In New York City recently a great dispute arose because poverty elections were to be held on Saturday which is the Sabbath Day for Jews, and those Christians belonging to the Seventh-day Adventists Church. The third largest ethnic group to be counted among New York City's poor are the Jews. And yet, the elections for representation on the local CAP boards, responsible for the expenditure of antipoverty funds in their neighborhoods, were scheduled on Saturday, thus effectively barring many from participating in the election. Fortunately the New York State Legislature and the New York City Council intervened and required by legislation that such poverty board elections not be held on a Sabbath Day.

I do not believe that the Federal Government through inaction should allow similar situations to arise depriving segments of the poor from participating in such community elections. Today, this can happen if a city or State is not as disposed to intervene to protect all sections of the poor as was the city and State of New York.

Therefore I have introduced the bill which simply provides that no election or other democratic selection procedure shall be held on a Sabbath day which is observed as a day of rest and worship by members of the poor in the area served. In the case of a dispute as to whether or not a particular day is a sabbath day for some of such members, the Director is authorized to make a final determination with respect to such day.

Surely it is in the interest of the country and the poor that the large number of qualified voters participate in these elections. Unfortunately for whatever reason participation in these elections is very low; in New York City only 3 to 5 percent of the community members eligible to vote exercise their right. It would be unconscionable to make it impossible for orthodox observers of any religion to participate in such elections by holding them on their Sabbath.

CONGRATULATIONS ON ISRAEL'S 24TH ANNIVERSARY OF INDEPENDENCE

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, it is a pleasure to join our colleagues in saluting the State of Israel on its 24th anniversary of independence. Each year it is with a sense of awe and admiration that we note that this tiny country, in spite of incredible adversity, has chalked up another year and is "making it" in every way.

In spite of three major wars which have caused severe economic hardship, Israel has grown and prospered and has, in fact, become a model for other countries to follow.

Her achievements in two fields in particular—medicine and agriculture—are renowned and studied the world over.

One of her most remarkable accomplishments has been in the field of human relations. When one considers that the country is populated by people from incredibly diverse backgrounds—from the most sophisticated and well-educated Europeans to the primitive and unschooled refugees from Africa and Asia—one marvels at the ability of these people to pull together to build their country.

Presently, a new group of refugees from the Soviet Union—with entirely different experiences—is entering Israel in large numbers. Their adjustment has been difficult in some cases. However, the spirit of the Israeli people, reminiscent of our own pioneer days, is inspiring to all. It is their intense determination to survive that has enabled them to celebrate this 24th anniversary and which will, next year, bring them to the quarter century mark.

Mr. Speaker, it is with heartfelt warmth that I say congratulations to Israel on this occasion.

CONGRESSIONAL CONTROL OF JUDICIAL REMEDIES: PRESIDENT NIXON'S PROPOSED MORATORIUM ON "BUSING" ORDERS

(Mr. THOMPSON of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, the public debate on busing has unfortunately been characterized by an excess of emotionalism and a dearth of objective, dispassionate, and rational consideration of this issue. One of the most important aspects of this issue is the relation of busing to the constitutional rights of American citizens and the question of the power of Congress to limit the jurisdiction of the Federal courts in the area of busing. Prof. Dan Pollitt of the University of North Carolina Law School and I have attempted to address these and related questions as well as to examine this problem in an objective and scholarly way in a law review article that we have prepared. It has been accepted for publication in a special issue of the University of North Carolina Law Review which will appear this summer. I offer this article for the consideration of my colleagues in the hope that it will clarify some of the issues and promote constructive debate on this subject:

CONGRESSIONAL CONTROL OF JUDICIAL REMEDIES: PRESIDENT NIXON'S PROPOSED MORATORIUM ON "BUSING" ORDERS

(By FRANK THOMPSON, Jr., Member of the U.S. House of Representatives, and Daniel H. Pollitt, professor of law, University of North Carolina at Chapel Hill)

The school bus is a familiar sight on the American education scene. The big yellow bus criss-crosses the rural byways, or speeds along modern highways to the "consolidated" school, and picks up approximately 40% of the children who go to school each day. For years, no one seemed to mind—except those who attended private parochial schools and therefore were denied this free transportation.

In the South, there were two buses: one carrying black children to black schools, one carrying white children to white schools. No one seemed to mind—except for the blacks who were denied an equal education.

Then, as the dual educational systems began to end, the black children rode the same bus with white children to the formerly "white" school, and "busing" became an issue. When it appeared that white children would be transported from the white suburbs to the formerly "black" inner city schools, "busing" became a dirty word.

But not everywhere, and not for long; as in Hoke County, North Carolina.

Hoke County is a small rural community of 18,000, with 4,850 children of school age: 50 percent black, 35 percent white, and 15 percent Lumbee Indian. For years, the county operated three different school systems, and a triple transportation system. The white children were a year ahead of their black and Indian counterparts at the midway mark, and two full years ahead by time of high school graduation. Then came integration, a unitary system where each school, and each class, now reflects the county-wide population. With integration came advance planning. Attention was focused on what happens at the end of the bus ride. There were conferences with fearful parents and apprehensive students. The capacities and achievements of each child were measured, and special needs and problems were identified and anticipated. The result was a marked success. White students continued to progress as before, black and Indian students began to catch up. And the daily bus ride was cut down by an average of fifteen minutes.[1]

Senator Mondale, after two years as Chairman of a Senate Select Committee on Equal Educational Opportunity, reports that Hoke County is not an isolated or unique phenomenon. His conclusion, after two years of study of the problems nationwide, is that "integrated education—sensitively conducted and with community support—can be better education for all children, white as well as black, rich as well as poor. It has been tried and is working."[2]

But the facts are not known, or are not accepted. There are many parents fearful that their children will be "bused" into alien neighborhoods, and they are eager for any relief. And there were political candidates eager to promise relief. "Busing" became the big issue in the Florida "Presidential primary," and there was a separate "busing" referendum item on the ballot. On March 14, 1972, the people of Florida went to the polls, selected Alabama's Governor Wallace as their preference for the Presidency, and 74 percent of them voted against "compulsory busing."[3]

It was almost inevitable that the "busing" issue would reach national dimensions, and it did within a few days.

THE NIXON MORATORIUM PROPOSALS

On March 16, 1972, President Nixon announced on nation-wide television that he was sending Congress two bills on "busing".[4] One was a Bill "To impose a moratorium on new and additional student transportation" and provides in essence that all existing court decrees "shall be stayed" to the extent they require any school board to transport a student who was not being transported immediately prior to the entry of the court order; or to the extent that the court order requires the school board to transport a student to a school to which such student was not being transported immediately prior to the entry of the court order.[5]

The other Nixon Bill is styled as one "To further the achievement of equal educational opportunities". On the positive side, it declares that all children enrolled in public schools "are entitled to equal educational opportunity without regard to race, color, or national origin",[6] and then authorizes the Secretary of Health, Education, and Welfare to concentrate federal funds for "basic instructional services and basic supportive services for educationally deprived students"[7]. It declares that "the neighborhood is an appropriate basis for determining public school assignments",[8] and then imposes certain limitations on the powers of the federal courts to correct and remedy racially discriminatory school assignments and plans which are in violation of the Equal Protection Clause of the Fourteenth Amendment. For those in the sixth grade and below, the proposed Bill provides that "no court" shall implement a plan to end segregation which will increase either "the average daily number of students" transported, the "average daily distance to be traveled", or the "average daily time of travel" over the comparable average for the preceding school year.[9]

Concerning those in the seventh grade and above, the proposed law provides that "no court" shall remedy a segregated plan of education with busing provisions that increase the average number of students transported, the average daily distance traveled, or the average daily time of travel; unless other techniques have been tried and found wanting.[10] These other techniques include free transfer of students from a school where their race is a majority to a school in which their race is a minority; the revision of attendance zones or grade structures if this can be done without increasing the transportation of students; the construction of new schools and the closing of inferior schools and the establishment of magnet schools or educational parks.[11]

There is one other notable limitation on the courts: they are not to ignore or alter a school district line "except where it is established that the lines were drawn for the purpose, and had the effect, of segregating children among public schools on the basis of face".[12]

So much for the "bare bones" of the proposed laws. Flesh was added at a White House Conference on March 17 when the highest administrative officials "briefed" the press on the President's proposed laws.[13] Several items are of interest.

The first item of interest is that the Administration sent the bills to Congress for enactment without studying the legal implications. The proposed law would curtail the power of the federal courts to implement their judgments, and a reporter asked "Is there a precedent in case law for this kind of action?" Acting Attorney General Richard G. Kleindienst replied in the negative. He said "There is no precedent in exactly this kind of situation". The only analogy he could offer was that of the National Labor Relations Act wherein Congress limited the remedies available to the National Labor Relations Board "to apply between employees and employers in representation" (sic).[14]

The second item of interest is that the Administration sent the bills to Congress without any study of the factual need for the proposed laws. Administrative officials were asked "How much busing is going on now for the purpose of desegregation?" Wilmot Hastings, General Counsel of the HEW repiled: "I don't have any breakdown. . . . We have no data on miles, distance, or times, the breakdown, or what the relative amount of desegregation busing and non-desegregation busing amounts to".[15]

The third item of interest is the political nature of the proposal. A reporter asked: "If, as the experts have testified here, we do not even know the extent of busing involved in the desegregation process, then what is the hard evidence that supports a Presidential call for a moratorium on busing"? John D. Ehrlichman, Assistant to the President for Domestic Affairs answered this one:

"I think you have to come from some other planet not to be able to answer that question. Every place that you go around this country . . . this is the front burner issue in most local communities. . . . Now, that is the evidence. It carries by such a preponderance that it cannot just be swept under the rug by some sort of statistical evasion".[16]

The fourth item is that the President's proposals turn the clock back to 1896 when the Supreme Court announced the "separate but equal" doctrine in *Plessy* v. *Ferguson*.[17]

A reporter asked, "Why is this not a return to separate but equal, if the moratorium on busing stops future busing plans and the financing of inner city schools encourages and develops those schools?".[18] Another reporter asked how the courts could end segregated education "without some form of transportation, since the facts of life are that blacks and whites don't live together?". The lengthy reply of Dr. Shultz, who directs the Office of Management and Budget, can be reduced to this one sentence: "There is no necessary reason why one must desegregate everything".[19] But the education under the proposed laws will not only be separate, but also unequal. Secretary Elliot Richardson of HEW told the reporters that the Administration was not asking for any funds for schools other than the amounts earlier sought under earlier laws;[20] Dr. Shultz added that there is "no new money involved"[21] and that there were no present plans to ask for future additional funds to upgrade "the quality of the inner city school".[22]

It is not the purpose of this article to comment further on any aspects of the proposed bills, other than the constitutional issue of congressional control over the courts. But first, some retracing of recent history is necessary to know how we arrived to where we now stand.

THE 1954 BROWN DECISION AND CONSEQUENT STATE EFFORTS TO CURB THE FEDERAL COURTS

Until 1954, the District of Columbia and some seventeen states required a dual segregated system of public education; and four additional states permitted segregation on a local option basis.[23] The legal justification for a segregated school system rested on an analogy to the 1896 decision in *Plessy* v. *Ferguson* wherein the Supreme Court sustained the constitutionality of a Louisiana statute requiring separate but equal accom-

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Footnotes at end of article.

modations for white and black railroad passengers.[24]

In 1954, the issue of segregated public schools was brought to the Supreme Court in five different cases: from Kansas, South Carolina, Virginia, Delaware, and the District of Columbia. In *Brown* v. *Board of Education*,[25] 347 U.S. 483, a unanimous Court refused to "turn the clock back to 1896 when *Plessy* v. *Ferguson* was written", and held that the forced segregation of Negro school children "from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone". The Court concluded that 'in the field of public education the doctrine of separate but equal' has no place. Separate educational facilities are inherently unequal".[26]

The first shoe was dropped.[27] But because of the great variety of local conditions" involved in the five cases before it, the Supreme Court put off the task of issuing an order until it could hear the views of all the parties (and interested intervenors) as to the appropriate next step. In 1955 the order came down, *Brown* v. *Board of Education*.[28] The court recognized that the termination of a segregated school system may require solution of varied local school problems", and that the local school boards had the best knowledge and therefore the primary responsibility to resolve these problems.[29]

Accordingly, the Supreme Court remanded the cases to the courts from which they originated, with instruction that the local courts require the local school boards to "make a prompt and reasonable start" toward ending segregation; and that the local courts maintain jurisdiction to ensure that the admission of the Negro students to the public schools on a racially nondiscriminatory basis "with all deliberate speed." [30]

By then, resistance in some quarters had mounted to a fever peak. Mob violence erupted when Autherine Lucy sought to enroll at the University of Alabama, when James Meredith attempted to enroll at the University of Mississippi,[31] when nine black students enrolled at the "white" high school in Little Rock, Arkansas. Governor Faubus put the school "off limits" to "colored" students, ugly crowds drove the black children away, and President Eisenhower dispatched federal troops to enforce the federal court "desegregation" order.[32] The resulting "chaos, bedlam and turmoil" was sought to justify a postponement of the school integration, but the Supreme Court said no. The Court ruled that:

"The constitutional rights of (Negro school children) are not to be sacrificed or yielded to the violence and disorder which have followed upon the actions of the Governor. . . . The constitutional rights of children not to be discriminated against in school admission on grounds of race or color . . . can neither be nullified openly and directly by state legislators or state executive or judicial officers, nor nullified indirectly by them through evasive schemes for segregation whether attempted 'ingeniously or ingenuously' ".[33]

And there were many schemes to thwart the Supreme Court's school integration decision, both ingenious and ingenuous.

First came the "Interposition," or shocked-indignation statutes. In the legislative sessions of 1956 and 1957, some nine Southern states enacted interposition resolutions. Although they varied in detail, all condemned the *Brown* decision as an unconstitutional usurpation of legislative authority by the Courts,[34] and all called for the states to "interpose" itself between the state citizens and the federal courts. In 1960, the Supreme Court agreed with the federal district court in New Orleans that "interposition is not a constitutional doctrine. If taken seriously, it is an illegal defiance of constitutional authority." [35]

Then came a number of efforts, like the current Nixon proposals, designed to "curb" the federal courts in the area of school desegreation.

First came the "get the judges" proposals. Since it was the federal courts that had ended segregated education, (neither the Congress nor the President had taken any steps in this direction), the "logical" move by segregationists was to cleanse the courts of the misguided judges. "Impeach Earl Warren" signs appeared all over the South, and Georgia led the way with a legislative resolution calling upon Congress to introduce impeachment proceedings against all the Justices of the Supreme Court.[36]

There was a parallel move to limit, or eliminate entirely, the power of the federal courts to rule on school segregation matters. Florida proposed a constitutional amendment which would make all Supreme Court decisions in this area reviewable by the United States Senate.[37] Senator Eastland of Mississippi introduced legislation to deprive the Supreme Court of its appellate jurisdiction to hear school desegregation cases. This bill was defeated in the Senate by the narrow margin of 41 to 40.[38]

There were a number of additional efforts to prevent the federal courts from exercising jurisdiction. Louisiana "withdrew" its consent to be sued without prior legislative approval of each proposed law suit. Alabama declared that school boards are "judicial" bodies, *ergo*, immune from suit. Arkansas, Georgia, Louisiana, Texas, and Virginia authorized their governors to "seize and operate" the various school systems; with the hope and expectation that a suit against the governor would be considered as a suit against the state, and hence beyond the jurisdiction of the federal courts under the Eleventh Amendment.[39]

"Barratry" and "champerty" laws were enacted to disbar the attorneys who filed school integration suits;[40] and companion laws were passed to "get" the NAACP, which generally financed the law suits. These later laws took many forms. Some required the discharge from state employment of all those who belonged to or contributed to the NAACP.[41] Others merely required the public disclosure of all members and contributors, with the hope and expectation that public pressure would do the job.[42] State Sovereignty Commissions, Un-American Activities Committees, Commissions on Education, and similar state agencies were established to investigate "racial activities".[43] The chairman of the Virginia committee announced that his investigations would be "devastating to the NAACP", would "burst that organization wide open", and "could be used to keep the NAACP out of litigation, which is the heart of the organization".[44]

But the federal courts stood firm in the face of this state legislative onslaught with the total support of the Supreme Court. All the above, and similar schemes for defeating the orderly processes of school desegregation, were declared unconstitutional. And, with the passage of time, the Supreme Court began to press for results.

In 1964, the Supreme Court ruled that "The time for more 'deliberate speed' has run out".[45] In 1968, it ruled that "The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work now".[46] In October of 1969, it ruled that "the obligation of every school district is to terminate dual school ssytems at once and to operate now and hereafter only unitary schools".[47] In December of 1969, the Supreme Court denied two more requests for more delay, because "The burden on a school board is to desegregate an unconstitutional dual system at once".[48]

To comply with these decisions it is sometimes necessary to order that the children living in one segregated neighborhood attend schools located in a different neighborhood. This requires transportation, or busing. The constitutionality of this judicial remedy was decided for the first time in a series of cases decided in the spring of 1971.

THE 1971 BUSING CASES

In his television address of March 16, President Nixon came out four square against "busing children across a city just to meet some social planner's concept of what is considered to be the correct racial balance"; and he inveighed against "social planners who insist on more busing even at the cost of better education".[49] Earlier, he had told the nation that "I am opposed to the busing of children simply for the sake of busing".[50]

The implication in these statements is that the federal courts, from Chief Justice Burger on down had approved of busing "for the sake of busing"; that the Supreme and lower federal courts had embarked upon a massive busing program to achieve "racial balance" in each and every classroom throughout the nation. Nothing could be more erroneous.

In April of 1971, Chief Justice Burger wrote three decisions, in which all members of the Supreme Court agreed, dealing with various and different "busing" problems. But nowhere in any of these opinions did the Court say anything, directly or remotely, to justify the implications in the President's broadside.

In *Swann v. Charlotte-Mecklenburg Board of Education*[51] the District Judge ordered that all schools have approximately the same racial balance "so there will be no basis for contending that one school is racially different from the others".[52] He also ordered that the children beyond walking distance be "bused" to their new schools. The Supreme Court immediately approved of this "plan" as a "useful starting point . . . to correct past constitutional violations" [53] under the particular situation existing in that city.

In the companion case of *McDaniel v. Barresi*,[54] the Board of Education of Clarke County, Georgia (not the federal court) established geographic zones for the elementary schools, with the proviso that pupils in Negro residential "pockets" were to be bused to schools in other attendance zones. The resulting Negro enrollment ranged from 20% to 40 percent in all but two schools, where it was 50%. The white-black ratio in the system as a whole was approximately two to one. The Supreme Court also unanimously approved of this plan, because of the particular situation existing in that county.

In neither case did the Supreme Court give approval to fixed "racial quotas." In the *Swann* case, it approved of the "norm" of a 71–29 white to black ratio in all the schools, but only as a "starting point" to end segregation. The Court expressly noted that had the District Court ordered a particular degree of racial balance or mixing "as a matter of substantive constitutional right":

"that approach would be disapproved and we would be obliged to reverse. The constitutional command to desegregate schools does *not* mean that every school in every community must always reflect the racial composition of the school system as a whole." [55]

In both of these cases, the Supreme Court approved of the busing of some school children, because "desegregation plans cannot be limited to the walk-in school".[56] But the Supreme Court again was careful to note that there might well be limits imposed on future busing plans. The Court expressly warned the lower courts that:

Footnotes at end of article.

"an objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process".

The Court then added: "It hardly needs stating that the limits on time of travel will vary with many factors, but probably with none more than the age of the students".[57]

To underscore and emphasize this point, the Supreme Court noted the "busing" situation in each of the two cases before it. Under the new desegregation plan in Clarke County, "The annual transportation expenses of the present plan are reported in the record to be $11,070 *less* than the school system spent on transportation during the 1968–1969 school year under dual (segregated) operation".[58] Under the new desegregation plan in Charlotte-Mecklenburg:

"The trips for elementary school pupils average about *seven miles* and the District Court found that they would take 'not over 35 minutes at the most'. This system compares favorably with the transportation plan previously operated in Charlotte under which each day 23,600 students on all grade levels were transported an average of *15 miles* one way for an average trip requiring *over an hour*".

It was because of "these circumstances" that the Supreme Court affirmed the use of "bus transportation as one tool of school desegregation".[59]

More germane to this article, however, are the Court holdings regarding the "broad remedial powers of a court" in school desegregation cases to order "interim corrective measures".[60]

The litigation in the *Swann* case began in the spring in 1969, and the District Court then ordered the school board to consider a plan which included elements of "busing". The North Carolina General Assembly promptly enacted an "Anti-Busing Law". This statute prohibited the local school boards from doing any of three things: It provided that "no student shall be assigned or compelled to attend any school on account of race"; that no students shall be assigned to any school "for the purpose of creating a balance or ratio of race"; and that "involuntary busing of students in contravention of this article is prohibited". In *North Carolina State Board of Education v. Swann*,[61] the Chief Justice ruled for a unanimous Supreme Court that the state law was unconstitutional because "it operates to hinder vindication of federal constitutional guarantees".[62]

The Supreme Court concluded that the prohibition against school assignments on the basis of race, "against the background of segregation" in this case, could not withstand constitutional challenge; otherwise it "would render illusory the promise of *Brown* v. *Board of Education*". The Court concluded on this point that:

"Just as the race of students must be considered in determining whether a constitutional violation has occurred, so also must race be considered in formulating a remedy."

To compel school authorities to be "color blind", and ignore factors of race, would deprive them "of the one tool absolutely essential to fulfillment of their constitutional obligation to eliminate existing dual school systems".

The Court similarly concluded that the "prohibition against transportation of students assigned on the basis of race" will hamper the ability "to effectively remedy constitutional violations", for:

"Bus transportation has long been an integral part of all public educational systems, and it is unlikely that a truly effective remedy could be devised without continued reliance upon it".[63]

In *McDaniel v. Barresi*, it was similarly argued by those opposing the school integration that the Fourteenth Amendment required that the school authorities be "color blind" in making school assignment. The Supreme Court answered that "The Clarke County Board of Education, as part of its affirmative duty to disestablish the dual school system, properly took into account the race of its elementary school children in drawing attendance lines. . . . Any other approach would freeze the status quo that is the very target of all desegregation processes".[64]

The short of the matter is that the Supreme Court in the three "busing" cases held that a "busing" order is the "one tool" available to the federal courts which is "absolutely essential" to remedy past discriminatory school systems for the vindication of constitutional rights. The question thus posed is whether the Congress, consistent with the separation of powers concept of our Constitution, can deprive the courts of this essential remedial device.

THE ESSENTIALITY OF REMEDIES TO THE JUDICIAL PROCESSES

At the White House Press Conference on March 17, the administration officials denied that the proposed "moratorium" on busing orders would undermine the constitutional right of black children not to be sent to segregated schools. They sought to distinguish between the "constitutional right" and the remedies for establishing this right.

A reporter asked:

"The court has set a standard under *Swann* which it deems to be constitutional. Now, are you saying that what Congress should ordain is something less than what *Swann* declared? Would it be constitutional then?"

White House Counsel Edward L. Morgan replied as follows:

"We are saying that Congress has the power, under the substantive legislation, to define the limitations on the *remedy*. We are not in any way attacking the constiutional *right*".[65]

This attempt to distinguish between "rights" and "remedies" is a subterfuge at best. A right without a remedy is like a bell without a clapper; an empty promise demeaning to the judge, breeding cynicism and disrespect for the processes of the law.

This attempted dichotomy has no place in our constitutional heritage. To the contrary, the opposite has been the law since the land-mark decision by Chief Justice John Marshall in *Marbury* v. *Madison*,[66] and even before.

On the very eve of his administration, President Adams appointed a number of "mid-night" judges. One of them was William Marbury, appointed to a minor judicial office in the District of Columbia. But in the rush and confusion, the "commission" of Marbury was not delivered to him prior to the time President Jefferson took office. It was found in the Department of State, already signed and sealed. and Secretary of State Madison refused to deliver it. Marbury brought suit to compel its delivery, and the Supreme Court first held that he had a lawful right to it. The Court then moved on to "the second inquiry", which it stated as follows: "If he has a right, and that right has been violated, do the laws of the country afford him a remedy?" Chief Justice Marshall answered emphatically in the affirmative, and held for the Court:

"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection",[67] The Chief Justice then added:

"The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for a violation of a vested legal right".[68]

Both before, and ever since the 1803 decision in *Marbury* v. *Madison* the Supreme Court has ruled that the power to issue a remedial order is an essential ingredient of the "judicial" power of the United States.

On several occasions it was unforseen and unforseeable circumstances that deprived the Supreme Court of power to issue a judgment it deemed appropriate, and on these occasions the Supreme Court refused "to proceed to judgment",[69] because its judgment "would be incomplete and ineffectual".[70]

On other occasions, it was an Act of Congress which rendered the judgments of the courts "incomplete and ineffectual"; and on these occasions the courts were quick to call a halt.

The issue arose as early as 1792. In that year the Congress enacted a "pension" law for the benefit of widows and orphans of the Revolutionary War veterans. It directed the courts of the United States to hear the claims and determine the appropriate pensions. *But*, the courts were directed to certify their decisions to the Secretary of War, and the Secretary of War was authorized to pay, or to refuse payment, in his discretion.

The Supreme Court refused to have anything to do with the claims, because the power given to the courts by the Pension Act was "not judicial power within the meaning of the constitution", and the Act "was, therefore, unconstitutional".[71] Mr. Chief Justice Jay noted that "the government is divided into three distinct and independent branches," and that "it is the duty of each to abstain from and to oppose, encroachment on the other".

He concluded that since the Congress authorized the Secretary of War to review the decisions of the courts, the power given the courts by the Pension Act was not "judicial".[72] Mr. Justice Iredell added that

"The Legislative, Executive and Judicial departments, are each formed in a separate and independent manner . . . *no decision of any court of the United States can, under any circumstances agreeable to the Constitution, be liable to a reversion, or even suspension, by the Legislature* itself, in whom no judicial power of any kind appears to be vested, but the important one relative to impeachments".[73] (Emphasis added.)

Mr. Justice Wilson added that "It is a principle important to freedom that in government, the judicial should be distinct from, and independent of, the legislative department". He wrote that the Pension Act reservation of power in the legislature to revise and control the "judgments" of the judiciary was "radically inconsistent with the independence of that judicial power which is vested in the courts".[74]

On the few subsequent occasions when Congress sought to regulate or control the judgments of the Supreme Court, the legislative interference was declared to be unconstitutional.[75] Thus, in *Gordon* v. *United States*,[76] Congress by special statute retained the right to refuse to pay the judgments issued by the Supreme Court. The Supreme Court, as a consequence, refused to hear any cases arising under this statute. Mr. Chief Justice Taney explained that "the award of execution is a part, and an essential part, of every judgment passed by a court exercising judicial power", and that the Constitution confers no authority "to the legislative or executive departments to interfere with (the) judgments or processes of execution" of the courts created under the Constitution.[77]

It appears from all the sources, then, that the issuance of remedial orders is an integral part of the judicial process, and if the courts are to act at all, their judgments are immunized from Congressional control. This moves us on to the next question: Does Congress have constitutional authority to deny the courts power to hear and decide busing cases under its authority over the federal courts.

Footnotes at end of article.

CONGRESSIONAL CONTROL OVER THE APPELLATE JURISDICTION OF THE SUPREME COURT

President Nixon's proposed Equal Educational Opportunities Bill provides that "no court" shall order the implementation of a desegregation plan that requires an increase in the number of children "bused" to school.[78] This language, if enacted into law, would prohibit the Supreme Court from issuing the type of order it issued last spring in the *Swann* opinion.

At the Press Conference on March 17, Acting Attorney General Kleindienst was asked if there were any precedent for this kind of action, and replied in the negative.[79] However, he might have cited the immediate post Civil War period when the Reconstruction Congress sought to twist the Supreme Court's appellate jurisdiction for political objectives.

Some background is helpful, for the matter is somewhat technical and complicated.

The Constitution provides that the "judicial power" of the United States shall extend to eight categories of cases: to those affecting Ambassadors and other public Ministers; to those arising under the Constitution; to those in which the United States shall be a party; to those between citizens of different states; and so on.[80]

The Constitution also provides for two categories of Courts: "one Supreme Court," and such "inferior courts" as Congress may from time to time ordain and establish.[81]

The Constitution provides that the two most important categories of cases are to be tried originally in the Supreme Court (those "affecting Ambassadors", and those "in which a State shall be a Party"); and that "in all other cases" (the other six categories) the Supreme Court shall have "appellate jurisdiction, both as to Law and Fact, *with such Exceptions, and under such Regulations as the Congress shall make*".[82]

The question here, of course, is whether the power given Congress to make "exceptions" and "regulations" includes the power to entirely deny the right to appeal a case wherein Constitutional rights are allegedly denied the litigant.

So much for the Constitutional background of the post civil war cases. The statutory background is equally complicated and technical. It involves at least three separate, but inter-related laws; one in 1789, a second in 1867, and the third in 1868.

In 1789 Congress enacted a Judiciary Act, and authorized the lower federal courts to decide (by way of a writ of habeas corpus) the legality of the imprisonment of those confined under the "authority of the United States".[83] If the lower court affirmed the legality of the imprisonment, and dismissed the writ of habeas corpus, the one held in custody could appeal this decision to the Supreme Court. But the appellate process was not spelled out, or generally known; in fact it was described as "attended by some inconvenience and embarrassment".[84]

In 1867, Congress amended the 1789 Habeas Corpus Act in two major respects. First, it authorized the lower federal courts to hear the cares of those confined under both federal and state authority; and second, it expressly provided for an appeal to the Supreme Court, and spelled out the processes.

This brings us to the facts of the first Reconstruction case.

During Reconstruction, when the Southern states were under military occupation, a Mississippi editor named McCardle was an "unreconstructed rebel". He published an editorial in the *Vicksburg Times* which severely criticized the Yankee general in command of that area. The General arrested McCardle, and held him for trial before a military tribunal on charges of inciting to insurrection, disorder, and violence. He did this under the authority granted him by the Reconstruction Acts.

McCardle filed a petition for habeas corpus with the federal court under the 1867 "habeas corpus" Act, alleging that the Reconstructions Acts were unconstitutional, and did not justify his incarceration. The federal circuit court dismissed his petition. McCardle appealed to the Supreme Court, again under the 1867 Habeas Corpus Act. The Government then moved to dismiss his appeal, on the theory that the 1867 Habeas Corpus Act was intended to help the former slaves, not rebel editors like McCardle. The Supreme Court denied the motion to dismiss the appeal[85] and heard oral argument on the merits of the case.

Congress then took an unprecedented step. Fearing that the Court might hold the Reconstruction Act unconstitutional, it passed a law which expressly repealed the 1867 Habeas Corpus Act in so far as the earlier law "authorized an appeal" to the Supreme Court.[86] The United States for a second time moved to dismiss the appeal, this time with success.

The Supreme Court held that because McCardle had filed his appeal under the Habeas Corpus Act of 1867, and since the Congress had expressly repealed the appellate provisions of that Act, the Court had no option but to dismiss the case. But, the Court also pointed out quite clearly that it was error for McCardle to suppose that "the whole appellate power of the court, in cases of habeas corpus, is denied"; for the repealing act of 1868 "does not except from that (appellate) jurisdiction any cases but appeals from Circuit Courts under the act of 1867." It "does not affect the jurisdiction which was previously exercised" under the original Judicial Act of 1789.[87]

In short, the Supreme Court in *McCardle* was not faced with the power of Congress to deny *all* appellate jurisdiction of the Supreme Court to determine important constitutional issues. All the Court held in *McCardle* was that Congress can cut off one of two alternative appellate routes to the Supreme Court.

Any doubts on this score were resolved by *Ex parte Yerger*,[88] decided by the same Court the same year. Yerger, like McCardle, was a civilian; and also like McCardle was arrested by the Military authorities in Mississippi and held for military trial. He filed a petition for a writ of habeas corpus with the federal court in Mississippi, which was denied. He then filed an appeal to the Supreme Court, *under the original Judiciary Act of 1879*. The United States moved to dismiss the appeal, relying as it had in McCardle, on the 1868 "repealing" statute. The Supreme Court refused to dismiss the appeal, holding that the case was before it under the 1789 Act, and that the "repealing section of the act of 1868 is limited in terms, and must be limited in effect to the appellate jurisdiction authorized by the act of 1867".[89]

United States v. Klein,[90] was the second and last attempt by the Reconstruction Congress to utilize the courts for political ends. Chief Justice Chase again was quick to say no.

The facts are these. In 1862 Congress declared the forfeiture of all property owned by those aiding the rebellion".[91] This 1862 "forfeiture" law also authorized the President to grant amnesty to those who had engaged in the rebellion. On December 8, 1863, President Lincoln took advantage of this option and proclaimed a general pardon and amnesty; thereby restoring all rights of property "except as to slaves" to those rebels who "take and subscribe a prescribed oath of allegiance, and thenceforward keep and maintain said oath inviolate".[92] Under the forfeiture act of 1862, the Government had seized and confiscated some cotton belonging to a man named V. F. Wilson, who had "aided the rebellion". After Lincoln's offer of "amnesty" in 1863, Wilson took the required oath of allegiance, and "kept the same inviolate" until his death. Klein then was appointed to administer Wilson's estate, and filed suit in the Court of Claims to recover the value of the seized cotton ($125,000). A number of other similar suits were filed, including one by Edward Padelford—which became the test case. General Sherman had captured Savannah in December of 1864, and seized some cotton belonging to Padelford. Thereafter Padelford took the required oath of allegiance under Lincoln's 1863 amnesty proclamation, and filed suit in the Court of Claims for the return of his cotton. The Supreme Court affirmed his right to recover.[93] This did not set well with Congress. The idea of rebels swearing allegiance at this late stage of the war and thereby recovering their property was too much for it to accept.

The Supreme Court handed down its *Padelford* decision on April 20, 1870. By July 12, Congress had struck back.[94] There were to be no more decisions against the public treasury in favor of former rebels. Presidential pardon or not. Congress provided that in all suits filed to recover property held by the Government under the 1862 "seizure" law, if the former owner relied upon a presidential pardon as the basis for recovery, the claim of Presidential amnesty "shall be taken and deemed in such suit . . . conclusive evidence that such person did take part in, and give aid and comfort to, the late rebellion . . . and the jurisdiction of the court in the case shall cease and the court shall forthwith dismiss the suit of such claimant".

By the time Congress enacted this statute, Klein had won his suit (on the basis of the Presidential pardon) in the Court of Claims, and the Government had appealed to the Supreme Court. The Government then moved in the Supreme Court to dismiss the case and rule against Klein, because of the recently enacted Congressional statute.

The Supreme Court denied the motion. Chief Justice Chase acknowledged a general right in Congress to "confer or withhold the right of appeal" to the Supreme Court from decisions of the Court of Claims. And, continued the Chief Justice, "if this act did nothing more, it would be our duty to give it effect". But the act did something more than merely withhold appellate jurisdiction, it withheld appellate jurisdiction *"as a means to an end"*. The Chief Justice held that this is not a legitimate "exercise of the acknowledged power of Congress to make exceptions and prescribe regulations to the appelate power" of the Supreme Court.[95]

The Court reminded that:

"It is the intention of the Constitution that each of the great co-ordinate departments of the government—the Legislative, the Executive, and the Judicial—shall be, in its sphere, independent of the other."[96]

He concluded that in this instance, "Congress has inadvertently passed the limit which separates the legislative from the judicial power", and continued as follows:

"Congress has already provided that the Supreme Court shall have jurisdiction of the judgments of the Court of Claims on appeal. Can it prescribe a rule in conformity with which the court must deny to itself the jurisdiction thus conferred, because and only because its decisions, in accordance with settled law, must be adverse to the government and favorable to the suitor? The question seems to use to answer itself."[97]

As a separate, and additional reason for its refusal to dismiss the case, the Court pointed out that the Act of Congress also intruded upon the Constitutional power of the President to grant pardons. It said:

"To the executive alone is intrusted the power of pardon . . . The legislature cannot change the effect of such a pardon any more than the executive can change a law. Yet this is attempted by the provision under consideration. The court is required to receive special pardons as evidence of guilt and to

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treat them as null and void. . . . This certainly impairs the executive authority and directs the courts to be instrumental to that end. . . . We think it unnecessary to enlarge. The simplest statement is the best".[98]

Had the Chief Justice thought it necessary to enlarge, he might have added that the judicial branch of the government is charged with the power and obligation to ensure that the other branches of government are kept within the limits set by the Constitution. This was decided as early in our history as 1803, in the famous case of *Marbury* v. *Madison*.[99] There, Chief Justice John Marshall had to decide what to do when an Act of Congress went one way,[100] and the Constitution went a different way.[101] He had no great problem. He wrote that "It is a proposition too plain to be contested that the constitution controls any legislative act repugnant to it", and equally significant was his follow-up: "It is emphatically the province and duty of the judicial department to say what the law is". He explained that were it otherwise, were the courts impotent to act when the Congress overstepped the constitutional limits, the constitution would give "to the legislature a practical and real omnipotence, with the same breath which professes to restrict their powers within narrow limits"; were it otherwise, it would reduce "to nothing what we have deemed the greatest improvement on political institutions, a written constitution".[102]

The obligation and power of the Courts to fault an act of Congress for reasons of constitutionality has not been challenged since the *Marbury* decision of 1803. It goes without saying that this is not an easy or pleasant task. The constitutional framers recognized this, and gave backup support to the Judiciary with permanency in office. (The judges "shall hold their offices during good behaviour" [103]), with financial independence (their compensation "shall not be diminished during their continuance in office" [104]), and through the express charge that the judges exercise jurisdiction and hear all cases "arising under the Constitution".[105]

But, the fact remains that the Supreme Court can only hear these cases alleging unconstitutional action by Congress by way of appeal from the lower courts; and the Constitution contains the proviso, as an addendum to all the other powers granted the Supreme Court, that its appellate jurisdiction is subject to "such Exceptions and under such Regulations as the Congress shall make".

Is this small qualifying clause to be read as authorizing Congress to deny the courts the power to review those cases challenging the constitutionality of Congressional action; and thereby overrule an almost unbroken line of 170 years of history? Not unless one is willing to let an exception engulf the rule; not unless one is willing to read the Constitution as authorizing its own destruction; not unless one is willing to let one small tip of the tail wag a very large dog.

What, then, is the intent and purpose of this qualifying phrase on the appellate power of the Supreme Court? The history is meager, but points to a much more limited purpose.

Various proposed drafts of the Constitution were submitted to the Founding Fathers in Philadelphia, and all of them provided for appellate review by the Supreme Court of constitutional cases "both as to law and to fact", without any qualification whatsoever. This touched off a heated controversy, with some of the delegates protesting that this clause, permitting review "as to fact," would give the Supreme Court the power to review and overturn the verdicts of juries. The various proposals were then given to a "Committee of Detail", which reported back the language as finally adopted, i.e. that the Supreme Court should have appellate jurisdiction both "as to law and to fact," but with "such exceptions and under such regulations as the Congress shall make".

Alexander Hamilton explained the purpose of the "exceptions and regulations" clause in the debate over the Constitution:

"The appellate jurisdiction of the Supreme Court will extend to causes determinable in different modes, some in the course of the common law, (that is, by jury trial), others in the course of the civil law (without jury trial). . . . In the latter, the reexamination of the fact (by an appellate court) is agreeable to usage (but not in the former). . . . To avoid all inconveniences, it will be safest to declare generally, that the Supreme Court shall possess appellate jurisdiction, both as to law and fact, and that this jurisdiction shall be subject to such exceptions and regulations as the National Legislature may prescribe. . . .

"This view of the matter, at any rate, puts it out of all doubt that the supposed abolition of the trial by jury, by the operation of this provision, is fallacious and untrue. The Legislature of the United States would certainly have full power to provide, that in appeals to the Supreme Court there should be no reexamination of facts, where they had been tried in the original causes by juries. . . .[106]

Patrick Henry agreed with Hamilton that the power given the Supreme Court to determine appeals "both as to law and to fact" would, if unmodified, give the Supreme Court authority to review and overturn jury verdicts; and that the clause authorizing Congress to make "such exceptions" to the appellate jurisdiction was designed to allay fears on this score.

However, Henry doubted that the qualifying clause authorizing Congress to make exceptions could, even if exercised by Congress in the situation of jury trials, succeed in its purpose. He argued to the Virginia Convention called to ratify this Constitution that the power once given to the Supreme Court by the Constitution to review questions "of law and fact", could not then be taken away by Congress. He commented on the floor:

"I may be told that I am bold; but I think myself . . . that Congress cannot, by any act of theirs, alter this jurisdiction as established. It is subject to be regulated, but is it subject to be abolished?

He answered in the negative, because "If Congress can alter this part, they will repeal the Constitution"; and further, "When Congress, by virtue of this sweeping clause, will organize these courts, they cannot depart from the Constitution; and their laws in opposition to the Constitution would be void". He concluded that:

"If Congress, under the specious pretense of pursuing this clause (the "exceptions and regulations" clause), altered it, and prohibited appeals as to fact, the federal judges, if they spoke the sentiments of independent men, would declare their prohibition nugatory and void".[107]

The late Mr. Justice Owen J. Roberts is the third person who has commented on the "exceptions and regulations" clause, and he agreed with Alexander Hamilton and Patrick Henry that its thrust was to alleviate the fears that the Supreme Court, under authority previously given, might review and reverse the verdicts of juries. He asked a luncheon meeting of the New York Bar why the Framers left it to Congress to regulate the appellate jurisdiction of the Supreme Court, and then answered his question in these words:

"There came into play state pride. . . . and another feeling that since Anglo-Saxons prize the jury system, giving the Supreme Court appellate jurisdiction as to matters of law and fact would give it the opportunity to overturn jury verdicts, jury decisions, judgments based on jury decisions in New York, in Pennsylvania, and elsewhere. The best compromise that could be made in the situation was to leave to Congress the right to define the appellate jurisdiction of the Supreme Court".[108]

In short, recourse to history indicates that the mischief which the Framers intended to remedy with the "exceptions and regulations" clause was the fear that, without it, the Supreme Court might review and reverse the factual findings of the juries.

Whatever validity this historical basis for the clause might have today, the fact remains that the Congress, with few exceptions, has honored the integrity of the Supreme Court's appellate jurisdiction. On these few occasions when the Congress has not done so, the Supreme Court was quick to assert its judicial supremacy: in *McCardle*,[109] where the Court permitted the Congressional blocking of one appellate route while loudly pointing out an alternative road to its Bench; and in *Klein*,[110] where the Supreme Court proudly asserted that the Congressional control over its appellate docket could not be used as a "means to an end" i.e., because otherwise the decisions of the Court would be "adverse to the government and favorable to the suitor".

If the Congress could not tell the Supreme Court how to rule on cases in those post Civil War years (i.e. against the "rebels"), there is no reason to believe that the same Constitution now permits the Congress to tell the Supreme Court how it should effectuate the Fourteenth Amendment today (i.e., against the black school children).

CONGRESSIONAL CONTROL OVER THE "INFERIOR" FEDERAL COURTS

The thrust of the proposed Nixon Moratorium Bills will fall most heavily not on the Supreme Court, but on the District Courts of the United States, for it is there that the school integration cases are tried and remedial orders are first issued. May the Congress, consistent with our Constitutional system of "checks and balances", deny them the power to issue "busing" orders if the district court judges are convinced that such orders are necessary for the vindication of constitutional rights? The answer is, probably not.

The Constitution provides in Article 111 that the judicial power of the United States shall be vested in the Supreme Court, and "in such inferior courts as the Congress may from time to time ordain and establish". This power to "ordain and establish" inferior courts carries with it the power to establish inferior courts with less than complete jurisdiction.

Thus, the very first Congress established "inferior" federal courts, and gave them jurisdiction to hear and decide cases "between citizens of different states"; but, added the Congress, not those suits between "citizens of different states" involving negotiable instruments transferred to the plaintiff by a citizen who resided in the state of the defendant. This "incomplete" grant of jurisdiction was sustained by the Supreme Court in 1799.[111]

Since that early date, Congress has granted the federal courts jurisdiction which is full or partial, complete or incomplete, as Congress deems wise and expedient.[112] This as a general proposition is perfectly proper, for there is no right to try a case in a federal court. In *Kline* v. *Burke Construction Company*,[113] the Burke Construction Company was incorporated in one state, Kline was a citizen of a different state; and the Construction Company filed suit against Kline in the federal court basing jurisdiction on "diversity of citizenship". Kline, the defendant in the federal suit, promptly filed suit against the Construction Company in a state court, hoping that forum would be more friendly to his cause. The Construction Com-

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pany then asked the federal court to enjoin the state court proceeding, and the federal district court refused. On appeal, the Supreme Court agreed that the Construction Company did not have a "constitutional right" to have its case tried in the federal court; for the following reason:

"The Constitution simply gives to the inferior courts the capacity to take jurisdiction in the enumerated cases, but it requires an act of Congress to confer it. And the jurisdiction, having been conferred, may, at the will of Congress, be taken away in whole or in part; and, if withdrawn without a saving clause, all pending cases, though cognizable when commenced, must fall. A case which thus comes into existence only by virtue of an act of Congress, and which may be withdrawn by an act of Congress after its exercise has begun, cannot well be described as a constitutional right".[114]

There are many illustrations of the power of the Congress to take away the jurisdiction of the federal courts, in whole or in part.[115] The Norris-LaGuardia Act is a familiar one. There, Congress declared that unless certain enumerated conditions existed, "no court of the United States shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute."[116]

The Supreme Court said as dicta[117] that "There can be no question of the power of Congress thus to define and limit the jurisdiction of the inferior courts of the United States".[118]

However, the Supreme Court is not so casual when the denial of federal jurisdiction also constitutes a denial of substantive constitutional rights.[119] And a series of decisions by the various Courts of Appeal under the Portal to Portal Act recognize that Congress may not exercise its control over the "inferior" federal courts in a manner to deny those courts the power to vindicate rights guaranteed by the constitution. Some background to these decisions might be useful.

The Fair Labor Standards Act[120] requires the payment of minimum wages, with time and a half for hours worked in excess of an eight hour day, or a forty hour week. In a series of cases at the close of World War II, the Supreme Court ruled that once an employee had crossed the portal of his place of employment, the "work day" and the "work week" included such preliminary and incidental activities as walking to the place where the work was to be done, changing to work clothes in the locker room, showering after work was over, and so on.[121] These decisions were quite unexpected, and resulted in "windfall" obligations to thousands and thousands of employees. Almost 2,000 suits were filed for back pay, claiming liability in excess of $5,785,204,606.00. The House Judiciary Committee investigated the situation, and concluded that payment of these claims would result in the bankruptcy of thousands of employers.[122]

Consequently, Congress passed the Portal-to-Portal Act, which did two things. First, it provided that no employer shall be subject to any liability under the Fair Labor Standards Act because of a failure to pay overtime compensation for work performed in the past, "unless the work activities were compensable at the time they were performed by either an express contract or by custom or practice". Second, the Portal-to-Portal Act provided that "No court of the United States . . . shall have jurisdiction of any action or proceeding . . . to enforce liability . . . for or on account of the failure of the employer to pay minimum wages or overtime compensation", unless the work activities were compensable at the time performed either by contract, custom, or practice.

Motions were immediately made to dismiss the cases then pending in the federal courts. The plaintiffs argued against these motions for two reasons: because the Portal-to-Portal Act deprived them of property rights guaranteed by the Fifth Amendment to the Constitution; and because, a fortiorari the denial of access to a federal court to enforce these claims was also unconstitutional. If Congress has absolute control over the "inferior" federal courts, and can choke off their jurisdiction even when this results in the inability to enforce rights protected by the Constitution, none of the courts would have considered the first issues raised by the plaintiffs in the pending cases. But all of them did. They all considered the contention that the Portal-to-Portal act denied property rights guaranteed by the Constitution, and rejected it.

Typically, Judge Parker for the Fourth Circuit wrote that Congress may not "take one man's property and give it to another or arbitrarily strike down rights arising under contract."[123] But, he added, "nothing of that sort is involved" in the Portal-to-Portal Act, because the rights stricken down by the statute are not rights arising out of contract at all, but rights created by statute," which can be destroyed by the same power that created them. Judge Parker then concluded:

"Since the provisions of section 2(a) of the act, striking down portal-to-portal claims not based on contract, custom or practice are valid, there can be no question as to the validity of section 2(d) denying jurisdiction to the courts to entertain the claims. Whether the denial of jurisdiction would be valid if the provision striking down the claims were invalid is a question which does not arise."[124]

In a portal-to-portal suit in the Sixth Circuit (where the same issues were raised) the Act did not seek "to interfere with the power of the judiciary to protect rights vested under the Fifth Amendment,"[125] and then added:

"Should Congress undertake to withdraw from the courts jurisdiction to consider and determine pure questions of ownership or title to property . . . a more serious question would be presented, but we are not confronted here with such a case."[126]

Judge Chase was even more pointed in the Portal-to-Portal suit in the Second Circuit. He wrote for that court as follows:

"A few of the district court decisions sustaining section 2 of the Portal-to-Portal Act have done so on the ground that since jurisdiction of federal courts other than the Supreme Court is conferred by Congress, it may at the will of Congress be taken away in whole or in part. . . . We think, however, that the exercise by Congress of its control over jurisdiction is subject to compliance with at least the requirements of the Fifth Amendment. That is to say, while Congress has the undoubted power to give, withhold, and restrict the jurisdiction of the courts other than the Supreme Court, it must not so exercise that power as to deprive any person of life, liberty, or property without due process of law or to take private property without just compensation."[127] (Emphasis supplied.)

Here, of course, President Nixon is asking the Congress to do what the Congress did not do in the Portal-to-Portal Act, i.e. "to interfere with the power of the judiciary to protect rights" vested under the Constitution. His proposals challenge not only "busing," but the very idea of law itself.

The Portal-to-Portal cases strongly indicate that Congress has no power to withhold or restrict the jurisdiction of the "inferior" courts when the withholding or restriction of that jurisdiction would deny or deprive persons of property rights guaranteed by the Fifth Amendment. It follows that Congress has no power to withhold or restrict the jurisdiction of the "inferior" courts when the withholding or restriction (as suggested by the Nixon "busing" proposals) would deny school children of the rights already declared to be theirs under the Equal Protection Clause of the Fourteenth Amendment.

CONCLUSION

President Nixon wants to put the Constitution on the back of the bus, and to give the federal courts a second-class citizenship among the three independent branches of government. He has found a scapegoat, but no solution to a difficult problem.

Many parents have legitimate concerns that their children will be transported from "nice" neighborhoods into schools that are old, dirty, dilapidated, over-crowded, understaffed, and located in the "bad" section of town. But if the schools are harmful for one child, they are harmful for all children.

The problem is not the bus ride, but what one finds when the bus ride ends. The solution is to replace the bad schools, and to upgrade the educational opportunities within. This requires money, much more than the token amount requested by the President.

But improvement of the schools is not enough. Education has had to shoulder a disproportionate share of the burdens of overcoming the effects of segregation. We should now put our efforts in overcoming economic barriers, in overcoming segregated housing patterns, so that every neighborhood will have its own desegregated school. But that, unfortunately, lies in the future. As for the immediate present, we can do no more than applaud the remarks made by Florida Governor Reubin Askew when he asked the people of Florida to repudiate the anti-busing proposal on the ballot in that state:

"I hope we can say to those who would keep us angry, confused and divided that we're more concerned about a problem of justice than about a problem of transportation.

"And that while we're determined to solve both, we're going to take justice first."[128]

FOOTNOTES

[1] Mondale, Busing in Perspective, *The New Republic,* March 4, 1972, 18.

[2] *Ibid.* at p. 17.

[3] There Goes the Bus, *The New Republic,* April 1, 1972, p. 13. The Floridians also voted 79 percent for desegregated, or "equal opportunity" public education.

[4] The bills were introduced on March 20 by William M. McCulloch, the senior Republican member of the House Judiciary Committee. Mr. McCulloch subsequently repudiated them both, when a thorough study convinced him that they were unconstitutional and unjust. When Acting Attorney General Richard Kleindienst came to testify before the House Judiciary Committee in favor of the bills, McCulloch declared:

"It is with the deepest regret that I sit here today to listen to a spokesman for a Republican Administration asking the Congress to prostitute the courts by obligating them to suspend the equal protection clause (of the Constitution) so that Congress may debate the merits of further slowing down and perhaps even rolling back desegregation in public schools . . ."

He asked the witness: "What message are we sending to our black people? Is this any way to govern a country? Is this any way to bring peace to a troubled land?" AFL–CIO News, April 15, 1972, p. 6, col. 4.

[5] H.R. 13916, 92d Cong. 2d Sess. sec. 3(a). The moratorium is to begin the day after the enactment of this Act, and terminate either on July 1, 1972, or on the date of enactment of the companion bill, whichever is earlier.

[6] H.R. 13915, 92d Cong., 2d Sess. sec. 2(a) (1).

[7] H.R. 13915 at sec. 101(a).

[8] H.R. 13915, sec. 2(a) (2).

[9] H.R. 13915, sec. 403(a). It has been the personal experience of one of these authors (the father of three children) that integration is easier and more effective at the first

grade level then when it occurs at either the junior or the senior high school level.

[10] H.R. 13915, sec. 403(b).

[11] H.R. 13915, sec. 402.

[12] H.R. 13915, sec. 404.

[13] White House Press Release, March 17, 1972.

[14] Press Release, p. 9.

[15] Press Release, p. 9. One can then only question the findings in Section 2(a) of the proposed Moratorium bill: "For the purpose of desegregation, many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in the extensive transportation of students . . . these reorganizations, with attendant increases in student transportation, have caused substantial hardship to the children thereby affected. . . ."

[16] Press release, p. 24.

[17] 163 U.S. 537.

[18] Press Release, p. 16.

[19] Press Release, p. 24.

[20] Press Release, p. 7.

[21] Press Release, p. 12.

[22] Press Release, p. 20.

[23] See generally, Pollitt, Equal Protection in Public Education: 1954–61, 47 AAUP Bulletin 197 (1961).

[24] Note 17, infra.

[25] 347 U.S. 483 (1954).

[26] 347 U.S. at 495.

[27] The general initial reaction was one of resigned acceptance. The Governor of West Virginia immediately announced that the state would abide by the Brown decision, Governor Cherry said: "Arkansas will obey the law—It always has", Governor Whetherby announced "Kentucky will do whatever is necessary to comply with the law "Oklahoma's Governor Raymond Gary warned that the school boards then contemplating defiance would get no aid or comfort from him; and similar statements were issued by the Governors of Virginia, North Carolina and other southern states. See Pollitt, note 23, infra, at pp. 200–201.

[28] 349 U.S. 294 (1955).

[29] Contrast the proposal of President Nixon that the Congress "specify the appropriate remedies for the elimination" of segregated dual school-systems throughout the land, wherever they exist. H.R. 13915, sec. 3(b).

[30] 349 U.S. at 301 (1955).

[31] James Meredith was not the first Black to attempt enrollment at the University of Mississippi. Clennon King was the first, and he was arrested while standing in line at the administration building and taken to a nearby state mental hospital for examination. Clyde Kennard was the second. He was arrested and convicted of reckless driving as he approached the administration building. The first Negro to apply for admission to the University of Georgia was suddenly inducted into the Army, despite previous exemption due to physical disability; and Mr. Hawkins, after nine years of litigation and a Supreme Court decision in his favor, discovered that he was unable to qualify for admission to the Florida Law School under recently enacted admission standards. Pollitt, note 23, infra, p. 201.

[32] See Pollitt, Presidential Use of Troops To Execute the Laws, 36 N.C.L. Rev. 117 (1957).

[33] *Cooper* v. *Aaron*, 358 U.S. 117 (1958).

[34] Compare the preamble of the Nixon Moratorium Bill: "There is a substantial likelihood that . . . many local educational agencies will be required (by the courts) to implement desegregation plans that impose a greater obligation than required by the fourteenth amendment". H.R. 13916, sec. 2(a) (5). In fact, the purpose of the proposed legislation is to "interpose" the Congress between the citizens and the federal courts.

[35] *United States* v. *Louisiana*, 363 U.S. 1 (1960).

[36] See Pollitt, note *27*, infra, at p. 202.

[37] Ibid.

[38] 104 *Cong. Rec.* 17437 (daily ed. Aug. 21, 1958). See Pollitt, Should the Supreme Court be Curbed?, 37 *N.C.L. Rev.* 17 (1958).

[39] See Pollitt, note *23*, infra, at p. 202.

[40] See, e.g., *NAACP v. Button*, 371 U.S. 415 (1963).

[41] See, e.g., *Shelton* v. *McKinly*, 174 F. Supp. 351 (E.D. Ark. 1959).

[42] See, e.g., *Shelton* v. *Tucker*, 364 U.S. 479 (1960).

[43] See, e.g., *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539 (1963).

[44] See *Scull* v. *Virginia*, 359 U.S. 344 (1959).

[45] *Griffin* v. *County School Board*, 377 U.S. 218, 234 (1964). This case involved Prince Edward County, Virginia, one of the defendants in the 1954 *Brown* series of decisions. After that adverse opinion, the county officials had closed the public schools, and contributed public support to "private" segregated white academies; leaving the black population totally without any educational opportunities. The Court ordered the local school board to reopen the public schools, and to cease financial assistance to the parents of the white children attending the "private" schools.

[46] *Green* v. *County School Board*, 391 U.S. 430, 439 (1968). Here, the Supreme Court held that a "freedom-of-choice" plan which allows the individual pupil to choose his own public school does not constitute adequate compliance with the decision in *Brown* v. *Board of Education*. There were two schools in the county and no attendance zones. Under the "freedom of choice" plan, all the white children chose the school formerly restricted to whites; and all but a handful of the black children selected the school formerly restricted to blacks. The Court ordered the school board "to convert promptly to a system without a 'white' school and a 'negro' school, but just schools." 391 U.S. at 442.

[47] *Alexander* v. *Board of Education*, 396 U.S. 19 (1969). In early July, the Court of Appeals ordered a number of Mississippi school systems to desegregate by the opening of the coming school year. In late August, the Department of Justice, on the recommendation of the Secretary of the Health, Education, and Welfare, moved the Court of Appeals to delay the date of the integration order. The Court of Appeals did so. See opinion of Mr. Justice Black "in Chambers," 396 U.S. at 1218. The Supreme Court reversed, and directed the school systems "immediately to operate as unitary school systems within which no person is to be effectively excluded from any school because of race or color." 296 U.S. at p. 20.

[48] *Carter* v. *West Feliciana Parish School Board*, 396 U.S. 226 (1969); *Dowell* v. *Board of Education of Oklahoma City*, 396 U.S. 269 (1969). In *Carter* the Court of Appeals on December 1, 1969, ordered certain plans of the desegregation for three Louisiana school districts, but postponed the effective date of the plans until the school year of 1970–1971. The Supreme Court reversed and ordered the plans effectuated by February 1 of 1970. In *Dowell*, the District Court ordered the revision of some school attendance boundaries by September 2 of 1969. This was on August 13. On August 27, the Court of Appeals reversed the "partial plan". The Supreme Court in turn reversed the Court of Appeals, because the school board must "desegregate an unconstitutional system *at once*".

In *Keyes* v. *Denver School District*, 396 U.S. 1215 (1969), the Court of Appeals had postponed a desegregation order "on the premise that public support for the plan might be developed during the period of delay. Mr. Justice Brennan, "in Chambers", reversed, citing the Little Rock case, he said "the desirability of developing public support for a plan designed to redress de jure segregation cannot be justification for delay". 396 U.S. at 1217.

[49] New York Review of Books, April 20, 1972, p. 10.

[50] This was on August 3rd, 1971 when he announced at a press conference that he had asked the Secretary of HEW to submit to Congress an amendment to the proposed Emergency School Assistance Act—to "expressly prohibit expenditure of any of these funds for busing". The Emergency School Assistance Act authorized the expenditure of a billion and a half dollars to segregated school systems to aid and assist in the process of achieving a "unitary" school system.

[51] — U.S. —, 91 S. Ct. 1267 (1971).

[52] 91 S. Ct. at p. 1273. Charlotte had segregated residential patterns which resulted in part from federal, state, and local government action. Prior to *Brown*, it had a segregated dual school system. After *Brown*, Charlotte embarked upon a school construction program, locating a series of small elementary schools deep within the different residential zones. In 1966, Charlotte abandoned its dual school system, and assigned children to the school nearest their homes, with a free transfer provision. The result was that two-thirds of the Negro students attended 21 schools which were either totally, or more than 99% black. The faculties, and the school buses, were equally segregated.

Judge McMillan ordered school assignment on a "satellite zone" basis. One black inner-city school was grouped with two or three white outlying schools; children from grades one through four were assigned to the outlying schools; children in grades five and six were assigned to the inner city schools. The Supreme Court approved of these gerrymandered school districts and attendance zones:

"Absent a constitutional violation there would be no basis for judicially ordering assignment of students on a racial basis. All things being equal, with no history of discrimination, it might well be desirable to assign pupils to schools nearest their homes. But all things are not equal in a system that has been deliberately constructed and maintained to enforce racial segregation. The remedy for such segregation may be administratively awkward, inconvenient and even bizarre in some situations and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual school systems." 91 S. St. at p. 1282.

[53] 91 S. Ct. at p. 1280.

[54] — U.S. —, 91 S. Ct. 1287 (1971).

[55] — U.S. —, 91 S. Ct. at p. 1280.

[56] 91 S. Ct. at p. 1283.

[57] 91 S. Ct. at p. 1283.

[58] 91 S. Ct. at p. 1288.

[59] 91 S. Ct. at p. 1283.

[60] 91 S. Ct. at p. 1282.

[61] 91 S. Ct. 1284 (1971).

[62] 91 S. Ct. at p. 1286.

[63] 91 S. Ct. at p. 1286.

[64] 91 S. Ct. at p. 1288.

In *Swann*, those opposed to the integration order argued that the "busing" was prohibited by Title IV of the Civil Rights Act of 1964, which provides in part that "nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils. . . ." The Supreme Court rejected this contention, and said:

"There is no suggestion of an intention to restrict those powers or withdraw from courts their historic equitable remedial powers. The legislative history of Title IV indicates that

Congress was concerned that the Act might be read as creating a right of action under the Fourteenth Amendment in the situation of so-called 'de facto segregation' where racial imbalance exists in the schools but with no showing that this was brought about by discriminatory action by state authorities. In short, there is nothing in the Act which provides us material assistance in answering the question of remedy for state-imposed segregation in violation of *Brown* 1. The basis of our decision must be the prohibition of the Fourteenth Amendment that no State shall 'deny to any person within its jurisdiction the equal protection of the laws' ". 91 S. Ct. at p. 1277.

[65] Press Release, p. 18.

[66] 5 U.S. (1 Cranch) 137. (1803).

[67] 5 U.S. (1 Cranch) at p. 162.

[68] 5 U.S. (1 Cranch) at p. 163.

[69] *Hunt* v. *Palao,* 45 U.S. (4 How.) 589 (1846). This case was on appeal to the Supreme Court from the Territorial Court for the Territory of Florida. While the appeal was pending, Florida became a state, and the territorial court was abolished. Mr. Chief Justice Taney dismissed the appeal out of hand, because "there is no tribunal to which we are authorized to send a mandate to proceed further in the case, or to carry into execution the judgment which this court may pronounce."

[70] *McNaulty* v. *Batty,* 51 U.S. (10 How.) 72 (1850). Here, the case was on appeal to the Supreme Court from the Territorial Court in the Territory of Wisconsin. Pending appeal, Wisconsin became a state and the Territorial Court abolished. The Court dismissed the appeal because "there is no court in existence to which the mandate of this court could be sent to carry into effect our judgment. Our power, therefore, would be incomplete and ineffectual, were we to consent to a review of the case". 51 U.S. at 79.

[71] *United States* v. *Yale Todd,* appended to the opinion in United unreported at the time, but subsequently appended to the opinion in *United States* v. *Ferreira,* 54 U.S. (13 How.) 40 (1851).

[72] *Hayburn's Case,* 2 U.S. (2 Dall) 409 at 410 (1792).

[73] 2 U.S. (2 Dall) 409 at 412–413 (1792).

[74] 2 U.S. (2 Dall) 409 at 411 (1792).

[75] See, eg., *United States* v. *Ferreira,* 54 U.S. (13 How.) 40 (1851); *Muskrat* v. *United States,* 219 U.S. 346 (1911).

[76] 117 U.S. 697 (1864).

[77] 117 U.S. at 702, 700.

[78] H.R. 13915, 92d Cong., 2d Sess (1972), sec. 403(a).

[79] See text at note 14, infra.

[80] Article 111, sec. 2.

[81] Article 111, sec. 1.

[82] Article 111, sec. 2.

[83] 1 Stat. 81

[84] *Ex parte McCardle,* 73 U.S. 318, 324 (1867)

[85] *Ibid.*

[86] 15 Stat. 44 (1868).

[87] *Ex parte McCardle,* 74 U.S. 506, 515 (1868).

[88] 75 U.S. 85 (1868).

[89] 75 U.S. at 106 (1868).

[90] 80 U.S. 128 (1871).

[91] Act of July 17, 1862, 12 Stat. 589.

[92] The various statutes and Presidential Proclamations are discussed in *United States* v. *Klein,* 80 U.S. 132–134.

[93] *United States* v. *Padelford,* 76 U.S. 531 (1870).

[94] Act of July 12, 1870, 16 Stat. 235.

[95] 80 U.S. 128 at p. 145.

[96] *Ibid.*, at p. 147

[97] *Ibid.*

[98] *Ibid.* at p. 147–148.

[99] 5 U.S. (1 Cranch) 137. See text at note 67 for discussion of a different aspect of the case.

[100] Congress provided by law that the Supreme Court would have *original* jurisdiction to issue writs of mandamus to those holding office under the authority of the United States. Sec. 13 of the Judiciary Act of 1789, 1 Stat. 73.

[101] The Constitution provides that the Supreme Court would have *original* jurisdiction only in two categories of cases, those affecting Ambassadors, and those in which States shall be a party. It does not say that the Supreme Court would have *original* jurisdiction to issue writs of mandamus to those holding office under the authority of the United States.

[102] 5 U.S. (1 Cranch) 137 at pp. 177–178.

[103] Article 111, sec. 1.

[104] *Ibid.*

[105] Article 111, Sec. 2.

[106] The Federalist, No. 81.

[107] 3 *Elliot's Debates on the Federal Constitution,* 540–541.

[108] 35 *American Bar Association Journal* 3 (1949).

[109] See text at note 87, infra.

[110] See text at note 96, infra.

[111] *Turner* v. *The President, Directors and Company of the Bank of North America,* 4 Dall 8.

[112] Wright, *Federal Courts,* pp. 23–24.

[113] 260 U.S. 226 (1922).

[114] 260 U.S. at p. 234.

[115] The Johnson Act of 1934, 48 Stat. 775, 28 USC sec. 1342, provides that the federal courts are not to enjoin or restrain the utility rates made by a state agency so long as "a plain, speedy and efficient remedy may be had in the courts of such state".

The Tax Injunction Act of 1937, 50 Stat. 738, 28 USC sec. 1341, similarly provides that no federal court is to enjoin or restrain the collection of any tax under state law "where a plain, speedy and efficient remedy may be had in the courts of such State".

[116] 47 Stat. 73, 29 USC sec. 113.

[117] Shinner, who sought and obtained the injunction in the lower federal court argued only that the picketing in front of his store did not constitute a "labor dispute" within the meaning of the Norris-LaGuardia Act, because none of the pickets were employed by him. He did not argue that he had a constitutional right to a federal court injunction against labor union picketing.

[118] *Lauf* v. *E. G. Shinner & Co.,* 303 U.S. 323, 330 (1938).

[119] See, e.g., *Dombrowski* v. *Pfister,* 380 U.S. 479. There, a federal law forbad the federal courts to "stay proceedings in a state court". Nonetheless, the Supreme Court approved of a federal court injunction against a threatened state criminal prosecution, because the state criminal law "chilled" the exercise of First Amendment freedoms.

See also *Lipke* v. *Lederer,* 259 U.S. 557 (1922), where a federal law forbad a federal court from entertaining any suit "for the purpose of restraining the assessment or collection of any tax". The Supreme Court, despite this jurisdictional barrier, issued an injunction against the collection of money allegedly due under a federal tax law, upon a conclusion that the amount of money demanded was an "unconstitutional penalty", and thus not a "tax".

[120] 29 U.S.C. sec. 201 ff.

[121] *Tennessee Coal Co.* v. *Muscoda Local,* 321 U.S. 590; *Jewell Ridge Co.* v. *Local No. 6167,* 325 U.S. 161; *Anderson* v. *Mt. Clemens Pottery Co.,* 328 U.S. 680.

[122] The legislative background, and the statute itself, is described at some length in *Seese* v. *Bethlehem Steel Co.,* 168 F. 2d 58 (4th Cir., 1948).

[123] *Ibid.*

[124] 165 F. 2d at p. 65.

[125] *Fisch* v. *General Motors Corporation,* 169 F. 2d 266, 277 (6th Cir., 1948).

[126] 169 F. 2d at p. 273.

[127] *Battaglia* v. *General Motors Corporation,* 169 F. 2d 254, 257 (2d Cir. 1948).

[128] Address on February 21, 1972 at the Governor's Luncheon of the Central Florida Fair in Orlando. Reprinted in 3 *South Today.* No. 9, May, 1972, pp. 2–3.

GOVERNMENT SECRECY COSTS TWICE AS MUCH AS GOVERNMENT PUBLIC INFORMATION

Mr. MOORHEAD. Mr. Speaker, our supposedly democratic form of government is spending twice as much of the taxpayers' money to hide information as it spends to inform the American public.

This disturbing fact is based on a comparison of the special report on the costs of operating the Government's security classification system, prepared by the General Accounting Office, to a report from the Office of Management and Budget following President Nixon's order to cut down Government "public relations" programs.

The GAO analysis was requested last summer by the Foreign Operations and Government Information Subcommittee, which is charged with the duty of determining the economy and efficiency of Government information activities. The OMB figures were compiled from reports of Government agencies the year after they were ordered by President Nixon to cut down "self-serving and wasteful public relations activities" outside the White House.

The GAO surveyed the secrecy systems in the Department of Defense and State, the Atomic Energy Commission, and the National Aeronautics and Space Administration—the four agencies responsible for the huge bulk of documents classified under the secrecy system. Those four agencies, the GAO reported, spend $126,322,394 annually on various activities related to the security classification system, such as the classification, declassification, storing, and safeguarding of Government documents and the conduct of personnel security investigations.

The OMB listed the annual expenditures of the same four agencies for all of their public information programs as $64,029,000.

While the $126,000,000 annual secrecy expense covers the top four secret-generating agencies in Government, it is only a part of the total cost of hiding information from the public. The GAO admitted that even their experts could not get all of the data necessary to arrive at the total cost of the security classification system. They said they had to use assumptions, extrapolations, and other cost-estimating techniques and had to ignore some costs where estimates could not be readily developed.

One of the biggest blanks in the GAO study of the cost of secrecy is the money that defense contractors charge the taxpayers for their role in the Government's secrecy system. None of the big four Government agencies gave the GAO firm figures on this cost, but we are working with the auditors to develop a firm estimate on the cost of secrecy added to defense contracts. It will, I fear, add hundreds of millions of dollars to the secrecy budget.

Following is GAO's "Schedule of Security Costs." The full GAO report is available in the subcommittee's files.

APPENDIX I

SCHEDULE OF SECURITY COSTS

Category	National Aeronautics and Space Administration (fiscal year 1970)	Atomic Energy Commission (fiscal year 1971)	Department of State (fiscal year 1970)	Department of Defense (fiscal year 1970)
Management and policy	$174,000	(1)	(2)	$4,700,000
Classification, regarding, and declassification	162,700	$4,200,000	(2)	1,993,000
Transmission of classified documents	247,500	(1)	$4,976,900	15,781,000
Safeguarding of classified documents	2,602,500	4,400,000	4,644,125	6,845,000
Personnel security investigations	50,000	[3] 6,100,000	1,837,900	[3] 58,155,000
Training and indoctrination	(4)	300,000	(2)	1,253,000
Security costs included in costs of Government contracts	(2)	(2)	(2)	(2)
Counter intelligence and espionage activities related to document security		(2)	$1,218,669	$5,009,000
Administration and enforcement of security policies, procedures, and regulations	(2)	(2)	1,672,100	(2)
Total	$3,236,700	$15,000,000	14,349,694	93,736,000
Grand total		$126,322,394		

[1] *Included in the next category*

[2] No estimate.

[3] Includes investigative costs of agency and contractor personnel.

[4] Included with safeguarding of classified documents.

SCRUTINY AND EVALUATION OF BIDS FOR WMATA

(Mr. CABELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CABELL. Mr. Speaker, under unanimous consent, I include herewith a letter to the Comptroller General over my signature:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., May 11, 1972.

Hon. ELMER STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR GENERAL STAATS: A situation has arisen concerning the awarding of a contract for over $100,000,000.00 for equipment by the Washington Metropolitan Area Transit Authority which in my opinion merits the scrutiny of your office. As you are aware, the U.S. Government will ultimately provide about two-thirds of the funding for this operation.

The original estimate by WMATA for this equipment was $119,043,364.00. Two of the qualified bidders were within $18,000.00 of each other at $103 million, 130 thousand plus, while the low bidder submitted a bid of $91,607,000.00.

In the opinion of some, this suspect as being an "irresponsible" bid, submitted with the hope that suggested changes and claims for over-runs would result in materially increased payments.

It has been further alleged on good authority that this bidder, Rohr Industries of Chula Vista, California, which has a very large contract with the Bay Area Transit Authority (BART), has had considerable difficulty in meeting its commitments and has asked for considerable overages.

The other two bidders previously mentioned are General Electric Corporation and Ling-Tempco-Vought. Since LTV is headquartered in my district and employs thousands of my constituents, I have more than a passing interest in making a thorough study of the capabilities and creditability of all bidders concerned. Please also bear in mind that I have a deep responsibility as chairman of the subcommittee handling the bond legislation for WMATA to be sure that any bid ultimately accepted is by a responsible bidder and that the government will not be faced with possible difficulties of nonspecification deliveries or excessive cost over-runs.

Your close scrutiny and evaluation of these bids will be deeply appreciated.

Respectfully,

EARLE CABELL,
Member of Congress.

NBC NEWS COMMENTATOR DAVID BRINKLEY HAS PRAISE FOR PRESIDENT NIXON'S LATEST VIETNAM PEACE OFFER

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, considering all the bitter and emotional criticism that has been voiced on this floor in the past week, and also around the country, with reference to the latest peace offer on Vietnam put forward by President Nixon over television last Monday. I was amazed and pleased last Thursday evening to hear over the radio some rather emphatic words of praise for the President's offer—and from a rather unexpected source at that, the nationally famous NBC network commentator, David Brinkley.

I think all will agree that Mr. Brinkley is not one of Mr. Nixon's more vocal fans nor is he regarded exactly as a "hawk" when it comes to Vietnam terminology. So, Mr. Speaker, when David Brinkley says, as he said on NBC radio on Tuesday night, that if the North Vietnamese "refuse to take this offer, they must be half crazy" one does tend to sit up and take notice.

Perhaps the knee-jerk critics are so used to finding fault with everything we do in Vietnam that they have not bothered even to analyze this latest peace offer. At least that would appear to be the case in the light of Mr. Brinkley's pithy comments.

But let David Brinkley speak for himself; he puts the case much more forcefully and bluntly than I could do. Here is the full text of his NBC nightly news broadcast for Thursday, May 11, 1972;

NBC NIGHTLY NEWS, BRINKLEY, MAY 11, 1972

We hear in Washington that the Russians were carefully told in advance about the plan to mine Haiphong harbor and bomb the railroads.

And told this was part of a package . . the rest of the package being a peace offer with such easy terms Hanoi could hardly turn it down.

Today . . . after some deliberation . . . the Russians publicly responded . . . and while they made all the ritual statements of anger, there was no real heat in them . . and they carefully avoided mention of President Nixon by name . . and any mention of the summit meeting.

That would seem to bear out the report they were briefed in advance about the two-part package—mining Haiphong and offering peace on the easiest terms.

And they are easy . . . about as easy as they could possibly be—with a cease-fire and return of the prisoners, the Americans will leave within four months, period. It is hard to see how they could ask for more . . . or, indeed, what more there is to ask.

But Hanoi rejected it with a lot of bombast that made no sense. They talked of refusing an ultimatum when there was no ultimatum.

About all they could ask beyond this would be to have South Viet Nam handed to them on a Ming platter with a sprig of parsley and an egg roll and a nice cup of tea.

If they actually expect any American President to deliver South Viet Nam to them . . . rather than leaving so they can try to take it . . . it is hard to take them seriously. No President could possibly do that.

Even those in this country who have thought for years the war was a colossal blunder would find it hard to think up a peace offer easier than this one.

Even if it's thought the U.S. has been wrong in Viet Nam . . it does not necessarily follow that Hanoi is right.

And if they refuse to take this offer, they must be half crazy.

LEAVE OF ABSENCE

The following Members (at the request of Mr. GERALD R. FORD):

Mr. MCEWEN, for today and the balance of the week, on account of medical reasons.

Mr. FISH, for the week of May 15, on account of official business.

Mr. ESHLEMAN, for today, on account of continued recuperation.

Mr. BOW, for today through May 22, on account of official business.

Mr. MCKEVITT, for today and tomorrow, on account of official business.

The following Members (at the request of Mr. BOGGS):

Mr. MCKAY, for today and the balance of the week, on account of illness (back injury).

Mr. LINK, for today, on account of official business.

Mr. DENHOLM, for the week of May 15, on account of official business.

Mr. HAGAN, for today and May 16 and 17, on account of official business.

Mr. HELSTOSKI (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. DANIELS of New Jersey, for May 16 through June 6, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 10 minutes, today, to revise and extend his remarks and include extraneous material.

Mr. GONZALEZ, his special order, today, vacated and transferred to Monday, May 22, for 1 hour.

(The following Members (at the request of Mr. MILLS of Maryland) and to revise and extend their remarks and include extraneous matter:)

Mr. QUIE, for 15 minutes, today.
Mr. RHODES, for 5 minutes, today.
Mr. TALCOTT, for 10 minutes, today.
Mr. SCHWENGEL, for 10 minutes, today.
Mr. WYMAN, for 5 minutes, today.

(The following Members (at the request of Mr. SEIBERLING) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. PATMAN, for 5 minutes, today.
Mr. BEGICH, for 15 minutes, today.
Mr. MINISH, for 5 minutes, today.
Mr. KASTENMEIER, for 5 minutes, today.
Mr. DIGGS, for 10 minutes, today.
Mr. BOLAND, for 10 minutes, today.
Mr. ASPIN, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted **to:**

(The following Members (at the request of Mr. MILLS of Maryland) and to include extraneous matter):

Mr. RHODES in five instances.
Mr. ZWACH.
Mr. WYMAN in two instances.
Mr. MINSHALL.
Mr. MCCLOSKEY.
Mr. SMITH of California.
Mr. THONE in two instances.
Mr. SMITH of New York in two instances.
Mr. COLLIER in three instances.
Mr. THOMSON of Wisconsin.
Mr. GOODLING.
Mr. WYDLER in two instances.
Mr. HOSMER in two instances.
Mr. EDWARDS of Alabama.
Mr. SCHWENGEL.
Mr. MCKINNEY.
Mr. BRAY in three instances.
Mr. CRANE in five instances.

(The following Members (at the request of Mr. SEIBERLING) and to include extraneous matter):

Mr. STOKES in three instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. ROONEY of Pennsylvania in two instances.
Mr. ROGERS in five instances.
Mr. HUNGATE in three instances.
Mr. DINGELL in two instances.
Mr. RODINO in three instances.
Mr. ROONEY of New York in two instances.
Mr. BURKE of Massachusetts.
Mr. LEGGETT in three instances.
Mr. ANNUNZIO.
Mr. ASPIN in 10 instances.
Mr. HATHAWAY.
Mr. BADILLO in five instances.
Mr. ANDERSON of California in two instances.
Mr. CASEY of Texas.
Mr. MOORHEAD in five instances.
Mr. FRASER in five instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 953. An act to authorize long-term leasing of Indian land on the Walker River Reservation, to the Committee on Interior and Insular Affairs.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on May 12, 1972, present to the President, for his approval, a bill of the House of the following title:

H.R. 13334. To establish certain positions in the Department of the Treasury, to fix the compensation for those positions, and for other purposes.

ADJOURNMENT

Mr. SEIBERLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 16, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1974. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of the estimated value of support furnished from military functions appropriations in various countries for the third quarter of fiscal year 1972, pursuant to section 738(b) of Public Law 92–204; to the Committee on Appropriations.

1975. A letter from the Administrator, Small Business Administration, transmitting the Annual Report of the Small Business Administration for calendar year 1971; to the Committee on Banking and Currency.

1976. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for July 1971, through February 1972, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1977. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

1978. A letter from the Assistant Secretary of the Interior, transmitting notice of receipt of an application for a loan from the Calaveras County Water District, San Andreas, Calif., pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

1979. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed grant with the Colorado School of Mines, Golden, Colo., for a research project entitled "The Role of Minerals and Energy in the Colorado Economy," pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

1980. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of concession facilities and services for the public within the National Capital Parks, and such other areas of the National Park System as the Secretary of the Interior may designate for a period of 20 years ending December 31, 1991, pursuant to 67 Stat. 271; to the Committee on Interior and Insular Affairs.

1981. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Merchant Marine Act of 1970; to the Committee on Merchant Marine and Fisheries.

1982. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of 70 years of age and completion of 5 years of service, and for other purposes; to the committee on Post Office and Civil Service.

1983. A letter from the Acting Administrator of General Services, transmitting prospectuses proposing acquisition of space to be constructed under a lease arrangement for a Federal Office Building at Parkersburg and a Records Depository in the vicinity of Parkersburg, W. Va., for the Bureau of Public Debt, Department of the Treasury, pursuant to section 404 of Public Law 92–49; to the Committee on Public Works.

1984. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on contracts negotiated by NASA during the period July through December 31, 1971, under the authority of 10 U.S.C. 2304(a) (11) and (16), pursuant to section 2304(e); to the Committee on Science and Astronautics.

1985. A letter from the Secretary of Health, Education, and Welfare, transmitting a report covering the third quarter of fiscal year 1972 on grants approved by his office which are financed wholly with Federal funds and subject to the reporting requirements of section 1120(b) of the Social Security Act; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

1986. A letter from the Comptroller General of the United States, transmitting a report on the need for legislation to authorize more economical ways of providing durable medical equipment under the medicare program, administered by the Department of Health, Education, and Welfare; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ABBITT: Committee of conference. Conference report on H.R. 13361 (Rept. No. 92–1964). Ordered to be printed.

Mr. ROONEY of New York: Committee on Appropriations. H.R. 14989. A bill making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes. (Rept. No. 92–1065). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARING (for himself and Mr. Lloyd):

H.R. 14962. A bill to declare certain Federal lands held in trust for the Confederated Tribes of the Goshute Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. BIAGGI:

H.R. 14963. A bill to amend the Economic Stabilization Act of 1970 to authorize the hiring of senior citizens as price control wardens to enforce price and wage control regulations; to the Committee on Banking and Currency.

H.R. 14964. A bill to amend the Internal Revenue Code of 1954 to allow a deduction in computing gross income for theft losses sustained by individuals, for certain amounts paid to protect against theft, for medical expenses caused by criminal conduct, and for funeral expenses of victims of crime; to the Committee on Ways and Means.

By Mr. BOLAND:

H.R. 14965. A bill to provide reimbursement to States and political subdivisions for police and National Guard overtime compensation incurred with respect to national policy; to the Committee on the Judiciary.

By Mr. BYRON:

H.R. 14966. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mrs. HICKS of Massachusetts:

H.R. 14967: A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. HOGAN:

H.R. 14968. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. KARTH:

H.R. 14969. A bill to provide for the comprehensive development of correctional manpower training and employment, and for other purposes; to the Committee on Education and Labor.

H.R. 14970. A bill to promote the foreign policy and security of the United States by providing authority to negotiate a commercial agreement with Rumania, and for other purposes; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 14971. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

H.R. 14972. A bill to amend the Economic Opportunity Act of 1964 to provide that elections for membership on boards of community action agencies do not take place on a Sabbath Day; to the Committee on Education and Labor.

By Mr. PATMAN:

H.R. 14973. A bill to authorize construction of the Little Cypress Lake and Reservoir, Tex.; to the Committee on Public Works.

By Mr. POFF:

H.R. 14974. A bill to amend certain provisions of law relating to the compensation of the Federal representatives on the Southern and Western Interstate Nuclear Boards; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas (for himself, Mr. Badillo, Mr. Bergland, Mr. Bingham, Mr. Brasco, Mr. Brinkley, Mr. Broomfield, Mr. Burton, Mr. Derwinski, Mr. Dingell, Mr. Drinan, Mr. Eilberg, Mr. Fraser, Mr. Halpern, Mr. Harrington, and Mrs. Heckler of Massachusetts):

H.R. 14975. A bill to direct the Secretary of Labor to provide for volunteer employment programs for older persons and to develop a resource directory on the availability of the skills, talents, and experience of those persons; to the Committee on Education and Labor.

By Mr. PRYOR of Arkansas (for himself, Mrs. Hicks of Massachusetts, Mr. Kyros, Mr. Link, Mr. Macdonald of Massachusetts, Mr. Madden, Mr. Melcher, Mr. Mitchell, Mr. Moorhead, Mr. Peyser, Mr. Pike, Mr. Podell, Mr. Rangel, Mr. Roy, Mr. Ryan, and Mr. Sarbanes):

H.R. 14976. A bill to direct the Secretary of Labor to provide for volunteer employment programs for older persons and to develop a resource directory on the availability of the skills, talents, and experience of those persons; to the Committee on Education and Labor.

By Mr. PRYOR of Arkansas (for himself, Mr. Scott, Mr. Shoup, Mr. Steele, Mr. Stokes, Mr. Symington, Mr. Tiernan, Mr. Veysey, Mr. Ware, Mr. Wolff, and Mr. Charles H. Wilson):

H.R. 14977. A bill to direct the Secretary of Labor to provide for volunteer employment programs for older persons and to develop a resource directory on the availability of the skills, talents, and experience of those persons; to the Committee on Education and Labor.

By Mr. QUIE:

H.R. 14978. A bill to amend the Public Health Service Act so as to provide prevention and control of venereal disease; to the Committee on Interstate and Foreign Commerce.

H.R. 14979. A bill relating to the expenditure of funds for the restoration or extension of the west-central front of the U.S. Capitol; to the Committee on Public Works.

H.R. 14980. A bill relating to the expenditure of funds for repair or construction work on or about the U.S. Capitol; to the Committee on Public Works.

H.R. 14981. A bill to abolish the Commission for Extension of the U.S. Capitol, to repeal the authority for the extension of the west-central front of the U.S. Capitol, and for other purposes; to the Committee on Public Works.

By Mr. RODINO:

H.R. 14982. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. SAYLOR:

H.R. 14983. A bill to amend the Internal Revenue Code of 1954 to encourage the use of recycled oil; to the Committee on Ways and Means.

By Mr. SCHEUER (for himself and Mr. Rangel):

H.R. 14984. A bill to limit the term of office of the Director of the Federal Bureau of Investigation and to provide for Presidential appointment and Senate confirmation of the Director; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 14985. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES (for himself, Mr. Griffin, Mr. Bevill, Mr. Brinkley, Mr. Landrum, Mr. Fuqua, Mr. Montgomery, Mr. Pepper, Mr. Bennett, Mr. Jones of North Carolina, Mr. Davis of Georgia, Mr. Nichols, and Mr. Preyer of North Carolina):

H.R. 14986. A bill to amend the Soil Conservation and Domestic Allotment Act as amended, to provide for a South Atlantic Basin environmental conservation program; to the Committee on Agriculture.

By Mr. SISK:

H.R. 14987. A bill to create a National Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products produced or sold under contract, and for other purposes; to the Committee on Agriculture.

By Mr. ROONEY of New York:

H.R. 14989. A bill making appropriations for the Department of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. CASEY of Texas:

H.J. Res. 1198. Joint resolution to authorize the President to designate the period beginning April 15, 1973, as National Plumbing Industry Week; to the Committee on the Judiciary.

By Mr. DINGELL:

H.J. Res. 1199. Joint resolution providing for the designation of the fourth week of April of each year as Police Officers Wives Association Week; to the Committee on the Judiciary.

By Mr. HOWARD (for himself, Mr. Badillo, Mr. Burke of Massachusetts, Mr. Danielson, Mr. Edwards of California, Mr. Eilberg, Mr. William D. Ford, Mr. Frenzel, Mrs. Heckler of Massachusetts, Mr. Mazzoli, Mr. Podell, Mr. Seiberling, and Mr. Symington):

H. J. Res. 1200. Joint resolution providing for the termination of hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. QUIE:

H. Con. Res. 612. Concurrent resolution to set a date for withdrawal from Vietnam; to the Committee on Foreign Affairs.

By Mr. TALCOTT:

H. Con. Res. 613. Concurrent resolution expressing the sense of the Congress with respect to the withdrawal of all American forces from Vietnam; to the Committee on Foreign Affairs.

By Mr. DOW:

H. Res. 980. Resolution urging and requesting the President to give high priority to a discussion of the plight of Jews in the Soviet Union at his upcoming meeting with Soviet leaders; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Mrs. Abzug, Mr. Badillo, Mr. Begich, Mr. Burton, Mr. Curlin, Mr. Drinan, Mr. Helstoski, Mr. Link, Mr. Mazzoli, Mr. Metcalfe, Mr. Mikva, Mr. Rees, Mr. Rangel, Mr. Riegel, and Mr. Udall):

H. Res. 981. Resolution expressing the sense of the House of Representatives regarding the per page cost fixed by the Clerk of the House for the copying of Federal campaign fund reports and statements filed with the Clerk under title III of the Federal Election Campaign Act of 1971; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

390. By the SPEAKER. Memorial of the Senate of the Commonwealth of Massachusetts, relative to the war in Vietnam; to the Committee on Foreign Affairs.

391. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to the Surface Transportation Act of 1971; to the Committee on Interstate and Foreign Commerce.

392. Also, memorial of the Legislature of the State of Iowa, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROYBAL introduced a bill (H.R. 14988) to authorize grants to the Deganawidah-Quetzalcoatl University; to the Committee on Education and Labor.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

228. By the SPEAKER: Petition of staff members of various Members of Congress and its committees, relative to the war in Vietnam; to the Committee on Foreign Affairs.

229. Also, petition of Robert H. Simmons, Washington, D.C., relative to establishment of a National Historical Museum Park, as proposed in H.R. 10311; to the Committee on House Administration.

230. Also, petition of Helen M. Grover, Baltimore, Md., relative to the condition of the Provident Hospital Mental Health Clinic in Baltimore; to the Committee on Interstate and Foreign Commerce.

231. Also, petition of Sergio P. Arizala, Cataingan, Masbate, Republic of the Philippines, relative to a claim of Candido P. Mendoza; to the Committee on the Judiciary.

232. Also, petition of B. W. "Swede" Davidson, San Luis Obispo, Calif., relative to redress of grievances; to the Committee on the Judiciary.

233. Also, petition of Albert J. Sullivan, Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

234. Also, petition of Richard Warren Bowman, Gratenford, Pa., relative to redress of grievances; to the Committee on the Judiciary.

235. Also, petition of James M. Williams, Minneapolis, Minn., et al., relative to impeachment proceedings; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

VOLUNTARY SUPPORT IS KEY TO ECONOMIC STABILIZATION PROGRAM

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. SMITH of New York. Mr. Speaker, as phase II of the President's economic plan for our country continues to be in effect, it is with great hopes that I harbor the goals of the Cost of Living Council in developing a sound economic stabilization program.

In a recent speech by Joseph E. Mullaney, General Counsel of the Cost of Living Council, before the Printing Industries of America, Mr. Mullaney cited the compliance and enforcement aspects as being the root of success of the economic program along with the support of the American people.

Mr. Speaker, for the benefit of my colleagues, I insert at this point the text of a news release on the speech made by Mr. Mullaney urging support for the Council's efforts by all parties involved:

SPEECH BY JOSEPH E. MULLANEY

WASHINGTON, D.C., April 19.—"The stabilization agencies are fully prepared and will vigorously enforce the Economic Stabilization Act and the regulations that have been issued to date," Joseph E. Mullaney, General Counsel of the Cost of Living Council said yesterday in a combined luncheon address to the Government Affairs Committee and the Wage Price Steering Committee of the Printing Industries of America at the Marriott Key Bridge Hotel in Washington, D.C.

The Printing Industries of America is the largest trade association in the graphic arts field with more than 8,000 member companies.

Mr. Mullaney gave his assessment of the effectiveness of the Administration's economic control program since its inception last August 15. He traced the purpose and results of the freeze and reported on the planning and options for Phase II, the present goals and existing structure, progress to date in compliance and enforcement, and possible future changes in the system.

Since the "future" comes fast in today's happenings, Mr. Mullaney underscored a current Council objective of real significance to printers, namely, the effort of the Council to achieve greater efficiency by relying more upon the voluntary and conscientious actions of those in the small business field to police themselves by competition and, at the same time, strive to adhere to the policies and regulations of the Pay Board and Price Commission. Mr. Mullaney assured his audience that any future decisions, now under consideration, to exempt small businesses from the formalities of the controls system will be realistic, equitable, and helpful both to the objectives of business and Government.

The chief legal officer for the Cost of Living Council focused his remarks primarily on the compliance and enforcement aspects of the program. "If the program is to succeed, it must have the support of the American people," and, Mullaney added, "there is considerable evidence that the program has that support. We are doing our best to earn it."

"Where violations are found, we now have the machinery in place to aggressively seek out violators and to move promptly and forcefully to see that the violations are corrected."

The Cost of Living Council, a Cabinet-level agency, was created by Executive Order on August 15, 1971, to develop and recommend to the President policies and procedures to maintain economic growth without inflationary increases in prices, rents, wages and salaries. It is charged with the primary responsibility for establishing broad goals for the Nation's Economic Stabilization Program.

General Counsel Mullaney cited a few specific examples of areas now receiving close scrutiny—areas being examined to determine whether violations may exist. These are: (a) Instances of voluntary rollbacks or adjustments where there have been willful violations, where they have had a significant economic impact, and where there is a likelihood that the incident will reoccur; (b) Instances where profit margin limitations have been exceeded over the base period. In this regard, action has already been taken against some firms and, it was made clear, will be taken against all others who do not observe this requirement; (c) Instances of potential violations involving large firms failing to observe the reporting requirements. This requirement is applicable to all firms with $50 million or more in sales and to all pay adjustments involving 1,000 or more employees; and (d) Instances involving the possibility of potential violations by retailers and wholesalers with respect to deviations from accepted customary markup practices.

After making it clear that the Government is getting tougher with willful violators of the stabilization program, with the necessary sanctions readily available for use, Mullaney, a magna cum laude graduate of both Holy Cross College and Harvard Law School concluded his remarks with the following appeal, "For those who have been harboring the thought that the Economic Stabilization Program was a dream that would be gone in the morning, I urge them to reconsider. For those who have been making price and pay decisions without consideration of the program, I urge them to educate themselves and their companies as to the impact of the program on those decisions."

VIRGINIA'S HIGHWAY SAFETY PROGRAM RANKS FIRST IN THE NATION

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, May 15, 1972

Mr. SPONG. Mr. President, it is a pleasure to announce to the Senate that Virginia ranks first in the country in the 1972 evaluation of State highway safety programs by the Department of Transportation.

Virginia scored 1,485 out of a possible 1,600 in the ratings, according to information provided by DOT and the Insurance Institute for Highway Safety. The Commonwealth achieved a perfect score in six of the 16 national highway safety program standards.

These include periodic motor vehicle inspection; motor vehicle registration; motor cycle safety; driver education; driver licensing; codes and laws; traffic courts; alcohol in relation to highway safety; identification and surveillance of accident locations; traffic records; emergency medical services; highway design, construction and maintenance; traffic lighting and control devices; pedestrian safety; police traffic services, and debris hazard control and cleanup.

This is the second consecutive year that Virginia's highway safety program has achieved this distinction, and I wish to commend the division of highway safety in the Governor's office, and the Virginia Department of Highways for their efforts and initiatives.

Mr. President, an April 26 news release of the Department of Transportation explains the program in considerable detail. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

Department of Transportation News

Secretary of Transportation John A. Volpe said today that efforts at the State and community levels—together with Federal support—have slowed the rapid increase of lives lost in traffic accidents. But the Secretary noted that no State has taken all the legislative and administrative actions needed to fully implement highway safety program standards.

He urged the Nation's Governors to step up their State's highway safety activities, particularly in the priority areas of alcohol countermeasures, driver control and Selective Traffic Enforcement Programs (STEP).

"Research indicates that a majority of traffic crashes are attributable to driver behavior and thus driver control must be made more effective and comprehensive," Secretary Volpe said. He stated that advancements in mechanical technology, learning techniques, and data processing provide the opportunity for greatly improved or innovative systems.

"When we talk of driver control programs," the Secretary said, "we do not mean to imply a punitive program. We mean better screening and examination of people entering the system, better education of drivers, improved rehabilitation, and, of course, increased police efforts to get the hazardous driver into the remediation system."

As advanced by the Department's National Highway Traffic Safety Administration, an ideal driver control system would influence driver behavior by upgrading skills, knowledge, and attitudes. Where this is not possible, drivers, or potential drivers, with critical physical and mental impairments would be screened out.

Secretary Volpe said the Department has recently announced a massive, national information-education campaign designed to generate public awareness of the continuing threat of the drunken driver.

"This high priority effort," said the Secretary, "is in response to President Nixon's directive to take all necessary steps to drastically reduce our annual toll of some 55,000 highway fatalities each year, half of which are related to excessive drinking."

The campaign will serve as a backup for the Alcohol Safety Action Programs (ASAPs) now being Federally-funded in 35 States to find ways to control drunk drivers and remove them from the highway. ASAP contracts with the NHTSA represent a total investment of $82 million over a period of three-and-a-half years.

The STEP program is designed to evaluate the strategy and impact of traffic enforcement countermeasures applied at high accident frequency locations. Last year, the Department awarded contracts totaling $1.5 million to three cities to develop traffic enforcement techniques to reduce fatalities, personal injuries and property damage in which traffic violations are contributing factors.

STEP contracts have been signed with Chattanooga, Tennessee; El Paso, Texas; and Sacramento, California. The result of countermeasures used in these cities will be applied to future STEP projects in other cities around the country.

The Secretary said he recently sent letters to the Nations Governors advising them he has reviewed an evaluation of each State's highway safety program.

Under the Highway Safety Act of 1966, the States are responsible for carrying out highway safety programs to implement uniform National Standards issued by the Secretary of Transportation and administered by the NHTSA and the Federal Highway Administration (FHWA).

Along with the letters, the Secretary enclosed a chart which shows a listing of the States grouped alphabetically within the three categories of Above Average, Average and Below Average. The categories reflect how the States are implementing the national Standards.

The 16 National Highway Safety Program Standards include Periodic Motor Vehicle Inspection; Motor Vehicle Registration; Motorcycle Safety; Driver Education; Driver Licensing; Codes and Laws; Traffic Courts; Alcohol in Relation to Highway Safety; Identification and Surveillance of Accident Locations; Traffic Records; Emergency Medical Services; Highway Design, Construction, and Maintenance; Traffic Lighting and Control Devices; Pedestrian Safety; Police Traffic Services; and Debris Hazard Control and Cleanup.

ABOUT STRIKES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. ZWACH. Mr. Speaker, O. B. Augustson, publisher of the West Central Daily Tribune at Willmar, in our Minnesota Sixth Congressional District is a longtime liberal, a real liberal, I might add.

He was raised in a mining town in the days when the labor union movement was in its infancy, when it was badly needed in that industry. He has been in the forefront of the liberal thinkers of Minnesota and has been a strong supporter of the labor union movement.

With that background, I think a recent editorial "About Strikes" by Mr. Augustson should be of special interest to my colleagues and the many others who read the Congressional Record. Therefore, with your permission, I insert that fine editorial in the Record:

About Strikes

George Meany, head of the giant AFL-CIO labor organization made some headlines when he appeared recently before a U.S. Senate labor committee. He was commenting about the matter of strikes.

We have read thru his views as expressed at that hearing. And one can surely agree with much of what he said and even express surprise at some of his views as somewhat unexpected. Perhaps Meany at his age has lived a long time, times have changed, labor and capital relations have changed, causes for strikes perhaps also have changed.

We would like to comment on some of the points he has made and the writer himself has lived a long time and observed much.

Meany said that he does not believe in strikes and doesn't believe they mean what they did years ago. One would agree. The writer was brot up when strikes were imperative. During the days called days of dark capitalism when strikes had to be done for workers to survive. Those were strikes for plain bread. In contrast with today—strikes are for more cake.

Meany said that there should be other alternatives to walkouts and surely better ways should be sought. We agree. Strikes are brute force, they belong to the old past and could be called antiquated and uncivilized in our time of a far better society. By no stretch of imagination can it be said that the causes for strikes today can be compared to the poverty out of which strikes were born in the yesterdays. We know something of this from a mining town.

But the labor chief sort of qualifies his strike stand. He would allow strikes tieing up 40% of an industry. Well in this new age of unprecendented dependency the havoc raised would still be there and you could just as well tie up the whole business for the damage and inconvenience imposed. Rather a lame back door proposal. Not full sock in the jaw, but half—but this might be enuf for a knockout.

Meany gives another reason for his belief of strikes as a weapon in capital and labor disputes. He says that the strike benefits and strike funds are not enuf to sustain the strikers under our present high standard of living. This is reverse comment. Surmise that if those funds were adequate, strike would be okeh. So he watered down his original principle and compromises it.

The labor chief has given some nod to binding arbitration—also called compulsory arbitration. Now he is getting somewhere. The elimination of the strike completely and the decision made by a mediation board of neutral judges and that decision would be final and binding on both parties in the argument.

But Meany concludes by stating that he would continue his fight for the right to strike. Question. That workers have the right to tie up an organization owned by other people just as if they owned it themselves, deprive the public of services furnished by that organization and create distress thruout a nation or a community. That is asking a whale of a lot of power. To quit work is a right of course. That can be done by anyone. But then the stricken company should have free will to hire other people to do work required and without any molestation—no threats, no violence. In our days of law and order and one would hope a lot of plain horse sense, one would contend that disputes should be settled, not with clubs any kind but like in all civil cases let them be brought into court and settle the arguments in a civilized manner—and like grownups, not a bunch of kids. Especially when in our day when the grievances hardly justify the use of force and sometimes even violence.

This has been a lengthy treatie but the subject is a major one. We have many giants in the field of capital and labor and they have to learn to live and share together and thru the most peaceful means.

A VOTE FOR POSTERITY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. DINGELL. Mr. Speaker, the recent election in West Virginia made it clear that when the issues are clearly before the people, the environment remains as an important, if not overriding, fact of political life. This point was clearly made by the Christian Science Monitor in an editorial in its May 13, 1972, issue under the heading "A Vote for Posterity" and I insert the text of the editorial at this point in the Congressional Record:

A Vote for Posterity

Out of the rugged hills of West Virginia has come a political portent that should serve as warning to those last-ditch resisters who still think of environmental control as a will-o'-the-wisp pursuit of little ladies in tennis shoes. This new sign of the environmental times is the smashing victory in the Tuesday primary elections of candidates who staked their political lives on abolishing strip-mining, which has scarred thousands of square miles of West Virginia's weeded mountains.

Considering the economic importance of coal in that state—which produces 85 percent of U.S. coal output—and the fact that the antistripping forces had no real statewide organization, the odds would have seemed heavily against the industry's opponents. Not so.

Secretary of State John D. Rockefeller IV, the Democratic maverick of one of America's wealthiest and most solidly Republican families, swept up the nomination for governor with a 71 percent vote. Mr. Rockefeller has pledged to "abolish strip mining completely and forever" in West Virginia. In its place he would encourage deep-mining of coal, which not only causes less environmental damage, but supplies more jobs.

Other antistrip candidates' showings were as impressive or even more so than Mr. Rockefeller's. One such is Rep. Ken Hechler, who has led the fight against strip-mining on a national level in Congress. Considered an underdog in the West Virginia primarily, Mr. Hechler swept up the nomination over the opposition of the United Mine Workers Union. He seeks a return to Washington to finish his work as author of a bill that would abolish surface mining nationally.

Conversely, state Sen. Tracy Hylton, a powerful strip mine operator, suffered an upset defeat at the hands of youthful Warren McGram, member of the state House of Delegates, and an opponent of strip-mining.

It is sad to think that a once-beautiful state had to be mutilated to the degree that West Virginia has been, in the greedy rush for quick profits by shortsighted men, before the public would rise in concert to stop it. But the lesson should be a valuable one for all of the United States. Environmental protection has been proven a potent political issue. The democratic process has been once again vindicated as a powerful, if often slow, means of popular redress.

We applaud the courage of those candidates who stood up against the economic odds. And that of the citizens who cast their ballots on the right side.

PRESIDENT EXTENDS A SIGNIFICANT TAX BENEFIT TO FARMERS

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. THOMSON of Wisconsin. Mr. Speaker, I was pleased to note that President Nixon recently extended a significant tax benefit to farmers across our Nation. I refer to the President's action April 11 in providing the investment tax credit for many types of foreign-produced farm equipment ordered by farmers while the import surcharge was in effect last year.

As we know, foreign-produced items ordered during the import surcharge period last August 16 through December 19 did not qualify for the tax credit unless the President waived this limitation. Mr. Nixon has decided that it is in the interest of our country's farmers—and in the general public interest—to grant the credit on duty-free farm equipment.

Because of the President's action, America's farmers will now be given the tax credit on many foreign-produced items which they normally buy and which they usually order at the time of year when the import surcharge was in effect. The list of affected items is lengthy, but included such vitally needed equipment as tractors, planting and seeding equipment, harvesting machinery, and various types of sprayers. The investment credit will reduce the original cost of these and other important items and will help our farms to remain modern and competitive with those of other nations.

All farmers who are eligible should obtain a 1040X form from their local internal revenue office. This form is used to amend a 1971 tax return.

I congratulate President Nixon on his decision. Not only is it in keeping with our commitment to the principle of free trade among nations, but it will also provide substantial benefits to our many millions of farm families.

WHY AMERICA GROWS WEAKER

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. WYMAN. Mr. Speaker, the extent of acceptance of the manifestly unsound contention that peace can come through retreat in the face of attack continues to amaze many Americans. Most thoughtful people want peace. The question is how best to attain it?

In this world it is by staying strong, not by running out on your obligations, our friends, or the need to maintain a sufficiently capable military and naval presence to discourage aggression.

This month's Armed Forces Journal in an interesting editorial quite properly expresses concern over our rapidly eroding defense capabilities.

Dissent is Fine—But Here We Go Again

(By Gerald Gidwitz)

(Note.—Gerald Gidwitz is chairman of Helene Curtis Industries and Continental Materials Corporation. He has no defense contracts—although some military exchanges may sell shampoo made by his firm. A Journal subscriber and former stockholder, he is neither dove nor hawk: As he put it once, "The quality of American politics would improve immeasurably if a few more candidates worked as hard persuading the North Vietnamese to let American POWs out of prison as they are working to get themselves in office.")

Whatever happened to that old American indignation? What's *happening* to this country?

The Viet Cong weren't winning on the battlefield in South Vietnam, so the North Vietnamese went all out.[1] As we're pulling our troops and materiel *out*, North Vietnam sent its *in*. On three major fronts, the Communists have hit South Vietnam with everything they've got.

As President Nixon took steps to blunt this massive invasion, the Communists who can't win on the battlefield are trying to win on the home front—*our* home front.

Three years ago, America's so-called "peace groups" and politicians who blamed us, not North Vietnam, for the war in Southeast Asia pressured President Johnson to stop the bombing in North Vietnam in return for a useless promise to negotiate. The Communists, it's clear now, lost their shirts in the Tet offensive that precipitated President Johnson's decision. But they won the biggest battle of the war: not on the battlefield, on the American home front.

The Paris meetings have degenerated into nothing more than a propaganda forum giving the North Vietnamese easy access to our news media while they again follow the policy that preceded Dien Bien Phu—building up power for the kill. When President Nixon's policy of training the South Vietnamese to handle their own defense looked like it might work (as it has in Korea), the Russians—with some help from the Chinese—stepped up their aid program to North Vietnam to a monumental extent.

The NVA fighting in South Vietnam today is being done with tanks, artillery, missiles, and mortars on a scale that some European powers would be hard pressed to duplicate. With equipment made in Russia, not North Vietnam.[2]

But even all that hardware shipped in to Haiphong hasn't let the VC and NVA win on the battlefield. So the Communists have started anew a chorus to win the *decisive* battle—on *our* home front.

They are getting a lot of help: from some of our most popular radio and TV commentators; from some of the nation's best-read newspapers; from some opportunistic politicians running for the Presidency by aiming their rhetoric at the so-called "liberal" vote; and from 144 House Democrats who voted on 20 April to criticize *our* President, not North Vietnam's, for "a dangerous escalation" of the war. The right of dissent is one of America's greatest strengths; but those who exercise it bear an equal responsibility to *inform*, not just *inflame*. There *are* two sides to every issue: it's one thing to be indignant over the bombing in North Vietnam; it's another not to voice equal indignation over the North Vietnamese invasion or North Vietnam's treatment of our POWs.

Ironically, North Vietnam is getting some unwitting help from the Administration itself. A courageous President is catching holy hell from Congress and the press for trying to blunt an *invasion*—because his communication "experts" won't let the Americans see the Pentagon photo's that show our bombing *is* accurate and *is* directed at military targets (not "orphanages, hospitals, or North Vietnamese homes"). Our photos that show there are still one helluva lot of those targets to take out—if the South Vietnamese nation isn't going to fall under the treads of Russian-built tanks or die in cities incinerated by callously-aimed Russian-built rockets and long-range mortars.

Much more hinges on the outcome in Vietnam than Vietnam. Our credibility as an ally in Thailand, Japan, the Philippines, and even Europe is at stake.

In 1954 we encouraged the Hungarians to revolt—and didn't lift a finger to help them. In 1961 we abandonded the Cuban brigade on the beach at the Bay of Pigs. In 1962 we "won" the Cuban missile crisis—just barely—and let the Russians take home nuclear missiles targeted on our cities, so they could be retargeted on our European allies. We said we'd never permit Castro to export Communism to Latin America—but he's doing it. We let the Russians build the Berlin wall. We watched our friends be overthrown in Libya—and got ourselves thrown out. An American general damned near got hung for putting U.S. forces in Germany on full field alert when Russian forces headed west and suffocated Czechoslovakia. We pressured Israel to pull back to less defenseable positions on her own borders, held up the Phantom jets she needed to counter the air force Russia sent to Cairo, and then hedged for weeks over who violated what while Egypt poured arms into the buffer zone. We undermined an old ally, Nationalist China: all we have to show for it so far—two Panda Bears in the National Zoo. Our foreign service specialists debated the wisdom of Presidential orders while India creamed Pakistan.

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[1] On March 31st, so many NVA troops poured through the DMZ that today 80-percent or more of regular Army forces are fighting beyond its own borders. North Vietnam has 13 regular divisions; two "Viet Cong" divisions are manned predominately by NVA troops: twelve of these are now outside of North Vietnam.

[2] By some intelligence estimates, five hundred Soviet-made tanks spearheaded the new offensives in South Vietnam.

We've let our military strength deteriorate vis-a-vis Russia's to the point where we look like a second-rate power with an obsolete, shrinking Navy; a disappearing Merchant Marine; an Air Force which has to retire obsolescent planes (or see them shot down by Soviet-made guns and missiles) faster than we are building them; and an Army that takes almost as many casualties in the Congressional budget arena as it did on the battlefield in Vietnam.

Not only do our enemies get the message, but our allies will too. Around the world, diplomats are troubled by an interpretation of U.S. foreign policy that suggests:

"The Communists help their friends just enough to win; we help ours just enough to lose."

And we even have Senators running for President on that platform.

CONSUMER SUICIDE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. CRANE. Mr. Speaker, in much of the current discussion about consumer "advocates" and consumer "rights," we tend to forget that the best consumer safeguard is not a new law or Government agency but free enterprise itself.

Under our capitalist system, the consumer votes with his dollars for the kinds of products he wishes to purchase. The jury of American business is not a court of law or a legislative chamber but the millions of free citizens who judge its products and services as they choose between them.

Unfortunately, many businessmen have failed to respond to those who urge increasing governmental intervention into the economy. Writing in the May 1972 issue of the New Guard, Robert Bearce points out that—

> There is no reason for industry to apologize for profit. No reason to grovel before humanitarian zealots because it has not created utopia by 1972 nor rid man of his basic human nature. The guilt complex of the entrepreneur today is the seed of surrender by default. To the extent that industry and business allow socialistic slander and falsehood to go without hard-hitting rebuttal, to that extent it will be easier to clamp bureaucratic stagnation upon the free market.

In this sense, the real threat to the rights of the consumer is not the businessman but the so-called consumer "advocate" who would stifle economic freedom in order to "protect" those whose freedom is eliminated.

I wish to share Mr. Bearce's article, "Consumer Suicide: A Consumer's Best Friend Is Not Ralph Nader," with my colleagues and insert it in the RECORD at this time:

CONSUMER SUICIDE—A CONSUMER'S BEST FRIEND IS NOT RALPH NADER

(By Robert Bearce)

Writing in 1850, at a time when the French Legislative Assembly was being seduced by socialistic rhetoric and legislative cure-alls, Frederic Bastiat both admonished his contemporaries and prophesied for the future:

"It must be admitted that the tendency of the human race toward liberty is largely thwarted, especially in France. This is greatly due to a fatal desire—learned from the teachings of antiquity—that our writers on public affairs have in common. They desire to set themselves above mankind in order to arrange, organize, and regulate it according to their fancy. While society is struggling toward liberty, these famous men who put themselves at its head are filled with the spirit of the seventeenth and eighteenth centuries. They think only of subjecting mankind to the philanthropic tyranny of their own social inventions." [1]

Just as immutable truths are eternal, so is there a continuous thrust to falsehood. The myths of socialism preached in Bastiat's day have been refurbished and ballyhooed before us anew. Since socialism is parasitical—succeeding in practice only as long as it can soak up previously accumulated wealth—it finds acceptance from the masses just to the extent that it can infiltrate and manipulate some cause" or problem" currently attracting the populace's attention.

That "cause" today is consumerism. Bastiat would have labeled it "philanthropic tyranny," although we are assured by the modern custodians of society that it has a virtuous obligation to "protect the consumer." Bastiat would have reported that such benevolent intention in behalf of humanity were simply a devious cloak employed by those who "set themselves above mankind in order to arrange, organize, and regulate it according to their fancy."

Consumerism in 1972 promises to be a fertile field for legions of socialistic-minded politicians, "intellectuals," professors, journalists, et al. The statist-collectivist mob has muscled its way into the free market, curling its paternalistic arms around the supposedly defenseless consumer. Naturally, if the consumer requires protection, there must be some culprit . . . some oppressor. Free enterprise—more specifically industry and business—is that monstrous exploiter. Phosphates, DDT, and mercury—all are sinister poisons brewed up by the twentieth century's version of the Robber Barons for the subjugation of the "common man."

The exploitation theory has antecedents before Marx. Our present pollution-consumerism hysteria is typical demagoguery used by human manipulators throughout history. When capitalism and the free market were liberating man from material deprivation during the early and mid-1800s, the proponents of the regimented society mounted an energetic offensive against freedom. The magnified and imagined sins of the Industrial Revolution were paraded before the world with pious infallibility. The anticapitalistic saga as related by collectivist journalism made bloodcurdling reading but it was a bit divorced from reality.

CAPITALISM EQUALS PROGRESS

The fruits of free trade, capital accumulation, free market exchange, mass production, and laissez-faire economics as set forward by men like Jefferson, Adam Smith, and Bastiat steadily out-distanced collectivist tirades. It was apparent to all except the doctrinaire authoritarian that capitalism was responsible for technological progress, a higher standard of living for more people, and economic stability . . . all accomplished in an atmosphere of freedom. Socialism and government intervention, by contrast, still deprived people of the necessities of life, starved them, subjugated them to misery and degradation . . . all *at the expense of* freedom.

Thus defeated in their propaganda onslaught against the Industrial Revolution and free enterprise, the champions of socialism had to muster forces for a new offensive. Obviously, the free market fed folks while socialistic masterplanning starved others. The obvious, though, is lost in agile intellectual juggling by the collectivist mentality. That capitalism and freedom were the key to progress was swept hastily under the mat. Capitalism's new crime against mankind was that it duped the helpless consumer with innumerable choices, massive deceit, and personal freedom which the consumer could not intelligently handle in behalf of his own welfare.

The latter part of our twentieth century has witnessed an anti-industry, "pro" consumer binge that delights in sleuthing out the human imperfections and fallibilites reflected in the free market . . . exaggerating these . . . and offering them as absolute justification for state control. Automobiles, toys, and packaged foods are not viewed as the blessings of capitalistic affluence but rather as threats to life and limb.

This is the mind intoxicate with its own supposed infallibility. In its hands, consumer protection becomes just one more demagogic and legislative weapon for restructuring society consistent with its visions of man-introduced millenium. Many sincere, honest people in the United States have justified complaints against certain products, business practices, and false claims by industry. Such individuals—and they are housewives, vice-presidents of corporations, "ghetto" residents, and bank executives—are the bonafide consumers, not the personally-anointed, third party interventionists who have twisted consumerism into an anti-free enterprise bludgeon.

CONSUMER HAS POWER

The consumer has the right and the responsibility to make himself felt, both through vocal indignation and pocketbook abstention. When he does, he can exert tremendous power—power more effective than all of the commissions, laws, and legislative programs coerced through Congress by the socialistic bandwagon. If the consumer is allowed to remain free, to be accountable and responsible, he will ultimately choose between what *he* thinks is a wise purchase or an unwise buy. Through personal trial and error, the worthless product or cheap purchase is cast aside. A new product or shop is patronized. Either the company will provide an improved product or it suffers bankruptcy.

Government, too, has its justified presence in the consumerism debate. Fraud, malice, violence—all are means by which the free market is corrupted by men who view freedom as a one-way affair or as the means to the "get-rich-quick" throne. Government has the duty to prosecute the abuser of freedom. The consumer activist, though, makes government the ultimate object of his affection since through its "legalized" use of force, all manner of legislative remedies are concocted in behalf of the consumer.

A contaminated can of tuna is discovered. This insidious mishap is followed by journalistic tirades decrying the malpractices of capitalism (not just the particular company involved but the free market itself!) Politicians and anxious consumer pow-wows take up the chant. When the tear gas of emotionalism and sloganeer drifts away, a new law is on the books while the citizenry is more suspicious than ever that business is either plotting against the consumer or degenerating into unpardonable inefficiency. Multitudes are willing to abandon individual accountability, responsibility, and free choice for the worship of a host of new mini-gods—the FDA, FTC, Office of Consumer Affairs, etc., etc.

This crusading spirit in behalf of "consumer protection" is infectious, prompting numerous citizens groups to raise the "protection" standard. The New York Times News Service reports that an energetic group known as Action for Children's Television recently petitioned the Federal Trade Commission to eliminate all toy advertising from children's t.v. programs.[2] ACT has also waved the banner against vitamin, drug, and food advertisements directed at the kiddies.

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[1] *The Law* by Frederic Bastiat, page 51–52. Translated by Dean Russell and published by the Foundation for Economic Education, Irvington-on-Hudson, New York. (1968)

One wonders just who will inherit the financial burden of children's t.v. programming if advertising is banned. The present sponsors . . . the toy manufacturers? Hardly. Ah, but perhaps someone will propose the only *real* solution—government sponsorship and subsidy. At the taxpayer's expense, of course! The lobbyists from ACT complain that toy advertising fools the children viewers; that is, the young cannot see through the sophisticated commercials. Since the children don't usually have the money to buy the toys advertised, the tots are manipulated into coercing their weak-kneed parents into purchasing the product.

STRANGE VISIONS

A nasty state of affairs. Duped children strongarming their folks down to the local toy shop. ACT's conception of the typical child-parental relationship appears to be that of spineless adults being whipped into submission by victimized youngsters.

Well-intentioned as the protectionist spirit may be, it both denies human dignity and plays into the hands of the statist. The individual is stripped of his human endowments; he is "protected' into the stagnated existence of a delicate plant that must be constantly nourished, watered, and pruned for its own good. The individual is warned that he might save his life in an automobile accident if he will use a seat belt. Such an admonition fails to bring about the required response, so government legislates the wisdom of seat belts. At the consumer's expense. Six out of ten consumers will remain unenlightened, so wizards of protection design a unique "Auto-Safe" interlock safety belt that prevents the ignition of an automobile motor until the device is first properly buckled around the driver.

Ingenious perhaps, but at what price must the individual be protected from the consequences of his inherent right to exercise individual freedom and choose for himself?

Two disheartening responses are reflected by the current consumerism craze. Most obvious is the eagerness of the consumer to surrender his sovereign role in the market place and freely subjugate himself to the cancerous inroads of paternalism. The consumer activist looks benevolently down upon the American housewife, automobile buyer, and shopper as some sort of village half-wit, the victim of "free enterprise exploitation." Regrettable, many Americans are falling for this hokum. We have side-stepped the broader implication of Ben Franklin's admonition: "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."

The second discouraging response to "consumerism" is private enterprise's muted lethargy when it is confronted by the consumer activist. Some businessmen are undoubtedly confused and unprepared to defend themselves against the subtle techniques of the proponent of regimentation. Other men in industry, though, have actually succumbed to a bad case of bootlicking as they kneel before the champions of state intervention. Deep groans of repentance are heard as atonement is sought through vows that business and industry will knuckle under to fulfill their roles of "social consciousness and responsibility."

MARKET ESSENTIAL FOR ALL

Business does not have to appear before the supreme court of socialistic judiciary. Free enterprise is already on trial . . . every day of its life. Its jury in the United States is the millions of free, competent citizens who judge its products and services. Many companies can't cut the mustard. They don't pass judgment in the eyes and pocketbooks of the consumer. Their fate is extinction—at the hands of the free consumer making his choice for himself and not by the benevolent hand of the regimental bureaucrat.

There is no reason for industry to apologize for profit. No reason to grovel before humanitarian zealots because it has not created utopia by 1972 nor rid man of his basic human nature. The guilt complex of the entrepreneur today is the seed of surrender by default. To the extent that industry and business allow socialistic slander and falsehood to go without hard-hitting rebuttal, to that extent it will be easier to clamp bureaucratic stagnation upon the free market.

Final note should be made here that those breeds of pro-freedom elements known as capitalists, conservatives, and libertarians are often accused by the supposedly "enlightened" of gazing with fond eyes back upon the "horse and buggy" days. The conservative, so we are to assume, is enamored with the simplicity and blessings once enjoyed by his rugged, individualistic forefathers. Yet, it will be noted from Bastiat's sage observation that the enemy of freedom was spreading his nonsense in the 17th and 18th centuries. Those "famous men" he mentioned, who thought "only of subjecting mankind to the philanthropic tyranny of their own social inventions," were not only men with the spirit of the 17th and 18th century, they are the same men with the "progressive" spirit today. Men who wish to regulate and manipulate.

SOCIALIST REACTIONARIES

Thus we see the social reformer today hungering for bygone days when life was simple. No polluted rivers. Clean, untainted air. No burdensome choices at the supermarket . . . just cornbread and squash. No deceit on the part of shoe manufacturers. Everyone trods barefoot. These are exaggerations, of course, but they do point to a visionary mentality. Polluted rivers become an unpardonable sin against mankind because romantic eyes dream of days when Indians paddled their canoes and fished for perch in crystal clear rivers.

Too many individuals, though, who are obsessed with "protecting the consumer" fail to place life in the twentieth century in perspective. Those nasty factories now hugging the river banks represent more than ooze draining into the perch's habitat and smoke belching into the atmosphere; they represent a standard of living that allows a man and his family to live in security, dignity and a measure of affluence.

Americans—yes, even conservatives, would like to see all lakes and streams in a pure, clean state, but is that deprivation too high a price for the life we enjoy contrasted to the human degradation of past ages or the drab, oppressive life of socialist states? The authoritarian regimes of the world also have their polluted streams, their tainted tuna, their product defects—that is, those socialized countries where enough industry exists to make consumer products a problem.

Again, the threat of consumerism is not the legitimate complaints voiced by the consumer, nor the necessary governmental prosecution to protect free men working and choosing freely in a free society. The vice lies within its manipulation by the collectivist-minded . . . business's failure to counter-attack . . . and the individual consumer's willingness to surrender individual freedom for paternal regimentation.

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[2] The New York Times News Service, published by *The Houston Chronicle*, Vol. 71 #64, Thursday, December 16, 1971.

IRISH REPUBLIC OFFICIAL OFFERS HOPE FOR UNITY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. McKINNEY. Mr. Speaker, recently, the Minister Consul General of Ireland in New York, Mr. Kevin Rush, addressed the Greenwich, Conn. Division of the Ancient Order of Hibernians and he had some hopeful words about what, to date, has been the discouraging situation in Northern Ireland.

The Greenwich Time covered Mr. Rush's address and I would like to share that account with my colleagues at this time:

IRISH REPUBLIC OFFICIAL OFFERS HOPE FOR UNITY

"This is an important time for Ireland, a difficult time for Ireland, an historic time for Ireland," according to Kevin Rush, Minister Consul General of Ireland in New York.

Mr. Rush was the featured speaker yesterday at the annual Communion Breakfast of the Greenwich Society, Ancient Order of Hibernians, held at the Penthouse Restaurant. The year 1972, he said, will mark the beginning of a unified Ireland which will be a part of a united Europe.

The road will be a hard one, he said. As an analogy he traced the history of the United States. Two hundred years ago there was a religious war in this country he said. Protestants in Virginia were fighting Catholics in Maryland.

Although he did not mention future fighting in Ireland, Mr. Rush pointed out the United States had endured its Civil War before the states finally "got together." There still are problems facing the United States, he said.

So far as the present situation in Ireland is concerned, Mr. Rush said Americans get a distorted picture of what is going on.

"Don't believe all you see in the papers," he told the 160 members present. "That is not the whole story. It is mostly headlines, sensations compressed into a few words."

Similarly, he said, the Irish do not get a true picture of life in America from newspapers in their country.

The differences are on the verge of being settled Mr. Rush said in his brief talk. Already forces are at work building a new Ireland "but it will take time," he emphasized. "All great achievements take time."

"The year 1972 marks the beginnings of Ireland's entry into a united Europe," Mr. Rush said.

"Have faith in the people of Ireland and their elected leaders," he said. "They have to go forward with confidence, dedication and belief.

John White served as toastmaster at the breakfast where greetings were extended by Michael Conlon, president of the Greenwich Hilbernian Assn., and First Selectman William B. Lewis. Awards were presented to three students, Barbara Brennan and Walter Jura of St. Mary High School, and Margaret Boler of Catholic Middle School.

Co-chairmen of the breakfast were George Pitney and Miss Mary Treanor. Present also was Mrs. Edith Duff, Connecticut president of the Ladies Auxiliary of the Ancient Order of Hibernians.

TWO MATTERS OF CONCERN TO MORE THAN JUST THE JEWISH PEOPLE

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, just yesterday I was pleased to be able to participate in a very moving tribute to the State of Israel. I am referring to the New England salute to Israel parade which was such a great success and attracted so many thousands in downtown Boston yesterday. Gratifying as it was to pay tribute with so many of my good friends, especially the chairman of the parade, the Honorable Sumner Kaplan, to the great State of Israel, it is well to remember that there is another area of considerable concern to the Jewish people which has nothing to do with the Middle East but rather with the plight of the Jews in Soviet Russia today. It is my earnest hope that this will be one of the prime topics of discussion when and if the President visits Russia later this month. The treatment of members of the Jewish faith in Russia today goes beyond ethnic and religious boundaries and has captured the genuine concern and triggered a real revulsion among members of all faiths in all corners of the globe. Whether it comes as an example of ecumenical spirit or just down-to-earth human decency, the following article from the recent edition of the Boston Globe points out the widespread concern of people of many faiths for Soviet Jewry. I feel particularly proud of this effort, because for many years St. Angela Church in Mattapan was my parish and its members are well known to me. Monsignor McManus has long been a pillar of strength in the Mattapan-Dorchester community.

The article follows:

CATHOLIC PARISH PETITIONS NIXON FOR SOVIET JEWS

Parishioners of St. Angela's Church in Mattapan have signed petitions asking President Nixon to raise the issue of the mistreatment of Soviet Jewry during his visit to Moscow.

The petitions have been enclosed in a joint letter to the President by Rt. Rev. Paul J. McManus of St. Angela's Church and Simon Scheff, chairman of the New England regional board of the Anti-Defamation League of B'nai B'rith.

Msgr. McManus, who reported that many of his parishioners had signed the petitions, expressed the hope that other parishes in metropolitan Boston would also participate in the petition effort.

Scheff praised the humanitarian concern shown by the people of St. Angela's and lauded the "moral leadership role played by Msgr. McManus."

In their letter, Msgr. McManus and Scheff reaffirmed their concern over the denial of religious freedom to Soviet Jews and urged the President to make the plight of Soviet Jewry a top-priority item.

U.N. WORLD COURT COMES UNDER FIRE

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. SMITH of California. Mr. Speaker, the following is an article from the Los Angeles Times of April 15, 1972, setting forth a letter to the editor from Mr. C. C. Moseley of Beverly Hills, Calif.:

U.N. WORLD COURT COMES UNDER FIRE

(By C. C. Moseley)

The Times published a lengthy article (March 12) on "An Idle Court in an Unruly World." This article was a strong demand for the United States to accept jurisdiction of the United Nations World Court, impressively named the International Court of Justice.

The United States became a party to the United Nations statute creating the World Nations statute creating the World Court when the Senate ratified the U.N. Charter (Treaty), but we were not bound to accept the jurisdiction of the court until we made formal declaration. In November, 1945, Sen. Wayne Morse (D-Ore.) introduced a resolution giving the consent of the Senate to our accepting the compulsory jurisdiction of the World Court. The Senate Foreign Relations Committee, on July 24, 1946, unanimously approved the resolution.

On the Senate floor, Sen. Tom Connally (D-Tex.) offered a six-word amendment, to wit, "as determined by the United States." This provided that the United States would not accept the compulsory jurisdiction of the World Court "in matters which are essentially within the domestic jurisdiction of the United States as determined by the United States." This amendment was approved by a vote of 62–2 on August 2, 1946.

Sen. Hubert H. Humphrey (D-Minn.) introduced a bill in 1960 that was designed to repeal the Connally Amendment to the U.N. Charter, which protected our country from compulsory jurisdiction of the World Court. It was defeated.

The World Court is made up from many countries not loyal to the United States. Without the safe protection of the Connally amendment, the World Court could decide any issue is international as far as the United States is concerned. Here are some examples, there are many more:

1—That our immigration laws are international, and immigration from all over the world should be accepted in the United States—perhaps by the millions.

2—That our export and import laws are international, which would leave our laboring people with no protection against foreign products made at slave-labor pay.

3—That integration in the United States is an international problem and therefore subject to the United Nations World Court's jurisdiction.

4—That religion is international and under the United Nations World Court's control.

5—That "free speech might imperil "national" security, and according to the U.N. Statute would be under the United Nations World Court.

The socialistic phony slogan "World Rule by World Law" is dangerous. Don't be taken in by this slick slogan which seeks to remove the Connally amendment thus causing us to lose our sovereignty and protection from compulsory jurisdiction of the United Nations World Court. This would destroy our national independence, sovereignty and give the World Court unlimited jurisdiction over American affairs and lives—yours and mine. We have just had an example of how the United Nations performs in the recent China-Taiwan vote where the United States was spit upon with glee. Let this be a lesson—beware of the World Court!

THE BASIC ISSUE OF THE WAR

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. LEGGETT. Mr. Speaker, about 3 weeks ago the Christian Science Monitor and the Los Angeles Times printed editorials on the bombing of North Vietnam. You would think the Haiphong blockade would make earlier comment obsolete. But these two editorials seem as appropriate and pertinent today as the day they were written.

The basic issue of the war has not changed, and it does not appear that it is going to change. It is the issue of the will and the desire of the South Vietnamese people.

If the South Vietnamese people wish to preserve the government we have given them, they can do so. Their army outnumbers the opposition forces several times over. And despite all the talk about the modern weaponry the Russians have given Hanoi, the cost of this equipment would barely pay the interest on the cost of the equipment we have given the Saigon army. If they want to preserve Thieu or someone similar, the South Vietnamese have the men and the equipment to do it.

But if they do not want Thieu badly enough to fight for him, there is nothing more we can do. Loyalty and motivation cannot be procured like a howitzer or a truck. Either Thieu has earned it or he has not.

Our Vietnam effort is dying an unpleasant death; we are best advised to cut our losses and bring our troops and prisoners home. Bombing and blockading serve only to prolong the death and to increase the cost. There is no point in it.

I insert the editorial entitled "Prolonging Vietnam's Agony," from the Los Angeles Times of April 17, 1972, followed by the editorial entitled "The Renewed Bombing" from the Christian Science Monitor of April 17, 1972:

PROLONGING VIETNAM'S AGONY

The bombing of Hanoi and Haiphong by the United States is wrong. It is a commitment to a deeper involvement in the Indo-China war long after the necessity for ending the American commitment has become evident. It is an admission of the failure of the Vietnamization program without an acceptance of what that means.

We are not impressed with the rationalization of the decision. If the bombing is a response to "military necessity," then it can buy little more than time. If it is a "response to" the aggression of North Vietnam, it becomes an act of retaliation which, at least in this war, has achieved nothing. If all this is to be blamed on Moscow, then the American nation will be hard pressed to explain its role and its leadership and its initiatives across all Indo-Chinese frontiers.

In two weeks of fighting, the South Vietnamese ground forces have been losing the battles their American advisers expected them to win. Times correspondents on the scene have told us that the South Vietnamese, despite their modern arms and larger numbers, are holding on only because of American air support. But even that air support apparently has not been enough. In the first week of fighting, it comprised close support tactical operations. In the second week of fighting, B–52 superbombers were added in a region running 30 miles into North Vietnam. As the third week of the new war begins, the B–52s have been unleashed where they never operated before, over Haiphong, North Vietnam's chief port and supply center.

It is not the first time that the United States has bombed the north. Three years of bombing there did not win the war. It did not even frustrate the Tet offensive of 1968. The bombing was halted four years ago as part of a package to get peace talks under way. Now Mr. Nixon appears convinced that the resumption will somehow not only save South Vietnam on the battlefield but also blast away the impasse in the Paris peace talks.

How strange it must have seemed to Hanoi to receive from the President, after the new fighting had begun, a bid to resume the Paris talks which he himself had suspended because he thought them nothing more than a filibuster.

The bombardment of Haiphong, destruction of its oil tanks farms and military supply depots and we know not what else, may slow or even end this offensive. It may buy time, in weeks, or months or a year. But there is no shred of evidence that it will buy a bit less dependence by South Vietnam on the United States, not a hint that it will advance that dream of American Presidents that Saigon some day can be left safely as a permanent bastion against Communism.

Mr. Nixon must be clear about this. For any ambiguity leaves the United States open to the ugly charge that American bombers are buying time because of domestic political considerations, because it just might not be convenient for some Americans to wind down the war all the way until a President is elected in November.

Pentagon promises have rarely been confirmed on the battlefield in this war. Victory has been an illusion, unobtainable for anyone, least of all for the Americans. There is only one thing for the United States to do: To get out, with its ground forces as with its bombers, B–52s over Haiphong cannot buy victory. They can only prolong the agony.

THE RENEWED BOMBING

The bombing of "oil installations and supply dumps" in the Hanoi region of North Vietnam does not add substantially to the horrors and brutalities of the war. It is not different or worse in kind than things done by both sides many times during the war. It is an obvious attempt at reprisal for a major offensive into South Vietnam by the "main" force army from the North, in the course of which thousands of civilians have been driven from their homes and many innocents killed and injured.

It is doubtful that anything like as much human misery has been caused by the resumption of this bombing in the North as by the offensive in the South.

But, having said this, it needs to be noted that the battle in the South is being fought with men, equipment and supplies which were moved into the battle zone long ago. The battle can be expected to last at most another three or four weeks. The rains will put an end to such large scale fighting before the end of May. Hence the outcome of the battle is not going to be influenced by the material damage done by the bombing. No gun, or bullet or gallon of fuel blown up in the bombing could have reached the frontline in South Vietnam before the battle will be decided.

The only kind of influence the bombing can have on the fighting itself is in terms of its effect on the morale of the people on the two sides. In that respect it may be a plus for Hanoi. The history of bombing is often improved morale among the people bombed. Hitler's bombs toughened the fighting will of the British people. British bombs increased the output of German war factories. At the end of World War II the Allied Strategic Bombing Survey concluded that strategic, as distinct from tactical, bombing was a highly inefficient and often counterproductive method of waging war. There is no reason to doubt that this finding still holds true.

The other side of the coin is the possible value to morale in Saigon. There, the resort to this bombing may have value as a token of American recommitment to the Saigon cause. President Nixon has risked a revival of political protest at home, and further erosion of goodwill for the United States among friends and allies in Western Europe to prove his devotion to the Thieu regime.

This renewal of the bombing is not going to break the will of North Vietnam. It may even improve it. It is probably not going to change the course of the battle in the South. It may further erode the good name of the United States in those countries already critical of the American posture in Indo-China.

All of which is a very high price to pay for bolstering the confidence of the Thieu regime.

SMALL BUSINESS WEEK

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, President Nixon has proclaimed the week of May 14 Small Business Week to honor the thousands of small businessmen who contribute in their daily work to the success of America's free enterprise system.

There are presently 8 million small businesses in the country and an estimated 10,000 in Alabama. An unprecedented 287,000 new companies were incorporated just last year. Nineteen out of every 20 firms are considered small business and they provide more than 35 million jobs, and contribute more than $370 billion to the gross national product.

Opportunity is the byword for small business in America. Small, free, independent enterprise is the heritage of our past and the lifeblood of our future. It is the corridor of progress and change for Americans of every nationality and color.

And so it is very appropriate that we recognize small businesses and the small businessman through the observance of Small Business Week.

OBSERVANCE OF ISRAEL INDEPENDENCE DAY—MAY 15, 1972

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. ROONEY of New York. Mr. Speaker, it hardly seems possible that 24 years have elapsed since that eventful day when the sovereign State of Israel came into being. It was not just the birth of another new nation. It was, rather, a fulfillment of a centuries-old dream of Jews throughout the world. The long-hoped-for, long-prayed-for, and long-worked-for dream of a Jewish homeland became a reality.

For those of us in the Congress who devoted ourselves to the task of securing the enactment of requisite legislation to establish this new nation this day is just as meaningful as it is to the hundreds of thousands of Jews who today call Israel home. We too share the great pride which the citizens of Israel and world Jewry have in the miraculous accomplishments which this fledgling nation has brought to pass in less than a generation's span of time.

There is a great similarity in the thinking and conduct of the patriots of Israel with the American patriots at the birth of our own Nation. Our forbears produced a flag and a vocal proclamation that admonished the world, "Don't tread on me." The people of Israel remembering the centuries when Jews have been forced to accept humiliation, privation, and suffering determined at long last they would not tolerate being pushed around. They have proved their determination in this respect on the bargaining tables in the Council of Nations and on the battlefields in defense of their borders and their hard-won sovereignty. They have demonstrated unlimited courage and boundless determination to attain a recognized and respected place among the great nations of the world.

Americans have given generous economic assistance to many nations of the world—large and small—new and well established. But no outpouring of our wealth has been more gratefully received or more effectively used than has our help to Israel. The transformation of desert wastes into wondrous fields and gardens of rich productivity; the development of manufacturing and trade that today makes Israel an exporter as well as an importer; and the creation of a strong and vibrant cultural system all attest to the spirit and integrity of the people of Israel to put the State and its welfare above their own personal wants and needs.

No one who has played a direct role in helping Israel from the days of its birth can fail to remember the almost insurmountable problems and the great number of political and economic crises to which this infant nation was subjected. There were, indeed, numerous times in which Israel's leadership was put to tests of extreme magnitude and complexity. These are the times when I am grateful for the support and backing which the American people have given to the people of Israel and to the men and women they installed as their leaders.

Israel faces today and doubtless will face again, serious problems of protecting her hard-won attainments. To be militarily strong in her defense she needs our planes and armaments; to be economically viable she needs our continued financial and technical assistance; and to be politically strong and independent she needs our continued pledge of friendship and affection.

Mr. Speaker, I am sure we all want to join our fine Jewish friends and neighbors in sending our warmest congratulations to the people of Israel on this their day of independence. We congratulate them on their great achievements; we commend them for their valor and dedication to the protection of their freedom.

We thank them for their friendship and for the enrichment of our own lives to which they are making such significant contributions.

AN URGENT PLEA BY CYRUS EATON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. STOKES. Mr. Speaker, since the earliest hours of our involvement in Indochina, while many people were still trying to square this war with their consciences, one man continued to remind us that the war was immoral, illegal, and unconstitutional. His voice is stronger and his tone more urgent today.

I speak, of course, Mr. Speaker, of Mr. Cyrus Eaton, America's greatest champion for world peace. If our succession of Presidents had heeded his advice, we would not have activated mines off the North Vietnamese shoreline today. About 55,000 young Americans and 2 million Asians would still be around to enjoy life. Last week, 19 more Americans would not have lost their lives.

As important, we would not be on the verge of a showdown with the Soviet Union and the People's Republic of China. It is even conceivable that, if someone had listened to Mr. Eaton, we might be living today in a cooperative community of the nations of the world.

It is a well-known fact of political life that President Nixon makes his moves in terms of tomorrow's history texts. His brittle disregard of human life today, he hopes, will be somehow justified in the future.

Even a super historian will not be able to redeem Richard Nixon.

Cyrus Eaton, who has always lived for the moment, is the man who, when history is written, will be proven right. He does not waste his time predicting the future; he interprets the present.

Mr. Eaton presented such an interpretation in a letter to the New York Times, printed in that journal on May 10, 1972. His letter was a plea to academicians and college presidents to oppose the Southeast Asian mistake. He urged them to "help persuade our Senators and Congressmen to cut off the funds that permit the administration to pursue an utterly immoral and inhumane course in Vietnam without public sanction, and to subject the citizens of America to a crushing burden of taxation in a completely lost cause."

It is an important statement—a necessary statement. And it is one which I hope my colleagues and the members of the academic community will pay attention to.

Mr. Eaton's letter follows:

COMMENTS ON THE WAR IN VIETNAM

To the Editor:

The Ivy League Presidents have rendered a great service to higher education in their joint statement of April 19 deploring renewed American bombing of North Vietnam and its civilian population. Making this forthright declaration obviously took tremendous courage.

Conspicuous among those responsible for our international policies since World War II have been Dean Acheson, John Foster Dulles, Dean Rusk, William P. Rogers and Henry Kissinger, educated at such famous universities as Harvard, Yale, Princeton, Cornell and Oxford. The public has urgently needed the Ivy League reminder that the policies of these men are discordant with the highest intellectual and ethical standards of great institutions of learning.

From the outset, French and British military leaders, familiar at first hand with Asian campaigning, have pointed out that the United States could not possibly win in Vietnam and that if America persisted in pushing the war there far enough, it would find the Soviet Union and the Chinese People's Republic forgetting their differences and combining in a massive undertaking to throw us out. It is also well known that President Eisenhower, with his extensive experience, flatly refused to send American troops into Southeast Asia, even though he was constantly being pushed by some members of his Cabinet to get into the war in a massive way.

The Ivy League statement deserves to be read by every administrator, faculty member and trustee of every college in America. If, in their own self-interest, all university and college presidents would speak up in the same vein, it would also help persuade our Senators and Congressmen to cut off the funds that permit the Administration to pursue an utterly immoral and inhumane course in Vietnam without public sanction, and to subject the citizens of America to a crushing burden of taxation in a completely lost cause.

CYRUS S. EATON.

CLEVELAND, *May 2, 1972.*

NATIONAL PLUMBING INDUSTRY WEEK

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. CASEY of Texas. Mr. Speaker, the National Association of Plumbing-Heating-Cooling Contractors is the largest and oldest trade association in the construction industry. The association will celebrate April 15 through 22, 1973, as National Plumbing Industry Week.

In celebration of National Plumbing Industry Week, the association will lead its total industry of 2 million men and women in special activities to focus attention on the vital role that plumbing, heating, cooling, and piping play in the health, comfort, and convenience of our citizens in homes and other buildings.

Plumbing and piping contractors are the original ecologists. They have engaged in this field for nearly a century. They have taken the lead in the development and application of today's newer and more sophisticated measures to insure environmental control and preservation.

The products and services of this industry also play a vital part in our Nation's economic strength, industrial productivity, national defense, space exploration, transportation, food processing, and mineral development—in fact, everything that depends for its existence on the movement of air, gas, water, and other liquids through pipes, valves, fittings, and fixtures.

The officers, directors, and members of the National Association of Plumbing-Heating-Cooling Contractors represent every city and State of our great Nation. They are engaged in their own businesses in the finest traditions of private enterprise. Without their products and services, civilization as we know it today would not be possible.

The association's officers are Roland E. Carlson, president, of Rockford, Ill.; Robert K. Wark, first vice president, of Houston, Tex.; Samuel Bloom, second vice president, of Miami, Fla.; John Giolitto, secretary, of Rockford, Ill.; Joseph Rich, treasurer, of Atlantic City, N.J.; and Lawrence Mutter, executive director, of Washington, D.C. Chairman of National Plumbing Industry Week is Robert K. Wark, the association's president-elect.

Mr. Wark, by the way, is an outstanding citizen of Houston and a good friend and civic leader. He will begin serving as president of the National Association of Plumbing-Heating-Cooling Contractors in July.

Its 15-man board of directors includes Paul LaMott of Haverhill, N.H.; Leon Novak of Brooklyn, N.Y.; William Robertshaw of West Orange, N.J.; Harry Hutchinson, Jr., of Philadelphia, Pa.; Harold Cothran, Sr. of Altavista, Va.; W. Wesley Styers of Gastonia, N.C.; Howell Switzer of New Orleans, La.; Donald Priest of Garden City, Mich.; George Connelly of Chicago, Ill.; Cecil Self of Dallas, Tex.; Joyce Anderson of Kearney, Nebr.; J. B. Haverly of Britton, S. Dak.; Merle Johns of Billings, Mont.; John Armer of Phoenix, Ariz., and Merlin Geddes of Arcadia, Calif.

In recognition of the outstanding service rendered to our Nation by the National Association of Plumbing-Heating-Cooling Contractors and the total plumbing, heating, cooling, and piping industry of 2 million men and women who are engaged in contracting, manufacturing, marketing, distribution, and installation of the industry's products, I would like to call upon my fellow Members to lend their support to a resolution which I have introduced today calling on the President to declare the week of April 15 through April 22, 1973, as National Plumbing Industry Week.

DEDICATION EXERCISES FOR THE BIG SPRING FISHERY HATCHERY

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. GOODLING. Mr. Speaker, late last month I had the opportunity of attending the dedicatory exercises for the Big Spring Fishery Hatchery, which is located in my 19th Congressional District in the Commonwealth of Pennsylvania.

Spencer H. Smith, Director of the Bureau of Sport Fisheries and Wildlife, made the principal remarks at this dedication. It was particularly fitting that Mr. Smith should make these remarks, because he has had vast experience in the field of wildlife resources, both in the laboratory and the field. His present governmental position promises to provide dynamic leadership in the advancement of fish and wildlife services.

Frank E. Masland, Jr., a member of the Pennsylvania Fish Commission, an outstanding citizen of Carlisle, Pa., was also on hand for these dedication exercises. He addressed those in attendance. Mr. Masland has been an ardent conservationist over a span of many years, striving tirelessly to assure that the bounty of natural resources that is ours today will be available for America's citizens of tomorrow. Mr. Masland knows conservation because he has lived it.

Because both Mr. Smith's and Mr. Masland's remarks carry meaningful messages and touch on some highly significant conservation aspects, I introduce these remarks to the CONGRESSIONAL RECORD and commend them to the attention of my colleagues:

REMARKS OF SPENCER H. SMITH

In these days of mass production, from Chryslers to chickens and from photos to phosphates, it's a real social question about the needs and values of items mass-produced around the world. Machines turn widgets out in enormous quantities, requiring an equally enormous selling effort to get us to buy them.

But I think we can all agree that there's no turn-on campaign needed to sell fish and fishing, even though we are moving into mass production of these, too. In economic terms, we have a seller's market . . . a growing surge of buyers. I tend to think of our piscatorial products in esthetic terms rather than commercial, but let's not play down economic considerations.

For sport fishing is a multibillion dollar business in this country, with more than 33 million U.S. citizens identified as fishermen in the 1970 census samping of our population. Those anglers spent nearly $5 billion that year pursuing our finny friends. And even if we take away the money spent on saltwater angling, we find the freshwater fishermen spent three billion, 750 million dollars. As an ironic side angle: of this huge expenditure, only about $100 million went for licenses across the Nation. The rest, about 97 percent of all money spent for angling, went for bait, rods, reels, travel, lodging, guides, boats, access costs and other items connected with goin' fishin'.

According to the 1970 survey, there were 8 million more anglers in the U.S. that year than there were in 1965. Further, it appears that it cost considerably more to float a fly or loop a lure than it did in 1965, not only because there were so many more people practicing the gentle art, but also because that practitioner had to travel further and stay out longer. It appears likely that expanding metropolis is devouring the close-in fishing, by building around the water and by polluting it, so we have to travel further, stay longer, spend more even if inflation weren't adding to the total.

So it isn't out of line to suggest that sport fishing is a highly important factor in our financial structure, a larger industry—to misuse the word a bit—than many that are written about in the *Wall Street Journal* . . . and the Journal reporters also write about sport fishing.

But more important, in my view, is the need of people, the value of fishing to the individual soul and body. For in this society of dramatic changes and uncertain stresses, tension is a heart-and-gut problem to every human being living in these United States.

Among other values, fishing provides a lesson in humility. The busy man or woman, centered on a desk and office and profession, who can somehow sandwich an angling afternoon in the busy schedule, learns something: The world keeps on turning. Somehow, humanity has gone on eating, sleeping, fighting and loving even though our executive hero wasn't providing his or her important input.

Apart from either economics or humility, there is simple joy in one's own self. Admittedly, the Gentle Art has something in common with golf; we only remember the good shots and forget the frustrations. But fishing has to do with the Four Ages of Mankind: child, youth, middle-age or senior citizen can compete without struggle, gain satisfaction and ecstacy, and above all have the memory that is a solace in the dark hours of those long nights we all experience.

I remember when my son, at about five years of age, caught his first fish . . . a scrubby little thing, perhaps, but the hair stood on the back of his neck and when that mite of scaled wiggle was on our stringer there was a grin on his face—and the grin stayed there all that day.

This spring, 24 years later, I took my son on his first trip for striped bass; when he caught his first one, it was far from scrubby—but the hair stood on his neck again, and I saw that smile come back from a quarter-century of time.

A year ago I fished in Texas with my 80-year-old father. That is, he was 80 as he stooped over his rod—but when the fish struck, those years sloughed off. He was young again. And at such times I am young again.

Let me reluctantly leave the emotional aspects of sunlight, water, rod and fish to say that despite the masculine example I have just used, angling is not a manly sport but a human pleasure. More than one woman in ten in this country went fishing during 1970, which explains why angler is more descriptive than fisherman.

But we are here today to dedicate a hatchery, not to let me run a seminar in fishing philosophy. And this is quite a hatchery: the newest and technologically most sophisticated plant for trout propagation I have ever reviewed in an adult lifehood of aquatic biology.

But Big Spring Hatchery is more than scientific method for high-density fish propagation. It will produce nearly a quarter-million pounds of rainbows and brook trout each year, to permit the stocking of 750,000 catchable size fishes annually; it is certainly sanitary, designed to prevent pollution, and it will utilize all the newer techniques for breeding fish of fighting quality and superior health. Mechanically, this is a marvelous hatchery. But it is something more; it is another proof that we do not live by bread alone—not by piscatorial specimens alone, either.

For if it is not more, why did the citizens of Pennsylvania vote to finance it . . . vote not as fishermen but as citizens? If the only value is to flycasters, why should taxpayers foot the bill? How many of you at this dedication are interested only in statistics of output of per-pound cost?

Of course, any hatchery has to do with put-and-take fishing, even if we don't like to admit it, and even if there's a long-time gap between the putting and the taking.

But Ralph Abele, as Executive Director of the Pennsylvania Fish Commission, has inherited a tradition of intelligent fisheries management in a heavily populated State. My own Bureau has been of some help here, with our Lamar National Fish Hatchery part of a carefully worked out plan of stocking and harvesting. I wish we could be more help by producing more fishes at Lamar, but it's good to know we have done what we can in a cooperative program among colleagues.

Fishing lends itself to metropolitanism, because a lot of people can fish on 10 acres of water in a season, so long as that water is clean. How many can hunt on 10 acres of land?

So while us old purists dream of wild streams and coursing trout, we must also recognize that wildness is receding and distance is expensive. But with hatcheries like this, with sound management and imaginative operations, a great deal of angling still can be provided in heavily populated areas. I recall that your Commission has done some interesting experimentation with inner-city fishing, even.

So Big Spring Hatchery will pay a major role in bringing angling to many people, where natural reproduction simply would not provide enough fishing. I further applaud your plan to protect native wild brook trout in a 3,300-foot stretch of this stream. Closed stretches of stream, no-kill angling, barbless hooks . . . these factors that some of us used to dismiss as fun and games . . . are coming to look more important to fishing recreation as our base of wild land steadily diminishes.

Pennsylvania had 812,000 licensed fishermen last fiscal year, along with many thousands of unlicensed youngsters, though you have few large impoundments, little frontage on Lake Erie—and some water pollution problems that would stagger an intellectual carp. Yet your Commission has served these anglers well, and kept the name of Pennsylvania in the top rank of fisheries management. And you seem to have taken the non-fishing citizenry along with you, else the Land and Water Conservation Fund would not have put its money into such a hatchery.

So the Fish and Wildlife Service offers official congratulations to all the citizens of Pennsylvania.

And I offer personal congratulations to Ralph Abele, his staff and everyone at this dedication of Big Spring Hatchery . . . not just for developing a new hatchery or new methods of stocking nor even on pollution solutions, but mostly for your stress on that great balm for social stress called the Gentle Art of Angling.

REMARKS OF FRANK E. MASLAND, JR.

Thank you, Mr. Smith, for a message which fits this occasion so well. We are pleased to know that the Bureau of Sport Fisheries and Wildlife shares our concern in providing the rewards of fishing to an increasing number of Americans who more and more feel the need for relaxation—for getting away from the jungles of concrete and steel, from the noise pollution of telephone bells, traffic roar, rock and roll music, the hum of machines and the clicking of computers to seek a few hours or days of peace and quietness along our trout streams—to admire in gentle solitude the majesty of a sunrise and sunset across a lake.

We have long noted that your Bureau of the U.S. Fish and Wildlife Service has much in common with those of us connected with the Pennsylvania Fish Commission. Through the years we have felt and experienced a kinship that is unique in Federal-State relationships. Since 1962, these common interests have been formally joined in an agreement known here in Pennsylvania as the Cooperative State-Federal Trout Stocking Program. Your employees at the Lamar National Fish Hatchery in Clinton County have worked shoulder to shoulder with our fish culturists, biologists and waterways patrolmen to provide a sport fishery in Pennsylvania based on equal partnership, friendship and cooperation. Your biologists have made a great contribution to our knowledge of the scientific facts so necessary to protect and manage an important natural resource. Likewise, our division of fisheries has shared an equal role in the research we must have if we are to intelligently plan for the future.

To you, personally, we express deep appreciation for taking time from our busy schedule to be here today. I understand that within a few days, appropriate ceremonies will take place in Washington in connection with your confirmation as bureau director. On behalf of my fellow commissioners, our executive director and his staff, and all of our employees, I wish you every success and continued accomplishment in what I know is a complex and challenging job.

For one moment, to emulate Texas and Alaska, may I brag a bit. Pennsylvania, the number one industrial State, still retains 62% of our land in forests. Two out of three acres are forested—we have over 100,000 acres more of forest land than any northeast State including Maine. We have over 900 trout streams. Truly, we have proven worthy of our name—Pennsylvania.

I think it may be said that we of the Pennsylvania Fish Commission do not entertain the opinion that we exist solely for the purpose of creating means for producing fish.

We do not preserve a forest solely for the sake of the trees, nor coyotes and hawks to control the rodent nor the spectacular ungulate to preserve the species. We seek to preserve the forest that there, in God's cathedral, the jaded spirit of man may be re-created and find new life and purpose. Enlightened selfishness requires that we conserve our natural resources, the habitat and its native inhabitants that the world around him will so serve man that he may continually move toward the realization of his ultimate potential.

There is no substitute in a boy's life for the father who goes into the field with his son and a dog and a gun or with him wades a trout stream on a frosty morning.

There is no experience more certain to cause youth to turn to nature when in need of re-creation than the memory of a camp beside a lake and the smell of breakfast bacon. Its a smell that won't rub out.

I think we believe, those of us on the commission and our dedicated staff and field men, that what we are really trying to do is not just to raise fish but to provide an opportunity for a better way of life—and I'm sure this is equally so of the Bureau of Sports Fisheries and Wildlife.

Thank you, sir, for your presence here today. Return often. Bring your rod and may the trout be rising, whether they be the product of our hatcheries or the native brook of big spring.

WINDOWS ON DAY CARE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. FRASER. Mr. Speaker, a good deal of cricitism, legitimized by the message accompanying the President's veto of the bill providing child development programs, has been directed against the whole concept of community care for children.

Mary Hart, in the Minneapolis Tribune describes a recent survey by the National Council of Jewish Women. A book, "Windows on Day Care," by Mary Dublin Keyserling reports the results of this survey of 77 cities. One of the centers cited in the book is the North Star Day Care Center in my district. The Hart story follows:

> SURVEY MAKES SUGGESTIONS FOR DAY-CARE CENTERS
>
> (By Mary Hart)
>
> Custodial care—that's what a majority of children under 6, whose mothers work, are getting.
>
> This care can be in the child's own home, a day-care home or a center that is understaffed or has underpaid directors and helpers.
>
> Stimulation and education are lacking for many of the 6 million children of working mothers. About a third of these children are from families in poverty or close to the poverty line. If their mothers didn't work, the families would be on welfare.
>
> These are a few of the facts uncovered by a survey done by members of the National Council of Jewish Women (NCJW) in 77 cities in this country.
>
> Members of the council visited day-care centers, day-care homes and talked to mothers in all walks of life. The surveyors came up with many ideas and recommendations, which were compiled into a book (released last week) by Mary Dublin Keyserling, "Windows on Day Care."
>
> Perhaps the most startling recommendation from the national group is that federal appropriations of at least $2 billion are needed to expand and improve child care by 1973.
>
> (A bill for $2.2 billion was vetoed by President Nixon in December.)
>
> Other recommendations included:
>
> Comprehensive developmental child day-care services should be available to all families who wish their children to benefit from them.
>
> Day care should be provided without charge for children in low income families, with fees scaled to income for others. Economically disadvantaged children should have priority.
>
> Survey participants found that far too many children of working mothers were grossly neglected latch-key children on their own.
>
> The survey also showed that most parents who want quality care for children are not eligible for care that is subsidized, and they cannot afford unsubsidized quality care.
>
> "Developmental day-care services are expensive. They cost as much as $2,000 to $3,000 a year a child. Few families can afford this," wrote Mrs. Keyserling.
>
> A few mothers interviewed received free care for children, while fees for others ranged from $2 to $100 a week, with their weekly outlays averaging $15.
>
> The council recommended that Head Start programs should be continued and expanded. Also that day care should not be regarded as a "welfare" service.
>
> "It is needed by families at all income levels. All publicly assisted day-care programs should be integrated racially, ethnically and with respect to socio-economic groupings," the council suggested. "State and local matching funding requirements should be reduced to 10 percent and waived as necessary."
>
> Many members of NCJW are involved in helping start centers in their own communities.
>
> One cited in the book is the North Star Day Care Center at 1110 22nd Ave. N. in the Bethlehem Lutheran Church. The Minneapolis section of the NCJW has provided funds and other support to the center, which, the book points out, is unique, because Jews and Indians worked together to develop a service to Indians, blacks and white children with a multi-racial staff and board.
>
> Many other organizations are involved in the center. This year the center has expanded its services to extend day care for 16 kindergarten children at Hall School. The school contributes the facilities, but the staff is from the North Star Center.

CONGRESSMAN WYDLER URGES NATIONAL UNITY FOR LASTING PEACE

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. WYDLER. Mr. Speaker, shortly after President Nixon announced his intention to interdict massive supplies of war materials being used for massive invasion of South Vietnam, Laos, and Cambodia, the editorial department of Newsday, a leading U.S. paper, asked me to present a statement for use in connection with the President's action. I thanked them for the opportunity of making a direct and straightforward statement on the President's action.

The reaction of the American people will probably determine not only the way the war in Southeast Asia ends but the hopes of the world for a generation of peace.

The following is the article written by me and printed in Newsday in their Viewpoints section, Friday, May 12, 1972:

> In time of national crisis, the American people have always rallied to support the President of the United States. I urge everyone to do that now.
>
> The interdiction of supply lines in North Vietnam will protect the U.S. forces remaining in South Vietnam and require the invading armies of North Vietnam to deescalate the massive blitzkrieg-type attacks they have been launching in the three neighboring countries of South Vietnam, Laos and Cambodia.
>
> The mining of North Vietnam harbors is a step that can bring about real negotiations for a cease-fire in Vietnam and a return of our prisoners of war. That is what the President seeks and what our nation has a right to expect.
>
> The one danger in such a move is a confrontation with the Soviet Union. The manner in which the harbor mining was announced minimizes such a danger, but it is still real. Every effort should be made to avoid such a military confrontation.

A political confrontation is also possible. This would be a loss of the May 22 trip of the President to the Soviet Union. If it is called off, the United States, the Soviet Union and the world would lose a real chance to make progress toward peace. But if that trip is to mean anything, it will have to be based on more than an exchange of hopeful words. There must be a respect for the interests of each part. If such a situation does not exist, it would be better to wait until it does.

Personally, I am heartened by the recent interest shown by the United Nations. I wish such interest had started with the massive invasion by North Vietnam, but I also believe we should seek help this organization can provide to get real negotiations started toward an honorable and peaceful solution.

Finally, I believe the entire situation is the storm before the calm. North Vietnam apparently attacked to get territory in South Vietnam and while U.S. forces were still present and American interests involved. It appears they wanted to improve their bargaining position. Our own steps appear to be directed at obtaining real negotiations. The President's latest proposal is for a withdrawal of all U.S. forces within four months of a cease-fire and a return of our prisoners of war.

There is, in my judgment, no political advantage to anyone to be found in this national crisis. But voices are being raised. They cry that the President should take stronger action. Other voices are crying out to impeach the President. Some are seeking partisan advantage. But the issue is not whether the President was right or wrong, but whether our nation will succeed or fail.

The President bears the responsibility for his actions and decisions and is answerable to the people in a few months for the results. Those who rush to condemn him make his position and that of our nation weaker and increase the risks of challenge from the Soviet Union—and a confrontation between us.

This is a time for our great nation to remain calm and to pull together. In that way we will increase the chances for a lasting peace.

THE DANGERS OF PRICE CONTROL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. CRANE. Mr. Speaker, the problem of inflation is one which concerns all Americans and it is the goal of all Americans to stem the tide of increasing wages and prices.

Where many differ is with regard to the method of achieving the desired result of a sound economy, one in which the dollar is able to purchase the traditional dollar's worth of value.

There are some who argue that the best way to stop inflation is, in effect, to ignore its causes, which include deficit spending by Government and an increase in the money supply, also by Government, acting through the Federal Reserve Board. While ignoring the causes, such spokesmen would treat the symptoms; namely, the increases in wages and prices. They would, in effect, outlaw such increases through compulsory controls enforced by Government.

Discussing the dangers of price controls, Economist Henry Hazlitt writes that—

> The first thing to be said about wage and price fixing is that it is harmful at any time and under any conditions. It is a giant step toward a dictated, regimented, and authoritarian economy. It makes impossible arrangements that both sides are willing to agree to. It sets aside contracts that have already been made in good faih.

The question which is often asked today is whether or not the administration's policy of wage and price controls is "fair" and "equitable." To such a question, Economist Hazlitt responds this way:

> There is no right way of doing it. There is no right way of doing a wrong thing . . . Instead of talking of "fair" profits, and "fair" wages, we ought to be talking about functional wages, functional prices, and functional profits. Prices have work to do. What they do in effect is to give the necessary signals to production. They direct production into the things that are most wanted . . . Price-fixing destroys the signals on which this ever-changing balance depends.

In order to achieve its goal of lower prices, the Government should be pursuing a policy far different from the policy of compulsory wage and price controls upon which we have embarked. It should, declares Mr. Hazlitt, encourage producers, and not place them in a strait jacket. He points out:

> Price fixing does exactly the opposite . . . We've seen that the Pay Board gave the coal miners a 16.8 per cent increase for the first year; then when the first coal company asked for an increase in price, the Price Commission allowed it only a 4 per cent increase in price to meet that 16 per cent increase in wages . . . With this kind of whipsaw there will be a terrific squeeze on profits. The result will be to discourage investment and therefore to increase unemployment. That certainly wasn't the original object of the price control act.

Mr. Hazlitt's article appears in the May 1972, issue of Imprimis, the journal of the Center for Constructive Alternatives at Hillsdale College, Hillsdale, Mich. I wish to share it with my colleagues, and insert it in the RECORD at this time:

THE DANGERS OF PRICE CONTROLS

(By Henry Hazlitt)

The first thing to be said about wage and price fixing is that it is harmful at any time and under any conditions. It is a giant step toward a dictated, regimented, and authoritarian economy. It makes impossible arrangements that both sides are willing to agree to. It sets aside contracts that have already been made in good faith. If an employer wishes to give a man a raise in pay, and the man deserves it, he is nonetheless forbidden to do it under the new regulations. This is a grave abridgment of individual liberty.

Price fixing and wage fixing do harm even if there is no inflation. In a free economy prices are constantly changing. They are changing to reflect changes in supply and demand, in costs, and in a hundred other conditions. Some prices are going up, other prices are going down. If an effort is made to freeze these prices and wages and costs exactly where they are, it immediately disturbs the relationship of prices and comparative profit margins which decides what things will be made and what quantities they will be made in. It upsets the process by which the free market decides how thousands of different commodities and services are to be made in the proportions in which people want them.

Of course, if we are in a period of inflation, price fixing does immensely more harm. And it is never a cure for inflation. What causes inflation is an increase in the supply of money and credit. This is always brought on, directly or indirectly, by governmental policy—especially by governmental deficits which lead to an increase in the supply of money and credit.

In the last 42 years there has been a deficit in the federal budget for 33 years. In 1971—that is, the fiscal year that ended June 30 of this year, there was a deficit of $23 billion. This was second only to a deficit of $25 billion in 1968; apart from that, it was the highest peace-time deficit in our history. We are facing in the present fiscal year an estimated deficit of $28 billion.

Now these deficits over the years have been financed by the issuance of paper money. At the end of 1939 demand bank deposits and currency in the hands of the public totalled $36 billion; today that figure is $227 billion. That is an increase of 530 per cent, in other words, a six-fold expansion of money. And this is the sole cause of the rise in prices over that same period of 195 per cent. American consumer prices have tripled in the last 32 years. What we have today is price fixing with monetary inflation. This must lead to shortages and to a profit squeeze. And it will tend to distort and to reduce production.

Sometimes people talk as if it would be possible to have universal price fixing. That is to say, the government would fix every wage, every price, every cost. This is absolutely impossible. While nobody knows how many separate prices and separate wages there are, there are good reasons for thinking that there cannot be fewer than about 10 million.

If you try to fix 10 million prices, what you are trying to fix is something in the order of 50 trillion cross-relationships of prices. This is something that no government is capable of determining—not to speak of policing. If they could police it, they would have to impose rationing and allocation of individual goods in order to keep prices where they were if they kept increasing the money supply. And even then, the whole project would be impossible for the simple reason that the government cannot control prices of imports. These are out of their control. And they would not know how to pass these increases in import prices through the economy without creating disruptions and distortions.

Now on August 15, 1971 the President did announce what purported to be a complete freeze of both wages and prices. But this freeze was purely rhetorical. There was not even an attempt to police it. In fact, nobody can police the actions and decisions of millions of employers and sellers and of 80 million workers.

It is not difficult to fix prices, or to pretend to fix prices, for a period of 90 days. But the trouble with fixing prices for a perriod of only 90 days is that if you continue to increase the money supply—and if all the other factors are what they were—then at the end of that period prices will jump to where they would have been anyway. So when the administration recognized this, in order to avoid the criticism that the whole 90 days price fixing was useless and pointless it had to extend the wage-and-price fixing. So we are now in Phase Two.

Nobody knows when Phase Two will end. And for a very good reason. When we get toward the end, there will again be fears: "As soon as we stop this price fixing, prices will jump, won't they?" So there's a self-perpetuating gimmick in so-called temporary price fixing. Once you hold prices down by edict, you have to keep holding them down in order to prove that you are doing some good.

If, on the other hand, the money supply were kept down, prices would not tend to rise and the price fixing would not be at all necessary. I'd like to say here, of course, that I'm simplifying somewhat in talking about the effects of changes in the money supply. There is usually a lag between increases in the supply of money and increases in prices. This may range from 6 months to a year. But everything depends on the special conditions that exist. Just let's keep in mind that it's changes in the money supply that determine changes in the level of prices.

Phase One ostensibly froze every price and wage just where it was. Phase Two is supposed to be looser and more flexible. It is supposed to allow for and prevent hardships to individual producers. Therefore, it turned things over to a board, or a group of boards, so they could use their discretion. But discretion in the hands of bureaucrats is a very dangerous thing. The members of these three boards for price fixing and wage fixing are not even officials of the American government. They are ostensibly private citizens. Now to have private citizens telling everybody what they can charge and what they can pay raises legal and constitutional questions of a very grave nature.

The administration has set up three separate boards. One is a Cost of Living Council, which is supposed to preside over the whole arrangement. Then there is a Pay Board which is supposed to take care of wages and salaries. And a Price Commission that is supposed to fix prices. What is the relationship between these three bodies? It's been purposely kept quite vague.

The Price Commission is composed ostensibly only of members of the public. The Cost of Living Council is composed ostensibly only of members of the public. The Pay Board is a tripartite group of fifteen persons, five supposedly representing labor, five employers, and five public. Now union labor constitutes only one quarter of the labor in this country, yet every one of the five members of the Pay Board is a union leader. This is a little lopsided. And then Mr. Meany made it quite clear early on that the unions would feel free to pay no attention to any ruling that wasn't in their favor. That isn't going to help.

Then the Pay Board can fix wages and the Price Commission can fix prices. But when the Pay Board fixes wages, it pays no attention to prices because they aren't within its jurisdiction. Prices are in the jurisdiction of the Price Commission. But costs have already been set by the Pay Board. So if the Price Commission doesn't follow along submissively and endorse all the decisions of the Pay Board by allowing these increased costs to pass through, or if it tries not to let them pass through, then it is going to create great disruptions in the economy.

As a result of having two bodies governing wages and prices respectively, we have two formulas: one formula governing wages and another formula governing prices. Wages are to be allowed to go up 5.5 per cent, but prices are to be allowed to go up only 2.5 per cent.

Let's look at this 2.5 per cent for a moment. It's a completely arbitrary figure taken out of the air. If we want to control prices, why not just control prices—fix them just where they are? What is the point of allowing an increase of 2.5 per cent? If we fear it would do harm not to allow price increases of 2.5 per cent, why doesn't it do harm to allow increases of only 2.5 per cent?

But why is the wage increase figure set at three percentage points above the price figure? Why is the allowable wage rise set at 5.5 per cent, and the allowable price rise at only 2.5 per cent?

The rationale for this has grown up over the years. The Bureau of Labor Statistics has long been making estimates of the "man-hour productivity" in the country. These estimates have shown an average increase of about 3.2 per cent a year over the period since World War II. The Bureau now estimates that for the 1970's this increase in productivity will average 3 per cent a year.

This man-hour productivity, or production per man-hour, is not only a dubious average, but an average of an average. For example, it's an average of the average of man-hour-productivity rises over a series of years. But this includes one year in which the rise was calculated to average 4.6 per cent and another year in which it didn't rise at all. Then again, this figure lumps together thirty-two different industries—or rather it lumps all industries together; but if you break this down into thirty-two industries, you find a very wide disparity from industry to industry. For example, the estimated increase in man-hour-productivity in footwear has averaged only 1 per cent a year; but in petroleum pipelines, it has averaged 10 per cent a year. Of course, if you break this figure down further to show differences between individual firms, the discrepancy is far wider still.

And whatever validity the overall 3.2 per cent man-hour-productivity figure may once have had, it doesn't exist any longer. From 1965 to 1970, the Bureau of Labor Statistics' own figures show that the average increase in man hour productivity was only 1.8 per cent. In 1970, it was less than 1 per cent. And a recent study published by the Federal Reserve Bank of St. Louis points out that the increase from 1965 to 1970 was only seven-tenths of 1 per cent for all private business. The author of that made his calculations on a slightly different basis than does the Bureau of Labor Statistics. But this shows how tricky and undependable all these statistics are. Yet this 3 per cent "annual increase" figure has been kept. It is constantly repeated in newspaper editorials. It has become a sanctified figure in Washington. It is an article of faith that labor productivity goes up 3 per cent a year regardless of what happens.

There are two main myths about this so-called man-hour-productivity. One is that it is labor productivity; the other is that it occurs automatically. We would get a much better idea of what we were talking about, if instead of speaking of man-hour-productivity we talked of man-machine-hour-productivity or labor-capital-productivity. This increase in productivity doesn't occur because workers work 3 per cent harder every year or 3 per cent better every year. It increases only because capital investment is increasing. It is this capital investment that increases the productivity. If a man, for example, can mow a half an acre of lawn in an hour with a hand mower, and his employer then gets him a power mower and he can now mow an acre in an hour; and then if his employer gets him a still bigger power mower and he can now mow two acres in an hour, then productivity has gone up fourfold. Suppose he then came around and asked for a four-fold increase in pay per hour? Well, first of all, the employer who bought the machine, if he had known in advance that his employee was going to demand this, wouldn't have bought the machine in the first place.

This is what is overlooked. New investment goes on in industry, increasing man-hour-productivity, first only if there has been enough profit in the past to yield the added capital to make that investment, and second, only if the outlook for future profits, for future return on new investment, remains sufficiently attractive. But if labor gets the whole gain from every increase in productivity, and nothing is left for capital, then investment will stop, and productivity increases will stop. This is a point which seems to have been overlooked.

But I don't know why I should be spending so much time examining these formulas for an allowable 5.5 per cent increase per year for labor and 2.5 per cent for prices, because no sooner were these formulas framed then they were violated. The Pay Board announced this 5.5 per cent figure on November 8. On November 19, only 11 days later, it ratified a wage increase in the coal industry that came to 16.8 per cent in the first year. This is more than triple what it said it would allow. Then on December 9, it awarded the railway signal men a 46 per cent increase over forty two months. That's at an annual rate of 13 per cent over a period of 3.5 years. Such flagrant examples are numerous.

Now let's turn to prices. American Motors was granted a 2.5 per cent increase in its prices. General Motors was granted a 2.5 per cent increase in prices. Then Ford Motors was granted a 2.9 per cent increase in prices. And then Chrysler was granted a 4.5 per cent increase in prices. What has become of equality of treatment for all? And what is achieved by this kind of hocus-pocus? After Chrysler was permitted a 4.5 per cent increase, it turned around and said, "We are only going to increase prices 3 per cent." Why? Because competition compelled them to limit their price increase to that figure.

Of course; it's competition that holds down prices—not government ukase. And it's competition that we should continue to depend on. Competition exists in this country for at least nine-tenths of the commodities and services that we daily use. And that competition is no keener anywhere than in the automobile industry. Rival cars will sell within a dollar of each other in the same district. The automobile companies produce altogether about 380 different models—the American automobile companies alone, not counting foreign imports. That sounds like a big figure, but if you stop to think that there are about ten different types of Chevrolets, ten different types of Pontiacs, and so on, even within the General Motors Company, you can see how that gets to a very high total. Each one of these companies has to price its cars low enough to meet the competition and to maximize its own sales. Nobody is compelled to buy one make of car rather than another. Nobody is even compelled to buy a new car rather than a second-hand car. Most of us can postpone the purchase of a new car indefinitely. But this is the kind of situation that business daily faces. And this is the kind of competition that constantly keeps down prices to a minimum in relation to the general economic situation.

What the government ought to be doing to get prices low is to free and encourage the producers—not to put them in a strait jacket. But price fixing does exactly the opposite. And it's doing exactly the opposite now. We've seen that the Pay Board gave the coal miners a 16.8 per cent increase for the first year; then when the first coal mine company asked for an increase in price, the Price Commission allowed it only a 4 per cent increase in price to meet that 16 per cent increase in wages. On the Commission's own estimate, this would at best allow the coal companies to pass through about 60 per cent of the cost of the increased wage. With this kind of whipsaw there will be a terrific squeeze on profits. The result will be to discourage investment and therefore to increase unemployment. That certainly wasn't the original object of the price control act.

Price—and wage—fixing is always harmful. There is no right way of doing it. There is no right way of doing a wrong thing. There is no fair way doing something that oughtn't be done at all. We can't even define a fair price or a fair profit or a fair wage apart from the market, apart from the state of supply and demand. Instead of talking of "fair" prices, "fair" profits, and "fair" wages, we ought to be talking about functional wages, functional prices, and functional profits. Prices have work to do. What they do in effect is to give the necessary signals to production. They direct production into the things that are most wanted socially, to provide a balance among the thousands of different commodities and services in the proportions that the consumers want them.

Price fixing destroys the signals on which this ever-changing balance depends. It always does harm. And it is never a cure for inflation. Not only is price fixing never a cure for inflation, but in the long run it prolongs and increases inflation. Quack cures divert attention from real causes and real cures. The real cause of the price rises of the inflation that we have had over the last 30 years, and that has intensified in recent years, has been the increase in the supply of money resulting from the enormous deficits that we have been piling up steadily. Yet today, when the attention of Congress, of the Administration, and of the press, is focused on whether price fixing is working well or not, we are building up the greatest deficit in our peace-time history. We are also building up an increasing money supply and intensifying the problem. False remedies drive out real remedies.

I'd like to say a final word about the morality of all this. I prefer not to make my own judgment but to quote one of the price controllers themselves. This was said by Mr. Earl D. Rhode, who is executive secretary of the Cost of Living Council. "The citizen's role in this program is to rat on his neighbor if his neighbor violated the controls." I leave the moral judgment of that to each of you.

CENTER FOR CONSTRUCTIVE ALTERNATIVES

Many people around the country are following our efforts at The Center for Constructive Alternatives with great interest, asking a variety of questions.

To meet this need we have prepared a little booklet which answers in concise detail the variety of questions posed these past months by our friends.

Who will be the scholars participating? How much will it cost? What will be the effects and benefits? Can others besides Hillsdale College students attend your programs? The inquiries go on.

Outlining our programs, commenting on our financial development, discussing our future intentions, this little booklet shares with you most explicitly the design and direction of The CCA.

To receive a complimentary copy of Questions, just check the square on the enclosed return envelope asking for more information.

FOR ABOLITION OF DINNER INTRODUCTIONS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. HUNGATE. Mr. Speaker, the following is a suggestion I think many in public life will find worthwhile:

FOR ABOLITION OF DINNER INTRODUCTIONS

There should be a law enacted to abolish at all dinner meetings the time-wasting introductions of various categories of purported dignitaries who are not on the program. These introductions waste precious time.

Having suffered through this barbaric ritual for about 60 years, I am calling for an immediate bloodless revolution to forever banish this senseless custom. Many people with whom I have discussed this subject, including so-called dignitaries, agree with me that public figures gain nothing from these introductions.

About ten years ago, the Cook County Bar Association took the lead in this direction. It sponsored a dinner in honor of Judge James B. Parsons, just before he was inducted as a Judge of the Federal Court for the Northern District of Illinois. There were at least 1,000 people in attendance, and about 50 people seated at the head table. The Chairman of the dinner, the late beloved All American, "Duke" Slater, announced that the program listed the name of each person seated at the head table, and that the list numbered them from left to right. At his request, they all stood simultaneously and received a round of applause.

In contrast to this rewarding experience, I attended a small dinner meeting recently with approximately 75 people in attendance. About 70 people were introduced as public figures. I and four other diners were not introduced. One of the strange things about these introductions at this meeting was that everybody present knew each other. However, you can imagine the traumatic effect that the failure to introduce our little group of five had on us. I particularly was chagrined because in addition to my long tenure at the Bar, I have an outstanding reputation as a notary public for at least 56 years.

These remarks were made by a distinguished member of the Illinois bar.

HOMEMAKER OF TOMORROW AWARD

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, we live in difficult times, full of frightening headlines about our young people. We are told too often only about those who create problems or turmoil, and we too often forget the contributions being made by the great majority of the young. I would like to take a few minutes to share with my colleagues and the wide readership of the RECORD a bit of happy news concerning one of my constituents, Miss Christine Varney of Walpole, Mass. I insert the following article from the Boston Globe in the hope that it will help to remind all of us of the very best that America has to offer, and of the bright promise of tomorrow. The article, by Dorothy Crandall of the Globe staff, follows:

HOMEMAKER OF TOMORROW LOOKS OUTSIDE KITCHEN

In competition with 650,000 high school seniors, Christine Varney of Walpole has been named 1972 Betty Crocker All-American Homemaker of Tomorrow. "My mother is a very good cook," said the blue-eyed 17-year-old. "I do other things."

Here is a scholarship award offered to top students who regard homemaking as the most challenging of roles. Asked to define it formally, Chris Varley said, "Caught between the need for a stable family unit and her own desire to achieve recognition, the modern homemaker must make peace with herself and use her knowledge to bridge the gap between home and world."

Christine is valedictorian of her class at Walpole High School, a National Merit Scholarship Finalist, an editor of the school newspaper and her class yearbook. She plays the flute in the school band and the organ at church. A concerned teen, she joined classmates in a short course taught by experts who prepared them to handle the town's hot line. At the FACE switchboard she listens . . . then suggests sources of help.

Chris Varney's serious personal interest is science. She has completed the courses offered at high school and now works on special projects. Biochemistry and an M.D. degree hold peak interest for her. "I've been accepted at Brown University," she enthused," for their intensive medical science program. That's three years . . . then four at medical school. Brown was the school I wanted—what luck!"

Her father, Harold H. C. Varney, is principal of the Old Post Road Elementary School in Walpole. The Varneys have three other children: Earl, 16, Ross, 14, and Beth, 8.

This is a music-loving family. When Chris' flute came up missing during the football season, Ross taught her in two weeks to play his saxophone. "Sounded squeaky," she recalled, "but with all that noise, who heard? Before the next game the Walpole police found my flute—in perfect condition."

Currently Chris is teaching Beth the piano so that one day "she will play the church organ—as Ross does now."

The Betty Crocker award included a $5,000 scholarship and a trip to Washington, D.C. "Most fun was meeting the 50 other finalists," she remembered. "One girl was a translator for her father in Corsica, another climbs western mountains and one is a professional designer of fashions for teens. Most exciting was the girl who lives in a commune and lectured on non-violence at Duke University."

Mrs. Varney said that her daughter often uses music to relax. "After telling us about her Washington trip, she went upstairs and played her flute. Some calm music we all enjoyed."

Her understanding family is what Chris really likes to talk about. "My parents encourage us to go ahead and try things."

TWO TRILLION TON-MILES OF FREIGHT

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. THONE. Mr. Speaker, National Transportation Week, May 14 to 20, pays tribute to the systems that move more than 2 trillion ton-miles of goods in the United States annually.

We salute our rail system which carries 735 billion ton-miles of freight, the pipelines that move 431 billion ton-miles of essentials; the highway system and the carriers on it which haul 412 billion ton-miles of freight; the inland waterways and Great Lakes craft which transport 305 billion ton-miles of goods, and the fast growing air transport which moves 3.4 billion ton-miles of products.

In observing this week, our first goal should be to work for transportation by free, competitive enterprise and against nationalization. We must have the type of legislation and regulation that will encourage investor-owned enterprise and movement of goods at the lowest possible prices.

A second goal of National Transportation Week should be efforts to encourage intelligent young people to prepare themselves for careers in transportation. Through the National Council of Physical Distribution Management, many companies are offering summer intern jobs for college students majoring in transportation. Efforts of this kind should be encouraged.

Two trillion ton-miles of goods are a lot to move each year, and before long our needs will double. We had better give thought to how we will provide for that growth.

COMMENTS ON THE TRANS-ALASKA PIPELINE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD a series of commentaries on the Trans-Alaska pipeline which I believe merit careful attention at this time. The first is a letter from the Honorable Thomas J. Anderson, chairman of the Committee on Conservation and Recreation, Legislature of the State of Michigan, to the President urging exquisite care in moving forward on this perilous project. The second is an excellent article appearing in the Washington, D.C. Star of Friday, May 5, 1972, under the headline "Expert Favors Canada Route for Oil," by the very able Roberta Hornig, staff writer for the Star. The next item is an excellent full page article appearing in the Washington Post by Mr. C. Robert Zelnick entitled "The Darkness at the End of the Pipeline."

The last is a superb article entitled "The Alaska Pipeline Reading Lesson" published by the Wilderness Society, Washington, D.C.

Certainly Americans concerned with the quality of their environment, wise use of natural resources, protection of fish and wildlife and most efficient expenditure of money to provide fuel and energy for the Nation will be interested in these excellent articles.

They also should be given full consideration by the administration.

The articles follow:

HOUSE OF REPRESENTATIVES,
April 26, 1972.

The Honorable RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: As a legislator directly involved in the day-to-day business of making enivronmental decisions, as you in your office are called upon to do, I am greatly concerned that inadequate opportunity has been afforded the American public for expression on the proposed Prudhoe Bay to Valdez oil pipeline in Alaska. I fear the impending decision may be to proceed before the public's questions and concerns have all been heard or fully acknowledged.

I have learned with dismay that the environmental impact statement put forth for the proposed project is voluminous, not indexed, and available only in extremely limited quantities, thus having the effect of preculding public study and analysis.

I would most respectfully urge that the weight of your office be exerted in specifying a delay of ninety days for public review of the 3,500 pages of the impact statement, followed by appropriate hearings or sessions at which the alternatives to advancing the project can be aired and weighed publicly.

I can not emphasize too strongly that the "wastes" of northern Alaska are of concern to millions of Americans who know of them only through the printed word or the photograph. These "waste" areas are irreplaceable and a decision to proceed with the pipeline must come only after it is clear that the condition of the natural resources will not be diminished by such a decision.

A wrong decision, Sir, can not be corrected once the scars of "progress" have been implanted.

Very respectfully,
THOMAS J. ANDERSON,
State Representative.

[From the Washington Star, May 5, 1972]

EXPERT FAVORS CANADA ROUTE FOR OIL

(By Roberta Hornig)

A former government energy expert says that transporting North Slope oil through Canada rather than across Alaska "is not only environmentally superior and economically more attractive but . . . would materially strengthen our national security."

S. David Freeman, who headed the energy policy staff of the President's Office of Science and Technology until he resigned last September, came out squarely for the Canadian pipeline route in a letter to Interior Secretary Rogers C. B. Morton this week, and urged the cabinet officer to do the same.

While at the White House, Freeman had worked on Nixon's energy message to Congress last July. He had been originally appointed by President Johnson.

Morton is currently contemplating whether to grant a permit opening the way for a controversial trans-Alaska pipeline to carry oil from the state's rich oil fields in the Arctic north to the ice-free port of Valdez in the southern part of the state.

The oil then would be shipped to the continental United States in tankers.

In his letter, Freeman pointed to recent oil finds by Canada in its Arctic north—discoveries that are believed to equal the Alaskan reserves.

"It is . . . of prime importance to our national security that we encourage the exploration and development of the rich petroleum resources in Canada, as well as those in the United States, and thus lessen our reliance on less secure imports from the Middle East," Freeman said.

He added that building a pipeline "land bridge" from Alaska down the MacKenzie River Valley "would be the strongest possible measure to further exploration and development of secure North American petroleum."

ECONOMIC ANALYSIS

Freeman's letter is in the nature of comments on the Interior Department's environmental impact statement and its accompanying economic analysis of the proposed trans-Alaska pipeline.

The impact statement agreed with environmentalists' arguments that the proposed Alaska route would pass through intense earthquake belts and that oil spills would be inevitable during tanker transport to the U.S. West Coast.

The accompanying economic analysis, however, brought up the question of "national security" and seemed to favor the Alaskan pipeline over any alternative route.

FALSE NOTION

Downgrading the argument that the Alaska route is necessary for "national security" purposes, Freeman said that that route would fail to provide the incentive and means for developing the Canadian oil and bringing it to U.S. markets.

"It would only tap the Alaskan oil and direct it toward the West Coast market, which is not large enough to consume all of it." he said.

Further, he added, "the most vulnerable areas to short energy supplies are the East and the Midwest, which would better be served through a Canada routing."

"The notion that we can't afford to wait for the completion of the Canadian energy corridor is . . . a false notion that is detrimental to obtaining a secure source of energy for the United States in the 1960's," Freeman argued.

Earlier this week, 12 members of the Senate asked Morton to endorse a Canadian routing.

THE DARKNESS AT THE END OF THE PIPELINE

(By C. Robert Zelnick)

Among those who care about such things, the conviction runs deep that the battle over the trans-Alaska pipeline has become the Interior Department's Vietnam. Ill-conceived from its inception, fraudulently purveyed, divisive in its political repercussions and disastrous in its consequences, the project has little to recommend itself other than the enormous quantity of resources already poured into its accomplishment.

Yet Interior continues to see light at the end of the pipeline. That it will issue the right-of-way needed by the Alyeska Pipeline Company—a consortium of seven oil industry giants—to cross federal lands in Alaska seems a foregone conclusion. On March 20, the day his department released its massive "final" impact statement—which conceded every significant ecological objection ever voiced against the 789-mile Prudhoe bay-to-Valdez route, Interior Secretary Rogers C. B. Morton promised a decision "within about 45 days." Eight days later, after meeting with Morton, Peter Flanigan and other administration officials to express his country's desire "for the construction of a Mackenzie Valley pipeline," Donald S. Macdonald, Canada's Minister of Energy, Mines, and Resources, told reporters at a Washington news conference: ". . . I had the impression that, with so much effort and study invested in the trans-Alaska pipeline, that it rather looks as though they would be giving that priority in their consideration."

Actually, as Morton conceded in an appearance on the "Today" show the morning after Interior released its report, his department could not have decided anything with finality within 45 days. Since April, 1971, Interior has been blocked by an injunction issued by the federal district court in Washington from issuing the permit. Two weeks advance notice is required, during which time Judge George L. Hart Jr. will have to satisfy himself that Interior has complied with the National Environmental Policy Act of 1969. The act requires a complete statement of the consequences of any agency action "significantly affecting the quality of the human environment," plus a thorough examination of alternative courses.

Hart, a model of judicial self-restraint, is expected to rule for Interior. The Wilderness Society, Friends of the Earth, and the Environmental Defense Fund—the three environmental group plaintiffs—would then probably appeal to the more assertive U.S. Court of Appeals, with the loser, in all likelihood, taking the case to the Supreme Court. The ultimate result is almost certain to be a landmark decision in environmental—or, for that matter, administrative—law.

THE CHOICES

The nub of the social issue involved is not whether Alaskan oil should be brought to market. Rather, the choice is between an 1,800-mile overland route, 1,500 miles of which would traverse Canada's Mackenzie Valley, and a shorter land route from Prudhoe Bay to Valdez, with the oil then moving via tankers to ports on the U.S. West Coast. The nub of the legal issue is whether Interior has considered the Canadian alternative to the degree necessary to satisfy the environment law, and whether, regardless of Interior's diligence, the evidence favoring the Canadian route is not so overwhelming as to make any right-of-way grant through Alaska a clear abuse of administrative discretion.

Environmentalists are convinced that the Mackenzie Valley route is superior, in part because it involves a single pipeline corridor rather than two, and that should Morton decide otherwise, they can beat him in court. They maintain that abundant support for their position can be found in Interior's own impact statement of March 20. The stakes are high. The pipeline project would be the largest undertaking in the history of private enterprise. The oil industry claims to have invested almost $100 million to date in studying the Alaskan terrain and in procuring pipe and construction materials. That figure, even if exaggerated, is a mere pittance compared to the profits they expect to reap from the venture.

The known oil field in the Prudhoe Bay area—three giant pools running inland from a 40-mile stretch along the Beaufort Sea and covering an area the size of Massachusetts—exceeds 10 billion barrels. This, however, is only a fraction of what the industry eventually hopes to find. Forty billion barrels is a more realistic estimate. In September, 1969, an assortment of producers paid Alaska more than $900 million for the privilege of looking for more North Slope oil. A barrel of oil sells for $3.25 on the West Coast, more in the Midwest and East.

NO "GOOD" WAY

Despite years of study and volumes of "stipulations" designed to protect the environment, there remains no "good" way of running 2 million barrels of oil a day through 48 inches of pipe at a temperature of 145 degrees Fahrenheit over and under a vast stretch of Arctic wilderness. You have to begin by building gravel service roads and air strips large enough to accommodate the big Hercules aircraft. You must find more gravel for 12 camp sites and 6 pumping stations, each 50 acres; this means gouging about 50 million cubic feet of gravel out of riverbeds and off the tops of hillsides along the way. Stream siltation and land erosion are the inevitable results. Some 350 streams would be crossed by the route. Many are spawning grounds for salmon and grayling. Oil spills can be a problem there. They can be even more of a problem if the oil gets carried out of the Beaufort Sea and trapped under the ice. Then the oil becomes a permanent part of the marine ecology.

If you decide to bury the pipe all the way, its heat melts the permafrost, causing slides and differential settlement, eroding the support for the structure and eventually causing a break. When you are forced to build part of it on stilts, you erect a barrier that blocks caribou and other migrating animals and subjects the line to greater risks of surface damage. When you dig a ditch to catch expected oil spills, the ditch becomes a moat, entrapping other animals.

Your service road extends civilization where it has never reached before. The construction activity, the planes landing and taking off and the helicopters hovering overhead frighten bear and caribou, rare birds and sheep. When these move to other areas, they die or cause other animals to die. The ecological balance in the Arctic is fragile. In the winter, the caribou uses almost all its energy just staying alive. A single timberwolf can exhaust and kill the stoutest buck in the herd. So can a bulldozer.

What we get in return for the partial destruction of our nation's largest wilderness area is more oil, a lot of natural gas, the corresponding need to spend fewer U.S. dollars buying foreign sources of energy, and, arguably, a mild, temporary improvement in our national defense posture. This latter case has been stated so often and with such apparent conviction by both the Interior Department and the oil industry that one wonders how we would have survived had not the Prudhoe Bay field been discovered in 1968. Statistical projections provide a clue.

THE EARTHQUAKE PROBLEM

By 1980, the United States is expected to be using about 22 million barrels of oil daily and producing some 10.4 million barrels, excluding what is to be drawn from the North Slope. Part of our expected deficit can be made up by importing an estimated 4 million barrels a day from nations in the Western Hemisphere. The rest will have to come from Indonesia and the Middle East.

Alaska's 2 million barrels daily could reduce this dependency somewhat for about five years. After that, our demand is expected to so outstrip domestic production that North Slope oil will be of little strategic value. In the case of a minor outbreak in the Middle East, say between 1980 and 1985, the benefit is obvious. But if the problem were big and with Russia, an exposed pipeline can offer small comfort to our military strategists. Prudhoe Bay is only 600 miles from Siberia.

While conservationists—at least those involved in the pipeline battle—accept the reality that 10 billion to 40 billion barrels of oil are going to find their way to market, they believe that even if oil was the only resource involved and even if big tankers weren't needed for the remainder of the Alaskan route, the Canadian route, while longer, is preferable. For one thing, the Alaskan area involved is renowned for its extreme seismic activity. In the past 70 years, some 23 major earthquakes have clobbered the terrain over and under which the Alaskan pipeline would go; any one of the quakes could have caused a catastrophic break in the pipe. Valdez itself, where a 900-acre, 510,000-barrel-capacity "tank farm" is planned, is a "new" city, about four miles northwest of its predecessor. The "old" Valdez was substantially washed into the sea as tidal waves of up to 170 feet rolled ashore following the great Alaskan earthquake of 1964.

The route through Canada poses no comparable seismic problems. It has fewer miles of unstable soil and more existing roads, even railroads. From Edmonton, the proposed Canadian terminus, existing pipelines now extend both to the Midwest (Chicago) and the West Coast (Seattle). Certainly less environmental damage is involved in expanding existing facilities or building parallel facilities than in constructing new ones.

THE GAS LINE

The relative merits of one land route versus another, however, are matters about which a court is unlikely to substitute its judgment for that of an administrative agency with admitted expertise in the field. But what about *two* land routes versus one land route? Environmentalists claim that this is the fatal legal weakness in Interior's position. Buried, almost lost in the department's six-volume statement, and totally lacking from its consideration of alternatives to the Alaska route, is the acknowledgement that "at some time during the operation of the proposed trans-Alaska pipeline, it would become necessary to transport to market the natural gas that would be produced with the Prudhoe oil."

Indeed it would. In fact, it is estimated that 26 trillion cubic feet of gas are under the Prudhoe Bay fields waiting to be developed with the oil. Moreover, Interior says, "route selection and construction procedures would be similar to those for an oil pipeline but with some simplifications resulting from reduced pipe weight and lower operating temperatures."

Yet logistics militate against the likelihood of a trans-Alaska gas pipeline. The gas would have to be liquefied at Valdex prior to shipment. Interior estimates that operational costs of a liquefaction plant would run to half a billion dollars a year. Additionally, there are only about a dozen liquefied natural gas tankers operating in the world, while some 20 to 40 would have to be built to handle the Valdez traffic alone. Thus, Interior concludes, "A gas pipeline across Alaska appears to be a remote possibility because of the problems involved in shipment from the southern terminus; a gas pipeline through Canada to the Midwest seems to be much more feasible."

Of the various Canadian possibilities, Interior leans toward the Mackenzie Valley, noting, "The Mackenzie River is a valuable artery for use in the construction of a trans-Canada gas pipeline. Good all-weather roads and some railway mileage also exist, and existing winter trails would be valuable at the right time of year." So much does Interior favor the Canadian route when it comes to natural gas—where neither oil industry prestige nor money is on the line—that in March Secretary Morton set aside a 300-mile corridor on federal lands in northern Alaska along the route the natural gas would travel from Prudhoe Bay to Fort McPherson atop the Mackenzie Valley.

If Interior is a bit circumspect about confessing that, in effect, it plans to grant two rights-of-way instead of one, it is far less bashful in assessing the environmental impact of 41 oil-laden tankers as they steam between Valdez and West Coast ports. Here, in fact, the report takes on a quality of terrifying candor, much like Yukio Mishima standing on the balcony, coldly describing the act of harikari he is about to perform.

The sea journey poses exceptional hazards, particularly for the crews of oil tankers. Port Valdez is a 3-mile-wide, steep-walled glaciated fjord that extends east-west about 14 miles. It narrows to less than a mile before dumping out into the Valdez Arm section of the 2,500-square-mile Prince William Sound. The coastline is rocky and treacherous, not entirely free of icebergs and blasted by frequent gale-force winds. A special pilot must guide each vessel through the narrow neck of the port.

The area, moreover, is one of extreme seismic activity. Prince William Sound was the epicenter of the 1964 Alaskan earthquake during which, as Interior notes, 74 lives were lost mainly as a result of submarine landslides, sudden large-scale tectonic displacements, destructive waves, and, to a lesser extent, vibration of structures."

From Prince William Sound the tankers would run into the Gulf of Alaska and down the foggy northern Pacific coast. "During the cool months," Interior says, the Gulf has the highest frequency of extratropical cyclones in the Northern Hemisphere." From October through February, it is rocked by waves of 12 feet or better about 20 per cent of the time. Moreover, the 1964 Alaskan earthquake was but one of a large number of earthquakes of moderate and high intensity that have occurred in or near the Gulf of Alaska, and there is no geologic basis to assume that other equally devastating earthquakes will not occur in the near future."

REHABILITATING BIRDS

Plans call for about 10 per cent of the tankers to pass through the narrow Strait of Juan de Fuca—where again navigational hazards will require the assistance of a pilot—and into the 40 miles of beautiful waterway known as Puget Sound, a recreational haven for 2 million Americans and Canadians. The remaining vessels would head for San Francisco, Los Angeles and points further south.

Again, seismic dangers will be extreme. Interior recalls that "on April 13, 1949, an earthquake with an intensity of 7.1 on the Richter scale and an epicenter between Olympia and Tacoma resulted in approximately $25 million damage to the Puget Sound area. More recently, on April 29, 1965, an earthquake of slightly less intensity (6.5) with an epicenter between Seattle and Tacoma caused an estimated $12.5 million damage to the Seattle area. These are the two largest of the numerous earthquakes and have occurred in this region during the last hundred years; the level of seismic activity has increased substantially during the last few decades."

Interior estimates that if the performance of the oil tankers on the Valdez run was no better than the worldwide average, we can anticipate spills averaging 384 barrels a day, or about 140,000 barrels a year. Better vessels may reduce these numbers somewhat, but the damage per spill would likely exceed the world-wide average since "large spills in the area would be more difficult to contain, clean up and restore because of the distances from sources of ships and cleanup gear and the generally limited manpower in the region."

Interior details the impact all this filth would like have on the huge salmon runs of the Northern Pacific, and how it would probably impede, and perhaps wipe out, fishing in the Port Valdez-Prince William Sound area, where the coastal waters are today as pristine as any on earth. On a cheerier note, while chronicling the devastating effect on oil spill might have on the many rare migratory bird species that inhabit Alaska-Canadian coastal areas during certain months, Interior records for posterity Alyeska's pledge to "rehabilitate" those birds belonging to endangered species. The term seems peculiarly appropriate. In this forgiving society we "rehabilitate" drunkards, junkies, whores and others who have gone astray. Clearly the murres, murrelets, loons, grebes, albatrosses, gulls, terns, ducks, geese and shore birds who fall victim to the oil industry's determination to bring its goods to market along the route it deems best are out of step with the natural order of things and gravely in need of "rehabilitation." Unfortunately, only about one in seven of the poor creatures doused in the San Francisco Harbor spill a year ago lived long enough to profit from the experience.

SHOCKING OMISSIONS

If the six volumes of Interior's report dealing with the environmental impact of the combination overland-tanker route contain some shocking revelations, the three-volume economic analysis shocks by what it fails to disclose. Simply stated, a careful reading of Interior's economic analysis provides no clue as to why Alaskan crude should go to the West Coast in the first place, certainly none justifying an iota of increased environmental risk.

The West Coast is second only to the Southwest in the production of petroleum. It will not need any Alaskan crude for the next few years, will not be able to absorb 2 million barrels a day from the North Slope until well into the 1980s, and, if as expected, Alaskan production increases to 5 million barrels a day, the West Coast will not be able to absorb the surplus during the life of the pipeline.

Thus, even ignoring the greater hazard of the tanker route from Valdez, it is nonsense to say, as Secretary Morton did on his March 21 "Today" show appearance, that "if the pipeline went through Canada, and if it ended up in the middle of the country, you would then have to bring oil into the West Coast by tanker. So the same amount of oil would be arriving by tanker."

The West Coast simply does not need as much oil as Alyeska wants to provide. And, if it did, the obvious source would be the Southwest or Canada, a fact Canadian minister Macdonald has been pressing upon his Washington counterparts without apparent success. On April 19, for example, Macdonald was questioned in the Ottawa House of Commons by David Anderson, a Vancouver MP active in the battle against Alaskan tanker traffic, as to whether Canada was willing to supply the United States with enough oil to compensate for the anticipated additional two years it would take to complete the trans-Canada route. Macdonald's reply:

"Both in my discussions with Secretary Morton and other officials of the United States administration in Washington and recently with Secretary Rogers last week, I made it perfectly clear that Canada was prepared to supply additional quantities of oil to the United States not only for a two-year period, but a longer period, and that this would be facilitated by their lifting their quota system."

Would Alyeska, assuming a right-of-way is granted for the trans-Alaska pipeline, then be stuck with a $2 billion to $4 billion Edsel, given the bearish West Coast market for Alaskan crude? A few energy economists believe so and have privately expressed surprise that the oil industry has been able to maintain so united a front on the issue while both the East and Midwest hunger for additional crude oil. More probably, Arco and British Petroleum, the two companies with the biggest positions in the pipeline, would be able to trade their excess crude to Japan in exchange for Japanese rights to Middle East oil, rights purchased long in advance. The Middle East crude oil could then be sold at a good profit on the East Coast, bailing the two companies out of their predicament but making an utter shambles of any national defense arguments for trans-Alaska route.

WINNING IN THE COURTS?

There is a reasonable chance that the environmentalists will ultimately prevail in the courts. Perhaps they will persuade the courts that Interior's failure to consider adjacent oil and gas pipelines rendered its statement procedurally inadequate. Perhaps they will win an even more significant point by forcing Interior to abide by the results of its own research, thus introducing important substantive requirements, as well as procedural ones, into the environment law.

Interior, meanwhile, hopes that its "final" impact statement on the trans-Alaska pipeline will at last get the environmental monkey off its back. From the outset it seems to have regarded the environment statute as an unwelcome encumbrance to a predetermined course.

Two years ago the department attempted to grant the oil consortium a right-of-way to build a service road adjacent to the pipeline, arguing, incredibly, that the road and the pipeline were unrelated. Its impact statement on 361 miles of gravel carved into the middle of Alaska's wilderness totaled four pages, and became the subject of the court injunction still in effect.

Interior's second attempt at compliance with the environmental law was a bit more sophisticated, but not much. Its multi-volume "draft" impact statement, produced in January, 1971, during the interregnum between the Hickel and Morton secretaryships, was basically a collection of data and arguments compiled by Alyeska itself. In that report, the department found it unnecessary either to consider the impact of tanker traffic from Port Valdez to the West Coast or to assess the feasibility of a trans-Canada pipeline route. Even today, Secretary Morton can be heard arguing from time to time that consideration of the Canadian alternative is superfluous because "no application for a Canadian route is pending." Since the 1965 *Scenic Hudson* case, however, federal courts have held that an administrative agency charged with protecting the environment has a duty to consider alternatives not placed before it by the parties. It cannot only "sit as an umpire blandly calling balls and strikes," the court found. In any event, Interior's 1971 statement was sufficiently derelict so that even the Corps of Engineers, in its formal comment, warned that the department had failed "fully to comply with the letter and spirit of the Environmental Policy Act."

SCARCE STATEMENT

The Justice Department, fighting the pipeline case for Interior in court, has also shown a greater zest for adversaria than guardianship of the public domain. Last summer, more than a year after the first lawsuit was filed, Justice tried unsuccessfully to remove the case from the District of Columbia to the friendlier confines of the U.S. District Court in Anchorage, Alaska. This past April, when MP Anderson and several Canadian residents of the Puget Sound area sought to intervene in the case, Justice opposed the motion.

Now we have Interior's third attempt at compliance with the environmental act. Legally, the department hopes that by confessing the devastating results of its proposed action, it can achieve what it failed to get by denying those results in its two earlier efforts. Politically, it appears anxious to present the public with a *fait accompli*. In the weeks since March 20, only seven copies of the impact statement have been made available to the public without cost in six cities across the entire "lower 48" states. For others, the volumes cost $42.50 a set. Faced with a demand for public hearings, Under Secretary William Pecora claimed that "a public hearing would be a circus" and would "interfere with a more thoughtful and rationale analysis of this complex document."

"Clearly the department has not tried to encourage hearings or informed debate," complained the Christian Science Monitor on May 2, in what might pass as the editorial understatement of the year. The Monitor went on to wonder "how much 'thoughtful and rational analysis' the Interior Department has itself given to the study." Before too long the federal courts may themselves be wondering the same thing.

THE ALASKA PIPELINE READING LESSON

Done any reading lately? Well, hold your spectacles. Because the Interior Department has just given you the reading assignment of your life.

You have until May 4 to:

Lay your hands on a copy of the nine-volume environmental impact statement on the proposed trans-Alaska pipeline. (Only 600 were printed.)

Read its 3,550 pages.

Render a "thoughtful, substantial comment." (See above.)

This is what the Interior Department considers public involvement in the decision-making process.

We hope you *will* be able to read the statement and render comments, but you should know the following:

1. There are exactly *seven* copies available for public inspection in the "lower 48" states. They can be seen during office hours in certain government agencies in Washington, D.C., Los Angeles, San Francisco, Portland and Seattle.
2. Sets can be purchased through the mail, but they cost $42.50, and delivery time is unknown.
3. The statement is not well organized or indexed, and finding what you're looking for may require days of tedious searching.
4. Secretary of the Interior Rogers C. B. Morton has said he may issue a pipeline permit on or after May 4.

Is it any wonder that conservationists are asking for more time and for public hearings to evaluate this "complex report"?

WHOSE GOVERNMENT IS THIS?

No doubt the seven oil companies which own the Alyeska Pipeline Service Co. are anxious to go ahead and impatient with what they view as delays. But we believe it's time they learned that the government of the United States isn't some third-level subsidiary which they can order around. And the public lands of the United States are not their private domain.

Two years ago they were shocked and outraged that conservationists could force the government to comply with the National Environmental Policy Act. Last year they were offended by the adverse public reaction to the first, abortive environmental impact statement, which had been submitted to them for editing before it was released to the public.

And now, though the new impact statement reveals strong reasons for building the pipeline through Canada rather than south to the Alaskan port of Valdez, they are anxiously awaiting a permit to go ahead with their original plans, using the pipe and equipment already placed presumptuously along the proposed route.

As a person concerned about the environment, *you* ought to blow the whistle on this whole charade of sanctifying previously-arrived-at conclusions. Why should the American people be frozen out of this critical environmental decision? Why, as we asked in an earlier alert, must "the public be damned"?

Note the words of Under Secretary Pecora, above: a public hearing would be a "circus." And note, too, the implication: hearings involving the public are not particularly thoughtful or rational.

WHY PUBLIC HEARINGS ARE NEEDED

Actually, the impact statement itself is one of the best arguments for public hearings. One of the strongest impressions one gets reading through it is of the number of unsolved problems which still exist—problems that the statement openly recognizes and for which it has no answers. These problems relate to untried and untested engineering methods, incomplete environmental research, deficient land-use control and planning, and otner matters of critical importance.

Many important aspects of the proposed Prudhoe Bay-to-Valdez pipeline are described for the *first time* in the statement. Without hearings, the many interested scientists not involved in government or oil company research will have no meaningful opportunity to comment on this new material. Or, if they do, their communications can be safely filed away and ignored.

Here are some other reasons why public hearings are needed:

Gas transportation systems

The department says "it seems clear that a single gas line will be built through Canada to the United States markets." (Economic Analysis, Vol. I, p. C–22.) It says such a transportation system is an "essential" element (Vol. 1, p. 50) of any oil pipeline system and states that "less environmental cost would result from a single [gas and oil] transport corridor than from two separate corridors" (Vol. 1, p. 273). But no effort has been made to evaluate these savings in environmental cost, and on March 20 a department spokesman said, "We are completing such an analysis from the economic point of view only." Further impact analysis is limited (Vol. 1, p. 176) because the "absence of any firm gas transportation proposal by the owner companies limits the amount of descriptive information available." (Vol. 1, p. 74.) Apparently Interior didn't even ask the oil companies for information on Canadian pipeline plans—despite the intensive studies going on in Canada.

Congressman Les Aspin of Wisconsin points out *why* the Interior Department hasn't received an application for an Alaska—Canada pipeline. "The same oil companies which dominate the Alyeska (trans-Alaska pipeline) consortium also dominate the Mackenzie Valley Pipe Line Co., and they are hardy likely to submit an application in competition with themselves." However, it's important to note that as recently as March 29 the Canadian government reiterated its longstanding interest in having the oil pipeline go through Canada rather than having tankers carrying oil from Valdez past and through Canadian coastal waters to the west coast of the United States.

Alternative oil pipeline through Canada

Acknowledging that potential *gas* pipeline routes through Canada are also attractive *oil* pipeline routes, the report notes that the Canadian routes avoid the maximum earthquake threats, eliminate impacts and hazards to west *coast marine* areas, and have no greater terrestrial impact in many significant respects in spite of their greater overland lengths. (Vol. 5, p. 238.)

The report states that an oil pipeline through the Mackenzie Valley of Canada would be "an equally efficient [economic] alternative to the trans-Alaska route (Economic Analysis, Vol. I, p. 1) *but also admits it did not consider the additional economies of building an oil pipeline through the same corridor as the gas line.* (Economic Analysis, Vol. I, p. C–23.) Obviously, with such economies considered, the Mackenzie alternative would not be "equally" but "more" efficient. This gross error must not be allowed to stand!

Marine transportation systems

Volume 3 (449 pages) contains extensive descriptive material on the marine environment and tanker transport of oil between Alaska and west coast ports. The evaluation of oil tanker traffic indicates unavoidable adverse effects from chronic oil pollution in port areas, from intentional ballast treatment discharge at Port Valdez, and from accidental discharge by collision or by negligence. Estimates of accidental discharge are as high as 140,000 barrels a year, but "the impacts of oil upon the various biological systems cannot be predicted in a quantitative manner." (Vol. 4, p. 196.)

Elsewhere the report (Vol. 4, p. 608) says an "irreversible commitment of some marine biotic resources would occur in Valdez Arm as a result of chronic oil pollution." But the actual area or extent can't be predicted. Even so, "permanent and far-reaching effects upon certain forms of plankton would occur," causing a "general decrease in primary productivity which would in turn affect other organisms of the ecosystem, such as salmon, herring, razor clams, murres, auckets and other species of birds, fish and shellfish."

But all this was known before the statement was written. Is this the kind of solid, substantial and detailed information on which decision-makers can render a sober and objective judgment? With no more than this to go on, how could they know we would gain more than we lost by proceeding with the pipeline-tanker transportation system?

Pipeline breaks and contingency plans

The statement acknowledges that a "no-spill performance" would be "unlikely." (Vol 1, Summary.) It goes on to say that even under emergency shutdown procedures as much as 64,000 barrels (2.6 million gallons) of oil could escape from a pipeline break (Vol. 1, p. 23); and that "minor leaks are practically undetectable" (Vol. 4, p. 11). A "minor leak" turns out to be anything less than 750 barrels (31,500 gallons) a day (Vol. 4, p. 135). In spite of this, the effectiveness of surveillance, monitoring and cleanup procedures has not been fully discussed.

What effect would a pipeline break have on the environment and ecology? Throughout the report there is an unwillingness to quantify the damage. But occasionally one stumbles on a shocker like this: "For example, a significant spill into the upper Gulkana River during the peak of the salmon run would likely cause fishery damages of catastrophic proportions." (Vol. 4, p. 135.) And this is only part of the story, for as one can find in Volume 3, page 311, the Gulkana flows into the Copper River, which supports one of the greatest birdlife concentrations on earth. (Here lies one of the more irritating aspects of the impact statement; you have to search through the massive text and piece together many of its implications—one of the reasons public hearings are so necessary.)

Despite all these dire implications, the recently announced Interior Department engineering stipulations fail to require Alyeska to submit its contingency plans to the government before the construction permit is granted!

The alternative of deferral

Much of this voluminous statement consists of advocacy rather than a careful weighing of alternatives open to the U.S. government. Excluding Volume 6 (comments and attachments) and the three-volume economic and security statement, some 1,850 pages—77 percent of the first five volumes—are devoted to the environmental impact of *granting* the permit. Fewer than five pages—two-tenths of one percent—deal with the alternative of *deferring* the project. (Vol. 1, p. 258; Vol. 5, p. 1 and pp. 8–10.)

Yet the paragraphs devoted to deferral note these advantages: (a) an opportunity for studies of "innovative pipeline technology," (b) "operation of a pilot plant for ballast treatment," (c) "installation and operation of a large-scale hot oil pipeline experiment" in relation to permafrost terrain, (d) "pipeline leak detection research," (e) "more exact definition of the gas transportation system that would be proposed," and (f) more definitive studies of marine and arctic ecosystems.

ENVIRONMENTAL DANGERS CONFIRMED

Until the Interior Department released this statement it was still possible for pipeline advocates to say that conservationists were "extreme," "far out" and "fright-peedlers" when they warned of damage that could be inflicted by the trans-Alaska pipeline. But no longer. Here is what the Interior Department itself has to say about these environmental dangers:

"It is almost a certainty that one or more large earthquakes will occur in the vicinity" of the southern two-thirds of the pipeline. (Vol. 1, p. 97.)

"Construction scars would be visible for the life of the project and for years after the pipeline had been removed." (Vol. 1, p. 211.) These scars would occur at 12 pumping stations, seven airstrips, 26 permanent steel towers for microwave transmission, the main haul road and numerous access roads to the 234 gravel sites and 54 quarries; and 12 construction camps, as well as the pipeline itself. Excluding the Prudhoe Bay field, these would occupy an estimated 40,000 acres (Vol. 4, p. 257) and require nearly 70 million cubic yards of gravel. (Vol. 4, p. 68.)

In spite of oil industry claims to the contrary, including newspaper and television ads, experiments on revegetating the tundra that will be torn up by pipeline construction have not worked. (Vol. 4, pp. 102–3.)

A year ago conservationists were ridiculed for suggesting that buried pipe carrying hot oil would melt the permafrost, causing the pipe to collapse. Belatedly, Alyeska now plans to elevate 354 miles (44 percent) of the 789-mile pipeline (Vol. 4, p. 16)—compared to its original plan for only 40 miles (5 percent) of elevated pipe. But there is still no definite determination of how many miles of pipe will be buried. And there is an additional, unsolved problem: Wherever protective vegetation is destroyed on the tundra, the underlying permafrost will thaw bringing drainage and erosion problems for years to come—at supports, construction pads, ditching, roads, buildings, etc.

As wildlife authorities have been saying all along, the report acknowledges that caribou and other animals will die needlessly from loss of habitat, the spilling of toxic substances on forage, and disruption of migration patterns. (Vols. 4, pp. 152, 171, 154–5.)

The report further acknowledges the possibility of catastrophic salmon losses (Vol. 4, pp. 135–36); the likelihood of "pronounced reductions" of grizzly bear populations (Vol. 4, p. 534); the certainty of "considerable" siltation of three rivers noted for their fish resources (Vol. 4, p. 527); the threat of "both locally and internationally significant losses to water-related birds due to oil" (Vol. 4, p. 538); the possibility of increased mortality rates among young moose, mountain sheep and caribou because of aircraft disturbance (Vol. 4, p. 149); the threat of "illegal and wanton shooting of peregrine falcons and the robbing of the young for falconry" arising from access to habitat (Vol. 1, p. 204); and the killing of indeterminate numbers of sea otters and fur seals, which are sensitive to even small amounts of oil. (Vol. 1, pp. 207–8.)

NATIONAL SECURITY AND OIL ECONOMICS

The final three volumes of the report deal with "An Analysis of the Economic and Security Aspects of the Trans-Alaska Pipeline." Congressman Aspin, a former member of the staff of the Council of Economic Advisers, has called the study "pseudo-economics, a sham and a hoax."

As noted above, the economic study fails to take into account the most obvious economy of all: constructing the gas line and oil line in the same corridor instead of separate corridors.

In addition, we note the following:

National security

The contention is made that the United States can't afford to be dependent on oil from the Middle East. Yet the report admits that North Slope oil (2 million barrels a day) would supply only 9 percent of our projected oil needs in 1980 (22 million barrels per day, according to Economic Analysis Vol. I, p. B–1). Depending on the amount which Canada and South America might be able to supply by that time, we would still need 5 to 6 million barrels a day from the Middle East. (Vol. I, p. B–12.)

Last year conservationists were ridiculed by the president of Alyeska and officials of the Interior Department when they suggested that some of the Prudhoe Bay oil, allegedly needed for "national security," would end up in Japan. Now we find in the Economic Analysis an admission that some of the Alaskan oil would indeed go to Japan and that British Petroleum (which owns about 50 percent of the Prudhoe Bay reserves) has signed on agreement with Japanese oil companies for marketing Prudhoe Bay crude oil in Japan. What is more, the Interior Department, having professed interest in the "national security" need for Prudhoe Bay oil, has not deigned even to ask British Petroleum how much North Slope oil it has already committed to Japan. (Economic Analysis, Vol. I, p. F–20.)

Can they really have it both ways? Surely the public should have a right to comment on these glaring inconsistencies.

Profitability

North Slope oil is low-cost oil. If delivered to the West Coast by tanker, it would reduce prices theoretically by 70 cents per barrel, saving consumers about $800 million per year. If delivered to Chicago by pipeline, prices could be reduced 40 cents per barrel, with similar savings to consumers. That's what the economic study says (Vol. I, pp. H–3, H–6).

But there's one catch to that argument. As the report itself points out, "Mechanisms of the oil import quota system would keep supply and demand in balance at current price, so that prices would not fall and there would be no consumer saving."

Who, then, gets the benefit? The fog of figures is hard to analyze, but the answer is not. If the trans-Alaska route is approved, the profit will go to the oil companies (Vol. I, p. H–5).

WHO FAVORS PUBLIC HEARINGS

For all its weight and girth, the impact statement fails to give deserved emphasis to the tremendous wilderness and wildlife values of Alaska and the menace to these values posed by the unprecedented pipeline project. For this and other reasons most of this country's major conservation organizations have joined in calling on the President to schedule public hearings on the pipeline impact statement. These organizations include. Boy Scouts of America, Citizens' Committee for Natural Resources, Defenders of Wildlife, Environmental Action, Environmental Defense Fund, Federation of Western Outdoor Clubs, Friends of the Earth, Izaak Walton League of America, John Muir Institute for Environmental Studies, National Audubon Society, North American Wildlife Foundation, National Parks and Conservation Association, National Rifle Association, Sierra Club, Sport Fishing Institute, The Conservation Foundation, The Wilderness Society, The Wildlife Society, Trout Unlimited, Wildlife Management Institute and Zero Population Growth.

Similarly, 82 members of the U.S. House of Representatives have joined in signing a letter to the President calling on him to hold pipeline hearings before a decision is reached. And on the other side of the Capitol 23 Senators have made the same request.

Finally, the three plaintiffs in *Wilderness Society et al vs. Morton*—the Alaska pipeline lawsuit—wired the President on March 20 renewing their request for public hearings. Besides The Wilderness Society, the plaintiffs are Environmental Defense Fund, Inc. and Friends of the Earth.

WHAT YOU CAN DO

In spite of this imposing array of conservationists, Congress members and private citizens, the Nixon Administration appears determined to bow to the demands of the oil industry and issue the pipeline permit. Your help is needed, and it's needed now.

Unless this decision is reversed and hearings are held, Secretary Morton could ask the federal court on or after May 4 to lift the pipeline injunction and allow him to grant a permit to Alyeska.

We urge you to act today. Send a letter—or a telegram—to the President asking for 90 days to review the statement followed by full public hearings to bring the knowledge and wisdom of the American people into this important decision-making process. Write or wire: President Richard M. Nixon, The White House, Washington, D.C. 20500.

But don't stop there. Send information copies to your congressman and senators. Enlist your friends, neighbors, local clubs and organizations. And inform your local news media—including editorial writers—what you're doing. If you can use more copies of this flyer, ask for them. Get started today!

MRS. THELMA MILLIFF

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. WALDIE. Mr. Speaker, I should like to bring to the attention of my colleagues the imminent retirement of Mrs. Thelma Milliff from the Martinez Unified School District in my congressional district after 45 years of outstanding and devoted service.

Mrs. Milliff has served the students of the Martinez Unified School District and the Martinez community with devotion, unselfishness, personal sacrifice, and love. Her contribution to each child under her care can never be measured other than through their accomplishments throughout their lives, as a result of her superior methods of instruction and personal involvements which can only be termed a "labor of love." She exemplifies a teacher in the truest sense of the word.

I join with Mrs. Milliff's many, many friends and students on the occasion of her retirement dinner on June 7 in extending to her my sincere best wishes for a truly deserving happy and rewarding retirement for many years to come.

RUNAWAY YOUNGSTERS ARE TRYING TO TELL US SOMETHING

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. FRASER. Mr. Speaker, runaway youngsters are a national problem—a tragedy—that, according to the April 24, 1972, U.S. News & World Report, will not recede with the receding of the youth revolt of recent years.

According to an article from the March 26, 1972, Washington Sunday Star:

> Today's youngster who flees his warm bed, his stereo and his three square meals a day is less likely to be striving for adulthood than giving an anguished cry for help.

"The Bridge" in Minneapolis offers help to runaway youths. A March 27 Minneapolis Star article describes this innovative facility. I am pleased that citizens of Minneapolis are working on this problem. The goal of "bridging the gap separating runaway children and their parents" gives the Minneapolis program its name. And this gap is at the heart of these individual tragedies.

The three articles which follow describe in detail the problem. We must work to find solutions to it:

RUNAWAYS OFTEN FIND NEW HOPE AT THE BRIDGE

(By Joe Blade)

"How can you live with hate" asked the 15-year-old girl. "With people just yelling at you all the time?"

She couldn't, so she ran away. Through part-time jobs she paid for her half of an apartment shared with a girl friend in the same suburb where her parents live.

After three months she found out how much she missed school. And that "when you can do anything you want, there isn't anything you want to do."

So she called a policeman she knew and he recommended she try The Bridge, where help is offered to runaway youths.

"You can lean on people here," she told a reporter several days after moving into the old frame house at 608 20th Av. S. "You grab them and they'll really talk to you."

Eventually they ask how much the runaway is responsible for his or her problems. And then, the girl said, she had to face the fact that she bore at least half the blame.

Perhaps not in her case. The Bridge could not even get her parents to show up for a conference. Another home is being sought for her.

The Bridge was started by Sister Rita Steinhaugen, a free spirit in the West Bank community who saw a desperate need for a runaway facility while she was running the Free Store on Cedar Av.

A long-vacant house and remodeling money were donated by Cedar Riverside Associates, Inc., which is developing the area.

The name was chosen to symbolize the goal of bridging the gap separating runaway children and their parents.

The first two functions of the house are easy to provide: shelter and a cooling-off period.

The next step is "a lot of serious talking, opening up and listening on our part to create an atmosphere where they can talk, where they know they won't be punished for what they say," says Greg Anderson, the associate director.

A 24-hour period is allowed for notifying parents. "Sometimes it's too threatening right away," Anderson says.

If a runaway won't call his parents, he can't stay.

"The initial agreement is that The Bridge is for straightening out your own problem, and we're here to help you," Anderson declares. If a youth won't confront his parents and face his problem, the facility can't help him.

Not many refuse to contact their parents, although on one day last week five left The Bridge for just that reason.

Parents are asked to come in to thrash problems out with their child and workers at the house.

From there, help may go in any direction needed. Sometimes counseling is enough. Sometimes other agencies must be called in. Perhaps a trusted person may be found in the child's home community.

Occasionally there is nothing to do but find another home for the child.

Much of the talk is throwing out possible alternatives that a runaway—or his parents—may not have considered. And suggesting some serious thought about what they really want to do.

The Bridge's eight full-time employees include three nuns from the Order of St. Joseph. There also are about 30 volunteers, many of them students at the University of Minnesota.

The average stay of a runaway is one to three days. There are nine beds on the second floor and some convertible couches downstairs. The youngsters help prepare meals.

Does The Bridge do its job? A sampling of opinions among the 581 youths served in the 13 months after its opening Dec. 1, 1970, was taken by the research department of the Community Health and Welfare Council.

Of the youths contacted, 86 percent rated The Bridge "good" or "excellent" and two-thirds felt they had been helped with their problems.

More of the parents felt they had been helped, but somewhat fewer approved as strongly of the institution. Anderson finds this understandable, because the youngsters stay, but parents travel there to confront difficult problems.

One parent responded to the survey by saying: Don't publish The Bridge's existence, so as to not attract youth."

When the underlying problem was found to be with the parents, it usually was improved, the survey discovered. When the children were the cause, problems remained the same or worse, according to responses.

The most important single precipitating cause for runaways is alcoholism or drug dependency in the family, says Sister Marlene Barghnini, director of The Bridge.

About 60 percent of the children seen at The Bridge are from chemically dependent families, says Anderson.

Lack of ability to communicate on a "feeling level" is another major problem, he adds.

Sister Marlene feels this stems from the tradition that American men should not show their feelings. That can play havoc within families, she said.

The Bridge is now independent; in its first year it was associated with St. Joseph's Home for Children in south Minneapolis.

Workers at The Bridge felt they should use a less clinical approach, while St. Joseph's was unhappy about having responsibility without control over operations. So an amicable separation was worked out.

Relations are good with most local social agencies, but there is hostility at one important institution: the Minneapolis Police Department.

Suburban police work effectively with The Bridge, bringing in children and establishing contacts within the community. Although cooperation from Minneapolis juvenile officers is even more important, says Sister Marlene, only a few individuals will work with The Bridge.

The future of the organization is distinctly unsettled. There are continuing problems with that old devil, money. The Bridge is chronically short of funds—employees went unpaid for six months at one point.

A $28,597 grant for a year's operation is being sought in federal anticrime funds. The current budget is much less, said Sister Marlene.

U.S. Sen. Birch Bayh, D-Ind., is sponsoring a Runaway Youth Act in Congress to appropriate $10.5 million a year for institutions like The Bridge.

If The Bridge weren't available, where would runaway kids go for help? A third responding to the survey said they didn't know; another quarter said "stay on the streets."

The research committee concluded that The Bridge not only was needed but was "an important link" among services in the community.

"The main thrust of The Bridge," said Sister Marlene, "is to cause reconciliation through family crisis. Most people won't do anything until there's a crisis.

"And running away is a crisis that affects everyone in the family."

THE RUNAWAYS

(By Michael Satchell)

She was spotted recently, thumb in the air, on a Northern Virginia beltway entrance ramp, alone, scared, vulnerable, looking all of 13 years old, hitching a ride from her private nightmare to trouble she never dreamed of.

A heavy truck with out-of-state tags shuddered to a halt and the passenger door flew open. She hesitated, flung a quick backward glance toward a nearby subdivision where she probably lived, tossed up her small knapsack and climbed into the cab to join two strangers.

The men sat her between them, the truck roared off in a spatter of gravel, and Little Miss Runaway was free at last.

"If she was lucky, very lucky, she might have gotten out of the truck unharmed," Larry Jones, a juvenile investigator remarked. "But it's doubtful. She was probably used and abused and then kicked out. That's a rotten experience for a young kid, but it happens to runaways all the time."

A Senate subcommittee investigating the runaway problem was told recently that as many as a million youngsters under 18 left home last year and the number is expected to increase. Last year, about 10,000 boys and girls from the Washington area fled their homes.

The FBI reports that runaway arrests are up 60 percent in the last four years and the age range is dropping. Six years ago it was 16 and 17 years old who were fleeing. A recent survey in New York City indicated that nearly half of that city's total runaways were between 11 and 14, a trend noted by Washington authorities.

Perhaps half of the runaways, most of them first-timers, are back in their own beds within a couple of days, picked up by police or returning voluntarily after a brief, unhappy fling away from the parental fold. Usually, they are none the worse for their experience.

It is different story with the others who swell the ranks of the vast, numberless, drifting army of rootless youngsters, the street people who clog the nation's Georgetowns, Greenwich Villages and Sunset Strips and the throngs who head like lemmings for the Florida beaches and the California freeways where—they believe—it's really at.

A tiny proportion manage to become permanently swallowed up in the street subculture and remain hidden until reaching 18 or a point where their parents no longer want them.

But the majority eventually get picked up, often for committing crimes, and are sent back home or to a juvenile institution, only to return again and again to the streets because their family problems invariably remain unsolved.

Running away is in itself an illegal act but what concerns authorities most is that in order to survive a youngster is forced to commit crimes, usually stealing or dealing in dope.

They also are extremely vulnerable to older persons who prey on them—rapists, rip-off artists, the assorted flotsam of the street subculture who themselves survive at the expense of their younger "brothers and sisters."

"Most runaways are young, inexperienced suburban kids who run away to major urban areas," Sen. Birch Bayh, D-Ind., noted recently. "These children look for companionship, friendship, and approval from the people they meet. Instead they often become the easy victims of street gangs, drug pushers and hardened criminals.

"Without adequate shelter and food they are prey to a whole range of medical ills from upper respiratory infection to veneral disease."

Said Vic Wertz, a juvenile investigator: "From the moment a kid leaves home he or she faces trouble. If it's a girl she's gonna get picked up and sexually molested. Boys have that problem too. We are certain there are perverts who cruise around looking for young kids hitching a ride.

"If a girl wants a place to sleep, she's got to pay for it and usually with her body. It's inevitable—and its just as safe a bet a kid is gonna get into drugs if he isn't into them before he leaves home."

Even at Runaway House near Dupont Circle, where kids can find a welcome and a bed, such problems are inescapable.

"Some little bitch stole my clothes, my makeup, even my toothbrush," snarled a pretty 13-year-old who is staying in the house. "If I find out who it was I'll rip her off so bad she'll never forget it."

Most of Washington's runaways are from the suburbs, and after spending a night or two at a neighborhood friend's house, they usually head for Georgetown . . . where dope is easy to come by and the crash pads—places to sleep—are usually mattress-full.

After a few weeks, some of the youngsters become adept at hustling for their needs. A group of 13 and 14-year-olds, at Runaway House explained how they live.

"On a good day, I can make $5 an hour panhandling," said a very pretty 13-year-old from Vienna who called herself 'Billy.' "

"I put on my oldest clothes, go barefoot, and look very downcast. I ask the tourists if they can spare a few pennies so I can get something to eat. It works just about every time."

Ed, charming, rascally 13-year-old with a 20-year-old's experience who has run away from his Takoma Park home more times than he can remember, said he steals to survive.

"It's easy," he laughed. "I rip off food and cigarettes from supermarkets. I only got caught once and that was in Newport News when I took 13 packs of cigarettes. I gave the guy a fake name and took off. No problem."

Runaway House, a graffiti-festooned three-story building, is the only privately operated refuge in the area dealing exclusively with runaways. In its nearly four-year existence, it has provided temporary shelter for about 3,000 youngsters. But on any given day in Washington there are scores of runaways combing Georgetown looking for a place to sleep, or a bite of food to scrounge, and it sometimes gets tough.

"We've had kids come here who have emptied garbage cans and slept in them," recalled Kurt, one of five Runaway House counselors. "Some kids sleep in telephone booths. And often they go hungry."

Running away has always been a part of America's folklore since Huck Finn and Tom Sawyer floated down the Mississippi, but today's youngster who flees his warm bed, his stereo and his three square meals a day is less likely to be striving for adulthood than giving an anguished cry for help.

The reasons for leaving, noted Ken McLaughlin, a Fairfax County juvenile court supervisor, range from such petty things as getting a bad grade in school and being afraid to go home to deep-rooted conflicts that may take skilled counseling and a long period of readjustment on both sides.

"Some kids make elaborate preparations"—almost like somebody wanting to commit suicide—"and they are constantly throwing out hints," McLaughlin said. "They tell their friends they are going to run, knowing it will get back to their parents. What they are doing is telling their parents: 'Hey, please change or I'm gonna split.' "

Still others simply decide on the spur of the moment to leave and with nothing but the clothes they are wearing, head for the nearest highway.

A typical example is 14-year-old Debbie, who said she left her Falls Church home a week ago Wednesday. She is staying at Runaway House in the District and, she said, she has not yet called her parents who probably have no idea where she is.

"I skipped school that day and went to a party in Vienna," she related. "I was supposed to get a ride home but I couldn't get one so I stayed with a friend in Arlington. Then I decided I'd be better off by myself so I headed for the District and came here.

"I don't want my parents to know where I am—even though they're worried about me. As far as I'm concerned they're just a couple of people who fed me. They didn't like my friends or what I did."

Children from middle and upper-class families run away with greater frequency than the children of poor parents, authorities note.

"You don't hear much about it when some senator's son runs away but it happens a lot," chided Marlene Ross, a psychologist and a leader of the drive to start a runaway house in McLean. "They don't report it to the police."

Said a county juvenile worker: "There is a thing 'lieutenant colonel' syndrome in Northern Virginia. They always are busy trying to make full 'colonel' and they never have time for their kids. It seems like every week we get a call that some lieutenant colonel's kid is missing."

In recent years there has been an increasing trend for girls to run away and today they outnumber the boys who have spurned their homes. Juvenile officials say girls are under greater pressure to conform to higher moral standards than boys.

Today there are few private agencies to aid runaways, and there is a growing trend of thought to move the problem out of the criminal justice system entirely.

The police tend to regard private operations such as Runaway House as a nuisance, run by do-gooders with little experience in handling kids. The volunteers in turn say the police see runaways as little more than juvenile delinquents rather than troubled children, and act accordingly by arresting them.

The police feel runaway houses encourage kids to leave home. The runaway houses say they are answering the needs of desperate youngsters.

The answer may be a Congressional bill introduced by Sen. Bayh that asks for $10 million over the next three years to construct and operate temporary housing and counseling services for runaways. The bill would strengthen interstate co-operation or runaways and would promote research into the problem as well as provide housing for the youngsters and ways of getting them back to their families quickly.

It is a jarring experience to chat with the residents of Runaway House, not so much to hear their tales of family woe, but to hear them assess their own situations and talk about their life-styles that at the tenderest of ages revolve around little more than acid, alcohol and "being free."

But their outward bravado of making it alone on the streets without help from their parents is betrayed by the pain they express only among themselves, or in their crude scrawls of graffiti on the walls of their bedrooms.

"Loneliness is a kid living with two adults," reads one message. "I love the world and everything in it but my mother," reads another. "Caution: Parents may be hazardous to your health."

But most telling of all, perhaps, was the statement by a pretty young girl who says she has been through it all as a runaway—drugs, sex, attempted rape, shoplifting, the lot.

"Being 13 years old is such a bummer," she groaned. "How I wish I was 14."

RUNAWAY CHILDREN—A PROBLEM FOR MORE AND MORE CITIES

The flight of unhappy youngsters from U.S. homes shows no signs of diminishing. It's striking at a wider range of parents, raising big questions about the future of the family.

Each week more than 10,000 American children run away from homes, schools and institutions. What's more—Developing among U.S. youth experts is the unsettling thought that runaway youngsters are going to be a national problem for years to come.

No longer do specialists in juvenile troubles put much stock in the theory that the runaway tide will recede once the youth revolt of recent years wanes. Today, campus and off-campus violence is slackening—but adolescents continue to decamp at a rate exceeding half a million a year.

GETTING INTO TROUBLE

As in the past, violent death still befalls some. Others are arrested for prostitution, drug peddling and theft—though nothing has come along recently to match the murderous exploits of runaways who joined the "family" of Charles Manson in the late 1960s.

Some changes in the runaway pattern are being noted.

Girls appear to be moving into the foreground of the homeless young. More runaways seem to end up in smaller cities closer to home rather than faraway "glamour" cities.

Many still head for a freewheeling commune or "crash pad." But some, now wary, may take refuge with friends' families nearby, or seek out one of the "runaway houses" being set up in a number of metropolitan areas.

New York City is one of several urban areas reporting slight declines in the number of youngsters who leave home. Others, such as Nashville, Tenn., show increases.

Chicago officials say that the average age of runaways has declined to about 14.

San Francisco and other cities report that minority and working-class youngsters are joining a runaway flow once consisting mainly of disenchanted offspring of the middle class. In Boston, homeless children sleep all night in automat restaurants. In San Diego's warmer climate, they sleep on beaches.

WASHINGTON'S PROGRAM

Several dozen havens—public and private have been set up in the Washington, D.C., area to look after the 10,000 or so runaways to be found there at any given time.

One of the largest enterprises, "Runaway House" and its two foster-care homes off Dupont Circle, looked after 464 girls and 556 boys last year with funds supplied by government, business and industry and private individuals.

Talk to some of America's transient children and you hear the old and familiar reasons that have impelled untold generations of Huckleberry Finns to skip out—school problems, a longing for adventure, quarrels with parents, and neglect or brutality in the home.

Today's "youth culture," however, is adding new dimensions to the old problem of runaways.

Through hearsay, and occasionally by television and youth-oriented publications, the young have been led to believe—as a San Francisco youth worker puts it—that "running away is a socially acceptable thing." Many also seem to think that the big city overflows with Eden-like communes offering instant fellowship and protection.

Contributing even more emphatically to the runaway phenomenon, say many youth experts, is a state of disarray in the traditional American family.

The family unit has become so geared to upward—and outward—mobility, critics say, that it is increasingly unable to provide for the emotional needs of youngsters or to bridge a "culture gap" between generations that is widening.

Often juvenile values become warped—as in the case of a suburban boy who ran away to nearby Washington, D.C., when his parents refused to buy him a $400 stereo set.

Some sociologists and psychologists say the problem of runaway children is likely to be in the foreground of national attention for some time to come. Introduced in Congress this year was legislation to provide 30 million dollars over the next three years to help communities establish and maintain "runaway houses" across the nation.

Statistically, the problem is measured by Congressmen and local authorities in these terms:

Conservative estimates are that about 600,000 minors ran away from home in 1970—double the number of seven years earlier. Currently, the experts say, the situation shows little, if any, change.

Most runaways are aged 13 to 17, but some are 10 or 11. Today, about as many girls as boys are running away.

Of those runaways arrested, about 40 per cent are under 15. More girls than boys are arrested.

To get a close-up of the children and what is being done about them, "U.S. News & World Report" correspondents in major cities visited shelters and talked with law-enforcement officials. Their reports follow:

SAN FRANCISCO.—Five years ago, in this city's Haight-Ashbury section, a massive inflow of flower children" from all parts of the U.S. alerted Americans to the new scope of the problem of runaways.

Today, Haight-Ashbury is a desolate hangout of addicts and derelicts—and the runaways are congregating downtown, along or near Market Street.

Police pickups of runaways now are about half of what they were in 1968. Where do the youngsters come from? Of those who head for Huckleberry House, a runaway shelter near Golden Gate Park, about half are from the Bay area. Codirector Brian Slattery of Huckleberry House says:

"Kids are going to the nearest metropolitan area, rather than heading for particular cities. And they try to stay in parts of cities where they won't be noticed."

At this shelter, parents are always called, but the youngsters are not required to go home. Still, a surprising proportion—probably 75 per cent—do so.

"Most kids have enough love for their parents that they want to work it out and go home—and some of the most abused kids are the most insistent on working things out at home," Mr. Slattery adds.

The average runaway lasts about three days in the city before going broke, which is interpreted to suggest that the act of running away is not intended to be permanent.

About half come from broken homes, but homes with both parents present also have troubles. Mr. Slattery comments:

"In the depression, kids left because they were starving. Now it's because Dad is working two jobs, and the extra $800 a month isn't worth it."

He described some youngsters as actually "throwaways," whose parents don't want them and won't accept collect calls from them. In such cases, the remedy may be to place the adolescent in a foster home if he or she is a Californian. Some who are badly damaged by their experiences may be placed in a "group home."

Huckleberry House started out with a largely white clientele. Now about one third of those receiving its help are from minority groups.

Across San Francisco Bay, in Berkeley, police say runaways have increased without letup for the past 10 or 12 years. At one runaway center in 1971, just over half of those youngsters coming for emergency help and counseling decided to go home. Reports Eugene Horn, director of the Berkley Runaway Center:

"Compared to six months ago, many more of the kids we're seeing are from working classes. This means that the faddism of running away is about over. Kids who are running away now have more serious difficulties to run from. It's harder to get them back into their families than before."

Still, one Berkeley police official complains:

"Some who normally would abandon the idea of running away as impractical now might do it. Someone will take care of them. All they have to do is say, "Hi! I'm a runaway!'

"Generally, there is a fad thing going on—to hitchhike around the country, to be on your own, and to heck with the older generation. If it suddenly became extremely popular to honor your father and mother, the runaway situation would probably change."

Los Angeles.—Fewer runaways seem to be coming to Los Angeles than in the years when the Sunset Strip was a magnet for wandering youths from all over the U.S. and for some from Europe.

Over all, runaways reported to the County of Los Angeles sheriff's department came to 1,792 in the first 11 months of 1971, compared wtih 4,525 in the 12 months of 1968.

"Many times we are able to determine that the home life of a runaway is extremely bad," says one juvenile officer.

He cited this example: Police recently picked up a young girl and boy wandering about aimless. The boy was mentally retarded, and his 15-year-old sister brought him to the city mainly to get away from a home where the mother was usually absent and the father—an alcoholic on welfare—sold their food stamps to buy liquor.

In San Diego County, the inflow of runaways continues at a steady pace—at about 2,400 youngsters annually. Most are around 16 or 17, though some are only 12. The county director of juvenile services, Howard Toone, reports that about half of the runaways are from broken homes.

Every effort is made to keep runaways out of court, and officials work closely with private agencies, including The Bridge, a runaway shelter. It is funded mainly by the county, and on any given day offers refuge to about a dozen youngsters, who get counseling and emergency board and room after telephoning their parents. The house manager, Walter Atkin, says:

"We try to get the parents in and talk to them privately, and then with the child. In most cases, the kid will go home."

GETTING AT THE PROBLEM

"Crashers," just looking for a bed aren't accepted, and youths must be willing to accept counseling, medical attention and psychological or psychiatric care if needed. Most are from the immediate area, and only 10 per cent are from out of State.

More girls than boys are accepted. One girl on her sixth trip away from home said she first left four years ago at the age of 11.

"I never get my way at home," she said. "I can't discuss a thing with my father, especially if I'm right. I can get along with my mother for about two hours and then we start fighting."

Tenth-grade dropout, she is awaiting placement in a foster home, rather than return to own home "The law says you have to have a 'mommy' and a 'daddy' and have them make all your decisions until you are 18," she said. "I have 2½ centuries to go—it's going to be a countdown."

More thoughtfully she added:

"I was really spoiled by my mother. She should have said 'No' to me when I was small. Now she's trying to correct the mistake and says 'No' to everything, but it's too late."

Chicago.—In slums as well as in affluent suburbs, runaways are becoming a major source of worry to parents and the law.

Chicago's department of human resources has begun what may be the first runaway program in the nation for "ghetto" children, following up every runaway case reported to the police in eight high-crime communities.

Usually the runaway from a slum home is trying to escape strict parental rules, avoid harsh punishment or flee harassment from gangs. Ratio of girls to boy runaways is 3 to 2. Runaways of both sexes tend to remain with friends, and quickly become a police problem. Officials estimate that runaways account for 22 per cent of all youth crimes in the city's near South Side.

COURT FOR REPEATERS

More than the white runaway, the black youngster from a "ghetto" is likely to turn up in juvenile court if he runs away more than once. Sometimes the judge may feel the child has run away from an unfit home, and he will arrange for a foster or temporary home. But about 80 percent of the time, the youth is returned home for whatever counseling or psychiatric follow-up the court may provide.

Parents are required to come with their child to at least one group-counseling session. Welfare, legal and medical help is obtained for those who need it. Encouragingly, many families return voluntarily for several weeks of counseling—and runaway and juvenile crime rates appear to be going down in areas where the program is operating fully.

While "ghetto" parents usually report a runaway immediately, affluent parents are likely to try to hide the fact.

Even so, known runaways in suburban Evanston went up in 1970 by 50 per cent over 1969. Last year, they rose by 90 per cent. But the suburban runaway, it seems, is likely not to go very far, and to stay with friends.

Richard Hangren, a faculty member at New Trier East High School on Chicago's North Shore, says:

"We saw more running to other cities three years ago. It seems these kids just need a cooling-off period of a night or a few days."

Why do such youngsters leave? From Lt. David Kelly of the Evanston police department:

"It becomes a form of blackmail that the kid uses on the parent. Maybe the parent won't let the kid stay out as late as he wants, so he runs away. Some of these parents have taken threats from their kids from the time they were small. They ought to call the kids' bluff and not give in."

Detroit.—Runaway numbers in Detroit and Wayne County have gone up three or four times in the past five years, says Juvenile Court Judge James Lincoln. And, he adds, it is now the girls who are more likely to run away. Why?

"Parents will reject girls where they will forgive their sons."

Some runaway girls find their way to East Lansing, the home of Michigan State University, and to The Listening Earl, a runaway shelter. Says Mrs. Martin, a former social worker and now a volunteer worker at the shelter:

"They're getting younger every year. They used to drop out of college. Now they drop out of high school."

One example: Last autumn, 10 boys quit East Lansing High School and went to California in a van. They returned not long ago and are back in their classes.

At Ann Arbor, home of the University of Michigan, runaways find shelter in Ozone House. A 17-year-old girl calling herself "Vampire" told how she took off a few months ago—"splitting" from the hospital where she had been committed by her parents in suburban Detroit to be treated for a drug overdose.

"I got involved with drugs in high school," she said. "Everybody's taking them. My parents should have watched me closer. Sure, I was hiding the stuff from them, but there are signs—if you know what to look for."

Even before the overdose incident, she had quit school and hitchhiked to Michigan cities. At present she supports herself by baby-sitting in exchange for a room, but spends much time at the runaway shelter.

Her future? She replies:

"I know hitchhiking is unsafe, but my luck's been good. I'll keep hitchhiking until something bizarre happens. I have no plans for an education. I just want to get out and enjoy."

Atlanta.—Runaways are on the rise in Atlanta and Fulton County. In 1969, the juvenile court reported 512 runaway cases. The figure rose to 106 in 1970 and 1,075 in 1971—more than double the 1969 figure.

Most transient youths noted by public and private agencies are middle and upper-middle-class white girls fleeing home problems. Generally they were 14 to 17 years old, with 15 year olds probably the largest single group.

At The Bridge, a runway shelter, most of those getting aid make contact with parents in three or four days—then go home. Reports Brother Greg Santos, a bearded Catholic priest and cofounder of the house:

"About 98 per cent of the kids who come here end up with something agreeable to them and their parents."

In a random check of 46 runaways who returned home, it was found some months later that all were still at home.

Atlanta's runaway shelters get some criticism because they do not initiate calls to parents or police. Larry McCoy, director of Truck Stop Boys' Lodge and a Methodist minister, explains:

"The first night we tell the runaway that we are not going to call the cops or his parents or make him call. We let him make up his own mind, and it usually works."

In Atlanta, as elsewhere, broken homes figure strongly in the runaway picture. Juvenile Court Judge Thomas Dillon told of a

13-year-old boy who filed a complaint of his own with the court, claiming that he was a deprived child and that his stepmother "brutalized" him. The judge adds:

"The father then came and filed a complaint that the child was a runaway and wouldn't obey. We found in this particular case the child had no business being at home. The woman was not even his stepmother but was only living there. We found him a foster home."

Houston.—In 1971, the Houston police picked up 5,652 runaways, of whom 3,287 were girls, compared with 5,525 pickups—among them 3,079 girls—in 1970. Juvenile officer Joe Navarro observes:

"It used to be that more boys than girls ran away from home. Now the trend is toward more girls."

It is possible, he concedes, that girls may be reported missing more quickly than boys. "Many parents feel that a 16-year-old boy can pretty well take care of himself, but they realize a girl is more likely to come to harm."

Houston officials see two types of runaways.

One, they say, is "pushed out" by parents and is a child who is unwanted, or is trying to escape an intolerable situation such as alcoholic or brutal parents. The other type is described as a child in rebellion against his parents, in his school or his way of life.

BROKEN HOMES A FACTOR

In the second type, a breakdown of communication between parent and child is held to be common. In either type of runaway, most come from broken homes—and a high percentage are mentally or emotionally disturbed.

Fairly typical of the thousands of runaways on Houston streets is the pretty, 14-year-old stepdaughter of a well-to-do Houston manufacturer, who has left home for the second time. When interviewed, she had been away on her second trip for about three days.

"I had everything at home—my own room in a nice home, just everything I wanted," she relates. "My mother is upset about my running away, but for my stepfather, it's just another thing he has to worry about."

During her first absence from home, she lived with a 19-year-old electrician whom she met at a service station and agreed to live with after a few minutes' conversation.

"I think I love him," she says. "But who knows what love is?"

She has experimented with amphetamines and barbiturates, but has avoided heroin. Why did she run away? "I couldn't face my problem, I need help." What is her problem? "I don't know. I just know I have one."

New York City.—Last year, the names of 8,466 juveniles aged 10 to 16 were filed with the Missing Persons Bureau, a drop of about 150 from the previous year. Notable, however, was this: While the number of missing boys fell off sharply, this decline was nearly matched by an increase in the number of missing girls—5,193 last year compared with 4,875 in 1970.

Police involvement—not always for criminal acts—declined substantially among New York City's runaways, from 1,932 in 1970 to 1,630 last year. And some youth workers say that perhaps 90 to 95 per cent of youngsters "crashing" in Big Town manage to emerge without lasting damage.

Still, murders and suicides occasionally turn up among runaways. Some time ago, eight adults were accused of raping and torturing four runaway girls and forcing them to join a prostitution ring. Recently, "The Village Voice" published a long account of a "white-slave ring" that was recruiting runaway girls for prostitution.

The Rev. Fred Eckhardt, pastor of St. John's Lutheran Church in Greenwich Village, explains:

"Most of these kids have been brought up in fairly nice homes. They think they're running away to a place where nobody tells anybody else what to do, and everybody shares, and life is just a round of 'rapping,' with maybe a little panhandling or work thrown in.

"What they find is that girls have to earn their keep in crash pads by engaging in sexual relations or even becoming prostitutes. Sometimes the same thing happens to boys. New arrivals learn that to be accepted they have to experiment with drugs, even heroin. They have to give whatever they have to the boss of the pad, and provide money by whatever means they can—begging, stealing, drug-peddling or prostitution."

A CHANCE TO SEE

To combat the rosy picture of runaway life, St. Johns is staging "Operation Eye Opener"—tours of New York City's Bohemian haunts, jails, courtrooms and drug-rehabilitation centers for sponsored groups of out-of-town youngsters. Last year 43 such groups, numbering 1,600 adolescents, got a glimpse of what really is in store for runaways. Says Mr. Eckhardt: "Their naivete quickly gives way to astonishment."

This church also is putting its own youths and others in the Village to work on behalf of parents in search of their missing children. In the rectory is a giant bulletin board literally covered with letters, many accompanied by photographs, appealing for help in finding a child. Several bear the seal of "found." A few are canceled as the result of the youngster's death.

Parents are encouraged to help in the search. Police fear that this sometimes spurs the runaway to run even farther away, but Mr. Eckhardt dissents:

"I've found parents generally constructive and eager for their youngsters' return, though they may vacillate between love and anger. Many kids are willing to go home once they see the parent cares enough to look for them."

As some child specialists see it, America's runaway problem flows out of larger woes afflicting the U.S. family.

Statistics skim the surface of what is happening:

In 1960, there was only 1 divorce for every 4 marriages in the nation—but the number grew by 1970 to 1 in every 3.

Illegitimate birth rates for unmarried women aged 14 to 44 increased 26 per cent between 1955 and 1968.

Among married or formerly married women with childen under 18, about 42 per cent now are in the U.S. labor force—and 7.4 per cent of all American husbands hold two jobs.

So often do Americans move that about one fifth of the U.S. population today is not living where it did a year ago.

FAMILY TIES LOOSENED

Trouble grows as families become smaller.

Not only are birth rates at a 30-year low but since World War I a steady attrition of the "extended family" has removed grandparents, uncles, aunts and cousins from the immediate circle in which the "nuclear family" of parents and children often lived.

These peripheral relatives, in effect, often backstopped parents in bringing up children—providing additional affection and behavioral models, and a sense of family solidarity.

Today, however, the "nuclear family" stands almost alone, stripped down for mobility in pursuit of economic security and status, even to the extent of moving across the continent to accept a new job or a promotion.

That situation, in the background of many runaways, is found to produce serious friction between parents and child.

On one hand, psychologists say, children often feel themselves separated from parental love by the external pressures of "getting ahead." Alternatively, there is rebellion against parents who try to bridge the gulf by showering "warm" concern on the child.

Recently the noted psychologist and educator, Dr. Bruno Bettelheim of the University of Chicago, observed:

"It is a terrible burden to be loved too much. Parents are so anxious their kids won't make it that the kids purposely don't—just to get back at them. If parents would have a little less 'warmth' and more respect for the independence of their children, they would do a lot better."

TV AND THE CHILD

This "alienation" process, some authorities say, is intensified in early childhood by television-watching, described in one report to the American Academy of Pediatrics as occupying 64 per cent of the average toddler's waking time. Result, in the view of many psychologists, is to hamper the development of social skills and ability to communicate with parents and other children.

Out of all this come the youngsters who run away because of a sense of failure, others who want to see if their parents are really interested in them, and still others who take off simply because of a "cultural gap" of historic proportions between many children and their parents in a time of onrushing change.

Raised is this question: Can the American family survive the troubles implicit in the continuing tide of runaways?

Some doubts are raised by such critics as Betty Friedan of the "women's liberation" movement, and a British psychiatrist, David Cooper, whose book, "The Death of the Family," heralds the replacement of the "nuclear family" by communal groupings.

Even so, most authorities say the American family is likely to survive the runaway problem and other symptoms of its disarray. Dr. Paul Reiss, Fordham University sociologist and vice president for academic affairs, notes:

"Recent studies suggest a growing interest of Americans in regaining contact with relatives. We may also see a moderation in success goals, so that parents may be willing to give up some material rewards—a promotion, for instance—in order to remain near stable friends and relatives.

"I don't see a return to the old 'extended family' but I do see new forms of personal relationships developing outside the nuclear family."

Similarly Dr. E. James Lieberman, a Washington, D.C., psychiatrist and family specialist, sees future hope in the tendency of young people to marry, free of pressures and more sensibly, at later ages. The quest for a higher "quality of life" in marriage and home, he says, may ease some of the disruptive factors at work in recent times.

At the moment, however, the strains on the American family and its relationships, continue to take their toll on parents and children—and neither law-enforcement officials nor scholars see a quick end to the runaway problem. In the words of Houston's Juvenile Court Judge Wallace H. Miller:

"Until the nuclear family is re-established or re-oriented, the problem of runaways will continue to grow."

THE BICENTENNIAL COMMISSION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. SCHWENGEL. Mr. Speaker, it is good to know that many in Government who have a feeling of appreciation and understanding of American history are keenly aware of our opportunity to reflect on and evaluate the record of the United States since its birth nearly 200 years ago. As I have indicated earlier, Congress wisely established a Bicentennial Commission to aid and abet this program but, unfortunately it has not yet developed the kind of leadership that either comprehends its opportunity or understands its reason and, therefore, very little constructive leadership has come out of the Commisison except some good suggestions that have come from a committee headed by Mr. James Bittle. Therefore, it is fortunate that there are those in Government who are responding already to the opportunity.

Mr. Speaker, one of these institutions in Government is the Library of Congress. It has called on its talents and its capabilities to plan, to raise funds, and to promote a symposium.

Mr. Speaker, on Friday and Saturday, May 5 and 6, 1972, over 500 scholars and professional and amateur historians and archivists from across the United States attended a symposium at the Library of Congress on the theme, "The Development of a Revolutionary Mentality." This symposium, which was under the direction of the assistant Librarian of Congress, Mrs. Elizabeth E. Hamer, was the first in a series of five such meetings to be held at the Library of Congress in anticipation of the 200th anniversary of American independence. The entire series was made possible by a grant from the Morris and Gwendolyn Cafritz Foundation, established in 1948 by the late Mr. Cafritz, a Washington realtor and philanthropist. Its enthusiastic reception by so distinguished an audience reflects the interest of the American people in our national heritage, and I hope it will provide new inspiration to the many State and local organizations that are seeking ways to participate in the forthcoming bicentennial celebration.

The symposium was opened by L. Quincy Mumford, Librarian of Congress, who, following a welcoming remark to the audience and the participants, outlined the Library's Bicentennial programs. Then, after a spirited introductory address by the symposium chairman, Richard B. Morris, Gouverneur Morris, professor of history at Columbia University in New York, Dr. Henry Steele Commager, one of the world's foremost historians and holder of 17 honorary degrees from colleges and universities in Great Britain and the United States, addressed the audience on the subject, "America and the Enlightenment." Professor Commager's principal thesis was that:

> The Enlightenment, which many scholars consider synonymous with humanitarianism, tolerance, freedom of religion, and a commitment to the freedom of the mind, was realized in the New World. The Old World imagined, invented, formulated, and agitated Enlightenment, but it was chiefly in America that Enlightenment was absorbed and institutionalized.
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> Intellectually, eighteenth-century America was very much part of the European Enlightenment. Almost everywhere in America the philosophies embraced a common body of ideas, subscribed to a common body of laws, shared a common faith. Americans accepted the Newtonian world governed by laws of nature and nature's God. They accepted, too, the principle of the sovereignty of Reason, and the axion that Reason could penetrate to and master the laws of Nature and of God. Faith in Nature and in Reason was one of the common denominators of Europe's Enlightenment despots too, but there it was never fully realized. When the spectacle of liberalism began to be translated from philosophy to politics, European rulers conveniently forgot most of their liberal principles. But not in America.
>
> Americans had no kings, not after they had toppled George III anyway. No kings, no aristocracy, no church in the Old World sense of the term, no bishops, no Inquisition, no army, no navy, no colonies, no peasantry, no proletariat. But they had philosophers in plenty. Every town had its Solon, its Cato; . . . In America, and in America alone, the people had deliberately made their philosophers kings: Washington, Adams, Jefferson, Madison in the presidential chair, a Bowdoin, a Jay, a Trumbull, a Franklin, a Clinton, a Pinckney, a Livingston in the gubernatorial.

After a luncheon break, the sessions resumed with Prof. Caroline Robbins' address on Revolutionaries and Republicans in the Old World Before 1776, Dr. Robbins, professor emeritus of Bryn Mawr College said:

> The Declaration of Independence was not a republican document. During the 16th and 17th centuries, Catholic and Protestant alike justified rebellion against rulers who failed to protect them against disorder at home and invaders from abroad. The early Dutch, Swiss, French, Italians, Germans, and English all demonstrated that there was no obligation on the part of the people to bear the exorbitancies of a monarch when it degenerated into tyranny. In such cases, the rebellion of a whole nation cannot be called rebellion but a necessary part of freedom. As one writer put it, to resist the abuse of government is to assist government.

Professor Robbins held that the lessons of history were not overlooked by America's Founding Fathers. Having given the ancient republics careful scrutiny, James Madison noted that:

> The United Provinces allowed no particle of the supreme authority to derive from the people. Venice contained a small group of hereditary nobles exercising absolute power. Poland's aristocracy had scarcely any virtue. Only the Commons in England's polity was in any way republican.

But Madison thought that the name republic might legitimately be applied to a government holding its powers directly or indirectly from the great body of the people. Only in republics is the general good the constant concern of its magistrates. Thus in America a new meaning was given to the term republic.

Commenting on Professor Robbins' paper was J. H. Plumb, professor of modern English history at Christ's College, Cambridge. Professor Plumb praised Dr. Robbins for her excellent scholarship, noting chiefly that she had failed to include historians of the period, such as Edward Gibbon.

After Professor Plumb's remarks, Dr. Richard Bushman, professor of history at Boston University, delivered a paper on "Corruption and Power in Provincial America." Professor Bushman explained that prior to 1750 corruption in the sense of manipulating the legislature through patronage and influence was rarely mentioned in Massachusetts. The great question which agitated England throughout the eighteenth century never emerged in Massachusetts before 1750. It was the corruption of selfishness—official avarice—which preoccupied the colonial assembly. It was a much simpler corruption unrelated to the intricacies of the balanced constitution and amounted to nothing more than the ancient fear of a ruler's greed, the belief that men in power use their offices to enrich themselves at the expense of the people.

The archetypical Governor in the colonists' mind seemed to be the man of broken fortune, or of new wealth, or an aspiring and ambitious man, the very sort thought most capable of jobbing and spoilation. The Governors were especially suspect because they were not of the native elite, but were aliens and had interests apart from the inhabitants of the Colony. The distrust of these men who went to America both "to rule a colony and seek their fortune at one and the same time," compelled the assemblies to defend and enlarge their privileges. And because the legislatures were less easily corrupted, less was said in America about influence.

After 1750, however, a larger pattern began to emerge as the colonists were drawn into imperial affairs. He said:

> Under the tutelage of English radicals, a growing number of colonial politicians came to see . . . [that] the ministry at home had much deeper and more malevolent designs on their liberty and in pursuit of their object had devised methods for over-reaching the restraints on their power which Parliament imposed. As experience with Parliament made that idea a reality for Americans, the word corruption attained the fullness of meaning in colonial politics it had long had among English radicals. It grew to include corruption of the legislature through patronage and electoral influence and thus to threaten the entire destruction of the constitution.
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> In a sense the American Revolution was the extension of a conflict over legislative corruption waged in England. But in another sense the Revolution never outgrew its origins in provincial politics with provincial emphasis on corruption as sheer greed. . . . John Adams said that a "whole government of our choice, managed by persons whom we love, reverse, and can confide in has charms in it for which men will fight."

The colonists fought, "not just to escape the dominion of an oppressive ministry and a corrupted Parliament but to create a government of men they could trust, men whose interests mingled with their own and whose lust was checked by frequent elections. Under that government they could at least rid themselves of the avaricious royal appointees who, in the minds of the colonists, had been the bane of provincial politics."

Commenting on Dr. Bushman's paper was Edmund S. Morgan, Sterling professor of history at Yale University. Professor Morgan found Bushman's definition of corruption too doctrinaire, and he cited examples of governors whose behavior did not fit the pattern described above. He did, however, concede that, at least in part, the argument was valid. On that point the session ended, and in the evening many visitors and dignitaries attended a reception in the Library's Great Hall.

The Beginnings of American Republicanism, 1765–76, was the subject of a paper delivered at the Saturday morning session of the symposium by Pauline Maier, assistant professor of history at the University of Massachusetts. Professor Maier traced the change from the early 1760's, when Americans were attached to the British Crown, to 1770 when, after he had rejected a series of petitions for redress, newspapers first compared the King to Nero. In 1773, readers of the Massachusetts Spy were told by A Republican that:

> Kings have been a curse to this and every other country where they have gained a footing. From the very beginning disillusionment with George III was coupled with a rejection of monarchy as an institution.
>
> "For a time the British constitution had seemed the consummate achievement of political engineering," Professor Maier stated, "but in the course of the Anglo-American conflict it proved instead 'imperfect, subject to convulsions, and incapable of producing what it seems to promise.' It no longer seemed a well-poised arrangement of King, Lords, and Commons, but instead "a kind of fortuitious consolida[tion] of Powers now in Opposition to the true Interest of the people."

Was the republican alternative any better? Opponents of republics claimed that this form of government was prone to instability and unwieldness. The provincial assemblies provided no model for republican experiments "for they acted as part of a political system conceived as a provincial model of the British constitution, in which the governor took the place of the King, the assembly of the Commons, and the council, however imperfectly, of the House of Lords. A more exact precedent for the republican governments established from the mid-1770's lay in the association formed to regularize colonial resistance to British 'oppression.' "

While they were extra legal, temporary, and outside the regular institutions of government, these associations based their authority on popular consent, and were "designed specifically to contain what was always considered the major danger of republican institutions—popular anarchy. Here they were remarkably successful. The rash of popular violence that spread throughout the Colonies in the fall of 1765 was never repeated. Republicanism, once considered utopian, had assumed practicality. It alone—American experience suggested—could provide the freedom, peace, and security that all men sought from government."

Prof. Jack P. Greene of the Johns Hopkins University in Baltimore in commenting on Professor Maier's argument explained that:

> Americans chose Republicanism chiefly because of their appreciation of British traditions and institutions and the lack of a viable alternative.

The final paper to be read at the symposium was Mary Beth Norton's The Loyalist Critique of Republicanism. Miss Norton, assistant professor of history at Cornell University, saw the Tory-Whig struggle in the American Revolution as a contest between different varieties of Whigs. She argued that:

> The loyalists participated in the regular course of American development in the eighteenth century and that they were, not monolithic conservatives or unthinking supporters of monarchical prerogatives, but "Whigs par excellence."

It was the American revolutionaries who, in the imperial world, were the aberrations. There peculiar brand of thought came largely from a "singular, unorthodox branch of Whig ideology." They had changed and adapted the Whig philosophy to fit their particular circumstances, so much that it had little credence among most Englishmen. The loyalists, on the other hand, were neither unthinking tools of the British ministry nor rigid conservatives who resisted all change within the empire. To the contrary, prominent loyalists like Thomas Bradbury Chandler, Jonathan Boucher, William Smith, and Joseph Galloway, fully recognized the necessity of a readjustment in the relationship of the Colonies with the mother country. They differed from their fellow Americans only in the means of redress against real political grievances.

After examining their opponents' ideas, loyalists Samuel Seabury and Peter Oliver hit upon the answer: The radicals were not Whigs at all, they were republicans.

The eloquent commentary on Professor Norton's paper, delivered by Esmond Wright, Director for U.S. Studies at the University of London, was a fitting note on which to end the symposium.

STATEHOOD FOR THE STATE OF ISRAEL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. EILBERG. Mr. Speaker, 24 years ago, May 15, 1948, David Ben Gurion read the proclamation of statehood for the State of Israel. The event crowned the efforts of a group of dedicated people who had been working for the revival of the ancient Jewish State for many years, and ended a 2,000 year hiatus during which time there was no state or homeland for the Jews. The birth of the new state was the fulfillment of prophecy, the realization of a dream, the fruit of toil and labor, the reward of persistence, and a hope for the future for the thousands then waiting in the ghettos and refugee camps of the Middle East and Europe.

Independence for Israel did not mean security or freedom. Hostile neighbors used the occasion of the proclamation of statehood as their declaration of war. Invading armies swept into Israel with the intention of destroying the farms and homes of 50 years labor, and with the conviction that they could kill the Jews who had returned to their homeland. Neither the Arab soldiers nor their fanatical masters expected the Jews to defend their land; but the defense of Israel, begun in 1948 and still continuing today, is one of the inspiring stories of modern history. With little training, few weapons, scanty equipment, hasty organization, but with an unfathomed wealth of determination and courage, the defenders of the State of Israel were able to repel the invaders and secure for the State of Israel and for the Israeli people a place among the family of nations.

In the past 24 years, the mettle of the Israelis has been tested many times and is still being challenged today. At the threat of economic strangulation and in the face of another invasion of their land, the Israelis, in 6 short days in 1967, stopped the most recent of the attacks against their sovereignty. In the 5 years since the cease-fire of June 1967, the Israelis have been waiting at the peace table, waiting in vain for their adversaries to agree to end once and for all time, this war that drains away so many resources which could be used for the betterment of the whole region. But just as Israel has been persistent in its determination to live, it is persistent in its determination to live in peace. Israel wants peace, and Israel shall have peace.

The years have not all been spent in warfare. During those times of relative quiet, the Israelis have been building and planting, raising cities where before only the sand blew, constructing factories in the forgotten corners of their land, ordering neat rows of fruit trees across empty yards of chaos. I have been to Israel and have marveled at its progress. I have seen the drained swamps of Hulah, now resplendent with gardens. I have walked among the vineyards and the orchards standing in the debris of centuries of neglect. Such experiences restore in a person his faith in the dedication of his fellow man to the rewards of hard work and to enduring dream within us all to be masters of our own ships of destiny.

In every field of human endeavor, in every institution of civilized man, the Israelis have demonstrated to the world the inherent truth of one dictum: that nothing is impossible. In Israel, the free will of men and women dedicated to a cause that is just and in which they all firmly believe is on display for the world to see. Israel goods and products fill the markets of the world. Works of Israel artists grace the galleries and museums of every major capital. Israeli teachers pass on to the young and old alike, of countries in Latin America, Africa, and the Far East, the skills with which they were able to restore their own country. Israel democracy is a model upon which the emerging nations of the world build their own national governments. And Israel is an inspiration to all peoples who are threatened by extinction or domination at the hands of international thieves who would steal their freedom and subvert their wills to slavery.

But if Israel's progress and achievements are fitting subjects of praise, so are Israel's problems fitting subjects for consternation. There is still a military threat on the Israel horizon, which each day grows through the sinister largess and malevolent intent of the Soviet Union. The arms are still flowing into the Arab arsenals, and the Arab armies continue their training and preparations for a battle they claim is inevitable. In recent years, the world has watched while Soviet fighting personnel have moved into Egypt to assume positions next to their Arab clients. For the Israelis and for the free world, the question is:

Will the Soviet troops in Egypt be involved in another shooting war, should one erupt? On Israel's other borders, the Arab armies also wait and rearm. Israel has not asked foreign soldiers to fight its battles, it has not requested an American army. All that Israel wants is the chance to acquire those weapons which are necessary for the defense of their land.

Israel is paying dearly for its defense through the costly weapons it acquires and through the loss of manpower demanded by the constant vigilance along the cease-fire lines which is a burden on the Israeli economy. There are other costs involved in the defense of Israel: the lost hours away from schools and universities, the hours of waiting to find out if your son or daughter will return from patrol, the material devoted to constructing bunkers and defenses when the same material could be used for homes or hospitals. But these costs are willingly borne, because the Israelis know that the peace for which they wait and pray will bring more benefits to Israel, the Arabs, to the Middle East, and to the world.

In Israel, this 24th anniversary, like the anniversaries before it, is a time for praise of accomplishments, a time for prayers for peace, and a time for watchful waiting along frontiers abounding with hostile enemies. It is a time to hope that this anniversary will be the last one spent in a posture of defense. It is a time for planning for future building and growth. It is a time for all Jews—whether in Philadelphia or on the floor of this Chamber, Jews living in Moscow or Buenos Aires, Jews in America and around the world, to remember our heritage and be thankful that our people are, at last, home. It is a time for free men and women, in these United States and around the world, to recommit ourselves to the promise of democracy. It is a time to recall those who, less fortunate than ourselves, remain behind the walls of intolerance in the Soviet Union and elsewhere. And it is a time to look to tomorrow, when new challenges, not of warfare, but of peace, will present themselves to us and inspire us, as they did the founders of the State of Israel, to new heights of accomplishment—to do the impossible.

TELEPHONE PRIVACY—XXII

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. ASPIN. Mr. Speaker, I have recently reintroduced the telephone privacy bill with 49 cosponsors.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates or organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 20th sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

SCOTIA, N.Y.,
April 27, 1972.

Hon. LES ASPIN,
House Office Building,
Washington, D.C.

DEAR SIR: I just heard that you have introduced a bill to eliminate solicitors' calls to home phones.

My husband and I have written our representative and asked him to support this bill.

Thank you for trying to get such a wonderful bill passed!

Very truly yours,

———— ————.

MEMPHIS, TENN.,
May 8, 1972.

DEAR SIR: I heartily support your efforts to end unwanted telephone solicitation. Perhaps if this bill passes, I'll no longer be awakened at 8 a.m. or intercepted at the dinner table to hear about "the bargain of the year."

I'll be writing my own congressman about this, too.

Sincerely,

———— ————.

WALNUT CREEK, CALIF.,
April 24, 1972.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR SIR: I was delighted to hear that you have authored a bill against telephone soliciting. I have seriously considered getting an unlisted phone number for this very reason. I have a "No Peddlers" sign at my front door to prevent my being bothered by salesmen. For a long time I have felt that phone soliciting is a real invasion of privacy and that there should be some way other than having an unlisted phone number to insure against a constant irritating barrage of unwanted phone solicitations. I feel sure that the average citizen will welcome with great enthusiasm a bill such as yours. Good luck!

I would appreciate being kept advised of the progress of your bill.

Thank you.

Very truly yours,

———— ————.

VIRGINIA CITIZENS CONSUMER
COUNCIL, INC.,
Alexandria, Va., May 10, 1972.

Congressman LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: The Virginia Citizens Consumer Council, representing some 150,000 Virginia consumers through individual and organizational memberships, would like to go on the record in support of your Telephone Privacy Act.

From the mail that our complaint committee receives and the comments when representatives of our speakers bureau get when they go out to talk to community groups, telephone solicitors are considered an annoyance that many many consumers would very much like eliminated from their daily lives.

What has been most upsetting to the people we heard from is that there seems to be no way to stop the solicitations from coming. We have many cases on file of consumers who have first politely and then less courteously asked to be removed from the list callers use. To the utter frustration of these consumers, the calls nonetheless keep coming. In many cases, meals are interrupted, baths or complex tasks are interrupted, and worse, people are awakened from their sleep or called out of a sick bed to take what turns out only to be an unwanted commercial solicitation . . . and then are unable to guarantee they won't be bothered again by the same company.

In our state, land developers seems to be the worst offenders, calling long distance from Florida as well as from nearby locations. Photo studios and subscriptions agencies seem to be the next most annoying callers, and, again, don't seem to want to take complaining consumers off their lists. To make matters worse, many people tell us they have reluctantly gone to the inconvenience and expense of having an unlisted number so they can avoid these calls only to discover that sequence dialing finds them anyway.

We agree with you that the right of privacy should be given precedence over the alleged need for phone solicitation and certainly hope the Congress will act swiftly on the Telephone Privacy Act.

Sincerely,

———— ————.

BROOKFIELD, CONN.,
May 3, 1972.

DEAR SIR: I am a homemaker who is terribly harassed by frequent interruptions from commercial and charitable organizations who use the telephone as an instrument of advertising.

I strongly urge you to continue working for the Telephone Privacy Bill.

Very truly yours,

———— ————.

EL PASO, TEX.,
May 9, 1972.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR SIR: Congratulations on the Telephone Privacy Act (H.R. 14097). I have wanted such a bill for many years.

Sincerely,

———— ————.

CURRENT POLICY AGAINST COMMUNIST INVADERS SHOULD BE SUPPORTED BY ALL WHO VALUE AMERICAN LIVES

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. FISHER. Mr. Speaker, while it appears some Americans, probably prompted by a variety of motives, oppose any American interference with the massive Communist invasion of South Vietnam, evidence is overwhelming that most

Americans support whatever actions are necessary to protect American lives.

Our President, drawing upon the best military advice that is available, decided that mines should be planted in shipping channels of enemy ports. The mines have been installed. That action is not now a debatable issue. It is a reality, already consummated. The mining operation, and the stepped-up interdiction of other Communist supply lines, is designed to save American lives and disrupt the enemy's infamous invasion. Regardless of one's views about the war or the strategy employed, the decision having been made, it becomes the duty of all responsible Americans to solidly support this action.

The significance of the present situation was well described in the concluding paragraph of a May 9 editorial which appeared in the Washington Evening Star, which stated:

> The point is this and only this: For better or worse, the President has taken what he himself has described as "a decisive action." The die is cast, the Rubicon is crossed. If he fails, not only he but each of us will be the loser; if he wins, all of us benefit. Under such circumstances, the place of this newspaper is behind the President of the United States. And we believe that on that firm ground we will find ourselves in the company of the great mass of all Americans.

Mr. Speaker, under leave to extend my remarks, I include excerpts from a speech I made on May 6 to the Reserve Officers Association at its State convention in San Antonio. My remarks were made prior to the President's announcement regarding the mining of Haiphong harbor. The address follows:

REMARKS BY HON. O. C. FISHER

Now, let me refer for a moment to the situation in Vietnam, a subject about which you are, of course, well informed. As you know, the illegal invasion across the DMZ was an act of such raw aggression that it caused even Senator Fulbright to quit calling it a civil war over there.

It would seem important that the public understand that the problems caused by the Communist invasion has nothing to do with whether we should or should not send people to Vietnam. The one and only issue we are now dealing with is whether our bombers and naval craft—which are there—should or should not interfere with the enemy supply lines and provide protection in that way for American lives, and also by such means to help prevent a Communist takeover of South Vietnam. Some think we should protect American lives and American interests; others do not.

PROTESTERS OPPOSE U.S. INTERFERENCE WITH ENEMY DRIVE

War protests have recently taken on a new dimension. Recent outbursts have not been directed at the draft. Nor are they directed against being required to do military service in Vietnam. While a bit hazy, their chief complaint seems to be against the presence of our air force and naval units in Southeast Asia, and their use against enemy supply lines—without which lines the invasion could not succeed.

While some protests may be in good faith, one becomes very suspicious about motives when we see demonstrators proudly waving enemy flags.

These people I have described appear totally unconcerned about the safety of many thousands of Americans who are in the process of being withdrawn. Just why they are opposed to protecting them is difficult for me to understand.

MADAME MINH'S U.S. FOLLOWERS

This line of denouncement of interference with Communist supply lines has been voiced by certain Presidential candidates, by a few befuddled Senators; by some House members; by Jane Fonda and Dr. Spock. In addition, I should add Gus Hall and Mme. Minh—who has acted as Hanoi's chief non-negotiator at the Negotiation table in Paris. The Madam, incidentally, by telephone hookup from Paris 2 weeks ago spoke to 30,000 of her loyal minions who assembled under an enemy flag in Kezar Stadium in San Francisco.

She told her faithful California followers to demand that President Nixon stop interfering with their precious supply lines, to set a day-certain, and install a Communist as President of South Vietnam. That was the effect of the orders of Hanoi's butcher woman whose invading legions are now on a wild rampage of wholesale slaughter and destruction in South Vietnam.

Let all Americans understand what these protests amount to. They say "Stop the bombing." When they say that they protest any U.S. interference with the supply lines which support the invasion and which obviously endanger the lives of 65,000 Americans. When they say "Stop the Bombing" they are, wittingly or unwittingly, echoing the orders of Madam Minh.

This protest is not a protest against the war or against our presence in Vietnam. Our presence is already there, and it is being rapidly reduced. Therefore, the only possible validity that can be attributed to these demands must be a revulsion against any interference with enemy supply lines—because that is what it is all about. It is one thing to protest the war. But it is quite a different thing to protest interference with a brutal invasion and the protection of American lives which are endangered.

THREE MILLION IN SOUTH MARKED FOR SLAUGHTER

It is one thing to oppose the war, which is anyone's privilege, but quite another thing to denounce opposition to an invasion which, should it succeed, would involve several million human lives in South Vietnam, large numbers of whom would undoubtedly be slaughtered—should the Communist invaders overrun the South.

Let us examine that awful prospect for a moment. Clark Clifford, when he was Secretary of Defense, said that should South Vietnam fall to the enemy, the worst bloodbath in the history of the human race would ensue.

Many have not forgotten that after Hue was occupied by the Communist invaders briefly a few years ago 5700 bodies—men, women and little children—were dug up from shallow graves, all brutally murdered by the North Vietnamese.

Col. Tran Van Doc, a North Vietnamese officer who defected after 24 years in the Communist movement, estimated a slaughter of 3 million if the Communists take over.

Another defector from the North, Col. Le Xuan Chuyen, who had been in the Communist movement 21 years and who should know whereof he speaks, disclosed that 5 million South Vietnamese are on the Communists' "blood debt" list. He said the plan is to kill 10 to 15 percent of them, imprison about 50 percent, and subject to balance to "thought reform."

Many other very knowledgeable people confirm this gruesome prospect of mass butchery. Now, I know some Americans insist it is none of our business. They insist that even though the lives of 65,000 Americans are endangered, and even though timely interference with the enemy's supply lines helps protect those lives and at the same time helps to prevent the big takeover, they still demand that our bombers be completely grounded and our naval guns be silenced.

FIRM U.S. POLICY ENHANCES HOPE FOR POW'S

Another aspect of this tragic development is the plight of prisoners of war. Those who criticize the U.S. for interfering with the invasion of the South don't like to talk about POWs. When pressed on the subject they brush it off by saying once we surrender or totally withdraw all manpower and any future military supplies, the Communists will knock themselves out rushing all prisoners home. Who do they think they are kidding? How stupid can people be anyhow? Don't they know that last year President Nixon, in secret talks by Dr. Kissinger, offered the enemy total withdrawal, a day-certain, resignation of President Thieu, a free election in the South, and massive economic aid, for a cease-fire and a peaceful settlement? But this overly-generous offer—probably the most generous peace offer in history—was spurned and repudiated.

The simple fact is that the only language the enemy understands is force. Once those Communist warmongers are made to know they are in for severe punishment and that they are not going to be allowed to win that war in Washington, only then can we hope for meaningful negotiations, and some relief for prisoners. As the matter now stands, the devastation that can be wrought by B-52's and other bombers and by sea power, constitute the only meaningful advantage and bargaining power we have left in the process to bring the war to an end and expedite the release of POWs.

The enemy is risking everything on this one last big drive. Twelve of their 13 divisions are now south of the DMZ. All their eggs are in one basket. If they are thrown back, experts believe they will never again be able to recoup, reorganize, and again pose a major threat.

The military situation in Vietnam is obviously serious indeed. The President has said too many lives, including Americans, are involved to allow the invaders to succeed in this major thrust. He has said appropriate steps will be taken to prevent it. We can only speculate on what he has in mind, what force he will apply, should necessity require it. We do know that Haiphong, where 80% of all war supplies are received, is extremely vulnerable—either from aerial attack, harbor blockade or floating mines. We do know that the irrigation dikes of the Red River delta are extremely crucial and very vulnerable. And we know there are other vital targets that have heretofore hardly been touched. Whatever is done deserves solid, united American support.

ENEMY RELIES ON HELP INSIDE UNITED STATES

I have belabored this subject, but I think it is something that should be talked about and the public enabled to better understand the implications. The enemy does not disguise the fact that major reliance is placed on disunity among Americans, to assist them in their infamous plans to slaughter civilians and achieve a military victory.

It is time for all thoughtful Americans to assess the situation realistically. And it is high time for presidential candidates, whose pronouncements are heard loud and clear in Hanoi, to wake up to their responsibilities as Americans and as candidates for that high office.

It follows that in this time of grave peril, when we are playing for keeps—with so much involved on the outcome of this one invasion, that all Americans close ranks, lay aside their own views about the war, whatever they may be, and give solid support to our Commander-in-Chief. He is the only one we have, and he operates under the majesty of the American flag—your flag and my flag.

WHOSE CIVIL LIBERTIES?

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. DUNCAN. Mr. Speaker, the American Civil Liberties Union appears to have become affected by the company it keeps. Over the past few years the ACLU has defended many a hypocrit in the name of civil liberties. In most cases, these individuals have demonstrated little or no regard for civil liberties. For example, when the President is shouted down with obscenities, whose freedom of speech should be defended? When "peace" demonstrators destroy another man's property, whose rights have been violated? The hypocricy which runs through these acts performed in the name of "civil rights" is rampant.

Thanks to the company it keeps, the ACLU has lost a proper perspective on its own values. Those who burn, loot, destroy, and shout obscenities have not had their civil rights violated. One whose hands are full of dirt from the acts of violence and disruption can hardly claim he is coming into court with clean hands.

I am enclosing an editorial from the Knoxville News-Sentinel of May 6, 1972. This comment unveils the most recent chapter of the ACLU's passion for defending the "civil rights" of those who are bent on civil riot:

IN THE NAME OF "LIBERTY" 8

In Washington, D.C., the American Civil Liberties Union has filed a lawsuit to intimidate the police.

The ACLU, which used to earnestly live up to its name, is demanding "compensatory damages" in behalf of the thousands of "peace" demonstrators who a year ago wrecked automobiles, smashed windows, set fires, blocked traffic and generally raised hob in the capital city.

The ACLU lawyers also are asking court injunctions against future arrests for these offenses.

The "damages" would be paid, of course, by the taxpayers, who also were stuck for a couple of million dollars in extra police costs as a result of this disorder.

All this is being proposed in the name of civil liberty.

There have been some recent examples of similar exercises in "civil liberties."

At the University of Pennsylvania, an administration building was seized and confidential files stolen from the offices of university officials. Cornell University had to get a court order to remove a gang of "peace" demonstrators from a library. Even the Pay Board in Washington was invaded by a band of "May Day" protesters.

The leader of one of these riot-prone outfits, also involved in the Washington disorder last year, boldly proclaims that "our strategy is mass action in the street."

The point of the ACLU lawsuits is that all this comes under the head of constitutional rights. But nothing is said about the constitutional rights of Government, university and civilian merchants to carry on their business, or the right of people to get to work, or the right to be secure from property damage or burglary, or the right to be safe from rocks, bottles and other missiles thrown by hoodlums.

When anarchy can be defended in the name of constitutional liberty, we have come a long way from the concepts of the Founding Fathers.

APOLLO SAGA

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. TEAGUE of Texas. Mr. Speaker, an editorial in the Friday morning, April 28, 1972, edition of the Fort Worth Star-Telegram does much to sum up not only our national space program, but also the achievements of Apollo 16 and other lunar missions. During the Apollo 16 return from the moon Astronaut Young quoted René Descartes, the 17th century French philosopher:

> There is nothing so removed from us to be beyond our reach, or so hidden that we cannot discover it.

It is my hope that we will not forget these profound words. As we approach the last lunar mission on the part of the United States, Apollo 17, we would do well to heed the words brought to us by John Young. I commend this editorial to my colleagues and the general public:

APOLLO SAGA ADDS WEIGHT TO RENÉ DESCARTES' WORDS

With the return to earth of Apollo 16 Thursday, the amazing saga of man's flights to the moon now moves toward a big milestone. In December Apollo 17 is scheduled to make the final manned visit to the surface of the moon in the Apollo series.

The National Aeronautics and Space Administration has no further plans for manned lunar missions beyond the one in December. And unless the Russians come up with a similar project, all the new knowledge of the moon in the immediate future will be gained through electronic communications and visual study, two processes which have been incalculably advanced by the work on the moon performed by American astronauts since the day in July 1969 when Neil Armstrong first set foot on the dusty surface.

The world of science has found on the moon through the efforts of 26 American astronauts who have flown there in the Apollo series evidence and information that will affect or transform many areas of scientific thought into the indefinite future.

Before Apollo, science could only guess what a visit to the moon would disclose that would be meaningful to a geologist, astronomer, bacteriologist, zoologist, physicist, biologist, and so on down the long list. The Apollo flights have answered hundreds of questions for all of them and, thanks to radio and television, for all of us, too.

Situated as we are right in the middle of the saga, we tend to overlook much of its obvious significance. We watch the blast-offs, the moonwalks and splashdowns and leave the analysis to present and future historians.

Even so, occasionally somebody in the program says something that helps us all get a better perspective on its nearly incredible scope and accomplishments.

On his way back to earth this week, astroaut John Young did that with a quotation from Rene Descartes, 17th Century French philosopher and mathematician for whom Apollo 16's landing site on the moon was named.

"There is nothing so removed from us to be beyond our reach, or so hidden that we cannot discover it," said Descartes.

"That's the story of our mission so far," Young said, and he could have been speaking of the entire U.S. space program, which in a few years has reached to fantastic lengths and discovered a vast multitude of things that were hidden.

MAYOR RICHARD J. DALEY CELEBRATES HIS 70TH BIRTHDAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. ANNUNZIO. Mr. Speaker, today is the 70th birthday of the distinguished mayor of Chicago, Hon. Richard J. Daley.

I am delighted to join his many thousands of friends in extending my congratulations to him, to his devoted wife, and to his children on the occasion of his birthday.

I had the honor of serving as director of labor in the cabinet of Gov. Adlai Stevenson at the same time that Richard Daley served in the cabinet as director of finance.

Over the years I have seen this remarkable man serve with ability and dedication the people of our city and our State. He has made a tremendous contribution both to the city of Chicago and to the cause of better municipal government during his service as mayor of Chicago over the last 17 years.

All of his fellow mayors acclaim him as the best mayor in the United States, and Chicago as the best-run city in the United States. Other mayors are constantly seeking his advice and counsel toward the solution of their own municipal problems. The people of Chicago hold him in the highest of esteem, having returned him to office for five terms. He has thus served longer than any other person as mayor of Chicago.

Mrs. Annunzio joins me in extending to him our sincerest congratulations and best wishes for many more years of service to the people of our city, State, and Nation.

Two articles about Mayor Daley follow—one written by Edward Schreiber of the Chicago Tribune and the other written by Harry Golden, Jr., of the Chicago Sun-Times:

[From the Chicago Sun-Times, May 14, 1972]

DAILEY AT 70 TELLS HOW TO FEEL LIKE 40, STAY CHAMP

(By Harry Golden, Jr.)

Approaching his 70th birthday Monday, Mayor Daley confided he lifts weights, pedals a bicycle exerciser and punches the big bag in the basement of his home.

The master politician and builder of public works and mayor of Chicago for 6,233 days come Monday bantered with regular City Hall reporters in his office and said:

"I feel just as well as if I were approaching 40."

Accounting for this, Daley said, "The Lord has been good to me, and I must be doing something that I like to do.

"I have no vindictiveness with anyone. I am thankful to the Lord each day that I wake up and it is such a nice day. And I am thankful to my parents—and to a lot of other people."

HE'LL CUT A CAKE

Daley will shake hands with his department heads and leaders of the clergy, government, labor and business in his fifth-floor City Hall offices Monday morning. He will cut a cake.

Everyone will sing, "Happy birthday, dear May-or." And, if past years are any indication, he will choke up a bit and speak of his late parents, Michael and Lillian, and his wife, Eleanor, and their four sons and three daughters.

Then it will be back to his desk and the public business.

On week days, the mayor is in his office at 8:30 a.m. Evening appearances often keep him away from home in his native Bridgeport till late at night.

Daley sets the pace as he hastens down hotel corridors to banquet tables, or from City Hall across Randolph to the Sherman House and his offices as chairman of the Cook County Democratic Central Committee, or to the escalator that will take him to the Civic Center and a session of the Public Building Commission—one of scores of agencies he heads, or effectively names the heads of.

The pace is neither brisk nor swift, but downright speedy.

CARRIES ATTACHÉ CASE HOME

Far taller and years-younger associates in government seem to have to break into a half trot to keep up with the rotund figure in the blue suit.

A reporter asked if he tries to relax on those weekends when no meeting is scheduled.

Daley grinned. He reached under his desk and heaved up an enormous attaché case.

"My wife is going to burn this," Daley said. "I have been carrying that home all my life. That isn't a good habit."

Daley said exercise is the foundation of his apparent health and continuing zest.

"Exercise is one of the things that everyone must take," he said. "The human body will disintegrate if you don't use it.

"The former commissioner of health, the great doctor, Herman Bundesen, on the first day I was in here (April 20, 1955), said , 'Do you do a lot of exercise?'

"I said that, well, I did a lot of sports, but lately I wasn't exercising too much. He said, 'Every morning, get on the bicycle and ride it.' "

A reporter recalled that Daley played football and baseball with his sons when they were younger.

"Now I play it with the grandchildren," he said. He reached into a desk drawer and pulled out a box of baseballs, all autographed by the players of his cherished Chicago White Sox.

"These are the balls for the kids (grandchildren)," he beamed. He couldn't restrain himself from adding irrelevantly that the White Sox have a great team this year.

Prior to recent years' intense concern over security, Daley often walked from home to City Hall on pleasant days.

He's now a do-it-at-home exerciser. What kind of exercise?

"Bag punching. Bicycle riding. Jumping the rope. Weight lifting."

Weight lifting?

"Sure," said Daley. "Anyone who doesn't do that better not get out of bed.

Did he really have a body bag in the basement?

"Boxing gloves, too," Daley said. "Want to come over some morning?"

Daley considers diet, too, a key to vigor.

He's fond of grapefruit and honey in the morning. On his birthday, he speculated, Mrs. Daley will probably prepare "a boiled dinner" (corned beef and cabbage, potatoes and carrots). Or she may have ribs, or roast beef.

"Mrs. Daley is a very fine cook," he declared, "and I haven't anything to say about it."

The mayor is a nonsmoker and a moderate beer drinker.

Daley characterized his health as "excellent." But he hastened to note that several of his friends, some of them famous, made such pronouncements shortly before expiring.

Daley leaned back confidently and asserted, "If the Lord wants you, He will call you. I am ready to see Him if He wants me."

The mayor was asked if he plans to run for a sixth four-year term in 1975, as predicted by several political associates.

"I'll tell you when the time comes," he said.

He turned again to sports. He plans, through the Mayor's Youth Foundation and the Chicago Park District, to reactivate and expand a "baseball school" for boys aged 8 to 14, in a program similar to that which was once guided by baseball great Rogers Hornsby.

Daley said players of the White Sox and Cubs will lead the training.

"We hope to have two leagues," he said, "one on the North Side and one on the South Side." He added proudly, "This will be hard ball."

In his own youth, Daley played second base and catcher with the Hamburgs, a club organized by his ward's Democratic organization.

But his favorite sport was football, because of the rough "body contact," he said.

Wasn't his favorite sport really politics?

"Football," Daley said, "is something like politics."

[From the Chicago Tribune, May 15, 1972]

HAILS EXERCISE—DALEY TO TURN VIGOROUS 70

(By Edward Schreiber)

Well, here it is already, a year later than it was last May 14, and, like everybody else, Mayor Daley is a year older.

A year older? Well, not quite. Actually, his birthday is tomorrow. Today is Mother's Day at the Daley household, as it is everywhere. Tomorrow it is his day, when he will be 70.

Unlike many who get to that age, Mayor Richard J. Daley is quite jolly about the idea. Eleanor will cook up a boiled dinner and he'll eat at home, which is where he likes to eat. There will be no leftovers tomorrow, you can bet on that.

WALKS LAST MILE

The mayor will reach the City Hall about 8:30 a.m., debouching from his chauffeur-driven car and walking the last mile or so, as is his custom if the weather cooperates.

"Exercise, you know, is responsible for my good health," the mayor said a few days ago when reporters, anticipating his birthday, began asking him the customary inane questions that come along every year about this time.

Exercise?

"Oh, my goodness yes, exercise," said the mayor. "Dr. Bundesen told me my first day in the mayor's office, back in 1955, that exercise was just great. That is responsible for my good health."

SHOULD SEE BASEMENT

One reporter says that the greatest exercise he has ever known the mayor to indulge in—except for walking that mile to City Hall, of course—was to walk into the steam room at the Lake Shore Club.

"You should be in my basement—jumping rope, punching the bag, lifting weights, and an Exer-cycle, too. Anyone who doesn't do this had better not get out of bed," said the mayor.

KURMAN'S CRUSADE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. PEYSER. Mr. Speaker, I would like to recommend to my colleagues the following article written by Barbara J. Katz in the May 13 issue of the National Observer. The story concerns the health and safety problems at summer camps throughout this country and one man's effort to make them better. With over 8 million children going off to summer camps this year, this is an important and very timely article:

KURMAN'S CRUSADE—HE CAMPAIGNS FOR SAFER SUMMER CAMPS

(By Barbara J. Katz)

Until the summer of 1965 Mitch Kurman was "just an ordinary guy. All I was interested in was enjoying my family, tending to my furniture business, and getting away on week ends and doing a little fishing," he recalls.

But all that changed that summer, a summer Mitch Kurman says he will never forget. His only son, David, 15, died in a boating accident on a camping trip sponsored by an upstate New York YMCA. David drowned when his canoe overturned in the Penobscot River in Maine while negotiating white-water rapids that a forest ranger had warned the boys' camp counselor against tackling.

ONE CRUSADER, SEVEN LAWS

Since that time, Kurman has led a one-man crusade for improved camp safety. He has devoted thousands of hours to lobbying congressmen and state legislators, testifying in congressional hearings, writing articles, delivering speeches, and crisscrossing the country to personally investigate dozens of reported camp activities.

The fruits of his efforts to date include at least six state laws and one Federal law. A comprehensive bill on youth-camp safety—the main focus of Kurman's crusade—has passed the Senate but lost out to a weaker House version that a Senate-House conference committee approved last week.

When they sent their son off from their Westport, Conn., home that summer of 1965, Mitch and Betty Kurman, like other parents, simply assumed the camp they had selected was safe. They were unaware that, unlike other facilities for children, camps in most states are under little or no obligation to meet specific standards of health and safety.

DANGER IN WATER, CARS

According to the American Camping Association (ACA), the largest nonprofit camping organization in the country, 24 states require no license or set no standards for operating a camp. Only 21 states inspect camp facilities, and only 4 of these evaluate safety factors. Forty-six states have no requirements for counselors or other camp personnel.

Summer youth camps are a big and growing business. There are 10,500 overnight, day, and travel camps nationally. Only about one-third are ACA-certified as meeting minimum health and safety standards. In 10 years the number of campers has increased 40 per cent, to nearly 8,000,000, the ACA says. Camp experts say it is likely that accidents causing serious injury or death are increasing correspondingly.

The leading causes of camp fatalities are drownings and automobile accidents. Approximately 40 children are *known* to drown at camps each year. But the true number is probably higher, because camp drownings are not reported separately from other drownings. The same is true of automobile accidents, which apparently kill about half as many campers as drownings do.

Nor are firm figures available on the full range of camp accidents, both serious and minor. But the Department of Health, Education, and Welfare (HEW) estimates that 250,000 injuries requiring medical attention or restriction of activities for one day or more occur in youth camps each year. Reporting of camp accidents is mostly a matter of the camp reporting to the parents that Johnny bruised his knee or broke his arm.

The only camp-safety survey of note took place in 1929. That nationwide study, commissioned by a group of youth leaders and camping enthusiasts, concluded that 65 per cent of all camp accidents could be prevented by better supervision or higher standards of camp maintenance and administration. The study said only one-fourth of accidents at camps could be attributed to the camper's negligence, and half of these could be prevented with more rigorous supervision by counselors.

Despite those findings, little has been done in the intervening 43 years to legislate health-and-safety standards for camps. Many children, of course, attend safe, well-run camps where supervision is firm and accident prevention is taken seriously. But camp experts say others attend camps whose counselors have little knowledge of dangerous waters or woods and whose safety equipment is in short supply.

"There is a great deal of negligence in this field," says Ernest Schmidt, executive director of the ACA. "Why, you can send your child to a camp in some states and the state won't even know if the water in the camp is safe to drink."

DEATH FROM MISJUDGMENTS

In one incident at Fremont, Calif., four years ago, 4 children and a counselor died and 58 others were injured when the flatbed truck they were riding on overturned on an expressway. No regulation prohibited the camp from using an open tractor-trailer on a high-speed expressway.

A few years ago seven boys died on a mountain-climbing expedition in the Canadian Rockies sponsored by an Eastern camp. At 8,600 feet up an 11,000-foot mountain, their leader quit because of altitude sickness and instructed the boys to continue without him. At 9,000 feet an avalanche swept them to their deaths. No regulation stipulated that persons leading such groups be adequately trained in mountain climbing.

In the accident that claimed the life of crusader Mitch Kurman's son, the counselor leading the canoe trip had previously had a narrow escape on a river he had been warned against traversing. Kurman sued the camp, charging that the counselors were inexperienced, had no life jackets on board, and had no ropes or snubbing poles to guide the canoes away from rocks. He won a $30,000 out-of-court settlement.

FEDERAL LEGISLATION SOUGHT

Kurman has brought incidents such as these to the attention of a number of state legislatures and members of Congress. He believes these accounts were instrumental in convincing Connecticut legislators to pass a camp-safety law and persuading legislators in New Hampshire, Massachusetts, Maine, Connecticut, and New York to pass laws requiring that boats carry at least one life preserver per passenger. Kurman also helped initiate the Federal Boat Safety Act of 1971, which sets basic standards for boat construction, equipment, and operation.

Lately Kurman has been campaigning for a Federal law that would require all youth camps to meet health and safety standards. Congress has mulled several such bills since 1966, when Kurman convinced his home-state senator, Democrat Abraham Ribicoff, of the need for such legislation. Ribicoff's bill was followed by a series of bills on the House side, introduced by Congressmen Dominick Daniels of New Jersey, Ben Rosenthal and Peter Peyser of New York, and others. After three sets of congressional hearings, no bill has yet been approved.

WEAKER BILL GETS NOD

Last week a House-Senate conference committee finally endorsed a camp-safety bill, but it won't please those who advocate Federal standards: It calls for further study rather than action. Introduced by Rep. J. J. Pickle, Democrat of Texas, it would provide for a $300,000 HEW investigation of youth-camp safety.

The bill is attached to the controversial higher-education bill, which is bogged down while the committee wrangles over differing busing amendments. Aides say it may be weeks before the bill is ready to go back to the House and Senate for voting.

The committee rejected a stronger camp-safety bill introduced in the Senate by Ribicoff. It would have required the HEW Secretary to establish minimum camp-safety standards. States wouldn't have been required to adopt them, but sizable Federal grants would have encouraged them to do so.

Kurman and other advocates of strong Federal action were backing an even stronger bill. Introduced by Representative Daniels and Peyser, it would have instructed the HEW Secretary to set standards within a year and required the states to comply with them.

ACA leaders insist that enough is known to enact Federal standards now. Dr. John Kirk, a past ACA president and current national board member, says that, "We have a pretty good idea of what's happening in the camps.

"We don't need a study to tell us that kids are being hurt at many camps by a lack of standards," he says. "What we need are minimum safety standards promulgated by the Federal Government and enforced by the states. If by this we can save youngsters' lives and prevent serious accidents, I'm all for it."

RULES FOR PARENTS

With summer approaching, however, no law passed by Congress could affect camps this year. Camp-safety advocates therefore say that parents still seeking a safe camp for their youngsters should get the answers to these questions:

What are the qualifications of the camp director and counselors? Are they experienced and trained in their specialties?

What is the ratio of counselors to campers? The ACA recommends one counselor for every 10 campers over age 8, with more for children under 8.

Does the camp take safety precautions around water and near shooting and archery ranges?

Do the buildings and grounds appear safe?

Does the camp have adequate medical facilities, and does it require medical examinations and records for all campers?

Are sanitation rules followed, and does the kitchen appear clean?

Does the camp make its accident record available? If not, why not?

Safety-conscious camp experts realize that it may never be possible to avoid all camp accidents. But they add that parents who make certain that their child's camp is up to par on health and safety will increase the likelihood that summer camp will be a youngster's great adventure, not a family's great tragedy.

HOW MANY MORE, MR. PRESIDENT?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. ROSENTHAL. Mr. Speaker, last week the Associated Press reported from Saigon that since the North Vietnamese offensive started on March 30, a total of 70 more American planes have been lost in the fighting. In these losses, 64 Americans have been killed, 18 wounded, and 62 more Americans are missing in action.

This is not the way, Mr. Speaker, to end American involvement in Vietnam and to bring home our prisoners of war and the missing in action.

How many more POW's and MIA's will our massive bombings of North and South Vietnam produce, Mr. Speaker?

STATEMENT IN SUPPORT OF THE ARTICLE WRITTEN BY ASSOCIATE PROF. WILLIAM A. STANMEYER "THE CASE FOR A BETTER BAR EXAMINATION"

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. HALPERN. Mr. Speaker, I would like to take this opportunity to call an article by Associate Professor William A. Stanmeyer of Georgetown University Law Center to the attention of my colleagues. In that article, which appeared in the May issue of the American Bar Association Journal, Professor Stanmeyer suggests, not the elimination of the use of bar examinations for the screening of prospective lawyers as advocated by Judge Edward Bell, but the continuation and improvement of that screening procedure.

Judge Bell, in his earlier article, suggested that completion of an accredited law school should entitle a person to practice law; that the law school with its intimate association with the student over a 3-year period was in a better position to observe professional achievement; and that bar examinations have been and are currently being used as devices to prevent certain applicants, mainly blacks, from practicing law.

Professor Stanmeyer answers the arguments of Judge Bell pointing out that the intimate association between law schools and students, in most courses, occurs by examination at the end of the course; that with the burgeoning law school enrollments, up over 80 percent over the last decade, such schools will be less well equipped or qualified to take on the additional responsibility; and that the charge of racial discrimination, even if true, can be corrected by the elimination of racist examiners.

Professor Stanmeyer points out that every competitive profession has "its moments of truth" and that bar examinations, in addition to the completion of minimum academic requirements, offers a second line of defense against incompetents in the legal profession. Automatic licensing, as suggested by Judge Bell, would only harm the profession and those clients such untested attorneys would serve.

I commend this article not only to other Members of the House of Representatives but also to anyone who is interested in the legal profession and request that the article be inserted at this point in the RECORD:

THE CASE FOR A BETTER BAR EXAMINATION

(By William A. Stanmeyer)

"Christianity has not been tried and found wanting; it has been found hard and therefore not tried."—G. K. CHESTERTON

Whatever the merits of Chesterton's aphorism as an apologia for Christianity. Judge Edward F. Bell's recent *Journal* article (December issue, page 1215) asserting bar examination uselessness proved, at most, a paraphrase of the Chestertonian dictum: bar examinations have not been tried and found wanting; but composing and administering a good examination has been found hard and, therefore (in some states), not really tried.

With all deference to Judge Bell, I must enter a vigorous dissent from the view that we should junk the bar examination. The automatic licensing of the graduates of all law schools, no matter their low averages, no matter the quality of the school—itself a shifting thing in an era of academic upheaval—can only harm the legal professional and the clients untested lawyers will serve.

The Bell position has three main thrusts: first, bar examinations don't work; second, they are racist; third, law schools are better equipped to make the final judgment on the candidate anyway.

DOES THE BAR EXAMINATION "WORK"?

Judge Bell says "the Michigan bar examination is designed to test only one thing, knowledge of Michigan law. I would never concede that as serving a useful purpose." Such a remark is disturbing; for one may presume that the majority of those taking the Michigan bar do intend to practice in Michigan, where, one would think, they will hold themselves out of the public as having some knowledge of Michigan law. Although, as Judge Bell urges, it may be better to attempt to test "an applicant's achievement or his aptitude"—prescinding from the subtle question, how achievement and knowledge differ—in this era of consumer protection it should not be unfair to protect the clients, who expect the licensed attorney to have demonstrated a minimum acquaintance with the law about which he will give advice.

Of course, the answer is to design a bar examination that does test achievement and aptitude, as well as measure knowledge of local law. In the meantime, the state examination motivates the student of a "national law school" to direct some attention to a given state's law before he starts advising clients there. One would think this is "a" useful purpose.

In the second column of his article, Judge Bell hints he thinks so, too; he refines his attack by saying that the bar examination is scarcely the apt means to achieve this purpose. First, he says, a practicing lawyer is not as qualified as an academician to correct the examination. This is possible, although no proof is offered; and many schools have practicing lawyers teaching as lecturers or adjuncts. The answer is: get more academics as correctors.

Second, he criticizes the lack of bar examiner contact with the student. The point has some merit. The addition of an oral examination argument or interview would make theoretical sense. Sadly, the logistics render this impossible, unless the examination were given monthly to randomly chosen smaller groups, and the number of examiners was greatly increased. But it is not entirely accurate to suggest that there is a high degree of examiner-examinee intimacy in the law schools themselves. They are bulging at the seams with students who in many schools are anonymous both during the semester and when being examined.

Third, Judge Bell makes the "one-bad-day-blows-it-all" complaint. Again, the point has some merit, although in contrasting three years in law school with a three-day bar examination Judge Bell has shifted the comparanda: the "performance" in law school in most courses, except seminars, occurs on exams. So we are comparing about twenty examination days to three. And one might just as well argue the same of the school. Why, after spending a diligent semester, should a student get no course credit because of some fortuity such as a sleepless night? The response must be that at some fixed point or other the apprentice must assemble all his skills and apply them in a controlled context to a problem he asserts he is able to handle, so that his abilities may be evaluated. Doing a good job here (by, we are agreed, fair and objective standards of measurement) is the definition of "all the successful work . . . in three years of law school", not frequent presence in class.

EVERY COMPETITIVE PROFESSION HAS ITS MOMENT OF TRUTH

Every competitive profession has its final moment of truth—the day, chosen by circumstance or one's adversary as often as by one's own convenience, when the competitor must perform. No good purpose is served by insulating neophyte lawyers from this harsh fact of life.

However, often there are equitable reasons why one failed to perform up to his abilities. Sickness, emotional pressures, mistake of time or place are some common excuses. Although lawyers must learn to control their emotions and minimize their mistakes, it is unfair to the neophyte to allow no excuse for poor performance and to require, as is usually the case, a six-month wait for a second try at the examination. For the student who flunks the first attempt, additional exam periods should be offered at monthly intervals so that he can try again as soon as he judges himself able. The numbers would not be great and the logistics easily managed.

Fourth, Judge Bell believes that, "At best, the [bar] examination is a test of one's memory." It is, in part. But so are the very law school examinations Judge Bell extolls. Yet both examinations can be, and I would venture to say usually are, much more: a test of ability to analyze and marshal facts, reason logically, argue cogently and write clearly. Judge Bell overstates the memory dimension of the bar examination; such fields as commercial paper and taxation, being code courses, may stress memory. But examinations in common law courses and such a crucial field as constitutional law need not, should not and probably do not. If an examiner constructs a test that is "just a question of how many facts one could cram in [to his mind] . . . and then put down on paper", he is a terrible examiner. Once again we are reminded of Chesterton's dictum about hard tasks not really being tried.

Fifth, a cognate objection is the "twenty-minute time limit on the answer." Again the point is overstated, because a three-hour period spread among nine or ten questions does admit a good deal more flexibility than a fixed amount allowed indiscriminately for each question. But once more the main reply is that it need not be this way. Every examination must have some time limit, yet it would not be too hard to give the students an extra hour for their ten questions. And perhaps more examiners should remind students of law professors' experience. Student writing is often in inverse proportion to student thinking.

Finally, since bar examinations fail to weed out all the grossly incompetent lawyers, we are urged to let the marketplace decide, by a kind of social *laissez faire*. Skipping the question of protecting the public (with apologies to Ralph Nader), it is curious that the presence of incompetents among us should be adduced as evidence that we should license everyone who graduates from every law school. For these incompetents fooled their teachers, evaded the school examination screening and are living proof that the schools, with all their supposed intimacy with the students, are just as fallible as the bar examination. But it should be clear that two lines of defense against incompetents are better than one.

MUST THE EXAMINATION BE RACIALLY BIASED?

Let us start from common ground. There are not enough black lawyers, but this deficiency has been the result of a congeries of factors, some irrelevant to our issue; for example, the poor quality of public school education offered most ghetto residents. Inner city schools, generally, simply do not drill students adequately in requisite verbal skills, and thus, with the use of the usual testing mechanism, the selection of law school applicants may well be imbalanced in favor of middle-class students.

Let us acknowledge that the deficiency has been due, at times, to discriminatory intent, a *prima facie* case for which Judge Bell makes out in his discussion of the Pennsylvania practice. This particular does not prove the universal. It is a *non sequitur* to contend that because three or four states invidiously discriminate, all states should discontinue examining.

Even if all bar examiners were racists which is doubtful, this fact only would prove that we should drop those examiners, not the examination. The examination process is, or can be made, ethically neutral, an improvement that should not be difficult given the "one shot" nature of the test and the ease of alternative identification procedures such as numbers assigend by computer.

If the American Bar Association can preserve the anonymity of essay contest entrants and city newspapers the anonymity of crime-suspect tipsters, devising workable methods of anonymous examination should not be beyond human ingenuity. We might experiment with a system in which examinees randomly draw from a box a gummed label marked in three sections with the same number, affix one number to their paper, keep the duplicate original and mail the triplicate original to an escrowee who by order of court will not even open the envelopes until after scores are published next to each number. Many variations easily can be devised.

The incidence of blacks failing bar examinations at a higher rate than whites must be because of (a) pure chance, (b) deliberate examiner intent, (c) a "culturally biased" exam, or (d) deficiency in writing and legal skills.

CULTURAL DEPRIVATION MIGHT CAUSE BLACKS TO FLUNK

A "culturally biased" examination is one which premises high scores, usually, on verbal skills generally associated with white, middle- or upper-class academic experiences, and these skills and experiences are, arguably, irrelevant to the measurement of a student's basic legal abilities. Such a bar examination would likely flunk out a higher percentage of blacks than whites, even though the former might be "really" just as knowledgeable or apt as the latter; and they would show it if we had a different testing mechanism. Some persons have felt this stricture should be directed against the law school admission test.

Judge Bell offers solid evidence that (a) is not the main reason; and he offers a good deal of evidence that in some states (b) is the (only?) reason. He does not really address himself to (c) and (d). This omission is unfortunate, because hyperemphasis on the alleged racism of bar examiners may distract from a deeper question: is an essay examination that puts a premium on a certain style of thought and composition unfair to examinees who have had relatively little or no cultural support for these skills in their formative years?

This inquiry is at the core of the problem, not the "absence of black bar examiners" *vel non*, a reproach tossed in by Judge Bell. Indeed, on reflection one can only be shocked that anyone seriously could suggest improving the examination by changing the color of the examiners. How would multiplying the black examiners even tenfold enable more black examiners to pass? Either the former know the latters' identity and give them special treatment, a practice Judge Bell rightly condemns, or the examiners would not know examinee identity, and the color of either group would not matter.

"FLEXIBLE STANDARDS" LEAD TO PURSUIT OF BLACKS

Judge Bell asks how it is that blacks who passed all their law school courses still could flunk the examination. His insufficient answer is that the examiners are racists. There are, however, other possibilities that deserve exploration. Besides the cultural deprivation syndrome—which, I repeat, has nothing to do with race save insofar as poor people, usually minorities, are victims of it—there are the new "flexible standards" in many law schools.[1] Awakening in the 1960s to their exclusion of blacks, many conscience-stricken schools moved rapidly to redress the imbalance by an almost frenzied pursuit of black applicants. Although an energetic "minority recruitment" policy is an excellent idea, it is an unfortunate fact that disproportionately fewer blacks attend college. And those who do are, because of their higher frequency poverty background, often as disadvantaged in college as they were in high school. The upshot was that there were not as many qualified blacks as the law schools wanted.

The law schools had two choices: cut back on minority admissions or cut down the standards for admission. Most chose the second course, thus shifting the moment of truth—"sink or swim"—from the application stage to the law school examination stage. Then, insufficiently prepared (a deficiency partly the law school's fault), a high proportion of blacks flunked out. For example, a few years ago a major northeastern law school admitted thirty "minority group people", and upwards of twenty-seven failed the first year.[2] One may assume, although there is no proof, that some of these failures were the contrivance of biased professors. That this assumption is not a complete explanation, however, may be argued from the twin facts that most major urban law school faculties are overwhelmingly liberal on civil rights questions, and that many faculties and individual teachers repeatedly agonize over how to keep a marginal minority student in.

To redeem themselves and repay the students for time and tuition, the schools hastened to institute tutorial and remedial programs. Simultaneously the decision evolved in many schools to discount examinatiton performance as much as possible and even to construe the examination as such an imprecise tool as to be meaningless. "Flexible admission standards" have sometimes evolved into flexible grading standards. The normative question whether this is good or bad is beside the point, which is the descriptive observation that it is so.

It may be that flexible admission standards plus flexible grading result on occasion in the graduation of students only marginally equipped to deal with the bar examination. If so, we may have to open Pandora's box and discuss both legal education standards and the problem of what I have called the "culturally biased" examination. Surely one can contend that social policy warrants law school adjustments and bar examination changes. But social policy, not to mention plain reasonableness, also mandates more discussion before we simply blame the examiners.

SHOULD LAW SCHOOLS BE THE SOLE JUDGE?

Since someone must decide who is fit to practice law, unless we are to license all college graduates, Judge Bell wants it to be the law schools. That most of the mechanisms the schools would use are little better than the bar examination has already been suggested. At this point we should go a step further and dare to speak of a situation of which the practicing legal profession is only dimly aware.

Legal education is changing rapidly, but not all the changes are for the good. The problem is not to throw the baby out with the bath water.

Some of the good changes, in my judgment, are the increased incidence of "clinical" courses; the new willingness to accommodate legitimate student desires; the expanding elective offerings which give students more choice in the last two years; the poverty-related courses at last bringing some legal services to the poor; the thrust of minority recruitment efforts.

Some of the harmful changes, in my judgment, include: dismantling the grading system in many schools, so that now a student's transcript is senseless, a quality prospective employers often assume is the student's; lack of adequate faculty supervision in some clinical courses; smorgasbord electives that are more sociology or politics than law; a cavalier treatment of examinations that leads to severe ethical problems for many students; faculty reluctance to ask anything of students that might be difficult (such as class attendance, timely submission of papers or taking examinations without books and notes).

It goes without saying that all these faults do not appear in every school. Nor is there unanimity that all these developments, as I have asserted, are "harmful". But the changes are occurring and bear on our question.

Concretely, if a school employs a "pass/fail" grading system or some equivalent, wherein *de facto* 98 per cent pass, does it adequately screen its students, or automatically dump them, after three years, onto the public? The same question may be asked if professors insist on expressing their discontent with the grading system by giving high grades to everyone, regardless of merit.

If a school promotes a "social policy" approach to law to the exclusion of other concerns, has it graduated lawyers or political theorists?

If professorial policy is to make academic life as easy as possible for law students, how does this prepare young lawyers to deal with judges and opponents not similarly inclined?

These questions and others suggested herein should be sufficient to raise some doubts about law schools' current prowess in deciding who should be lawyers. At the core of my concern is the conviction that law schools today are further than ever from applying a uniform measuring standard of either professorial expectation or student performance. Educational philoshophy, like cultural norms, is quite balkanized. The bar examination provides a valuable counterweight to the centrifugal forces pressing academia in all directions. One can well fear that by casting out the bar examination not only will we not exercise the *Zeitgeist*, but will actually open the door to seven worse demons.

THE EXAMINATION HAS MERITS

To prepare for a single, three-day test, students are forced to "put it all together". It has been three years for day-school students, longer for those in night school, since they took contracts, torts, property and procedure. They have forgotten a lot, and appellate decisions have changed much state law. It makes good sense to require a professional both to "see the big picture" and to be up to date. Few will review all their courses with an eye to recent decisions and course interrelation save to prepare for a required exam.

It would be ironic if lawyers, some of whom liken themselves to physicians or Ph.D.s, could someday achieve the title "Doctor" without the challenge of either pre-med and internship or, as with the Ph.D., the "comprehensive", oral final or research dissertation. Public confidence in the legal profession is not very high; how will it be increased by dropping the profession's only "comprehensive" examination and by licensing everyone who manages to pile up, over three to five years, about eighty credit hours?

Nowadays perhaps a third or a fourth of those credits in many schools may be gained in esoteric courses such as women's lib law and ecology law. These offerings can have merit; if the professor develops solid content and requires intellectual rigor, they are a curriculum improvement. But the bar examination deals with the more traditional subjects, with which it is reasonable to expect a licensed attorney to demonstrate an acquaintance, not only in his first year of law school, but also in his first year entering practice. Thus the bar examination protects a certain core of learning, the existence of which channels the schools' approach to law and helps school and student alike restrain their restless eagerness for exotica.

Drop the bar exam and the last barrier to a faddist "relevance" is gone. The result is likely to be a proliferation of *ad hoc* social-concern courses, only some of which are meritorious. Whether there's a Gresham's Law in curricula, I do not know; that ice cream is more tasty than meat and potatoes is certain. The need to pass a bar examination motivates students to balance their intellectual diet. Both for the student and the public this is a useful purpose.

In a permissive age, many students climb the academic ladder with an ease that deceives them about the harder realities beyond the womblike comforts of academia. As undergraduate uncertainties and malaise spread into law schools, the curricula, teacher attitudes and student expectations from the college years enter as well. The campus mood is suspicious of competition, and some young professors make fun of such "bourgeois virtues" as hard work and self-discipline. Yet the legal profession demands just that—competitive, even combatative, work. Although the bar examination is imperfect, it does demand laborious preparation and is a far more realistic training than most law school tests.

Finally, with more students from State A attending law schools in State B, without a bar examination State A has no evidence at all that bar applicants know the slightest iota about its laws, particular rules or law reform efforts. It would have only the reputation of a law school in another jurisdiction. Moreover, as the review of applicants by character and fitness committees is usually a *pro forma* appendage to the examination process, it is likely that abolition of the examination will entail a concomitant abolition of any character and fitness inquiry. Many who view the inquiry as uselss ritual would welcome such a development. But we should not back into it without deliberation. There is a "legal federalism" as well as a political one. The states may well ponder abdicating what slight influence they now have over the legal and ethical qualities of members of their Bars and the yielding of it to law schools sometimes half a continent away.

Judge Bell's attack on the examination system in principle and in practice and my defense of the principle both stem from sincere concern for the profession and for minority groups long excluded therefrom. I join his condemnation of racial injustices and anachronistic practices, but we can separate both from the testing system. The task may be hard, but if we fail to try, it will be ourselves, not the principle of examinations, who are found wanting.

Footnotes at end of article.

FOOTNOTES

[1] To judge from the already celebrated trial court case of *DeFunis* v. *Odegaard*, Superior Court, County of King, State of Washington, Case No. 741727 (September 22, 1971), many minority representatives who test inferior are

nonetheless admitted to law schools. In this case the trial court held that Mr. DeFunis, who had an excellent college record and high law school admission test scores, but who was denied law school admission while minority applicants with lower scores were accepted, was denied equal protection under the Fourteenth Amendment. However this case is resolved on appeal, it is common knowledge that minority admissions policies have become flexible.

[2] See also 1 Balsa Reports Newsletter 9 (September 1971): "From our underground news sources it appears that Wayne State [law school] is having a lot of problems. It appears that the Wayne State administration is systematically flunking out brothers in large numbers. For example, last year, out of 23 Black law students or thereof [*sic*], 15 or so brothers flunked out. However, due to some aggressive actions on the part of the brothers, most of them were readmitted. This year, it seems that Wayne State is doing the same thing. Perhaps what is happening at Wayne State is indicative of what is happening at other schools. We are watching Wayne State."

THE PEOPLE OF LOCKPORT, N.Y., IN FAVOR OF ADMINISTRATION'S LATEST MOVES IN VIETNAM

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. SMITH of New York. Mr. Speaker, at this time, I wish to include in the Record, a copy of a letter I have received from Leonard Bauguess, Jr., program director of WUSJ radio in Lockport, N.Y. in my district. During a recent radio talk show, Mr. Bauguess informs me that of 134 respondents to the question, "Do you support President Nixon's announced action—to end the Vietnam conflict with honor?"; 108 persons responded in favor with only 26 opposed. As a result of this poll, Mr. Bauguess wrote the President to inform him of the results. The contents of that letter follow:

May 10, 1972.

President Richard M. Nixon,
White House,
Washington, D.C.

Dear Mr. President: It is with great satisfaction for your efforts in our behalf, and renewed pride in the office of the Presidency that I write this day.

As a member of the much assailed media it is an extreme pleasure to respond to your plea for public support today. In a straw poll, taken live via telephone over radio station WUSJ between 9:15 and 10:00 AM this date the response was as follows:

In support of the President's address May 8, 1972, 108.

In negative response to the President's address May 8, 1972, 26.

Total call's received in 34 minutes, 134.

We asked the question: Do you support President Nixon's announced action last night to end the Vietnam conflict with honor? We are pleased to be able to share our small poll from a small segment of Americans in Western New York. Our phones were jammed during the polling period, and with certainty many more would like to have been included.

The people of our area reflect my own sentiment. We want all of our servicemen, including the prisoners held by the Hanoi regime home. We are confident your course of action will make that dream a reality for all Americans.

Our prayers go with you and thank you for acting strongly in our behalf.

Sincerely yours,
Leonard L. Bauguess, Jr.

AN UPDATE ON INFLATION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. HANNA. Mr. Speaker, the attention of the Congress and the Nation is still very much preoccupied with the battle against inflation. I am sure that my colleagues in the House will find the enclosed article from the Wall Street Journal helpful in assessing our current standing and our immediate prospects for the future:

CURBING INFLATION: ANALYSTS CLAIM EFFORTS TO SLOW RISE IN PRICES ACHIEVE LIMITED SUCCESS

(By Alfred L. Malabre, Jr.)

How fares the battle against inflation?

Worse than most planners in the Nixon administration care to admit. But not as badly as many critics of Mr. Nixon's economic management contend.

As the administration's wage-price control effort nears the nine-month mark, this is the picture that emerges from private economists who keep a close tab not only on bare price statistics but on more fundamental developments that ultimately can affect price tags. Almost no one now believes that the overall rate of inflation can be brought down to the administration's original goal of between 2% and 3% annually by the end of 1972. Rather, many analysts look for a year-end rate of roughly 4%, or a shade less. At the same time, however, almost no one anticipates a return anytime soon to the disastrously rapid rates of price increase—exceeding 8% in some months—that occurred in 1969 and 1970.

Ironically, this view that the effort to curb inflation will be neither resoundingly successful nor a total failure attaches little importance to the administration's much-publicized control program. Private analysts generally feel that the regulator bureaucracy, at the most, can exert only a marginal influence on the long-run course of prices. Some economists liken the control effort to squeezing a balloon; you can reduce the size of one part of a balloon by squeezing on it, but in the process other parts will inevitably expand.

THE POSTFREEZE BALLOON

The confusing, even bizarre behavior of some price indexes in recent months—sharp increases one month, almost no change the next—is attributed largely to the wage-price program. Wages and prices were held down artificially during last year's "freeze" period, analysis say, and therefore were bound to balloon in the early postfreeze months. But the longer-range impact, it's claimed, will be negligible.

Don Conlan, chief economist of Dean Witter & Co., estimates, for example, that wholesale prices are about where they.would have been without any control program. Projecting trends evident before the imposition of controls on Aug. 15, the economist reckons that the wholesale price index in March would have stood at 117.5% of the 1967 average. The actual March level, after a big jump in February and a very small increase in March, was 117.4%.

Mr. Conlan's conclusion: "All that grief and confusion for one-tenth of a percentage point improvement over free markets!"

While analysts tend to minimize the importance of the administration's control program, they do attach considerable significance to other factors, some of which are the indirect result of Mr. Nixon's economic policies. Foremost among such factors is the slack condition of the economy. An unusual amount of slack—in both machine-power and manpower—still exists even though the recovery is about a year-and-a-half old. And it's generally agreed that this slack derives largely from the Nixon administration's efforts in 1969 to slow the economic pace. In fact, a full-fledged recession occurred between the fall of 1969 and late 1970.

EVIDENCE OF ELBOWROOM

This economic slack can be gauged in various ways. About 25% of the nation's production capacity is curently idle, an extraordinarily large percentage for so long after the start of a business recovery. Close to 6% of the labor force is jobless, again a remarkably high figure. Economists estimate that the so-called gap between actual and potential gross national product has been running at an annual rate of about $50 billion. In early 1969, in contrast, actual GNP exceeded the nation's estimated economic capacity by more than $4 billion, indicating a severe overstraining of economic resources.

Such slack will permit business to expand briskly for many months without any danger of 1969-style inflation, many economists predict.

Some analysts contend, moreover, that any reduction in economic slack in coming months would actually serve to reduce inflationary pressure. A reduction in the amount of idle plant capacity, for instance, would tend to speed up the hourly output of factory workers. Any productivity speed-up, in turn, would tend to reduce unit labor costs, which in recent years have been a prime element in the inflation problem.

Robert H. Parks, chief economist of Eastman Dillon, Union Securities & Co., is among analysts who believe that "surprisingly" large productivity increases will show up as the business expansion progresses. These increases should bring "a slowing of unit labor costs in the year ahead," he predicts, adding that "the worst of inflation is over." In the first quarter, productivity among workers in private businesses rose at an annual rate of 2.1%, after seasonal adjustment. Most analysts anticipate sharper increases as the year goes on.

A LIGHT LABOR CALENDAR

Happenstance should also serve to hold down labor costs in coming months, some analysts say. Fortunately for Washington's inflation-fighters, relatively few major labor contracts come up for negotiation this year. Major labor contracts covering about 2.8 million workers either expire or contain wage reopening provisions. This is an unusually small number of workers, down from nearly five million in 1970 and again in 1971.

Another factor that may limit labor costs, some economists claim, is that workers' earnings at long last are climbing in "real" terms. In dollars and cents, weekly paychecks have climbed without interruption for many years. But because of rising prices and taxes, the actual purchasing power of the average paycheck remained approximately flat from 1965 through late last year. Since then, however, "real" pay has begun to increase briskly, finally rising well above 1965 levels.

If these gains in purchasing power continue, labor's pay demands will gradually slacken, some analysts claim. "It's when you see that your pay isn't keeping pace with prices and taxes that you pound hardest on the bargaining table," remarks an economist at Chase Manhattan Bank.

HON. GEORGE WALLACE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. RARICK. Mr. Speaker, my wife and family join with the people of my district in offering our prayers for George Wallace and extend our sympathy to his wife, his bereaved family and his people of Alabama. But now in our time of national sorrow, we must not forget to face the simple fact of life—things do not just happen; they are caused. Something provoked the deplorable shooting of Governor Wallace.

Amidst the tumult and the shouting resulting from the tragic shooting of the Governor of Alabama, a candidate for the Democratic nomination for the Presidency of the United States, here within the shadow of our Nation's Capitol, there is one evident truth—the role of the Nation's news media in inflaming people, possibly even to the point of an attempt at political assassination.

Consider the inflammatory effect of a recent lead editorial in the largest newspaper of our Nation's Capital, a paper which has wide distribution in the area of Maryland where Governor Wallace was wounded.

I insert the article at this point in the Record:

[From the Washington Post, May 12, 1972]

The Primaries: And Then There Were Three

A lot has happened since we last looked in on the Democratic primaries in the wake of Senator Muskie's defeats in Massachusetts and Pennsylvania. Subsequent contests have been held in Ohio, Indiana, Tennessee, North Carolina, West Virginia, Alabama and Nebraska. Senator Muskie and Senator Jackson have both more or less withdrawn from the race. And all three principal survivors of the ordeal—Senators Humphrey and McGovern and Governor Wallace—have demonstrated special strengths along the way, each having acquired considerable delegate support or at least the prospect of it.

What has thus begun to emerge from the mists of confusion is one possible scenario for Miami Beach. Still broad in its outlines and vague in its detail, it is the possibility that Governor Wallace will come to the Democratic National Convention in roughly the same position he sought to achieve in the electoral college in 1968—namely, as a potential kingmaker, a man controlling a bloc of votes sufficient to break a deadlock between two candidates, neither of whom could get the nomination without his assistance. To be sure, any number of circumstances could intervene between now and then to render this prospect unlikely: one of the other two candidates could achieve so commanding a lead as to ensure that the necessary support would come over from quarters not identified with Governor Wallace; the sizable number of uncommitted delegates now expected at the convention could be pried loose or conceivably even mobilized by some fourth force (Southern governors come to mind, despite Terry Sanford's dismal showing in North Carolina the other day) so that the winner would not necessarily be beholden to Governor Wallace; the Governor himself might do badly from here on out, thus reducing his chances to conduct a presidential auction. Even so, it seems to us that given the configuration of delegate strength at this point, the scenario is at least worth considering, as is the larger matter of Governor Wallace's role in the party proceedings as a whole.

Assume, then, a Humphrey-McGovern deadlock and a potential swing bloc of several hundred Wallace delegates, all of whom have been freely and properly selected under the Party's new reform procedures. Assume, too, that Governor Wallace is in a mood and a position to have a go at his swingman role. Two questions then arise—and they are questions that have been hovering, troublesome and unanswered, over the fight for the nomination ever since Governor Wallace began to display his considerable strength. One is: how are the Democrats, a huge proportion of whom regard the Governor as a renegade, a racist and a pariah, to deal with Mr. Wallace and his supporters? The other is: what does the Governor really want, what—to put it crudely—might be his terms?

As they used to say on those now-defunct quiz shows, we will try to answer the second part first—largely because, hard as it is, it is the easier question. Our suspicion is that Governor Wallace, improbable as it may seem to some, wants exactly what he has said he wants: an audible voice and a visible presence in national Democratic Party affairs, a demonstrable influence on the Party's platform and a demonstrable hand in the selection of its ticket. In many respects, this is the most difficult prize he could seek to extract from the Democrats. Unlike some squalid charge-account arrangement concerning subsequent patronage and perks, it really matters. And unlike some grandiose demand for a reversal of position on great national issues to which the Party has been and continues to be committed—questions of race, for example—it is within the power of the Party to give. Moreover, to the extent that Governor Wallace may enjoy a position of strength at the convention as a direct result of popular sentiment democratically expressed, his claim to recognition and participation and influence on behalf of his constituents grows. The operative image in all this—one which the imagination continues to resist and eject from focus—is that of the nominee, George McGovern or Hubert Humphrey or some other, standing there with George Corley Wallace's arm draped around his shoulder, while the band plays "Happy Days Are Here Again."

If you believe, as we do, that this kind of recognition, along with some conspicuous impact on the convention's decisions, is Governor Wallace's immediate aim, and if you also believe, as we do, that he personally embodies a collection of prejudices, smallbore hatreds and jagged perspectives on the world that should be repudiated rather than honored, then you will recognize the dilemma posed by his presence in Miami. How *should* the Democratic Party respond to his claim?

This is the truly hard question, although a couple of easy, negative answers spring to mind. For one thing, it is both stupid and outrageous, in our view, that Party officials here and there are already talking about violating their own state election laws and the Party's new rules to minimize the representation of Governor Wallace on state delegations and the prerogatives of his delegates once there. If the Party reforms are to mean anything, if their credibility is to be sustained, then Governor Wallace must receive everything to which he is legally entitled and so must his accredited delegates. Politically, we suspect, as well as morally, this is the only wise course: the fight against him must be honorable and *must be seen to be honorable.*

A second negative injunction has to do with not categorically imputing to Governor Wallace's delegates or his supporters among the electorate those characteristics that have made the Governor himself so thoroughly unacceptable as a major influence on a great political party. Senator McGovern wisely and cannily made the distinction after the Florida primary when, unlike Senator Muskie who excoriated the Wallace voters, he made a point of crediting their discontents and inviting them to supoprt a candidate who meant to deal with those discontents honorably and effectively. These two evident imperatives concerning attitudes toward and treatment of the Wallace contingent flow from the simple imperatives of a democratically organized nominating process. It is not really within the power of other candidates or Party hierarchs to confer legitimacy on Governor Wallace or to deprive him of it: the legitimacy of his claim will be a direct product of the size of the vote he is able to amass between now and Miami.

None of this suggests to us that the fight against Governor Wallace should be gingerly or half-hearted. On the contrary, according him his democratic due seems to us to carry with it the simultaneous obligation to wage an all-out battle against his success. In this connection, incidentally, we do not think it a bit too early for people to inspect the implications of glossing over enormous differences in political position with the newly fashionable term, "populism." At some point, and sooner than later, one would hope, the candidates—and especially Senator McGovern—would set about defining more clearly some of the distinctions between Governor Wallace's appeal and promise and their own. He is, in some respects, getting a free ride from the other candidates, and there is some prospect that the magnitude of his Miami strength will have been enhanced by some of their actions.

Governor Wallace needs to be defined. His constituents need to be persuaded away. Conceivably the Democrats will profit from a demonstrably open and combative and democratically ordered convention in which the Wallace forces have been seen to have had a fair shake. But the only way in which that image of the finale, with Governor Wallace on the platform, makes any sense to us is as the picture of a man who has been fairly denied his policy aims, who has come to terms with the better purposes of his party—and not the other way around.

THE PROBLEM OF VIETNAM

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. SCHWENGEL. Mr. Speaker, today during the quorum call I was absent because I had an appointment with Mr. John Irwin, Under Secretary of State, to discuss with him some of the problems in foreign affairs and especially the problem of Vietnam. Mr. Speaker, I came away believing that there was genuine concern in the State Department about Vietnam and I believe there is some comfort in those who are open minded and willing to consider other options and propositions that may be offered by this administration's leadership and comforting to know that they are willing to listen to Members of Congress who have deep convictions about Vietnam that may be in variance with the administration's present position.

McGOVERN'S OWN EDITORIAL

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. MICHEL. Mr. Speaker, one of the Democratic candidates for the Presidency, Senator George McGovern, has done much better in the primaries than many political pundits had predicted. The Senator's press secretary has said that McGovern has received many votes in the primaries from "conservatives" under the mistaken impression that McGovern is really conservative.

An editorial appearing in today's edition of the Peoria Journal Star explodes that myth by quoting from a letter which the Senator sent to every member of the ADA soliciting funds.

I insert the text of the editorial to be placed in the Record at this point:

McGovern's Own Editorial

The Americans for Democratic Action endorsed the candidacy of George McGovern a few weeks ago, and Senator McGovern promptly sent a letter to every ADA member soliciting funds.

In it, he outlined his program.

For two pages he attacked the Vietnam war and "Vietnam thinking" which is one position he has that has long been familiar. Then, he briefly outlined his overall "program," which has been somewhat obscure.

Frank Mankeiwitz, McGovern's own press representative, has said that McGovern has received many votes in the primaries from "conservatives" under the mistaken impression that McGovern is really "conservative." That impression somehow emerges because of McGovern somewhat ponderous appearance and delivery, apparently.

In his letter to ADA, Senator McGovern clearly outlined his views. He wrote:

"In place of the madness of Vietnam thinking, I have proposed a rational reordering or our national priorities and redistribution of our national resources.

"I have shown that building a 'Zero Base' Defense budget, starting at zero and budgeting only what is realistically needed, would cost no more than $54.8 billion instead of the approximately $80 billion the Nixon administration wants.

"I have spelled out how we could increase our federal tax revenue by $28 billion by plugging the tax loopholes of wealthy individuals and large corporations.

"As a nation, we have the resources to feed the hungry, care for the sick, give work to the jobless, provide decent housing for the homeless, clean up our air and water, educate all of our children properly. We are simply misusing our strength.

"I sensed a yearning on the part of the American people for a great sea change which no one in national leadership was articulating.

"I felt too that an effort to provide new leadership would have a priceless advantage: the untiring, unselfish dedication of hundreds of thousands of political idealists like yourself.

"A.D.A. was founded when the spirit of the New Deal appeared to be faltering, and the old coalition put together by Franklin Roosevelt was losing much of its forward momentum. Throughout the 1950's, you kept the flame of liberal idealism burning bright despite the suffocating complacency of the Eisenhower years.

"Now it is time to set new goals and build a new coalition. This new coalition can join together . . .

". . . peace advocates heartsick over Vietnam and our bloated defense budget

". . . women rightfully demanding full equality with men

". . . small farmers being driven off the land by giant agribusiness.

". . . idealistic young people fighting for a better future

". . . Blacks, Chicanos, Puerto Ricans, Indians and other minorities

". . . blue-collar workers squeezed by cold-war inflation and taxes

". . . environmentalists and zero-population-growth advocates fighting to save our planet before it's too late

". . . consumer advocates demanding quality, honesty, and value

". . . civil libertarians alarmed over unconstitutional crushing of crime and dissent

". . . educators concerned over the austerity budgets of most of our schools

". . . enlightened business and professional people who want a healthier, happier country.

"Successfully building this coalition within the Democratic party may be our only hope of heading off the Third Party and Fourth Party walk-outs threatened by militants of the right and left . . . won't you join this historic effort?

"And please hurry. Funds are urgently needed . . ."

Sincerely Yours,

George McGovern.

The program portion of Senator McGovern's solicitation letter has been reprodueed here, as written in his own words, as the best way to bring citizens more clarity about him stated in the most favorable way the senator chose for himself . . . and not on this occasion to put forward our opinion, but to put forward essential facts that, somehow, we feel in this campaign have not really become available otherwise.

In a very real sense, this has been Sen. McGovern's own best effort at an "editorial" on his own behalf.

It's here because you're entitled to it.

C. L. Dancey.

VEYSEY PRAISES ISRAELI SPIRIT ON 24TH ANNIVERSARY

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. VEYSEY. Mr. Speaker, 24 years ago Sunday the Jewish people proclaimed the independent sovereign Republic of Israel—their first nation-state in over 20 centuries.

During these past 24 years the Jewish people have wrought a miracle, carving their nation from bedrock, a desert, and malarial swamps. Twice they have had to temporarily set aside the tools of construction to take up arms and batter back the onslaughts of hostile neighbors numbering 10 times their population. What a tribute to courage, determination, and vigor.

As if that were not enough, Israel has encouraged other small nations in Asia, Africa, and Latin America—not only by example, but by substantive action with programs of technical assistance, on-the-job training courses, and the loan of experts and instructors.

This tremendous release of energies and the accomplishments of the Jewish people these past 24 years should remind us of our heritage, and that free men can stir the imaginations of the rest of mankind only so long as they remain free and are willing to bear the burdens of freedom.

ARTHUR BURNS OUTLINES THE ESSENTIALS OF INTERNATIONAL MONETARY REFORM

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. REUSS. Mr. Speaker, the distinguished chairman of the Board of Governors of the Federal Reserve System, Arthur F. Burns, laid out a thoughtful catalog of the elements he considers vital in a reformed monetary system in a speech May 12 before the 1972 International Banking Conference in Montreal. The text of his remarks follows:

Some Essentials of International Monetary Reform

(By Arthur F. Burns)

On August 15 of last year, in the face of an unsatisfactory economic situation, the President of the United States acted decisively to alter the nation's economic course. The new policies, especially the decision to suspend convertibility of the dollar into gold or other reserve assets, were bound to have far-reaching consequences for international monetary arrangements. New choices were forced on all countries.

The next four months gave all of us a glimpse of one possible evolution of the international economy. Since exchange rates were no longer tied to the old par values, they were able to float—a prescription that many economists had favored. However, last fall's floating rates did not conform to the model usually sketched in academic writings. Most countries were reluctant to allow their exchange rates to move in response to market forces. Instead, restrictions on financial transactions proliferated, special measures with regard to trade emerged here and there, new twists crept into the pattern of exchange rates, serious business uncertainty about governmental policies developed, fears of a recession in world economic activity grew, and signs of political friction among friendly nations multiplied.

Fortunately, this dangerous trend toward competitive and even antagonistic national economic policies was halted by the Smithsonian Agreement. Despite recent developments in Vietnam, which may cause some uneasiness in financial markets for a time, the Smithsonian realignment of currencies is, in my judgment, solidly based. It was worked out with care by practical and well-informed men, and I am confident that the central banks and governments of all the major countries will continue to give it strong support.

Developments in the American economy since last December have been encouraging. Aggregate activity in the United States has begun to show signs of vigorous resurgence. Price increases have moderated, and our rate of inflation has recently been below that of most other industrial countries. Moreover, the budget deficit of the Federal Government will be much smaller this fiscal year than seemed likely three or four months ago. These developments have strengthened the confidence with which businessmen and consumers assess the economic outlook. International confidence in turn is being bolstered by the passage of the Par Value Modification Act, by the convergence of short-term interest rates in the United States and abroad, and by some promising signs of improvement in the international financial accounts of the United States.

With the Smithsonian Agreement and other indications of progress behind us, it is necessary now to move ahead and plan for the longer future. The Smithsonian meeting was pre-eminently concerned with realigning exchange rates. It did not attempt to deal with structural weaknesses in the old international monetary system. Yet they must eventually be remedied if we are to build a new and stronger international economic order.

We all have to ponder this basic question: Given the constraints of past history, what evolution of the monetary system is desirable and at the same time practically attainable? For my part, I should like to take advantage of this gathering to consider some of the elements that one might reasonably expect to find in a reformed monetary system.

First of all, a reformed system will need to be characterized by a further strengthening of international consultation and cooperation among governments. Our national economies are linked by a complex web of international transactions. Problems and policies in one country inevitably affect other countries. This simple fact of interdependence gives rise to constraints on national policies. In a smoothly functioning system, no country can ignore the implications of its own actions for other countries or fail to cooperate in discussing and resolving problems of mutual concern. The task of statesmanship is to tap the great reservoir of international goodwill that now exists and to make sure that it remains undiminished in the future.

Sound domestic policies are a second requirement of a better world economic order. A well constructed international monetary system should, it is true, be capable of absorbing the strains caused by occasional financial mismanagement in this or that country—such as are likely to follow from chronic budget deficits or from abnormally large and persistent additions to the money supply. But I doubt if any international monetary system can long survive if the major industrial countries fail to follow sound financial practices. In view of the huge size of the American economy, I recognize that the economic policies of the United States will remain an especially important influence on the operation of any international monetary system.

Third, in the calculable future any international monetary system will have to respect the need for substantial autonomy of domestic economic policies. A reformed monetary system cannot be one that encourages national authorities to sacrifice either the objective of high employment or the objective of price stability in order to achieve balance-of-payments equilibrium. More specifically, no country experiencing an external deficit should have to accept sizable increases in unemployment in order to reduce its deficit. Nor should a surplus country have to moderate its surplus by accepting high rates of inflation. Domestic policies of this type are poorly suited to the political mood of our times, and it would serve no good purpose to assume otherwise.

I come now to a fourth element that should characterize a reformed monetary system. If I am right in thinking that the world needs realistic and reasonably stable exchange rates, rather than rigid exchange rates, ways must be found to ensure that payments imbalances will be adjusted more smoothly and promptly than under the old Bretton Woods arrangements.

The issues here are many and complex. There was a consensus at the Smithsonian meeting that wider margins around parities can help to correct payments imbalances, and should prove especially helpful in moderating short-term capital movements—thereby giving monetary authorities somewhat more scope to pursue different interest-rate policies. Our experience has not yet been extensive enough to permit a confident appraisal of this innovation. It is clear, however, that no matter how much the present wider margins may contribute to facilitating the adjustment of exchange rates to changing conditions, the wider margins by themselves will prove inadequate for that purpose

We may all hope that at least the major countries will pursue sound, noninflationary policies in the future. We should nevertheless recognize that national lapses from economic virtue will continue to occur. In such circumstances, changes in parities—however regrettable—may well become a practical necessity. Moreover, even if every nation succeeded in achieving noninflationary growth, structural changes in consumption or production will often lead to shifts in national competitive positions over time. Such shifts will also modify the pattern of exchange rates that is appropriate for maintaining balance-of-payments equilibrium.

In my judgment, therefore, more prompt adjustments of parties will be needed in a reformed monetary system. Rules of international conduct will have to be devised which, while recognizing rights of sovereignty, establish definite guidelines and consultative machinery for determining when parities need to be changed. This subject is likely to become one of the central issues, and also one of the most difficult, in the forthcoming negotiations.

Let me turn to a fifth element that should characterize a reformed monetary system. A major weakness of the old system was its failure to treat in a symmetrical manner the responsibilities of surplus and deficit countries for balance-of-payments adjustment. With deficits equated to sin and surpluses to virtue, moral as well as financial pressures were very much greater on deficit countries to reduce their deficits than on surplus countries to reduce surpluses. In actual practice, however, responsibility for payments imbalances can seldom be assigned unambiguously to individual countries. And in any event, the adjustment process will work more efficiently if surplus countries participate actively in it. In my view, all countries have an obligation to eliminate payments imbalances, and the rules of international conduct to which I referred earlier will therefore need to define acceptable behavior and provide for international monitoring of both surplus and deficit countries.

Sixth, granted improvements in the promptness with which payments imbalances are adjusted, reserve assets and official borrowing will still be needed to finance in an orderly manner the imbalances that continue to arise. Looking to the long future, it will therefore be importtnt to develop plans so that world reserves and official credit arrangements exist in an appropriate form and can be adjusted to appropriate levels.

This brings me to the seventh feature of a reformed international monetary system. It is sometimes argued that, as a part of reform, gold should be demonetized. As a practical matter, it seems doubtful to me that there is any broad support for eliminating the monetary role of gold in the near future. To many people, gold remains a great symbol of safety and security, and these attitudes about gold are not likely to change quickly. Nevertheless, I would expect the monetary role of gold to continue to diminish in the years ahead, while the role of special drawing rights increases.

The considerations which motivated the International Monetary Fund to establish the SDR facility in 1969 should remain valid in a reformed system. However, revisions in the detailed arrangements governing the creation, allocation, and use of SDRs will probably be needed. In the future, as the SDRs assume increasing importance, they may ultimately become the major international reserve asset.

Next, as my eighth point, let me comment briefly on the future role of the dollar as a reserve currency. It has often been said that the United States had a privileged position in the old monetary system because it could settle payments deficits by adding to its liabilities instead of drawing down its reserve assets. Many also argue that this asymmetry should be excluded in a reformed system. There thus seems to be significant sentiment in favor of diminishing, or even phasing out, the role of the dollar as a reserve currency. One conceivable way of accomplishing the objective would be to place restraints on the further accumulation of dollars in official reserves. If no further accumulation at all were allowed, the United States would be required to finance any deficit in its balance of payments entirely with reserve assets.

I am not persuaded by this line of reasoning, for I see advantages both to the United States and to other countries from the use of the dollar as a reserve currency. But I recognize that there are some burdens or disadvantages as well. And in any event, this is an important issue on which national views may well diverge in the early stages of the forthcoming negotiations.

I come now to a ninth point concerning a new monetary system, namely, the issue of "convertibility" of the dollar. It seems unlikely to me that the nations of the world, taken as a whole and over the long run, will accept a system in which convertibility of the dollar into international reserve assets—SDRs and gold—is entirely absent. If we want to build a strengthened monetary system along one-world lines, as I certainly do, this issue will have to be resolved. I therefore anticipate, as part of a total package of long-term reforms, that some form of dollar convertibility can be re-established in the future.

I must note, however, that this issue of convertibility has received excessive emphasis in recent discussions. Convertibility is important, but no more so than the other issues on which I have touched. It is misleading, and may even prove mischievous, to stress one particular aspect of reform to the exclusion of others. Constructive negotiations will be possible only if there is a general disposition to treat the whole range of issues in balanced fashion.

We need to guard against compartmentalizing concern with any one of the issues, if only because the various elements of a new momentary system are bound to be interrelated. There is a particularly important interdependence, for example, between improvements in the exchange-rate regime and restoration of some form of convertibility of the dollar into gold or other reserve assets. Without some assurance that exchange rates of both deficit and surplus countries will be altered over time so as to prevent international transactions from moving into serious imbalance, I would deem it impractical to attempt to restore convertibility of the dollar.

My tenth and last point involves the linkage between monetary and trading arrangements. We cannot afford to overlook the fact that trade practices are a major factor in determining the balance-of-payments position of individual nations. There is now a strong feeling in the United States that restrictive commercial policies of some countries have affected adversely the markets of American business firms. In my judgment, therefore, the chances of success of the forthcoming monetary conversations will be greatly enhanced if parallel conversations get under way on trade problems, and if those conversations take realistic account of the current and prospective foreign trade position of the United States.

In the course of my remarks this morning I have touched on some of the more essential conditions and problems of international monetary reform. Let me conclude by restating the elements I would expect to find in a new monetary system that met the test of both practicality and viability:

First, a significant further strengthening of the processes of international consultation and cooperation;

Second, responsible domestic policies in all the major industrial countries;

Third, a substantial degree of autonomy for domestic policies, so that no country would feel compelled to sacrifice high employment or price stability in order to achieve balance-of-payments equilibrium;

Fourth, more prompt adjustments of payments imbalances, to be facilitated by definite guidelines and consultative machinery for determining when parities need to be changed;

Fifth, a symmetrical division of responsibilities among surplus and deficit countries for initiating and implementing adjustments of payments imbalances;

Sixth, systematic long-range plans for the evolution of world reserves and official credit arrangements;

Seventh, a continued but diminishing role for gold as a reserve asset, with a corresponding increase in the importance of SDRs;

Eighth, a better international consensus than exists at present about the proper role of reserve currencies in the new system;

Ninth, re-establishment of some form of dollar convertibility in the future;

And finally, tenth, a significant lessening of restrictive trading practices as the result of negotiations complementing the negotiations on monetary reform.

I firmly believe that a new and stronger international monetary system can and must be built. Indeed, I feel it is an urgent necessity to start the rebuilding process quite promptly. It is not pleasant to contemplate the kind of world that may evolve if cooperative efforts to rebuild the monetary system are long postponed. We might then find the world economy divided into restrictive and inward-looking blocs, with rules of international conduct concerning exchange rates and monetary reserves altogether absent.

As we learned last fall, a world of financial manipulations, economic restrictions, and political frictions bears no promise for the future. It is the responsibility of financial leaders to make sure that such a world will never come to pass.

NEWS-MEDIA BIAS?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. HUNGATE. Mr. Speaker, as my colleagues know, some years ago I did a survey of Congress on ethics of the media. The following news item is relevant to recent accusations of bias:

NEWS-MEDIA BIAS?

NEW YORK.—An article in the Columbia Journalism Review says that although Vice-President Spiro T. Agnew has convinced many people that the news media have a liberal bias, the nation's newspapers are overwhelmingly Republican and conservative.

"The irony is that Agnew in one sense is right—the newspapers of this country are out of step with the electorate—but they are massively out of step in the direction opposite to that which Nixon-Agnew claim," said the article by Ben Bagdikian, an assistant managing editor of the Washington Post and a commentator on the media.

Of papers that endorsed a presidential candidate in 1960, 78 percent endorsed President Nixon, Mr. Bagdikian said. In 1968, Mr. Nixon had 80 percent.

"And though Nixon people like to castigate the big-city press in contrast to the 'real American' papers in the smaller cities, in huge metropolises like Los Angeles, Chicago, Detroit, Cleveland, and Philadelphia all the major papers were for Nixon," the article states.

NATIONWIDE SOLIDARITY DAY FOR SOVIET JEWRY

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. LEGGETT. Mr. Speaker, on April 30, 1972, the citizens of the State of California joined with Americans all over the country in urging the President to take up with the Soviet leaders the persistent and flagrant violations of the rights and freedoms of groups within the U.S.S.R., especially those rights of the Soviet Jewish population. This day, Nationwide Solidarity Day for Soviet Jewry, also served as a reminder to the American people of the precious nature of religious liberty.

The record of persecutions, committals to asylums for the insane and arbitrary drafting of individuals whose only crime is a desire to worship in their own way or to leave a country deserves a place on the agenda with the leaders of the U.S.S.R. Since one of the motivating forces for the President's trip is to create bridges of understanding with the Soviet world, it would be a most appropriate and opportune moment to express this Nation's concern in the matter.

I would like to introduce for the RECORD as part of my remarks the Assembly Joint Resolution No. 26, adopted in my State to celebrate this day.

I am hopeful that the President will heed this resolution as well as the voices which have risen from all over the Congress urging that discussions be entered into on this issue.

The resolution follows:

ASSEMBLY JOINT RESOLUTION NO. 26—RELATIVE TO SOLIDARITY DAY

LEGISLATIVE COUNSEL'S DIGEST

AJR 26, Waxman. Soviet Jewry.

Urges the citizens of California to take part in Nationwide Solidarity Day for Soviet Jewry and urges the President of the United States to take up the issue of grievances of Soviet Jews with the leaders of the U.S.S.R.

Whereas, President Richard M. Nixon plans to visit Russia on a mission that seeks to create a greater bridge of understanding between the two great powers of the United States and Russia; and

Whereas, Such bridges of understanding will help to promote the cause of world peace; and

Whereas, The Members of the Assembly believe that this mission provides an opportunity for the President to take up the issue of grievances of Soviet Jews as well as other oppressed people under Soviet control on a humanitarian basis; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California urges the citizens of this great state to join in the Nationwide Solidarity Day for Soviet Jewry, which takes place on Sunday, April 30, as a means of informing our President that the citizens of this great nation feel strongly about the issue of human rights and freedoms as exemplified in the dilemma of Soviet Jews as well as other oppressed people under Soviet rule; and that we convey to our President by this means the importance of his taking up this matter on the agenda with the leaders of the U.S.S.R.; and be it further.

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to President Richard M. Nixon.

DRUG ABUSE EDUCATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. VANIK. Mr. Speaker, anyone who studies the complex problem of drug abuse quickly comes to appreciate the limited contribution that can be made by laws and law enforcement. We have a problem here dealing with human behavior, with the exercise of free will, with the desire to experiment, and often the rejection of convention standards. Many young drug takers have a sense of belonging to a culture of their own, one that is opposed to the world they see outside. There are various volunteer bodies and social workers who are trying to make it easier to come to terms with this heartbreaking problem which has faced the courts, the police, probation officers, teachers, doctors and young people themselves over the past decade. But the problem is getting worse—much worse.

A recent study has shown that six percent of the nation's high school youth have used heroin at least once.

What is more frightening is that these figures represent the heroin use pattern of our youth between the ages of 12 and 18, the future of our country. The figures drop off sharply in the over-18 group, where only 1 percent have tried heroin.

This means that 1.5 million Americans between the ages of 12 and 18 years of age, and 700,000 over 18, have tried heroin.

For all the millions and millions of dollars spent this past year on controlling the smuggling of heroin, and on drug treatment centers, the problem seems to be getting worse.

At present the jurisdiction for these drug programs for both rehabilitation and anti-smuggling operations falls under 13 agencies. There is little cooperation and incredible duplication of efforts which occur. There is no central location for anything—several agencies are involved with the criminal aspect of control—several different agencies have rehabilitation programs—several isolated commissions are doing research which the President ignores—and many of these agencies merely provide pamphlets on the dangers of drug abuse And the problem worsens

The following figures represent the total Federal dollars spent on drug control and related programs:

[In millions]

1969	$77.1
1970	112.4
1971	217.5
1972	474.5
1973	594.2

The cost-benefit ratio on these figures is nonexistent. The more money we spend, the worse the problem to get. Many of the programs are showing progress—but the emphasis has been to disarm the bomb after the explosion.

A "full-scale" educational effort must be undertaken in this country within the school systems to show our young people the psychological and physical destruction that "hard drugs" inflict.

The greater Cleveland area has 33 percent of all the addicts in the State of Ohio. These are not only the inner city poor but many are young people from the suburbs of Cleveland, that are being "tragically snagged" in the heroin trap. At this time there is no required course curriculum in our high schools that provide information and films on this crucial social problem. Of the $475 million that will be spent in antidrug programs in 1972, a very small sum will be spent on education—the heart of the problem.

It is my hope that the administration will take whatever steps are necessary to implement such an educational campaign. Imprisonment is no way to deal with our young people's drug problems—verbal abuse provides no solution—we must react with education and reason.

Mr. Speaker, I would like to call to the attention of my colleagues an article from the May 5 isue of Life magazine.

RICHIE

(By Thomas Thompson)

This is the story of a terrible thing that happened between one decent man and the son he loved. It took place on a Sunday afternoon in a fine lemon-colored house on a maple-lined street hard in the middle of the American dream. The woman who was wife to the man and mother to the son could only stand by as an agonized witness.

Seventeen years ago, on June 6, 1954, their first child, a son, was born to George Edward Diener and his wife, the former Carol Ring. They had been childhood sweethearts in Brooklyn on a row of houses which Carol remembers as "like the ones you see at the beginning of *All in the Family.*" When people would ask later how they met, George Diener would grin. "I was lazy," he would always say. "I fell for the girl next door."

During their five-year courtship, Carol finished high school and became a receptionist on Wall Street. But George dropped out and joined the merchant marines at 16, hoping to catch a piece of the tail end of World War II. He sailed the seas for seven years before Carol suggested—firmly—that if he wanted her to marry him, he would have to settle down and stay at home.

Carol was petite and red-haired and willful, like her Scotch and English ancestors. She was proud of her family history and paid a genealogist to trace her line back to a 16th-century Norman knight. George countered by tracing his line, which went back, he said, only as far as a saloon in Ridgewood, N.J. about 1916. Carol also joined the DAR and hung the membership certificate on the living room wall. Efficient and good with money, she paid the bills and kept up the cramped apartment they took in Queens.

George Diener was a muscular, compact fellow with thick and dark wavy hair. If you saw him in a bar, you would notice the U.S. flag tattoo on his strong arm, affixed there by a drunken tattooist in the Bowery when George was only 15. He had a Jimmy Cagney air about him. You would guess he had been a scrapper as a kid, maybe a welterweight boxer. He always seemed uneasy at rest. In conversations his eyes would dart about a room, his hands chopping the air. He was never one to sit at home on Sunday and watch the games. "I only like things that I can *do,*" he would say. Much more to his liking was a hike in the woods or a day of target practice at an indoor pistol range. He was a good enough marksman to be rated expert.

They named their first son George, after his father, but to distinguish between the two, the child quickly became known by his middle name, Richard. Soon he was Richie. He was a fine son, with a lusty cry and bright red hair. George Diener adored him.

When Richie was 2, George's new job as salesman for a food company required him to travel each day the far reaches of Long Island, from Huntington to Orient Point, stopping in on hundreds of grocery stores and restaurants, persuading them to stock his brands of coffees, teas and spices. He longed to move his wife and son from the congestion of a city apartment out into the land. How could a man who had seen the sun turn the white cliffs of Dover gold at dawn, how could a man who had traded a cartoon of cigarettes to an Eskimo for six huge lobsters in Greenland raise his own boy on the anonymous floor of an apartment house?

There was no literature in George Diener's life, no poetry, not even great ambition. Like most men, he was willing to settle for ordinary dreams: a woman, some money, a house with land that is owned, trees, work that does not paralyze the mind, recognition. And, above all, sons. A son is the mirror image, the blank piece of paper before our inkblots soil it, the continuation of life. There is joy in a daughter, but there is power in a son.

George and Carol chose East Meadow in the heart of Nassau County, Long Island, once a place of potato farms but after World War II the definitive example of exploding suburbia. To the young couple who had grown up in Brooklyn, there was a delicious feel of newness about East Meadow. The houses were new and painted warm pastels, the people young and industrious and—like the Dieners—politically conservative. Policemen and firemen from the city were buying and moving in, and aircraft workers, and union men who took off their hard hats and turned to pruning rose bushes. East Meadow was 98% white. The sea was near, near enough to catch a breeze in summer. There seemed to be a boat in every other driveway. And everybody agreed the schools were excellent.

They lived for five years in the first house, and when a second son, Russell, appeared, it was time to move to a larger one. George had always wanted a basement to store his tools and do his home carpentry. On Longfellow Avenue, they found just the house, with a spacious wooded backyard and room for a pool.

Carol remembers that Richie was never happy in the new house. "There was only one other little boy on the block, and he moved away, and there were only girls around then." Richie was chubby and hated it when the girls called him "Fatty." He took refuge, found friends, in animals. Carol had had a Boston terrier named Boots who died when Richie was very small. He loved the dog so much that she bought another one for him, which he also named Boots. There followed a skunk, a rabbit, a crow, hamsters, gerbils, fish, alligators, a coati, even a boa constrictor that grew to five feet and suddenly vanished within the house. It was never found.

George encouraged his son's interest in animals. The father had always preached reverence for any form of life. "George wouldn't even let me step on a spider," said Carol. "He said spiders did more important work than people, and when I found one in the house I'd get Richie to pick it up and take it outside." When Richie wanted books on animals, his father bought them by the dozens. Richie became almost expert in animal diseases and he personally doctored all of his pets. The squirrels in his backyard would spring onto the new redwood deck and wait for their friend to feed them peanuts by hand when he got home from school.

Even when he lost his childhood fat and grew into a well-built lad of 5′ 2″, 145 pounds, with strong legs and a muscled chest, Richie had no interest in sports. George encouraged him to try wrestling, Carol suggested football and baseball. "But he always refused," his mother said. "He was so insecure. He told me that if he ever got on a team and made a mistake that caused his side to lose, he wouldn't be able to stand it."

Nevertheless, for the first 15 years of his life, Richie was a satisfying, average boy, very much a part of George's ordered life. The father recognized Richie's insecurity—but what 15-year-old is secure, anyway? He accepted his son's preference for animals over human friends, tolerated his periods of moodiness, his silence, his middling grades, his occasional breaking of midnight curfew on Saturdays. None of these particularly alarmed his parents: they seemed the classic problems of any adolescent.

When the first real trouble appeared in the summer of 1970, it was therefore as startling as a crack of lightning on a clear night. Twice Richie had been away to summer camp, but on this, his third session, Carol received a long-distance telephone call. Richie had become disruptive and belligerent with the counselors. And he had been caught smoking marijuana. Could his father come immediately and get him?

On the long drive back from the Adirondacks, George questioned his son. Richie said it was only "the first, maybe the second time" he had ever tried grass. "All the kids were doing it," he said. "Some brought it up, and others found it growing wild in the woods." He promised never to use it again.

The next year, when Richie was a junior in high school, his grades tumbled. He took the nature books and animal pictures that used to decorate his room and put them in his closet. "This is what my son used to be," his father said one day to a visitor, pointing to the forgotten books. "And this is what he is now." His arm swept the room in bewilderment

Richie had transformed his room into a lair of the counterculture. Ticket stubs from rock concerts were pinned to the window ledge. Black light cast an eerie glow on replicas of rock stars. A game called "Feds n' Heads" was pinned to the wall. When Richie lay in bed, he could look directly ahead at several bizarre and frightening drawings, grotesque demons, creatures with bulging eyes, hair tossed by electrical storms, hands of reptiles. One such creature sat in a bathtub of blood, holding a dagger.

Richie had discovered a tiny space, some six feet long, behind a panel at the back of his closet. He put a cheap mattress in it and took to lying there to escape his parents' calls. George found the secret place in May 1971 and decided to dismantle it. He came across a small cube of something brown wrapped in aluminum foil, neatly hidden behind a picture. "What is this?" he demanded of his son. Richie answered that it was hashish he was keeping for a friend. Then he said it was only mud that somebody was passing off as hashish. Whatever, George threw it out.

Not long after, Carol found a sandwich bag full of marijuana in Richie's room and threw that out too. This time the boy freely admitted that it was his. Moreover he was furious at his mother for what she had done.

Carol tried to discuss the matter with him calmly. If he opposed her cigarette smoking, why did he smoke marijuana?

"Because the other kids do," he would say, or "Because I want to, that's why," or, shyly, almost a mumble, "Because it helps me talk to girls." Carol found a book in his room, *How to Talk to Girls*. Richie was undeniably shy. His longtime friend Sue Bernstein, whom he had dated since he was 14, said it took Richie three years to get up the courage to kiss her goodnight.

When Richie turned 16, the changes came faster. Carol and George learned that he had become a heavy user of marijuana and hash—and more, though they would not discover this for some time. He began staying out until 2 a.m. on weekends, two hours past his curfew. He told his parents never to enter his room, and if they did, there would be a yelling row. He rarely joined them for dinner. "I'm just not hungry," he would say, but Carol could see the haunting red eyes and hear his tongue tripping over the words, new profane words, that rushed out of the boy who had been so quiet so long.

Richie now had friends, disturbing ones. He began running with an East Meadow boy who was on probation for using marijuana and who was suspected of dealing in heroin. Ironically, Carol learned, Richie had met the boy on a Methodist Church retreat. For a time, Richie had been active in church, and he had been confirmed when he was 15. The new friend, whom we will call Eddie, tried to interest Richie in heroin. Apparently he refused. "Richie said he wasn't going to stick any needle in his body. No way," said one of the friends.

George discovered that he now could not talk to Richie without yelling at him, and the boy yelled back. When George ordered him not to see Eddie, and to be home at a certain hour, and to stop using foul language, Richie disobeyed every order. Finally George took his son to Family Court and charged him with being incorrigible. "I don't want him to have a police record, but he's only 16 and all the proceedings are secret," he told Carol. After the session in court, Richie suddenly changed. He found a summer job at Burger King and began saving money to buy a car. George Diener informed the court of his son's improvement and the case was dismissed.

Last October, a severe case of bronchitis developed into pneumonia and Richie stayed home from school for three weeks. He fell behind. He failed *every* subject the first quarter. Carol was upset because on his Scholastic Aptitude Tests for college he had scored well. When Richie returned to class in November, Carol received a call from the assistant principal. Richie was ill. Could she come and pick him up?

When Carol arrived at the assistant principal's office, Richie "was very talkative, his eyes were red and heavy. He was abusive," she told George that night. "He cursed me and everybody else." Carol talked privately that morning with the nurse. "Richie told me he took some pills on the school bus, but he insisted they were pills the doctor gave him for pneumonia," the nurse said. But her voice was skeptical.

"Do you think it was something else?" Carol asked.

The nurse nodded.

The "something else" was Seconal. The kids called them "downs" or "goofers" or "reds." With all the horror stories about heroin and speed, somehow Seconal has not received much attention. It is a powerful barbituate, a mental depressant used as a sleeping pill. Tens of millions are manufactured every year in America. Marilyn Monroe died from an overdose of them. So have countless others. In the late 1960s, the kids discovered that Seconals produced a quick and curious feeling, an hour of dreamy lethargy.

"If you become dependent upon Seconals," explains one New York doctor, "you actually *need* the drug to function, just as an alcoholic needs a drink first thing in the morning. Without Seconal, a dependent person becomes nervous, jittery, agitated. Withdrawal from Seconal is more severe than withdrawal from heroin." Because Seconal is a depressant which interferes with nervous transmissions from the central nervous system, it can so affect the brain's functions that one can become hostile and aggressive.

The market for Seconal thrives, particularly in high schools. A Nassau County narcotics officer said that the dangerous pills can be bought in the corridors or bathrooms or lunchrooms of "any school in this district, including parochial ones." They sell for prices ranging from 25 cents each to three for a dollar. "The kids like them because they are cheap, clean—no needles—and plentiful," said the New York doctor. "They don't think they are addictive. But God, are they ever. They don't think they are dangerous. I wish word could get around that at least six Long Island kids have died in the past year from Seconal abuse."

Last autumn, Richie began using Seconal heavily. He told one girl that he had a bottle of 100 pills, that he was tempted to sell them, but he thought he would keep them for his own use. "Why don't you stop doing drugs?" said the girl. "I can," answered Richie. "Anytime I want. I just don't want to stop right now."

No one could say for certain why Richie became so deeply involved with drugs. One "perhaps" was his being thrown into a massive high school with 3,000 students and wanting desperately to be accepted. When a shy, socially insecure youngster discovers that drug use will admit him to at least one circle, however pathetic that circle may be, the temptation can be great.

There were other signs that Richie was pleading, in his way, for status and friendships. He became an expert on rock music, not the standard Fillmore East pop groups, but obscure ones which Richie would "discover" and tell his friends about. He fretted constantly about his appearance. He took at least two showers a day and his clothes had to be clean and freshly pressed. Detesting his tight, curly red hair, Richie spent hours in front of the mirror attacking it. Finally he went to a barber and had it straightened. "Now it looks like a Brillo soap pad," he said in despair. He announced he was going to grow an Afro, which did not please his father.

His childhood nickname of "Fatty" was replaced by the time he was 17 with a new one, "The Kid." He hated this name so much that he once bloodied a friend's nose for calling him that. But when the fight was over, he invited his friend to come by his house anytime and listen to music. He told all his friends that. "Whenever the light in my room is on, that means come on in," he said. "I really mean it."

There were many signs that Richie was not totally comfortable in the drug world. He very carefully divided his friends into "straights" and "heads" and he never mingled the two. One of the straights, a boy who did not use drugs or even smoke pot, described this period of Richie's life: "We all knew Richie was doing drugs—a really heavy pill scene—but he'd never bring anything with him when he went out with us. He wouldn't take the chance of getting us busted along with him. I think he respected our way of life."

Once last summer Richie had arrived at Jones Beach with a group of "heads." A hundred yards away were two couples who were "straights." Richie waved at the couples, then started walking toward them. But midway he stopped. He glanced back at his "head" friends, then looked forward toward the others. Finally he sat down on a dune mid-distance between them, not able to commit to either side.

By Christmas last, the rupture between George and his son became complete. They passed each other silently in the house. Occasionally anger would flash and they raged at one another. But George had decided that he could no longer deal with Richie. Perhaps Carol could achieve something. As long as she talked to the boy quietly, gently, he would listen. And promise. And go out and break his promise.

Late at night, George and Carol would lie in bed and search their lives for reasons. Carol assured her husband that it was not his fault. He had tried in his brusque, do-as-I-say way to interest Richie in scuba diving or in becoming a marine biologist. "What did I do wrong?" George would say, not content with his wife's murmurings. "What did I do wrong?" He had built up the walls of his life so that he knew exactly who he was, what he believed and where he belonged. That his son had no ambition, that his son lay in his room listening to loud music with confusing lyrics, that his son had covered his boyish face with a scraggly red beard and long shaggy red sideburns and was letting his hair grow in the direction of a windstorm was more than he could understand.

George was growing more and more politically conservative. He grouched often about welfare abuses, a "no-win" policy in Vietnam, and how "'liberal' to me is a dirty word." It was not difficult for him to affix part of the blame for Richie's troubles on these villians. "It's this permissive liberalism," he told Carol. "The kids do just what they want because they know the courts won't punish them." Indeed, there had recently been a large narcotics raid on a house in the neighbhood which involved several arrests. But, George raged, "the pushers were back on the streets the next day." Carol agreed. She also felt Richie's school was partly to blame. "He had *three* free periods to do just what he wants," she said. "He can leave the campus or buy drugs or go into the bathroom and smoke pot. The teachers are afraid to go to the bathroom because they know what's going on in there."

On Christmas Eve, Richie was in his room and Carol went to call him. The house was full of relatives and it was time to open gifts. She opened his door and the smoke of marijuana assaulted her. "Put that out immediately," she said. "Everybody is waiting for you so we can open the presents." Richie shook his head. He would not join the family celebration. "I think he was so possessed of guilt," Carol told George later, "that he couldn't bear to face all those people who loved him. He couldn't let them see him stoned."

George Diener's ordinary dreams were being menaced in other areas. The taxes on his house had originally been $300 a year. Now, in less than seven years, they had quadrupled. Even though George and Carol together earned $15,000 a year, there was rarely enough money for an evening out. Carol liked good restaurants, but the best George could normally do was hamburgers at McDonald's. Crime seemed to be encircling him. The house across the street was robbed, then one behind him, finally his own—in broad daylight. Because he worked part-time as a night security guard, George had a police permit for two pistols. One of them was taken by the afternoon burglar and the house was ransacked. Even though many of the parents in the Dieners' circle of friends knew their own children were using drugs, it was rarely discussed. Perhaps it should have been. District Attorney William Cahn publicly estimated that 75% of the youth in his county had at least experimented with marijuana and/or pills.

George worked ten hours at one job and often at another, he coached Little League baseball and was a committeeman with the Boy Scouts, but he had to come home from labor and civic endeavor to discover his own son stoned and redeyed and mute. "Jesus God in Heaven, what's happening to us?" he would cry.

During one of their flashes of anger which was the only way they communicated anymore, George grew so exasperated that he snapped to Richie, "All right, son, you believe in the law of the streets. You believe strong is best. Put up your dukes."

Richie looked at his father in surprise: his hands were closed into fists. Richie picked up a piece of chain to defend himself. George, perhaps remembering his own Brooklyn street days, perhaps thinking he could "slap some sense into the boy," threw a roundhouse punch at his son. It exploded on his cheek. For days Richie had an angry, swollen bruise on his face. Later George apologized, but Richie did not accept it.

George began to suspect that his son was not only using drugs but selling them. He told Carol that the only way to find out for sure was to tap the family telephone. If his suspicions were true, he wanted to stop the business before it grew larger. Carol was reluctant at first—"How can we spy on our own child?" she said—but George insisted. He installed the bug secretly, but Richie found out and told his friends.

One girl friend remembers those days: "I'd call up Richie and I'd start off the conversation by saying 'Hi there, Mr. Diener,' or 'Hello Tape,' and we'd talk in code so he couldn't dig anything anyway."

But before Richie discovered the tap, George heard things that staggered him. His son seemed a budding expert at the art of "ripping off." The boy's telephone conversations with friends were peppered with requests to "front me," which George learned was a plea for enough money to buy, say, a half pound of marijuana which might cost as much as $100. Richie then broke it down into "nickels" and "dimes"—$5 and $10 sandwich bags—and sold it. Usually he sold an ounce that was either short-weighted or mixed with oregano.

George and Carol's younger son Russell was taking medication prescribed by a doctor, and Richie bragged on the telephone of stealing some of the pills and selling them to friends. He told one girl that his customers were "dumb kids, like only 13."

George also heard, on the tapped phone, that Richie was developing enemies who had discovered they were being cheated. "Richie told one contact that he was unable to sell a big batch of marijuana because he had ripped off so many customers that nobody trusted him anymore," George told Carol. "He says that people are out to get him, but he isn't worried because he will shoot them. Or stab them."

The police of Nassau County knew Richie was a marijuana user, but they did not know he was a large-scale dealer. "The pattern is typical," said one narcotics officer. "If a kid gets some grass, he sells it to friends at small profit and keeps his own use going. A lot of kids even *give* it away. It seems to be an element of social status of making and keeping friends."

One day toward the end of 1971, Richie came home stoned, his eyes red, his speech fast but slurred. George challenged him once more. "I have done everything I know to do," said the father. "I have tried to reason with you, I have forbidden you to see kids who take dope, I have asked you to stay home, I have taken you to Family Court, I have cried, I have told you I loved you, I have told you I'll do anything in my power to find you help. Your mother and I cannot talk to you anymore. So this is the way it's going to be. You're going to stay home Friday and Saturday nights if I have to lock you in your room."

Richie made a counterproposition. "I promise to stop doing drugs," he said slowly, "I really do promise . . . if, IF you'll let me go out with the kids on weekends and drink beer."

George answered quickly. "As much as I want you to stop taking drugs, I can't bargain with you. You're only 17, and I can't give you permission to go out and drink."

Richie began to yell. He shouted, as children so often do, "You don't love me! You don't understand me!"

"Of course we love you," Carol put in softly.

"You never even wanted me," Richie raged. "The only reason I'm here is that you two were fooling around one night. I didn't ask to be born."

George blew up. He hit his son in the mouth and blood gushed out. Richie took the blood from his mouth and flung it against the wall of the living room. While George watched the blood trickle down, Richie rushed out into the night.

Once again, George Diener took his son to Family Court, and this time Richie endured two sessions with a psychological counselor. After the second meeting, the counselor told Carol that he was going on a two-week vacation and when he returned, he would resume his work with Richie. "When the counselor returned," said Carol, "he called me and said he had been promoted, that another man would take over Richie's case. This new man would call me and make an appointment. I never heard from them again."

On Feb. 12, a Sunday, Richie was in a Walgreen's drugstore at the huge Roosevelt Field Shopping Center. The manager noticed him loitering near the drug counter and suspected him of shoplifting. He told Richie that he would have to stay until the police came to investigate. A punch-up occurred in which, according to the manager, Richie threw a display basket and a wooden table at him, tried to choke him with his necktie, and kicked him in the knee. The manager charged Richie with assault and a trial was set for Feb. 28. It was Richie's first arrest.

Two days later, Valentine's Day, George was working at home. The school called. Richie had been expelled for fighting and cursing at a teacher. George waited for his son to come home. He dreaded the confrontation. Richie pulled up in front of the house with a carload of friends. They noticed George's car in the driveway and hurriedly sped on. George knew that they would not come in with him as long as he was there, so he got into his car and drove away. Some time later he circled back and, sure enough, the boys were inside the house. George made a decision. He telephoned the police and asked them to raid his own son's room. "I thought that maybe if Richie was arrested, it would scare him out of it," he told Carol later.

When the police arrived and searched the room, there was no marijuana. The boys were only drinking. After the police had left, and after George had ordered the boys out, Richie began to scream at his father. George yelled back. It was the same ground they had gone over a hundred times before. Only this time Richie seized a pair of scissors (gold ones which his mother had once used to make elaborate Halloween costumes for him) and threatened to kill his father.

George checked his clenched fists and left the house. Richie called his mother at the junior high school where she worked in the cafeteria and sobbed into the telephone. "I must be crazy," he said. "I just tried to kill my father." Carol's mind raced. She figured this, at last, was Richie's cry for help. "You're not sick," she said. "You're just tired. Lie down on your bed and rest and I'll come home."

She telephoned a relative who put her in touch with a community health psychiatrist. The psychiatrist gave Richie a preliminary "screening" and told Carol that, yes, he would take the case, but that he would have to wait until the Walgreen incident was disposed of in court. Since that trial was only two weeks off, Carol felt the delay could be borne.

Toward the end of the week Richie had a conference with the principal of East Meadow High. If Richie agreed to stop using drugs and stop cutting classes he could come back on probation.

"The next week was almost miraculous," according to Carol. "Richie was a changed boy. He stayed in at night. He did his homework. He was sweet to me. He was our boy again. I think he realized this was his last chance. That Friday afternoon—I would learn later—a big shipment of drugs hit the school. Richie bought some pills. A lunchroom lady spotted him and some other kids and told them she was turning in their names to the office. Richie probably felt this was the end."

On Friday night, Feb. 25, Richie went to a Long Island bar called Ryan's which is popular with young people. In New York State, the legal drinking age is 18. Police raided Ryan's that night and checked ID cards. Richie had none. He and a few others were taken to the police station, questioned and released. This was Richie's second arrest.

On Saturday, Richie, oddly mute and peaceful, asked his mother to drive him to a girl friend's house. She agreed. Four hours later when he returned home, Carol suspected he had been smoking marijuana. But she said nothing. That night, Richie and two friends, two "straight" friends, went out and—for a few happy hours—played in the snow.

The next noon, Richie asked his mother if he could borrow the car. Carol had forbidden him use of the car but, as she remembers: "He had been acting so nice all week that I gave in. In fact, I made a bargain with him. 'If you stay this way,' I said, 'I'll give you my old car rather than trading it in on a new one as I had planned. You'll have to find a job to pay for the insurance.' " Carol watched as Richie happily left. She had always "lived with hope." She thought her lectures were getting through to him. Maybe.

Richie and a friend went to a local hamburger shop. As they left, Richie backed his mother's car into another one. There was negligible damage to both, but the other car's owner telephoned George and Carol. Assured that their son was not hurt, they waited for him to come home with an explanation. Richie had taken some Seconals. He pushed the car up to 60 mph on a quiet residential street in his neighborhood. Suddenly a tire blew out and the car bounced across the street, hit a station wagon, careened into a yard and knocked down a fence. Neither Richie nor his friend was hurt, but the car was destroyed.

George was summoned to the scene, and he told his son they would discuss the accident later. Richie went home while George stayed to discuss insurance matters with the police.

At 4 p.m. George and Carol sat down at the dining room table with Richie to talk about the accident. Carol had told George that it must be a calm meeting with no raised voices. But Richie seemed strangely remorseless. "You don't act the least bit sorry," said Carol. Finally she spoke sharply. "Don't you realize you just totaled my car? Besides that, you could have killed somebody! You could have killed yourself!"

Richie raised his head and looked through the glass patio door to the yard. "Maybe that would have been even better," he said softly.

George remained silent during the dialogue. But he was shaking his head sadly. Richie noticed this. "That's right," the boy shouted, "shake your ——— head."

Trying to avoid another scene, George rose and left. He went to his basement shop and began working on his salesman samples, sorting out broken packages and returns.

Richie and his mother continued to talk, but the boy kept jumping up and making telephone calls. Finally Richie went into his room, flipped on a rock tape, and shut the door. Carol took her younger son to a bowling alley and returned half an hour later. Richie came out of his room and his mother gasped. He was staggering. His eyes were red slits. He slurred his words. "What in God's name have you taken?" she cried. He confessed that he had taken four Seconals.

Ignoring her, Richie made a date on the telephone with a friend for 6:30. He hung up and shouted at Carol. "And don't go down in my room when I'm gone and look for pot."

"You're in no condition to go anywhere," said Carol. Richie began to walk past her. Suddenly he fell over a chair and onto the floor.

The two crashes—boy and chair—brought George racing up from the basement. Now Richie was standing up. He saw his father. "Did you tell the cops at the accident scene that I was on dope?" he cried.

George did not want to talk to the boy in this condition. He turned without speaking and started out. Richie ran after him. "Answer me! I asked you a ——— question," the boy shrieked, "and I want a ——— answer!"

Richie's face was so contorted, his body so quivering with rage that George felt he and his wife were in physical danger, the kind that could not be handled with parental authority or even with fists. This was the last scene of the long painful drama and all the emotions were out. All reason was gone.

George went to his bedroom to get his pistol. The .32 was hidden behind a night stand. Weeks before, Carol had urged George to conceal it. She had been afraid that Richie would find the gun in a heated moment and use it on them as they slept. On the taped telephone calls, George had heard his son brag of being ready to shoot or stab any dissatisfied customer who was out to get him. And more than once Richie had shouted at George, "I'll get you . . ."

George tucked the .32 into his belt. He walked down the stairs into the basement.

Richie appeared on the stairs leading to the cellar. Unsteadily he made his way down. He saw an ice pick on a work bench and picked it up. When he was 15 feet from his father, Richie raised it and cried, once more, "I want an answer! Answer me!"

George's answer was to take the gun from his belt and to point it at his first-born son. Perhaps this would frighten him. Perhaps this would send him away.

Richie threw out his arms like a crucifix. "You've got your ——— gun. Go ahead and use it." The boy walked slowly toward his father. When he was five feet away, the ice pick trembling in his hand, George cocked the .32. Richie stopped and flung out his arms once more. "Go ahead. . . . Shoot!"

Richie dropped his arms and somehow the ice pick fell to the floor. George lunged forward, grabbed his son by both shoulders, and kicked the ice pick into a corner. Carol had appeared by this time, paralyzed with fear. Richie broke loose from his father and rushed upstairs, shouting behind him. "I'm going up to get the scissors." He rushed past his mother. "Oh my God! What can we do??" Carol moaned.

"I don't know," George answered. "Maybe he won't come back down."

While they waited in the cellar, George and Carol could hear Richie rummaging in the kitchen above their heads. He pulled out a drawer too far and it crashed to the floor, utensils rattling about like hailstones on a metal roof.

Instantly the boy appeared at the head of the stairs with a steak knife in his raised hand. George pushed his wife behind him and faced his son. With each step he took down the stairs, Richie cried, "Shoot! Use your gun!"

George's finger trembled on the trigger. The frustrations of his life were suddenly telescoped. His seed had produced a son, but the son was no longer his. The son was a million miles away. The son was a child-man with a beard, with a knife, with obscenities on his lips, with drugs in his brain.

What God spared Abraham from doing to Isaac, what the makers of myth and literature could scarcely even imagine, George Diener at last did.

He fired.

The bullet tore directly into Richie's heart. He slumped backward onto the stair in a sitting position. He brought his young hands to his chest and he saw his blood. He was puzzled. He stood straight up and raised the knife again. Now its handle was soaked with the life draining from him.

Incredibly, George Diener fired again. This time the bullet went wide, screaming past his son and ripping a hole in the wall of the house that had been George's dream.

Richie sat down and toppled forward, down the stairs, onto the cement floor.

George grabbed Carol and pushed her up the stairs to the living room. He called the police and an emergency ambulance number.

He went back downstairs. Richie was quiet. he was not moving. George touched his throat. There was no pulse.

Slowly he dragged himself up the stairs.

George went to his wife and knelt beside her chair. "He's dead. I've killed our son. Can you ever forgive me?"

Then they sat and cried and waited for the police.

Several things quickly happened.

They carried out Richie's body in a canvas sack. An autopsy disclosed that his vital organs contained six times the amount of Seconal given by doctors in a therapeutic dose.

George was arrested and charged with murder, but he pleaded self-defense and the grand jury did not indict him. The police *did* want to know why George, an expert marksman, shot to kill, rather than to wound. "All I could think of was that if I only wounded the boy, he would come back and kill Carol and me," he answered. "There had been so many threats."

George vowed to lead a community war against drugs, in particular barbiturates.

The night before the funeral, many of Richie's friends went to the funeral home to pay their respects. George thanked most of them for coming, although he would not even speak to some he considered part of Richie's "head" crowd. In particular Eddie, who was sobbing almost hysterically. Carol was shocked to see that more than one of the young mourners came to the funeral parlor stoned.

When Richie's friends looked at him in the casket, they were stunned to see that his beard had been shaved off, his sideburns trimmed and raised, his hair neatly, forever cut. Sue Bernstein, his longtime friend, said that Richie looked "exactly the way he looked when I first met him, when he was 14, before the trouble started."

There was criticism of the barbering, but George dismissed it. "This is the way I wanted Richie to look," he said. And the father, at last, had his way.

Lately George has taken to going into Richie's room and shutting the door and stretching out on the bed. It is his way of getting through one sleepless midnight. There are others to come.

CAPT. JOHN ZEBELEAN III PRESENTED MEDAL IN VIETNAM

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. BYRON. Mr. Speaker, recently in the Republic of Vietnam, Capt. John P. Zebelean III of Catonsville, Md. was presented one of Vietnam's most distinguished medals, the First Technical Medal. Captain Zebelean was presented the award for his outstanding service as an adviser to the 294th Communications Squadron, Binh Thuy Base Support Group, of the Vietnamese Air Force 4th Division.

Captain Zebelean is the son of Judge and Mrs. John P. Zebelean, Jr. of 5605 Wilkens Avenue in Catonsville. I would like to congratulate Captain Zebelean on receiving this decoration from the Republic of Vietnam and to commend him for his outstanding work with the Vietnamese Air Force.

STATE DEPARTMENT PROMOTION PRACTICES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. ASHBROOK. Mr. Speaker, on April 25 of this year the Senate Foreign Relations Committee held hearings on the promotions of 385 Foreign Service officers of the State Department and 175 from USIA, in what usually are pro forma sessions. However, in the above case, the committee withheld confirmation of the list based on charges made by John D. Hemenway, a former Foreign Service officer now with the Defense Department, until State Department officials could respond to the charges.

Specifically, Mr. Hemenway questioned the selection of certain persons on the basis of their language proficiency. In keeping with the legislative intent of the Foreign Service Act of 1946 "to enable the Foreign Service effectively to serve abroad the interests of the United States," State Department regulation 3 FAM 871.4a, states:

> It is the Department's and USIA's objective to have each officer acquire, before reaching the senior level, at least a minimum professional level of proficiency (S-3/R-3—see section 872.2) in two foreign languages, as well as such level of proficiency in the language of each post required by the particular assignment.

Among other charges, Mr. Hemenway observed that 35 percent of the class I officers and 31 percent of the class II officers on the promotion list do not meet the very minimal standards of a single foreign language:

> Now every reasonable man admits that knowledge of language is not everything. But practically all of these "senior level" officers have been with the Department of State for more than 20 years. To consider oneself a "diplomat" by profession and not to be able to command a single foreign language is, in my opinion, inexcusable. It perpetuates the image of the "Ugly American."

Another interesting aspect of the former FSO's testimony brought to light that as many as 12 to 14 files are maintained on many foreign service officers. Some of these files have been kept for some years although not expressly authorized by State Department regulations and contained material or information pertinent to an evaluation of the performance of an officer which have not actually been placed in the official personnel folders provided for in the regulations and made available to officers.

Mr. Hemenway, in addition, cites two cases in which he charges that both professional competence and basic integrity or honesty are possibly involved.

It will be recalled that John Hemenway testified last year before the same Senate Foreign Relations Committee in the case of the nomination of Howard Mace to be ambassador to Sierra Leone, which nomination was later withdrawn. Mr. Hemenway, incidentally, is rated fluent in Russian and German, served as an infantry lieutenant in World War II, is a graduate of the Naval Academy at Annapolis and has earned bachelor's and master's degrees at Oxford as a Rhodes scholar.

I insert at this point this testimony of April 25 before the Senate Committee along with several items appearing in the press regarding his Senate appearance. The Chicago Tribune column by veteran newsman, Willard Edwards, is but the latest of a number of columns over several years on the Hemenway case.

The items follow:

Statement of John D. Hemenway Concerning the Foreign Service Promotion List, 1972

Chairman Fulbright and members of the Senate Foreign Relations Committee: thank-you for the opportunity to testify this morning concerning the 1972 Foreign Service List.

In this testimony I will be specific; however, I will avoid the use of individual names by using numbers. You have before you (TAB A) a copy of the 1972 Foreign Service List as distributed by the Department of State. It contains the names of many more promoted officers than you are asked to confirm, but that is a matter to which I shall return later. Annotations on the list provided will make specific and clear all information without offense to any individual sensitivities, I think.

Ten years ago I would not have believed what I am about to document for you in the next few minutes. I have been an officer of the United States Government for twenty-five years. I was brought up to believe that few things were more sacred than service to this Republic. I appear before you today in that spirit. Many Foreign Service Officers whose names appear on this list are highly competent—I know that personally—I know them. There are an astonishing number, however, who do not meet the criteria set by regulations and law for their advancement. It may not be their fault that they are not qualified for higher positions. That is for you to judge. It is my task to bear witness to the fact that they are not qualified. My testimony is based on open sources. If the Department of State wishes to attempt a rebuttal of what I have to say with materials that are administratively controlled, I hope this Committee will insure me the right to reply.

My knowledge of personnel procedures in the Department of State has been thrust upon me, so to speak. I am not a personnel officer and never have served as one. You will recall the law—the Foreign Service Act of 1946.

In part, Section 111, "Objectives" says:

(1) "to enable the Foreign Service effectively to serve abroad the interests of the United States."

• • • • •

(5) "to provide that promotions leading to positions of authority and responsibility shall be on the basis of merit and to insure the selection on an impartial basis of outstanding persons for such positions."

With the law in mind, and the annotated copy of the promotion list in front of you, I wish to read to you a portion of the regulations of the Foreign Service based on that law:

3 FAM 871.4a.

"It is the Department's and USIA's objective to have each officer acquire, *before reaching the senior level*, at least a minimum professional level of proficiency (S-3/R-3—see section 872.2) in two foreign languages, as well as such level of proficiency in the language of each post required by the particular assignment."

The senior level of the Foreign Service is the Class I and II level, i.e., FSO-1 and FSO-2. Let us look at the record.

The list before you has been compared with the "Biographic Register", an official publication of the Department of State, revised as of June 30, 1971. The names underlined indicate those officers who, according to that register, do not meet the minimal requirement, the Department's objective, which I just read. Sixty-four per cent (64%) of the Class II officers do not meet the minimal standards; 65% of the Class I officers.

It may be that the Department's own standards are too high (these are regulatory and could be changed, if that were the case). After all, language qualification is only a tool—not an end in itself. If only one language were required (surely a minimal standard by anyone's measure, for a senior diplomat) we still find that, according to the Department of State's own statistics, taken from the Biographic Register that 35% of the Class I officers and 31% of the Class II officers being promoted to higher rank still do not meet the very minimal standards of a single foreign language (See TAB B). These officers are indicated by an asterisk on your annotated list. Moreover, standards are even worse in this respect than last year, on the 1971 list (See TAB C). And, I might add, they were fully as bad in 1968 when I also surveyed the list with this criterion.

Now every reasonable man admits that knowledge of language is not everything. But practically all of these "senior level" officers have been with the Department of State for more than 20 years. To consider oneself a "diplomat" by profession and not to be able to command a single foreign language is, in my opinion, inexcusable. It perpetuates the image of the "Ugly American."

There are, of course, other standards. I shall take these up in a moment.

Let me briefly mention sources. The "Biographic Register" is a Department of State publication, as I said. As such, personnel information contained in it should be given the same confidence one would give to any personnel information disseminated by the Department. It may be that some of the officers noted as deficient have acquired skills not identified in the "Register", i.e., that it is out of date or inaccurate in this respect. Perhaps it will be argued that "only" 15% or "only" 10% of these senior promotees are so deficient that they can not speak a single foreign language (please recall that the Department's own regulations state that the objective is *two languages prior* to reaching senior level, i.e., by the time an officer is FSO-3). Is this really an adequate answer for the Senate which must confirm or reject the entire list? I must add that, in my experience, in fact, the "Register" errs on the generous side. It carries men as having a working knowledge of a language who long ago forgot that language or did not, as required by regulation subject themselves to the rigors of re-examination. What I am suggesting is that the most accurate statistics available would reveal a far worse picture when this Committee calls for the pertinent personnel records, which is its right. In any event, if the Biographic Register published by the Department of State is not accurate, then it should be put right. The American public pays for its publication and deserves to have honest and accurate information concerning the Department of State.

Then there is the matter of expunging of records—even the Biographic Register. Four of the FSO-1 promotees have been given special language training, but it is not recorded that they ever successfully passed a language test after that training. Comparison of the 1964 Register with the 1971 Register reveals that, in two of these cases, any mention of the earlier—evidently unsuccessful—language study is removed from the record. It is a record of past failure cleaned up, so to speak. I can establish that this is not a matter of economy of space in the Biographic Register. Incidentally, neither of these two men meet minimal standards, according to the data provided in the Register. Your Committee, Mr. Chairman, may wish to ask the Department for exact linguistical data on these nominees; what level of competence do they possess and what were the tested ratings given by the Foreign Service Institute. Further, why do they fail to meet the minimal standards set forth in the Department's regulations as the desired objective *before reaching* senior level. In the case of language training failures, you may want to know if the fact of that failure was before the promotion boards that considered thse officers. In other words, were the personnel records changed or expunged as was the Register?

That brings up the larger question of the genesis of the promotion list. Who sits on promotion panels and what are their qualifications? Take the panels from Class 2 to 1—none met the language standards; two spoke no languages at all. It is demonstable, I think, that in one important respect (for a diplomat), an objectively measurable qualification, language competence, the 1972 promotion list fails miserably to meet the Department's own standards. There are many other standards, some less capable of objective measurement: health, integrity, professional competence. Let us look at the list from a few different angles.

Mr. Chairman, you will recall that the former Director of Personnel, Mr. Howard P. Mace attempted to explain to this Committee, during his recent confirmation hearing, the complex sequence by which Promotion Boards determine promotions. According to Mr. Mace, Boards consist of objective citizens, who examine objective personnel files (presumably in accordance with the regulations) to determine—competitively and fairly—which officers are the best. Under questioning from you, Mr. Chairman, it was determined that Mr. Mace himself had a large say in who sat on these Boards. This 1972 promotion list is, so to speak, the last "Mace List" in that Mr. Mace helped determine the composition of these Boards. The process sounds orderly enough, when glibly explained; but it is not orderly, Mr. Chairman, nor is it equitable.

No doubt your Committee believes that it is examining a promotion list based on judgments as objective as possible concerning the "Efficiency Record" of eligible officers. The Foreign Service Act in Section 601(1) has defined the "Efficiency Record" of an officer as "those materials considered by the Director General to be pertinent to the preparation of an evaluation of the performance of an officer." As you know, Mr. Chairman, you and your Committee are entitled under the Act to examine these records. Specifically Section 612 authorizes this, so if you wish to do so, you can determine for yourself the accuracy of my testimony here today. However, there is a problem in that there is no such single record as the "Efficiency Record." If there is no efficiency record, how can you then have a promotion list based on such a record?

I submit for the perusal of your Committee a document written by the Legal Advisor of the Department of State to Mr. Macomber (TAB D) entitled: "A Foreign Service Employee's Right of Access to His Personnel Records." I believe the copy is dated 8 October 1971. It is unclassified. I apologize for the poor quality of this copy, which was submitted as evidence in my own Hearing before the Department of State, which entered its third year last fall and is still continuing. The Department did not provide us with this particular copy and, so far, the Department had not been willing to provide a more legible copy even though it has been requested. Perhaps the Department might be more responsive to a request from your Committee for a copy that can be easily read. However, on page 4 of that memorandum it is plain to read:

"The recent Committee on Files found that, with respect to many Foreign Service Officers, twelve to fourteen different files are maintained."

Elsewhere in the memorandum the files are described variously to include:

The career development and counselling files (CDC).

The Director General's file.

The suitability files (SRS).

Then there is the "Official Personnel Folder" (This may be considered the "real" file!)

And the medical file, "classified" file, investigative file, administrative file, etc. etc. Evidently, in the Department of State, you can prove anything in personnel work or conceal anything, depending upon which files you choose to select for the project.

Now I wonder if this Committee has been told what file or files were used in the compilation of this promotion list? Or has the Committee been told which of these files were used to "supplement" information in the "real file", or that, in the words of official correspondence of the Department, "it is a common accepted practice for [promotion] Boards to consult officers in O and other areas of the Department?" What becomes of the much talked about sanctity of the promotion system under these conditions? I submit—merely as an illustration—one documented example (TAB E) in which the head of a promotion board made three illegal contacts to "supplement" the "file" during promotion board deliberations. None of these were recorded at the time. Only reluctantly has the Department admitted in writing that this is a "common accepted practice". How often did it happen for the 1972 list?

With no established standards of recordkeeping, with wheeling and dealing in terms of illegal contacts with the members of boards, with constantly shifting standards for promotion, it is little wonder that the present Director General of the Foreign Service himself received a promotion on the basis of an *ad hoc* "one-time" exception to established and published requirements. In that case, it was said that his promotion would "constitute a single exception not constituting a precedent for the future." (See Draft memo for the files by Mr. LaRue Lutkins 10/15/68 at TAB F.)

Since established procedures and standards are not maintained, but ever shifting, it is no wonder that closer examination will reveal a few problems with this lost other than linguistic. *Consider the matter of professional competence.* You will recall a recent murder trial involving two foreign service employees. One man was killed and the other convicted of murder. The Executive Director of the Bureau of African Affairs at that time, whose name is found at #102 of your annotated promotion list, specifically was alerted to the problems of this post and to the possibility of this kind of serious trouble. You may know that the job of an executive director of a Bureau is to be responsive to anticipate this kind of problem. I can provide this Committee with the name of a witness who specifically alerted #102 to the dimensions of the problems at this post but which #102 did nothing to alleviate. Is the matter even discussed in #102's personnel file—which ever of the 12–14 files is pertinent?

Consider the matter of basic integrity or honesty. At #114 is an officer against whom serious charges were made by another officer still on the roles. The charges have not been answered; in fact, the Department has refused to investigate further or to give the complainant a hearing or due process. Is the complaint or its disposition among the files viewed by the promotion boards? I note that #114, like #102 does not fully measure up to the Department's own linguistic standards.

Just how does one get on the promotion list? Well, clearly it helps to get as close to top management and administration as possible, other qualifications notwithstanding. Three such officers include #127, #143, and #151. Two of those three are without any language qualification. The third knows one language (which is less than the minimum) and at age 39 is the second youngest on the list. (With a little more time and experience, he might be fully qualified.) But all are high in the management/administrative structure. The fact that #127 attended courses in German in 1958 and Spanish in 1962 but had not yet qualified in those languages is duly noted in the 1964 register, a matter expunged by the time the 1971 register was published. However, his other training, presumably successful, at the University of Pittsburgh has not been deleted in the 1971 register.

I think the above random examples serve to make a point. There are many other broadsides that could be delivered along these same lines. So as not to take up too much of your time, I think it would be useful to shift to the fact that the Senate has received for confirmation only a portion of the current promotion list. The remainder of the list contains FSRs and FSRUs not subject to the Senate's scrutiny. If you think that the standards are low on the list I have just been discussing, the list the Senate is permitted to examine and judge, you can imagine what the standards are of those not required to pass muster.

A look at the promotion boards themselves will explain why these standards are so low. Take the members of the "B" Board which considers FSRU officers from Class 4–8 and some FSRs from Class 6–8. All three members are indicated in the Register as having no satisfactory knowledge of any languages. But it pays to serve on such a Board; one of these three is #126 on the 1972 promotion list—promoted to FSO–2. That is a quicker payoff than usual, even for the management staff in the Department of State, I might note in passing. The FSRU Boards are backed up by a panel of "specialists", themselves products of this system that one person qualified to judge has described as a "self-perpetuating Board of Directors." Thirteen (13) out of 18 are indicated with no rated language proficiency, yet six have entered the Foreign Service at the very top, FSO–1, after being in the favored and protected positions of FSRs. Four more are FSR–1, waiting in the queue, so to speak, to become instant "US diplomats." These panel members are the people who are determining the fitness of those persons promoted to FSR positions, officers who are exempted from the further scrutiny of the Senate. Later, when laterally entered, they will be placed on a special promotion list similar to the one submitted to the Senate on July 28 which included a number of FSO–3s and FSO–4s who had neither college degrees nor language qualifications. (TAB G). No wonder our Foreign Service is called the "best paid second rate diplomatic service in the world."

By asking the Senate to confirm this list or another like it before a thorough-going reform of the system is accomplished, the Department of State management authorities have attempted to deceive. There is a large number of well-qualified officers on this list. What a pity that the honest pride in a well-earned promotion has been diminished for the others on the promotion list who have not yet met the required standards!

We all have heard of the low morale of the Foreign Service. Is it any wonder? Senior officials determining the standards and selection out of qualified officers themselves would have been dismissed had not the high standards set for the Foreign Service in regulation been set aside for them.

I regret to inform this Committee that the promotion list before you represents a further slump in standards. It should be remanded with instructions that it not be returned until all people on the list measure up to the high standard the American public has a right to expect of its Foreign Service.

Thank you for listening to my testimony today.

[From the Federal Times, May 17, 1972]

Senate Holds up State Promotions

(By Bill Andronicos)

Washington.—In an unprecedented move, the Senate has withheld confirmation—at least for the time being—of an entire promotion list of the State Department and U.S. Information Agency.

Affected by the move are some 385 foreign service officers and about 175 USIA officers, whose names were submitted to the Senate recently by President Nixon. Generally, the Foreign Relations Committee passes along the recommendations without hesitation.

The Senate action came on the heels of testimony before the committee by a former foreign service officer, John D. Hemenway, who has charged that the list includes names of officers lacking in language proficiency, professional competence and honesty.

Fired from his foreign service position on Jan. 17, 1969—in the final days of the Johnson administration and while Dean Rusk was secretary of state—Hemenway currently serves as a civil servant in the Department of Defense.

Among other things, he charged that, according to the State Department's own statistics which he gleaned from the department's "Biographic Register," 35 per cent of the Class I officers and 31 per cent of the Class 2 officers proposed for promotion "still do not meet the very minimal standards of a single foreign language."

Hemenway indicated he was not attacking everyone on the list, but in testimony he avoided the use of individual names, prefering to refer to various officers on the list through a numerical sequence.

Although acknowledging that "language is not everything," he said virtually all these senior level officers have been with the State Department more than 20 years—and added: "To consider oneself a diplomat by profession and not to be able to command a single foreign language is, in my opinion, inexcusable."

"It perpetuates the image of the 'Ugly American'," Hemenway said.

He argued that the department's own regulations call for two languages prior to reaching a senior level—by the time the officer reaches Class 3.

Hemenway testified four of the FSO–1 officers on the promotion list have been given special language training—"but it is not recorded that they ever successfully passed a language test after that training."

He also challenged the validity of the promotion list, questioning the types of individuals who sit on promotion panels as well as their qualifications.

He said the controversial former director of personnel, Howard P. Mace, helped to determine the composition of the panels selecting the present promotion list. Consequently, Hemenway referred to the list as the "Mace List."

Earlier this year, Mace had asked President Nixon to remove his name from consideration for nomination as ambassador to the African country of Sierra Leone. The Senate Foreign Relations Committee had shelved Mace's nomination in December following a torrent of criticism over the way he allegedly handled the State Department's selection-out of diplomats after they had been rejected for promotion by the selection board.

Hemenway charged that in addition to language weaknesses, the promotion list includes individuals who lack professional competence and basic integrity or honesty.

To get on the promotion list, he told the committee, it "clearly helps to get as close to top management and administration as possible, other qualifications notwithstanding."

In addition, he noted that the Senate received only a partial list of those scheduled for promotion. The remainder contains foreign service reserve officers (FSR's) and foreign service reserve officers with unlimited tenure (FSRU's) not subject to the Senate's scrutiny.

"If you think that the standards are low on the list I have just been discussing, the list the Senate is permitted to examine and judge, you can imagine what the standards are of those not required to pass muster," Hemenway said.

Hemenway also accused the State Department of attempting to deceive "by asking the Senate to confirm this list or another like it before a thorough-going reform of the system is accomplished."

Hemenway told the committee it was no wonder there are indications of low morale within the foreign service, when "senior officials determining the standards and selection-out of qualified officers, themselves would have been dismissed had not the high standards set for the foreign service in regulations been set aside for them."

Charging that the promotion list represents a "slump in standards," he urged the committee to remand the list "with instructions that it not be returned until all people on the list measure up to the high standard the American public has a right to expect of its foreign service."

Meanwhile, the Senate Foreign Relations Committee has transmitted Hemenway's allegations to Deputy Under Secretary of State for Administration William B. Macomber Jr., asking his comments before deciding on a course of action on the foreign service promotion list.

In related action, Sen. Claiborne Pell, D-R.I., himself a former foreign service officer, issued a strong protest with the Foreign Relations Committee against a promotion system change implemented by USIA Director Frank Shakespeare.

Shakespeare has deviated from traditional USIA practice (currently still being followed in the State Department's foreign service setup) by ignoring the USIA selection board's rankings for promotions and choosing those he personally feels warrant upgrading.

Pell and other critics said they fear the Shakespeare method would lead to political maneuvering for top agency jobs.

[From the Chicago Tribune, May 6, 1972]

ONE MAN'S VICTORY IN WASHINGTON

(By Willard Edwards)

WASHINGTON, May 5.—To the astonishment and dismay of the State Department, 385 high-ranking foreign service officers have been temporarily blocked from promotion by the efforts of a former colleague, fired from their ranks more than three years ago.

This feat—and in the bureaucratic world it is an exploit of stunning significance—is the latest success in the one-man crusade of John D. Hemenway against the establishment which kicked him out in the closing days of the Johnson administration.

He has proved that, against all the odds, you cannot only fight city hall but overcome it on occasion. It requires a courage beyond most men, patience and a calm determination, a willingness to endure financial sacrifice, but it can be done.

It is now conceded by the State Department hierarchy that the biggest mistake ever made by former Secretary of State Dean Rusk was to uphold Hemenway's dismissal just before he left office in January, 1969. His judgment was based on a report filed by two of Hemenway's superiors which, subsequent hearings have shown, contained false and malicious accusations. Hemenway's real crime was that he had differed with these superiors by "too aggressive" support of the American position in dealing with Communist nations as chief of section in Berlin.

The Nixon administration subsequently recognized Hemenway's talents by giving him a high position in the Defense Department. It found itself unable to return him to the State Department, which remained in charge of a holdover power structure unalterably opposed to the retention of any subordinate who had dared to exercise independent judgment.

Hemenway, at that point, decided to battle for a removal from the record of falsehoods placed against him. He forced upon the State Department the first grievance hearing in its history. The evidence accumulated at these sessions has tarnished the reputation of celebrated figures now serving in key posts abroad.

Last December, Hemenway helped stop the nomination of Howard P. Mace as ambassador to Sierra Leone. Mace, as the State Department's personnel director, gained the nickname of "the executioner" for faithfully following the orders of his superiors to destroy the careers of those who disputed top echelon policy. The Mace nomination was buried after testimony from Hemenway and other victims had outlined what they called "a sick and corrupt personnel system which had wrought havoc to the careers of dedicated officers."

Not until April 25, however, did the State Department realize fully the influence in Congress gained by Hemenway in his repeated forays.

The Senate Foreign Relations Committee met that day for the customary routine approval of the annual list of 385 foreign service officers designated for promotion to higher ratings, carrying increased prestige and salaries.

But Hemenway appeared, requested and received an unprecedented hearing, and furnished a devastating analysis of the lack of qualifications of many of the career diplomats on the list.

He noted, as one example of their deficiencies, the failure of two-thirds of them to have proficiency in two foreign languages, as required by law. He added a staggering disclosure—that one-third of those at the highest level did not even have proficiency in one foreign language.

"Knowledge of language is not everything," said Hemenway, who is himself fluent in Russian and German, "but practically all of these senior level officers have been with the State Department for 20 years. To consider oneself a diplomat and not to be able to command a single foreign language is, in my opinion, inexcusable. It perpetuates the image of "The Ugly American.'"

The committee agreed and held up action on the promotion list pending a reply to Hemenway's criticism by Deputy Undersecretary of State William B. Macomber. Members voiced suspicion that the State Department's promotion system elevates amiable conformists rather than the truly competent.

[From the Sarasota Herald-Tribune, May 2, 1972]

A SCANDAL AT STATE?

If charges brought against the United States Department of State by a former employee are correct, they constitute a major indictment and one rattling-good shakeup is in order.

John B. Hemenway, chief of the Berlin section in the Foreign Service division until 1968, last week told a Senate committee hearing that the department was breaching its own rules and deceiving the Senate by submitting for confirmation to key posts men it knew were not qualified.

Mr. Hemenway is a veteran, a Naval Academy graduate and a former Rhodes Scholar at Oxford, rated fluent in Russian and German. He was dropped from the Berlin post and was the first Foreign Service officer, believe it or not, to demand a hearing (and received in 1969 the first such hearing ordained by the State Department for any reason in 15 years). The case is still being contested.

But the former Berlin chief may be presumed to have some expertness in job qualifications within the department, and he has charged that State's management bureau is loading up the Foreign Service with its own personnel who are not qualified.

As for instances, he noted that among the latest 23 Foreign Service officers promoted to Class One, the top grade, 35 percent speak no foreign language at all and 30 percent speak only one. Regulations, he said, call for them to be proficient in at least two.

He also charged that State's management bureau has been tampering with personnel files in defiance of regulations and common decency.

One State Department official has acknowledged that the latter accusation was true (although he says it has been stopped), but says the language requirements, in senior grade as in others, are merely "objectives," not minimum requirements.

Observers who have been puzzled for years over inadequacies in our Foreign Service may find a few clues here.

If it is not required for top-grade officials to have language proficiencies, only suggested, one can readily see how information gathered is of limited value—and also why some nations may be increasingly cool to us, since we give such seemingly small regard to other native speech.

As to improper access to personnel files, which has been admitted, it is only necessary to imagine oneself a State Department employee with the knowledge that this is going on, to realize the morale damage it must have been doing.

And in days like these, to have a demoralized Foreign Service is not very far from committing slow national suicide. Few contemporary Americans carry a greater burden in foreign fields for the good of the country.

The Senate Foreign Relations Committee, after hearing Mr. Hemenway, has asked for a full rundown from State on its promotion and personnel policies.

It doesn't seem much to ask—but perhaps a trifle late to ask it.

[From the New York Times, Apr. 30, 1972]

EX-AIDE ASSAILS FOREIGN SERVICE

WASHINGTON, April 29.—A former Foreign Service officer has shaken the State Department by publicly charging that the department has violated its own standards for promotion and has tampered with confidential personnel files.

In a hearing Tuesday before the Senate Foreign Relations Committee, John B. Hemenway, who is now a civilian employe with the Defense Department, accused the State Department also of trying to deceive the Senate by submitting for confirmation to key posts the names of officers it knew to be unqualified.

After hearing the charges, the Senate committee asked the State Department for details of its promotion and personnel policies.

Mr. Hemenway, who is 45 years old, was dropped from the Foreign Service in 1968 while serving as chief of the Berlin section in the department. He served as an infantry lieutenant in World War II, was graduated from the United States Naval Academy in 1951 and, after entering the Foreign Service in 1951, earned bachelor's and master's degrees at Oxford as a Rhode Scholar. He is rated fluent in Russian and German.

SOUGHT REINSTATEMENT

In 1969, Mr. Hemenway filed a grievance charge against the State Department seeking reinstatement. The hearing—the first ever demanded by a Foreign Service officer and the first accepted by the department in 15 years—is being contested.

Mr. Hemenway testified that among the latest list of 23 Foreign Service officers promoted to class one, the highest grade, 35 per cent speak no foreign language while 30 per cent speak only one. The regulations, he said, call for proficiency in at least two foreign languages before promotion to senior rank.

Of the 45 officers recently promoted to class two, he said, 31 per cent speak no foreign language and 33 per cent speak only one.

Mr. Hemenway charged the management bureau of the State Department with promoting its own staff members to key assignments—including promotion panels—and with tampering with personnel files in violation of regulations.

Mr. Hemenway showed the committee copies of a staff memorandum written last Oct. 1 from John A. Stevenson, State Department legal adviser, to William B. Macomber Jr., Deputy Under Secretary for Management. The Stevenson memorandum criticized widespread illegal access by promotion panels to the "12 to 14 different" files maintained on every officer and recommended that such practices be halted.

"In the Department of State," Mr. Hemenway charged, "you can prove anything in personnel work—or conceal anything—depending upon which files you choose to select for the purpose."

Mr. Hemenway also testified that growing numbers of employes of the bureau of management are being admitted to the Foreign Service without passing examinations. In several cases he said they had "neither college degrees nor language qualifications."

A State Department spokesman, who said that he had not read Mr. Hemenway's testimony, explained that language qualifications for senior officers are "objectives" rather than minimal standards. He conceded that there had been violations of regulations through unauthorized access to personnel files but said that these practices had been stopped.

THE PICTURE OF HEALTH—NATIONAL HOSPITAL WEEK

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. THONE. Mr. Speaker, one of every seven people in the United States will be a hospital patient this year. This dramatic statistic points up the importance of the 52d annual observance of Nation Hospital Week, May 7–13, 1972.

"We want you—in the picture of health" is the slogan for the week. It has three important meanings.

Our hospitals will better serve our communities if more individuals take an interest in the Government, needs and policies of their local institutions.

The American Hospital Association and its member hospitals want individuals to become more concerned about the provisions of health insurance policies. The AHA praises and encourages the growing trend of insurance payments for medical procedures performed in physicians' offices or in hospitals on an outpatient basis. Such practices release beds that may be needed for critical illnesses and help hold down medical costs.

Finally, the phrase "We want you—in the picture of health" calls attention to the need for intelligent, motivated recruits for careers in the field of health. Health care is already the Nation's third largest industry, and new jobs are being created every day.

America has the best hospitals in the world. Citizen participation can help make them serve their communities better than ever.

NATION IS LOSER BY FAILING TO PROVIDE ADEQUATE MONEY TO STAFF AND SUPPORT WORKER SAFETY AND HEALTH LAW

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. ASPIN. Mr. Speaker, the Nation is the loser and workers themselves lose because the Occupational Safety and Health Act of 1970 has not been properly supported by staff or money.

The Nixon budget for fiscal 1973 calls for $97 million for both the Department of Labor and the Department of Health, Education, and Welfare responsibilities to administer the new law. This is less than $2 per worker, since 57 million workers are covered by Public Law 91–596.

An excellent statement on the fiscal needs of the Occupational Safety and Health Administration—OSHA—and the National Institute for Occupational Safety and Health—NIOSH—has been prepared by the Industrial Union Department of the AFL–CIO. I commend it to my colleagues.

There is no other law on the statute books today which more directly affects the environment and quality of life for working people than does the worker health and safety law. It is a great tragedy that Congress has failed to provide adequate staff and funds to make this law work for the good of the Nation and for the working people of this country.

The statement follows:

[From Occupational Safety and Health Reporter, Bureau of National Affairs, May 4, 1972]

UNIONS—IUD ISSUES BUDGET ANALYSIS OF FEDERAL JOB SAFETY EFFORT

The federal job safety and health budget, because it is inadequate in terms of money and people, is the nation's most extravagant expenditure, the Industrial Union Deparment (AFL–CIO) maintains in its analysis of the Nixon Administration's fiscal 1973 budget proposal.

The partial costs to the nation from job injuries and illnesses are $1.7 billion in lost wages, $9 billion in lost Gross National Product, and $2.3 billion in workmen's compensation costs, the IUD said. The more than $500 million spent for special compensation to black lung victims could be equaled in justifiable claims by victims of asbestosis, silicosis, and other diseases.

The job safety budget is inadequate and therefore extravagant because it is the key to plugging the cost of the 15,000 deaths, the reported 10 million injuries, and millions of uncounted job related illnesses and accidents, the IUD said.

HEALTH HAZARDS

Most complaints received by the Occupational Safety and Health Administration concern health hazards. "Labor Department officers admit that virtually every complaint to date has been legitimate and often for serious health hazards," the IUD said. "Yet months often elapse before a hygienist can conduct an investigation."

By the end of this fiscal year the Labor Department expects to have only about 40 industrial hygienists at work. "Thye are being asked to work without all the necessary equipment. They are enforcing only a few hundred environmental standards although thousands of toxic substances and hazardous physical agents are found in the workplace," the IUD maintained.

Last year the Administration asked for a little less than $63 million. This year it is requesting just over $97 million. "But the need is astronomical and, equally serious, it is not going to be spent in the most effective manner because key allocations have not been made."

Only $27 million will be spent by OSHA on enforcement and new standards. The compliance force will about double but the most important kind of skills will not be gained in sufficient quantities. Though most of the industrial hygiene work could be done by specially trained aides, no funds are provided for this purpose, the IUD noted.

Much more environmental hazard information could be transferred to the local OSHA offices through a data transfer system, but no money has been supplied for the purpose. There are no systematically adequate links, electronic, computerized, or otherwise, with state and other federal agencies. There is not even effective face to face liaison, the IUD said.

"Recently a list of plants with probable asbestos hazards, compiled in 1969 by the Department of Health, Education, and Welfare, was transmitted by hand to OSHA by the IUD. Six weeks later no inspections had taken place as a consequence of this information," the IUD reported.

STATE PLANS

Federal policy actually discourages effective state-federal communications. Planning funds are granted the states for information and communications systems that are incompatible among the states and with federal agencies.

The Occupational Safety and Health Act makes it mandatory for the Labor Department to monitor and assist state programs.

However, if too many states operate their own programs the Federal Government will not have enough personnel for monitoring and technical assistance. "If even a handful of states leave job safety in the hands of the Federal Government, there will not be sufficient personnel for enforcement of the standards in those states."

REVIEW COMMISSION

The Occupational Safety and Health Review Commission cannot even handle the current 6 percent rate of appeals of OSHA enforcement actions, the IUD said.

The budget calls for a $220,000 increase for a total of $1.28 million, even though hundreds of cases remain unsettled and management organizations are still gearing up to aid their clients in the appeals process.

NIOSH

The National Institute for Occupational Safety and Health is the most tragic case, the IUD said. The effective budget increase in the $29.5 million does not even absorb the increased cost of doing business since the last budget request. Vital programs have been eliminated and others severely cut.

The primary role of NIOSH is the supplying of safety and health knowledge through research and training. If the states take over the enforcement load, since the Federal Government has the resources and logical position to develop uniform and comprehensive standards for use by federal and State agencies, NIOSH will have greater importance than OSHA. "If the Federal Government retains its enforcement role, NIOSH will remain equal in importance to OSHA. But the budget does not reflect that fact."

NIOSH suffers from the Administration's plans to transfer it to the Commerce Department, an obvious conflict of interest situation, the IUD said. The Department of Health, Education, and Welfare knows of the impending transfer and is not about to waste rationed supergrades on an agency it is going to lose.

The proposed NIOSH budget provides no funds for short term, in-house training. Grants to educational institutions will not provide for any new training programs in schools and colleges. There will be no significant increase in research. NIOSH is being hurt by the hiring freeze and decreased grade level average.

Some programs in NIOSH are particularly hard hit. The training program is trying to supply the people who can, for example, count microscopic fibers of asbestos. This need is increasing but there are no funds for the purpose.

By the Government's own calculations, 3,000 doctors are needed immediately to provide medical services generated by the Act. Only a few are being trained as specialists in job medicine. Only the Government has the ability to support fully the educational institutions. The current $1.7 million is grossly inadequate, the IUD said.

The proposed budget provides for only about $2 million in grants for OSHA health research, the same as last year. It is only enough to adequately fund a single university program.

The NIOSH Division of Field Studies is insufficiently staffed. "They will never be able to hire enough people to be sure that the contractors do an honest job."

SPECIAL HEALTH CARE

The critical need to care for those already afflicted with occupational diseases is not even mentioned in the NIOSH budget. Early action is necessary to save the lives of thousands already exposed to disease causing materials.

In economic terms, by anticipating the needs of these workers, hundreds of millions of dollars can be saved by modest expenditures at this time, the IUD maintained. Possibly thousands of lives can be saved.

At least three centers exist in the eastern, central, and western states capable of quickly engaging in this program because of their trained and experienced staff. Each could absorb a $2 million program for a total of $6 million. They are Mount Sinai, the University of Illinois, and either the University of Southern California or the University of Washington, the IUD said. In addition to the $6 million necessary to support three resource centers, NIOSH needs $6 million for its responsibilities in such a program.

INFORMATION AVAILABILITY

One of the hard jobs in putting together a government program is to use the resources of other agencies. Retrieval is laborious and time consuming since there are no connections and no interaction between data banks that enable OSHA, for example, to know even what useful information may exist in the Department of Agriculture or other agencies.

"What we need is a national, coordinated information grid," the IUD said. An informal system could be operative in three or four months. A formal system will take three to five years to complete. There is absolutely no money available for this purpose, although studies financed by HEW supporting this essential effort have been completed.

"Only crisis forces coordination. The crisis is here but nothing will happen without congressional action," the IUD said.

The IUD recommended several NIOSH budget additions for fiscal 1973. These are design and pilot operation of coordinated information grid, $1 million; field investigations, $5 million; training program (including audiovisual), $5 million; research grants, $10 million; education grants, $10 million; and special health care, $12 million. Total requested additional funds total $43 million.

HANOI WARLORDS WANT TO PLAY FOOTSIE WITH MEMBERS OF U.S. CONGRESS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. FISHER. Mr. Speaker, at a time when the lives of 60,000 Americans are threatened by an invading enemy hell-bent on slaughter and destruction; when the enemy is throwing all his resources into one infamous thrust; when the Communists no longer attempt to conceal their reliance upon support from Americans in this country—they have the unmitigated gall to write personal letters to Members of Congress to solicit help and impugn the motives of our President.

This unprecedented intrusion should be treated as an open insult by every recipient, and it must be repudiated in no uncertain terms.

I include an excellent editorial which appeared in the April 17 issue of the San Diego Union. The editorial follows:

EXTRAORDINARY LETTER—REDS INVADE AMERICAN POLITICS

The extraordinary letter sent by the Viet Cong foreign minister to members of the U.S. Congress should remove any doubt that the Communists have picked 1972 for a direct invasion of the American political process just as surely as they have picked this year for a do-or-die military sweep into South Vietnam.

Mme. Nguyen Thi Binh deserves precisely the sharp rebuke which her flagrant breach of international propriety has received from the White House. It is members of Congress themselves, however, who should rise in a body to express their indignation at this patent attempt by a foreign official to use them as tools for attaining Communist objectives in Southeast Asia.

Mme. Binh attacks President Nixon's determination to stand by South Vietnam in the face of the invasion as "an adventurous path fraught with unpredictable consequences." This might better be applied to her own venture into our politics. The consequences could well be a final awakening by leaders of both our political parties to the fact that the people most eager to keep the "Vietnam issue" alive in this American election are the North Vietnamese and the Viet Cong themselves.

The Binh letter is the most bold and arrogant example so far of how the Communists are trying to influence political thinking in the United States to smooth their way for conquest in Asia. They have stepped up or scaled down the level of fighting at propitious moments to correspond with our national mood as they read it through antiwar demonstrations and the rise and fall of debate on Vietnam.

They used the offer of negotiations to gain a bombing halt in 1968, and since then have played cat-and-mouse with our delegation drawn to Paris by the lure of peace and the hint of release of our prisoners of war. Now, when they needed only to stand quietly by and await the total withdrawal of our troops, they elected to launch a full-scale invasion of South Vietnam in the hope of humiliating the Americans on the eve of our national elections.

It may be a sign of desperation that has prompted Mme. Binh to insinuate herself directly into our Congress. The North Vietnamese have poured virtually everything they have into South Vietnam, and the South Vietnamese have made them pay in blood for every inch of land that they have gained. Communists have failed in three weeks of intensive fighting even to capture the major cities that would give them an opportunity to symbolize a "victory."

North Vietnam and the Viet Cong know their only real victory would come with the total desertion of South Vietnam by the United States. They can achieve this only if controversy over our Vietnam policy is stirred and kept at a boil. Members of Congress, especially those who are candidates this year, should open their eyes to deliberate attempts from outside our country to weaken the resolve of the American people at this crucial moment in the Vietnam struggle.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Tuesday, May 16, 1972*

The House met at 12 o'clock noon.

Rabbi Irving Greenberg, Riverdale Jewish Center, New York City, offered the following prayer:

The Talmud says: God, also, prays every day.

What is God's prayer?

May My love overcome My harsh judgments.

Lord, loving God, like You, we pray:

May our good impulses overcome our evil impulses, our anguish outweigh our apathy.

May our technology serving humanity overcome our technology destroying humans en masse.

May our vision exploring the heavens, bringing men back safely, overcome our blindness neglecting earth, abandoning men to suffering.

May our faith to protect democracy in the world overcome our need to blow it up when it frustrates us.

May our desire to enjoy our families in love overcome our desire for islands of privilege, shutting out others in hate.

May our tradition of unity in disagreement overcome our tradition of intolerance and violence.

And: Lord, loving God, when we fail, may Your love overcome Your harsh judgments. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13361) entitled "An act to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended."

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2988. An act to authorize the appropriation of $250,000 to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974; and

S.J. Res. 234. Joint resolution deploring the attempted assassination of Gov. George C. Wallace of Alabama.

CALL OF THE HOUSE

Mr. GERALD R. FORD. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 153]

Abbitt
Abernethy
Abourezk
Abzug
Addabbo
Badillo
Barrett
Blackburn
Blanton
Bow
Bray
Buchanan
Carey, N.Y.
Celler
Chisholm
Clawson, Del
Clay
Collins, Ill.
Conyers
Corman
Daniels, N.J.
Danielson
Davis, Ga.
Delaney
Denholm
Dent
Diggs
Dowdy
Dulski
Duncan
Dwyer
Eckhardt
Esch
Eshleman
Evins, Tenn.
Fish
Flowers
Ford, William D.
Galifianakis
Gallagher
Garmatz
Green, Pa.
Hagan
Harrington
Hébert
Helstoski
Hogan
Howard
Jarman
Jones, N.C.
Jones, Tenn.
Kyl
Link
Long, La.
Long, Md.
McCloskey
McCormack
McDonald, Mich.
McEwen
McKay
McKevitt
McKinney
Macdonald, Mass.
Miller, Calif.
Minish
Minshall
Mitchell
Monagan
Montgomery
Moorhead
Morgan
Murphy, N.Y.
Nix
Pelly
Podell
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Rees
Rodino
Rostenkowski
Rousselot
St Germain
Sarbanes
Scheuer
Schmitz
Stubblefield
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Vander Jagt
Whitten
Wiggins
Williams
Wright
Wydler

THE SPEAKER. On this rollcall, 333 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF COMMITTEE TO ESCORT THE APOLLO 16 ASTRONAUTS INTO THE CHAMBER

The SPEAKER. The Chair appoints as members of the committee to escort our distinguished visitors into the Chamber the gentleman from Louisiana, Mr. Boggs; the gentleman from Massachusetts, Mr. O'Neill; the gentleman from California, Mr. Miller; the gentleman from Texas, Mr. Teague; the gentleman from Michigan, Mr. Gerald R. Ford; the gentleman from Illinois, Mr. Arends; and the gentleman from Ohio, Mr. Mosher.

RECESS

The SPEAKER. The Chair declares a recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 32 minutes p.m.) the House stood in recess subject to the call of the Chair.

RECEPTION BY THE HOUSE OF REPRESENTATIVES OF THE APOLLO 16 ASTRONAUTS

The SPEAKER of the House presided.

At 12 o'clock and 37 minutes p.m., the Doorkeeper (Hon. William M. Miller) announced the Apollo 16 astronauts.

Capt. John H. Young, U.S. Navy; Lt. Comdr. Thomas K. Mattingly II, U.S. Navy; and Lt. Col. Charles M. Duke, U.S. Air Force; accompanied by the Committee of Escort, entered the Chamber and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. My colleagues of the House of Representatives, I have the very high honor of welcoming on behalf of the House of Representatives to this Chamber those heroic astronauts of Apollo 16 who have accomplished a most difficult feat in their mission to the moon.

I have the further honor of presenting to you the distinguished commander of that flight, Capt. John W. Young, U.S. Navy.

[Applause, the Members rising.]

Captain YOUNG. Mr. Speaker, Members of Congress, and distinguished guests:

It is a very great honor for us to be here today and to have the opportunity to report directly to the House Space Committee and the Appropriations Subcommittee on some of the preliminary scientific results of our Apollo 16 mission to the Descartes highlands.

But now we also want to express our thanks to you—for it was here and in the Senate that the great key decisions were made that have been basic to the whole space program. It was your support and your wise decisions that put America into space.

But first I would like to introduce one of my esteemed colleagues, my old lunar rover passenger, Charlie Duke, the man who said "I would rather walk."

[Applause, the Members rising.]

Lieutenant Colonel DUKE. Mr. Speaker, Members of Congress, distinguished visitors, ladies and gentlemen:

It is truly a great honor for me to have this opportunity of addressing this most distinguished group.

Less than a month ago I had the privilege and the pleasure to represent the United States on the Apollo 16 mission to the Descartes highlands, and now it is with a deep sense of humility that I stand here and say thank you for having allowing me to represent the most wonderful country in the world on this mission of science and discovery.

I think it was truly a mission for science. On our excursion on the lunar surface we deployed and activated an ultra violet camera which took pictures of the earth never before seen by man. This, along with pictures of nine other areas in the heavens, will help us answer questions about the total mass and composition of the universe in which our spacecraft whirled. We emplaced on the lunar surface an Apollo lunar surface experiments package which is functioning properly and completes our desired seismic network. On May 14, within 1 month after this network was established, the largest seismic event ever recorded on the moon occurred. We returned over 200 pounds of lunar rocks and soils. This is not merely just a bag of rocks; these rocks help tell the history of the creation of our solar system. In them are locked the secrets that have been hidden for 4.5 billion years or more. The rocks of Apollo 16 in general are different from all of the other lunar rocks we have seen so far, and with the help of the orbital experiments that Ken did so ably these rocks can be related to the whole of the lunar highlands. So we hope that we have contributed something to science and discovery to the benefit of our fellow man. And yet, with all of this that we have brought back and all that will come from Apollo we have merely begun to understand our universe and our world.

So again I want to thank all Americans and especially you, their representatives, for your vision, understanding, and continued support of our efforts. I am proud to be a part of this great Nation.

So thank you for allowing me to come and talk to you, and now I would like to introduce one of the greatest command module pilots and one of the greatest guys a man could ever fly with, Comdr. Ken Mattingly, U.S. Navy.

[Applause, the Members rising.]

Lieutenant Commander **MATTINGLY**. Mr. Speaker, Members of Congress, and honored guests, it is indeed an honor to appear before you this morning to discuss the mission of Apollo 16. This morning we were privileged to give our report to the Space Committee and members of the Appropriations Subcommittee, and it was my pleasure at that time to give a little insight into our accomplishments. It is my pleasure to be able to say that, despite returning a day early, we accomplished all the major objectives of the mission.

We accomplished most of the other things we could expect, but perhaps one of the most important contributions was the serendipity—those things we did that we had not intended to do. They came along by chance. Perhaps, as in most scientific exploration, this is the key to finding out what is really going on in the universe.

In our lunar exploration we were taking the approach of "the forest and the trees." John and Charlie went down to look at the trees and they brought back samples. They made measurements and made all kinds of determinations of the characteristics of what is on the lunar surface. In orbit our job was slightly different. Our task in lunar orbit, in that small piece of lunar experience, was to explore in detail and try to put it in the perspective of the larger picture. Perhaps the word that would best describe the mission of Apollo 16 to the Descartes highlands might fittingly be "perspective." I think we can truly say that the moon is a far more complex body than we could ever imagine.

It will be some time, and perhaps years, before the full significance and impact of the data we have returned will be understood and analyzed.

I should like to give you a short impression I have of the details of our exploration to be recorded and documented. I would like to tell you my personal experience in seeing the moon. I think seeing the moon is a personal thing. There is a certain type of communication an observer has relative to this body which has been looked at from a distance for so long, but now in recent years we have been able to look at up close.

When you leave the moon, one of the most impressive sights of your life is the sight of seeing the moon grow smaller as you depart. There is a feeling of elation in returning to this place we call home. At the same time there is a sense of longing that we did not quite finish. I think it is true, figuratively and literally, that we have only scratched the surface. There is so much there, so much to be seen, so much that we could not complete. For every question that we were able to answer, we spawned new ones.

Finally, I think it is appropriate, as one of those people who has been privileged to fly the Apollo and to watch this operation from the inside, to tell you how much admiration I have for the American society that can launch and operate this type of organization. We talk a lot about the technology, as we talk about the management tools, but surely the most significant thing that Apollo has contributed is a living, dynamic demonstration of democracy—of the people—and for that I would like to say, "Thank you" to the team and to those of you who made our mission possible.

I would like to introduce you to one of those great people who helped to make it possible—our commander, John Young.

[Applause, the Members rising.]

Captain **YOUNG**. Thank you very much, Ken.

Now let me conclude with my thoughts that I had while we were on the flight.

As you know, we ran into some unexpected problems, and they were very real. On the fifth day of the mission we were "cliffhanging" in our spacecraft wondering if we were going to be allowed to land or not. Our ground-based NASA and contractor people all over the United States made a speedy and correct analysis of our several problems, and that allowed us to complete our lunar exploration. I know of one case where the engineering team had already started to work out in California on the problem while we were still discussing it with Hosuton control. This, to me, is indicative of team members who have a deep sense of individual responsibility. It is this sense of individual responsibility that built our reliable spacecraft, solved our real-time problems, and makes the United States of America the greatest country on this earth.

As you know, our Apollo 16 landing site was named for the famous French philosopher and mathematician, René Descartes. In the 17th century he said:

> There is nothing so far removed from us as to be beyond our reach or so hidden from us that we cannot discover it.

In order to use science and technology properly in the growth of our country, our people and their ideas, our energy needs, our food requirements, our pollution levels, and to reasonably—and you notice I said "reasonably"—solve all the many man/planet interface problems, we must provide our scientists and engineers, and the Congress, with more basic facts. We need more basic knowledge and understanding—that first step to progress—so that we can do the right things that we must do to survive on this planet.

What Mr. Descartes said in the 17th century is true today, intensified by the valid urgency of today's world.

Only one conclusion can be reached, and it is inescapable for anyone who thinks and cares. Twentieth century man must boldly reach out beyond his reach and purposefully strive to discover the hidden secrets of our universe.

Ken, Charlie, and I are firmly convinced that the Apollo 16 mission was just that kind of scientific endeavor. We are extremely proud to have been a part of it and to share with the Congress the pride that you must feel in having the courage to pick a winner for the United States of America.

[Applause, the Members rising.]

The **SPEAKER**. Our distinguished visitors have agreed to present themselves in the Rayburn reception room in order that they may greet all Members of this body.

Will the Committee of Escort now accompany our distinguished visitors to the Rayburn reception room?

Thank you.

The House will continue in recess until 10 minutes past 1 o'clock.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 10 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. **BOGGS**. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ATTEMPTED ASSASSINATION OF GOV. GEORGE WALLACE

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **NICHOLS**. Mr. Speaker, Americans from all walks of life and of all political persuasions have poured out their expressions of anger and shame over the senseless shooting of Alabama Gov. George Wallace yesterday as he campaigned in Laurel, Md. It is indeed a tragic state of affairs when a major presidential candidate cannot campaign without the constant fear that some fanatic might attempt assassination.

My wife and I spent most of last night at Holy Cross Hospital in Silver Spring with Mrs. Cornelia Wallace and members of the immediate family.

Doctors have assured me this morning that the Governor is resting comfortably, that his condition is improving, and the outlook for continued progress is encouraging.

As I waited with the Wallace family during those crucial 5 hours, I was most impressed by the tremendous outpouring of sympathy throughout the Nation.

The Billy Graham Crusade in Birmingham, Ala.—with 40,000 in attendance—prayerfully petitioned the Almighty for the Governor's recovery. Hundreds of young people outside Holy Cross Hospital conducted a candlelight prayer vigil. The performance of the attending physicians and nurses at the hospital, the Maryland State Patrol, the Prince Georges and Montgomery County Police Departments and the Secret Service was most outstanding.

Mrs. Wallace and the Wallace family have asked that I personally convey to you, on their behalf, their expressions of deep appreciation for the many telegrams and phone calls from Members of Congress on both sides of the aisle and their constituents who have indicated their deep concern over the tragic assassination attempt.

Alabama and America have much to be thankful for today. The Governor continues to improve, and the outlook for his recovery is encouraging.

Mr. Speaker, it is indeed ironic that the most outspoken "law and order" candidate should be felled by a would-be assassin's bullet.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield to my colleague from Alabama.

Mr. EDWARDS of Alabama. Mr. Speaker, I join in support of Senate Joint Resolution 234.

Yesterday the mindless winds of violence once again blew across the democratic electoral process in our Nation. With the savage assault on Alabama Gov. George Wallace, we find ourselves again face to face with the realization that our democracy is vulnerable to lack of discipline and absence of self-restraint.

I condemn this senseless act of violence. I condemn the blind, convulsive intolerance of an opposing point of view which accompanied the act. I condemn the arrogant disregard for the right of all the people to determine with the ballot box the important political questions which face our country.

I join President Nixon and all Americans in praying for the full and speedy recovery of Governor Wallace. My thoughts, the thoughts of Mrs. Edwards, and those of all the people of Alabama's First District are with Mrs. Wallace and the Wallace family today.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker and Members of the House, I am sure the gentleman from Alabama expresses the sentiment of every Member of this body in the statement that he has just made. Violence has no place in the American political scene. Unfortunately, particularly in the last decade, we have seen too many people resort to bullets rather than the peaceful use of the ballot box provided for all Americans to express political agreement or political dissent.

Along with the gentleman from Michigan, the distinguished minority leader, I had the sad duty of serving on the Warren Commission, which investigated the assassination of the late President Kennedy. Unfortunately in the investigation at that time we found this strain of violence seeping through American politics.

I had hoped then and also later, with the assassination of other leaders—the brother of President Kennedy and others—that the American people would show enough alarm and enough distress and enough concern so that these senseless episodes would cease in our country.

It appears that the man who committed this dastardly deed is what we described in the Warren Report as a loner, one who apparently is irresponsible. Nevertheless, the enormity of his deed is such that I trust the full force of the law will be brought against him.

I join also in the fervent prayer expressed by the gentleman from Alabama for the speedy and complete recovery of Governor Wallace.

Mr. NICHOLS. I appreciate the remarks of the distinguished majority leader.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Alabama yield?

Mr. NICHOLS. It will be an honor to yield to the minority leader, the gentleman from Michigan.

Mr. GERALD R. FORD. Nothing is more important at this point, Mr. Speaker, than the complete and total recovery of the Governor of Alabama. I and all other Members of this House and, I trust, all Americans want that to happen as speedily as possible.

I was in Michigan when I heard the news of the attempt on Governor Wallace's life yesterday. The news cast a pall over the State. Governor Wallace had visited many parts of Michigan recently and had been in my hometown within the last 3 or 4 days.

We have an election in Michigan today. I hope and trust that the dastardly deed perpetrated yesterday will awaken the American people to the need for a toning down of the controversies that tear us apart and a better understanding between people with differing views. Apparently these controversies have contributed significantly to the tragedies that have occurred in the last 10 years or more in America.

We need to quiet the Nation's pulse. We need to reflect on how alien these kinds of actions are to our democratic tradition.

On behalf of Governor Wallace's family, but also for all Americans, I hope that George Wallace has a speedy and complete recovery.

Mr. NICHOLS. Mr. Speaker, I thank the distinguished minority leader for his timely and appropriate remarks.

Mrs. ANDREWS of Alabama. Mr. Speaker, I was shocked and horrified when I heard the news yesterday that Gov. George Wallace had been shot.

My outrage was intensified, no doubt, at the thought that a personal friend, a prominent constituent, a good Governor, and the highest official of my beloved State, and a genuinely good man was the victim of this savage act.

May I say also that George Wallace is a courageous man, because it takes courage to run for the presidency in this country today.

The professional dissenters have found great encouragement in lenient judges, timid political leaders, and civil libertarians bent on removing all legal restrictions on behavior of any kind in this country.

Throughout his campaign, Governor Wallace has been heckled and abused by rude foul-mouth hoodlums, permitted to roam through his audiences shouting and throwing eggs and rocks at the Governor. Few if any arrests were made.

In this climate, where representatives of law and order looked the other way, it is hardly surprising that this obviously sick person felt he could get by with shooting Governor Wallace. If hecklers had been restrained from the very beginning, perhaps this terrible attack would not have taken place.

Failure to maintain order for all presidential candidates during their public appearances has resulted in an ominous atmosphere of tension, hostility, and clear danger in which a presidential contender like George Wallace takes life in hand when he goes to the people with the true if unpleasant message that lawless elements in this country are being pampered by our courts, that schoolchildren are being cruelly used by liberal social experimenters, and that our Nation's defenses are being undermined from within.

All Americans, regardless of philosophy or party affiliation, should be dismayed at this vicious assault on a man who dared to go out among the people in his quest for support in a presidential campaign.

Mr. JONES of Alabama. Mr. Speaker, I urge adoption of the resolution offered by my colleague from Alabama.

Yesterday was a sad day in the life of our Republic. The tragedy at Laurel is another needless stain on the political history of this Nation.

Violence against any citizen should be constantly condemned. When violence, such as that of yesterday, is used to interrupt the right to free expression of opinion and the offering of one's self for high public office, it is particularly despicable.

When a single individual can thwart the rights of the vast majority of citizens to hear and examine public issues in peace and security, our Nation has declined to an unfortunate station.

Actions such as were perpetrated yesterday are foreign to our civilization and to our tradition of free and open exchange of views.

Too long have we permitted deceitful, treacherous assassins to roam the countryside.

This incident is an indictment of the permissiveness of tolerating law violations with impunity.

The violence perpetrated on the person of the Governor of the State of Alabama did violence to freedoms of each citizen. The interference with his well-being and his rights to free movement and free expression represent a loss to all.

It is our hope that his wounds will quickly heal and his attendants will be able to restore Governor Wallace to a total recovery at a very early date.

DEPLORING THE ATTEMPTED ASSASSINATION OF GOV. GEORGE C. WALLACE OF ALABAMA

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 234) deploring the attempted assassination of Gov. George C. Wallace of Alabama.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 234

Joint resolution deploring the attempted assassination of Governor George C. Wallace of Alabama

Whereas Governor George C. Wallace of Alabama was shot and critically wounded on May 15, 1972, by a would-be assassin; and

Whereas this act of violence is deplored and universally condemned by all Americans; and

Whereas the people of the Nation are shocked that this tragedy could occur and that our democratic processes are fraught with such danger to those who actively participate therein; and

Whereas all Americans are saddened at this tragedy and sympathize deeply with Governor Wallace and his family and pray for his recovery: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the attempted assassination of Governor Wallace is deeply deplored and condemned; and

That Governor Wallace has the best wishes and prayers of all citizens for his speedy recovery; and

That the Wallace family is extended the sympathy and encouragement and best wishes of all members of Congress, the distinguished Vice President and the President of the United States.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14070) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Apollo, $128,700,000;

(2) Space flight operations, $1,094,200,000;

(3) Advanced missions, $1,500,000;

(4) Physics and astronomy, $156,600,000;

(5) Lunar and planetary exploration, $321,200,000;

(6) Launch vehicle procurement, $191,600,000;

(7) Space applications, $207,200,000;

(8) Aeronautical research and technology, $187,440,000;

(9) Space research and technology, $64,760,000;

(10) Nuclear power and propulsion, $21,100,000;

(11) Tracking and data acquisition, $259,100,000;

(12) Technology utilization, $4,000,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Rehabilitation and modification of aeronautical airborne science, and support facilities, Ames Research Center, $1,065,000;

(2) Rehabilitation of Unitary Plan wind tunnel model supports, control systems, and model preparation areas, Ames Research Center, $760,000;

(3) Rehabilitation and modification of utility systems, Goddard Space Flight Center, $590,000;

(4) Rehabilitation and modification of roadway system, Jet Propulsion Laboratory, $610,000;

(5) Modifications of, and additions to, spacecraft assembly facilities, Kennedy Space Center, $8,100,000;

(6) Modification of Titan Centaur facilities, Kennedy Space Center, $2,040,000;

(7) Rehabilitation of full-scale wind tunnel, Langley Research Center, $2,465,000;

(8) Modification of central air supply system, Langley Research Center, $1,175,000;

(9) Environmental modifications for utility operations, Langley Research Center, $650,000;

(10) Modification of high temperature and high pressure turbine and combustor research facility, Lewis Research Center, $9,710,000;

(11) Modification of fire protection system, Manned Spacecraft Center, $585,000;

(12) Warehouse replacement, Wallops Station, $350,000;

(13) Space shuttle facilities, as follows:

(A) Modification of Altitude Test Facilities, Arnold Engineering Development Center, $6,800,000,

(B) Rehabilitation of Propellant and High Pressure Gaseous Systems, Mississippi Test Facility, $1,160,000,

(C) Modification of the Entry Structures Facility, Langley Research Center, $1,635,000,

(D) Addition for Systems Integration and Mockup Laboratory, Manned Spacecraft Center, $2,545,000,

(E) Modification of the Vibration and Acoustic Test Facility, Manned Spacecraft Center, $2,770,000,

(F) Modification of the Structures and Mechanics Laboratory, Marshall Space Flight Center, $4,700,000,

(G) Addition for Electrical Power Laboratory, Marshall Space Flight Center, $320,000,

(H) Modification of Acoustic Model Engine Test Facility, Marshall Space Flight Center, $2,430,000,

(I) Modification of Manufacturing and Final Assembly Facilities, Undesignated Locations, $5,540,000;

(14) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $11,580,000;

(15) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $1,720,000;

(16) Facility planning and design not otherwise provided for, $8,000,000.

(c) For "Research and program management," $729,450,000, of which not to exceed $572,237,000 to be available for personnel and related costs.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $10,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $25,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (15), inclusive, of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (16) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. (a) Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(b) Nothing in this section shall be construed to authorize the expenditure of amounts for personnel and related costs pursuant to section 1(c) to exceed amounts authorized for such costs.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the Natinal Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties of pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity or hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c)(1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial asistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expressions of individual views or opinions.

SEC. 7. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1973".

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. TEAGUE of Texas. Mr. Speaker, on April 20, 1972, the House passed the fiscal year 1973 NASA authorization bill (H.R. 14070) which would authorize $3,428,950,000 for our Nation's space effort for the forthcoming fiscal year.

Since that time this measure has been under consideration by the Senate.

On May 11, 1972, the Senate, after due deliberation in committee, has passed a bill which would authorize $3,444,150,000, representing an increase of $15,200,000 above the amount previously approved by the House.

While this may appear to be an out-and-out increase over the House level, most of it is basically due to an administrative adjustment occasioned by a budget amendment submitted by the President after the bill was voted out of the Committee on Science and Astronautics to provide for the fiscal year 1973 increment of civil service salary adjustments which became effective in January 1972 pursuant to the Economic Stabilization Act of 1970. The President's amendment would add $28,650,000 to the budget level for fiscal year 1973. While the House considered that new obligational authority for these purposes was not required since the authorization was contained in previous general legislation, the Senate chose to consider that new obligational authority was required. Consequently, this difference of $28,650,000 is a pure technicality since both Houses have agreed upon personnel strengths and their disposition.

In addition to the salary increases, the Senate-passed version of the bill differs from the House version in the research and development portion of the legislation as follows:

Physics and astronomy—the Senate authorized $4 million more than the House.

Space applications—the Senate authorized $8,500,000 more than the House.

Aeronautical research and technology—the Senate authorized $24,450,000 less than the House.

Technology utilization—the Senate authorized $1,500,000 less than the House.

The result of the Senate action is that although a pure administrative upward adjustment of $28,650,000 has been made by the Senate for salary increases, the Senate amendments in the research and development program have resulted in a downward adjustment to the House-passed version of $13,450,000. Thus, the net increase by the Senate above the House amounts to $15,200,000.

One of the more crucial areas of difference between the House-passed version of the bill and the measure as taken up on the floor of the Senate was in the area of aeronautical research and technology.

The House had originally added $41 million to a program for expedited aircraft noise research which had been proposed by NASA at a level of $9 million. The increase was based on a well-defined need to attack more rapidly the critical problem of jet aircraft noise. Further, the House had approved an increase of $7,450,000 for more research in the area of aviation safety.

The aeronautical research and technology program, as reported to the floor of the Senate, included only the amount requested in the original NASA proposed bill for aircraft noise reduction and aviation safety. However, subsequent to its markup, the Senate Committee on Aeronautical and Space Sciences had further examined these areas and concluded that based on additional information it should increase the aeronautical research and technology program by $24 million over its initial markup. As a result, a committee amendment was offered and passed during the Senate debate on this measure on May 11, 1972, which would add $24 million to the initial NASA request for this research. The amount passed by the Senate represents a reasonable compromise between a minimal effort proposed by NASA and an optimum program passed by the House.

Of the additional amount proposed by the Senate, $21 million would be used for expedited research on a project related to retrofit modifications for jet engines currently in service in commercial aviation to reduce the noise generated by many current civil aircraft. The other $3 million added by the Senate would be used to increase NASA research in the area of aviation safety with priority attention to be given to development of aircraft collision avoidance systems in addition to further work in turbulence research. Additional work on aircraft compatibility with the new FAA microwave landing system as approved by the House would be deferred under the Senate-passed version.

In the other areas of difference between the House and the Senate, the Committee on Science and Astronautics is amenable to accepting the Senate position, since the Senate adjustments proposed will place further emphasis on the application of space technology to the further benefit of all mankind.

Mr. Speaker, the House- and Senate-passed versions of this bill are very similar. Aside from statutory salary adjustments, the differences lie purely in the degree of emphasis to be accorded various research and development programs.

S GEN. JOHN D. LAVELLE A GOAT OR A SCAPEGOAT?

(Mr. PIKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PIKE. Mr. Speaker, yesterday on the floor I said that the Air Force had not been telling the truth regarding the alleged "retirement" of Gen. John D. Lavelle. Late yesterday afternoon the Air Force admitted it.

General Lavelle was a four-star Air Force general who from July 1971 until April 7 was the head of the 7th Air Force in Vietnam, responsible for all our Air Forces activities there. On April 7 of this year, just 1 week after the Communist offensive in Vietnam was launched, he suddenly, according to the Pentagon, "retired for personal and health reasons."

Later yesterday afternoon the Air Force put out a new story. It said that while General Lavelle had retired for personal and health reasons, he had been relieved of command of the 7th Air Force "because of irregularities in the conduct of his command responsibilities."

Now, Mr. Speaker, at long last a tiny bit of the truth is beginning to emerge. But, only a tiny bit. "Irregularities in the conduct of his command responsibilities" is a gloriously vague phrase, designed to create the illusion of truth while concealing the facts. What irregularities? What conduct? What command responsibilities? The American people are entitled to all the facts, not a tiny little piece of them.

THE ATTACK ON GOV. GEORGE WALLACE

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, again we have witnessed the sad spectacle of an outstanding American, speaking his mind—seeking the highest office of the land—senselessly struck down by a would-be assassin.

Yesterday's attack on Gov. George Wallace makes one wonder at the state of our political life. Have we come to the point where, as some would suggest, we encapsulate candidates for office in bulletproof cages to protect them from a sick society—the very society they seek to lead.

Society is not sick, Mr. Speaker. Some in our society are sick, but the outrage expressed at this most recent attack reaffirms the fact that a vast majority of Americans deplore this kind of violence.

The senseless shooting of Governor Wallace, tragic as it is, may help to bring America to its senses in dealing with crime and violence. The high degree of outrage expressed should serve to bolster the demands of law-abiding Americans to stop the wave of crime which plagues our Nation. This is the moment for a crackdown on crime. The President should open a dramatic drive against crime in America through every law enforcement agency in the land to cope with the violence which shocks the world and is destroying our own country.

George Wallace has been saying what the average American has felt should be said. He has wanted a better government and a better America, just as other Americans do.

Those of us who know and respect Governor Wallace grieve with him and his family in this hour. We pray his recovery will be complete.

LOUISIANA POLL IN SUPPORT OF PRESIDENT'S ACTIONS

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker and my colleagues of the House, since the North Vietnamese invasion of South Vietnam by the regulars of the North Vietnamese Army has become a subject of controversy, and since the President addressed the Nation setting forth our response to this invasion, many people have expressed their concurrence or disagreement with the President's response to protect our military troops.

Many polls have been taken, none of which, to my knowledge, has been critical of the President. All have supported him, including a poll from Princeton which said 74 percent of the people in this Nation supported him.

I want to bring to Members' attention a poll conducted by the CBS affiliate, channel 12 television of Shreveport, just a couple of nights ago. I am advised that in this telephone poll they received 2,855 responses in answer to a question of whether or not they supported what the President had done, including the mining of Haiphong Harbor. I was not surprised, because these are the kind of people I represent. Of the 2,855 who responded, 2,775 said they concurred with the President's actions.

It is a pleasure to represent people like that.

ABUSE OF THE PRINTED RECORD OF PROCEEDINGS AND DEBATES OF THE HOUSE OF REPRESENTATIVES

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, today I am compelled to speak out on what I consider to be an abuse of the printed record of the proceedings and debates of this body. I refer specifically to two instances:

On May 2, 1972, the CONGRESSIONAL RECORD contained some 136 pages, inserted by a Member of this body, ostensibly to support her personal point of view. She is entitled to her beliefs, but I question the propriety of "foisting" it off on the U.S. Congress at a per-page price conservatively estimated at $150. My limited calculations show that episode to have "nicked" the American taxpayers for more than $18,000. I ask, To what avail? The message could have been printed in book form, leather bound, and hand carried to each Member at half the price, and at the Member's own expense.

The second instance was in the May 10, 1972, Extensions of Remarks, whereby another Member had the audacity to include 30 pages of "secret" working papers that the other body had refused to admit after lengthy executive sessions. These "papers" contained estimates and evaluations that were the basis of executive policy decisions, made

3 years ago, and have no bearing on the situation we face today. They have apparently been inserted in the hope of embarrassing the administration, to further divide this Nation, or solely for the sake of providing "backyard gossip."

ABUSE OF THE PRINTED RECORD OF PROCEEDINGS AND DEBATES OF THE HOUSE OF REPRESENTATIVES

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding. Now to continue my remarks, they certainly violate the law of the land—The Official Secrets Act; and raise the question outside of the speech-and-debate clause of the U.S. Constitution, as to whether we are a government by law, or man.

Mr. Speaker, this is not the immature judgment of first-term Members of this House, who have yet to learn the rules and regulations under which we operate, rather it is an "orchestrated" effort to demean, and divide this body under the false guise of patriotic responsibility, and "freedom of speech," plus "right to know." It is utterly devoid of responsibility.

Mr. Speaker, I for one, am serving notice—if such practices continue, unanimous consent will be granted only when details of the information to be included has been properly revealed. Goodness knows that our leadership and proper committees should have acted long ago, and before the fact.

I appreciate the gentleman yielding.

Mr. GROSS. It is always a pleasure to yield to my friend from Missouri and I want to join in and commend him for the remarks he has just made.

In recent months there has been flagrantly increasing abuse of the CONGRESSIONAL RECORD, as the gentleman from Missouri has stated, with respect to the volume of material and the enormous costs of printing the insertions in the RECORD by a few Members. These costs are paid, of course, by the taxpayers.

Until about 1968, Members of the House, when offering material for the RECORD requiring more than two printed pages, were compelled to obtain from the Public Printer an estimate of the cost and then were required, when obtaining unanimous consent for insertion of the material, to state the additional cost. It appears that the time has come to reinstitute the old practice for single insertions of material by one individual that cost $18,000 to $20,000 cannot be tolerated.

I think I should advise the gentleman from Missouri that the chairman of the Joint Committee on Printing, the gentleman from Ohio (Mr. HAYS), is aware of the situation and there is every reason to believe that he will take some action in the not too distant future.

TIME FOR UNITY

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, the attempted assassination of Gov. George C. Wallace was a cowardly and senseless act, deplored by Americans of all political persuasions, races, and colors.

At times like this, of great shock, it would be easy to fan the flames of emotionalism and try to direct blame at some philosophical segment of our society, but it is better today that we attempt to express a prayer that this inexcusable attempt on a man's life will bring about a realization that exploiting our differences in the hopes of political gain does a serious disservice to our country. If there has ever been a time when Americans need to be united, it is now.

There are forces seeking to divide us who would substitute violence for the rule of law as part of the ancient tactic of "divide and conquer." They would create a permissive society in America as they loudly proclaim their "rights" while running roughshod over the rights of others. They would create a climate in which the gun replaces the ballot box in our Nation.

They are entitled to their philosophy and beliefs, but they must not be allowed to impose them upon others by force. If this era of permissiveness ever gets a firm foothold in America, it will be the destruction of our country as we know it today.

GOV. GEORGE WALLACE

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, I join the other Members of the House in deploring the shocking assault on Gov. George Wallace while he was campaigning for the Democratic Party nomination in Maryland. The most recent medical bulletins give us reason to believe that Governor Wallace will make a substantial recovery from the gunshot wounds, and I know all Members join me in hoping for a speedy and as full as possible recovery.

We all deplore senseless violence such as this and also the intolerance and passion that motivated the attack. While I do not expect that Governor Wallace would be nominated by the delegates to the Democratic Party Convention, he obviously represents the views of a substantial number of Democrats as evidenced by the voting support he has received in various primaries. I am pleased to see that even other Democratic candidates, who have gone out of their way to criticize and ridicule Governor Wallace's credentials as a Democrat, are now, at least, emphasizing his right to seek the support of voters who share his views.

Mr. Speaker, in the last few days it has been necessary for the Capitol Police to increase their surveillance and augment the guards in the Capitol for fear of vandalism, and even physical attacks on Members of the Congress by the critics of Government policies. This intolerance on the part of a number of individuals, augmented, as it is, by radicals such as Abbie Hoffman, Rennie Davis, and other professional leftists, should give all Americans cause for concern. At this point, we should emphasize the positive forces in our political system, reemphasize the tolerance that critics should have with those of opposing points of view, and we should all join in condemning violence from whatever the source or whatever the motivation.

THE SHOOTING OF GOV. GEORGE C. WALLACE

(Mr. SHRIVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SHRIVER. Mr. Speaker, the shooting of Gov. George C. Wallace and others is another American tragedy which has become all too familiar in our Nation. All responsible Americans, regardless of their political philosophy, must deplore such emotional acts of violence which threaten dissent of all kinds in this country. We pray for the recovery of George Wallace, and let us also pray for our country.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

ANTONIO BENAVIDES

The Clerk called the bill (H.R. 2394) for the relief of Antonio Benavides.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CONCEPCION GARCIA BALAURO

The Clerk called the bill (H.R. 2703) for the relief of Mrs. Concepcion Garcia Balauro.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MARGARIDA ALDORA CORREIA DOS REIS

The Clerk called the bill (H.R. 6504) for the relief of Margarida Aldora Correia dos Reis.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

EMILIA RUFFOLO

The Clerk called the bill (H.R. 10142) for the relief of Emilia Ruffolo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JERRY L. CHANCELLOR

The Clerk called the bill (H.R. 7946) for the relief ofJerry L. Chancellor.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

DONALD P. LARIVIERE

The Clerk called the bill (H.R. 8952) for the relief of Donald P. Lariviere.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11045) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 341) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARIA BADALAMENTI

The Clerk called the bill (S. 513) for the relief of Maria Badalamenti.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FREDI ROBERT DREILICH

The Clerk called the bill (H.R. 2725) for the relief of Fredi Robert Dreilich.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

LOUISA DiLEONARDO

The Clerk called the bill (H.R. 3698) for the relief of Louisa DiLeonardo.

There being no objection, the Clerk read the bill as follows:

H.R. 3698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Louisa DiLeonardo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

On page 2, line 3, strike out the word "Act." and insert in lieu thereof the following: "Act: Provided, That a suitable and proper bond or undertaking, appproved by the Attorney General, be deposited as prescribed by section 213 of the said Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DENNIS YIANTOS

The Clerk called the bill (S. 65) for the relief of Dennis Yiantos.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SWIFF-TRAIN CO.

The Clerk called the bill (H.R. 12179) for the relief of Swiff-Train Co.

There being no objection, the Clerk read the bill as follows:

H.R. 12179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations, the defense of res judicata, or the dismissal of a prior action, jurisdiction is hereby conferred upon the United States Customs Court to hear, determine, and render judgment on the appeal of the Swiff-Train Company of Corpus Christi, Texas, of the appraisement of an importation of certain steel bars through the port of Houston, Texas, under consumption entry numbered 106–C, dated February 23, 1956. The action authorized by this Act shall be filed within one year of its effective date.

With the following committee amendment:

Strike all after the enacting clause and insert:

"That Swiff-Train Company of Corpus Christi, Texas, is hereby relieved of liability to the United States in the amount of $1,671.48 representing that portion of increased duties assessed in connection with the importation at Houston, Texas, of items covered by consumption entry numbered 106–C dated February 23, 1956, which was assessed on the basis of an error in appraisement of such items. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

"SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Swiff-Train Company an amount equal to the aggregate of the amounts paid by the company or withheld from sums otherwise due the company, with respect to the amount of indebtedness to the United States specified in the first section of this Act.

"(b) No part of the amount appropriated by subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain special reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 7375, SALARIES OF U.S. MAGISTRATES

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I shall call up House Resolution 969 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 969

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7375) to remove the statutory ceiling on salaries payable to United States magistrates. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 969 provides an open rule with 1 hour of general debate for consideration of H.R. 7375 regarding the salaries of U.S. magistrates.

The purpose of H.R. 7375 is to remove the statutory salary ceiling for U.S. magistrates and make their ceiling commensurate with the salaries of referees in bankruptcy, whose statutory ceiling is $36,000.

The legislation was recommended by the Judicial Conference of the United States and the Conference would approve any salary increases. There is no increase provided in the legislation.

There are presently 88 full-time magistrates whose salaries are $22,500 per annum and 470 part-time magistrates whose salaries range from $100 to $11,000.

The Conference has seen fit to set the referees' salaries at $30,000, $6,000 less than the ceiling, and it is assumed that, when it meets again in the fall of this year, it will increase the salaries of the full-time magistrates to $32,000 and give the part-time magistrates approximately a 10-percent increase.

The Administrative Office of the U.S. Courts estimates that the additional cost to the Government annually will be $1,280,000.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the primary purpose of H.R. 7375 is to raise the ceiling on salaries payable to U.S. magistrates.

At present, all 88 full-time magistrates earn $22,500, which is the statutory ceiling. The 470 part-time magistrates earn annual salaries ranging from $100 up to a ceiling of $11,000.

This bill ties the magistrates' salary ceiling to the salary ceiling for bankruptcy referees, which is presently $36,000. In addition, the bill provides for the Judicial Conference to set actual salary levels under the ceiling. This bill does not actually raise magistrates' salaries, since any increase would first be set by the Judicial Conference, and then Congress would have to appropriate the funds.

However, the Judicial Conference has indicated that if this bill is passed it will authorize a salary of $32,000 for a full-time magistrate, with a part-time magistrate salary limited to 60 percent of a full-time magistrate's salary. These salary levels are comparable to those presently paid to bankruptcy referees.

The cost of this bill is estimated at $1,280,000 per year.

The committee report contains departmental letters from the Administration Office of the U.S. Courts, the Civil

Service Commission and the Department of Justice, all commenting favorably on the bill.

There are no minority views in the report of the Committee on the Judiciary.

The committee reported the bill by a voice vote.

Chairman Celler has requested a 1-hour, open rule.

Mr. Speaker, I yield 10 minutes to the gentleman from Iowa (Mr. Mayne).

Mr. MAYNE. Mr. Speaker, I wish to thank the distinguished gentleman from Illinois for yielding me this time.

As reported by the Committee on the Judiciary, this bill will raise the present $22,500 statutory ceiling on salaries of full-time magistrates to $36,000. This, believe it or not, is a 60-percent increase. It would also make this ceiling the equivalent of 90 percent of a Federal district judge's salary.

If we raise it to $36,000, the ceiling will be only $4,000 less than the present district judge's salary.

A number of us on the committee voted against this bill because we felt it was way out of line to authorize magistrates who are assistants to and charged with much less authority and responsibility than the district judges to be paid almost as much salary as the district judges.

Remember also the district judges are appointed by the President of the United States with the advice and consent of the Senate whereas these magistrates are creatures of the district judges themselves. Each judge appoints a magistrate in his court if he wishes. There is no advice and consent of the Senate or anyone else involved.

Now this office of magistrate is a relatively new one. It was not created until October 17, 1968, when the U.S. Magistrate Act was signed by the President.

Section 636 of the act relating to the jurisdiction and powers made it clear that the magistrates were indeed to be subordinate to the district judges who appoint them. They were to try only minor offenses and they could try even minor offenses only if the defendant did not insist on a trial by the judge himself.

They were to assist the judge in the conduct of pretrial and discovery proceedings, make preliminary review of applications for posttrial relief, submit reports and recommendations to the district judges, and so forth.

The salary ceiling imposed by the act and clearly intended when this legislation was considered by the Congress in 1968 was that these magistrates were to receive no more than 75 percent of the district judge's salary. The salary was precisely that at that time—$22,500, which was fixed then as the ceiling, is 75 percent of $30,000, which was what the Federal judges were getting in 1968.

This was considered very adequate for this new position which, when compared with that of a district judge, is a very subordinate and in the words of the Constitution—"an inferior one"—referring to the constitutional designation of "inferior courts."

I wish to call your attention to the "Dear Colleague" letter which was signed by me and six other members of the Committee on the Judiciary yesterday and which was sent to all Members of the House in which we express our strong view that this same 75-percent ceiling should be adhered to, and our intention to offer an amendment to that effect.

This would give the magistrates a ceiling of $30,000. I think it is a reasonable and substantial increase in the ceiling of 33½ percent above their present salary—an increase of $7,500 a year from the present $$22,500 to $30,000.

Now the committee bill would not only derange the relationship between the salaries of the magistrates and the Federal district judges, it would also place the magistrate ceiling far above the salary being paid to the highest appellate judges in most States. The judges of these courts of last resort in our States have a much heavier responsibility and caseload and justifiably have a much greater standing in our society than do the Federal magistrates who occupy this relative new and still untried office.

Yet, very few of the higher State court judges are being paid more than the $30,000 a year, which our proposed amendment will permit.

I have here a table taken from the 1970–1971 issue of The Book of States of the Council of State Governments, and it shows that only five States out of 50 in these United States pay their highest judges as much as the $36,000 ceiling for magistrates in the committee bill; yet there is no comparison between the responsibility of these high court judges and that of these Federal magistrates. Those five States are California, Illinois, New Jersey, New York, and Pennsylvania. They are the only ones that pay as much as $36,000 to any State judge.

According to this table, U.S. magistrates at their present salary of $22,500 are already receiving as much or more than the highest judges in 15 of our States. So I think it is evident that to raise the ceiling on magistrates 60 percent in one fell swoop, as the committee bill would do—$22,500 to $36,000—would place a great and unfair pressure on State governments and provoke great dissatisfaction throughout the State judiciaries by throwing judicial comparability very badly out of balance.

These, Mr. Speaker, are some of the reasons why a bipartisan group from the Judiciary Committee is opposed to the committee bill in its present form, and we will at the appropriate time offer an amendment to limit the proposed increase in ceiling to 75 percent of a district judge's salary.

I will reserve the balance of my remarks until general debate and at the time the amendment is offered.

I yield back the balance of my time.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair advises the House that the Speaker, the chairman of the Committee on Rules, and the House, through the Clerk, have received summons and complaints in an action against the House filed in the eastern district of Louisiana.

The Chair will place in the Congressional Record copies of the letter to the Acting Attorney General and the U.S. attorney for the eastern district of Louisiana requesting that appropriate action be taken in defense of this suit.

A copy of a letter from the chairman of the Committee on Rules and a copy of a letter from the Clerk, both addressed to the Speaker, will be placed in the Record following this statement by the Chair.

May 16, 1972.

Hon. Richard G. Kleindienst,
Acting Attorney General, Department of Justice, Washington, D.C.

Dear Mr. Kleindienst: On May 15, 1972, I received by certified mail a Summons and complaint in Civil Action No. 72–1126 in the United States District Court for the Eastern District of Louisiana. A copy of the Summons and complaint is enclosed herewith. Representative William M. Colmer, Chairman of the Committee on Rules of the House of Representatives, and the Clerk of the House of Representatives, Hon. W. Pat Jennings, have also received Summons and complaint in the action.

In accordance with the provisions of 2 U.S.C. 118, I have sent a copy of the Summons and complaint in this action to the U.S. Attorney for the Eastern District of Louisiana requesting that he take appropriate action under the supervision and direction of the Acting Attorney General. I am also sending you a copy of the letter I forwarded this date to the U.S. Attorney.

Sincerely,

Carl Albert,
Speaker of the House of Representatives.

May 16, 1972.

Hon. Gerald J. Gallinghouse,
U.S. Attorney for the Eastern District of Louisiana, New Orleans, La.

Dear Mr. Gallinghouse: I am sending you a copy of a Summons and complaint in Civil Action No. 72–1126 in the United States District Court for the Eastern District of Louisiana, against me in my official capacity as Speaker of the House of Representatives, received by certified mail on May 15, 1972.

Representative William M. Colmer, Chairman of the Committee on Rules of the House of Representatives, and the Clerk of the House of Representatives, Hon. W. Pat Jennings, have also received by certified mail copies of the Summons and complaint.

In accordance with the provisions of 2 U.S.C. 118, I respectfully request that you take appropriate action, as deemed necessary, under the supervision and direction of the Acting Attorney General, in defense of this suit against the Speaker, the Chairman of the Committee on Rules of the House of Representatives, and the House of Representatives. I am also sending you a copy of the letter that I forwarded this date to the Acting Attorney General of the United States.

Sincerely,

Carl Albert,
Speaker of the House of Representatives.

U.S. House of Representatives,
Washington, D.C., May 16, 1972.

The Honorable the Speaker,
U.S. House of Representatives.

Dear Mr. Speaker: On May 15, 1972, I was served with a Summons and Complaint in

Civil Action No. 72-1126, Section H, in the United States District Court for the Eastern District of Louisiana.

It is my purpose by this letter to inform you that it is my desire to be covered in the same arrangements for defense as provided for the Speaker of the United States House of Representatives.

The Summons and Complaint in question are herewith attached so that the matter may be presented for such action as the House in its wisdom might see fit to take.

Sincerely,
WILLIAM M. COLMER,
Chairman, House Committee on Rules,
U.S. Congress.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., May 15, 1972.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: The Clerk of the U.S. House of Representatives received on this date from the U.S. Marshal by certified mail (050976) addressed to the House of Representatives a copy of the Summons in a Civil Action together with an unattested copy of the complaint filed by Jules W. Hillery, (Class Action) v. Carl Albert, Speaker of the House of Representatives of the United States of America, William M. Colmer, The Chairman of the Rules Committee of the House of Representatives of the United States of America, and the House of Representatives of the United States of America, in Civil Action File No. 72-1126, Section H, in the United States District Court for the Eastern District of Louisiana.

The summons requires The Congress of the United States to answer the complaint within twenty days after service.

The summons and complaint in question are herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

SALARIES OF U.S. MAGISTRATES

Mr. EDWARDS of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7375) to remove the statutory ceiling on salaries payable to U.S. magistrates.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7375, with Mr. FUQUA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. EDWARDS) will be recognized for 30 minutes, and the gentleman from California (Mr. WIGGINS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I yield myself such time as I may utilize.

The CHAIRMAN. The gentleman is recognized.

Mr. EDWARDS of California. Mr. Chairman, the proposed legislation, which is recommended by the Judicial Conference of the United States, is designed to remedy a congressional oversight, first, by tying the ceiling on a salary of a U.S. magistrate to the ceiling on a salary of a referee in bankruptcy and, second, by providing a mechanism for necessary salary increases to be approved by the Judicial Conference. The bill does not in itself increase magistrates' salaries. Any increase would be dependent on subsequent action by the Judicial Conference and would be subject to the appropriation process of Congress.

Mr. Chairman, at present there are 88 full-time magistrates who earn $22,500 per annum and 470 part-time magistrates whose salaries range from $100 to $11,000. The Judicial Conference approves salaries for each part-time magistrate on the basis of the number and nature of matters handled by that magistrate. Approximately two-thirds of the part-time magistrates earn $3,000 or less and only 36 earn the maximum of $11,000 per annum.

It is contemplated that if the proposed legislation is passed, the salary of the 88 full-time magistrates would be increased from $22,500 to $32,000 per annum, the 36 part-time magistrates presently earning $11,000 would earn $18,000 per year, and the 434 other part-time magistrates would receive a salary increase of approximately 10 percent.

When the 90th Congress first established the magistrate program—Public Law 90-578—it was intended that the salary of a magistrate would be equivalent to that of a bankruptcy referee. Subsequent to the passage of the Federal Magistrates Act, but prior to the actual appointments of U.S. magistrates, the salaries of referees in bankruptcy were brought under the coverage of the Commission on Executive, Legislative, and Judicial Salaries, the report of which was the basis for raising the ceiling for a referee's salary from $22,500 to $36,000 per year.

In carrying out its functions of establishing various salaries, the Judicial Conference has set the salary of a referee in bankruptcy at $30,000, or $6,000 less than the ceiling. This amount was recently increased by amendments to the Economic Stabilization Act which gave a 5.5-percent increase to many employees of the Judiciary, but has not yet been put into effect for referees.

Mr. Chairman, because magistrates were not yet in office at the time the Commission on Executive, Legislative, and Judicial Salaries was established, magistrates' salaries were not covered. Thus, the congressionally intended parity was lost, since under the act of October 17, 1968, the salary of a full-time magistrate was limited to $22,500 and the salary of a part-time magistrate was limited to $11,000.

The Judicial Conference has also been given responsibility and authority to review salaries of court employees other than bankruptcy referees. The proposed legislation would extend existing authority (28 U.S.C. 633, 753, and 604(5)) to include the compensation of magistrates. Congress has not abdicated its responsibility to control salaries of court employees, however, since it reviews the salaries established by the Judicial Conference as part of the yearly appropriation process.

Mr. Chairman, there are sound economic reasons for having a competent system of magistrates to assist judges. According to the Administrative Office of the U.S. Courts, the annual cost of maintaining a district judge in office, together with a staff consisting of a law clerk, secretary, court reporter, court crier, and courtroom deputy clerk, is in excess of $126,000 per year. Even if the proposed salary increase is considered, the cost of maintaining a full-time magistrate in office, together with a staff of a secretary and clerical assistant, is approximately $60,000 per year. Both figures take into consideration personnel benefits, library equipment, and administrative expenses. Raising the salary of a full-time magistrate to that of a full-time referee in bankruptcy would still leave that cost of maintaining an adequately paid magistrate at less than one-half of the cost of maintaining a district judgeship.

Mr. Chairman, information furnished to the Judiciary Committee by the Administrative Office of U.S. Courts shows that magistrates have been able to assume a large number of duties which formerly consumed a significant portion of a judge's time. These duties include activities relating to petty offenses, bail, warrants, removal hearings, prisoner petitions, and pretrial conferences.

Mr. Chairman, information emerging from the operation of the Federal Magistrates Act during the first 6 months of the current fiscal year tends to show efficiency and economy in the manner in which the new system is being managed. Salary costs per item of business transacted by the magistrates during this period average $12.94 per item. According to reports filed by 483 magistrates, including 80 full-time magistrates, 108,427 matters were disposed of in the 6-month period. These items of business ranged from the issuance of search and arrest warrants, bail hearings, and trials of minor criminal offenses to the review of motions in civil and criminal cases, the screening of prisoner petitions, the conduct of pretrial conferences in all types of cases, special master reports, and post-indictment arraignments in criminal cases.

The issuance of arrest warrants and the setting of bail in criminal cases are items of business which are considered routine for experienced magistrates and do not require lengthy proceedings. On the other hand the conduct of pretrial conferences, the screening of prisoner cases, and the preparation of reports following hearings are time-consuming tasks. Overall the compensation paid to magistrates have ben fixed by the Judicial Conference of the United States within statutory guidelines and are most reasonable.

At committee hearings it was shown that believing they would be compensated at the same level as a bankruptcy referee, a number of individuals suffered by salary reductions from previous jobs in order to serve as magistrates. That this salary equivalency has not been accomplished, has caused serious morale problems among magistrates.

Aside from the expectations of individual magistrates, it is clear that magistrates' salaries are not at a level which is either commensurate with their responsibilities or comparable to that of other attorneys employed by the Federal Government. For example, the most common salary grade for a hearing examiner in the executive branch is GS–16—$29,678 to $36,000; and U.S. attorneys earn from $28,000 to $38,000 per year depending on the size of their judicial district. Although a magistrate is often called upon to review a finding of one of these hearing examiners or to decide an issue argued by a U.S. attorney, he is presently by statute limited to a considerably lower salary than either of these Federal employees.

Mr. Chairman, we are approaching a critical time in the development of the magistrate system and our court system as a whole. Tying the salaries of magistrates to the salaries of bankruptcy referees is essential not only to achieve a congressionally intended result and for the sake of fairness, but for the sake of our court system itself. I urge that H.R. 7375 as amended be passed by the House of Representatives.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, I had a part in the drafting of the "Dear Colleague" letter, and I want to assure the distinguished gentleman from California that there was certainly no intent on my part or that of the other six signers of the letter to state that the salary itself was being increased by this action. We intended to, and I believe we did make it clear in the "Dear Colleague" letter that this was an increase in the statutory ceiling.

I have looked at the letter. I have it in my hand. I see that in at least two places we say that this would raise the ceiling. We did not say that the mere act we would have today would raise the salary.

Mr. EDWARDS of California. If I have misread the gentleman's letter I apologize. Now that I review it, I do not see what I thought I saw in it. I hope the gentleman will accept my apology with regard to that.

Mr. MAYNE. I thank the gentleman.

Mr. EDWARDS of California. Mr. Chairman, the magistrate system is in real jeopardy. When the magistrates were appointed, they were led to understand that they would have the same ceiling as referees. There is a problem of morale. That was reflected in our hearings and in the period since we have had the bill before the Judiciary Committee.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding, and I appreciate his lucid explanation of the bill thus far.

One of the things I am seriously in doubt about is where the intent did lie as to making these salaries comparable.

I was not a recipient of the "Dear Colleague" letter. At least, it has not gotten to my file yet, so I am not in on that part of the debate.

But I am a recipient of a National Council of Magistrates letter dated May 11, despairing over the great disparity and claiming that there was a promise by the Judicial Conference, and that subsequently, in semiannual meetings, they reaffirmed the promise of parity of salary with magistrates.

I have reviewed the old legislation, on which I had copious and personal notes, including the committee report, when it was considered September 18, 1968; and I am advised by the gentleman's subcommittee staff that it was passed into law and became an act of the land in substantially that form.

To save the life of me, from the debate at that time and the personal notes, and in the committee report, nowhere do I find any place that at any time it was implied that there would be comparability between this new creation and the other, other than in relation to the Commissioner, who was paid much less than the magistrates now are.

Where was this implied contract of comparability with referees in bankruptcy? When did it first raise its head? Or is it simply an apparition of this loose organization of the new magistrates themselves?

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Ohio.

Mr. KEATING. I have a notation which is in a memorandum prepared by the staff of the Senate Subcommittee on Improvements in Judicial Machinery, dated April 28, 1966. It states as follows:

> The bill sets a maximum salary of $22,500 for a full-time magistrate, but this figure, which is three-fourths the salary of a district judge, is the maximum in effect for a full-time referee in bankruptcy. We feel that the importance of the magistrate's duties in the Federal criminal process justifies compensation at least as great as that of a full-time referee.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, first of all I appreciate that help; but, second, I do not believe it has anything to do with the point at hand.

If we erred once by putting one group under this abominable Commission I do not know why we should repeat the same Frankenstein-like error in the blessed name of comparability.

I am prepared to admit that a ceiling of $22,000 or whatever it is at the present time, is too low, and they certainly should have cost-of-living increases. I, for one, have not heard from any of my magistrates that they are unhappy with their service.

I do notice that over and above what was promised in the report of September 18, 1968, and contrary to the statement made by the chairman of the Committee on the Judiciary yesterday, we have many more permanent magistrates and many more part-time magistrates than was planned at that time.

So I would make a plea that we not commit another error but that we simply remove the ceiling and allow the necessary increases under the control of the Congress where all pay raises should be controlled, and preferably with the recommendation not only of the Committee on the Judiciary and its subcommittees but those of the Post Office and Civil Service Committee.

Mr. EDWARDS of California. I thank the gentleman for his contribution.

I made the same search for precedents, and I do thank the gentleman from Ohio (Mr. KEATING) for pointing out to the committee where it originated.

Mr. KEATING. Will the gentleman yield for 10 or 15 seconds?

Mr. EDWARDS of California. I yield to the gentleman from Ohio.

Mr. KEATING. There was some comment made about hearing from judges or magistrates. During the consideration of this legislation Judge David Porter of the southern district of Ohio wrote to me and said:

> We are having good success with our magistrate set-up and are fortunate in the appointment of Perleman, who is a magistrate in that area. He has a good head, and we are already feeling the benefit of his good services. The professional demands on our magistrate will be as much or greater than those on the referees.

Judge Timothy Hogan of the southern district wrote to me and said:

> Here in Cincinnati as a practical matter a magistrate is a third district judge, and I am sure this is true in a great many places.

I thought I would like to offer those comments at this time in view of what preceded this.

Mr. EDWARDS of California. I thank the gentleman.

At the hearings we had no opposition to the bill. We have not received one letter in opposition to the bill. The judiciary is in unanimous approval, to the best of my knowledge.

Mr. Chairman, as I was saying, there is a problem of morale with the magistrate system, a system that was set up by the Congress 2 years ago and which we feel is very important to the proper operation of the Federal judiciary.

These are a fine group of men, and they are dedicated public officials. We have had no resignations, although I could suggest that there might be some in the future in the event that this inequity is not rectified, because the magistrates preside at judicial hearings where often the hearing officers themselves get more pay than the magistrates. Most hearing officers are commonly GS–16's and the GS–16 pay scale is from $29,678 to $36,000. I point out to the committee that the U.S. attorneys pay scale runs from $28,000 to $38,000 a year.

Mr. Chairman, I think the bill is fair. It is supported by the Judicial Conference of the United States and, indeed, the entire Federal judiciary system, and I urge the approval of the bill.

Mr. WIGGINS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I strongly support the

enactment of H.R. 7375 as amended by the Committee on the Judiciary, because I am in complete accord with the bill's premise that the position of U.S. magistrate should be considered fully as vital and significant a component of our Federal judicial system as the referee in bankruptcy, and should be compensated accordingly.

I make this judgment having had the opportunity to serve on the Commission on the Bankruptcy Laws of the United States as well as on the subcommittee which held hearings both on this bill and on the creation of the magistrate system itself in 1968. My view that the two positions are equivalent is shared not only by the subcommittee, but by the Judicial Conference of the United States and, I am convinced, it was the view of Congress as a whole in enacting the Federal Magistrates Act 4 years ago.

A thorough congressional examination of the functioning of the old U.S. commissioner system began in the other body in December 1965. This investigation revealed serious shortcomings in the commissioner system and spotlighted the need for upgrading both the standards and the responsibilities of the Federal judicial officers serving below the district judge level.

The culmination of this reform effort was the passage of the Federal Magistrates Act in 1968. As stated in House Report No. 1629, the principal purposes of the act were to "increase the overall efficiency of the Federal judiciary," to provide "a higher standard of justice at the point where many individuals first come into contact with the courts," and "to cull from the ever-growing workload of the U.S. district court matters that are more desirably performed by the lower tier of judicial officers."

In keeping with those purposes, it was provided that magistrates would serve for definite terms of 8 years for full-time magistrates and 4 years for part-time magistrates; that they would be paid regular salaries, rather than be compensated on a fee basis; that they would receive periodic training, both introductory and follow-up, under the auspices of the Federal Judicial Center; and that they would have to be attorneys, except in extraordinary circumstances.

Federal magistrates can be assigned a number of duties which the former U.S. commissioners could not perform, the most important of which is the trial and sentencing of persons accused of minor offenses punishable by as much as 1 year in jail or a fine of $1,000, provided the defendant agrees to be tried by a magistrate.

Mr. Chairman, I submit that sentencing a man to 12 months in jail is an important matter. Deciding whether to issue a search warrant, or an arrest warrant, is an important matter. Setting the conditions of pretrial release is an important matter. These are judicial decisions which can be of critical importance to the individual or the government in a particular case. The Federal Magistrates Act was designed to assure that the men and women who make such decisions are people of sound judgment and discretion who have an intimate knowledge of the Constitution and laws of the United States.

The clearest evidence that Congress in 1968 intended to create a new class of Federal judicial officers of equal rank to the referees in bankruptcy can be found in the salary ceilings prescribed at that time: $22,500 per year for full-time magistrates, and $11,000 per year for part-time magistrates. During the entire time that Congress was studying reform of the commissioner system, up to and including the time of enactment of the Federal Magistrates Act, these figures were the actual ceilings on salaries payable to full-time and part-time referees-in-bankruptcy. I do not believe that it was mere coincidence that they were chosen to serve also as the ceilings on magistrates' salaries.

The present wide discrepancy between referees' and magistrates' salaries did not result from a conscious decision by Congress to "demote" the magistrates, but from a simple legislative oversight which we have been slow to correct.

In December 1967, after a bill establishing a Federal magistrate system had passed the other body but had not yet passed the House, the act creating the Commission on Executive, Legislative, and Judicial salaries was approved. The referees in bankruptcy were among the classes of judicial officers whose salaries were to be reviewed by the Commission and adjusted by the President without further congressional action. Naturally, the yet-to-be-created post of Federal magistrate was not so listed. In January 1969, the ceilings on salaries of full-time and part-time referees were raised to their present levels of $36,000 and $18,000 per year, respectively.

Since that time, the Judicial Conference of the United States, which is composed mostly of Federal district and circuit judges and is chaired by the Chief Justice of the United States, has on several occasions voiced its support for legislation to bring back into line the salaries of referees and magistrates. The report of the proceedings of the Judicial Conference for October 1971, for example, contains at page 66 the statement:

> The Conference reaffirmed its prior position that the salaries of full-time magistrates and full-time referees-in-bankruptcy should be on a parity.

If there were any doubt as to the equivalency of referees and magistrates within the Federal judicial framework, this continuing assessment by the judges who oversee the work of both classes of officers should dispel it.

Mr. Chairman, I think it is important to clarify what the effects of enacting H.R. 7375 will be. While it is true that the legal limit on full-time referees' salaries is $36,000, it is the Judicial Conference which must fix the actual salary of each referee. The same is true as to magistrates. Since 1969, the Judicial Conference has consistency imposed an actual ceiling on full-time referees' salaries which is considerably lower than the ceiling authorized by the Salary Commission.

At its October 1971, meeting, the Judicial Conference approved a new ceiling of $32,000 for full-time referees, and also voted to apply the same ceiling to full-time magistrates, if Congress passes legislation like H.R. 7375 raising the legal limit on such salaries.

With respect to full-time magistrates, therefore, we are actually talking about a raise from $22,500 per year to $32,000—not $36,000—in the foreseeable future.

I do not contend that such a hike in pay is negligible; to the contrary, it is substantial. But we must take such a step in order to effectuate the sound policy of parity between referees and magistrates embodied in the original Federal Magistrates Act and from which there is no good cause to retreat.

Mr. Chairman, it is often said that in the marketplace, "you get what you pay for and you pay for what you get." This is as true for legal talent as for any other valuable commodity. We cannot, consistently with the purposes of the Federal Magistrates Act, continue to allow the economic attractiveness of the position of U.S. magistrate to diminish, either in absolute or relative terms. The Director of the Administrative Office of U.S. Courts testified at the hearings which were held on this bill that judges in some parts of the country had already encountered some difficulty in filling full-time magistrate positions because the salary offered has become less competitive in the 4 years since the present ceiling was first imposed. On the other hand, we should not be insensitive to the predicament of those magistrates who agreed to assume their positions upon well-founded assurance by their district judges that magistrates' salaries would probably shortly be brought back into line with those of referees by Congress.

I do not lightly ask the House to approve H.R. 7375, for I did not readily come to support it myself. I am convinced, however, that any effort which this body may make toward improving the soundness and efficiency of the administration of our Federal judicial system will be severely undercut if we do not pass this bill.

Mr. EDWARDS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I strongly support the Judiciary Committee's recommendation that H.R. 7375, as amended, be approved by the Congress and signed by the President.

When the 90th Congress passed Public Law 90–578 and established the magistrate system, it was our intent that a magistrate and a bankruptcy referee be equally compensated. Because magistrates were not in office at the time the Commission on Executive, Legislative, and Judicial Salaries was established, magistrates' salaries were not subject to the Commission's recommendations which raised the ceiling on bankruptcy referees' salaries to $36,000 a year. As a result, full-time bankruptcy referees presently receive almost $10,000 a year more than full-time magistrates.

Aside from congressional intent, the present statutory ceiling creates an absurd situation by prohibiting a magistrate from receiving compensation which is commensurate with his responsibilities or comparable to that of other attorneys employed by the Federal Government. For example, the most common salary grade for a hearing examiner in the executive branch is GS–$29,678 to $36,000; and U.S. attorneys earn from $28,000 to $38,000 per year depending on the size of their judicial district. Although a magistrate is often called upon to review finding of one of these hearing examiners or to decide an issue argued by a U.S. attorney, he is limited by statute today to a considerably lower salary than either of these Federal employees.

Mr. Chairman, in passing the original Magistrate Act we sought to assist our Federal judges by establishing a new level of judicial officers who could assume many of a judge's more routine functions and thereby free Federal judges for more complex matters. Members of the Judiciary Committee believe that magistrates are performing admirably. Their duties include issuing warrants, conducting pretrial conferences and hearing minor criminal cases. They are diligently carrying out the responsibilities we have assigned, but we are not compensating them fairly for a job well done.

Mr. Chairman, H.R. 7375 will remedy the present sad state of affairs. Its passage was contemplated by Congress in the original Magistrate Act. Its passage is urged by numerous Federal judges and by the Judicial Conference of the United States. Mr. Chairman, its passage is demanded by our system of justice.

Mr. EDWARDS of California. Mr. Chairman, at this time I have no further requests for time.

Mr. WIGGINS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I rise in support of H.R. 7375, a bill to impose the same statutory ceilings on salaries of U.S. magistrates as are imposed on salaries of referees in bankruptcy.

Mr. Chairman, when the 90th Congress enacted the Federal Magistrates Act of 1968, it made an important improvement in the administration of justice in U.S. district courts. The 88 men and women now serving as full-time magistrates, and the 470 individuals serving in part-time capacities, are performing a vital task in freeing district court judges to devote their time to more complex duties. These magistrates try persons accused of violating Federal penal statutes and may sentence persons convicted of crimes to terms to imprisonment up to 1 year and assess fines up to $1,000. They may decide, or make recommendations regarding the decision to be entered, in a variety of pretrial matters arising in civil and criminal cases. They may issue search and arrest warrants, conduct bail hearings, screen prisoner petitions, and make postindictment arraignments in criminal cases.

Mr. Chairman, U.S. magistrates perform a function analogous to Federal referees in bankruptcy. When we enacted the Magistrates Act 4 years ago, we modeled it in large part after the Bankruptcy Referees Salary and Expense Act of 1946, indicating our intention to pay magistrates and referees equivalent salaries. Subsequently, salaries of referees in bankruptcy were brought under the coverage of the Commission on Executive, Legislative, and Judicial Salaries. The Commission recommended that the ceiling for a referee's salary be raised from $22,500 to $36,000—and the Judicial Conference of the United States accepted this recommendation. But magistrates were not yet in office, so their salaries were not covered by the Commission's report. Although we in the Congress had intended that they rise in parity with referees' salaries, they remained at $22,500.

Mr. Chairman, the result of this conjunction of circumstances is that while magistrates perform a role similar in function and responsibility to that of referees in bankruptcies, they are paid considerably less. This situation is not only inequitable, but also would have unfortunate ramifications for our judicial system if we were to allow it to continue. Judge John P. Fullam of the U.S. District Court for the Eastern District of Pennsylvania testified before my Judiciary Subcommittee No. 4 on H.R. 7375. He said:

> I think obviously you could always get somebody who would meet the statutory qualifications to take a job as full-time magistrate for $22,500, but what you would get, it seems to me in the long run, would be lawyers who would take the job for a year or two as an upward step or a beginning step in their legal career.
>
> In my view, there is a big difference between the practice of law and the judicial function . . . The (magistrates) system would work best if we can get people who will take these positions on a permanent commission sort of thing, and I don't think you could get the right kind of people in the long run to take these positions at these salaries on a permanent basis.

Chief Judge Edwin A. Robson of my own U.S. District Court for the Northern District of Illinois has written to me that the danger to the magistrates system is imminent. Judge Robson says:

> If the legislation is not adopted, our judges fear that we will not be able to retain our present magistrates. It is our considered opinion that we have been very fortunate in being able to obtain the services of the very competent magistrates, and unless they receive some assurance that their salaries will soon be adjusted, we fear that we would lose their services. This would be a difficult situation to remedy.

Mr. Chairman, if U.S. district courts are to continue to administer justice well—if they are not to fall even further behind on their calendars—we in the Congress shall have only one real alternative to reestablishing parity of salaries between magistrates and bankruptcy referees. That alternative is to increase the number of district court judges. To my mind, Mr. Chairman, that would be most unwise course of action. In terms of the Federal budget, it would be expensive. According to the Administrative Office of the U.S. Courts, the annual cost of maintaining a district judge in office is in excess of $126,000—but the annual cost of maintaining a full-time magistrate, even with the salary increase proposed in this bill, would be only $60,000. More important, in terms of the quality of men serving on the bench, this alternative would mean that each judge's day would be more filled with the work now performed by subordinates, and this might dissuade some of our best lawyers from accepting Federal judgeships.

Mr. Chairman, there is a simple way in which we can correct an untended inequity for which the Congress is responsible, and at the same time the necessity of creating additional Federal judgeships: I urge support of H.R. 7375.

Mr. EDWARDS of California. Mr. Chairman, I yield 5 minutes to the distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Chairman, I rise in support of H.R. 7375, which, as amended, is a bill to establish the same statutory ceiling on salaries of U.S. magistrates as are imposed on the salaries of referees in bankruptcy. This measure has been recommended by the Judicial Conference and has the strong support of the Chief Justice of the United States.

Mr. Chairman, Public Law 90–578, which established the magistrate program, enjoyed strong bipartisan support both in the Judiciary Committee, wherein it originated, and on the floor of the House of Representatives. The magistrate program has been in operation for over a year, and it has lost none of this bispartisan support. The amended bill comes to the floor with enthusiastic committee support from both sides of the aisle.

The Magistrate Act was intended to relieve the work load of this Federal district courts and to upgrade the position of U.S. commissioner, which served as the first echelon of judicial officers. We have all seen that the objectives of the Magistrate Act are being achieved and we are aware of the numerous ways in which U.S. magistrates have contributed to the improvement of our judicial system.

Since the passage of the Magistrate Act in the 90th Congress, we have much to our distress, noted increased delays in our system of justice. Obviously, these problems would have been considerably more severe had Federal judges not had the benefit of the services of competent, well-qualified magistrates.

Mr. Chairman, when Congress passed the Magistrate Act, it intended parity between the salaries of bankruptcy referees and magistrates. One Federal judge stated in testimony on H.R. 7375 before the Judiciary Committee—

> There is simply no basis on which to justify the inequity between the salaries paid to U.S. magistrates and referees in bankrupcty.

I agree, Mr. Chairman, and feel that at a time when our courts are facing an ever-increasing burden of litigation, we should be assisting them in every way possible. I strongly urge support of this bill.

Mr. WIGGINS. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, I thank the gentleman for yielding. At the very outset I want to make it clear that I am not opposed to an increase, and a very substantial increase, in salaries for Federal magistrates. From most reports many of these newly created officials, who were not authorized until the fall of 1968, are performing well, and the positions should certainly carry with them salaries which are sufficient to attract capable men. However, I do feel that the increase in their salary ceiling should be held to reasonable limits. I do not see how anyone in this chamber could stand up and contend that the committee bill is reasonable when it increases the ceiling 60 percent in one fell swoop. That is a whopper of an increase which, in my humble judgment, is very unreasonable, unfair, and unwise. It is the kind of runaway increase in Government spending which this Congress should be putting the brakes on. It is a 60 percent increase to go from the present $22,500 ceiling to a $36,000 ceiling.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield at that point?

Mr. MAYNE. I am happy to yield to the gentleman from California.

Mr. EDWARDS of California. Will the gentleman concede that there is a built-in limitation at present? There is an administrative ceiling on the salaries of referees and that would also be imposed on the salaries of magistrates, in that the Judicial Conference of the United States must still establish the salaries within the ceiling. The gentleman does not think for a moment that the Judicial Conference would bring the salaries of subordinate judiciary officers within 90 percent of a District judge, does the gentleman?

Mr. MAYNE. I would not concede for a moment that this Congress should abdicate its responsibility with reference to the fixing of salaries of Federal officials under the Constitution. I will say that the Judicial Conference, for whom I have the greatest respect, and I do not criticize them for it, have gone to the present maximum statutory ceiling on the position of magistrate, and while I would want to share the gentleman's confidence that they would not immediately go to the maximum if we passed this law, I do not think that we should leave it up to them to make that decision. Not when it would mean putting it within their power to put a magistrate at 90 percent of a Federal judge's salary and give that magistrate a 60 percent increase.

It seems to me this is a responsibility we in the Congress have ourselves which we should not shirk.

Mr. EDWARDS of California. The gentleman's real problem is with the President's Commission on Salaries, is that not correct, since it was the Commission that established a ceiling for referees at $36,000?

Mr. MAYNE. No, as I understand it, the referees are now receiving $30,000, which is the amount which the amendment which I and some of my colleagues on the committee will offer proposes as the ceiling for magistrates. There were reports that the referees' salaries had actually been increased but this is only tentative. I understand the Judicial Conference is waiting to see what we do on this bill before taking any final action.

The referees' salary is still $30,000, and I want to compliment the Judicial Conference on recognizing that this Congress should have some oversight over Federal salaries, and I compliment them for waiting to see what this Chamber does today and what the other body does.

Mr. EDWARDS of California. Can the gentleman point out anywhere else in the federal system where the idea of the gentleman's amendment applies—fixing one salary as a percentage of another salary where the work is, in fact, not the same?

Mr. MAYNE. I would say to the gentleman that this is a unique situation in that the position of magistrate, about which we are talking, is a servant of the district court.

It is definite public policy not to have the servant receive as much pay or substantially as much as the master.

I would be glad to yield further if there is sufficient time and if the gentleman from California will be in a position to extend some time. I certainly do not want to cut off the distinguished gentleman.

Mr. EDWARDS of California. Mr. Chairman, I will be glad to yield time at the gentleman's request, because I think the colloquy is valuable.

So the gentleman from Iowa must also object to the ceiling set by the President's Commission on Salaries of $36,000 for a referee in bankruptcy.

Mr. MAYNE. No; I do not.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. EDWARDS of California. I yield the gentleman from Iowa 5 minutes.

Mr. MAYNE. Mr. Chairman, I thank the gentleman from California for yielding.

Mr. Chairman, I have no quarrel with the referees in bankruptcy. I think this is a position which has been established and proven its merit over many years. At least 30 years ago when I started to practice in the Federal courts of this country, we already had referees in bankruptcy who were well established then. But these magistrates are brand new. They were clearly conceived of and presented to the Congress as being subordinates, assistants to the district judges. It just does not make sense to raise their ceiling to $36,000 when the judges receive only $40,000.

I think a 33⅓-percent increase in ceiling should be very acceptable and adequate from the magistrates' point of view. And that is what we will propose in an amendment.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman.

Mr. MAYNE. Mr. Chairman, I would say while my good friend, the gentleman from California (Mr. WIGGINS) has talked about the importance of the magistrate's position—and I agree that it is an important position, any Federal position is an important position—surely my friend did not mean to indicate that he would equate or even approximate an equation of a magistrate with a U.S. district judge, one of the most prestigious and powerful positions in this land. While the magistrates are important, they are not as important as district judges, and certainly they should not have nearly equal salaries. Certainly they should not have 90 percent or nine-tenths of the judge's salary.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, I think the record should be clear and Members should have no misunderstanding as to the facts.

The fact is that the referee is also a subordinate officer, answerable to the district judge, and the referee's decisions are reviewable by the judge.

It is also a fact that the referees, the subordinate officers, are authorized $36,000 now under the law.

It is a fact they are now being paid $30,000.

It is a final fact that this bill does not permit the magistrates to exceed the pay received by referees. In other words, they, too, would go to $30,000, although the authority, identically with the referees, would go to $36,000.

So those facts, I think, should be before this Congress when it acts on the legislation.

Mr. MAYNE. I believe I said—and I hope the gentleman will correct me if I am wrong—either he or one other proponent of the committee bill said it was contemplated to put the magistrates at $32,000 immediately if this bill passes. Am I not correct?

Mr. WIGGINS. If the gentleman will yield further, I would like that to be clear. The Judicial Conference has indicated an intention to move the referees from $30,000, and the Judicial Conference has indicated a tentative intention to pay the referees $32,000, and the Judicial Conference has indicated a firm intention, if this bill passes, to keep the referees and the magistrates together.

Mr. MAYNE. When the Office of the Magistrate was created as recently as the fall of 1968, Congress set the salary ceiling at a figure which was 75 percent of the $30,000 pay received by district judges at that time. Seventy-five percent of 30,000 is $22,500. There is no question under the Constitution or under the Magistrates' Act that these magistrates were clearly conceived of and presented to the Congress as assistants to and subordinates to district judges. I would like to recall the language of the distinguished gentleman from Virginia (Mr. POFF) during the debate on that magistrates' bill in his House on September 18, 1968—and this is to be found at page 8908 of the CONGRESSIONAL RECORD.

He said:

> In S. 945 the Congress is by law vesting the appointment of U.S. magistrates, "such inferior officers, as the Congress thinks proper" in "the courts of law." * * * it is proper to create the "inferior" office of U.S. magistrate, and it is proper to vest the appointment of magistrates in the courts of law, that is, in a majority of the judges in regular active service on the U.S. District court or courts that the magistrate will serve as an "inferior" officer.

Mr. Chairman, it simply does not make sense to enact legislation which establishes a ceiling for such an inferior officer——

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. WIGGINS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. MAYNE. Mr. Chairman, it simply does not make sense to establish a ceiling for such an inferior officer of a district court at 90 percent of the salary of the district judge himself and only $4,000 less than the judge himself receives. To raise this ceiling to $36,000, only $4,000 less than a judge, would be like raising the salary of our administrative assistants to within $4,000 of a Congressman's salary.

That is what is involved here, except that the magistrate has a boss who has lifetime tenure. He does not have to count on having an employer who must be reelected every 2 years in order for him to have the prospect of continued employment.

It has been argued that this does not necessarily mean that the salary will be increased to $36,000, but I say again we should not abdicate that responsibility to the Judicial Conference.

Mr. WIGGINS. Mr. Chairman, I have no further requests for time.

Mr. EDWARDS of California. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (a) of section 634 of title 28, United States Code, is amended to read as follows:

"Officers appointed under this chapter shall receive as full compensation for their services salaries to be fixed by the conference, except that the salary of a part-time United States magistrate shall not be less than $100 per annum."

With the following committee amendment:

On page 1, lines 5 through 8: strike out all of lines 5 through 8 and insert in lieu thereof the following:

"Officers appointed under this chapter shall receive as full compensation for their services salaries to be fixed by the conference pursuant to section 633 of this title, at rates for full-time and part-time U.S. magistrates not to exceed the rates now or hereafter provided for full-time and part-time referees in bankruptcy, respectively, referred to in section 40a of the Bankruptcy Act (11 U.S.C. 68(a)), as amended, except that the salary of a part-time U.S. magistrate shall not be less than $100 per annum."

AMENDMENT OFFERED BY MR. MAYNE TO THE COMMITTEE AMENDMENT

Mr. MAYNE. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MAYNE to the committee amendment:

Page 2, line 6, insert immediately after "per annum" the following: ", and except that the salary of a full-time United States magistrate shall not exceed 75 percent of the salary now or hereafter provided for a judge of a district court of the United States referred to in section 135 of title 28 of the United States Code".

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 154]

Abbitt
Abernethy
Abourezk
Abzug
Addabbo
Arends
Ashley
Badillo
Belcher
Biaggi
Blackburn
Blanton
Bow
Buchanan
Burke, Fla.
Carey, N.Y.
Celler
Chisholm
Clark
Clay
Conyers
Daniels, N.J.
de la Garza
Denholm
Diggs
Dowdy
Dulski
Eshleman
Evins, Tenn.
Fish
Fisher
Fraser
Frelinghuysen
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Goldwater
Green, Pa.
Hagan
Harrington
Hawkins
Horton
Howard
Jonas
Jones, N.C.
Karth
Kyl
Link
Long, La.
Long, Md.
Lujan
McCormack
McDonald, Mich.
McEwen
McKay
McKevitt
Macdonald, Mass.
Miller, Calif.
Minish
Minshall
Mitchell
Montgomery
Murphy, N.Y.
Nix
Patman
Price, Tex.
Pryor, Ark.
Randall
Rees
Reuss
Rodino
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Ruppe
Sarbanes
Scheuer
Schmitz
Schwengel
Springer
Steiger, Ariz.
Stubblefield
Thompson, N.J.
Vander Jagt
Williams
Wilson, Charles H.
Wright
Wydler

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. FUQUA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 7375, and finding itself without a quorum, he had directed the roll to be called, when 340 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order was sustained that a quorum was not present the gentleman from Iowa (Mr. MAYNE) had offered an amendment to the committee amendment. The gentleman from Iowa is recognized for 5 minutes in support of his amendment to the committee amendment.

Mr. MAYNE. Mr. Chairman, this amendment will allow a reasonable increase to U.S. magistrates. It will raise the ceiling on their salaries 33⅓ percent. That is a very hefty increase by anybody's standards, from $22,500 which they are presently paid to $30,000, a $7,500 increase.

The Members of the Judiciary Committee who sent Members the "Dear Colleague" letter yesterday and who are supporting this amendment feel that the committee bill, which permits a 60-percent increase in the ceiling for salaries of U.S. magistrates, is unreasonable and should be defeated if not reduced by adoption of this amendment.

These U.S. magistrates are relatively new officials. They were not created until the fall of 1968. It was presented to the Members of Congress at that time that they were to be subordinate officers of the U.S. district courts. They are not appointed by the President with the advice and consent of the Senate. They are appointed by the district judges themselves and answerable to the district judges.

They are, as they were described in the debate in 1968, intended to be subordinate officers to the district judges to whom they report. They can only try minor offenses and even then only when the defendant does not insist that a district judge try the case. They report to and make recommendations to the district judge.

They were at all times to be considered to be assistants to the judges, not equals or comparable to them in prestige, power, authority, or certainly salary; yet the committee bill would raise their salary ceiling to 90 percent of a Federal judge's salary. That would be like having one of your administrative assistants getting 90 percent as much as a Congressman's salary. The committee bill would put the magistrates' ceiling at only $4,000 less than a district judge receives.

To allow the committee bill to go through without this amendment will be to throw the comparability of Federal judges' salaries way out of whack. It will also put great pressure on the State judicial systems, because the $36,000 which the committee bill would authorize as a ceiling for U.S. magistrates is more than all but five States in this country pay to their highest State court judges.

There are only five States—New York, New Jersey, Pennsylvania, California, and Illinois—that pay as much as $36,000 to their highest judges. Enactment of the committee bill will create dissatisfaction in the State judiciary, and it is just not fair or reasonable to go to 90 percent of a Federal judge's salary for these new magistrates. They perform important functions, but they are not judges and should not receive substantially as much pay as judges.

This is the kind of runaway spending that this Congress should do something about. Certainly a 33⅓-percent increase, which our amendment now before you provides for, is fair and adequate. I sincerely urge the support of all my colleagues in support of this amendment so that we can have a reasonable increase for these magistrates and not an exorbitant and ridiculous one. I believe adoption of my amendment is necessary before the bill will have any real chance of carrying on final passage.

Mr. DICKINSON. Will the gentleman yield?

Mr. MAYNE. I will be happy to yield to the gentleman from Alabama.

Mr. DICKINSON. I wonder if the gentleman could give us some idea as to the amount of time that magistrates spend in their duties.

Mr. MAYNE. I am talking about full-time magistrates who receive the $22,500 now and who would be authorized to receive $36,000 under the committee bill and $30,000 under the Mayne amendment. They devote full time to their duties.

Mr. DICKINSON. I understand that, but I was wondering if the gentleman could give the House some idea as to the total amount of time they spend. Are they, as judges are, sitting continuously, or do they have a great deal of time off or serve just when there is business before them? I wonder if you have any information along that line.

Mr. MAYNE. I do not want to derogate the fine service being performed by many magistrates. I understand the reports show a good many of them are doing an excellent job. But they are very new, and it is still largely an untested position. The position was not created and the act did not go into effect until 1968. I do not think it is reasonable that they should be brought along so fast as to have the ceiling on their salaries raised 60 percent at one time as the committee bill proposes. I urge all Members to vote "aye" on the Mayne amendment.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment to the committee amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Iowa. This amendment was not brought up in three separate executive sessions of the Committee on the Judiciary. It has never been brought up or discussed by the Judicial Conference of the United States. I suggest it is not a very good way of legislating to bring up such an amendment without consideration either by the Committee on the Judiciary or by the Judicial Conference of the United States.

Also, Mr. Chairman, I would like also to say that the gentleman's amendment, if enacted, would be without precedent. There is no other judicial employee that has a salary fixed by this type of formula. Under the amendment a magistrate can only get a certain percentage of what somebody else gets. There is no precedent for that at all, to my knowledge, in the entire Federal salary structure.

The purpose of this bill and the purpose of the bill that came to us from the Judicial Conference of the United States is to tie the magistrate salary to the referee salary. That is all this bill does. If this amendment prevails, it would damage this intent, because it would take the magistrate salary and tie the magistrate salary not to the referee salary, which is the purpose of the bill, but to the salary of the Federal judge.

The Judicial Conference of the United States, believe me, is not going to set a salary of a magistrate or of a referee in bankruptcy so close to the salary of a district judge as to make the district judge dissatisfied. Indeed, the district judges of the United States are in unanimous support of the bill as it is being presented to you today.

Mr. BOGGS. Will the gentleman yield?

Mr. EDWARDS of California. I am glad to yield to the majority leader.

Mr. BOGGS. I missed a part of the gentleman's statement, but was this amendment considered in the committee?

Mr. EDWARDS of California. This amendment was not considered in the three executive sessions of the Committee on the Judiciary.

Mr. BOGGS. So, that the very persuasive argument that the gentleman is making is the fact that the amendment was not even discussed in the committee and the gentleman had no opportunity to discuss the amendment before the full committee?

Mr. EDWARDS of California. No. I regret that the amendment was not brought up before the full Judiciary Committee and that we did not have an opportunity to discuss it.

Mr. BOGGS. And, is it not a fact that, if this amendment were adopted, it would be the only such formula in existence in the entire judicial system?

Mr. EDWARDS of California. To my knowledge, in answer to the gentleman from Louisiana, I can think of no area in the Federal salary structure where such a formula is being used.

Mr. BOGGS. I think the gentleman from California has made a very fine statement and I shall oppose the amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. Since when did it become a matter of absolute necessity that every amendment to a bill be cleared by a committee? There is nothing complex or complicated about this amendment. Since when?

Amendments are offered by the dozens to various bills on the floor of the House.

Mr. EDWARDS of California. In answer to the gentleman, I certainly am not objecting to the offering of amendments on the floor, but I would point out to the membership of the committees that this particular amendment, a very important amendment, was not considered important enough to be brought before the Judiciary Committee.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Pennsylvania.

Mr. DENT. I intend to support the committee amendment.

However, it appears that full committee action does not carry much strength in the House because just a few days ago we voted a substitute which was a complete change of the original bill which was brought out by the Committee on Education and Labor. However, that was all right, if that was the will of the House. I support the committee amendment although I recognize the fact that the gentleman has a right to offer his amendment. I recall when we were talking about a raise of $800 a year this House insisted upon cutting it down to 10 cents an hour and now you are talking about a raise that is so great. However, I believe in paying for the work done, and if that work is done by the magistrates they ought to be paid as the individual worker ought to be paid. Let us hope that the next time that the raise for the individual worker will go over 10 cents an hour.

Mr. EDWARDS of California. The gentleman's point is well taken.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Indiana.

Mr. DENNIS. The gentleman, of course, is quite correct when he says that no amendment such as this was offered in the committee. However, I am sure the gentleman would not wish to give the impression, or disagree with me when I say that the idea of this amendment was discussed in the committee. We did talk about it and several Members at that time expressed their points of view to the effect that something of this kind should be put in the bill.

I think the gentleman will agree to that statement.

Mr. EDWARDS of California. The gentleman, of course, is correct. There was a lively discussion at three sessions of the Judiciary Committee about this as well as other problems.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. EDWARDS of California was allowed to proceed for 1 additional minute.)

Mr. EDWARDS of California. Mr. Chairman, I think that it is going to be a mistake if we do not tie the referees and magistrates salaries together. They are both subordinate judicial officials appointed by the district judges. Both the salaries of the referees and the magistrates are fixed by the Judicial Conference of the United States.

Mr. Chairman, the last point I want to make is that a vote for this amendment to the committee amendment is not an economy vote.

The practical effect of this amendment would be that whenever the salary of a district judge would be raised automatically from a practical standpoint the salary of a magistrate would be raised and I do not think that is entirely appropriate.

Mr. Chairman, I conclude my remarks by pointing out again the fact that this bill came to us from the Judicial Conference with the strong recommendation of the Chief Justice of the United States and, indeed, all of the Federal Judiciary.

Mr. Chairman, I urge a "no" vote on the amendment to the committee amendment.

Mr. HUTCHINSON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa (Mr. MAYNE) to the committee amendment.

Mr. Chairman, I think that the House has a policy decision to make, and one which I have every reason to believe will be respected by the Judicial Conference. On the one hand, the bill as reported by the committee, although not as originally introduced, ties the salaries of the magistrates to the salaries of the referees in bankruptcy. And on the other hand the amendment offered by the gentleman from Iowa (Mr. MAYNE) to the committee amendment would in effect tie the salary of the magistrates to a percentage of the salaries of the district judges. Both of those are valid concepts, it seems to me. But I am impressed with the fact that it is important that we maintain a proper spread in our salary system between different offices. It does not make very good sense to me to permit a magistrate's salary to rise to within 10 percent of the salary of the Federal judges.

Now, maybe the fault was the fault of the President's Salary Commission which met 4 years ago. I would criticize that Commission's decision that a referee in bankruptcy should have a salary of $36,000, while a Federal judge receives only $40,000. I do not think that was a good decision. I think that the Congress of the United States can make a policy decision along those lines which hopefully the President's Commission, which will be meeting this year or next, will respect, and one that we certainly hope the Judicial Conference will respect.

I think that we should adopt the amendment offered the gentleman from Iowa (Mr. MAYNE) today, providing that these magistrates should not receive more than 75 percent of the salary of a district judge, and I believe that the Judicial Conference would hold the salaries of the referees to 75 percent of the salary of the Federal judges. That makes good sense to me, and I think it would be good congressional policy.

So, Mr. Chairman, I hope that the amendment offered by the gentleman from Iowa (Mr. MAYNE) to the committee amendment, will be adopted.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am interested in the remarks of the preceding speaker, and I would like to propound a question to the gentleman from Michigan (Mr. HUTCHINSON) as to whether he would favor our committee bringing out a bill in short order to require by statute a 75-percent limit on the salaries of the referees in bankruptcy as well as those of the magistrates?

Mr. HUTCHINSON. Mr. Chairman, if the gentleman will yield, my answer is that I would be.

Mr. JACOBS. Mr. Chairman, I would like to join with the gentleman from Michigan in that effort.

Further, Mr. Chairman, I would like to point out just for the consideration of the Committee here today that there is one additional rather serious injustice, I think, to the taxpayers in the entire Federal salary schedules of most Federal officers throughout the United States, and that is it takes more money to buy a bowl of soup in New York City than it does to buy one in Bean Blossom, Ind. I think we have come to the place where we should begin to think in terms of the prevailing cost of living in the various regions of the United States. If a Federal judge in an area where the cost of living is relatively low receives $40,000 a year in salary, and a Federal judge, let us say, who lives in New York City where the cost of living is considerably higher, receives the same $40,000 salary, then somebody is being overpaid or somebody is being underpaid now, because it is wrong. They both should be paid the same salary.

So I would hope that in considering Federal offices, Federal judicial officers, that our committee in fairly rapid order would consider this factor as well as the factor regarding the relative differences' between the Federal judge's salaries and the salaries of the magistrates or the referees in bankruptcy.

Mr. Chairman, I yield back the balance of my time.

Mr. DENNIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise briefly in support of the amendment offered by the gentleman from Iowa (Mr. MAYNE). In my view of the matter, both a Federal referee in bankruptcy and a Federal magistrate are important officials and both of them are, and should be, subordinate to a U.S. district judge.

I favor the principle of comparability between them. As a matter of fact, at the present time the ceiling set for a referee, and the most a referee is actually getting, is $30,000 or 75 percent of the salary of the district court judge, although the law would provide a possibility, as it now stands, of going higher.

Under this amendment, the ceiling for a magistrate under the Mayne amendment will likewise be $30,000 or 75 percent of the salary of the district court judge; so you get practical comparability between the two, in fact and in practice, by adopting this amendment.

I would agree with the gentleman from Michigan and my colleague, the gentleman from Indiana, that it would be well to set the referee's ceiling at 75 percent of the district judge's salary by statute in subsequent legislation. But here in this bill we can do that with the magistrate, and, as a practical matter, it will take care of the referee also because that is where he is now, and I do not think they will raise the referee's salary if we hold the magistrate to the $30,000 level.

So, in effect, we are holding them both at 75 percent of the salary of the district judge, if we adopt this amendment. It seems to me that is a sound thing to do. 75 percent of what a district judge draws is enough for a referee, and it is enough for a magistrate, and that is where we set the magistrate by this amendment offered by the gentleman from Iowa (Mr. MAYNE).

Mr. WIGGINS. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I will speak only briefly, but I do not want to indicate my opposition to the Mayne amendment.

Everyone knows, I believe, what it does. Quite simply, it establishes a maximum 75 percent relationship between the salary of the magistrate and the U.S. district court judges.

I do not oppose the concept of an orderly relationship between the two. But the question is—should it be 75 percent in the case of magistrates, but potentially as high as 90 percent in the case of referees?

The answer to that is—"No."

Congress addressed itself to the question of the relationship between the salaries of referees and judges nearly 4 years ago. We answered that by granting the authority to pay referees $36,000 by failing to interpose any objection to that ceiling when it was submitted to Congress by the President early in 1969 pursuant to the recommendations of the Presidential Salary Commission. The Presidential Salary Commission, of course, was created by an act of Congress. Our tacit adoption of its recommendations was likewise an "act" of Congress. To limit magistrates to $30,000 but permit referees to move to $36,000 is to tolerate a disparity betwen them, when their responsibilities are comparable. That, I suggest ladies and gentlemen, is not fair.

It is ironic that we should still today be thinking of perpetuating an injustice in the judicial system. To those of you who may feel that it is offensive to pay a magistrate—a lesser judicial officer—the sum of even $30,000, just bear these facts in mind.

We customarily pay the chief counsel on committees of this Congress $36,000. We pay U.S. attorneys who appear before magistrates up to $38,000 in this country. We pay most hearing examiners, who are not judges at all but who do perform a judicial function, between $29,000 and $36,000 a year.

Now it is wholly appropriate to talk about comparability between the Federal judges and State judges, but I would urge you gentlemen to address yourselves to the question of comparability between and among Federal officers. Where is the justice in paying a U.S. attorney $38,000 and the very judge before whom he appears only $30,000? There is no sense whatever to that.

I understand that this amendment is appealing. I confess that. I, too, would like to see some fairly rigid percentage relationship established between both referees and magistrates and U.S. district judges. But we will be merely perpetuating an injustice that will cause us many problems in the future if we now impose a 75-percent ceiling on magistrates while permitting referees conceivably to move up to as high as 90 percent.

I urge a "no" vote on this amendment.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, what the gentleman from California (Mr. WIGGINS) and some of the other proponents of this bill are saying, in effect, is that Congress probably made a mistake in making it possible for referees to get the salaries they are now getting, so let us today compound that mistake by putting the magistrates up to the same figure. I have heard every word of the debate this afternoon, and there has been some question as to how we got this predicament in the first place as to intention of pay for these magistrates. It has now become clear that we got that way by delegating the power to the Judicial Conference to fix their salaries, and it is the Judicial Conference that has been assuring these magistrates that they are going to eat just as high on the hog as the referees. That is the situation, is it not, Mr. WIGGINS?

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. WIGGINS. I agree. I agree that the Congress dug this hole it finds itself in when it approved the recommendations of the Executive Salary Commission. But the question now is, I say to the gentleman from Iowa, what do we do about it? The recommendation of the gentleman from Iowa (Mr. MAYNE) is that we deal with it on a piecemeal basis. I would recommend to you——

Mr. GROSS. Rather than giving them a 60-percent increase in salary, let us adopt the Mayne amendment to make it 32 percent, 33⅓ percent, or whatever it is in that area and then move later on. I think what ought to be done is to take away the fixing of these salaries by the Judicial Conference. I oppose this business of delegating to the executive branch of Government the authority to fix the salary of every Member of the

House of Representatives, and every Member of Congress. What in the world was the majority in both the House and Senate thinking about when they delegated to the executive branch of the Government the authority to fix your salary and mine? How comfortable can we get around here by turning over to the executive branch, the President, this function? How far are we going to go in delegating control of the purse strings?

Talk about responsibility and maintaining the power to handle the purse strings. Here again today you seek to turn the purse strings over to another area of Government, the judiciary, completely out of the hands of Members of the Congress.

The Judiciary Committee ought to take some definitive action immediately to correct this situation, and Congress ought to recapture the power to fix the salaries of Members of Congress.

Mr. Chairman, I support the amendment only because it makes the committee bill less worse, but if there is not to be a final vote I want the RECORD to show that I am opposed to the bill for it is a continuation of the delegated power to the judiciary to fix salaries, a power that ought to be recaptured and retained by Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. MAYNE) to the committee amendment.

The question was taken; and on a division (demanded by Mr. MAYNE) there were—ayes 72, noes 23.

So the amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FUQUA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7375) to remove the statutory ceiling on salaries payable to U.S. magistrates, pursuant to House Resolution 969, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

By unanimous consent, the title was amended so as to read: "A bill to amend the statutory ceiling on salaries payable to U.S. magistrates."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 7375) just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RADICAL PROFESSORS SOW INTOLERANCE ON CAMPUS

(Mr. NELSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NELSEN. Mr. Speaker, in a recent editorial in the Mankato Free Press, the newspaper's editor, Kenneth Berg, offered a thoughtful analysis of one of the causes of collegiate disenchantment with our country: Academic radicalism on the campus.

He observes:

> Perhaps the clue, and indeed a tragic clue, to the attitude of almost a third of our college students lies not in their own experience but in what they hear from an intellectual elite which has abandoned fair criticism for the almost uniform polemics of vilification of country.

Having had some direct and personal encounters with the radical attitudes which Mr. Berg describes, I do believe his analysis has great merit. All of us in public life who have been subjected to these attitudes during our visits to campus communities in recent years have special reason to appreciate such an honest appraisal. I am pleased to insert the full text of his commentary in the RECORD at this point in my remarks:

RADICALIZING OF TEACHERS

About a month ago we read the results of a foundation-financed poll of college students. The results were not very startling given the context of life in this country today, but one fact—if polls do bring out facts—has been bothering us ever since.

Thirty per cent of the students interviewed told the interviewers they would rather live in another country.

Our first reaction and perhaps yours if you are over 30 was "good luck and goodbye."

But, of course, this tremendous dissatisfaction with the nation cannot be dismissed that easily. Nor can it be ascribed to the old dreams of Walden Pond and Jean Jacques Rousseau.

Surely it reflects a belief that somehow America has become a sick society.

Where does this notion come from. The inequities are there—as they have been, and are, in every civilization and every nation—though a dispassionate look back shows few efforts or as much progress in overcoming these inequities as have been or are being made in this country.

Why are our college students so eager to flee a country that French sociologist Jean-Francois Revel says is the only true hope of the second world revolution—the only nation that allows dissent plus free access to information.

It would be interesting and revealing to see a similar survey of non-college youth. Would such a high percentage of them, too, want to leave and live elsewhere. Somehow, we doubt it.

Perhaps the clue, and indeed a tragic clue, to the attitude of almost a third of our college students lies not in their own experience but in what they hear from an intellectual elite which has abandoned fair criticism for the almost uniform polemics of vilification of country.

So many intellectuals have shouted that we are a genocidal society that it begins to be believable. So believable, in fact, that to argue the point is to be branded a fascist by your peers.

Far more students with a liberal bent have been influenced by the president of Yale's statement that a black radical could not receive a fair trial in this country than have been affected by the real record of justice to black radicals.

How many speakers who believe that our pluralistic society offers—and has demonstrated—great capacity for reform appear before college audiences. You need go no farther than Mankato State College's presentations to answer that one.

The real tragedy, it seems to us, may not be with those students who want to flee a sick society, but with an intellectual leadership which, confronted with an undeniable need for reform, can only coin demagogic epithets and not reasoned, and suggestive criticism.

It may lay in a faculty philosophy that has turned from tolerant, critical liberalism to one of adverse radicalism; a political stance that, while it encourages active political dissent, would deny the right of dissent from its own elite views.

Thus we find faculty-led protests against the presentation of conservative speakers on the campus and we find faculties seeking to bar the return of public servants to university jobs, not for what they have stood for but because they served a "paranoid" administration.

And off the campus we find fashionable radical-liberal book reviewers blasting a Daniel Moynihan because not always have his views confirmed to radical cliches.

It is an over-simplification, of course. But just perhaps the sickness of our society, if it is sick, lies not with government or the nebulous establishment—though there is plenty to be fixed there—but with the teachers of our alienated students.

GEORGE C. WALLACE

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the sordid attempt on Governor Wallace's life yesterday while he was campaigning for the Democratic nomination for the Presidency is a sad commentary on the fate of those who speak for the people—when a popular fellow American is threatened with the loss of his life for voicing his opinions or for daring to run for public office. I have high regard for Gov. George C. Wallace and respect his courageous and outspoken leadership in standing up for America.

George C. Wallace is his own man, beyond the control of the powers that manipulate American public opinion. His is the voice of the average American who, sick and tired of what is taking place in his society, is reaching out in an attempt to correct the wrongs in his Government. George Wallace speaks, more than anything else, for those Americans who want to bring our Government back to those basic constitutional principles which brought us recognition as the most advanced country with the greatest individual freedom in the world.

I join my people in rejoicing at the progress that Governor Wallace has made and wish him a speedy recovery to full health.

I include Governor Wallace's speech "We Can Stop America's Retreat from Greatness":

We Can Stop America's Retreat From Greatness

(By Honorable George C. Wallace)

In our nearly two hundred years as a nation, we Americans have withstood many crises. But at no time in the past has the United States been so decisively challenged both at home and abroad. It has become increasingly obvious during the past three years that our national leaders have let us down. Their failure to resist effectively the Communist onslaught from abroad, and their wholesale promotion of socialism at home, have heralded a retreat from greatness of which all Americans should be truly ashamed. Yet at precisely the time when good citizens should be rising angry, many appear to be in a state of narcosis.

The primary reason for this is that the incumbent President brought to office with him a reputation as an arch foe of Communism abroad and of the Welfare State at home. You remember how he made statement after statement to that effect, both before and during his Presidential campaign. But the proof of politics is in the practice. And the real Mr. Nixon has proved to be as different from Candidate Nixon as was Mr. Hyde from Dr. Jekyll.

The problem is that millions of Americans who would be highly agitated if Mr. Humphrey were doing what Mr. Nixon is doing are telling each other that nothing can be very wrong because the "Liberals" aren't holding the reins of state. If you think that, I've got news for you: Richard Nixon ran on my platform and is running the country on Hubert Humphrey's.

The major reason that President Nixon has been able to have his cake and eat it too is that the longhairs of the "Liberal" media treat him as if he were still breathing down the neck of Alger Hiss. That was more than twenty years ago, and the anti-Communist days of Richard Nixon are long gone. But radical TV and newspaper journalists continue to provide protective coloring for Mr. Nixon as he moves the country Leftward towards total government.

You know, I think that before America can be returned to sanity and justice, something must be done to bring balance to the giant news media, particularly television. Contrary to what they might think, I don't want to dump the Brinkleys, Cronkites, Reasoners, *et al*, in some electronic junkyard. It isn't necessary, and I wouldn't do it if it were. I just want to make sure that such overstuffed shirts no longer have a monopoly on television news. Think about it a minute. You've got room for more than a dozen channels on your television dial. Why is it, then, that the only national TV news you get is packaged in but three network newsrooms in New York? When you figure that there are nearly nine hundred television stations in this country, and only about three national TV news reports, you just know that something is mighty wrong!

But every time the TV news monopolists are attacked for their flagrant prejudices and dishonesty they scream that their freedom of speech is being threatened. Nobody is threatening their freedom of speech, and nobody should. I am not a rich man, but I will personally buy soap boxes for every one of them, fly them to Montgomery, and assign a State Trooper to guard them while they stand on those boxes and shout any lie they please. That would be fine. As I say, I'd even pay for it. I just don't like to hear those glib phonies tell lies on television to 70 million Americans.

The government has given the three major networks a virtual license to lie by restricting access to the TV audience through dangerous federal licensing restrictions. It is ironic that those who claim they are most threatened are the very ones who have been most protected.

Meanwhile, independent radio and television stations with Conservative editorial policies have been regularly harassed by the government, and the licenses of some of them have been removed by the bureaucrats in Washington. The solution is not to censor the professionals who distort our news, but to allow access to the airwaves to those who will tell America the truth. What the nation needs is more television stations to assure real freedom of speech. All those who are truly in favor of the free exchange of ideas, and opposed to monopoly, should join me in this stand.

It seems to me that the "Liberals" of the media need a bath in lye soap. They not only concoct every possible alibi to justify Mr. Nixon's kowtowing to the Maoist thugs who have murdered nearly 64 million Chinese, but they trumpet that every crook, punk, and thug in the streets here at home is a victim of an oppressive society in general and of the police in particular. What society in all the world is less "oppressive" than ours? Not one. And because we are so free, America's policemen are the thin blue line between anarchy and the survival of our Christian civilization. Our local police deserve our total support. No law-abiding citizen has anything to fear from our police officers. But if you are a law violator you not only have something to fear, you should have!

As a group, our local police are overworked and underpaid while daily risking their lives to protect our loved ones. Our police are under attack from the Communists, anarchists, and professional demagogues of the Left. They have been handcuffed by venal politicians seeking votes, and by sociology-spouting judges who have more sympathy for the criminal than for his victims. As a result, our police officers are openly gunned down by Communists like Black Panther leader Huey Newton, and our women and children and old people are in danger on the streets of their own neighborhoods.

A basic purpose of government is to protect the life and property of its citizens. No nation can long endure if, for any reason, the government ceases to serve the purpose for which it was created. Certainly the Supreme Court is the worst offender in substituting sociology for justice. Because of this, millions of Americans, trapped in our urban centers and unable to escape to the suburbs and countryside, are regularly made victims of the thugs, punks, and criminals who are allowed to roam free. Today, if you are the victim of an assault in New York, your attacker will probably be out of jail before you even get to the hospital—and his legal bills will be paid by the government. When a person steals a pocketbook, the judge plays social worker and tells him that he can keep the pocketbook if he won't do it again.

There was an old saying that crime doesn't pay. Now, thanks largely to the Supreme Court, it often pays very well. The laws of supply and demand being what they are, as the pay goes up so does the supply of criminals. According to the F.B.I.'s *Uniform Crime Reports*, the crime rate in the United States rose 144 percent in the last ten years, with crimes of violence up 156 percent. Women employees leaving many buildings in Washington after dark must often be accompanied by armed guards.

It is not enough for the High Court to refrain from making things worse. The damage has already been done, and it is only a matter of time before that damage destroys our country. In order to reestablish Constitutional government the Attorney General must re-submit cases in areas where the Warren Court handed down radical decisions based upon fuzzy sociology rather than sound jurisprudence. So far the Attorney General has shown no more desire to do this than he has to *prosecute* the revolutionaries and rioters who provided such fruitful rhetoric during the last campaign.

Promoting the breakdown of law and order are whole armies of militants, revolutionaries, anarchists, and Communists. They shoot our police, march many thousands strong in our cities, spit on our flag and burn it, and bomb our public buildings—but the internal threat of Communism is an issue which Mr. Nixon abandoned long ago. When it comes to protecting hard-working, decent colored people in our cities from the terrorism of, say, the Communist Black Panthers, he is silent . . . even as he is silent when top Panther and Communist leaders beat the very path to Peking that he will tread himself.

Meanwhile, Mr. Nixon's highly publicized campaign promises about a "war on crime" have had all the explosive effect of a pop gun. His drum beaters claim that crime is now increasing at a slightly lower rate than it did under President Johnson, implying that crime has been reduced under the Nixon Administration. The F.B.I.'s *Uniform Crime Reports* indicate that is just not true.

And let me tell you something else. Because of the continuing push for coddling criminals in our prisons, in the courts, and everywhere else, there have been some 633 police officers shot dead in our streets in the last ten years. The mass media and the revolutionaries and the "Liberals" have been promoting the idea that our local police are brutal, and need to be punished by civilian review boards, and are pigs—and so criminals figure it's Open Season on policemen. A F.B.I. survey of the killers of those 633 police officers revealed that 71 percent of their murderers had previous criminal arrests; 57 percent had previous convictions; 322 of them had been arrested for violent crimes; 324 had been granted leniency from prior sentences; 199 were on parole or probation when they killed a police officer; and, 20 of those killers of policemen had actually been previously convicted of *murder* and set free to kill again.

During the 1968 campaign our law and order theme was appropriated by both the Republicans and Democrats because it was and is a priority concern of our citizens. During the 1970 mid-term elections even Teddy Kennedy was pressured by public opinion into putting on the sheriff's badge and shootin' irons and making noises like Wyatt Earp. The day after the election the star and the six-guns were tossed off a bridge into the political depths. However, none of the country's political commentators, all so concerned about "the public's right to know," whispered a word about such hypocrisy.

If I run again for national public office I just might come up with an issue that Teddy Kennedy and Richard Nixon can't steal. We might make the "Liberal" Establishment itself a major campaign issue. Can you imagine the Hero of Chappaquiddick and the Great Protector of Peking running campaigns aimed at exposing the "Liberal" Establishment? That would be akin to Mae West denouncing men.

And note that while the Establishment's pointy-headed pseudo-intellectuals and Harvard half-bakes promote the coddling of criminals, they also prescribe an ever-larger dole for able persons unwilling to get off their fat and go to work. Any taxi driver can tell you that if you pay people not to work, more and more people are going to *decide* not to work. Steelworkers, carpenters, truck drivers, policemen, beauticians, and shopgirls figured that out years ago, but it is still a secret unknown to the gurus of the Harvard Sociology Department and unheard of in the *sanctum sanctorum* of the Department of Health, Education and Welfare. Contrary to his campaign promises, our President is meanwhile trying to put 24 million people on a permanent dole through a guaranteed annual income program. He postponed the plot when it became obvious that Congress was for the moment unwilling to swallow it, but he says he means to get those extra 24 million on the welfare rolls one way or another. And you know he'll try!

Although purists from the Foundation for Economic Education may disagree with me, I am not against providing charity to the truly needy; the aged, widows, the blind, and the handicapped. But the amount of money going to people in these categories is a minuscule part of total welfare spending. I believe in help for the needy, not for the lazy and the greedy. Let me tell you, no one moves to Alabama to live off the sweat of the working people who pay the welfare bills.

But, frankly, I do not believe that the federal government should be in the welfare business. When it is, it must inevitably turn elections into vote-buying contests. If charity and relief are handled at the local level, citizens can better keep their eyes peeled for corruption, and politicians who engage in vote-buying schemes will get their comeuppance when business locates in other areas. A federal welfare system only puts the heat on the producers, the business and working people, to provide gravy for loafers.

If our commitment to being a Christian people had not been so undermined, it wouldn't be necessary for the counties and states to handle charity. But, as the reality exists today, the only delivery system capable of making certain that those truly in need are cared for is the local or state government. I don't like it, maybe it won't always be necessary, but I'm not going to see the helpless suffer real pain and hurt by denying the local government the authority to help those who can't help themselves.

I have sponsored pensions for the elderly in Alabama, for example, because many working people who are retired today were, during the height of their productive years, working for fifty cents an hour in an era when bread was seven cents a loaf. The federal government has since produced so much inflation that these people couldn't possibly have saved enough out of their fifty-cent wages even to survive in retirement at today's prices. It is ironic that it was the very "Liberal" politicians who claimed they wanted to help the poor who destroyed the purchasing power of our currency and left those elderly people poverty stricken.

If we are to solve the nation's tremendous welfare problem, we must unwind the mess from the top down, keeping the federal government from turning welfare into the biggest boondoggle in history, and turning it back to the states and private charities. The government *must*, however, make good on its Social Security pensions. Conservatives who oppose the philosophy of Social Security correctly argue that it is mismanaged, deceptive, and not even actuarily sound. But those who have paid into the system must not be made to suffer. In my view, however, it is time that "Liberal" demagogues stopped using Social Security as a political football. If politicians sincerely want to help the elderly they will stop deficit spending, the cause of inflation which has deprived our elderly citizens of the purchasing power of their small savings, resulted in the taxing away of their homes, and thrown so many of them on the unmerciful hooks of government charity.

It has been pointed out by my critics that we once borrowed some money in Alabama, and they say that it is therefore unfair of me to criticize the vast deficits of Presidents Johnson and Nixon. I maintain there is a tremendous difference between what Washington is doing and what we have done in Montgomery. In the first place, when a state borrows, it borrows money that is already in existence. This is simply a transfer, and no inflationary new money is created as it is when the federal government pumps out printing-press dollars for its deficit use. Secondly, the federal government goes in debt to give money away to socialist and even Communist countries, to pay for a giant and unnecessary bureaucracy, to destroy local school systems, to subsidize the raising of illegitimate children, and for a myriad other "Liberal" programs. Such money is wasted and gone forever.

We borrowed money in Alabama to create a capital asset—roads. I realize that some libertarian theorists believe that private enterprise should build roads. Someday that may come to pass. But, in the meantime, Alabama desperately needed roads to boost its economy. We borrowed money to build roads because those roads attract industry and tourism, improve marketing, and produce tax revenue. Not only have subsequent improvements in business in Alabama justified the economics involved in our road building program but, as roads have been improved, the percentage of deaths on our highways has dropped. Selling bonds to build roads is the same sound, conservative business practice as a corporation's borrowing funds to buy wealth-producing machinery.

Still, we in Alabama have one of the smallest debt services of any state in the union. Today we pay out less than five percent of our income for debt service—and you know, in these days of the Nixon inflation, any businessman who can operate with less than five percent of his income going for debt service is doing very well indeed. Compare that with the fact that under the current Administration in Washington the third largest Budget expenditure—behind only Defense and Welfare—goes to pay the *interest* on the federal debt. In fact, it is a sum that comes to more than 21 billion dollars!

During my first administration, Alabama jumped to Number One in industrial expansion in the South—and held that position three years in a row. From the time I assumed office until I left office in 1966, Alabama had received a total of 1,304 new and expanded industries, representing a capital investment of nearly $2 billion and employing approximately 100,000 people. Industrialists like our attitude toward local government and toward the Free Enterprise system. This attitude towards competitive private enterprise could bring prosperity and full employment to all America if the man in the White House would practice what he preaches. Private enterprise is the only real war on poverty which has ever been fought with any success.

But the revolutionaries, high-heeled "Liberals" of both sexes, and limp-wristed pseudo-intellectuals don't believe in the Free Enterprise system. They believe in socialism, the economic system of Karl Marx. And, strangely enough, many of the super-rich in this country also believe in socialism. They set up tax-free foundations which promote socialist programs with the taxes they evade, and then arrange to tax the working man to pay for those programs. Such limousine "Liberals" are not humanitarians. If they were they would lead by example and divide their own wealth instead of hiding it in tax shelters while they promote an ever-increasing tax burden on the middle class. In 1966 for example, the super-rich "Liberal" Nelson Rockfeller paid only $685 in personal income taxes. Honest plumbers and steelworkers paid more than that!

I have filed a suit in the United States Supreme Court to have tax-exemption removed from any foundation that uses tax-free monies to promote socialism or revolution. The "Liberal" mass media have ignored that suit, even as they pose as friends of the common man.

Because I have attacked the fraud inherent in the giant foundations, some have accused me of being a radical or a Populist. In the sense that I have always worked to keep the little man from being shoved around by quasi-governmental interests and monopolies, I am a Populist. Take the utilities, which have a government-granted monopoly and have sometimes formed an unholy alliance with politicians to exploit the people. In Alabama I have taken on those utilities, and the giant banks and big trucking interests, to make sure they pay an equitable share of the taxes. But while concerned with genuine problems, Populists have traditionally looked to socialism as a solution. In that sense I am not a Populist because it is my view that the Free Enterprise system is the only way effectively to elevate the underprivileged.

Many politicians are now calling themselves "Populists," yet the Establishment opinion makers—who long used that term as an epithet to attack me—have not denounced them as demagogues. They are no threat to the insiders of the Establishment. They can be bought, or manipulated, or controlled. Not everybody agrees with me, but no one doubts that I am my own man and mean exactly what I say. I believe in our country and its free traditions. The pitch of the "New Populists" is an alien one—it argues that since the rich and the poor are subsidized by the government, the middle class should be also. Come and get it, they say! Get yourself a slot at the trough with the rest of the animals, like some poor serf in a Communist hell. Theirs is really a call for total socialism as an answer to the inequities created by partial socialism.

Such regimentation is the greatest threat the ordinary American faces today. When the bureaucrats try to solve problems with collectivist theories and tyrannical decrees, poverty stays and freedom dies.

Yet America is being socialized and almost everybody knows it. Only a few Conservative Republicans refuse to admit that the President is acting as an agent for the collectivists. They pretend that it is happening because it is somehow inevitable. Let me assure them that socialism is not inevitable, though it certainly may seem so when you have as President a Republican whom even John Kenneth Galbraith calls a socialist.

In 1968, Richard Nixon made opposition to big government a major part of his campaign. Yet in his every move since election he has paid lip service to the need for decentralization while increasing federal power over the people. More and more each year the people and the states are coming under the arbitrary power of any army of bureaucrats in Washington who are telling us how to run our schools, our businesses, and even our personal lives. Much of this is done in the name of ending "discrimination." Let me tell you, I believe in the right of people to discriminate. When we say a fine lady is discriminating, we are complimenting her as having good taste. The right to discriminate is nothing but the right to choose, and the right to choose is the essence of liberty.

I do not, however, believe the government has the right to discriminate between its citizens on the basis of race, creed, or color—and that is exactly what it is doing through federal programs which set up racial quota systems or force busing for racist balance. The left says Wallace is a racist. I say, and my record shows, that Wallace is for freedom of choice, and that it is the federal government that is racist!

Indicative of the growing arrogance of the nearly all-powerful government in Washington is the virtual takeover of local schools by the guideline writers at the Department of Health, Education and Welfare. Nationwide polls show that Americans of all races are overwhelmingly opposed to racist busing. It is criminal to move students out of their neighborhoods to distant locations for the sole purpose of satisfying the cattle-car racial lusts of a bunch of jackbooted guideline writers in Washington. While professing to believe in the democratic concepts of majority rule, these bureaucrats are forcing little children to be hauled for fifty miles or more in the interest of a racist experiment in sociology. Millions of dollars which could be spent enriching the education of our children are going out the exhaust pipes of those diesel motor buses. Worse, the bureaucrats in Washington are treating our little children like a hutch of guinea pigs in a laboratory.

Mr. Nixon claims to be opposed to all the busing—he swears he really is—yet he has appointed men to run the H.E.W. whose family crests might as well be a highway rampant with greyhounds. Richard Nixon appointed those H.E.W. bureaucrats who instituted suits to force busing on local school boards. They serve at his pleasure. If he meant business he would have cleaned house! But he doesn't mean what he says, any more than he meant it when he swore to us that he would never institute a wage-price freeze or betray our anti-Communist allies on Formosa or promote a guaranteed annual income for welfare loafers.

School boards, under the Nixon guidelines, have become local appendages and agents of a bureau in Washington, answering only to that bureau, not to the people. If that isn't exactly what Mr. Nixon directed, why hasn't he fired those who have "disobeyed" his orders? I think the answer to that is all too clear.

The guideline dictators have gone far beyond the busing issue. In many places they have ordered that indoctrination replace education. The bureaucrats have ordained that our schools, in effect, are to be turned into propaganda factories for international socialism. In order for these edicts to be carried out, history books are being rewritten to conform with alien doctrines; moral values are being replaced; humanism is becoming the official state religion; traditions, patriotism, responsibility to family and country, are being subverted and, the students—our children—are being regimented to serve the socialist Establishment. Good Teachers know these things are happening, and they are doing their best to stop them, but the federal Office of Education in Washington carries a very big stick.

Granting control over the education of our children to a central government will guarantee the establishment of a dictatorship in America. Whatever objections, real or imagined, which may be raised about inadequacies or duplications or shortcomings of local schools are insignificant compared to the threat to the liberties of every American posed by federal control of education. The federal government must get out of the education business if freedom is to survive in America. This means that the guideline bureaucrats must be stripped of their authority over our local schools and sent out to earn an honest living doing productive work.

The situation is serious. As a result of the growing power of Washington, we have already become a government-fearing people instead of a God-fearing people. For decades now, politicians have encouraged us to look to government for strength instead of to our God. It is no accident that where the state becomes all-powerful, faith in Christ is no longer carried like a banner by Christian soldiers, workers, mothers, and businessmen. I have accepted Christ as my personal Savior, and that is one important reason why I have pledged my life to opposing tyranny wherever I find it. So long as God gives me the strength, I shall continue to do so.

It has been pointed out by libertarian purists who question my Conservative credentials that as Governor of Alabama I let my state receive federal money. We do this because Alabama pays federal taxes. We know that federal money brings federal guidelines, but the realities of politics and fiscal survival of the states leave us little choice but to participate in federal programs which we would prefer to handle by ourselves. There is no question but that federal funds are bait with which the federal government is attempting to take over the authority of the states and of the people, but this must be stopped at the top by getting Washington out of the subsidy business, not by asking any one state to commit fiscal suicide. The solution for this problem is to be found in Washington, not Montgomery, or Sacramento, or Topeka.

"Liberal" news commentators often characterize me as an "angry man." I plead guilty to that description. For years Americans were the most admired people in the world because of their capacity for righteous indignation. Many Americans still rise to anger at evil, but our pseudo-intellectual leaders have used our colleges and mass media to preach moral and ethical relativism until many of our people have adopted a pretended sophistication and blasé attitude toward corruption, immorality, and even treason. America is in the midst of a full-scale retreat from greatness, and every honest American knows it. That retreat was begun by the treason of the intellectuals who, jaded and morally corrupt, lost their capacity for righteous indignation.

I will tell you that I feel indignant that some American corporations, with the full encouragement of the U.S. Government, have been supplying the Vietcong and North Vietnam, however indirectly, with war materials with which to kill American soldiers. If ever there was an act which deserved the condemnation, contempt, and fury of every American, it is that one. Instead, our knee-jerk intelligentsia have hailed it as a sign of "maturity" and "sophistication" by the "progressive" business community.

Another crime of the pseudo-intellectuals has been to take the natural idealism of youth and to pervert it into hatred of our country. Young people who have desecrated the flag, burned draft cards, and engaged in violent protest over the Vietnam War, did not learn to hate their country, its flag, and our national traditions, from their parents. They learned such hatred from the mental amoebae whose poisonous culture is spewed from the lecterns in our college classrooms.

Young people have been conned into believing that Communism is some kind of worldwide humanitarian movement, instead of an evil conspiracy to conquer the world—a conspiracy already responsible for the murders of over 100 million human beings. When I see how our youths are duped and conned and manipulated by the Establishment Left, my anger rises hot and fresh. Deprived of a solid grounding in history, our own sons and daughters are being used as the cadres of the nation's enemies.

America's youth has never been told that it was the "Liberal" politicians who turned the fruits of victory in World War II over to the Communists, and in doing so condemned tens of millions to perpetual slavery. They do not know that it was the "Liberal" politicians who committed our Armed Forces in Korea, and then tied General MacArthur's hands so that he could not win. They have never learned that it was the "Liberal" politicians who put us into the morass of Vietnam and, as in Korea, again tied the hands of the military. Hundreds of thousands of good men who answered their country's call to the colors will never come home from places like Heartbreak Ridge, the Chosin Reservoir, and Khe Sanh. They gave their lives for their country while our "Liberal" politicians made sure that the only real victors would be the Communists.

I take a solemn oath before Almighty God that if I ever become President of the United States I will never commit American soldiers to action without making every possible effort to ensure their victory. General of the Army Douglas MacArthur was right when he said that there is no substitute for victory. If we had listened to MacArthur, the Communists would not be in Vietnam today and neither would we.

I have always maintained that we should never have let ourselves be drawn into the Vietnam War. If troops are required to contain Communism in Asia, they should be provided by Chiang Kai-shek and other Asian anti-Communists who are more than willing to provide them. But the "Liberals" have consistently refused Chiang's offer of troops. Apparently they prefer to let Americans die instead. Once in, however, we should have won that war and then got out! But you can be sure that Richard Nixon will have lost it before another President is inaugurated.

I think that is cause for righteous indignation. It fills me with anger and shame for my country.

And I do not believe that it is an accident that America has been led from one foreign-policy disaster to another until our retreat from greatness seems a rout. To think that stretches credibility further than Mama Cass would stretch Twiggy's bathing suit.

A little over a decade ago, Scott McLeod, head of the State Department's Bureau of Security and Consular Affairs notified the Secretary of State of the names and records of some 800 security risks then employed by the State Department. Mr. McLeod noted that of the 800, some 250 were "serious" cases—sixty percent of which were "incumbents in high level assignments," with one-half "assigned to what can be categorized as critical intelligence slots in the Department." McLeod was quickly shipped off to be Ambassador to Ireland, and nothing (repeat: nothing) was done about those security risks. Presumably, they are still there! While campaigning for the Presidency, Richard Nixon promised to clean out the State Department. He repudiated that promise even before he was inaugurated.

I think the President's failure to assure the security of our State Department is cause for righteous indignation, but I don't see any emanating from the "Liberals." Little wonder that Mr. Nixon "lost" the vote to save Free China in the U.N. and is heading for Peking. The fact is that more than one of his China intelligence specialists was on the Scott McLeod list.

America must stop helping her enemies and help herself. Richard Nixon promised America military superiority, and has instead continued to disarm us. For this, the "Liberal" pseudo-intellectuals cheer him. Let me tell you, I have been to war. I have seen close friends killed in battle. I never want to see this country have to go to war again. But I am a realist. I have read enough history to know that if we are weak, if we follow policies of appeasement, we will have war whether we like it or not. Why should the Communists abandon their goal of world conquest when we are in full retreat?

The Communists have such contempt for our "Liberal" politicans and opinion makers that they don't even bother to deny that their goal is world conquest. They affirm it at every opportunity, and all one has to do is look at their own literature to see it written in big bold letters. It is only our "Liberals" who deny that the Communists seek world conquest and claim that the Reds have "mellowed." Such men must be removed from positions of power and influence.

I have fought for this country, and I am still fighting for it. I have travelled America from Augusta to San Diego, and from Miami to Seattle. I have met Americans from every section, from all walks of life, from all strata of society. I love the real, decent, patriotic, and hard-working people who *are* America. I am in love with this country. I love its traditions and its heritage. And I mean to labor to preserve them from those who would destroy the fabric of freedom either by design or from innocent error.

I am not an ideologue. There are a lot of fancy philosopher's and libertarian pundits whose books and pamphlets I haven't read and am not likely to read. But I believe that government governs best which governs least, and that whatever the people will have their government do is best done at that level closest to the people. I mean to defend my country against her enemies—foremost of which is the International Communist Conspiracy. I mean to labor at being the best Christian, and the best citizen, that I can be. And I mean to try to serve my country with an unashamed patriotism. If enough of us do that—if enough of us Stand Up For America—we can stop America's retreat from victory.

But the stakes are high. We know that if we fail, liberty in all the world might flicker and die for a thousand years. America can be the land of the free only so long as it is the home of the brave. Join me, brave friends, and together let us Stand Up For America!

CHILD DEVELOPMENT

The SPEAKER pro tempore (Mr. BRINKLEY). Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 15 minutes.

Mr. CRANE. Mr. Speaker, when President Nixon vetoed the OEO bill last winter he did so primarily due to the child development title, which he described as "far-reaching" and potentially "family-weakening." The President contended that such legislation must not be adopted before a great debate has been held. Well, Mr. Speaker, surely there is no question but that the national debate has yet to occur. Only now, as the child development bill approaches a second vote in the U.S. Senate, are there signs that the debate is finally getting underway. To be sure, those who contend the grand scheme called child development is essential have discussed among themselves why this legislation ought to be adopted. But it is only now that critics, people who have reviewed the proposal in light of experience, are forming the questions which the proponents of child development must answer. It is insufficient to contend, as some have, that to oppose this far-reaching scheme is to oppose children. Such contentions are irresponsible and ought to be absent from the debate.

One contribution to this debate is an essay which appeared in the New York Times Sunday magazine, April 30, 1972, by Times editorialist William V. Shannon. In the essay, "A Radical, Direct, Simple, Utopian Alternative to Day-Care Centers," Shannon asks a number of excellent questions, among them one whether the child development/day care centers are in the best interests of the children involved.

What has been said thus far by the proponents is that the validity of certain statistics, that is, working mothers, necessitates the establishment of day care centers for more than 5 million children under the age of 6. Shannon challenges this approach of the proponents by raising the number one question: Are the centers, whether they be day care or child development—there is a difference—in the best interests of children? He writes:

> The unpopular truth is that any community facility—call it a day care center or a child development center—is at best an inadequate, unsatisfactory substitute, and at worst a dangerous, destructive substitute for a child's own mother.

A second contribution to the debate was the analysis of Dr. Ernest van den Haag, a psychoanalyst who teaches at New York University, who contended that a public adventure into the field of day care or child development would have profound implications on the responsibilities which are at the core of family life. Under questioning by a member of the U.S. Senate Subcommittee on Children and Youth, Professor van den Haag held to the view that whatever forces are presently working at pushing the family apart, the establishment of institutions for child care would intensify them. In addition, he pointed out that the centers, whether they be of a babysitting or a behavior-construction nature, would not simply be used by those in need, but would be there as a permanent lure to fully competent mothers who have no reason whatsoever to make use of the centers. To have government construct these centers is to sanction their use, and to sanction such a development is to encourage good parents to pass on to another a responsibility they can and should keep to themselves.

Another contribution, perhaps most devastating to the cause of those who would see the "Big Fed" build these centers, came from Dr. Dale Meers, a child psychoanalyst at the Childrens' Hospital in Washington, D.C., who said:

> There are clear and *explicit* (his emphasis) dangers in early group care and such service should be developed and administered with a clear understanding of the risks that are attendant on its misuse.

Further:

> Daycare programs can *not* be based on "sound knowledge . . . of child development" because of the simple fact that we have only limited data on the impact of surrogate group care on early development, and such psychiatric data as is available is anything but reassuring.

What Dr. Meers is telling the Congress is that at this time the evidence is pointing in the direction that child development would be counterproductive: in other words, not good for the child. That, Mr. Speaker, is not the least of what we should appraise before considering this program. Now it is true that Dr. Meers has spoken out in favor of certain types of child development centers, and it is to those we should direct our attention. There are family situations which are, and probably will always be so broken and the atmosphere so hostile, that the Congress might be wise, after considerable study, to look toward a remedial program which would offer services to those relatively small numbers of children in circumstances definitely detrimental to their well-being. However, when Congress does look into this matter, I would remind them that: First, this has always been a concern of the States and there is little evidence to suggest that those agencies have been derelict in their duties; and second, when children are moved to collectivized circumstances there always seem to be more problems created than solved. What child development advocates first see as a convenience soon becomes a steady requirement. The self-fulfilling prophecy of the day care lobby has been fulfilled: because there are more centers, there is more need for them. To quote Shannon:

> Comprehensive day care is not only a response to the increasing number of working mothers, but its existence would probably serve to accelerate that trend. . . . The Government is not setting out to cope with a limited and—if all goes well—diminishing number of impoverished children. Rather, it is embarking upon a program which could cover virtually all children and would not only recognize but confirm a profound change in the way in which Americans rear their children.

The Government is setting out to change the childrearing habits of the American people. I am reluctant to leave an important matter like that to the Government, to any government. Cost estimates for this undertaking are in the $20 to $30 billion range, assuming $2,000 per year per child—Shannon contends $2,600 might be more like it. Jerome Kagan of the White House Conference on Children, panel on day care, estimated $39 billion as a realistic figure. That would not, of course be a firm cost. It would be undoubtedly subject to increase.

Mr. Speaker, to repeat, I concur with the President that a debate must go on. I personally intend to participate in that debate, raising questions when appropriate. I would urge my colleagues to review the Shannon article and the testimonies of Drs. van den Haag and Meers, which I now ask unanimous consent be included in the RECORD at the conclusion of my remarks. Although I consider the Shannon article to have been an excellent analysis of why child development centers are not in the child's best interest, I am not convinced that Shannon's counter-proposal might not be almost as bad as the "medicine" we seek to avoid.

It would be a mistake to suggest, as Shannon most certainly does, that government—or more accurately, taxpayers—ought to have to pay an individual to carry out an obligation which is already his. To suggest that a parent should be paid to rear his child is to suggest that there is some penalty being relieved. I think the ideas which lurk within the suggestions are at base part of the psychological problem which is hurting the health and vibrancy of family life.

The articles follow:

[From the New York Times Magazine, Apr. 30, 1972]

A Radical, Direct, Simple, Utopian Alternative to Day-Care Centers

(By William V. Shannon)

WASHINGTON.—*I must share the view of those of its supporters who proclaim this to be the most radical piece of legislation to emerge from the 92d Congress.*

I also hold the conviction that such far-reaching national legislation should not, must not, be enacted in the absence of a great national debate upon its merit and broad public acceptance of its principles.

Few contend that such a national debate has taken place.—President Nixon, in a veto message.

One of the most irresponsible statements I have seen in my many years in public life . . . cruel, hysterical and false.—Senator Walter Mondale, commenting on the veto message.

Last Dec. 9, President Nixon vetoed an antipoverty bill which had as its major component the Comprehensive Child Development Act of 1971, sponsored by Senators Walter Mondale, Minnesota Democrat, and Jacob Javits, New York Republican. The child-development bill, one of the most far-reaching measures ever passed by Congress, ranking in financial cost and social implications with Medicare or Federal aid to education, deserves much more thorough discussion than it has received. The bill has never been the subject of a question at one of Mr. Nixon's (admittedly infrequent) news conferences. It is rarely, if ever, brought up during Sunday TV interviews, in which his Democratic rivals are regular participants. It rarely made the front page of any newspaper until Mr. Nixon vetoed it.

The "great national debate" which President Nixon called for has not taken place but the legislative scene has already been set for passing the bill again. Ignoring G.O.P. predictions of a second Nixon veto, the House of Representatives on Feb. 17 approved a poverty bill which includes a much expanded Head Start program and which Senator Mondale intends to use as a vehicle for adding a revised version of his child-development plan.

If another bill passes Congress this year, President Nixon is sure to veto it again, and conservatives have the votes to sustain that veto. Over the longer term, however, a bill bearing some resemblance to Mondale's is likely, sooner or later, to become law. The political arithmetic of the growing number of working mothers guarantees that.

If the centers set up under such a law are adequately financed, ideally staffed and well run, they would, in my judgment, help some of those youngsters who are the worst victims of poverty and neglect. The centers are, however, neither necessary nor desirable for the great majority of children. Moreover, because they are likely to be underfinanced, understaffed and overcrowded, I sincerely doubt they will achieve many of their objectives. Unless Congress undergoes a radical change of heart, it will try to do a $30-billion job on a $3-billion budget.

Although I am a liberal, I do not share the liberal enthusiasm for day-care centers. Such centers are not a satisfactory or desirable substitute for the full-time care and devotion of a child's own mother. President Nixon may have politically expedient motives of his own, but I nevertheless agree with the premise of his veto message, which stated: "All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscence are formed, and religious and moral principles are first inculcated."

Liberals may deprecate these Nixon words as all wet and reactionary, but much hard-earned human wisdom lies behind them. Excessive emphasis on day-care centers can weaken the family at a time when it needs strengthening. Having said that, however, I do not think the status quo is good enough. I have a radical proposal of my own to advance. It would be an alternative to day care that would enable the poor and the working poor—except those families which are most severely deprived and damaged psychologically—to take care of their own children.

But before advancing my own views, I shall set forth the argument of the advocates of comprehensive child-development centers. And it is a powerful argument.

For any child, the years from birth to 6 are critical for his physical, intellectual and psychological development. Yet traditionally in the United States, the Government takes no official interest in a child between his arrival, when a birth certificate is required, until he is 6 years old, when the compulsory school attendance law takes effect. The assumption has been that families took care of these early childhood years. Yet the evidence is all around us that for some children, the family system has completely broken down and is not doing the necessary job of nurturing their characters, and preparing them for life. For other children, the family is still a viable emotional unit providing some strengths, but the fathers and mothers are so overwhelmed by adverse circumstances—sickness, ignorance, mental illness, inability to hold a steady job, or inability to cope with competitive, sophisticated city life—that those families need help in preparing their young children for school and later life. Still other children have competent parents who can cope with life in adult terms but who—out of ignorance, or irresponsibility, or selfishness—are not giving priority to their duties as parents; these children also need help.

"In the last several years of traveling around the country and holding hearings on different aspects of the poverty problem. I examined all the different approaches—manpower training, enriched education, rehousing, and so on—and I kept coming back to the view that we have to reach these children in their first five years and do everything we can to improve their chances in life. For most of us, this is a great, rich, wonderful society full of hope and opportunity. But some people are outside the mainstream of American life. Are we content to say that hundreds of thousands of children because they were cheated at birth and in their early years are to be condemned to lives of failure and frustration?

"Consider a child, white or black or brown, who grows up in a community where he doesn't have enough to eat, lives in squalid, unsanitary housing, grows up without books or any kind of help, grows up in a broken home, grows up amid a depressed environment, without any health care, and then goes to what is often the worst school in town. The reactionaires of this country are trying to describe efforts to help that child as welfare, which is the code word by which we deliver money from 'decent, hard-working Americans' to this child and others like him, when in fact the issue is justice, permitting children to have the same chance in American society."

If a desire to improve the lot of impoverished children is one force behind proposals for comprehensive child development, the program's political appeal is enhanced by the benefits it offers three other groups of families. There are the families in modest economic circumstances with husbands who work but barely earn a subsistence income and wives who work part-time or full-time to pay for a few comforts beyond the family's necessities; these are the "working poor." A second group consists of middle-class women who ordinarily would not have to work when their children are small but who are driven back into the job market prematurely because of divorce, or the death or illness of their husbands. Third, there are the families in which husbands earn a satisfactory income but the women work by choice. These middle-class wives often argue for day care in terms of women's "liberation."

A fourth category might be families in which the husbands earn adequate incomes and wives do not pursue careers, but might do so if high-quality day care were available. In other words, comprehensive day care is not only a response to the increasing number of working mothers but its existence would probably serve to accelerate that trend.

Since the working poor, the widowed or divorced heads of middle-class families, and the "liberated" career women comprise a huge number of people, it is not astonishing that politicians in both parties climbed aboard the comprehensive child-development bandwagon. The bill passed the Senate, 63 to 17. Yet it is the inclusion of these other categories of people that also triggers the opposition. Their coverage makes it unmistakably clear that the Government is not setting out to cope with a limited and—if all goes well—diminishing number of impoverished children. Rather, it is embarking upon a program which could cover virtually all children and would not only recognize but confirm a profound change in the way in which Americans rear their children.

The opposition in and out of Congress has formed on both economic and cultural grounds. In the original version of his bill, Mondale proposed spending $2-billion in the first year of operation, $4-billion in the second and $7-billion in the third. These subsequent authorizations were dropped from the modified version that passed the Senate and news stories usually referred to the bill as having "a $2-billion price tag." Once the program was fully under way, however, even if all eligible children did not participate and many of those who did were charged modest fees, the annual cost would be in the range of $20-billion to $30-billion a year. The cost of quality care for children in which food, toys, equipment and medical care are provided is at least $2,000 a year for each child. Dr. Jerome Kagan, chairman of the White House Conference's panel on day care, offered these rough estimates in Senate testimony:

"As you might expect, private centers run more efficiently than public centers. My impression is that, if you are working with preschool children 2½ to 5 years of age, $45 a week [per child] will run a pretty good private center. A public center which has more bureaucracy will probably be given $55 or $60 a week. You have to add 10 to 20 per cent for infants. It is more expensive to have a center for the first two years of life. . . . If this becomes a popular and approved way of raising American children, one could have half the population of children aged 0 to 6 requesting day care. You could spend all the money you want: 13 million children at $60 a week, which is $3,000 a child a year. If you pause to multiply those figures you have an enormous amount of money—$39-billion."

As it developed, President Nixon vetoed the bill for broad reasons having little to do with fee schedules or financial cost. The cost is probably not a decisive consideration for those on either side of the argument.

It gives hostile critics a handle with which to attack the bill, but most conservatives when candid, admit that they would not like the program even if it cost only half as much. Liberals meanwhile dismiss the financial argument with the assertion that if this country can afford to subsidize aerospace companies and build a space shuttle, it can afford to invest huge sums in its own children.

More fundamental to the debate is the

philosophy underlying the bill, which President Nixon attacked head-on, thereby evoking the angriest response from the bill's advocates. Liberals were quick to point out that his veto was a sop to the right wing of the President's party and that the Presidential candidacy of Representative John Ashbrook, a convinced conservative ideologue, may have had that is not true in all of the cases—and the needs run in this order, as far as we could ascertain them:

"First of all, these adults are physically ill. Secondly, they live in constant physical fear—and very real fear. Fear of the pusher, fear of the person breaking in and stealing everything out of your meager little apartment, fear of the children getting run over in the heavy traffic in the streets. . . .

"And then the third great need, particularly on the part of mothers, is help with loneliness, with a tremendous feeling of vacancy in their lives. In fact, I am inclined to believe one of the problems that surrounds the whole question of . . . birth control, and so on, with people of this kind, is the problem of loneliness. Because I feel that many of these mothers, [when they have a baby] for two or three years have something to love and to fondle, and so on. I really think this fills a void in their lives, and I don't think that a knowledge of birth control will make a significant difference as long as we have these particular human emotional needs. . . .

"Now this seems almost unbelievable, but I think that it is easy for us to put ourselves into the position of a person like this, women who spend all day in bed because there is nothing in the home except a television. And the television, of course, has been the great pacifier and mesmerizer of children because almost the minute they can see, they are propped up to watch this image that is flickering there—it's almost, I think, like hypnotism."

In what is rather an understatement, Niemeyer concluded: "These are the parents and families for which intervention is necessary."

Not all welfare mothers and their children are in the desperate circumstances described by Niemeyer. Some have personal strengths. But the apathy, physical squalor and fear are brutal realities. So are the low-grade infections and correctible physical defects which sap their energies. The question is what the state can effectively do to help. In an interview, Senator Mondale told me:

Society can ignore the needs of the children in these various unfortunate circumstances but it cannot ignore them indefinitely or without cost. Sooner or later, a sizable number of them are going to show up as juvenile delinquents, as mentally retarded children, as emotionally disturbed patients in institutions, as adolescent drug addicts. Some may survive the school years but show up in prisons as young adult criminals, or in hospitals as mentally ill, or on the welfare rolls as unemployables. One or two may even show up on television screens as a Presidential assassin.

(Why *all* deprived, damaged children do not come to a dismal end, why some actually develop from this adversity a thriving will to succeed, is a blessing and a mystery. But one can speculate that behind each hard-hit child who later makes it in life there is someone—an older brother or sister, a devoted grandmother, a minister, a teacher, an athletic coach—who cared a lot and provided the youngster with a model and with guidance.)

The Mondale bill which President Nixon vetoed is based on the theory that a big investment of money and effort in children, especially in the years from birth to 6, would save some of them from disasters later on and might actually reduce the amount of money that society now has to spend on juvenile-delinquent centers, prisons, mental hospitals, and other kinds of human repair and rehabilitation. In asserting the Government's comprehensive interest in these formative early years, the bill has many precedents, such as the long campaign against child labor, the public health effort to cut down infant mortality, the White House conferences on children and youth held once a decade since 1909, and the widely popular Head Start program enacted as a part of the poverty program.

Building on the Head Start model, the bill would go far beyond merely providing a convenient place near home or work where an employed mother could leave a child. It would establish child-development centers in every community. A child could get one, two or more meals, depending upon how many hours he stayed each day. A center would contract with outside doctors or clinics to provide medical, dental and psychiatric diagnosis and care. It would begin the education of preschool children and make available to them, as well as to older children, "summer, weekend, vacation and overnight programs." Parents would serve on the board of the center, and, if unemployed, they might be enlisted as volunteer workers or paid employes. In some circumstances, a mother might be paid to care for four or five children—her own as well as others—in her own home. This is called "family day care." Where needed, a professional or a trained volunteer would be sent out from the center to instruct and assist uneducated, inexperienced or under-confident mothers in baby and child care.

In short, this comprehensive approach is intended to be an active, responsible partner to every mother and if a mother is absent, ill or indifferent, to serve as the best possible substitute. An ambitious concept realized in only a comparatively few existing centers, it signifies much more than the less expensive and more common day-care centers where children are, in effect, only in protective custody. "Custodial" child care is a dirty word among the experts in this field.

The Mondale bill covers all children from birth through 14. There is comparatively little controversy, however, about the older children in the 6-to-14 age group who attend school. For them, the problem is primarily to find a place where they can play or otherwise usefully occupy themselves for two or three hours after school until their parents pick them up.

The conflict over comprehensive child-development programs concerns the 22 million children under the age of 6. In theory, the bill would permit a rich woman—Mrs. Nelson Rockefeller or Mrs. Robert Kennedy—to send her child to a development center if she wanted to pay the fee. But, as a practical matter, the bill is primarily intended to help the children of working mothers and those in poverty families. About seven million children in the under-6 age group have mothers who work. (The number of mothers in the work force has doubled since 1950, and the trend seems to be steadily upward.) About four million children live in families which are in dire poverty and about an equal number in families which are above the poverty line but still in straitened circumstances.

Poverty children are not identical with the children of working mothers, although the two groups overlap. In fact, proportionately more mothers work in families with annual incomes above $10,000 than in families with incomes below $3,000. This paradox is understandable because more middle-class women have marketable skills and have the money to pay for maids, babysitters, private nursery schools and other forms of child care. But some of the confusion that surrounds the child-development issue is caused by the fact that mothers in quite different circumstances—the highly paid advertising woman who lives in Scarsdale, the factory worker's wife trying to eke out her budget in Queens, the 17-year-old unwed mother just arrived in Bedford-Stuyvesant from a farm in South Carolina—are lumped together for purposes of discussions, and arguments which would be applicable to the family circumstances of one woman are used to justify or attack programs to help women in entirely different circumstances.

Although children from every kind of family could conceivably participate, the real emotional force behind the drive for comprehensive child development is the desire of liberal, compassionate people to improve the chances in life of children from the nation's worst-off families—migrant laborers and sharecroppers, unemployed miners in Appalachia, impoverished Mexicans, Puerto Ricans, Indians and blacks. Two-thirds of the places in the child-development centers would be reserved for the children of these low-income families.

In testimony before a Senate subcommittee, John Niemeyer, president of the Bank Street College of Education in New York City, graphically described the plight of families trapped in a city slum. "These families needed all kinds of help," Niemeyer reported. "Typically there was a mother with four or five children, a father not in the picture regularly—although more than a little to do with Mr. Nixon's decision.

Most conservatives in Congress bitterly oppose President Nixon's Family Assistance Plan, better known as "welfare reform," a creditable if modest attempt to introduce the principle of a minimum income for every family. In opposing to the Comprehensive Child-Development Bill, they argue in much the same way as they do against President Nixon's Family Assistance Plan. Unstated but clearly visible is their conviction that a guaranteed minimum income for poor families would merely encourage them to have more babies. Their second conviction is that the poor are financial failures solely because of moral turpitude or personal weakness. If they are poor, they deserve to suffer the consequences. (This is the converse of the sentimental liberal view that the poor cannot be held morally accountable to any degree for their behavior and that society is to blame for everything.) Rejecting the evidence of new psychology and old common sense, conservatives insist upon applying a rationalistic carrot-and-stick economic theory as if welfare mothers were so many calculating Benthamites. If only the right economic pressures can be found, these conservatives believe, welfare mothers can be squeezed off welfare and onto private payrolls—as if a woman's employability in the market place were the highest test of her moral worth or her usefulness to society.

In trying to sell the Family Assistance Plan, Mr. Nixon has pandered to these conservative prejudices—and involved himself in a glaring contradiction. Thus, his welfare bill would provide $750 million annually to pay for day-care centers for the children of welfare mothers, so that these women can be trained and can work. It would apply initially to women with children over 6 and, after a short time, to those with children over 3. But in vetoing the Mondale child-development bill last December, Mr. Nixon piously warned against committing "the vast moral authority of the national Government to the side of communal approaches to child rearing over against the family-centered approach." Why is it right to coerce welfare mothers to put their children in Government-financed day-care centers in order to go to work and wrong to assist other women who voluntarily want to do the same thing?

Liberals and radicals, on the other hand, argue vigorously in behalf of comprehensive child-development centers for reasons which have only indirectly, if at all, to do with children and the family. They want child-care centers to energize the parents and get them involved in the community. Mrs. Maurien McKinley, associate director of the Black Child Development Institute in Washington, expressed a view put forward by numerous witnesses: "We believe that child-development centers can be the catalyst for total community development. It is to the advantage of the entire nation to view the provision of day-care/child-development services within the context of the need for a readjustment of societal power relationships. . . . As day-care centers are utilized to catalyze development in black and other communities, the enhanced political and economic power that results can provide effective leverage for the improvement of the over-all social and economic condition of the nation."

Translated from sociological jargon, this is the community-action theory which underlies the poverty program and the Model Cities program. It is the theory that only if the poor are organized and power taken away from "the Establishment" is progress possible. All the establishments—the politicians, the schoolteachers, the social workers, the doctors and medical administrators—are regarded as more harmful than helpful to the poor because of their heavy-handed paternalism. Without getting into the pros and cons of this complicated argument, one can see that the theory of community action has more to do with helping adults to fight City Hall than with helping fathers and mothers to rear their children.

Politics aside, however, President Nixon's argument against actively encouraging the shift from the family to the day-care center as the prime agent in child-rearing goes to the heart of the issue. Are child-development centers desirable for any children other than the most damaged and deprived? The unpopular truth is that any community facility—call it a day-care center or a child-development center—is at best an inadequate, unsatisfactory substitute, and at worst a dangerous, destructive substitute for a child's own mother.

In the months of infancy, a child's whole universe consists of himself and the person who feeds him, dresses him and responds to his cries and other signals for attention. Although the development of a human being is imperfectly understood since babies cannot talk, intensive research by Dr. Margaret Mahler and other experts on what psychiatrists call the "separation-individuation process" shows that in the period from approximately 6 months of age to 2 years, critically important events are taking place in the formation of a child's personality. During those months, he learns that his mother is not just an extension of himself, that he is a person in his own right, that his mother can leave him and that there are other persons in the world besides himself and her.

Superficially, it is true that anybody can feed a baby or change his diapers. But in the most profound emotional sense, a baby's whole sense of himself depends upon the warmth and consistency of the relationship that he has with the person who takes care of him. If he is indifferently or inconsistently treated by a succession of various adults—as he would tend to be if left in a day-care center for 8 or 10 hours a day—he is truly a deprived child. Psychological research indicates that anxieties, depression, passivity and other serious handicaps may develop. From 2 to 3 years of age, a toddler learning to talk and to run about can begin to stutter or suffer other impairments, from slight to serious, if he is subjected to severe emotional upheaval—such as a shift from family care to day care. In the years from 3 to 6, other important though less dramatic stages of development unfold in the child's life. For these reasons, most well-run nursery schools which serve middle-class and upper-class families rarely take children before they are 2½ or 3 years old, and do not keep them more than three or four hours a day until they are at least 5 years old.

Day-care centers have become important institutions in this country in recent years as the number of working mothers has increased, but other nations have had much longer and more extensive experience with them. Dr. Dale Meers, a Washington psychiatrist, has reported on a study of programs in the Soviet Union, Hungary, East Germany, Czechoslovakia, Greece, Israel and France. The report, published by the U.S. Office of Economic Opportunity and entitled, "International Day Care: A Selective Review and Psychoanalytic Critique," is hardly an encouraging document. In the Soviet Union, Dr. Meers reports, senior officials who run the day-care centers do not make use of them for their own children. "Their preference [is] to use their incomes to employ someone to care for their children at home." Dr. Meers found that Hungarian officials hoped eventually to eliminate day care for children under 3 because of the "manifest unhappiness" of the child. In Czechoslovakia, the best day care "appeared hygienic, sterile and depressing." In every country, Communist and non-Communist alike, officials encountered serious problems of staffing and rapid turnover.

"Nursing staff covertly resist continuity of care of one or more babies. Indeed, it was a common experience, internationally, that care-givers often could not readily identify their children by name and, with babies, did not know with certitude whether each one had been fed. . . . The younger and less active the child in the day nursery, the smaller the amount of attention he received.

"Multiple mothering all too frequently provides an uncoordinated octopus. The multiplicity of care-givers, their overlapping of shifts, their replaceability for illness or holidays, their departures for other employment, all leave the very young child accommodating first to one and then to another."

The enthusiasts of day care more often point to Israel where many children are communally reared in the kibbutz. But more sophisticated advocates agree that Americans have a tendency to idealize the Israeli situation. "One must draw on one's own cultural tradition, one's own identities," for the institutions that will solve the problems, Dr. Urie Bronfenbrenner of Cornell University observed to the Mondale subcommittee. Israel is a small, beleaguered nation with the uniquely high morale of a people who feel themselves under siege and fighting for their very existence. No comparable sense of common danger and common destiny informs communal life in the United States, a vast, rich, diverse and relatively sheltered country. A kibbutz, moreover, is a small, agricultural community where the parents work in the fields close by the "children's house" and are available to their children for three or four hours a day in the late afternoon and early evening.

Israeli practices in communal child rearing are the subject of intense controversy both within Israel and among outside experts. The evidence is not all in because really thorough scientific studies are only now being conducted, but there is some indication, as Dr. Bruno Bettleheim reported in his book, "The Children of the Dream," that kibbutz-raised children show significant personality differences from children raised in the conventional family. For example, the kibbutz children get along well with their peers and are very loyal to their group, but often seem incapable of deep emotional attachments and creative intensity.

In short, the experience of other countries with state-provided communal child care on a large scale does not suggest that this is a course on which the United States should enthusiastically embark. The risks for many, though not all, children range from mild neuroses and developmental lags to serious maladjustments.

Nor does the evidence cited in the Mondale Subcommittee's own hearings support the exaggerated claims made for parental involvement and control. The AFL–CIO, a principal supporter of the bill, submitted a lengthy, glowing report on a day-care center operated in Chicago by the Amalgamated Clothing Workers Union for its own members. The report states: "Because the parents work, they are not free to come into the center during the day to investigate its benefits; after work, they are tired, with little interest in coming to evening parents' meetings. Therefore, education of the parents with regard to center capabilities is a slow process. There has been only one parents' meeting held, on a Sunday. Attendance was 50 per cent. The parents do bring the children in the morning and pick them up at night, so there is a brief opportunity to see what the children are doing and to visit with the staff."

That is the actual degree of parent participation in a center which the AFL–CIO describes as "a Rolls-Royce of day care."

There is a radical alternative to child-care centers which I believe would avoid the staffing difficulties, the psychic risks and the other drawbacks of communal care: Pay mothers to take care of their own children in their own homes.

Many years ago, Dr. Benjamin Spock put forward the ideal solution in his characteristically simple, straightforward language. In "Baby and Child Care," he wrote: "Some mothers have to work to make a living. Usually their children turn out all right because some reasonably good arrangement is made for their care. But others grow up neglected and maladjusted. It would save money in the end if the Government paid a comfortable allowance to all mothers of young children who would otherwise be compelled to work . . . It doesn't make sense to let mothers go to work making dresses in a factory or tapping typewriters in an office, and have them pay other people to do a poorer job of bringing up their children."

A comparison of costs suggests that the Federal Government, if it chooses to do so, can as easily pay a mother to take care of her own children as to finance them in a day-care facility. Most working mothers, unless they have high professional qualifications, would consider themselves fortunate if they found work paying $150 a week ($7,800 a year). After deductions for Federal and state income taxes, Social Security, union dues, lunches and carfare, their take-home pay would be about $100 a week, or $5,200 a year. To provide the kind of comprehensive child care which the Mondale bill envisages could easily cost $2,600 a year a child. If that sum were paid directly to the mother of two children, she would have as much income as if she went out to work.

Such an approach would not solve all the problems of all the broken and overwhelmed families at the bottom of the heap. They and their children would still need the kind of direct help that social workers have long tried to provide. But the direct approach would meet the needs of the millions of children of the working poor and of those middle-class single parents—widows, widowers and divorcees—who are perfectly capable of coping with life and taking care of their own children if only they had more money. The financially well-off mothers who work only for their own satisfaction would not benefit, because any family allowance they received could be largely offset by higher taxes.

True equality between the sexes is wholly desirable, but the liberation of women must not become a potential defeat for young preschool children. Women should not try to combine a full-time job with raising small children. It is a rare and exceptionally gifted woman who does something more important in the outside world than she does during those critical first six years when she is helping to form the personality and character of a child.

Essentially, it is a matter of making a rational choice. If a young woman decided to join the Peace Corps, she would know that she was signing up for two years of her life. If she decided to go to medical school, she would know that she was committing herself to four years of hard work, I suggest that if a woman decides to have a baby, she should know that she is signing up for six years before she can return to work full time.

The direct, simple method of paying parents to stay at home with their children is perhaps utopian, basically because Americans do not believe in the family as much as they think they do. No one can say when or if Americans will reinvigorate those values which make parenthood the most serious human vocation, which are essential to sustain happy, effective families and which, if practiced, would truly make this country what it now mistakenly thinks it is—a child-centered society.

STATEMENT BEFORE SENATE SUBCOMMITTEE ON CHILDREN AND YOUTH AND SUBCOMMITTEE ON EMPLOYMENT, MANPOWER, AND POVERTY

My name is Ernest van den Haag. I am currently professor of social philosophy at New York University and lecturer in sociology and psychology at the New School for Social Research in New York City. I am a member of many professional organizations and was a Guggenheim Fellow and a Freud Memorial Lecturer. A psychoanalyst in private practice, I am the author of four books and about seventy articles in learned journals and perhaps a dozen chapters in books edited by others. My work has been concerned with many kinds of socio-psychological problems, including the rearing of infants and children.

I

The bills before this committee are meant to help children. Nobody could quarrel with this end. Unhappily, the preponderance of evidence indicates that the means proposed would harm children, perhaps irreparably. For these bills would lead to the progressive bureaucratization and depersonalization of child raising.

We are witnessing severe political struggles about the public schools and their control. People fight about teaching methods, teachers, curricula, busing, etc. Students themselves have become so politicalized, and the authority of teachers so weakened, that the schools have become battlegrounds, with violence, drug addiction and far too little learning. The bills before you do not intend such an effect; however they seem likely to extend the politicalization and bureaucratization of children farther down the line—on the assumption that the government knows how to provide "healthful and stimulating development" of children. If the government has such knowledge it is a well kept secret of which the scientific community is quite unaware.

The major purpse of S. 3228 and S. 3193 is to take care of the children of working parents in day care centers federally funded and locally controlled. It is assumed

(1) that the care to be given to children in the centers to be subsidized is as good or better, or not much worse, as the care now received at home;

(2) that the parents cannot or should not be helped by alternative means to take care of their children; that the means proposed have been demonstrated effective and better than alternatives; and that the help proposed is needed;

(3) that parents, particularly low income parents could not, or would not, or are not experts enough to provide for their children themselves; (Obviously if low income alone were the trouble, if disinclination, ineptness, or malevolence, were not assumed, an income subsidy would be the remedy, and not government sponsored institutions.)

(4) that the provisions of these bills will not encourage parents to wantonly shift the upbringing of children to the government, or to bring into the world children they are unwilling or unable to raise themselves.

II

Let me turn first to the last point (4). Most welfare measures in the past have made the mistake of assuming that we are dealing with a fixed quantity of cases to be subsidized. But usually the subsidy given tends to encourage and multiply the very situations being subsidized. The bills before you ignore this lesson and repeat this mistake. They will encourage, almost morally and materially entitle, women to bring children into the world when they are not, or not yet, willing or able to devote to their children all the time and effort needed. We should instead help such women not to have children, until, and unless, they do want children and are willing, ready, and able to bring them up themselves.

The problem addressed by the bills before you was generated not by increased poverty but by greater opportunity. At the turn of the century 4% of all married women were in the labor force. At the present time more than one third are—double the number of single women. The percentage of mothers of young children at work has steadily risen. Nearly one fourth of these mothers are now working. They entered the labor force as their family income increased. Their working is hardly due to direct economic pressure, although heightened aspiration may play a role. The trend developed first among middle class women when there was very little economic benefit: the cost of replacing the mother at home often offset her earnings outside. Apparently many mothers work largely because outside work is more interesting to them, or prestige bearing, than taking care of their children. The bills before you will permit families to shift more of the cost of child raising to the taxpayer. This will increase the net gain from the outside work of mothers.

I can see no reason for Congress to encourage or to morally legitimize this practice. Our society still can let women have as many children as they wish, if they enjoy bringing up children and can devote themselves to them and want to do so. But why should our society encourage women to have children unless they are willing and able to bring them up themselves? The U.S. is not underpopulated. Women who do not want to bring up children should be helped not to have children—not encouraged to have children when they cannot, or will not, take the time to bring them up. More is involved than the inequitable shift of the cost to the taxpayers: the upbringing provided outside the family by the care centers to be subsidized is unlikely to help us raise healthy children and likely to cause frequent psychological harm.

III

Let me turn now to points (2) and (3). Changes in circumstances, or motivations, may lead parents who intended to bring up their children themselves to delegate this task to others. How can we help these parents without increasing their number?

Many private institutions, formal and informal, now take care of these children. There is no reason whatsoever to believe that officially sponsored institutions would do any better, or will be less expensive, or will indeed have any advantage over present private arrangements. Experience indicates that the return on the dollars spent will be much less than at present, and the care given children more bureaucraticized, the flexibility of institutions reduced. One need only compare present private and public schools in any major city.

The present arrangements range from neighborhood mothers taking care of each others' children to a variety of formal institutions. If and where help is needed it would be far better to help mothers make their own arrangements than to create a new layer of bureaucracy. Money could be allocated through presently existing social agencies to help insolvent parents to make whatever arrangements they prefer for their children. Such money should first be allocated on an experimental basis.

IV

I turn now to the first question. (1) Are day care centers likely to improve child rearing? Can they replace, or improve upon, the home?

Far too little is known about child rearing. However what is known suggest that even the best of institutions cannot serve a small child as well as the average family. Yet most of the institutions proposed will not be the best.

Chances are that they will be staffed by people no less average than those that staff our schools now.

The public has been misled for many years to believe that teaching can be improved by training prospective teachers in specialized institutions—schools of education. There has been no indication, let alone demonstration, that teachers teach better, that pupils learn more, or, that the "whole chld" benefits from this training. No better result may be expected from training people for day care centers proposed by the bills before you.

Such training will be fruitless for we do not know what the "right" way is of dealing with children. Possibly there are as many "right" ways as there are "right" persons. Infants and children react to the personalities and the emotions of those who deal with them and not to what these persons may have learned. Personalities cannot be shaped or even influenced by cognitive "training." And there is no reason to believe that we will hit on any selection process to insure that day care centers are staffed by the right kind of person. Experience with teacher selection or with social workers is highly discouraging. Yet infants and children are far more vulnerable to even the subtlest of malpractices than are adults.

Up to the present the development of children has been left to families who have brought up their children largely by traditional means. Scientific theories of child rearing have veered from one extreme to the other. In the 1920's Dr. Watson's behaviorist prescriptions had great scientific prestige. He insisted on inflexible schedules from the beginning, warned against any mainifestation of affection and particularly against cuddling infants, picking them up when they cry, etc. Today, Dr. Spock's quite opposite theories prevail, though they are beginning to lose prestige. In addition, there are more sophisticated psychoanalytic theories, some of which, in vulgarized form, have reached schools of education and other institutions.

Suppose the bills before you had passed in Dr. Watson's time. The damage to children would have been literally immeasurable if presently prevailing theories are true. But the evidence for the presently prevailing theories is no more conclusive than the evidence was for Dr. Watson's theories.

We know very little about the right institutional handling of children. Where we have some measure of success it is due to extraordinary people, such as Bruno Bettelheim in his institution in Chicago. But we cannot hope to staff the proposed institutions with extraordinary people. On the contrary, chances are that the position to be staffed—low in income and prestige—will attract indifferent people Physicians learn: *primum non nocere*—above all do no harm. Perhaps social physicians can adopt this motto from medical man.

V

The belief, implied in the bills before you, that we know and can deliver by social mechanisms the right way of bringing up children is not only undemonstrated but demonstrably false. Infants, and children of tender age, need, above all, firm yet affectionate, concerned, spontaneous, individual attention, in a stable and lasting relationship with maternal and paternal figures who provide support, models, and sources, as well as objects of affection.

Such relationships need not be provided by actual parents. Parental figures can take their place if parents are not available. But a changing staff of government sponsored centers cannot. It lacks the all important element of stability. Nothing is more important for a small child. Nothing could be more harmful than the repeated disappearance of adult figures in whom the child has invested affection. Depending on age, the development of "object relations," and later of a "supergo," will suffer if the child repeatedly has important relationships with people who disappear. And nothing could be more cruel than to impose on small children these perceived abandonments. Yet the bills before you could do no less. Apart from instability I believe that the spontaneous individual affection hired hands can provide will in most cases be distinctly inferior to that of parents, be they ever so poor.[*]

VI

Every effort should be made to make it clear to women that to truly want children implies wanting to bring them up and waiting until one is able to do so. There is no point in having children only to entrust them to day care centers for most of the time at a tend age. It is only the totally unwanted child that might be better off in a day care center. We should minimize the number of these unwanted children first. Secondly, we might help mothers, when required, to place children they will not or cannot take care of, into already existing private, or privately organized, institutions.

Congress might want to finance a few small experimental institutions to try out how effective or useful government sponsored day care centers could be. As Daniel P. Moynihan has shown rather conclusively in his *Maximum Feasible Misunderstanding*, social science, at the present time, is in a position to produce testable theories, and the methods by means of which they can be tested. However the assumption that social science has as yet produced a tested theory of child rearing is sheer fantasy. Only a few variables have been detected. And they suggest that family care should be encouraged, not replaced.

VII

Good men, with good intentions often have produced undesired effects. I am convinced that the bills before you would do immeasurable harm to children and I urge you not to pass them. Previous governmental appropriations have had "so little effect" on education according to Dr. Moynihan (The New York Times, Jan. 10, 1972) ". . . as to be naught." "School inputs," he continues, "such as per pupil expenditure" have "an extraordinarily weak influence on educational outputs." Whether or not one accepts the reasons that Dr. Arthur Jensen has given for the failure of the Headstart program to achieve any permanent improvement in the learning ability of pupils, no one has seriously questioned the bare fact of the failure itself. That failure was, and is costly. But the harm it does is largely financial. It harms the taxpayers and fails to benefit the children. The bills before you are much worse: they would harm the children as well.

VIII

Congress has long realized that the war in Vietnam cannot be won by throwing in more and more resources. Unlike his predecessors, Mr. Nixon agreed, and has gradually reduced the resources used. Perhaps it is time for Congress to realize that the "war" against whatever actually or presumptively ails our society, including difficulties in child rearing, cannot be won by throwing in more and more resources, after those previously used have been shown not to improve matters. Congress might even want to consider whether what is held out as the cure may actually be the disease.

STATEMENT TO THE SENATE SUBCOMMITTEE ON CHILDREN AND YOUTH

(By Dale R. Meers)

As an introduction, I would note my ambivalence in accepting, an invitation to testify on daycare legislation. My professional and research commitments are essentially clinical and my past evaluations of daycare were incidental, if not fortuitous. But it appears that my work and observations have been unusual in that I have observed daycare from the point of view of its impact on psychiatric vulnerability. In 1971, a majority of Congress, and a range of other experts clearly stated their approval of early daycare. If a majority vote could make group care of young children psychiatrically safe, I would be most pleased. The good intentions and enormous labor that have gone into your deliberations on daycare leaves me hesitant to criticize. Yet, as presently presented and I refer hereafter primarily to S. 3193, the proposed daycare legislation contains a range of contradictions and dangerously false assumptions.

I received a long distance telephone call from a national TV program researcher last week who wondered if she had reach the right person, i.e. she asked if I was *the* person who was against daycare. I would assure you, as I did that lady, I am no more against daycare than I am against birth defect clinics, morphine for surgical patients or methadone for heroine addicts. Group daycare is needed today, and urgently so, because of other *failures* in our social institutions. There are clear and *explicit* dangers in early group care and such services should be developed and administered with a clear understanding of the risks that are attendant on its misuse: For the past eight years I have worked with three research projects, all of which have concerned our innercity black families and the vulnerability of their children to intellectual and psychiatric damage. I am convinced that intellectual dysfunction and academic retardation of the ghetto reared child is directly related to his exposure to early and continuing traumatizations. My present research has extended to a representative sample of 26 families in the inner city. It is dramatically clear that even severe psychopathology goes undiagnosed, and of course untreated. I wish to emphasize here that the needs of the children of our inner city families are far greater than this legislation assumes.

I am both a psychoanalyst and a social worker. My concerns for the impact of malignant environments on the mental health and intelligence of children has extended over almost two decades. Skeels' controversial and exciting research on the reversibility of *retardation* via modifications in environments, and Kanner's contrasting studies on the *brilliance* of autistic, psychotic children of gifted families were particularly influential in my own research. My concern for the total lack of psychoanalytic treatment for disadvantaged black children led to my affiliation, in 1964, with Children's Hospital and my subsequent research work there. My interest in daycare derived directly from research sponsored by NIMH. Our planning began with the idea that early daycare might prove both a valuable service to the innercity family and also a vehicle through which childhood retardation might be reversed. Eight years ago I would have been unreservedly supportive of daycare for the very young.

It is rare that psychoanalysts or psychiatrists have direct concerns for normal populations of children, i.e. other than as consultants or researchers. We are more accustomed to treatment of existing forms of psychopathology, and to the exploration of the causes of types of illness. Intrigued by Bronfenbrenner's accounts of Soviet experience with early childcare, and further challenged by a USSR text bequeathed us by Professor Zaporozhets in 1964, I began a literature review and correspondence with child development staff and researchers in East Berlin, Prague, Budapest—and later Moscow. In two separate trips I reviewed an extended range of daycare, and institutional facilities, under most auspicious sponsorship. My colleague, Dr. Allen Marans, studied daycare in Paris, Israel and Athens in 1963. From such studies and from a more direct experience in Washington, I became increasingly concerned that the use of early daycare was fraught with psychiatric dangers that are as severe as those of the latch-key child of the streets.

Legislative alternatives

I gather that there are several daycare bills that are in differing stages of consideration. I am not familiar with their differences, though I understand that they vary enormously. I will restrict myself to S. 3193. I have been advised by well intentioned colleagues and friends that I might be stigmatized by accepting Senator Buckley's invitation, and that my critical testimony would be used to damage this legislation. I think I am more exploitive than exploited since my intent is to underscore inherent limitations of this bill so that they might, hopefully, be remedied before this bill is considered by the Senate.

There are several aspects of this bill that I think are clinically dangerous. I have been advised that this Committeee has accepted an ambiguous recommendation by the Joint Commission on Mental Health of Children as indicating that the field of psychiatry sees no danger in early daycare. The Joint Commission recommended "the creation of high quality, universally available pre-school education and day care programs which are continuous, *based on sound knowledge of child development*" (emphasis supplied). That recommendation represents a compromise between good intentions and professional ignorance. Daycare programs can *not* be based on "sound knowledge of child development" because of the simple fact that we have only limited data on the impact of surrogate group care on early development, and such psychiatric data as is available is anything but reassuring. This recommendation of the Joint Commission needs to be directly juxtaposed to its other recommendations on research, viz. that "there is a *drastic* need for longitudinal studies of human development; multivariate research; and for more epidemiological studies. It is apparent that those who drafted this legislation could not have been oblivious to some sense of danger since Sec. 551, 552, which provides for research, clearly implies the obvious, viz that little enough is known of the impact of group care on normal psychological maturation at this time.

Any casual observer of the inner cities, of Appalachia and our migrant workers will appreciate that the needs of our damaged families and their distressed children is *now*. They cannot wait for the evidence of research which is necessarily protracted over many years. Given the fact that particular distressed families merit the earliest of relief, it does *not* follow that it is in any way desirable that otherwise adequate families should be led to believe that early day care is necessarily safe for their youngsters.

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[*] It is for this reason that wherever possible, homeless children are now entrusted to foster parents, rather than institutions.

The risks of early day care

It is salient to recall the severity of damage that can derive from depersonalization of infant care. I quote here from a paper prepared by my former colleague, Dr. Allen Marans, from our NIMH study:

"In 1908, Dr. Henry Chapin, who later conceived the foster home idea, published his observations on "atrophic" infants who had been in institutional settings for long periods of time. In 1915, at the annual meeting of the American Pediatrics Society, the high institutional mortality of infants was discussed. Chapin discussed ten infant asylums located in different cities of the United States. In all but one institution every infant under two years of age died. Among those who discussed Chapin's paper was Dr. Knox, who described a study which he had made in Baltimore. Ninety percent of 200 infants admitted to various institutions in the city died within a year. He attributed the survival of the remaining ten percent to the fact that they were removed from the institution for short times and given the care of foster parents and relatives."

Chapin's "atrophic" disability is better known by the name of marasmus. It is rarely found today in modern facilities, but it took some twenty years of research to convince our established institutions and concerned legislatures to evacuate infants from such care—and we still see residual resurgences of infants placed in institutions even in this city, *vide* Junior Village. The research of the 1920's clarified that marasmatic deaths could be avoided by TLC. But in its place a lesser but more insiduous malady soon became evident. Psychobiological failures that are manifest in apathy, motoric and intellectual retardation appeared commonly in hospitals. The dysfunction was labeled "hospitalism." The term is a guilt reducing misnomer in that the label implies that a physical setting is responsible rather than a failure in human nurture. Levy, Spitz and later Bowlby extended the clinical study of forms of developmental failures and depression in small children separated from parents. Studies on maternal and affective deprivation have questioned, time and again, that typical accommodations include mild retardation, and sociopathic and psychopathic personalities.

I know of few researchers who dispute the probability that mild to severe developmental failures derive from "institutionalization." What is usually argued, however, is that institutionalization syndromes are an all-or-nothing matter. If true, and if the pathologies were only a consequence of long term separations from a family, then such findings would be irrelevent to daycare.

Children reared by their own families within institutional walls do not suffer from developmental insults. The problem is one of human relatedness, of an invested child-parent interaction, an emotional engagement that blossoms into a love affair with life. For the infant who spends the predominance of his waking hours in group daycare, relationships are fractured. The USSR and the East European nations appear to have some 50% of their preschool children now in daycare. It is clear that they are concerned about the prospects of "hospitalism" in their centers, and Professors Tur, Aksarina and Schelovanova are notable for their technical innovations in child management (that are introduced to avoid the malady). I gather from rereading one of Dr. Caldwell's papers that she and her staff were also concerned, that they restricted their child placements to babies over six months and most of their study population had started after the age of one. I was advised by a member of your staff that the child ratio to adult caretaker was reduced by 50%, i.e. from 8 children per adult to 4 or 5 per adult. If those who drafted this change were secure in the idea that group daycare was *not* potentially hazardous, why should the ratio be kept low?

The point I wish to stress is that in attempting to remedy known ills of street-corner daycare, present legislation can inadvertently supplant one malady with another that is equally severe. Early daycare is not an unmixed blessing, yet this legislation infers that daycare is desirable, rather than specifically, remedial.

In August of 1967 I sat in the Budapest office of Mrs. Magda Lazlow, an ageless, powerful woman whose gnarled face seemed almost more communicative than her interpreter. Mrs. Lazlow, as best I could understand, was the Director of the Hungarian Bureau of Child Care. My interpreter was a pediatrician who had difficulty conveying my research interests. In an exchange with her colleagues, Mrs. Lazlow nodded with evident whimsey as she made some pronouncement. As her colleagues smiled in response, I wondered about the exchange. My interpreter, with some embarrassment, replied that it was Mrs. Lazlow's reflection on a Hungarian proverb that had somewhat the same meaning as "coals to Newcastle." The allusion quite escaped me and I asked for clarification. Mrs. Lazlow then detailed her early involvement in daycare, at the time when the war made daycare a literal matter of survival. The aftermath of the war brought such further economic hardships that it was essential to have the labor of all healthy adults. Daycare continued as an economic necessity that simply outweighed the obvious pain and suffering of the youngsters in such care. Mrs. Lazlow concluded that it was their intent to limit daycare for children under the age of three as quickly as economics permitted. Her surprise over my research interests derived from the fact that the United States was accepted as the richest nation in the world. Why then should the most affluent of nations wish to inflict on itself something that they, among the poorest of Europeans, were trying to rid themselves of?

Such concerns derived from humanitarian motives, and were quite similar to those that sustained the research of Langmeier and Matejcek in Czechoslovakia. In updating my data for my 1971 OEO paper on daycare, I corresponded with researchers in Prague, and elsewhere.

Despite the Stalinization of the government, to my surprise, the research on the distress of young children in daycare had sufficed that Czechoslovakia had *reversed* its national policy and was actively dissuading its citizens, by national TV, from further placements of children under the age of three.

I would like to emphasize in this context, that such attitudes towards daycare were based on humanitarian concerns, and not on research related to psychological impairments or psychiatric symptomatology. Communist nations are as misguidedly dedicated to Pavlov in matters of psychiatry as they have been to Lyschenko in agronomy. Research on the effects of social institutions was forbidden by law in the USSR and in Czechoslovakia; the question of psychiatric consequences has been almost totally ignored. In my own study and observations of Communist centers, I was singularly depressed by what I saw, so much so that it seemed inane to continue to photograph room after room, center after center of passive and despondent youngsters. In speaking with staff about the age at which different children had entered particular daycare centers, it seemed to me that one could visually discern direct relationship between the passivity and length of time the children had been enrolled.

Psychoanalytic experience over the past seventy years has contributed a considerable literature on the vulnerability of the young to psychiatric damage. The younger the age at which excessive accommodation is demanded, the more severe the psychobiological outcome. I have heard advocates of early daycare urge that since it is not possible to demonstrate that severe pathology necessarily results from such care, that there are no grounds for opposing it. The speciousness of such a contention is evident if one asks if such a criterion should have been applied to Thalidomide.

As I understand S. 3193, it would support, and implicitly encourage, intact families within particular income levels to use daycare. The popular media has extended the erronious notion, which was implicit in Senator Mondale's previous, 1971 bill, that daycare offers some educational advantages. I do not understand where this idea originated, though I once shared it as a prejudice. The USSR does *not* try to use day-care as an educational vehicle; indeed, that country initiates its educational efforts a year later than we do in our public schools. While I have heard daycare offered as a *remedial* effort, one that is programatically related to Head Start, I do not know of documented successes. Dr. Caldwell's paper, "Infant Day Care and Attachment" notes that her data showed that it was possible to devise programs which circumvent developmental *decline*. Since she is here today, I would be interested in learning if she would cite published studies that document that such declines have been reversed in later school years.

Let me summarize my objectives to this bill: (1) it infers that there is no danger in early daycare, which I think is singularly untrue; (2) in failing to designate that daycare is remedial in its *intent*, the legislation infers that intact families can securely use such facilities; and (3) since daycare is only remedial at best, it bypasses the basic problem of prevention.

I would like to extend the latter point by recalling Senator Mondale's conclusion that something occurs within the disadvantaged family that stunts and cripples the minds and motivations of their children. Referring to the greater advantages of middle class families, Senator Mondale contrasted the higher level of functioning of their children. If it is true that secure families can produce brighter and healthier children, and if it is true that daycare can only "circumvent developmental decline", then daycare is simply not enough. The major problems that beset the innercity family are extended, chronic and severe. They are not only familial, but are a function of failures of the community to effectively ensure adequate housing, protection from incipient and chronic violence, employment security, etc. I'm certain the Senator knows this better than I. My point here is that daycare has particular value if used appropriately. But if it is oversold like Head Start, or if it is inadequately funded and structured, then failures will be inevitable and a worthwhile, albeit limited, service may be needlessly discredited.

Staffing and financing of daycare

If daycare were to be limited to only those families that could not provide adequately for the developmental wellbeing of their children, there would still remain particular problems of organization and staffing essential to the psychiatric health of the children. All child care programs that I know of internationally, including those of the Kibbutzim, have had chronic problems in obtaining and keeping appropriate staff. The Mondale bill contains a most interesting staffing possibility, viz, that of recruiting and educating parents who might use the centers. The notion is innovative and seductive, but I fear that it is both impractical and ill advised. Those families who have greatest need for protective and supportive help via daycare are the least able to invest themselves. Many such women are clinically depressed, many are physically exhausted, and the failures they have experienced with their own children leave them ill prepared to participate. I suspect that those who drafted this provision will be concerned with costs, and concluded that an economy might be realized by use of families or volunteers. I would also conjecture that some well intentioned, clinically minded aides might see in this provision a type of group education for distressed mothers. If so, the sponsors of this provision grossly underestimate the severity of depression and overwork of our most needful black mothers.

My earlier limited experience with Washington, D.C.'s Capitol Day Care Association left me singularly impressed that those self-conscious and active women who fought for daycare did so to obtain better supervision of their youngsters so that the mothers could be free to obtain the best paying jobs possible. I cannot imagine such ladies accepting part time, low paid employment if they could help it.

Daycare is expensive if it is to be organized and directed effectively. The most apparent reasons for the high rate of staff turnover in other countries appears to be the fact that daycare staff have been paid less than competitively. As a second and dramatically important consideration to the children, when adult-to-child ratios go as high as eight or ten children to one adult caretaker, then childhood distress increases astronomically. In the face of evident and continuous childhood distress, empathic and emotionally responsive women experience sufficient pain themselves that they do not continue in such employment.

If we are to have effective daycare that minimizes depersonalization of young children, then staff ratio of this bill may still be too high. The costs of such centers and such staffing is very high. The estimates of costs per child of $1600, when compared to Communist data, appears less than half of what will be needed. Let me recall that the children we are concerned with suffer quite disproportionately from personal injuries, illnesses and familial problems that make their care all the more problematic. If Congress is loath to expend a greater amount of money for any particular fiscal year, it is better by far to limit the intake of children so that they can be adequately cared for than it is to extend the service by cutting the cost per child. The latter course, it seems to me, is certain to cripple daycare, if other problems do not.

Morality, Ideology and the Structure of Society: I gather from a speech of Senator Buckley's that he is deeply concerned about an indirect assault on the conventions of the family by those who purport to be experts in child care. I can easily understand the *source* of his concern. In a position statement intended as a response to the recommendations of the Joint Commission on Mental Health of Children, a group of prominent educators have noted their conviction that the conventional family is abandoning its role in moral education and that the educator is prepared to fulfill this function as the child is exposed to ever earlier educational direction. Dr. Caldwell and her associates go even further, and echo Bronfenbrenner's conclusions in the ideological orientation of Soviet daycare. In the Caldwell paper previously mentioned there is a most exceptional judgment. The authors are disarming in first noting "When we talk about 'group care for infants', it is easy to have it sound as though we are proposing something radically deviant for the children."

If they do not believe that their next idea is *not* "radically deviant," I would surely like to know what would qualify for that label. That quotation continues:

"In the Western world of today with its ticky-tacky houses, Dick and Jane and mother and dad readers, and our carefully nurtured concern for territoriality and for "mine" and "yours," it is easy to forget that historically speaking and right up until recent times, "group care" was the species pattern for infants and children of Homo Sapiens."

Two sentences later they conclude, rhapsodically, that in extended family settings that day care approximates, there is never a question about who belongs to whom. Bronfenbrenner, it should be added, has probably exacerbated concerns such as those of Senator Buckley by his conclusions that day care is a deliberate Soviet vehicle for bypassing the family to educate the new Communist Man.

In my observations of the functioning of Communist systems, I could never find substance to the idea that group day care could ever be effective in inculcating ideological views. The problems of day-to-day management in the best of centers give rise to exhausted staff and a constant struggle to maintain the system. I am less than troubled by those who would see day care as a vehicle for *purposeful* modification of the family and our social system. But I am most concerned that the conditions of group care may lead to inhibitions in independent functioning as an inevitable consequence of early conditioning. If social disaster is to come insidiously through massive programs in childhood experiments, then it will come, I am convinced, via depersonalization, *subtle* developmental failures in personality structure, and in marginal intellectual capabilities.

I will conclude my comments with one brief vignette. Our interpreter in Leningrad, Mr. Boris Lavitman, was a rather remarkable young man who happened fortuitously to be the director of the city's staff of professional interpreters. Mr. Lavitman courteously translated, time and again, a range of sociocultural questions that, as he later noted, struck him as odd because they appeared so distant from the subject of daycare. Over vodka on a very cold day, when we were concluding our study with a lunch, Mr. Lavitman confided that he had been talking with his wife (who suffered, incidentally, from a severe claustraphobia) about the long range consequences of daycare that I was concerned with. He and his wife had reviewed the number of married couples they knew personally, and the total was something like 50. Both Mr. Lavitman and his wife had each been married three times and they had two children. Of the fifty couples they knew, only one or two had *not* been married *three times*—and they estimated that the average number of children per couple was about one per family. As survivors of the seige of Leningrad, both of these adults had been reared in group daycare. They speculated, as I now do: is there a relationship between early daycare and the adults subsequent incapacity for family intimacy and constancy?

Recommendations

I cannot imagine that you would be prepared to revise existing bills on the basis of any one person's criticisms. There are a number of eminent psychiatrists and psychoanalysts both here and abroad who have twenty to forty more years of experience than I. Of those who are particularly distinguished in research on child development and psychopathology, I would recommend the following for your consideration:

Dr. Rene Spitz, the University of Colorado.

Dr. Margaret Mahler, Albert Eistein College of Medicine.

Dr. Humberto Nagera, the University of Michigan.

Dr. Sally Provence, Yale University.

There are many distinguished psychoanalysts resident here in Washington. If your Committee aides should wish to confirm the clinical views of the dangers of daycare for the very young, I would be pleased to provide a distinguished local roster.

I would repeat my conviction that effective daycare is urgently needed today—as a *remedial* program that with all its limitations, is undoubtedly better than the neglect of our most disadvantaged children. But, I would also urge as strongly as possible, that daycare should be initialy restricted to demonstration projects so that you, and the new profession of caretakers that follow may have time to work out both programs and psychiatric evaluations of their effects. This should be a basic precondition to the extension of daycare on any massive basis. While the types of psychopathology I have referred to may not be manifest until school age or later years, it is clearly possible to at least verify in the immediate future, the direct effect on health, developmental quotients, and socialization. Such research control, it is obvious, needs to be centralized in an authority independent of the centers themselves.

My task this morning has not been comfortable for me. I fully appreciate that your task in designing legislative programs is arduous, requiring a judicious weighing of alternatives and an assumption of responsibility that your critics are spared.

ANDERSON AND KGB INSERTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, Jack Anderson's outstanding exposé on "Brainwashing With Microwaves" should refocus our attention on the constant danger to freedom which continues in the midst of efforts for East-West detente. The article follows:

Brainwashing With Microwaves

(By Jack Anderson)

Washington.—Hidden in the Central Intelligence Agency's most secret files is an account of a possible Soviet attempt to "brainwash" our embassy personnel in Moscow with mysterious microwaves.

The fantastic details are contained in a file marked "Operation Pandora," which describes how the Russians bombarded our embassy with eerie, low-radiation impulses. Their secret intent, it was suspected, may have been to alter the personalities of our diplomats.

The bizarre story began in 1945 when a Russian presented Averell Harriman, then our ambassador, with a handsome carved Great Seal of the United States. Harriman proudly hung it in the embassy.

The seal contained a tiny electronic eavesdropping device, which monitored conversations inside the embassy until 1952, when it was detected. From this shocking discovery came urgent orders that all embassies must be periodically checked for electronc signals.

In the 1960s, U.S. security men discovered the strange microwave impulses, some steady, some pulsating, directed into our Moscow embassy from a neighboring building.

The CIA quickly learned that Russian medical literature suggested microwaves can cause nervous tension, irritability, even disorders. They speculated that the Russians were trying to drive American diplomats stir-crazy with the waves.

Neither the CIA nor the State Department had the facilities to test the effects of the silent rays on human beings. At the Pentagon, however, the super-secret Advanced Research Project Agency had worked on electronic sensors and other weird projects.

The agency quietly began a study, under the direction of Richard Cesaro, into the effects of microwaves on people. Cesaro gave the project the code name, "Operation Pandora," and called in a physician, Dr. Herb Pollack, and two crack military scientists, Dr. Joseph Sharp of Walter Reed Army hospital, and engineer-microwave expert Mark Grove of the Air Force.

Sharp and Grove, supplied with the microwave data monitored in the embassy, duplicated the embassy environment, using monkeys for diplomats.

The monkeys actually were trained to perform tasks and then were rewarded with food, much as embassy employes might be rewarded with a dry martini at the end of the day.

The monkeys were studied night and day for months at Walter Reed, while a collateral experiment was also conducted on rabbits by consultant Dr. Milton Zaret in his own laboratory.

In the embassy in Moscow, meanwhile, no one except the highest diplomats and security men were aware of the secret microwave drama.

By 1967, the scientists felt they had watched the monkeys long enough for a tentative reading. Some felt there were signs of "aberrant behavior" caused by microwaves, but the majority disagreed. Only the rabbits showed clear changes—in their heart rate—which Zaret attributed to heat from the rays.

The disagreements on psychological changes were sent to a top-secret reviewing board, which also could reach no absolute conclusion that the rays affected the monkeys' minds.

Nevertheless, the suspicion lingered, and the White House decided that even if the microwaves were not "brainwashing" embassy people, they should be halted. It was also suspected that the waves might be part of some radical new surveillance technique.

At the June, 1967, Glassboro meeting between President Lyndon Johnson and Soviet Premier Aleksei Kosygin, the question of the microwave rays came up. One informant insists Johnson personally asked Kosygin to end the ray bombardment, although other sources say the request was made at a lower level.

By 1968, most of Cesaro's scientists were convinced that the microwaves were not psychologically harmful and the embassy experiments ended in early 1969.

The brilliant work done by the team, however, has now led to important research on the effects of microwaves. So far, tests show high radiation can injure eyes, genital organs and perhaps other parts of the body. But, as yet, there is no conclusive proof that low-level radiation is harmful.

Footnote: We have spoken with Cesaro, Pollack, Sharp, Zaret and Grove. All acknowledge they worked on "Operation Pandora," but all refuse to go into details. As Sharp put it: "Pandora was classified in those days and still is."

The extent to which the Soviets have gone to perfect age-old ploys of espionage into a new and lethal art has been depicted, as well, in a thoroughly engrossing Reader's Digest condensation of John Barron's book, KGB. Certainly the foremost examination of the Soviet secret police to date, Mr. Barron's book should be required reading for every American who wishes to become alert to the modus operandi of this massive Soviet intelligence agency.

It is a compelling work and will not, unfortunately, be published until late this year or early next.

I insert the Reader's Digest condensation at this point in the Record:

The Spy Who Changed His Mind

(By John Barron)

For nine years in the Russian city of Kirov, where he taught English, Kaarlo Tuomi also worked for the KGB, the Soviet Union's mighty intelligence agency. Then, for 20 grueling months, he underwent intensive training to become an espionage agent in the United States. Now it was March 1959, and on a sidewalk in Milwaukee he faced a terrifying decision.

"Do we take you directly to jail, or do you want to talk and see what might be worked out?"

Kaarlo Tuomi, 42, a man with a broad, pleasant face and blue eyes that normally radiated good humor, felt his arms and legs quiver. As he faced the two well-dressed athletic young men who had stopped him, he knew automatically what they were: FBI agents. He thought his training in Moscow had steeled him for every emergency, but nothing could really have prepared him for this moment. It seemed inconceivable that all the years of labor and planning could evaporate so suddenly on this street in Milwaukee. Yet, somehow, the FBI had found him. Desperately he tried to order his thoughts. But the sole advice he could remember from his KGB schooling was: Your legend is your only defense. No matter what happens, stick with your legend.

"Gentlemen, there must be some mistake," he said. "I'll be glad to straighten it out if I can."

"All right, then, get into the car," one of the men ordered, motioning to a black Dodge sedan occupied by two other men.

They were well into the countryside before the man in the right front seat spoke. "We might as well get acquainted. I'm Don, and this is Gene," he said, pointing to the driver. "Steve is on your left, Jack on your right." Don was tall, slender and handsome. It was his voice that Tuomi had heard first on the street, and he was clearly in command. Gene was freckle-faced and boyish in appearance. Steve had wavy blond hair, a ruddy complexion and the quiet, quizzical look of a professor, which in fact he once had been. But Jack looked like a professional wrestler who had progressed to better things. His black eyes fixed Tuomi with a stare of unconcealed contempt.

After a drive of about an hour, the car turned off a back road down a narrow, dark lane which ended at a hunting lodge set deep in the woods. There a young man admitted Tuomi and the group. As the door shut behind them, Don ordered, "Take off your clothes."

"But why?" Tuomi protested.

"It's our duty to make sure you're not carrying anything to harm yourself with," Jack answered.

Tuomi stripped and stood in the middle of the main room of the lodge. It had a high, vaulted ceiling, random-width floorboards, and a huge stone fireplace where four or five big logs were beginning to blaze. Overhead, an open balcony lined with bunks evidently served as a dormitory. To the right were two bedrooms, a bath and a kitchen. Faintly, from a room behind the fireplace wall, Tuomi could hear bits of unintelligible conversation being conducted by radio.

Tuomi held his hands against his ribs to keep them from trembling as Steve, wearing rubber gloves, methodically examined him. The other three agents went through his clothes, briefcase and wallet. "You're shaking," Don observed when the physical search ended. "Would you like something to eat or drink?"

During the ride and the search, he had reviewed in detail the legend that his Soviet instructors had prepared for him. In reality, Kaarlo R. Tuomi was a KGB agent who had been intensively trained to conduct espionage in the United States. He was using his actual name because he had been born in America. His family had moved to the Soviet Union in 1933, but the KGB had created an elaborate biography to cover the 25 years he had spent in Russia. In fact, ever since his arrival in the United States two months before, he had been familiarizing himself with the places where he was supposed to have lived and worked. He was completing this phase of his mission in Milwaukee when the FBI agents stopped him.

After a lunch of soup and sandwiches, the interrogation began. Tuomi sat on a sofa facing the fire. So intent was he on maintaining his legend that he seldom was conscious of which interrogator asked which question.

"What are you doing in Milwaukee?"

"Looking for a job."

"Who do you know in Milwaukee?"

"No one, really. I used to work in a machine shop here, then at the General Electric plant, in the shipping department. After that I had a cabinetmaking shop. But my wife walked out in 1956, so I went to New York to start over. All my friends here seem to have drifted away."

"Why did you come here, then?"

"I was tired of New York. I grew up around the Lakes, and I wanted to get back."

"Where did you live in New York?"

"In an apartment house at 4738 Decatur Avenue in the Bronx—until last December, I had to move because the building was being torn down. I stayed at the George Washington Hotel until I came here."

"Where did you work?"

"At a lumber company in the Bronx."

"You don't have a driver's license with you. Do you own a car?"

"No."

"How did you get to work in New York?"

"By bus."

"Which bus? Describe its route."

Both in Moscow and during his first weeks in New York, Tuomi had studied the neighborhoods in which the apartment building and the lumber company were located. But no one had foreseen that he would have to know which bus traveled between them, much less its route. "Actually, I don't remember the exact number of the bus," he said.

"You've been riding a bus week in, week out," Jack snapped, "but you can't tell us which one?" Tuomi remained silent.

"Let's put New York aside for a while," Don said finally. "Tell us about your early life."

END OF A LEGEND

Tuomi began to recite the legend he had practiced thousands of times. He had been born in Michigan in 1916. He had attended school through the tenth grade in the town of Rock, but after his sister died in 1932, his Finnish-born stepfather abandoned the family, and his mother took him to his grandmother's farm in Minnesota. In 1938, when he was 22, he married Helen Matson, a childhood sweetheart from Michigan. They worked his grandmother's farm for a while, until it began to fail in 1941. A draft board exempted him from wartime military service because his wife, mother and ailing grandmother were all dependent on him.

After the farm failed, he was employed at various jobs. He went to Canada and worked in a lumber camp on the Fraser River in British Columbia, then was transferred to a lumberyard in Vancouver. In 1949, he moved to Milwaukee. His wife had been unfaithful, and deserted him in 1956, causing him some emotional problems. His mother and grandmother were dead. The farm in Minnesota had long since been merged with others.

It was a sound legend, with a strong factual foundation. The KGB had spent months perfecting it, meshing actual details of Tuomi's early life with information supplied by other spies to make a plausible history. In 1938, for example, a Helen Matson did leave an upper Michigan town to be married. She was never heard from again. Tuomi had spent countless hours in Moscow looking at snapshots and at films taken inside three of the places where he had supposedly worked. As he talked, Tuomi inserted reminiscences of these jobs which added to the verisimilitude of the story.

The agents listened attentively. It all sounded so believable that, for the first time since confronting the FBI, Tuomi thought he might have a chance. But, late in the afternoon, a fifth agent emerged from the room behind the fireplace and whispered to Don.

"Kaarlo, our colleagues have been doing some checking," Don said. "We've talked to G.E. in Milwaukee, the Bronx lumber company, and the last two managers of the apartment building where you claim you lived. There is no record of you anywhere. How do you explain that?"

Tumoni shrugged. "You must have talked to the wrong people."

"I think it is more logical to assume that you're lying to us," said Don. "Take a look at this picture, Do you recognize that man?"

"Yes," said Tuomi, stunned. "It's my stepfather."

"And these people?" Don asked, handing him another photograph.

"My mother, stepfather, my sister and me when I was a boy."

"Do you remember when that picture was taken?" Don asked.

"No. I've never seen it before," Tuomi replied.

"Think hard," Don said. "Wasn't it in 1933—just before all four of you went to the Soviet Union?" Tuomi put the photograph down and saw that the agents were smiling at him.

"Let's take a break," Don said.

Standing around the fire, the agents were polite, even friendly. They talked about the weather, speculated about the severity of an approaching snowstrom. Then Steve casually said, "By the way, Kaarlo, when you were staying at the George Washington in New York, what were you typing in your room all the time?"

He had merely been practicing with a newly purchased portable typewriter. But to Tuomi the question was devastating. It told him how closely the FBI had watched him since he had entered the country. And this evidence, together with the photographs, obtained perhaps from distant relatives or friends of his parents, was proof that the FBI knew what he actually was. His legend was now a shambles. Still, he vowed not to give up.

BAD NEWS

At the start of the next interrogation, Tuomi announced, "I've decided to tell you the truth."

The agents stared at him, waiting.

"You were partly right yesterday," Tuomi said. "My stepfather did take us out of the country back in 1933—but we went to Finland, not to the Soviet Union. I always planned to get back to America. Last fall, I got a job as a deckhand on a Finnish freighter. When it docked in Quebec, I jumped ship and came to the United States. I know this is illegal. But I did it because I wanted to live in my own country."

A hail of questions instantly beat down on him: What was the name of the ship? Who was the captain? The first mate? What was the cargo? From which port did it sail? What was the date it arrived in Canada? Where did Tuomi get all his false papers?

Later, Don came out of the room behind the fireplace to confront him again. "I have more bad news for you, Kaarlo," he said. "Naval authorities tell us there is no Finnish ship such as you describe. We also have discovered something else."

He put on the table a bottle of laxative tablets given to Tuomi in Moscow. "We found this in your briefcase,' he said. "What's in it?"

"Medicine " Tuomi answered.

The tablets bore a common American brand name. Don placed an identical bottle on the table. Then he took one tablet from each bottle, placed them side by side and sliced each in half with a pocketknife. "Look at this, Kaarlo," he said. "This tablet is white all the way through. But the one from your bottle is pink on the inside. How do you explain that?"

"I don't know," Tuomi replied.

"Well, our laboratory has a pretty good idea," Don said. "It tells us that your pills contain a special chemical compound not manufactured in the United States. It also advises us that the only conceivable use for this compound would be in developing some sort of invisible writing. What do you say about that?"

"I have nothing to say."

"It's time we talked frankly," Don continued. "All the evidence shows that you are a Soviet agent, sent here on an espionage mission. We happen to know that this is the case. You are in this country illegally. All we have to do is deport you—turn you back to the Russians. They'll take care of you for us." He paused.

"Reason it out for yourself. If you explain what happened over here, nobody will buy it. The people who planned your mission simply will not believe that *they* made the mistakes. At best, they will think you are lying to cover up some stupid blunder, and you will be stigmatized as a failure. More likely you will be suspected of something far worse. Nothing you do or say will quite convince your superiors that you didn't make a deal with us and that we didn't send you back as an American agent.

"Now, on the other hand, should you choose to cooperate with us . . ."

The words were hardly spoken before Tuomi exploded. "Why should I cooperate with representatives of a system that is collapsing?" he shouted. "Your side is losing! We are winning!"

It was the first crack in Tuomi's facade, and the agents took advantage of it.

"You've been traveling around the country quite a bit the last couple of months," Jack retorted. "Does the system look as if it's collapsing?"

"It won't happen overnight," answered Tuomi. "But historically the collapse of capitalism is inevitable."

Thereupon, Tuomi and the FBI agents plunged into ardent ideological argument. Tuomi earnestly repeated all the Marxist, socialist, anti-American doctrine absorbed during 25 years in the Soviet Union. The agents granted certain points and ridiculed others. "Kaarlo, we have real problems in this country," Don said. "But at least we can try to solve them with the ballot box." The debate raged through the evening meal and late into the night.

"This is getting us nowhere," Don said finally. "Let me finish what I started to say. If you work with us, we can make it appear that you have accomplished all your assignments. Someday you will be recalled, and you can go home with no one the wiser. You will enjoy all the rewards given a successful illegal. You can lead a normal life in your own country."

Tuomi did not reply, but he could not help thinking of the family he had left in the U.S.S.R.—his wife, Nina, and their children, Viktor 11, Irina 7, and Nadezhda, only 5.

"I know that at the moment things look very black to you," Don went on. "And I appreciate that the decision you have to make is hard. But you're going to have to make it soon. Every day you stay out of circulation increases the danger to you. The Center* often makes secret checks on its illegals. It could have a man out looking for you today."

TERMS OF SURRENDER

Tuomi sank into a profound depression. The prospect of betraying his teachers, his country and all he believed in made him feel weak and sick. He thought of feigning collaboration with the FBI just long enough to flee to Mexico or perhaps to take refuge in the Soviet embassy in Washington. Yet no matter what escape he charted, it always ended in a confrontation with the KGB. Ultimately he would have to convince his superiors that he had not sold out, that he had been discovered through no fault of his own. And the more he reflected, the more he doubted that he could make anyone in Moscow believe him.

He thought of the labor camps in which the KGB imprisoned people who were "suspect." (Once the KGB had forced him to spy on inmates of a camp near the peat bogs of Kirov Province.) As if in a delirium, he saw grotesque images of himself and his family huddled in a single stall at a camp barracks. Alternatively he visualized the poverty they would endure if he alone were sent to camp. More than anything else, it was this concern for his family that made him ask, "This cooperation—what would it mean?"

"Well, first you would proceed just as if you had never met us," Don answered. "You'd get a job, build up your cover, maintain normal communications with the Center and carry out every assignment it gave you. Of course, you would report everything to us."

"What would you do?" Tuomi asked.

"We would give you guidance and some assistance in getting set up. But it is very important, especially at first, that you do things for yourself just as you normally would. If we helped you advance too fast, the Center would wonder why you were doing so much better than the average illegal, and would become suspicious."

"Would I draft the messages to the Center, or would you?" Tuomi inquired.

"By and large, you would," Don replied. "But we would have the final say about what goes out."

Tuomi shook his head. "It won't work. Some way the Center will find out."

"Kaarlo, I assure you that it has worked before, and it will work again," Don said.

Tuomi brooded in silence. "All right," he said. "I will try, if you will agree to something. I'll tell you all about my mission and what happens from here on. But not about my training, or my teachers or my colleagues, or any other secrets I learned in the Soviet Union."

"Fair enough," said Don. "Naturally, there are a lot of things we would like to know. But we won't press you. Eventually, I think, you'll want to tell us of your own free will. Whenever you're ready, just pass the word to Jack or Steve. They will be taking care of you from now on."

MESSAGE FROM MOSCOW

Tuomi returned to New York alone by bus, and moved into the Seville Hotel. The next afternoon, he spent nearly two hours switching from subway to bus to taxi before slipping into the Statler Hilton Hotel to meet Jack and Steve. The three of them carefully composed a letter informing the Center that Tuomi's familiarization tour of the Midwest had been an uneventful success. Jack relayed the proposed text to FBI headquarters and, within the hour, Washington telephoned approval. As Tuomi wrote the final draft of the letter in invisible ink, he was aware that both agents were scrutinizing every movement of his hand, and he sensed why.

"I didn't put in any signal, if that's what you're worried about," he said as he finished.

"Kaarlo, that's something we've been waiting for you to bring up," said Steven. "Were you given any signal for use in event of detection?"

"No," Tuomi replied, "and I can't understand why not. It would have been so easy. Just by leaving out a comma, I could have let them know."

Tuomi addressed the envelope to an office in Helsinki and handed it to Jack, who handed it back. "You're going to trust me to mail it?" Tuomi asked.

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*In the parlance of Soviet intelligence: Moscow headquarters.

"From now on we have no choice but to trust each other."

In the following weeks, Tuomi's melancholy and fear intensified daily. He could see no real alternative to the deal he had made with the FBI; yet he felt guilt and shame at collaborating with the enemy. He began to lose weight, and at night he awoke with terrifying nightmares. Every stranger on the street became a possible assassin from Moscow, every ring of the phone or knock on the door a sound of danger. He dreaded the next message from the Center, fearing it might contain some proclamation of his doom.

The message was due April 21. As dawn broke over Queens that morning, Tuomi followed instructions that he had memorized in Moscow. He warily approached an underpass beneath a railroad bridge at 69th Street, the site of one of the "drops" that the KGB had established for him to use for leaving or picking up messages. The place was silent; his footsteps echoed. Crouching down, he pretended to tie his shoelace. He could see no one. Quickly he plucked a magnetic metal container from a bridge girder and hid it in a rolled copy of the New York *Times*. He reached the Statler Hilton back in Manhattan two hours later. There Jack and Steve were waiting with hot coffee.

The container yielded $3000 in $20 bills, plus two sheets of secret writing. "Why don't you develop that sheet, and we'll work on this one," Jack said. Tuomi watched intently as the tray of chemicals he held brought the message slowly to life. It said: "Congratulations on your successful trip. Legalization is proceeding normally. Remain cautious and do not hurry. All the best Chief."

Steve patted Tuomi on the shoulder. "You see, they have no idea of what has happened," he said. "You've been worrying for nothing."

With unusual politeness, Jack passed over the second sheet, still wet with chemicals. It contained three brief letters that the Center had rewritten in invisible ink. As Tuomi read them, he could almost hear the voices of his family. Wrote his wife: "My Dearest One . . . My work is hard, but all difficulties disappear when I see our children . . . We all kiss you." From Viktor: "I am very glad to get your presents. But the best thing I am dreaming of is to see you." From Irina: "Papa, please come back to us. Good-by, Papa."

In silence, he reread the words.

"Kaarlo, let's knock off early this afternoon and go out to my place for the evening," Jack said. "I'd like you to meet my family and see what a great cook my wife is."

THE SPY WHO CAME TO DINNER

Jack's home stood on a tree-shaded side street in a Long Island town, about an hour's drive from Manhattan. It was a white, two-story frame house of eight rooms built in the early 1930s. Jack had added a second bath and a small den, remodeled the kitchen, built a stone patio and fenced the back yard.

In the living room, Jack's wife, a handsome, red-haired woman of about 40, greeted Tuomi with a warm handshake and a welcoming smile. "We're delighted you could come. It's always a treat for us to meet Jack's friends," she said.

Tuomi could not discern precisely how much his hostess knew about him, but it soon became obvious that she was aware he was an alien and alone in New York. After they had chatted for a while, she invited him into the kitchen. "If you'll excuse the mess, I'll try to give you some tips that might help when you start housekeeping for yourself." As she finished making dinner, she instructed Tuomi about various frozen foods, explained the merits of various detergents and cleaning powders, and suggested menus for quick meals. Tuomi mareveled at the array of products, but even more at the ingenuity with which the kitchen was designed and equipped.

Just before dinner, Jack's two teenage sons appeared in the dining room and introduced themselves. When all sat down, Jack offered grace, and Tuomi remembered a Soviet instructor's admonition to bow his head and close his eyes. Dinner—roast veal with gravy, and hot biscuits—was excellent. The conversation was easy and natural. No one seemed inhibited by Tuomi's presence, and the family routinely discussed private questions as if he were one of them. Whose turn was it to use the car on Saturday night? The television set needed repairs for the second time in five weeks. Would it be best to have it fixed again, buy a new one or use the money to replace the aging hi-fi? Would everyone be willing to get up for 6 a.m. Mass on Sunday so Jack could accept a nine-o'clock golf invitation?

Jack's sons helped clear the table, and his wife served coffee and dessert. After the first bite, Tuomi put down his fork and exclaimed, "I've never tasted anything so delicious!"

Jack's wife smiled. "It's blueberry pie. I baked it this afternoon."

Later, the boys excused themselves to attend to homework, and Jack proposed a quick tour of the house. Tuomi was astonished that there was an unused bedroom set aside for guests. In the den, he saw hanging above Jack's desk a bachelor's degree from one university, a law degree from another and four framed FBI commendations. On the bookshelves he spotted *Das Kapital* and a dozen or so other volumes pertaining to communism. He grinned and pulled out a 1958 English edition of *Fundamentals of Marxism-Leninism*, published in Moscow. "I didn't know the FBI had any Marxists," he said.

"You can't fight what you don't understand," Jack answered. "But no shop talk tonight. How about a nightcap before I drive you back? We ought to leave fairly soon, because it wouldn't be wise for me to take you all the way to the hotel. I'll drop you off near the subway."

When they left, Tuomi told Jack's wife, "You have a wonderful family and a wonderful home. It meant a great deal to me to be here."

"It was fun having you," she replied. "Oh, just a minute. I forgot something." Returning from the kitchen, she handed Tuomi a blueberry pie wrapped in foil. "I baked two," she said.

Alone with the roar of the subway, Tuomi felt another wave of guilt as he acknowledged to himself just how much he appreciated the evening. The fact that Jack had a home utterly luxurious by Soviet standards was explainable in terms of Tuomi's training; the freedom from fear, the atmosphere of trust that permeated it was not. Jack had knowingly exposed his own family to a Soviet agent, and they had accepted him as a friend. To Tuomi the United States was still an enemy. He knew that he should also regard Jack as an enemy. But he realized now that he did not.

It had been an unusual evening for Jack as well. Normally, an FBI agent would not reveal his true name or anything else to a double agent, much less admit him into his home. But the FBI considered the winning of Tuomi's allegiance so vital that it authorized Jack to employ any prudent means to establish a personal relationship. Jack concluded that the best way to make a friend was genuinely to be one.

A DIAMOND BRACELET

Because the FBI insisted that he do everything possible for himself, Tuomi had to find an apartment on his own. After weeks of searching, he located one on 80th Street off Roosevelt Avenue, in the Jackson Heights section of Queens. It was on the fifth floor of an old building ideally suited for conspiracy. The building had four entrances, two in front and two in the rear. Most of the occupants were transients or short-term residents who paid little heed to each other. Equally important, the FBI was able to locate and lease an apartment nearby—a secure, convenient hideout where Tuomi could rendezvous with Jack and Steve.

Once settled, Tuomi enrolled in a bookkeeping and clerical course at a business school. He studied so diligently that he completed the course three months ahead of schedule—in late September 1959—and with the help of a Manhattan employment agency began job-hunting. "I think we may have something for you," a girl at the agency told him in mid-October. "There's a clerical opening at Tiffany and Co. That's a lovely place to work."

To Tuomi, who had worked as a lumberjack in the backwoods of eastern Karelia before being drafted into the Red army in 1939, it seemed almost ludicrous to seek employment in the jeweled magnificance of Tiffany's, a symbolic citadel of capitalism. But Jack insisted: "Go ahead. What have you got to lose?"

The personnel officer at Tiffany's interviewed Tuomi for some 50 minutes, inquiring about his schooling, his interests and past employment. Tuomi recounted his legend and presented his certificate from the bookkeeping school. "I think you're a good bet," the man concluded. "We'll give you a three-month trial in the auditing department at $65 a week. If that works out, you'll have a good future here."

The Center was delighted, three months later, when Tuomi received permanent tenure as a cost-analysis clerk, along with a five-dollar raise. It recognized Tiffany's as a perfect haven in which their man could hide while building his credentials as an American and readying himself for espionage missions. "Continue to solidify your position," the Center instructed. "Begin to widen your circle of acquaintances." The regular flow of money and messages showed that, from the perspective of Moscow, the operation appeared to be developing flawlessly.

For Tuomi personally, Tiffany's unveiled a glittering and heretofore unimagined world. The first evening he had to work overtime, he found himself alone amid millions of dollars' worth of jewelry. Back in Kirov, even after years of KGB service, he knew that he was still spied upon, that traps were still set for him. Yet here, after only a few months, Tiffany's trusted him to wander about at will, unwatched and unguarded.

While taking inventory with another clerk late one afternoon, Tuomi picked up a dazzling diamond bracelet which bore no tag. He started to take it to the Registry Department so the price could be ascertained and a tag affixed. Just then the phone rang, and he dropped the bracelet into his jacket pocket as he hurried to answer. "Come on, Kaarlo," his partner pleaded when he hung up. "We'll have to hurry if we're going to finish before closing."

While he was hanging up the jacket at his apartment that night, Tuomi felt the bracelet. Panic nearly overcame him. As he stared at the diamonds, he imagined swarms of detectives heading up the stairway after him, and television bulletins announcing his imminent arrest. He saw himself reading a *Daily News* headline: SOVIET SPY STEALS TIFFANY BRACELET.

The next morning, pale from sleeplessness, Tuomi waited outside Tiffany's until a guard opened the door. "Here's an item without a price tag on it," he said urgently to the manager of the Registry Department. "Please make out a proper one."

Picking up his magnifying glass, the manager calmly analyzed the price code scratched inside the bracelet. "Eighteen thousand dollars," he said. "It's beautiful, isn't it?" Tuomi was too relieved to reply.

SNAPSHOT OF THE PRESIDENT

Throughout these months, Tuomi still considered himself an unrepentant, if captive, communist. He continued to provoke debates with Jack and Steve, disparaging the United States and extolling the Soviet Union. With the beginning of the 1960 Presidential campaign, both FBI agents often cited the forthcoming election as a fundamental example of the basic freedoms in America.

"It doesn't mean a thing," Tuomi retorted. "Both parties are dedicated to exploiting the masses. It doesn't matter which wins."

But after the nomination of John F. Kennedy, Tuomi's manner began to change. During the campaign, he got up early to read campaign news, and in the afternoons he rushed home from work to listen to the early-evening telecasts. Kennedy came to personify for him a kind of glamour utterly foreign to Soviet policies. When several public-opinion polls in September indicated that Richard Nixon was leading, Tuomi was beside himself with alarm, as if he himself were on the verge of a personal disaster.

One day he asked Jack, "Don't you think I should register to vote?"

"Well, every good citizen should vote," Jack agreed, "and it's our job to make sure you're a good citizen."

He became so personally involved that he studied registration procedures and qualified as a New York voter. On Election Day, he joined other Americans at the polls, thus becoming probably the only man who ever cast ballots for both Nikita Khrushchev and John Kennedy. At 7 p.m. he settled before his television set to watch the returns. At 3:20 a.m., when Nixon in effect conceded defeat, Tuomi grabbed the phone, called Jack and fairly shouted, "Did you hear? Kennedy won!"

"You woke me up to tell me that?" Jack replied. "I thought it didn't make any difference who won."

The two agents continually urged Tuomi to explore America by himself. Partly at their suggestion, he bought an excellent 1954 sedan. No American teen-ager could have been prouder of his first car. After work, Tuomi often drove about the city just for the sheer pleasure of driving. He ventured out on his own to the Catskills and the Poconos, to Philadelphia, Washington, Chesapeake Bay and Williamsburg. During his first two-week vacation from Tiffany's, he toured the Michigan and Minnesota woods and lakes where he had spent his boyhood.

His intelligence training, with its emphasis upon observation and analysis, intensified his reactions to what he saw. For a while, traffic jams were a source not of frustration but of wonder. Why could capitalist workers have cars, but not communist workers? One Sunday afternoon, he drove past thousands of suburban homes. Though modest by U.S. standards, the houses still were neat and attractive. Tuomi watched people loafing, working, or cooking on grills in their yards. Why could so many American children play on green lawns of their own, but not his children? The KGB had prepared him for the fact that the United States was wealthy, but no one had suggested how much of the population shared the wealth.

Another Sunday, Jack casually suggested that Tuomi join him at Mass. Both by his evangelistic Finnish stepfather and by communism, Tuomi had been trained to be militant atheist. Yet his Soviet instructors had emphasized that he should attend church. So he agreed to go along, excepting to be amused by superstitious ceremonies. But the quiet of the church, the solemnity of the service, the hymns and the worshipers' sincerity, left him with an unexpected feeling of respect.

Thereafter he sometimes went to church on his own, usually to small Lutheran or Methodist churches. He neither accepted nor understood all that the ministers preached. But ultimately he asked himself: "If this means so much to so many people, what's so bad about it?" Consciously he changed from an atheist to an agnostic. And he kept returning to church in a vague quest for spiritual peace.

In February 1961, the Center sent a new cipher system, and Tuomi flew with Jack to Washington, D.C., on a Saturday afternoon to study it with FBI cryptologists. Ironically, Tuomi felt more secure in Washington than in New York. For, as a "deep cover" illegal, he was confident that Soviet diplomats in Washington were unaware of his existence. And on Sunday morning at the Mayflower Hotel it was he who asked, "Well, where should we go to church?"

"Let's try St. Matthew's" Jack said. "It ought to be safe enough for us to go there together." As they neared the cathedral just off Connecticut Avenue, Jack tapped Tuomi on the shoulder. "Look, Kaarlo!" he exclaimed. "There's a friend of yours." Tuomi turned and saw a handsome, bareheaded young man wearing a dark-blue overcoat striding up the church steps. It was John F. Kennedy.

"Is it allowed, to take a picture?" Tuomi whispered.

"It's a free country," Jack told him.

Seeing that Tuomi and others wanted to photograph him, the President paused momentarily, grinned and waved. "Wasn't that something!" said Tuomi. "Wasn't that really something!"

COVER THE WATERFRONT

A few months later, President Kennedy and Nikita Khrushchev met in Vienna. There, Khrushchev threatened war unless the United States yielded West Berlin. Sober and grim after the confrontation, Kennedy flew back to Washington to mobilize reserves and fortify American defenses. Khrushchev returned to Moscow to begin the elaborate clandestine operation that was to bring the world the closest it has ever been to nuclear holocaust. As he did so, new instructions went out from Moscow to Soviet spies throughout the United States.

Tuomi's orders arrived in secret writing. "The situation is becoming more complex," it began. "You must now be more active in your work. On the basis of your own observations, report to the Center any preparations for further mobilization of the country. Organize your recreation in places where military personnel gather, near the docks, near the warehouses of Army bases in Brooklyn in the area of Bay Ridge Station, and near Docks 11, 12 and 13 in Richmond. Ascertain the character and destination of arms shipments, troop movements and the movement of military vessels. Be more alert. Wife and family are well. Chief."

"Well, Kaarlo, the Center thinks you're ready to play in the big leagues," Jack said.

"How can I work at Tiffany's and hang around the waterfront?" Tuomi asked.

"You can't," said Steve. "Some way you're going to have to get a job down there, and that may take some doing."

On a Sunday afternoon, Jack and Steve signaled Tuomi to meet them in the safe apartment. They arrived with a bulging copy of the New York *Times*, which they opened to the Help Wanted ad section. "Here's something that looks as if it was written just for you," Jack said with an author's pride. He pointed out an ad for a bookkeeper's position at a steamship firm.

After evaluating dozens of potential employers, the FBI had approached Peter Burbank, president of A. L. Burbank & Co. and Pier 8 Terminals, Inc. FBI agents told him only that in the interests of national security they needed to place a man on the waterfront. Burbank agreed to employ anyone the FBI sent, provided he could actually do the work required. Cordially going through the motions of an interview, Burbank hired Tuomi at $80 a week.

For Tuomi the abrupt shift from Tiffany's to the waterfront was like jumping from civilization into a jungle. The docks were peopled with brawling, profane characters and ruled like baronial fiefs by union bosses. Moreover, his primary duty consisted of trying to collect loading and unloading fees from truckers, many of whom were notorious for their belligerent refusal to pay their bills. But, as an ex-lumberjack and a long-time combat infantryman, Tuomi was ready to be tough.

The fourth day at the pier, a waterfront thug stopped in the office and helped him self to a cup of coffee. As he started to leave, Tuomi, who had put himself in charge of the coffeepot, said, "Wait a minute, mister. Everyone here washes his own cup."

"Do you know who you're talking to?" the man said contemptuously.

"I don't give a damn who you are," Tuomi barked. "My rule is that everybody washes his own cup." The hoodlum lunged. Tuomi sidestepped him and picked up a crowbar. This he held at the ready until the cup was washed.

Tuomi's real breakthrough came when he decreed that no truck whose owner owed Pier 8 Terminals any money would be allowed on the dock. In spite of vociferous cursing by truck drivers, Tuomi enforced the rule so adamantly that he promptly was titled "a real s.o.b." Nevertheless, the number of delinquent accounts plummeted to near zero, and Tuomi's salary was raised to $100 a week. In time, he formed warm friendships among his fellow workers, most of whom he considered decent, if somewhat rough, Americans.

SECRETS FOR THE CENTER

Secure in his new job, Tuomi moved from Jackson Heights to a large apartment in East Orange, N.J. Demands upon his time rapidly mounted as communications to and from Moscow increased. Munching a sandwich, Tuomi sometimes drove during his lunch hour to meetings with Jack and Steve in parks, church parking lots and out-of-the-way cafes. While one of the agents maintained a protective watch, Tuomi and the other began encoding or decoding messages. The process continued at the FBI safe apartment during the evening.

The Center also imposed new and complicated communications arrangements. Each Saturday morning, Tuomi now had to walk past the intersection of 146th Street and Park Avenue looking for an orange peel. Its presence meant that he had to "unload" a drop at ten o'clock that night. Then, to acknowledge receipt of the package or message, he was required to write an anti-Soviet statement on a postcard and mail it to "Public Relations Officer, Mission of the U.S.S.R. to the United Nations," at the Mission's New York address. To advise the Center to pick up something that he was putting in a drop, he had to mail a quotation from the Bible inscribed on a religious postcard.

The character of messages from Moscow also changed markedly. Instructions heretofore had been cautious and general, always admonishing against risks. Now the Center increasingly demanded hard intelligence and specific results. It also insisted that he begin to develop intelligence sources.

Using the techniques he had been taught in Moscow, Tuomi set to work, and the FBI was impressed by what he was able to accomplish entirely on his own. He began to frequent a Brooklyn bar across the street from the Bethlehem Steel shipyard. Becoming friendly with shipyard workers and subtly prodding them to talk about their jobs, he learned that two destroyers, the *USS Callan* and the *USS Taylor,* were being outfitted with advanced and secret electronic equipment. Although he had no scientific background, he compiled a detailed technical report, much of which he himself did not understand.

The material he gathered was so revealing that Jack confided, "It's going to have to be doctored quite a bit. We can't afford to send it as you wrote it."

Through social gatherings, Tucomi made friends with several other Americans: a Navy radar man, an Army sergeant who had just finished military intelligence school and was soon to leave on a sensitive assignment in the Middle East, an engineer in charge of sales of all new products developed by one of the nation's most important defense contractors, a young man employed at an ultra-secret installation of the Central Intelligence Agency near Washington. Unlike the shipyard workers, however, none of these men ever let slip any important information.

Yet Moscow regarded Tuomi's new friendships as a considerable accomplishment. From experience it knew that as the relations became more intimate, he might discern a hidden quirk or weakness that would make one or more of his friends susceptible to subversion. Even if he didn't, the new friends might lead him to associates who could be suborned.

However, these were all long-range prospects. To satisfy the demands of the Center for immediate, concrete intelligence, the FBI decided to recruit a source for him. It chose an official in charge of loading military supplies at both the ports of New York and Philadelphia. Assigned the code name of Frank, he knew only that he was performing a critical service for the FBI. Escorted by Jack Tuomi spent two days with him, memorizing details of his life and work, which he then reported to Moscow. Information that the FBI thereafter obtained from Frank and gave to Tuomi for transmission was authentic. For the FBI had no alternative but to give away some secrets in hope of eventually gaining many more.

EMERGENCY CONCLAVE

On September 18, 1962, when Tuomi arrived home from work, he examined his mail. There were the usual advertisements, sports magazines, and a letter from a friend he had known at Tiffany's. There was also an unusually large business envelope, postmarked in New York but bearing no return address. Enclosed were two sets of commercial patterns for a folding snack table and tray. The lower left-hand corner was folded, a sign that the reverse side of each sheet contained secret writing.

Steve whistled in astonishment when the message was deciphered at the FBI apartment. It was an order which, in its elaborate Byzantine detail, typified Soviet intelligence. But its content was utterly unexpected.

"We announce the conditions of a meeting. Time: Sunday 23 September 0900 hours. Place: bank of the river Hudson opposite the Greystone railway station in Westchester County. With fishing rods, a rose-colored plastic pail and a fishing license, drive to the northern part of the town of Yonkers. Then drive along Warburton Avenue to Greystone station and park your car in the parking lot. Cross the pedestrian bridge to the river, and then walk along the bank to the telephone pole with a figure 429. Near this pole you should be fishing. Parole*: "Excuse me, I think we met at the Yonkers Yacht Club last year.' You must answer, 'No, sir, I left that club in 1960.' Legend of contact: you met our representative while fishing. Report your readiness for the meeting by sending a religious postcard to our United Nations mission. Sign the card R. Sands. If you do not understand the conditions of meeting, sign the card D. C. Kott. Chief."

The decision of the Center to risk a personal meeting with Tuomi in the United States was extraordinary. Repeatedly he had been told in Moscow that face-to-face encounters among agents were among the most dangerous of all clandestine activities. He remembered the words of Aleksei Ivanovich Galkin, his chief KGB instructor: "You will never be approached by one of our representatives, except in an extreme emergency." Rereading the message, Tuomi wondered if it was not really a summons to abduction or liquidation.

"What do you think?" Tuomi asked.

"Well," Jack answered, "obviously, there's a possibility that they've become suspicious of you. But my best guess is that they just think you're now so securely established they can take a chance. In any case, they have something important to say to you. We've got a lot of work to do before Sunday."

It was gray and chilly when the alarm clock roused Tuomi from half-sleep at 6 a.m. Sunday. The tautness in his stomach made him reject all thoughts of breakfast. He put on a checkered sport jacket, dark wool trousers, heavy shoes and a hunting cap. Driving north along the Garden State Parkway, he turned off at Route 46 to buy gas and check for surveillance. He stopped again for coffee at a diner to make sure he was not being followed.

Parked his car at the Greystone station, he noticed a man polishing an automobile at the corner of the lot. Tuomi was sure he was a Soviet agent assigned to detect any surveillance by the FBI. As he crossed over the New York Central tracks on the footbridge that led to the river, he saw four men in two small boats rocking gently in the swells offshore. In the distance northward, two men appeared to be fishing from rocks above the river. Tuomi also was sure who they were—FBI agents deployed to protect him.

His knees leaden, each step becoming harder and harder, he forced himself to walk toward the designated telephone pole. Then he saw who was standing there—and gasped. There was no need for recognition signals. Waiting for him was a short, rather ugly man with a wide nose, steel-rimmed glasses and a mass of thick black hair. It was his old teacher from Moscow, Aleksei Ivanovich Galkin.

Galkin heartily shook hands, then embraced Tuomi. Yet the warmth of the greeting did not reassure Tuomi. If Galkin was serving as the bait of a trap, this was how he would behave.

"I see you're surprised," Galkin said.

"Yes, I never expected to see you here," Tuomi replied.

"You came here to fish," said Galkin. "Put your line in the water, then sit down and tell me all about yourself."

Tuomi obeyed. His trial was beginning, and Galkin was the judge. For the next 40 minutes he talked of his life in the United States, telling the truth about everything except his association with the FBI. Galkin took notes, nodded occasionally and asked few questions until Tuomi began to speak about his prospective sources.

"They are all interesting," Galkin commented. "But at the moment Frank is the most important. How good are your relations with him?"

"Very good," Tuomi answered.

"Do you think he could be recruited?" asked Galkin.

"Possibly," said Tuomi. "He's divorced and needs money."

"We will consider it," Galkin said. "Meanwhile, stay close to him. Everything you can get from him in the next weeks about troop movements and arms shipments is terribly important."

Galkin paused. Then he began to speak again. "Now I want to express myself precisely. If you don't understand anything, say so. First of all, we are going to bring you home next year. Do you think you can arrange a vacation for two or three months so you can get away?"

"But why a 'vacation'?" asked Tuomi. "Won't I be staying in the Soviet Union?"

Galkin laughed. "No, my friend. You will be coming back here for a long time."

The announcement was Tuomi's first proof that in the eyes of the Center he was still in good standing. His tension began to evaporate, and he struggled to conceal his relief.

"You have started well," Galkin resumed. "We are going to turn over three sources, three of our best, for you to handle. They are Americans, and they supply a great many vital documents. We want you to start looking for two very good drops outside New York City, large enough to take big packages of documents. Once the Center approves, the other arrangements will be worked out gradually."

Galkin took a deep breath. "Now pay the strictest attention to my words. You must also go as a tourist to the New London submarine base as often as is safe. Count the number of submarines present, particularly atomic submarines. Also watch for any unusual activity in the vicinity of the base. The presence of extra guards or large numbers of big trucks would be especially significant. Should you find no submarines, notify us at once. In the area of New York harbor, watch for signs that the old World War II wharves might be put into use again. Each morning, find out if during the night there was any abnormal movement of troops or large trucks around the harbor."

By now, Galkin had succumbed to his unconscious habit of speaking rapidly whenever he got excited about the importance of what he was saying. "Through Frank and other friends, keep checking to see if individual reservists are being secretly called to duty. Listen constantly for any rumors that the population or key offices are about to be evacuated from the cities. During the next weeks, you must report *anything* that seems at all unusual. No matter how trivial it looks to you, it could be vital for us to know. Do you understand these instructions?"

"Yes," Tuomi answered.

"Then repeat them to me," Galkin ordered. Tuomi complied flawlessly.

"Very good," said Galkin. He stood up and began reeling in his line. "Your family is well," he said. "I'm pleased to tell you that when you return you'll find them in a brand-new, two-room apartment."

The mention of his family reminded Tuomi that the Center hadn't forwarded any of their letters for nearly a year. "I'll look into it," Galkin promised. "Now, you had better go. Good luck."

Tuomi drove away from the Greystone station at 11:46 a.m. To assure himself that the Russians were not following, he weaved around the hills outside Yonkers for nearly an hour before stopping at a telephone booth next to a luncheonette.

"How did it go?" Jack asked.

"There were no problems," Tuomi answered. "But I have a lot to tell you."

CHEERS FOR AMERICA

Just after 1 p.m., Tuomi joined Jack and Steve at the FBI apartment in Jackson Heights. "Tell us what happened," Jack said. "We'll save the questions for later."

The agents listened silently with professional detachment. Their faces betrayed flickers of excitement only twice: when Tuomi mentioned that three spies were to be entrusted to him, and when he recounted the new assignments from Galkin. But as soon as the summary was finished, Jack made a quick, cryptic phone call. "We have something here you should see right away," he said over the phone. "Yes, we'll get it ready tonight."

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*Soviet term for recognition signals.

The agents and Tuomi immediately began drafting an urgent report of all Galkin had said. They worked all that Sunday afternoon and on into the night, omitting dinner in their rush to ready the report for delivery to Washington. It was well after midnight when Tuomi started home, hungry and exhausted, yet elated. He had apparently survived as a double agent without arousing suspicion at the Center. Before long he could see and hold his children once more.

His thoughts now were all entirely personal. He did not realize that the rendezvous on the Hudson and his new assignments might be related to a historic crisis. Even less could he appreciate how much he had done to strengthen American capacity to contend with that crisis.

Between April 1959 and Setepmber 1962, Tuomi had exchanged dozens of communications with Moscow. Some were transmitted in invisible writing through the mails. But many were sent through the four drops selected for him in New York. By watching the drops, the FBI was able to identify the various Soviet agents who came to deliver or pick up messages. Carefully followed, these agents eventually led the FBI to still other drops and other spies. Gradually, a whole pattern of Soviet espionage operations in the United States was uncovered.

Some of the consequences of what the FBI thus discovered endure until this very day. For this reason, no one is likely to divulge the full magnitude of all that was gained. However, it is clear that, by analyzing the orders that Moscow was issuing to its agents in America, the FBI acquired invaluable insights into Kremlin thinking. As early as August 1961, Director J. Edgar Hoover informed the White House that the Russians had started looking for any evidence that the United States was about to mobilize for war. Beginning in 1962, instructions to Soviet spies to search for such indications steadily increased in both frequency and urgency.

By the early fall, these orders raised disturbing questions in the minds of intelligence analysts in Washington. For the United States was not doing anything—nor did it contemplate anything—that would justify Soviet belief that mobilization might be imminent. Why then did the Russians have this fear? The ultimate, chilling conclusion of some American specialists was that the Soviet Union must be engaged in an action which, if detected, could be expected to provoke the United States to start preparing for war.

The next critical question was: Where would this action most likely be taking place? From all intelligence data available, one answer emerged: Cuba.

Thus, awareness of what was happening within Soviet espionage networks contributed to the United States' decision to resume U-2 reconnaissance flights over Cuba. And the first of the renewed flights over Cuba's critical San Cristobal area, on October 14, 1962, yielded proof of what the Russians were doing: implanting nuclear-tipped missiles pointed at the heart of America.

Tuomi, of course, knew nothing of the Cuban missile crisis until President Kennedy announced it in an emergency address. But, as he listened to the President, he experienced the emotions of most Americans. He was simultaneously terrified by the prospect of nuclear war and outraged by the Soviet treachery. With a sense of shock, he realized that he completely supported the United States.

The Sunday after the crisis ended with a Soviet pledge to withdraw the missile, Tuomi went to a pro football game between the New York Giants and the Washington Redskins. The stadium crowd sang "The Star-Spangled Banner" with rare fervor and pride, and when it ended, a great patriotic cheer rose over the stadium. Tuomi was yelling as loud as anybody else.

"I'M READY NOW"

That night, as he sat by himself in his apartment, Tuomi gave up the last pretenses about his innermost feelings. He finally acknowledged to himself that he had become wholly American. His belief in communism and his dedication to the Soviet Union had gradually eroded since he boarded the airliner at Vnukovo airport, outside Moscow in December 1958. He could not define for himself the stages of his ideological evolution, nor did he entirely understand the process. Initially, when confronted by something in America that was superior to what he had known in Russia, he had fallen back on doctrinaire-communist rationalizations, learned by rote. When he encountered facts that could not be explained away, he simply banned them from his mind. But the everyday realities he experienced in the United States had had a cumulative effect.

Moreover, as he was drawn closer to the FBI agents, he increasingly saw conditions from a unique perspective; that of an observer able to view the Soviet Union through the KGB, and the United States through the FBI. Privately, he began to compare the two societies which had produced the KGB and the FBI.

He contrasted the absurd ease of espionage in the United States with the near impossibility of espionage in the Soviet Union. In America, neither the police nor the FBI could control where a man lived, worked or traveled. In the Soviet Union, no one could live, work or travel anywhere without sanction of the KGB.

Tuomi, when first in the United States, had watched with exasperation the legal maneuvering by which the convicted rapist Caryl Chessman postponed his execution in the gas chamber. But eventually his contempt changed to almost reverent respect. He concluded that the American judicial system really did exist as much to safeguard the innocent as to punish the guilty. He remembered the one trial he had attended in the Soviet Union: a KGB officer who had killed a professor was exonerated, and an innocent truck driver was declared guilty of the crime. The memory aroused a dormant resentment that he had never before acknowledged.

All his life in the Soviet Union, Tuomi had accepted communist promises of free and decent tomorrows. He had believed that the summary arrests, purges and massacres engineered by the KGB were unpleasant yet essential means to a noble end. But the undeniable realities of contemporary America had destroyed these fantasies. Here, rights, liberties and opportunities unimaginable in the Soviet Union already existed in fact. For most Americans, freedom from fear and want was not a theoretical abstraction but a reality. In the open clamor and turbulence of American society Tuomi did not see the "seeds of self-destruction" that Marxism imputed to it. Rather, he saw the means of salvation through democratic change.

He felt none of the passion of the sudden convert, none of the dogmatism of a believer whose faith results from inheritance. Yet his convictions were all the stronger because they had been forged gradually and painfully by his own reasoning. As he picked up the phone to call Jack, he felt a serene pride.

"You remember a long time ago, when we met at the lodge, I said that there were a lot of things I wouldn't tell you?" Tuomi asked. "Well, I'm ready now to tell you everything."

"Kaarlo, you've been ready for a long time," Jack replied. "But we thought it would be best to wait until you realized that yourself. We'll meet you at the apartment tomorrow night at seven."

"CANCEL ALL ARRANGEMENTS"

In January, Tuomi began to prepare for the "vacation trip" to Moscow, as Galkin had instructed. The Center sent him a forged American passport and birth certificate, along with orders to submit a plan which would enable him to depart in May or June. The package from Moscow also included instructions to discover whether or not there were missile sites at Swanton, Vt., and near Elizabethtown, N.Y.

The FBI interceded with Burbank, and Tuomi advised the Center that he had arranged a leave of absence from June through September. He had explained to his boss, he reported, that he yearned to spend a few months in Finland looking up lost relatives of his parents.

The mission to Vermont and upstate New York in late April was a lark. Both bases were where the Russians believed.* It was so easy for Tuomi to pinpoint them on a map that he, Jack and Steve actually had time to act out their disguises as fishermen. The first night, they fried freshly caught trout over a fire by a clear stream in Vermont. The next evening they gorged themselves on sausage and pancakes at the annual Maple Sugar Festival in Elizabethtown. Tuomi drove home rested and relaxed. But when he arrived, he found a stunning message from the Center.

"By your reckless and unauthorized action you have jeopardized your security and that of your mission," it began. "You were instructed only to submit a plan for your vacation, not to proceed with any arrangements. Your trip now must be postponed. Cancel all arrangements. Disassociate yourself from all friends so that it will be unnecessary later to explain your absence to anyone. Communicate at once your understanding and readiness to comply, Chief."

To Tuomi, Moscow's reaction was irrational indeed incredible. He could scarcely offer a plan to leave the country without first having his employer's permission to take time off. And abrupt severance of carefully cultivated relations with his friends would be far more suspicious than anything he had done. That night, he encoded a detailed, reasoned protest, beseeching the Center to reconsider.

The reply from Moscow was terse: "Cut off all ties with all friends immediately and await further instructions. Chief." Tuomi was further alarmed when the Center failed to signal that it had received his report and charts of the missile sites. Slipping back to the drop he had visited two nights before, he found them still there in the magnetic container.

"What's gone wrong?" Tuomi asked Jack and Steve.

"Evidently, quite a bit," Jack answered. "There's nothing to do but play along and see what happens."

Tuomi could not know that Soviet intelligence in much of the world was suffering traumatic convulsions produced by the discovery that Col. Oleg Penkovsky was a Western spy. Through career and marriage, Penkovsky was so positioned in Soviet society that he had access to secrets worth almost any price to the West. His information had assured the United States at the time of the Cuban confrontation that it enjoyed decisive military superiority over the Soviet Union—and that the Russians knew it. Moreover, he had knowledge of some vital Soviet espionage personnel and operations. Now the Russians could not be certain who and what had been compromised. Gen. Ivan Serov, chief of military intelligence, and some of his ranking deputies were sacked. Operations were being halted in midpoint. Agents were being transferred or brought home en masse, either for their own protection or because they were suspect. The result was disarray bordering on chaos.

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*Both have since been closed.

The Center, on June 8, did acknowledge receipt of the missile-site data which Tuomi had sent through another drop. But it offered no further guidance, or hint of his future. So, after work on Friday, June 28, he drove westward, planning to see friends in Chicago and to go on to the northern lakes for a few days. But, in his first night in Chicago, he received a telephone call.

"Sorry to ruin your trip," Jack said, "but something important has come up. You've got to fly to Washington tomorrow afternoon. Make a reservation right away and call me back. I'll meet you at the airport."

UNANSWERED QUESTIONS

When Tuomi landed at Washington National Airport, he was met by Jack and Don, the senior agent who had stopped him on the street in Milwaukee four years before. They drove at once to a motel suite in Arlington, Va. Two other senior FBI agents were already there.

"Kaarlo, I imagine that sometimes you've wondered what you would do if you had to decide whether you were going to spend the rest of your life in the Soviet Union or the United States," Don began. "I hate to tell you, but the time has come when you have to make that decision. We have reason to believe that very soon you will be called home. We also believe you will not be sent back here.

"I am authorized to assure you that you are completely free to go. The FBI will do everything possible to make your return seem normal. We will do everything we can to help you.

"On the other hand, Kaarlo—and again I'm speaking with the authority of our government—you are welcome to stay in the United States. If you decide to remain, we cannot promise you paradise. You will have to stand on your own feet, earn your own living. But we will do everything we can to ensure your security and to help you get settled."

"If I stay, would there be any way to get my family out?" Tuomi asked.

Don shook his head. "There is no way."

"If I go back, would I still have to work for American intelligence?"

"Absolutely not. You have our word on that," Don pledged. "As far as we are concerned, you will be as free as anyone in the Soviet Union can be. And no one will ever know what went on over here."

Tuomi had assumed—as Galkin had told him—that, after a temporary recall, he would be returned to the United States. He reasoned that he could survive personal scrutiny in the Soviet Union for two or three months, be with his children once more, and find out why he had received no word from his wife for two years. He also nurtured a hope, however unrealistic, that in Moscow he might chance upon means of eventually bringing his family to the West. But now . . .

He had no illusions about the cruel choice suddenly confronting him. To stay in America meant never to see his wife and children again. To go meant never to see America again, to live the remainder of his life in a society he had spiritually repudiated and come to abhor.

What would happen to his family if he refused to return? Would the KGB imprison them? Or would it recognize the futility of punishing a wife and children who were in no way responsible for his actions, who posed no threat to the state?

What would happen to his family if, some time after his return, the KGB learned that he had betrayed the Soviet Union? Could he withstand the countless debriefings without making the one errant remark that would expose his duplicity? Could he live in the Soviet Union, forever suppressing the convictions that had transformed him into an American? He concluded that he could not.

"Don, maybe Kaarlo would like some time alone," he heard Jack say.

"No," Tuomi replied. "I have to decide now. I decide to stay."

The FBI agents stood up and crowded around to shake his hand.

Tuomi, after that day of decision, disappeared into America. In the years since, he has built a normal life for himself. Though he has never earned a great deal of money, he enjoys a comfortable home and most of the material conveniences that the United States offers. But his contentment results primarily from a sense of physical and spiritual liberty. He owns 40 acres of isolated woodland where he likes to hunt and roam at will hour after hour. Having cut countless trees in his youth, he now derives satisfaction from planting and nurturing trees.

In his community he is known as a moderate Republican, an occasional churchgoer and the personification of respectability. The same disarming grin and manner that sustained him in Moscow, at Tiffany's and on the New York waterfront have helped fill his new life with good friends. Even the most intimate do not know the story of his past.

In spite of the excellence of Tuomi's abilities as a spy, mysteries remain in this story that he knew and lived. How did the FBI know he was coming? How did it know who he was? Tuomi has never been able to ascertain the answers. They are locked, perhaps forever, in the memories of a few men in the FBI.

KGB: The Swallows' Nest

(Condensed from "KGB" by John Barron)

In gathering data for the forthcoming book "KGB," Reader's Digest editors have studied some 70 examples of Soviet attempts to prey upon foreigners in Moscow. They show that the KGB—the massive intelligence agency through which all life in the Soviet Union is ruled—has repeatedly seduced, drugged, beaten and framed visitors to force them into treason. In doing so, it has perfected age-old ploys of espionage into a new and lethal art. The shocking and sordid revelations of these bizarre methods that follow can only leave the reader with a sense of outrage.

In the condensation the Digest deals mainly with the KGB's sexual entrapment of a French ambassador—the details of which have been kept secret for years. Only in the past few months, through exhaustive research and interviews, has the Digest been able to break the story. It is the most dramatic and revealing of all the cases told at length because it is the one that has become available from *inside* the KGB. The targets of this operation happened to have been French. They might as easily have been diplomats of *any* nationality. Indeed, the most frequent victims of KGB provocations are citizens of the "Main Enemy"—the KGB term for the United States.

Counter-intelligence experts who must daily contend with Soviet schemes against foreign visitors believe the world should now know the full story of what the KGB did to the French in Moscow. As one widely respected European security official declares: "Inevitably, publication of this story will cause personal embarrassment to a few. But I believe it will serve to save many others from personal tragedy."

On a balmy September evening, a middle-aged Russian slipped out of a shabby London hotel where he was staying with a delegation of Soviet tourists. Hidden in the shaving kit he carried were microfilms of records he had written during many nights in Moscow. Knowing that he had only a few minutes before his absence was detected, the Russian hurried along Bayswater Road and disappeared into Hyde Park. That evening, under heavy protective guard, he began talking to three British intelligence officers. His name: Yury Vasilyevich Krotkov. His job up until that day: operative for the KGB.

Krotkov's revelations stunned the British. The consternation spread to Paris and Washington the next day with the arrival of urgent messages from England. Soon a senior French counter-intelligence officer appeared at a town house on a London side street for a personal briefing by the British. The French officer became so alarmed that he flew back to Paris that same day. Determined to convey the full import of his findings at the highest level, he obtained a confidential audience with an aide to President Charles de Gaulle and reported what he had learned. Soon after, appalled but unflinching, de Gaulle issued an order: find out the complete truth, whatever it is.

Now the best and most trusted counter-intelligence men of France began a sweeping investigation. Methodically, they reconstructed in minute detail a KGB plot aimed at the heart of France. Its enormity and complexity astonished even those Western specialists who comprehend the deadly skill of the KGB.

With the encouragement of then Party Secretary, Nikita S. Khrushchev, the French investigators discovered, the KGB had undertaken to secure a hidden hold on the French ambassador in Moscow through sexual entrapment. Dozens of well-known Soviet artists and intellectuals controlled by the KGB participated in the plan. They were joined by more than 100 KGB staff officers, agents and women experienced in seduction. The resultant operation constituted a siege of the whole French embassy and led one honorable Frenchman to his death. Moreover, the KGB attempt to ensnare the ambassador was already dangerously far advanced when the Russian defector divulged it.

Discovery of the Soviet plot, of course, wrecked it once and for all. Aside from scarring lives and killing a man, the years of KGB depredations against the French embassy ultimately accomplished little. Thus, this particular KGB operation did not culminate in great treason which altered history. Yet it is of great contemporary importance, for it affords Westerners an unprecedented view from inside the KGB of the subversive methods used against foreign diplomats, journalists, scholars and tourists of all nationalities. And it vividly demonstrates the immense resources the Soviet system is willing to invest in moral blackmail.

A SECRET DOSSIER

The precise date the KGB began its siege against the French cannot be pinpointed. But it is certain that on an unusually warm day in June 1956 Yury Vasilyevich Krotkov was summoned to a comfortable room in the Moskva Hotel, for a meeting with his KGB chief. Over the years, Krotkov had participated in so many KGB operations that he felt himself incapable of surprise. But the first blunt words of KGB Col. Leonid Petrovich Kunavin astonished him:

"We have a new assignment—the ambassador of France!" Kunavin proudly announced. "We're going to get him no matter how long it takes."

Obviously elated, Kunavin was intent upon impressing Krotkov with the challenge of the new mission. "I tell you, there never has been an operation on such a scale," he said. "The order comes from the very top. Nikita Sergeyevich himself wants him caught."

A huge man with chestnut hair, hazel eyes and a truculent peasant face, Kunavin was renowned for his ruthlessness and zeal. Once at a Moscow soccer match, Krotkov had seen him beat two fans senseless after they cursed his favorite team. Kunavin's consuming passion was the intrigue of the KGB, the secret police and espionage apparatus through which the Soviet Union is ruled.

"Can you tell me something about this ambassador?" Krotkov asked.

"His name is Maurice Dejean," said Kunavin. "We know everything about him there is to know."

The KGB did know a lot. Ever since the early years of World War II when Dejean served as a senior member of Gen. Charles de Gaulle's Free French government in London, it has been building a dossier on him. It correctly calculated that de Gaulle would long remain a decisive force in French affairs, and the KGB was intensely interested in anyone who might be manipulated to influence any important politician.

The file on Dejean slowly thickened as Soviet agents filed reports from New York, Paris, London and Tokyo, where Dejean had served as a diplomat. After the ambassador arrived in Moscow in December 1955, the KGB subjected him and his wife, Marie-Claire, to unceasing surveillance. Microphones secreted in their apartment and at the embassy recorded their most unguarded and intimate words. The Russian chauffeur referred to the ambassador by the Soviet Foreign Ministry was a trained KGB informant, as was Madame Dejean's personal maid.

From all this scrutiny, the KGB perceived in Dejean not the least disposition to be disloyal to France. But it noted that at age 56 he retained a vigorous interest in women, an interest agents had discerned at his previous posts. To the KGB, this made him a natural candidate for entrapment.

The KGB intended to make of Dejean an "agent of influence"—the most deadly subversive of all. The agent of influence does not steal documents, recruit informers or engage in the usual tactics of espionage. Instead, guided by the secret dictates of Moscow, he exploits his official position to alter the policies of his own country in the interests of the Soviet Union. If he is a powerful figure in his government, his influence can accomplish more than a legion of ordinary spies. In the case of Dejean, the KGB and Khrushchev expected that he would one day return to Paris and move into the highest political circles of France, where he could be used to warp French policies.

"We have an immense responsibility now," Kunavin told Krotkov, "and much is going to depend upon you. But at the moment all I want you to do is put your personal affairs in order. Once we begin, you must concentrate on this above all else."

CHILD OF THE KGB

The seduction of the ambassador was assigned to the Second Chief Directorate, the darkest core of the KGB. To this division is entrusted the greatest single mission of the KGB—repression of the Soviet people in the interests of the communist dictatorship. The Second Chief Directorate is the direct descendant of the office which presided over the mass murders and purges of the Stalin era. Today it ensures communist-party control of science, education, the arts, the courts, church and press. It enforces the system through which the state determines where each Soviet citizen may live and work. And it maintains the vast network of informants and provocateurs who infest every institution, farm and factory—literally every block of every urban area.

While primarily concerned with the continuing subjugation of the Soviet people, the Second Chief Directorate also seeks to subvert foreigners who venture into the Soviet Union. Basically, it seeks to entice visitors into some illegal activity, preferably sexual escapades or blackmarketeering. In stalking a foreigner, the KGB is unhampered by legal restraints. It can instantly enlist any segment of Soviet society. It can order state agencies to stage any function, arrange any introduction or make available any personnel. It can appropriate apartments, hotel rooms, sleeping-car berths, restaurants—whatever it needs. So pervasive is the fear of the KGB that it can command for a particular plot the services of almost any Soviet citizen, be he laborer or intellectual.

In entrapment operations, Yury Krotkov was a KGB star. Since World War II he had tried to lure scores of officials and journalists into various kinds of traps—including diplomats from America, Australia, England, Canada, France, India, Mexico, Pakistan and Yugoslavia.

Krotkov actually was a dramatist and film writer. But from childhood, his life had been intertwined with the KGB. He grew up in Tbilisi, Georgia, where his father was an artist and his mother an actress. In 1936, his father painted a portrait of Lavrenti Beria, who then headed the communist party in Georgia. Beria so treasured the work that after Stalin elevated him to command of the entire KGB, copies were hung throughout the Soviet Union. Until the artist's death, Beria remained his protector.

Arriving in Moscow to study literature, Krotkov naturally looked up old KGB friends of the family and thought nothing of asking them for help. Evacuated with his classmates when the Germans threatened to overrun the city in 1941, he returned 18 months later to find that a family had appropriated his room. He appealed to the KGB, which summarily evicted the family. It also helped him obtain a job at the newspaper service Tass and later with Radio Moscow.

When Krotkov's work in 1946 began to provide him with plausible reasons for meeting foreigners, the KGB approached him and, at age 28, he willingly enlisted in the legion of "co-opted" agents who pervade all echelons of Soviet society. He was still at liberty to pursue his literary career. Indeed, the KGB wanted him to do well, for the further he advanced the more useful he could be. But from then on he could never be wholly free of the KGB.

As a writer, intellectual and friend of the Boris Pasternak family, Krotkov was welcomed by foreigners in Moscow. Tall, slender, with a handsome shock of dark-brown hair and an intense, expressive face, he could talk suavely in English or Russian about the arts, history and prominent Soviet personalities. Soon he learned to exploit the hunger of Western visitors for communication with the Russian people.

All the while, Krotkov was instructed to look for attractive girls whom the KGB could use to tempt foreigners into trouble. He picked them primarily from among actresses he met while writing motion-picture scenarios. The KGB offered them various inducements—the promise of better roles, money, clothes, a measure of liberty and gaiety absent from normal Soviet life. The recruited girls were known within the KGB as "swallows." For operational purposes, they often were allowed temporary use of a "swallow's nest," consisting of two adjoining single-room apartments. In one, the girl entertained the foreigner she was supposed to compromise. From the other, KGB technicians recorded on film and tape whatever boudoir events occurred.

RUSSIAN MUSKETEERS

Two days after announcing the operation, Kunavin summoned Krotkov for a more detailed briefing. "The ambassador is the ultimate target," Kunavin explained, "but we are also interested in the assistant air attaché at the embassy, a Col. Louis Guibaud. Your job is Madame Dejean. You must gain control of her; make her ours. You must get her in bed." This was standard KGB strategy. If it could gain control of the wives, access to the husbands would be much easier. If it succeeded in subverting both husband and wife, it could form them into a powerful team for treason.

Krotkov would not always understand the reason behind his orders, Kunavin warned. "This is a coordinated attack. While you're working on Madame Dejean, others will be dealing with the ambassador. When the time comes, it will fit together. You will see. We have something special in mind."

Kunavin repeatedly stressed the necessity of proceeding slowly and cautiously, of making every contact with the French seem natural. "There is one thing in our favor," he remarked. "Dejean really is trying to do his job. He wants to get out among the people—and his wife is trying to help him. He really wants to be friends." Kunavin started to laugh. "Well, we'll show him how friendly our girls can be."

Kunavin spoke in detail about the backgrounds of Ambassador and Madame Dejean, several times quoting from conversations recorded by Soviet microphones. "She is no fool," Kunavin warned. "She watches over the ambassador constantly and tries to protect him. That's another reason why we must get a hold on her."

A few days later, Kunavin introduced Krotkov to the co-opted KGB agent picked to seduce Ginette Guibaud, wife of the assistant air attaché. He was Misha Orlov, an actor and singer idolized by Moscow teenagers. A gypsy-like giant of a man, Orlov frequently was used to seduce foreign women. Also present at the third meeting was Boris Cherkashin, a KGB lieutenant then posing as a young diplomat named Karelin.

Masquerading as vacationing bachelors, Cherkashin and Orlov, a couple of months before, had been ordered to trail a group of French wives to a Black Sea resort. Following a prearranged plan, the two Russians "accidentally" met Madame-Dejean. Later, in Moscow, Cherkashin began to see her at official functions. Finally the KGB felt that he was sufficiently acquainted to invite her on an outing with "friends" so that Krotkov could meet her. After consulting her husband Madame Dejean accepted the invitation, adding that she would also bring Madame Guiband and the daughter of another attaché.

Kunavin and Krotkov planned the outing in meticulous detail, commandeering a high-powered police cutter at a militia headquarters on the Khimki Reservoir and a fat militiaman as a pilot. The cutter was swiftly cleaned and polished. Special wines, cheeses, fruits and pastries were ordered from KGB stores, and choice shashlik was made ready for broiling.

Krotkov first had a chance to talk with Madame Dejean when she arrived at the river pier and was introduced by Cherkashin. She exclaimed, "What a beautiful boat! Is it yours?" Krotkov smiled and answered as if sharing a confidence. "A friend of mine is an official in one of the Sports Administrations. I lent him my car for his vacation so he owed me a favor and—this is it. May I have the pleasure of showing you aboard?"

As the cutter gathered speed out into the river (following the precise course charted by the KGB) and Orlov courted Madame Guibaud, Krotkov chatted with Madame Dejean.

"Tell me your impressions of the Soviet Union," he said.

"We are delighted," she responded. "All the officials we have met have been so kind to us."

"You must find Moscow rather drab after Paris," Krotkov said.

"I love Paris, of course," she replied. "But Moscow is also a great city. There is grandeur here, too."

Frowning, Krotkov lowered his voice and affected great sincerity: "Would you have me believe that you like everything you have seen?"

Madame Dejean thought about her answer for a moment. "I am a guest. We did not come here to criticize. We came to help our countries to be friends."

"And I hope you succeed," Krotov replied. "But we should be honest and I might as well tell you that there is much in Soviet reality that I detest. As a writer, I would be interested to know if we see the same reality."

"If you insist," Madame Dejean replied gently. "One difference between France and the Soviet Union: a conversation over a glass of wine can bring a Frenchman to the verge of revolution. Your people seem willing to tolerate anything. I think it very sad when people lose their capacity to be outraged."

"I can see that you and I are going to be good friends," Krotkov said.

The cutter glided to a small pier at a deserted, pastoral island near the Pestovskove Reservoir. The agents and their French guests explored, swam, and dined on the delicious food. Madame Dejean insisted that the militiaman-pilot join them and personally broiled a shashlik for him.

Their spirits buoyed by wine and cognac, the party laughed and sang on the return trip. Orlov, rather drunk, danced on the bow and created much mirth by nearly falling overboard. At the pier Madame Dejean said, "You are three fine Russian musketeers and we are indebted to you for an enchanting outing. I want to return your kindness. Will you come to our Bastille Day reception? It's July 14."

CONGENIAL CIRCLE

The KGB considered the invitation a triumph. Cherkashin, as planned, made excuses, but Krotkov and Orlov arrived and were greeted warmly by Madame Dejean. She immediately introduced them to her husband, who welcomed them cordially in passable Russian. Krotkov winced inwardly at the honesty of the greeting.

Though the ambassador was neither tall nor distinctively handsome, his poise was immediately apparent, an effect heightened by alert blue eyes, healthy complexion and slightly graying hair. Krotkov watched intently as, later in the evening, Dejean and Khrushchev drank champagne and traded jokes, occasionally poking each other in the ribs amid the laughter.

As the guests maneuvered around an elegant buffet, Ginette Guibaud steered Krotkov and Orlov to her husband. A strongly built man, he spoke in stiffly correct English and regarded the two Russians coldly, even contemptuously. Uncomfortable in his presence, Krotkov concluded that Guibaud was an officer with a strong sense of duty—not easy prey for the KGB.

However, the evening ended successfully for Krotkov. When he left, both Madame Dejean and Madame Guibaud had agreed to another picnic the next week.

As the relationship between Krotkov and Madame Dejean progressed, the KGB made elaborate arrangements to open a second front in the fall against the ambassador. This was an essential part of the original plan, and it required an entry into the French-embassy society of the man responsible for the whole operation—Lt. Gen. Oleg Mikhailovich Gribanov, boss of the Second Chief Directorate.

Stocky and balding, with baggy pants and glasses, Gribanov looked like a run-of-the-mill Soviet bureaucrat. Actually he was a daring thinker and one of the seven or eight most important men in the KGB. For his work in effecting mass arrests during the Hungarian Revolution, Gribanov (and Kunavin) had been decorated for "distinguished service to socialism." His brilliant, calculating mind and operpowering personality had earned him the sobriquet "Little Napoleon."

To dupe the Dejeans into an association, Gribanov assumed the identity of Oleg Mikhailovich Gorbunov, "an important official of the Council of Ministers." He also equipped himself with a "wife," KGB Major Vera Ivanova Andreyeva. Next he devised a complicated scheme to meet the Dejeans so that the relationship would seem to develop naturally. Chosen to make the introduction were two very prominent co-opted KGB agents—Sergei Mikhalkov, writer and co-author of the Soviet national anthem,[1] and his wife, Natalia Konchalovskaya, a popular author of children's stories. At a diplomatic reception they presented Vera as "Madame Gorbunova, a translator in the Ministry of Culture and the wife of a high official of the Council of Ministers."

Plump, matronly Vera spoke French well, having served with the KGB in France, and her flattering reminiscences of France immediately pleased the Dejeans. Vera also talked a great deal about her "husband," depicting him as an overworked confidant of the Soviet leadership—just the kind of man an ambassador would like to know. Thus, the Dejeans were delighted to accept a dinner invitation from the Gorbunovs.

To entertain the ambassador, the KGB requisitioned and lavishly furnished a spacious apartment as the Moscow home of the Gorbunovs. More important, the then KGB Chairman Ivan Serov lent Gribanov-Gorbunov his dacha some 14 miles outside the city, a great old Russian country house built of logs with ornate porticos and window frames. This became the scene of pleasant parties at which the Gorbunovs admitted the Dejeans into a congenial circle of writers, artists, actors, actresses and "officials." Virtually all were KGB "swallows" or agents. Occasionally, Gribanov confided accurate information calculated to be useful to the ambassador, while Vera began to condition Madame Dejean to separations from her husband by taking her on out-of-town trips "to see the country."

THREE SWALLOWS

At the same time Kritkov continued to cultivate Madame Dejean with his own squad of disguised agents. But the physical intimacy the KGB desired never developed between them. And during a luncheon at Madame Guibaud's apartment Orlov had drunk so much that he fell into a drunken, snoring slumber. KGB microphones recorded enough of the episode to force an enraged Gribanov to banish Orlov from the operation permanently.

Thus, by early 1958—some 18 months after the siege began—none of the original KGB plans for seducing the French had succeeded. But a valuable asset had been developed in the friendship between Krotkov and Madame Dejean. Gribanov now decided to exploit it by having Krotkov arrange the entrapment of Dejean. He began looking for the right woman.

Gribanov selected Lydia Khovanskaya, a buxom, sensual doe-eyed divorcée of about 33. She had acquired Western manners and an excellent command of French in Paris, where her former husband had served as a diplomat. To insinuate her into Dejean's company, Gribanov played upon the genuine French desire for better cultural relations. He "requested" that the Ministry of Culture stage a special film exhibition of the ballet *Giselle* and invite the ambassador and his ranking assistants, ostensibly to meet prominent Soviet motion-picture personalities. Krotkov was designated master of ceremonies, and he compiled the list of Russian guests commanded to appear. On it appeared the name, "Lydia Khovanskaya—translator." For added decoration, the KGB rounded up a dozen Bolshoi ballerinas, including the famous Maya Plisetskaya.

At the exhibition, which was held in an old mansion on Gnezdnikovski Lane, Lydia, freshly coiffured and perfumed, sat beside Dejean. Several times during the film she pressed lightly against him or brushed her hair against his face while leaning over to whisper translations of the dialogue. Afterward, though, she artfully deferred to Krotkov and devoted her self to translation for Madame Dejean.

Three days later, Krotkov telephoned Madame Dejean at the embassy and duped her into helping arrange another meeting between her husband and Lydia. "I'm giving a dinner party Friday," he began. "My friends were very impressed by the ambassador, and it would be quite an honor for me if I could persuade you both to come." Then he added: "By the way, Marie-Claire, I have started work on a joint Soviet-French production of the film *Dubrovski*. It would not hurt me to be seen with the ambassador."

"Oh, I'm certain he will accept with pleasure, Yury," she replied.

The KGB reserved the main dining room of the Praga Restaurant and planned a grandiose dinner. Though the primary purpose of the evening was to provide Lydia with a further opportunity to entice the ambassador. Kunavin and Krotkov had decided to offer him two other swallows as alternatives. They selected Nadya Cherednichenko and Larissa Kronberg-Sobolevskaya, both stunning blond actresses in their late 20s. Krotkov knew them well.

Half an hour before the dinner, Kunavin deployed KGB officers throughout the restaurant to monitor the party and ensure that it was undisturbed. The three swallows looked radiant. Playwright George Mdivani, another well-known artist co-opted by the KGB, established an air of irreverent frivolity with witty toasts mocking socialism. Dejean, comporting himself as a masterly and affable diplomat, warmed to the occasion. His spirits buoyed by the beautiful women, he deftly danced with them all. He so enjoyed the evening that he invited everyone to dine at the embassy the next week.

"THEY'VE DONE IT"

The night of the embassy dinner, the Dejeans were such natural and engaging hosts that they almost made Krotkov, Mdivani and the three swallows forget their real mission. Genuinely glad to be among Russians they considered friends, the Dejeans escorted the guests through the embassy, magnificently furnished with French antiques. Listening to classical music and sipping champagne after dining on partridge, Dejean flirted with each of the swallows, flattering them with questions about their personal lives.

Krotkov could not discern which girl would be most likely to succeed with him. "Lydia is our best bet," Kunavin said, upon studying his report of the dinner. "We've got to figure out some way to bring them together by themselves."

Soon thereafter Vera invited Madame Dejean to join her on a trip. Krotkov then telephoned the ambassador. "There is an artist from Georgia—Lado Gudiashvili, an old friend of my family—who is having an exhibition here," he said. "He spent his student days in Paris, and all his life he has loved France. Now he is quite an old man and it would mean a great deal to him if you could drop by his show Sunday."

"Certainly," Dejean replied. "I should think it my duty to attend."

The ambassador arrived at the gallery in his embassy car driven by the KGB chauffeur. Joining Krotkov and Lydia, Dejean automatically accepted her services as an interpreter. Dejean generously complimented the venerable painter, who long had been in official disfavor because his rather romantic work lacked "socialist realism."

When Dejean started to leave, Lydia said to him, "Mr. Ambassador, would it be too much to ask you to drop me off at my apartment?"

"It would be an honor," he replied.

When they arrived, she asked. "Would you like to come up for a cup of coffee and see how an ordinary Soviet woman lives?"

When Dejean emerged from the apartment, as his chauffeur carefully noted, nearly two hours had elapsed.

But Kunavin had already heard from

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[1] Last March KGB agent Kikhalkov became chairman of the Writers Union of the Russian Republic.

Lydia. "Yes, I know. They've done it!" he said triumphantly.

The KGB had no thought of attempting to blackmail Dejean on the basis of one afternoon with Lydia. For the moment, it merely sought to cement the liaison and make him feel that he was getting away with the conquest of a beautiful woman. It wanted him to persuade himself that he could safely engage in an affair in Moscow just as he might in Paris, London or Washington.

"Gradually build up the relationship," Kunavin instructed Lydia, "but don't appear too available for awhile." Lydia carried out the assignment faultlessly. At embassy functions, to which members of the Krotkov team were increasingly invited, she remained friendly yet respectful toward the ambassador. Flattering Madame Dejean, Lydia became such a good friend that they regularly embraced upon meeting—even as she privately received the ambassador with ardor and affection.

A CHANGE OF PLAN

In May 1958 the operation against the French assumed an immense new significance in the eyes of the KGB. Soviet agents in Paris reported that within the next few weeks Charles de Gaulle almost certainly would be designated premier of France. Presuming that Dejean was still an intimate of de Gaulle, the KGB reasonal that his chances of ascending to an influential government position were far greater than before. "This always was important," Kunavin jubilantly told Krotkov. "Now it's ten times as important."

When Krotkov saw the Dejeans at the embassy in June, they too were elated. Dejean offered resounding toasts to de Gaulle and the new era of grandeur he promised France. Though he never alluded to his personal ties with the general, he doubtless felt that de Gaulle's ascension heralded a new era for him as well.

Krotkov now expected that the KGB would soon close the trap against Dejean. Thus he was dumfounded when Kunavin announced: "We're going to have to pull Lydia out of the operation."

"What!" exclaimed Krotkov.

"A mistake has been made," Kunavin said calmly. "In this operation, we've got to have a husband. Dejean must believe the girl is married, if what we have in mind is going to work. Unfortunately Lydia's husband was pretty well known in Paris and there are a couple of people in the French embassy who probably know they're divorced."

"Why in hell didn't someone think about that before?" Krotkov exploded.

"There's no use whining about it now," Kunavin replied. "The point is, we have to start all over."

Kunavin informed Lydia that she must break relations with Dejean. Then he and Gribanov personally briefed her replacement, Larissa Kronberg-Sobolevskaya—who was called Lora. According to the KGB legend created for her, she was a movie actress married to a geologist. She had explained his absence by telling the Dejeans that his work required him to remain away much of the year on field explorations.

Lora was the most spectacular of all the swallows. Long-legged and seductive, she was a waif with a beautiful face and a haunting laugh. Not even the KGB could completely harness her wild, defiant spirit. She did not have official permission to reside in Moscow, which meant she could not obtain a room. So she lived constantly subject to exile, drifting from one affair to another. She occasionally drank too much sometimes impudently showing up on a set intoxicated and half-clad.

"For once," Gribanov told her, "you must follow orders strictly. You are not to do a single thing that we have not planned and approved."

Lora smiled and, looking him straight in the eye, said: "I don't need to be told how to handle a man."

Restraining his anger, Gribanov casually delivered the one message the KGB calculated would tame Lora. "If you *do* obey orders and if you succeed, I'll see to it that you get a room, a nice one. And we'll make this your last job.

Lydia dropped out of sight, while Lora reappeared at a new series of parties staged for the ambassador by Krotkov. In late June, after a lavish luncheon at the home of retired KGB Col. George Bryantsev, Lora whispered to Krotkov: "Hurry! Take me to the apartment. The ambassador asked me to meet him there in an hour!"

That afternoon Dejean entered into an affair more passionate than the liaison he had formed with Lydia. Lora, who ardently gave love in hope of finding it, totally won him. Gribanov decided the time had come to do what the KGB had planned for more than two years. Special surveillance squads were readied and KGB technicians installed radio transmitters in the apartment next to the one Lora was to use.

One day Krotkov telephoned Dejean. "Mr. Ambassador," he said, "I promised Marie-Claire that I would keep you amused while she's away. How about a picnic tomorrow? I'll bring along a lady who is a special friend of mine, and Lora and . . . " Krotkov did not need to finish. At the mention of Lora, Dejean instantly accepted.

As the ambassador looked forward to the pleasures of another rendezvous with Lora, Gribanov assembled his team in a suite at the Metropole Hotel. Present were his deputy, Col. Narses Mikhailovich Melkumyan, Kunavin, Lora, Vera and a strapping KGB thug named Misha. There he delivered a final briefing. "I want you to beat hell out of him," he told Kunavin and Misha. "Really hurt him. Terrify him. But I warn you, if you leave one mark on his face, I'll put you both in jail. And, Lora, the same goes for you if he is not in your apartment by five o'clock. This must go exactly according to schedule."

CODE WORD: "KIEV"

The next morning Krotkov and his "special friend" Alla Golubova drove into the countryside followed by Dejean with Lora—the two cars at all times under KGB surveillance. Eventually, Krotkov stopped in a secluded grove of trees on a gentle slope overlooking a brook.

During the picnic Lora acted her role as seductress so magnificently that Alla said in an aside to Krotkov: "The ambassador is looking at her like a cat looks at cream!"

Miles away, in the apartment adjacent to Lora's, Gribanov, Melkumyan, Kunavin and Misha received continuing reports radioed by KGB agents hiding in the woods. Misha, Lora's "husband," and Kunavin, his "friend," were dressed as geological explorers, complete with cleated shoes and knapsacks.

At midafternoon Krotkov, mindful of the rigid KGB schedule, suggested it was time to go back. About ten miles from the city, Krotkov, through his rear-view mirror, saw the ambassador's car stopping. He braked, got out of his car and hurried back to Dejean. "What's the matter?"

"Everything's fine," Dejean said with a broad smile. "Lora has just decided she wants to take a swim in the pond over there."

Krotkov was at once furious and frantic. With a supreme effort of control he turned to Lora. "My dear," he asked, "why would a beautiful girl like you want to swim in a dirty cattle pond?"

Betraying the effects of the wine she had been drinking at the picnic, Lora only laughed at him, as she began to take off her clothes.

The news of her caprice, radioed by a surveillance car, enraged Gribanov. He stormed through the apartment, shouting, "That whore! I *knew* we shouldn't use her. I'll tell you, from now on we're going to use only high-class women!"

Lora was wearing only her underwear, and each time she emerged from the water, the wet garments clung to her body. She looked more than naked. "We'd better get the ambassador out of here before he has a heart attack," Alla whispered.

The excitement Lora generated more than compensated for the time lost by her swim. As soon as they entered the swallows' nest at 2 Ananyevski Lane, Dejean embraced her. "Maurice, there is somthing I forgot to tell you," Lora said. "I have got a telegram from my husband. He's coming home tomorrow. . . ."

Listening to the sounds from Lora's apartment, Gribanov impatiently waited for Lora to give the signal which would serve as the cue for Misha and Kunavin. "Why doesn't she say the word?" he muttered again and again. Finally, Lora did speak the code word: "Kiev." Instantly, Misha, followed by Kunavin, ran to her apartment and unlocked the door.

"It's my husband!" Lora screamed.

"I can't believe it!" Misha shouted. "All day I flew just to be with you a few hours earlier, and what do I find!"

"Misha, oh, please," Lora pleaded. "He is an ambassador."

"I don't give a damn *who* he is!" roared Misha. "I'm going to teach him a lesson."

Now Misha and Kunavin set upon Dejean, viciously beating him. Kunavin, who detested everything French anyway, went about his mission with relish. Lora, too, was slapped and pummeled.

All the while, Lora put on a superlative performance, crying and screaming, "Stop! You're going to kill him! He's the ambassador of France!"

Finally, as planned, Kunavin grabbed Misha as if to restrain him. "Listen," he said, "if he really is an ambassador, maybe we better stop."

"All right, all right," agreed Misha, still feigning fury. "But it's not going to end here. I'm going to the authorities. I'm just a plain Soviet citizen, but we have laws in our country. If you *are* an ambassador, I'm going to see to it that you're expelled. The whole world will know what a filthy swine you are."

Amid continuing threats, Dejean gathered his clothes with as much dignity as the circumstances permitted and left. Nearly collapsing in the back seat of his car, he said to the chauffeur, "The embassy." The chauffeur, watching in the mirror, saw him bury his face in his hands.

In the swallows' nest, the scene now resembled that of a locker room of a team that has just won a world's championship. While champagne spilled into glasses and onto the floor, Kunavin and Misha shouted congratulations to each other and to Lora. Laughing uproariously, they re-enacted all that had happened for other KGB agents who crowded in from the street and elsewhere in the building.

Gribanov briefly joined the celebration. "Lora, I, too, want to congratulate you," he said earnestly. "You were just perfect."

Pointing to the many bruises forming on her body, Lora glared at Kunavin and said, "Look what you did to me!"

"I am sorry," he apologized. "It had to be done. Please, take a few days off and rest in bed."

"And my room?" she asked. "Do I get my room?"

"Yes, Lora. You will have your room."

"I WOULD BE INDEBTED"

Punctually at 8 p.m. that evening Dejean arrived at the Serov dacha, where he was to be hosted by the same man who three hours before had presided over his beating and degradation. Days earlier, Gribanov, playing his role as Gorbunov, had arranged for a dinner party to follow closely upon the beating. The KGB wanted to accord Dejean an opportunity to ask for the help he now desperately required.

Through dinner and afterward over brandy, the ambassador betrayed nothing of what had happened, although he ached from his ordeal. Late in the evening, however, he took Gribanov aside and finally said what the KGB had worked so hard to make him say: "I am in rather bad trouble. I need your help. . . ." Thereupon, he truthfully told of his relationship with Lora and of all that had happened in her apartment just hours before.

"This is extremely serious," commented Gribanov. "The husband has the law on his side. If he goes to court, he could make quite a scandal."

"I would be indebted to you for anything you could do," said Dejean.

"I will do all I can," Gribanov replied. "But, Mr. Ambassador, I must be candid. I'm not sure we'll succeed in hushing this up."

Gribanov toyed with Dejean during the next days. Appeals were being made, he reported, but the husband was obstinate and unreasonable. Everything hung in the balance. Then he eased the ambassador off the hook. "It took a lot of doing, but I believe we have persuaded the man to keep quiet in the interests of Soviet-French relations," he said. "Unless he changes his mind, we're all right."

THRESHOLD OF TREASON

The KGB expressed its appreciation to Krotkov at an unusual and elegant private luncheon in his honor at the Aragvi Restaurant. Kunavin—himself decorated with the Order of the Red Star—and Melkumyan welcomed him and, like elderly generals reviewing a great and victorious battle, the three reminisced about the Dejean project. After lunch, Melkumyan stood up and declared formally: "The operation was one of the most brilliant ever consummated by the organs of state security. Without your vital contributions, Yury Vasilyevich, it is doubtful that we would have achieved our goal."

Melkumyan paused and took a gold watch with a gold wristband from his pocket. (It had been confiscated by the KGB from a foreigner.) "On behalf of the Committee for State Security of the Council of Ministers of the Union of Soviet Socialist Republics, it is my pleasure to present you with this gift," he told Krotkov. "Regard it as a symbol of our gratitude for your patriotic activity. We only regret the impossibility of engraving on it the reason for its award."

By now all the leading participants understood the scope of the KGB plot against the ambassador. The secret Dejean and Gribanov shared formed a special, personal bond between them. The ambassador was profoundly grateful and deeply indebted to the general. The KGB could wait until he attained the high position it believed he would soon occupy in Paris before seeking any repayment of the hidden debt. Even then, it contemplated no crude confrontation. Gribanov would gently ask a favor in return for the one owed. Once Dejean had acted in the interest of a foreign power, he would be vulnerable to more demands. Thus, one favor would lead imperceptibly to another and another until Dejean crossed the threshold of treason from which there could be no return.

For the moment, KGB strategy required only that Gribanov enlarge and intensify his friendship with Dejean. The friendlier they became, the easier the ultimate approach in Paris would be. To keep the ambassador happy, Gribanov ordered Lydia restored to his company. "Dejean doesn't like to live on Lenten fare," Kunavin commented to Krotkov. In their pose as the Gorbunovs, Gribanov and Vera entertained the Dejeans more lavishly than ever. They took them to a government dacha on the Black Sea, then on a two-week trip through Baltic areas normally proscribed to foreigners.

Gribanov never afterward alluded to the affair with Lora. The ambassador in turn never realized that his good friend Gorbunov, with whom he consulted and confided, actually was the commanding general of the Second Chief Directorate of the KGB. Neither did he ever suspect that Lydia was an agent who reported his every word and action to the KGB.

MOMENT OF PANIC

While Gribanov personally attended to the ambassador, Krotkov and a host of other KGB agents kept probing the embassy for any weakness they might exploit. And in the summer of 1961, they found one. Lt. Col. Louis Guibaud and Ginette, targets in the early days of the Dejean operation, had left Russia in 1958. But they had returned for a second tour of duty in Moscow, and microphones secreted in their apartment soon disclosed that they quarreled frequently and fiercely. To the KGB, this was a signal for action.

Just as it had done with Dejean, the KGB exposed Guibaud to a succession of swallows until one succeeded in luring him into an affair. It thrived, until early summer of 1962, when Guibaud was confronted by three men in civilian clothes. Polite but blunt, they spread before him an array of shocking photographs documenting his liaison. Then they gave him a brutal choice: secret collaboration with the KGB or public disgrace.

Ginette soon sensed that her husband was gravely disturbed. A few moments after he left for work, on July 30, she became so worried about him that she hurried out after him.

Taking a cab to his office near the embassy, she found her husband sprawled on the floor in a mess of blood by his desk, a revolver at his side. When Dejean was summoned from the embassy, she was still kneeling over the body, sobbing and caressing her husband's cheek.

For a few hours, news of the death created near panic within the KGB's Second Chief Directorate. Its great fear was that Guibaud had told of his entrapment, or left a note exposing it before he died. Once its agents discovered this was not so, the KGB relaxed. Clandestinely, it planted in the diplomatic colony reports that Colonel Guibaud was a sick man who shot himself because of psychotic depression.

Ginette, dressed in black, left Moscow for the last time with the body of her husband, who chose to die rather than succumb to the KGB. And the KGB resumed normal operations against the embassy.

PLEDGE OF SILENCE

After Guibaud's suicide, the KGB became almost brazenly confident of its ultimate success with Dejean. Vera, Melkumyan, and even Gribanov openly referred to him as "our friend." Vera gleefully talked about the great dividends the KGB would reap from its investment once Dejean was ensconced in Paris. But in fact the whole plot, so artfully conceived and executed over the years, was doomed. For Yury Vasilyevich Krotkov had resolved to disclose it to the West.

To Krotkov, the death of Colonel Guibaud was not suicide but murder. It forced him to a decision he had been struggling with for months: to break away from his life of hack writing, daily deceit and spiritual squalor. Secretly he began recording and transposing to microfilm the history of his life as an agent of the KGB. On September 2, 1963, he landed in London with a touring group of Soviet writers and artists. Eleven days later he made good his escape.

The British swiftly shared his astounding disclosures with the French and Americans because they raised grave questions affecting all three nations. Was Krotkov telling the truth? If so, had the KGB actually gone much further with Dejean than he knew? Or was Krotkov in fact still a KGB agent sent out to poison relationships among the Allies and divert suspicions away from important Soviet spies by casting doubts upon an innocent man?

In a brief story, on February 9, 1964, the Paris newspaper *Le Monde* announced that Ambassador Maurice Dejean was returning from the Soviet Union. It further reported that his farewells were being said "in an atmosphere of cordiality in part due to the personal relations Monsieur Dejean was able to establish with Soviet leaders during his eight years in Moscow." Because he had been in Moscow so long, his withdrawal seemed entirely normal.

Upon Dejean's return, French counterintelligence officers subjected him to a withering secret interrogation which lasted for days. They scrutinized all the reports he had dispatched from Moscow. They questioned his associates, Madame Guibaud and a large number of others named in Krotkov's accounts.

Upon analyzing all the data, French intelligence concluded that the Krotkov story was true in all essential respects. However, it could find no proof that Dejean ever had committed any act of disloyalty to France. The KGB had vastly overestimated Dejean's influence with de Gaulle. By waiting for Dejean to obtain a lofty position that de Gaulle never intended to bestow, the KGB had lost its chance to exploit the hold it had on the ambassador.

Informed that the story was true, the British, in whose custody Krotkov remained, had to decide what to do about it. Krotkov passionately explained that he had forsaken his culture and country to cleanse himself of the evil he had done by exposing it.

But Western intelligence experts were tormented by the potential effects of the story, even though it was true. In frustration and despair, hey had watched the KGB steadily advancing toward the fundamental Soviet goal of splitting France from the Western Alliance. In Paris, KGB agents constantly sought to rekindle in de Gaulle old grievances he harbored as a result of his often difficult wartime relations with the Anglo-Americans. During the very days when Krotkov was revealing his story, the KGB was seeking to convince de Gaulle that the Americans and British still were conspiring against him. The British feared that if they permitted release of the story, de Gaulle would think they were plotting against him again, this time by linking him, through a friend, to scandal. So they extracted a pledge of silence from Krotkov.

In Paris, de Gaulle studied the final French intelligence report, then summoned his old friend to his office. Raising his spectacles and looking down his great nose, he dismissed him with one sentence: "So, Dejean, one enjoys the women!"

Dejean retired to the comfort of his elegantly furnished apartment on a tree-lined boulevard in Paris. He has refused to comment—for the record—about what happened to him in Moscow. But he did become president of the Franco-Soviet Society for Industrial Cooperation and he still travels to Moscow.

Lora received her room and later married one of her other lovers.

Krotkov wandered for years about Europe, trying to write and hoping someday to be able to tell his story to the world. Digest editors first talked with him last August in Vienna, then interviewed him intensively in Washington and Arizona. Meanwhile, he has given the Senate Internal Security Subcommittee more than a thousand pages of sworn testimony about his KGB experiences. He often seems preoccupied with contemplation of death and with a spiritual quest for a god. "I know there will be a day of reckoning, and I expect no mercy," he told the author.

Today in Moscow the machinery of the Second Chief Directorate grinds on against foreigners, famous and obscure. Sometimes, it seeks subtly to influence. For example, when former Indonesian President Achmed Sukarno visited Moscow in August 1956, a lovely 22-year-old Russian girl presented herself as his interpreter. She was Valya Reshetnyak, a graduate of the Institute of Foreign Languages and a KGB seductress recruited by Krotkov. Overcome by her freely offered charms, Sukarno tried to persuade her to move permanently to Indonesia. Valya refused to go. But she stayed with Sukarno during his subsequent trips to the Soviet Union and even flew to Djakarta to be with him for a few days. All the while, she curried favor in behalf of the Soviet Union and planted with him thoughts dictated by the KGB.

More often, the KGB strives to attain outright control of a foreigner through some form of intimidation. Soon after William John Christopher Vassall arrived in Moscow to work as a clerk at the British Embassy, the KGB identified him as a homosexual. Through a charactistic series of enticements, it lured him into an affair with a homosexual agent. Then it threatened to expose and prosecute him unless he became a Soviet spy. Thus, Vassall returned to London as a KGB agent. There, he worked his way upward into various clerical positions with the British Admiralty, where for six years he had access to extremely secret documents on such matters as torpedo and anti-submarine warfare, gunnery trials and Fleet instructions. Until he was arrested in 1962, he slipped untold British secrets to the KGB.[2]

The Russians made a spy of American Army Sgt. Roy A. Rhodes by involving him with a swallow, then accusing him of making her pregnant and threatening disastrous consequences unless he "helped" them. They were ever more crude in forcing a young American linguist, Natalie Anna Bienstock, into collaboration. When Miss Bienstock was in Moscow and sought an extension of her visa, she was led to a room and left with a man who identified himself as Viktor Sorin of the KGB. He convinced her she would not be allowed to leave the Soviet Union unless she consented to become an agent. "He saw I was frightened of him. I mean, really sort of paralyzed, and he smiled," Miss Bienstock later testified to U.S. investigators. "They knew everything there was to know about me. It was devastating."

After signing a pledge to work for the KGB, Miss Bienstock returned to New York and provided the Russians with information about American government personnel. Then one day in 1964, two FBI agents knocked at her door and asked: "Is there anything you would like to tell us?" With relief, she gladly recounted all her torment at the hands of the KGB.

Occasionally, the KGB saves blackmail data obtained from an entrapment on the chance of using it years later to ruin a public official. And those who scoff at KGB entrapment techniques as a kind of espionage burlesque might well consider the experience of a member of the British Parliament, Anthony Courtney. In June 1961, a few months after his wife died, Courtney visited Moscow on business. One night his pretty Intourist guide, Zinaida Grigoievna Volkova, came to his hotel room, and they spent a few hours together. It was a fleeting casual affair between two unmarried adults. And Courtney soon forgot about it.

In the summer of 1965, Courtney eloquently pointed out in Parliament that communist nations were engaging in flagrant espionage against Britain through embassy personnel. He demanded restrictions on the number of communist "cooks" and "chauffeurs" who were granted diplomatic immunity. Not long after, a fellow member of Parliament, John Tilney, showed Courtney a broadsheet, the size of a newspaper page. It contained pictures of him and the female Russian guide in various states of undress together, and had been mailed to some 24 other members of Parliament, to newspapers and to his second wife. Eventually a magazine published full details of the KGB smear. In the aftermath of the ensuing gossip Courtney lost his seat in Parliament.

The KGB continues to employ women, homosexuals, drugs, physical assault and frameups in its work against the West.

The British government last year became so concerned that it issued an official publication, warning of the perils the KGB poses to all tourists. Indiana Prof. Robert F. Byrnes, who long helped direct academic exchanges with the Russians, publicly complained in the New York *Times* last November about habitual KGB provocations against visiting American scholars. Declares the FBI: "The Soviets never hesitate to employ blackmail, especially against Americans visiting in Russia. Sex offers a particularly fertile field. Suddenly the American is confronted with embarrassing photographs, and told to cooperate. It is tragic how many visitors fall prey to this technique."

Most victims of the KGB do not have the courage to reveal the humiliations they have endured. Thus, the public rarely hears of Soviet entrapment efforts unless an agent defects or a specific operation has failed. Only the KGB knows how often it has succeeded in the secret war it wages on foreigners who fall within its grasp.

THE PLOT TO STEAL A FIGHTER PLANE

(By John Barron)

NOTE.—The French-built Mirage is one of the hottest military aircraft now flying. The Russians needed one to test against their MIGs. Here is the full story of their cynical and sinister move to acquire it)

Sitting in his Beirut apartment, Hassan Badawi put the question cooly and bluntly: "How would you like to make a lot of money?"

Lt. Mahmoud Mattar, a darkly handsome Lebanese fighter pilot, shrugged. "Who wouldn't? The problem always is, how?"

He knew his questioner well enough to be wary. A charming renegade and adventurer, Badawi once had been his flight instructor in the Lebanese air force. But after a succession of escapades, including smuggling, narcotics peddling and various morals offenses, Badawi had been cashiered. Mysteriously, though, he had prospered. He wangled a job as a Middle East Airlines pilot, ensconced himself in an apartment overlooking the blue Mediterranean, and often had large sums of cash, especially after flights to India.

"I have friends who need something you can deliver," Badawi said. "They'll pay three million dollars. . . ."

The proposition transmitted to Mattar that sultry night in late August 1969 was the first gambit in a Soviet plot to steal one of the world's finest military aircraft, a French-built Mirage III-E interceptor. Because of the way the operation ended, the Soviet Union for a year and a half has waged a largely successful campaign to prevent the world from understanding what happened. But through a variety of sources in the Middle East, it has been possible to assemble most of the details.

A number of nations use the Mirage, including: Australia, Belgium, France, Brazil, Switzerland, South Africa, Spain, Lebanon, and Israel. Some 250 Mirages guard the skies of Western Europe. In Israel-Arab combat over the desert, the plane repeatedly has proved itself equal—in some respects superior—to the best Soviet MIGs. Moreover, when outfitted with special electronic equipment, the Mirage can penetrate Russian air defenses and deliver nuclear weapons. To devise aerial tactics against the Mirage, the Russians wanted an actual aircraft to fly in mock combat under controlled conditions. Assessing the worldwide possibilities for theft, Soviet intelligence seized upon little Lebanon, the lone Arab state possessing the plane. Having so often tricked and manipulated the Arabs, Moscow apparently had reached the contemptuous *conclusion that* the Lebanese were incapable of thwarting a significant Soviet intelligence operation.

"Live in Luxury." Eight days after they first talked, Badawi telephoned Mattar. "My friends have been asking. Have you decided?"

"Yes," said Mattar. "I agree to the terms you stated."

Two nights later Badawi introduced Mattar to Vladimir Vasiliev, a mousy-looking spy masquerading as a Soviet trade representative in Beirut. The Russian courteously but formally questioned Mattar about his personal background, military record and experience as a flier. Satisfied, he said: "Our plan is simple. You will take off on a routine training flight, go out over the sea, and radio that you are experiencing mechanical difficulty. A minute or so later you will call 'Mayday' (the international distress signal). Then you will drop down below radar coverage and change course for Baku in the Soviet Union. Everyone will think you crashed at sea."

"How and where," Mattar asked, "will you pay the $3 million?"

"Three million?" Vasiliev cried. "No, no. One million."

To lure Mattar into the deal, Badawi had exaggerated what the Russians were willing to pay, and now a prolonged haggle ensued. Finally Mattar dropped his price to $2 million, with $600,000 cash in advance. But Vasiliev hesitated. "I must consult others," he said.

On September 9, Vasiliev and Alexander Komiakov, a notorious Soviet agent who was then posing as a diplomat in Lebanon, flew to Moscow. There, they received orders emanating from the highest levels of the Soviet government to proceed immediately with the plot.

Back in Beirut, Vasiliev summoned Mattar to his seventh-floor apartment three blocks from the Soviet embassy. Komiakov, falsely introduced as a Russian general, announced, "We are prepared to meet your request for $2 million. However, our advance will be $200,000. Ten percent seems more businesslike."*

Mattar grimaced, but nodded a reluctant acceptance. It was set that he would steal the Mirage on October 3, the date of his next training flight. Komiakov thereupon unveiled a Soviet plan to remove Mattar's wife and children via Berlin to Moscow. "All of you can live the rest of your lives in the Soviet Union in luxury," Komiakov assured him.

"My wife and I have discussed it. We would prefer to live in Switzerland," Mattar said.

"Anywhere you want," Komiakov replied. "You do the job for us and we'll take care of you for life. You deceive us, we'll also take care of you—for life."

"I'll do my job," Mattar coldly replied. "But I must have the $200,000 before I take off. I want it in the form of a cashier's check, payable to my father."

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[2] This case can be read in detail in Report of the Tribunal of Inquiry Into the Vassall Case and Related Matters (presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty, April 1963), London, Her Majesty's Stationary Office, Reprinted 1969, Cmnd. 2009.

*Had the Russians been able to buy a fully equipped Mirage III–E in France, it would have cost them between $1.5 and $2 million.

"A check?" Komiakov asked in surprise. "Not cash?"

"I'm no good at spotting counterfeit dollars," Mattar answered.

Komiakov gave Mattar 2000 Lebanese pounds (about $611) to help his family make ready for their journey. It was agreed they would have a final meeting and review the flight plan, the evening of September 30.

Bullets Fly. The Soviet ambassador, Sarvar Azimov, was scheduled to receive a protocol visit from the American ambassador on October 1. In the early evening of September 30, the Second Secretary of the Soviet embassy telephoned an officer of the American embassy at home to say that Azimov would be unable to keep the appointment because of a *force majeure* (extraordinary happening). Surprised at this breach of protocol—such appointments are quite formal and not lightly disregarded—the American asked, "Well, when will Ambassador Azimov be prepared?" The Russian excused himself from the phone. "Any time after October 3," he said upon returning.

A little later, Lieutenant Mattar entered Vasiliev's apartment for his last briefing on the flight. He was obviously under great tension. To reassure him Komiakov presented a $200,000 cashier's check drawn on the Moscow Narodny Bank, Ltd., dated September 29, and also $2500 in cash to give his wife. "You see, we keep our word," he said.

Vasiliev slowly read from the detailed flight plan, drafted in Moscow both in French and in Russian, which listed the precise bearings and altitudes at which Mattar was to fly for prescribed periods of time: "Upon attaining an altitude of 3000 feet, radio the Beirut tower that you are experiencing generator trouble and your controls are malfunctioning. Then declare an emergency. Thereafter, acknowledge no radio transmissions. . . . Four minutes after you cross the Soviet frontier, three interceptors will meet you and guide you to Baku in Azerbaijan. . . ."

The three still were discussing the flight when they heard an insistent knocking at the door. Vasiliev opened it slightly. In the hallway were a dozen uniformed Lebanese with drawn revolvers.

"Soldiers!" Vasiliev shouted in Russian. He tried to slam the door, but a Lebanese had wedged his foot in. Pushing against the door, the Russian grabbed a dumbell and began swinging wildly at the foot.

While Komiakov stared, transfixed with horror and rage, he saw his co-conspirator Matter dash across the room and tackle Vasiliev. Then, as the security officers stormed into the apartment, Komiakov pulled out a Polish revolver and opened fire. His first three shots ripped into a Lebanese captain's leg and stomach. Vasiliev got up and shot a Lebanese sergeant through the lung.

The Lebanese blazed back. A single slug collapsed Vasiliev. Komiakov, hit four times, reloaded and kept firing until a fifth bullet shattered his right arm. Bleeding profusely, he wanted only to die. It was clear now that Mattar all along had been a Lebanese agent, who had engineered out of their plot a Soviet disaster. But as Komiakov struggled to jump out a window to his death, two soldiers grabbed him. Others scooped up the bank check and the flight plan.

Ruinous Blunders. Five hours later, at 1 a.m., the Lebanese issued a bulletin announcing the arrest of Komiakov, Vasiliev and Badawi. A second statement, more detailed, soon disclosed the full magnitude of the debacle.

After his first meeting with Badawi, Lieutenant Mattar had gone directly to his commanding officers, who called in the Lebanese intelligence bureau. It instructed Mattar to accept the Soviet proposal and play the role of a greedy, haggling Arab concerned only with money. And it outfitted him with a tiny radio transmitter which, concealed in his clothes, broadcast to tape recorders all his subsequent conversations with the Russians. Mattar executed his assignment flawlessly.

In contrast, Soviet intelligence—blinded by its own low regard for Arab competence and character—from the outset committed one ruinous blunder after another. In Badawi, the Russians relied on a notorious knave. They accepted Mattar for the cynical mercenary he pretend to be without any searching, objective assessment. Scornful of the local security forces, they violated fundamental rules of conspiracy. They conducted clandestine meetings in one of their own apartments. They failed to make the elementary electronic check which would have detected Mattar's transmitter. And they let the Lebanese talk them into paying with an utterly incriminating official check issued by a Soviet government bank.

Getting Off the Hook. Had two Western agents been caught in a bribery plot to steal a jet fighter from a small neutral country the worldwide cries of "Reckless aggression" and "Western imperialism" would have been deafening. Righteous editorials, East and West, would have denounced "the danger to peace."

But the Soviet Union swiftly resolved to brazen and lie its way out of the mess. By mid-morning of October 1, KGB agents already were closeted with influential Soviet sympathizers in Lebanon, Egypt, Syria, and Iraq, telling them what to say: that the Mirage affair was an American "provocation" from beginning to end, contrived to sabotage Soviet-Lebanese relations.

At 11 a.m., Ambassador Azimov confronted the president of Lebanon, Charles Helou, with formal demands. Lebanon must free the two Russians, repudiate all charges against them, pledge punishment of key Lebanese intelligence officers, and publicly apologize to the Soviet Union. Additionally, it must officially disseminate the Soviet statement depicting the entire affair as an American "provocation."

Lebanon rejected all of the Soviet demands.

Nevertheless, the pressures generated by the Russians began to have their effect. "A provocation and fabrication," shrieked Radio Damascus in Syria. "All indications point to a foreign intelligence conspiracy," declared the semi-official Egyptian newspaper *Al Ahram*. "A cheap American conspiracy to undermine our relations with the Soviet Union," charged a leading leftist member of the Lebanese parliament. More important than the public bombast were the private visitations by representatives of other Arab states, especially Egypt and Syria, all of whom conveyed the same blunt message: hush the Mirage affair up immediately and get our Russian friends off the hook.

The pressure intensified all day October 2. And that afternoon little Lebanon, which survives at the sufferance of its bigger Arab neighbors, capitulated. The government forbade all discussion of the Mirage case, saying that any further reference to it would be "extremely harmful to Lebanon's highest interests." Two days later an Aeroflot plane landed at Beirut airport and, as inconspicuously as possible, the two Russians boarded the plane, Komiakov on a stretcher.*

The story of the Soviet plot flashed, fleetingly, before world attention, then vanished entirely. And the KGB is determined that it shall never reappear. Ambassador Azimov recently showed up at Lebanese army headquarters with the insolent demand that all records of the case be eradicated. The Lebanese refused. Even today, the KGB attempts to destroy the official Lebanese file continue.

Mattar, the man who valued honor more than $2 million, was quietly promoted to captain. KGB-inspired threats against his life reach such ominous proportions that the Lebanese military temporarily sent him into protective hiding.

Today Mattar is esteemed by his fellow officers as an authentic hero. But always he must carry with him the thought: Will tomorrow bring a KGB agent to fulfill Komiakov's vow to "take care of you—for life."

The Soviet Plot To Destroy Mexico

(By John Barron)

(For years the Western powers have known that the Soviet embassies within their borders are heavily staffed with KGB officers, members of the Soviet Union's massive intelligence agency. Ostensibly they serve as "diplomats," but quite obviously they are present to gather very special information. Rarely, however, are their more sinister activities exposed in detail and in depth. Here, "The Soviet Plot to Destroy Mexico" opens the locked doors of the Trojan horse which many nations harbor—the Soviet embassy—and reveals the everyday business of KGB envoys—sabotage, betrayal and violent insurrection.

(The Reader's Digest began a survey of subversion in Latin America three years ago. The following story of what happened recently in Mexico is based on this research, and on dozens of interviews with intelligence officers, on captured diaries and confessions, and on conversations with Soviet defectors and KGB officers themselves.)

Just before midnight on March 12 this year, five of the most important men in the government of Mexico met at the National Palace. A senior intelligence officer distributed a formal report and a stack of photographs. Silently the officials studied the documents, initially with dismay, then with the anger of men betrayed.

The import of what the Mexican leaders read was staggering. The detailed intelligence summary revealed a KGB plot conceived in Moscow to plunge Mexico into a civil war and destroy its government by armed force. In the words of a Mexican servant of the KGB, it would make of Mexico "another Vietnam."

In an epic counter-intelligence coup, the Mexican security service had uncovered not only the Soviet plan but the identities of the principal KGB officers and Mexican agents involved. Security men had seized caches of arms and explosives, located clandestine training centers and hideouts, and captured guerrilla chieftains. It was a near thing. For the evidence showed that soon the first fires were to be set, the first bombs detonated, the first policeman killed.

"We shall, of course, act—and act decisively," declared the President of Mexico, Luis Echevarría.

The adviser who had drafted the intelligence report spoke up quickly: "Strike at the embassy, Mr. President. All begins with the embassy. And with Netchiporenko. He is *Número Uno.*"

It was true. During the 1960s the KGB had completely taken over the Soviet embassy in Mexico City and developed it into one of the world's great sanctuaries of subversion. And of all the Russians the most skilled and dangerous was Oleg Maksimovich Netchiporenko, justifiably considered by the KGB to be one of its top agents. Slender and darkly handsome, he wore a debonair mustache, and with his wavy black hair and olive complexion looked utterly Latin. Indeed, Mexican authorities suspected that he was either the child of Spanish communists who had fled to Russia after the Spanish Civil War or perhaps the son of a Russian father and a Spanish mother. He kept himself in superb candition by jogging daily and playing tennis the year round. Strangers often guessed him to be ten years younger than his actual age—40. His Spanish was flawless; he spoke the differing idioms of laborers, diplomats and students with equal fluency.

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* Both Russians eventually recovered, as did the two wounded Lebanese, although Komiakov may never have full use of his arm.

Netchiporenko had trained himself to adapt, chameleon-like, to disparate environments. He could and sometimes did don the clothes of a *campesino*, go out into the countryside and win automatic acceptance as a farmer or laborer. Similarly, at the universities, where he spent many of his working hours, students thought of him as one of them. With the same ease, he could affect the manners of a bright young Mexican business or professional man. Indeed, he once assumed just such a pose and strode into the U.S. embassy. For more than an hour he wandered about, gleaning what information he could, until a security officer recognized him as a KGB agent.

Netchiporenko simply was the best KGB field operative in Latin America. He knew it; so did everybody else in the embassy. Few KGB officers, though, felt comfortable around him. He disclaimed intellectual inferiors and scarcely condescended to speak to the Russians he considered stupid or unimportant. Sometimes he insulted colleagues by ignoring a dull comment and walking away without a word. But the primary reason no one relaxed around Netchiporenko was that he also was the SK officer—the officer charged with preserving the security of the *Sovyetskaya Kolonia* or Soviet colony in Mexico.

As such, he constantly scrutinized everyone for the least portent of disaffection or psychological breakdown. KGB officers, conditioned from their earliest training to watch each other, realized that in his eyes deviation from prescribed behavior had to be cause for official suspicion. So they feared Netchiporenko, and he had almost no real friends. He was not the kind who needed them.

THE DUNGEON

Netchiporenko had arrived in Mexico City with his wife and two small children in 1961. Although he had been thoroughly briefed in Moscow, the life and routine of the embassy still demanded some unexpected adjustments. The embassy itself surprised and amused him. Everything about it reeked of conspiracy.

A somber gray Victorian villa with ornate cupolas and shuttered windows, it stood partially hidden behind trees at Calzada de Tacubaya 204. A tall iron fence encircled the grounds, which armed sentries patrolled. At night an armed guard paced the roof. A concealed camera photographed everyone admitted through the gate. At embassy receptions, guards ensured that no guests ventured beyond the reception rooms on the first floor. Foreigners never were allowed in the small, sterile offices and apartments on the second floor.

But the most inaccessible area of the embassy was a large section of the third floor known among KGB officers as the "dungeon." This was the *Referentura*, the heart and brain of any Soviet embassy. Here all operations of the KGB were planned and administered. Here the secrets of Soviet subversion in the Western Hemisphere were stored.

Testimony of Russians who have fled from Soviet embassies in various countries indicates that *Referenturas* the world over are much the same. They normally are divided into soundproofed rooms designed for conferences, study and the drafting of messages. The most restricted area houses the files as well as cipher and radio equipment for communications with Moscow. No documents may ever be removed from a *Referentura;* no briefcases, cameras or recording equipment ever brought in. A *Referentura* staff includes a chief, his deputy and cipher personnel who live under virtual house arrest. Rarely does the KGB permit them to leave the embassy grounds, and then only in a group accompanied by armed security personnel.

To enter the *Referentura* in Mexico City, an officer walked down a narrow corridor and pressed a buzzer which opened the door of an antechamber and alerted the watch to his approach. At the end of the chamber was a steel door with a peephole through which he was inspected.

All outside windows of the *Referentura* had been sealed with cement to block long-range electronic or photographic surveillance. KGB officers complained that, with sunlight and fresh air thus shut out, the atmosphere inside was perpetually dark, dank and musty. They grumbled also because, as a result of this dungeon-like atmosphere, smoking was forbidden.

The *Referentura* never closed. And, during the ensuing years, Netchiporenko was to come to it at any hour of the day or night. It was the one place in Mexico where he could feel completely secure and speak of his work freely.

In Moscow, the KGB had advised Netchiporenko that his wife would be expected to "help out" at the embassy. He did not understand that this meant a full-time job. Because the KGB refused to permit employment of a single Mexican, most Russian wives had to labor as secretaries, file clerks, telephone operators, typists or petty administrators.

When a reception was held at the embassy, a list of duties for the wives was posted. Some were to attend as guests, some as maids, and others as kitchen helpers. Netchiporenko had to inform his wife that at her first party in Mexico she would be a maid. After the guests left, he and all the other Russian men waited while their wives did the dishes.

However, Netchiporenko soon accepted, as necessary to security, the rules that bound all Russians in Mexico City. He perceived that the embassy, regarded by the KGB as one of its four or five most important installations outside the Soviet Union, offered boundless professional opportunities. Energetically, he set out to make the most of them.

WEB OF SUBVERSION

Netchiporenko's work began in the *Referentura* with briefings about some of the KGB operations against Mexico. They revealed that the Russians were less interested in collecting intelligence about the country than in developing agents who could influence Mexican policies and create disorder.

The Russians had almost succeeded in 1959 in bringing significant segments of the Mexican economy to a standstill. That year, the KGB bribed labor leader Demetrio Vallejo to paralyze the national railway system with wildcat strikes. Caught consorting with KGB officers Nikolai Remisov and Nikolai Aksenov, Vallejo admitted taking a million pesos ($80,000) from them to organize the strikes.

Netchiporenko saw that now the KGB was attempting to plant female agents in key secretarial positions within the most important government ministries. It also was seeking to position in the Foreign Ministry an agent who could affect assignments of Mexican diplomats throughout the world. In an even more sinister operation, the KGB was trying to establish its own private detective force, composed of a corrupt ex-police official and cashiered cops. Through them it planned to gather data for blackmailing Mexicans, to harass anti-Castro Cuban exiles and to execute "wet affairs." [1]

Netchiporenko was to be involved in all of these operations. But his primary assignment was to infiltrate the universities and recruit students for future subversion. Prospects usually were spotted through the Communist Party or the Institute of Mexican-Russian Cultural Exchange. The later was directed by the Soviet cultural attaché, a KGB officer; it was financed by the KGB; and its daily affairs were administered by Mexican communists handpicked by the KGB. Openly, the Institute disseminated Soviet propaganda and sponsored meetings of communist sympathizers. Covertly, it served other functions. With offices strategically located throughout the country, it offered KGB officers a ready excuse to travel to any section of Mexico. Youths attracted by its films, book shows and free Russian lessons unknowingly were evaluated by the KGB. Those who appeared particularly promising were approached and offered scholarships to Patrice Lumumba Friendship University in Moscow, where the KGB could develop their subversive potential.

A MAN FOR THE KGB

Hearing about the scholarships, an embittered Mexican named Fabrico Gomez Souza addressed an inquiry to the Soviet embassy. Invited to the Institute's office in Mexico City for an interview, he arrived on a summer afternoon in 1963 and was courteously greeted in Spanish by Netchiporenko.

"There is nothing I care to say to you," Gómez announced. "I came to see the Russians." Netchiporenko coolly surveyed the Mexican, spoke a few sentences in Russian, then said in Spanish, "I am Russian. Now please sit down and let me see if I can help you."

Gómez was a squat, muscular 31-year-old schoolteacher with black eyes and a scowling swarthy face. Since finishing college ten years before, he had taught school in the small town of Nanchital. Long interested in communism, he had read extensively about Marxist and other revolutionary theory. Early in 1963 he married. While still honeymooning, his bride fell ill and died of an ailment that doctors could not diagnose. In his grief and rage, Gómez blamed Mexico, its culture and institutions for failing to provide the kind of medical care that might have saved her life. Now he believed that Mexican society must be destroyed so that it might be rebuilt, and he had concluded that the most practical way to destroy it was to work with the Russians.

As the two men talked late into the evening, Netchiporenko knew that here was a man for the KGB, Gómez was no posturing student caught up in a fad. Rather, he emerged in Netchiporenko's judgment as a tough, realistic convert who could be trained to endure, obey and do whatever was necessary for the KGB.

So strong was Netchiporenko's recommendation that the KGB acted swiftly to spirit Gómez out of the country. KGB processing for Patrice Lumumba ordinarily required months. But within three weeks Netchiporenko handed Gómez cash and tickets for a flight to Moscow. From the moment he landed the KGB treated him as a very special student. Indeed, he was. For Fabricio Gómez Souza was destined to lead the guerrilla force that the Soviet Union years later was to unleash upon Mexico.

THE PRIME TARGET

During the next two years, Netchiporenko sent at least a dozen others off to Moscow and at the same time recruited agents for the KGB directly from Mexican universities. Yet KGB headquarters kept demanding more. From his own briefings in Moscow, Netchiporenko could appreciate why.

The pressure reflected KGB judgment that Mexico was the most important target in Latin America, not only because of its proximity to the United States but because of the great potential of its abundant natural resources and sublime climate. A succession of national administrations had been making dramatic social and economic progress. Allocating more money to education than to any other purpose, the government reduced adult illiteracy from 63 percent in 1940 to 17 percent in 1970. Between 1960 and 1970, annual per-capita income increased from $330 to $660.

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[1] The KGB term for operations requiring the spilling of blood.

Poverty, exacerbated by rapid population growth, endured. But the average Mexican, who enjoyed incomparably more freedom than a Soviet citizen, could see proof of continuing betterment, and thereby derive hope for the future. Thus, if Soviet subversion was to succeed in Mexico, this government had to be undermined.

Accordingly, in the mid-1960s, the KGB slipped more and more officers into Mexico City in the guise of diplomats. In the fall of 1966, it assigned one of its best staff specialists in Latin American affairs as *Rezident*, the KGB boss of the embassy.[2] He was Boris Pavlovich Kolomiakov, an officer who, like Netchiporenko, had never suffered serious failure.

At 47, Kolomiakov was balding but trim and vigorous. Comfortable with authority and responsibility, he was proud of his assignment and of his reputation. The first to arrive at the embassy, the last to leave, he worked and studied constantly. He daily read as many as 20 Mexican, U.S. and Canadian newspapers. No matter what the pressures of work, he daily reserved at least half an hour for improvement of his English. His wife privately complained to others that he spent too much of their money on books and periodicals.

In purely personal matters, Kolomiakov was kind. An inflexible caste system prevailed throughout the Soviet colony, rank being the sole determinant of perquisites and social standing. The few non-intelligence personnel were the outcasts, openly referred to as "lesser mortals." Kolomiakov flouted these distinctions. An illness in any Soviet family brought from him a visit, flowers and assurances of all help needed. He could be a compassionate counselor when marital difficulties arose.

If Kolomiakov was kind to his subordinates personally, he was mercilessly demanding of them professionally. He required that all match his own energy and insisted upon measurable "production," which he could chart and report to Moscow. Laxity or errors evoked from him withering reprimands that could turn even veteran KGB officers pale. Once he summoned a highly regarded subordinate and upbraided him for nearly an hour. When the officer emerged from his office, a secretary saw him weeping. Three days later, he abruptly departed for the Soviet Union. His banishment was never explained officially; the rumor that swept through the embassy was simply: "He failed."

NEAR DISASTER

By 1968, the number of Russians over whom Kolomiakov presided at the embassy had grown to a preposterous 57, all but eight of whom were professional intelligence officers. The Soviet embassy staff was more than three times as large as those of the embassies of Great Britain, West Germany, France or Japan. While these nations had extensive trade and other ties with Mexico requiring diplomatic representation, the Soviet Union had virtually none.

Among Mexico's world trading partners, Russia in 1968 ranked almost last. That year, it purchased only $368 worth of Mexican goods. There were only 216 legal travelers between the two countries. Few Soviet ships called at Mexican ports. Cultural relations between the two nations were virtually nonexistent, and Mexico found that it needed only five diplomats in Moscow.

Indeed, the Russians barely bothered to pretend that they were engaged in diplomacy. Weeks often passed without any Soviet "diplomat" making an official visit to a Mexican government office. The Russians opened their consular and cultural offices only four hours a week. Thus armored with the protection of diplomatic status, they were almost entirely free to ply their true trade of subversion.

More than half the KGB personnel were engaged primarily in operations against the United States, but an apparatus of more than 20 men, led by Netchiporenko, was working exclusively against Mexico. And by 1968, they had developed in the universities a corps of agents who gave the KGB a new capability for violence. As the 1968 Olympic Games approached, the KGB perceived a way to use these youthful agents with devastating effect.

The trouble began with a commonplace incident on July 23, when dozens of students from two preparatory schools got into a brawl. Police intervened to break it up, and in so doing bloodied some heads. On July 26, the Young Communist Party staged a long-planned rally to celebrate the Cuban revolution and attempted to march on the National Palace. When the police moved to halt them, the communists attacked with clubs and rocks, and another brawl ensued.

Demonstrations called to protest "police brutality" culminated in destructive rioting the next three nights as mobs shattered windows, set buses afire and hurled Molotov cocktails in downtown Mexico City. A quickly formed National Strike Council appealed to all Mexican students to boycott classes. Students seized the National University and the Polytechnic Institute, whose combined enrollment exceeded 120,000. In August, these schools became sanctuaries from which a band of zealots sallied forth to demonstrate and riot. As the violence intensified, foreign journalists speculated that the Olympics might have to be canceled.

After the initial outbreaks in July, only a minute fraction of the thousands of rioters were communists; fewer still had ever heard of KGB. Usually, however, the actual violence was initiated by so-called *Brigadas de Choque*, or shock brigades. These were disciplined groups of 15 to 30 men, often including paid thugs. Many were organized, financed and led by members of the Young Communist Party or youths directed by the KGB through the Institute for Mexican-Russian Cultural Exchange. Communists constituted only a small minority on the 200-member National Strike Council. Yet eight of the most vigorous, effective and intransigent leaders in the disturbances were agents of the KGB—four of them recruited by Netchiporenko.

During the turmoil, the KGB maintained contact with its young agents through the Communist Party. Moreover, the second week in September, KGB agent Boris Voskoboinikov, who masqueraded as Soviet cultural attaché, rendezvoused with students outside Popular Preparatory School No. 1. And KGB officer Valentin Loginov, the same week, met two separate groups of students near a downtown theater.

As the disturbances continued, the army, on September 18, took over the National University, across the street from the Olympic Stadium. The next week, Mexico suffered its worst violence since the revolutionary battles of the 1920s. Students and adult anarchists managed to acquire large quantities of arms, and fierce gunfights broke out nightly between them and troops. Around schools, students battled police with pistols, knives, clubs and gasoline bombs. Intensifying violence gravely threatened the Olympic Games, scheduled to begin October 12.

Disaster appeared imminent when the government learned that riot leaders were secretly planning a climatic assault on the Polytechnic Institute, now occupied by the army. Their purpose was to create casualties and chaos that would doom the Olympics once and for all. Preparing for the attack, they stored, in apartments of the sprawling Tlatelolco housing project, explosives and hundreds of weapons, including .22-caliber machine guns and high-powered rifles with telescopic sights.

The afternoon of October 2, some 6000 youths gathered for a rally in the Plaza of Three Cultures, adjacent to the apartment project. The government authorized a rally, but stationed troops in the vicinity to prevent any march. The gathering was peaceful enough until the eighth speaker took the podium. He was Socrates Amado Campos Lemus, a radical fugitive whom authorities had hunted for weeks. As plainclothesmen moved to arrest him, an army helicopter dropped a flare, signaling the troops to advance into the plaza.

Using a bullhorn, General José Hernández Toledo declared the rally over, and urged the students to disband. Suddenly, volleys of sniper fire rang out from apartment balconies, and Hernández was felled by three bullets, two in the back, one in the leg.

A terrible battle lasted about ten minutes, with troops shooting up into the balconies at the snipers and the revolutionaries spraying bullets down into the plaza. Twenty-six civilians and two soldiers, almost all in the plaza, died. But as some 80 hard-core members of the National Strike Council attempted to flee through the rear of the project, police captured them. Without their leadership, the uprising ended, and the Olympics proceeded.

The KGB had come close, but had failed. So, a new onslaught was planned, to be led by Fabricio Gómez Souza, whose potential Netchiporenko had so quickly perceived five years before. Now the KGB turned to him and Patrice Lumumba Friendship University.

"HELPFUL" NORTH KOREANS

Nikita S. Khrushchev had announced in 1960 that Patrice Lumumba University was being established to train "intelligentsia cadres" for the nations of Africa, Asia and Latin America. However, within the Soviet Union, Russian authorities have stated the university's mission more plainly: "To educate students from underdeveloped countries so they can return to their homelands to become the nucleus for pro-Soviet activities."

The First Vice Rector of Patrice Lumumba was Pavel Erzin, a major general of the KGB. Other KGB officers and agents serve on the faculty, which must obey the dictates of the KGB. Students are selected primarily on the basis of their potential usefulness to the KGB. (If the Russians really want to educate a foreigner to work, for instance, on a Russian foreign-aid project back home, the student does not attend Patrice Lumumba; he goes to a first-rate Soviet university or technical school.)

Upon arrival at Patrice Lumumba in the autumn of 1963, Gómez joined some 30 other Mexicans who also had come to Moscow without the knowledge of their government. After studying Russian for a year, he was put into a special class of students who had demonstrated the greatest revolutionary zeal. Even in this elite, he distinguished himself during the next four years of indoctrination by his cold fanaticism and obedience to the Russians. In October 1968, when the KGB gave Gómez his initial assignment, it probably had as much confidence in him as it ever places in a foreigner.

He began the assignment as leading actor in an elaborate fiction staged by the KGB. One morning, Mexican students in Moscow were called together, ostensibly to hear a fresh report about the recent violence in their country. An unfamiliar Russian, who purportedly had talked with travelers just back from Mexico City, appeared before them. He gravely stated that the Mexican army had killed hundreds of students, arrested thousands more, and was now hunting down all remaining "progressives" in a murderous purge of the universities. "They are slaughtering students in the streets as if they were insects," he concluded. "And today there is no Pancho Villa, no Emiliano Zapata to defend them."

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[2] In most Russian embassies, the ultimate authority in all important matters is the senior KGB officer, or *Rezident*. Unless the Soviet ambassador is a representative of the Central Committee, he is merely a ceremonial figurehead and administrator.

Gómez stood up, as if rising spontaneously to the challenge. "I request permission of the university to conduct a meeting of all Mexicans," he said formally. "I mean no disrespect, but we would prefer that no one else be present. We Mexicans must redeem our own honor."

Passionately, Gómez harangued his fellow countrymen on the necessity of avenging the dead students and sweeping Mexico with Marxist revolution. "I say it is time to stop musing about theory," he cried. "It is time to act. All of us must prepare ourselves as guerrilla warriors."

That evening, Gómez invited to his dormitory ten or so selected Mexicans, including two entrusted with supporting roles in the KGB plot. Inspired by more oratory, bravado and vodka, the group proclaimed the birth of the *Movimiento de Acción Revolucionaria* (MAR). At the suggestion of Gómez, the students also agreed to solicit guerrilla training from Cuba and North Vietnam.

With addresses supplied by an obliging Russian "professor," the Mexicans first visited the Cuban embassy in Moscow. Two Cubans received them hospitably, offering coffee and cigars while listening attentively to their proposals. "We of course are sympathetic to your objectives," said one Cuban. "However, our diplomatic relations with Mexico form an extremely valuable channel into the non-socialist camp. At this time it would not be in the greater interests of revolution for us to provoke a break in relations."

The North Vietnamese were more brusque. "We are already fighting a guerrilla war," said a wizened, bespectacled functionary. "Our lives are at stake, and we have absolutely no resources to spare."

Back at the University, Gómez dutifully affected dejection as he recounted the Mexicans' experiences to the Russian "professor." "An idea occurs to me," remarked the Russian. "Have you thought of the North Koreans? Perhaps they would be helpful."

At the North Korean embassy, Gómez spoke the same preliminary lines that the KGB had cued him to use at the other embassies. The North Koreans dispensed with pretenses. "Yes, yes, we have agreed; it is arranged," an officer said to Gómez. "Are you the one appointed to fly to Pyongyang?"

The KGB had dictated, directed and managed each act of this scenario, beginning with the "report" to assembled Mexican students and ending with the visit to the North Korean embassy—all in order to conceal its sponsorship of the guerrillas. It sought to create the illusion that Mexican students had spontaneously decided to form a guerrilla force, and on their own initiative had found a patron in North Korea, which had no diplomatic ties with Mexico. This is what most Mexicans subsequently drawn into the movement would be led to believe. Through this deception the Russians expected to escape retaliation and avoid the loss of their vital embassy in Mexico.

THE CLOWN

Early in November, Gómez flew via Aeroflot to the North Korean capital of Pyongyang, where he conferred with intelligence and military officers. Again the Koreans were well prepared. They advised Gomez that no more than 50 dedicated revolutionaries were required. Each would be developed into a leader and teacher of future recruits. Once the force of 50 was deployed, it would multiply like a cancer through the cities and mountainous countryside of Mexico. To permit time for careful selection of trainees and to avoid attracting attention, the Koreans recommended that the 50 Mexicans be brought to Pyongyang in three successive contingents.

Back in Moscow, Gomez picked up $25,000 from the North Korean embassy and divided it among four other students chosen by the KGB to return with him to Mexico as recruiters. Traveling singly by separate routes, they landed in Mexico City in late December 1968 and early January 1969.

At the same time, the Russians dispatched to Mexico City a senior KGB officer who, in the temporary absence of the ambassador, became chargé d'affaires. He was Dimitri Alekseyevich Diakonov, whom the other Russians promptly dubbed "The Clown." In private, they laughed at his appearance and manners. His pate was totally bald except for growths of hair protruding angularly from either side of his head. If he let the hair grow, he looked as if he had horns; if he cut it, he looked as if he had been scalped. His hair, combined with huge, sunken eyes and a guttural voice, made him seem like a caricature of a bomb-throwing Bolshevik of the early 1900s. Attempting to make a speech, he was virtually powerless to control his hands. He alternately stuck his thumbs in his pockets and leaned backward, or clutched his hands behind his back and leaned forward. In either posture, he created the impression of a man about to topple.

Moreover, Diakonov was a stern puritan appalled by the adultery and lewd references to sex commonplace in the cloistered Soviet colony. At a weekly Communist Party meeting, he stood us to call for reform. "I am shocked," he began, "to hear within an embassy of the Soviet Union dirty talk about sex. Such talk is contrary to communist morality. Yet it is heard all the time, even, I am ashamed to say, among the female comrades. . . ." Waves of giggles from the women interrupted, embarrassed and mystified Diaknonov.

All the women knew that the worst offender against his concept of communist morality was Lydia Netchiporenko, Oleg's wife. When Netchiporenko had first met her, Lydia was a 19-year-old salesclerk with a lithe figure and the face of a modonna. Her physical appeal initially obscured in his eyes her lack of education and her coarseness. While KGB training and travel transformed him into a sophisticated, cosmopolitan man, Lydia utterly failed to grow intellectually, and deteriorated physically into dumpiness. Her scatological jokes, which once had seemed amusingly risque to Netchiporenko, now shamed him. After a couple of drinks at parties, she would make vulgar advances to other KGB officers, who dared not offend either her or her husband.

Lydia cunningly used her husband's power, appointing herself watchdog over the Russian wives. Their private lives became her official domain. She pried incessantly, and maliciously tried to set woman against woman by asking questions of one that might incriminate or debase another. She delighted in degrading a woman by making false accusations, then forcing her to disprove them. Netchiporenko came to loathe her, and so did everybody else.

Ignorant of this background, Diakonov stumbled on with his speech: "I want you to know something else. I am shocked by the statements some of you make about the Mexicans. They are naive and can be manipulated, but it must not be said that they are dirty, that they are lazy, that they have no culture. . . ."

Giggles and smirks again greeted Diakonov, for again Lydia was the prime culprit. Then, suddenly, the laughter stopped as if turned off by a switch. Kolomiakov was on his feet and clearly enraged. "Why do you insult Comrade Diakonov?" he shouted. "He is absolutely correct. Comrade Diakonov speaks for the party. He also speaks for the organs of state security. Do you understand?" Everybody understood.

However foolish Diakonov may have appeared to the Russian women, he was not the clown they thought him. In the back alleys of the world, he had proven himself the equal of the most violent men. The government of Argentina threw him out of Buenos Aires in 1959 after he created chaos by instigating labor riots. In 1963, he turned up in Brazil as a member of a Soviet "Peace Prize Commission." His labors there culminated in a rebellion by noncommissioned officers of the Brazilian army, and he was kicked out of the country. A specialist in strikes, riots and violence, Diakonov was admirably equipped to deal with guerrillas. And that was his mission in Mexico.

THE ROAD TO PYONGYANG

Through Diakonov, the KGB was kept informed of the recruiting progress being made by Gómez and his Mexican subordinates. Kolomiakov in turn suggested prospective recruits spotted by the KGB apparatus in Mexico.

One name that had long been in the *Referentura* file of prospects was that of Angel Bravo Cisneros, a mustachioed student radical who looked a little like a pudgy Adolf Hitler. On a cool evening in April 1969, Gómez traveled to the old and lovely colonial city of Morelia to seek him out. At a café frequented by students near the University of Michoacán, the two talked fervently for an hour or so about Vietnam, Cuba and revolution in general.

Bravo seldom used one word when he could find three. His conversation was larded with revolutionary slogans and hoary Marxist clichés, which he declaimed as if he had originated them. Unable to achieve distinction in scholarship, he had turned to anarchy. In this, he had attained some success, joining a variety of extremist groups and helping foment a series of student riots.

"You have demonstrated energy," Gómez said, "but that is no substitute for knowledge and skill. We must leave the country and be trained by experts."

"Such training would be an honor of which I would always strive to be worthy," Bravo responded.

"Good," Gómez replied. "I want you to establish residence in Mexico City. In the months ahead, I will send to you comrades who are to undergo training. You will serve as liaison between them and me, and also ensure that they obtain all necessary travel documents. At the proper time, you will lead them on the journey out of the country."

"Perhaps you have observed that I am possessed of great intellectual curiosity," Bravo said grandly. "I would be pleased to know the land to which I will journey."

Gómez glowered at him. "You are to take orders, not ask questions. I will tell you only this: our duty is to make of Mexico another Vietnam."

Through the summer, a succession of youths in their early 20s checked in with Mravo in Mexico City. Fourteen men and two women were gathered in the city when Gómez visited Bravo in mid-August. "Your journey is about to begin," said Gómez, unwrapping a package containing nearly $9000.

"Divide the comrades into groups of two or three and give each person $500. Instruct each group to make its own arrangements to fly to Paris. But make certain that each group leaves on a different day and uses a different airline. Tell everyone to assemble at 10 a.m. on September 7 at the Eiffel Tower."

"Are we to be trained in France?" Bravo asked with excitement.

"Pay attention," Gómez ordered. "You are to tell the comrades no more than I have told you. However, after you gather in Paris, you are to guide them to West Berlin, where you will stay at the Hotel Colombia. Each day you must cross into East Berlin and, beginning at 1 p.m., stand on the corner by the Restaurant Moscow. Sooner or later you will see a man you know. From him you will receive further orders."

All 17 Mexicans appeared as planned at the Eiffel Tower on September 7. Though some grumbled about being kept in ignorance of their ultimate destination, they willingly flew on to Berlin. After failing on three successive days to meet anyone he recognized in East Berlin, Bravo began to worry. The future guerrillas didn't have enough money left to pay their hotel bills, and soon there would be none for meals. On the fourth day, however, as Bravo stood by the Restaurant Moscow, he felt a tap on his shoulder, and there was Gómez.

After listening to Bravo's account of the trip and the group's financial plight, Gómez said, "I will see what can be done. Walk around for a while, and meet me here in a couple of hours."

Gómez returned in mid-afternoon with about $1000. "Tomorrow bring me passport photographs of each of the comrades, including yourself," he instructed. "We should be able to depart in three or four days. Until then, you and I will meet here daily." On their seventh day in Germany, Gómez told Bravo: "We go tomorrow. Bring everyone to the main railway station of East Berlin at noon."

In the dark, cavernous old railroad terminal, four somber North Koreans awaited the Mexicans. They handed each a Korean passport bearing his photograph and a Korean name. In return, they required each to surrender his Mexican passport and all other papers reflecting his true identity. At 5 p.m., Gómez led the Mexicans aboard the night train to Moscow. Only after it started to move did he reveal that their final destination was Pyongyang.

To the customs and immigration officials who boarded the train at the Polish and Soviet borders, it was obvious that the Mexicans were not the Koreans their passports represented them to be. When a Soviet inspector approached, the youngest of the future guerrillas, Felipe Penaloza, nervously pulled from his pocket both his Korean passport and his Mexican draft card, which he had neglected to give to the Koreans in Berlin. *"Nyet, nyet!"* exclaimed the Russian, grabbing the Mexican document. But, seeing the boy's terror, the inspector smiled, patted his shoulder and walked away with the draft card. The KGB had prepared the way thoroughly.

More North Koreans greeted the Mexicans in Moscow and drove them in embassy cars to a hotel where they were confined for five days pending the flight to Pyongyang. The KGB had, of course, supervised all travel arrangements. But the trip was so contrived by them that at no time in Moscow or during the entire passage across the Soviet Union did any Mexican except Gómez converse with a Russian. To all but Gómez, it seemed that the Koreans were in charge.

"SOME COMRADES WILL DIE"

Whatever the Mexicans may have expected in North Korea, doubtless none anticipated the grueling regimen that awaited them. The guerrilla training camp, set in a valley between two mountain ranges some 35 miles northwest of the capital, was bleak and forbidding. It consisted of wooden barracks, a mess hall, frame buildings housing classrooms and administrative offices, and ranges for practice in small arms, demolition and hand-to-hand combat. The training day, beginning with a solid hour of exercise, lasted from 6 a.m. to 11 p.m. The trainees were told that they must henceforth forsake both sex and alcohol. Both were labeled useless and disruptive distractions from fighting. Except for an occasional visit to a circus or outing in the countryside, no recreation was provided. There were excursions to factories and villages—but only to teach the Mexicans how to destroy them.

They received zealous instruction in all the tools of terror. These included arson, explosives, karate, assassination, extortion, ambush, disguises, clandestine travel, recruitment, communications and weaponry. In learning about weapons, the students practiced almost exclusively with American-made equipment. A humorless little Korean known as Comrade Lee explained why.

"In the initial phase of guerrilla warfare, you must make the enemy supply you with arms and money," he began. "To obtain guns, kill the policemen and soldiers who have them. To obtain money, rob banks and stores. While sustaining you, these assassinations and expropriations contribute to the terrorization of the enemy. For a time they can also mislead him into thinking he is confronted merely by common criminals.

"The Mexican army and police buy mostly American arms. They are what you will be using, at least in the first years."

The most realistic and brutal of the training exercises pitted the young guerrillas against regular elements of the North Korean army. The Mexicans were required to infiltrate military bases, sabotage guarded vehicles, set ambushes, fight the soldiers with their bare hands and flee pursuing patrols. The women trainees received no special consideration, except that in the field their packs were not as heavy as the men's. Fatigue, injury or illness excused no one from the nightly seminars at which the day's lessons were rigorously reviewed.

In its harshness, the training had a purpose beyond making the Mexicans physically strong and technically proficient. The communists strove to develop each one time a disciplined fanatic, consumed by the objective of destroying the Mexican government. A senior instructor called Comrade Sung repeatedly stressed the concept of selflessness and sacrifice.

"Some comrades will die lonely deaths of wounds which cannot be attended," he warned. "Some will be imprisoned with no hope of liberation until victory. Many of you will have to discharge your revolutionary duties in the night, then work all day at ordinary jobs in which you have no interest. No matter what the hour, when the order comes to move, to bomb, to kill, you must obey instantly."

As in Moscow, Gómez was a prize pupil. But he did not really need all the tactical training. His was a higher mission of organization, planning and leadership. So, after less than three months, Gómez slipped out of the North Korean camp. Picking up $10,000 in Moscow, he flew in early January 1970 to Berlin. then on to Mexico. There he began assembling the final contingent of would-be guerrillas.

Locked in the *Referentura*, reading the reports that charted the progress of Gómez and the *Movimiento de Acción Revolucionaria*, Netchiporenko could be proud of himself. Gómez had justified every expectation, and thereby had enhanced Netchiporenko's already glittering reputation at the KGB center in Moscow. Then the unexpected suddenly clouded Netchiporenko's prospects.

HOW MUCH DID SHE KNOW?

On the morning of February 7, 1970, Kolomiakov received a telephone call from the Soviet commercial office located in a small villa adjacent to the embassy. "Raya has vanished," an attache said.

Immediately Kolomiakov summoned Netchiporenko to the *Referentura* and informed him that Raya Kiselnikova had apparently fled. To Netchiporenko, the news had special and terrible meaning.

The widow of a Soviet physicist who had died of radiation, Raya was 30, blond, blue-eyed, pretty and sensuous. Officially she was a secretary in the commercial section of the embassy; actually she was much more. As a student of literature, she had personally known many Russian intellectuals. Later, study in East Berlin, with opportunities to sneak into West Berlin, had given her furtive, delicious tastes of Western life. Ever since, she had continued intellectually to quest, explore and educate herself. Russian men were almost compulsively attracted to her, not only because of her seductive appearance but because she could talk to them about the world as few of their wives could. Moreover, she had about her a girlish openness that tempted men to trust and confide.

Even KGB officers felt at ease with Raya. They sometimes commanded her presence in the evening, ostensibly as a cover for some secret assignment. Usually this was merely a pretext to enjoy her company. But on occasion she did serve as a genuine decoy and thereby witnessed clandestine meetings between the KGB and its Mexican agents. A few officers flaunted their secret exploits in an attempt to impress her with their importance. Even Kolomiakov, who harbored no amorous designs on Raya, liked and relied upon her.

But the man who most trusted and confided in her was Netchiporenko himself. She was all he yearned for in a wife, all that Lydia was not. If he had one genuine friend in Mexico, it was Raya. Now he had to ask himself tormenting questions: Exactly what had he told her in the many unguarded moments they had shared? How much did she know? Many another KGB officer had to search his memory with the same questions.

As SK officer responsible for recovering any defector, Netchiporenko immediately organized a hunt for Raya. All other business of the KGB halted while every available Russian joined the search. The corrupt ex-police official who commanded a squad of cashiered cops for the KGB was summoned. The KGB did not have to tell him what to do if his detectives found Raya. He knew that he was to retrieve or kill.

All efforts were in vain. On February 10, the Mexican government announced that Raya Kiselnikova had requested and received political asylum. The Soviet embassy demanded an interview with her, and Kolomiakov sent Netchiporenko. He was magnificent in his tender appeals. Never referring to communism or the Soviet state, he spoke of her love of Russian culture and their bond with each other. Constantly he stressed, as the KGB always does in such a situation, that if she returned now, she would be guilty of no more than a foolish peccadillo which would be promptly and permanently forgiven.

But having tasted the gaiety, liberty and promise of Mexican life, Raya had come to look upon the Russian embassy as an Orwellian ant heap. And ultimately she saw it, permeated as it was by pettiness, mistrust, fear, regimentation and conspiracy, as a microcosm of Soviet society. She began to cry. "Oleg, I am sorry. I am sorry," she said. "You must know I can never go back."

As Mexican security officers stepped forward to end the interview, Netchiporenko kissed her and left, also in tears.

KGB interrogations of embassy personnel permitted no illusions about the value of the intelligence Raya might disclose to the Mexican government. She knew that Netchiporenko had recruited some of the students who emerged as prominent leaders in the 1968 riots. She personally had accompanied Valentin Loginov to his clandestine meeting with students at the height of the riots. She had heard KGB officers brag about bribing certain magazine and newspaper editors to publish pro-Soviet stories. She could recite in clear, meaningful detail what went on inside the embassy.

But one question Kolomiakov and Netchiporenko more than any other: Could Raya conceivably know anything about Gómez and the guerrillas? Strenuous reconstructions of associations, conversations and all data to which Raya might have had access yielded no evidence that she did. Neither could clandestine KGB sources discover any indication that the Mexican government had become aware of the incipient guerrilla movement. Thus, the KGB elected to let the operation continue. As the months passed without disaster, it seemed that Raya's defection would be nothing more than a minor blemish on Netchiporenko's brilliant record.

"COMRADES, WE ARE READY"

The guerrilla training in North Korea for the final 23 recruits and the 17 members of the second contingent ended in August 1970. They split into three groups for the journey home via Moscow. By late September, all were back, mentally and physically ready for their secret labors.

The morning after the last group landed in Mexico City, Gómez convened his chief deputies, including Bravo, in an apartment at Calle Medellín 27. "Our immediate objective is to increase our numbers as rapidly as possible without making any sacrifice in quality of personnel," he announced. "Once our numbers are sufficient, we will divide into an urban guerrilla force and a rural guerrilla force. Comrades, we ae ready to begin."

The *Movimiento de Acción Revolucionaria* progressed with astonishing swiftness. In less than two months it doubled in size by adding some 50 recruits spotted and screened by the first ten guerrillas who had returned from North Korea in 1969. Clandestine schools were established in Zamora, San Miguel de Allende, Querétaro, Puebla, Chapala and Mexico City. A special school for training of future instructors was founded in Salamanca. Apartments or houses where guerrillas could hide and mount operations were acquired in Mexico City, Acapulco and Jalapa.

Some of the guerrillas took jobs, both to earn money for the movement and to cloak themselves in an aura of respectability. One of the most ruthless, Alejandro López Murillo, opened a beauty salon in Mexico City. The idea was good. The police were unlikely to look for terrorists among hairdressers or women in a beauty parlor. Neither were they likely to search parlors for weapons and explosives.

The first robbery was plotted in late November, with all the military precision learned in North Korea. López, who had worked at the Banco de Comercio in Morelia for a while, suggested the target. He recalled that about three times a month the bank sent a courier by bus to deposit U.S. dollars in a central bank in Mexico City. With the approval of Gómez, the plotters decided to waylay the courier.

Four guerrillas visited Morelia to familiarize themselves with the appearance of the courier, a thin, elderly man. One, "Comrade Hilda," remained in Morelia to watch the terminal of the Three Star Bus Company. The night of December 18, she telephoned Mexico City to report that the courier had departed on a bus due in the capital at 6 a.m.

About 4 a.m. in Mexico City, three guerrillas hailed a taxi. They knocked the driver unconscious with a pistol and, binding and gagging him, threw him on the floor of the back seat. Shortly before six o'clock, they drove to the bus station, where Bravo and two more members of the squad were waiting.

When the courier stepped from the bus, the six guerrillas saw that he was escorted by a young man they believed was a police detective. They quickly wrestled both men to the ground, then grabbed the courier's satchel, ran to the stolen taxi and escaped. Hurriedly, Bravo ripped open the satchel, passed out handfulls of dollars and stuffed some into his own pockets. Abandoning the cab, the guerrillas fled. In the safety of an apartment, Bravo counted out the money he had kept—almost $30,000. Not until he read the afternoon papers did he learn that the total loot was $84,000.

With money allocated by Gómez, Bravo bought a Volkswagen and a Datsun van. Gómez also sent a courier to the Texas border to purchase wigs for disguises and walkie-talkies. The remainder of the $84,000 was allocated for weapons and operating expenses.

While his men plotted additional robberies and trained more and more recruits, Gómez scheduled the first guerrilla attack for July 1971. He planned to detonate bombs simultaneously at 15 airports, hotels, restaurants and public buildings throughout Mexico.

The explosions would proclaim the existence of the *Movimiento de Acción Revolucionaria* and a siege of the Mexican government. Each subsequent bombing, robbery and assassination would be calculated to achieve maximum shock and publicity at minimum risk. Continuing and intensifying terror, first in one part of the country, then another, would create a growing aura of guerrilla invincibility and government impotence to protect its citizens. Such an aura could be expected to attract to the movement extremist groups and opportunists who thought to secure their future by joining the winning side. Additionally, through atrocities against police and public officials, the guerrillas hoped to provoke the government into retaliatory measures that would alienate many citizens and drive them into MAR ranks.

The movement would also gather strength in the Mexican mountains, in whose virtually uncharted areas bandits and fugitives had long found refuge. At the outset, only small raiding parties would venture out of the mountains to sabotage railways, bridges, power lines and factories. In time, organized battalions would descend to ambush army units and sack whole towns.

These terrorist tactics would be accompanied by unremitting psychological warfare. All propaganda would sound one underlying theme: the inevitability of guerrilla triumph over the "injustices" of Mexican society and government. Each attempt of the government to defend itself against the guerrillas would be seized upon as proof of its "repressive, totalitarian" character. Selected, sympathetic foreign correspondents would be invited to melodramatic interviews portraying the romance of revolution, the idealism of young men impelled by conscience to take up arms. All the while, the KGB through its worldwide resources would surreptitiously foster the impression that the masses were rising up against another degenerate Latin American oligarchy.

"THE COLONEL" ASKS SOME QUESTIONS

Then the unforeseen happened. In February 1971, an elderly constable was walking homeward outside a small mountain village some 30 miles from Jalapa. It was a long walk, and he often stopped to rest at an abandoned shack about halfway to his house. On this afternoon, as he approached, he heard voices from the shack. Looking inside, he saw four youths, one of whom was drawing a diagram on a blackboard. More out of curiosity than suspicion, the constable said, "Good afternoon, friends. What are you drawing?"

"None of your business, old man," one of the young men answered contemptuously. "Get out of here."

"Just a moment," said the constable. "I am a police officer. I have asked a proper question. . . ."

"Get away or we'll beat hell out of you!" shouted the youth.

As two of the young men advanced on him, the constable drew his revolver. "I warn you, I am a good shot," he said. "Take the blackboard and march."

The constable delivered the four to the police. To them, the diagram was a mystery, and had the youths offered the least explanation, they doubtless would have been released. But their insolent refusal to say anything caused the police to telephone Mexico City.

The next morning, a man who was introduced only as "the colonel" arrived. He saw at once that the blackboard diagram was of electrical transmission towers—towers being marked for destruction. A gifted interrogator, the colonel soon extracted all that the four youths knew—which was not very much. They said that a "Comrade Antonio" had persuaded them to become "guerrilla warriors" so they could "fight for Mexico." He told them that he would return in a month or so to inform them of plans for their training. Meanwhile, they were to practice shooting and making bombs. One youth did remember that Comrade Antonio had mentioned a *"Movimiento de Acción Revolucionaria."* Another thought they would be trained somewhere in Jalapa. The search for an MAR hideout in Jalapa began.

About a month later, in Mexico City, Gómez ordered Bravo to inspect the clandestine MAR center in Jalapa. Bravo took a bus to Jalapa, and knocked on the door of the guerrilla house at Guadalupe Victoria 121. He did not recognize whoever it was that politely opened the door, but this was not surprising because by now the movement had many new members. As soon as he stepped inside, he heard a shout: *"Manos arriba, traidor! (Hands up, traitor!)"* Looking into the muzzle of a submachine gun and the fierce eyes of the man who held it, Bravo sensed that he stood very near death.

Shortly after midnight, he was ushered into a room at the police station and left alone with "the colonel." For four or five minutes the colonel stared at him silently, responding to nothing he said. Then the colonel methodically began his interrogation, and soon Bravo had told everything. The KGB had never dealt with Bravo, and Gómez had withheld much from him. But as leader of a contingent to Korea and an accomplice in the robbery, he knew a great deal, including the importance of Gómez and the location of several guerrilla centers.

Four days later, Gómez, having heard nothing from Bravo, traveled to Jalapa himself in search of him. The guerrilla house appeared dark and empty as he unlocked the front door. But suddenly a beam from a flashlight struck his face; then the lights flashed on. "Ah, Señor Gómez," said a man pointing a cocked .38-caliber revolver. "It is you for whom we have waited most."

Led away to jail, Gómez screamed curses and vows to kill all who might have betrayed him. It was useless. Within the week, the Mexican security service devastated the *Movimiento de Acción Revolucionaria*, raiding its clandestine centers, capturing its 19 most important leaders and laying traps that would ensnare many more.

"MEXICO IS GRATEFUL"

When the intelligence advisers presented their report the night of March 12, they were able to accompany it with voluminous and concrete evidence. It was the kind of proof any responsible chief of state covets on the eve of a momentous decision. Photographs showed the American M–1 rifles and .45-caliber pistols, hand grenades, cartridges, shortwave radios, even some of the money remaining from the robbery. Signed confessions and captured diaries recorded the training of the guerrillas and their plans for terror. Dossiers on Kolomiakov, Netchiporenko and Diakonov detailed their involvement and that of the KGB.

It was clear that Mexico had barely escaped grievous damage. The Russians might never have realized their ultimate goal of creating "another Vietnam." But they were only months away from achieving their minimum objective of serious social disruption. Had the guerrillas multiplied and mounted sustained attacks, Mexico would have had to waste its resources on new arms and armies. These could have been raised only at the expense of education, industrial development, transportation, rural electrification and social reforms.

"I have some thoughts," said the President. "I wish a few more hours to contemplate them. Let us meet again in the morning." As his intelligence advisers turned to leave, he called to them: "Gentlemen, you have saved your country and our people from terrible tragedy. Mexico is grateful."

On March 15, the government announced the capture of the guerrillas and indicated that arrests were continuing. The announcement shocked Mexico, but doubtless the consternation was greatest in the *Referentura* at the Soviet embassy. The ripening fruits of years of planning, hundreds of clandestine meetings, and painstaking recruitment suddenly were destroyed. And, momentarily, Moscow would be demanding explanations.

There was, however, one consolation for the KGB in the official announcement. It offered no intimation that the Mexican government had the least suspicion of the true sponsorship of the *Movimiento de Acción Revolucionaria*. Apparently, Gómez had not talked; seemingly, Netchiporenko, Kolomiakov and Diakonov were safe.

Then, on March 17, Mexico ordered its ambassador to leave Moscow quietly. The following morning Diakonov, the Soviet chargé d'affaires, received a curt message. His presence at the foreign ministry was required immediately. Foreign Minister Emilio Rabasa greeted him with none of the customary niceties.

"The continued presence of you, Dimitri A. Diakonov, Boris P. Kolomiakov, Oleg M. Netchiporenko, Boris A. Voskoboinikov and Alexandre P. Bolchakov [the latter a KGB officer involved in recruiting students] is intolerable to my government," the foreign minister announced. "You are hereby ordered to depart the territory of Mexico immediately."

"What is the reason for this?" asked Diakonov.

"Señor Diakonov, you, I and the State Security Committee of the Soviet Union all know the reason why," replied Rabasa. "There will be no further discussion. This interview is at an end."

The expulsion of five diplomats, including the chargé d'affaires, was an extraordinary diplomatic slap in the face for the Soviet Union. Mexico was aware that whenever a nation dares to expel KGB officers, the Soviet Union retaliates with a belligerent denunciation and the arbitrary ouster of an equal number of diplomats from Moscow. However, having recalled its ambassador, Mexico now had only four diplomats left in the Soviet Union. If the Russians retaliated in kind, they would, in effect, sever diplomatic relations. Thereupon the Mexicans could order all Russians out of Mexico and close the great Soviet sanctuary of subversion once and for all. So, the Soviet Union swallowed its humiliation without protest.

Other Latin American nations rallied to the support of Mexico. Colombia and Honduras sent their ambassadors to the foreign ministry to declare their endorsement of the Mexican action. Leading newspapers throughout the hemisphere denounced the Russians and praised the Mexicans. Costa Rica consulted the Mexican government, then announced suspension of negotiations which had been expected to result momentarily in diplomatic relations with the Soviet Union.

On March 21, the expelled Russians waited at the airport for a plane home. Their enforced departure was probably regretted most by Netchiporenko, whose life had been so intimately intertwined with a country he would never be allowed to see again. But he was a good actor to the end, smiling and bantering with reporters. Kolomiakov, the KGB boss who never forgave a mistake, also was in character. Just as their flight was announced, he jumped out of line and took a swing at a photographer. His last blow in Mexico missed.

EPILOG

What happened in Mexico is merely part of a worldwide pattern of KGB subversion. Elsewhere in Latin America and in Africa and Asia, evidence of KGB efforts to undermine other societies emerges again and again.

Last July Ecuador expelled three KGB officers after catching them trying to organize nationwide strikes through the Marxist-dominated Ecuadorean Workers Confederation. All three were "diplomats" assigned to the Soviet embassy.

In 1969, Ethiopia deported three KGB officers and three Czechs who had recruited dozens of Ethiopian students and organized them into clandestine cells. Handwritten notes and printed propaganda captured from the students showed they were being trained initially to disrupt the universities, ultimately to overthrow the government.

The Congo threw out the entire Soviet embassy staff of 98 after the KGB openly supported armed rebels against the government in 1963. When relations were restored in 1968, the Soviet Union signed a protocol specifically limiting it to seven diplomats in the Congo. But, by the spring of 1970, the Soviet embassy staff had swelled to 42. Then the Congolese unraveled a KGB network that reached into the universities, the army, the Ministry of Information and the National Documentation Center. Four KGB officers were expelled, and the embassy was again cut down to size.

In April 1968, Colombian police, alerted by Mexican authorities, searched two couriers at the Bogotá airport and relieved them of $100,000 which they had received from a KGB officer in Mexico. Eventually, the communist couriers admitted that the money was destined for the most murderous band of terrorists in Colombia, the *Fuerzas Armadas Revolucionarias*.

Increasing terror in Turkey culminated this year in a series of kidnappings and the murder of the Israeli consul general. Police ascertained that some of the students behind the terrorist acts had undergone clandestine training in neighboring Syria. Further investigation established that the training had been arranged by a Soviet "diplomat" in Damascus, Vladimir Shatrov, and his Russian "chauffeur," Nikolai Chernenkov.

From Ceylon to the Sudan, from Argentina to Yugoslavia, Soviet embassies continue to spawn subversion. All the while, the Soviet Union publicly affects rectitude and professes friendship. The day after Mexico expelled the five KGB officers, the Soviet embassy in Mexico City issued a statement of aggrieved innocence: "We do not understand, we cannot explain the measure taken by the Mexican government."

The Schooling of a Soviet Spy

(By John Barron, condensed from "KGB")

For more than two years, The Reader's Digest has been making an exhaustive study of the KGB, the Soviet Union's massive intelligence agency. Reporters and editors, spanning the globe have uncovered facts that have never been made public. Their sensational findings—including exclusive disclosures by Soviet agents who have defected to the West—will appear in a forthcoming book, *KGB*.

In this selection from the book, one hidden face of the KGB is revealed in startling, sinister detail. Filled with the intrigue and drama of spy fiction, it is the first authentic account of the recruitment and training of a modern Soviet espionage agent.

At the Yaroslavsky railroad station in Moscow, a handsome Nordic-looking traveler stepped off the Trans-Siberian Railroad train and stood apart from the other disembarking pasengers. He was known my many names, but in reality he was Kaarlo Rudolph Tuomi, combat veteran of the Soviet army, instructor in English, and secret informant to the KGB. Why he had been summoned to Moscow or who would meet him, he did not know. But following a pre-arranged set of signals, he cradled an umbrella under his left arm and waited.

Before long, a stranger approached him.

"Good morning," he said. "Tell me, how is your uncle Efim?"

"I'm sorry to say he just passed away," Tuomi answered.

"That's too bad. Come with me, please."

In silence the two men rode in a little Moskvich sedan to a military hotel, where Tuomi was taken to a third-floor suite. "These will be your quarters," his escort advised him. "You'll be having visitors after a while, so don't go out."

The luxury of the suite awed Tuomi. The bedroom alone was bigger than the one-room apartment in which he lived with his wife and three small children. The adjoining living room, decorated with freshly cut spring flowers, was larger still. On the center table stood a bowl of oranges, apples, bananas and grapes, along with bottles of cognac, Scotch and vodka. The bathroom even had a sunken tile tub.

An hour after he had entered the suite, Tuomi heard the living room door being unlocked. As an army major general and a colonel entered, he bolted to attention.

"Please, sit down and relax," the trim little colonel said. "There is no need for formality among us. Do you find your quarters satisfactory?"

"I cannot believe I am here," Tuomi replied.

"Well, you have a big decision to make, and we want you to be comfortable while making it," the colonel commented cryptically. "Besides, this is an indication of what you may expect someday if your choice is correct."

"We might as well come right to the point," said the general brusquely. "We are considering sending you on an important and dangerous assignment to the United States. You would have to enter the country and work there illegally. Should you be caught, the best you could expect would be a long prison sentence. If you succeed, however, the rewards would be great."

The sudden prospect of becoming a spy in America overwhelmed Tuomi. "I have never imagined such an assignment," he said. "I am not sure I am qualified . . ."

"Your record, your whole life, have been thoroughly analyzed," the general interrupted. "We are confident you have the capacity to do what is needed. The question is your will. You have a free choice, and nobody can make it for you. Actually, the mission is not as difficult as it must now seem to you, but there are some unpleasant considerations we want you to face. You would have to live and work like any other American, but still accomplish your real task. Never for a moment could you relax. You would also be separated from your family for a long time."

"How long?" Tuomi asked.

"Your training here in Moscow probably would last three years," the general replied. "Having invested so much in you, we would want to keep you over there a minimum of three years, maybe more. The better you do, the longer you will stay."

"What will happen to my family?" Tuomi asked.

"They will want for nothing," the general said.

"Could they possibly have a new apartment?"

"It might take time, but we can guarantee it," the general pledged. "There will be even bigger compensations. Your salary will be tripled, and you can give it all to your family because we will supply you with all the dollars you need. Every year you spend abroad will count as two years toward your retirement. When you come back you will not have to worry about anything for the rest of your days. But there is something far more important. You will enjoy the pride of having truly served your Socialist fatherland. You will know that you have done something significant with your life."

Both officers rose abruptly. "Do not answer now," said the general. "We want you to think hard first. We will be back tomorrow."

Despite weariness from the train trip. Tuomi could not sleep that night. Sometimes pacing across the suite, sometimes sitting by the window looking out over the lights of Moscow, he thought back on all that had led him to this moment. Events and remarks which he had not understood at the time now acquired meaning. They made him wonder if the KGB had not for years been planning to confront him with the decision he had to make within the next few hours.

TWO FATAL MISTAKES

Kaarlo Tuomi had been born in the United States, but from his childhood on he was indoctrinated in communism by an earnest, evangelistic Finnish stepfather. In 1933, when he was 16, the family moved from Michigan to Russia and they became Soviet citizens. Four years later, during the Stalinist purges, the KGB came in the night and took his stepfather. He never returned.

To support his mother and sister, Tuomi worked as a lumberjack until drafted into the army in 1939. After years of combat, he was mustered out in May 1946, one of two survivors of his original infantry battalion. In the wartime chaos his sister had disappeared, and his mother died of "heartfailure," then a Soviet euphemism for starvation. His possessions consisted of a dirty uniform, a patched overcoat, a pair of German boots, a duffel bag stuffed with towels and underwear, and discharged pay equaling $20.

In hopes of becoming a professor of English, Tuomi enrolled at the Teacher's Institute at Kirov, an ancient city on the forested plains 475 miles northeast of Moscow. For a small rental, he shared a 15-by-17-foot room with a widow and her two daughters. It had a fireplace, but no kitchen or bath. Nearby, a commual garbage pit bred foul odors and rats the size of small cats.

In the fall, Tuomi and the widow's oldest daughter, Nina, decided to marry—more out of friendship and convenience than love. They were wed during a lunch period and spent their wedding night with her mother and sister sleeping a few feet away. To augment the meager salary Nina earned as a clothing-store clerk, Tuomi chopped wood and hauled bread after school for State Teahouse No. 3. He received the equivalent of $50 a month, and his meals, enabling him to give most of his rations to the women. Still, food shortages occurred frequently, and this led Tuomi to commit the first of two errors which were forever to change his life.

In late December 1947, Tuomi was pulling a sled loaded with bread through the snow toward the tea shop. Noticing that the bread box seemed heavier than usual, he opened it. Vapors from freshly baked French rolls steamed out into the cold air as he counted the trays—then counted them again. There was no doubt. The bakery had included an extra tray of 100 succulent rolls. If he kept them and was discovered, he could receive a ten-year sentence for stealing state property. But who would find out?

Bending nearly double, he towed the sled past the local KGB[1] office, known because of its foreboding character and color as the Gray Building. For a moment he trembled, then hurried home. "My God!" exclaimed Nina as he rushed into the room with the rolls. "Where you get them?"

"Never mind," Tuomi commended. "Buy some vodka and butter while I finish my delivery. We're having a party tonight!"

Tuomi made his second mistake the following winter. When a firewood shortage threatened to close the tea shop, the manager conspired with a night watchman to loot a state depot of enough wood for the season.

He persuaded Tuomi to borrow a truck from a friend at the state garage to transport the wood and as compensation gave him half a truckload for himself. Tuomi forgot about both incidents until the night of December 8, 1949. He was finishing work at the tea shop when a man approached him, flashed a KGB card, and said, "Follow me."

At KGB headquarters Tuomi was let down into a basement room dimly illuminated by a single blub hanging from a ceiling cord. Seated at a wooden table was KGB Major Serafim Alekseyevich,[2] a stocky man with a disproportionately large head and cold blue eyes. Flanking him, barely visible, were two somber figures in civilian dress.

"Sit down, thief, and explan why you have turned into an enemy of the people!" the major shouted.

"I don't understand," Tuomi said.

"You have failed miserably in your duty to socialism," Serafim declared. "You are guilty of sabotage, and you shall be punished."

The KGB had arrested the night watchman for another offense and wrenched from him the story of the stolen wood. As the officer detailed evidence of the crime, a sickening fear flooded through Tuomi. "We took the wood only to keep the shop open," he said. "Don't I deserve some leniency? I fought in many battles. I was decorated for bravery. I never have done anything else wrong."

Drumming his fingers on the table, Serafim slowly replied, "And what about the rolls? Tell us how you stole 100 rolls and gorged yourself like a swine while your comrades went hungry. You see! You not only steal! You lie!"

Benumbed, Tuomi felt drained of hope. "All I can say is that I am sorry," he apologized in despair.

The KGB major grunted contemptuously. After a minute or so of silence, one of the men spoke from the shadows. "Your family will suffer terribly while you are in prison," he said. "That would be a shame. Possibly there is a way out for you."

"What do you mean?" Tuomi asked. "It is enough to say that we have a lot of work to do, and you can help us," the man replied.

Serafim shoved paper and pen across the desk. "Write," he ordered. Tuomi dutifully wrote out an oath pledging eternal secrecy and faithful execution of all KGB orders. Next, the major handed him a slip of paper bearing a street address. "Meet me there at 9 p.m. a week from tonight," he instructed.

It was a classic KGB recruitment. As Tuomi was to learn years later, the KGB had planted the rolls and tempted him to steal them. Then it had waited patiently to discover still another act for which he could be blackmailed. Now it owned him.

"TELL US EXACTLY"

On a cold moonlit night one week later, Tuomi knocked at a two-story frame house on a side street near downtown Kirov. Outside, the house looked like any other on the block. Inside, it was partitioned into a series of offices on the first floor and two self-contained apartments on the second. This was the first of many "safe houses" Tuomi was to visit—sanctuaries where the KGB meets and instructs its informants.

"Pour yourself a drink, and we will get started," Serafim said, motioning to a decanter of Georgian brandy. Then he began to outline Tuomi's duties:

"First you will report attitudes at the Teacher's Institute toward Party policies, conditions of life and especially the West. We want to know everything your teachers and fellow students say, the bad and the good. Tell us exactly what you hear, not what you think we want to hear.

"In the eyes of your comrades, you should appear as an intellectual, curious about the world. Whenever you hear an anti-Soviet statement, hint that you might agree. Venture cautious criticisms occasionally. You may even make a mildly favorable comment or two about the West. As your reputation spreads, you will attract those who think privately what you suggest openly. This takes time. Never go too far, or you'll frighten the fish away."

No rewards were promised. But as Tuomi faithfully reported what he heard at the Institute, he began to discover that the KGB did bestow secret benefits. Upon graduation from the Institute in 1950, he could not find a job. The KGB promptly interceded to arrange employment for him, first at the Institute, then at the local adult-education center.

Party membership was essential for long-term advancement within the teaching profession and the KGB itself. When Tuomi's application was stymied because he could not account for his missing sister, the KGB searched the Soviet Union until it found her—working as a hod carrier in Archangel. With the birth of his first two children in 1948 and 1951, Tuomi's regular salary became increasingly inadequate. The major supplemented it with gifts of several hundred rubles before holidays and vacations.

With coaching and experience, Tuomi grew adept at conspiracy. He had many attributes of a good spy: courage, intelligence, curiosity, a keen memory and an ability to make people like him. He laughed easily, his blue eyes radiated good humor, his broad, pleasant face invited trust. As often happens to people who remain in espionage, he came to like intrigue for intrigue's sake. The guilt initially felt at betraying his colleagues gradualy subsided as he succeeded in thinking of himself as a patriot.

There was only one man whom he could not bring himself to betray. He was Nikolai Vasilyevich, a scholar of Russian literature beloved for his wit, honesty and generosity of spirit. Tall, frail and gentle, he had a great teacher's ability to inspire, and his classes always were crowded. Because he repeatedly refused to join the Party, the KGB kept him under periodic surveillance, and in December 1955 Tuomi was assigned the watch.

At a New Year's party soon thereafter, Tuomi heard a student ask Nikolai why he declined Party membership. "Communism is a cage," he answered. "I was not born to be in a cage. I was born an eagle."

Tuomi omitted any mention of the statement at his next KGB meeting. Four days later Serafim telephoned him at school, something he never had done before. "Make any excuse you want, but meet me in 15 minutes," he ordered. When Tuomi entered the safe house, the major's face told him he was in trouble. "'Communism is a cage. I was *not born* to be in a cage,'" the KGB officer repeated. "Have you ever heard those words?"

"Yes, Nikolai Vasilyevich spoke them," answered Tuomi, chilled by the realization that there had been another spy at the party.

"Why then did you not report them?"

"I thought them unimportant."

"Don't make it worse than it already is," Serafim said. "You are just lucky that I, instead of somebody else, found out about this. I am going to let it pass only because we have worked together so long and because I have an idea of what is in store for you, if you don't ruin it."

As Tuomi was dismissed, the major added

Footnotes at end of article.

a final warning. "I hope this experience teaches you something," he said. "*Never* try to deceive us."

THE FINAL TEST

In the fall of 1956, Alevtina Stepanovna, a 29-year-old widow, enrolled in Tuomi's class. Although she was not beautiful, her blond hair, soft hazel eyes and seductive figure made her decidedly attractive. She taught French in high school and was determined to master English. "I wonder if you could give me extra lessons?" she asked Tuomi one day after class. Her smiling entreaty seemed so earnest that he agreed to meet her for a couple of hours every Sunday.

Alevtina was an excellent pupil. During the tutoring sessions she concentrated completely on English, but afterward she would insist that Tuomi stay for tea and cake. The two-room apartment in which she lived with her mother and small son was warm and bright. Talking with her as the sun slanted through the windows, Tuomi was glad he had agreed to the lessons.

In time, Alevtina induced him to talk about himself. Unexpectedly she would throw a personal question at him, always smiling, sometimes lowering her voice as if to invite an exchange of confidences. "Is it true you were born in the United States?" she once inquired.

"Yes."

"Wouldn't you like to live there, if you could?" she asked softly.

The intuitive antenna a wise Soviet citizen develops warned Tuomi to be careful. " I suppose everyone longs to visit his birthplace again," he replied. "But live there, no. The future belongs to the Soviet Union not to America."

Bedecked in a new blue dress, Alevtina looked especially alluring when he came to give a lesson one Sunday in January 1957. From the window, she called, "Come look at the snow." As he joined her, she stood so close that their bodies touched. "We are alone today," she whispered.

For an instant Tuomi wavered between temptation and the dictates of all his KGB experience. Then, stepping away, he said, "I'm sorry, we cannot have your lesson today. My children are sick and I have to help Nina take care of them." A few days later Alevtina curtly told him that she was giving up the class.

Walking home a few weeks later, Tuomi saw a figure scurrying along the street ahead of him, looking neither left nor right. It was Alevtina, and as she turned down a side street he followed her. But as she entered a house, he stopped abruptly. It was one of the KGB safe houses at which he had met with Serafim.

Two months later Tuomi received the summons to Moscow. Now, in the spacious suite, he understood why the KGB had tested him through Alevtina. It had sought to fathom his inner feelings about the United States. But more important, by his reactions to her sexual blandishments, it had tried to gauge his devotion to his family. Only if he truly cared for them could they serve as effective hostages.

As dawn broke over the city, Tuomi tried to weigh the costs and rewards of accepting the mission to America, the consequences of rejecting it. He thought of his children—Viktor, 9, Irina, 6, Nadezhda, 4—and the years with them which would be irretrievably lost. But he thought, too, of the benefits his new income and status would afford his family. They would have a better apartment, a refrigerator, television, all the food and clothes they needed. The KGB would ensure the children a good education.

What if he refused the assignment? He could be branded "unreliable." Just as the KGB had arranged his employment, it could arrange his dismissal. Without explanation, it could bring destitution upon him and his family, and there would be no appeal.

What if he undertook, the espionage mission and failed? Fear of imprisonment, even death, tormented him. Yet patriotism and devotion to communism made him want to do what his country asked.

The faces of the general and colonel were expressionless when they entered the apartment. After they were seated, the general leaned forward. "Have you given the matter the most careful consideration?"

"I want to do my duty," Tuomi answered.

"You can be proud of yourself," the general said, as both officers smiled and perceptibly relaxed. "This still must be approved at the highest level, but I think it will go through. You will hear from us within a few weeks."

Back in Kirov, Tuomi told Nina and his fellow teachers that he had taken tests for admission to an interpreters' school and was awaiting the results. They came on April 26, 1957, in a telegram from Moscow: "You have been accepted for the course."

SCHOOL BEGINS

The colonel was waiting when Tuomi arrived in Moscow on May Day. They drove to one of the city's finest apartment buildings, on Kutuzovsky Prospekt, and took the elevator to the fifth floor. There the colonel opened what appeared to be a broom closet. It was actually the entrance to a hidden stairway leading to an apartment on the sixth floor.

"Come in," said the colonel. "Let me show you your new home."

The apartment consisted of a large, elegantly furnished living-dining room carpeted with Oriental rugs, a master bedroom, a smaller bedroom, an American-type kitchen and a modern bathroom. A narrow spiral staircase wound upward to a huge sunlit recreation room on the roof. Among the furnishings were two red-leather sofas, a mahogany writing desk, a movie projector and screen, a Ping-Pong table and a safe. One wall was lined with bookshelves filled with American magazines, copies of the New York *Times*, novels by Hemingway, Twain, London, Steinbeck, Dreiser and Dickens. Far to the north, Tuomi could see the blue Moscow River, and to the east the spires of the Kremlin churches, which in sunlight looked like golden turnips. This room was the spy school.

"Everyone is on vacation, so you will have to take care of yourself for a while," the colonel explained. "See the city, sleep all you can, and relax until you hear from us. The neighbors know they are not to ask questions. If you meet them on the elevator, you may say hello but no more. Let me wish you all success in your new life."

The interlude of privacy and freedom ended on the sixth day. Just before 8 a.m. he was awakened by the ringing of the telephone. "Don't go out this morning," a voice told him. "Somebody is coming by."

Tuomi was in the recreation room an hour later when he heard someone call from the living room below, "Hello! Anybody home?" Hurrying down the spiral staircase, he saw a short, rather ugly man with slighly jowly cheeks, a wide nose, steel-rimmed glasses and a mass of thick black hair combed straight back. "I am Alesksei Ivanovich, your chief instructor and adviser," he said, extending his hand. "Excuse me for letting myself in."

The visitor was Aleksei Ivanovich Galkin. As a young communist, this son of peasant parents had worked on the Moscow subway while obtaining an education. By obedience, industry and scholarship, he rose swiftly in Soviet intelligence. From 1951 to 1956 he served as an agent in the United States while masquerading as a United Nations employe. He devoted himself primarily to acquiring firsthand knowledge which would equip him to train spies for espionage in America. Every few months he changed residences so as to familiarize himself with different sections of New York City and its suburbs. He continually sought invitations into homes so he could see for himself how Americans live and thus how Soviet agents should behave among them.

"Let me brief you generally about what is ahead; then I will try to answer questions," Galkin began in heavily accented but understandable English. "Your training will last three years. Your main subject will be the theory and practice of intelligence, which I will teach. You will also study the philosophy of Marx, Lenin and Engels as applied to intelligence, as well as technical subjects such as cryptography, photography and secret writing. Along the way we will give you a real understanding of the United States: its history, geography, politics, military establishment and contemporary life. Naturally, we will work intensively on your English. I know you speak it well, but language is everchanging. You have years of colloquialisms to learn, and we want to shave away your accent as much as possible. Incidentally, I hope you like movies," he said, pointing to the projector. "We will show you American films constantly. We have quite a library."

Galkin paused, then picked up the pad on which Tuomi was jotting notes. "Please, from now on, nothing in writing," he said. "You must memorize everything."

"I'm sorry," Tuomi apologized.

"No, no," Galkin continued, patting Tuomi on the shoulder. "You must not confuse a correction with a reprimand. Someday your life will depend upon what you learn here, so all your instructors will be pointing out mistakes which could be fatal. We simply want to help you; I especially, because as your counselor I will be graded according to how well you do. You must not hesitate to raise any question or problem with me, no matter how personal or trivial. How about some tea?"

While he was boiling water in a silver samovar, Galkin remarked, "You know, the Americans actually put ice in their tea."

"It can taste pretty good on a hot day," Tuomi said.

"That's right. I almost forgot about your boyhood in the States," Galkin replied. "That's an advantage you have over most of the illegals we send there. Still, you have a terrific amount to learn."

Sipping tea, Galkin continued, "The second phase of your studies will be entirely practical. We will concentrate on building an identity for you which will stand up in America. A whole life must be invented for you, and you must know it as if you had actually lived it."

"Can you tell me what I am expected to do in America?" inquired Tuomi.

"Not specifically. But your first task will be to establish yourself as an American and get a job. Then you will want to spot Americans who might work for us. If all goes well, some American agents we already have might be turned over for you to handle. In any case, I'm pretty certain you will work out of New York City."

"Will I be able to see my family while I'm here?" Tuomi asked.

"Certainly," Galkin assured him. "From time to time you may make brief visits to Kirov, and we'll bring them here for a holiday or two. Incidentally, here's an address where they can write you. If you have any family problems, let me know.

"One last thing. In educating the masses, simplifications, even exaggerations sometimes are necessary. But for you, accurate knowledge is vital. So don't be shocked if what we tell you differs from what the public is told. Now, let's meet Yelena, the best cook in Moscow."

A portly, gray-haired woman in her 50s welcomed Tuomi. For years she had been an assistant chef at the Kremlin. Now she acted as a kind of housemother to spies in training. She served a delicious lunch of pea soup, spiced beef and rice baked in light dough, red cabbage, tomato salad and melon, accompanied by red wine. "I'll do better once I learn what you like," she promised. "I will take good care of you."

A TAUNTING TEACHER

Unaccustomed to so much food and wine at midday, Tuomi dozed on the sofa. He was awakened by a soft, sultry greeting: "How are you, comrade?" Staring at him was a striking brunette in her late 20s. She wore a dress bought at Peck & Peck in New York. It outlined the curves of her slender body in a way that distinguished her from any Russian woman Tuomi had ever seen.

This was Fainna Solasko, daughter of a Russian woman who for years had served in the United States as a courtesan to KGB officers and visiting Soviet officials. Fainna had grown up in New York, where her mother was on the payroll of Amtorg, the Soviet trading company. After studying at Columbia and New York Universities, she entered into an unhappy marriage with an American employee of *Tass*. In 1955 she slipped away to Moscow, ideally suited by background, intellect and disposition to teach spies about the United States.

Her announced duty was to perfect Tuomi's English and to indoctrinate him thoroughly in contemporary American life. She also had the more important, covert assignment of continually assessing his psychological state, character and native ability.

"Why are your fingernails so filthy?" she asked.

Tuomi looked at his hands. It occurred to him that his fingernails had always been dirty from the menial jobs he had to perform in order to scrape up extras for his family. Before he could say anything, Fainna mocked him again.

"Which collective farm do you come from?"

"I am a teacher," Tuomi replied.

"Your shoes make that difficult to believe," Fainna retorted. "Have you ever shined them?"

"It was not the custom in Kirov," he answered.

"You will have to learn to shine your shoes by yourself," said Fainna. "But I will teach you to tie your tie so people will not think you moonlight as a hangman. Come into the bedroom."

Positioning Tuomi before a full-length mirror, Fainna stood behind him, put her arms around his neck and tugged at the knot in his tie. The feel of her lithe body, the touch of her hair on his neck, the faint fragrance of powder and perfume produced the natural male effect for which she was watching in the mirror. Stepping away, she sought further to shame him. "Haven't you ever been near a woman before?" she snapped, feigning indignation. "My God, you're hopeless!"

Humiliated and enraged, Tuomi was tempted to hit her. But over the years the KGB had put him through too much for him not to sense that Fainna was provoking him purposely.

"My background has been such that I have not had an opportunity to acquire all the manner I should," he said as casually as he could. "But given the opportunity, I am sure I can learn them."

For a moment Fainna silently searched him with her dark, taunting eyes. "You handled that very well," she said finally. "I can see that you are going to be a good student and that we will get along well. Just to show you there are no hard feelings, I'm going to give you a present." She handed him an American shoeshine kit.

"HE IS OURS FOR LIFE"

After the first few days of classes, Tuomi felt as if an entire university had been created solely to educate him. The instructors who visited the apartment daily from 9 a.m. to 5 p.m. were all experienced, professional intelligence officers. At one time or another, most had been spies in the United States. The quality of their English varied, but the mastery of their particular subjects was uniformly excellent.

The man who taught Tuomi the philosophy of intelligence was Aleksander Josefovich. Handsome, blond, with a resonant voice, he looked and talked like the American evangelist Billy Graham.

"You must think of humanity—past, present and future—as one great body which requires surgery," he explained. "You cannot perform surgery without severing membranes, destroying tissue, spilling blood. Similarly, in intelligence we sometimes destroy individuals who are expendable tissues on the body of humanity. Occasionally we must perform unpleasant acts, even kidnaping and liquidation. But none of this is immoral. All acts which further history and socialism are moral acts."

Aleksandr was remarkably candid. He marveled at the ease of travel in America. "Over there, if you want to go somewhere, you just get in a car, bus, train or plane and go. Nobody asks any questions," he informed Tuomi, with wonder in his voice. "The highway system is unbelievable, and they're about to spend billions more to improve it."

"Capitalism has nothing to do with this, does it?" Tuomi asked jokingly.

"In a way it does," Aleksandr replied seriously. "Just as feudalism had a place in history, so did capitalism. But its time is past. The American economy owes its strength to three primary factors which have nothing to do with capitalism. First, the United States has immense natural resources. Second, its territory has escaped the devastation of war for nearly a century. Third, America was settled by the bravest and most industrious people of Europe. Americans today are descendants of good stock, and they remain industrious and tough. It would be folly to pretend otherwise."

Of all the instructors, Tuomi liked and respected Galkin the most. But Fainna ranked close behind. She made each session an entertaining, though serious, game. At the outset she would describe a typical scene in American life, then assign Tuomi one role and herself another to act out in English. Thus, Tuomi went to a patio party at a suburban home, and she was the hostess. He checked into a hotel, and she was the registration clerk. He applied for a job, and she was the personnel director. He went to a restaurant, and she was his date. Always she emphasized the use of idiom, jokes and profanity in his speech.

Most of the instructors referred, one way or another, to the perils of promiscuity and alcohol. But Fainna was chosen to deliver the formal lecture about sex. "It is not expected that you will go for years without sexual experiences," she said matter-of-factly. "But as they can be extremely dangerous, it is necessary to define what you may and may not do. You must have nothing to do with prostitutes because they can give you diseases. Do not attempt to seduce young girls or married women. We are investing too much in you to risk senseless trouble with parents or a jealous husband. A mature, independent woman is the safest partner, but do not get emotionally entangled with *any* woman."

Fainna was the first to exploit the library of American films for classroom purposes. Literally every type of Hollywood production was available—silent films dating back to the 1920s, the latest Technicolor releases, mysteries, melodramas, comedies, musicals, westerns, crime, war and horror movies; the good, bad and indifferent. To test Tuomi's comprehension, she required him to watch a film, then recount the plot in English and explain its meaning.

Other instructors selected films for more specialized purposes. Galkin stressed those which portrayed the techniques of American law-enforcement agencies. He repeatedly showed a picture in which Yul Brynner headed a ring or narcotics smugglers. Each time, he stopped the film to rerun a scene in which U.S. customs officers ripped open and relentlessly searched the luggage of a suspected heroin courier. "This is what you could be up against," he said. "It is a very realistic scene."

Galkin also painstakingly instructed Tuomi about how to meet Americans and discern those who might be lured into espionage. "Don't waste time searching for people who are ideologically sympathetic to us," he advised. "There are comparatively few of them, and we have other means of locating them anyway."

He stressed the importance of a wide circle of acquaintances. "Go to church," he told Tuomi. "It's a good place to make friends, and the mere fact that you're there suggests that you're harmless. Join clubs such as the Lions or Rotary. Remember, even if a person you meet isn't interesting, he might lead you to someone who is."

The best prospects were people who had hidden problems—money, sex, gambling, drinking—any weakness that might make them susceptible to enticement or manipulation.

"In America, a man may have a $20,000 house, a car, good furniture, clothes, and still not be satisfied," Galkin explained. "He knows others who are living even better. He wants a $40,000 house. So he moves, and his mortgage payments go way up.

He has to join a club, buy a second car, new furniture. He falls deeper and deeper in debt trying to maintain his status.

"This is where you step in and give him a helping hand with a loan. Let him know you're in no hurry to get the money back and hint there's more available if needed. You advance him more and more until he is hopelessly in your debt. Then suddenly you demand repayment which he cannot possibly make. Now he is desperate, and he will be tempted by your subtle offer: for one sweetly disguised litle act of treason, you will wipe out all his debts. You will persuade him that the information or document or favor you ask isn't very important and that you will ask no more. Everything will be forgotten. Of course," Galkin concluded with a smile, "once he commits this single act, he is ours for life."

Though Galkin usually guarded against any display of emotion, one day in September 1957 he burst into the apartment flushed with excitement. "Guess who I just came up on the elevator with!" he yelled. "Eleanor Roosevelt! I stood right next to her!"

"What's she doing here?" Tuomi asked incredulously.

"That's what's so funny," Galkin answered. "They're taking her through the fanciest apartments in Moscow so she can see how the typical Soviet worker lives. I thought about bringing her up here to meet you, a fellow American."

They laughed, speculating about what Mrs. Roosevelt was being told, one floor beneath a Soviet espionage school. "Maybe she would like to sit in on some of your classes," said Galkin. "She could see for herself how much we really want to understand her country."

FASHION SHOW

The training gradually became more technical. Tuomi was introduced to all the professional terminology of Soviet intelligence. He learned that the "Center" meant Moscow headquarters, to "swim" meant to travel, "illness" meant arrest, a "wet affair" meant assassination. A "legend" was a cover story, a "shoe" a false passport, a "cobbler" a technician who forges passports, a "music box" a radio transmitter, a "neighbor" another arm of Soviet intelligence.

He mastered microphotography, reducing a page of writing to the size of a period on a postcard or letter. He learned how to use and develop invisible writing, how to encipher and decipher messages with code books disguised as pocket calendars the size of a pack of matches. He was taught how to detect and evade surveillance by jumping on a bus, entering a crowded store with multiple exits or switching taxis. And he went out on the streets to practice communicating with the Center through "drops"—hiding places where one agent deposits messages, money or documents to be picked up by another.

One day, while taking pictures of the Defense Ministry, Tuomi was grabbed by two KGB plainclothesmen. His photography instructor, Vladimir Grigoryevich, ran up and whispered, "I am responsible for this man. Let him go." A profane argument ensued, but the instructor's superior credentials prevailed. As they hurried away, Vladimir was furious. "I've told you repeatedly, when you take pictures in public you've got to do it quickly." It was one of Tuomi's few lapses.

In early February, Victor Vasilyevich Kapalkin, an officer who periodically brought supplies, drove Tuomi to an unmarked compound in Moscow near the American embassy. Entering through a wooden gate, they crossed a courtyard and stopped at a long flat building. Inside, Tucomi found himself in a men's clothing store, but one that seemed very strange. Suddenly Tuomi realized why: Everything he saw was American! He was standing in a complete storehouse for spies on their way to the United States.

"We want this man dressed up," Kapalkin said to the tailor in charge, who recorded Tuomi's measurements, then proceeded through the room. Kapalkin carefully checked off each article on a printed form as the tailor handed over shirts, ties, one black and one brown pair of shoes, a hat, nylon socks, T-shirts, boxer shorts, a cashmere sweater, handkerchiefs, a silver tie clasp, cufflinks and a self-winding watch.

"Your suits and coat will have to be altered before they're ready," Kapalkin explained. "But we want you to wear all this just enough so nothing will look new when you leave. Incidentally, that's a very fine watch. Don't be tempted to hock it on the black market. One fool tried that. I won't tell you where he is now. But it isn't the United States."

Two weeks later, Tuomi, Galkin and Fainna were finishing one of Yelena's superb lunches when Kapalkin walked in with a brown cowhide suitcase. He opened it and presented Tuomi with a dark-blue sharkskin suit, a gray tweed suit and a tan topcoat with a zip-out lining. Everyone demanded that Tuomi try on his clothes immediately. In the bedroom he dressed himself in the tweed suit, a white shirt, a blackknit tie, black shoes and socks. Then he folded a handkerchief in his jacket pocket as he had seen done in the most recent American movies. When he reappeared, the others all laughed and clapped. "You look just like an American!" Fianna exclaimed. "You will pass anywhere."

FINAL EXAMS

In mid-March 1958 Galkin arrived unexpectedly at the apartment, looking tired and preoccupied. "I have been at the Center, and I must tell you that you will be leaving much sooner than I hoped," he said. "Relations with the United States are very turbulent. We must plant you soon so that if two or three years from now there is a break in relations, you will be ready. Should there be war, people like yourself will be all we have to rely on."

"How soon?" Tuomi interrupted.

"I don't know exactly," Galkin replied. "In any case you're going to have to pass some very stiff examinations. That's not my idea; the Center insists. Afterward, maybe you can have a little time with your family. Then we will have to work at building up your legend, and you will take a European trip. You must have some practice posing as an American outside the Soviet Union."

The examinations took five days and covered every aspect of his training. Strangers who were never identified joined the regular teachers in interrogating Tuomi. Some of their questions went so far beyond the bounds of anything he had been taught that he feared they were determined to flunk him.

Tuomi did not learn how he had done for three days. Then Galkin brought a message from the Center. "You are officially advised that the results of your examinations are as follows. Theory and Practice of Intelligence: Excellent, with the qualification that improvement is needed in surveillance detection. Philosophy of Intelligence: Excellent. Photography: Satisfactory. Cryptography: Excellent. American Studies and English: Excellent. I congratulate you. Chief."

Beaming, Galkin added, "I have more good news. Your family is getting the apartment, a brand-new one."

"That's wonderful!" Tuomi exclaimed. "Can you tell me about it?"

"I'll let your wife do that," Galkin said. "She and the children arrive in Moscow the day after tomorrow. We have a house for you outside the city; a whole house, mind you! After a week here, all of you go to the Black Sea for a month."

Galkin had been almost mirthful in his benefactor's role. Now, though, as he started to say farewell, he became serious to the point of melancholy. "This will be your last chance really to be with your family for perhaps many years," he said. "Make the most of it. When you come back, I will still look in on you now and then. But another man will take over. He will work out your mission with you in detail. From here on, everything is for keeps."

A NEW LIFE

Tuomi returned from his vacation tanned and refreshed but apprehensive. His initial encounter with his new tutor, who greeted him with an indifferent handshake, did nothing to diminish his anxieties. "Sit down and pay attention," commanded Col. Dimitri Federovich Polyakov.

"Your mission has been determined," Polyakov declared. "You will go to New York and after you are securely settled, concentrate on the waterfront. We urgently require first-hand information about the movement of rockets, war materiel and troops through New York harbor. At the same time, you must assist in developing potential American sources. If all goes well, you may be shifted to Washington or elsewhere to handle some Americans who already work for us. My duty will be to prefect your legend and ensure that you master it. In addition, I will instruct you in techniques necessary to the execution of your assignment."

Despite Polyakov's authoritarian bluntness, Tuomi admired him as a tough officer unique in his outspoken contempt of bureaucratic ways. "Don't be a stupid slave to the book," Polyakov told him. "If you can find a better way to do things, use it. You're going over there to get results, not to follow rules. Once when I was working in New York, I had to get off a message in a hurry, so I encoded it right on the subway. If anybody saw me, they probably thought I was working a crossword puzzle. Sometimes the most conspicuous place or action can be the least suspicious. The point is, once you're established, don't spend so much time skulking around that you can't accomplish anything."

Polyakov questioned Tuomi minutely, searching out details of his life which might fit the legend that was to mask all he had done for the last 25 years. "Obviously, we will have to fabricate a lot," he explained. "But to the extent that we can use the truth, the legend will be easier for you to live with."

According to the legend ultimately approved by the Center, Tuomi was born in Michigan and grew up in small towns there. After his sister died in 1932, his stepfather abandoned the family, never to be seen again. The next year he and his mother moved to Minnesota, to help with his grandmother's farm. Vacationing in upper Michigan five years later, he married a childhood sweetheart, Helen Matson. The farm began to fail in 1941, and Tuomi went job-hunting in New York, living in a Bronx apartment building on Decatur Avenue. A draft board exempted him because his wife, mother and ailing grandmother in Minnesota were dependents.

Unable to find work in New York, Tuomi got a job in a lumber camp on the Fraser River near Vancouver, Canada. He later was transferred to a lumberyard in Vancouver where he remained until 1949, when he moved to Milwaukee. There he was employed at a machine shop, and later in the shipping department of the General Electric plant. Next he had opened a small cabinet-making shop of his own. In 1956 his unfaithful wife deserted him.

Because of emotional problems caused by the breakup of his marriage, his cabinetry shop floundered, and he closed it in 1957. He then moved to New York, intending to study bookkeeping and start anew. His most recent employment had been at a Bronx lumber company. At the moment he was looking for an apartment because he had been forced to move from a building condemned to permit construction of a new approach to the George Washington Bridge. To help his legend meld with reality, he was to use the name he had been given at birth, Kaarlo R. Tuomi.

"It's a good, sound legend," Polyakov assured him. "I've made up dozens, and none has failed yet." And as Polyakov explained some of the factual foundations of the biography, Tuomi realized that Soviet agents in the United States over the years must have spent thousands of hours gathering seemingly innocuous details.

There was a real Helen Matson who left an upper Michigan town in 1938 to be married and was never heard from again. The grandmother was dead, and her farm long since had been merged with others. The Bronx apartment building where he allegedly lived had been demolished. Ownership of the Vancouver lumberyard had changed, and the present proprietors would not know who had worked there years before. The owner of the Milwaukee machine shop had died, and the personnel turnover in the GE shipping department was such that it was assumed anyone *could* have worked there without being remembered. Moreover, the skeleton of the legend was fleshed out with names and characterizations of numerous people whom Tuomi would have known in the locales where he supposedly lived and worked.

"There are a thousand details—names, dates, places, events—which you must memorize," Polyakov warned. "You must live this legend day and night from now on. We have taken motion pictures or photographs of many of the places where you are supposed to have been. But once over there, you must visit them all and familiarize yourself with them personally. Until you do, you're vulnerable should you be subjected to a real interrogation. The first months are critical."

The Internal Revenue Service posed the one potential problem for which Polyakov could not offer a complete solution. There simply was no way to explain why Tuomi had never filed an income-tax return. "In no circumstances may you go to an Internal Revenue office or talk to an agent," Polyakov instructed. "If you receive a summons to appear, communicate with us at once. A decision will be made at the time about what to do."

HAVE YOU EVER KILLED A MAN?"

Through the next weeks, Tuomi rehearsed his legend endlessly while Polyakov assumed the role of American police and employers, probing and challenging in an attempt to trap him in a fatal inconsistency. The Soviets had managed to take motion pictures inside three of the establishments where Tuomi was supposed to have been employed. Studying the films, he watched his "colleagues "working while Polyakov briefed him about their names, personalities and habits.

On July 9, Polakov informed Tuomi that he would begin a two-month practice mission in Western Europe and Scandinavia. After outlining the itinerary the Center had scheduled, he asked casually, "Have you ever killed a man?"

"I don't know for sure," Tuomi answered. "I probably did during the war."

"No, I don't mean that," Polyakov said. "I mean have you ever gone up to a man whom you knew you had to liquidate, looked at him and then killed him?"

The crudity of the question caused Tuomi to answer instantly, "I am not a murderer, if that is what you are asking."

"The question is not whether you are a murderer but whether you have sufficient courage to be a patriot," Polyakov replied coldly. "Suppose there was a man or a woman—American, Russian, what have you—whose continued existence endangered us. Suppose an enemy agent had penetrated our operations. Suppose one of our own people turned traitor. Could you remove that person? Of course, you would never initiate such an action. Such undertakings must be planned at the highest level because they can entail serious complications. Nowadays, however, we have devices that leave no traces. Death appears natural. You would be thoroughly prepared and equipped. The question remains, could yo do your duty?"

"I have always done my duty," said Tuomi Solemnly. "I think I always can."

"That's the one answer I wanted to hear," Polyakov said. "We must be willing to liquidate anyone if necessary. No one is immune."

After the shock of the conversation had subsided. Tuomi wondered about its purpose. He concluded that whatever else the colonel had intended, he had meant to warn him. He, too, could be exterminated.

"ARE YOU A SPY?"

Posing as an American tourist, Tuomi began his practice mission when he took off from Vnukovo airport outside Moscow on a plane bound for Copenhagen. This trip to the West—a crucial part of the training of most Soviet illegals—was designed to familiarize him futher with the customs he would encounter during his actual mission, including travel arrangements, casual conversation with strangers and currency requirements. The trip was also expected to ease the effect of "cultural shock" which occurs when a disciplined communist agent is exposed to the luxuries and allurements of Western society.

At Copenhagen, Tuomi boarded another flight to Paris. Upon arrival, he began the furtive ritual often employed by a Soviet agent after his illegal arrival in a foreign country. He checked into a hotel under the name he had used to enter France, spent the night, tore up his passport and flushed it down the toilet. Then he registered at another hotel under a name appearing on a second passport. If French authorities had suspicions, they would be looking for a man who had vanished.

During the next 48 hours Tuomi walked the streets, rode buses and cabs to make sure he was not being followed. Satisfied, he mailed a picture postcard, signaling he was safe, to a KGB address in Vienna.

Now Tuomi had two weeks to enjoy Paris as would any energetic American. Camera in hand, he visited the Eiffel Tower, the Cathedral of Notre-Dame, Arc de Triomphe, Sacré-Coeur and other tourist attractions. He dined at restaurants and nightclubs, strolled along the Seine and window-shopped. He bought a wristwatch for Nina, a camera for Viktor, ice skates and winter skating costumes for the girls. The beauty of the city, the elegance of the women, the streams of honking traffic, the dazzling shops, the melody of speech—all made Paris seem dreamlike and unreal. Nothing in his experience had prepared him for such a world. Sipping wine at a sidewalk cafe, Tuomi felt ashamed that he found Western "decadence" so enjoyable.

After a week at the Brussels World's Fair, he went to Scandinavia. He could not entirely rid himself of the fear of detection that is the permanent companion of any spy, but he relaxed more and more as he saw that everywhere Europeans instantly thought he was American. Dining alone at a Finnish resort, he glanced up to find a fierce Finn, weighing at least 250 pounds, glowering at him.

"My name is Olavi, and I want to talk to you," the Finn said belligerently. "Come over to my table."

Prepared for trouble, Tuomi obeyed. Olavi declared that he was violently anti-communist, having fought the Russians as a guerrilla. Now he had a conviction, approaching an obsession, that the Russians were infiltrating Finland with Americans who actually were Soviet spies. "I see that you are an American," he said ominously. "What I want to know is—are you a Russian spy? Let's have the truth!"

The Finn's suspicions, at once preposterous and accurate, caused Tuomi to break into laughter. This persuaded Olavi that he was in the company of an authentic American. Tuomi had no choice but to spend a long, drunken evening listening to curses about everything Russian.

A few days later Tuomi landed at Moscow. To complete his masquerade as an American tourist, he took an Intourist bus and spent the night at the Metropole Hotel. In the morning Polyakov picked him up, questioned him about the trip and dropped him off at the apartment. Galkin was waiting.

"The pressure is on to get you over to the United States, and we're going to have to exploit every minute," Galkin said. "I'm afraid that the rush means you can have only a few days with your family. Actually, it may be better that way. Any longer would just be torture for you all."

"I would like to buy some things for my wife," Tuomi said.

"Fine," said Galkin. "That reminds me—your salary is being tripled." This was $550 a month—a princely sum by prevailing Soviet standards.

"If you need anything major, all you have to do is tell me, and we'll arrange to have it shipped."

"I would like my wife to have either a refrigerator or a washing machine," Tuomi said.

"She will receive both within the month," Galkin promised.

The presents from Paris excited the children. They listened raptly as Tuomi told them of his travels and, in turn, Viktor and Irina proudly recounted their progress in school.

Although it was snowing in the afternoon, Tuomi asked his son to walk with him. They passed the square where he had discovered the extra tray of rolls, the KGB headquarters where it had all begun. Tuomi had difficulty summoning up the words to speak to his son.

"Viktor, tomorrow I will go away on an assignment for our government," he began. "I will be gone a very long time. You are only ten, but while I am away, you must be the man who looks after Mama and your sisters. Should something keep me from coming back, you must look after them all their lives."

In the morning the family went out together to watch Nadezhda and Irina skate in their bright Parisian outfits. Tuomi found his hand trembling almost uncontrollably as he tried to take a last picture. In the taxi to the station, Nina and the girls began to cry. As the train slowly gathered speed out of Kirov, Tuomi stood on the rear platform watching his family huddled together waving to him. When he could no longer see them, he wept.

FAREWELL TO MOSCOW

On Tuomi's last night in Moscow, Fainna came to say good-by. She seemed warm and feminine as never before. It was as if she were lowering the wall of reserve which had always separated them even after they became friends. "This is perhaps the last time I will ever see you," she said. "I wish you all success in your assignment."

Spontaneously Tuomi reached out to embrace her. "No!" she said, pushing him away. "That wouldn't be appropriate. Whatever you or I might want, in our work we can trust only the brain, never the heart. Good-by, comrade."

Polyakov was coldly efficient as he helped Tuomi pack. "I'm required to make a final check of your tools," he said. On the dining-room table he and Tuomi spread out the espionage equipment produced by KGB laboratories for the mission. There was one forged American passport for departure from the Soviet Union and another for entry into the United States. Other forged documents included letters of reference from the Milwaukee machine shop, General Electric and the New York lumber company, and a letter certifying that Tuomi had completed the tenth grade of high school in Roch, Mich. An "American" shaving kit contained a secret compartment for concealment of documents. Chemicals necessary to develop secret writing and microdots were disguised as aspirin and laxative tablets. There was also a writing pad with a spiral binder whose pages had been specially treated so Tuomi could write invisible messages on them.

When everything was ready, Polyakov handed Tuomi 150 American 20-dollar bills. "This should take care of you until you establish contact with us in America," he said.

On the street after they had left the apartment, Tuomi turned toward the little sedan the colonel customarily drove. "No, tonight you ride in style," Polyakov said, pointing to a black limousine with a chauffeur behind the wheel. Settling in the big car, he remarked, "You know, this is the third straight night I've sent a man off. Business is booming."

At the airport, Polyakov watched from a distance, saying nothing, showing no sign of recognition. Having produced a visa and passport which identified him as an American tourist, Tuomi walked directly to the plane. Moments later the flight started. As the plane gained altitude, Tuomi looked down on the lights of Moscow and wondered if he ever would see them again.

"WE WOULD LIKE TO TALK WITH YOU"

On December 17, 1958, after a week in Paris and another in Brussels, Tuomi landed in Montreal, posing as a Finnish-American. Once past customs, he destroyed his first passport and become Robert B. White, a businessman from Chicago. When he had convinced himself he was not being watched, he made a December 30 Pullman reservation to Chicago, then took a transcontinental train to Vancouver. It was Christmas Eve when he arrived. As he stood outside the lumberyard where he had supposedly worked in his fictitious past, a group of caroling teen-agers came by. "Merry Christmas!" they shouted.

"And a Happy New Year to you!" he answered.

After his stay in Vancouver, Tuomi returned to Montreal. On December 30, he waited until the night train to Chicago started to move out of the station, then jumped aboard. He closed the curtain to his berth and once more rehearsed his story. Myriad warnings and instructions drilled into him in Moscow tumbled through his thoughts. As the train lurched to a halt amid snowdrifts in Port Huron, Mich., he took off his glasses and wiped perspiration from the palms of his hands. Soon he heard customs officers awakening and questioning passengers. Then came the knock.

"May I see your identification, please," asked a U.S. inspector. He casually glanced at it, then handed it back. "Did you make any purchases in Canada or order any goods for delivery in the United States?" he asked.

"Only a shirt," Tuomi replied.

"Well, have a good trip home,' said the customs official. "Sorry to wake you at this hour."

Just then, a young man clutching a pint of bourbon came weaving down the aisle and to Tuomi's consternation threw his arm around his shoulder. "How about a drink, buddy?" he asked.

"Thanks," replied Tuomi disengaging himself, "but I'd better get some sleep."

Soon thereafter Tuomi felt the train start to move, and he knew he was in the United States. He could not believe it had been so easy.

From Chicago he went to New York, and on January 3, 1959, the long journey from Moscow ended. Exhausted, Tuomi hailed a cab and registered at the George Washington Hotel as Kaarlo R. Tuomi, his permanent name in the United States. Casually tipping the bellhop, he fell into bed and for the first time in 26 days slept soundly.

Next day he looked over the Bronx lumber company and the site of the razed apartment building that were part of his legend. Because the Center preferred that his messages be typewritten, he also bought a portable typewriter and began practicing on it in his room.

To establish communications with Moscow, he had to find the four "drops" selected for him in New York. The first was located in Queens beneath a railroad bridge; the second, also in Queens, was by a lamppost at the northeast corner of St. Michael's Cemetery; the third was in the Bronx under a subway bridge; the fourth was in Yonkers under a bush near McLean and Van Cortlandt avenues.

By sending a crank postcard to the Soviet U.N. delegation, Tuomi advised the Center that he would leave a message at the Bronx drop on January 10. In it he reported his travels and stated that unless instructed otherwise, he would leave January 26 on a two-month trip to inspect locales of his legend in Minnesota and Wisconsin.

Just after 9 p.m. on January 17 he strolled under the Bronx bridge, spotted a magnetic metal container stuck to a girder and pocketed it with one easy motion. Opening it in his hotel room, he found an encoded note: "Congratulations on your successful arrival. Trip approved. Family is well and sends warm regards. All the best. Chief."

The trip through the Midwest was pleasant. Riding buses, occasionally hitchhiking between small towns, Tuomi felt a growing sense of well-being. Everything was just as described in Moscow. No one seemed interested in him, much less suspicious of him. He had always reasoned that he might succeed. Now he began to believe it.

Completing his "education" in Minnesota, he took a room in early March at a boardinghouse in Milwaukee, where eight different locations were important to his legend. The morning of March 9 the cook served a good breakfast. Tuomi snapped her picture and, intended to give it to her as a present, started off for a camera shop to have the film developed. He had walked about ten yards when he heard a voice.

"Mr. Tuomi, we would like to talk with you."

He spun around. Staring at him were two men who looked young, athletic and well-dressed. . . . just the way FBI men had always appeared in the American movies Tuomi had seen. Then, in terror, he slowly recognized one of the men. He was the friendly "drunk" who had offered Tuomi a drink on the train. Tuomi felt near collapse. This meant he had been followed all the way from the border.

"Who are you?"

"Mr. Tuomi, I think you understand who we are."

"There must be some mistake," Tuomi said.

"Yes," the man replied. "The question is, what do we do about it? Do we take you directly to jail, or do you want to talk and see what might be worked out?"

FOOTNOTES

[1] In 1947, the KGB, whose name has changed many times since its inception, was known as the MGB—Ministry of State Security.

[2] Alekseyevich means "son of Aleksei." It is a patronymic and not the major's last name. In many instances, Tuomi did not know the full name of his superiors.

SOVIETS CONTINUE OPPRESSION OF JEWISH CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Coughlin) is recognized for 15 minutes.

Mr. COUGHLIN. Mr. Speaker, concerned over continuing reports of the Soviet Union's treatment of its Jewish citizens, I was able to speak by telephone last Friday with a Moscow Jewish woman whose family has asked permission to leave the country.

I am distressed to inform my colleagues and the American people that the woman, whose name I shall withhold because I fear further possible harassment of her and her family, confirmed in the 10-minute conversation that there has been no change or abatement of the Soviet Government's policy of persecution and punishment. She explained in detail what has befallen her family and others who want to be repatriated to Israel.

The woman, who is a translator and speaks excellent English, is the mother of two. Her husband is a mechanical engineer. After applying for permission to leave for Israel, both she and her husband were dismissed from their jobs. They have been forced to sell most of their personal belongings in order to survive.

Speaking freely and eloquently of the plight of so many Soviet Jews, the woman told me that the Government had just ordered into active military service seven persons who applied for permission to emigrate to Israel. Four were placed into active service last Thursday while three received orders the previous day.

The injustice and cruelty of the official Soviet policy, the woman explained, goes beyond the mere induction of these people who want to emigrate to Israel. She said once the individuals are in the military service that the Soviet authorities would refuse permission to emigrate on the basis they possessed secret military information which might be compromised if they were permitted to leave.

I had heard stories of the extreme hardships imposed on those who had been committed to internment or labor camps for their efforts in trying to leave the Soviet Union. The woman said reports indeed indicated that internees and prisoners were being confined under terrible conditions. She said that there is no assurance that any packages of food or necessities sent to inmates in the camps ever reach them. Her information on the conditions under which women prisoners were being held was particularly appalling.

I spoke of the sympathy of many Members of Congress and of the American people over the plight of Jews in the Soviet Union. She said she was grateful for all that is being done and asked me to convey to as many people as possible the thanks of her and her family. Her only hope, she said, was that President Nixon would bring to the attention of Soviet authorities the deep concern of the American people and many Congressmen on his forthcoming visit to Moscow.

As a cosponsor of a resolution passed by the House to encourage the relief of Soviet Jewry, I know that many of us here in the Congress have tried to impress upon the Soviet Government that any meaningful detente must include an easing and hopefully an abandonment of these oppressive policies. Americans are a justice-oriented people and we do not abide officially sanctioned persecution of those who want to practice their religion or want to emigrate.

In discussing our efforts to try to ease the plight of Soviet Jewry, I want to cite the work of so many citizens who are giving of their own time and money. The phone call to Moscow was arranged through some dedicated citizens in my own 13th Congressional District. They have been and continue to be active and concerned in bringing to the attention of our Government and citizens the ordeal of Soviet Jews. Some are with formal organizations while others are engaged in personal commitments based only on their burning desire to secure justice. I cannot commend them too highly nor represent them too proudly. They merit only the highest praise.

Although resolutions have been passed and messages sent to the President, I again want to take this opportunity—before his planned Moscow trip—to notify him of my grave concerns. I will ask him to call to the attention of Soviet authorities our deep and continuing anxiety over the treatment of Jewish citizens in that country and respectfully urge him to do everything possible to convince the Soviet Government to adopt a more humane and just policy.

PROTECTION PAYMENTS TO THE ENEMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, I am releasing additional testimony today that details charges of protection payments to the Vietcong, prostitution, and gunrunning within USO's Vietnam operation.

What is most shocking to me is that USO's top official allegedly made an agreement for the rental of the USO club that involved a monthly kickback protection payment to the enemy. If these allegations are true, then USO officials are guilty of a very serious crime.

The statement I am releasing today has been written by Gloria Lentz, a former USO associate club director.

She charges that a rental agreement made by USO's top officials involved the payment of a $500 check and $500 in cash under the table. Half of the check was in turn given to the Vietcong as a protection payment by the Vietnamese landlord. According to Gloria Lentz, both Mr. Richard Alexander and Mr. Sam Anderson were present when the rental agreement was negotiated. Gloria Lentz explained that $500 was passed under the table to provide Co Sau, the Vietnamese landlord, with a payment that could not be traced by the Vietcong. If this arrangement has been accurately described by Gloria Lentz, then Mr. Anderson presumably knew of the protection kickback to the Vietcong. As many of my colleagues may know, Mr. Anderson is presently executive director of the USO.

According to Gloria Lentz, protection kickbacks were also paid to Vietnamese National Police, commonly known as the "white mice." When these payments were cut off, the Vietnamese police chief appeared with armed men to collect his booty. A second time when the payments were cut off, the USO Club was broken into several times.

A well-known Vietnamese prostitute was kept on USO's payroll at an unusually high salary and regularly "visited" a U.S. advisory team next door to the USO club. Apparently, this young lady was placed on USO's payroll and continuously received salary increases.

Gloria Lentz also witnessed an illegal gun exchange at the USO club in China Beach. There have been various reports of illegal gunrunning by USO personnel in Vietnam.

Mr. Speaker, in light of these new developments, I wish to dispute an assertion by USO President Maj. Gen. Francis Sampson, retired, that—

> No funds contributed to the USO by the public . . . have been misappropriated.

Alleged protection kickbacks to the Vietcong and the Vietnamese police, as well as prostitutes and drug pushers on the payroll are clearly a misappropriation of the funds so generously given by the American people to the USO. If these allegations are true, then clearly funds have been misused.

Mrs. Lentz also has told members of my staff that marihuana cigarettes were openly sold in the USO clubs by Vietnamese nationals employed by the USO.

I am continuing my investigation of wrongdoing in the USO with the hope that USO wil be cleaned up so that it truly serves the best interests of our GI's.

Earlier, I released statements by former USO employees detailing kickbacks, black-marketing operations, and money manipulations. The statements I am releasing today further corroborate these earlier allegations.

The public clearly has a right to know the nature and extent of wrongdoing within the USO and I intend to pursue this matter in the best interests of the American people and the USO.

The statements follow:

STATEMENT BY GLORIA LENTZ

1. PREPARATION OF EMPLOYEES—NONE TO INADEQUATE

(a) See draft of letter from me to Everett outlining problems encountered in "in-transit" training. Several others (Charlotte Rugulo, Phyllis Johnson, Sue Graham, Dick Alexander etc.) complained of identifying the same type problems to Everett and receiving the same type response—none at all or being immediately sent to Vietnam.

(b) Many employees shipped directly over after hire; not even exposed briefly to USO's stateside activities (after we had compared notes, we felt it was probably just as well since it was just a waste of time training-wise etc. for those of us who were run through the stateside clubs generally. Also USO lost some employees this way before they even got to Vietnam because they would quit as I and Dick Alexander threatened to do due to their learning just how poorly the USO was really run on the inside.)

(c) Vietnam. Primarily bookkeeping and restaurant management skills required. Some Psychology or Sociology subjects would have been helpful in dealing with our men; however, there were too many and time was too limited generally for USO types to work with or be able to help our men on an individual basis. I knew only 1 and possibly 2 people who had bookkeeping (Alexander and LaMoy) experience. Met *none* who had even run a restaurant or been involved in managing food supplies etc. My logistics training was in supplying TAC missile sites with support equipment for missile silos etc.—hardly preparation for garnering food supplies and bargaining in the village market for fresh food supplies at the cheapest prices (re: Co Sau was using her own scales and the Di An USO was paying her exorbitant prices for lettuce, tomatoes, ice etc. until I came along and learned about what was going on only after accidentally seeing some of the bills. I then immediately bought our own set of weights—took them over and very nicely compared them with hers and said from now on we would continue to compare on a daily basis . . . or I would begin buying the fresh produce in Tu Duc. On that basis, Co Sau began to respect me, called me her "sister #13," and invited me to spend a weekend with she and her family in Vung Tau with all expenses paid—including taking along my interpreter—which was a very rare honor since she was an extremely powerful woman and owned all of Di An, including the people of Di An, and some twenty or more square miles of land that the 1st Infantry Div. and the Korean Div. base camps sat on).

In short, obtaining food was of prime concern in running the USO's in Vietnam and mass preparation of that food—whether it be steak dinners such as we served at Di An or hamburgers as they served in most USO's was something that had to be learned johnny on the spot, since the Vietnamese either (1) did not know anything of preparing American food and had to be trained and watched at all times to see that they prepared it correctly and did not serve meat and sandwich fillings that had been prepared the day before etc., or (2) profited immensely from our stupidity and our willingness to pay whatever they asked—no questions, no bargaining, no nothing.

(d) Working with the Vietnamese or managing the Vietnamese staffs. There was absolutely *no* training, *no* discussions, no whatever on this score. Luckily, I had some background (considerable compared to anyone else in the USO I met there—including Sam Anderson) in the sociology of the Vietnamese people and the background to their overall concepts of Americans and westerners generally. It didn't take long for me to learn that translating theory to fact worked, and that the stronger I was with them management-wise, the greater their respect for me the person, but most importantly, the greater their willingness to perform what I asked them to do when I asked them to do it in providing the necessary services to our men on a continuing basis— even when I wasn't personally around to supervise etc. The key to making the USO's in Vietnam run at top level—at least in servicing our armed forces—was in understanding how to gain the Vietnamese' cooperation. Most of our people never did grasp the fundamentals of this—because they felt sorry for the Vietnamese, who didn't want our pity but who would use it at every opportunity. Consequently, they lost both the potential respect of the Vietnamese staffs *and* more critically to the success of USO operations, the ability to make these people perform at anywhere near optimum, if at all. The V.N. totally operate on the oriental concept of "face"—If you fail to realize that and use it to your advantage, you lost the key lever to getting these people to work at all. What the American USO types also generally didn't realize was that when you lost "face" (through taking the softest and easiest approach to dealing with and managing V.N. staffs) you not only lost "workers," but also your chief source of information. Most of what I learned personally, I learned through the Vietnamese, my Chinese interpreter, and experimentation and observation generally. . . . *not* through any American USO types.

From what I learned from our military men, I can also state emphatically that I believe this was primary to ensuring my survival day after day when I traveled miles and miles of roads alone with only the Vietnamese staff and no weapons—knowing all the time that every movement I made was being watched by the V.C. I.E. obtaining and retaining even a minimum of respect from the V.N. was equally important to insuring one's own survival. I often felt that Sam Anderson and USO top management were criminally negligent in not providing some resource information of this nature to the USO types entering V.N.—whether they did it directly or through our military. Perhaps Sam Anderson was ignorant to a large extent of the above as far as theory, but he certainly could not and cannot plead ignorance after all the experience he had had prior to my coming in V.N., during or afterwards. Yet his usual "thing" if a woman were to bring certain dangers (not the bombs or the mortars or that type thing) to his attention as I tried to do on several occasions, he would shrug it off as unimportant or "hysterical" etc—yet such knowledge was essential to the safety and well-being of not only USO staffs but the military who ate in our clubs by the thousands (i.e. my chief concern was the "food poisoning" aspects).

(e) Stateside USO personnel were so unaware generally of the training needed that I was once told by a woman director of the Charlotte USO that the best she could say in preparing me for what I would be required to do in V.N. was that I would play the "smiling hostess" to GI's and make sure the "table was set properly."

(f) Recommend that the background of Mr. Anderson be looked into. Via the grapevine, I was told (truth or not I do not know) that Sam was considered a "loser" by USO Hqs prior to the buildup and had therefore been assigned to one of the islands in the Pacific where he "could do the least amount of damage" to USO generally. I was told that the only reason he was selected was that:

(1) The military said NOW and the USO had to respond in a big hurry.

(2) He was one of very few USO male directors who was single (women were not allowed to work with USO the first year in V.N. until the military specifically requested it).

(3) He was immediately accessible and nearby.

(4) (told) He was the *only* one at that particular time who was actually willing to take the job and would accept it. I was also told that at that time he was only making between $9,000 and $10,000 dollars, was in his middle or latter 30's or early 40's, had held a number of jobs before coming with USO, and no one seemed to know for sure whether or not he was a "college graduate" (one of the prime prerequisites for being employed by USO in V.N.). Other factors possibly bearing on the lack of training etc., at least in V.N. itself, were that I was told that Sam Anderson had been with USO only a short time before he accepted the V.N. directorship, and also that he had absolutely no professional background or training for USO work per se. I.E. when I was trying to puzzle out not only why Anderson had taken such an intense dislike for me on a seemingly irrational basis (i.e. that I had agreed with him the first time I met him when he stated that "he couldn't sleep nights wondering if the USO in Vietnam was going to be around the next day from the poor quality of people that USO national was sending him to maintain it"), this information made me ask further:

(1) Was Sam Anderson properly qualified to evaluate the capability or performance of USO subordinates in V.N. since he (based on my information) did not have the necessary background, training, or experience himself, and

(2) What kind of people did we have operating at USO national headquarters in New York to allow such a person to continue in such a terribly responsible job—knowing his background, receiving continuing complaints against and about his arbitrary, unreasoning methods of operation—and yet who seemingly continued to support him to the detriment of all others against a growing amount of evidence. For example, it was well-known throughout the USO staff in V.N. in 1967/68 that Anderson hired (such as Jan Moorehead) and fired with impunity people he disliked with increasing regularity on the slightest of pretexts (or none at all in my case as he acknowledged to me in front of my then fiancé) even though those same people might have been the few who had achieved a reputation for attempting to work hard and overcome the obstacles towards conscientiously serving our men—while at the same time retaining USO employees who had achieved a reputation with the military for laying around and sleeping all the time (such as Jo Sykes) or who failed to maintain the clubs in semi-acceptable form (TSN USO and Freedom Hill USO) or were rarely even present at the club (Bill Revoyer & Dick Alexander) to answer questions and respond to requests for assistance in dealing with the V.N. staffs (who sometimes would refuse to serve our men or would blatantly cheat them of their money) or whatever was needed at the time.

2. MANAGEMENT RELATIONSHIPS WITH AMERICAN PERSONNEL

(a) As indicated above and in my letter to Justin Morrill dtd 3 Jan 1968, atch 5, Sam Anderson fired arbitrarily and many times without cause. Without exception during the year I was with USO in V.N. and from what I gathered from correspondence with my USO friends later on, this situation never changed and Anderson was always upheld (if not exonerated) by Tveldt, Everett and Justin Morrill. As one of my friends wrote to me: "the first thing that Sam did when he became 'top dog' was to fire Dave Walton" (Walton had been second in command when I first came to V.N. but evidently he and Anderson had little use for each other and he was sent to head up the USO in Thailand, which was when Dick Alexander was asked to become second in command of USO activities in V.N. by Sam Anderson. (NOTE: Dick Alexander also had absolutely no previous USO training or experience prior to coming to V.N. except for a month of sitting around and reading magazines at the august USO—where I was assigned immediately afterwards—per Dick himself.)

(b) USO V.N. was run entirely by one man—Sam Anderson (supposedly basic reason why he & Walton disagreed since Walton wanted to also have some say in how USO was to be managed etc).

(c) Authority for firing (at times) delegated to directors (who—per Sam Anderson to a number of us—earned only *$10 more* a month than assoc. directors and whom Anderson told us were given the title and the extra money simply because only one person could be responsible for check-signing.) Neal Camp (Freedom Hill USO) told me he had been given this authority in my case and I saw this confirmed in writing that he could "get rid" of me if I gave him "any problem whatsoever" (written by Dick Alexander to Camp). The "ugly American" concept really held sway because of this.

(d) Authority for arbitrary decisionmaking—i.e. work assignments, inner club authority with relation to V. N. personnel management suspensions, elimination from any active role within the club (Johnson, Rugalo, myself, etc.) most often rigidly defined and retained by individual club directors. Often irresponsible decisions were made by the club directors and then upheld by Anderson—despite validity or evidence of truthfulness of "subordinates" position or complaint. As Anderson told me point blank: "he wasn't even interested in hearing the reason" for Neal Camp's firing me. C. Rugalo received the same treatment from him from what she told me in Saigon (we flew in on the same plane to Saigon to begin work with USO V.N. and we were fired a year later almost on the same day for about equally senseless reasons).

(e) Authority of individual club directors generally resented due to:

(1) Poor definition of role and vaguely defined (if any) extent of their authority.

(2) Senseless abuse of their authority time and again (prevalent in all the clubs—how you were treated individually was totally dependent on inter-personal relationship established with whoever was then assigned as club director rather than on any specified code of conduct or demonstration of capability etc.)

(3) False and totally unreasonable premise on which "directors" exercised their authority (something to the effect that power corrupts and absolute power corrupts absolutely):

(a) We were all hired as "equals"—at least as "equal" American citizens. There was no indication prior to coming to V.N. that one American would or could be allowed to treat another American as anything less than an equal; however, more often than not the Vietnamese were treated with greater respect and consideration for their dignity than USO subordinates were (such as I can personally attest to in numerous instances with Anderson, Tom Wickam, and Neal Camp). At least the Vietnamese were allowed to work and had fairly well-defined tasks assigned them individually.

(b) "Authority" as such most often "seized"—i.e. totally dependent upon strength of personalities of USO employees assigned to work together. For example at DiAn I really managed the club since Alexander more and more abnigated his responsibilities either by staying in his little office upstairs with the "books" or staying in Saigon altogether which placed the responsibility for supplying, maintaining, and managing the club entirely on my shoulders. Towards the end, he even refused to help me when I asked him to or got somewhat short with me when I asked for help with certain problems. This was about the same pattern at the Golden Gate USO where I worked a short time on a loan basis with my friends Ellie Bon Coeur and Phyllis Johnson. Fraser Browning was the club director but he was either incapacitated most of the time from hepatitus or other illnesses or just out of the club altogether on this or that errand and Ellie really ran the club—although never to my knowledge did she ever get in on the money management angle of it. Somehow the men always seemed to keep the books taken care of between them and the V.N. bookkeepers no matter what else they weren't around to do.

(c) Contradiction of piddly $10 additional a month not enough to sustain credibility of authority—particularly when we all knew that, without exception, there was no one employed by USO in Vietnam who had had previous service or experience with USO prior to coming to V.N. (at least this is what I was told and it was true of all those I met while in V.N.). I.e. it was the blind leading the blind and we all knew it.

(4) There was a totally inequitable and subjective basis for selection of club directors:

(a) New people put in top position sometimes immediately after they arrived in V.N. without any prior experience whatsoever—Evelyn Wessel, Dick Alexander, Neal Camp etc. It was almost automatic if the employee was a male—as a matter of fact, it was even a joke among some of us women because as far as actually keeping the clubs running . . . time and time again it was the women I saw doing the actual work and accepting the largest share of responsibility for keeping our clubs open, but it was the male directors (I called them "drones") who picked up all the credit from Anderson and the military.

(b) Directors became associate directors overnight as readily as they became directors. Quite often such changes were made while the persons was on an R&R or leave (Evelyn Wessel was one of these). Dick Alexander is a prime example—he was an associate director for a very brief time in Saigon, then made Director of DiAn USO after barely a month in country. After barely two months at DiAn, he was asked to be second in command of all of USO in V.N. I don't know how long that job lasted—about a year I think—but I was then told by Jan Moorehead that Sam kicked him out to be club director of TSN USO because he couldn't get any work out of him.

(c) The above up and down and down and up business—all based on the decision of one man and one man alone—Sam Anderson—really led to terrible morale. It also completely undermined any real respect possible for a club "director" because it often proved to be just a matter of who could get to Anderson first which decided who would be director or if the associate would replace him/her.

(5) So called management (Sam Anderson & Tveldt) also operated totally on the "grapevine" & gossip principles which would probably be typical of any amateurish and poorly trained group of "leaders". I.e. the person was rarely granted the basic right of being allowed to have his accusers say anything directly before him etc. or even necessarily to

learn what he or she was being accused of. (Such as when Judy Burrell told Sam Anderson that I was documenting the corruption within the USO in my master's thesis and he believed it—obviously from his continued attempts to get rid of me—but refused always to tell me just exactly what it was I was supposed to have done or said. However, Dick Alexander was the first to tell me this story when he "escorted" me down to Danang—which I laughed off because I thought it was so preposterous and so clearly showed just how ignorant Sam Anderson was of the academic realities of higher education if he really believed it—but which was later verified by Lorraine Miller once more when I was leaving Danang. Dick Alexander was second in command to Sam Anderson and Lorraine Miller was director of the Saigon USO at the time of the lesbian incident which evidently prompted Judy Burrell to tell Anderson this in the hope, I can only suppose, that he would not believe me if & when I told him of her attempt to force her "attentions" on me. Apparently she succeeded because I told Alexander of the incident but he told me he would take care of it with Anderson and I heard nothing further.

Alternatively, if they couldn't succeed in getting rid of a person that way (i.e. the person would just get so disgusted by this type treatment that he would willingly leave V.N.), Sam Anderson would "set up" one person and arrange to have accusers who would say something or other to get rid of the offending party. This was done to my by Tom Wickam & in particular, Jay King, who alleged to my face (when I demanded to face my accusers or go to the U.S. embassy etc. after the second such go-around) that I supposedly had inferred once more of all the wrong-doings by USO personnel in the presence of any Army Warrant Officer who managed the C.O.'s mess at 1st Inf Div base camp. However, in all honesty I did not say much to Jay King of his nature but I did probably overreact when this W.O. informed me in front of King of the sexual freedom with which the previous assoc, dir. at Di An had conducted herself at some of the wild parties held out at the base camp, mostly because I figured that was probably the only thing the men I met daily would think I was there for or any USO women that came after me. I heard something very similar to my experience had been pulled time and again by the two men running the Danang USO on their female associates with Sam Anderson believing them and firing her, when in reality they were the guilty parties and quite a few of the USO types in Danang knew it.

3. MANAGEMENT RELATIONSHIPS WITH VIETNAMESE PERSONNEL

(a) There was absolutely no accountability for personnel management of V.N. nationals by individual directors and/or (rarely allowed) associate directors. Hired, fired, suspended, whatever. My general impression was one that the V.N. were treated far better by directors (particularly the USO men) and with far more favor than fellow Americans. Probably because they were:

(1) Less of an immediate threat to either position or ego

(2) Totally expendable without complications (i.e. who would they turn to?)

(3) Favors received for favors given (i.e. better looking V.N. women *always* I found got higher pay and fast increases such as out at Di An and at Freedom Hill USO's, although Dick & I both found some of them to be totally worthless workwise and wound up firing several of them)

(4) Subject to pity (i.e. when you saw how hard the V.N. worked and how poorly they were treated in the quarries and on the streets etc.)

(5) Totally vulnerable due to the lack of work generally and lack of food etc.

(a) To Viet Cong. Thru military friends, I learned that our USO's were considered prime places to plant V.C. sympathizers in order to get intelligence from the men relaxing there and to obtain the oil and food which were either stolen or given to the V.N. freely by USO types. I.E. Dick and I stopped the V.N. from taking gallons and gallons of liquid grease from the USO (food grease that we couldn't use again and which presented a real disposal problem) when we were told by the advisory team that the V.N./V.C. would use this grease to make nitroglycerin for mines etc. However, when I tried to talk Neal Camp out of allowing his V.N. staff take the grease from his club, he refused to believe me or to listen to my military friends who also told him the same thing. As a matter of fact that was partially the reason he blew up at me when he fired me . . . because I had "wontonly" taken food out of the poor old V.N. woman's mouth when I tossed the can of grease on the mud bank while looking for my stolen U. of Chi school ring. Most of the USO types refused to listen to what they were told on this score because the people were so pathetic looking and engendered either pity or concern that we should try somehow to make up for what our country was doing to theirs. On the other hand, when I found lbs of cheese and butter etc. going out in our garbage along with a lot of other stolen goods, and learned that the kitchen crew was tossing food over the back fence etc. I rapidly overcame this aspect of concern—at least as an individual.

(b) To Americans. As stated, they were completely at our mercy. Entire livelihood depended upon the whims of one or maybe two people; it was gain favor if at all possible or remain inconspicuous, or get fired and starve (I also used to wonder what the V.C. did to their "plants" if they didn't succeed in staying "inside"). Stealing is also part of the V.N. ethnic and so I really couldn't blame the V.N. when and if they were asked to collude with an unscrupulous USO director or lose their jobs altogether such as I was told happened to La Moy's two "boy" V.N. bookkeepers when they got tired of being forced to live with him and he fired them but they took them back when they agreed to come back and live with him (that really made me sick—it was one of the first things I was told about when I came to Danang in October, 1967).

Interpersonal relationships between American USO personnel

(a) At the point in time I was working in V.N., I did not meet one man employed by USO in V.N. who impressed me as being a "straight" man. They either appeared to dislike their American female counterparts (sometimes intensely), comparing them openly and often in an unfavorable manner to the Vietnamese women that they were—equally openly—living with and who were putting them in the hospital with V.D. & gonorrhea (Dick Alexander spent several weeks in the American military hospital in Saigon with this two days after we began working together out at Di An USO); or, they expressed and showed their complete preference towards one another or the Vietnamese "boys" that (sometimes forced as in the case of Chuck LaMoy and his two Vietnamese bookkeepers) lived with them. In the latter case, they were extremely open in their contempt etc. for the American women who were assigned to work with them. On the other hand, a number of the women, including myself, felt the U.S.O. men we met were real losers in light of their college background, age (average age ran early or mid-30's), and the fact that they had picked up a job with U.S.O. at very low pay ($8–$9,000 is low for a man with that background and age group) after generally not being able to make it in a number of jobs (such as Dick Alexander related to me). Especially was this lack of disrespect or mutual disregard engendered when comparing these individuals with our fighting men whom we met and saw hundreds of on a daily basis. But I believe that the overall lack of regard that the U.S.O. men had towards the women had the most devastating ramifications inasmuch as they were the individuals generally assigned the most authority (fiscal and club management) and could thereby make or break another employee's ability to function at top level or to function at all. For example:

(1) On 17 April 1967, Sue Graham and I were with our friend, Phyllis Johnson in a French restaurant across the street from the Saigon USO when Tom Herbert walked up to Phyllis and without any preliminaries told her that she had "better keep her big baby blues smiling all the time at all the boys and her mouth shut if she knew what was good for her." He also told her that she was being forced on him, that he didn't want her but had to take her, and that as long as she just played "pool with the boys", they'd get along all right. This was the first time Phyllis had seen Hebert or met him and he allowed none of us a chance for response but immediately after saying his piece (all the time picking his teeth with a toothpick), he walked out. Phyllis lasted at his club less than a month and was shipped on down to Danang. Phyllis is the kind of woman who is now obtaining her Law degree paid for by the state of California so I doubt very much that it was her ability that was lacking. On 18 Dec. 1967, I was told by Paul Ricilli, a marine stationed nearby the Freedom Hill USO, that Herbert (who ran the Freedom Hill USO prior to Neal Camp) was found out by a group of marines with whom he used to fraternize all the time and buy their beer etc. to be a homosexual and that they had "almost killed him" and told him that if "he didn't leave their neck of the woods they would kill him the next time they saw him." Paul said that Sam Anderson was aware of this incident prior to sending Hebert to build the (I think) Chulai USO and that it "was Sam Anderson" who got him out of there overnight. I do know that Hebert did leave his assignment in Danang in a short hurry and that most of the USO types that I met who knew him thought he was "queer". However, that didn't prevent Hebert from making Phyllis so miserable she almost shipped back to the states, and that didn't stop Sam Anderson from shipping her down to Danang rather than removing Hebert for behaving in an irresponsible manner towards a fellow USO employee.

(2) My story—as told in atch 5—with regard to the "set up" accomplished by Tom Wickam & Jay Hays (who did everything and then some to humiliate me and embarrass me in front of the Vietnamese staff and some of the military men at the club the few days I was there with Wickam) was to be told by Tom Wickam the first hour or two he was at the club in the position of director (which I had previously refused and which he knew I had refused) that "only *1 person* could have authority in that club; he was that person, and from now on I would do nothing but smile and be nice to the boys." When I asked about managing the V.N. (which depended entirely upon the ability to retain "face") he laughed and said I would have nothing whatsoever to do any longer with the Vietnamese staff period. Since all this was said in front of the V.N. bookkeeper who is top man among the V.N. staff, that was the whole show. The discussion was held with me with the greatest contempt displayed for me by a stranger—someone I barely even knew for more than a day—that I have ever been subjected to. It was unbelievable in light of the six months of hard work I had put in that club, it was humiliating to say the least, and it was pretty frightening to be confronted with the "ugly American" complex firsthand—and then have it totally upheld by Anderson (who I felt had probably even had a hand

in encouraging it) and Alexander. However, I later learned (again through the USO and the military grapevine) that Wickam and Hays were "sweet on each other" and lived together in Saigon and knowing Anderson's dislike for me (obviously everybody seemed to know that—even newcomers in country which Hays was) decided to approach him on the subject of aceing me out since Hays had been sent to "train" under me for a week or so out at Di An but I had never met Wickam before he arrived at Di An. I know for a long time I couldn't quite understand just how or why Hays suddenly wound up at Di An as Wickams' associate (my last day at Di An) when he was supposedly scheduled to go down to Can Tho after training at Di An. It definitely is not a very pleasant feeling to be made a "pawn" of in somebody's very dirty game. On the other hand, Chuck LaMoy who openly preferred Vietnamese boys with whom he lived (and was pretty obviously broken up when they left him for a short time) was fairly nice to me up until the very last when he got peeved because he thought I should be out working at China Beach USO from 9 to 9 rather than 11 or 12 to 9 p.m.

b. On 18 July 1967, I had as an overnight guest one Judy Burrell, Assoc Dir at the Vung Tau USO. Judy's mother was a guest lecturer at the U. of Chicago and I thought a great deal of and admired Judy's brilliance (probably because of her mother as well as all she said). A number of USO and Spec Svcs & Red Cross women that I met were invited to use my apt for a night's layover on their way to or from R&R's etc. rather than pay $20 or $22 a night for a V.N. hotel room. That night I had a date with a boyfriend who was leaving country shortly and who had bought some scotch on my liquor card to take with him. He offered Judy a drink from it before leaving from our date and it wound up that she drank the whole bottle. Another girlfriend, Jan Moorehead, came down to visit with Judy and I and left about 2:30 am or so and then Judy and I talked some more before going to bed. However Judy kept rolling over on top of me and starting mauling me.

At first I figured she was dreaming that she was in bed with some man and tried to wake her up etc. But when I learned that she was wide awake and not sleeping, and then refused to stop pawing me and rolling on top of me I really got frightened (Judy only weighed about 160 compared to my 100), got up and got out of that apartment (about 5:30 am). It was such a fantastic shock (since I had been "rooming" with one or two women ever since I'd been 15 all the way through high school, college, grad school and while in California) after all those years that as much as I was shaking, I couldn't quite believe that I had actually been attacked by a lesbian. I talked to Dick Alexander about it first (we usually left about 6:30 am or so to round up all our foodstuffs, etc.) since we were then still good friends (having attended the same SDA college) and he verified what had happened.

I then asked him if I shouldn't go to Anderson—not so much to report what had happened to me because I felt sure Anderson could have cared less and since I now knew what Judy was and would have nothing further to do with her—but because I was very concerned that she would attempt the same thing with any USO woman who was sent to Vung Tau to assist her & Bill Revoy and perhaps that young woman might not be strong enough to fend her off etc. Dick said not to say anything, that since he was going to be 2nd in command that he would tell Sam Anderson since Sam would probably "not believe" me, and that he would see to it that no young girl got assigned to Vang Tau without being warned. I made him promise the latter before I let it lay.

The sequel to this was that less than a month later when Sandy & Gay (some special services & red cross girlfriends of mine stayed overnight at my place . . . safety in numbers I figured by then), they told me that they had just returned from Vung Tau and had the hilarious experience (to them at least) of learning that the "ever friendly USO" had a real "family type" setup in Vang Tau. Through some of the military they had met down there, they informed me that whereas the men had initially been impressed that the USO would fund living arrangements whereby two "lovers" could live together (i.e. rent one villa rather than 2 separate dwellings for Bill Revoyr and Judy Burrell), they had learned in a short time that in reality Judy would bring home men for Bill who was a homosexual (I also heard this from men around Di An) and Bill would bring home women to Judy.

I am sure also that Sam Anderson knew all about this situation as well as Dick Alexander. Since there were only about 35 USO types in VN at that point in time, I can hardly describe how disgusted I felt about being in an organization where we would probably all be looked at with some such questions since there were so very few of us and evidently nobody, but nobody, worried about the "reputation" of the USO or those of us who would have to follow in their footsteps. As my friend Louise Tracy wrote to me recently—which repeated the same thing a boyfriend wrote to me in 1968—"only 'misfits' stayed with the USO." (atch's 14 & 15) That isn't a pleasant picture of the USO and perhaps not even an acceptable one, but it was true to a large degree of a number of the people that I met who were working for USO at the same time I was.

5. PROBLEMS WITH USO AND CORRUPTION

a. Bookkeeping and accounting

(1) Books always kept almost entirely in the hands of club directors. I did not know or hear of one associate who was allowed to or had access to the books or, as in my case, at Di An, questioned this aspect of the USO activities initially. V.N. bookkeepers were directly answerable only to the club director. Sam Anderson would occasionally call in a club's bookkeeper to bring the books directly to him in Saigon or would go to the club and exclude the club director while going over the accounts with the V.N. bookkeeper. This was not done at Di An while Alexander was there but it was done with C. LaMoy and Camp while I was in Danang.

This is what first made me suspicious that all was not right, and while I was in Danang I heard of a "dummy set" being kept by one club director for just such a visit by Anderson. V.N. bookkeepers were spotfired on occasion but this seemed to happen rarely. At any rate, it would have been their word against the directors and they would not have stood a chance with either the American military or Sam Anderson.

(2) I can state positively that I saw the pay cards for Mr. Taun, Di An bookkeeper, and that was how I learned that they had the highest paid job in any of the V.N. USO's. I felt Mr. Taun was very reliable but that was an impression, not fact, inasmuch as I never actually counted the money coming in each day from either the internal "take" from the hamburgers etc. or the external "take" from selling sandwiches out at the 1st Inf. Div. base camp. I would bring in a bag of money and he did all the counting.

I do know that each and every day that Alexander was present, he would go over the books with Taun or count the money or spot check or whatever—that was about all that Dick did the last month he was in Di An. I also saw Neal Camp counting the money now and then but generally Neal seemed to rely on his VN bookkeeper to keep the money straight. However, Paul Riccelli warned me that it appeared that occasionally the VN cashiers would "hand" money to Bien the Freedom Hill USO bookkeeper very sneakily and out of the cash box, but when I told Neal of this he did not appear concerned and when I attempted to institute a procedure whereby the Americans would cashier for several days to "compare" the take and insure that our men were not being cheated systematically (since they were generally very careless in counting whether 20 hamburgers equalled X amt. of MPC etc.), he refused to support me and to provide the necessary help which made me even more suspicious that perhaps he did, indeed, know of what was going on and was perhaps himself a party to it although I have absolutely no way of knowing whether or not he was.

Also, I heard of some VN bookkeepers being paid by the club director almost as much as the club director himself was making from the USO. That seemed fantastic wages for a bookkeeper and really didn't make sense in light of the economics of the country. However, again this was rumor and I don't know if it could ever be proved as fact. La Moy's bookkeepers were the ones cited at that time although at one time Alexander and I did discuss the fact that Taun was making such high wages (something between $200 and $400 a month but I may be wrong on this since it was so long ago).

Also, on several occasions, both at Di An and while at Freedom Hill, several of the GI's complained to me about being cheated and I would immediately repay whatever it was. But it was always a worry and a concern that unless you stood right over the cash register or box and guarded it (which there simply was not the time to do) that such stealing, or cheating, or whatever would go on. In addition, a number of clubs did not have cash registers and it was a lot to demand of very poorly educated people that they perform all the math required when handling hundreds of "additions" each day to perform it all that accurately.

So there was also the problem of not knowing for sure if it was deliberate theft that kept the cash lower than we felt it should have been (Di An and Golden Gate) or simply bad arithmetic. I do know that shortly after coming to Di An Dick Alexander became aware of this problem, related it to me, and thereafter made the money accounting his prime responsibility. Because of my lack of training in this area, I was very grateful inasmuch as I would feel very bad when our GI's complained of this problem and was bad that Dick could and would do that job while I tried to honcho the rest of the club activities. When Dick was not at the club much anymore, Mr. Taun would take the books etc. in to him in Saigon for review and other than that I must in all honesty say that I relied entirely on Taun inasmuch as I did not have the time or energy to do other.

(3) Charlotte Rugulo and I also discussed the ease with which books could be possibly falsified (when we were in Saigon together after being fired about the same time). She told me that her club directors has handled the books by himself almost for over a year now and she had wondered about this aspect before. But we felt that it would be an impossibility to prove inasmuch as:

(a) Errors (deliberate or otherwise) could always be blamed on the "thieving" V.N. inasmuch as everyone knew that hardly any club directors had bookkeeping or accounting training, and that the V.N. kept the books in order.

(b) USO's were destroyed or burned out (such as happened at Tet)—all records lost. One instance I heard that a set of records had gotten "lost" in transit to Saigon for Anderson's examination (??)

(c) Lower funds could always be blamed on mistakes of past directors. Constant turnover made it impossible seemingly to trace who got what, how much, when or where. I received the distinct impression in Danang from all that was said about money etc in one way or another that it was just a matter of who got smart first and acted fastest before Anderson got on to him. Also, due to the ignorance of most people in "reading" these books, much less say in knowing how to work them flat out without any prior training except from the V.N. bookkeeper who was barely understandable or required an interpreter to understand, how could one know if the "mistakes" and the "shortages" . . . if such there were . . . were honest mistakes or deliberate manipulation of the figures.

b. Black market in MPC and U.S. dollar exchange

Easy way to make money if you were a USO club director—at least in 1967 which the exchange was allowed in our major clubs. Perfect cover due to:

(1) Frequent trips in and out of V.N. for R&R's, leaves, hospitalization required out of country, buying trips (which Lamoy went on regularly) for USO equipment and furnishings to Hong Kong etc.

(2) USO had an authorized MPC/US dollar exchange booth both in Saigon, TSN, and China Beach USO's. Pretty much unlimited because so many GI's passed through these clubs on any one day (10,000 to 15,000 at China Beach alone). All clubs had some ability to exchange dollars for MPC and vice versa but most clubs fairly restricted in amount of U.S.—limited strictly to 118 MPC to $1 U.S.

(3) Point: With the numbers of GI's going through our USO's each day, no way to screen how much US dollars went out of country in pockets of USO types and came back multiplied tenfold either acting for themselves or on behalf of GI's incountry who couldn't get out easily (heard a rumor to this effect while working at the China Beach USO) with the USO emp. & the GI splitting the difference. At any time, a USO employee could cash their paycheck for all US I personally saw many bundles of US dollars stashed in the Saigon USO hqs USO. I also felt that some of the military were watching us on this score. For example: Dick Alexander asked me to accompany him to see the F&AOfc of the 1st Inf Div base camp one day to increase our quota of US dollars/MPS exchange because "my round eyes" might get us what we wanted. We didn't get what we wanted and I thought the Colonel acted very suspicious, but at the time I thought the request was perfectly legit inasmuch as it had to do with expanding our concession facilities and a number of men new in-country would come to the club with green which we could not accept.

c. Prostitution in some USO clubs

(1) Personal experience with Thanh at Di An USO.

(a) Told by VN staff that Thanh had been a bar girl and was still a "bad girl" right off. Learned at the same time from going over all the pay records and trying to learn who was who and who did what that Thanh had had a number of pay raises in a very short time span from Bill Revoyr and was paid almost as much as my interpreter for what was a generally very low paid job (opening cokes and making milkshakes & hotdogs).

(b) Dick and I both agreed that she was a pretty worthless worker and we also learned from various sources that she at times gave the men a hard time or would refuse to serve them.

(c) After we had become better acquainted with the staff and they learned that Thanh was not in our favor, my interpreter told us that Thanh come to the USO pregnant, worked a short time, took "mat" leave (which was partially paid for by the USO as a matter of policy) and then returned to work at the USO several months later. What was unusual was that the USO generally did not hire pregnant women knowing they were in that condition—which Bill Revoyr had evidently done. Dick and I also learned that she was one of our chief "disappearing" bodies. (i.e. I had to set up a personnel chart with picture, name and specific job and location of job because it seemed the first month that we were always "losing bodies"—they would be there en masse when we opened the club but I would be able to find fewer and fewer V.N. "bodies" until the end of the day when they would all assemble once more to leave the club.) Dick agreed and I fired her.

(d) Shortly afterwards he rehired her without telling me. Explained she was not Revoyr's woman as we had originally thought but belonged to the top NCO of the advisory team next door who had "requested" Dick quite forcibly to rehire her. He also told me then that the baby evidently belonged to the GI and that Revoyr had hired her and paid for her "mat leave" at the NCO's request etc. That made me somewhat sick, when I thought of United Funds being used through the USO for such purposes.

(e) I then learned from the V.N. staff that she continued to make liaison contacts with GI's in the USO for after hours and was specifically warned about her by the Army medic from out at the 1st Inf Div base camp who said she was a known prostitute and had been a VD carrier from time to time when he had checked her (we had to take all the women out occasionally to the hospital for a "spot" VD test). I then became concerned about the sanitation and her passing on the disease through the food and the glass handling (which the Army medic had warned us about and which they checked for now and then) and determined that she had to go regardless of how intimidated Alexander was. But when I brought this aspect to Alexander's attention, he said we needed "proof."

(f) Not too long afterwards, I learned from the V.N. staff that the advisory team evidently wasn't satisfied with Thanh coming to them after hours and that for some time (ever since she had been rehired) they had been forcing our carpenter (who we also loaned out to them occasionally) to bring her back with him to the team "hooch". This info came to me only after Alexander was pretty much assigned to Saigon and they were fairly confident that I was running the whole show now. They also told me that "Mr. Alexander had known and had consented to this" sending of Thanh over to the advisory team. To protect my informants however, I waited a few days until I caught her stealing some hotdogs and then fired her.

(g) At the same time, my V.N. staff (bookkeeper, interpreter, and chief supervisor) also told me that the Assoc Dir who worked with Bill Revoyr (Jo Sykes) used to "accompany Thanh" next door. Their story was further verified by several military men I talked with who said they had walked in on the men during the day when both women were visiting and thought they really (the team) had a "great thing going for themselves".

(2) Prostitution in Danang City USO.

(a) Upon arriving in Danang for assignment to Freedom Hill USO (5 or 6 October 1967), was taken on a tour of the Danang City USO (called the downtown USO).

(b) At the time, I noted several things which overall gave me a very poor impression of the club and/or its American staff (whom I never met to my knowledge or saw):

(1) 2 or 3 story bldg—was very poorly maintained. Had a flat roof such is common on both V.N. bldgs but it was too hot when I was there to go out and look around on the roof.

(2) Few V.N. staff evident and none around who appeared to care whether or not they worked or properly served the few GI's in the club. I remember thinking "how typical—poor service, poor appearance, poor impression of the USO" and feelingly badly for the men who came in expecting and deserving of far more.

(3) None of the 3 Americans assigned to the club were there. When I asked if this wasn't "unusual" since they operated on fairly short hours compared to the USO's operating on the secured base areas, I was told rather vaguely that the 2 men and one woman did not get along too well and that they refused to let her do much. Consequently she had gone on leave, they'd said they were happy to "get rid of her" and when she wasn't there to bug them, they didn't spend much time at the USO club.

(4) I noted also at the time that it looked like they had a strong, healthy concession business going in a separate bldg and that operation was going pretty well in contrast to the USO activity.

(5) Also told that they "used" the roof of the USO for "parties" but when I inquired as to what kind of parties, my friends told me they really didn't know and that was that.

(c) Shortly afterwards (still in October I am fairly sure), I was told one day that the Danang USO had been closed down and there was some flak about the USO personnel there (the woman returned to the states and the two men were fighting with Anderson about leaving the country). I never did learn the final outcome of the men but I kept hearing the phrase "they called Sam's bluff", they "really put it to him"—things that made me wonder just what "they" had on the all-powerful Sam Anderson that would make him think twice about booting them out as he had done to a number of others and had attempted to do with me.

(d) From my marine friends, I then learned that:

(1) The military—not the USO—had closed the Danang USO down on direct orders from the Commanding General of the I Corps area.

(2) The reason for the overnight shutdown was that the military:

(a) Were completely fed up with the poor way the USO was being run—had had too many complaints from GI's going there; and

(b) had raided one of the "parties" on the roof one evening to establish that prostitution was going on openly up there and that drugs (unspecified) were being peddled equally openly.

(c) That the two USO men were also involved in using the club premises for illegal gun-running/gun exchange.

(3) I also learned later from inside the USO grapevine that the foregoing was true but that the military were not anxious to have the USO reputation smeared and had agreed to keep it quiet if Anderson would insure this activity did not go on in other clubs and would get these people out of the country.

(The above can only really be verified from military sources probably and perhaps some history that USO Natl may or may not provide on this particular club in particular what happened to the personnel last assigned at that club after the club was closed in October 1967.) Sam Anderson would probably claim that this particular club was closed down to inadequate security and the fact that Danang was supposedly "off limits" (to most of the marines it was but a considerable number of men still managed to get into Danang each day), but then why was it established in the first place and why was it closed down so suddenly without any of the people being reassigned in Danang where they were needed. (It was the Christmas season and China Beach USO was desperate to get help in unloading and repackaging some 23 tons of "goodie" boxes).

d. Drug problem in clubs

(1) First exposed to the problem of marijuana cigarette smoking in Danang—never heard about or exposed to problem while at Di An.

(2) It seemed a prevalent problem in all our clubs in Danang in that the men would in particular choose the music rooms to jazz it up on the instruments we provided them and get strung out on the marijuana cigarettes at the same time. (The music rooms were more private because USO tried to build them that way.) Sometimes Phyllis Johnson & Ellie Bon Coeur told me that the air would be just "blue with the smoke" and then they would chase all the men out of the club. I witnessed this on several occasions but never did get the hang of how to differentiate the smell, probably because I was too busy trying to help oversee the food and V.N. personnel activities which was a lot of work and no one seemed to care to do too much.

(3) On 18 Dec. 1967, Paul R. Riccelli told me that he and Neal Camp (Freedom Hill club director) were together when they saw a girl actually peddling "pot" in the club after the Bob Hope show which was held right outside the Freedom Hill USO. Neal did not fire her and when we later got into an argument over this business, he told me that he "hadn't fired anyone since taking over and had no intention of doing so."

(4) Another incident had occurred on 7 Dec. 1967 when a marine came into the USO office and told Winona Dufford, Neal Camp and myself that he "saw a girl sell pot to another marine and then she tried to sell it to him." This was the first time I asked Neal to fire a V.N. and he refused.

(5) After this incident (since I had always assumed our men bought the stuff *outside* the USO and then brought it in), I kept my eyes open and later saw an older V.N. woman actually rolling Mar. cigarettes in the main room of the USO.

I was so appalled that I immediately fired her but when I went in to tell Neal, he immediately rehired her, saying I had no authority to do any such thing and showing me the letter from ——— giving them the authority to "get rid of me if I created any problem whatsoever." He then told all the Vietnamese staff that only he could fire anyone and I had no authority to do so.

(Note: Neal Camp had "trained" under me for several weeks at Di An when he had first come into V.N. and had seemed rather nice.)

About 36 or 37, divorced, father of 1 girl. When I worked at Freedom Hill, I learned that he wrote poetry almost daily to his V.N. secretary who would show it to me. She appeared to have little use for him and less liking and after a few weeks began asking me to stay in the office whenever he would come in or else she would leave and go elsewhere in the club. Also, when I worked as his "subordinate" in Danang, his entire personality seemed to change.

In spite of the fact that he "took off" a lot sick or whatever, when I really did get sick a few times at Danang (since I was still suffering from the after effects of a bout with pneumonia—the tropical variety—which it took several years to get over) he demanded that I give him a medical "sick call" slip verifying my illness which I then obtained from a Navy doctor friend of mine. Or he would make a lot of snide remarks when I would take 2 or 3 days of my leave (earned 1 day off for every 6 days worked) to go into Saigon to see my fiancé even though I had worked for 2 and 3 weeks straight at a time to earn them.

(6) On 18 Dec. 1967, as we were preparing to leave the club late in the afternoon, Neal Camp fired me on the pretext of my pouring liquid grease on his "flower bed" (a mud bank in the middle of the monsoon season) and depriving a V.N. woman of her "food" against his previous "orders." At the time I could only think that this was all part of Sam Anderson's scheme to get rid of me but now looking back, I must also ask:

(a) If Neal Camp knew time and again that pot was being sold on the club premises, and it was done so openly that the V.N. were even rolling the cigarettes there in the main room, was he part and parcel of the pot selling?

(b) Did he receive any of the money received by the V.N. as part of the "kickback" for allowing them to sell pot freely on the club premises?

(Note: The last week it seemed like someone was coming in to tell me each day about some pot selling incident but I was equally sure that all our clubs were being watched closely by the CID after the Danang USO closing incident, and this activity was known about by the military and would not be allowed to continue for too much longer. As it turned out, the Freedom Hill USO was blown up during the Tet offensive in January 1968 and never rebuilt. As for Neal Camp, none of my friends seem to know what became of him, if anything.)

e. Blackmarket activities

(1) Exposed to this chiefly in cigarettes although I also heard a lot of gift merchandise from USO "goodie" packages was showing up on the Saigon black market—which has been thoroughly documented in various articles by the news media. The black market operated alongside and around the corner (backside) of the Saigon USO.

(2) First experience out at Di An USO 2nd day I was there. I had been left by myself when an American red beret—V.N. paratrooper advisor—came into the club and asked me directly for a case of cigarettes for his troops. Bill Revoyr and Joy Sykes had taken Alexander out to the base camp and I had not been informed as to how this request was to be handled so I stalled the man until Revoyr returned and took care of him. However, I was puzzled to note that there were no apparent controls (signature) etc. on this "gift" and Revoyr merely went to a closet by the front door which didn't even have a key on it at the time and gave the man a case of cigarettes. Revoyr later sounded peeved that the Sgt. was running his trips so close together as he had evidently just been out to Di An for cigarettes a week or two before.

From that conversation, I learned also that a number of GI's made the "circuit" of all the USO's (repeated both in Danang and Saigon) in their particular area to get cases of cigarettes for their men and had been known to hit up some of the clubs all in the same week. Since there was little if any communication between clubs, there was evidently no way to know if an individual had done so before giving out cigarettes. Since cases could run anywhere from 25 to 50 to 100 cartoons apiece, that presented quite a haul at black market prices—especially if a man was able to obtain two or three cases at a time as often happened.

(3) 2nd experience occurred with same Sgt. just a few days later. I had again been left alone while Revoyr was out with Alexander & Sykes. However, this time I told the Sgt. that we were out of cigarettes.

He didn't leave right away though and approached Revoyr as soon as he came in. Revoyr backed me but then later told me that I had no business telling the Sgt. anything and that while he was there, he was "still running the show" period (even though he was no longer technically director and Alexander was). That incident increased my suspicions concerning the entire matter.

(4) On the average, Di An USO received anywhere from 2 or 3 to 15 cases of cigarettes a day (direct through APO channels) and that was one mail haul that Alexander or I always picked up due to the value of the cigarettes, and the fact that we had heard that some cases occasionally were mislaid etc. (in effect stolen by APO personnel).

(5) Most (quite literally) of the cigarettes came in to the Saigon USO direct to be distributed to *all* the USO's in V.N. I never saw the inside of the Saigon USO warehouse but I heard both Alexander and Louise Tracy state how really "stacked" the warehouse was with cases and cases of USO cigarettes (gift variety). Dick also complained—along with Lamoy, Camp, and other club directors in Danang—to the effect that Sam Anderson was "hoarding" a lot of the gift cigarettes because it was known that most of the gift cases were received by Saigon but very few ever filtered out to the individual USO's from Saigon. Generally, only the Saigon USO was well-known stateside and our clubs throughout the rest of V.N. were too new and too little known for many cases to be directed to them. On several occasions when we were low on cases of gift cigarettes at Di An, Dick would obtain some cases from Saigon USO but I always received the impression from him that when he did so they were reluctantly released to us even though I saw a number of these "released" cases with address labels directing the case to the Di An USO, c/o the Saigon USO address. Also, Alexander appeared upset several times when he found these cases accidently along with cases of other gift cigarettes being stored in the Saigon USO warehouse, which made us both wonder just how many cases of such gift cigarettes were being sent to Di An through Saigon USO and being deliberately withheld from us. To my knowledge, such cases were never volunteered.

(6) To Alexander's and my concern, we could find absolutely no discernible controls on the wholesale distribution of cigarettes. From what we saw and heard from Revoyr, it was most often done on a personal favoritism basis as anything or in "exchange" for services or merchandise (such as when we would provide the men at the APO facility some cartons of cigarettes because we felt they had more than earned them by all the work they did handling the "goodie" boxes and cases of cigarettes) or to insure the cooperation (?) and protection (?) of the USO by the army advisory team next door. With the latter, it got so bad that one or two of the team members were asking for and receiving cartons of gift cigarettes on a *daily* basis. When I got fed up and refused them, I learned that they were getting them directly from Alexander or going directly into our office storeroom and helping themselves after first threatening the interpreter (Miss Chin) or our bookkeeper against telling us. After Alexander left and I learned this, I then kept the key on me at all times, but after several weeks I learned quite accidently one day when the team "medic" raced by me with several cartons in his hands that he had been going to our kitchen storeroom and helping himself . . . after threatening the V. N. staff in the kitchen and Hue the VN supervisor with terrible things to prevent them from telling me. When I told Alexander, he said to "cool" it since we needed their protection. I was pretty sick and digusted about the whole thing but didn't know what to do since I knew that Sam Anderson would probably back the "team" along with Alexander in spite of the fact that it was Americans openly stealing sale cigarettes that the USO itself had to pay for.

So I then sent a message by Alexander and several other military that I knew these men (men with whom I was acquainted socially) to Major Mike Seay, Chief of the Advisory team, that if he or any of his men ever stepped foot on the club premises again or if I ever heard of them threatening my USO V. N. staff again, I'd blow the whistle on everything they had been involved in—the stealing of food as well as cigarettes, and the prostitution—directly to the Provost Marshall whom they knew that I was personally acquainted with and who had approached Sam Anderson (from what I gathered from Anderson when he asked me to be club director at Di An) as to why I wasn't made club director. I never saw any of the team members in the club again but shortly after that episode I was replaced by Tom Wickam and Jay King who made no secret of their great admiration of the "team" and told me how "well" they intended to get along with the team. Since I later learned that they had been thoroughly "prepped" on both myself and the team, by Dick Alexander, I could only assume that such activities by Americans involving the USO didn't appear to phase them. At any rate, I wasn't allowed the means of getting out to 1st Inf base camp by myself again and I was given every reason to believe that whatever I said would be repudiated by Anderson & Alexander as well as the team members.

(7) Alexander did attempt to establish a control by asking each person we gave cases of gift cigarettes to to return with lists of signatures from the men who received the cigarettes. This worked somewhat and many times I was deeply touched at the grubby papers returned with all the signatures of so many men and the signs of concern that the various Sgts and Chaplains would display that this was "acceptable proof" that the cigarettes had gone where they were intended. But it was so heartbreaking when I knew that no one else seemed to care and so many of our cigarettes were being freely given to all the wrong sources. In no other USO do I ever know of this being done nor do I know if it was even continued after I left Di An. But so often in Danang as well I saw this concern by a number of our men that we would believe their honesty while at the same time they never appeared to question ours.

(8) There was one incident where I learned that the Army's CID was actively involved—again with the same (V.N.) American Ranger Sgt I had met in April out at Di An. He reappeared one day with a young Lt whom he appeared to be rather reluctant to be with. While the Sgt was gone for a hamburger, the Lt started questioning me about the Sgt's request for several cases of cigarettes. I told him it was no go because I had learned (again though military friends, not USO) that the ranger Sgt had a team alright—of Vietnamese, not Americans—and I wasn't about to get suckered into giving him cigarettes again. (This was the only American Ranger Sgt that ever asked me for cigarettes). The young Lt then revealed to me that he was with the CID and assigned to get the goods on this Sgt whom they believed had used USO gift cigarettes to buy radio transistors and munitions etc. The Sgt came back just then and I never heard anything further from either of them, but at times I worried about the young Lt—he had seemed no match for the older, obviously well experienced, Sgt.

(9) Even with all the foregoing reported and known to Alexander (and I can assume thereby Anderson), I never heard of any effort made of a serious nature to advertise the problems of controlling the cigarette distribution, yet there were always frequent references made to the tremendous amounts of USO gift cigarettes showing up on the black market in Saigon.

(NOTE: This was also one of the reasons why I made every effort to take cigarettes out to the field troops myself, which I did on two occasions, in order to personally insure that the cigarettes got to the right people and through legitimate sources.)

f. Payoffs to V.N. police and V.N. landlords

(1) Dick Alexander told me that we paid the owner of the Di An USO bldg (previously a V.N. movie theatre) $1,000 US. each month—$500 above the table and $500 below the table. This meant we made out a check to Co S that could be traced by the V.C. and also paid her $500 in cash in a bag which either I or Dick personally handed to her. I also saw this additional $500 being counted out for delivery to Co Sau by our bookkeeper Mr. Taun and by Dick.

(a) The reason for this—as I was told—was that she had to share the $500 we paid her with the V.C. (who were known to have an entire base camp operating within a few miles of the 1st Inf Div base camp and nearby Di An.) while the money we paid her cash in hand she banked. (Co Sau was seen on several occasions in broad daylight by military friends of mine actually paying the VC in her home. They were in uniform and wore the red scarf signifying their authority.)

(b) I personally felt that we'd make a bad deal with Co Sau and attempted to talk Alexander into convincing Sam Anderson that—based on the fact that Co Sau and I pretty well understood one another—we should attempt to renegotiate the "rent" since she couldn't possibly rent the bldg to anyone else in that terrorist active area, and there was no reason for the USO to pay such an exhorbitant amount so unnecessarily (i.e. she got exactly what she asked for, no questions asked—she more or less said as much to me laughing all the time). However, while Alexander agreed with the fact that we were being robbed with our eyes wide open, he pretty much indicated that it was a closed subject with Anderson.

(2) Payments were made to V.N. police (white mice) on a regular basis once a month to the tune of (I believe) $500 U.S. I did not become aware of this until the second or third month and as I learned just how much we were also "paying" to the US. advisory team—to protect us—which was part of their official assignment in Di An—and the basis upon which the USO agreed to open in Di An—I pressured Alexander into cutting this in half and then cutting it out altogether.

(a) The first time we attempted to cut it out altogether, the Police Chief and two of his men walked into our small office upstairs one day (which was pretty much removed from our men downstairs) and through Taun the bookkeeper (who really appeared frightened) we learned that he had come for "his" money. They were all heavily armed and while the guns weren't pointed directly at us, it seemed pretty unwise to refuse at the time so Taun and Dick started putting the money together in his presence and I watched while it was paid directly to the Police Chief (normally, Alexander handcarried it to the Police Chief's headquarters which was on the other side of the US Army advisory team hooch).

(b) When we did stop the payments altogether (about in August), we immediately began experiencing breakins into the USO at night—almost every night—with the muddy bootmarks of the "white mice" clearly visible all over (learned this from the Provost Marshal and the military police). However, the local VN elections were again beginning to heat up and the military authorities didn't feel we could afford to rock the boat any more. I also do not remember whether I told the Provost Marshal about the "payoffs" due to the secrecy with which the USO handled this matter but I was told by Alexander that Anderson was definitely not very happy about our decision to withhold payment from the "white mice".

On the other hand, a number of our men died just trying to get to the USO on the mined and VC active roads leading to Di An (the driver of the USO bus was killed and his shot gun aide critically wounded in the courtyard of the Di An USO just two days before Alexander and I were assigned to Di An; I was also told off and on about other men being killed or wounded attempting to get to the USO at Di An. Therefore, I just didn't feel having the Di An USO open was worth it—no life, *not one*, was worth it regardless of how "secure" it made Di An and that area appear . . . That is my personal opinion and I will never change it.

g. Kickbacks from concessionaires

(1) 1st incident occurred when Dick Alexander told me that the concessionaires out at Di An offered him a 10% cut of the take under the table as well as the standard 10% over the table which would show on the official books. He also said that when the concessionaire approached him on this he said that this had been the "standard" arrangement with Bill Revoyr. (This was what I initially talked about to Judy Burrell which she evidently passed back directly to Anderson.)

(a) I emphatically said no and Dick agreed (or so I thought) however.

(b) Later on (after Dick went into Saigon on a fairly permanent basis other than for the check signing etc.), I was approached by the same Indian concessionaire who had taken both Dick and I to dinner on several occasions with something similar but I was so taken back that I cut him off before he got halfway through the proposal so I cannot actually say I was propositioned on this matter. Afterwards, though I often wondered if Alexander had gone on the "take" without my knowledge since it seemed very strange that the concessionaire would be so open in his approach to me, but by then I had no way of finding out for sure.

(2) In Danang, there was so much talk among the USO types of club directors being on the "take" that it almost seemed to be the standard modus operandi. Chuck Lamoy was the most often mentioned director with regard to this business. However when I worked at the Freedom Hill USO, one of the main (picture) concessionaires offered me any of his merchandise "cheap, cheap" and offered to make the "same deal" with me that he had made with Mr. Camp. That was repeated several times by one of the other concessionaires which made me wonder about Camp's activities in this regard but his V.N. bookkeeper kept pretty tight tabs on the "books" so I never got a chance to find out for sure. However, Neal's secretary did tell me that they had "heard" (the V.N. had their own operating grapevine) that Neal had once worked for me and did I think that maybe I would later become "director" of this club, so I can only assume from that conversation we had briefly one day that perhaps the concessionaires were feeling me out . . . just in case.

h. Gun running

(1) I learned quite by accident that Alexander had obtained unauthorized weapons from the team next door when I opened his desk drawer one day and found several hand weapons in there. However, he assured me that this was for his own "self-protection" I figured that was pretty silly since about the only seeming protection that we really had (outside of our usefulness as a "front" for an information gathering site or the revenues which we brought in) from the V.C. was the fact that we operated in terrorist territory as unarmed, peaceable citizens.

(2) When I was in Danang, I heard several reports that some of the USO men acted as a go-between for troops trying to drop illegal weapons or make money by exchanging them etc. Only on one occasion did I see such an "exchange" take place and it was at the China Beach USO when I accidently walked

in on our one male associate (I can't remember his name) who was giving and receiving a gun from a special forces type.

INTERVIEW WITH GLORIA, MAY 14

B. Gloria, I've turned the tape recorder on, OK, so I am just going to tape this one short thing. I just wanted to clarify one thing that you said in your—in the testimony that you provided me. You said that there was an extra $500 of rent paid under the table for the club. Is that correct?

G. Yes, and I was told it by Dick Alexander.

B. OK.

G. And I personally delivered one of the payments.

B. To the lady.

G. One if not two or three of them if seems to me because I would off and on make visiting trips to Cosau which is across, kitty-corner from the U.S.O. not only on the basis of protocol, you know, retaining our friendship to help with the club, managing the club and getting a fair shake on paying for food and everything but I also made several of those trips for specifically to deliver the money.

B. OK, now did some of the $500 go to the Vietcong.

G. Yes we know that.

B. Dick Alexander was aware of that.

G. Dick Alexander was the one when I asked him why we paid her $500 in cash in a bag, he said sometimes, one time I particularly remember it was a brown paper bag, that's how discreet it was kept and $500 in a check that was made payable from the USO.

B. Any green, by the way?

G. No, MPC,

B. OK

G. At the rate of $118 to $1. So that was a lot of MPC and it was a little bag, I tell you, when it all, you know, putting all that MPC together.

B. Now, was Sam Anderson aware of the fact that some of this $500 was being given to the Viet Cong.

G. I was told by Dick Alexander when I talked with him and tried to get him to approach Sam Anderson on the basis of having met Cosau and I and he renegotiate the rental because it was not a written contract to try to either reduce it to the mere $500 that was being paid by check or to see $600 or $700 at max. Dick Alexander then told me that those were the specific arrangements made by Sam Anderson with Cosau when that club was first rented.

B. And he knew that some of the money——

G. Sam was with him when he made the negotiations with her.

B. And he knew some of the money was going to the Viet Cong?

G. That was the particular arrangement made at the very beginning that $500 would always be paid in cash under the table and that we would deliver it or she would come for it personally herself but she did only at one time. Only at one time do I remember her being in our club.

B. Did all of the $500 go to the Viet Cong?

G. There would be no way well the initial $500 as I understood it was split, 50/50, $250 to her this was the check, 50-50 and she used the check as her evidence that that was her rent. The Viet Cong took half and she retained half.

B. I see.

G. $500 under the table was her cut entirely, and that this was specifically done so that she would not have to share this with the Viet Cong.

B. I see, now so actually U.S.O. checks with the knowledge of Sam Anderson and Dick Alexander.

G. Were split.

B. Were split with the Viet Cong. OK that's all I need on the tape.

G. Was seen and heard not by one but on several different occasions by several different men, one of who I have his name and one of my husbands friends said that he also had been out there and had gone around the back to go to the bar and it was in broad daylight, this was how confident the Viet Cong were and that by accident he had come to, see the Vietnamese houses are very open and he had seen through the doorway the Viet Cong with a red scarf they were very distinctive, mind you this is in broad daylight less than a mile from the Korean compound, less than two miles from the First Infantry Division camp and there they were in broad daylight and there was money on the table and Cosau was paying them.

THE SHOOTING OF GOVERNOR WALLACE: ANOTHER INDICATION OF THE NEED FOR HANDGUN CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 10 minutes.

Mr. MIKVA. Mr. Speaker, there was another American tragedy yesterday. The Governor of Alabama was shot down at a shopping center in Laurel, Md., not too far from here, while campaigning for the Presidency of the United States. The outrageous attempt on Governor Wallace's life yesterday is a grim reminder that the United States is the most violent society on the face of the globe.

It is not a reputation of which we can be proud. Fortunately, Governor Wallace was not killed, but he was seriously wounded and may be paralyzed. The shooting was still another trauma of violence in our political process, a shock that has been repeated over and over again. It is a sad commentary on the state of affairs in this country.

I fear that it will happen again, and again, and again, until we outgrow the attitude that differences among men and among beliefs can be blown away by bullets. We ought to remove the most lethal instruments of violence from the public at least until our society matures enough to learn to resolve disputes peacefully. When a child picks up a kitchen knife, the first thing we do is take away the dangerous instrument, before it can do harm. We ought to do the same with the principal weapon of violent crime and death in America—the handgun.

Immediately after the shooting yesterday afternoon, more Secret Service agents were sent to protect other presidential candidates and potential candidates. Of course, even the Secret Service admits that it cannot really "protect" these men and women. People who run for high public office do not campaign from afar. They go to the people, and anyone who wants to kill one of them probably can. It is easy to get close to a candidate—the person who shot Governor Wallace looked as if he wanted to shake hands.

All of this has happened before. It was the fourth time in the last 10 years that someone has decided to oppose a public figure with a bullet instead of the more conventional means of free speech and the vote. Three times they were successful, and the country lost a President, a Senator who was campaigning for President, and a minister who was campaigning for civil rights. Each time, the weapon of political assassination was a gun. That is not surprising. The gun has had a rather special place in American history. Even now, people use it to ignore the law or to take the law into their own hands. Guns are convenient and effective for killing other people, and it is easy to buy a gun.

After the three assassinations—after John Kennedy and Martin Luther King and Robert Kennedy—the public focused its attention for a while on the desperate need for gun control. Shocked by political assassination, many people for the first time realized how ridiculously easy it was to buy a gun, especially a handgun, in this country. For the first time, they realized how tragic the consequences were of America's "gun fixation," not only in terms of political assassination but in terms of a soaring crime rate. That sentiment helped pass the Gun Control Act of 1968, and it helped convince many people that it was time for America's love affair with guns to end.

This latest tragedy forces us to reexamine the issue of handgun control, to respond to the obvious need to do something about the incredible handgun traffic in this country. Too much is at stake to ignore it any longer. The man who shot Governor Wallace used a handgun. The shooting was tragic, but the same kind of event happens countless times every night and day in every big city of this country—only with less notoriety. We ought to take this opportunity to try to stop both kinds of assassination—the kind that threatens our public figures and the kind that threatens the people of our big cities. As Congress, the best response we can make to the shooting of Governor Wallace is to pass strong handgun legislation.

Mr. HARRINGTON. Mr. Speaker, I commend Mr. MIKVA for taking out this special order on the question of gun control. It is consistent with the leadership he has shown on this very tough issue.

Like other Members of the House, I join in deploring the shocking attack on Governor Wallace. Like other Members, I too, find it hard to think of new ways to say what we have had to say so often before—that it is a continuing American tragedy that candidates for our highest office should have to live with the knowledge that they place their lives in danger when they attempt to bring their campaigns to the public.

But I think it is important to do more than lament; it is time to go beyond hand wringing and to take effective action that will reduce the incidence of murder in America. That action is the banning of handguns from private ownership.

The evidence is overwhelming that effective antihandgun legislation will have a measurable impact in reducing murder and violent assault. Commissioner Patrick Murphy, of the New York City Police Department, a man whose experience in law enforcement equals anyone's in America has argued this point eloquently and often. For every incident that can be brought forward of a private citizen using a handgun in an advantageous way, there are dozens of cases where they have been used with tragic and irreversible results in the heat of a family quarrel, or where they have accidentally gone off and killed a child in his or her home, or where, as in the terrible events in Laurel yesterday, handguns have been sold to individuals whose personality makes it very likely that they will be misused. And when we talk of misuse of handguns, we talk of action the consequences of which cannot be undone or recalled.

I understand the public desire for protection, for security in their homes, for the ability to walk the streets safely. I believe we in Congress and other public officials should be doing a good deal more than has been done to provide additional protection—by better pay, and training for law enforcement agencies; by more effective and far better funded drug control programs; by more money for local communities so they can light streets and parks, by adequately funding our entire criminal justice system so that policemen are not constantly frustrated after making arrests by court congestion, or a lack of adequate prosecutorial staffs.

But it is time for us to realize that a proliferation of handguns—lethal weapons—in the hands of people untrained in their use, and unaccustomed to acting under stress—detracts from our safety as a society, and does not add to it.

I join others in the House in sorrow that one more public official has been struck down in a senseless and brutal attack. And I am sorry too that we have not yet learned the lesson that was so painfully taught to us again yesterday in Laurel, Md.

At this point, Mr. Speaker, I wish to insert in the RECORD an article from the Washington Star, Sunday, May 7, by Mr. Vernon Pizer. It presents an extremely well-argued and well-documented case for the position I have been advocating here.

The article follows:

MURDER AND THE TYRANNY OF FEAR

(By Vernon Pizer)

Robert Carter, a 61-year-old kitchen helper at the Sonesta Hotel at Thomas Circle, went to the employe locker room to change into street clothes; after a long, tiring day he was glad to be getting off duty. A former porter at the hotel, discharged a few weeks earlier, slipped into the room behind Carter. Pulling a knife, he demanded Carter's wallet. Carter resisted. The knife slashed out. Carter fell to the floor, mortally wounded. It was then just after midnight on Jan. 1, 1971—only a short distance away in the hotel dining room holiday celebrants were blowing horns, drinking toasts, exchanging good wishes.

When the ambulance pulled away from the curb, Robert Carter was past knowing or caring that for the first time—and the last—he was leaving work with chauffeur-driven ceremony. The new year was only minutes old but Washington already had its first homicide victim of 1971. By the time 1972 dawned, 274 additional victims had joined Carter.

What lies behind this melancholy, frightening statistic? Has the American way of life become perverted into the American way of death?

The place to begin to put the matter into proper perspective is with the statistics themselves. The arithmetic of violent crime is the chief stock-in-trade of Capt. Herbert F. Miller of the Metropolitan Police Department. He finds little solace in the oversize crime chart he keeps on his desk. The 275 D.C. homicides in 1971 represent an increase of 54 over 1970, although they are 12 fewer than 1969's record 287. Ten years ago homicide ranked 13th as the cause of death among Washingtonians; now it has emerged as the seventh most common cause of death.

The bloodiest time of the week is the weekend, especially Saturday, and the time that murder is most prevalent is between 6 in the evening and 4 in the morning. The most probable Washington murder victim is black, poor, and an inner-city resident. He is three times more likely to be a black male than a white male, almost two times more likely to be a white male than a black female, and two times more likely to be a black female than a white female. The figures for those charged with committing murder show a similar preponderance of blacks over whites. All of this must be considered within the context of a city that is now about 71 percent black.

But murder does not stop at the District line, nor is it a black phenomenon. Homicide in Fairfax County escalated from 8 in 1969 to 17 in 1970 and then slipped back to 15 last year. In Arlington County it moved from 5 to 8 to 7 in the same period. In Montgomery County homicide eased from 16 in 1969 to 13 in 1970 to 10 last year, but in Prince Georges County it went from 19 to 39 to 33 in the same period.

The magnitude of this carnage is appalling, but the figures themselves are only impersonal symbols. To appreciate what the numbers really mean you must go behind them. Capt. Miller, despite the desensitizing nature of his job, is not yet immune to the tragedy behind the symbols. "Take last December," he says, "the worst month in Washington's history—32 homicides in 31 days. Listen to some of the killings: a 16-year-old girl shot to death by her boyfriend, a man standing on the sidewalk shot to death in a robbery attempt, a 10-year-old girl raped and strangled, a man shot to death by his girlfriend. Two-thirds of all the victims were killed by their own friends or relatives. Four of them were young children killed by their parents. The last homicide of the year was a woman beaten to death by her common-law husband. How do you use numbers to picture things like those?"

When Capt. Miller reveals that two of every three D.C. homicide victims are murdered by friends or relatives, he is confirming a national situation. Glenn King, spokesman for the International Association of Chiefs of Police, made a five-year analysis of homicide in Dallas, where he formerly served as assistant chief of police. "In 65 percent of the cases there was a relationship, either by birth or by choice, between victim and murderer. In other words, it isn't the stranger you have to fear as much as it is the person with whom you have some degree of intimacy."

Federal Judge George Edwards, a member of the National Commission on Reform of Federal Criminal Laws and a former police commissioner of Detroit, reports that the statistical chance of an American being murdered in any one year is about one in 20,000. But "all of the statistics show that if you choose with care the people who will share your bedroom or your kitchen, or the adjacent bar stool, you will improve your chances from one in 20,000 to one in 60,000." Addressing the American Psychiatric Association in Washington last summer, Judge Edwards debunked what he terms "the four myths about murder. They are: that present conditions in this country justify the average citizen in living with a top priority fear of being murdered, that most murderers are premeditated killers for money, that the most likely murderer is a stranger—particularly one of another race—and that you can protect yourself from murder by keeping a pistol handy. None of these myths is true."

What is undeniably true about murder is that it is—in the words of Glenn King—"the least suppressible of crimes. Greater police visibility and more sophisticated police techniques have little effect on homicide because it occurs most often in the privacy of the home. Furthermore, an existing prior relationship between victim and killer means that the murder is almost always an act of blind rage, of illogical passion that cannot be anticipated by police."

Dr. Steven Pasternack, a Georgetown University psychiatrist and a specialist in violent behavior, supports the view that there is no logic, no rationale for the murder of passion. "In fact," he says, "perhaps as many as 10 percent of murders of passion are actually victim-precipitated. The kind of thing I mean is where one person taunts another beyond endurance, or where a two-timing husband parades his mistress in front of his wife, daring her to do anything about it. This type of situation is far from rare, and when it happens, the killer as well as the killed is a victim."

But it isn't the murder of passion that seems to frighten the ordinary citizen as much as it is murder by a stranger. People find small comfort in the somewhat casuistic reasoning that two-thirds of all homicides are committed by friends or relatives of the victim; it is that other one-third that scares hell out of them. Somehow, the devil one does not know is more fearsome than the devil one does know. Judge Edwards observes that "public opinion surveys indicate that the fear of criminal attack and homicide is rampant in the minds of our urban dwellers. Such fear indeed may be the most destructive force in the deterioration of the American city."

Almost always in "street killings" where murderer and victim are strangers, the murder is unplanned and unintended. Overwhelmingly, it is the grisly outcome of a robbery. The victim resists, cries out, makes an impulsive gesture, tries to run. The robber—tense, sometimes as frightened as the victim himself, often nervous, occasionally hopped up on liquor or drugs—pulls the trigger. Accordingly to Capt. Miller's figures, about one-third of all murders by strangers result from robbery. "The only thing for anyone to do if confronted by an armed robber is to do nothing; just let him have your money and leave you with your life," Miller advises. Judge John Lewis Smith Jr., of the U.S. District Court of the District of Columbia, says: "The man in the street has every reason to fear armed robbery; he must bear in mind that the robber wants his money, not his life, and money can be replaced. If he resists he is likely to be shot."

One of the most sobering of all factors associated with homicide is Capt. Miller's estimate that about 40 percent of all "street killings" are committed by those with a police record for prior violence. Picking up his chart, he reads from it in a voice overladen with incredulity, "Thirty-six of last year's 275 murders in the District were committed by men awaiting trial on another charge or by men previously convicted and out on a conditional release program. Of the 36, fourteen were out on personal recognizance awaiting trial, 14 were on parole or in halfway houses, 5 were on probation, 2 were out on money bonds, and 1—get this—was out on both parole and probation for different prior convictions."

One cannot question the motives of the courts or of the corrections system. Certainly, they do not *intend* to turn the vicious loose in our midst. (Nevertheless, according to Capt. Miller, "About 12 percent of our murders are committed by people out on some kind of release program.") Certainly, the courts and the corrections authorities are convinced on each instance—for whatever reason: legal, social, psychological—that early release is fully justified. But when he is confronted by the mayhem in the streets, the law-abiding citizen is in no mood to be conceptual or analytical; he has no patience with theory or subtlety. His overwhelming concern is concrete and very personal: why must I be threatened? Will I, or one of those close to me, be the next victim?

Even professionals who are trained to consider criminal violence dispassionately, objectively, and impersonally think of street killings in a very personal way.

"Just because we are supposed to be experts on violence doesn't grant us any immunity to becoming a murder victim," Dr. Pasternack says. And when it comes right down to it, we don't really know beans about murder. We will have some pretty good ideas, but we don't really know. One * * * that early release is fully justified. But when he is confronted by the mayhem in the streets, the law-abiding citizen is in no mood to be conceptual or analytical; he has no patience with theory or sublety. His overwhelming concern is concrete and very personal: why must I be threatened? Will I, or one of those close to me, be the next victim?

Even professionals who are trained to consider criminal violence dispassionately, objectively, and impersonally think of street killings in a very personal way.

"Just because we are supposed to be experts on violence doesn't grant us any immunity to becoming a murder victim," Dr. Pasternack says. And when it comes right down to it, we don't really know beans about murder. We have some pretty good ideas, but we don't really *know*. One thing I do know is that I'd never treat a murderer, or a prime candidate to commit murder, on an outpatient basis; yet, the courts and corrections people do precisely that every time they turn such a man loose in an early-release program. You can't blame people for being scared. Some of my psychiatrist colleagues are so frightened they have taken to carrying guns for their protection. One of them even has a special mount fixed in his car for a shotgun. It's a hell of a note when professionals dedicated to the healing arts and attuned to human irrationality are so afraid that they go to such extremes."

Mrs. Bessie Wall—"Please don't use my name"—knows little about the healing arts, but she can speak knowledgeably about human irrationality. She has seen one of her neighbors slain on the sidewalk; another neighbor was beaten to death in his bedroom by a midnight intruder. A childless widow, she lives in fear of criminal attack. Her small apartment in the inner city has become a refuge from which she seldom ventures by day, and never by night.

"I can't even walk the three blocks to the supermarket; it's just plain too dangerous," she says earnestly. "Wasn't for that bus stop in front of the house I'd probably starve to death."

Two days a week, Mrs. Wall works as a maid in a "safe" neighborhood near American University. On workday mornings she watches from her window until the bus is in sight, then she hurries out to board it. Sixty-five years of age and some 30 pounds overweight, Mrs. Wall confesses that her job "kind of wearies me out." Still, she hums while she works—usually a tune she learned as a child in her farm home near Roanoke—because she is enjoying, however temporarily, a respite from fear.

When Mrs. Wall finishes work she shops for all her needs in the neighborhood where she is employed. Laden with her groceries and other household purchases, trying to guard her packages from careless elbows and her pocketbook from questing fingers, she is depressed by the long ride home in the crowded bus. What depresses her most is her conviction that the bus is carrying her back to danger. When she reaches her stop, she scuttles the 50 feet to her refuge, carefully triple-locking her door behind her.

Rubbing her hand to ease her "arthritis," Mrs. Wall asks in a despairing voice, "What kind of way is that to live?"

Robert Miller—as in Mrs. Wall's case, this is not his real name—also lives in dread of violence. He has ample reason for he has been victimized by it three times: once when his legs were blown off in an Army training accident in Okinawa, twice when he was beaten and robbed on the streets of Washington. He is more bitter about the beatings than he is about the explosion that cost him his legs. The explosion was an accident; nobody planned it. But those beatings were cold-blooded, deliberate brutality. The men who attacked me didn't give a damn whether they left me alive or dead."

Miller is a substitute teacher in the D.C. school system and a graduate student at Howard University. After the second assault he bought a gun from an acquaintance to help equalize his chances of surviving a third attack. One day last year as he left his Georgia Avenue bachelor apartment for an evening session at Howard, he was arrested for carrying the gun; he drew a suspended sentence. The fear remains deeply imbedded in him and now, in addition, his hitherto spotless record is blemished.

Although he is only 25, Miller's voice sounds old and tired when he talks about crime in the streets. "It's a jungle out there. It doesn't make any difference whether you're old or young, male or female, rich or poor—you feel like you're a target. A human life no longer has any value. Sometimes when I'm teaching one of my classes, I think: what a waste of time. If I really want to prepare these kids I ought to be teaching them self-defense instead of civics."

Robert Burka understands Mrs. Wall's and Robert Miller's fears. He understands not only with a professional awareness developed as former assistant state's attorney for Montgomery County, as former assistant U.S. attorney for the District of Columbia, and now as judge of D.C. Superior Court, but also with a profound personal awareness.

On June 28, 1969, Israel S. Burka, Judge Burka's 73-year-old father, interrupted his mid-afternoon stroll along Pennsylvania Avenue to visit with his friends in Gold's Liquor Store. After chatting for awhile, he stepped into the rear room to use Gold's telephone. At 3:20, while Burka was on the phone, two gunmen entered the store, one covering customers and salesmen while the other headed for the cash register. His call concluded and unaware that a holdup was in progress, Burka cradled the phone and turned back towards the front room. As the elderly man appeared on the threshold, one of the robbers took quick aim and fired. Burka crumpled to the floor, dying almost instantly.

Shaking his head over the rim of the coffee cup that is seldom out of reach, Judge Burka says, "That kind of senseless, brutal savagery is all around us. It is spreading like a cancer and it is distorting our lives. People are frightened—with good reason—so when night falls, they abandon the downtown streets to the criminals. The same kind of fear pervades the suburbs, where householders by the thousands have turned their homes into miniature fortresses. We are being ground down by a tyranny of fear."

Can nothing be done to shatter this tyranny? Is there no way to halt the criminal violence that invades our lives with its ominous threat?

Among those who can lay claim to expertise on the subject, there is remarkable agreement that the most urgent need in restoring sanity and safety to the streets is effective gun control.

"The single most effective step we can take is to ban handguns and to use stringent methods to make the ban work," Judge Burka says firmly. "A handgun is meant for police work, and that is the only place it belongs—not in the hands of criminals and would-be criminals, not in the pockets of frightened citizens, and not in the home. Anyone who thinks possession of a gun protects him and his family is deluding himself."

"The single most effective step we can take is to ban handguns and to use stringent methods to make the ban work," Judge Burka says firmly. "A handgun is meant for police work, and that is the only place it belongs—not in the hands of criminals and would be criminals, not in the pockets of frightened citizens, and not in the home. Anyone who thinks possession of a gun protects him and his family is deluding himself."

Glenn King is equally emphatic. "By far the greatest number of homicides are shootings, so reduction of homicide starts with elimination of handguns. Nobody denies that people are also murdered with every imaginable weapon besides guns—knives, fists, rocks, clotheslines, 2-by-4s, and so on. Those who say that to get rid of handguns because murders are committed with handguns makes as much sense as to get rid of lumberyards because some murders are committed with 2-by-4s simply ignore the facts. A gun is the most lethal of weapons; it has a range far greater than an attacker's arms, and recovery from a bullet wound is much rarer than recovery from a knifing or beating."

"We are victims of the mystique of the gun," Dr. Pasternack says. "Who in his right mind can dispute that if there were no guns in the home or on the streets, there would be a dramatic reduction in killings? Murders of passion would certainly diminish greatly with no chance for the impulsive, irreversible pulling of a trigger before passion can cool; street killings would plummet if the criminal had no gun to hide behind to draw false courage."

Capt. Miller says, "The statistics are clear: at least 60 percent of the time the murder weapon is a handgun. If we are going to make any kind of real dent in the rate of homicides we certainly have to get on top of the gun situation."

Perhaps Bessie Wall sums it up most tellingly. "Name me one good thing you can do with a pistol. You can't spend it or eat it or wear it. You can't sit up and look at how pretty it is. You can't do anything with a pistol. Except kill somebody."

Mr. HALPERN. Mr. Speaker, the attempted murder of presidential candidate George Wallace has given Americans one more reason to experience a deep sense of outrage and shame. I say outrage, since the wanton attempts on the life of so many of our public figures in recent years must engender feelings of sorrow and frustration on the part of the overwhelming majority of our citizens who are peace loving and who would welcome nothing more than an end to the high rate of violence which has marred our social fabric.

I also mentioned shame, Mr. Speaker, for a greater and greater number of Americans must realize, with each killing and wounding that blares from the daily headlines, that our scandalously weak gun control statutes will only result in an ever-increasing amount of human misery and carnage. How many more Presidents, candidates, Senators, Governors, and religious leaders must fall victim to psycho-paths wielding easily available guns before the decent American populace and its elected representatives will realize that fear is not erased with a pistol and that a great number of shootings might never take place if certain types of rifles and revolvers were not so readily available to anyone who wishes to purchase one.

Mr. Speaker, we might all have helped avoid yesterday's tragic attack on Governor Wallace if we had only taken thorough legislative action last session on H.R. 915, a bill to control the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns. When will we learn that the best protection we can offer public officials, Ambassadors, policemen, and ourselves is to return to a relatively gun-free society.

Mr. Speaker, permit me to catalog here a number of the facts relating to the illegal use of firearms in America—facts which have been voiced time and time again by the many advocates of gun control, but which have up to now been rejected or ignored by a majority of this legislative body:

There are 25 to 30 million privately owned handguns in America today;

Nearly 75 percent of all policemen killed in action are shot with handguns;

The United States is the only industrialized nation without effective handgun laws;

Since the 1968 Gun Control Act, which prohibits the importation of foreign-made handguns, U.S. companies have imported parts for, and then manufactured, millions of such weapons for sale in this country;

Since 1962, the yearly sale of handguns has more than quadrupled;

Two out of every three homicides, over a third of all robberies, and one out of five aggravated assaults are committed with a gun, usually a handgun.

These facts bear grim witness to the lamentable trend toward violence which has characterized American society for decades now, and which once again has culminated in an attempted political assassination. John Kennedy, Martin Luther King, Robert Kennedy, and George Wallace have only been the most recognizable victims of a spate of violence which must be seen as threatening not only the open nature of our political process, but the very principles of democratic order on which our society is built.

We must act decisively to stem the frenzy which has been let loose in this country. We must take steps to thwart those elements in our society who would use the gun instead of the ballot box to decide our political destiny. Tighter gun control would be a long step toward this goal.

Mr. ROSTENKOWSKI. Mr. Speaker, I would like to congratulate my colleague, the Honorable Abner Mikva, for arranging for this special order to again discuss the control of handguns. It is time for Congress to cure the handgun epidemic.

Some might consider it senseless to reiterate the standard arguments for gun control. On the contrary, a valid line of reasoning should be repeatedly advocated until it succeeds.

England has often been cited as a case in point. British gun control is so complete that only those who can offer valid reasons for carrying firearms are allowed to own them. Incidents of arraigned criminals carrying guns in England are characteristically minimal. In fact, one set of figures showed only 159 of over 400,000 criminals arrested in a certain recent period had firearms in their possession.

Certainly opponents of gun control can confidently predict that guns will still be manufactured illegally in the United States despite controls. But Mr. Speaker, I can only ask why this has not occurred in England. Is it not possible that we in the United States can propose efficient enough methods to counteract this possibility? I think it is. I believe that once we put our minds to this end we can succeed.

My good friend and colleague, the Honorable Abner Mikva, has proposed the Handgun Control Act, H.R. 2334, which I have cosponsored. In my estimation, this bill deserves the full support of every Member of Congress. It is a realistic approach to ending the parade of fear which preoccupies our Nation. It is a fair solution. It allows members of pistol clubs to own handguns; yet it insures that those who misuse this privilege would be severely castigated. It provides for the purchase of handguns by the lawful authorities at a fair market value, so that no pistol owner would be deprived of reasonable compensation.

Contrary to the numerous assertions of Mark Twain that all legislators are idiots, I believe that the Members of this Congress are all sensible, thoughtful men and women. Otherwise I would not bother to rise today to discuss this problematical issue, the solution of which requires honest, even altruistic consideration.

The vulgar attack on Governor Wallace yesterday has aroused the enraged indignation of many citizens who have long been clamoring for gun control. It is pitiable that such sympathies remain relatively dormant except as frenzied reactions to such unconscionable events.

Just this morning the mayor of my city, Richard J. Daley, again voiced his support of congressional legislation on gun control in an interview on the "Today Show." The mayor noted that during the last year, 14,000 handguns were confiscated in Chicago alone.

In this afternoon's Washington Evening Star, Mary McGrory's article convincingly points out the dire need for gun control. At this point I insert that article in the body of the Record:

A Nation Stands Humiliated

(By Mary McGrory)

National humiliation threatens us in Indochina, our leaders tell us.

But it has come to us in Laurel, Maryland.

Respect, we have been warned, will be lost, if we not assert our might in a country half a world away. It has already been lost, in a small-town shopping center, in a typical American community.

Self-respect is unattainable in a nation which cannot protect its public men as they move around among their own countrymen, if a political rally ends in a blaze of gunfire.

The shooting of George Wallace is shocking, but it is also sickeningly familiar. We have seen it all before, four times in the last nine years. The progress among the friendly citizens, the sound of bullets, the screaming, panic and confusion. We are back in the car in Dallas with John Kennedy, on the patio in Memphis, with Martin Luther King, and with Bob Kennedy in the hotel kitchen in Los Angeles.

A DANGEROUS PLACE

Nothing that could befall this country in Asia, where the violent solution has been once again presented as the only one that could shame us more than what happened to George Wallace twelve miles from the capital of the western world.

Minutes before he was felled, George Wallace was telling us that America is a dangerous place. Even before the attack, he could not be gain-said. From sea to shining sea, the country walks in fear.

He seemed an unlikely target for a gunman. He spoke the fears and resentments of the fed-up and the shut-out. It seemed he was giving voice to the undefinable grievances which well up among those who sit alone and brood and clean guns and dream of the assassin's notoriety.

His speeches seemed a surer protection than the bullet-proof podium which he took everywhere with him to dramatize the danger he sensed everywhere around him.

He was on the threshold of his greatest success—victory in two primaries. He was not on his way to the White House. Beckoning as those buzz-saw simplicities, exciting as those banjo-tones, he did not have either the stature or the organization to make himself the leader of the Western world.

NOW HE HAS

He seemed content, surrounded by adoring crowds, to "send them a message in Washington."

Now he has. He has informed us once again that there is something wrong with this country.

After the initial shock, there was the ritual wait with bated breath, lest the assassin turn out to be the trigger for further horrors. Had he been black, had he been a wildly protesting young hippie, the spector of something like civil war loomed. But, as far as can be learned, the alleged assailant is the standard demented outsider craving the attention that is available only at the trigger of a gun.

John Kennedy was murdered by a misfit Marxist, whose reasons we can never know because he was shot before he could tell us. Martin Luther King's killer never admitted us to his dark mind. Robert Kennedy was shot, not because he reached out to the poor and the black and the dispossessed or because he tried to stop a war, but because of minimally provocative, almost universally shared views about Israel.

SHAMED AND HUMILIATED

George Wallace's would-be murderer is apparently one who admired the Alabama governor. He has no political history and no political preoccupation that is discernible.

So we are once again shamed and humiliated. Once again we see a beautiful young wife flinging herself on her knees by the side of a wounded husband, while the benumbed nation watches on television.

The political campaign is terrorized and poisoned. It is too much to hope that anything will come out of what has happened except deepened bitterness and wilder frustrations, suspicious of plots and dread of the future.

Perhaps it will shock our leaders into coming home, into some realization that the violence which is our foreign policy has traveled back to stain our own. Our own ills should be examined before we continue in our fearful efforts to remake the world in our own image by force of arms.

Mr. GALLAGHER. Mr. Speaker, I first want to commend our energetic colleague, ABNER MIKVA, for his alertness in taking this special order today to discuss gun control legislation.

The shooting of Gov. George Wallace on Monday was a shocking example of insane violence. Jack Kennedy, Robert Kennedy, Martin Luther King, Medgar Evers, and now George Wallace have felt the assassin's bullet and a very real climate of fear exists in the political life of this country. George Wallace was debating these issues and was forcefully presenting his solutions to our Nation's ills. That is what America is all about and to shoot anyone for what he says is utter madness.

Mr. Speaker, I want to make one point which is somewhat tangential to the vitally needed handgun control legislation I have the privilege to cosponsor with Mr. MIKVA. We have heard a lot of stupid nonsense about black Americans and violence. But it was a white man who shot Jack Kennedy, it was not a black man who shot Robert Kennedy, it was a white man who shot Martin Luther King, it was not a black man who shot Medgar Evers. And the man who is accused of shooting George Wallace is a white man.

Let me comment on the accused man for newspaper reports today suggest that our handgun controls just do not work. On October 18, 1971, he was arrested in Milwaukee on the charge of carrying a concealed weapon and was subsequently convicted of disorderly conduct. Incredibly, on January 18, 1972, he could purchase a .38 in the same town and this was the gun allegedly used to shoot George Wallace.

From what is known of his history, he seems to fit into the same mold as Lee Harvey Oswald, Sirhan Sirhan, and James Earl Ray. He seemed to have been a "loner," suffering from largely imagined complaints against society, and appears somewhat mentally unbalanced.

Mr. Speaker, we are never going to get the people who answer to that description out of our society or any society. In point of fact, I do not think we should and I have become alarmed by the easy assertions of experts who claim to be able to predict behavior, based on early experiences or an individual's reaction to induced stress. As I have often said, we may be changing into a one-chance society and anyone who deviates from some sort of a norm will have no real chance at all. There are probably hundreds of thousands of Americans who do not match up to the all American boy idea of what a life should be like.

I do not think that we should mount a massive drive toward conformity in this Nation and remove those who choose not to participate rationally in every phase of American life. I feel that the presence of the nonconformist, the erratic, the randomly motivated, and the spontaneous type of person is a great benefit to our society and we tread a very dangerous path when we talk about modifying behavior on a massive scale.

But we can get the guns out of the hands of those people, Mr. Speaker, and this latest outrage on Monday demands that we do so without delay.

We all know of the powerful opposition to gun control in this Congress. While we loudly proclaim to believe in law and order, we allow every single one of the bill of rights to be undermined except the one that should be changed: The so-called right to bear arms.

Mr. Speaker, the bill which I sponsor would prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transfer of handguns in any manner affecting interstate or foreign commerce. It would not effect long guns nor would it confiscate any handgun now legally owned by a private citizen. It would not effect members of the Armed Forces, law enforcement officials, licensed importers, manufacturers, dealers, and pistol clubs—all carefully controlled by the Secretary of the Treasury. Since more than one-half of all handguns are acquired secondhand, it applies equally to used as well as new firearms.

I do not believe it would effect those who enjoy hunting with long guns or pistol target shooting, under controlled circumstances. But it would go a long way toward drying up the incredible supply of guns in this Nation and it would certainly preclude both the "Saturday Night Specials," and the easy access to a handgun enjoyed by the man charged with shooting George Wallace.

Mr. Speaker, the handgun is the criminal's favorite weapon, and if we are serious about taking positive action on crime in the streets, I think we should pass promptly the strongest handgun control legislation.

Mr. BRASCO. Mr. Speaker, violence strikes blindly at times, inflicting pain, and shedding blood indiscriminately. America over the past 10 years has been initiated into an era of government by assassination and a politics of terror.

Gov. George Wallace was struck down yesterday while engaging in what Americans have come to claim as their own unique brand of campaigning for national office. He was doing what political figures from our earliest times have done—seeking the mandate of the people by going among them.

Yet in so doing, and by so doing, he incurred the wrath of a potential assassin that we have come to know the likes of all too well in recent years. There will always be a Lee Harvey Oswald in our society. There will always be a Sirhan Bishara Sirhan in our midst. There will always be a James Earl Ray somewhere among us. The names and the motives blend into one another in a kaleidoscope of horror and sorrow.

I am absolutely horrified by what was done to the Governor of Alabama. Once more, our political process has sustained a body blow by the act of an obsessed person.

Yet we must probe further for the causes of this behavior. Recent studies have indicated that there are at least 50,000 to 100,000 deranged individuals in this country who are capable at any time of doing what Oswald, Sirhan, and Ray did. Now a fourth one has been revealed. How many more are there? Where do they lurk? Who does their hatred evolve upon? When will another one strike? What political figure or innocent bystander is safe?

In turn, this only highlights the question of gun control. Why is it that we never learn from past mistakes. Why do we not take it upon ourselves to understand that meaningful gun control is essential now?

When are we going to prevent deranged men and women from instant access to lethal weapons with which to perpetrate such outrages upon our society?

I believe that we shall have further such outrages and horror, unhinging the legitimate political process unless we confiscate the ever-growing arsenals that are to be found across this country. I specifically mean handguns.

We have lost a President, a Senator, a great civil rights leader, and a host of other innocent people. Now we have almost lost a popular political figure and the Governor of a sovereign State.

The time has come for this House to not just bewail the sorrow that has befallen the family and followers of Governor Wallace, but to act, as it has the power to act, to forthwith curb the traffic in and ownership of private weapons. Every civilized country has already done so. Every policeman in this country and his wife and children will bless us if we act.

Finally, I would like to extend my personal sympathy and wishes for a speedy recovery to the Governor of Alabama, his wife, and children.

Mr. RYAN. Mr. Speaker, I want to express my deep concern as to the shooting of Gov. George Wallace while campaigning in Maryland yesterday. That Governor Wallace and I have long stood in opposition to each other on virtually every issue is of no consequence to what I have to say, for all Americans must be gravely disturbed and appalled by this act of wanton violence.

When is this Nation going to learn that violence is not the answer? What has violence ever accomplished? How many arguments has it truly settled? None. Violence only begets violence; it brings only horror and anguish.

How often I have heard speakers in this House very well decry the violence in our streets, the crime, the lawlessness. Yet how complacently this House has accepted the other violence that surrounds us.

Today, in the name of peace, this Nation is waging a brutal and mistaken war in Southeast Asia, bringing death and destruction to the countries of Indochina, tearing apart the inner seams of our own country. Yet for almost a decade the House has closed its eyes to that violent conflict.

If we are to put an end to violence in the world, we can start by putting an end to the war in Southeast Asia.

We can enact meaningful gun control, as I have long advocated, as put forth in my bill H.R. 1623.

If we are concerned about violence, we must be concerned about the hidden violence in our society: The violence done to the soul of a mother who sees her children bitten by rats; the violence done to a child victimized by lead-based paint poisoning; the violence of our institutions, their inaction, and indifference to the human spirit; the violence of prejudice; the violence of hatred.

And we must realize what violence does to all of us—to those who participate in it as well as those who are its victims.

Far too many Americans have had their lives cut short by needless and wanton acts of violence, some have been Presidents, some have been public leaders, others have been young men just following orders. Enough. It is time for the killing to stop.

Mr. KOCH. Mr. Speaker, once again, the issue of gun control has been thrust forward in our consciousness by an ugly and horrible act. The shooting of Gov. George Wallace yesterday again demonstrates the need to remove handguns from indiscriminate personal possession in this country. It is time that we realize that the right to bear arms does not mean that we must allow the unregulated sale and possession of handguns.

We have in this country some of the most lenient gun control laws in the world, and it shows in our crime statistics. Britain, France, Italy, Canada, Japan, West Germany, and Sweden all have much stricter controls on firearms, and the trend is toward even tighter regulations.

While the United States had 9,039 murders in 1970 by guns and 100,000 other crimes committed with firearms, Britain had only 29 killings by firearms and 1,359 other gun related crimes, France had 475 murders with guns and 625 other crimes where guns were involved, and Italy had a total of 741 homicides with any weapon. Of 65,196 robberies in Italy, only 3,112 involved armed individuals. In Canada, 430 murders took place, with 176 by firearms.

Despite the fact that there are many differences between our country and these other countries, it still is clear that our statistics for crimes involving firearms are way out of proportion to the other countries. These other countries all require licensing for handguns, and in general you must have a good reason to possess one. Often, these permits restrict the possession of the gun to certain areas—usually to a person's home and property. Canada is now experiencing problems because, despite that country's tight controls, a person can, as a Canadian official recently said:

> Take a trip to Buffalo, New York, buy a gun at any of a hundred places and drive back across the border with it.

If we do not limit the sale of these firearms in our country, our democratic system, with its open style of campaigning, may be seriously threatened.

We may find that candidates for high public office will not be willing to meet with people and campaign as they now do with the chance of being shot by some irrational person having a handgun.

This indiscriminate sale of firearms must stop. I am cosponsoring H.R. 915, introduced by Representative MIKVA, which would prohibit the importation, sale, purchase, transfer, receipt, or transportation of handguns in any manner affecting interstate or foreign commerce, except for those dealers who receive licenses from the Secretary of the Treasury. I hope this Congress will be moved to take action and to take it now.

ADDRESS BY JOHN JARMAN TO ASSOCIATION OF LOCAL TRANSPORT AIRLINES SPRING MEETING, 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, knowing of my colleagues genuine interest in constituents, I take this opportunity to apprise you of an unusually enlightening address on the subject made by Chairman JOHN JARMAN of the Subcommittee on Transportation and Aeronautics, House Interstate and Foreign Commerce Committee.

You will gain an insight into what kind of a bargain the Government is making with the local service airlines on subsidy payments and what we can expect in support of the services by the Civil Aeronautics Board through the new class rate VI.

These significant comments on providing the best possible airline service to your constituents were made to the people presently certificated and obligated to provide such service, the Association of Local Transport Airlines—ALTA—at their spring business session in Atlanta, Ga., Thursday noon, May 4.

SPEECH OF CONGRESSMAN JOHN JARMAN

During my fourteen years as a member of the House Interstate and Foreign Commerce Committee (and now as Chairman of the Transportation and Aeronautics Subcommittee), I have watched with keen interest the development of the Local Service Carrier system. Congratulations on the progress you have made and especially on the tenacity with which you have held to the mandate given you by the Congress and the Civil Aeronautics Board to provide needed airline service to small-town America. Many of us are aware that your perseverance has been without much reward in terms of earnings for your companies—and in fact has required a substantial amount of contribution by your stockholders.

At the same time, we in the Congress are most appreciative of the tireless efforts of the CAB, over a long period of time, to make this local Service experiment work.

Our Committee has a wide jurisdiction, ranging all the way from communications to public health to transportation. But at this moment in time no part of that jurisdiction is more interesting and challenging than air line service to the small cities of the United States.

In 1955 there were 13 local service carriers and now there are 9. I wonder why the other 4 are gone—I know *where* they've gone—they've been merged. But I have wondered if you are doing as good a job with fewer carriers.

I say this to you because I am disturbed by some of the things I've been hearing.

Your organization brochure says you are doing a good job:

"Local air service is widespread."

"These carriers now serve more cities than any other segment of the certificated industry."

"The quantity of service has grown."

"The quality of service has improved."

"Public use of local air service is increasing rapidly."

"The local airlines continue to improve service at the smaller cities."

"Subsidy per passenger carried was $7.28 in 1963 and declined to $1.29 in 1970."

That's what *you've* been saying. But other people are saying something different. The CAB says: "We are dissatisfied with the trend of providing poorer service to small communities at greater cost to the Federal Government and the fare-paying passenger. It is clear that the problem of providing air service to the nation's small communities is getting more serious.—Sooner or later, and probably sooner rather than later, the small community air picture may get very bleak indeed."

That's a pretty strong statement. It makes a Congressman sit up and take notice when he is interested in the welfare of small cities. The Department of Transportation has said ". . . the Federal Government does not seem to be getting any *bargain* now in terms of what it is paying the local service carriers for flying low-density routes."

Let's examine that *bargain* a little—to see what the bargain is, and how it is working—how the Government is carrying out its part of the bargain and how the carriers are performing theirs—and what's to be done about it.

Let's turn to a CAB publication called "Subsidy for United States Certificated Air Carriers". It tells how the Federal Aviation Act of 1958 provides for the Board to pay subsidy to "maintain and continue the development of air transportation to the extent and of the character and quality required for the commerce of the United States, the Postal Service, and the national defense. Once a United States carrier has been certificated for carriage of United States mail, provision of mail pay, including subsidy in those situations where the carrier demonstrates a statutory need for subsidy, is provided for by the Act for the duration of the carrier's operations under its certificate for those services required in the public interest. In essence, the dollars of subsidy in each case consist of an amount to cover the carrier's operating loss incurred under honest, economical and efficient management and to provide it an opportunity to earn a fair return (after taxes) on the investment used and useful in its air transportation services."

So the Government's part of the bargain is to pay the carrier enough dollars to cover the carrier's operating loss and to provide it an opportunity to earn a fair return.

This same CAB publication also says, with respect to the local service carriers, "subsidy is paid essentially to maintain needed air services at communities which would otherwise represent loss operations and would be without regular transportation in the absence of subsidy support."

Let's see how you are performing your part of the bargain. Local service carriers serve 461 cities and at 290 of these cities this is the only certificated air line service. Almost all of your service to smaller cities is provided with planes having a capacity of 40 to 55 passengers, with flight attendants and other amenities. You provide the usual air line ground services with respect to ticketing, baggage handling, reservations and the like. In short, you give these smaller cities the kind of service that a layman would think of as "regular" air line service.

I am speaking particularly about the subsidy eligible part of your systems because that is where you provide the service to smaller cities and that is where you are supposed to fulfill your part of the subsidy bargain.

You are providing a very substantial amount of service on this part of your system. Passengers carried increased from 5.9 million in 1960 to 16.4 million in 1971. Passenger miles increased from 1.2 billion in

1960 to 3.9 billion in 1971. Thus the amount of service provided has tripled in 11 years.

On the basis of this evidence, it appears that the carriers have done well in keeping their part of the bargain. Now, let's see how the Government has done.

For the years 1966 through 1971 the subsidy paid the local service carriers fell short of meeting their subsidy need by more than $120 million.

1966, subsidy need $58 million; subsidy paid $56 million; short $2 million.

1967, subsidy need $65 million; subsidy paid $52 million; short $13 million.

1968, subsidy need $73 million; subsidy paid $44 million; short $29 million.

1969, subsidy need $81 million; subsidy paid $36 million; short $45 million.

1970, subsidy need $72 million; subsidy paid $41 million; short $31 million.

1971, subsidy need $70 million; subsidy paid $59 million; short $11 million.

We can see that there has been quite a bulge in the subsidy need in the past five years—reaching that peak in 1969, then starting back down. It's understandable that subsidy need went up during that period. It was a period when the whole airline industry was suffering large losses due to rapidly rising costs and slower traffic growth—all this as a result of generally poor economic conditions. It was only natural for the local service carriers to be hit by these same problems.

I know of nothing that says the subsidy bargain between the Government and the carriers is only a fair weather bargain. I know of nothing that says the carriers are supposed to bear all the added costs of service to small cities in bad times. I know of nothing that says that when the subsidy needed to maintain this airline service is the greatest—that's the time when the subsidy paid should be the least.

The CAB says that you have "diminished service to small communities". I can't say that I blame you, considering how badly you have been underpaid. And the thing that troubles me now is my fear that if you continue to be underpaid, your service to small communities will diminish a great deal more. I don't want that to happen, and I don't think the Congress wants that to happen.

We don't want to see airline service at these cities disappear the way railroad passenger service has disappeared. I hope we make sure ahead of time that that is not going to happen, instead of coming along after it has already happened and try to restore the system.

Now let me comment briefly on the role that commuter air carriers and smaller aircraft might play in providing air service to small cities. I think it is clear that the commuter carriers can and should play an important role in supplementing and complementing the service provided by you local service carriers. It is *not* so clear as to what is the best way for this to be done.

The CAB is proposing an experiment with a contract bid system for providing service to small communities. It's an interesting proposal, but we need more information before we can form an opinion on its merits.

Some commuter carriers are saying that they can provide service to small cities better than you can and at lower costs. The operations of the commuters are already so extensive you can't ignore such contentions. These operations would not be there unless there is a reason for them. If they can really provide better service at lower costs, it's pretty hard to be against that.

Some commuters think it best to enter into cooperative arrangements with local service carriers to provide supplementary or complementary service. Allegheny appears to be doing this successfully with a number of commuter carriers. This kind of arrangement has much to be said for it in terms of public service benefits as well as benefits to the carriers.

There are great possibilities of service by commuters to cities that are not receiving service from certificated carriers. Perhaps it would be wise for you gentlemen to take an affirmative and active role in trying to fit the commuter carriers into our air transportation system in such a way that they can make the maximum contribution. This could strengthen the air transportation system as a whole.

Let me conclude by emphasizing that we depend upon the bargain between the Government and you local service carriers for our basic system of air line service to small cities. For most of the small cities now on your systems, I think this bargain is the best hope for the long term. For the Government, I think it is a good bargain and the costs are not excessive—and would not be excessive even if the carriers were paid enough to fully cover their costs in these markets plus giving them an opportunity to make a reasonable profit commensurate with the size and risk of the operation. For the carriers, I'm afraid this has been a very poor bargain in recent years, and must be corrected if we expect you to provide the service.

The CAB has had a new class subsidy rate for the local service carriers under consideration for many months and its terms are soon to be made public. Will it in fact provide adequate support for the local carriers to maintain and improve their service to small cities. We count on you to let our Committee have your views on that subject. You know your business better than anyone—use your best powers of persuasion. (I am reminded of the story of the Senator who had worked for days on his Colleague to try and get him to vote for a particular bill. This Colleague has said repeatedly and forcefully that he could not so vote. Came the fateful day of the roll call and the Senator was astounded to hear his Colleague vote for the bill. He rushed over and said "Bob, what happened? Did you see the light?" "See the Light" replied Bob, "Hell no, I felt the heat."

Whether it be light or heat (on yourselves, on the CAB, on the Congress) the objective of providing the best possible air line service to the small cities of our nation justifies your best efforts.

The ultimate responsibility for deciding whether the Government's bargain with the local service carriers is a good one, and whether it is being properly carried out, rests with the Congress (the CAB acts under powers delegated to it by the Congress). The Congress must decide whether the benefits of this airline service to small cities are worth what it costs.

Do you remember the sign on President Truman's desk: "The buck stops here".

We know the buck stops with the Congress—but we need your best counsel.

HE SHOWS COURAGE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, an editorial in the May 10 edition of the Detroit News offers an excellent analysis of the moves announced by President Nixon in his recent televised speech to the Nation on Vietnam.

I find one of the points made by the News particularly revealing. Said the News:

> By interdicting the enemy's supply lines, the administration is not escalating the war but trying to wind it down by preventing war materiel from reaching Hanoi.

Mr. Speaker, I commend a reading of the following Detroit News editorial to all of my colleagues:

Nixon's New Vietnam Moves—He Shows Courage

President Nixon's double-barreled military and diplomatic moves against the North Vietnamese were a courageous reaction to the enemy's massive invasion of South Vietnam.

The moves, announced in Mr. Nixon's televised speech to the nation, constituted the administration's second major carrot-and-stick attempt to curb the Communist escalation of the war. The first was the expansion of the bombing of North Vietnam, coupled with the resumption of the peace talks in Paris. But that attempt failed.

Now at long last the President has ordered the mining of North Vietnam's ports and bombing of Hanoi's rail lines to halt the movement of war supplies from the Soviet Union and Communist China to the enemy in North Vietnam.

This is the action that took guts. For it obviously raises the risk of a direct confrontation with the Soviet Union not unlike that which took place over Cuba. In that eyeball to eyeball face-off, it was the Soviet Union's Premier Khrushchev who blinked. Now the first Soviet reaction to this encounter has been a verbal attack on the United States—but nothing else.

Yet the Soviet Union is the major supplier of the North Vietnam war machine and that country's harbors are full of Soviet supply vessels that will be forced to halt their trade—or run the risk of hitting a mine. So a Soviet counter move of some kind is possible.

Under the circumstances, Mr. Nixon is risking not only his own political hopes but his scheduled trip to the Soviet Union and his desire for a detente with the Soviet Union by his new actions.

Of course, the Russians want something from the United States, too, and from Mr. Nixon's visit. They want expanded trade and investment and they want to counter the recent U.S. rapprochement with Communist China. The Russians do not want to face trouble with both China and the United States at the same time.

Thus there ought to be hope that the Soviet Union will persuade the North Vietnamese to respond to the carrot Mr. Nixon offered. The carrot is the new and easier peace terms which have been properly described as the most conciliatory ever given to the enemy.

Mr. Nixon told the nation, as well as the Communists in Hanoi and Moscow, that as soon as the U.S. prisoners of war are released and an internationally supervised cease-fire has begun, the United States would stop all acts of force in Indochina and bring home all of its forces within four months.

Cynics might note that deadline would bring the troops home before the November election if the enemy accepted the proposal. Yet it is Mr. Nixon's critics, rather than the President himself, who are playing politics with the issue.

Both Senators Hubert H. Humphrey and George McGovern promptly suspended their presidential campaigning to rush back to Washington to wage political warfare against Mr. Nixon on the floor of the U.S. Senate rather than against each other on the plains of Nebraska. A number of campuses also erupted in protest. And admittedly even some hawks expressed surprise that the action they've so long recommended—the mining of North Vietnam's harbors—finally had been undertaken.

The explanation is that the invasion created an entirely new war in South Vietnam. It changed from guerilla activity to a war of aggression by regular North Vietnamese military units against the South Vietnamese.

But it is obvious the invasion couldn't have come off without the great amount of new aid provided by the USSR.

By interdicting the enemy's supply lines, the administration is not escalating the war but trying to wind it down by preventing war materiel from reaching Hanoi. The administration had made no secret of its concern in recent weeks over the extent of the North Vietnamese buildup, although it can be faulted to some extent for not supplying the South Vietnamese with sufficient anti-tank guns and other weapons to stop the invasion.

Yet if Mr. Nixon had taken that route, there would have been even more complaints about the administration's supposed escalation of the war. Critics long have blamed it all on the United States. Former Secretary of State Dean Rusk, in a speech in Detroit, once noted that while U.S. minesweepers had to sweep the harbor of Saigon every morning to clear it of Russian-made mines, the United States would be accused of more escalation if it just took those mines back to North Vietnam and planted them in the harbors of Haiphong and Hanoi.

The risks in Mr. Nixon's actions obviously are great. Yet the greater risks may lie in inaction. The risks are not only to the South Vietnam people but to the remaining 60,000 American ground forces still left in Vietnam. As Mr. Nixon said, any president who failed to act decisively in these circumstances would have betrayed the trust in his country and the cause of peace. This newspaper agrees.

NOTHING NEW ABOUT BUSING

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, advocates of forced busing to achieve racial balance are fond of declaring that nobody objected when black children were bused past white schools to all-black schools.

The Detroit News points out editorially that this sort of statement simply is not true. Many Americans did, indeed, object to this deliberate segregation of schoolchildren and it was these objections which led to a U.S. Supreme Court decision declaring such segregation unconstitutional.

The lack of logic in the comments being made by advocates of forced busing is plainly spelled out in the Detroit News editorial that follows. I urge my colleagues to read it.

[From the Detroit News, May 2, 1972]

Nothing New About Busing?

Former U.S. Atty. Gen. Ramsey Clark's reputation for banality remains intact following his speech at the annual NAACP banquet in Detroit. Clark used the occasion to echo one of the most frequently repeated—and irrelevant—arguments offered in behalf of forced busing.

Children have been going to school on buses for 60 years, he declared. And then added: "Nobody protested when blacks were bussed past two or three schools to get to all-black schools."

First, it is true that school children have been bussed for many years. Most have been bussed and are being bussed primarily as a means of delivering them to the nearest school. The purpose of most bussing through the years has been transportation, not integration.

Second, Clark simply misstates the situation when he pictures black students being bussed past several schools to get to all-black schools. He is obviously referring to the unsavory situation in the South of 20 years ago. But the picture was just the opposite. Black students went to their shabby "separate but equal" neighborhood schools while white students were bussed away to all-white schools.

Nobody protested? It is a matter of historic fact that the people protested that arrangement right up to the U.S. Supreme Court, which declared such segregation unconstitutional.

Where bussing is used to enforce de jure segregation, it is clearly wrong; where it is clear-cut cases of de jure segregation in districts which refuse to act voluntarily, it is right.

But when Clark and other forced bussing advocates talk about massive cross-district bussing in Northern metropolitan areas where pockets of segregation exist mainly because of housing patterns, they're talking in an entirely different context.

They're talking about hauling students, both black and white, away from nearby neighborhood schools to distant points to achieve some supposedly magical ratio of integration.

They're talking about imposing a bussing program on suburban districts which have never been charged with de jure segregation.

They're talking about hauling multiple thousands of black and white children into neighborhoods far away and potentially hostile. About piling staggering new costs on school systems that haven't enough funds to meet present classroom needs.

It is true that students have been going to school on buses for 60 years but not under circumstances such as these. Ramsey Clark's historic comparison is as phony as a $3 bill.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Hungate, for May 17 through May 21, 1972, on account of official business.

Mr. Wright, Mr. de la Garza, Mr. Kazen, and Mr. Boggs (at the request of Mr. O'Neill) for today and the balance of this week, on account of official business (House Delegation-Mexico-United States Interparliamentary Conference).

Mr. Frelinghuysen, Mr. Wiggins, Mr. Lujan, and Mr. Burke of Florida (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of official business to attend the United States-Mexico Interparliamentary Conference.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. Mills of Maryland) and to revise and extend their remarks and include extraneous matter:)

Mr. Crane, for 15 minutes, today.

Mr. Kemp, for 15 minutes, today.

Mr. Coughlin, for 15 minutes, today.

The following Members (at the request of Mr. Davis), to revise and extend their remarks and include extraneous matter:)

Mr. Aspin, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Murphy of New York, for 5 minutes, today.

Mr. Mikva, for 10 minutes, today.

Mr. Adams, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Members of the Alabama congressional delegation, at the request of Mr. Nichols, to extend their remarks immediately following resolution to be introduced.

All Members (at the request of Mr. Davis of South Carolina) for 5 legislative days to revise and extend their remarks and include extraneous matter on the subject matter of the special order of Mr. Mikva, today.

(The following Members (at the request of Mr. Mills of Maryland) and to revise and extend their remarks:)

Mr. Steiger of Wisconsin.
Mr. Mathias of California.
Mr. Spence.
Mr. Michel in five instances.
Mr. Thone.
Mr. Hosmer.
Mr. Nelsen in two instances.
Mr. Chamberlain.
Mr. Zwach.
Mr. Wyman in two instances.
Mr. Carter.
Mr. Scherle in 10 instances.
Mr. Shriver.
Mr. Schwengel.
Mr. Price of Texas in four instances.
Mr. Young of Florida in five instances.
Mr. Horton.
Mr. Bray in two instances.
Mr. Coughlin.
Mr. Wylie.

(The following Members (at the request of Mr. Davis of South Carolina) and to include extraneous matter):

Mr. Minish.
Mr. Aspin in 10 instances.
Mr. Drinan.
Mr. Dent.
Mr. Karth.
Mr. Gonzalez in two instances.
Mr. Rarick in three instances.
Mr. Hagan in three instances.
Mr. Rogers in five instances.
Mr. Hungate in five instances.
Mr. Pucinski in six instances.
Mr. Fountain in three instances.
Mr. Stokes in five instances.
Mr. Teague of Texas in five instances.
Mr. James V. Stanton.
Mr. Stratton.
Mr. Obey in two instances
Mrs. Hicks of Massachusetts.
Mr. Zablocki in two instances.
Mr. Rooney of New York.
Mr. Vanik in two instances.
Mr. Boland.
Mr. St Germain.
Mr. Patten.
Mr. Gettys.
Mr. Evins of Tennessee in two instances.
Mr. Reid.
Mr. Udall in 10 instances.
Mr. Holifield.
Mr. Hathaway.
Mr. Podell in two instances.
Mr. Morgan.
Mr. Scheuer.
Mr. Anderson of California in two instances.

Mr. Van Deerlin in two instances.
Mr. Bingham in three instances.
Mr. Aspin in 10 instances.
Mr. Roush in two instances.
Mr. Bennett in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2988. An act to authorize the appropriation of $250,000 to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 42 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 17, 1972, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE of Illinois: Joint Committee on Atomic Energy. H.R. 14990. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 92–1066). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 983. A resolution waiving certain points of order against H.R. 14989. A bill making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1967). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 984. Resolution providing for the consideration of H.R. 14734. A bill to authorize appropriations for the Department of State for the U.S. Information Agency (Rept. No. 92–1068). Referred to the House Calendar.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1987. A letter from the Secretary of Defense, transmitting the 10th annual report of the Office of Civil Defense, pursuant to section 406 of the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

1988. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the submarine USS *Lionfish* (ex-IXSS-298) to the USS *Massachusetts* Memorial Committee, Inc., Fall River, Mass., pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

1989. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting a report comparing the fiscal year 1971 economic assistance program as presented to the Congress with the actual program implemented during the fiscal year, pursuant to section 634(d) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1990. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report of the reasons for a determination by the Department of State that the public interest would be best served by omission of the Examination of Records clause from a negotiated contract between the U.S. Interests Section, Cairo, Arab Republic of Egypt, and an Egyptian company for medical insurance for Foreign Service local employees in Cairo, pursuant to 41 U.S.C. 254(c); to the Committee on Government Operations.

1991. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1992. A letter from the Adjutant General United Spanish War Veterans, transmitting the proceedings of the stated convention of the 73d National Encampment. United Spanish War Veterans, held in Hartford, Conn. September 18–23, 1971, pursuant to Public Law 249, 77th Congress (H. Doc. No. 92–294); to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

RECEIVED FROM THE COMPTROLLER GENERAL

1993. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Overseas Private Investment Corporation for fiscal year 1971 (H. Doc. No. 92–295) to the Committee on Government Operations and ordered to be printed.

1994. A letter from the Comptroller General of the United States, transmitting a report on a review of the Environmental Protection Agency's progress and problems in reducing air pollution from automobiles; to the Committee on Government Operations.

1995. A letter from the Deputy Comptroller General of the United States, transmitting a report on a followup review of the refugee relief program in Laos; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PRICE of Illinois (for himself, Mr. Holifield and Mr. Hosmer):

H.R. 14990. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Committee on Joint Committee on Atomic Energy.

By Mr. ADAMS (for himself, Mr. Dingell, and Mr. Podell):

H.R. 14991. A bill to amend the Airport and Airway Development Act of 1970 to increase from 50 to 75 percent the U.S. share of allowable project costs payable under such act; to amend the Federal Aviation Act of 1958 to prohibit State taxation of the carriage of persons in air transportation; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ADDABBO:

H.R. 14992. A bill to amend title 38, United States Code, to permit eligible persons training under chapter 35 to pursue programs of education at certain educational institutions outside the United States; to the Committee on Veterans' Affairs.

H.R. 14993. A bill to amend title II of the Social Security Act to provide that an insured individual may retire and receive full old-age insurance benefits, at any time after attaining age 55, if he has worked in covered employment or self-employment for 30 years; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 14994. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer, his spouse, or his dependent, who is disabled, and to provide an income tax deduction for expenses of a disabled individual for transportation to and from work; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 14995. A bill to amend title 10 of the United States Code to establish separate optometry services in the armed forces, and for other purposes; to the Committee on Armed Services.

H.R. 14996. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 14997. A bill to provide price support for milk at not less than 85 percent of the parity thereof; to the Committee on Agriculture.

By Mr. DOWNING (for himself, Mr. Mosher, Mr. Murphy of New York, and Mr. Wolff):

H.R. 14998. A bill to amend the Merchant Marine Act, 1936, to expand the mission of the U.S. Merchant Marine Academy and to change the name of the Academy to reflect the expanded mission; to the Committee on Merchant Marine and Fisheries.

By Mr. FREY (for himself and Mr. Burke of Florida):

H.R. 14999. A bill to provide for orderly trade in fresh fruits and vegetables, and for other purposes; to the Committee on Ways and Means.

By Mr. HUNGATE:

H.R. 15000. A bill to regulate State presidential primary elections; to the Committee on House Administration.

By Mr. KUYKENDALL:

H.R. 15001. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

By Mr. MORGAN:

H.R. 15002. A bill to further amend the U.S. Information and Educational Exchange Act of 1948; to the Committee on Foreign Affairs.

By Mr. MOSS (for himself, Mr. Broyhill of North Carolina, Mr. Stuckey, Mr. Eckhardt, Mr. Carney, Mr. Ware, Mr. McCollister, and Mr. Murphy of New York):

H.R. 15003. A bill to protect consumers against unreasonable product hazards; to the Committee on Interstate and Foreign Commerce.

By Mr. PIRNIE:

H.R. 15004. A bill to amend the Federal Aviation Act of 1958 so as to limit the power of the Secretary of Transportation to delegate his authority to examine medical qualifications of airmen; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Illinois:

H.R. 15005. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. REID (for himself and Mr. Moss):

H.R. 15006. A bill to amend the Freedom of Information Act to require the disclosure of information, upon request, to Congress by the executive branch; to the Committee on Government Operations.

By Mr. RIEGLE (for himself and Mr. Seiberling):

H.R. 15007. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

By Mr. ROE:

H.R. 15008. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 15009. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, and the possession of handguns, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 15010. A bill to provide for increases in the readjustment allowances of Peace Corps volunteers and volunteer leaders, and to provide for the depositing of such allowances in savings accounts; to the Committee on Foreign Affairs.

By Mr. ST GERMAIN:

H.R. 15011. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. STEELE:

H.R. 15012. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

H.R. 15013. A bill to amend title 38 of the United States Code to promote the care and treatment of veterans in State veterans' homes, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TALCOTT:

H.R. 15014. A bill to amend section 203 of the Interstate Commerce Act to remove the exemption from regulation applicable to the transportation of certain agricultural commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Mr. REID (for himself and Mr. Moss):

H.J. Res. 1201. Joint resolution relative to freedom of information; to the Committee on Government Operations.

By Mr. ASPIN:

H. Con. Res. 614. Concurrent resolution requesting the President to proclaim the week in which April 11 falls in each year as "National Barbershop Quartet Harmony Week"; to the Committee on the Judiciary.

By Mr. FREY:

H. Con. Res. 615. Concurrent resolution expressing the sense of the Congress with respect to an adequate accounting for all American prisoners of war, and all Americans missing in action, as a result of the hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. SNYDER (for himself, Mr. Sebelius, Mr. Zion, Mr. Griffin, Mr. Gubser, Mr. McClure, Mr. Thomson of Wisconsin, Mr. Thone, Mr. Shoup, Mr. Pelly, Mr. Andrews of North Dakota, Mr. Denholm, Mr. Price of Texas, Mr. Ware, Mr. King, Mr. McCloskey, Mr. Michel, Mr. Clancy, Mr. Lent, Mr. Scott, Mr. Pirnie, Mr. Mills of Maryland, Mr. Wyatt, and Mr. Collins of Texas):

H. Con. Res. 616. Concurrent resolution expressing the sense of the Congress with respect to the withdrawal of all American forces from Vietnam; to the Committee on Foreign Affairs.

By Mr. SCHWENGEL:

H. Res. 982. Resolution providing for the copying and distribution by the U.S. Capitol Historical Society of the film of the ceremonies and reenactment of the 100th anniversary of the Second Inauguration of President Abraham Lincoln; to the Committee on House Administration.

SENATE—*Tuesday, May 16, 1972*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. Metcalf).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, in whom we live and move and have our being, look with compassion and forgiveness upon this troubled land. Cover our sins with Thy healing grace. Extinguish the fires of hate. Subdue all ill will at home and hasten the time of peace abroad. Bring healing and comfort to those who suffer.

Teach us anew, O Lord, what it means to be free to speak, to listen, to govern by the people in a republic of free men. Spare us from the fear that paralyzes and the confusion that makes a nation impotent. Guide all our leaders in service to the people. Lead us in love and fellowship with one another in unity of spirit and in the brotherhood of man for Thy greater glory.

We pray in the name of the Great Redeemer. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 15, 1972, will be dispensed with.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). Without objection, it is so ordered.

GOV. GEORGE WALLACE OF ALABAMA

Mr. MANSFIELD. Mr. President, I wish to express at this time my outrage and dismay at the tragedy which occurred at the Laurel Shopping Center in Maryland on yesterday.

I think, in a democracy such as ours, that every person has a right to voice his opinion. Whether we agree with it is beside the point. The first amendment still stands for candidates for the Presidency as it does for every other citizen.

I must admit that I am horror struck at what happened to Gov. George Wallace of Alabama on yesterday because, to me, it indicates a weakness of some kind in our democracy and a trend over the past decade which bodes no good for the future of this Republic.

I am happy that the President, last night, extended full Secret Service protection to Senator Kennedy and Representative Chisholm, and partial Secret Service protection to Representatives Mills and Ashbrook, and to Eugene McCarthy.

No full protection can be accorded, certainly not when candidates go into the crowds, away from the protection of their bodyguards and those delegated to seek after their safety and security.

I do not know what the answer is. But I do want to deplore this dastardly act and to express my hope that Governor Wallace will recover and return to full health and will be able to resume his campaign at the earliest possible moment. It is the least we can expect.

For Governor Wallace, he will have my prayers for a speedy and full recovery.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Alabama (Mr. Allen) be substituted for the name of the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.) today, with respect to the unanimous-consent order of recognition of Senators, and that the order of recognition as between the Senator from Alaska (Mr. Gravel) and the Senator from Alabama (Mr. Allen) be reversed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

In accordance with the unanimous-consent agreement just entered into, the Senator from Alabama (Mr. Allen) is now recognized for 15 minutes.

Mr. ALLEN. Mr. President, I wish to express my very deep appreciation to the distinguished majority leader for his fine words, and my appreciation to him and to the distinguished assistant majority leader for allowing me 15 minutes' time at this order of the proceedings.

Mr. President, I also wish to express my appreciation to the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.) who allowed me to speak at this time and will take his 15 minutes at a later time during the day.

Mr. President, the Nation is shocked and grieved at the cruel blow that has been dealt to Gov. George C. Wallace by a would-be assassin. It is only natural that in the forefront of those who are saddened by this tragedy are the proud people of Alabama, for Governor Wallace, as Governor of our State, is her first citizen and is much beloved by our people. Therefore, on behalf of the people of my great State and on behalf of my distinguished senior colleague (Mr. Sparkman) and the distinguished members of the Alabama delegation in the House, and on my own behalf, I express in this great body our deep sorrow and sympathy for Governor Wallace and Mrs. Cornelia Wallace and other members of the Wallace family and give our assurances of our prayers and best wishes for his recovery.

The attempted assassination of Governor Wallace was a cruel and dastardly act which will be universally condemned by all Americans. It is ironic that the leading advocate of law and order in the presidential race should be the victim of such a criminal stroke.

America must be made safe from law violators and criminals who place themselves above the law and who would seek to strike down a man who entertains and expresses views different from their own.

Mr. President, tragedy upon tragedy has been written on the pages of our contemporary political history. The senseless shooting of Governor Wallace is but another evidence of the growing trend in efforts to destroy law and order in our country. It was against this very trend that Governor Wallace was fighting, for there is something wrong with our democratic processes when a public official, in taking his candidacy to the people, literally places his life in jeopardy when he exercises his right of free speech guaranteed to him under the Constitution.

The current issue of the U.S. News & World Report shows that Governor Wallace, though he has not entered all of the presidential preference primaries this year, has received a greater popular vote than any other candidate for President this year.

What has been the secret of his success? People identify with him. They feel that he is one of them, that he is sincerely interested in their welfare, safety, and the betterment of their lives, that he speaks for them, that they know where he stands, that he has never been afraid to stick his neck out when principle is at stake.

Mr. President, when Governor Wallace began carrying his crusade to the people of America in the various primaries a few weeks ago he caught the imagination of the people of America with his awareness and discernment of America's problems. By his astuteness at getting to the crux of the Nation's problems heretofore ignored by many, he changed the entire complexion of the primaries and defined the issues in this election year.

Millions upon millions of Americans see in Governor Wallace the strength, the good, and the faith that characterizes the true spirit and heritage of America. They recognize that here is a man who instinctively and sincerely understands their struggle for law and order, for the sanctity of their homes and their battle against high taxes, inflation, giveaway programs, forced busing, and perhaps most important the need for a firm stand against the historic flow of power from the people to a faceless bureaucracy in Washington.

As a result of Governor Wallace's crusade, the people of America are sending to Washington a message that is being heard loud and clear by members of the Washington crowd. This message will influence the presidential campaign of 1972 and will have a decided effect on the political philosophy of this country and the direction in which our vast Federal bureaucracy moves.

Yes, Mr. President, the people are sending to Washington a message through the vehicle of their votes in the Democratic primaries, votes that are snowballing to high levels and that doubtless would have resulted—and probably still will—in victories in the Maryland and Michigan primaries.

Yes, Mr. President, the people of America are not to be denied their making of Governor Wallace a serious candidate for the presidency. Governor Wallace's place in history is assured. He will rank with the great presidential champions of the downtrodden, as one who has belief in the average man and woman, as one who believes in the American dream and the right of any American from any section of our country to aspire to the Nation's highest office.

But the tragedy which has befallen Governor Wallace sends a message to us, also. It sends the message that we must find a way in which all Americans can live together in peace and harmony, that we must find a way in which the peoples of the world may live together in peace and harmony, that we must find a way to end violence in this country, that all must recognize that everyone is subject to the law and that no man is above the law. Let us pray that this tragedy will help attain these desirable ends.

Mr. President, I commend the distinguished Senator from Minnesota (Mr. HUMPHREY) and the distinguished Senator from South Dakota (Mr. McGOVERN) for their gracious actions and conduct following the tragedy and their expressions of sympathy to Governor Wallace and the Wallace family and their cessation of political activities as the Michigan and Maryland campaigns come to a close.

Mr. President, I could not conclude my remarks without expressing my sympathy for the good people of Maryland that this tragedy should occur in the great State of Maryland, and I hasten to say that our feeling and, I am sure of the Governor and his family, is that the people of Maryland are a hospitable, friendly, law-abiding people with a tradition of tolerance, compassion, and hospitality extending back for more than 300 years. So, our feeling toward the great State of Maryland and its fine people is one of understanding and sympathy for them and regret, not only that the tragedy occurred at all, but that it should have occurred in the State of Maryland.

Mr. President, although George Wallace lies in mortal danger—his fate is in the hands of an omnipotent God. The prayers of the people are with him. But whatever that fate may be, let no man doubt the solemn truth that his spirit will live on and that this message and his challenge shall be picked up and carried forward by that army of men and women in this great Nation who are ever willing to risk their lives and fortunes and their sacred honor in the cause of freedom of the individual against dictatorial, totalitarian governments.

THE ATTEMPTED ASSASSINATION OF GOV. GEORGE C. WALLACE—SENATE JOINT RESOLUTION 234

Mr. ALLEN. Mr. President, I introduce at this time, on behalf of myself and my distinguished senior colleague, the senior Senator from Alabama (Mr. SPARKMAN), a joint resolution and ask unanimous consent for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the joint resolution.

The assistant legislative clerk read the joint resolution the first time by title and the second time at length.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President, I want to indicate that when the distinguished majority leader spoke so eloquently a few moments ago, he spoke not only for those on the majority side of the aisle, but also for the Senate as a whole. Regardless of political differences or affiliations, all decent, patriotic, and self-respecting Americans deplore the tragic, senseless act which occurred yesterday. Such an incident demeans our political process and it tends to degrade our society.

I know that the Members of the Senate on both sides of the aisle join with all Americans in prayers for the complete recovery of Governor Wallace.

Mr. President, I do not believe we should jump to a conclusion that our society as a whole is sick because a few are mentally deranged and are capable of such acts. However, the situation demonstrates the need for increased efforts on the part of those who have the responsibility to protect candidates running for office, particularly candidates for President.

Mr. President, I am pleased to support the joint resolution introduced by the distinguished Senator from Alabama and join in in the prayers that Governor Wallace will quickly recover and will once again be able to exercise the right that every American should have, the right to run for the Office of President of the United States.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Michigan for his fine remarks.

The joint resolution (S.J. Res. 234) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas, Governor George C. Wallace of Alabama was shot and critically wounded on May 15, 1972, by a would-be assassin; and

Whereas, this act of violence is deplored and universally condemned by all Americans; and

Whereas, the people of the Nation are shocked that this tragedy could occur and that our democratic processes are fraught with such danger to those who actively participate therein; and

Whereas, all American are saddened at this tragedy and sympathize deeply with Governor Wallace and his family and pray for his recovery: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the attempted assassination of Governor Wallace is deeply deplored and condemned; and

That Governor Wallace has the best wishes and prayers of all citizens for his speedy recovery; and

That the Wallace family is extended the sympathy and encouragement and best wishes of all members of Congress, the distinguished Vice President and the President of the United States.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alaska (Mr. GRAVEL) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Alaska yield to me for 2 minutes?

Mr. GRAVEL. I yield to the majority leader.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

FIRE BOMBINGS

Mr. MANSFIELD. Mr. President, I wish to speak on another matter which bears in a certain sense a relationship to the attempted assassination of Governor Wallace. Within the past several days there have been attempts to fire bomb, I understand, the campaign headquarters of our colleague, Senator JOHN TOWER of Texas, and recently, on yesterday, our associate in the House, Representative BROOMFIELD.

I hope this does not mark a trend in that direction as far as other candidates are concerned, whether they be Democratic or Republican candidates, but it does seem to appear that once somebody does something, a chain of events is set in motion and new circumstances begin to occur. For example, in the case of hijacking, someone thought of the idea, it worked, others followed, and it becomes almost epidemic at times. The same could be said about assassinations and attempted assassinations of those who have aspired for high political office in the past decade.

I hope we would be aware of these events and if legislation is necessary to take care of actions of this kind in the future we would consider it, and to note most carefully that what applies to presidential candidates in one sense, less directly applies to certain candidates for office this year.

I thank the Senator for yielding.

THE ATTEMPTED ASSASSINATION OF GOVERNOR WALLACE

Mr. GRAVEL. Mr. President, I rise also, as did the Senator from Alabama and the distinguished majority leader, to express my feelings about the dastardly act that took place yesterday afternoon at 4 o'clock.

I consider myself an opponent of the views expressed in the course of his campaign by the Governor of Alabama, but I think he not only had a legal right but every moral right to push for the views that he held so strongly. I can say he was a great advocate, and is a great advocate, of the causes he pursues.

I not only decry the senselessness—and I had occasion to view the film of the shooting on television—but I also do not think there is any normal citizen who cannot see that senselessness and fail to be totally gripped and gasp at the thought of one human being attempting to annihilate another human being.

I had the same emotion, I recall, during the Tet offensive, when the police chief of Saigon strolled up to a prisoner and used a snubnosed .38 revolver, which it is believed is the same type weapon used against Governor Wallace, to blow out this person's brains.

I gasped at the tragedy and personal pain of one human being killing another. So I want to register my feelings very deeply and extend my good wishes for the Governor's rapid recovery. From reports this morning he seems to be recovering, due in part to his native physical strength which is so well revealed by his spunkiness. I wish him well.

VIETNAM

Mr. GRAVEL. Mr. President, I had reserved this time prior to the shooting yesterday, but I think the attempted assassination underlines the remarks I want to make. What happened yesterday, in 1968, and in 1963 is not only a personal tragedy with respect to the Governor, with respect to Robert Kennedy, with respect to Martin Luther King, and with respect to John F. Kennedy, but is also a national tragedy.

I could not help but reflect, as the American press made self-indulgent remonstrances about the American psyche and our penchant for violence, that it is a wonder that there is not more violence than there is that erupts in the present context of events, because the Nation has been for a number of years on a violent course.

I think it stretches commonsense too much to think that we can be a party to enormous death, for whatever cause and for whatever reason, that we can be party to enormous numbers of deaths in other parts of the world, and be surprised that the violence spills over into a reaction against the leadership and political figures in this country. I think the two cannot be separated. I think we will be beset by violence that will possess us at the highest levels of Government as long as we pursue and utilize violence as an instrument of Government.

For that reason I think that we should go to the source of the problem and realize that if we can bring about change at the source we will obviously see a change at all levels.

Mr. President, I ask unanimous consent to have printed in the RECORD two articles that grip me and cause me to gasp, as much as my gasping at viewing the attempted assassination of George Wallace. The first article is entitled "Doctor Describes Effect of New U.S. Bomb," which was published in the Washington Post on May 1, 1972, and the other article is entitled "Sources in Hanoi Say U.S. Jets Hit Within Six Miles of Capital," published in the Washington Post on May 9, 1972.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 9, 1972]

SOURCES IN HANOI SAY U.S. JETS HIT WITHIN 6 MILES OF CAPITAL

HANOI, May 8.—U.S. war planes early today raided areas around Hanoi. Highly reliable sources said that at one point the bombs dropped as close as six miles from the capital.

The sources said several air-to-ground missiles were fired against Hanoi itself.

An official announcement was being withheld, the sources explained, while the authorities were assessing the damage.

Meanwhile, a special aircraft was expected here today to evaculate unessential Soviet and East German diplomats following this morning's air raid on the Hanoi area.

Diplomatic sources said that diplomats and journalists who would be staying behind could, if necessary, be moved shortly to less exposed regions to carry on their work.

40-MINUTE RAID

The 40-minute raid which began at 0900 local time, shook buildings in the center of the city as the local population rushed to nearby shelters.

The attacks reportedly came as close as 6 miles to the city of Hatay Province. Other targets were in Yenbai Province, northwest of Hanoi. It is through this province that the rail link from Hanoi to Yunnan in China runs. Also hit were the provinces of Hoabinh and Namha to the south of the capital and the most populous area of the Red River Delta.

From the AFP office, the raid appeared to comprise about six attacks, the missiles searing the air and sending out low rumbling noises over the city as they exploded.

A formation of North Vietnamese Mig's flew low over the city to intercept the American raiders, some of them dipping their wings in an apparent salute to ground defense forces. There was no antiaircraft fire, however.

Loudspeakers barked out: "Attention. The attack is still going on. Stay in your shelters. Carry out security procedure."

COMMUNE A TARGET

At 09.35 local time, 40 minutes after the alert began, the all-clear sounded and people began returning to the streets.

Unconfirmed reports said the targets included the small commune of Phuxuyen, some 20 miles from Hanoi. A visitor to this locality yesterday said nothing except perhaps a small rail-and-road bridge could constitute a military target there.

Phuxuyen was, however, a target for the U.S. Air Force during the "war of destruction" wage during the Johnson administration.

Meanwhile, about a dozen foreign newsmen were taken yesterday on a visit to the bomb-scarred provinces of Thanhhoa and Namha, shortly after U.S. warplanes hit schools and hospitals and before this morning's raid.

The press party started out in the night to avoid American air raids along deserted Highway 1 which leads south to Saigon.

As the party pushed southward, the villages came to life, and the first farm workers set out their buffalos for the rice fields. At this point, military trucks were observed by the newsmen carrying children from the coastal areas to safety in the hinterland.

HOSPITAL DESTROYED

At the end of the tour was the Thanhhoa provincial hospital, some 75 miles south of Hanoi, which was hit on April 27.

The hospital was showered by 36 bombs—12 of them giant 2,000-pounders and the rest antitank bombs which penetrate the concrete roofs of the hospital as well as the air raid shelters, according to the hospital's chief physician.

In the enormous 45-foot craters and the rubble, the wreckage of operating tables and X-ray equipment could be seen.

At one stop 6 miles to the south, five U.S. planes had hit the Dongyen primary school during morning classes. Five bombs fell, leaving 20 dead and 25 wounded.

The press party could not see any military targets which might have justified the raid. The only "radar" here, which gives only a few seconds warning of an approaching raid, is supplied by children perched in the branches of trees, who bang drums and blow whistles to sound the alert.

This primitive early-warning system, operates in most villages, and as the party was leaving Thanhhoa Province the alert sound was heard.

Doctor Describes Effect of New U.S. Bomb

(By Harold Jackson)

London.—A new type of antipersonnel bomb dropped on Hanoi by American aircraft is causing severe medical problems for the North Vietnamese, according to a British consultant physician who has just returned from Hanoi.

Dr. Philip Harvey, who works at St. Stephen's Hospital in London, arrived in Hanoi on April 8 to carry out an extensive medical education program at the invitation of the medical faculty at Hanoi University.

A week after his arrival, On Sunday, April 16, 60 U.S. aircraft bombed the city, he said, causing extensive damage to eight residential districts.

Dr. Harvey said in London last week that he had visited one of the areas, less than a mile from his city center hotel, and examined some of the dead and wounded.

"I saw the body of one woman—she was pregnant—and she had been riddled with plastic pellets from an antipersonnel bomb.

"This is a new development. The pellets used to be metal, but now that they are using plastic it is impossible to locate the pellets by normal X-rays. They can be found with the use of ultrasonic vibrations, but the North Vietnamese do not have such equipment."

"A full ultrasonic vibration unit costs about $50,000.

PENTAGON COMMENT

[The Defense Department made the following response to Dr. Harvey's charges: "There are no weapons in the U.S. inventory which employ plastic fragments or pellets or which depend upon plastic projectile for fragmentation effects. No U.S. weapons are designed with the intent of making X-ray detection of fragments difficult or impossible, nor are weapons designed with the intent of making any medical treatment difficult or impossible."]

Dr. Harvey said that the plastic pellets penetrate the victims' bodies at 1,300 feet a second, creating such intense heat that they vaporize the flesh.

"They can fracture a bone without even making contact with it," he said. The wounded people Dr. Harvey saw all had multiple penetrating wounds caused by cubical pellets, he said.

The raid took place at about 9:30 a.m., and involved three waves of 20 aircraft flying about 25,000 feet, the doctor said.

VAPOR TRAILS

"It was impossible to see the planes," Dr. Harvey said, "though the sky was completely clear. I did see the vapor trails of the ground-to-air missiles being fired against them.

He said that six or seven brick-built thatched houses had been destroyed in the area he visited. Two people had been killed outright and 11 others injured, five seriously, he added. Later two of the injured died and another two bodies were located in the ruins.

The bombs dropped seemed to be an equal mixture of high explosive and antipersonnel. The latter, Dr. Harvey said, had no effect on property or structures.

"I dug some pellets out of the brickwork and they had only gone in about a quarter of an inch."

PUBLIC HOLIDAY

The other areas attacked that morning were all within a mile or so of the city center.

"It was a public holiday and the streets were teeming with people. At the moment Hanoi has about five times the population for which it was originally designed. Later the authorities started evacuating women and children."

Dr. Harvey said that this was the only raid on the city while he was there—he left on Saturday April 22—though there had been one false alarm five days after the attack.

"So far as I could tell the morale seemed to be remarkably high and they carried on with my program as though nothing had happened. It seemed to me that the bombing had much the same effect in Hanoi as it did in London during the blitz: It just strengthened people's determination to struggle on."

[Sen. Mike Gravel (D-Alaska) charged in a news conference March 24 that such bombs were being used in Indochina. Sen. Gravel based his charge on information gathered by an anti-war group called Project Air War.

[Fred Branfman, director of the organization, said he had met a man whose factory manufactured plastic casings for bombs while looking for someone to make plastic models of other bombs used in Indochina.

[He said the plastics manufacturer had told him that he had a large contract from the U.S. Navy to make the plastic casings, and that the plastic was designed to splinter on impact into very small pieces.]

Mr. GRAVEL. Mr. President, the first article pertains to a doctor who had gone to North Vietnam. He is a British medical doctor and his name is Dr. Philip Harvey. He talked of the fact that he has visited an area less than a mile from the City Center Hotel in Hanoi. He said:

> I saw the body of one woman—she was pregnant—and she had been riddled with plastic pellets from an antipersonnel bomb.
>
> This is a new development. The pellets used to be metal, but now that they are using plastic it is impossible to locate the pellets by normal X-rays. They can be found with the use of ultrasonic vibrations, but the North Vietnamese do not have such equipment.
>
> A full ultrasonic vibration unit costs about $50,000.

Dr. Harvey goes on to state the technical effects of what these pellets do as they travel through the body at a speed of 1,300 feet a second. He adds with respect to the bombing, "It was impossible to see the planes," meaning that the airplanes were so high—and this was in a clear sky—that you could not see them with the naked eye while in the process of being bombed.

On March 24 at a press conference, I informed the American people we were using such antipersonnel plastic bombs. At that time I had in my possession a letter from the Department of Defense stating we were not using these types of bombs in Indochina.

I made the charge at that time that we were. Of course, at that time I had no proof. This, I feel, is the proof of the situation. And this, I think, is every bit as dastardly as any assassination or attempted assassination—that we Americans, decent folk, could be party to this type of carnage, not in a senseless striking out, but in methodical, thought-out deliberate plan of killing people.

These plastic bombs are made not 30 miles from where I stand today. Thirty miles from here Americans make antipersonnel bombs and which, after a person has been hit, an X-ray cannot find. The harm that has been done cannot even be cured.

PERSONAL STATEMENT

Mr. GRAVEL. Mr. President, I would like to move to another subject.

I was in Alaska this last weekend, and on the first day of my arrival I was greeted with a screaming headline by a newspaper with the largest circulation in the State of Alaska, and that headline shouted out that Senator Gravel had broken the law.

This newspaper was quoting the distinguished minority leader, Hugh Scott of Pennsylvania, for whom I have deep personal affection and high regard. The Senator from Pennsylvania (Mr. Scott) apparently had made statements to the press that first, I had broken the law, second, that they were considering censuring me with a censure movement within this body, and third, that I possibly had possession of atomic secrets, and, of course, such possession of atomic secrets was punishable by death.

Mr. President, I would like to make clear that I asked this body for the release of and reading into the Record sections of National Security Study Memorandum No. 1, which showed—and it was not my viewpoint, but that of the authorities—that the President's actions in Indochina at that time would not work. I felt the American people should have this information. I had done it on another occasion with the Pentagon Papers. Both cases were occasions for some Members of the minority to talk in terms of censure.

I know of nothing I have done that would warrant that kind of talk, but I know that those who talk of censure possibly talk of it to intimidate.

I have been scrupulous in my actions, in my presence, and in my conduct, in the hope of bringing credit to this body, and I think, therefore, it is ridiculous to talk of something that is totally unwarranted. But I think there is another thing that is not so ridiculous, and that is when a distinguished leader of this body stands up and says another Senator has broken the law. I do not consider myself a law breaker and I do not want the image of being a law breaker. In the interest of good taste, and in the interest of an assiduous and religious application of the rules of this body—since we have a rule that disallows the impugning of a Senator's character or a Senator's State—I would ask the distinguished minority leader, who does not happen to be present, but I am sure my views will be given to him by the minority whip, to draw up a categorical list of particulars where I have broken the law. And if the Senator from Pennsylvania cannot come forward with a statement of where I have broken the law, I would like a public apology. I think I would be owed a public apology, and I think it would be proper. And if I have broken the law, then I would assume that those in the Justice Department will be prepared to take proper action.

So, Mr. President, I sit back and wait for the apology or wait for a bill of particulars as to the laws that I have broken, so that the people in Alaska and so that people throughout the United States can be apprised, very simply and very directly, whether either I am or I am not a lawbreaker. Otherwise they will have only false rhetoric which has the effect of character assassination.

Mr. GRIFFIN. Mr. President, would the distinguished Senator from Alaska yield to me at that point?

Mr. GRAVEL. I am happy to yield if I have the time.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GRIFFIN. Mr. President, may I be recognized?

The ACTING PRESIDENT pro tempore. Will the Senator permit the Chair to lay before the Senate the period for the transaction of routine morning business, and then the Senator from Michigan will be recognized for 3 minutes? Will that be sufficient?

Mr. GRIFFIN. Yes.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, to proceed for 30 minutes, with statements therein limited to 3 minutes.

The Senator from Michigan is the first to be recognized.

PERSONAL STATEMENT (CONTINUED)

Mr. GRIFFIN. Mr. President, in respect to the statements made by the distinguished Senator from Alaska—and I understand he was addressing them to the minority leader rather than to the assistant minority leader—I suggest it might be helpful, if the Senator from Alaska wishes to have an apology—and perhaps he is entitled to one—if he would assure the Senate that the memorandum classified "Secret" which came into his possession was not stolen property, as was charged or suggested, if he would indicate to the Senate where he got those papers, and if he would deny to the Senate that he is an accessory after the fact.

I do not charge the Senator from Alaska with anything. However, a question concerning the source of the memorandum was put to the Senator in a secret session, the proceedings of which later were made public, and he did not answer the question, which was his right to do. But if he wants an apology, certainly he would provide that information.

Furthermore, I have read in the newspaper—and I know nothing about the facts—that the Senator from Alaska delivered to a Member of the other body the classified document and requested that Member of the other body to put it in the Record. Apparently that has been done.

I wonder if the Senator from Alaska would either confirm or deny that as a fact. Perhaps the Senator from Alaska would be entitled to an apology if he had the facts. But the Senator has not answered some of the appropriate questions.

Mr. GRAVEL. Mr. President, will the Senator yield within the 3 minutes?

Mr. GRIFFIN. I yield.

Mr. GRAVEL. On this matter, I delivered several copies to Members of the House of Representatives. I think they have the right to see them. I think they have the same rights and prerogatives as I do. What the Representative from California decided to put into the Record was due to his own decisionmaking. All I was a party to was giving him the copies. I gave copies to several other Congressmen, who stated they were thinking of putting them in the Record. That was entirely up to them.

With respect to the sources of these documents and the author of these documents, it is Henry Kissinger. That is the important part of it. When a page delivers to me some papers, I do not ask the page's name. I am not concerned with the page's name. I am concerned with the veracity and substance of the document itself. Obviously the documents are Government property. I am a Government official. If I am not entitled to that type of Government document or information of this kind, there is something very wrong in this society and this supposed democracy. With respect to my furnishing names to the minority leader and to the minority whip——

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I yield my 3 minutes to the Senator from Alaska.

Mr. GRAVEL. I thank the Senator. It is very simple, and if I gave the name today, the Justice Department would have this person indicted before the week is out, because the present Government we have is one which is a Government of persecution and prosecution. The very reason they are now proceeding is that they want to stop people from releasing classified information.

Mr. GRIFFIN. Now, Mr. President, if the Senator will yield me some time of my 3 minutes——

The ACTING PRESIDENT pro tempore. The Senator from Montana has the time.

Mr. MANSFIELD. Yes.

Mr. GRAVEL. I yield to the Senator from Michigan.

Mr. GRIFFIN. If the Senator from Alaska means that the person who delivered the documents to him could be indicted and prosecuted, and there is some basis for that, then I think it is unfortunate that the Senator from Alaska does not cooperate in enforcing the law.

I have in my hand an article published in the Washington Post of Friday, May 12, written by Spencer Rich, from which I shall quote one sentence and then ask that the entire article be printed in the Record.

> Dellums initially said, "Gravel gave it to me and asked me to introduce it in the Record."

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 12, 1972]

GRAVEL END RUN: DELLUMS PRINTS PAPERS

(By Spencer Rich)

While the Senate was battling furiously during the past week over a request by Sen. Mike Gravel (D-Alaska) to put a secret 1969 report on Vietnam into the Congressional Record, Rep. Ron V. Dellums (D-Calif.) quietly obtained a copy of the 500-page document from Gravel and placed a third of it in the Record without a single objection being voiced.

The remaining two-thirds was held up one day because of a heavy work load at the Government Printing Office. It is scheduled to appear today.

The incident is likely to escalate the already-bitter anger felt by many senators against Gravel—anger which has led to threats to censure him or to ask the Ethics Committee to look into his conduct. Both Dellums and Gravel's office concede that Dellums obtained the document from Gravel.

The Senate struggled through two secret sessions last week on Gravel's request to print the document, which was prepared by Henry A. Kissinger for President Nixon early in 1969 and is still classified "secret." Gravel obtained a copy privately. The Senate never did give Gravel permission, and fresh talk of censure or Ethics Committee disciplinary action was voiced by Minority Leader Hugh Scott (R-Pa.) only yesterday merely because Gravel had read a few pages in the Record on Tuesday without notice.

Scott and others—already angry because Gravel a year ago released a classified version of the Pentagon papers at a hastily called subcommittee meeting—contend a senator violates his trust by releasing classified materials.

While all this was going on in the Senate, Dellums quietly obtained routine unanimous consent Wednesday to extend his remarks—a device to allow members to put materials in the back portion of the Record. He didn't describe the material at that time. He later placed in the hopper for printing an anti-war statement accompanied by the entire 500-page document.

"I received unanimous consent to address the House and therefore everything is open and above-board," said Dellums in a phone interview.

Dellums initially said "Gravel gave it to me and, asked me to introduce it in the Record," but Dellums, aides said later that he had sought out Gravel and asked for the papers. Gravel's office also said it was Dellums who initiated the move.

"Nixon has carried out reckless acts and the American people are entitled to know what is in these papers," said Dellums. Gravel says the papers show that bombing can't defeat North Vietnam. Portions of the papers, obtained from private sources, have appeared in The Washington Post and other publications.

Mr. GRAVEL. I think this is not the first time, Mr. President, that we have had an inaccuracy in the press. I think Mr. Spencer Rich is one of the finest reporters in Washington. However, I have never actually communicated with Mr. Ron Dellums. In fact, I do not think I have ever been introduced to Mr. Dellums. He communicated to my office a desire to have the papers, the papers were delivered to him, and that is as much as I have heard about it, other than what I have read in the newspapers.

I would think that would obviate the charge made by the distinguished minority leader that I am a lawbreaker. unless he is prepared to prove that, I would like an apology. What I have stated to the distinguished minority whip, I think, should refute that charge, and I fully intend to press for that apology, because either I am a lawbreaker or I am not. If I am not a lawbreaker, I want my character replaced intact. We have rules precisely against this sort of thing. One does not go into the motives of a Senator or impugn his character; and to imply as has been implied on this floor, that I am a lawbreaker or not a patriotic person is a violation of the rules, and I intend to press for an apology.

CONGRATULATIONS TO THE APOLLO 16 ASTRONAUTS

Mr. THURMOND. Mr. President, it is a great pleasure for me to welcome to our Nation's Capital the three astronauts of Apollo 16—Capt. John W. Young, U.S. Navy; Lt. Col. Charles M. Duke, Jr, U.S. Air Force; and Lt. Cmdr. Thomas K. Mattingly, U.S. Navy.

Their great voyage to the moon and the exploits of their scientific expedition have brought them the esteem of the world and the admiration of their fellowman.

The trail they took into space has further inspired all of us to reach for greater accomplishments. Indeed the payload of rocks and soil they brought home has opened the door to vistas of knowledge about our solar system.

Each of the projects on their journey to the moon was a superlative. The potential for research in the 215 pounds of lunar rocks and soil they brought home is extensive. It is the greatest payload ever returned from an Apollo voyage. Our knowledge of the rugged terrain on the moon is greatly enhanced by the thousands of photographs taken during their hours upon our satellite planet.

All of us have taken a Sunday afternoon drive, but the one taken by John Young and Charlie Duke around the Descartes Mountains on April 23 showed us how rugged a drive can be.

Mr. President, America and the world are proud of these three fine men. They represent the best of courage and dedication. All of us watched with prayerful anxiety as they went about their assigned tasks on the lunar surface. They did their job well. The long months of exacting and arduous training culminated in yet another successful mission to our nearest heavenly neighbor.

While I share the Nation's pride in this three-man team, I have a special interest in one of them, Colonel Duke, who happens to be from the fast growing and progressive city of Lancaster, S.C. His mother, Mrs. Willie Waters Duke, was born in Johnston, S.C., a modern and forwardlooking city in my old home county of Edgefield. Colonel Duke is descended from outstanding people on both sides of his family, his father, Charles M. Duke, Sr., bears a fine reputation for character and integrity. Colonel's Duke's twin brother, Dr. William W. Duke, is an eminent physician in Lancaster and his sister, Miss Detsy Duke, has just graduated in nursing from the University of North Carolina. Since I have known Colonel Duke and his family for many years, I have always been impressed with his abilities and dedication, and I am very pleased that South Carolina could furnish one of its sons for this noble mission.

It was my pleasure only today to report favorably from the Armed Services Committee the recommendation that he be promoted from lieutenant colonel to full colonel. This is a well deserved and merited promotion as he has demonstrated his outstanding capabilities and leadership.

For all these astronauts who have demonstrated such great ability and performance I predict a bright future.

These men explored the moon for science and knowledge. We cannot say yet what secrets of the universe will be unlocked as a result of their dedication and that of the entire Government, industry, and university team which make up this Nation's space program. I am confident, however, that what they did will add greatly to our knowledge of ourselves and our environment—the universe in which we live.

Mr. President, as America now prepares for the last of the Apollo shots, we should consider the gains of our space program and provide for the next phases of space development.

Man has thrilled to the missions and exploits of these three men and their predecessors who have ventured out to the moon. Let us use these highly successful missions to build our knowledge and capabilities for the future.

It is with great pleasure that I welcome today the astronauts of Apollo 16 and express to them the gratitude of people throughout this country.

The ACTING PRESIDENT pro tempore. Is there further morning business?

QUORUM CALL

Mr. MANSFIELD. Mr. President I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT ON CONTRACTS NEGOTIATED BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on contracts negotiated by that Administration, for the six-month period ended December 31, 1971 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

PROSPECTUSES FOR CERTAIN CONSTRUCTION PROJECTS

A letter from the Acting Administrator, General Services Administration, transmitting pursuant to law, prospectuses for the construction of certain Federal projects (with accompanying papers); to the Committee on Appropriations.

NOTICE OF TRANSFER OF U.S.S. "LIONFISH"

A letter from the Assistant Secretary of the Navy transmitting, pursuant to law, notice of the proposal of the Department of the Navy to transfer the submarine U.S.S. *Lionfish* to the U.S.S. *Massachusetts* Memorial Committee, Inc., Fall River, Massachusetts; to the Committee on Armed Services.

ANNUAL REPORT OF THE OFFICE OF CIVIL DEFENSE

A letter from the Secretary of Defense transmitting, pursuant to law, the 1971 Annual Report of the Office of Civil Defense covering civil defense functions assigned to the Secretary of Defense (with accompanying report); to the Committee on Armed Services.

REPORT OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, transmitting, pursuant to law, a report of that Administration, for the calendar year 1971 (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense Procurement From Small and Other Business Firms, for the period July 1971–February 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED AMENDMENT OF MERCHANT MARINE ACT OF 1970

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Merchant Marine Act of 1970 (with accompanying papers); to the Committee on Commerce.

PROPOSED AMENDMENT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958

A letter from the Assistant to the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

REPORT ON CERTAIN GRANTS APPROVED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report concerning grants approved by that Office which are financed wholly with Federal funds, for the period January 1, 1972, to March 31, 1972 (with an accompanying report); to the Committee on Finance.

REPORT ON OMISSION OF THE EXAMINATION OF RECORDS CLAUSE FROM A NEGOTIATED CONTRACT

A letter from the Assistant Secretary for Congressional Relations, Department of State, reporting, pursuant to law, that the examination of records clause has been omitted from a negotiated contract between the United States Interests Section, Cairo, Arab Republic of Egypt, and an Egyptian company for medical insurance for Foreign Service local employees in Cairo would best serve the public interest; to the Committee on Government Operations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Opportunities to consolidate Support Functions in the Pacific to Reduce Military Costs", Department of Defense, dated May 11, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report entitled "Follow-up Review of the Refugee Relief Program in Laos" (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Need for Legislation to Authorize More Economical Ways of Providing Durable Medical Equipment under Medicare", Social Security Administration, Department of Health, Education, and Welfare, dated May 12, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Cleaner Engines for Cleaner Air: Progress and Problems in Reducing Air Pollution From Automobiles", Office of Air Programs, Environmental Protection Agency, dated May 15, 1972 (with an accompanying report); to the Committee on Government Operations.

Proposed Grant for Research Project

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed grant with Colorado School of Mines, Golden, Colorado, for a research project entitled "The Role of Minerals and Energy in the Colorado Economy" (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Concession Contract for Services Within the National Capital Parks

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract under which Government Services, Inc. will be authorized to continue to provide concession facilities and services for the public within the National Capital Parks (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Receipt of Project Proposal

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the receipt of an application for a loan from the Calaveras County Water District, California; to the Committee on Interior and Insular Affairs.

Proposed Contract With the Bendix Corp.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with the Bendix Corporation, Ann Arbor, Michigan, for a research project entitled "Standardization of Controls on Front-End Loaders" (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Grant to Pennsylvania State University

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed grant to Pennsylvania State University, University Park, Pennsylvania, for a research project entitled "Thermodynamics of Oxide and Silicate Phases of Importance in Extractive Metallurgy" (with accompanying papers; to the Committee on Interior and Insular Affairs.

Procedures for Classification of Over-the-Counter Drugs

A letter from the Director, Office of Legislative Services, Department of Health, Education, and Welfare, transmitting, pursuant to law, Procedures for Classification of Over-the-Counter Drugs (with an accompanying document); to the Committee on Labor and Public Welfare.

Proposed Mandatory Retirement of Employees

A letter from the Chairman, United States Civil Service Commission, transmitting a draft of proposed legislation to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of seventy years of age and completion of five years of service, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Metcalf):

Resolutions of the Senate of the Common, wealth of Massachusetts; to the Committee on Finance:

"Resolutions Memorializing the Congress of the United States To Enact Certain Pending Legislation Providing for a Tax-Revenue-Sharing Plan To Benefit the States

"Whereas, Representative Wilbur D. Mills of Arkansas, chairman of the House Ways and Means Committee of Congress, has, in pending legislation before the Congress of the United States, proposed and supported a federal revenue-sharing plan by which states would receive financial aid for local programs; and

"Whereas, The tax-raising capacity of the federal government should be employed to aid the high costs of state and local expenditures; and

"Whereas, The present revenue-sharing legislation proposed by Representative Mills strikes a balance between the financial need of the federal government, the states and the cities; and

"Whereas, The commonwealth of Massachusetts and other urban states in the United States are facing a tax crisis and rising costs of basic public services; now, therefore, be it

"Resolved, That the Massachusetts Senate respectfully urges the Congress of the United States to enact the revenue-sharing plan of Representative Mills, thereby increasing the proportion of public expenditures for domestic purposes while reemphasizing community control of tax dollars collected; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"Senate, adopted, April 24, 1972."

A joint resolution of the Legislature of the State of Iowa; to the Committee on the Judiciary:

"Senate Joint Resolution 1008

"A joint resolution ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women

"Whereas, the Ninety-second (92nd) Congress of the United States has passed a Joint Resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; and

"Whereas, This Joint Resolution passed the House of Representatives of the United States on October 12, 1971, passed the Senate of the United States on March 22, 1972, and now has been submitted to a vote of the States and reads:

" 'Joint Resolution

" 'Proposing an amendment to the Constitution of the United States relative to equal rights for men and women

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" ' "Article ——

" ' "Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

" ' "Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

" ' "Sec. 3. This amendment shall take effect two years after the date of ratification." '

"Be it resolved by the General Assembly of the State of Iowa:

"That the foregoing proposed amendment to the Constitution of the United States is hereby ratified and consented to by the State of Iowa and the General Assembly thereof; and

"Be It Further Resolved that the Governor of the State of Iowa forward certified copies of this resolution over the Seal of the State of Iowa to the Secretary of State of the United States, to the Presiding Officers of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the administrator of the United States General Services Administration.

"Approved April 21, 1972."

A letter, in the nature of a petition, from William J. Bleisch, of Chula Vista, Calif., praying for a redress of grievances; to the Committee on Finance.

A telegram, in the nature of a petition, from the Law Student Association of the University of Chicago Law School, Chicago, Ill., expressing concern to the advisability of the Vietnam ultimatum of May 8; to the Committee on Foreign Relations.

A letter, in the nature of a petition, from Albert W. Becker, of Mesa, Ariz., relating to the matter of free speech; to the Committee on Foreign Relations.

Resolutions adopted by the Executive Board, Louisiana AFL–CIO, in support of a National Health Insurance Program; to the Committee on Finance.

Resolutions adopted by the Executive Board, Louisiana AFL–CIO, praying for the enactment of legislation relating to the welfare of the people; to the Committee on Labor and Public Welfare.

A resolution adopted by the Sons of the Revolution in the State of Louisiana, expressing condemnation of the action of certain Universities who ask that the ROTC be removed from their campuses; to the Committee on Armed Services.

A resolution adopted by the Sons of the Revolution in the State of Louisiana, expressing condemnation of individuals and TV and news media who endorse amnesty for draft evadors; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

H.R. 13150. A bill to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes (Rept. No. 92-7903).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

H.R. 9092. An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes (Rept. No. 92-791) (together with minority views).

By Mr. NELSON, from the Committee on Labor and Public Welfare, without amendment:

S. 3617. An original bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes (Rept. No. 92-793) (together with supplemental and individual views).

By Mr. NELSON, from the Committee on Labor and Public Welfare, with an amendment:

S. 3010. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes (Rept. No. 92-792) (together with supplemental and individual views).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

Jeffrey M. Bucher, of California, to be a member of the Board of Governors of the Federal Reserve System.

By Mr. THURMOND, from the Committee on Armed Services:

Lt. Col. Charles M. Duke, Jr., U.S. Air Force, for promotion to colonel, Line of the Air Force.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of 59 flag and general officers in the Army, Navy, and Air Force.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations are as follows:

Lt. Gen. Fred M. Dean (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list, in the grade of lieutenant general; and sundry other general officers in the Army, Navy, and Air Force.

Mr. STENNIS. Mr. President, in addition, I report favorably 472 promotions in the Army in grade of colonel and below; 2,930 promotions in the Navy in grade of captain and below; and 4,712 promotions and appointments in the Air Force in grade of colonel and below. Since these names have already appeared in the Congressional Record I ask consent that the Senate waive the requirement of printing these names on the Executive Calendar in order to save the expense.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations are as follows:

James J. Anson, and sundry other officers, for promotion in the Army, Navy, and Air Force.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

David R. Derge, of Indiana, Jewel LaFontant, of Illinois, and William C. Turner, of Arizona, to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs.

Mr. FULBRIGHT. Mr. President, I also report favorably sundry nominations in Diplomatic and Foreign Service which have previously appeared in the Congressional Record, and I ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they may lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations are as follows:

Richard J. Bloomfield, of Virginia, and sundry other persons, for promotion in the Diplomatic and Foreign Service.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CASE:

S. 3606. A bill to amend the Federal Aviation Act of 1958 in order to provide for passenger screening devices at airports served by scheduled air carriers. Referred to the Committee on Commerce.

By Mr. PASTORE:

S. 3607. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Referred to the Joint Committee on Atomic Energy.

By Mr. HANSEN:

S. 3608. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation for the Montana-Wyoming Aqueducts Unit, Pick Sloan Missouri River Basin Project. Referred to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

S. 3609. A bill for the relief of Zenaida B. Maglague; and

S. 3610. A bill for the relief of Masayasu Sadanaga. Referred to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. Magnuson, Mr. Pearson, and Mr. Cook):

S. 3611. A bill to amend the Federal Aviation Act of 1958 to prohibit State taxation of the carriage of persons in air transportation. Referred to the Committee on Commerce.

By Mr. HUMPHREY:

S. 3612. A bill to establish a National Institute of Justice, in order to provide a national and coordinated effort for reform of the judicial system in the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BAKER:

S. 3613. A bill to amend title 38 of the United States Code so as to make presumption relating to certain diseases applicable to veterans who served during the period between the end of World War II and the beginning of the Korean conflict. Referred to the Committee on Veterans' Affairs.

By Mr. WILLIAMS (for himself, Mr. Magnuson, and Mr. Randolph):

S. 3614. A bill to provide financial assistance to the States for improved educational services for handicapped children. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 3615. A bill to authorize grants to the D-Q University. Referred to the Committee on Labor and Public Welfare.

By Mr. McINTYRE:

S. 3616. A bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. NELSON, from the Committee on Labor and Public Welfare:

S. 3617. An original bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes. Ordered placed on the calendar.

By Mr. ALLEN (for himself and Mr. Sparkman):

S.J. Res. 234. A joint resolution deploring the attempted assassination of Governor George C. Wallace of Alabama. Considered and passed earlier today.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASE:

S. 3606. A bill to amend the Federal Aviation Act of 1958 in order to provide for passenger screening devices at airports served by scheduled air carriers. Referred to the Committee on Commerce.

Mr. CASE. Mr. President, I introduce, for appropriate reference, a bill designed to strengthen America's defenses against aircraft hijacking by requiring the use of weapon detectors at all 531 commercial airports in the United States.

Unfortunately, the use of weapon detectors is only partial. While the Federal Aviation Administration requires them at 87 airports covering 90 percent of all passengers boarding planes, the remaining 444 commercial airports are afforded little, if any, such protection.

Clearly, this is an invitation to hijackers and extortionists to victimize flights departing from airports where weapon detectors are not a required part of the passenger screening process.

The weapons detector is an essential part of any passenger screening system that purports to be complete, I believe. The other parts of the system now in use, behavior and identification checks, develop what essentially are suspicions. The weapons detector can help to confirm whether the suspicions are real or not.

It is my belief that weapons detection equipment will be used at all commercial airports only when required by Federal law and when provided by the Federal Government. My bill, which amends the Federal Aviation Act, would do both, and, in addition, would provide for payment for the devices from the Airport and Airways Trust Fund.

Surprisingly, the cost is not great. To acquire and install weapon detectors, such as magnetometers, at all 531 commercial airports would run as little as $3.4 million, according to the U.S. Department of Transportation.

This is less than the ransom that has been asked for a single commercial jet. It is less than the total amount of money demanded by every hijacker-extortionist of recent vintage.

My bill will close a dangerous gap in the protection of commercial aviation against hijacking. I urge its prompt adoption.

Mr. President, I ask unanimous consent

that the text of my bill be printed in the Record after my remarks.

There being no objection, the 6:11 was ordered to be printed in the Record, as follows:

S. 3606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348) is amended by inserting at the end thereof a new subsection as follows:

"Passenger Screening Devices

"(g) (1) In carrying out his functions pursuant to subsection (c) with respect to the protection of aircraft, persons, and property, the Administrator shall acquire and install passenger screening devices at all airports regularly served by air carriers certificated by the Board and provide for the operation of such devices under appropriate agreements with such airports. Such devices shall be designed to prevent or deter the carriage aboard aircraft of any weapon in the baggage or on or about the persons of passengers.

"(2) There is authorized to be appropriated out of the Airport and Airway Trust Fund not to exceed $5,000,000 for the purpose of acquiring and installing devices pursuant to this subsection."

Sec. 2. The table of contents of the Federal Aviation Act of 1958 is amended by inserting at the end of the matter relating to section 307 the following:

"(g) Passenger screening devices."

By Mr. HANSEN:

S. 3608. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation for the Montana-Wyoming Aqueducts Unit, Pick Sloan Missouri River Basin Project. Referred to the Committee on Interior and Insular Affairs.

THE MONTANA-WYOMING AQUEDUCTS

Mr. HANSEN. Mr. President, I rise today to introduce legislation authorizing the Secretary of Interior to conduct a feasibility study of the Montana-Wyoming Aqueducts Unit, Pick Sloan Missouri River Basin Project.

The Bureau of Reclamation has prepared an appraisal report on the Montana-Wyoming Aqueducts, and it is essential that a feasibility study be made in the very near future if we are to provide for well planned, sound and environmentally compatible development of the rich energy resources of southeastern Montana and northwestern Wyoming.

The Powder River Basin contains substantial deposits of low-sulphur coal which can be developed to meet the ever increasing energy demands of the American people. But development of these resources requires water. The Montana-Wyoming Aqueducts study will provide an opportunity to fully study all of the alternatives for providing the needed water. After all of the alternatives have been reviewed both on economic and environmental grounds, a decision can be made on how best to meet the needs of resource development with the greatest efficiency and least impact on the environment.

It is important that the Congress and the American people encourage orderly development of resources in the heartland of America. However, this approach requires lead time. Many of us are aware of the serious energy crisis this Nation is now facing. When the full force of an energy crisis strikes, there is great danger that energy resources may be hurriedly developed without thoughtful planning and control. That is why it is essential that we begin now to study and plan for the future if we are to prevent ill-considered action taken under great pressure at a later date.

The authorization of the Montana-Wyoming Aqueducts feasibility study is a primary step in providing for the present and future energy needs of the American people through quality growth. I urge the Congress to consider this legislation and act favorably at the earliest opportunity.

By Mr. CANNON (for himself, Mr. Magnuson, Mr. Pearson, and Mr. Cook):

S. 3611. A bill to amend the Federal Aviation Act of 1958 to prohibit State taxation of the carriage of persons in air transportation. Referred to the Committee on Commerce.

Mr. CANNON. Mr. President, I am today introducing legislation which is designed to prohibit a new, inequitable, and potentially chaotic burden of taxation on the nearly 200 million air travelers in this country. The legislation would prohibit the levying of State or local head taxes, fees, or charges either on passengers or on the carriage of such passengers in interstate commerce. The bill is in response to a situation which has been brought about by a recent Supreme Court decision, upholding passenger head taxes enacted by New Hampshire and by Evansville, Ind., for "aviation-related purposes." While this decision has invited State and local governments to enact head taxes or fees on air travelers, the Court decision does not provide adequate safeguards to prevent undue or discriminatory taxation.

In the wake of this decision, a rash of proposals varying widely in rate, scope, and applicability, has broken out throughout the Nation. It is significant that revenues from some of these head taxes would not be used to provide funds for airport construction or operation, but would be used to nourish general fund coffers. For example, in Philadelphia, a proposed city ordinance will be considered tomorrow, which would levy a tax of $2 per passenger on passengers both arriving in and departing from that city. The revenues would accrue to the city's general fund not the Philadelphia airport. Other cities as well have leveled their sights at air travelers who are convenient, vulnerable, and captive targets. Certainly, we can anticipate the proliferation of such action.

Mr. President, Congress must act to protect the American air travel consumer from such discriminatory taxation, in observance of an old axiom that "In levying taxes and in shearing sheep, it is well to stop when you get down to the skin." The Nation's air travelers are already being heavily taxed to pay for airport facilities and airways modernization. In 1970, Congress passed the Airport and Airways Development Act, creating an Aviation Trust Fund, financed by user taxes to up-grade the Nation's airports and airways. Every passenger in air transportation pays an 8-percent excise tax on the price of his ticket to support these developments. Total user tax revenues will reach about $693 million this year. Since this tax money is earmarked for airport and airway improvements, there is no need to add an additional burden of taxation on these travelers, and in fact, it would be a breach of faith for Congress to stand idly by while this is done by other units of government.

Mr. President, at the present time the average value of a round trip airline ticket in the United States is about $85. Therefore, the average traveler today pays a Federal tax of $6.80, the revenues from which are reserved for aviation facilities development. In 1970, while the Committee on Commerce and the Committee on Finance were considering this legislation, it was our firm intent that the Federal excise tax be the only tax on passengers in air transportation. While the Supreme Court has said that Congress did not preempt this field in 1970, it was certainly our intention, in my opinion, to do so. At that time several States and local governments had attempted to levy head taxes on passengers in air transportation and it was widely assumed because of lower court decisions and qualified legal opinion that such taxes were unconstitutional as as undue burden on interstate commerce.

Despite the views we heard in 1969 and 1970 and despite the fact that the Federal Government presently taxes passengers at the rate of 8 percent on airline tickets, the High Court has opened the door wide to multiple passenger taxation.

Something must be done, and it is fitting that the Nation's air travelers look to us for decisive action for this. In its decision, the Supreme Court seemed to invite congressional action for the Court pointed out that:

> At least until Congress chooses to enact a nationwide rule, the power will not be denied to the States.

The legislation introduced today, provides the vehicle for Congress to make it clear that it will not allow indiscriminate levying of burdensome head taxes on citizens traveling in interstate commerce. Nor will we allow the growth of our national air transportation system to be impeded by abandoning it to the chaos of discriminatory taxation on air travelers.

I am acutely aware of the financial anemia many units of local government face today. No doubt, some would want to rely on local head taxes to provide matching funds for airport development. The Senate Aviation Subcommittee is currently considering reshaping the Federal airport grant program by raising the Federal ratio of funding to 75 percent. This would ease the fiscal pressure on local units of government and make local airport financing easier. Nonetheless, the national air transport system is too vital and important a national asset to be burdened by willy-nilly, discriminatory State and local taxes.

Mr. President, timely action on this legislation is essential, in order to forestall potential chaos in air transportation.

By Mr. HUMPHREY:

S. 3612. A bill to establish a National Institute of Justice, in order to provide a national and coordinated effort for reform of the judicial system in the United States, and for other purposes. Referred to the Committee on the Judiciary.

THE NATIONAL INSTITUTE OF JUSTICE

Mr. HUMPHREY. Mr. President, I and many other Americans are deeply concerned about the condition of our system of justice, especially its ability to protect the rights of all, while also protecting people from crime. One fundamental right is the swift and balanced administration of justice. The fast pace of social change has made necessary a continuing review of the effectiveness of our entire system of justice. Delays, inequities, and obsolescence appear to increase daily, burdening our courts, denying constitutional safeguards as well as the certainty of quick justice for the guilty.

We have never provided the means whereby our system of justice can be examined in all its parts. Yet legislatures continue to enact new laws on the ashes of the old—some 10,000 new laws each year—without, in most cases, the full examinations which would tell us of their potential impact. Our courts are seriously overburdened, our law enforcement mechanism everlessening in prestige, and our jails and prisons, institutions of higher education in crime.

Injustice, in a country so great and rich as our own, spawns many things. Injustice makes men violent. Injustice breeds contempt for our way of life. Injustice causes loss of faith in our Democratic institutions. We spend but a single dollar on justice research and development, for every thousand dollars on defense research and development. Justice has been too low, too long, on our priority scale.

Therefore, I propose the establishment of the National Institute of Justice, a nonprofit institute to be comprised of the finest legal minds in our Nation, to undertake on a national scale the refinement and reform of our judicial and related processes.

Research would be an important function of the National Institute of Justice, as would information gathering and dissemination. But the institute would go farther. Their review would culminate in the developments of objectives, and advice and assistance to accomplish these objectives. The Institute of Justice would not supplant existing State, local, or Federal entities, but it would both call upon them and be available to assist them, when requested. Nor would it require a large staff, since one of its prime functions would be to coordinate existing data, contracting from professionals in the field for research and evaluation expertise.

Our legal community has evinced a growing interest in such a concept. As Sargent Shriver wrote in a recent article.

> The generation gap in the law is as evident as everywhere else.

Young lawyers are expanding the traditional concepts of their profession, and new ideas such as legal services and law apprenticeships have developed. Burt Early, executive director of the American Bar Association, calls for the creation of the National Institute of Justice and develops the concept in some detail in the April 1972, issue of the West Virgina Law Review. Previous attempts at legislation have always garnered the support of the legal profession, as they themselves have been frustrated by the inadequacies of our present system.

The five major functions of the institute would be:

A. To survey, collect, analyze, and disseminate information about the operation of all levels of our judicial system, with emphasis on improvements and innovations;

B. To conduct a study of the causes of delay in the administration of justice, identify the problems, and recommend solutions;

C. To establish priorities, objectives, and continuing evaluation of the judicial system at all levels;

D. To conduct research, either directly or through arrangements with institutions of higher education, law schools, bar associations, or other appropriate professional groups, on neglected aspects of the functioning of the judicial system; and

E. To advise, upon request, Federal, State, or local public agencies, professional legal societies, and/or members of the bar.

The National Institute of Justice would report periodically on progress and recommendations, including legislative changes, if indicated. It would be independent of partisan political activity, with its Director serving a 6-year term.

I believe that the concept of a National Institute of Justice can and will be a helpful focus for a system of justice both fair and efficient, newly rededicated to its own betterment, with strengthened safeguards for the protection of all of our rights, and a heightened responsiveness to the age in which we live.

I ask unanimous consent that the text of the National Institute of Justice bill be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD the excellent article I have referred to, written by Bert H. Early, which appeared in the April 1972 issue of the West Virginia Law Review.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 3612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Institute of Justice Act".

POLICY AND PURPOSE

SEC. 2. In order to provide national direction and leadership that is responsible and responsive and in order to furnish advice to all levels of the judicial system in the United States, it is the purpose of this Act to establish a National Institute of Justice.

ESTABLISHMENT

SEC. 3. (a) There is hereby established an agency to be known as the National Institute of Justice.

(b) The Institute shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have distinguished careers in the field of law, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The term of the Director shall be 6 years. The Director shall be responsible for carrying out the functions of the Institute and shall have authority and control over all personnel and activities of the Institute.

(c) A Deputy Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have distinguished careers in the field of law, without regard to the provisions of title 5, United States Code, governing apopintments in the competitive service. The term of the Deputy Director shall be 6 years. The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe, and shall act for, and exercise the powers of, the Director during his absence or disability.

FUNCTIONS OF THE INSTITUTE

SEC. 4. (a) In order to carry out the policy of this Act the Institute shall—

(1) undertake surveys, and collect, analyze and disseminate information relating to the operation of the judicial system in the United States at all levels, with particular emphasis upon information with respect to improvements and innovations in the operation of that system;

(2) conduct, either directly or through contracts, grants, or other arrangements, an evaluation of the principal sources of delay in the administration of justice, criminal and civil, designed to identify existing problems and to provide a diagnosis of new anticipated problems in the timely and efficient disposition of civil and criminal cases;

(3) establish priorities, develop objectives, and provide for the continuing evaluation of administrative actions by Federal and State courts and research programs conducted by or for such courts, concerning any aspect of the effective and timely operation of the judicial system in the United States;

(4) conduct, either directly or by way of grants, contracts, or other arrangements with institutions of higher education, law schools, bar associations, and other appropriate legal and professional associations, research and an evaluation of research in the operation of the judicial system in the United States with particular emphasis upon areas of that operation in which research has been neglected and areas of that operation where judicial reform is an important consideration;

(5) provide advice, upon request, to Federal, State, and local public agencies, to professional legal societies and to members of the bar;

(6) prepare at least annually, and at such other times as the Director may deem appropriate, a report concerning its activities together with such recommendations (including recommendations for additional legislation) as the Director deems advisable.

(b) In carrying out the functions of the Institute under this section, the Director may establish such laboratories and facilities as he deems necessary to be operated by the personnel of the Institute. With a view to obtaining additional scientific and intellectual resources available, the Director shall, whenever feasible, enter into contracts with public or private educational or research institutions for the purpose of undertaking any particular study or research project authorized by this Act.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) In addition to any authority vested in it by other provisions of this Act, the Institute, in carrying out its functions, is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Institute; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) in the discretion of the Institute, receive (and use, sell, or otherwise disose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Institute with a condition or restriction, including a condition that the Institute use other funds of the Institute for the purposes of the gift;

(4) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as it deems desirable to advise the Institution with respect to its functions under this Act;

(5) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no more than three individuals so appointed shall receive compensation in excess of the rate prescribed for GS–18 in the General Schedule under section 4332 of title 5, United States Code;

(6) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate prescribed for GS–18 in the General Schedule under section 5332 of title 5, United States Code;

(7) accept and utilize the services of voluntary and non-compensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(8) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the Members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(9) provide for the making of such reports (including fund accounting reports) and the filing of such applications in such form and containing such information as the Director may reasonably require;

(10) make advances, progress, and other payments which the Director deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(11) make other necessary expenditures.

(b) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribe for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including travel time) as a member of a committee. All members shall be reimbursed for travel, subsistence and necessary expenses incurred in the performance of their duties.

PROHIBITION AGAINST POLITICAL ACTIVITY

SEC. 6. No officer or employee of the Institute shall take any active part in political management or in political campaigns and no such officer or employee shall use his official position or influence for the purpose of interfering with any election or affecting the result of any election.

COMPENSATION OF DIRECTOR AND DEPUTY DIRECTOR

SEC. 7. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Director, the National Institute of Justice.".

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(130) Deputy Director, National Institute of Justice.".

DEFINITIONS

SEC. 8. As used in this Act—

(1) the term "Institute" means the National Institute of Justice; and

(2) the term "Director" means the Director of the National Institute of Justice.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

[From the West Virginia Law Review, April 1972]

NATIONAL INSTITUTE OF JUSTICE—A PROPOSAL

(By Bert H. Early *)

FOREWORD BY WARREN E. BURGER †

From his long experience and the vantage point of his unique position in the organized bar, Mr. Early has given voice to a great need—a great void—in our system. He correctly and carefully disclaims any thought of "homogenizing" the systems of justice, but rather presses for some central means to energize the valuable programs for improved justice now in being and to probe for new solutions. We spend more than two billion dollars annually through the National Institutes of Health and the country is better for it. But the social, economic and political health of the country must be fostered by a comparable facility to revitalize the faltering machinery of justice—and happily that can be done for a mere fraction of the NIH budget. Whether it is financed by private as well as public funds is not central to the proposal—the key is the *function* of such an institute.

Mr. Early's provocative article is advanced by him to stimulate debate. It deserves a wide audience and I sincerely hope it will be challenged and debated—vigorously—by the bar and the public.

I. THE PROPOSAL

The intent of this article is to advance a proposal for the creation of a new type of organization, national in scope and purpose, to marshal our resources and energies for an accelerated program of modernization of our system of law and justice to serve better the needs of over 200 million Americans.

Such an organization might be called *The National Institute of Justice*. At the outset, it should be clearly understood that the Institute would not conflict with or duplicate the Federal Judicial Center, the National Center for State Courts or other existing organizations. It would, rather, complement their activities and encourage a broader base of support. In broad perspective the concept may be stated simply: the establishment of a national public agency, governed by the most eminently qualified individuals available, and dedicated to the mission of giving national cohesion and increased public and private support to the now inadequate and piecemeal efforts directed toward improving the justice system at all levels. The National Institute must deal with the system of justice as a whole. That system consists of interlocking and interdependent components—substantive laws; procedures; legislative bodies; institutions for dispute settlement, such as courts and administrative agencies; law enforcement offices and agencies and corrections and rehabilitation facilities and services; and a host of individuals who work within the legal profession. The ultimate aim is to achieve a structure of civil and criminal justice that is more effective, expeditious and accessible to the present day needs of all our people.

The goal is unassailable. It was the dream of our founding fathers and it has been the aspiration of our nation's foremost leaders for nearly two centuries. And yet it has eluded us.

No less a figure in American jurisprudence than Roscoe Pound spoke prophetically of its elusiveness as early as 1906. In his historic paper, entitled *The Causes of Popular Dissatisfaction with the Administration of Justice*,[1] Dean Pound addressed the Annual Meeting of the American Bar Association with these words:

"I venture to say that our system of courts is archaic and our procedure behind the times.

"Uncertainty, delay and expense, and above all the injustice of deciding cases upon points of practice, which are the mere etiquette of justice, direct results of the organization of our courts and the backwardness of our procedure, have created a deep-seated desire to keep out of court, right or wrong, on the part of every sensible business man in the community. . . .

"But too much of the current dissatisfaction has a just origin in our judicial organization and procedure. The causes that lie here must be heeded. Our administration of justice is not decadent. It is simply behind the times. . . .[2]"

Again in 1937, more than thirty years later, in *Law: A Century of Progress*,[3] Dean Pound tolled the same ominous bell:

"Looked at superficially, many features of the legal order of today may well give us pause. . . . The multitude of regulations required by an urban, industrial society encountering the pioneer habits of self-reliance and private judgment which have come down from the past make the time seem one of disrespect for law. . . . The inadequacy of the judicial organization and legal procedure of the past century to deal with the mass of litigation arising in our great urban centers leads to widespread complaint and popular dissatisfaction with the administration of justice. . . .

"Questions of law have ceased to be local. We are so unified economically that no question is limited by jurisdiction and venue as questions used to be. Questions of law today are likely to be questions of business as well. Creative work cannot be done under limitations of party and jurisdiction and venue.

"Even less may the work of reshaping the law be left to occasional legislative commissions or to the intermittent and hurried action of judiciary committees. In such matters as procedure the judicial councils which have been set up so generally in the past decade will do much. *But the ministry of justice, which will take the functioning of the legal order as a whole for its province and give to the problems of peace the continuous study which is so generally given by governments to preparations for war, seems to be a long way off in the English-speaking world.*[4]"

Progress in the administration of justice has been painfully slow. It has failed to keep pace with a burgeoning, automated, electronic society that is increasingly urban, impatient and demanding. Indeed, the situation has taken on crisis dimensions.

This is not to say or to imply that there has been no progress. Indeed, there has been much. However, its hallmarks too frequently have been a patchwork of effort lacking

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Footnotes at end of article.

focus, continuity and adequate funding. Notwithstanding accelerating efforts to improve the administration of justice, Chief Justice Burger, in his adress on the State of the Judiciary in July, 1971, was compelled to observe that:

"Essentially the problems of the federal courts, in common with state courts and indeed much of the entire fabric of our national life, are suffering from an accumulated neglect. This disrepair became an acute problem as the load increased, and we cannot ignore it any longer."

It is not the purpose of this article to dwell on the obvious and profund inadequacies of our present system of justice. It is rather to suggest that the evolution of our legal system makes it clear that vital elements still are missing. Those elements are focus, continuity, innovation, experimentation, and research, all melded under capable direction and with adequate funding. The catalytic agency to synthesize these elements can, in this writer's judgment, be a National Institute of Justice.

This article is then a document of advocacy. The historical details of our failure to attain the noblest purposes of our founding fathers are left to the legal philosophers and historians. It is sufficient to accept the fact of that failure as a point of reference and to move on to more promising methods that offer brighter hope for future progress.

II. A NATIONAL INSTITUTE OF JUSTICE

It is proposed that the National Institute of Justice take the form of an independent, not-for-profit, federally chartered corporation designed to coordinate and support the machinery of justice. It would be governed by a board composed of the most eminently qualified and widely representative individuals available. Its mission would be to make the administration of justice more fully responsive to the needs of our contemporary society.

Purposes of the institute

The primary purposes of the Institute would be as follows:

First, to provide direction and leadership that would be both responsible and responsive. The Institute would serve as consultant and advisor to all components of the machinery of justice at both federal and state levels.

Second, the Institute would provide a permanent body charged with the development of an overview of the law, with the establishment of priorities, with responsibility for the coordination of educational resources, research activities and projects of the organized bar.

Third, the Institute would serve as a fiscal agent to receive and disburse public and private funds for research, evaluation and action.

There is today no single body or individual in the federal or state governments charged with these ongoing overall responsibilities. Cooperation has improved between states and the federal government, but cooperation is not enough. Although each government has certain officers in each branch responsible for specific areas of the administration of justice, each limited by constitution or statute to only a part of the law's sweep. It seems clear that the three branches of government should have the benefit of the research, counsel, advice and recommendations of an agency that has the primary mission for and a continuing commitment to the improvement of the quality of the legal system as a whole.

Functions of the Institute

It is envisioned that the proposed Institute would perform the following functions:

1. Survey, Appraisal and Information Collection and Dissemination Function

It would be essential that the Institute undertake and maintain an ongoing survey and appraisal of the functioning of the legal system and of the principal efforts to modernize, reform and reconstitute legal processes and the administration of justice. The task of determining what has been and is being done by the federal, state and local governments, private foundations, law schools, interest groups, professional organizations and other educational institutions is a task of great magnitude, but is essential to any coordinated effort directed toward modernization and reform.

The collection and dissemination of information about the operation of our society—*a law society*—is presently conducted by a variety of federal, state and local government agencies, private foundations, the organized bar and private institutions. The present efforts are uncoordinated, frequently incomplete, redundant and permeated with frustrating, circular reference systems. The creation of a National Institute of Justice would, for the first time, provide a single source from which comprehensive and complete information might flow. The Institute could provide an invaluable national link among governmental, private and professional interest groups directly or tangentially concerned with the same or closely related problem areas. The use of modern computer technology makes the goal achievable within a reasonable time and within our economic means.

2. Diagnostic function

The diagnostic function would have as its goal the discovery and evaluation of the principal bottlenecks in the flow of civil and criminal justice and the recognition of new problem areas as they arise. This function has never been assumed by any agency or organization in the country on a continuing and permanent basis. So little attention and money have been devoted historically to this funtcion that the legal profession is constantly in the posture of reacting to certain issues only after they have developed to crisis proportions. With an effective diagnosic function, problem areas can be dealt with more expeditiously and effectively.

3. Coordination function

Coordination would be one of the Institute's foremost roles. This necessarily includes the establishment of priorities, the development of long range goals and a continuing evaluation of the results of action and research programs of the various components of the law society, both public and private.

4. Research catalyst function

The disorganized and proportionately insignificant allocation of resources for legal research is evidence of the crucial need for a catalytic function of the Institute in this area. Although lack of sufficient funding is certainly one of the most crippling aspects of the anemic state of legal research in the nation today, a solution does not involve solely the infusion of more dollars. Continual inquiry must be made as to the value and relevance of research undertakings. The Institute could perform a highly valuable service as a catalyst in the development of areas in which research has been long neglected.

Most legal research of the past has been doctrinal research *in law*. However, studies have begun to appear which shed new light on the operation of the processes of law in society—research *about law*.[5]

5. Advisory function

The Institute could play a significant and effective role as an advisor to all branches of government and to the profession. Its recommendation, based upon research and analysis, would certainly tend to carry great weight.

6. Continuity function

Perhaps one of the critical roles which the Institute would assume is to provide functional continuity for the modernization effort. History demonstrates clearly that continuity of direction and operation has been a principal weakness in the functioning of law and in the quest for more effective administration of justice.

7. Neutrality function

A seventh function of the Institute would be its mandate to insure neutrality. It should remain, as much as possible, free from political control of its decision making. While the rule of law in theory knows no party, the nature of our representative government inevitably brings political influences into the operation of the system of justice. An Institute governed impartially is both possible and essential.

Funding

It is contemplated that the Institute would be funded from both public and private sources. It would be both a grantor and a grantee of funds.

In its role as grantee, the Institute would be authorized to receive funds for its general administration, under contract for specific projects and programs and under grants for either specified or unspecified uses. As grantor, the Institute might serve as a funding agency for investment of public or private funds in research or action programs.

It is this writer's view that the creation by Congress of this Institute would not eliminate the continuing need for funding from numerous other sources including individuals, organizations, foundations and state and local governments. On the other hand, it is perfectly apparent to all who have examined the problem that the costs involved in modernizing the justice system—after generations of neglect—will be so large that additional responsibility for making funds available must necessarily rest with the federal government. As the Institute progresses in its survey function, it will only then be able to project accurately financial needs in a realistic way.

It should also be understood clearly that the Institute is not intended to supplant or put out of business existing agencies performing valuable work in the various areas of law and justice. Its aim will be to do more, not less. The Institute will be in a posture to provide a common rallying point for concerned individuals and organizational efforts to obtain congressional and executive response for projected needs.

Staff

It is contemplated that the Institute would have an interdisciplinary, broadly experienced professional staff of modest size. The staff, as directed by the governing authority, would not assume the functions presently performed by other organizations; rather, it would undertake functions not now being performed or being performed on a very limited basis.

It is not anticipated, for example that the Institute would itself be a large research organization. It would contract with universities, law schools, bar associations, legal associations, bar foundations, other professional organizations, private corporations and governments to carry out evaluation and research projects.

The staff would be responsible to and serve under the direction of a governing body which might be constituted as a Board of Directors.

Governing Authority

It does not seem desirable at this juncture to suggest the specific type, size, or constituency of a governing board. Suffice it to say that the governing body should be appointed for a term of years by the President with the advice and consent of the Senate. Ex-

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Footnotes at end of article.

officio members might include the Chief Justice of the United States and other high government officers. In all events, members of the governing body should be selected with due regard to their experience, knowledge and proven dedication to the mission of justice.

What the Institute Should Not Be

In any attempt to define what the National Institute of Justice should be, it is critical to inquire as to what it should not be.

The Institute should not usurp functions of existing entities. On the scene today are a number of public and private organizations dedicated to the modernization and efficient functioning of the law society. These include the Federal Judicial Center, the National Center for State Courts, the Law Enforcement Assistance Administration, the American Judicature Society, the American Bar Foundation and other private foundations of research and action in the field of justice, bar-related organizations and research centers. In its coordination role, the Institute would utilize existing organizations, and indeed nurture their further development and usefulness.

The role of the Institute would most certainly not include any attempt to federalize the state courts. Such a statement hardly seems necessary except for the extreme fear of some that action at a national level that involves funding by the federal government may be so motivated. It is contemplated that the Institute would be as much the servant of the states as it would of the federal government. If the Institute were to be successful, its reputation would depend upon its even-handed administration, its thoroughness and its understanding of the broad spectrum of problems in the administration of justice on the local, state and national levels.

It was said long ago and repeated many times since that the law is too important to be left to lawyers. The work of the Institute would be much to pervasive and too important to be other than interdisciplinary in its governing body, its staff and its concept.

The institute is envisioned as a cooperating, coordinatnig, and consulting organization that would make its resources available for the investigation, analysis and solution of legal and law-related problems. Thus, its staff would primarily perform consulting services, as opposed to having direct responsibility for the implementation of reform movements. In short, the staff would provide insight into ways that modernization resources might be utilized most efficiently.

Because the Institute would not be possessed with coercive power, its effectiveness could only develop as a result of its creativity and its applied expertise in fulfilling its functions. Only if the Institute proves capable of performing that function would its services be in demand or its recommendations be heeded.

III. STRUCTURES OF RESPONSE IN OTHER DISCIPLINES

The concept proposed in this article is not entirely new. Almost precisely fifty years ago Mr. Justice Benjamin Cardozo urged the creation of a ministry of justice.[6] He envisioned that a ministry consisting of five members might observe the law in action, develop recommendations for reform in the civil law and report to Congress and the state legislatures where change was needed. In making his recommendations, Mr. Justice Cardozo observed that his thought was not novel, pointing to the prior proposals of Roscoe Pond. Lord Westbury, Lord Haldane and others.[7]

Other proposals have been made in Congress in more recent years. The late Senator Dirksen and Congressman Emanuel Celler proposed the creation of a national foundation of law in bills submitted in 1967.[8] These bills were offered in full cooperation with the American Bar Association, the Association of American Law Schools and the American Association of Law Libraries. In both the 90th and 91st Congresses Senator Fred Harris submitted proposals for the creation of a National Foundation of the Social Sciences.[9] Senator Harris' proposal envisioned a foundation designed to support academic research, education and training in the fields of political science, economics, psychology, sociology, anthropology, history, law, social statistics, demography, geography, linguistics, communications, international relations, education and other social sciences. In presenting his bill, Senator Harris called particular attention to the fact that his proposed foundation would perform no in-house research, but would, in keeping with the precedents set by the National Science Foundation and the National Foundation for the Arts and Humanities, underwrite, fund and support academic research, education and training in the social science field.

Appropriate inquiry might be made as to whether a National Foundation for the Social Sciences could adequately perform the functions of the proposed National Institute of Justice. The argument can be made quite forcefully that the interdisciplinary atmosphere of an organization devoted to the social sciences might indeed have a statuary effect.

This proposition has been thoughtfully analyzed by Robert B. McKay, Dean of New York University Law School, when he made the following observation: [10]

"[S]ocial scientists do not regard law as a kindered discipline. Accordingly it seems likely that in a social sciences foundation the law would always be the poor relation and that the important tasks we believe should be undertaken would not be supported except where there was an interdisciplinary study to be made in which law could play a complementary, but secondary, role."

With respect to the Dirksen-Celler proposals of 1967, it should be made clear that the leadership of the American Bar Association played a very significant role. Indeed, the leadership of the ABA, the Association of American Law Schools and the American Association of Law Liberties actively solicited the support of Senator Dirksen, Congressman Celler and their colleagues in both the House and Senate in support of that proposal. Why then, it may be asked, after four years has the proposal not been more actively pursued by the associations to the point that it might even today already be a reality. Such legislation commonly requires a germination period. At the time the Dirksen-Celler proposals were introduced it was assumed that it would take a number of years to bring about the adoption of them or similar legislation. Indeed, the history of the several models described above indicates that this has been the pattern in each case.

The present proposal is thus not reflective of any abandonment of the broad principles contained in the original Dirksen and Celler bills, but is rather reflective of the refinements in thought that have evolved during the past four years. Indeed, it is recognized that there may be other refinements of the concept suggested from many sources before any proposal becomes a reality.

Both the Dirksen and Celler bills and the Harris bills envisioned the creation of their proposed foundations as independent administrative agencies of the federal government—one of four general types of independent government or government funded entities. These are the independent administrative agency, the government owned corporation, the federally chartered not-for-profit corporation, and federally chartered profit making corporation. The National Institute of Justice is envisioned as a federally chartered not-for-profit corporation.

Existing models of independent administrative agencies are the National Science Foundation and the National Foundation of the Arts and Humanities. An example of a federally chartered not-for-profit corporation is the Corporation for Public Broadcasting.

The National Science Foundation was created to strengthen both research and education in the natural sciences. It was brought into existence as the result of a report prepared at the request of the President describing how best to develop a national science policy and to support basic research and education in the natural sciences. The report was submitted in 1945 by Dr. Vannevar Bush, Director of the Office of Scientific Research and Development. It recommended the establishment of an independent federal agency composed of members to be selected by the President. The establishment of the National Science Foundation took some five years after submission of the Bush report. The Foundation is authorized to make grants to institutions and provide fellowship programs for individuals; it now receives about a half-billion dollars annually for its work.

The National Foundation of the Arts and Humanities was created to encourage and support the humanities and the arts through studies and grants. It was many years aborning. In 1951 President Truman requested a report on the status of the arts with respect to government. Two years later a report was submitted to President Eisenhower and in 1962 President Kennedy urged approval of a measure establishing a federal advisory council on the arts. Proposals were made in the next two years for a national council on the arts and a national arts foundation. In 1964 the National Council on the Arts was created and in the following year the National Commission on the Humanities joined forces with the Council to bring about the creation of the National Foundation of the Arts and Humanities. The Foundation has certain unique qualities of organization that are not here relevant. Its importance lies in the fact that responsible individuals in the field envisioned an independent agency modeled along the lines of the National Science Foundation, which would provide general support for research and education in the humanities. There appeared to be no other logical place within the federal establishment to provide a home for the arts and humanities.

The Corporation for Public Broadcasting was created in 1967 following a study by the Carnegie Commission on Educational Television. While acknowledging the free speech dangers implicit in government participation in the communications media, the Commission recommended extensive federal funding for television program production. In terms of structure, it is significant that the Commission proposed the establishment of a federally chartered not-for-profit corporation which would be neither an agency nor an establishment of the United States Government. Under the enabling legislation the President of the United States, operating under certain guidelines, appoints the fifteen members of the Corporation's Board of Directors. The Corporation may receive funding from federal and other sources.

It was thought that the federally chartered not-for-profit corporate structure would most effectively provide the independence, continuity, funding and political insulation vitally needed for operation in this controversial and sensitive area.

Each of the foundations and corporations described above bears some similarities of purpose and function to the proposed National Institute of Justice. Each is designed

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to provide a home for a discipline or a profession with great public service commitment that will make possible a continuity of direction and leadership, will encourage development, research and education, will provide responsible funding grants and will insure competent, independent and neutral direction. Each of these provides an analogy and insight for considering the creation of a National Institute of Justice.

IV. THE MANY PRESSURES OF MULTIPLE CHANGE

An overview of developments within the profession emphasizes the need for the creation of a National Institute of Justice.

In addition, inquiry is justified as to whether any existing institution, or a combination of institutions, including the organized bar, are presently capable of performing along the functions deemed necessary for effective and comprehensive modernization.

Accordingly, some of the major areas of evolution in the modernization process are considered, followed by an analysis of the role of the organized bar in this process.

During the Twentieth Century the components of our machinery of justice—the courts, the practicing profession, legal education, the methods of practice, law related research—have too frequently lagged in their response to the problems and challenges of our rapidly changing society. Indeed, the practice of law in this country has been described as the last cottage industry. It should be observed that this has not been for want of concern on the part of dedicated lawyers, judges and numerous organizations of the profession. Rather, problems concerning the administration of justice and the practice of law have for too long been considered primarily the provincial concern of judges, lawyers and their constituent organizations. As has been described, in areas such as medicine, the natural sciences, and the arts and humanities, it was deemed in the national interest to create national organizations to foster development, research and innovation.

In contrast, the failure of this nation, until recently, to view problems concerning the effective administration of justice with sufficient seriousness to warrant a commitment of substantial resources from the federal government, has meant that those struggling to modernize the legal profession, legal education, and our justice machinery, have had to work with minimal funding wholly inadequate to meet the magnitude of the problems. We have too often gone in separate ways without carefully evaluating the merits and effectiveness of our efforts and without resources to interrelate results with the over-all problems of judicial administration. The inescapable conclusion one draws from most of these past efforts is that the approach has been comparable to trying to construct a space vehicle by assigning a thousand engineers, each left in isolation, to design one specific component with little comprehension as to how the components would function together when assembled. It may, therefore, be helpful to look briefly at certain components of the justice system in terms of the recognized needs of an urban society.

How law is practiced

In comparison with other vital aspects of society, the practice of law today and the basic methodology of the courts have changed relatively little from the days of Thomas Jefferson and John Marshall.

For many early nineteenth century lawyers the primary and often sole source of legal research and knowledge was Blackstone's *Commentaries*. And between 1790 and 1840 our courts produced only about 50,000 reported decisions. The next fifty years produced about nine times as many—450,000. From 1890 to the present the courts have added almost two million published decisions to our legal storehouses of knowledge. And this does not include the hundreds of thousands of new regulations which have been issued by administrative agencies or the approximately 10,000 new statutes adopted by legislatures each year.

New tasks and new demands have been placed on today's lawyer. The call for equal access to the machinery of justice and to professional legal counselling for the poor and for members of minority groups has created new demands to which the bar has responded. Increasingly, questions are being raised as to the adequacy of available legal services to middle income American families.

Inherent in the increased recognition and utilization of the courts as effective vehicles for social and political change has been the mounting pressure on the lawyers and his profession to promote and protect equally, due process, and the "public interest" for those who could not individually afford a lawyer's services. New opportunities for public service by younger attorneys have developed. Law firms and bar associations have been challenged to attain an even higher level of public service activity.

Unlike industry and government, lawyers have not been able to reduce appreciably the number of expensive man-hours they devote to routine legal tasks. With certain exceptions, which will be discussed later, the ideal of the profession has long been to provide custom-tailored services to each client. The sources of essential legal research—court decisions, statutes, and administrative regulations—have skyrocketed quantitatively. Lawyers' research has become increasingly costly, and it is the client who must pay for the straining shelves of law books and the expensive manpower necessary to extract needed materials in them.

Yet young associates and solo practitioners, still pore through indices, digests, cases, commentaries and looseleaf services in the same manner as their great-grandfathers. These laborious methods remain the primary information retrieval system of the profession.

To this day routine legal research remains largely untouched by computer technology. The reasons are probably less the limitations of the computer than the high capital cost of better legal indices for computer use and for programming millions of bits of information. This high initial cost has certainly been a major deterrent to extensive utilization of automated information retrieval.

Another characteristic of the legal profession today is its increasing specialization. The lawyer's image of himself as a generalist, fully proficient in the law as a whole, bears little relation to reality. New areas of legal practice and inquiry have been added steadily during this century, *e.g.*, labor relations law, federal tax law, civil rights law, antitrust law, and securities regulation law. Numerous other examples could be cited. The practicing lawyer today is constantly confronted with the problem of how little of the "seamless web of the law" he can hope to practice with proficiency.

The growing national uniformity of laws harbors profound implications for the profession and its admissions procedures. This century has been particular witness to the growing influence of federal laws and agencies regulating both man and his industry, labor and finance. The portion of a lawyer's time spent on matters regulated solely by state law has declined steadily. Suffice it to say that many practitioners today devote most of their practice to federal matters which were unknown 75 years ago.

The move toward modernization: An unfinished saga

The American Bar Association and the legal profession as a whole have in recent years devoted increased time and resources to consideration of methods for modernization. There exists a growing awareness in the Bar that the profession as traditionally structured has not met many of the legal needs of individual citizens. Changes in society as a whole have exerted certain but incalculable pressure on the profession to change. They have been affected by the emphasis upon research and innovation and by the increasing demands first of the poor and now of the middle class to share in the benefits of an affluent society, including quality professional services of the doctor and lawyer.

Issues with respect to the modernization of the profession have arisen in two broadly defined areas. First, issues concerned with the internal organization of the legal profession, including specialization, use of paraprofessionals and computer technology are increasingly being considered. Second, issues related to the delivery of legal services to individuals are undergoing intensive scrutiny. These include, *inter alia*, prepaid legal cost programs, group legal practice, legal aid and judicare, and lawyer referral services.

Specialization

Specialization in the legal profession is a fact of life. A proportionately smaller number of lawyers today practice alone or with one partner—the standard form in rural small town America—the America of the Nineteenth Century. Industrialization and urbanization brought the growth of large industrial, financial and governmental organizations. As these institutions grew, so did the law firms which provided them with legal services. As large law firms developed, the lawyers within them often began to specialize and to organize into departments in order to provide better services to the client. Large corporations promoted specialization in the legal profession by employing lawyers as corporate counsel to serve the highly specialized legal needs of the corporation. The growth of widely diversified and specialized government agencies resulted in the need for large numbers of attorneys to work in the agency's specialized area. Government has become a vast training ground for specialized legal practice. As a result of these changes in the structure of the profession, over twenty percent of the lawyers who practice in the United States today are "one client"—government or corporation—lawyers. The move toward specialization also has affected the single practitioner and small firm. Specialties such as personal injury litigation, criminal law, domestic relations, and labor law are increasingly areas of specialization for the single practitioner or small firm lawyer.

While the de facto growth of specialization has been recognized both within the profession and by its clients, the bar has only begun to cope with the implication, opportunities, and problems of the formal recognition of specialization. Much experimentation will be necessary concerning certification requirements, e.g., the roles of law school curriculum, "internship" or apprenticeship, continuing legal education and graduate law study in training for a specialty. The area of examinations in specialty certification is still largely unexplored. No state as yet has developed a comprehensive specialist certification procedure, although California presently is experimenting with a certification system for specialists in workmen's compensation, tax law and criminal law.

The implications of specialization also remain largely unexplored. Careful study and thought must be given to the role of the general practitioner in an era of increasing specialization. A determination must be made as to the appropriate mix of formal education and practice for training in various fields of specialization. For example, it may be reasonable to require a litigation specialist to have more courtroom experience than classroom experience. The mix of the practical and the formal education for a tax expert may be quite different. Heretofore, the resources for exploring these questions have been woefully lacking.

Paraprofessionals

The case for greater utilization of paraprofessional legal assistants was well stated by the ABA Special Committee on Availability of Legal Services, which observed that: "freeing a lawyer from tedious and routine detail, thus conserving his time and energy for truly legal problems, will enable him to render his professional service to more people, thereby making legal services more fully available to the public."

Traditionally lawyers have used clerks and secretaries as assistants for handling administrative aspects of the practice of law such as filing papers, searching court records, preparing forms, and other routine tasks. As the profession strives to extend legal services to more and more individuals in lower and middle income groups, the occasions in which routine operations may be performed by trained lay assistants will be multiplied.

The ABA Special Committee on Lay Assistants for Lawyers recently conducted a pilot training program for legal assistants and is developing model curricula for training law office personnel. The future for the development of educational programs for such training in colleges and law schools and of certification standards and procedures for this new vocation are virtually unlimited.

New systems for delivering legal services to individuals

The profession is in a state of ferment with respect to the development of new systems for the delivery of legal services to persons of moderate means and to the disadvantaged. There are genuine considerations of professional standards concerned with independence of the attorney and with conflicts of interest. Serious questions have been raised as to whether the present pattern of providing legal services to individuals is adequate to enable the average person to know when a problem confronting him is one in which a lawyer can help; to know whether the lawyer's service is worth its cost; and to locate a lawyer he is confident can and will provide the expert legal assistance he needs, at a cost he can afford. The conclusion is unavoidable that the profession, as presently structured, does not adequately meet these criteria, to serve low and middle income people.

Pressures of change have come from several sources. In the 1960s the Legal Services Program of the Office of Economic Opportunity was created, as a result of the widespread recognition of the inadequacy of the then existing legal services delivery system for low income Americans. Today about 2,000 legal services attorneys are handling approximately two million cases each year for the poor. The same questions are being raised now of the adequacy of legal services available to individuals above the poverty line—those in the middle and lower-middle income groups.

Probably the greatest force today behind the development of new systems to make legal services more readily available to middle income groups is the trade union movement. Labor organizations have obtained, through collective bargaining, substantial medical coverage benefits for their members in the form of insurance and group practice programs. It was predictable that they would also turn their attention to legal services available to their members.

Group legal services

The term "group legal services" as discussed here connotes a plan in which a group or organization designates one or more lawyers to represent individual members of a group. Numerous group legal service plans are operating today, frequently under the sponsorship of unions.

These plans have created continuing controversy within the legal profession. However, the issue no longer primarily revolves around whether such plans may be allowed to exist. The United States Supreme Court, in a series of decisions, the most far-reaching of which was *United Mine Workers* v. *Illinois State Bar Association,*[11] has shielded such arrangements against charges of unauthorized practice. One commentator has stated that the holding in the *Mine Workers case* makes it "difficult to conceive a practical and attractive group legal arrangement that would not be protected by the rule it announces."[12]

Group legal services have been around for some time. Certain forms of group practice have been accepted by the profession. Probably the most common group legal service arrangement is in the automobile insurance industry. Individuals protected by automobile casualty insurers must, in the event of a claim, accept counsel of the company's choice. In addition, the legal needs of the poor served through the OEO-funded Legal Services Program are primarily met by a group legal services structure. A substantial amount of additional study and analysis must be performed to determine the effectiveness of group legal services plans. But the need for new methods to better meet the legal services requirements of large numbers of people can be said to constitute one of the most pressing problems facing the profession today. The Bar can ill-afford to ignore the reality of group legal service programs; a brochure published by the ABA Standing Committee on Lawyer Referral Service has observed that "the time may well come when a majority of the general public will receive all needed legal services from lawyers provided by lay organizations."

Prepaid Legal Cost Insurance

Another change in the structure, primarily in the funding of legal services for the middle class, has been embryonic development of prepaid legal cost programs. Examples of the growth and success of hospital and medical insurance plans have raised the question of the feasibility of financing legal services generally through pre-payment plans. The funding of "routine" legal services under this concept is, strictly speaking, a pre-payment or financing mechanism rather than a spreading of the risk. The automobile insurance industry has long had experience in calculating the cost of legal services as part of the insurance premium; but this has been primarily coverage for legal catastrophe. As yet we have had little experience with prepayment mechanisms for routine legal services.

The American Bar Association Special Committee on Prepaid Legal Services is sponsoring a pilot program in Shreveport, Louisiana, in cooperation with the Shreveport and Louisiana State Bar Associations, which has been in operation since January, 1971, with Ford Foundation funding. The Committee is undertaking sponsorship of a pilot program in Los Angeles, California, which has not yet begun operation. Prepaid legal service programs are attractive to trade unions, and other consumer groups, including teachers and municipal, state and federal employee associations. However, problems concerning such sponsorship are myriad. For example, employer contributions to such plans are presently not authorized under the Taft Hartley Act. Unlike health and medical service benefits, contributions to these plans are not tax deductible. Whether state insurance departments will consider prepayment plans as insurance for the purpose of state regulation is not presently known. These and other questions require further exploration.

Many members of the organized bar see prepaid legal cost programs as a vehicle for providing more effective legal services for individuals without placing a lay intermediary between the attorney and his client. Inded, due in large part to efforts of the Association, twenty-three state bar committees have been established to explore the establishment of prepaid plans.

Lawyer Referral Services

Although lawyer referral systems have been in operation in the United States since 1937, there are today only 267 lawyer referral offices in operation, dealing with approximately 250,000 clients each year.

The present system bears some similarities to the legal aid system as it was constituted prior to the introduction of the OEO Legal Services Program. It is typically under-financed, inadequately advertised, and underutilized. To be sure, the present system is making a substantial day-to-day contribution to the availability of legal services to the public, but those who have given the most penetrating consideration and study to the problem are generally dissatisfied with the capacity of the present system to meet the much wider unfilled needs of middle-income families. The ABA Standing Committee on Lawyer Referral Service has indicated that a major problem is to provide some assurance to the public that the quality of service which an individual will receive would be significantly better than could be accomplished by selecting a lawyer at random from the yellow pages of the telephone book.

Judicare

The OEO Legal Services Program has almost exclusively utilized the approach of funding offices staffed by attorneys employed to perform legal services for the poor. Only a few OEO-funded programs permit the client to select a private practitioner who is then reimbursed by the funded agency. This system is known in the profession as "Judicare," and its supporters argue with considerable logic that it is the only practical method of providing legal services in rural and sparsely settled areas.

The need for evaluation of methods

Thus, there is a pressing need to intensify the study of the effectiveness and relative cost of new and old systems for the delivery of legal services. The basic obligation of the profession is to provide legal services to the public, to make such services available to all members of society, and, in so doing, to insure that they are performed by qualified persons who have been adequately educated.

Legal education—Law schools in lockstep

Law schools are today in a period of profound soul searching and re-evaluation. With striking uniformity they have followed curriculum and teaching methods developed in the late Nineteenth Century. Most are now revising their curricula to introduce more effective methods of educating and training lawyers to deal with the problems of the late Twentieth Century.

Traditionally, the source of most law school teaching materials has been appellate court opinions. Of course, any practicing lawyer knows that the world of the appellate court opinion is often a considerable distance from the real world of most legal practice. Until recently there was little innovation in law school teaching methods and content. The case method of teaching long reigned supreme.

It has been suggested that the complete lawyer should receive three types of education which may or may not be subject to combination. He should be taught to analyze the legal significance of issues. He should be taught techniques of practice. He should learn the social, political and economic dynamics of our society inasmuch as the law is the basic regulator of these dynamics. Traditionally too, law schools have seen themselves as educating prospective lawyers to *think* like lawyers, leaving to others education in the technique of practice. Clinical

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teaching was relatively rare, with legal writing reserved, in the main, for the law review editor.

Until recently little concern was evidenced over the failure of legal education to familiarize prospective lawyers with how society works. But today, law schools are profoundly involved in a re-evaluation of their role and responsibility to themselves and to society as a whole. Law schools are increasingly concerned with the relevance of their curricula. This concern has produced new courses and orientation. There has been increasing concern with interdisciplinary aspects of legal education. Clinical training is increasingly supplementing the traditional classroom curriculum.

In the past a major limitation of experimentation with curricula and teaching methods was the view, perhaps accurate, that most law students were headed in the same direction, *i.e.*, toward traditional private practice. Law schools today are faced with a far greater diversity of student interest. This is due in part to expanded opportunities for legal practice in government, legal aid, and other full-time public service activities, and to the increasing specialization of private practice. Teaching has been oriented to training legal generalists on the theory that even a specialist needs to know something about other areas of the law. However, the reality of specialization has raised questions about whether there is a role for law schools in the training of specialists. Moreover, continuing controversy revolves around the relevance and use of the third year of law school. Clinical training, interdisciplinary studies and specialization are all increasingly vying for that last year of the law student's education.

Increasingly, law schools are asking whether they should break the unifority of past patterns and begin to develop specialties and particular emphasis, *i.e.*, should urban law schools emphasize urban legal studies with perhaps a greater research and behavioral orientation.

Three major barriers have served to retard experimentation with new curricula: the conservatism inspired by the success of the case method in its time; bar examinations; and funding. The so-called "national" law schools are perhaps most affected by the first factor, because they have been most successful by traditional standards of legal education. On the other hand, although the national law schools have not oriented their course primarily toward bar examinations, the majority of schools have been sensitive to that practicality. Undoubtedly, tradition-bound bar examinations have discouraged innovation in law schools. Some experimentation with a national bar examination is now going forward under the auspices of the Association of American Law Schools and the National Conference of Bar Examiners. This effort is being widely applauded and carefully observed.

Formal education in the law is still a remarkably young idea in this country. In fact, it has only been in the last half century that the majority of practicing lawyers have been trained by law schools. Historically, young aspirants to a legal career "read law" in the office of a licensed practitioner, and the requirement of formal legal education as a prerequisite to taking a bar examination is a comparatively recent development.

Many law schools had their beginning in the basement of a YMCA and as night schools catering to the part-time student. A large number of schools were started as proprietary institutions and there remain a surprising number of such institutions, especially in the State of California. Among the low-budget proprietary operations large classes are the normal mode of operation. It is also true that even the law schools forming a part of universities are expected to produce a profit. The notion of a university law school receiving research and educational grants from its parent organization generally has been a foreign thought. As an inevitable result, curricular innovation, including greater clinical and research programs, which would require significant increases in law faculties, facilities and funding, have been slow to develop.

Research by law school faculties and students has, over the years, been minimal, especially as compared with other disciplines. That which has been undertaken has largely been of a doctrinal nature.

The history of the funding of legal education and research from private sources suggests that significant change in the foreseeable future is unlikely, unless new and substantial sources of income are made available.

Continuing legal education

Continuing legal education has in recent years become a significantly more important component of the lawyer's training.

This, too, reflects a recognition of the incompleteness of law school education as preparation for legal practice.

The early efforts of the Practising Law Institute and the Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association paved the way for rapid growth of programs of continuing legal education. Such programs are now widespread. Today most state and some local bar associations, as well as many law schools, sponsor continuing legal education programs.

Increasingly, the profession sees continuing legal education as at least a partial answer to a number of its problems. It is seen as a way of minimizing the learning which a new attorney might otherwise experience at a client's expense. It is looked upon as a method by which specialists can increase their proficiency and general practitioners develop specialties. It is an avenue for bridging the knowledge gap created every time major new legislation is enacted.

Funding is and will continue to be a major problem in continuing legal education. It restricts the types of programs which can be offered; programs must appeal to significant numbers of attorneys in order to pay for themselves. To a limited extent profitable programs can support the unprofitable ones, but this places serious limitations on developing programs for less profitable specialties or in areas of public service. The result is that these areas are likely to be neglected.

Two illustrations of education in the area of court administration are worthy of note. Until 1964 there did not exist in this country a school for state trial court judges. It was only with the inspired leadership of Tom C. Clark, then Associate Justice of the U.S. Supreme Court, and the infusion of substantial funding by the Kellogg and Fleischmann Foundations that the American Bar Association's National College of the State Judiciary became a reality. More than 30 percent of the state trial judges of courts of general jurisdiction have since attended the college.

Until last year there was no institution in the United States for the education of court administrators and executives. Under the leadership of the Chief Justice, Warren Burger, and with a large grant from The Ford Foundation, the Institute for Court Management was created. It already has graduated two classes and has inspired some law schools to undertake the development of programs leading to a master's degree in Court Administration. It was a large factor in persuading Congress to enact the Court Executives Act creating "business managers" for each of the Federal Circuits.

Regulating professional qualifications

The state has conferred on the lawyer the exclusive right to provide legal services. Yet neither the profession nor the state has developed a procedure for admitting attorneys to the bar which assures the public that those who are licensed to practice have achieved a reasonable level of competency or possess the necessary moral qualifications. It is fair to say that there is near consensus within the legal profession that state bar examinations do not truly test whether an applicant is competent to practice law. Indeed, no law firm would base its decision to employ an admittee on the strength of his passage of such a written examination. The plain fact is that no written test can measure the ability of an applicant to perform many of the facets of practice. Furthermore, while specialization is a growing reality in the legal profession, bar examinations do not reflect this fact, and at the present time there is no later certification procedure regulating such specialization.

Many are of the view that the regulation of professional qualifications is not the concern of the law school. Some suggest that it is the responsibility of the organized bar. Others lay the responsibility on the judicial branch of the state government. In any event, it is certainly the responsibility of some group within the profession, and the plain fact is that professional competency is not now receiving sufficient constructive attention.

Research in and about law

One of the hallmarks of today's society is its reliance upon research as an instrument of development and progress and for the solution of problems. One need look no further than his television set to observe the constant emphasis on research in the advertisements of program sponsors. Typically, one hears such slogan as "progress through research;" "Ford has a better idea;" "progress is our business;" etc.

Insofar as research in the law is concerned, it may be divided into two types: doctrinal and empirical. They have been described by Professor David Cavers of the Harvard Law School as research in law and research about law. In the field of doctrinal research, or research in law, the legal profession has historically made important contributions. This kind of research required little money and could be traditionally performed in the library. This was pointed out by Dean Robert B. McKay of New York University Law School in his testimony before the Senate Subcommittee on Government Research [13] in which he observed that lawyers have made great progress in systematizing and unifying the law through their doctrinal research. This has been true despite the obstacles presented by a diverse federal system comprising more than fifty separate jurisdictions. By way of illustration, Dean McKay pointed to the substantial contributions of the American Law Institute and the Commissioners on Uniform State Laws as examples of what lawyers could do with modest sums of money.

However, it has been only in very recent years that the profession has come to realize the importance of empirical research and the responsibility of the profession for its conduct. This awakening concern for research about the law led to the establishment of the American Bar Foundation, the research arm of the American Bar Association. The work of the Foundation has been primarily limited by the funds available to it. Law schools evidence a growing commitment to research about the law, but here, too, financial resources are limited.

As Chairman of a Special Committee on Financial Resources of the Association of American Law Schools, Dean McKay conducted a study financed by the Walter E. Meyer Research Institute of Law, the purpose of which was to ascertain the level of private philanthropic contribution to legal education and legal research. The results of

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that study indicated that private foundation support has not been large. During the twelve-year period of the study most of the funds were granted for construction, fellowships and individual research. Only a modest amount was made available for empirical research.

Of the funds granted to law schools, more than 60 percent was concentrated among five schools and nearly 80 percent was concentrated among ten. The Ford Foundation was the principal grantor, accounting for more than two-thirds of all foundation support. Grant money went primarily to international legal studies, graduate fellowships for law teachers and the administration of justice, particularly in the criminal field. In the final year of the period studied, only a little over one percent of all foundation grants allocated to the sciences and social sciences was directed to law.

In the same period, the government was providing only negligible support for legal research. At the time of Dean McKay's study, the National Science Foundation had made no grants for legal education or legal research. Likewise the National Endowment for the Humanities made no research grants to lawyers. Proposals introduced in Congress for a National Foundation for Social Sciences and a National Foundation of Law and Justice have not yet received wide support.

In contrast, research in support of the physical sciences has fared very well at the hands of both private and public agencies. Admittedly, the legal profession has been slow to awaken to its responsibilities and opportunities to improve the function of our law society through research about the law. But it has been demonstrated that lawyers working together and working in conjunction with other disciplines are quite capable of making the system work better. The obvious need today is to provide adequate funding, continuity and direction.

The Crisis in the Administration of Justice

The inadequacy of our nation's judicial machinery, which was designed to meet the needs of an agrarian society in the late Eighteenth Century, has produced a crisis in our judicial system. This crisis is the result of a multitude of long-neglected problems which, because of increasing demands being placed upon our court system, now threaten much of the system with virtual collapse. There is hardly an urban court which is not touched by the crisis. Interminable delays threaten to destroy the usefulness of our civil courts for the peaceful and orderly resolution of conflicts. Delays in the criminal courts too often mock both the concept of deterrence or the rights of accused. Many judges now must devote an inordinate amount of time to administrative details which could be better handled by others. At the same time, assembly line justice often prevails. Appellate courts are equally affected. In many state systems the average time required to process an appeal can consume in excess of eighteen months.

The task of resolving the problems which contribute to this crisis is not easy, for resort to simplistic solutions usually creates a high risk of destroying the very system which such solutions are intended to save. What is needed is reform within the context of our legal traditions.

The focal point of the machinery of justice in our country is, of course, the judge himself. Too frequently judges, especially in the minor courts that process the bulk of the civil and criminal litigation, receive little or no judicial training or orientation. There remain substantial problems with respect to insuring that judicial officers are competent and have the requisite temperament to adjudicate disputes in a courtroom setting.

On the positive side of the ledger, this is an area which is receiving substantial direction and attention from Chief Justice Burger. He, for example, has been instrumental in the creation of the new National Center for State Courts. His predecessor, Chief Justice Warren, was the moving force in the establishment by Congress of the Federal Judicial Center. Under the broad mandate of Congress, one of the primary functions of the Federal Judicial Center is "to conduct research and study of the operation of the courts of the United States, and to stimulate and coordinate such research and study on the part of other public and private persons and agencies."

The new National Center for State Courts, together with the Federal Judicial Center, the National College of the State Judiciary under the sponsorship of the Section of Judicial Administration of the ABA, and the Institute for Court Management, all are recent examples of advances in strengthening judicial training and support.

V. TRANSLATING DESIRE INTO REALITY

Inherent in the efforts of most legal reformers, voluntary and professional, has been the assumption that if enough human energy were applied by enough dedicated groups existing machinery could be improved and the crisis in justice could be met. The piecemeal, uncoordinated nature of the various efforts seems not to have been regarded as a deterrent. At least they have been accepted as an inevitable fact of judicial life. But with it all, comprehensive, coordinated national planning is lacking and effective modernization of the system appears still to be an elusive and urgently needed element.

From the time of the creation of our constitutional government, the condition of justice has suffered almost directly in proportion to the increasing population and the increasing complexity of our society. The responsibility, although often the subject of partisan political debate, has fallen on the lawyer and ultimately the organized bar. Lawyers are educated to understand and deal with the application of the rule of law. Moreover, they are virtually the only professional group having complete access to the machinery of the administration of justice: the enforcement of societal mandates through law. In short, they are intermediaries between the theory of the law and its application to society.

Yet the very nature of the practice of law can be contradictory in terms of the interests of society and the interests of particular individuals, or organizational and governmental entities. They are paid advocates, ethically bound to consider the client's interest as paramount to virtually all other considerations. This obligation is to be juxtaposed with a commensurate obligation—also a matter of ethics—to work for the public good.

Efforts to accommodate these co-equal obligations have been pursued, in the past, mainly through the organized bar or through government. One has only to consider the makeup of the executive, judicial and legislative branches of government to note the intricate and pervasive involvement of the lawyer in the administration of justice. Chief Justice Burger aptly articulated this in his State of the Judiciary address at the 1971 ABA Annual Meeting several months ago:

"A strong, independent, competent legal profession is imperative to any free people. We live in a society that is diverse, mobile and dynamic, but its very pluralism and creativeness make it capable of both enormous progress or debilitating conflicts that can blunt all semblance of order. One role of the lawyer in a common law system is to be a balance wheel, a harmonizer, a reconciler. He must be more than simply a skilled legal mechanic. He must be that, but in a larger sense he must also be a legal architect, engineer, builder and, from time to time, inventor as well. This is the history of the lawyer in America, and in this respect he is unique among the lawyers of all societies."

While it cannot be said that kinship among lawyers is so great that one may find them huddled together under one roof, they are gregarious enough that the vast majority of them belong to state and local bar associations. More than half of them voluntarily belong to the American Bar Association, the national organization of the profession.

The movement to organize lawyers into bar associations on a national, state and local level is a little over a hundred years old. The organization started in metropolitan areas and the more populated states. The early associations were voluntary in nature and had modest budgets. Permanent staffs did not exist; association projects were carried on by volunteers. The Bar was not seen in those days as responsible for the discipline of members and certainly not as the harbinger of reform.

The passage of time brought many changes. As bar associations assumed larger roles in professional standards of conduct and practice, and a larger share of responsibility for the machinery of justice, the so-called integrated bar began to develop among the states. This concept, requiring every practicing lawyer to belong to the professional organization of lawyers in a state, took place largely during the middle third of this century. Today, half the states have integrated bars and the trend in that direction is continuing. Even with this movement, inadequate funding has in most states prevented the mounting of effective programs of discipline, education and improvement of judicial machinery.

It may surprise some to realize that the American Bar Association had no permanent staff for the first half of its nearly one hundred years. Indeed, not until the middle of the 1950's did it have sufficient funds to staff a limited number of projects and activities. Membership in the American Bar Association has trebled in the past fifteen years, while its income has grown by more than 600 percent. In the last decade an even more significant development has taken place—the funding of public service and educational projects through foundation and government funds. About half of the Association's annual income now comes from such sources. It is this writer's belief that that percentage will grow in the decade ahead to between 65 percent and 75 percent of the Association's entire income.

Indeed, the progress of the organized bar in the past decade has been so marked that some believe that the crisis in the administration of justice can be met by the organized bar under the direction and leadership of the American Bar Association. While the forward strides of the last decade are a source of encouragement and even some pride, and while the leadership of the American Bar Association is dedicated to the proposition that this organization has the potential for even greater and more significant contributions to the cause of justice, it must be recognized that there are some inherent qualities of a voluntary organization that militate against its completely effective fulfillment of this lofty role.

On the one hand, the ABA House of Delegates includes the widest possible range of representation from all groups who constitute the legal profession today. The Association's present day structure is its strength when called upon to pass upon the conclusions or proposals of others. Nevertheless, because it is a voluntary organization and represents so many diverse and often irreconcilable views, it should not surprise or discourage us to note that the contribution of the organized bar to the solution of today's societal problems has been, of necessity, confined largely to the realm of ideas. Time freely contributed by volunteers, projects financed by volunteers, machinery tuned to decision by consensus, cannot produce the kind of massive, venturesome, sustained and coordinated attack which is required in the field of justice today. Volunteer bar associations, the American Bar in particular, perform at their maximum efficiency in unfolding and debating a wide range of views. By their very nature, however, voluntary bar associations cannot, at the same time, be fearless in research, forceful in exposition and confident in criticism.

Even if the organized bar could, through reorganization or otherwise, build a sufficient structure from which to conduct far-reaching research programs and substantial pilot programs in our quest for a better society, an argument can well be made against proceeding in that direction. As long as bar associations remain voluntary, their ability to represent all lawyers is impeded. Should the day come when all lawyers speak with one voice, the rest of society may nonetheless readily question both our method and our motive.

The very size of life and society today minimizes the effectiveness which any voluntary group can now offer. Individual contractors alone cannot produce coordinated space programs. Individual railroads cannot serve a sprawling nation. Society today requires a National Institute of Justice.

VI. CONCLUSION

The late Reginald Heber Smith once observed that men can learn, if they must, to put up with physical imparity and economic inadequacy; but that a brooding sense of injustice makes them want to tear things down. We who bear the primary responsibility for the machinery of justice in this nation, if we are to be faithful to our oath, must be vigilant in our search to find new and better ways to make equal justice under the law a living reality. It is incumbent upon us to move forward with common purpose and high aspiration that is worthy of our heritage. The National Institute of Justice is a concept whose time has come.

FOOTNOTES

[*] Executive Director, American Bar Association, Chicago, Illinois; A.B., Duke University, 1944 ('46); J.D., Harvard University, 1949. Mr. Early wishes to thank his associates, John W. Atwood and David C. Long, for their invaluable assistance in the preparation of this article. Mr. Early practiced law in Huntington, West Virginia from 1949 to 1962.

[†] The Chief Justice of the United States.

[1] Pound, *The Causes of Popular Dissatisfaction with the Administration of Justice*, 40 AM. L. REV. 729 (1906).

[2] *Id.* at 742, 749.

[3] Pound, *A Hundred Years of American Law*, in LAW: A CENTURY OF PROGRESS 8 (A. Reppy, ed. 1937).

[4] *Id.* at 20, 23, 24.

[5] *E.g.* Laswell and McDougal, *Criteria for a Theory About Law*, 44 S. CAL. L. REV. 362 (1971).

[6] Cardozo, *A Ministry of Justice*, 35 HARV. L. REV. 113 (1921).

[7] *Id.* at 114.

[8] S. 2627 and H.R. 13584, 90th Cong., 1st Sess. (1967).

[9] S. 836, 90th Cong., 1st Sess. (1967), and S. 508, 91st Cong., 1st Sess. (1969).

[10] *Hearings on S. 836 Before the Senate Subcomm. on Government Research*, 90th Cong., 1st Sess. (1967).

[11] 389 U.S. 217 (1967).

[12] Schwartz, *Changing Patterns of Legal Services*, in LAW IN A CHANGING AMERICA 117, (G. Hazard, Jr., ed. 1968).

[13] *Hearings on S. 836 Before the Senate Subcomm. on Government Research*, 90th Cong., 1st Sess. (1967).

By Mr. WILLIAMS (for himself, Mr. MAGNUSON, and Mr. RANDOLPH):

S. 3614. A bill to provide financial assistance to the States for improved educational services for handicapped children. Referred to the Committee on Labor and Public Welfare.

EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

Mr. WILLIAMS. Mr. President, it would be difficult to find an institution in today's society that plays as an important role as do our elementary and secondary schools. As an access route to knowledge, as the translator of hopes and dreams, and as the delivery system for skills to be used in jobs and opportunities in later life, our school systems play a role unsurpassed by any other institution of society. Yet these schools have, for the most part, failed a very significant portion of the children of America. I am speaking of those children who because of physical or mental disabilities are handicapped.

There are 7 million children with handicaps in the United States. Sixty percent of these children are denied the special educational assistance that they need to have full equality of opportunity. A full 1 million of these children are excluded from public schools entirely and do not go through the learning process with their peers. For most of these children educational services are something that they will receive only through the perseverance of their parents and at a prohibitively high cost.

Most likely, these children will receive the benefit of a tutor for only a short length of time. The education that they are likely to receive will in no way prepare them for a life of independence. In most cases their exposure to learning opportunities will be so irregular that it may have been better not to have made the effort at all.

Only 40 percent of America's handicapped children receive compensatory education suited to their needs, and these services vary widely within the 50 States. In most cases, special educational programs are provided only if the local community is able to support such programs without State or Federal assistance. Tragically, special educational services for handicapped children are the first programs to be done away with during times of economic adversity. In a very real sense, whether a handicapped child receives the full benefits of our educational system depends on where he lives—not on his needs or his particular disability.

In the 1968–69 school year, there were 19 States where less than 31 percent of their handicapped children were served by special classes. In 11 States, less than 20 percent of the population was served. Only seven States out of the 50 provide educational services for more than 51 percent of handicapped children.

The disparities are worse when we examine particular kinds of disabilities. The 1971 data shows the following statistics on the percentage of children with particular disabilities who are receiving educational services: 57 percent of all trainable mentally retarded children receive an education; 52 percent of all educable mentally retarded; 17 percent of the hard of hearing children; 45 percent of all deaf children; 52 percent of all speech impaired children; 35 percent of all visually impaired children; 13 percent of all seriously emotionally disturbed children; 35 percent of all crippled or orthopedically handicapped children; 2 percent of all children with other health impairment; and 26 percent of all multiple handicapped children receive special educational services. These are national figures; figures are much lower by disability for particular States. For example, in 30 States less than 11 percent of all emotionally disturbed children are provided minimal educational services.

It is impossible to justify these figures. Many of the reasons that are given would be rejected out of hand if we were talking about any other group of children. "Not enough money." "We do not know what will work." "We cannot cut into the services we are providing other children." "There have been great improvements in the last few years, and if you will just give us time we can work it out."

The harsh and cold truth behind these words is that too many people are willing to condemn an entire generation of handicapped children to a life with no hope and no way out. It is time for us to face up to the truth of this statement, to change our attitudes, to rid ourselves of the old myths, and to begin dealing with realities. Handicapped children have the same hopes and the same fears as your children and mine. They happen to have disabilities that require certain kinds of treatment. But in the final analysis they are children. We should be helping them to overcome their disabilities, and helping them through their childhood and adolescence. We should be providing them with services that will enable them to deal effectively with their environment.

The facts are that if provided with effective services, the deaf, the blind, the mentally retarded, and the emotionally disturbed child can learn. He can be helped to overcome his disability. And with appropriate educational services, 90 percent of these children can grow up to be productive members of society.

The argument that our age-old institutions are not presently equipped to deal appropriately with handicapped children is no longer a sufficient excuse. If it is true, then these institutions must be changed. If our schools cannot presently educate handicapped children, then they must change.

If our buildings and transportation systems are inaccessible to individuals with handicaps, then they must be altered. It is not a question of what is most convenient. We are talking about basic rights that have been neglected for too long.

The courts are not listening to the argument of "convenience," and it is time that our public laws caught up with the courts. The horror that has been perpetrated under the guise of expedience is something that most of us would not be willing to face. The overall statistics regarding children excluded from schools and educational service only partially reflects the seriousness of the problem. But the real point cannot be made without examining individual cases.

Let us look at 14-year-old Wayne Keel, an autistic child, who every day watches the schoolbus pick up children in his neighborhood, and asks his mother, "Go to school?" His mother has varied the excuses. Sometimes she tells him the school is closed. Sometimes she tells him that he is too old to go to school.

Let us examine the helplessness of the parents who have written to me from New Jersey asking for assistance. Their children have been on waiting lists for special schools for 5 years or longer. And no help is in sight.

The same is true for the parents who have been told that the schools are not open for crippled children. Or the grandmother of a 5-year-old mentally retarded child who has written to me asking for more money for the institution attended by her grandson. Personnel is so scarce in the school that he seldom gets to go outdoors.

We know of children whose primary language is not English who have not been properly tested. The result is that they have been labelled "mentally retarded." It has taken a court case in California to establish the fact that these children must be tested with appropriate devices, and that they and their parents have the right to appropriate testing. It has taken a court case in Pennsylvania to establish the fact that parents have a right to know all the details and all the reasons when a school system is contemplating changing the educational status of their children. And it has taken a class action case in the District of Columbia to establish the rights of parents to due process when a school is contemplating the exclusion of their children from the school system. It is an outrage that people must resort to legal action in order to insure that their children are guaranteed the most fundamental of human rights.

Mr. President, we have made significant improvements in the past few years in the educational services provided handicapped children. We have increased Federal assistance from $45 million 5 years ago to $215 million in the present fiscal year. But these have been token expenditures. Nowhere in our public laws or in our budget figures do we find acceptance for the proposition that all handicapped children have the right to an education. It has been the courts which have forced us to the realization that we can delay no longer in making just such a commitment.

The recent cases in Pennsylvania and the District of Columbia have made absolutely clear that if the States have in fact provided for the education of all children, they must provide education for handicapped children as well. Those courts have ruled that it is up to the State to find the resources and the way to implement this challenge. These are indeed landmark decisions and today there are similar cases pending in New York, Massachusetts, and Michigan.

Mr. President, I believe that we in the Congress have a responsibility which is no less than that of the States. The States cannot do it alone. The Rossmiller study of education programs for handicapped children in five States that have exemplary programs has indicated that the education of a handicapped child will cost on an average of 1.87 times as much as the education of a child who is not handicapped. At the very least this will mean from $400 to $800 more for education if the child is handicapped. It is not, however, a matter over which the States have a choice. The courts have said that they have to undertake this expense.

It is for this reason that today on behalf of myself and Senators MAGNUSON and RANDOLPH I am introducing a bill which will provide basic Federal assistance to the States and local educational agencies for the education of handicapped children. Through this legislative vehicle we are saying to the States that we recognize their responsibility to provide full and appropriate education services to all handicapped children. And we are saying that the Federal Government will undertake to underwrite 75 percent of the excess cost required in educating a handicapped child. This formula will be determined on the basis of the aggregate current expenditures for the education of handicapped children divided by the number of handicapped children they are currently serving. The difference between this amount and the amount they are spending per nonhandicapped child will be their excess cost. The Federal Government will pay to the State 75 percent of that amount for every handicapped child that they are currently serving. This level of Federal expenditure will continue as long as they do not cut back on the amount of money that they are spending and will increase as they increase their efforts.

Implicit in this statement however is the recognition that the States will have to call upon the local educational agencies to carry out this undertaking. Therefore, to insure that this assistance will actually be spent on delivery of services at the local level, only 1 percent of the money will be available to the States for the administration and planning for delivery of the services, with the remainder of the money flowing to local educational agencies for the education of handicapped children.

This legislation also involves several other important initiatives. It requires the States to submit a State plan which will enable them to provide full and appropriate services to all handicapped children by 1976. It requires the identification of all handicapped children within the State, and assigns responsibility for the education of these children to the appropriate local educational agency.

In addition, it requires the State to evaluate the educational services each handicapped child is now receiving, and to accord to parents full due process in matters relating to the education of their children. Finally, it requires the State to undertake a study of present methods of institutionalization of handicapped children, to evaluate such methods and make recommendations for change and deinstitutionalization wherever possible. These requirements are nothing more than what is required if we are to implement the guarantees of the 14th amendment. They are nothing more than what our educational system now ought to be providing. They are nothing more than what the courts are presently ordering our educational system to provide. And they are nothing more than what we owe these children.

I am aware of the concern that Commissioner Marland demonstrated in setting a priority for the full exclusion of educational opportunity to all handicapped children by 1980. I join him in this concern, but I believe that it will be too little too late. I believe that in order to make this goal a reality, we at the Federal level are going to have to change our traditional methods of investing money. The theory that the Federal Government can provide minimal assistance to the States as incentive grants to provide extensive educational services simply does not meet the mark in this instance. The education of handicapped children will not be costless. It is hard to argue to the States that the Federal Government is serious about full educational opportunity for all handicapped children when we are not willing to invest money to make this goal a reality. If we are going to make a real commitment to full and appropriate services, and expect the States to carry through on this commitment, we will have to put our money where our mouth is.

While the education of handicapped children involves a substantial investment, it is inexpensive compared to what it will cost this society to maintain these children for the rest of their lives. And its rewards far exceed the cost. We must remember that we are serving children. They are children like yours and mine. They are children whose needs can be met, and who can be freed from the nuisances that are their disabilities. They are children who will go through the same pains and joys of growing up, who will ask the same questions as yours do. But they will not find the same answers unless we are willing to make this commitment. The answers that they find are not very pretty. They are not answers that we can be proud of in this Nation today. I am asking you to join me in making this basic commitment to children, so that we may say to children like Wayne Keel that he will go to school with the rest of his peers.

Mr. President, I ask unanimous consent that remarks prepared by Senator MAGNUSON be printed at this point in the RECORD and that the text of the bill also be included at the close of my remarks.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 3614

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "Education for All Handicapped Children Act."

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to ensure that all handicapped children receive maximum special educational services not later than 1976, to ensure that State and local education agencies fulfill their primary responsibilities in providing such services, and to therefore provide financial assistance to the States and local educational agencies to enable them to provide educational services for the education of handicapped children in regular or special classes, and to reduce unnecessary institutionalization of such children.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "handicapped children" means mentally retarded, hard-of-hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired children or children with serious learning or other disabilities who by reason thereof require special education and related services;

(2) the term "Commissioner" means the Commissioner of Education;

(3) the term "per pupil expenditure for handicapped children" means, for any State, the aggregate current expenditure during the fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in that State, plus any direct current expenditure by the State for the operation of any such agency for handicapped children, and the additional cost to the State or local educational agencies within that State for the provision of education to handicapped children in homes, institutions and other agencies other than public elementary and secondary schools, divided by the aggregate number of handicapped children in attendance daily to whom such agency has provided free public education, and such expenditure shall not include any financial assistance received under the Education of the Handicapped Act, the Elementary and Secondary Education Act of 1965, or any other Federal financial assistance;

(4) the term "per pupil expenditure for all other children" means, for any State, the aggregate current expenditure during the fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in that State, plus any direct current expenditure by the State for operation of any such agency for all other children not included in the determination made under paragraph (6) of this section, divided by the aggregate number of all other children in attendance daily to whom such agency has provided free public education, and such expenditure shall not include any financial assistance received under the Elementary and Secondary Education Act of 1965, or any other Federal financial assistance;

(5) the term "free public education" means education which shall be provided at public expense, under public supervision and direction and without tuition charge, and which shall provide a preschool, elementary or secondary school education in the applicable State;

(6) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands;

(7) the term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law; and

(8) the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control of direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, and such terms also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

AUTHORIZATION

SEC. 4. (a) The Commissioner is authorized to make grants pursuant to this Act for the purpose of assisting the States in improving and expanding educational services for the education of handicapped children at the preschool, elementary, and secondary school levels.

(b) There are authorized to be appropriated for the fiscal years beginning July 1, 1972 and ending June 30, 1976, such sums as may be necessary for carrying out the purposes of this Act.

BASIC GRANTS: AMOUNT AND ENTITLEMENT

SEC. 5. (a) (1) From the sums appropriated pursuant to section 4 of this Act for each fiscal year, the Commissioner shall allot not more than 3 percent among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs.

(2) From the remainder of such sums, the Commissioner shall allot to each State an amount which is equal to the amount by which the per pupil expenditure for handicapped children, aged 3 to 21 years, inclusive, exceeds the per pupil expenditure for all other children, aged 5 to 17 years, inclusive, in the public elementary and secondary schools in that State, multiplied by the Federal share specified in section 8(a)(2).

(3) For the purpose of this subsection, the term "State" shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(4) The per pupil expenditure for handicapped children, aged 3 to 21 years, inclusive, and the per pupil expenditure for all other children, aged 5 to 17 years, inclusive, in any State shall be determined by the Commissioner on the basis of the most recent data available to him.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the purposes of this Act shall be available for reallotment from time to time, on such dates during such period as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out such portion of its state plan approved under this Act, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

BASIC CRITERIA

SEC. 6. As soon as practicable after the enactment of this Act, the Commissioner shall prescribe basic criteria to be applied by State agencies in approving applications for assistance under the State plan submitted under Section 7. In addition to other matters, such basic criteria shall include—

(1) uniform criteria for determining the handicapped children to be served;

(2) uniform criteria to be used by the State in determining categories of expenditures to be utilized in calculating State and local expenditures for the education of handicapped children.

STATE PLANS

SEC. 7. (a) Any State desiring to participate in the program under this Act shall submit to the Commissioner a State plan at such time, in such manner, and containing or accompanied by such information as he deems necessary. Each such plan shall—

(1) provide for the identification of all handicapped children in the State, together with a list of the local educational agencies within the State responsible for the education of each handicapped child, whether the child remains in the area served by the local educational agency or is sent out of the jurisdiction for services. Such identification shall include the location where child is presently receiving educational services, the services the child is presently receiving, and whether or not the child is institutionalized, and shall be updated upon changes in the educational status and location of the child;

(2) provide for the evaluation of the State's present procedures for the institutionalization of handicapped children, including classification procedures, services provided within institutions, and an evaluation of whether institutionalization best meets the needs of such children. Such evaluation shall also include recommendations for methods of de-institutionalizing children, with recommendations of how such children will best be integrated into the regular educational system, if appropriate, and procedures for carrying out these recommendations;

(3) provide for effective procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs and in providing related services for handicapped children, including assurances that testing and evaluation procedures for the purpose of this paragraph of the plan will be administered so as not to be racially or culturaly discriminatory;

(4) set forth programs and procedures for the expenditure of the funds paid to the State under this State plan, either directly or through individual local educational agencies or combinations of such agencies to initiate, expand, or improve programs and projects, including preschool programs and projects, which are designed to meet the educational and related needs of handicapped children throughout the State;

(5) provide assurances that a time for the delivery of educational services for all handicapped children in the State will be developed and complied with so that not later than 1976 maximum educational and related services will be available to all handicapped children within the State, and that such assurances will contain provisions adequate to reduce the number of handicapped children who are being institutionalized;

(6) provide satisfactory assurance, that to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this Act;

(7) provide satisfactory assurance that the control of funds provided under this Act, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this Act, and that a public agency will administer such funds and property;

(8) set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this Act will be so used as to supplement and increase the level of State and local funds

expended for the education of handicapped children, and in no case supplant such State and local funds;

(9) provide that the State educational agency will be the sole agency for administering or supervising preparation and administration of the State plan;

(10) provide for (A) making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this Act, including reports of the objective measurements required by paragraph 8 of this subsection, and (B) keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this Act;

(11) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this Act to the State, including any such funds paid by the State to local educational agencies;

(12) contain a statement of policies and procedures which will be designed to ensure that all educational programs for the handicapped in the State will be properly coordinated by the persons in charge of special educational programs for handicapped children in the State educational agency;

(13) provide that the State agency will, from time to time but not less often than annually, review its State plan and submit to the Commissioner any modifications thereof which it considers necessary. (b)(1) Any State desiring to participate in the program under this Act shall appoint an Advisory Committee which shall be broadly representative of individuals involved in the education of handicapped children, including educators, administrators of programs for handicapped children, handicapped individuals, and parents of handicapped children.

(2) It shall be the function of the Advisory Committee to—

(a) assist the State educational agency in determining priorities within the State for educational services for handicapped children;

(b) advise the State educational agency of unmet needs within the State in the education of handicapped children;

(c) review the State plan and make recommendations to the Governor regarding the education of handicapped children; and

(d) other such functions as the Governor deems appropriate; (c) The Commissioner shall approve any State plan and any modification thereof which (1) complies with the provisions of subsections (a) and (b);

(2) provides for the distribution of money under this Act in such a way which reflects percentage contribution within each State of monies spent within the State on education of handicapped children by State and local educational agencies; (3) provides that the distribution of assistance under this Act within each State is made on the basis of consideration of (A) the relative need for special educational services in certain geographical areas within the State as developed under the State plan, and (B) the relative need for special educational services for certain sub-groups of the population of handicapped children within the State as developed under the State plan; and (4) provides for establishing procedures for the classification of children as handicapped children which shall include (A) prior notice to parents or guardians of children where the local educational agency proposes to change the classification of any child; (B) an opportunity for a hearing, including an opportunity to examine relevant records with respect to the classification of any child by such agency; (C) procedures for an independent evaluation of an appropriate status for any such child; and (D) procedures for an appeal from the initial decision with respect to any such classification. The Commissioner shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

Study of Institutionalized Children

(d) Pursuant to paragraph 2 of subsection (a) of this Section, the Commissioner shall—

(1) review the State plan provisions for the education of handicapped children who are institutionalized and shall provide information to the States concerning efforts in other States which may be useful to them;

(2) approve the plan for institutionalized children as part of the State plan necessary for participation in the program under this Act; and

(3) report to the Congress no later than June 30, 1973 regarding necessary changes in the formula under this Act, and other Acts which provide support for the education of handicapped children, which will encourage the de-institutionalization of handicapped childern where appropriate and improve programs of instruction for handicapped children who will require institutionalization.

PAYMENTS

Sec. 8. (a)(1) The Commissioner shall pay to each State from its allotment determined pursuant to section 3, an amount equal to its entitlement under that section.

(2) From funds paid to it pursuant to paragraph (1) each State educational agency shall distribute to each local educational agency of the State the amount for which its application has been approved except that the aggregate amount of such payment in any State shall not exceed the amount allotted to that State pursuant to section 5(a).

(3) For each fiscal year the Federal share be 75 percent. (b)(1) The Commissioner is authorized to pay to each State amounts equal to the amounts expended for the proper and efficient performance of its duties under this Act, except that the total of such payments in any fiscal year shall not exceed—

(A) 1 percent of the total of the amounts of the grants paid under this Act for that year to the State educational agency; or

(B) $75,000, or $25,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands, whichever is greater.

(2) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection. (c) Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Commissioner may determine necessary.

WITHHOLDING

Sec. 9. Whenever the Commissioner, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there has been a failure to comply substantially with any provision of the State plan approved under section 7, the Commissioner shall notify the agency that payments will not be made to the State under this Act (or, in his discretion, that the State educational agency shall not make further payments under this Act to specified local educational agencies whose actions or omissions caused or are involved in such failure) until he is satisfied that there is no longer any failure to comply. Until he is so satisfied, no payments shall be made to the State under this Act, or payments by the State educational agency under this Act shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

Statement by Senator Magnuson

There is much to be concerned about in our society today. It's easy to become depressed by just reading the morning newspapers. However, these issues of conflict which fill our front pages often obscure the many positive things that happen in our society. Around the country today there is a new awakening of a moral obligation to guarantee the rights of our less able citizens. The courts of several states have made it clear that handicapped children are entitled to all of the services which society offers to children. More and more, the states are gearing up to assure a free public education to each and every handicapped child. We have become increasingly aware that too many of our handicapped children have been set aside with no opportunity for an appropriate education. We have become painfully aware that too many parents of handicapped children have had to turn to expensive private schools because too many states have failed to provide their children free public education.

As the states grapple with this emerging moral commitment, they are struggling to find the resources to turn the commitment into reality.

The bill that I am helping to introduce today will notify all of the states, saying to them quite clearly that we support their new commitment to handicapped children. This bill will say loudly and clearly that we believe the states are right and that handicapped children must be educated. This bill adds further Federal support to assist the states in guaranteeing educational opportunities to all handicapped children. It does it by assuring that the Federal Government will share at least some of the excess costs required to educate handicapped children.

This bill does more than that. It also asks that states pay particular attention to the rights of children. It requires full due process procedures before any child can be labeled as handicapped.

I fully support the objectives of this bill. There will be tough decisions ahead as we consider the priority needs of our society and the limited resources that are available to meet these needs. But even in this time with the many competing demands upon our resources, this program clearly deserves some share of the little that is there.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 3615. A bill to authorize grants to the D–Q University. Referred to the Committee on Labor and Public Welfare.

Mr. CRANSTON. Mr. President, I am introducing today for appropriate reference a bill to authorize the Commissioner of Education to provide over the next 5 years urgently needed financial assistance to D–Q University in California. I am pleased to be joined in the introduction of this landmark legislation by my colleague, Mr. Tunney, and by Congressmen Roybal and Leggett who have introduced an identical bill in the House.

D–Q University is the Nation's first institution of higher learning to be conceived, developed, and operated by Chicanos and Native Americans. It stands today as a monument to self-determination.

Now well into its first full-year of operation, D–Q University is run by an annually elected board of directors comprised of 16 Indians and 16 Chicanos. Enrollment at the main campus this first year now totals 67, with a faculty of 25. In September, student enrollment will increase to around 200, and at the end of 5 years is expected to rise to at least 1,500.

The main campus of D–Q University is located some 16 miles northeast of the University of California at Davis on a 640-acre site declared surplus to the needs of the Federal Government by the General Services Administration on July 17, 1970. After some initial reluctance, Federal officials responsible for the disposal of this surplus land were finally persuaded to award the tract to D–Q University. The deed was formally transferred at dedication ceremonies held on the site on April 2, 1971.

Since last April, D–Q University has undergone incredible development and growth. This year's 67 students will grow to more than 200 by September. The main campus near Davis is augmented by four vocational training centers located in Brawley, Gilroy, Fresno, and Stockton. Over the next 12 months, these four centers will train at least 550 individuals to assume vocations and careers outside of the migrant and seasonal farmworkers' cycle of poverty. This vocational training program is in addition to the regular A.A., B.A., and M.A. degree programs to be offered to some 200 students at the main campus beginning in September.

Now financed largely by private and foundation contributions, and by a Department of Labor contract for the migrant manpower training sites, D–Q University desperately needs additional capital in order to grow. My bill authorizes Congress to appropriate $35 million in the aggregate to be granted by the Commissioner of Education to D–Q University over a 5-year period. The funds will be used for the construction of facilities, the employment of instructional and administrative personnel, and the provision of student services. The overall purpose of this bill is to enable D–Q University to assume a role as a national learning and cultural center for Indian and Chicano students, as well as for others having a special interest in matters affecting Indian and Chicano people and their communities.

Mr. President, the need for such an institution is overwhelmingly clear. Even a cursory examination of the statistical information on the education of Chicanos and Indians in the United States yields a picture of rampant discrimination, poor achievement, unemployment and underemployment, and human tragedy. Both groups fail to complete a high school education in significantly larger numbers than Anglos. Both also represent small numbers in the Nation's institutions of higher education. As of November 1969, one out of every five Spanish-speaking residents was illiterate in English. Twenty-five percent of all Chicanos 25 years or older have completed less than 5 years of school. Spanish-surnamed students either drop out of college or fail to enter college at a rate of 75 percent, compared to about 50 percent for all ethnic minorities, and 45 percent for Anglos.

Statistics on Indian education outline the same grim picture. In 1969, the Special Subcommittee on Indian Education of the U.S. Senate cited the following dismal statistics:

About 40,000 Navajo Indians, nearly a third of the entire tribe, are functional illiterates in English;

The average educational level for all Indians under Federal supervision is 5 school years;

More than one out of every five Indian men have completed less than 5 years of schooling;

Dropout rates for Indians are twice the national average;

Only 18 percent of the students in Federal Indian schools go on to college; the national average is 50 percent;

Only 3 percent of Indian students who enroll in college graduate; the national average is 32 percent; and

Only one of every 100 Indian college graduates will receive a masters degree.

This year in California alone, the State department of education has identified some 18,000 Indian students and 700,000 Chicano students in kindergarten through 12th grade in public schools. D–Q University can serve a vitally important function in California, not only as an institution of higher education—including vocational education—to which these students can aspire, but it can also be an important teacher training center that will ultimately send well-trained, culturally sensitive teachers back to the public schools to help the future Chicano and Indian students achieve their full educational potential. As a national Indian-Chicano cultural and educational center, D–Q University can also provide all Americans with a new historical and cultural perspective that has been sadly lacking in our contemporary education.

Mr. President, I believe that this legislation will benefit all Americans, and that by providing financial assistance to D–Q University we will move a little farther down the road toward human tolerance and understanding. I look forward to the bill's early and favorable consideration by the 92d Congress.

Mr. President, I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to provide grants for the construction of facilities and the development and improvement of the curriculum of the D–Q University in order that it will be fitted to assume a role as a national learning and cultural center for Indian and Chicano students, as well as for others having a special interest in matters affecting Indian and Chicano people and communities.

Sec. 2. The Commissioner of Education is authorized to make grants during the period beginning with the date of enactment of this Act and ending June 30, 1977, to the D–Q University to be used for its development and improvement, including the construction of facilities, employment of instructional and administrative personnel, and provision of student services. Such grants shall be subject to such terms and conditions as the Commissioner may prescribe.

Sec. 3. There is authorized to be appropriated $35,000,000 in the aggregate for making grants under this Act during the period ending June 30, 1977.

Mr. TUNNEY. Mr. President, today I am pleased to cosponsor with my colleague from California, Senator Cranston, legislation which would authorize Federal grants to Deganawidah-Quetzalcoatl University.

The purpose of this act is to provide grants for the construction of facilities and the development and improvement of the curriculum of the Deganawidah-Quetzalcoatl University so that D–Q University will be fitted to assume a role as a national learning and cultural center for Indian and Chicano students, as well as for others having a special interest on matters affecting Indian and Chicano people and communities.

Section 2 of this act authorizes the Commission of Education to make grants during the period beginning with the date of enactment of this act and ending June 30, 1977, to the Deganawidah-Quetzalcoatl University to be used for its development and improvement, including the construction of facilities, employment of instructional and administrative personnel, and provision of student services. Such grants shall be subject to such terms and conditions as the Commissioner may prescribe.

Section 3 authorizes $35 million for making grants under this act.

Mr. President, in December 1970, I initiated a letter to Secretary Richardson of HEW, among my colleagues in the House of Representatives requesting that the Department of Health, Education, and Welfare grant 650 acres of Federal surplus property to the trustees of D–Q University. On April 1971, HEW presented to the trustees a land deed to the property located near Davis, Calif., which was formerly a U.S. Army Strategic Communications Command Facility.

In July of 1971, the D–Q University campus began its summer session.

The Deganawidah-Quetzalcoatl University is an Indian-Chicano educational institution that offers a liberal arts education, vocational training, and cultural perspective to meet the modern needs of these people. Current programs to include Indians and Chicanos in other educational institutions have been very limited or unsatisfactory for various reasons. Many potentially good students have been disheartened or discouraged by insensitivity to their cultural background or by course programs that have little relationship to their interests or needs of their community.

Although any qualified individual would be admitted, this university provides an educational program from the perspective of the Indian or Chicano community. In addition, it also contributes to a better understanding of these cultures and the part they have played in American heritage and the contribution they can make to current American life. The most distinguishable and unique characteristic of D–Q University is that it is a result of the combined efforts and concern and Chicanos and Indians regarding the higher educational needs of their people.

Indians and Chicanos have many things in common:

Both possess cultures and values which are quite different from those of white society;

Both wish to retain their unique identity, culture, language;

Both suffer from gross indifference and discrimination, resulting in their being at the bottom of all indices relative to education, employment, life expectancies, and so forth;

And both have been denied higher education opportunities.

Mr. President, I hope that this act will be a first step whereby the Federal Government shares its resources with D-Q University in order that this institution become a fully functioning and developed university which will help meet the educational needs of Indians and Chicanos.

By Mr. McINTYRE:

S. 3616. A bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes. Referred to the Committee on the Judiciary.

CONTRACT APPEALS REGIONAL DIVISIONS

Mr. McINTYRE. Mr. President, I introduce for appropriate reference, a bill which would assist, primarily, small business contractors nationwide who have claims up to $50,000 under a contract with the Federal Government. In the field of Government contracting, it has long been a matter of concern for the contractor to have his claim resolved expeditiously, inexpensively, and fairly. The purpose of this bill, through the creation of regional divisions to the boards of contract appeals, is to promote these goals to the benefit of all Government contractors, and particulary small business contractors.

This legislation, for which I invite cosponsors who have an affirmative interest in this increasingly important and pressing problem, has been prepared at the suggestion of the Smaller Business Association of New England—SBANE. This very fine organization is an excellent example of regional small businessmen coming together to act upon mutually troubling problems. It is their finding, along with others, that the current practices of contracting officers and the boards of contract appeals of the various procuring agencies of the Government have not been kept up to date with the needs of those who must depend upon them. This legislation is designed to treat the most problematical aspects of the present proceedings for handling claims. It is especially appropriate that this legislation be introduced during this National Small Businesses Week, because it is the small businessman who suffers most from the inequities of the present system.

As a brief background on the issues involved here, claims under a Government contract principally arise in connection with contract changes, interpertation of contract clauses, drawings and specifications, of the allowability of costs. These claims are first presented to the contracting officer for his consideration and decision. If the decision of the contracting officer is adverse to the contractor, appeal may be made to a board of contract appeals. This appeal mechanism is an administrative means to provide the parties an alternative to court proceedings. As stated by the U.S. Supreme Court in Kihlberg against United States and recently quoted in S. & E. Contractors against United States, court proceedings can be "vexatious and expensive, and, to the contractor oftentimes, ruinous litigation." It would be obvious that this burden would lie the most heavily on the small business contractor.

Currently, to appeal a dispute to a board of contract appeals, it may take from 12 to 18 months and cost the contractor over $5,000. During this time, the contractor is also deprived of the funds subject to the dispute. Because most meetings of the boards are held in Washington, there is the additional cost to the contractor of travel and inconvenience.

Such costs may be tolerable to the contractor who has a really large claim in dispute, but when the amount is small, the attendant costs and time involved in the present system discourage the use of this appeal procedure. The small contractor simply cannot afford to seek this remedy even though his claim may be wholly valid and compensable. This defeats the initial purpose of providing an administrative review and results in gross unfairness.

To help rectify these problems, I propose today legislation which would cause the creation of regional divisions of the boards of contract appeals to hear cases involving sums up to $50,000. By dispersing these proceedings into areas around the country, which would be convenient to the contractors, it is believed that the contractors could obtain a faster and less expensive determination.

There are other features in this bill which are designed to assist the small business contractor. For instance, the pleadings are not required to be set up in a formal style; discovery by the Government, which can be delaying and frustrating, is limited, and the hearings must be informal and without the use of the technical rules of evidence. The parties to the dispute are to represent themselves without the necessity of resorting to professional guidance. Various time limitations have been introduced to speed the dispute to its conclusion. The decision of the contracting officer must be issued within 60 days. The division must render its decision within 30 days from the conclusion of the hearings.

By filing this bill, it is my hope to focus more national attention on the pressing need for a small claims procedure within the process of adjudicating disputes arising under a Government contract. It is realized that this general subject matter is under study by the Commission on Government Procurement, which is due to report to Congress in December of this year. Nevertheless, time is of the essence since each day businessmen are subject to the present inequities of the contract disputes procedures. Relief for the small claimant can be deferred no longer.

I would like to see the agencies with the boards of contract appeals take action to modify their current procedures without the necessity of this legislation. It is they who created the boards and established their operating procedures, and it is they who should be aware of the needs and responsive to the criticism of the contractors subject to the procedures. These agencies should not be reluctant to institute these changes since they are designed to reduce the workload of the present boards and make the system more efficient. Their adoption would greatly benefit many Government contractors, both large and small, without jeopardizing any legitimate interest of the Government. However, if the agencies fail to undertake the necessary reformation, my bill would provide the ready vehicle for the affirmative action that is so badly needed by hundreds of small businesses nationwide who contract with Federal departments and agencies.

Mr. President, I ask unanimous consent to have the text of my bill printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any determination of a dispute concerning a question of fact arising under a contract between a contractor and any department or agency of the Federal Government involving an amount not exceeding $50,000 shall be made by the contracting officer or procuring agent of that department or agency who is responsible for that contract prior to the conclusion of the 60 day period beginning on the date of notification by the contractor of the dispute, unless such period is extended at the request of the contractor.

SEC. 2. The head of any department or agency of the Federal Government shall establish regional small contract claims divisions of the Board of Contract Appeals of that department or agency for the consideration of a final decision of a contracting officer or procuring agent under the first section of this Act.

SEC. 3. (a) Any small contract claims division established under section 2 of this Act shall be subject to the following rules of procedure;

(1) Parties in any dispute before a small contract claims division shall be represented by their employees who are involved in the administration or performance of the contract.

(2) The parties may not be required to file formal pleadings.

(3) No procedure for the discovery or production of evidence other than a hearing shall be utilized by any small contract claims division.

(4) All hearings and other proceedings of any small contract claims division shall be informal and not subject to technical rules of evidence.

(5) A small contract claims division must decide each dispute not later than 30 days following the conclusion of hearings with respect to any dispute.

(b) The head of each department and agency of the Federal Government is authorized to prescribe such rules and regulations relating to the establishment, operation, and procedures of small contract claims divisions as may be necessary or appropriate to assure the prompt and informal resolution of small contract claims disputes.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1490—REMOVAL

At his own request, Mr. McGovern was removed as a cosponsor of S. 1490, the National Health Care Act of 1971.

S. 2909

At his own request, Mr. McGovern was added as a cosponsor of S. 2909, the National Blood Bank Act of 1971.

S. 3262

At the request of Mr. Curtis, the Senator from Oklahoma (Mr. Bellmon) was added as a cosponsor of S. 3262, a bill to amend the Occupational Safety and Health Act of 1970, and for other purposes.

S. 3536

At the request of Mr. Taft, the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Minnesota (Mr. Humphrey), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 3536, a bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents.

SENATE JOINT RESOLUTION 206

At the request of Mr. Mondale, the Senator from Connecticut (Mr. Ribicoff) was added as a cosponsor of Senate Joint Resolution 206, relating to sudden infant death syndrome.

SENATE JOINT RESOLUTION 225

At the request of Mr. Griffin for Mr. Schweiker, the Senator from Montana (Mr. Metcalf) was added as a cosponsor of Senate Joint Resolution 225, to prevent abandonment of railroad lines.

SENATE JOINT RESOLUTION 228

At the request of Mr. Hollings, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of Senate Joint Resolution 228, paying tribute to law enforcement officers of this country on Law Day, May 1, 1973.

SENATE CONCURRENT RESOLUTION 81—SUBMISSION OF A CONCURRENT RESOLUTION REQUESTING THE PRESIDENT TO PROCLAIM "NATIONAL BARBERSHOP QUARTET HARMONY WEEK"

(Referred to the Committee on the Judiciary.)

Mr. NELSON submitted the following concurrent resolution:

S. Con. Res. 81

Resolved by the Senate (the House of Representatives concurring), That the President is requested to issue a proclamation designating the week in which April 11 falls in each year as "National Barbershop Quartet Harmony Week," and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

TEMPORARY OPERATING LICENSES FOR NUCLEAR POWER REACTORS—AMENDMENT

AMENDMENT NO. 1197

(Ordered to be printed and to lie on the table.)

Mr. SCHWEIKER. Mr. President, I submit an amendment to S. 3543, and I ask unanimous consent that the amendment along with a summary of the effect of the amendment be printed in the Record at this point.

There being no objection, the amendment and summary were ordered to be printed in the Record, as follows:

Amendment No. 1197

On page 5, line 14, insert the following:

"(a) Subsection 274(b) of the Atomic Energy Act of 1954 is amended by inserting "(1)" immediately after "(b)" and redesignating clauses "(1)", "(2)", and "(3)", as "(A)", "(B)", "(C)", respectively, and adding after clause (C) the following new subsection:

"(2) The Commission may enter into an agreement with the Governor of any State providing for the discontinuance of regulatory authority of the Commission, and the assumption thereof by the State, in the regulation of radioactive discharges to the environment by licensees of the U.S. Atomic Energy Commission within the State."

(b) Subsection 274(c) of such Act is amended by striking out clauses "(1)" and "(3)" and redesignating clauses "(2)" and "(4)" as "(1)" and "(2)" respectively.

(c) Subsection 274(d)(2) of such Act is amended by striking out "is compatible with the" and inserting in lieu thereof "is no less restrictive than."

(d) Subsection 274(g) of such Act is amended by striking out "and compatible."

Sec. 2. (a) The Administrator of the Environmental Protection Agency (hereinafter called the Administrator) is authorized to make grants to State to pay the Federal share of the costs of State programs to—

(1) evaluate normal background levels of radiation at nuclear power plant sites under construction;

(2) determine the adequacy of controls over radioactive effluents and sources of radiation at nuclear power plant facilities and concentrations of radioactive materials in the environment resulting from the operation of such facilities; and

(3) determine potential radiation exposure to the public.

(b) Grants under this section to any State shall be made pursuant to criteria established by the Administrator, and no such grant shall exceed 50 per centum of the total cost of the State program for the fiscal year with respect to which the grant is made.

(c) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grantee that are pertinent to the grant received.

(d) There are hereby authorized to be appropriated for the purpose of making grants under this section $2 million for the fiscal year ending June 30, 1973, $2 million for the fiscal year ending June 30, 1974, and $2 million for the fiscal year ending June 30, 1975.

Summary of Schweiker Amendment No. 1197 to S. 3543

This amendment would permit individual states to set their own standards for the regulation of radioactive discharges to the environment from nuclear power plants, as long as the state's standards are more strict than the federal standards.

Second, the amendment would authorize the Administrator of the Environmental Protection Agency to make grants to individual states to pay a federal share of up to ½ of the costs of the State programs to set up monitoring systems to evaluate radiation emissions.

The United States Supreme Court recently affirmed the decision of the U.S. Court of Appeals in the case of *Northern States vs. Minnesota*, thereby confirming that the federal government has preempted the ability of individual states to set pollution control regulations on nuclear power plants which are stricter than the federal regulations. This amendment is identical to a bill I introduced on June 10, 1971, S. 2050. Under this legislation, if the states feel that tougher standards are necessary to protect their citizens, the states would have the authority to act.

We have established a clear precedent for this kind of legislation in Section 109 of the Clean Air Act, which permits states to set standards which are tougher than the federal standards. With the proliferation of nuclear power plants around the country and considerable dangers to the population which could result from nuclear accidents, it is even more important to permit states to set more restrictive environmental standards in the nuclear power plant area than it is in regard to air pollution.

MILITARY CONSTRUCTION AUTHORIZATIONS, 1973—AMENDMENT

AMENDMENT NO. 1198

(Ordered to be printed and referred to the Committee on Armed Services.)

The Navy's 1973 Budget Request and Secure Oil Supplies.

THE NAVY'S 1973 BUDGET REQUEST AND SECURE OIL SUPPLIES

Mr. GRAVEL. Mr. President, the Department of Defense fiscal year 1973 budget is now in committee. Included in the Navy's budget request is money for two new weapon systems designed to meet what the Navy calls a "new and emerging" role for the U.S. fleet—that of protecting U.S. bound oil tankers from hostile warships. This was alluded to—if not fully spelled out—in Adm. Elmo Zumwalt's recent statement before the Appropriations Committee.

What would be involved, as best I am able to gather, is the design, construction, and procurement of two new types of vessels—perhaps 50 patrol frigates and at least 8 sealane control ships. The occasion for all this, as the Chief of Naval Operations sees it, is the projected increased dependence of this country on foreign oil supplies—50 to 57 percent by 1985. It is hard not to suspect that the Navy also is in search of a mission and that this is another way to parlay real or imagined "ominous" Soviet naval buildups into increased budgets for the Navy.

While numbers have been difficult to come by, the sea control ships will displace about 15,000 tons, have aircraft and helicopters as a mini-carrier, and cost some $100 million per copy. The patrol frigates would be something like a light escort destroyer and $191 million is requested for design and procurement of the lead ship.

Mr. President, I do not know what the total system cost of these two weapons might be. As usual the R. & D. costs are only the thin edge of the wedge when total costs are actually realized. Some $200 million are requested for fiscal year 1973. I do not know what the costs might be for procurement, operation, and maintenance of these proposed systems over their "useful life." But if eight sea control ships should cost $100 million apiece and 50 patrol frigates half that, then the procurement costs alone would exceed $3 billion and total system costs some multiple of that.

It is not my primary intent today to argue about the concept of a whole new generation of naval vessels intended to insure a continuing stream of resources—primarily oil—moving to U.S. shores over perilous waters. Parenthetically I do fear that the concept is deficient. It seems rooted in a World War II view of the world where extended conventional warfare is the rule and great convoys are plying the sea lanes escorted by the U.S. Navy steaming smartly alongside helpless cargo ships and beating off submarine, air, and surface attacks by the Soviet Union. It is a concept based on a NATO war, since it is very hard to imagine Japan warring with the U.S.S.R. over sea commerce at a time when the two countries are collaborating on financing a pipeline and marine transport system from Siberia to Japan.

It is also not my primary intent today to talk about the real costs of these proposed weapon systems. Since they would be part of our multimission forces—supporting amphibious assaults, sailing around the eastern Mediterranean to countervail the Soviet presence, and the like—it will be very difficult to determine how much of the total system costs can be attributable to the assignment of safely shepherding oil tankers to and from the United States. I have played the old shell game with the Defense Department enough to know they are masters at deftly shifting the pea from one shell to another.

On the one hand it could be argued that the cost would be relatively small because the ships would be used for all sorts of other things; on the other hand it could be countered that the expense would be much larger than it appears because there are a lot more costs involved in mounting and maintaining a sophisticated fleet of escort ships. However all this may be it bears only tangentially on the point I want to make.

Mr. President, that point is that somewhere in government—and maybe Congress is the place—an evaluation must be made among alternative ways to enhance our national security with respect to oil supplies. One way may be to spend the billions mentioned for the patrol frigate and sea control ships as proposed by the Navy. But another way is for the Federal Government to build a national security pipeline system from Alaska's North Slope so as to delay our increased dependence on foreign oil and make unnecessary whatever share of the Navy's patrol frigate and sea control ship costs this would represent. In other words, if the total system costs for PF and SCS were, say, $6 billion and a third of this amount was attributable to oil tanker escort, then we should take the $2 billion for construction of a North Slope national security pipeline and give the Navy $4 billion if the other assignments for these vessels could be justified.

When Gen. George Lincoln, head of the Office of Emergency Preparedness, testified last month before the Committee on Interior and Insular Affairs, I posed this proposition to him, much as I have set it out here. His answer was:

> Without taking a position on which is best . . . your analysis . . . is completely correct from the standpoint of a one-time economist.

He went on to say:

> You can appraise this (whether) building more destroyers (is) more economic than putting the same funds in development of energy resources that you don't have to protect by destroyers.

Finally, in a further exchange with General Lincoln in pursuit of the importance and appropriateness of framing the issue in the way I have, General Lincoln said:

> I think the point carries adequate and very great weight. Taking the objective of security it is reasonable to look at the various ways of achieving it and one can look at it from the standpoint of accepting dependence on distance and somewhat insecure sources and paying the price of protection of those sea lanes . . . and balance that off against getting the same energy resources by other means which include the pipeline development across Alaska . . ."

That Alaskan oil can, in fact, have a significant impact on the projected crude oil deficit of the United States is beyond question. Admiral Zumwalt mentions foreign imports on the order of 12 million barrels per day in the 1980's. The administration's own findings as recently as last month are that with Alaskan oil available the deficit in 1980 would most probably be 10 million barrels per day and could be as low as 6 million. In percentage terms the administration's estimates are that without North Slope oil imports of Eastern Hemisphere oil will range from 16 to 53 percent, but that with the availability of North Slope oil the dependency would be reduced to a range of 7 to 46 percent of demand.

Mr. President, the administration has spoken as one voice on the question of the national security aspects of exploiting the oil resources on the North Slope of Alaska.

In a letter dated August 4, 1971, addressed to the Secretary of the Interior, the Secretary of Defense wrote:

> The 1968 discovery of major oil deposits in Alaska, coming as it did just after the U.S. in 1967 became unable to meet all its oil needs from domestic sources and entered a period of decline in productive capacity, provided us with the potential to keep our dependence on insecure foreign oil within reasonable bounds. But that potential will be of no avail if means are not found to move Alaskan oil to market.

Last July 21 the Director of Emergency Preparedness—mentioned earlier—wrote to Secretary Morton saying that he found the projected dependence of the west coast oil district on Eastern Hemisphere sources, in the absence of North Slope oil, to be "unacceptable in terms of national security." At another point he concluded:

> Early completion of the Alaska pipeline must be considered an important national security objective.

The General Counsel for the Treasury Department on July 19, 1971, wrote the Under Secretary of the Interior that unless Alaskan oil is brought to market—

> The whole structure of our domestic energy program will be put in jeopardy.

Finally, in response to a request from Dr. Henry Kissinger as to his views on the issue, the reply of the Secretary of State was that he "strongly supports the national security need for Alaskan oil."

Mr. President, in view of these facts I offer an amendment to the fiscal year 1973 military construction authorization bill along the lines I have described and ask that it be printed and referred to committee for full and fair consideration. There are already two multiproduct military pipelines in Alaska—one of 626 miles between Haines, Alaska, and Fairbanks, Alaska, and another traversing the 60 miles between Whittier, Alaska, and Anchorage, Alaska.

My proposal is to add a third one by specifically authorizing $2.5 billion for the construction of a national security pipeline in Alaska.

NOTICE OF HEARING ON NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished senior Senator from Mississippi (Mr. Eastland), chairman of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, May 23, 1972, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Albert W. Coffrin, of Vermont, to be U.S. district judge, district of Vermont, vice Bernard J. Leddy, deceased.

Charles W. Joiner, of Michigan, to be U.S. district judge, eastern district of Michigan, vice Talbot Smith, retired.

Howard T. Markey, of Illinois, to be chief judge of the U.S. Court of Customs and Patent Appeals, vice Eugene Worley, retiring.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. Eastland), chairman; the Senator from Arkansas (Mr. McClellan), and the Senator from Nebraska (Mr. Hruska).

NOTICE OF HEARINGS ON INTERNATIONAL HOUSING

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs will hold 2 days of hearings, May 24 and 25, on the subject of international housing. The format of the hearings will be in the form of a roundtable discussion on the basic issues brought out by the reports published on this subject by the subcommittee last year concerning the activities of our Government and U.S. affiliated organizations in the field of international housing.

The hearings will be held in room 5302 of the New Senate Office Building, commencing each day at 10 a.m.

ANNOUNCEMENT OF HEARINGS

Mr. PACKWOOD. Mr. President, I should like to announce that the International Finance Subcommittee of the Committee on Banking, Housing and Urban Affairs will hold oversight hearings on the administration of the Morse amendment on June 22, here in Washington. The hearings will begin at 10 a.m. in room 5302 of the New Senate Office Building.

This day of hearings is intended to supplement the 2 days of field hearings which I announced earlier. I shall conduct these field hearings on behalf of the subcommittee in Salem, Ore., on June 8 and 9. The day of hearings in Washington will allow administration spokesmen, Members of Congress, and other interested parties who cannot attend the Oregon hearings to express their thoughts on this problem.

The Morse amendment limits the export of unprocessed softwood logs harvested from Federal lands west of the 100th meridian to 350 million board feet annually. It is due to expire at the end of 1973. These hearings are being conducted in an effort to determine the advisability of an extension and possible modification of the Morse amendment.

ADDITIONAL STATEMENTS

THE FRYINGPAN-ARKANSAS PROJECT BEGINS OPERATION TODAY

Mr. ALLOTT. Mr. President, 10 years ago this year, the Fryingpan-Arkansas project was enacted into law. While the progress on the Fry-Ark has not been as rapid as those of us interested in this important project would like, I am extremely pleased with an event occurring today in Colorado, an event which makes the completion of this project much more of a reality.

I have been informed that at approximately noon, mountain daylight time, the initial diversion of water will occur from the Fryingpan River, on the west slope, for use on the east slope in the Fry-Ark project. The water will be carried through the Continental Divide via the recently completed Charles H. Boustead Tunnel. After the 5.5-mile trip through the Boustead Tunnel, the water will be stored for later use in Turquoise Lake.

The Bureau of Reclamation anticipates diverting and collecting approximately 30,000-acre feet during this year. This initial year of diversion of approximately 83,000-acre feet, an amount to be used by the municipalities, farmers, and industries in the future development of Southeastern Colorado.

I am hopeful that the progress we see today will continue until this much needed reclamation project is 100 percent complete. I salute the efforts of the Department of the Interior, and specifically the Bureau of Reclamation, and the many people in Colorado involved in reaching this historic date.

PRESIDENTIAL SECRECY

Mr. FULBRIGHT. Mr. President, the Baltimore Sun of May 10 contains an editorial entitled "Presidential Secrecy." The Sun editorial points out that "the cold facts" about the war should be before Congress and the public. But, as the editorial states—

> For months there has been no sign that the leaders of Congress, Democrats and Republicans, have been consulted in advance of momentous presidential actions, or that their advice has been sought. The public . . . cannot feel really sure as to what the President is engaged in.

The editorial concludes:

> There is entirely too much at stake for this to be run as a one-man operation.

The editorial also notes that President Nixon has misled the American people to the extent, at least, of unduly enlarging expectations. Here the editorial has particular reference to the earlier invasions of Cambodia and Laos, which the President said would be "decisive," and to the claims about the effectiveness of "Vietnamization."

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL SECRECY

As he approached the end of his speech Monday night President Nixon said: "Finally, to the American people: I ask you for the same strong support you have always given your President in difficult moments. It is you most of all that the world will be watching. . . ." Well and good. But, as a means of obtaining the strong support he requests, Mr. Nixon should feel an obligation to take the people, and in particular their elected senators and representatives in Congress, much more fully into his confidence. Allowances must be made for secrecy applying to impending military operations and movements, but none the less in circumstances as ominous as those of today, with the risk of a much larger war plainly seen, secrecy and surprise are of minor importance as compared with the need for the consultation and understanding on which strong support is built.

Mr. Nixon, like Presidents Johnson and Kennedy before him, obviously has been misled about some aspects of the war in Vietnam, and in turn has misled the American people to the extent, at least, of unduly enlarging their expectations. It is evident that the earlier invasions of Cambodia and Laos, ordered and announced by the President, were not the decisive operations that had been hoped for. It is evident that someone has erred seriously this spring in the estimates of the force of the North Vietnamese offensive and of the South Vietnamese capacity to resist it. The much-used word "Vietnamization" has had a hollow sound after the disclosure that the South Vietnamese army still is heavily dependent on United States air support.

Today, as the war is stepped up to another climax, the cold facts should be before Congress and the public as well as the President. Yet for months there has been no sign that the leaders of Congress, Democrats and Republicans, have been consulted in advance of momentous presidential actions, or that their advice has been sought. The public, for its part, cannot feel really sure as to what the President is engaged in. From what we are told of the President's working habits, we have the impression that he makes his decisions in secrecy and seclusion, usually insisting on secrecy until he goes before the cameras. But are his televised speeches, with their surprise climaxes, merely the above-the-surface part of his conduct of the war; are they intended to complement in some way the secret travels and talks of Dr. Kissinger, or are they the full story? There is entirely too much at stake for this to be run as a one-man operation.

THE SPACE PROGRAM

Mr. SCOTT. Mr. President, I am gratified by the Senate's action on the fiscal 1973 National Aeronautics and Space Administration authorization bill.

The space program, among all the activities directed, controlled, and funded by the American Government, is certainly one of the most visible and probably the most debated program in the Nation today. This is in spite of the fact that since 1970 space funding has never exceeded 2 percent of the Federal budget.

As a stimulant and catalyst for the development of our science and technology, and for research in the basic sciences, the space program is virtually unparalleled by any other activity. Moreover, the direct and indirect benefits accruing to mankind from our investments in space are continuing to mount.

The field of communications has literally been revolutionized by the satellite. International live television reception is now a routine procedure thanks to satellites. The satellite's ability to provide cheaper and more reliable long-range communications has been a direct economic gain to this Nation's commerce. Before the advent of the Intelsat system, there were only 500 cable circuits available for transoceanic phone conversations; today there are thousands, and the cost has been cut nearly in half. Corollary benefits have stemmed from the space program's need for high-speed land line data links and radio transmissions. This has resulted in American businesses—and their customers—enjoying increased efficiency through wider and rapidly growing use of computer-connected data transmissions systems.

The meterological satellite is another direct application of space technology's benefit to man right here on earth. From the time the first met-sat was launched in 1960, a new era in meteorology has opened. In 12 short years these satellites have returned to earth more information about our atmosphere and its complex weather-making mechanisms than was learned since man first began study of the weather hundreds of years ago. Satellites have detected and tracked every tropical storm over the past several years. This has allowed time for threatened areas to receive warnings well in advance of the impact of the storm. Official estimates indicate that many thousands of lives and many millions of dollars of property have been saved as a result of satellite information.

One of the newest satellites, the earth resources satellite, holds great promise for directly benefiting mankind. The ERTS in orbit will make repetitive observations of the earth greatly aiding man in assessing and understanding the changes taking place in his environment. These satellites will record, analyze, and synthesize information about the natural resources of the earth on a level and scale never before dreamed of—they will aid the farmer by telling him when to plant and when to harvest and even spot crop diseases for him; they can aid fishing fleets by spotting feeding areas and large schools of fish and even measure currents and tides. Their main job is looking not away from earth but toward it, greatly helping man live better right here on earth.

In the early days of America's space program, men with vision forecast that multiple benefits would someday be derived from the wide-ranging space research and development activities. Their forecasts were indeed accurate, because numerous indirect or "spinoff" benefits are an actuality today—and the total keeps building.

In addition to the obvious stimulation of the Nation's economy, the space program relatively quickly recorded major contributions in medicine, environment control, oceanics, education, new materials, and new products. Here are just a few examples of the many indirect benefits of space science and technology.

MEDICINE

The space program has made many contribtuions in the field of medicine. The combination of medical research, particularly in new areas of physiology and biology necessitated by space flight together with systematic development of means for the remote acquisition, monitoring, and interpretation of physiological processes during flight, have contributed much of the technology needed for improving both quality and the quantity of health care.

ENVIRONMENT

Central to the concern with the environment is the measurement of its present state. Planned change can have meaning only when starting points are known. So, too, the effects of actions to reduce the severity of these problems must be measured. Thanks to the space program, significant advances in both of these measurement areas are occurring in weather observation, prediction, and control; pollution monitoring and abatement; and energy resource discovery and conservation.

SAFETY

The National Fire Protection Association estimate that in 1970 alone fires claimed the lives of over 12,000 Americans and cost this country more than $2.5 billion in property fire protection efforts. Out of the program have come several fire retardant or nonflammable foams, paints, fabrics, and glass fiber laminates that are finding applications ranging from jet aircraft and automotive interiors to the construction materials of nursing homes and hospitals.

Mention of the indirect benefits could go on and on. However, one point is clear. Significant progress in the solution of technical problems is frequently made not by a direct approach, but by first setting a goal of high challenge which offers a strong motivation for innovative work. This fires the imagination and spurs men to expend their best efforts and acts as a catalyst by including chains of other reactions. The space program, without any doubt, is playing this role.

Is the space program too expensive? Hardly. The space effort over the past decade has cost this Nation less than one-half of 1 percent of our gross national product. The 1972 Federal budget estimate allotted only 1.4 percent to space science and technology. Over 92 percent of all space funds are spent right here in the United States and that means jobs for Americans. This impact has been felt by over 20,000 firms with the resultant average employment during the 1960's of nearly 300,000 people per year. Furthermore, a substantial sum of the dollars spent on the space program comes back to the city, State and Federal governments in the form of corporate and individual taxes. It is estimated that in the past 10 years these taxes returned to these governments amount to over $3 billion, and they in turn help support the growing social and domestic programs of this Nation.

WAR ESCALATION ADVERSELY AFFECTS ECONOMY

Mr. CHURCH. Mr. President, America's involvement in the war in Indochina has weakened our Nation's economy over the past 8 years. Each time the United States has escalated, the economy has been adversely affected. The buildup of U.S. forces in the 1967–68 period and the invasion of Cambodia are two clear cases in point.

Now that the President has unilaterally ordered massive bombing strikes over all of Vietnam, the dropping of mines around northern Vietnam, the assembly of a massive armada of airplanes and naval vessels in the fierce conflict, there is the deep concern voiced only last month by Price Commissioner C. Jackson Grayson, that an "unexpected event" may lead "to greater national expenditures." We now have the event, and Pentagon officials have more than hinted that it is "very likely" that they will request supplemental funds to finance this newest gambit.

Such new expenditures "may help cause a renewal of the kind of inflation the Nixon administration found when it took office" plus diminish "consumer confidence," Thomas Oliphant prophesied yesterday on the financial page of the Boston Globe.

Mr. President, if the United States withdrew from the Indochina peninsula for good, our economy would begin to stabilize and recover.

I ask unanimous consent that the news analysis be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IF WAR MOVES PROLONG, ECONOMY COULD BE IN FOR A SHOCK

(By Thomas Oliphant)

WASHINGTON.—The last time economic considerations heavily influenced a decision on the Indochina War was in March of 1968.

The American generals had on Lyndon Johnson's desk a request for 206,000 more troops plus assorted accoutrements, and among the reasons the former President said "no" to escalation for the first time was the chaos in the international monetary area and in the Federal budget, themselves both largely the products of the war.

The actions ordered last week by President Richard Nixon, it can be stated with 99.9 percent certainty, were not influenced at all by concern over their economic effects, but as the week wore on, it became clear that these may be considerable.

At this stage the comment is speculative only, basically because it is not clear how long the de facto blockade of North Vietnam will continue, how long the greatly-enlarged naval armada will remain in the South China Sea, and how long the air war will go on at its current, enormously-escalated level.

In that connection, it's important to keep in mind that Mr. Nixon's actions were designed not to be long-lasting and constitute instead an attempt to induce fellow superpowers China and the Soviet Union to cooperate in the arranging of a negotiated settlement.

However, as has happened so many times where Indochina is concerned, the President's moves may backfire, in which case the classic Vietnam syndrome of stalemate at a higher level of fighting may be repeated.

The first solid hint that something of a shock may be in store for the economy emerged at the Pentagon on Thursday, where chief spokesman Jerry Friedeim said "very likely", when asked if the Administration would find it necessary to ask Congress for a supplementary appropriation for Indochina activities for the remainder of the fiscal year, which ends June 30.

The answer was the same when the question turned to the possibility of an additional request covering the 1973 fiscal year.

The exact amounts that may be involved are not as yet a matter for public comment, but privately officials are using figures in the unspecified billions of dollars.

For historical reference, it is estimated that the buildup associated with the blockade of Cuba just 90 miles away from the continental United States in 1962 cost around $22 million a day, and that works out to something over $8 billion for a full year.

Perhaps nothing that huge is involved this time around, but don't be sure. For the better part of two months, the Administration has been moving vast quantities of planes, men, ships, and supplies many thousands of miles, and they may all stay put in Indochina for quite a spell.

Obviously, a fiscal escalation will not make things easier for C. Jackson Grayson at the Price Commission. Less than a month ago, he listed as the third of his main worries (after food prices and public support) an "unexpected event leading to greater national expenditures."

Needless to say, he was talking about the war.

His fear is that the Federal budget may help cause a renewal of the kind of inflation the Nixon Administration found when it took office and eventually cured with a recession—namely too much demand.

Already, without the additional problem of the war, there are fears all over town of an inflationary revival late this year as the budget-deficit financing proceeds and as some pressures down on the farm get sent to market along with the produce.

The other potential problem is psychological and could effect the economic recovery.

It is now pretty much taken for granted that the invasion of Cambodia two years ago, and the resulting domestic chaos, affected far more than the stock market between May and July. Consumer spending plans were also affected, with the result that the economy generally was very poorly prepared for the General Motors strike that began that September.

This year, a diminution of consumer confidence would be especially troublesome, above all because retail sales are already a source of Administration disappointment.

A final note: Just before President Nixon made the decision to drop the mines into North Vietnamese harbors last Monday afternoon, he spent some time alone with his favorite Cabinet member, Treasury Secretary John B. Connally.

It is said they talked about respect for the Presidency and for the United States, and about the need to avoid humiliation and other virility-damaging consequences of defeat.

A few months from now, Mr. Nixon may wish they'd talked a bit about the economy.

WEST COAST DOCK SETTLEMENT

Mr. PACKWOOD. Mr. President, a very important wire story concerning the west coast longshore situation has just been brought to my attention. I believe it will be of interest to all Senators. It reads as follows:

NEWS RELEASE

West Coast longshore union dock employers announced agreement today on pay scales ordered by the Federal Pay Board, ending the threat of a new West Coast dock strike. The announcement said straight time pay would be increased by 42¢ to $4.70 per hour retroactive to December 25, 1971. That is a standard set by the Pay Board in its March 16th order trimming from 20.9 to 14.9% increases won by the Union in its 134-day strike. The announcement by the International Longshoremen and Warehousemen's Union and the Pacific Maritime Association made no mention of the Pay Board. Harry Bridges, ILWU President, last February had told his members to stand by for joint action with the East and Gulf Coast Longshore Union if "the Pay Board cuts back our negotiated settlement by as much as 1¢". Thomas W. (Teddy) Gleason, International Longshoremen's Association President, failed to support Bridges, however, in organizing a shut-down of ports of all cities on the U.S. Coasts.

Mr. President, I am certain that all Oregonians share with me a deep sense of relief over the removal of the renewed dock strike threat. Oregon's economy is still struggling to its feet after last year's rail and dock strikes. The threat of a renewed dock strike has hung like a heavy cloud over the economy, creating tremendous uncertainty, and hampering our revitalization efforts. I hope and trust that we may now be able to proceed with these efforts full speed ahead.

VIETNAMIZATION NOT A VIABLE POLICY

Mr. FULBRIGHT. Mr. President, more than a year ago, on April 7, 1971, President Nixon said:

> I can report that Vietnamization has succeeded.

In that same speech the President spoke of the "success of the Cambodian operation and . . . the achievements of the South Vietnamese operation in Laos."

Mr. President, many of us have been suggesting for a long time that Vietnamization was not a viable policy and was not leading to the end of the war. Certainly events of recent weeks have made this clear, just as it has been clear that the Cambodian and Laos invasions were not "decisive" as the President had claimed.

Earlier this year there were repeated reports that there was going to be "one more Communist offensive." But, we were told, it could be contained. An article by Col. Robert D. Heinl, Jr., published in the Armed Forces Journal for March 1972, reported on a White House briefing by Dr. Henry Kissinger. In the article Colonel Heinl wrote:

> Even with one or more Communist offensive now being (or apparently being) mounted in the long-quiescent central highlands, it was Dr. Kissinger's view that "We can contain them." This assessment is shared, as this reporter knows firsthand, by the formidable John Paul Vann, our past grand master of pacification in that region.

The article attributes to Dr. Kissinger the statement that—

> The reason why North Vietnam demands a political settlement and won't negotiate a separate military settlement is that their military prospects are unfavorable.

The article also stated that—

> The Thieu government is stronger in the rural areas—Hanoi's chosen arena—than ever before and the South Vietnamese Armed Forces are gaining strength and capability every day. The ARVN was reported to be able to fight the North Vietnamese Army toe to toe.

Mr. President, as the respected Paris newspaper Le Monde has pointed out in an aptly entitled editorial "The End of a Myth," a 1-month offensive "has been sufficient to destroy these myths."

As the Le Monde editorial states:

> Because he has not succeeded in "Vietnamizing" the war and because he does not want to "Vietnamize" peace, Mr. Nixon for the moment, is "re-Americanizing" the conflict.

Mr. President, I ask unanimous consent that the article and editorial be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Armed Forces Journal, March, 1972]

HANOI HAS LOST VIETNAM WAR, DEMANDS THAT U.S. SURRENDER

(By Col. Robert D. Heinl, Jr.)

Hanoi's adamant demand for political capitulation by the United States and South Vietnam is intended to avert a military settlement bound to reflect the Communists' increasingly unfavorable situation in a war they have all but lost.

This was the conclusion expressed by Dr. Henry Kissinger during a wide-ranging White House briefing 26 January, following President Nixon's disclosure of our prolonged secret negotiations with North Vietnam throughout 1970 and 1971.

"The reason why North Vietnam demands a political settlement," said Dr. Kissinger, "and won't negotiate a separate military settlement is that their military prospects are unfavorable."

In effect, continued the President's top foreign-policy adviser and negotiator, the North Vietnamese are trying to coerce the United States to deliver to them in a Communist-model political settlement the victory they have lost militarily.

Such a settlement as Hanoi's negotiators were proposing—at least, until they abruptly broke contact last November—called on the United States virtually to surrender to North Vietnam a South Vietnam the Communists have proven unable to conquer by either invasion or subversion.

This judgment—one of a Communist enemy too weak in the field to negotiate military aspects of the war save in a winning political settlement—supports beliefs held by some military analysts ever since the successful Cambodian trans-border operations of 1970.

These hypotheses run as follows:

South Vietnam is and will continue to be the main objective of Hanoi. Yet the Communist situation inside South Vietnam is now worse, politically and militarily, than at any time in the war.

The authentic Viet Cong—the Communist insurgents of the South—are on the ropes. The war of pacification has succeeded. So-called Viet Cong main-force units are now 70% made up of North Vietnamese conscripts marched down the Ho Chi Minh trail, rather than true South Vietnamese with their roots in the countryside.

The Thieu government is stronger in the rural areas—Hanoi's chosen arena—than ever before. The South Vietnamese government has freely handed out nearly 2-million weapons, and all the ammunition they can shoot, to its own villagers. None of these weapons has been turned against the regime by a thoroughly armed populace which, instead, has been using them effectively against the so-called VC.

The once-despised South Vietnamese Armed Forces—the ARVN, Air Force, and Navy—are gaining strength and capability every day. The ARVN has shown itself able to fight the North Vietnamese Army (NVA) toe to toe, something that would have seemed unbelievable only four years ago.

In 1968, the VC and NVA were fighting in the streets of Saigon and Hue. In 1969, they had been pushed back to the jungles of Tay Ninh and the A Shau Valley. In 1970 and since, the fighting war was clear of South Vietnam and the Communists were restricted to ground action in remote, largely unpopulated areas af Laos and Cambodia.

Even with one more Communist offensive now being (or apparently being) mounted in the long-quiescent central highlands, it was Dr. Kissinger's view that "We can contain them." This assessment is shared, as this reporter knows firsthand, by the formidable John Paul Vann, our past grand master of pacification in that region.

It can be added, on high authority, that General Abrams is of the same mind.

It was Dr. Kissinger's speculation—which he clearly labeled as such—that one reason the Communists may have broken off negotiations last fall was to await the military results of one more throw of the iron dice.

Against this bleak background, at least as seen from Hanoi, Communist negotiators insisted, in secret meetings described by Dr. Kissinger, that the United States set and adhere to a date for total U.S. withdrawal, regardless of what Hanoi might or might not do; that "withdrawal" meant complete withdrawal of all U.S. weapons and equipment supplied by the U.S. to South Vietnam (i.e., disarming the ARVN—while, incidentally, the NVA retained its own Russian-supplied weapons now coming in at a rate of a billion dollars a year); and that the United States impose political arrangements on South Vietnam which could only result in Communist takeover.

The above formula—described by Hanoi as the essential political terms for settlement—was also accompanied by a demand that the United States pay "war reparations" to North Vietnam as a beaten enemy.

In their long memories of the 1954 Geneva Conference, where France capitulated to North Vietnam, the heirs of Ho Chi Minh seem to have forgotten the dictum by our observer, General Walter Bedell Smith:

"Diplomacy has rarely been able to gain at the conference table what cannot be gained or held on the battlefield."

Now, however, if Kissinger is correct, Communist diplomats are trying desperately to win back in conference a war they have irretrievably lost on the ground.

[From the New York Times, May 16, 1972]

THE END OF A MYTH

(NOTE.—This editorial first appeared in the French newspaper Le Monde.)

Only two months ago Washington presented the Saigon Army as one of the best in the world and "Vietnamization" as a great success making gigantic progress. The Government in the South was asserting that only an infinitely small minority of the population was not under its control. In short, some 13 or 14 million tons of bombs and other munitions, chemical spraying of a seventh of South Vietnam's territory, the influx of dollars and military equipment and the repression of legal opposition had at last defeated "Communism" and at last the theory of "two Vietnams" would be vindicated.

A one-month offensive has been sufficient to destroy these myths. On the one hand, one can only admire once more the tenacity of the North Vietnamese soldiers—and that of the N.L.F. in the South—who under the greatest deluge of bombs in history have managed to mount an unpredented offensive and upset their adversaries. On the other hand, the formidable South Vietnamese Army, in spite of a million men, has finally revealed its weaknesses: apart from meritorious resistance at a few points, at Anloc for instance, the majority of the troops and officers have passively watched the Americans bomb the enemy, ready to flee in disorder at the approach of danger.

Servants of a regime whose foundations remain essentially its military and police force, the Government troops seem to be suffering from a lack of "motivation." The anti-Communist views of their leaders have not incited them to plan counteroffensives and what has been called "Southern nationalism" has not galvanized popular energy against the "invader." The policy of "Vietnamization" has not succeeded in making half a country into a nation.

True, the people have not opted for the North either; the endless streams of refugees fleeing Quangtri testify to this. But the question should be asked, too, how civilians could possibly remain in villages systematically pounded by American aviation as soon as they are taken by "the enemy." Also, if the peasants, that is, the majority of the population, were for the Saigon regime and its protectors, infiltration from the North would have ceased long ago and the N.L.F. would no longer exist, Mr. Nixon, even if he does not say so, knows this full well when he states that President Thieu's troops will "hold their own" if the U.S. Air Force and Navy continue their support.

The era of "Vietnamization" thus seems to be coming to an end. Because he has not succeeded in "Vietnamizing" the war and because he does not want to "Vietnamize" peace, Mr. Nixon for the moment, is "re-Americanizing" the conflict, whatever he may say. In fact, he is trying to gain time. Will he thus spare America its first defeat in history?

JOSEPH CARDINAL MINDSZENTY

Mr. SCOTT. Mr. President, on March 29 a great church and civic leader, a hero to his people and a confessor of his faith, celebrated his 80th birthday in imposed exile in Vienna. Joseph Cardinal Mindszenty, who displayed strong religious convictions and patriotism when it was inopportune to do so, has become a hero to those who stand for religious courage and strength of character. And rightly so.

In 1945 he was appointed archbishop-primate of the Hungarian church. A year later, the Pope elevated him to the rank of cardinal. Joseph Cardinal Mindszenty's teachings have followed the traditional Catholic doctrine on social and political issues, withstanding much personal persecution.

In 1919, he was arrested by the Kun regime for his opposition to the abolition of religious instruction in schools; in 1944 the Germans arrested him for his pastoral letter calling for an end to the war and for the help he extended to the persecuted Hungarian Jewry. But his greatest trial came in 1949 when the Government singled him out as the only obstacle for taking over the public life of the country in the spirit of Marxism-Stalinism. He spent more than 5 years in prison and was liberated by the freedom fighters in 1956, who succeeded in diminishing the Stalinist control over Hungary.

It is only fitting that we honor this man who sacrificed so much for his ideals and convictions, who has contributed so much to religious life during this century, whose outlook has encouraged and inspired many, and whose influence has been widespread.

I urge all my colleagues to join in recognizing the many and varied accomplishments of this unique man, Joseph Cardinal Mindszenty.

McGOVERN ON ISRAEL

Mr. RIBICOFF. Mr. President, the Senator from South Dakota (Mr. McGovern) has made an important and definitive statement on American policy in the Middle East. In his speech on May 13 in Columbia, Md., Senator McGovern left no doubt as to the kinds of support the United States must give Israel in order to maintain the peace and deter direct Arab and Soviet military action against Israel. He made it clear that the survival of a democratic, thriving, and secure Israel should stand as the cornerstone of our policies in the Middle East.

In his address, Senator McGovern cited Israel's genuine desire for reconciliation and peace with its Arab neighbors and called for direct negotiations between the parties leading to secure and recognized borders.

He asserted that in order to maintain the balance of power in the region Israel must continue to receive from our own country the advanced aircraft and other equipment necessary to guarantee its deterrent capacity. Senator McGovern noted Israel's crushing defense burden and advocated direct American economic aid and military credits for Israel. Acknowledging that the Soviet Union remains the ultimate obstacle to peace in the Middle East, Senator McGovern urged vigorous diplomatic support for Israel in all bilateral and international forums.

Finally, the Senator declared that in the future we must make it plain that we will never waver in our determination to preserve Israel's security, independence, and survival.

I strongly endorse Senator George McGovern's proposals as the policies he would follow as our next President. This program should serve as the basis of future United States-Israel relations.

I ask unanimous consent that the text of his remarks be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

SPEECH BY SENATOR McGOVERN AT THE POST PAVILION, COLUMBIA, MD., MAY 13, 1972

Those of us who have supported and led the movement for peace in Indochina are sometimes asked how we can reconcile our position on that issue with an equally firm insistence upon American aid to Israel.

The question is a dismal reflection of how badly our judgment has been impaired by the trauma of Vietnam.

We cannot permit our revulsion against the war in Indochina to distort our judgment about America's responsibilities elsewhere in the world. And any hint of a similarity between our involvement there and in the Middle East is sadly and dangerously mistaken.

In fact there is no common element between the lamentable role we have played in Indochina and the role we must continue to play in the Middle East.

This is true with respect to the merits of the conflict, the nature of our supportive role, the depth of the Soviet commitment, and the degree of American self-interest involved in both areas.

And because we made a mistake in backing a corrupt dictatorship in Saigon is no reason at all to deny our economic, diplomatic and political help to the free and independent state of Israel.

The Israeli government, as everyone well knows, is a democratically elected coalition that includes Arab representatives. Its basic popular support is as firm as that of any government in the world. Personal freedom and dissent flourish there.

Israel's treatment of the Arab population in the areas now under its control has been among the most enlightened and humane of any occupying power in history. The sharp rise in the standard of living in these territories, the success of the recent West Bank elections, and Israel's open-borders policy with Jordan attest to this. They also bear witness to Israel's genuine desire for reconciliation and peace with its Arab neighbors.

What policies should the United States pursue in the Middle East, in its own best interest, and in the interests of all of the peoples of the area?

Our basic goal, of course, is to maintain the peace. But what is crucial here is the *kind* of peace we should be seeking.

The best objective is a peace based on genuine reconciliation and mutual respect between neighbors. I hope and pray that some day a leader of an Arab nation will be courageous enough, and concerned enough for the welfare of his own people, to state publicly and unequivocally, "we must live in peace with Israel."

But until these magic words are spoken and true reconciliation between Arab and Jew begins, we must follow policies that do not invite further bloodshed, and improve the chances for eventual reconciliation. We must take actions consistent with our desire for peace, but also consistent with the realities of the present situation in the Middle East and the respective positions of the adversaries there.

In my view that means that the survival of a democratic, thriving and secure Israel should stand as the cornerstone of our policies in the Middle East.

By leaving no doubt as to our determination to help sustain Israel in those terms, we will act consistently not only with our own ideals and interest, but also with the only conditions under which a settlement can eventually be achieved.

The specific elements of such a policy must be discussed in terms of past and recent history.

We know that the basic goal of Israel's foreign policy is the establishment of a secure peace with its neighbors and that is a sensible, realistic course. It is absurd to regard tiny Israel with three million people as a threat to its Arab neighbors who number more than 100 million. But neither can we question Israel's determination or right to remain an independent Jewish state.

By peace, Israel means a settlement with its neighbors embracing the concept of defensible and recognized national boundaries capable of deterring possible future aggression.

The three Israel-Arab wars in the past 25 years are largely traceable to the strategic vulnerability in which Israel was cast by the arbitrary and erratic lines drawn as its temporary boundaries. These boundaries, because of their tempting vulnerability, were themselves invitations and maritime blockade. The 1949 lines, it is worth recalling, reflected Arab invasions and Israel's response.

Israel insists now upon the establishment, for the first time, of national secure and recognized boundaries, determined through a process of negotiation with its neighbors.

Clearly there can be no reconciliation without such prior negotiation. I cannot recall when in history a dispute between nations has been solved without the parties themselves meeting together to hammer out their differences. This certainly applies in a dispute so complex as the Israel-Arab conflict.

Being realists, the Israelis have expressed their willingness to enter into indirect negotiations as a start. They are correct in asserting that meaningful progress is ultimately dependent upon the Arab government's readiness to enter into face-to-face talks. The Arab refusal to meet with Israel directly as sovereign equals is really tantamount to continuing nonrecognition. Israel has placed on public record its readiness to enter into negotiations without prior conditions, and has expressed its willingness to withdraw from the present ceasefire lines to new boundaries which the negotiators would agree upon in a treaty of peace.

In the total absence of Arab willingness to enter into comprehensive peace negotiations at this time, recent American efforts to break the statement have centered on a limited Suez agreement. Israel has declared its agreement to enter into proximity negotiations with Egypt through the good offices of the United States, with a view to concluding a partial settlement affecting only the Suez Canal sector.

The obvious advantage of such an agreement would be the disengagement of the opposing military forces. This would permit the clearing and re-opening of the Canal, revive normal civilian life in the Canal sector, and perhaps, most importantly, spawn a climate of trust and cooperation conducive to later, more comprehensive peace negotiations.

But until the conditions for either a Suez settlement or an overall peace agreement have matured, no effort must be spared by all the parties concerned to reduce the threat of renewed hostilities.

The most dangerous front is, of course, the Suez Canal sector where opposing forces are poised. On the Egyptian side, a formidable combat Soviet presence is entrenched including a significant number of combat pilots and the most up-to-date weapons in the Soviet arsenal——weapons not deployed anywhere else outside the Soviet Union.

It should be obvious that a weakening of Israel's capacity to respond successfully to any attempted assault across the Suez Canal would increase the prospects of war. President Sadat's public threats leave no doubt as to his intentions should he reach the conclusion he can win a military victory over Israel.

Nor does the Soviet-Egyptian communique offer any modernization of this hard line. It is therefore essential that Israel's deterrent strength be maintained if war is to be prevented, just as it has been the major factor in preserving the ceasefire of the past twenty-one months.

It follows that the United States' role is a crucial one. Our actions can be decisive in averting culture war and advancing the process of peace.

I see four major areas in which the U.S. is capable of asserting itself as a force for peace.

The continued maintenance of the ceasefire and the advancement of the political process depends upon maintaining the balance of power. The structure of any future settlement, partial or total, must be built upon this principle. Therefore Israel must continue to receive from the U.S. the advanced aircraft and other military equipment necessary to guarantee its deterrent capacity. It must be able to count on such ongoing assistance without the Senate having to take the lead periodically in urging this course of action on a hesitant administration.

Israel must also look to the United States for substantial economic aid. It is strained to capacity by the crushing burden of defense which consumes almost 30 per cent of its gross national product, and is faced with a welcome but formidable influx of Soviet refugees. It is through such American aid—particularly credit loans and supporting assistance—that Israel will be able to meet the high cost of its defense procurements and its minimal development needs.

American diplomatic support is the third essential point. An administration that would abandon the doctrine of a non-imposed settlement or that would compromise the goal of a genuine binding peace agreement between the parties, would be striking a disastrous blow at the prospects for peace in the Middle East. Israel must depend upon the United States to assert vigorously its influence in international and bilateral forums, including the United Nations.

Finally, we must recognize that the Soviet Union remains the ultimate obstacle to peace in the Middle East. Through massive arms supplied to certain Arab countries, through its own considerable direct military involvement, and through its unswerving support for the Arab cause, the Soviet Union has fueled and sustained a dangerous military condition which could not exist for a single day without such involvement.

The United States is the only nation with sufficient resources to counter such pressure. We must therefore make plain through all channels that our resolve will not be shaken; that we will never waver in our determination to preserve a secure Israeli nation.

Israel considers its military defense to be its own responsibility. Israeli leaders have made it very clear, in public and in private, that they do not want a single American soldier ever to come to Israel's defense. They assert that if they ever have to rely on direct American support, not only will their policies have failed, but they will also have lost their own freedom and independence.

Israel is confident of shouldering its defense responsibilities against any combination of Arab forces. In the past Israel has certainly shown how well and how swiftly it can do this.

I am equally convinced that the danger of an Israeli confrontation with Soviet armed forces will be radically reduced so long as the United States continues to maintain Israel's strength through arms assistance, economic aid and political support.

In order to give credibility to such policies of support for Israel, I am prepared, as I have said, to visit Israel as President of the United States. No American President while in office has even traveled to Israel. It is time that this visit takes place, not only as a demonstration of America's commitment to Israel's survival, but as a tribute to a humane and courageous ally and as a reaffirmation of the ideals our nations share.

In the years ahead we will have to make difficult choices as to how, when and where to wield our influence and power. If we choose wisely we can be a dynamic force in the creation of a saner, safer world. My distress over some of the choices of the present Administration is not only because of their failure to assess the moral consequences of their actions, but because they weakened our resolve and ability to move on to more pressing international business.

I think we can do better than we have past. I think that the American people and the rest of the world deserve better. America must pursue its "new involvement" in the world with compassion and with optimism, but also without weakness or naivete. We must learn from our past mistakes and begin the process of involving ourselves in the destiny of this planet as wisely and humanely as we know how.

CONSTITUTIONAL AMENDMENT ON CONGRESSIONAL ROLLCAL VOTING ATTENDANCE

Mrs. SMITH. Mr. President, the response of the American public to my proposed constitutional amendment, Senate Joint Resolution 200, to require a minimum of 60 percent rollcall voting attendance on the part of Members of the U.S. Senate and the U.S. House of Representatives, has been amazing.

Not only have I received a great volume of mail in support of my proposal but the Judiciary Subcommittee on Constitutional Amendments has received a very heavy mail urging hearings and favorable action on Senate Joint Resolution 200. I understand that as many as 20,000 expressions have been sent to the Subcommittee on Constitutional Amendments.

The credit for this heavy mail to the Subcommittee on Constitutional Amendments must go to the national publication, the National Enquirer, which has conducted an intensive coupon campaign among its readers, urging them to cut out, fill out, and send to the subcommittee the coupons in the paper urging the subcommittee to act promptly and favorably on the proposal.

It is this type of news media support that my proposal needs, for I know there is tremendous grassroots support for the proposal, and the only question is getting the American public to know about the proposal.

I am also encouraged by the widespread formal action of support for Senate Joint Resolution 200 taken by various groups throughout the Nation, including State legislative bodies such as the Maryland General Assembly.

I do hope that the chairman of the subcommittee, the Senator from Indiana (Mr. BAYH), will respond to the personal request made by myself and the Senator from Kentucky (Mr. COOK) to him to hold hearings on Senate Joint Resolution 200 at the earliest practicable date.

THE SENATE WATCHES AN ANGRY EMPEROR UP THE MILITARY ANTE

Mr. CHURCH. Mr. President, one of America's top journalists, if not the top, Mary McGrory, made some acerbic but accurate remarks about the Senate's lack of will in expressing its independence in regard to the President's recent unilateral actions in upping the military ante in Indochina. She compares the Senate to the South Vietnamese Army. "It has all the equipment it needs," she writes, but it lacks the will to fight." And the President, in her view, is like an angry emperor, speaking "to the country through imperial decree" after deciding to destroy the country which had resisted him. And throughout, "Americans have nothing to say about the most important decision of their lifetime. One man has sealed their fate."

All of this shall remain tragically true, unless the Senate remembers its constitutional responsibilities and stands up as an independent body. Such a renewed spirit would insure that the separation of powers still exists.

I ask unanimous consent that the last three columns by Mary McGrory be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Evening Star, May 12, 1972]

Byrd Gives Senate A Bombproof Shelter

(By Mary McGrory)

At the Senate Democratic Caucus last Tuesday, when the mines had been laid in Haiphong Harbor, some of the seniors present were grumbling at having been left in the dark as usual as to the President's plans.

"If the President treats the Senate with contempt," said Sen. Frank Church of Idaho, "it is because we are contemptible."

The caucus, having been touched in its pride, thereupon voted disapproval of the latest "decisive military action" to end the war, and its approval of an amendment, sponsored by Church and Republican Sen. Clifford Case of New Jersey, to cut off all war funds in four months' time, provided the prisoners of war have been given back.

AMENDMENT "PERFECTED"

The next day, Robert C. Byrd of West Virginia, the majority whip and unchanging hawk, decided that the amendment should be "perfected" with an amendment which added the condition of an "internationally-agreed upon ceasefire."

That "perfection" would, of course, transform the Church-Case measure into implicit endorsement of the mining and a ratification of the Presidents' new peace offer, which like all his previous peace offers, is one that he is sure the other side will reject.

But for the new-fledged and timid doves in the Senate ranks, the Byrd amendment offers a bunker in time of trouble, and the best of both worlds. On the one hand, they can tell their student and anti-war constituency that they have voted bravely to stop the war and at the same time assure their Middle-America that they have supported the President (even though Nixon is expected to oppose Church-Case, "perfected" or not).

So the familiar cycle of escalation and agitation, stilled by the display of a plastic olive branch is about to be run through again.

THUNDERERS LACKING

The Senate has no thunderers to galvanize it to repay affront with resistance. The White House, knowing of the uncertainties that afflict the members at such moments, has been quick to publicize its flood of mail, six to one favorable.

It has also vigorously fanned the suspicion rampant among nervous Nellies that the President has already made a deal with the Russians and that he will come home from Moscow with a compromise settlement in his pocket.

Events have been repeated so often it seems they might remember that there is a surge of support after every "decisive military action"—with the notable exception of the Cambodian incursion two years ago.

But of all the things that have happened and all the things he has told them about the success of "Vietnamization," the effectiveness of airpower and the exhaustion of the enemy, only one has made an impression on them: that was his warning to "pull the rug out from under" those who tried to second-guess him on the war. They have by now a cringing respect for his unpredictability.

REJECTION EXPECTED

The Senators know that the North Vietnamese will reject any plan that includes an internationally supervised ceasefire. The Chief negotiator Le Duc Tho has made it perfectly clear that a political solution must be found first.

The Senate fears Nixon's threats, Hanoi fears equally his promises.

Common Cause, John Gardner's militant and massive citizens' lobby, is making a crash effort to let the senators know they will be judged in anti-war circles solely by their vote on the Byrd amendment. It is uphill work. Senate Majority Leader Mike Mansfield, just back from China and full of forebodings about the war, said he thought he would vote for the amendment, for example.

The House of Representatives, hitherto the president's most reliable cheering section, is showing considerably more spirit in the crunch. The Foreign Affairs Committee voted eight to four, to knock out the ceasefire provision. Its members all face re-election this fall, which has rather focused their minds.

The Senate grows more resentful because, as the years go on, a stubborn Commander in Chief gives them no quarter and no consideration. But they grow no bolder, because no matter how many secret papers come their way, they feel they cannot read the President's mind. He has informed them that any fund cutoff, with or without the Byrd amendment, is unacceptable to the Commander in Chief.

Little hope is held out for the vote next Tuesday. The doves have been unable to rally a majority. The senate is like the South Vietnamese Army. It has all the equipment it needs, but it lacks the will to fight.

[From the Washington Star, May 14, 1972]

Subjects of an Angry Emperor

(By Mary McGrory)

To come from a precinct convention in Dallas, Tex., to Washington in the grip of a new war crisis is to pass from a republic to an empire, from Athens to Rome under the Caesars.

The precinct convention is the lowest common denominator in American politics, and even in Texas, under the new McGovern rules, the most exhilarating.

It is the moment when the citizen speaks and must be heard. It is a moment when the most powerless feels a surge of power.

At Precinct 311 at the Maple Lawn Elementary School, the atmosphere was heady. Young Democrats, who had felt shut out under the old ways, were suddenly in charge.

They turned out the temporary precinct chairman and elected one of their own. They routed the uncommitted and elected a majority of delegates for George McGovern and dispatched them to the county convention to stand for peace and change.

But in Washington, nothing had changed, except for the worse. At the Dulles Airport, a driver met a passenger arriving on the plane from Dallas.

"We're back in the war," he reported morosely. "We're mining Haiphong harbor."

The young people of Dallas had thought they were communicating directly with Richard Nixon. He had, as usual, not been listening. They had not spoken to his condition.

The emperor was in a rage. The colonial army he had proclaimed to be strong and brave was showing that it did not even know how to retreat. Therefore, the country which had resisted him was to be destroyed.

At the McGovern headquarters in Dallas, a young man had exulted, "I'm glad about tonight, because it means that 1968 will go on."

But in Washington, it was still 1968, before the decline and fall of the previous emperor.

Richard Nixon had taken office vowing to end the conflict the country had informed him should be brought to a close.

But when he took stock of his possessions, he found there was no reason to do anything but what he deemed best. At his command were such fleets, aircraft, bombs, defoliants, tanks, personnel carriers and artillery as the world had never seen.

For a poor boy from Whittier, Calif., it was strong meat. Why should a man with all this at hand come to terms with a ragged peasantry that padded through the jungle without computers, sensors, air cover or the USO?

He had learned one lesson from the 1968 campaign, which was, not to be like Lyndon Johnson. But he learned another lesson in office, and that is that there are no limits to his power, no one to stop him in expressing his imperial will.

He forgot his country was a democracy. He forgot the people at the gates. He forgot the Constitution. He ignored the Senate. He talked about peace. He brought home some troops. He talked about prisoners and he began to bomb.

He said the war was ending, there never would be another. He invaded Cambodia. He invaded Laos. He bombed some more. He brought home soldiers and sent out sailors. He bombed. He spoke to the country through imperial decree.

The people were sheep, led this way and that at the sound of his voice. He diverted them. He went to China. He toasted Chou En-lai. He brought home panda bears. But the war went on. He bombed.

He called in the deferential generals. Do it, they said. This will bring them to their knees. So he mined the harbors and thrust his country and the world into a nightmare of apprehension and melancholy. He is the mightiest man on the face of the earth.

Americans have nothing to say about the most important decision of their lifetimes. One man has sealed their fate. They are under the illusion, as they were in Dallas, that they are free citizens with a voice in the conduct of their affairs.

What this ghastly week has brought home to them is that they have nothing to say about the most important decision of their lifetimes. One man has sealed their fate. They are under the illusion, as they were in Dallas, that they are free citizens with a voice in the conduct of their affairs.

What this ghastly week has brought home to them is that they have nothing to say about their lives, their fortunes and their sacred honor. Richard Nixon has decided that the voice of America is the sound of a bomb exploding over a country which he says is so tyrannous it must not be allowed to prevail.

[From the Boston Globe, May 15, 1972]

President Shows He's Sentimental

(By Mary McGrory)

Washington.—Had Oliver Cromwell paused in his slaughter of the Irish to express appreciation of his mother, he might have caused a certain savage amusement among the natives, whose ear for the incongruous had been greatly sharpened in the course of unremitting English attentions over the years.

As the bombs fell on Hanoi and the mines bobbed in Haiphong harbor, President Nixon took time out to proclaim Mothers Day. He referred to "a mother's gift of life and love," providing timely assurance for a melancholy and terrified nation that he is, after all, a sentimental man.

Nobody seemed to wonder how the mothers of North Vietnam might be faring—or their children. They were not included in the proclamation. In another communication last week, the President, opposing abortion, made known his deep concern for the unborn. The born are something else again, and he hasn't gotten around to them yet, at least in Indochina.

Justification of mass murder has not changed much in three centuries, either. Cromwell said of Drogheda that "it will tend to prevent effusion of blood for the future."

Richard Nixon told the bellicose billionaires at Floresville, Tex., that if he did not bomb, "it will be a bloodbath that would stain the hands of the United States for time immemorial."

"Immemorial" is a word that should be applied only to what has already happened, but, as the president of Amherst College, John William Ward, said, as he set forth with his students to a protest at Westover Air Force Base, "nobody is listening to the words anymore."

What is being said at the White House, behind the scenes, is that actions don't mean anything either. The mining was a grandstand play, intended as a diversion from the North Vietnamese offensive against the South Vietnamese.

The Russians knew about the mining agreed to it and its elimination will become a bargaining chip at the Moscow summit. When it is abolished, they will force their North Vietnamese allies to give in. They have sold out for trade as the Chinese, Hanoi's other friend, sold out for a seat in the United Nations.

As explained by the connoisseurs of big-power chess, it sounds like a global plot with two Communist nations to re-elect Richard Nixon, who can't make it if he lets a country the size of Rhode Island go Communist. At least that's what the people who really know what is going on, in contradistinction to what seems to be happening, would have you believe.

A major propaganda offensive is underway to persuade press and public that the mines were as nothing compared to the "most generous peace offer ever made."

The offer was perfectly safe, since the President knows it will not be accepted, but it is being peddled around as a "disguised surrender."

The country is going through the wringer for the third springtime in a row while the President performs his acrobatics. People are shouting at each other and crying, as Richard Nixon bids them hold steady for they know not what. On Capitol Hill, they say he may "pull it off." Pulling it off means currently not starting World War III. For a nation that started out hoping to stop an old war and never dreamed it would involve the end of the world, it seems like thanking somebody for nothing. But that's what Richard Nixon may be asking of us one of these days—if we're lucky.

Mary McGrory is a syndicated columnist.

RUMANIAN INDEPENDENCE

Mr. SCOTT. Mr. President, the 10th of May celebration is a great day for the people of Rumania and their compatriots in the United States. This day is set aside in the hearts of Rumanians as a day of reflection on a proud past and as a solemn day of prayer for freedom in the future.

Most nations have one event in their past that they celebrate on a designated date. The Rumanians, however, have three separate events that serve to strengthen the sanctity of May 10.

On May 10, 1866, after a long struggle for the right to elect their own sovereign, Prince Charles was placed on the throne of Rumania to begin a prosperious reign.

On May 10, 1877, Rumania declared her independence from the Ottoman Empire and set out as a young country among the turmoil of European wars.

On May 10, 1881, the young nation took another step and declared herself a kingdom and Charles I was crowned King of Rumania by the will of the people.

The proud past of the 10th of May continues to thrive in the hearts of the Rumanian people even though its public observance is forbidden by the Communist rule they now live under.

The citizens of the United States in supporting the return of freedom to Rumania and in recognizing May 10 as a day of celebration could do well to remember the words of Abraham Lincoln in 1858. With the clouds of Civil War gathering, Lincoln said:

> Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prized liberty as the heritage of all men, in all lands everywhere.

With words as meaningful as those we Americans know that the love of freedom will never fade and the prayer for peace with human dignity will never cease in Rumania.

CONDITIONS AT LONG BINH, SOUTH VIETNAM

Mr. FULBRIGHT. Mr. President, at a time when war rages in Vietnam, it is interesting to read of conditions at Long Binh, 20 miles north of Saigon, which has been described as the biggest overseas American military post in the world.

The Wall Street Journal of May 1 contains a detailed account of conditions at Long Binh in an article written by Peter R. Kann. The base, which houses 14,000 American military men and 7,000 U.S. civilian contract personnel, is larger than the city of Saigon.

In something of an understatement, Mr. Kann suggests that the comfort of a base like Long Binh "represents an affront to the average, often miserable, Vietnamese on whose behalf Americans presumably are here."

I should like to cite just a few of the highlights of Mr. Kann's article about life at Long Binh, "with its movie theaters and bowling alleys, massage parlors and male beauty salons, air-conditioned offices and Vietnamese servants."

The functions being performed by the 21,000 Americans at Long Binh have little to do with fighting a war or even with directly helping the South Vietnamese to fight one.

There are 12 generals living on the base.

Even in the peak years of the American war effort, logistical and administrative troops outnumbered combat soldiers by a ratio of about 5 to 1, and by now the ratio is well over 10 to 1.

All officers at Long Binh have been issued weapons, though the enlisted men have not been. This is presumably to keep the accident rate down.

On any given evening there are more than 100 movies being shown at Long Binh. A $445,000 centrally air-conditioned theater seating 459 persons was opened last month. There are 10 large club-bars and 50 or more smaller bars. There are 10 small swimming pools and a new Olympic-size pool under construction.

A new bowling alley is also nearing completion. Do the Vietnamese bowl? asks a reporter thinking of the day when Long Binh might be "Vietnamized." "No, but I guess they'll learn," says an Army spokesman.

There is a golf driving range, skeet-shooting range, handicraft workshops, photo lab, lapidary shop, bingo tournaments, bridge contests and dating games. A massage parlor offers steambaths and massages by Vietnamese girls. A male beauty bar offers treatment with "cologne, after shave, tonic, hair cream, lotion, deodrant hair spray and Q-tips."

About 20,000 Vietnamese work at Long Binh, including a variety of servants for the American military men. "Housemaids" tidy up barracks, do soldiers' laundry and polish their shoes daily. Such services are provided for all troops on the base. "They iron everything, even underwear," says one sergeant. Other Vietnamese serve at tables in the clubs and do the more menial chores in mess-hall kitchens. There is no KP duty at Long Binh, except during the annual Tet holidays when Vietnamese workers take a week's vacation.

Mr. President, I hope that Members of the Senate and the public will read the entire article because I believe it is most revealing and is relevant at this time. I therefore ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Just Like Home—In Vietnam, the Place To Be as War Rages On Is Luxurious Long Binh

(By Peter R. Kann)

(Note.—"Entertainment for troops stationed at Long Binh post takes another step forward Saturday with the grand opening of a new $445,000 movie theater. Located on Tennessee Street near the Pacesetter Service Club and the Long Binh Crafts Shop, the centrally air-conditioned theater can accommodate 459 patrons"—The Long Binh Post, issue of April 11.)

Long Binh.—Long Binh lies about 20 miles north of Saigon, roughly one-fourth of the way to An Loc, where North and South Vietnamese regiments are decimating each other in some of the heaviest fighting in the history of the Vietnam war. At least 1,000 South Vietnamese soldiers are dying each week in the current nationwide Communist offensive, and the future of "Vietnamization"—if not of South Vietnam—hangs in the balance.

But you wouldn't know it at Long Binh. Saigon is in many ways an island in the war, but Saigon at least is a Vietnamese island. Long Binh is an American oasis. The enemy offensive has prompted some special defensive precautions at Long Binh, but as one colonel says, "The only real change is that the clubs have to close early so the Vietnamese girls can get home before curfew."

Long Binh, 17,000 acres of Americana housing 14,000 American military men and another 7,000 U.S. civilian contract personnel, is the biggest U.S. base in Vietnam and indeed the biggest overseas American military post in the world, according to officials here. Long Binh's acreage and population have been reduced somewhat since the peak years of the war, when 27,000 Americans resided here, and troop cuts at the base are continuing. But Long Binh still is likely to be one of the very last U.S. installation closed down. If and when it is "Vietnamized" one can only wonder what the Vietnamese will do with a base that is larger than the city of Saigon.

LITTLE TO DO WITH WAR

With its movie theaters and bowling alleys, massage parlors and male beauty salons, air-conditioned offices and Vietnamese servants, Long Binh must rank as the most comfortable post in this not-very-comfortable country.

And, with only one company of combat infantrymen, 122 men, among the 14,000 soldiers stationed here, it probably also ranks as the least combat-oriented collection of military men in any war zone. In fact, the functions being performed by the 21,000 Americans at Long Binh have little to do with fighting a war or even with directly helping the South Vietnamese to fight one.

The post's primary function, according to briefing officers, is "retrograding" American military equipment. This means collecting, repairing and then shipping home (or otherwise disposing of) the millions of tons of equipment the U.S. military has used in Vietnam. "We're tidying up the battlefield," says a briefing officer. While the task is no doubt admirable, the phrase sounds a mite ironic at a time when Vietnam's battlefields are being rendered "untidier" than ever before with the broken bodies of contending Vietnamese.

The second major function here is supporting other American units in Vietnam. But since there are only two American combat brigades left in the country, plus some air squadrons, most of the U.S. troops being supported by Long Binh are themselves support troops of various sorts.

"Actually, a lot of us just support each other," says an infantry sergeant who found himself assigned here as a clerk.

Long Binh also houses "USARV," which is the administrative headquarters of the U.S. Army in Vietnam. This helps account for why there are 12 generals living on the base. However, the operational headquarters of the U.S. military effort in Vietnam (and the office of the U.S. commander, Gen. Creighton Abrams) are not located here, but rather at Ton San Nhut airbase on the outskirts of Saigon.

BRONTOSAURIAN LOGISTICAL TAIL

Critics of the remaining U.S. military presence in Vietnam can use Long Binh as an example to argue that many of the 70,000 American troops still in Vietnam are performing something less than vital tasks and that troop withdrawals should be accelerated. Critics of the way America has fought the Vietnam war can argue that Long Binh exemplifies the brontosaurian logistical tail of the U.S. military; even in the peak years of the American war effort, logistical and administrative troops outnumbered combat soldiers by a ratio of about five to one, and by now the ratio is well over 10 to one. It can also be argued that the comfort (or, by Vietnamese standards, luxury) of a base like Long Binh represents an affront to the average, often miserable, Vietnamese on whose behalf Americans presumably are here.

Defenders of the system, on the other hand, can claim that residual tasks like "retrograding materiel" are important—at least to the U.S. taxpayer. They can point out that troop withdrawals are proceeding despite the enemy offensive, President Nixon having announced last week that another 20,000 troops will be withdrawn by July 1. More generally, defenders of the U.S. effort would argue that America's massive military support apparatus has enhanced the efficiency and safety of the combat infantryman. And defenders can note that the comforts of an oasis like Long Binh are part of a plan to keep U.S. troops off the streets of Vietnamese towns and to prevent them from further warping the economy and society of the Vietnamese.

If any place in Vietnam can be considered really safe, then that place is probably Long Binh. The last enemy-inflicted deaths here were from several rockets that landed inside the base in March of 1971, killing two soldiers. The last time the base perimeter was penetrated was back at Tet of 1968 when some Vietcong sappers managed the feat.

But back in those days there were battalions of combat troops based at Long Binh, and there were three American divisions operating in the general military region that includes Long Binh. Now there are only the one infantry company plus some military police based at Long Binh and only one brigade of U.S. combat troops in the military region.

The current enemy offensive is still mostly raging in border regions, and U.S. installations do not seem to be a prime target for the North Vietnamese, at least at this stage. But if the offensive continues to build, if the South Vietnamese army breaks rather then bends, if the South Vietnamese government should topple or chaos should otherwise engulf the country, what would become of Long Binh?

Perhaps with such thoughts in mind, however remote the likelihood, Long Binh is taking special security precautions.

The outer perimeter of Long Binh is 23½ kilometers long and is defended by 100 two-man guard positions. Guard duties are shared on a rotation basis, by all the various units at Long Binh, engineers, clerks, mechanics, publicists and so on. The guards have recently been issued new, heavier weapons, including antitank guns (the North Vietnamese have been using tanks at An Loc and elsewhere in this offensive).

The sole infantry company and a company of military police have been assigned duty as a ready-reserve force in case the perimeter is attacked. Two weeks ago the infantry company arranged a "simulated attack situation."

"We simulated against four tanks and some infantry," says Capt. James Kuykendall of Echo Company. Did you win? he is asked. "Yup," he says.

An inner perimeter has also been mapped out for the "extremely unlikely case of penetration and fallback," explains Maj. Hugh Sproul, a base operations officer whose office wall is decorated with photos of a mock sapper attack. A brigade of the 1st Air Cavalry Division (one of the two U.S. combat brigades left in the country) is based five kilometers from Long Binh and could land troops here by helicopter in case of serious attack.

All officers at Long Binh have been issued weapons, though the enlisted men have not been. This is presumably to keep the accident rate down. Already one officer, handling a weapon in bed, accidentally discharged a bullet through the ceiling of his barracks, nicking an upstairs officer in the ear. The victim ran downstairs and proceeded to beat up the man whose weapon had gone off. Both officers had to be hospitalized.

There are many officers at Long Binh who, having pursued noncombat career specialties, may not have had any infantry training since they first entered the Army. They are simply required to pass a weapons-familiarization test once a year.

Still, everyone at Long Binh, through the rank of lieutenant colonel, is being required to take a turn at walking night guard duty around his own billet. "Initially the order included full colonels," says a briefing officer, "but they griped a bit."

Long Binh also depends on Vietnamese for protection. There are some 30 to 40 platoons of regional and popular force militiamen deployed outside the perimeter of Long Binh. And Long Binh recently hired 160 Montagnard mountain tribesmen mercenaries, trained by the U.S. Special Forces, to help patrol within the perimeter. The Montagnards are being issued "distinctive uniforms"—black shirts, maroon berets and what Maj. Sproul calls "flashy patches."

But none of the new defense precautions have had much impact on the eight-to-five office routines and varied social life of Long Binh.

On any given evening there are more than 100 movies being shown at Long Binh. There are 10 large club-bars on the base and another 50 or more smaller unit bars. There are 10 small swimming pools, and there's a new Olympic-size pool still under construction. A new bowling alley is also nearing completion. (Do the Vietnamese bowl? asks a reporter, thinking of the day when Long Binh might be "Vietnamized." "No, but I guess they'll learn," says an Army spokesman.)

The base sporting program includes basketball, baseball, tag football, volleyball, tennis, squash and archery. There are a golf driving range and a skeet shooting range, and the Long Binh newspaper recently invited "hunting, fishing and camping enthusiasts" to the organizational meeting of a new rod and gun club. The base drama society has fallen on hard times due to personnel transfers, but Maj. P. R. Kringle Jr., special services officer, says the base retains a "drama capability."

There are handicraft workshops, a photo lab and a lapidary shop, along with Bingo tournaments, bridge contests and dating games. A massage parlor offers steambaths and massages by Vietnamese girls. ("A towel must cover the body at all times," says a sign.) A male beauty bar offers treatment with "cologne, after shave, tonic, hair cream, lotion, deodorant, hair spray and Q-tips." There's also a manicurist on duty.

Upward of 20,000 Vietnamese employes work at Long Binh, including a variety of servants for the American military men. "Housemaids" tidy up barracks, do soldiers' laundry and polish their shoes every day. Such services are provided for all troops on the base, not just for officers. "They iron everything, even underwear," says one sergeant. Other Vietnamese serve at tables in the clubs and do the more menial chores in mess-hall kitchens. There is no KP duty at Long Binh, except during the annual Tet holidays when Vietnamese workers take a week's vacation.

It's conceivable that the very vastness of this base and its most un-Vietnamese character are its best protection. One can imagine the bewilderment of a company of North Vietnamese soldiers, having survived the rigors of the Ho Chi Minh Trail and the ferocious fighting at An Loc, who might find themselves on, say, Tennessee Street, near the Pacesetter Service Club. One can imagine them searching for the manicured lawn of USARV headquarters and somehow winding up at Robin's Skeet Range instead. "If we ever really got attacked the VC would have to use the scheduled bus service to get around this base," says a smiling colonel.

USE OF NORTH VIETNAMESE PROPAGANDA BY U.S. NEWS NETWORKS

Mr. GOLDWATER. Mr. President, from time to time I have turned on the evening network news and have seen them using propaganda film supplied by the government of the North Vietnamese Communists. I have often wondered if when deciding to use this propaganda the national interest of the United States was ever a consideration. A story in this week's issue of the Republican National Committee's hard-slugging publication "Monday" reports that when this very question was put to an NBC news executive and a UPI picture executive, incredibly the answer was "No."

The GOP weekly also features an interesting story on how the CBS Evening News accentuates the negative and distorts the facts when reporting the Vietnam war.

I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

U.S. NATIONAL INTEREST NOT CONSIDERED BEFORE SPREADING ENEMY PROPAGANDA SAY NETWORK NEWS, WIRE SERVICE EXECUTIVES

Incredible as it may seem, a top network news executive and a top wire service executive have told *Monday* that when it comes to deciding if their facilities should be used to disseminate Communist propaganda,* the question of whether the national interest of the United States is or is not served, is not a consideration.

Monday raised the question after watching an NBC Nightly News broadcast featuring North Vietnamese film and after seeing a Hanoi-supplied photo in *Life* magazine, a picture which *Life* said they had purchased from United Press International.

NBC SHOWS COMMUNIST FILM

On April 28, NBC News showed a film which was identified by anchor man Garrick Utley as "made by the North Vietnamese of what they say was an air attack (U.S.) on Haiphong on April 10." Utley went on to quote "a North Vietnamese commentary" as saying nothing in Haiphong was spared including the heavily populated residential quarters in the heart of the city. As the film showed what the Communists said were the results of the bombing, Utley declared: "These, say the North Vietnamese, are the bodies of civilians killed in the bombing attacks; attacks made with a new kind of plastic bomb falling in strings. Like strings of spaghetti according to the (North Vietnamese) commentary."

(The Defense Department denies this report as "totally without foundation." A department spokesman says that there are bombs with plastic casings but when the bomb explodes the plastic usually burns up and is vaporized.)

In the April 28 issue of *Life* magazine, a picture "released by the Hanoi government" was run showing a man and two injured children. The picture claimed that seven members of one family, mostly children, had perished in the U.S. air attacks on Haiphong.

Curious as to whether the topic of whose interests were being served by running enemy propaganda was ever discussed, *Monday* spoke with Wallace Westfeldt, Executive Producer of the NBC Nightly News and Ted Majeski, Executive Picture Editor of United Press International.

AID AND COMFORT TO ENEMY?

In showing Communist propaganda film is the question of what gives aid and comfort to the enemy ever discussed; is it a consideration? *Monday* asked. Westfeldt ducked the question saying: "We try and put on what is news."

When showing such enemy propaganda film does the question of whose interests are being served ever come up? *Monday* asked. "It's not a question of this," Westfeldt replied, explaining that the question is whether or not what is being shown is news. "We're trying to report a story that is going on," he said. "That is the principal question."

Do you consider the question of whether or not the Communist film shown grinds the enemy ax a relevant one? *Monday* asked. "No," said Westfeldt, "we try to put stuff on the air that is informative to the American people."

When asked if the question of the U.S. national interest ever comes up when it is being decided whether or not to show a piece of enemy propaganda film, Westfeldt replied in the negative, saying: "We're not the government."

The particular piece of Communist film used by NBC on April 28 was obtained from a British doctor who had been in North Vietnam and been given the film by the North Vietnamese, Westfeldt said.

When you make a decision to transmit enemy propaganda photographs, does the question of whether or not the photo serves the interests of the U.S. or that of the Communists ever come up? *Monday* asked UPI Executive Picture Editor Ted Majeski.

"No, I don't think it should. I don't think we can put ourselves to be judges of this . . . I don't think UPI or AP can put themselves in a position of making a judgment. We report the news," he replied.

Majeski said that an international organization such as UPI has to exist by doing business not just with U.S. papers but with papers around the world, in Asia, Africa, etc. Generally the only pictures that are not run are things that are "too horrible" or "naked women," said Majeski.

When asked if by running such photos UPI wasn't distributing Communist propaganda, Majeski agreed: "You are absolutely correct, correct in that sense." But he defended the distribution on the grounds that "we are not necessarily helping the enemy, we are just reporting the news."

CBS NEWS ACCENTUATES NEGATIVE, DISTORTS FACTS IN REPORTING VIETNAM ACTION

"Both the correspondents in Saigon and their editors back in Washington and New York, share, in overwhelming numbers, axiomatic beliefs about the war. The correspondent, consciously or not, tends to look at the worst side of things. The editor, consciously or not, tends to select news that is negative."—Syndicated columnist Robert D. Novak writing in a paper presented to a conference sponsored by the Public Affairs Conference Center, Kenyon College, Gambier, Ohio.

Anyone who watches the network television news coverage of the war in Vietnam for more than two consecutive minutes knows that Mr. Novak as the saying goes, "tells it like it is."

During the past several weeks since the North Vietnamese invasion of South Vietnam, the *Monday* Media Monitor has picked up a few items of interest, items which show that when it comes to astigmatisms nothing sees things quite like the CBS eye:

"DEFEAT" NOT A DEFEAT

On the evening of May 6, 1972, CBS Evening News viewers were greeted by anchorman Roger Mudd telling them: "The South Vietnamese suffered two more defeats today trying to push back the Communists in the Central Highlands." One of the "defeats" cited by Mudd was a Firebase 42 where enemy forces reportedly killed or wounded at least 100 South Vietnamese in a three-hour assault.

Meanwhile, on NBC, Don North was reporting from Firebase 42 and his more detailed account showed that the battle wasn't quite the defeat CBS had made it out be.

Pointing out that the attackers were an estimated company of North Vietnamese sappers ("probably the most feared enemy soldiers in Vietnam"), North reported that the base had been destroyed but "if the enemy mission had been to overrun and hold this firebase, as they have so many others, they failed." North said the base was not overrun due to the fighting of the elite South Vietnamese airborne unit that had "beaten off" the attack by the North Vietnamese.

VOLUNTEER ARMY MISREPRESENTED

In the same May 6 CBS Evening News broadcast, there was a film report from Hue, South Vietnam, showing a volunteer army marching through the streets. As the camera focused on a close-up of a man who looked like a 150-year-old Ho Chi Minh in a helmet, (photo, p.3) CBS's David Henderson (in Hue) intoned ominously:

"Led by a brass band playing patriotic marching tunes, the local militia for the ancient imperial capital of Hue paraded through the streets today to show off their strengths. The ragged army of volunteers will be the *first line of defense* when the expected enemy attack comes. The militia is made up of men too old or too young to be in the regular army, veterans—some of them disabled, local officials and teachers."

Henderson went on to point out that the parade was through mostly empty streets because most of the people left as "they were not impressed with the militia to protect them. Local armies in this country have a reputation for panicking and running away when attacked."*

NOT FIRST DEFENSE LINE

The fact of the matter is that the volunteer army shown on CBS News was not and is not the "first line of defense" of the city of Hue. As an Associated Press story reported: "The government has provided 20,000 weapons for volunteers to defend the city if the army cannot hold off the North Vietnamese." The AP report labeled the local military "the last-ditch volunteer defenders of Hue." Thus, by presenting this disorganized group of volunteers as the primary defenders of Hue, CBS gave their viewers a much gloomier picture than the facts warranted.

The final items involve CBS reporter Bob Simon and things he said and didn't say.

In an April 29 report from Hue, Simon was reporting on the Communist shelling of Highway One and the thousands of refugees on the road. Commenting at one point on how the people had to learn for themselves that the road was being bombarded, Simon said: "The Communists were not aiming for civilians, at least one can't imagine why they would, there were more important targets on the road . . ."

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*The word propaganda here is being used as the dictionary defines it: the spreading of ideas, information, or rumor for the purpose of helping or injuring an institution, a cause or a person; ideas, facts or allegations spread deliberately to further one's cause or to damaging an opposing cause.

*Not content with misstating facts and putting the gloomiest possible face on the situation in Hue at the moment he was reporting, Henderson went on to predict defeat saying that the South Vietnamese Marine defense line 20 miles away "was not expected to stop the Communist forces once the full scale attack is launched."

COMMUNIST TERROR TACTIC

What one can't imagine is why Simon would wonder why the Communists would shell civilians. They have done so as a terror tactic since the beginning of the Vietnam war.

Just last week in a press conference, Defense Secretary Laird cited facts and figures to show the Communists "complete lack of regard" for civilians: Since the Communists invaded six weeks ago, the South Vietnamese city of An Loc, a two square mile area concentrated with a civilian population, has been hit by 35,000 rounds of enemy artillery. The four days before Quang Tri fell, the Communists were putting into that civilian population area a total of 3,000 rounds a day The last day before it fell, the city took 4,600 rounds. As Laird put it: "They sprayed artillery into those civilian centers just as if they were using a water hose."

Another Simon report, April 28, ended on a very moving note. As the camera pans slowly showing the bodies of dead and injured men, women and children, South Vietnamese refugees, strewn across a road after their truck had hit a Communist mine, Simon says:

NOTHING LEFT TO SAY?

"By evening government spokesmen are saying another grand victory has been won in Quang Tri province, the situation is once again stabilized. But there will be more fighting and more words. Words spoken by generals, journalists, politicians. But here on Route One, it is difficult to imagine what those words can be. There is nothing left to say about this war. There is just nothing left to say."

Nothing left for Bob Simon to say obviously. But is there really nothing left to say about a truckload of innocent refugees killed and maimed by a Communist mine put there by an enemy who throughout the entire war in Vietnam has deliberately murdered civilians as an instrument of national policy? Is there really nothing left to say about an enemy who after years of aggression continues to try and enslave his fellow countrymen by force and violence? Is there nothing to be said about how 12 of North Vietnam's 13 regular army divisions are now engaged in aggression outside its borders against Laos, Cambodia and South Vietnam? Is there nothing to be said about North Vietnam's violation of the 1954 Geneva Accords and the 1968 understandings which led to a cessation of U.S. bombing? Is there nothing to be said about North Vietnam's truculence and refusal to negotiate in good faith an end to the war?

Of course there is plenty to be said about the war. But the odds are you won't hear it or see it on CBS.

THE IMPACT OF WIN—THE WORK-INCENTIVE PROGRAM

Mr. PACKWOOD. Mr. President, we in the Senate have devoted much time and effort over the years in extending and perfecting the Nation's manpower services for disadvantaged workers. It is imperative that we be able to assess the impact of those efforts so that we can continue to improve job opportunities for the poor and help reduce our Nation's public welfare expenditures. In this regard, I call attention to the research efforts supported by Howard Rosen's office in the Manpower Administration at the Department of Labor. At hearings last month before the Senate Subcommittee on Employment, Manpower, and Poverty some of the studies supported by his office were discussed.

One study was of particular interest to me, as it was concerned with the work incentive—WIN—program, which we created in 1967 and which has been of real assistance to the people of Oregon, who have been hit hard by high unemployment rates, a slump in housing, and a long and costly dock strike. The study, prepared by Prof. Bradley Schiller at Pacific Training and Technical Assistance Corp., demonstrates how and when the WIN program can be effective. I should like to bring his observations to the Senate's attention.

Based on 2 years of WIN program observations in 32 cities, Professor Schiller concludes that manpower training programs are not able to significantly reduce local unemployment rates; they simply cannot create jobs. Training programs do yield important benefits, however. By raising educational levels and extending vocational skills, they give the poor and disadvantaged more chances to find a job when labor markets improve. Participation in programs like WIN also maintains an individual's commitment to the labor market. Surely educational and training activities are a better alternative than jobless idleness. In view of these important and real benefits I am convinced that we should extend and adapt our manpower efforts to conform with changing labor market needs. At the same time we should make a determined effort to raise the number and quality of jobs that are available to the poor.

ARMS CONTROL

Mr. ROTH. Mr. President, arms control is a particularly vital aspect of our foreign policies. In recent years a series of agreements have helped to bring a degree of international regulation in the field of nuclear weapon testing, emplacement, and transfer. These agreements include the Test Ban Treaty, the Non-Proliferation Treaty, the Antartica Treaty, and the Seabed Treaty.

The tragic situation in Vietnam calls to mind an especially important area of arms control that has been relatively neglected recently, both in international forums and within our own Government—the control of transfer of correctional arms from one country to another. In some cases, free world countries have competitively supplied arms to opposing sides in local conflicts.

In an article published in the Washington Post of May 3, Charles W. Yost, an experienced diplomat as well as a thoughtful columnist, called attention to this situation. Mr. Yost pointed to some of the reasons for the large-scale transfer of conventional weapons from superpowers to smaller countries as well as to some of the difficulties in achieving any kind of negotiations or agreements in this area.

In view of the importance of conventional arms transfer, I intend shortly to offer an amendment to the Foreign Relations Authorization Act requiring a report on the problems and possibilities in this field from the Arms Control and Disarmament Agency. I believe that such a report to the Congress will give Senators and Members of the House of Representatives an opportunity to inform themselves of the issues and make a substantive contribution to the development of policy in an important area of our foreign policy.

Mr. President, I ask unanimous consent that Mr. Yost's column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Should Superpowers Dole Out Weapons?

(By Charles W. Yost)

The well-known fact that big nations provide vast quantities of arms to small nations has again been brought to public attention by the administration's charge that Soviet supply of heavy weapons to North Vietnam has encouraged the latter to undertake its current offensive. This charge may well be true in part, though there is every reason to believe that Hanoi would have undertaken an offensive at this time even if it had not had these heavy weapons. Its aims are as much political as military vis-a-vis Saigon, vis-a-vis Moscow and Peking, vis-a-vis United States public opinion.

The broader question remains, however, whether it is necessary, prudent or moral for great powers to dole out weapons throughout the world as lavishly as they now do.

The answer to this question is by no means simple, or black and white. Not only is the practice abundantly indulged in by all the big nations—the United States, the Soviet Union, France, Britain, and China—but it is obviously welcomed by the medium sized and small nations that receive the arms. The chief complaints of the latter are that they do not receive enough, or that deliveries are slow, or that they have to pay too much. They also complain that their actual or potential adversaries are receiving more from other sources—or sometimes even from the same source. But this fact or claim merely induces them to ask more for themselves.

The receiving countries do certainly have a point. As long as the so-called "international community" is made up of undisciplined sovereign states, quarreling and fighting with each other, the small states need arms as much as the big ones.

Moreover, it would hardly be desirable to oblige each of them, particularly the poor ones, to try to build up separate arms industries of their own.

The motives of the big powers are so mixed as almost to defy analysis. The United States sells arms to Germany in order to equip German troops assigned to NATO, but also to help its own balance of payments. In east Asia, the Nixon Doctrine, which provides the rationale for United States disengagement, also assures our allies of United States arms to enable them to defend themselves without our direct involvement.

France sells sophisticated weapons to everyone, it can, including South Africa, to maintain an industry for its own military needs more extensive and sophisticated than it could support alone.

In the so-called Third World, where the Soviet Union and the United States rightly or wrongly conceive they have "vital" interests, they competitively supply arms to warring adversaries—North and South Vietnam, Egypt and Israel, India and Pakistan. By this time the prestige of each superpower has become so committed to each of these clients that it fears to cut off the supply unilaterally lest it upset the "balance of power."

Nor can both superpowers agree to cut off supplies to both sides in each case without causing the most anguished outcries from the recipients, and without risking the loss of influence which the superpowers have so painfully and expensively acquired.

In all these cases the recipients have become so addicted to excessive doses of arms that the withdrawal symptoms would be very distressing indeed.

The mad illogic of events therefore seems to compel the big powers to provide arms wherever in the world they have a strategic position to defend or a political advantage to gain. This compulsion applies whether or not the big power at all approves the character of the regime it is supplying. Indeed, military dictatorships may be particularly favored, not only where they are strategically located but because the acquisition or maintenance of influence with them is peculiarly dependent on satisfying their appetite for modern arms.

There simply is no easy solution to this problem. It is clearly a case of the pot calling the kettle black when the United States denounces the Soviet Union for giving arms to North Vietnam or the Soviet Union denounces the United States for giving arms to Israel.

It would make for a much safer world if both the United States and the Soviet Union would stop providing arms to anyone other than their allies in Europe and would leave the provisioning of third-world nations to smaller, less ambitious industrialized states, such as Switzerland, Sweden, Czechoslovakia, and Belgium, even perhaps Britain and France.

Such a policy would both limit the amounts supplied and reduce the danger of superpower involvement in third-world confrontations and conflicts.

This would, however, be much too sensible a solution to be "practical." It would be inhibited not only by the rivalry between the United States and the Soviet Union but by the rivalry between the latter and China.

Probably the most one can hope for in the near future is that, after the Vietnam war is finally "wound down," both superpowers will better recognize the hazards to themselves of this form of competition, and will each unilaterally exercise more restraint in its extravagant largesse with weapons.

Even that, however, could happen only if new Vietnams are not permitted to develop in the Middle East, South Asia or elsewhere.

AIR WAR IN SOUTH VIETNAM—BOOK ENTITED, "FIGHTER TACTICS AND STRATEGY, 1914–70," BY EDWARD SIMS

Mr. THURMOND. Mr. President, a South Carolina author and expert on air warfare, Edward H. Sims, has posed in the press and through his books some interesting questions in reference to the success or lack of success of close air support during the current North Vietnamese invasion of South Vietnam.

Mr. Sims, an outstanding fighter pilot in World War II, has recently written a book entitled, "Fighter Tactics and Strategy, 1914–70." Published by Harper and Row, this book follows other successful works by Mr. Sims which include "The Greatest Aces," "Greatest Fighter Missions," and "American Aces."

As a fighter pilot, Mr. Sims speaks with considerable knowledge. He is a strong advocate of development of a new American fighter plane and takes this country to task for the long delay in such a program.

However, his views which are of current interest involve the apparent limited effectiveness of United States close air support aircraft in more effectively blunting the conventional invasion of South Vietnam.

Rather than attempt to speak for Mr. Sims I would call attention to an article, "Effectiveness of Air Strikes Questioned by Local Author." This article appeared in the May 5, 1972, issue of the Sarasota Herald-Tribune.

Mr. President, I also would direct my colleagues' attention to an article entitled, "Invasion Gains Cast Doubt on Air Effectiveness" by Associated Press Military Writer Fred S. Hoffman. This article appeared in the May 4, 1972, issue of the News & Courier newspaper, Charleston, S.C.

Mr. President, the Air Force generals have always been very jealous of the close air support role. Yet today in Vietnam our Air Force pilots are not equipped with any dedicated, sophisticated antitank weapons to aid the ground forces. Although we have been in this war in a big way for nearly 10 years our pilots are being forced to try and destroy enemy armor mainly with iron bombs. A large number of the tank kills have been with free fall iron bombs. These weapons are primarily used for area targets and while effective when scoring a hit, they are of course less accurate than the helicopter borne TOW missile or even rockets carried on helicopters. Also, it appears most of the aircraft being used for close air support are planes which some would term "fast movers." This means they are more designed for warfare in the air than hitting point targets on the ground or within city streets. Ground forces must have some mobile, close, accurate fire support when faced with such threats as enemy tanks and other armored vehicles. It appears the majority of U.S. aircraft being used for close air support are high speed planes which require clear weather to be effective.

Mr. President, I ask unanimous consent that the two newspaper articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Sarasota Herald-Tribune, May 5, 1972]

EFFECTIVENESS OF AIR STRIKES QUESTIONED BY LOCAL AUTHOR

A noted military aviation historian said Thursday it is obvious that United States and South Vietnamese tactical air power has failed to stop North Vietnamese armor and infantry.

Edward H. Sims, author of the newly published "Fighter Tactics and Strategy 1914–1970", told the Sarasota Keys Rotary Club President Nixon has found it necessary to gamble that air power can save South Vietnam.

He said many people in high places in Washington are asking how this country can make its Air Force more effective tactically.

The North Vietnamese invaders are using conventional warfare tactics, he said. They have armor. "If ever there was a case where air power has targets, this is it," he said.

Sims questioned whether the North Vietnamese would have scored such success in their current drive if this nation had provided the South Vietnamese with more effective close air support weapons to operate against armor, though he admitted that few people expected an open attack by North Vietnam, and that it is easier to criticize in retrospect than to anticipate events.

Sims cited an Associated Press story which was carried Thursday by the Herald-Tribune and many other newspapers. That dispatch said: "Both military officers and civilian defense officials are expressing concern privately and there are reports that key members of the Armed Services Committees of Congress are beginning to ask critical questions."

The Associated Press story said, "The biggest source of dismay to advocates of air power has been the apparent inability of U.S. Air Force, Navy, Marine and South Vietnamese fighter-bombers and bombers to stem North Vietnam's invasion across the demilitarized zone—a conventional attack through relatively open country with tanks, self-propelled and towed artillery, supply trucks and other heavy equipment."

Sims, a World War II fighter pilot from Orangeburg, S.C., has a winter home in Sarasota and a summer home in Denmark. An editor, author and historian, he is a recognized authority on tactics and strategy of air combat and has written four books dealing with fighter pilots and fighter tactics.

INVASION GAINS CAST DOUBT ON AIR EFFECTIVENESS

(By Fred S. Hoffman)

WASHINGTON.—North Vietnam's invasion gains in the face of total allied air superiority are raising new doubts about the effectiveness of air power.

Both military officers and civilian defense officials are expressing concern privately and there are reports that key members of the Armed Services Committees of Congress are beginning to ask critical questions.

Some Air Force officers, while agreeing there is reason to question, argue that the issue still is in doubt and that over the long haul airpower will do its job against the North Vietnamese by attrition of the enemy's heavy weapons and supplies, as well as killing his troops.

For quite some time, critics have questioned whether U.S. bombing of the Ho Chi Minh trail was really knocking out a big part of the enemy's supplies being trucked through southern Laos.

The ability of the North Vietnamese in this offensive to mount heavy bombardment of objectives like An Loc near Saigon and to bring 40-ton tanks that far south tends to support the critics' skepticism.

But perhaps the biggest source of dismay to advocates of airpower has been the apparent inability of U.S. Air Force, Navy, Marine and South Vietnamese fighter-bombers and bombers to stem North Vietnam's invasion across the demilitarized zone—a conventional attack through relatively open country with tanks, self-propelled and towed artillery, supply trucks and other heavy equipment.

It has long been an article of faith among air power boosters that the adversary who controls the air over the battlefield will pretty well determine the course of the ground battle.

But it hasn't worked that way in this offensive, particularly in the area below the DMZ where the North Vietnamese have penetrated more than 30 miles into South Vietnam.

U.S. and South Vietnamese strike planes have flown hundreds of sorties a day against North Vietnamese ground troops which are totally without air cover, though the enemy has brought substantial antiaircraft artillery into play.

"I can't understand it," said one Air Force general with a long record of air combat in three wars. "Tanks are not supposed to survive against the kind of attack we use, with rockets and forward air controllers to spot targets and direct the strikes."

This general recalled the early days of the Korean War, in 1950, when U.S. and South Korean troops were pushed all the way back to the Pusan perimeter. He recalled that when U.S. air power was brought to bear the North Koreans were driven back.

It is recalled also that the last-gasp Nazi offensive in the Ardennes in World War II made huge inroads until the weather opened up again and American warplanes hammered the German tank and infantry to a standstill and then into retreat.

A senior Pentagon official said, "We've got to wonder about air power" in the light of what's been happening in the current war phase.

He noted that bad weather had hampered air operations seriously in the first 10 days or so of the North Vietnamese invasion. But he pointed out also that the skies have been clear enough to permit extensive air strikes during the more recent North Vietnamese thrust which overran the provincial capital of Quang Tri and drove South Vietnamese troops back toward Hue.

Sources reported that Chairman John Stennis, D-Miss., of the Senate Armed Services Committee has pressed military briefers for specific details on the number of enemy tanks destroyed by U.S. and South Vietnamese aircraft, but that the briefers were unable to come up with such figures.

LAW ENFORCEMENT AND THE FUTURE OF THE FBI

Mr. CURTIS. Mr. President, the recent death of J. Edgar Hoover reminded our Nation of a war being fought in every city and village in America. I refer specifically to President Nixon's war on crime. A top general in this effort was the late Director of the Federal Bureau of Investigation, J. Edgar Hoover.

The President, in his splendid eulogy to Mr. Hoover, described him as a "giant," and it will take a giant to replace Mr. Hoover. However, no replacement can ever be a successful Director unless the Bureau is allowed to use all the modern scientific instruments of our technological age.

Let no Member of this body believe that the future permanent Director of the FBI will not face a monumental task in combating the forces of the underworld. From my days of service on the Senate Labor Rackets Committee, I have closely observed the terrible and methodical escalation of organized crime.

I have watched two Senators render outstanding service in combating criminal elements both in and outside of Government, and both in and outside of our country.

John McClellan, as chairman of the Subcommittee on Investigation, has relentlessly pursued the leaders of the underworld both at home and abroad.

Former Senator John Williams, of Delaware, led a crusade against crime right here in the Nation's Capital by his dogged efforts to expose Bobby Baker, and others who held, or aspired to hold, high public trust.

Certain members of the press have made literally hundreds of significant contributions in exposing the whims and evil deeds of lawless men. Recently, a new book entitled, "Strike Force," by Pulitzer Prize Winning Reporter Clark R. Mollenhoff, has documented the explosive breakthroughs made by the Nixon administration in the war on crime.

These dramatic gains were achieved by dedicated men such as J. Edgar Hoover, using the tools of modern technology, particularly judicially approved wiretapping. If any Senator has a doubt about the value of the omnibus crime bill, and the achievements made through the use of legalized electronic surveillance, "Strike Force" has the answer. The recent indictment of nearly every top mobster in almost every major city in the United States is proof of the value of court-ordered wiretapping.

On many issues the former Attorney General and late Senator from New York, Robert Kennedy, and I disagreed. Possibly, because of his experiences as chief council of the Permanent Subcommittee on Investigations at the same time that I was a member of that committee led us to a mutually shared point of view; that is, the desirability of according law enforcement authorities the chance to avail themselves of court-approved wiretapping. As a matter of fact it was the Justice Department, under the leadership of Attorney General Kennedy, that in 1963 installed a bug in the plush Carlton Hotel suite of North American Aviation lobbyist Fred Black. I have no idea what intriguing insights into organized crime that bug revealed. However, I do know that both Black and Bobby Baker were operating their nefarious business activities out of that hotel suite, and that our long and tedious Rules Committee investigation did nothing to elicit the evidence which subsequently led to criminal convictions of both Black and Baker. In other words, but for the use of electronic surveillance, law enforcement authorities would probably have been unable to marshal sufficient evidence for convictions.

I commend the administration and the Justice Department for their determined efforts to escalate the war against crime, and remind them that they will always have my support when the use of modern technological devices is necessary to destroy the tentacles of corruption or subversion.

IS VIETNAM AMERICA'S SYRACUSE?

Mr. CHURCH. Mr. President, America's military participation in the war in Indochina goes on and on. Those with a sense of the past see what is happening to the United States as similar to what ultimately pulled down the great city-state of Athens—obstinance, pride, and a false sense of priorities.

I ask unanimous consent that an editorial expressing this thesis, published in the Boston Globe, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Ancient History

"Vietnam," said somebody the other day, "is America's Syracuse."

The man wasn't talking about Syracuse, New York. He was talking about one of the tragedies of ancient history, a tale of the mighty fallen, a story to make a pessimist shiver.

The scene of the disaster was Syracuse, Sicily, a transplanted Greek city state, and the time was 2500 years ago.

When the trouble started, ancient Athens was in its glory. It had led the Greeks in their struggle against the Persians, barbarians then as dangerous as the Nazis. After this war, Athens formed a league with other cities and islands, ostensibly for defense against the Persians. The league became an Athenian empire. Athens took a monopoly of trade in the Aegean Sea, and maintained a Navy of unchallenged size and power. Contributions from its allies became compulsory tribute.

The power of Athens frightened the Spartans, glum and land-locked militarists, who declared war.

This struggle lasted, with one long truce, for 27 years.

In the course of it, the Athenians came to believe that the capture of Syracuse, then the equivalent of 10,000 miles away, was the key to victory. They sent a huge fleet and army against it. Both got into difficulties. Athens sent a rescue armada of 73 ships. Eventually, both fleets were destroyed and the invasion army surrendered.

The war ran its course, with victories and defeats for both sides. Peace could have been made, but neither side would quit while it was ahead. Some of the Athenian allies revolted and were massacred. Demagogues rose to power in Athens itself. There were endless casualty lists. In the end the treasury of Athens was empty and her last fleet was destroyed.

The Spartans moved in, at long last, and Athens surrendered. The city's walls were tore down and its democracy was replaced by an oligarchy, the "Thirty Tyrants." The great days were over.

We have to think that the fellow who compared Vietnam with ancient Syracuse was a mere croaker. We have to believe that our power and wealth are everlasting. Our follies will be excused. Nothing bad can happen to us. We're Number One.

HELIUM CONSERVATION

Mr. ALLOTT. Mr. President, recently, a paper concerning helium and its conservation has come to my attention. The author of the paper, Dr. Charlotte A. Price, used helium and the helium conservation program as the subject of her doctoral dissertation; therefore, her interest has been substantial and her knowledge of the subject is great. In addition, as an academician her motivation is not encumbered by any pecuniary interest.

Dr. Price summarizes the history and termination of the helium conservation program in a very succinct manner. To complete the picture, however, it should be noted, that three of the four conservation contracts have been given temporary life due to a temporary injunction issued by the Federal District Court in Kansas, and upheld by the court of appeals. The court held that the Secretary of the Interior had failed to comply with the National Environmental Policy Act. With respect to the fourth contract, a suit has been filed in the Court of Claims, and while the court has yet to determine damages, it has found liability on the part of the Government. So far in its efforts to terminate the conservation program, the courts have ruled against the Government in every decision. From this it would appear that the courts find an environmental impact in the termination of the helium conservation program. Surely, this conclusion is warranted as it is difficult, if not impossible, to justify the venting of an irreplaceable resource such as the helium from the helium rich natural gas deposits of the Hugoton field. Currently, helium is still being extracted from the natural gas and stored in the Cliffside facility.

Dr. Price discusses some of the important potential uses of helium as those uses relate to electric power generation and transmission and high speed ground transportation—subjects of substantial interest to the Congress. Both uses can achieve substantial environmental benefits if the application of the technology is successful and the supply of helium is adequate. In light of this, Dr. Price urges increased conservation and storage of helium so that our technology in the fields of superconductivity and super magnetism will not falter for lack of the necessary natural resource—helium. She recommends certain revisions in the helium conservation program, some of which would require legislation. Certainly, Dr. Price's recommendations deserve careful consideration.

Mr. President, I ask unanimous consent that the paper entitled, "On the Future of Helium," by Charlotte A. Price, Ph. D., be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

On the Future of Helium

(By Charlotte A. Price)

The National Helium Conservation Program is at a crossroads. In early 1971 the administration decided to abandon the conservation program; but the courts have thus far refused to permit termination and have instead required the program's continuance until an Environmental Impact Statement is prepared and evaluated. This discussion evaluates the reasons given for the proposed abandonment; suggests what an environmental impact statement should consider; and indicates the policy changes a revision of the legislation on helium conservation ought to contain, including a user tax to aid in the financing of helium conservation. The view developed below also concurs with the recommendation of a committee of the National Academy of Sciences.[1]

THE CONSERVATION PROGRAM

Conservation consists in extracting helium contained in natural gas, before the latter is delivered by pipeline, and storing it for use when the helium-containing natural gas fields will have been exhausted. It was initiated following the "1960 Helium Act" (The Helium Act Amendments of 1960; Public Law 86–777, 9-13-60) which set up the National Conservation Program. In 1960 the rate of consumption of helium in the United States—most of the world total—was 0.4 billion cubic feet of gas per year, and this rate was growing by about 20% per year. Use of helium then divided in comparable fractions into aerospace; older uses such as welding and lifting gas; and the more "technological" leak detection, cryogenics, chromatography, etc. All was produced in Bureau of Mines plants: roughly 80% for federal government uses, priced at $15.50 per MCF (thousand cubic feet), the remainder for non-government users at $19.00 per MCF. The helium was extracted from natural gas fuel of the Kansas-Oklahoma-Texas fields in which it is found at concentrations of roughly 1%, before the natural gas was carried by pipeline to users. This helium is at the highest concentrations (except for some relatively small quantities in non-combustible gases) found in natural gas deposits, and is by far the largest total quantity known in concentrations of more than 0.3%, the conventional limit for reasonably inexpensive extraction. (Relatively small quantities are extracted from natural gas in Canada and the Soviet Union, are in prospect in Algeria, and may be obtainable in Western Europe.)

In 1960 the recoverable helium contained in the natural gas being carried by pipeline was about 4 billion cubic feet per year, so that all but about 10% of it was then being dissipated into the air when the gas was burned. The helium-rich gas source was expected to decline from a maximum around 1970, to exhaustion before year 2000. Thus, the principal source of helium was being dissipated. The conservation program was proposed in the "Chilson Report": [2] The government would purchase additional helium (extracted from natural gas, mainly of the Hugoton and Panhandle fields) from private plants to be built on the basis of long-term supply contracts, and store it underground in the Cliffside structure near Amarillo. The 1960 Helium Act provided that these purchases would be financed partly by raising the price of all Bureau of Mines helium to $35 per MCF; and partly by Treasury loans to be repaid from sales, with interest, by 1985 (or, by a possible extension, 1995). The reduced program eventually authorized by Congress provided for up to $47.5 million of purchases per year; and by 1970, 3½ billion cubic feet per year was being stored. Amendments to the original bill,[3] however, together with the availability of the sources which could not be contracted for within the program as authorized, led to entry of private producers supplying nonfederal helium consumers. Private extraction plants have been built and their helium is being sold at $20–25 per MCF (undercutting the Bureau of Mines price) to a rapidly increasing private sector of the market (60% in 1970); and now the government's contractors may also be buying from this source rather than the Bureau of Mines, partly because their requirements of *liquid* helium are thereby more easily met. Also, the government purchases have declined since 1966, mainly by a shrinkage of the NASA requirements. Although the material situation has remained essentially as was originally assumed, the financial functioning of the program has become impossible under the existing legislation.

The legislation had implicitly assumed the continuance of the government's monopoly on sales for consumption while explicitly encouraging the entrance of private industry. Furthermore, adequate contract authorization to commit all major sources of wasting helium in the Hugoton area to storage contracts was not made, thus opening the possibility for recovery for current sale on a large scale outside the program. By 1968, two privately owned plants were operating in Kansas that had as a final stage of their recovery the liquefaction of helium. In addition to the problems described above, the helium conservation program in the later 1960's suffered from inadequate borrowing authorization, so that one year's helium storage deliveries were being paid for in a later year.[4]

ABANDONMENT

The administration's resolution of these difficulties was to cancel the four conservation supply contracts,[5] and to provide in the Fiscal Year 1972 budget for termination expenses only. That is, attempt to abandon the conservation program. The reasons given are:

1. The intent of the 1960 Helium Act is conservation for government needs only; and these are now, and are expected to be in the future, less than was then contemplated, and can be met eventually from the helium already stored.
2. New sources of helium have been discovered in the last decade.
3. Improved technology is making extraction from lower-concentration sources economical.

The correctness of the first part of point 1 is a matter of debate. In any case it is appropriate for Congress to consider now what the public purpose *should* be. The view is presented below that substantial and growing needs outside the government's present uses require a conservation program. (The federal share of helium consumption is decreasing, and in 1970 was 40%.)

Point 2 refers mainly to the Tip Top field in Wyoming, a non-wasting source (low fuel content, the remainder acid and toxic) with a helium concentration of 0.8% and proven reserves variously put at 1½ to 3 billion cubic feet (on the order of 1% of the present national total).[6]

Point 3 appears to assume that lower concentration sources will be available for a long time, in the circumstances following abandonment. The prospect, however, is for the lower-concentration recoverable supply to be substantially exhausted before it would otherwise be brought into use.[7] (If we go beyond present proved reserves to hypothetical future sources,[8] then a limited respite, perhaps to early in the 21st century, is a possibility. The 30 billion cubic feet now stored in Cliffside, if held intact meanwhile and then applied to the total demand, would be good for hardly an additional decade.) All known natural gas sources in the continental United States are in aggregate expected to decline, and probably quite rapidly decline a decade or two from now. With these sources goes the recoverable helium content unless it is recovered. Even ignoring cost differentials, it still is clear that lower concentration helium will only be available for a few years beyond that time when there is no higher concentration helium (i.e., helium available at lower recovery costs) unless fields containing lower concentration helium in combustible natural gas are shut in to conserve the helium. Since shutting in fields with high concentrations was considered politicly unacceptable in 1958,[2] doing the same for a poorer source now, particularly in an era when natural gas is the favored fuel of those concerned with environmental pollution, seems unlikely. Thus, from the present situation, we should anticipate a helium shortage progressing to a virtual shutoff over the next few decades. Conservation to anticipate this must be a strong program over the next two decades.

HELIUM CONSUMPTION

Estimates of future helium demand have varied widely and have been based on disparate methods.[9] The most recent available projections are as follows:

U.S. HELIUM DEMAND

[In billions of cubic feet per year]

Year	Bureau of Mines[10]			Stanford Research Institute[11]	
	Low	Medium	High	Lower	Higher
1975	0.84	1.1	1.4	1.1	1.1
1985	1.08	1.75	2.35	2.37	2.37
2000	1.4	2.5	3.6	3.82	5.03
2025				8.9	17.9
2050				23.17	67.52

Helium sales for consumption are sensitive both to fluctuations in economic activity in general and to federal users' policies.[12] (NASA's cut back and the end of World War II are examples.) They are accordingly prone to short-term fluctuations; the decline in the later 1960's is not a unique instance.

Many new uses of helium which are at present in the development stage, especially large scale applications of superconductivity (underground transmission of electric power; power conversion and propulsion machinery; fusion power generation; magnetic-levitation transport systems) are almost certain to require large annual quantities of helium when and if they are realized. The uses mentioned, and perhaps others, may provide answers to pollution problems of present and future concern. The Congress, and other proponents of the helium conservation program, ought to insist that the Environmental Impact

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Footnotes at end of article.

Statement now being prepared under court order evaluate *all* potential uses of helium for the effect of their availability or non-availability on the environment 10 to 50 years hence.

Whatever likely level of demand is actually realized in the absence of any future conservation,[13] the capacities of the existing extraction plants will be exceeded some time in the 1980's; and whatever additional installed capacity is called forth by demand is destined to be outrun before, or soon after, year 2000.[14] The helium already stored before termination of conservation would carry us some years further; maximum possible conservation from now on would supply decades further.

Public policies

There seems to be a consensus that the helium legislation needs revision; continuation of the pre-existing conservation program while a new one is enacted is desirable. Helium conservation is needed on the basis of the entire national (if not world) requirements, rather than the part which happens to be "federal". It cannot be assumed that private enterprise will make a massive long term investment of this character.[15]

The anticipated magnitude of the need for present conservation can be made to vary according to one's assumptions is areas of conjecture. I believe that in such matters the appropriate basis of public policy is more nearly best-worst-case reasoning than reliance on a single expectation value of each variable. One cannot go back to revise an erroneous anticipation of conservation needs, and the alternative possible mistakes—an investment in an unneeded supply, and unavailability of a needed one—are not of equal social disvalue. I, therefore, advocate the maximum reasonably procurable storage of helium.

The pre-existing program might have been viably financed under the 1960 legislation if the government's monopoly, at the $35 price, had been preserved. As restoration of this is now impracticable, a uniform tax on helium purchases (for consumption, but not for general storage) of $10–15 per MCF could be substituted. A tax of this magnitude, applied uniformly to both government and private sales, would discourage the entrance of new suppliers whose sources are non-wasting (non-combustible) natural gas. The tax will not significantly reduce helium demand quantities, but will discourage development of uses in which the helium has a substitute.[16] A new pricing policy will have to be worked out for Bureau of Mines sales. The objective would be for their price including the conservation tax to approximate the market price including the conservation tax. This would remove whatever budgetary pressure there is for other agencies to subcontract helium, and could provide a surplus to the Helium Activity to be available to update their process for helium recovery, including the installation of liquefaction capacity.

Additional public funds needed to finance extraction for storage should not be based on a rigorous detailed "pay back" formula, since the circumstances when the stored helium will be used are not foreseeable in the necessary detail. The problem is rather to bring into being, promptly, new extraction plants for recovering wasting helium for storage.

FOOTNOTES

[1] *Resources and Man,* W. H. Freeman, San Francisco 1969. One of the four Early Action recommendations concludes: "The Helium Conservation Program should be carefully re-evaluated to determine if it can meet helium needs beyond the early part of the 21st century. If such evaluation leaves any question at all about the adequacy of the program, the program should be extended without delay to apply to lower concentrations of helium and more natural gas fields."

[2] O. Hatfield Chilson, Chairman, Helium Policy Working Group, "The Cost and Implementation of a National Helium Conservation Policy," January 24, 1958.

[3] An amendment added in Committee stated that it was the sense of Congress that individual enterprise be encouraged in helium production while another amendment set a floor under the sale price of any surplus available to a government contractor supplying helium for storage.

[4] U.S. House of Representatives Committee on Interior and Insular Affairs, Hearings: "Federal Helium Conservation Program," 15 and 16 September 1969 (hereafter cited as House, September 1969 Hearings), p. 4. This practice apparently was the basis for one of the contractor's suing the government for violation of contract and requesting termination even before the administration took action to abandon conservation. (See Note 5.)

[5] U.S. Senate Committee on Interior and Insular Affairs, Hearings: "Oversight on Helium," 23 March 1971 (hereafter cited as Senate, March 1971 Hearings), pp. 1–3. The contractors have sued in Federal court, and at the time of this writing (March 1972) three of the cancellations are suspended by an injunction, pending the submission by the Department of the Interior of an Environmental Impact Statement on the proposed cancellation of the conservation program. The fourth contractor has been awarded a summary judgment on its suit against the Department of the Interior for violation of contract, based in part on the slow payment by the government for deliveries of helium for conservation storage.

[6] Senate, March 1971 Hearings, p. 24; and House, Sept. 1969 Hearings, p: 262.

[7] See for example Chart No. 5, p. 218 in House, Sept. 1969 Hearings.

[8] See for example Chart No. 9, p. 222 in House, Sept. 1969 Hearings; M. King Hubbert in Reference 1, p. 187ff.

[9] For a discussion of questions involved see pp. 242–256 of House, Sept. 1969 Hearings. More generally, this Hearings record contains discussions of the various uses of helium.

[10] See pp. 178–183 of House, Sept. 1969 Hearings.

[11] See pp. 53–64 of Senate, March 1971 Hearings.

[12] C. A. Price; "The Helium Industry: A Study of a Federal Government Monopoly," Ph.D. dissertation, Columbia University, New York, 1967, pp. 59, 249.

[13] There is, of course, the question of the effect of changed expectations of future helium availability on the industrial development of uses with a large slowly-amortized investment. Also, the existence of extraction capacity left idle by cancellation of the conservation contracts may result in an enhanced promotion of helium uses and hence increased demand.

[14] An increased demand for natural gas may be expected because of its lesser polluting effect than other fossil fuels. (See *Dun's Review,* May 1971, p. 128.)

[15] See for example the statement of the President of the U.S. Chamber of Commerce filed in U.S. House Committee on Interior and Insular Affairs, Hearings: "Conservation of Helium", 11 March 1960, pp. 121–122: "On the other hand, it is very doubtful that private industry could afford to gamble on the future demands for helium which is to be produced over and above the current market demand. Underground storage for an indefinite future demand is quite different from the storage of natural gas during one season of the year for a predictable demand later in the year. The conservation of helium therefore, is a legitimate function for the Federal Government."

[16] C. A. Price, "Economics and the Conservation of Helium," *Proceedings of the 11th International Conference on Low Temperature Physics* (St. Andrews, 1968), Vol. 1, pp. 112–118.

GAMBLE NOT WORTH WINNING

Mr. CHURCH. Mr. President, two foreign policy experts with experience in Vietnam affairs have written a sharp analysis regarding the current conflict. The article entitled "A Gamble Not Worth Winning," written by Richard Holbrooke and Anthony Lake, deserves the Senate's full attention.

They point out the contradiction in our current course of action in Vietnam: Vietnamizing the war versus negotiating for a compromise settlement. And the result was inevitable; "the President's strategy ensured that an offensive would take place" against the South Vietnamese. This left the President with shortened options, "trying to create new bargaining chips while buying more time on the battlefield."

The authors of the article see the key to this dilemma in the way the President defines "internationally supervised cease-fire," a demand he has made over the past 2 years and a demand that has been consistently turned down by the North Vietnamese. Beyond this, the authors conclude that—

> In the end—the President's gamble may simply fail, regardless of what his goal is. North Vietnam has fought on before, and seems determined to do so still, until it achieves what it has bled so long to get.

I ask unanimous consent that the article entitled "A Gamble Not Worth Winning" and a separate article by Mr. Holbrooke, entitled "Relentless Patterns to Our Vietnam Nightmare," be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

A GAMBLE NOT WORTH WINNING

(By Richard Holbrooke and Anthony Lake)

The writers have worked on U.S. Vietnam policy since 1963 in South Vietnam, the State Department and the White House. Holbrooke is now managing editor of Foreign Policy magazine. Lake, a former special assistant to Henry Kissinger, has been foreign policy coordinator for Sen. Edmund Muskie.

How did we get from there to here in Indochina? Why are we mining the entrances to Haiphong in 1972? And where is the President taking us?

Not easy questions, on this weekend when so much is at stake for all of us, and we can do so little. But it is still worth looking at them. The gamble the President has taken is not yet played out. What he has set in motion can end in several ways, none of them very pleasant.

When he took office in 1969, Richard Nixon faced a basic choice about Vietnam: In the most elemental terms, he had to decide whether, the war being unwinnable, he would seek a dignified and rapid withdrawal under terms favorable to the North Vietnamese; or whether he would find a different strategy with which he could maintain his predecessor's commitments to the Saigon government. In short, he had to choose between what Stewart Alsop has called the "figleaf" and fighting on at a level that was politically tolerable at home.

There has been extensive argument over the years as to which course the President did in fact choose, so skillful was his administration in covering his objectives with verbal acrobatics. However, given the basic fact that the war is still going on in the fourth year of his presidency, it seems safe to conclude that at the most critical levels of his own consciousness the President chose the latter approach of continued commitment.

As he has said so often, he pursued this course on two tracks—Vietnamization and negotiations. In theory, success in Vietnamizing the war would strengthen our negotiating position and, hopefully with Soviet assistance, persuade Hanoi to reach a "reasonable" compromise that would give a non-Communist government in Saigon a decent chance for survival, or at least allow a "decent interval" before the Communists gained political power.

As the President put the theory in February, 1970: "Vietnamization is not a substitute for negotiations, but a spur to negotiations. In strengthening the capability of the government and people of South Vietnam to defend themselves, we provide Hanoi with an authentic incentive to negotiate seriously now. Confronted by Vietnamization, Hanoi's alternative to a reasonable settlement is to continue its costly sacrifices while its bargaining power diminishes."

TIME RAN OUT

But something went wrong. It is brutally evident now that the two tracks were contradictory not complementary. Negotiating strength comes from success on the battlefield and enough time to outwait the other side. In effect, Vietnamization was a means of trading our military strength in Indochina for time here at home. It didn't work. The decline in American military power was not matched by growth in Saigon's capability. And the President ran out of time—not in the United States but on the battleground, where North Vietnamese troops, tanks and artillery shattered American hopes (and many illusions) that the South Vietnamese army could "hack it" without prolonged American air support, and perhaps even with it. In contrast, there is irony in the reversal of 1968, when LBJ ran out of time at home while retaining a substantial military capability in Vietnam.

In retrospect, Vietnamization could not prevent the inevitable North Vietnamese offensive. If Hanoi believed Vietnamization might succeed in the long run, it would feel forced to strike against it when U.S. force reductions made the situation favorable, and before the South Vietnamese could consolidate a hold on the countryside. As they endlessly told us, the North Vietnamese would not let us win; nor would they let us negotiate from a "position of strength."

On the other hand, if Hanoi saw Vietnamization as only a minor military threat, it would then set out to destroy it at whatever time was politically most advantageous.

We leave it for future Asian history courses to guess which of these motives led Hanoi to its offensive. What is important here is that the President's strategy ensured that an offensive would take place.

And when might that be? Apparently convinced that a President would always be under greater inhibitions before an election, they would strike in 1972 and demonstrate the weakness of his position as he fought for reelection. They would undoubtedly have remembered some lessons from the unforgettable past: It was in years just after presidential elections—1961, 1965 and 1970—that the United States embarked on its most serious expansions of the war—beginning the advisory war, in 1961–62; beginning bombing of the North and introducing ground troops, in 1965 and adding another country to those which had seen American ground troops, in 1970.

Hanoi's success—even partial preliminary success at Quangtri, Bongson and Tancanh in April—meant that the President's strategy had failed. Having unilaterally withdrawn most U.S. troops, he could no longer offer their withdrawal in return for the kind of compromise he sought. And a demontrated weakness in the war theater meant he could not force Hanoi to come to terms. In short, he had lost both his carrot and his stick.

He thus faced the same choice that Lyndon Johnson faced in 1965 when Saigon's army, its strategic reserve gone, reached the brink of collapse. Like Johnson, he would not "be the first President to lose a war." But unlike Johnson, he could not buy more time by sending American infantrymen to the rescue.

CEASE-FIRE IS KEY

So the mines were dropped in the harbors and the bombs are falling again around Hanoi. An American President is trying to create new bargaining chips while buying more time on the battlefield.

Yet the question remains: What is he trying to accomplish in creating this new "position of strength"?

There is space here to discuss only his goals in Indochina, not the tactics he is following with the Kremlin.

Speculation on what the President wants must center on three general possibilities:

It is a military strategy designed to save the Saigon government and put it back on its feet.

It is part of a continued effort to negotiate that "genuine" compromise settlement which he has repeatedly said he seeks.

It is a charade to cover the reality of an American capitulation—negotiating a surrender from strength.

Obviously, progress in the first objective would support either of the latter two goals. But all three present problems and risks, not only for the President, but for us all.

If he is pursuing only the first objective—a military strategy—he is betting his own political future, and much more, on the argument of the American military that trying to seal off North Vietnam's borders will succeed in turning the tide of battle in the South. But even our government itself is apparently divided on the potential effectiveness of this course. And pursuing this strategy would tie the President's success to that of the South Vietnamese army. Events of the past month should not encourage pursuit of this goal.

The key to whether he is following the second or the third course—either an "honorable" compromise or a disguised surrender—lies in how he now defines the "internationally supervised cease-fire" which he has demanded in all his negotiating offers of the past two years, and which he repeated in his speech Monday night. (It should be noted that he also toughened the American position on POWs by demanding that they be returned *before* American withdrawal, rather than simultaneously.)

If the President insists that the cease-fire include meaningful supervision, an indefinite duration and limitations on the North Vietnamese military presence in the South, then it would be clear that he is pursuing the second goal, which would give President Thieu a good chance for survival.

But if he is willing to accept a weak cease-fire, which allowed Hanoi to resume the fighting after final American withdrawal, then it could be said that the President is following the third course, and seeking a camouflaged capitulation.

We cannot know which course it is to be. The White House is predictably keeping a public silence on what its cease-fire really means.

There is good cause for uncertainty, and little reason for satisfaction, with either course. The second goal is almost certainly unattainable—why should Hanoi accept any cease-fire arrangement which restricted its ability to play what it sees as a winning military hand? As Madame Binh, head of the NLF delegation in Paris, told The New York Times on May 10, "While we are in a military situation which is favorable to our struggle (Nixon), calls for an immediate cease-fire. This means we must drop our weapons before the problems are solved and we must release all the prisoners. And only after these things are carried out will Mr. Nixon decide on a troop withdrawal."

Her statement demonstrates that despite past claims that both sides have accepted the "principle" of a cease-fire, it has been and remains a contentious issue. The other side includes a cease-fire in its own seven-point package, as a part of a settlement on their terms. So to claim that a cease-fire is not an issue is like saying that both sides accept the principle of victory. The question has been *whose* cease-fire, as it is whose victory. And the war goes on.

THE PRICE OF FIGLEAVES

The third course is obviously more acceptable to Hanoi. They would prefer a weak cease-fire to a strong one. But even this charade might not be negotiable. What foreign nations or international body would want to supervise a sham cease-fire that might allow us to withdraw and leave them holding an explosive bag? And to accept the deal, Hanoi would have to trust the President. They would have to be confident that the United States would keep the implicit bargain, and not return to Saigon's rescue if the cease-fire broke down. The question is not whether the United States would actually do this, but whether suspicious North Vietnamese leaders believe we might resume the war once we got the prisoners back, and the U.S. election were safely past.

But suppose for a moment that the President was in fact following the third "charade scenario" and Hanoi bought it. The President might have won his figleaf, but at what a price. Division at home. A serious threat to the possibilities for detente and an arms control agreement. The inherent riskiness of a de facto blockade. The chance of an international confrontation.

And more—if it turns out to be just a search for a figleaf, a desire to preserve "respect for the office of the presidency," that quest will have been paid for in the lives of Vietnamese, the forgotten people of their own war.

The figleaf, assuming it can exist at all, would not be worth such a price. It would be better to forgo the charade, and simply try to trade our total withdrawal for the return of our prisoners.

In the end, of course, the President's gamble may simply fail, regardless of what his goal is. North Vietnam has fought on before, and seems determined to do so still, until it achieves what it has bled so long to get.

Success in gaining any of the goals the President seems to be pursuing is either unlikely or not worth the cost. As Joseph Kraft observed on Thursday, "President Nixon is risking almost everything to gain practically nothing."

"WEARINESS HAS ALMOST OVERCOME HORROR": RELENTLESS PATTERNS TO OUR VIETNAM NIGHTMARE

(By Richard Holbrooke)

The President has just offered North Vietnam the best deal ever, the softest terms of the war; at the same time, the same man has just found a new way to escalate what he carefully calls "acts of force" against North Vietnam.

Question: When did this happen?

Answer: It has happened almost every year since 1964.

This is obviously different, and more serious, than those that preceded it. But there are relentless patterns to our nightmare, and it has become so numbing that weariness has almost overcome horror. Consider the following:

We refuse to negotiate from weakness. So does Hanoi. But how can both sides negotiate from strength at the same time?

The administration says that it undertook Vietnamization to strengthen its negotiating position. But how could our negotiating position get stronger as our miilitary firepower got weaker?

How will it finally end—will we be negotiating from strength by bombing Hanoi, while the position of the South Vietnamese collapses in the South? We will end up offering Hanoi everything it wants in the South while simultaneously leveling the North?

Ever since the war began, and regardless of who has been President, we have followed a single, simple, central philosophy—that if we increase our military pressure against the other side, then Hanoi will offer, or accept, more "reasonable" peace terms.

This theory was devised before Vietnam, and tested, apparently successfully, in the Cuban Missile crisis ten years ago. Show them that we are determined, start gradually up the ladder ("graduated reprisal"), adapt our military power to the specific situation ("flexible response"), and they will see that their best course is to back down.

This theory has never worked in Indochina. There is no historical evidence to support the hope that it will work now.

When Dean Rusk was Secretary of State, he talked often of the countless Chinese backing up their friends in North Vietnam. To Rusk, that was the threat behind the threat. He seemed to downplay deliberately the Russian role in supporting Hanoi so as to leave the Russians with maximum breathing room and to avoid another Moscow-Washington confrontation.

In contrast, in his speech May 8, President Nixon did not mention China once. This time the threat behind the threat came from Moscow, and Mr. Kissinger said the next day that "prior to a meeting that had, and still has such high prospects, [the Russian leadership] should ask themselves whether it can be in the interest of either party to impose a major setback on the other."

In every major communist offensive, our intelligence has underestimated the enemy. In 1959, we failed to see the signs of the gathering guerillas. In 1962, we overlooked the evidence that the Viet Cong were forming into battalion-sized units. In 1965, the power and size of the North Vietnamese assault was unforeseen. In 1968, we missed both the timing and extent of the Tet offensive. In 1972, having predicted an offensive, our intelligence was still stunned by the massiveness of it—and by those tanks that came out of the jungles. The failure to . . . Vietnamese Army—with tanks and artillery—must surely rank as one of the worst intelligence failures of modern warfare.

In 1954, the French artillery commander at Dien Bien Phu, Colonel Piroth, placed his artillery pieces on top of the hills that formed the French positions, and waited confidently for the battle in which the Viet Minh would be demolished. On the night of March 16, 1954, the Viet Minh opened up on the French positions with the equivalent of an artillery division, and virtually destroyed the French artillery. General Navarre, commanding, called it "the major surprise of the battle." Colonel Piroth, on the night it began, went back to his bunker and committed suicide.

Why do we bomb North Vietnam? The reasons given over the years have varied enormously. To the military, we bomb to win. To some, we bomb to stiffen morale in Saigon, or to save American lives. To others, the bombing is a "blue chip for bargaining." In 1965, when the bombing debate was fierce, someone called some of this latter group the "doves for bombing." If you think that theory received a proper burial, listen to Dr. Kissinger, May 9, 1972, defending the "very difficult decision" to bomb and mine. "We want to be in a position that if our assessment is incorrect, and things should turn out not as well as we hope (in the ground war in the South), that we have some bargaining position left on behalf of the Americans who will then be threatened, and of the Americans who are now prisoners."

In 1946 Jean Sainteny, the great Frenchman who tried to prevent war between North Vietnam and France, saw his efforts breaking down. Ho Chi Minh, who respected and liked Sainteny, is reported to have said to him: "If we go to war, you will kill ten Vietnamese for every Frenchman who dies. But we will pay that price, and you will not be able to."

Ho is dead, but his words are still true. When we replaced the French, we inherited the most determined and toughest enemy we have ever faced. This is not intended to turn the North Vietnamese into heroes, simply an attempt to recognize their refusal to quit—and our inability to make them quit. Like the fisherman in Hemingway's The Old Man and the Sea, the North Vietnamese can be destroyed but not defeated. Except that to destroy them would mean using unthinkable weapons against unthinkable targets.

And finally, the President has put everything including "respect for the Office of the Presidency" into his terrible gamble, (it seems odd to stake the American Presidency on the fighting ability of the South Vietnamese Army).

If he succeeds in the gamble—then we may be able to breathe more easily and think about other things. But the most ominous parallel is not in the past, but rather the future. What if two weeks from today the North Vietnamese offensive is still moving steadily forward, and the South Vietnamese are still falling back? What will his next speech say? Perhaps something to the effect that ". . . I made them a reasonable offer on May 8, and ordered certain military steps to protect our remaining forces . . . They have arrogantly replied by . . . In these circumstances, any President who failed to act decisively would have betrayed the trust of his country and the cause of peace. I will not take the easy path politically . . . I have therefore ordered, in full coordination with the Republic of Vietnam, the following measures, which are being implemented as I am speaking to you . . ."

But, whatever those "measures" are, they will not work. They will not stop Hanoi's aggression. They will not end the war. As Ho Chi Minh tried to tell the French 25 years ago, his forces will outlast everyone else in Indochina—by at least one day.

RUSS TANNER ELECTED CHAIRMAN, ROCKY MOUNTAIN COLLEGIATE PRESS ASSOCIATION

Mr. HANSEN. Mr. President, recently the Rocky Mountain Collegiate Press Association held its convention in Fort Collins, Colo. At that time Mr. Russ Tanner, editor of the Oracle, the student publication at Western Wyoming College in Rock Springs, Wyo., was elected Wyoming State chairman of the Rocky Mountain Collegiate Press Association.

I wish to congratulate Mr. Tanner on his election to this post. In addition, I would like to recognize the accomplishments of the Oracle, an outstanding publication.

Mr. Tanner, in addition to being elected Wyoming State chairman, won first place in editorial writing, junior college division, at the convention.

The award was based on his editorial appearing in the November 19, issue of the Oracle and entitled, "Censorship." Mr. Les Allen of the Oracle staff won an honorable mention on his news article entitled, "Rights and Responsibilities is an Open Issue of 18-Year-Olds." I ask unanimous consent that the editorial and news article be printed at the close of my remarks.

The awards to the Western Wyoming College Oracle are particularly gratifying in light of the fact that this junior college is a relatively new junior college in the State of Wyoming. The high quality of the student newspaper is just another indication of the high standards of this educational institution and the fact that it has taken its place within the Wyoming junior college system. Western Wyoming College is playing an important role in the education of our young people.

I offer my heartiest congratulations to Mr. Tanner, Mr. Allen, to the staff of the Oracle, and the student body of the Western Wyoming Junior College for their outstanding accomplishments.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CENSORSHIP

In recent weeks censorship has become somewhat of a problem for Wyoming collegiate publications The most glaring instance occurred soon after the University of Wyoming Branding Iron on October 15 printed an information article listing names, addresses and phone numbers of abortion referral agencies in Denver.

The following issue of the Branding Iron was intended to carry a nationwide abortion information advertisement. However, after protests from the Laramie Right to Life Committee, Vern Shelton, the assistant to the president for communications, called the printer, informing him that the advertisement was probably in violation of an 1890 abortion statute making it illegal to induce or advise persons to have an abortion. According to Branding Iron Editor, Ric Moser, the printer has since refused to print similar articles. Incidentally, a similar ad was printed in the BI last year and was submitted to the Oracle.

No charges have been filed thus far, and no official request for an attorney general's ruling has been made. However, Wyoming Attorney General, Clarence Brimmer, has indicated that the printing of such material could, in addition to violating the abortion statute, be a violation of the state's criminal conspiracy code. That is that Editor Moser and his readers could constitute conspiracy with the Branding Iron as a vehicle of communications. This, though, would be practically impossible to prove.

The fact that no official action has been taken does not mean the censorship is not real. On the contrary, censorship usually is indirect and disguised.

As a college newspaper editor, there are three reasons why this incident particularly distresses me. First, there seems to be a lack of confidence in the integrity and ability of college journalism students. In the case of Ric Moser, his ability in journalism is well known throughout the Rocky Mountain Collegiate Press Association. He served on the staff of the award-winning Chinook from Casper College prior to serving on the Branding Iron staff. Since becoming editor of the BI, Moser has regained much of the student respect which it had lost the past couple years.

As for integrity, we are all entrusted with certain rights and among these is the right to a free press. This right has protected all others and has been cherished by writers for nearly 200 years. The integrity of college journalists in Wyoming, of Ric Moser, is the same integrity that has kept free press vital in America.

Second, I fear the future implications that could result. If the Branding Iron were to be judged in violation of this abortion statute, the way would be paved for the end of editorial comment. The precedent that this would set would allow such clauses in future laws to curb any biased commentary on any controversy.

Third, the impairment of free press is so devastating that if allowed to continue it could destroy all of our freedoms. Even if such action as the Branding Iron incident is not enforceable, it seriously weakens an Editor by placing a stigma on him which tends to devalue his commentary even in his own mind. It makes him fearful and thus unable to fulfill his obligation to serve readers by not only bringing them the facts but by making them aware of the implications of these facts. Without this news would be so drab it would soon be meaningless due to boredom.

Superficially, the censorship of the University of Wyoming Branding Iron is nothing to worry about. But I fear its future, I fear the possible precedents that these restrictions could set. If allowed to grow, this situation would slowly yet surely lead to the end of all of our freedoms. Freedoms that have helped America become the greatest nation in the history of the world.

RUSS TANNER.

PARTIES WOO YOUTH VOTE: "RIGHTS AND RESPONSIBILITIES" IS AN OPEN ISSUE FOR 18-YEAR-OLDS

(By Les Allen)

The 26th Amendment to the United States Constitution, the fourth to enlarge the electorate since the Constitution was adopted, extended the right to vote to the 18- to 20-year-old citizens in city, county, and state elections. It became effective when Ohio became the 38th state to ratify it. This Amendment leaves the issue of setting the age of majority, regarding other rights and responsibilities for this age group, up to the state legislatures. There are over 140 sections in the Wyoming State Constitution dealing with other rights and responsibilities of citizens at the age of majority.

According to Robert H. Johnson, Democratic State Senator, the 18-year-old rights and responsibilities measure that was introduced in the last legislature was defeated because it was not in proper form. He said he believed it would have caused more hardship and litigation than it would have done good. Senator Johnson said that a computer went through 141 sections of the State Constitution, picked out everything that said 21, and changed it to read 18.

Johnson said the Probate Code was inconsistent, allowing an 18-year-old to own property but not dispose of it in a will. Whether an 18-20-year-old criminal offender is sent to the state prison or a state industrial training school is presently an open issue, left to the court's discretion. According to Johnson, this question was left open in the defeated measure, as no change was specified in the Penal Code.

Johnson said he would urge the 18-20-year-olds to get involved in the party of their choice, as well as to vote. He said that an independent voter doesn't get to select a candidate in the primary election, and he believes that this age group could be very effective in the primary election process. He said that all a person who wishes to vote needs do to register is to go to the county or city clerk's office.

Don Anselmi, Democratic State Chairman, said he believed the rights and responsibilities measure that was introduced in the last legislature was tacked onto the 18-year-old vote amendment to the State Constituion by the conservative element in an attempt to defeat that amendment.

Anselmi said that he believed the age of majority should be lowered to 18 in some areas, such as the right to drink alcoholic beverages and marry, and retained at 21 in other areas, such as being a ward or a mental case.

He stated that a Statute Revision Committee has been instructed to research all laws of the state dealing with the 18-20-year-old group and present their findings to the next session of the legislature that will convene in January, 1973.

Anselmi said he believed an 18-year-old should be allowed to participate in county and state political conventions of either party. He said that a Democratic convention committee, of which he was a part, had met and came up with revised statutes to allow 18-year-olds to participate in the Democratic state conventions. He said these statutes must now be ratified by the convention.

He stated that the Wyoming Attorney General's Office is handing down an opinion as to residency in regards to 18-year-olds, especially college students. Wyoming presently defines residency as intent. He believed, however, that it was possible that residency of college students, who wanted to vote, might be determined on the same basis as residency for entrance to a college.

Bill Taliaferro, Republican County Chairman, said he believed that the 25,000 votes that the 18–20-year-old group represents in Wyoming has both parties wondering. He didn't believe this age group would vote along traditional party lines—Democratic because their father is a miner or Republican because their father is a rancher. He said they are a new element in the electorate that is not tied to old political doctrines. He thought a person should vote for the best man for the office and not strictly on a partisan basis.

Taliaferro said he could see possible problems with this age group voting due to a lack of information about the candidate, or their voting on a naive basis instead of for national reasons. He said he saw the possibility that the 18–20-year-old group might vote for an Elvis type candidate, instead of for the best candidate to fill the office.

In their political and social lives, Taliaferro said he believed responsibility was a necessary ingredient for the 18–20-year-old group. He said that a lowering of the age of majority to drink alcoholic beverages and marry at 18 was in his opinion a necessity at this time. He thought that this age group should make more of their own decisions instead of other people making decisions for them.

Taliaferro thought this would alleviate many problems and give this age group the opportunity to be full citizens. Taliaferro also believed this age group should accept the responsibilities of full citizens, along with the rights. He believed that the answer to the Penal Code change would lie in the State of Wyoming getting more varied types of treatment facilities for all age groups.

Lawrence Marty, Republican State Committeeman, said the Republican Party has formed a special state committee to aid the 18–20-year-olds in qualifying for registration. This committee also hopes to encourage them to register, participate in the campaigns, and furnish them with information regarding the issues.

Marty said the committee was more interested in creating interest in politics among this age group than in getting them affiliated with any one party. He said he would like to see a Young Republicans formed at WWC and participation by the youth in the form of block workers. He believed it was important for them to be involved in politics beyond just voting.

AMERICAN SYSTEM OF JUVENILE JUSTICE—ADDRESS BY SENATOR BAYH

Mr. STEVENSON. Mr. President, on May 4, the distinguished junior Senator from Indiana (Mr. BAYH) spoke at the annual dinner of the John Howard Association in Chicago. His topic was "the American system of juvenile justice." But that title does not adequately convey the breadth of the concerns Senator BAYH addressed. He talked of runaways and drug abuse and what are euphemistically called our youth correction programs. An estimated 1 million youngsters under 18 run away from home each year. More than 20 percent of college students have admitted using amphetamines; and there is a 70 percent recidivism rate for institutionalized first offenders.

He speaks of the work of the Subcommittee to Investigate Juvenile Delinquency, a subcommittee he ably chairs. And in particular he outlines the legislation which is the product of the indepth investigations of the subcommittee—S. 2829, the Runaway Youth Act; S. 3148, the Juvenile Justice and Delinquency Prevention Act; and S. 3538 and S. 3539, two bills which attempt to deal with the production, distribution, and diversion of the short-acting barbiturates.

So that we may all share the insights and prescriptions of Senator BAYH, I ask unanimous consent that his remarks before the John Howard Association be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR BIRCH BAYH, JOHN HOWARD ASSOCIATION ANNUAL DINNER, MAY 4, 1972—CHICAGO, ILL.

No fancy phrases nor colorful rhetoric can properly convey the extent to which the American System of Juvenile Justice has failed. It has failed the society that created it. And, more important, it has failed the very young people it was supposed to help.

It was a little more than a year ago that I became chairman of the Senate Subcommittee to investigate juvenile delinquency. Since then I have travelled across the country studying the problems of young people and probing for the solutions to those problems.

What I have found about the magnitude of the drug problem, the plight of runaways, the collapse of correctional programs and the insufficiency of the institutionalized responses to these social ills, has caused me to seek a whole new series of programs for dealing with young people in trouble.

These programs have coalesced into several specific legislative proposals which I would like to discuss with you tonight. None of them is a panacea for the problems of juveniles who now find themselves confronting an archaic, impersonal system of justice. But I believe, that when taken together, the legislation I have introduced will provide useful reforms leading to an overall improvement in our system of juvenile justice.

RUNAWAYS

Our hearings into the problem of runaway youth brought out some alarming statistics. The most used figure for the number of American youngsters below the age of 18 who run away from home every year was one million. The problem has grown more acute in recent years: arrests of runaways having increased by 60 per cent since 1969. Along with the increase in runaways there has been a decrease in the average age of runaways, as more 11- and 12-year-olds flee from home to explore the mysteries of the cities.

Young people run to our major urban centers in the search for companionship, friendship and approval from the people they meet. Instead, they become easy prey for street gangs, drug pushers and hardened criminals.

Without adequate shelter and food, they fall victim to a whole range of medical ills from upper respiratory infection to venereal disease.

The paucity of compassionate programs to deal with runaways is appalling. More often than not the runaway is treated as a common criminal and harshly incarcerated so that delinquency becomes an all too logical second step. There are programs—however inadequate—to deal with delinquency, but little to help the runaway deal with the problems that caused him to run and thus to forestall delinquency.

The legislation I have proposed for helping runaways is designed to treat the sources of the unrest that causes young people to leave home. I propose that the Federal Government spent $10 million a year to finance temporary shelter facilities to take runaways off the streets and to facilitate their return home under conditions designed to prevent second and succeeding attempts to leave home.

The temporary shelters, which could be established by private groups in each community, without unproductive bureaucratic associations, would provide the runaway with short-term intensive counseling. Then, once home, the runaway and his family could receive follow-up counseling enabling the youngster and his parents to deal with the root causes of the young person's problems.

Such a constructive approach would not only treat young people with deserved compassion, but it would be an excellent deterrent to delinquency by keeping young people out of correctional institutions and by protecting them from the pitfalls of being loose in our urban jungles.

CORRECTIONAL FORM

The events last fall at Attica State Prison in New York stirred much controversy. But unfortunately the momentum for prison reform was not maintained.

This is a most important problem. One that should not be permitted to fade away. It is quite clear from a review of correctional reform programs that our present system of incarcerating juveniles with hardened adult criminals turns first offenders into well schooled repeat offenders.

A kid who takes a car for a joy ride has a good chance of ending up in an institution with three-time felons. By the time the youngster has completed his sentence he has received no counseling nor rehabilitation, but has been taught by older inmates many of the intricacies of a life of crime.

If we are to deal effectively with the problem of crime in this country, and specifically, if we are to deter delinquency, we must provide corrective and rehabilitative programs which deserve those adjectives.

Thus the legislation I have proposed for omnibus correctional reform includes the following provisions:

Large rural penal institutions would be replaced with smaller, community-based facilities. This, in turn, would enable inmates, including young people, to remain in contact with their families during the period of incarceration. This proximity to the inmate's community will also facilitate follow-up services including counseling and job placement.

I have the greatest respect for rural values; I am proud of my farming background. But I fail to understand what the value is in taking a kid from the inner city, placing him in a rurally located institution, teaching him how to milk a cow and then—when his sentence has been served—sending him back to the inner city hundreds of miles from the nearest cow. Correctional programs must be relevant; otherwise they are doomed to failure.

Funds would be provided by the Federal Government to the States for job training and rehabilitation programs so youthful offenders can acquire job skills enabling them to secure employment upon release. Also, basic education programs would be provided to young people who are institutionalized with the goal of aiding them in finding useful social roles.

Federal assistance for correctional programs would be made contingent upon the inclusion of drug treatment and rehabilitation within correctional programs. Included here would be follow-up services for paroled inmates in recognition of the fact that 70 percent of all crimes are drug related and that this is a special problem with youthful offenders.

Perhaps most important is the provision which would separate first-time youthful offenders from hardened criminals. We must stop letting our prisons serve as schools of advanced criminology and instead provide young people with special parole and probation programs. Incarceration is the most costly means of dealing with juvenile offenders, both in monetary terms and in terms of the cost to society of making hardened criminals from first offenders.

There is a remarkable 70 percent recidivism rate for institutionalized first offenders. This stands as clear testimony to the failure of our correctional programs. Only a major overhaul in concept and design will enable these programs to do their job properly. And this is nowhere more important than it is in its relation to young people.

DRUG ABUSE

The main thrust of the subcommittee's work in the area of drug abuse has been in the increasing use of amphetamines and barbiturates by young people. As you well realize, these drugs not only ruin the lives of frequent abusers, they are a direct and major cause of delinquent behavior.

More than 20 percent of college students have admitted using amphetamines and there is solid testimony that increasing use of amphetamines and amphetamine-like substances is spreading to the high schools and, in some cases, to the grade schools.

Fortunately the information brought out at our hearings and the ensuing public outcry were helpful in securing the rescheduling of certain amphetamines to limit access to them. Also, we were able to secure a decision by the Bureau of Narcotics and Dangerous Drugs to limit 1972 production of amphetamines to 20 percent of the 1971 quota. This is a long overdue recognition of the fact that amphetamine production is many times that needed to meet the legitimate need for these drugs.

We are also turning our attention to the matter of barbiturate abuse. To date there has not been the needed awareness of the grave dangers posed by barbiturates which, because of the severity of withdrawal, can be more dangerous to an addict than even heroin. According to a recent poll, there has been a 50 percent increase in barbiturate use by young people in the past three years. Our work has produced amazing evidence of the ready accessibility of barbiturates.

I have learned how readily available and inexpensive these drugs are from personal experience. Several months ago I visited a number of barbiturate treatment programs in California. During the course of a "rap session" with several barbiturate addicts, one young counselor at the Haight-Ashbury Free Clinic in San Francisco, himself a former barbiturate addict, slipped out of the session unnoticed. In a matter of minutes he returned with the fruits of several minutes effort: a handful of legitimately produced "yellow jackets," purchased for 25¢ a capsule from a local street dealer.

To help solve this problem I have introduced legislation to make it more difficult for these drugs to get on the street market. The present situation cannot be permitted to continue.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Probably the most important ingredient in our fresh approach to young people who run afoul of the law is the Juvenile Justice and Delinquency Prevention Act. Not only does this bill propose a complete overhaul in the national approach to juvenile delinquency, it finally provides the resources to deal successfully with juvenile delinquency in a manner commensurate with the problem.

This bill would create a White House level office to coordinate all the diverse Federal programs dealing with juvenile delinquency. It provides for a four-year, billion dollar appropriation of Federal grants to the States and public and non-profit agencies involved in delinquency prevention, treatment and rehabilitation.

There are responsible groups—and the YM CA can be counted in this category—which are able and willing to provide valuable services to young people in the battle against delinquency.

It is folly to tie these groups up in a maze of bureaucratic tape which reduces their effectiveness. This is why I favor the approach of direct Federal aid to qualified private agencies which, because of their expertise and community ties, can render the most useful services to young people.

We are dealing with sensitive young people who need personal attention as close to home as possible. For as long as assistance programs are too heavily oriented in the direction of governmental, institutionalized approaches we will be denying these young people the special, locally-based attention they need.

There are other important elements in this legislation:

It would codify into law needed guarantees for juveniles of their basic rights. Heretofore there has been a remarkable discrepancy in the constitutional protection accorded juvenile offenders and those accorded to adult offenders. Juveniles are no less deserving of the complete range of civil liberties available to their elders.

The legislation would create a national institute for juvenile justice to fill the gap in understanding about the handling of juvenile problems.

The institute, similar to one which has already been approved by the House of Representatives, would provide public and private groups with training and assistance in the deterrence of juvenile delinquency and the rehabilitation of offenders.

The problem of delinquency needs more than money; it needs people, trained people, people who care, people who can communicate.

In the same vein as the Correctional Reform Act, the Juvenile Justice Act would replace incarceration with carefully monitored probation and parole programs to keep young people out of penal institutions, whenever that is possible.

An experiment in such programs in California has proven most successful, with welcome drops in the recidivism rate and in the cost of working with juvenile offenders.

What I have provided here is an overview of some of the work we are doing in the Senate subcommittee. I offer no instant solutions, but I do offer an open mind and a willingness to forge new programs to replace those discredited by years of failure.

It is often said, with much validity, that the young people of this country are our future. How we handle those youngsters who are in trouble is not only a test of our sensitivity and concern, it is a measure of the depth of the conscience of our entire country.

Every time a kid in trouble is helped, it is an important gain, not only for the youngster and his family, but for society as well.

S. 520 CLOSED BASIN DIVISION, COLORADO

Mr. ALLOTT. Mr. President, I ask unanimous consent that a resolution adopted by the Rio Grande Commission be printed in the Record for the advice of the Senate. The resolution urges early action on S. 520, a bill to authorize the construction, operation, and maintenance of the Closed Basin Division, San Luis Valley project.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Rio Grande Compact Commission,
Colorado, Texas, New Mexico.

RESOLUTION

"Whereas, S. 520 and H.R. 5337 are before the 92nd Congress, 2nd Session, to authorize the construction, operation, and maintenance of the Closed Basin Division, San Luis Valley Project, and

Whereas, the adoption of S. 520 and H.R. 5337 and the construction and operation of the project would greatly alleviate problems on the Rio Grande, would facilitate the United States fulfilling its international treaty commitments, and would foster harmony among the States,

Now, therefore, be it resolved, by the Rio Grande Compact Commission assembled in annual meeting at El Paso, Texas this 20th day of April, 1972, that the Congressional delegations of the States of Colorado, New Mexico, and Texas be urged to support these bills as written;

Be it further resolved, that the Secretary forward a copy of this Resolution to the members of Congress of the respective States, to the President of the United States, the Director of the Office of Management and Budget, the Secretary of the Interior, the Commissioner of the Bureau of Reclamation, and to the Governors of the Compact States."

A CHILDREN'S HEARING

Mr. HARRIS. Mr. President, on May 11 I placed in the Record the first half of the text of children's hearing which I and others sponsored on April 12. I now ask unanimous consent that the final half of that transcript be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

A Children's Hearing

Senator Harris. I want to call now on Mr. James Wahpepah. He has with him Raymond Green and Annette Hunter. Mr. Wahpepah is from Jones, Oklahoma, and is director of the Kickapoo Headstart Program in McLoud, Oklahoma. Mr. Wahpepah has encountered the current health, lingual and economic needs of Indian children. His main concern has been to secure adequate and relevant educational opportunities for American Indians. He has also worked extensively with migrants in and around the Jones-McLoud area. He is familiar with Indian problems generally in Oklahoma and around the country. He is president of Oklahomans for Indian Opportunity and a member of the Board of Directors of Americans for Indian Opportunity. James, Annette and Raymond, we're glad you're here. Do you have any beginning statement, James? You might just start off and say something in general about some of these matters you've been dealing with and then we could talk after that.

STATEMENTS OF MR. JAMES WAHPEPAH, DIRECTOR, KICKAPOO HEADSTART PROGRAM, M'LOUD, OKLA., AND ANNETTE HUNTER AND RAYMOND GREEN

Mr. Wahpepah. I think the general concern this morning has been to health matters, and I would like to mention some specific cases dealing with children. In our center we have 60 children, about 45 are Indian. Most of them are welfare recipients. It seems as though the facilities that are available through programs such as the present program that we're under seem to be sort of limited to where the recipient receives very little of the actual dollar. I'm trying to say that the system of delivery that is provided by legislation is limited in the local area. Another reason is that I think the recipient himself has very little say-so in what kind of service that he needs. For example, the other night there was a 5 year old Indian child that had a heart murmur or a heart condition. She was rushed to the emergency room of the local white hospital. At the hospital emergency room she had to go through the signing-in procedure, the forms; the parents had to sign forms and all of that. It turned out that she did have a medicaid card number. We felt that this child was an extreme emergency. It took about an hour and a half to two hours before the doctor would look at this child. Even then I, as a Headstart director, made a phone call prior to her going there. They wouldn't take my word. They had to go through this bit about qualified individuals. She was 5 years old. Those are some of the problem areas that I have come up against that deal specifically with attitudes, more or less, I think.

We do have a large number of Indians that are in this welfare category. Another matter relates to persons of the migrant labor force. A number of Indian people from my community are involved in the migrant labor program or activities. They generally leave the river valley near Eagle Pass, Texas in April and May and go up to Utah to do the sugar beet harvest. The problem with that type of situation is that the children of the migrant families do not have an adequate opportunity to take part in a formal classroom situation. They are in one camp for two to three weeks at a time and then they move on—there's no continuing educational experience. Those are primarily my concerns and I think that the legislation you're talking about should deal with that specific group. Indian people by and large are a proud people. They want to work and they want to have the opportunities that are generally available to most Americans. But it seems as though we need extra legislation, extra effort on the part of the powers-to-be to provide a little more in the way of opportunity for Indian people.

Today I have brought Annette Hunter who is a sophomore in high school and Raymond Green who is a junior. I would like for them to talk a little bit about specifically their school experiences and the problems that they encounter in the public school system. Annette, do you want to start?

Annette Hunter. The first thing is that we Indians have to pay 30 cents a day for breakfast and lunch. You just can't pay 30 cents a day for that. The food isn't very good. It's usually greasy and the bread is hard. The whites pay something like 25 cents.

Senator Harris. You go to public school? Where is that?

Annette Hunter. In McLoud. There are some white kids and some teachers that hate Indians. Many of the Indians think its better going to a boarding school than to a public school. Many of them look down on us because we are Indian.

Senator Harris. What tribe are you?

Annette Hunter. I'm a Sac and Fox.

Senator Harris. Are there any attempts to have books and studies about the Sac and Fox and about the Kickapoo and the other tribes that are in your area?

Annette Hunter. No. Only about us being savages or something like that in American History. We argue with the teachers and tell them we aren't like that. Then they send us down to the office to talk to the principal.

Senator Harris. Most Indian kids are in public schools in Oklahoma aren't they?

Annette Hunter. Yes.

Senator Harris. And schools get special money because of the Indians that are in the schools, did you know that?

Annette Hunter. No.

Senator Harris. There's a program called Johnson-O'Malley where a school that has Indian kids in it gets special money. But there's very strong discrimination against Indians in many places including our state and others.

What about you, Raymond, did you have anything you wanted to add?

Raymond Green. My problem is that in many of these classes I have problems in grammar. I raise my hand to try to ask the teacher something, and she looks the other way or goes to somebody else's desk, and helps them with something.

Senator Harris. Do you go to school in McCloud too?

Raymond Green. I go to school at Harrah.

Senator Harris. Are there quite a few other Indian kids there in school?

Raymond Green. There's a pretty good number.

Senator Harris. What's your tribal background.

Raymond Green. Kickapoo.

Senator Harris. Are most of them at Harrah, Kickapoo?

Raymond Green. Yes.

Senator Harris. A lot of Kickapoo kids grow up speaking only Kickapoo at first, don't they?

James Wahpepah. Some of the children in the Headstart program are trilingual. They come from the border area and are fluent in Spanish. But Kickapoo is the primary language with the Spanish second. In some cases they also manage to expose themselves to English. This does, I think, present a problem as far as the learning process is concerned. On one hand we feel that one needs to relate to his own racial identity to be a positive, outgoing type of individual. On the other hand we are trying to instill in this child the English language, the English ideas, the English values and what have you. But I still think that there needs to be a special emphasis in the public schools and the boarding schools dealing with Indian culture, presented in a positive manner where people will have a sense of pride in their Indianness. I think that's perhaps one of the reasons that we have such a high dropout rate. We have overlooked this vital area in education.

Senator Harris. The drop out rate is very high, isn't it? What percentage of the students at Harrah are Indian?

Raymond Green. Not too many.

Senator Harris. You say your particular problem is that you don't get sufficient counseling and help in regard to English grammar. Any other thing you want to say, Raymond?

Raymond Green. We still have a dress code. Your hair can't touch your collar. I don't like that too much. There are white boys that have really long hair, but the principal is always jumping after me to keep my hair cut.

Senator Harris. In my home town of Lawton, in 1972, at a time when you would think that teachers more than any others would want to encourage pride and heritage, we have little grade school children whose mother wants them to wear long hair as Indians used to do and braids their hair. They are out of school because the school system will not let them attend their school with long braided hair. It's an absolute outrage that that should be so. That's aside from a dress code generally. They're wearing their hair long for a particular purpose, it's pride in background. And they're prevented from going to school for that reason.

Anything else Raymond or Annette or James?

ANNETTE HUNTER. We have the same problem.

Senator HARRIS. You talked about health and I want to get back to that for a minute. American Indians around the country and in our own state, when they go to the regular hospital or the city-county health clinic that's available supposedly to them as well as to all other citizens, they often shunt them back to the Indian hospital rather than accept them. Has that been your experience, James?

JAMES WAHPEPAH. Yes, that has been my experience in the past. I try to deal with the local resources. You get a book from OEO telling you to deal with local resources. But with Indian children and Indian families, going to a private hospital is sort of unheard of. We have to wait in line, we have to be declared eligible on kind of a pauper's oath arrangement. Again, it's very difficult for a person to get in on an emergency basis. Part of this is attributable to the fact that the local Indian hospital wants to utilize the medicaid money before they pay from their fund. The Indian has to suffer the indignity of being turned away from the hospital because the Indian Health Service would not pay that bill on time; they wanted to utilize the county resources or whatever resources were available before using the Indian Health money. This is part of the problem. We are stigmatized and classified as people that will not pay their bill. It comes down to actual hard cash money. I tried on many, many occasions to deal with the business managers of the hospital and I finally got the women to cooperate. But at the same time I have no resources other than the Indian Health contract medical care arrangement. I think that the legislation should deal with perhaps a more efficient contract arrangement whereby the Indians could get adequate and needed services.

Senator HARRIS. We've got about half the American Indians living off reservations and principally in urban areas. So when they go to the regular public health facility they are often told, why don't you go to the Indian hospital which might, as in our state, be a long, long way off. And once they get there, they are in an institution which is underfunded and understaffed and often there are long lines and other kinds of problems there as well.

JAMES WAHPEPAH. It's nothing for a person to have to wait four or five hours to see the doctor in a local Indian Health facility. This is more or less standard practice. Again, there is no other resource available for people in urban situations to go to a local facility. It's kind of a game that people play with one another. They refer you to the Indian clinic and then the Indian clinic will not in some cases deal with people from Oklahoma County or Tulsa County. They have a limitation on money, staff and medicine. I still say that there needs to be a special effort on the part of the people in the medical profession and people in the welfare area to recognize that Indian people are in a peculiar situation; that they are eligible for local resources and programs. But it seems that the attitude of those people that administer these programs is not really conducive to good harmonious relationships. That essentially, it seems to me, is the problem.

Senator HARRIS. Thank you James and Annette and Robert.

I want to next call on Larry Schwartz of Providence, Rhode Island, who is accompanied by General Jordan, age 18, and James Almeida, age 18, Larry Schwartz is a child care specialist at Providence Corporation, a community-based organization in Providence, Rhode Island. He is chairman of the Rhode Island Child Care Committee and is the Rhode Island representative to the Regional Child Care Committee. He's been instrumental in exposing and documenting abuses and neglect of children in the Rhode Island Children's Center.

STATEMENTS OF LARRY SCHWARTZ, GENERAL JORDAN AND JAMES ALMEIDA, PROVIDENCE, R.I.

Mr. SCHWARTZ. Thank you for the opportunity to be here. My agency first got involved in this because we recognized that there has always been a double standard in dealing with the problems of children. One standard for the middle class white child and another for the poor white and minority children. People said if we could only find a solution to solve the problem of these children, we would do it. We found this to be totally false because the solutions were simple. It was creating a climate in which we say that there are not second class children. They're not doomed to failure. We can help them. We've been unsuccessful so far in creating that climate in Rhode Island, as the rest of the country has. We first started out looking at day care centers. We saw that day care centers were merely warehouses for children to allow their mothers to work. Many three year old kids probably shouldn't be away from their parents 8 hours a day. There were other children, whose mothers were working, who did need to get away, but we couldn't get them in. This is all custodial care for the most part, without the needs of the children considered.

The main area we looked at, though, was kids away from their own families, either because they got in trouble, they became delinquent, or because of a family breakdown, which happened in both the cases of James and General. We saw that while day care was inadequate, these other forms were criminal. Foster care is the most widely used form of housing, or warehousing, children. We found that it just didn't meet the needs of many kids, because many of these kids came from problem families and had special problems. They were sent into foster homes where people had no training. There are some excellent foster mothers and there are also some bad foster mothers. Nobody's ever taken the time to look into it. Kids went from foster home to foster home. One young girl we worked with was under the state's care since she was three years old and I don't think she's been in one foster home for more than 6 months. She must have been in 20 different foster homes. And yet we expect her to be a well-adjusted, well-rounded, dutiful American. I think James may know some kids in that particular situation. Why don't you tell them about it.

JAMES ALMEIDA. Well I know a few of them who have been up at the Children's Center for 6 or 7 months. They'd go to a foster home and they'd come back to the Children's Center and then they'd get too old and they'd go back to the Training School. From the Training School they had a program that would go to the Children's Center back there. They'd be transferred about 6 or 7 times. Some of the foster homes wouldn't really workout too good.

LARRY SCHWARTZ. We had many kids who never committed a crime before they came into the system—it was either a child abuse case, death, desertion, whatever the reason. Many of them are in the state's Training School which is a juvenile prison for misbehaving in these institutions, but yet they have never committed a crime on the outside. But they are still locked up.

The next problem we went into was the Children's Center which is kind of an orphanage and a junior reform school. There are kids there who have stolen cars; there are kids there who have had trouble at school; there are kids there who are orphans. In the Children's Center they have 220 kids which is overcrowded. They have 20–22 kids per unit. They have lock-up rooms in each unit. Most of these are kids who have never committed crimes, but they can be locked up for misbehaving in a room with a heavy mesh screen outside. Kids get beaten up by staff at the Children's Center. We have one case of a house father hitting a young girl over the head with an ironing board five times. He was suspended for three days. It doesn't matter because she was only a poor black kid, according to the state.

The state promulgates standards of education for its public schools—the Children's Center doesn't come under those standards. There are 80 kids out of the 220 kids in the Center who go to the home school. These are kids who can't make it in the public schools, who are dropouts from special ed. We asked the Commissioner of Education of Rhode Island to tour it, and he did, and he came back with a report that said: the staff is not adequately trained; not philosophically attuned to working with disturbed youngsters; the children are poorly grouped and have not been evaluated; the staff has neither the know-how nor the time to develop programs. And yet these conditions still persist. For these kids the laws don't count. Again, James went to school there so let him talk about that school.

JAMES ALMEIDA. I went up there in September. We'd go to school at 9:30 in the morning and we'd come back at 11:30 and cut the grass and then go get something to eat until 1 o'clock. You didn't do nothing in school. There were three rooms. We had arts and crafts. They didn't teach you no math or English or nothing like that. In the afternoon we'd go to the gym and they'd play records and you'd dance. That was all; that was the whole school system up there for the whole year—the school on the grounds of the Children's Center.

Senator HARRIS. What age were you then?

JAMES ALMEIDA. I was 14.

LARRY SCHWARTZ. The Children's Center school starts at kindergarten and goes to grade 8. It's really a bad joke. The thing that makes it even worse is that it is on same piece of state grounds as the State Teacher College which has about 5000 students there becoming teachers. They operate a laboratory school which has all the latest teaching equipment, all the best trained staff. They have all kinds of college professors working in the school. It's really a good school. One kid from the Children's Center goes to that school. It's 100 yards away. One kid out of several hundred. I guess they don't want to take these kids. One of the people at the Children's Center told me that when their kids go up to the public schools they go with a "CC" stamped on their forehead. One of them was suspended by a secretary in the school. That was unheard of, but it happened to a kid from the Children's Center who the secretary didn't like. She told him to go home and come back a couple of days later. We keep telling these kids in subtle ways, you're second class, you're second class, you're second class.

And they start acting that way. Kids can't walk in the cottages with their shoes on in the daytime because the floors have to be buffed, so when politicians take the tours the place will be tidy. They can't go into their rooms in the afternoon to read a book because they might mess it up. These are kids who in some cases haven't committed any crime, but this is how we say, this is your home and we love you to these kids. Unfortunately, almost every one of them goes to the state Training School. Some go directly, some get out and then get in trouble. General who was never in the Children's Center ended up in the Training

School. Maybe General could tell you about some of his experiences in the Training School. General Jordan. At the Training School I spent two and a half months in this place they call Annex B. In this place they have, it looks like cells, but they're supposed to be rooms. They have bars on the windows. They have about three or four locks on the door. You have a urine bowl in the room with you. Sometimes they will give you a bed. They send the food from the Training School up to this Annex B place, it comes in cans and it comes cold and greasy. They put stuff in the food sometimes and you really get sick of it. They won't let you see a nurse or a doctor. I was in there and Mr. Schwartz came up to see me because I had tonsilitis, my tonsils were bothering me. They wouldn't let me go to the nurse. They kept telling me, there ain't nothing the matter with you; you can't go see the nurse. I went from there over to the men's reformatory. In there they still wouldn't help me with my tonsils. They was really hurting me real bad. Mr. Schwartz brought up a doctor and he looked me over and looked at my throat. The windows were all broken out up there. We had to use about 5 or 6 blankets and sheets. It was really rough.

Senator HARRIS. What had you been charged with to be sent there?

General JORDAN. The first time it was just over a bicycle. I wanted this bicycle, you know. My grandmother couldn't afford it so I went out and got this bicycle.

LARRY SCHWARTZ. Would you tell them how many times you saw kids get beat up by staff up at the Training School.

General JORDAN. I say a lot of kids get beat up. A lot of kids. They'd take you in the office at Annex C and they'd close the door and two guys would go in and they'd beat up one kid. And when the rest of them would go in and try to help him, they'd lock him up upstairs, put him in a cell block for about 30 days with no blanket or none of that. They'd throw cold water at you. It would be late, about 3 o'clock in the morning, and they'd open up the windows and throw cold water on you. It's very rough.

Senator HARRIS. James, do you have anything to add to that?

JAMES ALMEIDA. Yes. When I was up at the Training School they had this place where you'd do from 5 to 15 days. I had 15 days. The first 5 days you're staying there you sleep on the floor. Then after 5 days they give you a mattress, but the mattress ain't good enough for no one to sleep on. After you stay there 5 more days they give you a blanket. And when it rains there would be big black water bugs that would come in there.

There were cockroaches and rats. They would give you a big blue coverall, the kind that mechanics use. They'd give you one of them that was 5 times your size. No books to read, nothing. No urine bowl. Nothing to wash up in. Nothing to comb your hair with. You stay in the room all day. They let you out one time. You open the door for feeding and they pass the food around. You get oatmeal in the morning, beef stew in the afternoon, and sandwiches at night. The same routine all 15 days. They do anything they want to with the food. If someone makes any noise or anything they'd call guards from the prison and they'd come over there and they would beat you up and take care of you and send you back in the room. If you kicked the door or anything, they would send you over to the prison—the reformatory.

LARRY SCHWARTZ. We adults do this in the name of rehabilitation. We've often said that, when people say what are your solutions to the Training School problems or the Children's Center problems, we say if you get ten doctors' and lawyers' kids sent there the problems would change themselves. You don't need us. Get a few local politicians' kids sent there.

I am happy to say that the unit they both described is only one of the many training schools now closed thanks to a federal judge. Not as a result of the state of Rhode Island. If private parents wanted to discipline their child in this way, say we're going to lock you in your room for 15 days, the state's Child Welfare Service would be in there in no time knocking the door down and having them charged as criminals.

Yet we as a state don't have to obey the laws that we make. Unfortunately, kids at the Training School, where they get no psychiatric help, where they get minimal education, no vocational education and most of them just stagnate either in sections of the men's prison which still are open or in the men's prison, end up going to the men's prison. You can tie this directly to poverty. I talked to Dr. Miller from Massachusetts. He said that 89 percent of the kids in their institutions which are being shut down, thank god, could qualify to be on welfare. 60 percent are on welfare but 89 percent could qualify. I personally think the present welfare system contributes more to crime than drugs do. We say to the kids every morning in the system, it doesn't matter what you do, you're going to lose. You're a loser, and you're going to lose. And they feel, since we're going to lose we might as well have a good time in that process.

JAMES ALMEIDA. That's what they told me up there. You ain't got no win, man. You got two strikes against you, you're poor and you're black.

Senator HARRIS. How old were you when you were in the training school?

JAMES ALMEIDA. I was 15.

Senator HARRIS. What about you, General?

General JORDAN. I went in when I was 16.

Senator HARRIS. Did they have a lawyer for you, did you go through a hearing?

JAMES ALMEIDA. Yeah, I went through a hearing. But it still didn't do no good if you had a lawyer. If the judge wanted to send you he could send you. He just tells you where you're going to go.

LARRY SCHWARTZ. We've had instances of 13 year olds being in adult prisons, in the maximum security unit of the prison. What becomes the most difficult of all to take is that there are solutions we have identified. Massachusetts is moving ahead; they are closing down a lot of these kinds of institutions. They're setting up halfway houses and group homes and things like that which are far cheaper. In Rhode Island we pay a welfare mother about $800 average to take care of her child, and a foster mother about $1200 to take care of her child. We give the Children's Center $6000 to take care of their child and the Training School spends $15,000 a year to take care of their child and they do nothing with it. And yet the Training School fails at $15,000, but we expect that mother to make it at $800. I'm amazed that some of these people do make it.

Why we don't have five times as many people in these institutions as we do now because of all these tremendous pressures? We could open up group homes for $4,000 to $5,000, but what neighborhood would you put them in. Whose neighborhood is that halfway house going into, is it going into the white neighborhood? In Rhode Island, in South Providence, there is one halfway house and it's for adults. The only place they could get into was the middle of the ghetto area. You can't get into the suburban communities. The politicians refuse to do it even though it's cheaper and more effective. The politicians won't do it because they won't stick their necks out for poor kids. Because, after all, they're only poor kids and they don't speak much.

Senator HARRIS. Well said. Senator Hart?

Senator HART. I hope many, many people hear what's going on today. I have the uneasy feeling that you're right—that the listening changes very few attitudes. Experiencing it through your own children has a dramatic effect on middle class parents. And I know of what I speak on that one.

Senator KENNEDY. I regret that I could not have been here for the whole hearing. I commend Senator Harris and those who've conducted it. I appreciate very much your comments. They are very, very useful.

Senator HARRIS. Mr. Schwartz, General and James, thank you very much.

Mr. Erasmo Andrade is here with Raymond Alcala and Leticia Guerrero. Mr. Andrade is presently health planner for Crystal City, Texas, a predominantly migrant and Chicano community noted for community control of the city council and school board. He has firsthand knowledge of the physical defects brought about by lack of medical, food and drug programs for Chicano children. He previously taught in the San Antonio public schools, has organized garbage workers in San Antonio, and has worked with the farm workers in Southern Texas. Mr. Andrade, we're glad you're here and will be pleased to hear from you.

STATEMENTS OF MR. ERASMO ANDRADE, DIRECTOR OF THE MENTAL HEALTH OUTREACH PROGRAM, AND RAYMOND ALCALA AND LETICIA GUERRERO, CRYSTAL CITY, TEX.

Mr. ANDRADE. Thank you, Senator Harris. I would like to congratulate all the senators who are interested in trying to find some solution to the problems of the non-voters. In these last couple of weeks, especially in South Texas where I'm from, we've seen the change that was brought about by the 18 year old vote. If we go down to the 15 year old vote or the 13 year old vote, a lot of politicians are going to be in a hell of trouble.

I would like to talk about Zavala County, the county we live in. The reason I brought some expert witnesses with me is because they are migrant children and they have been on the migrant trail for some time. I left the migrant stream because of the undeclared war in Korea. That was my chance to change my cotton picking sack for a navy blue suit. If it hadn't been for that police action over there perhaps I would still be in the migrant trail. The other reason I am bringing out Zavala County and Crystal City which is the county seat, is because there are many Crystal City's throughout the southern part of the United States. Whether they are black, or brown or white, this is the home base for many migrant families.

Zavala County is an area frequently referred to as "Mexican Appalachia." Zavala County has a population of 11,400. Its county seat, Crystal City, has approximately 8,500 inhabitants. The population varies from season to season due to the migration of large numbers of Chicanos going north to harvest crops during the spring and summer months. According to 1970 United States Census data, 74% of the population (all Chicano) annually leave Zavala County to join the migrant stream in April, staying away nearly six months until early October when Zavala's winter vegetable growing and processing season begins.

The main industry of this area is spinach farming. There is one canning factory and a few locally owned businesses. The Chicanos have been hit hard by automation, and more and more are migrating to non-automated areas or falling out of the migrant stream and remaining behind in Crystal City permanently.

Forty-four (44%) percent of the families have been reported as earning less than $3,000.00 per year, but the true figure is unquestionably closer to 75% of Zavala's families, after adjustment is made for those not in residence or not tabulated during the recent Census, and for those who have not used the services of local agencies. The average annual income of Crystal City is $1,500.00. The city, as well as the county, is considered as a chronic unemployment and underemployment area with no opportunity for upward or lateral mobility. In fact, we have an unemployment rate of 14.8 percent.

Zavala County's infant mortality rate remains almost twice that for the State of Texas in recent years. Due to the lack of precise recordings on causes of death, it is difficult to pinpoint the exact cause of this statistical horror, yet malnutrition is definitely a major factor. The combined average age of death for both sexes in 1970 is 54.7 years—a fairly staggering figure when contrasted with the average U.S. life expectancy of 70.5 years in 1967. The County has the highest rate for tuberculosis in Texas (30 times the average) and one of the highest in the nation as well. Yet in Crystal City we have only two medical doctors to take care of the entire county population.

We have also contributed 11 of our Chicano brothers who are dead in Vietnam and we have a few more missing in action. Eleven out of a population of 10,000. So we've given our share.

Migrant children are able to profit the least from the traditionally inadequate school system which the community has maintained, due to the fact that they have to leave early and don't return until October or November. The Crystal City Independent School District suffers from one of the highest drop-out rates in the nation—80%, and tragically most of these drop-outs are migrants. The average educational level of adults is 1.7 years in Zavala County. Approximately 25% of the adults are classified as functional illiterates, a very conservative estimate. These grim statistics refer to the majority of Zavala County citizens, nearly all of whom are Chicanos and migrant farmworkers.

According to a report from the Migrant Project Group in H.E.W. ("Health Fact Sheet: Migratory Agricultural Workers" April, 1971), the typical migrant child has a life expectancy twenty years shorter than the "average" U.S. citizen, this, of course, assuming that the child survives infancy and an infant mortality rate 2 and ½ times higher than the national average. A nutritional study of Southwestern migrant workers disclosed serious dietary deficiencies: 10% who had never had milk, 19% never had citrus fruit, 35% never had green or yellow vegetables, and 14% who had never had meat products. Other findings reflecting the migrants' tragic lack of health care include a tuberculosis rate seventeen times greater than the national average, a venereal disease occurrence eighteen times higher, and an incidence of worms thirty-five times higher than the national average. The occurrence of infectious, respiratory and digestive maladies is two to five times higher than the average citizen of this country. Furthermore, the migrant suffers an accident rate on the job three times that of the national average, as well as an occupational disease rate three times greater than the average for all industries. Incidents such as epidemics of poliomyelitis and diphtheria in South Texas among migrants in the 1970's are unfortunately all too common. Somehow, whether deliberate racial and social prejudice or perhaps due to the simple indifference of the more affluent majority who enjoy the fruit of the migrant's labor, the migrant farmworkers has been very effectively excluded from this nation's health care system and educational process which would permit him to escape his miserable conditions.

Public aid programs, which have been created by the U.S. Congress and various state legislatures to aid the needy, are generally unavailable to the migrant family. The usual reasons include geographic residency requirements, requirements for a linkage to a public assistance category, and the general targeting of federal programs toward the *non*-working poor.

For example, very few migrant families are able to qualify for AFDC (Aid to Families with Dependent Children) assistance. When they travel north, they are effectively excluded by the "intent to reside" concept that limits so many states' programs. In Texas and Florida, two of the major home bases, migrants are excluded by the restriction on giving aid to any family which has an able-bodied male head in residence. That is an integral part of the family, to have a man in the house who can drive the trucks 1400 to 1500 miles during the stay in the migrant stream. For this the families are punished.

Similarly, many migrants will toil their entire lives only to discover that they are not eligible for Social Security retirement benefits like other American workers due to the special status given agricultural workers by the Social Security Act. Employers have numerous loop-holes, such as the fact that an employee must earn $150 or have worked at least twenty days before any in-payment need be made, that permit them to avoid making any contributions for migrants. Unethical crew leaders often exploit the migrants' dependency by over-deducting or not even reporting their wages. Perhaps most tragically of all, the migrants' lack of eligibility for retirement benefits results in excluding them from any participation in Medicaid and Medicare services.

Other federal programs set up to assist the needy include the Food Stamps Program and the Surplus Commodities Program. Aside from the fact that many counties (such as Zavala in Texas) refuse to participate in the Food Stamps Program and that the materials provided under the Surplus Commodities Program are definitely not oriented toward maintaining a good diet, migrant farmworkers are seldom capable of effectively utilizing these two public assistance programs. The administrative offices are all too often set up in inaccessible and poorly publicized locations, and hours of service are frequently limited to 9:00–12:00, 1:00–5:00, *one day a month*. In addition to transportation and related problems, the migrant must sacrifice a full day's work in order to stand in line in hopes of receiving some assistance toward feeding his family. Even then, certification of eligibility is a drawn-out and humiliating experience, in which many local officials are out-right hostile and even insulting to the applicants.

Finally, one is confronted with the all too well documented shortage of private health care services in rural farmwork areas. When this scarcity is compounded by sociocultural barriers, especially the lack of bilingual health care personnel who are sensitive to the plight of low-income Chicanos, and by financial barriers, in which few institutions are willing to serve families which are ineligible for Medicaid/Medicare, it becomes clear that the migrant farmworker has to "make do" with whatever home remedies his culture and tradition can provide him.

This callous disregard of the needs of the migrant is perhaps best typified by a recent experience of ours in Zavala County. With the assistance of sympathetic consultants from the Regional H.E.W. office in Dallas, my office made application to the U.S. National Health Service Corps, requesting the services of a physician for two years in Zavala County, and a dentist. The details and arrangements of our plans were carefully coordinated with the two local doctors in Crystal City, as we were committed to cooperating fully with them. They completely endorsed the idea, and the National Health Service Corps physician was to work out of their hospital although he would have been more oriented toward poverty cases and patients in an evening clinic. The application asked for immediate consideration and approval.

However, there is a federal requirement that any such application be approved by the local medical society before it can pass; in South Texas, due to the scarcity of physicians, we have multi-county societies. And, as you might be able to predict, the "local" nine-county Medical Society refused to endorse our application, thus denying our people of the desperately needed services of another physician. They stated that there was no serious shortage of medical personnel in Zavala County in their opinion, and the same thing with the Dental Association.

Thus, those who furnish our tables with the beautiful fruits and vegetables of our countryside are never allowed to taste such luxuries. They suffer in the hot sun, often without water or toilets, in the dangerous atmosphere of chemical pesticides so that we may feast.

A vast number of federal programs in public assistance and health care, many of them specifically oriented to help *children*, have been developed by the United States Congress for American citizens. Yet migrant farmworkers continue to be systematically excluded from their benefits. Because of their pride and self-respect they try to be "good American citizens", working long, exhausting hours and even paying taxes on their meager earnings without complaint. Yet they are denied such basic national rights as participation in Social Security benefits and Medicare services. They are further discriminated against by the denial of their right to organize for better wages and working conditions.

In conclusion, if I may leave but one idea with you the members of the U.S. Senate, perhaps my only contribution to these hearings today, I would like to see a law passed which would require that for every tax dollar put into farm subsidies, a matching dollar would go to help alleviate the problems of the farm worker in health, social services, education and rehabilitation. Thus, we may be able at last to stamp out hunger and poverty of migrant children after more than three decades of paying no more than lip service to their needs.

Thank you very much.

Senator HARRIS. Very good.

Mr. ANDRADE. Last year over $12 million of farm subsidies went to seven families in Zavala County for not farming. So who's lazy—the farmworker or the land owner? And if we were to share this money between the plantation owner and the farmworker at least you could keep both constituencies happy. One would give you the money to run for office and the other would give you the votes to get into office.

Senator HARRIS. Very good. Leticia, you're in what grade?

LETICIA GUERRERO. Fifth.

Senator HARRIS. And you're eleven?

LETICIA GUERRERO. Yes.

Senator HARRIS. How many brothers and sisters in your family?

LETICIA GUERRERO. I am the only girl and there are three boys.

Senator HARRIS. Are they older or younger?

LETICIA GUERRERO. Younger.

Senator HARRIS. Do your parents follow the migrant stream?

LETICIA GUERRERO. Yes.

Senator HARRIS. Where do you go from Crystal City; where do you travel to?

LETICIA GUERRERO. From Minnesota to Wisconsin and from Wisconsin to Indiana, and sometimes from Indiana we go to Kansas or Colorado.

Senator HARRIS. When do you leave Crystal City?

LETICIA GUERRERO. Around May 18.

Senator HARRIS. And generally when do you get back to Crystal City?

LETICIA GUERRERO. Usually we get back around October or September.

Senator HARRIS. Has school already started by the time you get back?

LETICIA GUERRERO. Yes.

Senator HARRIS. Do you yourself help the family in the harvesting? What does the family work in, spinach?

Leticia Guerrero. The family doesn't work in the spinach, only my father does. Also beets, and tomatoes and pickles.

Senator Harris. Are you and your mother involved in any of the harvesting work?

Leticia Guerrero. Yes.

Senator Harris. What do you do?

Leticia Guerrero. Well I sometimes work on the beets and pick tomatoes and pickles.

Mr. Andrade. Leticia, do you consider yourself a taxpayer?

Leticia Guerrero. Yes.

Mr. Andrade. So when you work in the fields you are paying taxes?

Leticia Guerrero. Yes.

Mr. Andrade. Yet you don't get the benefits that we were talking about all day long—the federal programs, the clinics, the hospitals, the good teachers, the good schools. Do you ever get that?

Leticia Guerrero. No.

Senator Harris. What kind of places do you live in?

Leticia Guerrero. Small houses.

Senator Harris. Do they have running water in the house?

Leticia Guerrero. No. They have a faucet outside.

Mr. Andrade. Leticia, when you are working do you have breaks? Like at 10 o'clock do you say, I'm going to take a 15 minute break? Or at noon do you have an hour for lunch? Or do you have another break in the afternoon?

Leticia Guerrero. We don't work by hours. We work from morning to afternoon but we can rest whenever we think that we are very tired. We're paid by the baskets we make.

Senator Harris. Tell us about the kind of work that you do. What is it like? I've never worked in that kind of work. Beets grow underground, does someone plow them up first?

Leticia Guerrero. Yes. And we get a hoe and we take out the grass and leave the beet with nothing around it.

Senator Harris. Oh, I see. You're actually cultivating it, you're weeding it. That's awfully hard work. I've done that with cotton. Do you work in other kinds of work other than weeding beets?

Leticia Guerrero. I work on the tomatoes and the pickles.

Senator Harris. What kind of work do you do with them? All I know about is raising them in the garden.

Leticia Guerrero. All you do is get a basket and you fill it up and you put it on the side. Then a truck will come and pick it up.

Senator Harris. And the cucumbers are flat on the ground. You must have to do a lot of stooping and bending down.

Leticia Guerrero. Yes.

Senator Harris. How many baskets of tomatoes do you pick by yourself in one day?

Leticia Guerrero. When I want to I make about 50 baskets a day.

Senator Harris. Do you know how much you're paid by the basket?

Leticia Guerrero. Well I think around 13 or 15 cents.

Senator Harris. What about cucumbers or pickles, how much of those can you pick a day?

Leticia Guerrero. I'd say about 15. But my parents pick more than I do.

Senator Harris. How are you paid on hoeing beets?

Leticia. Guerrero. Well we go by the acre, how many acres you do.

Senator Harris. You couldn't hoe a whole acre in a day could you?

Leticia Guerrero. No. They go by rows.

Senator Harris. How old are your brothers?

Leticia Guerrero. Next to me is my 10 year old brother, and the other one is eight and the other one is six.

Senator Harris. Do any of them work in the fields the way you do?

Leticia Guerrero. My 10 year old brother does. My little brothers like to help but we don't let them.

Mr. Andrade. Do you ever go to bed hungry?

Leticia Guerrero. No.

Mr. Andrade. Why don't you go to bed hungry?

Leticia Guerrero. Because my mother cares very much for us. She goes to the store every night and she goes and buys us food.

Mr. Andrade. You don't waste any food? You save leftovers and cooking?

Leticia Guerrero. I guess my mother does.

Senator Harris. Raymond, you're also in 5th grade aren't you? And you're 11.

Raymond Alcala. Yes.

Senator Harris. How many people in your family?

Raymond Alcala. Eleven.

Senator Harris. Your brothers and sisters, are they older or younger than you?

Raymond Alcala. Some are older and some are younger.

Senator Harris. How old is the youngest one?

Raymond Alcala. She's a year old.

Senaor Harris. Does your family follow the harvest too?

Raymond Alcala. Yes. We go to Minnesota and to North Dakota.

Senator Harris. What do you harvest in Minnesota and North Dakota?

Raymond Alcala. In Minnesota we harvest the beets and in North Dakota my mother and father work in the potatoes.

Senator Harris. What do they do with the potatoes?

Raymond Alcala. A machine goes past them and picks them up and you just take out the dirt.

Senator Harris. Do your parents ride on the machine?

Raymond Alcala. Yes, sir.

Senator Harris. Do you yourself help with hoeing the beets or working with the potatoes?

Raymond Alcala. I hoe the beets.

Senator Harris. What about your brother and sisters, do they work also?

Raymond Alcala. My two brothers and one sister work in the potatoes and the beets.

Senator Harris. What are the houses like that you live in in Minnesota and North Dakota?

Raymond Alcala. In Minnesota we live in a two story house. But we have to go get water half a mile. We get three gallons and then we have to go and get some more water.

Senator Harris. What about doctors? Has anybody been sick in your family lately? If so, where did you go for a doctor?

Raymond Alcala. We have to go out of town when somebody gets sick.

Mr. Andrade. In some of these states, when the migrant children arrive, immediately the school district insists that they enroll in school. Of course, this is another way of exploiting the children. Because while the children are enrolled in the school the school district gets state and federal moneys. They use these figures to request additional money. The children will not be there long enough to benefit from this extra money that is derived from their attendence. Even though it's vacation time in Texas—in fact not too long ago, you'll probably remember one of the states, Indiana I think, had a suit filed against the parents because they were ready to withdraw their children from the schools, and the local administration refused to allow them because they would lose money. So that is another way of exploiting the children.

Senator Harris. Raymond, do you leave Crystal City about the same time Leticia does?

Raymond Alcala. Yes.

Senator Harris. Do you miss a little bit of school at the first of the year?

Raymond Alcala. Yes.

Senator Harris. Have your folks ever found jobs around Crystal City?

Raymond Alcala. My father can't work because he was operated on.

Senator Harris. Oh, I see. What about you, Leticia, can your parents find work around Crystal City? Are there any jobs?

Leticia Guerrero. There are usually no jobs but they told my father they were expecting work but they don't give it to him. He may go any time but by the time he goes there won't be any left.

Senator Harris. I believe you told me that they speak Spanish in your school. Do you have lessons in Spanish and books in Spanish?

Leticia Guerrero. In our room we are studying a little bit, but I don't know if this week that's coming we're going to study some more.

Mr. Andrade. How big is the library in your school?

Leticia Guerrero. I can't say it's very big because only four or five people can go into it. It's more like a little office than like a library.

Senator Hart. Mr. Andrade, I take it that when you were the age of our two other witnesses you were in the same style of life. You said you were able to break out of the migrant stream because of service in the military during the Korean War. Did you obtain additional education in the service and subsequent to service?

Mr. Andrade. This is another way of stereotyping the Chicanos. When I was in junior high school the counselor decided I was clever with my hands. I could make chairs and stuff like that. So they classified me as a typical industrial student. So when I went from junior high school into high school I was forced into a vocational training school. Because I had attended a technical school, the Navy decided I would be a good machinist. Even though the examination and the aptitude test and all that indicated different. During my stay in the Navy I was a machinist's mate, taking apart generators, diesel engines and putting them back together. I was attached to the underwater demolition team in Little Creek, Virginia. Then because of the GI Bill I attended the University. I was exposed to different ways of life, as you gather, when you are in the military. I was able to travel. Since I got out of high school I have traveled and lived in 38 foreign countries, as a civilian advisor or as a military representative. So because of the GI Bill I broke away completely from the migrant stream and went into education and international relations.

Senator Hart. In addition to the other things that these hearings should remind us of, is that we are underfunding dreadfully the GI Bill program now. You're a dramatic example of the contribution the whole society can get if we make better sense on the GI Bill.

Mr. Andrade. If we make our colleges more sensitive to the needs of minorities, yes. Up until a couple of years ago we didn't have a four-year college in Southern Texas. All our four-year colleges were up in hill country. We didn't have a four-year college in Southern Texas until about three years ago.

Senator Harris. My folks and I followed the cotton out to West Texas when I was a kid. We started in the cotton fields when I was five and then we followed the wheat harvest for about nine years all the way to North Dakota. But I don't think I did as hard work as these kids do. That sounds like a lot harder work.

Mr. Andrade. It's hard work. There's no guaranteed wages, no guaranteed harvest, especially now since more people have been displaced by automation. That is the only life they've ever led. So you stay home and you starve or go out and chance it by hitting the trail.

Senator Harris. Leticia and Raymond, I'm sure your parents would be awful proud of you that you're helping out in the family and your willingness to come here and tell us about things so that maybe other kids lives can be better. Mr. Andrade, thank you very much also.

Our last witnesses for the day are Mr. Richard Mays of Little Rock, Arkansas, Barbara Hampton and Phyllis and Cheryl Hampton. Barbara Hampton is herself a welfare recipient. Her two children, Phyllis and Cheryl, are in the fourth and eighth grades. Richard Mays is a civil rights specialist in the Little Rock law firm of Walker, Kaplan and Mays, the only integrated and the only civil rights law firm in Arkansas. He has been working in Arkansas since September 1970, involving himself in litigation which is concerned with police brutality in the black community and the rights of children. Prior to that time, he was an attorney in the Criminal Division of the U.S. Department of Justice.

STATEMENTS OF MR. RICHARD MAYS, MRS. BARBARA HAMPTON, AND PHILLIS AND CHERYL HAMPTON, LITTLE ROCK, ARK.

Mr. MAYS. Thank you, Senator. First we would like to thank you Senators for giving us the opportunity to relate briefly in this area. When I was first told about these hearings in regard to children's rights, my first response was, what rights? I'd been through law school and I did not deal with the subject of children's rights. And after I gave it some thought I concluded that the only right that they have is the right to share the burden or the benefit of the lives of their parents. I have been active in the area of education and I probably am more interested in this area, though I have dealt with the area of criminal law. In regard to relating this to the H.R. 1 bill, I thought that it might be very good to deal with it from a humanistic point of view, and let's try to isolate and identify some of the children's rights, if there are any.

I think the most fundamental right is the right to an education. As a lawyer I have concluded that a child does not have a right to an education, at least through grades one through twelve. It's a privilege and it's a privilege which can be revoked if the child's hair is too long, if the child violates a dress code, if the child shows some discourtesy to a teacher. In the integration process where we have had separate schools and the races have been separated, oftentimes a white teacher misconstrues black pride as arrogance. And sometimes expels or suspends the student. The most dangerous threat, I think, to the child's right to an education is the cruel weapon in the arsenal of the school administrators called the right of expulsion or suspension. Members of my firm have personally represented 120 black students who were recently expelled in Mariana. I represented 20 black students who were recently expelled to Arkadelphia. I'm not going to necessarily going to deal with why they were expelled, but these were all black students. This was a confrontation to some extent between the white and black students resulting from a failure on the part of the school administrators to prepare for integration. The point I am trying to make is that you cannot afford to expel students when the only opportunity the poor students have to extricate themselves from some of the negative effects of poverty is through education. Certainly through explusion and interrupting the school education process you only delay treating a problem, and the problem will reappear at some later date in terms of a greater societal problem.

I decided that the problem that we're dealing with to some extent in H.R. 1 is the problem of dehumanizing people versus trying to protect against certain abuses. I think the Nixon Administration through H.R. 1 and prior governmental action in this area has shown a preference to try to protect against certain kinds of abuses and has decided that it is better to dehumanize people. I think Mrs. Hampton, who is an example of a person who has withstood the dehumanizing process that I think the present welfare system forces upon its recipients, has through the medium of the Welfare Rights Organization tried to counteract this dehumanizing process, and permitted her spirit, her fight to take the forefront and try to challenge many of her neighbors to take the fight to the government. But she herself will indicate that it is a pretty difficult problem. When people have lost hope they are sometimes characterized as apathetic. I think the problem here is that the spirit has been so deteriorated as to give these people very little hope of actually changing the system. We are not only creating a person who has lost hope, we're dealing with an apathetic voter. I'd like Mrs. Hampton to come in and deal with the dehumanizing process from the standpoint of isolation in the community in which she lives, and the other aspects connected with her life.

Senator HARRIS. Mrs. Hampton, you live in Little Rock, do you?

Mrs. HAMPTON. Yes.

Senator HARRIS. Would you tell us about what Mr. Mays was saying?

Mrs. HAMPTON. I became involved in the welfare rights fight about three years ago. It's very hard to get poor people involved and especially black people in the community where I live and all over the state of Arkansas. Most people feel, why go and try to change it or speak up and speak out? The general reason is, well I'll probably get my welfare check cut off. They have not had freedom of expression for so long that they feel at this late date that nothing can be done about the way things are now. I try to instill in my people that just because they are welfare recipients means that they are no less than anybody else. I always tell my children and people in my community that, you are just as good as anybody else. Nobody is any better than you are and you're no better than anybody else.

Most of the time when we have our meetings in my community we deal with the problems of food stamps and the lack of food and the lack of medical attention. We have medicaid but there have been abuses in the state of Arkansas in medicaid.

You take, for example, elderly people. They go to these doctors and they have medicaid cards, but most of them don't even understand what medicaid is all about. The doctor will charge them, charge the welfare department on the medicaid card, and then they will also charge the patient. They are not aware that they don't even have to pay for these services, especially twelve outpatient visits and twenty days in any hospital of their choice. Most of them are not aware that they can go to any hospital of their choice. The University Medical Center is the number one hospital as far as poor people are concerned. I used to live out in the rural part of the country. To go to the University was a big thing with me because down in the rural area you didn't generally get any kind of medical attention. You used old folks remedies.

Some of the people, even though they have moved to the city area, they still have these hangups. Some of them are afraid to go to doctors because of the treatment they receive as poor people and as welfare recipients. They are afraid to go and apply for welfare aid and food stamps simple because case workers treat them in such a dogmatic way that when they are turned down they don't even want to go and reapply.

This is where Welfare Rights has stepped in in Pulaski County and in several other counties in the state of Arkansas. We generally go down with them to see to it that they receive all of the benefits that they are entitled to. Although we're organized, we're not treated so courteously. I get calls all the time, saying, for example, "Mrs. Hampton, are you the lady that's causing all the hell with the Welfare Department about the welfare recipients?" "Yes I am, if you want to call it that." Well," they'd say, "the KKK wants you real bad." Everybody in the South knows what KKK stands for, that's the Klu Klux Klan. But generally I give them a nice, sweet, nasty answer and let them know that they can go to you-know-where and that I wasn't scared.

I have with me my children, Cheryl Hampton, who is an eighth grader at Horace Mann, and Phyllis Hampton, who is a fourth grader at Granite Mountain. Now Granite Mountain is not an integrated school and it's only about three or four blocks from where we live. Horace Mann is about two miles. We have busing in Little Rock now. So she comes in contact with children who live, for example, out in Pleasant Valley. This constitutes the power structure people in Little Rock, and maybe she can deal with that and give you some answers about how life is and school with whites.

Senator HARRIS. I was wondering about what your mother said about how it is at school now that you're in an integrated school.

CHERYL HAMPTON. The first year when the white kids were bused over there, there were a lot of fights and everything. But now things are cooled down. Some black kids on welfare around rich white kids seem to get an inferiority complex. This makes them jealous and this is one reason that causes the fights. About the free lunch thing, we get this card. As you move through the line, nine times out of ten if you saw a person with a card you could tell they were getting a free lunch. I guess it just doesn't seem to bother me anymore.

Senator HARRIS. Do you feel that there is a tendency, Mrs. Hampton, on the part of poor people to feel that it's not a matter of right, but that somebody's doing something good to them—that if they're not careful they might lose it—that they don't realize that what they're getting is their right.

Mrs. HAMPTON. Yes. That's also the attitude on the part of as many middle class blacks as it is middle class whites. On Monday night, I was on Rap Session on KALO, a black radio station. A couple of black ladies called in, and one of them thought I shouldn't be yelling and screaming about a $6500 guaranteed adequate income. That I should be grateful that I'm getting this $1000 or $2000 that we get in Arkansas. I let her know that welfare was not a privilege, it was a right, that you were entitled to it if you were eligible for it. This is the thing that happens down at the welfare office. They treat the recipients like this money is coming directly out of their pocketbooks. They say, "I'm sick and tired of you coming down here; you look able-bodied; well where did you get those slacks that you have on, where did you get that new blouse?" Well who knows, my well-off relatives in Seattle might have thought enough of me to send me a pants suit or send my daughter a dress. I always instill in the minds of my people, just because you're on welfare, you don't have to go out looking like it. I worked at a factory. And when I worked at this factory I bought many blouses because I got them at a discount, I bought many dresses. Just because I fell into this bad way that I had to accept welfare, I didn't throw my blouses and dresses away, I still have them.

I'd also like to say that we're going to challenge the WIN program in Arkansas because there's no incentive in the WIN program. They're implementing some of the same repressive features that are included in H.R. 1 already in Arkansas undercover. They encourage mothers to volunteer for this program. We're not against training. Anybody's for anything that's going to better their condition. But on the other hand, why call in 50 people and train them for jobs that you know are not available once they complete the training? Why call in a mother who has not completed high school and give her a GED;

and then when she finishes that training you go over there and she's making beds. It doesn't take a GED to make beds. I've been making beds since I was seven or eight years old.

The Employment Security Division administers the WIN program. They say the Welfare Department is the referral agency. They give them $15, for example, every two weeks for transportation. And they give them maybe $56 for child care, and you have to accept any kind of person they bring to you. There was this Puerto Rican girl who was very upset when she came in because the white lady she had to leave her child with had a spit cup. Her baby was just a toddler who could have turned it over and gotten in it and that's filthy. Just because she's a welfare recipient she has to accept this. You get $15 for transportation every two weeks, and $56 for child care. And then over here they go up on your food stamps. That's money already earmarked for babysitting and transportation, it's not money that's going directly into the home. So why do they go up on food stamps? How do you think I would be encouraged to go into WIN when actually it costs me? It's not a free program. $10 might not seem like a lot of money, but anytime it has to come out of my inadequate grant it's a lot of money to me.

Senator HARRIS. How many in your family, Mrs. Hampton?

Mrs. HAMPTON. I have five children.

Senator HARRIS. What does the welfare system provide in Arkansas for that size family?

Mrs. HAMPTON. Well, I'm one of those fortunate ladies that get a small amount of child support, like $20 a week. And I get $123 a month from welfare. If I didn't get any child support I wouldn't get very much more than that for five children, like about $131. The maximum grant in Arkansas is $146 a month providing you have seven children. If you have over seven children you don't get a dime more.

Senator HARRIS. Phyllis, we're glad you're here. Do. you have anything you want to say?

PHYLLIS HAMPTON. Somebody at school was talking about welfare checks and I told her that when a welfare mother gets a check and she's goes to cash the check, it don't say "welfare" on the dollar, it's just an old, plain dollar.

Senator HARRIS. That's good for you to speak up that way. Senator Hart?

Senator HART. I'm grateful you came. Could I ask a question that really isn't relevant to this thing, of the young lady who is in the integrated school? For a period of your education you were in a segrated school?

CHERYL HAMPTON. Yes.

Senator HART. No matter how I phrase this it will not be easy to answer. Is it your feeling that you are now getting a better or a poorer education, are you more or less satisfied in the integrated school?

CHERYL HAMPTON. I think that since the school is integrated we have about the same education but we have more activities. Integration doesn't bother me, it doesn't make any difference. I get along with all the people.

Mr. MAYS. Senator, I would again reemphasize, especially since we're dealing with Cheryl, my first point about the use of expulsion and suspension as a tool to emasculate the young minority child. Cheryl was involved in a fight. She indicates that she was attacked. Regardless, both students were suspended. She was suspended for three days. When they are suspended they can lose credits. This can cause some difficulty academically and they can be expelled for a year. The policy is simply to expel students involved in a fight. My point is, if we're going to deal with students who have enough problems anyway, if we're going to deal in this area, that as a matter of law we ought to try to think up an alternaive for the school's administrators, and almost outlaw expulsion or suspension in cases of this nature, especially when we're going through the trauma of integration. We have insensitive administrators and it's very difficult to get to the problem. In Little Rock they did have some sort of program. When you were expelled where did you go?

CHERYL HAMPTON. Gateway.

Mr. MAYS. Would you tell the Senator what Gateway is?

CHERYL HAMPTON. When you're expelled from school you go to Gateway, either from 8:45 to 1:00 or from 1:00 to 3:30. You go there and you take all your books and you just do the regular class work. But if you don't know what they're doing in school you just do whatever you think they're doing. You take it back when you go back. If the teacher is nice enough she will give you credit for it. But she's not obligated to help you make up anything while you were out.

Mr. MAYS. We don't have a Gateway in Arkadelphia and Mariana, maybe not in D.C., I don't know. But Gateway represents somewhat a compromise, probably inadequate. But at least we need to focus on this problem. I suggest to the senators that in the next four years that if these problems continue to reoccur that there will be a problem which may require some national legislation.

Senator HARRIS. Senator Tunney?

Senator TUNNEY. I would like to join with Senator Harris and Senator Hart in welcoming all of you to these hearings. I have just perhaps one question which I would like to ask Cheryl. That is, do you feel that when you are in school as a young girl whose family does not have a great deal of money and who is receiving governmental help, do you have the feeling that you are made to feel like a second class citizen?

CHERYL HAMPTON. No. I don't like being on welfare, but if I have to be I'm not going to be ashamed of it.

Senator TUNNEY. Good for you.

Senator HARRIS. Are there any more questions? If not, I would like to insert at this point in the record a letter which I have received from two of my constituents in Oklahoma about the fine work being done at the Youth Counseling and Child Development Center in Oklahoma City.

YOUTH COUNSELING &
CHILD DEVELOPMENT CENTER,
Oklahoma City, Okla., April 3, 1972.

Senator FRED R. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARRIS: The photograph and caption appearing in the Oklahoma Journal on March 22, of you and the children involved in the Children's March on Washington, brought to our immediate attention and interest the hearing to be held on April 4.

Our clinic is both a teaching clinic and a service clinic affiliated with the University of Oklahoma and operating out of a building on Lincoln Boulevard. As a teaching clinic we are primarily responsible for the educational training of our students (residents in psychiatry, psychology interns, medical students, social work students, etc.), but University funding does not allow for the operation of our clinic as a service to the community, therefore, the fees we charge on a sliding scale along with the support of the Oklahoma Mental Health Council and any grants or federal monies we are eligible for, are a part of the monies we return to the University for the community service our staff has become committed to. Many of our staff members have been extremely active—training volunteers for outside efforts such as Paseo Center (a rehabilitation center for young drug abusers). Dr. Povl Toussieng, our clinical director who is in Washington at the present time, was president of Paseo Center durg 1971, and was instrumental in its birth. (Dr. Toussieng will be returning from his sabbatical on July 1, 1972.)

Dr. Schechter, Director of child psychiatry training at our clinic, and staff personnel have initiated contracts within the community which involve consultations with the Oklahoma City Public School System. We receive approximately one-third of our referrals from school counselors all over the city and state. We also have a contract with the Riverside Indian School in Anadarko and a psychologist and psychiatric social worker on our staff each spend one day a week at the school as consultants. This is just a very small sample of our work with children within the community and state.

Another one-third of our referrals are Welfare recipients and are referred directly from the Department of Public Welfare. As yet we have been unable to receive any payment from DPW for outpatient mental health services to children. As we are expected to financially support our service efforts, this has restricted the numbers of indigent children who are able to receive much needed help in the State of Oklahoma.

Our Diagnostic Nursery, which has been Dr. Schechter's brain child, is cosponsored by the Community Action Program, and two of our staff members are the only salaried personnel. This small nursery (which sees preschool age children from the Head Start program) dependent upon volunteer personnel is being considered by the federal government for a grant which would allow it to serve as a model for nine other such nurseries in the United States. It is currently housed in a small church on 14th and Kelham.

We are dedicated to the training of those who will one day help us in the effective implementation of health care delivery services to children. This is an area which has been sadly neglected in Oklahoma and in which the overwhelming needs, whenever voiced, many times fall upon deaf ears.

If our clinic may be of any assistance now or in the future in any way, we would be most willing and eager to help support your efforts on behalf of children. This clinic was founded on and is dedicated to Dr. Schechter's philosophy that "children are our most important natural resource".

Most Sincerely,

Mrs. TERRY CALDWELL,
Secretary to Dr. Toussieng.
Mrs. DONNA LEWIS,
Secretary to Dr. Schechter.

P.S.—Enclosed is an article published following Dr. Schechter's recent talk at the Central Area Oklahoma Health and Welfare Association Meeting.

Also of interest in regard to our community involvement, is the fact that Dr. Schechter and Fran Morris, Community Coordinator of Youth Counseling and Child Development Center, have recently been appointed by Judge Luther Bohanon to serve on the Bi-racial Committee, a committee designed to help with difficulties around the implementation of public school integration.

[From the Oklahoma City Times, Mar. 17, 1972]

LACK OF CHILD AID CRITICIZED

An OU psychiatrist today said the state is providing little if any help for the 72,000 youngsters who need emotional health care.

Dr. Marshall Schechter, acting clinical director at the Youth Counseling and Child Development Center of the University of Oklahoma Health and Sciences Center, said the state "pays more attention to its highways than to its children."

Dr. Schechter, speaking at the spring meeting of the Central Area Oklahoma Health and Welfare Association, said Oklahoma has only one board-certified child psychiatrist.

He cited the alarming suicide rate among children as indicative of the need for child psychiatric care.

Apparent suicides by children under 10 are counted as accidental deaths in Oklahoma, the OU professor said, but he added he knows personally of at least 10 cases in which children had to be "cut down" to avert hangings.

He said suicide ranks as the fourth most common cause of death in the 15 to 19 year age bracket in Oklahoma.

In the eight years he has been in Oklahoma, Dr. Schechter said he has seen "little change" in state efforts to care for emotionally disturbed children.

I want to thank you all again for your fine contribution to the Children's Hearing. I also want to thank those Senators who found time in their schedules to participate in this hearing.

The testimony presented today was excellent and it demonstrates the need for a broad-range, comprehensive approach to children's issues. I am hopeful that enough attention can be focused on children's problems through activities such as this to activate some real reforms in this area.

This hearing will be transcribed and printed in the Congressional Record, and copies will be sent to all persons who testified as well as any others interested in this crucial subject.

MASSACHUSETTS' PROGRAM FOR JUVENILE OFFENDERS

Mr. BROOKE. Mr. President, the State of Massachusetts has undertaken a much-needed major reform in its program for juvenile offenders. Under the leadership of Gov. Francis W. Sargent, and with the cooperation of the Law Enforcement Assistance Administration, Massachusetts has taken an enlightened new look at the corrections system for juvenile offenders and has embarked on a program of rehabilitation, rather than custodial care for children in their formative years.

Governor Sargent recently addressed the fourth national symposium on law enforcement science and technology, held under the auspices of the Law Enforcement Assistance Administration. His remarks effectively describe both the past practice of incarceration, which obviously has been a failure, and the new direction of rehabilitation, which is geared toward restoring juvenile offenders to productive lives, while providing adequate protection for the rest of society.

So that all Senators may be apprised of the progress being made in Massachusetts and of the cooperation existing between Federal, State, and local units of government involved, I ask unanimous consent that Governor Sargent's remarks be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

ADDRESS BY FRANCIS W. SARGENT

In an age plagued by soaring crime and riddled with fears, preventing crime must be an activity which involves every citizen. There is no better way to begin than by forming a federal, state and local partnership to work with the juvenile offender. It is at this level that we have the best hope of success—And it is at the juvenile level where our efforts will pay the greatest dividends for the individual, and for society at large.

The necessary ingredients for a productive partnership are a commitment and the funds to implement the needed changes. Both forms of support are essential if we are ultimately to be successful.

This morning I would discuss the commitment we have made in Massachusetts. We are determined to *rehabilitate* the juvenile offender. We are indebted to the Law Enforcement Assistance Administration for the funding support we have received in transforming this goal from a hope into a reality.

A little over two years ago, I recruited a new Commissioner for our Department of Youth Services. His name is Jerome Miller.

Dr. Miller was faced with a department that had operated in the same manner for about 100 years. It was a system very much like many which exist today throughout the country.

Under this system, we would take a child who has gotten into trouble, lock him up in a cell, punish him for a period of time and then send him home to commit another offense. Almost 75% of the children who were released fell into that pattern. The fact that the remaining 25% did not return to an institution is a miracle . . . for they received no more than custodial care.

Shortly after I took office, I became convinced that there were better ways to deal with juvenile offenders. Better than simply shutting them away in institutions.

I felt that a community-based treatment system would provide better rehabilitative services. And it would cost less to the taxpayers of Massachusetts.

With each new experience, I am more and more convinced that we were right. But it hasn't been easy.

Dr. Miller had to convince his own staff that the community treatment system was better.

We had to embark on a massive public education program. Many people still cling to the myth that walls mean protection for society and for the offender.

Notwithstanding this lingering opposition, we have continued to move forward. At this moment, four of our five major state juvenile institutions have been closed. By the first of July we will have closed the last one. This will end the use of large, barren facilities to care for youth who need real services instead.

There will always be a need for some security to protect the community. But, only a very small percentage of the children who are convicted will require such confinement.

It is easy to make buildings symbols and to measure success in terms of how many buildings are closed. But, if we fail to provide quality services to youthful offenders in the community setting we will have failed in our effort to rehabilitate young people.

In Massachusetts, we have devised viable alternatives to our institutions.—Alternatives that would not have been possible without the cooperation and support of L.E.A.A.

In the past two months, we have opened 13 new group homes. We hope to open 7 more in the near future. The concept of group homes has become a reality due to the funding, planning and technical assistance provided by the Committee on Law Enforcement and Administration of Criminal Justice.

The funds the Committee has supplied have provided an increased planning capacity for the Youth Services Department. They have also allowed us to upgrade the management and administrative services offered by the Department.

The Committee has helped develop a model residential youth center for the State. Thanks to the work of that Committee, Massachusetts now has its first community-based residential center for girls. Although approximately ⅓ of all juvenile crimes are committed by female offenders, there are virtually no community-based services presently available for them.

As we have begun to move toward a community-based program, we have discovered an interesting fact. We can provide better services at lower costs through community programs.

Under the old system, we found ourselves supporting an entire system at a level that only a small minority of the population needed. We spent approximately $10,000 a year to keep a child in an institution. Ten thousand dollars a year . . . Think of it.

For this money, we could buy each child a complete wardrobe at Brooks Brothers, give him a $20 a week allowance, send him to a private school and, in the summer, send him to Europe with all expenses paid.

We could do all that and still save the taxpayer over $1,300 a year.

This is the kind of money we have been investing in our institutions . . . and all of you know the results.

If, on the other hand, we invest in a community treatment program, we can provide individual services, personal counseling, job training, specialized education, and healthy group home settings for about half the cost. Even more important, we can begin to help a child understand his behavior and motivation in an atmosphere of trust and support.

For the child who needs an intensive parole counseling program, the cost is a little over $2,600 per year, per child. A foster home . . . which provides needed parental guidance . . . costs $1,200 per year, per child. And for those children who need a group home, the cost is approximately $7,500 a year for each child.

In Massachusetts, however, we have a dual system to treat the juvenile offender. We have the unfortunate distinction of being the only state in the country to send children, with educational problems, to institutions known as county training schools. These schools were started in 1873, and have not progressed much since.

They are filled with children aged 7 to 16 whose only offense is that they were truants. These children are not criminals. None of them has committed dangerous criminal acts. Rather, these children suffer from behavior problems rooted to social causes. And yet they are still locked behind walls.

I have tried to forbid the use of these schools in Massachusetts.

Under present Massachusetts law, children with behavioral problems may be convicted of six different "crimes"—habitual truant, habitual absentee, habitual school offender, stubborn child, runaway and wayward child. I have filed legislation to do away with these crimes.

Under my proposal, a child who would normally be convicted of one of these so-called offenses, will instead receive a civil commitment from a court. My proposal also provides the court with options. All of these options are designed to see that the child gets treatment, not punishment. I am convinced that this system will work.

We have begun to initiate major reforms. But make no mistake these reforms are not quickly accepted by the public. There are major areas of resistance. But there are also areas of tremendous support. I have been continually encouraged by the local courts, police and school systems. They have increasingly expressed a willingness to help young offenders re-enter community life. I have been encouraged by the commitment of young people who want to help other young people. In addition I am grateful to LEAA which has committed over $1 million dollars to assist in the community based program. These funds have helped us move away from institutions . . . But more importantly they have allowed us to embark on innovative rehabilitation programs.

We currently have 120 young people participating in a new and exciting program called "parole volunteers". Under this program a child receives close personal guidance from a college student. The student is paid a nominal salary to maintain a continuing relationship.

It is too soon to tell what long term effect this new system will have. However our initial indications, are favorable.

We are hopeful that a large number of young offenders will turn away from a potential life of crime to become productive citizens of our Commonwealth. Once again, the commitment was made possible with the help of LEAA.

But if we are to continue implementing the community-based concept, we will need even greater commitments and greater federal financial assistance. Eventually the costs will be cheaper and the rewards greater.

The community-based treatment concept can eventually apply not only to juvenile offenders, but to adults as well. In my opinion, it is a new and needed direction for correction in general.

While offenders of different ages have individual needs, there is one need common to them all. They must be assisted in learning to live in their communities. No longer can we continue to close them in institutions that leave them ill-prepared to be responsible citizens when they are released.

I gratefully acknowledge the support that LEAA has given the Commonwealth of Massachusetts. Together we have begun to find new solutions to age old problems. As a result the future holds great promise for a breakthrough in the revolving-door syndrome which has plagued the corrections field.

I ask for your continued support, so that together we can devise a system that will rehabilitate the individual while truly protecting the society.

THE AABNCP: NEEDED PRESIDENTIAL COMMAND POST OR AIR FORCE LUXURY HOTEL?

Mr. PROXMIRE. Mr. President, the new defense budget includes a $261-million downpayment on a new Air Force program which has received very little public scrutiny to date. I refer to the Advanced Airborne National Command Post—AABNCP—program, which calls for the purchase of seven Boeing 747 aircraft for use by top defense planners and decisionmakers in the event of a national emergency. Three of the planes would be stationed at Andrews Air Force Base for Presidential use, while the remaining four planes would be turned over to the Strategic Air Command.

According to the Defense Department, these new planes are needed because of deficiencies present in the EC–135 aircraft now used for Airborne National Command Post purposes. As Secretary of Defense Laird explained in his posture statement to the Congress:

> Our current airborne command and control system is deficient in that it lacks capacity for added communications and data processing equipment. We need to improve the survivability of the system, and to provide the more secure communications needed for control and execution of the forces, the long endurance, the space for sufficient high level staff to support the National Command Authorities, and space for the battle staff and equipments which provide the information needed in the critical decision-making process.

I fully recognize the need for a top-notch command and control system. Our strategic posture could be gravely compromised—and the lives of millions of people jeopardized—by deficiencies in this area. If our present system is deficient, it should be improved, and I will fully support any efforts likely to achieve that goal.

But I cannot support this program as presently structured by the Air Force. My own investigation, strongly reinforced by some excellent hearings recently published by the House Defense Appropriations Subcommittee, convinces me:

That this new program has been hastily conceived and poorly planned;

That it stands in gross violation of the "Fly Before You Buy" policy to which the Defense Department subscribes; and

That it is, in fact, a classic textbook example of how to botch an important military program.

Mr. President, these are strong words, but I hope to back them up in my remarks today. The $261 million budgeted for this program would enable the Air Force to buy six of the seven new 747's it ultimately claims are needed. Yet we need none of these aircraft now, since the new equipment which would go inside has not yet been developed. And we may not need them later, since that equipment and the necessary staff personnel would almost certainly fit comfortably in slightly small and significantly less expensive DC–10 or L–1011 aircraft.

Seldom has the cart been put further before the horse. And seldom has there been a program more replete with hidden motives totally unrelated to the official rationale.

This situation deserves immediate attention by all Members of Congress devoted to a sound procurement policy. We have not yet embarked on this ambitious effort to improve our command and control capabilities. We still have time to do the job right. That chance will be lost, however, unless this program is stopped long enough to determine what our command post needs really are.

I. THE OFFICAL AIR FORCE RATIONALE

Air Force plans for a new fleet of command post aircraft were first presented to the Congress in the form of a supplemental request to the fiscal 1972 budget. This January 1972 request sought $119.8 million, $113.8 million of which was to be used for the purchase and modification of four Boeing 747's and $6 million of which was to be devoted to related R. & D. efforts. The Air Force announced at that time that two additional aircraft would be purchased in fiscal 1973 and one more in fiscal 1974. Fiscal 1973 funding was pegged at $141.2 million and total program costs were estimated at $428 million. Shortly thereafter, the Senate Armed Services Committee announced that it would defer action on the supplemental request and consider it in conjunction with the requested fiscal 1973 funding. Accordingly, $261 million—covering six of the seven planned aircraft and over 60 percent of the presently estimated total program costs—is at stake in this year's budget.

In presenting its plans, the Air Force cited three reasons why a new fleet of command post aircraft was needed.

First, there was concern about the survivability of present aircraft in a nuclear effects environment. As Secretary Laird noted in testimony to the House Defense Appropriations Subcommittee:

> If our command and control cannot survive, it doesn't make any difference how many of those submarines and how many of those missiles we have. Mr. Chairman, when we started back here in this Committee in going forward with some of the programs we did to insure command and control, we were talking at that time, back in the early fifties, about survivability under an attack by weapon systems that had accuracy problems and were much different from the refined weapon systems that the Soviet Union now possesses. Against such a threat, the survivability of those kinds of command and control facilities is questionable.

This survivability problem was to be countered, Laird noted, by making the new aircraft better able to withstand the effects of electromagnetic pulses—EMP's—produced by large nuclear explosions.

A second concern was the lack of space for both men and new equipment on existing EC–135 command post aircraft. As the House subcommittee was told by Laird:

> I am sure you have had an opportunity to be on the alert aircraft that are at Andrews right now. Before a person can go to the back of the plane, everyone has to move out of his chair. Even the people who are operating the equipment must move—you can hardly get through back to the quarters where the command authority will be. These aircraft are really loaded down.
>
> This particular aircraft that we presently have is approximately 880 square feet in size. The aircraft that we want will have approximately 3,400 square feet of space.

This added space, the House subcommittee was told, would be used for new communications and data processing gear. It would also provide room for 39 battle staff personnel and 50 to 100 other advisers, considerably more than double the present EC–135 personnel capacity.

Finally, concern was expressed about the limited airborne endurance of an unrefueled EC–135. In contrast to its 8-hour maximum without refueling, a Boeing 747 could stay airborne for 16 hours at a time, providing increased flexibility in crisis management decisionmaking.

These deficiencies, the House subcommittee was told, made immediate action on a new command post an urgent necessity. In fact, the urgency was so great that an unusually structured program was required.

Three 747's were to be purchased immediately and existing EC–135 equipment transferred to them to "provide some important improvements in our capability by 1973." As Secretary Laird explained:

> By providing a larger, more capable aircraft, even with the present electronic equipment, we will be able to obtain greater endurance, more flexibility, larger battle staffs, a larger group of varied experts to support top level decision-making, and additional space to put improved communications and automatic data processing as it becomes available.

The fourth aircraft was to be used as a prototype for EMP tests and the development and operational testing of the new equipment which would eventually be installed in all aircraft.

Once the final equipment configuration was thus determined through prototype work, it would be installed in aircraft Nos. 5, 6, and 7. These aircraft would then be made available for Presidential use and the first three aircraft, together with the prototype, would be turned over to the Strategic Air Command—SAC. This final configuration was expected to be operational sometime in 1975.

Such was the case presented by the Air Force for its new command post program. Program initiation has been delayed by deferral of action on supplemental fiscal 1972 funding, but the Air Force remains poised for an early go-ahead.

II. THE RATIONALE EXAMINED

On the surface, there is an air of plausibility to this new command post program. One need not look far, however, to quickly dispel that illusion.

THE ROLE OF THE FIRST THREE AIRCRAFT

In its report on the fiscal 1972 military procurement bill, the Senate Armed Services Committee called attention to a continuing problem:

> Weapons programs involving a large degree of concurrency, or overlap between development and production, have resulted in commitments to production while great technological uncertainties still remain to be resolved . . . When changes must finally be made in weapon design during the later stages of development, concurrency has maximized the cost of these changes . . . In a surprisingly large number of cases, DOD policies over the last several years have emphasized the development of platforms for weapons without sufficient emphasis on the weapons themselves.

These words are directly applicable to Air Force plans regarding the first three aircraft in the command post program. The Air Force intends to procure three 747 platforms now, despite the fact that development of the new equipment to be installed has not yet begun.

Its justification is the overriding urgency of the program, an urgency not recognized until a command and control review study was completed and a directive issued on December 23 of last year, less than 1 month before the first funding request for the program was formally presented to the Congress. At that time the Air Force had already submitted its proposed fiscal 1973 budget—with no AABNCP funds included—to the Department of Defense for review.

This sudden recognition of the need for a new command post is quite surprising. Space has been tight on the EC–135 for some time. The effects of electromagnetic pulses have also been well known. As House Subcommittee Chairman GEORGE MAHON responded when quick approval of the new program was requested:

> But Mr. Secretary, you know that this administration and prior administrations have been alert to the problem of command and control. You have not been negligent, and the Congress has not been negligent in providing command and control. We have planes and we have land command and control systems, and I thought they were reasonably good. To suddenly develop this extreme need seems uncharacteristic.

Even if a need does exist, it seems doubtful that much will be done to meet it by buying new planes and putting the old equipment inside.

The new planes will not themselves solve and in fact are not needed for a solution to the electromagnetic pulse program. As General Glasser told the House Subcommittee:

> We would need to do substantial modifications to the aircraft to make it more impervious to the effects of electromagnetic pulse . . . These are shielding, isolation, and things of that sort. They really do not have much relation to [aircraft] size.

These modifications could be made on EC–135 aircraft. And they would not be made on the first three 747's until substantial EMP tests had been completed on the fourth prototype aircraft.

Nor would the purchase of the first three aircraft make more equipment available to top national commanders. As noted earlier, much of this equipment has yet to be developed. While a few new off-the-shelf items have already been earmarked, even these would not be installed until sometime "between the second and fourth quarters of fiscal 1974."

Immediate purchase of the three aircraft would create room for more personnel aboard the plane, but it is not clear whether more personnel space is really needed. The following exchange before the House subcommittee makes the point rather well:

> Mr. SIKES. Has the White House formally notified the Department of Defense of the White House requirements for personnel spaces to accommodate NCA advisors and exactly who these advisor personnel would be?
>
> Admiral JAMES. The White House in the EC–135 has officially notified us, but in the 747, to the best of my knowledge, not yet.
>
> Mr. SIKES. How do you know then whether or not they need a bigger aircraft?
>
> Admiral JAMES. The purpose of the airplane is not only to provide the additional room for the National Command Authorities advisors, Mr. Chairman. There are a lot of other reasons why we need the aircraft. But this would provide space, and if the NCAies felt the need for more advisors then there could be some adjustments in the arrangement.

And while the new planes would provide greater endurance than the EC–135, this improvement alone is of questionable value. We have hundreds of tankers capable of conducting air-to-air refueling operations. If our command post aircraft cannot count on the availability of a tanker, it raises grave implications for the prelaunch survivability of our strategic bomber force, which is itself dependent on tanker refueling to carry out its mission.

The Air Force tried one final argument in testimony before the House subcommittee. It suggested that—

> The first three aircraft are essential to provide the operational experience needed to properly define the command, control, and communications package to be installed and tested in the fourth aircraft.

Some wild justifications have been offered to Congress for new military programs, but this one stands alone. Will it now become standard operating procedure to begin each new aircraft program by building three airframes to fly around in order to find out what equipment should be installed in the first development prototypes? It seems to me that ground level studies and development work have sufficed for this purpose in the past. They should remain sufficient for the future.

THE FIRST THREE AIRCRAFT—HIDDEN MOTIVES

All that the first three aircraft would provide initially is a bit more room and some increased endurance, and it is difficult to believe that the Air Force would really want to buy them solely for that purpose. To look for other motives is an admittedly subjective exercise. Such motives do seem present, however, and they are only thinly veiled.

One such motive, it seems apparent, is to boost employment at the Boeing Co.'s Seattle plant. Secretary Laird did not deny the point in testimony before the House subcommittee:

> Mr. MAHON. The President said in his budget statement that the budget was designed to promote employment. How does that philosophy impact on this supplemental request?
>
> Secretary LAIRD. There certainly will be some impact, Mr. Chairman. I will supply that information for you. That, however, has not been the *overriding* reason for submitting this particular request. . . . The reason we are buying the new aircraft is not *primarily* related to employment (emphasis added).

The same point soon surfaced once again:

> Secretary LAIRD. The first four of these 747s are now on the production line at Boeing.
>
> Mr. MAHON. They are on the production line?
>
> Secretary LAIRD. They are on the production line.
>
> Mr. MAHON. And nobody else wants them so we will buy them, is that the point?
>
> Secretary LAIRD. We can get these programmed.
>
> Mr. FLOOD. Four or three?
>
> Secretary LAIRD. Four. They are on the production line. I can't say that buying them will necessarily add to employment immediately. They will add to employment from here on, but these particular ships are already on the production line.
>
> Mr. MAHON. But usually you have to wait for aircraft of this type because somebody else would want them. They have satisfied their market, and they have four on the production line that they can let you have.
>
> Secretary LAIRD. We can elbow our way into this production line and we can buy them at $1 million each less this year than we can next year.
>
> Mr. MAHON. In other words, it is a good market in which to buy, if you are going to buy them.
>
> Secretary LAIRD. Yes. If you are going to buy them you can buy them for $23 million this year—fiscal year 1972. Next year in fiscal 1973 the aircraft will cost us $24 million.

A second motive, in all likelihood, is Air Force concern for their own command post needs. For in addition to the three command post aircraft stationed at Andrews Air Force Base for Presidential use, the Air Force itself has in its present inventory some 45 EC–135 command post aircraft. As Congressman SIKES noted during the House subcommittee's hearings:

> From fiscal year 1962 through 1971, we have spent about $538 million for airborne command posts for CINCPAC, CINCSAC, and CINCEUR. CINCSAC alone has 29 EC–135 aircraft serving as airborne command posts, auxiliary command posts, communication relay aircraft, and airborne launch control centers.

By purchasing three aircraft now to meet an alleged interim Presidential need, after which these aircraft—and the fourth aircraft prototype—would be turned over to SAC, the Air Force could hope to initiate replacement of its own command post fleet without having to seek direct recognition of a replacement need. And once that need was indirectly recognized, it might be possible to undertake a replacement program much more ambitious than the four-aircraft program implicit in present AABNCP plans.

It might be difficult to win direct approval for such a replacement program. For one thing, present Air Force command posts are only 10 years old. In addition, it seems unlikely that all Air Force planes would have need of the massive equipment and large staffs required by the President as Commander in Chief. Finally, Air Force interest in command post aircraft to manage its bomber and missile forces stands in marked contrast to Navy interest in command post aircraft to control our sea-based missiles. Once again the House subcommittee hearings amply demonstrate the point:

> Mr. Sikes. Does the Navy have command post type aircraft for their Polaris/Poseidon submarine fleet similar to those of CINCSAC?
>
> Admiral James. No, not similar to CINCSAC. They do have radio relay aircraft that are called TACAMO 130's. They are not equipped the same way, but they do provide low-frequency radio communications to the submerged submarines.
>
> Mr. Sikes. Then you are saying that, in substance, we do have the equivalent of airborne command posts for our sea-based strategic missile force?
>
> Admiral James. No, that could not be classified as a command post. . . .
>
> Mr. Murphy. If our strategic deterrent force is important and SAC considers it imperative to have an airborne command post to control its Minuteman missiles, it is difficult to understand why the Navy did not consider this an important factor and also have an airborne command post to control 656 sea-based strategic missiles.
>
> Admiral James. They . . . have been trying to get the assets to put a command post airborne.

If the Navy has not been able to find such assets 10 years after the first SAC command post aircraft were purchased, it seems difficult to believe that the Navy views such aircraft as a first priority requirement.

THE FOURTH AIRCRAFT PROTOTYPE

Since three new 747's now would provide little in the way of improved capabilities, and since their purchase seems motivated by slightly suspect factors, it might seem advisable to initiate the new command post program with work on the fourth aircraft prototype. This effort alone, the House subcommittee was told, would cost $116 million.

There are good reasons, however, why this approach, too, should be rejected.

First, it is not clear that a 747 is the best airframe choice available to the Air Force. Three other candidates—the DC-10, the L-1011, and even the C-5A—should also be considered.

The DC-10 and L-1011 have only 2,500 square feet of floor space, compared to 3,500 for the 747. But this is still a significant increase over the 880 square feet available in the EC-135. Moreover, it is more space than present plans require. As Admiral James told the House subcommittee:

> The total [space] requirements that have been identified are 1,800 square feet.

This itself would allow considerable extra room in a DC-10 or L-1011 to accommodate new requirements uncovered in the future. And these planes, it should be remembered, are roughly $6 million less per copy than 747's to purchase. They would also have proportionately lower operating costs over the course of their lifetimes.

The 747's would have an endurance advantage—16 hours unrefueled compared to slightly over 10 hours for the DC-10 and L-1011. But the significance of this advantage has not been clearly shown. And if it is key, consideration might be given to converting three C-5A aircraft, which also have a 16-hour unrefueled endurance, to command post use. New C-5A purchases would be prohibitively expensive, but it is unlikely that our strategic airlift capacity would suffer greatly if only three of the present 81 aircraft were diverted to this role.

The Air Force, then, has not demonstrated that new 747's are clearly the best choice for the new command post mission. Yet purchase of a 747 to begin prototype work would commit us to use of that aircraft in a new command post program.

Actually, the whole AABNCP program has been put together so hastily that the purchase of any aircraft for operational prototype work is not advisable at this time. Consider for a moment the present status of work in several important areas. Again the House subcommittee hearings will provide the main source of evidence.

It was noted earlier that the White House has never informed the Air Force who would use the additional personnel spaces available on the 747. White House involvement in this project has been very small indeed, as the following exchange indicates:

> Mr. Murphy. Admiral, before any determination is made as to what a President might need, it would appear that a study should have been made in the past as to exactly what previous Presidents have done in times of tension, how many advisory people they actually utilized as opposed to how many were made available to them, in order to size an aircraft for this purpose. Have any studies of this nature been made and, if so, what were the results of these past experiences?
>
> Admiral James. I am not aware of any specific studies under the various circumstances, but this particular number was arrived at by the JCS. . . .
>
> Mr. Murphy. This is pretty much a military determination, then. . . .

Some subcommittee members expressed doubt about the whole command post rationale:

> Mr. Sikes. In an open society such as ours, the President cannot leave the White House . . . during times of tension without the press, the country, and the world knowing about it. . . . The fact that the President would fly off in an airborne command post could create terror in the minds of the public, and even panic in the streets of this country. Have you given consideration to that . . .?
>
> This past week, Secretary Laird testified that the 747 aircraft will have space for 50 to 100 National Command Authorities advisors in addition to about 40 battle staff personnel—it does not say a thing here about the press contingent.
>
> Mr. Minshall. The only thing he needs is Presidential Advisor Henry A. Kissinger. A 3-place chopper would be sufficient.

I cannot agree that a larger new command post should be ruled out at this time. But I do think that before it is funded greater interest should be expressed by the White House in what is meant to be a Presidential plane.

House subcommittee Chairman Mahon also raised various questions about the compatibility of communications gear earmarked for the new command post with communications at our ground-based command and control center. The responses again showed lack of thorough planning:

> Consideration is now being given to compatibility needs between the airborne and ground processing centers. . . . All of the specific links have not yet been designated, but this will all be accomplished well before the date of the full configuration. . . . Although . . . the specific language to be used for the AABNCP hasn't been selected yet, it is now considered that JOVIAL will be best suited to the job.

III. WHAT SHOULD BE DONE?

The AABNCP program should not be approved by the Congress—not the first three interim aircraft, not the fourth aircraft prototype, and most assuredly not the fifth and sixth aircraft, funds for which are also provided in the fiscal 1973 budget.

What, then, should be done?

First, the Congress should inform the administration that no funding for an AABNCP program will be approved until further studies and more detailed planning have been conducted under the direction of the National Security Council. If new command post aircraft are needed for presidential use, the existence of this need should be certified and steps worked out to meet it, not by the Department of Defense, but by the White House itself.

Second, Congress should inform the Air Force that any Presidential command post program subsequently approved will be limited to the number of aircraft, including prototypes, certified as necessary for White House use. Any Air Force program to replace its own EC-135 command post aircraft should be presented directly to the Congress and justified on its own merits.

Third, immediate congressional approval should be given to pending Air Force requests for related programs independent of, but of potential benefit to, a later AABNCP program. This would include R. & D. requests for a new simulator for EMP tests of all our strategic aircraft.

Mr. President, no Senator would want to impede the ability of a President to exercise his responsibilities in the event of a nuclear emergency. But all Senators should be concerned lest resources are squandered, and suspect motives served, in the name of this important goal.

J. EDGAR HOOVER

Mr. JORDAN of Idaho. Mr. President, since the beginning of the Nation's history, Americans have been concerned with the basic conflict between liberty and authority. Our forefathers, knowing well that individual liberty is diminished by conditions of chaos, furnished us the orderly means to "establish justice" and "insure domestic tranquility."

And as the Founding Fathers endowed us with a greater portion of liberty, they charged us to be ever mindful of the accumulation of power.

They knew it was a difficult proposition to grant authority for effective, righteous action without losing the power to restrain administration of that authority should it be inclined toward improper action.

In reviewing the life of Addison, Lord MaCaulary noted that—

> The highest proof of virtue is to possess boundless power without abusing it.

In reviewing the life of J. Edgar Hoover, the Washington Post noted that—

> Few, if any, men in the history of the United States have accumulated so much power and wielded it for so long as did J. Edgar Hoover.

It is said that power corrupts, but it is known that J. Edgar Hoover was incorruptible—known by even his critics. The study of the history of the abuses of power draws a sharp contrast to this man's 48-year tenure as Administrator of the Federal Bureau of Investigation.

Of all the effort that is necessary to maintain a free society, the job of policeman is perhaps the least appreciated, the most dangerous and difficult. For half a century this man of honor and integrity worked in this difficult area of crime and corruption to preserve an atmosphere where individual liberty and order would prevail.

It was he who had to administer a force strong enough to subdue and control the desperate elements of society. It was he who had to deal scrupulously with those who had no scruples. J. Edgar Hoover was a true patriot. He was true to the best ideals of republican government and to the rights of man. He did more than most to insure the blessings of liberty, of peace, and of freedom from fear and harm for the greatest number. He used the vested power of his office to build a better America.

We owe J. Edgar Hoover a profound debt for the dedication of his life and for his upbuilding of the FBI. He takes his rightful place among those great Americans whose deeds live on, and his legacy will remain as a constant inspiration.

THE CURTAIN OF CONGLOMERATE SECRECY

Mr. METCALF. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "The Curtain of Conglomerate Secrecy," written by Markley Roberts, and published in the April 1972 issue of the AFL–CIO American Federationist.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CURTAIN OF CONGLOMERATE SECRECY

(By Markley Roberts)

The collapse of the Penn Central business empire gave fresh evidence that U.S. corporations often conceal far more than they reveal in their public financial reports. Too often, basic cost, price, profit and investment data of the corporations that dominate the U.S. economy are hidden behind a curtain of secrecy.

Workers have a direct interest in getting more information about the corporations with which they bargain. Annual corporation financial reports are often skimpy and it's even more difficult for unions to bargain effectively with subsidiaries of big conglomerates. Financial information about subsidiary companies is hidden in consolidated financial reports of the conglomerates. And U.S.-based multinational corporations can export technology, production and jobs to their foreign subsidiaries before unions find out what's going on.

Not only workers and their unions, but also consumers, small businesses, investors, government regulatory agencies and Congress have a vital interest in breaking through the secrecy curtain to find out where high profits justify higher wages, lower prices, bigger output or more competition.

Constitutionally, Congress has power to regulate interstate commerce. This power was delegated during the Progressive era and the New Deal years to the Federal Trade Commission, the Securities and Exchange Commission and a variety of other agencies.

Even when regulatory agencies have the power and duty to get exact information to protect the public properly, big business often escapes effective regulation and close inspection of company records. The Penn Central failure came as a surprise to the Interstate Commerce Commission. And the Federal Communications Commission recently stopped its investigation of interstate long-distance telephone rates and proposed rate increases for American Telephone and Telegraph Co., the biggest of all U.S. corporations, explaining that the FCC lacked the necessary staff and funds for a thorough study.

Unfortunately, most big corporations—especially multi-product, multi-market conglomerates—refuse to break down their sales, cost, price and profit data by product line in a meaningful way so the general public can see what's going on. The Securities and Exchange Commission's "line of product" disclosure requirements don't operate effectively because essential information for the subsidiary companies of a conglomerate can be buried in the conglomerate's consolidated balance sheet.

When conglomerate empires swallow up major U.S. corporations, information that was previously available to the public disappears into the consolidated conglomerate balance sheet.

For example, International Telephone and Telegraph Corp. (ITT) has taken over more than 100 business operations since 1960, including such major U.S. companies as Avis Rent-A-Car, Sheraton Hotels, Marquis-Who's Who, Bobbs-Merrill publishers and Continental Baking Co., whose products include Wonder Bread, Hostess Cakes and Morton's Frozen Foods. Each such acquisition leaves us with less information reported publicly, because assets, sales and income are reported in broad categories like manufacturing, consumer and business services or utilities.

In recent years, increasing dissatisfaction has developed over inadequate, uninformative, often misleading corporate financial reporting. Accountants who audit conglomerate financial reports must certify that "generally accepted accounting principles" (GAAP) have been followed, but these "principles" are so vague and flexible that corporate managers have been able to get almost any kind of financial report certified. A 1969 FTC report states that some business firms using GAAP "indicated favorable profits right up to the point of bankruptcy."

Many corporations want to keep on using their special financial reporting system even after their auditors refuse to put their stamp of approval on the report. The corporation has a simple answer to this problem—fire the accounting firm.

The SEC has tried to stiffen the backbone of accounting firms by requiring companies to explain why auditing firms are fired. And a rash of stockholder lawsuits against accounting reports is making accounting firms more sensitive to their legal responsibilities.

But most corporation officials still think the man who pays the piper calls the tune. An official of the American Institute of Certified Public Accountants, quoted by Forbes magazine, put it this way:

"As long as we still have alternative methods in accounting—and it's apparent that we will for some time—you can get an accounting firm to say: 'Method A is preferable, but my client wants Method B . . . as long as the rest of the profession permits B, then we will, too. We can't risk losing a client.' Nearly all of them will say this when it comes to a showdown."

The federal government has tremendous leverage in signing contracts with the nation's big corporations and should be able to get informative, meaningful financial reports. For this reason, in 1970 Congress set up the Cost Accounting Standards Board to bring about uniform accounting by defense, space and nuclear industry contracts in their dealing with the federal government.

"It is virtually impossible to determine actual costs and profits on most defense contracts," Vice Admiral H. G. Rickover told the Joint Economic Committee last year. "To me, the establishment of proper accounting standards is fundamental to the improvement of defense contracting. Consistent and uniform standards are essential to measuring efficiency, evaluating the reasonableness of prices and calculating profits."

Rickover warned that defense contractors are putting tremendous pressure on the accounting standards board to water down its regulations. "Congress itself will have to keep close watch over the activities of the board to see that it does the job it was created to do; that its work is not undermined by the pervasive lobbying of defense industry pressure groups," Rickover said.

Federal standards are also needed to insure full and clear disclosure when government contracts are not involved.

Rep. Wright Patman (D-Tex.), chairman of the House Banking Committee, deplores "the extent to which Penn Central operated in complete secrecy on the most important matters and the highly questionable accounting practices used by Penn Central.

"If this is indicative of the way other corporations operate," Rep. Patman said, "serious efforts should be made to require more complete and timely disclosure of corporate actions and decisions and to develop a new, comprehensive system of uniform accounting standards for corporate reporting."

The need for accurate cost, price and profit data has come to public attention with special urgency as a result of the price program put into effect by President Nixon in 1971. Labor skepticism about this unenforced program stems in part from the fact that corporate financial data given to the Price Commission to justify requests for price boosts don't get public scrutiny. Since the price panel has no labor or consumer representatives, the public has no way to find out if the Price Commission's decisions are really justified. Individual company costs, profit margins and mark-up percentages are concealed in documents available only to the Price Commission and to the Internal Revenue Service.

Price Commission Chairman C. Jackson Grayson opposes disclosing the big corporations' financial data to the general public because it would amount to "opening up the corporate records of most of the major concerns of the nation, and I think this opening up completely would be a change in our total system thus far of the free enterprise system."

A warning about the potential loss of public confidence in the price control program was issued by Sen. Gaylord Nelson (D-Wis.) as a result of the secrecy curtain on price decisions:

"At the present time, when labor wins a wage increase, all the essential information is in the public domain. Anyone interested can find out exactly what the workers got before the wage increase and what they will get after the wage increase. The public has what it needs to form an intelligent, independent judgment on whether the Pay Board acted wisely or unwisely," Neson said.

"It is terribly important that the public be able to perform this function of Monday morning quarterbacking the decisions of the Pay Board. The sense of fairness and equity depends on it.

"It is just as important for the public to be able to evaluate the decisions of the Price Commission. But here the situation is very different. The public cannot carry out its vital function of Monday morning quarterbacking the commission's decisions. That is because the TV screen goes blank during the winning plays and there is no live audience admitted to the 'game.'

"These 'games'—the proceedings and reasoning of the Price Commission—result in immense taxation of the American consumer in the form of approved price increases. Yet they are played with no spectators. There is no one there but the players: the corporation that wants the price increase and the Price Commission that approves it.

"This can truly be described as a kind of taxation without representation. It is unfair and unreasonable, and it will, if it persists, cost the whole Phase 2 program the public confidence that it needs to succeed," Nelson said.

Unfortunately, Congress refused to add anti-secrecy provisions to the Economic Stabilization Act, which authorizes the price control program. The Senate rejected a 1971 proposal by Sen. Nelson to require corporations with yearly sales of $50 million or more to justify their price increases publicly. The House turned down a similar proposal by Rep. Herman Badillo (D-N.Y.).

The AFL-CIO has called for open Price Commission hearings and an end to secrecy in the commission's proceedings.

The public's right to know goes far beyond the present price control program with its anti-consumer inequities and its pro-business bias—because that right to know is an essential feature of a democratic society.

Power in today's American economy is highly concentrated in a relative handful of giant corporations. The 500 biggest corporations hold about two-thirds of all business assets and get about two-thirds of all business income. Only 111 corporations—out of some 400,000 manufacturing enterprises—have at least 51 percent of all manufacturing assets and get 56 percent of profits in manufacturing. And 49 banks—out of 3,100 commercial banks with trust departments—control at least 54 percent of total bank trust assets, hold 5 percent leverage-control stock in more than 5,200 companies and have interlocking directorships with more than 6,500 business corporations.

Even if the price program didn't exist, it would be essential for the public to understand how giant U.S. corporations—not only the "top 500" but also the 2,400 firms with annual sales over $500 million—manipulate their costs, prices and profits in ways that may be contrary to the public interest.

Big multi-product, multinational conglomerate corporations have deliberately diversified through aggressive merger-and-acquisition campaigns. Now these conglomerates—like ITT, Gulf & Western, Litton Industries and others—present financial reports that conceal far more than they reveal about the corporation's U.S. and foreign operations.

In recent years, conglomerate mergers and acquisitions of unrelated businesses have broken down the old concept of single-line or single-product business corporations. For some conglomerates, the "primary" industry may be less than 15 or 20 percent of total corporation operations. Thus, a consolidated income and balance sheet for the conglomerate doesn't give much help to a consumer watchdog trying to figure out whether a price increase on one particular product or on one particular product line is justified.

Furthermore, it's difficult to get realistic statistics on an "industry." The FTC-SEC quarterly financial report on manufacturing corporations suffers from this problem. And public interest regulation suffers from the lack of realistic, relevant statistics.

Proposals to break the corporate secrecy barrier aren't new. Many big and small, single-product companies already file informative financial reports with the SEC. Sen. Philip Hart (D-Mich.) has for several years been pushing the SEC to require equally meaningful, detailed financial reporting from multi-product and conglomerate corporations.

Profits on a product line of a single-product corporation can be estimated with a high degree of accuracy from the quarterly and annual reports submitted to stockholders and filed with the SEC. These reports show net sales, major costs and investments, depreciation and amortization of plant and equipment, net income before and after taxes and earnings per share.

Anyone—a consumer watchdog, a government investigator or a business competitor—can study these public reports and come up with reasonably accurate estimates of the boost in profits from a specific price increase.

But, when a multi-product corporation raises prices on a single product—or even on a number of its products—the public has no way of checking the need or justification for the price rise. The SEC requires full profits and loss data only on a consolidated basis, without product-by-product data. Even when the multi-product corporation reports the product-by-product or "line-of-business" contribution to sales and income, there's usually no way of figuring out product-by-product connections among costs, prices and profits.

For instance, Sunshine Biscuits, Inc., one of the top three U.S. producers of crackers, cookies and snack foods, was taken over in 1966 by American Brands, a major cigarette and cigar producer. American Brands reports that its food product line brings in about 13 percent of its total sales. But there's no way to separate financial data for Sunshine Biscuit Co. from the financial data for another wholly-owned American Brands subsidiary, Duffy-Mott Co., which processes and markets food products like applesauce, apple juice, puddings, vegetables and seafood. So there's no way of telling what items account for what share of sales and income for a particular product line. And the information that was once available on both Sunshine Biscuits and Duffy-Mott is now merged together under American Brands—and the consumer or the union dealing with Sunshine has lost data that were formerly available.

The helpless consumer won't get any information at all on single-line or multi-line cost-price-profit policies of family-held, nonpublic corporations. These corporations don't have to report to the SEC.

But publicly-held, SEC-registered, single product corporations like American Motors or Maytag and regulated corporations like Pan American Airways have been putting out product-related financial data for years—without giving away legitimate trade secrets. It's only the multi-product, multi-line conglomerate corporations with consolidated balance sheets—like General Motors or General Electric—that can avoid public disclosure of product-by-product cost and profit data.

The multi-product corporations seem to think that the bigger they are the more right they have to pull a curtain of secrecy over cost, price and profit data which smaller, single-product corporations disclose routinely. One particularly blatant example occurred in 1971. The Business Advisory Council on Federal Reports is a group dominated by corporate giants like General Motors, DuPont, Standard Oil of New Jersey, the National Association of Manufacturers and other big corporations and their representatives. In January 1971, this group met in the offices of the Federal Office of Management and Budget to consider an FTC proposal for more complete line-of-business and nature-of-business reporting by manufacturing corporations.

The big business members of the BACFR reacted to the FTC proposal with predictable, outraged protest. "An intolerable burden" said the Automobile Manufacturers Association. "Completely impractical" echoed the American Petroleum Institute. And the NAM complained that, "The data—even if justified and available—would be wholly unreliable from the point of view of the government, business or consumers."

Such protests, if accepted at face value, indicate sheer incompetence on the part of the business executives who apparently don't know how to use modern computer techniques for management and control of their corporations. It's far more likely that big business simply wants to keep the public ignorant about basic cost-price-profit data in their conglomerate empires.

The business-oriented Nixon Administration got the BACFR message and put a deep-freeze on the FTC proposal for "line of business" reporting. In fact, one BACFR member, Charles Hornbostel of the Financial Executives Institute, boasted at a recent conference at Northwestern University that big business lobbying—including his own—at the Office of Management and Budget killed the FTC reporting proposal.

Willard F. Mueller, now a professor at the University of Wisconsin and formerly chief economist at the FTC, has pointed out that it is entirely possible and "extremely desirable" to get the kind of financial reporting that the giant, multi-product, conglomerate corporations are so reluctant to make.

Mueller believes the giant U.S. corporations should be "recognized and treated as quasi-public institutions." He has called for a federal corporation charter law which would require them to make extensive public disclosure of their basic financial data.

"This direct assault on the corporate secrecy issue," he says, "is not an attack on our market economy, but an effort to perfect it."

Greatly increased concentration of economic power in the hands of a narrowing group of banks and business firms with the power to administer prices in many industries requires federal government action to protect the public interest. And the pricing policies and financial operations of giant U.S. corporations, including particularly the multinationals, require public attention.

Efforts to regulate the multinational corporations can't succeed without an effective financial reporting system with standardized bookkeeping and standardized accounting procedures. Federal standards for international accounting by U.S. firms with foreign operations should be set up and enforced. If multinational corporations were forced to assign costs and prices to the country and to the subsidiary where production actually occurs, then the export of technology, production and jobs could be understood and regulated to protect the public interest more effectively.

A full-scale investigation of the interlocking relationships between giant U.S. corporations, their control of key parts of the economy and their impact on free democratic institutions could educate Congress and the American public on the new realities of the American economy.

Rising public demands for increased social responsibility on the part of U.S. corporations and new demands for corporate social accounting in regard to the environment, product reliability and safety and employment practices suggest that the winds of change are blowing into the world of business.

Sound public policy can't be achieved unless the cloak of secrecy is ripped away from the big conglomerate corporations. The public needs detailed, standardized corporate financial reporting to understand how these economic giants are shaping the economy. The public's right to know and the public interest require an end to corporate secrecy on cost, price and profit information that vitally affects more than 200 million American citizens.

COMMUNICATIONS TECHNOLOGY MAY PRODUCE NEW RURAL SOCIETY

Mr. BELLMON. Mr. President, during recent consideration of the Rural Development Act, I spoke of the twin crises that have developed for both urban and rural America as a result of the migration of people away from the farms and small towns into the cities. Because some 40 million Americans have left the land and moved into urban and suburban areas during the past 40 years, our country is faced with the prospect of a vanishing rural society while problems continue to multiply in the wake of rapid growth in the cities.

This lack of balanced growth is cheating millions of Americans, particularly young people, by denying them the opportunities for education, jobs, health care, recreation and all the other things that go to make up a decent way of life.

As a resident of a State which is predominantly rural, I have long been concerned with these problems and have advocated and supported measures to reverse this alarming trend. One of the authorities with whom I have discussed my concern is Dr. Peter C. Goldmark, former president of CBS Laboratories and now head of Goldmark Communications Corp., a subsidiary of Warner Communications, Inc. Dr. Goldmark is a renowned scientist, holding more than 160 patents. Among his best-known inventions are the longplaying record and the EVR video cassette. He also spearheaded the development of the first practical color television broadcast system.

Dr. Goldmark has proposed a nationwide communications network linking satellites and community antenna television to provide American homes for the first time with a far-reaching selection of entertainment, cultural and educational services. He is directing a "New Rural Society" pilot study with a goal of developing a national pattern for executive use of communication sto attract business firms to rural communities by affording them with instant communications with all parts of the country. Existing techniques will be used to provide small towns with job opportunities, higher education facilities, sufficient medical care, all modern day living advantages, along with cultural and entertainment opportunities now available only in the larger cities. I have the opportunity of serving as a member of the Congressional Honorary Advisory Committee to the project.

Mr. President, in an article published in the May, 1972, issue of Popular Science, Dr. Goldmark tells how this new communications concept can stop the rush to the cities and bring about a new rural society in this country. Because of the impact such a development could have for all areas of the Nation, I believe every member of the Senate will be interested in Dr. Goldmark's ideas. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CABLE TV, VIDEOPHONES, SATELLITES, AND DATA NETWORKS WILL SOON CHANGE THE WAY YOU LIVE, WORK, AND PLAY

(By Peter C. Goldmark)

The green, rolling landscape in the Windham County region of northeastern Connecticut is quite ordinary-looking as you drive through it. Yet this section, some 350 square miles of rural, slightly underdeveloped countryside with a population of 65,000, seems likely to become one of the most important spots in this country. There we hope to demonstrate in a dramatic way how life can be better—a lot better—for us all. Let me explain:

Since before the dawn of history, men have gathered in cities for defense, trade and commerce, cultural pursuits, entertainment, social contacts. This migration is still in progress, so that today most people in most Western countries live under conditions of extreme density in cities and suburbs. Right now, nine-tenths of the United States population lives on less than 10 percent of the land.

If this trend continues, 200 million of the nearly 300 million Americans in the year 2000 will be crowded into 12 urban centers. More than half of the population—150 million people—will be in the three largest urban concentrations: Boston-Washington, Chicago-Pittsburgh, San Francisco-San Diego.

Many of our troubles today spring from this urban crush. Man is physiologically and psychologically unprepared for the stresses and strains that result from such conditions. In the high-density living areas, the problems of crime, narcotics, pollution, poverty, traffic, education, and so on are greatest. Smaller towns have these problems, too, but they are manageable.

What we propose is to establish an advanced sylstem of communications networks that will do nothing less than give people a choice of where to live—and thus utterly transform our society. Communications technology—through which people will communicate rather than commute to large urban areas—can lay the foundation for this better life.

WHY DO PEOPLE MOVE INTO THE CITIES?

First, for jobs. Then, for educational and medical facilities—universities. And for excitement: theaters, cultural centers, sports arenas.

With our present communications technology we can provide all of these things in small towns.

Let me give you some examples of how this would work. Let's say an insurance company based in Hartford decides it will have to hire an extra 1,000 workers. With two-way television, broad-band cable or microwave, and facsimile, there is no longer any reason why it has to build office space for them in Hartford. It could set up offices in five nearby small towns, each office housing perhaps 200. Two-way TV and facsimile would enable instant communications, more rapid than you have now in a skyscraper office building.

Education? We could establish minicolleges, small colleges with small staffs. A minicollege would be linked by two-way television with a university. Students at the minicollege would participate in all important events at the central university. They wouldn't just sit and look and listen. With two-way television, they could participate, ask questions, enter into discussions.

Entertainment? Through the use of satellites and cables, we can bring anything exciting happening anywhere in the country to every corner of the country: sports events, concerts, anything.

We can do something about medical problems, too. In many depleted areas, it's impossible to keep doctors. In such areas, we could establish telemedicine. With two-way TV, for example, we could have remote diagnosis.

The approach to the new rural society does not mean the de-urbanization of the United States. The main objective is to provide options for 100 million more people, options that today do not exist. This in itself may relieve the pressure on the cities.

To change the nation's living pattern requires more than communications technology alone. Before nationwide planning is undertaken, we are launching an exploratory program on a small scale in Windham County, where population density is low and the need for planned economic development is high. This project is being funded with Fairfield University by the U.S. Dept. of Housing and Urban Development. The study phase, now underway, will be conducted jointly by the university and its president, William C. McInnes, S.J., and my company, Goldmark Communications Corp.

As a test and demonstration we hope to establish broadband links to Hartford to demonstrate that companies could have employees working just as efficiently in rural settings as in company headquarters. But the first step involves gathering information. Here's what we are doing:

Studying office practices that result in meetings, memos, letters, presentations, etc., in business, industry, and government. How can these practices be transposed into communications media? The results should indicate how components of business or government could function effectively in rural communities.

Joining with a number of towns in a given region to explore how to establish standards and limits to ensure the optimum rate and pattern of growth for the highest quality of life. The effort will be cordinated with state agencies to assure that the development program is in the best overall interests of the state. It will also figure out what utilities, transportation, and other resources would be needed.

Experimenting with a variety of communications equipment that could provide services needed for the business, government, and other aspects of life of the developing community.

Creating an intergovernment body of federal and state officials to initiate a coordinated, national effort based on experience gained by the study project.

A NEW RURAL SOCIETY WILL EMERGE

Once studies have been made, the building of the communications systems can begin. As we envision it now, it would consist of a number of networks—internal and external. The internal system, strictly within towns, will consist of five basic networks:

Network One: The primary network exists now only in the form of the telephone. It would be expanded into a two-way random-access network for voice, data, and two-way videophone. This would be the most basic urban "nerve system"—as vital as streets, water, or power. The basic purpose: to put everyone in contact with everyone else in the community, no matter how dark the streets or heavy the traffic. Since it will be linked with computers, the same network will provide random access between man and machine, or between machines.

The network can be looked upon as a pipe into every home, office, or library, through which one can not only converse, but also transmit and receive written materials, pictures, data, etc. Its most important contribution is to connect every terminal (telephone, videophone, teletypewriter) with any other.

Network Two: AM–FM radio and television broadcasting. This could consist of one or more local stations, preferably with network affiliations and educational television broadcasting.

Network Three: broad-band cables carrying a multitude of television channels into individual homes. This network would include limited-address narrow-band callback for purposes of polling or making requests. Such two-way cable-TV systems are already being explored.

As part of this network, general informational services would be made available to individual homes. One important example would be the ability to dial up important municipal events, such as meetings of the various town boards—i.e., Education, Finance, Zoning, Board of Representatives. Through the network's two-way polling ability, public opinion on any issue under discussion could be almost instantly registered. Through a system of "frame freezing," vast amounts of information concerning travel, weather, pollution, shopping, traffic, various municipal and other public services, lists of cultural and entertainment events, could be selected and seen on the home television screen.

Network Four: another broad-band cable system, carrying approximately 30 two-way television channels. These would interconnect the major public institutions of the city: city hall, hospitals and nursing homes, schools and colleges, libraries, police and fire stations, bus and railroad stations, airports, and all other town services. This network would provide informational services among the institutions and key officials, ensuring smooth operation.

Network Five: a town emergency service. This would include the "911" police and fire emergency system, augmented by automatic identification of callers' location and by a system to identify the location of vehicles operated by police, fire, sanitation, ambulance, utilities, and other large fleet operations.

In addition to these internal-communication networks, the city of the future will have *external* systems:

1. Incoming broad-band cable or microwave circuits, which connect the town's business and government offices with operations in other cities or countries. These are permanently wired point-to-point links.

2. Long-distance broad-band circuits interconnecting the town's switched telephone and videophone services with the corresponding switched services in other cities.

3. Common-carrier broad-band and narrow-band services—such as the U.S. Postal Service and Western Union—for transmission of messages, printed material, and data between towns and to other countries.

4. Incoming circuits for educational, cultural, and recreational pursuits. These might include:

Radio and television broadcast circuits both for private networks and for public broadcasting.

Two-way broad-band educational-television circuits interconnecting a small local campus with the region's central university.

Broad-band cable circuit as part of a national high-definition closed-circuit-television network to bring live Broadway, opera, concert, and sports productions to theaters specially geared for such performances. The system would employ high-resolution color television of at least 1,000 lines with cameras and projectors especially designed for live pickup and large-screen projection. The most suitable national distribution method for such signals would be via a synchronous satellite broadcasting several of these high-definition TV signals and received by local high-gain fixed antennas.

THE TASK IS GIGANTIC, BUT IT CAN BE DONE

It will present an urgent challenge to our youth, and all of us must direct our efforts to it. I believe the magnitude of this task will make going to the moon seem like a ferryboat ride.

But during the remaining 28 years of this century, 50 to 100 million new Americans will join the population. Over that period, the scientific advances we have already produced will, we hope, improve the quality of life, provide everyone with a better ecological atmosphere, unclog our highways, improve health care, and, for the first time, give us a real choice of where we live and work. Such an advance can ensure that in the year 2000 this country will be a wonderful place to live.

HUMAN RIGHTS CONVENTIONS AND THE CONSTITUTION

Mr. PROXMIRE. Mr. President, some people have questioned whether or not a human rights convention is a proper use of the treatymaking power granted by our Constitution to the President and the Senate. The Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year 1968, commonly called the Clark Committee, issued a report in October 1969 that dealt with this question.

In their conclusion the Committee said,

> Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treaty making power of the United States. This conclusion is supported by the past treaty making practice of this country.

The Clark Committee felt that an important criterion for judging human rights treaties was whether or not the treaty was in the best interests of the United States. If we stand to gain by an improvement in our international relations or by an increase in the prospects for world peace, that is a strong point why we should ratify a treaty.

The Genocide Convention is in the best interests of the United States. American ratification would help to reduce the chances of genocide occurring, which in turn will help to preserve world peace.

Mr. President, I call upon the Senate to ratify the Genocide Convention.

INAUGURAL OF GEN. CHIANG KAI-SHEK

Mr. FONG. On March 21 and 22 this year, Gen. Chiang Kai-shek and Mr. C. K. Yen were reelected by the Chinese National Assembly to be President and Vice President, respectively, of the Republic of China. They will be inaugurated on May 20. President Nixon will send Ambassador John Eisenhower as his special envoy to attend the inauguration ceremony.

During the past year, the Republic of China experienced a most difficult time. She was expelled from the United Nations, despite our country's efforts to retain her membership in the U.N.

Then President Nixon visited the People's Republic of China to try to normalize U.S. relations with that nation. Many European and American governments accorded diplomatic recognition to mainland China. Yet, the people and Government of the Republic of China reacted to these events with restraint and dignity.

They are maintaining their economic growth, achieving a growth of 11.4 percent last year. Foreign investments continue to flow to Taiwan in increasing volume. The constitution was amended so as to give more representation to the native people in Taiwan in the various branches of the government. Many efforts are being made to improve the livelihood of the people, making the standard of living of Taiwan second only to that of the people of Japan in Asia. The economic progress and social betterment have been achieved largely due to political stability developed under the able leadership of President Chiang Kai-shek.

On this inaugural occasion, I am sure my Senate colleagues will join me in extending to President Chiang and Vice President Yen our heartiest felicitations and our best wishes for their good health and success.

A COMPREHENSIVE NUCLEAR TEST BAN TREATY—II

Mr. HUMPHREY. Mr. President, I have spoken out repeatedly in support of the conclusion of a Comprehensive Test Ban Treaty—(CTB). The Committee on Foreign Relations has held two hearings on the CTB and most assuredly looks with favor on the two CTB resolutions of which I am a cosponsor.

Yet, in the past 9 years since the signing of the Limited Nuclear Test Ban Treaty of 1963, there has been surprisingly little movement toward the conclusion of a comprehensive test ban. Instead the record shows that since 1963, the United States has tested at least 234 nuclear devices, compared to the 298 tests undertaken during the 17-year period from 1946–63. The Soviet Union has since 1963, tested at least 54 nuclear devices compared with 124 tests in the earlier period.

The first U.S. underground test in 1957 was 1,700 tons worth of explosive power. The Amchitka test was on the order of 5 million tons. In 8 years of testing covering the fiscal year period of 1964–71, the United States has spent over $2.5 billion for nuclear weapons.

These facts are hardly encouraging, considering the fact that the United States and the Soviet Union, as signatories to the Limited Test Band and the nonproliferation treaties committed themselves to the furtherance of a comprehensive test ban. Now the President is going to Moscow, and most certainly, arms control will be one of the main topics on the agenda. The scientific community has made great advances in our seismic detection equipment to the point where onsite inspection may be of minimal strategic importance. Now there are other countries who may be on the verge of going nuclear.

Now is, therefore, the time for us to conclude a Comprehensive Test Ban Treaty. A thoughtful essay by Mrs. Betty Goetz Lall on this subject gives more detailed reasons of just why a CTB is so essential. Mr. President, I ask unanimous consent that Mrs. Lall's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A Comprehensive Nuclear Test Ban Treaty

(By Betty G. Lall)

REVIVAL OF THE TREATY ISSUE

On 9 October 1971, the United States reported that the Soviet Union tested a large nuclear weapon underground, the equivalent of three million tons of TNT. On 5 November 1971, the United States, on the island of Amchitka, off the coast of Alaska, tested a nuclear weapon underground, the equivalent of five million tons of TNT. These two tests signify that the limited nuclear Test Ban Treaty of 1963, banning nuclear tests in the atmosphere, in outer space, and underground, no longer acts as a brake on the nuclear arms race. Nuclear weapons testing since 1963 has gone on at a faster pace than before the treaty was signed. The United States in this eight year period has tested 234 devices, compared to 298 tests from 1946–1963, a 17 year period. The Soviet Union, which does not announce its tests, has tested since 1963, 54 nuclear weapons, according to United States reports. Its testing record in the previous comparable period was 124 tests.

Increasingly the size of these tests has grown, indicating that testing underground no longer inhibits the size of the weapons tested. The first United States underground test in 1957 was 1,700 tons worth of explosive power; now testing is done in the 100,000 to several million tons range without apparent difficulty. These facts constitute one important reason why this is an appropriate time to review the possibilities, as well as the difficulties, for activating serious negotiations between the United States and the Soviet Union to extend the limited Test Ban Treaty so that it is comprehensive and bans all underground nuclear weapons tests.

There are other reasons why a comprehensive test ban treaty has again become a current issue. Further deployment of the delivery vehicles for these bombs and warheads may shortly be curtailed as a result of current U.S.-U.S.S.R. SALT negotiations to place limitations on their long range missiles and bombers. Therefore, further testing of nuclear weapons for strategic purposes not only may no longer be relevant to United States and Soviet armaments programs, it may also threaten the viability of a SALT agreement if post-agreement testing appears to give one side an unanticipated advantage over the other. A SALT agreement is more likely to endure if both sides believe that a status quo in this aspect of their weapons development has been reached and hence stabilized. If a SALT agreement does not materialize there will be pressure to step up the race in strategic armaments. Statements made by President Nixon and Secretary of Defense Laird in connection with the fiscal 1973 budget presentation suggest that the United States Executive branch may want to speedup the development and deployment of additional strategic delivery vehicles such as an advanced missile submarine.[1]

The previously mentioned large nuclear tests of the United States and the Soviet Union presumably were to test the warhead of part of their antiballistic missile systems. If so, a relative parity in testing may now exist between the two sides. A state of parity would be a propitious time to seek an agreement. Moreover, there is not a lot more to be learned from testing at this time and, consequently, this would make a total ban more acceptable. On most occasions either the United States or the Soviet Union believes that it would be more to the advantage of the other party to have an agreement; this means that seldom do the two countries reach simultaneous judgments that a particular time to enter into an arms control accord would be beneficial. Weapons experts familiar with the development of nuclear weapons concede that no new breakthrough is expected in nuclear weapons design in the foreseeable future, but should no limit be placed on testing it may be predicted that weapons laboratory specialists will find some innovation worthy of a strong push for renewed testing. To take advantage of this plateau of development may be in the interests of both the Soviet Union and the United States.

A third reason to press for a comprehensive test ban agreement is the possibility that continued testing of large nuclear weapons will have a deleterious effect on the environment. The most serious aspect of this concern relates to the problem of underground tests triggering earthquakes. Studies in California over the past fifteen years revealed that underground tests detonated in areas of active earthquake activity, such as exists along the entire west coast of the United States, have stimulated small earthquakes. If the United States continues to test very large weapons, then the stimulation of earthquakes may be more intense, with the consequent danger of loss of life and damage to the environment. In the U.S.S.R. thus far most nuclear testing has occurred in areas of less seismic activity.

In addition to earthquakes another concern of environmentalists is the possibility of contamination of the water and earth surrounding test sites. Some of the underground tests of the United States and the Soviet Union have vented so that radioactive debris has been spewed into the atmosphere. There is a fear that water tables and the wildlife of the sea may be adversely affected if significant amounts of radioactivity escape through cracks in the earth caused by the tests.

When underground nuclear weapons tests vent and radioactive debris cross national boundaries, this is a technical violation of the limited Test Ban Treaty. Such technical violations occurred these past eight years on the too strenuously, much less to threaten cancellation of the treaty.

Another worry is that if large underground tests near the shores of oceans produce earthquakes, this may cause tidal waves. There is yet no evidence that such a misfortune has occurred from past tests, but this cannot be ruled out completely.

A fourth reason for mounting a campaign for serious U.S.-U.S.S.R. test ban negotiations is the belief that time is running out to prevent the proliferation of nuclear weapons to many other countries. Of the near-nuclear powers, only Canada and Sweden have ratified the Non-Proliferation Treaty which the Committee of the Disarmament Conference at Geneva, then eighteen nations, produced and submitted to states for ratification in 1968. Other near-nuclear powers, namely, the Federal Republic of Germany, India, Israel, and Japan, have various motivations for not wanting to renounce their right to produce nuclear weapons. Some believe that the major nuclear powers must first take more meaningful disarmament measures. Others are influenced by security problems within their own region. A comprehensive test ban treaty which would preclude any additional nuclear weapons testing, thus foreclosing further improvements in nuclear weapons design, would be an important demonstration that the nuclear powers at least may be serious in wanting to reduce their nuclear arsenals.

A new argument for halting tests, not previously heard with much intensity, emphasizes the financial costs involved. While nuclear testing is only one ingredient, a small one at that, in the arms budget, its elimination would allow funds for testing to be used for other projects receiving higher priority by the political process. In the eight years, fiscal 1964 through 1971, over $2.5 billion have been spent by the United States for nuclear weapons testing; the average is over $300 million spent annually. A nuclear test ban treaty by which the United States and the Soviet Union both give up testing would make possible a reallocation of most or all of these resources.

Of all the reasons why attention is now being focused on reaching a comprehensive test ban treaty none is second to the argument that advances in research in the detection and identification of underground nuclear tests in the past eight years have been remarkable. The problem of verifiction of a comprehensive treaty, therefore, no longer exists in any way germane to United States national security. There will probably always be a threshold beyond which some seismic events cannot be identified, and others not even detected, but for the purposes of safeguarding national security and compared to the benefits cited above to be won from a treaty, it is no longer important (if it ever was) to relay a treaty because a 100 per cent capability to detect and identify seismic events has not been achieved or because onsite inspection cannot be negotiated. Below there follows a discussion of what these advances in research show and why they make it possible, in the view of many knowledgeable persons, to have full confidence that the Soviet Union could not gain a significant military advantage by attempting to violate a comprehensive treaty in secret.

BACKGROUND CONSIDERATIONS

Nuclear weapons testing constituted the first step in the post World War II nuclear armaments race between the United States and the Soviet Union.

Early in 1946 the Navy asked Congress for authority to destroy ships in the first nuclear weapons test series. This authority was eventually granted but only after Congress demanded that the number of ships destroyed be reduced and, after considerable debate in both the House and Senate as to whether such an early resumption of nuclear weapons activity, following the dumping of nuclear bombs on Japan, would not be counterproductive for United States foreign policy objectives: to place the atomic bomb under international controls and make the United Nations the mechanism for building a lasting international security system. Senator J. Huffman from Ohio, a leading opponent of the test series, said to the Senate:

"This is no time for martial gestures. The proposed tests should be canceled until the cause of international cooperation for a firm and lasting peace has been given every opportunity to succeed. . . . The United Nations Organization is in its infancy. It is incongruous to its every purpose and aim for this Nation or any other nation to exhibit large-scale preparation for future wars, and it is unthinkable that the United States should even remotely indicate that she is preparing for an atomic war."[2]

In the House there was equal consternation but that body, by a lopsided vote of 313 to 25, decided to authorize the tests.

When the cold war seemed capable of thawing after Stalin's death, in 1954 nuclear testing became the focus for a first step agreement. That year, after the crew

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of the Japanese fishing vessel, the Lucky Dragon, had unfortunately been unduly exposed to radioactive fallout from United States tests in the Pacific, India's Prime Minister Nehru raised the question of halting nuclear testing. The United States paid little heed to this demand. But as testing continued each year and as levels of radioactive fallout rose in many areas of the world, particularly in the United States, calls for an international agreement to halt testing intensified. Resolutions to this effect in the General Assembly of the United Nations were passed with increased frequency. The Soviet Union adopted the position that tests should stop, but refused to consider any means of verification of a test ban agreement that involved foreign inspection teams on Soviet territory. The United States, frightened by the secrecy surrounding all Soviet military activities, refused to consider any agreement that did not provide for inspection within the Soviet Union. These incompatible positions, characteristic of all U.S.-Soviet arms control and disarmament negotiations from 1946 to 1963, were to plague all international discussions of the test ban issue in their first several years.

In mid-1955 two developments occurred within the United States which were to have a positive impact on the quest for a nuclear test ban agreement. The first was the appointment by President Eisenhower of Harold Stassen as his Special Assistant for Disarmament. Mr. Stassen was determined to negotiate at least a first step arms control agreement with the Soviet Union and believed that a ban on nuclear tests was one of the areas (the other being withdrawal of troops from Central Europe) in which agreement might be possible. Shortly after the Stassen appointment the second important development took place; this was the creation by Senate resolution of a Special Senate Subcommittee on Disarmament, composed of members from the three key committees concerned with foreign and military policy—Foreign Relations, Armed Services, and the Joint Committee on Atomic Energy.[3] Senator Hubert Humphrey chaired the subcommittee, which represented the first significant and sustained Congressional interest in the subject of arms control since the end of World War II. This subcommittee took an active interest in all aspects of disarmament and arms control, and in 1958 decided to examine prospects for a nuclear test ban agreement as the most likely possibility for a breakthrough in the impasse suffered in United Nations disarmament negotiations.

With so much public attention focused on the need to stop nuclear testing, United States and Soviet leaders reacted finally in mid-1958 and agreed to hold a conference of nuclear experts to determine whether they could reach common ground on the question of the verification of nuclear weapons tests. The conference, attended by scientists from eight countries (four from NATO and four from Warsaw Pact countries), reached agreement.

Subsequently, diplomatic negotiations were entered into on the part of the United States, the Soviet Union, and the United Kingdom to write a treaty banning tests in the atmosphere, in outer space, under water, and underground. International verification that tests were not being conducted in any of these environments became the most important and controversial element in the negotiations. Verification of testing underground became the serious point of controversy, because tests underground emitted signals to the earth which, many scientists proclaimed, could not be differentiated from earthquakes. In these negotiations the United States insisted on the right to send an inspection team to the probable site of an underground event if the seismic signal was unclear. The Soviet Union resisted all such rights of inpection, claiming that a country would not cheat on the agreement and that in any case seismic instruments located in far off stations could discriminate between explosions and earthquakes. Finally, the Soviet Union agreed to accept up to three inspections a year. This was not sufficient for the United States, but after many months of negotiaitons, sometimes productive, sometimes vituperative, and sometimes abandoned, the Soviet Union in July 1963 accepted a proposal originally advanced by the United States to sign a limited test ban treaty, banning tests only in the atmosphere, under water, and in outer space, leaving underground tests to future negotiations.[4]

There were three aspects of the negotiations of this period having a significant bearing on current efforts to achieve a comprehensive test ban treaty. The first concerns the manner in which the negotiations began. Stemming from the nuclear experts conference of 1958, the negotiations were afflicted with a heavy emphasis on technical questions of verification. Although the participation of scientists helped to assure the success of the nuclear experts conference, and scientists played a key role in resolving many problems blocking agreement, the concentration on technical questions, especially in the public debate, tended to obscure the more important question of the relationship of a nuclear test ban agreement to national security. Many scientists themselves regretted that the evaluation of the net worth of a treaty did not rest primarily on whether the United States was better off, from a security point of view, to have a treaty banning tests which would not be technically perfect, than to have continued and unlimited nuclear testing in the world.

The second aspect of the negotiations was their accompaniment by a moratorium on all testing, which lasted from the fall of 1958 until the Soviets conducted a whole series of publicly acknowledged tests in early September 1961. Many who were hostile to the realization of a test ban agreement insisted during the period of the moratorium that the Soviet Union was testing nuclear weapons secretly. No significant evidence was produced, however, and the consensus was that in fact the Russians had abided by the moratorium.

President Kennedy, between the time of the signing of the test ban treaty in Moscow and the Senate vote to consent to ratification some two months later, conducted negotiations of his own within the United States government, both within the Executive branch and on Capitol Hill. These discussions essentially were to win support for the treaty from potentially hostile persons in the Defense Department and members of the Senate Armed Services Committee. The President agreed to adopt certain safeguards to assure that the United States would suffer no disadvantages under the treaty. These safeguards included the commitment to keep United States weapons laboratories in a constant state of readiness, to conduct an underground testing program for a variety of weapons purposes, and to take whatever steps were necessary to assure that the United States would not fall behind the Soviet Union in military technology. Unfortunately, the effect of the steps was to undercut in part one of the objectives of the treaty, namely, to slow down the nuclear arms race between the two nuclear giants.

Despite the difficulties in negotiating the limited Test Ban Treaty, on balance the treaty has had posiive results. Most nations continue to observe it; over 100 countries have ratified it; and most important, the decision by the Senate to consent to ratification by a vote of 77 to 19 resulted in a more positive outlook on the part of the Senate toward attempts by the U.S. Executive Branch to improve U.S.-U.S.S.R. relations. Few would have predicted how profoundly the Senate viewed its responsibility to vote the treaty up or down. It was judged to be the most important act of conciliation towards the Soviet Union since the end of World War II. More than one senior Senator declared it to be the most difficult vote in his long career in the Senate. None of the several subsequent steps to place constraints on the arms race produced so much soul-searching. Many other arms control measures were enacted, nevertheless, including the Non-Proliferation Treaty, the agreements not to place weapons of mass destruction in orbit or on the seabed, and the treaty prohibiting biological warfare. After the decision in 1963 these acts seemed less consequential. Serious preparations began by both countries for negotiations to limit strategic nuclear delivery systems. These SALT talks, commencing in late 1969, will probably lead to some agreement. New preparations are beginning for talks on limiting United States and Soviet troops in Central Europe and for a European Security Conference.[5]

SCIENTIFIC ASPECTS OF VERIFICATION

The issue of verification of arms control agreements arose out of the cold war and the extreme distrust with which the United States and the Soviet Union had viewed each other for so many years. In the United States the distrust originally manifested itself by political and military officials demanding that the Soviet Union accept the right of inspection as the major means to verify arms control agreements. In the Soviet Union the distrust manifested itself by its leaders rejecting any form of inspection on the territory of the U.S.S.R., on the ground that this was wanted for espionage purposes. In the late 1950s the Soviet Union indicated willingness to accept limited territorial inspection in an agreement to prevent surprise attack and up to three inspections a year in an agreement to ban nuclear weapons tests. These offers were not pursued by the United States.

The current official United States government position is that the right of on-site inspection should be included in any agreement which bans tests underground. Most non-governmental scientific and knowledgeable opinion, however, now rejects this view and instead reflects the view that developments in seismic detection and identification have progressed sufficiently to eliminate on-site inspection as a prerequisite to an agreement.[6] Given these divergencies it is important to review how seismic detection and identification are achieved and the extent of advances in research in this area.

Underground events (earthquakes and man-made explosions) release energy into the earth. Some of this energy is released in the form of body waves (called P waves, magnitude mb), which travel through the interior of the earth, and some of the energy from seismic events, which travels along the surface of the earth, are called surface waves (Ms). Both kinds of waves can be measured by appropriate seismic instruments. The magnitude of seismic events is measured on a numerical seismic scale. For example, a nuclear explosion equal to six kilotons detonated in granite generates signals (P waves) that measure 4.5 on the mb seismic scale. (In softer rock—tuff—an explosion would need to be about 12 kilotons to register 4.5 and in porous material—alluvium—a 4.5 magnitude would be equal to about 45 kilotons. Alluvium, however, tends to collapse and thus such an explosion could be detected by non-seismic means.)

Until a few years ago the principal way that earthquakes could be distinguished from explosions was to identify an earthquake by the reading of the direction of the first motion on a seismograph. Seismic stations located in all directions from the earthquake would have about half of its first

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motions register a direction away from the event and half register toward the event. This is so because an earthquake is considered to be a sliding of a fault in the earth. Explosions, on the other hand, would all have their directional first motions away from the event. Verification for an underground test ban agreement, therefore, had primarily consisted of identifying earthquakes, leaving the unidentified seismic events to be subject to inspection as possible underground nuclear tests.

Seismologists also devised other means by which many seismic events could be eliminated as earthquakes. These "diagnostic aids," as they are called, include the following: 1) the depth of the event; this can often be measured, though not always with precision, and when depth is established as being many miles beneath the earth's surface the event is fairly certain to be an earthquake; 2) location of the event; many earthquakes occur deep in the earth under water in the ocean and it would be extremely difficult to dig deeply into the ocean floor at great depths in order to conduct a clandestine test.

Despite these various means to identify earthquakes, verification still faced several problems. One of these was the background noise surrounding the usual seismic station; such noise, whether it came from the ocean pounding the beach, vehicles rumbling by a road, or machinery operating nearby, tended to make difficult a clear reading of the seismic signals as they were registered on graphs in the seismic station. This problem can be alleviated by placing seismic stations in strategically located quiet sites and by constructing sophisticated arrays of stations.

A second problem was the inability of the seismic instruments to pin-point the exact location of the event. Ascribing value to on-site inspection assumes not only that the instruments accurately located the event, but also that clear evidence—radioactive debris—of a test can in fact be found. The assuracy of location, however, could subject to an error of several miles; this would make any inspection team almost certain not to find evidence of a nuclear test. This problem can be alleviated if local seismic stations are installed in a way that permits regional variations in the earth to be pinpointed so that travel time can be calibrated accurately.

A third problem in verification stemmed not so much from the fallibility of seismic instruments but from the rugged terrain of many earthquake areas in the Soviet Union. Assuming most inspections would be nothing more than inspections of earthquakes, they would require inspection teams to visit and dig around in difficult mountain spots. On the Kamchatka Peninsula there are very few roads and it is in this area and in the surrounding sea that most earthquakes in the Soviet Union occur. It would be difficult to bring in equipment to implant a nuclear device in the soil or water of this area and even more difficult to bring in inspection equipment to determine whether a device had been detonated.

Another verification problem was seen by some to lie in the possibility of muffling the energy from an explosion so that no strong seismic signals would be transmitted. This has been calculated to be theoretically feasible and some very small conventional (and one nuclear) explosions have shown that the signals can be muffled. Where this can be done effectively with large explosions remains in doubt. Of further dubiousness is the unlikelihood of any power digging deeply without having this revealed through various methods of intelligence such as satellite detection. Another theoretical method of cheating would be to detonate a nuclear test simultaneously with an earthquake with the expectation that the seismic signals from the latter would obscure those from the former. This has never been tried and there remains the doubt that it is of practical concern, since waiting an undetermined period of time for an earthquake of a specific size to occur, with all equipment and personnel poised to set off a nuclear test, hardly seems an effective technique to advance military security.

As a result of intensive research over the past eight years, scientists have essentially solved the difficult problem of positively being able to identify explosions as explosions. The large scale seismic research program undertaken by the United States Government, called *Project Vela*, and the research programs of other governments and private scholars and groups, produced major improvements in the capability to detect and identify seismic events. The most important advance is that explosions have now been found to have different seismic characteristics from earthquakes, especially in their extremely weak surface waves (M_s). When surface waves versus body waves are plotted, earthquakes and explosions can be separated from each other. Thus, with sophisticated instruments installed, any seismic event as small as the equivalent of 5 to 10 kilotons of explosive power detonated in hard rock can be identified by instruments located thousands of miles from the event. This is the position of a Canadian working paper presented to the Geneva Disarmament Conference and supported by prominent United States seismologists, including James N. Brune, Professor of Geophysics at the University of California.[7] Even if available improvements in seismic instruments were not made, the estimate of the current capability is 10 to 20 kilotons. Dr. Brune's summary of the advances in detection and identification of seismic events, presented to the Senate Foreign Relations Subcommittee on Arms Control, International Law and Organization on 23 July 1971, is as follows:

"Discrimination between earthquakes and explosions is possible because the seismic waves generated by underground explosions and earthquakes are fundamentally different at all levels in simple and obvious ways. One of the important results of seismic studies in the last 10 years has been to reaffirm this result with great certainty. Although there is a wide variety of diagnostic aids which can be used to discriminate earthquakes from explosions, the main criterion used at present is the M versus m_b criterion, that is, the relative excitation of long period (12–40 sec.) surface waves (M_s) and short-period (½-2 sec.) body waves (m_b). A plot of M_s versus m_b separates earthquakes from explosions, earthquakes generating relatively greater amplitude surface waves. In addition, diagnostic aids such as depth determination, first motion, complexity, surface wave spectra, Love wave excitation and event location, when combined, provide powerful additional discrimination tools. There is no problem of detection and discrimination for large underground tests and a treaty banning such tests could easily be monitored. I agree with the recent Canadian statement at the Conference of the Committee on Disarmament in Geneva indicating that discrimination in Eurasia could be implemented at 5-10 kilotons in the near future.[8]"

The weight of evidence submitted by knowledgeable seismologists demonstrates that the United States could use national means to verify a test ban treaty which banned all underground tests. Those few seismic events not identified would not have any appreciable effects on our national security. This is so because, as the following section will show, most testing in the past has covered tests of larger sizes. (10 kilotons and above), ones that can be identified; those in the smaller range, if conducted successfully in secret by the Soviet Union, would not have any profound effect on the U.S.-U.S.S.R. strategic nuclear balance.

Another reason it is unlikely that the Soviets could gain an important military advantage over the United States by attempting to test in secret is because most nuclear weapons development requires many tests before the technology can be utilized in the production of weapons. Hence the Assistant to the Secretary of Defense for Atomic Energy testified to the Senate that—

"The development program for a nuclear warhead generally takes three or more years if the design is based upon a relatively well known technology. During this period as many as twenty to thirty underground nuclear tests may take place.[9]"

MILITARY NEEDS

To assess how important nuclear testing is to current requirements for military security is a difficult and subjective task. Similarly, there is no ready and obvious answer to the question, how much curtailment of the arms race would a comprehensive test ban treaty achieve? Data supplied by the United States Department of Defense and the Atomic Energy Commission appear in generalities in public statements. Even the detailed questioning of Executive branch witnesses by members of Congress, while more enlightening than official reports, still leaves considerable doubt about the true state of affairs concerning the relationship of nuclear testing to military objectives and strategies.

For the foreseeable future it is not essential for United States military security to continue testing nuclear weapons. In short, nuclear weapons development, while not insignificant in some areas, by and large is not expected to contribute in any substantial degree to the total arsenal of nuclear weapons. The important changes in weaponry that have occurred should be noted, however, because they do show that stopping the tests even at this late date may still have a positive impact on limiting the arms race, not only in nuclear ammunition (warheads and bombs) but also in strategic delivery vehicles.

According to the Department of Defense, 91 per cent of the 234 tests conducted to date were concerned with military needs and 9 per cent were related to peaceful uses of nuclear explosions.[10] Of the tests for military purposes, 65 per cent were for weapons development, 16 per cent were validation tests (whether the weapons in the stockpile were still effective), 9 per cent were for weapons effects (on the environment, property, other weapons, and people), 5 per cent for combined weapons development and validation, and 5 per cent for combined weapons effects and validation. Those in charge of the testing program stress predominantly the need for continued development of weapons, and to a much lesser degree the need to check weapons in the stockpile or to ascertain how weapons might behave when used in actual warfare.

As to the mission of the weapons tested, the overwhelming preference has been for the testing of warheads for offensive and defensive strategic weapons, such as the ABM Spartan and Sprint missiles and the MIRV vehicles for the Poseidon and Minuteman III offensive missiles. The Department of Defense said: "These warheads could not have been developed without testing, both in regard to the size, shape and yield of the warheads and in regard to their hardness levels." [11] Eighty-nine per cent of the nuclear weapons tests were concerned either exclusively with strategic weapons (67 per cent) or with strategic and tactical combined (22 per cent). Only eleven per cent of the tests were concerned with the small, tactical nuclear weapons. The proportion of tests allocated to these various purposes has not changed in the past eight years.[12]

Many would prefer to have had these weapons developments prevented on the part of both the United States and the Soviet Union,

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and a comprehensive test ban probably could have foreclosed them because these large tests, several hundred kilotons to several megatons of explosive power, are not ones which would remain unidentified by the seismic stations now installed. Some weapons experts, however, believe that the ABM and MIRV warheads could probably have been developed from weapons designs already tested, produced, and stored in the stockpile. Although such warheads might not have been as efficient (in that they might have been heavier and perhaps some of their materials might not have been as effective), they nevertheless could have been developed. These experts also believe that new weapons on the drawing boards could use warheads already developed and placed in the stockpile. A treaty which entered into force in 1973 or 1974 could allow timely conclusion of ongoing programs.

Defense Department officials emphasize that, of the 25 basic models of nuclear weapons now in the United States stockpile, about 15 have received validation tests; in other words, tests to determine that the weapons are still effective. They emphasize this is an important aspect of testing, although they acknowledge that most validation takes place through tests done in the laboratory. In fact, the assistant to the Secretary of Defense for Atomic Energy has said that nuclear testing "has been rarely if at all used" to discover defects in weapons in the stockpile.[13] Validation tests of nuclear assemblies are not conducted after a warhead has entered stockpile unless such tests are deemed necessary to determine performance degradation which is suspected because of evidence obtained in the stockpile sampling program or to demonstrate that defects have been satisfactorily corrected. Other experts, moreover, point out that of all the aspects of nuclear weapons, the warhead is probably the most reliable and that validation tests for other components, such as degradation of the fuel system, ignition system, guidance system, accuracy, or hardening, are more important. Aging effects of nuclear weapons are not discovered by nuclear tests. If they are found by other means, they can always be corrected by replacement with a newly fabricated weapon without additional nuclear tests.

In discussing possible needs for testing in the future, Defense Department spokesmen cite the following goals:

"The goals of the United States nuclear weapons program are: (a) to develop new warheads to meet established Defense Department requirements; (b) to identify new options to meet new military circumstances; (c) to contribute to a continuous advance in nuclear weapon technology; (d) to contribute to the maintenance of a viable weapons stockpile; (e) to aid in understanding the effects of nuclear detonations; and (f) to assist in the evaluation of the threat from other nations' capabilities. These goals are achieved by means of a vigorous program which includes theoretical design, laboratory testing, and nuclear testing in the field.[14]

Specifically they mention such areas as missile design, improving the yield to weight ratio, production of low fission weapons, and weapons with a smaller diameter as being of interest to a nuclear test program within the next five years. With respect to the yield to weight ratio most expert opinion appears to think that this has been extended almost to its outer limit and further major improvements are not likely. With respect to the need for low fission weapons and those with a smaller diameter, the proponents of an agreement point out that these are weapons in the tactical category which have not been of much interest to those making decisions about the kinds of tests to hold. Moreover, some would suggest that any further improvements in tactical weapons should be foreclosed, if possible, so that these weapons would not become easily available to other nations as well as the United States and the Soviet Union.

Some in the Defense Department take the view that nuclear testing is more important to the United States than to the Soviet Union, and thus the United States would suffer more if a comprehensive treaty were negotiated. They reason that the Soviets developed their basic strategic warhead designs before 1963 and that the Soviets have not been as elaborate or as sophisticated as the United States in their testing programs. This contention no doubt is at least partially true, but this is not different from the comparison of the United States and Soviet weapons programs in other fields. With the apparent greater affluence of the United States, we have tended to expend more funds and resources on diversifying our weapons designs. With fewer designs, the Soviets presumably would have greater uncertainty than the Americans about both the reliability of weapons in the stockpile and their effects once used in a real environment. To say that because of greater affluence and sophistication the United States must continue to test nuclear weapons at a more rapid pace than the Russians is making a questionable judgment both about military needs and the use of the nation's total resources. The opposite argument could also be mentioned—the U.S.S.R. could at some future time by testing make greater strides if they are indeed behind.

A consideration that should be discussed at this point is what relationship if any, China's continued testing of nuclear weapons would have to a comprehensive test ban treaty. The answer lies primarily in the fact that the United States (and to a lesser extent the Soviet Union) has conducted several hundred tests over the past twenty-five years and its technology is so far ahead of China that there is virtually no possibility that continued Chinese testing could overtake U.S.-Soviet capabilities in strategic and tactical nuclear weapons. This situation is likely to be the case for at least a dozen years. Some day, if China continued to refuse to sign an agreement to stop testing, one or both of the nuclear powers may feel compelled to use the escape clause provided in the limited Test Ban Treaty, or in a comprehensive test ban, to opt out of the treaty. Since that time is not likely to come soon, this should not be a hindrance to the completion of an agreement at the present time. Furthermore, a comprehensive test ban would make it more difficult politically for the Chinese to engage in continuous testing than does the current situation with the United States and Soviet tests continuing. Such a treaty adopted by the United States, the Soviet Union, the United Kingdom, and many other nations would mean that world political pressure and public opinion opposed to nuclear testing would focus on China and France and any other powers continuing to test. Finally, any improvement in the relations among the major powers, especially manifested by further arms control agreements, should also have a beneficial influence on persuading the Chinese to be more sympathetic to curtailing their nuclear weapons program, including testing.

Before leaving the discussion of nuclear weapons and testing, it is necessary to relate it specifically to the United States-Soviet SALT negotiations to achieve agreement to limit strategic nuclear delivery vehicles. The SALT talks, now in their third year, move closer to agreement, with the most likely outcome an agreement to limit the number of ABMs to be deployed to protect cities or missile sites. There is less of a chance that an agreement will limit quantitatively the number of land-based offensive missiles (ICBM's). It is also likely that one of the provisions of a SALT agreement may be that if one side substantially improved its offensive capabilities this would constitute grounds for the other side withdrawing from the agreement. Such a provision obviously is intended to help stabilize the deterrent capabilities of the two large nuclear powers. In this context a comprehensive test ban treaty becomes an important sequel to a successful SALT agreement, since the main purpose of nuclear testing has been the improvement in strategic nuclear weapons development. An agreement to stop testing would be an incentive to take additional steps at SALT so as to stabilize at lower levels the military balance as now developed by both nuclear powers.

THE PLOWSHARE PROGRAM—PEACEFUL TESTS

A growing problem in the realization of a comprehensive test ban treaty is the interest of some non-nuclear and nuclear powers in using nuclear explosives for peaceful purposes. Of the 234 nuclear tests by the United States since 1963, 21 have been primarily adapted for the peaceful uses program, called Plowshare. Some of the Soviet tests have also been of this type. The possibility that such tests might some day have a utility for mining, digging tunnels, and otherwise exploring the resources of the earth for the benefit of man has whetted the appetite of some developing countries, particularly India and Brazil. In fact, such powers as these argue that they are not so much concerned with becoming nuclear weapons powers as they are with achieving a nuclear capability for peaceful uses.

The trouble with the Plowshare type programs is that it is virtually impossible in a nuclear explosion to determine whether it is for peaceful or weapons purposes. A country could and probably would develop a significant nuclear weapons capability under the guise of detonating nuclear explosions for a specific domestic project of non-military dimensions.

A number of solutions have been proposed to the Plowshare problem. One would be to ban peaceful as well as weapons explosions for a specific period of time. Many sophisticated and knowledgeable scientists believe that as yet the benefits from peaceful nuclear explosions do not outweigh the social costs involved, for example, potential harm to the environment through the escape of radioactive debris from these events. Most objectives to be achieved by nuclear explosions can be achieved by conventional explosions or other methods. When scientists compare the gains from peaceful nuclear explosions to their disadvantages arising out of potential harm to the environment and the complications they cause to the achievement of a comprehensive test ban treaty, many tend to favor forgoing the peaceful explosions. This would be especially so if a simple comprehensive test ban treaty without on-site inspection could be realized in the near future.

Should other countries persist in their demand for peaceful explosions, the considered next best alternative would be to have all peaceful explosions conducted or monitored by the International Atomic Energy Agency. This would be a complicated feat to execute but it could eventually be done. A treaty might contain provisions for a monitoring function to be worked out by the IAEA and this would allow the treaty to be consummated without delay while details for conducting peaceful explosions are worked out by the parties concerned. In any case peaceful explosions should not be allowed to postpone achievement of a comprehensive test ban.

INTERNATIONAL AND NATIONAL POLITICS OF NUCLEAR TEST BAN NEGOTIATIONS

While professing support for a comprehensive test ban treaty, the United States maintains that despite the many advances in seis-

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mic research to detect and identify explosions down to small sizes, a treaty must still contain the right of on-site inspection. It has maintained this right knowing that the conduct of an inspection on Soviet soil would be extremely difficult, costly, and would not have a high probability of success. The United States position, which has not changed in principle on this point since it was first enunciated in the mid-1950s, has continued without apparent regard for the fact that nuclear weapons development does not promise to advance much through further testing. Between 1963 and 1972, the United States executive branch apparently undertook no initiatives to review its position.[15]

Although many senior officials who formerly served in the Eisenhower, Kennedy, and Johnson Administrations have openly advocated a comprehensive test ban treaty without on-site inspection, the entrenched positions of members of the government's scientific and military bureaucracy continue to dominate arms control policy in this area. No other explanation seems plausible when it appears clear that all of the top policy makers in the arms control area, as well as science and defense advisers to former Presidents believe that a comprehensive test ban treaty without on-site inspection would be more in the security interests of the United States than continued unlimited underground testing.

The Advanced Research Project Agency (ARPA), supported by the Department of Defense, recently took the unusual step of altering the conclusions of a group of scientists which met in July 1970, at Woods Hole to consider recent advances in seismic detection and identification capabilities. ARPA evidently disagreed with the optimistic views of the scientists. The second summary issued by ARPA was objected to by these participating scientists as not representing their point of view as expressed in the original report. One of the scientists attending the conference, who has been mentioned earlier, James Brune, stated to the Senate: "I think the second summary emphasizes the difficulties . . . which might be encountered and tends to sort of negate the optimism which I felt definitely existed at the meeting." [16]

Within the Congress, at least a fifth of the Senate membership has taken positive stands on behalf of a comprehensive treaty. Subcommittees of both the Senate Foreign Relations Committee and the Joint Committee on Atomic Energy have held hearings during the past year. In the House there has not traditionally been much activity concerning a test ban agreement except for occasional speeches by members with special interests in the field, or by those who work closely with constituent groups with such interests.

The Congress is sensitive to the opinion and activity of private groups, however, and reacts also when it becomes aware of important developments and controversies within the Executive branch. Hence, as public efforts grow to achieve a test ban treaty, and as international pressures activate policy discussions within the Executive branch, Congress can be expected to expand its participation in the exploration of the conditions necessary for an agreement. A number of public organizations also have increased their efforts to stimulate support for an agreement. They include the Task Force for the Nuclear Test Ban, the Council for a Livable World, the Federation of American Scientists, the Committee for Nuclear Responsibility, the Coalition on National Priorities and Military Policy, and Americans for Democratic Action.

Late in 1970 and early 1971 members of Congress in both the Senate and the House issued statements and introduced, or indicated they planned to introduce, resolutions which would call for immediate negotiations between the United States and the Soviet Union to reach agreement on a comprenensive test ban treaty. Senator Edmund Muskie in November 1971 advocated a comprehensive test ban treaty. Senator Edward Kennedy submitted a resolution in January 1972, and Representative Bella Abzug in December 1971 introduced a resolution with basically the same intent but somewhat different language and provisions. Other senators and congressmen indicated that they too would be introducing similar resolutions.[17] This activity apparently stimulated the Executive branch to review the government's position.

Groups in opposition to a comprehensive test ban treaty have not been active in recent years because the United States Government has taken no tangible step to demonstrate it has an interest in pressing the Soviet Union to negotiate for such an agreement. Presumably some opposition would be organized by groups close to the government's military and scientific weapons' establishments if international negotiations took on a serious complexion. One such potential group, active in the past, is the American Security Council.

Internationally, pressures for a comprehensive test ban treaty without onsite inspection have grown, particularly in the past three years. Canada, Japan, Sweden, Egypt, and Brazil, all nations represented at the Geneva disarmament conference, have placed major emphasis on the need to negotiate a treaty in the near future. None of these countries sympathize with the position that on-site inspection is necessary. Some have proposed alternative means to satisfy questions of verification. One alternative, proposed by Sweden, is to permit a challenge to a country to explain the nature of an unidentified seismic event. If the explanation is not acceptable, then the inquiring country may seek relief from the constraints of the treaty.

Other countries, such as India and Israel, have not been active on behalf of a comprehensive treaty, no doubt largely because of their interest in preparing to develop nuclear explosions for peaceful or weapons purposes. United Nations members, however, overwhelmingly went on record at the 1970 session of the General Assembly by voting 112 to 0 (one abstention) to urge the nuclear powers to extend the limited Test Ban Treaty to underground tests at the earliest possible date. The resolution did not specify a judgment about the need for on-site inspection. Another resolution, which passed the United Nations General Assembly at its 1971 session by a vote of 91 for, 2 against (China and Albania), and 21 abstentions, called on all governments to adhere to the limited Test Ban Treaty and on those governments conducting nuclear weapons tests immediately to undertake measures to suspend tests or limit or reduce the size of their tests pending the completion of a comprehensive test ban.[18]

The official position of the Soviet Union remains in favor of a treaty but without on-site inspection. The U.S.S.R., like the United States, has not taken any initiative since 1963 to press for a treaty. It too has been testing underground at a much greater pace since 1963. Much of its tests, according to United States analysts, have been concerned with warheads for strategic defensive and offensive nuclear delivery vehicles.

Nuclear powers, other than the United States, the Soviet Union, and the United Kingdom, have not supported any limitation on nuclear testing in the absence of a comprehensive disarmament agreement. The Chinese presumably will continue to test nuclear weapons until they feel secure relative to the military capabilties of the United States and the U.S.S.R. France does not consider itself in a race with the two large nuclear powers, but does not view a test ban agreement as contributing anything substantial to improving the prospects for peace and removing the threat of war.

The main international private thrust for a comprehensive treaty stems from the annual conferences of the Pugwash Movement, the Conference of Scientists on World Affairs. These annual week-long meetings, held under the auspices of the Academy of Science of several countries, often include scientists who are close to establishment thinking on national security problems. Despite the official reluctance of the United States and the Soviet Union to show movement toward negotiating a comprehensive treaty, Pugwash scientists consistently advocate such a step. The latest statement, issued by the Pugwash Committee following the 21st conference at Sinaia, Romania, 26–31 August 1971, is as follows:

"Preventing further vertical and horizontal proliferation of nuclear weapons remains extremely important, and the achievement of a Comprehensive Test Ban Treaty will make a major contribution to that end. Fortunately, progress in the development of the means for detecting possible violations has effectively removed the obstacles which once blocked the achievement of such a treaty. These means include not only seismic methods for detection and identification of nuclear explosions but also satellites and other unilateral means for collecting information. The combination of all these techniques now makes it practically impossible to conduct meaningful nuclear testing without detection.

"In the process of preparation and putting into effect of such a treaty, it is most important to include at an early stage all the nuclear nations; it is also important to involve other nations, especially those that have the capability of becoming nuclear powers in the near future.

"In this connection the problem of so-called Peaceful Nuclear Explosions was also discussed. The conclusions reached at the last Pugwash Conference were re-affirmed: "Excessive claims have been made regarding the importance of nuclear explosions for peaceful purposes. Whatever short term economic advantage there may be in the use of such explosions is likely to be more than offset by the risks of nuclear proliferation implicit in such explosions." [19]

WHAT WOULD A TREATY LOOK LIKE?

A simple way of negotiating a comprehensive test ban treaty would be to amend the limited treaty of 1963. This could be done by removing all phrases describing the limited treaty and inserting the word "comprehensive" wherever applicable. A less simple way would be to draft a new treaty which would acknowledge the existence of the 1963 treaty and would then indicate that tests underground were also prohibited. A new treaty could also contain clauses specifying that verification would be by national means and that if the supreme interests of a party were jeopardized by its adherence to the treaty, that party by giving three months notice could exercise its sovereignty and withdraw its ratification.

There is a slight possibility that provision for right of request for explanation of a suspicious seismic event might be acceptable to both the United States and the Soviet Union as a means of bridging the different views about verification. Neither party, however, has expressed support for such an approach and thus its eventual inclusion in a treaty remains doubtful.

Subsequent to the passage of the 1963 limited Test Ban Treaty, some countries, such as Egypt and Japan, proposed the concept of a threshold treaty whereby tests down to a given size, as measured on a seismic scale, would be banned. The threshold would be set by the consensus about what size tests

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could definitely be identified. Tests below the threshold would either be allowed or would be banned for a specific period pending the results of further research and experimentation. The proposal was never discussed at any length at the disarmament talks after 1963. This may reflect the general reluctance of the United States and the Soviet Union to open any negotiations on the subject of a comprehensive test ban, or it may reflect a view that a threshold treaty might be too complicated to live with, given the constant possibility that seismic measuring devices may not always clearly measure the size of an event and thus unambiguously determine whether it was above or below the threshold established. In view of improvements in seismic capability this no longer appears an interesting approach.

RISKS VERSUS BENEFITS

Ultimately, the assessment of whether a major drive should be made to negotiate a comprehensive test ban treaty rests on weighing the risks inherent in a treaty, especially one which uses national means for verification and does not require the right of on-site inspection, versus the benefits of stopping all tests by the United States, the Soviet Union and possibly other powers. Moreover, any weighing of these factors assumes certain judgments about the primary objective of United States national security policy.

A major benefit of a comprehensive test ban is clearly that it would provide a significant curtailment of the nuclear arms race between the United States and the Soviet Union. It would take the two countries a small step nearer the long-range goal of a world in which military means do not constitute the principal means a nation chooses to defend its interests. Not only would a comprehensive test ban realize this objective, it would also satisfy in part the objective of United States national security policy of achieving greater military stability between the two powers; if unlimited nuclear testing is allowed there is always the possibility that stability will be upset and the arms race would again increase in intensity.

Alongside the benefit of contributing to curtailment of the arms race in nuclear warhead designs and greater stability, a comprehensive test ban would also help to reinforce an agreement arising out of the SALT talks. If these talks produce a limitation on deployment of anti-ballistic missiles and even if no action is taken limiting the deployment of offensive weapons, a comprehensive test ban would be an obvious next step. Since the major need for nuclear testing has been in the area of strategic nuclear weapons development, a ban on testing, by preventing this aspect of the strategic balance from being disturbed, would help to assure the continued observance of a SALT agreement. New warheads for offensive weapons would not be needed if no or only a weak ABM system existed.

A comprehensive test ban would have the benefit of encouraging greater adherence by non-nuclear nations to the principle of not proliferating nuclear weapons. Such nations, even if they did not sign the non-proliferation agreement, would not likely become nuclear powers if they signed a comprehensive test ban and therefore agreed to forgo nuclear testing. Many nations, such as India, Japan, and Brazil, would be much more likely to accept a comprehensive test ban than the non-proliferation treaty because the former is non-discriminatory, while the latter discriminates against them. In a comprehensive test ban all powers would be treated alike under the substantive terms of the treaty.

Other benefits stemming from a comprehensive test ban would include a further step in the growing detente between the United States and the Soviet Union, a savings of many millions of dollars of expenditures on the part of the two countries, and the removal of potential dangers to the environment.

Finally, it would be an added impetus to reaching arms control and disarmament measures. A comprehensive test ban has been a major concern of the Twenty-five Nation Conference of the Committee on Disarmament.[20] The achievement of a comprehensive test ban would raise the issue of future priorities for the Committee. Control and reduction of conventional weapons, regional disarmament measures, control of the trade and traffic in armaments, reductions in strategic and tactical nuclear delivery vehicles and warheads, reductions in the armed forces of states, and cutbacks in military budgets are some of the measures awaiting serious negotiation. A comprehensive test ban would contribute to the momentum of continued concentrated negotiation for the objectives of disarmament and arms control.

Against the above benefits the risks must be considered. The most important risk is that the United States, as well as the Soviet Union, would have to forgo improvements in nuclear weapons development and thus be denied continued upward thrust of its reliance on nuclear weapons for military security. A lesser risk is that some uncertainty may grow about the effectiveness of weapons in the stockpile; although testing has not been used in the past to discover a weapons defect, tests have been used to verify that a defect discovered in the course of examination by other means was corrected. Under a comprehensive test ban only those corrections can be made which need not be verified through testing. Any such restriction would apply equally to the Soviet Union and in fact might present it with greater problems than it would the United States.

There is also the risk that the Soviet Union might try to violate the agreement by testing successfully without being caught. The Soviets, it is argued, might realize some significant gains in weapons development in areas not limited by a SALT agreement, some information about correction of defects in its stockpile, and information about weapons effects. The question here is how much can be learned through the testing of a single device or a series of tests of very low yield. This is about the extent of what the Soviets could possibly accomplish. A large series of tests of moderate to high yield would surely be detected. According to testimony of the United States Defense Department as many as twenty or thirty tests are used in the development of a new weapon even when the technology is fairly well known; there is serious doubt, therefore, about the severity of this risk.

There is the risk that China may, through its continued weapons development programs, eventually pose a threat to the United States. This risk too appears minimal since any comprehensive test ban would no doubt contain a clause, similar to that in the limited Test Ban Treaty, to the effect that events which jeopardized the supreme interests of the nation would be cause for abrogation of the treaty. A continued watchfulness of China's nuclear weapons development should assure that no surprises could take place to injure the military security of the United States.

Finally, there is claimed by weapons scientists the risk that a comprehensive test ban would require the dismantlement of weapons laboratories with the most talented scientists leaving the nuclear weapons field for more fruitful work elsewhere. They do not think that the Soviet Union would face comparable difficulties since its scientists could be "forced" to work in weapons laboratories. Two points need to be cited about this risk. The first is that in the 1958–61 period when there was a moratorium on testing, the laboratories did not suffer. Therefore, any deterioration in maintaining quality work in the laboratories probably would not occur immediately; in fact the laboratories have many other functions to perform. After a period of three years there would be some assessment as to whether the benefits of the treaty continued to outweigh the risks. Second, it is becoming increasingly difficult for Soviet leaders to compel Soviet citizens to perform work which they do not want to perform. Soviet scientists are not immune to the influences of the outside world and Soviet society is not nearly so monolithic as it once might have been with regard to attitudes toward the United States and the need for cooperation and coexistence.

On balance the benefits eclipse the risks when the totality of the former are weighed against the totality of the latter. It is only after a total view of the issue is taken that a judgment can be rendered which considers national security in a comprehensive framework. Whether governments can be persuaded to revive the comprehensive test ban in a serious manner probably depends to a large extent on whether public, legislative, and international pressures increase.

FOOTNOTES

[1] See *The New York Times*, 7 December 1971. See also State of the World message, *The New York Times*, 10 February 1972.

[2] *Congressional Record*, Vol. 92, 29 March 1946, p. 2790.

[3] Senate Res. 93, 84th Congress, 1st Session, 25 July 1955.

[4] See John P. de Gara. "Nuclear Proliferation and Security," *International Conciliation*, No. 578 (May 1970).

[5] See pp. 39–58.

[6] See, *for example*, statement of Dr. Jerome Wiesner and testimony of Professors Frank Long, Bernard Feld, and James Brune in *Prospects for Comprehensive Nuclear Test Ban Treaty Hearings*, U.S. Congress, Senate Committee on Foreign Relations, Subcommittee on Arms Control, International Law and Organization, 92nd Congress, First Session, 22 and 23 July 1971.

[7] The Canadian paper is Document 327 of the Conference of the Committee on Disarmament entitled "Working Paper on the Seismological Detection and Identification of Underground Nuclear Explosions."

[8] During the same hearings the U.S. Defense Department spokesman, Dr. Carl Walske, indicated that under optimistic assumptions only two or three events per year each in the Soviet Union and China above the equivalent of six kilotons would go unidentified; above 1½ kilotons, the number of unidentified events would be about 25 in the U.S.S.R. *Prospects for Comprehensive Nuclear Test Ban Treaty Hearings*, (*Op cit.*) p. 119.

[9] *Ibid.*, p. 129. It is possibly true that U.S. weapons are more sophisticated than their Russian counterparts, but, nevertheless, the Soviet Union also would have to conduct several tests in developing new technology, though not of the order of the number of U.S. tests.

[10] *Ibid.*, p. 130.

[11] *Ibid.*, p. 131.

[12] *Ibid.*, p. 130.

[13] *Ibid.*, pp. 107, 129.

[14] *Ibid.*, p. 130.

[15] *Ibid.*, Testimony of Philip J. Farley, Deputy Director of the U.S. Arms Control and Disarmament Agency, p. 16. He said: "In view of the situation which has prevailed in international negotiations since Geneva, we have not had occasion to review formally the precise number and have not either introduced or determined privately a new number since we last spoke of seven. I think it was in 1963." Late in February 1972, however, news reports suggested that some Executive branch consideration had been initiated. See for example, *Washington Post*, 4 Feb. 1972.

[16] *Ibid.*, p. 146.

[17] On 2 March (as this publication went to press,) Senators Philip A. Hart and Charles

Mathias introduced a bipartisan resolution supporting a comprehensive test ban treaty using national means for verification.

[18] General Assembly Res. 2828 C (XXVI), 16 Dec. 1971.

[19] The last paragraph is especially important representing as it does a consensus of knowledgeable American, Soviet, Indian, European, and other scientists that uncontrolled peaceful nuclear explosions represent a threat to curtailing nuclear weapons proliferation.

[20] This committee resulted from several months of United States-Soviet Union negotiations in 1961. The negotiations produced a Joint Statement of Agreed Principles for Disarmament Negotiations to guide the two countries in their conduct of future disarmament negotiations. One of these principles specified that the two sides would continue to negotiate until a complete and comprehensive disarmament agreement was achieved.

NATIONAL TRANSPORTATION WEEK AND NATIONAL DEFENSE TRANSPORTATION DAY

Mr. **ALLOTT**. Mr. President, I am pleased on behalf of the State of Colorado to invite the attention of the Senate to the observance of May 14–20, 1972, as National Transportation Week, and of May 19 as National Defense Transportation Day.

The observance of this occasion should serve to remind us all of the tremendous impact of transportation on our economy and our way of life. Nearly one-fifth of this Nation's gross national product is spent on transportation or transportation-related industries and nearly 10 million persons earn a livelihood in these same industries.

As a nation grown accustomed to automation, we take for granted the ease of traveling and the variety of modes available for the shipment of goods.

In grateful appreciation of the hardworking and devoted servants of the transportation industry, I salute National Transportation Week. And, to acknowledge one outstanding group which has greatly contributed to the cause of transportation in the West, I salute the Traffic Club of Denver, Inc.

GOV. GEORGE WALLACE

Mr. **HUMPHREY**. Mr. President, the shooting of Governor Wallace yesterday was shocking, senseless, and tragic. With other Americans, Mrs. Humphrey and I pray for his speedy and total recovery. Violence of this kind—no matter how isolated and no matter how few may be involved—can only deepen the divisions in American life at a time when we desperately need reconciliation, understanding, and peace.

Reinhold Niebuhr, one of America's major theologians and political philosophers, in his book, "The Children of Light and the Children of Darkness," provided valuable counsel for the present moment when he wrote:

> Man's capacity for justice makes democracy possible; but man's inclination to injustice makes democracy necessary.

I summon the courage of the people of this great democracy to follow the course of reasoned, forthright debate, and full and open communication, as a united people, in addressing the problems of today and the goals for the future in America, rather than to permit this debate to be thwarted by a descent into violence and disorder.

The cry across our land today is a call for peace—an end to war; a halt to domestic discord and violence. That call must be answered without further delay if the United States is to resume its leadership in the search for international peace, and if our citizens are to come together again as one people.

It is this sense of a unified purpose in our Nation for which we are really striving. The Hebrew word "shalom" does not define peace as simply the absence of violence.

Shalom defines a life that is whole, where man is no longer divided in his heart and will against himself. Rather, he is totally committed to achieving a better quality of life as judged in the vision of God. And it is this peace—this unity, this life of decency, respect, kindness, and nobility—that we must establish in our society.

We must come to see that our security is threatened more immediately and more directly by the forces of hate and bigotry and injustice and violence that are loose within our own borders, than by any force outside this Nation.

Now, as in the time of this Nation's birth, we must once again resort to the difficult ways of civilized and rational men—never equivocating in our determination to press toward our national goals and purpose, but always having a decent respect for the opinions of others, keeping a firm grip on democratic principles and liberties, and always with an unclouded view of America's future.

The winds of change, which are everywhere about us, must be directed to constructive purposes—not through violence—not through hate—not through bitterness—not through passion; but through debate and peaceful dissent—through dialog and discussion—until decision and direction are achieved.

Let us now rededicate ourselves to the reconciliation of our people, the reconstruction of our communities and our Nation, and the reaffirmation of the ideals that have been the true greatness of America.

THE PHENOMENAL ISAAC HAYES

Mr. **BROOKE**. Mr. President, I do not know how many Members of this body are familiar with "Hot Buttered Soul." I do not know how many Senators have ever heard an 18-minute rendition of "By the Time I Get to Phoenix," or how many have ever heard the music from the movie "Shaft."

But these are among the most vital cultural phenomena of our times, and they are the product of one single, creative mind—the mind of Isaac Hayes, a sharecropper's son.

Isaac Hayes, at age 28, has moved from the cottonfields to the concert halls on nothing more than ingrained native ability. He has had no formal musical training—in fact he composes his music by humming it into a tape recorder. But he sings, he plays, he composes, he performs. And he shares his talents with millions of Americans, making their loads a little lighter and their lives a little brighter by the warmth and spiritual quality of his music.

Three of his albums have received platinum records for reaching the $2 million sales mark. He has received Grammy awards, and lately received an Oscar for the music he composed for "Shaft." He has been recognized by the Memphis City Council for "outstanding contributions to the community."

Isaac Hayes has also made other contributions of a different kind: He shares his new-found wealth with those less fortunate. His share of the proceeds from a recent concert with the Memphis Symphony were donated to a home for the elderly. He has made free appearances at prisons, and donated scholarship funds for less fortunate black students. The Hayes Foundation, a nonprofit, tax-exempt philanthropic organization, was established in 1971 by Isaac Hayes "to alleviate suffering wherever and whenever possible."

Isaac Hayes has gone far, and will go much farther. He merits special attention, in his own right, and as an example to all Americans of the heights that can be attained through the use of talent, drive, and compassion for one's fellow men.

THE MULTINATIONAL CORPORATION

Mr. **HARRIS**. Mr. President, on the television program "Comment" Jerry Cohen, coauthor with Morton Mintz of "America Inc.," recently described the scope of the corporate merger movement which is revolutionizing the nature of the American economy.

Mr. Cohen pointed out that the largest corporations are becoming nation-states. They have the power to make life and death decisions when they design and manufacture products. In effect they impose taxes through their noncompetitive pricing tactics.

With the U.S. market their captive, these firms are now moving abroad. By 1985 it is expected that 300 corporations will stand astride the world economy.

Mr. President, Mr. Cohen's timely and unusually well-documented book "America Inc.," has helped to alert tens of thousands of Americans to the dangers we face. I understand that his book has now been translated into French so that it will have a wider European market.

I believe that other Senators will benefit from the thoughtful views found in Mr. Cohen's commentary over "Comment." I, therefore ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT BY JERRY COHEN

We Americans have allowed two hundred giant corporations to engage in mergers at such a furious rate that they stand astride our national economy. They produce over two-thirds of the products we depend on in our daily lives—food we eat, cars we drive, clothes we wear, appliances we use and services we rely on. These corporations have become nation-states. They make life and death decisions when designing and manufacturing the products we use. They impose taxes through their non-competitive pricing tactics. By determining where plants will be located, they decide what sections of the country will thrive and which will atrophy.

Worse, their overwhelming economic power translates into political power. Corporate power becomes government power. We are becoming a nation ruled by our giant corporations; a nation with two classes of citizenship—first class for corporations; second class for everyone else.

These same corporations operate worldwide. Indeed, the merger movement in this country is matched by a world-wide merger movement. The expected result is that by 1985, 300 corporations will stand astride the world economy. Two hundred of them will be the same ones that own and operate the United States today.

That our government is being operated for the benefit of these mammoths not only home, but abroad, is becoming clear. The revelations concerning ITT in Chile are only a small example. Rather than being the exception that proves the rule, they are the rule.

At one time in history, we used the Marine Corps to further American corporate interests in foreign lands. Today, we are somewhat more subtle. The government negotiates agreements with foreign countries to protect our steel industry and textile industry from foreign competition. If the industries did the same thing with foreign companies, they would be violating American antitrust laws. But the participation of the government in the formation of international cartels makes an unlawful act, apparently lawful, and the consumer pays through increased prices.

The State Department often views its primary role as furthering the interests of our companies abroad. But the Commerce Department is not content with even this representation. It wants commercial attaches to be transferred from the State Department to the Commerce Department and to be elevated to second rank in every embassy and consulate in the world.

As if the giant corporations need such help!!

To carry out its world-wide operations, General Motors, for instance, employs more than 740,000 persons. Its net sales are greater than the gross national product of Argentina and almost double the GNP of the Union of South Africa. Many of our corporations operate in more than fifty countries and derive from 25%–50% of their income from these foreign operations. These companies have international staffs, international funding, international communication systems, international intelligence systems, their own state departments and—in the computer—an international language. They conduct their own foreign policy—Algeria, for instance, has broken off its relations with the United States, but not with Caterpillar, Getty Oil or IBM.

These giant corporations are truly multinational, owing loyalty to no particular nation. Indeed, an official of Dow Chemical Company has characterized them as a-national—having no nationality. Their charter from the little State of Delaware allows them generally to operate anywhere in the world. Because of their size and lack of nationality, they often are able to walk the cracks between the laws of the nations in which they operate. They are answerable neither to sovereign nor constituent—only to themselves.

One can now envisage the three hundred largest world corporations founding their own United Nations. One thing would be certain—their decisions would carry more weight than the United Nations as presently constituted. We may be approaching one world sooner than we think. But it will be the kind of world where what is good for General Motors and ITT will be the criterion for what is good for the human citizens of the world.

It's a short step from America, Inc. to World, Inc. And based on our experience with corporate behavior, up to now, it is not a world to look forward to.

ECUMENICAL STATEMENT ON VIETNAM BY ROCHESTER, N.Y., RELIGIOUS LEADERS

Mr. JAVITS. Mr. President, yesterday I had the privilege of receiving an ecumenical group of 10 religious leaders of Rochester, N.Y., who have come to Washington and petitioned their elected representatives to express their deepest sense of concern and despair over the continued killing in Southeast Asia and, as they state—

> The fact that our nation and the Soviet Union are using the poor people of both North and South Vietnam as pawns in a tragic game of war.

Mr. President, I share much of the deep and heartfelt emotion that has prompted these leaders of the Protestant, Catholic, and Jewish communities of upper New York State to express their views and those of their congregations to the escalated hostilities in and over both Vietnams; I am all too aware of the feelings of Americans who fear a "bloodbath" should we withdraw U.S. forces from Indochina; but coupled with it is our understanding of the devastation now being visited upon innocent civilians, North and South, because of this tragically improvident war.

I ask unanimous consent to have printed in the Record the statement of Catholic, Protestant, and Jewish clergymen of Rochester who called on me to express their despair over heightened U.S. involvement in Vietnam and their names and affiliations.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Catholic, Protestant, and Jewish Clergymen Representing the People of the Greater Rochester Area

We are going to Washington together because we are deeply upset over our country's escalation of the war in Vietnam.

More bombs will mean only just that much more suffering, mutilation, hunger, separation and death for mothers, children, elderly people, as well as more military victims too.

We think this latest action of our government only makes it all the more clear that this war is immoral and inhumane.

We also object to the secrecy in which war is waged, keeping its grim realities from the American people.

And we especially deplore the fact that our nation and Soviet Russia are using the poor people of both North and South Vietnam as pawns in a tragic game of war.

We want to say these things together to our representatives in Congress and to the people in our own congregations here at home.

Most Rev. Joseph L. Hogan, Bishop of the Catholic Diocese of Rochester.

Right Rev. Robert R. Spears, Jr., Bishop of the Episcopal Diocese of Rochester.

Rabbi Herbert Bronstein, Temple B'Rith Kodesh.

Rev. Robert H. Rowsam, Superintendent of the Rochester District, the United Methodist Church.

Rev. A. Claire Potter, Executive of the Genesee Valley Association of the United Church of Christ.

Rev. Carl Smith, Executive Presbyter of the Presbytery of the Genesee Valley.

Rev. Fred Gotwald, assistant to the President of the Upper New York Synod of the Lutheran Church in America.

Rev. Murphy Greer, president Rochester Area Ministers Conference, and pastor, Aenon Baptist Church.

Rev. Richard Gilbert, Minister, First Unitarian Church, chairman clergy and laymen concerned.

NEEDED: A REVITALIZING FOR SMALL BUSINESS

Mr. HUMPHREY. Mr. President, the American small businessman is the very core of our economy. Too often we think of American industry in terms of our huge corporations and conglomerates. People tend to forget that our 5½ million small businessmen and women represent 95 percent of all businesses in our country. These 5½ million Americans employ about 40 percent of our work force, and contribute some 40 percent to our trillion dollar gross national product. This week is National Small Business Week and it is proper to examine the state of the small business community today.

SMALL BUSINESS IN RECESSION

All Americans have experienced an extremely painful recession during the past 3 years, and full recovery is still a good way down the road. What happens to the small business when the national economy is allowed to slide into recession? The small business person is the first to feel the pinch. Small business is also the last to recover. This fact is attested by Dun and Bradstreet which reported a whopping 17 percent increase in business failures in 1970—a 3 year high. A recent survey by the Research Institute of America on the first quarter of 1971 tells us that earnings of manufacturers with assets in excess of $1 billion increased their earnings by 18.8 percent, while during the same period manufacturers with assets of less than $1 million suffered a 40.4 percent decrease in profits. This is nothing new. The same pattern has emerged in every recession. What is astonishing and appalling is that the Federal Government allowed it to happen to the degree that it did.

Nearly 20 years ago Congress clearly recognized the special problems of small business in maintaining competitive parity with big business, and made it the policy of the United States to provide special Federal support and assistance to small business with the enactment of the Small Business Act. So strong was the sentiment of the Congress, that an independent agency of the Federal Government was established not only to serve as the advocate of small businessmen and women at the seat of government, but also provided the agency with programs and financial resources to assist small business.

THE RECORD OF THE SMALL BUSINESS ADMINISTRATION

Having served on the Senate Select Committee on Small Business for 14 years, and having been involved in a family business for much longer, I know whereof I speak, and I especially know just how much help a small business needs in time of trouble, and the programs and resources available to the executive to provide it.

I would like to examine two major programs of SBA, financial assistance—regular business loans when funds are not otherwise available at reasonable rates; and procurement assistance—special help to assure that the small business community gets its share of the $40–$50 billion that the Government spends every year for its needs.

FINANCIAL ASSISTANCE

In examining the record of SBA financial assistance it is well to look at the agency's major lending activity, the business loan program. The essential element of the program is direct loans at 5½ percent interest. SBA can also participate with banks on loans with the borrower paying 5½ percent on the SBA share and the going bank rate on the bank share. The agency can also guarantee loans made by banks up to 90 percent with the borrower paying the going bank rate. It is important to spell this out, because during the period being examined, commercial interest rates were at the highest levels since the Civil War. The prime rate zoomed from about 6 percent in November 1968 to 8½ percent in the spring of 1969. This meant that the small businessman had to pay 10–11 percent for bank money—twice the amount to which he is entitled by law.

Statistics show that in fiscal year 1968, 2,456 loans were approved for $54.3 million on a direct basis; in fiscal year 1969, 635 loans for $15.1 million; in fiscal year 1970, 42 loans for $1.9 million; and in fiscal year 1971, 238 loans for $13.8 billion. The same diminution of 5½ percent dollars is reflected in the loans made in participation with banks. Statistics again show that in fiscal year 1968, 5,800 loans were approved on a direct and immediate participation basis with a Federal share of $198.4 million; in fiscal year 1969, the totals were 3,289 loans for $115.6 billion; in fiscal year 1970, 2,172 loans for $84.2 billion; and in fiscal year 1971, only 1,860 loans for $76.4 million.

These figures clearly demonstrate that the Nixon administration has deliberately denied small business tens of millions in 5½ percent loan funds.

PROCUREMENT ASSISTANCE

The Federal Government buys between $40–$50 billion worth of goods and services each year. Yet, procurement statistics show the same trends that were evident in financial assistance. There is no question that the small businessman has suffered reverses under the Nixon administration. First, in the direct contact program.

In fiscal year 1968, figures show that the Federal Government awarded $9.2 billion in contracts to small business out of a total of $47.7 billion, or 19.3 percent. In fiscal year 1969 the Government awarded $8.6 billion in contracts to small firms out of a total of $50.1 billion, or 17.1 percent. In 1970 awards to small business continued to drop to $7.2 billion of a total of $43.2 billion, or 16.7 percent. And in 1971 small firms received $7.3 billion in Federal contracts out of a total of $44.9 billion which was only 16.3 percent.

These figures show conclusively the downward trend in contracts to small firms.

Subcontracting from big government prime contractors is also a major source of business for small firms. In this area the record clearly shows an erosion of the small business share of the Federal pie. In fiscal year 1968 defense prime contractors subcontracted about $15 billion of their contracts, of which about $6.5 billion went to small businesses—about 42.7 percent. By fiscal year 1971, this picture had deteriorated badly with defense primes subcontracting only about $9.4 billion, of which some $3.3 billion went to small firms—about 34.8 percent—a percentage drop of nearly 8 percent.

SUMMARY

The record of the Nixon administration belies the high visibility and well advertised announcements and Executive orders professing a "deep commitment" to small business. Direct loan funds have been deliberately withheld from small businesses in the amount of some $200 million. Small business participation in Federal procurements has been allowed to shrink drastically.

The sad fact is that the President had the resources and the authority to provide small business with the additional support it needs, particularly during a recession. He chose to use neither.

THE HUMPHREY SMALL BUSINESS PROGRAM

First, I would release direct funds for regular small business loans immediately, and if the $200-odd million now available provided to be insufficient to meet the demand, I would not hesitate to ask the Congress for additional resources. As a matter of policy I would use the direct loan as opposed to a bank guarantee when the prime commercial lending rate exceeded 6.5 percent.

Second, I would direct all Federal departments and agencies to award a substantial share of their procurement dollars to small business.

Third, I would require large businesses receiving prime Federal contracts to subcontract a substantial portion of each contract to small firms as a binding condition of the contract.

Fourth, I would retain the Small Business Administration as a completely independent agency, and provide its Administrator with Cabinet rank and status as my personal principal adviser on small business. My SBA Administrator would also serve as a full member of my highest domestic and economic planning councils.

Fifth, I would increase the staff of SBA field offices to revitalize the agency's management assistance program which is virtually nonexistent today.

These actions will help small business. However, I believe the most effective way that any President can help small business is to demontrate the leadership that will provide the confidence in the business community, big and small, to put people to work and get our economy moving again.

A HISTORICAL ANALOGY

Mr. ALLOTT. Mr. President, I was amused by a curious appeal to history which took place recently in the Senate. I recur to the matter in order to show how difficult it is to call upon history to support current folly.

It will be recalled that on May 5 of this year, the Senator from Idaho (Mr. Church) read into the Record a portion of a speech made in the year 1800 by Charles James Fox in the British House of Commons, in which Fox eloquently denounced the government policy of continuing the war with France. By analogy, the Senator implied that Fox's remarks to the England of 1800 were equally applicable to the United States in 1972, in Vietnam.

The Washington Post on May 9 reprinted this portion of Fox's speech as "An Instant Editorial," thus lending more currency to this purported analogy. In addition, Mr. Eric Severeid, of CBS, made approving comments about Fox.

Now I have before me an editorial from the Wall Street Journal of May 12 which puts the Fox speech in perspective. That editorial is so much to the point that I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THE TRICKS OF HISTORICAL ANALOGY

Senator Frank Church has apparently been reading history lately, and has offered a passage about the agony of war from Charles James Fox, the great 18th Century English orator. Fox wanted to end a war between England and France that had dragged on for seven years, and said so with an eloquence common in his day and uncommon in ours.

"The Right Honorable Chancellor of the Exchequer feels the justice of the remarks; for by traveling back to the commencement of the war, and referring to all the topics and arguments which he has so often and successfully urged to the House, and by which he has drawn them on to the support of his measures, he is forced to acknowledge that, at the end of a 7-years conflict we are come to a new era in the war, at which he thinks it necessary only to press all his former arguments to induce us to persevere. . . . And without any other argument or security, are we invited, at this new era in the war, to carry it on upon principles which, if adopted, may make it eternal."

Senator Church reported that Parliament spurned Fox's wisdom, and two years later was forced to negotiate the Peace of Amiens on terms less favorable to England. The Washington Post reprinted these remarks, all of which put us to browsing in the history books. We come away feeling Senator Church should have told the rest of the story.

Fox spoke in 1800, as the Senator noted, and England had been fighting revolutionary France since 1793. The "new era in the war" to which Fox referred was the rise of Napoleon. In the Peace of Amiens England made large and controversial concessions to France, but the peace quickly broke down when it became apparent Napoleon had still further ambitions. War persisted until the final defeat of Napoleon at Waterloo in 1815. Only after that did the Congress of Vienna succeed in establishing peace that more or less prevailed in Europe for a century.

If there are any lessons here, it seems to us, they are that sometimes true peace cannot be established by one-sided concessions, and that arguments can be old and tired without necessarily being wrong. What this tells about our own day we leave to Senator Church, who brought it up in that context. But whether or not Fox's speech is good advice in 1972, it was terrible advice in 1800.

Mr. ALLOTT. Mr. President, if I may be permitted to add one more thought to those put forward by the writer of this thoughtful editorial: Fox's speech, though not preceded by 7 years of war, would have been poor advice for England in 1915 and 1940 as well.

THE 50TH YEAR OF MUNICIPAL OWNERSHIP OF TRANSPORTATION SYSTEM BY CITY OF DETROIT

Mr. HART. Mr. President, this week the city of Detroit marks the 50th year of municipal ownership of its transportation system. The man responsible for that municipal ownership was James Couzens, a distinguished, independent and colorful U.S. Senator from Michigan for 14 years.

Mr. President, I ask unanimous consent that a May 10 Detroit News article on Senator Couzens be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO BIRTHDAYS—THE DSR AND ITS FOUNDER

(By Don Lochbiler)

He was called "the maverick millionaire."

City Hall politicians also called him a maverick when he was Detroit's mayor. And some members of the United States Senate used the same term when he scoffed at petty partisanship after joining "America's most exclusive club."

But James Couzens, who always went his own way, became one of the best-loved Detroiters in the city's history.

Two forthcoming anniversaries will honor him. The first comes May 15, when the Department of Street Railways marks the completion of 50 years of municipal ownership of the city's transportation system.

It was Couzens, as mayor, who pushed to its successful conclusion the long fight for "M.O."

The second anniversary, on Aug. 26, will mark the centennial of Couzens' birth at Chatham, Ontario, in 1872.

His first job was pumping a church organ for $5 a month. Then he became a railroad news butcher, but after pushing his stock of magazines, candy and fruit for a week, he found his profit was zero.

"I'd eaten too much of the stock," he confessed.

At 17 he came to Detroit and became a car checker for the Michigan Central at $40 a month. He bettered this to $60 chasing coal cars for Alex Malcomson, a fuel dealer.

His paycheck reached $75 in 1898, when he married, and soon he was Malcomson's right-hand man at $1,800 a year. In 1903, when Malcomson bought stock in the infant Ford Motor Co., he put Couzens in the Ford factory to keep an eye on his investment.

Couzens liked the way Henry Ford operated. He put his savings of $900 into Ford stock, borrowed another $100 from his sister, and added a note for $1,500 to get 25 shares.

He put aside one share for his sister. For her $100, she drew $95,000 in dividends before selling her share for $260,000.

Couzens stayed with Ford 12 years, becoming general manager at $150,000 a year. When he quit in 1915 Ford paid $30,000,000 for his stock.

Mayor Oscar B. Marx put him on the street railway board—right in the middle of a battle between the board and the Detroit United Railways (DUR), which had acquired a monopoly on streetcar operations.

When DUR threatened to stop its cars the city passed an ordinance requiring fare reductions, Couzens announced he would borrow 1,000 cars from Ford to take over the job. The DUR backed down.

Later Marx appointed Couzens police commissioner, and he soon declared war on the segregated vice district which had been an accepted fixture in the city for decades.

It was a rough-and-tumble fight and Couzens acquired considerable scar tissue, but he won. Marx made a standing joke of telling Couzens he had become the most unpopular man in town.

"To shut him up and find out just how unpopular I was, I decided to run for mayor myself," Couzens said years later.

He made the race in 1918. While Couzens was otherwise occupied the DUR upped its fare to six cents, and it was a campaign sensation when Couzens got himself put off the cars for refusing to pay more than a nickel.

He was swept into office by such a large margin that no one ever questioned his popularity with the voters again.

City hall workers fumed when he insisted that they start work at 8:30 a.m., the same hour he did, and put in a full day's work. The public applauded.

The DUR's turn came next. Couzens asked the voters for $15,000,000 to start a municipal street railway system to compete with it.

They gave it to him on April 5, 1929, and work was begun the next day. Two needed crosstown lines were built.

In less than two years DUR had had enough. It agreed to sell out to the city for $19,350,000, and the people accepted the plan by an overwhelming vote.

It was a great day for Couzens—and Detroit—when the Department of Street Railways was born on May 15, 1922.

Late in 1922 Couzens resigned as mayor to accept an appointment as U.S. senator from Michigan. Within a few months he shocked his Republican colleagues by coming out for modification of national prohibition laws.

He was ahead of his time on this issue, but he was still around to see prohibition repealed in 1933. Meanwhile, the voters kept extending the stay in Washington of this unorthodox Republican who voted more often than not with the Democrats

In 1929 Couzens topped a long series of phalanthropies with the gift of $10,000,000 to establish the Children's Fund of Michigan. Characteristically, he arranged that all the money should be put to work at once without withholding funds to perpetuate the organization.

He didn't want longevity for himself, either. On his 55th birthday, he said:

"I hope I don't live more than 10 years longer. Ten years would be just about right. I will have had enough from life by the time I'm 65."

He called the shot pretty well. He was less than two months into his 65th year when illness took him from Wabeek, his Bloomfield Hills home, to Harper Hospital on Oct. 14, 1936.

The next day President Franklin D. Roosevelt, en route to Detroit in his campaign for reelection, sent word from his special train that he woud stop at the hospital to see Couzens.

Couzens wouldn't have it that way. He left Harper and had a jovial dinner with FDR aboard the President's diner in the Highalnd Park railroad yards.

Afterwards he returned to the hospital. He died there Oct. 22. The President termed him "a leader whose convictions were a part of the best that America aspires for, and whose courage was a match for his idealism."

The next day 4,000 Detroiters were waiting at City Hall when the body of Senator Couzens went on view in the office of his son, Mayor Frank Couzens. By 5 p.m., 15,000 had passed the casket.

People of all walks of life waited for hours in two long lines, and they voiced their own tributes: "He was the common man's friend." . . . "We'll never have another like him in high position." . . . "The children of Michigan have lost their best friend."

One elderly, white-haired lady waited patiently through the hours in line, then silently put three red roses on the casket.

At the funeral in Wabeek Oct. 26, there were elaborate floral pieces from the President, the Senate, from Henry Ford and the nation's great. But Couzens kept the common touch.

The only flowers on the casket were the unknown woman's three red roses.

TOWING VESSEL LICENSING BILL

Mr. TAFT. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Mr. Louis R. Fiore, Chairman of the Waterway Operations Conference, in support of H.R. 6479, the towing vessel licensing bill, before the Subcommittee on Merchant Marine of the Committee on Commerce, on April 27, 1972.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF LOUIS R. FIORE

I appear today as Chairman of the Waterway Operations Conference, a national nonprofit inland waterway association concerned exclusively with operational problems. I would like the record to also note that I am the President of the Ohio River Company of Cincinnati, Ohio, an inland waterway carrier.

Appearing with me today is Mr. John D. Geary, Chairman of the Executive Committee of the Waterway Operations Conference. Mr. James T. Glenn of Washington, D.C. is General Counsel of our Conference, and our office is located at 2000 K Street, N.W., Washington, D.C.

The Waterway Operations Conference was formed late last year to further the development of a strong water-carrier industry through effective liaison with the Congress, appropriate Executive departments and agencies, and the public at large. Membership of our organization currently consists of 16 member companies that are transporting by water over 50 percent of the cargo now moving on the inland waterways. Our collective as well as individual objective is to maintain the continued growth and safety of this industry. We, frankly, feel that this new organizational vehicle will enable us to provide greater and more specific expertise on all the multifaceted operational aspects of the water-carrier industry to the government.

The Waterway Operations Conference strongly supports and endorses the objectives of H.R. 6479. The majority of our industry has for at least seven years supported Coast Guard licensing of our able and fully-qualified men in charge of our vessels. We believe that the safety record of our mode of transportation is outstanding. National Transportation Safety Board figures adequately support this conclusion.

The available 1970 data show that the marine transportation industry (inland rivers and Great Lakes) fatalities were .31 to each billion-ton mile traveled. This is in sharp contrast to the record of the railroads at 2.5 and the trucking industry at 10.9. We firmly believe that this excellent record can only be but improved by the enactment of the legislation now under consideration.

Our commitment to improve safety on the inland waters has been manifest. The Waterway Operations Conference has participated positively in many of the recent Congressional and Administrative steps that have been taken to improve safety conditions on the waterways. We have supported and implemented the introduction of bridge-to-bridge radio communications, which was mandated by the Congress in 1971 under Public Law 92–63. We have cooperated fully and effectively in the recent Coast Guard implementation of the oil pollution prevention requirements of the Water Quality Improvement Act of 1970. We have just recently participated in the work done by this Committee in reporting out and passing the Navigable Waters Safety and Environmental Quality Act of 1972. The exercise of certain necessary and specific control in those situations, where there has been a history of impairment of safe navigation or where there is a particular serious danger to safety as a result of weather or other conditions, makes sense to us in the industry.

All of these major actions have directly involved members of our industry and the United States Coast Guard working cooperatively together to improve our already enviable transportation safety record. The essential provisions in H.R. 6479 for licensing of towing vessel operators will contribute materially to these efforts.

While the programs and increased activity over the past 2½ years have been substantial, they have not come without cost to our industry. The inland waterway industry is quite willing to bear these additional responsibilities within reason but does wish the Committee to bear in mind that there are incorporated in all these measures a real danger that an excessive and meaningless regulation could lead to an embarrassment to the Government and create unnecessary and disruptive burden on an otherwise safe inland marine industry. It is in this vein that we do feel that the study proposed in Section 2 of the Bill before you is unnecessary.

Repeated reports of both the United States Coast Guard and the National Transportation Safety Board based on exhaustive study and analysis of the casualties over the years fail completely to recommend or reveal a need for a licensing of engineers on our modern diesel towing vessels. This equipment is among the finest in the world.

The state of marine engineering art has now progressed to such an extent that we have high-speed diesel engines that require little or no maintenance for many thousands of hours of operation. These engines are applicable to instrumentation and complete pilothouse control such as engine monitoring systems for high water temperature, low oil pressure, low oil level, low level fuel supply, overspeed protection, and automatic load transfer of generator units. All of these controls have been pioneered by the river towboat industry and require only intermediate surveillance which can be handled by members of the crew. Engineers on constant duty are no longer necessary.

While we feel that the study is unnecessary, we will not oppose its authorization but would definitely recommend that, if a study is authorized, it should be for *the exclusive and special purpose of assuring safe navigation on the inland waterways*. Moreover, if the Committee in its wisdom decides to go forward in this area, we would respectfully request that the duration of the study be extended for at least 2 years in order to provide the Secretary and the Coast Guard with sufficient time to properly conduct an in-depth analysis and review of the real needs in this area.

In conclusion, Mr. Chairman, I should like to observe that in the last 25 years the volume of traffic moving on the inland waterways has more than doubled. In 1971 we moved with great safety about 10 percent of the nation's intercity cargo tonnage at low cost, which ultimately benefits everyone in the market place. The member companies of the Waterways Operations Conference are duly proud of this record for the entire industry and look forward to continuing to work effectively with your Committee and all other interested Government agencies in a joint effort to further improve the system.

Again, I wish to thank you and the members of the Committee for giving me the opportunity to appear and present these views.

THE PRESIDENT'S POLICY IN INDOCHINA

Mr. HARRIS. Mr. President, I am proud of the several actions taken recently by the Democratic conference of the U.S. Senate. I voted in favor of the motion by the distinguished Senator from Rhode Island (Mr. PASTORE), which carried by a vote of 44 to 0, that the Senate should proceed with the pending business, the question of cutting off funds for U.S. activities in Indochina, without delay. I voted in favor of the motion of the distinguished Senator from Idaho (Mr. CHURCH), which carried by a vote of 35 to 8, putting the conference on record in favor of the modified Church-Case amendment to cut off funds for U.S. activities in Indochina 4 months after agreement had been reached concerning return of prisoners of war. I spoke and voted in favor of the motion of the distinguished Senator from Arkansas (Mr. FULBRIGHT), which carried by a vote of 29 to 14, stating that the conference disapproved of President Nixon's escalation of the war in Indochina, as announced on May 8.

As I said in conference, reminded of it by something the distinguished Senator from California (Mr. CRANSTON) said, following the Cuban Bay of Pigs attack the late President Kennedy reportedly came to believe that had the New York Times not refrained from publishing information it possessed, such publication might have helped to avert the tragic episode which ensued. In my opinion, the duty of a Democratic conference to express its lack of confidence in present policies in Indochina was strongly analogous.

I do have the most profound lack of confidence in the policies President Nixon is pursuing in Indochina, and I believe we should say so in the hope—however weak that hope may be—that he may yet bring his policies and the official conduct of the Nation back within the bounds of morality and good sense.

I hope that Congress may yet cut off funds to support these policies.

COMPREHENSIVE TEST BAN ON NUCLEAR TESTS

Mr. BUCKLEY. Mr. President, according to newspaper reports, the senior Senator from Michigan (Mr. HART) testified yesterday before a committee of Congress in favor of a comprehensive test ban on nuclear tests. In addition, a number of Senators have urged the President to support a comprehensive test ban—a step which he has refused to take.

In the discussion of the merits of a comprehensive test ban, these Senators may have overlooked several dimensions of the issue by focusing on a small portion of the issue; the question of verification and the technology for the detection of underground detonations. This is the question to which I wish to address myself.

A major policy objective of the United States has been to limit the access of nonnuclear powers to nuclear weapons technology, and to the extent possible, to limit the extent to which existing nuclear powers can develop more advanced—and possibly destabilizing—nuclear weapons. To this end, the United States was a moving force in the Limited Test Ban Treaty of 1963 which prohibited nuclear detonations in the atmosphere, the water, or in space, and the Nuclear Non-Proliferation Treaty of 1965 which inhibited the ability of nuclear powers to transfer nuclear weapons technology to nonnuclear states.

Since 1963, both the United States and the Soviet Union have engaged in a program of underground nuclear weapons testing. It has been argued with increasing urgency, that the logical conclusion to U.S. efforts to inhibit the development of nuclear weapons would be to seek a comprehensive ban on all nuclear testing including those which take place below ground. It has further been argued that the United States would benefit if a comprehensive nuclear test ban were agreed to by the United States and the Soviet Union. I am convinced, however, that the entire issue of a comprehensive test ban—CTB—deserves much more careful scrutiny than it has received thus far.

Heretofore, most of the rhetorical and scientific effort that has been devoted to the CTB issue has been focused upon the issues of the technical ability to detect, locate, and identify seismic events as being caused by underground nuclear detonations, and the significance of such detonations to the strategic balance. I believe these issues, while important, should not dominate the decision as to whether or not to continue underground nuclear tests. Yet, the issues cannot be ignored.

A great deal of attention has been focused in the Congress and elsewhere upon the rather dramatic improvements in the technology associated with the detection, locations, and identification of seismic events. Indeed, in the years fiscal year 1964 through fiscal year 1971, the Department of Defense has spent $162 million in the VELA uniform program. This has resulted in a substantial improvement in the ability to discriminate between natural seismic events—earthquakes—and seismic events resulting from nuclear detonations. Less attention has been paid however to the improvements in the technology for evasion.

In 1963, there was practically no experience in large-scale underground nuclear tests. Today there are now at least five techniques for concealing underground nuclear detonations from detection. Four of these may be classified as follows:

The first technique involves emplacing the nuclear device in a portion of the earth where the waves generated by the detonation are significantly reduced in strength, such that they would escape detection from known detection techniques. By using this method, detonations of up to 10-kilotons would give seismic signals so weak that they are difficult or impossible to distinguish from about 70,000 earthquakes annually of similar magnitude.

The second involves suspending the nuclear device in a large cavity such that there is even less seismic energy transmitted to the surrounding terrain. According to a staff study by the Joint Committee on Atomic Energy, a 50-kiloton weapon—about the size of the Poseidon warhead—would produce a seismic signal of about the size of a one-half kiloton explosion. Detonations of this magnitude are, according to the study, "undetectable by any of the current or improved detection systems" known to be available. Detection of such "decoupled" tests would require on-site inspection—a procedure about which the Soviets are intensely hostile.

A third involves disguising a nuclear detonation's seismic signal in the wave chain of a natural seismic disturbance. According to the Joint Committee on Atomic Energy, this technique could permit undetectable detonations of a least 100-kilotons.

Finally, a fourth technique involves multiple shot simulations of nuclear detonations which are similar in character to the seismic signature of an earthquake. Thus, even if the seismic events were detected, under these circumstances it could not be identified as being caused by an atomic explosion. In the Joint Committee on Atomic Energy report, in considering the possibilities for evasion within the Soviet Union, the committee drew the following conclusions:

> The question arises as to the extent the geology and seismicity of the Soviet Union is conducive to such evasion techniques. Salt cones and granite suitable for decoupling cavities are readily available as are areas of low to intermediate coupling material. There is a wide distribution of relatively large areas of the Soviet Union that are actively seismic where it is conceivable that tests could be conducted using either the hiding-in-an-earthquake or multiple shot technique.

It is possible in many designs to "scale" nuclear devices so that for developmental purposes, low-yield versions of larger devices can be tested. It would be possible, therefore, for the Soviets to successfully evade the restrictions of a comprehensive test ban.

This possibility of evasion is militarily significant because of the current trend in Soviet weapons technology. This trend seeks to exploit their existing large payload capacity by designing smaller weapons as their guidance technology improves. Thus it is conceivable that the Soviets could be motivated to evade the restrictions of an agreement through the clandestine underground testing of smaller nuclear warheads. A successful Soviet development of weapons of sufficiently compact dimensions could achieve the Mirv capability which we already have on our own forces. Such a development could adversely affect the strategic balance to the disadvantage of the United States.

The issue of possible evasion of the strictures of a comprehensive test ban is important, as is the need for a better understanding of the technology for the detection, location, and identification of nuclear detonations. But these are by no means the whole story. At the present time, it is in fact desirable that the United States as well as the Soviet Union continue underground nuclear testing. Such testing has had a beneficial impact on the arms race by fulfilling one of the key objectives of arms control: mitigating the consequences of war, should war occur.

Between 1970 and 1975, the total megatonnage loaded on board U.S. strategic ballistic missile systems—the Minuteman and Poseidon missile systems, will decline by 40 percent. This decline in the aggregate destructive power of U.S. strategic forces has been made possible by improvements in nuclear weapon design technology which has permitted much smaller nuclear weapons to be placed in our strategic forces. It is reasonable to assume that as improvements in missile guidance become available and deployed, even smaller nuclear weapons would be available.

The net reduction in force megatonnage vastly reduces the potential destructiveness of a nuclear force. Such a reduction would enable a military planner to avoid using the very large weapons detonated at or near ground level that cause casualties as much by the direct effects of the nuclear detonation as by fallout.

A net reduction in aggregate megatonnage would reduce the amount of fallout which could be created in the event deterrence fails. Failing to continue to improve our strategic nuclear weapons would freeze deterrence at high levels of destruction. Thus, if deterrence should fail, the ability of each side to mitigate the consequences of nuclear war would be severely limited.

As the United States sees its margin of nuclear superiority eroded by the continuing Soviet strategic nuclear buildup, the confidence the President can have in the ability of our stockpiled nuclear weapons to reliably perform becomes increasingly important. For example, if after deployment some potential defect were noted in a Minuteman III warhead, military leaders must be able to give a U.S. President categorical assurance that the weapon can perform as required. If these assurances cannot be made, the President's confidence in deterrence, and thus his ability to bargain with an opponent in a political crisis, could be seriously eroded. In this case, it would not simply be a loss of confidence in a single warhead, but in all of the Minuteman III missiles—comprising 55 percent of our land based ballistic missile force by 1975.

Such a circumstance can be remedied only with confidence testing of our nuclear weapons. Only with such testing can we be sure that the weapons which are in our stockpile will perform as required. It is important to understand that U.S. nuclear weapons are more likely to suffer from confidence problems than are Soviet weapons because we have relied upon highly advanced technology to provide extremely compact weapons for our ICBM and submarine-launched ballistic missile force. The Soviet Union is not under a similar constraint because of its extremely large payload capacity. Thus, the Soviets can build relatively primitive and—by U.S. standards—extremely large nuclear weapons which do not require the same level of confidence that U.S. weapons might require.

For example, the Poseidon missile warhead is only 50 kilotons. The typical warhead on a Soviet submarine-launched ballistic missile is approximately 1 megaton, or 20 times as large. Thus, if there would appear, after deployment, some small defect in the Poseidon weapon system which might cause the nuclear weapon to fail to detonate, or detonate with much reduced yield, the deterrent capacity of our strategic nuclear forces could suffer severely. On the other hand, if its Soviet counterpart should suffer a defect which would reduce its nuclear yield, even if the defect were so serious as to cause a 50-percent reduction in yield, the weapon would still detonate with 10 times the explosive energy of the Poseidon warhead operating at full yield.

An additional consideration which has not been carefully studied is the effect on our nuclear weapons technology base of the complete cessation of underground testing. It is highly unlikely that the most talented scientists and engineers now engaged in nuclear weapons research would continue to remain in our weapons laboratories if there were no opportunities to test new designs. Thus, the laboratory personnel would tend to fall off in quality as the years went by. This situation is not symmetric however. In the Soviet Union, a totalitarian society, talented individuals can be compelled to continue working at a nuclear weapons laboratory. Thus, while U.S. laboratory competence could be eroded under a comprehensive test ban, such would not obtain in the Soviet Union.

Following the 1963 limited test ban, there was considerable rhetoric about the maintenance of safeguards and aggressive research and development in the field of nuclear weapons, such that our security would not be adversely affected by the elimination of the ability to conduct nuclear tests in the atmosphere. If a comprehensive test ban were agreed to, it is not unlikely that similar rhetorical assurances would be made. One need only examine the safeguard that was established concerning the maintenance of facilities and resources necessary to institute promptly nuclear tests in the atmosphere should they be deemed essential to our national security. This safeguard, one of the four safeguards of the 1963 limited test ban has already been sharply eroded by the Congress. The organization set up following the Test Ban Treaty known as Joint Task Force–8 (JTF–8) has now been disbanded. As a consequence, the ability of the United States to promptly resume nuclear tests in the atmosphere has been sharply reduced. We now maintain a rudimentary facility on Johnson Island, but rather than a 90-day ability to resume nuclear tests, it may take 1 to 2 years to resume such tests if they were to become necessary.

The evidence available from hearings before the Congress as well as from an analysis of the security interests of the United States strongly suggests that at the present time a comprehensive test ban against all nuclear tests would be inimical to the national interests of the United States.

COURT ACTION ON PRESIDENT'S VIETNAM POLICY

Mr. HARRIS. Mr. President, last week I joined with 22 other Members of Congress in filing a suit for declaratory and injunctive relief against the President and his top Cabinet officials now conducting illegal acts of war in Indochina.

None of us came to this decision lightly. We joined in this suit because we believe the President is destroying not only Vietnam, but severely damaging his own country by continuing this senseless war in Vietnam and we believe every legal means must be seized to stop him.

As Congressmen and Senators, we prefer the legislative process as a check on the President's actions and we all shall pursue this route. But that is not enough.

On November 17, 1971, the Congress enacted Public Law 92-156, title IV—Termination of Hostilities in Indochina. By that action, the Congress made clear its intent that:

> It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indo-China.

In 1971 the Congress also repealed the Tonkin Gulf resolution which repeatedly had been cited as the legal basis for the United States immoral intervention in the war in Vietnam. By these two actions in 1971 the Congress attempted to clarify that the President had authority to follow only one course of action—to withdraw U.S. troops and end the war.

Instead the President resumed bombing of the North and in early May, decided to mine the harbors of North Vietnam. These extremely serious steps, which may have a profound and adverse effect on U.S. foreign relations for years to come, were taken without any consultation with the Congress. The mining of the coast of North Vietnam violates an international treaty to which the United States is a signatory, the Hague Convention of 1907.

Even those who support the President's actions in Vietnam must be concerned at the astonishing disrespect which this administration has shown for fundamental American principles of constitutional government. There is, in other words, a constitutional question at issue which the Congress must join.

The strength of American democracy has always been that we have a system of laws, not men. We support the principle that no man—no matter how rich or powerful—is greater than the law before which all must bow. Even Presidents are requested to respect this tradition. Franklin D. Roosevelt was not allowed to pack the court and Harry S. Truman was not permitted to seize the steel mills.

The 23 Members of Congress who signed the suit against the President strongly believe in the American system. They assert that if this system is to survive, all public officials, including the President of the United States, must respect the law.

It is in this spirit that they submit their suit and it is in this spirit that they shall press ahead with it.

Mr. President, I ask unanimous consent that the complaint filed by the 23 Members of Congress be printed in the RECORD.

There being no objection, the complaint was ordered to be printed in the RECORD, as follows:

[In the U.S. District Court for the District of Columbia]

1. Honorable Mike Gravel;
2. Honorable Fred Harris;
3. Honorable Bella S. Abzug;
4. Honorable Jonathan Bingham;
5. Honorable William Clay;
6. Honorable Shirley Chisholm;
7. Honorable John Conyers, Jr.;
8. Honorable Ronald V. Dellums;
9. Honorable Charles Diggs, Jr.;
10. Honorable Don Edwards;
11. Honorable Walter Fauntroy;
12. Honorable Michael J. Harrington;
13. Honorable Henry Helstoski;
14. Honorable Charles B. Rangel;
15. Honorable Thomas Rees;
16. Honorable Benjamin Rosenthal;
17. Honorable William Ryan;
18. Honorable Louis Stokes;
19. Honorable Phillip Burton;
20. Honorable Robert W. Kastenmeier;
21. Honorable Herman Badillo;
22. Honorable Augustus F. Hawkins;
23. Honorable Parren J. Mitchell; versus

Richard M. Nixon, Individually and as President of the United States, The White House, 1600 Pennsylvania Avenue, N.W., Washington, D.C.;

Melvin R. Laird, Individually and as Secretary of Defense, Department of Defense, Washington, D.C.;

William P. Rogers, Individually and as Secretary of State, Department of State, Washington, D.C.;

Robert F. Froehlke, Individually and as Secretary of the Army, Department of Defense, Washington, D.C.;

John H. Chaffee, Individually and as Secretary of the Navy, Department of Defense, Washington, D.C.;

Robert C. Seamans, Jr., Individually and as Secretary of the Air Force, Department of Defense, Washington, D.C.; and the United States of America; Defendants.

COMPLAINT

1. Jurisdiction of this matter arises under the Constitution of the United States and Title 28 United States Code §§ 1331, 1346, and 1361, and such other provisions of law as shall be hereinafter set forth in this complaint. The amount in controversy exceeds ten thousand dollars ($10,000.00) exclusive of interest and costs.

2. Plaintiffs are each duly elected and qualified members of the Congress of the United States of America. They sue in their individual capacities as citizens of the United States and in their official capacities as members of Congress and representatives of their constituency. Each alleges that the activities of the defendants described herein has materially affected their abilities to represent the people of their districts and to practice their profession as elected representatives of the people. Each further alleges that they have a personal and direct stake in the outcome of the controversy and will be themselves adversely affected by it.

3. Defendants in this matter, other than the defendant United States of America, are officers and employees of the United States of America. This action is brought against them in their individual and in their official capacities. Defendants are respectively the President of the United States, Secretary of Defense, Secretary of State, Secretary of the Army, Secretary of the Navy and Secretary of the Air Force.

4. During the last several years, defendants and their predecessors in office, each acting individually and collectively, have engaged and caused the armed forces of the United States to engage in a war in Indo-China. This war constitutes one of the longest and most costly wars in the history of this country. Over one million human beings, including over fifty thousand Americans have been killed in this war and at least one hundred billion dollars has been spent in the prosecution of it. At present the defendants are not only continuing the war, but have recently escalated the war.

5. On November 17, 1971, Congress enacted Public Law 92-156, Title VI—Termination of Hostilities in Indo-China. At that time, Congress made clear its intent that "it is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indo-China. . . ." Subsequently, the President of the United States, the Honorable Richard M. Nixon, substantially increased bombing raids against the Democratic Republic of Vietnam.

6. Recently, on May 8, 1972, the President announced to the American people that because the country faces a new situation, he has:

> Ordered the following measures which are being implemented as I am speaking to you.
>
> All entrances to North Vietnamese ports will be mined to prevent access to these ports and North Vietnamese naval operations from these ports. United States forces have been directed to take appropriate measures within the internal and claimed territorial waters of North Vietnam to interdict the delivery of any supplies. Rail and all other communications will be cut off to the maximum extent possible. . . . Countries with ships presently in North Vietnamese ports have already been notified that their ships will have three day light periods to leave in safety. After that time the mines will become active and any ships attempting to leave or enter these ports will do so at their own risk. (A copy of the President's address is attached hereto as Exhibit A)

7. On May 10, 1972, defendant Melvin Laird announced publicly that the United States would move against and take all appropriate action against any ships from any country whatsoever, seeking to enter the ports of the Democratic Republic of Vietnam (North Vietnam).

8. Article I, Section 8, Clause 11 of the United States Constitution states that the Congress shall have the power to declare war. Congress has not exercised this power. It has passed no legislation or joint resolution declaring war in Indo-China, nor has it explicitly, intentionally, and discretely authorized the war.

9. No appropriation act or selective service renewal act can be construed as an exercise of the declaration of war power by the Congress of the United States. Even should the courts interpret any such actions of Congress as implicitly or tacitly approving the exercise by the President of the war power, said tacit approval, if so interpreted by the courts, was explicitly revoked by the "Mansfield Amendment", Public Law 92-156, November 17, 1971. Accordingly, at this time the President is in violation of the separation of the powers doctrine as set forth in the Constitution of the United States, operating an illegal war in excess of his Constitutional powers. The President and other defendants are also unlawfully and unconstitutionally misusing appropriations of Congress to conduct this war.

10. As pointed out above, since the passage of the Mansfield Amendment, the President has taken action in mining the harbors of the Democratic Republic of Vietnam, cutting off communications and rail lines and interfering with shipment to Vietnam by other sovereign countries. Nothing in any acts of Congress have ever authorized either implicitly or explicitly such actions by the Executive Branch of Government of the United States. Additionally, leaders of Congress have repudiated such actions. These actions of the

President and other defendants herein constitute acts of war against other sovereign powers other than the Democratic Republic of Vietnam, never before considered by Congress and accordingly, also, violate the separation of powers doctrine.

11. Additionally, the actions of the Executive Branch and particularly defendants herein in mining the harbors of the Democratic Republic of Vietnam are in violation of Article II, Eighth Hague Convention of 1907—"Convention Relative to the Laying of Automatic Submarine Contact Mines", October 18, 1907, 36 Stat. 2332. The Hague Convention forbids the laying off coasts and ports of enemy mines which interfere with commercial shipping. The Convention defines the type of mines. The Executive Branch and defendants herein have made no effort to seek the approval of Congress or to inform Congress of the type of mines used, or full purpose or effect of the mines and accordingly violate the specific intent of the Hague Convention.

12. Plaintiffs have been and continue to be irreparably injured, both as citizens of the United States and as representatives of the people and in their ability to represent the people by the actions of the defendants. The right to declare war lies specifically and solely with the Congress of the United States. The issues of the President's and the other defendants' present actions in mining harbors, cutting off rail and other communications, and other actions as set forth above and included in Exhibit A attached hereto, have never been presented to any other court. Plaintiffs have no other adequate remedy at law other than the suit herein.

Wherefore, plaintiffs respectfully pray:

(1) That the Court issue a declaratory judgment, declaring that defendants are violating Article I, Section 8, Clause 11 of the United States Constitution in their actions against the Democratic Republic of Vietnam and other countries as described in the President's message of May 8, 1972;

(2) That the Court issue a preliminary and permanent injunction enjoining the President of the United States and other defendants herein and their successors in office and others acting in concert with them from carrying on war, further mining of harbors, further bombing and interruption of communication and rail transportation and other acts of violence against the Democratic Republic of Vietnam and other countries without specific authorization of Congress;

(3) That the Court enjoin the President and those acting in concert with him to seek Congressional authorization for the acts announced in his speech of May 8, 1972, and the further acts announced by the defendant Secretary of Defense in his press statement of May 10, 1972, before further implementing or carrying out any of those actions;

(4) And that the Court enjoin the defendants from further utilizing appropriations pursuant to acts of appropriation of Congress for military expenditures in Indo-China unless and until he receives proper authorization from Congress to utilize the funds in the manner set forth in his speech of May 8, 1972 and the public statement of defendant Secretary of Defense on May 10, 1972, and further enjoin him from using such funds in manners other than specificcally set forth in the authorization acts of Congress as presently enacted.

(5) That the Court order such other and further relief as it may deem appropriate.

Hon. Mike Gravel, et al.,
By Counsel.

Counsel for Plaintiffs: Philip J. Hirschkop, Washington, D.C.

GOV. GEORGE WALLACE

Mr. MATHIAS. Mr. President, I bitterly condemn and regret Monday's violence to Governor Wallace and the violation of Maryland's tradition of toleration. The bullets that hit George Wallace were propelled by madness and cowardice, and not only wounded the Governor, but shattered a heritage of three centuries. It is a day of sadness and a day of shame.

With Voltaire, I will defend to the death a man's right to say what he thinks. Yesterday's act is a basic denial of that fundamental right.

DISTINGUISHED PROFESSOR URGES ACTION TO STRENGTHEN THE UNITED NATIONS

Mr. BAYH. Mr. President, former Deputy Assistant Secretary of State Richard Gardner recently led a group of distinguished citizens in an American Assembly discussion on the United States and the United Nations.

In a paper entitled "The United States and the United Nations—Can We Do Better?" which Professor Gardner prepared for the American Assembly meeting, our sad performance in fulfillling legitimate international responsibilities is spelled out in straightforward language. Professor Gardner concludes, and rightly so, that not only can we do better, but we must. The stake, after all, is world peace—and that is best pursued through a world organization and not by unilateral interventionism.

I ask unanimous consent that Professor Gardner's paper be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

The United States and the United Nations—Can We Do Better?

(By Richard N. Gardner)

"The real test of our commitment to the United Nations," Adlai Stevenson once said, "still lies ahead of us." With that prophetic remark Stevenson sought to warn us that a day might come when some hard and painful choices might have to be made between the pursuit of U.S. foreign policy interests as defined in Washington and support of a world organization in which the United States has only a minority voice.

That day has finally come. Although we have heard talk of a "crisis of confidence" in the United Nations in almost every year since its inception, there are important new elements in the present situation which call for a fundamental re-examination in U.S. policy toward the world organization.

The most obvious new element is that, for the first time in the history of the United Nations, the United States is beginning to default on its multilateral commitments all across the board:

We have begun importing chrome from Rhodesia in violation of a legally binding embargo for which we voted in the Security Council. The legislation which gave rise to this situation was adopted in the face of warnings that it was inconsistent with our obligations under the U.N. Charter. The Executive Branch could have avoided the breach of our U.N. obligations by selling chrome from our ample stockpile, but did not choose to do so.

Congress has refused to appropriate half of the U.S. assessments due the International Labor Organization (ILO) for 1970 and the entire amount of U.S. assessments due the ILO for 1971. If Congress fails to appropriate any funds for the ILO at this session, which seems likely, the U.S. will lose its vote in the ILO in January 1973. The Administration has declared that if Congress fails to appropriate the necessary funds, it will give notice of withdrawal to the ILO—which would be the first time the United States has withdrawn from a U.N. organization.

Congress has failed to appropriate the $20 million for the expansion of the United Nations Headquarters site which was promised by the Administration pursuant to a plan worked out between the United Nations, New York City and the Executive Branch. The failure to appropriate this sum means that important parts of the Headquarters Secretariat will have to be relocated in Europe.

Congress has not yet appropriated the U.S. share of funds for the "soft lending" activities of the International Development Association (IDA), the Inter-American Bank and the Asian Development Bank. These U.S. contributions were promised as a result of multilateral negotiations and were due to have been paid to the IDA last year and to the regional development institutions several years ago. The prospects of appropriations at this session of Congress are considered poor.

The United States is the only major developed country that has not yet implemented the agreement in the United Nations Conference on Trade and Development (UNCTAD) calling for trade preferences on behalf of developing countries. The prospects for the legislation necessary to implement this agreement are considered poor at this session of Congress.

The United States continues to move away from the target agreed to in the United Nations that developed countries should give 1 percent of their GNP in foreign aid. Most of our partners in the Organization for Economic Cooperation and Development (OECD) are moving toward this target or have already exceeded it. In terms of aid as a proportion of GNP, the United States now ranks close to the bottom of the list of non-Communist aid-giving countries.

A move is underway in this session of Congress to place a 25 percent ceiling on U.S. assessed contributions to all U.N. agencies. If adopted, this legislation would soon put the United States in violation not only of the U.N. Charter but of the constitutions of most of the Specialized Agencies. At the last session of Congress a bill to limit U.S. contributions to our share of the population of U.N. members—6 percent—was co-sponsored by 71 members of the House of Representatives.

These examples of withdrawal from multilateral commitments are but one aspect of the new situation which now prevails in the U.S. relationship to the U.N. In recent years we have also witnessed a significant falling off in U.S. determination to strengthen the United Nations in its fundamental Charter assignments. Our military actions in Vietnam and in the Dominican Republic, even if they can be legally justified by a liberal interpretation of the U.N. Charter, have hardly enhanced the peacekeeping authority of the United Nations. Moreover, there has been a progressive narrowing in the range of initiatives the United States has taken in the United Nations. As recently as the late 1950s and early 1960s, the United States was sponsoring major efforts to strengthen the world organization in its three basic Charter functions—keeping the peace, promoting economic development, and securing human rights. In recent years we seem to be bypassing these subjects in favor of matters like drug control, birth control and hijacking control. These new tasks are undeniably important to us and to other countries, yet our preoccupation with these issues certainly reflects a change in emphasis. The following list of major U.S. initiatives in the last four Administrations is instructive:

Eisenhower administration

United Nations Emergency Force.

United Nations Operation in the Congo.

United Nations Special Fund.

International Development Association.

"Atoms for Peace"—International Atomic Energy Agency.

Kennedy administration

Treaty Outline for General and Complete Disarmament.

United Nations Decade of Development.

World Food Program.

Outer Space Program.

World Weather Watch.

United Nations Bond Issue.

First call for U.N. action on population.

United Nations Institute for Training and Research (UNITAR).

United Nations High Commissioner for Human Rights.

Reversal of Eisenhower Administration's refusal to ratify or participate in the drafting of human rights treaties.

Johnson administration

United Nations Cyprus Operation.

United Nations Peacekeeping in India-Pakistan War.

Support for sanctions on Rhodesia.

United Nations Fund for Population Activities.

Nixon administration

Draft Treaty for an International Seabed Authority.

Unitd Nations actions for control of internatonal traffic in drugs.

Assistant to refugees from East Pakistan.

Proposals to control aircraft highjacking.

Earth Resource Satellites.

Enlargement and reform of ECOSOC.

$100 million fund for environment.

The narrowing range of U.S. initiatives reflects a growing skepticism in Washington about the ability of the U.N. to serve U.S. interests effectively in any of its major Charter functions. This disenchantment has been fed by a long series of events—the failure of the Secretary-General and of U.N. members to stand firm in the Article 9 crisis; the abrupt withdrawal by the Secretary-General of U.N. forces from the Middle East; the inability of U.N. members to resolve the stalemate over peacekeeping or to come up with a solution to the growing deficit; the lack of support for meaningful reforms on such subjects as mini-states and General Assembly procedures; the failure of the Jarring mission to achieve progress in the Middle East; the increasingly anti-Israel bias of U.N. resolutions; the outspoken criticisms by U Thant of our Vietnam policy compared with his restrained comments on Soviet behavior; and various U.N. resolutions passed over our opposition dealing with such matters as chemical warfare, nuclear testing and the problems of Southern Africa.

Coming after this long succession of disappointments, our humiliating defeat in the China vote last November seemed to be the proverbial last straw. The President of the United States, through a White House spokesman, deplored not only the result of the vote, but also the behavior of those U.N. members who greeted it with a display of enthusiasm. "The time has come," Senator Barry Goldwater declared, "to recognize the U.N. for the anti-American, anti-freedom organization it has become. The time has come for us to cut off all financial help, withdraw as a member, and ask the U.N. to find a headquarters location outside the U.S. that is more in keeping with the philosophy of the majority of voting members, someplace like Moscow or Peking."[1] While most Congressional criticism did not go that far, it did reflect a widespread displeasure in the country at large. Even a long-time U.N. supporter like *The New York Times* found the organization "close to bankruptcy—fiscal, political and moral."[2]

A few days after the China vote, Congress voted down the foreign aid bill. The foreign aid decision of Congress has since been reversed, but the Executive Branch took another decision in the wake of the China vote that has continuing consequences. The day after the General Assembly's action, Secretary of State Rogers held a press conference in which the following exchange occurred:

> Question. Mr. Secretary, could you tell us what the Administration's position will be toward an effort in the Congress to reduce or cut UN funds?
>
> Answer. Well, we will not support a reduction of funds for the United Nations in retaliation for this vote. That is not going to be the policy of this Administration. We think that because of the fact that this is an organization that is bound by a majority vote, and we in the United States are accustomed to being bound by a majority vote, that we should accept the decision.
>
> The other problem, though, the related problem of whether the United Nations is spending too much money or not, in living beyond its resources, is a very difficult question, which we will have to address. *And I think that my own view is that it has spent too much money in the past. And we have probably contributed more than our share.* We contribute roughly 33 percent to the regular budget of the United Nations, and we contribute approximately 40 percent to specialized agencies. And, I think there is some question in the minds of the American people, and certainly in the minds of Congress, about whether we are carrying too great a share of the burden. (Emphasis supplied.)[3]

Shortly thereafter, Assistant Secretary of State Samuel De Palma told a Congressional Committee that the Administration had decided to seek to reduce the U.S. share of U.N. assessments to 25 percent "as quickly as possible." He assured the Committee that this decision bore no relation to the Administration's disappointment over the China vote. The 25 percent recommendation, in fact, had first appeared in the report of the Lodge Commission six months earlier. But of that report's nearly 100 recommendations, most of them calling for greater U.S. support of the U.N., this was the first recommendation, and so far the only one, that the Administration has decided to implement.

As if all this were not enough, the China vote and its aftermath was soon followed by the demonstration of the UN's impotence in the India-Pakistan war. Informed Americans have understood for years that the U.N. cannot act effectively in conflicts where the great powers are themselves involved, but the sight of a U.N. unable to halt a war between India and Pakistan was something else. The remarks attributed to Henry Kissinger in the "Anderson papers" suggested that in the White House, no less than in the public at large, very serious questions were being raised about the utility of the U.N. for peacekeeping anywhere in the third world:

> If the United Nations can't operate in this kind of situation effectively, its utility has come to an end and it is useless to think of U.N. guarantees in the Middle East.
>
> The exercise in the United Nations . . . is likely to be an exercise in futility, inasmuch as the Soviets can be expected to veto. The U.N., itself, will probably do little to terminate the war . . . Dr. Kissinger reiterated that there was no chance in getting anything useful in the U.N.[4]

The foreign policy reports issued early in 1972 by the President and by the Secretary of State reflect the attitude of deep skepticism that characterizes the Administration's current assessment of the United Nations. The two documents, while developing an impressive case for multilateral cooperation in areas like the law of the sea, environment, population and narcotics, contain the most critical references to the United Nations that have ever appeared in an American state paper. The following excerpts from the President's report suggest the new mood:

> The United Nations is an experiment in cooperation among nations. It is a mistake to assume that its success is foreordained or its ultimate result altogether predictable. It is a mistake either to exaggerate its capability or to underestimate its potential.
>
> We have reached a point at which it is no service to the idea of the United Nations and no contribution to its future to blink at its limitations. . . . We believe that the time has come for a large dose of realism and candor in the United States policy toward the United Nations.
>
> We will not . . . take the *initial* or *major* responsibility for making up a deficit created by the policies of other countries.
>
> Prudence and political realism dictate that no one country should be assessed a disproportionate share of the expenses of an organization approaching universality in which each member, large or small, has but one vote. That is particularly true when experience has shown that the major contributing countries are unable to exercise effective control over the UN budget.
>
> We recognize the hope among some developing nations that their voting strength in UN organizations can be used to force an increase in the economic assistance which they receive from the developed countries. The aim is not unworthy. But the means can easily become self-defeating.
>
> Economic aid programs depend upon political support in the developed countries, whose taxpayers are the ultimate donors. This support cannot be compelled. Attempts to use the one nation-one vote principle to do so will, in the long run endanger this whole important area of UN activity.[5]

This new mood of official skepticism about the United Nations is clearly shared by the American public. Public opinion on a subject of this kind is difficult to measure scientifically, but any review of newspaper coverage of the UN over the last decade would certainly reflect a growing sense of disappointment. This is true of *The New York Times* as well as of the provincial press. What is perhaps equally significant, the public is not only more critical of the United Nations, it is manifestly less interested. With the exception of the last General Assembly, which received special publicity because of the entry of mainland China, there has been a steady decline over the last decade in newspaper coverage of the United Nations. Even *The New York Times* has cut its U.N. bureau from five correspondents in 1961 to three in 1972. Members of the bureau complain that it gets harder and harder to get printed in the newspaper.

Some idea of the trend in public attitudes towards the United Nations may be found in the following tables. Table 1 (page 9) shows a sharp decline in public confidence in the United Nations over the last seven years. In July 1964, on the eve of the Article 19 crisis, 81 percent of those questioned thought the United Nations was doing a good or fair job, 7 percent a poor job, with 12 percent offering no opinion. In November 1971, after the China vote, the comparable figures were 35 percent, 43 percent and 16 percent. Table 2 (page 10) reveals that college educated people tend to be more critical of the United Nations—not exactly a reassuring statistic for U.N. supporters. The same table also shows that Republicans are less favorable in their assessment of the U.N. than Democrats. This has probably been true since the creation of the U.N., and may have some influence on the style as well as substance of the present Administration's approach.

It would be wrong to conclude, however, that the American people are now opposed to

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Footnotes at end of article.

the U.N. in principle and would resist attempts to make it more effective. On the contrary, as Table 3 (page 10) indicates, the United States leads other developed countries in the extent to which public opinion supports the U.N. concept. In October 1970, in response to the question "Would you like to see the United Nations become a stronger organization?" 84 percent of Americans questioned said yes, 8 percent said no, and 8 percent had no opinion. This suggests that the American people are not against the multilateral approach as such but rather are critical of the actual performance of the U.N.—at least as this has been represented to them by their government and the mass media.

I. THE CASE FOR A NEW APPROACH

It may be well to begin by restating two truisms about the United Nations: (1) the organization is what its members want it to be; (2) no program to enhance the U.N.'s effectiveness can possibly succeed without strong U.S. leadership. The second proposition does not mean that the United States can or should undertake the sole responsibility for making the United Nations work. The cooperation of other countries is both necessary and desirable. But the political facts of life are that the U.S. input into the system has been essential to every successful U.N. action since the United Nations was founded. This is likely to continue to be true for the foreseeable future.

TABLE 1.—GALLUP POLL QUESTION: IN GENERAL, DO YOU THINK THE UNITED NATIONS IS DOING A GOOD JOB, OR A POOR JOB, IN TRYING TO SOLVE THE PROBLEMS IT HAS HAD TO FACE?

[In percent]

Date	Good or fair job	Poor job	No opinion—Do not know
December 1950	57	36	7
May 1951	54	36	10
September 1953	66	22	12
December 1953	55	30	15
July 1954	59	26	15
October 1955	80	10	10
November 1956	77	11	12
December 1959	87	7	6
October 1960	80	9	11
June 1961	79	11	10
January 1962	78	12	10
June 1962	78	15	7
November 1963	80	7	13
July 1964	81	7	12
October 1967	49	35	16
October 1970	44	40	16
November 1971	35	43	22

TABLE 2.—STATISTICAL BREAKDOWN OF 1971 GALLUP POLL RESULT BY CATEGORY OF RESPONDENT

[In percent]

	Good	Poor	No opinion
National	35	43	22
Republicans	31	48	21
Democrats	39	39	22
Independents	32	48	20
College	33	54	13
High school	37	41	22
Grade school	31	40	29
Under 30	41	40	19
30 to 49 years old	34	43	23
50 years old and over	32	46	22

TABLE 3.—GALLUP POLL QUESTION (OCTOBER 1970): WOULD YOU LIKE TO SEE THE UNITED NATIONS BECOME A STRONGER ORGANIZATION?

[In percent]

	Yes	No	No opinion
United States	84	8	8
Sweden	79	6	15
Greece	75	2	23
Great Britain	74	9	17
The Netherlands	66	10	24
Spain	46	5	49
Uruguay	45	31	24

Given these facts of life, two central questions need to be answered:

First, would a foreign policy which sought to make greater use of the United Nations for peacekeeping, development and human rights be desirable for the U.S.?

Second, would such a policy be feasible—in terms of its likelihood of achieving the desired results?

The first question requires some redefinition of what U.S. foreign policy is all about. State Department officials like to say that "the United Nations is an instrument of U.S. foreign policy." They do not always point out, however, that the United Nations is also the instrument of the foreign policy of 131 other countries. The real question is how the United States and the 131 other countries define their foreign policy interests. If the exclusive preoccupation is to gain some short-term political or economic advantage at the expense of someone else, it is probable that the United States and the other members will be frustrated and will conclude that the United Nations is an inadequate instrument for the promotion of their national interests. On the other hand, if we and other members have as a central foreign policy objective the building of a civilized system of world order, the United Nations could well become an effective instrument for that purpose.

Much of our discontent with the United Nations in recent years has resulted from our failure to get our way on every issue. There was a sharp reaction in Congress, for example, when the U.N. Special Fund decided to assist an agricultural experimental station in Cuba—even though this was the first of 288 Special Fund projects of which the United States Government disapproved. In domestic affairs, most people have come to recognize that in the common interest of preserving the community, one cannot have one's way on every issue. Yet, for the most part, we and other U.N. members have not yet applied that lesson on the international plane.

Indeed, there is a widespread tendency for U.N. members to pay lip service to the United Nations, while at the same time pursuing their short-term interests, often at its expense. Virtually all countries take an instrumental approach to the organization, citing Charter principles when they seem to yield a short-term advantage, ignoring them when they do not. This has always been true of the Soviet Union. What is distressing, however, is that it has become increasingly true of other members, including the United States. Our country occasionally asked itself how the United Nations could help it to do what it had decided to do in Vietnam; we never seriously asked ourselves how we might conform our Vietnam policies to our U.N. commitments.

The lack of a principled approach, of any serious attempt to articulate and live by consistent interpretations of the U.N. Charter and international law, is one of the most depressing aspects of present U.S. foreign policy. Our senior policy makers, like those in most other countries, ask only what the U.N. can do for them, not what they can do for the United Nations—or for the building of a civilized system of world order.

The present Administration has undertaken a number of bold initiatives to adjust our foreign policy to a world in which the United States no longer exercises preponderant power. The Nixon Doctrine emphasizes the proposition that the United States should do less by itself and more in cooperation with others. More recently, the Administration has emphasized, both in its rhetoric and in its practice, the concept of a new world balance based on five major power centers—the United States, the Soviet Union, China, Japan and an enlarged European Community.

The search for a new power balance is a legitimate and indeed a commendable objective. In a world of nation states, we can no more eliminate the necessity for balance of power than we can repeal the law of gravity. The question is whether balance of power alone is good enough.

By itself, balance of power politics has not brought peace in the past. It is not likely to do so in the future unless accompanied by institutional arrangements to accommodate the interests of the competing power centers. Moreover, the legitimate needs and aspirations of countries outside these five centers of power must be considered.

Furthermore, the balance of power concept by itself is manifestly inadequate in the face of the unprecedented situation in which mankind now finds itself. As an increasing number of thoughtful commentators have begun to observe, the future of civilization—perhaps even of human life itself—is now profoundly threatened by the expensive and dangerous arms race, the explosion of world population, the pollution of the common environment, the depletion of vital natural resources, and the growing frustration of people in the developing countries at their inability to achieve a decent life. The recent study by the Club of Rome warns us that we face massive breakdowns within the lives of our children and grandchildren if present trends continue and that such breakdowns can be averted only if preventive action is taken now. One does not have to agree with every detail of the Club of Rome study to accept the basic thesis that new forms of global cooperation and planetary planning are essential to assure the survival of the human race.

It follows that from now on a central preoccupation of U.S. foreign policy should be not just the development of a precarious power balance but the building of effective international machinery to manage mankind's common problems. Some of this machinery can be developed on a regional basis in North and South America and in the North Atlantic and Pacific communities of which we are a part. Perhaps some of it can be created in a "concert of free nations"—linking all the developed countries of the non-Communist world. But for those problems of peacekeeping, development and human rights that are global in extent—as well as for a cluster of new technology-related issues—there is no substitute for the United Nations.

A foreign policy approach emphasizing these elements would not only respond to the requirements of the international situation, it would respond to domestic political requirements as well. The broad postwar foreign policy consensus has been shattered by our experience in Vietnam. The best way—perhaps the only way—to rebuild domestic support for a creative internationalist (but not interventionist) United States role in the world is to put primary emphasis on multilateral diplomacy and on the building of international institutions for a just and secure world order. Such an effort would involve great difficulties, but also great potential benefits. The point was well summarized in the United Nations Association (UNA) report, *The United Nations in the 1970s:*

"The war in Viet-Nam has reminded us that essentially unilateral military action, even by the strongest of powers, can be inconclusive abroad and unpopular at home. In areas as diverse as peacekeeping, peaceful settlement of disputes, aid giving and controlling the impact of global technologies—experience is showing that such complex problems are often more effectively tackled through multilateral action than unilaterally, better legitimized by international consensus than by domestic decision-making, better symbolized by an international flag than by a single nation's banner. And this is so despite the rigidities, inefficiencies and hesitancies of international organizations in general and the United Nations in particular.

"The inescapable conclusion is that, increasingly, it is in the U.S. national interest to act through international organizations, achieving needed results by burying rivalries, trading some of our freedom of action for greater legitimacy, attracting partners by a willingness to share responsibility.

* * * * *

"We submit that one way to rebuild the indispensable domestic consensus on foreign affairs is to pursue a larger proportion of our national interest through the shared responsibility possible by working through multilateral institutions." [6]

One of the most important but least appreciated functions of the United Nations is in influencing the political process within member states toward more cooperative and outward-looking policies. In a certain sense, the United Nations constitutes an alliance of doves," in which the outward-looking members of national governments can reinforce one another in their struggles with more inward-looking members of their national administrations. A General Assembly speech by a head of state or prime minister can be a golden opportunity for the launching of a peace initiative or a bold program of cooperation that might be otherwise impossible. A compromise worked out in the Security Council, the General Assembly or a United Nations economic forum can enable political leaders to climb down from extreme positions while saving face. To give just a few examples within the personal knowledge of the author, the dramatic change in U.S. population policy in 1962, President Kennedy's 1963 offer of a joint moon program with the Soviet Union and the U.S.-Soviet agreement in 1963 banning nuclear weapons in orbit were all facilitated by—indeed, they would probably have been impossible without—the process of diplomacy in the United Nations. For an American president wishing to gain domestic support for substantial cuts in the military budget and a greater investment in economic and social programs at home and abroad, the United Nations represents a resource of enormous potential. It can help us to reorder our national priorities, to turn our country around.

One of the serious dangers for the United States in its reaction from the Vietnam tragedy is that we may disengage from international enterprises that are mutually beneficial and even essential to our enlightened self-interest. Here again, the United Nations offers an opportunity to American leadership. U.N. programs are yielding new perceptions of the linkages between conditions abroad and conditions at home. To give just a few obvious examples: U.N. assistance to Asian farmers to grow wheat or rice instead of opium can reduce drug addiction and crime in New York. U.N. efforts to limit the use of toxic pesticides in other countries can safeguard our interests in the conservation of wildlife, fish and the health of marine environment. U.N. efforts to control diseases and establish minimum health standards can save the lives of untold numbers of Americans. And, most fundamentally of all, men in blue helmets under a U.N. flag in a world trouble spot can remove the occasion for American soldiers to fight or die there.

But even beyond these fairly obvious linkages between "foreign" and "domestic" problems, a U.N.-oriented foreign policy could give us a new sense of national purpose—an opportunity for recommitment to some fundamental principles of justice and human dignity which, at an earlier and happier stage in our existence, we perceived as essential elements of our behaviour as a free people.

Increasing numbers of Americans, particularly young Americans, are raising questions about the justice of our domestic economic and political order. At present these Americans are mainly looking inward. But a U.N.-oriented policy could help us put these concerns in a global context. As Mr. Reynold Levy, Harriman scholar at this Assembly, has ably put it:

"The necessity and desirability of American participation in completing the tasks of world order is clarified as one links in one's mind international problems with their domestic analogues:

"The need to disarm at home (e.g., gun control legislation) *and* abroad (e.g., arms control negotiation and limitation);

"The need to redistribute wealth at home (e.g., tax reform, family assistance plan, guaranteed annual income) *and* abroad (e.g., foreign aid, trade concessions to LDC's);

"The need to foster respect for equal enforcement of law at home (e.g., wire tap policy, maintenance of dignity of the Supreme Court, preventive detention, welfare work requirements) *and* abroad (e.g., U.S. action with respect to trade with Rhodesia, accrued dues to ILO, meeting commitments to multilateral institutions);

"The need to limit population growth and reduce technologically produced ecocides at home (tax incentives for small families, wide distribution of birth control information, measuring and taxing social costs of pollutants) *and* abroad (beginning a search for viable international solutions);

"The need to be sensitive to the civil liberties and social opportunities of all citizens at home (rights of political, religious, racial, chronological and sex-oriented minorities, intimidation of news media, conspiracy prosecutions, mass arrests, anti-busing rhetoric) *and* abroad (speak clearly in opposition to oppression wherever it is found—e.g., Greece, Spain, Nigeria, India/Pakistan, Portugal); and

"The need to resolve differences peacefully at home (e.g., avoidance of extreme forms of labor union/management strife via compulsory arbitration, earlier conciliation; wage/price guideposts meaningfully monitored under post-freeze conditions, easing of nationwide voter registration requirements, generally built in a responsiveness to valid grievances processed within the system) *and* abroad (e.g., develop U.N. peacekeeping competence, lend support to Secretary-General's conciliation and good offices capacities, encourage the institutionalization of preventive diplomacy efforts)." [7]

There is, finally, a very practical reason why it serves U.S. interests to broaden our support for the U.N. beyond such currently fashionable issues as population, environment and narcotics to the fundamental functions of peacekeeping, development and the protection of human rights. This is that an attempt to promote an effective U.N. in such limited sectors is unlikely to succeed without action on a broader front. Even if we were to decide that our priorities in the U.N. were limited to these new technological issues, we would have to recognize that the rest of the membership has other priorities. The other members will not cooperate for long in a major U.N. buildup in environment and population, for example, even if this is lavishly supported with U.S. contributions, if we seem to be downgrading the primary functions laid down in the U.N. Charter. Moreover, Congress and the American people are likely to judge the U.N.'s effectiveness in terms of its ability to discharge its major functions—particularly its peacekeeping role. In other words, there may be domestic as well as international political limits to our capacity to develop a healthy U.N. in technology-related areas if the U.N.'s more basic functions continue to atrophy.

The linkage is particularly close between progress in the U.N.'s development functions and progress in the new areas where the U.S. is pressing for U.N. action. An effective multilateral attack on the problems of environment and population growth is not likely to be mounted in the absence of an effective multilateral attack on poverty. Without an increase in the quantity and quality of global aid efforts, the financial and political basis for population control and environmental protection in the less developed countries will simply not exist. Not only does action on population and environment cost money that the developing countries do not have, but political resistance to population and environment efforts is likely to grow in these countries if international development assistance is static or declining. Already at the U.N., some countries are charging that the new emphasis by the United States on environment and population is a gigantic "cop out" to justify our declining foreign aid effort.

II. THE HARD QUESTIONS OF FEASIBILITY

"The United Nations," Professor Lincoln Bloomfield has remarked, "is the first institution in history which has become indispensable before it has become possible." Picking up this useful phrase, the United States Association has chosen as a motto of its development campaign the slogan "to make the indispensable possible." Unfortunately, however, most of the excellent panel reports of the UNA and even the report of the Lodge Commission share a defect characteristic of many academic studies and much world federalist literature—they are much more persuasive about the desirability of strengthening the U.N. in the performance of its basic Charter functions than about the feasibility of their proposals for achieving this objective.

It is precisely here that effective dialogue between the government "insiders" and the public "outsiders" breaks down. The U.S. Government officials responsible for shaping our U.N. policy, even where they concern the desirability of strengthening the U.N. in its peacekeeping, development or human rights functions, usually argue that the proposals offered by private groups are not capable of achievement because the necessary international or domestic political support is not available. The outsiders tend to camplain that the insiders have not tried hard enough or are unduly pessimistic about the future prospects. The insiders say the outsiders simply don't know the facts of political life

These arguments remind one of the TV commercial in which the waiter plies the customer with the repeated incantation, "*Try it. you'll like it,*" and the unwilling victim, after consuming the dish, exclaims, "*Like it, I thought I was gonna die!*" Only in the case of our U.N. policy, the object of the plea to "try it" isn't having any, perhaps because there is no Alka Seltzer which will solve his problem if the proposal proves indigestible.

What is most needed in this area is a serious and sustained dialogue between insiders and outsiders, moving away from generalities onto specifics, and focusing on the hard questions of feasibility.

One way to begin a discussion of feasibility is to look at the problem of Charter review. The last General Assembly invited members to submit their views on this subject. The U.S. position has remained the same on Charter review for the last two decades. Our position is that no constructive purpose would be served by a Charter review conference, given the wide divergence of views between U.N. members on fundamental issues. At the same time, we are prepared to support amendments of particular Charter provisions when these seem appropriate and when an adequate consensus develops in support of them—the recent General Assembly decision to amend the Charter by increasing the size of the Economic and Social Council from 27 to 54 is a case in point. Moreover, we argue that many of the desired improvements in U.N. peacemaking, development and human rights activities can be achieved without Charter amendment by appropriate reforms in the operation of U.N. organs or in the Secretariat.

Footnotes at end of article.

If this view of the matter is correct, and the author of this essay believes that it is, the discussion should focus not on the abstract question of Charter review, but rather on what specific measures would be feasible to strengthen the U.N.'s capacity in peacekeeping, development and human rights. The possibility of Charter amendments in these areas should be seriously considered only where the necessary reforms cannot be achieved in any other way and only where there is some prospect of achieving the agreement of those members whose support for an amendment is constitutionally required—all of the five permanent members and two-thirds of the membership as a whole.

Limitations of space preclude a comprehensive discussion of the feasibility of all the major proposals that have been made for strengthening the U.N.'s effectiveness in the performance of its basic Charter functions. The paragraphs that follow are designed simply to suggest the kinds of questions that need to be raised about some of these proposals:

Peacekeeping

The Lodge Commission and the UNA panel report favor ambitious U.S. initiatives to strengthen the U.N.'s capacity for peacekeeping and peaceful settlement. These include the institution of a 25,000-man standby peace force, the creation of a peace fund, the establishment of a small U.N. Guard for humanitarian and relief activities, a U.N. corps of military observers, and a U.N. fact-finding center. The problem with all of these recommendations is that they have all been strongly opposed by the Soviet Union—and they are now almost certainly going to be opposed by the People's Republic of China as well. The hard question is whether any purpose would be served by a major diplomatic effort to induce the Soviet Union and the People's Republic to alter their views and whether, in the event of failure, it would be advisable to seek the implementation of such measures over their opposition in the General Assembly or Secretariat. With respect to certain other proposals—such as the repeal of the Connally Amendment and the "coalitions for peaceful settlement" under which the United States would agree to accept General Assembly decisions as legally binding on specific questions which it would define in advance—there is the further question of whether such initiatives would have the necessary support from the United States Congress.

Development

The Lodge Commission and the UNA panel report favor substantial increases in the United States contributions to multilateral development programs, as well as major reforms in the multilateral assistance process. Here again, the question of feasibility needs to be carefully examined. Proposals for big increases in U.S. contributions to the United Nations Development Program (the Lodge Commission proposes a U.S. annual contribution of at least $200 million by 1975) and for the transfer of several billions annually in U.S. development assistance through multilateral financial agencies have to be looked at in the light of certain harsh domestic realities—the growing public and Congressional disenchantment with foreign aid, the refusal of the Congress to raise U.S. contributions to UNDP beyond the $86.3 million of the last several years, and the failure of Congress to appropriate the comparatively modest sums already agreed upon as U.S. contributions to the International Development Association, the Inter-American Development Bank and the Asian Development Bank.

Quite apart from the opposition to foreign aid generally, there is the further question of whether the U.S. Congress and the American people are prepared to accept the reduction in U.S. control of assistance funds that is inherent in any international effort. It is not only in the UNDP that the political and economic priorities of international management may diverge from those of the United States government. Even in the World Bank, once thought to be securely under U.S. control, a recent loan to India was adopted over the negative vote of the U.S. Executive Director. The central question is whether it will be possible to persuade the Congress and the public that this loss of control is more than compensated for by the advantages of multilateral administration in terms of political insulation, burden-sharing, and greater cooperation from recipient governments.

The feasibility test needs also to be applied to proposals for reforms in the multilateral assistance process—notably the proposal for an International Development Council to develop global priorities, propose funding levels and coordinate all multilater and bilateral efforts. The evidence thus far suggests that the international agencies as well as the national governments will resist this proposal. Indeed, it is likely to be extremely difficult to go much beyond the modest degree of coordination that has already been achieved.

Human rights

The feasibility issue is no less serious in the human rights field. For five consecutive years the General Assembly has debated the proposal to establish a High Commissioner for Human Rights. Each year it has postponed a decision in the face of strong opposition from the Soviet Union, India and the Arab States. It is doubtful if the entry of the People's Republic of China will increase support for this proposal.

Modest gains have been achieved in the Subcommission on Discrimination and the Protection of Minorities of the Human Rights Commission, which now has established its authority to examine complaints which indicate "gross violations" of human rights in member countries. But the fact has to be faced that the majority of U.N. members have a very different set of priorities in this area than the United States. While a Convention on Racial Discrimination was completed years ago, the drafting of a Convention on Religious Intolerance continues to languish. The necessary majority for action in support of human rights standards seems to exist only where racial discrimination or some form of "colonialism" is seen to exist. All efforts to get the Human Rights Commission to deal with human rights violations in the Soviet Union and other Communist countries have been unavailing. As a measure of how far the priorities of the U.S. can differ from those of the U.N. majority in the human rights field, it should be noted that only last month the United States was obliged to vote against a resolution of the Human Rights Commission declaring that Israel's treatment of the Arab population in Israeli-occupied territories violated the standards of the Nuremberg Charter.

III. PROBLEMS OF MONEY AND POWER

The crisis in U.S. relations to the U.N. finds its most acute expression in a number of financial issues that have assumed special urgency in 1972. These issues can be conveniently summarized under the following main heads:

United States defaults

There are two respects in which the United States is withholding funds from the United Nations system in violation of its legal obligations. The first, which has already been referred to, is our failure to pay our assessed dues to the International Labor Organization. The Administration is currently seeking a supplemental appropriation of $11 million to permit payments of the amounts owed to the ILO for 1970 and 1971. It is also seeking appropriations for our share of the 1972 ILO budget. It has indicated that it have no choice but to give notice of withdrawal from the ILO unless Congress appropriates the necessary funds. What is not clear is what the Administration will do if Congressman Rooney carries out his plan to appropriate just a minimum amount sufficient to prevent our loss of vote in the ILO—i.e., an amount sufficient to pay only our 1971 dues plus one dollar.

The second instance, which is less well known, has resulted from the Congressional proviso attached to the 1970 and 1971 appropriation acts that not less than $2.5 million of U.S. assessment due the United Nations system should be paid in the form of U.S.-owned foreign currencies. Under the U.N. financial regulations, assessments are supposed to be paid in dollars and other convertible currencies. Nevertheless, U.N. agencies have found it possible to make use of some U.S.-owned inconvertible foreign currencies to meet their requirements, but not in an amount equal to the Congressionally-specified minimum. The United States is accordingly in arrears by $1.7 million on its assessments to various Specialized Agencies for the calendar years 1969 and 1970. If we take our international obligations seriously, the Congress ought to appropriate the necessary funds to liquidate these U.S. debts at this session, but the outlook as of this writing is uncertain.

The failure to pay on time

An important factor in the U.N.'s financial crisis is the failure of members to pay their assessments on time. Unfortunately, the United States is a major offender in this respect. The U.N.'s fiscal year corresponds to the calendar year, and the financial regulations provide that all assessed contributions are due and payable by the end of February. The United States fiscal year begins in July, and the Congressional appropriations for our share of the U.N. budget are usually not available until July of the year in which the assessments are due, or even later. In recent years, even though funds have been appropriated by July, the Executive Branch has paid only one-half of our contributions at that time, holding further payments until October and December.

The new Secretary-General has appealed to all members to pay their assessments promptly at the beginning of each calendar year and has discussed this problem personally with President Nixon. It would seem desirable, at the very least, for the United States to pay the full amount of its assessed contribution each year as soon as the funds become available from Congress. But beyond that, if we are to bring ourselves into full compliance with the financial regulations and respond fully to the Secretary-General's appeal, we will need to change our system of Congressional appropriations so that funds can be appropriated by the Congress in the fiscal year prior to the calendar year in which the assessments are due. This would mean, for example, that the Administration on the basis of estimates, would include in the 1974 Fiscal Year budget presented to Congress in the spring of 1973 the U.S. contributions due the U.N. for calendar 1974. It would require, for that one year only, a double appropriation of the approximately $70 million in U.S. annual assessments. The Canadian Parliament recently made such a double appropriation. To discharge to the full our obligations under the U.N. financial regulations, Congress would have to do the same. The Executive Branch has so far been reluctant to make such a proposal, in the light of its existing difficulties with Congress over U.N. appropriations.

The United Nations deficit

The most serious element in the U.N.'s financial situation is the large and growing deficit resulting from the refusal of certain members to pay their assessed obligations. The largest part of the deficit, as everyone knows, stems from the failure of the Soviet Union and France to pay their assessments for the Congo operation (the Soviet Union has also refused to pay its assessments for the peacekeeping operation in the Middle East). Moreover, these countries, together with the People's Republic of China, are withholding that portion of their current budget assessments which is required to pay for certain contested items in the regular budget, such as payment of interest and principal on the U.N. bond. The Soviet Union also insists on paying its share of the $9 million of technical assistance in the regular budget in inconvertible currency and withholds its share of certain small items such as the Korean Cemetery and the U.N. Commission for the Unification and Rehabilitation of Korea (UNCURK).

The total deficit resulting from these defaults has reached approximately $66 million, after taking into account funds voluntarily contributed toward the deficit from a number of members, including France (which recently contributed $3.5 million). Of the $66 million, some $37 million consists of debts owed by the United Nations (mostly to member governments) for direct support to the Congo and Middle East operations; $17 million takes the form of "surplus accounts" which are monies owing to member states as a result of an excess of peacekeeping assessments over actual costs; the remaining $12 million of the deficit is a shortfall in cash. In addition there should probably be added to the deficit the $16 million owed by the Republic of China at the time of its departure from the United Nations, which the People's Republic is unlikely to pay. If member governments were prepared to waive the debts owing them from past peacekeeping operations and the monies due them from the surplus accounts, about $30 million in cash would be necessary to liquidate the deficit.[8]

No financial settlement, however, would be satisfactory to the United States or other members if it did not deal at the same time with the contested items in the regular budget. The most important of these are the technical assistance item and the payments of interest and principal on the U.N. bonds. The United States and the Soviet Union, together with other developed countries, have a common interest in removing technical assistance from the regular budget and funding this program on a voluntary basis within the UNDP. The developing countries would be reluctant to accept this, but they might be prepared to do so as part of an overall solution to the financial crisis.

As for the U.N. bonds, some $119 million are outstanding. If the bondholders were prepared to offset against the face value of the bonds the $79 million in assessments they will have to pay in the future to cover interest and principal payments, the bonds could be retired at a net cost of $40 million. If they were prepared to go further and accept a 40 percent reduction by way of a "cash surrender discount" to reflect the fair market value of the bonds (which pay a minimal 2 percent interest), the entire bond issue could be retired for $24 million. This $24 million added to the $30 million figure given earlier as the amount needed to eliminate the deficit, would bring the total amount of cash needed to $54 million. Of course, if the United Nations wished also to restore its depleted working capital fund of $40 million and thus put itself in a secure financial position for the future, the total needed would be $94 million.

The United States has indicated that a satisfactory package settlement would require between $40 to $50 million in voluntary cash contributions from the Soviet Union and France. France, as already indicated, has contributed only $3.5 million and the Soviet Union has declared that $5 million is the most they would be prepared to contribute. We take the position that we will take no initiative toward a financial settlement since the responsibility for the deficit lies elsewhere, but we have said we would be prepared to consider an appropriate contribution if the Soviet Union and France agree to cash contributions of $40 to $50 million. Although it has not been explicitly stated, it is assumed that the U.S. contribution in this event would be the waiver of the approximately $15 million in U.N. debts and surplus accounts owing the United States.

It is certainly true that the responsibility for the deficit rests mainly upon the Soviet Union and France. Nevertheless, if one accepts the argument made earlier that a greatly strengthened U.N. would serve U.S. national interests, the question arises whether the United States should not take a more forthcoming attitude in the present financial negotiations. We could do this by (1) making affirmative proposals for a settlement of the deficit rather than simply awaiting the proposals of others and (2) offering at least a small cash contribution in addition to a waiver of the $15 million which is owing us. Such a cash contribution, of course, would require Congressional appropriations. Given the unhappy history of the Article 19 crisis and present Congressional attitudes toward United Nations financing, the prospect for such an appropiration would be dim in the absence of an all-out effort from the Executive Branch. At the present time, no such effort is contemplated.

Fair shares of money and influence

The United States currently pays 31.52 percent of the regular budget of the United Nations. Our share of the regular budgets of other U.N. agencies averages something less than this. We contribute approximately 36 percent of the voluntary funds in the UNDP, and a slightly higher percentage of all U.N. voluntary budgets considered together.

The Lodge Commission recommended that the U.S. share of the U.N.'s regular budget should be reduced to 25 percent "over a period of years."[9] The Executive Branch has now promised Congress, as noted earlier, to seek a reduction to 25 percent "as quickly as possible." In making this commitment, it significantly omitted the important proviso in the Lodge Commission recommendation that "each reduction in the U.S. share of the regular budget must be clearly marked by at least a corresponding increase in U.S. contributions to one or more of the voluntary budgets or funds in the U.N. system."[10] Moreover, the Administration's timetable is not the gradual one envisaged in the Lodge Commission report. It apparently plans to seek acceptance in principle of a 25 percent ceiling at the next General Assembly and to have the Contributions Committee agree at its meeting in the spring of 1973 to put this limitation into effect for the triennium 1974–76.

The wisdom of this decision by the Executive Branch is subject to question on a number of grounds. Taking account of devaluation, the United States represents approximately one-third of the national income of the U.N. membership. When our percentage is adjusted under the U.N.'s "capacity to pay" formula to take account of the low *per capita* income of certain countries, our adjusted post-devaluation assessment rate comes to about 35 percent. Thus our present assessment of 31.5 percent cannot be regarded as excessive from the point of view of capacity to pay.

Moreover, the practical possibilities of achieving the promised reduction are highly doubtful, to say the least. In making this commitment, the Administration has placed great emphasis on the reductions in the U.S. assessments that may be expected as a result of the admission of new members. There is a reasonable prospect that the two Germanies will enter the United Nations in 1973 and that Switzerland may become a member sometime thereafter. The assessment rates will be 6.8 percent for the Federal Republic, about 1.7 percent for the German Democratic Republic, and about 1 per cent for Switzerland, for a total of about 9.5 percent. If one makes the optimistic assumption that the two Koreas and the two Vietnams will also be admitted and takes account further of the possible entry of a number of mini-states paying the minimum .04 percent rate, the total assessment represented by new members could reach something like 10 percent by the 1974–76 triennium. The United States 31.5 percent share of this 10 percent is about 3.1 percent—sufficient to reduce our present rate to about 28.4 percent. Thus the Executive Branch could not make good on its 25 percent commitment unless virtually all the U.N. members other than the Communist and less developed countries were prepared to forego their proportionate shares of the benefit resulting from the admission of new members. There is little prospect that these U.N. members will be willing to make such a sacrifice to accommodate the United States.

If a reduction to 25 percent is neither dictated by the principle of capacity to pay nor in line with current negotiating possibilities in the United Nations, why has such a decision been made? The explanation of the Executive Branch, which was contained in the President's foreign policy message to Congress and which has been repeated by spokesmen for the Administration before U.N. bodies and Congressional committees is as follows:

"Prudence and political realism dictate that no one country should be assessed a disproportionate share of the expenses of an organization approaching universality in which each member, large or small, has but one vote. That is particularly true when experience has shown that the major contributing countries are unable to exercise effective control over the UN budget."[11]

In other words, the United States is determined to reduce its share to 25 percent in order to reduce the gap between its share of the budget and its share of decision-making power. But if the United States regular budget assessment is going to be reduced as a result of the admission of new members to 28 percent in the normal course of events anyway, it is hard to see why the extra three percentage points are dictated by "prudence and political realism," particularly when the effort to get them is bound to precipitate a major confrontation and complicate the U.N.'s financial crisis. In either case—28 percent or 25 percent—the gap between our budgetary share and our influence in decision-making would remain very large.

The essential purpose of the 25 percent commitment would seem to be to appease Congressional criticism of the United Nations and to serve notice on the world organization that the United States wants greater influence in the budget and policy-making process. In both respects, however, this strategy is likely to backfire. Congressman Rooney, taking the Administration at its word, is already suggesting a unilateral 25 percent limitation on U.S. assessments, which could deepen the U.N.'s constitutional and fiscal crisis and put the U.S. in violation of its Charter obligations. Moreover, the United States will hardly be in a better position to persuade other U.N. members to give it greater influence in U.N. decision-making at the very time it is reducing its financial support.

The reform of United Nations decision-making procedures is a matter of enormous complexity. It is irrational that countries representing less than 5 percent of the budget and 10 percent of the population of the total membership can take decisions in the General

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Footnotes at end of article.

Assembly by a two-thirds majority, including binding decisions on budgetary matters. But anyone reasonably conversant with the political situation in the United Nations knows that no system of weighted voting can possibly be negotiated which would be satisfactory to the United States and the other U.N. members whose agreement is constitutionally necessary for such a change. The only improvements in decision-making that have any possibility of acceptance would be those that respect the one-nation one-vote principle laid down in the Charter but which would (1) provide for more regular representation by the middle powers in the Security Council, and (2) provide that General Assembly resolutions on certain subjects could only be adopted when those same resolutions had been approved by small committees in which the large and middle powers have a greater proportion of the seats than they do in the Assembly as a whole. This second possibility might mean, for example, that the Assembly could take decisions on budgetary matters only when those same decisions had been taken first by the Advisory Committee on Administrative and Budgetary Questions (ACABQ)—or that its decisions on peacekeeping operations would have to be based on prior decisions by a Peacekeeping Finance Committee. Such proposals would amount in effect to a bicameral arrangement between the Assembly and select committees with "weighted representation." Resolutions would have to be approved both by the relevant committee and by the Assembly as a whole.

Reforms of this kind could be carried out without Charter amendment provided that a two-thirds majority could be secured in the General Assembly. In the case of reform of the Security Council, a resolution passed by a two-thirds majority could lay down a new "gentlemen's agreement" on the election of non-permanent members of the Council specifying that a certain number of places (e.g., 5 of the 10) should be reserved for a specially defined group of middle powers. A two-thirds majority would also be sufficient to adopt new rules or procedure providing for bicameralism between the General Assembly and committees of weighted representation. For these reforms, however, the majority of African, Asian and Latin American countries would have to agree. There is absolutely no chance of securing their agreement if the United States is cutting back on its financial support for the United Nations and opposing U.N. efforts in development and other areas of interest to these countries. The only conceivable way in which the developing countries could be induced to accept such reforms would be if the United States were prepared to work for a United Nations that was more effective on matters of interest to them. Such a possibility, however, would require a fundamental change in present U.S. policy.

It is impossible to quarrel, of course, with the notion that the United Nations should eliminate waste, cut down on superfluous personnel, meetings and documentation, and otherwise put its financial house in order. It is difficult to deny, moreover, that the United Nations urgently needs to modernize its financial and management practices and develop a more effective means of establishing budgetary priorities. But what this argues for is a selective approach in which the United States seeks to cut fat and strengthen vital programs, not a meat-axe approach in which we seek reductions across the board. In the light of the predicament in which mankind finds itself, it is surprising to find a Secretary of State complaining that the United Nations "has spent too much money."[12] And there is something sad in the fact that an Assistant Secretary of State finds it necessary to say to a Congressional Committee that "friendly governments whose values and principles we generally share have customarily taken a much more relaxed view than ours about the financial burden of contributing to [international] organizations . . . only the Soviet Union and its closest allies are consistently found on the same side with the United States in our persistent efforts to hold down costs in the United Nations."[13]

IV. THE MANAGEMENT OF OUR U.N. POLICY

The present arrangements for U.S. participation in the U.N. system are deficient in a number of important respects. Some of these deficiencies can and should be corrected quite apart from any major reorientation in U.S. foreign policy. But some of the major recommendations suggested below would make sense only in the context of a U.N.-oriented foreign policy.

Washington policy-making arrangements

The central focus of policy-making for U.S. participation in the U.N. system rests in the State Department's Bureau of International Organization Affairs (IO), headed by an Assistant Secretary of State. The present occupant of this post has earned widespread respect as an able and dedicated career foreign service officer. He would be among the first to note, however, that he lacks the political "clout" to assert the multilateral interest at the highest level of decision-making. Moreover, despite his title, his mandate does not cover international organizations like OECD and OAS; it is confined to the U.N. system, and in practice is limited to less and less of that. Indeed, the past decade has seen a progressive erosion in the policy-making weight of IO in relation to the other bureaus of the State Department and the other parts of the Executive Branch. This trend has been aggravated by the failure of the present Administration to recruit any high-level talent from outside the government dedicated to the multilateral approach and by the reorganization of IO into agency directorates staffed by personnel seconded from other interested federal agencies. On the vast majority of items at issue in the U.N. system—whether it be disarmament, the Middle East, development assistance, environment or population—IO has become primarily a procedural channel to communicate policies which are established elsewhere. This is in sharp contrast to the situation that existed at certain periods in the 40's, 50's and 60's, when the Bureau was able to shape U.S. policy with special regard to our interests in international institution-building.

If the U.S. were to adopt a foreign policy giving high priority to the U.N. and other international agencies, it would make sense to create a new post of Under Secretary of State for Multilateral Affairs, with responsibility for U.S. policy in all multilateral organizations, regional as well as global, economic as well as political. This official would be the third-ranking officer in the Department of State and would assume responsibility for the overall direction of the Bureau of International Organization Affairs, the Bureau of Economic Affairs, the multilateral sections of the various regional bureaus, the Office of the Legal Adviser, and State Department functions relating to the environment, population, the law of the sea, fisheries and wildlife, and economic aid. If the occupant of this post were a person of national standing with direct access to the White House, and if his mandate were properly defined, he could do much to assert the "world order" perspective at the highest levels of government, not only within the Department of State but also in relations with other executive departments such as Labor, Agriculture, Treasury and HEW.

Even this reform will yield but limited results, however, unless the Department of State is restored to a more central position in foreign policymaking. If one takes the view that this and subsequent Presidents will insist that vital foreign policy decisions be made at the White House, then a foreign policy placing greater weight on multilateral diplomacy will require reforms there as well. A bold reform with substantive as well as symbolic significance would be the creation of an International Policy Council in place of the existing National Security Council, with a membership drawn from a wider circle of interests within the government than the NSC, and a staff more oriented toward multilateral considerations. If a formal change in title and structure are not deemed appropriate, it would still be desirable to have an expert in multilateral diplomacy as a senior member of the NSC staff devoting his full time to this subject.

U.S. Missions to international agencies

A U.S. foreign policy oriented toward multilateral diplomacy would require a major upgrading and revitalization of our missions to international agencies. The place to begin, of course, would be with the U.S. Mission to the U.N. A decade ago, the five Ambassadorial posts at USUN were occupied by Adlai Stevenson, Francis Plimpton, Charles Yost, Philip Klutznick and Jonathan Bingham. Stevenson, of course, was a man of world stature, but it is also significant that all four of his top associates brought exceptional professional qualifications to their assignments. It is no reflection on those who have occupied these posts in subsequent years to state the simple fact that a similar concentration of talent has not been assembled since.

But the problem with USUN goes much deeper. Over the last decade it has lost some of its best and most experienced officers at the staff level; by and large, it has not found equally qualified replacements. Service with USUN is not considered an asset to the career of a foreign service officer, and the lack of housing allowances in New York, coupled with the high cost of living, imposes a heavy financial burden. To make matters worse, USUN, as Table 4 indicates, has had to reduce its staff in response to budgetary economies at a time when the number and complexity of the items on the UN agenda has steadily grown. To give just one example of what this means, USUN has just four staff members assisting the Ambassador to the Economic and Social Council on the whole range of matters relating to trade, development, environment, population, law of the sea, and science and technology, including oversight of our interests in the UNDP and other voluntary funds to which the U.S. makes major contributions. These officers spend a considerable portion of their time trying to satisfy the General Accounting Office that U.S. contributions to the U.N. are well spent. The decline in the number of personnel at USUN and the lack of expertise in specialized areas of subject matter has meant a declining role for USUN in the policy-making process. In matters as diverse as disarmament, outer space, environment, and the law of the sea, USUN has been reduced to a transmission belt for decisions made in Washington.

TABLE 4.—USUN FUNDING

Fiscal year	Obligations	Authorized positions
1951	1,256,627	195
1952[1]	991,798	180
1953	951,250	155
1954	797,085	115
1955	809,454	110
1956	811,056	108
1957	852,879	108
1958	925,401	108
1959	1,029,547	108
1960	1,148,898	108
1961	1,073,569	106
1962	1,200,348	117
1963	1,312,597	126
1964	1,347,231	126
1965	1,492,230	126
1966	1,610,478	126
1967	1,657,100	128
1968	1,635,800	128

Footnotes at end of article.

Fiscal year	Obligations	Authorized positions
1969	1,635,763	121
1970	1,892,000	111
1971	1,961,996	111
1972	2,039,600	105
1973	2,093,000	105

[1] GSA assumed cost of USUN rent, utilities, guard service.

What has been said of USUN has even greater application to the U.S. Mission to the European headquarters of United Nations in Geneva. For years this Mission has been treated as a second-rate foreign service assignment, or, even worse, as a resting ground for the politically deserving. Yet more and more parts of the U.N. Secretariat are being located in Geneva and the conference schedule there is already more crowded than the one in New York.

Even if a major reorientation of U.S. policy toward multilateralism were not envisioned, it would still be in the national interest to strengthen our missions in New York and Geneva, in recognition of the simple fact that we will continue to participate in the U.N. system and that we have important interests at stake there. Special attention should be given to recruiting persons with the specialized professional skills necessary to cope with new subjects like the law of the sea, the environment, population, and science and technology. For certain positions, highly qualified talent should be brought from the universities, the scientific community, the professions and the business world for assignments of three to five years. On the budgetary side, it is time to stop our penny-wise pound-foolishness. Our interests in a more effective U.N. would be more than repaid by a modest increase in staff positions in the New York and Geneva Missions, and by housing allowances for USUN personnel without which service in New York will continue to be unattractive.

The selection of the U.S. delegation to the General Assembly offers another example of how lightly the U.S. now takes its participation in the U.N. system and of how relatively easy it would be to improve matters. While some of these appointments have been given to qualified individuals, they have too often been offered as a political reward to persons who could bring little or nothing to their service with the delegation. A typical case occurred a few years ago, when a businessman from the Midwest found himself assigned to the Sixth Committee. When asked by his assistant from the Mission whether he had any previous acquaintance with international law, the delegate answered, "I'm afraid not, I run a holding company." "That's all right," the Mission aide replied helpfully, "This is a holding operation."

If we want to take the U.N. seriously, the President should appoint the public members of the delegation on a merit basis, perhaps in consultation with the U.N. Association and appropriate academic and scientific groups. Moreover, the delegation should be chosen three to six months ahead of each Assembly. If this were done the members could be given their assignments and could prepare themselves in consultation with staff members in USUN and the Department of State. At the present time appointments to the delegation are made a few days before the opening of the General Assembly (on several occasions they have actually been made after the Assembly began), so that any serious preparation by the delegates has been impossible.

Recruitment of Americans for the international secretariat

The appointment of Rudolph Peterson and Bradford Morse to fill the two most important Secretariat positions occupied by Americans is encouraging evidence that the United States Government does give high-level attention to recruitment when it comes to these top posts. Unfortunately, the recruitment effort at lower levels is much less satisfactory. In the years ahead we will be faced with the problem of finding qualified persons to replace a whole generation of Americans who joined the U.N. in its early years and who are now approaching retirement. Yet the recruitment of Americans below the level of Under Secretary General has never received adequate attention from senior officers in the U.S. Mission and the Department of State.

In view of the national interest in a more effective U.N., a much more systematic effort is needed to identify key positions in the Secretariat where vacancies will occur and the qualified persons from the academic, scientific, professional and business worlds who can step into these assignments. Preparations for filling vacancies should be made months and even years in advance unless the United States is to become increasingly dependent on assigning foreign service officers to fill such posts. To assure that U.N. employment is sufficiently attractive for Americans (as well as for nationals of other high-income countries), we should take a more positive view about raising U.N. salaries in the higher grades. We should also explore the possibility of providing income supplements to match the difference between what an American earns in the U.N. and what he would earn in his regular employment. Finally, there is a need to attract more qualified young people into U.N. service. The creation of a U.N. Fellowship Program to which a small number of outstanding young people would be recruited by worldwide competitive examination would be an important step forward.

These observations apply not only to recruitment for the central U.N. Secretariat but also for the Secretariats of the whole U.N. system and of other international agencies. We should also encourage other countries to make better candidates available. It is bad enough that countries should dump their problems on international agencies; what is unforgivable is that they should dump their people there.

The role of Congress

Except for the activities of "Members of Congress For Peace Through Law," a group which still lacks broad membership and sufficient staff, there is little effort in Congress to stimulate more effective action through the United Nations system. On the contrary, the major Congressional impact on U.S. policy in the U.N. today is almost totally negative. Each year, in fifteen or twenty Congressional hearings, witnesses from the Executive Branch fight a series of desperate defensive actions to avoid cuts in U.N. appropriations or fend off legislation which would violate our multilateral commitments. Instead of carefully analyzing U.N. weaknesses and how they might be remedied, Congressional hearings usually focus on one or two current issues or become forums for across-the-board denunciations of the United Nations.

One reason for this situation is that U.S. assessed contributions to international agencies are part of the State Department budget and are subject to review in the State Department Subcommittee of the House Appropriations Committee. The U.N. part of the State Department budget has grown from one-sixth to one-third of the total over the last fifteen years. This has caused great concern both in the Congress and in the State Department bureaus concerned with budgets and Congressional relations, yet there is no reason why our contributions to multilateral agencies should be subject to the same levels of restraint as are applied to the budget of our foreign affairs establishment.

The time has come for the Executive Branch to explore with the Congressional leadership whether there is not some different way in which our U.N. contributions could be presented to the Congress. If these contributions could be removed from the State Department budget, the important issues involved in our participation in the United Nations could be dealt with more adequately than now seems possible in the House Subcommittee on State Department appropriations. It should be noted that this year, for the first time, the State Department budget is subject to the requirement of annual authorization as well as appropriation. It remains to be seen whether involvement of the Foreign Relations and Foreign Affairs Committees in approving our U.N. assessments will result in a more effective review of our participation in the U.N. system.

The role of the public

More effective U.S. participation in the United Nations system is the objective of one outstanding national citizens organization—the United Nations Association of the USA. The UNA does an excellent job of telling the story of U.N. activities to the American people through its bi-monthly magazine *Vista* and through the work of its local chapters. In addition, it has recently turned out a series of exceptionally professional and creative policy studies prepared by panels of distinguished citizens. These studies point the way to fundamental improvements in the U.N. and in U.S. participation. Yet, any sensitive observer must be aware of the anomaly that, as the UNA flourishes, the U.N. itself and the effectiveness of the United States in the organization continue to decline. Policy study follows policy study, but with very few exceptions the recommendations do not get turned into action.

The hard fact of life is that we have not yet found a way to translate support for multilateralism into the American political process. The trade unions, the corporations, the environmentalists and the welfare recipients of our country have all learned how to get the Federal Government to respond to their needs. The citizens interested in a stronger United Nations have not. Ralph Nader, however, has shown how hitherto ineffectual public interests can be given an effective voice and political clout. Perhaps the time has come to create a "Nader's Raiders for World Order"—a group that could keep a box score on how Congressmen vote on matters like our U.N. contributions and on legislation violating the Rhodesian embargo. If such an enterprise were properly run, it might attract broad support—particularly from young people who are looking desperately for some way in which they can help the United States play a more constructive role in the world. We might even consider making such a U.S. group part of a broad transnational effort linking similar groups in key U.N. member countries.

The United Nations and New York City

Until a year or two ago it was fixed U.S. policy to keep the United Nations in New York and oppose the location of U.N. functions in other parts of the world. Now, for the first time, the Congress and the Executive Branch are "thinking about the unthinkable—about whether it really serves U.S. or U.N. interests to keep the organization in New York and whether at least some major U.N. functions should not be located elsewhere.

This change of attitude reflects not merely U.S. disenchantment with the U.N., but U.N. disenchantment with the U.S. Delegates from African countries complain about racial discrimination; Arab delegates resent the pro-Israel environment of New York; and all delegations are increasingly concerned about the deteriorating quality of life in the city. In addition, the actions of the Jewish Defense League and other militant groups have greatly complicated the problem of assuring the security of U.N. missions and their personnel. At the same time, the local populace and the political leadership of New York seem less than fully reconciled to the financial burdens involved in police protection and in the granting of tax exemptions to U.N. mission property. Although New York City derives income from the expenditures here of the U.N. Secretariat and of U.N. missions, as well as from the tourism associated with the United Nations, this has not been enough to quiet complaints that the U.N. represents a net burden to New York City.

The failure of the United States Congress to appropriate the $20 million needed to expand the U.N. headquarters now brings this whole policy question into the open. The United States will need to decide within the next year or two whether it wants to prevent the transfer to Europe of U.N. divisions now located here. If we wish to avoid this transfer the Executive Branch will have to make a much greater effort to secure the necessary financing from Congress. If, on the other hand, the Executive Branch is unsuccessful in this effort or does not even wish to try, it will need to develop some coherent view about the future location of U.N. departments.

One possible approach would be to move within the decade of the 70's to a situation in which U.N. political funtions are located in New York and U.N. economic functions are clustered in Geneva. There is something to be said for having the UNDP and the Department of Economic and Social Affairs in Geneva together with the most important of the U.N. Specialized Agencies with whom they have to work. On the other hand, such an arrangement would make more difficult the recruitment of American personnel. It might diminish somewhat United States interest in and support for the U.N.'s economic work. It might also result in some additional costs if large numers of Secretariat personnel had to be brought back to New York periodically for meetings of the General Assembly and other organs dealing with economic issues.

An additional factor to be considered is whether Geneva is able or willing to absorb such additional U.N. units. If the answer is negative on either of these counts, removal from New York would mean removal to Vienna or to some other center outside the United States. This would be most unfortunate. The location of the United Nations Industrial Development Organization (UNIDO) in Vienna has not enhanced the effectiveness of that part of the U.N. Secretariat, and the removal to Vienna or to other cities of additional U.N. functions could only serve to undermine further the coherence and efficiency of the United Nations Secretariat.

The issues of the U.N.'s location are hard ones and require further study. The central point to be made here is that they should be confronted squarely by the United States, not resolved by default as a result of failure to meet our financial undertakings and hostship obligations.

CONCLUSION

If this essay has a central theme, it is that the main preoccupation of U.S. foreign policy from here on in should be the building of effective international machinery to manage mankind's common problems. Such a "world order strategy," we have argued, would have a better chance of success than a foreign policy based exclusively on the balance of power. But a world order strategy contains no built-in guarantee of success. Moreover, a major U.S. effort to strengthen the U.N. and other international institutions would not necessarily win us friends, at least in the short run. This should not deter us. We have become unpopular enough in a number of bad causes; we should not be afraid to become unpopular in some good ones.

We cannot know when, if ever, the fully effective United Nations that has been called "indispensible" will also become "possible." Nevertheless, we have an obligation to ourselves and our descendants to use all of our resources to press to the outer limits of the possible. This survey of U.S. policy toward the U.N. suggests how far we have to go before we have discharged that obligaton.

FOOTNOTES

[1] *The New York Times,* October 26, 1971.

[2] Editorial, December 29, 1971, p. 30.

[3] *The New York Times,* October 27, 1971, p. 16.

[4] Memorandum of December 4, 1971 meeting of the National Security Council's Special Action Group, reprinted in *The New York Times,* January 5, 1971.

[5] *U.S. Foregin Policy for the* 1970s, February 9, 1972, pp. 184–191.

[6] *The United Nations in the 1970s,* pp. 9–10.

[7] Memorandum submitted to the author, February, 1971.

[8] This $30 million figure is arrived at by adding the $12 million cash shortfall, the $16 million owed by the Republic of China, and the $2 million of the U.N.'s peacekeeping debts that are owed to private agencies rather than governments.

[9] *Report of the President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations,* pp. xi, 46.

[10] Id., p. 46.

[11] *U.S. Foreign Policy for the* 1970s, p. 190.

[12] Footnote 3, *supra.*

[13] Statement of Samuel De Palma before the Senate Committee on Appropriations on Fiscal Year 1973 estimates, March 20, 1972.

THE NOMINATION OF RICHARD G. KLEINDIENST—A RESOLUTION

Mr. **SCOTT.** Mr. President, during the Republican Policy Committee meeting held today, May 16, 1972, the following resolution was unanimously adopted and the Republican leader was directed to see that it is placed in the Record for this date.

Whereas the President nominated Richard G. Kleindienst to the post of Attorney General of the United States and submitted his name to the Senate for confirmation on February 15, 1972, and

Whereas the aforesaid nomination was by the Senate referred to the Committee on the Judiciary, which Committee acted favorably by a vote of 11 to 4 on April 27, 1972: Now therefore be it

Resolved, That the Republican Policy Committee, with the unanimous approval of all the Republican Senators present, strongly recommends that the Senate of the United States list the nomination of the said Richard G. Kleindienst for debate at the earliest practicable date.

AIR FORCE ACADEMY PROGRAM

Mr. **GRAVEL.** Mr. President, I invite the attention of Senators to an impending development at the Air Force Academy which deserves wide consideration. I refer to the planned scrapping of the innovative graduate program there which has a history of almost 10 years of success. The way this is being done has been so quiet as to almost escape notice. I daresay that most of the Members of Congress, which has a special concern for our military academies and their policies, are unaware of this significant step backward.

I say "backward" because the Air Force has pointed with considerable pride these past years to the initiatives it took to create cooperative graduate programs with a number of good universities in several fields. These included Georgetown University for joint graduate programs in economics and political science and with UCLA for a graduate program in management. A number of these same Air Force Academy graduates went on to Rhodes scholarships, Woodrow Wilson fellowships, Fulbright fellowships, and other distinguished academic programs. We were all proud of this and justly so.

From the civilian universities' standpoint they received a better image and understanding of the quality of our military academies and the abilities and interests of the soldier/scholar. Retention has not been noticeably less than those not in the program and in fact the Air Force has a longer claim on their time.

There has always been a struggle in the military generally and the military academies in particular on a false issue that is generally posed as, "Are we in the business of training Airedales or eggheads?" It now seems that the uncomfortable balance that was earlier attained at the Air Force Academy, at least, has been overturned—the Airedale proponents have won out.

Nor is this a small issue to be thought of in the same order of importance as the outcome of the next Air Force-Army game. I have long felt that the military could not have it both ways: Arguing on the one hand that the civilians were making too many military policy decisions while at the same time seeing to it that anyone of analytical bent and academic credentials does not gravitate to senior military positions. I see the present plan to dump the Air Force Academy graduate program as the most recent example of this paradox at work.

Mr. President, the increasing complexity of the Air Force is incontrovertible. The missions and the weapon systems of the Air Force have become increasingly sophisticated. Moreover, the increased sophistication of the weapon systems of the Air Force in itself implies several important changes: Support and logistical functions become more important; training of individuals becomes more expensive; and affirmative management of the Air Force becomes more crucial than ever before.

Given this situation, where the need for good management is becoming more acute and the costs of mistakes in management more burdensome, it is curious that the Air Force appears to be reducing its commitment to training and maintaining well educated officers. The phaseout of the cooperative graduate programs which allowed the best qualified Air Force Academy graduates to continue directly into graduate schools is mystifying.

The cooperative graduate degree program which annually placed over one hundred graduates in top graduate schools across the country was one of the most innovative programs of the Air Force Academy. It insured that Academy graduates were well versed in a variety of specialties needed by the Air Force. In addition to the disciplines mentioned earlier these individuals were trained in such fields as aeronautical engineering and electrical engineering. And, with this early training they could meld technical expertise with the experiences to be gained from the operational Air Force.

There is also a philosophical question which arises in this context. Specifically, is it better first to gain Air Force experience as motivation for graduate education or first to gain the graduate training? There is no unambiguous answer to this question, but the answer chosen does give some clues to the desires and objectives of the Air Force. Providing graduate education early seems more appropriate to a dynamic institution that is looking for innovative ideas. Providing graduate education later in an officer's career, on the other hand, is more consistent with a static view of the world, one in which minor adjustments to past behavior are all that is needed. As we view the environment in which the Air Force will be operating, the former world where large technological and management changes are important is a better projection of what will happen, or at least of what is desired. In that world there is a clear need and payoff for the provision of graduate training early in the career of future leaders.

One other consideration is relevant; the costs of different education schemes. One of the largest costs of graduate education by the Air Force is the salary which is paid to the officer while he is in graduate school. These costs clearly rise quite dramatically with the length of service of an officer and early education is dramatically cheaper.

These are not the only costs. When an experienced individual is taken out of a specialty to go to graduate school, he must be replaced by another officer with the same training. This can be very expensive, especially in the case of pilots where training costs amount to several hundred thousand dollars. If instead individuals are given graduate training before pilot training, these costs are reduced. This is one of the great virtues of the Air Force Academy program; the program is skewed toward providing graduate training to individuals who will continue on to pilot training. Since the Air Force reserves most management and command positions for pilots, the education of pilots is very important to the future vitality of the Air Force. But the budget is not indifferent to the timing of this graduate training.

All-in-all the planned elimination of the cooperative graduate programs with the class of 1976 is hard to understand. Mr. President, this program was very much symbolic of movement toward developing an enlightened, imaginative and innovative officer corps within the Air Force and was clearly an example to the other services. To quash it at this point can only be taken as evidence for a reactionary movement—a movement that I believe will ultimately be against the larger interest of the Air Force Academy, the Air Force and perhaps the Nation.

SCATTERED HOUSING WORKS: THE ROCKFORD, ILL., CASE

Mr. PERCY. Mr. President, it is always a pleasure to come across instances in which Federal housing programs are working well to provide families with decent housing in a decent environment.

Rockford, Ill., is a case in point. Since 1965, the city's housing authority has put up 1,483 units of public housing. Of this total, 226 are scattered-site homes.

The housing authority faced some stiff opposition to scattered housing when it was first proposed. But the program was implemented through the efforts of an able community leadership.

Now it is impossible to distinguish scattered-site public housing from the surrounding rows of single-family homes throughout Rockford. Residents have fully accepted their new neighbors who are equally as anxious as they to maintain and protect their homes.

The key, according to an article by Thomas M. Gray in the Chicago Sun-Times, is pride of ownership. The low-income families inhabiting these public housing units are actually buying their homes.

> A part of each family's monthly payment goes to pay the housing authority's cost of building the house, and when the note is paid off, usually in 25 years, the family will own the house—if it stays that long.

The Rockford experience shows that scattered housing can be successful.

Mr Gray reports:

> The best test of the program's success, came last year when the housing authority returned to the city council for permission to build another 175 scattered units—again without discussing specific sites—and got approval.

I believe that the Rockford experience can be repeated in other cities throughout the United States, given community involvement and progressive leadership.

I ask unanimous consent that the entire text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT WORKS IN ROCKFORD—PUBLIC HOUSING SCATTERED

(By Thomas M. Gray)

ROCKFORD, ILL.—In December 1968, Rockford corporation counsel William E. Collins issued a legal opinion advising the city's 20 aldermen:

"The city council can't instruct the housing authority to do anything."

That terse opinion still stands, and the most notable result has been the construction of public housing in the form of duplexes and single-family homes scattered throughout this conservative industrial city of 150,000.

On Straathmoor Dr., for example, on the city's far east side where residential development shades off into rolling farmland, seven attractive two-story duplexes are set facing the sprawling Rockford Square Apartments. The duplexes are public housing; Rockford Square is the city's newest private apartment complex.

Across town on Searles Av., which at that point forms Rockford's corporate limit, Victor Schoomaker and his family live in a tidy, three-bedroom duplex, one of a row built amid apartment developments and single-family homes often valued beyond $35,000. The Schoomakers live in public housing.

226 BLEND INTO NEIGHBORHOODS

Scattered between Straathmoor and Searles are other, similar public-housing developments—for a total of 226 units—blending inconspicuously into neighborhoods ranging from relatively affluent to modest.

Not that Rockford was a pushover for the Rockford Housing Authority's modest but innovative approach to housing low-income families.

When the sites were announced in 1968, the housing authority was hit from the right by angry residents of neighborhoods where public housing was to be situated—and by their aldermen—not unlike Chicago's current dispute over public housing that would be located in similar manner.

Joining the opposition was four-term Republican Mayor Benjamin T. Schleicher, who blows hot and cold on scattered housing, depending, he conceded, on how he feels the electorate views the matter.

From the left came denunciations by community organizations and antipoverty groups of the authority's tenant-selection criteria that, in effect, exclude all but the most stable, job-holding applicants who tend to be more middle- than lower-class.

THEY'RE THE BEST-LOOKING ONES

Fears of neighbors that the well-designed homes constructed for the housing authority would downgrade their communities, to all appearances, would seem to be groundless. In some Rockford neighborhoods, in fact, the public housing stands out like a sore thumb—it's the best looking, best kept on the block.

Complaints by community organizations that the housing authority was excluding the lowest-income families were true and still are. William F. Lewis, the housing authority's executive director, readily admitted it.

The reason, Lewis explained during a tour of the housing, is that the housing authority was determined to make the experiment work. That meant not only building houses that fit into the neighborhoods but also residents who were compatible with their neighbors.

The result has been that there are few complaints from neighbors about specific families after they move in, although the scattered-site residents are 38 percent "minority"—mainly black—families, in a city where the black population is just under 9 percent.

There appears to be no discrimination in the placement of black applicants, although most wind up in the largely black southwest quadrant of the city or in racially mixed neighborhoods on the west side. Housing authority officials insist—and the head of the city Human Relations Commission agrees—that this is a matter of choice.

PAYMENTS PEGGED AT 22 PERCENT

Payments for the public housing are pegged at 22 per cent of a family's income and adjusted annually to reflect any change.

Public housing on a large scale is new to Rockford, and the scattered-site construction is only one part of it. The traditionally Republican city resisted the lure of federal aid until the mid-1960s, but since 1965, when Rockford became interested in both public housing and urban renewal, there has been a small-scale boom in housing construction.

At that point, there were only 200 units of public housing in Rockford, in one low-rise frame development that dated from World War II. Since 1965, the housing authority has put up 1,483 new units, and more are on the drawing boards.

Included in the new housing are 788 units for the elderly, in four high-rise buildings; 669 family-sized units in three "projects," and the 226 scattered site homes.

Even the family projects are small in scale compared with Chicago's giants, Robert Taylor Homes and Cabrini-Green. The largest is

210 units, built around ample open space, No building is more than two stories high, and they are designed so each family has a two-story apartment, with its own ground-level entrance.

DECISION TO SCATTER SITES TOLD

The decision to switch to scattered-site construction came, Lewis said, in response to criticisms that even these small projects concentrated low-income families too much.

Under the system that prevailed until recently in Chicago, that would have been the end of scattered sites. But in Rockford the housing authority needs no approval from the city council and certainly not clearance to be given for each site by individual aldermen, which was the case in Chicago from 1955 until a federal court intervened three years ago.

The Rockford Housing Authority simply went ahead, like a private developer, acquiring options on land throughout the city. It then got approval from the U.S. Department of Housing and Urban Development, which subsidizes construction.

The only official contact with City Hall came when the housing authority asked for an amendment to its "co-operation agreement" with the city to permit construction of 226 more units. No sites were mentioned. Only after all necessary steps were taken did the sites become public, and then the furor began.

"I'll say it got hot," Mayor Schleicher recalled. "The phones were jingling all day, to the aldermen, to me, to everybody."

OPPOSITION COMES TO PEAK

Opposition peaked in late 1968 and spring, 1969, well after the first family had moved into the first scattered-site home. Corporation Counsel Collins issued his no-interference opinion when the city council sought to pass a resolution limiting sites to two to a block and banning the homes on adjacent lots.

In March, 1969, a local election year, the city building department withheld four building permits for RHA homes on instruction from the City Council.

The council reversed itself after another legal opinion, and the permits were issued. In 1969 four Rockford residents also tried to stop construction in a Circuit Court suit, but the case was dismissed. Finally, with the election approaching, Schleicher reversed himself and called for a moratorium on further construction. At that time, 55 homes still were to be built.

None of it worked. The housing authority, backed by the two local papers and most "establishment" business and civic organizations, plowed ahead with its program, and by the end of 1969 the last of the homes was built and occupied.

It remains unclear exactly who was opposed to the scattered sites, but certainly not all and maybe not even most potential neighbors were. In August, 1968, when the first house was occupied by a young draftsman and his family, the neighbors threw a welcome party.

"Most neighbors have found that we don't bite, and we do keep our lawns up," reported Mrs. Janice Patton, a young black woman who heads the city's Human Relations Commission, and who lives in one of the houses.

Mrs. Patton called Rockford's scattered sites "a beautiful program" and added, "As a divorcee with three children, I would never have been able to buy a home of my own."

Mrs. Patton and the others inhabiting scattered-site housing are buying their homes, and that is the key part of Rockford's experiment cited by everyone involved to explain its success.

A part of each family's monthly payment goes to pay the housing authority's cost of building the house, and when the note is paid off, usually in 25 years, the family will own the house—if it stays that long.

EVENTUAL "ESCAPE" SEEN UNCERTAIN

The housing authority may find problems in its purchase arrangement. If the buyer sells, a new buyer starts the payments all over. With occupancy turnover rates between 5 and 8 per cent annually, it could be that few "buyers" ever really escape tenant status.

Residents are free to try to get a mortage on the private market, and the housing authority encourages this, Lewis said. The housing authority still would have first option to buy the property until 20 years after the original lease was signed. No families have gotten mortgages, and it seemed unlikely to those interviewed that they could arrange a mortgage with payments as low as those they make to the housing authority.

Nevertheless, it is the pride-of-ownership features, said Ray C. Graceffa, RHA deputy director, that distinguishes Rockford's program from the Chicago Housing Authority's scattered-site program, proposed a year ago but never implemented.

"You'll get a different kind of person in an ownership program," Graceffa said.

The Rockford Housing Authority's severe screening of applicants is also cited by officials to explain why housing authority residents mix well with their neighbors.

"They run a tight ship out there," Schleicher said, and he was not exaggerating. The housing authority not only carefully screens applicants, but it also continues to inspect the homes after they are occupied and will evict poor housekeepers.

The best test of the program's success came last year when the housing authority returned to the city council for permission to build another 175 scattered units—again without discussing specific sites—and got approval.

With U.S. District Court Judge Richard B. Austin's most recent order in the CHA desegregation case, the Chicago Housing Authority finds itself in a position of independence similar to the Rockford authority's if it wants to take advantage of it. The Rockford experience shows what the result might be.

PENSION REFORM DESERVES HIGH PRIORITY

Mr. BAYH. Mr. President, according to recent estimates, at least 30 million workers in the United States are participants in this country's private pension plan system, composed of no fewer than 34,000 different pension plans. But the shocking truth is that millions of couples who have carefully planned for their golden years of retirement find themselves instead relying on meager social security benefits to make ends meet. Officials in the Department of Labor admit that one-third to one-half of those who think they will be covered by pensions will eventually find out that they are not covered. According to the Labor Subcommittee of the Labor and Public Welfare Committee, the situation is even worse: As many as 95 percent of those who have left jobs in the past 20 years will never receive any benefits under the supposed pension plan of their particular company.

The Senate Subcommittee on Labor, under the able and distinguished leadership of the chairman (Mr. WILLIAMS), and the ranking minority member (Mr. JAVITS), has presented the Senate with an exhaustive and valuable study of private pension plans and has recently reported an excellent bill from committee. The study was authorized last year by the Senate in the wake of the 1969–70 business recession, when the failures of several large businesses brought to the light the inadequacy of present procedures for protecting workers' rights in private pension plans.

During that period of business failures, many workers with seniority of as much as 20 years or more found themselves unemployed and without any claims on their former employers' pension funds. Not only did some workers find that their pension rights, which they had reasonably relied upon for retirement income, were not protected; others, whose pension rights had been guaranteed, found out their employers had not set aside sufficient money for the pension fund or, in some instances, had squandered the money. In these cases there was no procedure for insuring that an employer handled the pension fund principal in a proper manner. A third problem which arose was that of workers who were able to relocate after losing one job only to find that many years of pension rights were not transferrable to their new job, thereby requiring that they begin anew, often when it was too late, to try to set aside a minimum retirement income.

Given these basic failings in private pension plans, it is clear that congressional action is needed to correct grave injustices which treat hard-working individuals in a most harsh manner. How grossly unfair it is to say to a worker, after 15, 20, or even more years at the same job, "Sorry, but that pension to which you and your employer have been contributing is not going to come through. All your plans for financial independence during retirement will have to be revised."

Because of my unwillingness to let such unfair practices continue, I cosponsored S. 2 with the able Senator from New York (Mr. JAVITS) to completely revamp the Federal approach to private pension plans. This legislation, prepared before the Subcommittee on Labor began its study, anticipated virtually all the major recommendations of the subcommittee.

Now, as Congress prepares to debate this crucial question, I would like to state briefly my support for six essential ingredients of this legislation if the drive for pension reform is to fulfill its goal of fairly protecting the maximum number of workers. I am pleased to note that both S. 2 and the reported bill endorsed all six of these ingredients, and hope Congress will oppose any proposals to delete or dilute portions of the legislation.

COVERAGE

All but the smallest private pension plans should be included within the scope of any Federal legislation. Millions of workers in small firms deserve the same protections as employees of our largest private industries.

VESTING

Employees should be guaranteed some percentage of their pension credits at an early date, with appropriate increases in that percentage for increasing lengths of service until full vesting is secured. It is relevant to note that the pension credits of congressional employees are vested—that is, nonforfeitable—after 5 years on the job.

FUNDING

Private employers must accept the responsibility for making certain that the plans for their employees are adequately funded to meet both short- and long-term requirements. In many cases this may require immediate catchup payments to underfunded pension plans.

REINSURANCE

The entire concept of Federal protection for private pension plans will prove futile unless we provide reinsurance to protect workers from the financial failure of their employer or pension plan. Just as this has been done for years with regard to bank depositors, and more recently for stock investors, Federal insurance for pension rights is an appropriate means of protecting those who invest so much of their funds in their pension plans.

FIDUCIARY STANDARDS

With private pension assets estimated at $130 billion, with an expected increase to $250 billion by 1980, it is essential that all private pension plans meet a high standard of fiduciary responsibility. An essential balance for their standard is the full and candid disclosure by the responsible officials of the operation of all pension plans, including the nature of investments. Complete disclosure is in itself one means of protecting the public interest.

PORTABILITY

More than 30 million workers are currently enrolled in slightly less than 200,000 private pension, welfare profitsharing and other plans within the scope of the proposed legislation. Because of the number of workers and plans involved, and recognizing the mobility in our economy, workers should have the opportunity to transfer pension rights when changing jobs. Portability is perhaps the most important ingredient of any pension reform bill.

Mr. President, private pension plans are a permanent part of the American economic scene. They are the best means available to millions of workers and their families to ward off financial dependency in later life. Before another hard-working American finds his retirement plans dashed on the rocks of pension plans failure, we must move to correct the inequities and build into the American system of private pensions the means to protect the fundamental rights of American workers.

I commend the Senator from New Jersey (Mr. Williams) and the Senator from New York (Mr. Javits) for their leadership in this effort and pledge to assist them in ultimately securing passage of a strong, fair reform of pension legislation.

THE FIGHT AGAINST INFLATION

Mr. BROCK. Mr. President, pressures to protect personal interests are multiplied during periods of inflation. In such an atmosphere of uncertainty many individuals feel constrained to: Seek higher wages, raise the prices of raw materials, and push profit margins on finished goods upward to absorb the unexpected.

The call of President Nixon to aid in the fight against inflation must succeed. Those who refuse to respect voluntary controls of wage-price guidelines must be brought into line to protect those who have chosen to comply for the health of the Nation. We cannot penalize citizens who have acted in good faith to protect not their interests but those of their friends, neighbors, fellow Americans, and their country.

We must act to confirm the values on which the faithful have placed their trust or we run the risk of eroding those values until they and the society are consumed.

Mr. President, I ask unanimous consent that a letter from Mr. Frank F. Idlestone to President Nixon, illustrating the difficult situation created when inflationary forces erode traditional values and traditional expectations, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

AN OPEN LETTER TO THE PRESIDENT OF THE UNITED STATES OF AMERICA

February 7, 1972.

The President,
The White House
Washington, D.C.

Dear Mr. President: We have followed with interest the anti-inflationary measures taken by the Administration during the past six months, and we want you to know we fully subscribe to the theory. At the same time, we are sure that you would like to be informed by someone other than your immediate advisors as to how this theory is working in practice.

Compared to some of our industrial giants, we are only a small manufacturing company. In our advertising, we constantly stress the fact, that we are American manufacturers, manufacturing slippers for American consumers, with American labor and American materials. We pay our taxes as American individuals and as an American corporation. Over the last few years we have been plagued by ever increasing imports from low-wage countries who were permitted to dump their wares on the American market without restrictions. This situation forced us to become a single plant unit, previously having been a multi-plant operation, employing a larger number of American workers.

The wage and price controls, as well as the 10% tax on imports, were welcomed by us as a necessary means of survival and when these controls were lifted, and you indicated your desire to keep prices and wages in line, we published our new price list for Spring and Summer 1972 without any increases, in the hope that our suppliers and our labor force would go along in supporting your economic program.

What a wonderful theory, but here is what happened in practice. When you lifted wage restrictions, our labor force felt very strongly that they were automatically entitled to the maximum 5½% increase allowed by the law, and they received it. Our suppliers in every field, such as cottons, synthetics, terry cloth, cardboard, embroideries, shipping cartons, threads, etc., in addition to their increases of 1971, have again increased cost since January 1, 1972 ranging from 5% to 25%. So here we are, a small manufacturer, on a constant merry go round. In spite of the United States currency devaluation, we are again competing with ever increasing imports, with higher labor and material costs which all but eliminated our profit margins, and we are still trying to comply with our Chief Executive's request to hold the line on prices.

We are not bright enough to figure out the answers! Won't you help us? May we please hear from you?

FORESTRY POLICY

Mr. GRAVEL. Mr. President, an article entitled "Forestry, Public Pressures, and Economic Development," written over a year ago, has come to my attention, and I should like to share it with Senators who come from timber States. The author is known to me as a good analyst. He was a senior staff investigator of the Public Land Law Review Commission during its existence.

In this article, Dr. Perry Hagenstein makes clear some telling points on the reconciliation of developmental and recreational forces surrounding forestry management. This important public policy issue is very much with us again today as we face the question of clearcutting and other practices. I ask unanimous consent that the article be printed in the Record as an addition to the dialog on this important matter.

There being no objection, the article was ordered to be printed in the Record, as follows:

FORESTRY, PUBLIC PRESSURES, AND ECONOMIC DEVELOPMENT

(By Perry R. Hagenstein)

Now that environmental quality has come to be a major public issue it is somewhat incongruous that a meeting is devoted to the relationship between forestry and economic development. But this is the sort of incongruity that has long been a problem for those who must weigh public pressures as they attempt to define forestry policies. Forestry has always been subject to public pressures and to public intervention, and we have long recognized a conflict with environmental values in the use of forest land to support economic development and economic growth.

Forestry in the United States grew up in a crucible of public pressures, which at one time primarily concerned current and future national economic development. At that time forestry was at the very heart of the conservation movement, which required the mobilization of public pressures to bring about improved practices in the use of natural resources. Today we are in the midst of the second great conservation wave of the century and forestry is again a matter of political concern. Public pressures are forcing changes in what we have only recently come to accept as good forestry practices and in the public policy objectives that have been established for forestry programs.

Perhaps because of their early role in the conservation movement in the United States, foresters were among the first to recognize the conflicts between environmental and economic objectives and to try to resolve them. Nevertheless, public forestry policies and programs were built largely around the objective of economic development, in the sense of contributing to both national and regional economic growth. But for a variety of reasons the formal expressions of public forestry policy, especially those in federal administrative regulations, typically were vague and uncertain as to the relationship between forestry and economic development.

The lack of clearly defined objectives at one time may not have been critical. Conflicts among possible objectives that could be served by the use of forest lands were not terribly important in many cases. But today, with the growing public pressures for improving the quality of our natural environment, conflicts are often sharp between meeting this objective and meeting other public policy objectives on forest lands. The failure to identify clearly the objectives of forestry policy poses a problem not only for the analyst and the interested citizen but for those who must in the end choose among alternative courses of action.

The early leaders of forestry in the United States were primarily concerned with the use of forest lands to meet industrial and commercial needs and with regional development objectives. In a 1905 letter to the head of Forest Service, who had just been given responsibility for administration of the national forests, the Secretary of Agriculture emphasized that "all the resources of forest reserves are for use . . ." and that "the water, wood, and forage of the reserves [should be] conserved and wisely used for the benefit of the homebuilder first of all." He went on to note that "the continued prosperity of the agricultural, lumbering, mining, and livestock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon the present and future use of these resources under businesslike regulations." And Gifford Pinchot, Chief Forester during this period, often stressed his commitment to the use of the national forests for commercial purposes.

Pinchot's commitment to use of the national forests was partly a matter of political judgment. In reviewing the history of an amendment to an 1897 appropriations act (which became the basic management authority for the national forests) he noted that it included a provision for keeping the national forests open for mining and wrote, "Excellent. What was needed above all things was local approval and support of the Reserves, and use was the key to that" [13, p. 118]. Pinchot recognized the importance of public pressures and responded to them, but his beliefs concerning the importance of use of forest land went beyond this. Samuel Hays, in *Conservation and the Gospel of Efficiency* [7], states, "Pinchot's opposition to 'preservationists' and his support of grazing interests did not arise merely from his search for political backing for the transfer [of the national forests from the Department of the Interior to the Department of Agriculture]. These attitudes reflected his basic view that the reserves should be developed for commercial use rather than preserved from it. During the first years of his contact with the forests, in fact, Pinchot felt that his major problem was to restrain the influence of those who wished to leave them in their natural state, untouched by lumberman or stockman. At every opportunity he stressed the utilitarian value of the forests" [7, p. 41]. At another point, Hays says, "The conflict between recreation and commercial use Pinchot found to be extremely hazardous to resolve, but he firmly argued the commercial use of the public lands should precede their use for recreation."

Despite this seeming commitment to commercial use of forest lands to meet requirements for industrial raw materials and to support regional development, foresters have never been very comfortable with economic objectives for forestry programs. Until the post-World War II years, the federal government was the chief employer of foresters and the public lands were not as important as they now are as a source of timber. While the objective of public forestry programs may have been economic development, in fact public foresters were nurtured on a diet of land management that was devoted largely to protection and caretaking rather than use of forest lands to meet various demands. Even on private lands forestry did not come of age as an economic enterprise until the 1950's. In an appraisal of the status of private forestry programs in 1939 Ralph Marquis stated, "The forest industry at the present time is undergoing a great change. . . . It is not until the virgin stands of timber face exhaustion, not until the remaining stands are absorbed in private ownership or government reserves, not until the remaining forests are far removed from consuming centers that economic forces permit the practice of forestry on a profitable basis" [11, p. 166]. He was right, and it was these conditions in the 1950's that brought private industrial forestry to the point where investments in forest management were being made on the basis of economic judgments rather than on the basis of biological mysticism.

Although industrial owners who must have raw materials if their business is to continue became interested in forestry, trees still grow slowly—so slowly, in fact, that the rate of tree growth over a long period of time seldom exceeds the level of interest rates obtainable on other types of investments. Prior to the 1950's foresters had made attempts to remove certain economic impediments to the practice of forestry. One of these was property taxes, which were seen as encouraging the depletion of timber resources [4]. As a result of the studies that were made a number of states provided special methods of taxing forest lands. Another approach was governmental assistance to forest landowners in the form of technical advice and management or in the form of subsidies for certain forestry practices. This was in addition to federal support to the states for forest fire, insect, and disease protection programs, which lowered the risk to the landowner of making investments on his land. But neither the modifications of property taxation nor the various forestry incentive programs were wholly successful in overcoming economic barriers to forestry practices on nonindustrial private lands. Foresters tended to regard the objective of economic development and the process of economic analysis with skepticism.

On public forest lands there was also resistance to economic development as a clearly defined policy objective even after the economic rationale had been accepted on private industrial forest lands in the 1950's, despite the strong timber production rationale in statutes providing for the acquisition and management of federal forest lands. The failure of economics to gain a strong foothold in forestry decisions on public lands in the 1950's must be laid in part to rapid increases in the use of forest lands for outdoor recreation, for which a traditional market system did not exist. Public pressures built up rapidly for using public lands to supply outdoor recreation opportunities, although the chief statutory objective for these lands was timber production. In response to the need to recognize outdoor recreation as an appropriate use of public forest lands Congress passed the Multiple Use and Sustained Yield Act of 1960 [15]. But in so doing it denied economic development as an overriding policy objective and failed to provide a substitute. The 1960 Act states that "consideration be given to the relative values of the various resources, and not necessarily to the combination of uses that will give the greatest dollar return or the greatest unit output." In defining sustained yield as "the achievement and maintenance in perpetuity of a high level annual or regular periodic output," the Act defines one objective for the management of national forest lands, but other objectives that might help in choosing among possible combinations of outputs are left to the imagination of the program administrator and the analyst.

When we look elsewhere for guidance as to what constitutes the objectives of public forestry policy, we find that present overall levels of financing on the national forests suggest that the appropriations process, at least, gives greater consideration to those activities that produce a commodity that is valued in the market place than to other possible uses of the national forests. On the other hand, the allocation of appropriations among various investments opportunities provides some evidence that in fact economic criteria may not be the major guidelines followed by the Forest Service for forestry investments. The Public Land Law Review Commission obtained estimates of expenditures on timber management activities of the Forest Service by major regions of the country. For 1967 estimated timber management expenditures were allocated to the major Forest Service regions as follows [21]: North 10.4 percent; South 16.4 percent; Mountain 30.3 percent; Pacific 42.9 percent. In 1968 a special study prepared by the Forest Service as part of its Planning-Programming-Budgeting System classified investment opportunities for timber management intensification on the national forests according to the potential yield in terms of intest rates. This study indicated that $210 million could be invested in timber management on the national forests and earn a return of at least 7 percent and that $339 million could be invested and return at least 5 percent on the investment. The regional distribution of these investments would be as follows [12]:

[In percent]

	Return of at least 7 percent	Return of at least 5 percent
North	12.9	12.4
South	41.4	27.1
Mountain	14.8	23.9
Pacific	30.9	36.6
Total	100.0	100.0

Estimates of the actual timber management expenditures show that 73.2 percent of the appropriations were allocated to the Mountain and Pacific regions together, although the estimate of the allocation that would be made if it was required that 7 percent be earned on timber management expenditures was 45.7 percent. If 5 percent were the guiding rate, 60.5 percent would be allocated to these regions. Although it seems clear that the allocation of timber management funds among regions is not based only on economic criteria, the actual basis on which the allocations are made is unclear. While the 26.8 percent of the funds allocated to the North and South regions is reasonably close to the proportion of commercial forest lands on national forests in these regions (22.4 percent), the proportion of funds allocated to the two western regions is not clearly related to the area of commercial forest lands. Nor do the proportions of timber sold or total area of national forests shed much light on these allocations, as shown in the data below for the national forests:

[In percent]

Region	Total area	Area of commercial forest land	Timber sold, 1967
North	5.9	10.2	6.1
South	6.5	12.2	8.5
Mountain	53.3	43.8	23.4
Pacific	34.3	33.8	62.1
Total	100.0	100.0	100.0

Timber management expenditures undoubtedly have effects on resources or uses of forest lands other than timber, and the allocation of funds among regions perhaps reflects these effects too. But one must at least suspect that there is an unwillingness on the part of those who make public forestry decisions to use economic criteria even where the particular output of forest lands is one that enters into commercial channels. The Public Land Law Review Commission asked its advisory groups to respond to the question: "To what extent should timber management, timber disposal, and investment in timber production on the public lands be guided wholly or largely by economic considerations?" It was understood that this question concerned timber as a separable, and commercial, product of the forest. The Department of Agriculture replied that ". . . we do not believe that maximization of returns on investment in timber is wholly compatible with the purposes for which the National Forests were created. In this sense, economic considerations may encounter an immediate and basic conflict with longstanding conservation principles of multiple use and sustained yield. We feel that the public interest is best served by attempting to optimize the combination of all benefits under the multiple use concept, even though it is difficult to quantify the intangile values which should weigh heavily in resource decisions on public lands."

The question to which the Department of Agriculture was responding may well have been based on a misguided notion that the objectives of forestry programs on public lands can be compartmentalized and treated individually as though they bear no relationship to other objectives. In fact, timber management and disposal programs have an effect on other outputs of public forest lands. On the other hand, public funds are invested in specific programs designed to improve the quality, quantity, and timing of timber production from public lands for commercial purposes. A more responsive answer to the question might have discussed how economic considerations conflict with the "conservation principles of multiple use and sustained yield." Or it might have discussed the basis on which "intangible values" would be weighed along with economic values. The lack of such responses can almost surely be laid to the Department's discomfort with economic development as an objective of forestry policies in the face of public pressures related to environmental values.

Contribution to regional income generally has fared no better than contribution to national income as a specified objective of public forest land management. While "community stability" has been recognized explicitly in federal law as an objective to be served by some public forest lands [16], it has not been the basis for a recognizable policy of regional economic development. At least in part this can be attributed to the difficulties of identifying and measuring regional economic impacts [19]. Although regional economic impacts have been at issue in forestry decisions for years, the development of useful and practical decision models and information has not really progressed far enough to give those who make public policy and program decisions the opportunity to accept or reject expected impacts on regional income as a guide to their decisions. Necessarily, much of the research that has been done has been descriptive [3, 14]. The use of regional input-output analysis in forestry decisions is promising, but data collection is often expensive and the usefulness of the data limited to a specific decision or two [6].

To sum up to this point, although the production of timber, a marketable commodity, was long identified as the major objective of forestry programs on federal lands, the economic rationale for management decisions was never developed very explicitly. In view of mounting public pressures for an improved environment, the lack of an explicitly developed economic rationale for some past decisions on federal lands is now proving to be a troublesome problem. One example involves clearcutting, a timber management practice that is now a focal point for the expression of public pressures on public forestry policy.

Clearcutting, one means of harvesting timber to assure regeneration of desirable tree species, has come into disrepute among environmentalists. It was the subject of hearings by a subcommittee of the Senate Interior and Insular Affairs Committee in April and May 1971. The hearings focused in part on a report, prepared by a select committee made up of University of Montana faculty members, evaluating timber management practices on the Bitterroot National Forest. This committee was critical of the practice of clearcutting because of its severe environmental impacts, but it notes that "very little has been said about the economic aspect of the practice [of clearcutting]" in a Forest Service review of management practices on the Bitterroot. The committee concludes that "the only way to justify the practice is to *ignore* economic analysis as a tool of decision-making" [2].

However, when viewed in terms of the existing Forest Service statement of objectives, one can readily see how economic analysis might be ignored even with respect to investments in timber production and such practices as clearcutting. The following objectives that provide the umbrella for specific programs [18]:

1. Promote and achieve a pattern of natural resource uses that will best meet the needs of people now and in the future.
2. Protect and improve the quality of air, water, soil, and natural beauty.
3. Help protect and improve the quality of the open space environment in urban and community areas.
4. Generate forestry opportunities to accelerate rural community growth.
5. Encourage the growth and development of forestry-based enterprises that readily respond to consumers' changing needs.
6. Seek optimum forest landownership patterns.
7. Improve the welfare of underprivileged members of society.
8. Involve the public in forestry policy and program formulation.
9. Encourage the development of forestry throughout the world.
10. Expand public understanding of environmental conservation.
11. Develop and make available a firm scientific base for the advancement of forestry.

Of the 11 stated objectives, 7 are actually statements of program scope (e.g., "develop and make available a firm scientific base for the advancement of forestry") or means of accomplishing objectives (e.g., "seek optimum forest landownership patterns"). While at some point it is important to identify the scope of an agency's programs and the means it will use in pursuing its objectives, it is disquieting to find that program scope is confused with objectives. Two of the remaining objectives involve equity considerations ("generate forestry opportunities to accelerate rural community growth" and "improve the welfare of underprivileged members of society"). While one might argue that these objectives imply a relatively limited view of public policy on equity matters, both are within the scope of Department of Agriculture policy and reflect recent policy directions.

Of the remaining objectives, one ("protect and improve the quality of air, water, soil, and natural beauty") might well be viewed as a subset of the other ("promote and achieve a pattern of natural resource uses that will best meet the needs of people now and in the future"). The latter is so general that one must look further to determine whether it has any meaning.

A list of 12 subobjectives in the Forest Service Manual provides some help. First it provides all of the kinds of physical outputs or uses that can be expected on forest lands, ranging from timber and minerals to recreation and wilderness. Beyond this, however, we find the same kind of perplexing objectives as in the major list. Again, there are statements of program scope (promote high quality multiple use "on other ownerships") and activities ("share expertise" and "cooperate with others"). With respect to specific commodities, the objectives are to "develop and promote national programs that meet the nation's need for timber" or to "help insure water yields of the quality and quantity needed." Again the objectives are general and fail to specify a context in which "needs" can be considered. Are needs to be considered within the context of a market economy? Are needs for timber and water to be weighed in the same manner? And what weight should be given to long-run needs as contrasted with short-run needs?

Whatever the present rationale for federal forestry policy, neither economic development nor economic growth is mentioned as an ojective in the policy directives of the major forestry agency in the country. Perhaps this is not so surprising if one considers the kind of public pressures on government agencies as a result of public concern with environmental quality. As the president of the Sierra Club stated with respect to the recent report of the Public Land Law Review Commission: "The basic premises and assumptions of the Report are wrong. The Report assumes that the twin evils of (1) population growth and (2) the notion of a limitless, ever-expanding economy are here to stay. . . . The basic conclusion of the Report is that the one-third of the nation's land belonging to the Federal government must be utilized to the full for production of commodities, and if necessary sacrificed, to satisfy the fires that glow in memory of the archaic Chamber of Commerce cliche that economic growth is necessarily always progress, necessarily always good and necessarily always desirable" [1].

In view of this kind of concern with economic growth as an objective of forestry policy, which has always been sensitive to public pressures from conservationists, one can understand why policy statements might well be couched in terms that hide economic development as a policy objective. On the other hand, economic development is a general federal policy objective that has been given statutory recognition. It is clearly an objective for which public pressures exist just as they do for environmental objectives, although public interest in environmental objectives overshadows that for economic development today. Public forestry policy should reflect both economic and environmental objectives.

If we decide that economic growth is still one valid public forestry objective along with others, and clearly identify it as such, we are still faced with the problem of comparing it with other valid objectives. Do economic models provide the best starting point for an analysis of public policy issues that involve economic and other objectives, especially those related to environmental quality?

K. William Kapp [9] argues that economic theory still is inadequate for dealing with environmental and social costs of public policy. He writes, "Both micro- and macroeconomics fall back upon the formal concepts of 'externalities' and of cost benefit analysis, but the fact of the matter is that the theoretical presuppositions and logical framework of pure economics from which these concepts are derived are too narrow and too static to be useful for the study and interpretation of the processes that give rise to environmental disruption and social costs." Having disposed of economics as a basis for establishing public policy objectives and for the analysis of policy issues, Kapp turns hopefully to an analysis of government itself to provide some clue as to a theory of social choice. He writes: ". . . the fields of public administration and administrative behavior in general provide the empirical material in the light of which it may be possible to erect a general theory of social value" [9]. Even if the circularity of this notion (look at government program objectives to find out what the objectives should be) could be overlooked, current federal forestry policy does not suggest that this provides a good starting place. The translation of public pressures into identifiable objectives of public forestry policy has not been accomplished. As the uses of forest lands have become diverse and the level of use has increased since the early part of the century, the objectives of public forestry policy have necessarily grown more complex. But as these objectives have developed beyond the original one of assuring that timber would be available to meet the objective of national economic development, the expression of policy, both in statutes and in administrative directives, has become increasingly vague.

In at least one other area of federal responsibility for natural resources this has not occurred to the same extent. For federal water resources projects the basic criterion is that "the benefits to whomsoever they accrue shall exceed the costs" [5], but this criterion and procedures for analyzing projects have been progressively improved over the years in the "Green Book," Senate Document 97 [17], and more recently in a statement of procedures being developed by the Water Resources Council [22]. The development of these procedures and the definition of criteria for evaluating projects has been the subject of open debate and discussion [8, 10]. Both procedures and criteria have been changed and improved as public policies have changed in response to public pressures. The fact that development of the framework started from an economic analysis base has not precluded building in environmental considerations as public pressures have shifted. If anything, the preparation of environmental statements to meet the requirements of the National Environmental Policy Act has shown the utility of having a defined analytical framework already available.

Finally, some consideration should be given to the institutions created to serve the forestry policy objectives of the federal government. The two chief institutions are public ownership of a large area of forest lands and cooperative programs for federal sharing with the states of the cost of forest protection and rehabilitation. Of these, land ownership is most significant because it is largest, and it is here that public pressures are greatest. Federal ownership of forest lands and timber resources now includes some 20 percent of all forest lands in the United States suitable for the production of timber products, some 40 percent of the total volume of wood fiber in standing trees, and some 60 percent of the total volume of softwood saw timber, an important input to the construction industry and the mainstay of the lumber and plywood industries. Federal ownership of forest lands came about as a result of the concern at the turn of the century with timber production and a belief that the nation could run out of timber. Just as forest land can be used in many ways to meet a variety of objectives, however, the institution of forest land ownership has proven that it too can be used in various ways. As leisure time and personal income have increased, the public demand for outdoor recreation has increased. Lands that were placed or retained in federal ownership for quite different purposes have been valuable in meeting recreation demands.

The pattern of federal land ownership, however, has been relatively inflexible. While uses on a tract of federal forest land can be readily changed, the pattern of ownership itself is not readily changed. This is evident in the work and recommendations of the Public Land Law Review Commission, which was charged with recommending needed changes in federal laws and policies with respect to the retention or disposition of federal public lands. Long before the Commission published its report [20] and indeed well before the Commission had reached even tentative conclusions, the chairman of the Commission made public statements that the Commission was not going to recommend disposition of the national forests. Despite the fact that some 85 percent of the national forest lands and some 95 percent of all federal lands are located in the western one-third of the country, serious consideration was never given by this Commission to the possibility of trading some of these lands for lands in the eastern part of the country where public pressures for outdoor recreation are greatest. The chairman and other commissioners, and even most of those in its advisory group who favored substantial disposition of the remaining unreserved public domain lands, tacitly recognized that major shifts in the ownership pattern of the national forests are politically untenable.

The inability to change significantly the ownership pattern of public lands has considerable significance for the identification of public forestry policy objectives. The fact that public forest lands are not evenly distributed throughout the country determines in part the objectives that can be met by these lands. In particular, this means that regional economic development will necessarily be an important objective of forestry policy because public forest lands are concentrated in underdeveloped regions of the country. Further, the existence of direct control over significant forest land areas is likely to lead to emphasizing some public objectives rather than others. The large federal role in supplying outdoor recreation opportunities, for example, is directly related to the fact that there was suitable land in federal ownership at the time public demand for outdoor recreation was increasing rapidly. Control in the hands of vigorous federal agency leadership looking to an expansion in its responsibilities assured that the federal government would play a large role in supplying outdoor recreation opportunities. That the Public Land Law Review Commission found that public sentiment apparently strongly favors continued federal ownership of forest lands—so strongly that the Commission believed recommendations to dispose of a significant part of it would be futile—suggests that existing ownership patterns can be accepted as public forestry policy is modified to meet changing needs.

The level and variety of uses of forest lands will surely continue to increase in the future. And there will be a continuing need for a public forestry policy that is responsive to public pressures. But until we have a new system of social accounting that will broaden our concepts of economic development so as to include other environmental and social values now outside of our concept of economics, the validity and usefulness of economic development in terms of both national and regional economic growth should be recognized. Without a clear commitment to economic development as one of the objectives of public forestry policy, we have no clear policy at all. Each additional response reflecting public pressures will add to our confusion as to the content of public forestry policy. And like Buridan's ass, who could not choose between two equidistant bales of hay, forestry as a useful practice will wither away for the inability to choose among possible courses of action.

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COMMUNITY CORRECTIONS CENTERS IN ILLINOIS

Mr. PERCY. Mr. President, recently I had the opportunity to visit three community corrections centers operated in conjunction with the Department of Cor-

rections of Illinois. In these centers, offenders and exoffenders live and work in the community with limited supervision while undergoing counseling by teams of professionals. The visits gave me a chance to talk with the residents of these homes at considerable length. I was able to get a better understanding of the impact that these programs have had on the residents of the centers and also what it will mean when these people return to society having had the advantage of this type of correctional program.

Illinois has been a leader in the reform of the correctional process. Under the very dynamic and far-sighted leadership of Governor Ogilvie and the Director of the Department of Corrections, Peter Bensinger, Illinois now stands as a model State in the field of corrections. Not only have projects like the ones I visited been successfully operated in various communities, but new prisons have been built which will be more than just warehouses. They will be places of change, places of rehabilitation rather than just punishment.

I visited the DART program which is located at the Isham Memorial YMCA in Chicago. DART stands for Drug Abuse Residential Treatment. In the year and 5 months that it has been in operation, the project has served a total of 228 exaddicts. The success rate has been a phenomenal 89 percent, which means that almost nine out of every 10 people have left DART to lead meaningful and law-abiding lives. The program concentrates on the exaddict inmate, and provides extensive counseling services. Through a multi-phase approach, the participants are prepared to live a more productive life in the community.

The Duncan Way Community Center, also in Chicago, has a current resident population of 15 men and four women. Since the program was started in 1968, 584 residents have been served. The residents are all parolees who need a place to live in the community while they look for work and a permanent residence. The residents contribute to their room and board, while receiving the benefits of extensive counseling services.

The last project that I visited was the Joliet Work Release Center which is located on the Lewis College Campus in Lockport. With a yearly turnover of 55 men, 92 percent have stayed in the community as responsible citizens. Here also, the residents work in the community while paying to the center a part of their salary to help defray the cost of their room and board.

In all of these projects, not only were the men and women preparing themselves for reentry into the outside world, but they also had the personal satisfaction of contributing to the welfare of their families. A sense of belonging and responsibility becomes ingrained in them, and this may well be the crucial factor which helps them to lead law abiding lives in the future.

Mr. President, if what we want in our correctional process is vengeance, then we can feel comfortable with ancient buildings with men locked in cages. But if what we want are places and programs that produce rehabilitated men and women who can contribute to their communities, then we need more of these types of programs. They are proving themselves to be the most productive and imaginative of any of the new ideas in corrections. Again, I congratulate Governor Ogilvie, Peter Bensinger and all who are connected with these programs for their fine efforts in this area.

So that Senators may have the opportunity to review these programs in depth, I ask unanimous consent that certain materials explaining these and other Illinois correctional projects be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE COMMUNITY CENTERS PROGRAM, ILLINOIS DEPARTMENT OF CORRECTIONS

BACKGROUND

In June, 1967, with the signature of then Governor Kerner, Illinois became the first state to provide governmental sponsorship for a joint halfway house—work release program of correctional rehabilitation. The following year both programs became operational on an autonomous basis with joint funding under the auspices of the Division of the Criminologist, Department of Public Safety. With the creation of the new Department of Corrections on January 1, 1970, the Division of the Criminologist was absorbed into the Adult Division of that department. The Community Centers (Halfway House) Program, together with its sister serivce, the Work Release Program, presently operates as part of the Office of Field Services, which has authority for all post-institutional services on behalf of all adult offenders committed to the Illinois State Penitentiary System. Since July, 1970, the Community Centers and Work Release Programs have operated on separate funding bases in order to facilitate the distinctly different focuses and services of the two programs.

DESCRIPTION OF THE COMMUNITY CENTERS PROGRAM

The Community Centers Program presently is made up of four separate centers: two in the Chicago area; one in Rockford; and one in Peoria, Illinois. All with the exception of the Rockford facility are housed in YMCA's. The latter center is situated in two large frame houses adjacent to the business and commercial area of that city. Programs and services are essentially similar and are modified only by the type of facility and neighborhood the center is located in. Resident capacities are twenty males and five females at the Westside Chicago center; twenty males at the Southside Chicago facility; six males in Rockford; and fifteen males at the Peoria center. There is, incidentally, little demand for our type of service for the female adult offender. Rarely do we function at full capacity in the provision of female services at our Chicago center.

The primal focus of the Community Centers Program is upon the most disadvantaged of the prison population: those lacking any adequate parole resources. According to Illinois statute, in order to be released from prison on parole, an individual must have approved residence and/or verified employment. As is well-known to many persons in the correctional field, individuals incarcerated for any length of time tend to lose touch with many things in the so-called free world, including resources which can be beneficial upon their eventual release. The increasing numbers of such persons in our prison system and the staggeringly high rate of their return to prison were factors that brought the Community Centers Program into being in the first place. Thus, anyone who had been granted a parole and who is lacking in approvable parole resources in terms of residence or employment is invited to apply for admission to our program. Due to limitations of staff and monies we are unable to process applications of any who have not yet been granted a parole.

Consideration of those awaiting parole hearing has also been avoided so as to preclude any influence on the part of one State agency upon the workings of another, in this case, the Parole and Pardon Board. However, all individuals who do apply are corresponded with and, if and when they are granted parole, their applications processed.

Criteria for admissions to the Community Centers Program are minimal. We prefer only that an individual be in reasonably good health or employable; be in fairly sound mental health or not in need of psychiatric aid; and that he be devoid of any other acceptable resources in terms of parole. If any individual is in need of physical or vocational rehabilitation, other agencies such as the Division of Vocational Rehabilitation or Goodwill Industries are better equipped to assist in these cases.

Duplication of services and efforts are also avoided in cases where the Department of Mental Health may be more professionally adept at provision of services. Likewise, if a choice is to be made between admitting an individual with some positive parole resources available and another who has none, the latter would be given preference for entry. Little significance is attached to either the nature of the offense or the extent of criminal background and involvement.

Where possible, efforts are made to acquaint those individuals accepted into the program with their future counselors prior to their release from the institution. Even when this is not possible, all candidates are thoroughly briefed as to what they can expect to encounter upon entry into a center program. There is, incidentally, no mandatory period of time that a resident must remain within the center program; however, the average length of residence approximates sixty days. Upon arrival at the center, a new resident is given an orientation tour of the facility and introduced to all staff members. He is assigned to a counselor who will continue to work with the resident throughout his stay. The counselor is responsible for assisting the resident with any and all problems which might be expected to confront a former offender who is attempting to make his reentry into the community. An employment relations representative is available to the two Chicago centers to provide services in the area of job counseling and placement, thereby freeing the counselor of these particular efforts. The average number of cases assigned to any counselor at a given time numbers six.

During his initial stay at a Community Center, the State assumes the cost of residence and food services for each resident. Special efforts are made to acquaint residents with changes which have occurred during their incarceration and the desirability of carefully budgeting themselves to a style in keeping with earnings, anticipated or actual, and their needs. At the time of a resident's first paycheck, he is expected to assume responsibility for his own food cost. By his second paycheck, he is expected to be in a position to accept the obligation of paying for his own room rent. Emphasis is also placed upon the necessity of savings in order to provide for the eventual move from the center to a room of his own choosing. As is evident, the "weaning" of the resident from dependent inmate to independent and self-functioning free agent is a programmed process.

Wherever possible, efforts are made to draw from the local community whatever resources are needed to assist residents in their readaptation to society. These efforts involve both public and private sectors, individual and group services, and professional and volunteer offerings. Whenever possible, the resident is encouraged to make his own choices and decisions, based upon a discussion of alternatives with his counselor and, perhaps, other staff persons. Every effort is made to have the resident help himself, rather than meekly accept decisions about his life that are made by others. Only where the resident's personal resources are tremendously outmatched by bureaucratic mazes, red tape, or incompetency on the part of others, professional or otherwise,—only then does the counselor intercede on behalf of the resident, and then it is *with* the resident, not in lieu of.

It is the philosophy of the Community Centers Program that the intrinsic goal of a service such as ours is the enhancement of the individual's ability to function adequately on his own behalf. Everything that furthers the attainment of this objective is desirable. However, it is also recognized that each individual that enters our program enters at a different level of self-competency. Once in the program, progression towards greater self-adequacy is more rapid in some, less so in others.

Thus, it is absolutely essential that each individual is treated as just that, an individual. It is recognized and acknowledged that each of our residents possesses dignity and worth as a person, and it is our job to further the ability, self respect, and societal value of that resident in the extremely short time that he is with us.

A sense of trust is essential to the type of rehabilitative function which is performed by a service such as ours. In order to bring about and perpetuate such a feeling of trust, the accent in all centers is on informality and a sincere interest in other persons. Generally, all staff members are on a first name basis with each other and with residents, and vice versa. Each man is assigned a private room, with his own key, and is expected to maintain it on a somewhat orderly basis. The sole exception to this is in our Rockford center which, due to spacial limitations, houses residents two to a room. Here, also, keys and expectations of obligations are presented to each of the men. Whenever possible, where a decision is made that might be expected to affect all or most of the men in residence, opportunities are made to allow the residents to voice their opinions and participate in the decision making process.

SENATOR CLINTON P. ANDERSON DAY IN LOS ALAMOS, N. MEX.

Mr. MONTOYA. Mr. President, recently, the city of Los Alamos, N. Mex., proclaimed April 8, 1972 as Senator CLINTON P. ANDERSON Day in Los Alamos.

On that historic date, the distinguished senior Senator from New Mexico was honored by his many friends in the State of New Mexico.

Dignitaries from all walks of life gathered to pay homage to Senator ANDERSON, who has long been considered a special friend and supporter of all the common people of New Mexico. On April 8, they too appeared in force to honor a man who has spent close to a quarter of a century in the service of his State and country.

During Senator ANDERSON's tenure in Congress, he has been active in many fields of congressional endeavor. Yet, one associates him primarily with unending dedication to establishing America's preeminence in the field of atomic energy. It is an established fact that no man has done more than Senator ANDERSON to insure development of nuclear energy, both for civilian purposes on land and in space, and for our national security.

Because of his total dedication to this field of endeavor, Senator ANDERSON enjoys the respect and admiration of the entire scientific community. Commissioner James T. Ramey of the Atomic Energy Commission expressed the sentiments of that scientific community when he paid tribute to him on Senator ANDERSON Day. In his remarks, Commissioner Ramey details the progress of the United States in the field of atomic energy and the role played by Senator ANDERSON in guiding such progress.

I know my colleagues woud be most interested in reading this tribute paid to the senior Senator from New Mexico. I therefore ask unanimous consent that Commissioner Ramey's remarks and a resolution adopted by the AEC honoring Senator CLINTON ANDERSON be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS BY JAMES T. RAMEY, COMMISSIONER, U.S. ATOMIC ENERGY COMMISSION AT SENATOR CLINTON P. ANDERSON DAY, LOS ALAMOS, N. MEX., APRIL 8, 1972

Mr. Chairman, distinguished guests, citizens of Los Alamos, and fellow members of the nuclear community at large.

It is a privilege and honor for me personally, and on behalf of the Atomic Energy Commission, to be one of your principal speakers here on Senator Clinton P. Anderson Day at Los Alamos. It is a special pleasure to be with so many old friends, including Congressman Chet Holifield, Tom Morris, Harold Agnew and many others.

Having listened to the introductions today, reminds me of a story that Senator Anderson has told on himself from time to time. The Senator was out here in New Mexico some years ago running for the Senate the second time or so, and was stumping the State to help the ticket. He was accompanied by a politically unknown fellow who was running for some supervisory job. They stopped at a small town and were introduced to the audience of a few hundred by the Mayor. The Mayor got up and launched into a fulsome introduction of the main speaker as a "man who," had been a great conservationist, had supported the national defense, and was interested in atomic development as well as the affairs of the State. As he reached the climax of his introduction, the Mayor stated, "I therefore have the honor to introduce to you the Honorable"—and then he paused and whispered to the two speakers: "Which one of you guys wants to go first?"

Needless to say, I don't believe we will have any problem of identification today!

Indeed it is difficult in a way to say much more than has already been said concerning Senator Anderson. I thought it might be appropriate to provide some personal reminiscences concerning Senator Anderson's career in atomic energy, particularly his role as a member and Chairman of the Joint Congressional Committee on Atomic Energy. This covers a period of more than 20 years.

I also want to present a resolution adopted by the Atomic Energy Commission concerning Senator Anderson's contributions in the atomic energy field. And finally I will have a special announcement to make.

In my remarks today I thought I would cover certain facets of Senator Anderson's abilities and contributions, some of which are well known, and others not so much so. Thus in my opinion he was a good executive, but he also was one of the best Senatorial interrogators in the business. It goes without saying that he was a consumate politician and legislator, with interests in both the nation at large and also in his home state including a place called Los Alamos. Perhaps his most interesting characteristic was that he was a fighter for what he thought was right, a characteristic which has tended sometimes to overshadow his other poritive and creative contributions in the field of science and technology.

SENATOR ANDERSON AS INTERROGATOR

Senator Anderson's interest in atomic energy, of course, goes back to his days in the Truman Cabinet, when he was consulted on the A bomb and its aftermath. Although he was appointed to the Joint Committee in 1951, it wasn't until the Dixon-Yates case in 1954 and 1955 that some of the Senator's investigative abilities going back to Teapot Dome days became well known in the field of atomic energy.

I have no desire to revive an old controversy which predated my tenure on the Joint Committee staff. I mention the Dixon-Yates case only because it illustrates Senator Anderson's ability as an interrogator. Thus, in one hearing I am told on good authority that one investment official was most reluctant to answer questions about certain alleged conflicts of interest; whereupon the Senator would begin to shuffle a sheaf of papers with a knowing look and thereupon the witness began to be more forthcoming. I further understand that the papers that caused the broker to "sing" were either blank or were excerpts from the Atomic Energy Act of 1954!!

NUCLEAR POWER AND PRICE-ANDERSON ACT

I first became acquainted personally with Senator Anderson back in 1956 when he hired me as Staff Director of the Joint Committee. He told me that the atomic power program seemed to be floundering, that he had appointed Bob McKinney to chair a Panel to come up with some studies and recommendations on the peaceful atom, and that he wanted me to take a look at a bill known as the Gore-Holifield bill to accelerate the atomic power program. He indicated that he wanted an expanded program that would stimulate the utilities and AEC to action, and also provide a means of protecting the public and industry in the unlikely event of an accident.

It wasn't long thereafter until we were off and running with hearings on a modified Gore-Holifield bill, and a proposal to provide for a Federal indemnity over and above private insurance. (I can remember discussing the Shippingport nuclear power project which was then being completed, and which I had had a hand in negotiating.) The bill to accelerate the atomic power program as reported out by the Joint Committee sailed through the Senate but foundered in the House by a relatively close vote. The indemnity bill was put over to the next year; and after further hearings in 1957, including consideration of improved safety procedures, was enacted as the Price-Anderson Indemnity Act.

It is interesting to note that the Price-Anderson Act not only provided "no fault" protection to the public but also it made ACRS safety reports public and required a mandatory public hearing on AEC licensing of nuclear power plants. It is also of interest that though the Anderson version of the Gore-Holifield bill did not get enacted, the interest engendered did tend to stimulate AEC and the Administration and the utilities to greater support of the civilian atomic power program.

The more than 125 nuclear power plants which have been ordered or are under construction or in operation are a tribute to the vision and leadership of Senator Anderson and Chet Holifield and their colleagues. And Clint and Chet et al are still supporting the program. A few weeks ago in testimony before the Senate Interior Committee, one of its newer members was giving me a hard time on the safety of nuclear power plants. Senator Anderson came to the rescue, inquiring as follows:

"Senator Anderson. Has your experience with the Shippingport Reactor been satisfactory? It has been expensive, I know. Is it safe?"

"Mr. Ramey. Shippingport was the prototype power plant for the current generation of commercial reactors. It went into operation in 1957 and it has been running as a prototype and experimental reactor ever since. It was built under Admiral Rickover's direction. It has operated very safely. The safety procedures that were established for its operation have, in effect, served as a model for our regulatory process."

"Senator Anderson. And the reactor that was set up near Chicago now, I think that has the same experience? Is that thing safe?"

"Mr. Ramey. Yes, sir, that is the Dresden Plant located near Morris, Illinois, about 50 miles south of Chicago. The original Dresden One reactor, which was around 180 to 200,000 electrical kilowatts, went into operation, I believe, in 1959 or 1960. It has been running now for about 11 years, and has operated very safely."

"Senator Anderson. Mr. Chairman, I spent a long time with this. I do think Commissioner Ramey and Commissioner Doub are very capable."

"Senator Bible. We are very happy to have your point, Senator Anderson. I don't know any of us who have a greater background in atomic energy than you do, sir."

It was during this 1956–60 period that I became acquainted with Senator Anderson's office in the Capital known as the "cubbyhole." Here he transacted some Committee business, mostly on an informal basis, with members of both Houses and both parties. I can recall Senators Hickenlooper, Aiken and Dworshak, and Congressmen Stubby Cole, VanZandt and Hosmer visiting at times, as well as such regulars as Chet Holifield, Mel Price, Carl Durham, Tom Morris and Wayne Aspinall and Senators Pastore, Jackson and Gore.

On occasion here Clint would reminisce about his poker games with Harry Truman et al. At one of these sessions I once asked the Senator why he gave up being a Cabinet member to run for the Senate. He answered that among other reasons he began to get tired of phone calls at 2 or 3 a.m. from the White House, and they weren't about poker, but more likely about the price of pork or beef.

THE NUCLEAR NAVY AND ADMIRAL RICKOVER

An example of Senator Anderson's fighting abilities involved his long continued support of our nuclear Navy and its controversial leader, Admiral Rickover. In early 1958 he and Chet Holifield, Scoop Jackson and their associates on the Joint Committee began to plan their strategy for the continuance of Admiral Rickover as head of the joint AEC-Navy nuclear program. The Navy brass had claimed they could not legally promote Rickover to Vice Admiral and therefore he would be out at the end of 1958.

I can recall assisting in a draft of a speech for Senator Anderson stressing the theme of the need for continuity in the technical direction of this important technological program. The Senator was kind in his review of the draft, but he said nobody would listen. We should bide our time, he said.

Our time came in the summer of 1958 when the White House released an announcement that the Nautilus had gone under the North Pole, and that a ceremony at the White House honoring the Nautilus' Captain, Commander W. R. Anderson, was scheduled. (Commander Anderson is now Congressman Anderson.) Somebody leaked the guest list for the ceremony and it showed that Admiral Rickover was not invited. So we were off and running on a speech on the Senate floor reentitled "The Little Man Who Wasn't There." In that speech Senator Anderson stated in part, after commending Commander Anderson:

"It was somewhat saddening to me, therefore, that Admiral Rickover was not invited to the White House ceremonies honoring the Nautilus' accomplishment . . . the President's press secretary explained there was not sufficient room to accommodate the man who is credited with being the father of nuclear seapower."

"I thought it was surprising that when the crew got together, there was not room for Admiral Rickover, because he does not take up much space. I doubt whether Admiral Rickover weighs over 125 pounds . . . It seems to me when they squeezed the other people in that room, they might have squeezed in the man who has done a magnificent job in making us first in one of the modern-day sciencies. Instead, he became 'the little man who wasn't there.' We have all heard of the 'little man who wasn't there.' We have had a little verse or two about him. There are people who wish he would go away. Maybe they wish Admiral Rickover would go away."

"In the past the old guard attempted to force this man out of the Navy. They have not forgotten, and apparently will not rest until they rid the Navy of this man. Congress saved him before and it is my hope that, if necessary, Congress can save him again . . ."

"Mr. President, the fight to gain recognition for Admiral Rickover has just begun. I hope it will not become as controversial as that of Billy Mitchell, or Robert Oppenheimer. But we must see that justice is done, and that our young pioneers are encouraged."

At the end of his speech the Senator introduced a proposed Joint Resolution awarding Admiral Rickover a special Congressional Medal, and also language for a bill which could be construed as enabling his promotion. The Joint Resolution was joined by a large bi-partisan majority and was subsequently enacted. The Navy apparently got the message and within a couple of weeks he was promoted to Vice Admiral without additional legislation. And Vice Admiral Rickover is still running the Navy nuclear program!

I wish I had time to dwell on the many programs of interest here at Los Alamos, and elsewhere, which Senator Anderson has supported. The controlled thermonuclear program and Dr. Tuck's role and the biology and medical program and Dr. Wright Langham come to mind as activities in which Senator Anderson was interested. And, of course, the outstanding work in the field of fission and fusion weapons development at Los Alamos, and the electro-mechanical locks known as PALS which Harold Agnew helped develop, were activities strongly supported by Senator Anderson. I know how much the Senator appreciated briefings by such scientists as Jane and Dave Hall, Al Graves, Carson Mark, Stan Ulam, Max Roy, Darol Froman, Rod Spence, Keith Boyer, Dick Baker and many others.

In the time remaining, I would like to cover briefly a few of the other creative contributions of Senator Anderson, namely his efforts on desalting the sea with nuclear power, on developing nuclear rocket technology, and finally the Meson Facility.

NUCLEAR-DESALTING PROGRAM

Senator Anderson's interest and support of nuclear-desalting is an example of how a layman, albeit a well informed one, can provide original ideas on the application of technology. Clint had been one of the original sponsors of desalting research in the Anderson-Aspinall Act of 1952. As a part of the McKinney Panel study in 1955, he asked the Los Alamos Laboratory to examine the use of nuclear reactors to make potable water from the sea.

It was fortunate that Phil Hammond was assigned by Norris Bradbury to prepare a statement on nuclear-desalting which appears in the McKinney Report in 1956. This statement indicated that when reactor technology was extrapolated to larger plants and especially with breeder technology, dual purpose nuclear-desalting plants would be technically and economically feasible.

One of the first things Senator Anderson asked me to do in 1956 was to visit Los Alamos and talk to Phil and Frank DiLuzio about this nuclear-desalting concept. I might add I have been talking to them ever since. The Senator has been following the program through the years and was instrumental in supporting the Bolsa Island project and the new proposals for demonstration plants along the Pacific coast, in the Gulf of California and in Israel. And someday we will achieve what Father Hesburgh has called the Holy Grail, linking the atom to the seas to provide a virtually inexhaustible supply of energy and a limitless source of fresh water!

SPACE AND NUCLEAR ROCKET PROGRAM

The space and nuclear rocket programs, and Senator Anderson's support of them, hardly need any recounting here at Los Alamos. Ever since somebody in Albuquerque leaked the word in 1956 that Los Alamos was working on a classified nuclear rocket, this project has been of great interest locally and nationally.

What may not be so well known was the fact that Senator Anderson with some help from the Chairman of the AEC almost had the Joint Committee and AEC responsible for the emerging space program after Sputnik. As a matter of fact, the Joint Committee on Atomic Energy held one of the first series of hearings on the development of rocket technology for outer space. These hearings represented one of the times in my experience that Senator Anderson of the Joint Committee and Admiral Strauss of AEC were in entire public agreement on a project. Senator Anderson was thinking of putting space under the Joint Committee and Admiral Strauss was interested in the space development program being under AEC. Their mutual interest was short-lived, however, since the then Senate Majority Leader Lyndon Johnson apparently had different ideas on the subject.

I suppose one of the more significant phases of the nuclear rocket program occurred during President Kennedy's visit to Los Alamos in 1962. This visit was at the invitation of Senator Anderson, and the President decided to have an impromptu budget conference during his tour. This session developed into a lively debate between the "doers and the doubters" with Harry Finger, yours truly and Raemer Shreiber and the Los Alamos representatives arrayed against the Office of Science and Technology and Harold Brown of the Defense Department.

Perhaps Senator Anderson was being a bit charitable when he wrote the Laboratory a few days later: "I was very pleased by the visit of the President to Los Alamos. I was particularly happy we could have a discussion of Project Rover where both sides of the controversy could be developed." At any rate, the result of the conference was that the program once more survived in its "Perils of Pauline" career. I would hope that for the future we can keep our Pee Wee nuclear rocket program going at a reasonable rate here at Los Alamos until bigger things come our way.

MESON PHYSICS FACILITY

Perhaps the latest and greatest interest of Senator Anderson has been in the Meson Physics Facility, or factory as we used to call it. I had the privilege of attending the ground breaking ceremony for the Facility in March 1968 which interestingly enough took place indoors because of snow. Senator Anderson was invited by the Laboratory to attend the ceremony and replied:

"I may break a leg but I will be there. I have already told people I want to be there.

I will be there, and thank the Lord there will be no speeches at the luncheon."

One of the more dramatic examples of Senator Anderson's interest in Los Alamos occurred in the fall of 1968 in regard to the Meson Facility. Although construction had officially started, and additional funding had been authorized and appropriated by the Congress, the Bureau of the Budget withheld additional funding pending further review. The outgoing Administration withheld these funds not because of any antipathy toward the Meson project, but in order that the incoming Administration might have the opportunity of reviewing the project. Nevertheless, the delay caused considerable concern—the delay of several months in an inflationary period would likely mean higher bids and a consequent construction overrun; the Senior Staff was concerned over the delay and there was talk that some of the scientists might be lured away to Weston or SLAC; it seemed that after working so long and getting so close that the whole project was in danger of being cancelled. At that point, Senator Anderson made a special trip to Texas and discussed the matter personally with President Johnson. No one knows what he said to the President, but a few days later the BOB released the funds and construction contracts were signed.

Since those days four years ago, we all have the Meson Facility under the able direction been pleased at the progress of the work on of Dr. Rosen and his colleagues. All they have to do now is to get that beam going by this summer.

In concluding my remarks today I would like to present to Senator Anderson a resolution by the Atomic Energy Commission signed by the four Commissioners and Chairman Schlesinger in which we express our appreciation for the many significant contributions he has made in the field of atomic energy. I won't read it, but it is being flashed on the screen. (Copy attached.)

Finally I have a special announcement to make which we hope will come as something of a surprise: Chairman Schlesinger and the Members of the Commission and its Staff did some studying recently on the naming of the Meson Facility.

We sought the advice of the White House and President Nixon, and consulted with Senator Anderson's colleagues on the Joint Committee and, of course, with the Laboratory Director and his associates, regarding a name which would symbolize all our interests in the peacetime aspects of basic science here at Los Alamos for the benefit of the entire Southwest and Rocky Mountain Regions, and nationally and internationally. All of us came to the unanimous conclusion that we should name the Meson Physics Facility the "Clinton P. Anderson Meson Physics Facility" and that is what we intend to do!

Thank you very much.

Resolution Adopted by the U.S. Atomic Energy Commission on March 28, 1972, in Recognition of the Services of the Honorable Clinton P. Anderson to the United States of America

Whereas the many friends, associates, and constituents of Senator Clinton P. Anderson are honoring him for more than three decades of public service to his Nation as a member of the House of Representatives, Secretary of Agriculture, and United States Senator; and

Whereas in all these high positions of public trust Senator Anderson has demonstrated devotion to the public interest, unquestioned integrity, wisdom, and a firm dedication to a strong and vigorous Nation; and

Whereas for nearly a quarter of a century Senator Anderson has been personally involved in overseeing and guiding the development of nuclear science and technology in the United States as a member of the Joint Committee on Atomic Energy; and

Whereas his leadership in the Congress and his unfailing support of the Nation's atomic energy programs over the past two decades have helped to establish the preeminence of the United States in the development of nuclear energy; both for civilian purposes on land and space, and for national security; and

Whereas, as Chairman of the Joint Committee on Atomic Energy, Senator Anderson continued and enhanced the tradition of excellence and effective legislative oversight which the Joint Committee has maintained since its inception;

Now therefore be it resolved, that we, the members of the United States Atomic Energy Commission, do hereby extend to Senator Clinton P. Anderson our deepest appreciation for a lifetime of public service to his State, his Nation, and the free world.

James R. Schlesinger,
Chairman.

James T. Ramey,
Wilfrid E. Johnson,
Clarence E. Larson,
William O. Doub,
Commissioners.

THE BURKE-HARTKE BLUES

Mr. PERCY. Mr. President, in a column published in the May issue of Nation's Business, James W. Riley, senior economist of Merck & Co., Inc., has effectively pinpointed the glaring deficiencies of S. 2594, the proposed Foreign Trade and Investment Act of 1972. I ask unanimous consent that Mr. Riley's cogent analysis of this legislation be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Burke-Hartke Blues

(By James W. Riley)

Supporters of the Burke-Hartke bill in Congress see a rosy future for the U.S. economy if it becomes law.

They say that if the foreign operations of U.S. companies are curtailed and imports restricted (major aims of the bill), exports will expand and employment will grow.

The main thesis underlying such arguments is that multinational companies directly threaten U.S. employment by manufacturing products abroad or licensing their know-how to foreign firms.

Unfortunately, the Burke-Hartke bill resembles the infamous Smoot-Hawley antitrade legislation of the 1930s, which is blamed by most economists for worsening the economic conditions in the U.S. during the Depression and indirectly causing depressed conditions around the world.

The Burke-Hartke bill also would be a disaster to the American economy. It would weaken incentives to increase productivity and to innovate and would add to the nation's inflation problem.

Probably the most destructive part of the proposed legislation from the standpoint of innovative American companies is the threat to take away incentives to discover new products and processes. Under Burke-Hartke, the President could remove U.S. patent protection from products made or licensed abroad. Thus, the choice for U.S. companies would be to manufacture the products they invent either at home or abroad. They couldn't do both as they do today.

The Burke-Hartke legislation, by effectively preventing overseas use of U.S. patents, would enable producers abroad to profit from discoveries revealed in U.S. patents. If foreign markets were cut off, U.S. research costs would have to be recovered from a lower volume of sales at home. This would help push prices higher.

The record shows that increased investment overseas raises total employment, both here and abroad. While new foreign investment directly creates jobs abroad, it also increases the number of U.S. jobs by increasing the demand for U.S. materials, equipment, and know-how.

Currently, more than 25 per cent of U.S. exports go to foreign subsidiaries of U.S. firms—exports that wouldn't be possible without overseas investment. Equally important, foreign investment—by increasing employment and incomes abroad—also adds to the demand for a vast array of U.S.-made goods and services; this leads to still more job opportunities in the U.S.

Burke-Hartke would restrict overseas investment by U.S. firms through new taxes and regulations. Existing U.S. tax laws are designed to permit subsidiaries of U.S. firms to complete with foreign companies on a reasonably equal basis. And reciprocal tax treatment is built into foreign treaties, the justification being to encourage international competition for the benefit of consumers everywhere.

Any restriction by tax or regulation on foreign investment eliminates rather than creates jobs. True, investment anywhere, no less in this country than abroad, affects specific jobs—if someone hadn't invested in a plow, people would still be hoeing fields. But the only way we can have a rising standard of living is by encouraging investment that frees people from less productive jobs to accept more productive ones.

Multinational corporations' favorable impact on U.S. employment usually is ignored by critics. Exports from the U.S. by multinational corporations increased 180 per cent between 1960 and 1970, compared with a much smaller increase in all U.S. exports. At the same time, multinationals increased their domestic employment by an estimated 31 per cent—over 2½ times faster than the 12 per cent increase in all U.S. jobs.

Additionally, very few of the goods manufactured abroad by foreign affiliates of U.S. corporations are shipped to the U.S. Only 6 per cent of all foreign affiliate sales in 1957, and only 8 per cent in 1968, became U.S. imports.

Burke-Hartke would also discourage imports by establishing quotas. Under quotas—France introduced the world to this antitrade tool in 1931—only limited quantities of a product may be imported, and these quantities usually are divided among various supplier countries.

Competition among countries for portions of quotas leads to retaliation and loss of export market. Then, one retaliation leads to another and so on until trade is strangled. Restrictions of this kind encourage the formation of monopolies and cartels, anticompetitive international groups that the U.S. has worked to eliminate.

Those calling for import controls even at the expense of the consuming public do so by claiming to represent the public interest. The nation should be self-sustaining, they say, have production needed for defense, etc. Their goal is really to protect specific companies or industries.

Or it is claimed that foreign goods are "un-American"—produced by low-paid labor, unfriendly nations, or sold at unrealistically low prices. Typically these latter charges are more assertion than fact. But, to the extent that unfair competition truly exists, remedial laws currently on the books should be vigorously enforced.

By protecting inefficient industries, import controls not only force U.S. consumers to pay higher prices, they allow protected industries to become less efficient. This leads to still higher prices, greater distortion in resources allocation, reduced consumer choice, and inevitably to declining employment.

If we are ever going to reach full employment, we will not do it by cutting ourselves off from world markets as proposed by the Burke-Hartke bill, but by competitive trade.

SEA MAMMAL PROTECTION HEARINGS IN ALASKA

Mr. GRAVEL. Mr. President, I have just returned from 2 days of hearings in Alaska on sea mammal protection legislation. As might be imagined, Alaska will be affected more than any other State by the legislation which has passed the other body and is now before the Senate Commerce Committee.

It is important that whatever legislation will pass in this subject not be abusive and hurtful to the Alaskan Natives who have for centuries harvested the various species of ocean mammals. Not only must we look after the subsistence rights but we must also assure that we do not destroy the fragile arts and crafts industry which is so much an integral part of rural Alaska.

Sunday's report in the Washington Post by Lael Morgan provides a glimpse of the Eskimo view of the legislation and is representative of the testimony we gathered during these hearings. So that this might be brought to wider attention, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 14, 1972]

Mammal Protection Alarms Eskimos, Indians

(By Lael Morgan)

Nome, Alaska, May 13.—"This conference, whatever you call it, is something I don't know too much about," began Edwin Tunguk, 80, a weathered Eskimo hunter from Goloyin who, like many of his people here this week had to struggle with English.

"I deeply concerned when they talk about the seals though. I know that much white man is not a fool. He got big head. Someone outside in United States wants to cut this seal hunting off. They must have seen something I haven't."

Edwin Tunguk was but one of many Eskimo and Indian hunters who laid aside their harpoons and rifles last week to travel by bush plane, dog sled and snow machine to testify before the U.S. Senate Commerce Committee on the proposed Sea Mammal Protection Act.

The legislation, which passed the House in the form of a five-year moratorium on the taking of all sea animals, would permit subsistence hunting by Alaskan natives of all but endangered species. The act would preclude trading and interstate commerce in sea mammal products.

Alaska Sen. Ted Stevens, ranking Republican on Commerce's subcommittee on oceans and atmosphere, said that while it is not customary to take local testimony when Congress is in session, many natives could not afford to travel to Washington and assessment of local impact on the legislation is needed. Alaska Sen. Mike Gravel is also participating in the hearings, which are being held in Nome, and Bethel and Juneau.

"We never waste anything. The meat we don't eat we use for trapping as bait. By carving (walrus tusks) the people buy staples, gas and fuel oil," explained Sharon Orr, a pretty Eskimo housewife representing several families who camp on Northeast cape, St. Lawrence Island.

"For generations, we have been taught to conserve because we live off the environment. If this bill passes we will have to be solely dependent on welfare. The people do not want to live on welfare. It kills their pride in themselves."

"The land claims bill has passed, but we natives have yet to see any money," said Peter Seganna, a King Islander. "Everybody thinks we're rich. We're rich in culture, which we are about to lose through you. But they estimate we'll only get $475 with the settlement."

Robert Willard, a Tlinget Indian representing the Alaska Commission on Human Rights, testified that the only income for 10,000 natives comes from manufacture of arts and craft items, mainly from sea mammals and byproducts. He contended that over half of all Alaskan natives receive some income from this source.

Many Alaskan villages depend on walrus, whale and seal for about 90 per cent of their diet, according to testimony.

"Just as many Caucausians can't get used to eating native food, we can't get used to eating beef and pork," Vern Kugzruk, a Nome native testified.

"We use the blubber to preserve our food because many of us do not have ice boxes," explained Emma Willoya of Grevig Mission. "Our greens and a lot of our meat is put away for later use in seal oil."

And seal oil, it would appear, is as important to health in the Arctic. A sizable trading business has been established between coastal Eskimos and inlanders who trade game and furs for seal oil to supplement their winter diets.

"We have survived to this day with an abundance of sea mammals," observed Frank Degnan, Eskimo leader from Unalakleet. "Our students on return from other parts of the world where our food is not in use ask for it on arrival. Some of our Eskimos get education and need to live outside to improve their status but they still like their muktuk, seal oil. . . . Some of them flippers (whale fluke) may be a little stinky, but they like it and kauk, that's a walrus hide we like to eat . . ."

"How do you spell that (Kauk)?" Sen. Stevens asked.

"We don't spell it, we eat it," Degnan replied.

The fur of the seal and skins are also essential for winter clothing. Witnesses said it's unequalled as protection in Arctic weather.

Some Eskimos struggled to find mainland parellels that might explain how limited hunting would affect them.

"It's like telling a coal miner you can only dig enough to heat your house but you can't sell any," one said.

"Learning to hunt and carve are equivalent to a Masters in college," maintained Paul Tuilana, a walrus hunter with 35 years experience from King Island. "Now this bill has taken away my diploma."

The status of hunters is like that of football players. In many villages the young people look up to them and sometimes they are village leaders, reported Jerome Trigg, president of Bering Strait Native Association.

Testimony explaining the close tie between tradition and economics of the Eskimo hunt came from David Stone, a whale hunter.

"In Point Hope, our very lives revolve around the migratory cycle of the oceanic mammals," he said, reading haltingly from a speech prepared by his village council. "There are virtually no jobs available in Point Hope. The 1970 manpower survey showed 64 per cent of the population had an average income of under $3,000 and the cost of living is double that of Seattle. Obviously, it is virtually impossible to meet the cost of oil, rent, lights and food without any monetary supplies. Any money that we can gain from our limited use of the sea mammal products is sorely needed."

Although it is the second largest whaling community in the state, Point Hope produced just 2,000 pounds of muktuk (edible whale skin) for sale to other Eskimo villages last season. At $2 per pound for resale, the total return per villager was $23.53, Stone said.

"We have always hunted only for what we need. We have been wise enough not to overkill. Is it fair to destroy our cultural heritage and life style by stopping all our utilization of these mammals?"

Point Hope whalers hunt the bowhead which may be placed on the endangered list because some scientists report only 100 remain. Testimony from the Alaskan Department of Fish and Game disputed this, however. According to their men, the bowhead population is between 2,000 and 3,000 and increasing. They also estimated the sea otter population at between 50,000 and 100,000 despite harvesting of 2,460 and the Amchitka atomic test which they claim killed 1,000.

Art Davidson, Alaska representative of Friends of the Earth, pleaded for better resource management and native input in this management.

"People are part of the environment, too," Davidson said. But some of the witnesses wondered if their testimony would do any good. The only Washington representatives present besides their own senators were John Hussey and Dave Clanton, staffers for the majority and minority members of the Commerce subcommittee.

"The representatives from Washington, D.C., they don't even come in Alaska one day yet. Why not send them up to Alaska first?" wondered Bennedict Snowball Jr., of Stebbins Village, who had to pay over $300 to charter a plane for the hearing.

And if the bill passes without additional consideration for Alaskans, "All we do is watch with heartache the Russian boats taking all they want," concluded John Apangalook of Gambell, an island just a few miles off the Siberian coast.

"And one will whisper, why did the U.S. buy Alaska? I would say the one who introduced this bill needs an education in the Eskimo way of living."

LA SALLE-PERU TOWNSHIP SYMPHONIC BAND

Mr. PERCY. Mr. President, today we often hear a great deal of students who apparently become involved in difficult situations. Today, however I wish to acknowledge a group of students who have brought recognition to themselves, their school, and their community.

The La Salle-Peru Township Symphonic Band under the direction of Melvin Pontius, their director, has been invited to the International High School Band Festival in Vienna, Austria, in July of 1972. Less than 2 percent of the high school bands in this country were considered for this honor. The La Salle-Peru Symphonic Band is the only band to represent Illinois at this festival in which students from 50 countries will convene.

These students raised a total of $35,000 to date to finance the trip. With community help, the students have had many projects. Major projects consisted in the recycling of glass and the collection of paper. These students are certainly to be commended.

The International Band Festival, conceived by the Austrian Government to highlight its "Youth Year—1972," has the official endorsement and the cooperation of the Government of the Republic of Austria, and is under the patronage of the Federal Minister of Education.

I wish them every success and I am proud that this fine group of young people will be representing the State of Illinois in Vienna.

A GREAT AMERICAN PASSES ON

Mr. MONTOYA. Mr. President, momentous events occupy us here on a daily basis. From this city flows a series of reports on happenings involving practically all the people in the world. The President says this. The Congress passes that. One scandal or another preoccupies us for a few days or weeks, and then we are on to the next titillation or challenge.

Little attention is paid here to some of the prodigious labors performed by relatively unknown giants who come among us from time to time, blessing all who come into contact with them in one way or another.

One such man lived and has just died in the State of New Mexico. He served Otero County, mainly the town of Tularosa and the Alamogordo area, as a general practitioner of medicine. His name was Dr. Elmer J. Klump, of Tularosa, who died suddenly at the young age of 51.

He was as widely loved as he was known, and that was everywhere in that county. Death came as he would have wished it, as he served the sick. It should also be known that this was a doctor in the truest sense of the word. Compassion cannot come in a bottle. Rather, it comes from the heart. And if it could be measured, we would say that Elmer's heart was as big as his body. He had enough for all.

Some men and women pass through this world taking from all they encounter. Theirs is a parasitic existence, offering little in return. Dr. Klump's life was just the opposite, seeking always some manner in which to give of himself to those in need.

A generation of children birthed in that area will have cause to bless his name. Those of us left behind can merely grieve and give thanks that such men occasionally are to be found.

Father Diamond's eulogy speaks far better of the tale of this man's life.

I ask unanimous consent that it be printed in the Record.

There being no objection, the eulogy was ordered to be printed in the Record, as follows:

Eulogy

Suppose a stranger to our little community were passing through Tularosa this morning. He would say, "Why are the flags at half mast? Why is this crowd assembled here in church, so many that the church cannot hold them all? Why is this community in a state of shock?"

He would be told, "This is the funeral of Doctor Elmer J. Klump."

And he would ask, "Who is Doctor Klump?"

Who is Doctor Klump? If you seek the answer to that question, you do not look in the national headlines; or in Who's Who; or in Dun and Bradstreet. You will not find his name listed in the annals of the great and mighty of this land. You will find his name engraved, not in print, but in the hearts of his fellow men. Not on tablets of bronze, but on the fleshy tablets of the human heart. Not on cold marble slabs, but in the warm memories of those who love him.

Who is Doctor Klump? Ask any of the 5,000 babies that he delivered. Of all ages. Some of them are now 28 years old. Many of them are with us this morning. They would say, "His were the loving hands that guided us on that dark and frightful journey from our mother's womb into the womb of life. Into his hands we were delivered.

We are all living in the womb of life, waiting for birth into another life.

Who is Doctor Klump? Ask any of the 5,000 mothers. They would say, "The road to childbirth is, in the last analysis, a road which a mother must travel alone. But because of him we were never entirely alone. His skillful hands, learned mind and gentle heart were with us all the way."

Who was Doctor Klump? Ask any of the inmates in our jails. I hope some of them are with us this morning. They would say, "This was the man who came into the jail to minister to us. He brought us solace in body and in mind."

Who was Doctor Klump? Ask the poor of this community. They will say, "Never in his 28 years amongst us did he turn away anyone for lack of funds. We paid him with tamales and he accepted them graciously like a gentleman, because his life was dedicated to service rather than to profit."

Who was Doctor Klump? Ask his friends. They will say, "He has left in our hearts a gap that no one else can fill. But we can still live on stronger and better because we were privileged to know him."

I could go on forever. Ask anyone in this community, "Who was Doctor Klump"? Ask from the highest and the lowest. Ask from the Christian and from the pagan. Ask from the young and the old. Ask the believer. Ask the Agnostic. Ask the fortunate. Ask the unfortunate. Ask the sinner. Ask the saint. Ask the drunkard. Ask the sober. Ask the weak. Ask the strong. Ask the brave. Ask the frightened. Ask them all.

To the stranger passing through our community they would all say, "He was a Christian gentleman and a gentlemanly Christian. He was human enough to be understanding and honest enough to be human."

We are all in the womb of life, waiting for birth into a higher life.

Do I dare say something this morning when so many are grieving? Do I dare to say, "There is no such thing as death. There is only the process of birth into a higher life?"

Imagine a child in his mother's womb—one of the 5,000 that Doctor Klump helped to deliver. The unborn child will say,

"When you figure it all out, this is a pretty good life here in my mother's womb. There is no rent to pay. No grocery bill. Transportation is free. It is warm, soft and secure."

Imagine that a voice would say to that child, "The laws of nature are such that you must go forth from this place into another life and there is nothing you can do about it. There is a great new life outside waiting for you."

The child will say, "I do not want to leave here. If you take me out of here I will die."

But the laws of nature are such that the moment comes anyway. The child says, "Now I am dying. This is the end of everything. I am being pushed and pulled against my will. Now what are they doing to me. They have got my big toe caught in a forceps. I am being forced from my mother's womb, where I lived so contentedly. I am dying".

But he does not die. He enters a world of light. He is greeted by loving hands and gazed at by loving eyes. He says, "I was not dying. I was being born".

He lives and grows and passes through a fascinating world of colors and lights, of joys and sorrows, of pleasures and pains. He is now a mature man. He says, "I have lived a full life. I have failed and I have succeeded. I have created. I have seen the good and the bad. All in all life is good and I do not want to leave it".

God says to him, "You have been living in the womb of life and according to the laws of life you must now leave the womb and enter into a higher life. There is nothing you can do about it."

He says, "I like it here. I want to stay. If I leave here I will die".

Warnings are sent to say that the moment may be approaching. Could these warnings be the forceps of the divine physician coaxing him towards his deliverance from the prison of the body?

In the laws of Nature the moment arrives. He says, "I am dying".

But God says, "There is no such things as death. What you are going through, painful though it is, is the process of birth into a higher life."

And painfully, reluctantly, fearfully, agonizingly he is born again. Just as the infant is greeted with loving hands and with the eyes of love, so too, the man emerges from the womb of life into a new world. A world, where eye hath not seen, nor ear heard, nor hath it entered into the heart of man, what things God hath prepared for those who love Him.

He did not die. He was in the process of being born again.

We are all in the womb of life. There is no such thing as death. There is only the process of birth into a higher life.

To those who are grieving most. To his son. To his daughter. To his grandson. To his mother. To his two brothers. To his sister. To his aunt.

I offer these words of solace. The painted veil that men call life is very, very thin. A whisper can pass through it. You have Christ's word for this. It is hard to believe at a time like this, but believe we must. Through our tears we look meekly up to the God of all consolation. To the God who said, "I am the resurrection and the life. He who believeth in me, although he be dead, shall live." This is the essence of the Christian faith.

You have Christ's word for this too and this is also of faith—Because there is no death but only the process of birth into a new life, Doctor Klump is closer to you now than he ever was.

SOME PROGRESS IN CONTINUING CONTROVERSY OVER FHA PROGRAMS

Mr. PERCY. Mr. President, investigations into the operation of Federal Housing Administration programs are advancing. Conclusions are beginning to emerge and Congress must be prepared to act upon them swiftly.

Congressman John Monagan's Subcommittee on Legal and Monetary Affairs has been focusing on the foreclosure problem in FHA inner-city mortgage-insurance programs, principally the 221(d)(2) and 235 programs.

In a recent interview with the renowned economist Elliot Janeway, Representative Monagan said he believed that the interest-subsidy homeownership program should be removed from the FHA and that FHA should go back to what it did so successfully in the 1940's and 1950's, insure middle-class mortgages in middle-class suburbs.

I have suggested much the same action if FHA cannot be restructured so that it becomes the advocate of the low-income homebuyer. Even since I first formally proposed the concept of homeownership for low-income families in 1967, I have felt that the FHA was the wrong agency to run the program because of its traditional role as spokesman for middle-class interests. The record of FHA mismanagement of the 235 program has borne out my worst fears.

I hope that Congress will act soon to

reform the FHA or, as Representative Monagan suggests, remove the interest-subsidy programs from its jurisdiction entirely.

I ask unanimous consent that the text of the Janeway-Monagan interview as published in the Chicago Tribune be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Fiscal Fiasco Seen in FHA's Policies

(By Eliot Janeway)

New York.—"The Housing Magna Carta" was what Johnson called the Housing Act he persuaded his 1968 Congress to pass. It promised to open a new era for urban renewal. Instead, it has opened a can of worms.

Congressman John Monagan of Waterbury, Conn., himself a former mayor, is chairman of the legal and monetary affairs Committee on Government Operations. Here, in shock and in sorrow, is his audit of Uncle Sam's latest fiscal fiasco.

Janeway. When did the Federal Housing Administration's current problems first come to the attention of your committee?

Monagan. In the latter half of 1971 we started a routine investigation into the activities of the department, and then the problems, particularly in Detroit, began to surface. The trouble dates back to 1968 when Congress voted legislation abolishing FHA's traditional policy of not guaranteeing mortgages in high-risk areas. Once FHA began guaranteeing city mortgages, speculators began taking advantage of it. They would buy up low-cost properties and sell them at much higher prices to low-income families. Mortgagees made the money available because FHA backed the mortgages by nearly 100 per cent.

Janeway. How has this backfired on FHA?

Monagan. For one thing, property like this which is bought and sold with only cosmetic renovation, continues to deteriorate. Because of the high sale price, the new owners, who generally have never owned homes before and have no idea what it can cost [some of them are on welfare], have a desperate time just keeping up with payments. When they can no longer swing it, the property is foreclosed and FHA winds up paying off the mortgagee in full. This has been happening on a massive scale. In Detroit alone we found 5,200 properties in the FHA inventory, with an average loss of $10,000 on each property in one section of the city. And this is growing all the time. I'd estimate the number in serious default there at 14,000.

Janeway. My guess is that you'll find far fewer foreclosures in New York City because the welfare program picks up the tab rather than have to relocate the family.

Monagan. I believe that's also true in Milwaukee.

Janeway. FHA used to have one of the best track records of any agency in government. At no cost to the taxpayers, it underwrote the long recovery and building boom from the '30s into the late '60s.

Monagan. Yes. The key to their success was their rigorous and impartial standards. Now we're finding that for some reason those standards have been badly compromised in the last few years.

Janeway. Have you found abuses in new construction as well?

Monagan. Yes. Our investigations indicate there are some problems in suburban, single-family development and in multi-family dwellings—everything from undesirable location to overbuilding to sloppy workmanship. One developer we know constructed 100 to 200 units which have been occupied and then abandoned because of their remoteness from vital services, and he is now putting up more units in another area right nearby. We're getting requests from all over the country—Miami, Philadelphia, Chicago, Atlanta, Houston, you name it—to look into this sort of thing. My guess is that Detroit is one of the worst in terms of dollars lost so far, but it's hard to tell at this point. Each metropolitan-suburban area has its own kind of abuse.

Janeway. This epidemic of foreclosures is being disguised by the construction activity figures, of course. They keep telling us the country is enjoying the biggest building year ever. What do you estimate the total cost to FHA is going to be?

Monagan. I'd say $1 billion is easily in the ballpark, and the problem keeps growing. And, of course, that's a billion dollars of taxpayers' money going down the drain at a time when there is enormous pressure on the government both to cut back on wasted spending and to spend more on programs dealing with social needs—such as job training, child care, remedial schooling, etc.

Janeway. How is FHA reacting to this situation?

Monagan. They were totally unprepared for anything like this. They have several risk funds, but these won't last long; the smaller one, $80 million, I believe, is already nearly depleted. This means Congress is going to have to come up with a new appropriation to underwrite FHA.

Janeway. Meanwhile, because of the foreclosures, the tax base is being reduced.

Monagan. Yes, and where it hurts most, in urban areas. Abandoned buildings have a blighting effect on the surrounding neighborhood as well, and this further reduces tax revenues.

Janeway. Have you started looking into the ramifications this strain on FHA's insuring capacity is going to have in the banking community? Up until now S&Ls, and insurance and savings banks have inventoried FHA guarantees as a matter of course, holding no reserves against them, and trading them on a pure money market basis.

Monagan. Yes, we've taken this up with FHA people from the areas we're looking into. I think our next step will be to ask for a reappraisal by HUD Secretary Romney and the head of FHA. I strongly believe that FHA should disengage itself from the whole area of insuring mortgages on low-income housing, which can be better financed through direct government appropriations, and go back to its former high standards.

Chicago real estate brokers released details yesterday of new guidelines designed to protect home buyers with Federal Housing Authority mortgages from unscrupulous sellers.

The guidelines are in the form of a "statement of responsibility" that must be signed by both the buyer and seller in addition to the selling real estate broker.

The statement provides that:

SOLD "AS IS"

1. All parties agree that the property is being sold "as is" and "as shown." The seller represents that only the plumbing, electrical, and heating systems will be in working order when the buyer takes possession. The buyer acknowledges that he has personally inspected the home, that no physical feature has been concealed, and that the plaster, floors, roof, and foundation are acceptable.

2. Buyer and seller agree that no warranties have been made about the property's condition, unless the property is being financed under section 235 of the National Housing Act which requires a warranty.

3. The seller warrants that he has received no notice of any code violation that has not been corrected.

MUST FURNISH APPRAISAL

4. The seller agrees to furnish the buyer with an appraisal of the property's value for FHA mortgage insurance. If this is not delivered, the buyer may withdraw from the transaction with no penalty or may go ahead with the purchase if he chooses.

5. The selling broker represents that the transaction was made in accordance with Department of Housing and Urban Development [HUD], procedures and that he has received nothing other than the customary commission.

6. The buyer agrees to his responsibility to maintain the property after the closing. He also agrees not to undertake major expense of improvement, such as a new roof, siding, heating, plumbing, or electrical work over $500, within one year after closing, without a HUD inspection.

The agreements will be made by the selling broker in English and in the native language of the buyer if he does not have a fluent understanding of written English.

The statement was developed by the Chicago area office of HUD in cooperation with the Chicago Real Estate Board, neighborhood real estate boards, and Chicago mortgage bankers.

John L. Hall, president of the Chicago Real Estate Board, said that copies of the statement in English and Spanish are being circulated and will become a standard part of all transactions in which FHA mortgage insurance is involved.

The statement is designed to eliminate many of the problems and misunderstandings, as well as misrepresentations, that occurred in the past as the result of buyers purchasing homes which later turned out too defective or overpaid by speculators.

Mr. PERCY. Mr. President, I have from time to time criticized the real estate industry for its part in the well-documented abuses of the FHA section 235 program. I am always pleased to note instances where the private sector acts responsibly to set its own house in order.

Such an instance was recorded in Chicago's newspapers last week. The Chicago real estate board, in cooperation with the Chicago area office of FHA and the Chicago mortgage bankers, has prepared and released a set of guidelines to govern real estate transactions involving FHA-insured properties. I think this marks a great stride forward in eliminating those unscrupulous operators who are out to make a fast buck at the expense of the poor and the public treasury.

I commend all who had a hand in developing these guidelines.

I ask unanimous consent that an article from the Chicago Sun-Times detailing these guidelines be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

New Code To Govern Sales of FHA-Backed Property

The government's Chicago area Housing and Urban Development agency released rules Wednesday covering the sales of buildings constructed with FHA-guaranteed mortgages.

The code was worked out with assistance of the Chicago Real Estate Board, neighborhood real estate boards and Chicago Mortgage Bankers.

The action followed recent criticism by civic groups of the rundown conditions of such FHA-mortgaged property.

John L. Hall, president of the Chicago Real Estate Board, said that copies of a statement in English and Spanish are being circulated to all members of the board.

The statement is designed to eliminate misunderstandings and misrepresentations that have occurred in the past and aroused criticism that buyers bought homes that turned out to be defective or overpriced.

Both buyer and seller, as well as the real estate broker, must sign the agreement to obtain FHA mortgage insurance. The agreement calls for:

(1) The property is sold on an "as is" basis. The seller agrees that only the plumbing, electrical and heating systems will be in working order when the buyer takes possession.

(2) Buyer and seller agree that no warranties have been made about the property's condition, unless the property is financed under that section of the National Housing Act requiring a warranty.

(3) The seller must guarantee that there are no major housing violations against the property.

(4) The seller agrees to furnish the buyer with a property appraisal. If this is not forthcoming, the buyer may withdraw from the transaction with no penalty.

(5) The selling broker must agree that he has received nothing except the customary commission and that all terms of the deal meet with Housing and Urban Development agency standards.

(6) The buyer agrees not to undertake any major improvement within one year without a free HUD inspection to determine if the improvement is necessary.

DANGER OF PRESIDENT'S VIETNAM POLICY

Mr. STEVENSON. Mr. President, the futility and the danger of the President's policy in Vietnam are underscored by Mr. Cyrus R. Vance and five of his former associates in the Department of Defense in a statement published in the New York Times. It is a succinct and forceful statement which I hope all Senators will read. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement, was ordered to be printed in the RECORD, as follows:

PRESIDENT'S VIETNAM POLICY

President Nixon's decision to mine the harbors and coastline of North Vietnam and expand the bombing of the North follows a significant build-up of United States air strength in Southeast Asia, renewed bombing of military targets in the North and increased doubts that the South Vietnamese can assume the burden of combat in the South.

We believe that the President's decision and the resumption of bombing are tragic mistakes. They are dangerous, wrong and ineffective. We urge that the bombing of the North be discontinued, that the mining be stopped and that our military involvement in Southeast Asia be ended promptly, leaving the Vietnamese to work out their own political resolution. The bombing of the last several months did not discourage or impede the major North Vietnamese attacks now in progress. In fact, years of experience in the unsuccessful attempt of the last Administration to cut off men and supplies from the North by air attacks against supply depots, supply routes and other military targets demonstrate abundantly that increased interdiction bombing will not put an end to the North Vietnamese war effort. Nor will the new steps being taken restrict the daily importation of military and war-supporting material sufficiently to prevent North Vietnam from continuing its operations in the South.

The recent escalation of military activity on both sides has hindered rather than advanced a negotiated settlement in Paris. Moreover, the additional escalation in attempting to seal off North Vietnam jeopardizes our relations with the Soviet Union and the Peoples Republic of China. It unjustifiably risks a direct military confrontation with both countries and may impede the progress of the Strategic Arms Limitation Talks, which are of fundamental importance not only to the United States and the Soviet Union but to all nations.

The escalatory trend also causes apprehension over the possibility of new types of air actions against the North—those in which the United States may engage in retaliatory and punitive bombing raids against heavily populated areas. We want to say as strongly as possible that such bombing would be an unconscionable error.

The national interest of the United States does not justify the escalatory actions which have been taken and we urge that a date be set for the withdrawal of all our military forces from Vietnam.

GEN. LUCIUS D. CLAY

Mr. PERCY. Mr. President, Gen. Lucius D. Clay recently celebrated his 75th birthday. General Clay's outstanding role of leadership in the American military is well known.

A 1918 graduate of West Point, Clay served as deputy director of war programs in 1944, became deputy to General Eisenhower in 1945, and served as Commander in Chief of U.S. forces in Europe and Military Governor of the U.S. Zone in Germany from 1947 to 1949. In 1948, the Washington Sunday Star said that:

> General Clay is generally credited . . . with having done the ablest and most efficient administrative job of any of the military governors of the four occupying powers.

General Clay retired in 1949 and became chairman of Continental Can Co. He responded again to the call of duty during the East-West crisis in Berlin in September, 1961, when President Kennedy named General Clay as his personal emissary to that city.

Over the years he has been involved in many business and civic activities. He is currently associated with the investment banking firm of Lehman Brothers and has served as finance chairman of the National Republican Party. He is also the chairman of the board of directors of Radio Free Europe and has been a driving force in calling to the attention of the American people the need to allow that important service to continue. His efforts have inspired my own efforts on behalf of Radio Free Europe in the Senate.

BLOODSHED AND PISTOLS

Mr. STEVENSON. Mr. President, 3 weeks ago today I introduced S. 3528, the Federal Handgun Licensing and Registration Act of 1972. In the statement I made accompanying the introduction of the bill, I noted that the bill recognizes the legitimate uses for handguns, but it also recognizes that one does not shoot ducks with a snub-nosed .38. Twenty days later Gov. George Wallace, a candidate for the Presidency, was shot with a snub-nosed .38.

The time has come to stem this senseless violence. In 1968, Senator Kennedy was assassinated with a handgun. In 1970, 80 percent of homicides involving firearms were committed with handguns. Most violent crime is committed with handguns and 75 percent of all policemen killed in the line of duty are killed at the point of a handgun. The crime gun in America is the handgun.

What more do we need? What does it take to move us to action? Every time our country is defamed by such an act of brutality we wring our hands, protest the violence—and do nothing.

The Nation needs a law—not that will confiscate the guns of law-abiding citizens, but a law which will keep handguns away from those most likely to misuse them.

To those who believe the slogan that criminals — not handguns — commit crimes, this can be said: Criminals cause crimes—and handguns are the principal instruments of the death and injury they cause. There is no instrument more sinister than the lethal concealable pistol.

S. 3528 is a compromise between the extremes of those who propose to outlaw all handguns and those on the other hand who resist any effort to control the possession and ownership of any guns. It will be said, as it always is, that only the law-abiding will register their guns. But that is one point of the bill. Those unable, or unwilling, to register will be subject to prosecution. They can be disarmed. The bill will please neither extreme. By the same token, it ought to offer some common point, a compromise if you will, for all who want to do something to stem the rising tide of violence. As it is now, we face a standoff. The alternative to this bill may be nothing—and more senseless, needless bloodshed.

The bill recognizes that many crimes are committed in moments of passion, and that violence is made possible by the easy accessibility of handguns. It offers law enforcement authorities a chance to trace handguns used in the commission of crimes to the offenders. It offers a means of cutting back on the accidental injuries, as well as the crime, caused by the easy accessibility to handguns, such unsafe and unsuitable handguns, such as the "Saturday night special." States and localities would be able for the first time to adopt effective handgun controls.

The public dialog is divided between the extremes: between charges of permissiveness on the one hand and of repression on the other; between rhetoric which breeds fear and rhetoric which breeds passivity; between those who believe we are a soft society and those who believe we are a sick society.

I am not ready to admit that we are a sick society which nurtures violence; that we are more violent or bloodthirsty than other men in other lands. The evidence does not prove that we are innately violent; but it is clear that we have failed to keep guns away from violent men.

It is time to find some common ground.

It is time to stop the bloodshed that handguns bring.

It is time to erase, as far as we are able, the fear that handguns spread.

It is time to protect the lives of citizens, of policemen—yes, of candidates for President of the United States.

In doing so, we will not damage any liberty which free and lawful men enjoy.

We will, instead, honor the intention

of those whose purpose when they founded our Nation, was "to form a more perfect union; to establish justice; to insure domestic tranquility."

Mr. President, it is past time that Congress faced up to the gun lobby and did its duty. I hope the Judiciary Committee will act soon and give the Senate a chance to stem the bloodshed from pistols.

DEVELOPMENT OF THUNDERBIRD GRADUATE SCHOOL OF INTERNATIONAL MANAGEMENT

Mr. FANNIN. Mr. President, there was a time when America's superior technology and high productivity assured our Nation leadership in international trade and relations.

This is no longer the case. We have strong competitors in Japan and in Europe.

The task of maintaining our rightful place in world trade is difficult. Now, more than ever, it is essential that America have high caliber men and women who can provide us with the leadership we need in the field of trade and management.

Arizona is fortunate in that one of the leading schools in this field is located in the Phoenix area. This is the Thunderbird Graduate School of International Management.

Mr. President, in 1967, I placed in the Record a statement which described the fine work of the school. In view of developments in the past 5 years, the work of this institution is of ever increasing importance. I ask unanimous consent to have printed in the Record a statement by Robert L. Gulick, Jr., which updates the development of Thunderbird.

There being no objection, the statement was ordered to be printed in the Record, as follows:

High Flies the Thunderbird

(By Robert L. Gulick, Jr., dean of admissions and registrar and professor of international studies)

With a name like Thunderbird Graduate School of International Management, it's got to be something else. And this school in the heart of Arizona is different. In the quarter of a century since its founding, no other American institution has imitated its integrated program of International Studies for cultural adjustment, Modern Languages for oral communication, and World Business for practical know-how. The president of a large eastern university once told me that he had only one criticism to make of Thunderbird. "Either it should be ten times its present size or you should have half a dozen campuses distributed around the country." Much has happened at this center for the study of international management since the writing of the story that appeared in the Congressional Record in February, 1967.

In the spring semester, 1967, enrollment reached 402. The comparable figure for 1972 is 653, a hefty increase of sixty-two percent.

In my judgment the most significant date in the recent history of the institution was September 1, 1971. Then it was that Dr. William Voris became Thunderbird's president. For the first time since its founding, Thunderbird acquired as its leader a man with an earned doctorate in management theory. This relevant academic background was reinforced by experience of more than eight years as Dean of the College of Business and Public Administration at the University of Arizona, Tucson. In addition, he had served as a professor in universities in the Middle East and as a methods consultant to California corporations.

Born in the "Land of Lincoln," he understands and respects the pioneer spirit and the other human resources that have contributed to the greatness of the new world. The top leadership of the school was further strengthened on February 1, 1972, with the appointment of Dr. Donald W. Baerresen as Vice President for Academic Affairs. Formerly Research Director of the Center for International Business, Los Angeles, Dr. Baerresen had spent four years in Europe and six years in Latin America, experience enriched with the command of German, Portuguese, and Spanish.

The forward march of the school was signaled on November 26, 1968, by the name change from American Institute for Foreign Trade to Thunderbird Graduate School of International Management. Over the preceding twenty years there had been a gradual shift in emphasis from export-import practice to managerial positions in industry, government and overseas social service.

For many years alumni of the School, like the varsity players at the University of British Columbia, have been known as Thunderbirds. The campus was formerly designated Thunderbird Field No. 1. The Thunderbird is regarded by many American Indian tribes as a powerful god responsible for peace, brotherhood, and prosperity, major objectives of the School.

At the creation in 1946, no foreign students were enrolled. This term there are 79 from 39 countries, and the number is expected to grow as the school moves toward its ceiling of 750.

Over the years, the school has been fortunate in having a prestigious Board of Directors. The current board chairman, Mr. Frank L. Snell, is widely recognized as one of Arizona's leaders in the legal profession, in industry, and in civic affairs. Another board member has very generously established a professorship in the Department of International Studies. Among the board members are the Presidents of the University of Arizona, Arizona State University, and Northern Arizona University. The Board deserves special credit for its initiative and leadership in raising funds for the new Library which was dedicated in March, 1971.

In the fall of 1971, a new fifty-apartment complex was completed, doubling the campus accommodations for married couples.

In April, 1972, the auditorium was air conditioned, carpeted, and redecorated.

Progress in the Department of Modern Languages is reflected in the introduction of German in September 1968, Japanese two years later, and English as a Second Language just last fall. Unlike any other graduate institution, Thunderbird offers courses in French, German, and Spanish business and commercial correspondence. To promote "an awareness and appreciation of the distinctive cultural mores and values" found in French-speaking, German-speaking, Spanish-speaking, Portuguese-speaking countries, cultural survey courses are available in the languages of those lands. Spanish-language classes deal with contemporary economic, political and social problems of Latin America. Parallel courses in French and German pertain to Western Europe. Also in Spanish are courses on Land Reform in Latin America and Latin American Constitutional Law. Such a curriculum enrichment is made possible by a language faculty comprising more than thirty full-time teachers, the vast majority of whom teach their native tongue.

English as a Second language is taught on introductory, intermediate, and advanced levels. An intensive twelve-semester hour English course was introduced in February 1972.

The Department of International Studies has expanded its offerings to include the Role of the International Corporation in World Economic Development, Strategies for Economic Development in Southeast Asia, U.S. Foreign Policy Formulation, Comparative Foreign Policy, Nationalism and Expropriation, Political and Institutional Modernization, and numerous seminars on Africa, Asia, Europe, and Latin America.

Full-time faculty members of the Department of International Studies have trebled in number since 1968. Professor Shoshana Baron Tancer, possessor of a law degree from the University of Michigan and a Ph.D. in Public Law from Columbia University, enjoys the distinction of having practiced law in Latin America and of having served as Professor of Comparative Constitutional Law in a university in a Spanish-speaking Country. Associate Professor Martin H. Sours earned a doctorate in Asian Studies at the University of Washington after serving as an AID Officer in Southeast Asia.

The Department of World Business advances to meet the ever-changing requirements of industry and government. Recent course additions include Corporate Accounting, Seminar for Advertising Management, Money and Banking, International Economics, Managerial Finance, International Finance, Comparative Banking Systems, Law of International Business, Business Statistics, Management Applications of EDP, Management Systems and Techniques, Production and Operations Management, Management Policies and Decisions in International Operations, International Corporate Planning, International Marketing Policies, International Market Research, and Advanced International Marketing.

In 1965, the school had only one chair supported by outside funds, the S. C. Johnson professorship in World Business. There has since been added support for these positions: Dom Pedro II Professor of Luso-Brazilian and Hispanic American Studies; Lawrence A. Appley Professor of International Management; Citibank Professor of Finance; Armco Professor of Accounting for International Management; C. V. Starr Professor of Finance and Insurance. There is reason to hope that additional professorships will in the course of time enrich the offerings of all three departments.

Thunderbird strives to strengthen theory with practical experience. An example is Professor Craig Woodruff, C. V. Starr Professor of Finance and Insurance, who has compiled an enviable record of executive achievement as Manager, W. R. Grace Co. (New York, Panama, Peru); Vice President, International Sales, Smith Corona; and President of Polaroid Japan, Canada, Germany, United Kingdom, Netherlands, France, Belgium, Italy, and Polaroid Overseas. Dr. V. Seshan, Professor of Management, served for some years as Staff Planning Analyst—Corporate Planning Studies, E. I. Dupont de Nemours & Co., Inc., Wilmington, Delaware.

This extraordinary proliferation of courses has resulted largely from student body growth and the abolition of the baccalaureate degree. The sole degree now available at Thunderbird is the Master of International Management. This degree entails completion of forty-eight semester hours of study. It is possible to earn the M.I.M. in one calendar year including summer session, which is now regularly featured. A student may enter in September, February, or June. Under the new 4–1–4 program, the fall semester ends before Christmas. Only persons holding a recognized baccalaureate are admissible. Currently enrolled students have received degrees in sixty major fields from around three hundred colleges and universities. Knowledge of a foreign language or of business administration is not required for entrance.

Heterogeneity makes Thunderbird Campus an exciting place, a community of scholars in which students and professors are partners. The circle of influence of this center of functional innovation is ever-widening. As one of a kind in the United States, Thunderbird produces considerable benefit for Arizona, attracting to the Grand Canyon State the attention of future and present world business executives and of international leaders of thought.

THE SEEMINGLY IMPONDERABLE QUESTIONS OF LIFE

Mr. McGEE. Mr. President, one of the greatest assets of our country is our young people. Throughout our history as a democracy we have been blessed with the vibrant and creative spirit of our young, which continually inspires us to greater achievements.

The youth of the Nation continually probe into themselves and their society, seeking answers to the many seemingly imponderable questions of life. This has been a source of strength in our ability to continually rise to the numerous challenges which face us in our day-to-day struggle to achieve a better and more just life for our people.

An example of this search is found in a letter Michael J. Tangeman recently wrote his parents, Mr. and Mrs. Duane Tangeman of Cheyenne, Wyo. Michael, who is in the U.S. Navy, addressed himself to the question of "Why" and "How" this eternal quest is so necessary to expanding our knowledge and our search for a deeper and more meaningful understanding of mankind.

I ask unanimous consent that Michael's letter, as it was published in the Chadron Record of April 13, 1972, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SERVICEMAN, EX-CHADRONITE, PROBES INTO "WHY"

(By Michael J. Tangeman SA, USN)

(NOTE.—The following letter was sent to Mr. and Mrs. Duane Tangeman of Cheyenne, Wyo., by their 18-year-old son Michael, now in the U.S. Navy. Michael is the grandson of the late Dr. Harvey Tangeman, formerly of Chadron. Mrs. Harvey Tangeman now resides in Cheyenne, also. Michael attended school in Chadron for a time. It is being reprinted here for the benefit of our readers, and illustrates how deeply the younger generation can feel certain issues of the day.)

"When the end comes it comes", so some people say, but me, I don't believe it possible, at least for me. After one learns to think and realize what his thinking abilities are, he might continue to think, to ask and to learn for eternity. When I say to ask and to learn I mean he will ask but one question, Why, and he will search till he discovers an answer, but upon receiving an answer it always arouses the same question, Why. This is a never ending thought and once you ask yourself and really think about it, the simple question, Why, will keep your mind alive for the rest of eternity.

Each time you ask this question and learn an answer you graduate to a newer, higher level to where you can see just a little further, and you wonder, and you ask, Why, and you will search for these answers. People, and I do mean most people never really learn to think, never wonder why they exist or why they are able to communicate with each other, they are satisfied in knowing they do and can and will cease to exist when their physical life is finished. Throughout time, one has developed a body, an instrument of knowledge. When ones body ceases to function, one merely sheds it such as a caterpillar shedding its skin just to become something entirely different, more beautiful, and gains the ability to fly, a whole new way of gaining knowledge.

When your energy cells grouped together or your mind began its life, its only purpose was to think and it thought only one thing, Why. One's existence on earth is but a split second in time, an instance of experience and if one does not learn to think of something without experiencing it, he is through when he dies. Now think, and ask yourself, why do I exist and search for the answer for you will never stop asking nor stop learning through the rest of time.

In conclusion, I think that once one learns to think and to ask and to learn without interruption, he has discovered eternal life, a never ending question of Why.

IMPLEMENTING THE NUTRITION PROGRAM FOR THE ELDERLY

Mr. PERCY. Mr. President, Congress took a giant step toward meeting the nutritional needs of our Nation's senior citizens and toward overcoming their social isolation when it overwhelmingly passed title VII of the Older Americans Act, the nutrition program for the elderly. This program is to become effective on July 1.

I believe it was the intention of the sponsors of this legislation, the senior Senator from Massachusetts (Mr. KENNEDY) and the distinguished Member of the House of Representatives from Florida (Mr. PEPPER) and of the Members who supported it, that the Department of Health, Education, and Welfare build on the experience of some 30 or more demonstration projects, established under title VII of the Older Americans Act, which had been providing hot meals to the elderly in a social setting.

Senators will recall that we authorized $100 million for fiscal 1973 and $150 million for fiscal 1974 for grants to the States to provide 90 percent of the cost of community-based projects making low-cost nutritionally-adequate meals available to the elderly in convenient locations 5 or more days a week.

Congress completed action on the bill in February and the President signed it in March. In a commendable and widely-applauded move, President Nixon requested full funding for title VII for fiscal year 1973.

Since late March, the Administration on Aging, under the leadership of Commissioner John B. Martin, has been moving ahead vigorously to implement the legislation. To make a program of this magnitude operational is no easy task, but Commissioner Martin hopes to have a structure in place by July 1.

I am concerned, however, about several aspects of the current situation. I am concerned because no guidelines and regulations have yet been published. I am concerned because many States and localities, in part because of the lack of regulations, seem unprepared even to begin planning for nutrition projects. I am concerned because the hopes of many senior citizens will be dashed if the program fails to become operational on schedule.

I believe Congress should be involved in the process of framing guidelines and regulations. I applaud AoA's effort to involve knowledgeable individuals and groups outside government in developing regulations, but I feel Members of Congress have a legitimate right to be consulted at this stage also.

Mr. President, I must point out one additional point that concerns me greatly. Unless Congress passes the HEW appropriations bill prior to July 1, this program will be at a standstill. Because this is a new program without any previous funding, a continuing resolution will not help implement it. The fiscal year 1973 HEW appropriations bill is therefore crucial and I hope we in Congress will do our best to complete action on the measure as soon as possible. We owe our senior citizens no less.

CECELIA WINN—MORE THAN FOUR DECADES OF DEDICATED, CONSTRUCTIVE, AND MEMORABLE SERVICE TO PEOPLE

Mr. McINTYRE. Mr. President, within the month, Cecelia Winn of Nashua, N.H., will be retiring after 41 years of teaching and counseling in the Nashua school system.

Knowing Cecelia Winn and counting it as one of my blessings that I can call her my friend and my supporter, I know that this does not mean she is retiring to oblivion. Anyone who knows Cecelia knows she will never retire, she will just be further shifting the direction of her incomparable drive and interests and abilities to other pursuits.

I know Cecelia's retirement will be a real loss to education in New Hampshire. She has made many, many vital contributions to learning in the Granite State. She has held numerous important positions in education during the 41 years of service. She has been honored many times for her contributions and appointed to important positions in the educational field.

Thousands of New Hampshire young people have benefited from her teaching and her counseling. The lives of many people in New Hampshire have been affected and bettered by touching Cecelia Winn during their years in school.

But, since education has just been Cecelia's major pursuit she will now have time to pursue the many other interests she has been involved in over the years —interests, in themselves, which would alone tax most of us to our fullest.

And now to the future. As she told the Telegraph:

> I don't really know what plans I have at this time. I won't stay home and tend to my knitting.

That we can rest assured will be the case.

She has been a leader of women's clubs.

She has been a vital pillar in many service groups.

She has been a major force in politics in the Nashua area, an officer in important political groups, and she was only recently elected as a delegate to the Democratic National Convention. She will be in Miami Beach, Fla., in July participating fully in the Democratic proceedings.

She will continue her love of dogs. She has won national and international recognition and prizes raising some of America's greatest Beagles.

I could go on reciting the life and times of Cecelia Winn, the record is so long and distinguished.

But others recognize her long and distinguished record as well. Cecelia has just been the 18th recipient of the highly prized Book of Golden Deeds, emblematic of the Exchange Club's Citizen of the Year. In the presentation made by Thomas O'Neill he declared:

> Miss Winn has devoted her life to helping others in many ways and through varied channels . . . She has given the best of service to those who were meant to benefit by her endeavors . . . She is a truly involved citizen.

This award is reported in an article published recently in the Nashua, N.H., Telegraph.

Mr. President, I ask unanimous consent that the article and another story from the Nashua Telegraph on the accomplishments of Cecelia Winn be printed in the Record at the conclusion of my remarks.

Let me conclude by saying that education has lost by the richly deserved retirement of Cecelia Winn. But everyone who knows Cecelia and her dedication to that which is good and needed and constructive know that so many other things will gain when she turns her attention to them.

I pay honor to Cecelia Winn and all she has done in the field of education. She deserves every plaudit we can give her. She is just the greatest.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Miss Winn To Retire As Teacher; Has Aided Thousands of Students

(By Paul Bergeron)

Cecelia Winn, guidance counselor at the Spring Street Junior High School, will retire in June after 41 years of teaching and counseling in the Nashua school system.

Just last week, she was cited by the N.H. Personnel and Guidance Association for achieving "the superior level of professional competency, in accordance with the standards of this association." The citation was signed by the president of the association and the chairmen of the group's professional standards committee and awards committee.

COUNSELED THOUSANDS

Miss Winn has been at Spring Street facility for most of her 41 years here. In addition to conducting guidance classes on education and fields of employment, she has met individually with thousands of students. "This past year I had 575 pupils," she said. "A bit too many to handle I think. I always try and meet two or three times a year with each student. In past years there have been 300 to 400 students."

Educated in Nashua schools, Miss Winn received her bachelor's degree from Keene Teacher's College, attended Harvard University and Boston University and received her master's degree from the University of New Hampshire.

NAMED BY GOVERNOR KING

While Gov. John King was in office, Miss Winn served as chairman of the Guidance and Education Committee of the Status of Women Commission.

"My job was to suggest things which I felt should be done in the state for the furthering of education," she explained. "Recommending technical schools in New Hampshire was the first thing I did. I went to the legislature and spoke before the commission in support of this. I also recommended that young people who have not finished high school, should be given the opportunity to finish at night. Third, I recommended more guidance counselors in elementary schools. I've always felt that this would help to correct some problems before the students got into the junior high schools.

"Of the three, the one that pleases me the most was to see the technical schools come about. I've felt that youngsters who were good with their hands had no opportunity then to go beyond high school. With technical schools, they can go ahead.

"Now I would like to see a place for women to place their child while they work so the children can get the proper care," she said.

ACTIVITIES NOTED

In addition to being tops in the education field, Miss Winn has been a top woman vote-getter in New Hampshire politics and has left her mark nationally, and internationally, for her dog-breeding and show efforts.

Raising dogs has been a family affair since she "can remember." Her father and brothers raised prize-winning foxhounds. When Miss Winn took up "the hobby" she turned to beagles.

Her hobby took her west to Ohio and north to Canada, as well as to other parts of New England, New York and New Jersey. "The dogs I raised and trained were field as well as show beagles. I made 25 champions in one and a half years; one was an international champion."

The caliber of the dogs she has raised is reflected in the sale of one of the beagles for $1,500 to a woman in England. Her efforts on the show field brought inquiries from all areas of the country, and Miss Winn was called upon several times to contribute to dog show and breeding magazines.

FIRST WOMAN DELEGATE

Once involved with politics, however, Miss Winn's hobby was put aside. She now keeps one beagle, "Spike," named by her brother. "I would never have named him that," she said emphatically. She retains membership in a number of related organizations, the Lone Pine Hunter's Club; the Greater Lowell Beagle Club; the Bay State Beagle Club; and the Brunswick Fox Hunter's Club.

In 1964, Miss Winn became the first N. H. woman elected to the Democratic National Convention. This summer, she will be traveling to Miami Beach, Fla., as a convention delegate supporting U.S. Sen. Edmund Muskie of Maine. In addition to her presidential efforts, she has chaired a number of local and state party units.

J.F.K. MEMORIAL

She initiated and carried out a fund-raising campaign for the bust of President John F. Kennedy, erected in front of City Hall. Kennedy began his campaign for the presidency in Nashua before the City Hall here.

For the past four years, the educator-politician has been vice-chairman of the Hillsborough County Democrats. She has also been president of Women's Club (three years); chairman of the Nashua Democratic Women's Committee (four years); and served one year as chairman of the New Hampshire Democratic Women organization.

Despite the time taken up by her three fields of activity, Miss Winn has found time to become involved with a number of church and civic organizations and projects. She is a past president of the St. Patrick's Ladies Guild, a past trustee of the Catholic Daughters, a past corresponding secretary for the Nashua Teachers Union, and has been a member of the Nashua College Club, the Emblem Club and the New England Guidance Association.

RETIREMENT REFLECTIONS

Reflecting, she said, "If I had a chance to start over, I think I'd work with the mentally retarded, there is still so much to do in that field. Those children that are able should be taught practical arts and be tested and given the chance to get into regular grades. I still think that a great deal can be done.

"I loved it at Spring Street. Some people said that the office was inadequate and small, but I've always felt that it's not the office that counts, its the type of work done with the office. One of the great rewards I have today is that 98 per cent of my former pupils go out of their way to speak to me. I can remember when I was a student, I used to try and hide if I saw a teacher coming my way, but not these kids. And that makes me happy.

Miss Winn has no definite plans beyond retirement at this time, except for her trip to Miami. "Many people have asked me if I would enter politics locally, running for the Board of Education, Board of Aldermen or as a state representative. I'd love to continue in public office because I want to do some good, but I don't really know what plans I have at this time. I won't stay home and tend to my knitting.

Cecelia Winn Cited by Exchange Club; Receives Annual Golden Deeds Award

Miss Cecelia Winn on Saturday night was cited for her good deeds during her 41 years as an educator, guidance counselor, and service to youth and the community by the Exchange Club of Nashua.

She was the 18th recipient of the Book of Golden Deeds, emblematic of the Exchange Club's Citizen of the Year.

The dinner program took place at Howard Johnson's Motor Lodge and Restaurant with members and their guests, along with a host of past recipients in attendance. It was conducted by President Paul Cleaveland and master of ceremonies was Clifford Colquitt, chairman of the Golden Deeds committee.

PRESENTS AWARD

The presentation was made by Thomas O'Neill, who told how Miss Winn "devoted her life to helping others in many ways and through varied channels."

"She has helped others," O'Neill said, "first of all in her chosen field of work by being proficient and able in the technical aspects of the field. She has, thereby, given the best of service to those who were meant to benefit by her endeavors—the youth of the city within our school system."

In his closing remarks, O'Neill described Miss Winn as a "truly 'involved citizen' in school and civic affairs."

Messages of congratulations were received from Gov. Walter Peterson and Roger J. Crowley, Democratic candidate for governor.

The award is given to a person in the community for his or her good deeds, thoughtfulness, public service, service to youth and aid to others beyond the call of duty and without forethought of personal gain.

As guidance counselor at Spring Street Junior High, she has met and counseled thousands of youngsters and on many occasions she would meet with parents and pupils on an individual basis and gave countless hours of her own time in this category.

This past year alone, 557 pupils were on her guidance counselor's list and she holds conferences with each student two or three times a year and more if the need exists.

EDUCATED IN NASHUA

Educated in Nashua schools, Miss Winn received her bachelor's degree from Keene Teacher's College, attended Harvard University and received her master's degree from the University of New Hampshire.

During Gov. John W. King's term she served as chairman of the Guidance and Education Committee of the Status of Women Commission.

In addition to her outstanding career as an educator, Miss Winn is active in politics and is a top woman vote-getter in New Hampshire. In 1964 she became the first New Hampshire woman elected to the Democratic National Convention. And this summer she will travel to Miami Beach as a convention delegate. In addition to her presidential efforts she has headed a number of local and state party units.

The John F. Kennedy memorial in front of City Hall was erected as a result of her fund-raising efforts. Kennedy began his campaign for the presidency on the City Hall plaza.

Despite the considerable amount of time taken up by her school activities, breeding dogs (her favorite hobby) and politics, Miss Winn has found time to become involved in a variety of church and civic organizations. She is past president of the St. Patrick's Ladies' Guild, a past trustee of the Catholic Daughters, a past corresponding secretary for the Nashua Teachers' Union, and has been a member of the Nashua College Club, the Emblem Club and the New England Guidance Association.

Recently she was cited by the N. H. Personnel and Guidance Association for achieving superior level of professional competency.

Past recipients of the award in attendance included Mr. and Mrs. Philip Lamoy, Mr. and Mrs. Philip McLaughlin, former mayor Mario J. Vagge, Mr. and Mrs. Royal Dion, Mr. and Mrs. Max Silber, Mr. and Mrs. Charles W. Harvey and Mr. and Mrs. George Law.

Other past recipients are the late Frederick H. Dobens, Arthur Newcombe, Justice Edward J. Lampron, Edmund M. Keefe, the late Mrs. Lovina Anders, the late Walter L. Barker, Eliot A. Carter, Jacob Rothenberg, Mrs. Maude Priske and Lawrence Elliott.

ARIZONA BUSINESS-INDUSTRY EDUCATION COUNCIL

Mr. FANNIN. Mr. President, it has always been difficult for our young people to make the transition from the theory of the classroom to the reality of employment.

In recent years this has been complicated by an unjust and unrealistic antagonism which has been aimed against business and industry. Some critics of our economic system have tried to make the young believe that business and industry have caused the problems we have in America today.

But the fact is that it is our free enterprise system which has brought about the highest standard of living in the world. It is our business and industry whch has enabled us to progress and to help a good portion of the rest of the world by freely sharing our wealth and technology.

It is essential that our young people be made aware of the key role that business and industry have played in making a better world. And it is essential that young people become aware of the opportunities available to them.

Mr. President, in Arizona we have a very effective organization known as the Arizona Business-Industry Education Council.

The objectives of this council are:

To increase awareness among students of the rewarding career opportunities available in business and industry.

To intensify interest among business and industry leaders in encouraging students to prepare for careers in business and industry.

To expand knowledge of educators in the State of the career opportunities available in business and industry and the qualifications necessary for such careers.

To increase appreciation and understanding among parents of the advantages to students in preparing for careers in business and industry.

To make the resources and facilities of business and industry available to educators.

To foster the principles of our American profit-motivated free enterprise system.

To maintain a closer and continuing relationship between the education and business-industry communities in areas of mutual interest.

Mr. President, the ABIEC provides speakers for the schools, but the program is much more. It is designed to give students the fullest possible exposure to careers in business and industry. A Phoenix Gazette article reporting on the group's annual meeting gives a good account of the ABIEC program and effectiveness.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Youths Get "Careers" Message

(By Charles Rayburn)

The Arizona Business-Industry Education Council, an organization dedicated to bridging the gap between school and the world of work, has conveyed the "careers" message to 40,000 Arizona students during the current school year, ABIEC president Ivan Murray reported at the group's annual meeting this morning at Phoenix Country Club.

Through the ABIEC's speaker's service, numbering 367 volunteer speakers from business and industry, more than 36,000 of the students received career advice in the classroom and another 4,000 have been contacted at "Career Day" functions at the schools, Murray said. By the end of the school year, he added, the figure will grow to 52,348 students.

The speaker's service coordinator is James Kerr of the Arizona State Employment Service, currently serving as loan executive to the National Alliance of Businessmen's JOBs program.

Gene Dorr, assistant superintendent of public instruction, described the ABIEC as "the catalytic agent between school and the world of work," involving all grade levels, all subject matter, all jobs in the working world, all students in the classroom and all teachers. "It revolutionizes education, enriches it, embellishes it and relates it to the world of reality. It provides the students with the ability to see, hear and smell the environment of a particular job. And we need people who are willing to carry the message to students from kindergarten through the 12th grade."

Master of ceremonies for the breakfast meeting was Harry Montgomery, former associate publisher of The Phoenix Gazette and The Arizona Republic who recently retired. Montgomery, chairman of the ABIEC executive advisory board, was chosen Phoenix Man of the Year for 1971 by the Phoenix Advertising Club. "His service to our community has been one of dedicated involvement," Murray noted.

Montgomery emphasized in his opening address that ABIEC is not a vocational education program but rather is designed to provide as much total career exposure as possible to students from their earliest days in the classroom. "The careers program," he noted, "which has been so successful in its 10 years of life, proves that voluntarism is still active." He pointed out the budget of $5,632 is clear indication of the volume of time and effort spent freely by the members.

George Diefenderfer, executive director of ABIEC, said he has received queries from numerous other states regarding formation of such organizations. The Arizona council was patterned after one formed 12 years ago in Southern California, he said, under leadership of Adm. Charles Horne of General Dynamics, Pomona, Calif. "Horne recognized that industry had tremendous resources which could be beneficially used by schools. The Arizona group was formed under the guidance of then Gov. Paul Fannin."

ANTIWAR DEMONSTRATORS

Mr. FANNIN. Mr. President, the so-called antiwar demonstrators make up a minute portion of our population, but they get extensive television coverage which makes it appear that they represent a large segment of America.

If we look beyond the hysterical few who are mugging the cameras, we will see an America which has a quiet confidence that President Nixon has taken measures which are essential in protecting the future freedom of our Nation.

For every hundred demonstrators there are thousands of other Americans who support President Nixon.

No nation, or man, becomes great without facing trials and tribulations. No nation, or man, remains great without a commitment to meet the obligations of leadership.

A reminder of this is carried in the May 11, 1972, issue of the Brewery Gulch Gazette. I believe that the editorial, written by Bill Epler, demonstrates that a good little weekly in Bisbee, Ariz., can be a lot more perceptive than some of the big dailies which automatically oppose anything the President proposes.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Brewery Gulch Philosopher Says—

(By Bill Epler)

President Nixon is right. Deep down inside we all know it, but the generation that has come on the scene since the end of World War II contains a number who are too chicken to face up to the fact that if a free people are to remain free there are times when they have to lay it all on the line. Times when they have to look the dragon right in the eye and say it is either you or me. The crisis in Vietnam is one of those times—we either stand up to the test now or wait for it somewhere else down the line. Our situation now is the bitter fruit we are reaping for the failure of President Kennedy and then L.B.J., once that our military had been committed to the fight, to permit our forces to take all measures short of nuclear weapons to win the war. If they had, the Vietnam war would have been over a long time ago. Nixon has finally done what should have been done a long time ago. There will be no major war, no nuclear show-down between the major powers, if for no other reason than it is not worth it to the Russians and Chinese. But the Reds may discover at long last it is no paper tiger they have pushed up against the last wall.

RELEASE OF CERTAIN DOCUMENTS BY SENATOR GRAVEL

Mr. SCOTT. Mr. President, earlier today when I was absent from the Chamber, the senior Senator from Alaska (Mr. GRAVEL) took issue with a statement I had made to the effect that the public release of certain material by him was a violation of law.

The Senator asked that it be conveyed to me that he requested either a bill of particulars regarding the violation or if not that, I issue to him a public apology.

Mr. President, I have no intention of apologizing to the Senator from Alaska for any statement I may have made regarding his unlawful release of documents in his possession. Further, Mr. President, since the Senator has raised the issue I would like also to note that I believe the view to be widely shared that if not the letter, then surely the spirit, of the Senate rules was bypassed by his placing in the RECORD excerpts from the document that on two separate occasions the Senate in secret session has prohibited him from introducing into the RECORD.

This, Mr. President, is action by a Senator which ought not to be condoned, action which was taken without any notification to the leadership of either party of his intent to engage in this particular action.

Any Senator who so flagrantly flouts the will of the majority of his colleagues as did the Senator from Alaska is not entitled to an apology. Rather, the contrary is true.

In regard to a bill of particulars relative to a violation of Federal law, I quote from sections 793 (e) and (f) of title 18 of the United States Code:

> Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it. . . . Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

The junior Senator from Alaska admitted on the floor of the Senate that he knew these documents to be classified. I quote from page 16418 of the RECORD where the Senator states:

> I presume that document is classified "secret." In fact, I have every reason to believe it is classified "secret." I know it is classified "secret."

The Senator also stated, in relation to the material he read on the Senate floor that day:

> I have tried to get these documents in the RECORD. The areas that I quoted today were not quoted previously on this floor or in the newspapers.

These classified materials related directly to the potential efficacy of the military strategy being employed at that moment by the United States in Vietnam. These classified materials commented directly on possible means of thwarting the U.S. military strategy that was at that moment being employed in Vietnam. Anyone publicizing such classified material must know that it "could be used to the injury of the United States or to the advantage of any foreign nation."

Finally, even if it be argued that the junior Senator from Alaska had lawful possession of these classified materials, his actions should be considered in the light of section 793(d) of title 18 of the United States Code, which states:

> "Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted or attempts to communicate, deliver, transmit or cause to be communicated, delivered or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it . . .

While a Senator benefits from certain immunities from prosecution, the laws and their penalties apply to all. That Senators may ignore laws for which non-Members of Congress could be prosecuted suggests that, if the privilege is relied upon, the wisdom of the default is subject to fair comment.

THE NEED TO ENACT EFFECTIVE FIREARMS LEGISLATION

Mr. KENNEDY. Mr. President, once again I invite the attention of the Senate to the need for effective firearms legislation.

Each time a gun blast has stricken a public figure in recent years, America paused in solemn reflection. But we have not yet produced a national system to provide safeguards against the abuse and misuse of firearms.

In the wake of the shooting of Governor Wallace, we hear proposals to alter drastically the process by which we choose our national political leaders. Only through televised appearances would the public learn of each contender's views on pending issues. Still others are likely to propose more policy protection for potential nominees. And, surely, there will be louder and stronger advocates for stiffer penalties for persons convicted of gun crimes.

Each of these proposals probably merits some consideration. However, I am seriously concerned about these approaches to the problem of guns and the abuse of guns. Not one of these approaches is designed to resolve the real cause of our national concentration on gun violence.

Instead of seeking the proper answer to the misuse of guns, we appear to be more committed to seeking ways to change other behavior so that we might continue our distorted passion for firearms.

Instead of seeking ways to control firearms, we seem to be more interested in adjusting other patterns of life to accommodate the nationally misguided preoccupation with guns. But no one is talking about ways to effectively control the fanatical misuse of guns. No one is talking about enacting a Federal firearms control system that will begin to eliminate the dangers caused by the senseless use of firearms.

Why should contenders for political office insulate themselves from the very public they seek to serve? What sense does it make to increase the protection around political personalities, when it is clear that even a heavily guarded candidate cannot be protected from an assailant who is singlemindedly intent on carrying out his mission?

Stiff prison sentences and new devices to inhibit the aims of potential attackers are clearly misdirected. For recent attacks prove that a political nominee is obviously such an attractive target that prison sentences and other penalties fail to deter those who believe the gun is an alternative to the ballot box.

Whenever I read of death caused by gunfire, I am saddened and distraught—and I read of gun deaths too often. In 1971, over 10,000 Americans were murdered by gunfire. Over 10,000 people lost their lives because, as a Nation, we believe it is more important to confine a convicted murderer than to make the tools of murder inaccessible.

As a Nation, America leads the world in gun crimes—over 10,000 murders, and 200,000 armed assaults—because private American citizens own too many guns.

Enough guns exist in this country to provide one to every boy and man between 14 and 65. Some estimates suggest that 200 million guns are owned by civilians. If that is so, then practically every man, woman, and child could be armed.

I do not believe Americans want to live in armed camps. Nor do I believe that as a people we so distrust our neighbors that we cannot live in harmony or continue to comfortably pursue our familiar life styles.

It is for that reason that I believe it is fitting and appropriate for us to begin now to resolve consciously the problem of gun crimes in this country. The way to do that is reduce the easy access to guns and ammunition.

Fifteen months ago, on February 17, 1971, I introduced S. 831, the Personal Safety Firearms Act. My bill severely restricts the manufacture and distribution of handguns—the weapon used in 52 percent of all murders. Even though hand guns account for over half of all murder weapons, they make up only 26 percent of all firearms owned by civilians.

Long guns—rifles and shotguns—account for another 13 percent of all murders in the United States. My bill provides for strict testing procedures to assure that anyone who owns a gun must demonstrate that he is competent in its use. Under my bill, all owners of long guns must be licensed, and all long guns must be registered.

At the same time, my bill eliminates the continued domestic output of handguns that fail to fit the strict requirements of sporting weapons.

Now is the time to enact a Federal system of firearms control. It cannot be said that this serious national issue must be debated and studied in order for the Senate to act. For as long I have been in the Senate, the Judiciary Committee has conducted at least 35 days of hearings on gun control. More than 150 witnesses have testified about Federal firearms legislation. Until 1969, three succeeding Attorneys General had appeared before the committee and stated that the Federal firearms legislation is one of the most important and meaningful recommendations that could be made to halt crime and violence in this country.

Three Presidential Commissions—the National Advisory Commission on Civil Disorders in 1968, the National Commission on the Cause and Prevention of Violence in 1969, and the Brown Commission Report on the Reform of Federal Criminal laws in 1970—all strongly recommend stringent federal firearms controls.

Mr. President, I am firmly convinced that we must act at this time to establish stronger Federal firearms legislation.

In the days ahead, I expect to work for the enactment of such legislation.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there any further morning business? If not, morning business is concluded.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order the Chair now lays before the Senate the unfinished business, S. 3526 which the clerk will state.

The legislative clerk read as follows:

S. 3526, to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The pending business is on agreeing to the amendment of the Senator from West Virginia (Mr. Robert C. Byrd), No. 1187, as modified, the time to be divided between the Senator from West Virginia (Mr. Robert C. Byrd) and the Senator from Idaho (Mr. Church).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized for 1 minute.

Mr. ROBERT C. BYRD. Mr. President, on page 17266 of yesterday's Record, May 15, 1972, I stated the reasons for my having offered amendment No. 1187, as modified, and the reasons for my support of that amendment. I see no reason to expand on what I said yesterday. Anything I would say today would be merely repetitious of my statement on yesterday. I, therefore, ask unanimous consent that my statement of yesterday in its entirety be printed in the Record of today at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Robert C. Byrd

Mr. President, on May 9, I offered amendment No. 1187 to amendment No. 1186, proposed to S. 3526 by the distinguished senior Senators from Idaho and New Jersey. I did so at that time for the simple reasons of conscience and conviction.

My attitude is quite uncomplicated with respect to this matter. I view the matter—in the context of my amendment—as one basically of humanitarianism, buttressed by a strong revulsion toward the prospect of a continuation of the killing in Indochina. The United States has lost more than 50,000 killed and 300,000 wounded since the Vietnam war began. The dead and the wounded among the Vietnamese people—both combatant, and noncombatant—number many hundreds of thousands.

As long as the guns are firing, as long as the shells are exploding and bombs are dropping, men, women, children—military service personnel and civilians—will continue to die. It is long past the time that this slaughter should have ended. But it will not end until the guns, all the guns—not just U.S. guns and not just South Vietnamese guns, but all the guns—including those of the North Vietnamese, are stilled. The guns will not be stilled and the killing will not cease until both the North Vietnamese forces and the South Vietnamese forces cease their own firing. Moreover, a ceasefire in Indochina would insure against the possibility of U.S. forces getting involved perhaps at some future date in the protection of Thailand.

The President of the United States has proposed several times to the North Vietnamese that the parties to the conflict negotiate in good faith to end the war. Two weeks ago the President tried once more. He offered a plan for peace so generous in its terms that one of the Nation's most respected news analysts—and heretofore one of the administration's severest critics—felt moved to say, "If the North Vietnamese do not accept these terms they are crazy."

As is well known to my colleagues in this Chamber, the President's offer contained a provision for an internationally supervised cease-fire. The amendment proposed by Senators Church and Case seeks to cut off funds—as of a specific time after our prisoners of war are returned and our missing in action are accounted for—for our remaining air, naval, and ground forces in South Vietnam.

I support the desire—as everyone else does—to bring home our American servicemen who are still in Vietnam. Regrettably, however, the adoption of the Church-Case language in itself would not stop the killing in Vietnam.

There is no question in my mind, Mr. President, with respect to the sincerity, the honesty in their purposes, or the dedication to this Nation's best interests of those Senators who favor the Church-Case amendment. I share those sentiments with them. But if there is to be an end to the war soon, if there is to be an end to the wholesale slaughter of civilians and military personnel in Vietnam, it cannot be accomplished merely by withdrawing the few remaining U.S. forces from Vietnam.

The President's latest proposal to end the war involves the return of the prisoners, the withdrawal of U.S. forces, and a cease-fire—an internationally supervised cease-fire—through Indochina.

I said earlier that they were most generous terms which many critical observers have been advising North Vietnam to accept. They are also terms which may have considerable appeal to the Chinese People's Republic and to the Soviet Union—whose interests are not necessarily identical to, and which do not necessarily coincide with, those of the leaders in Hanoi.

We have heard the many predictions about the disastrous results in our relationships with Peking and Moscow which would result from the actions announced by the President on May 8 to prevent the supplies of war from reaching the invading forces of North Vietnam, but today it seems more and more hopeful that these predictions will not come about. I hope they will not be fulfilled. There is some indication, at least, that the People's Republic of China and the Soviet Union possibly view our actions in the larger context of their own larger interests. They may similarly be able to view the President's proposals in a larger context than can the leaders in Hanoi.

The President's recent trip to China and the trip that he will shortly take to Moscow involve relationships that not only may well have an important bearing upon the terms for a cessation of hostilities in Indochina, but also undoubtedly involve relationships that are much broader—subjects that are far more monumental in terms of their impact upon lasting peace throughout the world—than just those which relate directly to the war in Vietnam. Conceivably, American insistence on a cease-fire in Indochina could have some appeal to both the Soviets and the Chinese. The Chinese are interested in seeing U.S. forces out of there, and this is what the proposition for a cease-fire offers. The Soviets have larger considerations than Vietnam. Therefore, I think that the President should be allowed to explore all of these possibilities along the lines of the proposals he made on May 8, and I do not believe that we should preempt that possibility by resigning ourselves in advance to the idea that hostilities cannot be stopped, that a cease-fire is not attainable, and that the killing cannot be ended in Vietnam.

There are those who say that the North Vietnamese will not agree to a cease-fire or that the South Vietnamese will not agree to a cease-fire. This is a matter of opinion. We do not really know what may yet come out of all this, and I would not want to second-guess what either government will or will not do in the days ahead.

It may be at a later time, Mr. President, that I would vote for just such language as that which has been proposed in the amendment by Mr. Church and Mr. Case. But as of now, I do not feel I could vote for that language as it now stands, the trip to Moscow being at hand, and there being a possibility—in my own mind, at least—for some kind of internationally supervised cease-fire which would stop, once and for all, the wholesale killing in Vietnam. This, Mr. President, is the way I personally see the matter. Such a cease-fire could be supervised by Asian nations themselves, conceivably, which would even be preferable inasmuch as they would have a special interest in preventing the continuation and spread of hostilities.

I voted in the caucus last week against the Church-Case language. I was one of the eight who voted against that language, but I stated at the time that I would keep my options open insofar as action on the floor was concerned. The amendment I have offered is one which would, therefore, enable me to vote for the cutoff of funds. In my own view, therefore, the adoption of my amendment could enhance and improve the chances for passage by the Senate of a funds cutoff.

As I say, it may be that at a later date I might be willing to vote for a stricter application of the cutting off of funds, but as of now I do not view an internationally supervised cease-fire to be hopeless. I think it would be very, very desirable if such could be obtained, and I think we ought to do our utmost to obtain a cease-fire.

As I say, feeling that the larger interests of the Soviet Union and the Republic of China are such that they do not coincide with the more narrow interests of the North Vietnamese, I feel that the President should be given every chance to see if there is any prospect whatsoever for an internationally supervised cease-fire which would stop the wanton murder of women and children as well as military personnel in Vietnam. I believe this is hardly the time for the Senate to interpose a mandatory cutoff of funds which does not carry with it a requirement for a cease-fire.

I have no count on what the vote will be tomorrow. I have not asked any Senator as to how he would vote. I have not asked any Senator to vote for my amendment. I do not intend to do so. This is a matter of deep conviction with all Senators. It is a matter which has its emotional aspects with all of us, and I do not feel that is my role to attempt to prevail upon the wishes of other Senators or to persuade them to see my viewpoint. How other Senators will vote will be a matter of their own conscience entirely.

Other Senators are as dedicated to the future of our country and as loyal to their respective consciences as I am to mine, and they are perfectly capable of making up their own minds on this matter. However they may vote, every Senator will have my personal respect for his viewpoint. I always try to keep in mind that I can be wrong, and I often am wrong, but I am following my own convictions in this matter, and I have stated my reasons for offering the amendment. I have also stated my reasons as to why I shall support it on tomorrow.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

RECESS UNTIL 12 NOON

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 12 o'clock noon today.

The motion was agreed to; and at 11:39 a.m., the Senate took a recess until 12 o'clock noon; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

GOV. GEORGE WALLACE OF ALABAMA

Mr. STENNIS. Mr. President, earlier in the day, I attended a scheduled and important briefing about the situation in Vietnam. I greatly regret that I was not in the Chamber when the distinguished Senator from Alabama (Mr. ALLEN) made his remarks concerning Gov. George Wallace of Alabama, and the serious, wounded condition he is in. The Senator's remarks were a tribute to the courage, the high purposes, and also the splendid and effective campaign of Governor Wallace. I wish to join in the sentiments of those who have paid tributes to Governor Wallace.

The Senator from Alabama made some timely comments that I was very much interested in, with reference to the conditions which prevail when these kinds of assaults with deadly weapons occur against a man who is offering his candidacy and his political philosophy to the people, to enable them to make a choice as to whom they wish to select to be President of the United States.

I am pleased to support the joint resolution the Senator from Alabama presented, which was passed by the Senate as a tribute to Governor Wallace. I extend my sympathy and my prayerful good wishes to his family.

The Senator from Alabama properly presented Governor Wallace as being a man of the people and a champion of great causes on their behalf.

Mr. President, let me reflect briefly on the conditions that face this country today. Assaults of this kind, of which we have had several over the past few years, present a real and distinct threat to our system of Government—not just to individuals but to our whole system of Government—in two ways.

It makes it unsafe and dangerous, to a degree, for any man to stand up before the electorate as a candidate for the high office of President of the United States. A man has to take great physical risks that should not have to be taken. In addition, an incident of the sort tends to keep the people from participating in the campaigns, the rallies, and political gatherings that relate to the choice of their President. It makes it dangerous for them to be among the crowds or otherwise exposed. It makes for uncertainty in the future political gatherings and a continuation will make it impossible for us to carry on, in a normal way, campaigns for this high office in our great land that was once a place of freedom and liberty.

Mr. President, I may say something more complete about this later, but I cannot avoid the conclusion now that part of the cause of these kinds of attacks—not the sole cause, but part of it—is due to the spirit of permissiveness or semipermissiveness which has grown up in this country and which has not been sufficiently challenged with more meaningful punishment for those guilty of wrongdoing.

If we let these attacks go on and happen, one after the other, with no severity or meaningful punishment, then the idea gets into the minds and purposes of many people, who are not maniacs by any means, and soon they think, "After all, I can do this because no severe or great punishment will be meted out to me."

Thus, Mr. President, I think that in some way we must further consider this problem and find a way to do something about it.

I close with the sentiments of good wishes and the best of hope for the survival of this truly fine man, and I send those good wishes and my hopes, too, to the members of Governor Wallace's family.

I commend the Senator from Alabama (Mr. ALLEN) for his noble thoughts and fine statement.

Mr. ALLEN. Mr. President, I wish to express my deep and sincere appreciation to the distinguished Senator from Mississippi (Mr. STENNIS) for his eloquent and thoughtful remarks, and to assure him that I join him in his expressions as to the breakdown in law and order and the frustrations we encounter in our democratic processes which prevent candidates from appearing before the public and expressing sincerely their beliefs and presenting their cases to the people of the country.

I commend him for his comments.

With respect to the Governor of Alabama, I know that he is a great admirer of the Senator from Mississippi. I know that the Senator from Mississippi supports many of the aims and positions on issues of the Governor of Alabama.

This is, indeed, a sad occurrence. It is a great tragedy that has befallen our country.

Once more I commend the Senator from Mississippi for his fine remarks.

Mr. ROBERT C. BYRD. Mr. President, I yield an additional 5 minutes to the Senator from Mississippi, and ask unanimous consent that the Pastore rule of germaneness be waived for today.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

The Senator from Mississippi is recognized for 5 minutes.

Mr. THURMOND. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. Mr. President, I yield first to the Senator from Alabama (Mr. SPARKMAN) and then I will yield to the Senator from South Carolina.

Mr. SPARKMAN. Mr. President, I join in the remarks that my colleague (Mr. ALLEN) has made. I also commend the Senator from Mississippi (Mr. STENNIS) for what he has just said.

I may say that some of the greatest shocks in my life have come as a result of such tragedies as occurred yesterday to Governor Wallace. I remember back when President John F. Kennedy was assassinated. The distinguished Senator from Idaho (Mr. CHURCH) and I were down at the State Department having luncheon with some Philippine Senators when we got the tragic news. Somehow, I simply could not grasp the possibility of a thing like that occurring in this country. Then later, there was the assassination of Robert F. Kennedy; and now yesterday, the tragic shooting of Governor Wallace.

I do not know what the answer is, except a restoration of law and order, with respect restored for the rights of people generally throughout the country.

Again I commend the Senator from Mississippi for his fine statement.

Mr. STENNIS. I thank the Senator from Alabama very much.

The Senator from South Carolina has asked me to yield to him and I now yield 2 minutes to him for that purpose.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I want to commend the distinguished Senator from Mississippi (Mr. STENNIS) for his remarks as well as those of the able Senator from Alabama (Mr. ALLEN) this morning.

Mr. President, the shooting of Governor Wallace was no less than a tragedy in this country.

It is a symptom of the crime wave which has been spreading over this Nation for a number of years.

If the Senator from South Carolina had to put his finger on the one thing that is causing this crime wave in this country today, it would be the decisions of our courts which are turning criminals loose on technicalities.

After an incident like the one yesterday, and many others which have occurred, I hope that the courts will reconsider some of their decisions and clamp down on the criminal and protect the victim, as well as those who are being charged with crimes.

Mr. STENNIS. Mr. President, I thank the Senator from South Carolina very much for his remarks.

Mr. President, with respect to the remarks that I have made about the lack of punishment, as I see it, being a contributing cause, I may, as I say, develop those remarks later. However, those points apply, in my opinion, to the loss of our late great President, John F. Kennedy. They also were a part of the picture and contributed to the death of the late Robert Kennedy who was then a candidate for President, as well as the death of the late Martin Luther King the same year. We now have the same problem with reference to the assault with a deadly weapon on Governor Wallace.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I yield 5 additional minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 additional minutes.

Mr. STENNIS. Mr. President, I thank the Senator from West Virginia, and I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I want to express my own dismay at the foul attempt made on the life of Governor Wallace. I am praying for his full recovery, and for an end to violence in our land.

Sanity somehow seems to be giving way to savagery. What is necessary is leadership to mend and heal the divisions in our country which lead to such terrible acts.

I fully join with the distinguished Senator from Mississippi (Mr. STENNIS) in his expression of concern. The whole country hopes that Governor Wallace will recover rapidly and fully from the bullet wounds inflicted on him yesterday.

Mr. STENNIS. Mr. President, I thank the Senator from Idaho. As always, he has a very high approach and very fine purpose in the things that he does and says.

I again commend the Senator from Alabama and the Senator from South Carolina for their remarks.

Mr. TUNNEY. Mr. President, the assassination attempt against Gov. George Wallace is a mindless act of violence that is at once symptomatic and descriptive of the social and political divisions that send this land. My heart goes out to Governor and Mrs. Wallace, and I pray that he has a speedy and complete recovery.

I cannot imagine any better way of threatening our democratic institutions than a continuation of the repeated attacks against public figures that have taken place over the past decade. Political leaders are thought by some to be the personal incarnation of all the fears, frustrations and the despair that afflicts our society. Resorting to a distorted, primitive and ruthless form of animism, there are a few maniacs who believe they can right wrongs and eliminate the causes of injustice by killing those in positions of political leadership. It is clear that such insanity represents more than a clear and present danger to the potential victims of such assault, it undermines our faith in the efficacy of leaders going to the people to speak their minds on the major issues of our time and seek public approval for those positions. If an officeholder or a candidate for public office is under imminent danger of physical attack, it will not be long before he will be barred from public appearances and will communicate exclusively through the media. He will become an isolated figure and inevitably remote. Remoteness is antithetical to the democratic process, which thrives on emotional and intellectual give and take; on having ideas exposed in the marketplace for approbation and criticism.

The tragedy which has befallen the Wallace family is quintessentially a tragedy for all America. Somehow—sometimes—reason and order must replace fantasy and violence.

Mr. METCALF. Mr. President, it was my privilege to be presiding over the Senate when the junior Senator from Alabama (Mr. ALLEN) submitted a joint resolution deploring the attack on Governor Wallace and made an eloquent tribute to Governor Wallace. I also heard the majority leader, my colleague from Montana, Senator MANSFIELD, and the minority whip, the Senator from Michigan (Mr. GRIFFIN) speak in sympathy and sadness about the shooting of Governor Wallace.

I want to add my voice to theirs. Governor Wallace as he campaigned for President of the United States was representing many of the people of America. Even though Governor Wallace first attracted national attention as the man who stood at the schoolhouse door defying an Assistant Attorney General of the United States who was seeking to enforce an order of the Supreme Court, he has since emerged as a more complete political figure. And that is an appealing and attractive one. Time after time he has spoken out for the American rank and file, on taxes, on corporate control of America, on drugs, on our involvement in Vietnam and scores of other issues. In taking forthright and courageous positions he brought to the presidential primaries a bright and different approach.

The attack on Governor Wallace is a horrifying thing in a democracy. It is horrifying even in the light of other assassinations. If any man cannot offer his services and his talents as President of the Republic without fear for his life then our very freedoms as an independent people are at stake. As the Senator from Alaska has pointed out the American people have accepted violence and wanton killing of civilians in North and South Vietnam alike. But a personal attack on a public figure is not yet a part of the American political pattern. Whatever our political beliefs our hearts go out in sympathy to Mrs. Wallace and the Wallace family and we are outraged and angry at the cowardly attack upon a brave and outspoken American.

EXECUTIVE SESSION

Mr. STENNIS. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations that were reported favorably by the Committee on Armed Services earlier today.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of executive business.

Mr. STENNIS. Mr. President, the Armed Services Committee has reported routine nominations for a large number of men in the military, including cadets at the Air Force Academy who are being nominated for second lieutenant and will graduate in a few days. These names were all before our committee for the required time. There is no objection to any of them. There are as well, the nominations of two of the astronauts who, I am informed, will be in the Chamber in a few minutes.

I ask unanimous consent that the normal 1-day rule of the Senate that would cause these names to lie over for 1 day be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. STENNIS. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. STENNIS. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. STENNIS. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

ROUTINE NOMINATIONS ON THE SECRETARY'S DESK

The assistant legislative clerk proceeded to read routine nominations in the Air Force, Army, and Navy on the Secretary's desk.

Mr. STENNIS. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

RESIGNATION OF JOHN CONNALLY AS SECRETARY OF THE TREASURY

Mr. ROBERT C. BYRD. Mr. President, I have just learned of the resignation of John Connally from his position as Secretary of the Treasury, and I want to take this opportunity to commend him on the job he has done over the past several months.

Secretary Connally is resigning at the top of his power and effectiveness on the Washington scene. My judgment is that he is easily one of the outstanding public figures in America today. One can readily understand why the President has reposed such confidence in him.

I agree with the President's recent estimate of this great Texan, that he is capable of handling any job in which he might be interested. I commend him for the service which he has already given his country and I wish him well in the future in whatever he may wish to undertake.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills and joint resolution in which it requests the concurrence of the Senate:

H.R. 7378. An act to establish a Commission on Revision of the Judicial Circuits of the United States;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial;

H.R. 14742. An act to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve up to age sixty;

H.R. 14752. An act to provide for the conversion of servicemen's group life insurance to veterans' group life insurance, and for other purposes; and

H.J. Res. 812. A joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles, and referred as indicated:

H.R. 7378. An act to establish a Commission on Revision of the Judicial Circuits of the United States; to the Committee on the Judiciary.

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee Memorial; to the Committee on Rules and Administration.

H.R. 14742. An act to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve up to age sixty.

H.R. 14752. An act to provide for the conversion of servicemen's group life insurance to veterans' group life insurance, and for other purposes; to the Committee on Veterans' Affairs.

H.J. Res. 812. A joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes; to the Committee on Rules and Administration.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I am sure that the distinguished Senator from Idaho would be pleased to yield to the able Senator from California (Mr. CRANSTON). I take the liberty of yielding to the Senator from California 15 minutes on the part of the Senator from Idaho (Mr. CHURCH).

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I do not agree with the White House that an internationally supervised cease-fire should be included among the conditions for withdrawing American troops from Vietnam and for stopping all act of force in Southeast Asia.

A cease-fire sounds desirable and reasonable to all Americans. And I wish that there could be a cease-fire. However, to demand a cease-fire is totally unrealistic because it will make our withdrawal harder to achieve, not easier. The proposed question before us is really when our air power which is being used in South Vietnam to protect those Americans who are still there on the ground will cease to be exercised so that we are able to get them safely out and to get our prisoners of war safely out, or whether that power should still be used to prop up the leadership in South Vietnam if we make our departure from that war based upon a cease-fire as a condition of our involvement in that war.

Mr. President, under the present circumstances insistence on a cease-fire could endlessly complicate matters. There could be endless wrangles over the composition of the international commission to supervise the ceasefire. There could be disagreement over whether to give North Vietnam and the Vietcong two separate places in the negotiations. We might even once again quarrel over the shape of the table at which the commission would sit. Every minor violation would be blamed on the other side. The channels to peace would be clogged by endless wrangling.

The North Vietnamese have never liked the idea of a cease-fire requirement. The Saigon government would have to be a party to the cease-fire arrangements. With that kind of leverage, Thieu and his generals could keep us in the fighting indefinitely. While charging the other side with violating the terms of the cease-fire, they could veto further American disengagement. So long as the President and the Congress insisted on the cease-fire requirement, Washington could be blocked from reaching any other agreement with Hanoi.

As far back as October 1970, President Nixon offered Hanoi a peace plan which included a cease-fire. Hanoi rejected it, arguing in favor of a cease-fire only after a "government of national concord" was formed. Any prior acceptance of a cease-fire they said, would erode Hanoi's gains.

Just as the mining of North Vietnamese harbors distracts attention from bankrupt military policies, so the current American insistence on an internationally supervised cease-fire conceals the administration's unrealistic and stubborn insistence on the perpetuation of a pro-American government in Saigon.

No less an authority than Averell Harriman, writing in the Los Angeles Times last week, commented that—

> This Administration has never accepted the concept of a neutral non-aligned South nor has it given up its futile attempt to maintain a pro-American government in Saigon. If we accept the principle of non-alignment and agree to the prompt withdrawal of all American forces, I believe there is still an opportunity for a responsible settlement that will give the South Vietnamese a more reasonable chance for their future than would continued war.

Those are not the words of Le Duc Tho. They come from one of America's most distinguished Ambassadors. For us to insist upon a cease-fire amounts to the imposition of Communist tyranny and terror on 17 million people.

But to judge from the President's speeches of April 26 and May 8, anything other than the perpetuation of a pro-American government in Saigon amounts to the imposition of "Communist tyranny and terror" on 17 million unwilling people. The people of Vietnam should decide for themselves whether they want peace or war; they, not us, should decide what form of government they should have. I commend the President for not laying down specific political conditions regarding Saigon's political future, but I worry that this military moves might endlessly prolong the bloodshed and turn South Vietnam into a political, as well as a military, no man's land.

To implement cease-fires proposed in the past, both the United States and South Vietnam have rejected the International Control Commission for Vietnam in favor of a new supervisory group. Such a rejection is only one more slap in the face of the Geneva accords of 1954. More difficult to solve, however, is the contradiction that arises from seeking to impose a conventional military solution—such as a cease-fire—to an unconventional war. There are few defined battlelines. Some areas are still controlled by the Government by day and the Vietcong by night. The part-civilian, part-military nature of the Vietcong's political infrastructure would make a cease-fire difficult to enforce.

It is not even clear whether the White House favors a cease-fire in place, or whether the North Vietnamese would be required to withdraw. The President's speech made no mention of a withdrawal requirement for Hanoi. But on April 7 Defense Secretary Laird ruled out negotiations until North Vietnam withdrew its forces behind the DMZ.

Even Secretary Rogers has used the word "impractical" to refer to the notion of a cease-fire in the absence of a total settlement. I thoroughly agree. In fact, the entire web which has been woven so tightly around our military presence in Southeast Asia is riddled with weak strands. Let me mention just a few more.

The administration is responding to an immediate military crisis, involving the near-collapse of the South Vietnamese Army, with a naval action whose effect admittedly will not be felt for many weeks, even months. The United States continues a policy of American military muscle-flexing to compensate for the well-known absence of effective South Vietnamese leadership. It is noteworthy, by the way, that the President's speech of May 8 did not use the word "Vietnamization" once. There is the fiction of maintaining that the mining of North Vietnam's harbors is not aimed at any other countries, when in fact the target is the Soviet Union. Any Soviet effort to stop our arms deliveries to South Vietnam would be met with shock and outrage—or worse.

There is no denying that the mining of North Vietnam's harbors raised the possibility of a naval confrontation with the Soviet Union for the first time since the Cuban missile crisis 10 years ago. How can the President talk about accepting the validity of Soviet interests and then turn around and take such a step? To top it all off, he then pushes the blame for any ensuing Soviet-American tensions on Moscow. Even while threatening Soviet ships with mines, he states American willingness to continue to build a Soviet-American relationship and blames the Kremlin if we fail.

Mr. President, I suggest that these contradictions and inappropriate responses are not merely part of Mr. Nixon's personal train of thought. I suggest that they are basic to the way of thinking that has twisted and distorted American foreign policy throughout the administrations of Presidents Eisenhower, Kennedy, and Johnson as well. They combine a kind of hard-nosed militarism with outdated political concepts. Spokesman after spokesman hauls out and dusts off the domino theory, the moralism, the manifest destiny mentality, the bloodbath bugaboo, and the ideological rigidity of the cold war.

Mr. President, I say that it is time to put aside the myths that got us into Vietnam in the first place. I say that we do not need an internationally supervised cease-fire to stop fighting. We can stop fighting anytime we want. By relying on a mere fraction of our current airpower, we can pull out the remaining 60,000 American men in South Vietnam within a matter of days. Only in this way can we hope to recover American prisoners of war.

I know of no war in history where prisoners have been returned before the war has ended. The surest, swiftest way to get them home is to end our involvement in the war. How can we expect Hanoi to release them before we stop fighting?

It takes only one side to end American involvement. I say that the responsibility for the continued internment of the POW's rests squarely on Mr. Nixon and Mr. Kissinger. If they want to bring them home, they can. Our men in Hanoi are being used, cruelly used, as hostages justifying the perpetuation of this endless war.

Our men in South Vietnam are being used in the same way. Even while they face encirclement, the administration is carrying on the very policies that threaten them in the first place. Since the President really wants to protect our men, he should bring them home.

The answer is that they are a convenience. As long as they are there, the administration will have an excuse for continuing to drop death on Vietnam. As long as they are there, Pentagon spokesmen will try to justify continued and escalated warfare. As long as they are there, our naval forces will be pushed into risking a major confrontation with the Soviet Union. As long as they are there, we will not see an end to American air and naval involvement.

Our ground troops are being held hostage to our air and naval forces. And all three are being held hostage to the Thieu government. Let us liberate our men from this horror. Bring them home.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. How much time does the Senator desire?

Mr. SYMINGTON. Five minutes.

Mr. ROBERT C. BYRD. I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, these are reasons why I oppose the Byrd amendment.

Last January 25, President Nixon offered a plan for withdrawal of U.S. forces in 6 months, provided all our prisoners were returned. He added to his proposal what was then characterized as a "hooker," namely, that the North Vietnamese must also agree to a military cease-fire throughout Indochina.

At that time I felt the cease-fire stipulation killed any chance of his plan being accepted, because in the past Hanoi has consistently refused to consider a military cease-fire prior to a political settlement.

As far back as October 1970, President Nixon offered North Vietnam a five-point peace plan; and the first of those points was a cease-fire. The North Vietnamese promptly rejected the plan.

In July 1971, Hanoi offered a peace plan, one which stipulated that a cease-fire arrangement would only be agreed to after a "government of national concord" was formed. At that time also Le Duc Tho announced that if President Nixon tried to link an agreement on the fixing of a withdrawal date with a cease-fire agreement, there would be no agreement.

The reasoning advanced by Hanoi for their attitude in opposition to a cease-fire was that, without a political settlement, this would be tantamount to their losing the war.

Territorially they would be placed in a disadvantageous position in South Vietnam, Laos, and Cambodia. Infiltration would have to stop; and the result, in their stated opinion, would be a victory for Saigon on the diplomatic front after it had become clear South Vietnam was incapable of winning on the military front.

In other words, it is clear and has been for many months, the North Vietnamese will not accept a military settlement—cease-fire—before a political settlement.

If that has been thenr position in the past, why, after their recent military progress would they be willing to do so now?

The Church-Case amendment, as approved in the Democratic caucus by an overwhelming majority, 35 to 8, would appear the most practical and constructive step proposed to date in effort to end this continuing, inadvisable, unnecessary, and unwise loss of American lives and treasure in Indochina.

If we add to that amendment, however, the amendment offered by the distinguished Senator from West Virginia we will, in effect, be negating the substance of the Church-Case proposal by adding a provision already known to be unacceptable to the North Vietnamese, namely, a military cease-fire.

For these reasons, I will vote against the Byrd amendment. If it is accepted, I will then feel obligated to vote against the Church-Case amendment, because the latter would then be an amendment of form as against substance, and one which could only raise false hopes in the minds of the American people.

Mr. COOPER. Mr. President, will the Senator yield me 3 or 4 minutes?

Mr. ROBERT C. BYRD. Mr. President, I yield 5 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, like all Members of the Senate, I have been concerned about the critical and dangerous situation which has been caused first by the total invasion of South Vietnam by North Vietnam at a time when U.S. forces had been reduced to 60,000, placing our forces in danger, and later by the mining of North Vietnam harbors, bringing the United States into confrontation with the Soviet Union. I regret both actions.

I believe that the days immediately ahead, and perhaps the weeks ahead, are critical and dangerous. Most important, in my mind, is the assurance that the President's visit to Moscow will take place and that no incident occurs, either on the part of the United States or the Soviet Union, to prevent the meeting. It is of the greatest single importance, therefore, for this meeting may provide the United States and the Soviet Union to resolve the dangerous situation that exists. Only the President of the United States can negotiate. We cannot.

I do not know that I shall vote for any amendment on Vietnam at this time, for I see no effective amendment legislatively which provides preconditions for withdrawal, whether a cease-fire or a prisoner-of-war release.

I do not want to limit or reduce at this time the President's proposal for ending the war, and the possibility of negotiations for, as I have said, only he can negotiate, whether at Moscow or Paris.

A cease-fire proposal is not new, really. It is provided in the Mansfield amendment, which the Senate passed and which the House adopted with modifications. It was proposed by the North Vietnamese. It was used to bring the Korean war to an end, and it was used in the Geneva Accords of 1954. If it could be effective, it would be humane, for it would stop the killing, whether of military forces or civilians, in North and South Vietnam. At this time, it is advantageous both to the United States and North Vietnam, to the Soviet Union, and to the Peoples Republic of China, and less so to South Vietnam.

Because I believe that the only way the critical situation in which we are engaged today—the United States and the Soviet Union—may be lessened is by the President's visit to Moscow and the talks he may have there. I do not want to do anything, as I have said, to limit his ability to negotiate. For that reason, I shall vote for the Byrd amendment.

Mr. BAKER. Mr. President, I wish to associate myself entirely and without reservation with the remarks of the distinguished Senator from Kentucky (Mr. Cooper). He has, in his unique and characteristic way, gone straight to the heart of the issue with clarity and simplicity. His remarks are the most recent in a long series of reminders of how much I—and I believe the Senate and the country—will feel the lack of his presence in this Chamber next year and in years to come.

What Senator Cooper has said is eminently correct and sound. All of us regret the fact of the North Vietnamese invasion of the South, all of us are apprehensive about the safety of our remaining troops, all of us regret the fact that the North Vietnamese aggression dictated a strong response by the President. Each of us in this Chamber is aware of the risks involved in the present situation. Each of us earnestly hopes that all involved will conduct themselves with restraint, so that the vitally important summit in Moscow can proceed, in the expectation of agreements at that meeting that will have long-term implications for the peace of the entire world. As Senator Cooper has also pointed out, there is a strong hope that some accommodation on the Vietnam issue itself might be reached in the Soviet Union next week.

Perhaps the most important point that the Senator from Kentucky makes so simply and yet so forcefully is this: That only the President—and not the Senate—can negotiate with Soviet leaders or with any one else, for that matter. The President has promised us an era of negotiation, and negotiation will certainly be seen as a hallmark of his incumbency. We now have an offer of unparalleled realism and generosity: withdrawal of all American troops within 4 months of an agreement for the release of all POW's and an internationally supervised cease-fire, as well as the cessation of "all acts of force" in Indochina. As Senator Cooper notes, the proposals for a cease-fire is not new, but the entire package is new, and I earnestly hope that the other side, encouraged by the Soviet Union and the People's Republic of China, will accept these terms.

In any event, while the Senate can advise, it is the President that negotiates. The amendment offered by the Senator from West Virginia (Mr. Robert C. Byrd) the distinguished assistant majority leader, brings the Church-Case proposal into accord with the President's plan for ending the war and is therefore, in my judgment, an eminently sound proposal.

The PRESIDING OFFICER. Who yields time?

Mr. CASE. Mr. President, if I have time on my side, I yield myself 5 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. CASE. I yield time.

The PRESIDING OFFICER. To whom? To himself?

Mr. CASE. Yes.

Mr. President, surely it will not come as a surprise that I intend to vote against the Byrd amendment. If my conviction that it should be opposed were not so secure, my resolve might have been shaken by the fact that the Senator from Kentucky intends to vote for it. But my resolve is secure and it has not been changed in spite of the eloquence of the Senator and the great respect for his judgment which I hold and which everyone in the Senate holds for him.

I was concerned several weeks ago as to whether this was the right time to impose any restrictions upon the conduct of the war in Indochina, and if everything were equal I would still feel it desirable not to do so. But everything is not equal. Most of the leadership of the Senate agreed 2 weeks ago that we would postpone a vote on this matter. Then last week we and the world were shocked by the President's move in announcing the mining of Haiphong Harbor and other ports of North Vietnam and his intention to step up the bombing. We concluded that if the President were so sure that nothing could disturb his negotiations with Moscow, as evidenced by his stepping up the military action in North Vietnam, it would not be an irresponsible action on our part to indicate how we felt about the termination of the war. And so we have come to this vote.

Actually, of course, the vote today is not upon the so-called Case-Church amendment. It is on an amendment by the assistant majority leader to bring the language of the Case-Church amendment in line with the President's proposal for an internationally supervised cease-fire as a condition for American withdrawal from Indochina.

I am not opposed in any sense to a cease-fire. It would be fine if we could get a cease-fire. The adoption of the Case-Church amendment would not preclude the President in any way from seeking a cease-fire. But the adoption of the Byrd amendment would mean that American forces would remain in Indochina until there were a cease-fire. The Case-Church amendment makes American withdrawal contingent only on an agreement for the release of the prisoners. The Byrd amendment ties not only American withdrawal to a cease-fire, but, by extension, would tie the release of the prisoners to it.

A cease-fire provision is a substantive condition which would delay the effectiveness of the withdrawal. North Vietnam has no short-term interest in negotiating a cease-fire because it has been doing very well on the battlefield.

However, to me the overriding factor is that South Vietnam will not agree to a cease-fire. Why? Because it does not want us to withdraw. Because it wants our continued presence and protection. Because it does not want to be left to its own defense. So South Vietnam will not voluntarily agree to a cease-fire, which would have the effect of ending American participation in the war.

Thus, a cease-fire is highly unlikely to occur. In fact, in my judgment, a cease-fire simply will not happen. So in adopting the language that the Senator from West Virginia has proposed, much as we all yearn for a cease-fire, we would be saying, in effect, that we are taking no action at all, and our action would be a nullity.

I have not concluded what I should do if the Byrd amendment should succeed. I am certainly not opposed to having the Senate go on record that it favors a cease-fire. We do favor it, with all our hearts. That is not the point. The question is: Should we put an impossible condition upon our declaration that 4 months after there is an agreement for the release of our prisoners, our American military participation in Indochina shall cease?

I do not think we should put on such a condition. I do not think that our attempt to end the war will hurt, in any sense, the President's negotiations in Moscow. He did not think that a much graver action, to acceleration of the war, was going to hurt them. I do not believe that this action on our part would hurt them.

The question has been raised, and it should be considered, whether Moscow will have less regard for the President and will think less of his authority to speak for the American people, if we take this action. I do not think this will happen. Weaker in what way, Mr. President? Weaker because he cannot, on his own ipse dixit, say to Moscow, "If you do this, I will do that"?

Moscow is not unwise as to the ways of American constitutional processes. It knows that no President can say that.

If, specifically, the President feels that for Congress to adopt the Church-Case amendment, would weaken his ability to make Moscow and Hanoi think the United States will stay indefinitely in the war in Southeast Asia, then he and we would be joining in a fraud, because America will not stay indefinitely in defense of an impossible situation. It will not. It will not. We will not continue indefinitely to kill Americans, to kill North Vietnamese and South Vietnamese, and to devastate that peninsula, when there is no prospect that at the end of the time, when our patience has run out and revulsion has set in irrevocably against such destruction, South Vietnam will be any more able to defend itself than it is right now.

It is this dilemma, which earlier Presidents have gotten themselves into, from which we seek to rescue the Government of the United States, the American people, and all of Southeast Asia. That is our thought. And Moscow knows just as well as we know that up to now there has been no demonstration that any extended period of time would put Saigon in a position to defend itself.

You cannot negotiate a situation of that sort. There is no way to pull rabbits out of the hat. To recognize this reality is not undercutting the President. To recognize this reality, in a very real sense, would be to help him, and I will tell you why, Mr. President.

If there is any possibility of South Vietnam shaping up, of the present government or any successor government drawing that country together in its own defense morally, militarily, and in the spirit of true nationhood and loyalty to a government, that will come about only when the present government or a successor government is faced with a need to do so. The South Vietnamese will never recognize that need until we announce to them that at the end of a certain period of time, they will have to meet that responsibility and those conditions.

Once Hanoi sees that there is a chance for South Vietnam to shape up and be stronger at the end of our stay there than it is now, we might find them coming quickly to negotiation. Until it has such a feeling, Hanoi will never consent to anything except a surrender by South Vietnam and the present regime.

This is the reality of the situation, Mr. President. I have no compunction whatever in standing strongly against the Byrd amendment and in having a vote on this issue at the present time, because I think that to recognize reality in these important matters is the only way to come to sensible solutions. They can never be handled with any kind of mystery as to the verities of the situation.

No one likes to say that he thinks on a particular matter the President and his advisers are wrong. No one has been stronger in supporting the President's policies in Vietnam in regard to the withdrawal of troops than I. No one has praised him more highly. No one has given him more credit—and he deserves such credit—for turning the war around. No one has given greater credit than the Senator from New Jersey to the President's actions in regard to China, the Middle East, and many other areas of the world. But to disagree with him on this, in my opinion, if we really feel that this war ought to be ended by an announced termination date, is not disloyal to the President. We are not disloyal as members of his party; we are not disloyal as Senators of the United States, or as citizens, to make the announcement and to hold to it.

So it seems to me that whatever the result of this vote, I shall be happy because I think we will have accomplished something. We will have brought a message home that has been evaded by all the people who, knowing otherwise in their hearts, have been persuaded that the course we have taken in Vietnam could possibly somehow or other win out. It cannot, Mr. President. As General Patton said, you cannot push on a noodle. Until some strength is developed in South Vietnam, our course is hopeless, and that strength will never be developed as long as we tell them, "Do not get strong, because we will stay until you are." Of course there is no incentive in South Vietnam. Of course the leadership likes to get fat and rich at the expense of the American taxpayer, and to be protected by American blood and American war machines.

Mr. President, we have got to break out of this dilemma. President Johnson was unable to, and that was the reason that the country did not support him. President Nixon started in the right direction, and so far he has gone a long way. He has put the South Vietnamese on notice that, on the ground, they would have to take care of themselves. But he has not taken the final step, the setting of a final deadline. This is essential, in my opinion, to the resolution of the dilemma. We hope to help him. We offer him not only guidance, Mr. President, in the formation of policy and in our indication of what course he ought to take, but also support—and we mean this with all our hearts—the support of Congress in the awful responsibility that the President must bear in this situation. We hope it will be accepted, if not today, eventually.

Mr. President, I ask unanimous consent to have several editorial comments favorable to the Case-Church amendment printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 13, 1972]

Target for Dissent

While students and other antiwar protesters are taking to the streets to express their opposition to President Nixon's Indochina policy, Presidential aides boast of heavy support for the mining of Haiphong in telegrams and other messages to the White House. While it is questionable whether the claimed 5-to-1 favorable response truly represents the national mood, the men responsible for national policy in the White House and Congress will never know differently so long as dissent exhausts itself in random street demonstrations that too often result in self-defeating violence.

If Mr. Nixon takes the direct messages sent to the White House as the only index of national sentiment worth noting, those who are deeply troubled by his perilous challenge to the Soviet Union and other suppliers of Hanoi and by the massive American bombing of heavily populated areas of North Vietnam would do well to communicate their concern directly to the White House without delay.

Even more important would be support for moves in Congress to check this abuse of Presidential authority. Members of Congress are now the country's best hope for changing the present policy of brinkmanship. Now is the time for messages to have their maximum effectiveness in support of proposals by Senators Church and Case, and others, to withdraw American forces four months after North Vietnam agrees to return American prisoners of war—and without crippling amendments.

[From the New York Times, May 14, 1972]

Challenge to the Senate

(By Tom Wicker)

Passage of an effective end-the-war amendment in the Senate looked possible earlier this week; and after President Nixon's announcement that he had mined the North Vietnamese harbors, even the Democrats on the House Foreign Affairs Committee—not a citadel of doves—voted for a withdrawal resolution.

Now it appears that the four-point proposal that accompanied Mr. Nixon's mining announcement has diminished the chance for Senate passage of the Case-Church end-the-war amendment. If that proves to be true, a considerable opportunity will have been missed, since the amendment is the strongest of the numerous attempts Senate doves have made to limit the Administration's ability to carry on the war unchecked.

Here is the rather confusing situation:

Originally, the Case-Church amendment to a State Department budget bill provided that no more funds could be spent on the war after the end of this year, provided only that agreement for the release of American prisoners of war had been reached by then. If passed, this would have been the first time in history that the Senate had voted to use the Congressional power of the purse to force the Executive to end a war.

Then Mr. Nixon, appearing on television, offered to withdraw all American forces from South Vietnam and end all acts of force in Indochina within four months after an agreement for the release of American prisoners and for an internationally supervised ceasefire. Some analysts regard this as a significant softening of Mr. Nixon's terms since he had made no mention of the political future of South Vietnam.

Backers of the Case-Church amendment, sensing themselves near victory, altered their proposal to make it seem to support, rather than undermine, the Nixon proposal; that is, the new version would cut off funds for the war not at the end of the year but four months after an agreement for the release of prisoners.

But two can play at that game, and the Administration, with the help of its friendly neighborhood Democrat, Robert C. Byrd of West Virginia, moved to amend the Case-Church proposal still further by providing that a cease-fire also would have to be agreed upon four months before the fund cutoff could become effective.

This could be a highly effective move because it, too, appears to put the end-the-war amendment right in line with Mr. Nixon's four points. That being the case, it is likely to be supported by the "moderate doves"—the dozen or so Senators who are not fully committed to an end-the-war position but who are by no means hawks or down-the-line Nixon backers.

If these men do support the Byrd amendment, its passage will all but vitiate the Case-Church amendment. There is no good reason why the North Vietnamese should agree to a cease-fire when they stand at the high point of their military effort; in fact, Le Duc Tho, their chief negotiator, already has rejected Mr. Nixon's four points on grounds that they do not deal with the political future of South Vietnam. Yet the net effect of the Byrd amendment would be that without a cease-fire, there could be no fund cutoff.

All this may seem academic, since there is not much prospect that the hawkish House of Representatives would accept the Case-Church amendment. In fact, however, the issue has a symbolic value in that it dramatizes the question whether a President has or should have unlimited power as Commander in Chief or whether Congress, through its appropriations power, is entitled to some voice in national war policies.

Republican leaders in the Senate, for instance, are fighting the Case-Church amendment on the grounds it undercuts the President; which raises the question whether Presidents can or should fairly claim that whatever they may do in military situations Congress should support as a matter of patriotism. More bluntly, Secretary Connally has accused Senate Democrats who support the Case-Church amendment of putting party above country; of the Democratic Presidential candidates who support the amendment, Mr. Connally said that he had doubts "about the commitment to this country that they have."

Is it true, then, that if a citizen or a candidate or a member of Congress disagrees with Presidential decisions on war and peace—in this instance, Richard Nixon's—he lacks patriotism and commitment to this country? That is the self-serving doctrine the imperial Presidency and its political courtiers are trying to impose; and that will be the real question before the Senate on Tuesday, when it votes on the Byrd amendment.

[From the New York Times, May 16, 1972]

THE WAR POWER

The Congressional showdown on the President's war policy, which may come today in the Senate, involves far more than the immediate issue of Mr. Nixon's continuation and escalation of American involvement in the Indochina conflict. Underlying the proposals to invoke Congress' power of the purse to end United States participation in the war promptly, conditional only on the release of American war prisoners, is a fundamental constitutional prerogative—the essential responsibility of Congress to decide whether to commit the armed forces of this country to a foreign war.

For the moment, the possibility of obtaining the prisoners' release in return for American withdrawal does not appear bright. In his Paris news conference last week, North Vietnamese Politburo member Le Duc Tho insisted that there must first be a political settlement. But Hanoi needs testing on this point. Its willingness to separate the military and political issues should be probed by a clear-cut American offer. Moreover, a Congressional expression at this point would represent an essential reaffirmation of its constitutional responsibility.

The most disturbing aspect of the Nixon decision to mine Haiphong and other North Vietnamese ports and to resume the widespread aerial bombing of North Vietnam was that the President not only failed to seek Congressional consent for these grave actions but did not even consult with Congressional leaders before deciding on them.

If the Church-Case amendment, currently before the Senate, is subjected to crippling amendments as proposed by Senator Byrd and other supporters of the President, it will mean that Mr. Nixon will have a free hand to continue the conflict in Indochina indefinitely, regardless of the desires of the American people and Congress. It will encourage the President to take any additional risks he alone may deem appropriate to try to salvage his own misconceived policies.

Even more serious, Congressional failure to challenge the President's power grab, would let stand a precedent that could undermine for years to come the constitutionally mandated Congressional checks on executive war-making. To argue that Congress has no option but to support the President in an emergency, even if that emergency is enormously enlarged by his own arbitrariness, is certainly not what the Founding Fathers had in mind when they gave the Congress exclusive authority to declare war.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield time to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, today, at a moment when the awful shadow of tragedy has once again passed across the American political landscape, no Member of the Senate can avoid the inescapable linkage that exists between the violence in Vietnam and the violence at home. If we truly want to cleanse our national spirit of the stain of killing and brutality, then I believe we must redouble our efforts to end the war, and to bring American participation in the killing and violence in Indochina to its earliest possible end.

The Senate vote today offers each of us a chance to go on record in clear and unequivocal opposition to the war. That is why I strongly oppose the Byrd amendment. I believe that, like so many other blind alleys and detours we have followed for so long in our efforts to end the war, the amendment would be a backward step on the road to peace. It can only impede the chance we have for real progress toward a genuine and lasting settlement of the war.

The heart of the issue is really a very simple point. We do not need an eight-point plan for peace, or a nine-point plan to end the war. All we need is a clear one-point plan whose terms can be easily understood by anyone who favors peace—complete withdrawal of all American forces, land, sea, and air, from Indochina, conditioned only upon an agreement for the release of the American prisoners of war and an accounting for those who are missing in action.

I yield to no one in my desire to reach an immediate cease-fire in Indochina. But to make that cease-fire a fixed condition of American withdrawal would defy both the logic of the battlefield and the logic of the peace table. Simply put, a requirement of a cease-fire would be nothing more than a "Trojan horse" in the search for peace, a completely unnecessary condition that might well condemn us to many more months or even years of additional violence in Vietnam.

The arguments against a cease-fire are clear. First, by no stretch of the imagination can it be contended that a cease-fire is an indispensable condition for either of our paramount goals in Indochina. It is not indispensable for the complete withdrawal of American forces from Indochina. And it is not indispensable for the prompt release of the American prisoners of war. Surely, if we have already succeeded in bring 500,000 troops home, we can also bring the remaining 60,000 home. And, once American involvement ends in Indochina, our prisoners will come home as well, whether or not a cease-fire has also been negotiated and achieved. In sum, a mandatory and arbitrary cease-fire condition can only impede our deepest goals in Indochina. Once again, our search for peace may be in vain.

Second, if South Vietnam refuses to accept the cease-fire, then once again President Thieu will have succeeded in holding America hostage in his desperate effort to preserve his own political power—and to those who believe it unlikely that President Thieu could scuttle a new American initiative for a cease-fire, we need only point to President Thieu's success in staging the charade of his one-man reelection campaign last fall, in spite of the obvious and persistent pressure of the United States for a real election.

Third, and finally, if Congress imposes a cease-fire as a condition of American withdrawal from Indochina, then the President may well be less likely to ease the terms of his peace offer in the future, and the available paths to peace will be narrowed. All the Senate will have accomplished is to give the President carte blanche to carry on the war.

As these arguments make clear, there is a compelling and obvious answer to those who argue that we should not tie the hands of the President as he is about to depart for the Moscow summit. How can the Senate possibly tie the President's hands by omitting a cease-fire condition from the Case-Church amendment? If anything, the amendment leaves the President's hands free and unfettered for the future, untied by any congressional mandated condition not directly involving the withdrawal of

American forces or the release of American prisoners.

We know how frequently the President's offers for peace have changed in recent months and weeks. His adoption on May 8 of a 4-month period as his own new deadline for withdrawal—thereby acceding to the time limit Senator MANSFIELD had already proposed—is but the latest and most hopeful shift in the President's proposals at the Paris peace table. Why then, should Congress now act in a way that might well freeze this latest offer into a petrified peace condition, a condition that could easily and quickly become obsolete as new events occur.

Too much killing has already transpired in Indochina, too many lives have been lost, too much violence is taking place today for us to yield to the sort of arguments of convenience we hear today from the administration in favor of imposing a cease-fire as a mandatory and inflexible condition of an Indochina settlement. We have the chance this afternoon to record a historic vote for peace in Vietnam, and to put the Senate squarely on record in favor of the prompt return of all American prisoners. It is a vote on a simple issue that every American can understand. It is a vote to end the violence now.

Mr. CHURCH. Mr. President, how much time remains to those who oppose the Byrd amendment?

The PRESIDING OFFICER. Nine minutes.

Mr. CHURCH. Between now and the hour of 2 o'clock, only 9 minutes remain?

The PRESIDING OFFICER. The Senator is correct. There remains only the time between now and 1:30 p.m., at which time the Senate will receive the astronauts. The remaining time, aside from the 9 minutes, is under the control of the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, how much time remains to me?

The PRESIDING OFFICER. Twenty-five minutes.

Mr. ROBERT C. BYRD. I yield 10 minutes of my time to the able Senator from Idaho (Mr. CHURCH).

Mr. CHURCH. I thank the Senator very much. I would be very happy to withhold my remarks if the Senator or anyone speaking on his side would care to take the floor at this time.

If not, I yield myself such time as may remain, and will reserve any time that I do not use.

Mr. President, there are two aspects to the case before us. One is not directly connected to the pending amendment, but has to do with the escalation of the war that came with the President's decision to mine the harbors of North Vietnam. I have expressed, on other occasions, my belief that this action will prove no more decisive than the other Presidential initiatives through the years in forcing the North Vietnamese to give up the struggle.

I do not want to take the time to repeat those arguments now. I summarized them in an article I wrote for a number of American newspapers which was published this Sunday. The text of it appears in the Los Angeles Times under the caption "Bombs and Mines Won't Break the North's Will."

I conclude the article with these words:

> Until we Americans, the foreigners, leave this war will persist. The French finally learned that lesson and left. One day we shall have to do likewise. The only question is how much longer we shall insist on staying, and how many more American lives we shall sacrifice before we leave.

Mr. President, I ask unanimous consent to have the entire article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOMBS AND MINES WON'T BREAK THE NORTH'S WILL

(By Senator FRANK CHURCH)

When it was decided in 1965 that an American Army should be sent to fight in Vietnam, the United States took up arms in an open-ended war being waged by an alien people in an Asian land. Our President spoke of it as a "limited war," by which they meant that we had limited ourselves to the defense of the Saigon regime. From the start, the conquest of North Vietnam was ruled out, prudence dictating that a counter-invasion of the North could easily set off a war with China. The Chinese, after all, had entered the Korean conflict after we converted the defense of the South into a counterattack upon the North and our troops had approached the borders of China.

Hence, from the moment of our intervention in Vietnam, we were constrained to fight on the enemy's terms of attack and attrition. No matter how doggedly we persevered, we could never outlast the Vietnamese in their own homeland. Having denied ourselves the victory that only the conquest of the North could bestow, we were caught fast behind the breastworks of a war we could not stop or win. As Vietnam expert Richard Holbrooke recently observed:

"Vietnamize it, pacify it, democratize it, pull troops out, pour aid in, visit China, send Kissinger to Paris, change our rhetoric, drive it off the front pages for awhile—it still won't go away."

It was inevitable, I suppose, that Presidents who conceded the need to confine our ground troops to the defense of the South, would be persuaded by an unquenchable war to strike at the North through the air. President Nixon has again taken to the air in the desperate hope that he can mine Haiphong harbor and bomb the enemy into submission. Reason and past experience better sustain the desperation than the hope.

Indeed, the dynamics of the Nixon Vietnamization policy, in the absence of a political settlement, almost guaranteed that North Vietnam would eventually launch the type of full-scale offensive now under way. The President has maneuvered the United States into a highly precarious position. His mistake is not that he has removed more than 450,000 of our troops, but that he has failed to remove them all. As a result, the safety of nearly 70,000 Americans who remain in South Vietnam now depends upon Saigon's army, upon its willingness to stand and fight.

President Nixon has played the role of Hamlet in the Vietnamese tragedy. "To leave or not to leave," that is the question on which he could never make up his mind. So we find ourselves today in the worst of all possible postures, half in and half out, with no recourse but to hurl our thunderbolts from the air upon an advancing enemy determined to seize the ground.

Thus, the reason for the President's desperation is evident. But what is the basis for his hope of success? In the short run, we trust that the tactical support our air power confers on the defenders in the field will prove sufficient to blunt this latest enemy attack; in the long run, there is little reason to believe that the President's decision to mine the enemy harbors and resume the strategic bombing of the North will prove successful.

It is truly said that those who cannot learn from the mistakes of the past are destined to repeat them. The strategic bombing will fail again, as it failed before. Darken their skies with clouds of bombers, fill their harbors with submerged explosives, rain down destruction upon them, and they may scurry for cover but they won't yield. The bombing will only stiffen their spines; it will never bend their knees.

Who can doubt it? Before our latest air strikes against the North, we had already dropped more than 6 million tons of bombs on the enemy, three times the total tonnage dropped by American aircraft throughout World War II! Over half of this incredible bombardment had been ordered by President Nixon. Still, the war has never been suppressed, the supply lines never severed, the enemy never subdued.

Until we Americans, the foreigners, leave, this war will persist. The French finally learned that lesson and left. One day we shall have to do likewise. The only question is how much longer we shall insist on staying, and how many more American lives we shall sacrifice before we leave.

Mr. CHURCH. Mr. President, let me now turn to the other aspect of the case. The question before us, reduced to its elemental term, is whether the Senate is willing to play its constitutional role in formulating a policy that will permit the United States to disengage from Indochina.

We are told that the Senate must not play that role in any independent fashion. Adoption of the Byrd amendment would add to the release of our prisoners of war the condition of a cease-fire, which the President called for in his address last week. It would, thus, bring the Senate's statutory proposition more closely into conformity with the President's own pledge to withdraw our forces 4 months after a cease-fire is entered into and our prisoners of war are released.

If the Senate adopted the Byrd amendment, however, the distinguished minority leader has announced his intention to offer still another amendment, striking the language relating to an agreement for the release of our prisoners of war, and substituting instead the prior release of those prisoners of war. He will urge us to adopt the exact language the President used.

Suppose this amendment is approved. Then, the statutory proposition would exactly conform in every particular to the President's proposal.

Nevertheless, we are told that the administration would still oppose the adoption of the Church-Case amendment, though it conformed exactly with the President's own proposition, because it would call for a cut of funds after the 4-month period had expired.

In other words, Mr. President, this administration wants no action in the Congress, whatever. In taking that position, President Nixon displays the same attitude as the last administration.

Our Presidents insist not only upon the authority to make war at their pleasure, without so much as consultation with the

Congress, but they also insist that Congress play no part whatever in bringing an end to this, the longest war in our history.

Mr. President, the latest issue of Time magazine comments upon this unfortunate attitude of recent American Presidents. Its words are so compelling that I should like to read them into the Record.

The concluding paragraphs of the Time essay, published in the May 12, 1972, issue, read as follows:

> So far, Nixon has resisted all attempts to rebuild congressional power over foreign policy. Last November, Congress passed a military authorization bill with a watered-down version of the Mansfield amendment, which simply called for setting a date for the withdrawal of American forces from Viet Nam as soon as the prisoners of war are released. The President signed the bill into law while describing the amendment as being "without binding force or effect."
>
> Yet Congress, properly informed, could be as much of a help as a hindrance to the President, particularly in this time of travail over Viet Nam. By being brought into policymaking, Congress could share the responsibility as well as the blame for what happens there. Rather than rebuffing them, the President might welcome congressional efforts to formulate a peace offer to North Viet Nam. The Church-Case amendment omits a cease-fire as a condition for the withdrawal of American forces, but it does embody Nixon's offer of a total withdrawal in four months after the P.O.W.s are freed. Though Nixon dislikes congressional interference with his prerogatives, some such congressional resolution would increase his bargaining strength with North Viet Nam. It would demonstrate that Congress, the source of so much antiwar sentiment, is behind him.
>
> No less than previous Presidents, Nixon has underestimated what Congress can do for him. It can, under certain circumstances, save him from himself. The Senate, in particular, remains the repository of a worldly-wise skepticism—a quality not always found in the Executive bureaucracy, which defends to the death policies that it has initiated. The Administration has had to keep escalating in Viet Nam to protect its original position. If the President had been required to report regularly to Congress, he might have found alternative strategies. To some degree, the President has become the captive of the huge Establishment that has grown up around him. "A strong President," says Senator William Fulbright, chairman of the Foreign Relations Committee, "has been regarded as not one who strengthens and upholds our constitutional system as a whole but as one who accumulates and retains as much power as possible in the presidential office itself." It is time not to weaken the President, but to make the U.S. stronger by sharing the abundant power of the presidency with Congress.

Mr. President, that is the essence of my plea. Upon the record, it is plain that, no matter how closely we conform the congressional proposition to that which the President has made, he opposes enactment of the amendment. He wants the Congress to play no part whatever. That is the challenge he lays down.

I see it as our duty under the Constitution to play a responsible role in enhancing the prospects for our total disengagement from Indochina, for the release of our prisoners of war, and for bringing an end to our part in this senseless, endless struggle.

I hope the Senate will rise to that responsibility this afternoon.

Time is limited. The vote on the pending Byrd amendment is really the decisive vote, for its adoption would so emasculate the Case-Church amendment as to render it meaningless.

I ask unanimous consent that a number of pertinent articles published in the newspapers of the past few days, relating to the subject at hand, be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, May 13, 1972]

Target for Dissent

While students and other antiwar protesters are taking to the streets to express their opposition to President Nixon's Indochina policy, Presidential aides boast of heavy support for the mining of Haiphong in telegrams and other messages to the White House. While it is questionable whether the claimed 5-to-1 favorable response truly represents the national mood, the men responsible for national policy in the White House and Congress will never know differently so long as dissent exhausts itself in random street demonstrations that too often result in self-defeating violence.

If Mr. Nixon takes the direct messages sent to the White House as the only index of national sentiment worth noting, those who are deeply troubled by his perilous challenge to the Soviet Union and other suppliers of Hanoi and by the massive American bombing of heavily populated areas of North Vietnam would do well to communicate their concern directly to the White House without delay.

Even more important would be support for moves in Congress to check this abuse of Presidential authority. Members of Congress are now the country's best hope for changing the present policy of brinkmanship. Now is the time for messages to have their maximum effectiveness in support of proposals by Senators Church and Case, and others, to withdraw American forces four months after North Vietnam agrees to return American prisoners of war—and without crippling amendments.

[From the Washington Post, May 13, 1972]

Nixon Misleading on Vietnam Reports

(By Jack Anderson)

President Nixon is again releasing selective information from his secret advices in an attempt to manage the Vietnam news.

He has taken excerpts out of context which give a misleading impression of Vietnam developments.

The White House has spread the word, for example, that the mining of Haiphong Harbor will affect the fighting in Vietnam within two or three weeks. Sources with access to the secret estimates flatly dispute this. Although the predictions vary, most estimates warn that Gen. Vo Nguyen Giap, the fabulous North Vietnamese commander has enough men and material at the fighting fronts to last three or four months.

The secret reports express grudging admiration for Giap's genius at moving supplies under hazardous, almost impossible conditions. The American high command still can't figure out how he moved Soviet tanks, heavy artillery and anti-aircraft missiles into South Vietnam without American planes spotting and destroying them.

In any case, the intelligence reports claim only about one-third of the Soviet equipment reaches North Vietnam by ship. Our most massive bombing has also failed to halt the flow of enemy armaments over the land supply routes, the secret concensus, therefore, is that the President's drastic actions in the north will have only a minimal effect on the fighting in the south.

Earlier the President quoted Gen. Creighton Abrams, the American commander in Saigon, as saying the South Vietnamese army was fighting courageously and well. Sources with access to Abrams' secret reports tell us this message was taken out of context. Actually, Abrams had raised grave questions about the South Vietnamese military leadership, battle tactics and dependence on air support.

The Abrams' message which the President quoted, intended to convey in its full context only that the South Vietnamese were fighting better than the general had expected.

The President's foreign policy czar, Henry Kissinger, has also told the press that Soviet leader Leonid Brezhnev led him to believe in Moscow that a Vietnamese settlement would come from renewed negotiations.

Sources with access to the full text of the Kissinger-Brezhnev talks agree that the Soviet leader encouraged the United States to renew negotiations. But Brezhnev was emphatic in declaring that the Soviet Union would not intervene to arrange a settlement and would not decrease its arms shipments to North Vietnam. Brezhnev suggestion need not jeopardize Russian American relations.

Clearly the President, in taking the American people into his confidence about the Vietnamese war, is playing the the old game of pick-and-choose.

[From the New York Times, May 13, 1972]

Disaffection and Alienation on Campus!

"To Whom Should I Write a Letter"

(By John William Ward)

Amherst, Mass.—I know you attend to what I say because I am president of the college. I thank you for that, but I want to speak to you in two voices. First, as president of Amherst College; second, in my own voice. I am tense and uneasy with the act of dividing myself in two: My hope, as president, has been not to lose myself in the role, the office, to retain a sense of my own self while still president. My personal unease is made worse because as I said at the start, I know you listen to me because I am the president. It is not Bill Ward you want to hear: you want to hear the president of Amherst College. So, let me begin first with the voice you want to hear, that of the president, and then speak as Bill Ward.

As president, I have a great affection for this place, this college. We know ourselves slenderly, but to the degree I know myself, that was one of the large reasons I was willing to say, yes, I would be president of it.

Let us begin where we are. Let us begin where we stand together. Let us make this place, Amherst College, as good and decent and humane a place as we can. I do not ask you to be more than human; I ask you simply to be human with one another. If we stand appalled at the cruelty and the indecency we see around us in the world, let us not give them a place here among us; let us not in our frustration turn ourselves into a likeness of what we despise and detest. I do not think we are going to save society this way, but we may find Amherst a better place to be together.

Night before last while I was in the Red Room, a student called my home and left word with my wife that he and other students hoped I would write a letter. Write a letter! To whom? One feels like a child throwing paper planes against a blank wall. I might write such a letter and you might cheer and, if the world goes on, you might think me a pleasant and sympathetic fellow. But the mines are laid [outside North Vietnam's harbors] and for the next few days we wait. God knows, I hope Nixon is right. God knows, I hope it works. Not for his sake, not even for the sake of the United States. For the sake of all those I have never seen. For mankind's sake.

We have lived with this bloody war for

eighteen years. I was only ten years out of another war and most of you in this room were babies. Who has the strength to raise all the arguments again? I said on this campus three years ago that I think the "Vietnam war is a cruel and foolish mistake, that we got into it on a false ideological premise, that we are so hung up in our own cant that we cannot admit that we are wrong, that we are wasting lives because of a foolish pride." I still think that. To whom shall I say it in a letter? Voices louder than mine have been saying it for a long time. What are we protesting?

Let me say what I protest and what I "Bill Ward," self and citizen, propose to do. As I said when I took this office, I do not intend to disenfranchise myself or lose my rights as citizen because I am president.

Mr. Nixon promised us a solution through Vietnamization of the war. I find the policy repellent but, that aside, it has failed, so now we have the mining of harbors, the bombing of railheads, the interdiction of all supplies to North Vietnam. Mr. Nixon has ruled out withdrawal; the only way to negotiation again is through the application of greater and greater force; the next move lies in someone else's hands. What if the blockade fails? Mr. Kissinger in his press briefing is reported to have said that nuclear confrontation is an acceptable risk, preferable to the present land war in South Vietnam.

What I protest is not what has been done. What is done is done. No word of mine, no word of yours will change it. What I protest is what may come next. What I protest is there is no way to protest. I speak of frustration and deep despair. John Dos Passos once wrote, "We only have words against power superpower," and his "U.S.A." ended in icy defeat. I do not think words will now change the minds of men in power who make these decisions. I do not. Since I do not, I do not care to write letters to the world.

Instead, I will, for myself, join in the act of passive civil disobedience at Westover Air Force Base.

John William Ward, president of Amherst, addressed these remarks to the students. The next day he was arrested and fined in an antiwar demonstration for "disturbing the peace."

Mr. CHURCH. Mr. President, I reserve the balance of our time.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I yield 2 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 2 minutes.

Mr. CHILES. Mr. President, I have listened to the debate with regard to the Byrd amendment to the Church-Case proposal. And I am persuaded to vote against the Byrd amendment primarily because I think it greatly handicaps our efforts to obtain the release of our prisoners of war. I think that adding the language "internationally supervised cease-fire," which no one really knows the meaning of and which is incapable of being defined or ascertained, would constitute a great handicap.

There is no way by which we can know when those conditions will be satisfied. That will greatly handicap our efforts to obtain a speedy release of the prisoners.

I am also persuaded from hearing from some of the loved ones of our prisoners of war and our men missing in action. It is their strong feeling that adding this language will put off the day that their men will be released.

Also, I cannot determine really what we would be doing by agreeing to this language because there is no time certain for the cease-fire. The way the proposition is couched, it would be capable of allowing the North Vietnamese to grant or consent to an international cease-fire and the release of our prisoners, and 4 months after that agreement and the release of our prisoners of war, we would leave Indochina. At that time there would be nothing that would prevent the North Vietnamese from then doing anything that they now could do or could have done prior to that time if they did not have a cease-fire.

All the way through in our debate when we talked about the Mansfield amendment, we discussed the safety of our troops. It has always been contained in proposals that the Senate was insisting that there be safety for our troops during their withdrawal. A cease-fire has not been a matter that the Senate has been concerned with. I think that we would be making a mistake if we were to agree to this amendment to the Church-Case amendment and would greatly handicap our ability to obtain the release of the prisoners.

For those reasons, I intend to vote against the Byrd amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr CHURCH. Mr. President, I yield 2 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The time of the Senator from Idaho has completely expired.

Mr. ROBERT C. BYRD. Mr. President, how much time does the Senator need?

Mr. CHURCH. The Senator from California needs 2 minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Idaho.

Mr. CHURCH. Mr. President, I thank the Senator from West Virginia, and I yield 2 minutes to the Senator from California.

Mr. TUNNEY. Mr. President, I thank the Senator from Idaho for yielding me time.

Mr. President, I plan to vote against the Byrd amendment. I feel it is essential that the United States get out of Vietnam as quickly as possible consistent with what I consider to be the national value, the important national value of having our prisoners of war returned. The Case-Church amendment, without the Byrd amendment, makes it very clear that our prisoners of war will be returned to the United States before the United States would leave South Vietnam. I cannot think of any reason for us to continue with the madness of this war in Vietnam which for the past 8 years has undermined the spirit of our country.

I feel very strongly that it represents a victory for the United States to get out of Vietnam. That is the true victory. As long as we pursue an illusive mirage of military victory, whether we call it an American victory, or a victory by the Thieu government—a military victory in Vietnam—we are going to find ourselves sinking deeper and deeper into the quagmire.

I had great hope before the President appeared on television the other night that he was going to make an announcement that we would agree in return for our prisoners of war and troops missing in action to a total withdrawal from Vietnam. Instead the President felt it was necessary to escalate the war. I feel quite frankly that that escalation is going to have serious consequences in future months as the United States has to negotiate with the Soviet Union about many problems in other parts of the world.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHURCH. I yield the Senator 1 additional minute.

Mr. TUNNEY. Mr. President, irrespective of whether the Soviet Union challenges the blockade in Vietnam, it seems to me their national pride is going to dictate that they put the pressure on us in some other part of the world, whether it be Berlin, the Middle East, or the subcontinent of Asia, they will put the pressure on us in an area where they have the strong cards and we have the weak ones. This is the tragedy of the President's policy of escalation—it will make it much more difficult to achieve a modus vivendi with the Soviet Union and it will keep Americans in Vietnam indefinitely fighting and dying.

Therefore, I hope the Senate rejects the Byrd amendment which will only serve to protract our stay in Vietnam and approves the Case-Church amendment as written because it seems to me the best way at this particular point in time to get out of this dreadful war.

Mr. CHURCH. Mr. President, I yield myself the remainder of the time.

The distinguished senior Senator from Missouri (Mr. SYMINGTON) has prepared a chronicle of the cease-fire proposal, as it has been raised through the years and consistently rejected by North Vietnam. Reviewing the dismal history of the cease-fire proposal is enough to demonstrate the great mistake we will make if we add that provision to the Case-Church amendment.

Mr. President, I ask unanimous consent that this brief history be printed here in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

On last January 25, the President offered a plan for withdrawal of our forces in six months, provided we received back our prisoners. He added to his proposal what was characterized at that time as a "hooker," namely, that the North Vietnamese must also agree to a military cease-fire throughout Indochina.

At that time also it was clear to many of us that this cease-fire stipulation killed any chance of his plan being accepted. We knew, and he knew, that in the past Hanoi had consistently refused to consider a cease-fire prior to a political settlement.

As far back as October 1970, with the same stage play, President Nixon offered North Vietnam a five-point peace plan. The first point was a cease-fire and the North Vietnamese promptly rejected that.

In July 1971, Hanoi offered a peace plan, one which stipulated that a cease-fire arrangement would only be agreed to after a "government of national concord" was formed. At that time Le Duc Tho announced that, if President Nixon tried to link an agreement on the fixing of a withdrawal date with a cease-fire agreement, there would be no agreement.

The reasoning advanced by Hanoi for their attitude in opposition to a cease-fire has been consistent. They believe that the institution of a cease-fire, without a political settlement, would be tantamount to their losing the war.

Territorially they would be placed in a disadvantageous position in South Vietnam, Laos and Cambodia. Infiltration would have to stop; and the result, in their stated opinion, would be a victory for Saigon on the diplomatic front after it became clear South Vietnam was incapable of winning on the military front.

In short, from Hanoi's viewpoint, any cease-fire proposal of President Nixon is unacceptable because they believe, in effect, it would require Hanoi to give up the struggle.

It is also clear, and has been for many months, that the North Vietnamese will not accept a military settlement—cease-fire—before a political settlement; and if that has been their position in the past, why, after their recent substantial military successes would they be willing to do so now?

Mr. CHURCH. Mr. President, I hope that the Senate will not complicate such chance as there may be for the release of American prisoners of war by making it contingent upon a cease-fire which North Vietnam has not only consistently rejected in the past, but which present conditions on the battlefield make it even less likely for her to accept now.

Our prisoners have been incarcerated long enough. Let us not prolong the day when they can be freed and returned to their homes again.

As it now stands, the Church-Case proposal is unfettered. It has the overwhelming support of the American people, as exhibited by the latest Gallup Poll. We ought to agree to the amendment in unmodified form.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, there is no doubt in my mind that the sponsorship of the present amendment is a sincere gesture on the part of our distinguished colleague from West Virginia. Knowing him as well as I do, I do not question for one moment his motives in bringing up the amendment. But I do say if we agree to his amendment today we will only be prolonging the agony. We will be prolonging the agony of Vietnam.

I do not question for 1 minute that President Nixon, when he inaugurated his policy of Vietnamization, was very, very sincere. I am sure he thought at the time it might work.

The fact remains, however, that we have been let down. We have been let down by Saigon. After 3 years in this effort, we have to face the fact that when the incursion took place and the DMZ was crossed, the South Vietnamese threw down their muskets, took off their uniforms, and ran.

The next question is: What do we do about it? Where do we go from here? Have a cease-fire? Everybody would like to have a cease-fire and I would be the first to suggest we seek it.

I think if we tie it to this amendment—I repeat—all we are doing is prolonging the agony. I think we have fulfilled our commitment in Vietnam. We have spent billions and billions of dollars. As the majority leader has pointed out time and time again we have over 50,000 dead and over a quarter million seriously injured. What price must we pay to prove we went 8,000 miles from home to give peace and freedom for which our friends have not energetically fought themselves?

The question here is: Do we get out and stay out, and if you want to get out, how do you do it? Is it by getting in more or by getting in less?

We have mined these harbors. Thank God nothing has happened so far. I pray that nothing will happen. I pray President Nixon succeeds. I have that prayer on my lips every night. But the fact remains we are pursuing a very dangerous course. Where it will end nobody knows. If we are looking for a military victory somebody should stand up and say so. Surely the time has come when we have to bite the bullet and tell the American people yes or no—do we intend to get out and stay out or to get in deeper.

Are we looking for a prearranged cease-fire under international supervision, that would be wonderful if we could get it. But the wish is unrealistic. If we want to bring our boys home and have an accounting for those missing in action, the one way to do it is to establish a policy which has been declared on this floor by the Church-Case amendment that we will get out in 4 months after the release of our prisoners.

Mr. President, if you want to get out, that is the way to get out. If you want to stay in, keep escalating this war, and that is what this administration is doing.

I commend President Nixon for trying, but I think this last move on May 8 was a terrible mistake that will take us—Gods knows where. We are stretching to the end of the limb, and then only the Lord knows how much more involved we will be.

We started out by saying that our policy in Asia was one of a political solution, and now we are fighting for a military victory. We cannot win the war unless we invade North Vietnam. This we do not propose to do. This the American people would not stand for. Surely we cannot win it with the weakness that has been displayed by the soldiers of South Vietnam, and I say that as seriously as I have said anything on the floor of the Senate. Let us keep to a clear course. Let us keep the Church-Case amendment intact.

The PRESIDING OFFICER. The time has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

VISIT TO THE SENATE BY THE APOLLO 16 ASTRONAUTS

The PRESIDING OFFICER (Mr. Hughes). The Chair appoints the majority leader and the minority leader as members of a committee to escort into the Senate Chamber the three astronauts who were the crew of Apollo 16.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum for 1 minute.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess for not to exceed 30 minutes to meet and congratulate the astronauts.

At 1:32 p.m. the Senate took a recess.

Capt. John W. Young, U.S. Navy, and Mrs. Young, Col. Charles Duke, U.S. Air Force, and Mrs. Duke, and Comdr. Thomas K. Mattingly, U.S. Navy, escorted by Mr. Mansfield, Mr. Scott, Mr. Anderson, and Mr. Curtis, entered the Chamber.

[Applause, Senators rising.]

Mr. MANSFIELD. On behalf of the distinguished minority leader and myself and the entire Senate, I take this occasion to welcome our distinguished astronauts to this Chamber. There will be no speeches except this one. Now it is up to us to shake hands with the distinguished astronauts and tell them how much we appreciate what they have done and also express appreciation to their wives for the encouragement and solace which they gave them.

(Senators exchanged greetings with the astronauts and their wives.)

At 1:53 p.m., upon the expiration of the recess, the Senate reassembled when called to order by the Presiding Officer (Mr. Chiles).

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

Mr. HATFIELD. Mr. President, it is regrettable that at this late date in the war, the issues that keep us from peace are still not clearly understood. We are asked to vote on an amendment making an "internationally supervised cease-fire" a condition on our withdrawal from Indochina in 4 months time. So it would appear that Senators are voting for or against a cease-fire.

Actually the exact opposite is true.

Voting for this cease-fire provision, in all likelihood, will prolong the war, rather than end hostilities.

Commentators have said that the administration's most recent peace proposal is a totally new, unprecedented offer. I wish, very sincerely, that it were. But from what I can determine in the public record, that is not the case.

On May 31, 1971, we offered to withdraw totally in exchange for a cease-fire and the return of our prisoners. The other side turned down that secret offer, saying it could not accept a cease-fire in the absence of a framework for a political settlement of the war.

Now I do not maintain that their position is justifiable. But one would have to say that it is at least understandable. The war is being fought over the issue of political power in South Vietnam. The other side has said that it would not agree to give up its military effort, and stop where they are, without some agreement on a political, solution. This has been the subject of the deadlocked negotiations in Paris. The prospects of our adversaries agreeing to such a cease-fire now is even more remote than previously because of their military gains.

In effect, it seems we are now trying to gain through negotiations what the South Vietnamese have not been able to win on the battlefield.

The issue is also not the protection of our own troops. The North Vietnamese have stated that if we agree to end all military operations and withdraw all our troops, they would be willing to cease hostilities between their forces and U.S. forces. If we are committed only to withdrawing our forces, and ending our bombing, as rapidly as possible, and not committed to maintaining the Theiu regime, then we can seek an arrangement to guarantee the safety of our troops during that withdrawal.

Thus, by passing this amendment, we will not be moving toward actual cease-fire; rather, we will write into law conditions on our withdrawal that have already been rejected by the other side—conditions that have been rejected in principle for over a year. We will darken the hope for ending the suffering and tragedy of this war.

I wish this were not so; I pray that the suffering and killing would cease. And if there were any realistic hope that the agony of this war would be ended by voting for this amendment, of course, I would do so. But I fear that the opposite will occur, and we should not deceive ourselves. However good it might sound to say we are for a cease-fire, in reality we are supporting a position which will not end the fighting.

I would add that in the event this amendment should succeed, I will vote against the Case-Church amendment as modified by the Byrd amendment.

Mr. President, there have been two statements of analysis regarding the cease-fire proposal which I would like to bring to the attention of the Senate. One has been prepared by the Friends Committee on National Legislation, and the other by the Indochina Resource Center. I ask unanimous consent that they be printed in the Record at this point.

Also, after the President revealed the secret peace talks between Mr. Kissinger and the North Vietnamese, Mr. George Kahin wrote an exceptional analysis of our negotiating position. I ask unanimous consent that this article, as it appeared in the New Republic on February 12, 1972, also be printed in the Record.

Finally, Mr. George Wilson, an outstanding reporter with the Washington Post, has just returned from Vietnam. He has captured in a most unique way the human tragedy exacted by this war, and the consequences of our intervention, and our massive fire power, on the lives of the Vietnamese. I ask unanimous consent that these articles,the first two of a series be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Friends Committee on National Legislation "Cease-Fire"—A Formula To Continue the War, Not End It

Sen. Robert Byrd, W. Va., has proposed to add the words "an internationally supervised ceasefire to the Case-Church amendment as an additional requirement to be negotiated before U.S. troops are withdrawn. An attempt may also be made to add a similar provision to the proposal now being considered by the House Foreign Affairs Committee. A vote is scheduled at 2 p.m. Tuesday, May 16 on the Byrd amendment.

All who value human life ardently hope for an end to the killing in Indochina. Nevertheless, inclusion of this requirement in Congressional amendments to end the war would prolong the killing, not end it. Why?

1. *Congress would thereby give a veto to Saigon, or to Hanoi, or to the Provisional Revolutionary Government or to the Nixon Administration over U.S. disengagement from this war.*

An "internationally supervised ceasefire" is a highly complicated agreement, especially in the absence of a decisive military situation. It could take months or years to negotiate—witness the current Paris negotiations. Consider these delicate issues which must be decided in a highly charged atmosphere of mistrust:

(a) If the fighting stops, how does one determine who is in political control of an area? This is clear regarding Saigon and Quang Tri, but what about provinces such as Quang Ngai? There the provincial capital is held by government troops but most of the countryside is held by the PRG. What about those areas controlled by one side in daylight and the other at night? Some have suggested a map of South Vietnam might look like leopard spots if such a ceasefire were instituted. Must there be agreement on how this map looks before a ceasefire begins?

(b) Does each side keep its weapons in place and ready to use in its area? Can the United States continue to supply replacement parts, gasoline, etc. to ARVN forces? Can the USSR and China continue to do the same for DRVN/PRG forces? Will Saigon harbor and the Ho Chi Minh trail be closed or flowing with material? Would a ceasefire merely provide a period to replenish forces before the war begins again?

(c) How would the ceasefire provisions be applied in Cambodia and Laos? Does this permit the National United Front of Cambodia to organize a government in areas of Cambodia not controlled by the Phnom Penh government? Would it recognize the areas currently administered by the Pathet Lao in Laos?

(d) Who supervises the ceasefire? What countries are represented? What authority do they have to travel freely throughout the country and to report violations?

These are not insoluble problems. In fact, they must be solved as part of a final settlement. The point here is that without agreement on the political complexion of the South Vietnamese Government, these problems cannot be resolved. Any one of the negotiating parties can stymie agreement.

The *Byrd* amendment and similar proposals thus give a veto to the Vietnamese, North and South, over U.S. policy in Indochina.

Congress by requiring an undefined and undefinable "internationally supervised ceasefire agreement" prior to U.S. troop withdrawal would be buying a pig in a poke. It would prevent any early release of P.O.W.'s. Its indefinite meaning in the context of current military operations suggests it could be used by the Administration as a subtle Gulf of Tonkin Resolution.

2. *Hanoi and the PRG are unlikely to agree to a ceasefire.*

Administration spokesmen argue that a ceasefire should appeal to Hanoi and the PRG because they could retain control over the "large chunks" of territory they have gained in recent weeks of fighting in South Vietnam.

But Hanoi and the PRG also have many supporters and sympathizers throughout Vietnam including many units and cadres in the countryside. A ceasefire, it is argued, would endanger these groups by keeping the Saigon Government's extensive police system in operation. The police, backed by the army and militia, in the name of domestic peace and order could continue to arrest, detain, imprison and even kill those it describes as opponents of the regime. Hanoi and the PRG are not likely to agree to this.

There are approximately 100,000 men in the police force of South Vietnam, who are permitted by the Constitution to act against anyone considered to be a threat to national security. This number is scheduled to rise to 120,000 by the end of 1972. In addition the total South Vietnamese military establishment numbers approximately 1,200,000 in a country of 17 million.

What convincing assurance could be given to the PRG that the South Vietnamese Government would not continue its programs of identification, interrogation and assassination, as in Operation Phoenix, in the name of law and order? Would political prisoners be released or would more opponents of the government be arrested?

Is this current emphasis on an "internationally supervised ceasefire" just another case of one side insisting on a condition which it knows will be unacceptable to the other side?

3. *A ceasefire unaccompanied by a political settlement is highly volatile and unworkable.*

There have been numerous truces in this war. All have been brief and marred by charges by both sides of violations. So long as no settlement of outstanding political issues is reached, each side will be moved, almost irresistably, to break the agreement in an attempt to change the political and military situation to its advantage.

By rejecting the Byrd amendment, Congress will retain some control over the length of further U.S. involvement in the Indochina war.

The timetable for the complete withdrawal should be set by Congress, as in the Brooke-McGovern-Hatfield date of August 31 or the proposal of October 1 submitted to the House Foreign Affairs Committee, or even the date of December 31 as in the Case-Church amendment as it came from the Senate Foreign Relations Committee.

But Congress should not abdicate further its control over the US troop withdrawal timetable. It should not make this timetable dependent on the reaching of agreement on complex, controversial and subtle issues among hostile and adverse parties. This is a formula for endless war.

INDOCHINA RESOURCE CENTER,
Washington, D.C., May 15, 1972.

NIXON'S PEACE PLAN

Along with President Nixon's announcement of the intensified bombing of North Vietnam and the mining of Haiphong harbor, he announced that once American prisoners are returned and a supervised cease-fire in place has been arranged throughout Indochina, the United States would stop "all acts of force" and withdraw all American forces within four months.

This peace plan may sound "generous" to President Nixon and many war-weary Americans who have only a cursory knowledge of the real issues of this war, but it will never be accepted by the other side. Why? Is the other side opposed to ending the war? It is worthwhile to make several points.

First, the Geneva agreements that ended the First Indochina War provided for an internationally supervised cease-fire and a temporary partition of the country into two military regroupment zones. The partition was to be removed by internationally supervised elections to be held in 1956 to reunify the country. The Vietminh military forces did cease fire and regrouped in the North. In 1955 the Vietminh political workers in the South began campaigning for the 1956 elections. However, the French left Vietnam in 1955 and turned over "power" in the South to the U.S.-supported Ngo Dinh Diem. Diem promptly cancelled the scheduled elections and jailed or executed the Vietminh who had made themselves known by campaigning for the election. The Vietminh appealed to the International Control Commission to bring international pressure to force the elections, but the real "power" lay in the hands of the army and police of Diem. Left without any legal recourse, the Southern supporters of the Vietminh banded together to fight for their lives and to liberate their country. The net result was the Second Indochina War. The 1954–56 experience taught the Vietnamese not to be tricked again.

Second, the Nixon administration has been seeking a cease-fire in place since it took office in 1969. It has failed and the war continues. The PRG position states: "In regard to the so-called 'on the spot unconditional cease-fire' put forward by President Nixon . . . would amount on the one hand to legalizing American aggression, to legalizing the administration in the pay of the United States, and on the other hand, to depriving the South Vietnamese population of its legitimate right of self-defense, thus permitting the United States to gain time in order to consolidate the puppet army and administration and to let loose, at the moment of their choice, an even more savage war. That is why, faithful to the legitimate aspirations of the South Vietnamese population, we have unmasked and rejected that subterfuge."

Third, there was a revealing dialogue on the Martin Agronsky Evening Edition news show on Friday, May 12 between Congressman Edward Derwinski (R.-Ill.) of the Foreign Affairs Committee and Congressman Jerome Waldie (D.-Calif.). Derwinski was one of the Congressional leadership briefed before Nixon's speech and supported the President's actions. One interchange was particularly informative. Paraphrasing their remarks:

DERWINSKI. Are you in favor of abandoning our ally, the South Vietnamese?

WALDIE. The President is offering to abandon our ally by his offer to stop all acts of force and withdraw within four months.

DERWINSKI. But there will be a cease-fire.

WALDIE. What if the cease-fire is broken? What if the North Vietnamese break the cease-fire?

DERWINSKI. Our air and seapower in the area will be used to prevent the defeat of the South Vietnamese.

It is obvious that the North Vietnamese and NLF will not return American POWs unless they are certain that all acts of force by the U.S. will be stopped and not resumed.

The PRG has stated that it will cease fire with the Americans and return the POWs if the U.S. will cease fire (including bombing) and set a date for total withdrawal of U.S. and U.S.-supported third nation forces. They will not observe a cease-fire with the South Vietnamese until a political settlement is agreed to.

There is one additional sticking point which has not received much attention. The Seven Point Peace Initiative of the PRG put forward on July 1, 1971 states that if the U.S. sets a date for total withdrawal, the parties will agree on the safe withdrawal of troops and the "freeing of all military personnel of all parties and of civilians captured during the war, including the American pilots captured in North Vietnam." This of course includes North Vietnamese and NLF soldiers and civilian political prisoners. All of these prisoners are held by the Thieu regime and their release requires Saigon's assent and cooperation. Saigon is likely to resist any such deal if its future existence is threatened. Because of U.S. military expediency, we have given Thieu custody of the soldiers our forces have captured, and thereby we have made a prisoner exchange much more difficult.

If the North Vietnamese and PRG agree to return American POWs without a full prisoner exchange, they will be making a major concession.

NIXON'S PEACE PLAN

(By George McT. Kahin)

Any careful scrutiny of President Nixon's eight-point Vietnam peace plan leaves little hope that it will provide a basis for a negotiated settlement of the war. Most of its provisions have been incorporated in earlier American proposals—proposals which were not acceptable to Hanoi and the NLF. The President has stated his willingness to set a terminal date for the withdrawal of all American forces but has made this dependent upon a formidable set of conditions that go far beyond the simple release of prisoners and the safety of withdrawing American forces. The only hope one can entertain is that President Nixon will regard his proposal as simply a point of departure from which he is prepared to move a very long way toward the NLF-Hanoi position in an effort to find common ground upon which realistic negotiations can finally begin.

But if the President should actually intend to move toward the middle ground of genuine compromise some of the most fundamental components of his eight points will have to be drastically altered. Of central importance is the question of a cease-fire which, contrary to what Mr. Kissinger stated to the press, is very much a major issue and one where the positions are far apart. There are two very different kinds of cease-fire on the table: President Nixon's all-party, All-Indochina cease-fire; and the NLF's proposal for an initial bilateral cease-fire between just the NLF and Hanoi on the one side, and the US and its Korean and other non-Vietnamese allies on the other, with the area covered limited to South Vietnam.

Thus the cease-fire that the NLF and Hanoi are prepared to enter into with us explicitly excludes General Thieu's armed forces. The reason for this is basic to their whole approach to a negotiated settlement: that as between them and Saigon any cease-fire must be preceded by a political agreement. Their experience with the US and Ngo Dinh Diem in the post-Geneva period has taught them that it is folly to trust to the mere promise of a political agreement later, in return for a prior armistice. They will not again give up their military leverage without first securing a firm agreement covering the political issues about which the war is being fought. It was with this consideration in mind that the NLF in its seven-point proposal of last July separated out a cease-fire with the United States from the question of its own cease-fire with Saigon's forces. For unless such a separation is made there can be no possibility for a release of prisoners and the safe evacuation of remaining American forces until *after* a political agreement with Saigon has been secured—a matter which will take considerable time to work out.

However, President Nixon's proposed cease-fire is far more complicated and difficult of resolution than the bilateral arrangements proposed by the NLF and Hanoi. With respect to South Vietnam it is evident that it would have far-reaching and decisive political consequences that, quite apart from whatever electoral process is followed, would virtually assure the continuation of Thieu's regime in power. In other words, once President Nixon's kind of cease-fire was operative there would almost automatically ensure political consequences that would be decisive in the allocation of power in South Vietnam and would virtually assure paramountcy for Thieu and his regime. It is with this in mind that one must assess the "flexibility" with which Mr. Kissinger has credited President Nixon, particularly the President's statement that "we would be willing to begin implementing certain military aspects while negotiations continue on the implementation of other issues . . . [or] to settle only the military issues and leave the political issues to the Vietnamese alone." For the antecedent military issues, if solved along the lines called for by the President, would almost certainly ensure resolution of the political issues in accordance with his objectives.

First of all, President Nixon's cease-fire seeks to freeze the military balance at a point in time when the scales are still heavily weighted with US ground and air power (plus over two divisions of US-financed South Korean troops). Thus in terms of self-determination a freezing of the pattern of territory at present under control of the contending Vietnamese parties would be artificial and conductive to equally artificial political consequences. Such a cease-fire would register the enormous impact of American fire power on major areas of South Vietnam. It would not only reflect Saigon's garrisoning of territories won for it over the past years by American combat forces; it would also keep locked into Saigon's control several million refugees that our bombing and artillery fire have driven out of substantial areas which were previously administered by the NLF.

Moreover, as any close reading of points 5, 6 and 7 of President Nixon's proposal makes clear, his ceasefire is intimately tied in with the requirement for a withdrawal of North Vietnamese forces. This Hanoi is not likely to accept prior to an acceptable political settlement in the South. Certainly Hanoi will not withdraw its troops unless assured that supporters of the NLF are protected against reprisal from the Saigon government. Nor will it accept an election in the South preceded by a disarmament of the NLF while the Saigon generals that support Thieu maintain their arms.

It has been widely noted that President Nixon is calling for a cease-fire at the beginning of the dry season when enemy forces are poised to undertake attacks that even our own military believe will be attended by some successes. Moreover, at the present time most NLF main force units are over the border in Cambodia either engaged in the fighting or resting up for subsequent operations there or in South Vietnam. Thus a cease-fire now would freeze the most important NLF units in position outside their own country.

In neither the President's eight points nor his January 25 speech is any mention made of the NLF's armed forces, and thus there is no reason to assume that the US and Thieu have changed their position with regard to them. This view—essentially that of the Johnson administration—insists that the NLF's armed forces must either go to North Vietnam or, if they elect to return to their homes, surrender their arms to the Saigon regime. With the NLF's armed forces so eliminated, and with Thieu's million-man army and 125,000 police keeping their own arms, it is unlikely that civilian political adherents of the NLF would risk exposing themselves by engaging in election activity or be tempted to serve on the electoral commission to which President Thieu and President Nixon have invited them.

There are other aspects of President Nixon's proposal that will undoubtedly give the NLF pause. He is silent on the question of political amnesty, a matter about which the NLF has repeatedly expressed its concern and which it has highlighted in its own proposal. (There it calls for "concrete measures with the required guarantees" to be taken "so as to prohibit all acts of terror, reprisal and discrimination against persons having collaborated with one or the other party" and the release of "all persons jailed for political reasons.") Also likely to appear ominous to the NLF is the reference that President Nixon does make to civilian prisoners. Whereas the NLF's proposal calls for the release of "the totality" of "the civilians captured in the war," his proposal provides only for the release of "innocent civilians." President Thieu's criteria for political "innocence" are hardly likely to provide assurance that this will include NLF supporters. If Truong Dinh Dzu, the non-Communist lawyer who with 17 percent of the votes ranked next to Thieu in the 1967 presidential election, is still doing hard labor in a concentration camp and if several thousand Buddhist leaders, students and teachers now in such camps or in jail, are considered as non-innocent by Thieu, what prospect is there that he will release the additional thousands of jailed political adherents of the NLF so that they can help organize and participate in the proposed election?

President Nixon's call for another presidential election in South Vietnam so soon after the American-endorsed election of last October may seem plausible to some Americans, but it will have little appeal in Vietnam, among either Communists or non-Communists. In appreciating this, one should recall not merely the farcical character of the last election in which even members of the Saigon military establishment were given no fair chance to compete against Thieu, and where the Nixon administration insisted that the United States was completely "neutral." One should also remember the earlier election of 1967, run under the aegis of Saigon's military establishment (where Thieu was then chief of state and chairman of the armed forces council) through which Thieu first became President. There, even after the main popular figures had been screened out of the running, the balloting fraud was so widespread that Saigon's Central Election Council voted 16–2 to invalidate it. It was only after intimidation by threats from the police and other agents of Thieu and Ky and after visible pressure from the American Embassy that a cowed national assembly overruled its decision and declared Thieu's election valid. In that election, too, Washington asserted that the US had been completely "neutral" and endorsed the process as having produced a legitimate, freely elected government representing the will of the South Vietnamese people.

In view of this history of American-promoted elections in Vietnam, it is perhaps understandable that the NLF might be skeptical about its chances in the exercise that President Nixon is now proposing, and why his invitation to membership in an electoral commission charged with overseeing the elections might not seem very attractive. Along with non-Communist opponents of the Thieu regime they recognize all too well that such a body, whether or not subject to international supervision, can have little effect on the course of elections run under the political and administrative aegis of a Saigon government controlled by Thieu and his lieutenants. The NLF has always argued that the central factor is who controls the administrative and political organization at the time that elections are held. It would regard a sharing of power on an electoral commission as futile unless it also shared power in the government and administration whose police and civil and military officials were in control at the time of elections.

The scenario suggested by President Nixon whereby Thieu steps out of the presidential palace a month before the elections in which he intends to run will only be viewed with derision in Vietnam. Absence from his office at that time would, of course, make no real difference. In the first place, the chairman of the senate, whom President Nixon has suggested could serve as "caretaker head of the government," is Thieu's man. But in any case the administration would be firmly in the hands of Thieu appointees from General Khiem, his Prime Minister, through the cabinet, all the way down to the 44 province chiefs and more numerous district heads, each of whom Thieu has appointed and each of whom is beholden to him for continuance in office. Unless this political machine of President Thieu yields place to a different, more representative administration one cannot expect anything like a "free and democratic" election, even if an independent electoral commission "representing all political forces in Vietnam" attempts to achieve this in conjunction with "international supervision."

The Vietnamese have already had experience with international supervision and they have not found it very effective. They recall that the three-nation International Control Commission (composed of members from India, Canada and Poland) that was set up by the 1954 Geneva Conference was quite unable to prepare the ground for the elections scheduled for two years later. It was unable either to halt political reprisals (with Diem finally obliging it to stop even its investigations of them) or to induce Saigon to enter into the negotiations with Hanoi necessary for planning the elections that the ICC was to supervise in 1956. Perhaps it would be possible to arrange for an international supervisory presence much stronger than the ICC; even so the NLF is unlikely to trust to elections prior to a change in the character of the government in Saigon under whose administration they would be held.

Whether taken as a whole or restricted to its most fundamental elements, President Nixon's eight-point proposal departs so far from what our opponents might possibly accept, as to lend credence to the allegation that he is addressing himself to an American audience rather than to those with whom he says he wants to negotiate. For he has made the setting of any terminal date for withdrawal of all American ground forces, and an end to the bombing, dependent upon the enemy's acceptance of conditions that in fact add up to virtual military capitulation and the NLF's political strangulation. He calls for the South Vietnamese people to decide their political future for themselves "free from outside interference," but his strategy is clearly calculated to register the present weightage of US ground and air power on the scales of Vietnamese self-determination. His policy advantages Thieu and his coterie and appears designed to keep them in power.

Despite the ambiguities of President Nixon's proposal the order of his priorities emerges with greater clarity. Certainly there can no longer be much doubt that in his view the release of prisoners and the safety of American troops still in Vietnam must yield precedence to preservation of the military and political position of the present Saigon regime.

RED BEACH—THE HUMAN FLOTSAM OF WAR

(By George C. Wilson)

DANANG.—The hamlet chief welcomed us into his home on Red Beach and then pulled out two pieces of paper that identified him as one of those special casualties of the Vietnam war.

"At about 8:30 a.m. on the 8th of September 1968," he had written in the form supplied by the American government, "my daughter, Vo Thi Duc, was helping my wife, Nguyen Thi Lang, pulling fishing net from the water of Ha Khe beach, Suddenly, an U.S. airplane fell from the sky into the water. One piece of that airplane the size of a desk hit my daughter and carried her away twenty yards, injuring her and kill her on the spot."

The second piece of paper was the U.S. government's reply to Hamlet Chief Vo Dong's claim for $1,250 to compensate him for the life of his 12-year-old daughter:

"The Foreign Claims Commission has carefully examined all of the available evidence pertaining to your claim," wrote Army Major Leonard G. Crowley. "The commission has determined that the incident arose out of combat activities engaged in by the United States aircraft involved. Under the laws and regulations governing this commission, combat related claims are not compensable."

The chief asked us to explain that line, "combat related claims are not compensable," because we were Americans who should understand. "Couldn't your government at least pay for my daughter's funeral? I asked for 500,000 piasters—is that so much money to you? My own government told me it was not their plane. I rode my bicycle to Danang about 30 times about this matter. Who is responsible?"

It seemed empty to tell the stricken father, as he brought out pictures of his daughter and other correspondence, that the war was responsible. And it was ironic that the hamlet chief was interviewing us, not we him, on that historic landmark of American involvement in the Vietnam War, Red Beach.

Red Beach is the place the first American ground combat troops entered the war. On March 8, 1965, Marines started wading ashore with the announced mission of protecting the Danang airfield. Later they were ordered to pacify the countryside in this northern area of Vietnam, now designated Military Region One.

Looking back on the Marines' accomplishments in Vietnam in 1965 and 1966, former First Division commander, Maj. Gen. Herman Nickerson Jr., once said: "Not only has this division defeated a Communist insurgent, it also has contributed to the pacification of a land torn asunder."

Today, Red Beach itself mocks those words and others like it. The U.S. and South Vietnamese governments, to cite one more example of official rhetoric, said in their joint declaration of Honolulu on Feb. 8, 1966, that "it is a military war, a war for the hearts of our people. We cannot win one without winning the other. But the war for the hearts of the people is more than a military tactic. It is a moral principle . . ."

Not far from where the Marines landed, people are now piled up like so much driftwood on the beach in houses made of the flotsam of the American military presence—Budweiser beer cartons, ammunition packing crates, artillery shell casings.

Men, women and children move about the beach dressed in pieces of American military uniforms—sometimes in fatigue tops with the soldier's name still sewn over the pocket. Tots paddle around the harbor in punts made from styrofoam bomb containers. And shouts of, "Hey Joe, where you go?" come from the little houses whenever Americans pass.

Most of the people in the flimsy shacks moved here to escape the crossfire of the war. Danang, at least when the American military presence was large, offered jobs and security. Now the jobs are gone, along with most of the Americans. The security, in the face of the North Vietnamese invasion, is tenuous.

But there is no place else for the people to go right now. Their farms farther north are still unsafe. Even resettlement areas in the south, like Phuoctuy, are under attack. So, in this sense, Danang and its environs like Red Beach are a microcosm of what is happening to the people in Vietnam in this suspenseful stage of the war—the Vietnamization stage—the American legacy stage—the time of testing stage.

To convey what the South Vietnamese people are thinking at this crucial juncture in the long war, Charles Benoit—an experienced Vietnam hand who served as translator—and I interviewed scores of them over four weeks, both before and after the offensive began. We concentrated on the Danang area because of its symbolic importance, because the hardest fighting was done in the north while the Americans were here in force and because it is the main front in this current test of Vietnamization.

Some of the most eloquent testimony came from a rice farmer who, after he was uprooted by the war, turned to tailoring to make a living. He spoke of bombs and bullets in peasant terms—the terms that really matter in a primitive country like Vietnam where farming is the chief industry.

"Insecurity," he said in a long talk in a house on Red Beach, "means that there are two sides, and I'm in the middle and I must get out.

"I have moved 20 times since 1948 and built 14 different houses in that time. You must understand what the war does to people in this country. I will tell you, but I don't want my name used or my picture taken. The government is not going to like what I will tell you.

"Everytime a government military outpost moves into my area to protect me, I know that there is going to be a fight and that I will have to move.

"In the old days, when the French and Vietminh fought, I had more time. I could hide my family in the woods outside the village for a few days, then return.

"People could still make a living in those days. They could go back to their fields. That was before the Americans came with their bombs. Now the bombs fall from the mountains to the sea. If you stay in your village, you die.

"If you are a farmer without land, you no longer can go out behind the house and get something to eat. You try to get a job in the middle. Now everybody around here is trying to get into the middle. But there is no middle.

"The Americans and their jobs are leaving. More people looking for jobs because they can't stay in the countryside are coming in here.

"I haven't had any work all year. I get by with my bag of tricks. I sew some things on my sewing machine; have a little garden far from here, and my wife and children sell this and that on the market.

"But I can't keep up. Prices are rising. Rice used to be 300 piasters a bag. Now it's 2,000 piasters. The people don't have a means of making a living. All of them want to return to their homes, grave sites, orchards and fields. But it is not safe."

Asked when things would get better, the 53-year-old farmer-tailor who had been through so much reflected a moment and said: "Who knows when peace will come? In war, nothing is certain. All the people want to do is make a living. But there is no way to make a living now. They might starve to death."

We left his home and visited other families along the sandy lanes weaving through the flatland behind Red Beach. The theme that first the Communists come and then the bombs fall kept recurring in the interviews. This was the typical dialogue:

Q. Why did you leave your village and come here?

A. Because of the VC (Vietcong).

Q. Did they tell you to leave?

A. No. It was the cannon.

Q. What kind of cannon?

A. The cannon from the sky.

Leaving the houses for the beach, we walked along the water's edge. We had to pick our way carefully because there is no plumbing for the refugee shacks on Red Beach. People defecate at the tideline. The huge worms in the feces testified to minimum health care for the displaced people of Red Beach.

We Americans on foot were a novelty. Hundreds of children followed us and begged us to take their pictures. Many of the tiny girls wore gold earrings. Vietnamese decorate their youngest with their treasures.

At one of our stops on the beach, we heard two little boys arguing as they looked up at a C–130 transport gliding in toward Danang air field: "I don't think that one shoots," said one. "Yes it does," said the other. There was no argument about the F–4s roaring in and out of the airfield. They knew they shot.

The children, from what we could tell, were making do with what they had. They laughed a lot, swam in the ocean and played in the bomb-container boats. The older men and women, in contrast, seldom smiled or had a happy word. "At least there is fish to eat," was the closest thing to an expression of contentment by the parents we interviewed on Red Beach.

The dominant mood seemed to be reflected in the soulful antiwar songs written by Trinh Cong and heard all over Vietnam these days, for example, this passage from "But Today":

"Once Mother Vietnam was peaceful and happy . . . sounds of laughter and animation were everywhere . . . a sacred country, a yellow skin, prosperous people, festivals all year . . . but today our homeland is flares. Our homeland is full of caskets . . . our homeland is digging bomb shelters . . . our homeland is breathing bullets and mines . . . children running from bombs . . . But today our homeland is airships . . . burned fields . . . empty houses. . . but today our homeland is hatred . . . our homeland is to sit exhausted with bullet wounds all over the body . . . But today our homeland is rolls of barbed wire . . . our homeland is going astray."

Representative Pham Xuan Huy, a Buddhist elected to the lower house from Danang over Thieu endorsed candidates, heard we were in town and challenged us to come with him at night to see the ugly legacy of this war.

First stop was a huge market on the edge of the city. The hawkers had left. The long counters that by day bulged with produce, straw hats and shoes were now barren.

"If you came here with a policeman," said Huy as we ducked through one of the small doors deep inside the deeply lit market, "you would never see the people hiding in here. They are afraid of getting thrown out of the market. They have no place else to sleep."

We took a turn, surprising an old woman sitting on an empty counter with her grandchildren. She glanced up at me and instantly fell to her knees screaming, clasping her hands for mercy: "They're going to kill me; they're going to kill me," she shouted with terror in her eyes. She squeezed into a ball like a frightened animal and pushed herself into a dark corner under the counter.

"She came here from a free-fire zone in Quangnam Province," Huy said in a toneless voice that indicated he had seen many sights like this before. A free-fire zone is an area where shells and bombs can be dropped in at will on the theory it is enemy controlled territory.

Next stop was a Buddhist pagoda in the heart of Danang. Again, people from farther north were hiding there because they had no place else to sleep. A group of adults and children got up from the floor of a classroom in the pagoda and came out on the porch to see us at Huy's request.

There was silence as the people adjusted their eyes and focused them on the visiting Americans. Huy told them to tell us what happened when the Korean soldiers came to their village in Thangbinh District south of here. An old man spoke out first and then the women joined in—each building on the other's recollections until the words came out in a rush of emotion:

"The Koreans came in and pulled our babies apart, one soldier on each leg . . . They knifed a pregnant woman in the belly and ripped out her baby and held it up . . . They threw children and old people down wells . . . They shot the water buffaloes . . . If you are on our side, why don't you kill all the Koreans?"

Huy asked the villager to fetch a little boy who had slipped away from a Korean soldier by running out of his loose pants. The boy came to us from the dark court yard of the pagoda where the children were playing. He took one look at the strange Americans screamed in terror and fled into the night.

I stared at Benoit in disbelief at what I had heard him translate and had seen in Depageda. He said the same kind of Korean atrocities had been described in 1968 by Vietnamese he had interviewed for the Rand Corp. He said their stories had been deleted from the Rand write-ups of the interviews. The Koreans resorted to terror to retaliate for sniper fire from villages, according to Benoit.

"What family heritage has Mother Vietnam left behind for her children," asks another of Tinh Cong's songs. "A sad Vietnam, rows of burned houses, a jungle of dry bones, a mountain full of graves, a gang of half breeds, a band of unfaithful . . . Mother hopes her children born of one father will forget their hatred . . ."

Le Tich, 44, is trying to support his household of wife, eight children and two grandparents on no job. He has lost the last one he had as a $25 a month carpenter at the former Marine base at Camp Books here. He walked to work from his Catholic village of Phuoctan.

"I would be willing to move farther south because there is nothing to do here," he said. "I want to go back home, but I don't know when peace is coming." Home is Lapbinh village in Thuongduc district—a place he left in 1966.

Tich said he has pulled his 15-year-old son out of school so he can scour the already picked over American garbage dumps for aluminum beer cans. He needs the piasters.

The priest in Phuoctan said Tich's plight was typical now that the Americans and their jobs have left. "If you don't publicize the problems of our people," the priest said, "there will be starvation. Already the robberies have doubled and tripled in this area in the last 12 months."

He added that the closeness of the North Vietnamese has put fear in his 2,993 parishioners. "Some have joined the other side. My people are afraid. Nobody travels anymore. If people are afraid to travel, the price of things which do travel goes up."

Before the offensive, the priest said we could print his name. After it began, he said during our followup visit that it might not be wise to identify himself so closely with Americans and thus asked us not to use his name.

"Mother Vietnam lying 20 years, bones and skin soft, waiting for the sacred time for the country," laments Tring Cong in "A Long Day in the Homeland."

My eyes fell on a little boy with no left leg hopping around on crutches like a wounded bird at the So Do Trai refugee camp in the Soncha suburb of Danang. We stared at each other in mutual, morbid curiosity. His family story is one representative of the third generation of Vietnam War refugees.

The first big surge of recent times was the 800,000 refugees who fled from North to South Vietnam in 1954 after the Geneva Conference partitioned the country; the second came during the Tet offensive of 1968 and the third, during the current North Vietnam offesive. One U.S. estimate is that the new offensive has uprooted 700,000 South Vietnamese since March 30.

Tran Van, the legless boy's 71-year-old grandfather, did the talking in one of the camp's tents. Dozens of children pressed around us to listen—their only entertainment in a place where time stands still.

"Americans were going out on operations, and we were getting caught in the middle," said Van in explaining why the family of 10—himself, wife, son, daughter-in-law and six children—moved in 1967 from their two-hectar farm in Mhiha hamlet in Northern Quanotri Province.

"The planes came in and bombed everything flat," he said of their home hamlet. The family moved to their nearest market town where "we did anything to get by—collected firewood and thatch and sold it."

As the North Vietnamese invaders swept on them from the north, the Van family ran south ahead of them. "We ran all night. Whenever shells landed near, we hit the ground," Van said. He lost his wife in the dark. The rest of the family made it to the then safe haven of Quantri City, taking the last legs of the trip south by bus. "We were afraid of dying, so any money we had we put into bus tickets," Van said.

An old woman listening to Van tell his story shouted at us from the back of the tent: "Tell the Americans to get out all their B–52s and kill the VC so we can go back home."

"Yeah," shouted a boy about 15, "all we have to eat here is rice and salt."

An American official in Saigon, while conceding steadily rising bombing and shelling in South Vietnam is ripping the family fabric of the people and turning them into helpless migrants, blamed it on the Communists, declaring: "If you didn't have the fly, you wouldn't need the fly swatter."

Another U.S. official high in the Saigon command said of the misery in the Danang area, "Well, don't get too teary about it. Remember those people chose to live in those areas where the Communists were. And lots of those who moved to Danang to work for the Americans have made a good living."

And still another American directly involved with the people problems in the northern part of South Vietnam conceded that the situation was appalling, but added, "This has very little to do with power politics, as Henry Kissinger understands very well."

It can be argued who is responsible for all the pain inflicted on the South Vietnamese people and whether the U.S. role is morally defensible. But it is inarguable that the Saigon Government and its American sponsors have a huge war legacy problem to cope with beyond the current offensive. What can be done in the midst of a war? South Vietnamese leaders here have some hopes—and some fears in addressing that question.

Fishing and Farming on the Fringes of War

(By George C. Wilson)

Danang.—We launched the 21-foot dory into the surf of the South China Sea at four in the afternoon and headed for the base of Monkey Mountain where the fish were supposed to be.

Pham Van Thich, aged South Vietnamese patriarch of the 13-family fishing combine, had warned interpreter Charles Benoit and me that this was not going to be any pleasure trip—that it was going to be a cold, all-night affair. He pulled skeptically on his Ho Chi Minh beard when we said we wanted to go anyway.

The crew of five men and three boys had the mission of finding and netting finger-sized silver fish that their 13 families live off all year long. Our mission was to see what, if anything, the Vietnam war was doing to the people safely out of its direct cross-fire.

As the one-lunger engine pushed the high-howed boat along, the sun turned the blue-green water gold for a moment, and then ducked out of sight behind the mountain. Everybody looked in admiration. There was no language barrier nor, for the moment, any war.

The conversation picked up when we shut off the engine near the unspoiled sandy beach backdropped by dense green woods—supposedly a hiding place for Vietcong and North Vietnamese infiltrators. The huge airplane radars that the United States put on top of the mountain for its warplane traffic looked like an intrusion on the setting off the beach, war or not.

"We're really not supposed to fish this close to the beach," said one of the fishermen, "but things have been quiet lately so the government boats don't bother us much. When the Americans patrolled out here in their fast boats, they would come along at night and throw grenades into our nets whenever we fished close to the mountain."

Nobody made a big issue out of it. The fishermen were used to living a day at a time and taking what came. They said their luck had been bad lately. Fish were scarce and rice they had to buy from selling the catch was steadily rising in price. They blamed the war. It was keeping them from going deeper into prohibited areas where there were more fish.

In the stern, the cook piled up firewood on a metal sheet laid over the wooden bilge of the deep dory. He was preparing for the highlight of the 15-hour fishing expedition—the big feed at midnight.

Other fishermen smoked quietly and gathered their strength for the hard work they knew was ahead. A little boy, one of the fisherman's sons, moved nimbly around the crowded boat filling kerosene lamps which would be used to attract fish once it became dark.

The father looked at his son appreciatively and said to us with a heavy sadness: "His birth certificate has him younger than he really is. But that's just as well because he is awfully small to carry a rifle."

The fishermen talked of all the boys who had gone to war from the little village of Khamtanmy on the sea north of the area American GI's knew as the China Beach R&R Center. "So many of them have gone all the way to Cambodia and Laos," he said.

His son took an immediate liking to Benoit and asked to have his picture taken with him. The father smiled and said, "I wish I could make enough money to send him to school, but I can't this way."

Darkness fell in a rush. The boy hung the lamps out over the water on sticks the shape of an upside down L. He lit them and then settled back with everybody else on the boat in hopes the fish would see the light and follow it to the surface where they could be netted.

The fishermen shielded their eyes against the light from the hissing lanterns so they could see into the now black water. No silver streaks of fish could be seen in those first hours. The only catch, besides a few squid, was a Chincoteague-looking flounder caught on a hand line.

The skipper moved the boat to a new spot and tossed the bowl-shaped wicker basket over the side. It was tarred below the waterline so it floated with one man standing in it. It could be tipped so that water would drain out through the open weave of the basket above the tarline.

The lanterns were placed around the gunwale of the basket. The fisherman paddled the basket 50 yards away where two boats surrounded it with nets. But this fishing blind netted only a small pile of fish, boys in The States call spearing or silversides.

At midnight, we brought out our gift bottle of Chinese wine to go with the boiled fish and squid. It lasted only one pass around the boat. But for a moment I thought I was going to hear the first spontaneous singing I had ever heard in this war-saddened country. But evidently there was not enough wine for that.

At daybreak, the crew stowed the lights and headed for home. They watched a South Vietnamese patrol boat nervously as they left the off-limit area. There was no way to get away from the war, even out at sea.

The patriarch everybody called Mr. Mien said their fishing village had so far escaped shelling but was hurting badly from the war just the same. He estimated the catch for the two boats working for 13 families the day of our trip would bring less than five dollars total on the market.

He blamed tight war restrictions for keeping fishermen out of the prime fishing areas. He was especially vehement on this point when I interviewed him for the third time—a time when the North Vietnamese offensive had been going on for a month and had prompted much stricter controls on the fishing than the time we went out in mid-March.

"You want to buy my boat?" Mien asked in an interview in his home.

"I don't need it. I can't go out where the fish are. Why doesn't the government trust me? I would be like a watch dog out there. If the VC come in, I'm going to die along with everybody else. I would report any strange boats.

"But look at me. My beard should be twice as long as it is," he said half-jokingly. "But it is falling out because we don't have enough to eat. We are living off what we have saved. We are not allowed to go out where the fish are. It hardly pays to go out."

The fishing chief said he also has the worry of paying off the money he borrowed from a government bank to buy a slightly bigger fishing boat. "It's upside down on the beach now," he said—another kind of war casualty.

"The United States seeks no bases. It seeks no colonial presence . . . It aims simply to help a people and government who are determined to help themselves . . ." (U.S.-Vietnam Declaration of Honolulu, Feb. 8, 1966, on purposes of the war.)

Some 15 miles south of the beach where Mien has left his boat until better times is a group of villages which the Thieu Government is trying to bring back to life even as the war rages farther north.

The impetus is the government's realization that an agricultural country like South Vietnam must get its people back to the countryside to survive, especially now that the Americans and their jobs are leaving.

Kyngoc near the district capital of Hoion south of Danang is one of the villages the government is trying to resuscitate. The farmers there said they were glad to be back to the land but, like Mr. Mien, could not seem to get away from the war even when there was no shooting in their neighborhood.

"The land is more than we can use," said one of a group of five gratefully in an interview in Kyngoc. "But because of the war it hasn't been worked for five years.

"We don't have any water buffaloes any more so we have to dig the fields with our hands. When you work the land every year it keeps soft. But when you let it go, it gets hard.

"Another thing is these things which keep exploding underground. Five of us have died here already from these things. The M-79 grenade is one of the things we keep running into out there in the fields."

Even so, the farmers said they planned to stick it out in Kyngoc if they could get a pump big enough to water their crops. "If we don't get water by mid-May, we won't be able to get our crop in and will have to leave here."

These farmers fearful of losing their land again to the war and its legacy of shortages expressed the same sense of urgency when they talked of other needs:

"We're having a big problem with worms. And we need fertilizer and seeds. But we don't have enough money to buy what we need. We have no capital.

"Things are so tight here," another farmer said, "that we have to worry about the birds eating the rice. We didn't used to worry about that because there was so much rice. But now with so little rice, there are too many birds."

A lady with one leg—even in the sparsely populated countryside of Vietnam it seems impossible to lose sight of people who have lost arms or legs from the shelling and bombing—shouted across the lane from her house to complain that "sixty families haven't got their money yet." The Saigon government pays villagers who move back to the land under the Return to Village program.

The war in the countryside the Americans are leaving behind them has a different face in another Return to Village effort in a place called Xuyentan, also near Hoian. The spirit of accommodation expressed by some regional force soldiers guarding Xuyentan contrasted with the no-coalition stance of the Thieu government.

"We see them," said a trooper of Vietcong soldiers he has seen while out in Xuyentan ambush positions. "If they don't shoot at us, we don't shoot at them. If we do shoot at them, they'll just shoot a B-40 rocket back at us. Then boom." He threw up his hands in a sure death gesture.

A middle-aged father weaving a basket in the doorway of a small home in Xuyentan was playing it safe in another way. He said three of his children stay with him in the village so the family can collect government Return to Village benefits while his wife and other four children hedge the bet by staying in Hoian where they can keep selling things in the market.

Another farmer complained of the hemmed-in feeling in Xuyentan where militia protection from enemy soldiers goes only a short distance from the village itself.

"We don't have enough land here, and I can't get to the fields that aren't being used by somebody else. I can't go anywhere. Back in Hoakhanh I could go anywhere in any direction. I could go into Danang if I wanted to."

The Vietcong have recently demonstrated their presence by blowing up the village office in Xuyentan. The village chief himself does not risk sleeping in his village, according to the soldiers assigned to guard it. "I've never seen him after 5 o'clock," said one. "He goes into town (Hoian) to sleep."

Phuloc, another Return to Village endeavor, proved a happier leadership story. The village is on low-lying Gonoi island and has broad fields of blue-green grass. Its chief lives right with his villagers day and night—in fact in the house on the end of the line and thus vulnerable to attack.

Before the current North Vietnamese offensive, the village of Phuloc had indeed come to life and was prospering. The people had not built high dirt foundations under their houses—a sign of commitment to stay put for good. But the population had stabilized at 1,400 people.

Again, how Phuloc fares from now on will depend on how well the Thieu government manages to walk the tightrope between all-out peace and all-out war—somehow keeping the invaders at bay while coping with people problems.

In fairness, it must be stressed that the northern section of South Vietnam has some of the most severe problems. In the more pacified Delta to the South, by contrast, many farmers are doing better than they ever have with tractors and mechanized pumps replacing hand labor.

Also, the fact that the Thieu government has embarked on a Return to Village program and so far has managed to feed the thousands of refugees pushed out of their homes by the North Vietnamese invaders represents responsiveness to people needs in th middle of a war.

Pham Kim Ngoc, President Thieu's minister of economy, said in an interview on April 29 in the midst of Hanoi's offensive that his government recognizes that it must strive for normalcy in the country amid war.

"The enemy wants to test the efficiency of the government—to demoralize the government," Ngoc said of Hanoi's offensive. "We must be careful of overreacting (to the offensive) and not to try to run everything." Otherwise, he said, "we will be ministers of everything and ministers of nothing."

The experience of the fishermen and the farmers indicates how difficult it is to compartmentalize the war—especially now that both warring sides have modern U.S. and Soviet weapons with vast killing power, like long range artillery.

And since everything from mortars to bombs are available, a few armed infiltrators can damage a village heavily on their own or, even worse, for the people in it, stay long enough to draw in tons of artillery and bombs from the contesting armies.

A U.S. report on the attempt to resettle Phuloc 6 near Hoian gives a measure of this problem:

"From a December, 1970, high of 2,000 optimistic people" Phuloc 6 "has now sunk to a virtually abandoned ruin of homes. It began existence in January, 1970, with confused refugees generated from the surrounding village of Duyxyen, and grew from a group of hovels made of ammunition boxes to a pleasant hamlet of wooden houses with wells, optimism and land.

"The zenith was reached in December, 1970, when final resettlement payment was made to the site in an atmosphere of optimism hardly reminiscent of earlier difficult months.

"Several incidents against the site before December by the Vietcong, including a serious lob bomb attack, did not dissuade these people.

"After resettlement payments were made, however, the Vietcong increased their harassment, culminating in a serious mortar attack the last of February (1971), destroying 50 homes, and along with them, the resistance of the people.

"Phuloc 6 is now a deserted ruin of houses despite a noble attempt by the Government of Vietnam to assist these people in becoming established and recovering from their many setbacks."

Mr. TAFT. Mr. President, I take this occasion to explain my reasons for opposing the amendment of the Senator from West Virginia (Mr. BYRD) offered to sections 701—the Case-Church amendment.

The objectives which we all share are peace in Southeast Asia and a complete withdrawal of American forces. The present U.S. initiative and offer of cease-fire terms provide a strong basis before President Nixon's trip to Moscow and give hope of a negotiated solution of the war conditioned only on an internationally supervised cease-fire and return of our prisoners. To tie his hands at this time by enacting the provisions of the Case-Church amendment, whether or not amended by the Byrd amendment, would indicate a lack of confidence in his leadership. This could not be helpful to bring about a negotiated solution of the war. The Byrd version would merely confuse the issue by cutting off authority to respond to breach of a cease-fire agreement.

If the Byrd amendment is defeated, it would be my hope that the Senate will not proceed to approve the provisions of sections 701. The President will then be able to go to Moscow with the support of a great preponderance of Americans in seeking international responsibility for terminating the flow of arms into Southeast Asia.

This is the only step likely to bring about a scaling down and eventual termination of hostilities, even if a negotiated peace is not arrived at. This approach would permit a continuation of U.S. withdrawal not merely of land forces, but also air and sea forces in the current hostilities.

Mr. BROOKE. Mr. President, I oppose the amendment submitted by the distinguished junior Senator from West Virginia (Mr. BYRD).

The amendment would add to the modified Church-Case amendment the words "internationally supervised cease-fire" as a further condition which must be met prior to our withdrawal from Indochina.

Last week, the President of the United States went on nationwide television to announce his new military actions and also to propose a new peace offer. For the first time, he offered to withdraw American forces from Indochina conditional upon the release of our prisoners of war and an internationally supervised ceasefire.

The President's offer was a new offer and attached fewer conditions than any previous peace proposal advanced by the United States Government. For the first time, as I noted in my speech last week, there was no mention of political conditions previously obtaining to a settlement, no requirement for free and democratic elections, no international organization and supervision of elections, and no outside body determining the qualifications of the candidates.

The offer was, indeed, a step forward.

But, Mr. President, for a long time, I have been urging that the United States set a firm deadline for withdrawal, conditional only upon an agreement for the release of our prisoners of war. An agreement to release the prisoners is an essential condition, and we have a right to expect the North Vietnamese and their allies will meet it in exchange for the withdrawal of American forces from Indochina.

I do not believe, however, that any other conditions should be set for the withdrawal of our troops.

It is not up to us to determine that the North Vietnamese, the South Vietnamese, and the Vietcong should cease military hostilities, any more than it is our right or responsibility to impose a political settlement. The solution to both issues properly lies with the Vietnamese themselves.

I therefore oppose this amendment, which seeks to set an additional condition—an internationally supervised cease-fire—prior to our withdrawal from Vietnam. This is more than we have asked in previous resolutions and amendments, and I urge Senators to reject it.

CONGRESSIONAL RESPONSIBILITY AND THE VIETNAM WAR

Mr. McGOVERN. Mr. President, the Senate once again is faced with a choice between a clear expression that American military involvement in Vietnam should be ended or the war should be allowed to drag on.

Once again, we have the opportunity to restore to the Congress its constitutional powers over questions of war and peace.

Several times in the past 2 years, this body has voted on these matters. Some measures have passed; others have failed.

But the war goes on. The killing goes on. The waste goes on.

The Case-Church amendment is one limited vehicle by which we can express our opposition to the escalation of the war stemming from the mining of North Vietnamese ports. We can let the President know that we intend to exercise the Senate's power of the purse to stop funding for the war since we have learned by bitter experience that Vietnamization is a failure and that the President has no workable plan, if indeed there is any plan at all, for ending the conflict.

As an expression of congressional opposition to continued American military involvement in Vietnam and as a step toward the restoration to Congress of its powers under the Constitution, the Case-Church amendment is not so strong as I would like, but it is worthy of our support. I will vote for it.

It should be noted that the Case-Church amendment does not carry American policy to the point where we can have a real assurance that the other side will release our prisoners. I would prefer that we first set the date for American withdrawal from Vietnam. Prisoners of war are not returned until after a conflict and we cannot entertain any reasonable expectation that the other side will release our prisoners until we set a definite and complete withdrawal. While the Case-Church amendment does not require the return of prisoners before the withdrawal date is set, it does ask the other side to come to an agreement on their release before that date is announced.

In addition, the Case-Church amendment allows for continued military assistance to the Thieu regime. This act alone could cause the war to be extended, since the other side insists that we halt aid to this regime, which does not even enjoy the support of the Vietnamese people, before it will repatriate our prisoners. Continued military aid to General Thieu can only serve to keep alive the myth that Vietnamization is working and to prop up this unpopular and dictatorial man.

I must oppose the Byrd amendment since it attaches still another condition to the Case-Church amendment. The cease-fire which would allow for the safe withdrawal of our forces from Vietnam will come when we set the date for complete withdrawal. The other side would have no interest in impeding the withdrawal of harassing our troops if it had the certainty that the United States was withdrawing from the conflict. On the other hand, it has no incentive to agree to a cease-fire simply because it has been promised that a date will be set subsequently.

Mr. President, it is belaboring the obvious to state that the time has come for American withdrawal from Vietnam. It should be clear to all that no matter how long we were to stay there, we could not determine the course of events after our departure. Surely, we have done enough for Vietnam in terms of human life and national treasure. Now we should turn from the destruction of Indochina to the healing of our own land.

Mr. MUSKIE. Mr. President, I support the Case-Church amendment, as modified by the 4-month withdrawal deadline, because of the vital need to end American involvement in Indochina as soon as is humanly possible.

I have for some time urged a simple, straightforward proposal to accomplish this end: termination of all U.S. military activities in Indochina by a date certain in exchange for an agreement to return our prisoners and to guarantee the safety of our withdrawing troops. I do not suggest other conditions because I do not think we should try to determine, as an outside power, the political terms of a settlement that can only be decided by the Vietnamese people themselves.

The Byrd amendment proposes to add an internationally supervised cease-fire as a condition for our withdrawal. With all the killing and bloodshed suffered by the Vietnamese people over too many years, an effective cease-fire must certainly be an urgent priority for all those concerned with bringing peace to that tragic land. But I do not believe our continued involvement in the war increases the chances for such a cease-fire. On the contrary, our continued involvement means more bombing, more destruction, and greater loss of human life. It also means increased dangers of a major confrontation with the Soviet Union and China.

I endorse a cease-fire as an important goal—but I must oppose it as a condition of our withdrawal. A cease-fire can only be achieved when both sides want it. A properly supervised cease-fire might require long and difficult negotiations. And it is doubtful that a cease-fire will be reached at all until there is a resolution of the fundamental disagreement concerning the makeup of the government of Saigon.

To insist on such a cease-fire as a precondition of our withdrawal, therefore, is to involve ourselves in the political struggles of the Vietnamese people. We must have the courage to turn away from that struggle and to focus on the need to terminate our own involvement and to bring our prisoners and troops home.

For these reasons I will vote against the Byrd amendment today.

Mr. SPONG. Mr. President, I will support the Byrd amendment to the Case-Church amendment. This is consistent with the position which I took on the Mansfield amendment. Our Nation has been involved in hostilities in Vietnam for over a decade. Our presence there has contributed to those hostilities. It would be rather irresponsible for us to leave without trying to bring about a cease-fire, without attempting to end the hostilities in which so many are dying and where so much destruction is taking place. It is, I believe, conceivable that the time may come when we will have to abandon our hope for a cease-fire but I do not believe that time is upon us now. I am prepared to support the Case-Church amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

One minute remains before the vote.

Mr. SCOTT. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader what is the calendar for the remainder of the week?

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, when we are through with the pending amendment, we would like with the permission of the Senate—and that will call for a unanimous-consent request—to consider the possibility of proceeding to the consideration of Calendar No. 755, S. 3543, a bill to amend the Atomic Energy Act of 1954, which has been on the calendar for 3 or 4 days and on which, I understand, a time limitation has been agreed to and which, I understand further, is very important in consideration of a possible power shortage or energy shortage which may be forthcoming this summer.

Whether we can do that, of course, will be up to the Senate. We are going to make some explorations along that line. If we can do that this afternoon, it is the intention to go over until Friday next.

Mr. SCOTT. It will be, I understand, largely a pro forma session, so far as we know now.

Mr. MANSFIELD. So far as I now know, but someone could offer an amendment or put in a live quorum call and upset everything we may conjecture at this moment.

Mr. SCOTT. Mr. President, later, I will offer for the record a resolution of the Republican Policy Committee asking the joint leadership to list the Kleindienst nomination at the earliest possible time.

I serve notice now that sometime next week the resolution is likely to be made to take the nomination off the calendar for debate by the Senate.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HANSEN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, and the hour of 2 p.m. having arrived, the Senate will now proceed to vote on amendment No. 1187 of the Senator from West Virginia (Mr. ROBERT C. BYRD), as modified.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Georgia (Mr. TALMADGE) and the Senator from Hawaii (Mr. INOUYE) are absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. TALMADGE), and the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

On this vote, the Senator from Hawaii (Mr. INOUYE) is paired with the Senator from Alaska (Mr. STEVENS).

If present and voting, the Senator from Hawaii would vote "nay" and the Senator from Alaska would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Alaska (Mr. STEVENS) is necessarily absent.

On this vote, the Senator from Alaska (Mr. STEVENS) is paired with the Senator from HAWAII (Mr. INOUYE). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Hawaii would vote "nay."

The result was announced—yeas 47, nays 43, as follows:

[No. 180 Leg.]

YEAS—47

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, Idaho
Long
McGee
Miller
Packwood
Pearson
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Thurmond
Tower
Young

NAYS—43

Bayh
Brooke
Burdick
Case
Chiles
Church
Cook
Cranston
Eagleton
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NOT VOTING—10

Eastland
Ellender
Ervin
Gambrell
Inouye
Jordan, N.C.
McClellan
Mundt
Stevens
Talmadge

So Mr. ROBERT C. BYRD's amendment was agreed to.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, no one has supported President Nixon's peace proposals more strongly than I. I believe that his latest peace proposal—offering a total U.S. withdrawal from Vietnam 4 months after establishment of an internationally supervised cease-fire and return of prisoners—is reasonable, fair, and in the best interests of all parties to the conflict.

For this reason I had no deep opposition to the Byrd amendment which would incorporate in Case-Church another feature of the President's peace proposal. However, I preferred the Case-Church language which would end U.S. involvement in Vietnam much more quickly, and not require lengthy negotiations on the terms of a cease-fire or place the fate of our decision to end our involvement in the war in the hands of a third nation.

I do not question the President's sincerity or his determination to end the war in his own way. Similarly the Senate has a right to press for an end to the war. We shall not always agree on the best way to effect this. But those of us in the Senate who seek to end U.S. military involvement in Vietnam are also sincere and determined. Just as the President feels his responsibility to pursue his own policy, so do we feel a responsibility to do what we think is right and to share the responsibility with the President to end our involvement in the war.

At this juncture, I have no reason to change my consistent position since even before my election to the Senate in 1966 of opposition to the U.S. military involvement in Vietnam. This tragic war does not serve our national interest. It is not necessary to the security of the United States. Indeed, it drains our Nation economically, politically, and even militarily since it reduces our ability to act effectively should really vital national interests come under attack elsewhere.

I support the Case-Church amendment which is a responsible initiative to close out the American military role in Indochina, and I would support an amendment to make the actual return of prisoners a precondition to total withdrawal. I would hope that, with this strengthening language, and including now the Byrd amendment, the administration would find it possible to accept the Case-Church amendment, and I am so urging. I will support every responsible measure to end our involvement in this tragic war at the earliest possible time.

PRISONERS OF WAR RETURN IS ESSENTIAL BASIS FOR U.S. DISENGAGEMENT IN VIETNAM

Mr. RANDOLPH. Mr. President, last week I issued a statement in support of the amendment by Senators CASE and CHURCH to cut off all funds for the continuation of the Vietnam conflict—including engagement in land, sea, or air hostilities—4 months after reaching an agreement for the release of all prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action.

At that time, I stressed my belief that Congress should set a date for ending further American participation in the war in Vietnam in exchange for the safe return of all American prisoners of war.

This amendment will receive my support because it prescribes a formula for ending our participation in the Vietnam conflict.

Not only do I believe this to be the best course of action for the United States, but I think the American people strongly favor such action. Polls have indicated that 71 percent of our citizens favor our disengagement from this war in return for the release of American prisoners.

We have fulfilled our commitment to the South Vietnamese. We committed an American Army of half a million men to aid them in defending their country. We trained, armed, and equipped a South Vietnamese army of more than a million men and furnished Saigon with the fourth largest air force in the free world. We have provided them the tools to do the job for themselves. It is time to turn the war back to the Vietnamese.

If Congress fails to set a date certain for the completion of the American withdrawal, past history indicates that Saigon will continue to rely indefinitely on the

United States for its defense. This is a further reason why I believe it is so urgent for the Senate to support the Case-Church amendment.

Mr. President, the amendment to the Case-Church amendment would add an internationally supervised cease-fire as a precondition to the cutting off of funds for further American participation in the war. I opposed this amendment on rollcall today.

While I have supported diplomatic efforts to secure a cease-fire in Indochina, I do not believe that it should be a precondition to our final disengagement from Vietnam. The establishment of a cease-fire involves forces and circumstances which are beyond the control of the United States. Does our Nation wish to require that our disengagement depend on a cease-fire? I do not so believe. However, the amendment which passed, 47 to 43, established such a condition. It does not respond to the many questions involving the nature of a cease-fire—what would be the duration of a cease-fire? What type of cease-fire would it be? A standstill cease-fire, or one requiring the pullback of forces What type of violations would invalidate the cease-fire? These questions are not answered in the amendment. The amendment would establish a condition of disengagement from Vietnam involving the many imponderables involved in a cease-fire.

The Senator from New Jersey (Mr. CASE) and the Senator from Idaho (Mr. CHURCH) have stated:

> A ceasefire requirement, if ratified by Congress and adhered to by the President, could give the Saigon Government veto power over American withdrawal and the return of our prisoners. If Saigon is thus given the power to keep Americans fighting its battles, our involvement in the war will never end.
>
> Congressional endorsement of a ceasefire requirement might restrain the President from accepting, or later proposing, an unfettered agreement with the North Vietnamese for the return of all American prisoners in exchange for American withdrawal. We believe that such an agreement would be in our country's best national interest. To make prisoner release contingent on a ceasefire might well be condemning the prisoners to many more years in North Vietnamese jails.
>
> The ceasefire requirement raises the prospect of American troops and airpower remaining indefinitely in South Vietnam, and we find this prospect unacceptable.

Mr. President, how can the United States assure a cease-fire in a situation which is surrounded by so many elements of civil war? The answer is that we cannot control such forces. The international machinery to perform such a task does not exist.

AMENDMENT NO. 1195

Mr. MANSFIELD. Mr. President, I can appreciate what the Senate has sought to do in adopting the amendment offered by the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD). The Senate has attempted, once again, to express its hopes for an end to this Nation's involvement in the war in Indochina, for the withdrawal of U.S. forces and the return of the prisoners of war and the recoverable missing in action. That is all that it has done. Let us not make any mistake on that score. And the question arises: Do we really need another expression of these sentiments? Is there anyone left in the Senate who at this late date does not believe the Nation would be far better off if we could get out of the war and get back the prisoners and missing? Do we need to say it again in legislation? Do we not need far more legislation which says that the Senate will help by its actions to bring these hopes to fruition?

It is late, very late, for another expression of the Senate's distaste for the war in Vietnam. What the Senate ought to try to do, it seems to me, and try again and again to do, is to restore to this Government the determinations to end this Nation's involvement in that war.

For that reason, I intend, in a moment, to send to the desk another amendment. As does the one just passed, this amendment, too, will require the release of all POW's and recoverable MIA's as a condition for our complete withdrawal from the hostilities in and over Indochina. At that point however, the amendment will part company with what the Senate has just enacted. It will place no conditions on the continuation of the removal of U.S. ground forces from South Vietnam; in fact it will require their total extrication by August 31, 1972. It will require an agreement for the return of all POW's and recoverable MIA's and a cease-fire only—and I repeat the word "only"—between U.S. forces and those arrayed against our forces—that is, the National Liberation Front and its allies—as a condition for the complete withdrawal of U.S. forces from the hostilities in and over Indochina. It will not require a cease-fire for the protection of a military government in Saigon which by this late date, after years of our involvement, tens of billions of dollars of U.S. aid, tens of thousands of U.S. lives, ought to be prepared to defend itself. If it is not, I can only say there are other matters closer to home—as witness what transpired yesterday in Laurel, Md.—to occupy this Nation's anxieties and energies.

In short, Mr. President, the way to end the tragic, mistaken involvement of the United States in the Indochina war is not to hope for it, but to end it. Period. With all due respect, it seems to me that it is high time to put up or shut up on the issue of fund cutoff, withdrawal, and the return of the POW's and MIA's.

The amendment which the Senate has just passed has expressed our hopes for an end to the war, but on the basis of the same considerations which have failed to end it for many years. We have failed in the past, because the time and the when of ending the involvement have not been retained in the hands of the United States, but have been placed in the hands of the Saigon government. In short, the amendment just passed by the Senate would hook us, by law as present policy already does, to the whims and wishes of that government. That is what needs changing.

The amendment which I now send to the desk and ask to be read and which will be called up immediately after the disposition of the pending Case-Church perfecting amendment, would place the decision and the responsibility for U.S. withdrawal from the war exclusively where it belongs, in the hands of those who are elected to represent the people of the United States. It is time to make very clear—as this amendment would do—that this Nation and this Nation alone, not Saigon, will determine when and in what circumstances we will get out of Vietnam, lock, stock, and barrel.

Mr. President, I send the amendment to the desk.

Mr. SCOTT. Mr. President, would the Senator yield for a question?

Mr. MANSFIELD. Yes, indeed.

Mr. SCOTT. Does the Senator's amendment involve a provision of an agreement by Hanoi to return the prisoners of war, or does it hinge on the actual release of the prisoners of war and missing in action?

Mr. MANSFIELD. It hinges on an agreement for the release of the POW's and MIA's.

Mr. SCOTT. I thank the Senator.

Mr. MANSFIELD. By agreement.

Mr. SCOTT. I thank the distinguished majority leader and I shall seek recognition after the clerk has read the amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. Does the Senator offer this amendment as a perfecting amendment to the business before the Senate? What is the pending business before the Senate at the moment?

Mr. MANSFIELD. Will the Chair state it?

The PRESIDING OFFICER (Mr. HANSEN). The pending business is the amendment by the Senator from Idaho as amended.

Mr. MANSFIELD. The so-called Case-Church perfecting amendment?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. And it would be the intention of the Senator from Montana, who has sent the amendment to the desk, to call it up immediately after the disposition of the pending Case-Church perfecting amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHURCH. It is my understanding that the distinguished Senator from Mississippi (Mr. STENNIS) has a motion to strike the Case-Church amendment as modified by the Byrd amendment. My question is related to the sequence of votes.

Will the next vote come on the motion to strike, and if not, what then does the next vote come on?

The PRESIDING OFFICER. If no one offers another amendment to the Senator's amendment, the next vote will come on the Senator's amendment as amended.

Mr. CHURCH. As amended. Therefore, may I inquire of the Senator from Mississippi if it is his intention to press his motion to strike?

Mr. STENNIS. It would depend on the outcome of the vote. We would have to see what form the amendment is in the bill before I could comment on my motion to strike.

Mr. CHURCH. The Senate just modified the Case-Church amendment by adopting the Byrd amendment, and so the Senator is on notice now of the nature of the amendment.

Mr. STENNIS. Mr. President, if the Senator will yield, it is subject to further modification, as the Senator from Mississippi understands the rule. Before the amendment was adopted as an amendment, the subject in the bill would be subject to further amendment before the motion of the Senator from Mississippi to strike would be up.

Mr. CHURCH. In light of the decision the Senate has just made, adding the precondition of an internationally supervised cease-fire to that of an agreement on the release of American prisoners of war, before withdrawing all our forces from Indochina, the Senator from Idaho could no longer support the Case-Church proposition as modified. I would, therefore, be willing—and I believe other Senators would be willing—to join the Senator from Mississippi in his motion to strike. I want to put him on notice of that, and I hope we can come to a vote on it this afternoon. Then, perhaps, we can take up the proposition of the Senator from Montana.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes. Then I shall ask to have the amendment read.

Mr. PASTORE. Will the Senator explain why he is not offering the amendment as a substitute?

Mr. MANSFIELD. Well, I think this is the only way to do it. My amendment cannot be offered as a substitute until the Case-Church perfecting amendment as amended by the Byrd amendment has been disposed of under the rules of the Senate.

Mr. PASTORE. I should think, if it is the intent to make the Senator from Montana's amendment override the pending question, it should be offered as a substitute.

Mr. MANSFIELD. I agree with the Senator, and as soon as it is eligible under the rules to offer the amendment in that manner, I shall do so.

I ask that the amendment be read.

The PRESIDING OFFICER. The amendment of the Senator from Montana will be read.

The assistant legislative clerk read the amendment as follows:

On page 38, line 3, strike out all after the word "any" down through line 12 and insert: "provision of this or any other Act (a) all U.S. military forces, including combat and support forces stationed in South Vietnam, shall be withdrawn in a safe and orderly manner from South Vietnam no later than August 31, 1972. No funds shall be authorized, appropriated or used for the purpose of maintaining any U.S. military forces, including combat and support forces in South Vietnam after August 31, 1972.

"(b) The involvement of U.S. military forces, land, sea or air for the purpose of maintaining, supporting or engaging in hostilities in or over Indochina shall terminate after an agreement for a verified cease-fire between United States Forces and the National Liberation Front and those allied with the National Liberation Front and the release of all prisoners of war held by the Government of North Vietnam and forces allied with such government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. An accounting for such American personnel referred to above shall be subject to verification by the International Red Cross or any other international body mutually agreed to by the President of the United States and the Government of North Vietnam."

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COTTON. After listening to the reading of the Senator's amendment, it seems to the Senator from New Hampshire that it provides that these steps be taken upon the agreement of North Vietnam to return the prisoners. I wanted to make sure what the Senator's own interpretation was, because to this Senator it is an all-important matter whether we are going to get the prisoners back before we withdraw or whether we are going to depend on somebody else's promise or whim.

Mr. MANSFIELD. The Senator's interpretation is correct—it would depend upon performance, not agreement. Under this amendment, the participation of U.S. forces in the naval and air war in Indochina would not terminate until an agreement was reached and of course that agreement was not violated.

Mr. COTTON. That we get our prisoners back before we withdraw?

Mr. MANSFIELD. Yes. Withdraw from the participation totally in the hostilities in Indochina. Under part (a), the ground forces would be withdrawn without condition from South Vietnam in any case.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BROOKE. I filed a perfecting amendment to the Case-Church amendment some time ago which set August 31, 1972, as the date for withdrawal. This is the first I have heard of the distinguished majority leader's amendment, and I do not know how it differs from the amendment which I have already filed and which I had intended to call up before the vote on the Church-Case amendment. Now it is my understanding that the majority leader intends to call up his amendment after the Case-Church amendment has been acted upon. Is that correct?

Mr. MANSFIELD. That is correct.

Mr. BROOKE. Mr. President, a parliamentary inquiry, if I may.

The PRESIDING OFFICER. The Senator will state it.

Mr. BROOKE. Is my amendment at the desk now in order to be called up at this time?

The PRESIDING OFFICER. It is.

Mr. MILLER. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. If the Senator will make it brief. I have a commitment I would like to keep.

Mr. MILLER. The Senator from Iowa wants to make it brief, but he wants to clarify the meaning and intention behind the Senator's amendment by asking this question: Suppose an agreement is reached, let us say an agreement in writing, but 15 days before the terminal date for all appropriations and U.S. forces there, the agreement is breached and no prisoners have been exchanged. What would be the result under the Senator's amendment?

Mr. MANSFIELD. Unfortunately, the war continues under those circumstances, and the participation of U.S. forces in the air and by sea would not be affected by this amendment.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOLE. I read the Senator's amendment hurriedly, but it appears to the Senator from Kansas that provision (a) conflicts with (b), because the first provision involves a fund cutoff. The second provision deals with contingencies that may require a continuation. How can we cut off funds if there is no agreement by August 31?

Mr. MANSFIELD. I see no conflict between them. I think they fit in on the basis of the whole amendment as read.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield to me—I know he is pressed for time—I understand he has no intention of having any more votes today and that some other Senator will make a motion to take up other matters. Is that correct, so that Senators may know?

Mr. MANSFIELD. I do not know whether that is correct or not. That is a possibility. We will have to wait to see what the Senate decides to do.

Mr. SYMINGTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SCOTT. Mr. President, I asked for the floor. I have told the distinguished majority leader what I am going to say. The minority leader has to rise very reluctantly in opposition to this amendment—reluctantly because I hate to disagree with my good friend, and I regret that he is unable to remain during the brief remarks I am going to make here. I expect to make others later. But it seems to me that while the amendment does have the good effect of saying that we do not rely on Hanoi's word and that we do not act before the actual release of prisoners of war, the actual effect of it is that the amendment is meaningless, because unless and until Hanoi releases the prisoners, it does not begin to go into effect. On the other hand, if Hanoi does release the prisoners of war and if we get an internationally supervised cease-fire, the President's plan goes into effect anyway.

Mr. STENNIS. Mr. President, may we have order? We need to hear the discussion on this matter.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCOTT. The amendment has a still greater flaw to us compassionate

Americans of all parties. The great flaw is that the amendment says that in the event there is a cease-fire between the forces of Hanoi and the forces of the Vietcong on the one hand and the forces of the United States on the other, we will get out on a certain date.

Well, the internationally supervised cease-fire which the Senate has already gone on record as favoring applies to the entire area and to all Armed Forces engaged, and is correctly described as a "stop the killing" amendment. But, unfortunately, the Mansfield amendment is not a "stop the killing" amendment. It is an intent to stop the killing of Americans only, leaving brother free to kill brother, leaving the North Vietnamese free to kill the South Vietnamese forces, leaving the North Vietnamese free to kill the Koreans, our allies, and it says in effect the only people whose lives we are concerned with are the lives of Americans.

As to the lives of these people for whom we have——

The PRESIDING OFFICER. The Senate will be in order. The Senator from Pennsylvania will suspend until order is restored.

The Senator may proceed.

Mr. SCOTT. And as to the rights of all the other people for whom we have expressed compassion upon compassion, Pelion high on Ossa piled over the years, all those people can take their chances, because the United States will have said to a shocked and startled world, "All we ever did really care about was getting our hides saved," and all of the pretensions of previous administrations, with their half-million men in Vietnam for the purpose of protecting others than ourselves, our allies, is now ruled to have been meaningless, and the deaths of our own men which have occurred are now found to have been meaningless.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCOTT. And all of this is to be erased, because the Senate, enraptured with its own power—and I share some of that rapture, having voted for the war powers amendment—determined to have a part in the proceedings relevant to the ending of a war which they favor ending, and determined to be heard, and I can understand and sympathize with that, is busily concocting every sort of amendment designed to go the President one better.

But how can you go one better to the fallen and the orphaned? Release the prisoners of war, which the Mansfield amendment agrees with. Get out in 4 months, which the Mansfield amendment substantially agrees with. An internationally supervised cease-fire, which the Byrd amendment substantially agrees with, and it has been adopted as the pet of the Senate. What is there left?

The PRESIDING OFFICER. Will the Senator suspend until the Senate is in order? The Senator from Pennsylvania may proceed.

Mr. SCOTT. What is left then is the President's proposal, or in substitution for the President's proposal an attempt to strike out what the Senate has just agreed to, the internationally supervised cease-fire, and substitute instead a provision that the killing can end for some, but the killing continues for others, that the concern of the United States, the compassion of the United States, the moral commitment of the United States, the obligation of the United States, the feeling of the United States for its allies and for humankind generally, has been abrogated, repealed, and abolished, and we will skitter and scutter and scramble to leave those people to welter and to die in their own blood.

I do not think that is an answer. I think the President's proposal is the most generous that could be offered. I cannot blame Senators for wanting to think up some better deal. I merely submit they have not thought it up.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. SCOTT. I am glad to yield.

Mr. DOLE. Mr. President, I point out to the distinguished majority leader that if he will read his amendment carefully, the first provision of the Mansfield amendment says that all funds shall be cut off on August 31, 1972, and all American troops withdrawn.

Then, we go to subparagraph (b), it says our involvement shall terminate upon the happening of certain conditions. So I say the two provisions are in direct conflict with one another. Unless there is a release of the prisoners prior to August 31, or unless the other prerequisite conditions are met prior to August 31, the funds are cut off, regardless. So I say there is a basic conflict.

In addition, I share the view expressed by the distinguished minority leader that this is far reaching, and there is no safeguard, not only for Americans but also for the others mentioned by the distinguished minority leader.

Mr. SCOTT. I thank the Senator from Kansas. There does seem to be confusion in the ostensibly contradictory aspect of these two provisions of the amendment.

But I must say now and will say later again, before the amendment can be voted on, "Reflect, consider, and wonder if you know not what you do," because I have now seen the amendment. There seems to be a clear conflict between the absolute, unconditional withdrawal of of troops on August 31, 1972, in the first paragraph, and the conditioning of the withdrawal of troops and the agreement for a cease-fire between the United States and the National Liberation Front and those allied with the National Liberation Front on the other.

I do not know why the amendment should not identfy the North Vietnamese.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. ROTH). The Senate will be in order.

Mr. SCOTT. This amendment, I regret to say, is couched in language used normally in Hanoi, because the amendment says, in referring to the cease-fire, "a verified cease-fire," without saying how it shall be verified, or whether it shall be internationally supervised, or not, or who shall verify it other than Hanoi. It says: "For a verified cease-fire between United States forces and the National Liberation Front and those allied with the National Liberation Front."

Then later it goes on to refer to the prisoners of war held by the Government of North Vietnam. Why not refer to the enemy by its own name, the Government of North Vietnam? Not just the Vietcong, not just the National Liberation Front, but the invading army of North Vietnam, which for the first time, so far as I recall offhand, since the days when the Spartans left their country wholly and moved on Athens their entire armed forces committed to warfare in another country, for the first time since the Spartans took their destiny in their hands, a nation has tried it again.

I think we ought to use language which identifies the enemy. The enemy is North Vietnam and its allies, not the National Liberation Front and its allies. That is the term used by Hanoi; it is the term used only by them, so I would like to use our language. There is nothing wrong with English.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate, and will the conversations going on in the rear cease? Will the Chair request that they cease?

The PRESIDING OFFICER (Mr. ROTH). The Senator from Pennsylvania is making a very important statement. He is entitled to be heard by other Senators. It is requested that Senators who are engaged in conversation either withdraw from the Chamber or cease speaking.

Mr. SCOTT. Mr. President, I have never named any Senators by name before. I would, however, suggest that if Senators are so bored with what I have to say and so disinterested in what constitutes an end to the killing amendment, they retire to the cloakroom.

Mr. ROBERT C. BYRD. Mr. President, may I say that no Senator was involved in the conversations to which I refer.

Mr. SCOTT. Mr. President, I would say that Senators are involved in the conversation to which I referred, and I saw them; and my eyes do not deceive me.

I have no desire that I be listened to with auris erectis, as the Romans said—and that does not have any wrong connotation; it means with erect ears. I am not asking that they bate their breath. I am asking only that they either listen or go somewhere else, because what I am saying seems important to me. I believe it is important to the country and to the fate of this amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SCOTT. I am glad to yield.

Mr. FULBRIGHT. I have been listening, I think, with bated breath.

Mr. SCOTT. I do not know what the Senator bates his breath with.

Mr. FULBRIGHT. I am wondering whether the Senator will ever get to the point of saying anything worth listening to. I have been waiting here for 20 minutes. If he ever gets to the point, I shall be delighted.

Mr. SCOTT. If, in the opinion of the Senator from Arkansas and certain titillated persons in the gallery, I am not saying anything worthwhile, I will say to him that I have no hope of ever saying anything whatever that will change his mind, or anything that the Senator from Arkansas would rate as important to his preconceived opinion. I am certain that the Senator from Arkansas is the repository of considerable wisdom accumulated over the years. It is not my wisdom; it is not wisdom I share. But I would like to have a little bit of time to state my views. What I am saying, I believe, makes sense. I believe it is substantive, and I will repeat it and repeat it only once that is, that this amendment is not the compassionate amendment which the compassionate, distinguished, and beloved majority leader would certainly want his amendments to be.

[Disturbance in the visitors' galleries.]

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Persons in the galleries will please refrain from any demonstration. The Sergeant at Arms will please clear the galleries.

Mr. SCOTT. Mr. President, the demonstration in the gallery is like the demonstrations in the country: When compared to the total number of persons present at any given place, they are minimal; objectionable, yes; arrogant, yes; uninformed, yes—but minimal.

Mr. President, I have not been around here 30 years to be intimidated by any such interruptions. I think they are typical of people who can be aroused easily by certain kinds of oratory. I think they are typical of people who can be agitated by what seem to be ever so reasonable approaches.

[Disturbance in the visitors' galleries.]

Mr. SCOTT. To have them shout their inanities is not, to my mind, of great importance. They are guests of the Senate and guests of the people of the United States. I hope that they will so regard themselves.

Mr. President, at this time I have made a preliminary point and, therefore, I hope that the Senate will say by its decision that it favors an end-the-killing amendment, that it favors an internationally supervised cease-fire, a proposal advocated many times, over many years, by many Senators who are now not in agreement with the view of the Senate.

I propose that we consider at some length—and very carefully—the import of this amendment, because it says to the North Vietnamese and the South Vietnamese, it says to our allies, and it says to the world: "We are not concerned about killing. We are only concerned about the killing of Americans." I do not believe that this is what the Senate of the United States wants to send out to the people of this country or of the world as its considered opinion.

The PRESIDING OFFICER. The Chair wishes to announce that it is not the intent of the Chair to clear the galleries except for those who were creating the disturbances.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. SCOTT. I am glad to yield.

Mr. COTTON. Mr. President, the Senator from New Hampshire recognizes the very important point made by the distinguished minority leader in the way that the enemy is designated—the National Liberation Front; but, in order that the RECORD may be complete, I invite the attention of the distinguished minority leader to this wording:

> Shall terminate—

Referring to the hostilities—

> after an agreement for a verified cease-fire between United States Forces and the National Liberation Front and those allied with the National Liberation Front and the release of all prisoners of war . . .

The word "agreement" appears just once in that sentence. Is it not the opinion of the distinguished Senator from Pennsylvania, the minority leader, that the word "agreement" extends not only to the verified cease-fire but also to the release of all prisoners?

In other words, as it now reads, this resolution only requires as a condition the agreement of the enemy to release our prisoners, not the actual release before we withdraw.

Mr. SCOTT. I thank the distinguished senior Senator from New Hampshire. I have the amendment before me. I am glad that he called my attention to it.

The word "agreement" seems very clearly to modify both of the subsequent clauses, because it reads:

> After an agreement—

Note that no punctuation is involved here—

> for a verified cease-fire between United States Forces and the National Liberation Front and those allied with the National Liberation Front and the release of all prisoners of war held by the government of North Vietnam and forces allied with such government and an accounting for all Americans missing in action—

I think this indicates that the distinguished majority leader was under some misconception about his own amendment, and doubtless, at the proper time, he will wish to reconsider this clause; because the distinguished majority leader said that the termination date would be effective only after the release of the prisoners of war and identifiable missing in action.

Mr. SYMINGTON. Mr. President, will the Senator yield for a question?

Mr. SCOTT. I will yield in a moment. The amendment clearly says that it will apply after the agreement.

Mr. SYMINGTON. A parliamentary question. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment offered by the Senator from Idaho, as amended.

Mr. SYMINGTON. Then we are discussing an amendment that is not the pending business. Right?

Mr. SCOTT. We are discussing an amendment to be offered to the amendment which is the pending business.

Mr. SYMINGTON. My understanding is that is not necessarily correct.

A great deal of work is yet to be done; and many other things are scheduled to come up. I hope we can come back to the pending business as soon as possible. This is no criticism in my statement. To me the pending business is mighty important.

Mr. SCOTT. I think the pending business is important, but I am discussing the entire bill, which I am within my parliamentary right to do.

Mr. COTTON. I do not wish to delay this colloquy, but the question has been raised, and I think the record should be made clear.

I agree with the distinguished minority leader that it was clearly the intent of the majority leader that the prisoners of war actually should be released before the termination is triggered, because that is what he said. We all know that he means what he says, and we all have absolute confidence in him.

But the way this resolution reads—and I am glad that we have the opinion of the minority leader—it depends, among other things, on just the agreement to release our prisoners; and that, in view of all the experiences of the past, is completely worthless.

Mr. SCOTT. I agree with the distinguished Senator, and I yield the floor.

AMENDMENT NO. 1199

Mr. BROOKE. Mr. President, I call up my amendment No. 1199 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 38, lines 5 and 6, in lieu of the language to be stricken by Church-Case amendment No. 1186, insert "August 31, 1972,".

Mr. BROOKE. Mr. President, the Church-Case amendment, as modified by my perfecting amendment, would read as follows:

> SEC. 701. Notwithstanding any other provisions of law, none of the funds authorized or appropriated in this or any other Act may be expended or obligated for the purpose of maintaining, supporting or engaging United States forces, and, sea, or air, in hostilities in Indochina, *after August 31, 1972*, providing an agreement has been reached for (*an internationally supervised ceasefire and*) the release of all prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

This amendment would simply set a deadline of August 31, 1972, for the cessation of hostilities and the withdrawal of all American troops from Indochina. After that date, funds could no longer be expended for the purpose of engaging U.S. land, sea, or air forces in hostilities in or over Indochina.

Mr. President, I have long favored the establishment of a clear and unequivocal deadline for withdrawal of American forces from Indochina. Since the first American advisers were sent to South Vietnam in 1961, over 8 million Americans have served in this war. Over 55,000 Americans have lost their lives there, another 350,000 have been wounded, some of them suffering permanent mental and physical impairment. The war has furthermore cost this country $128 billion—funds which could have been better spent on food, clothing, shelter, and health care for our own and the world's peoples.

Since 1969 we have been on the way out of Vietnam. Only 60,000 American troops remain in that country, of which only 4,000 are combat forces. I applaud this move, and pray that it will continue.

Yet as we have withdrawn our ground forces from Vietnam, we have increased the deployment of air and naval forces in the surrounding areas. We now have approximately 800 combat aircraft and at least 60 naval vessels stationed in Indochina. This is double the number of aircraft and triple the number of ships deployed in that region only 5 months ago. In addition, there are now more air and naval personnel stationed in the vicinity of Vietnam than there are ground troops in Vietnam itself.

Withdrawal has been in one aspect only; elsewhere, we have been escalating the war at a considerable rate.

Yet, we have seen that massive U.S. bombing has not halted the flow of men and supplies across the DMZ or along the Ho Chi Minh Trail into South Vietnam. And U.S. personnel are not present in sufficient numbers or in sufficient combat strength to serve as an effective fighting force against the North Vietnamese.

The American people want this war to end. And they want a return of our prisoners of war.

The way to accomplish these goals is not to send in more planes and ships, and to escalate the bombing, but to withdraw the forces we have there now and cease our hostilities in Indochina, conditional only upon an agreement for the return of our prisoners of war.

I do not believe such an action on our part should wait upon a political settlement or even a military cease-fire. The political situation can be resolved only among the Vietnamese themselves, as the President noted so clearly in his last address to the country. And the condition of a military cease-fire under international supervision, with all the possible violations that implies, is more likely to serve as a condition for remaining in Vietnam than as a condition for withdrawal.

It is my conviction, as it has been for a long time, that what this Nation needs, what the South Vietnamese need, and the vehicle for accomplishing our goal, are one and the same; a deadline for final withdrawal from Vietnam coupled with an agreement for the release of our prisoners of war.

My amendment proposes such a deadline: August 31, 1972. That date is 3½ months removed. It is more than adequate time for our remaining men and materiel to be withdrawn. It is more than adequate time for an agreement to be reached for the release of our prisoners. It is more than adequate warning to our allies that they must, from that time forth, stand or fall by their own efforts.

Mr. President, we have committed more to the defense of South Vietnam than to the defense of Western Europe. Taking into account offset agreements with our NATO allies, we have committed only $70 billion to Western Europe, as compared with $128 billion to South Vietnam. Surely no one can possibly argue that South Vietnam is as vital to our national interests as the nations of Western Europe. Surely no one can argue that we have not committed more than enough to the defense of a nation which is, at best, peripheral to our interests.

On the contrary, in my judgment, it can reasonably be argued that we are jeopardizing our own security interests by continuing to pour men and materiel into this tragic war.

Mr. President, it is long past time to get out of Indochina. My amendment seeks to achieve this long-overdue objective. It would achieve the goal in a shorter period of time than the Church-Case amendment—although in point of fact I support that amendment as well, as a means to our ultimate goal.

I hope that my amendment will be adopted.

QUORUM CALL

Mr. BROOKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 234) deploring the attempted assassination of Gov. George C. Wallace of Alabama.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 14070) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

ORDER OF BUSINESS

Mr. GOLDWATER. Mr. President, I should like to ask the distinguished assistant majority leader a question. Did the Senator get permission to take up the Atomic Energy Act bill?

Mr. ROBERT C. BYRD. May I respond in the following manner: The leadership has sought to see whether it might be possible to take up the atomic energy bill, but there are several Senators who would be opposed at this time to laying the pending question aside and taking up the atomic energy bill, or any other bill, as I understand it.

The leadership would prefer to proceed by unanimous consent to get that done, but unanimous consent would not be possible this afternoon. Of course, it can be done by motion, but it is not the present mood of the leadership on this side to proceed to do that by motion.

I would say, in answer to the able Senator from Arizona, that there will be no action on the atomic energy bill this afternoon.

Mr. GOLDWATER. A further question, if I may. Then the business before the Senate at the present time is the amendment just offered by the Senator from Massachusetts (Mr. BROOKE) to the Case-Church amendment.

Mr. ROBERT C. BYRD. It is the amendment offered by the distinguished Senator from Massachusetts (Mr BROOKE) to the Church-Case amendment.

Mr. GOLDWATER. Do we vote on that today?

Mr. ROBERT C. BYRD. It is quite possible that we might if Senators wish. It depends on whether Senators want to vote. Or, if Senators wish to talk, they have that right.

Mr. BAKER. Mr. President, I am really greatly concerned that we are not going to be able to reach agreement on taking up the AEC bill. As the distinguished assistant majority leader has pointed out on occasion, and as the Senator from Rhode Island and I have also, this is a matter of great importance. It directs itself to the matter of alleviating the power shortage and the possibility of brownouts and blackouts this summer.

I fully understand the deep feelings of some Members of the Senate on this matter and on the pending business and of the necessity for continuing the debate. However, the question of brownouts and blackouts is also of importance.

It appears to me that we are unable to get unanimous consent to take up the AEC bill. If it is impossible to take up that matter this afternoon, I wonder if we might have some inkling as to when it might be possible to take it up.

Mr. ROBERT C. BYRD. Mr. President, I cannot supply the answer to the Senator's inquiry, I regret to say.

Mr. BAKER. I, too, regret that we cannot proceed with this matter. However, it is a very important matter, and it is one that we need to come to grips with very promptly. I serve notice now that, while I will not propound a unanimous-consent request today based on the representation by the legislation that it would be objected to, at some time in the next few days, I feel that either a unanimous-consent request or a motion should be made to take up the OEC matter, even if we have to do it on a two-track basis. This is of first ranking importance. And if we end up with brownouts and blackouts this summer, I think that then we will regret our not having come to grips with this issue.

Mr. FULBRIGHT. Mr. President, with respect to the question that the Senator from Tennessee discussed, I point out that the pending bill—and not the pending issue which is the amendment offered by the Senator from Massachusetts—is the authorization bill for the State Department and other agencies. It is a relatively noncontroversial bill. No one, as far as I know of, intends to delay that question.

With respect to the issue of the Church-Case amendment, we had a vote, and the issue was settled. The Byrd amendment was offered to that and carried by a vote of 47 to 43.

It was my expectation and the expectation of other Senators that we would then proceed to dispose of this issue, which we could have done if it had not been for the intervention of the majority and minority leaders which was wholly unexpected.

I assumed that we would proceed to consider the motion of the Senator from Mississippi to strike and dispose of that one way or the other. If we could do that today, I think that we could pass the basic legislation, which ought to be done. It concerns the State Department.

No one that I know of questions it. The committee adopted a report on practically the identical legislation. No one objected to it as far as I know. It was reported unanimously.

I do not understand the byplay that developed on the part of the majority leader and the minority leader. I do not understand the situation. I thought we were going to proceed to a decision on whether to strike. If the Senator from Mississippi does not wish to do it, that is all right. That is why we asked about it. Either someone else will do it or no one will do it. We can pass the bill. I would like to get rid of the legislation which is just as urgent as the AEC.

I shall certainly object to laying aside the bill, because it can be disposed of, I think, this afternoon. I know of no objection one way or the other to the amendment of the Senator from Massachusetts. But if we can dispose of the issue involving section 701, then we can take up anything else that is important. However, I do not think we should lay this aside temporarily in this ambivalent manner.

We have the Senators present. We have had notice of a vote. Why can we not decide whether to strike that section? If it is not striken, that is it. Why is that not a reasonable request?

The bill has been pending for 2 weeks, perhaps longer. I do not see any point in laying it aside temporarily. We had 90 Senators here. We are not likely to have more than that.

All the Senators know what this is about. There is no need for more talk. I will not talk more than 5 minutes if we can proceed with the proposal. It is an authorization involving the State Department, the Peace Corps, the USIA, and goodness knows how many other agencies. That is what ought to be done.

Mr. PASTORE. Mr. President, I quite agree with everything the Senator from Arkansas has said. However, I have a great deal of sympathy with what has been said by the Senator from Tennessee. We made that point clear yesterday. I do not think that we need to repeat it now.

A thing that does disturb me is the fact that yesterday we adjourned at 2:30 in the afternoon. We could have taken up the AEC bill at that time. We do not want to interfere with the pending business. We know that the primary concern of the Senate is what do do about Vietnam. I do not think anything ought to disturb that. However, what we are asking is that at some point we take up the AEC bill. This would be no interference, and action is urgent.

We have been told by many utility companies in various areas of the country that there will be brownouts and blackouts this summer. The bill would merely provide temporary, interim authority to grant licenses to some operators under specific circumstances. That is all we are trying to do. We have no interest outside of the interest of the country.

There are going to be intervals when the Senate will pause in its contemplation of the Church-Case amendment.

What we are asking is that at some point, during a hiatus, the Senate give us some time in which to dispose of the AEC bill.

Mr. FULBRIGHT. Mr. President, what does the Senator mean by "hiatus"? I am completely at a loss to know why this matter is thrown in here and we waste time talking about an irrelevant matter. We could have disposed of this whole matter if we had gone ahead with it. I do not know that the speech of the Senator from Pennsylvania had anything to do with the pending business.

I am ready to vote on the motion of the Senator to strike, or I am perfectly willing to accept a 10-minute limitation on the amendment of the Senator from Massachusetts and a 30-minute limitation on the amendment of the Senator from Mississippi.

Mr. BROOKE. Mr. President, I was suprised that the majority leader offered the amendment today. We were all suprised. I did have a perfecting amendment to the Church-Case amendment that I intended to call up.

The amendment of the majority leader, which was intended to come after the Church-Case amendment, is practically the same as my perfecting amendment to the Church-Case amendment. I thought it was important to have the amendment before the Church-Case amendment if we were to perfect that amendment.

I am perfectly willing to lay my amendment aside temporarily and dispose of it later. However, I think that there are other Members of the Senate who are committed to not having any measure taken up prior to the disposition of this matter on Vietnam. That is what I think we are up against. We ought not to fool anyone about it. The question is not over the amendment which I have on the floor. It is not over the Stennis motion to strike. There are simply some Senators who do not want anything to be taken up before we dispose of the pending business.

Mr. FULBRIGHT. Mr. President, the Senator is absolutely right. I am perfectly willing—and I think everyone else is, too—to agree to a short limitation on the Senator's amendment. If the Senator from Massachusetts and the Senator from Mississippi will accept a unanimous-consent request incorporating a short period of time to consider the amendments, I think that we can dispose of the pending business and get it on its way.

Mr. BROOKE. Mr. President, I am perfectly willing to have my amendment voted on at this time. I am not satisfied with the Church-Case amendment as amended by the Byrd amendment. However, I am perfectly satisfied to have a vote on the amendment up or down on the Church-Case amendment as amended by the Byrd amendment and on my perfecting amendment.

Mr. ROBERT C. BYRD. Mr. President, might I make an inquiry?

Mr. President, as I understand it, the pending question before the Senate is the amendment of the Senator from Massachusetts (Mr. Brooke) to the Church-Case amendment, as amended.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, that is the pending question before the Senate. It has precedence over any other question at this time. Once the amendment by the Senator from Massachusetts is disposed of, then the pending question recurs on the adoption of the amendment—I believe it is No. 1185—by Senators Church and Case, as amended by the Byrd amendment. That amendment has to be disposed of one way or another before the Senate gets to the question of adopting the amendment by the distinguished Senator from Mississippi to delete all the language in title 7 of the bill. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Presiding Officer.

I wanted to try to clarify what seems to be a mistaken impression here, namely, that the question, once the amendment of the able Senator from Massachusetts (Mr. Brooke) is disposed of, would immediately recur on the amendment by the able Senator from Mississippi (Mr. Stennis) to strike. It would recur instead on the amendment by Senators Case and Church, as amended. But that amendment, at that point would be open to further perfecting amendments.

Then, the language in the bill, title 7, would be open to perfecting amendments before final disposition of the Case-Church amendment, as amended, and when all of that takes place and is done, finally the question would then occur on the amendment by the Senator from Mississippi (Mr. Stennis) to strike the title.

Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. The last thing under that colloquy is the AEC bill. After we get everything else done we will finally get to the question of whether we are going to have blackouts and brownouts this summer. There is something we can do about it.

I have been in the Senate long enough to know not to rail to a Senator's request. I have been the only one to object on occasion. But I submit there are twin considerations that merit reconsideration of this matter. First, we are in peril of blackouts and brownouts occurring this summer if we do not do something; and second, our time to do something is going to be too late if we do not act in the next few days.

I hate to see the threat of blackouts

or brownouts this summer held hostage to this bill, when we could effectively do something about it. I am not going to propound a unanimous-consent request today. I know the mood of the Senate is not such that it would be granted. I am not going to burden the Senate to take up the matter or go to the two-track system, but I do ask the Senate to be on notice that in the next few days if we cannot reach an agreement I will take whatever steps are available to me as a single Member of the Senate to see that we come to terms with this vitally important matter in order to avoid the threat of blackouts or brownouts this summer.

Mr. ROBERT C. BYRD. Mr. President, the atomic energy bill could be brought up by motion, but I hope it will not come to that. I hope that within the next day or so, or during the next few days, we might be able to reach some understanding with all Senators so that we could leave the pending measure long enough, probably for only a couple of hours, to dispose of the atomic energy bill. But I do not think that is going to be done today.

As I have already indicated, unanimous consent could not be secured today and the leadership is not inclined to proceed by motion at this time.

I now propound a unanimous-consent request with respect to the amendment offered by the Senator from Massachusetts (Mr. BROOKE). There seems to be some inclination to get on with action on that amendment.

I ask unanimous consent that time on the amendment by the Senator from Massachusetts (Mr. BROOKE) be limited to one-half hour to be equally divided between the distinguished mover of the amendment (Mr. BROOKE) and the distinguished Senator from Idaho, Mr. Church—is the Senator in favor of the amendment?

Mr. CHURCH. No.

Mr. ROBERT C. BYRD. So time in opposition thereto would be in charge of the able Senator from Idaho.

Mr. BAKER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FULBRIGHT. I do not understand it. I thought the Senator from Tennessee wanted to get on with this. I am completely at a loss to know why he objects to disposing of these amendments. I have explained my position. I am more than willing to dispose of this amendment and conclude in a brief time to clear the way for the atomic energy bill. I am at a complete loss to understand why the Senator from Tennessee objects to clearing the way for the AEC bill, which he has said is so important.

Mr. BAKER. There are very few things as important as avoiding blackouts and brownouts this summer. If I cannot proceed with that business by unanimous consent I intend to see that the Senate does not proceed by unanimous consent——

Mr. FULBRIGHT. On any matter. This is a most unusual way to make progress toward the AEC bill that I can imagine. The bill before the Senate has been here for 2 weeks or longer. I think the Senator from Idaho and I, and other Senators, are ready to enter into a unanimous-consent agreement, even shorter than 30 minutes, if other members are willing to dispose of an issue that has been thoroughly debated. I think we can dispose of this today.

Mr. PASTORE. Mr. President, I hope the Senator from Tennessee will reconsider his action. After all, we did have a conference. It was voted in conference we would not postpone consideration of the pending bill because of the importance of the Vietnam situation. I am one who joined with the Senator from Tennessee to expedite the AEC bill that we are discussing this afternoon, and I would like to see it dealt with as soon as we can. I think if we take the position we can dispose of this bill by unanimous consent, we will get to our bill, even by motion at that time, but the leadership is reluctant to ask for unanimous consent to set aside. But after this bill is disposed of if we cannot get to it by unanimous consent at that time a motion will be made to bring it up.

Mr. ROBERT C. BYRD. A motion would be in order to do so.

Mr. BAKER. Mr. President, will the Senator yield for the purpose of making a unanimous-consent request?

Mr. FULBRIGHT. I yield.

Mr. BAKER. Mr. President, I ask unanimous consent to proceed to consideration of the Brooke amendment, as specified, and that we immediately thereafter proceed to consideration of the AEC bill.

Mr. FULBRIGHT. Mr. President, reserving the right to object, I was proposing that we proceed for 5 or 10 minutes—any time—I am ready to vote now on the Brooke amendment. Thereafter, I am willing to enter into a unanimous consent on any other amendment that may be offered. I do not know of any. But the Senator from West Virginia pointed out that Senators can have a limitation of debate and then final disposition of the amendment of the Senator from Mississippi. I think we could do it by 5 o'clock if the Senate is willing to move quickly. I do not know why further debate is necessary. Whatever way it goes on the motion of the Senator from Mississippi, I think the whole bill could be passed.

With respect to the USIA, everything I know of has been disposed of, unless it is technical.

I do not understand why the Senator from Tennessee objects. If it could be agreed to the Senator could get to his AEC bill tomorrow.

Mr. BAKER. What is wrong with the procedure I outlined?

Mr. FULBRIGHT. It is most unusual. This bill has been before the Senate for 2 weeks.

Mr. HUGHES. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CHURCH. Mr. President, I have listened to the Senator from Tennessee appeal for consideration of the AEC bill.

Mr. PASTORE. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. CHURCH. There are possibilities of brownouts and even blackouts. However, I submit there is something more important than the inconvenience of domestic brownouts or blackouts, and that is the lives of Americans presently engaged in this war in Indochina.

I have no difficulty establishing priorities between the importance of the AEC bill, even though we may inconvenience those who live in suburbia, and the continued war in Indochina.

Our proposal is reasonable; we are not stalling. If anybody is stalling, it is on the Republican side of the aisle, not this side. We are ready to vote now, indeed, to go through that sequence of votes necessary to dispose of the bill. That is all we are asking, a reasonable request, I believe. But cozy arrangements should not be made in the cloakroom to put this process off until Friday, or to bring up other legislation, on the curious grounds that it is more important than the Indochina war.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. PASTORE. I think we are getting a little too caustic here. No one is saying that we are trying to bring in the AEC bill to delay in any way the pending legislation. All we are saying is that it is here. I do not think it is as important as life and death in Vietnam. I have never pretended that. It is not that we do not want to do something about Vietnam. I am for disposing of the pending legislation as soon as we can do it. The only argument I make is this: Yesterday afternoon the lights went out in the Senate Chamber at 2:30 in the afternoon. I am asking here, How do we run the Senate? Here we are and we have this important legislation and the Senator says it involves life and death. Yet we go home at 2:30 in the afternoon. That does not make sense to the Senator from Rhode Island. All I am saying is that maybe yesterday afternoon after the lights went out we could have put them on again and taken care of the AEC bill and maybe killed two birds with one stone. That is all I am saying.

Mr. CHURCH. The Senator from Rhode Island and I are not in disagreement.

The American people are waiting for the Senate to act. They are waiting for the Senate to stand up as a body in opposition to this war, to use our power to draw tight the pursestrings.

Mr. PASTORE. I know.

Mr. CHURCH. We can do it now. There is no reason to delay this matter. We do not want the legislation concerning the war to be set aside while we take up other bills. Therefore, I would hope we could proceed to vote. We could get this over with by the end of the day.

Mr. PASTORE. I agree with the Senator 100 percent, but I do resent the fact that it has been suggested that we sneaked in the AEC bill to delay the business pending before us. I am not for that.

Mr. CHURCH. I know that.

Mr. PASTORE. I am willing to dispose of the bill before us even if we have to stay here until midnight. Let us do it.

Mr. CHURCH. That is my proposition. Let us proceed to vote on this amendment and then on any other amendments that any Senator has to offer.

Mr. TUNNEY. Mr. President, if the Senator will yield, I do not see why we cannot go ahead to the consideration of the Brooke amendment right now. We do not need any time limitation on it. The Senator from Massachusetts has indicated he is presently ready for the vote on his amendment.

Mr. CHURCH. Mr. President, a parliamentary inquiry. Can we not vote if there is no further debate?

Mr. DOLE. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I ask unanimous consent that S. 3526 be set aside until May 31.

Mr. HARRIS. Mr. President, I object.

Mr. CHURCH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, as I said earlier with reference to the Mansfield amendment, which I think is taken care of at least in part by the Brooke amendment, we do provide that there will be no fund cutoff on August 31 or troop withdrawal on August 31 unless there has been some release of prisoners. Is that correct?

Mr. BROOKE. That is correct.

Mr. DOLE. I say that because the amendment offered by the Senator from Montana, the majority leader, provides in subsection (a) what is clearly contradicted in subsection (b), in that it says there shall be a cutoff of funds by August 31, 1972, and a withdrawal of our military forces. That is in subsection (a). There is no proviso and no "if." Section (b) indicates that our involvement ends after certain agreements. In other words, if there is no agreement on prisoners prior to August 31, 1972, and no supervision and no recognition or accounting for American prisoners of war and Americans missing in action by that time, we are finished in any event—because all the funds are cut off, and all the troops are out by August 31, 1972.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. BROOKE. Is the Senator discussing the Mansfield proposed amendment or the so-called Brooke amendment to the Church-Case amendment?

Mr. DOLE. I am suggesting that the Brooke amendment recognizes—at least there is a proviso in the Brooke amendment that indicates—that unless this is done, the fund cutoff is not effective and the withdrawal is not effective. Is that correct?

Mr. BROOKE. That is correct. The Senator is distinguishing between the Church-Case amendment as amended by the Brooke amendment and the proposed Mansfield amendment?

Mr. DOLE. That is correct.

Mr. BROOKE. Yes.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. PASTORE. I think there is a serious misunderstanding as to what the Mansfield amendment is all about. This is what the Mansfield amendment does: It cuts off the money for ground troops, 60,000 troops. It cuts that off within 4 months. But insofar as the mining is concerned, that is contingent upon the release of prisoners of war. I hope the Senator will read the amendment.

Mr. DOLE. I hope the Senator from Rhode Island will read the amendment.

Mr. PASTORE. I read the amendment and studied the amendment. That is exactly what it says.

Mr. DOLE. How would the Senator define "support forces?"

Mr. PASTORE. Those are ground forces. As far as bombing and mining are concerned, that is contingent upon release of the prisoners. That is what the amendment says. If the Senator from Kansas does not agree with it, that is one thing, but I do not think we ought to confuse the meaning of it.

Mr. DOLE. The Senator from Kansas does not agree with it. The Senator from Massachusetts makes the distinction. That is the point I was making.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me

Mr. DOLE. I yield.

Mr. FULBRIGHT. Will the Senator agree that if we could eliminate the whole matter that is involved in section 701 of this bill, which does not involve the agencies for which this whole bill authorizes funds, and eliminate this issue from the current issue, it would achieve the purpose, which I guess was his purpose, by asking unanimous consent that the whole bill go over until May 31? That is what I was trying to say a moment ago—that if we could proceed to vote on the pending amendment and the anticipated amendment to strike, whether it be on the motion of the Senator from Mississippi or someone else, we could dispose of this whole issue one way or the other and get this whole bill out of the way.

Does he have any real objections to that, or is it his position that no disposition should be made one way or the other of the matter involved in section 701 I just want his answer for my guidance. I certainly do not want to hold up other legislation, but I am not clear that I understand what are really the implications of either the Senator from Kansas or the Senator from Tennessee. They continue to talk about the Mansfield amendment and other amendments.

Mr. DOLE. The Senator from Arkansas may have noted I was nodding in agreement when he was speaking earlier.

Mr. FULBRIGHT. I thought he was. Is he in agreement with that procedure to dispose of the bill? It is very unfortunate that this bill should be the vehicle for this. I think if it is to be disposed of it should be in another bill.

Mr. DOLE. There are problems, I will say to the Senator, that could be avoided that way. The Senator from Kansas, speaking only for himself, agrees with the Senator from Arkansas that this is the way to proceed.

Mr. FULBRIGHT. Get rid of it.

Mr. DOLE. Get rid of it. Then after the disposition of the Brooke amendment and the Case-Church amendment and the motion of the Senator from Mississippi, we go back to the Mansfield amendment. We do not have to do all that. The distinguished Majority Leader is going to be out of town.

Mr. FULBRIGHT. All of these matters have been discussed at length. Would it be all right to have a very short period of time? I am not sure the Senator from Tennessee would agree. I had in mind a limitation of 30 minutes on all of these matters. Then maybe we could dispose of section 701 altogether. Is there any disposition to move in that manner?

Mr. STENNIS. Mr. President, will the Senator yield to me for a brief statement?

Mr. DOLE. I yield.

Mr. STENNIS. Mr. President, I was asked a question about what would be my disposition with reference to a motion to strike. I am surprised at the extent to which our rules permit extensive and continued amendments to a provision such as section 701, which I propose to strike. I could not make up my mind until I see in final form what it is proposed to strike whether or not it should be stricken.

But, Mr. President, skipping over all of that, I cannot sit here any longer and let it appear through arguments here on the Senate floor that this matter, disposing of the Brooke amendment and then the Church-Case amendment, and then others that might be offered, and then disposing of the motion to strike, could be handled in a matter of minutes. I have something very much on my mind that I have not heard mentioned today, and that is the SALT talks and this trip to the summit that the President of the United States is going to make.

I filed this amendment to strike out section 701 primarily on that basis. I just do not think we ought to be passing any kind of provision here that is going to cut off funds in South Vietnam or anywhere that our troops have been fighting and are still fighting, to a degree, and just say here, by solemn legislative fiat, regardless of everything else, "We are going to say now that we know what the situation will be 3 or 4 months from now, and stop the funds," especially when the President is on his way to the other side of the world to sit down at what could be the most important conference that has been held since the end of World War II.

Those are deliberate words on my part. I am just not willing to do it. And I am not willing for the Senate to vote on that matter until it has been thoroughly considered and might be better understood.

I have not had any chance to argue this matter since my motion was filed except to come over here, and very little chance of that, and talk to empty seats. There have been other amendments which I respect very much, which took preference over it. So I tried to keep quiet in a fairly decent way.

But I want this matter fully discussed pro and con, not only by myself but by everyone else who has a positive opinion on the subject, for my position or against it. I think this is the most important matter we will have before us this year, what the Senate is going to do just on the eve of the SALT talks.

I am looking beyond a war that is not in a good situation over yonder, but it has been going on for a long time. I want it to stop, with everyone else. But other things are happening, and I am concerned about them.

I think we are all concerned. It has become necessary in the last few days, in the judgment of the President of the United States, that he line these mines up over there, and run risks that could involve us in a mighty war. So I am not hesitating 1 minute to say that I am not going to agree to any vote until this matter has been fully considered on its merits, the question of what we are going to do about voting to so restrict the President of the United States. And I believe every Senator, on second thought, would realize that the passage of this amendment in its present form would restrict the Chief Executive. It would embarrass him personally, but that is not enough reason. I do not put it on that basis. It would restrict him and put him at a marked disadvantage, and I think it could decide the outcome of that conflict.

We need every possible thing in our favor at that conference; and for the first time I believe there is some chance to get a foot in the door and reach some kind of agreement that could lead to much further agreement as the years come and go, and get the whole world partly out from under the shadow of the threat of a nuclear war. If there is any chance at all, I am willing to pay any price to get that chance, and this is the most favorable circumstance.

So if we want to dispose of all these amendments and crank up here and have a real debate on the big issue, that is one thing, but the idea that we can do it this afternoon or tomorrow, that this is that trivial, I cannot agree to.

I thank the Senator for yielding.

Mr. DOLE. Mr. President, the Senator from Mississippi has clearly delineated the dilemma some of us find ourselves in. The Senator from Arkansas clearly indicated earlier that if we could dispose of title VII, if it were out of the bill, we could proceed quickly to resolve any other differences; and there is some assurance that title VII might be out of the bill, because the sponsors are now willing to vote on the motion to strike.

But then we face the Mansfield amendment, and I do not know how we are to dispose of the Mansfield amendment. I share the concern of the Senator from Mississippi. The President is returning on May 31. If we cannot strike title VII, then we should not vote on this amendment until May 31 or later.

Mr. FULBRIGHT. I think that is most unfortunate. Does this mean that the Senator from Kansas and the Senator from Mississippi do not wish to remove title VII out of the bill? I still do not understand why those who formerly wished to strike it now wish to retain it, if they do, if that is their position.

Mr. DOLE. I do not wish to retain title VII even in its modified form. If that were done, and we start debate on the so-called Mansfield amendment, we have not made much progress.

Mr. FULBRIGHT. If title VII were removed, I cannot imagine why the Mansfield amendment would have much appeal. We have had one vote. The only reason, obviously speaking for myself that we lost on the Byrd amendment by four votes. The Senate has spoken, as they say. I am willing to accept that, and take this whole thing out of the bill, now, immediately, as soon as anyone. But I am still puzzled as to why the Senator from Mississippi, unless he now feels that, as amended by Senator ROBERT C. BYRD, it is important to keep section 701 in it, and yet I am not clear that that is what he means to say.

I would think that now, by general agreement, we want to get title VII out, because I want to now. I accept the verdict of the Senate that they want to cut this section out of the bill.

Mr. DOLE. And not have something else substitute for title VII?

Mr. FULBRIGHT. The whole thing out. I would vote for the motion, if the Senator from Mississippi made it, to strike out title VII. I think that would dispose of the whole question. I cannot speak for Senator MANSFIELD, because I never heard of his amendment until a moment ago, but I would think if that is done, it would be decisive. I wonder whether Senator MANSFIELD would want to press his amendment, in view of the vote which has taken place on that subject.

It is hard for me to understand why everyone, having lost the battle by four votes, which is a pretty big margin these days in the Senate, could not agree to dispose of this matter completely, and then move on to what the Senator from Tennessee and others want.

Mr. STENNIS. Mr. President, I just want to disabuse any doubts anyone might have about what my position might be. As long as these provisos are in section 7, or any other part of the bill, or any other amendment that might be offered, I would object to it. I do not want to strike out section 701 as long as it has these limitations on funds in it, and I also want to guard the bill against a repetition of anything like that.

Mr. FULBRIGHT. That would be my position. I am agreeable to striking it. I am not trying to find a way to put it back in, or any other provision.

I know of no other one. I could see no point in agreeing to strike out section 7 and then agreeing to the Mansfield amendment. I do not know how that provision got stuck in the bill in the first place. Perhaps others are not bothered by it; I do not know.

The Senator would not be bothered by any prospect of its reintroduction in any other form on this bill. Any other bill is another matter.

Mr. DOLE. Mr. President, it appears that there is a possibility of some agreement which would dispose of this bill, and then we could move on to the AEC bill. If there is no objection, I suggest the absence of a quorum, in the hope that some agreement might be reached.

Mr. FULBRIGHT. That is a good idea.

Mr. HUGHES. Mr. President, will the Senator withhold that request?

Mr. DOLE. Yes.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Iowa.

Mr. HUGHES. Before any sort of proposal is agreed to quietly here between two or three people, I point out that the distinguished majority leader has an amendment which is on file, which he stated to this body was of supreme importance to him, as it is to many other Senators. I am not prepared to agree to any unanimous-consent request, privately or publicly, until the majority leader at least has had an opportunity to tell the Senate what his viewpoint is and why he would change his mind in the last 2 hours about the amendment.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HUGHES. The Senator from Kansas has the floor.

Mr. DOLE. I yield.

Mr. PASTORE. I have every conviction that Senator MANSFIELD will pursue his amendment.

Mr. HUGHES. So do I.

Mr. PASTORE. I do not think we ought to assume here this afternoon that if title VII is stricken out as a result of the motion to strike, Senator MANSFIELD is going to abandon his amendment. I do not think we ought to reach that conclusion without consultation with him. I doubt very much that he will accede to that suggestion.

Mr. FULBRIGHT. He can be consulted, I suppose, by the distinguished assistant majority leader.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. HUGHES. Mr. President, I regret that we find ourselves in the position that we are unable to reach an agreement today. This matter is of utmost importance. I listened to the Senator from Mississippi talk about the importance he places on the summit conference that is coming up, and I know the graciousness with which he says this after the majority caucus unanimously instructed that the chairman of the Armed Services Committee, the chairman of the Committee on Foreign Relations, and the majority leader be sent to the White House to confer with the President during the National Security Council Conference, and then they were not given any information until about 8 o'clock that evening. Certainly, this shows that the Senator from Mississippi is ready to defend the President of the United States regardless of what purposes come up.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. STENNIS. I have had my ideas about the SALT talks and nuclear agreements long before the present President or several other Presidents were in the White House.

Mr. HUGHES. The Senator did not raise that question for that purpose, I say to the distinguished chairman of the Armed Services Committee.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. SYMINGTON. I would hope, as mentioned to the assistant majority leader, that, regardless of anything else, we do not leave this proposed legislation until we dispose of it one way or the other.

With respect to the SALT talks, for years they have furnished the reason why we should not take steps, make decisions, which I believe the dignity of the Senate requires we should. The SALT talks caused us to waste hundreds of millions more dollars by talking about them as bargaining chips incident to the ABM. Now the SALT talks would appear to be a reason for not proceeding with this bill.

So far as the Senator from Missouri is concerned, I am willing to stay here indefinitely because I believe we ought to dispose of this vital measure one way or the other. Americans continue to fight and die while we continue to debate parliamentary tactics on this floor. Let us decide now what the Senate thinks should really be done with respect to this war in Vietnam, and Cambodia, and Laos.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESIGNATION OF JOHN CONNALLY AS SECRETARY OF THE TREASURY

Mr. HARRY F. BYRD, JR. Mr. President, the resignation today of Secretary of the Treasury John Connally is, I feel, a great loss to the Government. He is a man of great ability.

He served with distinction in many Government positions. Under President Kennedy, he served as Secretary of the Navy. Then he served three terms as Governor of the State of Texas. Since January a year ago he has served as Secretary of the Treasury.

He is resigning, the news accounts say, for personal reasons. He desires to go back into private business.

Most certainly, John Connally has served his Nation well. He was particularly effective in dealing with foreign governments in regard to the many monetary and financial problems facing the United States. He dealt with them with firmness. It was time that a representative of the U.S. Government take a firm position with representatives of foreign governments in connection with the balance-of-payments problems facing the United States.

So, Mr. President, as John Connally plans to retire from Government, I just wanted to say a few words in the Senate today on behalf of the very effective work he has done as Secretary of the Treasury. His ability and energy and dedication will be greatly missed.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be authorized to file reports until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

AMENDMENT NO. 1196

Mr. HARRY F. BYRD, JR. Mr. President, I submit an amendment on behalf of myself, the Senator from North Carolina (Mr. ERVIN), and the two Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER) as well as the Senator from Florida (Mr. GURNEY) and ask that the amendment be printed.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ATTACK ON GOVERNOR WALLACE

Mr. BAKER. Mr. President, I join other of my Senate colleagues in expressing my anger, bewilderment, and sorrow at the barbaric attack of yesterday on the Governor of Alabama, George C. Wallace.

Like all Americans, I am profoundly relieved and grateful for the fact that the Governor's prognosis and chances for a speedy recovery appear to be excellent. As Mr. Wallace's courageous and gracious wife, Cornelia, put it so well last evening, her husband had not gained his reputation as "the fighting little judge for nothing." His body is strong, his mind is strong, his devotion to the welfare of this Nation is strong. I both hope and pray for a rapid and full recovery of all of Governor Wallace's physical capacities.

Some say that this most recent assault on the person of a political figure is only further evidence of an endemic social sickness pervading our national life. I disagree. Who among us can imagine what goes through the twisted minds of the individual men who commit these terrible crimes? Perhaps one can identify certain strains of permissiveness in our society, but I do not associate that permissiveness with isolated acts of deranged violence by individuals.

In fact, we have always been an extraordinarily free and open society. That fact has been one of our most fundamental strengths. And it is that very freedom and openness that I find threatened by the attack on Governor Wallace.

In addition to the cruel and brutal physical harm inflicted on Mr. Wallace, the political and social process itself is also damaged by such an incident. One of Governor Wallace's chief issues in his quest for the nomination of his party for President was the degree to which millions of common Americans—ordinary, decent, hard-working, tax-paying citizens—felt alienated from big government from their elected leaders, and from other powerful forces shaping their lives. He clearly had touched a very tender nerve in the American body politic, and millions of people heard his message and encouraged him to send it on.

How can the people of this Nation and the elected officials whose job it is to represent the interests of the people reestablish the necessary contact and confidence that Governor Wallace spoke of so forcefully, when moving freely and openly among the people has become so difficult? It is a dilemma that deserves the most earnest and thoughtful attention of every American. How many men and women will have the courage to stand up and speak out forcefully for convictions and ideals they hold strongly, as Governor Wallace has done, in the knowledge that some perverted soul believes that he can, with a bullet, murder an idea, a conviction, a dream for a better America?

I believe that, although our political process is damaged whenever a tragic incident of this sort occurs, men and women of courage will still speak out in behalf of their ideas. I know for a certainty that this is true of Mr. Wallace. He is an important political force in this country, he speaks with force for many of our people, and I look forward to his return to the active political arena.

I and my family extend our hopes and prayers to Governor and Mrs. Wallace during this trying time. The entire Wallace family has demonstrated great grace and courage and has earned our respect.

Mr. HUMPHREY. Mr. President, I am sure the Senator from Tennessee (Mr. BAKER) will be pleased to know that the Governor of Alabama, George Wallace, is making progress this afternoon. I had the privilege of visiting with his wife. Despite our differences of viewpoint in politics, some of us have personal relationships which go far beyond political controversy. I am very much pleased that the Senator from Tennessee has spoken this day as he did.

I hope and pray that the American people will realize the dreadfulness of the tragedy which has befallen not only a man but the whole Nation in this specter of senseless violence. Whether personal, by an individual, or public, by a group, violence begets violence. Violence can only do one thing and that is to set people against one another. I pray to God that that does not happen in this country and that we will learn lessons from these tragic events.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

Mr. HUMPHREY. Mr. President, earlier today the Senate voted on the so-called Byrd amendment. I voted in opposition to it. It is with much regret, as I see it, that this body chose to pass the Byrd amendment making a cease-fire a chief condition on the withdrawal of our forces from Vietnam.

I sensed, during debate on this question, some confusion by the supporters of the amendment as to the intent of the opposition. The intent, however, is clear. The Case-Church amendment was designed to offer as simplified a version of a negotiating posture as would be possible, taking into account full consideration of our main concern, to reach an agreement on our American prisoners of war and those missing in action.

In no sense was this amendment a rejection of the importance of a cease-fire as an objective in our foreign policy or as an objective in our policy toward Southeast Asia. I, for one, underlined the importance of obtaining a cease-fire in an effort to bring a halt to the killing, which responsibility both sides share.

I urged this body, on April 7 of this year, that the United States bring the issue of a cease-fire, and the entire question of Vietnam, once again before the United Nations.

Again, on May 9 of this year, when I joined the distinguished Senator from Idaho (Mr. CHURCH) in support of his amendment, I urged that the United States call for an emergency session of the Security Council of the United Nations to arrange for the implementation of a cease-fire on the part of all parties in Vietnam and throughout all Indochina.

Secretary General Kurt Waldheim of the United Nations has been working diligently to achieve this very end or objective. Only today, Tuesday, May 16, 1972, the Secretary General made public the latest of his efforts to bring pressure on the permanent members of the Security Council, particularly China, to bring the issue of Vietnam before the Security Council.

Unmistakably, the Security Council is fully equipped to deal with this question if it has the support of the permanent membership.

In 1966, while the U.S. Government had placed the Vietnam issue on the agenda at the Security Council, it was, at that time, strongly objected to by the Soviet Union.

I regret to say that the current administration has given little support for this procedure.

Furthermore, China is reported to be in opposition to this initiative just as the Soviet Union was 5 or 6 years ago. However, I am convinced that, with proper diplomatic skill, in light of the present international climate, China could be convinced to change her position.

I am very much pleased that the Secretary General, Mr. Kurt Waldheim, has seen fit to express his views on this very important matter.

As reported in the New York Times today, the article entitled "Waldheim Presses for Action on Vietnam," I think, gives us some hope.

Might I say that I have been urging repeatedly over the months the very action which the Secretary General is now once again asking for.

The article reads:

> Secretary General Waldheim today sharply increased his pressure to have the Vietnam issue brought before the United Nations by making public a strongly worded letter he wrote last week to the President of the Security Council.
>
> In the letter Mr. Waldheim openly took issue with the Chinese position, expressed in a letter from Huang Hua, the Chinese delegate, to the Secretary General last week, that "the Vietnam question has nothing to do with the United Nations."

Mr. President, I digress for a moment to say that this is exactly the position the Soviet Union pursued 6 or 7 years ago and now the Chinese take up this position; namely, that Vietnam has nothing to do with the United Nations.

Speaking as a Senator and as one who served as a delegate to the United Nations, what is the purpose of the United Nations if it is not to obtain and preserve or achieve peace? To put it more affirmatively, the sole purpose of the United Nations is to maintain peace or, if the peace is breached or threatened, to try to bring about peace or a halt to the threat to peace.

Mr. Waldheim's letter goes on to say:

> "Now that other efforts to bring the war to a halt seem to show little promise of success within a reasonable time, I feel strongly that the United Nations can no longer remain a mute spectator of the horrors of the war and of the peril which it increasingly poses to the international peace."

Mr. President, I ask unanimous consent that the article to which I have referred be printed in full at the end of my remarks.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. I think the Senate owes Mr. Waldheim a thank you for being a Secretary General of the United Nations who has placed peace or the attainment and pursuit of peace above all else. The Secretary General has challenged the Soviet Union and the People's Republic of China, as well as the United States, on this issue. I think he deserves the support of this Government. I think he deserves the support of all peace-loving people and all peace-loving nations.

I do not know whether the United Nations can succeed where we have failed. However, I know that if this is not tried, it will not be possible. Surely in the light of our concern in the Senate over the Case-Church amendment, as amended, or any number of the amendments before the Senate, it seems to me that the logical course would be somewhere during the deliberations on the pending bill to at least express our support of Mr. Waldheim's efforts to utilize the instrument and resources of the United Nations to attain a cease-fire and place the Vietnam question squarely before the Security Council.

It is obvious to me, as I am sure it is to others, that our bilateral efforts have not been successful thus far. This is not due to any lack of interest on the part of the Government of the United States. It has been due in part to the intransigence or stubbornness of the North Vietnamese and the National Liberation Front. However, be that as it may, the logical place to put this whole question, which seems to be beyond solution by any of the immediate negotiators, or the negotiators in Paris, would be in the United Nations, and in the Security Council.

I would urge most respectfully of our Government that it do just that.

Mr. President, it is my hope and prayer that what action is presently underway in Vietnam will result in peace. I could not agree to, and I expressed my disagreement with the President's course of action in mining the harbors of North Vietnam. I hope that he has some arrangement with the Soviet Union. If he has, I wish he would tell us. I think the American people are entitled to know. We all want to avert any possible danger that might result from any new course of action. We have no information as to whether the present activities on our part in Vietnam have been discussed with the Soviet Union.

One would be very interested to know what, if any, understandings were reached by Dr. Kissinger on his visit with Mr. Brezhnev and other Soviet leaders. We would be very interested in being told whether there is some sort of understanding which might lead to peace.

I think the question is simply that of peace. As far as I am personally concerned, I want to help the President in every way I can to achieve peace, even if it means a tremendous amount of political support for him. However, I believe that the most urgent question before the Nation is that of obtaining peace. One inducement, it seems to me, for encouraging the Chinese and the Soviet Union to submit or at least to be willing to cooperate in a United Nations' effort would be for the President to halt the intensified bombings over Vietnam and the mining of the interior and coastal waters of North Vietnam. This kind of collision course we are now on offers little flexibility to the other side, and certainly, helps to force China's hand.

Mr. President, what I am saying essentially is that those of us who voted against the cease-fire amendment today voted against it because of our desire to provide our President with the maximum flexibility in negotiating a cease-fire.

I have been suggesting the use of the United Nations. I have also encouraged public and private peace talks or the reactivation of the International Control Commission or, might I respectfully suggest something that other Senators suggested years ago, namely reactivating or reconvening the member states of the Geneva Conference of 1954, or an enlarged group of conference members.

There are so many ways to proceed toward obtaining a cease-fire that it might be too restrictive for this body to attempt to define it.

For the present, however, cease-fire should be a focus of our attention. That is why the majority leader's proposal for a cease-fire between the North Vietnamese, the NLF, and the United States is a positive contribution to the whole debate. Nevertheless, the essential fact remains that to obtain a cease-fire, we have to show a willingness to cease on our own part, and this can hardly be shown in the latest military escalation undertaken by the order of the President.

Mr. President, I urge the Senate not to get bogged down in parliamentary intricacies at a time when there is a national crisis which hangs over us. I urge us to unite in support of a definite program to end the U.S. involvement with the safe and speedy return of the American prisoners of war and those missing in action.

Mr. President, a cease-fire should be part of the program, but let us leave it to the belligerents to determine the exact nature of the cease-fire. Hopefully, this could be determined within the structure and the resources of the United Nations.

Mr. President, my comments on this matter today were in large measure precipitated by the article which I read and had printed in the Record. I have not had the opportunity to visit personally with the Secretary General of the United Nations. However, I think that he is showing admirable courage. He is not in a sense being neutral on the issue of peace or war. He is not just waiting for others. He is really utilizing the prestige of his office to encourage action in the U.N. He is not being critical of the United States. On the contrary, he has challenged the Chinese and the Russians to act responsibly as members of the U.N.

It seems to me that the least we can do in this body, if not by resolution or even by amendment, is for a number of Senators to speak up to encourage the utilization of available facilities of the United Nations to bring the Vietnam issue before that structure or the Security Council.

It is quite obvious that every other effort that has been made has not succeeded. It is obvious that the Paris peace talks have bogged down and have been bogged down for a long time. I am not assessing blame to our Ambassador. I think our Ambassador there, Mr. Foster, is an outstanding diplomat. I am sure he is doing everything in his power to facilitate negotiations.

But, Mr. President, when you get to the end of the road on one particular course it seems to me that the least you can do is turn around and see if you cannot find another channel, and the channel is there, with no guarantee of success, but at least it is a channel open to us and it is one where we really can confront those two nations which share responsibility, for this war in Vietnam, the Soviet Union and the Peoples Republic of China.

I hope and pray that the President's visit to Moscow will be a success. I am not going to spend any time lifting my voice in criticism of that visit because I think it is essential, and I hope nothing prevents it from coming off or being consummated. But I think the presence of the Soviets and the Chinese in the United Nations gives us an opportunity within the framework of a body designed to promote world peace to come to grips with this issue.

I hope other Senators may see fit to express their interest in Secretary Waldheim's proposal, and before this debate is over we might well pass a measure expressing sentiment on the part of the Senate to encourage our Government to pursue the course outlined by Secretary Waldheim and encourage the United Nations to be the instrument for the attainment of an overall cease-fire in all Vietnam and Indochina.

I make this proposal in the hope it may receive favorable comment and reaction from the administration and other Members of this body.

Exhibit 1

Waldheim Presses for Action on Vietnam

(By Robert Alden)

United Nations, N.Y., May 15.—Secretary General Waldheim today sharply increased his pressure to have the Vietnam issue brought before the United Nations by making public a strongly worded letter he wrote last week to the President of the Security Council.

In the letter Mr. Waldheim openly took issue with the Chinese position, expressed in a letter from Huang Hua, the Chinese delegate, to the Secretary General last week, that "the Vietnam question has nothing to do with the United Nations."

Mr. Waldheim's letter, written on the same day that the Chinese letter was received, said:

"Now that other efforts to bring the war to a halt seem to show little promise of success within a reasonable time, I feel strongly that the United Nations can no longer remain a mute spectator of the horrors of the war and of the peril which it increasingly poses to the international peace."

NEW COURSE OF ACTION

In writing the letter and then making it public, Mr. Waldheim was taking a course in his pursuit of peace that differed sharply from those of his predecessors.

U Thant, during his 10 years in office, never forced an issue when the matter was opposed by any permanent member of the Security Council.

Dag Hammarskjold might have worked behind the scenes to bring about an agreement. But he would not have tried to bring public pressure to bear.

But Mr. Waldhiem has expressed the view that public opinion is a vital factor and that it plays an important role in foreign policy. By publicizing his letter he appeared to be openly trying to marshal public opinion on his side to have the United Nations intervene in Vietnam.

PATH TO DISASTER

In the letter the Secretary General said that he was "deeply concerned" that the United Nations, "created as a result of a world war in order to safeguard international peace and security in the future, appears to have no relevance" to what is now happening in Vietnam.

"This indicated an attitude which, if it persists could all too easily lead to the wholesale disaster which the United Nations was set up to prevent," he said.

Mr. Waldheim said that he did not underestimate the difficulties that faced the United Nations in general and the Security Council in particular, in dealing with the Vietnam problem. But he suggested that the members of the Security Council should consult and consider what measures could be taken.

In his letter to the president of the Security Council, a rotating post filled this month by George Bush of the United States, Mr. Waldheim, also challenged the traditional position of the Soviet Union. The United States had placed the Vietnam issue on the agenda of the Security Council in 1966 but the matter was not considered, in the main because of Soviet objections.

Mr. BROOKE. Mr. President, I have long favored the withdrawal of all American forces from Vietnam and the establishment of a date certain for the withdrawal. Last year I favored and supported and voted for the McGovern-Hatfield amendment, which would have established a date certain of December 31, 1972, for withdrawal of American forces. I have favored and supported, and would vote for the Church-Case amendment now before the Senate. But I was somewhat disturbed by the original date of that amendment which called for withdrawal of American forces from Southeast Asia prior to the 31st of December 1972.

Because I could not accept this date, Mr. President, I filed an amendment on Tuesday, May 9, calling for the withdrawal of American forces by August 31, 1972. That perfecting amendment to the Church-Case amendment is pending business before the Senate.

On the Senate floor today our distinguished majority leader introduced an amendment which he said he will call up at a subsequent time which incorporates August 31, the date which I had in my perfecting amendment, and goes further relating to the subject of a cease-fire.

The distinguished assistant majority leader offered an amendment to the Church-Case amendment, which provides for an internationally supervised cease-fire, and it was adopted by the Senate. I respect the distinguished assistant majority leader, but I voted against that amendment, and I called up my amendment which is now pending.

I have talked with the distinguished majority leader and I have decided I will withdraw my amendment and support the majority leader's amendment. I ask unanimous consent that I be added as a cosponsor of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator now withdraw his amendment?

WITHDRAWAL OF AMENDMENT NO. 1199

Mr. BROOKE. I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BROOKE. Mr. President, I believe the most important contribution which the Senate of the United States can make in this very serious matter of our involvement in Southeast Asia is to pass an amendment which would provide for a cutoff of funds conditioned upon the return of all American prisoners of war and identification of our missing in action. That is including, of course, ground forces, naval forces, air forces, and advisers, as well.

I hope that after deliberation the Senate will take up the Mansfield amendment and will pass that amendment, because I believe that Congress should share the burden of decisionmaking which the President has held—several Presidents have held—for such a long period of time.

Mr. President, the amendment which I have withdrawn I believe makes the Church-Case amendment the pending business. It is my further understanding that a motion to strike which has been filed by the distinguished Senator from Mississippi (Mr. STENNIS) will be called up.

It is my intention to vote for the Stennis motion to strike because I believe that the Byrd amendment to the Church-Case amendment has so weakened the Church-Case amendment that in its present form it is ineffective.

Mr. President, I again call upon my colleagues in the Senate to give serious consideration to the Mansfield amendment, which I believe establishes for the first time a date certain for the withdrawal of all ground forces from Vietnam and a cutoff of funds for the purpose of maintaining them there. All other American forces in and over Indochina will cease hostilities once a cease-fire has been established and our prisoners of war and missing in action have been returned or accounted for.

The Mansfield amendment now is practically what the President has said in his address to the Nation last Monday night, when he said that the Government of the United States was willing to withdraw its forces upon the return of our prisoners of war, identification of our missing in action, and an internationally supervised cease-fire. The only difference I can see between what the President has suggested and what the Mansfield amendment proposes is the date certain for withdrawal of our ground forces.

I see no reason why, after all these many months and years, the Senate cannot stand up and take action—action which will serve to bring about an end to the war in Southeast Asia.

I do not think that this action should be considered as criticism of the President. This action is not in competition with the President. It is the constitutional responsibility of the Congress of the United States to share this important burden, and I hope, Mr. President, that this amendment will be passed by the Senate.

I further hope that consideration of the Mansfield amendment will be soon, because time is of the essence.

There are approximately 3½ months remaining between today and August 31. If the Mansfield amendment does not reach the floor for a vote before June 1 of 1972, there will be only 3 months remaining between the time that it is adopted and the time funds are cut out and the time when we could expect all our troops to be withdrawn from Vietnam.

I think this is a practical amendment. There is ample time, now, to arrange for the withdrawal of our forces. We now have only 60,000 ground troops in Vietnam. Certainly we can withdraw those 60,000 ground troops within 3 months. We have done better in the past. And so far as the Navy and the Air Force are concerned, we can sail out our Navy and fly out our Air Force just upon the direct order of the President. It requires little time.

But I hope we go one step further, Mr. President. I hope we will not substitute for our involvement in Vietnam, the stepped up and escalated military involvement of the South Vietnamese. I mean by that, Mr. President, that I hope we will not double the tanks and the planes and the ammunition and the weapons of death that we have been providing to the South Vietnamese for all these years in order that they may take up the battle and continue the devastating war in Southeast Asia.

I am hopeful that, in addition to the withdrawal of our forces, we will cease to provide materiel, weapons of war, to the South Vietnamese after we leave.

Perhaps there is, as the President has often said, some light at the end of the tunnel. It has been suggested that the main topic of the President's trip to Moscow will be the strategic arms limitation talks and the results of those talks. Having been very keenly interested for a long period of time in the success of those talks on the limitation of our offensive and defensive weapons, I am hopeful for their outcome. But I am hopeful also that much time will be given by the President and by the leaders of the Kremlin to what can be done to bring about an end to the war in Southeast Asia. I hope and pray that it could be done before August 31 of 1972. I am sure that the President wants to end the war, and I hope that the forum in the Soviet Union will be helpful to the President, to the Soviet Union, to the North and South Vietnamese, to the Vietcong, and to the People's Republic of China, and to all others who are gravely concerned with the war, as a means for ending that war.

Mr. President, this is a very important time, I need not reiterate. It is an important time, however, I believe, for the Congress to take action. We have on many attempts been stifled in our initiative. It has been a very frustrating experience, because I believe the American people look upon the Congress as a part of the Government with both knowledge and power.

It has been frustrating to those of us in the Congress who feel that we are somewhat powerless in what we can do about the war. This, of course, has caused us to resort to the only power we have in this undeclared war. That is, of course, to take the appropriations route and to cut off funds, conditioned upon the return of our prisoners of war.

No one in the Congress has ever suggested that we cut off funds or that we withdraw unless our prisoners of war are released. No one is suggesting that now. But I think that we should not add any more conditions to our withdrawal. I trust that we will, as the President has said, stay out of the political settlement, not get involved in it, unless there is something which we can agree to in Moscow which will be equitable for all parties concerned.

So I urge my colleagues in the Senate to seriously—very seriously—consider the Mansfield amendment when it comes to a vote, and to vote favorably upon it.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Now that the amendment of the distinguished Senator from Massachusetts (Mr. BROOKE) has been withdrawn, is a perfecting amendment to the Church-Case amendment in order?

The PRESIDING OFFICER. It is.

AMENDMENT NO. 1200

Mr. GRIFFIN. Mr. President, I send to the desk such a perfecting amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

> Amend the language proposed to be inserted by adding after the words "an internationally supervised cease-fire and" the following: "after all prisoners of war have been released pursuant to".

The PRESIDING OFFICER. The question is on the amendment.

Mr. GRIFFIN. Mr. President, the Church-Case amendment to section 701 as amended by the Byrd amendment, would revise section 701 to read as follows:

> Nothwithstanding any other provision of law, none of the funds authorized or appropriated in this or any other Act may be expended or obligated for the purpose of maintaining, supporting, or engaging United States forces, land, sea, or air, in hostilities in Indochina four months after reaching an internationally supervised cease-fire and an agreement for the release of all prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

But, of course, the Church-Case modification to section 701 has not been adopted. I make the point, however, that the language, while improved by the amendment of the Senator from West Virginia would still provide for withdrawal of U.S. forces within 4 months after an agreement is reached for the release of all prisoners of war—not 4 months after the release of prisoners.

Of course, that would not be consistent with the peace proposal or offer which was made by the President a week ago tonight. Beyond that, I believe most Senators want to be sure that the prisoners will actually be released; it is not enough just to have an agreement that they will be released.

The perfecting amendment I have just submitted would make it clear that U.S. forces would be withdrawn within 4 months after an internationally supervised cease-fire is begun and after all prisoners of war have been released.

I hope that this amendment, in due course, will be adopted.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BYRD AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I stated yesterday very briefly my reasons for offering my amendment to the Church-Case language. As I stated then, although I had voted in the caucus with the eight Senators who voted against the Church-Case proposal in caucus, I had indicated at that time that I intended to keep my options open with respect to floor action thereon. I was sympathetic toward the desire, on the part of the Senators who supported that amendment, to see our remaining air, naval, and ground forces in Vietnam and in Indochina withdrawn, but I did not feel that I could accept the Church-Case amendment as then written.

When the distinguished Senator from Idaho then submitted his amendment immediately following that caucus, I went to him and stated to him that his amendment was an amendment in the first degree, and any Senator could offer an amendment in the second degree thereto, and very likely would. I indicated to him the nature of the amendment that I had prepared, which would include the requirement for an internationally supervised cease-fire, and assured him that, of course, if he would be offended in any way I would not offer it, or that if he did not want me to offer it I would not offer it, but that someone would undoubtedly offer such an amendment, in which case it might entail even more than the verbiage that I had in mind.

The distinguished senior Senator from Idaho indicated that he could not support the amendment, but he recognized also that an amendment in the second degree would be in order, and that if it was going to be offered, he would just as soon see me offer it as to see someone else offer the amendment, and, faced with the choice, would rather I offered it than to see it offered with language that would perhaps be even more unacceptable than that which I had in mind.

As I stated yesterday on this floor, I offered that amendment in an effort to revise the Church-Case language in such a way that I, in my own conscience, could vote for the Church-Case amendment. I have recently come to the conclusion that there may indeed come a point in time when we would have to enact legislation to cut off the funds as the Senator from Idaho seeks to do. I felt, though, as I indicated yesterday, that we ought first to strive as best we could to secure a cease-fire, and particularly an internationally supervised cease-fire in all of Indochina, so that all of the killing in Indochina would cease—not just the killing in North Vietnam, not just the killing in South Vietnam, not just the killing in Laos, not just the killing in Cambodia, but all of the killing in all of Indochina.

I stated that in my judgment, unless there could be such a cease-fire, and although U.S. forces might be withdrawn, the killing would go on—killing of not only North and South Vietnamese, Cambodian, and Laotian armed forces personnel, but the killing also of civilians—including the old, the young, and women as well as men.

I indicated yesterday that I had asked no Senator to vote for my amendment, that I had not asked any Senator as to how he would vote, and that I did not intend to do so. I have kept that pledge. I felt that it was a matter for each Senator to decide in accordance with his own convictions, and without any effort on my part to attempt to persuade any Senator to vote for my amendment if his convictions were otherwise. In this instance, I felt that emotions being what they are in the Senate and in the country, I should not attempt to influence any Senator's vote, even if I could have done so. At the same time, I felt it a duty to offer the amendment, as I have said, because I wanted to see the Church-Case language changed at this particular time, and I was willing to let the decision of the Senate stand without further effort on my part.

The Senate made its decision today, and I believe that it was a wise decision and the right one—certainly as of the present day and circumstance. One other very basic reason that I had in offering the amendment—and I would have voted for the amendment regardless of who might have offered it—was that I felt that there are some real possibilities that the President, in his trip to Moscow, may be able to work out some feasible solution, with the support of the Soviet Union, to the situation in Indochina. The President has recently been to the People's Republic of China; he is going to Moscow next week, and I felt that the situation in the world has changed to the extent, and our relations with China and Russia have changed to the extent, that both those great Communist countries possibly have interests that are not necessarily identical to and which do not necessarily coincide with the narrower interests today of the North Vietnamese.

Their interests today are quite possibly broader and can be viewed in a larger context than those which are of importance in Hanoi at the moment.

There is no question in my mind, Mr. President, with respect to the sincerity, the honesty in their purposes, or the dedication to this Nation's best interests of those Senators who favored the Church-Case amendment. I share those sentiments with them. But if there is to be an end to the war soon, if there is to be an end to the wholesale slaughter of civilians and military personnel in Vietnam, it cannot be accomplished merely by withdrawing the few remaining U.S. forces from Vietnam.

The President's latest proposal to end the war involves the return of the prisoners, the withdrawal of U.S. forces, and a cease-fire—an internationally supervised cease-fire—throughout Indochina.

I cannot say with absolute positiveness that it will be impossible to secure an internationally supervised cease-fire although some of my colleagues believe it not possible. My language does not provide that it would be a cease-fire in place or that it would be a cease-fire and withdrawal, but merely that it would be an internationally supervised cease-fire. I would leave it to those who would do the negotiating to determine what kind of cease-fire might be agreeable, if indeed it is possible to establish any kind of cease-fire at all.

I feel that an internationally supervised cease-fire, if it could be supervised by Asians themselves, would be preferable, because it seems to me that they should have the greatest interest and the most at stake in bringing an end to the hostilities in Southeast Asia.

I recognize the arguments of those who sincerely feel that to stipulate that there be an internationally supervised cease-fire would, in effect, put a so-called veto power in the hands of the North Vietnamese and in the hands of the South Vietnamese, but I am not willing to concede that argument yet. Whether or not the North Vietnamese would accede to such a cease-fire is a matter of opinion only, insofar as I am concerned.

I am in no position to know what kind of pressure the Soviet Union and/or the People's Republic of China might be able and willing to bring to bear upon Hanoi as a result of the President's forthcoming visit. The Chinese People's Republic wants to see the United States get out of Indochina, and such an internationally supervised cease-fire would help to accomplish this. It might very well be in the long-run best interests of the Soviet Union to see an internationally supervised cease-fire if it is part of a larger agreement, and part of a larger package, that the President may be able to work out while in Moscow. I cannot believe that the North Vietnamese could be immune to pressure on behalf of a cease-fire from those two great Communist giants, especially in view of the fact that they have supplied the bulk of the war materiel, the weapons, the technical advice, and a great deal of food and other necessities for conduct of the war and particularly the North Vietnamese invasion.

So, in my judgment, it is not at all out of the question to at least hope for an internationally supervised cease-fire. I am not willing at this time to agree to the argument that President Thieu would unquestionably veto such a cease-fire. It may very well be that if the South Vietnamese succeed in holding Hue—and, at the moment, they appear to be doing better than at first—this would be a tremendous fillip to them; and—who knows—they may then be willing to come around to the view that it could be in their own best interests even to agree to a cease-fire in place so as to stop the killing in their own country and end the threats from their Cambodian and Laotian flanks. All things are possible, as of this moment, I would hope.

So I think that we at least ought to have hope, as long as the President is going to Moscow, that something could evolve from his meetings there which would achieve the objective we all want to attain; namely, to see our men brought home, to see an end to the wholesale killing of men, women, and children in all of Indochina, to see the restoration of peace there, and to achieve agreements in a larger package that would have a broad and wholesome impact on the future peace of the world with respect to problems in other areas, not just in Indochina.

So, Mr. President, as I have said, I feel that the Senate took the right action as of today, because I believe something good can possibly come out of this meeting in Moscow. I think that this is the wrong day and the wrong hour to impose a mandatory cutoff of funds without the additional requirement of a cease-fire.

I do not like to use the words "undercut the President's position," but I think that to do so would really amount to that. I am sure that no Senator would knowingly and intentionally do anything to endanger any chance for peace that the President might be able to work out. We all see things from different perspectives, and we cannot all see alike, but I believe every Senator seeks to do what is in the best interests of our country. We may disagree, of course, as to the approach to be used. I felt when I offered the amendment, and I feel now, that we ought to make haste slowly—at the moment, at least—and let the President see what he can do, and that we should not do anything here today that could be interpreted in other countries or by the President as an action that would weaken his hand—even in the slightest—in the difficult deliberations that are going to take place in Moscow. I felt that we should not rock the boat at this time.

I think we ought to hope and to pray that the President, in Moscow, will be able to reach some agreement that will go far beyond the issue of Vietnam. There must be some reason for hope of this, in view of the fact that the Soviet Union has not reacted to the May 8 announcement of the President as cholerically as some of us had originally feared. Apparently, the summit is still on; and I am confident that the Soviet Union is aware of the fact that Vietnam is going to be discussed to some extent at the summit. So, while there is yet that chance, I think there is yet hope.

It was for these two reasons that I, as a Senator—not acting as a part of the leadership but acting in my capacity as a Senator from the State of West Virginia—offered the amendment: First, to indicate that we would hope for a cease-fire to bring about an end to all the killing in all of Indochina; but, more important, to give the President time, to give him a chance to do whatever potentially may be done in the meetings in Moscow for the betterment of all mankind. Hopefully, out of those meetings can come some kind of cease-fire and agreement that will stop the killing in Indochina, that will enable us to bring our servicemen home, and that will do more than that—will open up new vistas of a promise for peace in the world that will go beyond the immediate battlefields in Vietnam.

The President will try, and he may fail. But I know that every Member of this Senate hopes that the President will succeed in persuading the Soviet Union to take the high road next week in Moscow, and agrees that we should do nothing which would preempt his opportunity to do so.

There is yet time for the Senate to take stronger action if such is warranted. As I indicated yesterday, it may very well be that in another circumstance and in another day, I, too, would see things differently and would cast my vote accordingly. But as for this day and time, I believe that the Senate made the right decision and did the right thing. Our options are still open to us, but I think we should, more importantly, leave the President's options open to him for the next few days, so that in the long run we all may not only see our own heartfelt desires achieved but we might also have benefited ourselves, the Senate, the country, and the whole world in a way that future generations can remember with gratitude.

Mr. GRIFFIN. Mr. President, will the distinguished majority whip yield?

Mr. ROBERT C. BYRD. I yield.

Mr. GRIFFIN. I want to commend the distinguished majority whip for his statement and for the leadership he has provided in connection with this amendment.

I think it is so important that the message go out from this body that, whatever our differences may be about the conduct of the war and about the policies for ending it, those policies do not run along party lines. There are some people, unfortunately, who believe that these must be party matters. I think that the Senator from West Virginia and, I think, other Senators put their country first and the interests of their country first. Their party takes a lower priority.

The distinguished Senator from West Virginia is absolutely correct in stating that if he had not offered that particular amendment, the same language would have been offered by some other Senator. There is no question about that. I pay tribute to him for exercising his own judgment and following his convictions, in offering the amendment as an individual Senator from West Virginia.

I believe, as he does, that the amendment is a good one. The argument that it puts into the hands of the North Vietnamese a veto power or a decisionmaking power is no more valid than it is with respect to our prisoners of war. They have the veto power with respect to the release of our prisoners of war. If they do not release our prisoners of war, then we will not be able to withdraw our troops, under these agreements.

So far as the South Vietnamese Government is concerned, and the distinguished majority whip made reference to that Government, the President indicated that he made his offer after consulting with the government in Saigon and with the concurrence of that government. So we have some reason to believe that such a veto power, so far as the Saigon government is concerned, would not be there or would not be exercised.

Over and over again we hear the cries and the anguished appeals to stop the killing.

For the life of me, Mr. President, I cannot understand how those who claim that they want to stop the killing in Vietnam can vote against a cease-fire which would stop the killing if it were put into effect.

Thus, I believe that the distinguished Senator from West Virginia has performed a great service so far as the Senate is concerned and so far as the country is concerned, and I want to commend him most highly.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished assistant Republican leader for his gracious and charitable comments.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MOSS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Utah (Mr. Moss) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW AND LAYING BEFORE THE SENATE OF THE UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, after the remarks of the distinguished Senator from Utah (Mr. Moss) tomorrow, that there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, for the RECORD, what is the pending question before the Senate?

The PRESIDING OFFICER (Mr. BENTSEN). The pending question before the Senate is the perfecting amendment by the Senator from Michigan to the amendment by the Senator from Idaho.

Mr. ROBERT C. BYRD. I thank the distinguished Presiding Officer.

Mr. President, for the further clarification of the RECORD and for Senators who might read the RECORD, the question, once the amendment by the distinguished Senator from Michigan is disposed of, will then recur on the amendment by the distinguished Senators CHURCH and CASE. That amendment would be, of course, open to further amendments in the second degree.

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. Once the Church-Case amendment is disposed of, the language in section 701 would still be open to amendments in the first and second degree.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. And then, at such time as all amendments to section 701 now pending or later offered are disposed of, the question would then recur on the amendment by the distinguished Senator from Mississippi to strike section 701.

The PRESIDING OFFICER. That is a correct statement.

Mr. ROBERT C. BYRD. I again thank the distinguished Presiding Officer.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After the two leaders have been recognized under the standing order, and after the recognition of the distinguished Senator from Utah (Mr. MOSS) for not to exceed 15 minutes, routine morning business will ensue for not to exceed 30 minutes, with statements therein limited to 3 minutes, and at the conclusion of the routine morning business, the Chair will lay before the Senate the unfinished business, which is S. 3526.

The pending question at that time will be on the adoption of the amendment offered by the distinguished Senator from Michigan (Mr. GRIFFIN).

Rollcall votes could occur tomorrow, Mr. President. It is not entirely impossible that the Senate might find a way, with the agreement and the understanding of all Senators on tomorrow, to go on a double track system at some point in time—hopefully tomorrow—for a reasonably short period, to take up any other measure on which a time agreement has been previously entered into.

This would enable the Senate to keep the present business before it and before the country. It would enable the Senate, at the same time, to proceed with the consideration of other matters on the calendar on which time agreements have been reached. It would only be with the intention—so far as I am concerned, and insofar as any measures requiring a rollcall vote thereon would be concerned—to take up measures on which unanimous-consent agreements have been, or can be, entered into, so as to assure that the basic matter before the Senate at this time would not be too long set aside, but would only be set aside temporarily until such other less controversial matters could be disposed of, thus helping the Senate to keep the calendar as clear as possible, so that the Senate would be in readiness to handle other important bills as they later came along—appropriation bills, controversial nominations, and so forth—in due course.

So, I repeat, Mr. President, there could be rollcall votes tomorrow.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 6:08 p.m. the Senate adjourned until tomorrow, Wednesday, May 17, 1972, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, May 16, 1972:

IN THE AIR FORCE

The following officer to be placed on the retired list, in the grade indicated, under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Fred M. Dean [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility requiring the rank of lieutenant general, under the provisions of section 8066, title 10, United States Code:

Maj. Gen. William F. Pitts, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility requiring the rank of lieutenant general, under the provisions of section 8066, title 10, United States Code:

Maj. Gen. James M. Keck, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10 of the United States Code:

Lt. Gen. Robert G. Ruegg [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Dale S. Sweat [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10 of the United States Code:

Lt. Gen. Alonzo A. Towner, [redacted] FR (major general, Regular Air Force, Medical) U.S. Air Force.

The following officer for appointment as Surgeon General of the Air Force in the grade of lieutenant general under the provisions of section 8036, title 10 of the United States Code:

Maj. Gen. Robert A. Patterson, [redacted] FR (major general, Regular Air Force, Medical) U.S. Air Force.

Lt. Col. Charles M. Duke, Jr., [redacted] for promotion to colonel, line of the Air Force, in the U.S. Air Force, under the appropriate provisions of chapter 839, title 10, United States Code, as amended.

IN THE ARMY

The Army National Guard of the United States officer named herein for appointment as a Reserve commissioned officer of the Army, under provisions of title 10, United States Code, section 593(a) and 3392:

To be brigadier general

Col. Evan Albert Turnage, SSAN [redacted] Adjutant General's Corps.

IN THE NAVY

Rear Adm. Edward W. Cooke, U.S. Navy, for appointment as Director of Budget and Reports in the Department of the Navy for a term of 3 years, pursuant to title 10, United States Code, section 5064.

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

Clyde C. Andrews
John M. DeLargy
Newton P. Foss
Albert M. Sackett
Walter Dedrick
William H. McLaughlin, Jr.
Donald T. Poe
Warren H. O'Neil
Eugene J. Carroll, Jr.
Robert H. Wertheim
Frank S. Haak
Robert J. Hanks
Warren M. Cone
Jeffrey C. Metzel, Jr.
William L. Harris, Jr.
Wycliffe D. Toole, Jr.
Charles W. Cummings
Max K. Morris
Frank W. Corley, Jr.
William N. Small
George E. R. Kinnear II
William L. Read
Robert R. Monroe
Ronald J. Hays
Kinnaird R. McKee
Merrill H. Sappington
Randolph W. King
Joseph L. Coleman
Willis C. Barnes
George F. Ellis, Jr.
Cleo N. Mitchell, Jr.
Richard E. Rumble
Edward A. Boyd
Joseph W. Russel
Ferdinand B. Koch
Justin E. Langille III
John H. Nicholson
Francis T. Brown
Owen H. Oberg
Kenneth E. Wilson, Jr
John G. Williams, Jr.
Paul J. Early
Fred H. Baughman
John S. Kern
Robert P. Hilton
Stanley S. Fine
Burton H. Shepherd
David F. Emerson
Thomas J. Bigley

Capt. Alene B. Duerk, Nurse Corps, U.S. Navy, for appointment to the grade of rear admiral, pursuant to title 10, United States Code, section 5767(c), while serving as Director of the Nurse Corps.

Lt. Comdr. Thomas K. Mattingly II, U.S. Navy, for permanent promotion to the grade of commander in the Navy in accordance with article II, section 2, clause 2 of the Constitution.

IN THE AIR FORCE

Air Force nominations beginning Alvin D. Aaronson, to be lieutenant colonel, and ending Richard M. Gough, to be major, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 1972; and

Air Force nominations beginning Robert E. Carney, to be captain, and ending James L. Keller, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 2, 1972.

IN THE ARMY

Army nominations beginning James J. Anson, to be colonel, and ending Leonidas R. Littleton, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 1972.

IN THE NAVY

Navy nominations beginning Angelo C. Alexander, to be captain, and ending Ruth O. Whitfield, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 1972; and

Navy nominations beginning David D. Abelson, to be lieutenant (j.g.), and ending Ralph T. Williams, to be lieutenant (j.g.), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 27, 1972.

EXTENSIONS OF REMARKS

REJECTION BY U.N. SECRETARY GENERAL OF REINSTATEMENT OF PRESS CREDENTIALS OF NATIONALIST CHINESE CORRESPONDENTS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 16, 1972

Mr. HARRY F. BYRD, JR. Mr. President, the new Secretary General of the United Nations, Kurt Waldheim, has turned down an appeal for reinstatement of the press credentials of two Nationalist Chinese correspondents assigned to cover the United Nations.

I believe that the decision by Mr. Waldheim's predecessor, U Thant, was unfortunate. I regret that the new Secretary General has upheld the expulsion of the correspondents from Taiwan.

It seems totally out of keeping with the spirit of the United Nations to block the coverage of its activities by reporters from any nation.

A number of newspapers have published editorials critical of the actions of U Thant and Mr. Waldheim.

I ask unanimous consent that editorials on this subject from the Philadelphia Inquirer, the Bangor Daily News, the Washington Post, the Chicago Tribune, the New York Times, the La Crosse, Wis., Tribune, and the New Brunswick, N.J., Home News be printed in the Extensions of Remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Philadelphia (Pa.) Inquirer, Feb. 15, 1972]

MR. WALDHEIM'S BLOW TO FREEDOM

United Nations Secretary General Kurt Waldheim has established a dangerous precedent, we believe, in refusing an appeal to reinstate the press credentials of two Nationalist Chinese correspondent's assigned to cover the U.N.

The rationale for withdrawing the accreditation of T. C. Tang and Chen-chi Lin, who have covered the world body for many years as correspondents for the Central News Agency of Taiwan, is that they are employes of an entity that does not exist. This point is reached by the argument that CNA is an official arm of the Chiang Kai-shek regime, which in turn claims to be the government of China, despite the General Assembly's Oct. 25 vote that it be expelled and replaced by the Peking government.

"If the agency ceases to exist in fact or in law, accreditation ceases . . . With adoption of the Assembly resolution, the CNA as a national news agency ceases in law to exist for United Nations purposes," a U. N. staff legal opinion adopted by Mr. Waldheim said.

We have no taste for government news agencies, or for governments handling or influencing the reporting and dissemination of news. And we have no patience with the die-hard Irredentist fiction that the Chiang-regime is the legitimate government of all China.

But the fact is that government news agencies, and total government control of the press, are the rule of life in a staggering number of the countries of the world. By stringently applying the recognition principles of the U.N. to press accreditation, Mr. Waldheim has effectively strengthened the government-press connection, and struck a painful blow against freedom of information.

[From the Bangor (Maine) Daily News, Feb. 15, 1972]

ANOTHER STEP BACKWARD FOR RIGHTS

It is incredible that a world organization purportedly dedicated to human rights should oust reputable news reporters because they come from a certain nation. But it has happened in the United Nations.

First, the U.N. coldly ejected Nationalist China from membership, though it was a member in good standing and one of the founding nations. This was done to appease Red China, which refused to become a member unless Nationalist China was thrown out.

Next, accredited Nationalist China newsmen were told they could no longer cover U.N. activities. The order was issued by recently retired Secretary General U Thant and confirmed last week by the new secretary, Kurt Waldheim. Protests by the U.N. Correspondents Association were rejected.

Worst of all, so-called "free world" members of the U.N. have not dared to speak up for the Nationalist China newsmen. Not even the U.S., which prides itself as a champion of press freedom. All have looked the other way while the secretary general's office was showing the Nationalist China correspondents the door.

It is a shabby performance which does nothing to bolster the sagging prestige of the world peace body.

[From the Washington Post, Feb. 5, 1972]

"FREE" PRESS AT THE U.N.

At 10 a.m. last Dec. 17, aides of then-Secretary General U Thant informed T. C. Tang and Chen-chi Lin, who had represented the Central News Agency of China (Taiwan) at the United Nations for 26 and 16 years respectively, that their accreditation had been revoked and that they must turn in their passes, close their offices and depart the premises by the close of business that day. Their ouster, subsequently upheld by the new Secretary General Kurt Waldheim, was and is an outrage.

The purported fact of the matter, so asserted by the U.N. Secretariat, is that since Central News is the official press agency of Nationalist China and since the General Assembly resolution of Oct. 25 admitting Peking called for expulsion of all "representatives of Chiang Kai-shek," the agency had to go.

The actual fact of the matter, we suspect, is that the new delegation from Peking insisted on a mean and gratuitous gesture further humiliating Taiwan and that the Secretariat, not to put too fine a point on it, caved. In doing so, the Secretariat turned its back on the values of freedom of information which were supported, in this particular instance, by parties as disparate as the United States Government and the United Nations Correspondents Association, including Pravda and Tass.

We would urge Mr. Waldheim to reconsider. There is no question but that Mr. Tang and Mr. Lin are journalists who were covering a legitimate and important news activity. In deciding that one claimant rather than another deserved the single "China" seat at the United Nations, the General Assembly surely did not mean that the losing claimant should be deprived of news about the U.N. In a formal sense the two journalists may have "represented" the Nationalist government but in a real sense they represented the right of all peoples and nations to learn the news. That is the appropriate basis, we believe, on which their accreditation should be restored.

[From the Chicago Tribune, Mar. 7, 1972]

PRESS DISCRIMINATION AT U.N.

Secretary General Kurt Waldheim has indicated that he would look for a "pragmatic solution" permitting the reinstatement of two press representatives of Nationalist China disaccredited by the United Nations when Communist China was voted into the Nationalist U.N. seat in October. Waldheim's predecessor, U Thant, assented to their expulsion on the highly legalistic ground that the resolution expelling Nationalist China also called for the expulsion of the "representatives of Chiang Kai-shek," president of the Taiwan regime. Until now, Waldheim has insisted there was no alternative.

Because the correspondents represented the Central News Agency, an official government news service, it was argued that it applied to the correspondents, as well as the Nationalist diplomats representing Taiwan in the U.N. and its specialized agencies.

A committee of 17 members of the News Access Committee of Sigma Delta Chi, a journalistic fraternity, called upon Waldheim and appealed to him to reverse the decision expelling the Nationalist journalists. Spokesmen for the group argued that there should be no discrimination in access to U.N. proceedings and the principle must be maintained that "there is no connection between the accreditation of a correspondent and the nature of the government which controls the agency for which he is working."

The Nationalist correspondents, T. C. Tang and Chen-chi Lin, have also obtained support in their fight for reinstatement from the U.N. Correspondents Association and Sigma Delta Chi's Committee on Freedom of Information.

It seems to us that the U.N. secretariat engaged in a petty and pettifogging action in disaccrediting the two correspondents. By reinstating them to full reporting rights, it will show a little elementary respect for the principle of freedom of the press.

[From the New York Times, Apr. 7, 1972]

FREE PRESS AT THE U.N.

Secretary General Waldheim undoubtedly wishes that the questions raised by the arbitrary expulsion of Chinese Nationalist correspondents from the United Nations last December would fade away. In the interests of the U.N. itself and the principles of freedom of information it has embraced, however, this cannot be allowed to happen.

Retiring Secretary General Thant made the decision for expulsion rather than bucking the issue to a General Assembly headed for adjournment. An opinion of Mr. Thant's legal counsel in support of his action contained serious errors of fact, law and U.N. policy. It was perhaps understandable—but regrettable—that Mr. Waldheim, new to his job and anxious for good relations with the People's Republic of China, endorsed the decision.

The U.N. legal counsel, Constantin Stavropoulos, argued that the United Nations could not continue to accredit the Central News Agency of China because it was an official agency of a Government—the Chinese Nationalists on Taiwan—no longer recognized as a lawful entity by the U.N. But the U.N. has never accredited news organizations; it accredits only correspondents, and it had never distinguished between those working for official agencies or publications and those employed by private ones.

Mr. Stavropoulos ignored the policy laid down by Secretary General Hammarskjold in

1956, rejecting a United States suggestion that accreditation be denied a correspondent from the official news agency of East Germany, not a U.N. member. The Hammarskjold policy was reaffirmed twice in regard to East German newsmen. Other correspondents from agencies of governments not members of the U.N. have also been accredited.

These and other points against the Thant decision are well argued in a brief prepared by Ernest A. Gross, former United States Representative to the U.N., for the United Nations Correspondents Association. That association and kindred journalistic organizations must persist in their fight for reversal of this decision not merely to protect themselves but, far more important, in defense of the free flow of information endorsed by the U.N. General Assembly nearly a quarter of a century ago.

[From the La Crosse, (Wis.) Tribune, Jan. 21, 1972]

BAD OMEN AT U.N.

The new secretary general of the United Nations had a chance, right after moving in, to show that he had more gumption and impartiality than his predecessor. He blew it.

Just before leaving office, U Thant decreed that the two newsmen accredited at the U.N. from the Central News Agency of Nationalist China (Taiwan) must be expelled. Pretty obviously the order was given to please the newly seated People's Republic of China (mainland) delegation.

Now Secretary General Kurt Waldheim has confirmed the expulsion, explaining that it is because Central News is a "state-owned news agency."

Baloney, Mainland China's newsmen at the U.N. work for the state. So do the Soviet Union's Tass reporters at the U.N. and around the world, as is the case with news agencies from other Communist (and some non-Communist) countries.

Kicking out those two reporters from Taiwan was simply adding injury to the larger insult of expelling Taiwan itself, and Waldheim probably knows it.

[From the New Brunswick (N.J.) Home News, Feb. 15, 1972]

THE UNITED NATIONS AND PRESS FREEDOM

Kurt Waldheim, the United Nations' new secretary general, has made an unfortunately unwise and unsound decision in one of his first official acts. He has upheld a decision last November that the resolution of the General Assembly expelling Nationalist China from the United Nations included a withdrawal of accreditation of the journalists who work for the official news agency of Nationalist China.

Waldheim says the opinion of the U.N. legal counsel is that the disaccreditation of the Nationalist China newsmen was mandatory under the Assembly resolution.

It seems to us that this whole affair is an obvious threat to freedom of the press by an organization which needs to be as freely and widely reported as possible, all over the world, by all media.

THE SOCIAL WORKER AS ADVOCATE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. KARTH. Mr. Speaker, the slogan of the Catholic Social Service of St. Paul reads, "Charity Demands Service." One outstanding example of following this call to service is social worker Ena M. Guidarelli. I have had the great pleasure of working with her on several tough cases that involved the Federal Government. She has been of great help to me on many occasions and the good work she performs for the poverty stricken of St. Paul is well known.

In addition she has demonstrated innovative approaches to the problems of poverty. She has well documented the great uplifting impact of good housing and its potential for raising the aspiration of those caught in a seemingly endless cycle of poverty. But there have been problems—problems she spells out in the article I place in the RECORD today.

Mr. Speaker, I believe we here in the House of Representatives have attempted to attack the problems of poverty with well intentioned programs. But in our willingness to perform a worthwhile service to our country and community we have occasionally lost sight of how the programs we establish are run. I believe Ena's article is a valuable contribution to all of us who seek to solve some of the difficult problems facing our country.

The article follows:

THE SOCIAL WORKER AS ADVOCATE

(By Ena M. Guidarelli)

Poverty is a way of life to the poor. To the poor, poverty is a culture characterized by a helplessness without recourse for redress. The poor are lonely and isolated, sometimes hostile, sometimes apathetic. To be poor is more than material deprivation, it is an encounter with multiple social pathology.

Until federal legislation initiated anti-poverty programs in 1962, social work was oriented to social services relying on the expedients of counseling and crisis intervention. Enactment of federal legislation and the development of federally funded projects gave recognition that the poor lack opportunities to remove themselves from the entanglement of social pathology, and that the problems of the poor could be alleviated by comprehensive programs. Therefore, it is the thesis of this paper that social workers have neglected the creative development of new approaches to meet human need. In worrying about professional status, social workers are slow to accept the challenge that now, more than at any time since Mary Richmond, social workers can break away from some of their traditional modes, and to accept themselves as social workers in a truly generic sense. Opportunities to provoke existing community agencies and governmental resources to negotiate and invest in a commitment to social change are many, for, as Roosevelt said, "There are many ways of going forward, but only one way of standing still."

In September 1965 Catholic Social Service of St. Paul initiated a Parish Worker Project[1] in the Summit-University community[2] to identify met and unmet needs of three specific contiguous inner-city parishes consisting of low to upper middle class income groups of a varied ethnic background. The parish worker's involvement and effort in the dynamics of social change resulted in expansion of agency services by the development of a school social work program in Catholic schools, and a Family Life Educational Program with focus on the relationship between family life and the role of sex education. These two services were subsequently expanded to include most of the parishes in the city of St. Paul and its suburbs. However, these programs did not make the impact on the Summit-University community for which they were originally designed. The Parish Worker Project also provided for participation in the establishment of a Neighborhood Multi-Service Center, designed to coordinate the efforts of various agencies which had been making dissimilar diagnosis and treatment in the interest of the multi-problem family.

The neighborhood center concept has been seen as a flexible approach to adapting programs to meet the special needs of a community. Social agencies in many other communities have been participating in neighborhood centers for some time, and while the results of these centers' efforts to coordinate services to the poor are not always satisfactory,[3] social workers do see other ways to improve and expand services and to direct their efforts more effectively.

The Neighborhood Service Center in which Catholic Social Service began participation in June 1967 was nearly overwhelmed by the enormity of the needs of the Summit-University Community. Conflict and competition for community control in the Summit-University Community as well as the inability of the co-sponsoring private and public agencies to coordinate opportunities to develop new services responsive to identified social problems foretold a demise of the Neighborhood Service Center.

It was apparent some focus of effort had to be achieved if there were to be any agency impact in the area. Therefore, after a period of four months, a statistical analysis of referrals to the Neighborhood Service Center was made by Catholic Social Service. Of the 102 referrals, 25% were made by the Relocation Officers of the St. Paul Housing and Redevelopment Authority; 42% of the referrals were not currently active with social agencies, but most had, at one time or another, received help from one or more of the St. Paul Social agencies.

Of the twenty identified presenting problems, the five highest ranked in order of frequency as follows: financial, housing, problem children, aged, and medical need. In each category, a multiplicity of problems was further identified, and without exception, inadequate, sub-standard housing was the predominant factor, with financial stresses running parallel.

In determining how Catholic Social Service could program meaningful services, additional factors were considered: the involvement of other community groups, social action programs, business firms providing job training and employment services, inner-city planning, and the usual welfare services provided from the downtown agencies. Thus, a decision was made to focus on those families who were literally lost in limbo; those too affluent to qualify for any of the traditional welfare services, yet too poor to live above the poverty level; the families living in the ghetto designated target area identified by urban renewal as "Early Land Acquisition."[4]

No one but the relocation officers of the Housing Authority seemed to be concerned about the plight of these families. The relocation officers had grave concern about their inability to cope with the social problems they uncovered in their relocation efforts. They also expressed concern that social workers were not aggressive in assisting low income and ghetto residents beyond providing for their immediate needs. There was a low grumble from the Prudential Life Insurance Company about the lack of community interest in taking advantage of funds the company made available for mortgages to assist ghetto residents in the rehabilitation and revitalization of their community.

Home ownership by the poor was made possible by section 221 and section 235 of the National Housing Act which provided for 100% F.H.A. commitment with no down payment required; however, $200 was needed to cover closing costs in addition to one year's prepaid home owner's insurance on the property. Lending institutions and realtors were anxious to seek out families to grant mort-

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Footnotes at end of article.

gage loans who would prove to be reliable "risks" under the government programs set up for the poor; they welcomed the agency's interest in providing social studies on a given family and in coordinating the necessary negotiations with the Housing Authority, realtor, F.H.A., and lending institutions.

For these reasons, Catholic Social Service directed its efforts in the Summit-University Community to meet the obvious needs for social agency involvement in relocation, and in doing so, to ameliorate the many unmet family needs if better housing were to have any real meaning.

Isaac and Portia: Good housing for Isaac, Portia, and their seven children lifted their morale, improved the health of the children, and made them eager for change: Their ghetto home, with the toilet dripping in the kitchen sink, and with rental and heating costs absorbing one half of Isaac's take home pay, was a stark reality that made a fundamental social change a psuedo-hope to them. By sharing their frustration in their inability to cope with health problems, the family was helped: A near-sighted child got eye-glasses, and was provided with private art lessons to develop his obvious talent; and a child whose legs were so bowed with rickets she couldn't stand or walk without crying was hospitalized for treatment, and was later enrolled in a pre-kindergarten for handicapped children; and a third child, who appeared to be unable to adjust to the suburban school to which he was bussed, was diagnosed and treated for impairment of visual-motor preception development. Isaac and Portia learned the techniques of money management to budget seasonal income over a twelve-month period.

Buzzy and Quin: Unemployment is but one facet of social pathology; under-employment is more crippling, and a pseudo-hope advancement in job status is devastating. To Buzzy and Quin, more important than moving from substandard housing was the opportunity for a social change that altered their pattern of living. Public assistance supplemented Buzzy's income as an upholsterer after completing an eighteen-month vocational school program. Quin attended night classes, and completed a course in accounting, and her subsequent employment took them off welfare. Education, jobs, and income did not remove them from the tentacles of social pathology. Hope for a better tomorrow for their family of seven was a pseudo-hope. Finally, their long-range goal of owning their own upholstery shop became a reality for Buzzy and Quin. A St. Paul bank, which provided a home mortgage loan, also provided a $1,000 personal loan so Buzzy could buy equipment for an "at home after work upholstery business." The loan was secured by relocation allowance issued to them by urban renewal funds when they were displaced. The loan, repaid in one year from Buzzy's part-time work, gave him a double collateral: $1,000 cash and $1,000 in equipment. Through the efforts of the bank, Buzzy obtained a $15,000 small business loan and is now the proprietor of his own shop. Along the way, the agency coordinated other resources: An attorney for legal advice, the Urban Coalition for a volunteer accountant to "set-up" the books, a newspaper reporter for publicity, and a congressman to "speed up" approval in the SBA offices in Washington, D.C.

Helen: Helen, a mother of three, was a victim of polio, alcoholism, and a broken home—she was in bad housing. Alone, she couldn't get out of her tenement with its many stairs. Helen's new home was "ramped" for her wheel chair and structurally refurbished by community volunteers. Good housing has lifted Helen's morale and generated new horizons for change. Today, she is attending business school to retrain her in secretarial skills.

There are many twists to the story of the combination of social forces to combat the toll of poverty. To give real meaning to home ownership by ameliorating unmet needs, Catholic Social Service confronted poverty, case by case, fifteen times in less than three years, thereby discovering another opportunity for involvement in direct social change—"old-fashioned advocacy." The poor are unprotected and they do not know how to seek redress.

When they bought their house, Isaac and Portia knew the plumbing had to comply with the city code. They accepted that a fluke could happen when the water department crew forgot to turn on water and sewer at quitting time late Friday afternoon. But how does a responsible contractor explain why he forgot to re-set a toilet for three weeks? How did he forget to finish the bathroom floor? Why did he ask for payment of uncompleted work?

Buzzy and Quin had a valid earnest money contract and a 100% F.H.A. commitment. Why did the realtor refuse to submit a loan application to a specified lending institution, and, then, why did the realtor's mortgage broker later refuse to grant a mortgage loan?

Helen never dreamed that a F.H.A. appraisal would overlook serious violations of city electrical and plumbing codes—remember, she was handicapped, and this was so noted in the loan application.

These and similar challenges were met, and dealt with appropriately with the recruitment of community resources: the St. Paul Housing Authority staff, the Northwestern National Bank, Carpet Linoleum and Resilient Tile Layers Local 596, St. Paul Association of Plumbing Heating and Mechanical Contractors, along with the St. Vincent de Paul Society, a half-dozen seminarians interested in social action, and private attorneys angry about the flagrant disregard for the dignity of the humans who were paying the bill.

The abuses by unscrupulous businessmen and contractors trying to make a fast buck under the guise of helping the poor with the 235 F.H.A. program have been repeated many times over, often by the same persons, throughout the country. It has created a congressional furor. But what have social workers done about it? One social worker, one agency, one community is akin to a voice in the wilderness. Where are our community organizers, our social action groups, and our lobbyists? Can not one well-documented case of abuse prevent occurrence of another one? Is it the responsibility of the banks, the business community, and volunteers to rectify what could have been avoided, or do we need a congressional investigation to identify the perpetuators of fraud?

Where is the voice of social work that allows the squabbles of model cities and urban renewal programs to hurt the very people they were intended to help? On one occasion a Minnesota congressman wrote to the Regional Administrator, Department of Housing and Urban Development, Chicago, Illinois, regarding relocation funds for Katherine and her family as follows:

The reason I am bringing this matter to your attention is that I haven't been able to get an answer from the General Counsel's office here in Washington. I brought the problem to their attention back in February, and have received two acknowledgements since. Most recently, on March 12, Mr. David Maxwell wrote to say that the General Counsel had asked for certain facts from the regional office and a full response would be forthcoming. Since then, I have heard nothing and while the H.U.D. liaison people told me it would take forever to get a decision from the counsel, I am impatient.

The R. case constitutes a real inequity as the family has been displaced six times. In addition, Mrs. R. has never received relocation funds on the six occasions that the family has been forced to move.

If one Congressman gets impatient in response to an appeal from one agency, what would happen if many social workers requested the 435 members of Congress to investigate the same inequity created by uneven legal interpretation of two programs designed to help one community?

Housing alone does not guarantee good social adjustment; sprucing up an old house doesn't eradicate the multiple social pathology of the ghetto.

In a recent syndicated news article entitled "No Isolation from Cancer," Sidney J. Harris describes the ghettos throughout the nation as foreign communities in a country; and that the ghetto is literally a cancer which can only spread. To quote him, "What are we doing about it? Practically nothing. Large sums are appropriated, agencies and bureaus and commissions are appointed, staffed, and funded—but somehow little of the money gets down where it is most needed. Housing starts are negligible, jobs are scarce, training is a joke, and "law enforcement" is a blend of corruption, negligence, and repression. The social body is like a physical organism: is it impossible to have an untreated focus of infection that will not spread throughout the whole system . . ."

In summary, the combined concepts of social science casework, group work, and community organization can identify social problems, formulate and evaluate community goals. The social work triad, by grasping the needs and opportunities of the present, can develop positive advocacy and leadership to achieve human dignity for all people.

FOOTNOTES

[1] The area covers 209 blocks and included a population of 25,000 which was 32.1% Negro (83.15% of the Negro population in St. Paul), 65.4% white, and 2.5% other (predominantly Indian). There were 4,200 residential structures, 800 of which were sub-standard and mostly renter-occupied.

[2] See Frank M. Lowenberg, "Social Workers and Indigenous Non-Professionals: Some Structural Dilemmas," *Social Work*, Vol. 13, No. 3 (July 1968).

[3] A phase of the renewal program which identified 251 sub-standard properties marked for immediate demolition, housing 399 families being urged to relocate.

[4] See Ena Guidarelli, "A Return to the Parish," *Catholic Charities Review*, April 1969.

OPPOSITION TO FORCED BUSING AND FORCED ASSIGNMENT OF CHILDREN TO SCHOOLS—RESOLUTION OF VIRGINIA FEDERATION OF WOMEN'S CLUBS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 16, 1972

Mr. HARRY F. BYRD, JR. Mr. President, on April 26, the Virginia Federation of Women's Clubs at a convention in Roanoke, Va., adopted a resolution in opposition to the forced assignment of children to schools outside their own neighborhoods.

In taking this action, the federation joined with many other groups in the United States that have expressed opposition to compulsory busing of schoolchildren to achieve an artificial racial balance.

The Virginia Federation of Women's Clubs represents some 22,000 Virginia women, and I am sure its position with regard to compulsory busing reflects the views of the overwhelming majority of the citizens of the State.

I ask unanimous consent that the text of the resolution adopted by the federation be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Freedom From Force

Whereas, As concerned citizens, members of the Virginia Federation of Women's Clubs support quality education in public schools, and

Whereas, Quality education is enhanced by parental and student involvement in school activities, and

Whereas, We believe that the proximity of home and school encourages parental and student involvement, and

Whereas, We believe that a child should not be denied the right to attend the school in the closest proximity to his home, and

Whereas, The assignment of children to schools across political boundries should only occur with the consent of the people within the jurisdictions involved, and

Whereas, There are before Congress joint resolutions proposing an amendment to the Constitution of the United States relative to the forced assignment of children to specific schools on the basis of race, creed or color; therefore,

Resolved, That the Virginia Federation of Women's Clubs endorses and supports an amendment to the Constitution of the United States regarding the forced assignment of children to specific schools on the basis of race, creed or color; and further,

Resolved, That the Virginia Federation of Women's Clubs urges the General Federation of Women's Clubs to endorse this resolution and take action to promote a Constitutional amendment to prevent forced assignment of children to specific schools on the basis of race, creed or color.

IMMEDIATE SOCIAL SECURITY INCREASE

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. MINISH. Mr. Speaker, it has been almost a year since the House of Representatives voted a meager 5 percent increase in social security benefits as part of H.R. 1, the Social Security Amendments of 1971.

Over the past year, inflation has continued to exact its harsh toll on our Nation, particularly on our senior citizens who are forced to subsist on fixed incomes while prices spiral upward.

In the Senate, the hopes of elderly Americans for an increase in their social security benefits has become mired in the controversy and partisanship surrounding the welfare reform provisions of H.R. 1. Present indications are that the Senate may not even consider, let alone pass, H.R. 1 for months.

On March 1 of this year I cosponsored legislation to provide a 20 percent boost in social security benefits effective June 1, 1972. This legislation was initiated by the distinguished chairman of the Ways and Means Committee, Wilbur Mills of Arkansas.

H.R. 13510, my bill, would provide an increase in the minimum social security benefit from $70.40 to $84.50 a month. Average benefits would rise from $133 to $162 per month for retired workers and from $222 to $269 for aged couples. The maximum for couples would increase from $324 to $389 a month. While benefits are still far from adequate, the legislation would provide for a substantial improvement over existing rates.

Mr. Speaker, it is grossly unfair for Congress to require our retired citizens to wait any longer for a social security increase which is long overdue and much needed. We should move with dispatch to pass a 20-percent across-the-board increase in social security benefits in both the House and the Senate.

MARINE CORPS LEAGUE HAILS PRESIDENT NIXON'S FIRM VIETNAM STAND

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. HOGAN. Mr. Speaker, it is with a great deal of pleasure that I insert in the Congressional Record the news release I have received from the National Headquarters of the Marine Corps League.

In view of the pending and contemplated measures in the Congress in direct opposition to attainment of the President's objectives for peace in Vietnam, it is important that views such as these be brought to the attention of all Members of Congress at this time.

Marine Corps League Hails President Nixon's Firm Vietnam Stand

Washington, D.C., May 11.—Just as the Marine Corps League voiced its total support to President Nixon two weeks ago for his firm stand on Vietnam, the famed Marine veterans organization has spoken up again in support of the President's gallant decision not to abandon the United States' responsibility and commitment to the future security and stability of the people of South Vietnam.

H. Lynn Cavin of Bowie, Maryland, National Commandant of the Marine Corps League sent a telegram to President Nixon at the White House which stated, "On behalf of the membership of the Marine Corps League, I vigorously applaud your courageous and heart-warming action to blockade North Vietnam and continue bombing enemy supply routes and installations. Your announcement of May 8th has the League's backing 100%."

The Marine Corps League is a Congressionally-chartered national veterans service organization comprised of current and former United States Marines who served, fought, and died in battles from Belleau Wood, Iwo Jima, and Inchon, Korea through the paddies, swamps, hills, and jungles of South Vietnam.

Amplifying his remarks, Cavin added: "We stand together with the President on this vital issue, and we call upon all Americans to stand with the same degree of purpose and determination." In referring to the President, Cavin stated: "Thank God we have at the helm of our Nation today a President as courageous as those who preceded him, one who is determined, despite great personal risk, that the United States will continue to live up to its commitment to its allies, to its commitment to find an end to this war, to attain a lasting peace with honor for ourselves and with freedom and justice for our ally."

PRIDE GOETH BEFORE THE FALL

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. ROSENTHAL. Mr. Speaker, nearly 4 years ago this Nation elected as its President a man who pledged to end this tragic, senseless war in Indochina within 6 months. He told us held a "secret" plan for peace.

That must be the best kept secret in history, because we now appear further from peace than we did 4 years ago.

Not only has the President failed to keep that promise he made to the American people, but he has repeatedly made a mockery of it as he has widened the war to Cambodia, to Laos, and now to the harbors and waterways of North Vietnam.

The path to peace does not lie in a bombsight, along the barrel of a rifle or in a mined harbor.

Mr. Nixon, unfortunately, has shown greater concern with the prestige of his office than with the lives of millions of persons in Southeast Asia, including American fighting men held prisoners there or missing in action.

The confusing false pride for honor threatens the peace of the world. Brinkmanship, the ill-conceived policy of perching the world on the threshold of nuclear holocaust, went out with John Foster Dulles.

If Mr. Nixon were truly concerned about the honor of America he would see that his unyielding support for a dictatorial regime in Saigon—a regime which declares martial law, suspends civil liberties and censors its press—has split this Nation internally and alienated it from freedom-loving peoples around the world.

The conflict between honor and morality is the subject of a recent editorial in the Long Island Press, which points out:

> Before a government can command respect abroad, it must command respect at home.

My own mail, Mr. Speaker, has been running at least 75 to 1 opposed to the President's policies in Southeast Asia. The people want peace. Not more war.

The editorial adds:

> There's no morality in killing when it could have been halted—with honor—long ago. There's no morality in supporting repressive government. There's no morality in failing to hear the voices—no, the cries—of your own people.

I commend this fine piece of journalism to my colleagues and, most of all, to the President of the United States.

The editorial follows:

[From the Long Island (N.Y.) Press, May 14, 1972]

Vietnam: Honor Versus Morality

American mines haven't touched off explosions in Haiphong Harbor yet. But the explosion President Nixon's action has touched off at home is almost as worrisome as the confrontation he risks with the world's other super-powers.

We hope Mr. Nixon gets away with his dangerous brinkmanship. The consequences if he doesn't are too frightening to contemplate. But even if the Soviet Union and China decide not to challenge the blockade, what has Mr. Nixon accomplished?

Adm. Elmo Zumwalt, chief of naval operations, claims that "the input of supplies . . . will be a trickle from now on. But veteran U.S. military and civilian specialists believe that, after some adjustments, Russia and China will get enough war material and food into North Vietnam by rail to make up for the supplies cut off by our mines.

Since even our most optimistic military leaders admit the blockade won't affect the North Vietnamese offensive for weeks, it appears to be an exercise in futility that will only stiffen Hanoi's bargaining position. It could even put Russia and China on better terms, to our disadvantage.

Meanwhile, at home, a divided and dispirited nation—tired of sending its young men to fight overseas and tired of fighting in its own streets and on its own campuses—cries out for a better solution than Mr. Nixon offers.

For two years, the protests had been relatively muted. After the Cambodian incursion and the Kent State tragedy, Mr. Nixon seemed to be honoring his pledge to "wind down the war." The casualty lists shrank and American men by the tens of thousands returned home.

There wasn't complete satisfaction because the demand of many for immediate and complete withdrawal was denied. But, at least there was hope that the end of our involvement—and, perhaps, the end of all the killing, of Vietnamese as well as Americans—might really be in sight.

That hope has now been dashed and the protestors are back in the streets—with a significant difference.

They are not just long-haired kids waiving Viet Cong flags, the kind of protesters President Nixon ignored one Saturday in favor of a football game. They are, young and old, Democrat and Republican, black and white, students and "establishment," all fed up with war and killing. They're the president of Amherst College and his wife, the president of Smith College, the businessman and the factory worker.

They want to know why we can't get out of Vietnam now. So do we.

Mr. Nixon still maintains we have an obligation to the South Vietnamese government of Nguyen Van Thieu. This is the "democratic" government that only last week invoked martial law and explained "all kinds of liberty must be restricted."

Is Mr. Nixon's primary responsibility to a corrupt regime that suspends civil rights, censors its press to silence opposition and keeps its people under a military thumb? Or is it to the America he vowed to reunite.

The President has based many decisions on his commitment to the honor of America. How can we command respect if we don't live up to our commitments? he asks. But we fulfilled long ago our commitment to South Vietnam, if indeed there ever was one.

A nation's good name is important in its dealings with other nations. Dwight Eisenhower once spoke of "a national administration of such integrity that its honor will ensure respect abroad." Perhaps that is Mr. Nixon's guideline, but he shows a strange way of following it. Before a government can command respect abroad, it must command respect at home.

The dictionary defines integrity as "uncompromising adherence to a code of moral values." There's no morality in killing when it could have been halted—with honor—long ago. There's no morality in supporting a repressive government. There's no morality in failing to hear the voices—no, the cries—of your own people.

There's morality in accepting reality and acting according, even if it hurts your pride.

We all value America's proud heritage. But sometimes the big kid on the block commands more honor, more respect by being humble than by flexing his muscle. This is our remaining option in Vietnam. It's time we exercised it.

INFORMATION FOR THE WORLD ABOUT NARCOTICS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. HALPERN. Mr. Speaker, on March 26, 1972, Myles J. Ambrose, head of the Office for Drug Abuse Law Enforcement of the Department of Justice, estimated that the number of heroin addicts in the United States has grown tenfold in the last 10 years and now stands at 560,000—more than one-half million heroin addicts.

The International Narcotics Control Summary for 1971 released by the Department of State in December states that in the last 2 years the quantities and numbers of narcotics and drug seizures by the Bureau of Customs has more than doubled, seizures of hard drugs in fiscal 1971 totaled in excess of 1,200 pounds, more than had been seized in the 7 preceding years.

U.S. customs and narcotics officials are working harder than ever before to remove this scourge from America. The President has made the antidrug campaign the No. 1 priority of his law enforcement agencies. Narcotics control coordinators have been appointed in all U.S. embassies in countries affected, either as producers, or routes of illicit narcotics. U.S. Ambassadors throughout the world are discussing means of more effective narcotics control, cooperating with local officials, and stressing the importance of controlling drug trafficking.

Despite all of these efforts, drug addiction, drug-related crime, and drug-related deaths continue to rise in this country at alarming rates. The drugs picked up in the last few years are just "a drop in the bucket" according to one official source. Why? Because the sources of the illicit drugs, the poppy fields and the coca plots are growing in many parts of the world and are capable of growing in many more. Long grown by the poor farmers of the underdeveloped countries, long in use as a cash crop—sometime the only cash crop—the farmers raising poppies and coca are not aware of the problems caused by their crops in other countries. Neighbors and innocent accomplices of the drug processors and refiners are not informed of the terrible scourge afflicted on the lives of our youth by drug dealers and traffickers.

A few months ago, the Premier of Turkey very courageously promised to end the production of opium poppies after the 1972 harvest. For this action he is being very seriously criticized, and the future of his government is threatened. In such an instance, while the United States is a major beneficiary of the Turkish Government's action, it is our duty to help his people, and in other instances, all people to understand the need for this ban of opium production.

For this reason, I have introduced an amendment to the Foreign Assistance Act of 1972 which would require the President of the United States to instruct the Voice of America, Radio Free Europe, and the U.S. Information Service to broadcast and exhibit information about the dread plague of heroin addiction which is causing our country so many social problems. USIA has offices and cultural centers all over the world and all of these should be used to urge support for United States and international efforts to control drug traffic. Radio Free Europe broadcasts daily to every continent and millions of people, of all walks of life, listen daily to the broadcasts. A more broader source of advertising our problem to the people involved cannot be found. And both are agencies of our Government.

Radio Free Europe, although an independent radio station, is also dependent on the United States for funding. Since much of the trafficking in drugs currently runs through Eastern Europe, this audience also cannot be overlooked.

The President is committed to solving the drug problem. We in the Congress are committed to solving the drug problem. Together we passed the Comprehensive Drug Abuse, Prevention and Control Act of 1970 and more recently established a Special Action Office for Drug Abuse Prevention in the Executive Office of the White House. Here is one more major step we can take to increase cooperation between Americans and the peoples of the world to end the scourge of drug addiction which threatens the very fiber of our society.

GEORGE T. WILSON—TOP VETERAN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. PICKLE. Mr. Speaker, last month the national headquarters of the Disabled American Veterans cited Sgt. Maj. George Travis Wilson as the Outstanding Veterans Service Officer in the Nation. In that same month, after winning so many battles for our veterans, George Wilson lost a battle of his own against cancer.

His loss is a deep and personal one, not only to countless veterans who relied upon and trusted his dedicated and fair judgment but also to myself and to many members of my staff who had worked with him over the years.

George Wilson knew the problems of a veteran as only another veteran can—he served in the U.S. Army during World War II and the Korean war, and received numerous service medals, the Purple Heart twice, the Army Commendation Medal twice, and the Korean Presidential Unit Citation.

He continued his career in Austin, Tex., with the Texas Military District and Reserve officers training unit. He served an 18-month remote tour in Alaska and then returned to Austin as chief administrative adviser with the rank of sergeant major until he retired April 30, 1962.

But George Wilson's dedication to the men of the U.S. Army was far from ended, and he was appointed assistant veterans county service officer of Travis County, Tex., in April 1963. In August 1970, he became the veterans county service officer for Travis County, a position he held until his illness forced him to retire.

It will be a long time before we or the veterans of Travis County recover from the shock and sorrow of his loss. But his dedication and his life will always remain a high example to all of us who knew him and to all who follow in his footsteps.

CRIME, UNEMPLOYMENT, VIETNAM ARE MAJOR PROBLEMS, POLL SHOWS

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. ST GERMAIN. Mr. Speaker, earlier this year I asked residents of the First Congressional District of Rhode Island for their views on the important issues facing Congress in 1972.

The opinions expressed by my constituents will be extremely helpful when these issuses come before the House of Representatives. I am pleased that so many 18- to 29-year olds and senior citizens participated in the survey.

The results of the poll are now complete, and I am sure my friends in Rhode Island, as well as my colleagues in the House, will find these views significant.

The poll showed that Rhode Islanders feel crime, unemployment and the war in Vietnam are the most important problems facing the country. They ranked eight major issues in order of importance as follows:

First, crime,
Second, economy-unemployment.
Third, Vietnam.
Fourth, drug abuse-addiction.
Fifth, pollution-ecology.
Sixth. Education.
Seventh. Race relations.
Eighth, consumer protection.

It should be pointed out however that most of the questionnaires were returned prior to the recent increase in bombing of Vietnam as well as the President's new policy announced Monday, May, 8.

Here are the results of the poll:

	Percent	
	Adults	Youth
1. Under the President's New Economic Policy, do you think prices are:		
(a) Still rising at an unacceptable level?	92.2	84.2
(b) At about the right level?	7.8	15.8
2. Should Congress place private pension plans under Federal regulation to guarantee that retirees get the full benefits that have earned?		
Yes	82.8	94.9
No	17.2	5.1
3. Do you favor a program of national health insurance which would:		
(a) Provide coverage for all health care?	67.1	68.4
(b) Cover only major illnesses or long term hospital treatment?	32.9	31.6
4. Do you favor construction of additional units of senior citizens' housing?		
Yes	75.3	74.2
No	24.7	25.8
5. Are you satisfied with President Nixon's efforts to end American involvement in Vietnam?		
Yes	47.3	42.8
No	52.7	57.2
6. After our POW's have been released, should the President grant a nnesty to approximately 70,000 draft evaders, provided they complete 2 or 3 years of military or civilian Federal service?		
Yes	49.0	63.3
No	51.0	36.7
7. Do you favor the use of Federal funds for busing of school children to meet requirements of the U.S. Supreme Court?		
Yes	21.9	35.5
No	78.1	64.5
8. Courts in several States have recently ruled that local property taxes are an unfair system of financing public education. To correct this problem should:		
(a) Congress increase Federal funds for schools?	55.9	58.6
(b) States pay for public education with a new system of financing?	44.1	41.4
9. To stop the spread of drug abuse problems, do you think the major portion of Federal funds should be directed toward:		
(a) Rehabilitation of the users?	14.0	28.2
(b) Apprehension of the pusher and tougher penalties for selling dangerous drugs?	86.0	71.8
10. Would you favor a Federal law banning the sale of all nonsporting Saturday-night special handguns?		
Yes	82.3	82.0
No	17.7	18.0
11. Would you be willing to pay higher taxes to end air and water pollution?		
Yes	54.1	69.7
No	45.9	30.3
12. Do you think present consumer protection laws are adequate for:		
(a) Food—No	82.2	56.1
(b) Credit—No	53.6	44.3
(c) Guarantees—No	68.0	50.2
(d) Prescription drugs—No	71.0	47.0

FIRE SERVICE RECOGNITION DAY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. EILBERG. Mr. Speaker, on Saturday, May 13, the city of Philadelphia, which I represent, observed Fire Service Recognition Day.

The celebration honored the city's fire department, which is generally regarded as the finest firefighting organization in the country.

At this time I enter into the RECORD a statement from the city about the achievements of the Philadelphia Fire Department:

FIRE SERVICE RECOGNITION DAY

The Philadelphia Fire Department will observe Fire Service Recognition Day on Saturday, May 13, with an open house at all its fire stations from 10 a.m. to 4 p.m.

Fire Service Recognition Day is a national observance being held in every city throughout the country on Saturday to focus attention on the role Fire Departments play in protecting the public's safety.

Fire Commissioner Joseph R. Rizzo extended a special invitation to all Philadelphians to visit their local fire stations, meet their firemen, examine the modern firefighting equipment of the Department and learn about the essential services the men provide.

Mayor Frank L. Rizzo has issued a proclamation designating Saturday as Fire Service Recognition Day in Philadelphia. Managing Director Hillel S. Levinson will present the proclamation to Fire Commissioner Rizzo during a 10 a.m. ceremony in the Mayor's Reception Room, 202 City Hill, on Thursday, May 11.

Philadelphia's Fire Department is recognized as the nation's number one fire-fighting organization. Since 1953, it has won the Grand Award of the National Fire Protection Association for the country's leading Fire Department four times and first place trophies in its major city category numerous times for its protection efforts and its outstanding record preventing building fires.

The Department has also won the coveted George Washington Medal from the Freedoms Foundation eight times for its fire safety program; the most medals any organization has ever won in this competition.

IMPACT OF IMPORTS ON APPAREL INDUSTRY

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. RYAN. Mr. Speaker, the New York State congressional delegation met this afternoon with concerned workers and labor leaders in the apparel industry, who emphasized the impact of imports on the apparel industry in New York City and New York State. They urged regulation not only of the flow of imports, but also of multinational companies.

I include in the RECORD the remarks of Jacob S. Petofsky, president of the Amalgamated Clothing Workers of America, who asked:

> Now please you tell me how an American worker, who has fought to bring his hourly earnings up to $2.75 or $3.25 an hour, can be expected to compete with Taiwan (10c an hour labor) or Hong Kong (45c an hour labor).

In addition I include a series of statistical tables which were presented very ably by Lazare Teper, director of research, International Ladies Garment Workers Union, and which demonstrates rather dramatically the increases in apparel imports which have taken place in the last 10 years.

The articles follow:

REMARKS OF JACOB S. POTOFSKY

We are grateful to Chairman Celler and to Representative Horton for their leadership in arranging for this opportunity for us to talk to you about the impact of imports on the apparel industry in New York City and State. It is a serious problem.

Let me first give you some figures. The apparel industry is important to New York State. Even today, after a considerable decline, we provide employment opportunities to more than 200,000 workers. Most of these jobs do not require training. Many are being filled by the disadvantaged, the poorly educated, members of minority groups.

In short, the welfare of our industry is vital to the economy of New York and to the employment situation in New York.

This is why the rising tide of imports is especially important to all of us in New York. Again, let me give you a figure; apparel imports rose by 275% in seven years, between 1964 and 1971.

During those same seven years, employment in the apparel industry declined from 290,000 to 230,000. The decline has gone on into 1972. Many plants shut down and left workers out in the cold.

Now I want to make it clear that neither the Amalgamated nor any other responsible union is against international trade. We know that as our consumption increases, imports will grow.

But it doesn't make sense to me, or to our members, that imports have to rise so sharply that they cause unemployment, job opportunities destroyed, and tremendous pressures on our working conditions.

Because not only are we losing jobs, but we feel the pressure of competition from imported suits and shirts made by 10c an hour labor in Taiwan, or 45c an hour in Hong Kong.

Now please you tell me how an American worker, who has fought to bring his hourly earnings up to $2.75 or $3.25 an hour, can be expected to compete with Taiwan or Hong Kong.

The plain fact is that workers can't complete with these wages and we don't intend to compete.

Let me repeat that we do not wish to cut off trade. We go further—we don't expect to roll back. We believe that legislation is necessary to regulate trade so that we can accommodate and adjust to the impact of imports—to moderate the flow to avoid disruption and unemployment.

The bi-lateral agreements signed with four Far Eastern countries by the Administration are a welcome start in this process. But they are incomplete, they are temporary, and they need the support of stronger authorizing legislation. In addition, legislation would also regulate the activities of multi-national companies, which are beginning to appear in our industry, and to reduce the export of jobs and capital.

This is why we asked for this meeting. Gentlemen, our members need your help. New York State needs your help.

We hope you will look upon our problem sympathetically.

Apparel imports—Increase from 1961 to 1971

(In square yards of fabric used in their manufacture)

	Percent
All apparel	+564
Cotton apparel (subject to international agreements since 1961)	+92
Man-made fiber apparel	+5,310
Wool apparel	+126

Total apparel imports as percent of domestic consumption

	Percent
1956	4
1961	6
1970	20
1971	25

EXTENT OF IMPORT PENETRATION

[As percent of domestic production]

	In 1961	In 1971
Women's and children's coats and jackets	1	40
Rainwear	6	26
Women's and children's blouses	9	51
Sweaters	5	87
Women's and children's trousers and shorts	23	52
Brassieres	15	29
Pajamas and nightwear	3	15
Women's and children's dresses	1	9

IMPORTS OF SELECTED WOMEN'S AND CHILDREN'S GARMENTS

	1961	1971	Percent of increase
Coats	558,000	15,672,000	+2,709
Suits	75,000	879,000	+1,072
Dresses	3,323,000	30,289,000	+711
Blouses	29,426,000	129,270,000	+339
Skirts	504,000	9,286,000	+1,742
Sweaters (for both sexes)	7,201,000	116,710,000	+1,521
Slacks and shorts	31,146,000	136,488,000	+338
Playsuits	10,988,000	20,215,000	+84
Raincoats (for both sexes)	1,337,000	4,906,000	+267
Dressing gowns and robes	476,000	3,211,000	+575
Nightwear and pajamas	4,492,000	18,245,000	+305
Underwear	1,650,000	22,941,000	+1,290
Brassieres	31,523,000	59,938,000	+90

Source: U.S. Bureau of the Census and ILGWU Research Department.

IMPORTS AS PERCENT OF DOMESTIC PRODUCTION AND CONSUMPTION—APPAREL (KNIT AND WOVEN), UNITED STATES

Year	Percent of	
	Production	Consumption
1956	3.9	3.8
1957	4.3	4.1
1958	5.5	5.3
1959	8.2	7.7
1960	8.6	8.0
1961	6.8	6.4
1962	10.2	9.3
1963	10.6	9.6
1964	11.8	10.6
1965	13.4	11.9
1966	14.2	12.5
1967	15.6	13.6
1968	17.7	15.1
1969[1]	21.6	17.9
1970[1]	25.2	20.3

[1] Preliminary estimate.

Source: ILGWU Research Department.

Net loss of potential jobs attributable to imports, apparel (knit and woven) industry, United States, 1956–70

(Job Loss (−) or Job Gain (+))

Period:	
1956 to 1957	−2,900
1957 to 1958	−12,700
1958 to 1959	−35,300
1959 to 1960	−3,700
1960 to 1961	+22,000
1961 to 1962	−46,600
1962 to 1963	−5,600
1963 to 1964	−17,100
1964 to 1965	−26,000
1965 to 1966	−15,600
1966 to 1967	−17,900
1967 to 1968	−30,600
1968 to 1969	−52,500
1969 to 1970	−43,500
1956 to 1970	−288,000

Source: ILGWU Research Department.

EMPLOYMENT, PRODUCTION WORKERS—APPAREL MADE OF KNIT AND WOVEN MATERIALS, UNITED STATES, NEW YORK STATE, AND NEW YORK CITY

Year	United States	New York State	New York City
1960	1,293,500	292,900	238,800
1961	1,273,400	281,700	228,900
1962	1,321,500	282,400	229,000
1963	1,330,000	276,200	223,600
1964	1,351,400	271,000	219,300
1965	1,411,400	274,100	221,300
1966	1,456,000	273,000	219,900
1967	1,443,000	266,100	214,300
1968	1,460,100	264,600	212,500
1969	1,459,700	255,800	204,800
1970	1,419,500	233,500	186,300
1971	1,406,600	219,500	173,200

Note: Employment figures include Standard Industrial Classifications 23 and 225.

Source: U.S. Bureau of Labor Statistics and New York State Department of Labor (the latter information adjusted to reflect employment of production workers on the basis of benchmark information derived from the U.S. Censuses of Manufactures for 1958, 1963, and 1968).

Loss in employment of production workers apparel made of knit and woven materials, 1966 to 1971

Number of jobs:	
United States	−49,400
New York State	−53,500
New York City	−46,700
Percent of decline:	
United States	−3.4
New York State	−19.6
New York City	−21.2

PRODUCTION OF KEY ITEMS OF WOMEN'S AND MISSES' GARMENTS, 1966–71

	1966	1971	Percent change
Coats	27,700,000	25,200,000	−9
Suits	10,700,000	7,400,000	−31
Dresses	314,900,000	295,800,000	−6
Blouses	225,800,000	163,800,000	−27
Skirts	131,100,000	81,400,000	−34
Sweaters (men's and women's)	144,500,000	116,000,000	−20
Slips and petticoats	150,800,000	111,800,000	−26

Source: U.S. Bureau of the Census and ILGWU Research Department.

Unemployment rate among experienced apparel wage and salary workers, apparel and other finished textile products industry, United States

	Percent
1966	6.0
1967	6.5
1968	5.9
1969	5.9
1970	8.2
1971	9.7

Source: U.S. Bureau of the Census.

INSURED UNEMPLOYMENT AS PERCENT OF WORK FORCE—APPAREL INDUSTRY, NEW YORK STATE AND NEW YORK CITY

Year	New York State	New York City
1966	9.7	9.9
1967	9.2	9.2
1968	7.5	7.5
1969	8.1	8.1
1970	11.3	11.2
1971	12.6	12.2

Source: New York State Department of Labor.

HEALTH HELP FOR TEENAGERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. FRASER. Mr. Speaker, the House will soon debate the Health, Education, and Welfare appropriation bill for fiscal 1973. I consider health care one of the top priorities in Congress.

I am deeply disappointed that the administration's budget for health programs fails to recognize the needs of our people in meeting the health crisis we are facing.

The administration proposes that vital programs be eliminated or cut drastically. Many programs that have strong congressional support are not being financed. The administration has made no effort to further innovative measures to alleviate our national health crisis.

In Minneapolis, we have a successful innovative program—the Teen Age Medical Center—which could not operate without Federal assistance. The center provides confidential, free medical services for teenagers who need help. Without the center, a vast number of teenagers would have no other recourse for the diagnoses and treatment provided.

The young people who use this center come from all walks of life and from all over the Twin Cities area. They are referred to the center by word of mouth through friends. They range in age from under 14 to 20. Almost 80 percent are aged 16 through 19.

I am submitting a 5-month report of the Teen Age Medical Center, which shows the wide range of services and illustrates that many of these youngsters come in to get medical information and education.

One clinic is mainly for pregnancy diagnosis and treats some gynecological problems. The venereal clinic is staffed by registered nurses and a male technician who take smears, cultures and give a good VD education. The purpose of the VD clinic is to enable the physicians at the general clinic to give more definitive care.

It costs in excess of $150,000 to run the center. This figure, however, is not all related to "direct" patient care. Included in this amount are a full time nurse/health educator, a youth coordinator and the youth employed by her and educational materials.

The report follows:

TEENAGE MEDICAL CENTER

[Clinic treated 2,890 patients for 4,876 patient visits during the 5-month period October–February]

	Number of patients	Percent of total
Sex distribution:		
Male	522	18.1
Female	2,368	81.9
Total	2,890	100.0
Age distribution:		
14 or less	128	4.4
15	183	6.3
16	406	14.0
17	564	19.5
18 or 19	1,330	46.0
20 or more	279	9.7
Total	2,890	100.0
Patients had the same zipcode as their parents	1,741	60.0
Marital status:		
Single	2,811	97.3
Married	38	1.3
Separated	7	.2
Widow/divorced	2	.1
Not stated	32	1.1
Total	2,890	100.0
Occupation:		
Student	1,866	64.6
Employed	574	19.9
Neither	185	6.4
Not stated	265	9.2
Total	2,890	100.0
Referral source:		
Friend	1,466	50.7
Mass media	123	4.3
School	244	8.4
Y.E.S	396	13.7
Other health soc	220	7.6
Family	98	3.4
Self	63	2.2
Other	83	2.9
Not stated	197	6.8
Total	2,890	100.0
Race distribution:		
White	2,335	80.8
Black	119	4.1
Indian	26	.9
Other	13	0.4
Not stated	397	13.7
Total	2,890	100.0
Presenting complaint:		
Physical examination	184	3.8
Counseling	23	.5
Possible VD	730	15.2
Drug problems	10	.2
Anemia	5	.1
Headache, weight loss, etc	82	1.7
VD recheck	147	3.1
Dermatology problems	128	2.7
Body aches	56	1.2
Cuts, abrasions	18	.4
Cold symptoms	222	4.6
Asthma	12	.2
Heart symptoms	10	.2
Abdominal pain	78	1.6
Hepatitis	31	.6
Pregnancy	607	6.2
Urinary infection	85	1.8
Genital infection	299	6.2
Menstrual problems	182	10.2
Abortion check	59	1.2
Birth control	1,582	32.9
IUD trouble	18	.4
BC recheck	126	2.6
BC pill trouble	42	.9
Obesity	9	.2
Ear problems	13	.3
Eye problems	14	.3
Pap smear only	12	.2
Laboratory work only	19	.4
Other	9	.2
Total	4,813	100.0
Diagnosis (only diagnosis listed with frequency of 0.5 percent or higher):		
Venereal warts	122	3.0
Gonorrhea	157	3.8
Tonsillitis	106	2.6
Urinary tract infection	129	3.2
Trichamonas	114	2.8
Vaginitis	305	7.5
Pregnancy	394	9.6
Gynecological	182	4.3
Normal	1,857	45.4
Other viral infections	39	1.0
Pediculosis pubis	24	.6
Cellulitis	22	.5
Other dermatological	34	.8
Lower respiratory infection	22	.5
Upper respiratory infection	28	.7
Strep Throat	21	.5
Neurosis/behavior problem	39	1.0
Other	499	12.2
Total	4,094	100.0
Type of treatment given:		
M.D. counseling	3,648	34.3
Nurse counseling	4,161	39.1
Social worker counseling	265	7.5
Injection	259	2.4
Prescription	1,533	14.4
Podophyllin	89	.8
IUD insertion	67	.6
Sutures	2	0
Birth control pills	616	5.8
IUD removal	3	0
Total	10,643	100.0

DIAGNOSIS (SELECTED) VERSUS AGE

	14 or less	15	16	17	18 or 19	20 or more	Total
Normal	81	118	245	369	777	131	1,721
Vaginitis	5	13	25	37	136	41	257
Pregnancy	7	16	65	75	166	38	367
Gynecological	4	7	22	36	74	13	156
Urinary tract infection	1	2	13	11	76	16	119
Gonorrhea	6	11	12	9	86	21	145
Veneral warts	2	3	4	10	46	33	98
Tonsillitis	6	6	7	11	51	11	92
Dermatological	2	1	3	5	14	3	28
Trichamonas	3	9	17	15	43	5	92
Viral infection	2	2	2	4	23	2	35
Neurosis, psych	4	1	3	11	8	2	29
Upper respiratory infection	3	1	0	4	15	4	27
All other	30	21	63	73	223	72	482
Total	156	211	481	670	1,738	392	3,648

PROJECT SANGUINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. ASPIN. Mr. Speaker, I have called upon President Nixon to endorse his own White House Council on Environmental Quality's suggestion that public hearings be held in Wisconsin on Project Sanguine.

I have written the President requesting the opportunity for a free open discussion of the potential environmental effects of Project Sanguine if it is built in Wisconsin.

I am sure the President agrees with me that the people of Wisconsin have a right to know the possible environmental costs of Project Sanguine.

Earlier the Navy rejected a request by Senator GAYLORD NELSON to hold public hearings on the latest environmental impact statement. But in correspondence with me, Russell Train, the White House chief environmentalist, has endorsed the idea. He told me in a letter April 14 that he "supported—fully" hearings on the latest environmental report. Mr. Train, however, also points out that the Department of Defense has the final authority to make such a decision.

I hope the President will support his own Council on Environmental Quality and direct Secretary Laird to hold public hearings on Project Sanguine in Wisconsin.

There are too many unanswered questions about the environmental impact and technical feasibility of Project Sanguine and I believe only a series of public hearings can clear the air.

Review of the Department of Defense own regulations—DOD directive 6050.1—reveal that hearings could easily be authorized. According to that directive any military action that would have a direct environmental impact on local population can be the subject of hearings. In addition, if members of the public have particular knowledge and expertise about the environmental impact of a project, they can be consulted in the form of public hearings. As many of my colleagues may know, many prominent scientists and environmentalists in Wisconsin have been speaking out against Project Sanguine. It would be helpful and useful to the Navy and these individuals to have an opportunity to exchange their views.

By not permitting public hearings on Project Sanguine, the Navy is actually admitting that its own hard sell public relations campaign in Wisconsin has been a total flop. Apparently the Navy is afraid to present its case to the public. Clearly the public has a right to know what Sanguine involves. It is equally clear that the Navy has an obligation to present its case to the public and exchange views with knowledgeable individuals.

I still maintain that all funding for Project Sanguine should be cut off until all the environmental and technical objections raised by Sanguine's critics have been adequately answered by the Navy. This certainly has not happened yet.

My letter to President Nixon follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 12, 1972.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to you in order to request public hearings on the latest environmental impact statement on Project Sanguine.

Your own Council on Environmental Quality has endorsed the idea of holding hearings. In a letter which I received April 14, Mr. Russell Train, Chairman of the Council on Environmental Quality, tells me that "during the two meetings (with Navy officials) the question of public hearings on the project came up. We supported this suggestion fully." Mr. Train goes on to say that he realized that a decision on public hearings rests with the Department of the Defense.

Senator Gaylord Nelson has formally requested public hearings in a recent letter to the Navy. Assistant Secretary Frosch has told Senator Nelson that hearings will not be held.

I believe Mr. Frosch's decision should be reversed and public hearings conducted. I hope you will support your own Council on Environmental Quality and direct Secretary of Defense Laird to hold public hearings on Project Sanguine in Wisconsin.

All that the Council and I are requesting is an opportunity for a free, open discussion of the potential environmental effects of Project Sanguine.

There are so many unanswered questions about the environmental impact and technical feasibility of Project Sanguine that only a series of public hearings in Wisconsin can clear the air.

A Department of Defense regulation (DOD Directive 6050.1) requires public hearings on environmental impact statements when a project entails direct environmental impact on a local population and when members of the public possess special expertise and knowledge about a particular project.

Obviously Project Sanguine will affect thousands of people in Northern Wisconsin and many Wisconsin academicians and environmentalists who have carefully studied Sanguine object to the project. I believe these individuals have valuable information that should be brought to the attention of the Navy.

Clearly the Defense Department's own regulations indicate the public hearings in Wisconsin should be held.

I am sure that you agree that the people of Wiscontin have a right to know the possible environmental costs of Project Sanguine.

Therefore I hope that you will direct Secretary Laird to authorize the Navy to conduct at least three days of public hearings on Project Sanguine focusing particular attention on the most recent environmental impact statement.

Thank you very much for your cooperation.

Sincerely,

LES ASPIN,
Member of Congress.

FRANCO DI DOMENICA, AN HONORED ALLY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. BIAGGI. Mr. Speaker, oftentimes Americans forget that the Second World War was fought with the aid of many nationals of the enemy nations who were instrumental in assuring the success of the allied cause.

One such civilian veteran of World War II is Franco di Domenica, an Italian who was commended for his meritorious civilian service by the War Department. I would like to read the inscription from his official commendation for outstanding performance of duty:

> Francesco di Domenica, Italian civilian, for meritorious performance of service to the Army of the United States in Italy from 1 December 1943 to 25 March 1947. As Interpreter and General Clerk, Headquarters Command, Mediterranean Theater of Operations, Mr. Di Domenica performed duties in a highly efficient manner. He was responsible for the filing of all documents including the Company File System, Army Regulations, and War Department directives, as well as operating the mimeograph machine and making stencils. His whole hearted cooperation, intense loyalty, and sincere devotion to duty contributed materially to the smooth and efficient functioning of his unit and reflect great credit upon himself and the persons by whom he was employed.

With the help of men like Franco di Domenica, the United States was successful against its enemies. Perhaps what is needed in these troubled times are more men like him on our side to help bring victory to the doorstep of this Nation once again.

IN OPPOSITION TO RAISING THE MINIMUM WAGE TO $2

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. PRICE of Texas. Mr. Speaker, there has been much discussion, frequently becoming quite emotional, about increasing the minimum wage. Today I wish to discuss the implications of such an act in as rational a way as I can.

A national minimum wage rate was first established in the United States with the passage of the Fair Labor Standards Act in 1938. The stated purpose of the act was—and still is—to eliminate as rapidly as possible labor conditions thought to be harmful to the "health, efficiency, and general well-being of workers without substantially curtailing employment or earning power." In other words, the act intended to eliminate low wages without eliminating jobs.

Theoretically, increasing the minimum wage will help in eliminating existing low wages. But, in fact, a higher wage is not all happiness. Someone must pay for it. That someone is all too often the workers for whom the law was enacted.

Those who receive wage protection by the Federal Government are the marginal, least productive workers. They are usually the young, the inexperienced person, the unskilled, the functionally illiterate, the disadvantaged. Often they work in highly competitive, low-profit industries with high rates of turnover and instability. Employers in these lines can pay only what the worker is worth, not what may be socially desirable, and the worker typically is worth little because of his inadequate equipment and because the price structure for the goods and services of these industries typically is low.

Where the minimum wage is raised the employers of marginal workers have few options immediately open to them. They may either go out of business, lay off least productive workers or cut back on their hours of work, or substitute capital equipment for human labor. All of these alternatives cause unemployment. The highly competitive nature of most affected businesses prevents the employer from absorbing the increased payroll out of his profits or raising his prices.

Numerous before-and-after studies provide evidence that raising the minimum wage reduces employment. In the short run probably the most thorough attempt to evaluate the impact of minimum wage legislation was conducted by the New York State Department of Labor. This survey of the impact of an increased minimum wage in the retail trades found that employers affected by the increased wage rates took a variety of actions to adjust to higher costs. Weekly payroll savings were achieved by reduced hours, layoffs, and quits not replaced. Five percent of the stores affected by the wage increase reduced hiring extras. Altogether 1,000 employees lost their jobs as a result of the pay boost and another 500 who quit were not replaced.

Furthermore there is some evidence

that those who live in small towns, rural areas, and less-developed States are seriously affected by a higher minimum wage. For example, the effect of the Federal minimum wage in employment in small towns and less-developed areas was measured by Prof. Marshall Colberg in a detailed study of employment experience in Florida. He found that productive worker man-hours in low-wage Florida counties declined by 15.2 percent from the January—1956—before the adoption of a minimum wage to the April after the establishment of the minimum wage.

In the high-wage counties employment declined by 7.9 percent. Since manufacturing employment normally declined by 6 percent from January to April in Florida, the net employment decline which may be attributed to the minimum wage in low-wage counties was 9 percent. About 2 percent of the employment decline from January to April 1956 in high-wage counties, was attributed to the minimum wage. These data indicate that one can expect unemployment to increase in rural areas when the minimum wage is enacted. This, I believe, speaks directly to our situation in the counties of northwest Texas.

Even in developed areas the less skilled are hindered in their job search by a rise in the minimum wage. Teenagers have been particularly handicapped. Douglas K. Adie and Gene L. Chapin of Ohio University, using computerized techniques to measure unemployment effects, found:

> Increases in the Federal minimum wage cause unemployment among teenagers; the effects tend to persist for considerable periods of time and seem to be strengthening as coverage is increased and as enforcement becomes more rigorous.

Finis Welch of the National Bureau of Economic Research and Marvin Kosters, now a senior staff economist with the Council of Economic Advisors, in a 1970 Rand Corp. study concluded:

> Minimum wage legislation has apparently played an important role in increasing the cyclical sensitivity of teenage employment.

They found that as the minimum rises, "teenagers are able to obtain fewer jobs, and their jobs are less secure over the business cycle."

Other analyses have concentrated on the impact of the minimum wage on specific areas of the economy. Prof. A. F. Hinrichs found that employees in 11 low-wage plants in the seamless hosiery industry suffered a 12-percent decline in employment after the establishment of a minimum wage. William J. Shkuoti and Belton M. Fleisher found retail employment declined between 1960 and 1966 as a result of a significant portion of retailing being covered by the Federal minimum for the first time in 1961.

Mr. Speaker, more statistics and data could be cited in opposition to raising the minimum wage. Quite frankly, however, everything really boils down to one point—raising the minimum wage simply does not automatically guarantee higher wages. If we legislate in violation of the basic laws of economics, we only invite disaster. If by raising the minimum wage we merely succeed in driving up prices we have really accomplished nothing at all. The way to raise living standards of our workers is to promote job training and education so that persons who have ambition to seek a better life for themselves and their families shall have the opportunity to acquire the skills necessary to achieve that goal.

Mr. Speaker, if the Congress enacts legislation to raise the minimum wage to $2 per hour, we shall have only ourselves to blame for our actions which shall fan the flames of inflation and shall promote further unemployment among our people. Because of these compelling reasons, I have voted in opposition to this new minimum wage bill.

REPRESENTATIVE MOORHEAD SAYS WHITE HOUSE ORCHESTRATES PRESS CENSORSHIP

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. MOORHEAD. Mr. Speaker, on Thursday, May 11, I had the pleasure of addressing the luncheon meeting of the Federal Editors Association.

I discussed with the group the progress of the Foreign Operations and Government Information Subcommittee's investigation into administration of the Freedom of Information Act and other techniques our Government employs to discourage proper dissemination of Government information.

At this time, I would like to introduce my remarks into the RECORD for the interest of my colleagues:

REMARKS BY REPRESENTATIVE WILLIAM S. MOORHEAD

It is a pleasure to have this opportunity to be with the members of the Federal Editors Association today and to discuss with you and seek your guidance on issues related to our current hearings on the Freedom of Information Act.

Today, we are witnessing a massive assault by government on our free press. It takes many subtle forms and broad dimensions. It goes far beyond sophisticated news management, calculated deception, or public relations flackery. It involves governmental censorship, intimidation, the use of naked legal power to stop the newspaper presses, grand jury harrassment, legal action against legislators and publishers, and other, less direct methods of attack.

The Vice President's meat-ax campaign against the public media was the opening barrage. Well-known radio-TV network commentators and publications such as the Washington *Post* and New York *Times* bore the brunt of the 1969–1970 Administration offensive. While this attack was going on, the President was carefully staying aloof and proclaiming his Administration's policy of "open government" to the tune of well-orchestrated televised press conferences under the direction of Maestro Herb Klein and his White House Symphony Orchestra.

Concert Master Ziegler and his East Room String Quartet provides the musical cover for the Kissinger movements to far-off corners of the globe on secret diplomatic missions. Occasional percussion is provided by the Pentagon Brass Band, which also fills in at Andrews Air Force Base if it receives adequate notice of arrivals or departures of the Presidential jet.

But 1972 is an election year and new instruments are joining the orchestra. L. Patrick Gray III, interim FBI Director, played a solo last week before an enthusiastic Orange County, California, audience. He said that American journalists "are becoming too much a part of the culture of disparagement which threatens to destroy all respect for established institutions." It's obvious Mr. Gray is convinced that dissent and debate are un-American.

Another new instrument was heard at last month's convention of the American Society of Newspaper Editors, held in the Shoreham Hotel Concert Hall. Deputy Assistant Attorney General Kevin Maroney bluntly warned newsmen of the threat of criminal prosecution if they dared publish "government secrets."

Meanwhile, a new version of the old favorite tune, "The Government Has a Right to Lie" was being rendered by the White House Press Office to cover another Kissinger secret trip—this time to Moscow, although billed as a trip to Camp David.

Just a few days ago, Patrick J. Buchanan, that famous Presidential speech writer, turned vocalist, performed on WETA–TV. His first solo was entitled "Atrocious and Appalling," referring to the Pulitzer Prize awards to the New York *Times* for their publication of the so-called Pentagon Papers and to columnist Jack Anderson.

He followed with a dramatic rendition of the "Anti-trust Blues," which described how network television was getting "too far from the views of Middle America" I know and warned that if it didn't mend its ways, "there would be pressure from citizens and possibly antitrust legislation."

Mr. Buchanan's final number was a network encore. He solemnly declared that if the networks "don't soon make a conscientious effort to move conservatives and people with a viewpoint of Middle America onto the network then you're going to find . . . an increasing disposition to do something about it."

But the anti-trust suit against the three TV networks involving the production of programs for "prime time," is already a reality and it being orchestrated by interim Attorney General Kleindienst between his trips to Capitol Hill to testify on the ITT anti-trust settlement.

Undoubtedly, new scores are now being written in the Nixon campaign's "tin pan alley." Conductor Murray Chotiner, long off the concert circuit, probably has a few hits left. Certainly we can expect many more old favorites, always performed in such flamboyant style by one of the stars of the show—Spiro Agnew.

The finale of the campaign review will be Richard Nixon—Superstar, who will sing a new chorus of those old 1968 hits "Bring America Together Again" and "My Secret Plan to End the War."

Now that I (hopefully) have attracted your attention by these introductory remarks, let me make it *perfectly clear* that I *do not think our present situation is a laughing matter*. It is a political situation but not a partisan political situation. Administrations of both parties have been guilty. However, today we are dealing with today's Administration.

What are some of the elements related to our present information crisis? Let me give a few examples:

Item: The information role of government, when not abused for propaganda purposes or for dishing out self-serving pap, is a proper, legitimate, even essential, part of broadening understanding and participation of the individual citizen in his government and the programs that benefit him and his family. Unfortunately, PR "image making" of the type described in "The Selling of the President," is too often the order of the day.

Item: Hearings during the past two months by our subcommittee on the administration of the Freedom of Information Act clearly reveal that public information offices (with only a few exceptions) have absolutely no input into policy decisions on whether or not to provide information to citizens who request it. Such decisions are usually made by the general counsels or other political appointees who obviously have an ax to grind to maintain secrecy in cases that might cause political embarrassment to the Administration in power. Many high-level Federal government officials are totally ignorant about the Act and its objective to advance the public's "right to know."

Item: Senator Sam J. Ervin, distinguished Chairman of the Senate Subcommittee on Constitutional Rights, which has held extensive and timely hearings on the freedom of the press recently made this observation:

"Last fall the Subcommittee heard a number of distinguished Americans express their doubts as to whether government any longer shares the faith of our Founding Fathers in the value of an unbridled, robust press free from government control and intimidation. They brought to our attention far too many instances in which government has appeared anxious to silence its critics by official sanction or the threat of official sanction. . . . The press cannot perform its function as a watchdog for the public if government views it as an enemy of the public and acts accordingly."

Item: Robert O. Beatty, Assistant Secretary of Public Affairs for HEW, who testified before our subcommitee recently, put his finger on another important part of the information crisis. He called attention to Section 3107 of Title 5 of the U.S. Code, which states:

"Appropriated funds may not be used to pay a publicity expert unless specifically appropriated for that purpose."

He pointed out that this archaic 1913 law, still on the books today, "has done inestimable psychological harm to professionalism in public affairs in government, and has not prevented the abuses it was supposed to prevent." Mr. Beatty went on to say that it has, at times, "driven legitimate public affairs people underground," and that "all too often competent communications professionals will not join government because the public affairs function is nothing more than an uninspired press release mill."

I congratulate Mr. Beatty for his courage in speaking up on this vital issue. I have already pledged my efforts to help eliminate this ridiculous statutory provision.

Item: Newhouse columnist Don Bacon recently wrote an in-depth interpretation of the White House cover-up of Dr. Kissinger's secret flight to Moscow. Quoting Mr. Bacon:

"Admitted or not, the 'right to lie' attitude permeates the Administration, as it does other private and public institutions. The recent Senate Judiciary Committee investigation of ties between the Nixon government and the ITT Corporation has made liars of some of the very top people in government and business.

"Small deceptions—such as the Kissinger affair—seem unimportant in the broad context of running a government. But the opinion here is that all deception erodes public confidence and reinforces the vague feeling or mistrust in government that abounds across the nation. For reasons which may not be unrelated to all this, a large segment of America has tuned Washington and the Presidency out . . ."

Item: Former Supreme Court Justice Arthur J. Goldberg said in testimony before our subcommittee:

"It is an understatement to say that we are witnessing an increasing confrontation between the Executive and Legislative branches in this area (of information and secrecy). We must promptly take all necessary steps to prevent this confrontation from becoming a Constitutional crisis. . . It is my ultimate conclusion that the present system, whereby the Executive branch itself determines the rules for disclosure of its own documents, is inherently inadequate to keep Congress informed."

Later in his testimony, Mr. Goldberg made another fundamental point:

"Our nation is a nation of laws and not men. In the public information area, except for Constitutional safeguards and the law which this Committee, by and large, has sponsored, we have been very much a government of *men and not laws.*"

Item: Pulitzer prize winning journalist Jack Anderson told our subcommittee last week that "every government tries to control the flow of information to its people and, thereby, to manipulate public opinion." "Dictatorships," he continued, "accomplish this by seizing control of the media, by censoring the news and by jailing those who reveal what the government wants to hide. In a democracy, the methods are more sophisticated, but the intent is the same."

Anderson charged that "the Nixon Administration, like past administrations, has sought to control the news flow by classifying everything it doesn't want the people to know. But Richard Nixon has gone farther than any past President in his determination to keep the lid on the press."

Item: All in testimony before our subcommittee last week, Senator Mike Gravel said:

"I personally feel that our democracy is under assault, assault in a very unique way and in a very evolutionary way, and unless we can turn the tide we will lose the system of government we presently enjoy. And the single item that will be responsible for this loss of government, this great experiment at self-government here in the United States, will be secrecy itself, and nothing more, nothing more complex than that, because secrecy is anathema to democracy. It is that fundamental . . ."

Item: Former Pentagon official William G. Florence, a 43-year expert on classification, testified before our subcommittee that more than 99 percent of the documents classified under our security classification system do not warrant the high level of security protection assigned to them.

The Subcommittee's hearings have revealed vast amounts of information that is overclassified. The massive backlog of such overclassified documents has resulted in the breakdown of the security classification system. Moreover, we have found that the secrecy stamp in the hands of government bureaucrats is often used to hide administrative blunders, waste, scandal, or political embarrassment.

We have also found that—contrary to general opinion—much information hidden from the public does *not* have anything to do with hydrogen bombs, weapons systems, state secrets, or other sensitive classified information that we all agree *does* require safeguarding to protect our national defense and foreign policy.

I am convinced that Congress must replace the security classification system under Executive Order with a statutory system that will be more workable, manageable, and more responsible to the Congress and to the Constitutional principles we have all sworn to uphold. A bill to accomplish these purposes will be introduced in the near future.

These individual items, and many more I could cite, all are indicative of the vast dimensions of the government information crisis.

In recent decades, this critical problem has been called "government secrecy," "news management," "the credibility gap," or "truth in government.' Whatever label we give it, however, we all know that it is a real problem. It is a political problem, but it is *not* a partisan problem. It is a Constitutional problem, but it affects newsmen, editors, publishers, and the public as a whole more than lawyers.

It is obvious to us all that free access to information about the affairs of our government is essential if we are to enjoy the fruits of a free society, where government is the servant—not the master—of the American people. But, if the basic rights of the First Amendment are breached, if the news media is denied information from government to which it is legitimately entitled, then the electorate is deprived of the facts needed to make the most intelligent decision at the ballot box and our entire political system is undermined.

The longer-range effects of widespread withholding of information by government could lead to the type of society so graphically described in George Orwell's *1984*. If government information properly belonging to the American public is systematically hidden—as is too often the case—then people eventually become oblivious to the public business on which their well being depends. They develop a distrust in their government or a cynicism that results in many people just "copping out" on a broad front—refusing to register to vote or to participate in the political process; refusing to become involved in social or economic affairs of the communities in which they live; or refusing to become a full participant in the society that is the fabric of our entire governmental system. And, in the final analysis, vast numbers of Americans could thus become incapable of making valid decisions affecting their own lives or at the polls on election day, because of the public ignorance of critical events and the implications of governmental policies withheld from them by the Administration in power—and seeking to remain in power.

As the late Adlai Stevenson once said:

"Those who corrupt the public mind are just as evil as those who steal from the public purse."

This is what public information and the fight to preserve the "people's right to know" is all about. A free press is the bulwark against "image makers" and political news manipulators who "corrupt the public mind" through skillfully-disguised propaganda, phony statistics, or misleading canned handouts. It is equally important as a protection against maladministration, political deals, or against those who hide mistakes under a secrecy stamp and lock them securely in 1,000-pound file cabinets.

As we all know, 1972 is a Presidential election year and candidates are roaming the country pleading with voters in State primaries for their support. Later we will endure the spectacle of two national political conventions from Miami Beach—fortunately separated by a six weeks cooling off period.

Naturally, we hear a lot these days about issues and nonissues such as school busing, tax reform, revenue sharing, the war in Vietnam, housing, education, welfare reform, and on, and on, and on. But why is it that we don't ever hear about what seems to me (and a few others like Arthur Goldberg and Mike Gravel) to be the great overriding issue that affects virtually every part of our national life and our defense and foreign policy as well? The issue of government secrecy is the best kept secret of this campaign or any other, for that matter, even though President Eisenhower's handling of the U-2 spy plane incident did become an issue in the 1960 campaign.

But certainly, truth in government makes for confidence in government, and—following this thought, it makes for a better informed citizenry and a stronger and more unified nation in these perilous days of internal division and international crisis.

I want you to help me make truth in government—confidence in government—a real issue in this campaign. The American people must share the good news with the bad news if we are to be strong enough to compete with differing economic systems, governmental systems, and political ideologies of other nations who share this globe with us.

We must give up this idiotic notion that we can compete in the secrecy game with those who invented it. Secrecy is the blood enemy of democracy. Secrecy subverts any representative system, just as it is essential to maintain a totalitarian dictatorship.

I'm trying to do my part—as is our subcommittee—in preaching the doctrine of Freedom of Information and in fighting censorship and secrecy in government on a full-time basis.

If you can agree with anything that I have said here today, I hope that each of you in your own way will join in this fight.

Thank you.

WELFARE WORKERS IN NEW YORK

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. SCHEUER. Mr. Speaker, Local 1180 of the Communications Workers of America in New York City is popularly known as the "Municipal Management Society." It is made up of, as the name implies, men and women who administer various municipal government programs, and it is a group of very fine, dedicated and devoted people.

The president of this local, James W. Oakes, is a neighbor and good friend of mine, and so I am familiar with the local.

Earlier in this Congress, when the House was considering H.R. 1, a problem involving the federalization of the jobs of some of the members of the local who administer social services came to my attention, and I introduced legislation to protect the collective bargaining rights of these workers, if and when they are federalized.

Recently, one of the officers of the local, Vice President Charles G. Weinstein, analyzed the collective bargaining benefits the CWA municipal management members have won, and how they compare with Federal employee benefits.

I believe this information would be of great use to the Members of Congress.

The item follows:

EMPLOYEE JOB PROTECTION UNDER AMENDMENT No. 559—H.R. 1

Welfare reform is very necessary. It is a most desirable social as well as fiscal goal. However, let us not make the mistake of throwing out the baby with the bathwater. Specifically, the provision regarding employee job protection under this pending legislation is clearly inadequate and does not properly protect the employees' job status. It substitutes a complicated federal bureaucracy, the H.E.W. Department, for state or local Departments of Social Services in the area of public assistance administration with its doubtful beneficial effects of improving such administration. We maintain that this is not a solution or panacea for what is troubling the welfare system.

Yes, we need new rules and new guidelines to cope with the ever increasing public assistance rolls. But should we not first take a good hard look at how the system is now functioning under the relatively recently imposed new regulations of "affidavit eligibility" with its little or no casework and no meaningful field investigations to determine eligibility. Without getting too deeply involved in the philosophical and practical effects of this "new look", what are the real effects that federalization of jobs will create for the state and local employee.

Listed below is a brief analysis of the Amendment's provision on "Collective Bargaining" and a rough comparison of federal and local civil service and pension systems as it effects New York City employees:

A. Collective bargaining: Under the federal plan as outlined on Page 67 of Amendment No. 559, it speaks of an "Employee Protection Provision" and states that "fair and equitable arrangements shall be made . . . to protect the interests of all employees of any State or political subdivision thereof who presently performs such functions. Such arrangements shall include provision, *not inconsistent with law* (my emphasis), necessary to protect individual employees against a worsening of their position . . ."—and continues on Page 68 . . . "including provision to (A) preserve rights, privileges, benefits (including continuation of pension rights, credits and benefits) under collective bargaining agreements, *or otherwise* (my emphasis), in effect on the effective date of this Act, or such agreement . . ." and . . . "(B) *Continue Collective Bargaining rights* (my emphasis)

Comments: Notwithstanding the good intentions of all 21 U.S. Senators sponsoring this Amendment, an analysis will indicate that the local employees will suffer a substantial "worsening of their position" and a clear loss of their hard earned collective bargaining rights won under their union contracts negotiated by CWA and other AFL-CIO affiliates. These contracts now in full force and effect are naturally based on local civil service and pension laws, rules and regulations and might well be contrary to federal civil service and pension laws, rules and regulations. Thus the phrase "not inconsistent with law" (Page 68, Line 2) and the phrase "or otherwise" (Page 68, Line 13) might prevail. It could have the effect of gutting all the hard won benefits negotiated so tenuously over the years by various employee unions that are certified as sole collective bargaining representatives for specific titles. In other words, this Amendment could unintentionally, "or otherwise," have the effect of union busting. In the instance of Local 1180, CWA, AFL-CIO, almost 50% of its membership could be deprived of the representation of the union of its choice, and, the benefits negotiated under collective bargaining procedures with the City of New York.

B. Comparison of Federal vs Local Civil Service System (time and leave rules):

a. Work Week—NYC—35 hours (9½ months) and 30 hours (2½ months).

Federal—40 hours (12 months).

b. Holidays—NYC—All national holidays, including Lincoln's Birthday and Election Day.

Federal—Lincoln's Birthday and Election Day are work days.

c. Health & Welfare Funds—or Security Benefits Fund (Employee Administered).

NYC—Negotiated under collective bargaining. Currently an annual contribution of $250.00 per employee. Use of benefits and fund generally determined by employee union. Typical benefits include "free" life insurance, death and dismemberment insurance, "paid" prescriptions, eyeglasses, dental work, nursing service, etc. for employee, spouse and eligible dependents. (Note: $250.00 per employee is not subject to any income taxes)

Federal—none.

d. Vacation—NYC—27 days (maximum).

Federal—26 days (maximum).

e. Formal grievance machinery—NYC—Four step grievance procedure including outside arbitration.

Federal—?

f. Georgraphic Work Locations—NYC—Limited to NYC—5 boroughs.

Federal—?

g. Promotion Examinations—NYC—written examinations with promotions based on grade plus seniority.

Federal—?

h. Annual Salary Increases—NYC—Negotiated by Union—current contract is for 2 years ("average" annual increase $700.00 to $1200.00 per employee).

Federal—?

i. Health Insurance—NYC—No cost to employee—3 basic plans.

Federal—Employee pays about 40% of cost.

j. Job Transfer Policy—NYC—Generally protected by union contract provisions and seniority.

Federal—?

C. Comparison of Federal vs Local Pension Plan:

a. Basis of Computation—NYC—Last year of service (generally—this is year of highest earnings).

Federal—Average of three highest years.

b. Health Insurance—NYC—continues in full effect at no cost to retired employee.

Federal—retired employee continues to share cost—about 40%.

c. Cost of Living Adjustment—NYC—none.

Federal—Yes.

d. Terminal Leave included in retirement computation—NYC—additional full paid terminal time up to one year—not uncommon.

Federal—generally limited to up to 30 days of unused vacation time.

e. Social Security Coverages—NYC—FOAB in addition to City Pension and Annuity Savings.

Federal—none.

f. Low Cost Personal Loans—NYC—simple annual interest charge of 6% up to 90% of balance in employee's annuity savings account.

Federal—none.

g. Other Features in New York City Employees Retirement System—includes disability coverages, numerous retirement options, life insurance, "death gamble" protection, etc.

DEBATE ON MINIMUM WAGE BILL

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. DENT. Mr. Speaker, last week during the debate on the minimum wage bill, two items seemed to be the determining factors in the House decision to reject legislation which the committee had studied for 5 years in favor of a substitute. A ranking Republican member of my committee devised and politically designed rather a partial answer to the problems of the low waged, underpaid workers. Much was made of the so-called spiral that would be triggered by the very modest 20-cents-an-hour increase which would be given to many who have not received a pay increase for 5 long years. The realization that 7 percent of the American wage earners make $1.60 an hour or less apparently was lost to many in this body. For some reason, they confused maximum with minimum. Eventually, the majority of Members leaned toward making the minimum wage a maximum wage for all of the unprotected workers in America. I have considered this theory and repeat again that the proposed increase was not a step to higher minimum wages but was intended to help catch up those who have been living far below the increased cost-of-living index for the past 5 years.

While I was speaking during the debate, I clearly heard a comment from one of our Members belonging to the medical profession. The comment was "higher wages," which meant, I suppose, that these increased wages should be detrimental to the designated purposes of title III. I believe we were talking about wages going from $1.60 to $1.80 and $2. While I was fighting for this inadequate pay raise for millions of unprotected workers, Leonard Woodcock, president of the United Automobile Workers was testifying before a Senate committee in support of health insurance. In response to the high wage charge made by my good friend the doctor, I thought you might be interested in the following remarks which were made by Mr. Woodcock during that hearing.

Hospital Bill $5-A-Minute, UAW Boss Says

(By William Hines)

Washington.—Even in a time of skyrocketing health care costs, $5 a minute must be something of a record.

Leonard Woodcock, president of the United Auto Workers (UAW) and a leading advocate of national health insurance, told a Senate committee yesterday about a man who spent just one day in the hospital and ran up charges of $7,271, which is about $303 an hour or a little over $5 a minute.

"One of our members was admitted to a hospital (in Detroit) for surgery of the eye," Woodcock said. "Within 24 hours he required a lengthy emergency heart operation in an attempt to save his life. He died.

"The bill for one day's hospitalization and emergency surgery was $7,271. The level of charges involved is scandalous. For example, the hospital bill of $3,588 includes $900 for the operating room, $200 for the use of a heart-lung machine, lab fees of $235, blood tests of $717 and eight transfusion 'hook-ups' (excluding the cost of 31 pints of blood) of $320.

"Some of the physicians charges include $2,700 for a two-man surgical team (another bill for a second team is pending), $500 for anesthesia and the same for a cardiac specialist consultation."

Most of the charges were covered by UAW's health insurance policy, Woodcock said, but even so the widow was left with some to pay out of her own funds.

Contrasting the situation here and in Canada, where a public health insurance program is in effect, Woodcock said that had the man been hospitalized "right across the river" from Detroit, in Windsor, Ontario, the bill would have been substantially lower" and there would have been no charges to the widow.

Asked whether the quality of care in Detroit and Windsor are comparable, Woodcock said that this question is always difficult to answer, but added:

"(A patient) would have care at comparable levels by persons of comparable training."

The person mentioned in the article who was charged $7,271 for 24 hours care was not a tycoon, the head of a large conglomerate or the owner of a national corporation. He was a simple worker in an American automobile plant. This ought to tell us something, but will probably leave little impression on the thinking of the Republican and southern Members who rejected the committee bill.

The primary thrust against this bill was engineered by the restaurant owners and the retail merchants, the conglomerates, and the so-called Main Street businessmen. Apparently they forget that the workers we were trying to help are the very customers who will shop on Main Street, go to the five and tens, the discount stores, and the fast food franchise restaurants. Not many Cadillacs drive up to establishments of this type.

In all probability, the overriding issue in the defeat of the committee bill was title III. This was opposed by most national corporations and conglomerates particularly, as well as by that great group of slumbering Americans who support a free trade policy for this country. The day of the vote, the Wall Street Journal published an article which undoubtedly had an adverse effect upon my ability to sell the committee bill to the Congress. It appeared under the heading, "Foreign Wages Narrow the Gap Between U.S. Wages." For the record, the following is the text of the article.

[From the Wall Street Journal, May 11, 1972]

The Big Gap in Wages Between U.S. and Others Has Started to Narrow

(By Ray Vicker)

After years of widening, the gap in wage rates between the United States and its major competitors is narrowing.

The change has important consequences for U.S. business. It may help American goods compete with foreign merchandise, both at home and abroad. It could give much-needed help to the U.S. dollar, which is still ailing. And it may cause some American companies to reconsider plans for expansion in Europe.

For Europe, the trend is worrisome. "Our wages aren't just rising, they are soaring," says a man at Common Market headquarters in Brussels. "This not only means American exporters are going to be more competitive in our markets; they will be more competitive in third markets, too."

The statistics are dramatic. In Italy, average total compensation in manufacturing soared to $1.81 an hour in 1970—nearly triple the 1960 rate. The American figure advanced to $4.20 an hour, a rise of 59% from 1960. Yet the absolute dollar gap between the Italian and American figures widened to $2.39 in 1970 from $2.01 in 1960. Thus, even while Italy was experiencing sharp wage inflation, it actually improved its competitive position with the United States, at least on the wage front.

Last year, the Italian figure again rose faster than the American rate. This time, however, the gap *narrowed* to $2.18 an hour from $2.39. Of course, last year's figures are affected by the world currency realignment as well as by inflation. But the main point is that wages in many foreign countries today are high enough that a big *percentage* gain also produces a big *absolute* gain, too—big enough to narrow the gap with U.S. rates.

The following figures for the average hourly total compensation of production workers in manufacturing detail the wage trend for key countries. All amounts are expressed in U.S. dollars, and the 1971 figures are adjusted to reflect the currency realignment of late last year.

	1960	1970	1971
Japan	0.29	1.06	1.46
Italy	.63	1.81	2.28
Netherlands	.64	1.98	2.47
France	.80	1.67	2.01
Britain	.83	1.51	1.88
Belgium	.85	1.97	2.52
West Germany	.85	2.28	2.93
Sweden	1.21	2.96	3.38
Canada	2.12	3.45	3.93
United States	2.64	4.20	4.46

In 1960, a manufacturer could hire nine hours of labor in Japan for the cost of only one in the United States. But by last year, the U.S. hourly wage bought only three hours of work in Japan.

The figures, of course, represent a significant change in the lives of workers abroad, too. While Japan and many European countries still have considerable poverty, the skilled workers in the richer countries are prospering as never before.

Take Peter Kretzmeir, a 44-year-old milling-machine operator in Frankfurt, West Germany. He drives a Ford Capri car and earns the equivalent of $135 a week—double the level of five years ago. Encountered at a railroad station one afternoon, he is taking a potted plant home to his wife for her birthday. Yet his real surprise for her is more than a mere plant—it's a travel voucher for a vacation in Greece for the whole family. "We can afford to celebrate tonight. I am paid well," Mr. Kretzmeir says.

But while Mr. Kretzmeir prospers, Rollei-Werke AG., the West German camera maker, is shifting two thirds of its domestic production from Braunschweig to Singapore. In addition, the company is building two more plants to handle still more production there. The company says high wages in Germany and low wages in Singapore are the main reasons it has shifted operations. Since the move, Rollei-Werke has been able to slash prices by 25%, an official says.

A man in the German operation of McKinsey & Co., the U.S. management consultants, says, "I think American companies that might have been considering a big investment program over here may be taking another look."

But Germany isn't alone. To escape sharply rising wages at home, a big British manufacturer shifts some of its production to poor Southern European nations. In Goteborg, Sweden, an economist at Goteborgs Bank says big pay settlements that can't be fully offset by price rises have "brought a strong pressure on the profitability of companies."

In Italy, Montecatini Edison announced a $235 million loss for last year. Writeoffs accounted for a big chunk of the deficit, but rising wages also contributed heavily, the chemical maker said. In the Netherlands, the parliament is so worried about the rise in wages that there is talk of reviving the wage controls abolished last summer.

"There is no doubt that the wage gap between America and other major industrial countries is closing fast," concludes a spokesman for the 23-nation Organization for Economic Cooperation and Development in Paris.

The main reason for the trend is easy to see. The OECD figures below show that the average annual percentage increase in earnings lately has been far steeper in other industrialized nations than in the United States. These rates are based on local currencies and, of course, don't reflect the realignment of exchange rates internationally:

[In percent]

	1963-69	1969-71
Japan	13.4	15.6
Sweden	8.1	9.9
France	8.0	10.9
Italy	7.1	17.3
West Germany	7.1	12.8
Britain	6.7	12.0
United States	4.5	6.1

Many factors cause this steep inflation abroad. Most wealthier European countries have long suffered from labor shortages that have tended to push wages up. While recent economic slowdowns have increased unemployment rates, the economic woes in Europe have been less severe than the recent American recession.

Moreover, just as wages put pressure on prices, the steep rise in European prices prompts workers to demand hefty pay hikes. In Britain, for instance, prices have been rising at a 10% annual rate. So Britain's strong and militant labor unions push for raises of more than 10%, and they often get them. In many European labor agreements, cost-of-living increases automatically prompt wage increases.

Some European countries, including Britain, have tried wage-controls. But results haven't always been encouraging, and politicians are reluctant to try these unpopular curbs.

Another big reason for the recent narrowing of the wage gap between the United States and other major countries is the currency realignment. This can be particularly significant for international companies. The December 1971 change in world currency parities automatically boosted the dollar cost of hiring workers abroad by up to nearly 17%, depending on the country involved. Such a change alone could discourage companies from establishing plants abroad to get cheap labor. Keeping the capital inside the United States would strengthen the U.S. dollar by helping the American balance of payments, the gap between all of our remittances abroad and all of our receipts from foreign countries.

The U.S. balance of payments will also benefit, of course, to the extent that the narrowing of the wage gap helps make American goods more competitive with foreign goods. In most cases, wage rises are boosting costs of foreign-made goods.

But you can't always count on it. Lionel D. Edie & Co., investment advisory subsidiary of Merrill Lynch, Pierce, Fenner & Smith Inc., estimates Japanese wages will soar about 13% this year—but that productivity could rise as much as 15%. "Hence there may well be a 2% net fall in the unit labor cost of manufacturers," the company says.

You will note the difference between wages in 1960 and 1971. You will note that Japanese wages went up, but ours went up less. The difference remains almost the same both percentagewise and moneywise.

Apparently, Members of Congress close their eyes to what they see, block their ears to what they hear, and shut off their minds to thinking.

The Japanese worker works a full 40-hour week and earns only so much. When you consider the great number of American workers in plants earning $5 an hour and more, and the number of craftsmen earning $8 an hour and more, the number of American goods produced makes us noncompetitive even without the minimum wage.

It was said on the floor that low wage industry was the least protected. This is true. This was why title III was put into the bill.

I want to put this into the RECORD because I am investigating the provisions of the Fair Labor Standards Act which are already on the book. I think we must correct a universal violation to certain sections of the act which pertain to the sale of foreign products. If I cannot convince the Congress, I will not quit, but will probably die trying. While it does not pay to become too opposed to an issue without facing the possibility of being called a fanatic, it does pay to believe that the country cannot survive on its present course. I do not intend to give up in conference. At least I will have my own vote for the bill which came from my committee.

REDUCING U.S. CONTRIBUTION TO THE U.N.

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. PRICE of Texas. Mr. Speaker, how long is the United States going to continue pouring money down the rathole—I am referring to the United Nations. Congressman H. R. GROSS has correctly labeled the U.N. as the most useless organization ever devised by man.

The United Nations has been lavishly funded by the United States—we have been constantly reminded of our wealth and our obligations to those less fortunate. But I am wondering what our investment has bought—since the end of World War II, the United Nations has not prevented war in the Middle East, it has failed to keep Americans from dying in Korea, it has not curtailed the brutal expansionist aggression of the U.S.S.R. or of Communist China, and it has certainly done nothing for us in Vietnam. Yet we are continuously told by State Department bureaucrats that the United Nations serves the cause of world peace and that it continues to be worthy of our support and our handouts.

Perhaps the professional politicians and the State Department bureaucrats may be convinced of this, but the American people "out there"—the people derisively referred to as "average" citizens, the ones who pay the bills—these people are getting fed up with the United Nations and everything it has come to represent. The U.N., as Vice President AGNEW has correctly pointed out, is little more than a soundboard for left-wing elements. It has recently become another platform for Red Chinese propaganda. The United Nations has not kept the peace—only the overwhelming military power of the United States has done that. It is about time we face a few facts, even if the truth hurts.

Mr. Speaker, I wish to include in the RECORD at this time an excellent editorial appearing in the January–February 1972 Texas Legion News. Bureaucrats beware—this is the voice of the people speaking:

IT'S TIME TO REVALUATE U.N. POSITION

The American Legion is extremely disappointed that the majority of the United Nations voted to expel from its membership the government of Taiwan—long a friend and ally of the U.S. The vote came after the admission of Red China to the U.N., which The American Legion and the U.S. has vigorously opposed for years.

National Commander John H. Geiger said, "On behalf of the nearly four million members of The American Legion, its Auxiliary and affiliated organizations, I am compelled to express my most profound disappointment and dissatisfaction with the decision of the United Nations General Assembly yesterday (Oct. 25) to admit Communist China to the world body and to expel the Republic of China." He went on to say, "I am convinced this action by the U.N. General Assembly can only damage the reputation and effectiveness of the world organization and all its agencies."

In another statement on the U.N. the Legion leader said that, "reports from the American mission to the U.N. are that the United States has again agreed to bail out the organization financially. I am told that we made our scheduled October payment of thirteen million dollars in September so the United Nations could meet that month's payroll. Now I am told we are making our scheduled December 15 payment of $12,000,000 in the first week of November so the U.N. can meet its November 15 payroll. Obviously, something is terribly wrong in that organization. The China vote and this hand to mouth financial situation are symptoms of a grave disorder."

What has been the first results of the Red China admission to the U.N.? The very first speech made by the head of Red China delegation contained sharp attacks on the United States—their host country. This was televised nation-wide and presumably world-wide. A few days later he again made a speech and again attacked the U.S. with all sorts or condemnations. This was televised too. Obviously our worse fears have come to pass. They have a world forum on which to rant their communist ideology and to insult and embarrass the United States at every turn. Our TV net-works and news media are obligingly providing them with a TV open-window or newspaper headline into every home in America—probably the whole Western Hemisphere. Our citizens believe most of what they see and hear so Red China has what it wants—not in a peace making role in the U.N., rather membership in a body providing a world forum from which it can espouse its communist doctrine.

Commander Geiger said, "How many times must we have our noses rubbed in the dirt to convince us that our enemies, all of whom hold seats in the U.N., will not miss an opportunity to embarrass us before the family of nations? Our continuing posture as the financial patsy for this organization only increases their already obvious contempt and open hostility toward us."

Recent news from New York indicates that many U.N. missions are privately in favor of moving the U.N. out of N.Y.—perhaps to some other country because of the treatment they are exposed to in that city. This includes some Communist countries, and Russia is one of them.

Well, maybe we should accommodate those who would like to move. Maybe we should cut off our funds and that would probably take care of the whole mess without further ado. This editor, for one, is ready and willing for the U.N. to get out of my country—and now. It is time for The American Legion to urge Congress to re-evaluate its position with regards to the U.N. It is obviously ineffective as a peace keeper. Definitely, we should call for the removal of that body from our soil if nothing else.

SUPPORT FOR THE PRESIDENT'S RECENT DECISION IN VIETNAM

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 1972

Mr. SPENCE. Mr. Speaker, there is a great hymn which begins this way:

Once to every man and nation
Comes the moment to decide
In the strife of truth with falsehood
For the good or evil side.

I am inclined to think that every man and every nation has more than one such moment. Indeed, we face such choices daily. But some of those moments are more decisive—more crucial—by far than others. And ultimately the words of the hymn are true—ultimately, for every man and every nation, one of those moments is final and irrevocable. Often, only by hindsight do we know when that decision was made.

It seems to me that our President and, in him, our Nation has just met one of those crucial and decisive moments. And I believe we have met it with honor; that it constitutes a victory in the battle of truth with falsehood—a victory, ultimately, for good over evil, even though the choices, as is often the case, may seem only to be a choice among evils.

I speak, of course, of President Nixon's decision to mine the ports of North Vietnam and bomb roads and railways in an effort to prevent the North Vietnamese from receiving outside supplies of war material and to end the war on acceptable terms—the return of American prisoners of war, a cease-fire, the withdrawal of all Americans forces, and the preservation of the lives of millions of South Vietnamese noncombatants, women and children.

I fully support the President's action and pray that it will be successful. Any reservations that I have go to the concern that the President's action does not go far enough. I have waited this long to speak on the matter because I feel strongly that it is unwise to render hasty judgment on the basis of limited facts. I fully supported the President at the time he announced his decision and upon reflection I can find no fault with that initial response. Indeed, the hand-wringing and downright treasonous response of a small but vocal minority within this country only adds to my conviction that the President acted correctly in responding to North Vietnam's invasion of the South.

At this point, the most serious threat I see facing the United States comes not from any foreign power, but from domestic rabble whose chief reason for being seems to be to infect the spirit of this country from within.

This leftwing element is doing its very best to undermine the President's stance and to destroy the confidence of the American public in its elected leadership.

A group of Congressmen recently sponsored the showing of a North Vietnamese propaganda film in a congressional committee room. A U.S. Senator has referred to this country as "The bully of the world." Another has called for a no-confidence vote against the President for his recent action, and a Congressman has demanded his impeachment. We are at war, whether we like it or not, and regardless of where any praise or blame may lie. Given that fact, I believe such activities by Members of Congress are not in the best interest of this country.

Some of our major news distributors suggest to the world that Americans do not agree with their President about the war, even though national polls have consistently shown otherwise.

One major columnist and opinion maker, in his writing on the war, recently referred to "the Americans" and "their vast air power" in a way which implies he was divorcing himself completely from the rest of us. Some members of the press have regularly delivered lengthy diatribes against our response to the recent Communist invasion of South Vietnam without one word of criticism for the invasion itself.

I will not dignify the rabid editorializing against the President's most recent action by quoting them. I do want, however, to commend the Washington Evening Star for its editorial support of the President and insert its editorial of May 9 in the RECORD.

As for the demonstrators and rabble, I think one need only note the antics on Tuesday in the House gallery which found a rehearsed group of agitators shouting obscenities and pro-Vietcong slogans in the U.S. Congress. This is all the evidence we need that their opposition to the war does not stem from any pacifistic or humanitarian motivation but from ideological sympathy with the Communist enemy.

They apparently do not care that "victory to the Vietcong" means death for U.S. soldiers.

I am staunchly convinced President Nixon has acted in accord with truth and honor and against that which is false and evil.

For the ultimate outcome is not freedom of political choice for South Vietnam or even the protection of South Vietnam citizens against certain slaughter. The ultimate outcome concerns the triumph of freedom over tyranny, of faith in God over athiestic materialism. The future of America, not merely as a political entity, but as a conveyor of all the values for which her people stand, is at stake in this conflict—and always has been. President Nixon has had the courage to ask the American people to face up to that fact once more, as we have done so often and heroically throughout our history.

I believe the American people will support him, all critics, demonstrators and traitors to the contrary notwithstanding. If success requires firmer action in the future, I urge the President not to waver. And I pray God that those who pursue this war for the purposes of conquest and political tyranny will come to see the folly of their ways.

The editorial follows:

RAISING THE STAKES

President Nixon, through his action last night in ordering the mining and interdiction of North Vietnam's ports, has, to put it mildly, placed a great deal at risk.

He may succeed, and we pray God that he will. For what he is trying to do is to achieve the return of the American prisoners of war, a cease-fire and "the withdrawal of all United States forces" from South Vietnam within four months. Everyone approves those ends.

But it is by no means certain that Mr. Nixon's gamble—and it can only be described as such—will succeed. In the short run, at least, it appears probable that it will not. Even if the mining of North Vietnam's ports is wholly successful, it is difficult to see how this can affect the outcome of the enemy's assaults on Hue, Kontum and An Loc. Those battles already are joined and their outcome will be determined within the next few weeks, long before supplies now on the battlefield and in the pipeline are exhausted.

The morale of the embattled South Vetnamese and that of their American and South Korean allies unquestionably will be given a fillip by the President's dramatic move. But if South Vietnam is to survive, the South Vietnamese themselves will have to hold: There is, after this, little more that Mr. Nixon can do for them.

The reaction of the Soviet Union is difficult to predict; we do not know what Dr. Kissinger said to Chairman Brezhnev nor Brezhnev to him during the former's four-day visit to Moscow last month. What is clear is that the world is at a crucial juncture comparable in recent years only to the Cuban Missile Crisis. This is a test of national wills, the uncertain outcome of which could have repercussions on a global scale.

Though his action is a strong one, it is important to recognize what the President is not doing here. This is not a Cuban-style blockade. It is not contemplated that American warships will attempt to stop Soviet or other foreign shipping on the high seas, approaching North Vietnam. The reference to interdiction "within the internal and claimed territorial waters" of that country refers to action against small boats which might be employed to ferry supplies from ships lying off-shore. Mr. Nixon already has tried hard to avoid the danger of a direct military confrontation with the Soviet Union.

Even if the Russians decide not to challenge Mr. Nixon's stern move, this month's Moscow summit clearly has been placed in jeopardy. Should the Kremlin pull the welcome mat out from under Mr. Nixon—which seems almost certain to happen—this would be no great loss to the United States. The summit was, after all, originally arranged to placate Russian apprehensions about the American overture to China and to satisfy Mr. Nixon's personal penchant for diplomatic "firsts." Nor would cancellation of the summit necessarily mean the collapse of the infinitely more important Helsinki talks on strategic arms limitations. Both nations need and want such an accord and a limited agreement, concluded without fanfare, would be possible without the Moscow trip.

Whether the Russians will react to the new Vietnam challenge with renewed pressures on other world nerve-ends such as Berlin and the Middle East is anybody's guess. While the Kremlin may decide in its own interest to avoid a confrontation in the Gulf of Tonkin, it can hardly be expected to do so either in good grace or without extracting a price elsewhere. It goes without saying that, if the Russians try to move ships through the minefields, the situation will become extremely grave.

The Chinese reaction, while it may be rhetorically sharp, is unlikely to go beyond that. Virtually none of China's aid to North Vietnam travels by sea, and communications by rail and road are not easily cut. Peking's dismay at seeing Moscow's prestige and influence markedly reduced in Hanoi would be, to say the least, slight.

The North Vietnamese may be tempted to ignore the development and press their advantage on the battlefield. But they would do well to weigh carefully the consequences. The door to negotiations remains open. They have only to bargain in good faith to obtain a settlement which could not be entirely to their disadvantage.

What clearly is not needed at this time is a frantic or angry reaction to the President's move in Congress, on the campuses or in the streets. Americans are a free people and have the right to disagree with the wisdom or efficacy of Mr. Nixon's action. Indeed, all of us will have the opportunity to pass judgment on the rightness and wrongness of that action when we go to the polls in November. But it would be contrary to the national interest in this crucial test were the support for which Mr. Nixon has asked be denied him.

The point is this and only this: For better or worse, the President has taken what he himself has described as "a decisive action." The die is cast, the Rubicon is crossed. If he fails, not only he but each of us will be the loser; if he wins, all of us benefit. Under such circumstances, the place of this newspaper is behind the President of the United States. And we believe that on that firm ground we will find ourselves in the company of the great mass of all Americans.

JAPANESE AMBASSADOR WRITES ON WHALING

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. FRASER. Mr. Speaker, last November 1, the House passed House Concurrent Resolution 387, introduced by Mr. BINGHAM, which requested the Secretary of State to call for a 10-year moratorium on whales. This followed a public hearing on this subject in July of last year by the Subcommittee on International Organizations and Movements, which I chair. I strongly favor such international measures to save whales—the world's largest creatures—from the extinction that they are now approaching at the hands of the world whaling industry.

Recently I received a written statement from Ambassador Ushiba of Japan giving the position of his government in reply to certain comments about Japanese whaling made during last July's hearing. Several months ago—December 14, 1971—I placed in the RECORD a letter from the Ambassador on this subject, and I wish to insert this statement today in order that all interested persons may be made aware of the Japanese views. The statement follows:

STATEMENT OF H. E. NOBUHIKO, AMBASSADOR TO THE UNITED STATES FROM JAPAN, IN CLARIFICATION OF CERTAIN POINTS RAISED IN THE PUBLIC HEARINGS BY THE SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS AND MOVEMENTS OF THE HOUSE COMMITTEE ON FOREIGN AFFAIRS REGARDING A MORATORIUM ON INTERNATIONAL WHALING, JULY 26, 1971

Dear Chairman Fraser:

It has been of growing concern to me that many conservation interests in the United States have concentrated much of their criticism of current practice and policy in the whaling industry, upon the practice and policy of Japan. This is indeed regrettable, since, in virtually all such instances, their allegations are not based on complete and accurate facts. In this connection I appreciate the opportunity to emphasize the following points

1. Outstanding achievements of Japanese scientists in whale conservation.

A full-scale scientific study of whale resources was initiated by Japanese scientists at the same time as Japan resumed Antarctic pelagic whaling after World War II. The major focal points of this study were the Whales Research Institute, which Japan established in 1946, and the Far Seas Fisheries Research Laboratory, which was established in 1967. The latter institution has a special department devoted to the research of whale stocks. These two institutions have worked very closely with various universities in our country.

The contributions of Japanese scientists working at these two centers, and elsewhere in Japan, have been well-recognized throughout the world scientific community, especially as regards the enormous accumulation of scientific data and basic research which has resulted from their field work. In all, the Japanese scientific community can take credit for approximately 6,000 whale markings and for identifying the biological parameters of several species of whales.

Age identification studies by Nishiwaki, Ohsumi, Ichihara and Kasuya; taxonomic studies by Omura, Ichihara, and Nishiwaki; subpopulation studies by Fujino; studies on the environment of whaling grounds by Nemoto and Nasu; and improvements of the stock assessment methods of whales by Doi, Ohsumi and Shimadzu, are examples of the significant Japanese scientific achievements in this field, which are well known in the world academic community through publications such as, The Scientific Reports of the Whales Research Institute, the Bulletins of the Tokai Regional Fisheries Research Laboratory and the Far Seas Fisheries Research Laboratory, and various papers submitted at the meetings of the International Whaling Commission.

A special reference should be made to the efforts of Japanese scientists in the field of stock assessment. Through the efforts of these scientists, several independent, new methods of stock assessment have been developed. One of these methods makes it possible to minimize the errors which are so common in connection with the catch per unit of effort, and another makes it possible to use sighting data rather than catch data in making such assessments. Thanks to these new methods, Japanese scientists and others can now draw comprehensive conclusions regarding stock assessment.

2. Japan's sincere effort to limit the taking of whales.

Those who look with open minds at the regulatory measures of the International Whaling Commission will immediately recognize that the catch limitations based upon stock assessment provided therein are applicable only in the North Pacific Ocean and the Antarctic Ocean, i.e. in both of the areas in which the Japanese expeditions operate. Furthermore they will notice that Japan is the only whaling nation which has provided stock assessment of whales in these areas.

In fact, no whaling nation other than Japan, operating solely in areas to which these catch limitations apply, provides her own stock assessment on which the catch limitation is based.

In view of the above, it seems to me that fairminded conservationists will recognize the exceptionally outstanding record of the Japanese Government in the matter of scientific stock assessment.

3. The faithful implementation of conservation measures by the Government of Japan.

The Government of Japan has faithfully implemented the conservation measures of the International Whaling Commission.

Let me give you just a few examples:

The schedule of the International Convention for the Regulation of whaling, requires that "there shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection." In fact it has been the practice of the Japanese Government to maintain three inspectors on such ships in order to avoid even the slightest possibility of wrong doing.

In addition, at the last annual meeting of the International Whaling Commission, Japan declared her willingness, to receive international observers from a non-whaling nation.

Moreover, Japan hosted a meeting last September at which international observer schemes were negotiated concerning North Pacific pelagic operations and Antarctic pelagic operations respectively.

Finally, the bilateral U.S.-Japan agreement concerning international observer scheme for whaling operations from land stations in the North Pacific was already signed and came into force on April 26, 1972.

4. The attitude of the Japanese whaling industry toward conservation.

Some persons have alleged that the Japanese whaling industry is much more interested in the short-term destruction of whales than in the long-term conservation of them. One wonders what evidence leads these persons to adopt such a view.

In fact, the contrary is true. The Japanese whaling industry has an enormous stake in the durability of whale stocks. If the whale stocks of the world were destroyed, our whaling industry would encounter enormous economic disaster. For one thing, the industry's factory ships, whale catchers and processing facilities in Japan could not be converted to other uses. In addition, tens of thousands of employees would be jobless. It should be crystal clear, therefore, that the Japanese whaling industry has every reason to prefer the conservation of whales to the destruction of them.

5. Resource situation of whale stocks.

On this subject, let me point out first of all that, despite extremely noisy debates on the subject in the nonscientific community, the majority of scientists are in general agreement on the question of whale stock resources. In the last session of the Scientific Committee of the IWC, the only serious disagreement among the participants occurred over estimation of sustainable yield of fin whales in the Antarctic.

At one point in the hearings of the Subcommittee, Mr. E. U. Curtis Bohlen, Deputy Assistant Secretary of the Interior, gave the impression that the majority of marine scientists were of the opinion that several species of whales, not already under moratorium, were in danger of extinction. He specifically cited Dr. J. L. McHugh and Dr. Douglas Chapman, as being "the exception" among the scientists that the U.S. Department of the Interior consulted in holding that if properly controlled, the harvest of sei, sperm and fin whales, in particular, can still continue to produce a yield without being completely prohibited. However, Japanese marine conservation scientists agree with Drs. McHugh and Chapman on this question, and, in this respect, they are in line with the opinion of the international academic community as a whole.

Let me be more specific:

a. Regarding the adequacy of the catch quotas for sei and sperm whales: At the hearings, Mr. Bohlen stated, "In many cases quotas are above the level of sustained yield for a given species."

It is true that both in the Antarctic and in the North Pacific catch quotas for sei whales and sperm whales are above the level of sustained yield for these stocks. But there is nothing irregular in this situation. In point of fact the abundance of these two stocks is above the level at which the maximum sustainable yield is attainable, i.e., the very abundance of these stocks makes it impossible to attain the maximum sustainable yield. Thus, the only possible way to achieve the optimum level of these stocks is to fix the catch quotas above the level of sustained yield.

b. The estimation of sustainable yield fin whales: Regarding the estimation of sustainable yield of Antarctic fin whales, the scientific community as a whole has, as I indicated above, failed to reach agreement. However, it should be clearly understood that scientists of the United States, Japan and Canada do take the common view that the population of the Antarctic fin whales has been gradually increasing in recent years.

c. The determination of sei and sperm whales as endangered species: In his testimony, Mr. Bohlen stated, "on the banning of the sei and sperm, we did not feel that they are in danger of extinction right now." I fully agree with this statement based upon what I have been told by Japanese scientists. However, if this is the case, Mr. Bohlen's assessment would appear to be in conflict with the finding of his Department under the Endangered Species Conservation Act of 1969, that these species are "threatened with world wide extinction".

6. Veto power within the International Whaling Commission.

At one point in the hearings it was alleged by Mr. Scott McVay of Princeton University that Japan was exercising its "veto" power to deny the adoption within the International Whaling Commission of certain measures. Since this statement is misleading, I wish to set the record straight by referring to Article III, Section 2 of the International Convention for the Regulation of Whaling, under which the International Whaling Commission was established. Article III, Section 2 provided for "a simple majority vote" of the Commission on all decisions before it, except in the case of amendments to the Convention, where a three-fourths majority is necessary. Obviously then, no nation possesses "veto" power over matters coming before the Commission.

Mr. Chairman, I very much appreciate the opportunity to make the above points. I hope they will further clarify some of the issues raised at the hearings held by your highly regarded Subcommittee. In conclusion, I want to assure you that Japan takes very seriously its obligations and responsibilities in the field of whale conservation. Furthermore, we appreciate the sincerity of all of those who appeared before your Subcommittee and who submitted statements in connection with this important subject. Let me assure you that Japan fully intends to work in close cooperation with all interested parties in resolving the remaining outstanding questions in this area of our mutual concern.

Sincerely yours,

NOBUHIKO USHIBA,
Ambassador of Japan.

CITY'S OLDEST CEMETERY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. HOGAN. Mr. Speaker, I am placing in the CONGRESSIONAL RECORD a very interesting article recently published in the Washington Post about the condition of the Congressional Cemetery. This is only more information indicating the poor condition of this historic site and that the problem of preservation of this burial ground should be the responsibility of and administered by the Secretary of the Interior as part of the park system of the National Capital.

[From the Washington Post, May 7, 1972]

CITY'S OLDEST CEMETERY: HISTORY OFT INTERRED WITH BONES

(By Donald P. Baker)

"When we heard Mr. Hoover was coming here, we got out there ourselves and cut the grass," said Alverta Pierce, who lives in the caretaker's house at Congressional Cemetery.

Her grandson is one of the five employees of the city's oldest burial ground, a 30-acre plot in Southeast Washington, which Sen. Vance Hartke (D-Ind.) described on Thursday as "a national disgrace."

J. Edgar Hoover is the latest famous American to be buried in Congressional. The quiet, private ceremony Thursday for the FBI chief has renewed interest in the cemetery, whose 80,000 inhabitants include such disparate neighbors as a vice president, scores of senators and representatives, three Capitol architects, a handful of American Indian leaders, some Chinese residents of the District, and the District's first automobile accident victim.

Hartke introduced legislation Thursday to have the cemetery placed under control of the Interior Department. A similar bill was introduced in the House on April 12 by Rep. John P. Saylor (R-Pa.).

The cemetery is owned by Christ Church (Episcopal), Washington Parish, which acquired the land at 18th and E Streets SE just after the congregation was founded in 1794.

Yesterday brought a trickle of mourners and tourists to Congressional to pause or pose in front of the three dozen floral tributes that all but obscure the headstone of the Hoover family.

Two bicyclists, law clerk James W. Winchester and university counselor Ann Noble, walked their bikes in—a sign warns "no bicycles"—after Winchester recalled reading that Hoover was buried there.

"It's a beautiful site—and out of the way," said Miss Noble. "Maybe Congress should take it over, but then the tourists would discover it."

"You can tell it doesn't get the care that Arlington does," said Winchester, "even though it has many famous people buried here."

Leroy V. Pennell, a retired federal employee, joined the discussion and pointed out that the remains of some of the more famous names etched on the headstones aren't buried there.

"See those stones over there that say Henry Clay and John Calhoun, well neither one of them are in there," said Pennell, a frequent visitor.

He was pointing to two of 165 cenotaphs designed by the famous American architect Benjamin Henry Latrobe. They border the main entry road.

The 3-by-5 foot monuments were put in place for a few years after 1812, when the vestry of Christ Church voted to set aside 100 plots for use of congressmen and senators. (In 1820, the reservation was extended to include heads of federal departments and their families.)

It became a federally financed custom to erect the sandstone cenotaphs even if the memorialized politician's body had been removed to another location, or had never been placed there.

The practice was stopped by Sen. George Frisbie Hoar of Massachusetts, who authored a bill that directed the sergeant-at-arms of each house to have "a monument of granite (sic) erected only whenever any deceased senator or member . . . shall be actually interred in the Congressional Cemetery."

The action stopped the abuse, and practically ended the use of the cemetery by official Washington. Since then, only three representatives have been buried there, the latest being Tilman B. Parks of Arkansas, in 1950.

Shavis Brown, 15, and Ronald Robinson, 14, cousins who both live at 435 15th St. SE, like to stroll through the cemetery, sometimes using it as a shortcut to the Anacostia River just beyond.

They paused in front of the Hoover grave yesterday, where Ronald observed that it was covered with "lotsa pretty flowers," highlighted by a red, blue, pink and green replica of the FBI shield, including a soaring yellow eagle. A streamer said it was from the FBI National Academy.

Ronald, an 85-pound boxer for the Ham A.C. at Elliott Junior High (30 wins, four losses), said he has no desire to be an FBI agent. "Not now," he said, "not with him gone."

Shavis, an offensive end and defensive linebacker for the Eastern Branch Boys Club football team, was more political: "Too many people have died because of the FBI," he said, declining to elaborate.

Four teen-aged boys with fishing poles climbed the red brick wall at 17th and G Streets, and strolled toward the river bank without pausing at the Hoover grave.

One of them wasn't even aware of the new tourist attraction, saying that the only famous person he knew of buried there was John Philip Sousa. The U.S. Marine Band plays a concert at the grave of its most famous conductor each year on the anniversary of his death, March 6.

But the Hartke-Saylor proposals say enough history remains to have the grounds become part of the national park system, as is called for by Saylor.

Among others buried at Congressional are: Civil War photographer Matthew Brady, Vice President (to James Madison) Elbridge Gerry, Choctaw Chief Push-Ma-Ta-Ha, and 21 young women who died following an explosion at the U.S. Arsenal in the District on June 17, 1864.

Hardly anyone opposes a federal takeover. Mrs. Pierce's nephew and his boss, caretaker Fritz Lehmann have repeatedly sought Federal aid.

The Rev. David Denning, rector of Christ Church, said the vestry's reaction has been "very favorable."

The church's original congregation considered itself members of the capital city's nobility—"not large but sufficiently elegant" according to one brochure—but its affluence disappeared as its members became commuters.

The church, at 620 G St. SE, and the neighborhood, have regained some of their former affluence, but a commitment to serve the neighborhood doesn't permit adding to the $42,500 that is annually budgeted for care of the cemetery.

The vestrymen are willing to donate the land to the government, in return for a pledge to honor commitments to owners of plots, and a promise to restore it to its former grandeur, even though that will be short of the promise, envisioned in the 1800s, to become "the American Westminster Abbey."

YOUNG ARTISTS SCORE HIT AT KENNEDY CENTER

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. VAN DEERLIN. Mr. Speaker, I recently witnessed an exciting and heartwarming performance by a group of high school musicians from all parts of the country. It was truly a musical night to remember at the John F. Kennedy Center for the Performing Arts. If one needed a renewal of faith in our young generation he could have found it there in great measure.

Under the batons of Morton Gould, Louis Campiglia and Paul Traver the American Youth Performs National Orchestra and Choir played and sang like professionals.

I was particularly proud of Maestro Campiglia, who comes from San Diego where he is a source of inspiration to the young musicians of my district.

This magnificent performance was an excellent example of what young people can achieve when given the opportunity to perform under seasoned leadership and in prestigious surroundings.

I compliment American Airlines for its enlightened corporate citizenship in sponsoring not only this fine concert but also the American College Theatre Festival and the American College Jazz Festival, all at the Kennedy Center.

YOUTH AND THE MINIMUM WAGE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. NELSEN. Mr. Speaker, a great deal of attention has been given to the key youth differential provision of the Erlenborn substitute to the minimum wage bill, H.R. 7130.

It is important to remember the key issue here: Jobs. We must provide incentives to reduce the present unemployment rate among young people and dropouts. The number of unemployed teenagers stands at almost 20 percent of those seeking jobs. In the inner-city poverty areas, the rate is an astounding 28 percent. Dr. Paul Samuelson, the liberal economist, wrote about the job-reducing effects of higher minimum wages in an article in Nation's Business:

> What good does it do a black youth to know that an employer must pay him $1.60 or $2.00 an hour, if the fact that he must be paid that amount is what keeps him from getting a job?

The Minnesota Area Vocational School Directors pleaded for a provision in the Fair Labor Standards Act Amendments of 1972 which would establish a special minimum wage for young people. These vocational directors clearly have no selfish motives, but they told me the youth differential is necessary if they hope to place their trainees.

An effort was made to delete the special, important provisions for youth employment from the Erlenborn substitute, and for this reason, I believe it would be helpful to review the comments of Congressman Al Quie, ranking Republican on the House Education and Labor Committee, about this title. I include Congressman Quie's remarks in the Record at this time:

Remarks by Congressman Quie

Our substitute, on the other hand, eliminates most of these limitations and establishes a program for encouraging the employment of young people, which even on its face makes it apparent that it would be effective in inducing many employers to hire the young and the inexperienced which the existing law has not done and the committee bill will not do.

The substitute permits payment of 80 percent of the minimum wage, but not less than $1.30 in agriculture and $1.60 in all other industries, these two rates being those prescribed by the existing law. Such employment is not limited to particular industries but is permissible in all industries except in instances subject to the applicable child labor laws. Nor is it limited to full-time students doing part-time work. Any full-time student under 21 years of age and any youth—student or not—under 18 may be employed at the youth differential wage rate for either full- or part-time work. And finally no burdensome redtape is imposed on the prospective employers of these young workers. The substitute merely requires the Secretary of Labor to promulgate standards to insure that this youth differential program will not create a substantial probability of reducing the job opportunities of persons other than the young. As I have said, the substitute bill even on its face offers a powerful inducement to employers to hire young people who would otherwise be jobless.

KEEP TAX EXEMPTIONS ON MUNICIPAL BONDS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Banner in a recent editorial correctly opposed any proposal to change the exemption status of State and municipal bonds.

This tax exempt status is necessary to assure continued State and local programs of growth and progress throughout the Nation and should be continued.

Because of the great interest in this subject by my colleagues and the American people I place the editorial in the Record herewith.

The editorial follows:

[From the Nashville (Tenn.) Banner, May 10, 1972]

Keep Exemption on These Bonds

Nearly every time Congress convenes—or so it has been for many years—somebody comes up with the bright idea that Uncle Sam should eliminate the tax exemption that historically has been accorded state and municipal bonds. Just as often, strong and reasoned objection to that is lodged, and thus far the latter's better sense has prevailed.

The Banner repeatedly has challenged the proposal, pointing out the calamitous mischief such a step would visit on the problem—serious and costly at these levels; exceeded only by the problem of financing proliferating costs at the federal level.

But now, again, the suggestion is in. The 92nd Congress is no exception to the regularity of that mischief proposal. Note this report, as underscored by the Daily Oklahoman:

> "A bill is pending in Congress which would tax any and all bonds issued not only by public schools, colleges and universities, but also hospitals, water systems, sewer systems and state, county and city bonds issued for buildings for any purpose."

When by mischief a crack is made in the dike, it is made for all. What it would mean in this case is that there would be no exemptions, if this fiscal frivolity prevails. The absurdity of it is compounded by the fact that the change is proposed in the name of recovering money for the Federal Treasury. For it is felt by such sponsors that the Federal Treasury somehow is being shortened by the present arrangement.

The Federal Treasury is between a rock and the hard place in numerous ways and for numerous reasons; but not because—to enhance and secure a market for state and municipal bonds in the categories mentioned—these bonds are made tax exempt. If they were not exempt, these units of government would find it nearly impossible to sell bonds at a rate they could afford.

The absurdity is doubly evident considering that even as this proposal is made (again) there are those who, with logic on their side, are proposing a revenue-sharing program. By that, these same states and municipal and county units would receive a share of the federal tax moneys. They might even get a share of whatever Uncle Sam derives by altering his stance so formidably as to abolish tax exemption for them.

Tax authorities on the far-out left wing obviously are confused.

THE QUESTION OF SEAL HUNTING

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. HUNGATE. Mr. Speaker, so that both sides of the argument may be considered on the question of seal hunting, I would call to the attention of my colleagues the following article from the Washington Post of May 14, 1972:

Mammal Protection Alarms Eskimos, Indians

(By Lael Morgan)

Nome, Alaska, May 13.—"This conference, whatever you call it, is something I don't know too much about," began Edwin Tunguk, 80, a weathered Eskimo hunter from Goloyin who, like many of his people here this week had to struggle with English.

"I deeply concerned when they talk about the seals though. I know that much white man is not a fool. He got hig head. Someone outside in United States wants to cut this seal hunting off. They must have seen something I haven't."

Edwin Tunguk was but one of many Eskimo and Indian hunters who laid aside their harpoons and rifles last week to travel by bush plane, dog sled and snow machine to testify before the U.S. Senate Commerce Committee on the proposed Sea Mammal Protection Act.

The legislation, which passed the House in the form of a five-year moratorium on the taking of all sea animals, would permit subsistence hunting by Alaskan natives of all but endangered species. The act would preclude trading and interstate commerce in sea mammal products.

Alaska Sen. Ted Stevens, ranking Republican on Commerce's subcommittee on oceans and atmosphere, said that while it is not customary to take local testimony when Congress is in session, many natives could not afford to travel to Washington and assessment of local impact on the legislation is needed. Alaska Sen. Mike Gravel is also participating in the hearings, which are being held in Nome, and Bethel and Juneau.

"We never waste anything. The meat we don't eat we use for trapping as bait. By carving (walrus tuska) the people buy staples, gas and fuel oil," explained Sharon Orr, a pretty Eskimo housewife representing several families who camp on Northeast cape, St. Lawrence Island.

"For generations, we have been taught to conserve because we live off the environment. If this bill passes we will have to be solely dependent on welfare. The people do not want to live on welfare. It kills their pride in themselves."

"The land claims bill has passed, but we natives have yet to see any money," said Peter Seganna, a King Islander. "Everybody thinks we're rich. We're rich in culture, which we are about to lose through you. But they estimate we'll only get $475 with the settlement."

Robert Willard, a Tlinget Indian representing the Alaska Commission on Human Rights, testified that the only income for 10,000 natives comes from manufacture of arts and craft items, mainly from sea mammals and byproducts. He contended that over half of all Alaskan natives receive some income from this source.

Many Alaskan villages depend on walrus, whale and seal for about 90 per cent of their diet, according to testimony.

"Just as many Caucasians can't get used to eating native food, we can't get used to eating beef and pork," Vern Kugzruk, a Nome native testified.

"We use the blubber to preserve our food because many of us do not have ice boxes," explained Emma Willoya of Grevig Mission. "Our greens and a lot of our meat is put away for later use in seal oil."

And seal oil, it would appear, is as important to health in the Arctic. A sizable trading business has been established between coastal Eskimos and inlanders who trade game and furs for seal oil to supplement their winter diets.

"We have survived to this day with an abundance of sea mammals," observed Frank Degnan, Eskimo leader from Unalaklet. "Our students on return from other parts of the world where our food is not in use ask for it on arrival. Some of our Eskimos get education and need to live outside to improve their status but they still like their muktuk, seal oil . . . Some of them flippers (whale fluke) may be a little stinky, but they like it and kauk, that's a walrus hide we like to eat . . ."

"How do you spell that (Kauk)?" Sen. Stevens asked.

"We don't spell it, we eat it," Degnan replied.

The fur of the seal and skins are also essential for winter clothing. Witnesses said it's unequaled as protection in Arctic weather.

Some Eskimos struggled to find mainland parallels that might explain how limited hunting would affect them.

"It's like telling a coal miner you can only dig enough to heat your house but you can't sell any," one said.

Learning to hunt and carve are equivalent to a Masters in college," maintained Paul Tuilana, a walrus hunter with 35 years experience from King Island. "Now this bill has taken away my diploma."

The status of hunters is like that of football players. In many villages the young people look up to them and sometimes they are village leaders, reported Jerome Trigg, president of Bering Strait Native Association.

Testimony explaining the close tie between tradition and economics of the Eskimo hunt came from David Stone, a whale hunter.

"In Point Hope, our very lives revolve around the migratory cycle of the oceanic mammals," he said, reading haltingly from a speech prepared by this village council. "There are virtually no jobs available in Point Hope. The 1970 manpower survey showed 64 per cent of the population had an average income of under $3,000 and the cost of living is double that of Seattle. Obviously, it is virtually impossible to meet the cost of oil, rent, lights and food without any monetary supplies. Any money that we can gain from our limited use of the sea mammal products is sorely needed."

Although it is the second largest whaling community in the state, Point Hope produced just 2,000 pounds of muktuk (edible whale skin) for sale to other Eskimo villages last season. At $2 per pound for resale, the total return per villager was $23.53, Stone said.

"We have always hunted only for what we need. We have been wise enough not to overkill. Is it fair to destroy our cultural heritage and life style by stopping all our utilization of these mammals?"

Point Hope whalers hunt the bowhead which may be placed on the endangered list because some scientists report only 100 remain. Testimony from the Alaskan Department of Fish and Game disputed this, however. According to their men, the bowhead population is between 2,000 and 3,000 and increasing. They also estimated the sea otter population at between 50,000 and 100,000 despite harvesting of 2,460 and the Amchitka atomic test which they claim killed 1,000.

Art Davidson, Alaska representative of Friends of the Earth, pleaded for better resource management and native input in this management.

"People are part of the environment, too," Davidson said. But some of the witnesses wondered if their testimony would do any good. The only Washington representatives present besides their own senators were John Hussey and Dave Clanton, staffers for the majority and minority members of the Commerce subcommittee.

"The representatives from Washington, D.C., they don't even come in Alaska one day yet. Why not send them up to Alaska first?" wondered Bennedict Snowball Jr., of Stebbins Village, who had to pay over $300 to charter a plane for the hearing.

And if the bill passes without additional consideration for Alaskans, "All we do is watch with heartache the Russian boats taking all they want," concluded John Apangalook of Gambell, an island just a few miles off the Siberian coast.

"And one will whisper, why did the U.S. buy Alaska? I would say the one who introduced this bill needs an education in the Eskimo way of living."

WE STAND BEHIND A BOLD PRESIDENT

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. CHAMBERLAIN. Mr. Speaker, President Nixon's decision to mine the ports of North Vietnam will go down in history as being among his most courageous actions. The enemy's recent massive invasion of South Vietnam invited this strong response. Hanoi's blatant violation of the 1968 understanding which ended the bombing of the North and opened the Paris talks could not go unchallenged if there is to be a real hope of a negotiated settlement. Just as certainly if peace negotiations are ever to succeed it is essential that we as a Nation present a united front to the enemy. In its editorial of Tuesday, May 9, the Owosso Argus-Press expresses this need very briefly and cogently. I place it in the RECORD to give it the wide circulation that it deserves.

WE STAND BEHIND A BOLD PRESIDENT

Last night President Nixon displayed an amazing degree of just plain guts—nerve unseen in an American president since Harry Truman or perhaps John Kennedy—when he announced the blockade of North Vietnam's ports and continued bombing of facilities which would support continuance of their invasion of the south and endanger the lives of U.S. servicemen still in the war zone.

Today the various elements of the news media are chock full of analyses of the President's words, their political meaning, their intent.

And there has already been the expected spate of scattered "uprisings" on a handful of our college campuses.

We haven't truly been a "united" United States since about the mid '40s and the President knew this when he summarized his bold action simply—"We must stand together."

Among the media, the Argus-Press may be in the minority, but nonetheless, we second his motion.

Let us today stand as one.

FARMERS HOME ADMINISTRATION

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. MATHIAS of California. Mr. Speaker, evidence of much good work by the Farmers Home Administration, one of the great local service agencies of the U.S. Department of Agriculture is more and more apparent in the countryside and towns of the rural United States.

My own district offers an example: the counties of Kern and Tulare in the agricultural heartland of California.

Farming and enterprises associated with it are a staff of life and a dominant community interest in our section. But success or failure in agriculture can be determined by living conditions the people find on farms and in nearby communities. Whether one's role is that of owner or worker in the ranks, farming or any other way of life is only as desirable as the rewards that flow from it.

We are concerned, therefore, about the general condition and environment of communities where the people live; about the improvement of housing for all the people, as well as production on the land and in the plants where they work; the quality and convenience of water in the kitchens as well as in the fields.

In serving on the Agriculture Committee of the House, I have been privileged to take part in the development of an exceptionally effective system through the Farmers Home Administration for supporting the self-improvement efforts of the rural community.

From county seat offices, as in our centers of Visalia and Bakersfield, the Farmers Home Administration provides a service attuned to specific problems of the rural community in financing family farm enterprise, housing and modern public services.

Rural Americans benefit not only from this agency's localized service, but from the quality of leadership provided by the present administration. Farmers Home Administrator James V. Smith came to his office from a background of farming and community leadership in his native Oklahoma, followed by service in the

Congress. He is recognized as one of the most capable and respected administrators who come before our committee, and he knows that part of America he serves.

In the towns and farm areas of our district, there is much to show for the programs developed by Administrator James V. Smith and California's FHA organization ably directed by State Director Douglas Young.

In housing, we are approaching the point where Kern and Tulare Counties will have 1,500 dwelling units resulting from the Rural Housing program of the Farmers Home Administration.

Most of these are individual houses. Mr. Smith advises me that the 1,000th individual family home loan in effect in our district under this program will be made by late spring or early summer.

This is the service in insured housing credit that enables most of our farm worker families, senior citizens, and other families of modest income to move from substandard housing into modernized, adequate, presentable family-owned homes. It is producing homes this fiscal year half again as fast as a year ago. Last year's 12-month total of about 200 homes, totaling $21 million of Farmers Home-insured credit, was achieved in 8 months of the current fiscal year.

In addition, more than 350 units of rental housing, suitable for year-round occupancy by farmworker families, have been built at Visalia, financed through this agency for the housing authority of Tulare County. Approximately 200 additional family rental units will be added in Kern County, through projects due to be funded in the coming year for the county housing authority at Shafter, and the local housing authority of the city of Wasco.

To the same degree that the rural housing program is reducing the blight of bad housing in rural areas, the FHA community facilities program is helping to modernize water and sewer services in towns and rural settlements. Seventeen projects to build, improve or expand community water and sewage disposal systems have been developed in our two counties with $3.3 million of FHA loan and grant assistance, plus more than $860,000 added from local, State and other resources. Loans to be repaid by the communities account for $3 million of the amount advanced by the Farmers Home Administration.

Mr. Speaker, one of the important bills developed in the Agriculture Committee this year and recently passed by the House was the Rural Development Act of 1972, a bill to strengthen and expand these programs so ably administered by the Farmers Home Administration.

It is a major purpose of President Nixon, the Congress and the people, to equalize opportunity in America, and insure that community needs in rural areas are as well served as those of major metropolitan centers.

Progress is gaining momentum in this field. It will continue if we maintain the fine quality of service now being extended through the Farmers Home Administration.

THE VIOLENT "PEACELOVERS"

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. YOUNG of Florida. Mr. Speaker, much has been said—both pro and con—about President Nixon's decision to mine North Vietnamese ports in an effort to counter the blatant invasion of South Vietnam by North Vietnam. While I would not deny anyone their constitutional right to freedom of speech, I strongly object to the words and deeds of those who would, willingly or unwillingly, feed the propaganda machine of the Communists.

For whatever their motives, these actions have only encouraged the Communists to renew their military efforts in Southeast Asia in the misguided hope that the United States does not support its fighting men, and might even be in imminent danger of internal collapse. These so-called "peace" activists are actually hurting the President's efforts to end the Vietnamese conflict honorably, and I would like nothing better than to take part in exposing these "hate America" groups for what they really are—so that they will no longer have the opportunity of fooling some of our patriotic, well-meaning citizens.

In this respect, I would like to compliment WTVT, channel 13, for its May 11 editorial, at which time this Tampa television station made public its viewpoint on "The Violent Peacelovers." The editorial follows:

THE VIOLENT "PEACELOVERS"

We wonder what life would be like in a nation governed by the kind of people who demonstrate their alleged love of peace by disrupting traffic and attacking police officers. We can imagine how they would deal with protesters who got in their way if they had real power. They have pretty clearly shown their contempt for our system of government, our democratic processes and for the rest of us as individuals.

Since they aren't accustomed to the use of reason and persuasion to decide issues, we are sure most will accuse us of being against free expression just because we feel they should confine themselves to peaceful protests, especially if they want to convince others that they believe in peace as a way of life. The attitude of the hard core in these violent demonstrations is illustrated very well by their behavior in Gainesville. Law enforcement officers risked the wrath of the majority of the community's peaceful citizens by letting the demonstrators take over a public highway for several hours. The idea that this kind of concession would satisfy these people was pretty well taken care of when the protesters kept pushing until they got what they wanted, a violent confrontation. We are glad to see that they constituted a small portion of any student body, much less the general population.

We're sure thinking students and citizens don't want this very complex issue decided by violence, no matter what their views. Even legal and peaceful demonstrations will be little help in finding the right way for ourselves, our country and for mankind.

President Nixon and his predecessors of both parties are not bloodthirsty monsters because of the military actions they felt necessary, any more than are the government leaders and citizens who feel justified in turning South Vietnam over to a communist dictatorship. One thing for sure, the goal of peace in Southeast Asia will not be reached simply by taking every single American out of that area, no matter how good or bad it might be for our own self-interest.

We wonder what the reaction of one of these violent protesters would be if a pro-administration demonstrator stopped his car? We've heard it said about this kind of peacelover that his attitude is "Support peace or we'll kill you." The truth in that keeps it from being very funny. Sincere peacelovers might do more good by blockading the highways across the DMZ leading into South Vietnam.

THE FIRST SOCIAL SCIENCE FAIR, ST. MARY, MOTHER OF JESUS SCHOOL, BROOKLYN, N.Y.

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. PODELL. Mr. Speaker, I recently had the pleasure of attending the first social science fair at St. Mary, Mother of Jesus School in my congressional district. I was tremendously impressed with the ingenuity and understanding shown by the children. The social science fair is the kind of event which should make us proud of the next generation. I certainly am proud that this fair was conducted in my district by these wonderful children.

I know that my fellow Members of Congress are interested in the work of these children and so I am appending a description of the fair and a list of its winners:

FIRST SOCIAL SCIENCE FAIR

On May 6th and 7th, a Social Studies Fair was held at St. Mary, Mother of Jesus School, Brooklyn, New York. The purpose of the fair was to share with the members of the community the projects that the students had made throughout the school year. Some of the projects were made by one child and some were the result of the research and creativity of two or three children working together. The children demonstrated their resourcefulness in using toothpicks, clay, cardboard and other materials to create projects which dealt with such subjects as the manner in which the Iroquois Indians lived, the different uses of the peanut discovered by George Washington Carver, and the First Man on the Moon.

The judges of the projects were Sister Mary Balthasare, CSFN, Social Studies Coordinator for the Diocese of Brooklyn, Miss R. Simmons of P.S. 97 and Mrs. L. Morack of P.S. 128. First, second, and third prize trophies were awarded in each grade, and a certificate was awarded to each child who participated in the fair. Some of the winning projects were later displayed at the Williamsburg Savings Bank in Bensonhurst.

The judges from P.S. 97 and P.S. 128 expressed a desire to have children of their own schools view the projects. Some of the children and the teachers from these schools visited the Social Studies Fair on May 8th and 9th. Mr. M. Stonehill and Mrs. B. Marcus, the principals of P.S. 97 and P.S. 128, also visited the fair and expressed great admiration for the achievement of the children.

Invitations, written by the children of

Grades 4 to 8, were sent to local leaders. Congressman Bertram L. Podell and Assemblyman Salvatore J. Grieco accepted their invitations and attended the fair on May 7th. Upon their arrival they were cordially received by all those present at the time, including Rev. Francis X. Reilly, Pastor of St. Mary, Mother of Jesus Church and Rev. Michael DeSantis, Administrator of our school.

Mrs. Annette Caputo and Mrs. Patricia Muzii, mothers of children in our school, helped in preparing the school auditorium for the fair. It was truly community involvement that made it possible for St. Mary's to have its first Social Studies Fair and to make it a great success.

The Principal, Sister Mary Benedict, the Social Studies teachers Sister Joseph Noel, Miss Loretta Ali, Mrs. Sally Crowley and Mrs. Elena J. Papa were quite pleased with the response to the fair. Mrs. Papa, Social Studies Coordinator, stated, "It is my hope that the enthusiasm shown by all will continue in other endeavors at our school as it has been shown in the past. We have a great group of children!"

AWARDS

First place

Theresa Cooke.
Rosemarie Gambetta.
Donna Cosenza and Ann Marie Eletto.
Kenneth Capano.
Stephen Coccaro, Gary Luppowitz, Frank Tissellano.
Rita Leone.

Second place

Frank Panicali and Joseph Cosenza.
Vincent Nagler and Kevin McNamara.
Michelle Boccia, Gabrielle Cottone, and Rose Anna Zoda.
Joanne Porzio and Denise Sessa.
Deborah Lombardi.

Third place

Maria Theodore.
Corrado Coppola.
Felicia De Rosa.
Linda Palmeri and Phylis Sole.
Linda Giacchi, Susan Gili, and Camille Prandi.

Honorable mention

Frank Manno.
Frank Montalti.
Anthony Fasciano.
Maria Lo Presti.

MAN BITES DOG

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. HOSMER. Mr. Speaker, nationally syndicated columnist Ralph de Toledano and I normally are in agreement on most issues with one notable exception: nuclear power. Over the years, we flayed each other on several occasions over the necessity and safety of developing nuclear reactors to produce electricity.

In his May 5 column, Mr. de Toledano finally recognized the error of his ways and admitted he was wrong. He concluded that in the face of the growing national power crisis, nuclear power is the best available alternative for meeting our electrical demand.

And in the spirit of detente, I, too, hereby renounce all the bad things I ever said about him.

I add to the RECORD at this point Mr. de Toledano's column from the Pompano Beach, Fla., Sun-Sentinel on May 5, in which a columnist accuses a Congressman of being right:

A TRUE POWER CRISIS LOOMS

(By Ralph de Toledano)

Several years ago, in this space, I strongly belabored Rep. Craig Hosmer, (R-Cal.) for his efforts at getting America's nuclear power plants moving. It was my position then that this country could continue to employ fossil fuels for the creation of electricity, until all the bugs had been removed from the harnessing of nuclear energy. Hosmer took me to task for this, arguing both my facts and my reasoning were faulty.

Craig Hosmer was right and I was wrong. For today, America faces a disastrous energy crisis. Unless the government and the country move energetically and decisively, within a handful of years there will not be enough electric power to turn the wheels of industry, to run our railroads, to keep our air conditioners humming, or to keep our houses warm.

The situation, as Representative Hosmer pointed out last week to a group of physicists, is grim. By 1985, he said, "United States dependence on imported petroleum will double, amounting to $34 billion per year, and no one has any clear idea of how that much foreign exchange can be generated to pay for it."

The Interior Department reports, moreover, that the United States will be able to supply only two-thirds of its projected 1990 demand of natural gas. The shortage will be of a magnitude of 15 trillion cubic feet a year. As Hosmer notes, we have plenty of coal, but tough new laws proscribe its use in urban areas and other laws stand in the way of effective strip mining. And the environmentalists, while objecting to most means of producing electric power, are demanding a host of new plants, anti-pollution devices, recycling processes, etc.—all of which will need tremendous amounts of electricity.

The answer to America's skyrocketing energy needs is nuclear power which, despite its admitted drawbacks, is the cleanest available today. On this subject, Hosmer cites Dr. James H. Wright, Director of Environmental Systems for Westinghouse, who has estimated that chemically non-polluting nuclear power could replace 60 per cent of the primary sources of energy now used for transportation, 30 per cent of that for process heat, 25 per cent for space heat, and 30 per cent of the chemical primary energy now used for all other purposes.

"Such substitutions," Hosmer says, "together with other anti-pollution efforts would permit United States energy uses to rise unimpeded to the level predicted for the year 2000 . . . Regrettably, however, after 25 years of development . . . and the expenditure of billions of dollars by government and industry, the nuclear alternative . . . and the (nuclear) stimulation of natural resource production . . . have been singled out as whipping boys by a highly vocal, mixed-bag of tenacious opponents."

These highly vocal opponents are the environmentalists who howl at the sight of a beer can in a public park but do not bat an eyelash at the leadpipe certainty of an America grinding to a halt because of insufficient power. Thousands of Rube Goldberg suggestions are made to bridge the energy gap, including one from a Michigan housewife, Hosmer notes, who "plans to generate nonpolluting electricity with the methane gas given off by manure piles, an idea which undoubtedly struck her after she read some senator's speech."

Geologists estimate that through nuclear stimulation, America's natural gas reserves in the Rocky Mountain region alone could be more than doubled—increased by 317 trillion cubic feet and shale oil formations could give access to 2 trillion barrels of petroleum. Yet "hypersensitivity to environmental critics (has) prevented our nuclear scientists from being turned loose on these resources" and the Plowshare program aimed at this end has been getting less and less funding from a careless Congress.

Much needs to be done, but if an "environmentalist" with a high school diploma and one year of science blows the whistle, the government trembles. Craig Hosmer has fought for some application of reason to the problem. He has made himself the outstanding congressional expert in nuclear energy. But he finds himself beset by pediatricians who demand an end to building fast-breeder reactors, or one or another "expert" prostituting his degree, as Hosmer laments, by holding forth on subjects of which he knows nothing. And all the while America moves ever closer to a devastating power shortage.

AMERICA SLEEPS AS COMMUNISM MARCHES ON

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. PRICE of Texas. Mr. Speaker, what is it going to take to make the American people wake up and realize that we are in a life-and-death struggle with communism, a multifronted war that we are now losing to an enemy so calculating and yet so evil as to be unexcelled in the annals of history?

Mr. Speaker, must we suffer a nuclear Pearl Harbor? Will that wake us up—assuming there are any of us left? Or are we going to continue in our apathy and unconcern until suddenly we are faced with a Communist imposed ultimatum—to surrender to superior forces or be annihilated?

Mr. Speaker, America today is on the way to committing suicide and our Nation is doomed unless we make an about-face. No, I am not dealing in hysterics; I am not attempting to use "scare tactics"—I am laying our cards on the table—our Nation is gambling with its security and we are going to lose.

In recent years this Nation has developed what amounts to a first-class case of paranoia—we have become so hung up on "reordering national priorities" that we are prepared to put the cart before the horse. We need to wake up to the reality stated years ago by Sir John Slessor that:

> It is customary in democratic countries to deplore expenditures on armament as conflicting with the requirements of the social services. There is a tendency to forget that the most important social service that a government can do for its people is to keep them alive and free.

Until now our Government has done a good job in keeping us alive and free, and why? Because we have been strong. In this dangerous and fast-paced 20th century, America has been attacked or forced into war only during times of weakness or indecision. An invincible United States cannot and will not be attacked, because no nation or person would in his right mind commit suicide.

Yet, our No. 1 deterrent to war, the key to providing Americans and the world with a "generation of peace" lies in our maintaining a strong national defense. And it is precisely this deterrent to war which has come under malicious attack and derision by the hypocritical and tainted "peacenik" element including several presidential candidates and Members of Congress. The kind of peace the apostles of appeasement would give us would bring to pass the very worst kind of world—capitulation on the installment plan to the Communist aggressors who wish to enslave the entire planet.

Mr. Speaker, over and over our people are being warned of the impending disaster and danger which confront us by learned and reasonable scholars, journalists, and public officials—including the President's own Blue Ribbon Panel on Defense. I include in the RECORD at this point two such recent commentaries, the first an editorial by William Randolph Hearst, the second an editorial appearing in a recent edition of the Amarillo News. The articles read as follows:

A PECULIAR BLINDNESS

(By William Randolph Hearst, Jr.)

NEW YORK.—Back from a fact-finding trip around the world, it is a bit disturbing to get home and realize how many Americans fail to face one of the grimmest facts there is—that Communism keeps working day and night to destroy freedom wherever it exists.

Our home-front apathy to this very real menace, coupled with the minimizing or denials it gets from many quarters, is in sharp contrast to the grave concern expressed in every country visited by The Hearst Task Force.

Throughout the capitals of Europe, and naturally more so in the actively beleaguered Far East, Communism with its insidious, tentacle-like global movements is seen clearly as the ever-looming threat it most certainly is.

At the very least the Communists, whether Chinese or Russian, are invariably trouble makers for any free country to which they have access. All you have to do is read the daily newspapers to know this—unless, of course, you are wearing the pink-tinted glasses of Sen. Fulbright.

At most, if successful, Communism's tenacious activities to weaken, subvert and eventually overthrow every non-Communist government will mean its domination of the whole world. That is its frank intent, proclaimed by its leaders time and again.

In the Far East this reality and what it can mean is thoroughly understood by everyone. The Chinese red dragon is breathing fire right down the necks of the Philippines, Thailand, Burma, Cambodia, Laos, South Korea, Formosa, and Japan, not to mention South Vietnam.

For a more detailed roundup on this, please read the important dispatch from Bangkok by Kingsbury Smith, our chief foreign writer, which appears on page two of this edition. Its final sentence reads:

"Despite the non-interference pledge in the Chinese-American communique (concluding the recent Nixon trip to China), every country in Southeast Asia continues to be beset by a Communist rebellion receiving at least moral and in most instances material support from Communist China."

Now I haven't got anywhere near the space even to summarize what the Russian Communists are up to all over the world. You name a place and there they are, spreading their influence and stirring up trouble by any and all means possible.

For a recent example, Bolivia this week ordered 119 members of the Soviet embassy staff out of the South American country—allegedly for fostering and financing a left-wing guerrilla movement.

Think back and try to remember how many times you've read about Russian "diplomats" being told by various countries to pack up and git because of their spying or other subversive activity.

The fact is that Russia's diplomatic missions to free world countries are primarily headquarters for subversion and only secondarily for what we consider normal diplomatic and trade relations. That is why their embassies are usually staffed out of all proportion to obvious need.

Bolivia, for example, has three men at its Moscow embassy. Even in kicking 119 Russians out of their embassy in La Paz, the Bolivians will be permitting six or seven to stay—double their own crew in the Soviet capital.

The previous diplomatic exchange ratio of some 125 Russians to three Bolivians admittedly is unusually high—explainable by the volatile nature of Bolivian politics and the opportunity to assist a very strong revolutionary movement. A lopsided ratio of representation, however, is typical of the Soviets.

As of March 1, according to a State Department spokesman, our government had a total of 108 American nationals assigned to our embassy in Moscow. The Russians had 189 here—not counting the swarms at the United Nations.

As a general rule, the State Department spokesman told me, the Russians maintain roughly two to three times as many of their nationals in underdeveloped host countries as such countries do in Moscow; and as just noted, in Bolivia the ratio was 40 to one.

In view of the overwhelming evidence that Communism is the avowed enemy of all freedom—and the acceptance of this fact elsewhere in the world—I repeat it is discouraging to return home and suddenly re-experience American apathy or disbelief of the reality.

In no country that I visited have I ever run into anything approaching the fuzzy thinking about Communism that exists here.

Perhaps it's because most of the countries either have had their freedom threatened by them or taken away entirely or at least have had to fight for the cause of freedom that they see the facts so clearly.

Heaven knows—and readers of this column should certainly know after all these years—that I have done everything I can to publicize the danger. Yet there are many people throughout our country who are either confusedly vague on the subject or who flatly argue that there is no such danger.

Among them, unfortunately, are many teachers who are educating the next generation. Whether they are starry-eyed or stupid or deliberately malicious in spreading their views makes little difference. They are helping lull this nation into a false sense of security.

What these people teach, in essence, is that Communism represents a trend toward a future world of sweetness and light in which all men are brothers and justice prevails.

It is nothing of the sort. The most liberal and progressive form of government in this world is a government "of the people, by the people, and for the people" based on free people determining the details of the political structure for themselves.

Communism does not and never will represent rule by the people. It is rule by an elite group of privileged commissars and whatever social benefits they supply their people carry a terrible price tag.

That price is freedom—freedom to move about the world at will, freedom to write criticism, freedom to speak up in protest.

I say it is just plain foolish when Americans blind their eyes to reality and even go so far as to contend that anti-Communism is a "relic" of a now-defunct "cold war."

The cold and often hot war between Communism and Freedom will never be over so long as Communism exists.

The next time somebody tells you that Communism is nothing to worry about, you can be sure of one of two things.

Either he hasn't got all his marbles or he is quite far left of center politically and ideologically.

One thing is for sure if he honestly believes that life in some Communist state is better, more humane and fairer—he is certainly free to go there.

I, for one, wish he and all of his ilk would go and stay.

11 TO 1 TO THE LEFT

Dr. George Benson is just back from Washington and his spirits are low. He says the evidence that the U.S. is losing the Cold War is piling up.

Dr. Benson, once a missionary to China, used the presidency of little Harding College in Searcy, Ark., upon which to build a widely hailed program of Americanism that soon outstripped the facilities of the little school. Today he is president-emeritus of the American Citizenship Center in Oklahoma City, and is more concerned than ever over "our swift slide to disaster through military weakness."

"I'm convinced, as are the Congressmen and Senators with whom I have just visited, that the Cold War being waged by world Communism against the U.S.A. is continuing, and that we are continuing to lose it," Dr. Benson reports.

The consensus of the people he visited is this: "Soviet Russia is building a military power to take over the world one way or another. . . . She is ahead of us in the most important strategic weaponry and constantly lengthening her lead. If she fails to overcome the U.S. by default (our weakness, and division, and ultimate surrender) she will strike militarily."

One of the responsible "higher-ups" with whom Dr. Benson talked in Washington was Rep. F. Edward Hébert, chairman of the House Armed Services Committee.

"Make no mistake about it," he told Dr. Benson, "by 1975, unless we keep pace and do things we are supposed to do, the Russians will outdistance us in every field of military operation, and challenge our military security."

The good doctor brought back a lot more in the way of warning against our worsening defense position around the world, but it has all been covered here, one way or another.

It all boils down to the fact that the United States is slipping rapidly behind the Soviet Union in military power, and nobody has yet discovered how one who keeps sliding downhill can avoid hitting the bottom.

To us, the significant thing about it all is that the American people don't seem concerned about this dangerous lapse into second place. Thousands of people will write their congressman protesting a reduction in some give-away program, but when the Congressional do-gooders propose that our military budget be cut some more so that such give-aways can be increased, there's not a peep from the other side.

How can this be?

We think it is the result of a long-range brain washing program centered in some of our more liberal colleges. For years radical speakers, mostly Communist, have been appearing on American campuses with the sanction of the college administrations. This has been gradually building up for 15 years.

A survey of college speaker programs in

1971 is just out. Its aim was to discover how many radical-liberal speakers appeared on college campuses as compared to the number of conservative speakers.

In the 40 schools selected from all over the country, the proportion of radical-liberal speakers to conservatives was about 11 to 1 in favor of the reds and pinks. This adds up to 431 left-wing speakers and only 38 conservative speakers.

Even more amazing were some of the fees paid to the more militant podium personalities. The University of California at Santa Barbara paid the notorious left-wing lawyer, William Kuntsler, $2,000 for one speech. But that's nothing. The University of Maryland paid Panther leader Huey Newton $4,801 for a single speech. Jerry Rubin, Abbie Hoffman, David Dellinger and their like make in excess of $50,000 a year as campus speakers.

Yes, you say say; but what has this to do with Communist brain washing?

Here's what: Last year actress Jane Fonda told 2,000 students at Michigan State University: "I would think that if you understood what Communism was, you would hope, you would pray on your knees, that we could some day become Communist."

That's what she said. And do you know, not one of those 2,000 students challenged her!

Most students don't take a radical political philosophy to college with them; but a lot of them are picking it up after they get there. They get it from such speakers as Jane Fonda and William Kuntsler, and they find it accepted and supported—and even promoted—by an alarming number of the faculty.

Is all this planned? Of course it is. It is the great brain washing project through which the Communists hope to prepare the U.S. for easy plucking.

We don't say that every radical campus speaker takes orders direct from Moscow; but they are under some form of discipline, so that the program is kept moving.

Part of the brain washing is to convince us all that no money should be "wasted" on weapons that could be spent on people.

That's the refrain of the brain washers.

Mr. Speaker, most Americans do not fully appreciate the extent of our Nation's wealth, our power, and our many blessings, simply because we have come to take them for granted. We have become fat, lazy, and comfortable. No, I am not talking about all Americans, for a significant number fully understand and speak out on a crucial issue of defense. But, unless this Nation wakes up; unless the American people reject the false messiahs who promise peace without sacrifice and without constant vigilance, we may be not only the first, but also the last and only persons to enjoy the "generation of peace" we all so dearly want. Freedom today carries a high price tag, but life is not worth a plugged nickel without it. Are we still the same people who once shouted to our enemies—"Give me liberty, or give me death?"

WHAT APOLLO 16 MISSION MEANS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Peter Reich, aviation and space editor of Chicago Today, offers a most interesting insight into the manned space flight program of the United States in the April 28, 1972, edition of that paper. Mr. Reich summarizes well the achievements and potential of our national space program with particular attention to the already established achievements of Apollo 16. I commend this article to your reading:

WHAT APOLLO 16 MISSION MEANS

(By Peter Reich)

The Apollo 16 astronauts are back on Earth—safe and sound.

What does the latest journey to the Moon mean? Where do we go from here?

For one thing, the United States now has sent aloft 26 different manned spaceships into the hostile environment beyond Earth's sheltering atmosphere—and brought them all back safely.

That alone is a remarkable achievement.

Thirty-two Americans now have traveled into space, 16 of them have made one or more repeat trips, 10 have walked on the moon—and not one has so much as scratched a finger in outer space mission.

By contrast, four Russian cosmonauts have perished in space, and no Russian has even circled the moon.

John Young, commander of the Apollo 16, and James Lovell are the recordholding astronauts. Both now have flown four space missions each, more than any other human beings.

Young must be given the edge. He has roamed the lunar surface. Lovell flew around the moon on two missions, but did not land. (He was supposed to land on the moon, but an explosion in the service module of his moonship, Apollo 13, canceled those plans.

Four other Americans have made three space flights each—Wally Schirra, Charles Conrad, Thomas Stafford, and David Scott.

Ten other American astronauts, including two from the Chicago area, have made two trips into space. They include Gene Cernan, whose mother lives in suburban Bellwood, and James McDivitt, who attended Lane Technical High School in Chicago.

Also, Michael Collins, Edwin [Buzz] Aldrin, the late Virgil [Gus] Grissom, Neil Armstrong [first man on the moon], Richard Gordon, Alan Shepard [first American in space], Gordon Cooper, and Frank Borman [first man to circle the moon.]

There have been two suborbital [up-down] space missions in the one-man Mercury spacecraft, and four orbital missions by the same craft.

Ten two-man Gemini flights were flown. And now 10 three-man Apollo flights have been accomplished.

Of the Apollo flights, two were Earth orbit missions, three orbited the Moon without sending men to the surface, and five were moonlanding missions.

One Apollo mission remains.

Apollo 17 will be under the command of Bellwood astronaut Gene Cernan, who is scheduled to walk on the Moon with the first civilian-scientist to fly an American space mission, Dr. Harrison H. Schmitt.

Rookie astronaut Ronald Evans will wait for the pair in the circling mothership.

Launch date for Apollo 17 has been set for next December 6. Like the Apollo 15 and 16 astronauts, the Apollo 17 crewmen will ride in style across the lunar surface in another electric Moon Buggy.

And that will terminate the Apollo Moonland program.

Beyond Apollo 17 are three planned Skylab missions. The first is to keep three men in orbit for 28 days. The second and third should keep three men up for 56 days each.

After that, in the late 1970s, should come the Space Shuttle, a winged craft about the size of a DC-9 jetliner which will rocket into space like a spacecraft, but return to land on Earth like an airplane—and be able to make repeated flights!

Each of America's space programs has had a specific purpose:

Mercury-Redstone taught us that man can survive a rocket trip into space and return safely, at speeds of up to 5,200 m.p.h.

Mercury-Atlas demonstrated that man can safely orbit the Earth at up to 17,400 miles an hour.

Gemini showed that a manned spacecraft can be maneuvered, rendezvous with another manned craft, link up with unmanned satellites, change altitude, and can use an unmanned satellite's rocket to blast itself into a different orbit.

Apollo proved that men can fly beyond Earth orbit, around the Moon, and even land.

MRS. CONSTANTINE MACKARONIS: A GREAT LADY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. PATTEN. Mr. Speaker, recently one of my finest constituents, Mrs. Constantine Mackaronis, of New Brunswick, N.J., was honored for "outstanding civic work" by the New Jersey State Federation of Women's Clubs.

There is so much I could say about Mrs. Mackaronis. However, I think that the attached article published by the Home News, of New Brunswick, cites some of her remarkable activities, achievements, and leadership.

Mrs. Mackaronis is a woman of many talents, but her greatest gift is the love she has for people—it is deep and real and enduring. It is a special honor to have her live in Middlesex County, where she works day and night, not only helping people, but providing inspiration as well. Respected, admired, and loved, this great lady is a blessing to all who have the honor of knowing her. Like her husband, she always has love in her heart.

[From the New Brunswick (N.J.) Home News, May 10, 1972]

"OUTSTANDING CIVIC WORK" IS HONORED

ATLANTIC CITY.—Cited for her numerous civic activities, Mrs. Constantine Mackaronis of 11 Edgeworth Place, New Brunswick, has been honored with the Cecilia Gaines Holland Award by the New Jersey State Federation of Women's Clubs.

The award, presented last night at the federation's annual convention here, is given annually to the "clubwoman doing outstanding civic work in the State of New Jersey." It was instigated by Mrs. Holland, president of the federation from 1896–98, who is known for the part she played in helping to preserve the land along the Hudson River called Palisades Interstate Park. Criteria for the award is based strictly on civic activities rather than participation in club work.

Mrs. Mackaronis was nominated by Mrs. William Bornheimer, past president of the Raritan Valley Woman's Club, a club that meets in the evening for women who are unable to attend daytime meetings. Mrs. Mackaronis was its founder.

A member of the New Brunswick Historical Commission, Mrs. Mackaronis served on the New Jersey Tercentenary Committee in 1964 and was chairman of the United Nations celebration in New Brunswick. She is advisor to the Citizens Federation for the United Nations and is chairman of the Parent Council for New Brunswick Schools and serves on the Community Advisory Committee to the city's Board of Education.

Both she and her husband are active in St. George Greek Orthodox Church where the former organized and was first president of the PTO. She also has been secretary of GOYA (Greek Orthodox Youth Organization).

Her husband is a former vice president of the St. George Board of Trustees. They have three children: Gregory, supervisor of the case workers for the Middlesex County Welfare Bureau; Candace, who teaches Spanish at New Brunswick High School, and Patrice, a social worker at Princeton Hospital.

Mrs. Mackaronis currently is serving as vice president and director of commissions on administration and individual development for the New Jersey Parent Teachers Association, and is president of the Middlesex County Past PTA Presidents Service Group. She is on the N.J. Education Association's committee planning a curriculum work conference to be held in November.

A member of the Middlesex County College Foundation, she also serves the Raritan Valley Girl Scout Council, the Linnaeus Garden Club and is a member of the National Association of Parliamentarians and a member of the Richard Kain Unit, NAP.

CRITICS GANG UP ON THE BICENTENNIAL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. SCHWENGEL. Mr. Speaker, recently there appeared in Business Week of May 6, an article on the bicentennial. It is entitled "Critics Gang Up on the Bicentennial."

Mr. Speaker, this is a very perceptive and worthwhile analysis by a very capable author and reporter. Because this reflects a genuine concern on the part of many important people who have an understanding of and for American history and an appreciation of the challenge that is presented in properly commemorating the 200th anniversary of our birth, I call it to the attention of my colleagues.

Recently I placed in the RECORD an article in the magazine published by the American Association for State and Local History on its editorial page which indicates that the leadership of this very fine historical organization is discouraged. It is my belief that it reflects the thinking of many of its members and adds up to a growing collection of concern that ought to be noted by the Chairman of the Bicentennial Commission and especially by its Director, who many believe woefully inadequate for the challenge.

Mr. Speaker, that editorial ends with the observation that "time is running out." But it is not too late and it is my hope that the Commission will recognize its opportunity and respond to this challenge at an early date.

The article from Business Week follows:

CRITICS GANG UP ON THE BICENTENNIAL

Plans to celebrate the 200th anniversary of the American Revolution are stirring their own mini-revolt, centered around the agency in charge: the American Revolution Bicentennial Commission. "They act like they're promoting a high school prom," says Representative Jerome Waldie (D-Calif.).

Similar complaints come from other congressmen as well as from historians. They charge that planning for the bicentennial has been preempted by promoters who are more interested in commercializing the 1976 celebration than in providing meaningful events to note the nation's 200th birthday. "Some very respected historians say that if the leadership is not changed, the bicentennial is doomed to failure," Representative Fred Schwengel (R-Iowa) charged in a House speech. Senator Charles Mathias, Jr., (R-Md.), and Representative Bradford Morse (R-Mass.), co-authors of legislation that created the commission, are both scathingly critical—Morse so much so that he voted against funds to keep the commission operating.

A primary target of this wrath is Jack LeVant, director of the commission and former senior vice-president of Colgate-Palmolive Co. LeVant, who was sworn into the job by none less than Chief Justice Warren E. Burger last October, is a long-time business associate of David J. Mahoney, chairman of the commission and also chairman and president of Norton Simon, Inc. "LeVant has to go," Schwengel says flatly, and a move to oust him is taking shape in Congress.

ACTIVITIES

Defenders of the commission argue that it has been handicapped by a small staff, little money, and frequent changes in leadership since it was set up in 1966. But now, with a staff of 60 and with new members of the commission, defenders says that it is broadening its representation and beginning to make progress.

Currently, the commission's plans center on two main proposals. One is for an international exhibition in Philadelphia—itself a focus of controversy in the Quaker City. The second, still under study, is for a permanent "urban, recreational, and cultural" park in each state, financed with $1.2 billion of federal funds. The parks would have such things as state historical exhibitions, craft bazaars, playgrounds, and restaurants.

So far, the commission has helped to set up state centennial commissions and arts groups to draw up projects for the celebration. It has also made a 14-minute film about the centennial, and is talking about other activities. Now it is seeking business participation, and will send out packets this summer to companies suggesting ways in which they might cooperate. Corporations and ad agencies are "thrashing about" for ideas, says a commission staffer. American Oil Co., for instance, has commission endorsement for its drive to raise funds to eradicate sickle cell anemia by 1976.

But, say critics, these activities simply are not adequate. "They conceive of it as a big birthday party," charges John Harr, editor of *USA 200*, an independent newsletter on bicentennial activities. Historians, he says, are in a state of near-rebellion. Professor Clarence VerSteeg of Northwestern University, chairman of the American Historical Assn.'s Bicentennial Committee, complains that he has not been able to get an appointment with Mahoney or LeVant.

"No programs are being planned to bring across the meaning of the American Revolution," VerSteeg says. "It shouldn't be a costume play. It should represent a clash of ideas." VerSteeg claims that the commission's operations have been "closed" and that the projects it has endorsed so far—a World Food Exposition in Iowa, for example—are "rather dreary and commercial." At the commission's May 15 meeting, historical groups will propose that a National Historic Records Commission be created. If the proposal is accepted, says commission member Professor Richard McCormick of Rutgers University, it will "do a lot to restore the credibility of the commission" with the historians.

UNDER FIRE

Another target of the critics is the composition of the commission. Congress added eight new members to the commission, prompted by complaints that, of the 18 public members, only one was a historian, one was black, two were women, and none was under age 42. John D. Rockefeller III assembled a group of young people who wanted to help plan for the bicentennial, but after they were unofficially embraced by the commission as its "youth advisory committee," they pulled out, charging that they were being used as a "smokescreen" to make it appear that young people were participating.

Also under attack is the urban park proposal, which is cited as an example of the commission leadership's arrogance. The idea came up last October at an executive committee meeting of the commission. The staff then worked up a plan for the parks. This was presented to the full commission in February, with the recommendation that it be submitted to President Nixon for his approval. There was no indication on the agenda that the matter was coming up, says commission member McCormick, no advance documents for study by members, and less than a hour's discussion. "It was most extraordinary." McCormick says.

To LeVant, the fast action on the parks proposal was an effort to dispel charges of a "do-nothing commission." "We were asked by the President to get the wagon moving." he says.

Critics might be willing to let the commission operate more on its own if they had more confidence in the professional back ground of its director. "I have never heard of LeVant in the history field," says Schwengel, with some sarcasm. (Schwengel was chairman of the Civil War Centennial Commission and is president of the U.S. Capitol Historical Society.) McCormick does not press for a historian to run the staff, but he thinks that the director should "at least be someone who knows his way around the government" and has a background in public affairs. LeVant retorts that he thinks a business background is needed to cut through formalities and get things done. But critics still do not believe the commission and its staff are competent to stage a worthy commemoration.

TAX ACCOUNTANT REGISTRATION?

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. SHRIVER. Mr. Speaker, although the tax filing season has just concluded, the subject of taxes and the role of the persons engaged to assist in the preparation of returns is still very much in the news.

A recent story appeared in the Hutchinson News concerning the proposal advanced by one of the professional organizations in the accounting field. The National Society of Public Accountants testified on this important subject on April 18, 1972, before the Subcommittee on Legal and Monetary Affairs of the House Government Operations Committee.

I wish to thank Mr. John P. Shultz of Hutchinson, Kans., who is President of the Public Accountants Association of Kansas, the affiliate State organization of the National Society of Public Accountants, for bringing this article to my attention.

This organization of professional accountants should be congratulated for seeking a practical solution to a most serious question touching millions of American taxpayers.

I insert the news article of April 16, 1972, from the Hutchinson News in the RECORD.

The article follows:

TAX ACCOUNTANT REGISTRATION?

The president of the National Society of Public Accountants this week called for registration of all income tax return preparers in order to cut down on improper preparation of the forms.

"Allegations by the IRS and the Treasury that many tax returns prepared for a free are either erroneous or fraudulent underscore the pressing need for immediate steps to identify and assure the competence of all preparers," said R. J. Passero.

"Every person who prepares federal income tax returns for a fee ought to be clearly identified by a registration system and be willing to demonstrate his competence by continuing study and familiarity with a constantly changing technical field."

He said that before a person could renew his registration at appropriate intervals, he would have to file an affidavit with the Internal Revenue Service indicating that he had complied with a reasonable on-going education program in the tax field.

"No one should be exempt," said Passero. "The only preparers who might be reluctant to register would be the marginal preparers who have something to hide."

Passero will testify formally at hearings of the Legal and Monetary Subcommittee of the House Government Operations Committee Tuesday.

The National Society of Public Accountants is composed of some 13,000 independent accountants in public practice. Organized in 1945, NSPA has been active in encouraging state legislation to regulate the accounting professional through the establishment of licensing or registration of public accountants other than CPAs.

The National Society's recent proposal was the first formal presentation made by the professionals in the tax and accounting fields in response to an IRS request for comments.

"This plan to identify every person making returns and to require some continuing education is designed to take some immediate, practical steps to halt the shoddy performance of some preparers," said Passero.

He stated that every effort has been made to avoid placing an administrative burden upon IRS while doing something to give the public a reasonable expectation of receiving qualified assistance.

"It is likely that many of the examples unearthed by IRS in its current probe will come about not from fraudulent behavior but from lack of knowledge of this complex tax field," said Passero.

"Without continuing technical education this aspect of the problem will remain a danger to the taxpayer seeking advice."

AMERICAN INSTITUTE FOR FREE LABOR DEVELOPMENT IN LATIN AMERICA

HON. THOMAS E. MORGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. MORGAN. Mr. Speaker, the American Institute for Free Labor Development is completing 10 years of activity in Latin America, where it has sought to establish strong labor unions with a democratic orientation. It has been opposed by formidable obstacles—the Communist movement included.

This work deserves the continued support of the American people, and of the Congress.

Mr. Speaker, I have a summary of the accomplishments of AIFLD over the past 10 years, but before I insert it in the RECORD, I would like to call my colleagues' attention to the leadership of this organization.

George Meany of the AFL–CIO is president of AIFLD, and J. Peter Grace is chairman of the board, so we have labor and management teaming in this effort. Joseph A. Beirne, president of the Communications Workers of America, is secretary-treasurer, and William C. Doherty, Jr., is executive director.

Mr. Speaker, I insert a summary of the accomplishments of the organization during the past 10 years in the RECORD:

AMERICAN INSTITUTE FOR FREE LABOR DEVELOPMENT

The American Institute for Free Labor Development, sponsored by the AFL–CIO, has completed a decade of operations with an outstanding record of helping the Latin American labor movement build its power and competence to the point where the Latin American Worker has his proper voice in labor-management relations in the area.

With the increasing support of the United States Government, this unique joint venture of American labor and business has significantly accelerated economic growth with justice in Latin America through programs of education, housing and community action, and has demonstrated to hundreds of thousands of workers that their best interests are served by a free and democratic society.

The tremendous progress of AIFLD is impressive, especially considering that democratic unionism has had to contend with strong communist opposition. Beginning in 1962 when Fidel Castro's popularity in Latin America was at its highest peak, AIFLD had to challenge Castroism on its home ground in Latin America and deal with its infiltration and attempted takeover of the labor movement. AIFLD has demonstrated that the democratic way offers greater dignity and a higher quality of life to the workers of Latin America.

How successfully it took up this challenge can be seen from the number of labor unions that have routed their communist leaders and joined the democratic camp.

Outstanding victories in cause democratic of reform were achieved in all of the Latin American countries where communist infiltration of the labor movement was a severe problem, notably in Uruguay, Brazil, Ecuador, Colombia, Panama, Dominican Republic, Guatemala and Guyana.

AIFLD's record of accomplishment is making trade unions effective engines of change in Latin America can best be seen in concrete data:

In Education: It has trained in ten years 188,795 labor leaders at residential centers and in regional seminars in Latin America; 1127 leaders in its advanced course at the Front Royal, Virginia Institute, and 89 labor economists who were educated at Loyola and Georgetown Universities. In 1972 it has set up training courses for an additional 36,000 leaders in Latin American training centers; 200 leaders at the Front Royal Institute and 21 labor economists at Georgetown.

In Housing: 16,269 units have ben completed in 12 countries for an investment of $70 million with an additional 1,619 units costing $6.6 million now under construction.

In Credit Facilities: The Workers Housing Bank in Peru set up by AIFLD has $4.25 million in deposits from 12,268 workers and has approved 961 loans for total of $8.1 million. AIFLD has established a credit cooperative in the Dominican Republic to free thousands of workers from loan sharks.

In Social Action: 675 community action projects have been completed representing an investment of $2.2 million in grants and interest-free loans funded by the AFL–CIO and AID.

In Impact Projects: The AFL–CIO has contributed $600,000 to finance this program of grants and interest-free loans of less than $5,000 to help unions build community centers, for school construction, repairing and remodeling, disaster relief, health services, educational equipment, and the like. Under this revolving fund 351 projects in 22 countries have been approved for a total of $676,000.

In Regional Revolving Loan Fund: Financed by AID this program provides interest-free loans on projects costing between $5,000 and $50,000 for social projects and community development.

The "alumni" of the AIFLD education program have become top labor leaders in their home countries, directing labor federations or large key unions and in some cases they have become members of legislatures and cabinet ministers.

In recognition of its increased effectiveness, the U.S. Government, through AID, has substantially increased its grants to the Institute during the course of the past decade. In this same period of time it has had the strong support of both Democratic and Republican administrations.

Here are three Presidential comments:

"I am very pleased to express to the first group of participants in the American Institute for Free Labor Development my warm best wishes and congratulations.

"The Institute is a formal acknowledgement of the fraternity of spirit to which all who choose freedom belong American trade unionism, the beneficiary of an open political system and an accomplished economy, can impart to his brother trade unionists from other lands its technical know-how and its experienced methods. But it receives something in return—the refreshing reminder that those things have come into being and exist for the welfare of the individual and the advance of human dignity . . ."—John F. Kennedy.

"For over three years the education and social welfare programs of the American Institute for Free Labor Development have brought untold benefits to the Latin American workers. "The Institute has been in the vanguard of our efforts to promote the prosperity and well-being of the Americas. In it the Alliance for Progress has found a ready champion, and its countless beneficiaries have found the pathway to a better life . . ."—Lyndon B. Johnson.

"We have a special interest in the welfare of the people who share this Western Hemisphere with us and are currently seeking new initiatives to make our combined efforts more effective. The AIFLD, through its various self-help projects in such fields as cooperatives and housing and through its educational work in support of the development of free democratic trade unions, has played an important role by involving rank and file workers in its activities . . ."—Richard Nixon.

In the critical struggle for the allegiance of rural workers who suffered from exploitations, poverty, and disease, AIFLD moved rapidly during the ten-year period and successfully organized these workers into democratic unions. In the particularly needy northeast sector of Brazim, AIFLD set up three large rural centers to provide education, health care and agricultural training, and set up smaller centers in Ecuador, Costa Rica and Honduras and other countries.

The Institute broadened its program by establishing in Colombia an inter-American training center to develop rural leaders to work in their home countries with farm workers by creating cooperatives and by providing education, medical, legal and credit services.

AIFLD today is one of the most dynamic and successful private organizations operating in Latin America. During its first ten years of operation it has overcome the opposition of Castro-Communism and is now reoriented to meet the challenge of the 70's. It was strongly endorsed by Governor Nelson Rockefeller following his fact-finding tour of Latin America several years ago. He recommended increased financial and technical assistance through AIFLD for worker education and vocational training.

One of its major assets is the successful blending of American business, labor and government. AIFLD has demonstrated that the three essential sectors of a viable democratic society can work together toward a common goal in pursuit of common interests. It has proved itself a model for similar organizations working in other fields and in other activities.

During the past ten years labor and business support has been particularly encouraging to AIFLD and, in fact, it is essential in maintaining the labor-management-government concept on which it was founded to define and promote equitable patterns of labor-management relations in the private enterprise sector which forms an integral part of the mixed economies in Latin America.

AIFLD has pioneered in establishing and developing this unique joint venture which points the way toward the type of organizational base on which some of our foreign activities can operate with effectiveness and success.

A WELL-DESERVED TRIBUTE TO LUISA QUINTERO

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. BADILLO. Mr. Speaker, on Sunday, May 21, a well deserved tribute will be paid to Mrs. Luisa Amparo Quintero, staff reporter of El Diario-La Prensa, by her many friends and associates at a testimonial dinner in the Metropolitan Opera House of the Lincoln Center in New York City. Mrs. Quintero, affectionately known in the Puerto Rican and Spanish-speaking community as simply "Luisa," will be honored for her many years of tireless and outstanding service to the community as well as for her distinguished journalistic career.

Born in Toa Baja in northern Puerto Rico, Luisa served as secretary to the great Puerto Rican national poet, Luis Llorens Torres. Arriving in the United States in 1928, she quickly launched her noted career as a newspaperwoman by taking a position with La Prensa. Both as a member of the press as well as in her private life, Mrs. Quintero has tirelessly worked to achieve equal rights for all peoples and to foster greater understanding among diverse ethnic and racial groups. She has also been a vital element in the progress of the Puerto Rican community, both in New York and on the island. Official recognition has been given to her important community contributions—in 1967 when she was named "Journalist of the Year" by the Institute of Puerto Rico, in 1968 when Terence Cardinal Cooke of New York bestowed the Gold Medal of the San Juan Fiesta on her and in 1970 when Mayor John V. Lindsay awarded her the Medal of the City of New York.

I feel a very special affection for Luisa and am proud to have had the opportunity to be associated with her in a number of community projects over the past years. I am indeed pleased to join in honoring her and in bringing her outstanding career to our colleagues' attention.

At the testimonial dinner Mrs. Quintero will be presented with a resolution which both aptly summarizes her many and varied accomplishments and contributions and appropriately expresses the gratitude of her many friends, both within and without the Puerto Rican community. I am pleased to present this resolution herewith for inclusion in the RECORD:

RESOLUTION IN TRIBUTE TO LA SRA. LUISA AMPARO QUINTERO

Whereas, La Sra. Luisa Amparo Quintero is a noted, loved and respected journalist who has dedicated her personal and professional life to serving the Puerto Rican Community in the United States and Puerto Rico;

Whereas, Her Column, "Marginalia," which regularly appears in *El Diario-La Prensa,* is read by Spanish-speaking people throughout the United States and Puerto Rico;

Whereas, In addition to her journalistic career she has personally labored with unstinting energy to further equal opportunities for all Americans, whether Spanish-speaking or not;

Whereas, Her personal, heartfelt efforts have been devoted to fostering understanding, friendship, love and respect among all people, regardless of ethnic or racial background;

Whereas, Her career has included service to Luis Llorens Torres—Puerto Rican national poet; respected Spanish language newspapers including *La Prensa, Ecos de Nueva York,* where she was city editor, *El Diario,* and *El Diario-La Prensa,* as well as *Texas Magazine* and the Spanish Bulletin of the United Nations;

Whereas, Mrs. Quintero was a founder of the Puerto Rican Parade, the Fiesta Folklorica and the San Juan Bautista Fiesta;

Whereas, She was a founder of the Puerto Rican Forum; ASPIRA, Inc.; and the Puerto Rican Community Development Project;

Whereas, She was selected Journalist of the Year in 1967 by the Institute of Puerto Rico;

Whereas, The Medal of the City of New York was awarded to her in 1970 by Mayor John V. Lindsay for services rendered to the community;

Whereas, She was awarded the Gold Medal of the San Juan Fiesta for meritorious service to the community by H. E. Cardinal Terence J. Cooke, of the Catholic Archdiocese of New York in 1968;

Whereas, There is hardly an aspect of Puerto Rican life in New York City to which Mrs. Quintero has not devoted her energies;

Whereas, She was intimately involved with the efforts of President John F. Kennedy and Senator Robert F. Kennedy as well as with other national political and social leaders;

Whereas, She has lent wisdom and wit to the struggle to improve conditions for Puerto Ricans and others;

Whereas, When the history of the Puerto Rican contribution to the cultural and social life of this country shall be written, Mrs. Quintero's name shall stand as a shining light to guide future generations.

Now, therefore, be it resolved that Mrs. Luisa Amparo Quintero be honored for her many years of tireless and devoted service on behalf of the Puerto Rican community and for her countless contributions to advancing the best interests of all Boricuas and other Spanish-speaking peoples.

Be it further resolved that Sunday, May 21, 1972, be proclaimed as a special day of tribute to Mrs. Luisa Amparo Quintero and that a testimonial dinner be held in her honor at which time we may personally express our gratitude.

TRIBUTE TO MRS. JOAN LORENZEN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. ANDERSON of California. Mr. Speaker, the noted poet, Ralph Waldo Emerson, stated:

> The true test of civilization is, not the census, nor the size of cities, nor the crops—no, but the kind of man the country turns out.

A glowing example of the product of our civilization is Mrs. Joan Lorenzen, a community-minded citizen who personifies the ideal referred to by Mr. Emerson.

By measuring the accomplishment of Mrs. Lorenzen against the "true test of civilization," we can, as a nation, take pride in the individuals who have worked to advance our society.

On May 30, the community of Wilmington, Calif., will pay tribute to Joan Lorenzen for her many years of dedicated service to the people of the harbor area.

Almost every area of social concern has witnessed the driving force and the inspiring devotion of Mrs. Lorenzen. Her activities have run the gamut of volunteer service in such projects as the Red Cross, the United Fund, the Cancer Society, and the Parents-Teachers Association.

Due to Mrs. Lorenzen's radiating personality, she has been selected by her peers to lead in these and other campaigns, and worthy causes including the hospital auxiliary, women's clubs, clean-up drives, and Government education. In addition, her work through the church has drawn praise from many quarters.

In fact, she received an "Oscar" from the city of Los Angeles for her work as the charter organizer and the charter president of the Senior Citizens at Banning Manor in Wilmington.

In 1966, she received well-deserved recognition for her most important activity—caring for her family—when she was nominated by the American Mothers Committee of the State of California for the award of "Mother of the Year." Mrs. Lorenzen and her husband, Fred, are the parents of a daughter, Marga Jean, and two sons, Harry and Frederick.

When the mayor established an advisory council consisting of local citizens who are involved in community projects, and who are aware of the needs and desires of the citizenry, one of the first selected was Mrs. Lorenzen.

In her efforts to preserve one of the few remaining landmarks to Southern California's activities during the Civil

War, Joan was instrumental in the establishment of the Society for the Preservation of Drum Barracks. Today she is the president of that organization whose purpose is to restore the 110-year-old Drum Barracks located in Wilmington.

She has served as the president of the Women's Division of the Wilmington Chamber of Commerce and was regional director for Women in Chambers of Commerce for California for 6 years.

In addition, Mrs. Lorenzen is the vice president of the Commission of Animal Regulation.

Mr. Speaker, Wilmington, the State of California, and the Nation are, indeed, better places to work and live due to the efforts of Mrs. Lorenzen.

If we use the test of a civilization established by Ralph Waldo Emerson, and measure a Nation by the quality and the character of her people, as exemplified by Mrs. Joan Lorenzen, I believe that we can take great pride in our country and in our civilization.

Mr. Speaker, it is with great honor that I join with the many friends of Mrs. Lorenzen in paying tribute to her for her achievements and for her efforts in behalf of the people of the harbor area.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. THONE. Mr. Speaker, a great deal of press and television attention has been given recently to the Law Enforcement Assistance Administration. The bulk of that attention has been critical and has stemmed from two sources: First, press accounts of a majority report by the House Legal and Monetary Affairs Subcommittee, which has not yet been released; and, second, a segment on the "60 Minutes" program on CBS television citing the majority views and similar criticisms.

What has been overlooked in this flurry of criticism, of course, is the positive side of the LEAA story—or, to put it another way, there appears to have been little effort made in recent weeks to give a balanced account of the nationwide crime control program.

Thus, it was extremely heartening to read in the May 16 edition of the Wall Street Journal an eminently fair and balanced account of the LEAA program—which took into account both its successes and its past problems.

The Wall Street Journal's discussion of the LEAA program appeared in an editorial titled "Is LEAA a Flop?" It was a thoughtful and judicious discussion of LEAA and the controversies surrounding it, and I commend it to every member of the House with an interest in the subject.

I am certain that all members who may have formed opinions of the LEAA program based on premature press and television accounts of the majority report's findings will wish to wait to form their final judgments until after the minority report of the House Government Operations Committee is issued shortly. I believe that such an important subject can be evaluated properly only by looking at both sides—and I am confident that the minority report, when it is made public, will present a convincing case for the worth of the LEAA program. I also believe it will make clear that less than a balanced view was sought by the majority in its examination of the LEAA program.

The Wall Street Journal editorial points out, for instance, that some money was hastily spent in the first 2 years of the program, and some was wasted. But it also goes on to say that:

> Under the reorganization of LEAA by Jerris Leonard, its new Administrator, the agency is having more success in making sure the funds are being spent for reasonable purposes. It's now clear the program is operating far better than the Monagan report would indicate.

The editorial says, too, that one of the crucial points of the LEAA program is that it gives the basic responsibility for creation of anticrime programs to State and local governments, and that there are signs that this approach is strengthening our Government at this crucial grassroots level. This certainly was the intent of the Congress.

> A social engineeer in Washington would likely allocate the money differently.

The editorial says:

> But past experience suggests more money is wasted by this method than by having local professionals decide and be held accountable.

And the editorial concludes:

> Thus, while we can agree that LEAA had a shaky start, we think it's altogether incorrect to pronounce it a failure. Indeed, the preponderant weight of testimony from the criminal-justice and law-enforcement community indicates the Monagan view is a minority view.

It is urged that the editorial gives important insights into the LEAA program and current criticisms of it, and it is as follows:

Is LEAA a Flop?

Democratic members of a House subcommittee last week endorsed a report that pronounces the Nixon anticrime program a failure, finding it shot through with waste, inefficiency, and corruption. The report catalogues questionable disbursement practices of the Law Enforcement Assistance Administration (LEAA), an arm of the Justice Department, as well as dubious spending practices by state and local law-enforcement agencies.

Well, one might say, it's an election year. The Democrats could not be expected to pronounce LEAA a model of efficiency even if it were, which it isn't. Even so, there is more here than meets the eye, more at issue than simply presidential politics. What is developing is a classic struggle between Democrats and Republicans over the strength of the central government, a struggle that has taken various forms throughout the republic's history and now focuses on the President's decentralization program. A bit of recent history explains why.

In 1968, with Republicans vowing to make "Crime in the Streets" a principal issue, Lyndon Johnson rushed forth with a plan to spend several hundred millions a year to aid local law enforcement. His proposal would have required state and local police, court, prison, and parole agencies to apply directly to the Justice Department for funds to pay for specific, approved projects. House Republicans (backed by Southern Democrats) insisted the effort be decentralized through the "block grant" concept. Under this system, each state would submit an overall plan on how it would spend its share of the total in the federal kitty. It would not be necessary to set up another giant federal bureaucracy to oversee the program. The states would be chiefly responsible for setting priorities and spending the funds wisely.

The liberal Democrats were aghast at the prospect of turning all this political power over to the states, and predicted waste, inefficiency, and corruption unless the federal government maintained direct control. Among those in the forefront arguing this line was Rep. John Monagan, Democrat of Connecticut. He lost, and LEAA was set up along the lines designed by the House Republicans. Mr. Monagan, chairman of the subcommittee whose Democratic members last week pronounced LEAA a failure, wants to replay the 1968 debate and this time get that political power back from the states.

That's fair enough. But the campaign is getting a bit nasty. Early last month, Mr. Monagan's staff leaked its hypercritical report on LEAA to Mike Wallace and the CBS television program "Sixty Minutes." Mr. Wallace accepted the report as gospel and took his cameras around the country to illustrate the flaws in LEAA. Republicans charged that the program was carefully edited to eliminate any evidence that did not jibe with the theme of the Monagan report. They turned up one Florida police chief who spent 2½ hours being interviewed by CBS and "had nothing but praise for LEAA," yet who didn't make the show at all.

Nonetheless, the question is a valid one: "Is LEAA a flop?" and if so, has the block grant concept been so discredited that one might as well forget all the Nixon ideas about decentralizing government—including revenue sharing? Can it be that state and local agencies just cannot be trusted to spend money wisely unless, every step of the way, the federal government is dictating directions?

So far as we can tell, having watched LEAA's development with a curious eye on the block-grant experiment, the results are mixed but hopeful. Undeniably, considerable money was hastily spent in the first two years of the program, undoubtedly much of it wasted.

The biggest mistake the Republican administrators made at the outset lay in trying to prove too earnestly that Big Brother wasn't needed at all. For its first two years, LEAA's staff included but five auditors, wholly inadequate for an effort that has thus far dealt out $1.4 billion. Fortunately, after the initial experience, LEAA was reorganized under director Jerris Leonard, and the auditing staff of 50 is having more success in making sure the funds are being spent for reasonable purposes. It's now clear the program is operating far better than the Monagan report would indicate.

Even before the reorganization, the experiment showed promise. The process by which the criminal justice community sets priorities and divides up the money fairly seethes with contentiousness and compromise, signs of real decision-making at the local level. A social engineer in Washington would likely allocate the money differently. But past experience suggests more money is wasted by this method than by having local professionals decide and be held accountable.

Thus, while we can agree that LEAA had a shaky start, we think it's altogether incorrect to pronounce it a failure. Indeed, the preponderant weight of testimony from the criminal-justice and law-enforcement community indicates the Monagan view is a minority view.

A CASE OF SLOPPY JOURNALISM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, the need for and advisability of granting amnesty to draft evaders has been debated rather heatedly for several months.

People on both sides of the issue have come up with numerous reasons for supporting their particular view. And there has been sharp divergence on such matters as if, when and how an amnesty program should be established and who should be eligible for this form of dispensation.

But on one point, people at both ends of the spectrum have been in relative agreement—that there are tens of thousands of young men in Canada who would be permanently barred from America if no amnesty were declared. Acceptance of the estimate that 70,000 to 100,000 evaders are now making their homes in our northern neighbor's cities and provinces has been universal. The 70,000 figure has gained the most acceptance in 1972.

An article in the May 9, 1972, Washington Post sheds some light on these estimates. It shows dramatically the way in which all of us have come to take for granted something which apparently is based on little more than speculation. The estimates were given credence not only because of the number of times they were repeated, but by the sources repeating them as well. Members of the media and politicians more and more came to rely on the 70,000 figure, and it thereby became "fact."

Mr. Russell Nye in his article offers a brilliant exposition of how we have trustingly allowed ourselves to begin using these estimates without questioning their source or accuracy. This example gives cause to wonder how many other times this kind of gradual misinformation takes place.

Will Rogers, of course, was famous for saying, "All I know is just what I read in the papers." They are, without question, an important source of information, but when they get complacent—and when we do as readers—the likelihood of this sort of situation occurring is increased.

The article follows:

A CASE OF SLOPPY JOURNALISM

(By Russell B. Nye)

When it comes to facts, I have never really trusted newspapers very much. A youth spent in what Colonel Robert R. McCormick used to call "Chicagoland," reading the *Tribune*, and 25 years of historical research have convinced me that newspapermen are highly fallible sources of information. When I heard Martin Nolan of *The Boston Globe* remark confidently on television (October 24, 1971) that there were "over 50,000 war resisters in Canada," I thought he might really know. The figure seemed to me important, so I wrote to Nolan, asking his source.

Nolan's reply was not helpful. He cited James Reston Jr. who had used the 50,000 figure in *The New Republic* without attribution. Newspapermen quoting other newspapermen arouse my suspicion, so I thought I'd look it up, especially when that 50,000 began turning up all over the media.

I began in 1968. That year a writer in *The Progressive* thought there were "at least 10,000 draft evaders in Canada. *U.S. News and World Report* gave estimates varying from 300–400 to 25,000. Edmund Taylor, in a well-researched article in the soon-to-be-defunct *Reporter*, cited a *New York Times* estimate of 14,000 up. *The Atlantic*, using the Toronto group's figure, came up with 3,000–10,000.

In 1969 amazing things happened. The *New York Times* in April settled for "several thousand" draft evaders in Canada. In December, however, it raised that to 60,000 on the basis of estimates from the Toronto draft-resisters' group—a number soon to be enshrined in the American press. That the figure represented a spectacular increase of 56,000 over the 1968 news report bothered nobody at the *Times* while CBC's "Public Eye" program, perhaps carried away by the *Times*, also estimated 60,000.

In 1970 things settled down a bit, but not for long. The *Times* shifted its estimate to 6,000–60,000 (a delightfully flexible figure, I thought) as well as quoting an "independent estimate of 20,000." The Toronto group (which used 10,000 in 1968) now placed the number at 60,000 (the *Times* again?) which other papers dutifully printed. Stewart Alsop, in *Newsweek*, fixed for no discernible reason on 25,000–30,000. Roger Williams, of the Toronto group, used the *Times*' 60,000 but insisted that "qualified observers" calculated "many more than that." (This seemed to me an interesting situation, in which draft evaders in Canada quoted the *Times* which quoted draft evaders in Canada.) Vance Garner, of the Montreal Resisters' Council, entered the field with a statement that there were 14,000 draft-age landed immigrants "here now," a figure I found impossible to derive from any known Canadian immigration reports. He escalated things further by claiming that there were actually "three to four times that many" *illegally* in Canada, i.e., 42,000–56,000. A staff worker for the Clergy and Laymen Concerned About Vietnam told the press that there were 60,000 draft evaders in Canada (once more the *Times*), a figure which included 30,000 in Toronto alone.

The year 1971 was wilder. *Newsweek* cited 50,000–70,000, doubling what their man Alsop said a year before. *Parade*, apparently quoting the Clergy and Laymen group, said there were 30,000 in Toronto. The Toronto *Globe and Mail*, for its part, chose 30,000–100,000. Mike Wallace on "Sixty Minutes" used a new Montreal Resisters' estimate of 100,000, noting that it was perhaps inflated, but offering no alternative. Nolan, citing Reston, and Reston, citing nobody, said "over 50,000."

The most curious statistics of 1971, however, appeared in Roger Williams' book, *The New Exiles*, which had few footnotes and no bibliography. Williams on different pages cited both 40,000 and 60,000 (the *Times* again!) for 1970. On another page he put the number in mid-1967 at 5,000–6,000, representing an increase of 34,000–55,000 in less than three years, certainly one of the least-noticed mass migrations in modern history. On two other pages he reported 25,000 evaders and deserters *legally* in Canada, and on yet another page, by adding wives and children, he got the number (legal or illegal?) to 50,000–60,000. Finally, at the close of his study, he increased this to 50,000–100,000.

1972 may be a banner year for inflation. *Newsweek* led off in January with "75,000, mostly in Canada," while David Brinkley, with oracular finality, made it 75,000–100,000. Senator Robert Taft, in an interview given to *The Los Angeles Times* news service, estimated there are "about 20,000 of these men in Canada." Since Senator Taft, who has initiated legislation, and Brinkley, who was commenting on it, differ by 55,000–80,000, the variance seems significant. They can't both be right.

In January, Gannett News Service used the figure "60,000–100,000," which strikes me as having a generous margin of built-in error. In February, UPI settled on 70,000. The last four references I have seen in January and February, 1972, choose 70,000.

What emerges from all this, and I have not by any means exhausted examples, is clear evidency of extremely sloppy journalism. Newspaper and television reports on draft evaders and deserters in Canada have, over those two years, varied from 10,000 to 100,000, a margin of error that ought to have stirred a twinge of doubt in some newspaperman's breast somewhere. Most striking in the stories was the almost complete lack of plain legwork. I found no journalist who had consulted easily obtainable Canadian immigration figures, and with one or two exceptions, none who had researched the realities of Canadian immigration laws. One cannot, as Alsop wrote, simply walk across the Canadian border and "fade into the economy," or, as *Newsweek* misleadingly implied, gain landed immigrant status simply by asking at the border. Canadian embassy and consular sources that have no ax to grind will, if asked, estimate about 10,000 American draft evaders in Canada (about the same number of Canadians have volunteered for the U.S. Army), but nobody asks them.

As for me, I trust the press no more than before, nor do I have any more information than before. I don't know how many draft evaders there are in Canada or elsewhere, but in the light of the growing debate over amnesty, I'd like to know as accurately and honestly as possible.

IMPORTS AND THE TEXTILE INDUSTRY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mrs. ABZUG. Mr. Speaker, this afternoon, Members of the New York delegation met with representatives of textile workers and textile manufacturers from the State of New York to discuss the problem of imports, particularly those produced abroad by American-based "multinational" corporations.

While there was no agreement with respect to a specific piece of legislation, there was a most definite consensus that something has to be done. These American-based corporations develop their technology here in the United States, deducting the cost thereof from their income for tax purposes and then take advantage of tax incentives in our Internal Revenue Code to go elsewhere to produce their goods. The disastrous effect which this sort of thing has had on one industry—the garment industry—is amply demonstrated by the accompanying charts, prepared by the research department of the International Ladies Garment Workers Union.

My bill, H.R. 11783, would put an end to the incentives for multinational corporations to go abroad. It would end their tax deferral and accelerated depreciation advantages and repeal sections 806.30 and 807.00 of the Tariff Code—the provisions which permit American manufacturers to produce their products in Mexico at slave wages and then to import them into the United States for sale with almost no duty.

Mr. Speaker, something must be done,

and the failure of the Nixon administration to do it means that it is up to us in the Congress to act. As Louis Hollander of the New York State AFL-CIO so aptly put it, the figures in these tables are impressive, but the most important thing to keep in mind is that they stand for people—working people—who have lost their means of earning an honest living.

Tables follow:

Apparel imports—Increase from 1969 to 1971

(In square yards of fabric used in their manufacture)

	Percent
All apparel	+564
Cotton apparel (subject to international agreements since 1961)	+92
Man-made fiber apparel	+5,310
Wool apparel	+126

Total apparel imports as percent of domestic consumption

	Percent
1956	4
1961	6
1970	20
1971	25

EXTENT OF IMPORT PENETRATION

[As percent of domestic production]

	In 1961	In 1971
Women's and children's coats and jackets	1	40
Rainwear	6	26
Women's and children's blouses	9	51
Sweaters	5	87
Women's and children's trousers and shorts	23	52
Brassieres	15	29
Pajamas and nightwear	3	15
Womenk's and children's dresses	1	9

IMPORTS OF SELECTED WOMEN'S AND CHILDREN'S GARMENTS

	1961	1971	Percent of increase
Coats	558,000	15,672,000	+2,709
Suits	75,000	879,000	+1,072
Dresses	3,323,000	30,289,000	+711
Blouses	29,426,000	129,270,000	+339
Skirts	504,000	9,286,000	+1,742
Sweaters (for both sexes)	7,201,000	116,710,000	+1,521
Slacks and shorts	31,146,000	136,488,000	+338
Playsuits	10,988,000	20,215,000	+84
Raincoats (for both sexes)	1,337,000	4,906,000	+267
Dressing gowns and robes	476,000	3,211,000	+575
Nightwear and pajamas	4,492,000	18,245,000	+306
Underwear	1,650.000	22,941,000	+1,290
Brassieres	31,523,000	59,938,000	+90

Source: U.S. Bureau of the Census and ILGWU Research Department.

IMPORTS AS PERCENT OF DOMESTIC PRODUCTION AND CONSUMPTION—APPAREL (KNIT AND WOVEN), UNITED STATES

Year	Percent of— Production	Consumption
1956	3.9	3.8
1957	4.3	4.1
1958	5.5	5.3
1959	8.2	7.7
1960	8.6	8.0
1961	6.8	6.4
1962	10.2	9.3
1963	10.6	9.6
1964	11.8	10.6
1965	13.4	11.9
1966	14.2	12.5
1967	15.6	13.6
1968	17.7	15.1
1969[1]	21.6	17.9
1970[1]	25.2	20.3

[1] Preliminary estimate.

Source: ILGWU Research Department.

Net loss of potential jobs attributable to imports, apparel (knit and woven) industry, United States 1956–70

Period:	*Job Loss (−) or Job Gain (+)*
1956 to 1957	−2,900
1957 to 1958	−12,700
1958 to 1959	−35,300
1959 to 1960	−3,700
1960 to 1961	+22,000
1961 to 1962	−46,600
1962 to 1963	−5,600
1963 to 1964	−17,100
1964 to 1965	−26,000
1965 to 1966	−15,600
1966 to 1967	−17,900
1967 to 1968	−30,600
1968 to 1969	−52,500
1969 to 1970	−43,500
1956 to 1970	−288,000

Source.—ILGWU Research Department.

EMPLOYMENT, PRODUCTION WORKERS—APPAREL MADE OF KNIT AND WOVEN MATERIALS, UNITED STATES, NEW YORK STATE, AND NEW YORK CITY

Year	United States	New York State	New York City
1960	1,293,500	292,900	238,800
1961	1,273,040	281,700	228,900
1962	1,321,500	282,400	229,000
1963	1,330,000	276,200	223,600
1964	1,351,400	271,000	219,300
1965	1,411,400	274,100	221,300
1966	1,456,000	273,000	219,900
1967	1,443,000	266,100	214,300
1968	1,460,100	264,600	212,500
1969	1,459,700	255,800	204,800
1970	1,419,500	233,500	186,300
1971	1,406,600	219,500	173,200

Note: Employment figures include Standard Industrial Classifications 23 and 225.

Source: U.S. Bureau of Labor Statistics and New York State Department of Labor (the latter information adjusted to reflect employment of production workers on the basis of benchmark information derived from the U.S. Censuses of Manufacturers for 1958, 1963, and 1968).

Loss in employment of production workers apparel made of knit and woven materials 1966 to 1971

Number of jobs:	
United States	49,400
New York State	53,500
New York City	46,700
Percent of decline:	*Percent*
United States	3.4
New York State	19.6
New York City	21.2

PRODUCTION OF KEY ITEMS OF WOMEN'S AND MISSES' GARMENTS, 1966–71

	1966	1971	Percent change
Coats	27,700,000	25,200,000	−9
Suits	10,700,000	7,400,000	−31
Dresses	314,900,000	295,800,000	−6
Blouses	225,800,000	163,800,000	−27
Skirts	131,100,000	81,400,000	−38
Sweaters (men's and women's)	144,500,000	116,000,000	−20
Slips and petticoats	150,800,000	111,800,000	−26

Source: U.S. Bureau of the Census and ILGWU Research Department.

Unemployment rate among experienced apparel wage and salary workers, apparel and other finished textile products industry, United States

	Percent
1966	6.0
1967	6.5
1968	5.9
1969	5.9
1970	8.2
1971	9.7

Source.—U.S. Bureau of the Census.

INSURED UNEMPLOYMENT AS PERCENT OF WORK FORCE—APPAREL INDUSTRY, NEW YORK STATE, AND NEW YORK CITY

Year	New York State	New York City
1966	9.7	9.9
1967	9.2	9.2
1968	7.5	7.5
1969	8.1	8.1
1970	11.3	11.2
1971	12.6	12.2

Source: New York State Department of Labor.

THE CONGRESSIONAL BLACK CAUCUS SALUTES THE COSPONSORS OF ITS CONFERENCE ON NATIONAL PRIORITIES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. STOKES. Mr. Speaker, the Congressional Black Caucus, of which I am chairman, would like to inform this body of a unique and gratifying experience we had recently. On April 5 and 6, 1972, we joined with three major newspapers of national repute in sponsoring a forum at Harvard University. The forum addressed the issue of reordering national priorities, focusing on the areas of education, health, housing, employment, law and justice, and mass communications.

Our cosponsors were the Boston Globe, the Chicago Sun-Times, and the Philadelphia Evening Bulletin.

We of the Congressional Black Caucus would like to commend these newspapers which contributed so much to the forum on national priorities. Their concern for finding ways to balance the inequitable, uneven systems operating in this country with regard to minority people was unique. The mass communications media in America has shown a singularly callous disregard for the interests of blacks, the poor, and the disadvantaged.

Another unique aspect of the forum was that the newspaper sponsors knew that they themselves would come under fire as members of the mass communications media. The caucus contends that the media is largely responsible for setting national trends in public opinion and, therefore, creating the collective consciousness which determines national priorities.

The caucus wishes to pay tribute here to the newspapers and the individuals who made the Harvard forum possible. The Boston Globe, its president, John I. Taylor; its executive editor, Robert Healy; its community affairs director, Dexter D. Eure; the Chicago Sun-Times, its editor, James Hoge; the Philadelphia Evening Bulletin, its publisher, Robert Taylor; its managing editor, George Packard; and forum coordinator, Warren Jackson.

Words cannot truly express our deeply felt appreciation for what these men have done. They displayed fortitude and courage by taking a stand for those people in this country who have the least and need the most. It is our hope that the information obtained at the forum will aid and promote progress for all Americans. Other media organizations should take note and follow the pioneering example set by the Boston Globe, the Chicago Sun-Times, and the Philadelphia Evening Bulletin.

RIO HONDO AREA ACTION COUNCIL

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. HOLIFIELD. Mr. Speaker, in 1964 the Congress passed the Economic Opportunity Act to bring into being the Office of Economic Opportunity to wage the war on poverty. I would like to bring to the attention of the Congress and the Nation a very successful community action agency in my congressional district, the 19th District located in southern California.

The Rio Hondo Area Action Council, Inc., which administers and funds antipoverty programs for low-income persons in the Whittier Health District of Los Angeles County, Calif., opened its doors in the summer of 1969. From a staff of four employees and two antipoverty programs, this agency has grown to a staff of 60 with 15 programs to serve the poor.

The agency has been under the direction of a board of directors composed of representatives of the poor as well as more affluent members. The officers are Rudy Hernandez, chairman and Wilbur W. Lorbeer, vice chairman. During the past year, this agency has been under the expert guidance of Ester J. Ortegon as executive director. Miss Ortegon is one of the few women directors of such agencies; she is Mexican-American, speaks fluent Spanish, and is especially successful with the community she serves, which is composed of about 85 percent Mexican-American people.

The Rio Hondo Area Action Council, was chosen as one of only 17 OEO agencies in the country as a model operation with the possibility that RHAAC will be chosen as the outstanding agency being funded by OEO.

I wish also to commend to you the public information program of the Rio Hondo Area Action Council, which is directed by Sarah P. Millier, and which keeps the community aware of the services the agency renders.

Programs to combat poverty being funded by RHAAC include dental treatment and education; senior citizens; alcoholism; child care; consumer education and a child care mobile program; N.Y.C. II; drug abuse; Head Start classes; public service careers; college recruitment; youth opportunities; dental education for low-income adults; community organization, and community service.

The Rio Hondo Area Action Council serves 30,000 poor persons in the Whittier Health District, Los Angeles County, Calif. and is making headway against some of the more pressing problems of the low-income persons in that area. It is to be commended for its effort and for the dedication of its staff to the service of the poor.

DEVALUATION OF THE DOLLAR AND ITS CONSEQUENCES—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on the recent devaluation of the dollar and its consequences. I insert the report at this point:

Rarick Reports to His People on the Devaluation of the Dollar and Its Consequences

Recent action by Congress which affects every American has received little or no report to the people.

In the Baton Rouge area, a brief wire service story advised you that the United States would formally devalue the dollar at noon Monday, May 15th. And, buried in the scanty report was this comment, "the Senate cleared the legislation Friday. It called for an appropriation of $1.6 billion." The $1.6 billion was written in that manner. Few people can envision the size of this amount of money. $1.6 billion is written thus: 1 comma 6 hundred comma 000 comma 000. That's a lot of money in anyone's language, and what was it for? In reality, nothing. It was appropriated by Congress supposedly to maintain our obligations to international banking institutions in performance of our duty to them under so-called commitments.

To make the international deal even further complicated, it must be remembered that our country has no money, and so in order to restore the dollar which had been devalued at the urging of the international banking institutions to its world parity, it is now necessary that our country issue bonds to borrow the $1.6 billion from the international bankers and then give them the money as well as the bonds on which the American people will need to pay interest.

$1.6 billion will not go to create any jobs, to pay off any of our debt, or to furnish any of the long awaited domestic programs for our people. At most this was $1.6 billion which vanished into the air like so much smoke as a result of financial manipulation to devalue the worth of the U.S. dollar by 8.57% when the value of U.S. gold was increased from $35 to $38 per ounce. Or, to put it otherwise, every American lost 8½ cents on his dollar by devaluation and then we had to pay the international bankers for the right to devalue our money. The tragic thing is that this may be just the beginning inasmuch as gold is now selling on the international market in excess of $50 per ounce.

I thought we'd talk today about several aspects of the recent devaluation—devaluation of the dollar means diminishing the value of the dollar—about the events which paved the way for and brought about this drastic devaluation action, the meaning and consequences of the devaluation and the future outlook for the dollar.

A meeting which may have had a significant role in influencing subsequent events leading up to the devaluation took place in Woodstock, Vermont on April 23–25, 1971 at the 29th meeting of an internationally elite group known as the Bilderbergers. This exclusive international aristocracy, unknown to the vast majority of Americans, holds highly secretive meetings annually or oftener in various countries to discuss matters of vital importance to the people of this country and the world. Represented at the meeting were the U.S., Canada, and 12 European nations. Among the some 100 participants were representatives of the international bankers, multinational corporations, and opinion makers as well as fiinance ministers, foreign affairs ministers, and Presidential advisers such as Dr. Henry Kissinger. At that time it was leaked out that the meeting was called to discuss the world monetary system and "the possibility of a change of the American role in the world and its consequences." Subsequent developments have made it increasingly more apparent that the "changing American role" is the replacement of the Bretton Woods international monetary system—which has bankrupted the American economy and eroded the value of the dollar—with a new form of international currency managed by the International Monetary Fund serving as an International Federal Reserve Bank.

Although the public was not informed of the plans laid by the Bilderbergers, we do know that less than two weeks following the Bilderberger meeting, the dollar crisis erupted in Germany, the Netherlands and other European countries represented at the meeting of the Bilderbergers. It marked the first time in this century that the American dollar was rejected on the international exchange. Several countries abandoned the fixed exchange rates of the IMF and allowed their currencies to fluctuate in value against the dollar.

It became evident in early 1971 that our government had overextended the dollar in international exchange and that several countries were going to redeem their dollars in gold. This would have been impossible for the U.S. for we lacked unencumbered gold to meet the demands of the holders of Eurodollars for gold. We were overdrawn—internationally bankrupt if you prefer.

Hence the President's sudden announcement on the night of Sunday, August 15, closing the gold window to foreigners wanting to exchange their dollars for gold at $35 an ounce when gold was selling at $40 an ounce. Foreigners could convert their dollar holdings into gold, a privilege denied to Americans and resell the gold at a profit.

It has been said that the August 15th action of President Nixon brought an end to the postwar international monetary system established at Bretton Woods in 1944. Under this arrangement the U.S. dollar had a fixed value in relation to gold. The dollar, which served as the standard against which other currencies were measured, could be exchanged for gold on demand by foreign governments.

The large deficits in U.S. balance of payments caused a decline of confidence in the dollar and a rush by foreigners to get rid of dollars exchanging them for Japanese Yen or European currencies.

At a meeting in the Azores last December 14th to discuss the international monetary situation with French President Pompidou, former President of the Bank of France, President Nixon declared his intention to devalue the dollar. This meeting led to a meeting of the major international banking representatives—the so-called Group of 10—or Smithsonian Meeting, in Washington, D.C. on December 17–18, 1971 on international finance and trade.

A new pattern of exchange rates among the currencies of the free world were recommended. In the weeks following the meeting, most of the countries increased the value of their currencies in relation to the dollar. In return, the U.S. Executive Branch lifted the 10 percent surcharge against foreign imports and proposed to Congress a means for devaluing the dollar from $35 to $38 per ounce of gold.

In addition, President Nixon held high level meetings to seek economic accord with British Prime Minister Edward Heath and West German Chancellor Willy Brandt in December and with Japanese Prime Minister Sato in January.

On March 21, the U.S. House of Representatives passed 342 to 43, the Par Value Modification Act. That bill authorized and directed the Secretary of the Treasury to take the steps necessary to establish a new par value of the dollar. This new par value, represents the relationship of the dollar to gold for international exchange purposes.

The Secretary of the Treasury was also authorized and directed to maintain the value in terms of gold of the holdings of the U.S. dollars of the International Monetary Fund, the International Bank for Reconstruction and Development (known as the World Bank), the Inter-American Development Bank, the International Development Association, and the Asian Development Bank as required by the respective articles of agreement of these international financial institutions.

The market value of the dollar relative to the other currencies had dropped after the Smithsonian Accord of December 18th in anticipation of the U.S. devaluing of December 18th in anticipation of the U.S. devaluing the dollar. Although the devaluation bill was signed into law on March 31, the Treasury delayed notifying the IMF until Congress appropriated $1,600,000,000 to pay off the IMF and the several international lending agencies for the loss in the value of their dollar holdings. No such guarantee or indemnity has been arranged to pay off the American citizen for the loss of his dollar holdings.

On May 4, the House—291-62—approved the $1,600,000,000 "Supplemental Appropriation for Special Payments to International Financial Institutions, 1972" bill. This chart shows the percentage of total contributions to these international banks paid by American taxpayers and the additional amounts appropriated for each of these institutions because of the dollar devaluation:

MAINTENANCE OF VALUE IN INTERNATIONAL FINANCIAL INSTITUTIONS

[Thousands of dollars]

Institution	U.S. contribution as percent of total	U.S. additional contribution May 1972
International Monetary Fund (IMF)	23.2	525,000
International Bank for Reconstruction and Development (IBRD)	27.4	560,000
International Development Association (IDA)	40.0	122,000
Inter-American Development Bank (IADB)	56.4	370,000
Asian Development Bank (ADB)	19.9	18,000
Total		1,595,000

Source: U.S. Senate Report No. 92-781.

Just imagine—$1.6 billion of the fruit of your labor—your hard earned taxdollars—were appropriated by the Congress for these international banking institutions which discriminate against Americans! As with our contributions to the United Nations, the United States taxpayers per capita pay far more than do taxpayers of other countries. While American borrowers pay high interest rates, the foreign borrowers from some of the so-called international banks are extended long-term low-interest rate loans. Some of the loans are for 50 years with borrowers paying no interest or nothing on or the principal for the first ten years. They make a small payment during the second ten years and from 1 to 3 percent for the next 30 years. In actuality, many of these loans will never be repaid. Other so-called loans by these American taxpayer-supported international banks have no other interest charge than a one percent carrying charge during the 50-year period.

Yet, in spite of this discrimination by the so-called international banks against U.S. taxpayers, the U.S. Government discriminated against its own citizens by devaluing their dollars by 8.57 percent while providing $1.6 billion to maintain the value of dollars contributed by American taxpayers to these international financial institutions.

No legislation that I know of has been proposed to make good the devaluation of the dollar loss suffered by Americans with an interest in savings accounts, company retirement funds, labor union pension funds and in numerous other domestic funds. It appears that our Government—including a subservient Congress—is interested in maintaining the value only of dollars of international funds, which were supplied for the most part by U.S. taxpayers in the first place.

I cast our Sixth District vote for the soundness of your money by voting against devaluing the dollar and against giving $1.6 billion more of your tax dollars to the international bankers. My vote was in your best interest. It was in keeping with my oath to preserve and defend the U.S. Constitution—not to aid international bankers. While many consider the devaluation a sign of weakness and of fiscal irresponsibility by the U.S., some Administration leaders actually hailed the devaluation as a great victory which would bring up to 750,000 new jobs for Americans and help the U.S. regain a favorable balance of trade by increasing the price of foreign goods in the U.S. and lowering the cost of American exports to foreigners. For these conditions to actually occur, there must be increased productivity at a lessened cost. But measures of the federal government aiding foreigners while discriminating against its own citizens, the shackles placed on free enterprise by the federal economic planners, and the demands by labor unions for increased wages without a proportionate increase in productivity can but result in continued inflation and an unfavorable trade balance.

These financial flimflams through international banking houses may be sold to unwary citizens as progress in the move to equalize world wealth by taking from those who have and giving to those who have not, but it is still a great betrayal of the American people by their governmental leaders.

The chickens have at long last come home to roost. America has arrived at a monetary crossroads and strangely the newsmakers—either because they do not understand the monetary crisis or they don't want to frighten the American people—simply soft-pedal this vital issue.

The average American, already confused by the many created crises which are blown up out of proportion to occupy and keep his mind from considering important matters, should start asking himself these questions: Why is it that the people who create the wealth are always those who are called upon to pay the debts; while, on the other hand, those who create the debts seem to always end up in control of the wealth? And, in a similar vein, why is it that the men who are always called up to fight our wars are never allowed to end them?

In my opinion, our country is faced with a monetary crisis which if not brought under control may end up in the demise of our Constitutional Republic. It is imperative that responsible Americans, rich and poor, young and old, in all walks of life inform themselves regarding the basic truths of our monetary system. The mysteries of the Federal Reserve, fractional reserve banking, the IMF, Special Drawing Rights, and Bretton Woods are matters about which the public, especially our young people, must become informed. I say especially our young people because their future—whether it be a bright one full of hope and great expectations or a dismal one full of despair and apathy—depends on a fair and just money system, a dependable medium for earnings, savings and wealth.

We must return control over money to the people.

Three steps which we should take in that direction are the following:

1) to restore to Congress its Constitutional mandate to issue our money and regulate its value. To this end I have introduced H.R. 351 to vest in the Government of the United States full, absolute, complete, and unconditional ownership of the 12 Federal Reserve banks.

2) to restore to Americans the rights to own and trade monetary gold. My bill H.R. 353, if enacted would achieve this goal.

3) to cut off and withdraw all contributions from the International Monetary Fund and other international banks as well as to get out of the United Nations.

The love of money is said by the Bible to be the root of all evil. I contend that a dishonest money system—one which favors international bankers and furthers destruction of our nation—is the root cause of most of the problems plaguing us today.

Understanding our present money system as well as the tenets of an honest and scientific monetary system by the people as envisioned in the Constitution is then essential if we are to bring about monetary reforms so as to return power to the people over their money.

JOBS FOR YOUNG PEOPLE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. SIKES. Mr. Speaker, within the next few weeks millions of young people will be taking their summer break from school. A vast number of them will be looking for jobs and the jobs in sufficient numbers just are not there for them.

This is a sad state of affairs for the youth of our Nation. Only a small number of these youths will spend their summer willingly doing nothing. Most of our young people are eager to stay busy, to earn money either to further their educations, purchase things they want, or to help make ends meet at home.

These are worthy objectives, but in the current labor crisis many thousands of our youth will find "no help needed" signs wherever they may go in search of meaningful employment.

The immediate reaction is that jobs should be provided by Government and that Congress provide the funds to create jobs for these eager young people. First, let us point to the danger in relying too greatly upon Government as a cure for this problem. Already there is too much reliance on Government to solve our Nation's ills. There must first be participation by industry, by business, and by volunteer groups to utilize the services of deserving young people. All of this can provide a great many jobs which young people are more than willing to undertake in order to be of use to themselves and their country.

There is, of course, also a need for help from Government in providing summer jobs, and steps are now in progress to add to the number of jobs originally projected. Many young people can be used to advantage in our national parks and forests. They can be used to help underprivileged children in the learning process. They can be used to help combat pollution in our lakes and streams. They can be used to work in the fields and in public works projects.

Our young people want to be contributors to society and it is up to Government to give them that opportunity at the earliest possible moment in their lives.

Too often, some of the elders among us seem prone to label every young person as a narcotics user, a vagabond, or just plain shiftless.

That is not so at all, but if we do not combine our forces to make work available to those who want it, some will fall into the trap of idleness and out of sheer boredom they will become the type of individuals whose presence in society we deplore. Jobs can help to prevent this.

TAX RELIEF FOR PHYSICALLY OR MENTALLY HANDICAPPED

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. BINGHAM. Mr. Speaker, today, I am introducing legislation which would provide new Federal income tax relief for individuals burdened with the huge cost of special care for the physically or mentally handicapped.

My bill would amend the Internal Revenue Code to provide additional income tax exemptions of $750 for each disabled person in the taxpayer's family. Further, it would provide a special deduction—up to $750 a year—for transportation expenses to and from work for disabled individuals.

There is little doubt that legislation of this sort is urgently needed. Every handicapped American has the right to proper medical care as well as special education, training, rehabilitation and guidance to enable him or her to develop his or her ability to the fullest. These rights must not be lost because of rising costs. As we aid families of the blind with a special tax exemption, we shoud aid families of the handicapped, too.

Presently, taxpayers must itemize their returns in order to claim a deduction for medical care. This deduction covers only those expenses which exceed 3 percent of adjusted gross income and it altogether ignores the cost of custodial care. My proposal would aid all taxpayers, and particularly those low-income persons, who do not itemize, by enabling them to claim an extra $750 tax exemption for each disabled member of the family.

Also, I am most concerned over a growing trend of abandonment, particularly of disabled children, to public institutions because of the family's inability to pay the cost of special care. This cruel and senseless deterioration of the family bond must be halted. I believe a reasonable program of tax relief would go a long way to encourage stability in the family and greater responsibility on the part of some parents.

In addition, my proposal has a section designed to help prevent unemployment among the disabled who are unable to pay transportation costs to and from work. I urge adoption of a $750 transportation tax deduction for the handicapped. If we encourage the handicapped to gain skills to perform meaningful work, we cannot abandon them at their doorstep. We must help them get to work so they can utilize their new skills.

TEXAS NATURAL GAS USE QUESTIONABLE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. UDALL. Mr. Speaker, while Arizona and the Nation in general face critical natural gas shortages, an action is about to take place in Texas which raises a serious question about waste of this desperately needed natural resource.

In Houston, the city council will meet tomorrow—May 17—to accept a $2,361,744 bid by Houston Natural Gas to construct and operate 20 neighborhood garbage incinerators at an estimated $15 per ton cost to the taxpayers. I am told that this will be more than five times the cost of a sanitary landfill in a part of the country where there is still sufficient land space.

Sponsors of the project deem it at best experimental. Landfill, reclamation, and recycling are, on the other hand, proven. And they do not involve the reckless consumption of natural gas in unspecified quantities.

The Federal Power Commission has no control over intrastate distribution of natural gas. Thus entities such as Houston Natural Gas can freely commit their product to this proposed garbage incineration without regard to the ultimate best interests of our national constituency.

In Tucson, meanwhile, our utility is facing a 70-percent reduction in the amount of natural gas to be available to it for power generation in the area this coming winter. In other words, the utility will have only 30 percent of its normal natural gas supply for this vital production.

And the utility has had to restrict its firm power commitments to residential users. It can only contract with new nonresidential users on the basis that gas service can be interrupted at any time.

So while we are apparently going to a proliferation of all kinds of nonregulated uses at the intrastate level, the vital, basic uses of natural gas at the interstate level are facing very serious cutbacks.

Regarding incineration, I also question the air pollution factor and would point out that imperfect incineration does not really end the need for residue disposal, it merely reduces the volume.

I think our natural gas priorties may be seriously out of order.

GOV. FRANCIS W. SARGENT, OF MASSACHUSETTS, SPEAKS ON THE MODERNIZATION OF JUVENILE TECHNIQUES

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. DRINAN. Mr. Speaker, I am pleased to bring to the attention of my colleagues an excellent statement made by Gov. Francis W. Sargent, of Massachusetts.

In this testimony Governor Sargent outlines the great progress that is being made in the Commonwealth of Massachusetts in the handling of juvenile delinquents. A new, creative program under the able direction of Dr. Jerome Miller and funded in part by the Law Enforcement Assistance Act—LEAA—has brought new hope to Massachusetts and to the Nation that there are ways to care for, treat, and educate juveniles so that they do not "graduate" into habitual criminals.

Governor Sargent's testimony was given on Monday, May 15, 1972, before the U.S. Senate subcommittee investigating juvenile delinquency:

GOV. FRANCIS W. SARGENT, OF MASSACHUSETTS, SPEAKS ON THE MODERNIZATION OF JUVENILE TREATMENT TECHNIQUES

I appear before you today to explain briefly what we have done in Massachusetts to rehabilitate the juvenile offender. I am also here to urge you and your colleagues to join with us in furthering our plans for the future.

Preventing crime is an activity which must involve every citizen in this country. There is no better place to begin than in forming a federal, state and local partnership to work with the juvenile offender. S-3418, filed by the Chairman of this subcommittee, contains a commitment to the philosophy of community based treatment centers such as we have adopted in Massachusetts.

It also calls for funds to implement this change in philosophy. Both forms of support are sorely needed. I would like to spend the next few minutes outlining what we have done in Massachusetts in trying to rehabilitate the juvenile offender and point to directions for the future.

A little over two years ago, I recruited a new Commissioner for our Department of Youth Services. His name is Jerome Miller. You will hear from him later today.

Dr. Miller was faced with a department that had operated the same way for about 100 years. A system not much different from those that exist today throughout this country. Under this system we take a child who has gotten into trouble, lock him up in a cell, punish him for some period of time and then send him home to commit another offense. Almost 75% of the children who were released fell into this pattern. That the remaining 25% did not return to an institution is a miracle, given the fact that they received no more than custodial care.

When I took office, I was soon convinced that there were better ways to deal with juvenile offenders. Better ways than simply shutting them away in institutions. I felt that a community based treatment system would provide better rehabilitative services. And it would cost less to the taxpayers of the Commonwealth.

With each new experience, I am more and more convinced that we were right. But it hasn't been easy. Dr. Miller had to convince his own staff that the community treatment system was better. We had to embark on a massive public education program. Much of the public clings to the myth that walls mean protection for society and for the offender.

Notwithstanding this lingering opposition, we have continued to move forward. At this moment, four of our five major state juvenile institutions have been closed. By June first of this year, we will have closed the last institution thus ending the use of large barren facilities to care for youth who need real services instead.

There will always be a need for some security setting to protect the community. But only for a small percentage of children who are convicted. It is easy to make buildings symbols and to measure success in terms of how many buildings are closed. But if we fail to provide quality services to youthful offenders in the new community setting we will have failed.

In Massachusetts, we have devised viable alternatives to our institutions. Of the 600 children in state institutions in Ocober of 1969, only 29 remain. In the past month, we have opened 13 new group homes and we hope to open 7 more as soon as possible. We have more than tripled the number of foster care placements.

We have 120 young people participating in a new and exciting program called "parole volunteers." In this program, a child receives close personal guidance from a college student who is paid a nominal salary to maintain a continuing relationship. It is too soon to tell what long term effect this new system will have. Our initial indications, however, are favorable. We are hopeful that a large number of these children will turn away from a potential life in crime to become productive citizens of our Commonwealth.

The community based concept has enabled the state to provide better rehabilitative services at lower cost. Under the old system we found ourselves supporting an entire system at a level that only a small minority of the population needed. We spent approximately $10,000 a year to keep a child in an institution. Ten thousand dollars a year. Think of it.

For this money, we could buy each child a complete wardrobe at Brooks Brothers, give him a $20 a week allowance, and send him to a private school, paying room and board and tuition. In the summer, we could send him to Europe and put a thousand dollars in a bank account for him each year. And we would still save the taxpayer over $1,300.

This is the kind of money we have been investing in our institutions—and all of you know the results.

If, however, we invest in a community treatment program, we can provide individual services, personal counseling, job training, specialized education, and healthy group home settings for about half the cost.

For the child who needs an intensive parole counseling program, the cost is a little over $2,600 per year, per child. A foster home which provides needed parental guidance costs $1,200 per year, per child. And for those children who need a group home, the cost is approximately $7,500 a year for each child.

In Massachusetts, we have a dual system to treat the juvenile offender. We have the unfortunate distinction of being the only state in the country to send children who have educational problems to institutions known as county training schools. These schools, three in number, were started in 1873. They are filled with children aged 7 to 16 whose only offense is that they were truants. These children are not criminals. None of them has committed dangerous criminal acts. Rather, these are children who suffer from behaviour problems rooted in social causes. Yet they are still locked behind walls.

I have acted to forbid the use of these schools in Massachusetts. The legislation before you also deals with the problem of eliminating behavioural problems from the list of juvenile crimes.

Under present Massachusetts law, children with behavioural problems may be convicted of six different "crimes"—habitual truant, habitual absentee, habitual school offender, stubborn child, runaway and wayward child. I have filed legislation, in this session of our state legislature, which has the same intent as S–3418. That legislation would do away with these crimes.

Under my proposal, a child who would normally be convicted of one of these so-called offenses, will instead receive a civil commitment from a court. My proposal also provides the court with options. All of these options are designed to see that the child gets treatment, not punishment. I am convinced that this system will work. We have begun to initiate major reforms, but if anyone thinks these reforms will be easily accepted by the public—or by administrators—he is only fooling himself. The resistance however, can not be allowed to stand in the way of making the necessary changes. In Massachusetts, we have begun to reallocate state funds as well as $1 million in LEAA funds.

But if we are to continue implementing the community based concept, we will need federal financial assistance, similar to that called for in S–3418. Eventually, the cost will be cheaper, but we must invest immediately in a host of community alternatives.

The community based treatment concept can apply not only to juvenile offenders but to adults as well. In my opinion, it is a new and needed direction for corrections generally.

While offenders of different ages have individual needs, there is one need common to them all. They must be assisted in learning to live in their communities. No longer can we continue to close them in institutions that leave them ill-prepared to be responsible citizens when they are released.

The work of your committee is vitally important. I would hope that the information you will hear today on the Massachusetts experience, will be of assistance as you proceed.

A BLOT ON OUR NATIONAL CHARACTER

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. COUGHLIN. Mr. Speaker, I want to express my horror and outrage at the attempted assassination of Governor Wallace on Monday during his campaign in Maryland.

Our system of government has no place for such violence. Democracy thrives on the open clash of ideas, and nothing is settled by the use of the gun. Whether or not one agrees with the views of Governor Wallace, he has a rightful place in our political process, and the discussions he has generated will ultimately benefit us all.

For some reason, we have been unable throughout our history to carry on a spirited political discourse without the process being stained by senseless violence. Worse, this and other similar acts of brutality seem predicated less on strong political differences than a twisted desire for notoriety. This anarchy is a blot on our national character and should give us pause when we assess the health of our society and political system.

I wish to extend my deepest sympathy to Mrs. Wallace and her family, and to wish Governor Wallace a full and complete recovery and a speedy return to an active political life.

MY RESPONSIBILITY AND OBLIGATION AS A FIRST-TIME VOTER

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. WYLIE. Mr. Speaker, Miss Kim Frazier and Miss Penny Watkins, both seniors at Dublin High School, Dublin, Ohio, and constituents of mine are the recipients of the annual U.S. Government Award presented by the Washington-Perry Women's Republican Club. The essays which won them the award deserve public dissemination and I recommend them to all would-be voters, irrespective of age.

The awards follow:

MY RESPONSIBILITY AND OBLIGATION AS A FIRST-TIME VOTER

(By Penny Watkins)

Not long ago, the youth of America cried out to be heard. Their nationwide cry was loud and unified. It was heard. As a result, every eighteen to twenty-one year old is faced with new responsibilities and obligations. It is really a challenge. Will the American young live up to it?

It is a challenge to the first-time voters to continue their cry. It would be easy to become a member of the "silent majority." It would be easy to retreat from the national spotlight, to raise a hand in a hopeless gesture, and to say in disgust, "What can just one person do?" It would be easy, but it would be a cop-out.

It is a challenge to the first-time voters to let their individual and independent cries be heard. To vote as one's parents do, merely because they are one's parents, would mean failure in meeting that challenge. To vote in opposition to one's parents, merely for the sake of the oposition, would only be perversity. And yet, to vote as one's contemporaries, merely because they are one's contemporaries, would simply be conformity.

It is a challenge to the first-time voters to be informed. Anyone can say, "I am for . . .," or, "I am against . . ." Anyone can pull a lever in a voting booth. Anyone can be informed; however, very few are.

Perhaps the greatest challenge of all, for the first-time voter, is to become involved. It would be wrong to retreat into the "silent majority." What good is being a member of the majority if it is silent? It would be wrong to say, "No one will listen to me." Someone must have listened, or the voting age would still be twenty-one. It would be wrong to turn away silently or to repeat some hackneyed phrase when the nation has just relinquished its most powerful microphone, and the population is waiting to hear what will be said. But, if the first-time voter has thoughtfully chosen a position, it would be wrong not to discuss it. Thus, he will be aware of further developments, and those around him will be encouraged to become aware. It would be wrong not to become involved in our government, for if we are not, who will be?

Not long ago, the youth of America cried out to be heard. They were heard. Now America awaits to hear what else they will say. It is a challenge.

MY RESPONSIBILITY AND OBLIGATION AS A FIRST-TIME VOTER

(By Kim Frazier)

My responsibility and obligation as a first-time voter are no different than those of a second-time, thirtieth-time, or even fiftieth-time. Through the process of voting, I, the same as all others who take the time to vote, will be selecting those who will be occupying a position of power and authority over those to be governed—including me. These two statements have deep implications. Responsibility associated with voting implies a moral accountability. To accept the obligation of voting is the acknowledgement of a liability. As a voter, I am then morally accountable and personally liable for the reasons for which I cast my ballot for a particular candidate.

The Apostle Paul, in his letter to the Romans said, "Let every person be in subjection to the governing authorities." The Bible also teaches "Render, therefore, unto Caesar the things which are Caesar's; and unto God, the things that are God's." Caesar (in this case) represents the government of the time in which this statement was made. I believe in these teachings, but am grateful that I, unlike the people at the time of Caesar, have the privilege of voting for those who will occupy the worldly position of power over me.

I must make myself informed on issues; what the candidates are saying about these issues, and, most important, to differentiate between politically popular statements and promises, and realistic objectives. If I have done my homework well, my choice of candidates will agree with my moral as well as my political beliefs, or at least will not be in opposition to the former.

My strong belief in the purposes and advantages of local and grass roots government means my responsibilities as a voter extend beyond just being informed on national issues that are presented by presidential and congressional candidates. Admittedly, an awareness of the numerous state and local candidates and issues is not easily acquired.

Good citizenship, as practiced at the polls, can only come by voting from an informed position. This in turn will result in fairness to the other voters, myself, and the candidates involved.

THE CONSTITUTIONAL ROLE OF THE CONGRESS IN OUR SYSTEM OF GOVERNMENT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. REID. Mr. Speaker, today Congressman JOHN MOSS and I are jointly introducing a resolution and a bill which we believe to be of major importance to the constitutional role of the Congress in our system of government.

This legislation is designed to give Congress an effective means by which to obtain necessary and relevant information from the executive branch in furtherance of its constitutional responsibilities.

Every Member of Congress is aware of instances when the Congress or one of its committees or Members has been denied information requested from the executive branch. Documentation of such denials is presently being compiled by the House Subcommittee on Foreign Operations and Government Information in comprehensive hearings on this and related "freedom of information" questions. I commend the record of these hearings to each of my colleagues when it becomes available, for I am certain that it will establish beyond dispute that the executive branch makes a common practice of withholding information from Congress when it deems such withholding desirable.

The time is long overdue for us in Congress to do something about this serious problem. Following are set forth what I believe are its basic constitutional implications, as well as a description of the legislative remedy we are proposing. Also appended are the texts of the joint resolution and the bill we have introduced.

CONSTITUTIONAL IMPLICATIONS

The bedrock principle upon which our system is founded is accountability to the people. But accountability is a hollow word unless the American people, and in their behalf the Congress, have the information necessary to judge the performance of their Government. Moreover, without relevant information it is impossible for either the Congress or the people to participate meaningfully in the making of fundamental decisions which, from time to time, truly alter the course of our Nation's history.

There is now a fundamental and growing imbalance between the Congress and the executive branch, with a major accretion of power on the side of the Presidency. This has occurred in part because the executive branch has actively expanded its power, and in part because the Congress has failed to assert itself.

The power to legislate, expressly granted to Congress by the Constitution, carries with it the further right of Congress to oversee the administration of the laws by the executive branch. Yet the information Congress needs, both to legislate in the first instance and to oversee the administration of laws it has previously enacted, is frequently in the exclusive possession of the executive branch.

In my judgment there is no information possessed by the executive branch to which Congress does not have a right of access when that information is legitimately needed to fulfill the responsibilities of Congress for legislation or oversight. If Congress must legislate out of ignorance, it will make bad laws. If it is impeded from studying the activities of the executive branch, there is no way it can identify and resist the arbitrary or unwise exercise of executive power. Full access by Congress to relevant information, therefore, is essential to preserve the constitutional balance of our Government.

While these principles seem self-evident, they have never been accepted by any Presidential administration. To the contrary, the doctrine of executive privilege, which dates back to the days of President George Washington, has been repeatedly invoked over the years, both expressly and silently, to deny the Congress information which it sought in furtherance of its constitutional duties. The Constitution nowhere states that the President may withhold information from Congress, but proponents of executive privilege claim an inherent right on his part to do so.

Speaking for the present administration last June before this subcommittee, then Assistant Attorney General William H. Rehnquist strongly affirmed such a right as "implicit in the separation of powers established by the Constitution." Yet even some of the Supreme Court cases cited in support of this proposition seem to circumscribe its application. Specifically, in *Reynolds* v. *United States* (345 U.S. 1) the Court held that the executive branch does not have unlimited discretion to withhold information, stating, "the court itself must determine whether the circumstances are appropriate for the claim of privilege."

Because the question has never been settled by the courts, Congress cannot rely on firm judicial authority to support its claim for information. In the absence of an accommodation between the two branches of government, Congress must employ other means to make effective its right to know.

PROPOSED LEGISLATIVE REMEDY

Twelve years ago the House Committee on Government Operations made to Congress a recommendation of considerable importance. In concluding a report on this fundamental problem, the committee said:

> What can the Congress do to combat abuses by executive officials in withholding from the Congress information which the Congress believes it needs?
>
> Two existing powers of the Congress are available to oppose this abuse—the power of subpena and the power of the purse. The power of subpena, however, should be used only as a last resort.
>
> Utilizing the power of the purse, the Congress can and should provide, in authorizing and appropriating legislation, that the continued availability of appropriated funds is contingent upon the furnishing of complete and accurate information relating to the expenditure of such funds to the General Accounting Office and to the appropriate committees of Congress at their request. ("Executive Branch Practices in Withholding Information from Congressional Committees," Report by the House Committee on Government Operations, August 30, 1960, p. 14)

Since the date of this recommendation, and indeed within memory, the Congress has taken no action to exercise its power of the purse following a refusal by the executive branch to furnish requested information. This is largely due, I think, to a lack of institution procedures which would facilitate such action. The organization of Congress and the requirement of concurrent action by the Houses in order to legislate a denial of appropriations simply do not lend themselves to prompt and decisive application of financial sanctions in response to specific instances of withholding by the Executive.

The bill we are introducing, as an amendment to the Freedom of Information Act, establishes a procedure designed to overcome this impediment. Essentially it provides that:

First, when any committee of Congress requests information from the executive branch, the head of the agency concerned shall immediately furnish all the information requested;

Second, the agency head shall certify to the requesting committee whether or not full and complete disclosure of the requested information has been made;

Third, upon resolution of the requesting committee, funds for the program or activity in question shall automatically be suspended without further action being required by Congress if—an agency head fails to make a requested certification;

An agency head certifies that full and complete disclosure of the requested information has not been made; or

An agency head falsely certifies that full and complete disclosure of the requested information has been made;

Fourth, the GAO shall take all steps available to it under law, including refusal to countersign relevant warrants drawn upon the U.S. Treasury, to effectuate a suspension of funds.

In effect, the withholding of information by the executive would trigger a fund cutoff previously built into law by this legislation of general applicability. Because no new legislation would be needed at the time to deny funds, effective response on the part of the Congress would be greatly facilitated.

It is important to note that this legislation does not vest in Congress any power it does not already possess under the Constitution. It merely streamlines the procedure by which this power can be exercised and, as a practical matter, makes its exercise more possible.

Nor does this legislation, in my view, risk irresponsible action by a committee of Congress. Every Member of Congress is sensitive to the gravity of a fund cutoff under the conditions contemplated in this legislation. It is inconceivable that a majority of the members of a full committee would vote to initiate the fund cutoff process without first giving the most careful and sober consideration to the circumstances and ramifications of their action. For this reason, the procedure would not be invoked lightly or with great frequency, but only fundamental disagreements between the two branches could not be resolved in any other way.

The trustworthiness of the Congress or one of its committees to preserve the secrecy of such information when necessary and appropriate should not be doubted. Committees of Congress regularly receive secret information from the executive branch, as they have both a right and a need to do. The national security has never suffered as a result, for committees of Congress are no less responsible than their counterparts in the executive branch.

CERTIFICATION PROCEDURE

Under the terms of this legislation the executive branch would retain at all times the ability to avert a threatened fund cutoff. It need simply furnish the requested information and certify to the committee that it has made full and complete disclosure of the information sought. If such a certification were made, funds could not be cut off—unless the certification were subsequently found by the Comptroller General of the United States to have been false. Funds could be cut off upon resolution of the requesting committee if the executive branch either, first, failed within the required time to make any certification of whether or not full disclosure had been made or, second, certified that full disclosure of the requested information had not been made.

By making the certification procedure the focal point on which a fund cutoff would depend, all subjectivity and ambiguity are removed from the process. The committee would not be in the position of having to judge for itself whether all the requested information had been furnished before resolving to cut off funds. In many cases, if a committee had to make such a judgment, it could not be certain whether it would be justified in cutting off funds, because it would not know whether full disclosure had been made.

The certification procedure establishes an objective identifiable event from which a fund cutoff would result, and the occurrence or nonoccurrence of that event would be totally within the control of the executive branch. Whether or not funds were cut off would depend entirely on whether the executive branch permitted them to be cut off by failing to certify that full disclosure of the requested information had been made. I wish to make clear that this means disclosure of all information requested, not merely all information which the executive branch deems it appropriate to disclose.

This procedure is fair to both the Congress and the executive branch. To Congress it would insure that either requested information was fully provided or financial sanctions were triggered. On the other hand, the executive branch would at all times control the "trigger," which could be pulled only if the executive branch deliberately and consciously refused to certify that it had furnished all the requested information. Thus, in no way could funds be cut off if the executive branch did not affirmatively choose to allow them to be cut off.

EXECUTIVE PRIVILEGE

Under this legislation the invocation of executive privilege by the President would not avert a fund cutoff. Should the President choose not to provide Congress the requested information, for whatever reason, funds would be cut off. The President might prefer to lose funds than to disclose the information to Congress, but that is the hard—and the only—choice he would have.

OFFICERS AND AGENCIES COVERED

I should make clear, too, that this legislation exempts no office or agency within the executive branch from its provisions. Specifically, the President and establishments within the Executive Office of the President are included, so that no official, office, or agency may claim some undefined "privilege" flowing from his or its relationship with the President. Since the President is included, a fortiori so are all agencies and offices in the executive branch which are subordinate to the President.

However, the bill also provides that the President or head of any agency shall not be required to disclose the nature of any advice, recommendation, or suggestion made to him by a member of his staff or of an agency of the United States in connection with matters solely within the scope of his official duties, except to the extent that such information may be required to be made public or made available to Congress by some other provision of law. Any form of information included within or forming the basis of such advice, recommendation, or suggestion is not protected from disclosure.

The obvious purpose of this provision is to protect the confidentiality of staff relationships and to encourage free debate among agency heads and their advisers. At the same time, it is intended to insure that factual information—such as a finding by the President's science advisers that the SST would deplete the earth's ozone supply—be made available to Congress when relevant to its responsibilities.

JOINT RESOLUTION

Supplementary to the bill I have just described, we are also introducing a joint resolution expressing the sense of Congress that an office or agency of the executive branch should immediately make available all information requested by either House or any committee of Congress. The resolution is based on the same premises as the bill, and in my judgment would be a most useful reassertion by Congress of its constitutitonal prerogatives.

CONCLUSION

It has become common for administrations to apply a double standard to the release of information. Favorable classified information is frequently "leaked" to the press, while Congress and the public are denied information which could prove embarrassing to the Government.

This legislation is born of the premise that Congress, as a co-equal branch of our Federal Government, has both a right and a need to know information about all matters over which the Constitution gives it the power to legislate and the right of oversight. I can conceive in theory no justification for withholding from Congress information legitimately related to one of these functions. To keep Congress in the dark about the activities of the Government is to consign it to a subordinate and subservient role in derogation of the intent of the Constitution.

Observers have frequently criticized for allowing itself to become a second-citizen in our constitutional system. There is altogether too much truth in this assertion. In failing time and again over the years to exercise the prerogatives it unquestionably possesses, Congress has materially contributed to the relative decline of its influence over our Nation's course in the world. This need not have been the case, and the imbalance can be corrected if we in the Congress so desire.

The resolution and bill follows:

H.J. RES. 1201

Whereas, Article I, Section 8, of the Constitution empowers and charges Congress to "make all laws which shall be necessary and proper" to carry into execution the powers vested in Congress and all other powers vested in the Federal government or any department or officer thereof;

Whereas, the express power of Congress to legislate necessarily includes an implicit right of oversight of the execution and administration of laws by the Executive Branch;

Whereas, Congress can properly and faithfully discharge its Constitutional responsibilities of legislation and oversight only if it has full and complete access to all information it deems relevant and necessary for this purpose;

Whereas, frequently much information needed by Congress for an intelligent exercise of its Constitutional responsibilities is in the exclusive custody of the Executive Branch;

Whereas, the withholding of necessary and relevant information from Congress by the Executive Branch contributes to a fundamental imbalance in our Constitutional system of government and vitiates the essential principle of accountability of government to the people; Now therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, that it is the sense of Congress that upon request of Congress, or of either House or any committee thereof, for information relating to programs or activities administered or funded by an agency or office of the Executive Branch of the United States, the head of such agency or office should immediately make all the requested information available to the requesting body.

H.R. 15006

A bill to amend the Freedom of Information Act to require the disclosure of information, upon request, to Congress by the executive branch

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 552 of Title 5 of the United States Code (the Freedom of Information Act) is amended by adding to the end thereof the following:

"(d) (1) Upon written request of either House of Congress or any committee of Congress (hereinafter the 'requesting body') for information relating to programs or activities administered or funded by an agency of the United States, the head of such agency shall immediately make the requested information available to such requesting body and its duly authorized staff.

"(2) Within thirty-five days of receiving from such requesting body a written request for information, or within such later time as the requesting body may specify, an agency head shall, if so requested by the requesting body, certify whether or not full and complete disclosure has been made of the information requested insofar as that information is known to his agency.

"(3) Notwithstanding any other provision of law, effective upon—

(A) failure of an agency head to make a requested certification as provided in paragraph (2) of this subsection;

(B) receipt by the requesting body of certification by an agency head that full and complete disclosure of the information has not been made; or

(C) formal determination by the Comptroller General of the United States that a certification of full and complete disclosure by an agency head was false;

and upon resolution of the requesting body, no funds appropriated after the effective date of this subsection shall be obligated or expended directly or indirectly by such agency for the programs or activities in question (as defined by the requesting body) until such time as, in accordance with the provisions of paragraphs (1) and (2) of this subsection, full and complete disclosure has been made to the requesting body of all information specified in the request and known to the agency. If and when directed by the requesting body, the General Accounting Office shall take all steps available to it under law, including, but not limited to, refusal to countersign relevant warrants drawn upon the U.S. Treasury, to effect the purposes of this paragraph. Any officer or employee of the United States who willfully and knowingly expends, or causes to be expended, funds in violation of the provisions of this subsection shall be deemed to be in violation of the provisions of 18 U.S.C. 641 and shall, upon conviction, be subject to the punishment specified therein.

"(4) (A) Notwithstanding the provisions of section 551 of this subchapter, as used in this subsection, 'agency of the United States' means the President, and department, agency, office (including any establishment within the Executive Office of the President), officer, or other establishment in the Executive Branch of the United States Government, and any independent board, commission, corporation, or other instrumentality of the United States Government other than Courts of the United States.

"(B) Nothing in this subsection shall be construed to require the President or other head of an agency of the United States to make available to a requesting body the nature of any advice, recommendation, or suggestion (as distinct from any form of information included within or forming the basis of such advice, recommendation, or suggestion) made to him in connection with matters solely within the scope of his official duties by a member of his staff or of an agency of the United States, except to the extent that such information may be required by some other provision of law to be made available to Congress or made public; *provided,* that in no case shall information be refused to a requesting body under authority of this subparagraph in the absence of a written statement signed personally by the President describing the justification for such refusal.

"(C) Nothing in this subsection is intended to recognize or sanction a doctrine of 'executive privilege' or to permit the refusal of information on the grounds that such information constitutes 'internal working papers' if the requesting body believes that the information is needed for a legislative purpose."

FEDERAL BUREAUCRACY

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. PRICE of Texas. Mr. Speaker, somebody once referred to it as a great big bowl of jello—you push your finger in here and it bulges out over there. That, Mr. Speaker, describes in a nutshell that great institutional wasteland known as the Federal bureaucracy.

Hundreds of thousands of bureaucrats—rooms, corridors, floors, buildings, even entire city blocks full of bureaucrats. Bureaucrats to the left of us; bureaucrats to the right of us—armies of bureaucrats with their concomitant acres of file cabinets and their reams and reams of forms and paper to be shuffled back and forth, to and fro.

Every bureaucrat moves or fails to move according to the "book." Human needs are reduced to letters written in quadruplicate, quintuplicate, sextuplicate, and more. The fate of communities, States, and the Nation is at the mercy of forms A, B, and C. Each decision must be reviewed by 17 superiors, inferiors, janitors, field agents, supervisors, coordinators, and authorized person.

Each bureaucrat is thoroughly trained in the Mickey Mouse school—each is an expert in paper shuffling, time consumption, space occupation. Each bureaucrat has a diploma trimmed in red tape and written in red ink. There is no wasteful project that is too insignificant to be hatched or implemented by a bureaucrat; the wheels of government grind relentlessly amidst a sea of blue ribbon panels, study groups, research projects, special and regular commissions, and authorized projects. Bureaucrats, thanks to their absorbing pursuit of knowledge have become experts on gallstone disease in Thailand, why birds leave home, and why poor people have less money than rich people.

Mr. Speaker, this would all be humorous if it were not so tragically true. While I am certain there are many dedicated public servants, persons who have a genuine interest in serving the people of this Nation, nevertheless the fact is bureaucracies exist to perpetuate themselves. If this were not true, why do we see each and every bureaucracy, be it Federal, be it State or local, whether it deals with health, education, agriculture, or tea testing continuing to expand, proliferate, prosper, and devise new and ingenious excuses for self-preservation.

President Nixon has rightfully pointed out that the American people are fed up with government—all government. The President is to be commended for recommending the most sweeping revision of the Federal bureaucracy in modern times. The magnitude of the problem has been well documented and discussed in an article appearing in the April 1972 issue of Reader's Digest, entitled "What's Wrong With Our Federal Bureaucracy?"

Mr. Speaker, we must do more than talk—the Congress of the United States must act if we are to prevent this Nation from being totally swallowed up in a sea of redtape and bureaucratic paper. George Orwell in his novel "1984" spoke of things to come—perhaps he had tongue in cheek when he wrote his book; but it is not so funny anymore.

The article follows:

WHAT'S WRONG WITH OUR FEDERAL BUREAUCRACY?

(By Charles J. V. Murphy)

(NOTE.—Inefficiency and mismanagement continue to characterize the most affluent government apparatus in history. Is reform possible? The President thinks so—and he has a plan. His problem: to convince a reluctant Congress.)

A year ago President Nixon turned in rare irritation to one of his executives, a senior bureaucrat. "The people are fed up with the government," he declared. "They think it doesn't work. *And they are right.*"

That admission comes from an acutely organization-minded President who at this juncture might reasonably expect to have gained effective control of the vast federal executive machinery. But he has not, and for him it is the same maddening experience in powerlessness which vexed Presidents Truman, Eisenhower, Kennedy and Johnson.

Early in his Administration, President Nixon issued to the heads of all federal agencies a strong call for improvement of personnel management. A year later, Civil Service Commission Chairman Robert E. Hampton, himself a career public servant, and long-time bureacucratic troubleshooter Roger W. Jones, a former Civil Service Chairman, called in agency heads and directed them to press harder—far harder—to meet the new standards. As a result, says the Washington *Post*, bureaucrats are "feeling the impact of probably the most organized, systematic effort of any President to get a handle on the sprawling Executive Branch."

But it is a rugged, uphill battle, fought against the resistance of long-entrenched forces within the Civil Service and against powerful interests in Congress itself. Examples are abundant:

Item: Six months after a White House-directed task force had laid down a program of action for a broad decentralizing of federal authority, it was discovered that a bloc of bureaucrats inside the Department of Health, Education, and Welfare (HEW) was furtively undercutting orders to transfer to local and state bodies the decision-making power in a number of educational grants-in-aid programs. The HEW bureaucrats were bent on keeping the grants under their own thumbs.

Item: Two years ago the director of Defense Research and Engineering, John S. Foster, Jr., discovered that 14 highly placed staff posts bearing on the management of critical military programs, separately spending millions of dollars annually, were occupied by civil servants grown rusty in their specialties or barren of executive experience. All had had 20 to 25 years' service and were in the $20,000–$25,000-a-year salary range.

Because it is virtually impossible to fire such senior people—mediocrity is hard to prove—Foster spent the better part of a year persuading six of the men to take early retirement and helping eight others to find jobs elsewhere in the government.

Item: Three years ago, the Office of Education had under way some 86 studies, costing $22 million, that were designed to show whether the many federal education programs, especially those aimed at helping disadvantaged children, were doing the job. A government audit of 24 of these research exercises, which were budgeted for $11.3 million, disclosed that one study had failed to produce any original findings, four others had stumbled along with inaccurate or incomplete data and two more were faltering.

These are only random cases of widespread and chronic federal mismanagement in the all but trackless forest of the world's most affluent bureaucracy. To be sure, some federal agencies are extremely well managed. For example, the Internal Revenue Service, the Social Security Administration and the Census Bureau have adapted their myriad routine functions to the computer. And NASA put a man on the moon. But elsewhere inefficiency is rampant, particularly in those agencies charged with executing the vast and costly social programs brought into being by the landslide of New Frontier and Great Society legislation of the 1960's.

AN HONEST DAY'S WORK

Why and where has the bureaucracy failed? Has it been for lack of money? Hardly. The federal government has spent $1.1 *trillion* on domestic programs alone over the last 25 years. During the past two decades, the number of major domestic programs has leaped tenfold, from 140 to 1400. Today, at HEW alone, there are 270 programs, with annual outlays of over $70 billion, and with 107,000 employes on deck.

So the root cause of the trouble with government, obviously, is not lack of people or programs or pay or even funding. It is, as just about everybody in Washington knows, with the machinery of government—the permanent bureaucracy of some 2.8 million persons, practicing several thousand distinct and separate occupational skills, who man the 100 or so departments and agencies that form the framework of the federal management system.

Not surprisingly, Ralph Nader, who has made his reputation by pointing the finger of shame at corporations, has announced that he will now focus his attention on the federal bureaucracy. Hints have already been dropped by his lieutenants that preliminary findings suggest a third of the bureaucrats could be fired with no adverse effect on public services.

This, of course, is easier said than done. A succession of court rulings, particularly in Washington, D.C., and California, has made it nearly impossible for the Civil Service Commission to fire anyone unless it can show that his conduct has in some tangible way actually impaired the "efficiency" of the service. Not that this doesn't happen. While many leave the federal service voluntarily, close to 26,000 persons, mostly in the lower grades (below the command and staff level), are separated annually for cause—chronic absenteeism, not paying their bills, one blunder too many, etc.

Even so, sloughing off a nonproducer is so difficult that even the most ironfisted executives quail at the prospect. "Try to fire a man or woman with a little seniority," a veteran bureaucrat says, "and the labor unions, the Civil Liberties Union, the liberal press and a score of Congressmen will rush to that person's aid if there's the slightest possibility for a claim of discrimination." The statutory protection that was originally intended to protect the loyal and serious-minded civil servant from the capricious workings of the spoils system has been turned inside out. Today, along with the well-deserving, it clothes the goldbrick, the incompetent and the outright malcontent with immunity from a government that would like to demand an honest day's work from the people it pays.

TRUE ELITE

All this is serious enough. But the real crisis in government management is at the command and staff level—in the executive echelon where senior career civil servants and short-term professional in-and-outers function alongside, or a notch or two below, the Presidential policymakers who come and go as the political winds decide.

At the federal summit, the executive population numbers about 10,000 men and women. They draw salaries from $29,000 to $36,000 a year, generally have tenure and hold GS-16, -17, or -18 ranks, above which a bureaucrat can ascend no higher except by forfeiting the shelter of tenure. The best of them are a true elite, matching in intelligence, expertise, character and loyalty the best who come into government from business, the universities and politics. In fact, without this reservoir of experienced and trustworthy people, ready and willing to respond to even the most abrupt shifts in political course, the recurrent change in administrations could not be managed with anything like its habitual orderliness. All the same, the bureaucracy even at the top is marked by these troubling features:

Tenure. This gives ironclad security in the job, short of obvious malfeasance, dereliction or outrageous misconduct. An antiquated and illogical classification and ranking system makes it fiendishly difficult, on the one hand, to dislodge a fumbling supergrade from supervision of a failing program and, on the other, to promote an outstanding civil servant into a top policy-shaping management slot, without his forfeiting tenure. A management analyst who worked briefly in a top executive post at HEW estimates that from 15 to 20 percent of the civil servants in the supergrade posts were grossly miscast. "It is not uncommon," he says, "to find bureaucrats running $100-million-a-year social programs who were totally devoid of management experience."

Parochial outlook. Almost 70 percent of the supergrades have spent their federal careers in no more than two bureaus—a practice scarcely calculated to endow executives with a broad view of the government's business. When finally they arrive at the eminence of division and bureau chiefs, directors of operations, program managers, group administrators and special staff assistants, they tend to be narrow specialists. Yet it is at this very juncture that the government's most urgent need from them is a capacity to manage and measure vital programs in the context of the whole federal field of action.

Backscratching. Finally, super-bureaucrats tend to have a special loyalty to themselves and *their* pet programs. Bryce Harlow, a Washington-based corporation representative and top congressional adviser to both the Nixon and Eisenhower Administrations, holds that the careerists are the third force in what he describes as an "incestuous triangulation" that includes two other continuous subgovernments—the career members of the staffs which monitor legislation for the congressional committees and subcommittees, and the veteran lobbyists for the pressure groups congregated around Capitol Hill. These three forces form a kind of "Old Boys" network. They exchange intelligence. They come together to draft and defend programs. And it is not uncommon for bureaucrats, on their retirement from federal service, to take jobs with trade or professional organizations that have had a stake in the programs they have just been managing.

Early in the Nixon Administration, the new political management at HEW had the ground cut out from under it by a classic maneuver of these three powers. In 1970, as a beginning step toward its concept of a "new federalism," the Administration decided to transfer to regional offices a good deal of authority for dispensing an annual $150 million in federal grants to some 450 community mental-health centers. Hardly had the decision to decentralize been made, however, than mid-level bureaucrats in the National Institute of Mental Health, secretly leagued with mental-health professionals and civil servants, tipped off friendly Congressmen representing the affected districts. Thus, when the proposal emerged from committee, an amendment was tacked on requiring that every grant first be reviewed in Washington—by an advisory committee composed mostly of mental-health professionals.

OPENING THE GATES

This is the kind of bureaucratic mousetrap President Nixon most wishes to eliminate. To do so, he has put forth a radical proposal for what is called the "Federal Executive Service." The idea was not original with him. A highly gifted federal careerist, Seymour S. Berlin, director of the Civil Service Commission's own Bureau of Executive Manpower, shaped the plan to meet the Administration's urgent desire for better performance. It would break the top 7000 supergrades out of the concrete of rules and regulations, and reconstitute them as a pool of talent upon which the various agency heads could draw at will. Grade levels and central classification would be abolished, and the barriers which keep the career bureaucrat out of policymaking jobs at the upper levels, except at the forfeiture of tenure, would also be discarded. In return for this, senior bureaucrats would be expected to accept a three-year contract, thus suspending tenure and permitting assignment at the need of the hard-pressed agency heads.

At the end of the three years, if the civil servant performed well, his contract would be renewed, no doubt at a higher salary and perhaps with yet another promotion. If, however, he fell short, he would then have the option of retiring or stepping back into the bureaucracy at the GS-15 level.

The plan for the Federal Executive Service, if adopted, would give the Civil Service Commission, for the first time in its long history, sufficient authority to place career men with executive talent where they are most needed. It would also compel agency heads to comb the federal as well as the private market for high-quality managerial talent.

MOUNTING RESISTANCE

Last May the Senate Committee on the Post Office and Civil Service held a single morning of perfunctory hearings on the Federal Executive Service. After numerous delays, the corresponding House committee announced it was putting off its hearings until this spring. Since then, opposition has been quietly building in Congress, which largely regards the Civil Service as its own constituency. It fixes salaries, fringe benefits, retirement rates, the supply of jobs. And, whenever civil servants run afoul of their superiors, a Congressman can usually be depended upon to rally to their defense. Congress, moreover, is congenitally hostile to any change in the executive ranks, however desirable in itself, that might appear to foster something approaching a managerial elite.

Resistance is mounting in other quarters, too. Many senior bureaucrats fear any change in tenure policy. Nathan Wolkomir, president of the powerful National Federation of Federal Employes, has charged that the plan "would gravely undermine the merit system." This, of course, is a frivolous criticism. The plan would reaffirm the merit system which Congress, in alliance with the unions, has all but subverted.

The point that Congress, the unions and the balky bureaucrats are afraid to face up to is that the bureaucracy must be reformed if American government is ever again to work as it should. Indeed, it falls upon the Civil Service, in a practical sense, to restore the people's confidence in the capacity of government to govern. Or as Robert Hampton puts it: "The nation's business is too important to be in the hands of any but the best wherever they may be found."

THE NONPUBLIC SCHOOL ISSUE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. ZWACH. Mr. Speaker, Minnesota is a melting pot of nationalities and religions. Because many of these ethnic groups strive to maintain their cultural and religious backgrounds, we have a large number of parochial schools of every religious denomination.

Because people who send their children to parochial schools must also support the public schools, they are, in effect, paying twice for the education of their children.

Carroll Fey, editor of the Edgerton Enterprise, dealt with this matter in a recent editorial, which I would like to share with my colleagues and the many others who read it, by inserting it into the RECORD:

> THE NONPUBLIC SCHOOL ISSUE
>
> President Richard Nixon, in his address before the National Catholic Education Association convention in Philadephia, raised some vital questions for American taxpayers and parents concerning the future pattern of education in the United States. They are questions with no easy answers. As Mr. Nixon declared, "We are all well aware of the grave constitutional questions which have arisen in the past, each time the states or the federal government has undertaken to provide aid to nonpublic schools."
>
> At the same time, Mr. Nixon was right when he said that "non-public schools confront a crisis of the first magnitude," and that the disappearance of all nonpublic schools in this country could "saddle the American taxpayer with an additional $3 billion annually in school operating costs, plus as much as $10 billion in new school construction."
>
> Not mentioned by the President, but of equal import, is the growing widespread discontent of parents with the trends of public school education, such as the tendency towards downgrading patriotism, the elimination (in some states) of history as required study, the assault against prayer or any moral content in school activities and textbooks, etc. It is because of this that thousands upon thousands of concerned parents have been joining together to establish nonpublic schools where their children would not be subjected to the objectional features of secularism and "humanism" found in many public schools.
>
> At the same time that parents have been faced with a greatly increased financial burden imposed by tuition costs to nonpublic schools, the tax load for public schools has been skyrocketing. The public school system is largely sustained by property taxes, and we all know what has been happening; in all parts of the country, property taxes have been climbing out of sight. Thus, more and more people are paying increased taxes for schooling that they do not approve, while sending their children to nonpublic schools at a double financial burden.
>
> This is not simply a question of "federal aid to parochial schools"; as pointed out by Citizens for Educational Freedom, indeed, almost all of the new nonpublic schools established over the last ten years have been sponsored by Protestant groups and churches.
>
> What is at stake is the principle that each child and his parents receive equal treatment and have an equal opportunity to education under the law. Whatever is to be done must be fair to all, and should not penalize parents who want their children to have an education based upon the old-fashioned virtues of religion, morality and patriotism.

SCL SPONSORED "EXCURSION" INTO FORESTRY, ECOLOGY, AND NATURAL RESOURCES IN SOUTH CAROLINA

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. GETTYS. Mr. Speaker, on Thursday, May 4, the Seaboard Coast Line Railroad Co. ran a "Forestry Special" train from our State capital, Columbia, to Cane Savannah in Sumter County in my district, where a cooperative field forestry program, "Environment—A Look Ahead," was presented.

The program was heralded as a rational approach to the environmental issues of today—forestry, air, and water quality, recycling, agribusiness, pesticides and herbicides, wildlife, housing, and rural development—and each presentation was designed to educate and at the same time entertain the more than 1,200 spectators who turned out for the occasion.

I firmly believe that most of our problems can come nearer to being resolved through better communications. This program, treating all elements of public concern, "put it all together" in such a way as to promote a better understanding of the total resource picture. It was a classic example of good public relations.

The special train which departed from Columbia carried the Governor, State constitutional officers, members of the State legislature, educators, and business and industrial leaders to the field program in the Manchester State Forest.

The guest list included top leaders of industry who came from all parts of the United States, Canada, and Germany.

The train was met at the site of this truly festive occasion by the Sumter County High School Band playing spirited marches as the passengers alighted from the train and remained to open the program with the National Anthem.

Mr. Milton M. Bryan of the U.S. Forest Service gave the invocation:

> Almighty and Eternal God—may we ever be aware of Thy overshadowing presence, as we pause at this noonday hour with bowed heads and humble hearts to thank Thee for the many blessings of life.
>
> Thou knowest the circumstances of our times—many are shut in by the narrowness of a selfish interest toward the use or non-use of the resources with which our Nation abounds.
>
> Help the leaders and participants in this field meeting to show us the truth—about the husbandry and use of a Natural Resource—that renews itself with the rain and sunlight from Thy heavens and the food from Thy soil.
>
> Guide us, oh Lord, that we do not restrict our travel to the narrow road of absolute preservation, nor race down the freeway of reckless exploitation—but let us be true husbandmen—and "Dress the Garden and Keep It."
>
> Man with Thy help, oh God, has been to the moon, and found it an environmental void; as we forge on to other planets, let us be ever mindful of the Natural and Human Resources—that have made possible the good life on the planet Thou has given us as a home.
>
> As professionals in the agricultural sciences, leaders in business and industry, legislators, and landowners, give us wisdom and courage to "Look Ahead" to the far horizons—toward a better and more useful environment in which to survive.
>
> We ask this in the name of the Creator, Redeemer, and Father of all mankind.
>
> Amen.

Many prominent local political leaders within a 75-mile radius of Sumter, local business leaders, farmers, and others with a stake in forestry, as well as 200 members of the Future Farmers of America, were on hand to greet the train.

It was my pleasure to be the congressional sponsor for this occasion. The man who directed the overall planning for this affair was my longstanding personal friend, R. N. "Bob" Hoskins, assistant vice president, Forestry and Special Projects of the Seaboard Coast Line Railroad Co. Bob served as master of ceremonies and ran the entire program on schedule throughout the day. This was no small feat considering there were two platform groups of business, industrial, and political leaders, 150 of whom were recognized in the course of the 4-hour program.

Mr. W. Thomas Rice, chairman of the board and president of the Seaboard Coast Line Railroad Co., was a most gracious host.

Assisting in the arrangements for the field program were Mr. A. L. Fowler, assistant general industrial forester, Seaboard Coast Line Railroad, and members of the Sumter County Chamber of Commerce.

The following program indicates the nature and scope of the presentation:

Environment—A Look Ahead

A cooperative field program with a rational approach to the environmental issues of the day—

Forestry.
Air and water quality.
Recycling.
Agribusiness.
Pesticides and herbicides.
Wildlife.
Housing.
Rural development.

Location: On Manchester State Forest, seven miles west of Sumter on State Route #763, near Cane Savannah.

Time: 9:30 a.m.—Arrival of "Forestry Special" train from Columbia.

Master of Ceremonies: Robert N. (Bob) Hoskins, Asst. Vice President, Seaboard Coast Line Railroad Co.

Introductory remarks: Prime F. Osborn III, President and Chief Executive Officer, L&N Railroad Co.

Introduction of Governor: W. Thomas Rice, Chairman of the Board and President, Seaboard Coast Line Railroad Co.

Address of welcome: The Honorable John C. West, Governor, State of South Carolina.

Introduction of keynote speaker: W. Thomas Rice.

Keynote address: William E. Galbraith, Deputy Under Secretary of Agriculture, Washington, D.C.

Special presentation: Roger Porter, President, South Carolina FFA Association, Loris, S.C.

Introduction of special guests: Bob Hoskins.

DEMONSTRATIONS

Station 1: The Super Trees Are Here!—D. M. Crutchfield, Westvaco Corporation, Timberlands Division, Summerville, S.C.

Pesticides and Herbicides Used Wisely!—E. Roland Laning, Jr., Dow Chemical Company, Midland, Mich.

Station 2: Burning the Woods Is Sometimes Best!—Stephen G. Boyce, Southeastern Forest Experiment Station, Forest Service, U.S.D.A., Asheville, N.C.

Forest Management Pays High Dividends.—Don M. Handley, South Carolina Society of Consulting Foresters, Florence, S.C.

Station 3: A Look Ahead—Long Range Plans of the S.C. State Commission of Forestry.—Walter T. Ahearn, South Carolina State Commission of Forestry, Columbia, S.C.

Wildlife—Our Responsibility!—Raymond D. Moody and T. E. Lynn, International Paper Company, Mobile, Ala.

Station 4: Steel—Wood's Partner in Housing.—Robert J. Richey, Residential Construction Marketing, United States Steel Corp., Pittsburgh, Pa.

Station 5: Quality Air Ahead—Quality Water Ahead.—Jack E. Martie, Air Correction Division, Universal Oil Products Co., Darien, Conn.

Station 6: Agribusiness and Export.—John S. Montel, Foreign Agricultural Service, U.S.D.A., Washington, D.C.

The World Market for South Carolina Natural Resources—Coyte W. White, South Carolina State Ports Authority, Charleston, S.C.

Station 7: Clearcutting, Site Preparation and Regeneration.—M. F. Fox, Federal Paper Board Co., Inc., Bolton, N.C.

Recycling in Action!—John A. Reagan, Sonoco Products Company, Hartsville, S.C.

12:40 p.m.: Introduction of special guests—Bob Hoskins.

Introduction of principal speaker—W Thomas Rice.

Principal address: James C. Hair, President, Bowaters Carolina Corporation, Catawba, S.C.

Introduction of congressional host: W. Thomas Rice.

Summary address: The Honorable Thomas S. Gettys, U.S. House of Representatives, Washington, D.C.

1:20 p.m.: Luncheon—Courtesy Seaboard Coast Line Railroad Co.

SPECIAL LUNCHEON PROGRAM

Fashion show in the woods

Featuring Disposables and Beautiful Girls. Staged by L. E. Haws, Jr., Bowaters Carolina Corporation, Catawba, S.C.

Forest fertilization aerial demonstrations

Robert A. Bartlett, F. A. Bartlett Tree Expert Co., Stamford, Conn.; Paul Kaiser, Bar Fly, Inc., Charlotte, N.C.; J. Horace Lanier, Smith-Douglass Div., Borden Chemical, Borden, Inc., Norfolk, Va.

2:30 p.m.: Departure of Special train for Columbia.

3:30 p.m.: Arrival of "Forestry Special" in Columbia.

The remarks of the Honorable William E. Galbraith, Deputy Under Secretary of Agriculture follow:

Remarks of William E. Galbraith

Fortunate indeed is South Carolina—blessed as she is with a beautiful countryside, a wonderfully mild climate, an abundant and thriving forest resource, and in industrious people to tend and guard that resource—and use it wisely for their own benefit as well as for the Nation.

Fortunate, also, are the other States served by the Seaboard Coast Line Railroad. They, and the other Southern States have the potential to contribute half of the Nation's timber harvests that will be needed to meet demands at the turn of the Century. This is a formidable challenge as well as a great opportunity.

In order to meet this enormous challenge, the South is establishing its "Third Forest"—if I may borrow that descriptive phrase from the Southern Forest Resource Analysis. It will take the best coordinated efforts on the part of forest industry, State Forestry organizations, Federal agencies, and the nonindustrial private forest landowners to build that forest. Also needed is the understanding and involvement of the public at large—people who do not own forest land, but who are concerned with the environment. Without their support and understanding the job would be much more difficult and perhaps impossible to accomplish.

Forest industry has already shown a willingness to make the needed investments in its forest lands. The 32 National Forests in the South contribute their share of forest products as well as other public benefits. Management of State and other public lands is on a high level and still improving.

The key to success, however, will be to achieve good protection and management of nonindustrial private forest lands that constitute three-fourths of the commercial forests in the South. In this context, it may interest you to know that legislation is awaiting the President's signature that will authorize a significant expansion of funding and other aspects of the Forest Service programs of Cooperative Forest Fire Control and Cooperative Forest Management.

The Forest Service Experiment Stations and the forestry schools, in cooperation with industry, are making important contributions in the coordinated effort to establish the Third Forest. Outstanding accomplishments in tree improvement, wood utilization, fire control, reforestation, and a host of other subjects have already been achieved. In short, the outlook in the South for meeting an increasing share of the National demands for timber products is good.

I must warn, however, against the notion that timber production alone deserves our concern. The forest must serve as well in meeting recreation, esthetic, wildlife, water quality, livestock forage, and related needs. There are increasingly strict constraints posed by the necessity to protect and improve the natural environment. The forester's concern for the environment is twofold. On the one hand, the forest has a positive influence on the environment through filtering the air, purifying and stabilizing waterflows, harboring wildlife, anchoring the soil, and in a host of other ways. These influences the forester must enhance. On the other hand, careless management can easily damage the environment. Harvesting systems, fire and the applications of herbicides and pesticides, for example, can have an adverse impact if they are not handled properly.

Let me take a few moments to talk about harvesting systems. The choice of harvesting systems depends largely on the objectives of the forest owner and the physical condition of the forest resources that are available to him.

In the South clearcutting to establish and manage forests on an even-aged basis is a proven and widely used practice. The size of clearcuts is usually kept small. Sometimes however, for good reasons, larger clearcuts do appear. Even-aged stands are preferred in most of the South because of technical reasons. It is possible to grow a more productive forest that way, and after the harvest, the area can be more efficiently and economically prepared for establishing a new forest. For example, all forestry interests—Government, industry, and universities—have made great progress in the development of improved strains of forest trees. Planting genetically improved stock on cleared areas that have been adequately prepared is the best way to make this improvement on nature pay off in a greater flow of better products from the forests. Not only timber production benefits from even-aged management, but most forms of wildlife flourish in and near openings in the forest.

Another success story here in the South is in the field of wildfire prevention and control. Techniques and procedures have improved steadily during the past fifty years. Fire Control agencies, through efficient control action, have been successful in steadily reducing the acreage burned by wildfires. However, the number of man-caused fires continues at about the same level—in spite of sustained prevention activities.

Prevention efforts, including the Smokey Bear, "Keep Green", and Southern Cooperative Forest Fire Prevention programs have produced good results, but a more intensive fire prevention effort is needed to meet the challenge of the future. We must direct major new efforts toward solving specific problems. For example, additional support must be given in the fields of education and law enforcement. Fire prevention legislation and enforcement action vary noticeably from State to State. Incendiarists, and the careless debris burners, present particularly difficult problems for law enforcement and prevention officers in the South.

To reduce property and resource damage from large, disastrous fires, we must expand our program of specialized fire control training and develop and equip our fire control forces with more suitable equipment. This would include expanding the use of aircraft in both detection and control activities.

Full use of mutual aid assistance available through the Southeastern Compact can be a vital force in the fight ot prevent or control disaster fire situations. A high level of fire protection for the South's forest and watershed lands is essential and must be maintained if they are to contribute the maximum amount of timber and other needed resources.

Pesticides are important and useful tools in managing the forest of the South and other parts of the country. Chemical pesticides range from insect toxicants and repellents through plant toxicants and growth regulators. We find ourselves at cross purposes when it comes to using some pesticides. There is the urgent need to increase quantity and improve quality of the forest resource—and do it effectively and efficiently. But we must meet this need by using those tools that are safe to the environment.

In the recent past, and even now, the two principal pesticide uses in the southern forest have been insecticides for southern pine beetle control and herbicides for controlling undesirable hardwood overstory that inhibits good growth of pines. Even with the greater use of alternative control methods, the total job cannot be effectively done without pesticides. Southern Pine Beetle outbreaks are occurring in parts of eight Southern States—some chemical control will be necessary.

Forest management programs have been moving steadily toward increased use of cultural, biological, and integrated methods which utilize nonpersistent, host-specific chemicals instead of broad spectrum pesticides. The U.S. Forest Service, for example, has made no aerial applications of DDT since 1967. Here in the South, the use of benzene hexachloride has decreased from 8,790 pounds in Fiscal Year 1966 to 30 pounds in Fiscal Year 1971. It will be a real challenge to continue this program without the goal of sound forest management being sidetracked.

As time moves toward the twenty-first century, the forests of the South will have to provide an unprecedented flow of products and benefits. In doing so, a balance must be struck between accelerating timber production and providing non-timber benefits. These objectives are compatible and can be met. The resource is there, the technical knowledge is there and is being augmented by strong research programs, and the leadership is there to meet the needs of the future. We can look ahead with confidence and anticipation.

It has been a privilege to meet with you today.

Mr. Roger Porter, president of the South Carolina Association of Future Farmers of America presented the Honorary State Farmer Degree to each of the following:

First, the Honorable John C. West, Governor of South Carolina;

Second, William E. Galbraith, Deputy Under Secretary of Agriculture;

Third, W. Thomas Rice, chairman of the board and president of the Seaboard Coast Line Railroad Co.;

Fourth, Allan C. Mustard, senior vice president of the South Carolina Electric and Gas Co.;

Fifth, John E. Streetman, vice president, Allied Mills, Inc., and the 1972 national chairman of the FFA Foundation; and

Sixth, James C. Hair, president, Bowaters Carolina Corp.

In making these presentations, Porter observed that all of the recipients "have supported and are continuing to support a great organization—The Future Farmers of America." He summed it up by saying:

> Thay have given unselfishly of their time and resources toward agricultural betterment nationwide.

Following the presentations, Mr. W. Thomas Rice introduced James C. Hair, president and general manager of Bowaters Carolina Corp., whose remarks, highly appropriate to the occasion, follow:

Remarks of James C. Hair

Mr. Chairman, distinguished platform guests, ladies and gentlemen:

It is an extreme pleasure to be with you on this splendid spring day and to enjoy with you the Seaboard Coast Line Railroad's Environmental Field Day. We all owe a vote of thanks to Tom Rice and Seaboard for sponsoring such a unique and interesting event as the Environmental Field Day.

For sometime now, at least since 1962 when Rachel Carson published Silent Spring, there has been a sudden, if not almost hysterical concern over our environment. Clean air, clean water, population, less noise and wilderness have practically become national priorities. Millions of people who never had the faintest idea of what ecology was all about are now talking like expert conservationists.

A decade ago, just a few groups and a few lone voices cried out about our decaying world. Now, everybody's in the act—politicians, government, students, educators, lawyers—all saying that we are in the midst of an environmental crisis and there is little time left to put things back in order.

We are continually bombarded by newspaper and magazine articles and television specials about our environmental problems. Man is portrayed as the despoiler, the purveyor of death on this planet.

It is a matter of survival, we are told, and that healing our world must be our highest priority.

We will all agree that we do have problems, and in some cases, they are severe. And we will further agree that we have not always done right by our enviromnent. All too often we have fouled our nest.

As our country developed, grew and expanded, environmental quality was of little, if any, concern. Other things seemed more important. There was an industrial revolution, the Great Depression, two World Wars, and political, social and economic crises.

Now, we have come of age, and environmental problems are but one price we have to pay for progress. And more and more Americans are demanding that we cap our smokestacks, clean our rivers, and preserve the wilderness. And do it now, they say.

A recent public opinion poll by Opinion Research Corporation found that people are very much aware of environmental problems such as smog, oil spills, fish kills and air and water pollution. And, of course, industry is blamed for most of the environmental problems. Industry pollutes and, although industries are not directly responsible for litter and solid waste, companies do make the stuff and people feel industry should help correct the problem.

It is also interesting to note in the report that in a time when industry is doing more about pollution than ever before, the realization that something is being done has been diminishing.

When asked by Opinion Research how much companies are doing to control pollution, only 10 percent said a great deal. Thirty-five percent said a fair amount and a majority, 53 percent, said that companies are doing very little.

According to the report, the percent who say companies are doing little about pollution has been rising. In other words, says Opinion Research, tolerance is diminishing at a faster rate than awareness of company actions to correct the problems.

Could it be that industry's voice is being drowned out by the rhetoric of environmental activists? Maybe if industry wants grease, we'll have to squeak a little louder—and more often.

And industry has a good story to tell, and I'm surprised at its reluctance to talk. We seem to have gotten a little gun shy. We seem afraid to tell our story.

I have spent most of my working life in the pulp and paper industry, and contrary to what you may have heard about the industry, it does have a pretty good record in conservation and environmental protection.

The pulp and paper industry's concern for the environment predates Earth Day and most environmental and conservation movements by many years. Although little known to the general public, a group of companies in the paper industry pooled their efforts in research for new and better ways to protect our streams as early as 1943—that's nearly 30 years ago. And individually, these and other comanies had been studying the problem even before that date.

Out of this joining together came the National Council for Stream Improvement. In 1956, the Council added air improvement to its research objective, and still later, began studies in the field of solid waste disposal.

Today, it is known as the National Council of the Paper Industry for Air and Stream Improvement. Its main task is to carry out the paper industry commitment to a goal of a clean environment. National Council is totally dedicated to research and is spending well over $1 million a year in research to improve air and water quality. Over 90 percent of the pulp and paper companies support this research effort.

At centers located at Tuft University, Western Michigan, University of Florida and Oregon State University, National Council is performing vital research that will advance the industry's ability to manage and protect the nation's environmental quality.

Publicity about environmental problems has made our forests a subject of popular concern, which is good. But much of the attention given our forest by environmentalists is based more on emotion than reason—and that's bad.

Most Americans believe that we are running out of trees, according to a recent survey. People believe that trees will be in shorter supply than coal or oil in the next ten years. Two-thirds of our population believe we are exhausting our forests.

The public seems to believe that once a forest is harvested that it is gone forever, like a vein of coal.

Are we running out of trees? Absolutely not. When Columbus landed, there were more than a billion acres of forest land in what is now the 48 contiguous states. Today, there are still 758 million acres of forest remaining. That's about 75 percent of the amount standing 500 years ago. This is after building a nation of more than 200 million people.

And more timberland is being added. There are 13 million acres more today than there were a generation ago, most of it on abandoned farmland reclaimed by nature.

"The South's Third Forest" which we are all so excited about, is a story unto itself. According to Southern Forest Resource Analysis Report, the South must provide most of the nation's wood products by the year 2,000 and in a volume twice as great as the region produces today.

The South's First Forest was the wilderness the colonists found when they arrived at Jamestown. From this wilderness came logs for cabins and stockades, hulls for ships, furniture for homes and implements for farms. The South's First Forest yielded a trillion board feet of lumber—enough to build 100 million homes.

Then came the Second Forest which started to grow in the early 1900's on the South's cut-over lands. The Second Forest was, in many ways, more prolific than the First.

It was the Second Forest that brought the pulp and paper industry to the South.

The Third Forest is the one we'll need by the year 2000, and the wood products we'll need by then must be grown on less land. Part of the increased yield will come from "super trees," trees that grow taller, straighter and faster than ordinary pine trees.

An old forest with its stately and majestic trees is impressive. But it is a stagnate forest, slowly dying. Stagnation and decay consume more oxygen than the old forest can create.

Not so with the Third Forest. It will be a vibrant, growing forest. Every acre of vigorous young trees gives off four tons of fresh oxygen every year, while consuming six tons of carbon dioxide. A growing forest is the most efficient antipollution device so far developed.

While this massive reforestation effort has won acclaim from environmentalists, not so popular with them is the forestry practice of clearcutting. Cutting a single tree to some is bad enough, but clearcutting, where every tree in a stand is removed, causes critics to cry "devastation" and "plunder."

In a new book on clearcutting that was recently published by a leading environment organization, the author calls clearcutting "the most destructive tool ever applied to the American forest."

And a clearcut is ugly. All that remains are slash, stumps, branches and other debris. But what you don't see is a new forest starting to grow.

Environmentalists refuse to believe that all forests began with a clearcut, perhaps caused by insects, fire or man. Clearcutting is simply man's adaption of nature's way of regenerating forests. Whether by nature or man, clearcutting is just one step in the ecosystem of the forest.

Clearcutting does two beneficial things: It speeds up the regeneration of the forest; and we use the wood that would otherwise be wasted by fires, insect damage or other natural clearcut occurrences.

The forest products industry is not backing down in its fight to use clearcutting as a legitimate and proper forest management practice.

This time the industry has good support, including a number of experts from government, industry and forestry schools, who agree that clearcutting should be used to regenerate forests where nature uses the same technique.

The battle on clearcutting has just begun, and you're going to be reading and hearing much about it in coming months. The future of clearcutting is yet to be decided.

Another subject that is sure to get the environmentalist's adrenalin flowing is wilderness—the setting aside of more and more land for parks and wilderness areas where no wood harvesting is permitted.

Now, let me make it clear that I'm against neither parks nor wilderness. We need both. But the question we are called upon to answer is whether wilderness preservation best serves the recreation and economic needs of all Americans.

Most private timberland, as well as National Forest Land, has been managed for multiple use. The land is managed for timber, recreation, watershed development, fish and wildlife. Under wilderness plans, the land takes on a single use characteristic, that of limited recreation.

Wilderness means preserving nature in its original state with no roads and no eating and sleeping or sanitation accommodations. This restricts its use to those very few people with enough stamina to hike or pack into the scenic and forested vastness of the wilderness.

Of course, if you have the time and money, a wilderness experience comes much easier.

Arthur Godfrey took a trip to the wild and desolate Middle Snake River in Idaho. He flew in his private jet, hired a guide and rented a pack train. Not many of us can afford that sort of a wilderness experience.

Even if you have money, accessibility to remote wilderness creates a problem. Roads, campgrounds, lifts and eating facilities are ruled out.

By contrast, Switzerland has made its spectacular terrain accessible by some type of transportation.

A former wilderness concept enthusiast, Los Angeles attorney, Eric Julber, called it ironical that in Europe—the old world, the land of aristocracy—the common people can see the wonders of our Creator, while in America, land of democracy, the common people are excluded.

He points out that the Swiss, who have 2,000 years of experience in the management of mountains and tourists, are opposed to our purist philosophy.

"The purist says: Keep people out. The Swiss ethnic says: Invite them in, the more the better."

He terms wilderness preservation a "purist-conservationist" philosophy since the acreage consigned to wilderness results in a 600 to 1 disparity between what is provided to the elite and what is provided to the common American. He says that this philosophy has made some of the most beautiful areas of America "off limits" to anyone who is not willing or able to backpack into them.

Julber testified before a Senate committee last year and, using Forest Service figures, showed that recreation use of Wilderness and Primitive areas of the National Forest were used by less than one million persons—that's less than one-half of one percent of our population. These users, he said, are shown by statistical analysis to be the financial and intellectual elite of our nation.

Placing large amounts of land in wilderness deprives the public of needed wood supply, wood that will be necessary for housing and thousands of consumer products made from wood.

Some areas should be preserved in wilderness, even though few of us can enjoy them. But let's be careful that we don't let a few environmentalists talk us into putting into wilderness so much land that the entire nation is deprived of the benefits of the forest lands.

You know, it seems to me that environmentalists believe complex problems have simple solutions. Take recycling, for example.

They see no reason why we cannot recycle all of our waste paper, bottles, plastics to reduce the solid waste problem. This certainly has merit, but it's not as simple as it sounds.

Let me give you an idea of the problems in recycling paper by comparing it to recycling of bread and pastries. Let's imagine that we are going to recycle all the breads, rolls, cakes, cookies, pies and pastries found in the bakery section of your supermarket.

Our first problem is getting rid of the wrapper and cartons. Remember, if our recycling program is to be successful, we must make a product which customers will buy and at prices which will cover expenses. With rye bread, white bread, cinnamon rolls, chocolate chip cookies and dozens of other products, you might run into a quality control problem. This is further complicated by the raisins, nuts and other goodies mixed in with some of the products.

Now you have an idea of what is involved in getting dozens of different types of paper, used for hundreds of different purposes ready for recycling.

Over 20 percent of all paper used in the United States today is recycled. This amount is sure to increase as we learn how to separate the "nuts from the raisins."

Enormous strides have been made, too, in the use of residues that previously were burned or buried. The day is almost in sight when the whole tree and the residual materials of manufacturing will be put to use.

Years ago, bark, shavings, sawdust, limbs and foliage were generally burned, buried or left on the forest floor to decay and return to the soil. Today, more than 80 percent of wood residues are put to use. New products produced with wood residues include paper products of all kinds, particleboard, hardboard, roofing materials, ground cover, charcoal, fuels and insulation.

The National Industrial Pollution Control Council has stated that increasing utilization of residues is among the most important factors in reducing solid waste problems.

While total utilization of the forest harvest is still the goal of the forest products industry, the industry can nonetheless be proud of the progress already made in putting residues to good use.

For several minutes, I have been telling you about just a few positive examples of good environmental stewardship. I hope you won't think I am belittling those people who are deeply concerned about our environment just because we may disagree.

But I think it's time we quit yelling and shouting and begin establishing lines of communication between conservationist, environmentalist, industry and government. With understanding, we can move ahead to rectify some of our environmental sins of the past.

And it won't be easy, nor inexpensive. A recent report to the government on the impact of curbing pollution said that antipollution costs between 1972 and 1980 might decrease the Gross National Product some $6 billion a year below the level it otherwise would reach; retard annual economic growth slightly, increase unemployment slightly and reduce the U.S. imports by some $700 million a year.

Now, are we personally willing to pay to help correct pollution?

Again, going to the Opinion Research Poll, we aren't. Only 22 percent said they were willing to personally pay something in extra taxes or higher prices to help clean up pollution. Forty percent said they would pay nothing.

I suppose people think that someone else created the problem, so let them pay for it. But in the end, it will ultimately be the man in the street who will foot the bill, whether in increased taxes or higher prices.

I have not presented to you any solution to the environmental problems. I did not intend to. H. L. Mencken once said, "For every problem there is a solution—simple, neat and wrong."

Instead, I have tried to give the other side of the environmental coin, by calling your attention to what only one industry, the forest products, is doing to improve the quality of our environment. To me, it looks pretty good.

Let me say that I believe that man is not doomed, but that he will endure and that he will prevail because of reason, judgment and compassion.

We are all polluters—every member of our society; therefore, it must be all society that must respond to the call of a clearer environment.

This is our world and as long as we use its resources wisely, it will be a good world in which to live.

Dr. Barry Commoner, one of the nation's most knowledgeable and respected environmentalists, spelled out the four "laws of the environment." They are:

1. Everything is connected to everything else.

2. Everything must go somewhere.

3. Nature knows best.
4. There is no such thing as a free lunch.

ENVIRONMENTAL CRISIS—THE OTHER SIDE OF THE COIN

I would like to take this means to express my thanks to all the people who made this outstanding program possible. The efforts put forth during the day point up clearly that many of our problems can be solved through better communications—which in turn create a climate of understanding that benefits all of us.

Certainly no one has shown greater leadership in promoting such cooperative endeavors than Chairman of the Board and President W. Thomas Rice of the Seaboard Coast Line Railroad Co.

And in the same vein, I would certainly commend Bob Hoskins of Mr. Rice's staff for his industry and initiative in securing top-level representation from so large a group of industrialists, some of whom traveled great distances to participate in this forestry seminar.

At the local level the Committee of 100 in Columbia must be commended for their efforts in providing hospitality and recreation for the entertainment of the visitors, coordinated by Mr. B. B. Cole, Jr., their executive director.

In conclusion let me say that one railroad's "good neighbor" policy has not only created a better understanding but has also made a long lasting impression on all those who were fortunate enough to be on hand for another outstanding "Forestry Field Day."

RUMANIA: A PEOPLE'S REPUBLIC?

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. HORTON. Mr. Speaker, this month marks a series of important anniversaries for the Rumanian people. After a long history of invasions and domination by foreign powers, the basis for a free and independent nation was established by the creation of the Rumanian dynasty in 1866 when Prince Charles of Hohenzollern-Sigmaringen was proclaimed Prince of Rumania. Exactly 11 years later, in 1877, the Principality of Rumania severed her ties to the Ottoman Empire and declared her independence. On May 10, 1881, the country became a kingdom by crowning Charles I, King of Rumania.

The ensuing years were difficult ones in which the country grappled with the problems and responsibilities of self-rule. But by the end of World War I, a prosperous and progressive Rumania was a peaceful and stable member of the Central European community.

However, the situation changed dramatically during the closing months of World War II, when Russian troops moved into Rumania and freed it from the control of the Axis powers. The Soviet leadership dismantled the carefully constructed Rumanian Government and imposed virtual Soviet rule on the nation. In 1945, Communists were placed in key positions in the Government and in March 1946, King Michael was forced to appoint a Communist front government. A Soviet-style election was held in November of 1946 consolidating Communist power and was followed shortly thereafter by the King's abdication under pressure from the U.S.S.R. The Rumanian People's Republic was thus created without the consent or consultation of the Rumanian people.

After the Stalinist years of terror were cut short by the Soviet leader's death, the Rumanian Government began to develop international policies designed to help Rumania rather than conform with the dictates of the leaders of the U.S.S.R. In foreign affairs, the Rumanian Government has established independent trade and diplomatic ties with a number of Western nations, including the United States, Great Britain, and France, and has voted independently of the Soviet Union on a number of issues in the United Nations. Cultural exchange between Rumania and the Western nations is a frequent occurrence.

President Nixon's conferences with Rumanian leaders during his visit there in 1969 exemplifies the independence with which the Government conducts its affairs.

Their assertion of national independence is a good sign and one which we should encourage. It is not, however, indicative of the conduct of internal Rumanian affairs. Suppressions and iron control of the populace are still the law of the land. The Communist Party maintains its monopoly of power within the state and the state remains rigidly organized along traditional Communist lines.

Increased contacts with Western nations cannot help but aid the Rumanian people in their continuing struggle for true independence and freedom. The United States must do all it can to foster this relationship and hope for true progress in terms of human freedom and dignity for the people of Rumania.

FRONTIER NURSING SERVICE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. CARTER. Mr. Speaker, our rural areas face many problems in the matter of adequate medical care. I am very pleased to submit an article about an organization that is making great strides toward solving many of these problems—Kentucky's Frontier Nursing Service.

The dedicated people of the Frontier Nursing Service are fulfilling an important role in Kentucky that is now being emulated in other parts of the Nation.

The article follows:

[From the American Journal of Nursing, May 1972]

FRONTIER'S FAMILY NURSES

(By Barbara G. Schutt)

For nearly a half century the Frontier Nursing Service has been demonstrating that by the effective use of nurses an economically deprived area can get good health care. Recently, it has expanded its mid-wifery school to prepare, hence give formal recognition to, the "Family Nurse"—someone able to assume a constantly expanding role in the provision of primary health services to a whole family.

The advantage FNS has over many other agencies on a similar bandwagon today is that it has been proving the appropriateness of this role since 1925, and it has rich experiences on which to draw to refine it. For, in actuality, the FNS nurses have always been the primary health care givers to the people up the creeks, over the mountains, back in the hollows of Leslie County, Kentucky.

Those who know the FNS, however, must concede that there's more to preparing a nurse to give safe and effective primary care than supplementing her basic education and assigning her to her own clinic. For the FNS, where these nurses are learning and practicing, is a concept as well as a health service.

The FNS' mailing address and headquartems—is Wendover, Kentucky, "pop. 21 approx." Accessible until recently only on a horse or mule after one fords the Middle Fork of the Kentucky River, Wendover can now be reached in a car by crossing a bridge and following a "blacktop" which peters out into a dirt road, winding, sometimes precariously, with and above the river. Built by Mary Breckinridge, FNS founder, to serve as her home and headquarters, Wendover's rustic rambling buildings now house some of the administrative staff, guests, a district health clinic, and a few horses, used now only for recreation.

Wendover is central to the 1,000 square mile area in which the FNS gives health care to some 15,000 persons who live in Leslie and parts of neighboring counties. Average per capita income is $1,000 per year and some 80 percent of the residents are medically indigent by state standards. Coal trucks symbolize the major economy to which many persons are still beholden. These are proud people, chivalrous, great respecters of human dignity and the right to privacy. They have retained, over the generations they have lived in these beautiful Appalachian mountains, many old customs and even some of their original British language.

The health needs of these people—especially of the children—haunted Mary Breckinridge. A member of a prominent Kentucky family, she was convinced that there were better ways to get health services to people in general and saw this spot in Kentucky as a logical place to demonstrate how.

Following World War I, she supplemented her basic nursing education (St. Lukes, New York, N.Y.) with midwifery courses and experiences in England and toured the Scottish highlands to see how nurses functioned in an area not dissimilar from Appalachia. Then she returned to Kentucky to explore her plans with physicians, public health officials, and leading citizens. In May 1925, she formed the organization later to be incorporated as the Frontier Nursing Service:

"To safeguard the lives and health of mothers and children by providing and preparing trained nurse-midwives for rural areas in Kentucky and elsewhere where there is inadequate medical service; to give skilled care to women in childbirth; to give nursing care to the sick of both sexes and all ages; to establish, own, maintain and operate hospitals, clinics, nursing centers, and midwifery training schools for graduate nurses; to educate the rural population in the laws of health, and parents in baby hygiene and child care; to provide expert social services; to obtain medical, dental and surgical services for those who need them at a price they can afford to pay; to ameliorate economic conditions inimical to health and growth, and to conduct research toward that end; to do any and all other things in any way incident to, or connected with, these objects, and, in pursuit of them, to cooperate with individuals and with organizations, whether private, state or federal; and through the fulfillment of these aims to advance the cause of health, social welfare and economic independence in rural districts with the help of their own leading citizens.(1)

In an interview for the Voice of America shortly before her death in 1965 Ms. Breckenbridge, then 84, asserted: "If you take the unborn child as the focal point, you will soon be led into a broad program of public health." Today's plans for the Family Nurse seem to confirm this philosophy. From the beginning, she was convinced that the primary means of attack must be through the use of prepared nurse-midwives. Until 1939, most of the FNS staff was made up of British-prepared midwives, either persons sent to England for their training, or wooed from that country. When many of the latter returned home at the beginning of World War II, she decided FNS should prepare its own and opened the Frontier Graduate School of Midwifery, which recently has been broadened to read "and Family Nursing."

MANY ELEMENTS IN A COMPLETE SYSTEM

The scope and philosophy of the FNS has not altered significantly since the early thirties when it was so effectively described by Ernest Poole in *Nurses on Horseback*(2). Indeed, about all that is obsolete is that title. Most people now live not far from roads at least passable by jeep. Thus, a nurse has had to substitute a certain mechanical skill for the once necessary horsemanship.

Half of the nurses' contacts with patients, outside the FNS hospital at Hyden, are in their often scarcely accessible homes. The other half of their patient contacts are in the clinics, located at Wendover, Hyden Hospital, and five outposts, from which no family is more than an hour's travel away. Two nurses, one a midwife and one having a strong public health background, live at the outposts and man the clinics which are scheduled several days a week there or in other buildings within the district.

Central in location and function is the hospital at Hyden built in 1928, owned and operated by the FNS. Here at least one of the four physicians employed by the FNS is always accessible. Fifteen nurses staff the hospital and its clinics. Both are terribly crowded. The hospital, licensed to operate 16 beds, last year had an average census of 18.8 patients. In the past the clinic has served 10,000 persons a year, last year 23,000 came.

Clinging precariously to a wooded hillside, the hospital looks down on land now being cleared for the new Mary Breckinridge Hospital, made possible by government funds and the financial contributions of local people and the FNS' many friends throughout the country.

Involvement of the community and outside friends has been characteristic of the FNS from its beginning. Long before the OEO clarified the principle, Mary Breckinridge recognized that to make such a program effective, the people, themselves, had to be involved and make some of the major decisions. "Since her purpose," writes Poole, "was to work through the people and not for them, she began by organizing a strong local committee of the leading mountaineers."(3) This was in Hyden, where she and two other nurse midwives opened the first center.

Similar committees for each of the outposts have been selected by the people to be served. They have helped to build, equip, and maintain the buildings. They look out after "their" nurses, meet with them regularly to consider community matters such as plans for an immunization program, how to collect overdue bills, or what hours clinics will be open. In response, the outpost nurses soon learn to become neighbors, singing in the local church choir, attending social gatherings.

The outside friends of FNS have been cultivated through the work of committees located in many of the nation's major cities. Early, it was obvious that to provide decent health care to such a needy area, the organization would have to depend in part on volunteer service and philanthropy. Today, close to a third of the FNS million dollar income derives from contributions.

Obviously, some funds come from government sources—Medicare, or the local version of Medicaid. Some local persons can afford insurance or are able to pay a share of the costs of hospital care or clinic visits. But the bulk cannot begin to pay actual costs. Although the usual clinic or home visit charge is $10.00 plus costs of drugs or equipment, the nurse generally collects $1.00, in part to preserve the patient's pride. Actually, the FNS estimates that a home visit costs $15.00, including supples and drugs, not to mention travel. Still, the current director, Helen Browne, could submit her most recent annual report "with a small measure of pride that we owe no man a cent."

FNS also stretches its dollars through the use of young volunteers, "couriers" who are charged with running the errands, maintaining the horses—now the jeeps—occasionally helping out in the hospital or clinics, or visiting a chronically ill patient in his home. Most are young college girls, usually from families who have been affiliated with committees "beyond the mountains." They pay their own room and board, work from dawn to after dusk at any chore assigned to them, and get deeply committed to the cause.

The FNS employs some 170 persons, most of them local excepting the professionals—41 registered nurses, four physicians, a pharmacist, and a social worker. Heading this complex agency is Helen Browne who succeeded Mary Breckenridge seven years ago, having been on the staff since 1939. A state-certified midwife from Great Britain, she has had conferred upon her by Queen Elizabeth membership in the Order of the British Empire for her FNS contributions. Known as Brownie to the entire staff (nicknames are as common as animals in this relaxed setting), she is, nonetheless, a reserved and astute administrator who has preserved many of the values and precedents which are part of the service's tradition, at the same time that she has moved on new fronts—most particularly to get the new hospital started, and to gain acceptance of the family nurse concept and the educational program essential to it.

Through the FNS southeastern Kentucky has access to an almost complete system of health care. Because of a close association with regional hospitals and with the medical schools at the University of Kentucky and Cincinnati, consultation and other services are available to manage disabilities or illnesses beyond the capacities of the FNS personnel or facilities. And, one way or another, the FNS manages to get the bills for these paid.

The quality of care the FNS offers is best measured by the extensive use of the people, themselves, make of it. But there are also some impressive comparative records chalked up over the years. In 1932, the Metropolitan Life Insurance Company reviewed FNS statistical reports after its first thousand midwifery cases and concluded:

"If such service were available to the women of the country generally, there would be a saving of 10,000 mothers' lives a year in the United States, there would be 30,000 fewer still births and 30,000 more children alive at the end of the first month of life."

The record has been continued over the years, and it is one built primarily by the nurse midwives; for, although every registered patient is seen at least once by a physician, midwives deliver 9 out of 10 patients, and give most of the pre- and postnatal care.

A more recent kind of record has been established in family planning. Less than 10 years ago, Leslie County had the highest birthrate in the nation. Today, as a result of intensive counseling, the use of contraceptive pills and IUD's, generally initiated by the nurse-midwives, it has dropped to the current national rate—from 41 to 16 per thousand. Dr. W. B. Rogers Beasley, FNS medical director, attributes most of this to the close relationship of the nurse-midwife to her patient.

GIVING THE PRIMARY CARE

Indeed, at the heart of the FNS service are the nurses. Today these FNS nurses are from all parts of the country, as well as from Canada and England. A number have been certified as midwives by the State of Kentucky; beyond that, their education and experiences run the gamut. Suzanne Johnson, working in one of the outposts, is a recent graduate of an associate in arts program in Minnesota; Gertrude Isaacs, responsible for the educational program, learned her midwifery at the FNS and earned the first nursing doctorate granted by Boston University. Some have had missionary experience, others have strong public health backgrounds. But paper qualifications are often not enough and sometimes not even necessary. Most new staff members are expected to work for several months in the hospital for orientation and observation before being assigned to an outpost. Sue proved in a short time that she was a "safe" practitioner: she knew when to ask questions, when to seek medical assistance, when to look in books; she was willing to make decisions, and could relate easily to people.

Last year in the 12 districts, 12 nurses attended some 10,000 persons—one third of them children and infants. These district nurses made nearly 15,000 visits to patients, and patients made over 15,000 visits to their clinics. In addition, patients made 23,000 visits to the hospital clinic. On most of these patients, nurses have complete records. The record keeping—with as many as 13 different forms on a single patient—has become extremely onerous, and much of it must be done in the evening.

Some patients come from outside the FNS boundaries, for no one is ever turned away. Some maternity patients actually return to the area to get complete midwifery care; the prenatal, lying-in, and postnatal package charge is $100.00.

The simple clinics at each of the five outposts have a waiting room, examining room, and utility room, in addition to the nurses' living quarters. Closets are stuffed with supplies and drugs, and there is equipment for the simple laboratory tests the nurses do—hemoglobin, urinalysis, for instance. Clinic hours are set to accommodate patients. Occasionally, the nurses hold clinics in other buildings in their districts or in homes and public schools, if they are more accessible to the people.

Once a month, the staff obstetrician comes to the outposts for the obstetric clinic, and the chief of clinical services comes for a general clinic. Other specialty clinics, with consultants from the medical schools, are held but less frequently and usually at the hospital. The rest of the time, the nurses provide the patient care: doing the lab tests, doing physicals, counseling, suggesting attendance at a clinic when the physician will be there, dispensing drugs, altering doses—whatever the need seems to be. Subsequently, staff physicians sign the prescriptions and review the records. And, utilization review committees of nurses and physicians meet every three months in the outposts.

Although the original major purpose of the service was to focus on children and give midwifery care, today the majority of patients seen by the outpost nurses are over 16 and only 7 percent of the nurses' time is devoted to midwifery(4). In fact, these nurses are giving most of the primary health care in the community without any direct physician consultation—making the final decisions in connection with 75 percent of all visits at the outposts, and even 55 percent at the hospital clinic, though a physician is immediately available there(5).

"I wouldn't see a patient if a nurse hasn't already seen him, except, of course, in an emergency," asserts Dr. Anne Wasson, chief of Clinical Services. Most of the problems are minor complaints, 22 percent of them are connected with chronic illnesses, but nearly 35 percent are infections of some kind, many upper respiratory (6).

Several years ago the Appalachian Regional Commission purchased a walkie-talkie system, which hooks together the nurses, in their jeeps or at their outposts, with the Hyden Hospital and Wendover. However, Anne Wasson receives scarcely three calls a week for consultation.

By what authority do these nurses thus practice? Although for medico-legal reasons, they cannot write down a medical diagnosis, they go through the same process a physician does, and then decide to treat or call a physician. They are guided in that treatment by medical directives which have been written by staff—nurses and physicians—and approved by the FNS medical advisory committee—physicians from Lexington, most of whom are specialists. "After all," recalls Helen Browne, "British midwives have always functioned under similar directives"; hence the first directives prepared in 1928 were easily adjusted to by the British-oriented staff.

Today's "expanded" medical role, as well as that of nursing is attested to by comparison of that first edition with the present. Ranging from treatment of gunshot wounds to worms, both problems characteristic of the region, its large type filled only 24 pages. Just off the press, the present sixth edition, in much smaller type, covers some 150 pages, six of which carry a list of more than 150 authorized drugs. The contents range from care of fever to dealing with mental health problems. And, in the "utilization of these directives, the staff nurses are assured of the full medical support of the Frontier Nursing Service physicians"(7).

That support which, as Gertrude Isaacs asserts, is vital to the entire program, is apparent at every turn. It has been there since the most prominent physicians in Kentucky urged Mary Breckinridge to proceed with her dream. And, rather than altering the patterns begun in those days, the more recent employment of physicians by the FNS has reinforced it.

No nurse has ever been faced with a malpractice suit. Actually, the Kentucky Academy of General Practice has given procedural approval to the FNS, asserting that nurses are practicing within their legal right, for they are functioning under medical directives. And the Kentucky State Nurses Association has rewritten its definition of nursing practice to include the practice of nursing in the extended role.

Behind this kind of nursing practice, however, is more than procedure and medical sanction. The atmosphere within which these nurses function is one which expects and assumes the best from staff. "We operate under the assumption that nurses are safe practitioners to start out with and that they will ask if they don't know," observes Gertrude Isaacs, who has recently returned to the FNS to get the Family Nurse educational program going. "Nurses know much more than most people will give them credit for. It's time we stopped putting limits on what a nurse can do and start helping her do what she can do very well."

Of course, the responsibility is sometimes frightening, asserts Skip Spell, district supervisor. "But our motto is, act now, shake later." Helen Browne confirms the motto's wisdom. "What problems we do have usually result from hesitation by the nurse," she said.

Nurses derive great satisfaction from working at FNS. But, it is far from an easy job. When there's an evening clinic, it is a 16-hour day. The nurse can look forward to a 6-week vacation, and 4 long weekends a year, but she may earn only $450 a month (living expenses are modest, however). As she drove her unheated jeep down a corrugated road in 10 above zero temperature. Skip talked about these problems, and of dealing with broken water pipes, and calls at any time at night. Why does she work here? "Gosh, it's fun!" (Skip had just performed a version on an obstetrical patient, at a moment's notice.)

Phyllis Long, recently returned to the FNS to help teach in the new Family Nurse program after service in Ethiopia, came back because, "This is the kind of place where you can give the kind of care you want to give and nobody stands in your way." Gertrude Isaacs returned, "because I like what I can do here. I like the freedom."

Some, of course, don't really want either that freedom or that responsibility. They soon leave.

There is an understandable educational atmosphere about the FNS. An attitude of answer-seeking is essential, not only to safe practice, but to the constantly expanding practice of these nurses. One of the primary functions of the staff physicians is teaching—constantly on the job, as well as in formal classroom settings, in utilization committee meetings, during lunch in the hospital dining room, while riding out to visit a homebound patient with a district nurse. A similar type of informal teaching takes place among the nurses themselves. In addition to planned seminars, there are regular staff conferences. Occasionally, the FNS sponsors programs for other professionals in the region. And a constant flow of visitors, from other parts of the country, and from other countries (60 different ones in the past 16 years) has an educational impact.

Such an atmosphere is, of course, enhanced by the presence of a formal school. Since its beginning in 1939, the FNS has graduated 376 students from its midwifery school—one of the few in the country. Many of these graduates have gone into the foreign mission field—in part because there is so little opportunity to practice the full role in the United States.

A RIGHT TO BETTER PREPARATION

As demands on midwifery knowledge have decreased proportionately with the increased demands for general medical knowledge, it has become apparent that the nurses working in the clinics must have more formal preparation for general practice. In October 1968, Kirk and others undertook a years' study of the work of FNS nurses to document the kinds of medical problems the nurses must deal with and to find out where they had gained their knowledge, as a foundation for introducing a formal training program. Some nurses had learned it in their own basic education, some in work experiences, some by consulting books, asking questions, watching physicians(7). It was becoming clear that the nurses were entitled to a better organized system of learning what they were being called upon to practice every day.

At the same time, there was growing evidence throughout the country of the great need to prepare personnel to take over much more of the primary health care which physicians were unable or unwilling to give, either because of lack of time, of opportunities, or increased specialization. Under the sponsorship of the Appalachian Regional Commission, and with some OEO funds, a study of the "Family Nurse Practitioner" of the FNS was undertaken by some management consultants. In this report, released early in 1969, they observed:

"In a situation where only one or two physicians have been available to care for some 10,000 to 15,000 people, the use of the specially trained Frontier nurse has made primary medical care both available and accessible. An equally important function of the nurse has been to identify patients who need a higher level of medical care, and to arrange for their entry into the medical care system."

And, they came forth with strong recommendations for the opening of educational programs for such practitioners, especially in surrounding universities(8).

Dr. Isaacs and Dr. Beasley had already begun their efforts to get university interest in a Family Nursing program. Finally. Vanderbilt committed itself to a master's program and this past fall admitted, for the first time, students who will have eight weeks of field experience with the FNS. But, FNS felt the need for its own program—for its own staff, as well as to prepare people of varied backgrounds to function as FNS nurses have—in other rural or deprived areas. Therefore, at the same time, it organized a one-year certificate program for students with all types of basic training. Recently, this program has been funded as one of the Primex projects, under contract with the Health Services and Mental Health Administration of the USPHS.

"It is designed for nurses who are committed to health services in rural and developing areas, and who are interested in service-learning experiences in preparation for providing primary health care with medical direction.(9)."

Made up of 15-week trimesters (a student can terminate after any one), the program focuses in the first trimester on diagnosis, assessment, and management of common health problems, in the second on parent and child health care and family planning, in the third and fourth (alternates) on outpost nursing or nurse midwifery. Currently enrolled are 23 nurses, some of them FNS staff. Tuition is $250 per trimester plus $75 per month for room and board.

Response to the program has been phenomenal. Some 800 descriptive brochures have been sent out in the past six months. All at FNS look forward to the opening of the new hospital which will provide more clinical practice opportunities for a larger enrollment, and a new outpost is under consideration. Experience in both is part of the service-learning educational philosophy on which the program is based.

"I'm convinced," says Helen Browne, "that this educational program is as important as the service we offer to the community." And it probably is, for it assures a way to make available a similar kind of service to many other communities.

Similar, but not the same. For, in many ways, the FNS is unique; in part because its near-half century history and tradition cannot be duplicated; in part because there is a special spirit about FNS which has been born out of a combination of special people in a special place.

However, many of the principles which have governed it so consistently can be applied to other places and other persons: a constant focus on the needs of the people in that community; the determination to take some of the care to the people, and make it as easy as possible for them to come for the rest; the awareness that a patient is more than a complaint—but is a whole person, in a whole family, in a whole community; the conviction that the people to be served are entitled, and quite able, to share in making many of the decisions affecting the way they will get that health care; the belief that so long as the cause is good, others from outside will want to help; and the belief that every nurse who has the opportunity will give even better care than she herself believes she is capable of giving.

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THE FOLLY OF FOREIGN MILITARY ASSISTANCE

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. ROUSH. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

GUNS AND DIPLOMACY: UNITED STATES, SOUTH KOREA FUMBLE FOR CHECK ON MILITARY COSTS

(By Laurence Stern and Selig Harrison)

"Are we stuck to Korea like the Tar Baby?"

This question, both rhetorical and edged with exasperation, was posed in an interview with an American diplomat who is deeply involved in U.S. relations with the Republic of Korea.

It expresses the growing reservations within the American diplomatic establishment in Washington and Seoul over the size of the commitment that places South Korea at the top of the list of some four dozen nations served by the U.S. military aid pipeline.

In Nixon Doctrine terms, Korea is eating its cake and having it too. It has both American troops and a rising level of military assistance dollar aid. By fall, 19 years after the end of the Korean war, there will be more American troops (43,000) in South Korea than in South Vietnam if President Nixon sticks to his Indochina withdrawal timetable.

This year the administration is asking Congress for $235 million in direct military grants and $25 million in arms credits to implement a five-year "modernization" program now in mid-course. The cost: $1.5 billion.

The new doubts about the scope of so large a commitment come against a background of thawing Sino-American relations and a new conciliatory posture by North Korea toward the South.

This impression of emerging contradiction between the new currents of diplomacy and the high profile of the American military aid program in Korea was underlined, though perhaps inadvertently, by Admiral Thomas H. Moorer, chairman of the Joint Chiefs of Staff.

Testifying before the House Foreign Affairs Committee, Moorer said that "It is our firm desire that during the next few years relations with the People's Republic of China and North Korea will significantly improve."

Then, almost in the same breath, Moorer added:

". . . South Korea, as an independent nation and Free World forward defense position, is a buffer . . . Its strategic importance to us is obvious because of its proximity of the People's Republic of China, the Soviet Union and Japan."

The $1.5 billion modernization package, which accounts for the enlarged level of support to Korea, was negotiated by Seoul and Washington late in 1970—well before the move toward more cordial Sino-American relations.

The quid pro quo from the American standpoint was Korean acceptance of a 20,000-man U.S. troop withdrawal, which left 42,000 American troops behind to supplement a South Korean standing army of 632,000 (not counting the 40,000 Koreans in Vietnam).

North Korea's army numbers less than 400,000.

HARD, PROLONGED BARGAINING

The bargaining between Washington and Seoul over the big modernization program was tough, protracted and immensely complicated. The goal is to give the South Koreans a major infusion of new equipment such as F–5 jet fighters, high-speed patrol boats and small arms.

Throughout the negotiations there was the constant rumble of bureaucrats infighting among the State Department, Defense and the White House over the terms.

Former Ambassador to Korea William J. Porter, who had been arguing that Korea could assume a greater share of its defense burden, sought to keep the terms flexible and less binding on the United States. The Pentagon's negotiating position was more sympathetic to South Korean demands for fixed commitments in dollars and equipment.

A subtle indication of the differing viewpoint on the $1.5 billion program is that it is described in Washington as a "plan" and in Seoul, more rigidly, as an "agreement."

If anyone came out ahead in the months-long, tortuous negotiating marathon it was Seoul, which got the initial monetary level of the commitment raised from $1 billion to $1.5 billion on the strength of the Chinese threat, according to aid sources there.

Nonetheless, Washington did prevail in the adoption of language making the program subject to congressional approval and allowing for change after periodic review.

AID, VIETNAM EARNINGS

The United States has given Seoul a grand total of $6.4 billion in direct military aid between 1949 and 1971. South Korea's participation in the Vietnam war since 1966 earned $857 million for Seoul through premium payments to families of Korean troops and the profits of Korean contractors.

Conservatively figured, the U.S. outlay for military aid to Korea, along with American subsidy in its Vietnam role and maintenance of 43,000 American troops in the country, runs to more than $1.5 billion annually.

The Seoul government was also successful in parlaying its Vietnam role into an additional $190 million bonus—the amount of the Korean Army's own operating and maintenance costs that Seoul had previously agreed to pay.

The obligation was canceled in a secret executive agreement signed by former Ambassador Winthrop Brown in 1966. This suspension was to remain in effect as long as Seoul kept at least two divisions in Vietnam.

The Brown memo, as the document is now referred to, is one of the examples cited by congressional critics of military aid of the secret executive processes by which American commitments are expanded or altered.

In 1970 Ambassador Porter took a tougher line with the Koreans. In a little-noticed speech to the American Chamber of Commerce Porter warned that "The time has come when South Korea should assume an ever-increasing share of the costs of its own defense."

He pointed out that Korea had the largest defense force in "free Asia" and enjoyed the most rapid rate of economic growth of any of Asia's developing countries. Nonetheless, he said, the Koreans were allocating less of their total resources to defense than "the average for developing countries in east Asia."

Per capita spending for defense in the region (exluding Vietnam), he said, was $13 as compared with the $9.50 spent by the Seoul government.

The ambassador served notice to the Koreans that the Nixon Doctrine would mean "pointing out to certain countries that their economies would have now reached such a high state of development that they can afford to carry a larger share of the defense burden and should do so."

One of his last initiatives before being transferred to the Vietnam peace talks in Paris was to prepare Seoul for a reduction of 125,000 in the size of the Korean armed forces funded by U.S. military aid. Seoul then had a standing army of 672,000. It still does.

PRESSING FOR AIR POWER

But the South Koreans are now pressing for a big increment of U.S.-financed airpower—four new F–5 jet fighter squadrons for its own air force—plus retention of the U.S. F–4 fighters now based in South Korea.

Seoul has persistently argued that North Korea maintains air superiority in east Asia, although the matter is in some dispute. The South Koreans appear to have 300 planes supported by an additional wing 54 American F–4s.

Officials in Seoul place the number of North Korean aircraft at 547, although the United Nations Command says that "Many of the fighters in the North Korean Air Force are older-vintage aircraft."

Opponents of South Korean President Park Chung Hee accuse him of inflating the extent of the North Korean military threat for domestic political reasons. Last December Park declared a national emergency in the name of the Communist threat and imposed restrictions on newspapers and trade unions.

Although Park's military aid pipeline to Washington tends to reinforce his authoritarian style of rule, he is not in any sense a hated dictator, and the growing taint of corruption in Seoul has not touched Park or his family in a direct way.

CONCILIATORY TONE FROM NORTH

Despite the Seoul government's insistence on the dangers of aggression from the North, the conciliatory turn of North Korean policy is being pondered by U.S. military aid planners as a basis for a potential tightening of the aid faucets in Seoul.

The Pyongyang government has turned from its earlier posture of ideological rigidity and entered into Red Cross talks with Seoul on the reunion of divided families as a first step toward broader forms of accommodation. North Korea has offered to negotiate a "no-war" agreement with the South despite the continued presence of American troops.

Until now Pyongyang has made U.S. withdrawal a precondition for dealing with Seoul. The proposed "no-war" pact would lead to a mutual troop cutback of 100,000 or more, conditioned on removal of all U.S. forces.

In Seoul there is growing apprehension within the government that the changing direction of U.S. policy in Asia might diminish the flow of military largesse from Washington.

This was reflected in an interview with Korean Defense Minister Yu Jae Hung.

"We feel we have been good hosts," Yu told The Washington Post. "We do not charge you rent for your bases here, although we could. We want to show our good will, and we hope you will show yours."

GUNS AND DIPLOMACY; THAILAND: AMERICA'S "LAND-BASED AIRCRAFT CARRIER"

(By Laurence Stern)

Although Thailand has been one of the heaviest beneficiaries of U.S. military aid largesse (in the range of $60 to $80 million a year), its government is not disposed to brag about the fact.

The penchant for secrecy about American military activities and presence in Thailand is as strong as among any of the 46 countries that receive U.S. military aid.

It took the Thais well over a year to acknowledge the existence of six U.S. air bases that were secretly constructed during the mid-60s to attack Communist targets in Laos, North Vietnam and, most recently, Cambodia.

U.S. officials in Bangkok still regularly deny visting American journalists access to the Thai-owned but American-built and operated bases. Courteously and with deep regret, the embassy explains that the Thais do not welcome visitors.

The Thais, who pursue a supple form of diplomatic *realpolitik*, Asian style, have thrown in their security chips with the United States by way of the Southeast Asia Treaty Organization and a bilateral agreement signed by former Secretary of State Dean Rusk in 1962.

FREE TO EXTRICATE

But, with an eye on their Chinese and North Vietnamese neighbors, the Thais want to be free to extricate themselves from the appearance of being in hock to a Western power which is, in turn, trying to disentangle itself from Southeast Asia.

Yet, in making the case before Congress for Thailand's $60 million basic annual ration of military aid it is traditional for administration witnesses to speak of: (1) The Insurgency and (2) The External Threat.

Adm. Thomas G. Moorer, chairman of the Joint Chiefs of Staff, followed this script when he went before the House Armed Services Committee last March 15.

"Our military assistance program is planned," he said, "to improve the ability of the Thai armed forces to combat insurgency, and at the same time to increase their capability to combat the external threat."

However a week of interviews with official and non-governmental authorities in Thailand suggest a different view of the commitment.

The Insurgency: Yes, there is a worrying sort of insurgency that has slowly grown over the past five years. But from the perspective of Bangkok there is no clear and present danger from the 6,000 armed, insurgent soldiers scattered in the far provinces of the country. Thailand is a country of 35 million. Its armed forces number 170,000—a force that is supplemented by some 70,000 provincial and border police.

MISTRUSTFUL OF CHINA

The External Threat: There is little visible fear in Thailand's capital of armed invasion by China or by North Vietnam across the Indochinese peninsula. The Thais, though congenitally mistrustful of China, are now exploring possibilities of contact with Peking, after the example of President Nixon. The strategic interests of the North Vietnamese lie to the east of Thailand, along the Laotian portion of the Ho Chi Minh Trail.

If there are fears in Washington of the Thai domino tottering, it is a concern that is not evident in Bangkok.

In the tough, unsentimental view from Bangkok the hundreds of millions of dollars in aid that have been dispensed by the United States has been payment, both to the country and individual members of the elite, for Thailand's willingness to serve as America's "privileged sanctuary" in the Indochina war.

"The Thai government has been anti-Communist, conservative, pro-American and happy to accept enormous amounts of U.S. assistance," said one long-resident American observer in Bangkok.

Thailand has been called an American "land-based aircraft carrier" and events since the renewal of heavy fighting in South Vietnam tend to bear out this description.

BASE REACTIVATED

Since the North Vietnamese offensive started in March the United States has reactivated Takhli Air Force Base in Thailand to accommodate the post-offensive buildup of American airpower in the war zone.

While the U.S. troop presence is still, as the administration claims, drawing down in South Vietnam it is creeping back up in Thailand to match the switch in the American role from the ground to the air. As of last weekend 4,000 new American arrivals had augmented the 32,000 Air Force and Army troops in Thailand.

The United States has spent well over $2 billion in Thailand since 1950, including several hundred million for air base construction alone. This year a combination of military and economic aid together with American military spending will add up to about $215 million—far more if the buildup continues at its present rate.

PERSONNEL FREEZE

A striking indicator of the priorities of Americans in Thailand is the fact that only 4,000 of the 36,000 U.S. military men now based there are associated with activities inside the country. The rest are Air Force or Army personnel carrying out duties that relate to the Indochina war, according to officially sanitized figures released to the staff of the Symington Subcommittee on foreign military commitments.

A personnel freeze similar to the one Congress imposed on U.S. presence in Cambodia has been suggested for Thailand by Sen. Stuart Symington (D-Mo.) "Thailand," said Symington, "would appear to be planned as the base for all United States operations in Southeast Asia."

In fact, the number of official Americans in Thailand has been substantially lowered from the high point of 48,000 in 1968 to 32,000 last February at the beginning of the offensive.

But the new upward turn of the war has, as Symington suggested, heightened Thailand's importance. From the standpoint of military planners the American investment in Thailand, cemented by SEATO and the 1962 agreement, is paying off once again.

The B-52s and fighter aircraft that are pounding North Vietnam, Laos and Cambodia are originating—in greater and greater proportions—from the six U.S. bases on Thai territory.

Thailand's agreement to furnish manpower for the teetering defense against Communist forces in Laos is credited by some high-level American officials with having saved Long Cheng, the Central Intelligence Agency base for the U.S.-supervised Meo guerrilla army.

In an interview with The Washington Post at Long Cheng in March, Meo guerrilla commander General Vang Pao paid tribute to the B-52 tactical strikes at Communist forces surrounding Long Cheng. The missions into Laos are normally flown from Thailand.

A more revealing glimpse than has previously been provided at the extent of official U.S. support of the Thai expeditionary force in Laos was provided Monday by the new Symington Subcommittee staff report.

It asserted that the United States had agreed to underwrite a Thai force of about 10,000 men in Laos at a yearly cost of $100 million. CIA officials, the report said, paid the salaries of the Thai irregulars to Thai liaison officers at Udorn base.

The significance of the revelation is that it raised doubts about a Congressional prohibition against Defense Department funding of "third country" forces in Laos or Cambodia. The measure was an expression of the Congressional mood against expansion of American military or financial commitments in Indochina.

The Thai mood is changing, too, in the aftermath of President Nixon's trip to China and the President's alleged desire to disengage the United States from Southeast Asia. When the American military silhouette disappears, the conjecture in Bangkok now goes, Thailand may want its neighbors to forget about the golden pipeline that flowed from Washington.

HARVARD PROF. W. BARTON LEACH

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. HUNGATE. Mr. Speaker, as part of a tribute to Prof. W. Barton Leach of the Harvard Law School, some of his friends have inserted in the university magazine a legal commentary he wrote. I believe through it all can appreciate the wit and humanity of the man.

The article follows:

MEMORANDUM

(By W. Barton Leach, Story Professor of Law Emeritus)

To: Harvard law faculty and teaching fellows.

I have recently come across a Canadian case which merits the attention of each of you. It is not officially reported but appears in 8 Criminal Law Quarterly 137 (Toronto, 1965) and is reprinted in a volume entitled "Legislation and the Courts," at page 512. The case is *Regina* v. *Ojibway*. If it had a headnote, which it does not, it would be something like this:

"Is a pony, fortuitously saddled with a feather pillow, a "small bird" within the meaning of the Ontario Small Birds Act?"

I here reproduce the Opinion in full as above reported:

[IN THE SUPREME COURT]

REGINA V. OJIBWAY

AUGUST 1965.

BLUE, J.: This is an appeal by the Crown by way of a stated case from a decision of the magistrate acquitting the accused of a charge under the Small Birds Act, R.S.O., 1960, c. 724, s. 2. The facts are not in dispute. Fred Ojibway, an Indian, was riding his pony through Queen's Park on January 2, 1965. Being impoverished, and having been forced to pledge his saddle, he substituted a downy pillow in lieu of the said saddle. On this particular day the accused's misfortune was further heightend by the circumstance of his pony breaking its right foreleg. In accord with Indian custom, the accused then shot the pony to relieve it of an awkwardness.

The accused was then charged with having breached the Small Birds Act, s. 2 of which states:

"2. Anyone maiming, injuring or killing small birds is guilty of an offence and subject to a fine not in excess of two hundred dollars."

The learned magistrate acquitted the accused holding, in fact, that he had killed his horse and not a small bird. With respect, I cannot agree.

In light of the defintion section my course is quite clear. Section 1 defines "bird" as "two-legged animal covered with feathers". There can be no doubt that this case is covered by this section.

Counsel for the accused made several ingenious arguments to which, in fairness, I must address myself. He submitted that the evidence of the expert clearly concluded that the animal in question was a pony and not a bird, but this is not the issue. We are not interested in whether the animal in question is a bird or not in fact, but whether it is one in law. Statutory interpretation has forced many a horse to eat birdseed for the rest of its life.

Counsel also contended that the neighing noise emitted by the animal could not possibly be produced by a bird. With respect, the sounds emitted by an animal are irrelevant to its nature, for a bird is no less a bird because it is silent.

Counsel for the accused also argued that since there was evidence to show accused had ridden the animal, this pointed to the fact that it could not be a bird but was actually a pony. Obviously, this avoids the issue. The issue is not whether the animal was ridden or not, but whether it was shot or not, for to ride a pony or a bird is of no offense at all. I believe counsel now sees his mistake.

Counsel contends that the iron shoes found on the animal decisively disqualify it from being a bird. I must inform counsel, however, that how an animal dresses is of no concern to this court.

Counsel relied on the decision in *Re Chicadee,* where he contends that in similar circumstances the accused was acquitted. However, this is a horse of a different colour. A close reading of that case indicates that the animal in question there was not a small bird, but, in fact, a midget of a much larger species. Therefore, that case is inapplicable to our facts.

Counsel finally submits that the word "small" in the title Small Birds Act refers not to "Birds" but to "Act", making it The Small Act relating to Birds. With respect, counsel did not do his homework very well, for the Large Birds Act, R.S.O. 1960, c. 725, is just as small. If pressed, I need only refer to the Small Loans Act R.S.O. 1960, c. 727 which is twice as large as the Large Birds Act.

It remains then to state my reason for judgment which, simply, is as follows: Different things may take on the same meaning for different purposes. For the purpose of the Small Birds Act, all two-legged, feather-covered animals are birds. This, of course, does not imply that only two-legged animals qualify, for the legislative intent is to make two legs merely the minimum requirement. The statute therefore contemplated multi-legged animals with feathers as well. Counsel submits that having regard to the purpose of the statute only small animals "naturally covered" with feathers could have been contemplated. However, had this been the intention of the legislature, I am certain that the phrase "naturally covered" would have been expressly inserted just as "Long" was inserted in the Longshoreman's Act.

Therefore, a horse with feathers on its back must be deemed for the purposes of this Act to be a bird, and *a fortiori,* a pony with feathers on its back is a small bird.

Counsel posed the following rhetorical question: If the pillow had been removed prior to the shooting, would the animal still be a bird? To this let me answer rhetorically: Is a bird any less of a bird without its feathers?

Appeal allowed.

Reported by: H. Pomerantz and S. Breslin.

MORE SUPPORT FOR IMPEACHMENT RESOLUTION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mrs. ABZUG. Mr. Speaker, since the introduction of House Resolution 976 which seeks the impeachment of the President for his violation of section 601 of the Military Procurement Act of 1972—Public Law 92-156—the Mansfield amendment, and his blatant violation of the Constitution which provides that Congress shall have the power to declare war, my office has been inundated with telegrams and letters protesting the President's illegal action and supporting the impeachment resolution. Large groups of concerned Americans from all parts of this country have been marching on the Nation's Capitol in order to lobby support for an end the war amendment and hearings on the impeachment resolution before the House Judiciary Committee. I submit the following petitions and telegrams once again to demonstrate the tremendous support in this country for our termination of the atrocities in Vietnam and the desperate need to change command at the helm of this ship of state:

Chicago, Ill.,
May 10, 1972.

Representative Bella Abzug,
Washington, D.C.:

In response to President Nixon's blockade of North Vietnam: We, the staff, faculty, students and administration of Columbia College, Chicago, collectively go on record as committing ourselves and our skills to promoting the immediate withdrawal of all troops and equipment and the termination of all acts of war by the United States and its allies in the southeast Asia. Further, we specifically condemn the Presidents unilateral action in ordering this blockade.

Betty Shiflett, Charles Lyman, Gordon Weisenborn, Fred Lasse, Tim Drescher, Vanessa Sanders, Don Sanders, Betsy Edelson, Barry Burlison, Joel Lipman, Robert Edmonds, Charles Traub, Harry Boras, Mary McNulty, William Russo, Bryan Katz, Susan Kimmelman, James Newberry.

Mary Fisher, Tom Horwitz, Joy Darrow, Jim Gail, James Dyson, David Bowen, Donald Alexander, Myrna Gaddie, Betsy Edelson, Kevin Conley, Robin Karnes, Wendy Sander, Nick Sherstead, Jacob Caref.

Dale Landon, Willis Searles, Linda Swartz, Ernie Limon, Sue Davenport, Tom Goodman, Bob Sitter, Steve Perraud, Ken Levis, Gerry Gall, Larry Bafia, Sal Arnold, Kathi Chatel, Gollette McManus.

Sheldon Siegel, Louis Silverstein, Jane Mikes, Linda Larsen, R. T. Kowalski, Janice Booker, Connie Zonka, Mirron Alexanderoff, Bert Gall.

New York, N.Y.,
May 9, 1972.

Hon. Bella Abzug,
Washington, D.C.:

Stop business as usual stop immediately this mad scheme for super escalation.

Aurora Zona.

Santa Barbara, Calif.,
May 9, 1972.

Hon. Bella Abzug,
Washington, D.C.:

We support your resolution to impeach Nixon his insanity must be stopped now.

Mr. and Mrs. Lars Anderson.

Goleta, Calif.,
May 9, 1972.

Hon. Bella Abzug,
Washington, D.C.:

As students and registered voters at the University of California at Santa Barbara we strongly support the impeachment proceedings against President Nixon we believe his recent actions to be an act of war and hence illegal we want our reactions to this aggressive known and considered immediately.

Kathleen Muleady, Robert Seager, Margo Janes, Lori Zink, Karen Elvi, Peggy George, Earl Byron, Fred Barnhar, David Pelter, Jackie Ball.

New York, N.Y.,
May 10, 1972.

Hon. Bella Abzug,
Washington, D.C.:

Stop business as usual.

Stop Nixon's made scheme for super escalation.

Celia Samson.

Cambridge Mass.,
May 9, 1972.

Hon. Bella Abzug,
Washington, D.C.:

Please stop Nixon please stop him please stop him please stop him.

Jan Dederick.

New York, N.Y.,
May 9, 1972.

Hon. Bella Abzug,
Washington, D.C.:

Continue opposing mines and blockades this course is disastrous.

James and Lenore Parker.

Venice, Calif.,
May 12, 1972.

Hon. Bella Abzug,

Please support procedure for the impeachment of Nixon.

Janet Brown.

Pittsburgh, Pa.,
May 9, 1972.

Hon. Bella Abzug,
House of Representatives,
Washington, D.C.:

We heartily endorse your impeachment proposal.

Mr. and Mrs. George McCloud.

Millburn, N.J.,
May 9, 1972.

Hon. Bella Abzug,
Washington, D.C.:

Congratulations on your courage to defend the constitution. Keep up the great work.

Mrs. Mildred Chivian.

Santa Monica, Calif.,
May 10, 1972.

Hon. Bella Abzug,
Washington, D.C.:

We support you wholeheartedly in impeachment of Nixon.

Oliver and Ruth Holmes.

San Francisco, Calif.,
May 10, 1972.

Hon. Bella Abzug,
Washington, D.C.:

Do you really think a gutless Congress would impeach Nixon after allowing him (and prior administrations) to USURP the powers vested in it (Congress) under article 8 of the constitution? Nixons flagrant disregard of public opinion, his pursuit of bankrupt policies, and crimes against the American and Vietnamese people historically emphasize our need for a parliamentary form of government, one that is immediately responsible to the people through their elected representatives.

Mary A. Mullins.

Dundee, Ill.,
May 10, 1972.

Hon. Bella Abzug,
Washington, D.C.:

I am sending this telegram in response to the presidents near declaration of war in his latest Vietnam speech. He has outrageously violated the Geneva Convention, the Tonkin Resolution etc. and is now posing a direct threat not only to world peace, but also to world preservation. I strongly urge that this threat initiated by President Nixon be halted through measures of impeachment granted to us by the United States Constitution. As the representative govt. of "We the People" you are the most direct route to these urgent proceedings. Presidential wars must be stopped.

Lynne Knight.

San Carlos, Calif.,
May 9, 1972.

Hon. Bella Abzug,
Washington, D.C.:

President's actions caused enough for impeachment proceedings. God Bless your fortitude.

Don C. Matchan.

New York, N.Y.,
May 9, 1972.

Hon. Bella Abzug,
Washington, D.C.:

Stop business as usual. Block Nixon's schemes for Escalation in Vietnam.

Gertrude Walkoff.

Auburn, Wash.,
May 12, 1972.

Hon. Bella Abzug,
Washington, D.C.:

Salvage us and presidential honor. Impeach Dick—L.B.J. retroactively. Inform State of Washington delegation.

R. E. Shabrino.

New Platz, N.Y.,
May 12, 1972.

Hon. Bella Abzug,
Washington, D.C.:

We support all congressional efforts to reverse the current escalation of the war in Indochina and to bring American military involvement there to an immediate conclusion.

Karen Andrilo, Perry Bailor, James Brain, Leonard Eisenberg, Giselle Hendel, Milton Jacobs, Sipra Johnson, Aaron Miller, Edward Pierce, Jack Preston; Anthropology Department, State College, New Platz, N.Y.

Evanston, Ill.,
May 11, 1972.

Hon. Bella Abzug,
Washington, D.C.:

203 North Western University students have committed themselves to a hunger strike of indeterminable lengths to protest President Nixon's recent dangerous and irresponsible escalation of the carnage in South East Asia. We ask all healthy United States citizens who are with us in spirit to join us in body, hence we are seeking to broaden this action into a nation wide movement. We request that this statement be inserted into the Congressional Record.

Northwestern Hunger Strike for Peace.

New York, N.Y.,
May 11, 1972.

Hon. Bella Abzug,
Washington, D.C.:

Aghast at President's order to escalate war on Indo-China. Urge Congress withhold funds.

Mrs. Roy R. Neuberger,
President, Women's City Club of New York.

Norman, Okla.,
May 10, 1972.

Hon. Bella Abzug,
Washington, D.C.:

The Oklahoma Committee to Impeach President Nixon has in circulation petition that effect President Nixon has usurped the power of Congress, violated international law, and endangered the lives of untold millions.

Allen W. Morgan.

Detroit, Mich.,
May 13, 1972.

Hon. Bella Abzug,
Washington, D.C.:

We commend your position on Nixon's escalation. We want out. Cut off war fund now.

Mr. and Mrs. Jerry McCroskey.

Congresswoman Bella Abzug,
U.S. House of Representatives,
House Office Building,
Washington, D.C.

Dear Congresswoman Abzug: We are directing the enclosed petition, addressed to the entire House of Representatives, to your attention.

Sincerely,

Mary W. Allen.

New York, N.Y.

To the Members of the United States Senate:

We request that you now exert all your constitutional rights to curb the flagrant misuse of executive power by President Nixon in the present escalation in Vietnam.

The only solution to the current crisis—and safeguard against the undoubted worsening of events—now rests solely in your hands.

(Signed by 53 persons.)

Petition

We, the undersigned as a coalition of students, employees and faculty of New York University, Bellevue, and VA Medical Center complex view with great alarm the recent actions of President Nixon in ordering increased attacks against North Vietnam and the mining and blockading of the North Vietnamese territorial waters.

Bloodshed is perpetuated, and world peace threatened by these transgressions.

The Administration's repeated insistence that the intensification of this conflict will lead to a more rapid resolution with less human sacrifice is ludicrous and frightening.

We demand the cessation of this latest course of action by the administration, and the immediate withdrawal of all American military involvement in Southeast Asia.

We urge our Senators and Congressmen to end the war immediately by shutting off all further funds for its propagation.

(Signed by 13 persons.)

Oberlin College—Citizens Fast for Peace

We have joined together in Washington, D.C. as a non-violent gesture of our commitment toward world peace and as a repudiation of our country's continued militaristic direction. In order to proclaim our personal devotion to a moral communion of all people, our group is fasting for five days as a means of bearing witness to the pain of the Vietnamese people who have endured war for more than a generation. We would hope that our act of conscience would in some small way generate a meaningful spirit of peaceful interaction.

We approach the power center of our government with the hope of underscoring the Nation's sentiment for an end to this unjust and cruel war. The presidential act of mining North Vietnamese harbors has been the catalyst for our present outcry. Our immediate and, alas, rational response was that of shock that our elected official would escalate this confrontation at a time of sustained peace activities all over the country. Through intensive lobbying on Capital Hill this week we hope to increase support for the Gravel-Drinan Bill in the Congress, which would terminate America's bombing of innocent civilians and which would end America's immoral intervention in Southeast Asian affairs via a calculated and efficient withdrawal of American military and para-military forces.

The moral and political commitment which we are undertaking reflects more than just twenty people fasting for a week and speaking with our governmental officials. Our actions, as well as the demonstration of other frustrated Americans, manifests our concern for the future of mankind. Only by immediate withdrawal of all American forces can America redirect its resources for the attainment of world peace.

Student Association, Senate,
State University College,
Oswego, N. Y.

Dear Mr. President: The petitions which accompany this letter express the feelings of many of the students, faculty, and employees of the State University College at Oswego, New York, and members of the surrounding community.

Forty-nine members of the college community traveled to Washington in order to protest the involvement of the United States in the war in Indochina and your policies concerning the war.

We would appreciate your reading these petitions and seriously consider their content, bearing in mind that they reflect the considered opinions of a large group of people, not trying to embarrass the administration, but sincerely concerned about our recent escalation.

We would appreciate your acknowledgement on this letter and that it be returned in the envelope accompanying this letter.

Sincerely yours,

Steve H. Wilkes,
Phylis T. Ross,
Steve La Mantia,
Cochairmen of Riders to Washington.

Petition

We, the undersigned faculty, employees, and students of the State University College at Oswego, New York condemn the brutal and inhumane war in Viet Nam.

This petition affirms the support of the faculty, employees, and student body to our representatives participating in the present anti-war activities in Washington, D.C.

(Signed by 1,421 members of the college and surrounding community.)

Resolution

(Passed on May 9, 1972, by The Faculty Executive Committee of Livingston College)

The Faculty Executive Committee of Livingston College vigorously protests Richard Nixon's latest desperate moves to escalate the war in Indochina. His actions will destroy the lives of Vietnamese people. His decisions will mean the destruction of the means of livelihood for even greater numbers.

We do in fact reject Richard Nixon's blockade of North Vietnam as *his* answer to a military debacle within a South Vietnamese Army that in large measure refuses to fight.

Furthermore, we do believe that this escalation may well mask Richard Nixon's intentions to bomb extensively the dike system in North Vietnam and bring immediate misery and death to hundreds of thousands if not millions of people. New York *Times* reports indicate that American planes have already struck at the dike system in Namha Province southeast of Hanoi. If these reports are true, we are witnessing the beginning of what could become a human holocaust recently sensed as a possibility and rejected as a monstrous calamity by many people, since it is similar in proportion to the destruction caused by nuclear weapons.

The destruction of the dike system in the Red River Delta would mean immediate death by drowning for a million and a half Vietnamese people and lingering starvation, pestilence and death for an additional three and a half million.

We must also be aware of what Richard Nixon *is now* doing. These actions and plans we find impossible to accept:

(1) *Actions* to mine all major North Vietnamese ports,

(2) *Orders* that all foreign ships in those harbors have three "day-light periods" in which to leave and *that after this three day period, U.S. mines will become active and ships coming or going will move at their own peril,*

(3) *Declarations* that U.S. and South Vietnamese forces would take "appropriate measures" to stop North Vietnam from unloading material on beaches from unmined waters,

(4) *Plans* to prevent, through bombing, the movement of material in North Vietnam over rail lines originating in China,

(5) *Choices* on the three alternatives to end the war—*rejection* of immediate withdrawal of all U.S. troops, *rejection* of continued negotiation, and his *implementation* of the third alternative: "decisive military action."

Let the slaughter stop. Bring the G.I.s back to the U.S. Let the B-52s return to their hangars and gather dust. Bring the G.I. prisoners home. Let the Vietnamese people determine their own destiny. Let them reconstruct Vietnam with the aid of the world in order to undo the damage inflicted on the Vietnamese by the American military and its President.

When Hitler slaughtered millions in Europe, the German people were blamed—partly because so few did in fact protest. As Nixon proceeds to escalate the slaughter of Vietnamese, let us act to raise our voices and condemn such actions. Protest Nixon's escalation of the war. Act to support anti-war actions to be taken in the coming weeks. Stop the killing.

A POWER SHORTAGE SENSE CAN AVERT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Banner in a recent editorial comment on my recent newsletter documenting the threatened danger of a national power crisis this summer.

Because of the interest of my colleagues and the American people in this most important subject I place the editorial in the RECORD herewith.

The editorial follows:

[From the Nashville Banner, May 11, 1972]

A POWER SHORTAGE SENSE CAN AVERT

It is an impressive array of witnesses Rep. Joe E. Evins cites to further confirm his warning, not only to Fourth District constituents, but to the nation at large, that a severe power crisis is shaping unless the mounting conflict between "environment" and reasoned steps for increased power production is reasonably resolved on the latter's side.

Rep. Evins is not anti-environment. He does not advocate abuses of that environment by blind exploitation of resources within it. He does want a basic public interest protected—in the necessity of power production requisite to growing needs for domestic and security uses. He says bluntly that there is a danger of electric power shortages, amounting to brownout and blackouts—and such could be disastrous.

The witnesses he cites include Chairman John Nassikas of the Federal Power Commission; James R. Schlesinger of the Atomic Energy Commission; Secretary Rogers Morton of the Department of the Interior; Gen. George Lincoln, director of the Office of Emergency Preparedness, colleagues in Congress, and the White House.

These should know. They have an adequate grasp of existing and prospective need—which has expanded with the population growth and increased power usage all over the nation. Note one paragraph:

"Despite these facts and warnings, many new power-generating facilities have been delayed or blocked by (environmentalist) lawsuits, injunctions and bureaucratic red tape initiated as environmental protection. As a result, a long, hot summer can produce demands in some areas that cannot be met, and brownouts or blackouts may occur."

It won't be much consolation to you when the lights go off, the air-conditioning, etc., on a hot night—or the turning ceases of essential industrial wheels for a protracted spell; or cities and regions suffer prolonged blackout . . . to learn that the calamity was caused by somebody's obsession with abated smoke and more rarified H and 2 and 0 in the wilderness.

In an effort to cut red tape and circumvent court delays, the House recently passed a bill which would permit operation of ten nuclear power plants in areas of expected shortages. That measure now is pending in the Senate.

Again, valid consideration preservative of natural resources, health and welfare, are not under attack . . . but the validity of proposals in that category are not rightly to be determined by arbitrary ipse dixits on the part of hobby-riding elements suddenly in love with "ecology." In the name of the latter, some peculiar situations have developed—including strangulation of the very lifeline of the nation and its security, if, just like that!, these elements can call the shots on just where and how electric power is to be produced. That is more power, so to speak, than any such outfits should be granted. If there must be a power shortage, let it be in the capricious power of these hands.

Congressman Evins is right. The House is right in the measure it has passed, and similar action is recommended on the part of the Senate—to complete action on this vital piece of public business.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

AMTRAK

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1972

Mr. HUNGATE. Mr. Speaker, following is an article on the continuing problems of Amtrak:

U.S. AUDITORS SWARM OVER AMTRAK'S BOOKS

(By Stephen M. Aug)

Government auditors may find themselves tripping over one another at the National Railroad Passenger Corp. (Amtrak) during the next few months.

The General Accounting Office, it has been learned, began a wide-ranging audit of Amtrak's operations about five weeks ago. GAO performs it audits on behalf of Congress.

Meanwhile, the Interstate Commerce Commission, sources said, is expected to begin its first full-scale audit of Amtrak probably within four to five months.

The ICC audit is expected to be a tough one in view of the differences between the commission and Amtrak—differences which began almost from the day Amtrak began operating most of the nation's railroad passenger service May 1, 1971.

RUNNING ARGUMENTS

Last year, ICC staff members and Amtrak were engaged in a series of disputes over the extent of the commission's jurisdiction over the largely federally funded corporation. The corporation eventually agreed to provide the ICC with the figures the commission sought—primarily concerning the financial operations of Amtrak.

But correspondence in ICC files indicates the company and the commission still are at odds over the quality of the information Amtrak is supplying.

Currently, Amtrak is nearly two months late in filing an annual report with the commission. Amtrak has said it will continue to file some reports late because the 13 railroads which operate Amtrak's trains have 60 days from the end of each month to provide the corporation with bills for operating expenses.

DELAY OK'D

The ICC so far has authorized Amtrak to file its 1971 annual report 60 days late. But one letter in commission files shows that an ICC staff board refused to allow the corporation a permanent exemption from regulations so it could file all reports 60 days late.

The ICC staff believes that now that Amtrak has a year's experience with operations it should file reports on an estimated basis, and later submit any necessary corrections after final figures are available.

Figures that Amtrak has filed, however, give some indication how the corporation has grown. During its first month in business—May 1971—Amtrak had 67 employees—27 of them transportation and dining car inspectors—and a total payroll of $72,125.20.

PAYROLL SWELLS

In a year-end report, Amtrak told the ICC its employment had grown to 185, and salaries for 1971—actually for the eight months it was in business—totaled $1,670,181. That averages out to about $209,000 a month during 1971.

The latest report—for March 1972—shows Amtrak's employment has grown to 477 and its monthly payroll has swelled to $503,317.

The reports do not show individual salaries by name—although Amtrak's annual report will have such a list for all officials earning $30,000 a year or more. The March payroll sheet, however, shows that Amtrak's 10 top executives earned a total of $42,667—or an average of nearly $4,270 a month each.

Amtrak's two most highly paid executives are its president, Roger Lewis, at $125,000 a year, and its executive vice president, J. Richard Tomlinson, $74,000.

OFFICERS, AIDES

Another 25 division officers shared $61,083 in March—or an average of $2,433 each. Thirteen professional assistants received a total of $18,656—or nearly $1,500 a month on average.

Amtrak's clerical and secretarial help has grown considerably as the corporation has expanded. During the first month there were 37 employes classified as clerical and general—and three executives.

By March 1972 the number classified as executive had grown to 35, and there were 201 employes under various classifications of clerk. The company also reported it had 9 stenographer-secretaries earning a total of $6,963 in March, while another 59 steno-typists shared $35,995. The number of dining car and transportation inspectors had expanded from 27 to 67.

EXECUTIVE CHEF

Also shown in March—but not listed at all during 1971—was one dining car chef earning $1,958 a month.

It turns out that Amtrak has hired an "executive chef" whose job description indicates he is responsible for research of on-board food and beverage service. He is also supposed to assist in planning menus and is "responsible for the operation of the experimental kitchen."

At least one Amtrak public relations official was emphatic that the chef—Richard Mack, former executive chef at American Airlines—"does not prepare food" for Amtrak executives.

He explained that Amtrak's executive dining room is catered by the Marriott Corp. Sky Chef division which provides both food and those who serve it.

He added that food in Amtrak's executive dining room sells for $1.75 for soup and a sandwich, and $2.50 for a larger lunch.

Amtrak executive salaries

Roger Lewis, president	$125,000
J. Richard Tomlinson, executive vice pres	74,000
Robert Medvecky, vice president-law	55,000
F. S. (Pat) King, vice president-operations	55,000
Harold Graham, vice president-marketing	50,000
Gerald Morgan, vice president-govt. affairs	50,000
Sydney S. Sterns, vice president-comptroller	40,000
David A. Watts, vice president-planning	37,500
Kenneth Housman, vice president-personnel	35,000
Edwin E. Edel, vice president-public rel	32,500

SENATE—*Wednesday, May 17, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JOHN V. TUNNEY, a Senator from the State of California.

PRAYER

The Reverend C. Leslie Glenn, D.D., subdean of the Washington Cathedral, Mount Saint Alban, Washington, D.C., offered the following prayer:

O God, who hast created man in Thine own image, we give Thee thanks for these Thy servants who are spending their lives in the service of our country. Bless these evermore dear United States. Grant to all our people grace fearlessly to contend against evil and to make no peace with oppression; and that we may reverently use our freedom, help us to employ it in the maintenance of justice among men and nations, to the glory of Thy holy name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 17, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN V. TUNNEY, a Senator from the State of California, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. TUNNEY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 16, 1972, be dispensed with.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. TUNNEY) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of today's Senate proceedings.)

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

PRESIDENT NIXON'S JOURNEY TO MOSCOW

Mr. SCOTT. Mr. President, as the President goes to Moscow on a journey which all the doomsayers predicted would not take place, they are wrong again—they are wrong again.

In the press, on the networks, and in the Congress, they do not have the grace to admit their error or even to rejoice in the fact that the President, through his own masterly handling of foreign policy, has taken a strong, bold, and necessary decision in Vietnam. This decision has not met with the predicted repercussions from other nations but has been met, instead, by a responsible attitude and desire on the part of the Soviet Government, as well as that of the Government of the United States, for a continuing rapprochement and an improvement in relations and, I would hope, certain substantive achievements at that conference.

Normally, in the Senate, I would have expected on both sides of the aisle that Senators would rise and express their good wishes to the President on his trip and their hopes for his success based upon their desire for peace in the world. Instead of that, they have been busy opposing an amendment to stop the killing, engaging in futile gestures, and attempting to second guess the President in his role as Commander in Chief.

This is a sad commentary, particularly in contrast to the actions of the Republican Party at the time of the Bay of Pigs and the missile crisis in Cuba and at the time of President Lyndon Johnson's numerous forays into foreign policy. At that time the Republican leadership—those who occupied these very two desks—one at which I now stand—forbore to embarrass the President of the United States, forbore to weaken his hand, and forbore the temptation to engage in political advantage with an absent President engaged on a mission of the highest import.

I hope that they will give the President a chance. I hope that they will give the country a chance. I hope that they will support the President of the United States.

ORDER OF BUSINESS

The **ACTING PRESIDENT** pro tempore. Under the previous order, the distinguished Senator from Utah (Mr. Moss) is now recognized for not to exceed 15 minutes.

BEYOND "BREAD AND BUTTER"

Mr. MOSS Mr. President, I am grateful for the amplification we have in the Chamber these days. Having reserved this time for a statement this morning, I find that my voice is somewhat gone, so that I will try to keep the microphone in place.

Mr. President, a time of crisis may also be one of reevaluation.

Today, in Southeast Asia, our Nation faces a new and awful peril. As the military position of the Saigon government continues to deteriorate, the United

States has allowed itself to be drawn into a major power confrontation with the Soviet Union. "Vietnamization," long heralded as a panacea, has become a disaster. Designed to disengage us from a limited war, it has in fact brought us closer to total war. Once again, as in Cuba, 10 years ago, we stand at the brink.

Here at home, many Americans are concerned with the course of domestic policymaking. The "new economic policy," spectacularly uncovered last August 15 as a cure to the Nation's ills, has yet to inspire the confidence needed for a vigorous recovery. Even its firmest apologists admit that it is poorly equipped to effect the long-term reforms which people have demanded.

Eight months after its introduction, NEP has, in fact, done more to reinforce the country's economic polarization than to reverse it. Profits rise but unemployment continues. A massive tax-relief program, addressed largely to the business sector, has had little impact on the more than 5 million wage earners unable to find work. Prices, especially for such essential items as food, continue their upward spiral, far outdistancing administration anti-inflation objectives. Even radical Federal intervention into the marketplace has proven unable to stop the rise of wages and prices. An equitable incomes policy remains illusive.

On the international front, the dollar continues its weak performance. Despite last winter's historic devaluation, it continues to lose value in comparison to other currencies.

These issues of jobs, prices, the state of the economy in general, will no doubt be a substantial factor in this year's national election. The early primaries, however, demonstrate a growing public dissatisfaction which goes beyond bread and butter issues. In 1972 many people have begun to question not only the health but the very direction of the national economy. Shocked at the enormous political clout of the giant corporate conglomerates, appalled at the cynical behavior of Government officials who permit these special interests to dominate over the public interest, they want to see a change in the economic power structure.

They are disgusted, too, with a tax system which subsidizes the privileged, taxing gains from capital at a lower rate than gains from labor. They question the equity of tax favors to corporations while the individual, as wage earner and consumer, is left with the greatest burden.

More broadly, many Americans express concern at the growing economic polarization of our society itself, a process the Government appears to be assisting. Resentful of the privileged, fearful of the poor, they wonder what happened to those progressive goals to which we have aspired these many years.

For all Americans, 1972 is a year of decision, a year to set a course. Even as we confront the challenges of the day, we must look back at the record of the past, at the differing policies which have marked the character of previous administrations, the philosophies which have guided their purpose.

In 1968, the Democratic platform could take justifiable pride in the party's 8 years of economic stewardship. Under Kennedy and Johnson, Democratic economic policies brought:

A 90-month period of recession-free prosperity, the longest and strongest period of sustained economic growth in American history;

A slash in the unemployment rate from 7 to under 4 percent;

An increase of nearly 40 percent in real wages and salaries and nearly one-third in the average person's real income;

And, on the 8-year average, a reduction in the rate levels of the individual income tax.

These Democratic accomplishments, mighty in themselves, appear even more impressive when compared to the catastrophic record scored by the Nixon administration these past 3½ years.

Taking office in January of 1969 on a pledge of "fiscal responsibility", the Republicans brought:

The first recession since the Eisenhower administration—which itself presided over three major recessions;

A climb in the jobless rate from a full employment level to over 6 percent in the short space of 30 months—and maintaining a rate of unemployment during these past 3 years so destructive of national income and Federal revenue that it caused the greatest Government deficits in peacetime history, and contributed a full 30 percent to the entire national debt;

The first time since 1893 that the United States fell behind on our balance of trade—we imported more than we exported;

The worst international payments deficit in history—resulting in the first devaluation of the dollar since the 1930's;

The worst unemployment in 10 years;

And the worst annual inflation rate in 20 years—leading to broadscale Federal controls on the Nation's wages and prices, another step unprecedented in American peacetime history.

It would be an understatement to say that economic policymaking under the Nixon administration proved itself out of step with the needs of the Nation.

For 2½ years, the Nixon administration pursued a "game plan" which said that the best way to fight inflation was by cutting back on real economic growth and employment opportunities. This Republican attempt to make a pact with the devil, to buy price stability with other people's jobs, had an awful consequence: More inflation, higher unemployment.

President Nixon resisted all congressional efforts to deal with the worsening unemployment situation directly. He vetoed the Manpower Act of 1970, a bill which would have created 200,000 public service jobs. He vetoed the Accelerated Public Works Act of 1971, which would have put the same number of people to work cleaning up our pollution and protecting the environment.

In August of 1971, the Republican President ordered a 5-percent cut in the 3 million-man civil service, thus destroying 150,000 jobs, the exact number created by Congress under emergency employment legislation the month before.

Above all, the administration reneged on its responsibility to plan and provide for the great economic transition from wartime to peacetime production and priorities, a failure which left 2 million veterans and defense workers unemployed and which kept a large segment of the Nation dependent on continued defense and aerospace spending.

Instead, the administration chose to direct its energies toward the composition of new excuses for high unemployment. For awhile, it pointed to inflation and said that the Nation somehow could not afford full employment. Then it pointed to the "winding down" of the war and the loss of defense jobs. Finally it resorted to the excuse that there are now more women and young people in the labor force. Under the Republicans, in short, full employment has become an impossible dream.

On the issue of prices, the Nixon administration made its position all too clear from the very outset. For the first 2½ years, it was hands off. Prices were not considered the business of government. Jawboning, wage-price guidelines or any other form of incomes policy was out of the question. The effect of this program was to be expected: Historic inflation. Big business, led by steel, saw their chance to make up for the period of restraint they had been encouraged to honor under Democratic administrations. Prices skyrocketed.

Failure to initiate a more moderate form of incomes policy had forced the administration to desperate action by August 15, 1971. Forced to move, the administration threw together a wage and price program overnight; a program which continues to demonstrate its haphazard construction. Wage increases are tied to strict guidelines. Prices are allowed to go up on the basis of "cost factors" with only occasional reference to national anti-inflationary goals. Equity, confidence, and public understanding remain illusive.

Nixon administration fiscal policy, too, has shown a lack of appreciation as to the Nation's real circumstances. While most economists recognized the need for a sharp stimulus to consumer spending, the Republican policymakers continued to emphasize a "trickle down" philosophy, which calls for tax breaks to business firms. Depreciation allowances have been liberalized. Tax deferral systems for firms in the export trade have been instituted. Only recently, the President indicated his support for a national sales or value-added tax. All of these programs have shifted the tax burden from the corporation to the individual—at a time when existing plant and equipment is lying idle due to a lack of consumer spending. The effects of this misguided Republican policy on the overall economy has been all too obvious.

Many Americans have also become deeply concerned at the direction our economy has been taking during recent years. They want to see, not only a return to full employment and stable prices but to a progressive society where Government action supports equity rather than privilege.

Recently a congressional committee released a report showing that the difference in incomes between the lower one-fifth of our society and the upper one-fifth has almost doubled during the past 20 years. Many working people, who have worked hard for years trying to get a more honest share in their production, are concerned that the Federal Government has worked to support this growing chasm between rich and poor.

They have good reason to believe this. They are told that in 1970, 112 wealthy citizens whose annual incomes exceeded $200,000 paid no taxes whatsoever. They have also discovered that the progressive income tax has become something of an illusion. In 1968, for instance, the moderate income worker making $8,000 to $10,000 a year paid Federal, State, and local taxes at the same rate as people earning $25,000 to $50,000.

Tax inequity is not the only reform issue of 1972. Many Americans are also distraught at the growing concentration of economic power and political clout in the hands of a few corporate executives. As consumers and small businessmen, they have felt the bite of price-setting and collusion by the big conglomerates. One economist estimated not long ago that consumers lose $45 billion a year from the lack of competitive pricing. All citizens are concerned at the brazen performance of corporation lobbyists attempting to insure themselves against prosecution.

Looking forward to the next 4 years, a program for change is self-evident. The American people want, first of all, a renewal of the Democrat's pledge in 1968:

> For those who cannot obtain other employment, the Federal government will be the employer of last resort, either directly or through Federal assistance to state and local projects.

Such a policy is necessary, not only on the basis of humanitarian grounds, but on solid economic ones. Low wages and underemployment will continue to deplete purchasing power when there are able-bodied citizens still out of work. As long as businessmen and consumers are haunted by the specter of joblessness and depleted markets, there will be a growing tendency to put off spending and investment. Uncertainty will propel an endless age of economic slack.

To insure that Government will have the needed fiscal resources, the income tax system must be reformed upon the principle that a dollar of income should be taxed as any other dollar of income, regardless of its source, at the same progressive rate.

Antitrust policy must be pursued vigorously with the intention of removing the monopolistic situations that make price competition an illusion. Monopolists and oligopolists must be prevented from engaging in price collusion and leadership practices which make a mockery of the free enterprise system and destroy our greatest bulwark against inflation—competition.

Overall, the people want a return to the decent, progressive society where the Government tries to modify sharp economic differences rather than contributing to them. They want an end to an era where Government decisionmaking serves the interests of a corporate elite.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Later in the day this order was changed to provide for the Senate to adjourn until 12 o'clock noon tomorrow.)

ORDER FOR ADJOURNMENT FROM TOMORROW, MAY 18, 1972, TO 10 A.M. FRIDAY, MAY 19, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 10 a.m. Friday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY, MAY 19, 1972, TO MONDAY, MAY 22, 1972, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday, it stand in adjournment until 10 o'clock Monday morning next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent that at 3 p.m. today, the Senate temporarily lay aside the unfinished business, S. 3526, and proceed immediately to the consideration of S. 3543, a bill to amend the Atomic Energy Act of 1954, as amended, and that the unfinished business, S. 3526, remain in a temporarily set-aside status until the disposition of S. 3543 or the close of business today, whichever is the earlier.

Mr. HARRIS. Mr. President, reserving the right to object, and I shall not object, would the distinguished Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield to the Senator from Oklahoma.

Mr. HARRIS. Is there a time limitation on the atomic energy bill?

Mr. ROBERT C. BYRD. There is. There is a time limitation of 2 hours on the bill, 1 hour on an amendment to be offered by the Senator from Pennsylvania (Mr. SCHWEIKER), and one-half hour on any other amendment, debatable motion, or appeal.

Mr. HARRIS. If that bill is not finished this afternoon, would the Senate, when it comes back in session on tomorrow, proceed to consider the proposed legislation that is now pending?

Mr. ROBERT C. BYRD. Mr. President, if the atomic energy bill is not finished this afternoon—which I am quite sure it will be—but in the eventuality it is not completed, the Senate at the close of business today will return to the unfinished business, the State authorization bill.

Mr. HARRIS. Mr. President, that is the way I understood it. A great many of us in the Senate are adamant that the Senate should not set aside the pending debate in regard to cutting off funds for Vietnam. I am pleased the distinguished Senator from West Virginia has previously in his other unanimous-consent request made clear that the Senate is not going to go out of session, that we are going to continue to meet each day.

There is a feeling we could set aside the Vietnam war and related questions from time to time on an ad hoc basis, on relatively minor matters, where there are unanimous-consent requests or where there would be a unanimous-consent agreement on limited time. That is the situation on this request in regard to the atomic energy bill but I want to make clear that a good many of us in the Senate feel we should not lay aside the pending question except temporarily from time to time. This is the major question before the country and the people have the right to have it pending in the Senate.

I hope we can proceed to votes this week, right away, today, on the Brooke amendment, then on the Church-Case amendment, as amended, and then, if there is a motion to strike, on that measure. I think the Senate should proceed with its business and we should decide whether or not we want this war in Vietnam to continue or to stop, and we can stop it if we want to.

I think this ad hoc request now before us to set aside this bill at 3 o'clock is for a limited time only, and then we will go back to the pending matter. That is the way we all understood it. I will not object.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW AND FOR S. 3526 TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow immediately after the two leaders or their designees have been recognized under the order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business, S. 3526.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

QUORUM CALL

Mr. HARRIS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE ON YEA-AND-NAY VOTES ON ATOMIC ENERGY BILL THIS AFTERNOON

Mr. ROBERT C. BYRD. Mr. President, I would suggest that the attachés in the respective cloakrooms alert Senators to the fact that there will be one or more rollcall votes on the atomic energy bill this afternoon, after the hour of 3 o'clock.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there further morning business?

PREVENTION OF VIOLENCE

Mr. MATHIAS. Mr. President, prescience, the ability to look ahead, to see into the future, is one of the qualities we hope for in statesmen and scholars—in short, in wise men. But it is a quality which is always in short supply. It is, however, a quality which has been exhibited in many fields, on many occasions, by Dr. Milton Eisenhower, president emeritus of Johns Hopkins University.

It was tragically present in Dr. Eisenhower's distinguished and thoughtful report issued as a result of the work of the National Commission on the Prevention of Violence, of which he was the chairman. That report comes to mind in the light of the tragic events in Maryland on Monday, in which Governor Wallace of Alabama was gunned down, and as a result of which he is now a patient in a Maryland hospital with very serious injuries.

Because Dr. Eisenhower's report was impressive, and because it did look to conditions under which a President or a presidential candidate might be the target of an assassin, I think it should become mandatory reading for every Member of Congress and in fact for every citizen of this country. It is an extremely valuable report, which received some passing attention at the time it was issued, but which I think needs to be reread and retained.

So, Mr. President, I ask unanimous consent to have printed in the RECORD at this time the names of the members of that Commission, which included such distinguished Members of the House of Representatives as the majority leader, Representative BOGGS, and the ranking member of the Judiciary Committee, Representative MCCULLOCH, and such distinguished Senators as the Senator from Michigan (Mr. HART) and the Senator from Nebraska (Mr. HRUSKA); the very interesting chapter on the description of a hypothetical assassin; and the conclusions and recommendations of the Commission with respect to political assassinations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

The members are: Dr. Milton S. Eisenhower, Chairman; Congressman Hale Boggs; Archbishop Terence J. Cooke; Ambassador Patricia Harris; Senator Philip A. Hart; Judge A. Leon Higginbotham; Eric Hoffer; Senator Roman Hruska; Leon Jaworski; Albert E. Jenner, Jr.; Congressman William C. McCulloch; Judge Ernest W. McFarland; and Dr. W. Walter Menninger.

The staff are: Lloyd N. Cutler, Executive Director; Thomas D. Barr, Deputy Director; James F. Short, Jr.; Marvin E. Wolfgang; Co-directors of Research; James S. Campbell, General Counsel; and William G. McDonald, Administrative Officer.

HYPOTHETICAL ASSASSIN

Thus it might have been hypothesized in 1968 that the next assassin to strike at a President—or presidential candidate, as it turned out—would have most of the following attributes:

from a broken home, with the father absent or unresponsive to the child;

withdrawn, a loner, no girl friends, either unmarried or a failure at marriage;

unable to work steadily in the last year or so before the assassination;

white, male, foreign-born or with parents foreign-born; short, slight build;

a zealot for a political, religious, or other cause, but not a member of an organized movement;

assassinates in the name of a specific issue which is related to the principles or philosophy of his cause;

chooses a handgun as his weapon;

selects a moment when the President is appearing amid crowds.

We do not know with any degree of certainty why these characteristics appear in the presidential assassin. (Certainly the personal attributes can be found in many valuable, trustworthy citizens.) Nor do we know why the assassin politicizes his private miseries or why he chooses to express himself through such a terrible crime. Perhaps he comes to blame his own failures on others. Maybe because he does not live in a true community of men and has no rewarding relationships with others, he relates instead to an abstraction: "the poor" or "mankind." Once his own inner misery becomes identified with the misery of those whom he champions, he places the blame for both on the nation's foremost political figure. Incapable of sustained devotion toward a long-range goal, the assassin is capable of short bursts of frenzied activity which are doomed to failure. Each failure seems to reinforce the self-loathing and the need to accomplish—in one burst of directed energy—something of great worth to end his misery and assert his value as a human being.

CONCLUSION

These are long-range hopes, and responsible citizens must give serious attention to how we can best realize them. For the short range, this nation is not powerless to prevent the tragedy of assassination. We conclude with a reiteration of the steps that can be taken to minimize greatly the risk of assassination:

Selective expansion of the functions of the Secret Service to include protection of any federal officeholder or candidate who is deemed a temporary but serious assassination risk;

Improved protection of state and local officeholders and candidates, and strengthened ties between those holding this responsibility and the appropriate federal agencies;

Restrictive licensing of handguns to curtail greatly their availability;

Development and implementation of devices to detect concealed weapons and ammunition on persons entering public meeting places;

A significant reduction of risky public appearances by the President and by presidential candidates;

A corresponding increase in the use of public and commercial television both as a vehicle of communication by the President and as a campaign tool by presidential candidates.

TRAVEL TO MAINLAND CHINA

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished senior Senator from Louisiana (Mr. ELLENDER) I ask unanimous consent to have printed in the RECORD a letter addressed to Senator ELLENDER under date of May 11, 1972, written by David M. Abshire, Assistant Secretary of State for Congressional Relations. The letter deals with the possible interest in travel to the People's Republic of China by Members of Congress and employees of the legislative branch.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., May 11, 1972.

Hon. ALLEN J. ELLENDER,
President Pro Tempore,
United States Senate

DEAR SENATOR ELLENDER: The relationship that is beginning to develop between the United States and the People's Republic of China has resulted in increased interest in travel to that country by members of the Congress and employees of the Legislative Branch. The President has asked the Department of State to assume responsibility for facilitating such travel and to seek your cooperation in preventing any misunderstandings that might set back the developing relationship with the People's Republic of China.

In that connection, it would be very helpful if Members, staff personnel or employees planning to travel to China in either an official or private capacity would inform the Secretary of State before applying for a visa of the purpose of the trip, the dates of travel and the planned itinerary.

The Department will respond promptly to any request for advice on how best to proceed with the application to the People's Republic of China and will inform the intended traveller of any foreign policy considerations involved.

It would be appreciated if this letter would be printed in full in the body of the Congressional Record before being assigned to Committee.

We will be very grateful for your cooperation in this matter.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session, to consider nominations on the executive calendar beginning with the U.S. Advisory Commission on International Educational and Cultural Affairs.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The second assistant legislative clerk proceeded to read sundry nominations to the U.S. Advisory Commission on International Educational and Cultural Affairs.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service which had been placed on the Secretary's desk.

Mr. ROBERT C. BYRD. I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection. Nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be immediately notified.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Tunney) laid before the Senate the following letters, which were referred as indicated:

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of the Overseas Private Investment Corporation, Fiscal Year 1971," dated May 16, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements, Bureau of Engraving and Printing Fund, Fiscal Years 1970 and 1971," Department of the Treasury, dated May 17, 1972 (with an accompanying report); to the Committee on Government Operations.

Reports on Third Preference and Sixth Preference Classification for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Tunney):

Resolutions of the Senate of the Commonwealth of Massachusetts; to the Committee on Commerce:

"Resolutions Urging the Congress of the United States To Enact Certain Proposed Legislation To Be Known as the Surface Transportation Act of 1971

"*Whereas,* Present and future needs of the United States for a stable and an expanding economy require the smooth functioning of a balanced surface transportation system, making the best possible use of all modes of transportation: rail, highway and water; and

"*Whereas,* The demand for freight transportation is growing three times as fast as the population and will double by 1985; and

"*Whereas,* Today the surface transportation industry has serious financial difficulties and a weakened transportation system retards economic growth throughout the country, undermines the efficiency of industrial and agricultural production, unnecessarily increases production costs, feeds inflation and handicaps the nation's ability to compete in foreign markets; and

"*Whereas,* Existing federal policies relating to regulation and financing of surface transportation are outdated and have impeded the progress and health of the transportation industry; and

"*Whereas,* There is now pending before the Congress the Surface Transportation Act of 1971 (S. 2362 and H.R. 11207), which is a proposal designed to restore and maintain the financial soundness and health of surface transportation, encourage investment, improve competitive balance among and within its various modes and at the same time also improve the process of government regulation; and

"*Whereas,* Hearings have begun before committees of the Congress on surface transportation legislation; now, therefore, be it

"*Resolved,* That the Massachusetts Senate respectfully urges the Congress of the United States to enact the proposed Surface Transportation Act of 1971 with provisions for updating regulations and extending limited financial assistance to the nation's modes of surface transportation, including rail, highway and water transportation; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"Senate, adopted, May 10, 1972."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia, with amendments:

H.R. 9580. An act to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles (Rept. No. 92–794).

CHANGE OF REFERENCE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of S. 3587, to amend the Federal Trade Commission Act, and that the bill be referred to the Committee on the Judiciary. I understand that this has been cleared on all sides.

Mr. SCOTT. That is correct.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TUNNEY:

S. 3618. A bill to designate certain lands in the State of California as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. BROOKE (for himself and Mr. Kennedy):

S. 3619. A bill to provide for the establishment of an urban national park known as the Lowell Historic Canal District National Cultural Park in the city of Lowell, Mass., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 3620. A bill for the relief of Helene Kasongo Nellis. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 3621. A bill allowing employees and annuitants enrolled in Federal health benefits plans to appeal certain determinations of insurance carriers. Referred to the Committee on Post Office and Civil Service.

By Mr. MONDALE:

S. 3622. A bill for the relief of Edmond Assad Awaijane. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 3623. A bill to amend the Agricultural Adjustment Act of 1938, as amended, so as to protect the cotton farm yield of farms on which any crop of cotton is destroyed in any year prior to harvest through no fault of the producer. Referred to the Committee on Agriculture and Forestry.

By Mr. FULBRIGHT (by request):

S.J. Res. 235. A joint resolution to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TUNNEY:

S. 3618. A bill to designate certain lands in the State of California as wilderness. Referred to the Committee on Interior and Insular Affairs.

OMNIBUS CALIFORNIA WILDERNESS ACT OF 1972

Mr. TUNNEY. Mr. President, the American wilderness, what remains of it, is a precious national resource. It is essential that we preserve areas of wilderness for future generations, so that they may know samples of the native American earth, areas where nature is free of man's dominion. It is also important that we act now to protect areas of wilderness for the rapidly growing number of people, young and old, who are finding that very few natural areas remain.

The Public Land Law Review Commission began its report entitled "One-Third of the Nation's Land," by stating—

> Feeling the pressures of an enlarging population, burgeoning growth, and expanding demand for land and natural resources, the American people today have an almost desperate need to determine the best purposes to which their public land . . . should be dedicated.

Today, recreational use of wilderness areas, where man can meet nature on nature's own terms, is among the fastest growing forms of leisure pursuit.

California is now our most populous State, yet we have a remaining legacy of wilderness in California. A number of fine wilderness areas are in State ownership and I am much encouraged by the steps our California Legislature has recently taken to establish policies for designating and preserving State wilderness lands. But most of California's remaining wilderness heritage is found on the Federal lands, in our national parks and monuments, national forests, national wildlife refuges, and on public domain lands administered by the Bureau of Land Management.

Already, the Congress has designated 17 wilderness areas in California under the protection of the national wilderness preservation system established by the 1964 Wilderness Act. These areas, totaling 1,600,000 acres, are a good first step in securing "an enduring resource of wilderness" for the people of California and visitors to our State to use and enjoy. But much more remains to be done in planning for additional wilderness areas, in working out boundary recommendations with the help of managing agencies and the public, and in securing congressional designation of these areas.

Today I am introducing a bill which gathers into one piece of legislation all those wilderness area proposals which have now reached the stage for consideration by the Congress.

The Omnibus California Wilderness Act I am proposing embodies 14 new wilderness units, representing every region of our State. Together, these 14 proposals total 1,725,000 acres. Four involve wilderness within national parks or monuments. One is a national wildlife refuge wilderness. The other nine embrace areas within our national forests. Of these nine, two are areas on which official proposals have been submitted by the Forest Service, while the remaining seven have been developed independently by local citizen groups in each vicinity.

Before describing these 14 areas briefly, let me say that the wilderness preservation program has enormous support among the people of California. This program represents, in my opinion, one of the finest Federal land decision-making programs I know, for it is built upon a process that expressly provides for maximum participation by interested citizens at every step as proposals are developed and considered. And it allows the opportunity for citizens to bring their own proposals directly to the Congress, when agencies are unwilling or unable to act.

In the case of each of the proposed wilderness units included in this legislation, local citizen teams have organized to carefully study the area of land in question and to arrive at their own independent citizen proposals for wilderness boundaries. Under the procedures set up under the Wilderness Act, these citizens have had an opportunity to present their proposals for some wilderness areas at public hearings and by letter for the further consideration of the managing agency. For other areas, which have had no official hearings, local citizens have endeavored to work closely and cooperatively with local Forest Service officials.

In almost every instance, this healthy process of public participation has resulted in improvements to the agency's own preliminary ideas on boundary locations.

On a more fundamental level, this process has also brought to the surface differences in planning concepts and criteria between the citizen groups and the administrative agencies. Questions of how best to situate wilderness boundaries, and on the basic judgments of what areas should be designated wilderness have frequently resulted in differences between Federal agencies and the public. The result is that these involved citizens feel that official proposals sent to the Congress should, in some cases, still be amended to round out a proper wilderness unit.

These are, of course, ultimately matters of judgement on how the land should best be used and dedicated. Fortunately, under the set of procedures established by the original Wilderness Act, the ultimate decision on the qualification of an area for wilderness and on what the size, shape, and boundaries should be is up to the Congress. On the basis of individual review by the committees of Congress, who look at the background and who hear from agencies and the public, there is full opportunity to amend the proposals where this proves desirable. In other words, this program allows for a whole series of reviews, at each step of which the public is consulted, before an area is designated as wilderness. Once designated, each such area has the full strength of law to protect it in its natural condition, allowing untrammeled natural forces to operate freely, and preventing the kind of piecemeal development that has now altered almost all of our continent.

As Congress considers each wilderness proposal, it has before it the formal recommendations sent up by the President, representing the views of the administering agencies. In the case of these California areas, however, many of these agency proposals are still disputed by local people who feel the boundaries should be expanded or otherwise altered. In order to assure that the citizen-prepared alternative proposals have full standing for consideration by the Congress, I have asked the various citizen groups interested in these California areas to give me their recommendations. The bill I am introducing today, primarily embodies these citizens proposals in each of those instances where there is a difference from the official agency recommendations already lying before the Congress.

Thus, Mr. President, this is not just an Omnibus California Wilderness Act, but in the true sense, an omnibus California citizen wilderness act, giving each citizen proposal full stature as a viable alternative to the recommendation of the administering agency. This, I believe, is as it should be, for I am persuaded that in many instances, the alternatives suggested by citizen groups go further toward truly fulfilling the initial intent and policy of Congress, as expressed in the Wilderness Act:

> In order to assure that an increasing population, accompanied by expanded settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.

NATIONAL PARK WILDERNESS

Lassen Volcanic National Park: Within this superb national park in northern California, the National Park Service recommends designating 73,000 acres as wilderness in three separate units. Of the total of 106,000 acres within the entire park, many California citizens believe that approximately 101,000 acres are suitable and should be considered for full wilderness protection.

Lassen Volcanic National Park was established in 1916 and features the evidence of quite recent volcanic activity. Indeed, the main peak, Lassen Peak, erupted frequently between 1914 and 1921. Amid this volcanic landscape is a mountainous expanse of open panoramas, clear blue lakes and beautiful forests which are truly wild and should be preserved as wilderness.

Much of the difference between the citizen proposal reflected in this bill and the more conservative Park Service proposal results from a tendency of the National Park Service to set wilderness boundaries far back from existing developments, thus leaving wide zones of wild land unprotected and susceptible to encroaching development. The best protection for the core of a wilderness area is to be obtained not by excluding a buffer or threshold around the wilderness but by extending its boundaries as far out as possible to protect its threshold from gradual encroachment.

At a public hearing in 1966, 85 percent of those participating called for a larger wilderness area. I have added a special provision to the section of this bill dealing with Lassen Park. It seems that in 1916, the original park legislation reserved to the Bureau of Reclamation the right to enter the park and develop Government water reclamation projects. This would, of course, pose a critical threat to the natural and wilderness qualities of the park. So long as that opening remains on the books, this park and its wilderness is less than properly protected. Hence, I have added a special provision to this bill which rescinds that aspect of the 1916 law. Together with permanent wilderness designation for all the suitable lands within the park, this will represent a substantial strengthening of our protection of this unique wild area.

Lava Beds National Monument: Located near the Oregon border, Lava Beds National Monument features an area of relatively recent lava flows, together with lava tube caves and related volcanic features. Of the 46,000 acres within the monument, the National Park Service proposes to designate only 9,197 as wilderness, arguing that minor intrusions and the need for more road building preclude wilderness designation of the larger central section of the monument. Many citizens have taken strong exception to this view, noting that a new road will not open up any kinds of features which are not presently accessible along the existing roads. Worse, however, than its lack of real purpose, this road and the traffic across it would constitute a considerable blight and interference with the scenic vistas which visitors may now enjoy out across the wilderness of the lava beds landscape. In addition, a new road would jeopardize the reintroduction of bighorn sheep which has just begun at the monument.

The National Park Service also suggests that, as a matter of policy which they read into the Wilderness Act, this area cannot be designated as wilderness now, because there is one outstanding life tenure lease permitting the grazing of sheep for a few months out of each year. I have reread the Wilderness Act, and I simply find no such provision. The act, in fact, permits established grazing to continue within national forest wilderness. To designate this area as wilderness will not degrade its protection, but strengthen it. The grazing is an altogether temporary intrusion, which should not be construed to interfere with the larger public interest in securing protection for this area as wilderness. I believe the Park Service is wrong in this policy. We should be taking the long-term view, seeking the most effective ways to secure wilderness, not finding every shaky excuse to avoid it.

At a public hearing in 1967, 70 out of 80 respondents favored a proposal larger than the National Park Service proposal.

Mr. President, I ask unanimous consent to have printed in the Record at this point a copy of a statement which I submitted to the House Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, which recently completed its hearings on the Lassen and Lava Beds wilderness proposals.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator John V. Tunney to Subcommittee on Parks and Recreation of the House Committee on Interior and Insular Affairs

Mr. Chairman, I welcome this opportunity to make a statement to this Subcommittee on National Parks and Recreation. I remember fondly the years I spent in the House and particularly the solid education in thorough study of legislation which I acquired through my service as a member of this Committee.

I want first to offer special congratulations to my friend and colleague from California Bizz Johnson for his interest and initiative in introducing these two wilderness bills and working to bring them to the point of consideration in this hearing today. Bizz has demonstrated, in his support for the Desolation Wilderness, in his efforts on these two important National Park System wilderness proposals, and in his recent introduction of the Emigrant Wilderness proposal, an interest in the wilderness program and a balanced approach to the consideration of specific proposals. I know the conservation-minded people of California, statewide as well as his own area, join me in saluting his interest and leadership.

Mr. Chairman, I am here today to strongly support the proposals for designation of wilderness areas within Lassen Volcanic National Park and Lava Beds National Monument. I am pleased by the proposals put forward by the National Park Service, for I know they reflect the thoughtful effort of the superb people in that agency. Nevertheless, I believe both proposals can be improved. This is not to denigrate the Park Service proposals, but simply to recognize that these proposals were completed in 1966 and that the direction, policies and public enthusiasm for the wilderness program has been growing and evolving in the ensuing period. I am confident that were these proposals being just initiated today, the Park Service, too, would come up with a somewhat different approach. I commend them for their flexibility and sound response to the overwhelming position of the public at the 1966 and 1967 field hearings on these proposals. I trust that all of us will recognize that further improvements in these proposals here in the Congress are a common achievement, in which we all join to bring out a final result that is in the best tradition of full protection for these important park system units and in the best long-term interest of the American people.

I have been able to review the Park Service proposals and to consider the suggestions made by many citizens in California for improvements. I note especially that these improvements had the very strong, indeed overwhelming support of the public who commented at the 1966 field hearings.

I understand that at the 1966 public field hearings 85% of the those participating called for a larger wilderness proposal than that of the National Park Service. I believe these improvements are desirable. I find them to be based on careful and dispassionate analysis, field studies that reflect a careful consideration of the land itself, and a balanced consideration of the various forms of park use which are desirable.

Mr. Chairman, specifically I want to express my support for enlargement of both of these proposals, enlargements that would result in two wilderness units in Lava Beds National Park, encompassing a total of some 37,000 acres, and two wilderness units within Lassen Volcanic National Park, totaling 101,000 acres. The changes beyond the very good starting proposals of the National Park Service follow directly from several fundamental policy changes I support such as moving the wilderness boundary out to the park boundary itself, rather than excluding a buffer area for which no real purpose has been demonstrated and moving the wilderness boundaries down to the proximity of existing roads and developed sites, which will protect the maximum area of wilderness, best insulate the core of the back-country, and provide a more readily discernable physical boundary location, all without in any way conflicting with existing patterns of public use and park management.

Mr. Chairman, in addition, I would like to urge you to consider the early phasing out of certain uses and facilities in these two areas which are altogether inappropriate in park wilderness. In Lava Beds, for example, I would hope that it would be possible to get the minor power and telephone line out of the wilderness and buried along the park road at an early date.

We have a lasting obligation, Mr. Chairman, to secure our precious National Park System areas as an enduring resource, a font of refreshment in the natural world for the American people for many generations into the future. This imposes a need to be somewhat self-restricting in our actions today, to assure that some short-term need is not met at the expense of the long-term preservation of the basic natural resource. The National Park Service has a distinguished record of stewardship of these areas. In this, the centennial year of the very idea of national parks, it is fitting that we re-dedicate ourselves to the task of preserving these superlative areas. This is the value of the Wilderness Act and the wilderness process; that we consciously choose to set the limits of statutory protection upon these treasured wild areas. This is a concept and a dedication that is widely supported by Californians and the public at large. I appreciate this Committee taking up these two proposals at this time and I urge you to consider the desirability of enlarging these two proposals as I have outlined here.

Mr. TUNNEY. Mr. President, I refer now to Pinnacles National Monument.

Of the total of 14,500 acres within this monument, situated in the coastal range of central California, the Park Service recommends 5,330 acres as wilderness. The monument encompasses the Pinnacles themselves, outcrop remnants of ancient volcanism, now a noted challenge to rockclimbers, as well as a fine sample of the coastal chaparral and associated animal life.

Here again, the National Park Service wilderness proposal excludes the greater portion of the monument lands, and for no apparent good reason. Principally, the Park Service desires to exclude the northern area because it has future plans for a road across the area. The visitor who comes to the monument to enjoy its special values has no need of a road to cross it. This is a small area which could easily be destroyed by the entrance of roads and motor vehicle traffic. In fact, this proposed road likely would most likely soon degenerate into little more than a fast shortcut across the mountains for a nonpark traffic. The sacrifice of wilderness, peace and quiet, and nature's own dominion in this small area is too high a price to pave away so needlessly when so few such areas remain.

The citizen proposal embodied in my bill embraces all but the developed sections of the monument, and totals some 13,000 acres.

In 1967 at a public hearing, 17 out of 19 private organizations and 171 out of 187 individuals favored a larger wilderness area than that proposed by the National Park Service.

SEQUOIA-KINGS CANYON NATIONAL PARKS

These two national parks, which adjoin each other and are jointly administered, offer one of the finest large wilderness areas in all of our national park system. Here in the heart of the Sierra

Nevada, lies Mount Whitney and its surrounding high peaks, set about with sparkling lakes and alpine meadows of great beauty. The two parks encompass some 847,000 acres, of which the National Park Service proposed to designate 722,000 as wilderness excluding large areas at Cedar Grove, along Sugarloaf Creek, around the Giant Forest and around the borders of the east fork of the Kaweah River, and in the superb lower country west of the Generals Highway.

Citizens groups have noted that these exclusions are excessive, and suggest that wilderness boundaries should be brought down to the edge of existing developed areas. In addition, they have disagreed with the total exclusion of any area west of the main road, for these wild areas would be more accessible, and available for a longer season than the higher mountain country. Here again, some areas are excluded because of existing grazing permits, and this seems totally unnecessary.

On the basis of their own field work and considerations, local citizen groups have prepared an alternative proposal which would designate 830,000 acres of these two parks as wilderness. Together with adjoining national forest lands which are now designated as wilderness, or which should be, this area will constitute one of the largest unbroken areas of mountain wilderness in the country.

During the public hearings held on this proposal in 1966 a total of 311 individuals and private organizations favored a larger wilderness area while 26 private organizations and individuals supported the National Park Service proposal.

Mr. President, I ask unanimous consent to have printed at this point in the Record the statement which I submitted to the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs, and on which proposal the subcommittee, of which the distinguished Senator from Idaho (Mr. Church) is the chairman, has commenced hearings.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR JOHN V. TUNNEY TO THE SUBCOMMITTEE ON PUBLIC LANDS OF THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. Chairman, I welcome this opportunity to appear on behalf of the preservation of the wilderness within two of our greatest National Parks, Sequoia National Park and Kings Canyon National Park. These two parks are situated adjacent to each other, together embracing the magnificent high country of the central Sierras.

Under the mandate and procedures set down in the 1964 Wilderness Act, we now are considering what portions of these two parks should be further designated for the additional protection afforded by the Wilderness Act. The National Park Service is recommending that 722,000 acres of the two parks be designated as one contiguous wilderness area.

Mr. Chairman, this is a good proposal. But it is flawed by a number of exclusions which appear to be unnecessary. I share the hope of many Californians that you will, on the basis of this hearing, see fit to revise and perfect this proposal. Altogether, some 830,000 acres of the two parks appear to fully qualify for and merit wilderness protection.

I understand that during the field hearings on this proposal in 1966, a total of 26 private organizations and individuals supported the National Park Service proposal while 311 private organizations and individuals supported a larger wilderness area.

As a general rule, it appears desirable to bring the boundaries of wilderness within a park down to the proximity of roads and developed sites. However, the Park Service proposal excludes from wilderness extensive swaths of land along all roads, particularly in the Cedar Grove section of Kings Canyon National Park and along the Generals Highway through Sequoia National Park. I recommend that the boundaries be drawn down to the road. Similarly, I see no justification or necessity for the ⅛th mile buffer exclusions along the park boundary.

Within Kings Canyon National Park, in the vicinity of Sugarloaf Creek and Sentinel Ridge, the Park Service proposal would exclude a large section of the park from wilderness simply because of the presence of established, authorized grazing use. Nothing in the Wilderness Act specifies or implies that established grazing is in itself cause for excluding the grazed area from wilderness designation. Indeed, the Act specifies for national forest wilderness that established grazing shall not be affected. I recommend that this area be included within the wilderness under the same concept.

Two large units of park wildland lie to the west of the Generals Highway in Sequoia National Park. These two areas—Redwood Canyon and Yucca Mountain—offer their own important wilderness values and opportunities. The Park Service proposes no wilderness within these two units, but again, I share the view of many California citizens who believe this is valuable wilderness land that merits and deserves wilderness status.

As you know, the still-unsettled issue of possible major ski development in Mineral King Valley raises a question on the use of lands within Sequoia National Park, which virtually surrounds that small area of national forest land. The matter of what development will take place within Mineral King itself remains to be decided.

I understand that on Tuesday of this week the Disney Corporation announced that it was scaling down the size of its proposed development at Mineral King. Of particular importance to this hearing was the announcement that the Corporation no longer plans a major highway into Mineral King. Instead access to the proposed Mineral King site would be by the use of a railway along the existing roadbed. Because of this announcement, I believe we can be more specific now about the impact of such development on the surrounding national park lands. Sequoia National Park should not merely be considered as an adjacent "buffer" for Mineral King. National Parks are established for a specific purpose—to preserve their natural features and, within that limiting condition, to make these natural features available for public use and enjoyment in ways which will not impair them for the benefit of future generations. I find it difficult to reconcile that stern mandate with the idea of excluding great areas of Sequoia National Park around Mineral King for possible development support facilities. I believe that all of the land surrounding the Mineral King Valley should be designated as wilderness, excluding only the simple corridor necessary for the low-standard access road which crosses Sequoia National Park. This road would be adequate for access to Mineral King under the latest-development plan. If Mineral King is to be developed for skiing—then let that use and development be confined within the national forest area, and entirely self-contained, not imposed upon park lands which are set aside for other purposes, for all the people and for future generations.

Within Sequoia National Park and Kings Canyon National Park the Park Service proposal would exclude a number of small non-wilderness "enclaves" from wilderness designation. These involve a number of automated precipitation measuring devices and radio transmitters in the high country which provide hydrologic data for the prediction of snow pack and water yield. For each such device, the Park Service would designate a nine-acre enclave. There would also be three such enclaves around small trailside shelters. As can be seen from the map, these enclaves will be scattered all through the heart of the wilderness. The question, as I see it, is are these enclaves really necessary? I find it difficult to believe that the Wilderness Act is quite that pure and sticky a document. In fact, I don't believe it is.

This situation reminds me of the discussions we had when I served on the House Interior Committee. We wanted to put Desolation Wilderness into the system, but some were worried about a number of snow courses and data telemetering installations like those in these two parks. The upshot was that the Forest Service explained that such devices, which serve an important public purpose involved in the proper management of the area, were permissible under their interpretation of the Wilderness Act. We are talking about the same Wilderness Act here today, so we should apply the same standards. I find nothing in the Wilderness Act that positively forbids a reasonable number of unobtrusive existing facilities of this kind or that necessitates isolating each one in a nine-acre non-wilderness enclave.

Mr. Chairman, I urge this Committee to direct the Park Service to do away with these enclaves and I believe you would facilitate a common sense resolution of this policy problem by a few sentences in your report specifying that such features, where necessary for public purposes, can be accommodated within designated national park wilderness.

There are five much larger enclaves in these two parks, ranking from 130 to 482 acres in size. These are supposed to be necessary to provide for "developed campsites with shelter, water supply and sanitation facilities" in these areas of concentrated wilderness use. Here again, I believe the concept of these enclaves is most undesirable.

First of all, primitive wilderness campsites are a traditional and entirely permissible feature within wilderness areas. Nothing in the Wilderness Act precludes such public use facilities. The Act merely specifies that they be of a minimum nature, so as to avoid encroachment on wilderness values by grandiose, excessive developments that destroy the wilderness environment. Today's wilderness user carries his own shelter in the form of the many kinds of light-weight and inexpensive tents available for sale or rental. Unless we are going to build a shelter for every user, there would simply be a competition factor for the one or two shelters that are built. I see no need for these facilities, which would really be out of place in this wilderness environment. Sanitation facilities are clearly permissible in wilderness, as are facilities necessary and essential for public health and to protect the wilderness itself. Water supply, where it must be provided by hand pumps to assure a potable supply, can be provided for within wilderness areas.

Moreover, Mr. Chairman, the kind of massive concentrated use development that could take place in these huge enclaves, without the protections of the Wilderness Act, are simply not wise in this wilderness setting. Let me just cite as an example, the 200-acre enclave proposed at Rae Lakes, along the route of the John Muir Trail.

Last July, at the direction of Secretary of the Interior Morton, the Secretary's Advisory

Board on National Parks, Historic Sites, Buildings and Monuments divided into teams to make on-the-ground inspections of the condition of our national parks. One such team went to Sequoia-Kings Canyon. During their visit, they went to Rae Lakes, to this proposed 200-acre enclave. I will let their report to the Secretary speak for itself:

> A team helicopter trip to the Rae Lakes camp-ground at timberline afforded an opportunity to appraise problems of the high country directly. It was satisfying to observe that there has been a high degree of recovery by this slow-growing vegetation since the destructive sheep grazing of the late 1800's and the overuse of meadows by pack animals thereafter. A summer ranger is stationed at Rae Lakes, and the good effects are evident in the excellent sanitation standards of the camps and trails. We note that some 8,000 people hiked and camped through this country in the past year, and we suspect that this is near the allowable limit. We do not believe that there should be any attempt to enlarge facilities for more intensive use.

Now, Mr. Chairman, that is what the Secretary of the Interior's own Advisory Board on National Parks had to say about plans to further develop the Rae Lakes, and the same holds true for similar high country camps.

Minimum facilities to protect the wilderness and the health of the visitors are permissible under the the Act, specifically sanitation facilities and measures to assure potable, protected water supply. Beyond that, more development of the kind that would be possible in a non-wilderness enclave would be highly damaging to the very point and purpose of protecting the wilderness in the first place. I urge you to do away with all of these unnecessary enclaves entirely and to designate a continuous, unbroken expanse of true widerness in these parks.

Finally, Mr. Chairman, let me just say that I strongly support the wilderness concept and the designation of appropriate areas under the Wilderness Act. I know that the National Park Service, like the other agencies, has been doing a conscientious job in preparing its wilderness recommendations. Nonetheless, the Wilderness Act brought back to the Congress the ultimate power to decide on boundaries, in order that we could assure that all suitable, qualified and desirable wild land is properly protected. This is a very important effort for the future of our national parks—it is the means for securing and preserving the very fundamental resource of our parks, which is their native wilderness environment. I urge this Committee to make the kind of improvements in this particular proposal which I have outlined.

NATIONAL WILDLIFE REFUGE WILDERNESS

Mr. TUNNEY. Mr. President, with regard to the Farallon National Wildlife Refuge—the Farallon National Wildlife Refuge consists of a group of rugged and picturesque islands extending over about 7 miles of the Pacific Ocean off the entrance to San Francisco Bay. These islands are an important sea bird rookery, hosting upward of 150,000 birds each summer, as well as seals and sea lions. Under this bill, which is identical to the recommendation of the Bureau of Sport Fisheries and Wildlife, 141 acres of these islands will be designated as wilderness, affording additional protection to insure the integrity of the great natural values of these islands. I share the hope expressed by Secretary of the Interior Morton that the State of California will take all possible steps to strengthen the protection of this valuable ecosystem by including adjacent submerged lands within a State-designated wilderness area, or donate these lands to the Federal Government for inclusion in this unique island wilderness.

NATIONAL FOREST WILDERNESS

EMIGRANT WILDERNESS

The formal Forest Service proposal for this area was sent to Congress just recently, and calls for designating 106,910 acres of wilderness, most of which constitutes the reclassification of the existing Emigrant Basin Primitive Area originally established in 1931 by administrative order. This important area lies in the High Sierra Mountains, contiguous to the north boundary of Yosemite National Park. Together with the substantial area of wilderness to later be designated as wilderness within the National Park, it will constitute a most important area, protecting a surprisingly fragile natural system.

Unfortunately, the Forest Service proposal would exclude from wilderness protection a 6,000-acre area known as "Exclusion 2," situated in the headwaters of the East Fork of Cherry Creek near Snow Lake. This area contains a number of mineral claims involving what are described as small marginal deposits of tungsten ore. A 21-mile miners jeep track reaches into the area from the nearest highway. There are a number of small improvements which have been built in connection with the mineral claims.

Many citizens have stressed to me the critical danger which this 6,000-acre exclusion poses to the surrounding wilderness. As is clearly seen from a regional map, this area lies virtually in the center of a large area of otherwise unbroken wilderness: Yosemite National Park, is contiguous to the proposed exclusion on the south, the proposed Emigrant Wilderness surrounds the area to the west and north, and a large area of potential wilderness directly to the east is being studied for possible addition to the existing Hoover Wilderness. The mineral claims area at Snow Lake lies in the precise center of this wilderness region, with the 21-mile access route striking into its very heart. Any longterm adverse development of this area would be harmful to the wilderness resource values surrounding it. I believe the Forest Service should act in any and every way possible, with the utmost urgency, to acquire these mineral claims and remove all minor improvements, putting the access route "back to bed" and restoring the wilderness scene.

This is not the Forest Service intention, it would seem. They propose, instead, to exclude this area from the protection of the Wilderness Act and to merely classify it administratively as a scenic area "for primitive type recreational use." Under this plan, they say that "scattered recreational improvements which blend with the landscape will be permitted."

However, the problematical mineral claims are not some minor annoyance to be hidden away under the pretense of administrative protection, and then developed with "scattered recreational improvements." This is the very heart of a superb wilderness, lying immediately on the boundary of one of our finest and most treasured national parks. The kind of stewardship needed here is not passive acceptance of adverse uses, but a determined and urgent priority for removing the threat that these mineral claims pose to the greater wilderness values. The Wilderness Act allows for this.

One of the most important issues here is thus whether the mineral claims—except in instances of true national need—should preclude the designation of this area as part of the wilderness system. Many California citizens feel that they should not.

I share the grave concern of local citizens in the surrounding area who want to see this dire conflict of values settled immediately. Hence, this bill proposes to proceed now to designate the additional 6,000 acres for inclusion as wilderness, and I will want to investigate fully, at the time of hearings on this measure, the full range of options available to the Federal Government to assure that adverse impacts of any mining are avoided.

AGUA TIBIA WILDNERNESS

This area is a part of the Cleveland National Forest situated north of San Diego at the northern end of the Palomar Mountain Range. The original Agua Tibia Primitive Area, established in 1931, included 26,760 acres. In their preliminary recommendations, the Forest Service suggested that 7,774 acres be classified as wilderness, with the balance excluded. However, nearly 10,000 acres of exclusions elsewhere were overwhelmingly opposed by the citizens who participated in the public hearing. Now the Forest Service has submitted its final proposal to Congress, and they have very admirably expanded their original proposal to 11,920 acres.

Nonetheless, local citizens have advised me that they still feel that a larger area is most desirable, and disagree sharply with the conclusion of the Forest Service that the disputed areas do not qualify as wilderness. They continue to recommend the position which was overwhelmingly supported at the public hearing, calling for designation of a wilderness of 16,410 acres which will encompass and protect the peak of Agua Tibia Mountain and the drainage of Arroyo Seco Creek.

A public hearing was held in 1971. Forty-nine oral presentations were made and over 1200 letters were received. The participants were unanimous in requesting that parts of the primitive area be reclassified as wilderness. Of the 49 present, 39 groups and individuals supported an enlarged wilderness area of 16,410 acres. Of the 1200 letters received 816 favored the larger wilderness proposal.

NATIONAL FOREST DE FACTO WILDERNESS

Seven of the National Forest wilderness areas proposed in this bill involve areas for which there has been no formal Forest Service wilderness recommendation. In these areas, local citizen groups have developed their own, proposals working with the Forest Service where possible, but not detered by an apparent unwillingness by the agency to cooperate or to initiate any efforts of their own to get these particular areas protected while protection is still possible.

These areas, unlike the Emigrant and Agua Tibia proposals, do not involve the reclassification of a preexisting National Forest Primitive Area. Hence, no special wilderness study for them was required by the letter of the 1964 Wilderness Act. Unlike the Primitive Areas which were required to be studied, these areas have had no guarantee of interim protection from logging or other disruption pending real efforts to designate appropriate areas as wilderness. As a result of this situation, these lands represent the most threatened kind of wilderness most in need of immediate protection. These are de facto wilderness areas.

I am pleased to learn that the Forest Service has quite recently initiated a program to inventory all roadless areas and select "new study areas" for future consideration as wilderness. That effort is going forward on the National Forests in California now and initial Forest Service recommendations are now the subject of a series of public meetings around the State. This is all well and good, but I don't believe a once over lightly, general survey is any substitute for the kind of thorough study that should go into wilderness decisions.

Thus, it seems to me that the Forest Service has a very real obligation to recognize that remaining de facto wilderness has, by the very fact of its survival as such this long, a presumption of relatively low values for other forms of use. There is no need for hasty or ill-considered decisions that result in failure to seriously consider and properly study the wilderness potential of each and every such area.

The de facto proposals involved in this bill have been thoroughly studied by citizen groups. I have been very favorably impressed by the kind of thorough documentation and objective analysis that lies behind each of these proposals. I regret that the Forest Service has not yet initiated its own official studies, and I hope and trust that they will. I believe it is essential that the wilderness values of these areas receive recognition and consideration in the Congress. I would hope that these areas, like the several national forest de facto proposals which have already been passed by the Senate, could receive prompt and sympathetic consideration in hearings before the Committee on Interior and Insular Affairs.

SNOW MOUNTAIN WILDERNESS

The proposed Snow Mountain wilderness is located in the northern coast range west of the town of Willows. Three counties, Lake, Colusa, and Glenn, are represented in this proposal which includes all of Snow Mountain, the Middle Fork of Stony Creek watershed, and much of St. John Mountain.

Here is a wilderness rich in native flora and fauna. Vegetation types include grasslands, mountain meadows, many chaparral types, canyon oaks, oak woodland, mixed conifers, high elevation red and white fir, and others. Rare and unusual plant species are found on 7,056-foot Snow Mountain and throughout the area. The wild middle fork of Stony Creek supports a fine native trout fishery.

This land was first set aside by President Theodore Roosevelt as the Stony Creek forest reserve in 1907. Current Forest Service plans would allow a highway to slice through the area as well as timber harvesting, brush conversion, and motorized travel in much of what is wild today. Congressman ROBERT L. LEGGETT, recognizing the need to preserve this portion of his district, has sponsored the Snow Mountain wilderness proposal, which is cosponsored by 15 other Members of the House. Senator ALAN CRANSTON and I have already jointly sponsored an identical Senate bill, S. 2680. I should also add that this proposal has the active endorsement of many local groups and that the boards of supervisors for all three counties involved—Lake, Colusa, and Glenn—are on record in support. I am delighted that Senator FRANK CHURCH will begin hearings this week on this proposal.

Snow Mountain is ideal for wilderness classification because of its rugged character, opportunities for solitude, very low values for timber harvest or other economic uses, and its sensitive watersheds, which require minimum disturbance to insure against damage.

SAN JOAQUIN WILDERNESS

This crucial wilderness proposal involves 50,500 acres of wilderness lying along the crest of the Sierras in the Inyo and Sierra National Forests just south of Yosemite National Park. It is the missing link in an otherwise unbroken expanse of wilderness which extends from the Tioga Pass Road through Yosemite, south all the way to Mount Whitney and beyond. Only this area remains outside of protection afforded to the rest of these mountains by already designated national forest wilderness and by the wilderness areas being proposed within Yosemite, Kings Canyon, and Sequoia National Parks.

The awesome canyons of the North and Middle Forks of the San Joaquin River dominate this area. Of his experiences in the canyon of the North Fork, John Muir once said:

> This Joaquin Canyon is the most remarkable in many ways of all I have entered. An astonishing number of separate meadows, rich gardens and groves are contained in the canyon, and it is a composite Yosemite Valley with huge black slate rocks that overlean, and views reaching to the snowy summits.

Indeed, as these comparisons might suggest, much of this area once was within Yosemite National Park, but was excluded in 1905. As a result, only this area across the Sierra Summit has been left unprotected.

My friend, Congressman JEROME WALDIE, together with 12 other California Congressman, has introduced legislation in the House to designate this area as wilderness. The proposal I am introducing today is identical.

GOLDEN TROUT WILDERNESS

The proposed Golden Trout Wilderness comprises an area of High Sierra wild country, 260,000 acres in size, which adjoins Sequoia National Park on the south. This is a natural continuation of the unbroken expanse of wildland which extends all the way south from Yosemite National Park.

This area is presently administered by the U.S. Forest Service as a part of the Sequoia and Inyo National Forests. For many years, California citizens groups have been urging the Forest Service to designate this great area, which many know as the Kern Plateau, for wilderness protection. The response has not been very encouraging. While the Forest Service has outlined an area as the Golden Trout Study Area, which they propose to study for wilderness potential, this area does not include all of the area as proposed by citizen groups. The balance of the area, if not protected in any special way, will be considered open for multiple use management. As a result, timber sales and logging roads will continue to erode the southern edges of the area. Today, only about one third of the de facto wilderness remains, compared with what existed in this region 10 years ago.

Yet, a good case has been made by citizen groups that this full area is of wilderness quality and should be preserved as such. This is an extraordinary area, unique in many ways.

At its heart is Golden Trout Creek, the native habitat of the golden trout, California's State fish. This is a separate trout species which developed its unique golden brown coloring in isolation from other trout, resulting from the isolation of Golden Trout Creek. This extraordinary ecotype cannot withstand heavy fishing pressure. Designation and management of this area as wilderness will be a key step in preserving the golden trout.

I am including in this bill the proposal that the entire golden trout area be designated as wilderness and retained in Forest Service administration as such. However, my sponsorship of this particular approach is not intended to prejudge the possibility of an alternative means of securing preservation of this full area, namely redesignation of the area to be an addition to Sequoia National Park, with jurisdiction transferred to the National Park Service and simultaneous designation of the area as wilderness.

The objective is to secure wilderness protection for this area, is whatever jurisdiction that is best assured. A bill adopting the national park approach has been introduced in the House by Representative THOMAS REES. It embraces the same area as involved in my proposal here. Representative REES and I agree that the attitudes and support of these two agencies will determine which way we will both ultimately decide to go with this proposal. Certainly, when this proposal reaches the stage of congressional hearings, I will want to hear from both the Forest Service and Park Service as to their respective interests in this area, and that will aid me in judging which alternative I will ultimately support.

SISKIYOU WILDERNESS

This is a 153,000 acre wilderness unit lying in the rugged and still relatively remote part of the northern California Coast Range. The area is situated along the high divide between the Klamath and Smith rivers, and offers an unusual diversity of biological features. The steep slopes are quite unstable, and the soils are fragile and easily eroded. Yet, across the crest of this area the Forest Service proposes to develop a "scenic highway." Such a road would, of course, sever the unity of this area, disrupting its wilderness qualities irreparably.

There have been earlier efforts to secure a wilderness study for this area, but these have proven unsuccessful. The Forest Service has argued that the great timber values of the area require maximum cutting, yet this is, for the most part, an area of such marginal timber potential that the practicality of such use is seriously in question. Every indication points to a need to decrease, not increase, the harvest of old-growth timber on fragile soils and steep subalpine slopes, where regeneration is questionable and where other values, particularly for the protection of watershed are so important. Even Forest Service studies have disclosed that it would be necessary to resort to extreme techniques to harvest timber in this steep country.

This area is a prime watershed for important fishing and recreation rivers. Under wilderness designation, it would be protected for uses that would not damage that overriding value. It is my hope that the Forest Service would not initiate any timber sales within this area pending congressional study of this proposal.

GRANITE CHIEF WILDERNESS

The proposed Granite Chief Wilderness, comprising some 37,000 acres is situated in the High Sierra immediately west of Lake Tahoe. This is an area of high peaks and valleys, with scattered forest cover. A historic emigrant trail crosses the area, which has changed little since the days of the California gold rush. Wildlife is abundant and native trout are found in the streams.

Until quite recently, much of this area was classified by the Forest Service as noncommercial for timber harvest purposes. A change in that view has apparently been made, as I am told there may be plans for timber sales within the area which has been proposed for study as wilderness.

This proposal raises a further issue, inasmuch as a portion of the area involved, while within the National Forest boundaries, is privately owned land. Federal lands and private lands alternate by sections, in a checkerboard pattern that makes comprehensive management virtually impossible. If, as local citizen groups feel, the primary values of this area are in wilderness designation and use, then we will have to find the means for acquiring the private holdings, and we must investigate the various alternatives we have for doing that.

The Granite Chief area is already providing a wilderness experience for a growing number of campers, hikers, fishermen, horseback riders, and hunters who seek their recreation in areas of solitude and natural surroundings. Indeed, this is an area frequently used by those who turn away from nearby wilderness areas which are being threatened by overuse. Without wilderness protection, this area stands to be chipped away by uneconomic timber sales and by various roadbuilding schemes which threaten to encroach on its southern boundary.

SHEEP MOUNTAIN WILDERNESS

The proposed Sheep Mountain Wilderness within the Angeles National Forest near Los Angeles encompasses some 60,000 acres, including the principal drainages on Mount San Antonio, locally known as Mount Baldy. This is rugged, precipitous country in the San Gabriel Mountains which stand so starkly above the Los Angeles Basin. Some of the canyons, notably the Fish Fork of the San Gabriel River, are almost inaccessible and support the best wild trout fishery in southern California. The area features unique alpine flora, including ancient timber pines, and remnant bands of bighorn sheep.

Approximately 400 of the bighorn sheep are making a determined stand on the higher slopes of the mountains within this proposed area. Our assistance, or lack of it, will determine if this is a last stand. These animals need wilderness for their very survival.

The Sheep Mountain Wilderness is a precious resource, offering the public an opportunity for hiking, fishing, photography, nature study, and the enjoyment of scenic grandeur. It is the last significant portion of unprotected wilderness in the mountains which ring Los Angeles.

LOPEZ CANYON WILDERNESS

This area is dominated by Lopez Creek and its tributaries, in the mountains near San Luis Obispo. The proposed Lopez Canyon Wilderness would include some 21,500 acres. The canyon is well wooded, in the upper reaches with pines, madrone, sycamore, and oak, the lower reaches with dogwood, cottonwood, willow, and laurel. Fine waterfalls tumble down the canyon floor, for Lopez Creek is perennially flowing.

Some minor intrusions, such as old four-wheel roads and helicopter landing sites, are found within the area, but these do not disqualify it as wilderness. On the whole, this is an important and valuable wilderness oasis, just 12 miles from the rapidly growing urban center of San Luis Obispo.

Senator Alan Cranston and I have already joined in sponsoring a separate bill for the designation of this wilderness area, S. 3027. I include the identical proposal here in order to round out this omnibus package. Like the Snow Mountain proposal, hearings by the Senate Interior and Insular Affairs Committee will begin this week on this proposal.

Mr. President, I now ask unanimous consent to have a press release by Hon. Ronald Reagan, Governor of California, in which reference is made to the need to protect the home of the golden trout.

There being no objection, the release was ordered to be printed in the Record, as follows:

Governor Ronald Reagan today announced release by the California Department of Fish and Game of a significant environmental study of the Trail Peak-Cottonwood Basin area which lies in Inyo County (some 20 miles east of the town of Lone Pine).

The report expresses concern about the serious degradation of the home habitat of the golden trout, the state fish. Increased human and automobile use is posing serious threats to the habitat of this world renowned fish, the propagation of which is completely dependent on wild brood stock in the Cottonwood Lakes basin.

The report urges the agreement and cooperation of the United States Forest Service in instituting measures by way of limiting automobile and visitor impact so that the critical trout habitat and wild mountain sheep area will be protected for posterity.

By letter to federal Secretary of Agriculture Earl L. Butz, the governor called attention to this problem from the point of view of the United States Forest Service which is the major landowning agency served by the Cottonwood basin access road.

Roads which encroach upon the wilderness, the governor said, need careful study because of the need to protect the fragile, world-renowned High Sierra wilderness area.

Mr. TUNNEY. Also, Mr. President, I ask unanimous consent to have printed in the Record excerpts from a report of the State of California entitled "Environmental Goals and Policy," dated March 1, 1972.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Wilderness Type Areas in California

These wilderness type areas are proposed as areas of critical concern to the State of California and are considered to have natural environmental qualities that need protection as scientific, scenic and educational resources for the people of the State. Some are already designated wilderness areas and some are proposed.

Wilderness Type Area Identified by the Resources Agency

Established wilderness areas

Marble Mountain (Siskiyou).
Thousand Lakes (Shasta).
Caribou (Lassen).
Middle Eel Yolla-Bolly (Trinity-Tehama).
Mokelumne.
Hoover.
Minarets.
John Muir (Madera-Fresno).
Ventana (Monterey).
San Rafael (Santa Barbara).
San Gabriel (Los Angeles).
Cucamonga (San Bernardino).
San Gorgonio (San Bernardino).
San Jacinto (Riverside).
Desolation Valley.
Dome Land (Tulare-Kern).

Established primitive areas

Salmon-Trinity Alps (Siskiyou-Trinity).
South Warner (Modoc).
Emigrant Basin.
Aqua Tibia (San Diego-Riverside).
Monarch or High Sierra (Fresno).

Proposed wilderness areas

Siskiyou.
Salmon-Scott Divide.
Mt. Shasta.
Lava Beds.
Lassen.
Granite Chief (Placer).
Sequoia-Kings Canyon.
Southern Sierra Nevada (Tulare-Kern).
Pt. Reyes.
Farallon Islands (San Francisco).
Pinnacles.
Lopez Canyon (San Luis Obispo).
Snow Mountain (Lake, Colusa, Glenn).
Carson-Iceberg (Alpine-Tuolumne).
Yosemite.
Minarets Summit Corridor or San Joaquin.
White Mountain.
Golden Trout (Tulare).

Mr. TUNNEY. In conclusion, Mr. President, I believe that it is important to put into perspective the relatively small percentage of wilderness land which remains in California.

California has a total land area of 101,-

500,000 acres. The Federal Government controls about 40 million acres. Thus far 1.6 million acres of land or just 1 percent of the total land area of California has been designated as wilderness areas. This amounts to 4 percent of total Federal acreage in California.

Of the Federal acreage, the National Park Service controls 4.4 million acres of land, the Bureau of Land Management controls 16 million acres and the Forest Service controls 20 million acres.

The process of reviewing primitive areas is nearly completed and attention is now being focused upon the so-called de facto wilderness areas. The Forest Service has begun its inventory of these roadless, undeveloped areas in California and has made tentative selections of areas which it proposes to study for possible wilderness designation.

In their roadless area inventory, the Forest Service is considering 3 million acres for wilderness designation. An additional 400,000 acres of primitive areas is also presently being studied by the Forest Service. There are preliminary indications that the Forest Service believes that only an estimated 750,000 acres out of the 3 million acres of roadless areas qualify for wilderness designation. If this is true, then only an additional 1,150,000 acres would be submitted to the Congress by the Forest Service for wilderness area designation.

If this modest proposal were adopted it would bring to approximately 2 percent of the total California land area the amount of designated wilderness areas.

Since it is clear that we are talking about a very small percentage of total land area we should insure that all eligible land within these areas are considered by the Congress.

I would like to reemphasize that we are not talking about a massive amount of land—but only 2 or 3 percent of the total land area in California. Certainly not all of the acreage under study will be designated as wilderness—not all of them should be. But we do have a right to expect the decision on the future of each eligible area to be made thoughtfully, with due deliberation and with the opportunity for real and informed public participation in the decisions.

I have received reports from California that the Forest Service inventory is not being conducted in as thorough a manner as it should be. Instead of area-by-area studies called for by the Wilderness Act, the ongoing inventory appears rushed and superficial. If future Californians are to have a secure and enduring resource of wilderness then we must act wisely and with great deliberation as we consider which of those last remaining areas should be preserved as wilderness.

Why have so few areas been considered by the Forest Service?

It is a strange paradox today to find Federal agencies insisting upon complete purity in wilderness areas—an interpretation which coincidentally has resulted in severely limiting the size of agency recommended wilderness areas.

It appears that many areas have not been inventoried as roadless which deserve consideration. The Forest Service has developed its own interpretation of what can and cannot qualify as wilderness and that interpretation seems to have strayed from the standards set down in the Wilderness Act.

It is my hope that instead the Congress will abide by the spirit of the wilderness law in developing and giving final approval to wilderness area proposals.

Finally, Mr. President, I ask unanimous consent to have printed in the RECORD the text of my bill, together with a case study of the Eagles Nest Wilderness Area which provides a good illustration of the controversy underway throughout the Nation on the interpretation and implementation of the Wilderness Act. The study was published by Colorado magazine in its latest issue.

There being no objection, the bill and study were ordered to be printed in the RECORD, as follows:

S. 3618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus California Wilderness Act of 1972".

DESIGNATION OF WILDERNESS AREAS WITHIN NATIONAL PARKS AND MONUMENTS

SEC. 2. (a) In accordance with section 3 (c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness—

(1) certain lands in the Lassen Volcanic National Park, California, which comprise about one hundred and one thousand acres and which are depicted on a map entitled "Lassen Volcanic Wilderness-Proposed", and dated April 1968, which shall be known as the "Lassen Volcanic Wilderness";

(2) certain lands in the Lava Beds National Monument, California, which comprise about thirty-seven thousand acres and which are depicted on a map entitled "Lava Beds Wilderness—Proposed", and dated April 1968, which shall be known as the "Lava Beds Wilderness";

(3) certain lands in the Pinnacles National Monument, California, which comprise about thirteen thousand acres and which are depicted on a map entitled "Pinnacles Wilderness—Proposed", and dated April 1968, which shall be known as the "Pinnacles Wilderness"; and

(4) certain lands in the Sequoia and Kings Canyon National Parks, California, which comprise about eight hundred and thirty thousand acres and which are depicted on a map entitled "Sequoia-Kings County Wilderness—Proposed", and dated June 1971, which shall be known as the "Sequoia-Kings Canyon Wilderness".

(b) Notwithstanding the provisions of section 1 of the Act of August 9, 1916 (39 Stat. 442), the lands within Lassen Volcanic National Park, California shall not be entered upon or utilized for flowage or other purposes in connection with the development of a Government reclamation project.

DESIGNATION OF WILDERNESS AREAS WITHIN NATIONAL WILDLIFE REFUGES

SEC. 3. In accordance with section 3(c) of the Wildnerness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness: certain lands in the Farallon National Wildlife Refuge, California, which comprise about one hundred and forty-one acres and which are depicted on a map entitled "Farallon Wilderness—Proposed", and dated October 1969 (revised March 1970), which shall be known as the "Farallon Wilderness".

DESIGNATION OF WILDERNESS AREAS IN NATIONAL FORESTS

SEC. 4. In accordance with section 3(b) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b)), the following lands are hereby designated as wilderness—

(1) certain lands in the Stanislaus National Forest, California, which comprise about one hundred and thirteen thousand acres and which are depicted on a map entitled "Emigrant Wilderness—Proposed", and dated March 1972, which shall be known as the "Emigrant Wilderness";

(2) certain lands in the Cleveland National Forest, California, which comprise about sixteen thousand four hundred and ten acres and which are depicted on a map entitled "Agua Tibia Wilderness—Proposed", and dated March 1972, which shall be known as the "Agua Tibia Wilderness";

(3) certain lands in the Mendocino National Forest, California, which comprise about thirty-seven thousand acres and which are depicted on a map entitled "Snow Mountain DeFacto Wilderness Area", and dated June 1971, which shall be known as the "Snow Mountain Wilderness";

(4) certain lands in the Sierra and Inyo National Forests, California, which comprise about fifty thousand five hundred acres and which are depicted on a map entitled "Proposed Minarets Summit Wilderness", and dated February 1971, which shall be known as the "San Joaquin Wilderness";

(5) certain lands in the Sequoia and Inyo National Forests, California, which comprise about two hundred and sixty thousand acres and which are depicted on a map entitled "Golden Trout Wilderness—Proposed", and dated December 1971, which shall be known as the "Golden Trout Wilderness";

(6) certain lands in the Siskiyou, Six Rivers, and Klamath National Forests, California, which comprise about one hundred and fifty-three thousand acres and which are depicted on a map entitled "Siskiyou Wilderness—Proposed", and dated January 1971, which shall be known as the "Siskiyou Wilderness";

(7) certain lands in the Tahoe National Forest, California, which comprise about thirty-six thousand acres and which are depicted on a map entitled "Granite Chief Wilderness—Proposed", and dated March 1970, which shall be known as the "Granite Chief Wilderness";

(8) certain lands in the Angeles and San Bernardino National Forests, California, which comprise about sixty thousand acres and which are depicted on a map entitled "Sheep Mountain Wilderness—Proposed", and dated November 1971, which shall be known as the "Sheep Mountain Wilderness"; and

(9) certain lands in the Los Padres National Forest, California, which comprise about twenty-one thousand five hundred acres and which are depicted on a map entitled "Lopez Canyon Wilderness—Proposed", and dated December 1971, which shall be known as the "Lopez Canyon Wilderness".

SEC. 5. As soon as practicable after this Act takes effect, a map and a legal description of each wilderness area shall be filed with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 6. Wilderness Areas designated by this Act shall be administered by the Secretary of Agriculture or the Secretary of Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this

Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

BATTLE FOR THE EAGLES NEST: THE FOREST SERVICE VERSUS THE PEOPLE

The people spoke. But the Government has deliberately ignored them.

For several years, that has been the story of the embattled Eagles Nest Wilderness just north of Vail in central Colorado. And now the final showdown for this magnificent area of ragged peaks, gentle forested valleys and clear mountain streams in fast approaching.

Already introduced in Congress, a bill is now afoot which would slice more than 37,000 acres from the available Wilderness. If the proposal passes as is, the sincere efforts of literally thousands of citizens will have been wasted.

The people will be given a rock pile instead of a rich, diverse Wilderness area—one that includes everything from sawtooth 13,000-foot peaks to rich, rolling forests of spruce, pine and aspen. For the current Senate bill asks protection for only 88,000 acres of the more lofty and rocky crags of the forbidding Gore Range. The forested glades below will remain vulnerable to a relentless and inevitable invasion by road builders, loggers and developers.

The story is one of repetitive, frustrating citizen effort. Using every democratic means available to them—meetings, hearings, letter writing campaigns, careful field studies, lawsuits, petitions and conferences—the recreational public has fought to persuade the US Forest Service to endorse a full 125,000-acre Eagles Nest Wilderness. But the bureaucrats responded to the people as if they were either pests or ignoramuses, or both. Instead of attending to the expressed will of the citizenry, the Forest Service yielded only a little—just enough to hope they will look good, but not enough to really do good.

Were the proposed Eagles Nest Wilderness located elsewhere, the whole situation might be different. But the march of progress through Colorado has given this area a significance that is unmatched elsewhere in the entire U.S.

Running around the eastern tip and along the southern edge of the area is Interstate Highway 70, which annually funnels millions of travelers past the base of Eagles Nest. No other major auto route in the nation is so close to a potential Wilderness.

Furthermore, with this year's completion of the I–70 Straight Creek Tunnel under Loveland Pass, Eagles Nest will be only 65 miles by freeway from Denver's 1.5 million residents. This in itself is a rarity; no other designated Wilderness in the U.S. is so close to a major urban center.

It's small wonder that a growing number of campers, hikers, backpackers and climbers are enjoying the Eagles Nest area. The Forest Service's own figures indicate an incredible 522% increase just since 1964, and there is every indication this trend will continue. Mountaineering schools, the youth-oriented Outward Bound program and national conservation groups all conduct regular summer trips into the area.

The geography of Eagles Nest alone warrants every bit of this attention. Nowhere in Colorado is there a more concentrated area of bold, ragged ridges and peaks—crammed and jumbled together with awesome intensity. High points are Mount Powell and Eagles Nest Peak, both towering well above 13,000 feet. The latter peak draws its name from the unusual number of majestic Golden Eagles nesting in the immediate area. This fierce crest of mountains is known as the Gore Range; it spurs off the Continental Divide for 70 miles between Rabbit Ears Pass on the north and the Dillon Reservoir on the south.

But the dramatic chain of razored pinnacles is far from the only attraction in the Eagles Nest area. In many places, the slopes drop sharply off the heights, and then—just as suddenly—taper off into a gentle, rolling blend of forest and meadow. Clear, jewel-like lakes (over 50 of them in all) are nestled in the intimate valleys; sparkling streams flow from these headwaters—and, like the lakes, many of them hold abundant pan-sized trout.

The lower elevations are also vital to the area's wildlife population; deer, elk, bighorn sheep and even mountain goats all survive through the winter in this gentler country. And finally, a network of foot trails in this primitive green belt are favored by many family hikers and campers—those who love the serenity of wilderness, but are unable to climb the lofty peaks. It is this peaceful, lower country that the Forest Service wishes to chop out of the Eagles Nest Wilderness.

Hints of this plan appeared in the summer of 1968, when a special interest group began courting the Forest Service for a large chunk of land at the northern end of Eagles Nest. Acting under its own "management prerogatives," the Service had quietly laid plans for cutting down a majestic forest in the gentle East Meadow Creek Area about 14 miles northwest of Vail.

The blueprint called for felling trees right up to the very boundary of the existing Primitive Area. Though the actual cutting and the road building would be outside of the boundary, it was obvious that no Wilderness enlargement could ever be made once the lumbermen had torn up the adjoining landscape. Furthermore, many people believed that the East Meadow Creek area was precisely the kind of wild, forested country that should be included in the official Wilderness—in addition to the rocky heights at higher elevations.

These last sympathies were those of a group of concerned Vail residents who united under the banner of Eagles Nest Wilderness Committee. Numbering about 50, the group had explored the existing Primitive Area and adjacent lands. A proposal for an enlarged Wilderness had been drawn up, and now suddenly a timber sale was imminent in one of the prime lower valleys.

Members of the Committee reacted swiftly and began working their way up the Forest Service chain of command. Long and sometimes tense meetings were held with District Ranger Donald Price, then with Forest Supervisor James Folkstead and finally with former Regional Forester David Nordwall. As a result, the timber sale was reduced in size, and a buffer zone established around the existing Primitive Area. But the concession still meant that 357 acres would be cut in six different patches; East Meadow Creek would still be torn apart.

Further discussion produced no new action; the Forest Service auctioned off the timber; Kaibab Lumber Company in the nearby town of Eagle planned to cut it, and the conservationists went to court. The famous East Meadow Creek Case was the result.

From the very start, the citizen plaintiffs (the Sierra Club, The Wilderness Society, Colorado Magazine, the Town of Vail and a scattering of private parties) had a simple, direct case: the Wilderness Act of 1964 states that the President and Congress alone can decide what areas may be designated as Wilderness. By allowing timber cutting in East Meadow Creek, the Forest Service was seizing authority it did not have.

After some lengthy preliminaries, the case went to court in late 1969. By this time, national lumber interests had joined in support of the Forest Service, and no less than four top timber industry lawyers arrived in Denver for the trial. From the very beginning, few of the conservationists expected a victory. District Judge William E. Doyle didn't encourage them when he said, "You have a pretty skinny basis at best."

But the Judge also insisted on hearing the case all the way through. One by one Government motions to dismiss the case were denied. And finally, in early 1970, Judge Doyle decided in favor of the people. No timber cutting until the East Meadow Creek area had been properly considered for Wilderness classification. Incredibly, throughout the testimony the Forest Service itself had fought tooth and nail against the taxpayers for whom they are working.

It was a landmark victory, and obviously one which the Forest Service and the timber barons did not like to lose. An appeal was soon filed. But before the case could be heard in a higher court, the Forest Service tried to physically sabotage the wild quality of the East Meadow Creek area.

During the lengthy trial, a dirt road built in the early 1950s for insect control had been a source of major controversy. Known as the "bug road," the narrow track was overgrown and blocked by wind-felled trees—now impassable and in many places invisible. Nature was rapidly reclaiming her own. But the Government and timber interests repeatedly argued that the man-made blemish disqualified East Meadow Creek from Wilderness classification.

When the court rejected this line of reasoning, the Forest Service apparently decided to strengthen their point. Though Judge Doyle's restraining order strictly forbade all timber cutting, in the early fall of 1970 a crew was hustled into the "bug road" with chain saws. Trees that had fallen across the track were cut away, and a broad swath was cleared for regular four-wheel-drive vehicles. The apparent hope was that deer and elk hunters would destroy its wilderness quality. The Forest Service avoided a contempt citation only by claiming that the work was routine "trail maintenance"—but the damage had been done.

Fortunately, this action, other than casting a more unfavorable light on the integrity of the Forest Service, had little effect on the final outcome of the case. On October 1, 1971, the three-judge Circuit Court of Appeals also ruled in favor of the citizens. Still not deterred, the Government and lumber industry pressed on to the US Supreme Court, trying to get Judge Doyle's decision overturned. But that hope died in March, 1972 with a brief formletter notation from Washington.

"The petitions [of the Government and the timber industry] . . . are denied," it read. The nation's highest court would honor the previous rulings.

Sierra Club lawyer H. Anthony Ruckel, who argued the citizens' case, estimates that it cost the people $50,000 to do the job, plus countless hours of unpaid volunteer research. All this time and money had been spent to make the Forest Service just listen to the people—the same people who fund that agency with their taxes.

Significant as it is, the East Meadow Creek Case was only a preliminary skirmish—a prelude to the final struggle that soon will erupt in Washington. Now the ultimate decisions on wilderness protection for Eagles Nest are soon to be made.

Unfortunately, however, not one Senator or Representative in Congress will have either adequate or honest information on which to base his vote. For once again, the will of the people has been ignored by the US Forest Service. Here is how it happened:

According to the Wilderness Act of 1964, special public hearings must be held for every area that is officially added to the national system of wild preserves. These hearings are for gathering information about the area in question—and any kind of public input is welcomed. Furthermore, the law specifically states that "any views submitted" during such hearings "shall be included with any recommendations to the President and to Congress . . ." It is a direct, democratic means for the people to speak to their elected representatives.

So, in October, 1970, the U.S. Forest Service scheduled an Eagles Nest hearing in the little village of Frisco at the eastern tip of the proposed area. No other sessions were planned even though the conservationists asked the Forest Service to hold additional hearings in Denver. Urban residents, they explained, would be the greatest users of the Eagles Nest Wilderness, and few of them could get off several days to be present at Frisco. But the Government balked and argued that it was too late to arrange for a longer hearing. However, it was implicit that the Service really did not want the people of the Denver area to have their say about Eagles Nest.

Citizen pressure continued to mount anyway, and finally a behind-closed-doors deal was arranged. The federal agency agreed to hold additional hearings in Denver in exchange for a 48-hour moratorium on attacks by conservation groups. For one of the rare times in the history of the Wilderness Act, public hearings took place in a major urban center where the majority of the users actually lived.

Public response was heavy. On October 8 and 9 in the little town of Frisco, several hundred people wedged into the Summit County High School auditorium—and 121 of these testified. After a weekend recess, the action moved to the Denver Federal Center and an even larger crowd. Press coverage throughout Colorado was heavy, and both Denver newspapers carried strong editorials in support of the citizens' request for a 125,000-acre Wilderness.

Once the hearings were over, mail on Eagles Nest continued to flood the Forest Service regional office in Denver. Obviously, public interest was unprecedented; when the hearing record closed in November, a total of 21,432 individuals, organizations, towns, businesses and government agencies had submitted statements.

According to Bob Rowan, Branch Chief in Special Areas for the USFS in Washington, "The response far exceeds any wilderness hearings we've had to date. It is a fact that it is four or five times the size of any other hearing we've had."

Two different proposals were the main consideration. Speaking for the Forest Service was Regional Forester William J. Lucas; he carefully outlined his agency's recommendation for a 72,000-acre Eagles Nest Wilderness. Speaking for the citizens was William B. Mounsey, professional guide and consultant to the nationally prominent Wilderness Society. He spelled out the recommendation by the citizen organizations for a 125,000-acre Wilderness. Periodically as he read his statement, the crowd at Frisco broke into spontaneous applause—and afterwards numerous other witnesses supported his plan for a bigger area.

There was also prominent weight among this latter group. Two US Representatives, the Governor and Lieutenant Governor of Colorado, 2 candidates for Congress, 8 Colorado Senators, 10 Colorado Representatives, the Mayor of Denver and such nationally prominent figures as former US Interior Secretary Stewart Udall and Assistant Secretary of State Charles Meyer, all supported an enlarged Wilderness. In addition, the Colorado Division of Game, Fish and Parks recommended an almost identically large acreage in a carefully drawn 4,000-word report.

However, a hint that this overwhelming position by the citizens might be callously neglected came on the opening morning of the controversial Denver hearings. That day, a Boulder, Colorado man identified as Charles R. Batten signed up to testify—presenting himself as spokesman for a group named The Gore Range for People Committee. In the hearing anteroom, he conferred briefly with Regional Wilderness Chief G. E. Weidenhaft, and shortly thereafter he was one of the very first called to the stand to present his public statement.

It seemed a minor breach of hearing protocol: government officials are usually accorded the respect of first testimony—before citizens present their views. But when Batten began to speak, it became apparent that he had been allowed to testify early for specific propaganda reasons.

The Gore Range for People Committee which Batten represented turned out to be a front—not a true citizens' group as might be suspected from the name, but instead a mask for a timber industry lobbyist and lumber consultant. Batten is registered with the Timber Management Office of the Forest Service, and his clients include the Edward Hines Lumber Company, the Forest Products Treating Company and the Federal Timber Purchasers Association. The Gore Range for People Committee was a letterhead group that existed in name only.

Batten's testimony was a straight pitch for the timber industry, and its interest in the cuttable trees of the gentle, forested valleys along the edges of the Gore Range. He recommended complete declassification of the entire Eagles Nest area—with no Wilderness anywhere.

Batten's statement brought scattered boos and hisses from the generally courteous audience, and afterwards there was considerable discussion of the Government's willingness to help perpetrate what many people believed to be an out-and-out fraud.

As it has turned out, this small show of favoritism was just the tip of the iceberg. For ever since the close of the hearings, the Forest Service has tried to downgrade and deny the predominant citizen interest in a 125,000-acre Eagles Nest Wilderness.

Such was the tenor of the official Forest Service report released in April, 1971 which was entitled, "Analysis Of Public Response To The Eagles Nest Wilderness Proposal." The document was supposed to be a neutral, statistical review of the events at Frisco and Denver, and of the mail response.

To be sure, some factual evidence was presented. Buried in the report were summaries of the testimony—and they showed an overwhelming vote for the 125,000-acre Wilderness. A total of 72.8% wanted an enlarged area, while a mere 22.8% sided with the smaller Forest Service recommendation.

However, these numbers were substantially ignored. Allen Lamb, Assistant Director of Recreation for the USFS in Washington explained, "Now you see, numbers are not what we count. We are interested in the content and substance of the response. We don't look at it as a voting situation. Numbers are not meaningful as far as we use them."

But it appears that the Forest Service was in fact disturbed by the strong citizen opposition to their proposal. And so even the required analysis of the public's input was slanted. Glaring omissions, plus a persistent bias against the 125,000-acre plan, are immediately evident.

Noticeably missing from the list of citizen groups supporting an enlarged Eagles Nest were names of 22 conservation groups, although spokesmen for all of them testified in person at the hearings. In addition, a bias against the very concept of Wilderness itself crept into the analysis.

Perhaps the most slanted statement is the identification of citizen groups in the report as "special-interest groups who have proposed much larger withdrawals of public land." I's hard to say just what such a reference actually means, though the negative implication is clear. Could it be the withdrawal of land from timbering and mining? Withdrawal from road building? Withdrawal from active management by the Forest Service? Whatever the case, the statement dramatically contradicts the true spirit of the Wilderness Act—passed in 1964 to preserve the land and honor the forces of nature that work there.

In the summer of 1971, the Forest Service completed a formal recommendation for Eagles Nest, and included the biased hearing analysis in it. Because of the strong citizen reaction, the finished proposal added some 16,000 acres to the Government agency's original 72,000-acre plan—but the total still fell far short of the much larger area requested by the citizens. All of the ommissions lay in the vital forested greenbelt that borders the high, ragged ridges of the Gore Range.

Thumbing through the 173-page document is a lesson in effective propaganda. The overall impression is that the Forest Service is doing the American public a great service by proposing any Wilderness. However, there is also the strong suggestion that this is not a sound move.

Early in the document are four pages of comparison between Wilderness and non-wilderness alternatives—and their probable effect on Eagles Nest

Most of the Wilderness descriptions are strongly negative in attitude:

"This area would be managed without comfort or convenience facilities to provide continuing challenges and opportunities for users to test their outdoor skills."

In contrast, most of the non-wilderness choices receive a strong, positive thrust. For example, the counter-statement reads:

"Recreation sites could be inventoried for extensive development for motor-based recreationists on the lower elevation lands if economical road access could be provided."

Then there is this Wilderness alternative:

"2,155 acres of no-forested sites which would supoprt timber will depend upon natural regeneration."

Opposite it is this statement:

"Commercial timber sites of suitable quality, within 2,155 acres of deforested land, could be planted."

The general implication of these pages is clear. Wilderness is really not a beneficial condition. It deprives the people of opportunities for mass motorized recreation. It places restrictions on livestock grazing, predator control, water development, mining and scientific research. It prohibits timbering and road construction. And it denies the USFS its traditionally unquestioned autonomy to manage the forest lands as its pleases.

A review of the boundary proposals for Eagles Nest reveals the Forest Service's extreme readiness to exclude as much land as possible from the Wilderness. Colorado Governor John Love has criticized the agency for its "unduly narrow and literal" interpretation of the Wilderness Act, and this is precisely how the USFS has proceeded.

Whenever and wherever a minor man-made feature was found, the surrounding land—often in large, substantial blocks—was denied Wilderness recommendation. Thus the almost invisible "bug road" in the embattled East Meadow Creek area caused exclusion of 7,750 acres. Elsewhere the blemish cited was a crumbling log cabin, a washed out earth-fill dam, a single range fence, an ancient timbercut. In the proposal, these dim vestiges are usually exaggerated to appear as permanent, ugly scars.

But there were also other reasons for excluding land from the Wilderness. Ten areas were considered "unsuitable" because they were "needed for development to meet the recreation in the future." Four were eliminated because they "contain over 80 million board feet of mature, operable timber which is needed to maintain a dependent timber industry on a sustained yield basis."

In a clear exercise of circular illogic, the East Meadow Creek area was called unavailable for Wilderness because of the contract with the Kaibab Lumber Company for timber-cutting—despite the court injunction which prohibits any logging until the land is fairly classified.

And, finally, there is the water question—the greatest subterfuge in the entire proposal. This is a relatively straight-forward issue that has been raised to a high degree of confusion by the USFS document. Here are the facts that have been blurred:

Back in July, 1964, the Denver Water Board sought the rights to much of the flow off the slopes of Eagles Nest. At that time, the Board was concerned about meeting the city's future water needs—and the addition of this new supply was welcomed. In the years since, several alternative plans have been blueprinted to collect the water in a series of small reservoirs, and pipe it to Lake Dillon which is now a major source for Denver. All these construction projects are tentative, and none may ever be built. One of them calls for possible development inside the boundaries of the citizens' 125,000-acre proposal. That is how the water question actually stands today.

However, in the Forest Service proposal for Eagles Nest, an entirely different impression is created. The still tentative Water Board plans are made to seem definite. Then they are used as reasons for excluding large acreages from the Wilderness. This logic alone accounts for the elimination of areas along 17 creeks that flow east from the Gore Range, plus nine more streams and the Piney River on the west. Included in this mass exclusion is the scenic, 50-mile-long Gore Range Trail—one of the most unique hiking paths in the entire Rockies.

In all this, however, an extremely critical fact is deliberately overlooked. In the Wilderness Act of 1964, there is a carefully worded section which states that it is perfectly legal to have water developments *inside* a Wilderness. It is one of several well-defined exceptions in the Act, and there is no mistaking it.

So in truth, water development in itself is absolutely not a valid reason for excluding any land from Eagles Nest.

Why then has the Forest Service made such an issue of the possible Denver Water Board development? Why have they woven this fabricated excuse into the very substance of their proposal—raising the matter at least eight different times. And why did the official report omit the explanatory statement of Denver Water Manager James Ogilvie when his words would have clarified the situation once and for all?

The answer may well lie with one of the Forest Service's favorite bedfellows, the timber industry. Certainly the Government joined with the lumbermen to fight the East Meadow Creek Case with the fullest tenacity all the way to the US Supreme Court. Certainly, also, much of the land spuriously excluded because of the water ruse is covered with easily cuttable trees.

Suspicions such as these are not hard to come by. And when coupled with the many other biases in the Eagles Nest report, they raise a battery of basic questions about the way the Forest Service is doing its job.

In short, what is wrong with the agency? Is their bureaucratic tradition of catering to the commercial interests too long standing, too deep? Are they angered by—even vindictive toward—the recent surge of citizen interest in the future of the public lands? Is there a built-in resistance to Wilderness because it deprives foresters of an active role in managing nature?

Whatever the case, there's little question that this giant agency is now gravely out of touch with what is now its most vital, concerned and active constituency: the common citizens of America. The taxpaying public they are paid to serve.

Meanwhile, the Eagles Nest Wilderness is on the block. The Forest Service has pushed its proposal first to the President and now to Congress—ignoring and downgrading the will of the people all the way.

But the war is not lost; it has just become more difficult to win.

Recently Regional Forester Lucas was questioned about the pervasive bias against the citizens in his office's report.

His answer was, "If the people want to be heard, let them go to Washington and testify before Congress. The hearings there will be their chance."

Before the Eagles Nest Wilderness becomes law, another set of public hearings will be scheduled before the proper committees in both the House and the Senate. But for the citizens who want to preserve all 125,000 acres of virtually untouched glory for future generations, it means starting all over again.

And it means starting all over 2,000 miles from the scene of the first battle where they miraculously overpowered the enemy—and lost.

HOW THE FOREST SERVICE LIED TO THE PRESIDENT

In the long, complex process of lawfully creating a Wilderness area, no single document is more important than the formal Proposal prepared by the US Forest Service. It is submitted directly to the President; he in turn requests Congress to act.

If the recommendation is inaccurate or deceptive, the President has no way of knowing. In accord with the rules of practical government, he must implicitly count on the competence and honesty of his administrative agencies.

The Forest Service Proposal for the Eagles Nest Wilderness in central Colorado is misleading and untruthful. But, the President has accepted the recommendation at face value, and a bill has already been introduced in the Senate which could make it law.

Specifically, the Forest Service recommendation has been slanted against the citizens' request for an enlarged 125,000-acre Eagles Nest Wilderness. The official Government report has deliberately downgraded or ignored the people's expressed point of view.

Nowhere is this bias more evident than in the analysis of the 1970 public hearings on Eagles Nest held by the Forest Service to gather information on which to base their recommendation. For example:

The identity of 22 organizations who opposed the Forest Service proposal was left out of the report. Among those groups not mentioned as endorsing the larger 125,00 acre Wilderness are: The Wilderness Society (70,000 members); Colorado Open Space Council (spokesman for 47 state conservation groups with 30,000 members); the nationally prominent Friends of the Earth (15,000 members); the energetic Denver Audubon Society; four divisions of the Sierra Club; the Wyoming Outdoor Coordinating Council (speaking for 19 major groups in that state), and 13 other conservation groups.

The 4,000-word proposal by the Colorado Division of Game, Fish and Parks for an enlarged Wilderness was reduced to just 12 lines.

The two-page statement by Colorado Governor John Love was briefly summarized to make it appear that he had serious reservations about a bigger Wilderness area. But, in fact, the Governor officially supported the larger 125,000-acre proposal, saying, "I believe that we have a responsibility to the entire nation to safeguard and protect as much as possible of our wilderness area for not only our own enjoyment and well being, but for those of generations yet to come.

Neutral statements by four major Federal agencies were misrepresented as specifically favoring the smaller 72,000-acre recommendation of the Forest Service.

When the Forest Service invited statements on their proposal from government officials and private groups, they withheld any mention of other alternatives. Favorable responses to this one-sided request were then tabulated as supporting the Forest Service.

The famous Eastern-based Appalachian Mountain Club praised the minimum 72,000-acre plan, but explicitly asked for consideration of a much larger area. The USFS reported this response as support for their smaller proposal.

No statement by a conservationist is quoted, yet 72.8% of the response favored the larger Wilderness designation. The devious Forest Service document identifies those commercial associations and private businesses who supported the federal agency's position as "Citizens Groups," but lay organizations who disagreed with the Forest Service are referred to as "special-interest groups."

Finally, the USFS has repeatedly stated throughout their recommendation to the President that certain land suitable for Wilderness classification is "not available" for Eagles Nest because of possible interest to the Denver Water Board. But since the 1964 Wilderness Act says water resources can be developed inside a Wilderness area anyway, the Forest Service has not even told the truth about how much Wilderness acreage is really available.

By Mr. BROOKE (for himself and Mr. Kennedy):

S. 3619. A bill to provide for the establishment of an urban national park known as the Lowell Historic Canal District National Cultural Park in the city of Lowell, Mass., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

LOWELL CULTURAL PARK

Mr. BROOKE. Mr. President, I am introducing today with Senator Kennedy a bill to provide for the establishment of the Lowell Historic Canal District National Cultural Park. The creation of this urban national park in Lowell, Mass., would represent an innovative means of grappling with the problems not uncommon to cities which have a rich historical tradition, but a declining industrial base.

An identical bill was introduced in the House by former Representative F. Bradford Morse and has been cosponsored by each of the Representatives in the Massachusetts delegation. Representative Morse conducted a thorough study before submitting this proposal, working closely with Lowell community leaders. These efforts were undertaken at a time when he knew that he would soon be leaving the Congress to become the Undersecretary General of the United Nations. The energy which he devoted to this project is evidence of the deep concern and commitment which Congressman Morse had to the Fifth Congressional District which he served so well for 12 years.

This legislation proposes that the historic mill section of Lowell be included within the national park system. For more than two centuries the mill region of Lowell has attracted individuals of disparate cultural background, and has formed a community with strong economic and social fiber. The industrial section of the city is tied together by more than 5 miles of canals, locks, and gatehouses that once powered the most productive textile mills in the United States.

Regrettably, however, many of these structures have deteriorated as the mills have closed and the economy of the area has changed. Lowell, as a result, is grappling with the difficult task of constructing a new economic and cultural base from the remains of the past.

This bill to establish a National Cultural Park represents a creative approach to the revival of the Lowell economy which builds on, rather than disturbing, its rich tradition. The program includes proposals for the restoration and beautification of the canal system; the reactivation of one of the mills, complete with 18th century looms; technological exhibits and museums; and the recreation of any early settlement and/or Indian village.

Under the Interior Department's new program to bring parks "closer to the people," the National Park Service has announced criteria for the preservation of national cultural sites and ways of life. The proposed parks are judged on factors such as the significance of the park to the heritage of the United States, as well as the site's suitability to the preservation and interpretation of American history. An important element of the criteria is that it involves no undue intrusion or disruption to the city.

I firmly believe that the plan for the Lowell cultural park fully meets these criteria, and would provide an exciting opportunity to develop an urban national park.

I ask unanimous consent that an editorial from the Lowell Sun, supporting the proposal, be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

National Park Plan Has Far-Reaching Effect

At long last, a move has been made to memorialize Lowell's primary role in the industrial revolution that put America on the road to the industrial leadership of the world.

Rep. F. Bradford Morse, who is leaving Congress within the week to accept a high office in the United Nations, has launched a drive to have, with federal support, Lowell's famous canals and its equally famous mills, with adjacent areas, established and developed as an urban cultural park. He has asked for $20,000,000 for financing the work needed to bring about this development as outlined by Lowell Model City Administrator Patrick Mogan.

The plan proposed by Rep. Morse and Mr. Mogan is one of the most far-reaching of its kind ever broached in this part of the country.

It is a particularly worthy plan, for even though a few small mills had been started before Lowell's establishment, nothing of its kind—the transition from farmland to a complete textile complex—had been attempted in our country.

The plan would save for posterity the canals that won us the title of "the Venice of America" and the water-powered textile mills which made Lowell known far and wide as "The Spindle City".

Unless something of this kind is done and done soon, much that should be kept will be lost to posterity.

Approval of Rep. Morse's measure is too important to Lowell to permit it to be sidetracked, for it would provide funds to restore the canals and some of the old mill buildings, to landscape the areas, and with the Model Cities program under way in the so-called Acre section of the city, to make Lowell a place of beauty, to put Lowell where it belongs as a tourist attraction and most of all, to make Lowell a better city in which to live.

Many people of Lowell today have grown up without any serious thought as to the meaning of the elaborate canal system which laces the city. The canals were here and so were the mills when they were born and to many, there is nothing extraordinary about these canals and these mills, and the filling of a canal or razing of a mill building rouses no interest.

They do not stop to read about Lowell, to consider its history, to ponder over the gargantuan task involved in the digging of the canals, the controlling of the powerful Merrimack River, or of the effect on the industrial growth of America resulting from what was accomplished here. In fact, too little is taught in Lowell schools about the city and its history, so nothing causes modern residents to show much interest in its history.

It was a group of Boston capitalists who decided to go all-out and build an industrial city. Men such as Francis Cabot Lowell, Nathan Appleton, Patrick Jackson, Ezra Worthen and Paul Moody saw fortune ahead for them if they could establish a cotton spinning and weaving establishment in Lowell and put an end to reliance on England which then held a corner on manufacturing of cotton cloth so greatly desired for dressing the people of America who then had to rely on coarse hand-spun and woven materials for clothing or pay Britain any price it wished to charge for the more popular cotton.

They had had surveys made of many of the streams considered to be near enough to Boston to expedite handling of supplies and eventual shipping of goods and which would have enough power to run not just one mill but many such plants.

The Merrimack was familiar to these financiers for they knew it was being used for trade, particularly lumber, and in 1792 they had formed the Proprietors of the Locks and Canals on the Merrimack River and put up the money for a canal to skirt the Pawtucket Falls and the rapids below the falls so that log rafts could float down all the way to Newburyport and the sea.

Through the reports of their engineers they learned just how powerful the Merrimack was, for despite its oft-placid appearance, it built up great power as it flowed down from its source 100 or more miles up in the New Hampshire mountain area.

The Middlesex Canal, linking Chelmsford with the Mystic river near Boston, was planned, and this made it certain that there would be a transportation link between the Boston port and the mills to be constructed here.

With power available and transportation for heavy shipments on the way, the Locks and Canals Corporation set to work to lay out and construct the major canals for power purposes; the Pawtucket canal taking off from the Merrimack at Pawtucket and Walker streets and the Northern canal taking off from the Pawtucket dam which was a heightening of the original falls.

The project was immense, for it encompassed miles of canals and eventually miles, too, of cotton mills.

Today, with the heavy power equipment available, it would be a big project but back in the early days of the 1800's, the only power was the strength of men's muscles—many of the laborers brought here from then-starving Ireland to tackle the task—aided by oxen and draft horses.

The work moved slowly but steadily and, while the canal was being dug, the Merrimack Mill—now the site of the postoffice and where construction now is under way on a huge apartment complex with offices and stores to follow—was being built, timber by timber and brick by brick.

The demand came for more mills, and the smaller canals, branching out from the Pawtucket and the Northern canals, were constructed to provide power.

In 1826, the mill area and much of the land between the Merrimack and Concord rivers gave up its title to the name of East Chelmsford and became the town of Lowell. Just 10 years later the town became a city with the mills providing the substance for a rapidly growing population.

The city expanded swiftly, thriving on full employment, until the Civil War caused an eight-year shutdown as the supply of raw cotton was cut off.

But it revived after the war ended and more mills were built, lining the Merrimack from the Central bridge to the old Aiken street bridge (now the Ouellette bridge), bordering the many canals cut through various sectors to provide more power and lining the Concord river.

Dignitaries came from nearly all civilized nations to view "The Spindle City" in operation, and Lowell became so prominent in the textile trade and its population grew so large that presidents and presidential candidates paid visits here to view the mills and seek votes.

Probably as many as 20,000 or more were employed in these mills and other thousands in the shops and stores to supply the workers with food, fuel and some luxury.

The golden years, with some slowdowns due to nationwide recessions, continued until after the close of World War I when the lure of the South stole our major textile industries away.

Today Lowell is on its way back from the depression of the late 20s and 30s, slowly gaining new industries and keeping a few of the old.

The city is changing day by day. Redevelopment and urban renewal are helping in the change and the face of the city is undergoing a real lift.

We relish this development, but with it we want to retain some of the relics, if you will call them that, of the days of Lowell's glory as The Spindle City.

There is a definite tie-in between the Model Cities program under way in the Acre section of Lowell and the proposal of Rep. Morse for an urban park encompassing the canals and the mills.

Administrator Patrick A. Mogan of the Model Cities program basically is attempting to build pride of the people in their area and in their ethnic backgrounds, pride in the education program and pride in their city and its history.

A National Cultural Park as provided by Rep. Morse's plan not only would help develop pride in the city and its history but would attract people here who have heard of Lowell and its role in the industrial revolution, and as well as tourists anxious to visit places of interest such as Lowell.

As Rep. Morse stated in announcing plans for a cultural park here to be included in the national park system:

"Lowell is eminently qualified for such inclusion. Established nearly a century and a half ago this historic New England city was the first in America planned entirely for industry. Its more than 5 miles of canals and locks which once powered the country's finest textile mills today form a perfect unifying framework for a cultural park.

"By designating such a park in an urban area, we are also taking a major step forward in the widely-endorsed and important effort to 'bring the parks closer to people,' closer to the cities where most of our people are concentrated. In Lowell, we will bring a national park right into the city, so that, in essence, this legislation will create the nation's first Urban National Park."

"For too long we have ignored the importance of the environment for learning and recreation, especially in urban areas. We often have in our cities vast resources in the form of historical sites and structures which are useful for such endeavors but instead of preserving them we tend to let them deteriorate through disuse or become visually obscured or inaccessible through haphazardly-planned modern development. In Lowell today, for example, the flight of the textile industry and the ensuing, economic decline has left a great deal of its historic infrastructure in disrepair. The Lowell canals, major feats of engineering and the first of their kind in America, dominate the contemporary urban scene without making a really positive contribution. Instead of being centers of cultural opportunity, many of our cities have become cultural wastelands."

We feel sure the Morse plan will receive the enthusiastic support of the people of Lowell, and we hope that the Congress and appropriate authorities in Washington will realize the high desirability of fulfilling it based on its merits.

By Mr. TOWER:

S. 3623. A bill to amend the Agricultural Adjustment Act of 1938, as amended, so as to protect the cotton farm yield of farms on which any crop of cotton is destroyed in any year prior to harvest through no fault of the producer. Referred to the Committee on Agriculture and Forestry.

Mr. TOWER. Mr. President, I am introducing today a bill which should prove to be of valuable assistance to the cotton producers of Texas and the United States. The struggle of today's farmer is very difficult indeed. Farm operations are expensive and the profit margins are small. One of the most important phases of a farm operation is the price-support program. Many producers incorporate price supports into their complete yearly financial structure. These support payments are based upon the production of an individual tract of land, the rate of payment, and the number of acres devoted to a particular crop.

The bill I am introducing provides for the protection of the established yield of cotton on farms. When cotton is destroyed by means other than natural or intended causes, beyond the control of the producer, the yield will be protected. Established yields for cotton are computed on a prior 3-year average of the annually produced lint cotton. Each individual year, therefore, accounts for one-third of the yield, and is used for 3 years in determining the payment yield.

If by accident, beyond the control of a producer, all or part of a cotton crop is lost, the yield, and in turn the price-support payment, can be drastically reduced.

In Texas, the time for planting cotton and the optimum time for spraying brush often come within the same period of weeks. The spray used to kill brush is naturally quite dangerous to new cotton plants. Wind drifts, accidental spraying of neighboring fields, miscalculating spraying equipment, and many other factors beyond the control of an individual producer, can result in the loss of a cotton crop. Loss by natural causes is protected in the present regulations. Passage of this bill will provide the needed protection of yields from other accidental causes. I urge my colleagues to give this measure their careful consideration.

Mr. President, I ask unanimous consent that the text of this measure be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, is amended by adding after section 350 a new section as follows:

"SEC. 350a. (a) Notwithstanding any other provision of law, in any year in which a crop of cotton on the farm is destroyed, in whole or in part and before such crop has been harvested, as the result of any act or condition beyond the control of the producer, as determined by the Secretary, the average yield for the farm for such year for the acreage planted to cotton shall, for all purposes, be considered to be the same as the average yield per harvested acre for such year for the county in which such farm is located, adjusted for abnormal weather factors and such other factors as the Secretary determines appropriate.

"(b) Any producer dissatisfied with a decision made by the Secretary under this section with regard to whether or not a cotton crop of such producer was destroyed through no fault of such producer, the portion of such crop that was destroyed, or the yield assigned to the farm in connection with the destroyed crop shall have the same rights of review with respect to any such decision as provided under part I of subtitle C of this title for producers dissatisfied with their farm marketing quotas."

SEC. 2. The amendment made by the first section of this Act shall be effective beginning with the crop of cotton planted for harvest in the calendar year 1972.

By Mr. FULBRIGHT (by request):

S.J. Res. 235. A joint resolution to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President by request, I introduce for appropriate reference a joint resolution providing for membership and participation by the United States in the South Pacific Commission.

The resolution has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this joint resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the joint resolution be printed in the RECORD at this point, together with the letter from the Assistant Secretary to the Vice President dated May 8, 1972, and the accompanying memorandum.

There being no objection, the joint resolution and letter were ordered to be printed in the RECORD, as follows:

S.J. RES. 235

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 403, 80th Congress, as amended (22 U.S.C. 280b), is hereby further amended by striking out "$250,000" and inserting in lieu thereof, "$400,000" in section 3(a).

DEPARTMENT OF STATE,
Washington, D.C., May 8, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I submit herewith a proposed draft of an amendment to Public Law 403, Eightieth Congress, which provides for membership and participation by the United States in the South Pacific Commission.

This amendment would replace the present authorization for appropriations in amounts not exceeding $250,000 per fiscal year by authorization for appropriations in amounts not exceeding $400,000 per fiscal year. It would, thereby, permit the United States to continue to play more effectively its international role in this strategic area of the world.

A detailed description of the Commission's work program and our reasons for proposing this amendment are contained in the enclosed memorandum. The Department of the Interior, which administers the two United States territories within the area of the Commission's operations, as well as the Trust Territory of the Pacific Islands (a United Nations territory assigned under a strategic trust to the United States), concurs in this request.

I hope that the Congress can give favorable consideration to the amendment at its earliest convenience.

A similar communication is being sent to the Speaker of the House.

The Department of State has been advised by the Office of Management and Budget that there is no objection to the submission of this proposal to the Congress for its consideration.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

MEMORANDUM—JUSTIFICATION OF PROPOSED AMENDMENT TO RAISE STATUTORY CEILING ON U.S. CONTRIBUTIONS TO THE SOUTH PACIFIC COMMISSION

The proposed draft of an amendment to Public Law 403, Eightieth Congress, as amended, would increase the authorization for appropriations to an amount not to exceed $400,000 per fiscal year. At the present time, legislation restricts authority to make appropriations to $250,000 annually.

The South Pacific Commission is made up of the Governments of Australia, Fiji, France, Nauru, New Zealand, the United Kingdom, the United States, and Western Samoa. These Governments administer fifteen territories (and three island countries) scattered over an ocean area which encompasses some twelve million square miles of the earth's surface and includes about 3 million persons. Two territories of the United States—American Samoa and Guam—and the Trust Territory of the Pacific Islands (Micronesia) administered by the U.S. under an agreement with the United Nations Security Council, come within the scope of the Commission and participate actively in the Commission's programs.

The role of the South Pacific Commission is purely consultative and advisory; it has no political authority and no responsibility for the administration of any territory. The Commission confines its activities to those outlined in the agreement which established it—namely, the promotion of the economic and social welfare and advancement of the people in the South Pacific region. The work of the Commission is to supplement and assist the territories in defining problems, particularly those common to the Pacific, mobilizing resources from within and from outside the area where it is not otherwise available. The Commission carries out projects of investigation, promotes and conducts technical meetings and training courses, provides advice on a wide variety of subjects, initiates and assists research of practical significance to the region, stimulates contacts and exchanges of experience between the peoples of the region, provides clearinghouse services, produces a range of very successful school books and teachers' manuals, teaches English as a second language, and distributes a series of technical publications dealing with subjects of concern to the Pacific Islands. While the Commission helps individual territories, it is becoming increasingly involved in projects that are regional in scope.

The major part of the funds available annually to the Commission is contributed by the eight participating Governments in the following proportions agreed to in accordance with Article XIV of the Agreement Establishing the South Pacific Commission, as amended: Australia—31%; United States—20%; United Kingdom—16%; New Zealand—16%; France—14%; Western Samoa—1%; and, Fiji—1%. (It should be noted that when the Commission was established in 1947, each of the then six participating governments—Australia, France, the Netherlands, New Zealand, the United Kingdom, and the United States—were assigned assessment proportions on the basis of population, with a minimum of 10% for each participant. At that time the U.S. share was 12½%. In 1962, the Netherlands withdrew from the Commission when it relinquished control over Netherlands New Guinea, and its 15% assessment was divided among the remaining members. The U.S. agreed at that time to accept half of it, or 7½%, because its proportion had not been increased in 1951 when, at our request, the scope of the Commission had been nearly doubled so that the Trust Territory of the Pacific Islands and Guam, both of which are north of the Equator, would be included.)

The total amount required for the Commission's calendar year 1972 program (which was approved at the 1971 meeting of the Commission) amounts to Australian $1,217,000 (the Commission operates in Australian currency), of which A$1,105,380 is the assessment budget and the remainder voluntary contributions of territories. The U.S. share of the assessment budget is A$211,076. Under the rate of exchange that was in effect before recent changes in the world monetary situation, this amounted to US$247,605, well within the ceiling. However, since December 22, 1971, the rate of exchange between the Australian dollar and the United States dollar has changed from A$1.00=US$1.12 to A$1.00=US$1.19, thereby raising the U.S. contribution, based on 20% of the agreed assessed budget, to approximately US$264,000, well in excess of the legislative ceiling. Since the assessment is proportionate, the other countries will have to adjust their contributions to maintain the ratio with the United States.

In order for the U.S. to meet its obligation for 1972, as well as to assist the Commission develop fully the important projects in which it is involved on a continuing basis, and to undertake equally important new projects for which there is a need by the territories, the ceiling should be raised. A ceiling of $400,000 would permit the Commission to continue these long-term projects and to undertake new ones, and at the same time meet the inevitable rise in costs, for the next four to five years.

ECONOMIC DEVELOPMENT

The limited natural resources and the rapid increase in population in the islands of the Pacific makes imperative such economic development as is possible. The Commission's activities in this field in 1972 are concentrated on animal and plant production and protection, as well as demonstration, training and research. Projects include Commission participation, jointly with the United Nations Development Program, in the Rhinoceros Beetle Control Project (this beetle destroys coconut palms, the single most important resource of the great majority of the islands) and the South Pacific Fisheries Development Agency. In addition, there is an important program in rat control (another pest for islands that depend upon copra production), as well as the training of Pacific Islands people in basic economics and business methods, and the introduction of useful commercial crops including tropical pasture grasses and fodder crops.

SOCIAL DEVELOPMENT

Current emphasis, as has been the case for the past several years, of the Commission's programs in the field of social development is on community education, youth work, and language training. Continuing projects include the expansion of the program for teaching English (or French, in territories controlled by France) using textbooks developed by the Commission, and the establishment of youth organizations in urban centers to help in combating juvenile delinquency. The most important project in this field is the Community Education Training Center, located in Fiji, where all aspects of home economics and community leadership have been taught to scores of girls and women from the islands of the region.

HEALTH

The aims of the Commission's health program are to provide medical advice and information, including family planning, to assist in the training of health workers, and to conduct research into regional health problems. Continuing projects include maternal and child health, special training courses and seminars on dental health, and a course on the prevention and care of such endemic diseases as filariasis and Hansen's disease (leprosy).

All of the projects referred to have been formulated in close consultation with the administrations of the territories that will benefit from them. In mid-1971, representatives of the territories and member island states met at Commission headquarters to draw up a three-year program for the Commission. Working with the results of this planning committee, the Commission secretariat developed the program and budget for 1972 that will make the best use possible of its own funds and, wherever possible, to cooperate with other international organizations such as FAO, UNDP, WHO, UNESCO, and UNICEF, in joint programs to avoid the duplication of funds and efforts. The Department of State believes that they are practical in nature and will bring direct benefit to the peoples of the area, including those in territories administered by the United States.

The increase in the ceiling will not result in a sudden or sharp increase in the Commission's budget since unanimous consent of the participating governments is required on decisions involving assessment for the annual budget. The total budget is carefully determined by the member governments in an annual budget session; the individual projects are developed with the advice of territorial delegations and a budgetary figure worked out for each. The member governments have, over the years, demonstrated their responsible concern for the work program and for the economical operation of the Commission. Further, the regular annual review by the Committee on Appropriations of the House and Senate offers the Congress an opportunity to review the work of the Commission and the manner of its expenditure of funds.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2569

At the request of Mr. Williams, the Senator from New Jersey (Mr. Case) was added as a cosponsor of S. 2569, a bill to permit the broadcasting of information on State-run lottery programs via television or radio.

S. 3063

At the request of Mr. Robert C. Byrd (for Mr. Muskie) the Senator from Missouri (Mr. Symington) was added as a cosponsor of S. 3063, a bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies and committees and members thereof.

S. 3070

At the request of Mr. Thurmond, the Senator from Wyoming (Mr. Hansen), and the Senator from Oklahoma (Mr. Harris) were added as cosponsors of S. 3070, a bill to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization and medical care.

S. 3105

At the request of Mr. Stennis, the Senator from Alabama (Mr. Sparkman) was added as a cosponsor of S. 3105, a bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes.

S. 3158

At the request of Mr. Williams, the Senator from Nevada (Mr. Bible) was added as a cosponsor of S. 3158, a bill to establish within the Department of HEW an Office for the Handicapped to coordinate programs for the handicapped.

S. 3262

At the request of Mr. Curtis, the Senator from Arizona (Mr. Fannin) was added as a cosponsor of S. 3262, a bill to amend the Occupational Health Safety Act.

S. 3276

At the request of Mr. Dole, the Senator from Idaho (Mr. Church) was added as a cosponsor of S. 3276, a bill to enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States.

S. 3407

At the request of Mr. Williams, the Senator from Kansas (Mr. Pearson), the Senator from Utah (Mr. Moss), and the Senator from California (Mr. Tunney) were added as cosponsors of S. 3407, the Supplementary Education Services for the Handicapped Act.

S. 3495

At the request of Mr. Dole, the Senator from Hawaii (Mr. Inouye) and the Senator from Colorado (Mr. Allott) were added as cosponsors of S. 3495, a bill to provide reimbursement of extraordinary transportation expenses incurred by certain disabled individuals in the production of their income.

S. 3598

At the request of Mr. Williams, the Senator from Michigan (Mr. Hart) and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of S. 3598, the Retirement Income Security for Employees Act of 1972.

S. 3603

At the request of Mr. Boggs, the Senator from Delaware (Mr. Roth) was added as a cosponsor of S. 3603, a bill to authorize demonstration programs for beach erosion control at certain locations along the shores of Delaware Bay in the State of Delaware.

SENATE JOINT RESOLUTION 73

At the request of Mr. Javits, the Senator from California (Mr. Tunney) was added as a cosponsor of Senate Joint Resolution 73, designating the Week of the Young Child.

SENATE JOINT RESOLUTION 202

At the request of Mr. Williams, the Senator from Nevada (Mr. Bible) and the Senator from South Carolina (Mr. Hollings) were added as cosponsors of Senate Joint Resolution 202, expressing the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States.

SENATE JOINT RESOLUTION 206

At the request of Mr. Mondale, the Senator from Oklahoma (Mr. Harris) and the Senator from Utah (Mr. Moss) were added as cosponsors of Senate Joint Resolution 206, relating to the sudden infant death syndrome.

FOREIGN RELATIONS AUTHORIZATION ACT—AMENDMENT

AMENDMENT NO. 1201

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted an amendment intended to be proposed by him to the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1103

At the request of Mr. Williams, the Senator from Tennessee (Mr. Baker), the Senator from Rhode Island (Mr. Pell), the Senator from Indiana (Mr. Bayh), the Senator from Alaska (Mr. Gravel), the Senator from Massachusetts (Mr. Brooke), and the Senator from Oklahoma (Mr. Harris) were added as cosponsors of Amendment No. 1103, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

NOTICE OF HEARINGS—SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. HRUSKA. Mr. President, I should like to announce that the Subcommittee on Criminal Laws and Procedures will continue its series of hearings on the recommendations of the National Commission on Reform of the Federal Criminal Laws on May 23, 24, and 25, 1972. The hearings on May 23 will be conducted in room 3302, New Senate Office Building, and those on the 24th and 25th will be held in room 2228, New Senate Office Building. The hearings will begin each day at 10 a.m. Additional information can be obtained from the subcommittee staff in room 2204, telephone extensions 5–3281.

ANNOUNCEMENT OF PENSION HEARINGS

Mr. WILLIAMS. Mr. President, I wish to announce that the Subcommittee on Labor will hold hearings on S. 3598 and other pension legislation pending before the subcommittee on June 20, 21, 23, 27, 28, and 29. Those wishing to present their views are invited to contact the Special Counsel for the Subcommittee on Labor, Mario T. Noto, at 225–3656, no later than June 6, 1972.

ADDITIONAL STATEMENTS

STATEMENT OF VICE PRESIDENT AGNEW ON ATTEMPTED ASSASSINATION OF GOV. GEORGE C. WALLACE

Mr. ALLEN. Mr. President, for some days the distinguished President of the Senate, Vice President Spiro T. Agnew has been overseas in the performance of missions for President Nixon, in Japan, Formosa, and Saigon. He was not too busy, though, to be deeply disturbed and concerned over the news of the attempted assassination of Gov. George C. Wallace, of Alabama. His genuine interest in Governor Wallace's health and welfare is greatly appreciated.

Mr. President, I ask unanimous consent that the text of a news release dated May 15, 1972, issued by the Vice President be printed in the Record.

There being no objection, the news release was ordered to be printed in the Record, as follows:

Office of the Vice President,
Washington, D.C., May 15, 1972.

Statement by the Vice President

I am shocked and saddened to learn of the wounding of Governor Wallace. Our concern goes out to the Governor's wife and children at this hour, as well as to the families of others wounded in this brutal assault. We fervently hope for their early recovery.

(Simultaneously released, Tokyo, Japan, and Washington, D.C.)

TAKING NIXON TO TASK

Mr. GOLDWATER. Mr. President, today my purpose in addressing the Senate is not to compliment the President of the United States, which is my usual object—but it is to take him sternly to task for running an unnecessary risk which could prove costly not only to himself and to his family, but to his Nation.

Mr. President, my reference is to a story in the morning newspaper which indicates that Mr. Nixon is going to continue his practice of going into crowds which come to greet him and mingle with them in a fashion which makes it impossible for our very efficient and dedicated Secret Service agents to afford him proper protection.

Mr. President, I have had the experience of putting up with security precautions, of being bedeviled by screwball threats that have caused police a great inconvenience and have many times forced the alternations of well-laid campaign plans, changes in long-planned schedules, and other types of disruptions which were felt necessary because of police judgment. I also know, Mr. President, the great desire to be done with all the fuss; to say to yourself "I'm only one person, and I'm certainly not important enough to have all this fuss made about me." What is more, Mr. President. I come from the West, where men are men and physical bravery is a factor in the judging of a man's makeup. I know the desire to shrug off precautions and even show an element of bravery almost as though we were daring the enemy to do his worst.

But my point, Mr. President, is that during my campaign in 1964 I finally reached the stage where I realized it was not my decision to make—that the lives, the welfare, the energies of thousands of people working in my behalf also were involved.

So, Mr. President, if a man whose chances were as meager as I knew mine to be in 1964 could decide that his safety had an element of importance to others, I certainly believe the President of the United States should think not only of himself but of many others when he discards the protection of the Secret Service men and mingles with friendly crowds. Nobody knows what can lurk in a friendly crowd. Mr. George Wallace found that out to his great distress and to the great distress, I am sure, of every Member of this body when he lowered his security guard for the one small instant it took for a would-be assassin to pump three bullets into him.

Everyone knows that there is no possible way on earth that a man campaigning can be protected 100 percent of the time in 100 percent of the circumstances. But I believe that the odds can be greatly reduced if the men whose lives might be sought would cooperate to the fullest extent with what their advisers and their security people suggest. I am extremely fond of Dick Nixon. I believe in his policy of government, and I believe he is one of the best things that has ever happened to our country. It is for this reason that I feel entitled to offer a word of criticism and advice.

THE NATIONAL RIGHT TO READ EFFORT

Mr. BIBLE. Mr. President, the State of Nevada is actively participating in the National Right to Read Effort to help the 21 million Americans who lack the basic reading skills necessary to daily work and enjoyment.

Every State in our country today is facing a reading crisis. Teachers estimate that 43 percent of the children in elementary school need special help with their reading problems.

I am proud to report that the people of Nevada are meeting this problem.

On April 20 and 21, representing a number of statewide and local voluntary organizations, 68 Nevada citizens met in Reno to participate in a 2-day reading tutor-trainer workshop, scheduled by the National Reading Center of Washington, D.C.

These trained volunteers have now returned to their communities to teach other volunteers how to tutor primary-grade children in reading.

Nevada county school districts involved in planning and participating in the workshop were Carson City, Elko, Clark, Churchill, Lincoln, Nye, White Pine, and Washoe.

Other organizations participating in the workshop included: the Nevada State Department of Education; State and local parent-teacher associations, the Ministerial Association of Las Vegas; the Washoe County Retired Teachers Association; and the General University of Nevada, Reno.

There is no charge to local volunteers for the tutor-training program of the National Reading Center.

An article published in the April 1972, issue of People magazine, the Journal of the National Council of Catholic Laity, describes in some detail the center's nationwide program for training volunteer reading-tutors.

I ask unanimous consent that the article, entitled "What If You Couldn't Read" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

What If You Couldn't Read

(By Beth Joselow)

If you are able to read this paragraph easily, without stopping to sound out a difficult word, you are a functional reader. You probably take for granted your ability to read and to get along in a world increasingly defined by the written word.

In our society, however, millions of children and adults are not functional readers. They do not have the minimal reading skill required in their jobs, in school or in reading essential instructions, signs, warnings, labels, directions or messages which they encounter daily.

A new and significant national movement has been launched in response to our growing awareness of the reading crisis we face in America today. In 1969 the U.S. Commissioner of Education, Dr. James E. Allen, called on the nation to create the Right to Read. Subsequent study and analysis led to the designation of the 1970's as the decade during which every American should be provided the opportunity to have his Right to Read. In the summer of 1970 President Nixon created the National Reading Council, to spearhead the drive to bring the non-school, private sector of our society into the partnership to make the Right to Read available to all.

The Council, which includes 60 distinguished citizens and students, established the National Reading Center as its operating arm in Washington, D.C. Walter W. Straley, vice president of the John Deere Company, is the national chairman. Mrs. Richard M. Nixon is the honorary chairman. Dr. Donald G. Emery, a career educator, is executive director of the Center. Located at 1776 Massachusetts Avenue, N.W., the Center operates on a grant from the U.S. Office of Education.

The primary goal of the National Reading Center is to help people help other people learn to read. The strategy is to increase the total manpower in the nation devoted to helping nonreaders learn to be readers. The plan is to train the thousands of citizens who can help. The need may be as great as 10 million Americans to help by our National bicentennial year, 1976.

Two Louis Harris & Associates surveys commissioned by the National Reading Council in 1970 and 1971 have shown that over 18 million adults (aged 16 and older) are unable to read with understanding, at least 70 percent of the questions on standard application forms such as those for driver's licenses, Medicaid or personal bank loans. They have the same problem with classified ads for jobs, or housing and long distance telephone dialing instructions in the phone book.

These people are unable to and have no desire to read for pleasure. They cannot write to friends or take down telephone messages. They cannot read the news of the day or laugh at the comic strips. They cannot read a new recipe or follow written instructions. They cannot advance on the job if basic reading skill is required. The nonreader finds himself in danger. And the number of nonreaders constitutes a danger to society.

A nonreader must depend on a variety of compensating techniques to get along in his day-to-day activities. Though our political system presumes a literate population, the nonreader must depend exclusively upon radio, television and the advice of friends for decisions on public issues and candidates for elective office. Unable to read, he is less a citizen, a worker, a neighbor. He is a potential welfare burden.

The staff of the Center has already taken action to help nonreaders, through its volunteer reading tutor training program. This program is aimed at preparing adults to tutor primary grade children either in school or elsewhere. Statewide Pilot training programs have been conducted in Iowa, Ohio, and in Washington, D.C. These pilot sessions have helped refine the plan being used this year. Later training plans will prepare volunteer tutors to help adults, school dropouts, migrant workers and other special population groups. The staff of the Center is presently implementing statewide training workshops to be held in 20 states this year. The remaining states will be involved in 1973.

The plan is being implemented as follows:

Statewide organizations such as the Parent-Teacher Association, the American Library Association, the Urban League, Church Women United, or any state organization of citizens can invite National Reading Center Assistance in helping to set up and conduct a volunteer trainers' workshop for their state. With two or more statewide organizations cooperating to sponsor tutor training sessions in their state, the Center assumes an active role in the program. First, a planning meeting is held in the state. Sponsoring organizations will then help assemble 100 trainers from 20 to 30 local communities. A two-day tutor trainers' workshop, using Center materials, will be directed by the NRC staff in a central location in the state. Potential tutor trainers from those communities or organizations which are prepared to sponsor tutor training programs will be taught how to use the Center's tutor training materials.

The tutor trainer is an individual who has had some teaching experience and some knowledge or education related to the teaching of reading. Because the tutor trainers will be working with adult tutors in their home communities, it is preferred that they have some experience with teaching adults.

After completing the two-day workshop, the tutor trainer will return to the home area to train locally recruited volunteers. Groups such as the YMCA, a church, a school, a public library, or a chapter of a service organization may serve as local sponsors, can provide space for training, and may wish to assist in coordination of the program.

"These people cannot write to friends or take down phone messages.

They cannot read the news of the day or laugh at the comic strips.

They cannot read a new recipe or follow written instructions.

The nonreader finds himself in danger.

And the number of nonreaders is a danger to society."

Each trainer is committed to training 100 volunteer tutors. Thereby, 10,000 trained volunteer reading tutors can be created in a state to help primary grade children learn to read better.

Tutor trainees will participate in 12 hours of seminar activity and six to eight hours of practical training experience working with children. The 12 hours of instruction have been developed from ideas inherent in existing tutoring programs. The first hour is devoted to a definition of the role of the tutor. The curriculum then proceeds through such topics as: 1) things to do when the tutor first meets the child; 2) how to plan lessons geared to specific reading skills; 3) how to evaluate the child's performance and 4) how to prepare inexpensive materials which can be used in tutoring sessions.

Each tutor will receive the NRC Tutor's Handbook, which can be used as a reference and aid when he is actually tutoring. The handbook includes sample lessons illustrating teaching procedures for each of 60 reading skills.

Classroom teachers of students in the tutoring program will participate in a three-hour orientation series in the philosophy of training to which the tutor has been exposed. The Center has devised a special Teacher Orientation Handbook. The classroom teacher and program administrator then understand clearly what a tutor can be expected to do and, on the other hand, what the tutor has been advised not to do.

Through the NRC volunteer tutor training program, a teacher's limited time will be supplemented by volunteers in areas where they can help. The old problem of willing but untrained volunteers who sometimes were more of a hindrance than a help will thus be avoided. The classroom teacher will supervise the work of the volunteer tutors, who will provide children in her class with the individualized reading help they need.

The NRC 20-state training workshops will begin in March and continue through the summer. Individuals who wish to participate in the program as tutor trainers or tutors should make contact with local sponsoring organizations or the volunteer coordinators. A list of states and local contacts now meeting with the National Reading Center follows:

STATE CONTACTS

CALIFORNIA

Mrs. Doyle Hoffman, PTA, 930 Georgian St., Los Angeles, Calif. 90015, (213) 620–1100.

COLORADO

Mrs. G. W. Swallow, PTA, State PTA Office, Rm. 221, 1441 Welton, Denver, Colo. 80202, (303) 757–3420.

CONNECTICUT

Mr. A. Lerner, PTA, Hampden-New Haven Cooperative Center, Follow Through Program, 1450 Whitney Avenue, Hampden, Conn. 06517, (203) 288–7926.

DELAWARE

Dr. Stanley P. Weissman, State Superintendent of Reading, Department of Public

Instruction, Dover, Del. 19901, (302) 678-4856.

GEORGIA

Dr. Ira Aaron, University of Georgia, Athens, Ga. 30601, (404) 542-2718.

ILLINOIS

Mr. James W. Bokenkamp, 8223 S. Meade St., Burbank, Ill. 60459, (312) 425-4595.

INDIANA

Dr. James Adams, PTA Headquarters, 2150 North Lafayette Road, Indianapolis, Ind. 46222, (317) 635-1733.

KANSAS

Mrs. A. D. Mayfield, PTA, 3415 West 10th, Wichita, Kans., (316) 943-3810.

LOUISIANA

Mrs. Madelyn Wills, PTA, c/o Safety Council, Parish Government, Lake Charles, La. 70601, (318) 436-3354.

MARYLAND

Mrs. Maureen Lamb, PTA, Box 144, Route 3, Arnold, Md. 21012, (301) 757-3354.

NEW YORK

Mrs. John Vandermasten, PTA, 2854 Beverly Road, Oceanside, N.Y. 11572, (516) 766-1894.

OREGON

Mrs. Vernon Wanless, PTA, 620 Linfield Avenue, McMinnville, Ore., (503) 472-2031.

PENNSYLVANIA

Dr. Donald L. Cleland, 125 Marian Avenue, Glenshaw, Pa. 15116, (412) 486-3321.

TEXAS

Mrs. Jean Harris, PTA, Box 446, Agua Dulce, Tex. 78330, (512) 998-2219.

VERMONT

Mrs. Allen Bent, PTA, R.F.D. No. 1, Roxbury, Vt. 05669, (802) 457-2664.

WASHINGTON

Dr. Lois Roth, Department of Public Instruction, Box 527, Olympia, Wash. 98504, (206) 753-6752.

WISCONSIN

Mrs. Marion Liefer, PTA, 223 N. Baldwin Street, Madison, Wisc. 53703, (608) 256-1312.

No one can really not want to read. If nothing else, man's natural curiosity motivates him to want understanding of the meaning behind the printed symbol. Reading opens up the world, both past and present, as no other key has done. Reading continues to be the key to independent learning—and now it is becoming increasingly necessary for survival. People who have learned our oral code for speaking (largely through family and home-based instruction) have the same potential for acquiring the written code for reading and writing. Even the increasing use of television, radio, electronics, lasers and computers does not remove the need to read. Although life may be made easier for the poor reader by simplified public signs and documents, the need to read will remain. People must have the opportunity to be taught how to read. Everyone has the right to learn to read.

The Right to Read cannot be assured through schools or through teachers alone. There are not enough of either, and the cost of this single route would be prohibitive. Citizens as concerned volunteers, must rise to the challenge. Almost everyone can find two or three hours in a week to help another American learn to read better. It can be done. It is being done. Volunteering is a great tradition of our land. Many groups and organizations already help in this area. Many communities have volunteer action centers which can offer leads for helping.

At least three-fourths of the American people can read. The job is to help the other fourth get their fair chance to a Right to Read now—in this decade. If volunteers (willing to spend up to 20 hours for orientation) do not step forward, other Americans must forfeit their Right to Read. The volunteer tutor can become the avenue to the Right to Read for people who need his help.

ONLY FUNCTIONAL READERS NEED APPLY!

Like every other right, the right to read is achieved by an intelligent militancy which demands concerted responsibility from teachers, paraprofessionals, and volunteers. *People* readers/lovers are probably as shocked as I to learn via Beth Joselow of the eighteen million Americans without minimal reading skills.

Please read and re-read Ms. Joselow's presentation of the National Reading Council's plan to end functional illiteracy. *People* readers who understand the implications to us as Americans and Christians will invest the time required for training and the love required for tutoring to insure the right of primary school children to the acquisition of minimal reading skills. Write the State Contact listed by Ms. Joselow, or the National Reading Council, 1776 Massachusetts Avenue, N.W., 20005, for further information or to enlist!

In the December CAC quarterly we toasted Mrs. Albert Jarvis, Orlando CAC Co-chairman. Mrs. Jarvis was chosen as a *Citationist* by the 1971 Annual Voluntary Awards committee of the National Center for Voluntary Action for her success in introducing the Laubach Literacy Program in her community. The Laubach program is having a significant impact on reducing illiteracy among adults being tutored on a one-to-one basis.

Volunteer service in either program seems an appropriate way to express our gratitude to those teachers, parents, and influences, which secured the right to read for each of us, with the consequent "open sesame" to social, cultural and economic growth. (The house number for the National Reading Center has obvious significance—*vive I'-independence!*)

JOHN CONNALLY—GOOD FOR THE COUNTRY

Mr. BELLMON. Mr. President, John Connally's arrival in Washington sparked a more resolute posture by the Nixon administration in the management of the country's fiscal affairs. During his brief stay here, we have seen a successful wage-price control program put into effect. We have seen the institution of a surcharge on imports leading to international monetary reforms. We have seen a reevaluation of monetary gold prices. And we have seen a restructuring of international trade patterns and voluntary restraints by exporting countries.

There is no question that John Connally has been good for the country, good for the Nixon administration, and good for the Nation's Capital.

During his service as Secretary of the Treasury, John Connally has demonstrated unbounded abilities in government. He leaves behind a legacy of national respect and good will, and I feel confident that when and if the country needs him again, he will return to public service.

CITIZENS FOR NATIONAL DEFENSE MISLEADS CONGRESS AND COUNTRY

Mr. PROXMIRE. Mr. President, last night I released a letter to the executive director of a group called Citizens for National Defense in which I charged that a brochure the group is widely circulating to Congress and the public is "misleading, inaccurate, mistaken, and deceptive."

I wrote to them:

> I do not understand why you would want to downgrade the United States in exactly those areas where our strategic power is overwhelming.

The brochure which was sent to Members of Congress compares the United States and U.S.S.R.'s military strength by portraying a U.S. missile side by side with a Soviet missile. Captioned "military strength" the Soviet missile is more than half again as tall and twice as wide as the U.S. missile and is surrounded by a mushroom cloud 12 to 15 times the area of the U.S. portrayal. The text compares the United States unfavorably to the Sovet Union in the number of missile launchers and megatonnage. The Los Angeles based group intends to launch a major television campaign in which the brochure will be mailed to those responding to the TV campaign.

In my letter I charged:

> Your comparison is based on the number of launchers and megatonnage. There is no accurate way a comparison can be made using only those two items.
>
> You leave out entirely our bomber fleet numbering approximately 512 planes. . . . the fact that many of our weapon launchers are MIRV'd but that the Russians are not, . . . the crucial fact that we have 5,700 offensive force loadings compared with only 2,500 for the Soviet Union , . . . the 3,000 to 4,000 tactical nuclear weapons we have on the periphery of the Soviet Union, . . . the far greater accuracy of our weapons, . . . that our 656 SLBM (submarine launched ballistic missiles) launchers will soon have up to 10 MIRV's warheads each while the 580 Soviet SLBM launchers do not have that capability, . . . that our weapons have both greater sophistication and greater reliability than do the Soviet weapons , . . . that by the 1975-6 period we will have about 9,000 offensive force loadings, . . . that our submarine launched ballistic missiles are invulnerable to Soviet detection, and that our 5,700 offensive force loadings are 14 times the number needed to destroy 30 percent of the Soviet population and 75 percent of her industry.

I concluded by saying:

> Let's keep America Number 1. But let's do it by getting at our weaknesses rather than downgrading our overwhelming strength.

Mr. President, I ask unanimous consent that the text of my letter to James Cawdrey, executive director of the Citizens for National Defense, be printed in the RECORD.

There being no objection, the letter was ordered to be pirnted in the RECORD, as follows:

Mr. JAMES CAWDREY,
Executive Director,
Citizens for National Defense,
Los Angeles, Calif.

DEAR MR. CAWDREY: As one who believes with you that America must be No. 1 in national defense, and who has framed your poster and put it on my wall directly behind my desk, I object to the brochure you say will be sent out to those who respond to your television commercial. That brochure is misleading, inaccurate, mistaken, and deceptive. Furthermore, I do not understand why you would want to downgrade the United States in exactly those areas where our strategic power is overwhelming. Let me be specific.

(1) Your comparison is based on the number of launchers and megatonnage. There is no accurate way a comparison can be made using only these two items. The Secretary of Defense has said so and again only recently.

(2) You leave out entirely our bomber fleet numbering approximately 512 planes as of June 30, 1972. The Russians have no effective intercontinental bomber fleet comparable to ours with only 140 very, very old planes.

Our B–52's can carry an average of 3 bombs up to 20 megatons each or 30,700 megatons (512x60). Even if we use a conservative figure of 10 megatons per plane, your brochure has downgraded our megatonnage by at least 5,120 megatons (512x10).

(3) You leave out entirely the fact that many of our weapon launchers are MIRV'd but that the Russians are not.

(4) You leave out the crucial fact that we have 5,700 offensive force loadings compared with only 2,500 for the Soviet Union and that over the last year alone we have expanded these at a much more rapid pace than the Soviets.

(5) Your calculations overlook the fact the MIRV'ing weapons—which obviously makes our launchers more devastating—actually reduces megatonnage by up to 40%. When the Russians MIRV their intercontinental missiles, many will say that is a major gain. But that fact alone will reduce their megatonnage. Megatonnage is misleading.

(6) You do not count the 3,000 to 4,000 tactical nuclear weapons we have on the periphery of the Soviet Union which can be delivered by air on Soviet targets.

(7) The brochure gives no indication of the far greater accuracy of our weapons. Three 200 kiloton accurate weapons delivered by our MIRV'd Minuteman are far more devastating than one fifteen megaton relatively inaccurate weapon delivered by the Soviet Union. Your experts must know that our military at the highest levels decided, quite correctly, that we should build small, accurate, MIRV'd weapons rather than huge, relatively inaccurate blockbusters. Our strength lies in the fact that we have done this while the Soviets have not even yet been able to duplicate that.

(8) Your calculations leave out the fact that our 656 SLBM launchers will soon have up to 10 MIRV'd warheads each while the 580 Soviet SLBM launchers do not have that capability.

(9) Your comparison completely downplays not only accuracy but also the fact that our weapons have both greater sophistication and greater reliability than do the Soviet weapons.

(10) Your comparison leaves out the fact that by the 1975–6 period we will have about 9,000 offensive force loadings plus the 3,000 to 4,000 tactical weapons on the periphery of the Soviet Union.

(11) Your comparison says nothing about the fact that our submarine launched ballistic missiles are invulnerable to Soviet detection and that the Soviets do not, therefore, have a first strike capability nor is one in the offing. At the same time their submarines are very noisy and much more easily detected than ours.

(12) Your comparison completely overlooks the fact that our 5,700 offensive force loadings are 14 times the number needed to destroy 30 percent of the Russian population and 75 percent of her industry. That is certainly more than enough weapons to deter her from a first strike. That is overkill in spades.

For all of these reasons your brochure and missile comparison, clearly implying that we are behind the Russians is just dead wrong. We are very much ahead of them. We are number one in the nuclear strategic deterrent field.

But even more, why not get at those things where we do need to do better.

(1) The F–14 at $16 m. a copy is a lemon of the first order.

(2) Why do we put big money into highly vulnerable aircraft carriers, their supporting fleets whose main purpose is to protect the vulnerable carrier, and the F–14 lemon to protect the carrier? That is idiotic.

(3) Why are we told to spend up to $20 billion on AWACS to protect against a very outmoded Russian bomber fleet when we, correctly, are not building a heavy defense against ICBM's that travel 30 times the speed of the bombers?

(4) Why should we continue to be plagued with procurement wastes—huge cost overruns, weapons which do not work, and weapons almost never delivered on time?

(5) Why do we continue to have more general officers and high ranking men just below general officer level than we had at the height of World War II?

(6) Why do we have such a huge logistic tail and such few trained combat troops?

(7) Why does the number of civilians in the Department of Defense per 100 fighting men continue to rise? We need more combat ready troops, and fewer bureaucrats.

Let's keep America Number 1. But let's do it by getting at our weaknesses rather than downgrading our overwhelming strength.

With best wishes.

Sincerely,

William Proxmire,
U.S. Senator.

CONGRATULATIONS TO WILLIAM BORTHWICK ON HIS 100th ANNIVERSARY

Mr. FONG. Mr. President, I have the rare privilege of paying my compliments to a very dear friend who will be a centenarian next Monday. On that day, William Borthwick will observe his 100th birthday anniversary in Honolulu with his family, relatives, and friends.

I count Bill Borthwick among those fortunate individuals who not only have attained a ripe old age but also have filled their lifetime with good and worthy deeds. He has been successful both in public life and as a businessman.

Bill was born in Barry, Ill., on May 22, 1872. But he spent most of his life in Hawaii, where he made his home in 1914. He was elected to the Hawaii Territorial House of Representatives and served from 1932 to 1934. He became Hawaii's Tax Commissioner from 1934 to 1950. He founded the Honolulu Savings & Loan Co., which has grown into a large firm, and he was also the president of the Borthwick Mortuary, now operated by his grandson.

While I return to Honolulu this weekend, I hope to be able to extend my personal congratulations to this grand old man.

Although time has dimmed his eyesight, he still retains that sparkling, sprightly spirit of years gone by. A clear mind a witty personality—these qualities he still possesses today.

His friends were legion because he held out a helping hand to those who came to him in need, whether for advice, a job, or a personal favor.

I remember him as a colorful personality in Hawaiian politics. He was a great orator, drawing on his down-to-earth philosophy and a forceful manner of speaking. His store of stories was endless.

As he reaches his milestone anniversary, I join his hosts of admirers and friends in wishing him a glorious "happy birthday."

So to my good friend William Borthwick, as he celebrates his 100th birthday,

> May your blessings be as full as the Eastern Ocean, and your life as everlasting as the Southern hills.

I ask unanimous consent to have printed in the Record the text of a resolution adopted by the Senate of the Sixth Legislature of Hawaii, congratulating William Borthwick on his 100th birthday.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. No. 203

Resolution congratulating William Borthwick on his 100th Birthday

Whereas, William Borthwick was born on May 22, 1872, in Barry, Illinois, and came to Hawaii in 1914; and

Whereas, William Borthwick was prominent in business, establishing Borthwick Mortuary and founding Honolulu Savings & Loan; and

Whereas, William Borthwick was active in politics, being a leader of the Democratic Party in the thirties, a member of the Territorial House of Representatives and Tax Commissioner of the Territory; and

Whereas, William Borthwick was the recipient of the Freedom Medal from the late Syngman Rhee, President of South Korea; and

Whereas, William Borthwick will soon be observing his centennial to mark a long and illustrous life; now, therefore,

Be it resolved by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, that this body extends its warmest congratulations to William Borthwick on the occasion of his 100th birthday; and

Be it further resolved that a certified copy of this Resolution be transmitted to William Borthwick.

THE EMPTY AMERICAN SEAT AT PARIS

Mr. KENNEDY. Mr. President, today, as the regular weekly Thursday meeting of the Paris peace talks once again approaches, we see yet another demonstration of the persistent reluctance of the administration even to take its seat at the peace table, let alone take part in the negotiations. Once more, the Vietcong and the North Vietnamese have stated their intention and desire to be at the Thursday conference. Once more we hear that the United States and South Vietnam will boycott the session. And once more we hear the administration's hollow and paradoxical charge that it is the other side which refuses to negotiate, that the United States will not lend its presence to a propaganda forum for North Vietnam.

Is our own negotiating position so frail that even our very presence at the negotiating table would be an automatic propaganda victory for the other side? How can we possibly justify a situation in which the only empty seat at the peace talks is the American seat? Is not that a far more substantial propaganda victory for the North, a victory all the more distressing because it is so unnecessary, a victory won by default, because the United States declined even to participate in the forum?

Again and again in recent weeks, we have seen this same dismal pattern of boycotting the only forum really capable of bringing peace in Vietnam. Again and again, we have heard claims that America has gone the extra mile in the search for peace in Paris. And yet, again and again, we have seen the headlines that the United States refuses to attend the peace talks.

We have even heard the President boast that one of our recent offers in Paris is the most generous peace offer in the history of warfare. Why, then, are we so reluctant to have our peace offer tested by open and robust discussion in the forum of the peace talks in Paris? If our own proposals are so eminently fair and reasonable and generous, surely they can withstand all the propaganda North Vietnam is capable of generating, and much more besides.

Perhaps as many observers say, the only really fruitful negotiations in Paris are those that take place in the secret sessions. Perhaps, in light of the impending trip to Moscow, it is inconvenient for Dr. Kissinger to be in Paris this week for a further session with Mr. Tho, although it would not seem obviously inconvenient for Dr. Kissinger to pause in Paris and rejoin the President's party in Salzburg, at the stop that has been planned en route to Moscow. Perhaps, as the administration implies, there is no real hope of progress in either the public or private talks at this time.

But we shall never know unless we try. What we do know is that, in the eyes of the American people, and people of nations throughout the world, we are not in fact going the extra mile for peace when our seat in Paris is empty.

To me, the cause of the Paris impasse is clear. The President brands the North Vietnam peace proposal as unacceptable, because, he says, they refuse to consider any settlement that does not guarantee Communist control of South Vietnam. But isn't it equally clear by now that the only peace offer the United States is willing to make is an offer that guarantees the survival of President Thieu in office in South Vietnam?

So long as both sides continue to present these "nonnegotiable" demands, the killing in Indochina will go on. We know there can be no genuine peace settlement until North Vietnam and the Vietcong are willing to accept a legitimate compromise at the conference table. But we also know that there can be no real peace until the United States itself is also willing to accept a compromise that does not necessarily guarantee the political survival of President Thieu.

And so, because of this unconscionable deadlock at the peace talks, the war goes on. After all the killing and violence of recent years in Indochina, after tens of thousands of American lives have been sacrificed, after hundreds of thousands of Vietnamese lives have been lost, after millions of innocent victims have been ravaged by the war, we see how little we have learned from all the death and devastation wrought in Indochina.

While Vice President Agnew stands with President Thieu in his palace in Saigon today, the peace table in Paris will stand abandoned tomorrow. There could be no more clear-cut indictment of our inability to find the road to peace than the juxtaposition of these two dramatic and symbolic events.

I hope that in the days to come, the administration will reconsider its position on the Paris talks, so that no more Thursday sessions will pass without the presence of the United States at the conference table. Only in this way can we demonstrate that the search for peace is truly America's highest goal.

NEED TO REORGANIZE MANPOWER TRAINING PROGRAMS

Mr. BOGGS. Mr. President, the Committee on Labor and Public Welfare currently has pending before it S. 3421, the Community Manpower Training and Employment Act of 1972.

Similarly, the Committee on Education and Labor in the other body has pending before it H.R. 11167, the Employment and Manpower Act of 1972.

As I undertsand it, hearings have been completed by both committees, and the two bills are ready for markup. Members of both committees, I know, have been busy with the conference on the Higher Education Act, on which there were many obvious differences.

However, I would hope that the two committees will be able to act in the near future on this most important manpower training legislation.

The concept of these bills is important. We must take action to reorganize our manpower training programs so that they more efficiently meet the needs of our citizens who need jobs. This legislation would go far toward that goal, I believe.

I need not remind Senators that I also have another great interest in this legislation. That is, that it would provide systematic Federal support for the opportunities industrialization centers. I have in the past offered specific funding legislation for OIC and I have been pleased to see it included in this omnibus legislation.

The opportunities industrialization centers, I believe, are as effective, or more effective, than any manpower program in this country today. And they do their job with minimal Federal assistance.

Mr. President, the founder of OIC, the Rev. Dr. Leon H. Sullivan, recently spoke before the New England Governors Conference. In regard to the manpower legislation now before the committees, Doctor Sullivan said:

> We hope this time this bill does what it is supposed to do in providing manpower services to the American people, and we intend for OIC to be a vital part of the philosophy of the new manpower bill and its enactment.

It would be tragic, I believe, if the 92d Congress passed into history without enacting manpower legislation. It would be equally tragic if this Congress adjourned without providing the opportunities industrialization centers the help they so urgently need to carry on and expand the fine work they have begun.

Mr. President, I ask unanimous consent that Dr. Sullivan's remarks and also a recent column by Nick Thimmesch, of the Los Angeles Times syndicate, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Speech Given by Reverend Leon Sullivan Before the New England Governors' Conference

Something can be done about the plight of the poor, the unemployment and deprivation in the nation. We can help every citizen to become a part of the opportune benefits of America if we set our priorities as a nation to deal with the causes, and attack those causes with order and deliberation and percussion, step by step, we can succeed; remembering that the extent of the "American Will" is the key to success. For the problems of "Forgotten America" cannot be solved by the government alone; nor by the Congress, or by the President, or Governors. They can lead the way, and they should lead the way, because they are the representatives of the people, but in finality the extent of the "Will" of Americans to change conditions and to deal with the causes, is the ultimate answer. It will mean government, industry, unions, church and fraternal groups, and the majority of the people building America together, so that every American, Black and White, can be a first class American citizen, free, independent, and able to stand on his own feet.

Americans are an extraordinary nation. We can do what we want to do if we have the will to do it; and we can, if we try, eradicate the pitable state of so many of our people who live in such depression, in the midst of so much plenty. If America will set ourselves to the task, in time, we can help every citizen who wants to be helped, to stand on his feet like a man. We can do anything we will to do. "If we can put a man on the moon in outer space, we can put a man on his feet in Mississippi."

There are some things that we can do now in this direction; I want to tell you about one of these things: A program called OIC, and ask your support as Governors of the Great New England States in the development of this work.

In this respect I stress the vital importance of training people who are untrained, unemployed, and underemployed to be productive workers, so they will be able to get a job, and hold a job, and become taxpayers, rather than tax consumers. As George Shultz has so rightly said: "The training of the manpower of the country is essential to the economic prosperity of the nation." As I see it, the first basic need for America is education and manpower training. This is particularly true for Blacks. Because as important as making the job available is, the ability to do the job is more important. I believe in integration. It was I who lead the first great boycotts against national companies in the land that discriminated against my people. I know the importance of integration; but, too, I know that: "Integration without preparation, is frustration." Preparation is essential for my people's progress, as well as others.

In my opinion, manpower programs as they have been carried out in the past, have been a national disgrace. Many of these programs in the name of manpower training, have only served to recycle poverty and to perpetuate unemployment. Some of these programs have supported disparagement, becoming havens for drug addicts, alcoholics and neighborhood con artists who have gone from program to program collecting their stipends with no real aim to go further. There is a new Manpower Bill soon to come before the Congress of the United States. We hope this manpower bill does not become a manpower racket. We hope this time this Bill does what it is supposed to do in providing manpower services to the American people, and we intend for OIC to be a vital part of the philosophy of the new Manpower Bill and its enactment.

We do not want manpower programs that will train the unskilled in the lowest paid skills leading to dead-end jobs, designed more than anything else to keep young people off the street, and quiet when summertime comes. We want a manpower bill that assures funds will be used to help people who need and want the training and the jobs, and not used to employ political hacks and to sweeten the patronage pot of mayors and governors. We want a manpower bill that will not play games with the poor anymore. Most of the poor want a "way out" of poverty, a "way out" of unemployment, and a "way out" of the welfare trap. We believe we have found the "way out" in OIC.

OIC is not a government program. It was started in the ghetto itself, in an old abandoned jailhouse in Philadelphia, by the poor themselves, to help them to get out of the mess they were in. Other manpower programs were screening poor people out. OIC was created to screen poor people in. The message of OIC spread through the City of Philadelphia, giving the angry, and the hopeless, a second-last chance. People came from everywhere because they believed the program honestly cared about their needs; and the program worked. It worked for thousands of people who were on relief, and who were unemployed, Black and White, in Philadelphia. Then OIC began to spread like a movement of self-help across the nation until now, OICs are developing in 100 cities in America, training thousands of men and women daily, in scores of different skills, putting them on jobs, and teaching them to realize that: "Genius is color blind and that like a balloon, it is not the color of a man that makes him rise, but what he has inside of him."

OIC has become a program of hope for America—"the Way Out." An unprecedented outpouring of industry has rallied to our side, and it is our aim to mobilize 10,000 businesses across America, in the next two years, to work with us side by side, in solving the manpower problems of the ghettos, the concentrated communities, and rural America. It will be the greatest mobilization of businesses to help the poor in the history of America. By the end of 1973, we want to be training 100,000 people a year with new skills and place them into new jobs, and by the end of the decade, it is our goal to train one million men and women into productive employment; 50,000 of whom will be prepared to be entrepreneurs and managers of their own businesses and enterprises. If we succeed, OIC will add $30 Billion Dollars to the economy of the nation and save Americans $10 Billion Dollars in relief checks. We could begin to stem the tide of welfarism in America.

The need for OIC and other manpower efforts is great. By the year 2000, one-half of all the jobs being performed in America today, will not exist, new jobs will have taken their places. If we do not train men and women for these new jobs, by the year 2000, one out of every four Americans could be on public relief. The relief bill for Blacks alone, will total $50 Billion Dollars by today's cost, and for all America's unemployed and underemployed poor, the costs of welfare could total as much as $200 Billion Dollars. Such a relief load on the country can break the back of the economy, and create conditions unlike anything the nation has ever experienced before.

I am especially concerned about the plight of the Black man in this regard, because if OIC, or other programs like it does not work. by the year 2000, one-half of the Black population will have to be subsidized by the government; and when any such large proportion of any people has to depend upon the government for what it eats, what it wears, where it lives, how many babies they can have, and how much money they will have to spend, then that people is faced with the question of its survival. For any government that has the power to control how you live, is a government that has the power to take your life away. I have seen what government can do in another part of the world to erase a people, and I want to be sure that this will never happen to me.

OIC must work, and can work! Already OIC's have been established in several of your states, and there will be many more OIC centers, with your approval, coming in the future. I want to assure you that OIC will help your state. It will give new hope to your poor and your unemployed it will ease tensions in your streets, it will do away with the racial polarization in your cities.

I am asking therefore, the Governors of the New England States to please support the work of OIC. I am asking the Governors, if you are so disposed, to write the President of the United States to let him know that you are behind the OIC work and want to see this kind of program supported and developed in your states.

Already basic funding for OIC's have been allotted to some of your communities through a bulk funding arrangement with the Department of Labor. You know about this because it has been necessary to secure your approval for these funds to be so distributed. We will want to see ultimately, OIC reaching into every urban and rural section of your commonwealths, until every adult, Black and White, or Indian, or any other citizen, is provided with a productive skill that will lead to gainful employment.

This is the first Governor's Conference I have ever had the privilege to address. I pray that this will be a beginning and, if it could be possible, that I will be able to take the OIC story to Governor's Conferences across America.

New England was the place where America and democracy began. Perhaps we can establish a New England OIC Prototype that will become a new hope for the poor and unemployed and under-employed across the nation.

God used New England to start a Nation; perhaps God can use New England and its Governors to start a new Revolution of Hope across the country.

Thank you so much for listening to me today and permitting me to bring you the story of O.I.C.

Founder of OIC Still Pushes for Funds

(By Nick Thimmesch)

Philadelphia.—The Rev. Leon Sullivan, father of the republic's most successful self-help plan for blacks, believes Americans are backsliding in the effort to give all people "a piece of the action," meaning a share of our economic system.

So he prods President Nixon, pleads with Congress for $100 million to expand his manpower training programs, and wings it at General Motors Corp. where he is the giant firm's first black board member (at $7,200 a year), and occasionally a dissident one at that.

"There's an American backlash," he says, grinning at his own pun. "Whites are asking why put money in all these programs, they're just waste. I didn't anticipate this kind of slide. But movement hasn't waned in the black community. Blacks want this system to work, they want to make a living. Blacks are moving."

Sullivan, 6-foot-5 and with commanding presence, is a boomer, an American enterpriser, a man who belongs in the same gallery with Thomas Edison, Henry Ford, David Sarnoff and other Americans who stoutly believed in self-uplift and panted for hard work. As pastor of Zion Baptist Church in Philadelphia, he started Opportunities Industralization Center, Inc., in 1964 to give black people a better chance to earn the goodies of our free enterprise system.

His recruiters brought in people who hadn't made it in life yet, but wanted a "last first chance." Sullivan's training first concerned itself with building self-respect and motivation through an ingenious "feeder class" (since copied by other programs) where personal development, mathematics, basic use of the language and some black history are taught. Then the student begins training in one of several score skills including electronics, printing, power sawing, commercial cooking, merchandising, teletype, air conditioning, even airport control-tower operations.

Sullivan became a hit in Philadelphia, and his OIC system is now operating in 105 cities, including Anchorage, Alaska. More than 125,000 men and women have been trained by OIC and two-thirds of them are still on the jobs where they were placed. Many have become supervisors, foremen or even executives.

The average income of an OIC graduate has been doubled, and Sullivan estimates that his system has saved taxpayers nearly $100 million in welfare payments. Cost per trainee ranges from $1,200 to $1,800, about half that of other federally funded manpower programs.

OIC now has 20,000 trainees and a staff of 4,000. In rcent testimony before the House Education and Labor Committee, Sullivan asked for federal funding of $100 million to expand his program to 100,000 trainees. He's now recruiting returned Vietnam veterans, ex-convicts, militant blacks and anyone else who hasn't found himself or herself. His programs also service Spanish-speaking, Indians and poor whites. He plans to open centers in Appalachia soon.

"OIC is the best manpower trainer in the world," he says. "By 1980, we could be training one million people a year. It would cost $1 billion, but $30 billion would be put back into the economy. That's not black power, that's American power, green power."

Candidate Richard Nixon visited Sullivan in the 1968 campaign and the two men discovered they shared belief in the "work ethic." Since then Nixon has publicly praised Sullivan, had him into the Oval Office several times, and recommended that OIC's federal funding be increased. It has been, from $18 million in 1969 to $33 million now, but Sullivan still has mixed feelings about the Nixon Administration.

"This Administration," he says judiciously, "has provided us—and others—with more federal funds than previous administrations. Mr. Nixon has the best record of black employment of any Administration before him, and it reaches to all levels. We must give credit where credit is due."

"I can talk to his people, men like Commerce Secretary Peter Peterson who is interested in my Appalachian project. George Shultz (director of the Office of Management and the Budget) is one of the true statesmen in Washington. He knows that development of trained manpower is the measure of a nation's worth.

"But I hope we have a relationship with the Nixon Administration that will be better. Just when we think the President is moving the right way, he slips and slides. He can stand on his hands and twiddle his thumbs, but that doesn't let us know where he is.

"He should let us know that he means business and that he isn't playing games. All we're trying to say is that if a nation can make a massive effort to put a man on his feet on the moon, it can also put a man on his feet in Mississippi."

JEWISH WELFARE BOARD SUPPORTS GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, since the inception of the Treaty for the Prevention and Punishment of Genocide in 1948, millions of people throughout the world have registered their strong support for the declaration. Although the American Government has shamefully neglected to ratify the treaty, a multitude of organizations throughout the Nation have reaffirmed their commitment to human rights and human dignity. These organizations, running the broadest spectrum of religious, political, and socioeconomic backgrounds, have resolutely endorsed the treaty our Government has ignored.

One such group is the National Jewish Welfare Board. I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution on Genocide Convention

The National Jewish Welfare Board reaffirms its support of the Convention on the Prevention and Punishment of the Crime of Genocide.

The Genocide Convention, which is pending before the Senate for advice and consent to ratification, is intended to make genocide—the commission of certain atrocities with the intent to destroy a national, ethnic, racial or religious group—an international crime. The convention was adopted by the United Nations General Assembly in 1948. It was approved by the Senate Committee on Foreign Relations on December 8, 1970, but it was not brought to a vote by the Senate before the adjournment of the 91st Congress. The Senate Committee again recommended ratification on May 4, 1971 and now action by the full Senate is required. On February 16, 1972, the Administration submitted implementing legislation to the Congress and urged the prompt enactment of the Convention.

JWB believes that genocide is of international concern since massive horror anywhere on earth affects everyone and every country. Another compelling reason for supporting the Convention is that the kind of issue comprehended within the defintion of genocide is nearly always associated with threats to or breaches of international peace and security. Historic and current disputes between national, religious, racial or ethnic groups, show how closely ethnic hatred and world peace are tied together.

It is regrettable that the United States Government, having initiated and pioneered in the fight for a genocide treaty in the United Nations more than 20 years ago, is not among the 75 nations that have acceded to the Convention.

The National Jewish Welfare Board urges its affiliated Jewish Community Centers and YM–YWHA's to request their Senators to ratify the Genocide Convention.

The National Jewish Welfare Board joins with many other national organizations in petitioning the Senate of the United States to ratify the Genocide Convention without further delay.

ENVIRONMENTAL IMPACT STATEMENTS

Mr. PACKWOOD. Mr. President, my good friend Larry Williams, executive director, Oregon Environmental Council, recently forwarded to me a copy of a review of environmental impact statements made by region X of the Environmental Protection Agency. Larry was so impressed with the caliber of this work, done principally by Hurlon C. Ray, assistant regional administrator for management, region X, EPA, that he asked my careful attention to it. I agree with Larry. This is a significant report on the progress of NEPA. I ask unanimous consent that both Mr. Williams' letter to me and the report be printed in the Record. I believe the information merits the attention of Congress at a time when NEPA is being attacked on all sides.

There being no objection, the items were ordered to be printed in the Record, as follows:

Oregon Environmental Council,
Portland, Oreg., April 29, 1972.

Hon. Robert Packwood,
U.S. Senate,
Washington, D.C.

Dear Bob: I am sure you will be pleased to see the enclosed report just released by the Environmental Protection Agency entitled "Reviewing Environmental Impact Statements at the Regional Level" prepared by Hurlon Ray, Assistant Regional Administrator for Management.

At a time when many are gearing up to convince Congress to strike down the Environmental Policy Act this report ably documents the important far-reaching, and positive, consequences of this law.

Mr. Ray's appeal to the administrators of our governmental agencies is worth my quoting here: "We are asking that federal, state, county, and city administrators and planners listen to the sound of the times and accept the role of stewardship of our natural and social resources, both in spirit as well as in the letter of the NEPA. It is a massive challenge—to make engineering expertise the means of developing a quality of life. It is a challenge worthy of the highest dedication—it is a challenge which must be met if we are to provide ourselves and our children a livable world.

"Conviction, coordination, integrity, participation, and partnership—there can be no silent partners, no secrets, no deals in this program, and each of us must participate in areas of joint concern to our *fullest capabilities to stop polluting and exploiting activities*. EIS's are consistent, potent, hard-hitting 'federal tool' with the muscle to mobilize behind the punch to insure environmental cleanup and proper land use planning."

We sincerely hope that this report will be carefully read by the members of Congress and the administrators who carry forward the spirit of NEPA before they contemplate any changes in this magnificent law.

Sincerely,

Larry Williams,
Executive Director.

Reviewing Environmental Impact Statements at the Regional Level, Appraisals, Evaluations, Comments After 15 Months With NEPA

(By Hurlon C. Ray, assistant regional administrator for management, U.S. Environmental Protection Agency)

IMPLEMENTATION AND APPRAISAL IN REGION X

Fifteen months have passed since the President signed into law the National Environmental Policy Act of 1969. There appears to be universal agreement on only two aspects of the passage of this legislation. First, that the National Environmental Policy Act is the most significant environmental legislation to come out of Congress; and that the ultimate impact of NEPA has not and can not yet be seen.

Now is an appropriate time to discuss some of the concerns, problems, issues, and opportunities in meeting the challenge of implementing NEPA. It is timely because we have had an opportunity to get our feet wet here in the Northwest, to acquaint ourselves with some major issues of NEPA and to begin supplying answers for some of the unresolved problems. A great awakening is taking place in the Northwest regarding the environmental impacts of Federal and State projects, activities, programs, and proposals because we still have the chance to protect and preserve the generally prevailing good water and air quality.

We have reviewed approximately 250 environmental impact statements to date, and we do not believe that a single EIS on a significant project could be described as totally adequate.

Some major areas of needs for improvement are as follows:

1. Agencies are not fully considering and applying the policies expressed in *all applicable local, State and Federal* laws. As an illustration, in the water quality field, we know that there exists in most States a body of laws consisting of local ordinances, State statutes and regulations or standards promulgated thereunder and State-Federal water quality standards (40 C.F.R. Part 120, 36 F.R. 22489, November 25, 1971) for interstate waters promulgated in compliance with the provisions of Section 10 of the Federal Water Pollution Control Act. Accordingly, it would appear prudent to set out in the environmental impact statement whether the requirements contained in the body of local, State and State-Federal water quality standards can be fully complied with and if not, what requirements or criteria or guidelines will be violated if the proposed activity or action requiring the preparation of the impact statement is permitted to occur. In short, an environmental impact statement, among other things, can highlight or warn of a contemplated action that, if permitted. will violate the policy of applicable local, State and Federal laws, including regulations, standards, and criteria designed to protect the environment.

In the near future it is anticipated that statewide implementation plans under Section 110 of the Clean Air Act, as amended, already submitted to the Administrator, EPA, will be approved or disapproved depending on whether or not each of the State plans submitted by states pursuant to Section 110 of the Clean Air Act met all of the requirements of Section 110 of the Act and 40 C.F.R. Part 51. After an implementation plan is approved by the Administrator, it will be prudent for the Agency preparing an environmental impact statement to set forth, in the statement, the applicable requirements upon the proposed activity or action. In this regard, we believe the impact statement can serve to highlight or warn of contemplated actions that, if permitted, will violate the requirements of the applicable plan of implementation promulgated pursuant to Section 110 of the Clean Air Act, as amended. While not applicable to the States in Federal Region X, it is pointed out that 40 C.F.R. Part 52, 37 F.R. 2581, February 3, 1971, reflects certain implementation plans already approved by the Administrator of EPA.

2. The NEPA calls for a description of environmental impact both *primary* and *secondary*. Most statements received in this office fall short in their description of primary impacts and fail to even mention the secondary impacts, such as commercial development, as the result of the project. *Secondary impacts*, especially for highway projects, may be more important than primary impacts.

The discussions have been weak as to how projects constructed today may effectively commit us to further developments with adverse environmental effects in the future.

3. The NEPA calls for a discussion of *alternatives* in sufficient detail so as to not foreclose choices other than the project proposed. We have not reviewed a single EIS that adequately discusses all *alternatives*. When alternatives are mentioned, they are generally only engineering or dollar cost-oriented alternatives rather than social, legislative, proper land use, or other types.

4. The NEPA calls for a discussion of *short-term* vs. *Long-term relationships* to man's environment. Particular attention is called to the cumulative effects of several proposals on future choices. We have yet to review an EIS that adequately describes how an individual project fits into the long-range proposals. Projects proposed for the Columbia and Snake River systems are examples of complex systems where individual projects will have synergistic effects. However, too many statements consider only the beneficial economic impacts of the proposal and do not consider environmental losses as negative.

5. Most EIS's reviewed construe environmental considerations too narrowly—within the framework of strict legislative mandates. We must consider all environmental ramifications of present specific authorities and adjust programs to protect the environment while carrying out the legislative responsibilities.

6. On occasion, the adverse environmental effects may dictate that a *Federal program should not be undertaken at all.* Our concerns regarding this question have been expressed in detail in our reviews of some impact statements.

7. Proper attention and full consideration of all public and private reviews, comments, statements, and testimonies have not been adequately documented in all of the statements. Nevertheless, the NEPA has moved the decision-making process of environmental actions out into the light of public scrutiny. The rigorous self-analysis and *public* and *private* review which Federal agencies must now accomplish prior to initiating any major action significantly affecting the environment has evoked a wide range of interest and reaction in Region X.

The major reason for the effectiveness of the Act is that it requires a full disclosure of potential governmental actions which significantly affect the environment prior to irrevocable decisions to proceed. Previous to this Act, it was always difficult and often impossible for concerned agencies, groups, or individuals, to get a handle on who was planning to do what to whom. Not only must the proposing, licensing, or funding Federal agency prepare a detailed description of how the proposed action will affect the environment and submit this statement for agency and public review, but also those reviewing agencies are required by law to make their comments available for public review.

8. The preparation of EIS's has not really been used as an effective vehicle for proper land use planning. In the areas of land use planning at the local level, EIS's have a great potential and can be used effectively.

It is Region X's aim to assist other government agencies in developing an environmental ethic in their *planning* and *action programs*, and to bring environmental values into Federal agency decision making on a basis equal with those of economics and need. The Region feels that one way this can be done is to point out in EIS reviews those environmental relationships which were not given adequate consideration during the planning stages. Particular attention should be given to describing alternatives which may give the same, or near the same, benefits, but with lesser environmental cost. **The EIS review in Region X is designed to bring multiple disciplinary review of the impact statements received in the office. Chart No. 1 shows how Region X handles the review of draft statements and the various EPA disciplines involved in the preparation of our statement. This is primarily an interdisciplinary approach and is not, unfortunately, a complete ecological evaluation.**

Statements received are routed to people with special expertise in air quality, water quality, engineering, biology, land use management, noise abatement, solid waste disposal, pesticides, economics and radiation health. Each of the people having an interest in the proposal has an opportunity to comment. The *EIS program staff* then incorporates the various comments from these people and others into a meaningful interpretation as the Region X EPA response. EPA's responses are available to all agencies and to the public. We plan to have some professional services contracts awarded in fiscal year 1973 to give us on-site ecological views on EIS's and to develop new approaches and methods to assist us in fulfilling the intent of NEPA.

RESPONSIBILITIES OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY

The U.S. Environmental Protection Agency does not have *direct authority* to require impact statements from other Federal agencies. However, the Administrator of EPA cannot carry out his legal requirements of Section 309 of the Clean Air Amendments of 1970 if statements are not prepared. Section 309 of the Clean Air Amendments of 1970 states:

(a) The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which Section 102(2)(C) of Public Law 91–190 applies, and (3) proposed regulations published by any department or agency of the Federal government. Such written comment shall be made public at the conclusion of any such review.

(b) In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and matter shall be referred to the Council on Environmental Quality.

Section 102(2)(C) of NEPA requires all Federal agencies to "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement. . . ." "Prior to making any detailed statement, the responsible Federal Official shall consult with and obtain the comments of any *Federal agency* which has jurisdiction by law or special expertise. . . ." The CEQ Guidelines, dated April 23, 1971, list seventeen (17) types of environmental impacts that EPA has jurisdiction over by *law* or *special expertise.*

BACKGROUND INFORMATION

One of the first Congressional actions which considered environmental factors was the Fish and Wildlife Coordination Act of 1958. This legislation demanded that the Federal Bureau of Sport Fisheries and Wildlife, and related State agencies, review plans for most water resources projects. This action was followed by the Multiple Use-Sustained Yield Act of 1960 which directed the Secretary of Agriculture to develop and administer the National forests for multiple use.

Another dimension in the environmental area was created during the 1966 Congressional session when two statutes were enacted:

(1) any Federal action affecting a historic site must be reviewed by the Advisory Council on Historic Preservation, and (2) the Department of Transportation Secretary must avoid use of park, recreation, wildlife, and historic sites land where avoidable and, if not avoidable, the impact must be mitigated to the fullest extent possible.

The next major legislative action came in 1969 with the passage of NEPA. The framework was thus set for today's activities—President Nixon consummated the Congressional action as his first official act of 1970 with the signing of NEPA on January 1. Very briefly, NEPA has three main parts: establish national environmental goals; section 102 sets the basis for Environmental Impact Statements and is the action-forcing mechanism of the Act; establish the Council on Environmental Quality (CEQ), a three member council akin to the Council of Economic Advisors.

The Congressional purpose of this law is to build into the daily processes of government a careful consideration of the environmental changes which government actions bring about. This law contains a self-policing feature called an Environmental Impact Statement or EIS. An EIS is a report describing the environmental effects which could result from proposed action such as a highway, a dam, a bridge, an airport, a pipeline, issuance of a permit, activities funded by the Federal government, legislative proposals, changes in agency policies or operating procedures, and where controversy may arise relating to a particular project. An EIS may be *one page* or *volumes*, such as the one on the Alaska pipeline. Such a report must be included in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. It must also include a detailed description of: (1) the environmental impact of the proposed action; (2) any adverse environmental effects which cannot be avoided should the proposal be implemented; (3) alternatives to the proposed action; (4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented

To implement this requirement, the President (via Executive Order 11514; March 5, 1970) directed CEQ to issue guidelines for the preparation of Environmental Impact Statements. This was done in May 1970. The interim guidelines set forth government-wide policies and procedures, and left the responsibility for establishing internal procedures to the individual agencies. Interim guidelines were superseded by the version published April 23, 1971.

THE ROLE OF THE COURTS

Fortunately, some actions undertaken which disregard the technical and ecological requirements of preparation of detailed environmental statements, or which disregard the Congressional mandate to act in a stewardship capacity toward our natural resources, have been halted by court actions initiated by citizen organizations. More court actions are forthcoming.

The courts are becoming involved to a greater degree each day in the interpretation of NEPA and it seems safe to assume that judicial actions will play a major role in shaping the future application of NEPA. Several major decisions have been handed down by the courts in recent months. Probably the most noted case to date is the *Calvert Cliffs nuclear power plant proposal* of the Atomic Energy Commission. This decision has established that submitting statements only if a project becomes controversial does not carry out the intent of the law. The EIS's are to be prepared where there is significant impact even if there is no controversy.

Other recent judicial interpretations of environmental laws:

An environmental impact statement prepared by a Federal agency must contain *discussion of alternative courses of action* even though the agency lacks the power to adopt such alternatives or put them into effect. This ruling came in the case of *Natural Resources Defense Council* v. *Morton,* — F. 2nd — (D.C. Cir. January 13, 1972). The case involved a proposal by the Department of the Interior to lease some 80 tracts of submerged lands, primarily off eastern Louisiana. The Court agreed with the Department that only reasonable alternatives need to be considered, but said:

"When the proposed action is an integral part of a coordinated plan to deal with a broad problem, the range of alternatives that must be evaluated is broadened. While the Department of the Interior does not have the authority to eliminate or reduce oil import quotas, such action is within the purview of both Congress and the President, to whom the impact statement goes. The impact statement is not only for the exposition of the thinking of the agency, but also for the guidance of these ultimate decision-makers, and must provide them with the environmental effects of both the proposal and the alternatives for their consideration along with the various other elements of the public interest."

Alternatives to the proposed action:

"This section shall describe the environmental impacts, both beneficial and adverse, of the various alternatives considered by and available to the Department, specifically taking into account the alternative of no action. In addition and where appropriate there will be a brief discussion of possible alternatives which are beyond the authority of the Department."

In another Federal court case, it was held that an environmental impact statement is required on *appropriation requests*, even for *ongoing projects*. Each such request is a proposal for legislation within the meaning of section 102(2) (C) of the Act. (*Environmental Defense Fund* v. *TVA*, 40 LW 2498 (D-E.D. Tenn. Jan. 11, 1972.) The Court referred to section 11 of the guidelines promulgated April 23, 1971 (36 F.R. 7724), by the Council on Environmental Quality, which says:

"To the maximum extent practicable the section 102(2) (C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences.

It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program."

The Atomic Energy Commission discovered, in the recent court case of *Calvert Cliffs' Coordinating Committee* v. *AEC*, 449 F.2d 1109 (D.C. Cir. 1971), that concern for water quality cannot be left to the Environmental Protection Agency. Instead, AEC was told by the court that it must independently examine water quality problems, under the mandate of the National Environmental Policy Act. Similarly, the Corps of Engineers was ordered, in *Kalur* v. *Resor*, 40 LW 2391 (D–D.C. Dec. 21, 1971), to file a detailed environmental impact statement in connection with issuance of discharge permits under the Refuse Act and to make an *independent judgment regarding water quality*, not deferring this to the expertise of the Environmental Protection Agency. The ruling further banned any permits for discharges into nonnavigable streams.

At least one court has recognized and approved the *"lead agency" principle*, in which only one agency, of several making individual decisions about various aspects of a major action, is required to prepare an environmental impact statement. *Upper Pecos Association* v. *Stans*, 328 F. Supp. 332 (D–N.M. 1971). In that case, the plaintiff attacked legality of a grant of funds by the Economic Development Administration for a road project in New Mexico. The court said that a road could not be built without grant of a right-of-way permit by the Forest Service, which was the lead agency and had prepared a detailed impact statement. Under these circumstances, the court said, "the directives of the National Environmental Policy Act and the recommendations issued pursuant thereto have been satisfied to date." The court explicitly distinguished the case from those in which only a single agency was involved.

In another case, a Federal court has held that a *licensing agency must prepare its own impact statement* and cannot merely adopt a statement prepared by an applicant. The ruling came in an attack upon procedures followed by the Federal Power Commission after the Power Authority to the State of New York (PASNY) applied to the FPC for authorization to construct a high voltage transmission line. In accordance with FPC regulations, PASNY filed an environmental impact statement covering the proposed line and two possible alternate routings. The Commission circulated the PASNY statement to Federal agencies for comment. The Second Circuit Court of Appeals, in *Greene County Planning Board* v. *FPC*, — F.2d —, 40 LW 2521 (1972), termed this an abdication by the FPC of its responsibility and criticized the Commission for being willing to serve merely as an umpire. The FPC was directed to prepare and circulate its own draft statement.

Brooks v. *Volpe*, 319 F. Supp. 90 (1970), 329 F. Supp. 118 (1971), among other things, stood for the proposition that NEPA did not require the Secretary of Transportation to file an environmental impact statement before proceeding with construction of a highway whose location was administratively determined in 1967, *since NEPA was held not to be retroactive*. The referenced decisions involving *Brooks* v. *Volpe* were reversed in *Brooks* v. *Volpe*, No. 71–1908, in a decision rendered on March 2, 1972, by the United States Court of Appeals for the Ninth Circuit. The defendants were ordered to stop any activity "which disturbs or defaces the land" in the area. None of these activities will be allowed to continue until the defendants have "fully complied" with provisions of the National Environmental Policy Act.

The judge's findings and conclusions include a ruling that the defendants must include in an environmental impact statement the ecological effects the construction will have on nearby Kimball Creek Marsh.

See Exhibit A for additional court actions pertaining to NEPA. (102 Monitor, Vol. 1, No. 12).

THE ROLE OF THE STATES

The States have responded to NEPA with varying reactions. Some have used the environmental impact statement process to their advantage and actively commented on those impact statements within their boundaries, while others have played a very minor role. Four States (Montana, California, *Washington*, and Delware) and the Commonwealth of Puerto Rico have enacted legislation similar to NEPA and more are expected to follow suit. State agencies, which may be given the opportunity to review or comment on a prepared draft environmental statement, should point out the existence of requirements contained in local, State and Federal laws, including any regulations or standards promulgated thereunder, that will be violated by the activity or action, if permitted, that is the subject matter of the draft environmental impact statement.

SUMMARY

The EIS requirement is young. It is the most wide-ranging and comprehensive pollution control program yet made by the Congress. It is powerful, but is a costly tool and must be protected and used judiciously. We are only beginning to experience the ramifications, complaints, protests, demands for amendments to NEPA, Congressional Hearings, GAO audits, proposed new legislation and court actions. *Nevertheless, NEPA is here to stay.* Agencies, both initiating and commenting, are quick to report that not all is rosy. Some agencies are not producing good statements and *some have not produced any statements at all.* Many problems have been eliminated; some are on the verge of being overcome. We cannot ignore the impact that NEPA has created, wishing or convinced that everything will turn out all right and that NEPA is a fly-by-night "boondoggle" that will fade away and spare ourselves the truama of future shock. John Gardner said, in 1964:

"A common stratagem of those who wish to escape the swirling currents of change is to stand on high moral ground."

We saw a bold and vigorous National response in the 1930's to the needs for improved farming practices to reduce erosion and improve crop production. The Nation dedicated its tremendous capability for change into a form of revolution that brought the country's agricultural capacity to its fullest potential. The same sort of revolution is needed today for the environment in its broadest aspects and implementation of NEPA. The EIS is one tool not yet used as it must be if we are to preserve quality of life for future generations.

We encourage public participation in the Environmental Impact Statement process. The comments should be substantive and above all objective. The EIS requirement should be a "full disclosure" mechanism and place the governmental decision-making process in full view long before the final project decisions have been made. This makes possible a public record for both the initiating agency and those that comment on the statement.

We are asking that Federal, State, County, and City administrators and planners listen to the sound of the times and accept the role of stewardship of our natural and social resources, both in spirit as well as in the letter of the NEPA. It is a massive challenge—to make engineering expertise the means of developing a quality life. It is a challenge worthy of the highest dedication—it is a challenge which must be met if we are to provide ourselves and our children a livable world.

Conviction, coordination, integrity, participation, and partnership—there can be no silent partners, no secrets, no deals in this program, and each of us must participate in areas of joint concern to our *fullest capabilities to stop polluting and exploiting activities*. EIS's are a consistent, potent, hard-hitting "Federal tool" with muscle to mobilize behind the punch to insure environmental cleanup and proper land-use planning.

"The Prudent men should judge of future events by what has taken place in the present." Miguel de Cervantes (1547–1616), (From: Population Resources Environment (1970)).

(Chart not reproduced in RECORD.)

APPENDIX A

UNITED STATES COURTS OF APPEALS

Calvert Cliffs' Coordinating Comm. v. *AEC*, 2 ERC 1779, 1 ELR 20346 (D.C. Cir. 7/23/71). The court found the AEC's rules for implementing NEPA in licensing nuclear power plants invalid in four respects: (1) the rules failed to require hearing boards to consider environmental factors unless raised by the regulatory staff or outside persons; (2) they excluded nonradiological environmental issues in all cases where the notice of hearing was published before 3/4/71; (3) they prohibited reconsideration of water quality impacts where a certification of compliance with State standards had been obtained; and (4) they failed to provide for environmental review of cases in which a construction permit had been granted prior to NEPA's effective date but the time was not yet ripe for granting an operating license.

Committee for Nuclear Responsibility v. *Seaborg*, 3 ERC 1126, 1210, 1256 (D.C. Cir. 10/5/71, 10/28/71, 11/3/71). The court reversed a summary judgment for defendants, holding that plaintiffs had alleged a legally sufficient claim that the AEC's 102 statement on the underground nuclear test Cannikin was deficient under NEPA. The court later upheld the district judge's order requiring release of Government documents, which were not part of the 102 statement, discussing environmental aspects of the proposed test. However, the court refused to stay the test *pendente lite*. Finally, after release of the documents, the court refused on national security grounds to delay the test—without deciding whether NEPA had been satisfied. (The Supreme Court later upheld this refusal.)

Ely v. *Velde*, 3 ERC 1280 (4th Cir 11/8/71). The court, in reversing a district court decision, held that the Law Enforcement Assistance Administration must prepare a 102 statement on the portion of a block grant to the State of Virginia that will be used to construct a prison facility in a historic area.

Latham v. *Volpe*, 3 ERC 1362 (9th Cir. 11/15/71). The court held that citizens were entitled to a preliminary injunction against further acquisition of property by the State of Washington for Interstate 90 in Seattle until Federal officials prepared a 102 statement.

National Helium Corp. v. *Morton*, 3 ERC 1129, 1 ELR 20478 (10th Cir. 10/4/71). The court upheld a preliminary injunction against the Interior Department's cancellation of contracts to buy helium, on the basis of noncompliance with NEPA.

Pennsylvania Environmental Council v. *Bartlett*, 3 ERC 1421 (3d Cir. 12/1/71). The court upheld a district court ruling that a 102 statement was not required for a Federal-aid highway project for which all Federal approvals were given and all contracts awarded prior to enactment of NEPA.

San Antonio Conservation Society v. *Texas Highway Department*, 2 ERC 1872, 1 ELR 20379 (5th Cir. 8/5/71). The court stayed construction of a highway through a park in San Antonio, on the basis of noncompliance with NEPA and other laws. The court held that the "segments" of the highway adjacent to the park must be considered together with the park "segment" in the application of these laws. It further held that, since the highway had been approved for Federal funding, the State could not defeat the application of the Federal laws by proceeding without Federal funds.

Scenic Hudson Preservation Conf. v. *EFC* 3 ERC 1232 (2d Cir. 10/22/71). The court upheld the FPC's grant of a license for the Storm King pumped storage power plant. The court found that the FPC had considered all relevant factors as required by NEPA, and that its findings were supported by substantial evidence.

Thermal Ecology Must Be Preserved v. *AEC*, 2 ERC 1379, 1 ELR 20078 (D.C. Cir 7/20/70). The court refused to grant an order restraining AEC hearings on a permit application for a nuclear power plant near South Haven, Michigan. Citizen groups claimed the hearings were illegal under NEPA because the AEC was refusing to consider the dangers of thermal pollution or of cumulative radiation. However, the court said that this question could be raised only on review of a final AEC order.

Thermal Ecology Must Be Preserved v. AEC, 2 ERC 1405 (7th Cir. 8/24/70). The court refused to grant an order restraining AEC hearings on a permit application for a nuclear power plant near South Haven, Michigan. The court relied on the D.C. Circuit ruling of the same name.

Upper Pecos Assn. v. Stans, 2 ERC 1418 (10th Cir. 12/7/71). The court affirmed a district court ruling that the Economic Development Administration did not have to prepare a 102 statement on a grant for road construction, since the Forest Service was the lead agency in developing the road and had prepared a statement on it. Although the Forest Service's 102 statement was not prepared until after the EDA had made an offer of funds, the court held that this timing satisfied NEPA because the Forest Service still had full authority to grant or deny a right-of-way, and the application for EDA funds was made prior to enactment of NEPA.

West Virginia Highlands Conservancy v. Island Creek Coal Co., 2 ERC 1422, 1 ELR 20160 (4th Cir. 4/6/71). The court upheld the standing of a citizen group under NEPA and the Wilderness Act to challenge the Forest Service's permission of private timber cutting and road construction in Monongahela National Forest. The citizen group charged that a 102 statement should have been prepared, and that the area was protected by the Wilderness Act until studied for wilderness character. Without deciding these claims, the court found them sufficiently strong to justify a preliminary injunction pending further proceedings in the district court.

Zabel v. Tabb, 1 ERC 1449, ELR 20023 (5th Cir. 7/16/70), cert. denied, 39 U.S.L.W. 3360 (2/22/71). The court held that the Army Corps of Engineers has authority to deny a dredge-and-fill permit under 33 U.S.C. 403 on ecological grounds, basing its holding in part on NEPA.

U.S. DISTRICT COURTS

Arlington Coalition on Transportation v. Volpe, 3 ERC 1138 (E.D. Va. 10/8/71). The court dismissed a suit to enjoin construction of Interstate 66 through Arlington. It held that NEPA was inapplicable to portions of the highway approved before January 1, 1970, and found that a 102 statement would be prepared before approval or additional work. The decision was reversed by the 4th Circuit, in an unreported opinion.

Berkson v. Morton, 3 ERC 1121 (D. Md. 10/1/71.) The court issed a 10-day temporary restraining order against construction in the C&O Canal National Historic Park without compliance with NEPA and other Federal statutes. This order has subsequently been extended.

Brooks v. Volpe, 2 ERC 1004, 1571, 1 ELR 20045, 20286 (W.D. Wash. 9/25/70, 4/6/71). The court held that a 102 statement was not required for an Interstate highway segment whose location had been approved in 1967. The court upheld the standing of the individual plaintiffs to bring the suit, but denied the standing of the environmental groups.

Bucklein v. Volpe, 2 ERC 1082, 1 ELR 20043 (N.D. Cal. 10/29/70). The court refused an injunction against disbursement of Federal emergency funds for a road relocation project. The plaintiff challenged the location of the road as an abuse of discretion, arguing that an alternative location was environmentally preferable. The court found that there had been "ample consideration" of environmental factors, and stated that it is unlikely that the policy declaration in Section 101 of NEPA was intended to create "court enforcible duties."

Businessmen for the Public Interest v. Resor, 3 ERC 1216 (N.D. Ill. 10/14/71). The court ruled that citizens could not sue to challenge the application of the Refuse Act permit program to Lake Michigan until the Corps of Engineers proposed to issue a permit under the program. However, the court went on to uphold the regulations implementing the program, relying in part on NEPA.

Citizens to Preserve Foster Park v. Volpe, 3 ERC 1031, 1 ELR 20389 (N.D. Ind. 8/18/71). The court denied a preliminary injunction against further work on a federally assisted highway. The court found that a 102 statement prepared in June 1970 complied with NEPA "to the extent possible" even though it did not comply with guidelines and procedures issued before that date. The court stressed that the park affected by the highway was already as "torn up" as it would be from further construction.

Coastal Petroleum Co. v. Secretary of the Army, 1 ERC 1475 (S.D. Fla. 7/1/70). The court held, on the basis of the District Court ruling (later reversed) in Zabel v. Tabb, that the Corps of Engineers has no authority to deny a permit under 33 U.S.C. 403 on other than navigational grounds. However, the court refused to order the Corps to grant a permit for limestone mining in Lake Okeechobee because of environmental danger and because other remedies were available to protect the applicant's financial interests. NEPA was discussed in supplemental briefs after the trial, but the court found it "not to be applicable." The court later reversed itself, without opinion, on the basis of the 5th Circuit's decision in Zabel.

Daly v. Volpe, 2 ERC 1506, 1 ELR 20242 (E.D. Wash. 4/9/71). Local residents sought an injunction against construction of an interstate highway segment near North Bend, Washington, asserting that the Department of Transportation had not complied with the requirements of NEPA. The segment, on which planning and hearings had begun before enactment of NEPA, was approved on November 30, 1970. At that time a draft environmental statement had been prepared, but agency comments were not received or a final statement prepared until after the approval. The court held that the Department of Transportation had substantially complied with NEPA in approving the segment, since the plans had been coordinated with many groups before approval, and agency procedures for formal circulation of draft environmental statements were still being developed.

Delaware v. Pennsylvania New York Central Transp. Co., 2 ERC 1355, 1 ELR 20106 (D. Del. 2/24/71). The court granted standing to a State and private persons to challenge the Corps of Engineers' issuance of permits to Penn Central for a dike and fill operation along the foreshore of the Delaware River. Plaintiffs allege, *inter alia*, that the Corps violated NEPA by giving inadequate consideration to the environmental effects of the operation. However, consideration of plaintiffs' claims will be delayed pending Penn Central's bankruptcy proceedings in another Federal court.

Dorothy Thomas Foundation v. Hardin, 1 ERC 1679 (W.D. N.C. 8/31/70). The court denied a preliminary injunction against timber cutting in a National Forest, finding that plaintiffs had not proven that the Federal defendants had failed to consider the factors required by NEPA and the Multiple Use and Sustained Yield Act.

Echo Park Residents Comm. v. Romney, 3 ERC 1255 (C.D. Cal. 5/11/71). The court upheld the finding by HUD that Federal assistance for a 66-unit apartment project would not significantly affect the environment and did not need a 102 statement.

Elliot v. Volpe, 2 ERC 1498, 1 ELR 20243 (D. Mass. 4/20/71). Plaintiffs sued to halt construction of interstate highway segments through Somerville, Massachusetts, asserting that the Department of Transportation had not complied with the requirements of NEPA. The court denied an injunction, on the ground that the planning and location of the segments had been completed and approved in 1966, and substantial construction had taken place before the enactment of NEPA. The court concluded that it would be an unwarranted "retroactive" application of NEPA to require a total halt in construction while the NEPA procedures were followed for the remaining action on the segments.

Ely v. Velde, 2 ERC 1185, 1 ELR 20082 (E.D. Va. 1/22/71). In a suit by neighboring property owners to contest a Federal grant to a State for construction of a prison facility, the court held that NEPA did not require the Federal granting agency to consider the environmental impact of the facility. The court stated that the Safe Streets Act of 1968 imposed a mandatory duty to award the funds, which was not modified by enactment of the "discretionary" provisions of NEPA in 1970. The decision was later reversed by the 4th Circuit.

Environmental Defense Fund, Inc. v. Corps of Engineers, 1 ELR 20130, 2 ERC 1260 (E.D. Ark. 2/19/71). Plaintiff environmental groups sued to enjoin further construction of the Gillham Dam, on which the Corps has prepared an environmental statement under section 102(2)(C). The court upheld plaintiff's standing and held that NEPA was applicable even though the project was partially constructed prior to January 1, 1970. On the merits, the court rejected plaintiffs' argument that section 101 creates an enforceable duty not to undertake environmentally damaging projects. However, it found the environmental statement legally inadequate and enjoined further construction until the Corps has complied with sections 102(2) (A), (B), (C), (D) of NEPA.

Environmental Defense Fund, Inc. v. Corps of Engineers, 2 ERC 1173, 1797, 1 ELR 2007. 20366 (D. D.C. 1/27/71, 7/72/71). The court granted a preliminary injunction against further construction of the Cross-Florida Barge Canal. The court held that a 102 statement was required for further actions even though the project was begun before January 1, 1970. The case was later consolidated with others involving the canal and transferred to M.D. Fla., for pretrial proceedings.

Environmental Defense Fund, Inc. v. Corps of Engineers, 3 ERC 1085, 1 ELR 20466 D. D.C. 9/21/71). The court granted a preliminary injunction against construction of the Tennessee-Tombigbee Waterway. It ruled that the plaintiffs had made a sufficient showing of noncompliance with NEPA to warrant an injunction pending trial.

Environmental Defense Fund, Inc. v. Hardin, 2 ERC 1424, 1 ELR 20207 (D. D.C. 4/14/71). The court ruled that the Department of Agriculture's fire ant control program, involving dissemination of the pesticide Mirex, was a major action requiring an environmental statement under Section 102(2) (C) of NEPA. However, it refused a preliminary injunction against the program, on the ground that the Department had performed adequate studies of the program's environmental effects and had prepared an environmental statement discussing those effects in sufficient detail to satisfy all procedural requirements of Section 102(2)(C).

Gibson v Ruckelshaus, 3 ERC 1028, 1 ELR 20337 (E.D. Tex. 3/1/71). The court granted an injunction against condemnation proceedings or Federal financing for a sewage treatment facility, on the ground that the Environmental Protection Agency had failed to comply with NEPA and the Federal Water Pollution Control Act. The 5th Cir. later reversed and remanded the case on the basis of the plaintiff's refusal to cooperate with the court. (8/9/71, 3 ERC 1370.)

Goose Hollow Foothills League v. Romney, 3 ERC 1087 (D. Ore. 9/9/71). The court enjoined construction of a Federally assisted college high-rise housing project for failure to prepare a 102 statement. However, the court stayed its injunction for 90 days to permit the filing of the statement. The injunction was made effective on 12/8/71, 3 ERC 1457.

Harrisburg Coalition Against Ruining the Environment v. Volpe, 2 ERC 1671, 1 ELR 20237 (M.D. Pa. 5/12/71). In a suit to enjoin construction of Interstate 81 through a park, the court found that the Secretary of Transportation had not made the findings required by Section 4(f) of the DOT Act. The case was remanded for new findings by the Secretary and for preparation of a 102 statement in accordance with the CEQ guidelines.

Investment Syndicates, Inc. v. Richmond, 1 ERC 1713, 1 ELR 20044 (D. Ore. 10/27/70). A landowner sued to enjoin construction of a power line across his land on the basis of the failure of Booneville Power Administration to prepare an environmental statement under section 102(2) (C). The court held that a statement was not required, noting that the project had been approved and funded and nearly half of the necessary easements purchased before January 1, 1970, and that evidence of the proposed right of way was visible on plaintiff's land when he purchased it.

Izaak Walton League v. Macchia, 2 ERC 1661 (D. N.J. 6/16/71). The court upheld the plaintiff's standing to sue private developers and the Corps of Engineers to stop the developers from dredging in navigable waters under a Corps permit. The court also rejected the defenses of sovereign immunity and laches, and continued the case for trial. The suit challenges the validity of the permit under NEPA and other Federal laws.

Izaak Walton League v. Schlesinger, 3 ERC 1453 (D. D.C. 12/13/71). The court granted a preliminary injunction against the AEC's issuance of a partial operating license for the Quad Cities nuclear reactor pending completion of the NEPA review of the application for a full operating license. The court held that the partial license was itself a major action requiring a 102 statement.

Izaak Walton League v. St. Clair, 1 ERC 1401 (D. Minn. 6/1/70). The court denied the Government's motion to dismiss a suit brought to invalidate private mineral claims in the Boundary Waters Canoe Area (a Wilderness Area). The court upheld the plaintiff's standing to sue and ruled that the suit was not barred by sovereign immunity.

Kalur v. Resor, 3 ERC 1485 (D. D.C. 12/21/71). In an action to review the Corps of Engineers' regulations governing the Refuse Act permit program, the court found the regulations invalid in two respects: (1) the regulations permitted the issuance of permits for discharges into nonnavigable tributaries of navigable waters; and (2) they failed to require 102 statements for the issuance of permits. The court enjoined further issuance of permits under the program.

LaRaza Unida v. *Volpe,* 3 ERC 1306 (N.D. Cal. 11/8/71). The court granted a preliminary injunction against construction or property acquisition for a Federally assisted highway in Alameda County. The court based its order on violations of other Federal statutes, leaving a claimed violation of NEPA for consideration at trial.

Lever Bros. Co. v. *FTC,* 2 ERC 1648, 1 ELR 20185 (D. Me. 4/19/71). Detergent manufacturers sought an injunction forbidding the FTC to hold hearings on a proposed rule to require special labeling of detergents, including a pollution warning on detergents containing phosphorous. The manufacturers claimed that the hearings were illegal because the FTC had not prepared an environmental impact statement under NEPA on the proposed rule. The district court denied an injunction on the ground that the legality of the FTC's procedures could be reviewed only on review of the final adoption of a rule. The manufacturers then moved in the First Circuit Court of Appeals for an injunction pending appeal, which was denied by a single judge on the ground that as long as an environmental statement will be released prior to adoption of a rule, the manufacturers will not suffer sufficient hardship to justify court review prior to such adoption. (4/20/71, 2 ERC 1651, 1 ELR 20328.) The appeal was apparently dropped before hearing in the full court of appeals.

Lloyd Harbor Study Group, Inc. v. *Seaborg,* 2 ERC 1380, 1 ELR 20188 (E.D. N.Y. 4/2/71). A citizen group sought a court order under NEPA requiring the AEC to consider nonradiological environmental effects in its hearings on a permit application for a nuclear power plant in Shoreham, Long Island. The AEC had refused to receive evidence of such effects. The court dismissed the suit on the ground that this refusal could be reviewed only by a Court of Appeals after entry of a final AEC order.

McQueary v. *Laird,* 3 ERC 1185 (D. Colo. 10/2/71). In a suit to enjoin the Defense Department from storing chemical and biological warfare agents at Rocky Mountain Arsenal, the court held that NEPA did not create a substantive right to prevent the storage. The court held that the decision to store the agents was within the Department's discretion.

Monroe County Conservation Assn. v. Hansen, 1 ELR 20362, 3 ERC 1208 (W.D. N.Y. 6/1/71). The court denied a preliminary injunction against Corps of Engineers dumping of dredge spoil into Lake Ontario, saying that under the circumstances no law, including NEPA, required an immediate halt to the dumping.

Morningside-Lenox Park Assn. v. Volpe, 3 ERC 1327 (N.D. Ga. 11/22/71). The court preliminarily enjoined further work on Interstate 485 in Atlanta, holding that a 102 statement was required for further actions even though location approval was given before January 1, 1970.

National Helium Corp. v. Morton, 2 ERC 1372, 1 ELR 20157 (D. Kan. 3/27/71). The court held that the Secretary of the Interior's cancellation of contracts for Federal purchase of helium constituted a "major action" requiring an environmental impact statement under Section 102(2) (C) of NEPA, and that the contractor had standing to seek compliance with this requirement. The court issued a preliminary injunction against termination of the contracts until the Secretary complied with NEPA. The injunction was subsequently affirmed by the 10th Circuit.

Nolop v. Volpe, 3 ERC 1338 (D. S.D. 11/11/71). The court upheld the standing of minor students at U.S.D. to sue as a class (through a guardian ad litem) to prevent construction through the campus of a Federally funded highway. It granted a preliminary injunction against further construction until a 102 statement is prepared.

Northwest Area Welfare Rights Orgn. v. Volpe, 2 ERC 1704, 1 ELR 20186 (E.D. Wash. 12/3/70). The court denied a preliminary injunction against further development of a highway project in Spokane. The court held that a claim of violation of NEPA was premature, since the only Federal participation was funding of an area transportation study.

NRDC v. Morton, 3 ERC 1473 (D. D.C. 12/16/71). The court preliminarily enjoined a proposed sale of leases for oil and gas extraction on the Outer Continental Shelf off eastern Louisiana. The court held that a substantial question had been raised about the legal sufficiency of Interior's 102 statement, particularly in the scope of alternative actions discussed.

NRDC v. TVA, 3 ERC 1468 (S.D. N.Y. 12/8/71). The court denied the defendants' motion to dismiss, which was premised on these grounds: (1) improper service of process; (2) improper venue; (3) lack of jurisdiction; and (4) failure to join indispensable parties. It granted the motion of the Audubon Society to intervene as a plantiff.

Pennsylvania Environmental Council v. Bartlett, 1 ERC 1271 (M.D. Pa. 4/30/70). The court held that a conservation group had standing to challenge the Secretary of Transportation's approval of a State secondary highway relocation project, but that NEPA did not apply to a project for which planning and the award of a contract preceded January 1, 1970. In dictum, the court also expressed doubt that NEPA requires the Secretary to study the environmental impact of State secondary highway projects before approving them. The decision was later affirmed by the 3d Circuit.

Petterson v. Resor, 3 ERC 1170 (D. Ore. 10/4/71). The court upheld citizens' standing to challenge a Corps of Engineers dredge-and-fill permit for the expansion of the Portland airport. However, it ruled that the permit was not one for which congressional approval was required under 33 U.S.C. 401. A NEPA violation was claimed, but the court only mentioned it without dealing with it.

Sierra Club v. Hardin, 2 ERC 1385, 1 ELR 20161 (D. Alaska 3/25/71). The court upheld the standing of conservation groups to challenge the Forest Service's sale of timber in Tongass National Forest as violative of NEPA and other statutes. However, the court found that the Forest Service's reliance on the report of a panel of conservationists complied with NEPA "to the fullest extent possible" in view of the advanced stage of the transaction at the time of NEPA's passage. It found the claims under other statutes to be barred by laches. The decision has been appealed.

Sierra Club v. Laird, 1 ELR 20085 (D. Ariz. 6/23/70). Plaintiff conservation groups sued to enjoin the Corps of Engineers from proceeding with a channel-clearing project on the Gila River, which had been authorized prior to January 1, 1970. The court granted a preliminary injunction on the basis of the Corps' failure to comply with section 102(2)(C), Executive Order 11514, and paragraph 11 of CEQ's Interim Guidelines.

State Committee to Stop Sanguine v. *Laird*, 317 F. Supp. 665 (W.D. Wis. 1970). In a suit by conservationists to enjoin the operation of a signal-system test facility for noncompliance with section 102(2)(E) (requiring inter alia, that Federal agencies support international environmental initiatives), the court refused an injunction because of plaintiffs' failure to make specific allegations of noncompliance.

Texas Committee v. *Resor*, 1 ELR 20466 (E.D. Tex. 6/29/71). The court granted a preliminary injunction against work on the Cooper Dam project until the Corps of Engineers prepares a 102 statement.

Texas Committee v. *United States*, 1 ERC 1303 (W.D. Tex. 2/5/70), dismissed as moot (5th Cir. 8/25/70). The court granted a preliminary injunction to prevent Farmers Home Administration from financing a golf-course project that allegedly threatened important wildlife habitat. The project had been approved, but not commenced, before January 1, 1970. The basis for the injunction was that FHA had not considered the environmental impact as required by NEPA. The case was dismissed as moot when the golf course was located elsewhere.

United States v. *Brookhaven*, 2 ERC 1761, 1 ELR 20377 (E.D. N.Y. 7/2/71). The court granted a preliminary injunction against dredging by a municipality in navigable waters without a Corps of Engineers permit. It held that the Corps, which had issued a permit in 1967, was not required to grant a subsequent permit, since the law had changed with the passage of NEPA.

United States v. *Joseph G. Moretti, Inc.*, 1 ELR 20443, 3 ERC 1052 (S.D. Fla. 9/2/71). The court issued an injunction against further private dredging in Florida Bay without a Corps of Engineers permit. The injunction also required restoration of the defendant's past damage to the bay. The court relied on NEPA to justify considering ecological damage.

United States v. *247.37 Acres*, 3 ERC 1099 (S.D. Ohio 9/9/71). In a suit to condemn land for the Corps of Engineers' East Fork Reservoir project, the court refused to grant summary judgment for the Government. The court held that failure to comply with NEPA was a valid defense to the condemnation suit.

Upper Pecos Assn. v. *Stans*, 2 ERC 1614, 1 ELR 20228 (D. N.M. 6/1/71). The court upheld the plaintiff's standing to challenge an Economic Development Administration grant for construction of a road. However, the court held that a 102 statement was not required on the grant because the Forest Service, which was the lead agency in developing the road, had prepared a 102 statement on it. The decision was affirmed on appeal.

Wilderness Society v. *Morton*, 1 ERC 1335, 1 ELR 20042 (D. D.C. 4/23/70). In a suit by conservation groups, the court enjoined the issuance by the Secretary of the Interior of a permit for a road across Federal lands on the basis, among others, of the Secretary's failure to prepare a statement under section 102(2)(C) discussing the environmental impact of both the road and the related Trans-Alaska Pipeline.

Environmental Groups v. *SCS*. In a major test case that could affect hundreds of projects, environment groups have won a court injunction requiring an environmental impact study on a government-aided stream-channelization project.

Stream channelization is a widespread practice, often conducted under the auspices of the U.S. Soil Conservation Service, to widen, deepen or straighten stream beds for better control of water flow.

Environment groups took their case to a federal district court in North Carolina last November after the Soil Conservation Service decided it did not have to prepare an environmental impact statement for the Chicod Creek Watershed Project in Pitt and Beaufort counties, North Carolina.

In a decision dated March 15, District Judge John D. Larkins ruled that an environmental impact statement is required and must be submitted within 30 days.

He issued an injunction blocking federal action on the project until the statement is filed with the President's Council on Environmental Quality and is circulated for comment in compliance with the National Environmental Policy Act of 1969.

Summarizing the objections of the Soil Conservation Service, Larkins said, "Its primary concern in this action seems to be that if it has to issue an impact statement for this project, it will have to do the same for many other ongoing projects."

The service has more than 1,800 watershed projects under consideration or in planning

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THE 1972 HOUSING ACT: POTENTIALLY FAR REACHING MEASURES FOR OLDER AMERICANS

Mr. WILLIAMS. Mr. President, on March 2 the Senate overwhelmingly approved the 1972 Housing Act, which includes several measures of vital importance for older Americans. Three measures in that bill are particularly significant for the elderly:

First. A $100 million increase in the funding level for the popular section 202 direct loan housing program;

Second. Establishment of the position of Assistant Secretary for Housing for the Elderly at HUD; and

Third. Proposals sponsored by Senator CRANSTON to assure that the aged's special needs will be appropriately considered in the new section 502 interest subsidy program.

In the very near future, the House Banking and Currency Committee will consider S. 3248 in executive session. And I am hopeful that the House will act favorably upon these urgently needed measures.

The $100 million increase in the authorized funding level for section 202 once again puts the Senate on record in favor of the reinstatement of this program and its coexistence with the section 236 interest subsidy program. Moreover, it provides unmistakable support for restoring 202 to full and effective operation.

Section 202 was, in my judgment, one of the most successful programs ever enacted, without a single foreclosure during its 11 years of existence. This was true for many reasons.

First, this program was administered by housing specialists who focused exclusively on housing for the elderly. These individuals were dedicated public servants who gave so generously of their time and talent—quite frequently beyond normal working hours.

Equally important, section 202 provided housing which was tailor-made for the elderly. Because it was a specialized program for the aged, it was possible to develop flexible, comprehensive, and effective guidelines.

These guidelines grew out of an innovative concept: each project offered an opportunity for both the sponsor and the architect to develop new and better solutions for housing senior citizens. They were, therefore, encouraged to consider the use of new materials and construction methods, as well as new design concepts whenever possible. The list of advantages that flowed from these policies is lengthy, but a few examples deserve special mention:

First. Lower construction costs were often obtainable because 202 required open competitive bidding, as opposed to the negotiated cost-plus contract approach under section 236.

Second. In many cases local taxes were waived or abated because of the nonprofit status of the 202 sponsor. These savings were then passed on to the elderly tenants. On the other hand, section 236 projects were fully taxed.

Third. A section 202 project could have a single utility meter for the building, resulting in a cost savings for occupants. However, section 236 required separate, individual meters.

Fourth. The 202 requirement that all sponsors must be nonprofit organizations helped to encourage the long-range management commitments, which are essential to the successful life of an elderly project. As a consequence, the program was service oriented, rather than shelter oriented for the benefit of builders and contractors.

Recently HUD revised the section 236 guidelines for housing for the aged. But this revision still falls far short of the flexibility and the overall thrust of the 202 regulations. Under the new 236 guidelines, for example, preference is given to suburban site locations, even though millions of older Americans live in the central cities.

Recently I had an opportunity to view in a very personal way the effectiveness of the 202 program, when I visited the Springvale Terrace apartments in Silver Spring, Md. This visit helped to reinforce my strong convictions that 202 must be saved.

As chairman of the Subcommittee on Housing for the Elderly, I believe that shelter for older Americans requires sustained, specialized attention. For that reason, it is particularly important that a high-level position—an Assistant Secretary for Housing for the Elderly—be established at HUD. Housing programs for senior citizens need special guidance. And only an advocate with "clout" and visibility can guarantee the overall type of direction and coordination that is so urgently required.

Finally, I urge the adoption of the Senate-passed provisions to assure that the elderly will be fairly represented in the new section 502 interest subsidy program for multifamily housing. One key proposal is the measure to earmark 15 to 25 percent of the appropriated funds for housing for the aged. Additionally, S. 3248 permits up to 60 percent of the residents in elderly projects to receive rent supplements. Moreover, the 1972 Housing Act permits additional dining space for older persons who do not live in federally assisted projects.

These measures, I strongly believe, provide a sound and sensible response to the unique and growing housing needs of older Americans. For these reasons, I again urge the House to adopt these proposals.

WORLD TRADE WEEK

Mr. JAVITS. Mr. President, next week will be World Trade Week. Commerce Today, the publication of the U.S. Department of Commerce, indicates that Secretary of Commerce Peter Peterson has estimated that between 60,000 and 70,000 jobs are added for every $1 billion placed on the plus side of the national trade ledger.

This is often overlooked to present a balanced picture since congressional offices are more likely to get letters from persons who have lost jobs because of imports or because of "runaway plants" than they are from persons who have found jobs because of exports or to service overseas private investment activities. It would be my prediction though that if legislation highly restrictive of trade were passed, that the flow of mail we are presently receiving could undergo a significant shift as those adversely affected would realize that such legislation may cost them their livelihoods.

In connection with World Trade Week the Department of Commerce will distribute some 40,000 posters carrying the message that Exports (Too) Create Jobs.

In a recent address Secretary Peterson developed the interest that the American consumer has in the Burke-Hartke legislation. This again is an area that is overlooked primarily because the American consumer has not been organized as effectively as have other groups. However, such organizational efforts are underway and the growing political feeling of the consumer has been felt on such recent issues as sharply increasing meat prices.

I ask unanimous consent that Secretary Peterson's fine speech entitled "Consumers and the Hartke-Burke bill" and an article on the importance of this legislation, published in the May 15 issue of the Wall Street Journal, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

CONSUMERS AND THE HARTKE-BURKE BILL

(Address by the Honorable Peter G. Peterson, U.S. Secretary of Commerce)

INTRODUCTION

It has often been said that this is the age of "consumerism," and that in the United States this trend has gone further than in other countries. And it is certainly true that Americans can choose freely, widely, handsomely—and I think—joyfully among an impressive array of consumer goods in virtually all product areas. Who among our consumers would deny that this freedom and richness of choice is an important part of our quality of life? The retail industry of the U.S. has played a major role in bringing about this result—no doubt by practicing the old but, timeless slogan "The Customer is Always Right."

But an anomalous development is now taking place—an organized effort to raise our cost of living, to divert our human and industrial resources from the things we do well and efficiently to the things we do less well and at higher cost, which would raise unemployment and wreak havoc on overall U.S. foreign policy at the same time.

I am referring to the "Foreign Trade and Investment Act of 1972"—otherwise known as the Hartke-Burke bill.

It has been said that there have always been many who would try to substitute their judgment for the market place—who would opt for a market autocracy (as long as their view was accepted, of course) instead of a market democracy. These times are no exception.

What is behind this curious bill that would purport to make us richer by increasing inflation? That would increase unemployment in our most efficient industries? That would set us on a course of economic isolationism yet anticipate no counter-measures from our customers abroad? That would trigger bitter political conflict with our major allies around the world?

The Hartke-Burke bill represents a protest vote against imports—What is behind it?

The contemporary debate over imports and investments is amply endowed with catchphrases, the most familiar to us being the so-called "export of jobs" by U.S. investors—particularly the larger multinational firms. The U.S. is also said to be receiving a "flood" of imports, implying that imports are something bad and the country is in danger of drowning.

Historically, imports have always received "bad press." Today, imports continue to have a bad reputation—with nearly everyone, that is, as you know best of all, but the consumer.

The existing vocabulary of the world of trade has shifted from the characterization of "mercantilists" to the more modern formulation of "free traders" vs "protectionists."

I hope tonight to avoid this kind of simplistic rhetoric that polarizes us all, i.e., "free traders" versus "protectionists."

The implicit overstatement hidden in this kind of talk is dangerous. A "free trader" is often thought of, at least by his adversaries, as a naive, theoretical, "do-gooder" who would give the country away on behalf of outworn economic theories that nobody else lives by. His critics would call him a softball player in an era of an international world series of hardball. The "protectionist", on the other hand, is stereotyped as an economic Neanderthal whose greed and narrow self-interest would plunge the country backward, if unintentionally, into the closed and retarded world of the Middle Ages.

As in nearly all stereotypes that persist, there is probably at least a touch of truth in each of these. But this is not a time for name calling but for finding a balanced position that fits the modern realities.

I'm convinced that one can be for an open world—without, if you will forgive the expression in this group, giving the store away. That one can be for reviving the spirit of the Yankee Trader, whom we may have forgotten. He bargained hard, but also marketed hard—because he was for more, not less trade. Incidentally, Secretary Connally has demonstrated that you don't have to be from the north to be a Yankee Trader.

I would be one of the last to deny that we face serious international economic problems or that a passive, benign approach was (or is) appropriate.

The President's August 15 moves were far from passive or benign. They were obviously the bold steps of an activist—who at the same time moved in a way that was consistent with his vision of an open world. The U.S. trade balance has shifted from a surplus of about $6 billion in the mid-1960s to a deficit of $2 billion in 1971, a swing of about $8 billion. This shift did cost U.S. jobs, and not all of them were offset elsewhere in our economy.

These are difficult and complex problems, and we are, I think, addressing them with vigor. But inward moving steps toward a closed world, and especially the Hartke-Burke bill, would exacerbate every one of them.

It would solve none. Indeed, it would deepen the international economic problems of the U.S. for the 1970s and beyond.

FUELING INFLATION

What does the bill do? The Hartke-Burke bill proposes that most items imported by the U.S. from foreign countries, be rolled back to the 1965–69 level. They could then increase only in proportion with rising U.S. production. This would mean a cutback of about $10.4 billion from our present level of imports, and more from future levels.

Now, many retailers have adopted the slogan, "Keep The Lid On" in cooperating with the President's wage-price program. The Hartke-Burke bill would "slap a lid" on imports at levels reflecting 1960's consumer demand and preferences but "take the lid off" a major restraint on inflation.

It is difficult to quantify precisely the overall price effects of these cutbacks. The Department of Commerce trade staff is trying to do that. We do know, however, that they would be very large.

One well known advertiser uses the now famous commercial line "Try it—You'll like it." While not attempting to improve on Madison Avenue, the Hartke-Burke bill could bring about a new jingle which says "Try it—You'll like it: If you can find it—and if you can afford it."

Under the Hartke-Burke proposal, imports of capital goods needed by American manufacturers to stay abreast of foreign competition would be rolled back by 31% from 1971 levels.

Consumer goods would decline 34%, food 15%, and automotive vehicles a whopping 56%. Of course, certain imported items would be particularly hard hit. Imports of color television sets, for example, would be cut back by 64% ($131 million). Imports of new passenger cars would drop by 54% ($2.3 billion), and imports of 35 mm still cameras by 30% ($10 million). Some experts tell me it is probably safe to assume that the bill would raise the US price level by at least $10–$15 billion, and probably much more.

Such a development would be tragic, both for our domestic economy and for our international competitive position. You are all well aware of the major effort launched by President Nixon last August to bring U.S. inflation under control. Phase II has as an interim goal reducing the rate of inflation by 1.5%–2%, down to 2%–3% by the end of the year. It is thus highly relevant to note that the Hartke-Burke quotas could raise prices by at least 1.5%–2%—as much as Phase II will reduce them! In short, such legislation could seriously undermine the anti-inflationary effects of the President's wage-price program!

For example, more than 600,000 Americans currently demonstrating a desire to buy an imported subcompact would be prevented from doing so. In fact, perhaps General Motors, if they supported this legislation which they certainly do not, could change their ad to run: "We're building a better way to see the USA—in fact its the only way!"

Would importers be content to simply sell half as many cars at the same price as before? They would have to lay off workers and cut expenses where they could, but their unit costs would also inevitably rise. Furthermore, they would find an oversupply of customers clamoring for each car allowed in. So they (and of course the manufacturer) could easily raise prices to minimize the reduction in their profits. Finally, U.S. import quotas of this severity would go far toward permitting U.S. manufacturers to simply charge much higher prices than their own costs or the marketplace would dictate. Think with me of the effect of quotas which virtually guarantees the domestic producers a fixed share of the market. How many of your suppliers have lowered prices as an offensive marketing weapon to hold on to their market share against foreign competition? I would guess a great many. What do you think would happen if that fear, or stimulus, were removed? They would have far less incentive to hold prices down.

In addition to lowering the level of imports, the quotas applied according to the bill's formula would freeze the product and country mix at the average ratios existing from 1965–1969. Think with me how often in your retailing lifetimes—demands or tastes have changed, and in turn the quality of foreign sources has changed.

For example, consumers have recently shown increasing preference for Japanese cars in relation to German cars. In 1971, four out of every ten purchasers of foreign cars bought a Toyota or Datsun. Under the proposed quotas, only about half as many new foreign cars would be allowed into the country and only one in seven of those could be a Japanese car.

Thus, any changes in consumer preferences would be ignored, along with the price increases. This is a way of saying that skirt lengths might be hemmed in forever.

REDUCING OUR COMPETITIVENESS

Those domestic price rises I have talked about would also substantially erode the international competitiveness of the US economy. We know that the inflation of the mid and late 1960s had just such an effect. It made our dollar increasingly over-valued in the exchange markets, retarded our exports and stimulated imports. It required us to devalue the dollar late last year.

The devaluation should improve our trade balance by about $6 to $8 billion over the next few years, according to our own estimates, those of the international economic organizations, and those of leading academic economists. It will thus restore much of our earlier trade surplus. In the process, it should create at least half a million additional jobs for US workers—precisely the number, incidentally, which the AFL-CIO claims were lost due to the changes in our trade balance in the late 1960s.

The recent devaluation, however, has only provided us with an opportunity. We could fritter it away if we fail to maintain the competitive improvement which it provides. I have already outlined how the Hartke-Burke bill would raise our prices, and thus reduce our competitiveness directly.

In addition, Hartke-Burke's sweeping import quotas would deny US producers some of the vital imports they need to remain competitive, or at least raise substantially the costs of those imports. Our textile industry, for example, buys substantial amounts of European machinery in its drive to improve productivity.

Most importantly, however, a rigid regime of import quotas would affect the American competitive spirit. I don't even recall as a former businessman ever going to work thinking how *glad* I was to have competitors. I suspect none of us really enjoy our competition. And it is certainly easy to dislike foreign competition even more. And yet, we all know that competition from abroad has increasingly provided the US with a strong incentive to innovate, introduce new technology and to maximize quality and productivity.

There are a number of good illustrations of this traditional resilience of our system—when it is challenged. One is shown by the recent experience of US electronic calculator manufacturers. Increased foreign competition and an eroding market share gave domestic producers a timely indication in the late 1960s that their technology was becoming outmoded. On the basis of this import-precipitated "early warning", American manufacturers initiated an intensive R&D effort which is now paying sizeable dividends in terms of increased sales of US calculators both at home and abroad. And one US manufacturer is close to producing a mini-calculator for under $100—far under the price of similar Japanese versions.

It is highly doubtful that domestic producers would have responded as rapidly to changing market conditions had they been afforded the security of import quotas.

Another area is in knitted fabrics, where U.S. manufacturers of double knits have opened up a whole new set of styles . . . in other words, not just a manufacturing innovation, but a product-marketing innovation.

Thus looking at the realities of managerial decision-making in America, it appears doubtful that our response would be as swift or as intensive in a situation where permanent quota protection was present. Many have asked. Would Detroit have developed the compact as soon without the pressure of Volkswagon in late 1950s, or the sub-compact without the pressure of Toyota and Datsun in the late 1960s? Would the steel industry have adopted the oxygen process as soon except for its success abroad and resultant foreign penetration of the US market? Yet it is precisely such actions which are crucial if we are to maintain the leadtime necessary for the production of technologically superior products on which our international competitive position rests.

Numerous exercises comparing US R&D expenditures with those of the European Community and Japan indicate that the latter countries are now allocating a considerably larger share of their resources for this important task than does the United States. We simply must improve the US technological performance, which is why the President recently sent to the Congress the first Presidential message on technology and ways of stimulating industrial uses of technology. But in the event that Americans obtained additional protection from foreign competition through a system of import quotas, it is reasonable to assume that some US producers would give an even lower priority to R&D.

THE FOREIGN RESPONSE

What about the effect of Hartke-Burke on other countries? Can we expect others to acquiesce to quotas? Our major trading partners would stand to lose an average of nearly 30 percent of their exports to the U.S.

Imports from the European Economic Community would be cut back nearly 25 percent, or $1.8 billion.

Canada would be hit with a 30 percent loss in its exports or $3.6 billion—which would cut its entire Gross National Product by 4 percent!

The less developed countries, which literally depend on exports for their survival, would be dealt a further severe blow to their aspirations. And tragically, those that are the newest of the developing countries (and these are usually those with even greater poverty), would be hit the hardest since their 1965–1969 imports to the U.S. would be at lower levels.

Let's look closer again at the case of Canada. About 70% of Canada's exports are shipped to the U.S. Hartke-Burke would roll back Canada's exports to the U.S. some 30%. This would displace about 326,000 Canadian jobs. If the U.S. were in Canada's shoes this would be equivalent to a whopping 3.4 million jobs.

Frankly, I don't know why the proponents of Hartke-Burke think Canada, or Japan, or any of the other countries that would be severely impacted, would or could sit still in the face of this kind of economic disruption. Would the U.S. be able to do so? Or want to try? Would we not agree that the internal political repercussions of a jolt of this magnitude would force *us* into retaliation. Would other nations react differently? I think not.

Furthermore, it is a good bet that foreign retaliation would be carefully aimed at our major export items—often the strongest sectors of our industrial society.

Perhaps like all countries, we are a country of anecdotalists. This may explain why so many of us, when talking about trade will refer to one or two heavily impacted industries and draw massive generalizations about the state of U.S. manufacturing. For example, when I talk about the impact of this Bill on our export manufacturing industries, some will say . . . What export manufacturing industries are you talking about? It surprises them, and it may surprise you, when I tell you that the U.S., even in its first year of trade deficit since 1888, exported over $30 billion of manufactured goods, equal to what we imported.

Suppose, to take a specific example, if the European Community retaliated against the U.S. aircraft industry, sales of most current model U.S. aircraft to European airlines could virtually cease, with an annual loss of export sales of about $400 million. Europe could not only supply most of its near term needs for aircraft from its current or planned production, but its response to U.S. quotas would also threaten future generations of U.S. aircraft. New projects either would be precluded, as the EEC produced competitive aircraft, or would have to be priced to yield a break-even point at a much lower level of sales. Economies of scale could not be realized as they have in the past. In turn, increased costs of future aircraft to U.S. airlines would be passed on to the consumer in higher air fares. Everyone would lose. The manufacturers would sell fewer airplanes. The airlines would pay higher prices for them. The consumer would get higher air fares. And many highly skilled, high paying jobs would be lost in the already troubled aero-space industry.

Despite the certainty of retaliation against our exports under the Hartke-Burke quotas, there are some who say "what of it?" They suggest that reducing both sides of our trade account by the same amount would provide a net increase in the number of jobs here at home. They assume that the job content of the domestic production which would replace imports is greater than the job content of our exported goods. This assumption is false.

Indeed, the reverse is true. When both direct and indirect labor requirements are considered—that is, the labor directly occupied in export and import-competing industries, and also the labor required to produce intermediate goods which support these industries—it turns out that our exported goods are actually more labor-intensive than our domestically produced goods which compete with imports.

Professor Leontief of Harvard demonstrated this point some twenty years ago, and the so-called Leontief Paradox recently has been given new and impressive empirical support. The net losers in any trade warfare ignited by the Hartke-Burke bill would be American workers—who are also, after all, American consumers, too!

Under the most favorable assumptions, retaliation and counter-retaliation would create only as many jobs as they would destroy, and society would be forced to pay not only substantially higher prices for its goods but the additional cost of moving workers out of export industries into import-competing industries. But I would repeat it is demonstrable that more U.S. jobs, and higher paying jobs at that, would be lost from the reduction in our exports than would be gained as domestic production substituted for imports, and the U.S. unemployment would rise as a result. Those who argue for protectionism are unintentionally I believe, misrepresenting the true interest of American labor, both as workers and as consumers, except in the narrow and short term sense of a particular industry at a particular time.

But the foreign response to a U.S. Hartke-Burke bill would go far beyond these immediate trade and job effects, catastrophic as they would be. We would also forfeit some critically important opportunities to negotiate a more equitable and balanced international trading system—which we certainly need. Since last August, we have been working hard—and with some success—to reduce those foreign barriers to trade which hinder U.S. exports. The U.S. government wants to enter into major trade negotiations, beginning in 1973, to get at those barriers in a major way. We want to change those rules of the international trading system which we feel discriminate against the U.S. But a Hartke-Burke bill would send U.S. trade policy careening in the opposite direction, and I believe would destroy any chances for improving our acccess to foreign markets and improving the international rules.

And what of the effects of such a U.S. trade policy shift on our overall foreign policy? I have already indicated that the Hartke-Burke quotas would levy billions of dollars of losses on our major allies—in Western Europe, Japan, and Canada. The internal political effects of such U.S. action could be devastating to any efforts by the governments of these countries to maintain close ties to the U.S. Would we continue to advocate active cooperation with any country which unilaterally destroyed several percentage points of our GNP, and millions of U.S. jobs?

A POSITIVE ALTERNATIVE

I thus conclude that passage of the Hartke-Burke bill, or anything like it, would be a national disaster for the U.S. and an international disaster for the world in which we live. Indeed, it would intensify all of our domestic and international economic problems, and bring us new political problems in their wake.

But foreign trade, like all economic change, does cause real problems for certain individuals. Recognition that open and balanced trade helps the nation as a whole is no solace to the worker who does lose his job, or the firm which goes bankrupt, as a result of imports. We must have a clear and effective policy approach to deal with such problems.

I have already mentioned some elements of such an approach. Our economy must grow rapidly, to achieve full employment and induce rapid rises in productivity. We must effectively check inflation, to stay competitive both at home and abroad. We must receive fair treatment in international trade from other countries. We must negotiate better rules and procedures to govern the international monetary and trading systems. These steps alone would go far to enable us to maintain open trade policy, as indeed they did in earlier periods. We must never forget that millions of workers in civilian work force of around 85 million shift jobs each year within our economy, overwhelmingly due to purely domestic reasons, and that most of the dislocation caused by changing trade patterns can be readily absorbed in an expanding U.S. economy operating with a monetary system that keeps our balance of payments in equilibrium.

In addition, however, we must have an effective program which will provide assistance to those industries, firms, and especially workers, injured by imports. Such an "adjustment assistance" program was adopted by the Congress in principle in 1962. But it has been ineffective in practice due to a combination of excessively tight legislative requirements, excessively tight legal interpretations of those requirements—indeed, a failure on all our parts to attract sufficient priority to this very economic but also very human problem.

Also, since the adjustment process takes time—even when accelerated by a program of assistance—some have suggested that temporary orderly marketing instructions should be available. (And we are exploring possibilities of internationalizing its criteria for invoking such mechanisms.)

An interagency group is hard at work devising a better adjustment assistance program. Access to adjustment help must be greatly eased. Assistance must become available much more quickly to those who need it; "early warning" must apply in this context as well. It must receive the highest priority from both the Administration and the Congress. The AFL–CIO has estimated that a viable program for workers would cost about $500 million annually. Even if one accepts this figure without question, it strikes me as a very good buy if it preserves the billions of dollars of consumer benefits, the thousands of jobs, the unquantifiable but nevertheless huge gains in terms of U.S. economic competitiveness and overall U.S. foreign policy, which derive from our maintaining an open and balanced trade policy for the United States.

THE ROLE OF RETAILERS

I would submit that retailers are among the major beneficiaries of such a policy within our society. And you stand to lose a great deal, too.

As our whole society gets more complicated, the task of governing can come to resemble an esoteric discipline in which the best practitioners are those who are capable of mastering the greatest volume of information and detail. Since everyone is not equally adept, it follows that some of us in Washington will rely on time honored ways of making their job easier. This means they will rely on lobbyists.

The trouble with relying too heavily on this system is that it implicitly assumes that all interests are organized when, in fact, the true picture is very different. What really exists is a situation in which only those who were directly affected in the short run and who have the resources to spend were exerting sustained pressure on Congress.

In the critical field of trade, I believe the great unorganized public—your customers—are hardly represented at all. It is possible therefore to pass misguided and harmful legislation because no one is able to put pressure on Congress in his capacity as a member of the unorganized public. The question "For whom do you speak?" could only be answered "I speak for myself" and that is not good enough.

The harmful effect of this system of representation is illustrated in the current debate. Imports have—as I noted earlier—historically had a "bad press"; that is, they have had a bad reputation with everyone but the consumers. Even though the consumers were importantly affected by imports, their overall opinion has really counted for very little partly because the consumers were not informed and energized. Even though this situation is changing, particularly as our recent experience with rapid inflation has had the salutary effect of mobilizing this concern, the consumer still needs educators and advocates and what I am proposing is that you, the retailers, help to fill the gap.

You gain enormously from the preservation of consumer freedom and consumer rationality, from the ability of the consumer to enjoy his changing tastes at reasonable prices.

In a sense, Americans need the stimulus of trade and international competition even more than most people. For us, expansion, innovation and competition have always been a way of life and we have benefited greatly from our willingness to compete on equal terms with all comers, anywhere in the world. Frederick Jackson Turner, a noted historian, wrote that Americans need an outlet for their energies. He saw the closing of the frontier as a crucial turning point for this society which had until the early part of this century given itself wholly to the great task of settling a continent.

In many ways we see evidence today of the wisdom of Turner's assessment. Increasingly, the dynamism of our society is giving way to lassitude and a certain purposeless time serving which not only harms us economically, but does great social harm as well. Given this situation, can we sanction a bill which would restrict our freedom of economic expansion still further, that would freeze us into a pattern of protection and economic reaction? I think not, and I hope that anyone who stops to consider the whole picture will agree.

You thus have a unique position from which to judge the need for an open trading system and an open world, and for opposing efforts to reverse it. I would like to close by suggesting some ways in which you could exercise that responsibility.

The first requirement is educational. Few consumers realize, even now, how international trade can either accelerate inflation or help combat it. Few realize how it can increase, or decrease our standard of living. To the extent the consumers' interest is unrepresented—it is likely his interests will be misrepresented.

Given your broad mission to serve the interests of your customers, given your enormous knowledge and given your impressive communications resources and abilities, I think you have a decisive role to play in a creative and different kind of "protectionism" i.e., protecting the true interest of the customer.

Longer term, the position of the retailer is just as likely to be damaged by import quotas as the consumer. Consumers and retailers, in fact, tend to share each other's fates in various ways. As the final link between the product and the consumer, the retailer is always closely identified in the mind of the purchaser with the goods which he happens to sell. This means that if the goods are "overpriced" it will be a reflection on the retailer and not, as might be more just, on the conditions which forced him to raise prices to their high level. You are the "omnipotent middlemen" and when times are hard you make a convenient target for those who have no other outlet for their anger. Retailers, in short, have a lot to lose by import quotas which force up consumer prices, restrict their choice of goods and, therefore, reduce their creative contribution to a rising standard of living.

On trade, the American consumer has indeed been a "silent majority". He can no longer afford to be silent. The "majority", after all, is all of us.

The most important thing, though, is to recognize and communicate just what a restrictive philosophy such as Hartke-Burke contains would really mean.

It is analogous, I think, to the all too common if human attempt of an individual to isolate himself from experience that would challenge him . . . like Linus' desperate search for a security blanket.

The individual may achieve a certain security, but the cost of such security is very high. It is attained at the expense of the opportunity to grow and learn, and in the end the legacy can only be a complacent mediocrity which, never having been challenged, can never progress.

An individual depends even on his failures to help find the limitation of his own abilities. Nothing is more disastrous than to set one's own limits in anticipation of failures that may occur. This is no less true for a nation—especially one that is as great as ours.

[From the Wall Street Journal, May 15, 1972]

THAT BURKE-HARTKE BILL: LABOR, BUSINESS SQUARE OFF IN TRADE FIGHT EVEN THOUGH KEY BILL HAS NO CHANCE IN 1972

(By Albert R. Hunt)

WASHINGTON.—A bruising battle is shaping up over trade legislation that friend and foe alike agree probably isn't going anywhere this year.

The measure is known as the Burke-Hartke bill, and it would curb imports and discourage corporate investment abroad. That means job protection for American workers, so organized labor is squarely behind it.

But Burke-Hartke's foes, led by the Nixon administration and the international businesses whose sails would be trimmed, see the bill as the most regressive and dangerous piece of trade legislation since the Smoot-Hawley Tariff Act of 1930. So they're feverishly at work trying to counter labor's lobbying.

The administration has been rushing out studies on the economic benefits to the nation of international corporations, and the globe-girdling companies are busy making similar defensive pitches. International Telephone & Telegraph Corp., currently one of the more visible U.S.-based international concerns, recently hired the New York public-relations firm of Harshe-Rotman & Druck to visit 30 large cities to proclaim to newspaper editors and financial writers the virtues of international companies.

The bill introduced late last year by Rep. James Burke (D., Mass.) and Sen. Vance Hartke (D., Ind.) clearly has become the focal point for the growing debates over U.S. trade and foreign-investment policies. "Burke-Hartke is now the forum to sort out all these matters," says Lee Morgan, president of Caterpillar Tractor Co. and head of a U.S. Chamber of Commerce task force opposing the measure.

And while even many of the bill's supporters concede privately that it isn't likely to be considered by Congress this election year, the battle lines are forming for a future confrontation that could reverse decades of U.S. international economic policy.

CREATING JOBS

"The bill already has achieved one of its objectives," one lawmaker asserts. "It has created a hell of a lot of jobs—to either push or fight the thing."

The bill's very existence, plus its politically potent labor backing, has dissuaded the Nixon administration from sending Congress any trade legislation this year—for fear protectionist proposals like those in Burke-Hartke might be adopted. As a result, it's "highly unlikely" that Congress even will consider any trade matters this year, says Rep. Wilbur Mills (D., Ark.), chairman of the House Ways and Means Committee, which has jurisdiction in such things.

The bill's most far-reaching section would limit annual imports to the same percentage, on a country-by-country and item-by-item basis, that came in from 1965 to 1969. Goods already under quotas or voluntary agreements, such as steel, wouldn't be affected.

The legislation also would establish a Foreign Trade and Investment Commission, which could lift the import restrictions if it determined a domestic industry "failed to modernize" its facilities or if failure to import would cause "disruption" of domestic markets.

Almost as much controversy has been generated by the bill's section curtailing activities of international companies. Generally, this would eliminate the common practice of U.S. companies deferring taxes on foreign earnings until this income is brought back to the U.S.; foreign income would be taxed when earned. Also, the companies no longer would be allowed a U.S. tax credit on taxes paid to foreign governments; such payments would be treated as deductions from taxable income.

Other sections would grant the President wide authority to restrict capital and technological flows, tighten enforcement of anti-dumping and countervailing-duty laws, and make it easier to determine when domestic industry was hurt by imports and thus entitled to financial relief under the adjustment-assistance program. (The provisions streamlining adjustment-assistance procedures are the only part of the bill the Nixon administration and most free-traders support.)

"UNIVERSAL PROTECTIONISM"

Protectionist legislation has been periodically introduced in Congress for years, yet few measures have aroused the reaction of the Burke-Hartke bill. In the past, most protectionist proposals dealt only with one particularly aggrieved industry, while the current proposal is an across-the-board approach.

"This is the new universal protectionism," states Robert McNeill, executive director of the Emergency Committee for American Trade, the most active of the groups that now devote most of their time and energies to fighting Burke-Hartke.

Another difference this time is that a high unemployment rate—hovering near 6% for a year and a half—and a whopping $2.05 billion trade deficit in 1971 have fueled protectionist sentiment on Capitol Hill. Last month, for instance, a liberal New York Democrat, Rep. James Scheuer, broke from his traditional free-trade posture and called for a "realistic and careful consideration" of the Burke-Hartke bill.

"I'm afraid my self as to what might happen if we undertook to pass a trade bill now," says free-trader Wilbur Mills. This is one reason, he admits, why the Ways and Means panel doesn't plan trade hearings this year. With a heavy schedule already, the more protectionist-oriented Senate Finance Committee isn't planning any trade hearings this session, either.

But there's considerable concern within the administration that parts of the Burke-Hartke proposal might be added to other legislation. "The chances of Burke-Hartke passing this year are quite low," says Commerce Secretary Peter G. Peterson, "but the risk of breaking part of it out into other current legislation is considerably higher."

A MAJOR EFFORT

Thwarting such efforts only means postponing the battle, for President Nixon is committed to major multilateral trade negotiations starting in 1973, and he is expected to ask Congress later for broad tariff-cutting authority.

And the section dealing with tax treatment of foreign affiliates could get caught up in the rising congressional cries for tax reform. A series of tax measures offered by Sen. Gaylord Nelson (D., Wis.) proposes eliminating the deferral of taxes on earnings of foreign subsidiaries.

Aware of these potential pitfalls, the Nixon administration is mounting a major effort to combat Burke-Hartke. "We've got to let the American people know we have a comprehension and a commitment to do something about these problems," says Treasury Secretary John B. Connally. "In absence of that, we're going to be in the protectionist battle of our lives."

Their biggest hope, administration men say, is some significant improvement in the trade balance and in U.S. employment. "As long as trade deficits continue and unemployment remains relatively high, the trade atmosphere isn't good," says Mr. Peterson.

The Commerce Department estimates the Burke-Hartke quotas would reduce imports by about $12 billion a year or more than 25% from last year's level. An internal department report says declines would be as much as 36% for products from Japan and 27% for those from the Common Market nations. This report also estimates that color television imports would drop by 64% from 1971 and auto imports would decline 52%.

This would increase prices significantly, Mr. Peterson warns. Realizing that demand would far outstrip supply, importers would boost their prices, he contends. And domestic producers, assured of a bigger share of the market, also would be more inclined to raise prices, he argues.

WOULD OTHERS RETALIATE?

The administration and the international groups further argue that the tax proposals would cripple new foreign investment by placing American companies at a competitive disadvantage. These contentions have been picked up by most major business organizations, including the Chamber of Commerce and National Association of Manufacturers, which have been cranking out reports, studies and speeches against the Burke-Hartke Bill.

Perhaps the most heated debate is whether the bill would produce retaliation by U.S. trading partners. "It's too much to expect that we're going to cut other countries' exports by 36% or 27% and limit investment and that nothing will happen to us," asserts Mr. Peterson. A Commerce Department study suggests there would be "immediate retaliation" since the "political and economic pressures" abroad "would be so great as to make such retaliation unavoidable."

Labor dismisses this notion, however. "These arguments simply are out of date," contends Liz Jager, an AFL–CIO economist. "For 25 years we've shown concern for other nations, and now they're just going to have to realize it's in their self-interest to do the same for us." There may be some "small retaliation," concedes Meyer Bernstein, head of the Steelworkers Union's international division. But he says, "Most other nations will want to keep their share of our market, so significant retaliation would be almost impossible."

These labor officials claim the opposition is waging an intensive "hate campaign." "They refuse to make public any accurate figures, so they're resorting to one misrepresentation after another," says Ray Denison, the AFL–CIO's chief lobbyist on the Burke-Hartke measure. In March, AFL–CIO President George Meany dashed off an angry letter to Mr. Peterson accusing the Commerce Department of disseminating a "biased" report on international companies containing "false" conclusions.

LABOR IS UNITED

Labor's own efforts are going full-throttle. "They're united on this, and their effort is simply enormous," says Mr. McNeill. Some unions have supplemented their regular lobbyists by bringing special delegations here to buttonhole their Congressmen. "Save-our-jobs" rallies are being staged around the country, and bumper stickers and posters are proliferating. Labor also is seeking support from state and local governments. Last month, for instance, the Milwaukee city council endorsed the Burke-Hartke bill.

The rapid growth of imports and international companies has forced labor to alter its historical free trade posture, union spokesmen admit. "We go out in the field to talk about national health care or minimum wage, but all the rank-and-file want to talk about is their jobs and what imports are doing to them," says one labor official.

Many union men contend the alternative to the Burke-Hartke measure isn't free trade but rather is "real" protectionism. "Burke-Hartke doesn't set up walls, but rather says to foreigners 'you may advance as our industry improves,'" says the Steelworkers Mr. Bernstein. And if this is beaten back there are dire warnings of much tougher measures. "The emotionalism of this issue is so great it'd be very easy to launch a 'buy American' program and really try to put up walls," says the AFL–CIO's Mr. Denison.

Few supporters feel that the Burke-Hartke measure, in its present form, will ever pass Congress. But they're confident that events inexorably are moving in the direction of some import curbs.

RAILROAD ABANDONMENTS

Mr. MONDALE. Mr. President, recently, at an Interstate Commerce Commission hearing at Redwood Falls, Minn., I expressed my strong opposition to the abandonment of rural rail lines.

I testified there on behalf of the farmers and rural residents who are threatened with the loss of their rail service. The Honorable Wendell R. Anderson, Governor of the State of Minnesota, as well as several other elected officials, also protested the abandonment.

On the other side of the issue is the well-oiled machinery of a large corporation which owns the railroad involved. In the decisionmaking position is the Interstate Commerce Commission. I would hope that in this case, as it should be in all cases, the Commission would be a regulatory agency whose primary function is the protection of the people. That does not seem to be the case. As Governor Anderson pointed out:

> Since 1963, there have been 13 similar railroad abandonment contests in Minnesota decided by the Interstate Commerce Commission. The score reads 13 wins for the railroads, none for the people.

Mr. President, there are 10 pending abandonments in Minnesota, involving some 247.87 miles of track. That trackage serves 28 communities in Minnesota. Beyond these abandonments which are at present pending on the ICC docket, State government and private industry in Minnesota have projected much more alarming railroad company plans. According to projections, based on rail industry plans, by 1980 the State would have only a few major rail lines crossing it. As Jon Wefald, commissioner of agriculture in Minnesota, points out:

> The rail industry plans to fold up and rip out the vital economic life sustaining transportation arteries of the bulk of the rural community by 1980.

I am concerned, not only because of the consequences which would be visited upon the rural people of Minnesota, but also because of the severe threat this abondonment trend would have on all of rural America. How ironic it is that when rural development has finally gained national interest, there are so many forces intent on destroying rural transportation systems. Instead of seeking ways of improving service, railroad companies want to get out of the rural areas. The Federal Government, instead of proposing ways of improving and continuing rail service in rural areas, continues to grant more and more abandonments. Transportation legislation such as the Surface Transportation Act and the administration's Transportation Assistance Act seek to make abandonments of rail service even easier.

The wholesale abandonment of railroad lines must stop. Rural outmigration will be speeded by loss of these vital transportation arteries. For that reason, I strongly urge prompt action along the lines of Senate Concurrent Resolution 56 and Senate Joint Resolution 225. These measures seek to declare a moratorium on abandonments until alternatives can be developed to solve the transportation problems of rural America.

Mr. President, the Minneapolis Star, in an editorial, recently supported a moratorium on railroad abandonments. The St. Paul Pioneer Press, in a news analysis by Don Spavin, did a fine job of detailing the complexity of the abandonment issue as it affects not only small towns in Minnesota, but also the thousands of small communities across the Nation.

Mr. President, I ask unanimous consent that the editorial and article be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ABANDONING RAIL LINES

Some key people in both political parties showed up at an Interstate Commerce Commission (ICC) hearing in Redwood Falls last week to protest the proposed abandonment of rail freight service on a branch line between Wanda and Sanborn.

Their appearances and some of the things said gave some small hope that Minnesota might really be serious about establishing a state transportation and/or state development policy. Certainly the need for such an approach was demonstrated.

For example, Sen. Walter Mondale said it would cost about $80 million to provide communities threatened by loss of rail service with nine-ton highways. And the question posed immediately is whether government could or would build the highway, keep the railroad running or let those small towns perish.

The list of prospective rail abandonments was put together not by a state agency but by one of our large industries. That says as much as anything else about how well prepared the state is right now to offer a positive answer to the problems of all the Wandas in Minnesota.

Gov. Wendell Anderson can talk, as he did at Redwood Falls, about his responsibility to protect the economic well-being and quality of life of outstate communities, he can decry past performance of the railroads and he can support a national moratorium on railroad abandonments, but the harsh fact is that's about the limit of the state's ability at this time.

There is activity in the Anderson administration now aimed at establishing a state Department of Transportation, which could be the vehicle for creating a state transportation policy. But how that state policy would weigh the difficult choices involved in railroad abandonments—which is only a part of the whole problem—remains to be seen, and, frankly, we are skeptical.

The idea of a temporary moratorium on railroad abandonments while some attempts are made to sort this all out is certainly appealing. Mondale also suggested the possibility of operating rural railroad branch lines in the same manner as REAs and federal subsidies of branch lines, and those, too, deserve exploration.

WHO CARES WHETHER WANDA GETS BURIED?

(By Don Spavin)

REDWOOD FALLS.—All that remains is to bury the corpse.

The nails were hammered into the coffin of another Minnesota village this week when a public hearing was held here by the Interstate Commerce Commission to determine whether the Chicago & North Western Railroad could abandon eight and two-tenths miles of track linking the little village of Wanda with Sanborn, and eventually the markets of the world.

Someone once said, "Nothing is certain but death and taxes," and to that might be added "I.C.C. affirmation of requests for rail abandonment." For, despite eloquent political pleas and veiled threats, the chances that the I.C.C. will vote against the wishes of the railroad are pretty slim. In 13 such cases heard in the past few years in this state, the railroad has won permission to abandon 13 times.

Who really cares whether Wanda gets buried? Already off the beaten track, it has suffered, through modern highway and transportation, the fate so common of the small towns everywhere—gradual decline and eventual death. As a politician once pointed out, "When the need for the small town dies, so will that town."

Wanda hasn't had too much going for it for several years. It now has a lumberyard, a couple of bars, a grocery store, a service station-garage, an American Legion hall and a new and modern bank. It also has a large and modern cooperative elevator which serves about two and a half townships and 250 customers living in what is probably the richest farming area of the state. The elevator does about a million dollars a year in business and is a prime user of the C&NW line to Sanborn.

Not much when it's stacked against the likes of C&NW and a general indifference on the part of most people. It is true that at the opening day of the hearing this week, the brightest political lights in Minnesota were on hand to appear before a packed house which came more to see the not-often-seen-in-these-parts-politicians than to worry what is to become of Wanda.

There were politicians holding national offices—Sen. Walter Mondale and Rep. John Zwach—politicians holding state offices—Gov. Wendell Anderson, among a large contingent, and there were candidates seeking nominations for state and national office. All made impassioned speeches and when they were done duly made a tour of inspection of Wanda, the elevator and twisted, grass-grown tracks of the C&NW. Duty done, they flew off to Washington, the Twin Cities and other points to await another hearing, another chance to appear on behalf of their constituents.

Behind them they left, to fight the battle, a handful of farmers versus the cool and well-oiled machinery of a giant corporation.

"If the railroad would just put the money they use to push these abandonments into improving their lines, there wouldn't be any problem," said Harold Larson, president of the Farmers Cooperative elevator of Wanda.

"Just figure what they spend in travel, time and legal fees and most of the repairs needed on the Wanda line could be made. Then there wouldn't be any need of these hearings."

The railroad wasn't about to disclose to a reporter or a farmer how much they would spend on such a hearing. In fact they weren't about to disclose anything they didn't want to, but to this hearing they came well armed with figures to back their position. Their witnesses made no impassioned pleas for salvage from financial disaster. Instead they presented hard cold facts of income versus expense and backed such facts up with sheets and books of mathematical equations augmented by engineers with slide rules to prove that this branch of track isn't working.

What does it matter to the C&NW if Wanda or a dozen Wandas pass from existence. What does it matter that 250 farmers will have to pay anywhere from two to five cents a bushel more to get their grain to market via trucks. What does ecology really matter—the fact that it takes two semitrailer trucks to haul what one rail car can haul. And, what does it matter that many of Minnesota's roads are closed in the Spring to loads such as a semi-truck would haul.

Two hundred and fifty people in a rural county in Minnesota are but drops in a very large bucket when it comes to a financial statement that must satisfy many times that number of stockholders. It matters not to such a corporation that the government gave them land equal to the size of the British Isles simply for bringing their railroads west. There was business for them then or they would never have laid a mile of track.

There is more business there today for since the end of the Great Depression farm production in this area has grown by leaps and bounds. In corn alone the 35 bushels an acre of the 30's has grown to 130 bushels an acre. Every market crop has shown a similar increase.

Thus it is hard for men who have learned to coax the ultimate out of the soil to see a railroad throw away the business. The logic is difficult to understand.

"They used to tell us there was no money in passenger rail travel," Bert Bellig, Sanborn retired farmer said, "but said freight was where the money was. We gave them freight. More than they could usually furnish rail cars for. Year after year the surplus of sugar beets and corn formed mountains on the ground outside the elevtators waiting for the railroad to get some cars to us. The business was there but they didn't know how to handle it and now cry that such a line such as the Wanda line is unprofitable. It looks more like deliberate neglect and poor business."

It's hard to see it otherwise.

The railroads, on the other hand, and in this case the C&NW would like to have regional collection spots for farm produce, served by a couple main line roads, and this may be the ultimate goal sought in such abandonments of small branch lines. To the roalroad and its ever present stockholders it also may be the answer they are seeking in a people-be-damned attitude.

Few will note and fewer care that Wanda can be left without rail transportation and without adequate highway transportation for this village is off the beaten track on roads that would cost many thousands of dollars to be upgraded to unlimited load restriction highway. The village is four miles from a major highway—U.S. 71—and its 150 population is a voice too weak to be heard in the halls of government.

But, this case may be the catalyst that will unite rural Minnesota. This may be the straw that breaks the back of patient people who have seen the voice of rural America and rural Minnesota become a hoarse whisper. There is a growing dissatisfaction in Minnesota countryside with government and politicians as it and they apply to the rural areas.

"We have become weakened through organization," said Herbert Bollum, Redwood Falls farmer. "It seems almost a deliberate plot to get as many farm organizations as possible operating among the farmers. Each has its own ideas and each tries to go its separate way. Divided as we are, we are bound to fail and fall. What we really need is one, and only one, unified voice of the farmer and then we would have the strength we need not only to be heard in the state capital but in Washington."

Speaker of the House Aubrey Dirlam, who hails from a Redwood county farm, charged that "grass will truly grow in the streets of rural villages and towns" if the railroads are allowed to continue a growing rash of abandonments of rail lines.

Half way decent repair would do a lot for the Wanda line. It doesn't take a railroad expert to see that this is far from a first-class line, and years of neglect have done little to make it better. The rails twist and turn and in sections have more kinks than a hog's tail. Grass not only grows alongside the track but between the rails and through the many rotting ties, some of which have been there for more than half a century.

This line, rail experts testified, does not get enough traffic to keep the weeds down; is built of too light rail to carry heavy loads; cannot carry a train at much more than four miles an hour, and has an un-drained, sod bed with little or no ballast.

Few could dispute these facts, but those concerned ask which came first—neglect of the railorad or lack of traffic. Facts tend to prove neglect came first for there is little doubt the potential for business is greater.

Why, if there is business for the begging do railroads seek abandonment—304 Minnesota communities will lose rail service by 1980 if the present trend continues—is a question asked again and again. Perhaps only those who direct such corporations as the C&NW know the real answer. Sen. Mondale, Rep. Zwach and Gov. Anderson all took swipes at both the railroads and the Interstate Commerce Commission which has allowed in almost every instance the petitions for abandonment. They charged that railroads which want to leave an area simply make the service so poor shippers cannot provide enough business to make the line profitable and it is abandoned.

"It is clear," Sen. Mondale said, "that at least some of (the railroad) conglomerates regard the railroad only as a tax loss; they ignore the fact their tax loss is a transportation company vital to the lives of many Americans."

Perhaps it was ordained when Wanda got its name that this event would occur for in 1901 when it was incorporated, the Chicago and Northwestern railway named it from a Chippewa word—Wanenda which in that Indian language means, "to forget."

DISCLOSURE BY SENATOR JACOB K. JAVITS, OF NEW YORK, OF DIRECT OR INDIRECT FINANCIAL INTERESTS

Mr. JAVITS. Mr. President, under the Senate Code of Ethics, I filed on May 15, 1972, with the Secretary of the Senate a formal "Statement of Contributions and Honorariums," in which I disclosed all substantial contributions or honorariums received by me during the last calendar year. The form is a public document to which the press has access.

In addition, I filed under the Senate Rules a "Confidential Statement of Financial Interests," which includes lists of companies in which I have a direct or indirect financial interest. As that statement is filed with the Comptroller General under the Rules of the Senate and is not open to public examination, I hereby publish a list of companies subject to some form of regulation by the Federal Government—or which I feel may be doing some appreciable business with the Federal Government—in each of which I have an interest, direct or indirect—generally in a family trust of which I am trustee—as of this date, in an amount exceeding $5,000.

These are normal investments in publicly owned corporations and constitute no element of control alone or in combination with others, directly or indirectly:

American & Foreign Securities Corp.
American Telephone and Telegraph.
American Water Works.
Cenco Scientific Institution.
Cities Service Corporation.
Coastal States Gas Prod. Co.
Criterion Insurance Co.
First Chicago Corp.
First National City Bank of New York.
Flying Tiger Corp.
Government Employees Financial Corp.
Government Employees Insurance Co.
Government Employees Life Insurance Co.
Kerr McGee.
Marion Laboratories.
South Carolina Electric & Gas Co.
Southern Co.
Transamerica Corp. of Delaware.
Telco Marketing Services.
White Shield Oil & Gas.

DEDICATION OF MARIE McGUIRE PLAZA

Mr. WILLIAMS. Mr. President, Oklahoma City has honored Mrs. Marie C. McGuire, one of our Nation's most respected experts in the field of housing for the elderly. On March 16, 1972, the Oklahoma City Housing Authority formally dedicated a new housing project for senior citizens. This project will be called the Marie McGuire Plaza.

Mrs. McGuire is truly one of the pioneers in the creation and development of apartment living that serves the specialized needs of our Nation's older citizens. Several years ago she was instrumental in the development of the Victoria Plaza Apartments in San Antonio, Tex., the first highrise in the country planned and designed specially for older Americans.

As Commissioner of the Public Housing Administration, and more recently as Deputy Assistant to the Secretary for Programs for the Elderly and Handicapped at the Department of Housing and Urban Development, Marie McGuire has continued to offer her expert understanding and her special brand of warmth to our growing national effort to provide a decent home and living environment for all elderly Americans.

Marie McGuire Plaza will be a fitting tribute to her many contributions to this field. This specially designed, 11-story building has 201 living units as well as ample community space for a conference and library room, clinic facilities, and an arts and crafts room. In addition, Marie McGuire Plaza will feature added safety features and emergency call systems in both the bathrooms and the bedrooms.

Mr. President, I have known Marie McGuire as a personal friend for several years, and I would like to say that I have only the highest admiration for her efforts and her tireless leadership in the field of senior citizen housing. As the present chairman of the Subcommittee on Housing for the Elderly, for the Senate Special Committee on Aging, I know I am expressing the views of many people when I say that no one deserves this honor more than Marie.

Mr. President, I ask unanimous consent to have printed in the RECORD a telegram from Hon. George Romney, Secretary of the Department of Housing and Urban Development.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
March 15, 1972.

J. B. HARRISON,
Chairman, Oklahoma City, Okla.:

It is a pleasure to extend congratulations to Oklahoma City and its housing authority on the dedication of housing for the elderly that will perpetuate Marie McGuire's name. She has devoted thirty years to the provision of housing for families of limited income and the elderly. She has set standards of excellence in design which make possible a rewarding environment for our older citizens. She fully merits this memorial to her efforts, and the Department of Housing and Urban Development and I personally appreciate its significance. Again, my congratulations on your accomplishments.

GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development.

INAUGURATION OF GENERALISSIMO CHIANG KAI-SHEK FOR HIS FIFTH TERM AS PRESIDENT OF THE REPUBLIC OF CHINA

Mr. THURMOND. Mr. President, Generalissimo Chiang Kai-shek will be inaugurated as President of China for his fifth term on May 20.

As we all know, the Republic of China had a very trying year in 1971. China was expelled from the United Nations despite the best efforts of our Government, and her position in the international community has become more difficult. Despite this setback, the people and government of the Republic of China met and survived adversity with restraint and dignity.

Free China has achieved an economic growth of 11.4 percent; and foreign investments, particularly those from the United States, have been on the increase. This dynamic economic prosperity and the respect and observance of the traditional Chinese way of life will certainly sustain the people of free China through the forthcoming years. I attribute these outstanding achievements not only to the hard-working efforts of the free Chinese people, but also to the brilliant leadership of President Chiang Kai-shek.

Mr. President, the Republic of China has been our stanchest ally during the past quarter of a century. I am pleased that President Nixon has designated John Eisenhower as his special envoy to attend the inauguration ceremony. Sending such a well-known and competent man will serve to reassure the people and government of the Republic of China of the continuous friendship and commitment of the United States.

I am sure that Senators will join me in extending to President Chiang Kai-shek our best wishes for good health and success as the leader of free China.

MINNESOTA JEWS AND SOVIET ARTS

Mr. MONDALE. Mr. President, in publishing a pamphlet to mark this month's exhibit of Soviet arts and crafts at the Minnesota Museum of Art in St. Paul, the Minnesota Committee for Soviet Jewry has chosen an unusual and effective means to protest the treatment of Jews in the U.S.S.R. Informative and reasonable, the pamphlet focuses on the exhibit to draw attention to the injustices inflicted by the Soviet Government on its Jewish citizens.

According to Marcia Yugend, chairman of the Minnesota committee, the effort reflects the committee's determination "to educate in a civilized, peaceful manner." At a time when hysteria and violence have become the familiar hallmarks of political protest, Mrs. Yugend's remarks take on special meaning for all of us.

In an editorial entitled "Minnesota Jews and Soviet Arts," the Minneapolis Tribune applauded the action of the Minnesota committee and quoted a portion of Mrs. Yugend's statement.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MINNESOTA JEWS AND SOVIET ARTS

The message from Minnesota Jews is straightforward. "Welcome to the exhibit," say the words on the cover of a pamphlet that might be taken for an official guide to the splendid exhibit of arts and crafts from the Soviet Union at St. Paul's Minnesota Museum of Art this month. The rest of the message is equally straightforward, well-tempered, necessary and, in our view, conveyed in an admirable way.

For the Minnesota Committee for Soviet Jewry has chosen the occasion of the exhibit to protest the treatment of Jews in the Soviet Union. An important distinction is that the committee is not protesting the exhibit itself—the welcome is sincere—but alerting Minnesotans and, perhaps, a number of Russians to omissions and injustices.

The Twin Cities are honored to be one of six U.S. metropolitan areas in which this remarkable collection of ancient and contemporary Soviet artistic works is being shown. It's no stain on that honor to note omissions. In a collection so broadly representing the diverse cultures of the Soviet Union, it does seem unusual to find no mention or example of, say, Marc Chagall or other artists of Soviet Jewish origin.

Nor does it seem inappropriate for Minnesota Jews to use the exhibit as a focus for demonstrating concern about Jews in the Soviet Union. Art knows no international boundaries; political expression does. In this country there's nothing inconsistent about applauding an exhibit of art and at the same time criticizing on other grounds the government that organized the exhibit. Critics here need not resort to underground expressions of protests as do the writers of unpublished criticism, or samizdat, in the U.S.S.R.

Marcia Yugend, chairman of the Minnesota Committee for Soviet Jewry, calls the protest an attempt "to educate in a civilized, peaceful manner—not an attempt to revive the Cold War or anticommunism." Her organization has set a praiseworthy example of effective protest.

NEW YORKERS WIN PULITZER PRIZE

Mr. JAVITS. Mr. President, I wish to enter in the RECORD commendations of two New York journalists—reporters—John Machacek and Richard Cooper, both of the Rochester Times Union, who recently were awarded the Pulitzer Prize for general local reporting—fame gained for their complete and factual coverage of the Attica prison riots. Their task was at best arduous and their obstacles many. Yet with dedication and perseverance they overcame these obstacles and brought to the American people the truth of this incident. Their professionalism in the field of journalism well merits them this coveted honor. Indeed, they are a credit to all journalists in the Empire State, and serve as an example to the Nation's young and ambitious journalists.

INCLUSIVE TOUR CHARTERS

Mr. MOSS. Mr. President, several weeks ago I introduced legislation which eliminates the present restrictions on single-stop inclusive tour charters. The current regulations on these operations are very restrictive and virtually preclude their operation. Neither the airlines, the travel agents, the hotelkeepers, nor the traveling public benefits from the restrictive rules.

The one-stop inclusive tour charter could increase traffic volume for our airline industry, increase use of resorts and provide a method of low-cost vacation travel for the American people.

One-stop inclusive tour charters seem to be in the public interest. I ask unanimous consent to have printed in the RECORD a statement delivered by Shelby Southard, of the Cooperative League of the USA, and chairman, transportation committee, of the Consumer Federation of America, in support of S. 3513.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SHELBY SOUTHARD

I am very pleased to have this opportunity on short notice to testify in support of S–3513 because it holds out the possibility that millions of low- and moderate-income Americans may expand their holiday horizons. This they would do not just in terms of overseas vacations, but also by expanding the vacation travel industry within the United States and elsewhere in this hemisphere.

Introduction of the one-stop Inclusive Tour Charter could provide an economic boost for existing resort areas, help to create new ones, and provide a badly needed economic transfusion for our ailing airline industry.

These predictions on my part do not come out of any suddenly acquired expertise in economics. It is just that this is what seems to have happened in Europe, where almost 9 million northern Europeans will vacation in Mediterranean sunspots this year. This, quite simply is thanks to the availability of low-cost, single-center, packaged vacations. I see no reason to suppose that something of a similiar nature would not occur here—given the opportunity.

Of course, there is a difference in attitude.

The European packaged vacation is very clearly geared to the needs of the *average* consumer. It also reflects the views of the British government as expressed in the report of the U.K. Committee on Enquiry into Civil Air Transport, 1969, which says:

"One of the odd things about statements on civil air transport is that they very rarely talk about the customer in simple language. So let us say that in our view the primary long-term objective of a national policy toward commercial flying should be to see that each customer gets what he wants—not what somebody else thinks he ought to want—at the minimum economic price that can be contrived. Romantic, exciting, and important though the airline business may be, it is, in the last analysis, there to do the same job as butchers, bakers, and candlestick makers, i.e., to provide services for money. Many other objectives are talked about in connection with air transport, but we put this humdrum one right at the top. Moreover we believe that if any other objective conflicts with it, the onus of justification should fall on those who want to press that objective against the interests of the consumer."

With that special flair they have for using our common language, the English writers of this statement have said what I have long wanted to say about the realities of air travel.

It is high time we freed ourselves from the mystique of the subject and concerned ourselves with the bread and potato realities of what is possible in air travel. If we make the regulations realistic and consider the true needs of Americans, we can have a high revenue bulk air travel market like the one that has been developed in Europe.

S. 3513, by eliminating the present three-stop, minimum price provisions of the current Inclusive Tour Charter regulations, would be an important first step in the development of such a travel market.

As they learn about the situation in Europe, many Americans are beginning to ask questions about low-cost air travel in this country. Many are beginning to wonder why they do not have the same opportunities as European vacationers.

They are beginning to wonder, too, why chartering a plane has to be such a complicated business, even for an organization that meets all the qualifications required under the affinity regulations set by the Civil Aeronautics Board. As the Transportation Chairman of the Consumer Federation of America, I receive many letters from our member organizations concerning their problems with the existing affinity regulations. I would like to give you some examples of the major complaints I receive, and ask you to bear in mind that in many instances, the charter organizer is an unpaid volunteer—not a professional travel agent.

Eligibility requirements.—CAB regulations differ from IATA rules governing scheduled carrier charter activity. For example, CAB permits travel by a member's parents, provided they live in the same house; IATA does not.

Restriction on one-way charter passengers.—One member writes: "If we operate three charter flights a year we are allowed a five per cent movement of passengers from one charter flight to another. This is beneficial since it allows members who wish to stay over for a longer period to return on a later flight. However, if we operate four charter flights or more this suddenly becomes a sin. No one is allowed to travel one way. This is unconstitutional discrimination against certain chartering groups who meet all other requirements of eligibility. It accomplished only one thing: to restrict the development of chartering programs. It works against the interests of the consumer." No one suggests complete freedom in this area, but I believe that there is room for more flexibility than currently exists.

Unnecessary and excessive paperwork.—Almost everyone who writes to me is angry about this. One member wrote: "Present regulations require a tremendous amount of documentation, charter applications, supporting information, manifests, copies of every advertisement, date of membership, certification of membership. Obviously this information would be helpful in determining that a given organization is violating regulations and would lead to their conviction. The problem is that the CAB seems to assume that every organization is a violator and subjects them to this same time consuming barrage of paperwork. Some people are not entitled to hold a driver's license. But we do not require every citizen applying for one to submit his life history, document his financial worth, and submit notarized affidavits from references, attesting to his date of birth and so forth."

Restriction on split charters.—This limits the ability of small organizations to offer charter programs to their members, since not all groups can put together full planeloads of 160 to 250 members. More freedom in the area of split charters requiring 40 or more members, would permit many smaller chartering organizations to consolidate their efforts.

There is, of course, a difference between Affinity Charters and ITC's, but the principle is the same: in both cases it seems to me Americans are faced with restrictions that are unwarranted, unnecessary, and unfair.

I hesitate to tell the airlines how to run their business, but as a result of my experience in this field, I am convinced that bulk air transportation is the wave of the future for pleasure travel—both domestically, and in the international market. The sooner the airlines start preparing for this market, the faster it will develop. I should point out, however, that there are signs that they have already seen the handwriting on the wall—and that, despite their protestations, they are beginning to change. Some foreign carriers have created charter subsidiaries. Others—like Pan American and TWA—have been quietly increasing their own charter activities.

During the past four years, Pan American's charter traffic increased from 100,472 (in 1968), to 247,780 last year. TWA's charter traffic showed an even more dramatic jump—from 31,837 in 1968, to 151,612 last year.

As I say, perhaps they are getting the message.

In any event, it shows that they are not totally oblivious to the demands of the American consumer for low-cost charter travel. That's a good thing, Mr. Chairman, because I have a feeling that those demands will become more and more insistent as American consumers learn in detail about the European experience with low-cost package holidays.

I knew about the single-stop ITC's, of course, but I didn't really appreciate their full value until I had the opportunity just three weeks ago to attend the First World Congress on Air Transportation and Tourism in Madrid, and learn at first hand how they have affected the European travel market.

As spokesman for American consumers at the World Congress where I discussed "The Consumer Stake In Low-Cost Air Travel," I would like this Committee to consider two statements I have extracted from the report of our multi-national panel of consumer representatives.

One, we affirmed our belief in the existence of a large mass consumer market for air transport services which has not been fully developed by the suppliers. We stated that promotion of low fares on a rational basis as regards, for example, destination and geographical area would attract a far larger consumer demand for air travel than exists at present, bringing with it the economic advantage to the carriers of improved load factors.

Second, we stated that governments should play a more active part in removing regulations which discriminate between different types of air traveller. The Panel did not request public subsidies for the mass consumer market. In the Bill of Rights for Air Passengers adopted at the World Congress we specifically asked for "The availability for all people of charter or other low-cost air services which will attract a mass consumer demand and insure economic operation of airlines whether scheduled or charter."

Mr. Chairman, in closing I would like to state that we Americans have been fairly passive on this issue in the past, perhaps too much so. As we learn more about how we have been discriminated against, I am confident that consumers will become increasingly vocal in their demands for vacation opportunities similar to those available to European travelers.

Liberalizing ITC regulations is in the interest of the consumer. It is also in the interest of the carriers, both scheduled and supplemental. In my considered opinion, the question is not whether they are going to have these opportunities, but how soon.

U.S. ECONOMIC AND TRADE PROBLEMS

Mr. HANSEN. Mr. President, it is encouraging to note a chord of harmony between labor and management on such a vital issue as improvement of productivity.

The problem was highlighted last week at the 19th International Monetary Conference. U.S. representatives at the conference made it plain that the American objective is to change its present trade deficit into a big trade surplus.

Earlier the chairman of General Motors Corp. had urged in a speech to newspaper publishers in New York a nationwide effort to improve productivity. Richard C. Gerstenberg told the American Newspaper Publishers Association that the Nation's economic problems cannot be solved unless the productivity of American industry is increased at a faster pace. He said much of the burden for increasing output rests with management, although a large share of the blame for lagging productivity is labor's fault.

He urged the publishers to "help correct the widespread misunderstanding that higher productivty is synonymous with harder work, with 'speedups' and with labor exploitation."

He said:

> Rather, as productivity goes up and as the economy prospers, employment also goes up, not down.

As though in answer, the president of the International Union of Operating Engineers was quoted in a Wall Street Journal editorial as agreeing with the chairman of General Motors.

Hunter Wharton, president of the union, indicated in his remarks at their convention in Washington that perhaps contractors were not always getting their money's worth when they hired union labor.

Mr. Wharton concluded:

> Had productivity increased as wages began to rise, we wouldn't now be faced with some of our present day problems.
>
> Our leaders can no longer demand and have standby labor on the job so as to create a job

for those who have no desire to work for their pay. Labor must rededicate itself to a pride in workmanship—a fair day's work for a fair day's pay.

In an open letter to George Meany which was published by the St. Louis Globe-Democrat, the chairman of the board of the Nooter Corp. told Meany that the laboring man has never "beat" inflation by increasing his wages unduly.

Mr. R. J. Ryan, who wrote the letter, said he had come up through the ranks of labor as a bricklayer and boilermaker. He cited recent spiraling wage increases which averaged 19 percent a year in the construction industry while overall productivity was increasing at an annual rate of 2.1 percent.

This fever of increases started what Mr. Ryan said is known in labor as the "catch-up."

Factory workers and others wanted "a piece" of the high settlements obtained by the construction trade and truck drivers. The race was on.

The settlement of the west coast dock workers at 20.6 percent for 1 year, which was lowered to 14.9 percent by the Pay Board, is recent history.

And while our annual productivity increase is 2.1 percent, the Japanese increase runs at 18 percent per year.

In related and timely testimony before the Joint Economic Committee last week, the president of the Nation-Wide Committee on Import-Export Policy emphasized the need for U.S. industry to become more productive, but also adaptation of U.S. trade policy to radically changed conditions.

Mr. O. R. Strackbein, long-time student of foreign trade, pointed out some of the dilemmas of increased productivity alone in competition with those who now use not only our technology and machinery in turning out the same products, but do so at far lower costs because of the continuing gap between United States and foreign wage rates.

Mr. Strackbein told the committee:

> Our high productivity has been exported, so to speak, foreign costs are below ours because foreign wages, while rising quite rapidly, did not bridge the gap. Foreign productivity came much closer on our heels than foreign wages, partly because our companies established manufacturing facilities abroad and used our own patents in these facilities, and partly because we licensed foreign producers to use our patients . . . others can now manufacture the same thing the industrial leader does, and do it cheaper, be it in Japan, West Germany, Italy or wherever our technology has taken root. Moreover, they need foreign markets because their low wages do not provide a sufficient home market.

And therein lies the contradiction of U.S. trade policy.

As Mr. Strackbein says:

> If we insist on confronting our problem with a hypnotic chant citing our superior "know-how," hand in hand with a worshipful attitude toward increasing productivity, and nostalgic attachment to free trade while refusing to accept the meaning of the cumulative evidence of the sterility of this posture, we will surrender the motivation that brought us world industrial leadership in the first instance.
>
> It needs no heavy protectionist onslaught to preserve what this country built in pioneering fashion. No turning back of the clock is needed nor injury to our trading partners in the world: only adaptation to radically changed conditions.

Mr. President, it is indeed reassuring that certain segments of both labor and management have recognized the necessity of increased productivity and an end to self-defeating pay boosts.

But these, alone, will not solve our economic and trade problems. The United States suffered a trade deficit of more than $2 billion last year. For the first 3 months of this year, the deficit was $1.5 billion, the largest in its history.

Mr. President, I recommend Mr. Strackbein's testimony before the Joint Economic Committee to the Senate as a most thoughtful and expert analysis and assessment of U.S. trade policy—and what is wrong with it.

I ask unanimous consent that his statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Productivity and Full Employment

(Statement of O. R. Strackbein, president, the Nation-Wide Committee on Import-Export Policy)

Increasing the productivity of labor is seemingly one of the present-day imperatives if we are to douse the fires of inflation and meet foreign competition. Greater output per man-hour at a given level of wages will, of course, reduce the cost of production. The forces of competition, to the extent that they operate, will then also reduce the cost to the consumer. If wages rise less than productivity the consumer will enjoy lower prices. If the wage level rises in equal proportion to productivity prices will stand still, other things being equal. Of course, if wages rise faster than productivity prices would be expected under normal conditions of supply, to rise. At least, so goes the catechism of economics.

The imperative of increasing productivity has been raised almost to the majesty of the absolute.

It is desirable therefore to examine some of the credentials of this towering imperative. While its very simplicity makes it attractive, the side effects it may produce may detract from any inclination to extend blank endorsement to the mandate.

CREDENTIALS OF HIGHER PRODUCTIVITY

In the first place, productivity can be increased in any meaningful sense only by displacement of labor. This follows from the fact that some 80% of the corporate production costs consists of employee compensation. It was not the faster shoveling of coal by the coal miners that so greatly increased the output per man-hour in the coal industry. It was the introduction of mammoth machines and strip-mining that accomplished the decimation of the miners' ranks. The result was a great gain in competition standing, not only in opening foreign markets but in avoiding eviction of coal from our domestic market by petroleum and natural gas.

The output of coal per man-year increased from 1,239 tons in 1950 to 4,261 tons in 1968. The number of coal miners on the other hand, as might be expected, declined from 415,000 in 1950 to 127,000 in 1968. (Statistical Abstract of the United States, 1971, Table 1049, p. 642). In other words as productivity rose 3.4-fold between 1950 and 1968, the number of miners declined in almost equal proportion, or by 70%, or to a level of 30% of the 415,000 employed in 1950.

One of the results was, of course, the great distress of the coal-mining region, usually referred to euphemistically as "Appalachia", which has cost the Treasury hundred of millions of dollars without curing the blight. Meantime our exports rose to 50 million tons, or 10% of our domestic output. Obviously our amazing productivity achievement that brought us gratifying exports and competitive prowess did little to help the displaced mine workers—some 300,000 of them or 70% of the work force! Since the number of bituminous coal miners (responsible for over 98% of our coal production) has fallen to 127,000 by 1968, the 10% exports saved the jobs of some 12,000 miners. Such a meager result should give pause to those who would raise increasing productivity to the level of a virtual categorical imperative, to be loved, honored and obeyed.

In the field of economic hard facts armed with a warhead of real meaning are not often encountered. When we do encounter them we should be grateful and learn something from their significance, rather than dismissing them because they raised disconcerting questions.

For example, higher productivity in other fields need not be looked to much more hopefully as a source of higher employment than coal *under the present status of world trade and our position in it.*

The further notion that we can pull ourselves out of our present unenviable economic position either at home or abroad by increasing our exports, an endeavor that is seen to rest on rising productivity, is almost totally false. This is especially true of increasing exports of agricultural products made possible by rising output per man-hour. In the 1930's nearly half of our total exports were agricultural products. After the permanent displacement of some two-thirds of agricultural workers by greater productivity our exports of farm products were only some 16% of total exports.

It goes without saying that for the coal mining industry the productivity leap was unquestionably an imperative, indeed the only means of survival; but its cost in employment prevents its conversion into a justification for a similar course to be adopted by other industries.

THE HISTORIC ROLE OF INCREASING PRODUCTIVITY

It is true, on the other hand, that rising productivity has been both the source of greater employment and higher wages in this country. In fact what was our unique economic system until a few years ago owed its genesis in great measure to the rising productivity that flows from invention and proliferating technology.

The fruits of technology, to be sure, were not enough of themselves to build our system, but they represented one of the cornerstones. Without them we would not have cut our anchorage that held us to the more pedestrian European system some seventy years ago. Technology by itself was not enough because the mass-production of which it was the efficient cause did not and cannot stand on its own feet. It needs the complement of mass-consumption; and this fact, a strictly American perception, though in no sense abstruse, long evaded comprehension by our European forebears. Their skepticism, as reflected by the British was no doubt sustained many years by the negative attitude of their leading economists, such as Ricardo, toward wages and their economic function. The British economists were in a sense apologists for the factory system that revulsed Dickens and Burke before him, and others, who were appalled at the employment of children and the inhuman working conditions imposed on factory workers and miners in general.

ORIGIN OF FREE TRADE

English leadership in the world rested on her commerce, protected by her navy. Since she was short on natural resources she depended on imports of raw products to feed her factories. These in turn not only supplied the home market but also produced surplus output for export. The latter brought her the exchange necessary to sustain her necessary imports.

The English situation indeed gave rise to the elaboration of the blessings and benefits of free trade—a system that was well suited to England's interest in holding her colonies as sources of raw materials (i.e., as agrarian and raw material economies) and as markets for her factory output. Our own academic economists drank deeply of the Adam Smith vintage of free trade and, failing to note the great difference between our economic situation and that of the British, undertook to apply to us what was good for England but not necessarily for us. They took the words of the British economic apologists as the gospel and using our chairs of university economics preached the gospel of free trade to generation after generation of students. The result was an intellectual and emotional conditioning of our economists that has not yet achieved the ability to break through to reality. What was good for colonial England in the 18th and 19th centuries was fastened on us as if it were also a superb prescription for our economic health. Actually we flouted the theory in great part in practice and erected a protective tariff, beginning in 1816. This action made possible our economic independence of England, as we had earlier gained our political independence.

However, it was not until after the Civil War that we began to lay the basis for a new system (still capitalistic, to be sure) that greatly modified our economic heritage. The point of departure was not immediately visible but in time produced a divergence of great proportions.

Once the post-Civil War heavy concentrations of capital built trusts and virtual monopolies we began to see the need for anti-trust legislation if the lowered costs of production that were made possible by our mechanical developments were to be passed on to the public, i.e., the consumers. 1890 marked the passage of the Sherman Anti-Trust Act. This was followed in some 25 years later by the Clayton Act, the Federal Trade Commission and Federal Reserve Acts. After another 20 years we put the Robinson-Patman Act on our statute books: another anti-monopoly measure.

After the turn of the century we turned more and more to the mass production made possible by our inventiveness and industrial talent. Then came the redeeming recognition of the link between mass-production and mass-consumption. By itself mass production would only accumulate indigestible surpluses of goods. It was necessary to place higher purchasing power into the hands of the consumers.

Very well, who were the principal consumers? Potentially they were those who in the aggregate have the most money to spend, rather than the few who receive the highest incomes.

In 1969 the number of males employed in this country was 48.8 million while the number of employed females was 29.0 million. The average pay of the males was $7,659 and of females $3,958. Here then was a potential consumer market of $370 billion among the employed males and $114 billion among the employed females, for a total potential market of $488 billion. Had the per capita income been only $1000 per year instead of the higher figure, the potential market, assuming the same price level, would have been very much smaller, or about $79 billion instead of $488 billion. Yet such a low level of income would still have exceeded by far the average per capita income of the Chinese (mainland) population of some 750 million and that of the Indian population of some 550 million, not to mention the great majority of the 265 million (plus) of Latin American population.

U.S. DEVELOPMENT

This country was not noted as being in the forefront of wage levels until the twentieth century; nor was it noted as an industrial nation, except perhaps as being on the threshold of new departures.

Given our mechanical, technological and managerial talent it nevertheless did not follow that we would know what to do with it. We had no greater endowment in those fields than the Europeans from whom we sprang. We did have greater distances staring us in the face; and it may be guessed that, much as the automobile is being castigated today as the mother of many of our ills, the need for farther and more agile locomotion, to tame our distances, may have motivated and sparked the mass-production outbreak to which we gave ourselves in the early years of this century when we tinkered with the automobile. In any event there can be little question that the connection between mass-production and mass-consumption was grasped by the great entrepreneur of that industry who put it into actual effect before it was recognized and implemented elsewhere.

It needed vision, obvious as the equation is today, to perceive the great market possibilities that would open if the cost of a highly useful and enjoyable product could be brought to a level low enough to come within the pocketbook reach of the mass of the people. It needed not quite so much sharpness perhaps to see further that achievement of the objective could be helped if the income of these masses could rise and thus meet the lowering cost half way.

Monopoly power would perhaps have led the automobile makers to concentrate on the upper levels of income. If we would gain an idea of the difference between the two approaches, i.e., a limited high-income market and a mass market, we must move to recent dates because of the state of availability of statistical data.

In *1962* the number of "Top Wealthholders" in this country, i.e. those with gross assets of $60,000 or more, was 4.13 million of a population of over 180 million. Of these 4.13 million over half had gross assets under $100,000. Those with gross assets of $200,000 or more numbered 670,000 and those with assets of $1 million or more numbered 59 thousand. This was one person out of 3,000 of the 1962 population. (Ibid., 1971, Table 523, p. 327).

If we turn to actual income as distinguished from gross assets we come to a different but nonetheless very useful measure so far as market potentials go.

In *1969* the median income of males aged 14 and over was $6,429. For females the median was $2,132. Of the men 92.5% had an income; and 65.8% of the females.

The males with an income of $10,000 and over were 24.1% of the total; females 2.4%. Males with an income of $7–9,999 were 21.6% of the total; females 5.9%. The next lower bracket of $6–6,999 showed 7.6% of the males and 4.8% of the females. From $5–5,999, the percentages were 7.0% for males and 6.9% for females. (Ibid., Table 509, p. 320.)

A yacht manufacturer might aim at the market represented by the 670,000 who had gross assets of $200,000 or more.

The earlier automobile manufacturers no doubt also aimed at the higher but sparsely populated high income levels, because of the high unit cost of their product. Monopoly power might have elected to stay at that level, preferring a small volume with a high profit per unit.

That was not, however, what happened. Henry Ford is usually credited with the breakthrough. He had no Census Bureau statistics to show him the various layers of income of the people, but he could guess that he would have a much larger market if he could bring down his costs to a level that would tap the mass market. This he did, thanks to his vision, his courage and productive genius. He also recognized the market-boosting effect of adequate wages.

He did have some conditions weighted in his favor, such as a toil-willing population, free enterprise, a national patent system, free trade among the States, low tax levels, no import competition distorting his timing options, and skilled labor. There was adequate competition, but, in view of his glimpse of the potentials of a mass market it is doubtful that he would have traded his vision for a more limited but high-price market.

The advent of the automobile, of course, boded ill for the wagon and carriage industry, not to mention horse breeding and growing of feed grain.

There was a fruitful lesson still to be learned. This lurked in the meaning of an *elastic* demand. Not all products enjoy the species of growing demand that greeted the cost reductions accomplished by the automobile industry. Had Henry Ford been a wheat or corn farmer he would have faced a wholly different market prospect. The reason is simple and obvious. Every person has only one stomach. Therefore biology sets a limit to consumption. This is true also of domesticated animals that may consume grains.

Had Mr. Ford come into possession of millions of acres of crop land so that he could have devoted his mechanical talents to mass production and sharp reduction in the price of wheat or corn per bushel, he would not have been greeted by a happily expansive market. The demand for food products is quite *inelastic*. While everyone has a stomach not everyone had an automobile. While everyone needed a stomach in order to live he did not need an automobile but could perhaps use one if he could afford the cost and expense of having one. He could even own more than one machine, if it came to that. A second or even an auxiliary stomach is perhaps not yet even on the drawing boards, much as gourmets might like an extra one.

Mr. Ford might have succeeded in reducing the number of manhours to produce wheat but this achievement would not have increased the number of stomachs that might be fed. The planters and harvesters whom he would have displaced would not have been rehired because of a ballooning of demand such as greeted his automobile. In the latter instance the increased demand led to the hiring of more and more workers. The distressed carriage and wagon makers and horse and fed grain producers would become absorbed in the work force, albeit not directly or overnight. If there were other products to follow the example of the automobile, the labor market would take up the slack instead of settling into stagnation.

Mr. Ford's wheat would have accumulated huge surpluses in search of storage space. Presumably he might have sought export markets and might indeed have found some. Even so he would not have encountered an indefinitely expansible demand beyond the head-count of the population here or abroad.

The national experience with agricultural labor in this country under the farm program completely supports these observations. The six or seven millions of farm workers who have been displaced by modern agriculture in this country and the phenomenal increase in productivity of our farming operations, have not found resettlement and reemployment on the land. Inelasticity of demand for food products, which account for more than three quarters of our farm acreage, is the bar absolute against achievement of the employment expansion characteristic of new or radically modified nonessential products produced by industry.

Rising productivity in the production of *essential* goods, be they agricultural or mineral, represents a countervailing force working against full employment. When we released agricultural workers from the land because of rising productivity they could no longer remain on the land. They poured into the cities. The higher productivity of farmers did not lead to significantly higher consumption of farm products. Therefore the displaced workers remained displaced. They could hope to find reemployment only in the industries or services that catered to an *elastic* demand. While the number of products for which the demand is elastic is very large absorption of displaced workers is a slow process. Witness Appalachia. With respect to nonessential goods the only limit to demand is income, assuming wage increases in keeping with the higher productivity. (Today, to be sure, other limitations are raising rather ugly heads in the form of resource exhaustion, pollution, etc.)

We have obviously not lacked rising employee compensation in recent years. We have, however, encountered a different obstacle to absorption of the work force. Time was, until recently, when we could depend on new products or revolutionized methods of producing established products, to lead to additional sales as costs were brought down, as witness radio, television (for a time), household appliances of a great variety, synthetic textiles, etc. This meant new job openings sufficient to absorb the net additions to our work force which are now well in excess of a million per year.

Now, however, even though costs can still be reduced by mechanical and other innovations, the incentive is no longer what it was. We can no longer rely on our domestic market to supply the customers for made-in-U.S.A. products as we could in the past.

Our high productivity has been exported, so to speak. Foreign costs are below ours because foreign wages, while rising quite rapidly, did not bridge the gap. Foreign productivity came much closer on our heels than foreign wages, partly because our companies established manufacturing facilities abroad and used our own patents in these facilities, and partly because we licensed foreign producers to use our patents.

A budding young Henry Ford today, looking about himself, would see a vastly changed world-setting from the one of Henry Ford two generations ago. The latter had all the time he needed to develop and improve his product. Every substantial improvement in production meant more sales as he cut his costs. If anyone contested his market, his competitor, whoever he might be, operated under the same wage levels as himself, or not so far below that Mr. Ford could not cope with the difference within the amount of time he had available.

He (the elder Ford) was not likely to awaken one day as does his young successor in some other industry, to be confronted by a chilling challenge from abroad where some entrepreneur, either American or foreign, offers for the American market an acceptable competitive product, as good as his own, or better, at a cost so much lower than he could match that he must look beyond this country for additional sales territory. Unlike his young successor the elder Ford had no import competition, and needed none to stir him into a maximum effort.

His young counterpart would now be in much the same straits with his marketing as the elder Ford would have been with his wheat surplus had he gone into vast wheat acreage as previously pictured. While the young Ford's sales of nonfood products would not be limited by the one-stomach per person as it would be with wheat, it would be limited nevertheless by the import intrusion that would despoil his market, upset his planning and his timing no less than darken his prospects for serving an expanding market. The imports would do what the inelastic demand does for wheat.

He would now look abroad for an increasing part of his expansion. The higher employment that would have happened here under the old condition would now be shared with his foreign plants and with other foreign producers.

The cry for greater efficiency is now an ironic mockery as it reverberates through the manufacturing community, be it automobile, steel or textiles, electronics, office machines or a hundred varieties of other consumer goods. Others can now manufacture the same thing the American industrial leader does, and do it cheaper, be it in Japan, West Germany, Italy, or wherever our technology has taken root. Moreover, they need foreign markets because their low wages do not provide a sufficient home market.

The competitive margin needed for holding our home market or expanding it for our own products, has been greatly narrowed and in a number of instances has disappeared. The market for the nonessential product, which is the mainstay of our employment, has been converted increasingly into the relatively static characteristic of the essential product so far as job-generation is concerned—for the reason already given.

When rising imports strike the market for an essential product like wheat, meat or other food product, they may take away a certain share of the market and thus deprive the growers of that much acreage output. They must then curtail their acreage or run the risk of creating a price-depressing surplus.

Yet the effect is not as serious as the invasion of our market for nonessentials of the kind that enjoy an expanding market as the costs are reduced, the product improved made more useful, pleasurable and more attractive. When the imports cut off the potential expansion or cut the expansion down to merely supplying the increase in population, our coefficient or ratio of expansion is destroyed or severely crippled and the nonessential product is converted into the same pedestrian pace as the nonessential one in point of job creation.

Capital will not come forth readily or eagerly to be poured into research and development, consumer research, market cultivation, plant expansion and similar activities. Rather a cautious atmosphere will prevail. Venture capital aimed at production of nonessentials is notoriously timid for the simple reason that the consumer can for a variety of reasons curtail his spending, postpone his buying or reduce his consumption. If possible the venture capital will hedge by going overseas to participate in the low labor-cost advantage that confers the competitive margin on foreign producers by dint of which they have penetrated our market.

Established industries will undertake foreign manufacture to supply foreign markets from within. They will in many cases equip their foreign plants with American machinery and equipment and thus boost exports of these products. In 1971 our exports of machinery continued to run a strong surplus while nearly all other manufactured goods sustained heavy trade deficits. The indication is that foreign productivity will continue to rise as our export of machinery continues at a high level.

However, this may be a short road, since our imports of machinery have grown much more rapidly in the past ten years than our exports. The recipient countries of our exports are fast learning how to build their own machinery and to gain world markets for their exports.

If we insist on confronting our problem with a hypnotic chant citing our superior "know-how", hand in hand with a worshipful attitude toward increasing productivity, and a nostalgic attachment to free trade while refusing to accept the meaning of cumulative evidence of the sterility of this posture, we will surrender the motivation that brought us world industrial leadership in the first instance.

It needs no heavy protectionist onslaught to preserve what this country built in pioneering fashion. No turning back of the clock is needed nor injury to our trading partners in the world: only adaptation to radically changed conditions.

SENATOR HARTKE COMMENTS ON STEEL AGREEMENT

Mr. HARTKE. Mr. President, last year, after my visit to Japan, I felt sure that some kind of satisfactory arrangement could be worked out between foreign steel suppliers and the United States. All we needed was an administration or a Congress willing to put some muscle in our trade policies.

Following the formula included in my "Steel Trade Act of 1971, and the basic thrust of my Foreign Trade and Investment Act of 1972, the administration has just concluded an arrangement with Japanese and European steel producers that will cover about 85 percent of our steel imports.

I will be the first to say that there are things in this arrangement that I like. Specialty steel receives protection for the first time, as do certain finished steel products. Following the Hartke-Burke approach, the administration apparently asked for and got agreement that within each broad classification of specialty steel the exporter would "not significantly depart from the product mix of exports over recent years." In further imitation of the Hartke-Burke approach, foreign steel exporters have agreed to limit the future growth of exports to 2½ percent a year—roughly the rate of growth foreseen for domestic production.

What strikes home with double irony is that after so much administration talk about how quotas will invoke retaliation, negotiations between interested parties and the U.S. Government led to a trade arrangement. Like so much of the administration talk on trade, it has been long on rhetoric and short on reality. This is just the type of negotiation envisioned by my Foreign Trade and Investment Act.

But the American people must be made aware that one arrangement does not solve a desperate trade crisis. This past quarter, our trade deficit was 1.5 billion dollars—that presages a deficit of 6 billion dollars for 1972. Hundreds of thousands of American jobs and whole industries have been lost to imports. Capital needed at home to provide new jobs for a growing work force has flooded overseas where American runaway firms often produce for the American market.

We must move now to enact trade legislation that will meet the giant trading blocks and foreign cartels that are swamping traditional American markets. Without prompt, comprehensive trade legislation, the United States is on the way to becoming a second-rate trading power.

FEDERAL REGULATION OF PRIVATE PENSIONS—WHAT IS REALLY NEEDED

Mr. JAVITS. Mr. President, on Monday, May 8, I testified before the House Ways and Means Committee in its hearings on H.R. 12272, the administration's pension reform bill.

As I am the author of the comprehensive pension reform bill pending in the Senate, S. 2, as well as the coauthor of the recently introduced Williams-Javits pension reform bill, S. 3598, my views on the bill pending in the other body may be of interest.

Accordingly, I ask unanimous consent that the testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

FEDERAL REGULATION OF PRIVATE PENSIONS: WHAT IS REALLY NEEDED

I. INTRODUCTION

An illusory pension "promise" is often worse than no promise at all because, by the time the older worker discovers he will get no pension from the plan on which he relied, it is often too late to look elsewhere for pension security.

At that point, he is condemned to aging without adequate income, leisure without adequate resources, retirement without adequate dignity, and often resulting bitterness.

Yet such illusory pension promises are all too common—more the rule than the exception—and it is that fact which *requires* legislative correction, and a legislative remedy.

The remedy, however, must be real and not illusory; for if our remedy turns out to be as illusory as the pension promises we seek to regulate, we will only have compounded the disappointment and disillusionment which has generated the current concentration of Congressional interest in the private pension system.

Five years ago I introduced the first comprehensive pension reform bill in the Senate (S. 1103, introduced February 28, 1967, in the 90th Congress), and that bill, in slightly revised form, has been reintroduced in this Congress as S. 2. A number of similar or identical measures have been introduced in the House this year, including H.R. 3832, which has been referred to this Committee. This hearing is limited, of course, to tax legislation affecting pension funds, but as taxation in this field is often the decisive influence on the substantive provisions, the experience which the Senate Labor and Public Welfare Committee, of which I am the ranking minority member, has had in its current exhaustive investigation of the problems of private pension plans including the consideration of my bill, S. 2, becomes very relevant to the tax proposals before this Committee.

In that connection, Mr. Chairman, I ask that there be inserted in the record of this hearing, at the close of my remarks, a copy of S. 2, as well as extracts from the Interim Report of the Senate Labor Subcommittee issued February 22, 1972 (S. Rept. No. 92–634). You will observe, Mr. Chairman, that the six principal legislative recommendations of the Senate Labor Subcommittee, appearing on page 113 of that Report, are:

"1. A federal law establishing minimum standards of vesting.

"2. A federal law establishing systematic requirements for funding of pension plans, accompanied by a program of plan termination insurance to cover unfunded vested benefits.

"3. A uniform standard of fiduciary responsibility.

"4. A federal law requiring improved disclosure and communication of plan provisions to workers to be accomplished in part by the revision of existing disclosure requirements to more effectively secure this objective.

"5. The institution under federal guidelines of a program to develop portability and reciprocity among private pension plans.

"6. The centralization in one agency of all existing as well as prospective regulation of private pension plans, to the maximum extent feasible."

Those were the guidelines I used in 1967 to draft my own bill. They are the guidelines which the Senate Labor and Public Welfare Committee has now adopted in approaching this subject matter, and these are the guidelines I will follow in my own evaluation of the tax proposals about which I am testifying today.

II. THE ADMINISTRATION BILL (H.R. 12272)

I notice that the Chairman, in introducing H.R. 12272, said that he was introducing it in order to give it the wide circulation which it deserved, but that "his introduction of the bill did not necessarily indicate his agreement with all provisions of the bill" (Press Release dated December 14, 1971). I took that very same approach when, on December 14, 1971, I introduced, at the Administration's request, a companion measure (S. 3024) dealing with fiduciary standards for pension trustees.

The Administration has thereby given us the results of its deliberations in this field, and has added greatly to the pension dialogue. But the specifics of the Administration bill needs careful examination by the Congress, and, in my judgment, very substantial revision.

A. *H.R. 12272: What the Bill Does:*

The Administration bill does the following things:

1. It would require (section 2) that each pension plan, *as a condition of tax qualification*, grant vesting under the so-called "Rule of 50". That is, when a worker's age and length of service under the plan (with certain exceptions) add up to 50, the worker gets *half* of his pension rights vested, and the remaining half must vest over the succeeding 5 years.

2. It would allow (section 3) individuals, including employees of corporate employers, to contribute up to $1500 per year to individual retirement accounts or employer-sponsored plans, and to receive a tax deduction for such contributions (which would not be permissible under existing law). The plans receiving such contributions would also be treated as exempt from tax on the plans' own income (as is the case with plans qualifying under existing law).

3. It would expand (section 4) the deductible contributions permitted to be made on behalf of self-employed individuals to plans established under H.R. 10 (so-called "Keogh" plans) from the current limit of $2500 per year up to a proposed maximum of $7500 per year.

4. It would require *early* vesting only in one very limited class of cases: pension plans benefitting self-employed persons (in this case, the "Rule of 35" would be required, instead of the "Rule of 50").

B. *What the Bill Does Not Require:*

1. *It makes no requirement as to funding of pension plans.* The employer must set up his plan in such a way as to "promise" nonforfeitability under the rule of 50; but there is no requirement that the pension fund actually have assets sufficient to pay the benefits which are promised, except to the limited extent that funding is required under regulations based on existing law. Those regulations require only payment of "current service costs" plus interest on the unfunded deficit—but the deficit itself need never be liquidated.

2. *It makes no provision for reinsurance.* Despite ample evidence in repeated hearings on the subject over a number of years—all to the effect that the collapse of a pension plan is an economic disaster for its members and retirees, and often for a whole community—no provision is contained in the bill to give pensioners the same security which we have, since the depression, insisted on giving bank depositers under the aegis of F.D.I.C. Of all the provisions ever suggested in the area of pension reform, Mr. Chairman, I have received more mail, and more compelling arguments, in support of this provision than any other. To overlook it is to overlook the very core of the difficulty. Without reinsurance, these heartbreaking disasters, first noticed so widely in the tragic Studebaker collapse 10 years ago, will continue.

3. *The "Rule of 50" is the least desirable of vesting standards.* This rule, which no doubt is some improvement over no vesting at all (present law), really delivers very little—and carries age discrimination with it. A 50-year-old job applicant would vest almost immediately (even if the plan adopted the 3-year waiting period permitted by section 2(a), and the proposed amended version of section 401(a)(12)(A)(ii) of the Code). Yet a 20-year-old job applicant would not vest for 15 years—a substantial incentive not to hire the 50-year-old but to hire the 20-year-old instead. Fifty-year-olds already have enough difficulty finding new employment; why make things worse for them?

Further, this rule tends to put *all* the burden of providing full pension benefits on the last employer, by making it most unlikely that an employee would ever vest anything under the pension plans of employers during his early years of employment. Early vesting, on the other hand (that is to say, early and *"age-neutral"* vesting) would generate *several pensions* for mobile employees: several *small* pensions, no doubt, but when combined at retirement age, that could be enough, and it would take the burden off the *last employer* of providing complete pension benefits after only a short period of work.

It was for that reason that I proposed in my own bill the requirement of "deferred graded vesting"—10 per cent after 6 years, and 10 per cent more each year thereafter until full vesting after 15 years. This graded system has the further advantage of avoiding the inevitable situation where a worker is laid off, or becomes disabled, or changes jobs just a few days before he vests, because, under this system, a worker may "just miss" something, but what he misses is just a little bit more than what he just received. That, in my judgment is a much fairer vesting system, and this Committee ought to give it most serious consideration rather than the "Rule of 50".

4. *The Administration bill provides no Enforcement of Private Pension Rights.* Perhaps one of the most fundamental defects in the approach taken in H.R. 12272 is that it proceeds only by way of tax qualification. The bill says that, *in order to gain certain tax benefits*, there must be a Rule of 50. But if the plan or the employer is willing to forgo those tax benefits, the rule does not apply. And if in practice the rule of 50 is violated, how does the employee recover his "rights"? Will the Treasury sue the employer to make the employer pay those benefits? Certainly not, and the Treasury would have no jurisdiction under this bill or any existing law to bring such a suit. Could the employee sue *under this bill?* Again, the answer is no, because no *private* rights are created by it. So the employee is left to a common law action, under *State* law (whatever that may be in each individual case), to recover benefits. And in point of fact, *most* such lawsuits are unfeasible in the absence of enforcement by a regulatory agency, because the lawsuit (that is to say, the legal fee) would be more costly than the amount of recovery (the discounted value of one pension)—unless either a union is financing the lawsuit at substantial cost to itself, or there is a class action. In sum, tax regulation is most useful as an

incentive for certain kinds of expenditures and contributions, but tax regulation in this field, *alone,* is simply insufficient to guarantee employee rights.

Tax regulation, moreover, has shown itself in this field to be somewhat less than efficient, even under existing law. For example, only last Monday the Senate Labor Subcommittee held a hearing in St. Louis to investigate the shutdown of plant and the termination of a pension plan in which 150 *vested* employees lost all their benefits because a plan was unfunded. The hearing record disclosed that, during the last few years of the plan, the employer neglected even to contribute current service costs to the plan—much less to amortize unfunded liabilities. Was the plan disqualified by the IRS? Hardly, for it is doubtful that the IRS would even have noticed funding deficiency, as *no deductions were claimed* because of the absence of contributions! My point here, Mr. Chairman, is that the IRS system of pension regulation has a single "handle"—the tax deduction, claimed in a tax return. If there are insufficient contributions, and low deductions, is the IRS (essentially a tax-collecting agency) likely to complain? I hardly think so, and experience bears this out. And will an employee complain to the IRS? Even that is unlikely, because, if the complaint is sustained, the only remedy the IRS has is to *disqualify the plan,* which results in even *less* money in the fund!

I certainly do not mean to suggest that tax qualification is unwise or unnecessary. On the contrary, it is an essential component of the tax incentives which have been central to the development of the whole private pension system. *But tax qualification alone is not enough.* If we are prepared to legislate minimum standards, and make these standards real and enforceable, we cannot leave out affirmative requirements, directly enforceable at law.

5. *There is no basis for unequal limits on contributions by corporate and self-employed workers.* H.R. 12272 would expand tax-deductible contributions by self-employed workers from the present $2500 per year to a limit of $7500 per year, but the bill would limit tax deductible contributions by corporate employees (not now deductible at all) to a maximum of only $1500 for a single person—and even that would be reduced to some extent if the employer made contributions to the plan in the employee's behalf.

In my judgment, there is simply no basis for discriminating between corporate employees and the self-employed when it comes to retirement. The limits should be liberalized, they should be *equal,* and the individual employee's contribution-limit should not be lowered because of the employer's contributions—*particularly* when there is such weak vesting required with respect to the *employer's* contributions, while the employee's own contributions are ordinarily vested from the outset.

III. CONCLUSION

Mr. Chairman, these hearings open a very important door, but there is much more behind that door than the Rule of 50, or limited tax deductions for corporate employees.

The whole system of private pension plans needs very fundamental reform—*early* vesting, funding standards, reinsurance, a central "portability" clearing house, fiduciary standards and an agency to enforce these requirements affirmatively, when the individual lacks the resources to bring his own action in the courts.

Even in the tax incentive area, I believe we need to do more than H.R. 12272. We need tax incentives for multi-employer plans, which are most helpful in dealing with labor-mobility problems. We need to learn something from the success of the college teachers' retirement system—"TIAA-CREF"—which would be a real model for private industry but for the fact that the Code and Tax Regulations do not permit that system except in non-profit and public employment. We need to permit tax deductions for so-called "salary reduction plans", under which an employee is permitted to forgo a certain percentage of his salary and let that money go into a retirement plan which is fully and immediately vested—without being charged with "constructive receipt" of the contributions and immediate taxation of that amount. As you know, Mr. Chairman, this salary-reduction system now operates under extremely severe limits which make it just about unusable except in non-profit activities.

There is so much need, Mr. Chairman, that I urge this Committee to take a much broader approach than H.R. 12272. The great bulk of American workers have become increasingly aware about private pension plans in recent months: a plan which provides vesting only in the older years, and permits loss of more than 10 years of credits earned in early years, which requires no funding at all, which provides no reinsurance against plan collapse, which provides no affirmative enforcement except by way of tax disqualification, and which gives no substantial tax benefits to corporate employees, and only slightly greater benefits to self-employed workers, *simply will not satisfy anyone.* The older workers—who have been disappointed so many times, will be disappointed again. And the younger and middle-aged workers, who have moved from plan to plan without vesting, and who have vested in plans which had no funds to pay the benefits, will be disappointed again.

There has been *enough* disappointment in this field. H.R. 12272 is an effort but we need a landmark reform in the pension field.

ENGINEERS AND THE FUTURE

Mr. MOSS. Mr. President, in discussing the future of the engineering profession at a seminar assembly at Brigham Young University in Provo, Utah, recently, Dr. Ellis L. Armstrong, Commissioner of the U.S. Bureau of Reclamation, offered some sound commonsense advice about man and his environment. He said:

> Much that has been done is good, but we must constantly seek new solutions to problems of growth and indeed to those difficulties man has brought on himself simply by being here and seeking a constantly higher standard of living.

He told the engineering students:

> In fact, we must build a second America. * * * The challenge is to determine how the works of man and the elements of nature can best be fused and blended for the betterment of the whole civilization.

Dr. Armstrong deplored the continual efforts of some of our citizens to emphasize the "negative aspects" of our world and not to "think things through."

> Whether we like it or not we must take things as they are, keeping in mind things as they were and things as they may become. We must fit them into a proper perspective without undue influence from the "instant environmentalists" and similar "instant experts" who build irrational blockades which pose grave threats to man's future.

Dr. Armstrong emphasized also that man's progress is tied to water, and that any stable society has to start with fundamentals based on land and adequate water in proper sequence and control.

His speech recognizes fully the environmental problems the world faces, but it is full of hope and promise for our future—and the assurance that we can and will achieve a "good life for everyone." I commend it to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Future of a Challenging Profession

To me, as it is to others, a visit to this institution of learning is an uplifting experience, especially in the spring, when the blossom-spangled campus combines with the freshness, the warmth, the eagerness, the strength, and the good humor reflected in the faces of you students. The magnificent, beautiful buildings in their setting with the Mount Timpanogas backdrop, and you students to give life and vitality and promise, makes one proud to be a member of the human race.

The inscription at the entrance "The World Is Our Campus" and the high standards of honor, integrity, and morality in your code as students of this University—your pledged consideration of others in your personal behavior—the dedication here to the development of ethically sensitive and responsible mature individuals—and the full recognition of the need for a never ending search for truth and understanding—all appropriately combine as the setting for our discussion today of the engineering profession and the future. In today's changing times of challenge, moral integrity, intellectual honesty, and full consideration of all people on our finite world is most important, especially in our application of technology, and is an absolute necessity if we expect to be around very long.

Personally I fully expect we will be, even with all of our problems. I have great faith in people and what they can achieve when they face up to problems. And that faith is rekindled and strongly supported when I look at you young, eager embryo problem solvers. There is a great promise ahead.

From my earliest recollections, the engineering profession seemed the only possible choice for a career. I have not been disappointed and I hope I have reciprocated in some small way for the opportunities and satisfaction it has brought me. I am proud to be a civil engineer. To me, the evidence is overwhelming as to the contribution our profession has made to the state of civilization and the well being of the peoples of the world.

You know, when the Good Lord created the earth, he never finished it. Nothing is all done, nothing is ended. He wisely provided for continuing vibrant and throbbing growth, for creation, throughout all time. He left mountains that were impassable, forests that were impenetrable; wild rivers that were uncrossable and uncontrollable; rainfall that was erratic producing deserts and rainforests; storms that brought forth hurricanes and rampaging floods and lack of storms that produced searing droughts; He left the heat of summer and the cold of winter.

He provided ample natural resources for the life of man, but they were resources which require work and knowledge and cooperation and will to develop and use; resources that must be developed on wise and sound principles or the development boomerangs He provided Nature-governed laws which have no sympathy for ignorance, no matter how well intended. And He gave Adam and Eve the job of husbanding the natural resources of this world.

So in reality, Adam and Eve received the first Civil Engineering assignment, that of taking the hostile environment outside of the Garden of Eden and by the sweat of their brows, making it compatible for the life of man. And that has been the primary job of Civil Engineering ever since; finishing the creation, applying scientific principles to the practical needs of man, assuming the constantly increasing responsibility of providing for the physical well being of all people—and in the process providing for man's spiritual and social growth and development.

For in working at the job of finishing the creation, there have been good side effects. Remember the Lord told Adam, "Cursed is the ground for thy sake;" and this has turned out to be a great blessing. Early man found that he had to work together with other men to control the floods and to conquer the mountains. He found that he needed them; that every man is a part of the whole; and civilization was on its way. He found that the cooperation that was necessary to control the floods in the Nile Delta, and use the water for growing of food, was good also in other activities.

He discovered the necessity for and the power of human dignity and individual responsibility—and the overriding requirements of love, of justice and peace, and of brotherhood of all men. This march of civilization has brought us to the point where for the first time in history, physically within our grasp and within our capabilities, is a good life for every man, the elimination of hunger and poverty, the realization of dreams of all men. All we need to do is apply what we've learned about cooperation and brotherhood and mutual dependence and thus work together a little better; and then get with it.

Our technology is far, far greater than we dreamed possible when I was an undergraduate nearly 40 years ago. With our present understanding of natural laws, our electronic computers, and our vastly improved physical tools, we can literally move mountains as man envisioned when he first learned the basic principles of energy, leverage, and movement.

We have the technological tools for almost anything we wish to accomplish; the actual accomplishments are set only by the limitations of the human spirit. But with all our capabilities in engineering and other fields, we have a troubled world. Our relationships, man with man and man with nature, haven't kept pace with our technology. We haven't brought the rest of society along with our technological advances. The understanding of our total society leaves much to be desired. We seem to have put aside and overlooked some of the things we have learned. And today we appear to be on a cynical pessimistic binge of negativism.

There is an often expressed yearning for the good old days, a sort of nostalgic fantasy—a desire to revert to what once was, or we thought once was. But I haven't been able to find anyone willing to say how far back we should go. Should we go back 25 years to the beginnings of the space age; a half century to the beginnings of our improved national highway system, with the outhouses and lamplights for rural America; or a century to the belching factories and slave labor conditions of the beginnings of the industrial revolution, or to the stagecoach and the Indian wars; or two centuries to the primitive living of colonial America; or to the unplanned towns of the middle ages.

These things are not for me, nor do I believe for any of us if we will but stop and consider. And if we hadn't come along as far as we have, the chances are that most of us would not even be here—we would have been long dead—or we wouldn't have had the chance even to have been born.

In our instant communications society today, with emphasis on the negative, we seem to have lost a balanced sense of values. I prefer to take the positive view. I really don't believe we have a choice not to, if we are to survive. In this variable and imperfect world, we need to keep in mind that there is no such thing as instant perfection. Further, this little old finite world is all we've got.

Whether we like it or not, we start from where we are to improve. The inspiration, the self starter so to speak, to improvement, is a mature recognition of the great advances man has made, because they are great and they are wonderful and tremendous. And they are accomplishments in which civil engineers can take pride as the major cog in the machinery which has brought them about.

And I say to you that as young engineers, you will have a major role in solving the tough problems of today and of the future. This will be true, not only because you are engineers, but because you are concerned members of society and are becoming more and move involved and committed to the betterment of society in the broad sense. A higher quality of life in its fullest sense is a constant goal before us.

And don't ever forget that food for all is a prime necessity and it comes first. Without sufficient food, concern for the rest of man's environment is academic. And the production of food to meet the needs of the growing population of this world is an area where engineers are becoming more and more important.

From the start, America has been a nation of builders. At first, our forefathers built to survive, to adapt the environment to the life of man with little concern for aesthetics or ecology as such. By today's standards the building was primitive—but build we did.

Even after the urgency of the "build or perish" period had diminished, concern for the quality of life was more a fringe benefit than a planned result of man's construction efforts.

For a long time, it did not seem to matter where or what we built, so long as the quantity kept pace with our need to grow. Many of the steps we took in management of our resources were good. Others were not so pretty.

Mining left lasting wounds in the earth's surface; and the land was scarred by unwise cultivation in some areas. Our rivers were badly used and overused for sewage and waste disposal.

The engineer has had a key role in this expansion of America. And in this role he has reflected the needs and the wants of society.

There can be no doubt that he has changed the face of America. We have built great dams—Hoover, Grand Coulee, Shasta, Hungry Horse, Glen Canyon, Flaming Gorge, Morrow Point, to name a few within my own organization. These were built to tame the rivers by storing destroying floodwaters, and thus providing life giving water for man to use when and as needed.

We have etched into the land a network of roads and highways that permit us to be the most mobile people in history. Farm produce and industrial goods reach the market place with equal ease, and goods and people circulate freely and there is instant communication of all kinds.

Bridges of many sizes and shapes span our waterways to add to our freedom of movement, and man has erected an infinite variety of buildings in which to live and work and play.

We have built homes and towns and great cities all across America—from coast to coast and most are wonderful places to live. And they have been made possible by the complex transportation systems, water and sewer systems, and all the supporting facilities that Civil Engineers provide.

All of these things have changed the face of America. Each effort has enriched the life style of succeeding generations. And on the whole mankind has greatly benefited.

Where once there was desolate land, we now have production farms, nourished by water stored in large and small reservoirs and brought to the land when and as needed, by a patterned network of canals and pipelines.

Where once there were only rutted dusty trails, which in turn gave way to narrow, winding roads, we now have broad highways which lead man comfortably to almost any destination.

Now people by the millions can swim, boat and fish, and enjoy nature in the great outdoors on reservoirs and along streams which once were not accessible or did not even exist.

When nature did things without an assist from man, these streams were full only in the rampaging muddy spring runoff stages, or when a sudden summer cloudburst turned the river into a raging destroying torrent. The rest of the time it was a muddy trickle—and there were no fish—and very little wildlife.

Borrowing again from my own experience, in the great American West, where once the only inhabitants were jackrabbits or colonies of prairie dogs, there are now thriving farmlands and communities ranging from small farm towns to great cities—places like Phoenix and Salt Lake City. They have blossomed in a desert, which before man took a hand, was unfriendly, hostile to life, and almost uninhabitable.

These things have been done through civil engineering works to make man's existence here on this earth possible, easier, and more worthwhile—and it has been good.

Our profession faced—and won—the challenges of controlling the floods of our rivers, conquering the mountains, developing the land, harnessing nature's energy and building power lines, and linking communities with highways. We can control life giving water so essential to life.

Much has been done, and it is good. But the job is not complete and it is changing. We still have more needs to fulfill as our nation seeks new solutions to problems of growth and indeed to those difficulties man has brought on himself simply by being here and seeking a constantly higher standard of living. In fact, to meet our needs, in your career life ahead, we must build a second America.

And this will challenge all the talent, the ingenuity, the resourcefulness, the hard thinking and good work that you can muster. It means taking full advantage of all the knowledge and tools of applying that knowledge that is now available. And it will mean working with other disciplines to help the building meet the full needs of our society.

We have reached the stage where we must better provide for the protection of the natural environment. But the national concern must also consider a balanced total environment. We must not retrogress. The challenge is to determine how the works of man and the elements of nature can best be fused and blended for the betterment of the whole civilization.

On the whole, we have done a pretty good job. We can have progress and improve the total environment. We have proved it.

Take, for example, the Colorado River which Hoover and Glen Canyon Dams and the other control structures have made a servant of man instead of his master.

In the arid and semi-arid west, the primary structures needed to assure the desired quality and availability of water are storage dams such as Anderson Ranch Dam in Idaho, a 467-foot-high earth-fill dam, where I invested four years of my life. Man has worked with nature to create a *real* balance that makes life possible—for man and for wildlife.

For instance, our Bureau of Reclamation reservoirs in the west prevent destroying floods and stores the water to provide irrigation for 10 million acres of land, municipal water to 16 million people, as well as providing 60 million visitor-days yearly of outdoor, water oriented recreation. We have 67 wildlife refuges and provided facilities last year for 875 million duck days and 87 million goose days.

You, as young engineers, not only face the need of furthering and improving this type of work, but you obviously must also face the job of furthering public understanding of the positive things that have been accomplished, and that you can accomplish, and that you must continue to accomplish if civilization is to survive. Our good life didn't just happen. It has taken hard work and unrelenting effort.

In this day and age, with our instant communication and our continual emphasis on negative aspects of our world, we have too many who don't stop to think things through. And we have the vocal minority who would apparently like to move us back into the dark ages.

I do not believe any thinking person wants that. And moving backward would be impossible without destroying society and would not provide for the people we have today. Whether we like it or not we must take things as they are, keeping in mind things as they were and things as they may become.

We must fit them into a proper perspective without undue influence from the "instant environmentalists" and similar "instant experts" who build emotional irrational blockades which pose grave threats to man's future.

The challenge is here, not to sit back and bemoan the problems the industrial and technological revolution has brought upon us, but to move to a new phase—a positive phase—where we concentrate on the problem of a quality life for all men—where we fully and carefully consider all aspects of our environment. The same scientific and engineering expertise which has contributed to the outpouring of good things in our modern life can be utilized to correct those unanticipated side effects, primarily pollution, which have also resulted.

President Nixon put it in the proper context in his message on the environment to Congress only last month when he said:

"The temptation to cast technology in the role of ecological villain must be resisted, for to do so is to deprive ourselves of a vital tool available for enhancing environmental quality."

Truer words were never spoken. The challenge to you is to respond to the new future with vigor, determination and imagination. Remember that while we may have ample basic resources necessary to meet the needs of today and for generations to come, they must be carefully husbanded and managed properly—and that is your challenge.

In the arid West the keystone for a good life has been to bring water to otherwise useless land. When this was done, the land and the people prospered.

Someone said, "Man's progress is tied to his concern about water." This is true for water is essential to life. Nature's water wheel must be understood and man must work with nature to provide an adequate and usable supply.

Never forget that any stable society—or any stable economy—has to start with fundamentals based on land and adequate water in proper sequence and under control. Unless you have and maintain this base, and subband your land and water, you are wasting your time talking about the good life, regardless of whether you want it simple or progressive. For even the simple life is not static.

Civilizations of the past tried to by-pass this fundamental. To the Indians, the Great Salt Lake Valley was a barren and hostile place. But the pioneers who settled there, and in this lovely Utah Valley, obeyed the instructions of Bringham Young to divert water from City creek where it flowed past what is now Temple Square. They used irrigation by a system of ditches and canals to husband their land and water and made Utah a lovely place in which to live. That use set the pattern for water control and management in all of the Western states.

In Arizona, the Hohokam Indians were early residents of the Salt River Valley. They too found the desert hostile, although beautiful. But they tried. They dug canals and attempted to divert the water onto their land and for a while they were successful. But they could not control the forces of nature—floods and drouth. Flood waters ripped away their diversionary works and blazing sun burned up the crops during the drouth periods.

The Hohokams could not change or control nature, so they became the "Hohokams", which means literally "the people who went away" and they disappeared from history.

Other civilizations have a similar history. The Fauhum Valley in Egypt was irrigated by canals built at the time of Joseph of biblical times and was one of the most productive areas on earth. But floods washed away the diversion works, sand filled the canals, and the lush gardenland returned to desert. And that ancient center of the civilized world dwindled and almost disappeared.

A good environment is not one in which man does nothing to change nature, but one in which man works with nature to make life possible for man and animals. Water is life but can also be destructive. And, as in the wrong quantity and at the wrong time, man must take a hand to adapt nature to make life possible for man.

And don't ever forget that a good environment requires an opportunity for man to make a living; without this basic provision, aesthetics and all the rest becomes academic. So changes that must take place, must be accomplished without destroying the economy. They must be accomplished with care and with wisdom. And that is another of your challenges.

Industry and good engineering have largely made this country what it is today. But we have problems in controlling pollution and in lessening of the impact of our construction on our landscape. Finding solutions to the many environmental problems will come through application of modern technology. The objective is to ease the impact of progress on the natural environment without taking a backward step, and with keeping the economy intact.

We have knowledge enough and talent enough to achieve these goals. We have the know-how to meet the demands for more electrical power without violating our environment, to dispose of our domestic and industrial wastes without poisoning our land and lakes and rivers, to combat the degradation of our cities and to convert our urban areas into places where people can live, breathe, work and play in harmony with their surroundings. And you have the job of applying that knowledge, and it will be tough.

For it will take strong and united action, full public understanding and a willingness to accept the full cost. Economy in the fullest sense and considering all factors, must still be the watchword. But it must not be economy at the expense of environmental deterioration, as has been the case too often in the past.

A few years ago there was a popular song "Stop The World, I Want to Get Off." To hear some people tell it, we should stop the world now—not necessarily to get off, but at least until we solve our problems.

You will find some seem to think we should return to the pristine state of nature. I could start an argument as to whether that pristine state was good or bad, but that is academic. As I have stated, we cannot turn back even if we would. If we delay or discontinue our efforts to make this world a better place in which to live for all people, we are destroying the very thing both we and the critics desire—a good life for people in a quality environment. We can provide both if we face up to it—and have the commitment.

All types of construction leave their mark. We cannot build highways or buildings without having an effect on the landscape. But our decision must not be whether to build or not; it should be where and how and what to build; and then applying modern skills and knowledge to blend the construction into the environment—such as was done with Dulles Airport at Washington, D.C.

Some of the innovations that are underway, and in which you will be actively involved, promise much for the future. For instance, we are now girding up to push underground excavation technology to make better use of this important resource of underground space. The Stillwater tunnel on the Central Utah Project will be a full-scale research and development laboratory. This problem is receiving international attention. I will be in Paris next month working with representatives from all over the world, seeking means to better exchange research and development information.

We have a study underway of an undersea aqueduct to transport water along the continental shelf, 200 to 300 feet below the surface of the ocean, from areas of surplus to areas of need.

Geothermal energy from the interior of the earth show promise. For instance we in the Bureau of Reclamation are investigating the potential of the Imperial Valley area in California for both desalted water and power. The 20,000 or more feet of semipervious outwash in the Valley is saturated with superheated brines; at 4,000-foot temperatures as great as 400 degrees F. are encountered. Preliminary studies indicate the potential of a multipurpose development will yield 2 or 3 million acre-feet of desalted water along with 15 to 20 million kilowatts of electric power.

Weather modification to produce additional precipitation in regions of need by scientifically controlled cloud seeding has much promise. You see nature is very inefficient in rainmaking; only 10% of the moisture in the air falls as rain or snow. The remaining 90% goes on across the continent. We believe we can increase the runoff in needed areas by 15 to 20 percent with little cost. This holds promise for the future.

Today we are, as we must be, embarked on comprehensive, multi-purpose planning on a large scale. We in the Bureau are conducting the Westwide Study, with which by 1977 we will produce a master plan for the development and husbandry of the water resources of the West. This study will involve 23 Federal agencies, all the States involved, and a number of other concerned and involved organizations. It will provide a range of alternatives for husbandry that will assist the decision makers in determining the best course for the future.

A large number of activities are now being carried out that are good and need further expansion. For instance—recreational lakes are formed by using highway embankments for dams, and native flowers are used to beautify the roadside, a general practice now, but in which I took great pride as a pioneer during my days as U.S. Commissioner of Public Roads.

Special underpass structures on Interstate Highways are provided for deer crossings. In urban areas, special landscaping adds to the attractiveness of roadways. Powerlines are being more esthetically designed and located. Power substations have a clean, low-profile look that fits better into the landscape. Many such improvements attest to fresh thinking and ingenuity of our profession, especially when they can be accomplished without additional dollar costs. But we must never forget to weigh the full costs, which includes the effect on our environment.

You face a real challenge in meeting the energy needs of the people of the world. A great amount of effort, research and development is underway. For the next 15 to 20 years, the utilization of coal will be necessary to meet the needs. The great reserves extending from New Mexico, up through Utah, Colorado, Wyoming, Montana and including North and South Dakota will be utilized. We still have problems; those of particulates are about solved. Progress is being made with the sulfur oxides. In July I will be in Brussels, Belgium to an international meeting of World Energy Conference members setting up information exchange procedures concerning the effective use of coal and control of pollutants.

It is generally believed that the breeder reactor will be the ultimate solution, but this is 15 to 20 years away before it will begin to substantially take up the power load.

It is encouraging to me, and it should be to you in starting your career, to have the communications and international exchanges that we now have in facing up to some of our pressing problems. While there is much to be done, I believe we're making a good start. And we in the technical field are showing the way that men all over the world can face up to problems and cooperatively seek solutions. We must, if we are to survive on our finite world.

I have had an unusual opportunity to have been involved all over the world in working with this problem of properly developing the natural resources of this old world to meet the needs of man. And I've been involved in and struggled with plans to rectify the poverty, misery, disease and early death which is man's lot if he does not utilize the natural resources of this world.

I have been in the middle of the clashes and the collisions and the controversy and the crises of conflicting opinions which have too often surrounded large developments such as the St. Lawrence Seaway Project, the Interstate Highway program and the Reclamation program.

I know the difficulty of getting an overall appreciation of this old world and man's relation to it as we shape for the future, and as we work to insure a future for our kids. But I also know the sound judgment and good common sense of the great majority when given half a chance to get an understanding of our problems.

Life is not simple—problems are not easy. But we are making great strides in better understanding the inter-dependence of man and nature—and of man and man—and at how to get a proper balance in the development and use of our natural resources.

Out of all these experiences has come a great admiration for people. For I have seen what can be done, what people can accomplish, how dreams can come true—when people cooperatively work together. I believe in people. You see, it is most important to keep in mind the inherent great good that is in all men, and to direct our efforts toward bringing this out in ourselves, as well as in our associates. We must never lose faith in human nature, no matter how often we are deceived. We must keep solid confidence in the real, honest goodness, generosity, humanity and friendship that actually exists in this strife-torn world. These are overwhelming in majority. I've had this proven to me time and again; even when badly shaken a time or two.

We are fortunate indeed to have the great moral principles which are the foundation of our progress and culture to guide us. These principles, summarized in the Sermon on the Mount, have withstood the batterings of change and time and are as applicable today as ever. Never forget that the Golden Rule must be as indispensable to you in your profession as the slide rule.

We have challenges. We have polluted streams. We have polluted air. We leave marks on the landscape from our construction efforts.

But we are also meeting these challenges. We are working to clean up our air and our streams. We are learning new ways to avoid future pollution. We are working to enhance wildlife habitat. We are channeling our efforts toward necessary continued growth of industry, but with control to prevent pollution of the atmosphere. And we are succeeding.

And to further show that we are facing up to today's problems, I cite President Nixon's reorganization proposals, particularly as they relate to a Department of Natural Resources. The merging of all natural resource policy and planning operations in a single department would provide effectiveness and efficiency of operations; unified ground rules and added political clout by permitting the administration to establish priorities for resource husbandry and to speak with a single voice in their support.

To insure a future by meeting today's challenges will require the most careful coordination and planning. For the development and use of natural resources, this can be best provided under a single administrative umbrella such as the President proposed in a Department of Natural Resources.

The engineer must continue to tell his story and tell it as factually and clearly as possible. We must counteract the half-truths, the untruths and the myths which are being spread. We must get understanding of our projects. We must correct the inaccurate criticism leveled our way—but make proper adjustments to continually meet the changing needs of our time.

And you young engineers especially, working with natural laws to make dreams come true, have an exciting role to play. Don't forget that your survival and happiness, as well as that of all of us, depend on how well you adapt to the needs of this changing world, while still holding tight to the moral values that have withstood the batterings of change and time. And on how well you help meet the basic needs of people through proper and balanced use of our limited resources of land and water—and in fashioning the environment to enhance the good for both man and nature.

Today's challenge to engineers is to evaluate and plan and design and build for the total well being of man in the fullest and broadest sense. Our scientific design technology must be subordinate to the humanistic requirements of man and the perpetuation of a good life on this planet.

This requires total involvement of all of us. The vision that engineers have combined with their practical know-how on getting things done, provides a strong base for a greater role for leadership in our society. And that is your challenge. For there are no easy answers and there is no easy road. But if you work at it, there is no limit to your potential, individually and collectively.

I served as a judge of Consulting Engineers National Excellence of Design contest last year, and the imaginative work submitted made my heart sing. Because this is a world of ingenuity, of integrity, of beauty and of opportunity and of potential.

It is a land where we can and do build for beauty—and for aesthetics—and to lift up man's soul.

And we have an environment where we have worked with nature to cooperatively create an opportunity for a good life in a quality environment.

And in this miracle of America of ours, it is a land where we have the wheat fields of Nebraska, where we recognize the great wealth—the great beauty—and the great worth of our grasslands—and our big sky sweeping from horizon to horizon. And of our canyon lands with their wonder and their color and their exciting mystery and calming serenity—and their fantastic shapes carved by nature over eons of time.

And it is a land with great heritage, such as Rainbow Bridge and the inspiration it provides today to thousands—a land with an inherited folklore concerning the Great Spirit of us all. We are the recipients of the enduring good and knowledge and understanding of struggling, hard-working people from all over the world through centuries of time.

It is a land which with water controlled by the works of man, has become a land of plenty—a land of milk and honey—of grapes and beauty—a land of great promise.

It is a land of sparkling water—and we have safer water in our taps all across America, than ever before, because of our engineering works—even though we can and must do better.

It is a land where we can lift up our sights and glory in priceless moments such as this—in our waterlands—created by man and nature working together. And we can appreciate and enjoy its beauty.

A land where we work with nature to create greater beauty, and it is a land where even with all our problems today, where we have a better and a healthier diet—and a longer life—than ever before in history.

And from our mountains in the fall; and from our streams and waterfalls, there comes a song of thanksgiving—a song of accomplishment—a song of inspiration—a song of joy—a song of hope—a song of beauty—a song of glory of man. Because there are great days ahead in this miracle of America of yours and mine—and in this miracle the planet earth. As I mentioned for the first time in all history we can dare to think of a good life for all man—because for the first time we have the technology and the capability to provide a good life for all. What we need to do is apply what we know with cooperation and full appreciation of the basic brotherhood of man—of all man all over the world—and get with it.

And that is your challenge in today's world—as Engineers and as members of the human family. To better understand, to better communicate, to be concerned—to become totally committed—to be completely involved with all facets of our society—to recognize the dignity and worth of every man—to have as your guiding light service to mankind, a reaffirmation of life, its opportunities, its fullness, and its beauty. And the time is here to show that it can be done.

And this required the dedication—the integrity—the ingenuity—the professionalism exemplified by your honor code—a dedication to the service of your fellowman.

Because whether we wish it or not, it is the dawn of a new age—an age of enlightenment—an age of opportunity—an age demanding the best from each of us. For in our miracle of America—and in all the world—this is the age of Aquarius—a Golden Age according to the stars!

TRIBUTES PAID TO JAMES F. BYRNES AT THE UNVEILING OF HIS STATUE ON STATE HOUSE GROUNDS, COLUMBIA, S.C., ON MAY 2, 1972

Mr. THURMOND. Mr. President, on the State House grounds in Columbia last Tuesday, May 2, 1972, a statute honoring the late James Francis Byrnes was unveiled.

Had this distinguished South Carolinian lived, he would have been 93 years old May 2 which also marked the 66th anniversary of his marriage to Miss Maude Busch of Aiken who was at his side and his helpmate throughout his life of distinguished service to his State, his Nation, and the world. Mrs. Byrnes unveiled the imposing statue of Justice Byrnes in his judicial robes, which was done by Charles Sparks of Delaware.

The general assembly designated May 2, 1972, as "James F. Byrnes Day." I ask unanimous consent that their resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

"Whereas, the month of May is defined as 'the vigorous blooming time of human life'; and

"Whereas, it is recorded in the Encyclopedia Americana that on the second day of this month in the year 1879 God chose to bless this noble State with a son whose name, James Francis Byrnes, would become internationally famous; and

"Whereas, this native of Charleston, born and reared in humble circumstances, launched one of the most colorful and diversified careers of public service in the history of this nation in 1900, when, at age twenty-one, he became court reporter for the Second Judicial Circuit in South Carolina, a position he held until 1908; and

"Whereas, his ambition and determination to succeed led to his admission to the Bar in 1903; and

"Whereas, between the years 1908 and 1955 he successively served as Solicitor of the Second Judicial Circuit, Congressman for the Second District, United States Senator, Associate Justice of the United States Supreme Court, Director of the Office of Economic Stabilization, Director of the Office of War Mobilization, Secretary of State and Governor of South Carolina; and

"Whereas, his superior performance in these various positions of high honor and trust has been many times toasted at home and abroad; and

"Whereas, throughout his magnificent career he never lost touch with his meager beginning as evidenced by his scholarship foundation for deserving orphaned children; and

"Whereas, he has always been equally at ease with the rich and the poor, the high and the low and is best known to all simply as "Jimmy Byrnes"; and

"Whereas, his farsightedness and dedication to formal education is recorded in the Encyclopedia Britannica wherein reference is made to his public school improvement program which was launched under his stewardship as Governor of this great State; and

"Whereas, it was also on this day, made historically significant by his birth, that he and his dear devoted wife and inspirational helpmate, Maude B. Byrnes, were married in 1906; and

"Whereas, the sands of time have indelibly recorded the full, wholesome and meaningful life of Jimmy Byrnes in the history of South Carolina and in that of the United States; and

"Whereas, the time has come for South Carolina to honor her great son with recognition of a lasting and permanent act of outward manifestation; and

"Whereas, it has been previously determined to accomplish this by placing a statue of him on the northeast corner of the Statehouse grounds where it shall remain in mute testimony for all who pass it by that this is indeed the land of opportunity for those who care to seek it; and

"Whereas, there is no more appropriate time to accomplish this recognition than on his birthday and wedding anniversary, May 2, 1972, and to designate such day as "James F. Byrnes Day"; and

"Whereas, contributions from throughout the nation were received for the purpose of financing the statue; and

"Whereas, this day having been selected, it is the desire of the members of the General Assembly to join in the ceremony and recessing their respective sessions at 12:20 in the afternoon on that day for that purpose; and

"Whereas, such members are desirous of State employees in the immediate Greater Columbia area being afforded the opportunity of witnessing this momentous occasion and are further desirous of the public in general to join in. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That May 2, 1972, is hereby designated as "James F. Byrnes Day"; that both the House of Representatives and the Senate shall recess at 12:20 in the afternoon on this day for the purpose of participating in the unveiling of the statue of Mr. Byrnes on the northeast corner of the Statehouse grounds; that all department heads of State government in the immediate area of Greater Columbia grant an additional half hour to the lunch hour of all employees in their respective departments on this day who desire to witness the ceremony; and that all citizens of South Carolina are invited to bear witness on this day to the recognition of Mr. Byrnes."

Mr. THURMOND. Mr. President, the Honorable N. Heyward Clarkson, Jr., vice president of the Byrnes Foundation, presided at the ceremonies of the unveiling of the Byrnes statue. The invocation was delivered by the Right Reverend John A. Pinckney, bishop, diocese of upper South Carolina.

Dr. W. E. Rowe, of Chattanooga and a former Byrnes scholar, spoke in behalf of the almost 400 young South Carolinians who have benefited from the generosity of the James F. Byrnes Foundation.

Mr. President, Dr. Rowe made the following remarks at the ceremony:

For the next few minutes you will hear only one voice, but almost 400 young South Carolinians will be speaking to you. The "Byrnes Scholarships" capped James F. Byrnes' long and distinguished career of service to his fellow man. This chapter in his life will not end because the James F. Byrnes Foundation and The Byrnes Scholars will continue his work. We are thankful that Governor Jimmy Byrnes took a stand by us as we embarked on the road of life.

It all began in 1947 when the proceeds from his book, Speaking Frankly, which was dedicated to his mother, Mrs. Elizabeth E. Byrnes, was used to establish The James F. Byrnes Foundation. Originally it provided $500 per year for a student for four years of college. This money was not to be repaid. He felt that a young college graduate should not start out with $2,000 debt. Its purpose was to help those students with one or both parents deceased and those students who by their record of accomplishment hold promise of leadership and a worthy contribution to society. In 1958, he wrote All In One Lifetime, and dedicated it to the people of South Carolina, who gave him the opportunity to serve in public office and to the men and women, who through the years helped him to serve. The proceeds from this book also went to The James F. Byrnes Foundation.

Travel with me for a few moments back to June of 1949. From all over the state 30 young high school graduates were on their way to meet Mr. Byrnes, one of the most respected men of his time. It was a beautiful day in Spartanburg. From the moment we met we were strangers no more. We remember that day well. We remember his lovely and gracious wife, "Miss Maude." We remember his devoted secretary, Miss Cassie Connor; and we remember his trusted friend and chauffeur, Willie Byrd. We departed from him that day inspired to make some constructive contribution to society in our lifetime because this man took a stand beside us and placed his confidence in us. In 1951, our group became known as the Byrnes Fraternity. That was the year Governor and Mrs. Byrnes took us to the Isle of Palms for a weekend get together. There were some 60 boys and girls representing 15 colleges and universities. In 1954 a plaque was presented to Governor and Mrs. Byrnes by several scholars and on that plaque read the inscription: "To Mom and Pop Byrnes from your Foundation Children" and listed the names of the scholars.

Time passed on and he continued awarding scholarships, utilizing every penny he could to send another student to school. Even the proceeds from the sale of his summer home on the Isle of Palms went to the James F. Byrnes Foundation to be used exclusively for scholarships. By 1961, 264 scholars had been given this assistance. In June 1964, the Byrnes Scholars expressed their desire to share the financial burden which their benefactor had alone borne for the last 15 years. At the meeting that year, Judge Donald Russell gave a most inspiring message. He stated that Governor Byrnes wanted a living memorial, that he wanted to invest in human life and see it grow. He also stated "the lives of these young people that he had helped would in the years ahead cast his shadow forward and that he would live in the lives of their descendants for ages to come." "Mom" and "Pop" Byrnes' personal interest in us signified that they loved us, they believed in us and they expected great things from us. His monument will be carved in our hearts, in the hearts of our children and our children's children.

"We have gathered together in June each year since 1964. More than 358 scholarships have been awarded. Year by year the number of Byrnes Scholars will grow. We will ask of those who follow us no more than Mr. Byrnes asked of us. Do your very best and do nothing to bring discredit to the Byrnes Scholars.

"Mom" and "Pop" Byrnes have instilled in us the same principles which guided them through the years. A devotion to duty, a dedication to principle and the belief that "the sole meaning of life is to serve humanity."

Mr. President, the principal address at the unveiling of the Byrnes Statue was delivered by Gen. Mark W. Clark who, after his distinguished service in World War II and the Korean conflict, was induced by Governor Byrnes to retire to Charleston, S.C., and succeed Gen. Charles P. Summerall as president of the Citadel.

Mr. President, I ask unanimous consent that General Clark's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY GEN. MARK W. CLARK

A man for all seasons. More than two hundred years ago that phrase was used to describe a great man. We like the ring of the term and its all-encompassing grandeur. But it is inadequate for the man we honor today.

The man of destiny. That term from a George Bernard Shaw play has a familiar sound and fits a few men of tremendous worth. But it is too limited to apply to the man we honor today.

The man who loved God. A title coined by one of Shaw's fellow playrights. But it would fit only a small facet of the personality of the man we honor today.

I have searched far and wide for quotable and adequate descriptions of James Byrnes including the man of the hour, the man of the people, the man of courage, and many others, in an endless effort to present dramatically in a few words a proper description of greatness in a man. Not one of them can equal the man we honor today and it may be that it is impossible to put into words the full impact he had on this state, our nation, and, indeed, the world.

As inadequate as it might be, my own

title for James Francis Byrnes is "A Man For All Officer's. That grouping of words is my own, but the thought is taken from John Milton.

Milton praised men who were fit, in his words, "To perform justly, skillfully, and magnanimously all the offices, both private and public of peace and war."

James Byrnes was such a man. Many Americans have been catapulted to high office without being qualified to carry out the duties of lesser offices. Some have found their limits in public offices of low estate. A number of office holders have been well-qualified for peacetime, but inept in war.

James Byrnes struck the perfect balance. He was patriot and politician, perfectly equipped to perform both private and public service whether in war or peace, whether in lowly offices or high.

To put it in more up-to-date terms, Jimmy Byrnes was Good enough in all respects to be on our All-American team forever.

We could place the emphasis on: Good!

My close friend and colleague, Lucius Clay, said in his eulogy of Mr. Byrnes, that he was one of the few individuals of history who was both great and good.

The good in the man we honor permeated his entire life so that he is remembered as the magnanimous spirit that Milton envisioned in the perfect man for all offices.

That goodness may account for my feeling very strongly that God controlled recent events involving Mr. Byrnes, if, indeed, he did not guide every phase of that tremendous life. A divine hand might well have set this long-scheduled dedication so that it followed the passing of Mr. Byrnes while his eulogies were still ringing in our ears. Yes, he was a man for all offices, and he served human kind in a wide variety of capacities. State and federal legislator, jurist, head of federal agencies, Secretary of State, and Governor of the people he loved most of all—those of his beloved South Carolina.

Jimmy Byrnes was a man for all offices and it was my privilege to work closely with him in several of the important offices he held. While I was United States High Commissioner in Austria following World War II, Mr. Byrnes was Secretary of State. He demonstrated his diplomatic skills in the guidance and assistance he gave me in that position.

I was honored when he selected me to serve as a Deputy Secretary of State during the difficult negotiations of the Foreign Ministers' Conference in London in 1947. The lessons I learned from him there were invaluable to me in the later Moscow Conferences where I served as Deputy Secretary of State to General Marshall who succeeded Mr. Byrnes and in my later confrontations with the communists. Let it here be recorded that Mr. Byrnes was ahead of his time in recognizing the true menace of communism.

I have often said that the wisest decision I ever made was the decision to come to The Citadel, to make my first and only permanent home in South Carolina. And to devote my remaining years to the education and training of American youth—our most precious asset. Mr. Byrnes is responsible for that decision.

While I was burdened with the trials and tribulations of a frustrating war in Korea that my government would not permit us to win, I received a message from then Governor Byrnes asking whether I would be interested in succeeding General Charles P. Summerall as President of The Citadel. I replied that I would be most interested as soon as we could reach the armistice that my friend, President Eisenhower had instructed me to secure.

Out of that initial exchange of messages and through the guiding hand of Governor Byrnes, I did assume the presidency of The Citadel. It proved to be my longest and most rewarding command as I was privileged to have a part in shaping the lives of the thousands of outstanding young men who passed through the corps of cadets during the more than a decade that I was president. I'm proud of those men and the records they have made on the field of battle and in all other walks of life. I'm also proud to be President Emeritus of that great institution, and I feel deeply indebted to Mr. Byrnes for his influencing me to come to this great state which still has more patriotism and true Americanism per square mile than any other place in the land.

Those and other experiences with Mr. Byrnes exposed me to his unique greatness. His fantastic versatility contributed to his success. He could teach himself complex new subjects quicker than others could absorb them with the help of a tutor. He learned at his Mother's knee and later by her side far more than most learn in school and college. The shorthand she taught him proved invaluable in at least two of his many professions—court recorder and journalist—and some of the notes he took at international conferences form the basis for important segments of the history of the time in which he lived.

The most striking traits of Mr. Byrnes, in my view, were his retiring nature, his modesty, and his apparent complete lack of ego. It is rare in political beings, but he was, to put it in a word, humble. His devotion to the education of deserving young people was one of his most cherished accomplishments.

That trait of humbleness seemed to cause him to move behind the scenes. He was often in the limelight but never of his own volition. While others drew attention to themselves with speeches on the floors of the houses of Congress, he made few. Instead, working quietly and unobtrusively, he exercised more power than his colleagues. His was the controlling voice in the Senate for years. His leadership of that great body rested primarily on his understanding and ramifications and human factors of the legislative process and his talent for constructive compromise. Even rarer in a politician than humility is selflessness. Jimmy Byrnes embodied both those traits and they shaped him into more than a politician. He was a true statesman.

The record is replete with instances of his placing service above self. The most striking example, and one which, in characteristic form, he never alluded to, was his giving up a high-paying position as a Justice of the United States Supreme Court, a prestigious life-time job, to assume a lower-paying uncertain assignment. That assignment was Director of Economic Stabilization which President Roosevelt asked him to take in order to preserve our nation. With Byrnes in that position, it was no longer *uncertain* because of his zeal and competence. Soon he was more powerful than any man in the nation except the President of the United States.

Jimmy Byrnes holds an honorary degree from The Citadel. That military college meant a great deal to him, and he meant much to The Citadel. He often visited The Citadel campus with his lovely wife, Maude. Together they had a life that few can match, a marriage of 65 years filled with love, respect and devotion. Two non-Citadel men are honored in The Citadel library. One is John C. Calhoun. The other: Mr. Byrnes. Large portraits of those statesmen are on either side of the entrance to the library. There they remind cadets of the greatness of those two stalwart South Carolinians.

Jimmy Byrnes. Brilliant though self-effacing. Eloquent though quiet. Incisive though soft spoken. Aggressive though gentlemanly. Persuasive though courteous. Great though humble.

Yes, he was a man for all offices.

Twice he very nearly became Vice President of the United States. He might well have been President of the United States and he would have been a good one.

Yes, he was a man for all offices. In this life he filled many offices well—even perfectly. Now, we do not doubt, he fills the loftiest offices that exist in the great beyond.

May the statue we dedicate today remind us of him and inspire us all to emulate the great example he set.

Yes, he was a man for all offices. James Francis Byrnes. Patriot, All-American. May God bless all of you and all who revere the man we honor today.

Thank you.

Mr. THURMOND. Mr. President, I now ask unanimous consent to have printed in the RECORD a telegram from President Nixon which was read at the dedication ceremony by Alex McCullough, a former assistant to Mr. Byrnes, who is now a member of the Import-Export Bank Board.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

It is a pleasure to join the family of the late Governor Jimmy Byrnes and the fellow South Carolinians who unveil a statue memorializing his lasting accomplishments. Your state can be proud of the dedicated public service of this great American whose record as Congressman, Senator, Secretary of State, Supreme Court Justice and Governor will surely be an inspiration always for all who seek positions of public trust. Our history is richer for the important part he had in it, and the future of our nation is brighter because of the standards he set and the goals he helped to realize. My warmest greetings and good wishes go out to all who attend this ceremony.

Mr. THURMOND. Mr. President, I now ask unanimous consent to have printed in the RECORD the moving remarks by his niece, Frances Fuller Miner.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY FRANCES FULLER MINER

Governor West, General Clark, Mr. Clarkson, distinguished guests, friends. "Our little life", William Shakespeare said. I suppose in terms of the billions of years that have preceded and may follow us, he was correct. But, some lives reach out and touch so many others in so many memorable ways that it is hard for us to consider them little or to let them go. Faced with the inevitable, we turn to something less perishable, like bronze, to keep them with us. Future generations may see in this statue of James Francis Byrnes only a testimonial to one man's accomplishments. We are more fortunate. We knew the man. We loved him. And we know that this statue is here today, not because law or duty compelled it, nor even because he was a wise and dedicated statesman, but because he had a very special love for you, the people of his state, and you have returned that love in full measure. He was blessed in many ways, but that is one of the greatest. It made him very happy. We are mired in an age of almost total negativism, beset with cynicism and self-doubt. Here was a man who gave total affirmation to life, to the manifest good in human beings as being more powerful than the incipient evil. And he gave it with joy and laughter. No wonder we turned to him. We needed him. Perhaps, in the years to come, a spark from the warmth he kindled will burn through the cold perspective of history, and some evening, as the sun's rays slant across this statue's green and gold patina and light up the eyes of children come to gaze in studious solemnity, one of them will suddenly laugh out loud, the way he made me laugh and when I was a little girl, without knowing why, just for sheer happiness. He would like that. Thank you!

Mr. THURMOND. Mr. President, Mr. Clarkson read the following message from William C. Westmoreland, general, U.S. Army Chief of Staff, who was appointed to West Point by Mr. Byrnes:

I deeply regret that my current overseas trip precludes my being present at these ceremonies marking the unveiling of the statue of Governor Byrnes. I do, however, wish to add my tribute to those of his many friends and admirers who have gathered to honor the memory of his long and distinguished service to the State of South Carolina and our Nation. In his varied and challenging career that brought Governor Byrnes to the highest positions of leadership in each of the three major areas of our democratic system of government—Executive, Judicial and Legislative—he won through exemplary personal conduct and selfish dedication to duty the respect and esteem of his fellow Americans. His record of public service will long stand as a pattern for future generations to emulate. Not only was Governor Byrnes one of the most distinguished citizens ever to represent our State, he has also taken his place among the greatest American patriots of all time.

Mr. President, Gov. John C. West accepted the statue on behalf of the State of South Carolina and joined in paying tribute to the one who held as his credo "the highest of distinctions is service to others." Governor West said:

Mrs. Byrnes, distinguished platform guests, my fellow South Carolinians. In accepting this statute on behalf of all of the people of South Carolina, there is a feeling that we are participating in a special moment of history of great importance to our state. All too often in the busy day to day conduct of business, we lose our perspective, our sense of history. We fail to understand where we are, where we have been and where we are going. We focus our sights on the immediate, and only rarely do we lift our eyes to view what is permanent, what is lasting and what is immortal. Today we stand in the presence of greatness. Ralph Waldo Emerson once wrote:

"When nature removes a great man, people explore the horizons for a successor, but none comes and none will. His class is extinguished with him. In some other and quite different field the next man will appear."

Great men will continue to appear, but for South Carolina and for this nation there will never be another James F. Byrnes. In the words of Emerson his class was extinguished with him.

We are not here today, however, simply to honor his memory, simply to pay tribute to his many accomplishments, simply to recall his deeds. We are here to observe the permanence of his influence on our state and to perpetuate his work as an enduring part of the living history of South Carolina. The statue we dedicate stands as a monument not to the past, but as a symbol of the present and a promise of the future. James F. Byrnes in the greatness of his life did not belong to a single time nor a single era. He belonged to all South Carolinians of all times. This monument is our way of bequeathing to those later generations the heritage of his gift to the state, the nation and the world which he loved so well.

It is difficult, of course, to dwell upon any single acomplishment of this man as outshining another. In terms of power and prestige he rose to the highest level, guiding his country through the perilous times of war and helping to forge the basis for peace in the aftermath of war. As Supreme Court Justice, as Secretary of State, as a man acknowledged to be the "Assistant President" under Franklin Roosevelt, James F. Byrnes shaped the destiny of this nation and this world and laid the foundations on which the free world has prospered in these recent decades.

The power and the prestige were only the rewards of his life not its goals. And when he had reached the pinnacle, there remained more frontiers of service, more arenas of challenge, more calls for dedication. In what many might have called his twilight years, James Byrnes responded to the needs of the people of his home state and became governor. It was not an easy time to be governor, as people found themselves divided over issues which went to the heart of their pride and human dignity. But James Byrnes had never known the easy life and had never accepted the easy role. His life reflected the very best in the American dream, the very essence of what we proudly believe to be the ideals of a free society. He lived by serving, and he served by giving of himself with every ounce of wisdom, courage and energy.

The history books will record in words his greatness. This statue will stand so appropriately on the grounds of the Statehouse where he gave to his state so nobly and fully. And yet there is another dimension to James Byrnes which may be the most enduring of all. Only a few feet from here is a busy intersection, a crossroads of people from every walk of life, going about their everyday business. These were the people that James Byrnes knew and never forgot. They were the people to whom he reached out and through the years helped lift them upward. For all the beauty and solidity of the memorial which we dedicate here today, there will be no greater monument to the memory and life of James Byrnes than the hundreds of young South Carolinians and the thousands of their descendants who got their first step towards success through the Byrnes Scholarship program. In the truest sense of the word, here was the complete man. Today he takes his place with Rutledge, with Pinckney, with Sumpter, with Marion, with Calhoun, with Hampton, with all the great South Carolinians of war and peace who deserve the distinction of being called great. We are truly in the presence of greatness today. In the words of Longfellow:

"Lives of great men all remind us
  We can make our lives sublime,
And, departing, leave behind us
  Footprints on the sands of time."

In the granite base of the Byrnes statue is engraved the following:

James F. Byrnes, 1879–1972, Congressman, Senator, Governor, Justice, "Assistant President," Secretary of State of U.S.

A statesman, Jurist, Diplomat, He gave a lifetime of service to state, Nation, and the world."

Mr. President, on April 24 my newsletter entitled "A Great Man's Legacy," was on the life and career of James F. Byrnes. It reads as follows:

A Great Man's Legacy

James F. Byrnes was a symbol of all that is good and fine in America. His life of public service was a great benefit to the world, to our nation, and to our state. His actions affected almost everyone who lived during his brilliant career, and his life was an inspiration to thousands of people who saw in him a model of dedication to principle and effective action enabling his principles to bear fruit.

The scope of his long public career was broad, and he was recognized around the world for his great achievements. Nowhere, however, was his greatness recognized more than in his native South Carolina. He served as a member of Congress from 1910 to 1925, before coming to the United States Senate. President Roosevelt appointed him to the Supreme Court, but in 1941 he resigned to assist directly in the war effort. He served first as Director of Economic Stabilization, then as Director of War Mobilization. It was during this period that he became known as the "Assistant President"—in recognition of his power and influence. President Truman appointed him Secretary of State in a crucial period for American foreign policy. In 1950, after an outstanding career of national and international influence, he returned to South Carolina and was overwhelmingly elected Governor of our State. As Governor, he exerted a strong and positive leadership. His interest in the public affairs of our State and Nation extended right up until his death.

While some may feel that Governor Byrnes' greatest achievement was in helping President Roosevelt win World War II, it is my judgment that perhaps his most outstanding and far-reaching achievement came during his tenure as Secretary of State. It was during this extremely crucial period, immediately preceding and following the end of World War II, that the United States forged the basic posture of American foreign policy in the post-war era. This policy was established by Secretary Byrnes and President Truman, and was strengthened later by Secretary Dulles and President Eisenhower. The policy in essence was that the United States accepted the leadership of the free world, and would not acquiesce in the face of Soviet efforts to extend its own power and influence. Byrnes, a perceptive man, refused to allow Russian co-operation against the Axis powers during the war to blind him to the nature of Soviet policy and initiatives following the war. He saw clearly that the Soviets intended to pursue a policy which was expansionist and imperialistic and which encompassed a final goal of world domination. Byrnes also saw that only the United States possessed the power to prevent the Soviet Union from achieving its goal.

While many people, probably Byrnes included, question the extent and dedication to which the Kennedy and Johnson Administrations followed this basic policy, it nevertheless remains as the keystone of post-war American foreign policy. It seems particularly appropriate to remember that immediately following the end of World War II, many Americans yearned for a return to a policy of isolationism and withdrawal from world affairs and responsibilities. Secretary Byrnes saw the self-defeating character of such a policy, and helped guide the United States toward an unaccustomed position of leadership in the world. His toughminded wisdom was far-reaching, and the world today enjoys a greater measure of freedom for his efforts. Today those who would have the United States abdicate its responsibility to the free world do well to recall the vision of James F. Byrnes.

South Carolina mourns Byrnes' passing, but we know his achievements will live on beyond him. That, indeed, is the mark of a great man.

Mr. President, a number of articles, documentaries, and editorials have been published recently about the life and career of James F. Byrnes. A number of such tributes have been written since the unveiling of a statue of Governor Byrnes on May 2 in Columbia, S.C. I ask unanimous consent that these recent articles and editorials be printed in the Record at the conclusion of these remarks.

There being no objection, the items were ordered to be printed in the Record, as follows:

James Francis Byrnes Documentary

Mr. Newcomb. James F. Byrnes loved his state and her people. Born in Charleston, entered public service in Aiken, South Carolina. He spent many years away from South Carolina serving the state and his nation in Washington as an elected and appointed official in Congress, on the Supreme Court, in the White House and in the State Department. He urged the young people of today to enter public life. On the political scene he pledged his support to men in the arena who best represented his views regardless of their party affiliation. This is best seen in the message delivered to fellow South Carolinians in 1960 as he came out for the Nixon-Lodge ticket.

Mr. BYRNES. If Senator Kennedy holds Vice President Nixon responsible for all of what he considers the weaknesses of the President, then certainly Nixon should be credited with some of the accomplishments of the Administration, not the least of which is that since the end of the Korean War, we have lost no American boys in combat, and we have preserved peace with honor. It has been almost eight years now since we picked up our morning newspaper to read the casualty list. My prayer is that the parents of this day will not be forced to again read those lists. I believe sincerely that prayer is more likely to be granted if the people of the United States elected their President, the able and experienced Vice President, Richard Nixon. I do not tell any person how to vote. That is an individual right which everyone must exercise according to his own conscience. But as I have considered this question for myself, I recall the words of a former President:

I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what life I have. I will stand with anybody who stands for right, keep with him while he is right and part with him when he is wrong.

Mr. NEWCOMB. This was the Byrnes that carried South Carolina through the greatest educational advances in the state's history. This was the Byrnes that South Carolinians stood up for and stood behind. U.S. Circuit Judge Donald Russell was a member of the law firm in which Byrnes had a partnership in Spartanburg and worked with Byrnes when he was head of War Mobilization and Secretary of State. He recalls this little publicized fact about the Governor.

Judge RUSSELL. One thing about Mr. Byrnes that a lot of people don't realize—he didn't go to college, but I don't know anyone that I have come in contact with, and I say that based upon my experiences at the University as president, I don't know anyone who was a deeper student or one who had a finer sense of the niceties and nuances of the language than Mr. Byrnes. He was a superbly self-educated man who was the equal of anyone who had a Ph.D. He was evidence to any young person that if you have the will, you can educate yourself. He was a remarkable man in that regard.

He also was a person of very singular high purpose and character. I remember on one occasion when I was present that a political figure of considerable prominence talked to Mr. Byrnes. He was very distressed about a vote to come up in the Senate. He didn't know how to vote, and he was talking about the conflicting forces back home and the effects on it. Mr. Byrnes told him:

"I always had one rule that served me well whenever I used it; and that was, I always voted what I thought was right" and said it has always turned out the best political course. I think that was true throughout his career. A person of high character and high purpose, as I said. He did what he thought was right, and I think that gave him inner feeling of rightness, and I think that is probably the reason he lived to be 93 years of age because he had that feeling.

Mr. NEWCOMB. Though he received no formal higher education. Byrnes served on the Converse College Board and the Clemson University Board of Trustees. Clemson University Library requested and received all the Byrnes papers during the sixties. Governor Byrnes reminisced with the Vice President of Development, Wright Bryan, in the Byrnes Room prior to the dedication of that room.

Mr. BRYAN. Mr. Byrnes and I are here in the James F. Byrnes Room at the Clemson Library, and we are surrounded by the mementos of his career in Washington and in South Carolina. He has his arm on the chair which he occupied as Secretary of State in the Executive Branch of the Government. Just beyond the chair is the desk he occupied as a member of the House of Representatives, the first post in which he went to Washington, and on the wall over there, Governor, I see your robe as Associate Justice of the Supreme Court.

Mr. BYRNES. Yes, I have been looking around this room for the last few minutes, and I am terribly impressed by the work that has been done by the people here at Clemson, and I must say that I am affected, too, because these things are intimately connected with my public life; and today as I look at them, I recall some of the things that happened in each of the offices that I had during my long service.

Mr. BRYAN. It may not be a fair question, but which of the three branches of the government service—Executive, Judicial or Legislative—did you find the most to your taste?

Mr. BYRNES. Well, frequently I have been asked that question. I have said that I thought of the services rendered, of course, Director of War Mobilization, which Mr. Roosevelt referred to as being Assistant President, had greater power, and in it or in the discharge of its duties there was great excitement, but I think after all I liked my service in the United States Senate at the particular period in which I was permitted to serve. However, I must admit I may be influenced in that opinion by the fact that during that service I was fifty to sixty, and there's a lot of difference between service rendered between fifty and sixty and in later years.

Mr. BRYAN. George Patton?

Mr. BYRNES. Oh, yes, than whom there was no other. Patton was a man's man. I knew Mrs. Patton and his daughter well; and when I was out there with General Marshall at the front in 1944, Patton had a day off from his command, and I spent that day with him. I shall always cherish the memory of that wonderful day. He told me that he had one desire. He wanted me to ask the President to assign him to take charge of that campaign against Japan, and he said you can tell him I promise him that if he will do that, with this crowd we've got over here in Europe right now, we will bring the Japanese end of the war to a termination in a very short time, and I believe the man would have. He had the ability to arouse the enthusiasm of general officers as no other man could.

Mr. BRYAN. In a little bit lighter vein, we have all around the room various cartoons, the originals of cartoons bearing on the Governor's career. Which one of these is your favorite, Governor?

Mr. BYRNES. Oh, I think the one to my left over here where Berryman, who was the cartoonist for the *Evening Star* in Washington and who had the gift of putting all the power of an editorial into a cartoon. That cartoon showing the Russian representative, the British representative, Bevin, and me having grown long beards and with our walking sticks hanging on the chair was so true of any negotiations of the Soviets. They would take a month to prepare to get ready to discuss when the conference would begin.

Mr. BRYAN. I think you were the first to warn us of the Russian delays, and we certainly needed that warning.

Mr. BYRNES. I did say this when I started out because I knew we had a right to expect half a century of peace, but we must have patience, but after dealing with the Soviets for awhile, I found out they were not affected about the horrors and the devastations of war. They were determined to dictate to all mankind, and I knew then that there was no hope for us unless we changed from patience to firmness. I believe now that the only salvation for the future and the only chance for us to remain as free people is to be firm and to see that spiritually, economically as well as militarily we are strong.

Mr. NEWCOMB. While Mr. Byrnes was always confronted with serious decision-making, when the opportunity availed, he had a wit and a sense of humor which delighted many an audience. We will take excerpts from just one speech, selecting the humorous spots and bring them to you now.

Mr. BYRNES. Mr. President and distinguished guests; of course I am deeply touched by the words of praise, particularly the kind statements of Dr. Edwards. Some of you should be disposed to think he has exaggerated my accomplishments. I want to tell you that I have always regarded him as a very truthful man.

The Trustees of Clemson by formal resolution, unanimously adopted, requested that I leave all my files to Clemson and pledged that should this be done the University would make them available to students and historians who might express a desire to see them. I agreed and proceeded to draft and execute another will carrying out that agreement. I have not regretted it, though I must say at the time I was a little disturbed by some of the trustees referring to my "leaving." I had no plans to leave, and I haven't got any now.

Some years ago Clemson honored me with such a degree. I then stated that in my youth I was deprived of the opportunity to receive a formal education, but in my old age I was being educated by degrees. There is one that I recall, the citation from Yale University. One sentence in it impressed me greatly and flattered me. Of me it said: "He has shattered the tradition that energy does not exist below the Mason-Dixon Line."

A man has a sense of humor, and then he is a wise man and a good observer. Also among the papers are the original manuscripts of my two books, *Speaking Frankly* and *All in One Lifetime*. I am not advertising them because you can't buy them. I have learned that they have been sold out and you have to pay a premium for them, and I don't think they are worth the premium that is being paid.

Mr. NEWCOMB. On two occasions Richard M. Nixon came to South Carolina to visit James F. Byrnes—first, as a candidate in 1968 and the second time as the President of the United States in 1970. Here are filmed excerpts from those visits.

Mr. Byrnes came to Greenville in the fall of 1968 for a reception in his honor. It was held the same day that Candidate Richard Nixon made a campaign stop in Spartanburg and Greenville. In a few more weeks Mr. Nixon would become the President of the United States.

Mr. NIXON. This is one of the times when as far as television is concerned I am delighted to be on it. I ought to say that everybody here in South Carolina, of course, knows the Governor's background and most people in the nation do; but stepping aside from the political scene for a moment and looking at the great men that I have known, I would say that there is probably no man in this century who has been great in more different assignments than Jimmy Byrnes. Let's look at this life. He was great as a Congressman and then as a Senator, and then beyond that as Director of the Office of War Mobilization and then as a Justice of the Supreme Court of the United States and then as Secretary of State and then as Governor of his own State of South Carolina. When you look at all of those offices—at the state level, at the Federal level and the Executive, in the Legislative and the Judiciary—certainly there is no man in America in my memory who can match it, and I am just proud to be here with him, proud to be here in a completely nonpartisan, bipartisan character to know him as a friend, one whose good counsel I always am glad to get. As a matter of fact, if I had taken it more often, I wouldn't be here trying to be elected to President for the first time. I would have already made it.

Mr. Byrnes. You know, a while ago I asked Mrs. Daniel, Charlie's widow, to come over, and I introduced her to your wife whose name is Pat; and I told her that her name was Mickey and her name was Pat, and they were talking to a man by the name of Byrnes. That sounded Irish to me, but really he has the blarney, and he has laid it over me just now, and I liked it. Furthermore, I am going to admit the truth of everything you said.

Mr. Nixon. Right, right.

Mr. Byrnes. I only hope that the next time you come to South Carolina, I shall greet you not as Dick but as Mr. President.

Mr. Newcomb. President Nixon came back to South Carolina the following May for a 90th birthday celebration at the Byrnes home, thus fulfilling that hope voiced by the Governor that the next time the two met Byrnes could call Nixon "Mr. President."

President Nixon. If I could have your attention for just a moment. It has been a very great honor and privilege for Mrs. Nixon and for me and for the members of the Senate and the House to come here to join in this tribute to Governor Byrnes and to Mrs. Byrnes. And I think really the character of this wonderful family is indicated when the Governor said, as we came in the house and wished him happy birthday, he said that he wanted to make clear that the main purpose of this day was not to celebrate his birthday but the 63rd wedding anniversary of Mrs. Byrnes. So we honor that wonderful family relationship. I understand the Governor's secret, and Mrs. Byrnes told me when asked if they ever had an argument in the 63 years, and she said, "Yes, now and then." But they always had a rule that before the day ended they kissed and made up. So that's the argument, or at least the way they ended it.

I want to leave one thought with regard to the Governor as we honor him. I look back over the men that I have known around the world and in this country, and I have known great Congressmen, Senators, Governors, Justices of the Supreme Court of the United States, Secretaries of State and men who have served in wartime as the top advisers to the President of the United States, but never in American history has one man held more high offices with more distinction than Governor Byrnes of South Carolina.

Mr. Newcomb. The President of The Spartan Radiocasting Company, owners of WSPA AM, FM and TV, Walter J. Brown, was a long time associate and a close personal friend of Governor Byrnes. Mr. Brown recalls some very personal moments in his association with Mr. Byrnes.

Mr. Brown. President Franklin Roosevelt in one of his rare uses of air transportation in reaching a summit conference paid to James F. Byrnes what I consider one of his greatest tributes.

The wartime President who disliked to fly was high in the sky at night and not only subject to danger from aircraft failure but a security leak which could have attracted Hitler's planes. At his side was Harry Hopkins, his trusted assistant. As they looked out at the stars, the subject came up as to who was the best qualified American to take over the reins of government if something should happen to their plane. Franklin Roosevelt named James F. Byrnes as that American.

This story was told to me by Harry Hopkins after he returned to his office in the East Wing of the White House where Justice Byrnes was then running the domestic side of government. So complete was Mr. Roosevelt's trust of Justice Byrnes that when he would leave on these extended trips abroad, he would sign in blank executive orders for the South Carolinian to exercise the tremendous war powers conferred upon the President. These orders were locked up in a safe in Mr. Byrnes' office, and certainly no greater trust could any President have in any man than to give him blanket power to use his war powers if an emergency developed while he was out of the country.

My association with Mr. Byrnes began when he first came to the Senate after defeating Cole Blease in 1930. He was an all-American senator in every sense of the word. I think he was happier there than in any other position he ever held.

Few people knew it, but President Roosevelt wanted Mr. Byrnes as his running mate in 1940 instead of Henry Wallace. Mr. Byrnes called me in Spartanburg just before the 1940 Democratic Convention and told me to go immediately to Chicago with all my files and begin working on a Vice Presidential acceptance speech in case he should be nominated. Soon after we arrived in Chicago, he told me of the President's conversation with the Archbishop of New York in which the President asked him if Byrnes' leaving the Catholic Church to become an Episcopalian would be detrimental to the Democratic ticket as the Vice Presidential nominee. His reply was in the affirmative.

When Mr. Roosevelt related his conversation with the Archbishop to Mr. Byrnes, he immediately asked that no further consideration be given to him for Vice President.

I was quite upset when Mr. Byrnes told me this story, but I shall never forget his comment:

"Walter, I was defeated for the Senate in 1924 because of the religious issue, and I know what it means in a political campaign. I believe for the good of the country and the world Mr. Roosevelt must break the third term tradition and be reelected. If my being on the ticket should cost him the election, I could never forgive myself."

When 1944 came around and the Democratic leaders realized another Vice President had to be found, again Mr. Byrnes was the logical choice. There was no third term issue, and having left the Supreme Court and as his Assistant President, Mr. Roosevelt again gave the South Carolinian the nod. We packed up and went to Chicago and took over the Presidential Suite at the Conrad Hilton. Harry Truman came by to show us his speech nominating Byrnes, and all details were set even to selecting the music which the huge pipe organ would play when Byrnes' name was placed in nomination.

Then Ed Flynn, of New York, Labor Leader Sidney Hillman, the Director of the NAACP and others who were irritated with Byrnes because of the orders he had issued as Director of War Mobilization got through to the President on his Pullman car en route to the Pacific, and again the South Carolinian was sacrificed in the name of political expediency.

At this time Mr. Byrnes again proved his devotion and loyalty to his country beyond measure. His friends urged him to stay in the race, and there was a good chance he could have won.

But Mr. Byrnes said he would not think of having his name placed before the convention unless he resigned. Thinking of those signed executive orders in his safe and the President to be away in the Pacific for several weeks, the South Carolinian recognized his duty was to return to the White House and look after the President's business. I believe this was Mr. Byrnes' greatest disappointment in life. We immediately returned to Washington; and as our train came in view of the Capitol, Mr. Byrnes turned to me and said:

"Walter, I would give all I own to be back in the United States Senate."

But like a good soldier, he was at his desk at the White House the next morning at eight. He accompanied the President to Yalta and agreed to stay on in the White House until our troops crossed the Rhine.

Only time and objectivity will properly measure the eminence and service of this devoted South Carolinian. But when the true history of our times is written, the name of James Francis Byrnes will stand out as one of the great Americans of the 20th Century.

Mr. Newcomb. Tomorrow James Francis Byrnes will be laid to rest in his native state of South Carolina. He leaves much for those who follow him to strive for. His public life which spanned a half century will never be equalled. His decisions for his nation and for his state will affect the lives of generations yet unborn. Our greatest tribute to him can be summed up in just four words: James Francis Byrnes, statesman.

James F. Byrnes, 1879–1972

The memory of James Francis Byrnes will remain alive in South Carolina so long as history has meaning, but from today on that memory will be reinforced visually by a handsome statue of the late, great Carolinian, to be unveiled at midday.

Both the timing and the placement of the statue are notable, for they link the man in perpetuity with the institutions—and the experiences—which marked his long and fruitful life. May 2 was his birthdate (in 1879) and his wedding date (in 1903). And the second of May follows hard on the heels of Law Day, again a fitting coincidence for a man who devoted so much of his career to the law. Appropriately, the statute depicts him in the robes of a justice of the United States Supreme Court.

The site is significant, for it positions his bronze likeness facing the State House, wherein he served four years as South Carolina's chief executive, capping a lifetime of public service which had begun in 1900. And to his left lies Trinity Episcopal churchyard, where he was laid to rest just three weeks ago.

But the shadow of James F. Byrnes extends far beyond the South Carolina soil which he loved so dearly. It looms large in Washington, and it touches the many nations which felt his influence as Secretary of State of the United States.

It is noteworthy, for example, that his passing was noted afar off in Stuttgart, where appreciative Germans still recall his momentous address of September 6, 1946.

"Byrnes's name," said the Stuttgarter Zeitung on the occasion of his death, "will always remain tied to Germany. His statements signaled a decisive change of American foreign policy and awakened new hope in the hearts of millions of frightened people."

But it is here in South Carolina that his name will be best remembered, not alone for achievement but for opportunity. The General Assembly perceptively noted that facet of the Byrnes story when, in designating May 2, 1972, as "James F. Byrnes Day," it observed that those who henceforth pass by the statue will realize that "this is indeed the land of opportunity for those who dare to seek it.

From humble beginnings, James F. Byrnes sought opportunity, found it, and, with it, found fame.

[From the North Charleston (S.C.) Banner, Apr. 19, 1972]

Jaunty Jimmy

How do you mourn a man like James F. Byrnes? Maybe one does not mourn the individual man quite as much as one mourns the passing of history, the dying of an era.

Surely, Jimmy Byrnes belonged to that special time in American history when a united nation gathered its will and its strength to fight the last battle of its kind. Surely, he belonged to that special breed of world leader blessed with the particular ability to inspire people at the time when inspiration of any kind was in short supply.

Surely, Jimmy Byrnes was a member of that kinfolk which led the nation and the world through one of the darkest times since creation and out, again, into the light.

Their number is growing fewer. Winston Churchill, the bulldog who led England through the Battle of Britain and the dark days of North Africa, is gone. Dwight Eisenhower, the man who crushed the Nazi war machine in Europe, is gone. Franklin Roosevelt, who carried his country back from economic destitution and inspired it to win a global war, is gone. So is Douglas MacArthur, the grand strategist in the Pacific. And now Jimmy Byrnes, who was right up there with the other departed before him.

It befalls the lot of newspaper editors the world over to speak of death and dying each day, so much so that our lot becomes insulated to it.

But when a man such as Jimmy Byrnes leaves us, it somehow jerks us back again, makes us realize that a dwindling group of special people is growing smaller with time.

They buried "jaunty Jimmy" Byrnes in Columbia the other day. The nation is not like to see his kind again. And the contemplation of that fact is the saddest aspect of his passing.

[From the Berkeley Democrat, Apr. 19, 1972]

LET US EMULATE HIM

Jimmy Byrnes was eulogized last week as a good and great man.

The words of praise were spoken by Gen. Lucius D. Clay, a life-long friend who knew him well as "Justice Byrnes." Others who praised him knew him well as a newspaper editor, a U.S. representative, a U.S. senator, the secretary of state, the director of economic stabilization and war mobilization during World War II, a delegate to the U.N. General Assembly, and last, but not least, as governor of South Carolina.

He was a "live-wire," as he said of himself when he ran for office the first time. A self-made man. A man who left the Low Country with no more than a ninth grade education, he became one of the most respected statesmen and leaders America and the world have known in this century.

He was respected because even though a powerful man who shaped the world with Roosevelt and Stalin, no one was too small for Jimmy Byrnes and everyone was important. Demagogue and worker, they could all see that he was a man determined to pursue righteousness through power.

But many people today who never knew Jimmy Byrnes and who heard little of him since his retirement from the glorified political life, admire him because they can look back and see that he never stumbled. When America needed him to direct the war effort, he worked so closely with President Roosevelt that he was known as the "assistant president." When he could have reaped the rewards of his dedication in being chosen as a vice-presidential candidate, he was passed over because he was from the South.

But the self-made man did not stumble when fate dealt him this blow. As was his character he went on to achieve what may have been a more endearing office for the man from South Carolina. He became governor of the state at 71.

Jimmy Byrnes never gave up. In his goodness he achieved his greatness. Because of that he is someone for all of us to emulate.

[From the Star-Reporter, Apr. 20, 1972]

BYRNES AS PRESIDENT

We have often wondered what the course of this country would have been if South Carolina's late James F. Byrnes had gotten the vice-presidency in 1944 instead of Harry S. Truman.

We do not believe Byrnes would have let us lose the Korean war, which to our mind was the first Communist testing point as to what the United States would do. When Truman and his advisors of that day let us come out of the Korean incident as it was called without a clear-cut victory, such as was won in Germany and Japan, that was the signal for the Communists to start the brush fire wars all over the globe—the latest of which is Vietnam which many living today may not live long enough to see concluded.

We do not believe Byrnes would have permitted the excesses in appropriations, taxes that have plagued us in the last 20 years though to Harry Truman's credit it must be said that he presented the nation with a balanced budget one year during his term—1949 as we recollect.

Byrnes might also have prevented the Democratic party from falling into the hands of the ultra-liberals.

THE BYRNES MEMORY

In future years historians writing about the greatest war in history will often mention the man who actually ran the United States on the domestic front as "assistant President" under Franklin Roosevelt. He was Jimmy Byrnes, who died at 92 recently in Columbia, South Carolina.

Few Americans have served their country in so many posts, with such distinction. Byrnes was an editor first, then an outstanding Congressman and Senator, then a Supreme Court Justice and then named by Roosevelt to be the nation's mobilization director and wartime czar on the domestic front.

Though Roosevelt suggested he take a leave of absence from the court, Byrnes felt he should resign. Roosevelt at first favored Byrnes as his Vice Presidential nominee on the 1944 ticket but organized labor blocked him and, ironically, the man who was supposed to nominate him, Harry Truman, was nominated instead. Truman graciously named Byrnes to the top post in his Cabinet, Secretary of State.

But Truman and Byrnes eventually differed and Byrnes retired to his home state of South Carolina and served there as Governor, later changing his party affiliation to Republican. Few men have come so close to the Presidency and missed. Had Roosevelt stuck by his inclination against the wishes of organized labor, Byrnes would have run with him and become President in April of the next year, 1945. Such are the fascinating might-have-beens of political history.

[From the Durham (N.C.) Herald, Apr. 17, 1972]

OTHER EDITORS SAY THE BYRNES RECORD

During his political career that spanned almost half a century, James F. Byrnes, who died Sunday at age 92, made many valuable contributions of public service to the nation.

His career and the many offices he held touched many facets of American life.

Included in the list of offices held by the Charleston native are U.S. representative, U.S. senator, associate justice on the Supreme Court, Secretary of State, director of economic stabilization and war mobilization during World War II, delegate to the United Nations General Assembly, and governor of South Carolina.

In the World War II years when he served as war mobilizer and economic stabilizer, Mr. Byrnes played a vital role in domestic affairs, so much so that he was referred to as "assistant president."

He served with distinction during that critical period, when President Franklin D. Roosevelt was centering his own attention on the conduct of the war, and in the latter part of the war, after Mr. Roosevelt's death, was an intimate adviser of President Truman.

The wide range of Mr. Byrnes' public service reached into county and state offices in South Carolina, and into the three branches of government at the federal level.

His service reached into domestic affairs and into world affairs, and it extended into both Democratic and Republican parties.

After winning honors for his service as a Democrat, he broke with that party in 1952, and in 1968 supported Richard Nixon in his campaign for the presidency.

Mr. Byrnes will be remembered for his long service and for the many offices he held.

He will be remembered for his ability to answer the call when another office beckoned.

He was a man of many talents, as he demonstrated during his long and useful career.

At times he was a man of controversy, but he was a man of dedication.

He will be remembered for his many contributions in his record of public service covering almost half a century.

[From the Greenville (S.C.) News, Apr. 30, 1972]

STATUE OF JAMES F. BYRNES TO BE UNVEILED ON TUESDAY

COLUMBIA.—For the first time in 32 years, South Carolinans will have the opportunity to witness the unveiling of a statute on the State House grounds in Columbia.

At 12:15 p.m. Tuesday, ceremonies will begin for the unveiling of a statue of the late James F. Byrnes. It was on May 1, 1940 when then United States Senator James F. Byrnes made the dedicatory address at the unveiling of the statue of Ben Tillman.

Mrs. James F. Byrnes will unveil the Byrnes statue on the 66th anniversary of her marriage to the late Mr. Byrnes and of what would have been Mr. Byrnes' 93rd birthday.

Also attending will be Mrs. Byrnes niece, Mrs. Frances Fuller Miner from New York, and his great-nephew and namesake, young James F. Byrnes Miner.

The principal address will be made by General Mark Wayne Clark whom Mr. Byrnes brought to South Carolina to head up The Citadel.

Speaking briefly will be Dr. W. E. Rowe of Chattanooga, Tenn. Dr. Rowe is a former Byrnes Scholar and will be speaking in behalf of the more than 300 Byrnes Scholars. About 60 Byrnes Scholars are expected to attend.

The Byrnes statue is the brainchild of the late Senator James H. Hammond who set up an organization to solicit funds for a statue to honor his long-time friend, James F. Byrnes.

Entirely financed by private contributions, the statue is one and a half times life size and shows Mr. Byrnes in his U.S. Supreme Court Justice robe seated on a bench. Charles Parks of Delaware was the sculptor.

The statue will be situated on the northeast corner of the State House grounds, at the corner of Gervais and Sumter Streets, directly across Gervais Street from the S. C. Supreme Court Building.

People from throughout South Carolina and other States, some from as far away as California, are coming for the ceremonies. Also attending will be a Winthrop College Class studying South Carolina government.

The S. C. General Assembly will march in an official procession to participate at the unveiling. A Concurrent Resolution unanimously passed in March 1972 by the legislature officially proclaims May 2, 1972 as "James F. Byrnes Day".

The statue will be presented by N. Heyward Clarkson, Jr., Vice-President of the Byrnes Foundation, to the people of South Carolina.

Governor John C. West will accept the statue in behalf of the people and the state.

[From the State (Columbia, S.C.) May 1, 1972]

UNVEILING OF BYRNES STATUE TUESDAY

The bronze image of James F. Byrnes in his U.S. Supreme Court robes will be unveiled Tuesday on the State House grounds, across Sumter Street from his Trinity Churchyard grave.

Before his death three weeks ago Byrnes had planned to participate in the ceremonies, Instead, his widow, Mrs. Maude Byrnes will unveil the statue on what would have been the couple's 66th wedding anniversary and Byrnes' 93rd birthday.

Now hidden by plywood walls, the statue is one and a half times life size with the robed Byrnes sitting on an unadorned granite bench. It was sculpted in Delaware by Charles Parks, who will attend the ceremonies.

The brief program will be a tribute to Byrnes' many careers as governor, senator, congressman, U.S. secretary of state and architect of American policy as "assistant president" to Franklin D. Roosevelt.

Family members attending with Mrs. Byrnes will include Byrnes' niece, Mrs. Frances Fuller Miner, and his great-grandnephew and namesake, James Byrnes Miner.

Most of the South Carolina congressional delegation is expected to attend along with numerous state dignitaries.

At 12:15 p.m., the S.C. General Assembly will march in procession from the State House to reserved seats in the monument's grassy surroundings.

The Ft. Jackson Band will play "The Star-Spangled Banner" and Bishop John A. Pinckney of the Upper South Carolina Episcopal Diocese will give the invocation.

N. Heyward Clarkson of Columbia, vice president of the James F. Byrnes Foundation, will outline the history of the statute project which germinated in the mid-1960's.

The monument's cost of about $30,000 was defrayed entirely by contributions, pursuant to Byrnes' wishes. Byrnes once told legislators who approached him about a statue that he didn't want any tax money spent on a statue in his memory.

Dr. W. E. Rowe of Chattanooga, Tenn., general surgeon, will pay tribute on behalf of the country's more than 300 Byrnes Scholars, one of the elder statesmen's favorite projects in later years.

Byrnes established the Scholars in 1949, giving money to youngsters who had lost one or both parents and whose chances of attending college were at best remote. To them he became "Pop Byrnes."

Gen. Mark Clark, whom Byrnes brought to South Carolina as president of The Citadel during his governor years, will deliver the main address.

Mrs. Byrnes will then unveil the statue to be accepted by Gov. John C. West on behalf of the state.

Bishop Pinckney will give the benediction.

[From the News and Courier, May 2, 1972]

BYRNES MONUMENT

Unveiling of a monument to James F. Byrnes at 12:15 today on the State House grounds in Columbia is a timely tribute to a statesman and native son while his memory still is fresh among his fellow South Carolinians. The occasion is his birthday anniversary and also the anniversary of his wedding to the former Maude Busch of Aiken.

Mr. Byrnes died April 9, 23 days before reaching his 93rd birthday anniversary. Planning for the monument began nearly five years ago.

Sculptured by Charles Parks of Delaware, the statue shows Mr. Byrnes in the robe of a justice of the U.S. Supreme Court, seated on a bench. While the robe is a fitting costume for a statue, covering the contemporary clothing which sometimes makes a subject appear dated, Mr. Byrnes' brief term on the court was not the high mark of his extraordinary public service. In the Congress and as "assistant President" during World War II he exhibited best those exceptional qualities for which he is famous. He chose to cap his career with a term as governor of South Carolina.

On this happy occasion The News and Courier repeats its applause for a distinguished citizen whose memory is cherished by countless admirers.

[From the Columbia, S.C., State, May 2, 1972]

GOVERNOR BYRNES STATUE TO BE UNVEILED TODAY

A bronze statue of the late James F. Byrnes will be unveiled Tuesday on the State House grounds across the street from quiet Trinity Episcopal Churchyard where the former governor was buried three weeks ago.

The former secretary of state's widow, Maude, will unveil the statue during noon hour ceremonies on what would have been Byrnes' 93rd birthday and the couple's 66th wedding anniversary.

Byrnes, who served as an associate justice of the U.S. Supreme Court, congressman, U.S. senator and earned the nickname, "assistant president" during World War II, died at his Columbia home last month after a lengthy illness.

The statue, one and a half times life size, shows Byrnes seated in his Supreme Court robes. It was sculpted in Delaware by Charles Parks, who will attend the unveiling ceremonies.

It is on the northeast corner of the State House grounds across Gervais Street from the State Supreme Court Building and across Sumter Street from Trinity Episcopal Church.

At 12:15 p.m. members of the S. C. General Assembly will march in procession from the State House to take part in the official dedication proceedings.

Most members of the South Carolina congressional delegation and a number of state and local officials are expected to attend the 45-minute services.

The U.S. Army Band from Ft. Jackson will perform during the presentation and the Rt. Rev. John A. Pinckney, bishop of the Episcopal Diocese of Upper South Carolina, will deliver the invocation.

Gen. Mark W. Clark, former president of The Citadel and a longtime friend of Byrnes will deliver the main address. Dr. W. E. Rowe of Chattanooga, Tenn., will pay tribute to Byrnes on behalf of the more than 300 Byrnes Scholars.

Byrnes established the scholarship program in 1949, to give orphans and children with only one parent a chance to go to college.

N. Heyward Clarkson, Jr., of Columbia will deliver the introductory remarks and trace the history of the statue project which began in 1967 under the direction of late State Sen. James H. Hammond of Columbia.

The statue, which cost an estimated $30,000, was paid for entirely by private contributions coming primarily from Palmetto State residents.

Gov. John C. West will officially receive the statue in behalf of the state after it is unveiled by Mrs. Byrnes.

Gervais Street will be closed from Main to Marion and Sumter Street will be closed from Senate to Lady from 11:45 a.m. to 1 p.m.

Byrnes' statue is the first to be erected on the State House grounds since May of 1940 when Byrnes gave the dedicatory address at the unveiling of a statue of former Gov. Ben Tillman.

Among those family members expected to attend the ceremonies are Byrnes' niece, Mrs. Frances Fuller Miner of New York and his grandnephew and namesake, James F. Byrnes Miner.

[From the Columbia, S.C. State, May 3, 1972]

BYRNES STATUE UNVEILED

(By Robert G. Liming)

Words of praise flowed Tuesday amidst sunny skies and balmy temperatures during formal unveiling ceremonies of a bronze statue of the late Gov. James F. Byrnes.

More than a 1,000 friends, associates of the former secretary of state and a host of state officials attended the noon hour services on the State House grounds.

"He was patriot and politician, perfectly equipped to perform both private and public services whether in war or peace, whether in lowly offices or high," was the way Gen. Mark W. Clark described the late statesman.

Byrnes widow, Maude, unveiled the statue which shows the former U.S. Supreme Court justice seated in his court robes and said it was a "wonderful likeness" of her husband.

The dedication ceremonies took place on what would have been Byrnes 93rd birthday and 66th wedding anniversary and were the highlight of the official observance of James F. Byrnes Day.

During the services a telegram from President Richard M. Nixon praising the statesman, who died at his Columbia home last month after a lengthy illness, was read to the large crowd.

"It is a pleasure to join the family of the late Gov. Jimmy Byrnes and the fellow South Carolinians who unveil a statue memorializing his lasting accomplishments.

* * * * *

Also sending their tributes and messages of regret that they were unable to attend were Army Chief of Staff Gen. William C. Westmoreland and U.S. Sen. Strom Thurmond, R–S.C.

The statue, which is located on the northeast corner of the State House grounds was sculptured by Charles Parks of Delaware and was paid for by more than $30,000 in private contributions.

Clark, who delivered the keynote remarks at the dedication ceremonies, called Byrnes a "man for all offices" and said the late statesman "was ahead of his time in recognizing the true menace of Communism."

A close friend, Clark said of Byrnes. "It is rare in political beings, but he was, to put it in a word, humble. His devotion to the education of deserving young people was one of his most cherished accomplishments."

Clark, who came to South Carolina at Byrnes request to be president of The Citadel, said, "I feel deeply indebted to Mr. Byrnes for his influencing me to come to this great state which still has more patriotism and true Americanism per square mile than any other place in the land."

Dr. W. E. Rowe of Chattanooga, Tenn., one of more than 300 Byrnes Scholars, gave a moving account of the late governor's effort to provide needy youngsters with a college education.

* * * * *

Gov. John C. West officially accepted the one and a half times life size statue on behalf of all of the people of South Carolina.

"In accepting this statue on behalf of the people of South Carolina, there is a feeling that we are participating in a moment of special importance in the history of our state," West said.

He added, "Great men will continue to appear, but for South Carolina, and for the nation, there will never be another James F. Byrnes.

"We are not here today, however, simply to honor his memory, simply to pay tribute to his many accomplishments, simply to recall his deeds.

"We are here to observe the permanence of his influence on our state and to perpetuate his work as an enduring part of the living history of South Carolina," the governor said.

Also speaking during the State House services were N. Heyward Clarkson Jr. of Columbia, who traced the history of the statue project, and Mrs. Frances Fuller Miner of New York, Byrnes' neice.

Willie Byrd, the late governor's longtime chauffeur, and Byrnes' grand-nephew James F. Byrnes Miner, were also introduced at the ceremonies.

Following the hour-long ceremonies a private luncheon for friends, directors of the Byrnes Foundation and invited guests was held at the Town House Motel.

During the luncheon U.S. Circuit Judge Donald S. Russell a former law partner of Byrnes, praised the statesman for his "inflexible devotion to truth and justice."

Russell recalled some of his experiences with Byrnes and described him as "a tower of strength" during his tenure on the U.S. Supreme Court.

He said that Byrnes decision to deal directly with the emperor of Japan at the close of World War II, despite strong criticism, helped to prevent the partition of Japan.

Russell also had high praise for Mrs. Byrnes, saying she "is always gracious, a true lady and in my heart she will always be South Carolina's first lady."

Others recalling their friendships with Byrnes during his lifetime were Columbia attorney William F. Prioleau Jr. and Charleston businessman J. C. Long.

Prioleau, a former legal assistant to Byrnes while he was governor, said, "His place in history is absolutely secure."

Long recalled his long association with Byrnes and said of the man who spent nearly 50 years in public service, "He represented everything that I wished I possessed."

Others taking part in the luncheon remarks were J. Bratton Davis, Gov. West and the Rt. Rev. John A. Pinckney, bishop of the Episcopal Diocese of Upper South Carolina.

[From the News and Courier, May 3, 1972]

State Enshrines Byrnes

(By Hugh E. Gibson)

Columbia.—South Carolina formally enshrined James F. Byrnes in her pantheon of heroes Tuesday, dedicating a bronze statue of its greatest statesman of this century on the tree-shaded northeast corner of the State House grounds.

The statue, half again life size, was the gift primarily of South Carolinians and old friends who contributed more than the $30,000 it cost. It stands less than a hundred yards from where Byrnes was laid to rest three weeks ago in the Trinity Episcopal Church grounds.

On hand to perform the unveiling was the widow of the World War II era "assistant president." It would have been their 66th wedding anniversary and Byrnes' 93rd birthday.

In the crowd of several hundred persons who attended the simple ceremony were most of South Carolina's living dignitaries, the General Assembly en masse, Byrnes' old friends and plain citizens who came to honor for the last time the statesman retired Army Gen. Mark W. Clark said had been "a man for all offices."

President Richard M. Nixon sent a message adding his praise of Byrnes, as did Army Chief of Staff Gen. William C. Westmoreland, U.S. Sen. Strom Thurmond and other members of South Carolina's congressional delegation.

Clark's was the dedicatory address and he used it to pay tribute not only to Byrnes the statesman, judge and diplomat but also to Byrnes the politician and the compassionate, humble man.

Byrnes had, said Clark, struck the "perfect balance" in demonstrating his ability in high offices in peacetime and in war.

"To put it in more up-to-date terms, Jimmy Byrnes was good enough to be on our All-American team forever," Clark said.

"Let it here be recorded that Mr. Byrnes was ahead of his time in recognizing the true menace of communism," Clark declared.

The crowd applauded when Clark expressed his appreciation that Byrnes, then governor, invited him to South Carolina to succeed Gen. Charles P. Summerall as president of The Citadel.

"It proved to be my longest, my most rewarding command and I was privileged to have a part in shaping the lives of thousands of outstanding young men who passed through the Corps of Cadets during my 10-year tenure at that great institution," Clark said.

There were other tributes. A former Byrnes scholar, Dr. W. E. Rowe of Chattanooga, Tenn., told how Byrnes had created and sustained his college scholarship foundation through his writings and thus opened the door of opportunity to some 350 youngsters.

Gov. John C. West, accepting the statue on behalf of the South Carolina people, termed it a special moment in history.

"Today we stand in the presence of greatness," West told the audience. "There will never be another James F. Byrnes."

Mrs. Byrnes, in a low and faltering voice, expressed her appreciation for the honor done her husband's memory. Byrnes' niece, Mrs. Frances Fuller Miner of New York, spoke briefly. His grandson and namesake, James F. Byrnes Miner, was introduced for a bow.

[From the Dillon (S.C.) Herald, Apr. 25, 1972]

The Byrnes Memory

In future years historians writing about the greatest war in history will often mention the man who actually ran the United States on the domestic front as "assistant President" under Franklin Roosevelt. He was Jimmy Byrnes, who died at 92 recently in Columbia, South Carolina.

Few Americans have served their country in so many posts, with such distinction. Byrnes was an editor first, then an outstanding Congressman and Senator, then a Supreme Court Justice and then named by Roosevelt to be the nation's mobilization director and war-time czar on the domestic front.

Though Roosevelt suggested he take a leave of absence from the court, Byrnes felt he should resign. Roosevelt at first favored Byrnes as his Vice Presidential nominee on the 1944 ticket but organized labor blocked him and, ironically, the man who was supposed to nominate him, Harry Truman, was nominated instead. Truman graciously named Byrnes to the top post in his Cabinet, Secretary of State.

But Truman and Byrnes eventually differed and Byrnes retired to his home state of South Carolina and served there as Governor, later changing his party affiliation to Republican. Few men have come so close to the presidency and missed. Had Roosevelt stuck by his inclination against the wishes of organized labor, Byrnes would have run with him and become President in April of the next year, 1945. Such are the fascinating might-have-beens of political history.

[From the Sampson Independent, Apr. 20, 1972]

James F. Byrnes

The titles he wore testified to the unprecedented powers exercized in 45 years of devoted public service by James F. Byrnes of South Carolina—Representative, Senator, Associate Justice of the Supreme Court, Stabilization director, "Assistant to the President," Secretary of State. He pushed through the early New Deal legislation of Franklin D. Roosevelt, passed on some of it, on the high bench; managed the wartime economy and mobilized the country through World War II.

President Nixon said of Byrnes, "No man in American history has held so many high positions of responsibility in all branches of our Government and discharged them with such distinction."

Born in poverty, Byrnes studied law while he was a messenger in a law office, and rose to the heights of American political life by his own efforts, his brilliance and his ability. Twice, he was passed over for Vice President by Roosevelt, the President he served so well. Nonetheless, he gave up a lifetime seat on the Supreme Court to be Roosevelt's right hand man in the war. He was an example of party loyalty and patriotism.

Harry Truman, who had been chosen over him for Vice President when it led to the Presidency in a few months, made Byrnes his Secretary of State. The cold war had begun and it was Byrnes' job to direct our side of it, as he had the home front in the world war. He also set in motion the rehabilitation of Germany as part of a Europe recovering from the ravages of war.

For a man who did not hold one of the top offices in the three branches of Government, Byrnes wielded great influence in all of them. His were the thankless jobs of seeing things through, and he did them superbly, with little fuss or bother. The country owes Jimmy Byrnes its thanks for a job well done and its prayers for the top place he deserves in the Hereafter.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, in a speech given on April 12, 1972, in Tokyo, Mr. James M. Roche, past chairman of the board of General Motors, gave us a rather close look at some of the economic thinking of the world's largest transnational firm.

While rejecting the need for changes in America's trade and investment policy, Mr. Roche admits that overseas investment was at least partly motivated by the trade barriers of other nations. In other words, we live in a protectionist world of nation states, but America should stick by the old-fashioned rules of free trade.

Even a quick reading of his address makes clear that General Motors, like so many transnationals, is concerned with foreign investment abroad to supply the American market—not the expansion of American exports that would mean jobs at home.

With barely concealed glee, Mr. Roche cites the recent accord between General Motors and Isuzu. This new agreement does not mean that we will be selling Detroit-built cars in Japan. It was merely an opportunity for General Motors to invest in Isuzu and import their light trucks for the American market. More capital going out, few jobs at home, and more imports instead of domestic goods.

Mr. Roche points to the United States-Canadian automotive trade understanding as a model agreement under which production rose in both countries. It may look good to General Motors, but under that agreement the United States has moved from a trade surplus of $700 million in 1965 in automotive items to a trade deficit of $300 million in 1971. The transnationals like General Motors have profited, but America has not.

Mr. President, because this speech by Mr. Roche reveals so much about the thinking of the transnational corporations, thinking that is increasingly ignoring our own national interest, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Trade and Investment in the World Economy

(By James M. Roche)

I am deeply honored to join in this distinguished gathering. Economic cooperation between Japan and the United States and the development of Southeast Asia hold considerable personal interest to me I visited Japan last year to conclude the negotiations that associated General Motors with Isuzu. And today General Motors is working on other ventures in Asia: in the Philippines, Malaysia, Korea, Thailand, and other countries.

The postwar history of our two nations has shown how our mutual interests are advanced by cooperation. We share many important areas of interdependence in trade, in national security, and in political objectives. We also share a firm belief in democracy as a political system and in free enterprise as an economic system. As two of the three largest trading regions of the world, Japan and the United States must cooperate—both with each other and with other countries—if we are to assure continuance of the excellent economic growth of the past 25 years. The economic growth of Japan need not be a threat to the United States if the policies in both countries reflect the essential conditions of international trade equilibrium. The national interests of both Japan and the United States require a stable and progressive relationship between our two nations. We must be allies in the achievement of a lasting peace and a greater prosperity throughout Asia.

Japan stands as an example of how a nation under free enterprise can achieve great national goals. Americans can admire the strong coopertive relationship between government and business which has been achieved in Japan. The high morale and individual dedication of the Japanese workers are in large part responsible for the great progress Japan has achieved.

Japan need not be reminded of the difficult national tasks ahead. I know your leaders are concerned with harnessing your thriving economy to the meeting of the aspirations of your people for better housing, better roads, and improved health and educational facilities. In Japan, as elsewhere, increased attention must be given to preserving and restoring the environment. Pollution control in many respects is an international problem. It requires that the world community work together toward sensible international environmental standards.

We in the United States find ourselves more and more conscious of the interdependence among nations, and sometimes many of our people are inclined to blame our problems upon other nations. The American economy is feeling the pressure of strong competition from other advanced nations, including Japan. Americans should recognize, however, that our principal economic problems are inflation and unemployment. For example, unemployment in the United States is significantly higher than in other advanced nations and, while slightly improved, still stands at more than 5%. By comparison, in Japan and many of the developed countries of Europe, there are labor shortages. Where other countries import labor, we in the United States find ourselves hard-pressed to provide equal opportunity for all the elements of the American labor force. Our problem is compounded by the need to provide full and equal employment for our minority population, a problem which most other nations do not share.

As we resolve the problems within our borders, our two nations must face up to some new challenges to world trade and investment. We are in an historic time of testing whether world commerce will continue to flourish in a climate of freedom. We must not fail these tests. The world is looking to the advanced nations—such as yours and mine—to lead the world toward peace and prosperity for all.

We often speak of the frighteningly accelerated pace of events in our modern world. We should not overlook, however, that improved communication, information-gathering, and transportation enable us to react more quickly and more decisively to international developments. This meeting is an example of how representatives of different nations can easily be drawn together to discuss matters that concern us all.

One of the gravest threats to our objectives of peace and prosperity is the rise in protectionist sentiment in both the advanced and the developing nations. In my country, pressure is growing for quotas on a long list of imported goods, as well as for new penalties to limit the free flow of investment. Japan has had wide-ranging barriers to trade and investment. Initially perhaps, these were justified when industry was being reestablished after the war. But their time has passed. In neither country are the inward-looking policies of yesterday suited to present and future needs. It is to Japan's credit that many of these barriers are now being reduced. I know I speak for many of the friends of Japan when I express the fervent hope that this encouraging trend will continue. Indeed, the progress made in facilitating the free flow of trade and investment between the United States and Japan may well be the best guartee against future worldwide economic crises.

Europe too has significant barriers to the flow of goods. These include non-tariff barriers which, while often difficult to detect, have increasingly impeded trade. The elimination of internal tariffs within the European Common Market has encouraged growing trade among the market nations. Yet it has nevertheless presented an increasingly difficult competitive hurdle for outsiders who seek to serve the common market nations.

Export subsidies are the other side of the protectionist coin Devices which enable producers to sell below cost do not make for healthy competition in the long run. Tariffs on the one hand and subsidies on the other, taken together, distort the patterns of commerce, and only serve to impair the long-term healthy growth of international trade based on sound economic policy.

Protectionism has also become a fact of life in many developing areas. So-called "local content laws" specify those portions of a product which may be imported and those which must be supplied from a local source. Companion legislation often provides for the gradual reduction of the imported portion, and this leads ultimately to 100% local production. Often, the limited volume potential in developing countries results in high unit costs and correspondingly high prices—higher than would be required if the market were supplied with imported products.

These protectionist influences have understandable causes. Often, a nation lacks the foreign exchange to purchase essential products. This has been particularly true of developing countries which rely on agriculture or the export of basic commodities as the principal source of exchange. An unfavorable change in the terms of trade, a poor crop year, or some other "act of God," can bring severe hardship. It is natural that developing countries should try to protect themselves from these hazards by seeking to expand their industrial base or by entering international trading agreements to guarantee markets or inhibit excessive sales or production in basic commodities.

Another cause of rising protectionism is fear of losing jobs to overseas competition. This has been a factor in my country, as many of you know. The competitive challenge of your consumer electronic industry is well known. Jobs in other industries—textiles, shoes, steel, and autos—have also been affected. It is understandable that employes whose jobs are threatened by foreign competition would seek protection—especially if they believe that competition in some sense is unfair.

Such root causes of protectionism will not be removed overnight. Yet we must not sit idly by. The advanced nations must resist protectionist pressures. To yield to them is to invite ill-conceived and uneconomic policies which, in the guise of creating employment, will surely impair long-term growth and opportunity.

In the United States, we hear strong fresh demands for protectionist legislation. This latest attack on economic freedom is known as the Burke-Hartke Bill. Its stated purpose is to stop multinational corporations from "exporting jobs and technology." Its restrictive provisions would open the door for quotas on a wide range of products. But it even goes further, and seeks to discourage international investment by penalizing the earnings of overseas subsidiaries of multinational firms.

This is a legislative attempt to turn back the clock of history, and is the old protectionist threat in a new form. Historically, protectionism has been concerned with the loss of domestic jobs because of the competition of products produced abroad by foreign-owned companies. The new charge is that domestic companies export capital to build facilities designed to serve the domestic market. These overseas investments, so the proponents of the Burke-Hartke bill allege, increase unemployment in the United States. Senator Hartke, in a letter to *The New York Times* in late February, asserted that such investments have cost 500,000 American jobs during the decade of the Sixties. Such a sweeping charge, even though untrue, has brought the Burke-Hartke bill widespread support from trade unions in the United States.

Because it is a serious charge, it has inspired close and detailed studies of the economic impact of the international investments of multinational firms. One of the most comprehensive of these studies—published in February by the Emergency Committee for American Trade—sets the record straight. The study is "must" reading for all who wish to accelerate world economic progress. One key conclusion is that the multinational company, through its overseas investments, is able to serve markets which otherwise would be closed to it. The motivation is not to find low-cost labor to compete against the higher-cost labor in the advanced countries. Rather, it has been a quest for market participation in areas which would otherwise be closed to exports.

Fortunately, criticism of the Burke-Hartke legislation by responsible segments of our society has been increasingly vocal. Mr. Robert M. Norris, President of the National Foreign Trade Council, described the proposed bill as "a return to the Hawley-Smoot era" of the 1930's, the worst protectionist period in American history. In February, Mrs. Lucy Benson, President of the League of Women Voters of the United States, spoke strongly against the bill before the 35th Mid-America World Trade Conference. Our most influential newspapers, led by *The New York Times*, are sounding a stern warning. *The Times* last month said that this bill, if passed, "would be a disaster to the American economy, to labor and the consumer alike . . . and is reminiscent of mercantilist legislation of the eighteenth century."

The American automobile industry provides an excellent case history of how multinational business evolves to serve varied world markets. The industry pioneered in multinational trade and investment, beginning more than 60 years ago. In the early years, the world markets were served largely by exporting finished vehicles. Later, assembly plants were built overseas. Soon there were strong indications that the American and European markets for automobiles were moving in different directions. Higher incomes and lower fuel costs in the United States, combined with different road and traffic conditions, caused American consumers to demand larger, more comfortable, and more powerful automobiles. By contrast, cars in Europe and elsewhere remained smaller. It was to provide the type of cars in demand in those countries that General Motors, for example, acquired automobile manufacturing operations in England in 1925 and Germany in 1928.

The depression of the thirties led to an escalation in protectionist trade policies. Tariffs and non-tariff barriers to American cars and trucks became almost prohibitive. If the overseas market—even the relatively limited market of the depression-ridden thirties—was to be served, overseas manufacturing and assembly was a necessity.

These trends toward multinational investment, evident as early as the mid-1920's, were accelerated by two postwar developments. One was the creation of the European Common Market in 1958. The other was the evolution of policies to accelerate industrialization in the developing nations.

When the six leading industrial nations of Western Europe removed tariffs among themselves and erected a common tariff, this placed even more emphasis on the need for producers outside the wall to invest directly in manufacturing capacity within the European Common Market. The choice for the manufacturer was not between expanding exports or investing. The alternative of expanded exports, in most instances, was ruled out by competitive consideration and national policies.

In the developing world, rapid industrialization became a major goal, and creation of a domestic motor vehicle industry was one element of industrialization in several countries. "Local content" policies were designed to replace imports with investments in domestic motor vehicle production. In these countries as well, the only choices available to the foreign manufacturer were either to produce locally or to withdraw from market participation altogether.

The survey by the Emergency Committee offers compelling evidence that multinational corporations invest overseas in order to serve markets which otherwise would be closed to them. For example, excluding the special case of U.S.-Canadian trade, the 74 multinational firms covered in the study sent back to the United States, on the average, less than 2.5% of their overseas output in 1970.

Thus, those who are backing the Burke-Hartke bill are wrong in their assumptions. The bill, however, is symptomatic of protectionist sentiment in my country. It must, of course, be stopped, because protectionism will harm the long-range interests of the United States and, equally important, the interests of all countries who need expanding trade and investment.

I believe that those who understand the benefits of free trade—and I know we are in the majority—will prevail. I sincerely hope that the United States will continue its long-term open-door policy, although it may be a somewhat more realistic free-trade policy than in the past. The United States, realizing that its huge balance-of-payments deficit will not be corrected without considerable help from abroad, is likely to ask for even more cooperation from the other large trading nations of the world than in the past. Obviously, this must include Japan.

This view came out very clearly in the Report of President Nixon's Commission on International Trade and Investment Policy (also known as the Williams Report). Perhaps the most important contribution of the Williams Report is the clear recognition that the economic and political relationships of the United States with the rest of the world are now radically different from what they were during much of the postwar era. Let me quote from the Report:

"Today, the United States still accounts for 40% of the production of the non-Communist world but the European Community and Japan have become major centers of economic power and strong competitors in world markets. Western Europe and Japan have been slow to assume the responsibilities that come with power and strength. The United States should continue to do its part; but other industrial countries must also assume their full share of responsibility for their own defense and for the smooth functioning of the international economic system."

These are strong words, but I believe they reflect the real world of international relationships.

United States-Canadian automotive trade relations are also of particular significance, I believe, for the future of world trade and investment. The United States-Canadian Automotive Trade Agreement opened the door to free trade in automotive products on a basis that encouraged expansion of the industry in both countries.

The heart of this agreement is the provision for complementation—that is, rationalizing production so that each country specializes in providing parts of the vehicle and completed vehicles. In this way, both countries benefit from the low costs of longer production runs. Furthermore, since there are no tariffs on components and assembled vehicles, the consumers in both countries benefit from both lower costs and a wider selection.

Complementation is a new and exciting development of the basic concept of international division of labor. It is especially important as we look forward to the development of countries in Asia. Trade among countries and regions along lines of mutual advantage leads to mutual gains in income and wealth. Complementation is a logical extension of the principles of mass production. Each nation does what it can do best. Many markets still too small to support mass production can nevertheless benefit from its economies. Complementation holds out enormous opportunities for making highly fabricated products available at low cost in developing parts of the world where demand is limited. Through complementation, a country can achieve the economies of scale which come from producing for a large market. It can obtain foreign exchange to buy the fabricated products by exporting parts which it produces in volume. And the cost of the final product, since it is built up from mass-produced components, is lower for all.

Complementation requires close cooperation among the nations in the program. It cannot work otherwise. The allocation of component manufacture among the participating nations must be carefully planned and subject to adjustment. To be fully effective, the nations must be pledged to freedom in trade and investment.

As important as the freedom of trade and investment is to improving the standards of living around the world, its contribution to an enduring foundation for world peace is even greater. To work toward free trade and investment is therefore a special responsibility for the most advanced nations—including Japan and the United States. We have an opportunity unique in the history of man. We can take a major step in overcoming poverty throughout the world, and thereby build a lasting peace and prosperity. This opportunity must be seized and realized in an atmosphere of cooperation and freedom.

President Nixon has done much to promote greater international cooperation through his recent historic meetings with the Emperor of Japan and Premier Sato and other leaders of the great nations. Let me observe in this connection that I, together with the vast majority of my countrymen, have been deeply impressed by the initiative of our President in his efforts to achieve a new basis for communication and international understanding—the latest example of which is his momentous efforts to reestablish communications with China.

The leaders of many countries—and Japan prominent among them—are working toward the realization of basic international trade and monetary reform. It is urgent that these efforts continue if we are to achieve a world in which fear may give way to trust, and barriers to trade and investment can be replaced by the free flow of goods and capital.

In many cases, this means that old bonds of friendship and trust must be strengthened. The United States and Japan have grown together in the years since 1945. Each has become the important trading partner of the other. We have made progress in resolving differences that divide us and moving toward the goals that unite us.

I am confident that in the new climate of increasing freedom in our commercial relations we will forge new and even stronger bonds of beneficial cooperation. Beyond this, we can even dare to hope that, just as our two nations have found cooperation an infinitely superior alternative to conflict, so will other nations progress in peace toward prosperity.

The new spirit of cooperation between our two countries has been accompanied by an expansion of commercial ties. One example is the new place which General Motors has in Japan through its relationship with Isuzu. This new partnership is indicative of the earnest desire of all to seek constructive change through cooperation. I am keenly aware that it was possible only because of a major change in the national policy of Japan. Correspondingly, it represented a fundamental revision of the long-standing investment policy of General Motors which had called for all our operations to be wholly owned by our Corporation.

Japan has taken a first step to permit partial outside investment. This is a good start, and hopefully will be liberalized in the future. This venture, made possible by policy changes on both sides, will permit expanded participation in world trade. While this program represents a step in the right direction, it is evident that further relaxation with respect to trade barriers and investment policies by Japan is necessary if we are to achieve the stable world economy we seek.

Let me turn now to some of the other aspects of world commercial development. There can be little doubt that the United States—and possibly also some of the countries of Western Europe—must face up anew to the challenge of productivity.

The plain fact is that during the past five years the advance of productivity in the private sector of the American economy has been very slow—well below the rise in workers' hourly compensation. For example, between 1965 and 1971, output per manhour was growing at an average annual rate of 2%. Compensation per manhour over this same period, however, was increasing at 6% a year, or three times faster. Under these circumstances, unit labor costs rose rapidly, by 4% annually since 1965. This is a root cause of the inflation in the United States.

These trends in the United States are a matter of deep concern in my country and throughout the world. In 1971, our trade deficit—the first since 1888—was almost $3 billion. This was a shift from a surplus of $2.7 billion in 1970. The 1971 trade deficit was only a small part of the overall balance-of-payments deficit of the United States last year—now estimated at almost $30 billion.

The awareness of these trends, both in our domestic affairs and internationally, provided a background for President Nixon's New Economic Program.

It had become increasingly evident that the original economic strategy, a combination of fiscal and monetary measures, was not working out. By August of 1971, it was apparent that the United States was facing a continuing and excessive rate of inflation. The annual rate of price increase was 4.5%, and unemployment—at 6%—was still much too high. With courage and responsibility, President Nixon moved beyond the traditional economic policies of the past. The 90-day wage-price freeze—a prominent feature of the President's domestic program—was strong medicine, but clearly necessary. The shock of the August 15 program reached well beyond the shores of the United States. Yet, from the point of view of the United States, and I believe for the best interests of the rest of the world in the long run, this strong policy was very much needed.

In the areas of international economic policy, the August 15 announcement had two elements. First, dollar convertibility into gold for the settlement of international transactions was suspended. Second, a temporary 10% surcharge on all dutiable imports was imposed, and later eliminated as currency revisions were made.

The international program also provoked worldwide reaction. There was widespread recognition on one point. The United States could not continue with large annual deficits in its balance of payments. Other countries—notably Germany and Japan—could not continue building large annual surpluses in their balances. In one way or another—by currency revaluations by surplus countries or devaluation by the United States—an effort had to be made to achieve new and more realistic parities.

Some observers of the events between August 15 and December 18, 1971 will say that they epitomize the use of "shock tactics." That was certainly part of it. Yet, to my mind, the events following August 15 are impressive ground for optimism. There was a recognition of the problem and of the urgency for constructive action. That so much progress could be recorded in only four months is evidence of a growing maturity in world commercial relations—another recognition that the only sound basis for growth is through a mutual understanding of world problems.

To my mind, there are few more vivid examples of the reality of the interdependence of the nations of the free world. The general recognition that the Smithsonian Agreement was no more than a start only serves to remind us that economic interdependence is a continuing need. More important, it serves to remind us that the issues concerning us are highly dynamic. There are few, if any, obvious solutions, but rather a continuing need to accommodate to changing situations. This can be accomplished only if the sovereign nations of the world recognize how closely interdependent we have all become. History has left us no choice—as a practical matter—but to cooperate toward the common goal of a better world society.

Our problems are not easy. This is evident in the continuing pressure on the dollar in world money centers since early March. Some $62 billion of U.S. liquid liabilities were held abroad at the end of last year. Thus, American domestic economic policy—particularly the fiscal and monetary policy—is vital to the maintenance of the new exchange-rate parities. The United States has an obligation to bring its inflation under better control. We have taken a number of measures to achieve this. We must do this both to achieve domestic goals and to restore confidence in the world. At the same time, the need is urgent and obvious for continuing cooperation among central banks to maintain a reasonable orderliness in international money markets. For all of the battering the dollar has taken in recent weeks, it remains unquestionably one of the strong currencies of the world. We all have a stake in keeping it this way.

Looking to our longer-term prospects, I share the view of many others that it is time to consider how the dollar can be replaced by SDR's or some other truly international currency whose value does not rest on the economic policies of any single country. Reliance on a national currency to provide international liquidity places a large burden on the nation whose currency is also an international reserve currency. It adds further risks for those nations holding large balances.

New mechanisms must also be found for achieving exchange-rate realignment before nations are forced to do so by crisis. There may be grounds for hope, but the harmonization of monetary policy within an enlarged European community—the narrowing of the bands within which European currencies may vary in relation to each other—will facilitate the maintenance of realistic exchange rates.

Regardless of the approach taken, it is clear that the free nations of the world must get on with this job. The world's material needs are too great and too urgent to tolerate delay.

Nor do our obligations end with establishing a more viable world monetary system. Trade continues to be burdened with both tariff and nontariff barriers. These must be reduced and, ultimately, eliminated. I remain optimistic that, in the next convening of the GATT, we will be able to continue to progress in this area.

Equally important is the removal of the shackles on foreign investment. The Foreign Direct Investment Control program in the United States—and other investment controls in Japan and other nations—only serve to impede and distort investment decisions. The world needs more investment, not less. We need new plants, better tools, improved equipment if we are to fulfill our goals of prosperity and peace for all.

One of the most difficult problems we face, whether in the United States, Europe, Japan or the developing countries, is agricultural policy. This also is an area in which there are no fast answers. But I can think of few areas of our economic life—in a world simultaneously blessed with surpluses and cursed with starvation—that present so vital a challenge and so urgent a call upon our attention.

Equally important is a new broad-based effort by the industrialized countries to expand trade and investment relations with the developing countries. It seems clear that foreign aid cannot supply the foreign exchange these countries require to finance their imports and make payments on their debt service. To help these countries earn their own way, the advanced countries must reduce and eliminate as quickly as possible the barriers to imports from developing countries. The record to date is not reassuring. Although the total exports of the developing countries have increased from $21 billion to $57 billion over the past 20 years, their share of world exports declined from 33% to 19%. In spite of the dollar growth, it is obvious that this has not been, and will not be, sufficient to finance their economic development.

In addition there will be opportunities for private investment in many of the developing countries. Investment in developing areas usually requires a willingness to take both a larger risk and a longer view. Recognizing these considerations, however, does not relieve corporate management of the need to take only those risks that are commercially prudent. The governments of the developing countries must grant the foreign investor equitable treatment with local investors and work toward a climate of stability which encourages growth.

General Motors has a long history of investment in developing areas of the world. We have every intention of expanding these investments in the years ahead. The developing areas of the world are today on the threshold of a period of vigorous growth. In this there is an important role—possibly a central role—for rising private direct investment.

As my remarks indicate, the world does not lack for problems. But I do not wish to conclude my talk on this note. As great as our problems are, the nations of the world have never been better equipped to solve them. Never have we had such abundant resources to devote to our tasks. Most important, there is greater agreement among us on what must be done to expand opportunity for the nations of the world. We must remind ourselves that, in spite of the multiplicity of problems in the past 20 years, substantial progress has been made in improving the standard of living for most of the world's population.

The adjustment of international exchange parities was a basic step essential to the long-term expansion of world trade and investment. However, it did not solve all our problems and many questions remain. How do we make the transition from the dollar as a primary reserve currency to some new unit of exchange? What form should this new unit take? What role do we want gold to play in meeting the exchange requirements of the future? Can we provide for the convertibility of the dollar into gold or some other international reserve currency? Should exchange values continue to be established at parity relationship on the basis of negotiation by the monetary authorities or permitted to float?

Some 25 years have now passed since the last full-scale review of international monetary arrangements at Bretton Woods. The agreements reached there have served the world economy well. Nevertheless, I am convinced that the time has come for another full-dress review of our international monetary machinery. We have new problems and new opportunities. Our monetary mechanisms must be geared to the tasks that lie ahead.

A sound monetary policy cannot be expected to make up for the adverse impact of restrictions on trade and investment. However, until the monetary uncertainties of the past few years are resolved, we must not be deterred from our main goal of freer trade and investment. The rate of growth of our international economy depends on our willingness and ability to eliminate restrictions and thus encourage the free flow of trade and investment.

The forces of protectionism are now engaged in a vigorous assault on the free trade policies of the leading trading nations. We must not underestimate the thrust of these forces. We must meet this assault with a positive program which should include:

First, the complete elimination of tariffs between the developed nations.

Second, efficient adjustment assistance programs so that those firms and workers bearing the brunt of increased international competition do not suffer unduly while all consumers benefit from lower prices. This is an important problem, not only in the United States, but in many other advanced countries.

Third, international agreements to reduce nontariff barriers.

Fourth, a common trade policy toward the developing countries by the industrial countries. We must come to grips with the whole question of preferential treatment of their manufactured exports while encouraging them to move faster toward an industrial policy of regional complementation.

Fifth, a stronger international monetary system so that these goals can be reached without the agony of the recurring crises of the recent past, and with the orderly and stable conditions under which international commerce can thrive.

Finally, encourage by our example the free flow of investment among nations.

I have every confidence that these objectives will be accomplished—but their achievement will require more than the greater cooperation of our respective governments. There must be a continuous dialogue across the oceans between all the major sectors of our nations. We must build a wider and more solid base of understanding. Then with this base we can cooperate to bring to our world the lasting peace and the broader prosperity to which men everywhere aspire.

WEST GERMAN RATIFICATION OF TREATIES WITH THE SOVIET UNION AND POLAND

Mr. DOMINICK. Mr. President, there has been some coverage in the U.S. press of late of the debate going on in West Germany over ratification of the nonaggression treaties with the Soviet Union and Poland. Most of the material I have read on this matter has reflected the position taken by Chancellor Brandt and his Social Democratic Party, and much of it has centered around various compromises which have been sought in order to accomplish Brandt's goal of ratification of the treaties.

An article in Die Zeit, a newspaper in Hamburg, Germany, on February 8, 1972, by former Foreign Minister Gerhard Schroder, has come to my attention. While the newspaper Die Zeit supports the government's Ostpolitik policy, considerable space has been devoted to this presentation of the opposition point of view. Because that position has received little or no attention in the U.S. press, I urge Senators to read this excellent explanation of the opposition view of the treaty issue, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

[From Die Zeit (Hamburg, Germany), Feb. 8, 1972]

"NO" TO THE TREATIES WITH THE EAST

(By Gerhard Schröder)

Brandt's Ostpolitik: The base is too narrow, the time is wrong, the frame of reference is erroneous.

I

The coming months will be dominated by the political controversy between the Federal Government and the Opposition over policy toward the East [Ostpolitik], in particular, over the Moscow and Warsaw Treaties. I sincerely hope that the discussion on both sides will reflect the awareness that both the Government and the Opposition can have only one desire: that of serving the interests of our nation in the best possible way. That is why the Federal Government should not be accused of betraying German interests, of engaging in a sellout, or of surrendering, nor should conversely the Federal Government accuse the Opposition of being against peace.

It would be fatal if the treaties with the East were to put our country's unity to the test. Both sides have to be aware of this heavy responsibility in everything they say. This applies, first of all, to the Federal Government and the very political forces that support it, because this responsibility must correspond to the greater powers the Government enjoys and thus to its executive prerogatives. The Government must not take offense at the Opposition for being predominantly critical or even suspicious, because by so doing the Opposition performs no more than the normal function it has in a parliamentary democracy.

"Fairness" in the political contest calls, therefore, for fighting without hitting below the belt. Fairness must not impede, of course, hard and, if necessary, embittered fighting. Both sides can be convincing only if they state their positions clearly and intelligibly.

II

The Government conducts its policy on a dangerously narrow base. 251 Deputies versus 245 Deputies—i.e., a majority of six—that is not enough to support this issue convincingly at home and abroad. This holds true all the more since we know that the Government majority lacks cohesion, as has been demonstrated and as will be demonstrated in the future. Either this project that the Government puts forth is not as far reaching as it claims it is, or the Government must put it on a broader base. If, however, it is not as far reaching as the Government claims, the Government is completely out of line to keep on asking the Opposition whether it could justifiably assume the responsibility for the non-acceptance of the project. The Opposition is under no obligation to bail out the Government. The obligation to produce a safe majority for the policy it pursues rests exclusively with the Government.

The Government would probably not have taken what I called a dangerous risk unless it believed it was secured in three ways: tacit or explicit consent in the West, resounding approval in the East, and widespread acceptance at home.

Tacit or explicit support in the West naturally suggests the following question: Cui bono [for whose benefit]? Nobody could possibly expect our Western partners and friends to be more German than the Germans themselves. Unless proven otherwise, they can rely on the Federal Government to keep within the bounds of its treaty obligations and other commitments.

How about the presumed widespread acceptance at home? If we want to consider the last elections to the Landtag a criterion, there is no widespread tacit acceptance at home, except the slender and crumbly Government majority itself. So far as public opinion polls seem to reflect such an acceptance, a very close look must be taken under such circumstances at the formulation of the question, the discussion preceding it, and the tabulation of the results. I doubt, therefore, that the three factors I just mentioned might actually be conducive to broadening the only too narrow base.

III

The Government's posture tends to broaden the scope and the potential influence of the Soviet Union in Central and Western Europe without this being offset by concessions granted by the Soviet Union itself. This will and must give rise increasingly to the development of a false feeling of security which, in view of the conventional [military] preponderance of the Soviet Union and her partners, is unwarranted. At the same time, such a false feeling of security will lead to weakening the joint defense efforts of the West and to reducing its solidarity. It would be contrary to normal experience if this change in the situation were reflected as a negative factor in the American commitment that is absolutely vital to us. I shall refrain from analyzing certain steps taken by the allies that are a source of concern in this respect.

IV

Possibly the most momentous change will come about in the inner-German relations with the German Democratic Republic. This policy started with the virtual recognition of two German States in Germany. It is calculated—perhaps inevitably—to strengthen the international influence, and the international position, of the German Democratic Republic at the expense of inner-German solidarity and reinforcement of the line of demarcation that goes through Germany.

V

(1) The objectives of this policy are not at stake if we take them to mean: Insistence on the right of self-determination for all Germans, peaceful relations, renunciation of force, and cooperation also with the East European nations, including the Soviet Union. All these are elements of a policy that we have been conducting for many years.

(2) We do not think, however, the ways and means whereby the Federal Government is trying to attain these objectives are right. The discussion about Ostpolitik concerns itself with its ways, its methods, and the valuations of political events and of potential developments on which they are based. And this is the point on which opinion is divided.

After surveying the many—and not always consistent—arguments put forth by the Government, I would like to point to the following, which I consider important:

The Government argues that the Soviet Union is ready to reach a compromise with the Federal Republic of Germany, based partly on foreign policy and partly domestic policy considerations, which are motivated by a desire to achieve more cooperation with the West. In connection with foreign policy considerations, frequent reference is made to the term "People's Republic of China"; in regard to domestic policy considerations, to the interests of the Soviet industrial society. The Government further argues that this readiness should be turned to account.

In the Moscow Treaty—to refer to it only once as the "principal instrument"—the Soviet Union has, according to the Federal Government's interpretation—as well as also according to Soviet assessment—made important concessions: Relinquishment of insistence on formal recognition of the German Democratic Republic under international law, relinquishment of her claim for recognition of West Berlin as an "independent political unit", relinquishment of the application to the Federal Republic of Germany of the so-called Intervention Articles 53 and 107 of the U.N. Charter, and recognition of the continuation of the four-power responsibility for Germany as a whole. It is further pointed out that the Soviet Union had shown readiness to make concessions during the negotiations for the four-power agreement on Berlin.

The Government further argues that Poland, on her part, has asquiesced in the Warsaw Treaty to the Federal Government not having been in a position—let us say, more correctly—not legally having been in a position, to recognize definitively, under international law, the Oder-Leisse line as Poland's Western frontier.

The Federal Government submits as advantages of the treaties that they afford a basis for a further improvement in political, economic, and cultural relations; that they would make peace more secure; that the "detente" resulting from them would lead in time to making the fundamental rights of such as freedom of movement a reality in all of Europe; that an "orderly coexistence" would lead to a "togetherness" of both parts of Germany; that definitive boundary adjustments had not been made because the Federal Government could speak only for the Federal Republic of Germany, but could not commit a future sovereign [government] of All-Germany; that with respect to the integration of Europe it would be useful, if not a prerequisite, for the Federal Republic of Germany not having any border problems in the East.

Finally, the Federal Government attaches special importance to the point that its Eastern and German policy should meet with the approval of our Western allies and thus be imbedded in the policy of détente, an aim adopted by the United States on a worldwide basis, and by NATO with regard to Europe.

VI

In appreciating these arguments, it is evident from the outset that the Federal Government works predominantly, indeed almost exclusively, with hopes for the future. It is quite true, and therefore the Government cannot be blamed, speculation is frequently a natural and inseparable characteristic of politics because one cannot work, as in the exact sciences, with fixed, computable quantities and values, but largely with potentials and subjective ideas. However, one cannot help feeling grave concern when the advantages of firm treaty commitments set down in writing are argued less on the basis of the text of the treaty than on that of hopes and expectations based on interpretation. This is all the more disquieting because—and this is an aggravating factor—of the different, in fact even conflicting interpretation and application of the treaties by the contracting parties in regard to important points.

While the Federal Government states that the treaties represent a modus vivendi, a description of that which exists of the much quoted "realities", yet in no cases a recognition, the reaction from the East—but partly also from the West and the Third World—sound entirely differently. There the treaties are understood and interpreted as a recognition of the status quo and, by virtue thereof, also of the division of Germany.

The Federal Government's reference to the text of the treaties, in which the term "recognition" actually does not appear, must unfortunately be answered that the Government is right technically, but that the political effect of the treaties is largely the opposite, and that it is feared that the Federal Government's technical reservations will be valued or rather, devalued, as a verbal exercise.

The division of Germany, therefore—and this substantiates our gravest objections to both the Moscow and the Warsaw Treaties—is being reinforced and the realization of the right of self-determinaton for all Germans impeded.

As a contributing factor, the commitment of our three big Western allies, as provided in their treaty on Germany, to contribute to an independent settlement of the German question will certainly not be strengthened, but rather lessened by treaties having the described political effect. The frequently cited allied approval of the Federal Government's policy must also be valuated in this light. Nobody can expect them to protect German interests that are neglected, or seem to be given up, by the Federal Government itself.

To refrain from everything that would further widen the gap between the two parts of Germany and the people living there is first and foremost our own business, the task of the Germans. The Government in East Berlin is demonstrating to us over and over again, often shockingly so, how difficult this task is. It is our opinion that, in the interest of all Germans, we must not yield to East Berlin's insistence on "demarcation"—and this includes a rise in status of the German Democratic Republic under international law.

In any event, the hopes expressed by the Federal Government are in no way supported by the attitude of the East Berlin Government. This then raises the question of whether the Federal Government's treaty policy will bring for the people in the German Democratic Republic, who are for union with us—in contrast with the political posture of their government—a positive improvement or whether it will appear as such or not.

There is no reason to imagine an acceptance of this policy by the positive forces of the German Democratic Republic. And I am not excluding from consideration that, in the interest of the solidarity of all Germans, our determination to stick together must be demonstrated over and over again. I only doubt whether the present-day policy can strengthen this attitude.

The Federal Government's Ostpolitik, however, is risky and dangerous not only with respect to the settlement of the German question, but I am afraid, also in the long run for the solidarity of the West, for the sensitive balance of power in Europe, and with it, for our security. It will not intensify the United States commitment to Europe, but instead, it will loosen it, and it threatens to impair the functioning of NATO. This, however, would have to result in a considerable shifting of power in Europe, in that the Soviet Union would be able to make her military preponderance in Europe felt much more strongly, perhaps not militarily, but certainly politically, than would be good for the German interests. It would be fatal to want to look upon the Soviet Union as a power out exclusively for preserving her sphere of influence, and to disregard her ideological as well as dynamic tendency to penetrate weakened constellations and/or to draw them into her orbit.

VII

To sum up, I would like to make it clear that the risks connected with the Federal Government's Ostpolitik and with the Moscow and Warsaw Treaties seem considerably bigger to me than the opportunities they may afford. In their present form the treaties are inequitable, i.e., the respective obligations are not in balance. In sober assessment, the hopes and expectations with which the Federal Government is trying to even up the score are not suited to the purpose; rather, we seem to perceive illusionary elements. In the interests of Germany, we will therefore, have to reject these risky and dangerous treaties.

VIII

Anyone who has followed my expositions so far may wonder: What alternative does the Opposition have to offer, and what other policy would it have pursued or would pursue? If the Government's premises of a fundamental Soviet interest in an arrangement with the Federal Republic of Germany are correct—and I presume they are correct—there was neither reason nor necessity from the viewpoint of our interests, to let ourselves be guided in treaty negotiations more by a desire for a speedy conclusion than by the determination to protect the German interests. A great deal more patience and far greater steadfastness would have afforded a better premise for achieving a treaty that might have led, via a "constructive compromise", to a genuine balance of interests. I am all the more convinced of it, as the Soviet Union's motives that I mentioned before will continue to exist, at least for the foreseeable future.

That is why I think that we must resist any pressure in connection with the ratification of the treaties with the East. A rejection of the treaties would neither spell disaster, as was said at one point, nor would it lead the Federal Republic of Germany into complete isolation, as is frequently claimed. The Opposition will not itself be impressed by such claims. What is crucial, so far as we are concerned, is the protection of the interests of all Germans.

IX

In closing, I would like to refer to a factor that is becoming more and more manifest, namely, the increasingly Leftist orientation in German politics. The present course does not promote the consideration and further development of all of the forces at home, i.e., an effective strengthening of the Federal Republic of Germany, but it paves the way—parallel with the treaties, so-to-speak—for a fatal shift to the Left . . . as can be seen from looking at the economic and social indicators, to mention only these. The tension-laden situation in which our country finds itself is characterized by a growing activity of the Left, for which the term "DKP" [West German Communist Party] is explanation enough.

I realize that a discussion is going on also in other European nations, which, from the viewpoint of the Opposition, contains many disquieting elements. It must be pointed out again and again that it makes a great deal of difference whether comparable discussions are taking place in countries and nations that are *per se* completely integrated, or whether they are going on in a divided country such as ours.

Thus, the "NO" to the treaties is not only a foreign policy statement, but it also underlines a necessary domestic policy posture. I know that in the debates so far the latter point of view has not received the attention that it deserves. It would be harmful not to see the connections clearly and realistically.

X

A last word in these expositions shall be addressed to the East European nations, inclusive of the Soviet Union. You may count on it, the policy of the present-day Opposition has been and always will be a policy of peace and peaceful development, of renunciation of threat or use of force, a policy of increasing détente and cooperation wherever possible. Europe's security is, it seems to me, better safeguarded by our basic approach than by the present-day attempt to solve unresolved questions without settling them constructively.

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THE COLORADO RIVER HAS BEEN USED UP

Mr. MOSS. Mr. President, several weeks ago I spoke at length on the Senate floor on intercontinental water planning and development. I discussed the many plans which have been put forth both in the United States and Canada for intercontinental water transfer—the moving of water from water surplus areas in northern Canada and Alaska to water short areas in the West, Southwest, and Middle West of the United States. The United States would, of course, buy the water from Canadian sources under treaties to be arranged.

The proposals are still at the concept stage. I have spoken on the so-called NAWAPA proposal a number of times in both this country and in Canada, and although there is some opposition in Canada to any type of intercontinental water transfer, some groups and individuals there are very much interested in pursuing the matter. I have suggested that neither the United States nor Canada take any steps at this time which will make consideration of the proposition impossible at a later date, and that we both continue to do our "homework" now against the time when NAWAPA, or some similar plan, will become imperative.

The time when additional sources of water will become necessary to the Colorado River Basin is not too far distant. The mighty Colorado River is spent—for the last 10 years virtually none of its flow has reached the Gulf of California, into which it once emptied. It is all used by the Lower and Upper Colorado River Basin States for irrigation, and for municipal and industrial use. It is used—and reused, until there is nothing but some salty drainage water left.

The story of the Colorado has been well told by William E. Warne, former Assistant Secretary of the Interior for Water and Power, former California water resources director and now a private water resources development consultant in Sacramento, in two installments published in the Vallejo, Calif., Times-Herald. Because I believe they are of significance to all areas of the country, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

A Promise or a Warning? How Colorado River Has Been Spent

(By William E. Warne, former California Water Resources Director)

The Wild Bull River of the southwest has been used and depleted until for a decade nothing but a few acre-feet of salty drain water runs to the gulf. The once mighty Colorado, which dug the Grand Canyon and early in this century scouraged the Imperial Valley with its floods, has been dammed and employed as a drain, used and reused until the river is entirely spent.

For a full decade none of the flow of the Colorado has reached the Gulf of California, except in the form of salty drainage water from irrigated lands in the vicinity of Yuma, Arizona. This drainage water is deliberately dumped below Morelos Dam to avoid further damage to farm lands in Mexicali Valley.

A $11,000,000 ditch was hastily built a few years ago to keep the drainage water out of the Mexican canals, except when it can safely be mixed with water delivered through the river channel without rendering the whole supply unusable. When releases to Mexico are great enough to dilute the drain water to a satisfactory level of salt content, the drainage water, too, is used to help satisfy the 1,500,000 acre-feet per year commitment to Mexico under the 1945 Water Treaty.

The history of the development of the Colorado River is both a promise of what other regions may achieve through the full use of their waters and a warning regarding some of the consequences of full development against which others must guard.

In the lifetime of men now living, the Colorado River has been virtually completely developed. Some projects, like the Central Arizona Project, which has been authorized by the Congress, have not been constructed as yet, and some projects in the Upper Basin, which will divert, use and return some water to the river, will be undertaken in the future. The major works to use the waters of the river, however, have all been authorized and most of them built.

FUTURE FLOODS COULD ARISE

A great flood conceivably could arise over the Colorado watershed, such as some that have been deduced from evidence left in the canyons during recent centuries. Such a flood might spill all of the reservoirs and restore the Colorado to a free-flowing stream, perhaps even a rampaging river, in the channels of the delta below Morelos Dam, where the last diversion is made for irrigation and municipal water supply. An historic flood, however, would be required to run beyond the controls that have been placed on the Colorado River. Damaging flash floods in the lower reaches of the river might be caused by cloudbursts such as the desert occasionally receives. The arroyos and washes, wide and boulder-strewn, are not controlled. They may only rarely produce a trickle of flow and still be capable once in a century or longer of turning loose a brief torrent that will leave ruin in its wake.

Old-timers who remember what happened in 1905 and 1906 when the Colorado washed out the new heading of the Alamo Canal that served the Imperial Valley and recreated the Salton Sea will tap on wood to dispel the river's evil spirit whenever anyone in their hearing brashly claims that the Colorado has been completely controlled.

After all it has been only little more than 100 years since the river was run for the first time by the Major John Wesley Powell expedition. The Powell party first called the Colorado the "Wild Bull River of the Southwest."

HOOVER DAM, THE RING IN THE BULL'S NOSE

Hoover Dam, completed in 1935, was the ring put in the nose of the wild bull. The reservoir it created, Lake Mead, has a capacity to hold almost two full years of the normal flow of the Colorado River. Other dams and reservoirs above and below Lake Mead, such as Glen Canyon, near Page, Arizona, Flaming Gorge in the upper reaches of the Green, Davis and Parker Dams in the main channel below Hoover Dam, and scores more on tributaries and far reaches, have added to the capacity of the engineers of the Bureau of Reclamation to regulate the river and to conserve its waters for man's use.

The "Law of the River" has grown up as the Colorado River has been developed. It is incorporated in interstate compacts, such as the Colorado River Compact of November 24, 1922; Federal laws, such as the Boulder Canyon Project Act of December 21, 1928 and Colorado River Basin Project Act of September 30, 1968; state laws, such as the California Self-Limitation Act of March 4, 1929; court decrees, such as the Supreme Court Decree in Arizona v. California of March 9, 1964; international treaties, such as the Mexican Water Treaty; and contracts and regulations. These latter documents when printed literally fill thick volumes.

CONTROVERSIES NOT PREVENTED BY LAW OF THE RIVER

The fact that there is so much law of the river, however, does not prevent long-standing controversies. Some of these have dramatic consequences when they finally are resolved. An example was the cutting back by the Supreme Court to about half of its capacity the amount of water that the Metropolitan Water District of Southern California is entitled to divert through the Colorado River Aqueduct.

The court decision in Arizona v. California came just before the final determination of the size of the California Aqueduct of the State Water Project. The Metropolitan Water District requested permission to increase its take of water from the Sacramento-San Joaquin Delta by 500,000 acre-feet a year. The California Department of Water Resources was able to accommodate the district by adjusting plans for other contracts and by adding 230,000 acre-feet to the 4,000,00 acre-feet of water a year that it proposed to use in the State Water Project. The California Aqueduct has now been built in accordance with this upward revision of the amount of water to be diverted southward.

This account will show how interdependent regions within California really are when it somes to supplying their water needs. That the Colorado River has been spent, it is seen, is significant to Yuba City, in the Sacramento Valley, which, like the Metropolitan Water District, is a contractor for water from the State Water Project, and to irrigators in Kern County, who use the California Aqueduct with the MWD. Indeed, California may be diverse and at times raucously divided, but every community shares in common with all other parts of the state some of the water problem that is inherent everywhere in a semi-arid land.

By 1990, when the California Water Project may be used to its full capacity, it will be providing some service to about two-thirds of the people of the state. The people whom the project then will serve will be in greater number than the 20,000,000 population of California today, because the state is still growing.

MASSIVE DESALINATION IS PROPOSED

The Framework Water and Related Land Use studies, recently completed by the Pacific Southwest Inter-Agency Committee, saw no hope of spreading the depleted flows of the Colorado River over the demands that will develop in the next 50 years because of growth in the Pacific Southwest. The study groups of the Lower Colorado Region proposed desalting sea water to supply 4,100,000 acre-feet a year by 2020 to supplement the natural flow of the Colorado River.

The quantity of desalted water is almost equal to California's share of the waters of the river. It is more than one-quarter of the presently anticipated annual yield of the Colorado River. Perhaps even more significant is the fact that to yield so much fresh water would require desalters hundreds of times bigger than any so far contemplated. The desalting answer to the problem of insufficiency of the flow of the Colorado River, at this writing, therefore, must be described as speculative.

The facts are that 94 percent of the people in San Diego County use Colorado River water for culinary purposes, that between half and all of the municipal supplies of San Pedro, Torrance, Santa Monica, Beverly Hills, Burbank, Glendale, Pasadena and Orange County come through the Colorado River Aqueduct, and that 25 percent of the water in the San Gabriel Valley comes from the same source. In addition, of course, the Palo Verde Valley, Imperial Valley and Coachella Valley irrigation areas are wholly supplied from the river. These are among the most famous of California's agricultural valleys. These facts demonstrate the essential role the Colorado River plays in Southern California.

In the past, as we have seen, when a critical shortage has been faced in a California region the diversions of water from other areas have been increased. Examples in addition to the increase of the take by the State Water Project in the wake of the Supreme Court's decision could be cited.

The depletion of the Colorado River leads directly into several other emergent problems of the next 50 years. They range from consideration of massive transfers from the North Coast streams to the preservation of Salton Sea. Perhaps the most ominous portent, however, is the progressive degradation of waters that remain in the Colorado River. This aspect of the Colorado River water problem will be discussed in tomorrow's article in which it is found that the Colorado River might as well be dry as to become too salty to drink or to use to irrigate crops.

Use, Storage, Reuse and Then Recycle; Waters of Colorado River Degrade Year by Year

(By William E. Warne, former California Water Resources Director)

Millions drink the water, but in other areas it would be considered distasteful; for each cropped acre more irrigation water is required as deterioration progresses.

Use, storage, reuse and then recycling the waters of the Colorado have turned the river around. Instead of increasing, the river decreases going downstream.

Once the Colorado was "too thick to drink and too thin to plow" according to pioneers who irrigated the low deserts. Many reservoirs now settle out the silt, but another adverse water quality factor threatens the welfare of the region.

The recycled waters become saltier as they make their way downstream. Evaporation from the reservoirs takes its toll. New diversions return their saline drainage waters. The reduced main stream is progressively degraded.

The diversions through the Colorado River Aqueduct to the California Coastal Plain already miss by half meeting recommended drinking water standards. The water would be considered distasteful in many areas of the country.

More of the poor water that reaches the headgates today must be used when irrigating to flush salt through the soils. Greater quantities, therefore, are required today to grow a crop than in 1929 when allocations were made among California water users.

One wonders whether we are following in the Southwest the path of the evolution of development that was taken long ago in Mesopotamia. There the Hanging Gardens of Babylon were one of the seven wonders of the ancient world. They vanished so completely that today no trace can be found with which to determine exactly where they once flourished. In any event, the Type I Framework studies of the Pacific Southwest Inter-Agency Committee pointed to the degradation of water quality with more intensive use as one of the five critical problems to be faced in the next 50 years.

OTHER EXAMPLES CITED

The Colorado River provides the best-defined example of the problem of progressive water quality degradation, but other examples are already recognized in California. Groundwater which is pumped, used and percolated again to the aquifer for storage and reuse gradually deteriorates in quality.

The San Joaquin River has deteriorated until sometimes its flow is reversed and a pollution block has at times prevented salmon from entering the stream.

San Francisco Bay, itself, has at times become noisome. It has been threatened with algae blooms. Poisoned shellfish in the bay are the subject of quarantines.

The degradation of the quality of the water that is brought about by repeated uses seldom results in pollution in the form that spreads such diseases as cholera and typhoid fever. Instead, the total dissolved solids in the water increases and its hardness is heightened.

The United States Public Health Service recommends drinking water standards of 500 parts per million of total dissolved solids.

The hardness of the Colorado River water has necessitated expensive treatment by the Metropolitan Water District of Southern California, but the water softening process does not reduce the total dissolved solids. It simply substitutes minerals with different characteristics for those that the river waters have taken into solution.

WATER FACTORY 21, THE WATER QUALITY WAVE OF THE FUTURE?

The Orange County Water District has introduced Water Factory 21 into the water environment of Southern California as a means of offsetting the progressive water degradation that its customers faced. This may be considered a breakthrough in the fight against water degradation. Water Factory 21, now under construction, will mix desalted sea water with reclaimed sewer effluents to obtain satisfactory averages of total dissolved solids and other factors. The product will be injected through wells to form a fresh water mound underground. The barrier will prevent encroachment of sea water into the groundwater basin. The water that is injected will flow down the slope of the mound into the depressed basin. There it will help to restore the average quality of the underground supply.

The Orange County Water District has been percolating Colorado River water into its groundwater basin through gravel pits in the Santa Ana River channel. This water contains 750 ppm of total dissolved solids. It has replaced the native water, which is of high quality, under about half of the urbanized area of Orange County. Each cycle of pumping, use and percolation adds about 250 ppm to the burden of dissolved solids that the water carries.

While Water Factory 21 will produce at the outset only 3,000,000 gallons per day of almost chemically pure desalted water, the production will soon be increased to 15,000,000 gallons per day.

As the name implies, Water Factory 21 is an advanced technical development typical of those that will be needed by the California water industry in the Twenty-First Century.

The intricate management of the groundwaters of Orange County are but the highest expression to date of the programs to improve the quality of the waters of the Colorado River.

Whereas the waters of the Colorado River at Parker Dam where the Colorado River Aqueduct heads, today contain a tolerable 750 ppm tds, by 2000 they are expected to contain an average of 1100 ppm. Soon other water purveyors will be seeking solutions to their worsening problems.

MAINTAINING SALT BALANCE IN SOILS

At Imperial Dam, where the All-American Canal diverts water to irrigate 501,369 acres that in 1970 yielded crops valued at $257,177,900 in the Imperial Valley, the Colorado River water contained 860 ppm tds in the most recent year reported, and this is expected to increase by 2000 to 1340 ppm.

The irrigators, like the water users in Orange County, face a deepening problem.

The Imperial Irrigation District has been very aggressive in the provision of drainage for the lands it serves. It has provided 1,641 miles of main canals and lateral ditches to serve water to the lands, and 1,491 miles of drains to remove the waste waters from the same lands. The farmers since 1929 have tile-drained 362,252 acres of the irrigated land. As a result, in 1970 a gain of 8.39 percent was recorded in the removal of salt from the lands in the district. The salt balance in the root zone of crops was actually improved. Much alkali land has been restored to production.

The Salton Sea, into which the Imperial and Coachella Valleys drain, however, continues to deteriorate. Each acre-foot of water in the sea now contains 52.47 tons of salt as compared with 47.80 tons for an acre-foot of sea water in the Pacific Ocean. In a few decades it will become a dead sea unless remedies urgently are applied.

DRAINAGE NEEDED ELSEWHERE

Experts declare that no irrigation agriculture may be considered permanent where drainage is not provided to remove the salts that otherwise will accumulate in the soils. The progressive deterioration of the land, as well as of the water, however slowly it occurs, must be recognized as a constant danger. This is a warning that the San Joaquin Valley can not safely ignore. The San Joaquin master drain construction of which has been set aside one day must be provided—and the sooner the better.

SOMETHING BETTER THAN WET WATER NEEDED IN MEXICO

The degradation of the waters of the Colorado River reached its most dramatic stage in Mexico, where rioting broke out when drainage water from the Wellton-Mohawk project near the mouth of the Gila River was delivered to the intake at Morelos Dam. The salty water stunted their wheat, the Mexican farmers said. At that time, it was contended that the drainage water constituted a part of the 1,500,000 acre-feet of water a year to which Mexico is entitled under the water treaty with the United States. After it was revealed that some of the drainage water contained up to 6,000 ppm of salt, a by-pass ditch was built paralleling the river channel so that the salty water might be dumped below Morelos Dam without ever being mixed in the Mexican supplies. Water had to be something more than merely wet, it was found, to satisfy the treaty obligations.

By careful management of the releases from the reservoirs in the upper river and control of the drainage outflows, it was possible in 1970 to deliver irrigation water to the Mexican water users of no more than 1278 ppm of salt, a reduction in five years of almost 100 ppm. Meantime the salinity of the Wellton-Mohawk drainage water was lessening, as it was expected to do. Old accumulations of highly saline water were evacuated. Better waters from surface percolation were replacing them in the water table. The dissolved solids in the drainage water dropped in a year from 4130 ppm to 3790 ppm. If improvement continues, less of the drainage water will need to be wasted below Morelos Dam in the future.

The Orange County Water District, the Imperial Irrigation District and the Imperial Valley farmers, and the International Boundary Commission, American Section, and the Bureau of Reclamation, which together improved the Mexican diversions, have demonstrated that new techniques and careful management can offset the effects of progressive degradation of reused water. These three different operations were undertaken when it was discovered that the Colorado River might as well be dry as to be too salty to use.

The lessons being learned in the Colorado Basin should receive the attention of other sections of the state and other areas of the West. That is the point of the Framework studies' findings.

TAX REFORM

Mr. BROCK. Mr. President, there has been much ado about the need for tax reform from many segments of the society. Mr. Ralph Nader has been among the most vociferous critics of the present tax structure. In many articles Mr. Nader has attempted to buttress the arguments of campaigning politicians and to expose the "Great Myth of Progressive Taxation."

I am not here to debate Mr. Nader as to whether there is a need for reform of a tax system itself. Obviously, there are many deficiencies. However, I would like to point to the fact that his efforts are too limited. Certainly, taxes are excessive. The average family is feeling an ever-increasing crunch on its incomes. Yet, tax reform per se is not going to alleviate the country's tax burden.

The key to reducing taxes is simply to cut the amount this Government is spending. Until Federal expenditures are reduced, taxes will continue to be increased.

Mr. President, I would hope that Mr. Nader and others will see the wisdom of urging their constituencies to protest overspending by their Government in Washington.

I ask unanimous consent that an article by Mr. Arch M. Booth, entitled "The Need for Tax Reform: A Reply to Ralph Nader," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Need for Tax Reform: A Reply to Ralph Nader

(By Arch N. Booth)

It's election year and time for politicians to engage in playing their favorite tune, called "Tax Reform."

It's a popular tune because everyone hates taxes—and wishes someone else would pay his.

Unfortunately, the tune is usually a cacophony of distorted facts, a score of dissonant chords concerning private enterprise, and an insult to the intelligence of the average American.

Others chime in. Witness the appearance of Ralph Nader in these pages on April 16 with an article timed for the eve of the deadline for filing federal tax returns.

In the first paragraph, he claimed that he intended to expose the "Great Myth of Progressive Taxation." Mr. Nader is a master of mislabeling. He should have called the article the "Great Myth of Tax Reform."

Mr. Nader said that 112 persons made $200,000 in 1970, but paid no income taxes because they "took advantage of loopholes unavailable to the ordinary citizen." Before examining that statement, and determining its correctness, we should look at the situation in its proper perspective.

First, let's look at his allegation that a lot of people in top income brackets are not paying any income taxes. Did Mr. Nader or any of the political speakers of recent weeks tell you that taxes were paid by more than 99 percent of the people who made more than $100,000 in adjusted gross income in 1970? Did they happen to mention that of the people in this country who earned less than $10,000 in 1970, only 70 percent paid taxes?

As to Mr. Nader's reference to the 112 persons taking advantage of "loopholes unavailable to the ordinary citizen"—that simply is not true

The primary deduction listed by 13 of the 112 was for sums given to charity. Twelve used their state income tax payments as primary deductions, and 54 used interest payment deductions.

Any intelligent homeowner recognizes the tax savings that result from the interest payments deduction.

To say these legitimate deductions are "loopholes" is ridiculous. Repeal them and the loss of the huge chunk of deductions that would hit most of those citizens who itemize tax returns could touch off a tax rebellion of staggering proportions.

A statistical report of the Internal Revenue Service for the 1970 taxable year—a report readily available to Mr. Nader or any citizen—shows that Mr. Average American receives his fair share of statutory deductions, taking advantage of them along with taxpayers in higher income brackets.

In the 1970 taxable year, taxpayers with an adjusted gross income of $10,000 or less accounted for 23 percent of the total amount taken for interest deductions by all individuals. Taxpayers with an adjusted gross income in excess of $100,000 accounted for only 3 percent of these deductions.

Another IRS-reported fact: Taxpayers with adjusted gross incomes of $20,000, or less, accounted for 65 percent of all charitable deductions taken by individuals, while those with incomes in excess of $100,000 accounted for only 8 percent.

As for medical expense deductions, taxpayers in the $20,000 or less adjusted gross income bracket account for 76 percent of the total amount of deductions taken by all individuals. The $100,000, or more, income earners accounted for less than one-half of one percent of the amount taken for medical expense deductions.

It stirs our emotions to think that some people do not pay any income taxes and we do. But there are people in all brackets of income who don't pay any taxes because the tax is on net rather than gross income.

Take the man whose wife is hospitalized and depends on a kidney machine to keep alive. If he makes $15,000 a year and pays $15,000 in medical bills, we don't expect him to pay taxes. Nor do we expect a businessman whose business expenses exceed his income to pay income taxes.

Complaints that the Tax Reform Act of 1969 and the Revenue Act of 1971 benefited business over individual income taxpayers are just not founded on fact.

The estimated revenue effect of the 1969 Tax Reform Act on individuals indicates that $16.9 billion *less* will be collected from individual taxpayers for the fiscal year 1970 through and including 1973. For corporations, $12 billion *more* would have been collected during the same period.

The 1971 Revenue Act eased the increased corporate tax burden that resulted from the 1969 Act for the same fiscal years, and further reduced individual taxpayers' liabilities.

The net effect of these two enactments by the Congress is that while corporations will be paying $2.2 billion less in taxes during the fiscal years 1970 through 1973, individuals will be paying $22.2 billion less in federal income taxes. The charge that these enactments were corporation-oriented has no basis in truth.

U.S. corporations bear a huge income tax burden. Total income taxes which they must pay as a percentage of gross national product are higher in the United States than in any of our major competitor nations in Europe, or Japan. As a matter of fact, the percentage in this country is more than twice the average in the European Common Market countries.

And combined total income taxes on corporations and individuals in this country as a percentage of gross national product amounted to 15.6 percent compared to an average of 9.4 percent in Common Market countries.

And when you add up all taxes paid by corporations and individuals in this country—including those we pay for Social Security—government (federal, state and local) is taking 30 percent of our gross national product. What a great big slice to pay for government.

Most people don't think about the effect of business taxes on jobs in this country. Most people apparently are not aware that our balance of trade has sunk to its lowest standing since 1893.

It's no secret that you can buy steel in Japan and ship it to this country cheaper than you can buy it from our own steel mills. Other American businesses are in the same box. But few people relate this condition to taxes.

In Japan and France, business can write-off one-third of the price of a new piece of industrial machinery in the first year for tax purposes. In West Germany, the first year write-off is 17 percent.

Although Congress last year voted adoption of a 7 percent investment tax credit and accelerated depreciation rules, we are far from reaching the kind of tax write-offs enjoyed by our competitor nations.

Surveys show that one-fifth of the plant and equipment in this country is more than 20 years old—and more than 10 percent is technologically outmoded. Some of the most vocal politicians saying that there should be more taxes laid on business are the same ones who opposed tax incentives last year to encourage the purchase of more job-producing machinery and equipment.

In his article, Mr. Nader recited a list of what he said concerned citizens can do about taxes. He should have gone to the real problem: Exorbitant government spending.

If the Federal Government would cut spending, it could immediately cut taxes. Mr. Nader should have urged you to tell your congressman you are fed up with the lack of economy in the Federal Government.

Don't be taken in by his attempt to play you off against taxpayers in other income brackets by suggesting the tax burden could be shifted. Insist on tax cuts through spending reductions.

LONELINESS OF PATIENTS IN NURSING HOMES

Mr. TAFT. Mr. President, patients in our Nation's nursing homes are often isolated and alone. The loneliness and boredom which they share may have a bearing in large measure on their physical condition. In our efforts to improve the quality of nursing home care we may have overlooked the extent to which loneliness and boredom relate to the patient's general well-being.

Recently, Dr. Frank R. Mark, special assistant to the Administrator of the U.S. Public Health Service, Health Services and Mental Health Administration, has developed a program called Prevlab to curb such loneliness and bring a brighter world to those who are patients in our Nation's nursing homes.

Dr. Mark's concept has been recently described in articles published in the Lincoln Journal and the Los Angeles Times. I ask unanimous consent that the articles and a statement by Dr. Mark relative to this program be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Los Angeles Times, Oct. 6, 1971]

A Doctor's Rx for Boredom

Washington.—When Diane Chais, a 21-year-old Maryland secretary, was seriously injured in an automobile accident last fall, she found after leaving the hospital that she would be home-bound for three months with nothing to do.

She had a broken pelvis, one broken arm and a concussion. She was suffering from double vision and had undergone a tracheotomy. Although she was living with her parents and had an around-the-clock nurse, she was bored.

"I couldn't eat or speak or move very much in any direction," she said. "After two weeks of this, I found myself crying most of the time."

At that point, her boss arrived at her house one afternoon with a doll's carriage. There were no dolls inside. Instead, it was filled with hundreds of things: games and puzzles, books, magazines from the 1940s and 50s, collections of rocks, shells and coins, newspapers, magic tricks, crayons, clay, a harmonica, a copy of the Declaration of Independence, a menu from a Chinese restaurant, a box of dried leaves, a puppet, a gas station map and a kaleidoscope—to list a few.

BUSY FOR HOURS

"It was fantastic," Miss Chais said. "I was very sick and couldn't do anything that required much concentration. I never thought—even then—that I'd play games at my age, but I did. And so did my friends who came to visit me. The stuff in that carriage kept us busy for hours."

It was not just an isolated gesture of kindness from her employer. It was the demonstration of an idea that has been concerning him for almost 20 years.

He is Dr. Frank Mark, special assistant to the director of the health services and mental health administration of the Department of Health, Education, and Welfare. His idea is called Prevlab—the Prevention of Loneliness, Anxiety and Boredom—and he would like to see it utilized in every health care facility in the country.

TIME FOR BASKET WEAVING

"I first noticed it when I was interning in a hospital in Connecticut in 1953," Dr. Mark said. "I had to take care of a large chronic disease ward. There were a lot of women in their 50s and 60s in the ward who'd sleep for six or eight hours, than watch TV or comb their hair. Or they'd have an hour of basket weaving or something.

"After that, they had about four to 10

hours with nothing to do. It's a monstrous problem in hospitals, old-age or nursing homes, or with patients who are recuperating at home, like my secretary was.

"It affects about 10% of our population in the United States—the aged—and another 5% who are institutionalized for illness," he continued. "Although studies have not yet been made, we suspect that someone who sits around and does nothing all day gets badly depressed—and obviously, sooner or later, some will have suicidal thoughts."

That is why Dr. Mark began bringing his patients things. Inexpensive items, like picture postcards, vintage magazines found in old bookstores or restaurant menus. Wherever he went—a walk in the woods, an excursion to the National Gallery of Art—he would pick up things he thought might interest his patients. He packed everything into a valise (until he later learned that something on wheels—like a doll's carriage—was more mobile) and took it to the wards.

"In some cases the patients said, 'Hey—this magazine was really something. I remember all these things that happened during that year. I even showed it to my friends and we spent the whole afternoon looking through it,' " he said.

Then Dr. Mark was hospitalized for a back operation. "I knew I'd be in there for about a month," he said. "So I packed up all my games and things, took along my tape recorder and did lots of things I didn't have time to do at home. Everyone in my ward came in to use the stuff. My room became known as the fun room on the floor."

That is when Dr. Mark began to think about his program in a serious, systematic way. Why not develop a series of multihobby kits for confined patients? Why not try to institute a large-scale program through the Public Health Service?

PILOT PLAN

"I began putting some together," he said. "I kept trying to think not only of the patient and his interests, but the interest of his friends that might come to visit, and the staff who takes care of him."

The result was a pilot plan, outlined by Dr. Mark and currently under study by the National Institute of Mental Health for possible future implementation.

Dr. Mark designed three types of kits. The first, which comes in the doll's carriage, contains the largest number of items and is worth about $50. The second, packed in an attache case, costs about $20. The third, in a small cardboard box, has the smallest number of items and is worth about $6.

"That's the beauty of the kits," he said. "They can be put together at a relatively inexpensive price."

Dr. Mark followed specific guidelines for the selection of the contents of the kits, guidelines which included: appeal to vision, tactile or odor senses: humorous or gimmicky aspect; cultural or historical interest; good conversation starters; and items that do not require prolonged or heavy concentration.

"At this point, the kits are not being designed with different age or interest groups in mind, but they could be," he said. "You could have a kit for children or a kit for intellectuals."

He believes that a program could be instigated by the federal government, at an extremely low cost, utilizing community-based support for the project.

"The Department of Health, Education, and Welfare would provide the guidance and instruction for setting it up," he said. "We could sponsor regional meetings to explain how it could be implemented. Then volunteer groups or schools could take it over.

SELF-STARTING KITS

"Kits could be made up from things students found in their own homes. Then the groups could distribute them in hospitals and nursing homes to the patients. The kits are self-starting—they don't need another person there to show the patient how to use the things in it."

In the future, Dr. Mark hopes to see hospital stores sell multipurpose kits, instead of flower arrangements, and he would like to see all health institutions converted into complete cultural centers. "They should be interesting—with pictures on the walls and different displays in the halls—not places of death and morbidity," he said.

[From the Lincoln (Nebr.) Journal, Mar. 21, 1972]

DR. MARKS: MEDICINE, PILLS NOT SOLUTION FOR ELDERLY'S LONELINESS, ANXIETY AND BOREDOM

(By Bess Jenkins)

More than 10% of aged Americans and others in nursing homes, extended care hospitals and other institutions, including prisons, suffer from a chronic disease called "Loneliness, Anxiety and Boredom" by Dr. Frank Marks of Rockville, Md.

The U.S. Public Health Service physician told a Lincoln audience Tuesday that the solution isn't in a bottle of medicine or more pills.

But his 20-year hobby has uncovered an answer that's free for the gathering and found in practically every American home.

Dr. Marks told how he hit upon the idea of collecting various items from around the house, packing them in a valise and taking them to some aged patients in an institution.

"It not only stimulated the bored person's mind but provided some lively conversations with other residents and visitors for hours," Dr. Marks told the Nebraska Regional Medical Program-sponsored workshop participants.

IDEAL FOR MOBILITY

He later hit upon the idea of putting the nostalgic and conversational items in a doll baby buggy for more mobility among nursing home residents.

He told the nursing home staff members and others here that this is a way to develop intelligent volunteers for their institutions.

Dr. Marks said there is no limits to what such collections can include from an old catalog to art picture sets, travel folders, crayons and colored pencils, magic tricks and games, small collections, humorus masks, puzzles.

"Why," he asked, "must science projects done by students be thrown away by schools when they could stimulate institutionalized persons of all ages for hours or maybe days?"

As an intern some 20 years ago, the former globe trotting public health physician was first struck by the loneliness and boredom faced by many for the rest of their life.

MORE OF A BREAK

"I still say those in older care homes or hospitals get more of the break than those in modern, shining white and aluminum facilities," he said.

"At least they can look up at the cracks in the ceilings and catch an occasional cockroach traveling somewhere," said Dr. Marks.

He oftens tells a proud new hospital or nursing care official that yes, the sterile white facility is "great for the doctor, the custodian and the technicians but lousy for the patient."

If the Maryland doctor has his way, every place caring for the long-term patient would be a cultural center, having changing pictures on the wall and lots of interesting items around the room, even at the risk of inviting "a germ or two."

Yes, Dr. Marks added, the penal inmate's own area should provide this cultural setting, too.

STATEMENT BY FRANK R. MARK, M.D.

One notes with increasing frequency discussions and articles relating to the "poor quality of life" in correctionl institutions, detention centers, chronic disease hospitals, mental institutions, nursing homes, old age homes, and centers and homes for youth. Overall it appears that governmental and voluntary agencies and hard working professionals and volunteers are unable to cope adequately with this problem, and others in communities often feel relatively helpless and paralyzed in getting involved and making contributions. Perhaps one should analyze the concept "poor quality of life" and examine its various components. I would like to focus on the problems of loneliness, anxiety, boredom, and cultural deprivation which obviously are major problems for persons confined in the above mentioned facilities or in their homes.

Upon random examination of such places one notes that most confined persons must endure between four and fourteen hours of loneliness, anxiety, and/or boredom per day. Many such persons are consigned to such a pattern and fate for the rest of their lives and will personally be unable to alter it due to their confinement and the associated problems, be they reasons of health or socio-economic maladjustment. It is estimated that a large proportion of our population, between 10 and 20 percent have these problems at any given time.

Admittedly, they effect primarily the institutionalized and aged. However, there are others with similar problems such as the culturally deprived. Furthermore, most of the rest of our population will probably be faced with these problems at some time in the future either directly or indirectly and for varying periods of time. Their attitudes and activities are to a large part dependent upon the sensory input that is available (things they can see, hear, feel, smell, and touch), and partly upon the role expected of them based on their prior experiences and hearsay.

The major question we should ask ourselves is whether the sensory input available to persons confined (and others) is adequate to prevent or alleviate problems of loneliness, anxiety, and boredom or whether important benefits would accrue by further examining the available sensory inputs. For most facilities the question hardly needs to be raised because it is obvious that they are drab, grim, and uninteresting, hardly the type of places that human beings should spend time in, and most certainly not persons who are confined there due to physical, mental illness or other reasons.

It becomes apparent that we can usually alter the sensory input in a positive direction by introducing high-interest items into the immediate environment and/or by altering or modifying the design and decor of the facility itself. Essentially, to me this means two things: first, the introduction of multi-item high interest hobby-type kits; second, modifying such facilities into "cultural" facilities. Each concept will be discussed separately.

It is difficult to know what a confined person's (or visitors) past and present interests are or what items would stimulate interest or conversation. For this reason one develops hobby kits containing numerous (often hundreds) interesting items. These items can be in cardboard boxes, attaché cases or even mobiles, such as a converted baby carriage. The items can mostly be surplus materials found in homes, schools, libraries, stores, churches, etc., or can be obtained inexpensively in most communities. For example, one of our converted doll carriage kits contains hundreds of items including books, old magazines, museum handouts, maps, pictures, various small collections (shells, coral, coins, minerals, etc.), games, puzzles, travel folders, magic items, materials for arts and crafts, items of historic and cultural interests such as replicas of old documents, etc. Most of the items in such kits were selected on the basis of having visual, tactile or odor sense appeal. Many are humorous or gimmicky. At times they project the user into a different setting. Generally they make good conversation pieces or lead to activities. Some stimulate visitors to bring additional items. Most are relatively inexpensive, compact, and light. They are not perishable. Many do not require prolonged concentration. Most items can be used by all sorts of confined persons, visitors, and volunteers.

A few small trials using such kits in hospitals and for homebound patients indicate that such kits are tremendously appreciated by patients and their families. A time study indicates that the kits were used over and over again for prolonged periods of time by both the patients, members of their families, and visitors. Such kits can be developed by almost anyone in a community, particularly by groups such as school classes, scouts, women's clubs, church groups, etc. Obviously, there is no end to the possible content of such kits, and it can be a continuing challenge to make them as interesting as possible. One can well visualize the day when numerous different types of kits assembled by family members, friends and volunteers will be available in a given facility and that they will continuously be used and exchanged among the confined persons. Furthermore, one can conceptualize that various ongoing programs in a community, such as schools (or individual classrooms) have continuous relationships throughout the years with a variety of facilities that could use their products, for example, science and arts and crafts projects to jails and old age homes.

Regarding facility design, construction and decor, the present trend of "aluminum, glass, and concrete" facilities for chronic disease hospitals, nursing homes, correctional institutes, and old age homes without major provisions for human related and changing inputs (sensory) for confined persons is indeed a step in the wrong direction in terms of preventing loneliness, anxiety, and boredom. A culturally sterile environment should be avoided by all means. Needed are facilities where most rooms and their components are relatively unique—where no two rooms are alike. The walls, floors, and ceilings should have different designs, patterns, furnishings, drawings, color schemes, etc. The walls should permit for changing pictures, projections, or exhibits. Provisions for storage of multi-hobby kits should be made. Adequate closed-in exhibit space should be provided in hallways so that local collectors and educational institutions will be attracted to the facility to exhibit their collections and to discuss them.

Various groups throughout the community should contribute to designing the various rooms such as the arts and crafts groups from local schools and colleges. Some space should be made available for local talented groups such as musicians, artists, and drama groups so that they may at least hold their rehearsals or some classes in such facilities. A few animal pens should be provided which could be cared for by some of the children in the community (scouts) making possible contact between the inmates, for example, the elderly, and children. The development of such cultural facilities would attract numerous persons in the community who have talents and who at this time are not contributing to the isolated and culturally have-not population.

The above concepts have obvious implications for future health planners, facility architects, governmental agencies charged with the responsibility for various confined persons, planners for new recreational industries, superintendents of school systems, etc. It is obvious that new standards of care will have to be developed which take into account the need for cultural care. It makes only partial sense to keep persons alive but give them nothing to live for in terms of spiritual values, useful activities, and future hope for an interesting life. This is equally true for persons who will be confined for the rest of their lives as it is for persons who will have only limited confiinement. Let us try to look into the future and see what various facilities might be like if some of the above concepts are applied.

For example, in a chronic disease hospital or a nursing home, a physician may not only have prescribed for a patient's medical care but also for his cultural care to prevent loneliness, anxiety, and boredom. In the mornings different multi-hobby kits may be wheeled into his room. During the day he may walk throughout the facility and look at different demonstrations or talk to other patients regarding various aspects of their hobby kits and/or the materials decorating their rooms. A few volunteers from the local high school or college may stop by to discuss the products of their classroom activities. A member of the family or a neighbor may bring some items and discuss them with the patient. A few volunteers in the hospital may be putting together a new kit or refurbishing some that have been used. Volunteers in some of the local churches may be out collecting surplus items from parishioners and/or developing kits and dropping them off at a local correctional institution.

A few students from a home economics class or student club may be making home visits to homebound patients bringing along various kits that they have made up in class. Some of the students may even have gone out to old age homes and helped in the redecorating of rooms, halls, etc. The local band or orchestra may be rehearsing in an old age home. One can go on and on with possible activities involving large numbers of presently interested and talented people in our communities. Anyone that thinks that these are senseless dreams had better face up to what the present sordid state of affairs is and what the future may hold in store for him, his family, and his friends. Further, he may wish to contemplate on the potential benefits for future volunteers, especially the presently idle or "copped out."

For the past few months we have had a small PREVLAB (Prevention of Loneliness, Anxiety, and Boredom) demonstration at the Health Services and Mental Health Administration, Parklawn Building (U.S. Department of Health, Education, and Welfare—Public Health Service). The demonstration is located in Room 18A–30 at 5600 Fishers Lane, Rockville, Maryland. It is essentially designed to indicate what the problems are and various do-it-yourself approaches as discussed above including a small exhibit of variety of multi-hobby kits and of a small-scale "hospital as a cultural center" model. The feedback regarding the demonstration so far by both health professionals, persons interested in the aged and others, indicates that the problems discussed above are extremely serious, that some of the approaches suggested are highly relevant, and that various groups such as volunteers are willing to experiment with some of the approaches.

As we look ahead to the 1976 United States Bicentennial Celebration, should we not perhaps set as National, community, or in some cases institutional, goals for the elimination of loneliness, anxiety, and boredom—people serving people, in order to make ours a more humane society?

BLOOD TRANSFUSIONS—A GROWING MENACE

Mr. HARTKE. Mr. President, more than 3,000 people will die this year from serum hepatitis contracted from contaminated blood. This year, 30,000 Americans who have a blood transfusion will become seriously ill with serum hepatitis. The danger of receiving contaminated blood during transfusions is a growing menace which cannot be ignored any longer.

Nationwide blood bank standards are essential if we are to prevent the unwise and unscrupulous practices which are followed by all too many of the commercially operated profitmaking blood banks of this country.

The Senator from Illinois (Mr. PERCY) and I have introduced S. 2909—the National Blood Bank Act—to meet this precise need.

The chances of receiving contaminated blood are between 11 and 20 times greater when the blood comes from a commercial bank than when it comes from a purely voluntary blood bank. If we are to prevent thousands of needless deaths we must bring the issue of blood bank standards and donor regulation before the Senate at the earliest possible date.

Recently, I received a letter from Mr. Saul Leibowitz which provides a rather poignant example of the menace of bad blood. His wife of 35 years had a major operation at a hospital in New York. She was in intensive care for 6 days. After an extended period of recuperation, however, she was discharged from the hospital. Two and one-half weeks later she went back to another hospital in New York and 10 days following that she was dead. Both the doctor's and the coroner's reports listed the cause of death as serum hepatitis acquired through blood transfusions given to her during her first operation.

Mr. Leibowitz cries out for justice. He says:

> Certainly if I were told the facts about blood and blood banks, under no condition would I have allowed my wife to use the blood bank facilities and I am more than certain that I could have supplied the blood that was needed for my family and possibly she could have supplied her own . . . I know that one has to pass on sooner or later. If she had died under the knife or had a disease, I could accept that. To me it is the same as if we went to a doctor and instead of injecting a penicillin shot or other remedy, he injected arsenic. What could the authorities classify this if not murder?

Mr. President, I call upon Senators to give their every and profound consideration to S. 2909, the National Blood Bank Act.

DESTRUCTION OF HISTORIC BUILDINGS

Mr. TAFT. Mr. President, in recent years I have become more and more concerned about the destruction of old historic buildings in our Nation's cities. Under the guise of urban development, we have allowed speculators, promoters, highway builders, and parking-lot developers to tear down buildings which are of artistic and historic significance to our Nation. The charm and grace of America's past is rapidly being destroyed by bulldozers and bureaucrats.

As we approach our Nation's bicentennial, I believe that an increasing number of Americans reflect this concern and seek to preserve these older buildings.

In this regard I have written to the President on April 28 and suggested that he call upon our citizens to preserve these artistic and historic structures. When I shared a copy of this letter with Mr. Daniel Porter, director of the Ohio Historical Society, I received his views in a letter dated May 11.

Mr. President, I ask unanimous consent that the letters be printed in the Record.

There being no objection, the letters be ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., April 28, 1972.

The President,
The White House,
Washington, D.C.

Dear Mr. President: With the advent of our nation's bicentennial, we have an appropriate occasion to renew America's links with the past. This is particularly true with respect to our nation's cities and the preservation of our old and historic buildings which are a cherished part of American life.

Unfortunately, we read that old historic buildings are being torn down to make way for expressways, parking lots, and office buildings. In our nation's capital, for example, one of Georgetown's oldest buildings was recently destroyed to make way for a hamburger stand.

I would suggest that, as President, you could address the country on television and call for the conservation of our older buildings and places of historic interest as a way of preparing America for our bicentennial. This would not only serve the purposes of history but would show a renewed concern for our cities and the preservation of structures which young and old, black and white, rich and poor alike can enjoy.

We should not cut these important ties to America's past. The grace and charm of Georgian and Federal buildings are an important part of our nation's heritage and I would hope that we could undertake a national effort to conserve them for future generations.

Sincerely,

Robert Taft, Jr.

The Ohio Historical Society,
Columbus, Ohio, May 11, 1972.

Hon. Robert Taft, Jr.,
Senate Office Building,
Washington, D.C.

Dear Senator Taft: Many thanks for the copy of your letter to President Nixon in which you suggest the President appear on National Television urging individuals and corporations to preserve historic landmarks.

If the President decides to do this, we believe it would have a most favorable impact upon the private sector in awakening an interest in the subject and promoting a realization that historic preservation is the highest order of progress with great economic viability.

I am enclosing a little piece I did on the subject some time ago which may be of interest to you.

There is, I believe, another direction which the President could take to foster historic preservation through existing law and federal regulation. Many of our cities, large and small, are preparing urban renewal and improvement plans for federal funding through HUD. All of these plans require review by a multitude of state and federal agencies before the plans are approved. In reviewing these plans for Ohio cities such as Sandusky, Toledo, Alliance, Loveland, and a number of others recently, I noted that there is apparently no requirement by HUD that municipalities in their planning process inventory structures and sites for architectural and historical attributes, with or without developmental potential. I believe this is a serious weakness in the urban planning process across the state and nation and possibly a failure to comply with the letter and spirit of Title I, National Environmental Policy Act of 1969. HUD, if instructed to do so, could, I believe, very easily require city, county and regional planning groups to secure expert architectural and historical services, as it does in other fields, in preparing urban renewal and improvement plans. Only in this way can many an historic structure be recognized at the start of planning and considered seriously for restoration rather than demolition in many instances.

We deeply appreciate your interest in historic preservation. It is a growing concern of many Buckeyes and Americans. At long last there is federal and state machinery to guarantee the consideration of preservation in highway, water impoundment, and other public works projects, considerations still apparently lacking in urban renewal.

Sincerely,

Daniel R. Porter,
Director.

ESTABLISHMENT OF LOWELL NATIONAL CULTURAL PARK

Mr. KENNEDY. Mr. President, I am happy to cosponsor today with my colleague from Massachusetts (Mr. Brooke) a bill to establish a national cultural park in the city of Lowell, Mass. Representative F. Bradford Morse introduced identical legislation in the House on April 26, 1972.

The legislation we introduce today is unique to accommodate the unique city of Lowell, Mass. Lowell, the birthplace of the industrial revolution in America, has experienced both the growth and the decline that single-industry centers have faced throughout our industrial history. We have seen in recent years, extensive efforts to preserve those sites of significance in our political history and in our growth as a republic. But little effort has been aimed at conserving for future generations areas important in our industrial, economic, or social heritage. The legislation we introduce today will preserve for generations to come the educational and historical site of the first city in the United States planned to accommodate the industrial revolution.

Lowell lies at the conjunction of the Merrimack and Concord Rivers, 30 miles northwest of Boston. Residential and commercial sections of the city are intertwined with a network of canals, locks, and gatehouses, and the area is dotted with abandoned textile mills which fostered the growth of this lovely city.

The burst of growth for Lowell began during the colonial period when its textile mills freed colonial residents from paying exorbitant prices for imported clothing. Even while the textile industry flourished and the city grew, the warning signs of one-industry dependence loomed over the city. The Middlesex Canal, finished in 1803, the first canal constructed in the United States for both passenger and freight, had been a financial success for only 18 years. But regardless of the inevitable decline by 1918, one-fourth of all cotton fabrics and one-fifth of all cotton and woolen goods were manufactured along the Merrimack. During the peak of textile manufacturing in Lowell, more than 20,000 people were employed in the mills. It was only after World War I, when the major textile mills moved South, the residents of Lowell were left with a rising unemployment rate, a shortage of housing, closed mill gates, deserted buildings, and polluted rivers.

But the city of Lowell retained its most valuable resource—its citizens. The city of Lowell has been characterized as a living exhibit of the process and consequences of the industrial revolution. And it is to the devastating consequences of an industry-deserted city. that the citizens of Lowell have turned their attention and concern.

Lowell was recently selected as an All-American City for 1971 because it had made such outstanding progress in the fields of education, drug programs, and the model cities program. The legislation we cosponsor today is a direct result of the efforts of Lowell Model City Administrator, Patrick Mogan, who has worked the Acre section of Lowell in the model cities program into the fabric of the cultural park concept for the whole city. The people of Lowell are fortunate to have had Patrick Mogan's vision and energy; and he is indeed fortunate to have had the commitment and the dedication of the citizens of Lowell.

This legislation to establish the Lowell National Cultural Park calls upon both the Department of the Interior and the Department of Housing and Urban Development to cooperate in assuring the unique characteristics of the very special city. We have set aside park lands in cities before; but we have not drawn on our cities greatest recreational and educational resource, the urban setting itself.

The 5½ mile network of canals in Lowell provides an excellent framework for a continuous series of educational experiences. Exciting plans have been developed for the reactivation of a mill complete with 18th century looms, technological museums, and recreation of an early settlement. Recreational opportunities along the canals include boat trips, promenades, park space, and perhaps day swimming. A boat excursion on the Merrimack might recreate Thoreau's route in "Week on the Concord and Merrimack."

A Lowell National Cultural Park would be a recognition on the part of the Federal Government of the efforts by the citizens of Lowell to withstand the pressures of time and progress to preserve a unique urban center for future generations. Anyone visiting the city of Lowell can sense the involvment and commitment of its people to making this city the best possible place to live. We can assist them by expanding their efforts through Federal funding toward preserving all that is unique about their heritage.

HAMILTON COUNTY POLICE APPRECIATION AND AWARDS

Mr. TAFT. Mr. President, today I join with the citizens of Hamilton County, Ohio, in honoring several outstanding law enforcement officers on their distinguished and dedicated community service.

Men such as these have undertaken

the obligation of protecting all of us, often at great personal risk. They should be highly commended and heartily congratulated. By focusing public attention on their outstanding achievements, police work is enhanced with all individuals. This recognition of the guardians of our law aids in creating the public understanding, support, and respect these people need and deserve.

There is a growing recognition that a competent, efficient, and dedicated law enforcement establishment is an asset and at the same time a necessity for this and any civilized society.

I ask unanimous consent that an editorial from the Cincinnati Enquirer today be printed in the Record in honor and recognition of the achievements of the Cincinnati area law enforcement agencies as well as law enforcement agencies throughout the United States.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Appreciating the Police

The Greater Cincinnati Chamber of Commerce, the Fraternal Order of Police Associates and the Cincinnati Citizens Police Association will be speaking, in reality, for all of Hamilton County on May 16 when they single out 10 police officers and one private citizen for special recognition. The occasion will be the seventh annual Police Appreciation Awards banquet at the Netherland Hilton, and it is easy to imagine that this year's affair will be even more successful than its predecessors. The reason is simply a growing recognition that a competent, efficient, dedicated law-enforcement establishment is all that stands between civilization and the jungle.

Recipients of the 1972 awards will be Patrolman Orville Clark, Cincinnati, who receives the valor award; Patrolman Floyd Lanter Jr. and Chris Waldeck, Cincinnati, who will receive a special award for heroism; Chief Donald L. Shanks, Mariemont, outstanding contribution to law enforcement; Cadet Dale Autenrieb, Cincinnati, outstanding cadet; Lt. James Stanley, Cincinnati, work with children; Detective Marvin Friedman, Cincinnati, investigative work; Capt. Howard Espelage, Cincinnati, police leadership; Lt. Norman Hughes, Cincinnati, improvement of police operations, and Sgt. Thomas Bepler, Cincinnati, academic achievement.

As a reminder that law enforcement is a responsibility of the citizen as well as the trained professional, the awards' sponsors have chosen to present their citizen's award to the Rev. C. L. Conner, pastor of Pilgrim Baptist Church in Walnut Hills. The Rev. Mr. Conner is being hailed in particular for his work as head of the Involvement Committee for Law and Order, an interracial movement aimed at making the Queen City a safer and more law-abiding community. He has spoken out consistently in favor of law, order and justice—frequently at considerable personal peril.

The people of Greater Cincinnati owe the sponsors of this seventh annual series of Police Appreciation Awards a notable debt of gratitude for reminding the community of the endless task of law enforcement and the public understanding and support they need and deserve.

THE ORSA REPORT

Mr. HART. Mr. President, an ad hoc committee of the Operations Research Society of America published in the September 1971 edition of the society's journal its findings of its study of the professional conduct of the debate over deployment of the Safeguard antiballistic missile system.

On February 17, the Senator from Missouri (Mr. Symington), the Senator from Kentucky (Mr. Cooper), and I placed in the Congressional Record statements and letters from various scientists generally critical of the study. Additional material also was placed in the Record at subsequent dates.

Robert E. Machol, president of the society, responded in a letter dated April 24, and asked that his letter be published in the Record.

In the interst of fairness, we have agreed to Professor Machol's request.

In asking unanimous consent that Professor Machol's letter be printed in the Record, we add only the comment that we stand by our general conclusions made in the February 17 statements.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Operations Research Society of America,
Chicago, Ill., April 24, 1972.

Senator John Sherman Cooper,
Senator Philip A. Hart,
Senator Stuart Symington,
U.S. Senate,
Washington, D.C.

Dear Senators Cooper, Hart, and Symington: On November 4, 1971 you sent a questionnaire to some scientists concerning the Report by the Ad Hoc Committee on Professional Standards of the Operations Research Society of America ("the ORSA Report"). Subsequently you entered into the Congressional Record replies from some of these scientists, together with at least one unsolicited response (namely my own). Most of these were entered on February 17, 1972 (pages S1921–S1951), with additional responses entered on February 29 (S2839–41) and March 7 (S3521–23).

There have been many startling falsehoods circulated about the report, but I and my colleagues on the ORSA Council have not responded to them, preferring to let the report speak for itself—on the apparently naive assumption that people would read the report before criticizing or praising it. My short letter to you has been my only public statement on the report since it was published. However, the material entered by you in the Record does seem to require some response, and I would appreciate your placing these comments, too, in the Congressional Record.

In what follows, all my quotations are from the Report itself (identified by "R") or from the cited material in the Congressional Record (identified by "S"). My comments fall under four headings: the representative character of your respondents; the nature of the questions you asked; identification of blatant falsehoods, misrepresentations, and distorted logic in the responses which you have printed; and the effects produced by the Report.

THE RESPONDENTS

You have stated that you "wrote to a representative group of scientists, all of whom were involved in the ABM debate between 1968 and the present" (S1922). I do not know to whom you wrote, but the respondents whose letters you have printed do not appear to be representative of both sides of the debate on the ABM or the debate on the ORSA report. Let me state again, as we have so often before, that the Report is neither pro-ABM nor anti-ABM (R–1175), and that some of its authors are anti-Safeguard (R–1124).

To start with, you wrote to five of the thirteen members of the ORSA Council; was it coincidence that these were the five signers of the "minority statement"? Counting their joint letter as one, and omitting my letter (which was unsolicited) and the response by Foster (which was an acknowledgement, not a response), there were 24 responses. The authors of these include Chayes, Rathjens, Weinberg, and Wiesner, the professional quality of whose writings and testimony was criticized in the Report, but not Wohlstetter, the professional quality of whose testimony was praised. Your respondents include anti-ABM witnesses Brooks, Chayes, Drell, Goldberger, Killian, Kistiakowsky, Panofsky, Rathjens, Ruina, Scoville, Wiesner, and York; but only three pro-ABM witnesses. Your respondents include the same Chayes, Rathjens, Weinberg, and Wiesner, who edited the anti-ABM book, *ABM: An Evaluation,* published in 1969, and contributed its major chapter, as well as Doty and Kistiakowsky, whom the editors thanked for their help with the manuscript, and Ruina, who reviewed the book favorably in the *New York Times;* but none of the contributors to the pro-ABM book, *Why ABM?,* which was published at about the same time. Your respondents include Chayes, Drell, Goldberger, Halperin, Kistiakowsky, Rathjens, Scoville, Wiesner, and York, all Sponsors or Council members of the Federation of American Scientists, which has actively lobbied against the Report as well as against ABM, but none of the equally available scientists who has publicly praised the report. It included Rathjen's superior (Ruina again) when he worked at ARPA in the Department of Defense, and his deputy (Margolis) when he worked at the Institute for Defense Analyses. No less than twelve of the twenty-four responses were written by faculty members of MIT and Harvard, but none were from institutions in or near the states which you represent. Last October, Professor Ruina of MIT wrote me, suggesting that I appoint a "balanced group of individuals" to investigate the ORSA Report; your respondents include five of the ten men in his list.

THE QUESTIONS

"It is the nature of questionnaires that brief answers are of necessity strongly influenced by the manner in which the questions are formulated" (S1946). Another respondent puts it more strongly: "Your questions . . . formulated by your staff in such a manner as to make it difficult to get answers not desired" (S1925).

For example, questions 1 and 2 (S1924) cannot conceivably be answered other than "no" by any intelligent responder. Such a response would then seem to imply some criticism of the Report, although there is no logic behind it. I have already discussed this (S1937).

Question 3 misleads in a different way. It is introduced by the statement "In projecting the vulnerability of Minuteman, much was believed to depend on whether one considered reprogramming of Soviet missiles for failure . . ." The critics have repeated this assertion over and over, but this does not make it true. The Report cites lengthy and convincing arguments against this (R–1163–64, R–1171, R–1186–1191), and specifically criticizes Professor Rathjens for failing to respond to this point (R-1192). It further shows that under some circumstances "reprogramming has only a minor effect" (R-1203). But your question simply assumes all this away.

One of your questions, Number 7, was indeed fair and highly pertinent: "Was the inquiry by the Ad-Hoc Panel technically correct and competent in its findings?" Several of your respondents who criticized the report cannot find anything technically wrong with it, but couldn't quite bring themselves to admit that: thus their answers: "My quarrels with the report are its over-emphasis and major ommissions as described in the above responses" (S1920). "Since the panel considered such utterly trivial aspects of the whole ABM question, it is likely they got the correct answers to the simple questions they posed" (S1935). "Some, but not all, of the findings were technically correct in a narrow sense, but the inquiry was, nevertheless, not competent" (S194). Several of your other respondents seem to feel that the only question that the panel undertook to answer, namely whether or not errors had been made in the operations research analysis, was trivial. For example. "It is difficult to overestimate the trivality of the issue upon which the ORSA panel focused" (S1936). "Whether ORSA's specific criticisms are partially valid or not is of small consequence" (S 1937). "Some persons may, indeed, do their sums more carefully as a consequence" (S 1950). It would appear that even these anti-Report respondents cannot find anything substantive to criticize in the Report.

THE ANSWERS

In response to this same question, "Was the inquiry by the Ad-Hoc Panel technically correct and competent in its findings?" one of your respondents stated (I quote him in full, S1920) "I subscribe to Professor Rathjens' comments on this question and cannot improve upon his judgment." And what is Professor Rathjens' unbiased judgment on this issue? "The report of the ad-hoc committee is incompetent even if measured within the narrow framework in which it chose to work and even if one restricts one's consideration to matters of operations research." The same scientists goes on to answer your question, "Did the ORSA panel apply the same standard of judgment to all witnesses who testified both pro and con? by answering "no" (again I quote him in full). And on what does he base these judgments? "I have not studied the ORSA Report and have seen only the 26 page reply by Wiesner, et. al.,[1] to it and the replies of Professor Rathjens and Profesor Bode to your questions." This same scientist further criticizes the ORSA Report because "The problem is that the conclusions were, by implication, based on an evaluation of all the testimony, whereas only that of the opponents was evaluated in detail." Several of your distinguished respondents apparently had made up their minds on political rather than substantive bases, and at least one other respondent who bitterly criticized the Report has told us orally that he had not read it; but only this one is willing to make such a disarming admission in writing.

Many of the misstatements in the responses are so complex that it is difficult to controvert them without rewriting most of the report. But some are simple. For example: "The publication of the Report was only just approved by the Council of the Operations Research Society, the vote being 6-5 with the President of ORSA breaking the tie." (S1938). In fact, the Council has 13 members. The vote on May 5, 1971, was 10-1 for approving publication, with the President and one other member not voting. On August 19, five members of the Council signed a "minority statement" with which the other eight members disagreed; these five included the man who had originally voted disapproval, and three men who had not been members of the Council on May 5. They did not disagree with any of the facts, interpretations, or conclusions of the Report. Their objections were to undertaking the study in the first place, and to the mechanism of publication. These objections are well summarized in their statement (which you have printed) and are refuted in my reply (which you have not printed). Both their statement and my reply were published as part of the Report.

One of your respondents has referred to "the ORSA Committee Report and the vigorous efforts to give it wide publicity" (S1937). In the history of public relations, less vigorous publicity efforts than ours would be hard to find. We delayed publication until after the vote on the ABM had been taken by Congress. We sent out a release only because it appeared obvious that the press would comment, and minority and majority members of the Council agreed that it would be desirable to have a common release date. We sent to the press some 20 copies, with a one-page covering statement[2] saying, in essence, "Here is some material which might be of public interest." Senator Hart has wryly suggested that "the operations research analysts on writing their conclusions" (S1921). We plead guilty to naviete in PR; we prefer to be judged on the accuracy and technical competence of the Report.

Another myth: "The report was consequently published without review" (S3523). Anyone who has taken the time to read the Report will find listed there the details of the review, including the fact that "this report has received far more review and editing than is usual for papers published in our Journal." (R-1258)

The anti-Report respondents almost unanimously found us biased on the grounds that we found more errors on one side of the debate than the other in the restricted areas which we chose to study. These assertions appeared particularly in response to question 9: ". . . the ORSA Panel failed to reveal any criticism against . . ." (S1941). "It did not comment on . . ." (S1942), "ORSA applied no judgment whatsoever to the testimony of many of the witnesses." (S1944), ". . . they did not even analyze the testimony of many witnesses . . ." (S1946), and so on. There is a fascinating bit of logic here, valid only if one is willing to grant validity to the theorem that in any debate the errors must be uniformly distributed among the protagonists.

This accusation of bias has dominated much of the criticism of the Report, and was central to the 26-page document by Rathjens, Weinberg, and Wiesner cited above (which has been inserted in the Congressional Record on October 15, 1971, and again on October 19) and to the article in *Science* Magazine last October, nominally on the Report, but in fact mostly on the 26-page attack on the report. We tried not only to obtain an unbiased committee, but also at every stage submitted all our results and documents to those whom we criticized. However, as one of your anti-Report respondents admits, they "took what can only be called a snotty attitude toward the whole matter" (S3523). Another respondent thinks that "when the opponents did not choose to participate, had the Committee intended to be evenhanded, they could have gone to great lengths . . ." (S1935). We did. Professor Morse has pointed out that "I was asked to be Chairman of the Committee which was to write that Report. I refused . . ." (S1939). I am happy that he has released this information, and since he has, I hope that Professor Ruina will not now mind if I now report that he also was asked to serve on the Committee, and he also refused. Does this suggest bias in the selection of Committee members?

Another respondent states "Since I have never heard of any of the members of the Committee, with the exception of the ubiquitous Mr. Wohlstetter, I am not sure how technically able they might be. The very fact that I have been in the business for fifteen years and had never heard of these people makes me very skeptical" (S1935). Mr. Wohlstetter, of course, was not a member of the Committee; I assume the people he is attempting to belittle are the six men who were. I assume he does not read the scholarly literature in this field, where they are all heavily represented; and that he discounts their qualifications as listed in the Report (R-1126, R-1257). Presumably the people whom he has heard of are the administrators of science who sit on the influential committees; this might be the same group whom another respondent has described in referring to "the stranglehold of technical experts, usually Defense Department controlled, on issues of major military policy and weapons deployment" (S1929). But the one wishes us to use these men on the Committee, and the other wishes us not to; it is hard to please them both.

"None of the six persons whose conduct was found at fault . . . considers himself to be engaged in operations research" (S1949). Nonsense. For many years Professor Rathjens has listed himself in *American Men of Science* with his specialty as operations research. But regardless of what they call themselves, these men were all engaged in operations research when they gave the testimony which the report examined—unless one is interested in the quibbling distinction between operations research and systems analysis which Professor Rathjens draws (S1942). This distinction was highly relevant when Professor Morse wrote the first book on operations research nearly thirty years ago; it was already obsolescent, as I pointed out,[3] when I wrote the first book on systems engineering more than fifteen years ago; and its irrelevancy today is indicated by the masthead on our Society's newsletter, which identifies our acronym with "operations research/systems analysis".

This brings us to the question of whether operations research is pertinent to the controversial issues in the ABM debate, a question to which many of your respondents have addressed themselves at great length. Their criticisms are of two sorts: that operations research should only be applied to narrower questions; and that operations research should only be applied to broader questions. More specifically, the first type of criticism asserts that operations research requires many disciplines, and many assumptions; and therefore "operations research has little to do with intelligent judgments on any of these questions" (S1943). The second type asserts that "a reasonable evaluation of the ABM debate would have to consider the whole Safeguard question" (S1943, same author).

Under the first heading, many of your respondents made much of the banality that in these matters, varied assumptions can yield differing conclusions (S1929, S1938, S1948). That is a characteristic not only of reasoning in operations research, but of any scientific argument. Several respondents asserted that we had praised the assumptions of one set of protagonists, and criticized those of the other: "Does the ORSA Committee feel that an appropriate ORSA research standard is to accept as gospel any judgment made by Dr. John Foster, DDR & E?" (S1945); answer: "No, ORSA doesn't feel like that". "It criticized opponents for making what it regarded as unrealistic assumptions" (S1942). "Professor Wohlstetter was commended for having taken this tactic into consideration" (S1945). "The assumptions of the pro-ABM witnesses were almost always taken as a matter of fact while those against the ABM were censured for not having used the same assumptions" (S1946). "Much of the Panel Report consists of judgements on the assumptions . . ." (S2839). In fact, the ORSA Committee did not distribute praise or blame for the "correctness" of the assumptions used by either side of the debate. It did (a) examine whether the inferences made from the various assumptions were valid; and it did (b) criticize participants in the debate for incorrectly characterizing what they had assumed: for example, for stating that they had used "the Defense Department's most worrisome projections" (R–1154) or "giving every advantage possible to the enemy" (R–1196) then they had not; and it did (c) deplore the failure to make their assumptions explicit and open to check by their peers (R–1192), for failing, as the Report says, "to meet elementary standards for proper presentation of results to permit verification and meaningful dialogue."

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[1] Rathjens, Weinberg, and Wiesner.

[2] Attached.

[3] "there has been a recent tendency to broaden the definition of operations research so that it is practically synonymous with systems design".

Let us put this question of assumptions in perspective. The anti-Safeguard forces have made much of the assertions that if the Russians have very few SS–9's, the Safeguard not needed; and if the Russian's increase their SS–9's indefinitely, then a low level of Safeguard deployment is not effective. Without arguing the cost/effectiveness of such measures, it is still reasonable for a Senator to ask a scientist a question such as the following: "If the Russian's have 500 SS–9's, and if each SS–9 has a certain number of MIRVed warheads, and if each warhead has a certain accuracy, if there is a certain reliability, and if the silo's have a certain hardness, then what fraction of our Minuteman force might be expected to survive a Russian first strike?" The answer to that question can be given unambiguously by operations research, and senators have a right to expect that experts testifying before them will give an unambiguous answer to it. In fact, Mr. Rathjens said 25% and Mr. Wohlstetter said 5% (and other scientists gave numbers as high as 76%). They were then asked to confront each other and asked why their responses differed; and each insisted that the other was wrong. To the resolution of that question, operations research is appropriate.

This is where the issue stood when Professor Wohlstetter asked ORSA to investigate the matter. It is hard to remember now how great the disagreement was then. For example, Rathjens now says "My belief is that some degree of reprogramming would probably be technically feasible, e.g. that which would compensate for missiles not in alert status, for failures during countdown, and probably for launch failures" (S1941).

But at that time he was saying "The major difference between Mr. Wohlstetter's analysis and mine is with respect to the extent to which the Russians could retarget some of their missiles to take account of failure of others. Mr. Wohlstetter has assumed perfect information would be available to them . . . I have assumed they would not be able to obtain and use information about such failure in a timely fashion. This accounts for most of the difference in our estimates of Minuteman survival" (R–1170). Mr. Wohlstetter's assumptions were actually very similar to those which Mr. Rathjen's now accepts; but he kept insisting that this was not "the major difference." Apparently the ORSA Report has clarified some of these issues.

Having asserted that operations research cannot illuminate such narrow questions as vulnerability, because everything depends on assumptions, the critics went on to assert that the Committee should have addressed the broad question of desirability of Safeguard, and that failure to do so somehow invalidated the report. I have quoted above some of the assertions that the subjects on which the report concentrated were unimportant. But your respondents go much farther: "The ORSA report, in keeping with its own guidelines for professional practice, should have focused on this more important issue of whether Safeguard will do the job asked of it" (S1929); "My most severe criticism is that the report deals only with the less important part of the ABM question" (S1939).

That many others said the same thing is not surprising—it was invited by your question 2: "Was it possible to make a meaningful judgment considering the narrowness of the inquiry?" Judgment of what? You do not state. Was it possible to judge the utility of Safeguard? Of course not, and the Committee made it very clear that it made no attempt to do so. Was it possible to judge professional conduct during the debate? Perhaps; at least this was the committee's clearly stated objective. Perhaps the Committee should be criticized, but not for failing to do something which it never intended to do, which it clearly stated it was not doing, and which in any case we all agree would have been impossible—namely to apply operations research and thereby to determine objectively whether Safeguard were good or bad.

"That the ORSA panel permitted Wohlstetter to define its agenda, and then chose to hide that fact, is inexcusable, totally unprofessional, and in complete violation of the standards. . ." (S1936). Four other respondents make the same baseless criticism (S1937, S1942, S1943, S1944; "highly unethical", S1945). Still another asserts "For reasons not explained in the Appendix, the ORSA committee chose to concentrate its analysis on a single question relating to the damage which could be done to the American Minuteman force by one hypothetical Soviet force." (S1935). In the first place, the Report makes quite clear the reason for its selection of issues. Second, Professor Wohlstetter did not request the Council to restrict the investigation to Minuteman vulnerability. Third, the Report commented on a wide range of other issues (especially in Section V, R–1217–1237). Professor Wohlstetter's letter was long, so we excised most of it, indicating the deletion appropriately. This material is part of what is covered in more detail elsewhere in the report, and it would therefore have been redundant. The full letter was sent to Professor Rathjens, and Professors Wiesner and Weinberg acknowledged that they had seen it (R–1250). The full letter was given to all members of the Council. Can you not imagine how these same critics would have complained had we reprinted in full the unedited mustering of evidence by one of the protagonists?

There is much more to controvert in these responses. Some of the arguments are straw men: "To suggest that opponents of deployment should not make their case because they lack or cannot use all of the information possessed by the Pentagon is to argue that in many cases no opposition should be made at all" (S1921). I couldn't agree more. Who made that suggestion? Certainly not ORSA. Other arguments are devious and would require too much space. I think the point has been made—and was made in the Report (R–1148): some of these men are so enthusiastic in their advocacy that they have lost their objectivity as analysts.

THE EFFECT OF THE REPORT

Your motivation in soliciting these responses was "that the report might inhibit . . . scientists from entering public debate" (Senator Hart, S1921); "they might have an adverse and inhibiting effect upon the willingness of scientists to appear in public testimony . . ." (Sen. Cooper, S1922); "it would indeed be detrimental to the decision making process if these experts were intimidated" (Sen. Symington, S1923). I share your concern. But I do not believe that the ORSA report will intimidate witnesses who meet high professional standards. My own worry is quite the opposite. I am far more concerned about the lurid phrase concerning "the stranglehold of technical experts, usually Defense Department controlled, on issues of major military policy and weapons deployment" (S1929) and "for a group, under the auspices of a supposed scientific society, to publish a study of this nature is almost unbelievable, and raises questions as to its independence from the military-industrial complex" (S1944). One of the Report's six authors was subjected to an ad hominem attack in the 26-page document by Rathjens, Weinberg, and Wiesner cited above, and there have been others.

Some scientists might be intimidated by the insinuations, all too frequent during the debate, that they were not their own men, but under someone else's "control". At the very least they might with justice be greatly offended by such charges—as one of your respondents was (S1939). But acting in the role of scientist rather than lobbyist, no scientist should feel intimidated by the need to make his assumptions and methods explicit and open to check by his peers. That call for a greater openness is a plain message of the ORSA Report. And if "some persons may indeed do their sums more carefully as a consequence" (S1950), then the effect of the Report will have been salutary indeed."

Sincerely yours,

ROBERT S. MACHOL.

P.S.—I have attempted to keep the above factual, but it inevitably contains some opinions, which are my own. I believe they would have the support of the majority of our members (though clearly not all), but I cannot speak for the membership. My tenure as President of ORSA expires in a few days, and while I would be happy personally to cooperate with you in any way, further official correspondence with ORSA should be addressed to my successor, Mr. Leslie C. Edie of the Port of New York Authority.

OPERATIONS RESEARCH SOCIETY
OF AMERICA,
October 1, 1971.

GUIDELINES FOR THE PRACTICE OF OPERATIONS RESEARCH

I enclose a copy of a report prepared by this Society on the ABM Debate before Congress in 1969; it analyzes the quality of the presentations to Congress by various scientists. I am sending it to you because I feel that some of the material in Appendix III may be of public interest. I suggest you may want to read the foreword to find out more about the report.

This report was prepared over the last twenty-one months by a blue ribbon committee chaired by Dr. Thomas E. Caywood. It will be issued this week by the Operations Research Society of America, a professional society of over eight thousand members, founded in 1952 to advance operations research, the science devoted to the study of operating systems. One of the Society's goals is "The establishment and maintenance of professional standards of competence" for operations research.

While the group found faulty professional practices more frequent among scientists opposed to the ABM than among those for it, in its view, neither side was free from fault. The report formulates guidelines for systems analysis aimed at avoiding such faults in public debate.

I shall be out of the country during early September; after September 23 you may reach me at the above address and phone number. Please feel free to call Dr. Caywood at any time.

Sincerely yours,

ROBERT E. MACHOL.

KEY POLICY CONSIDERATIONS AFFECTING SOCIAL SECURITY LEGISLATION

Mr. CHURCH. Mr. President, May has been officially designated as Senior Citizens Month to pay special tribute to our 20 million older Americans now past 65 and the millions more nearing this age.

However, it also takes on an added dimension becase May marks the 6-

month anniversary of the 1971 White House Conference on Aging.

And so, it is appropriate to take stock of what has been done to implement the comprehensive national policy on aging called for at the White House Conference.

On a number of key fronts, important action has been completed for the elderly, including:

Legislation to establish a national hot meals program for persons 60 and older; and

A measure to provide $100 million in funding for the Older Americans Act, the largest appropriation in its history.

In addition, congressional units have areas for aged and aging Americans. The Labor and Public Welfare Subcommittee on Aging, under the able direction of Senator THOMAS EAGLETON, reported out three significant proposals on April 18: the Older American Community Service Employment Act, the Middle-Aged and Older Workers Employment Act, and the Research on Aging Act. And these measures represent a major step forward in implementing key recommendations of the White House Conference.

Equally significant, the Subcommittee on Aging is now considering several proposals to continue, strengthen, or replace the Administration on Aging. This also takes on added meaning because June 30 is the expiration date for the Older Americans Act.

But, no subject is more important for the elderly than social security. It is America's basic insurance system against loss of wages because of retirement, death, or disability. In reality, social security is also family security.

About 91 percent of the elderly now receive or are eligible to receive social security. Approximately 95 percent of the children under 18 and their mothers can count on monthly cash benefits if the family wage earner should die. And, four out of every five men and women aged 21 to 64 are protected in the event their breadwinners should become severely disabled.

However, the adequacy of social security benefits is now under searching scrutiny. The average benefit for the typical retired worker, for example, amounts to $1,596 a year—nearly $300 below the 1970 poverty threshold.

In the very near future the Senate is expected to act on legislation to boost social security benefits. And, the debate on this issue has raised fundamental questions about the size of this increase, underlying actuarial assumptions for the social security system, and other related questions.

Recently, Representative WILBUR MILLS and I introduced companion legislation to provide for a 20 percent across-the-board increase. This measure was based on proposed changes in actuarial assumptions recommended by the prestigious 1971 Social Security Advisory Council.

Because social security issues are very complex, I was quite pleased to see the National Journal publish an excellent description of some of the key policy considerations before us. The article was written by Natalie Davis Springarn, who is a knowledgeable writer in the human resources field.

Mr. President, I recommend the article to Senators, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ECONOMIC REPORT/CONGRESS DEBATES APPLICATION OF BILLIONS IN SOCIAL SECURITY FUNDS

(By Natalie Davis Spingarn)

Democrats and Republicans are competing this year for a one-time-only chance to claim credit with the voters for a multi-billion-dollar bonus for the millions of Americans benefiting from or contributing to the social security system.

Banking on the findings of an expert advisory group that the federal retirement and disability trust funds are greatly over-financed, the Nixon Administration is about to make a technical accounting switch that, in effect, frees immense amounts of money accruing over the next 40 years which the government could devote to reducing social security taxes, increasing benefits, or both.

In this election year, high political stakes are associated with the decision on how to use that money.

One option, espoused by many congressional Democrats, would provide an immediate and large increase in the monthly social security checks of the 27 million beneficiaries of the system. This would be pleasing chiefly to men and women over 62 years of age, who draw most of the benefit checks.

It is an option that tempts the Nixon Administration. The White House has made a number of overtures to the nation's elderly voters, including a fivefold increase (to $100 million) in the budget of the HEW Department's Administration on Aging, which Congress readily accepted. (*See Vol. 4, No. 5 p. 176.*)

But the 20-per cent increase in benefits advocated by House Ways and Means Committee Chairman Wilbur D. Mills, D-Ark., and sponsored by close to one half of the Senate, would add $6 billion to the $25.5-billion budget deficit already projected by the Administration for fiscal 1973.

Another legislative option would reduce the social security tax bite over the long run, thus offering the chance to score with different categories of voters: the younger workers and businessmen whose paychecks and profits are diminished by contributions to the social security system.

A third option would combine the first two: some reduction in tax rates and some benefit hikes. The Senate Finance Committee has acted to focus benefit increases on low-paid workers who are long-time contributors to the system.

Social security reforms this year will be extensive, yet they have received relatively little attention. That is because they are part of one of the most complicated, controversial and long-debated bills to come before Congress in years: HR 1, the measure that would recast the public welfare system in the United States. Until recently, the social security issues have been almost lost in debate on HR 1, taking a back seat to welfare reform, although they may in the end be far more costly.

Need and response: An aged widow whose husband was a social security contributor now gets a monthly check for $114. A retired worker and his wife get $222. In many cases these amounts constitute all or most of the income these citizens receive.

The decennial White House Conference on Aging, held in Washington last December, reported that that such sums were inadequate. It recommended a 25-per cent increase in benefits.

Last year, the House Ways and Means Committee approved, and the House passed, a version of HR 1 containing a 5-per cent across-the-board social security cash-benefit increase.

Since then, Mills has become a candidate for the Democratic Presidential nomination and has changed his mind about the adequacy of the cash benefits in HR 1. On Feb. 23, Mills took the unusual step of introducing a bill (HR 13320) that would raise the cash-benefit increase he had approved last year from 5 per cent to 20 per cent. Mills said that the bigger increase was possible in large part because of the accounting changes and he hoped his new position would influence the Senate to grant a 20-per cent rise.

Mills' proposal was picked up in the Senate by Sen. Frank Church, D-Idaho, chairman of the Senate Special Committee on Aging. Church introduced the measure as an amendment to HR 1 (Senate Amendment No. 999), and it has attracted 45 cosponsors to date, including all the Democratic Senators who are seeking the Presidency, but only seven Republicans, as of April 26.

Because of the change in accounting assumptions, the Mills proopsal could be financed without any increases in the rate of contributions to the trust fund for the next four years. Both employers and employees now contribute 5.2 per cent of earnings up to $9,000, including 4.6 per cent for the cash-benefits program (the Old Age Survivors and Disability Insurance, or OASDI, fund) and 0.6 per cent to finance medicare. Under current law, the OASDI contribution rate would rise to 5 per cent next year and to 5.15 per cent in 1976; the wage base would remain at $9,000.

Mills had proopsed to keep the OASDI contribution rate at 4.6 per cent through 1976 and to increase it to 4.9 per cent in 1977. The wage base would be increased to $10,200 immediately and to $12,000 in 1973. Thereafter, it would be increased automatically to reflect rises in covered wages.

HR 1 as passed by the House also includes a provision, suggested by the Administration, that would cause benefits in the future to rise automatically by 3 per cent, every time the consumer price index rose by 3 per cent.

To date, the Nixon Administration's official position is that the benefit increase should be held to 5 per cent, that the OASDI contribution rate should be reduced to 4.2 per cent, and that the wage base should be raised to $10,200. But Administration spokesmen have indicated that there is room for compromise. And President Nixon would think long and hard about vetoing a big social security benefit increase in an election year—especially one included in a bill containing his prized welfare reform proposal.

The key to action now lies with the Senate Finance Committee, which is in the process of marking up HR 1. Although the committee has voted for "special" minimum benefits ($200 per person per month; $300 per couple) for aged persons who have worked for 30 years in low-paying jobs, it has not yet taken action on issues of across-the-board benefit increases or their financing.

Politics: Historically, he who signs social security legislation raising benefits gets much credit with the voters. A notice is usually enclosed with boosted social security checks telling the recipient he is receiving his extra dollars because of a law signed by the President.

President Eisenhower opposed disability insurance and signed it into law nevertheless, but when letters from grateful disabled men and women and their families began to come to the White House, earlier opposition was quickly forgotten.

Two general benefit increases, totaling 26 per cent, already have been enacted during the Nixon Administration. In each case, the Administration wanted a considerably smaller increase than Congress eventually provided.

Nelson H. Cruikshank, President of the National Council of Senior Citizens, recalls his dismay when he got his last social security benefit boost in 1971. In the envelope was a notice reminding him that President Nixon had signed the law behind the increase.

"They always do that," Cruikshank explained, "but when LBJ was given credit for an increase, you knew he had supported it. That wasn't true of the Nixon Administration. They threatened to veto that '71 increase as inflationary, and it had to be tacked on to other veto-proof legislation as an amendment."

Chairman Russell B. Long, D-La., may have had this in mind when Treasury Secretary John B. Connally and Office of Management and Budget Director George P. Shultz testified before the committee on Feb. 28 and said that the Administration had grave reservations about a 20-per cent rise.

"Well, I hear you . . .," Long said. "I can see enough liberality in your answer that if the President wanted to, he could run for office advocating the same thing that you are asking us to vote down on this committee. I do not like to be left out there like Freddie Flying Squirrel who heads from one tree to another and finds that that is a mirage, it is not a tree at all and then has to turn around in mid-air and head back in the direction he came from.

"If not only my party but the Republican Party as well is going to leave me between now and November, I would like to know about it . . ."

Connally answered: "I would like to suggest that we put this more in perspective. The President has not recommended any increase of 20 percent in social security payments. The Democratic chairman of the Ways and Means Committee did. It may be that you are talking about the wrong flying squirrel."

MATURED SYSTEM

No matter who claims the credit, or what his political label may be, there are going to be changes in the social security system in the United States—changes which will affect the whole approach to the adequacy of benefits for older people, and which may prove a harbinger of more fundamental change. This is true, essentially, because the American social security system has grown up.

Originally limited to old-age benefits for workers in commerce and industry, it has now expanded to provide disability, survivorship and health insurance as well as retirement protection in old age for practically all Americans. It touches the lives of almost every family, and its cash-benefits program is the basic insurance plan in the United States.

Present coverage: Voted into law in 1935, the social security system received its first contributions in 1937 and paid its first monthly benefits in 1940. At the beginning of 1972, its benefits program:

Provided monthly checks to 27,290,000 beneficiaries at a cost of $3.06 billion;

Covered nine out of 10 jobs, with 96 million people contributing to the trust funds during the year;

Could pay benefits to about 91 percent of the elderly when they or their spouses stop working;

Would pay benefits to 93 percent of the people reaching age 65 in 1972;

Could pay benefits to 95 out of 100 children under 18, as well as their mothers, should their family breadwinners die;

Could pay benefits to four out of every five men and women 21–64 years old in the event their breadwinners should suffer a severe and prolonged disability:

Provided survivorship protection worth almost $1,290 billion in life insurance, roughly the same as all private life insurance in the country combined.

The financing instrument for this protection consists of two trust funds: The OASI (Old Age and Survivors Insurance) and DI (Disability Insurance) trust funds. Their combined income for the 12 months ending December 31, 1971 (the trust funds usually are viewed as a single fund called OASDI), was $40.9 billion; outgo was $38.5 billion. The fund's assets at the end of the period totaled $40.4 billion, an amount equaling the surplus of income over outgo from the beginning of the program.

Under the "unified" budget in effect since the late 1960s, net income to the fund is included in the over-all budget of the United States. But the trust fund monies cannot be used for any purposes other than those provided in social security law.

Congress has broadened social security protection and increased cash benefits substantially since the program began, but problems and inequities still exist.

Financial need: Some of the kinks and coverage inequities remaining in the social security program will be ironed out by proposals already in HR 1 and almost certain to be included in the final legislation.

Widows' benefits, for example, would be raised from the present 82.5 per cent of the amount the dead husband would have received to 100 percent.

What is often called the "disincentive" for retired people to work would be reduced: the amount of additional income a social security beneficiary can earn without penalty would rise—from $1,680 to $2,000. Any income above $2,000 (instead of between $1,680 and $2,880) would reduce benefits by $1 for each $2 earned.

But the chief complaints heard from people living on social security, and from lobbies representing them, center on the difficulty an older or disabled person has making ends meet on less than $150 a month.

The automatic cost-of-living escalator already included in HR 1 would improve their situation somewhat; it would make present benefits inflation-proof, but would not in itself increase purchasing power. The White House Conference on Aging in 1971 held that an aged retired couple needed $4,500 to live—social security provided them with an average of $2,664.

As Nelson Cruikshank told the Finance Committee on Jan. 21: "We all know some elderly men and women who are perhaps financially well-off but rarely do we see the hardship and suffering of the millions of the elderly who are the poorest of the U.S. poor. The elderly do not parade their poverty. As a matter of pride, they do their best to hide it."

Cruikshank reminded the committee that "nearly five million men and women aged 65 or over are impoverished and millions more—two million more at the very least—are very close to the poverty level. . . . Men and women age 65 or over represent about 25 per cent of the U.S. poor although they are no more than 10 per cent of the population."

The Senate Committee on Aging recently said that official poverty statistics for people 65 and over do not fully reflect the retirement income crisis. It said, for example, that there are 1.6 million aged "hidden poor"—not counted because they live with their children who have enough income to raise them above the poverty line.

OVERFINANCED FUND

It was against this background that the 1971 Advisory Council on Social Security began its deliberations on changes in the system.

Appointed by then-HEW Secretary Robert H. Finch in May 1969, the 13-member council was chaired by former (1958–61) Republican HEW Secretary Arthur S. Flemming, who also was chairman of the 1971 White House Conference on Aging.

Advisory councils on social security have a long tradition of influence: many of the changes wrought in the social insurance system since 1935 have followed their recommendations. Until 1965, the councils were appointed on an ad hoc basis, but now their appointment is required by law every four years; the next is to be chosen in 1973.

Flemming's group held 17 meetings to consider the whole range of social security cash-benefits and medicare programs.

The group's report, released in April 1971, acknowledged "widespread public concern about the imperfections in our assistance programs," but supported unanimously the principles upon which social security is based:

Social insurance is preferable to public assistance as a method of income maintenance.

Public assistance is designed to backstop social insurance programs and private efforts to maintain income when earnings stop.

Social insurance cannot and should not be expected to do the whole job of income maintenance.

But the council found room for considerable improvements in the cash-benefits program.

It made 22 recommendations, including a cost-of-living escalator for benefits, equal treatment for men and women, and liberalization of limits on extra money that beneficiaries may earn without loss of benefits. Many of these recommendations already are a part of HR 1.

Actuarial surplus: The council proceeded to finding financing for improvements in the systems in a way, Chairman Mills was later to say, that "does not impose an undue tax burden on covered workers and . . . that assures that social security will continue to be financed on a conservative and actuarially sound basis."

Its solution centered around the finding that the social security trust funds are greatly overfinanced until around the year 2011.

Under contribution schedules and benefit levels in present law, reserve money in the funds would rise astronomically—to nearly a trillion dollars by the end of the year 2025. The council estimated that these reserves would soar from $41 billion at the end of 1972 to $112 billion in 1980 to $172 billion in 1990 to $214 billion in 2000.

The council found such large accumulations both "unnecessary and undesirable." Unlike private insurance plans, it said, payment security in the social security program depends not on large reserves of cash but rather on the government's commitment to use its taxing power to raise the necessary funds.

What's more, the council found it "undesirable" for the government to rely to a significant extent on borrowing from unnecessarily large trust funds to finance its general expenses. Trust funds grow out of forced savings, it said; general expenses should be met directly through taxation or borrowing from voluntary sources.

Current-cost financing—Thus the council recommended that social security financing be put on a current-cost basis, with the trust funds maintained at a level approximately equal to one year's expenditures.

In reality, the council noted, this would constitute formal adoption of a system that has existed in fact for some time. Congress never has allowed the trust fund reserves to grow to huge levels, preferring instead to grant benefit increases or tax reductions or both.

The change has the wholehearted support of Robert M. Ball, the commissioner of the Social Security Administration. "Let's write the law in conformity with the facts," Ball says. "It's the right way to do it and it's what Congress does anyway."

The practical effect of this change alone would be to allow postponement until well into the next century of increases in social security contribution rates. The present rate of 4.6 per cent would be more than enough to support present benefit levels, adjusted to price changes, for four decades.

Dynamic assumption—The second major accounting change recommended by the council would contribute to an even greater paper surplus in the trust funds, and thus would allow benefit increases to be granted at the same time that contribution rates were kept at their current level or decreased.

What the council recommended was that the actuarial cost estimates for the cash benefits program be based—as the estimates for medicare are now—on the assumptions that earnings levels will rise over the coming years and that benefit payments will be increased as prices rise.

Up to now, the actuaries have assumed that both earnings and benefits would remain level, or "static," when they computed the long-range cost of the cash benefits.

"Everyone knew this was sheer nonsense," explained one HEW official who has dealt with the program over the years. "Wages do go up—they always have."

The council more charitably labeled the old, "static" assumption a "convenient device for cost-estimating purposes" rather than a "prediction of actual experience"—a device which made realistic consideration of long-range wage and price movements unnecessary and left a considerable margin of safety in financing the program.

It advocated a new "dynamic" accounting method, based on these assumptions:

Earnings levels will rise, reflecting increases in the nation's industrial productivity and capacity to create wealth.

As earnings levels rise, they will bring additional income into the social security program.

The new income coming into the program will be substantially greater than the benefit liability generated by higher income.

The last assumption is correct, at least under the current system, in part because benefits are weighted in favor of low-income workers. A worker who has had yearly income approximating the contribution ceiling, in other words, will get more in benefits than a worker with half that income—but less than as a percentage of his income. As earnings rise, more workers will be contributing up to the ceiling and therefore surpluses will be generated.

The new "dynamic" accounting system assumes that benefits will increase at the same rate as the cost of living. (Congress, in fact, has met or bettered that rate of increase in recent years, and H.R. 1 would make the cost-of-living adjustment automatic.)

It further assumes that wages will continue to rise about twice as fast as prices, as they have in the past. These two assumptions lead to the conclusion that rising wages will produce more income than is needed to meet cost-of-living benefit increases—again leading to surpluses.

Trowbridge: Charles L. Trowbridge, the Social Security Administration's chief actuary, explained in an interview that "as long as the system was immature, as long as a lot of benefits were not given, having the extra money in hand was really good."

For this reason, Trowbridge continued, the level, or static earnings assumption, was "all right for the past. Back in history, it was considered the last thing in the world that the social security system might assume future wages or benefit increases.

"But once you get to the point where the system really does cover almost everyone, where most major groups are included, the extra financing is no longer needed. For this reason and a couple of others, it is time to modify the level earnings assumption."

Trowbridge, who is a vice president of the National Society of Actuaries, considers the adoption of the automatic principle tying benefits to prices a key reason for such a modification. "Up until a year or so ago," he pointed out, "we did not even have the concept of keeping benefits up with prices. Now the law (H.R. 1) will specifically say benefits will go up in proportion to prices.

"The principle of the automatic increase has passed both houses, giving us a clearer track as to what Congress intends, giving us a clue to the dynamic assumption, and leading to a different methodology."

OPINIONS AND PHILOSOPHY

A switch to the dynamic assumption, combined with current-cost financing would, as Trowbridge put it, produce a "one-shot" chance for policy makers to "spend" the money provided by what amounts to an actuarial windfall.

But once the money was used—by liberalizing benefits, reducing scheduled taxes or both—Congress would have had less opportunity to tinker with the social insurance system.

With the OASDI trust fund held to a contingency reserve, the system would not be likely to generate significant actuarial losses or gains on its own. Thus, Congress would end its practice of increasing benefits every few years without enacting commensurate tax increases; each time it wanted to liberalize benefits above the cost-of-living increases, it would have to "cough up more money," as Trowbridge said.

Views of system: The availability of the paper surplus, and the fact that Congress is acting anyway this year to increase social security benefits, have combined to start a debate that gets at the very philosophy underlying the social insurance program.

The traditional view of the social security system holds that it provides a basic floor of income protection for retired workers, that benefits should be seen as a base which other sources can supplement—private pensions, savings, home ownership and the like. This view militates against large increases in benefits above cost-of-living boosts, and for holding payroll taxes down. It is generally held by business interests and is reflected to an extent in the Nixon Administration's proposals. Short-term considerations, chiefly budgetary in nature, also play a part in the Administration's opposition to large benefit increases.

At the other end of the spectrum, spokesmen for the elderly, including Cruikshank and a sizable contingent of Democrats in Congress, say that in fact most retired people have no other source of income and therefore benefits should be increased to the point where they can maintain a decent standard of living. Cruikshank argues that social security should be viewed more as an income-maintenance program and that trust fund revenues should be supplemented by funds from the government's general revenues. That view, if adopted, might tend to blur the distinction between the social security program and the welfare program, which is entirely financed from general revenues.

Another basic philosophical question that Congress is addressing this year concerns the degree to which social security benefits should be wage-related—that is, the extent to which those who contribute more to the system than others should get greater benefits. The Senate Finance Committee's moves to grant special benefits to long-term, low-income workers would increase the income-redistribution features already present in the social security program.

Myers: Robert J. Myers, chief actuary of the social security system from 1947 to 1970, has emerged as the prime theoretician of the traditional view of the program.

A Republican, Myers made a vain attempt to persuade the new Nixon Administration in 1969 that Commissioner Ball, who was appointed during the Kennedy Administration, had "strong beliefs in the desirability—even the necessity—of the public sector taking over virtually all economic security provisions for the entire population and thus eliminating private efforts in this area." That judgment was expressed in a letter of resignation to Robert Finch, then HEW Secretary.

In recent speeches, articles and testimony, Myers has criticized the "expansionist" view, which, he claims, "would necessarily lead to the virtual elimination of private-sector activities in the economic security field."

"They might as well have kept Cohen as Secretary," says Myers of HEW's current approach to social security issues. While former HEW Secretary (1968–69) Wilbur J. Cohen and Myers are old friends, Cohen is an "expansionist," Myers said. Myers considers himself a "conservative moderate."

Myers, who is president this year of the Society of Actuaries, sees the advisory council's key "dynamic earnings" assumption as evidence of the expansionist point of view, and warns that it may be imprudent to calculate the cost of future cash benefits on the basis of ever-rising U.S. productivity.

Very small errors in estimating the spread between price increases and wage gains, he said, could cause "terrific differences" in cost calculations.

Chamber of Commerce: Myers' views of the advisory council recommendations square with those of the Chamber of Commerce of the U.S., for which he has done an analysis of the Mills social security proposal.

In testimony before the Senate Finance Committee, and in its newsletters, the chamber charges that the social security provisions of the House-passed H.R. 1 are an extraordinarily expensive package which proposes an "oppressive tax burden on workers and employers."

The chamber's *Washington Report on Labor* for February–March claims that HR 1 would impose a cumulative OASDI tax increase amounting to $57 billion by 1978. "And as if that were not bad enough," it continued, Mills "has suddenly called on the Finance Committee to boost benefits by 20 per cent across-the-board, and has introduced legislation in the House (HR 13320) that would do just that."

William P. McHenry Jr., economic security manager for the chamber and its spokesman on social security issues, echoes Myers' warnings about the risks inherent in the council's dynamic-earnings assumptions. "Serious questions," he says, are raised by the assumption of those advocating the accounting switch that wages will increase at an annual rate of 5 per cent and that prices will increase by 2.75 per cent a year. "What if there's a difference?" he asks. "What if the two were only slightly closer—say a 3-per cent annual increase in prices and a 4-per cent increase in wages? Then we'd end up behind the eight ball. Where would the tax money come from?"

(Trowbridge argues that no economists have suggested that such a marked decline in the rate of productivity increases might occur, but says that he will include a three-eighths-of-one-per cent "margin of conservatism" in calculating the margin between wage and price increases. With that margin, he said, the spread between the two could narrow from 2.75 per cent to one and seven-eighths per cent and "we'd still be all right."

The chamber's position, as expressed by McHenry last October in testimony before the Senate Finance Committee, is that the tax base should be kept at $9,000 for 1972–73, that contribution rate increases should be stretched out over a long period of time so as to keep taxes low for as long as possible, that the 5-per cent increase in HR 1 should be rejected because "the benefit level is currently well ahead of the rise in living costs," and that the automatic escalators for benefits and the wage base should be rejected.

McHenry told the committee that the automatic escalators in HR 1 would create "very serious problems for employers trying to integrate their pension plan benefits with the social security program," saying that there would be a great deal of duplication in benefits, leading to over-all higher costs.

A very harsh view of Mills' proposal was expressed in a Feb. 28 editorial in the *New York Journal of Commerce*, Mills, the business news newspaper said, was "merely advocating that more use be made of social security as a device to speed American society down that primrose path to a welfare state."

Doubting the truth in assertions that the retirement system is overfinanced, the newspaper described as "well-justified" Republican candidate Alf Landon's view during the 1936 Presidential campaign that the social security system would prove merely a device for redistributing income.

Cruikshank: Nelson Cruikshank, putting higher priority on the worker's retirement benefits than on the businessman's current tax, claims the "basic floor of protection" theory to be illusory.

Citing a study of private pensions conducted by the Senate Committee on Aging showing only a minority of workers—and these among the most favored in other respects in fact receive pensions, he holds that pension plans are "too often characterized by high eligibility requirements, are payable only to those with extremely long terms of service in one industry or for one employer and in most cases make no provision for survivors." (*For a report on proposed regulation of private pension plans, see Vol. 3, No. 21, p. 1096.*)

He adds that the burdens of family finance during workers' early years usually preclude substantial savings and that home ownership has often proved a bitter disappointment" in planning for retirement; many homes are in decaying urban centers where property values are declining and property taxes are rising.

Cohen: Like Cruikshank, former HEW Secretary Wilbur Cohen favors an immediate and substantial increase in benefits. Now dean of the University of Michigan's School of Education, Cohen often comes to Washington to consult or testify, and he appeared before the Senate Finance Committee Feb. 3 to comment on H.R. 1.

In an interview, Cohen said that "it is imperative that we increase social security benefits to presently living persons rather than make increased benefits effective only in the distant future."

By changing the assumptions on which the long-range actuarial costs are computed, he said, benefit increases can be granted now without impairing the integrity of the system over the long run.

Thus, Cohen feels Mills' 20-per cent across-the-board increase is "a masterful statesmanlike balancing of present and future considerations."

He points out that "even if Congress doesn't adopt the proposal immediately, sooner or later a change in the actuarial assumptions will permit substantial increases in benefits by some future Democratic Administration."

Special minimum: The Senate Finance Committee's action to grant special benefits to long-term but poor contributors to the social security system raises basic philosophical questions about the wage-related principle of the program.

Yet Chairman Long has reported that votes for the minimums were unanimous. The offices of two influential Republican Senators—the committee's ranking minority member, Wallace F. Bennett of Utah, and Assistant Minority Leader Robert P. Griffin of Michigan, confirm that they voted for the minimums.

J. Douglas Brown, the Princeton professor emeritus who was chairman of the Social Security Advisory Council of 1938 and a member of all succeeding advisory councils, has spoken out sharply against the Senate panel's approval of special minimums for people who have contributed long but little to the social security system.

In a letter to *The New York Times* on March 31, Professor Brown wrote that the committee action on the social security program "is the most serious threat to the soundness of that program since its enactment. . . . The Senate Finance Committee after 37 years of solid progress wants to introduce a long-discarded fallacy that contributory social insurance and public assistance can be mixed."

Brown argued that the Senate panel appeared "to be willing to pour out the baby with the bath in finding an easy way to buttress a weak program of public assistance by eliminating the long-earned rights of millions to equitable differentials in benefits."

But Sen. Abraham A. Ribicoff, D-Conn., a Finance Committee member who is one of the chief sponsors of the special minimums approach, argues that it would "pour real meaning" into the social insurance concept by assuring that "a guy who worked a long number of years, not a guy who loafed, is not going to have to live in poverty when he retires.

Wilbur Cohen adds that the Finance Committee approach is not really a wholly new departure since the American social security system always has been weighted on behalf of the lower-income worker.

"Why should a janitor who has worked hard for 30 years have to go on welfare?" Cohen asked. "Assuring the hard worker a minimum retirement income is the very opposite of welfare."

General revenues: The Finance Committee's approach could ultimately mean a move toward financing social security in part through general revenues.

This would dilute the contributory, wage-related nature of the system, and the concept of general-revenue financing has not yet been seriously considered by the government, although support is slowly growing.

The 1971 advisory council said it was not necessary or desirable to finance benefits with general government revenues, although a four-member minority took "strong exception" to this view and filed a statement recommending that general revenues contribute one-fifth of the benefits immediately, rising gradually to one-third.

Cruikshank is among those who advocate that social security costs be evenly divided between employees, employers, and general revenues. "Full-rate benefits were paid all covered workers in the early days of the social security program as if they had contributed to it all their working years," Cruikshank says. "Today's workers are still paying this cost which amounts to an estimated one-third of the cost of the social security program."

Andrew J. Biemiller, the AFL–CIO legislative director, on Jan. 31 told the Finance Committee: "The social security system should continue to be financed primarily by contributions of employers and employees. But the time has come to begin a systematic introduction of some general-revenue financing in order to establish a fully adequate social security system. Without general revenues, the contribution rate required for needed major reforms would place an unfair burden on the low-wage worker, since considered solely as a tax, this contribution is regressive." (The AFL–CIO now is strongly supporting the Mills-Church proposal.)

Cohen points to the tradition of using some general revenues for social security purposes in many foreign nations. But he says that general-revenue financing in the "American environment" should not contribute more than one-third of social security costs. "If Congress goes to complete financing through general revenues," Cohen explains, "it may inevitably have to go to a means test, and the American public doesn't want a universal, means test for old age."

(In the public welfare program, completely financed by general revenues, the government must determine the true extent of need through such a "means test"—by interrogating applicants for public assistance.)

Six Senators have introduced bills that would provide one degree or another of general-revenue financing for social security: Church, Vance Hartke, D.-Ind., Mark O. Hatfield, R.-Ore., Hubert H. Humphrey, D.-Minn., Thomas J. McIntyre, D.-N.H., and William B. Saxbe, R.-Ohio. Seven such bills have been introduced in the House, and one has 20 cosponsors.

Muskie: An even more extensive reform has been proposed by Sen. Edward S. Muskie, D.-Maine, like Humphrey a candidate for the Democratic Presidential nomination.

In a bill (S. 2656) introduced last October and co-sponsored by Sen. Walter F. Mondale, D.-Minn., Muskie proposed that the ceiling on contributions be removed and that the social security system be financed essentially according to the principles of the graduated income tax, although limited to earned income.

The bill has not advanced in the Senate and Muskie has signed up as a co-sponsor of the Church 20-per cent increase proposal.

STEPS TOWARD CHANGE

The advisory council's recommendations were presented to HEW Secretary Elliot L. Richardson in March of last year, and were transmitted to Congress on April 1.

That was too late for the recommendations to be seriously considered by the House Ways and Means Committee, which reported HR 1 on May 26, 1971. The House passed its version of the welfare-social security bill on June 22.

At hearings of the Senate Finance Committee, held intermittently from July 1971 to January 1972, welfare reform held center stage. Although a few witnesses, including Myers and Biemiller, testified to the advisory council recommendations, they excited little attention.

Mills strategy: It was not until Feb. 23 that serious political attention was given to the fact that the advisory council's recommendations held the key to the actuarial look on a brand new pot of gold.

On that date—13 days before the New Hampshire primary and 21 days before large numbers of elderly citizens were to vote in Florida's primary—Mills introduced his bill (HR 13320) calling for a 20-per cent across-the-board increase in benefits.

Mills emphasized at the time that the increase could be made "without jeopardizing the fund or without requiring one cent of money to be transferred from the general fund into the social security fund."

He said that social security benefits "are the major reliance of the great majority of retired workers and the sole reliance for about half of them," noting that only 21 per cent of couples receiving the benefits also received income from private pensions and that this is true of 8 per cent of unmarried beneficiaries.

On the House floor, Mills said he would like the Senate to consider his bill "as an amendment in lieu of the 5 per cent (already in HR 1), and let us face it in conference with them, which is the quickest way to enact it."

The 20-per cent increase, Mills told the House, would send the minimum benefit from $70.40 a month to $84.50. The increase, combined with other provisions of HR 1, would boost average benefits for retired workers from $133 a month to $162, for aged couples from $222 to $269, and for aged widows, from $114 to $153.

Administration position: Ball and Richardson argued successfully within Administration councils for adoption of the new accounting principles advocated by the advisory council.

In a draft Secretarial memorandum early in the year, Social Security Administration officials argued for a roll-back in the social security contribution rate, but also pointed out that substantial across-the-board benefit increases—as much as 20 percent—could be made under the new accounting methods by keeping currently schedule rates.

There was some doubt after Mills introduced his bill as to how the Administration would react. Long told OMB director Shultz on Feb. 28 that he would like an answer as to whether the President might veto a 20-per cent increase, saying that "otherwise, I would think that those of us who are not planning to get reelected this year in any event but are just trying to think of what's good for the public would like to vote for it." Shultz did not provide a direct reply, but said that "some very great problems are posed by a movement to a 20-per cent increase and they concern the bugdet as a whole."

But on March 21, testifying before a House subcommittee, Richardson said that the Administration would stick by its original position—that the social security benefit increase should be held to 5 per cent.

Two days later, appearing before the Senate Labor and Public Welfare Subcommittee on Aging, Richardson said that "a Republican President could expect in many situations like this to be outbid no matter what he might propose, and, of course, this has happened again and again, and naturally we have to take that into account in the manner in which we deal with the evolving processes between a given proposal originating on the congressional side and the eventual result of the legislative processes."

Subcommittee Chairman Thomas F. Eagleton, D-Mo., noted that Congress twice had voted social security increases during the Nixon Administration—providing about double the benefit boosts that the Administration officially had endorsed.

He told Richardson: "It seems in your statement you are basking in the glory of a 26-per cent increase in social security, but over the dead body of the Administration, or is that putting it too strongly?"

Richardson replied: "I would suggest, Mr. Chairman, that that is putting it too strong. I referred to a comprehensive strategy. I am raising the 26-per cent increase—I think it is commonplace that the interaction of the executive and the legislative branches of government often produces a desirable resultant of the competing forces."

Richardson then went to the White House to brief the press on the President's "Message on Older Americans," sent to Congress the same day.

He explained that Mr. Nixon was urging Congress to roll back the OASDI contribution rate to 4.2 per cent, but that benefit increases in HR I would total $5.5 billion a year when fully effective, including $3 billion in general social security benefits and $2.5 billion in new benefits for the needy elderly.

Richardson held the cash-benefits door slightly ajar: This might not be the "last word" on income benefits under social security; Administration officials were continuing "to work with the Congress to examine all competing claims to the OASDI trust fund."

Asked if the Administration had accepted the advisory council's accounting recommendations, he replied, "Yes, we have informed the Congress that we have accepted and recommend this advice."

But he added that there had been a great deal of misunderstanding about the potential results of the new accounting methodology. In the long run, he said, benefits in the Mills proposal would demand both a higher contribution rate and higher wage base than those included in H.R. 1.

Senate Finance action: The Senate Finance Committee would certainly consider Mills' proposal, Chairman Long said on Feb. 23.

But, Long added firmly, "the committee also would consider other alternatives." Long said he was exploring, with Sen. Ribicoff, new ways in which a 20-percent expenditure increase could be "shaped into a measure to assure that those who have worked and paid social security taxes for an entire lifetime would be substantially better off than they would be as welfare clients."

On March 27, Long announced that the Finance Committee had unanimously voted a new approach to a social security cash-benefits boost—one that would assure, not only an across-the-board increase, but also an "adequate" retirement income for older people who had worked for many years in low-paying jobs.

Under the panel's special minimum proposal, an individual would receive a minimum of $10 a year for each year worked in covered employment—not counting the first 10 years. Someone with 20 years in covered employment would get $100, with 25 years $150, and with 30 years, $200 a month (the spouse's benefits would add another 50 percent thus bringing payments to married couples to $300 a month.) The first-year cost would be $400 million above the House-passed version of H.R. 1, with its 5-percent increase. If the Finance Committee raised the general benefits increase to 10 percent, the cost of the special minimum would drop to $300 million.

On April 5, the Finance Committee further emphasized increasing old-age assistance for the very poor—those receiving welfare payments.

Its decision was to increase federally financed welfare payments under a complicated formula that would guarantee the two-thirds of aged welfare clients who get small social security checks a minimum annual income of $2,160 a year ($180 a month) for a single person and $2,940 for a couple ($245 a month), at a cost of about $5.7 billion in the first year.

The committee's plan would allow elderly, blind and disabled welfare recipients to keep $50 a month in outside income including social security benefits, $50 a month of earned income and half of any earned income over $50.

Thus, these welfare recipients would lose $1 for every $2 earned above the specified minimum.

The panel's proposals would move an estimated four million blind, disabled and elderly people above the poverty line.

The House-passed version of HR 1 provides a minimum guarantee of $130 a month in welfare benefits for a single person with no other income and $195 a month for a couple. It would require that any social security benefits be subtracted from these amounts.

The Senate Finance Committee also is considering other expensive changes in the social security law—prescription-drug coverage under medicare, for example. And with the over-all cost of the legislation in mind, Long said on April 6 that his committee would endorse an across-the-board increase in social security benefits of not less than 10 per cent but not more than 15 per cent.

OUTLOOK

There is little doubt that Congress will approve substantial modifications in the social security program this year.

But there remains much doubt as to whom the main beneficiaries of the changes will be—the present generation of contributors or the present generation of benefit recipients.

In an interview, Mills noted that the House-Senate conference committee on HR 1 would not be able to vote a general increase exceeding that passed by either chamber. Thus, if the Senate's figure was 15 per cent, that would constitute the practical limit on the across-the-board figure that could be approved by the conferees.

But Mills says he is "still optimistic" that the 20-per cent general increase he favors will emerge as the Senate's position. The Church amendment, which will be put to a vote on the Senate floor, is only 6 votes short of a majority in the Senate, on the basis of co-sponsors signed up to date. The amendment is likely to draw additional support from Democrats and Republicans.

The Nixon Administration continues to hold to its recommendation that payroll taxes be reduced and that the benefit increase be held to 5 per cent. On April 19, John D. Ehrlichman, assistant to the President for domestic affairs, told reporters that the White House supports the House-passed version of HR 1 and is concerned about the "prohibitive cost" of the version moving through the Finance Committee.

In an interview, Ehrlichman said that "we can't take 20 per cent. If written right, we could take as much as 10 per cent. But we've got a budget crunch."

Ehrlichman said there already had been "uneprecedented" increases in social security benefits during the Nixon Administration: "We think 20 per cent is a political ploy and cannot be considered seriously," he said.

But the Mills' advocacy of a 20-percent increase, and the fact that 45 Senators have co-sponsored Church's amendment, constitute strong evidence that congressional Democrats, at least, are serious about the proposal.

Thus the debate in its simplest terms pits those who want big increases in benefits and relatively high tax rates against those who prefer smaller benefit increases and lower levels of taxation.

There has been little organized pressure on the government to roll back social security contribution rates scheduled for the future. The rates now total 10.4 per cent of the wage base—counting OASDI and medicare contributions by both employer and employee.

But concern about the size of payroll taxes reflected in the Administration's position also was voiced in 1970 by all 10 Republican members of the Ways and Means Committee. In views filed with the committee's report on that year's legislation increasing social security benefits and tax contributions, the 10 Republicans expressed concern about "the growing burden of payroll taxes on our working population." They warned that "the income that a worker can currently devote to future contingencies is limited by his ability to meet the immediate needs of his family. If the cost of social security cuts too deeply into daily living requirements, people will begin to make unfavorable comparisons between current costs and distant benefits. If the time ever comes that current workers are unwilling to bear the cost of providing benefits to current retirees, the social security system will be in real danger and those who will stand to lose most will be the current beneficiaries."

The advisory council's accounting recommendations make it possible for Members of Congress to support relatively big benefit increases that could be financed under contribution rates no larger than those which passed the House in HR 1—with the support of the Administration and of nearly two-thirds of voting House Repblicans.

And the trend of Senate Finance Committee action—which has focused more on the question of adequate benefits for social security recipients than on the level of taxation—along with the groundswell of support for the Mills-Church proposal, make it likely that the White House will receive from Congress a social security package considerably more expensive than it desires.

Monthly Benefits

The Social Security Administration says that as of the end of 1971 the following amounts were being paid out monthly to various categories of beneficiaries:

Retired worker alone, with no dependents receiving benefits: $128.

Retired worker and wife aged 62 and over, both receiving benefits: $222.

Widowed mother and two children: $325.

Aged widow alone: $114.

Disabled worker, wife (under 65) and one or more children: $294.

The average monthly amount paid to individuals for old-age benefits was $132 and for disability benefits, $147.

Tax Rate Proposals

The table below shows the tax rate that would be required under various versions of the social security bill (HR 1) now before Congress.

The tax rate is applied against a ceiling of wages, currently $9,000 under existing law. Under HR 1 as passed by the House, the wage base would rise to $10,200 this year and would be adjusted automatically thereafter to account for rises in earnings of social security contributors.

Under a proposal introduced by Rep. Wilbur D. Mills, D-Ark., the wage base would rise to $10,200 in 1972, and to $12,000 in 1973; thereafter automatic adjustments would be made.

The tax rate figures in the last two columns are based on recommendations made by the 1971 Advisory Council on Social Security that actuarial changes be made which, in effect, create a paper bonus in the social insurance trust funds.

The Administration supports the 5-per cent across-the-board benefit increase in HR 1 as passed by the House. But it also has said that it has accepted the actuarial changes suggested by the advisory council and that it supports rolling back taxes; the third column shows the tax rate that would be required under the accounting change to support the benefits in HR 1.

Mills would like to increase benefits by 20 per cent across the board, and this plan would require a higher level of tax contributions law.

Year	Present law	H.R. 1	H.R. 1 (new method)	Mills proposa
1972	4.60	4.2	4.2	4.6
1973–74	5.00	4.2	4.2	4.6
1975	5.00	5.0	4.2	4.6
1976	5.15	5.0	4.2	4.6
1977 to 2010	5.15	6.1	4.5	4.9
2011 and after	5.15	6.1	5.75	6.1

The Social Security Administration says that under present law the average contribution in 1973 to the social security funds would be $298.09. Under HR 1 as passed by the House contributions would average $298.73, and under Mills' proposal $313.85.

Average retirement benefits in 1972, the agency said, would be $1,596 per year under present law and would be $1,692 under HR 1 and $1,932 under the Mills plan.

The Credit Problem

Claiming credit with the voters for social security benefit increases can be a difficult job for Members of Congress, as Rep. Wilbur D. Mills, D-Ark., can testify.

Mills, chairman since 1958 of the House Ways and Means Committee which writes social security legislation, tells a story about an encounter with a constituent 16 years ago, shortly after Congress had extended social security benefits to disabled workers.

President Eisenhower, Mills recollected, had strongly opposed the disability legislation that was working its way through Congress in 1956. "There was a feeling downtown that he would veto it," Mills said. "One of his Cabinet Secretaries came to me and Bob Kerr (Robert S. Kerr, Democratic Senator from Oklahoma from 1949 to 1963 and then ranking Democrat on the Senate Finance Committee) and we told him we would pass it at the end of the session and he could veto it." But Mr. Eisenhower eventually signed the disability-benefits program into law, "on the basis of our persuasion," said Mills.

The first disability benefit checks were mailed out in 1957.

Shortly thereafter, Mills was approached by a disabled man as he was walking down the street in his home town of Kensett, Ark. As Mills tells the story, "this fellow said, 'Mr. Congressman, I want you to thank the President for my disability insurance.'

"I straightened him out pretty quick," Mills recalled.

Today, the Nixon Administration is resisting a proposal by Mills to grant an across-the-board increase of 20 per cent in social security benefits.

But ironically, should this measure be enacted Mills most likely would find the same difficulties in informing the voters of his own role and that of other Democrats in Congress in writing the increase into law. For it is the custom to enclose notices with each increase in benefits saying that they are provided under legislation signed by the incumbent President.

BUNDESTAG PASSES TWO TREATIES

Mr. CHURCH. Mr. President, it is with gratitude that we learn that the German Bundestag today voted favorably on ratification of friendship treaties with the Soviet Union and Poland. The vote on the Moscow Treaty was 248 for, 10 against, and 238 abstensions; on the Warsaw Treaty the tally was 248 for, 17 against, and 231 abstensions.

I sincerely hope that the German upper chamber will soon concur with the decision just taken by the lower house, and that the treaties will come into force, not only benefiting Berlin, but also helping to relieve tension throughout the whole of Europe.

I ask unanimous consent that an article on the subject, written by former Ambassador Averell Harriman; the Bundestag joint resolution, which was adopted by a vote of 491 for, none against, five abstensions; and the treaties concerned be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 2, 1971]

Giving Brandt a Chance

(By W. Averell Harriman)

WASHINGTON.—In one of the most fateful and uncertain votes of recent years, an almost evenly divided West German Bundestag will shortly be asked to ratify the treaties Chancellor Brandt has negotiated with Moscow and Warsaw.

Relations with these countries have been so improved that the West German Chancellor has been warmly received in both former enemy capitals. His initiatives have been widely welcomed and he has been awarded the Nobel Peace Prize. Agreement has been reached among the four occupying powers and the German authorities which could finally settle the problem of Berlin. But all hinges on the forthcoming vote. If the treaties are defeated, a chain of unfortunate events will be unleashed that could check and perhaps reverse the trend toward settlement of East-West differences.

A provision of prime importance in the treaties is the acceptance by West Germany of the Oder-Neisse line as the permanent western border of Poland. The Potsdam Conference of July 1945, permitted Poland to assume administrative responsibilities for former German territories up to that line but left the final determination to the peace settlement, which 27 years later has still not taken place.

This lack of legal settlement has kept alive an unrealistic hope among expellees from the lost territory and other Germans that the de facto boundary might be changed. This has led to fear of German revanchism in Eastern Europe, and undermines stability.

The United States, as well as the European countries, East and West, have a profound interest in the final acceptance of the existing border. Everyone will benefit from a relaxation of tensions and fears.

With ratification of the treaties, the people of Poland and other Eastern European countries will feel more secure and be less apprehensive about Germany. When Poles feel threatened by Germany, they turn to Moscow for protection. As they feel more secure, their natural and historic desire to look toward the West will be encouraged.

Moscow has indicated that it will not make any additional concessions to secure ratification. A cold period of Bonn-East European relations or even East-West relations is likely to ensue if the treaties fail in the Bundestag. Without ratification Moscow also has stated it will not implement the agreements on West Berlin. It would be tragic if anything should happen to set aside this most constructive and painstakingly negotiated agreement that would go far toward stabilizing Berlin which has been the most explosive point in Europe.

With the repudiation of the treaties, the possibility of further progress would be lost. There would be no European security conference. Negotiations for a mutual balanced reduction of forces in Europe, the best way to bring United States troops home, would be stalled. The failure of West Germany to relieve tensions by ratifying the treaty its Government had negotiated would increase support in Congress for the Mansfield amendment requiring large unilateral withdrawals of United States forces in Europe, an unwise way to reduce our presence.

This Administration has been ambivalent about the Brandt *ostpolitik* and has not put its full influence behind it. It has evidently been fearful that a decrease in tension might reduce NATO solidarity. But the effect on the Warsaw Pact would be at least as great. In any event, the purpose of NATO is not the structure itself but to add to security. Settlement of areas of conflict furthers that goal. The Administration has seemed so wrapped up in the meetings in Peking and Moscow that it has neglected our vital interests in other European relationships.

The Christian Democratic party in Germany is using the treaty vote to attempt to bring down the Brandt Government and bring itself to power. It is shameful to permit domestic politics to upset vital European progress. The Christian Democrats' failure to muster the necessary absolute majority by just two votes in last week's vote of no-confidence still leaves the situation precarious because for ratification it will be Brandt who must obtain an absolute majority.

The Christian Democrats have taunted Brandt over lack of American support for his *ostpolitik*. Certainly the United States should bring strong pressure quietly but firmly on the Christian Democrats making plain our concern over their opposition to ratification. They should understand that if they come into power by blocking the treaties this will adversely affect our relations. It is hard to believe that if such representations were made by the United States they would not sway the few votes which are necessary to insure ratification. I earnestly hope that the United States Government will act before it is too late.

THE JOINT RESOLUTION OF THE BUNDESTAG

In connection with the voting on the treaty of 12 August 1970 between the Federal Republic of Germany and the Union of Soviet Socialist Republics, and on the treaty of 7 December 1970 between the Federal Republic of Germany and the Polish People's Republic concerning the basis for normalizing their mutual relations, the German Bundestag declares:

1. One of the determining aims of our foreign policy is to preserve peace in Europe and the security of the Federal Republic of Germany. The treaties with Moscow and Warsaw, in which the contracting parties solemnly and wholly renounce the use of force, are designed to serve those aims. They constitute important elements of the modus vivendi which the Federal Republic of Germany seeks to establish with its eastern neighbors.

2. The Federal Republic of Germany has assumed in its own behalf the obligations it undertook in the treaties. The treaties proceed from the frontiers as actually existing today, the unilateral alteration of which they exclude. The treaties do not anticipate a peace settlement for Germany by treaty and do not create any legal foundation for the frontiers existing today.

3. The inalienable right to self-determination is not affected by the treaties. The policy of the Federal Republic of Germany aiming at the peaceful restoration of national unity within the European framework is not in contradiction to the treaties which do not prejudice the solution of the German question. By demanding the implementation of the right of self-determination, the Federal Republic of Germany does not make any territorial claims nor does it claim any alteration of frontiers.

4. The German Bundestag states that the continued and unrestricted validity of the Bonn conventions and of the related arrangements and declarations of 1954 as well as the continued validity of the agreement concluded on 13 September 1955 between the Federal Republic of Germany and the Union of Soviet Socialist Republics are not affected by the treaties.

5. The rights and responsibilities of the four powers relating to Germany as a whole and to Berlin are not affected by the treaties. In view of the fact that the final settlement of the German question as a whole is still outstanding, the German Bundestag considers as essential the continuance of those rights and responsibilities.

6. As regards the significance of the treaties, the German Bundestag furthermore refers to the memoranda which the Federal Government has submitted to the legislative bodies together with the bills for the ratification of the treaties of Moscow and Warsaw.

7. The Federal Republic of Germany is firmly embedded in the Atlantic alliance which continues to form the basis of its security and freedom.

8. The Federal Republic of Germany will, together with its partners in the community, unwaveringly pursue the policy of European unification with the aim of developing the community progressively into a political union.

In this connection the Federal Republic of Germany proceeds on the understanding that the Soviet Union and other socialist countries will enter into co-operation with the EEC.

9. The Federal Republic of Germany reasserts its firm resolve to maintain and develop the ties between Berlin (West) and the Federal Republic of Germany in accordance with the quadripartite agreement and the German supplementary arrangements thereto. It will also in the future ensure the city's viability and the well-being of its people.

10. The Federal Republic of Germany advocates the normalization of the relationship between the Federal Republic of Germany and the GDR. It proceeds on the understanding that the principles of detente and good neighbourliness will be fully applied to the relationship between people and institutions in both parts of Germany.

TREATY BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE UNION OF SOVIET SOCIALIST REPUBLICS

The High Contracting Parties

Anxious to contribute to strengthening peace and security in Europe and the world,

Convinced that peaceful co-operation among States on the basis of the purposes and principles of the Charter of the United Nations complies with the ardent desire of nations and the general interests of international peace,

Appreciating the fact that the agreed measures previously implemented by them, in particular the conclusion of the Agreement of 13 September 1955 on the Establishment of Diplomatic Relations, have created favourable conditions for new important steps destined to develop further and to strengthen their mutual relations,

Desiring to lend expression, in the form of a treaty, to their determination to improve and extend co-operation between them, including economic relations as well as scientific, technological and cultural contacts, in the interest of both States,

Have agreed as follows:

ARTICLE 1

The Federal Republic of Germany and the Union of Soviet Socialist Republics consider it an important objective of their policies to maintain international peace and achieve detente.

They affirm their endeavour to further the normalization of the situation in Europe and the development of peaceful relations among all European States, and in so doing proceed from the actual situation existing in this region.

ARTICLE 2

The Federal Republic of Germany and the Union of Soviet Socialist Republics shall in their mutual relations as well as in matters of ensuring European and international security be guided by the purposes and principles embodied in the Charter of the United Nations. Accordingly they shall settle their disputes exclusively by peaceful means and undertake to refrain from the threat or use of force, pursuant to Article 2 of the Charter of the United Nations. Accordingly they shall settle their disputes exclusively by peaceful means and undertake to refrain from the threat or use of force, pursuant to Article 2 of the Charter of the United Nations, in any matters affecting security in Europe or international security, as well as in their mutual relations.

ARTICLE 3

In accordance with the foregoing purposes and principles the Federal Republic of Germany and the Union of Soviet Socialist Republics share the realization that peace can only be maintained in Europe if nobody disturbs the present frontiers.

They undertake to respect without restriction the territorial integrity of all States in Europe within their present frontiers;

They declare that they have no territorial claims against anybody nor will assert such claims in the future;

They regard today and shall in future regard the frontiers of all States in Europe as inviolable such as they are on the date of signature of the present Treaty, including the Oder-Neisse line which forms the western frontier of the People's Republic of Poland and the frontier between the Federal Republic of Germany and the German Democratic Republic.

ARTICLE 4

The present Treaty between the Federal Republic of Germany and the Union of Soviet Socialist Republics shall not affect any bilateral or multilateral treaties or arrangements previously concluded by them.

ARTICLE 5

The present Treaty is subject to ratification and shall enter into force on the date of exchange of the instruments of ratification which shall take place in Bonn.

Done at Moscow on 12 August 1970 in two originals, each in the German and Russian languages, both texts being equally authentic.

For the Federal Republic of Germany:

WILLY BRANDT,
WALTER SCHEEL.

For the Union of Soviet Socialist Republics:

ALEXEI N. KOSYGIN,
ANDREI A. GROMYKO.

TREATY BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE PEOPLE'S REPUBLIC OF POLAND CONCERNING THE BASIS FOR NORMALIZING THEIR MUTUAL RELATIONS

Considering that more than 25 years have passed since the end of the Second World War of which Poland became the first victim and which inflicted great suffering on the nations of Europe,

Conscious that in both countries a new generation has meanwhile grown up to whom a peaceful future should be secured,

Desiring to establish durable foundations for peaceful coexistence and the development of normal and good relations between them,

Anxious to strengthen peace and security in Europe,

Aware that the inviolability of frontiers and respect for the territorial integrity and sovereignty of all States in Europe within their present frontiers are a basic condition for peace,

Have agreed as follows:

ARTICLE I

(1) The Federal Republic of Germany and the People's Republic of Poland state in mutual agreement that the existing boundary line the course of which is laid down in Chapter IX of the Decisions of the Potsdam Conference of 2 August 1945 as running from the Baltic Sea immediately west of Swinemunde, and thence along the Oder River to the confluence of the western Neisse River and along the western Neisse to the Czechoslovak frontier, shall constitute the western State frontier of the People's Republic of Poland.

(2) They reaffirm the inviolability of their existing frontiers now and in the future and undertake to respect each other's territorial integrity without restriction.

(3) They declare that they have no territorial claims whatsoever against each other and that they will not assert such claims in the future.

ARTICLE II

(1) The Federal Republic of Germany and the People's Republic of Poland shall in their mutual relations as well as in matters of ensuring European and international security be guided by the purposes and principles embodied in the Charter of the United Nations.

(2) Accordingly they shall, pursuant to Articles 1 and 2 of the Charter of the United Nations, settle all their disputes exclusively by peaceful means and refrain from any threat or use of force in matters affecting European and international security and in their mutual relations.

ARTICLE III

(1) The Federal Republic of Germany and the People's Republic of Poland shall take further steps towards full normalization and a comprehensive development of their mutual relations of which the present Treaty shall form the solid foundation.

(2) They agree that a broadening of their co-operation in the sphere of economic, scientific, technological, cultural and other relations is in their mutual interest.

ARTICLE IV

The present Treaty shall not affect any bilateral or multilateral international arrangements previously concluded by either Contracting Party or concerning them.

ARTICLE V

The present Treaty is subject to ratification and shall enter into force on the date of exchange of the instruments of ratification which shall take place in Bonn.

In witness whereof, the Plenipotentiaries of the Contracting Parties have signed the present Treaty.

Done at Warsaw on December 7, 1970 in two originals, each in the German and Polish languages, both texts being equally authentic.

For the Federal Republic of Germany:
WILLY BRANDT,
WALTER SCHEEL.

For the People's Republic of Poland:
JÓZEF CYRANKIEWICZ,
STEFAN JEDRYCHOWSKI.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The ACTING PRESIDENT pro tempore (Mr. TUNNEY). Under the previous order, the Chair lays before the Senate the unfinished business, S. 3526, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the perfecting amendment of the Senator from Michigan (Mr. GRIFFIN) to the so-called Church-Case perfecting amendment, as amended, to section 701 of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 11:30 a.m. today.

The motion was agreed to, and at 10:55 a.m. the Senate took a recess until 11:30 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BELLMON).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12 NOON

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 12 o'clock noon today.

The motion was agreed to; and, at 11:35 a.m., the Senate took a recess until 12 o'clock noon; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HUGHES).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 3698. An act for the relief of Louisa DiLeonardo;

H.R. 7375. An act to amend the statutory ceiling on salaries payable to United States magistrates; and

H.R. 12179. An act for the relief of Swiff-Train Co.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 14070. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; and

S.J. Res. 234. A joint resolution deploring the attempted assassination of Governor George C. Wallace of Alabama.

The enrolled bill and joint resolution were subsequently signed by the Acting President pro tempore (Mr. TUNNEY).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 3698. An act for the relief of Louisa DiLeonardo;

H.R. 7375. An act to amend the statutory ceiling on salaries payable to United States magistrates; and

H.R. 12179. An act for the relief of Swiff-Train Co.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPARKMAN). Without objection, it is so ordered.

ORDER FOR RECESS TO 1 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 1 p.m. today.

The motion was agreed to; and at 12:11 p.m. the Senate took a recess until 1 p.m.; whereupon the Senate reconvened when called to order by the Presiding Officer (Mr. HARRY F. BYRD, Jr.).

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 181 Leg.]

Allen
Baker
Bible
Boggs
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Fong
Griffin
Gurney
Hughes
Miller
Sparkman
Symington

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allott
Anderson
Bayh
Beall
Bellmon
Bentsen
Brock
Brooke
Buckley
Cannon
Church
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Fannin
Fulbright
Goldwater
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevenson
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. McCLELLAN), and the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Montana (Mr. MANSFIELD), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Hawaii (Mr. INOUYE) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), and the Senator from Kentucky (Mr. COOK) are absent on official business attending meetings of the Mexican Interparliamentary Union.

The Senator from Utah (Mr. BENNETT), the Senator from New Jersey (Mr. CASE), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate is not in order. The Senate cannot proceed until there is order in the Senate.

The Senate is not in order.

Mr. ROBERT C. BYRD. Mr. President, would the Chair ask Senators to take their seats?

The PRESIDING OFFICER. Will Members of the Senate take their seats so that the Senate may proceed? The Senate cannot proceed until there is order in the Chamber.

Mr. ROBERT C. BYRD. Mr. President, I asked for a quorum at 1 o'clock p.m. today. The quorum call became live at 1:08, and 30 minutes were required to establish the presence of a quorum.

The Senate went into session at 10 o'clock this morning.

The PRESIDING OFFICER. Will the Senator suspend until we have better order in the Senate?

Mr. ROBERT C. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator may proceed.

Mr. ROBERT C. BYRD. The Senate convened at 10 o'clock today. There was one 15-minute unanimous-consent order for the recognition of a Senator. Following that there was a period of 30 minutes for morning business. Following the close of morning business at 10:41, there have been three recesses. The first recess started at 10:55 a.m. and lasted until 11:30. The second started at 11:35 and lasted until noon. The third started at 12:11 p.m. and lasted until 1 o'clock p.m.

I see no reason why we should come in at 10 o'clock in the morning if Senators are not going to debate the unfinished business before the Senate. Since the close of morning business today there has not been one paragraph, one sentence, one word, one consonant, or one vowel spoken on either side of the aisle or on either side of the pending question before the Senate.

I hope that Senators will stay on the floor and will debate the unfinished business, if that is what they want to do. If that is not what they wish to do, I would hope that the Senate could proceed with other business, dispose of it, and keep the calendar reasonably clear, in view of the fact that by the time June arrives, the Senate is going to have a number of appropriation bills, a very controversial nomination or so, and other controversial measures ready for action.

I hope that Senators will cooperate on all sides. I do not mean to score any Senator or any group of Senators, or anyone. But the Senate looks ridiculous coming in at 10 o'clock, and then having three recesses with not a word spoken regarding the business before the Senate—not a single word—and I have been on this floor every minute since morning business was closed.

So I am going to ask Senators if they would be willing to proceed now to the consideration of the atomic energy bill. The Senator from Rhode Island (Mr. PASTORE) is here. He is ready to proceed with that bill, as the manager of the bill. The Senator from Tennessee (Mr. BAKER) is here. We have previously obtained unanimous consent to take that bill up at 3 o'clock this afternoon; but, Mr. President, at the rate we are going, and with the disposition of the Senate apparently being what it is—not to debate the unfinished business at this time—I would hope we could proceed now with the atomic energy bill. There is a time limitation of 2 hours on that bill, 1 hour on the amendment of the Senator from Pennsylvania (Mr. SCHWEIKER), and 30 minutes on any other amendment.

Mr. PASTORE. Mr. President, I just want to say there is no disposition on the part of the Senator from Rhode Island, nor I am sure of the Senator from Tennessee, to disturb the regular procedure on the pending business. We realize how important the foreign aid bill is, together with the amendments which have been proposed with relation to withdrawal of troops from Vietnam. But in view of the situation that no progress is being made, and realizing that the legislation we wish to discuss has to do with an emergency situation—we have been told by reliable people that there are various parts of the country where we might have a brownout or a blackout unless we do something about temporary licenses on certain nuclear reactors that have been constructed or substantially constructed, so that temporary operating licenses might be issued in order to avert the crisis of a brownout or blackout—I think under the circumstances, there is no need to wait until 3 o'clock. I agree with the distinguished Senator from West Virginia that we ought to proceed with this, or at least we ought to have some activity that is productive.

That is all I have to say.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. Mr. President, though yesterday there was a request to take up the AEC bill which did not succeed, I wish to say that now I fully support the request of the acting majority leader, and I fully concur with his position at this time. I think it will not only be important in providing a matter for the Senate to deal with at this time, but is important on its own merits. Notwithstanding the fact that the pending business is also of vital importance to the country, I think it is clear now that we should proceed to consider the other measure. So I now join in the remarks of the Senator from Rhode Island, and commend the leadership for making this request at this time.

Mr. GRIFFIN. Mr. President, if the distinguished assistant majority leader will yield, I wish to join in his request. The AEC bill is legislation as to which there is not a great deal of controversy, and on which we could proceed in an orderly fashion. If we do so, I am sure the Senate will look much better in the eyes of the country.

I would hope that we might be able to take up other measures as well, on a two-track basis or on some other basis—measures that the Senate could act on and come to a conclusion about. It is quite obvious to everyone, I think, as the President prepares to leave at the end of the week on his trip to Moscow for very critical and important discussions, that there are many in the Senate who do not believe this is an appropriate time to vote on some of the measures that have been proposed. I do not say that so much because of concern as to how a particular vote would come out, but because I do not believe the President's mission should be affected by what we do or say here while he is in Moscow.

Accordingly, I believe it would be wise and most appropriate to lay the pending business aside temporarily so the Senate could now take up the AEC bill.

Mr. ROBERT C. BYRD. I thank the distinguished assistant Republican leader.

Mr. PERCY. Mr. President, will the distinguished assistant majority leader yield?

Mr. ROBERT C. BYRD. I yield.

Mr. PERCY. I would like to associate myself with those comments. We all feel very deeply about the war, and we believe—I know I certainly believe—that we want to support and back the President in every conceivable way consistent with our own conscience in this very important mission he is embarking upon. So I would not want to see us get into matters that would contribute in any way to diminishing the success and progress that the President would otherwise have.

I feel that a two-track system is not only essential and necessary on this pending measure which we can move into immediately, but I would also very much like an opportunity, when the distinguished Senator from Louisiana (Mr. LONG), the chairman of the Finance Committee, is present, to really question what has happened to H.R. 1. We are going to run into the conventions this summer, and we are going to have to deal with some very important, urgent legislation. That legislation was promised. It was promised to me by the chairman of the Finance Commitee, the Senator from Louisiana (Mr. LONG) that H.R. 1 would be on the floor by March 1. Over 20 Governors have incorporated in their State budgets for this fiscal year certain amounts of interim welfare relief money that the administration supports, and that many of us in the Senate have indicated and promised to seek. Yet, here we are in the middle of May, and welfare reform and revenue sharing bills have not been passed.

As time goes on, we will have a terrible logjam. I fully support, 100 percent, the position of the acting majority leader today that we should have a two-track system and keep as busy as possible. Let us keep the Senate tending to the work of the Senate and the Nation as rapidly as we can, and let us get out of committees as rapidly as we can the great logjam of legislation that will otherwise descend upon us at a time when we will not be in a position to handle it this summer.

Mr. ROBERT C. BYRD. Mr. President, let me say that I am not implying any criticism, in an unfriendly way, of any Senator. The criticism I have offered is constructive, and is directed toward all of us. I feel we will have the cooperation of all Senators, if we strive for an understanding, in setting aside the pending business from time to time temporarily and briefly to take up other matters. It is not at all my inclination to set the matter aside for any great length of time.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. HUGHES. Apparently the question as propounded is related to a two-track system. May I ask the Senator, is that true or not?

Mr. ROBERT C. BYRD. May I state that I believe I have already answered that question. It is not my intention to set this matter aside for any great length of time. I just hope, however, that the leadership will have the understanding and cooperation of all Senators—and I believe the leadership will have that cooperation—in setting aside from time to time the unfinished business—Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. I hope that the leadership will have cooperation from all Senators in setting the unfinished business aside on an ad hoc basis from time to time to take up other items on the calendar.

Mr. HUGHES. Mr. President, it is not the intention of the Senator from Iowa to object to such a unanimous-consent request, but I do wish to make it clear that circumstances might arise where objection would be made to other requests of a similar nature. I have no objection at all to moving ahead today, basically because of the reasons that the Senator from West Virginia has stated.

Mr. ROBERT C. BYRD. Mr. President, the able Senator from Iowa has been in attendance on the floor at all times during the day and has certainly been ready, willing, and able to discuss the matter at hand. But there has been no debate. I imply no criticism toward him or anyone else.

UNANIMOUS-CONSENT AGREEMENT TO LAY ASIDE FOREIGN RELATIONS BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business, S. 3526, be now temporarily laid aside; that the Senate proceed immediately to the consideration of S. 3543 and continue consideration of S. 3543 until that matter is disposed of; and that the unfinished business remain in a temporarily laid-aside status until S. 3543 is disposed of or until the close of business today, whichever is the earlier.

Mr. PERCY. Mr. President, reserving the right to object—and I do not intend to object—I did ask whether Senator LONG could give us a brief report. Would it be possible, following this unanimous-consent request, to immediately engage in a 2-minute colloquy—which is all we would need—to get a clarification as to how H.R. 1 stands, and then proceed immediately?

Mr. ROBERT C. BYRD. It would be a matter of getting time from Senators who would be in control of time.

Mr. PASTORE. I would be willing to do that, once the unanimous-consent request was agreed to.

Mr. JAVITS. I need 3 minutes.

Mr. PASTORE. I will yield 3 minutes, once I am recognized.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I thank all Senators.

AMENDMENT OF THE ATOMIC ENERGY ACT OF 1954

The PRESIDING OFFICER. The Senate will now proceed to the consideration of S. 3543, which will be stated by title.

The legislative clerk read as follows:

> A bill (S. 3543) to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

The PRESIDING OFFICER. Under the unanimous-consent agreement, there will be 1 hour to each side on this bill.

Who yields time?

WELFARE REFORM

Mr. PASTORE. I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. I thank the Senator for yielding.

Mr. President, I am very pleased that now the distinguished chairman of the Committee on Finance is in the Chamber, so that I might address this question directly to him.

He knows better than anyone else the urgent need for welfare reform, a matter so urgent that many people feel we just have to junk our present chaotic and unworkable system, that is bankrupting our States. The financial stress on our States is so great that more than 20 Governors have contacted me with respect to the so-called Percy emergency welfare relief amendment, urging that we handle this matter as quickly as possible. Based upon the representations made in this Chamber last November, many of these Governors have incorporated in their budgets a certain amount of Federal relief for their welfare costs. Without H.R. 1, there would be no Federal relief.

In a colloquy which I had with the distinguished Senator from Louisiana many months ago, it was determined and stated by him that we could expect to have that measure on the floor as early as February 15 and no later than March 1.

I know that our State has counted heavily on having this measure passed by now. Here we are moving toward the summer period, when we all will be occupied in Miami, and I can see the weeks going into months, and still we have no H.R. 1.

I realize the complexity, I realize the tremendous load, and I recognize that, when the national debt-ceiling bill came along, the administration asked the Finance Committee to set aside its work for the 3 days it required to have that emergency provision taken care of. I know the committee has been meeting steadily. But could we have some understanding now as to why the March 1 date was not met—and as to when we can reasonably expect H.R. 1, the social security and welfare-reform bill, to be on the floor, so that the important provision to provide the States interim fiscal relief for fiscal 1972 until welfare reform takes place could be incorporated in that legislation?

Mr. LONG. Mr. President, I am happy to reply to the Senator, because I do want to explain this to the Senate.

It was my hope that we would have this measure on the floor about the time the Senator indicated, and I anticipated that we would have a bill here by now. Unfortunately, this measure has proved to entail a great deal more than this Senator could anticipate at that time. We did manage to conclude the hearings in 3 weeks, in spite of some criticism that could be leveled at us at that point for undue haste on this important measure, which I believe will prove to be the most significant piece of social legislation passed in the 23 years I have been here.

The PRESIDING OFFICER (Mr. WILLIAMS). The time of the Senator has expired.

Mr. PASTORE. Mr. President, I ask that 5 minutes be granted for this colloquy, without the time being taken from the time on the pending bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG. It was my hope that we would have been able to complete our work on this matter by this time.

We did not spend a great deal of time in hearings—only about 3 weeks—but this measure involves so many things and it has so much complexity, and the committee found so many things that in its judgment were wrong with what the House sent us, that we felt that we should draft a bill that would make work more attractive than welfare, and we are doing that.

We have voted on provisions which will provide the States relief along the line that the Senator has been suggesting.

The committee is meeting every day from Monday through Friday. We are meeting whether or not we have a quorum, trying to move on with this measure.

I hope we will be reporting on this

matter within the next 10 days or 2 weeks, and I wish I could guarantee that. Unfortunately, so much is involved in this matter that in trying to help straighten out a very bad situation, in which welfare has become far more attractive than work for a great number of people, the committee, in doing a responsible job and recommending to the Senate what it thinks should be the answer to the many difficult problems, has found it necessary to take more time than I had anticipated.

I say to the Senator that I believe we will be able to conclude our action on this measure with less overall calendar time spent in executive sessions than did the House Ways and Means Committee. Even though the committee amended the bill, and in executive session the Committee on Finance is proposing to submit an amendment in the nature of a substitute for the family assistance plan, we think we can submit something that would be substantially as attractive to those remaining on welfare, as what they would have under the family assistance plan and, at the same time, something that would be far more attractive for people to go to work than they have at the present time.

Much of the mess that the welfare situation is in now—and it would be a bigger mess, in my judgment, if we passed the bill the House sent to us—results from having welfare payments so high that welfare becomes more attractive than low-paying jobs.

We will have the bill out here as soon as we can. I believe the chances are good that we can have it out in time so that if the Senate can limit itself to three weeks' consideration of the bill, we might be able to pass the bill between now and the first national party convention. But I cannot guarantee that. I say that as one who is there every day doing all I can to move the measure along, declining to set this aside for other matters.

Mr. PERCY. I want to be as understanding as possible of the complexity of the problem, but I also know that the distinguished Senator From Louisiana has a remarkable ability to get things done when he really puts himself behind it. I want to remind him that when I withdrew my amendment, I did so with the clear understanding that we would have the bill on the floor no later than March 1. I would like to remind the distinguished Senator, further, that he only took one exception, when he said, "I have only one reservation. If the President comes in here with some request, he considers so urgent that everything else should stand aside, we will have to consider that request."

The administration came forth with one request that took 3 days, which would mean having H.R. 1 on the floor on February 18 or March 4; but here we are in the middle of May and no H.R. 1.

I put into the RECORD the letters and telegrams from 20 Governors saying how urgently they needed this emergency relief. Given what was promised last November in this Chamber, they incorporated this emergency relief in their budgets. Without it they could face bankruptcy. Many States by law cannot incur indebtedness in operating expenses. They would be faced with the "gun" on June 30, the end of this fiscal year. This is the problem. So, I would hope that we would pursue this matter. It is urgent, and I cannot emphasize enough the urgency that is felt by the States to see the expeditious passage of this legislation that the distinguished Senator is handling.

Mr. LONG. Permit me to say to the distinguished Senator that I sympathize with him. If I were the only Senator on that committee, that bill would be here now.

The PRESIDING OFFICER (Mr. BEALL). The time of the Senator has expired.

Mr. PASTORE. I yield 1 additional minute to the Senator from Louisiana, under the same conditions.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. LONG. There are 16 members on that committee and each one feels an obligation to do his duty. I would say to the Senator that, even though we are doing far more and recommending far more drastic departures from what was sent to us from the White House and by the House of Representatives, I believe that we will be able to conclude our deliberations in less time, in executive sessions, than did the House, even though the House was rushing to try to get the bill to us before Easter, and the House committee could not complete its bill any sooner. While I am disappointed that we could not meet the date I mentioned to the Senator, the same thing was true of the good intentions of the distinguished chairman of the Committee on Ways and Means in the House. I do not believe that anyone believes Chairman MILLS is not an effective chairman and an effective Representative. He did the best he could to report this bill to the House by the date he mentioned to me, and I am trying as best I can to report the bill as soon as the Finance Committee can complete its work.

Mr. PERCY. I thank my distinguished colleague from Louisiana. I fully support his efforts to expedite this legislation.

Mr. LONG. I promise to continue my best efforts to do so.

Mr. PERCY. I thank my distinguished colleague from Rhode Island (Mr. PASTORE) for yielding us this time.

Mr. PASTORE. Mr. President, under the same conditions, I yield 3 minutes to the Senator from Virginia (Mr. HARRY F. BYRD, JR.).

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I do not know of any chairman of a committee who could have worked more diligently on this matter than the distinguished chairman of the Finance Committee, the Senator from Louisiana (Mr. LONG). He has had the committee in session almost every day since January.

This is an immensely complex bill, containing at least four pieces of legislation; namely, welfare, medicare, medicaid, and social security.

The legislation which came to the committee under the guise of welfare reform was not, by any stretch of the imagination, welfare reform. It was welfare expansion.

The committee had to start at the beginning, to try to get the bill in some sort of shape to submit to the Senate. The committee, under the leadership of the distinguished Senator from Louisiana, has been working day after day, week after week, and month after month since January. I do not know how any committee chairman could have handled this matter more diligently or more conscientiously than has the Senator from Louisiana (Mr. LONG).

So far as this legislation being passed by the Senate is concerned, prior to the time the Senate adjourns for the first national convention, in my judgment, it cannot be done. It should not be done.

The Senate—if it is going to understand the bill, and I assume the Senate wants to understand it before voting on such a gigantic proposal—will have to take weeks to understand it.

So far as I am concerned, I shall object to any unanimous-consent requests to limit the time for consideration on the floor of the Senate of this very complicated and complex bill, H.R. 1.

In conclusion, I say again that I think the Senator from Louisiana has done everything he can to try to bring the bill to the floor in the least possible time and, simultaneously, to bring it to the floor in an understandable form and in a form that will be to the best interests of this Nation.

I thank the Senator from Rhode Island (Mr. PASTORE) very much for yielding me this time.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 8, 10, 14, 17, 19, 25, 26, and 40 to the bill, and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 5, 6, 12, 22, 23, 27, 33, and 38 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

AMENDMENT OF THE ATOMIC ENERGY ACT OF 1954

The Senate continued with the consideration of the bill (S. 3543) to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

Mr. HUGHES. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. HUGHES. Is it the intention of the distinguished Senator from Rhode

Island to ask for the yeas and nays on final passage?

Mr. PASTORE. I was not going to.

Mr. HUGHES. I think this matter is of such importance that I should like to request the yeas and nays on final passage.

There was not a sufficient second.

Mr. PASTORE. More Senators have now come into the Chamber and I would suggest to the Senator that he renew his request for the yeas and nays.

Mr. HUGHES. Mr. President, I renew my request for the yeas and nays on final passage.

The yeas and nays were ordered.

PRIVILEGE OF THE FLOOR

Mr. PASTORE. Mr. President, I ask unanimous consent that Mr. William Parler, special counsel to the Committee on Atomic Energy, be permitted the privilege of the floor during consideration of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, the pending bill was reported unanimously by the Joint Committee on Atomic Energy. It is identical to H.R. 14655 which was passed by the other body by voice vote on May 3, 1972.

I want to make certain that every Member of this body understands exactly the purpose of this legislation. It is intended for one purpose and one purpose alone—to deal with an emergency power shortage situation which is already upon us, but which is expected to be alleviated by October of next year. In other words, the legislation is for the purpose of authorizing timely licensing actions to avoid or minimize the chances of blackouts and brownouts throughout this country. The legislation is in the public interest to deal with the emergency situation. Legislation to deal with this emergency has been requested by the administration, and has been endorsed in hearings before the committee by Mr. Russell E. Train, Chairman of the Council on Environmental Quality, and Mr. William D. Ruckelshaus, Administrator of the Environmental Protection Agency.

The legislation would provide, for an interim period which will end on October 30, 1973, additional authority to the Atomic Energy Commission to permit the temporary licensing of nuclear powerplants to meet essential power needs. The 15 nuclear powerplants which have been either fully or substantially constructed could be considered for temporary licenses. The need for this additional authority arises mostly because the permanent license for these plants is being, or is expected to be, contested, and these contested hearings could be well prolonged as every Senator knows. In the absence of such a contest, no additional licensing authority is needed. The additional authority has no application to licensing proceedings which are not contested.

In conferring on the Atomic Energy Commission the authority needed to deal with the emergency situation, the legislation does not dilute the Commission's safety and environmental responsibilities.

Any party to the licensing proceeding could file affidavits in support of, or in opposition to the issuance of the temporary operating license. As indicated clearly in the committee's report on the bill, the purpose of the temporary operating license proceeding is to establish a record on the findings which the Commission must make for purposes of temporary operation. That proceeding is not to be used to reopen issues which have already been decided, or to debate issues which, in the Commission's judgment, can be decided in the contested hearing on the full-term license. Nothing in the bill prescribes inflexible procedural requirements, such as opportunities for discovery and cross-examination, which must be followed in all temporary licensing proceedings regardless of the circumstances in each individual proceeding. If all interested parties to the temporary licensing proceeding agree, the expedited procedures can be waived in the interest of permitting temporary operation.

If, in the judgment of the Commission, the affidavits raised a substantial issue of material fact which must be resolved for purposes of the temporary operating licensing findings, the Commission would not be precluded from holding a trial type hearing on such an issue in rare instances when, in its discretion, such a hearing is the best approach to resolve the issue.

Mr. President, at this point I should like to address myself to the distinguished Senator from Tennessee, because he has expressed supplemental views in the committee's report.

It is clear to both of us, I believe, that what we have to contend with here is the case of about 15 nuclear reactors which have already been constructed or substantially constructed in areas of the country where there is an anticipated shortage of electric energy resulting possibly in blackouts or brownouts, whatever the case may be.

At any rate, this additional licensing authority is temporary in effect. It expires on October 30, 1973. It will not affect licensing proceedings for full-term operation. It still contains the responsibility of the Commission to meet the requirements of applicable law and to file what has commonly been referred to as a "mini-environmental" report if the final detailed environmental statement is not yet available. However, if, in the judgment or in the discretion of the Commission, certain questions are raised of a substantial nature which, in their judgment must be resolved prior to temporary operation, the Commission must, under expedited procedures, provide for the development of an adequate record to support its findings. In some instances the Commission may deem it best to utilize evidentiary trial-type procedures to assist in resolving the issue, and it is not precluded from doing so.

Mr. President, I have stated it as clearly as I can. I wonder if the Senator from Tennessee agrees with that being the intent of the committee?

Mr. BAKER. Mr. President, if the Senator will yield, I would be happy to respond to that inquiry. I did in fact file supplemental views as the Committee on Atomic Energy reported this measure for consideration by the Senate. Those views appear at pages 13 through 17 of the printed report.

I entirely agree with the characterizations of the bill and the purposes outlined by the distinguished Senator from Rhode Island. On the particular point he puts—that is whether or not, as I understand it, there is a technique for establishing a safeguard for those who would challenge the issuance of an interim license—it is clear to me that the bill provides that one can make an issue of fact by affidavit before the Commission and that the Atomic Energy Commission will determine on the public record whether there is a significant, material issue of safety or environmental impact involved which must be resolved for purposes of the required findings for temporary operation.

If, in the Commission's judgment there is such an issue, they would presumably set it down for hearing as they would do under the authority which the AEC already possesses. If they do not find there is an unresolved dispute about a material fact relating to the findings which the Commission must make to license temporary operation, or if there were agreement of the parties, there would be no trial-type hearing.

Mr. PASTORE. There would be no hearing. However, if the hearing is held, it would be conducted under expedited procedures which should be sufficiently flexible to permit the temporary operating licensing action to be taken on a timely basis to meet or alleviate the power crisis. In some instances, the Commission may deem it best to utilize a trial-type hearing to resolve an issue, and it is not precluded from doing so.

Mr. BAKER. A trial-type hearing would be required in those cases in which there were substantial unresolved issues of fact which the Commission must resolve for purpose of temporary operation.

Mr. PASTORE. That is correct, if the issue relates to the granting of a temporary operating license.

Mr. BAKER. Mr. President, I have one other issue on which I think the Senator from Rhode Island will agree with me. That concerns the exercise of discretion by the Atomic Energy Commission in determining whether substantial issues relating to temporary operation have been raised. There is already established in the law methods to facilitate such a determination. Those methods are not affected by this legislation.

If there is a challenge to the issuance of a temporary interim license, affidavits will be filed and the Commission will determine on the public record whether there is a material issue of fact by using these procedures. And if they decide there is no such issue, there would be no trial-type hearing. If they decided there is such an issue, the parties continue to have the flexibility to consent to procedures to resolve them. The Commission has available to it a great deal of procedural flexibility. The bill provides that the temporary licensing proceeding "shall be conducted with expedited procedures as the Commission may by rule, regulation, or order deem appropriate."

The authority in the AEC in this respect already exists. It is just that the AEC has never used it before through abbreviating the hearings or short-circuiting the hearings and very properly doing what we are describing under the statute and the existing authority of the AEC Act.

This is to make certain that the act does in fact spell out in clear detail what we mean, and that is to provide an adequate, quick method for the development of an adequate record to support the temporary operation finding without time-consuming procedures which threaten to bog down these plants commencing this summer.

Mr. PASTORE. And to assure that the AEC established procedures for temporary operating licenses which would not cause a delay in operation that might be prolonged and prolonged even if there is an emergency power need. What we are trying to do is to meet or alleviate emergency power shortage situations.

I would hope that the courts will understand what we are trying to do. We are not trying to subvert the law. We are not trying to affect the safety requirements that ordinarily must be exercised in this important area. We are not trying to do that at all.

We are trying to meet a crisis situation. And, for this reason, we are proposing to grant this temporary licensing authority on an interim basis until October 30, 1973, so that we can meet this crisis in such a way that we can assure the safety of the temporary operation of reactors which have been fully or substantially constructed and also protect the environment.

Our experience has been that decisions on these matters in connection with the full-term license tends to be prolonged and prolonged, and we actually get nowhere. In the meantime a large part of the country may be in the dark.

If the Senator will permit me for a moment, I will indicate on this chart what we mean so that the Senate will understand what we are up against. We have some charts here that reveal the situation. We should take a look at them. The red markings signify those areas. The areas are in North Dakota, Wyoming, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Illinois, Indiana, Michigan, Ohio, Virginia, West Virginia, Kentucky, North Carolina, Tennessee, South Carolina, Georgia, Alabama, part of Mississippi, all of Texas and Colorado.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. SYMINGTON. Part of Missouri also. Right?

Mr. PASTORE. Part of Missouri.

Mr. SYMINGTON. I thank the Senator.

Mr. PASTORE. As a matter of fact, the greater part of Missouri.

Mr. SYMINGTON. That is correct.

Mr. PASTORE. And I am glad the Senator from Missouri is here.

Mr. SYMINGTON. I thank the Senator.

Mr. PASTORE. We do not want to put him in the dark.

Mr. SYMINGTON. He does not want to be kept in the dark.

Mr. PASTORE. Mr. President, this is for the power shortage of 1972. Now, if we go to the winter of 1972 and 1973 it becomes alleviated to some extent, and the predicted shortages are expected to worsen for the summer of 1973. No data are available beyond that period. That is why this is on a temporary basis. I hope the Senate will understand what we are trying to do here.

The Senator from Tennessee and the Senator from Rhode Island have no personal interest in this matter. This is an administration recommendation and this has been advanced by the administration and endorsed in open hearings by Mr. Train, the Chairman of the Council on Environmental Quality and by Mr. Ruckelshaus, the Administrator of the Environmental Protection Agency.

Mr. SYMINGTON. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. SYMINGTON. Mr. President, it is my privilege to serve under the distinguished senior Senator from Rhode Island, Chairman of the Joint Committee on Atomic Energy. I have followed the discussions on this subject to the best of my ability and completely agree with him. I would also commend the distinguished Senator from Tennessee for the fine work he has done in presenting this solution to the problem.

I hope the Senate will take action promptly on this legislation, especially in that if we do run into a serious power shortage it will be too late to handle it. In this country we have already had many brownouts and we could have dangerous blackouts. Therefore, I support this legislation and thank the Senator for yielding.

Mr. PASTORE. Mr. President, to continue with my statement, the hearing and decisional process on the temporary license shall be conducted with expedited procedures which the Commission is specifically authorized to prescribe. The flexibility given to the Commission to prescribe these expedited procedures is consonant with the fact that the purpose of the temporary licensing authority is to provide a reasonable means of meeting or avoiding emergency situations.

Significant provisions relating to a temporary operating license under S. 3543 include:

A. The Commission must make the required safety and environmental determinations for purposes of the temporary operation.

B. The requirements of the National Environmental Policy Act and all other applicable law must be satisfied.

C. The temporary licensing authority could only be used to meet essential power needs.

D. The authority to issue temporary operating licenses would expire on October 30, 1973.

E. The applicant must proceed with due diligence to obtain its permanent license; and if it fails to do so, the temporary license must be vacated.

In my view, S. 3543 is responsive to the administration's request for additional legislative authority to deal with emergency power situations and to avoid unnecessary brownouts or blackouts.

Mr. President, I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the distinguished Senator for yielding. The Senator from Rhode Island has done excellent work in bringing this measure to the Senate. I have nothing further to offer except to say I think the bill is essential. It is necessary. I think the bill is prudent. I think it is desirable both from the standpoint of our best efforts to alleviate the threat of a serious electrical power shortage this summer to prevent blackouts and brownouts in this country, and I think we make all safeguards we can possibly make against infringement on the quality of our environment.

I think the bill is a good bill. We had strenuous and energetic debate in the Joint Committee on Atomic Energy. We considered a number of bills and alternatives, including administration proposals, and others introduced by colleagues in the House. Every proposal which came before the committee was tested under the heat and fire of debate.

I think it fair to say that, serving on the Subcommittee on Air and Water Pollution of the Committee on Public Works, and on the Committee on Commerce, which have substantial jurisdiction in the field of environmental programs, as well as the Joint Committee on Atomic Energy, I have tried to give this matter broad overview not only in terms of the power supply of the Nation but also with respect to the environmental impact. I am satisfied with the bill; I think it is a good bill.

On the additional temporary operating licensing authority and the procedural flexibility available to the Commission, I think the bill is clear and unambiguous. It speaks for itself. I think the report language is helpful in further explaining the background and the situation as it was viewed by the Joint Committee on Atomic Energy. But this is one case where the language of the statute is explicit and we can relate it to other sections of the law, including the Administrative Procedure Act.

The Senator from Rhode Island has explained what would happen. We would contemplate that those in charge of the production of electricity in the United States and have nuclear powerplants to meet this crisis would make application for a temporary license if their application for a full-term license is contested and subject to excessive delay. Some would say that this bill makes it so cumbersome that they might as well apply for a permanent license instead of a temporary license. I wish to state there is a substantial difference.

While we fully protect the right to challenge the determination of the AEC and other regulatory agencies, there are real differences between licensing a temporary operation and a permanent operation of a powerplant. As I point out on page 15 of my views:

> The point is that the short-term operation of a nuclear power reactor, often at less than its full power capacity, may pose far fewer

> issues of radiological health and safety and environmental impact than might the full-term, full-power operation of the same nuclear plant.

So there is something real to be gained as distinguished from a permanent operating license.

Mr. President, I hope we pass this bill, as the House already has done, that the public utilities will avail themselves of this legislation and bring these 14 or 15 powerplants in line this year, and give us the opportunity to alleviate the threat of blackouts and brownouts. Congress is doing its part legislatively and has shown great concern for the environmental impact and has acted in a way that is entirely conscionable in terms of the needs of the country as measured against the environmental integrity of the country.

Mr. President, I support the bill and I commend the distinguished Senator from Rhode Island.

Mr. ANDERSON. Mr. President, I would like to make a few comments concerning S. 3543 which I introduced for myself and the distinguished senior Senator from Vermont.

The intent of the bill is quite clear. There is no disagreement that we face a power shortage if something is not done now to bring into service additional nuclear power generating plants and to do so in a manner which does not unreasonably endanger the environment. I am, however, convinced that the bringing into service of additional power reactors to provide electrical power for both industrial and domestic consumption in itself makes a substantial contribution to the improvement of our environment.

I have a concern relating to the requirement for a hearing to give the public an opportunity to be heard as part of the decisionmaking process in granting a temporary operating license. S. 3543 specifically states:

> The Commission shall hold a hearing after ten days' notice and publication once in the Federal Register on any such petition and supporting material filed under this section and the decision of the Commission with respect to the issuance of a temporary operating license, following such hearing, shall be on the basis of findings on the matters specified in subsection b. of this section. The hearing required by this section and the decision of the Commission on the petition shall be conducted with expedited procedures as the Commission may by rule, regulation, or order deem appropriate for a full disclosure of material facts on all substantial issues raised in connection with the proposed temporary operating license.

It was my intent under this language that the Commission would develop expedited procedures consistent with good judgment and a procedure which would provide an opportunity for a full disclosure of material facts on all substantial issues. I did not intend that the hearing procedures called for would be judicial in nature or long, drawn out hearings somewhat consistent with what is now required under the present licensing procedures. Nothing would be gained if this were true.

I also would like to explain the intent of subsection b.(2), which reads:

> With respect to any petition filed pursuant to subsection a. of this section, the Commission shall issue a temporary operating license upon finding that: operation of the facility during the period of the temporary operating license in accordance with its terms and conditions will provide adequate protection of the environment during the period of the temporary operating license....

This language was intended to be interpreted as requiring operating procedures and conditions consistent with what is now being reasonably done in the operation of nuclear power reactors. I would sincerely hope that if this bill is to provide any kind of relief and make its contribution to alleviate the power shortages which we are forecasting, its language not be used as a means of tightening down operating procedures to such an extent that any advantage we may have gained by expediting the hearings and issuance of temporary licenses, and so forth, is negated by more stringent operating procedures.

I want to make it quite clear, however, that I am in no way advocating easing the present operating procedures or in any way implying that I would be satisfied with increasing the degradation of the environment. I am now and always have been convinced that we can have both an improved and safe environment and needed electrical power through the use of nuclear power reactors.

Mr. HUGHES. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. HUGHES. Mr. President, it is the intention of the Senator from Iowa to vote for the bill. I would like to ask the distinguished chairman if he could indicate to the Senator from Iowa some of the safety factors that are involved, particularly in the two plants in my State of Iowa. We have had a lot of communication from people there in relation to the possible adverse effect on water of the Missouri River and of the Mississippi River from the plant in Illinois.

I intend to vote for the measure because I am satisfied, but I think it might be helpful for constituents of mine and for me to have that information.

Mr. PASTORE. The fact remains insofar as this legislation is concerned that the Commission must assure that safety and environmental aspects are satisfied for purposes of temporary operation. I do not think we are changing that situation in any way.

Mr. HUGHES. The Senator is satisfied, then, that as far as the rivers are concerned the safety factors involved assure no further deterioration of the water?

Mr. PASTORE. The point is if there is uncertainty on the part of the Atomic Energy Commission regarding compliance with applicable law, the temporary license would not be granted.

I mean, that is the sum and substance of it. The purpose of this bill is not to subvert existing law. The purpose of this bill is to meet a temporary emergency situation and, naturally, the Commission has to continue to be very cautious that applicable requirements of law are met. The bill in no way condones or permits something that is not safe or that injuries the environment. That is not the purpose of the bill. If that were the purpose, the Senator from Rhode Island and the Senator from Tennessee would be the last persons in the world to urge that the bill be passed.

I do not want to see any harm done to anyone. I do not want to see the environment hurt in any way. I want to protect the public, and at the same time I want to protect the rights of the people. On the other hand, if we procrastinate too long, we do more harm than the harm we are trying to avert. We all know the extent to which the licensing process has prolonged Commission decisions and that sometimes the questions which are involved are raised by groups located far away from the site of the reactor. The proceeding goes on and on ad infinitum. In the meantime the public suffers because of the prolonged delay.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BAKER. I would like to make an additional response to the excellent inquiry of the Senator from Iowa. Two or three things occur to me in view of the question he raised. The first is that we are dealing here with the codification of a procedure to issue a temporary license instead of a permanent operating license. Temporary as distinguished from permanent may be more important in the nuclear field that in others, an example being that there might be an accumulation of low-level radiation over 40 years, the normal term for the full-term license, in crustaceans and other animals subject to accumulations of radioactivity. The accumulation over a period of 40 years might be one thing, but over a period of 6 months or 1 year or 5 years it might be a different thing, where the concentration is not of significant import. So in a hypothetical case, we might take a contest that might be in progress before the Commission or in the courts over the issuance of a permanent operating license, which might involve the long-range question, along with the effects of low-level radiation. But during the pendency of these proceedings to determine the long-range problems, a temporary operating license could be issued.

Mr. PASTORE. And, if the Senator will yield, continue to study the long-term effects of the problems?

Mr. BAKER And the long-term effects of accumulations of low-level radiation. This is important, because in most cases we are proceeding in these instances on the seat of our pants. We do not know enough about what the exotic, long-term effects of radiation may be.

Another question involved here is action by citizen challenge which, since the passage of the National Environmental Policy Act, has been a very significant part of our total environmental effort.

There have been suggestions that the AEC should be totally and absolutely granted the right to bring these plants on line, over anyone's protest. That position was rejected out of hand by the Joint Committee on Atomic Energy, because it recognized that citizen participation is an important safeguard in our total environmental effort, not the least of which is citizen monitoring of our total energy output, and particularly atomic energy. The earlier bills would have extinguished the right of citizens to challenge an application for licensing for temporary rather than permanent licensing.

We are going to shortcut that procedure because the risks are different. We are going to codify it so we can do it but so that everybody knows what the rules are, and we are going to say that we are going to leave it to the Atomic Energy Commission to determine whether there is or not a real effect. If it is determined there may be, there can be a hearing, there are rules and regulations, and statutory rights that govern. Even if the Commission says, "No, it is hogwash," the judgment of the Atomic Energy Commission can be challenged for failing to grant the full range of hearings. These are the protections we have provided.

The more technical aspects of protection of the environment, thermal pollution, effects of low-level radiation, are matters not touched by the bill. They are subject to another inquiry.

Mr. PASTORE. Would the Senator be willing to change his term "short circuit" to "shortcut"? I do not like the term "short circuit" at this time.

Mr. BAKER. Not when we are dealing with the energy field.

Mr. HUGHES. The Senator from Rhode Island and the Senator from Tennessee are saying that the public is adequately protected against dangers that might be incurred. In addition, they intend to continually oversee through the AEC any hazardous factors that may arise during the time of the temporary licensing period, and they are both assured, and are assuring the public, that every precaution that can be taken and every assurance that can be given under the known circumstances to date have been given under this procedure?

Mr. BAKER. If the Senator will yield, yes, that is correct. I want to take this opportunity on the floor of the Senate to say that I commend the AEC and its staff for undertaking voluntarily and very comprehensively a reevaluation of the inherent safety of nuclear reactors, especially the emergency techniques for controlling reactors in emergency situations. So the AEC has done something about it and promises, by its action, to do even more. So not only is the AEC requiring the continuing monitoring during the interim procedures, but I think we ought to be reassured that within the AEC it will continue its evaluation of the internal techniques, of the internal structuring of the AEC itself, of the independent authority there is within the AEC which is responsible for nuclear safety, of a heightened awareness of the environmental concern vis-a-vis the rulemaking of the AEC.

Altogether I think AEC has shown every good faith to continue monitoring of these plants sufficient to justify our granting authority for these temporary permits.

Mr. HUGHES. I thank the Senator from Tennessee. I know he and the Senator from Rhode Island understand better than most the fears of some people in the immediate areas, as well as of those organizations who want to continue alltime oversight on projects such as these. I have had letters from both sides, some wanting approval, some who are concerned over temporary licensing. I do think we have received from the distinguished chairman and the distinguished ranking Republican member adequate assurances with respect to the precautions that have been exercised. That was the purpose in the Senator from Iowa's asking the question. I do intend to support the legislation.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. ANDERSON. I want to say that the Senator from Rhode Island has been in attendance in every session with the Senator from New Mexico when he has been there. He is an extremely competent man and is interested in the protection and welfare of the public. I want to thank him and the Senator from Tennessee.

Mr. HUGHES. I thank the distinguished Senator from New Mexico.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, I rise only to ask unanimous consent that, because of the absence of the Senator from Vermont (Mr. Aiken), there may be printed at the appropriate place in the Record a statement he had prepared in support of this bill.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Aiken

S. 3543 is an emergency measure designed to head off potential energy shortages in several areas of the Nation including New England.

The New England situation is even more acute since the pumped storage disaster at Northfield, Mass.

The Northeast Utilities plant there was scheduled to go on the line very soon to produce one million kilowatts of peaking power before next spring. However, this will now be delayed. The authority under S. 3543 would immediately be available for 15 nuclear powerplants that are now constructed but not in operation because of licensing and other delays. These plants are located in areas where energy requirements are in short supply during the expected summer and winter peak power periods. The power shortage crisis is a serious matter in this Nation and this is an emergency measure to meet an emergency situation.

Under S. 3543 the Atomic Energy Commission could issue a temporary license for power production while the Commission was considering the issue of whether to grant a permanent operating license.

The temporary license could not be issued unless the Atomic Energy Commission determined, for purposes of the temporary operation, that operation of the nuclear powerplant would be safe to the public and there were adequate provisions for safeguarding the environment.

The issuance of a temporary license would not deprive the public of a full review of the health, safety and environmental questions that might be contested in the regular operating license proceedings.

The issuing of this temporary license would not prejudice in any way the rights of the parties in these hearings.

The new authority provides a practical way to use the electrical energy sources that we have available to meet emergency electrical energy requirements.

If, in the judgment of the Commission, the affidavits filed by interested parties to the proceeding raise a substantial issue of material fact which must be considered for purposes of the temporary operating licensing findings, the Commission would provide an opportunity for the presentation of evidence on such an issue under expedited procedures deemed appropriate by the Commission. If in the judgment of the Commission the affidavits do not raise a substantial issue of material fact in connection with the proposed temporary operating license, the Commission is authorized to issue the license. The legislation requires that the decision or document authorizing issuance of any temporary operating license recite specifically the reasons justifying the issuance.

S. 3543 is sound legislation which gives balanced treatment to the significant factors involved in emergency energy shortage licensing situations. I support the bill and urge that it be passed.

The PRESIDING OFFICER. Who yields time?

The bill is open to amendment.

If there be no amendment——

Mr. PASTORE. Mr. President, I understood the Senator from Pennsylvania (Mr. Schweiker) had an amendment.

Mr. SCHWEIKER. Mr. President, I do. I did not know whether the Senator wanted to yield any more of his time.

Mr. PASTORE. No. The Senator may offer his amendment.

The PRESIDING OFFICER. Does the Senator from Pennsylvania wish recognition?

Mr. SCHWEIKER. I do.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

The Chair would inquire if this is the amendment on which there is a limitation of 1 hour.

Mr. SCHWEIKER. Yes, that is the amendment. It is amendment No. 1197.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Schweiker's amendment (No. 1197) is as follows:

On page 5, line 14, insert the following:

(a) Subsection 274(b) of the Atomic Energy Act of 1954 is amended by inserting "(1)" immediately after "(b)" and redesignating clauses "(1)", "(2)", and "(3)", as "(A)", "(B)", "(C)", respectively, and adding after clause (C) the following new subsection:

"(2) The Commission may enter into an agreement with the Governor of any State providing for the discontinuance of regulatory authority of the Commission, and the assumption thereof by the State, in the regulation of radioactive discharges to the environment by licensees of the United States Atomic Energy Commission within the State."

(b) Subsection 274(c) of such Act is amended by striking out clauses "(1)" and "(3)" and redesignating clauses "(2)" and "(4)" as "(1)" and "(2)", respectively.

(c) Subsection 274(d)(2) of such Act is amended by striking out "is compatible with the" and inserting in lieu thereof "is not less restrictive than."

(d) Subsection 274(g) of such Act is amended by striking out "and compatible."

Sec. 2. (a) The Administrator of the Environmental Protection Agency (hereinafter called the Administrator) is authorized to make grants to States to pay the Federal share of the costs of State programs to—

(1) evaluate normal background levels of radiation at nuclear power plant sites under construction;

(2) determine the adequacy of controls over radioactive effluents and sources of radiation at nuclear power plant facilities and concentrations of radioactive materials in the environment resulting from the operation of such facilities; and

(3) determine potential radiation exposure to the public.

(b) Grants under this section to any State shall be made pursuant to criteria established by the Administrator, and no such grant shall exceed 50 per centum of the total cost of the State program for the fiscal year with respect to which the grant is made.

(c) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grantee that are pertinent to the grant received.

(d) There are hereby authorized to be appropriated for the purpose of making grants under this section $2,000,000 for the fiscal year ending June 30, 1973, $2,000,000 for the fiscal year ending June 30, 1974, and $2,000,000 for the fiscal year ending June 30, 1975.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the names of the Senator from Alaska (Mr. Gravel), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from South Carolina (Mr. Thurmond), the Senator from Vermont (Mr. Stafford), and the Senator from Wisconsin (Mr. Nelson) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, copies of this amendment and a summary sheet explaining its basic provisions are on the desks of the Senators.

Mr. President, this amendment would permit individual States to set their own standards for the regulation of radioactive discharges to the environment from nuclear powerplants, as long as the State's standards are more strict than the Federal standards.

Within the last few weeks, the U.S. Supreme Court affirmed the lower court's decision in the case of Northern States against Minnesota. This legislation confirmed that the Federal Government has preempted the ability of individual States to set pollution control regulations on nuclear powerplants which are stricter than Federal regulations. I think this decision is a correct interpretation under existing Federal law, and there was never really any doubt as to the outcome of the case.

On June 10, 1971, I introduced S. 2050, which would amend the Atomic Energy Act of 1954 to permit individual States to set their own standards for the regulation of radioactive discharges to the environment for nuclear powerplants, as long as the State's standards were stricter than the Federal standards. If the States feel, as Minnesota did in this case, that tougher standards are necessary to protect their citizens, they should have the authority to act.

The Atomic Energy Act of 1954 currently provides that the Atomic Energy Commission can enter into agreements with State governments providing for the discontinuance of the regulatory authority of the Commission and the assumption of such authority by the States, with regard to certain types of nuclear materials. The Commission is required to enter into such an agreement with any State if the State has a program for the control of radiation hazards adequate to protect the public health and safety of its citizens and the Commission finds that the State's program is compatible with the program of the Atomic Energy Commission. In essence, the language in the law which currently requires that the State program be "compatible with" the Commission's program results in a situation where the State regulations are equivalent to the Federal regulations.

My amendment would permit the Atomic Energy Commission to enter into an agreement with a State which would allow the State to regulate radioactive discharges to the environment by licensees of the AEC so long as the State program is no less restrictive than the Federal program. The Atomic Energy Commission would be required to enter into the agreement with the State if the State's standards are tougher than the Federal standards and, of course, if the Commission finds that the State program is adequate to protect the public health and safety of the citizens of the State. In addition, my amendment would continue to permit coordination of State and Federal programs for the protection of the public against radiation hazards.

Second, this amendment would also authorize the Administrator of the Environmental Protection Agency to make grants to individual States to pay a Federal share of up to one-half of the costs of State programs to set up monitoring systems to evaluate radiation emissions. I believe the States have a responsibility to determine the amount of radioactive material which is emitted from nuclear powerplants.

EPA would be permitted to make grants not exceeding 50 percent of the total cost of setting up and maintaining State monitoring programs—$2 million per year for fiscal year 1973, 1974, and 1975 is authorized in the amendment.

It is clear that the States, under the 10th amendment to the Constitution, have a responsibility to protect the health and safety of their citizens. It seems to me that it is entirely appropriate to permit individual States to make their own judgments as to the safety of nuclear powerplants and the effect which radioactive emissions will have on the health and safety of the citizens of a particular State, particularly when they are not permitted to lower the standards in making such decisions.

Most of the power which is produced by nuclear powerplants is used in the particular State where the nuclear power is located. In fact, one of the arguments used by the utilities for locating nuclear powerplants near major metropolitan areas is that it is too expensive to transport electricity long distances to make it economical to locate nuclear powerplants in relatively unpopulated areas. Thus, the States have a vital interest in the safety of these plants and the States should be in a position to impose stricter standards as long as minimum Federal standards are met. Atomic Energy Commission standards have general application, but special or unique circumstances within a particular State need recognition and the individual States are in a better position than the Federal Government to make such an evaluation. That is not going to be unusual, under the ensuing program that we are authorizing here today—and I want to make it clear that I favor this bill. I am in accord with the thrust of it. I acknowledge the need, and I think we should move in this direction. My amendment is not in any way designed to alter that course, and does not in any way interfere with or block the temporary licenses.

This is in accord with the general thrust of what the distinguished Senator from Rhode Island and his committee are trying to do. But I do think it is important, where we have major metropolitan areas, that the States, with many millions of people, where at issue is safety against the accidental use of atomic energy in some unfortunate way which would vastly affect the lives, health, and safety of the people who live in that State and that metropolitan area, ought to have some input, some control over the people's very lives, in the place of setting up these standards solely by the Federal authority here in Washington.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. SCHWEIKER. I yield.

Mr. PASTORE. Of course, the fact remains that the power to build is still with the States. I do not know of any nuclear plant that is very close to any very congested area. I do not think the States would allow it, and I do not think the communities would tolerate it under zoning procedures. They have got to get permission of the State to build it in the first place.

Insofar as jurisdiction under the water quality amendments, the States still have that. This amendment has to do only with radiation.

We have spent millions and millions of dollars to develop the expertise. All we are saying here is, if we go along with the Senator from Pennsylvania, we might have 50 different standards in 50 different States, and that would only cause confusion.

The Senator goes on to say, "if they are more strict than the national standards."

Why should they be more strict? Why should not the national regulations be such that they properly protect the public health? Beyond that, you do not have to go any farther, unless you wish to go so far as to say, "We are going to use this process to negate the development of atomic reactors."

The point I am making is that we are interested in public health and protecting the public on the matter of radiation, and that is the thing we retained. Mr. President, we retained it for only one reason: Because the Federal Government has the expertise. What they are saying in this amendment is, "You make grants to the States and let them develop the expertise." Do you know how long that would take? Do you know how much it would endanger public health if you went that route?

This proposal was introduced as a bill last time, and the committee did hold hearings. I thing we ought to review our actions. We ought to hold further hearings and perhaps have the Senator from Pennsylvania come before us again. We were waiting for that court decision, and finally the court sustained the Commission by saying that it was preempted under the law by the Federal Government, and I think that was a wise thing to do.

No one in the United States knows more about radiation than the experts in the Federal Government.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PASTORE. I do not have the floor. I would hope that that would be taken out of my time.

Mr. BAKER. On that point, not charged against the time of the Senator from Pennsylvania.

Mr. SCHWEIKER. I yield, on that basis.

Mr. BAKER. Mr. President, I have always fought for maximum State involvement and maximum local control in environmental matters, both in the joint committee and other committees involved with the situation. But with radiation, with nuclear energy, we have a little different situation. Thermal pollution may be one thing in Michigan and another thing in Tennessee, depending upon many factors—how big a body of water is, how fast it flows, and what the climate is like. But that is not so with atomic energy. The level of radiation or radioactivity is the same at the North Pole as it is at the South Pole. It seems to me that one of the major arguments on which we have maximum diversity disappears with respect to the uniformity in the case of nuclear energy.

I am fully sympathetic to the position that the Senator from Pennsylvania espouses. I find myself espousing his position more often than not. But I find myself in disagreement with him on this point.

We have fought long and hard in the joint committee to try to expedite the procedure for bringing 15 nuclear powerplants on line. I think we have a good bill. But when we break it up now and create 50 jurisdictional agencies that will have to pass on nuclear safety, we are going to create endless delay not only in terms of a power shortage this summer but also for many months to come.

I concur—as I find myself doing frequently today—with the Senator from Rhode Island's appraisal of this situation. I express my regret to the Senator from Pennsylvania that I must oppose this amendment.

Mr. SCHWEIKER. Mr. President, I should like to address myself to the remarks of the distinguished Senator from Rhode Island, and I think this emphasizes the point I am trying to make.

I think that he and the AEC are not aware of some of the ramifications of what has happened to the present program. With respect to permitting nuclear plants to get near metropolitan areas, I invite the Senator to come to Pennsylvania. At Limerick, Pa., a few miles from my home, they are going to build a nuclear plant, and at Newbold Island. These are two nuclear plants within 25 miles of a metropolitan area that has 4 million people.

So I say, with all respect, that the Senator is not informed as to what is happening at the grass roots level. One-third of the State of Pennsylvania is being subjected to two nuclear plants. We are right in the middle of it. We could not get much closer unless they built it on top of William Penn's statue in Philadelphia. That is the point.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. SCHWEIKER. I yield.

Mr. PASTORE. Who grants the zoning permit? The AEC does not grant it. You cannot build anything any place unless you get a local permit. Apparently, the city fathers or the State fathers in Pennsylvania have more or less gone along with the idea. That has nothing to do with the Atomic Energy Commission.

The point I am making is that one cannot even build a porch on his house unless he gets a permit to do it. How can anyone build a nuclear plant unless he gets a permit? Who gives that permit? Either the city or the State. That is the point I am making. The plant cannot be put any place unless the people there say it should go there. The Senator's criticism is against his city fathers.

Mr. SCHWEIKER. Let me say, in response to the Senator, that in the two cases I am talking about, permits have not been issued as yet. Yet, the construction is underway. I will be glad to show the Senator the site. Construction is underway, and nothing has been issued, because the company is gambling on the fact that the AEC is going to give it a permit and that the local people will give it a permit.

So far as zoning permits are concerned, I do not think the local people really have the expertise to pass judgment on whether it is a safe radiological facility. So I do not concur with the Senator on that.

I do want to point out that Pennsylvania is slated for 16 nuclear power plants. One-third of these are in the Philadelphia metropolitan area, with 4 million people. So there is a serious problem, and the AEC issues the license.

I want to respond to another point. The Senator from Tennessee asked why we should allow 50 subareas to have standards. I say that we do it now under the Clean Air Act. That is exactly what we do. My amendment would do exactly what the Clean Air Act does, which is to let a State set a proper standard for clean air. There is the precedent and the principle. Radiation hazards are a far more serious danger to people than air hazards are. So why the double standard? If it is good enough for the Clean Air Act, why is it not good enough for atomic radiation?

Mr. PASTORE. That is exactly the reason why it was retained in radiation—there is not the expertise locally in order to administer any standards that are set.

Does the Senator realize how many people have been jeopardized by going to dentists and having X-rays taken of their mouths? In many instances, the person was not trained to do it.

We are trying to use the tremendous amount of money that has been spent by the Federal Government to develop this expertise, to give protection to the people. That is exactly what we are trying to do.

I do not know how many nuclear plants are going to be built in Pennsylvania. Perhaps they are necessary, and perhaps they are not. But I hope that the Senator is not taking the position that we ought to do away with nuclear plants entirely.

Mr. BAKER. Mr. President, will the Senator yield on my time?

Mr. SCHWEIKER. I yield.

Mr. BAKER. I have two things to say in the response to the remarks by the Senator from Pennsylvania.

As to his remarks that the two plants to which he refers in Pennsylvania had no permit at all, I do not know the details of that; but I would be surprised if one of two things did not happen: Either there was a construction permit issued by the Atomic Energy Commission or there was a waiver under part 50 of the Commission's regulations. One way or the other, I would predict that that occurred.

Mr. SCHWEIKER. This is not the case. This is the gripe of our citizens there. The AEC says that the company is going ahead on its own risk, and they are bulldozing and cleaning the land.

Mr. BAKER. Bulldozing and cleaning land is not the same as building a nuclear powerplant.

Mr. SCHWEIKER. They have millions and millions of dollars invested.

Mr. BAKER. That is not a nuclear powerplant, if they are bulldozing land. I am talking about construction of any aspect of the nuclear powerplant which has to be done under a construction permit.

Mr. PASTORE. But the construction permit has not been granted in this case. Anybody in Pennsylvania who has started to build something without first getting a permit is doing it at his own risk.

The PRESIDING OFFICER. The Chair reminds the Senator from Pennsylvania that he controls half the time and the Senator from Rhode Island controls the other half, and the Senator from Tennessee does not have time during debate on this amendment.

Mr. BAKER. It is my understanding that the time I used was coming from those in opposition to the amendment.

The PRESIDING OFFICER. The Chair will so rule.

Mr. PASTORE. That is correct. I grant to the Senator from Tennessee any time he desires.

Mr. BAKER. With respect to the second point, the question raised by the Senator from Pennsylvania as to why the double standard, that is the point I tried to touch in my previous reply. It really is a double standard—I make no bones about that—because they are two different problems. The Senator asks why there should be one situation for the Clean Air Amendments of 1970 and another for the AEC. Because, in a careful consideration of the situation in the various regions of the United States, we felt, for example, that the air in Nevada was vastly different, as a meteorological situation, from the air in the Los Angeles Basin. There is no likelihood that there ever will be clean air in that area, unless we have local implementing standards for air pollution that are extremely rigid and more rigid than in other parts of the country. That is why we built some flexibility into the air act so that California could require the so-called California package on new automobiles, which exceeded at that time the air pollution control devices required for cars sold in any other part of the country. That is not the case with the radiological situation. Once again, the low level of radioactivity is the same in the Los Angeles Basin as at Lake Tahoe. They are two completely different things.

My reply to the Senator is, if we had it, if we wanted it, we would have put it in the air act, but that is not practical because of the varying situations. That is the reason for the distinction.

Mr. SCHWEIKER. I should like to respond to the two Senators in regard to the expertise question. In my amendment, I have allowed for that. Granted, there is a limited expertise here, so I fairly wrote into my amendment that the AEC shall judge, when a State comes up with an exemption, with a tougher standard than the Federal Government, the AEC shall make their judgment, that determination. I am giving them the expertise and the decisionmaking authority for that. My amendment specifically provides that such a State program must be adequate to protect the public health and safety, and be at least as restrictive as the AEC national requirement. I could not be fairer than that. That throws the expertise where it is.

In response to the question that we have done it in the Clean Air Act but do not do it for radiation because of the greater variances, all I can say is there are no greater variances than exceed the atomic radiation, such as geological conditions. I would not build a plant over a fault or underground that had earthquakes, such as in California, which would be a great hazard. Those are local conditions. Then they say that we should look into them and build no plant over the San Andreas Fault. That is a logical thing to say.

Then we look into the water supply to see if the water supply can handle the thermal pollution problem in a specific area. Also wind conditions—whatever the wind conditions might be, what rate of speed, and so forth, because of the danger of clouds or some kind of nuclear plant not dispersing in a theoretical way as it should, but hanging into a smog condition, and rendering the area in an unsafe condition. There are a number of other local conditions like the Clean Air Act that should be considered.

Mr. PASTORE. The amendment has nothing to do with this. He is talking about a design for a reactor, not standards of radiation but the design of a reactor. These things have to be taken into account at the time the construction permit is granted. The people most knowledgeable are those who have the best minds in the country on the subject and have been employed by the AEC.

What the Senator from Rhode Island is saying is: Once we have set standards, no matter what they are, who will implement them; who will make sure they will live up to them? The best minds in this country, with the expertise to make sure that the standards are being complied with, are those people now employed by the Federal Government.

Mr. SCHWEIKER. I am giving that decisionmaking power in my amendment. That is my very point, to let the AEC decide it.

Mr. PASTORE. No, the Senator is not. The Senator is not. The Senator is allowing a grant to be made to the States so that they can develop the expertise. The Senator is doing it over again. The Senator is granting Federal money in order to help the States to develop their expertise, an expertise we have already. We already have it. That is what the Senator's amendment says, that a grant shall be made by the environmental agency not to exceed 50 percent in order to develop the State agency that they would need in order to implement the standards the Senator is talking about. What the Senator is doing is to do it twice, and wasting money.

Mr. SCHWEIKER. The Senator is either misunderstanding or distorting the purpose of my amendment. It has two sections to it. They are not directly linked but they are related. The AEC, under my amendment, has the sole power to decide whether a State standard is as strict as health and safety conditions. It is right in the AEC, where you fellows argue it should be. That is where it is.

Mr. PASTORE. Well, if you can trust the Federal Government halfway why not trust it the whole way?

Mr. SCHWEIKER. Because they are not taking into account local situations, local conditions, and local variations.

Mr. PASTORE. They have to do that when they determine whether the standards comply with the Federal regulations.

Mr. SCHWEIKER. Then why not do it for the Clean Air Act?

Mr. PASTORE. Because the air is different in every State. The Senator from Tennessee brought that out. Surely the air over Pittsburgh is a little different from the air over some little towns in Pennsylvania.

Mr. SCHWEIKER. The air that blows the radioactive particles is as different as the Senator said, and it blows over to the next town or the next population area. It is the air that carries the radiation particles. That is the point I am getting at.

Mr. PASTORE. The best people who are in the Federal Government can tell the Senator why that is happening. That is all I am saying. The Senator cannot find that expertise in Pennsylvania, unless he comes and takes someone out of the Federal Government.

Mr. SCHWEIKER. There are a number of people who are not in the Federal Government, I might suggest, who have some expertise, who used to be with the Federal Government and take issue with the Federal Government, who have worked with the Federal Government, and who disagree with the Federal Government. The Senator will surely acknowledge that that is what the controversy is all about. The Senator's own people who used to work with the program are objecting to the program, saying it is not safe or it is inadequate. They are the people you created. They are taking issue. They are your own experts, you see.

Mr. PASTORE. Does the Senator believe that the State should regulate radiation rather than the Federal Government?

Mr. SCHWEIKER. They disagree that the Federal standards are adequate today, that they are safe. That is what they are saying, the people who got their start under the AEC.

Mr. PASTORE. Then why does the Senator leave it up to the Federal Government that State regulations go beyond Federal regulations?

Mr. SCHWEIKER. Because we are giving them a restricted judgment as to when a State meets tougher standards. They have two options.

Mr. MONDALE. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCHWEIKER. I yield.

Mr. MONDALE. I am a cosponsor of the amendment offered by the distinguished Senator from Pennsylvania. Many individual States set their own standards for the regulation of radioactive discharges. The key case involves the case of the State of Minnesota, where we felt the Atomic Energy Commission had not been adequately concerned about the danger involved in some of the nuclear plants and, in our opinion, it established standards which risked the health and safety of the people of Minnesota. We assembled an array of gifted scientists and specialists. This was the view taken by the leadership, almost throughout the State government of Minnesota, of both parties, and it was rather widely believed that the Atomic Energy Commission was not adequately protecting the citizens of Minnesota pursuant to their standards and, thus, Minnesota tried to establish standards that it thought would adequately protect its citizens. Those standards were bitterly opposed by the Atomic Energy Commission. We thought we were right, but as the Senator knows, the case went to the Supreme Court—United States against Minnesota—the right of Minnesota to assert what we thought necessary to protect the public health of the State, which was held to be preempted by Federal regulations.

As I understand it, we need the amendment offered by the Senator from Pennsylvania if we are going to be able, in our State, to do so.

Mr. SCHWEIKER. That is correct. I might say to the Senator that the legal people who carry the State concur in the judgment that it will give relief in a case exactly like the Minnesota case.

Mr. MONDALE. That is correct. The Governor of my State feels strongly that we need this in order to protect the health of the citizens of the State of Minnesota. We have a competent staff of specialists who feel the same way about it.

I am hopeful that the amendment of the Senator from Pennsylvania will be adopted.

Mr. SCHWEIKER. Mr. President, I thank the Senator from Minnesota for his comments.

Mr. President, I should like to read into the RECORD the fact that there are 13 States which have already indicated they want to have the ability to apply their own standards for nuclear plants.

The following States have filed a friend of the court brief in the Minnesota case:

Illinois, Kansas, Maryland, Michigan, Missouri, Pennsylvania, Vermont, Virginia, and Wisconsin.

So, there is a need here. There is a need for a remedy. I might say that the Southern Governors Conference filed a brief on behalf of the States of:

Arkansas, Delaware, Mississippi, and West Virginia.

We have not only the environmental issue, but we also have the States' rights issue here. I see no reason to run roughshod over their feelings. If they have a good case, if they develop as the Senator from Rhode Island thinks, then what is wrong with trying to protect safety? We are dealing with nuclear energy, energy that has blown people to bits. What is wrong about being a little prudent? What is wrong about going a little slower than the committee wants to go?

I think that we need nuclear energy. I think it is the way to the future. However, I see no reason for rushing into something without providing some remedy, particularly when the States are concerned that it might affect the health and safety of the people. The health and safety of the people would be more protected with my amendment in the bill than they would be without the amendment.

If we were going at it the other way, I would agree with the Senator. However, I cannot understand why radiation from these plants is not given the same respect with regard to the health and safety of people as air pollution is. The ramifications are far more serious than those of air pollution.

Mr. BAKER. Mr. President, if the Senator will yield on my time, the Senator once again referred to the Clean Air Act and the Clean Air Amendments of 1970. As a member of the Air and Water Pollution Subcommittee of the Committee on Public Works, I was instrumental in helping to form and write the bill. I think there is an analogy that escapes the Senator from Pennsylvania as he continually refers to the clean air amendments. That is that we did in fact provide criteria for differences in variations, and not only permitted but also mandated these in the several parts of the Nation.

However, in the case of automobiles, to which the Senator from Pennsylvania has referred, we preempted the field and we said that the Federal Government will set the only standards for automobiles and no one else will do so, except in the case of California, and that only temporarily.

If we talk about building a nuclear powerplant, let us do it in the way we do it in the clean air amendments. That is what we do, and I think that what the Senator from Pennsylvania proposes would undo it.

Mr. SCHWEIKER. Mr. President, in response to my good friend, the Senator from Tennessee, automobiles are marketed all over the country and they travel all over the country. A nuclear powerplant is located in one specific local area with certain wind conditions, certain geological underground conditions, and certain factors relating to air, water, and oil pollution. And the safety of people is affected by automobiles which drive from one end of the country to another. I do not agree with the analogy of the Senator from Tennessee.

Mr. GOLDWATER. Mr. President, would the Senator yield for a technical point. I am not sure which way I will vote.

Mr. SCHWEIKER. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I would like to ask the Senator from Rhode Island this question. We are talking about the danger of emissions from nuclear powerplants. The only one that I am acquainted with is the one in California. It is located about 4,000 yards south of the President's house. Nothing has happened since that has been put there.

There was a fear that the fishing might be affected. However, it is as good as it ever was. The temperature of the water has not changed.

Has the Senator run into the question of any emissions from nuclear powerplants that could be airborne?

Mr. PASTORE. I could not answer that question categorically. I do not know of any myself. However, I would not be a bit surprised if they did have problems somewhere. In every instance, of course, there has been a very speedy correction of the involvement by the Federal authorities.

All I can say to my distinguished colleague, the Senator from Arizona, is that we have been in this nuclear field since 1945 when that bomb went off, when they tested it in the Flats. And I do not know of any incidents so far that would not indicate to me that we do not have about the best safety record of any industry in the country.

We never heard much of this until we got into this question of the ecology and the environment. I think it is a good thing. However, to answer the question directly, I know that we have had thermal problems, even with thermal plants, where the temperature of the water has been raised. However, insofar as the emission of radiation that has affected people. I do not know of any.

Mr. GOLDWATER. Mr. President, the reason I ask the question is that I think it is pertinent and I apologize to the Senator from Pennsylvania for interrupting. However, I have had the feeling that the American people have been so frightened at the words "nuclear" and "atomic" that they cannot realize that all future power will be developed either by the present methods of fusion or some other devices that we have not fully explored yet.

If there were any danger of emissions into the air, it would be one thing. I have not heard of any. However, if there is no danger of emission from these plants, I cannot see why the States would feel so keenly that they would like to have authority over them. In fact, I would like to have some atomic reactors in the State of Arizona. I do not think we would be asking to control it there.

Mr. PASTORE. Mr. President, as the Senator points out, we have to be careful where we put them. I would not put one down on Pennsylvania Avenue. I would not expect that, and no one expects to do that. However, we are going to have a shortage of energy in this country unless we do something. Our oil supply will run out. It has been estimated that by the turn of the century, half of the electricity will have to be supplied by nuclear energy. We double our demands for electric energy every 10 years. Our people need more and more of it. We will have to do something about it.

If we go to coal, we will have problems. If we go to nuclear energy, we will have some problem. However, we need not worry that the environment and the health of the people will not be protected. We have what is known as the Price-Anderson Act in which the Government guarantees injured third parties up to $500 million. We have not paid a dime under that guarantee.

Mr. GOLDWATER. Mr. President, I thank the Senator for yielding to me.

Mr. SCHWEIKER. Mr. President, I am also concerned about the often criticized lack of responsiveness of Federal authorities to citizens' concerns. Many citizen groups in the Commonwealth of Pennsylvania have contacted me to express their serious concern about nuclear plants in my State.

I would like to point out that we have 16 plants planned there. We are in the eye of the storm. We are a nuclear guinea pig. It seems to me that, that being the kind of state in which we live, we ought to have some way of having remedies. That is what my amendment does.

Federal authorities are not as responsive as they should be to these concerns, and I believe that State regulatory authorities, being closer to the citizens, will be in a better position to evaluate and respond to citizen comments about nuclear powerplants. In addition, this amendment would follow the principles laid down by the Nixon administration which indicate the President's desire to return more governing authority to the individual States.

At the present time there is great controversy over the biologic and genetic effects of low-level dosages of radiation. There is substantial disagreement as to the impact which such radiation emissions have on human and plant life.

Scientists cannot agree. I do not know the answer. However, we know that when leading scientists cannot agree, we ought to have some study and some degree of remedy for States which feel that they will be affected. Much more study and debate is necessary, because I do not believe that satisfactory answers have yet been provided. It is interesting to note in this regard, however, that so-called zero-release reactors can be built. In fact, a zero-release reactor has been operating in Antarctica since 1962. This reactor, the PM-3A, is a small one, with an output of 1.5 megawatts. International treaties prohibiting the release of radiation into the Antarctic environment made it imperative that a zero-release reactor be designed for this area, and it has been operating successfully for 9 years.

In view of the tremendous impact which the large number of plants may have on the environment, I believe it is essential that the amendment which I introduce today be enacted. Congress provided a clear precedent for this kind of legislation in section 109 of the Clean Air Act which passed in 1970. Section 109 provides that:

> Nothing in this title shall prevent a State, political subdivision, intermunicipality or interstate agency from adopting standards and plans to implement an air quality program which will achieve a higher level of ambient air quality than approved by the Secretary.

This is exactly what I am doing here.

An exemption for individual States to set more restrictive environmental standards is even more important in the nuclear area than it is with regard to air pollution.

With regard to the second half of my amendment, I would like to point out that the Commonwealth of Pennsylvania and the AEC, on November 5, 1970, signed a contract for a cooperative program of environmental radiation monitoring of nuclear powerplants in Pennsylvania. This is a pioneering agreement, the first of its kind. The purpose of the monitoring is to provide the AEC with timely independent information and data for: First, evaluating the normal background levels of radiation which exist naturally in Pennsylvania at those facilities which are under construction; second, determining the adequacy of controls being exercised over radioactive effluents and sources of radiation at operating facilities, and concentrations of radioactive materials in the offsite environment resulting from operation of the facilities; and third, determining the potential radiation exposure to the public attributable to facility operations.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. SCHWEIKER. Mr. President, I am delighted that the Commonwealth of Pennsylvania and the Atomic Energy Commission have joined hands in setting up this kind of program, and I believe that other States should also be in a position to set up similar programs with Federal financial assistance.

Mr. President, in conclusion I wish to say I am in accord with the principles of the bill. I will support the bill. I recognize the need. But I say there is no reason not to do it the way we elected to do it in the Clean Air Act and give the States some options. I do not think that would hamstring the program and it would create a feeling about nuclear energy in this country and go a long way toward creating a better relationship between nuclear power and the people. Mr. President, that is what my amendment would do.

Mr. BAKER. Mr. President, at the request of the Senator from Utah (Mr. BENNETT), I ask unanimous consent that a statement by him in opposition to the Schweiker amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BENNETT

The Senator from Pennsylvania has offered an amendment which is essentially the same as the bill S. 2050 which he introduced last June and which is now pending before the Joint Committee on Atomic Energy. The amendment would provide for authority for the States to regulate radioactive discharges from licensed nuclear facilities which are under the regulatory control of the Atomic Energy Commission and it would provide for funding to be administered by the Environmental Protection Agency to provide financial resources to States in developing or improving their organizations to carry out this expanded authority.

The question of Federal-State jurisdiction to regulate radioactive releases to the environment is one which has received a great deal of attention by the Joint Committee particularly in recent years. In addition to the Senator's bill, there are six other bills pending before the Committee relating to the same subject matter. All seven bills were the subject of hearings held by the Joint Committee last June and July at which time the Senator presented his statement for inclusion in the record. Those hearings have been printed in a two-volume set entitled "AEC Licensing Procedure and Related Legislation" June and July 1971.

In addition, the question of the appropriate role of the States within the authority of the Atomic Energy Act to share with the AEC the responsibility for such regulation has been the subject of court action between the State of Minnesota and the Northern States Power Company. On April 3, 1972, the United States Supreme Court, in a summary decision, affirmed the decision of the United States Court of Appeals to the effect that Congress through the Atomic Energy Act of 1954, had preempted the authority to regulate radiological discharges from AEC-licensed nuclear facilities to the Federal Government and that the States had no authority to regulate in that field beyond the authority delegated to the States pursuant to an agreement with the Atomic Energy Commission. In effect, therefore, the amendment seeks to overturn the decision of the Supreme Court in interpreting the Atomic Energy Act wherein the Congress clearly expressed its intent that this regulatory authority should be preempted to the Federal Government.

As I indicated, bills relating to the same subject matter have been the subject of hearings by the Joint Committee. As was developed in the hearings, it is very important for reasons of safety to provide uniform standards for reactors. This, of course, is provided for by the performance of the regulatory function by the Federal Government. Power reactors are very complex and setting of any regulation concerning a limitation on an effluent, for example, can result in many cases in numerous and significant design changes in a plant. Such changes can, in certain cases, result in a less safe plant. Accordingly, it is not desirable for each state to come up with its own specifications which could adversely affect the design or operation of a plant. At present the five reactor designers have developed nuclear power plants which have received the same regulatory review by the same Federal organization—the AEC—to assure a safely designed plant.

As far as radioactive effluents are concerned, the plants are reviewed to assure compliance with the "as low as practical" release limits which have recently been established and, therefore, in this particular respect, by definition, any further decrease is not practical. In its regulatory review the AEC has the opportunity to consider all reactor designs and apply the lessons learned or developed across the spectrum of reactor designs to all plants.

Only when one combines a function such as this, can one practically assemble the highly specialized staff which is needed in such a regulatory function. The AEC has nearly a thousand people in its regulatory operation. No individual state could justify the assembly of such a staff of experts to perform the critical regulation and safety function.

Since reactors involve such a new and complex technology there is a basic limitation on the numbers of specially trained people in the various fields. This is particularly true in the areas involving regulatory review which calls for knowledge of interactions of many elements of the design of the plant.

Under the present arrangements of Federal regulatory control, the talents of the highest qualified people are most efficiently utilized for reactor facilities across the nation. Such a system also permits an efficient utilization of the most talented people in the reactor design organization where all basic safety features must be initiated. These designers need only communicate with one central government agency responsible for standards and other regulatory matters in lieu of many uncoordinated regulatory groups.

If developments occur which change the situation, the Committee will look into the matter again. At present, however, in the interest of the safety in design and operation of power reactors, a change from the federal regulation of reactors is not warranted. I reiterate that this matter is too far reaching to be considered by way of an amendment without thorough evaluation of all aspects of the issue and the availability of a well-reasoned report to the Congress. Nothing less should suffice before Congress takes action to reverse its carefully considered position on the same issue almost twenty years ago.

Therefore, I urge that the amendment be rejected.

NATIONAL SCIENCE FOUNDATION

Mr. DOMINICK. Mr. President, the American Physical Society recently held its spring meeting here in Washington. This distinguished professional association, which had 59 members back in 1899—the year it was established, today represents over 29,000 of the Nation's physicists. The speaker at the society's banquet meeting was Dr. H. Guyford Stever, Director of the National Science Foundation, who himself holds a Ph. D. in physics from the California Institute of Technology.

As a member of the Senate authorization subcommittee for the National Science Foundation, I find Dr. Stever's message both reassuring and challenging. It is reassuring in its affirmation of the tremendously important role that science and scientists can have in the future quality of our society. In particular, Dr. Stever emphasizes the significance of basic research to the achievement of our Nation's goals and the clear intention of the National Science Foundation to continue its primary mission of supporting this research. At the same time, he relishes today's challenges to science when, as never before, it is called upon to play many roles and make many contributions—balancing the need for ideas with the need for solutions, the need for power with the need for protecting our limited resources and our natural environment, to cite only a few.

Dr. Stever also raises the possibility that the "new" science he portrays could result in vastly changed predictions about the future need for scientists. This would cast quite a different light on the dispute that currently rages over whether we have a shortage or a surplus of scientific manpower.

Mr. President, I commend this speech to Members of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

PHYSICS—A WASHINGTON PERSPECTIVE

Dr. Morse, Award Winners, Distinguished Guests, Ladies and Gentlemen: When I accepted your kind invitation to speak before you this evening, I did so with pleasure at the prospect of renewing many old friendships and the hope of beginning new ones. Also, I felt that the physics community is likely to have more than a casual interest in a new Director of the NSF. Probably, a new Director doesn't become an old one until he gives a maiden talk before the American Physical Society.

Modern science, with physics as its cutting edge, has been a growing activity in society for centuries. With this lengthy history, one would imagine science, which has proved to be of such importance to mankind, would have settled down to a degree of stability far beyond that which seems to be apparent at this point in time. And yet, as all of you know, science—and physics in particular—has been undergoing a reappraisal in the past few years which seems to have shaken the faith of some in its role in society. I do not need to list all the transient events which go behind that statement, for all of you are well aware of them through direct experience as well as from reading the copious literature of science.

At your last two annual banquets, two of the most important of these problems were discussed by your speakers. In 1970 my predecessor, Dr. William D. McElroy, spoke about the changing attitudes toward science by society, and its demands for a more relevant application of science to some of society's problems. Last year, Dr. Edward E. David, Jr., the President's Science Adviser, focused heavily on the supply and demand for Ph.D. physicists.

The subjects of those two speeches, the demand of society for more relevant application of science, and the supply and demand for physics Ph.D.'s, are part of the larger issue of balance in scientific research and education—an issue brought on by two important trends. The first is the steadily awakening consciousness of the American people, as well as people all over the world, to the tremendous power of science and technology both for good and for evil. The second is the accompanying exponential growth of science in the last two to three decades. Since the National Science Foundation is in the thick of the discussions and arguments on this issue, I would like to give you some of the ideas which I have formed in my brief two and a half months in office.

First, let me speak to the attitudes of society toward science. Both as a university president and a scientist, I watched with close interest the development of these attitudes over the last five years or so. They were highlighted by the rejection of science by the counter-culture as an extreme expression of the concern of society about science. But there was also the more moderate but still serious views of society questioning the capability of science to move the nation toward newer goals.

I think that there is emerging from this period a reasonably healthy synthesis on which we can advance science and its role in society. What are the characteristics of the emerging synthesis? First, essential elements of the past are retained. This includes a recognition of the value of basic research and the need for scientific autonomy. As the Director of the National Science Foundation let me assure you that the NSF will continue to direct most of its efforts toward basic research. Another essential element of the past which has been retained relates to the key role of the universities, which will be as important in the future as in the past, though there may well be some different features.

The second characteristic of the synthesis is its direct orientation to national goals—particularly those of social viability, quality, and equality. The research concerned with these goals often is derivative in the sense of drawing upon the mathematical and physical sciences. Obviously, these fundamental sciences can only be more important than ever when tied so closely to national goals.

Because we are breaking new ground, a third characteristic of the synthesis relates to its probative nature. For example, the NSF has proposed an Experimental R&D Incentives Program to Congress. Through such a program, we hope to test incentives for increasing non-Federal investments in R&D and improving the conversion of R&D to new and improved products, processes, and services. If we succeed, it will represent a new dimension in the R&D role of the Federal Government.

Personally, I am glad that society has been reexamining its goals and is taking a much more acute interest in these many issues in which science is involved, including the environment, the supply of natural resources, and the uses of power. I think, if science applies its tremendous assets of knowledge, understanding, and concern wisely, it can in fact strengthen its position in society and regain the great respect it has enjoyed. More importantly, it could become a respect based on a sounder and healthier long-term relationship than that which prevailed following World War II, the period in which the NSF was born.

As the anti-science and anti-technology sentiments grew during recent years, I was concerned that we might not get the chance that we need to reestablish this confidence by society. Society might have gone the way of the counter-culture, as suggested by many, or it could have continued on exactly the previous course of more science, more technology, without the necessary restraints. But I am delighted with those newer developments which show that many people believe we will not be able to conquer the problems of our society without science. I am also pleased that many steps have been taken to affect developing technology and control it. Scientists have much to contribute toward influencing the direction of their work and its applications. In fact, they should be major contributors of ideas on how new research and technologies might head off potential problems as well as deal with those we now face.

I think it is to the great credit of physicists that they have played a leading role in this direction. It is a role played by many physicists over the past quarter century in helping society develop perspective on atomic energy. It is worth noting that it was a physicist, Harvey Brooks, who headed the National Academy of Sciences' study on technology assessment. When the National Science Foundation started its activities in problem-oriented research through a program called Interdisciplinary Research Relevant to Problems of Our Society, it was headed by a physicist. This program was converted and expanded to a new program called RANN—Research Applied to National Needs—which has been reasonably successful in its support of important new research using the abilities of many physicists. Of course, there are many others of you who have made contributions toward this type of effort.

An important indication of the continuing expression of confidence in science and dependence upon it can be seen in the President's special message on research and development, the first such message devoted exclusively to science and technology. This message calls for "a strong new effort to marshal science and technology in the work of strengthening our economy and improving the quality of life." I hope we can build upon the Administration's expression of confidence that the world of basic research, particularly the academic world, is in fact producing new ideas which do apply to the emerging goals of the nation. And that some scientists in the academic world—not all, but some—will go the next step beyond basic research to start its application.

There is no question that this move toward applied and mission-oriented research has generated much concern in the world of science, at least in that part of it involved in basic research. While some of NSF's associates in the scientific community, the Congress, the Administration, and society as a whole are strongly in favor of the new initiatives, still others are deeply concerned that the NSF is diluting its efforts in basic research because of those initiatives.

Certainly, we all agree that the central mission of the National Science Foundation, which is the development of the total health of science in the country, is best carried out by directing most of its efforts toward basic research. That idea is not challenged in the Government, contrary to many public expressions or fears. Nor has anyone been able to show evidence that the NSF has been supporting these new missions at the expense of basic research. We have not—and we don't intend to. In fact, in the last three budget years, and hopefully next year, our basic research budget has steadily increased at a greater rate than the inflation which has beset all of our efforts. It is recognized that during this period, NSF had to take on support of some dropouts from mission agencies which reduced their efforts in certain lines of research. But we believe that the dropout effect is largely over.

The problem that the National Science Foundation faces now in the relationship between its primary mission of basic research and its newly established secondary mission of goal-oriented research is one of balance. Both basic and goal-oriented research lead to fundamental knowledge. Basic, or internally motivated research, may not necessarily, at a given point in time, provide all the fundamental knowledge needed to help solve important national problems. For this reason, we invest a small fraction of our budget, slightly more than ten percent, in goal-oriented research in the RANN program. This program differs from traditional research mainly in its external motivation and program design. Both lead to fundamental knowledge, both internal and external motivations are important for maximum effectiveness, and both must be balanced accordingly.

The National Science Foundation also faces other problems of balance. You may recall that from its beginning the National Science Foundation was heavily oriented toward the physical sciences, primarily because of the strong voice in Government circles of the physical scientists who had contributed to the effort of World War II. As the years passed and the needs of society changed, emphasis on the life sciences, the social sciences, and the engineering sciences has been added. At this time, we have 12 different scientific fields into which we break up our primary activity supporting basic research in the universities. Each year we have the problem of balancing these fields. And factors such as future promise, evidence of research needs, and the dependence of society on basic ideas all interplay with one another as that balance is obtained. You know of the pressures developed within physics to receive more recognition by the NSF of physics' needs, opportunities and potential. I can assure you that each of the other disciplines has also developed analogous pressures. Let me say parenthetically, as one educated in physics, I am always interested to see how many of these 12 sciences either come from physics or are closely related and dependent on physics, especially through the route of basic laws, research techniques, and instrumentation.

At another time in the history of the National Science Foundation, work in the support of science education grew, and again a balancing problem arose—and still exists. But I am confident that the National Science Foundation—with a strong input from the National Science Board and the science community, from the Congress, and from the Administration—can tackle the balancing job which it has in front of it now. With reasonable equity, it can foster scientific research in its purest form, communicate useful science to the world, and develop the new science education so necessary to society today.

Not only can both basic and applied research grow, as they merit such growth, but success in each area of NSF effort will tend to support growth, and a demand for growth, in the other. Certainly this is true in the case of physics, which in addition to its basic ideas contributes so much to the applied sciences and technologies being called upon to solve our problems today. One has only to take a brief look at the NSF's Research Applied to National Needs program to see why and how this is true. For example, physics is involved in and must contribute to the energy research and technology being advanced by this program. It relates to the work in disaster and natural hazard research in numerous ways. It contributes to studies of environmental systems, both directly and indirectly, through innovation in instrumentation. It also plays important roles in research on urban systems and can contribute to our program of exploratory research and problem assessment. In addition to these examples, there are numerous other applied activities that bode well for physics—lasers, holography, opto-electronics, plasma physics—you know them well.

I would say that in light of today's broad research activities and needs, physicists have a great new opportunity to prove physics a Renaissance science able to play many roles and make many contributions in today's society. Perhaps we have lost sight of this in focusing too heavily and too narrowly on the problems of recent years—problems of transition and adjustment to new priorities. I do not play these problems down. They are real—and painful to many—but they should not cause us to lose our perspective or sense of purpose.

Now let me turn to another issue about which I commented earlier—that having to do with the supply of scientists, a matter which Dr. David took up last year. The National Science Foundation, with its support of graduate students, both through its research projects, fellowships and traineeships, and its support of science students at the undergraduate and high school level, has played a sustaining role. Still, only a fraction of the science students, in fact, have been assisted by the NSF; and there has been a cutback by NSF in recent years, caused primarily by the obvious lack of job availability, the under-utilization of scientists, and the belief by some that no field of study should be singled out for special support. The argument still rages hot and heavy on this. On the one hand, there are those who ask why we should stimulate a greater production of research scientists of the Ph.D. variety at a time when they are facing underemployment. On the other hand, the unemployment and underemployment may have been exaggerated; and this side of the argument clearly states the case that if our country is to utilize scientists in the solving of its emerging problems, it will certainly need more.

I have heard arguments on both sides, but for the life of me I don't think either case is yet complete. The various projections are heavily dependent on assumptions regarding the persistence of doctoral use patterns on the campus, industry, and Government. If these patterns change, and I believe the emerging "new" science described before will produce such change, then the predictions of shortage or surplus could be seriously in error. For these reasons, I believe that we should not perturb the system either way until the situation is more clear. I am convinced, however, that there is a very definite need for the field of science education to address the problem. Are we educating and motivating young scientists in the fields of science over the entire spectrum of activities in which scientists can play an important role? Are we doing so not only in research but in its application and in the teaching of science? What is the needed supply of researchers to man our educational institutions, our basic research institutions, and to solve the technical problems of society? And a broader question—how can we better teach nonscientists of all ages to understand the science and technology which is so vital a part of their lives?

An important aspect of this composite question concerns the universities themselves, as institutions which harbor and foster a great deal of the basic and applied science, as well as handling the education of the scientists. We all believe that education at the graduate level, and in some cases at the undergraduate level, is made better by its association with research; and we believe that research is aided greatly by the ideas that come from the young minds of the students. In the universities, we have tied research and education and the production of scientists all together. As society's needs change with respect to the numbers of scientists, does this mean that we limit research according to the need for students?

I rather suspect that we may find a situation growing in which we need far more basic research than can be done if our research is attached solely to the mechanism that produces Ph.D.'s. Does this mean a change in the ratio of Ph.D. candidates to professors and researchers, or does it mean that we start new institutions to do the kind of basic research that was formerly done in the universities?

These are questions very much worth pondering. And although I am strongly inclined to give universities first choice at the growth in basic research, there are clearly some voices in our society which are against it. As you know, a recommendation of Alan Pifer of the Carnegie Corporation, among others, is to limit carefully the amount of research done by universities exclusively to that directly related to education. I think we must address this question with the degree of wisdom that it deserves. We don't want to hurt our universities by forcing them to a pattern of too much research that diminishes their educational capability, and yet we do not want to diminish research which is important to that capability.

I have tried to tell you some of the things on my mind which might relate to your concerns and hopes as scientists and physicists. I realize I may have raised more questions than provided answers. But in a period of transition, this may be inevitable—and no one can claim to have all the answers today.

However, I do know that there *are* significant opportunities ahead for physics. There *are* challenges we must meet to extend our scientific knowledge and fill the needs of society.

Perhaps you feel I have stated the outlook for science and physics with guarded optimism. You are right. Nevertheless, it *is* optimism—and I believe there is reason for you to share it. I hope that you will—and that your work in the days ahead will justify that optimism and help it grow.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA), the Senator from Montana (Mr. MANSFIELD), the Senator from Hawaii (Mr. INOUYE), and the Senator from Florida (Mr. CHILES) are absent on official business.

I further announce that if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) would vote "yea." On this vote, the Senator from North Carolina (Mr. ERVIN) is paired with the Senator from Connecticut (Mr. RIBICOFF).

If present and voting, the Senator from North Carolina would vote "nay" and the Senator from Connecticut would vote "yea."

On this vote, the Senator from Nevada (Mr. CANNON) is paired with the Senator from Minnesota (Mr. HUMPHREY).

If present and voting, the Senator from Nevada would vote "nay" and the Senator from Minnesota would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Kentucky (Mr. COOK) are absent on official business attending meetings of the Mexican Interparliamentary Union.

The Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Utah (Mr. BENNETT) would vote "nay."

The result was announced—yeas 36, nays 41, as follows:

[No. 182 Leg.]

YEAS—36

Bellmon
Boggs
Brooke
Buckley
Byrd, Harry F., Jr.
Case
Church
Cooper
Cranston
Griffin
Hart
Hartke
Hatfield
Hollings
Hughes
Jordan, Idaho
Kennedy
McGovern
McIntyre
Metcalf
Mondale
Muskie
Nelson
Packwood
Percy
Proxmire
Roth
Schweiker
Scott
Spong
Stafford
Stevenson
Thurmond
Tower
Tunney
Williams

NAYS—41

Allen
Allott
Anderson
Baker
Beall
Bentsen
Bible
Brock
Burdick
Byrd, Robert C.
Cotton
Curtis
Dole
Dominick
Eagleton
Ellender
Fannin
Fong
Fulbright
Goldwater
Gurney
Hansen
Hruska
Jackson
Javits
Long
Magnuson
Mathias
Miller
Moss
Pastore
Pell
Randolph
Smith
Sparkman
Stennis
Symington
Taft
Talmadge
Weicker
Young

NOT VOTING—23

Aiken
Bayh
Bennett
Cannon
Chiles
Cook
Eastland
Ervin
Gambrell
Gravel
Harris
Humphrey
Inouye
Jordan, N.C.
Mansfield
McClellan
McGee
Montoya
Mundt
Pearson
Ribicoff
Saxbe
Stevens

So Mr. SCHWEIKER's amendment (No. 1197) was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, on May 4 of this year I spoke on the Senate floor on the subject "Environmental Lawsuits and the Power Crisis." I pointed out that in my capacity as chairman of the Public Works Subcommittee of the Senate Appropriations Committee, I have been holding hearings for several weeks, and that a clear pattern emerges which disturbs me, particularly with respect to electric power.

During the week of April 17 there appeared before the subcommitee the heads of the three Federal agencies most directly involved in electric power matters: The Federal Power Commission, the Tennessee Valley Authority, and the Atomic Energy Commission. All agreed that the country is facing an electric power crisis. All agreed that much of the delay in construction of badly needed electric generating plants can be blamed on lawsuits filed on environmental grounds. These lawsuits are based on a provision in the National Environmental Policy Act of 1968 which requires that before a Federal project which has a significant effect on the environment can be built, a so-called environmental impact statement must be prepared, which evaluates alternatives and the effects on the environment.

This provision has a commendable purpose, but it is being abused. The lawsuits allege that the impact statements are incomplete or faulty. Injunctions are sought and obtained to stop the projects while the courts decide the sufficiency of the impact statements, which can take months or years.

In his testimony to the subcommittee, the Chairman of the Federal Power Commission commended to our favorable attention the bill that is presently under consideration, S. 3543. He pointed out that the 15 substantially completed nuclear powerplants which would be given temporary operating licenses under this bill are in areas where power shortages can be expected this summer. This is logical, for, of course, the reason these very expensive plants are being built is to meet projected power requirements.

The problem arises because the permanent licenses for these plants are being or are expected to be contested by lawsuits filed on environmental grounds, using the language of the National Environmental Policy Act as a basis.

The prerequisites for the issuance of temporary licenses under this bill are comprehensive and they provide adequate safety and environmental safeguards. This bill should be passed, for these powerplants are badly needed to meet the power crisis. I urge its approval by the Senate.

My concern about the current rash of environmental lawsuits goes beyond the power crisis, to encompass the full field of public works projects. They also are being ground to a halt, in considerable numbers, by these lawsuits. The consequences, in economic losses to this country, are very great.

Certainly it is true that the protection of the environment is one of the most important matters being debated in this country today. I take the position that it should not be debated too emotionally, but that it should be approached rationally, without disregarding any of the facts.

There are only a few basic points that are really important. First, for hundreds of years men of all nations have abused the environment. To a great degree this was because there seemed to be a surplus of all the good things in nature that could last forever.

Now men know that they are overdrawn at nature's bank and have to pay it back. This is going to cost a lot of money. To make that money we have to have economic development. To halt economic development would be to make impossible the achievement of our environmental goals—to clean up our land, air, and water. We cannot choose either economic progress or the good, green earth. We must have both, and we can, if the problems are approached with logic, and not emotional debate.

This crisis in electric power, and the public works program in general, occurs because the language in the National Environmental Policy Act of 1968 does not give the Federal courts enough guidance. It will take legislation to correct this situation, and I will support such legislative efforts.

This bill now before the Senate is needed to help relieve the situation as to a power shortage and I urge its support.

Mr. NELSON. Mr. President, I support S. 3543, a bill which amends the Atomic Energy Act of 1954 to provide for the issuance, under certain circumstances, of licenses for temporary operation of nuclear powerplants.

I support the bill because it strikes what appears to me to be a fair compromise. That is, it permits the Atomic Energy Commission to issue interim operating authority at a power level and for a period of time specifically tailored to meet the event of a power shortage, while at the same time it permits the public and interested parties to participate in the decisionmaking process by having such temporary operating authority issued only after a hearing and certain specified findings.

Section 192a first provides that a petition for temporary operating authority may not be filed until after the Advisory Committee on Reactor Safeguards has issued its report, the Commission has completed and published the Regulatory Staff's safety evaluation, and all of the applicable requirements of the National Environmental Policy Act are compiled with. The section accordingly requires the full application of the National Environmental Policy Act and its spirit and history.

Under section 192a, a petition for temporary operating authority cannot even be filed until after the administrative review has been completed. This section further provides that a mandatory public hearing must be held on any such petition and that upon completion of the hearing, the Commission must make findings that the plant has been constructed properly and will operate in accordance with the rules and regulations of the AEC; that there will be adequate protection of the environment; and that limited operation of the facility is essential to meet the power shortage which is the subject of the petition.

In S. 3543, the agency process whereby the Commission determines whether or not to issue a temporary license is an adjudication within the meaning of section 554 of title 5 of the United States Code, so that parties opposing the license will have the opportunity to investigate fully the facts which are alleged in support of the temporary operating authority. Thus, the Commission's ultimate decision in connection with an issuance or not of a temporary operating license will be made after all parties have had an opportunity to be heard, which includes the traditional rights of discovering valuable and relevant information in support of each of their positions and of cross-examination of persons holding opposing views. Thus, the bill does not disturb the present and salutary concept in sections 181 and 189 of the Atomic Energy Act, as supplemented by the relevant sections of the Administrative Procedure Act (5 U.S.C. sections 554, 556, and 557) that public hearings and public participation are an important check upon in-house administrative review.

It is clear that the bill provides for the issuance of temporary operating authority to meet a power shortage only after it has been demonstrated that all safety, radiological, and environmental problems associated with such limited operation have been resolved satisfactorily in accordance with the Atomic Energy Act and the National Environmental Policy Act. Since the bill would not permit the issuance of a temporary operating license when there remains outstanding in a contested operating hearing an unresolved safety issue which is also related to temporary operating authority, S. 3543 would not permit the bypassing of adjudication of unresolved safety issues by virtue of an expedited hearing in connection with the issuance of a temporary operating license.

Finally, S. 3543 permits the Commission to issue rules and regulations—not inconsistent with the purposes of S. 3543—to expedite the hearings in connection with the temporary operating license. That is, the Commission could devise rules and regulations which could shorten the discovery process prior to the actual hearing by, for example, requiring that all information in support of the petition and the various administrative reviews be made publicly available upon the filing of the petition for a temporary operating license; but the Commission could not issue rules and regulations to expedite temporary operating hearings which would do away with the traditional rights of a party to a hearing, to discovery, to cross-examination and to a full opportunity to be heard.

I have always been in favor of public participation in administrative action and I am pleased to support a bill which encourages and ratifies the public's right to participate in the adjudication of licenses for nuclear powerplant operation.

I am also pleased that the bill reinforces the application of the National Environmental Policy Act, notwithstanding that it also provides for authority for interim licensing.

Mr. KENNEDY. Mr. President, the legislation we are now considering is of the most urgent character. The energy crisis now facing this Nation requires speedy action by the Senate. However, there is a combined requirement that faces us. We must meet the energy requirements, but we must do so without destroying our environment or by permitting unsafe and unhealthy practices to exist.

Always in the case of competing interests, a balance must be struck. And I believe the bill now before the Senate succeeds in that regard.

In this matter, I want to extend my most sincere commendations to the Senator from Rhode Island (Mr. PASTORE), the chairman of the Joint Atomic Energy Committee, for his thoughtful and diligent action in arriving at the current bill in its present form.

Mr. President, the purpose of S. 3543 is to provide the Atomic Energy Commission with specific statutory authorization to issue temporary operating licenses for nuclear powerplants. The bill has been carefully drafted to reflect the preservation of important rights of the public to an adjudicatory hearing and to court review with respect to the temporary operating license. To fully appreciate what the bill provides, it is necessary to examine the history of the legislation.

Originally the Joint Committee on Atomic Energy was considering three bills, H.R. 13731, H.R. 13732, and H.R. 14065, each of which in one way or another authorized the AEC to issue temporary operating licenses without preservation of the public's right to an adjudicatory hearing and to court review. Of those, H.R. 14065 was the bill which appeared to be of greatest interest to the Joint Committee on Atomic Energy because, unlike the other two bills, it did not attempt to avoid the NEPA—National Environmental Policy Act.

One portion of H.R. 14065 of greatest concern to me was the following: The intended inapplicability of sections 181 and 189a of the Atomic Energy Act and sections 554, 556, and 557 of title 5 of the United States Code. This represented a specific attempt to abolish the adjudicatory hearing, which is required by the sections of the Atomic Energy Act and the conduct of which is controlled by the sections of title 5. Reference to the inapplicability of these sections was specifically excluded from S. 3543 and in addition, S. 3543 specifically requires that a "hearing" be held on any request for a temporary operating license.

This major change in the legislation was directly responsive to the consensus expressed by numerous environmental organizations and by Senator BAKER as expressed in his supplemental views in the committee report. On April 18, 1972, I wrote to Senator PASTORE expressing my concern that H.R. 14065 would permit the AEC to issue temporary operating licenses without preserving the public's right to an adjudicatory hearing. My staff on the Subcommittee on Administrative Practices and Procedures contacted the Joint Committee on Atomic Energy staff and were assured that S. 3543 was responsive to those concerns. I am extremely gratified that through the diligent efforts of Senator PASTORE, Senator BAKER, and the other members of the Joint Committee on Atomic Energy, a bill was reported which did provide the AEC with the explicit authority that it needed to issue temporary operating licenses on an expedited basis without compromising the public's right to an adjudicatory hearing.

Mr. President, I ask unanimous consent to have the correspondence between Senator PASTORE and myself placed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

APRIL 18, 1972.

Hon. JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy, Washington, D.C.

DEAR MR. CHAIRMAN: I am aware that the Joint Committee on Atomic Energy is considering H.R. 14065 concerning the licensing of commercial nuclear power plants. I have received the attached letter from representatives of the Sierra Club and the Union of Concerned Scientists.

Without attempting to evaluate their conclusions regarding the matter of nuclear reactory safety, it would seem that relevant testimony by the AEC experts and representatives of these groups could well ensure what I know is your intent, a bill that will combine assurance of necessary electric power with the protection of the environment.

Apparently, some of the positions taken at recent AEC rulemaking hearings by AEC personnel themselves represent new information on the state of the art.

I would hope that, without unduly delaying action by the Committee, there might be an opportunity given to the AEC technical experts and to a limited number of representatives of concerned environmental groups to testify on this specific issue.

Also, may I mention, as chairman of the Administrative Practice and Procedure Subcommittee my concern that the protections of the Administrative Procedure Act be carefully evaluated before any action be taken to limit those protections.

I appreciate your attention to this matter, and I am sure you share my concern that there be the fullest exposition of all possible views, as your Committee has so ably done in the past, to ensure wide public confidence in the safety and future of atomic energy.

Sincerely,

EDWARD M. KENNEDY.

CONGRESS OF THE UNITED STATES,
Washington, D.C., May 4, 1972.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I am pleased to respond to your letter of April 18, 1972, concerning H.R. 14065, a bill which would authorize the Atomic Energy Commission to license nuclear power plants on a temporary basis in emergency power situations. The members of this Committee are aware of the concerns expressed by representatives of the Sierra Club and the Union of Concerned Scientists which are set forth in their letter of April 17, to you which you kindly furnished me with your letter.

Since you wrote me, the Committee has made a number of changes to H.R. 14065. After a series of executive sessions, the Committee, on April 27, 1972, by a roll call vote of 15 to 0, ordered a clean bill to be reported. This bill was introduced in the Senate as S. 3543 and in the House as H.R. 14655. I am enclosing a copy of the bill, the House report on the bill, and a copy of Part 1 of the hearings on the bill. A copy of Part 2 will be sent to you as soon as it becomes available.

A hearing on a House rule for consideration of the legislation was held on May 1, and a rule was issued the same day. The legislation was passed by the House on May 3.

The Atomic Energy Commission, on March 8, 1972, submitted a bill concerning the licensing of nuclear power plants which was referred to this Committee. The bill, H.R. 13731, proposed extensive changes in licensing procedures for these plants. At the Committee's hearing on March 16, I asked Dr. Schlesinger what aspect of the Administration's proposal was needed to help assist with the emergency power situation which both Government and utility representatives have testified before this and other committees may materialize in certain areas of the country commencing this summer. Dr. Schlesinger replied that the only amendment to the Atomic Energy Act needed in light of that problem is an amendment which would authorize the Commission to issue a temporary operating license under certain circumstances.

H.R. 14655 is intended to be responsive to that need. Under H.R. 14655 a temporary operating license could be issued, even though a contested hearing on the full-term (forty years), full-power license is in progress, under the following circumstances:

(a) There is an emergency need for the power output from the plant.

(b) The requirements of the National Environmental Policy Act have been satisfied.

(c) The report of the statutorily independent Advisory Committee on Reactor Safeguards has been received.

(d) The regulatory staff of the Atomic Energy Commission has issued its safety report on the operation.

(e) The Commission must determine that the temporary operation can be conducted safely and with adequate protection of the environment; if these determinations cannot be made, the plant cannot be licensed to operate on a temporary basis.

An important feature of the legislation developed by the Committee concerns the addition of hearing requirements prior to issuance of an interim license. Interested parties would be given an opportunity initially to express their views on the petition in the form of affidavits. A hearing would be held on the petition under expedited procedures which the Commission deems appropriate. The hearing would not necessarily be a trial-type hearing. If, in view of the Commission, the affidavits raised a substantial issue of merit in connection with the proposed temporary operating license, interested parties would be given an opportunity to present evidence and question witnesses on that issue under expedited procedures which the Commission deems appropriate. This authority can be used in contested hearings and proceedings which are pending and in progress on the date of enactment of the bill. If any temporary license is issued by the Commission, the Commission action would be subject to judicial review under the Administrative Orders Review Act of 1950.

This approach should preserve the essential concepts of the Administrative Procedure Act regarding a reasonable opportunity for parties to present evidence on disputed factual matters which are relevant to the temporary operation. In that regard the staff of the Joint Committee on Atomic Energy has contacted the staff of your Administrative Practice and Procedures Subcommittee to assure that the procedural safeguards associated with any expedited procedures which may be authorized incorporate adequate procedural safeguards embodied in the Administrative Procedure Act. The Committee has also received the views of the Chairman of the Administrative Conference of the United States and assistance from his staff.

As far as additional hearings are concerned, I am informed that the Sierra Club and the Union of Concerned Scientists are represented in the public rule making hearings on the adequacy of the interim criteria for emergency core cooling systems now being conducted by the Commission. Their attorney in that rule making proceeding was one of the witnesses who testified before the Joint Committee on March 17 on the bills as well as on the emergency core cooling hearing. I am also informed that the views expressed in their letter of April 17 to you are already in the public record. If these organizations have any additional factual information on this matter which is not already available to the public, I would urge them to inform the Commission and the Committee promptly. You may be assured that all views will be taken into consideration to insure that any licensing action which may be authorized on a temporary basis to meet emergency power needs would not result in any compromise of safety. Indeed, at the outset of the hearings on March 16, I questioned Dr. Schlesinger in that regard and he assured the Committee that all safety and environmental findings would have to be made for purposes of any temporary operation.

I deeply appreciate your letter informing me of your concerns as well as the concerns of others.

Sincerely yours,
JOHN O. PASTORE,
Chairman.

Mr. MUSKIE. Mr. President, I have reviewed this bill, S. 3543, a bill to vest in the Atomic Energy Commission the specific statutory authority to issue temporary operating licenses for nuclear power reactors when the power from those reactors is demonstrated to be needed to meet or avert a probable or actual power shortage.

Earlier versions of this legislation—and I speak particularly of the administration's proposal, H.R. 13731—were wholly unacceptable, in my judgment. That bill would have given the AEC full discretion to issue full-power operating licenses for nuclear reactors, even where there was a serious safety or environmental issue being contested. The Commission could have done so within the framework of a procedure that would have seriously curtailed or even eliminated entirely the traditional rights of public parties to contest issues in an adjudicatory proceeding.

S. 3543 and its companion measure already passed by the House, H.R. 14655, represent a very substantial improvement over the administration proposal, in several respects. First of all, the bills set out specific findings of fact that must be made on the record by the Commission before a temporary license could issue, including full compliance with all safety requirements, satisfaction of the applicable requirements of the National Environmental Policy Act, provision for "adequate protection of the environment during the period of the temporary operating license," and a very tight test of whether or not there is, in fact, likely to be a power shortage and whether or not such a shortage could be averted by some means other than the issuance of a temporary operating license for a nuclear power reactor. The burden of proof in each of these instances is upon the petitioner for the license.

Under the administration's proposal, the Commission would have been given total discretion to determine whether or not any sort of hearing at all would have been held on a petition. Had the Commission decided to hold a hearing, it would have been authorized to hold a simple, abbreviated, "legislative-type" hearing, with no rights of discovery and cross-examination reserved to parties to the proceeding. I could not have supported such a drastic abridgment of the public's right to contest radiological health and safety and environmental issues as they relate to the temporary operating of nuclear power reactors.

S. 3543, the pending bill, while it gives the Commission important new authority to issue temporary licenses under certain narrow circumstances to meet a legitimate power need, does not give the Commission any new authority that it does not now have as to procedural rights and safeguards reserved to parties by sections 181 and 189a of the Atomic Energy Act and sections 554, 556, and 557 of title 5 of the United States Code—the Administrative Procedure Act. The Commission now has and has always had the authority to issue such rules and regulations as it may deem necessary to expedite any adjudication conducted pursuant to any licensing authority. But such rules and regulations cannot in any way breach or compromise the traditional rights of parties guaranteed by sections 554, 556, and 557 of title 5. Even though the bill speaks of the Commission's authority to determine which issues raised by affidavits filed by parties are "substantial," this is not a new authority. Such determinations are commonly made in any agency adjudication and made on the record. Because the short-term operating of one of these power reactors should raise fewer issues of safety and environmental degradation than might the full-term operating of the same reactor, the Commission should be able to expedite any proceeding on a petition for a temporary license, so that whatever issues are raised can be resolved in a timely fashion.

Mr. President, I have no objection to the enactment of this legislation. If the Commission exercises its new authority responsibly, imaginatively, and in good faith, this bill should provide AEC with the capability of addressing demonstrated emergency power shortages when and if they occur in various areas of the Nation, while at the same time maintaining the requirements of NEPA and providing essential protection to the public on the critical and overriding issues of health, safety, and environmental effects in the AEC regulatory procedures.

Mr. TUNNEY. Mr. President, after reviewing the careful consideration afforded S. 3543 by the Joint Committee on Atomic Energy, and noting its endorsement by the CEQ, EPA, and major environmental groups, I have decided to support this interim measure.

In order to prevent anticipated blackouts and brownouts in certain areas of the country commencing this summer, S. 3543 would permit the issuance of temporary operating licenses to a limited number of nuclear powerplants which are fully or substantially constructed and are located in the areas of the expected shortages.

Such temporary operating licenses would not be issued unless certain prerequisites are satisfied. These include a determination by the Commission that safety requirements are met, and compliance with all applicable provisions of the National Environmental Policy Act. The authority to issue temporary operating licenses would expire on October 31, 1973, and the applicant must proceed with due diligence to obtain its permanent license or else the temporary license must be vacated.

I fully support Senator BAKER's interpretation of the procedural rights and safeguards afforded by S. 3543. I would underscore specifically that the agency process whereby the Commission or its delegate makes the findings required in new subsection 192b and determines whether or not to issue a temporary operating license is an adjudication required to be determined on the record within the meaning of section 554 of title 5 of the Administrative Procedure Act. I would have opposed sections of the administration's bill, H.R. 13731, which extinguished important procedural rights available to the public.

Mr. PASTORE. Mr. President, if Senators will remain on the floor, I think we can dispose of the business within a matter of minutes.

Do I correctly understand, Mr. President, that we have had third reading?

The PRESIDING OFFICER. We were about to have it. We were interrupted.

If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. PASTORE. I ask unanimous consent that the order for the yeas and nays on S. 3543 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask unanimous consent that the Joint Committee on Atomic Energy be discharged from further consideration of H.R. 14655, which is identical to the bill we are dealing with here in the Senate, S. 3453, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 14655) to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? The Chair hears none and it is so ordered.

The question is on the third reading of the bill.

The bill was read the third time.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. PASTORE. I yield back the remainder of my time.

Mr. BAKER. I yield back my time.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on the House bill.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. GOLDWATER). All time having been yielded back, and the bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA), the Senator from Montana (Mr. MANSFIELD), the Senator from Hawaii (Mr. INOUYE), and the Senator from Florida (Mr. CHILES) are absent on official business.

On this vote, the Senator from Alaska (Mr. GRAVEL) is paired with the Senator from Minnesota (Mr. HUMPHREY).

If present and voting, the Senator from Alaska would vote "nay" and the Senator from Minnesota would vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Kentucky (Mr. COOK) are absent on official business attending meetings of the Mexican Interparliamentary Union.

The Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Vermont (Mr. AIKEN), and the Senator from Utah (Mr. BENNETT) would each vote "yea."

The result was announced—yeas 80, nays 0, as follows:

[No. 183 Leg.]

YEAS—80

Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Fannin
Fong
Fulbright
Goldwater
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—20

Aiken
Bennett
Chiles
Cook
Eastland
Ervin
Gambrell
Gravel
Humphrey
Inouye
Jordan, N.C.
Mansfield
McClellan
McGee
Montoya
Mundt
Pearson
Ribicoff
Saxbe
Stevens

So the bill (H.R. 14655) was passed.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I ask unanimous consent that S. 3543 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The PRESIDING OFFICER (Mr. CURTIS). Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Mississippi.

THE FEDERAL HAZARDOUS SUBSTANCE ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—I think this request has been fully cleared on both sides, and I direct my attention to the distinguished Senator from Iowa—that at such time as S. 1478, a bill to amend the Federal Hazardous Substances Act, is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, to be equally divided between the manager of the bill, the Senator from Washington (Mr. MAGNUSON), or his designee, and the ranking minority member of the Committee on Commerce or his designee; that there be 1 hour on any amendment, with the time to be equally divided between the mover of such amendment and the manager of the bill; that there be a limitation of one-half hour on any amendment to an amendment, debatable motion, or appeal, with the time to be equally divided between and controlled by the mover of such and the manager of the bill, except in those instances in which the manager of the bill supports such amendment, debatable motion, or appeal, in which case the time in opposition thereto to be under the control of the distinguished minority leader or his designee.

The PRESIDING OFFICER. Is there objection?

Mr. HUGHES. Mr. President, reserving the right to object—and I do not intend to object—could the distinguished majority whip give some idea of when this bill will come up?

Mr. ROBERT C. BYRD. Mr. President, I believe that the likelihood is that the bill would not be called up before next week sometime. That is the present likelihood, as I see it. It would then be called up in accordance with the understanding we have had today with respect to calling up matters on an ad hoc basis, as long as the unfinished business is before the Senate.

I assure the Senator that he will be contacted at such time as any effort is made to call up the bill.

Mr. HUGHES. The Senator from Iowa would like to inquire, is it anticipated—as I have no knowledge—that there would be any lengthy debate or any long series of amendments in relationship to the bill?

Mr. ROBERT C. BYRD. I am told that there is one amendment which would possibly be offered by the distinguished Senator from Tennessee (Mr. BAKER). I was further told by the Senator from Tennessee (Mr. BAKER), a little while ago, that it is possible some resolution can be reached with respect to the subject matter of his amendment, in which case the bill could be disposed of rather quickly. So, I do not anticipate a series of amendments, if I may say.

Mr. HUGHES. The Senator from Iowa was reassured by the distinguished majority whip saying, in accordance with the understandings we have had, that there will be communication before such bill is brought up in relation to the timing of bringing it up.

Mr. ROBERT C. BYRD. The distinguished Senator from Iowa has that assurance.

Mr. HUGHES. The Senator from Iowa does not object.

Mr. ROBERT C. BYRD. I thank the Senator from Iowa very much.

The PRESIDING OFFICER (Mr. Curtis). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT TO 12 NOON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFERENCE REPORT ON SECOND SUPPLEMENTAL APPROPRIATION BILL—UNANIMOUS-CONSENT REQUEST

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the morning business, the Chair lay before the Senate the conference report on the supplemental appropriation bill, this being a privileged matter, provided, that time on that conference report be limited to 30 minutes, to be equally divided between the distinguished manager of the bill, the Senator from Louisiana (Mr. Ellender), and the ranking minority member of the Appropriations Committee, the distinguished Senator from North Dakota (Mr. Young); provided further, that upon the disposition of that conference report, the Senate then resume the consideration of the unfinished business, S. 3526.

Mr. President, I hope the Chair will indulge me and allow me to withhold this request temporarily.

Mr. President, I temporarily withdraw my unanimous consent request with the anticipation that, later in the afternoon, I may be able to renew it.

ORDER FOR RECOGNITION OF SENATOR BROCK TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the two leaders have been recognized under the standing order—or their designees—the distinguished Senator from Tennessee (Mr. Brock) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WAR IN SOUTHEAST ASIA

Mr. CRANSTON. Mr. President, the board of supervisors of the county of Santa Cruz of the State of California, on May 10, 1972, adopted a very important resolution opposing our further involvement in the war in Southeast Asia and supporting an initiative opposing the war in Southeast Asia.

Under that initiative, the people of the county of Santa Cruz, and people elsewhere, will be provided an opportunity to register their position on the war, to indicate whether they wish the war to continue or whether they wish to end our involvement in the war.

The resolving clause of the resolution states:

> It is further resolved that all citizens of Santa Cruz County are urged to send their own messages to the President and to members of Congress in order that the views of said citizens in this matter may be adequately expressed.

Mr. President, many people in public office, where they are not compelled to vote yes or no on issues relating to the tragic war in Vietnam, duck that issue, saying that it is not their responsibility in their particular position of authority to take a stand on the issue, it is most heartening that these courageous officials of Santa Cruz County—3 of whom comprise the majority vote in favor of the resolution—have taken this stand. I hope that many other officials elsewhere across this land will be encouraged to do likewise. I hope that the citizens all across this land will heed this advice and indicate to Members of this body, to Congress itself, and to the President, their stand on this war.

Mr. HUGHES. Mr. President, will the Senator from California yield?

Mr. CRANSTON. I yield.

Mr. HUGHES. I should like to say to the distinguished Senator from California that I think the stand taken by the Board of Supervisors of Santa Cruz County is one which can indicate to other boards and other levels of government all over the country a method of action whereby there can be some grassroots expression from the people about the war in Southeast Asia.

Part of the problem in America today has been the fact that people have had no outlet for their expressions, or a way or a means to voice their own opinions which might have some effect on the governmental structure.

I should like to commend this particular board of supervisors in California, and the Senator from California, for placing this particular resolution in the Record at this time. I express with him the hope that this might take place all over America, at least against or for. I encourage both courses of action.

If there are boards who feel the opposite of this board, I think it would be well if that were brought out so that we might know. We have all kinds of speculation as to how people feel about the war and our disengagement and the various steps to be taken.

I think this particular board deserves congratulations, certainly the congratulations of the Senator from Iowa. I appreciate the fact that the Senator from California has put this in the Record.

Mr. CRANSTON. Mr. President, I thank the Senator from Iowa for his deep interest in this matter and for his support of this and other efforts to end our war in Southeast Asia.

The chairman of the board of supervisors of the county of Santa Cruz, Mr. Philip W. Harry, came to Washington with this resolution. He visited the Senator from Iowa (Mr. Hughes). He has visited my office also.

I ask unanimous consent that the full text of the resolution by the board of supervisors be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution No. 153–72

Resolution supporting Southeast Asia initiative opposing war in Southeast Asia

Whereas, we realize that we were not elected members of the Santa Cruz County Board of Supervisors to become involved in establishing or altering our nation's foreign policy, and

Whereas, there is no known legal precedent for our expressing a viewpoint in regard to said foreign policy, and neither is there any known legal impediment to our doing so, and

Whereas, we firmly believe that the President has exceeded his Constitutional authority in his announcement of a blockade of the harbors of North Viet Nam, and

Whereas, the effects of a war in Southeast Asia, or any other area on earth, are felt in all sections of our country, including Santa Cruz County, and are therefore of concern to the citizens of this county, and

Whereas, we do not presume that we necessarily represent the thinking of all the people of Santa Cruz County in regard to the aforementioned foreign policy as it affects the war in Southeast Asia, but reflect the thinking of ourselves as individuals and of more than 2,000 persons who attended a public hearing on Wednesday, May 10, 1972, in the Santa Cruz Civic Auditorium, and

Whereas, this thinking also has been reflected by many other persons in Santa Cruz County, and

Whereas, we share with concerned citizens in Santa Cruz County and all over the world the conviction that war in any form, by any people against any other people, is immoral, and

Whereas, we also deplore all acts of violence, disturbance and disruption at home and abroad;

Now, therefore, it is hereby resolved that the members of the Santa Cruz County Board of Supervisors, as individuals, deplore the war in Southeast Asia and urge the enactment of any legislation which will bring this war to a close and prevent repetition of such involvement in any other area.

It is further resolved that said members of the Santa Cruz County Board of Supervisors endorse the Southeast Asia War Initiative.

It is further resolved that the Chairman of this Board is authorized to deliver a copy of this resolution in person to the White House. The costs of such trip will not be a county charge.

It is further resolved that in making such presentation, the Chairman of this Board will be representing only those members of this Board who are listed below as approving this resolution.

It is further resolved that all citizens of Santa Cruz County are urged to send their own messages to the President and to members of Congress in order that the views of said citizens in this matter may be adequately expressed.

Passed and adopted by the Board of Supervisors of the County of Santa Cruz, State of California, this 10th day of May, 1972, by the following vote:

Ayes: Supervisors Mello, Sanson, Harry.
Noes: Supervisors Forbus, Cress.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that today, May 17, 1972, he presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 234. A joint resolution deploring the attempted assassination of Gov. George C. Wallace of Alabama.

QUORUM CALL

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CURTIS). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Tennessee (Mr. BROCK) tomorrow there be a period for the transaction of routine morning business for not to exced 30 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFERENCE REPORT ON SUPPLEMENTAL APPROPRIATION BILL—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business tomorrow, the Senate proceed to the consideration of the conference report on the supplemental appropriation bill, H.R. 14582; that time thereon be limited to 1 hour, to be equally divided between the chairman of the Committee on Appropriations (Mr. ELLENDER) and the able ranking minority member of the committee (Mr. YOUNG); provided further, that the unfinished business, S. 3526, be temporarily laid aside for not to exceed 1 hour following the conclusion of the morning business tomorrow; and that upon disposition of the supplemental appropriation conference report the Senate resume its consideration of the unfinished business, S. 3526.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I want to make a slight revision in the unanimous consent that was earlier agreed to with respect to the conference report on the supplemental appropriation bill. I do this just to preclude any problem from arising which might unduly or unexpectedly delay resumption of consideration of the unfinished business on tomorrow.

I ask unanimous consent that, immediately following the conclusion of morning business on tomorrow, the Senate proceed to the consideration of the conference report on H.R. 14582, the supplemental appropriations for 1972; that there be a limitation of time on the consideration of that conference report and the disposition of any amendments in disagreement thereto for not to exceed 1 hour; and that at the conclusion of any votes which may occur in connection therewith, or at such time as the 1 hour has expired, or remaining time has been yielded back, the Senate then return to the consideration of the unfinished business, S. 3526.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I wish to state at this point that there will be no further rollcall votes today.

DECLARATION COMMEMORATING THE 18TH ANNIVERSARY OF THE DECISION IN BROWN AGAINST BOARD OF EDUCATION

Mr. JAVITS. Mr. President, 10 Republican Senators have issued a statement commemorating the 18th anniversary of the Supreme Court school desegregation decision. Inasmuch as I think it is so important, especially coming today when we have just gone through a very trying conference on the higher education bill which dealt with this particular issue to some extent, and from which I have derived considerable concern about its future, I take the liberty of reading to the Senate the declaration issued today by Senators BROOKE, CASE, HATFIELD, JAVITS, SCOTT, STAFFORD, WEICKER, PACKWOOD, PERCY, and SCHWEIKER. The declaration reads:

Eighteen years ago today, the Supreme Court in an historic decision in Brown v. Board of Education declared that "segregation of children in public schools solely on the basis of race . . . deprive(s) the children of the minority group of equal education opportunities . . . (and) is a denial of equal protection of the laws".

On this anniversary of that landmark decision we, the undersigned Republican Senators, reaffirm our dedication to the letter and the spirit of that decision. We reject any attempt to abandon or to impede school desegregation which we believe to be essential to the proper education of the nation's children and to the stability, growth and harmony of the nation.

We believe that equal opportunity should be available at every level of American life and we look particularly for strict enforcement of the Federal laws against discrimination in education—as well as jobs and housing. We have faith that progress in all these areas will ultimately integrate our society, but this faith does not diminish our responsibility to continue effective action now in respect to school desegregation.

We reject specifically the concept that separate can be equal, a doctrine rejected by the Supreme Court in 1954, and we vigorously oppose efforts by any race whatever the doctrine invoked, again to segregate our children in school. While both local participation with an active role for the community in the school system and neighborhood schools are traditional American concepts, we cannot condone the efforts of extremists of any race who would, by act or by inaction, use them as an excuse for a return to the dual school system.

As Republicans, we are proud of our Party's tradition in civil rights. Beginning in Abraham Lincoln's time, and continuing through the great legislative breakthroughs of the 1950's and 1960's Republicans have consistently labored to close the gap between black and white America. As Republicans, too, we are committed to the concept of justice under law. In school desegregation, the law is clear. The decision to desegregate with all deliberate speed is eighteen years old today; we are committed to its implementation as a nation without excuse, evasion or further delay and we pledge ourselves to attaining this national objective.

QUORUM CALL

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

AMENDMENT NO. 1189

Mr. BELLMON. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside in order that amendment No. 1189 may be called up.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I call up my amendment No. 1189 and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment (No. 1189) as follows:

On page 31, line 1, following the word "missions," insert the following: "personnel of the Department of Agriculture,".

Mr. BELLMON. Mr. President, the purpose of this amendment is very simple. The language of S. 3526 as now written would reduce the number of personnel of each of the agencies other than the State Department by 10 percent. This includes the Department of Agriculture, and in checking with the Department I find that presently the Department of Agriculture has a total of only 203 American citizens assigned overseas. The jobs conducted by those individuals fall into four categories:

One. The Foreign Agriculture Service has only 138 Americans overseas. These persons are engaged in market development and reporting on market opportunities and the competitive situation for agricultural markets around the world. Their main effort is directed toward export expansion programs that have helped to increase U.S. farm exports to record levels.

The second category is in Agriculture Research Service, with only 14 Americans assigned overseas. The personnel in this category are highly trained research administrators who supervise projects under the Public Law 480 program. These projects are of great value to the United States and the host country and are carried on at a minimum cost to the taxpayers.

The third category is in the Animal and Health Inspection Service—which is the one, frankly, that interests me the most—in which only 51 Americans are assigned overseas. The work of this agency is divided into two parts: First, guarding against the import of pests, diseases, and unfit food. Only 43 Americans are assigned overseas to perform this task. These officers protect American consumers from import into the United States of food products that do not meet U.S. standards for purity and wholesomeness.

These 43 Americans are responsible for overseeing the sanitary conditions in more than 1,000 meat packing plants which process meat for shipment into the United States. These plants ship more than 1 billion pounds of meat a year into the United States. The truth of the matter is that we need many more Americans performing this service to protect the U.S. consumer, not fewer. They protect U.S. agriculture and the food economy from the introduction of diseases and pests that do not exist in this country and would cause untold damage to U.S. plants and animals should they gain a foothold here.

There are only eight Americans engaged in research on marketing quality of U.S. products exported to Europe. This small number of market researchers are aiding in the development of equipment and techniques to deliver U.S. perishable commodities to major European markets. A large potential for expanded export trade in fresh fruits, vegetables, meats, and other perishable depends on the development of improved delivery methods.

The reduction in force proposed by this section could result in the removal of 20 Americans from any of these functions. It could result in the elimination of all research activities of the Department of Agriculture overseas under Public Law 480 and other programs designed to increase our export markets. Or it could result in a reduction by one-half of the size of the present inspection program carried on by the Department of Agriculture to insure that products coming into our country are pure and wholesome.

I am sure that this is not the intention of the committee, and therefore it is my feeling that the personnel of the U.S. Department of Agriculture should be exempt from the personnel reduction order by section 504 of this act.

Therefore, it is my hope that the chairman of the committee will accept this amendment. I strongly feel that the personnel of the USDA should not be included in the reduction order by section 504 of S. 3526.

Mr. FULBRIGHT. Mr. President, coming from an agricultural State as I do, I am, of course, very sympathetic to the point the Senator from Oklahoma is making. There are one or two observations I should like to make.

The bill as reported does not impose a 10-percent cut in the overseas personnel of each agency. The categories which are mentioned on page 98 of the report are simply illustrative of the numbers involved. In other words, it was our intention that it be an overall cut, to be allocated among all the agencies in accordance with the executive department's own priorities. I had assumed—as I do now—that if the executive branch used good judgment, it would not harm one of the most important and essential parts of our foreign activities, agricultural exports and other such activities carried out abroad by the Department of Agriculture.

The Senator from Oklahoma certainly is right in drawing attention to this. As I said, I am very sympathetic to his proposal.

I might point out as background why this provision, section 504, was put in the bill.

I ask unanimous consent that that entire section of the report be printed in the RECORD at this point.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

SECTION 504. PERSONNEL REDUCTION

This section requires that by June 30, 1973, the total number of U.S. government personnel assigned abroad, other than personnel of the Department of State (including reimbursable personnel carried on the Department's rolls), members of the Armed Forces not assigned as attaches or to military aid activities and volunteers in the Peace Corps, be reduced by at least ten percent from the current levels. In addition, the amendment places a worldwide ceiling of 6,000 on the number of State Department personnel (including reimbursable personnel assigned to the Department) who can be stationed overseas at any one time.

According to the recent information available to the Committee, there are some 26,000 U.S. personnel overseas under the jurisdiction of diplomatic mission chiefs. Of this total, State Department personnel engaged in regular Department related activities number 3,409 or about 13 percent. If to this total are added those carried on the Department's rolls as reimbursable personnel, those whose duties actually are in behalf of other agencies such as A.I.D., U.S. Information Agency, and others, the State Department total increases to 5,809—but even this amount represents only 22 percent of the total.

By comparison there were:

5,047 AID personnel;

4,650 Defense Department personnel (excluding members of the Armed Forces);

8,372 Peace Corps personnel;

1,069 USIA personnel;

1,527 other Executive Branch personnel including Justice, Agriculture, Commerce, HEW, NASA and EXIM Bank.

In other words, for every State Department employee overseas there are four more employees from other government agencies. This situation indicates that our overseas missions have developed into miniature foreign policy establishments, drawn along the lines of Washington itself. Those Executive Branch agencies (other than State) which have a foreign-policy input in Washington—ranging from the Department of Defense to the Department of Agriculture—also have their representatives overseas, the only difference being that the representation is on a smaller scale.

This provision would begin to reverse this situation and start to reduce the number of government employees overseas to a more manageable level, while at the same time enhancing the power of the State department to regain better control over our missions abroad.

This mandatory reduction reflects the Committee's concern over the proliferation of government personnel abroad. It recognizes that some reductions have been made in the last several years, but believes that substantially greater reductions could be made which would result in the more efficient and effective conduct of foreign affairs. This reduction should also have a favorable impact on the government's fiscal condition and our balance of payments problem.

The Committee views the ten percent reduction required as a minimum figure and expects that serious efforts will be made to reduce the overseas bureaucracy much further. The Committee will follow the implementation of this directive closely and expect to give careful study to the results during consideration for authorization legislation for FY 1974. In addition, the Committee will expect the Department of State to provide a detailed justification in the FY 1974 presentation material of all U.S. personnel in each U.S. mission abroad to which 50 or more Americans are assigned.

Mr. FULBRIGHT. I shall read just parts of it:

According to the recent information available to the Committee, there are some 26,000 U.S. personnel overseas under the jurisdiction of diplomatic mission chiefs. Of this total, State Department personnel engaged in regular Department related activities number 3,409 or about 13 percent. If to this total are added those carried on the Department's rolls as reimbursable personnel, those whose duties actually are in behalf of other agencies such as A.I.D., U.S. Information Agency, and others, the State Department total increases to 5,809—but even this amount represents only 22 percent of the total.

By comparison there were:

5,047 AID personnel;

4,650 Defense Department personnel (excluding members of the Armed Forces);

These, of course, do not include any of the people in the Army or other Armed Forces—

8,372 Peace Corps personnel;

1,069 USIA personnel;

1,527 other Executive Branch personnel including Justice, Agriculture, Commerce, HEW, NASA and EXIM Bank.

In other words, for every State Department employee overseas there are four more employees from other government agencies. This situation indicates that our overseas missions have developed into miniature foreign policy establishments, drawn along the lines of Washington itself. Those Executive Branch agencies (other than State) which have a foreign-policy input in Washington—ranging from the Department of Defense to the Department of Agriculture—also have their representatives overseas, the only difference being that the representation is on a smaller scale.

We have had many reports from ambassadors in the field that their respective establishments are larger than necessary. Some of them said to me that they could do a better job if they did not have so many people cluttering up the embassy. They do not like to go on record as saying that. Being in the executive branch, it is not healthy for them to say it directly, but they have not hesitated to say it to me and to other members of the committee.

The purpose of this amendment was not to eliminate 10 percent of the Agriculture's personnel abroad or 10 percent of the personnel of any specific agency. It is to be an overall cut. So I would not have anticipated, if they used any judgment at all, that the Agriculture's personnel would be substantially effected. It may be that we have not studied every individual spot in Agriculture.

But at any rate, in order to clarify the situation, and because this is a relatively small item compared to the ones I have mentioned, I would be prepared to accept this amendment. As I said to the Senator from Oklahoma, I would not accept an amendment intended to completely delete the whole 10-percent reduction, because I think it is entirely justified by the record that was made. But on Agriculture I would, because I think it is fundamental, and those people have a direct responsibility quite different, in my view, and much more fundamental, than in a number of these cases I have just read.

I would expect, for example, that we could do without some of these military aides and military attachés, many of whom are in countries where there is no military problem for our country. As I remember, even in a country like Costa Rica, where the country itself does not even have an army, where we have no real business having them, we still have some military aid personnel.

Of course, those assignments are pleasant, with a minimum of duty, a maximum of leisure, and an opportunity to enjoy of nice climate. We have a surplus of military manpower, and they like to have a place to send them. All agencies like to have nontaxing assignments abroad. I mean this is not new, and I would not expect the military to be any different than the personnel in any other agency.

But I think Congress should try to control the proliferation of this type of activity. We know all the difficulties that have arisen out of the war; we seem to feel we have to keep up these over-large establishments in many countries. There are some countries that are important, that obviously ought to be staffed adequately, but there are a lot of them that we believe are overstaffed in accordance with legitimate needs. This provision was just intended to say to the executive branch. "You use your best judgment in cutting down. But you must cut it down 10 percent." This could not be properly interpreted as a direction to cut down each agency by 10 percent. Mr. President, I am willing to accept this amendment, exempting the Department of Agriculture.

Mr. HATFIELD. Mr. President, I am opposed to the reduction of the overseas work force of the Department of Agriculture as proposed in S. 3526, the Department of State-USIA authorization bill.

There is no question that some cuts can be made in the number of U.S. officials currently serving overseas, but I oppose making such cuts across the board, without an examination of the particular value of each department or agency.

Few areas could offer a clearer example of where cuts should not be made than exists with our foreign agriculture aides. I speak from personal experience, both as Governor and as a U.S. Senator.

U.S. agriculture attachés have helped officials of the State of Oregon in opening doors and creating demand for Oregon agricultural products, particularly in the Far East. I do not want action taken that would hinder the further activities of these officials.

During my 8 years as Governor of Oregon, I led two trade missions, one to the Far East and one to Germany, in an effort to develop new markets for Oregon products, and to make contacts for other exchanges of products and material. Not only were the agriculture attachés very helpful at the time, but they were active in followup efforts to create new markets for agriculture products from Oregon.

The farmers of my State shipped $25 million worth of wheat last year, and most of it went to Japan, which has become U.S. agriculture's best wheat customer. Wheat consumption in Japan has more than doubled in the last decade or so. I think it is fair to say that this dramatic increase by a traditionally rice-eating nation toward wheat consumption was aided greatly by market development programs spearheaded by USDA personnel in Japan. The same can be said of soybeans, feed grains, citrus, tallow, and other U.S. farm products. Japan is now a billion-dollar-plus agriculture customer of ours. Similar programs in other countries have been responsible for agriculture's other gains, but the competition has become fierce.

I will not belabor the obvious point that recent gains in foreign sales of U.S. agriculture products assist in our balance of payments. During a time when our balance of payments is in such a precipitous state, I question the wisdom of cutting out personnel who have been very active in an area contributing heavily to positive gains in U.S. balance of payments.

Added to the problems of increasing competition from other agriculture-producing countries have been the severe setbacks caused by the west coast dock strike. This forced Japan and other Pacific basin countries to turn elsewhere for commodities they needed. I know from conversations with agriculture growers and shippers in Oregon last fall that both Canada and Australia increased wheat sales to Japan during the strike. I need not point out that these countries are not going to hand back on a platter our share of those markets. We are going to have to compete for it, and cutting the staff of the men who will help makes no sense to me at all.

We must have an aggressive marketing program to recapture this business lost during the dock strike, and we must set goals for increasing our agriculture sales in the future. I recall a few weeks ago, when I was preparing testimony to give in support of the wheat and wheat foods research and promotion bill, finding out that consumption of wheat in the United States had shown a marked decline in recent years. This has been accompanied by an increase in per acre yield of wheat. Efforts must be made to increase markets for our wheat crops, as well as our other agriculture crops. Foreign sales are an important facet of any market increase, and to do this we need all the help we can get overseas.

At a time when we can look at an all-time high for agriculture exports—$7.8 billion in the last fiscal year—we should look for ways to add to this, and not cut back in an area where such positive gains can be shown.

Last week, I solicited a letter from the State department of agriculture in my State of Oregon. I know the talented men of this State agency have been committed to improving agriculture sales overseas for Oregon products, and I was interested in what they thought of this planned cutback.

I shall quote one paragraph from a letter from Mr. Jay Glatt, administrator of the agricultural development division. Jay Glatt is a man respected throughout the West as someone who has worked actively to promote foreign agriculture sales.

> As a result of this past dock strike it is now more important than ever that we maintain a man-to-man and day-to-day contact with our major overseas customers. The Agricultural Attaches and Foreign Agricultural Service provide that necessary liaison for overseas agricultural market development.

Mr. President, I ask unanimous consent that Mr. Glatt's letter be reprinted at the conclusion of these remarks.

This daily contact and followup plays a vital role in establishing and maintaining our foreign markets, and we must not cut back personnel in an area that makes these gains possible.

Naturally, my remarks today have been directed to the need to restore the Agriculture Department personnel, but I would be remiss if I were to focus exclusively on the Federal efforts to foster greater foreign agriculture sales. To do so would be to overlook the invaluable efforts of the private businesses, associations, and cooperatives in the Northwest that have been active—and even superactive—in promotion of foreign sales for Oregon and Washington agriculture products. In wheat, in grass seed, in feed grain, and in numerous other areas, businessmen have established their own people-to-people contacts, and generated much business.

While these commendable efforts in no way detract from the need to restore the Federal manpower, I do want to point out that private efforts, coupled with an active State program, offer a valuable three-pronged approach to increasing foreign agriculture sales in conjunction with Federal manpower.

In conclusion, I urge Senators to support the amendment offered by the distinguished Senator from Oklahoma (Mr. BELLMON). The amendment would restore the segment of our foreign U.S. Government personnel that has done much to help the U.S. farmer in many ways, and to assist in showing a hefty surplus to our balance of payments.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OREGON DEPARTMENT OF AGRICULTURE,
Salem, Oreg., May 12, 1972.

Hon. MARK O. HATFIELD,
U.S. Senator,
Washington, D.C.

DEAR SENATOR HATFIELD: It has been called to our attention that Senate Bill 3526 dealing with 10% reduction in overseas personnel of the U.S. Government, except State Department, is out of committee.

We seek your concern as to the effect this has on agriculture, particularly at a time when we are in the process of recovering from the effects of a nearly disastrous dock strike.

As a result of this past dock strike it is now more important than ever that we maintain a man-to-man and day-to-day contact with our major overseas customers. The Agricultural Attache and Foreign Agricultural Service provide that necessary liaison for overseas agricultural market development.

Soon we will be into the harvest of a new crop with the potential, as in wheat, of being of bumper proportions, which must be moved in an orderly manner or will be subject to costly delays in export supply and deterioration of quality.

This crop, for instance, represents a $65 million farm value in Oregon alone, of which 85% is traditionally sold into export.

We bring this to your attention because of your concern in export markets both when you were Governor and now as Senator.

We appreciate your attention to this Senate Bill as it is vitally important that overseas agricultural personnel be maintained.

Sincerely,

JAY GLATT,
Administrator, Agricultural Development Division.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Michigan (Mr. GRIFFIN).

Mr. ROBERT C. BYRD. I thank the Chair.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon. After the two leaders or their assistants have been recognized under the standing order the distinguished Senator from Tennessee (Mr. BROCK) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes. At the conclusion of the period for the transaction of routine morning business, the Senate will proceed to the consideration of the conference report on the supplemental appropriation bill, on which there is a time limitation of not to exceed 1 hour. The unfinished business, S. 3526, in the meantime will be temporarily laid aside. Upon the disposition of the conference report on the supplemental approriation bill the Senate will return to the consideration of the unfinished business, S. 3526.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. ROBERT C. BYRD. I thank the Presiding Officer.

I wish to state that there could be a rollcall vote on the adoption of the conference report tomorrow. I have no indication of such at the moment, but Senators should be alerted to the possibility thereof.

Moreover, there could be rollcall votes on amendments to S. 3526, the unfinished business, during the afternoon tomorrow; and Senators understand that tabling motions are in order at any time and that a vote on a tabling motion with respect to any amendment can be had quickly, tabling motions being nondebatable. Senators, I repeat, ought to be alerted to the possibility of rollcall votes tomorrow.

ADJOURNMENT

Mr. HUGHES. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and at 5:05 p.m., the Senate adjourned until tomorrow, Thursday, May 18, 1972, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 17, 1972:

DEPARTMENT OF THE TREASURY

George P. Shultz, of Illinois, to be Secretary of the Treasury.

IN THE NAVY

Rear Adm. Robert E. Adamson, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice. Adm. Frederick H. Schneider, Jr., U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Nels C. Johnson, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Evan P. Aurand, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

DIPLOMATIC AND FOREIGN SERVICE

Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uganda.

Robert L. Yost, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 1972:

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for terms expiring May 11, 1975:

David R. Derge, of Indiana.
Jewel LaFontant, of Illinois.
William C. Turner, of Arizona.

IN THE DIPLOMATIC AND FOREIGN SERVICE

Nominations beginning Richard J. Bloomfield, to be a Foreign Service officer of class 1, and ending John Stern Wolf, to be a Foreign Service officer of class 7, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 1972.

HOUSE OF REPRESENTATIVES—*Wednesday, May 17, 1972*

The House met at 12 o'clock noon.

Rev. Merrill W. Drennan, Metropolitan Memorial United Methodist Church, Washington, D.C., offered the following prayer:

O God, our Father, come nearer to us than we have ever known and stay with us through the deliberations of this day.

In these days when men freely judge and condemn each other, remind us of the words:

Judge not that you be not judged; for with the judgment you pronounce, you will be judged, and the measure you give will be the measure you get.

You, our Father, will know whether at the end of this day we will have been merely echoes, whether we will have done Your will or our own, or, worse still, have done nothing.

Hear us, our Father, as we pray for a freshness of spirit to renew our faith and to brighten our hopes. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

THE LATE HONORABLE JOSEPH M. BOWMAN, JR.

(Mr. FLYNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, it is with deep regret and personal sorrow that I announce to the House the sudden death last night, May 16, 1972, of the Honorable Joseph Merrill Bowman, Jr., of Georgia, a former Assistant Secretary of the Treasury and in late 1968 and early 1969 Acting Under Secretary of the Treasury.

In his official capacity as a senior official of the Treasury Department, as well as a personal friend, Joseph Bowman was well known to and highly respected by many Members of the House of Representatives.

A lawyer by profession, both prior to entering and after leaving Government service, he was a capable and effective lawyer and advocate. A member of the bar of Georgia and of the District of Columbia, he was a partner of the firm of Corcoran, Foley, Youngman, and Rowe, of Washington, D.C. He was actively engaged in the practice of his profession until the close of business yesterday afternoon. While walking from his office to his automobile, he was suddenly stricken and died shortly thereafter at George Washington University Hospital.

Joe was born in Valdosta, Ga., June 23, 1931. He was the son of Mrs. Martha Stanley Bowman and the late Joseph Merrill Bowman, Sr., of Quitman, Ga. He attended the public schools of Quitman and the school of arts and sciences and the Lamar School of Law, both of Emory University, Georgia. He was a member of Phi Delta Theta Fraternity and Phi Delta Phi honorary legal fraternity, and a cadet in the Air Force ROTC at Emory University. During and after the Korean conflict, he served with distinction in the U.S. Air Force, leaving active duty and returning to the practice of law in 1956. He was a partner in the law firm of Kennedy, Kennedy, Seay, and Bowman in Barnesville, Ga.

In 1957 he became my legislative assistant and served in this capacity until he returned to Georgia to reenter the practice of law. During the time that he served as a member of my staff he proved himself to be an outstanding and valuable congressional staff member as well as a warm and close personal friend of mine.

In 1961 he returned to Washington to become Assistant to the Secretary of Labor in the Office of Legislative Affairs. Almost immediately thereafter he was appointed assistant to the then Secretary of the Treasury, C. Douglas Dillon, and was assigned to the Office of Legislative Affairs in the Treasury Department.

In this capacity as well as when he later served as Assistant Secretary of the Treasury he served as a White House liaison officer and frequently participated in prelegislative conferences on tax legislation and other major adminstration measures.

During this time he became a close associate of the then Secretary of the Treasury, Henry H. Fowler, and was appointed by the President and confirmed by the Senate as Assistant Secretary of the Treasury. When Secretary Fowler resigned and Under Secretary of the Treasury Joseph W. Barr became Secretary, Mr. Bowman became Acting Under Secretary of the Treasury and served in that capacity until January 20, 1969.

He received the Alexander Hamilton Award, the highest award which can be given to an official of the Treasury Department.

Joe Bowman was an able lawyer and a dedicated and trusted public official. He was my devoted personal friend, and I shall miss him very much.

Mr. Bowman is survived by his widow, the former Isabella Nichols, the daughter of Mr. and Mrs. C. B. Nichols of Griffin, Ga., and by three children, Joseph Nichols, Mary Bayne, and Henry Fowler.

Patty and our children extend to Sissy, Joe, Mary, and Henry and to the other members of Joe's family our love and heartfelt sympathy.

PASSING OF STRICTER GUN CONTROL LAWS IS FALLACIOUS THINKING

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, the terrible incident earlier this week in which George Wallace was struck down by a would-be assassin is stimulating some to suggest that stricter gun laws be passed as a cure for such incidents. This thinking is a fallacy. The man who committed the crime was in violation of both Federal and State gun control laws before he committed his crime. He was subject to arrest before he pulled the trigger. The answer to the problem quite obviously is law enforcement.

A man pulled the trigger. It was the befuddled logic of a human being which brought on this tragedy. Stricter legislation would not have prevented that man from getting a gun. In fact, he once had been arrested on a weapons charge and yet, despite existing law, he managed to get another gun, transport it across State lines, and gun down a candidate for President. Again, it is law enforcement that is needed.

Congress has enacted far-reaching crime curbs and has appropriated millions upon millions of dollars to implement crime control. Before we go overboard in the clamor for new legislation which would deprive law-abiding Americans of the right to own weapons to protect themselves, their homes, and their families, let us calmly consider the facts. Passing laws does not get to the heart of the problem. Federal and State gun control laws already in being should have prevented the attack on Governor Wallace, but criminals will get guns despite laws, whether they be existing laws or new laws.

GOV. GEORGE C. WALLACE

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, yesterday the Nation was shocked once again with yet another political shooting. I am sure that my colleagues join with me in praying for the speedy recovery of Gov. George C. Wallace.

Indeed, whether we agree or disagree with the political philosophy of the Governor, we all must band together in condemning this senseless act of violence. What is at stake here is the right of every American to seek the highest office in the land without risking his life, to be able to speak out on the issues of the day without being cut down by a bullet.

Yesterday's tragic events brought back the chilling memories of previous political assassinations of the recent past. The assassinations of our President, John F. Kennedy, his brother Robert, and the Rev. Martin Luther King. Now, in this presidential campaign year, we once again face the ominous nightmare of political assassination attempts. A cloud hangs over the entire country since we never know if this senseless act will be repeated. Indeed, to allow such shootings and killings to continue can only result in anarchy in our society.

Let us not stand idly by and wait for yet another assassination or assault on a President or candidate for that Office to take place.

We must take action to control the violence within our society. To neglect this issue is to invite future tragedy.

I would like to extend my sympathies to Governor Wallace's family in this moment of crises, and pray that the Governor recovers quickly.

DISILLUSIONMENT OF OUR PEOPLE

(Mr. WHALEN asked and was given permission to address the House for 1 minute.)

Mr. WHALEN. Mr. Speaker, much of the discussion in the political arena, both among the participants and the pundits, centers around the disillusionment of our people. Certainly, it is clear to all of us who have been back in our districts that there is some, if not a great deal, of truth in this allegation. Many of our people are extremely disenchanted with their Government at all levels, particularly because they feel a deep lack of responsiveness to their needs.

A case in point recently occurred in my district. More than 8,000 employees of the National Cash Register Co. in Dayton had a collective bargaining agreement pending before the Pay Board. The contract was submitted to the Board on January 31, 1972. Only after much prodding by me did the Board render a decision late in April. Then, compounding the tardiness of its action, the Board misrepresented its own decision. First, I was advised that the entire package had been approved. Over a week later, the determination was made that only a portion of the fringe benefits was being permitted. Thus, not only was the manner in which the Pay Board handled the case inept, but it was totally irresponsible in interpreting its own action. Without a doubt, this situation is a shining example of administrative inefficiency.

While I am very disappointed by the decision because I do not believe that the package was inflationary, what disturbs me most is the lack of confidence which the Board's handling of the matter helps engender.

RULES GOVERNING THE INSERTION OF EXTRANEOUS PRINTED MATTER INTO THE RECORD

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, I wish to call attention to the "boxed" notice which appears on page 1 of this morning's CONGRESSIONAL RECORD. (The box referred to not printed in Bound volume.)

I commend and thank the Joint Committee on Printing, for setting the record straight as to the rules which govern the insertion of extraneous printed matter into the RECORD, which is separate from the chronicling of debate and procedure.

However, Mr. Speaker, this action does not in any way negate the need for our colleagues to exercise restraint and good judgment as they participate in the daily meetings of this body. I recognize that part of the process of constituent representation is the need to enlighten the Members and constituent public to one's point of view, but let it be done within the framework under which this House works best; that is, the law of the land, knowing always that if need be we alone are the proper resort for change.

CONFERENCE REPORT ON H.R. 14582, SUPPLEMENTAL APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H.R. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 11, 1972.)

Mr. MAHON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the conference agreement is under the budget requests by about $518 million. It is under the Senate-passed bill by about $715 million. It is over the House-passed bill by about $393 million.

The budget estimates considered by the House were about $4.7 billion.

The budget estimates considered by the Senate were about $4.8 billion.

The bill as passed by the House totaled about $3.9 billion.

As passed by the Senate, the bill totaled about $5 billion.

The Senate version of the bill was over the budget by $197 million net, and over the House version by a net of about $1.1 billion.

Mr. Speaker, the major items that were the subject of conference are the following:

The Senate version of the bill provided $320 million for a subscription payment to the International Development Association. The House took the position that this proposal could better be handled in the regular foreign aid appropriation bill, and the conference report states that it is the intention of the conferees to provide these funds at a subsequent date for the fiscal year 1973.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. GROSS. Is the gentleman speaking about the funds that take care of the "short fall" in international accounts? Are those the funds to which he is alluding?

Mr. MAHON. No; I was referring to the International Development Association item. We have by action of the Congress in authorizing legislation, and on recommendation of the administration, subscribed $320 million a year for a period of 3 years. The law requires that these installments be provided on an annual basis, but it was the thought of the conference—certainly of the House conferees—that this amount should not be in this supplemental appropriation bill but should be in the regular bill for the fiscal year 1973 and again for the fiscal year 1974 and again for the fiscal year 1975.

Mr. GROSS. Then the "short fall" funds are not involved in any way by the language in this bill?

Mr. MAHON. No, they are not in any way involved.

Mr. GROSS. It does not in any way involve or change the $1.6 billion that was approved by the House not too long ago. So that is not affected by this bill?

Mr. MAHON. The $1.6 billion has already been provided by the Congress on account of the devaluation of the dollar.

Mr. GROSS. That was an outright appropriation.

Mr. MAHON. That was an outright appropriation brought about by the devaluation of the dollar by our Government in which the legislative branch concurred.

Mr. GROSS. If the gentleman will yield for another question.

Mr. MAHON. I am glad to yield to the gentleman.

Mr. GROSS. Are there any funds in this bill for Amtrak?

Mr. MAHON. Yes, the original bill as reported to the House, contained $170 million for Amtrak. This was stricken out, as the gentleman will recall, on a point of order from the floor because the authorizing bill had not been enacted into law.

The other body put in the sum of $270 million for Amtrak. The House conferees thought that this was an indefensible escalation of a program that was unauthorized to the House conferees on this bill. We were able to secure an agreement with the conferees of the other body that the figure, as approved in the Senate, would be reduced by $100 million. So the figure in the conference agreement is $170 million.

Mr. GROSS. Is that $107 million or $170 million?

Mr. MAHON. The figure is $170 million.

Continuing, the Senate added, for helium procurement, $45.3 million. We agreed to this with certain restrictions.

Then, for the Neighborhood Youth Corps summer jobs program, the other body added $152 million above the budget estimate and above the House bill. In conference that increase was reduced from $152 million to $61 million plus, with the budget estimate of $95 million, that makes a total in the bill of $156.550 million.

The cancer training and research program was placed in the bill in the other body and agreed to by the House, at $40 million—the budget figure.

For the Followthrough program in education, which is very important as an experimental effort on the part of the Government, the Senate added $9 million. The House bill did not include the item although an amendment was offered. But in the other body, $9 million was added. In conference the Senate figure of $9 million was reduced to $3 million. Twenty-six projects in a number of States were reduced. The managers on the part of the House and the Senate agreed that the amount provided is to continue in operation those Followthrough projects—currently scheduled for discontinuance—of the highest priority for 1 year.

Then for educational opportunity grants and college work study programs and the national defense education student loans program, there was included by the other body $300 million—$257.7 million above the request. In the conference that figure of $300 million was scaled down to $100 million.

For the OEO emergency food and medical program, the other body added $30 million—not budgeted. The House agreed to a figure of $20 million in lieu of the $30 million.

Then with respect to aid to impacted school areas, in which many of our congressional districts and States are interested, the Senate added language to provide additional expenditure authority, but that language was stricken from the bill in conference.

The other body added about $3.9 million above the House bill for the International Labor Organization, but that figure was also deleted in conference.

I have already discussed the $170 million Amtrak provision with the gentleman from Iowa.

Then there was a restoration of funds for certain building projects, which the Senate had deleted, of about $37.2 million.

That about covers the major items that were in conference on this bill, the totality of which is $4,347,698,270 as agreed to.

Mr. Speaker, under leave to extend my remarks, I include a tabular summary of the conference agreement by chapters, with comparisons:

SUMMARY ACTION OF CONFERENCE ACTION ON THE SECOND SUPPLEMENTAL APPROPRIATIONS BILL, 1972 (H.R. 14582)

Chapter No.		Budget estimate	Recommended in House bill	Recommended in Senate bill	Conference action	Conference action compared to—		
						Budget	House	Senate
	TITLE I—GENERAL SUPPLEMENTALS							
I	Agriculture—Environmental and Consumer Protection:							
	New budget (obligational authority)	$4, 604, 000	$4, 604, 000	$14, 704, 000	$4, 604, 000			—$10, 100, 000
	By transfer	(1, 061, 000)	(1, 061, 000)	(1, 061, 000)	(1, 061, 000)			
II	Defense	154, 312, 000	154, 312, 000	144, 312, 000	144, 312, 000	—$10, 000, 000	—$10, 000, 000	
III	District of Columbia:							
	Federal funds: New budget (obligational) authority	7, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000	—4, 000, 000		
	District of Columbia funds:							
	New budget (obligational) authority	(91, 246, 000)	(76, 928, 000)	(74, 604, 000)	(74, 439, 000)	(—16, 807, 000)	(—2, 489, 000)	(—165, 000)
IV	Foreign Operations	320, 320, 000	320, 000	320, 320, 000	320, 000	—320, 000, 000		—320, 000, 000
V	Housing and Urban Development, Space, Science, and Veterans:							
	New budget (obligational) authority	40, 645, 000	40, 645, 000	42, 569, 000	40, 645, 000			—1, 924, 000
	By transfer	(1, 924, 000)	(1, 924, 000)		(1, 924, 000)			(+1, 924, 000)
VI	Interior and related agencies:							
	New budget (obligational) authority	174, 626, 000	130, 816, 000	176, 619, 000	176, 619, 000	+1, 993, 000	+45, 803, 000	
	By transfer	(1, 340, 000)				(—1, 340, 000)		
	Appropriation to liquidate contract authority	(13, 000, 000)	(13, 000, 000)	(13, 000, 000)	(13, 000, 000)			
VII	Labor, and Health, Education, and Welfare:							
	New budget (obligational) authority	1, 061, 601, 000	978, 901, 000	1, 510, 413, 000	1, 203, 451, 000	+141, 850, 000	+224, 550, 000	−306, 962, 000
	By transfer	(573, 000)	(573, 000)	(573, 000)	(573, 000)			
	Limitations on administrative and nonadministrative expenses	(20, 420, 000)	(20, 420, 000)	(20, 420, 000)				
VIII	Legislative branch	2, 371, 000	2, 051, 000	2, 831, 000	2, 831, 000	+460, 000	+780, 000	
IX	Public Works:							
	New budget (obligational) authority	320, 000		320, 000		−320, 000		−320, 000
	By transfer	(180, 000)		(180, 000)	(180, 000)		(+180, 000)	
X	State, Justice, Commerce, and Judiciary:							
	New budget (obligational) authority	95, 377, 529	90, 336, 110	94, 244, 279	90, 336, 110	−5, 041, 419		−3, 908, 169
	By transfer	(582, 000)	(582, 000)	(582, 000)	(582, 000)			
XI	Transportation:							
	New budget (obligational) authority	173, 500, 000	1, 140, 000	273, 540, 000	173, 540, 000	+40, 000	+172, 400, 000	−100, 000, 000
	Appropriation to liquidate contract authority	(20, 000, 000)	(20, 000, 000)	(20, 000, 000)	(20, 000, 000)			
XII	Treasury, Postal Service, and General Government	189, 101, 400	162, 337, 400	123, 593, 400	162, 337, 400	−26, 764, 000		+38, 744, 000
XIII	Claims and judgments	5, 508, 032		5, 508, 032	5, 508, 032		+5, 508, 032	
	Total, title I—General supplementals:							
	New budget (obligational) authority	2, 229, 285, 961	1, 568, 462, 510	2, 711, 973, 711	2, 007, 503, 542	−221, 782, 419	+439, 041, 032	−704, 470, 169
	By transfer	(5, 660, 000)	(4, 140, 000)	(2, 396, 000)	(4, 320, 000)	(−1, 340, 000)	(+180, 000)	(+1, 924, 000)
	Limitation on administrative and nonadministrative expenses	(20, 420, 000)	(20, 420, 000)	(20, 420, 000)	(20, 420, 000)			
	Appropriations to liquidate contract authority	(33, 000, 000)	(33, 000, 000)	(33, 000, 000)	(33, 000, 000)			
	TITLE II—INCREASED PAY COSTS							
	New budget (obligational) authority	2, 636, 657, 428	2, 385, 990, 848	2, 351, 543, 728	2, 340, 194, 728	−296, 462, 700	−45, 796, 120	−11, 349, 000
	By transfer	(47, 496, 959)	(94, 505, 959)	(94, 505, 959)	(94, 505, 959)	(+47, 009, 000)		
	Limitations on administrative and nonadministrative expenses	(24, 277, 000)	(24, 277, 000)	(24, 277, 000)	(24, 277, 000)			
	GRAND TOTAL—TITLES I AND II:							
	New budget (obligational) authority	4, 865, 943, 389	3, 954, 453, 358	5, 063, 517, 439	4, 347, 698, 270	−518, 245, 119	+393, 244, 912	−715, 819, 169
	By transfer	(53, 156, 959)	(98, 645, 959)	(96, 901, 959)	(98, 825, 959)	(+45, 669, 000)	(+180, 000)	(+1, 924, 000)
	Limitations on administrative and nonadministrative expenses	(44, 697, 000)	(44, 697, 000)	(44, 697, 000)	(44, 697, 000)			
	Appropriations to liquidate contract authority	(33, 000, 000)	(33, 000, 000)	(33, 000, 000)	(33, 000, 000)			

Mr. GROSS. Mr. Speaker, will the gentleman again yield briefly?

Mr. MAHON. I am delighted to yield to my friend from Iowa.

Mr. GROSS. What we did not previously discuss in connection with Amtrak was the fact that, apparently, it was only because an authorization bill had not been passed that the House conferees did not agree to $100 million more for Amtrak. Can this be so?

Mr. MAHON. I yield, for response, to the chairman of the subcommittee handling the Department of Transportation appropriations, the gentleman from California (Mr. McFALL).

Mr. McFALL. My reply to the gentleman from Iowa is that, no, that is not the reason. There are two main reasons: One, there was a letter from John Volpe, Secretary of Transportation, stating that the administration would not utilize more than $170 million; second, the committee is opposed to the expenditure of more than $170 million. We felt that if they needed more than $170 million for Amtrak, they should come back and justify it before the committee and before the House of Representatives.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, let me read one sentence in the report which states:

> Since the authorizing legislation for this program has not been enacted into law, the conferees are in agreement that action on the additional $100,000,000 included by the Senate has been deferred without prejudice to future consideration.

Mr. McFALL. That would be also another reason, but the main reasons are the ones I have stated.

Mr. MAHON. I would point out to the gentleman from Iowa that there are some of us who take a rather dim view of Amtrak. We would all like to see the railroads revived. We believe there is a place for rail transportation that will be utilized by the public in certain areas of the United States. But we think in certain other areas it is a more or less hopeless endeavor. I would not like to see a lot of money poured down the rathole, so to speak, of this program. What we stated, as has been pointed out—and this was agreed to—is as follows:

> Since the authorizing legislation for this program has not been enacted into law, the conferees are in agreement that action on the additional $100,000,000 included by the Senate has been deferred without prejudice to future consideration.

This in no way embraces support of the additional $100 million, and I hope that this will be placed in italics, so to speak.

Mr. GROSS. If the gentleman will yield further, my dim view of Amtrak does not include even the $170 million. I simply cannot go along with an authorization on the part of the House of $170 million for Amtrak, dim view or bright view.

Mr. MAHON. Mr. Speaker, I reserve the remainder of my time.

Mr. JONAS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the distinguished chairman of the committee, Mr. MAHON, has, I believe, made an adequate explanation of the results of the conference. It would merely encumber the record for me to add much to what he said, although I should like to add that we spent 2 days in this conference. The differences were not easily resolved. There were considerable differences of opinion which developed in the conference. It was only after extensive debate and full and mature consideration that we were able to come up with a conference agreement.

I believe the record will show that the House conferees well maintained the position of the House. We got better than a 50–50 break.

Those Members who have served on conference committees know that conferees on either side cannot always have their own way. We had some give and take, and finally were able to come up with a conference report which I believe the House will approve.

I would merely reemphasize what the gentleman from Texas has said, that the Senate-passed bill amounted to $1.1 billion more than the House-passed bill. So we were in conference about considering a difference in excess of $1 billion. The net result was in the end that the Senate receded on $715 million plus and the House conferees agreed to an increase of $393 million plus, which indicates that we did not just strike a 50-50 balance but that we worked it out on a line item basis, and finally came up with what I consider to be a reasonable compromise with the other body.

I support the conference report.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, having served as one of the House conferees I support this report.

It should be noted that with the increases in manpower training there will be 750,000 summer job slots open under the neighborhood youth corps program.

These jobs added to those that will be available because of lapsed funds in the public employment program of approximately 59,000; an expected 175,000 through the JOBS program; 161,000 through State employment security agencies; 60,000 or 65,000 that will be funded through regular salaries and expense accounts of all Federal agencies including the Defense Department; and approximately 3,000 in the Youth Conservation Corps will give us a total of around 1,200,000 summer job slots. That is the best we've ever done in this area.

We also agreed to an increase of $2,200,000 in the summer recreation program.

Then, too, Mr. Speaker, I should mention that while the House bill had no money in it for the followthrough program, the conference report carries $3 million to partially fund for another year the most exemplary projects among those 26 that were scheduled to be phased out. It should be emphasized that this whole program is an experimental one and those school districts that have ongoing programs should be thinking of funding this activity through title I funds to which they are entitled.

There are some good models already available for replication and that was the original intent and purpose of followthrough.

Finally, Mr. Speaker, under the higher education items, funds in this conference report we have additional money to provide a total of 323,700 educational opportunity grants, 592,000 work-study grants, and 688,000 NDEA student loans for the coming school year ending June 30, 1973.

Mr. JONAS. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, it was my thought that this deficiency appropriation bill when it passed the House was pretty plush, in other words it was already far too rich in spending. Now we find that it is almost $400 million more than the $3.9 billion bill that was approved by the House. This to me is unacceptable.

Moreover, I cannot support a bill with $170 million in it for Amtrak. I appreciate the reservations on the part of the distinguished chairman of the committee, Mr. MAHON, but I cannot support it.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from North Carolina.

Mr. JONAS. I believe the record should show that while we are, as the gentleman says, $390 million above the House-passed bill, the Senate considered more than $100 million in budget requests that we did not even consider. Moreover, the $170 million Amtrak item was not in the bill when it left the House. These two items account for $270 million of the increases over the House-passed bill.

I yield such time as he may need to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, all I can say is I associate myself with the remarks of the chairman and the ranking minority member.

It was a very difficult issue which we wrestled with in conference. The Senate conferees were most adamant. They wanted the extra $100 million. I joined Congressman MCFALL in opposing it. I believe Senator CASE led the fight along with Senator MAGNUSON, and we debated this matter for 3 hours. I believe we won a good fight, and the House should go along and accept it.

Mr. JONAS. Mr. Speaker, I will only add one other thing.

In addition to the more than $100 million that was first presented by the Bureau of the Budget to the Senate, the $170 million was knocked out on a point of order, and that was included in the $390 million, too.

I have no further requests for time.

Mr. MAHON. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this second supplemental appropriation bill involves all of the members of the 55-member Appropriations Committee. Hearings were held before the House considered the bill and there was wide participation on the part of this largest committee of the House in the writing of this bill and in the conference with the Senate. I would point out that the House conferees, while not completely unanimous in their views, worked together to try to secure a conference agreement which would be reasonably acceptable. Some subcommittees were more heavily involved than others.

I list again for the RECORD at this point the identity of the House conferees and commend each of them for contributions made: Messrs. MAHON, WHITTEN, ROONEY of New York, PASSMAN, EVINS of Tennessee, BOLAND, NATCHER, FLOOD, STEED, Mrs. HANSEN of Washington, Messrs. MCFALL, BOW, JONAS, CEDERBERG, MICHEL, CONTE, SHRIVER, and MCDADE.

Mr. CONTE. Mr. Speaker, as one of the conferees on H.R. 14582, I wish to express my support of the conference report on that measure. We engaged in spirited debate concerning several items in the bill and, though I am not completely satisfied with all the decisions that we ultimately reached, I want to commend my fellow conferees for the tone of compromise and openmindedness that generally prevailed.

I was particularly concerned about the funds for the Office of Education Followthrough projects. The Senate included $9 million to bring funding for the program up to the 1971 level of $69 million. These funds were to provide support for 26 projects which otherwise would have been terminated this summer.

After vigorous discussion, the conference committee finally agreed on a compromise figure of $3 million. This will allow those Followthrough projects of the highest priority to continue operation for 1 year. I have checked with the Department of Health, Education, and Welfare, and preliminary indications are that this $3 million will allow 17 of the 26 projects to continue. One of the affected projects is in my hometown of Pittsfield and I am hopeful it will be permitted to procced with its fine work.

It was my hope that the conference could have approved sufficient funds to allow the continuance of all 26 propects. However, I intend to take an active role in the Labor-HEW appropriations subcommittee to provide adequate Federal support for Followthrough.

I wish also to voice my support for the $400,000 approved by the conferees to recommission two cutters for the augmentation of Coast Guard fishery patrols in the Atlantic and Pacific Oceans. I have long been concerned about the encroachment of foreign vessels into our territorial waters and the resultant threat this poses to our domestic fishing industry. The money we are providing will enable the Coast Guard to add an additional vessel in the Atlantic and the Pacific and thus effectively reduce harassment and loss of income to our fishermen.

Thank you, Mr. Speaker.

Mr. FLOOD. Mr. Speaker, there has been a great deal of interest among our colleges and universities in the funds contained in the second supplemental appropriation bill, 1972 (H.R. 14582), for student assistance programs for the coming academic year. In order to set the record straight, and so that the students and the institutions can make their plans for next fall, I would like to insert in the RECORD at this point a table showing the amounts provided by the conferees on the second supplemental appropriation bill for educational opportunity grants, work-study grants, and national defense student loans. The table also shows the estimated number of individual grants or loans which will be supported by this appropriation, the average amount of the grant or loan, and the comparable figures for the current—1971–72—school year. I might add, Mr. Speaker, that the conference agreement provides for expansion of all three of the student assistance programs in the coming academic year.

The table follows:

EFFECT OF ACTION OF CONFEREES ON H.R. 14582, SECOND SUPPLEMENTAL APPROPRIATION BILL, 1972, ON STUDENT ASSISTANCE PROGRAMS

	1971–72 school year	1972–73 school year		
		Presently available	Supplemental appropriation (H.R. 14582)	Total available
Educational opportunity grants:				
Appropriation	$177,700,000	$165,300,000	$45,000,000	$210,300,000
Number of grants	(297,300)	(251,000)	(72,700)	(323,700)
Average grant	$580	$631	$631	$631
College work-study grants:				
Appropriation	$237,400,000	$244,600,000	$25,600,000	$270,200,000
Number of grants	(545,000)	(536,000)	(56,000)	(592,000)
Average grant	$525	$550	$550	$550
National defense student loans.				
Appropriation	$286,000,000	[1] $286,000,000	$23,600,000	$309,600,000
Number of loans	(648,900)	(649,000)	(39,000)	(688,000)
Average loan	$670	$690	$690	$690

[1] Included in fiscal year 1973 budget request, which has not yet been acted upon by Congress.

Mr. PERKINS. Mr. Speaker, I rise in support of the conference report. I wish to take only a few moments to discuss the student-aid aspects of the bill.

We all know that one measure of the degree of unmet need for student assistance is the gap between available funding and the amounts that colleges consider essential to meet the requirements of their students. According to information I have, college and university requests for EOG's, work study, and NDEA student loans for the next academic year total approximately $1.4 billion—more than double the amount appropriated or budgeted for 1972–73.

The gap is greatest with the EOG program which is, as my colleagues know, the program for qualified high school graduates of exceptional need. It was designed to lower the most persistent barrier to higher education for the poor—lack of money. Yet, of all the student-aid programs EOG has been the most consistently underfunded. But for provisions in this supplemental appropriation, only $165 million would have been available for next year; $125 million is needed alone just for renewal grants. That would leave only $40 million for initial awards, which is sufficient to fund only 58,000 new students. By contrast, institutions have submitted requests for initial awards totaling $273 million, which would fund approximately 435,000 students. Without the supplemental, 377,000 students deemed eligible would be denied EOG's during 1972–73. Assuming an average grant of $600, the $45 million contained in the conference report today will help an additional 75,000 students.

I wish to make two points. I join with American higher education in appreciation for having this additional $45 million. At the same time we should recognize that we are still failing to serve 302,000 students deemed eligible.

Allocations to participating institutions have been announced during the last few days, and already I have heard from college officials throughout my district about the unmet needs.

Apparently the Office of Education has, in making these allocations, given major emphasis to renewal grants. This means that many fewer new grants can be made to entering students this year. And that simply means that many students just will not be able to go to college this fall.

A similar story could be told about college work study and the national defense student loan program. Small fund increases for those programs in the past must be measured against increases in college costs and enrollments. It is increasingly clear that funding levels even for those two programs have fallen far short of actual need.

I am likewise appreciative of the additional amounts provided for student loans and work study but I should again like to stress one point. While our approval here today is necessary and praiseworthy we must recognize the inadequacies and gaps which still remain.

Mr. ROSTENKOWSKI. Mr. Speaker, I would like to take this opportunity to commend the action of the conferees on the second supplemental appropriations bill of 1972, for the $61,550,000 increase for the Neighborhood Youth Corps and the recreation support program. This additional money will provide approximately 100,000 vitally needed summer jobs for our Nation's urban youth.

In my city of Chicago alone, this increase could mean an additional 2,700 jobs for the summer of 1972. The additional amount of $2,200,000 for the recreation support program will insure that the RSP, the only federally subsidized urban recreation program, will be able to more adequately provide for our cities increasing demands for summer recreation and facilities.

Mr. Speaker, it has come to my attention that the administration may be considering a change in the service area format as originally designed for the recreation support program. The change as I understand it, would incorporate specified rural areas into the RSP along with the 113 major cities now being served by the program. To do this would be a grave error. The recreation support program was originated to provide recreation facilities for urban youths who otherwise would have no means to experience the benefits of meaningful, quality recreation during the summer months. To divert any funds from the cities would be costly and could cause great detriment to existing city programs. The extra funding that has been granted for the summer of 1972 is desperately needed in our urban areas.

Mr. McCLURE. Mr. Speaker, item 13 in the second supplemental appropriation bill includes funds for the helium conservation program. I rise in support of this item and urge that the Department of the Interior reach promptly a solution to the financial crisis in this program so that this vital natural resource will not be wasted. Because of the role helium will play in the new technology required to solve our energy crisis, I am greatly concerned that this Nation not waste its helium.

The largest known recoverable supply of helium in the world is the natural gas currently being produced and depleted in the Hugoton-Panhandle gas fields. Unless the helium is extracted before the natural gas is delivered to the consumer, it will, being noncombustible, simply flow through the burner into the atmosphere without benefit to anyone. To prevent the continued wasting of this unique and highly useful natural resource as the gas was produced from the Hugoton-Panhandle fields, Congress had the foresight in 1960 to establish the helium conservation program. This program operated as intended until it encountered financial problems which have threatened closing the helium plants and destroying this essential conservation program.

At the time Congress enacted legislation to establish this helium conservation program, the U.S. Bureau of Mines, Department of the Interior Helium Activity, had predicted annual helium requirements would reach 2 billion cubic feet by the year 2000. The January 1971 commodity data summaries—page 67—published by the Interior Department, now predicts an even greater future helium demand. That publication states:

> It is predicted that the relatively low level of helium usage will continue through 1971; thereafter, usage should increase as new programs, now in the conceptual stage, enter developmental and operational phases. In the long-term, it is anticipated that helium usage will reach 3–5 billion cubic feet annually by the turn of the century.

It is acknowledged today that the United States faces a potential future energy shortage. Future helium use in the generation and transmission of electric energy could alone justify the entire helium conservation program. For example, one 20-inch underground pipeline containing three superconducting cables cooled with liquid helium could carry a power load equivalent to the total power requirements of New York City, at the same time avoiding the impact on our scenic environment of overhead electric lines.

Because of the future benefits to be derived from helium, I believe that we must see that this Nation's largest and richest helium resources are conserved. It is incontrovertible that the reasons for conserving helium are more pressing and essential today than when this conservation program was established. Therefore, I urge the administration to solve the financial crisis of this program in a way that will continue conservation of this helium.

Mr. McCLORY. Mr. Speaker, I wish to emphasize my support for that provision of H.R. 14582 which would provide an additional $3 million for the Follow Through program in fiscal year 1972. I commend the conferees for restoring this amount for funding projects of the highest priority.

Mr. Speaker, Follow Through is a program designed to assure equality of educational opportunity for underprivileged children. One of the most successful projects has been conducted for the past 2 years in my district, at the Carman School in Waukegan, Ill. The sponsor, Donald Bushell, Jr., of the University of Kansas, evaluated the effort at Carman School in these words:

> From our experience with Follow Through projects throughout the nation during the past four years, it is possible to say that few have fulfilled the intent and spirit of this legislation as effectively as Waukegan.

Because of budget cutbacks, however, the Department of Health, Education, and Welfare felt compelled to deny funds under this appropriation for this project for the next fiscal year. In my opinion, eliminating the Carman School effort—which has been judged outstanding by a nationwide analysis of Follow Through projects—would have denied to these highly motivated minority group children educational opportunities not otherwise available to them. This would have been extremely unfortunate—and I say this notwithstanding the declared intention to fund this project as part of the emergency school aid or other program.

Mr. Speaker, by favoring the conference committee's recommendation that $3 million be added to the Follow Through appropriation for fiscal year 1972, it is my expectation that the Waukegan effort—and other worthy projects—will be continued. I am glad to add my support to this vital program.

Mr. VANIK. Mr. Speaker, no more money should be spent to continue the Amtrak experiment. It is now clear beyond a doubt that the concept is not working, will get worse, and additional outlays will be lost revenue with no substantial benefit to the public.

Losses from Amtrak in 1972 will be $152 million and by 1973 they anticipate a $123 million loss. These anticipated losses, together with the corporation's planned capital program, establish an estimated funding requirement of $170 million if Amtrak is to meet its statutory responsibilities prescribed in the Rail Passenger Service Act.

This program is "Vietnam on rails"—this is not efficient transportation—this is nonsense.

A case can be made for inter-city rail transportation between points in high-density corridors. I would support this kind of a program in preference to the present national plan of Amtrak which was engineered to get votes rather than to provide effective use of transportation dollars.

This experiment has already demonstrated its failure. The public has not provided any convincing interest in utilizing rail tranpsortation except for commuter services in large metropolitan areas. A regional mass transit system or rapid rail system in high-density corridors can provide a substantial cost-benefit ratio. A national system such as Amtrak is totally indefensible. The Federal Government cannot afford massive contributions to a nationwide system. An inadequate, infrequent, unreliable rail system for a small group of passengers will constitute an abyss of waste.

Retired railroad employees have pass privileges on the Amtrak system. These citizens earned the right of free railroad travel as a condition and fringe benefit of their labor contracts. They should not be deprived of this earned privilege. Nor should the taxpayers of the Nation be called upon to subsidize hundreds of millions of dollars to maintain a railroad passenger system in order to meet the obligation of the railroads to their former employees.

I am preparing legislation to increase railroad retirement benefits to include reimbursement in lieu of the retirement right of free—subsidized—rail travel. This would be infinitely less expensive to the general taxpayer and more tangible to the retired employee.

The shift of Amtrak support to regional or corridor programs which have a reasonable prospect of success would receive more adequate funding to insure their success. I expect to support mass transit extensions in urban areas and corridors.

Federal expenditures in these times in particular must face the extreme test of need and propriety. Amtrak appears to be a patient in terminal illness—we cannot postpone an inevitable demise.

Mr. MAHON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. THOMPSON of Georgia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 339, nays 33, not voting 59, as follows:

[Roll No. 155]

YEAS—339

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Dent
Derwinski
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Fascell
Findley
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Keating
Kee
Keith
Kemp
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Leggett
Lent
Lloyd
Long, Md.
McClory
McCloskey
McClure
McCollister
McCulloch
McDade
McFall
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Saylor
Scherle
Schwengel
Scott
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob

Wilson,
Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—33

Archer
Ashbrook
Baker
Clancy
Collins, Tex.
Crane
Dennis
Devine
Dickinson
Flynt
Goodling
Gross
Grover
Haley
Hall
Hutchinson
King
Landgrebe
Landrum
Latta
Montgomery
Rarick
Reuss
Riegle
Rousselot
Satterfield
Schmitz
Schneebeli
Sebelius
Steiger, Ariz.
Terry
Thompson, Ga.
Vanik

NOT VOTING—59

Anderson,
Tenn.
Blackburn
Bow
Burke, Fla.
Camp
Chisholm
Collier
Colmer
Conyers
Daniels, N.J.
de la Garza
Dellums
Denholm
Diggs
Dowdy
Esch
Eshleman
Evins, Tenn.
Fish
Fisher
Frelinghuysen
Galifianakis
Gallagher
Goldwater
Gray
Hagan
Hébert
Holifield
Hungate
Karth
Kazen
Lennon
Link
Long, La.
Lujan
McCormack
McDonald,
Mich.
McEwen
McKay
Macdonald,
Mass.
Metcalfe
Miller, Calif.
Mink
Mitchell
Mollohan
Pepper
Peyser
Price, Tex.
Pryor, Ark.
Pucinski
Reid
Rodino
Sarbanes
Scheuer
Springer
Stubblefield
Thone
Wiggins
Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Miller of California with Mr. Goldwater.

Mr. de la Garza with Mr. Lujan.

Mr. Daniels of New Jersey with Mr. Eshleman.

Mr. Holifield with Mr. McEwen.

Mr. Hébert with Mr. McDonald of Michigan.

Mr. Stubblefield with Mr. Blackburn.

Mr. McCormack with Mr. Collier.

Mr. Macdonald of Massachusetts with Mr. Bow.

Mr. Mollohan with Mr. Peyser.

Mr. Pepper with Mr. Burke of Florida.

Mr. Rodino with Mr. Frelinghuysen.

Mr. Gray with Mr. Esch.

Mr. Evins of Tennessee with Mr. Wiggins.

Mr. Denholm with Mr. Springer.

Mr. Karth with Mr. Camp.

Mr. Kazen with Mr. Price of Texas.

Mr. Wright with Mr. Thone.

Mr. Pucinski with Mrs. Chisholm.

Mr. Reid with Mr. Fish.

Mr. Hagan with Mr. Pryor of Arkansas.

Mr. Fisher with Mr. McKay.

Mr. Colmer with Mr. Lennon.

Mr. Link with Mr. Hungate.

Mr. Anderson of Tennessee with Mrs. Mink.

Mr. Gallagher with Mr. Mitchell.

Mr. Diggs with Mr. Sarbanes.

Mr. Galifianakis with Mr. Dellums.

Mr. Metcalfe with Mr. Scheuer.

Mr. Long of Louisiana with Mr. Conyers.

Mr. ARENDS changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 5: Page 5, line 3: Strike out "$69,955,000" and insert "$68,000,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$67,835,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: Page 5, line 4, strike out "$6,500,000" and insert "$4,454,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$4,380,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 8:

Page 7, line 1, strike out "and shall remain available until June 30, 1973,".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 10: Page 7, line 18, insert:

CONSTRUCTION AND MAINTENANCE

For an additional amount for "Construction and maintenance", $200,000, to remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: Page 8, line 21, insert: ": *Provided*, That there shall be advanced to each regional association the sum of $1,000,000 in fiscal year 1972 which shall be used solely for organization of the regional corporations and village corporations within each region and to identify land for such corporations pursuant to the Act of December 18, 1971; that such advance shall be credited against the first moneys due to such corporations under this Act and shall first be used to repay any loans advanced to such corporations by any financial organization after December 14, 1971; and that no funds may be advanced by any regional association to any village corporation unless the village for which such corporation was organized is determined by the Bureau of the Census to have had twenty-five or more Native residents living within such village according to the 1970 census."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "*: Provided*, That there shall be advanced in fiscal year 1972, upon request of the board of directors of any regional corporation established pursuant to section 7 of said Act, $500,000 for any one regional corporation, which the Secretary of the Interior shall determine to be necessary for the organization of such regional corporation and the village corporations within such region, and to identify land for such corporations previously incurred for such purposes: *Provided further*, That such advances shall not be subject to the provisions of section 7(j) of said Act, but shall be charged to and accounted for by such regional and village corporations in computing the distributions pursuant to section 7(j) required after the first regular receipt of monies from the Alaska Native Fund under section 6 of said Act: *Provided further*, That no part of the money so advanced shall be used for the organization of a village corporation that had less than twenty-five Native residents living within such village according to the 1970 census.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14: Page 11, line 1, insert the following:

CONSTRUCTION AND LAND ACQUISITION

For an additional amount for "Construction and land acquisition", $170,000, to remain available until expended.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 17: Page 12, line 6, insert the followings: ", to remain available until September 30, 1972: *Provided*,".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 19: Page 13, line 16, insert the following:

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For an additional amount for the "National Cancer Institute," $40,000,000, to remain available through June 30, 1973.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 22: Page 14, line 6, insert the following:

HIGHER EDUCATION

For an additional amount for "Higher Education," $300,400,000, including $130,200,000 for educational opportunity grants, $75,400,000 for college work-study programs, and $89,000,000 for student loans under the National Defense Education Act: Provided, That the funds appropriated herein shall remain available until June 30, 1973.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

HIGHER EDUCATION

For an additional amount for "Higher Education," $100,000,000, including $45,000,000 for educational opportunity grants, $25,600,000 for college work-study programs, and $23,600,000 for student loans under the National Defense Education Act: Provided, That the funds appropriated herein shall remain available until June 30, 1973.

Mr. MAHON. Mr. Speaker, I desire to speak on this motion.

The SPEAKER. The gentleman from Texas is recognized.

Mr. MAHON. Mr. Speaker, the other body considered a supplemental budget estimate for these educational programs in the sum of $42.7 million, but the other body inserted in the bill the sum of $300 million, or about $257.7 million over the budget.

The House felt that these additional funds were not justified under all of the circumstances, as you cannot meet all of the needs, especially when we are faced with a current year Federal funds budget deficit of about $40 billion or so.

So, the House conferees were able to come to an agreement with the other body by agreeing to the sum of $100 million.

Mr. Speaker, the bill provides more in all of these categories than were provided in the previous year. This is the best possible agreement that we were able to work out.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman from Texas whether the committee did take into consideration in making this particular appropriation the highly accelerating rate of defaults on student loans, and the scandal that seems to be developing with respect to those defaults?

Mr. MAHON. These appropriations proposed here do not involve the defaults to which the gentleman from Iowa makes reference.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Pennsylvania (Mr. Flood), the chairman of the subcommittee.

Mr. FLOOD. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from Iowa, I am sure, recalls that I raised this question originally when we first had the bill before the House, and the gentleman and I discussed this. Since then it has developed—and the gentleman will recall that I raised the question and used the term "bankruptcy"—but since that time I have discovered that these loans without any doubt are the most successful and the best kind of Federal loans that we have, and my use of that term as a scare headline was only with respect to less than 4 percent.

I can assure the gentleman, after my investigation, that there is no scandal, there is nothing to fear as to the potential liquidation of these loans; they are among the best loans of any Federal loans that we have, and as I say, there was only a fraction under 4 percent in that category.

Mr. GROSS. Mr. Speaker, I hope the gentleman is right.

Mr. FLOOD. You can be sure I am.

Mr. MAHON. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 15, line 1, insert:

Office of Economic Opportunity

ECONOMIC OPPORTUNITY PROGRAM

For an additional amount for the "Economic Opportunity Program", $30,000,000, to carry out a program of emergency food and medical services, as authorized by section 222(a)(5) of the Economic Opportunity Act of 1964, as amended: *Provided,* That funds appropriated herein shall remain available until September 30, 1972.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$20,000,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 25: Page 16, line 4, insert:

JOINT ITEMS

Contingent Expenses of the Senate

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1973

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 1973, in accordance with such program as may be adopted by the joint committee authorized by concurrent resolution of the Senate and House of Representatives, $650,000, to remain available through June 30, 1973.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 26: Page 16, line 17, insert:

Capitol Grounds

For an additional amount for "Capitol Grounds" to enable the Architect of the Capitol to convert square 721 North and square 721 South and the roadway between such squares, now a part of the United States Capitol Grounds, for use for temporary parking facilities for the United States Senate, $130,000, to remain available until June 30, 1973.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 27: On page 17, line 4, insert:

CHAPTER IX

PUBLIC WORKS

DEPARTMENT OF THE INTERIOR

Southwestern Power Administration

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", $500,000, of which $180,000 shall be derived by transfer from the appropriation for "Construction," Southwestern Power Administration.

MOTION OFFERED BY MR. MAHON

motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment insert the following:

CHAPTER IX

PUBLIC WORKS

DEPARTMENT OF THE INTERIOR

Southwestern Power Administration

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", $180,000, to be derived by transfer from the appropriation for "Construction," Southwestern Power Administration.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 33: On page 22, line 1, insert:

Federal Railroad Administration

GRANTS TO NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, as authorized by section 601 of the Rail Passenger Service Act of 1970, as amended, $270,000,000 to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation by the Ninety-second Congress.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows: In lieu of sum named in said amendment, insert "$170,000,000".

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The question was taken; and the Speaker announced the ayes appeared to have it.

Mr. VANIK. Mr. Speaker, I am opposed to this amendment and to the motion; and I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 301, nays 69, not voting 61, as follows:

[Roll No. 156]

YEAS—301

Abourezk
Abzug
Adams
Addabbo
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clay
Cleveland
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Culver
Curlin
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Dellums
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hathaway
Hawkins
Hébert
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Lent
Lloyd
McCollister
McCulloch
McDade
McDonald, Mich.
McFall
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Michel
Mikva
Mills, Md.
Minish
Mink
Minshall
Mizell
Monagan
Moorhead
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Purcell
Quie
Railsback
Randall
Rangel
Rees
Reuss
Rhodes
Riegle
Robison, N.Y.
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Saylor
Schneebeli
Schwengel
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Waldie
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—69

Abbitt
Abernethy
Alexander
Anderson, Calif.
Archer
Ashbrook
Baker
Burleson, Tex.
Carney
Clancy
Clawson, Del
Collins, Tex.
Colmer
Conyers
Crane
Daniel, Va.
Duncan
Edwards, Calif.
Flynt
Fuqua
Goodling
Griffiths
Gross
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Hastings
Hays
Hechler, W. Va.
Henderson
Hutchinson
Jacobs
Jones, N.C.
Landgrebe
Landrum
Latta
Long, Md.
McCloskey
Mazzoli
Miller, Ohio
Mills, Ark.
Montgomery
Moss
O'Hara
Poff
Price, Tex.
Quillen
Rarick
Roberts
Robinson, Va.
Roncalio
Rousselot
Runnels
Satterfield
Scherle
Schmitz
Scott
Seiberling
Sikes
Snyder
Stanton, J. William
Stanton, James V.
Taylor
Terry
Vanik
Wampler
Wilson, Charles H.

NOT VOTING—61

Anderson, Tenn.
Blackburn
Blatnik
Bow
Burke, Fla.
Camp
Chisholm
Collier
Daniels, N.J.
de la Garza
Denholm
Dennis
Diggs
Dowdy
Dwyer
Eshleman
Evins, Tenn.
Fish
Fisher
Ford, William D.
Frelinghuysen
Galifianakis
Gallagher
Goldwater
Gray
Hagan
Holifield
Hungate
Kazen
Kuykendall
Leggett
Lennon
Link
Long, La.
Lujan
McClory
McClure
McCormack
McEwen
McKay
Macdonald, Mass.
Metcalfe
Miller, Calif.
Mitchell
Mollohan
Nelsen
Pepper
Peyser
Pryor, Ark.
Pucinski
Reid
Rodino
Sarbanes
Scheuer
Shoup
Springer
Stubblefield
Symington
Thone
Wiggins
Wright

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Wiggins.

Mr. Macdonald of Massachusetts with Mr. Fish.

Mr. Daniels of New Jersey with Mr. Frelinghuysen.

Mr. de la Garza with Mr. Kuykendall.

Mr. Blatnik with Mr. Bow.

Mt. Stubblefield with Mr. Shoup.

Mr. Miller of California with Mr. Goldwater.

Mr. Rodino with Mrs. Dwyer.

Mr. Gray with Mr. McEwen.

Mr. Hagan with Mr. Blackburn.

Mrs. Chisholm with Mr. Sarbanes.

Mr. Diggs with Mr. Scheuer.

Mr. Mollohan with Mr. Camp.

Mr. Evins of Tennessee with Mr. Eshleman.

Mr. Pucinski with Mr. Mitchell.

Mr. Reid with Mr. Peyser.

Mr. William D. Ford with Mr. Collier.

Mr. Fisher with Mr. Nelsen.

Mr. McCormack with Mr. McClory.

Mr. Denholm with Mr. Dennis.

Mr. Galifianakis with Mr. Metcalfe.

Mr. Pryor of Arkansas with Mr. Lujan.

Mr. Leggett with Mr. Springer.

Mr. Link with Mr. McClure.

Mr. Wright with Mr. Thone.

Mr. Kazen with Mr. Long of Louisiana.

Mr. Lennon with Mr. Burke of Florida.

Mr. McKay with Mr. Pepper.

Mr. Anderson of Tennessee with Mr. Symington.

Mr. Hungate with Mr. Gallagher.

Mrs. GRIFFITHS and Mr. TERRY changed their votes from "yea" to "nay."

Messrs. NIX, HOWARD, HORTON, and COLLINS of Illinois changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 38: Page 24, line 13, insert: ": *Provided further*, That the appropriation for the Federal office building (superstructure), Chicago, Illinois, shall be available only upon the approval of the revised prospectus by the Committees on Public Works of the Congress:"

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 38 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following: ": *Provided further*, That the appropriations for the Federal office building (superstructure), Chicago, Illinois; the Courthouse and the Federal office building (superstructure), Philadelphia, Pennsylvania; and the Federal Bureau of Investigation building (superstructure), Washington, D.C., shall be available only upon the approval of the revised prospectuses by the Committee on Public Works of the Congress".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 40: Page 25, after line 4, insert the following:

CHAPTER XIII

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in Senate Document Numbered 71, Ninety-second Congress, $5,508,032, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided,* That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further,* That unless otherwise specifically required by law or by judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the conference report considered by the House today.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING APPROPRIATIONS FOR THE DEPARTMENT OF STATE AND FOR THE U.S. INFORMATION AGENCY

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 984 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14734) to authorize appropriations for the Department of State and for the United States Information Agency, and all points of order against section 6 of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith) pending which I yield myself such time as I may consume.

The SPEAKER. The gentleman from Missouri is recognized.

Mr. BOLLING. Mr. Speaker, this is an open rule providing for 1 hour of general debate.

The unusual feature of the rule is the waiver of points of order against section 6 of the bill for failure to comply with the provisions of clause 4, Rule XXI. That is the clause that deals with appropriations on a legislative bill. Any Members who care to read section 6 will find it is a rather intricate section with reference to another law. If they then are concerned about it, they can check the Ramseyer Rule in the committee report and they will find that this is merely a waiver on matters that has been enacted a number of times before, and it is not, in my opinion—at least I am not aware of its being a controversial provision on which the waiver is made.

I know of no opposition to the rule. Therefore, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I concur in the statements made by the distinguished gentleman from Missouri (Mr. Bolling). I am not certain that we actually had to waive points of order. There is a new provision in lines 20 through 23 on page 3. In order that we could bring this bill to the House we did waive points of order.

I believe, Mr. Speaker, this is the first time we have had this particular approach. Up to this time most of these provisions, as set forth in the appropriation bill which we will have later today or tomorrow, have been continuing authorizations over the years. As I recall, last year we made certain changes whereby the House Committee on Foreign Affairs now does have control over some of these matters as to authorization. I believe this is the first bill from that particular approach.

I urge the adoption of the rule so that we may consider the bill before us, H.R. 14734, under a 1-hour open rule.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HAYS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14734, with Mr. Rooney of New York in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Ohio (Mr. Hays) will be recognized for 30 minutes, and the gentleman from Wisconsin (Mr. Thomson) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. Hays).

Mr. HAYS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, in the 16 years that I have been chairman of the subcommittee on State Department Organization and Foreign Operations I have brought to the floor any number of bills dealing with the Department of State and the U.S. Information Agency. Some of these have been of very limited scope, such as the adjustment of annuities for widows of retired Foreign Service officers. Others have dealt with personnel problems and practices or with some particular program such as educational and cultural exchanges.

This is the first time, however, that the committee has presented to the House an authorization bill for the entire range of operations and activities of the Department of State and the U.S. Information Agency. This change results from an amendment inserted in the Foreign Assistance Act of 1971 that repealed the existing permanent authorizations that these two agencies heretofore enjoyed. The law now requires "periodic" authorizations for each of them. The word "periodic" is a bit unusual in legislation. It may mean an annual authorization or one of longer duration.

Since we are plowing new ground with this approach, the subcommittee and the committee decided this year to limit the authorizations to a single year. It may be that in a year or two we will decide on a 2- or even 3-year authorization such as is made for the Arms Control and Disarmament Agency.

This bill is limited to authorizations. It does not contain a lot of extraneous language or amendments that would make it a disposal. If there are legislative proposals that merit consideration in the work of these two agencies, they should be considered on their merits after we have had ample testimony.

For fiscal year 1973 the committee recommends $648,354,000 for the Department of State and $200,249,000 for the U.S. Information Agency. The subcommittee added $85 million to the item on migration and refugee assistance.

This additional sum is intended for assistance to Israel in the settlement of Jewish refugees from the Soviet Union.

Over the years the Appropriations Committee has given careful consideration to the fiscal details of these two agencies. This subcommittee, as you know, is chaired by the gentleman from New York (Mr. Rooney) and has scrutinized these requests, I think, with a fine-tooth comb. This is a proper and necessary responsibility. My subcommittee decided that we would take advantage of this occasion, since we rely upon Mr. Rooney thoroughly to inquire less into the actual dollars requested, although we did go into that item by item, and to give more attention to the policies, operations, and personnel for which the Department of State and USIA are responsible.

In the course of our hearings one point

emerged very early—and I think this is important—and that is that most of the U.S. Government civilian personnel overseas are not on the payroll of either the Department of State or the USIA. In fact, they have been actively engaged in reducing their presence abroad to a point where some of us were of the opinion it was not in our best interests. To mention only the Department of State, it has less than 15 percent of U.S. personnel stationed abroad, and that excludes civilians from the Department of Defense and other elements the public disclosure of which is prohibited.

What I am saying here is, leave out the Department of Defense, and only 15 percent of the rest of the people abroad are from the State Department. The fact of the matter is that practically every branch of Government has its own foreign service. The Department of Commerce has people abroad, the Department of Agriculture has people abroad, and, as a matter of fact, there are people stationed abroad to mail out social security checks just as though there was not an international mail service.

I would hope sometimes, somehow the proper committees would take care of this situation and reduce it.

I can say to you that the State Department has, on their own volition, with some prodding from us and the executive branch, reduced their people abroad significantly over the past few years.

Mr. Chairman, as the hearings make clear, most of the testimony taken by the subcommittee was from officers who head up the geographic and some of the functional bureaus of the Department. Some of the more revealing parts have been deleted for security reasons, but enough remains to permit some public judgments on some issues.

One matter that proved particularly bothersome of the subcommittee——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HAYS. Mr. Chairman, I yield myself an additional 3 minutes.

One matter that proved particularly bothersome to the subcommittee was that of assessments and memberships in a variety of international organizations. We are members of these by Acts of Congress or by treaties. I concede as members we should pay our share of the expenses of these organizations, but the question is what should our share be. It is evident that these organizations have no magical yardstick to make objective judgments. It is a matter of haggling and bargaining. They have a lot of theories they apply, such as gross national product, population, or gold reserves. Using any one or a combination of these you can make a pretty good case for a large U.S. assessment, but I think you can make an equally good case for a smaller U.S. assessment if you used the national debt or the balance-of-payments figures.

I was especially disturbed when I learned that, to use a new appellation, the People's Republic of China, with a population of about 750 million, inherited the 4-percent assessment of the Republic of China, with a population of 14 million. That was one of the reasons why I thought we could reduce the more than $60 million in this bill for the United Nations by the modest sum of $4 million.

The subcommittee supported this view, but the full committee, by the narrowest of margins, did not. I intend, of course, to support the full committee's recommendation because that is my obligation and I respect it. I lost the battle, but I intend to continue the war.

So, I just want to say further that I shall extend the rest of my remarks, but I have some interest in the educational and cultural programs. My opinion is that they are moving in the right direction. They return large dividends at relatively low cost.

I think one area where more could be done is in the use of distinctively American musical groups. I do not mean exclusively rock and roll or country music. I am thinking of choral groups, collegiate marching bands and glee clubs.

Such organizations would not only give foreigners an insight into a rather unique type of musical presentations, but also provide our young people with an opportunity to serve as cultural ambassadors at home and abroad.

In the case of USIA, the subcommittee within the past year and a half has gone into its various functional programs such as the Voice of America, press and publications, motion pictures, and cultural work. There have been a few motion picture productions whose worth I would question. On the other hand, some have been outstanding.

The subcommittee heard from the assistant directors of the seven geographic areas. Their testimony complemented that that we took from the State Department witnesses. I think many of us recognize that in a troubled world with rapidly changing values and attitudes it is difficult to hold a steady course in communicating with people particularly in the less developed parts of the world. I am of the opinion that what our Government does or does not do is more important in determining attitudes toward us than what USIA says to them. Actions speak louder than words.

We have gone into the USIA in depth, and I can assure the House that this bill has no built-in deluxe features. The small increments over the past year's appropriations arise in part from increases that Congress has authorized such as salary increases and from inflationary pressures which in many parts of the world are more excessive than those at home.

Mr. THOMSON of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the pending legislation.

I think the subcommittee was impressed with the conservative nature of the request for financing the operations provided for in this bill. I believe the subcommittee had the feeling that they had justified a greater expense in some areas like the USIA and the equipment that they are now operating; that there is a definite need for improvement and replacement of much of that equipment. The committee took the position that this was really a bare bones budget bill to a department—to an administration—that was reducing its employees at home and abroad and making every effort they could to live within a minimum budget.

So, the committee voted the bill out as I recall with two dissenting votes.

Mr. Chairman, I am in favor of passing the legislation in the form in which the committee presented it. Mr. Chairman, I rise today in support of H.R. 14734.

This legislation would authorize appropriations for the Department of State and the U.S. Information Agency for fiscal year 1973. It would provide funds for the operation of both agencies, including salaries.

An authorization of $648,354,000 is recommended for the Department of State. This money would be spent for the direction and conduct of the Department's operations, including the conduct of diplomatic relations with other countries and international organizations.

As noted in the committee report, the authorization would provide funds to meet U.S. assessments in international organizations, and finance participation in international commissions that deal with U.S. boundaries with Mexico and Canada. This legislation also authorizes funds for educational and cultural exchanges, and for migration and refugee assistance. The funds provided for refugee assistance include $85 million to assist in the resettlement of Soviet Jewish refugees in Israel.

USIA

The bill would authorize $22,249,000 for USIA, in fiscal year 1973. Of this amount, $194 million is for salaries and expenses, including the funding of various media programs. The remaining funds are largely for international exhibitions.

Mr. Chairman, in my opinion the funds requested in this authorization bill are essential to the operation of the Department of State and USIA. These are, in fact, operating funds . . . funds needed to provide for the day-to-day operation of these agencies in their programs in fiscal year 1973.

I urge your support of this legislation.

Mr. HAYS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I thank the chairman for yielding me this time. I should like to ask a question concerning the USIA and make a short statement preparatory to that question. Over the past year a number of Members have been meeting and corresponding with Mr. Frank Shakespeare of the USIA urging that the Voice of America include in its broadcasts to the U.S.S.R. a regular program in the Yiddish language. The Director of the USIA to date has rejected the proposal.

In the last Soviet census, the U.S.S.R. determined that the Jewish population exceeded 2 million in number. Those who are familiar with the plight of Soviet Jewry estimate the number to be close to 3 million. Since 1935, the Soviet Union has forbidden the teaching of Yiddish in Soviet schools whereas every other ethnic or national group is not only permitted but encouraged to maintain schools in their national language. Surprisingly, 17 percent of the Jews recorded in the Soviet census indicated that their mother tongue was Yiddish and those who are familiar with that people know that an overwhelming number, while having Russian as their mother tongue, understand and speak Yiddish. One of the charges made by the supporters of Soviet Jews is that the U.S.S.R. is engaging in cultural genocide against the Jewish people and they believe that it would be a great moral booster to that persecuted minority to have the United States show its concern by beaming broadcasts to them in the Yiddish language. It will come as a surprise to the Members I am sure to learn that of the 120 national groups recognized in the Soviet Union the Jews rank as the 12th largest.

I would ask the distinguished chairman whether the committee in considering the authorization for the USIA went into this question of VOA's including a Yiddish language broadcasts and if it did not would the chairman consider holding hearings on that subject?

Mr. HAYS. May I say, if the gentleman will yield, in answer to the gentleman's question, I querried the department on this, and they have come up with some arguments against it. I must say that I do not know very much about the pros and cons, and I think perhaps a hearing would be in order. I can say to the gentleman that as soon as we can conveniently get some of the business before the Committee on Foreign Affairs, which is pressing, disposed of, I will be glad to have a hearing in which the gentleman from New York can testify, and the department can give their views.

Mr. KOCH. I thank the gentleman.

Mr. THOMSON of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

(Mr. FINDLEY asked and was given permission to revise and extend his remarks.)

Mr. FINDLEY. Mr. Chairman, I have asked for this time for two purposes. First of all, to make inquiry of my colleague, the gentleman from New York (Mr. BINGHAM) who has been the prime moving spirit behind the additional money for refugee work in Israel. So if I could have the attention of the gentleman from New York, can the gentleman give us any assurance that the extra money provided in this bill beyond the executive requests for refugee work in Israel will in fact be an additional expenditure for refugee work? I ask the question because of the possibility that it may instead be more in the nature of general budget support rather than an add-on item toward refugee purposes. I am sure that there would be broader support in the Congress as well as among the public generally if there could be some assurance that this extra item has been worked out with the Government of Israel so that there are assurances that the refugee activity will be expanded by the amount of money provided in this bill.

Can the gentleman from New York give us any assurances on that?

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. Certainly.

Mr. BINGHAM. Mr. Chairman, I think the gentleman from Illinois does misunderstand the purpose of the $85 million. It is for the purpose of meeting part of the expense of an ongoing program; that is to say, it is not the intention of the committee to propose that additional efforts be undertaken on behalf of those refugees that would not otherwise be undertaken. It is rather the purpose of the committee that the United States would share in the cost of refugee resettlement, along with the other bodies that are contributing to this purpose, notably the very large contributions, much larger than this, coming from the Jewish community in the United States and other countries.

So that these funds would be used, as the committee report says, for assistance to Israel, such as assistance for housing, clothes, food, medical care, education, and training for the resettlement in Israel of the Jewish refugees from the U.S.S.R. That is the purpose of the assistance.

Mr. FINDLEY. If I understand the gentleman from New York correctly, then, if the Congress should see fit not to provide the $85 million extra embodied in the bill now before us, the refugee work would continue at the planned level anyway. Is that correct? Is that a fair assumption?

Mr. BINGHAM. I do not know if that is a fair assumption at all. That might not be possible. What I wanted to say was that there is no thought here that there would be more generous programs for the refugees or greater expenditures on their behalf because of this proposal. This proposal is in the nature of a contribution to a very expensive program which will cost at least four times this amount for just 1 year, a contribution which seemed appropriate to the committee.

Mr. FINDLEY. I thank the gentleman for his clarification.

Just to summarize the point—it would seem from this colloquy that the inclusion of $85 million extra for refugee work in Israel will not alter the level of refugee work in that country.

Is that a fair assumption?

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. BINGHAM. I would like to repeat—I think if this money is not authorized and appropriated there is a grave question as to whether the funds can be found to carry on the program at the level that is anticipated. There is a grave question about that, and I want to emphasize that this is not money for an additional program not presently contemplated.

Mr. FINDLEY. I thank the gentleman for his explanation.

Another point I want to call to the attention of the committee is the relationship of this bill to the Federal budget for the fiscal year 1973.

As we all know, the President sent forward the budget earlier this year which was $25 billion in the red. In that budget he included a request for $763 million for the purposes encompassed by the legislation before us today.

Recognizing that the budget presented by the President was already $25 billion in the red, the budget request that he made for this purpose also must be assumed to have a good bit of red ink in it—in fact, 14 percent.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. THOMSON of Wisconsin. Mr. Chairman, I yield the gentleman 3 minutes.

Mr. FINDLEY. So in order to balance the budget by across-the-board reduction of each authorization and appropriation would require a 14 percent reduction from what the President requested. A balanced budget authorization for these purposes would have had not $763 million in it but $656 million.

But in spite of that, the committee is asking for $848 million.

Now if we would embark upon a program, as I wish we would, of trimming each authorization and appropriation request, item by item as they come forward to the House floor, and thus got to a balanced budget with outgo equal the expected revenue for the next fiscal year—then this request now before us ought to be reduced by $191,904,420.

In other words, I think it is fair to say that the bill now pending is 21 percent red ink.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. HAYS. I would just say to the gentleman that nobody has watched the State Department over the years with a more eagle eye than I have. I really watch them with the same degree of care as to their budget. They have cut more people and more money than any department of Government. It is the rest of the departments—instead of sending more people abroad and adding more people on the payroll—had they cut down the number of employees the way the State Department has, then the budget would be very close to being balanced.

So you know I really think it is unfair to pick on this one particular Department and say that they are way out of line because you have to go back the last 4 or 5 years. They have had mandatory cuts of 15 percent and 10 percent—and they have cut it and they are living within it.

You ought to be talking about some of these other swollen departments.

Mr. FINDLEY. I certainly concur in the gentleman's remarks. I am glad that he gives credit where credit is due.

The point is that we are confronted with a presidential budget that is 14 percent out of balance and as we turn on the faucet this year authorizing and appropriating money beyond the President's budget, we are really spilling a lot of red ink.

Mr. HAYS. Mr. Chairman, I yield myself 1 minute merely to say to the gentleman that apparently he has a lot of complaints about this President's budget. If he will help some of us out, we may be able to get a President next year who will balance it.

I yield to the distinguished chairman of the committee whatever time he might consume.

Mr. MORGAN. Mr. Chairman, I rise in support of H.R. 14734, which authorizes funds to finance the operations of the Department of State and of the U.S. Information Agency for the fiscal year ending June 30, 1973.

The authorization for the Department of State is $648,354,000 and for the U.S. Information Agency is $200,249,000. These are large amounts, but they are large because they reflect the magnitude and the complexity of the operations and the programs which they finance.

The United States maintains 126 embassies abroad. The Department employs 13,451 individuals of which 3,792 are Americans serving abroad and 5,120 are foreign nationals working in our overseas missions.

In addition to providing authorization of the funds to finance the operation and maintenance of our embassies and consulates, together with the operation of the State Department here in the United States, this bill authorizes the money for our share of the cost of the United Nations and of other international organizations to which we belong, as well as the operation of the educational exchange program and our contributions to certain programs of refugee assistance.

Although the magnitude of the operations for which authorization is provided in this bill is imposing and, to anyone not familiar with the nature of our overseas operations, surprising, I should point out that the State Department budget is smaller than that of any other Cabinet level department. Furthermore, with the exception of the Departments of Labor and of Housing and Urban Development, the Department of State has the smallest number of people.

Mr. Chairman, let me emphasize that this authorization provides for 241 fewer positions than are in existence in the current fiscal year. Rather than expanding, the State Department has been contracting in size and has in the last few years cut its personnel by almost one-fifth.

Mr. Chairman, it is important also for us to recognize the significance of the work of the U.S. Information Agency. This bill includes an authorization of $200,249,000 for this program.

The USIA maintains 192 posts in 109 countries and has 9,855 employees. The USIA has also been cutting back its operations. Four years ago, the Agency had almost 12,000 people on its payroll.

Even though all of us recognize that this is a large expenditure and that there are a good many people on the payroll, we must take into account the realities of the world we live in.

There are many important nations of the world that maintain strict censorship over the dissemination of news and information to their people. There are also important nations that continue to beam, not only to their own people but to the people of other nations all over the world, distortions of fact concerning the United States and even vicious attacks on our Government and our policies.

Most Americans, I feel confident, believe that we have an obligation to try to pierce the veil of censorship and to bring to people more accurate information about the United States and its policies than would otherwise be available to them.

Furthermore, it is in our interest to try to counteract the adverse propaganda beamed to nations not subject to censorship by governments which misrepresent and distort the U.S. Government, our people, and our policies.

Mr. Chairman, we need the U.S. Information Agency.

I want to say a word also about the provision in the bill for the resettlement in Israel of Jewish refugees from the Soviet Union. The committee increased the authorization for migration and refugee assistance by $85 million for this purpose.

The United States has a long tradition of assistance to refugees. Most of us, I feel sure, agree that it is particularly important that everything possible to facilitate the exit of those Jews whom the Soviet authorities are willing to release should be done.

The State of Israel is most generously and at considerable sacrifice holding its doors open to these people. Israel needs and deserves our help.

The Subcommittee on State Department Organization and Foreign Operations, of which our distinguished colleague, the gentleman from Ohio (Mr. HAYS) is chairman, has held detailed hearings on the operations of the Department of State and of the U.S. Information Agency. After a careful and critical review of these operations by the subcommittee, the Committee on Foreign Affairs has recommended the authorizations in this bill.

In the consideration of these authorizations, the subcommittee and the full committee have tried to avoid duplicating the work the subcommittee of the Appropriations Committee, which under the able and distinguished chairmanship of the gentleman from New York (Mr. ROONEY) has always gone over these appropriation requests with a fine tooth comb.

We have been concerned primarily with matters of policy—what are we trying to do and why—rather than questions involving cost analysis. We have tried to recommend the limits of expenditure, not determine absolute or final figures.

Mr. Chairman, the Department of State and the U.S. Information Agency are vital to our national interest and our national security. We should provide them with funds to finance their continued operation. I urge the approval of these authorizations.

Mr. HAYS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Chairman, I rise in support of the pending legislation, and most particularly I rise in support of the amendment contained in the legislation sponsored by our distinguished colleague from New York (Mr. BINGHAM). I think this assistance to enable the resettlement of the Jews who have left the religious oppression that confronts them in the Soviet Union is in the finest American tradition, and it is typical of the universal concern expressed by our colleague from New York (Mr. BINGHAM) in lending a helping hand to the poor and the dispossessed, not only here at home, but also abroad.

Mr. BROTZMAN. Mr. Chairman, I want to congratulate the distinguished members of the Committee on Foreign Affairs for including in H.R. 14734 an authorization for $85 million to assist Soviet Jewish refugees in Israel. The tiny nation of Israel is providing a measure of humanitarianism of which we can all be proud by opening its doors to those members of the oppressed Soviet Jewish minority who are permitted to leave the Soviet Union. It is only appropriate that the United States, with its long standing compassion for oppressed peoples assist the Israeli Government in discharging the important obligation it has voluntarily undertaken. I only wish, Mr. Chairman, that the Soviet Government would allow all of the Jews who wish to leave its confines to do so.

Mr. DERWINSKI. Mr. Chairman, recently the Senate of the United States by a vote of 57 to 15, restored the full amount of funds requested for USIA, thus giving an overwhelming defeat to Senator FULBRIGHT and some of his colleagues on the Senate Foreign Relations Committee who had slashed the agency's budget by nearly a fourth.

This Nation and the free world are fortunate that those with "eyes to see and ears to hear" restored these funds on the Senate floor, for the cut reportedly would have forced USIA to shut its doors in 30 countries.

Has the struggle for men's minds ended? The Soviet Union and mainland China do not believe so. At its present broadcast level of 780 hours weekly in 35 languages, the Voice badly trails the Soviet Union, which broadcasts 1,903 hours in 84 languages. Even Communist China broadcasts 1,304 hours in 33 languages and Egypt 1,022 hours in 33 languages.

It is important to the security of this country that the United States be able to tell its story effectively. I urge that we approve the full authorization for USIA.

Mr. HALPERN. Mr. Chairman, the authorization of appropriations for State Department and U.S. Information Agency is a most important bill because it is the best means in which the Congress can express its will and exercise its important role in formulating and implementing foreign policy.

I strongly believe that certain provisions of this bill present a realistic as well as an enlighted perspective of American foreign policy goals. I have followed this bill closely because I know of its far-reaching importance to the future course of U.S. policies abroad.

One provision which I am most concerned with is the $85 million appropriation to the State Department, which administers refugee assistance programs abroad, for "assistance to Israel including assistance, for housing, clothes, food, medical care, education, and training, for the resettlement in Israel of Jewish refugees from the Soviet Union."

In February of this year, I introduced this legislation because in recent months there has been a surprising new development in Soviet policy. The motivations remain obsure, but the results are heartening and dramatic—a sudden increase in the number of Soviet Jews allowed to emigrate to Israel. In 1 month, December 1971, three times as many Jews emigrated from the Soviet Union as in all of 1970.

Today more than 25,000 Soviet Jews live in Israel. They constitute the largest group of refugees from the U.S.S.R. since the end of World War II. Since January of this year, nearly 2,000 per month have left Russia and the increased rate is continuing in 1972. It is now anticipated that between 40,000 and 60,000 Soviet Jewish immigrants will arrive in Israel this year.

Last month, my colleague, JONATHAN BINGHAM and I returned from a special study mission to Israel where we gathered important information for the House Foreign Affairs Committee which was considering the $85 million appropriation to aid Soviet refugees settling in Israel.

Our mission to Israel convinced me that the dramatic increase of Jewish refugees from the Soviet Union has placed an awesome financial burden on Israel.

This tiny but brave nation is attempting to absorb the wave of thousands of refugees and provide food, clothing, shelter, job and language training to those who seek spiritual and cultural freedom. The cost, nearly $10,000 per refugee, has become astronomical and has caused a serious diversion of Israel's economic resources from defense and other vitally needed services.

This assistance is the least the American people can do to spur this encouraging breakthrough in Soviet Jewish policy and to carry out our historic humanitarian traditions.

Because of our tradition of assisting refugees—particularly those fleeing from religious persecutions—and because of our clear self-interest in the health and well-being of Israel, it is incumbent upon us to aid in the resettlement of these homeless—but now free—people who wish to start a new life in Israel. The only way this can be done is for Congress to authorize appropriate funds for this purpose.

Since World War II, the United States, in keeping with our humanitarian policy, has contributed more than $2.8 billion to refugee assistance, directly and through intergovernmental organizations. We spent close to $600 million to assist Cuban refugees. From 1947 to 1951, we contributed $237 million to the International Refugee Organization. In the early 1950's we contributed almost $85 million to aid Korean refugees. As for Arab refugees, we have contributed more than $500 million. We have never forgotten that we were founded and populated by the refugees of an earlier world. Our commitment to this cause is inscribed on the base of the Statue of Liberty.

There is also the long history of our concern with persecution on account of religion, and, in the last half century, particularly with the persecution of Jews. Beginning in the early 1900's, our national leaders have fought for the freedom and dignity of the world's Jewish community. We played a major role in the creation of Israel; we have been its firm defender ever since.

Beyond humanitarian concerns, however, there is our clear self-interest in the health and well-being of Israel. War is not the only danger to a healthy Israel. Economic disaster can accomplish what war could not, if we let it. A country the size of Israel, with its heavy defense burdens, cannot afford the several hundred million dollars that will be required for the anticipated influx of Soviet Jews over and above Israel's normal budget for immigrants—and Israel has already spent enormous sums receiving and integrating hundreds of thousands of Jewish refugees from Middle Eastern countries. For all these reasons, therefore, we must be prepared to help Israel cope with the hoped for emigration from the Soviet Union.

Our factfinding mission to Israel underscored the basic need for immediate U.S. assistance to this courageous nation.

We observed firsthand the arrival of hundreds of Jews from the Soviet Union in Vienna en route to the State of Israel. We saw them as they arrived. We met with them, talked with them, and witnessed their reactions as they stepped off planes and trains and touched, for the first time, land other than their native Russian soil. We saw the look in their eyes and could sense the joy in their hearts. But we could also sense their apprehension. Nevertheless, their determination to face the challenges of their new life was most apparent. It was without doubt the most moving experience in my life.

The day after these emigrants arrived, we visited them at a temporary shelter where we sat in groups, and through interpreters, talked informally about their plight in the Soviet Union. If ever anyone had doubt of the suppression of freedoms in the Soviet Union, I only wish he could have listened to these refugees. Among them were doctors, shoemakers, farmers, housewives, elderly men and women, children and young couples. They all came with but one goal: to find new life within the concepts of their spiritual and moral beliefs and to be free of repression and fear.

We also visited an absorption center in Israel where highly sophisticated programs were planned for the constructive readjustment of Israel's newest citizens. We saw typical housing units for Russian refugees and we spoke to many of the residents. Not all were newcomers. Some had lived there for months; others for years.

Later on in our mission we were privileged to be on hand at the airport in Tel Aviv to meet the plane which carried the same groups we met at the train station, at the airport in Vienna and at their temporary residence there before they embarked for Israel.

Several of the refugees recognized us as they stepped off the plane with their bright eyes and broad smiles—surely more outgoing than when they arrived in Europe—more confident and more determined. We exchanged hearty "shaloms" and warm handshakes. This was a touching scene, one that I wish every Member of this House could have experienced.

Our hearts were lightened by what we saw, what we learned and what we experienced. This experience evidenced the great hope ahead for people who wish to be free.

The Russian Jews we met were the fortunate ones, for their applications were approved by Soviet officials, based on supporting affidavits from relatives in Israel. There have been an average of 2,000 such emigrants a month coming to Israel since the beginning of this year.

But out of 3 million Jews in the Soviet Union this number is small indeed, yet it is a good beginning and points to the effectiveness of responsible action. The consensus of all of those to whom we spoke is that responsible U.S. attitudes and world opinion have helped motivate the Soviet Union to relax its policy toward and allow these numbers to migrate.

Clearly though, this is not enough. We must not rest until all those who seek religious and cultural freedom are able to achieve it.

It is for these reasons, Mr. Chairman, that I wholeheartedly support this provision of the authorization bill and urge my colleagues to join with me in extending our country's strong tradition of providing humanitarian relief consistent with the principles of justice and freedom.

Mr. BUCHANAN. Mr. Chairman, I rise in support of H.R. 14734 and the funds it authorizes for the Department of State and the U.S. Information Agency.

There has been much criticism of the Department of State and, in recent months, the charge has often been raised that the Department's role in foreign policy at the decisionmaking level has been substantially diminished.

Since it is my judgment that cream by nature rises and that a strong wind automatically moves into a vacuum, if the Department of State can find ways to unleash and encourage its own talent and expertise toward a more creative and constructive role in foreign policy and thus demonstrate it has something significant to give, I am confident any administration will gladly receive and use that contribution.

Such a change is under way at this time. Under the guidance of Deputy Under Secretary William Macomber, a reorganization is taking place at the State Department which seeks to reward and encourage initiative and is calculated to do a better job of bringing good ideas and bright individuals to the forefront.

As you know, a number of changes were recommended in the internal operations of the State Department and many of these have taken place.

While I do support this legislation, I note that one portion provides the full $60.1 million for the United States' contribution to the United Nations. It is my feeling that our contribution should be reduced to a share proportional to our population, which works out to approximately 25 percent.

The second portion of this legislation provides some $200.2 million for the U.S. Information Agency which, of course, includes the Voice of America. I am impressed, Mr. Chairman, with the work the Agency and VOA are doing and it merits the full support of the Congress.

Through the Voice of America, our neighbors throughout the world, particularly those behind the Iron Curtain, can obtain objective news reports of world events and a more complete picture of the American people and our way of life.

News by nature tends toward the spectacular and the atypical. Citizens of foreign countries cannot get a truly valid picture of the United States without efforts by the U.S. Information Agency to show the positive but not unusual aspects of American life.

It is not my desire that the USIA become an agency of propaganda in the normal American definition of that term, but that it continue and increase its efforts to tell it like it really is about our country including the many normal, everyday aspects of the rightness of our way of freedom and the goodness which has made our country great.

Mr. Chairman, the funds authorized in this legislation will be utilized for some very necessary functions of this government and I urge the enactment of H.R. 14734 by this body.

Mr. HALPERN. Mr. Chairman, I would like to state my enthusiastic support for the authorization of the USIA appropriation as stipulated in H.R. 14734. I had originally intended to amend page 2, line 4, by adding: (b) information on heroin addiction in the United States.

It is the sense of the Congress that the President should instruct the Voice of America and the U.S. Information Service libraries overseas to broadcast and exhibit information about the dread plague of heroin addiction in the United States to those countries which are involved in the production or processing of, or trafficking in, opium.

However, since committee policy has been to avoid any direct influence on the content of USIA programing, I have decided to pursue this matter at the administrative level.

As I am sure my colleagues are aware, the farming populations of such countries as Turkey—where heroin addiction is unheard of and where poppy is a staple cash crop—have no idea of the deadly worldwide effects of their production. I personally experienced this information gap last year, in the course of my 11-nation study mission on the international narcotics trade and its relation to the United States. The USIA has up to now been virtually untapped in the struggle to halt the flow of illicit narcotics. It is my feeling that an all-out information campaign, such as is called for in the above amendment, would be a most appropriate complement to the control efforts already being made on bilateral and multilateral levels. I fully intend to work toward this goal, in the near future, with USIA officials.

Mrs. ABZUG. Mr. Chairman, I am pleased to note the provision in this bill for aid to help resettle Soviet Jews who are emigrating to Israel. These people, after considerable delay and harassment in obtaining exit visas from the Soviet Union, usually are divested of what funds they have when they depart; consequently, they arrive in Israel without funds, placing a strain on the Israeli economy in addition to the great burden of providing for its defense against hostile neighbors.

As our Nation and its people press for the right of these people to emigrate to Israel, so must we do what we can to facilitate their settlement once they are able to get there. I congratulate the Committee on Foreign Affairs for having the wisdom to include this item in the bill, and I urge my colleagues to give it their full support.

Mr. BINGHAM. Mr. Chairman, the legislation currently before the House, the State Department authorization bill, is of special interest to me not just as a member of the House Foreign Affairs Committee, but particularly because it contains a provision, for which I organized and led support in the House, to make available $85 million for the difficult but urgent task of resettling in Israel the wave of Jewish refugees now being released from the Soviet Union.

The release of 2,000 to 3,000 Jews each month from the Soviet Union, most of them destined for Israel, is a thrilling and historic development. It represents a most encouraging victory for freedom and humanitarianism over oppression. It must be nurtured and encouraged to continue by all freedom-loving people throughout the world, Jewish and non-Jewish alike.

When this relatively large-scale migration from the Soviet Union began toward the end of 1971, Mr. Chairman, it became clear to me that in addition to being a great boost for Israel, it would impose severe problems and burdens. The costs of resettlement are considerable, especially for a small nation like Israel with heavy defense and other expenses. In view of that, and in view of our Nation's historic concern and aid for refugees and for Soviet Jewry, I introduced a bill along with my colleague from New York (Mr. HALPERN). Similar legislation was introduced in the Senate by Senators MUSKIE and JAVITS.

My legislation proposed providing $85 million from the Government and people of the United States to help with the resettlement of Soviet Jews reaching Israel. That figure is based on about $2,000 for each of the refugees expected to emigrate to Israel this year based on current migration levels—only a fraction of the total cost to Israel for resettlement.

Mr. Chairman, since introduction of that legislation, I have had the memorable opportunity to inspect and observe first-hand, as head of an official Foreign Affairs Committee mission, the emigration—the aliyah—of these refugees. First we observed them in Vienna, where they arrive from Russia by train, and are housed a day or two while basic information is obtained and cabled to Israel. Then we observed their resettlement in Israel itself. In the course of that mission my predictions and expectations of heavy economic and social burdens for Israel were more than confirmed. But the dedication, warmth, and skill with which the Israeli's are tackling the resettlement burden was inspiring. As one of my constituents remarked regarding my report of the migration and resettlement of these Jews in Israel, it is as if we were witnessing in our time the parting of the Red Sea and the escape of the ancient Israelites. The migration of Jews from the Soviet Union is certainly an event of similar moment.

Mr. Chairman, I am gratified that my colleagues on the Foreign Affairs Committee have recognized the justification and need for the $85 million in special Soviet Jewish refugee assistance I proposed, and that it is included in this legislation. And I am hopeful that the full House will similarly support this legislation. Its passage by the House will provide a constructive and concrete means of relief for Soviet Jewry and for Israel. It is a fitting follow-up to efforts by many of us over the years to bring pressure to bear upon the Soviet Union to release these brave people—pressure which has now resulted in their release in increasing numbers. I therefore urge the House to vote for this legislation, as I intend to do, and there continue and enhance the proud tradition of concern on the part of the Congress and the American people for refugees and oppressed peoples everywhere.

Mr. RYAN. Mr. Chairman, I would like to direct my remarks to two provisions of the State Department-USIA authorization bill for fiscal year 1973 which is currently under consideration.

First, let me say that I am very pleased that the committee has authorized $85 million to aid in the resettlement of Soviet Jews in Israel. The harsh plight of the Jews in the Soviet Union is well-known. They are being denied fundamental freedoms to which all men are entitled—the free expression of ideas and exercise of religion. Because they are unable to maintain their religious and cultural identities in the Soviet Union, thousands of Jews have attempted to obtain permission to emigrate to lands where they would be able to practice freely their religion and preserve their rich cultural heritage.

The Soviet Union has compounded its offense against its Jewish minority, however, by prohibiting most Soviet Jews from emigrating. In an attempt to alter this intolerable situation, on April 17, the House passed House Concurrent Resolution 471 calling upon the President to request of the Soviet Union that it grant its citizens the right to emigrate to the countries of their choice, as affirmed by the United Nations Declaration of Human Rights.

However, there are some Soviet Jews who have been fortunate enough to receive permission to emigrate from the Soviet Union. While in 1970, less than 1,000 Jews emigrated from Russia, and in 1971, 13,000 emigrated, it is estimated that, if the current rate of emigration is maintained, 30,000 Jews will be permitted to leave the Soviet Union this year.

Most Soviet Jews who have indicated that they wish to emigrate have expressed their strong desire to settle in a land where they are truly welcomed—the State of Israel. Consequently, Israel now faces the problem of absorbing the large numbers of Soviet Jews who have chosen to settle there.

And there are many problems to be overcome. Many of the immigrants lack skills and occupations. Most need intensive instruction in the Hebrew language which they were forbidden to learn in the Soviet Union. Even professionals sometimes face numerous difficulties in adjusting to life in Israel. Doctors, for example, have to learn not only Hebrew but also English which is the principal scientific language of Israel. Many require retraining to meet the standards in effect in Israel.

The costs of the programs to overcome these problems and to successfully assimilate these refugees is estimated to be $35,000 per family. Yet, because so many of Israel's resources must go for her defense, she is sorely in need of financial assistance to comprehensively deal with this large influx of people. Israel's defense budget amounts to slightly over $1 billion, approximately one-quarter to one-third of the country's gross national product, and approximately 40 to 50 percent of the country's budget. Due to these defense expenditures, for the past 10 years, Israel has owed more in external debt, on a per capita basis, than any other country.

Therefore, on February 8 of this year, I joined with several of my colleagues in introducing a bill, H.R. 13030, to provide $85 million in aid to Israel to assist in this resettlement process. I want to commend the members of the committee for so promptly providing this sum of money in this authorization bill.

I would like to address my remaining comments to the authorization for the U.S. Information Agency, and once again voice my strong protest against the intransigent position of the USIA with regard to Voice of America broadcasts in Yiddish to the Soviet Union.

On May 26 of last year, I introduced a resolution in the House, House Resolution 454, which calls upon the Voice of America to institute Yiddish broadcasts to the Soviet Union. Over 100 of my colleagues joined in cosponsoring this measure. I have repeatedly contacted the USIA and have urged the Agency's Director, through correspondence and numerous meetings with USIA officials, to begin Yiddish broadcasts. Yet, we have been unable to persuade the USIA of the urgency of this request.

Soviet Jews are in need of every type of assistance we can give them as they struggle to maintain their religious and cultural identities. The bill we are now considering would provide assistance in the resettlement of those Soviet Jews who are granted permission to emigrate and who choose to settle in Israel. But what of the 3 million Soviet Jews who have not been granted permission to leave a country which is stifling them, and which is denying them basic rights? What of the 3 million Soviet Jews who are desperately in need of some sign of hope, of a sign that Americans are aware of the severity of their situation?

After I introduced my resolution, and following a meeting I arranged between concerned Congressmen and State Department and USIA officials, the USIA decided to broadcast, twice a week, a 10-minute Russian language program of "news of particular interest to Jews in the Soviet Union." However, not only is the allotted time inadequate, but these broadcasts are not in the Yiddish language.

I have previously cited, on the floor of the House, the precedents that exist for Yiddish language broadcasts, but I feel that these facts bear repeating. The Voice of America currently broadcasts to several population groups within the Soviet Union whose numbers are less than the total of Soviet Jewry.

Reliable estimates place the number of Soviet Jews at 3 million and Yiddish-speaking Jews at 1.25 to 1.75 million. Yet, whereas only about 20 minutes a week is broadcast to Soviet Jews, the VOA allocates 7 hours a week in each of Estonian, 1.4 million population; Latvian, 1.43 million; Lithuanian, 2.1665 million, Georgian, 3.245 million, and Armenian, 3.559 million. There can be no justification for this misguided set of priorities.

We must give those Soviet Jews who are forced to remain in the Soviet Union some tangible sign of our concern for them. We must provide them with what can only be a major and powerful psychological uplift—broadcasts in their mother tongue. I again urge the USIA to immediately institute Yiddish-language broadcasts to the Soviet Union which will serve as a concrete indication of our determination to assist the oppressed Jewish minority of the Soviet Union.

In view of the fact that some 100 Members of the House have joined me in support of my resolution, House Resolution 454, I urge the subcommittee to hold full hearings as promptly as possible.

Mr. THOMSON of Wisconsin. Mr. Chairman, I have no further requests for time.

Mr. HAYS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of State and United States Information Agency Appropriations Authorization Act of 1972".

SEC. 2. There are authorized to be appropriated for the Department of State for the fiscal year 1973, to carry out authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, and other purposes authorized by law, the following amounts:

(1) Under the heading "Administration of Foreign Affairs", $289,453,000.

(2) Under the heading "International Organizations and Conferences", $188,263,000.

(3) Under the heading "International Commissions", $18,226,000.

(4) Under the heading "Educational Exchange", $59,200,000.

(5) Under the heading "Migration and Refuge Assistance", $93,212,000.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to join the gentleman from Illinois (Mr. FINDLEY) some of the questions he has raised and to protest $85 million in this bill for relief for Israel. This bill contained $8,212,000 for migration and refugee assistance in all areas of the world, (Mr. BINGHAM) offered an amendment adding $85 million—$85 million that is completely unbudgeted, as the gentleman from Illinois (Mr. FINDLEY) observed. If you want to increase deficit spending and spill red ink there is no better way to do it. It is unconscionable to provide $8,212,000 for refugees and migrants elsewhere around the world, and then earmark $85 million for just one country, Israel, which is already doing very well by in terms of American dollars for support of its educational institutions and various other institutions and facilities.

For years there has been a refugee camp in the Middle East with hundreds of thousands of men, women, and children living in the worst kind of squalor. You talk about ghettos. These people have been living in less than ghettos, if there is such a thing. They are Arabs, most of them, who were tossed out of their homes and off their properties in the Middle East. Through the years they have been supported at a bare subsistence level and the United States has provided most of that support.

As I previously stated, there is $8,212,000 in this bill for these outcasts and all other refugees and migrants in the world except those in Israel. I would be willing to provide a reasonable amount for Israel's refugees and migrants, but $85,000,000 is unconscionable and unjustified.

How the gentleman from New York arrived at that huge sum is not clear. Moreover, he was asked the question by the gentleman from Illinois as to whether the $85,000,000 would be used for refugees and migrants or for some other purpose. The answer was not at all assuring.

I am opposed to this bill, not only because of this $85,000,000 of unbudgeted and discriminatory spending, but also because the bill contains no cut in the amount of American tax dollars that are annually dished out to the United Nations.

Mr. HALPERN. Mr. Chairman, first I would like to compliment the distinguished gentleman from New York, our able colleague (Mr. BINGHAM) for his persevering and determined role in developing this issue into legislative action. I am privileged to have been the original cosponsor, with the gentleman, of this provision to provide this economic assistance to Israel in order to assist the resettlement of Soviet Jewish refugees.

I might add, Mr. Chairman, that 61 of our colleagues have joined in the sponsorship of this provision in the bill before us today.

I also had the privilege of being with the gentleman from New York on an on-the-scene, fact-finding study of the Soviet Jewish refugee situation and had the rare opportunity of having met at least 200 of these refugees personally—refugees representing every walk of Soviet life, doctors, lawyers, teachers, shoemakers, tailors and so forth.

We learned firsthand of their experiences, of their trials and tribulations in the Soviet Union, their way of life and their oppressions merely because they were Jews—how they had been downgraded in their work and in their community life, how so many had been fired outright and penalized in one form or another merely because they were Jews and because they were determined to adhere to their heritage and traditions.

The gentleman from New York presented so ably a case for this provision that it would be redundant for me to go into further detail. But I do want to emphasize that this legislation is in keeping with our country's humanitarian policy. It is in keeping with our refugee assistance policy. It is in keeping with our aims to make a breakthrough in oppression behind the Iron Curtain. It certainly is consistent with our support of Israel. And it definitely is in line with our oftened expressed desire to help people break through the Communist yoke.

Mr. Chairman, we provided arms to Israel; we support Israel in other ways because we believe in its goals and we respect the viability of its government and its role as a bastion of freedom in *this* world. We do so not only because of philosophical reasons. Let us face it. We also do it because it is in our own national interest to have a secure, free, viable Israel. The refugees which we would be aiding through this legislation in the long run will contribute immeasurably to Israel's viability—and that is a very important point—to assist in assuring Israel's viability as a nation.

Yes, Mr. Chairman, this provision to authorize $85 million for the purpose so convincingly stated by our colleague, Mr. BINGHAM, and with which I fully associate, is in our own national interest.

And I repeat, it is completely consistent with our own humanitarian policy, our refugee assistance policy and our own national policy toward assisting to assure Israel's viability, that this provision be included in this legislation and I trust it will win the full approval of this House.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. There are authorized to be appropriated for the United States Information Agency for the fiscal year 1973, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) $194,213,000 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)": *Provided,* That so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation.

(2) $5,036,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)."

(3) $1,000,000 for "Acquisition and construction of radio facilities".

SEC. 4. In addition to such amounts as are authorized by sections 2 and 3 of this Act, there are authorized to be appropriated for the Department of State and for the United States Information Agency for fiscal year 1973 such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, or other nondiscretionary costs.

SEC. 5. Except as provided in paragraph (1) of section 3 of this Act, appropriations made under sections 2 and 3 of this Act are authorized to remain available until expended.

SEC. 6. (a) Section 15(a) of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended by section 407 of the Foreign Assistance Act of 1971 (22 U.S.C. 2680), is amended by adding at the end thereof the following new sentence: "The provisions of this subsection shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.".

(b) Section 701 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476) is amended by adding at the end thereof the following new sentence: "The provisions of this section shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Secretary or such agency as authorized by law.".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency, pursuant to House Resolution 984, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 305, nays 65, not voting 61, as follows:

[Roll No. 157]

YEAS—305

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Bolling
Brademas
Brasco
Bray
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burton
Byrne, Pa.
Byrnes, Wis.
Caffery
Carlson
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dellenback
Dellums
Dennis
Dent
Derwinski
Dingell
Donohue
Dow
Downing
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Fascell
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Howard
Hunt
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Lent
Lloyd
Long, Md.
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McFall
McKevitt
McKinney
Madden
Mailliard
Mallary
Mathias, Calif.
Matsunaga
Mayne
Meeds
Melcher
Mikva
Mills, Ark.
Minish
Mink
Minshall
Mizell
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Quie
Railsback
Randall
Rangel
Rees
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Saylor
Schneebeli
Schwengel
Scott
Seiberling
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—65

Abbitt
Abernethy
Andrews, Ala.
Archer
Ashbrook
Bevill
Brinkley
Burleson, Tex.
Burlison, Mo.
Byron
Cabell
Carter
Chappell
Clawson, Del
Collins, Tex.
Colmer
Crane
Devine
Dickinson
Dorn
Duncan
Findley
Gaydos
Goodling
Griffin
Gross
Haley
Hall
Harsha
Henderson
Hull
Hutchinson
Ichord
Jonas
Jones, N.C.
Landgrebe
McClure
McCollister
McMillan
Mahon
Mann
Martin
Mathis, Ga.
Mazzoli
Michel
Miller, Ohio
Mills, Md.
Poage
Price, Tex.
Purcell
Quillen
Rarick
Roberts
Rousselot
Runnels
Satterfield
Scherle
Schmitz
Sebelius
Shoup
Skubitz
Smith, Calif.
Snyder
Whitten
Wylie

NOT VOTING—61

Blackburn
Boland
Bow
Broomfield
Burke, Fla.
Camp
Carey, N.Y.
Chisholm
Daniels, N.J.
de la Garza
Denholm
Diggs
Dowdy
Esch
Eshleman
Evins, Tenn.
Fish
Fisher
Flood
Flynt
Frelinghuysen
Galifianakis
Gallagher
Goldwater
Hagan
Hawkins
Hébert
Holifield
Hosmer
Hungate
Kazen
Leggett
Lennon
Link
Long, La.
Lujan
McCormack
McEwen
McKay
Macdonald, Mass.
Metcalfe
Miller, Calif.
Mitchell
Mollohan
Patman
Peyser
Pryor, Ark.
Pucinski
Reid
Rodino
Sarbanes
Scheuer
Springer
Stokes
Stubblefield
Terry
Thone
Udall
Vander Jagt
Wiggins
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Vander Jagt.
Mr. Miller of California with Mr. Goldwater.
Mr. de la Garza with Mr. Lujan.
Mr. Evins of Tennessee with Mr. Bow.
Mr. Rodino with Mr. Fish.
Mr. Macdonald of Massachusetts with Mr. Esch.
Mr. Holifield with Mr. Broomfield.
Mr. Hawkins with Mr. Galifianakis.
Mrs. Chisholm with Mr. Gallagher.
Mr. Carey of New York with Mr. McEwen.
Mr. Boland with Mr. Peyser.
Mr. Link with Mr. Springer.
Mr. Mollohan with Mr. Mitchell.
Mr. Reid with Mr. Metcalfe.
Mr. Diggs with Mr. Udall.
Mr. Daniels of New Jersey with Mr. Frelinghuysen.
Mr. Flood with Mr. Eshleman.
Mr. Hagan with Mr. Blackburn.
Mr. Denholm with Mr. Camp.
Mr. Kazen with Mr. Terry.
Mr. McCormack with Mr. Thone.
Mr. Stubblefield with Mr. Burke of Florida.
Mr. Stokes with Mr. Scheuer.
Mr. Leggett with Mr. Hosmer.
Mr. Flynt with Mr. Wiggins.
Mr. Pucinski with Mr. Pryor of Arkansas.
Mr. Lennon with Mr. Long of Louisiana.
Mr. Hungate with Mr. Wright.
Mr. McKay with Mr. Patman.
Mr. Fisher with Mr. Sarbanes.

Messrs. HARSHA, CARTER, and BEVILL changed their votes from "yea" to "nay."

Messrs. BARING, JONES of Tennessee, and KUYKENDALL changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill just passed, H.R. 14734.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 983 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That during the consideration of the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the provisions of clause 2, rule XXI are hereby waived with respect to any appropriation contained in such bill.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 983 provides that during the consideration of H.R. 14989, the State, Justice, Commerce, the Judiciary, and related agencies appropriations for fiscal year 1973, points of order are waived for failure to comply with the provisions of clause 2 of rule XXI.

The reason for the waiver is that a number of the appropriations contained in the bill are subject to legislative authorizations which have not been enacted into law. They include the Department of State and the USIA, Radio Free Europe and Radio Free Liberty, the Maritime Administration, the Arms Control and Disarmament Agency, the Commission on Civil Rights, the export program in the Department of Commerce, and several minor programs in the National Oceanic and Atmospheric Administration and the National Bureau of Standards. A majority of these authorization bills have passed the House but have not been acted on in the Senate.

Mr. Speaker, I urge the adoption of the rule.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, is this the beginning of a long series of appropriation bills that we are going to bring up without action of the legislating committees with reference to their prerogative of authorizations?

Mr. YOUNG of Texas. Mr. Speaker, in response to the gentleman from Missouri, I do not have that information.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. Yes, I yield to the gentleman from Ohio.

Mr. HAYS. The authorization bill for this particular bill just passed the House 3 or 4 minutes ago, H.R. 14734.

I understand that it is ready to come up in the other body and I, for one, am ready to go to conference.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I understand it insofar as the Department of State and the U.S. Information Agency is concerned, but I do not recall hearing anything mentioned about the Departments of Justice, Commerce, or Judiciary.

Furthermore, as the gentleman well knows any time that a bill passes the House it does not become an act of law until it passes the other body and is signed into law by the President.

Therefore, my question is this: Is this the beginning of a long series of waiving points of order, in order to expedite the business of the House or for any other purpose in an election year?

I simply want to know if we are going to fragment all of the rules of the Reorganization Act of 1970 this year, as the majority party did last year?

Mr. YOUNG of Texas. Mr. Speaker, I yield to the gentleman from New York (Mr. Rooney), a member of the Committee on Appropriations, to answer that question.

Mr. ROONEY of New York. I thank the distinguished gentleman from Texas for yielding.

Mr. Speaker, I venture to say that if we waited until the other body acts with regard to most of these authorizations, we are going to be here until Christmas before these appropriation bills are passed.

Mr. HALL. My good friend from New York knows that there is nothing new about that in this body in recent years.

Mr. ROONEY of New York. Mr. Speaker, if the distinguished gentleman from Texas will yield further, we are trying to get out ahead of that time. This is a presidential election year.

With respect to the Department of Commerce, we have no authorization for export control; we have no authorization for NOAA salaries and expenses, fish protein plant or the fishermen's protective funds as well as the National Bureau of Standards items in the Department of Commerce, for research and technical services, standard reference data, fire research and safety, flammable fabrics, and the Maritime Administration.

Then we have some related agencies, for which there are no authorizations. Many of these authorizations have already passed the House, but they are hung up in the other body, the Arms Control and Disarmament Agency and the U.S. Commission on Civil Rights. There are no authorizations for radio broadcasting, to wit: Radio Free Europe and Radio Liberty directed behind the Iron Curtain, and all the appropriations for the U.S. Information Agency amounting to over $205 million.

Mr. HALL. Mr. Speaker, the gentleman from New York has proved my point better than I could phrase it myself, the point being that the lack of authorizing legislation by the legislative committees simply eliminates the intended line item review by which we can exercise purse-string control in these areas, and I will always object to such a resolution.

Mr. ROONEY of New York. I do not always disagree with my distinguished friend, the gentleman from Missouri, but in this case the committee has, in the printed hearings which you have before you, examined every single line item and has ascertained and set forth the amounts that would be appropriate for each of these items.

Mr. HALL. Mr. Speaker, the gentleman from New York has been here much longer than I, and he is an astute observer of the parliamentary process, and he knows well that one of the built-in systems of checks and balances are the rules of procedure established by

Thomas Jefferson and reviewed down through the years in each subsequent Congress, which establish that we should have both authorizing and appropriating legislation. I simply point out that we are being denied that privilege. The gentleman from New York has been of invaluable assistance in helping me, but I say that we are negating that very important function, and also the Reorganization Act, by waiving such prerogatives.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 983 simply waives points of order from the standpoint that an authorization bill has not been enacted into law. A year or so ago, Mr. Speaker, when we did this on the first occasion, I complimented the Committee on Appropriations, and I would like to again compliment them today for their efforts, because a year ago they came in with a schedule in an effort to try to program bills so that we would know when they would be considered in an effort to expedite the business of the Congress, and for eventual adjournment.

I have a copy of the letter dated May 4, 1972, which has a schedule of the Committee on Appropriations, and if it can complete this schedule as slated we will have passed all of the appropriation bills, ending with the Department of Defense, and the Treasury-Postal Service-General Government during the week of June 26.

I certainly think that they are doing a marvelous job, and I do not know how they could possibly do so unless the Committee on Rules keeps on waiving points of order on authorizations. I do not wish to be unfair in my statement here on the floor of the House that would in any way affect the distinguished body on the other side of the Capitol, but we do have scores of bills over there, Mr. Speaker, which have passed this House, and they are just sitting over there, and we may never get them out. So if we are going to do our share, then I think we should proceed along this way, and not be handicapped or handcuffed because the distinguished other body does not keep up with the work of the House of Representatives.

So, Mr. Speaker, I am going to support every request we get from the Committee on Appropriations to waive points of order on the authorizing legislation, so that the appropriation bills can be handled.

Mr. Speaker, I urge the adoption of this resolution.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ROONEY of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the distinguished gentleman from Michigan (Mr. CEDERBERG) and myself.

The SPEAKER. Is there objection to the request of the gentleman from New York?

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, reserving the right to object, I would propose a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. HALL. Mr. Speaker, is it true that it would require a two-thirds vote on the motion that the gentleman from New York has stated in order to bring this bill up under the present parliamentary situation?

The SPEAKER. It requires a majority vote.

Mr. HALL. I thank the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14989, with Mr. HAYS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from New York (Mr. ROONEY) will be recognized for one-half hour, and the gentleman from Michigan (Mr. CEDERBERG) will be recognized for one-half hour.

The Chair recognizes the gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Chairman, this bill contains a total of $4,585,054,350—as shown in the table set forth on page 2 of the committee report.

There is included $523,792,750 for the Department of State; $1,764,561,000 for the Department of Justice; $1,309,074,000 for the Department of Commerce; $186,753,600 for the Federal judiciary; and $800,873,000 for the related agencies.

I should first like to point out that this committee has made a reduction in the total amounts requested to the extent of $102,934,250.

The total amount recommended for the Department of State is $523,792,750. This is a decrease of $46,055,250 below the total amount of the budget estimates, and an increase of $12,990,390 over the amount appropriated for the current fiscal year.

Under the general heading of "Administration of Foreign Affairs" a total of $300,050,000 is recommended. For "International Organizations and Conferences" the bill includes $158,584,250. The total recommended for "International Commissions" is $18,342,500 and a total of $46,816,000 is provided for "Educational Exchange."

Proceeding to the item called Contributions to International Organizations, the committee has placed in this bill a proviso limiting the annual U.S. contribution to the United Nations and affiliated agencies to 25 percent, except for the joint financing program of the organization known as ICAO, International Civil Aviation Organization. As a result of this proviso contained in the pending bill, a reduction of $25,103,500 has been effectuated.

Much has been said and written by officials of the executive and the legislative branches of the Government relative to the necessity for reductions in our contributions to these international organizations, but to date little has been accomplished. This recommended reduction serves notice that the Congress means what it has been saying in this regard.

The committee has provided $4 million for the International Labor Organization, which, together with the $7,692,580 contained in the second supplemental appropriation bill, the conference report which was adopted today here in the House, will provide a total of $11,692,580 to be made available for that organization. While this total is not the full amount requested, it represents a payment of dues far in excess of 1½ years.

With regard to the Department of Justice, the total amount contained in the bill for that Department is $1,764,561,000. This is an increase of $189,959,000 over the total appropriated for this Department for the current fiscal year.

The committee has again recommended the appropriation of the full amounts of the budget estimates for the Federal Bureau of Investigation, the Immigration and Naturalization Service, the Law Enforcement Assistance Administration, the Bureau of Narcotics and Dangerous Drugs, and the Antitrust Division. The funds requested for the new drug abuse law enforcement program have also been approved.

Continuing along in the bill, I should like to refer to the summary with regard to the Department of Commerce. The budget requests for that Department for the fiscal year 1973 total $1,332,925,000 in new budget authority, for which the committee recommends, in the accompanying bill, a total of $1,309,074,000. In addition, $233,312,000, the amount of the budget estimate, is included for liquidation of contract authority.

With regard to the Economic Development Administration, a very essential operation and part of the Department of Commerce, the total request for fiscal year 1973 is $245,731,000. The committee has recommended in the accompanying bill $255,731,000, an increase of $10 million over the total requested. This is for the reason that the committee has disallowed the requested use of a revolving fund.

With regard to the Regional Action Planning Commissions, the sum of $39,072,000, the full amount of the budget request, is included in the accompanying bill to provide for the development programs and administrative expenses of the regional commissions and for regional research and coordination.

The committee has included $63,934,000, the full amount of the budget estimates for necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise.

With regard to NOAA, National Oceanic and Atmospheric Administration, a total of $357,293,000 in new budget authority is included in the bill in the appropriation items under the National Oceanic and Atmospheric Administration. This is $26,782,000 more than the total appropriated for fiscal year 1972.

The amount allowed by the committee will provide increases for air pollution and air quality monitoring, agriculture weather forecasts, and warnings, river, and flood forecasts and warnings, improvements in the basic observation and communications networks, repair and maintenance of equipment, marine mapping, and charting, and improved fisheries resources assessment and management, including the monitoring of foreign fishing activities in waters adjacent to the United States.

This amount will also include increases for sea grant research, for observations and studies of the Great Lakes, and for equipment and facilities for hurricane and tornado warnings, weather and marine forecasting, including improvements in the basic observation network, air quality observations, river and flood warnings, coastal zone mapping, and pollution control systems on ships and facilities.

Now, continuing to the Maritime Administration, the committee recommends a total of $575,534,000 for the six appropriation items which make up the total for the Maritime Administration. This total includes $342,222,000 in new budget authority and $233,312,000 for the liquidation of contract authority. The new budget authority recommended is $57,735,000 more than the amount appropriated for the current fiscal year.

In connection with ship construction, the sum of $280 million is included in the bill, which is $50,313,000 over the 1972 appropriation and is $30 million more than the budget request. This increase of $30 million is for the purchase of modern break-bulk type U.S.-flag vessels for layup in the national defense reserve fleet as authorized in the bill recently passed by the House.

There is also included an increase of $100 per cadet for uniform and textbook allowances for each of the cadets at the Merchant Marine Academy at Kings Point, N.Y.

Now, as to the Federal judiciary, the total amount of the estimates as presented to the committee was $199,531,600. The committee has allowed a total of $186,753,600, which is a reduction of $12,778,000 in the total amount requested and is an increase of $10,648,850 over the appropriations for the current fiscal year.

Now, as to the Supreme Court of the United States, the committee has allowed a total of $5,617,600. However, the funds requested for the hire of eight automobiles for the Associate Justices, whose salaries are $60,000 per annum, have been denied once again by the committee.

Continuing, it will be noted at pages 20 and 21 of the committee report the action of the committee with regard to salaries of supporting personnel and other miscellaneous expenses of the courts.

Finally, the committee has recommended a total of $800,873,000 in new obligational authority for the 15 agencies included in this title. This amount is a reduction of $8,586,000 from the budget estimates and is an increase of $47,001,000 over the total appropriated for the current fiscal year.

The following table is a summary of the amounts recommended in this bill in comparison with the budget estimates for fiscal year 1973 and the appropriations for fiscal year 1972:

Department or agency	New budget (obligational) authority, fiscal year 1972 (enacted to date)[1]	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in bill	Bill compared with— New budget (obligational) authority, fiscal year 1972	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1973
(1)	(2)	(3)	(4)	(5)	(6)
Department of State	$510,802,360	$569,848,000	$523,792,750	+$12,990,390	−$46,055,250
Department of Justice	1,574,602,000	1,776,225,000	1,764,561,000	+189,959,000	−11,664,000
Department of Commerce	1,274,609,000	1,332,925,000	1,309,074,000	+34,465,000	−23,851,000
The Judiciary	176,104,750	199,531,600	186,753,600	+10,648,850	−12,778,000
Related agencies	753,872,000	809,459,000	800,873,000	+47,001,000	−8,586,000
Total	4,289,990,110	4,687,988,600	4,585,054,350	+295,064,240	−102,934,250

[1] Includes amounts in 2d supplemental appropriation bill, 1972, as passed the House.

This, generally speaking, is a summary of what is contained in this bill. I would at this point be glad to attempt to answer any questions that may be asked, and I shall now yield to the distinguished gentleman from Illinois (Mr. YATES).

Mr. YATES. I thank the gentleman for yielding.

The committee has cut down the amount of contributions to international organizations to a percentage of 25 percent. Can the gentleman inform the House as to whether this has the approval of the administration?

Mr. ROONEY of New York. Well, I shall tell the gentleman from Illinois that this committee does not make such an inquiry of any administration, whether it is Democrat or Republican. If they want to get in touch with us, that is their privilege. We will be receptive to what they have to say. But in this particular instance no one has advised the committee that there is any exception to a reduction to 25 percent in the assessed contributions to the United Nations and affiliated agencies such as has been recommended, No. 1, by the President of the United States and, No. 2, in a report by our former Ambassador to the United Nations, the Hon. Henry Cabot Lodge.

Have I satisfactorily answered the gentleman?

Mr. YATES. Will the gentleman yield further?

Mr. ROONEY of New York. I yield further.

Mr. YATES. Did the representative of the administration who presented the request for funds to the committee request the full amount of funds or an amount equal to 25 percent?

Mr. ROONEY of New York. The gentleman representing the administration is Assistant Secretary of State De Palma, a very fine gentleman, who came before the committee and requested the larger amount.

Mr. YATES. I thank the gentleman.

Mr. ROONEY of New York. But, of course, he did the same with regard to the International Labor Organization, and this House and the other body backed up the committee in its action in cutting the requested funds for the ILO.

Mr. YATES. Then, I take it from the gentleman's answer he has heard nothing from the administration since their report was filed.

Mr. ROONEY of New York. That is correct.

Mr. YATES. I thank the gentleman.

Mr. GROSS. Will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman from New York and the members of the committee. I think they have been more than generous with the United Nations under the circumstances, and it is my hope they would peel a little bit more of the bark off the U.N. and apply it to the taxpayers around the country who have been supporting so generously this outfit in New York.

Mr. ROONEY of New York. The gentleman expresses my very views on this subject. Of course, I would have liked to have cut it further than down to 25 percent, but we have to be realistic about this. The League of Women Voters, I understand, has been enlisted to do some lobbying on this subject. I do not know how effective they might be, but I think that the Members here can stand up and be counted when we get to this item and see whether or not we are really going to make some economies in the United Nations or are they going to approve a pension check of $30,000 a year to Mr. U Thant, who was a $6,500 a year civil servant of Burma before he became the Secretary General and who never contributed 15 cents toward his pension, such as the gentleman from Iowa and the gentleman from New York have to do.

Mr. GROSS. That is exactly right. And the gentleman, of course, is aware, as all Members of the House should be, that there are millions of taxpayers in this country who have no lobby representing them in Washington, D.C., and it is presumed that we in the Congress of the United States will well and faithfully represent them. We are not well and faithfully representing them if we give to this debating society in New York otherwise known as the United Nations—if we give to them 31-plus percent of all it takes to keep them living high on the hog.

Mr. ROONEY of New York. I am in thorough agreement with the distinguished gentleman from Iowa.

Mr. MIKVA. Will the gentleman yield?

Mr. ROONEY of New York. I yield.

Mr. MIKVA. I would like to direct the distinguished chairman's attention to the portion of the bill that deals with the appropriation for the judiciary and particularly to that part referred to on page 21 of the report dealing with probation officers in which the committee made reference to the fact that the appropriation allowed for an additional 100 probation officers. Am I correct that when representatives of the Probation Officers Association were before my Committee on the Judiciary they assured us that in an effort to make the probation service function better, because it has not been functioning very well, they were going to seek a request for some 300 additional persons that they felt were needed properly to supervise those people who are released on probation?

As the chairman knows, we have had a great deal of recividism and crime committed by people who are out on probation, and the probation officers association and the judges representatives association expressed the hope that they were going to need help in order to remedy that problem by putting more personnel in the field.

Would the distinguished chairman advise as to the committee's attitude toward that problem?

Mr. ROONEY of New York. Most certainly—most certainly.

Does the gentleman realize that all the requested appropriations for the Federal Judiciary are not examined by the Office of Management and Budget because of the comity between the three branches of Government, the legislative, executive, and judicial? They are just lumped into a budget request.

So, here we had a request for an increase of 50 percent.

The committee was more than generous and as a matter of fact surprised the chairman in their generosity in allowing 170 additional employees in the probation system, to wit, 100 additional probation officers, 20 probational officer assistants, and 50 probation clerk-stenographers.

Mr. MIKVA. Mr. Chairman, if the gentleman will yield further, I do not think the committee was generous at all because if approval was given, I assume it was on the basis of a problem.

If the committee is satisfied that the current crime problem is under sufficient control in this country that an additional 100 probation officers will make our big cities safe, I would be very surprised.

Mr. ROONEY of New York. I shall tell the distinguished gentleman from Illinois that this year we thought we did do something good with regard to the serious crime problem which still exists.

We allowed the full amount for the FBI, we allowed the full amount for the Immigration and Naturalization Service, we allowed the full amount for the Law Enforcement Assistance Administration, the huge amount of $850,597,000, and the Bureau of Narcotics and Dangerous Drugs was also allowed the full amount as well as the request for the new drug abuse law enforcement program. We were convinced that this was necessary and proper and recommend in this bill the full amount for these agencies. However, we also had some very expert advice, I might say, on the items for the judiciary. We have been overly generous, I assure the gentleman.

Mr. MIKVA. If the gentleman will yield further, the Probation Service happens to be under the judiciary, and some of us think that maybe that is a part of the problem.

Of course, probation officers, as the gentleman knows——

Mr. ROONEY of New York. I am well acquainted with that contention and first heard of it about 25 years ago.

Mr. MIKVA. They are the most important part of law enforcement because they are the people who decide which ones go to jail or get probation and which ones require supervision when they are out of prison.

Mr. ROONEY of New York. I hope the distinguished gentleman realizes that the gentleman from New York understands exactly what the probation system is. The gentleman from New York spent 4½ years of his life as a prosecutor in Brooklyn, N.Y. at a time when we uncovered Murder, Inc. and sent Lepke and many other characters to the electric chair in Sing Sing.

Mr. MIKVA. I must say to the distinguished chairman that I cannot understand how, knowing what the function of the probation officer is, and that they are failing to meet the problem of crime as it exists today in many of our big cities——

Mr. ROONEY of New York. I will say to the gentleman that I can appreciate that.

Mr. MIKA. I do not see how the gentleman can appreciate it when I have not finished my question.

Mr. ROONEY of New York. Please do not give me any more appreciation. We have amply covered this matter at pages 145 through 149 of part 1 of the printed hearings.

Are there any further questions?

Mr. MIKVA. Will the gentleman yield further?

Mr. ROONEY of New York. Not at this time. We have spent more than enough time on this one subject.

I yield to the distinguished gentleman from Texas.

Mr. GONZALEZ. I thank the distinguished gentleman for yielding.

I would like to ask the chairman a question with reference to the subject matter of minority business enterprises referred to in your committee report on page 16 in your appropriation for the Department of Commerce.

As I understand it this bill would raise the amount appropriated for this particular activity by $20,266,000.

Mr. ROONEY of New York. That is correct.

Mr. GONZALEZ. I feel impelled to ask questions and raise issues because I spoke out recently, less than 10 days ago, as to a very disturbing development with regard to these minority business enterprise activities. I want to ask if the $20 million or a substantial portion of that increase, or of the total budget request for this enterprise, will go toward the further development of the so-called private corporation that has been concocted in order to do the job that the Small Business Administration is supposed to be doing.

Mr. ROONEY of New York. I think I can best answer that by giving the gentleman from Texas a breakdown of the $63,934,000 to which he refers. When we add the $33 million plus for community investment, the $11 million plus for private investment, the $3 million plus for Government investment, the $3 million plus for business management development, the $2 million plus for experiment and demonstration and the $10 million plus for program development and management, the total is $63,597,000.

Mr. GONZALEZ. I thank the gentleman. It confirms my suspicion, and I must ask other questions following this statement that I would like to make to the distinguished chairman.

As I said, less than 10 days ago I addressed the House, and I have brought this matter to the attention of the Small Business Administration, the Director, and the Secretary of the Department of Commerce, and to the respective substantive committee chairmen because, in setting up these organizations, one of them, with the best of intentions—now, let me say that I am one of those who believes that this program as developed by the Department of Commerce in conjunction with the Small Business Administration, is very sound in purpose. I think it was worthwhile and meritorious, but abuses have crept in of the worst kind that this committee ought to know about. I think even at this late point something should be done by this committee, if nothing more than directing the Secretary and the administrators to make sure that these abuses are ruled out, and prevented.

Here is what has come up——

Mr. ROONEY of New York. I am convinced, and I am a Democrat, that former Secretary of Commerce Stans and the present Secretary of Commerce Peterson would not stand for any abuses in this program. The facts should most certainly be brought to the attention of the present Secretary of Commerce.

Mr. GONZALEZ. They have been, but I think it is incumbent upon this committee, and it is their responsibility to do something about it. I know how it is, Mr. Chairman, an ordinary Member of the House may not be listened to too carefully, but there has been a specific instance which I have documented showing that one of these private corporations which was financed through these moneys and based in Los Angeles, Calif., and which is primarily intended to do work among the minority group labeled as "The Spanish-Speaking or the Mexican Americans" was formed. Since then the organizer of this corporation has traveled extensively throughout the Nation attracting groups and forming private business groups in order to obtain charters and petition for charters for savings and loan associations on the Federal level, applications for banking charters and related types of charter requests.

Now, he in turn has then communicated to these groups that if they wish to present the proper application that will result in success then they must come to his private consulting business which he has set up. This group has taken in $5,000 in one specific instance from a businessman in my own district in exchange for obtaining a federally granted savings and loan charter.

He has also taken this type of fee as a consultant. He wears two hats as a private consultant and as head of a corporation funded by the U.S. taxpayers.

Mr. ROONEY of New York. If the gentleman is expecting an answer from the gentleman from New York, he had better conclude his statement because there will not be any time left to answer the gentleman from Texas.

Mr. GONZALEZ. There will be plenty of time.

Mr. ROONEY of New York. The gentleman is presently using all of the time allotted me.

Mr. GONZALEZ. Knowing the zeal with which this chairman works, there will be plenty of time to root out this evil.

Mr. ROONEY of New York. I want to be fair and I appreciate the deplorable situation such as the gentleman describes. I would, if I were he, report this to the present Secretary of Commerce.

Mr. GONZALEZ. I have done so.

Mr. ROONEY of New York. Well, it is too bad the gentleman did not take the time to send a copy of his letter to the gentleman from New York or to one of the members of the subcommittee.

Mr. GONZALEZ. We did, but that was done less than 36 hours ago when we received the first answer from the Department of Commerce.

May I ask this question and then that is it.

Will the gentleman sustain an effort to caution administrators in the formation of these private corporations that they will be closely monitored in their administration of these tax funds?

Mr. ROONEY of New York. I most certainly will.

Mr. GONZALEZ. I thank the gentleman.

Mr. ROONEY of New York. I hope his letter arrives.

Mr. GONZALEZ. It will be there—in fact, it should be.

Mr. ROONEY of New York. Very good.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CEDERBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the distinguished chairman of the subcommittee, the gentleman from New York (Mr. ROONEY) has gone through the bill in great detail and, therefore, it is my intention to take very little time.

We have held very detailed hearings on all of the subjects that come before this subcommittee and they are available to everyone and the report is also available.

I would just like to make this one comment and I am sure this expresses the sentiments of all the committee. We are going to miss one of the outstanding witnesses who always yearly came before this subcommittee. That is Mr. J. Edgar Hoover who was Director of the Federal Bureau of Investigation.

The late Mr. Hoover was before our subcommittee in March. He was in his usual good form and presented his budget in his usual great fashion.

We shall miss him. He was always a very expert and outstanding witness.

I do want to make just this one brief comment. I share the position of the subcommittee on the question of the United Nations and affiliated agencies and the idea of trying to get our assessed contribution down to 25 percent. I have to express some concern about whether or not we were wise in doing it exactly this way. Maybe this is the shock treatment that will be necessary to try to get the United Nations people, as they develop their budget for these agencies, to cut it down to 25 percent which is the goal of the administration and I think the goal of all of us.

But it is another thing to reach a goal in an orderly way, and I am not sure that we have really made the right decision in this particular instance.

My mind is open on the question, but I do not want anyone in any way to infer that I do not believe that is a legitimate goal that we should try to achieve.

The chairman made mention of the fact that so far as the Equal Employment Opportunity Commission is concerned—that they have had another huge request this year for additional funds and we decided, after our hearings and after an investigative report on this agency which is in the RECORD for anyone to read—that it would be better this year to hold them at last year's figure plus annualization and Pay Act costs because they have been going through growing pains and have not even been able to fill all the positions we gave them last year.

I should also point out to the committee, however, that as a result of recent legislation approved by the Congress and which is now the law, amendments of the Equal Employment Opportunity Act, there is a supplemental request pending downtown in the amount of approximately $17 million, which we will probably be requested to consider before too long.

It seems the wisest course to take is to hold the Commission at the present level and take a look at what the needs are going to be as this new supplemental request comes along. We do not want to infer that we are minimizing the importance of equal opportunities. That is not the position at all. The position is that we think this agency needs to be given an opportunity to absorb some of the rapid growth that it has had over the past number of years.

I think it is also interesting and should be pointed out that every agency of Government, not only this Commission, has its own equal opportunities group within the agency, and so we are getting a little bit, shall we say, topheavy in some of these kinds of activities, and I think it is time to hold out until we can see that the money is being wisely spent.

I shall not take any further time on this measure. I think the chairman did refer to the fact that we did not give any automobiles to the Justices of the Supreme Court. I also add that we did not give them any buses either.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Illinois.

Mr. YATES. I should like to ask the same question that I addressed to the distinguished chairman of the subcommittee. Has the gentleman heard from any of the high officials of the administration respecting its approval or disapproval of the action taken by the committee in cutting the funds for international organizations to 25 percent?

Mr. CEDERBERG. I will have to say that the Ambassador at the United Nations called me and expressed some concern about it.

Mr. YATES. Was no concern expressed by the Secretary of State?

Mr. CEDERBERG. Not to me.

Mr. YATES. Or by anybody in the President's office?

Mr. CEDERBERG. Not to me.

Mr. YATES. I thank the gentleman.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Illinois.

Mr. MIKVA. Does the gentleman share agreement in the committee's cuts of the requests made by the Bureau of Prisons and the Probationary Service of the Judiciary?

Mr. CEDERBERG. We always go through this every year. We try to use the best judgment we have, taking workload statistics into consideration. The judges always ask for more than they expect they are going to get. This is the history of the appropriation. The distinguished chairman of the subcommittee consults with other Members as well, and they take a real hard look. We have very serious discussions with the people who are going to administer these programs, and I believe it is safe to say the figure we came out with is one that they will not be too unhappy with.

Mr. MIKVA. Is this true also of the cut made in the Bureau of Prisons' request for appropriations?

Mr. CEDERBERG. Yes, I think that is true.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Indiana.

Mr. DENNIS. I happen to be the ranking member of the Subcommittee on Immigration and Naturalization of the Judiciary Committee, and as such I would like to take this occasion to commend the committee for having allowed the full $135 million to the Immigration and Naturalization Service, which I know is a $4 million increase.

I also note, however, in the report that this increase is primarily to cover Pay Act costs. I was wondering whether the gentleman could tell me whether or not anything is left to provide any additional personnel in that increase.

Mr. CEDERBERG. I do not think so, and I do not think there was any request.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman yield?

Mr. CEDERBERG. I yield to the chairman of the committee.

Mr. ROONEY of New York. The answer is no. The Office of Management and Budget, the President of the United States, the Attorney General and the other responsible officials, have not requested any more than the committee has appropriated.

Mr. CEDERBERG. You will recall the President some time ago directed a 5 percent cut on most of the agencies of the Government. Only a few exceptions have been allowed. We are trying to hold personnel down. I will have to say this: I think the Immigration and Naturalization Service does a tremendous job with the personnel they have to work with.

Mr. DENNIS. Mr. Chairman, will the gentleman yield further?

Mr. CEDERBERG. I yield to the gentleman from Indiana.

Mr. DENNIS. I woud concur in that statement, and I would merely like to submit to the favorable consideration of the committee in the future the possibility of some additional personnel here, particularly in the border patrol, because the extensive hearings we have been having in our subcommittee on the subject of illegal aliens have convinced me that while they are doing a very commendable job, they are trying to stem the dike, in a very difficult situation, with probably an inadequate number of personnel for the job.

Mr. ROONEY of New York. The following tables will indicate the activities of the Immigration and Naturalization Service and their workload:

	1971 actual	1972 estimate	1973 estimate
INSPECTION FOR ADMISSION INTO THE UNITED STATES			
Aliens admitted with documents	4,774,239	5,000,000	5,250,000
Stowaways found on arrival	282	320	350
Citizens arrived	7,636,925	8,600,000	10,000,000
Alien crewmen examined on arrival	2,359,551	2,390,000	2,400,000
Entries over land boundaries	220,364,917	222,200,000	223,400,000
Aliens denied entry on primary inspection	297,425	308,000	325,000
Aliens admitted as immigrants	370,478	380,000	385,000
DETENTION AND DEPORTATION			
Orders to show cause	33,643	35,000	37,000
Hearings	30,805	33,000	36,000
Aliens expelled	387,713	430,000	435,000
Average number of aliens held in detention per day	2,853	3,000	3,200
NATURALIZATION			
Applications, petitions for naturalization	147,320	155,000	160,000
Applications, derivative citizenship	37,851	42,000	44,000
Applications for new papers	11,271	12,000	13,000
Recommendations to courts	111,590	115,000	120,000
BORDER PATROL			
Deportable aliens	300,424	361,000	366,000
Smugglers of aliens	3,814	4,200	4,600
Other law violators	1,664	2,000	2,400
Persons apprehended	305,902	367,200	373,000
INVESTIGATING ALIENS' STATUS			
Pending, start of year	28,862	35,641	39,641
Received	173,775	189,000	200,000
Terminated	166,996	185,000	206,000
Pending, end of year	35,641	39,641	33,641
IMMIGRATION AND NATURALIZATION RECORDS			
New files prepared	871,909	900,000	920,000
Index searches	4,249,731	4,500,000	5,000,000
Alien address reports	4,227,219	4,400,000	4,600,000

Mr. CEDERBERG. We are not unmindful of the problem. This is one of the difficulties the Appropriations Committee has. We have budgets to live with and to try to be fiscally responsible.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, I think it is not in the best interests of the United States that our Government, through its State Department, often fails to take a firm position in its dealings with other nations. To put it mildly, we let ourselves be pushed around. Whether this is out of the goodness of our hearts or because we seek to avoid confrontation is beside the point.

A prime example has been our relations with the Japanese, particularly in recent months on the question of reversion of Okinawa and the positioning of U.S. weapons on Japanese territory. No other nation in the world would have been as charitable as the United States in its dealings with the Japanese. We won Okinawa at great cost in lives and treasure in 1945. The struggle for control extended over many weeks and represented some of the bitterest fighting in the war. Okinawa has greatest strategic importance for the defense of the Pacific. Now we have returned it carte blanche to the Japanese. There have been no thoughts of reparations such as all other nations extract and which the Japanese would have claimed in fearful amounts had they won. We have even allowed the Japanese to tell us what weapons to use in Japan and on Okinawa. At their demand we have withdrawn nuclear and chemical weapons, even though they may be extremely important at some time to the defense of Japan itself. In fact we provide Japan's defense while they turn their efforts to supplanting us in world trade and even to capturing the U.S. market in some commodities. Their drive for trade has been made possible by U.S. know-how and U.S. economic assistance, both of which were given to Japan in full measure.

This is not the only example in our dealings with other nations where we have allowed America's own best interest to be shunted aside in order to placate other people or to obtain doubtful friendships. The economic aspects of this policy are due more concern than they have received in the past. We simply do not have the money to pay the bills which rightfully should be paid by other people as their share in the partnership for the preservation of the free world.

As part of the concern for the American economy, there is also the matter of world markets for American products. Other nations engage in vigorous programs to stimulate foreign sales and, in part, this is demonstrated in the balance of payments figures of the United States, which show we are being outstripped by foreign competition.

This fact is dramatically demonstrated when one considers the sales of American-made defense products abroad. Many nations that have cash on hand seek to buy American weapons. When we sell American weapons to foreign nations, American industry and American workmen benefit. Equally important is the fact that American technicians go abroad with those weapons as ambassadors of good will. Yet, because of U.S. policy in some instances and congressional limitations in others, many friendly foreign nations are unable to buy U.S. weapons. Regardless of the reason advanced for the limitation on sales, the foreign governments are going to buy weapons if they feel they are needed for their countries' military forces. When they cannot buy from us they turn to other countries. France is a chief beneficiary. As a result of this short-sighted American policy, the French have been able to boost their defense industry to third place in the world, most of it from foreign sales.

I continue to receive reports from American businessmen and others that in contrast with the policies of foreign governments our own State Department shows very little interest in helping U.S. business to gain a foothold or strengthen its transactions in foreign markets. Certainly all of this is contrary to the best interests of the U.S. economy and the U.S. workingmen, who are dependent upon increasing markets, both at home and abroad if we are to retain economic stability.

There is also mounting evidence that U.S. prestige and diplomatic influence is dwindling in too many parts of the world. This is especially true in the Asian subcontinent, the perimeter of the Indian Ocean, and in Africa, where Soviet influence is mounting, where Russian base rights are being obtained. In too many areas we are becoming persona non grata, while Soviet diplomatic and military power is becoming more and more evident. We have even joined forces to seek the reopening of the Suez Canal, the principal beneficiary of which will be Russia which will gain access to the eastern Mediterranean and the approaches to the Indian Ocean, and through its influence on Egypt will control shipping which flows through the Suez. This includes oil which is increasingly important in world trade.

One has only to look at a map to see that Russian influence now extends from the mainland of Asia, down through Vietnam, into India, through the Indian Ocean, and up into the Mediterranean Sea. If ever Russia is successful in breaking Greece and Spain from the friendly ties those nations now maintain with the United States—and propaganda directed from our own shores against these friendly governments is not helping our own cause—then Russia will be in position to exercise virtual control of most of the shipping lanes of the world. The United States will be in danger of being shut out from much of the world, both as a military defender of freedom and as a factor in world trade.

We cannot allow these things to happen. Surely those nations and governments which now are openly doing business with Russia are not doing so out of consuming admiration for and trust in the Communists. There must be more to it than that and I suspect it is because they are failing to receive satisfactory indications of a strong and positive U.S. policy in world trade and world affairs. There has to be a better way to accomplish America's objectives and it is not something that can be accomplished by increased expenditures.

Now let me comment on U.S. contributions to the U.N.

Mr. Chairman, when the amendment stage is reached it is anticipated an amendment will be offered which proposes a continuation of the sad old refrain that only the United States must insure the continued operations, however expensive, of the United Nations. We have always paid a disproportionate share of the cost even when those costs included glorified junkets to Africa and exorbitantly high pensions and salaries. The U.N. can operate for less. Now let's face the fact that the cut which is proposed by your committee is a very modest cut. It is proposed in this bill that we continue to pay 25 percent of the cost. Even that is far too much. No one else even approaches payments as large as that. Instead of an amendment to increase the American contribution, we should cut the bill even further. The taxpayers would appreciate that additional measure of consideration.

The amendment will be supported on the ground that if the American taxpayer does not pay the cost of the United Nations, no one else will. Is it our fault if other nations do not consider the United Nations an organization worth supporting even in the minute amounts which those nations have agreed to contribute? The same reasoning would have us believe that because France and Russia do not support the United Nations, it would be our fault if the world body goes broke. That does not make much sense either.

All of this is absurdly to the extreme. Since the inception of the United Nations, Americans have paid far more than they should have and far more than has been required even under the extremely generous standards which our country agreed to accept. The only relief the American taxpayer is going to get from excessive payments is from this body, the U.S. House of Representatives.

Our representatives in the U.N. do not want cuts. They enjoy their status as generous patrons in a free-spending institution. It is disappointing that they have not shown concern about the extravagant standards at which we support the United Nations. Certainly the U.N. will not work for cuts. The U.N. delegates enjoy the high and extravagant living which the U.S. payments provide.

Certainly 25 percent must be considered a payment which is more than fair. It is far more than anyone else pays. I do not know by what logic we can be asked to pay more. We do not gain that much from being a member of the United Nations. Only a few of its agencies can point to creditable accomplishments. The United Nations itself is of a very doubtful value in world councils. It does nothing about the war in Indochina. In the one decision it has made which materially affected the United States and world history in recent years, the United Nations roundly scored the United States, ousted our friend the Republic of China, embraced Red China, then staged a wild celebration, in part at our expense.

The cut in funds recommended by the Appropriations Committee is very reasonable. It does show that we expect results from the United Nations that we are not satisfied with its current policies and its lack of accomplishment.

Finally, present policies would have us violate a specific legal limitation passed by both the House and Senate and signed by the President. Those who want us to continue supporting the United Nations out of all reasonable proportion never mention the fact that there is now on the law books a strict limitation as to how much the United States shall contribute in support of international organizations. I refer to 22 U.S.C. 262b which states that it shall be illegal for the United States to pay a share of more than one-third of the budget of any international body. Yet, Mr. Chairman, the United States has paid a total of about 41 percent of the total U.N. outlays since 1946. In calendar year 1970 as an example, the United States contributed 38 percent of the total cost of operating U.N. Headquarters and the Secretariat. This is in direct violation of the law—a law, incidentally, which was first proposed by the Senate, the same body which ratified the U.N. Charter. Obviously, the Senate saw no conflict between the Charter and the language of 22 U.S.C. 262b.

Mr. CEDERBERG. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. I thank the gentleman from Michigan very much for yielding.

I had hoped to have a few minutes while the gentleman from New York (Mr. ROONEY) had the floor, but perhaps we can achieve the same purpose at this point.

I want to speak briefly about the recommended appropriation of funds for the Law Enforcement Assistance Administration. As the gentleman from New York said, the full amount requested, $850.5 million, which represents an increase over last year of $151,678,000, has been granted by the committee.

In view of some of the recently completed studies which the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, which I head has made of this agency, I want to say that I have very strong doubts about the need for this increase and the desirability of spending more money on this program in this period of fiscal stringency.

I do not oppose the bill, and I am not going to offer an amendment to cut this appropriation back to last year's figure. In fact, I am pleased that the committee has taken two areas as the basis for its increase, even though I feel the total increase to be unnecessary.

The first is in the part E corrections program. Our committee found in the State of Arkansas that 37 percent of the grant funds had been used for two-way radio communications and only 7 percent for corrections even though the penal system in that particular State had been found to be so archaic as to be unconstitutional.

The second relates to the granting of 94 additional auditors and grant administrators. Only three out of 55 State programs over the period of 3 years since the beginning of this program have been audited by LEAA. and judging by the results of the audits, this function is absolutely vital. The complaint was made by the agency that there were not sufficient personnel to do this. I am sure all of us who are familiar with this problem are pleased that the attention of this committee has been turned to this situation and that it has taken the action which OMB has refused to do.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Connecticut yield?

Mr. MONAGAN. I certainly yield to the gentleman from New York.

Mr. ROONEY of New York. I believe the distinguished gentleman from Connecticut (Mr. MONAGAN) is entitled to substantial commendation for his work and the work of his subcommittee of the House Committee on Government Operations in uncovering the waste that they did with regard to the Law Enforcement Assistance Administration. There is no question about it. They did a valuable public service. This committee respects them for it, and to that extent has allowed the full 94 additional positions requested by LEAA with the direction that they be used primarily to strengthen grant administration and for an audit section which would be sufficient to prevent such waste as was uncovered by the distinguished gentleman from Connecticut and his committee.

Mr. MONAGAN. I thank the gentleman for his words of commendation.

I want to make my own position clear, and that of the subcommittee which I head, we are not for killing LEAA, as some people have suggested. We are in favor of safe streets. We are in favor of crime control. We only want to make the program work as its legislative creators, of whom I was one, wanted it to work.

I believe that no one who has studied LEAA, including the administrators themselves, would deny there have been substantial failures in performance. And we must remember that we were talking about an appropriation last year of $698 million and this year of over $850 million. Clearly some committee of the Congress should feel a responsibility to look into this, without any suggestion that its members are soft on crime. Since our subcommittee has this responsibility by law, we have undertaken this job.

What will our forthcoming report show? There has been misuse of funds. A major portion of the funds appropriated to SPAS by LEAA have not been allotted to the local agencies by the States. Only 25 percent of the $552 million appropriated in the first 3 years for ACTION grant programs has gone down to the localities.

As has been said, there have not been sufficient auditors or evaluators. A large portion of the funds allocated have gone beyond the criminal justice system and have been used in vague projects or those duplicating existing Federal programs in other agencies.

There has been no measurable effect of these funds upon the incidence of crime.

Many consultants have been grossly and unnecessarily overpaid. There have been premature drawdowns of funds costing more than $4.4 million so that the taxpayer has been paying interest on money borrowed to give to the agency but it has either not been used by the agency or has been placed in banks to earn money or even invested in Federal bonds paying interest to the holder.

Finally there has been a failure of the agency to evaluate its programs and determine their value and achievement.

For these reasons, we must continue to monitor this program and assay its value, and even though these tremendous sums are made available this year because of the urgent demands of today's average citizen for protection, this act must not be considered a condonation of inefficiency not an excuse for waste or inepitude.

Mr. CEDERBERG. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois.

Mr. YATES. Mr. Chairman, I asked for this time so that I might announce to the chairman and the ranking Member and the House that when the bill is read I propose to offer an amendment to strike lines 11 through 16 on page 51 of the bill.

Mr. ROONEY of New York. Is that the same amendment the gentleman offered in the committee and that was defeated?

Mr. YATES. That is correct. And I hope for a different decision from the House.

Mr. CEDERBERG. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, the annual consideration of an appropriation for the State Department would not be complete without having inquired of the distinguished gentleman from New York (Mr. Rooney) about the $993,000 representation allowance or the tools of the trade in the State Department. How are they faring this year with respect to the tools of the trade?

Mr. ROONEY of New York. Well, I think they have been sufficiently taken care of in the present year, and I am informed that in the coming year, although there will be some price and wage increases for local alien employees abroad who serve the lunches or dinners or cocktails, they will see to it that no one puts more than a 1-ounce shot in any cocktail or highball. If they do this, they will be able to meet the price and wage increases.

Mr. GROSS. Is this by reason of an order from the officials in striped pants over in Foggy Bottom, or is this because of——

Mr. ROONEY of New York. No. This is a deduction that the gentleman from New York has made after a discussion with some Foreign Service officer friends.

Mr. DERWINSKI. Will the gentleman yield?

Mr. GROSS. Can the distinguished former Ambassador to the United Nations make a contribution to this cause?

Mr. DERWINSKI. Yes. I would merely say the gentleman from New York and the gentleman from Iowa show great diplomatic foresight and legitimate concern in questioning things like the representation allowance, but from my personal experience in the world of diplomacy I believe that the subcommittee has been a little too tight in cutting that phase of the budget. Quite frankly, the art of diplomacy, like the art of salesmanship, requires a representation allowance equal to the stature of the country. I am sympathetic to our poor diplomats who, I feel, have been overly restricted by this subcommittee.

Mr. ROONEY of New York. Will the distinguished gentleman from Iowa yield?

Mr. GROSS. Yes.

Mr. ROONEY of New York. Of course, the gentleman diplomat from Illinois would not understand that the committee and the Congress have given the diplomats, if you want to call them that, every nickel that was asked of the committee in the past 8 years.

Mr. DERWINSKI. Yes.

Mr. ROONEY of New York. So the gentleman's complaint is without merit.

Mr. DERWINSKI. No. May I pay a sort of indirect compliment to the gentleman from New York. I wish to advise the gentleman from Iowa that it is my experience that many people in Foggy Bottom are scared to death of the gentleman from New York, so they asked for less than they might if they were not in such fear of the chairman.

Mr. ROONEY of New York. Would the gentleman mind if I ask him a confidential question?

Mr. GROSS. Not at all.

Mr. ROONEY of New York. Which we can strike from the record later on.

When he was up in the United Nations in New York as a so-called delegate or ambassador—did the gentleman from Illinois find that he got more than a 1-ounce shot?

Mr. DERWINSKI. I happen to be a man who practices great sobriety, but I did find that many small countries were able to do more entertaining than the mission of the United States of America.

Mr. ROONEY of New York. I did not realize that the question of sobriety entered into the size of the country involved.

Mr. GROSS. I would like to ask the gentleman from Illinois (Mr. Derwinski), by what yardstick he measures the stature of a country, but I doubt that I ought to do so because my time is running out and I have a few other questions to ask.

Mr. DERWINSKI. I plan to take some time at a later point during the debate and I shall be glad to yield to the gentleman from Iowa (Mr. Gross).

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. CEDERBERG. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. GROSS. I thank the gentleman for yielding to me additional time.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman.

Mr. CEDERBERG. One of the grave mistakes that has been made is that the gentleman from Iowa did not accept the position as the ambassador to the U.N., as a special delegate, and I hope the gentleman will reconsider taking it, because I think he could be very helpful.

Mr. GROSS. My declination was prompted by the fact that I wanted to see the distinguished gentleman from Illinois (Mr. Derwinski) fill that position this year. I am sure the gentleman is very well rounded out by that experience.

Mr. Chairman, I really rose to ask a few questions of the chairman of the committee concerning the Equal Employment Opportunity Commission which as far as I can tell from reading the committee hearings has got to be one of the most incredible wastes and completely mismanaged boondoggles Congress has created in a long, long time.

I understand that this outfit has been characterized by the Civil Service Commission as "chaotic"; that section heads hired their own personnel without consulting the personnel office, and if an individual had been active in the civil rights movement, he was almost a cinch to be hired whether or not he had any ability to do the job.

Can this be true, I would ask the gentleman?

Mr. ROONEY of New York. I must say to the distinguished gentleman from Iowa that I am presently confronted with some cockroach troubles in a New York primary election and I could not be present and chair the committee at the time that they were scheduled to appear. The hearing was conducted under the chairmanship of the distinguished gentleman from West Virginia (Mr. Slack). I have read the testimony, including the story about the special assistant to the chairman of the Commission who was attired in odd fashion to receive the public in a government office and who when he was interviewed had a bottle of soda pop in one hand and a bag of potato chips in the other which he munched and drank during the interview by members of the surveys and investigation staff of the House Appropriations Committee.

Mr. GROSS. According to your hearings, the EEOC also made a number of contracts with former employees and one of those contracts was with its acting general counsel. This man refused to resign unless the EEOC gave him a contract that would pay him $20,500 to write a manual or handbook.

Does the gentleman know anything about this individual or the contract?

Mr. ROONEY of New York. I know nothing about it other than what is set forth in the printed hearings.

Mr. GROSS. According to your hearings it was stated that the EEOC had doled out $2 million and could not show any results for the $2 million that was doled out.

Are Members of the House to believe that $2 million appropriated to this outfit could just disappear, or vanish into thin air?

And the chairman of this outfit, according to the hearing record, is so inept that he could not remember the last-minute spending to keep money from going back to the Treasury, of some $316,000, as I remember the hearings. I do not know whether the investigators' report was printed by the committee in whole or in part——

Mr. ROONEY of New York. The report was published in toto.

Mr. GROSS. The investigators' report says that he did not know anything about the memorandum covering the spending of some $316,000. Yet this same inept official drives around in a chauffeur-piloted automobile because the hearing records show that he requested money to buy uniforms for a driver.

What in the world goes on in this Government?

I should like to read a few sentences from the hearing record, and the investigators' report on this subject:

> The top management officials of EEOC did not understand or had failed to insist that the requirements of the Federal personnel system, including applicable laws and Civil Service Commission regulations, be uniformly applied to all phases of personnel management.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. CEDERBERG. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa.

Mr. GROSS. The report continues:

> For example, it was found that many officials in the operating offices of EEOC hired their own personnel without consulting with the personnel office.

And it continues:

> Discussions with officials at headquarters and in the field offices visited disclosed that many top officials of EEOC have been oriented toward hiring individuals who were involved in civil rights movements rather than hiring individuals based on their ability to perform the job for which hired regardless of any prior civil rights experience. Some officials believe that many of the EEOC morale and employee problems stem from the fact that this type of individual frequently disrupts the operation of the Commission.

I have seldom read a more serious indictment of management in Government, and I am surprised, I will say to my friend, the gentleman from New York, that this outfit, in the light of the testimony and the hearings, was given an additional $7.5 million.

Mr. CEDERBERG. Mr. Chairman, if the gentleman will yield, we did not give them any increase in personnel in this, but we allowed increases for the pay costs, and so forth, that are involved.

Mr. GROSS. I understand, but in the light——

Mr. CEDERBERG. I think the gentleman from Iowa makes a very good case, but in the light of some of the other lights I think we did very well under the circumstances.

Mr. GROSS. I can commend the gentleman, but I still think we ought not to provide for a $7.5 million increase on the basis of the incompetence of the chairman and the other top layer officials in the EEOC. Their incompetence is so evident by the testimony before your committee that there ought to have been an axing of some of these officials. That is where the saving should be made.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. CEDERBERG. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. Derwinski).

Mr. DERWINSKI. Mr. Chairman, it is the firm intention of the United States to obtain a reduction of the U.S. assessment rate in the United Nations to 25 percent at the earliest possible opportunity consistent with the international obligations of the United States. This would mean using the existing procedures of the United Nations: First, to persuade the next General Assembly to adopt a 25-percent ceiling; and second, to give us the main benefit of increased contributions by present members and of additional contributions by new members in order to bring the U.S. share down to 25 percent.

Existing procedures of the United Nations require that the criteria determining the assessment rates of members be set by the General Assembly of the United Nations. The next meeting of the General Assembly will take place in the fall of this year. This means that the soonest a new criterion establishing a 25-percent ceiling could be adopted would be November or December 1972. Such a ceiling would constitute an instruction to the Assembly's Committee on Contributions.

In the spring of 1973 the U.N.'s Committee on Contributions will meet to set assessment rates for the next 3 years. If the U.S. position is successful at the 1972 General Assembly, the committee will at that time recommend a scale for the years 1974–76 which will set the U.S. assessment at 25 percent. This scale will then be adopted by the General Assembly in the fall of 1973 and will begin to take effect as of January 1, 1974.

The present U.S. assessment rate and the current United Nations scale of assessments were drawn up by the Committee on Contributions on the basis of existing criteria during the spring of 1970 and were approved by the General Assembly in the fall of 1970 to have effect from 1971 through 1973. There is no provision for altering a scale of assessments between the 3-year assessment periods unless it is clear that there have been substantial changes in relative capacities to pay. Since the United States is—and always has been—underassessed according to comparative national income statistics, this exception could not be invoked. There is no provision for changing scales already set on grounds of political equity, which is essentially the contention we are now making.

A unilateral reduction in the U.S. assessment percentage would place the United States among the defaulting U.N. members. It would be in violation of our international obligations and could cut the ground from under the effort we are now making to persuade others to honor their international obligations. At a time when, after so much delay, we see some prospect of constructive action to deal with the U.N. deficit, it would be incomprehensible if we were to join the list of defaulters.

The gentleman from Illinois (Mr. Yates) had raised a question over what was the administration position. I would wish to quote from a transcript of a news briefing by the Department of State on Tuesday afternoon, and I quote from Mr. Bray's statement:

> Mr. Bray. We are deeply disturbed by the action taken yesterday by the House Appropriations Committee which would have the effect of reducing our contributions to the United Nations and certain other international organizations.
>
> The Administration is determined to negotiate reductions in our assessment rates to 25 percent where they are higher than that figure in the UN system. But, as President Nixon said in February, "We must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately."
>
> We do not consider it—and these are my words again—either orderly or in accordance with the legal membership obligations of the United States suddenly and precipitantly to cut our contributions to budgets already voted by each of the organizations affected and on which payments are already due.
>
> Each of the seven organizations affected budget in the expectation that the United States and other members would discharge by the Committee's action had voted its their membership obligations in accordance with established procedures.
>
> The Committee's action, if approved by the Congress, would violate our international obligations.
>
> We earnestly hope that the House of Representatives will reverse this action and that it will vote to fulfill our obligations of membership in these seven organizations.

Mr. DON H. CLAUSEN. Mr. Chairman, I wish to take this time to comment briefly on the bill making appropriations for fiscal year 1973 for the Departments of State, Justice, and Commerce.

I am basically pleased with the general tenor of the bill as approved by the Appropriations Committee. It closely follows the President's budget request but with a total reduction of over $10 million.

While I clearly realize the limitations of the overall budgetary situation, I regret that the requested fiscal year 1973 obligational authority for the Economic Development Administration's development facilities program is $30 million less than for fiscal year 1972. These grants and loans have done a great deal to improve the economy in areas where economic improvement is most needed.

I note that only two of the 112 items in the measure are amounts greater than recommended by the President's budget. One of these two increases, in particular, has my full support. This is the Economic Development Administration's industrial development loans and guarantees program.

This activity provides an effective means to assist the private sector in providing long-term employment opportunities at relatively little cost to the taxpayer but with great benefit to the potential employee and to the local area.

Industrial development loans and guarantees encourage private investment by providing low-interest, long-term loans to help businesses expand or establish plants in economically depressed areas where the projects cannot be financed through banks or other private lending institutions.

While there may exist situations in which a program of public employment is the most effective means to reduce short-term unemployment, I remain firmly convinced that only through assistance and encouragement for the private sector can we finally and successfully solve our unemployment problems and move toward a strong and stable economy.

EDA's action programs have effectively increased job opportunities in hundreds of areas which would otherwise be unable to meet their economic potential. The bill before us today will permit the agency to continue to fullfill its mission of more jobs for more people.

AMENDMENTS TO BE OFFERED TO JUSTICE DEPARTMENT APPROPRIATION (H.R. 14989)

Mr. MIKVA. Mr. Chairman, at the appropriate time during the consideration of H.R. 14989, making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and the related agencies for fiscal year 1973, I intend to offer the following four amendments:

1. Page 19, line 17, strike out "$114,400,000:" and insert in lieu thereof "$115,417,000:".
2. Page 20, line 6, strike out "$42,616,000" and insert in lieu thereof "$48,899,000".
3. Page 20, line 16, strike out "$17,000,000" and insert in lieu thereof "$18,090,000".
4. Page 40, beginning in line 15, strike out "$75,663,000" and insert in lieu thereof "$84,153,000".

The first three amendments would restore $8,390,000 which was cut by the Appropriations Committee from the budget request for the Federal prison system. The first amendment relates to salaries and expenses of the Bureau of Prisons. The second amendment involves funds for buildings and facilities. The third deals with support of United States prisoners in non-federal institutions.

The fourth amendment would reinstate the full budget request of the United States probation office and would fund a total of 348 additional federal probation officers. The Appropriations Committee bill (H.R. 14989) provides funds for only an additional 100 probation officers. The need for these additional 348 positions was the subject of extensive testimony before the House Judiciary Committee by officials of the U.S. Probation Office and by numerous people working in the field of probation.

We ought to be increasing our commitment to the probation system and the prison system when the public safety and the very viability of our criminal justice system are at stake.

I hope my colleagues will support these four amendments when H.R. 14989 comes to the floor.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes, namely:

Mr. ROONEY of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. HAYS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to extend their remarks on H.R. 14989 considered in Committee of the Whole.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE "INSPIRED" RESPONSE TO THE PRESIDENT'S DECISION TO MINE THE PORTS OF NORTH VIETNAM

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, a couple of days ago I addressed the House on the question of how my constituent mail and telephone and telegraph communications were running in connection with the President's action in ordering the mining of the ports of North Vietnam. I reported that, as of that date, over 600 such communications had been received by me and they were running 31 to 1 against the President's decision. I indicated some surprise at reports emanating from the White House to the effect that telegrams to the President were running substantially in support of his position.

I received a letter a couple of days ago from a constituent which perhaps sheds a little light on this question, and while I do not want to embarrass the writer, who is a Republican of long standing, by disclosing his name, I think it will be of interest to the Members of the House if I would just read it. It is very short. He says—

> As a registered Republican, I am very much against the move of accelerating the Vietnam war. It is obvious that if we swallow our false pride and withdraw our help from South Vietnam, our prisoners will be released.
>
> I have just returned from the Far East and they don't need us.

He put his postscript at the end: Mr.—

I will not reveal his name, but he is a prominent Republican leader in our community—

> had a call from the White House to call all his friends to wire Nixon favoring his actions.

My Republican friend's letter is dated May 10, 2 days after the President's speech. I think it perhaps explains how it came about that the President received the amount of telegrams favoring his action that the White House has indicated.

CONGRESSIONAL MAIL ON THE MINING OF HAIPHONG HARBOR

(Mr. DENNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENNIS. Mr. Speaker, I would just like to say to Members, in response to my friends from Ohio, that most of the mail I get against the action of the President on this subject is on obviously prepared mimeographed or typewritten prepared sheets, or is otherwise clearly the result of an organized effort by the opposition.

Mr. SEIBERLING. Mr. Speaker, if the gentleman will yield, let me say that none of the mail that I have received on this subject has been obviously organized. They have been individual letters and telegrams, and individual telephone calls, many from people I know, and many from people I have never met before.

Mr. DENNIS. I have not seen the gentleman's questionnaire, of course, but sometimes that makes a difference, too, the way you ask the question.

Mr. SEIBERLING. I am not referring to questionnaires. I am referring to unsolicited communications. I will be glad to make them available to the gentleman if he would like to peruse them.

Mr. DENNIS. I think I have enough communications, both ways, from my own constituents, but, as I have said, most of them in opposition are obviously prepared or inspired by organized groups of people who think like the gentleman thinks.

ATTEMPTED ASSASSINATION OF GOV. GEORGE C. WALLACE

(Mr. BURLISON of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURLISON of Missouri. Mr. Speaker, the attempted assassination of Gov. George C. Wallace, a leading contender for the Democratic nomination for President, marks a turning back of the clock in a most tragic fashion. We have all prayed that the loss of the Kennedys and Martin Luther King, Jr., to the assassin's bullet in the 1960's marked the end of a chaotic and murderous political epidemic in American political life. We had hopes of a more healthful climate for the decade of the 1970's. Apparently, this was not to be.

All decent people mourn this tragedy. Not only do we sympathize with the Kennedys, Kings, and Wallaces. The real concern must be for the very spirit and moral fiber of our system. It epitomizes the decay of our system, or our people, or both.

It is difficult to prescribe a remedy inasmuch as the cause remains so elusive. Is the problem connected with a breakdown in our legal system and more specifically that of criminal law? Our Constitution is said to call for "speedy justice." Yet it can be convincingly argued on the basis of past examples that this murder or attempt thereof will not be prosecuted, tried, and appealed with either speed or justice to society. It might be argued perhaps with equal sincerity and rationale that the cause is more intangible and lies in our refusal to give necessary attention to the sociological components of our society.

Mr. Speaker, it is not my purpose here, nor is there time, to explore the reason for our sickness. Suffice it to say that it is absolutely essential that we recognize that the sickness, indeed, does exist. Let us not pause nor rest until we have found the cause or causes and then call upon all the scientific, social, and political ingenuity at our disposal to apply the remedies. If each of us will accept such a commitment, I can then see a bright and shining national future emerging from the dawn. But if we refuse the commitment, it is my fear that our Nation may be in its twilight, slowly submerging into darkness that signals the end.

THOUSANDS OF FARMERS AND SMALL BUSINESSES ARE BEING LIQUIDATED BECAUSE OF HIGH FEDERAL ESTATE TAXES

(Mr. DENNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. DENNIS. Mr. Speaker, thousands of farmers are being forced off their lands and small businesses are being liquidated because of high Federal estate taxes, which require valuation of such properties, on the death of the owner, at current market value rather than with reference to the income-producing value of the property as farmland or as a going business operation. This type of liquidation is a blow at the very basis of our American free enterprise system.

With other Members I am cosponsor with the gentleman from Kansas (Mr. Sebelius) of H.R. 8341 which is designed to remedy this situation, by permitting a valuation at death based upon the reasonable earning power of the farm or business. I urge the Committee on Ways and Means to give early and favorable consideration to this measure; and I include and insert in my remarks a timely news item on this subject which was printed in the Richmond, Va., Times-Dispatch of May 14, 1972:

[From the Richmond (Va.) Times-Dispatch, May 14, 1972]

Farmers Forced Off Land

New York.—Thousands of American farmers are being driven off their lands, forced to sell their farms to real estate speculators, some of them say, because of the method used by the Internal Revenue Service to assess inheritance taxes.

Such taxes are assessed on what the land could be sold for, rather than what it is worth as farmland. Thus, many people who have inherited farms have had to sell them to developers simply to pay the taxes.

As a result, the IRS is being termed partly responsible for destroying a segment of American agriculture and, at the same time, accelerating the spread of the suburbs.

PAST DECADE

Over the past decade, the value of agricultural lands within easy access to metropolitan areas has skyrocketed as land speculators have bought up every available piece of property. The value of this land for agriculture, however, has largely remained constant or has declined.

The IRS insists on assessing all agricultural land at the "price at which property would change hands between a willing buyer and a willing seller."

The result has been that farmers holding property whose value for development is five to 10 times its agricultural worth, have been forced to sell to the waiting speculators simply to pay their inheritance taxes, which run as high as 25 per cent.

That the situation became most acute very recently is largely attributable to the developing pattern of change in suburban America.

1970 CENSUS

The 1970 census disclosed that the fastest growing segment of the United States is the suburbs and the fastest shrinking is the rural areas. But of even greater significance is the evidence that the fastest growing segment of the suburban population is in the so-called "exurban areas"—those counties between suburbs and countryside.

It is here that the real estate speculators are most busily at work.

A spokesman for the IRS said, "We've been aware of the problem really for several years and, of course, what it boils down to is that under the law we have no alternative but to set the tax on the value the land sells for rather than on the value the property would be used for. It would take legislation to change the practice."

There have been numerous attempts at reform. Rep. Graham Purcell, D-Texas, on the House Agriculture Committee, has introduced each year for the last four a bill providing for a change of the valuation criterion.

At last count, there were six bills before the House Ways and Means Committee and one in the Senate, all waiting for action.

The extent of the problem and the concern it has aroused in agricultural America are indicated by the search for methods to circumvent the regulations.

In the Dade County area surrounding Miami, almost all farms have by now been incorporated. The corporate farmer is able each year to transfer a small amount of stock to his children as gifts, easing the final impact of inheritance taxes when he dies.

A few states have set up agricultural land use districts. They require farmland under regulation to remain in farming for a certain period of years.

In California, the Land Conservation Act of 1965 enables a farmer to contract with the county government not to put farmland up for sale for at least 10 years, enabling the state to assess the land at agricultural rates.

But a new and more recent law may change this. It provides that if not enough of this restricted land is sold, the county assessor may use the income of the land to determine its value for assessment.

Joseph A. Janelli, governmental affairs specialist of the California Farm Bureau Federation, is concerned that "the IRS just might say this new law is a temporary expedient and we do not have the right to do it this way."

Mr. Speaker, action is needed to save the family farm and the family business from taxation which in this field is too often literally a "death tax" to these private enterprises.

WHEN?

(Mr. MIKVA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, the Secret Service and the FBI have a suspect in the shooting of Governor Wallace and they have the handgun they think he used. Unfortunately, they cannot do anything about the spectre of violence that the man and the weapon represent. The Secret Service has increased their protection of presidential candidates and potential candidates, but even if there were 100 agents for each candidate, they would not be able to prevent the kind of tragedy that occurred Monday in Laurel, Md. It is simply too easy to get close to a candidate, and it is too easy to get hold of a handgun.

While we condemn the attempt at assassination, while we increase the protection for candidates, while we deplore the atmosphere of violence in this country, we might also consider doing something besides wringing our hands. What happened to Governor Wallace happens with unbelievable frequency on the streets of every big city in this country every night and day. Many of the victims are not as fortunate as the Governor. Last year, more than 10,000 Americans were killed with handguns—by murderers and robbers and just plain people who happened to have a handgun nearby when they got into an argument with a friend.

We cannot eliminate the threat of political assassination. We cannot eliminate the kind of handgun crime that threatens to tear our big cities apart, but we can stop encouraging it with indifference. We can stop listening to the people who loudly complain that stopping the national traffic in handguns will "inconvience" them because they won't be able to buy guns to shoot at targets. It might be time to listen to the complaints of the victims—who have been cut down with a weapon that has only one useful function—killing other human beings. Most of the people in this country want tough handgun control. They think that there are too many handguns in this country now, that we have enough handguns and enough crime. They realize the two go together. It is unfortunate that, as the Congress, we have not come to the same realization.

The U.S. Treasury Department said yesterday that it took only 10 minutes to trace the handgun used in the attempted assassination of Governor Wallace. A Treasury spokesman said:

> The trace was possible, because of the 1968 federal gun control law.

The handgun by the way is known as the "Undercover 2," a .38-caliber model manufactured by the Charter Arms Corp. of Bridgeport, Conn. The steel pistol has a barrel of 1⅞ inches, weighs 16 ounces and measures 6¼ inches in length. The handgun is good for shooting people at close range, and Monday it performed beautifully for the person who shot Governor Wallace.

That Gun Control Act of 1968 which was responsible for the quick trace is the same law that has been denounced and ridiculed so often by the people opposed to handgun control legislation. No doubt their criticism will be muted for several weeks now. No one argues that the Gun Control Act is a model law. It has been diluted and undermined by Congress almost from the day it was enacted, but the law does work. It is better than nothing. The Gun Control Act of 1968 enabled law enforcement officials to trace that .38 caliber revolver. Now, Congress has a responsibility to enact legislation that would prevent the sale and manufacture of handguns.

I have proposed legislation (H.R. 915) which would ban the sale and manufacture of handguns, except for the police, the military, and licensed gun clubs which keep the weapons locked up on their premises. It is strong legislation, but with the number of people who are killed and wounded with handguns each year, we need nothing less. I would hope that Congress will consider the shooting of Governor Wallace and consider what can be done to prevent it from happening again. I would hope that my colleagues take the opportunity to look at legislation that has been proposed to stop the sale and manufacture of this deadly weapon. As a nation, we cannot go on like this much longer.

I would like to insert several newspaper articles in the Record to give my colleagues an indication of some of the reaction to the Wallace shooting.

[From the Christian Monitor,
May 17, 1972]

GUN CONTROL—AND BEYOND

In the wake of the unconscionable shooting of Gov. George Wallace, for whom one prays a swift recovery, there are at least two constructive public things the American people can do.

The first is resolving to come to grips with the symbol and instrument of assassination and violence in America—the handgun. There are now probably 30 million handguns in the United States, and that total is being swelled by another 2.5 million each year. This is enough for every other household in the country to have such a weapon.

One can concede that stricter national gun control would not of itself disarm criminals nor thwart the would-be political assassin. It is true that it is people's thought, not a piece of metal, that harbors or releases murderous intent.

And yet, given the staggering totals of weapons in private hands in America, and the totals of aggression involving those weapons, in good conscience one can only conclude that strict and effective gun control laws must be adopted forthwith. We would like to see the recall of all handguns, the melting down of most of them, and the use of the remainder only for special purposes and by special permit.

We believe that this is politically attainable, despite the pessimism of skeptics. Therefore, we urge that such stern control measures be pushed. Even differences in ethnic makeup cannot account for the discrepancy between American gun-crime levels and those of other nations. Britain, for instance, a year ago had only 1/300th as many gun-murders as the U.S., with one fourth the U.S. population. A return to saner levels of social conduct can only come about when the number of arms in private hands is drastically reduced. If citizens would only match the pressures brought on Congress by firearms proponents, by writing letters to their legislators, this lamentably tardy gun control could be won.

The second constructive step the people can take following the Wallace shooting is to consider the full range of violence-inciting aspects of modern life. Movies which glorify cruelty, television violence, magazines whose editorial lenses distort all events into strife—these daily poison the social climate. More basically, Americans should expose old myths about the legacy of frontier life and every-man-for-himself lawlessness. The opposite of violence is humane, honest, and democratic dealing. If one looks to a higher power for guidance in private and national affairs, having obeyed all moral and legal responsibilities, he is acting to replace violence by peace and decency.

A final point is to stress again the hopes and prayers of citizens for Mr. Wallace's swift recovery. His political viewpoint has a right to representation in national affairs. To attempt to remove him from the campaign is to infringe not only on the Governor's right to seek office, but on the rights of his supporters. This is an injustice to them and a threat to the democratic political system, which must register all views to function truly.

It would be premature to say with any certainty what the effect of the shooting incident will have on the Democratic nomination or Governor Wallace's role in it. All that can be said is that the dark cloud of violence of the past decade has appeared again, and profoundly resolute prayer and action are needed to dispel it.

[From the Washington Post, May 17,
1972]

THE 1968 LAW AIDED TRACING OF GUN

(By Carl Bernstein)

Ten minutes after Gov. George C. Wallace was shot, the Treasury Department had traced ownership of the gun used in the murder attempt to Arthur Herman Bremer—the Milwaukee loner accused of trying to assassinate the Alabama governor.

"The trace was possible," a Treasury spokesman said yesterday, "because of the 1968 federal gun control law"—passed in the aftermath of the assassinations of the Rev. Dr. Martin Luther King Jr. and Robert F. Kennedy.

The attempt to identify the owner of the gun began seconds after Wallace was shot, as Bremer was being wrestled to the ground and a Secret Service agent grabbed the pistol.

The gun, agents of the Treasury's Division of Alcohol, Tobacco and Firearms Division confirmed yesterday, was a .38-caliber model manufactured by the Charter Arms Corp., of Bridgeport, Conn.

Known as the Charter Arms "Undercover-2," the steel pistol has a barrel of 1⅞ inches, weighs 16 ounces and measures 6¼ inches in length.

The weapon, which sells for $80 to $85, was described by one gun expert yesterday as "one of the smallest, lightest .38 special steel frame revolvers made." He added: "A gun this length can't be used for any purpose but shooting people."

After the Secret Service agent had recovered the weapon at the Laurel Plaza Shopping Center, its serial number was telephoned to the headquarters of the Alcohol, Tobacco and Firearms Division in Washington.

Agents of the division immediately contacted the manufacturer, which under the 1968 gun control law is required to keep records of all firearms it distributes to wholesale and retail outlets.

From Charter Arms, Treasury agents learned that the pistol recovered in Laurel had been part of a shipment sold to a Milwaukee gun shop, which the department refused to identify "for legal reasons."

However, spokesmen confirmed that agents were told by the retailer that the pistol had been purchased on Jan. 13 by a man who identified himself as Arthur Herman Bremer.

Under the 1968 federal law, retail firearms dealers must be licensed and must require gun purchasers to fill out a form listing name, address, height, and weight.

The law also requires the purchaser to sign the form and answer such questions as whether he is a convicted felon, a fugitive, a narcotics user or mental patient.

"It was an effective search," a Treasury spokesman said yesterday, "because of that law. Without it we might have been able to make the trace but it would have been very difficult."

Under three new gun control bills now being considered by the Congress, the sale of the weapon used in the Wallace assassination attempt would be illegal because of its short barrel length.

The bills, now pending before the Senate Subcommittee on Juvenile Delinquency, would ban the sale of all firearms with barrels of 1⅞ inches or less. Sponsors of the legislation maintain such short-barreled weapons are useful only for shooting people at close range.

[From the Washington Post, May 17, 1972]

GUNS, THE GOVERNOR AND THE CONGRESS

As Governor George Corley Wallace lay under the scalpels of a team of this area's finest surgeons Monday night, candidates for President, statesmen and politicians of all stripes took to the television stump to deplore "senseless violence" in our society, to wonder about the health of the body politic and to raise deep questions about the strong current of violence running just millimeters under the surface in our country. Too little is known at this point, it seems to us, about the suspect in the Wallace shooting to draw any sweeping conclusions as to whether this act illuminates dark recesses in all the rest of us or indeed as to what this all means or will come to mean in the political processes of the United States.

We do know a few things, though. First, Governor Wallace was shot with a hand gun. Second, the man whom federal and state authorities have identified as the suspect in the shooting was arrested last October in Wisconsin on a concealed weapons charge. Finally, we know that gun control legislation has been dragged before an unwilling Congress year after year—to no avail.

Yet, there we all were, on Monday, May 16, 1972 with a presidential candidate cut open on an operating table, with our leaders crying about his spilt blood and with the memories of Friday, November 22, 1963, Thursday, April 4, 1968 and Wednesday, June 5, 1968, etched indelibly in our minds and upon our collective spirits. And still, through all the days of all those years of grief for our honored public men, for peace officers by the score and for unnamed and little noted private citizens, murdered, maimed and accidentally killed by private weapons in unlicensed hands, we have not been able to pass the sort of gun control legislation that would make these grievous public and private events much less likely to occur.

Today, May 17, 1972, the Juvenile Delinquency Subcommittee of the Senate Judiciary Committee can and should seize the occasion to bring us out of our national delinquency. The committee meets this morning to consider various proposals for regulating the use and circulation of guns in our society. This newspaper has long advocated strong gun control legislation and we see no earthly reason to urge any less today. We believe that handguns should be available only to authorized military and law enforcement personnel and to others only upon the most carefully circumscribed showing of need or in gun clubs where their use is strictly limited to sporting purposes. All long guns should be registered and their owners licensed to use them. Such legislation has long seemed reasonable, necessary and even urgent to us. Nothing underscores the urgency of such legislation more than the lifelong paralysis now predicted for Governor Wallace.

We do not argue that the passage of such legislation will make every presidential candidate safe from attack or that it will eliminate gunplay from our national life. We recognize that there are millions of guns in private hands all over the nation and that even after the passage of strong regulatory legislation, there will be a virulent black market in illegal weapons. Nevertheless, it cannot be denied that strong regulatory legislation strictly enforced might have made it harder for a man picked up on a weapons charge last October to acquire a snub-nosed 38 in January—as the suspect in the Wallace shooting is said to have done. And it might make it harder for a lot of other people to acquire weapons too, thereby saving the lives and health of a number of politicians, wives, mothers, policemen, lovers, strangers. The passage of such legislation would do much to change the atmosphere in this country at a time when our doubts about violence in our national life trouble us deeply.

Finally, it seems to us that our leaders—all of those presidential candidates, including the President himself—who were so fulsome in their denunciation of violence two days ago might strike a more positive note by setting forth clear positions favoring strong gun control legislation. Governor Wallace, himself, could do the nation a great service by reconsidering his strong position in opposition to gun laws. For in the end, it is useless to deplore "senseless violence," no matter how passionately and eloquently, while doing nothing about it, just as it is senseless to ignore a practical opportunity right at hand to begin to curb that violence.

Strong and sensible gun control legislation should be passed by the Congress now.

[From the New York Times, May 17, 1972]

Shooting of Wallace Spurs a New Effort To Tighten Gun Control

(By Ben A. Franklin)

Washington, May 16.—The attempted assassination of Gov. George C. Wallace of Alabama with an American-made, $80 bargain revolver of a type that has been barred as an import since 1968 spurred anew here today the periodic and usually unsuccessful efforts of gun law reformers to tighten Federal firearms legislation.

A test vote was scheduled tomorrow in a Senate subcommittee on a proposal to prohibit the sale to anyone but law enforcement officers of snub-nosed, readily concealable weapons with little or no sporting value, such as the revolver used in the attack on Governor Wallace.

Treasury Department law enforcement aides said that the pistol used by Arthur Herman Bremer, the 21-year-old suspect who is accused of shooting four persons yesterday, was a .38-caliber snubnosed revolver manufactured by the Charter Arms Corporation of Bridgeport, Conn.

Wounded along with Governor Wallace were one of his Alabama State Police bodyguards, a Secret Service agent and a woman bystander.

It was learned today that this was the second Charter Arms so-called Undercover 2 owned by Mr. Bremer.

Federal law enforcement officials said that the same model revolver caused Mr. Bremer's one known previous brush with the law, an arrest in the Milwaukee suburb of Fox Point, last November for carrying a concealed weapon.

The charge was later reduced to disorderly conduct, a misdemeanor, and he was convicted. Under normal police routine that gun was formally confiscated on Dec. 8, 1971.

Five weeks later he bought another.

COULD NOT BE IMPORTED

In an interview today, Douglas S. McClanahan, the 39-year-old founder and board chairman of Charter Arms, acknowledged that under the Federal Gun Control Act of 1968 his company's five-shot revolver with a "two-inch barrel"—it is actually one and seven-eighths inches long, he said—could not be legally imported.

He noted that the same revolver with a 3-inch barrel, also manufactured by Charter Arms, would be a legal import under the Federal law.

The 1968 act was supposed to end the importation each year of 20,000 to 30,000 cheaply made "Saturday night special" handguns, and thus reduce the rapid rise in crimes of violence committed with "junk guns" selling for $15 to $30.

But it imposed no standards of concealability on American-made handguns, and a loophole in the law has permitted the continued importation of unassembled foreign parts that are put together by 23 companies in this country for legal sale.

Both Government and private firearms specialists said in interviews today that Charter Arms's $80 revolver could not be classified as a Saturday night special. The .38-calibre snub-nosed revolver is a standard law enforcement officer's sidearm. The Charter Arms version sells for $12 to $16 less than the similar but more widely known Smith & Wesson and Colt Revolvers.

SALES TO CIVILIANS

But Mr. McClanahan said that on the advice of his lawyer he would not disclose what proportion of Charter Arms sales of the snub-nose gun were to policemen.

"Our competitors would really like that information," he said. There seemed little doubt, however, that many sales were to civilians.

The revolver that shot Mr. Wallace was purchased by the suspect last Jan. 13 at Casanova Guns in Milwaukee, according to Treasury spokesmen. Under the Gun Control Act of 1968, a revolver purchaser and the gun dealer must fill out a Form 4473—Firearms Transactions Record, listing the buyer's name, height, weight, race, address and date and place of birth.

The form, kept on file by the dealer requires the buyer to swear that he is not under indictment for or convicted of a felony, that he is not a fugitive from justice, that he is not a drug addict or "adjudicated" as a mental incompetent, that he has not been dishonorably discharged from the armed forces and that he is not an illegal alien or a United States citizen who has renounced his citizenship.

PROOF OF AGE NEEDED

The sale may then be legally completed if the purchaser can offer proof that he is over 21 years of age and is a resident of the state in which the gun is bought, the two other chief criteria in the 1968 act.

Martin Polner, the Treasury Department's Director of Law Enforcement, said today that detailed sales records, including weapons' serial numbers, required to be maintained under the act, had enabled Treasury agents to trace the revolver "within 10 to 15 minutes after we got the information on the gun."

Charter Arms was asked by telephone to whom it had wholesaled the weapon and the point of sale was traced by phone to Casanova Guns in Milwaukee.

Mr. Polner would not say whether Mr. Bremer or the Milwaukee gun dealer were under investigation for possible violations of the 1968 act.

But critics of the act, including Senator Birch Bayh, Democrat of Indiana, have intended that the mere recognition of such sales does nothing to control the distribution of "these vicious weapons which have no legitimate use" in civilian hands. Most sporting and target pistols, for ballistic reasons have longer barrels of 5 to 6 inches in length.

TEST VOTE SCHEDULED

Mr. Bayh is chairman of the subcommittee on Juvenile delinquency of the Senate Judiciary Committee—a panel that has struggled to strengthen the Federal gun laws for years because no other committee would tackle the problem—and it is before this subcommittee that the test vote will come tomorrow.

Senator Bayh hoped that the eight-member panel would improve his proposed amendment to the 1968 act, which would ban the sale or transfer of a handgun to anyone but a law enforcement officer unless the Secretary of the Treasury determined, after tests, that the weapon was suitable for "lawful sporting purposes."

The effect of the Bayh Amendment would apparently be to forbid the general sale of almost all pocket sidearms—those with 2-inch and 3-inch barrels, or with an overall length of 7 or 7 and one-half inches. The 1968 law already effectively prohibits the transportation of most such weapons.

[From the Chicago Sun-Times, May 17, 1972]

The Weasel's Twist

There was a recent time when one might have thought that the terrible toll of leaders and those who sought to be leaders in the decade of 1960s was an aberration, that somehow now the American nation was restored to sanity. The attempted assassination of Gov. George C. Wallace of Alabama has dispelled that error, and it has been replaced with the sad relearning that running for public office—high or low—is still so risky that the office seeker must be more stringently protected against the people he seeks to lead.

To Wallace and his family, as well as to the other victims of Monday's shooting, we extend sympathy and all wishes for an early recovery. The specter of disability hangs over the governor; we would remind him that Franklin Delano Roosevelt was not deterred by physical disability from running for office, and Wallace has the same right to be heard.

What a terrible blow is this latest manifestation of political violence to our tightly held beliefs in how the process of election should be conducted! Are candidates and officeholders alike to be as Nero was in the last years of his reign, fearful to go anywhere but the most secure areas? Must "public appearances" be limited to television studios which are themselves the centers of armed camps? These things, we used to believe, happened only in faraway places, or to gangsters in our own land.

The roster of the last decade is horrendous.

There is the official violence of Orangeburg, Kent State, Jackson State and Attica. There is the individual violence which has brought down John and Robert Kennedy, Dr. Martin Luther King Jr., Malcolm X, and now Wallace. Even George Lincoln Rockwell had the right to a reasonable expectation that he would die in bed.

We live in a climate of violence. A century away from the frontier, we rejoice in violence. An "action-packed" television drama is followed by the real life picture of a presidential candidate surrounded by police and Secret Service agents, their eyes sweeping like lighthouse beams to spot the threat before it strikes. A century away from the frontier, we still have men riding shotgun. What William Butler Yeats said of his native Ireland in 1919 is applicable today:

> We who seven years ago
> Talked of honor and of truth,
> Shriek with pleasure when we show
> The weasel's twist, the weasel's tooth.

As government becomes more authoritarian, and parties more inclined towards self-justification than seeking honor and truth, the rest of the nation becomes polarized, inflamed. If the examples of the past were not enough, the incidents of Monday afternoon in Maryland should teach us that anyone—anyone—who attempts for his own vainglory or political purposes to divide and segment America must share the responsibility for the public climate in which madmen feel they can act.

Moreover, the list on which Wallace's name now appears is swelled a thousandfold by victims whose names are not as famous. This latest act of mindlessness should carry one message: If we as a nation act like vicious children, our lives must be strictured as are those of vicious children. Strict controls over the manufacture and sales of handguns—these children's toys—are more vital than ever. As Tom Wicker put it in Tuesday's New York Times: "The blatant availability of guns in America simply cannot be set aside or discounted as a major source of violent crime."

There is good draft legislation before the Congress on handguns (we have long since lost faith in Illinois legislators to acquit themselves like responsible human beings in this regard). It must be passed before our national preoccupation with violence thrusts more weapons into the hands of those who would seek the bubble reputation by shooting down those with whom they disagree.

[From the Chicago Sun-Times, May 17, 1972]

GUNS—WHEN WILL WE EVER LEARN?

(By Jack Griffin)

The madness of man, the utter insanity sometimes of his reasoning, can stretch from a parking lot in Laurel, Md., to an L train on Chicago's South Side.

Last Saturday, a young man, Michael Kulis, a student who really cared for those who lived around him, was shot to death for a handful of nickels and dimes he might have been carrying on his person.

Two days later, in the soft sunlight of Maryland, Gov. George Wallace of Alabama, Democratic candidate for the presidential nomination, was gunned down for his political beliefs.

When in the hell are we ever going to learn?

Hate, an animal insensitivity to another man, these may have been the driving forces. But the instrument was a gun. Kulis and Wallace were poles apart in philosophy, shot for different reasons, but they were victims of the same thing. A gun.

Oh, all right. I know the venom that will be spit my way by the National Rifle Assn. and the Illinois Rifle Assn., and all those others who find in the gun a sense of superiority.

I know all their tired and useless, but unfortunately overwhelming arguments. I've been smothered with them before. I even know the threats of some of them.

THE USUAL BOGEYMEN

Take away our guns, they wail, and when the Russians come, or the Red Chinese, or the North Vietnamese, or the Martians invade us we will be able to fight them only with pitchforks.

Oh, for God's sake, I can just picture the local gun club down at the seashore driving off tanks with No. 6 birdshot.

Yeah, I know the one, the argument that guns don't kill. That it's the man, not the weapon. The hell guns don't kill. They damn sure do, because that's their primary function.

Now, we get to the one about a pistol in the house keeps the burglars away. That one is beautiful. I want to cry when I hear that one ring across the land.

A loaded pistol around the house is an open invitation for a 4-year-old kid to blow his head off when his mother isn't looking. The NRA itself in previous literature preaches that a gun and its ammunition should be kept apart when children are in the house.

That being the case, you're going to have to have one helluva obliging burglar in the house. You're going to have to ask the burglar to wait downstairs while you find the bullets to load your gun.

And, of course, I know that people die every day from a knife or an auto, or a bar of soap in the bathtub. And these are not outlawed. But I'll tell you something, I'd a damn sight rather face a man with a slingshot than a .38 caliber pistol.

TO KNOW IS TO FEAR

Look, baby, I know about guns. Maybe more than a lot of nuts who think I should be deported. I grew up on guns, hunted with them when I was a kid and fought two wars with them. And maybe that's why they scare the hell out of me now, and I don't want any part of them.

Nobody has ever seriously suggested that all the guns be confiscated in this country, that the hunter be denied his sport. Just a uniform federal law that will make it difficult to buy a piece of machinery designed to kill another person.

Sure, I know that criminals and idiots and flaming nitwits are able to get a gun illegally, but that's largely because there are so damn many guns available.

Local, statewide gun laws are admirable, but ineffective. What does it matter if a man is denied a gun in one state, and has only to walk across the line to buy it in another?

A man bought a rifle from a mail-order house to kill a President, another got his at a sporting goods store and assassinated one of this country's finest black leaders. A senator died from a madman's pistol.

How much longer are we going to make it easy for a man to shoot a governor, or kill a kid riding home on an L train?

[From the Chicago Tribune, May 17, 1972]

AMERICA AND THE HANDGUN

The shooting of Gov. George Wallace raises once again the question whether new laws are necessary to restrict the manufacture, import, purchase, and use of handguns in the United States.

This was to be expected. A similar cry for gun control followed the assassinations of Dr. Martin Luther King and Sen. Robert Kennedy in 1968. In the emotionalism of that time, America as characterized as a sick, violence-prone, gun-toting society which needed to be protected against itself. The same is being repeated now.

We don't think America is sick. We don't think we are any more violence-prone than most countries, or that political assassinations are more characteristic of this country than of most others. What does distinguish this country, however, is the case with which almost anybody can locate and acquire a gun.

The nation's gunowners (often referred to as "the gun lobby") make a cogent argument in opposition to controls. The second amendment to the federal Constitution states: "A well regulated milita being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Thus, they claim, gun control is unconstitutional.

The majority of gun owners are law-abiding farmers, sportsmen, and private citizens who do not commit crimes. After all, it is criminals, not guns, who kill people.

There are more than 20,000 gun control laws on the books in this country (including Chicago and Illinois statutes), but they have failed to work because criminals do not obey them. Gun control laws are effective only after the fact, their opponents say, and there are so many illegal guns already in circulation that a ban on them would be next to useless in terms of reducing crime. Political assassins, they add, are mentally unbalanced fanatics who are impossible to stop with or without gun control laws.

All this is largely true, but the Constitution was written at a time when police were all but nonexistent and men carried swords and saddle pistols as a matter of course. Times have considerably changed. Does the Constitution require that everyone have free access to handguns as well as rifles? Do farmers and sportsmen really need handguns? As a hunting weapon, a handgun is next to useless. It is designed for the killing of men at close range, and for little else.

True, gun control laws have been relatively ineffective. But if they were combined with sterner stop and frisk measures and harsher penalties for the commission of crimes with a gun, would they not then work? Would not control on the manufacture and importation of hand guns eventually dry up the supply?

Pistols are involved in some 92 per cent of the homicides committed in this country every year. They are used in 96 per cent of the robberies. Must it be so easy for criminals to obtain them?

Many citizens in high-crime areas say they need guns for self defense. But for every incident in which a grocer or homeowner shoots a robber in self-defense, there are several in which a grocer or homeowner is shot reaching for his gun, and countless more in which innocent persons are shot either by accident or in a trivial quarrel. Of more than 20,000 persons shot to death in the United States every year, many die in crimes of passion or in accidents which would not have occurred if a gun had not been handy.

In short, political assassinations, tragic and conspicuous as they are, are only part of the problem. It would be illusory to think that measures such as we now feel may be advisable for the control of handguns will bring any immediate relief from assassinations or other crime. But they would quickly reduce the number of unpremeditated killings and would ultimately reduce the number of others as well.

Tho we hate to see further incursions on state sovereignty, federal legislation may be the best answer. Southern and western states would balk at stricter gun control laws as, apparently, would Illinois, where both Gov. Ogilvie and his opponent, Daniel Walker, oppose them. Nor are States in a position to control the importation and interstate commerce in handguns. In any event, we no longer feel that the right to own a .45 automatic should have priority over the chance of saving lives.

[From the Chicago Daily News, May 17, 1972]

GUNS VERSUS DEMOCRACY

This newspaper has fought for effective gun controls over a good many years. It has seemed to us that the series of assassinations of public leaders begun with the murder of President Kennedy has provided the strongest possible argument for such controls. And it seems to us now that the brutal and crippling attack on Gov. George C. Wallace provides one more powerful thrust to the argument.

For the man who witnesses say shot Wallace could not have owned his .38 caliber pistol, for example, under Illinois Rep. Abner Mikva's bill prohibiting handgun ownership by any except members of the police, and military, and recognized pistol clubs.

Mikva's is one of the more stringent of many federal gun control proposals. The reason there is no effective federal control is that the opposition is well-organized and politically powerful. The Nixon administration itself has been acutely mindful of this power, opposing "tough" controls and hedging even on tame measures. Wallace himself has opposed gun controls.

So we hope the President, his Justice Department, and Congress will now take another reading of the issue.

For the persistence of the wave of assassinations and attempted assassinations from the murder of President Kennedy to the assault on Wallace poses a threat to the fabric of this democracy.

If our society is to spawn such megalomaniacs, and if their guns are to be used to deprive Americans of their freedom of political choice, then curbing them is a matter of urgent national priority.

The prevalence of guns in the hands of criminals has long posed a threat to the freedom of American citizens in the exercise of their right to be secure in their persons. Perhaps this latest in a series of assassination attempts will help to bring the injustice home to our political leaders in a more personal way.

PROPOSED 37,000-ACRE SNOW MOUNTAIN WILDERNESS AREA IN NORTHERN LAKE COUNTY, CALIF.

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, I am today introducing legislation to establish a 37,000-acre Snow Mountain Wilderness Area in northern Lake County, Calif.

My introduction of this bill is both in response to the views of the people of Lake County as expresesd formally through the endorsement of their board of supervisors for this proposal and in response to similar resolutions from two other affected California counties, Glenn and Colusa.

The Snow Mountain region is a beautiful, unspoiled area that is highly deserving of the national statute it would be afforded following its designation as a wilderness area. And, the Snow Mountain forests would surely benefit from the land use management practices that are required to be followed under the Wilderness Act of 1964.

Wilderness status permits usage of the area for activities that are compatible with retention of a primitive condition. Protecting the primeval environment of the Snow Mountain area includes the implementation of congressionally enacted prohibitions against the construction of permanent roads and the use of motorized vehicles in the area.

Under legislation adopted by the Congress, private landowners within areas given wilderness designations are fully protected in their access to their property and, in addition, may have the right to exchange their lands for other public lands outside the wilderness area.

As is the case with any proposal of this nature that comes within the jurisdiction of the House Committee on Interior and Insular Affairs, public hearings will have to be held in the local area to insure that the views of those most directly concerned can be taken into consideration before any final decisions are made.

I, personally, shall be soliciting continued local input on this question in order to refine fully the details of this proposal to make certain it meets the needs and wishes of the people who live and work in the area.

EDUCATION FOR THE SEVERELY AND PROFOUNDLY RETARDED

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, today I am introducing a bill, H.R. —, to provide comprehensive education programs for a particularly neglected segment of our population—the severely and profoundly retarded. I am pleased that the distinguished gentleman from Indiana (Mr. BRADEMAS), who is chairman of the Select Subcommittee on Education, is joining with me in sponsoring this bill.

Today the severely and profoundly retarded are being excluded from almost all public education programs. And yet they, too, need and can benefit from education training. In recent years it has been demonstrated that even the most profoundly retarded respond to comprehensive education programs if reached early in their childhood. As with normal children, early cognitive stimulation is critical to intellectual development in the retarded child. Early training can make the difference between an existence of incontinence and immobility or a life of basic self-care and in some cases, work.

The bill I am introducing today would help to correct the present omission in our education system by providing comprehensive education programs specifically directed to the severely and profoundly retarded—those whose IQ level is 35 or less. The bill amends the Education of the Handicapped Act and authorizes the Commissioner of Education to make grants to public or private nonprofit institutions and community service centers working with severely or profoundly retarded children. Generally, the funds authorized under this program would finance—

Innovative model programs for the education of the profoundly and severely retarded children—programs that are designed to enable these children to develop as many independent skills as possible and to reach their maximum potential;

Comprehensive education programs that will include access to various therapies and the development of self-help skills;

Inservice training for parents and teachers playing a direct role in the lives of the severely and profoundly retarded.

The bill acknowledges that most children who are severely or profoundly retarded have other disabilities, and provides that no child shall be precluded from participating in a program funded under this bill because of additional disabling conditions.

In recent months the public's attention has been directed to the conditions that exist in the institutions for the retarded. Most brutal have been the television reports of the conditions in Willowbrook, a State institution for the retarded in New York City. The conditions of Willowbrook are the product of neglect—today's neglect and that of the past. In many of its wards, the smothering smell of filth and death hangs in the air and children are left to lie naked in their own excrement. These children are immobile, often grotesquely distorted because their muscles have atrophied. Many are incontinent and are often not clothed or clothed in filth because staffing shortages make it difficult to keep them clean. In January, ABC-TV did a documentary on Willowbrook. Geraldo Rivera, the commentator has written a book on the filming of this documentary. Entitled, "Willowbrook," the book begins:

> When Dr. Wilkins slid back the heavy metal door of B Ward, building No. 6, the horrible smell of the place staggered me. It was so wretched that my first thought was that the air was poisonous and would kill me. I looked down to steady myself and I saw a freak: a grotesque caricature of a person, lying under a sink on an incredibly filthy tile floor in an incredibly filthy bathroom. It was wearing trousers, but they were pulled down around the ankles. It was skinny. It was twisted. It was lying in its own feces. And it wasn't alone. Sitting next to this thing was another freak. In a parody of human emotion, they were holding hands. They were making a noise. It was a wailing sound that I still hear and that I will never forget. I said out loud, but to nobody in particular, "My God, they're children."
>
> Wilkins looked at me and said, "Welcome to Willowbrook."

The conditions do not have to be this way. Even the most profoundly retarded can be taught to dress, tie their shoes, and perform simple tasks. Very few need remain incontinent. It must be recognized that the retarded are members of our society too and deserve to share in its benefits and privileges and be given the services they need. If we provide education for normal children, we have the obligation to provide education for the retarded. This is not always being done, however, particularly in the case of the severely and profoundly retarded. The National Association of Retarded Children conducted a survey in 1971 and found that at best the States are educating only 36 percent of the retarded who are school age. I was not able to find any statistics for just the severely and profoundly retarded because the programs for them are so few. In New York City, for instance, a child under 5 who is not continent nor ambulatory—which is the case with most severely and profoundly retarded at that age—is not eligible for community services for the retarded. While the severely and profoundly retarded now make up almost half of the Nation's institutionalized retarded population—in New York the profoundly retarded alone are 40.7 percent of the population—less than 10 percent on a countrywide basis are being given anything more than custodial care.

In a number of States suits have been filed in the Federal courts on behalf of the constitutional rights of the retarded to adequate care and education. On April 13, a Federal court in Alabama set down a number of minimum requirements for the State's institutions for the retarded—including a minimum of 6 hours of education daily for each child. Similarly, a court in Pennsylvania has ruled that the States must provide educational training for every mentally retarded child.

In addition to expanding the role of public education to include severely and profoundly retarded children, this bill will provide some timely and needed assistance to the States that are now being pressed by the courts and the public to upgrade their educational programs for the retarded.

Mr. Speaker, I have visited some of the smaller institutions for the retarded in New York. The doctor in charge of one of the hospitals told me that if he had people who could provide education services, and if the children could be trained when they are first institutionalized, they could be made ambulatory and taught to care of their personal needs instead of spending the rest of their lives in cribs.

Every retarded child has some learning potential. It is our responsibility to help them develop this potential. For too long we have been blinded by the disabilities of the retarded. Just as we look to the aptitudes of the normal child, it is time that we focus on the abilities of the retardate and direct curriculums and teaching methods to develop their capacities.

Mr. Speaker, I invite my colleagues to support this legislation, for as I have already indicated, it fills a terrible void in our education system.

The text of H.R. 15034 follows:

H.R. 15034

A bill to amend the Education of the Handicapped Act to provide for comprehensive education programs for severely and profoundly mentally retarded children

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Education of the Handicapped Act (20 U.S.C. 1421–1426) is amended by adding at the end thereof a new part H as follows:

"PART H—COMPREHENSIVE EDUCATION PROGRAMS FOR SEVERELY AND PROFOUNDLY MENTALLY RETARDED CHILDREN

"AUTHORIZATION OF PROGRAMS

"SEC. 671. (a) The Commissioner is authorized to make grants to public or private nonprofit institutions which work with, or propose to work with, severely and profoundly mentally retarded children, and to public or private nonprofit community based centers for such children, in order to develop and carry out—

"(1) innovative model programs for the development or demonstration of new or improved teaching methods, approaches, or techniques and school curriculum which will enable severely and profoundly mentally retarded children to develop as many independent living skills as possible and to reach their maximum potential,

"(2) model comprehensive education programs for severely and profoundly mentally retarded children, particularly in their earliest years, which shall include access to speech, occupational, and physical therapy, and training in motor, communication, and self-help skills, and

"(3) inservice training programs for those teachers and other personnel, and training programs for those parents, who play a direct role in the lives of severely and profoundly mentally retarded children which will enable them to employ techniques which have been successful in the education of such children.

"(b) In determining whether to make a grant under subsection (a), the Commissioner shall give priority to programs which propose the education of severely and profoundly mentally retarded children in institutions so as to improve their capacities and reduce their dependence on custodial care, or which propose the education of such children in noninstitutional settings.

"(c) A grant pursuant to subsection (a) shall be made for a program only if the Commissioner determines that—

"(1) there are no requirements that the severely and profoundly mentally retarded children who participate in a program for such children be ambulatory, toilet-trained, or in possession of communication or self-help skills,

"(2) no severely and profoundly mentally retarded child will be excluded from participating in a program for such children because such child has, in addition to mental retardation, one or more other handicapping conditions,

"(3) there are no standard training accreditation requirements governing the selection and training of personnel in a program who will play a direct role in lives of severely and profoundly mentally retarded children,

"(4) in programs involving the teaching of severely and profoundly mentally retarded children, the ratio of teachers and teachers' aides to such children shall be no less than one teacher and one aide for every six children, and

"(5) Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of severely and profoundly mentally retarded children, and in no case to supplant such State, local, and private funds.

"(d) The Commissioner shall keep State educational agencies fully informed about—

"(1) the various programs for the education of severely and profoundly mentally retarded children developed and carried out pursuant to this part, in order to encourage the establishment or expansion, within such State educational agencies, of offices for the education of the retarded which shall extend education programs to retarded children, including severely and profoundly mentally retarded children, within the States, and

"(2) grants made by the Commissioner under subsection (a) to institutions or centers located within their State, in order that such State educational agencies may coordinate their efforts with respect to the education of severely and profoundly mentally retarded children with such grants.

"(e) In making grants under subsection (a), the Commissioner shall seek to achieve an equitable geographical distribution of programs for the education of severely and profoundly mentally retarded children throughout the Nation.

"APPLICATION

"SEC. 672. The Commissioner shall make grants under this part to institutions and centers on the merits of their proposals to him which shall be submitted on such application forms and under such guidelines as he shall prescribe."

SEC. 2. Section 601 of the Education of the Handicapped Act (20 U.S.C. 1401) is amended by adding at the end thereof the following new paragraph:

"(16) the term 'severely and profoundly mentally retarded children' means those children whose I.Q. level is 35 or less. These children frequently have more than one handicapping condition, i.e. retardation and blindness, retardation and deafness, retardation and cerebral palsy."

THE CONTINUING EFFORT TO CIRCUMVENT THE CROSS-FLORIDA BARGE CANAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SIKES) is recognized for 15 minutes.

Mr. SIKES. Mr. Speaker, it is with regret that I must point to a continuing effort on the part of Federal officials to circumvent the construction of the Cross-Florida Barge Canal without reference to laws approved by Congress on the canal or consultation with the Public Works and Appropriations Committees of Congress and the members of the Florida delegation. I am disappointed that the administrative branch of the Government has so completely ignored the legislative branch and I charge again that there is a distinct likelihood that these administrative actions are in violation of the Constitution.

It will be recalled that 18 months ago environmental pressure groups persuaded President Nixon to issue a press release which had the effect of stopping work on the $200 million project which has been years in the making and was more than one-third complete. This was done without consultation with the Florida delegation or any of the committees of Congress. The President's action disregarded the fact that the Cross-Florida Barge Canal had been authorized by Congress; that Congress had appropriated $54.6 million in Federal funds for construction; that the people of Florida had invested $14 million of their tax money on this project. No steps have since been taken to show justification for this procedure. At no time has there been an environmental impact study made in compliance with section 102 of the National Environmental Policy Act on the many aspects of the canal construction project, which should be clarified before a final decision is made on the desirability or need for the canal. I am advised that an environmental impact report is now hurriedly under preparation. It reflects only the viewpoint of the administrative agencies. No other agencies or interests have been consulted. It cannot be considered a meaningful study.

This very unusual procedure apparently is now to be further aggravated by unilateral announcement of the proposal to include lands purchased by the State of Florida for the canal in the Ocala National Forest. Again, this is without reference to the legislative branch of the Federal Government or consultation with the State government which purchased the land in question. In effect, this action could also circumvent the pending legal suits on the constitutional questions involved in the present status of the canal. This is highly irregular.

It is far past time for the administration to take Congress into its confidence on the important questions which are involved in the Cross-Florida Barge Canal and to proceed in an orderly way to obtain a dependable environmental impact study.

Let me reiterate that the future of the canal project can be properly determined only after an orderly and considered study under the impartial ground rules of a statutory environmental impact statement has been completed. This we are requesting through the direction and support of the Appropriations Committees of the Congress.

Since last year's hearings of the Public Works Subcommittee of the House, I have closely followed the continuing efforts of environmental pressure groups to bury the Cross-Florida Barge Canal project. The issue of the constitutionality of the President's halt of this project is currently before the U.S. District Court in Jacksonville. This case has been consolidated with one originally filed here in Washington by the Environmental Defense Fund, a New York corporation, whose primary activities have been directed at stopping water resource projects throughout the country. In addition three other suits brought by citizens of Florida who allege injury or damages from the halt, have been consolidated for trial.

As I stated previously, the President in an unprecedented action halted the project by issuing a press release. At the time of the halt the Corps of Engineers was engaged in preparing an environmental impact statement in compliance with the National Environmental Policy Act of 1969. At the hearing last summer, General Free advised this subcommittee that this effort had been suspended after the President's halt order was received.

A specially appointed senior U.S. circuit judge, Judge Harvey M. Johnsen, who has been assigned these cases, has denied a Department of Justice motion to dismiss the suit involving the constitutional issue. In his order he interpreted the President's press release as calling for an environmental impact study in compliance with National Environmental Policy Act.

A Government witness testified in the suit that the only studies that are presently in progress are to determine what to do with the project now that it has been halted. This is in clear contravention of the National Environmental Policy Act as well as of the spirit and intent of Congress in enacting this legislation.

The Congress which has appropriated $54,600,000 of construction money and the people of Florida who have invested $14 million of its tax money in this project are entitled to know the true, unbiased economic and environmental facts including all reasonable alternatives available and the impact thereof.

I was disturbed to learn that the Department of Justice urged upon the court that the Congress had concurred in and endorsed the halt of the project by an appropriation last year of funds to terminate the partially completed Dunnellon railroad contract. In rejecting that proposition, the court relied primarily on the chairman's assurance to me on the floor of the House last year that such was not the intent of the committee.

I am requesting the Appropriations Committee to reaffirm that position this year and to include in its appropriation sufficient funds for the Corps of Engineers to continue and complete an environmental impact study in compliance with section 102 of the National Environmental Policy Act together with directions to the corps that such study be impartial and factual.

I am further concerned that employees of the Department of the Interior together with representatives of the Environmental Defense Fund and the Council on Environmental Quality have been jointly engaged in a program to drain one of the canal reservoirs known as Lake Oklawaha. This lake has already attracted over 750,000 visitors and is one of the only benefits thus far derived from the project. Apparently this will be attempted under the guise of designating Lake Oklawaha as a part of a national park or a wilderness area. The court has twice enjoined the Government from changing the status quo of this lake. This maneuver by canal opponents is obviously an attempt to circumvent the jurisdiction of the court and to further insure the permanent demise of the project before a complete study is made. I would question closely who authorized the Department of Interior to expend funds for this purpose and what funds are being used. I further request the Appropriations Committees of Congress include sufficient operations and maintenance money specifically requiring the Corps of Engineers to maintain this lake as a recreation, navigation and water resources asset until the court decides the cases pending before it and until the Congress acts in furtherance of this matter.

THE TRADE/ENVIRONMENT DILEMMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, grim warnings issued by the world's foremost scientists testify to the appalling speed with which the interacting forces of population growth, technology, and demand for resources are jeopardizing the earth's chances for survival. There is great hope, however, that mankind—now that the dimensions of the international environmental threat are coming to be known—will not allow this process to continue unchecked.

The U.N. Conference on the Human Environment, which will convene in Stockholm this June is the first step in what promises to be a worldwide effort to reverse the trend toward self-destruction. In all probability, the next few years will see many false starts at the international level. But it seems clear there are no real alternatives to a concerted and cooperative effort to correct and reverse the destructive effects of man's activities on the world's commons—the oceans and the atmosphere.

The effort promises to be even more actively pursued at national levels. The vigorous environmental program inaugurated in the United States in the past few years seems likely to be duplicated in most of the world's developed countries in the near future. It may seem ironic, but in these vigorous national environmental efforts lie the seeds of yet another serious dilemma—the impact of environmental measures on world trade and investment.

Although the goal of environmental quality is being rapidly adopted by nation after nation, man is still impelled toward the pursuit of economic goals to satisfy his life's needs. His most highly organized institutions are geared to economic growth, as they have been for several hundred years, and there is little evidence that this will change very much. In fact, for most of the new populations of the world in the coming century, economic goals will be even more actively pursued than they are now.

One of the first results of stringent national environmental policies has been an increase in costs for a number of enterprises. And to the extent to which the products of these enterprises are traded in world markets, increased production costs may cause a diminishing of exports, and, sooner or later, of imports. The ultimate effect, especially for those countries enforcing the highest standards of environmental quality, could be an adverse turn in their balance of payments.

This whole train of events would be mitigated to the degree that trading nations harmonize their environmental policies. But, given the differences in priorities among even the world's most advanced nations, such harmony will not be easily achieved. What is more likely to happen—and this must be avoided at all costs—is that when the balance of payments of the more environmentally ambitious nation is adversely affected, that country will find it necessary to offset its deteriorating trade position through the enforcement of protectionist import restrictions which will succeed only in inhibiting trade on the one hand and deterring pollution abatement efforts on the other.

Further economic complications arise in the case of, first, those countries known as pollution havens which are taking advantage of the trend toward environmental protection by permitting international production enterprises to operate under few or no environmental restraints; and second, the developing countries, many of which resent what appears to them to be an attempt to arrest their vital progress toward industrialization.

Those who take the long view may consider the consequences of national environmental policies on trade as temporary dislocations that would eventually be resolved through the reallocation of resources or the reordering of national priorities. But political processes are required to be responsive to the more immediate problem. Governments faced with the severe economic consequences of stringent environmental policies may well make the unfortunate choice of waiving critical environmental goals in favor of short-term economic stability.

While I have said that it would be difficult to coordinate national policies to reduce the adverse effects of economic dislocation, there appears to be no real alternative to seeking just such harmonization. It is in the forum of the upcoming Stockholm Conference on the Human Environment—a conference whose agenda has been prepared and refined over a period of 4 years—that the world community will have an excellent opportunity to confront, among other problems, the unfortunate conflict between world environmental control and international trade stability.

PERSONAL ANNOUNCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 5 minutes.

Mr. VEYSEY. Mr. Speaker, I recently sponsored a conference of California youth legislators at the University of California at Riverside. This conference and other official business made it impossible for me to be present for two rollcall votes.

On February 17, rollcall No. 46, I would have voted "nay" on H.R. 12350 which sought to provide for continuation of programs authorized under the Economic Opportunity Act of 1964. On rollcall No. 45 I would have voted "aye" to reject a substitute to the committee amendment that sought to provide a straight 2-year extension of present OEO programs.

On March 2, rollcall No. 60, I would have voted "yea" on H.R. 11384 to remove the ceiling and termination date on authorizations for research and development in the field of high speed ground transportation.

On March 6, rollcall No. 62, I would have voted "yea" on H.R. 2589 to amend section 1869 of title 28, United States Code, with respect to the information required by a juror qualification form. On rollcall No. 63, I would have voted "yea" on H.R. 12828 to increase the rates of vocational rehabilitation educational assistance and special training allowances paid to eligible veterans and others.

On March 29, rollcall No. 100, I would have voted "aye" on an amendment to H.R. 11896, a bill to amend the Federal Water Pollution Control Act to preserve the rights of States to control discharges from vessels.

On April 26, rollcall No. 124, I would have voted "yea" on H.R. 14582 making supplemental appropriations for the fiscal year ending June 30, 1972.

On April 27, rollcall No. 129, I would have voted "yea" on H.R. 12202, a bill to increase the contribution of the Federal Government to the costs of Federal employees health benefits. On rollcall No. 127 I would have voted "aye" on an amendment to H.R. 12202 that includes the Postal Service employees in the bill. On rollcall No. 128 I would have voted "no" on another amendment to H.R. 12202 that sought to reduce the Federal Government's contribution to a straight 50 percent.

On May 1, rollcall No. 130, I would have voted "yea" on S. 2713 to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole or mandatorily released. On rollcall No. 131 I would have voted "yea" on H.R. 12562 to extend the Commission on Civil Rights for 5 years and to expand the jurisdiction of the Commission to include discrimination because of sex and to authorize appropriations for the Commission. On rollcall No. 132 I would have voted "yea" on H.R. 9676 to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee. Also on May 1, rollcall No. 133, I would have voted "yea" on H.R. 13334 to establish certain positions in the Department of the Treasury and to fix the compensation for those positions.

SPRINGFIELD NURSING HOME FIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY), is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, 11 days ago a tragic fire swept through the Carver Convalescent Home in Springfield, Ill., and snuffed out the lives of 10 elderly citizens. As of today, the origin of the fire is unknown.

The Carver Home was an old two and one-half story frame structure with a concrete block facade on two sides. Ironically, the home had been inspected by the Illinois fire marshal's office only the day before and pronounced to be in conformity with the governing fire code regulations. Whether this was so, or whether the regulations are woefully lax and inadequate, makes little difference to those Springfield citizens who died on May 6 and to their loved ones who survive.

For many others, however, the memory of being suddenly awakened in the middle of the night by the raging fire is still an ever present and gruesome reality. For them, and for the rest of us, this unspeakable tragedy will be eased only if it leads promptly to the establishment and enforcement of new safety standards in nursing homes throughout the Nation. Our whole system of Federal, State, and local safety standards for these institutions has been put into question.

According to a report by a representative of the American Nursing Home Association who flew to Springfield shortly after the fire, "certain violations of the principles of fire protection are observed" at the Carver Home.

For example, note these facts about the Carver Home:

All patient sleeping areas in the home were not separated from corridors by partitions providing a 1-hour fire resistance rating.

All hazardous areas were not separated from patient care areas by construction providing a 1-hour fire resistance rating.

Interior finish materials such as plywood paneling and cane fibered acoustical tile were used in some patient rooms.

Stairways and other vertical shafts were not enclosed with partitions and fire doors providing a 1-hour fire resistance rating.

These facts show variance from the "principles of fire protection" contained in the National Fire Protection Association's Life Safety Code. Some nursing homes—in Springfield and elsewhere—measure up. Some—like Carver—do not.

The wide disparity in safety standards which apply to nursing home facilities arises from the fact that when Congress enacted medicare in 1967, it specifically required that skilled nursing homes meet the stringent requirements of the National Fire Protection Association's Life Safety Code, but it did not impose the same requirement on intermediate health care facilities.

There is no reason to believe that Congress intended such a distinction to be drawn. Why such an anomalous situation was permitted by the Department of Health, Education, and Welfare to develop is a mystery to me. However, the Springfield fire makes it abundantly clear that this double standard must not continue and that the same fire safety standards must apply to all nursing home facilities without further delay.

Today I am introducing two bills which, if enacted, will bring some rationality into the fire safety standards applied to nursing homes and health care facilities for the aged.

The first bill amends the Social Security Act to require that by July 1, 1973, all intermediate care facilities—such as the Carver Home—receiving medicaid funds under title XIX, comply with the provisions of the life safety code now applicable to skilled nursing homes certified under the medicaid program.

Such a requirement for these facilities is entirely justified. Under the present medicaid legislation, many nursing home patients who are not completely ambulatory are placed in intermediate care facilities because they do not require constant attention from professional nursing staff. The fact that they do not require constant attention, however, does not mean that they will be able to protect themselves during an emergency such as a fire.

A photograph on the front page of the May 7, Illinois State Journal Register, the morning after the Carver Home fire tells the story better than words. The picture shows the charred remains of an artificial leg and empty shoes next to a blackened chair in a patient's bedroom. The caption beneath the photo reads:

> This fire destroyed items mutely show the desperation that must have prevailed as elderly residents woke up to the merciless fire.

The fact is that an elderly person with an artificial limb—entirely ambulatory during the daytime—may be virtually incapable of getting around at night after he has removed his limb.

Similarly, patients with a history of mental illness may be ambulatory most of the time but subject to periodic spells that leave them entirely incapable of taking care of themselves. Several of those who died in the Carver Home fire were patients who had been transferred from the State mental hospital in Jacksonville.

Patients with progressive senility may also be incapable of caring for themselves at all times.

Just because one elderly patient generally requires a lesser degree of nursing care than another does not mean that he deserves a lesser degree of safety precautions or can provide for his own safety during an emergency. Every patient in every institution deserves protection from a sudden fire which may awaken him in the middle of the night. This bill will help assure that protection.

Undoubtedly, the enactment of this bill into law will cause financial problems for many nursing homes which do not presently meet the standards of the life safety code. Without financial credit assistance to help them bring their facilities up to acceptable levels of fire protection, some may close their doors.

In fact, it is probable that under this requirement some can no longer be used as intermediate care facilities. Perhaps structurally some cannot be altered to meet the life safety code. If so, I say good riddance. Such structures should never have been permitted for institutional use in the first place.

However, for others, the second bill I am introducing today will help make it financially possible for many nursing homes to install the necessary fire protection measures required by the first bill. It authorizes the Federal Housing Administration to insure loans to provide fire safety equipment for nursing homes or intermediate care facilities. It also amends section 232 of the National Housing Act to require, as a condition for eligibility for mortgage insurance, that a nursing home or intermediate care facility comply with the provisions of the life safety code.

In the coming days and months I will press at every opportunity to see that these measures I am proposing today are enacted into law. It is the responsibility of every official—Federal, State, and local—to take whatever action he can within his jurisdiction to see that the tragedy which occurred in Springfield will not be permitted to happen again. There is no better time to start than now—during the period May 14–21—which is designated National Nursing Home Week.

SOVIET INTELLECTUAL PERSECUTION CONTINUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 30 minutes.

Mr. CRANE. Mr. Speaker, as President Nixon prepares for his trip to Moscow it is essential that we understand the fact that freedom of speech, expression, and thought has been denied to the people of the Soviet Union since the advent of the Russian Revolution in 1917, and is still denied to them today.

Too few seem to remember today that during the 1930's Stalin decimated his political, intellectual, and industrial establishment. Of 1,966 delegates to the 17th Soviet Party Congress in 1934, 1,108 were arrested. Of 139 members of the Central Committee, 98 were arrested. The toll in the Red army was three Soviet marshals, including the commander in chief, Marshal Mikhail N. Tukhachevsky; every officer who commanded a military district; two of the four fleet commanders, every army corps commander, almost every division commander; half the regimental commanders; members of military councils and political commissars. One-third to one-half of the 75,000 Red army officers were arrested or shot.

The Communist view concerning freedom of speech and the free press has been made clear. Lenin maintained that a press always served the dominating class. From this sprung two ideas. One was that it was entirely justifiable after the 1917 seizure of power to deny access to the press to those elements loyal to the old order since they were no longer dominant in society; the press was to serve the victorious proletariat. The second idea was that "freedom of the press" was guaranteed not only by saying what one wanted with government protection of the right, but by public ownership of the economic structure of the press—its capital, newsprint, printing equipment, buildings, and distribution network.

Even prior to 1905 Lenin had established the concept of a centralized press whose function was to propagate a doctrine. He believed that newspapers should be adjuncts of, if not identical to, political organizations, and journalists should be political activists.

In 1923, Stalin elaborated this concept:

> The organization role of the press is the most significant . . . It is not only that the press agitates and accuses, but that above all it has a large network of agents and correspondents through the country . . . The newspaper as a collective organizer in the hands of the party and Soviet state, the newspaper as the means to bind contacts with the working masses . . . and rally them around the power and the Soviet state . . . in this now lies the task of the press.

Like Lenin and Stalin, Khrushchev looked on the press as an instrument of the party. In 1959 he said:

> Journalists are not only the loyal helpers of the party, but literally the apprentices of our party—the active fighters for its great causes. Why apprentices? Because you are actually always at the hand of the party. As soon as some decision must be explained and implemented, we turn to you . . . as the most trusted transmission belt, [to] take the decision and carry it to the very midst of the people.

The intent of Communist theory was to "free" the press from the alleged abuses arising from private ownership of the mass media. The result: the Communist Party became its dictatorial master. Mark W. Hopkins, Soviet expert and formerly a member of the journalism faculty at the University of Wisconsin, states:

> The transformation really did not result in greater freedom of the press, but less, whether judged by the Soviet or American interpretation of the concept.

Newspapermen became, not journalists, but simply a "transmission belt" for the party.

The same has been true with regard to other writers and intellectuals. The noted Soviet author, Valery Tarsis, broke with the Communist Party in 1960 and with the Union of Soviet Writers. He smuggled a book, "The Bluebottle," to England where it appeared in 1962 and shortly after this he was put in an insane asylum in Moscow. Tarsis wrote of this experience in his volume, "Ward 7," and among the papers found in his Moscow apartment after he came to the United States was a letter he sent on December 3, 1965, to Mikhail Sholokhov, the Soviet Nobel Prize winner.

He said:

> I was astonished when I read your statement that creative liberty exists in the Soviet Union. You have always said that one must write as an honest man. I do not believe that you are such a naive child as to believe those words. You know very well that in this country one cannot be an honest writer. You know very well that thousands of honest men—scientists, philosophers, generals and party workers—have been imprisoned and sent to mental asylums because they were honest. That is their only crime.

Have things changed in the years since Stalin, something which advocates of a "rapprochement" with the Soviet Union continue to insist has occurred?

In 1966, Soviet writers Andrei D. Sinyavsky and Yuli M. Daniel were convicted of the crime of slandering the Soviet Union in works of fiction smuggled to the West and published under pseudonyms. They were sentenced to 7 and 5 years hard labor respectively. The trial caused much adverse response in the West, but marked an increasing campaign against literary freedom in the Soviet Union.

In March 1966, Leonid I. Brezhnev, the party's First Secretary, opened the attack on writers in his speech at the 23d Congress of the Soviet Communist Party. He attacked "hacks who make it their business to sling mud at our system."

The newspaper Izvestia commented:

> In what bottomless swamp of abominations must a so-called man of letters immerse himself to defile with his ruffian pen a name that is holy to us (Lenin) . . . It is impossible to reproduce here the relevant quotes . . . it is merely vicious scribbling, infuriating and filthy. These sacrilegious lines alone suffice for the diagnosis: the authors have placed themselves outside Soviet society . . . With such minions there can be no leniency . . . They are emigrants of a special kind: internal emigrants. They are enclosed within their own rotten little world.

While President Nixon prepares to visit Moscow, while the West German government speaks optimistically of an "opening to the East," while Western defenses are falling behind those of the Communist world, the suffering of intellectuals within the Soviet Union mounts in intensity.

The case of Vladimir Bukovsky provides an example of this suffering. Recently a Soviet court condemned him to 12 years in labor camps and exile for "anti-Soviet" activity. Only 29 years old, he has spent some part of each of the last 9 years in prison camps or mental institutions for such offenses as organizing an underground literary magazine, an underground art exhibit, and a demonstration to protest the trial of other dissenters.

The primary reason for Mr. Bukovsky's imprisonment, according to New York Times Moscow correspondent Hedrick Smith, was this:

> The thrust of the case indicated that the Soviet authorities were primarily angered by Mr. Bukovsky's speaking his mind about conditions in Soviet mental hospitals on the basis of his own incarceration from 1963 to 1965 and subsequently.

I wish to share Mr. Smith's report of the Bukovsky case with my colleagues. The following article appeared in the New York Times of February 13, 1972:

Soviet Union: The High Price of Dissent

Moscow.—Vladimir Bukovsky is not a Nobel prize-winning writer like Solzhenitsyn or a renowned scientist like Sakharov or a well-known publicist like the Medvedyev brothers. Unlike these men, he does not capture wide attention at home or abroad when he speaks out as a Soviet iconoclast. There was little serious stir, therefore, when a Soviet court condemned him recently to 12 years in labor camps and exile for "anti-Soviet" activity.

To some observers, however, the case of the defiant young dissident provided a significant lesson: Mr. Bukovsky's very obscurity was a factor in the high price exacted by the state for his active dissent. More prestigious noncomformists have suffered less for sharper challenges to Soviet authority.

The transcript of his trial, circulated in Moscow last week by dissident friends, provides unusual insight into the anatomy of Soviet justice in the area of active nonconformity nearly two decades after Stalin's death.

Mr. Bukovsky's trial was rushed to completion in one day, although he was held virtually incommunicado for eight months while the prosecution prepared its case. Only in the last month did he get a defense lawyer.

Officially, his trial was an open one, but his friends were barred and only his lawyer and sister were given access. His mother was called by the prosecution as a witness, preventing her from hearing the other proceedings. Under such conditions, Mr. Bukovsky's dissident friends acknowledged omissions in the transcript they compiled. But they insist that it faithfully conveys the trial's flavor and general proceedings.

Mr. Bukovsky requested 12 defense witnesses, but was permitted none. Eight dissenters whom he wanted brought from mental hospitals to substantiate his claim that they were held because of political views were ruled ineligible—"because," the judge said, "they are insane and their testimony cannot be considered valid."

Even before the trial, Mr. Bukovsky had paid dearly for his dissent. Although only 29, he has spent some part of each of the last nine years in prison camps or mental institutions for such offenses as organizing an underground literary magazine, an underground art exhibit and a demonstration to protest the trial of other dissenters.

In his Jan. 15 trial, the charges against Mr. Bukovsky were more serious. He was accused of having talked with two acquaintances about smuggling a foreign duplicating machine through Soviet customs and of having tried to persuade two Soviet soldiers to pass information abroad by giving them the telephone number of an American correspondent.

The cross-examination revealed that an old school chum now working for the customs service at a Moscow airport had approached Mr. Bukovsky as an agent provocateur. The testimony showed that he, not Mr. Bukovsky, had initiated and pursued the talk about the duplicating machine—and had even organized a dry run through the customs shed—and that Mr. Bukovsky, after expressing some initial interest, had eventually rejected the whole scheme after suspecting his old friend of being a plant.

The soldiers claimed that Mr. Bukovsky had told them of plans to mount a demonstration against the Soviet authorities in early 1971. Mr. Bukovsky challenged this, saying that he had talked hypothetically with the soldiers, who had been in Poland during the 1970 riots in Gdansk, and told them it would be wrong for Soviet troops to fire on Soviet citizens in such a situation. The foreign correspondent's number, he said, had been produced only to prove to them that he knew foreigners when they expressed skepticism about it.

But the thrust of the case indicated that the Soviet authorities were primarily angered by Mr. Bukovsky's speaking his mind about conditions in Soviet mental hospitals on the basis of his own incarceration from 1963 to 1965 and subsequently.

Both in testimony and in the final argument, it was this, above all, that constituted "anti-Soviet agitation and propaganda."

Calling Mr. Bukovsky a "vicious anti-Soviet element" who "knows with authority only the porches of the houses where Western correspondents live in Moscow," the prosecutor, Miss A. Bobrushko, said he had "invented a slanderous tale that representatives of the intelligentsia of the Soviet Union are sent, on account of their 'democratic' views, to psychiatric hospitals without a court hearing and that there inhumane treatment is applied to them."

In defense, his lawyer, V. Y. Shveisky, accused the Government of inconsistency. He denied that Mr. Bukovsky had ever been mentally ill, but argued that since the state maintained he was ill while he was in the hospital, "then everything he recounts about the situation in the psychiatric hospitals must be explained not by a desire to subvert or weaken Soviet power, but as the consequence of an incorrect understanding of the facts which he observed at the time."

The argument carried no weight with the judge.

Hedric Smith.

Although many in this country and elsewhere in the West speak as if conditions in the Soviet Union in 1972 are radically different from those of past years with regard to intellectual freedom, the available evidence tells a far different story.

Discussing conditions in Moscow at the beginning of this year, Washington Post Correspondent Robert G. Kaiser noted that:

> The unseemly odor of a political police crackdown is in the frosty Moscow air this January. A series of arrests, harassments and articles in the official press have provided a steady stream of "crackdown" stories for the Western news organizations here.

While there is more dissent in the Soviet Union today than during the Stalin era, the fact remains that there is far less than under the "liberalization" of the Khrushchev period. What seems to be occuring is a trend toward "re-Stalinization." Rather than further freedom for intellectuals in the Soviet Union, that small amount of freedom which appeared after the death of Stalin seems to have been withdrawn.

Mr. Kaiser points out that:

> Brezhnev and his colleagues may have achieved a new status quo—ahead of Stalin's, well behind Khrushchev's at his most liberal, and by all appearances stable. . . . The Soviet invasion of Czechoslovakia seems to confirm that no amount of foreign disapproval could dissuade the men in the Kremlin when they are really afraid.

Following is Mr. Kaiser's article as it appeared in the Washington Post of January 26, 1972:

Vladimir Bukovsky's Harsh Sentence Was the First Sign of . . . A New Soviet Crackdown on Political Dissent

(By Robert G. Kaiser)

Moscow.—The unseemly odor of a political police crackdown is in the frosty Moscow air this January. A series of arrests, harassments and articles in the official press have provided a steady stream of "crackdown" stories for the Western news organizations here—the single most attentive audience to the confusing spectacle of political dissent in the Soviet Union.

Abrupt changes in the political temperature recur periodically here. Old hands can remember dozens of them. For newer observers the process is bewildering and fascinating. Bewildering because it is so hard to know what such a crackdown really means. Fascinating because it revives one of the basic questions about this society: How does it change, and why?

By actual count, the current crackdown has directly touched less than 35 people (assuming its full dimensions are known, which is problematical.) Nineteen of these were arrested in the Ukraine on charges of nationalist agitation, perhaps in connection with the arrest of a Belgian tourist in the Ukraine at the same time.

The others affected by the crackdown are mostly Moscow dissidents, friends of Pyotr Yakir, the 43-year-old son of a Soviet general killed in a Stalin purge, and now Moscow's most active political renegade. Yakir's colleague Vladimir Bukovsky was sentenced to seven years in prison and five more in exile, a harsh punishment which was the first sign of the new crackdown. The apartments of Yakir and seven friends were searched. The Moscow correspondent of the London Times and his wife were jostled and detained by police after visiting Yakir in his flat.

Two other Soviet intellectuals identified with political non-conformity were attacked in the Soviet press, Alexander I. Solzhenitsyn, the writer, and Valery N. Chalidze, a physicist and an organizer of the unofficial Committee for Human Rights. Both attacks were unusual. Solzhenitsyn has been ignored by the Soviet press for most of a year, and Chalidze had hitherto been immune from public criticism.

All these events coincide with an increased number of supplications to the party faithful to maintain their vigilance against subversive foreign ideas. For example, an important party ideologist, V. Bolshakov, wrote recently in Pravda that "the actions of the counter-revolutionary forces in Czechoslovakia in 1968 . . . were an attempt to carry out a new tactic in the struggle of imperialism against socialism . . . a tactic known as the 'bridge-building' policy." Western bridge-builders, Bolshakov added, "hope it will be possible to export counter-revolution together with industrial commodities."

The crackdown plus the vigilance campaign as given rise to a theory, popular in several of the biggest Western chanceries in Moscow, that the Soviet leaders are reminding their people that talk of detente in foreign policy does not mean any loosening of controls at home. It is a plausible but untestable theory.

One Westerner with many years experience says it is wrong to look for such an elaborate explanation. "Even in the freest days under Khrushchev, such things occasionally happened, just to remind people that the KGB was still in business," he said.

In the recent crackdown, only the published attacks on Solzhenitsyn and Chalidze could have had a wide impact of this kind. Curiously, a very different signal has probably made a much greater impression on Moscow intellectuals this month—a signal from a brilliant movie called "Andrei Rublev."

This film, made six years ago by Andrei Tarkovsky, was shown with great success in Paris, but was banned here until last month. It is a dark and gloomy chronicle of the life of Rublev, an icon painter of the 15th century. In a style reminiscent of Ingmar Bergman at his best, Tarovsky draws a vivid and woefully depressing picture of medieval Russia, its cruel princes and wild Tartar invaders.

No reason was given for banning the film, or for releasing it now. The Soviets recently refused to let the movie be exported to Yugoslavia, a hint that it still troubles them. There is much in the film that would trouble an orthodox apparatchik: its negative view of life in medieval Russia, its numerous references to the arbitrary and silly use of state power, Rublev's tormented debate with himself about an artist's role in society. Perhaps most troubling, the film is an individual and unusual work, a piece of creativity unstilted by party line or official dicta. Muscovites have been flocking to see it, and the film is said to be opening all over the country.

How does one movie—or one small wave of arrests and harassments—affect the spirit of a Soviet citizen? For an outsider living here, that is the most intriguing but most unanswerable of questions. The party ideologists apparently fear something akin to the "Prague Spring" of 1968, but what could bring that sort of phenomenon to the Soviet Union? What are the signals that a Soviet intellectual feels most strongly, that can make him change his ways of thinking and living?

Recent Soviet history suggests that the one really powerful signal is terror. Stalin kept "foreign" influences out of the Soviet Union by enforcing appalling penalties on those who fell under their sway. Soviet art, music and literature shriveled to the point of death under Stalin, because artists were afraid to challenge the official standards.

The terror ended in the early 1950s, and by the late 1950s the poetry readings which gave birth to the dissident movement had begun. Pasternak finished "Doctor Zhivago," Solzhenitsyn published "One Day in the Life of Ivan Denisovich," Voznesensky and Yevtushenko brought life back into Russian poetry, a few directors partially revived the Russian theater and movies.

The mood has relaxed and tightened in turn, but Stalinism has not reappeared. New boundaries of permissable behavior have been drawn, far outside the tiny circle imposed by Stalin (though still woefully short of anything that would be acceptable in the West). Soviet intellectuals have occupied the new territory that has been opened to them. "Andrei Rublev" seems proof that the Russian creative impulse is alive and strong, if hidden much of the time. It is hard to see how the political police could restore the old sterility and silence—unless the Stalinist terror was restored too.

The KGB and the government can control the most obvious manifestations of intellectual life. They can ban books, movies and plays, jam foreign broadcasts. By threatening to deprive people of jobs and privileges, they can also control open expressions of unacceptable opinions. They are doing all of these regularly. But this is not the same as the complete subservience of the intellectual class, which the terror did maintain.

Without complete subservience, some degree of courageous (if foolhardy) open dissidence seems inevitable. Even a foreigner can quickly learn that numerous Soviet intellectuals are frustrated by censorship and a heavy-handed bureaucracy. This correspondent has had several startling experiences with responsible Soviet officials, trusted members of the Communist Party, who indicated unhappiness with censorship or controls on foreign travel. The police are as unpopular a group among the Soviet intelligentsia as they are with the American intellectual left. If thoughts like these are widespread, a tiny fraction of those who share them are likely to act eventually on their beliefs. Such action is dissidence in the contemporary Soviet Union.

A Soviet citizen contemplating active participation in the dissident movement might well be deterred when he hears about Vladimir Bukovsky's harsh prison sentence, or the raids on the apartments of Pyotr Yakir and his friends. Probably because of arrests and stiff prison sentences in the past, the dissident movement is smaller today than it was in the mid-1960s.

At the same time some startling things have happened in this country. Jews have conducted successful sit-ins in official offices. Scientists' protests have forced the release of a prominent biologist from a mental hospital. Alexander Solzhenitsyn lives openly and is writing a new book.

The Soviet Union is not shutting itself off from the outside world. Intourist, the state tourist organization, is working hard to reverse a decline in the number of tourists here in 1971, a decline attributed to Western reaction against Soviet treatment of Jews and perhaps dissidents. The Soviet government is courting other countries ardently and shows every indication of a keen desire to be admired by outsiders. The tolerance of Solzhenitsyn and the decision to permit substantial Jewish emigration seem to be evidence that the Kremlin now responds to foreign opinion in a way Stalin would have laughed at.

None of this is liberalism. From a liberal point of view it may not even be hopeful. Soviet intellectuals may be willing to live within the current boundaries, permitted an occasional "Andrei Rublev" and their private frustrations, but nothing more. Each year, no doubt, a few will be unwilling, will join the active dissidents, and will probably end in jail. There isn't even a hint that the great mass of citizens cares about censorship, foreign travel or civil rights.

Brezhnev and his colleagues may have achieved a new status quo—ahead of Stalin's, well behind Khrushchev's at his most liberal, and by all appearances stable. Perhaps its susceptibility to foreign pressure is a weakness that will lead to change, but that is only speculation. The Soviet invasion of Czechoslovakia seems to confirm that no amount of foreign disapproval could dissuade the men in the Kremlin when they are really afraid.

The persecution suffered by Soviet intellectuals is particularly poignant in the case of Jewish intellectuals in the Soviet Union. Jews, in fact, lack the "privileges" that other Soviet minorities are permitted.

Other minorities, such as the Ukrainians and Armenians, have their own provinces where they can speak their language and exercise a degree of cultural autonomy. The Jew is forbidden his own schools, and he cannot learn Hebrew or Yiddish in the Government schools. They are not taught. Since the 1940's, the Hebrew and Yiddish theater has been almost completely closed down. The only Yiddish periodical that is allowed to be published is a monthly journal edited by a Communist Party functionary. The so-called Jewish Autonomous Region of Birobidzhan, which Stalin set up as a showplace in Siberia, has only 30,000 Jews in a population of 163,000.

The Jew in the Soviet Union is also handicapped by a strict quota system in universities and higher training schools. Jews may make up only 3 percent of the total, and while that figure is twice as high as the Jewish percentage of the Soviet population, it is nonetheless impossible for many highly qualified young Jews to receive higher education.

One of the vehicles through which anti-Semitism has been carried to the people of the Soviet Union is the written word. In 1970, for example, two novels by Ivan Shevtsov, published one month apart, show how the Soviet regime is exploring for uses of fiction in promoting an anti-Semitism reminiscent of Nazi Germany.

Shevtsov's novel, "In the Name of the Father and the Son," was published in March 1970. A first edition of 65,000 was exhausted within a few days. The book equates Zionism with nazism, plays on the same themes as the "Protocols of the Elders of Zion," and updates them.

Zionism, a leading character observes, "moves under cover, secretly infiltrating all the life cells of the countries of the entire world, undermining from within all that is strong, healthy and patriotic—grasping all the important administrative, economic and spiritual life of a given country." As evidence of Zionist penetration of even the Communist Party, Shevtsov's character points to "Judas-Trotsky (Bronstein)" as "a typical agent of Zionism" and "intellectual provocateur number one."

Characteristic of Shevtsov's "updating" of myths is the following:

> You undoubtedly think that international Zionism is in the service of American imperialism . . . The opposite is true . . . American imperialism is the economic and military basis of Zionism. It serves the aims of Zion.

Shevtsov's second novel, "Love and Hate," was published in April 1970, in an edition of 200,000 copies by the Ministry of Defense—a formidable and official imprimatur.

Its arch-villain is Nahum Holtzer, a pervert, sadist, drug-peddler, rapist, who kills his own mother, disembowels her and wraps her intestines around her head. A delicate, beautiful Russian teenage girl ends up in similar condition after Holtzer corrupts her by introducing her to hashish and raping her.

The book depicts two other Jews in equally savage fashion. Jacques Sidney Davey, a Western journalist, with whom Holtzer has close connections, and Samuel Peltsig, an American professor of literature, are drug peddlers. Holtzer smuggles both drugs and Zionist literature into Russia.

When Ekaterina Purtseva, Soviet Minister of Culture, was asked at a press conference in April whether the Shevtsov novels did not contradict the best traditions of Soviet literature, she replied that literary standards are a "matter of taste" and that Shevtsov was an accepted member of the Soviet literary fraternity.

This is the level of Soviet intellectual life today. The novels of Shevstov are published by the Soviet Government with an official imprimatur. The novels of a Solzhenitsyn are banned.

The distinguished Soviet writer Aleksandr Solzhenitsyn, after 9 years of refusing interviews with Western correspondents, took the risk of speaking out to defend himself against what he called an official campaign to "suffocate me." Twenty-four hours after his remarks were published in The New York Times and the Washington Post, Soviet authorities blocked his carefully laid plans to receive the Nobel Prize for Literature awarded in 1970 for his novels, "The First Circle," "Cancer Ward," and "One Day In the Life of Ivan Denisovitch," only the last of which has been published in the Soviet Union.

In his interview, Solzhenitsyn set forth in detail the frustrations of trying to do research while barred from state archives and prevented from hiring assistants. With irony he recounted the harassment of friends and the firing of his second wife.

He surmised:

> The plan is either to drive me out of society or out of the country, throw me in a ditch or send me to Siberia, or to have me dissolve in "an alien fog" as they put it.

This most recent attack upon individual freedom should come as no surprise. Charlotte Saikowski, Moscow correspondent of the Christian Science Monitor, writing in that paper of December 31, 1971, reported that:

> Soviet authorities again are making clear that they will not tolerate a spirit of creative freedom.

Miss Saikowski reported the expulsion of two writers from local branches of the Soviet Writers' Union. One of them had recently caused a literary stir with the publication of two poems that allegorically glorified the banned novelist, Alexandr Solzhenitsyn.

Following is Miss Saikowski's report:

LITERARY AUTHORITIES ON MARCH: CREATIVE FREEDOM TRAMPLED IN RUSSIA

(By Charlotte Saikowski)

Moscow.—Soviet literary authorities again are making clear they will not tolerate a spirit of creative freedom.

Two writers have been expelled from local branches of the Soviet Writers' Union, according to informed sources. One of them is Yevgeny Markin, who recently caused a literary stir with the publication of two poems that allegorically glorify the banned novelist Alexander Solzhenitsyn.

The other is Alexander Galich, a playwright and composer of popular, often politically satiric songs that are circulated privately on tape. Like Mr. Solzhenitsyn, he is reported to be a corresponding member of the small and unofficial Human Rights Committee founded by nuclear physicist Andrei Sakharov.

At this writing the expulsions must still be confirmed by the all-union writers' organization.

NO SURPRISE

In Mr. Markin's case particularly, the move comes as no surprise. Many liberal-minded Russians were startled when the daring verses of the little-known poet appeared recently in the literary journal Novy Mir. It had been wondered if the guardians of literary orthodoxy would let them pass unchallenged.

One of the poems, entitled "The White Buoy," tells of an ailing man named Isaich (a shortened form of Isayevich, Mr. Solzhenitsyn's patronymic) who puts buoys in a river to warn ships of danger.

A woman, a mistress who has forsaken him (and who is thought to represent the Russian intelligentsia), watches with despair from the other shore.

The poem alludes to various "absurd" rumors that have circulated about Mr. Solzhenitsyn: "They say he is a loafer. They say he is insane. They say he has a pile of money stashed away.

"Isaich will forgive you anything, only betrayal he will not forgive!" the poet writes.

AN APOLOGY

The second poem is called "Weightlessness." Datelined Ryazan, it constitutes an apology to Mr. Solzhenitsyn. Mr. Markin was one of six writers who in 1969 voted for the explusion of Mr. Solzhenitsyn from the Ryazan branch of the writers' union (although he reportedly tried to abstain).

After describing the exhilaration that wells up with literary inspiration, the poet tells of another form of "weightlessness." A visitor comes to him and pulls a document from a folder.

"And it's a denunciation!" he says remorsefully. "Libel about a friend. What are you pushing me to sign, rascal? We shall win although the friend will have hard times."

Meanwhile, Mr. Solzhenitsyn remains uncompromising in his criticism of Soviet officialdom.

Having emerged from seclusion recently to play a part in the funeral of Alexander Tvardovsky, he now has written a lament for the late poet, copies of which are being passed around privately here. It was Mr. Tvardovsky who, as editor of Novy Mir, published the Russian writer's shattering novel "One Day in the Life of Ivan Denisovich."

"There are many ways and means to kill a poet," says Mr. Solzhenitsyn. "Those chosen for Tvardovsky were to take away his favorite child, the journal for which he suffered."

BEACON OF LIBERALISM

As editor of Novy Mir, Mr. Tvardovsky had championed many controversial writers and become a beacon of liberalism to Russian intellectuals. Although he was forced to resign the editorship last year after a bitter literary battle, he was nonetheless too respected a poet to be ignored by the regime and, besides warm praise in recent months, was accorded a state funeral.

In his lament Mr. Solzhenitsyn disdainfully writes that Mr. Tvardovsky's guard of honor was mounted by "those unhealthy fat ones who noisily pursued him.

"This has gone on for a long time in our land—since Pushkin," he goes on. "Even dead, the poet was a tool in the hands of his foes. And they paid tributes over the corpse and dedicated lavish speeches to him. They stood around the bier in a solid group and thought now they had cornered him. They destroyed our only journal and thought they were victorious."

"Fools," the novelist warns. "When the voices of youth ring out, then you will regret that you do not have this patient critic, whose soft exhorting voice everyone heeded. You will want to grub up the earth with your hands to bring back Trifonovich [Tvardovsky's patronymic]. But it is too late."

We must not delude ourselves into thinking that the Soviet Union is anything but the repressive police state which it has always been. We must not lose faith with those brave men and women who continue to fight for freedom within that society, and by visiting and talking with their oppressors we must not give them the feeling that we have abandoned them and are doing business with those who have deprived them of the elementary freedoms we say we hold dear.

Those brave men and women living under communism understand the importance and value of intellectual freedom, something which many in the West seem to have forgotten. In the hope of a "generation of peace," let us not turn our backs upon those who suffer under the hand of tyranny. Such a course will never provide real peace, and rather than removing the chains from those who suffer today we may simply set in motion a course which places more of humanity under such restrictions.

HANDGUNS AND SOCIAL ORDER

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 5 minutes.

Mr. **WYMAN**. Mr. Speaker, the unfortunate shooting of another public figure, Governor Wallace, by another criminal, Arthur Bremer, with a handgun is predictably leading to a renewal of hysterical and unrealistic demands for a law requiring Federal registration of all handguns in America. Even if such a law would assure that a future day Bremer would not be able to obtain a handgun to commit a crime with—which it would not—such a proposal is an unconstitutional infringement of the right of all citizens to keep and bear arms.

This right aside, however, it must be remembered that registration of handguns would not keep them out of the hands of criminals. Honest citizens will register their guns, yes; but dishonest people will not register theirs, and there is no way to find them. Talk about prohibition and homemade gin, the search for the millions of handguns presently in the United States at this moment, hundreds of thousands of which would never be registered, would make the Volstead Act seem sensible in comparison. Moreover, almost anyone can make a lethal handgun with a few pieces of scrap metal and a handle.

People must not be rendered helpless in their homes by a Federal process of law leading to a denial of their right to have a gun in the house for personal self-defense. Compulsory registration of handguns is but the first step in a probable pattern of legislation including the establishment of criteria for qualification to possess a handgun. And who is to determine such standards, a Federal bureaucrat? Most Americans object to this.

The answer to the continuing problem of the use of firearms in the commission of crimes of violence continues to lie in a combination of improved education concerning the handling and use of guns: substantially increased minimum mandatory penalties for the use of a firearm in the commission or attempted commission of crime, and a law enforcement program with assistance from the courts that includes severe and certain punishment of those who do.

Essentially, Americans in a spirit of toleration must learn to live with dissent and controversy without resort to shooting to express disagreement. This we can do without surrendering our constitutional rights.

KEMP SPEAKS OUT FOR THE GREAT LAKES AND WATER RESOURCE PROJECTS FOR ERIE COUNTY, N.Y.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, today I had the opportunity to testify before two important House subcommittees concerning a number of critical water resource projects.

I know that there has been a great deal of interest among my colleagues concerning the Environmental Protection Agency's proposal for a special cleanup program for the Great Lakes. Today, in testimony presented before the Agriculture-Environmental and Consumer Protection Subcommittee of the House Committee on Appropriations, I again stressed the need for early action to save the Great Lakes and strongly urged that the committee appropriate $100 million for the EPA Great Lakes cleanup program.

During my testimony I tried to clarify the issue as to whether there is existing authority for the proposed EPA Great Lakes program. I brought before the committee a discussion concerning the EPA proposal which took place during the floor debate on the House version of the Water Pollution Control Act amendments. At that time, Representative Gerald Ford in a colloquy with Representative Bob Jones, floor manager of the bill, Representative William Harsha, senior Republican on the House Public Works Committee, and Representative John Blatnik, committee chairman, apparently established the fact that there is ample authority in existing law and in the House bill to proceed with the Great Lakes cleanup program and all that is needed to actually start the long-awaited program is the appropriation.

During my appearance before the subcommittee today, I received a somewhat uncertain answer from the distinguished chairman, Representative Jamie L. Whitten, concerning authorization of the EPA Great Lakes program. However, authorization within reason seems possible.

I very much hope that the Environmental Protection Agency will soon present justification in detail to the committee for the Great Lakes program. When they do, I feel certain that the very able and distinguished chairman, Representative Jamie L. Whitten, will take appropriate action to get this much needed program started.

I also presented testimony today before the Subcommittee on Public Works of the House Committee on Appropriations regarding several additional Great Lakes projects and water resource projects of vital concern to the residents of my district in Erie County, N.Y.

Mr. D. David Brandon, representing the New York State Urban Development Corp., presented excellent and comprehensive testimony before the same subcommittee concerning the Ellicott Creek project in my district.

Mr. Speaker, because of the interest of many of my colleagues in the proposed EPA Great Lakes special cleanup program and in other water resource projects, I include in the Record at this time, Mr. D. David Brandon's testimony and my testimony before the two House subcommittees:

Statement of Congressman Jack Kemp Before the Agriculture-Environmental and Consumer Protection Subcommittee of the House Committee on Appropriations

Mr. Chairman, members of the subcommittee and others present, I want to thank the Committee for this opportunity to appear here today.

I will be submitting a comprehensive statement to your Committee, however, today I would like to discuss the proposed Environmental Protection Agency special cleanup program for the Great Lakes.

The pollution of the Great Lakes is not a matter of only local concern. These magnificent bodies of water represent an unparalleled natural resource of importance to all Americans.

Despite an intensive national commitment to the environment, we are losing our fight to save the Great Lakes. A recent Environmental Protection Agency report painted this gloomy picture of Lake Erie:

"A mat of algae two feet thick and a few hundred square miles in extent floats in the middle of the Lake in mid-summer, oxygen levels in areas of the Lake bottom are reduced to zero, displacement of indigenous fish populations by scavenger and trash fish is widespread. Discharge of untreated sewage from combined sewers has compelled the closing of most beaches on the Lake. The area of Lake bottom where regeneration takes place—the zone of zero oxygen—is spreading, bringing the threat that eutrophication will soon become self-sustaining, unless adequate phosphorus reduction programs can be implemented."

Late in 1971, the Environmental Protection Agency submitted to the Office of Management and Budget a comprehensive and innovative proposal which would accelerate efforts to halt the ravages of pollution in the Great Lakes. The cost figure for this accelerated program ranged from $133 million to $141 million. Unfortunately, the Office of Management and Budget did not approve these budget items for submission to the Congress in 1972. At that time, the Environmental Protection Agency's plan included $100 million for the treatment of sanitary sewerage and storm water involving the Great Lakes, a $25 million proposal for setting up a Great Lakes soil conservation program, a special $5 million program that called for EPA to work with State and local communities on the cleanup of a selected river basin such as the Maumee River, and a $5 million accelerated research program in Great Lakes water pollution problems. It also provided for an additional 100 personnel positions in EPA's organizational structure.

The Great Lakes have always been one of my major concerns and needless to say I was extremely disappointed by the Office of Management and Budget's rejection of the EPA special Great Lakes cleanup program.

I fully support this EPA program and I proposed legislation which would have supplied the necessary funds to EPA to enable them to carry out the Great Lakes proposal.

At the time of consideration of the House version of the Water Pollution Control Act Amendments, I was prepared to offer an amendment to that bill which would have authorized the EPA Great Lakes program. However, during the floor debate, Representative Gerald Ford in a colloquy with Representative Bob Jones, floor manager of the bill, Representative William Harsha, senior Republican on the House Public Works Committee, and Representative John Blatnik, Committee chairman, apparently established the fact that there is ample authority in existing law and in the House bill to proceed with the Great Lakes crash cleanup program and all that is needed to actually start the long awaited program is the appropriation.

If this is correct, I strongly urge that your Committee appropriate $100 million for the EPA Great Lakes cleanup program. It is my understanding that this is the amount which the Environmental Protection Agency now estimates will be needed.

In the EPA report to the President which justified its request for funds for the proposed Great Lakes program, the agency stated:

"Most of the actions called for under this proposal will be required in any event, to implement pending water pollution legislation. The difference lies in focusing priority, manpower, and management attention on the Great Lakes to assure better and quicker results. In doing so, we will be demonstrating a positive Administrative initiative, rather than allowing our actions to be dictated by events. We will also be demonstrating a positive and sensible strategy for implementing the pending water pollution legislation."

Gentlemen, you have an unparalleled opportunity to help save our Great Lakes, I respectfully urge your favorable action.

Thank you for your consideration.

Statement of Congressman Jack Kemp, Before the Subcommittee on Public Works of the House Committee on Appropriations

Mr Chairman, members of the subcommittee and others present, I greatly appreciate this opportunity to testify on behalf of several projects which are of vital concern to the residents of my District in Erie County, New York.

SCAJAQUADA CREEK

Many important and worthwhile water resource projects have been included in the budget for the 1973 Fiscal Year, however; I would now like to bring to your attention a critically needed project which was not included—Scajaquada Creek.

Scajaquada Creek drains to the Black Rock Canal in the Niagara River at Buffalo, New York. It flows from east to west, and drains an area of 24.4 square miles, all in Erie County. The watershed measures about 14 miles in length east and west by about 3 miles in maximum width north and south. About 65 percent of the watershed is upstream from the city of Buffalo, mostly in the Towns of Cheektowaga and Lancaster and the village of Depew. The topography is gently rolling with elevations between 630 and 760 feet mean sea level. Just upstream from the Buffalo city line, the creek enters a covered conduit and is carried some 3.7 miles under the city to a point 3 miles upstream from the Black Rock Canal falling about 25 feet en route. Upon emerging, it falls steeply about 30 feet and then follows a relatively level course to Black Rock Canal, which is at about elevation 570 feet.

The Scajaquada watershed is located in the middle of the Buffalo urbanized area. As of 1968 the entire watershed, except for the headwater area in the Town of Lancaster, was fully developed. It is expected that the Lancaster area will be similarly developed in the near future. This development is predominately residential and commercial. Flooding occurs at some points as much as a mile from the main stem and in August 1963 approximately 132 acres in the City of Buffalo, 517 acres in Cheektowaga, 64 acres in Depew and 15 acres in the Town of Lancaster were inundated. Results of a damage survey indicated that, at July 1970 price levels and conditions of development through July 1966, recurrence of the August 1963 flooding would cause $2,203,000 damages with $1,904,000 occurring in the Town of Cheektowaga.

The flooding problems in this area have been known for a considerable length of time. A report indicating protective works were not economically justified was completed in November 1949. A subsequent Review of Reports was completed in September 1969 by the Buffalo District, U.S. Army Corps of Engineers, indicating that flood protection measures were feasible and now justifiable. This report was submitted to Congress during June 1970 and the project for Scajaquada Creek and Tributaries was authorized by the House and Senate Public Works Committees on December 15 and 17, 1970, respectively, in accordance with Section 201 of the Flood Control Act of 1965 (PL 89-298). An appropriation for advance engineering and design has never been made for the project.

The proposed plan of the improvement would eliminate 91 percent of anticipated overall annual flood damages in the Cheektowaga damage reaches. The project plan provides for: 9,100 feet of channel improvement on the main stem of Scajaquada Creek and a total of 16,800 feet of channel improvement on tributaries, all within the Town of Cheektowaga; construction of two sections of levee totaling about 3,400 feet in length; removal, replacement or enlargement of obstructive bridges, culverts, and conduits; and sealing of sanitary sewer manholes subject to submergence.

Gentlemen, the people of the Town of Cheektowaga, New York, live under the constant threat of flooding from Scajaquada Creek. Two years ago this project, which they hoped would bring assistance, was authorized. Corps and agency comments have been unanimous in recognition of the urgent need for the Scajaquada Creek project to reduce hazards of loss of life and injury, the elimination of health hazards associated with damage to water supply and waste disposal systems, improved vector control, and the prevention of other factors accompanying floods.

$4.5 million has been budgeted for public works projects in Western New York in Fiscal Year 73, including work and planning on Cayuga Creek, Cazenovia Creek, Buffalo Creek, Cattaraugus Creek and Tonawanda Creek. The Corps of Engineers has continually warned of the catastrophic flooding potential of Scajaquada Creek, yet after two patient years of waiting nothing has been budgeted so this vital project can proceed.

The Corps of Engineers has informed me that the planning for Scajaquada Creek could be started in Fiscal Year 73 with an apropriation of $25,000.

Gentlemen, on behalf of the residents of the Scajaquada Creek area, I urge that you include in the budget for the 1973 Fiscal Year this $25,000 which is so critically needed to begin design work. You have the opportunity to help prevent countless tragedies which could be the result of continuing to leave the people of Cheektowaga unprotected. As their Representative, I respectfully and urgently ask your help.

I was pleased to learn that the State of New York is joining me in this important request.

I am submitting for your information: a resolution passed by the Town Board of the Town of Cheektowaga, New York; a copy of the favorable report of the Secretary of the Army; and a map and other documents which dramatize the need for early completion of the Scajaquada Creek project.

GREAT LAKES-ST. LAWRENCE SEAWAY NAVIGATION SEASON EXTENSION

I was pleased and honored to join with the Conference of Great Lakes Congressmen, representing Members from the eight Great Lakes States, in a statement to your Subcommittee respectfully requesting that $3,535,000 be appropriated for Fiscal Year 73, for the second year of a 3-year demonstration project extending the navigation season on the Great Lakes and St. Lawrence Seaway.

As you know, the ultimate goal of this legislation is year-round shipping—to lower the cost of U.S.-made goods abroad, to relieve chronic unemployment in the region 3 to 4 months out of the year, and to stem the export of jobs to cheaper markets abroad.

I do not wish to take up your valuable time by repeating facts which I know have already been presented to you today in a formal statement on behalf of myself and other members of the Conference of Great Lakes Congressmen. I do want to express my thanks to the Committee for seeing the need for this program and for increasing the Administration budget request for last year—from $300,000 to $765,000. The success of the program throughout the winter of 1971 to 1972 shows how right you were in your decision.

I would like to reiterate my strong support for this program and urge your approval of the increased budget request.

CAYUGA, CAZENOVIA AND BUFFALO CREEKS

Cayuga, Cazenovia, and Buffalo Creeks join at Buffalo to form Buffalo River, which forms part of Buffalo Harbor. There are serious flood problems in the Buffalo suburban area along Cazenovia and Cayuga Creeks and minor problems along Buffalo Creek.

The Town of West Seneca in Erie County, New York, has suffered severe flood damage from Cazenovia Creek for the second straight year. West Seneca is a highly developed residential and commercial area and is a suburb of the City of Buffalo. The cause of the flooding, which occurs almost annually during late winter or early spring thaws, is the result of snowmelt augmented by moderate amounts of runoff from precipitation. This combination produces moderate to high discharges which breaks up the creek ice cover and moves it rapidly downstream. The ice collects at restricted areas in the channel forming jams which backs up the water behind them.

The Corps of Engineers has estimated the damages in this year's flood at West Seneca to be $90,000 to 140 residential properties and $31,000 for miscellaneous expenditures such as rescue work. There were approximately 550 people affected, including 50–100 people that had to be evacuated. A similar type flood occurred on February 3, 1970, at which time the Governor of New York State declared a State of Emergency. Damages resulting from this flood were approximately $70,000. Both of these floods have a recurrence interval in the order of once every five to seven years.

The Corps of Engineers has a survey under way for flood control and allied purposes on Cayuga, Buffalo and Cazenovia Creeks. This study was authorized by resolutions of the Committees on Public Works of the House and the Senate, adopted on June 13, 1956, and July 10, 1971, respectively.

The Federal Budget includes $20,000 to continue work on the survey report for Cayuga, Buffalo and Cazenovia Creeks. Because of the serious nature of the flooding problem in this area, I respectfully urge that the appropriation for Fiscal Year 73 be increased to $60,000. The State of New York has also requested this increase in funds. This amount would insure that an interim survey report for Cazenovia Creek could be completed within the next Fiscal Year.

In order to show the urgent need for this increased appropriation, I am submitting news accounts, photographs and other materials showing the drastic flooding which took place in West Seneca this year.

ELLICOTT CREEK

The Flood Control Act of 1970 authorized $19.07 million for a project for flood control and other purposes on Ellicott Creek in New York State, including a dam and reservoir at Sandridge and minor channel improvements downstream.

The language of the Act, however, requires that the entire project be completely restudied and that all alternatives to the presently proposed project be investigated and that the findings of this restudy be reported back, together with recommendations, to the Congress before any work can commence on the project.

To carry out this study, the Congress appropriated $150,000 for Fiscal Year 1972. The Corps of Engineers is presently in the process of initiating the study and expects to report back to the Congress approximately a year from now.

On February 25th of this year, I sent a letter to the Honorable John A. Blatnik, Chairman of the House Committee on Public Works, urging action by the Committee to revise the language of the Flood Control Act of 1970 to permit the Corps to begin design and construction work on the minor channel improvements portion of the project in the lower reaches of Ellicott Creek in the Town of Amherst, west of Sweethome Road.

The reasons for this are several. First, because of the configuration of the stream and terrain in this area, the channel improvements will be of the same design and nature no matter whether a dam is or is not built upstream, or if one is built, whether it is small, medium, or large in size.

Second, in the area near the lower reaches of the creek, substantial flood protection will be provided by these minor channel improvements (as were recommended by the Corps) alone—in fact, it is even more important that they be installed, if the rest of the project were delayed or not built.

Third, New York State is embarked upon State projects in this area and are vitally in need of flood protection. The State's planners need the Corps to go ahead in this area as soon as possible and they need initiation of design activity promptly so that they can design their own drainage and water and sewer systems accordingly.

In the area next to Ellicott Creek a $650 million State University Campus is now under construction and the New York State Urban Development Corporation is undertaking a $500 million new community development project in conjunction with the new university.

For these reasons, I have requested that the Committee add to the present language to permit the Corps to initiate design and move on to construction of this element of the Ellicott Creek project while it thoroughly re-examines the major components of the project upstream.

After consultation with the Corps of Engineers, I submitted a draft of language to the House Committee on Public Works which I believed would accomplish the necessary revision of language in the Flood Control Act of 1970.

I feel sure, since the Subcommittee has already approved this measure, that the suggested language will be included in the Rivers and Harbors authorization legislation now pending in the House Committee on Public Works.

Since the Rivers and Harbors bill is still pending, I respectfully request that if the suggested language which I submitted is included in that legislation, that your Committee appropriate funds in Fiscal Year 73 to the capability of the Corps (which is $—) for this project of minor channel improvements.

TONAWANDA CREEK

Tonawanda Creek drains 648 square miles in western New York and empties into Niagara River about 13 miles north of Buffalo. Flood problems occur in the vicinity of Batavia and along the lower reaches of the main stream and its tributaries. I urge that $30,000 be appropriated in Fiscal Year 73 which would be used for a feasibility study of various alternatives such as sierks and linden reservoirs and Alabama retention pools. I am submitting materials which show the serious flooding which has occurred in the past and the critical need for completion of this project.

MISCELLANEOUS PROJECTS

There are a number of excellent water resource projects listed in the budget for Fiscal Year 73 which are not directly in my District but which I wholeheartedly support. These include the following:

Cattaraugus Harbor—$80,000 for the completion of a phase one design memorandum and a beginning of a phase two memorandum if funds permit.

Cattaraugus Creek—$5,000 for flood control measures.

Lake Erie Coast—$20,000 for a study of small boat harbors.

Great Lakes, particularly Lake Ontario and Lake Erie—$530,000 for waste water management study.

Water Levels of the Great Lakes—$356,000 for completion during Fiscal Year 73 of a study to minimize the adverse effects of extreme high water; to provide a dependable flow of water and for navigation and hydropower.

Niagara River, Niagara Falls—$300,000 for the continuation of the study to preserve and enhance the American Falls.

Lake Erie—Ontario Waterway (All American Canal)—$120,000 for completion of the study for the waterway.

I respectfully urge approval for Fiscal Year 73 of appropriations for these projects in the amounts which I have mentioned.

In conclusion, I would like to express my thanks to the members of the Committee for your thoughtful consideration of these water resource projects which are of such vital concern to the residents of the 39th District, soon to be the 38th District, of New York State.

Statement of D. David Brandon, Representing the New York State Urban Development Corporation, Before the Subcommittee on Public Works of the Committee on Appropriations

Mr. Chairman, Subcommittee members, and others present, I am D. David Brandon Director of Program Development of the New York State Urban Development Corporation and I am here to urge favorable action by the Subcommittee on expediting the Ellicott Creek project in New York State.

The balance of my prepared statement provides detailed information and justification to support our request that the Subcommittee recommend an appropriation adequate to begin design and construction of the lower channel improvements portion of the Ellicott Creek project during fiscal year 1973. Of the total of about $1.7 million required for this element of the project, we estimate that about $250,000 would be needed next fiscal year.

Two major points need to be stressed at the outset.

First, alternatives to a single dam at Sandridge are currently being restudied. Public and private interest groups in the area support the lower channel improvements portion of the project. These lower channel improvements are vital and no matter what kind of dam is needed upstream at Sandridge. The need is urgent to expedite the lower channel improvements because of rapidly progressing state development programs in the area totalling over $1 billion in public investment alone.

Second, current authorizing language in the 1970 Rivers and Harbors Act for the Ellicott Creek project requires that the whole project be completely restudied before any design or construction work could begin on any part. This language is currently in the process of being revised to permit early initiation of work on the lower channel improvements. We are assured that there is a strong likelihood that this language will be revised in any 1972 Rivers and Harbors Act. I strongly urge the Subcommittee to approve language and funds which will allow this work to go forward during fiscal year 1973 without having to lose another whole year by taking account of the contingency that present restricting in the authorization will be modified shortly.

We are therefore requesting an appropriation of $1.7 million for the Army Corps of Engineers for the engineering, design, administration and construction of minor lower channel improvements on the Ellicott Creek, Town of Amherst, New York. Approximately $250,000 of this sum for engineering, design and administration would be needed during fiscal year 1973. The flood control resulting from these channel improvements is of critical importance to the Town of Amherst.

The Flood Control Act of 1970 authorized $19.07 million for a project for flood control and other purposes on Ellicott Creek in New York State, including a dam and reservoir at Sandridge and minor channel improvements downstream.

The language of the Act, however, requires that the entire project be completely restudied and that all alternatives to the presently proposed project be investigated and that the finding of this restudy be reported back, together with recommendations, to the Congress before any work can commence on the project.

To carry out this study, the Congress appropriated $150,000 for FY 1972. The Corps of Engineers is presently in the process of initiating the study and expects to report back to the Congress approximately a year from now.

The Committee on Public Works is very likely to recommend revisions in the language of the Flood Control Act of 1970 to permit the Corps to begin design and construction work on the minor channel improvements portion of the project in the lower reaches of Ellicott Creek in the Town of Amherst, west of Maple Road. (See attachment H.R. 13683).

The reasons for this are several.

First, because of the configuration of the stream and terrain in this area, the channel improvements will be of the same design and nature no matter whether a dam is or is not built upstream, or, if one is built, whether it is small, medium, or large in size.

Second, in the area near the lower reaches of the creek, substantial flood protection will be provided by these minor channel improvements (as were recommended by the Corps) alone—in fact, it is even more important that they be installed, even if the rest of the project is delayed or not built.

Third, New York State is embarked upon major State projects in this area and are vitally in need of flood protection. The Corps needs to initiate design activity promptly so that the state and local governments can design their own drainage and water and sewer systems accordingly. In the area next to Ellicott Creek a $650 million State University Campus is now well under construction and the New York State Urban Development Corporation is undertaking a $500 million new community development project in conjunction with the new university.

For these reasons, I urge that the Appropriations Committee be full cognizant of these pending probable changes in the authorization language, supported by Congressmen Barber B. Conable and Jack F. Kemp, which will enable an early start in design and construction of the lower channel improvement segment of the project. Otherwise another full year will have been lost in providing for urgently needed flood protection in Amherst.

I am sure that with a brief summary of the history of this project you will share our sense of urgency:

The Ellicott Creek has its headwaters twenty miles upstream of the Town of Amherst. The flow in this meandering stream is quite irregular. It ranges from very low in the summer months (primarily by discharge from sewage treatment plants) to very high during times of rainfall and heavy snow melt, usually in early spring. It is these periods of high flow, which, when combined with flat topography of the Town of Amherst, create conditions leading to flooding. More specifically, the flat topography results in a condition where even slight Creek overflows quickly spread, over a rather large area. This is generally referred to as the 15-year frequency flood with four such floods being recorded by the Army Corps of Engineers in this century: March 1916, January 1929, March 1936, January 1960.

Up to 1950 this was not a cause of serious concern, the land generally was being used for agriculture with some strip residential development on built-up sites. Since then, however, agriculture has ceased to be a way of life for Amherst. Urbanization of the Buffalo Metropolitan area has reached the Town of Amherst with the Town's population virtually tripling to 93,000 (1970 census) in twenty years. This has included extensive residential and commercial development in the Ellicott Creek flood plain. Furthermore, the pressures for development in the flood plain are rapidly accelerating. This stems primarily from the decision of the State University of New York to construct a $650 million new campus of the State University of New York at Buffalo (SUNYAB) in the Town of Amherst. This campus while south of Ellicott Creek and not in the general Ellicott Creek flood plain is now being implemented. Construction contracts, both let and in final review, indicate an expenditure through this year of some $200 million. The first students will be in residence in 1972 with the eventual student, faculty and staff population exceeding 30,000 by 1978. Overall, this is expected to accelerate growth in the Town of Amherst with a doubling of the Town's Population by 1980–85.

At the request of Governor Rockefeller, the UDC was commissioned in 1969 to examine ways to cushion the impact on the Town of this rapid and accelerated growth. UDC's planning consultants have recommended the development of a planned new community on some 2,400 acres of land immediately north of the new campus. It was felt that a well planned community, containing housing for a full range of income groups directly keyed to the University's employment profile, would protect Amherst from falling prey to the undesirable urban sprawl and ancillary development which has plagued many other communities experiencing sudden and rapid growth. To match the construction of the University, it has been proposed that UDC initiate this development this year on the single small portion of flood free terrain within the New Community's boundaries. It should also be clear that sudden rapid growth will occur whether or not UDC is involved. It is for protection of this area, for both existing and future residents, that UDC has explored alternatives with other state and federal agencies to relieve the threat of flooding.

UDC has strongly supported therefore, the U.S. Army Corps of Engineers' proposal for the construction of a reservoir upstream to the Town of Amherst coupled with minor channel improvements in the Town of Amherst as was authorized in the 1970 Rivers and Harbors Act. However, due to some local controversy over the site for a large reservoir upstream, a restudy is now underway to examine other alternatives for the upstream portion of the project. It has been recognized however, that regardless of what upstream measures are taken, minor channel improvements in the Town of Amherst will be required. Moreover, one particular segment of those channel improvements would have the maximum effect toward relieving flooding conditions for those areas undergoing intense development pressure around the new SUNYAB campus. We still recognize the necessity for eventual upstream measures. Some low areas will remain for which upstream measures are the only economical alternative. In addition, low flows in Ellicott Creek are maintained primarily by effluent from a Town of Amherst sewage treatment plant, a less than desirable situation. Since for environmental reasons this plant will be phased out in the 1974–5, the low flow augmentation resulting from the reservoir is essential if a flow of water is to be maintained in Ellicott Creek during summer months. We, therefore, urge your approval of an appropriation to proceed immediately with the implementation of the channel improvement portion of the Ellicott Creek project in the Town of Amherst.

H.R. 13683

A bill to amend the Flood Control Act of 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes as authorized by the Flood Control Act of December 31, 1970, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake the minor channel improvements, or portions thereof recommended by the Chief of Engineers in his report dated November 25, 1970, independently of the investigation of alternative methods called for by the Act, such work to be subject to the items of local cooperation required for similar projects and such work to be limited to areas downstream from Maple Road in the town of Amherst, New York, and such other areas as may be deemed necessary.

DIVISIONS ARE NOT COMBAT READY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, the United States maintains 4⅓ divisions designated as strategic army forces—STRAF—which are constantly available to support national commitments.

The GAO recently inspected selected units of three of the four and one-third divisions which are designated as STRAF.

Three of the units were found to be suffering from major deficiencies and one was not combat ready. A fourth division connected with STRAF is considered combat ready.

Apparently, so many tanks, radars, and rifles are defective that these three divisions are not considered ready for program combat.

This latest GAO report is just one more sign that the Pentagon's bureaucracy is so riddled with waste and mismanagement that the Army is having trouble fielding a fully combat-ready division.

After handing the Pentagon more than $70 billion, the least the American people and the Congress can expect are a few decent fighting units.

The General Accounting Office report reveals that 83 percent of the M–60 tanks available to two of the divisions have so many deficiencies that they are considered unable to "perform effectively."

A total of 66 percent of the track vehicles which includes tanks and armored personnel carriers in one division are considered deficient.

In another division 70 percent of the recoilless rifles inspected were defective.

Overall, in the three Army divisions inspected by the GAO, 30 percent or more of the major combat equipment was defective.

In addition, the GAO discovered that many commanders are filing "misleading" reports about the readiness of their own units.

In addition, many Army officers have consciously deceived their superiors about the actual condition of their units.

The GAO recommends that either the Army reduce its number of combat divisions or reorganize them in a way that would insure combat readiness. The Army categorically refuses to consider reducing the size of forces, but says it will "study" the possibility of some sort of reorganization.

I hope the Defense Department can assure the Congress and the American people that we have properly equipped and prepared combat divisions. A careful reading of this GAO study indicates that important and major deficiencies presently exist.

It is a disgrace to the Army and the Nation to spend so much on national defense and to get so little. Clearly we are spending more and more to get less and less from our defense dollar.

Finally, the Army's bureaucracy must face up to the fact that its operation is both wasteful and ultimately dangerous to the maintenance of national security. The continuation of this pattern of deficiencies, defections, and a lack of combat readiness in the long run could make this Nation more vulnerable.

PERSECUTION OF LITHUANIAN CATHOLICS

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, when a country so relentlessly pursues a policy of discrimination against one group, it can only expand its activities to include many others. Many of us in Congress have expressed our sense of outrage at the religious and cultural persecution of Soviet Jewry. Now, Lithuanian Catholics, the predominant religious group in this small Republic on the Baltic Sea, are the victims of intense repression and harassment by Soviet authorities.

The following article from the Catholic Standard outlines recent developments in this matter. It is further evidence that persecution begets only persecution.

SOVIETS PERSECUTING RELIGION, CATHOLICS IN LITHUANIA CHARGE

MOSCOW.—More than 17,000 Lithuanian Catholics sent petitions to the United Nations accusing officials of the Lithuanian Soviet Socialist Republic of persecuting Catholics.

Copies of the petitions were made available to Western newsmen here. The petitions, bearing the signatures of more than 17,000 "believers," were sent to UN Secretary General Kurt Waldheim in February after Soviet officials in Moscow had ignored earlier protests, according to a group of dissident Russians.

The Soviet Union annexed Lithuania, a small republic on the Baltic Sea, in 1940. Its population of more than three million is predominantly Catholic.

Last September, about 2,000 Catholics in the south central Lithuanian town of Prenai, whose population is less than 10,000, signed an open letter to the Soviet leadership charging that Prenai authorities were curbing freedom of religion.

The Prenai Catholics said that Lithuanian clergymen were being restricted in the performance of their religious duties and that the petitioners' own parish priest had been arrested for "teaching catechism to children."

The letter to Waldheim said that three other open letters, with a total of 5,000 signatures, were sent last fall to Soviet Communist party leader Leonid Brezhnev and that police in Lithuania, "using threats, arrests and handcuffs, prevented the mass collection of signatures."

"Such action by the authorities," the letter said, "prompted the conviction that the present memorandum, signed by 17,000 believers, will not attain its aim if it is sent by the same means as previous collective declarations."

The signers also said they were complaining to the United Nations because "believers in our republic cannot enjoy the rights set out in Article 12 of the Universal Declaration of Human Rights." Passed by the United Nations, with the Soviet Union abstaining, the declaration calls for the recognition of religious freedom by all countries.

The constitution of the Soviet Union, while guaranteeing the "freedom to perform religious rites," also grants the right of antireligious propaganda, widely used to promote atheism.

The Lithuanians petitioning the United Nations said that Soviet officials limit the number of candidates admitted to seminaries to 10 a year and control the assignment of priests to parishes.

There are so few priests in Lithuania, they said, that one priest often has to serve two or three parishes and that "even old and sick priests have to work."

They also said that Lithuanian officials do not enforce a law requiring that those who persecute churchgoers be punished.

Lithuanian officials have not allowed Catholics to rebuild churches destroyed during World War II, the petitioners said, and have made it difficult to obtain permission for services in private homes.

The petition to the United Nations repeated charges made last fall that two parish priests had been sent to labor camps for giving religious instructions to youngsters and that two bishops had been exiled without trial.

"If in the future, the organs of the state take, the same attitude toward believers' complaints as they have until now," the petitioners said, "we will be obliged to address ourselves to international bodies, to the Pope, the head of our Church, or to the United Nations, as an authoritative institution defending human rights."

THE HONORABLE JOSHUA EILBERG RECEIVES "MAN OF THE YEAR" AWARD

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, on Saturday, May 13, I had the great pleasure of attending the annual banquet of the Third District of the American Federation of Government Employees, at which my good friend and colleague, Representative JOSHUA EILBERG, received the organization's Man of the Year award.

This award could not have gone to a more deserving individual. JOSH EILBERG, who represents the Fourth District of Pennsylvania, has worked to eliminate the abuses and inequities in Federal employment since he came to Congress 6 years ago.

At this time I enter into the RECORD Congressman EILBERG's acceptance speech:

I want to thank all of you very much for this honor.

Although legislatively I do not sit on the Post Office and Civil Service Committee of the House, which handles much of the legislation which affects you as Government workers, I am very much concerned that you get a square deal from your boss, Uncle Sam.

For some reason our Government, which is continuously administering laws designed to help workers in private industry, repeatedly turns around and tries to treat its own employees like laborers in a 19th century sweat shop.

For this reason I believe that we must have a specific set of guidelines to govern the employment of all Federal workers.

Fairness and equity, spelled out in the law, are far preferable, to my way of thinking, than having to rely on the good faith of the administration.

For this reason I was pleased to sponsor a proposal similar to H.R. 9092, the wage board pay bill, which was approved by the House last July.

The major purpose of the measure, as you know, is to provide a statutory basis for the coordinated Federal wage system which was inaugurated by the Civil Service Commission in July 1968.

The bill also makes a number of needed changes in the system as it is currently operating.

For example, it establishes a Federal prevailing rate advisory committee to provide guidance for the prevailing rate employees pay system.

The committee would consist of 11 members, 5 from management, 5 from employee organizations, and a full-time chairman, who would be restricted from holding any other office in the Federal service, appointed by the President.

Unfortunately, this provision has been completely deleted from the version of the bill reported by the Senate Committee on Post Office and Civil Service. But, I hope that this provision can be restored in conference.

Other major changes in the coordinated Federal wage system proposed in this legislation are the provision for a 5 step wage schedule as opposed to the current 3 steps.

It calls for:

Automatic step increases after 26 weeks in step 1, 78 weeks in step 2, and 104 weeks in steps 3 and 4.

Seven and one-half to 10 percent differentials for scheduled non-overtime work during 2nd and 3rd shifts.

Saved pay for 2 years for prevailing rate employees who are reduced in grade. This is already provided for general schedule workers.

And the inclusion of some 143,000 nonappropriated fund employees of the Armed Forces and the Veterans' Canteen Service.

A similar bill passed by the House and Senate in the closing days of the 91st Congress was vetoed by President Nixon on the grounds that it was inflationary.

That objection is still being raised, although the bill approved by the Senate committee has attempted to mitigate this to some extent by delaying the implementation of the 4th and 5th steps.

Other arguments against the proposal are that it writes into the law "a rigid, cumbersome, and inflexible set of national pay setting procedures" and that nonappropriated fund employees should not be given the benefit of a standard wage structure.

To the first argument, I say that this same thing could have been said of the classified schedule for other Federal workers.

It would be still easier and more flexible if the Civil Service Commission could set its own pay structure without any interference from the Congress.

Without a statutory base, the prevailing wage rate structure affords too much leeway for administrative tinkering—to the detriment of the pay and status of the Wage Board employee.

And, secondly, if nonappropriated fund employees are indeed to be considered Federal workers, why shouldn't they be accorded at least some of the privileges granted their counterparts?

Other legislation currently under consideration by the 92nd Congress which would benefit Federal employees and which I have supported are:

An increase in the Federal share of employees' health benefits;

Realistic reform of the Hatch Act, which keeps a significant and growing percentage of our citizenry from participating actively in the political process;

And an increase in benefits for retired federal workers.

The health benefits bill, H.R. 12202, was approved by the House very recently and is currently awaiting further action by the Senate.

Under the measure as we approved it in the House, the government's contribution would be increased progressively.

From the present 40 percent of the average high option charge of 6 representative plans, it would be increased to 55 percent effective the first pay period beginning on or after 30 days following enactment.

The government's share would be further raised by 5 percent in 1973, 1974, and 1975; in 1976 and thereafter, the contribution would be 75 percent of the average charge.

Other major changes in the present health benefits system would permit pre-July 1960 annuitants (retirees) to elect coverage under the present program, and would extend coverage to certain unmarried dependent children.

It seems to me that this bill is a necessary step forward in progressive treatment of its employees by the federal government.

Finally, I favor some change in the restrictive provisions of the Hatch Act which prohibit federal employees from taking an active part in political campaigns.

As the product of a different era, the Hatch Act is what Congressman Mikva aptly called "a classic example of legislative overkill."

Testimony is now being heard in both the House and the Senate as to how the act can be amended to allow federal workers greater rights of political participation while retaining those elements which protect government workers from the misuse of official influence and political pressure from their superiors.

These measures are not a solution for all of the problems of government employees, but I feel they go a long way in that direction.

I accept this award not as an honor for past performance, but as a reminder that much more has to be done. It will stimulate me for further action.

Thank you.

HEMISPHERE ECONOMIC INTEGRATION

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, yesterday Senator JACOB JAVITS, one of this country's most perceptive observers of Western Hemisphere relations, delivered a major address in New York City on the continuing importance of achieving economic integration in the Americas.

Because of the importance of Senator JAVITS' remarks, I wish to call them to the attention of all Members of the House.

THE CRISIS FACING REGIONAL INTEGRATION IN THE AMERICAS

(An address by Senator Jacob K. Javits)

I welcome this opportunity the U.S. Chamber of Commerce has provided me to talk about Western Hemisphere affairs. While the attention of our policy makers and the press is directed towards the more vivid threats to world peace, to our constitutional processes and to our system of checks and balances—it is nevertheless likely that the future shape of world society may be influenced as much by what happens in Latin America over the next decade.

The topic of my address is: The Crisis Facing Regional Integration in the Americas. I am aware that continent-wide regional economic integration for Latin America is a subject that is not being pursued actively at this time either by major Latin American governments or by the United States. By economic integration of Latin America, I mean significantly closer economic cooperation between the countries of Latin America leading to the establishment of a Latin American Common Market, actually a customs union with relatively free movement of labor and capital.

While Canada's decision of last week to join the Inter-American Development Bank (IDB) is welcome, Canada continues to tiptoe around the edges of a significant involvement in matters of the hemisphere. One must note that this decision took years and also that Canada still is not a member of the Organization of American States (OAS). Canada is a productive nation—a mature democracy—and needs to play a more significant role in inter-American affairs. With British Commonwealth ties loosening as Britain joins the European Common Market, Canada could play a major and vital role in the affairs of the Western Hemisphere aside from joining the Inter-American Development Bank. A Canadian commitment to the Western Hemisphere is now needed; in bilateral U.S.-Canadian relations, revision of the safeguards in the Automotive Products Agreement and other steps to achieve a proper balance in trade agreements and monetary matters between the two countries are increasingly urgent.

As to Latin American integration, my concern is that a mood may be growing that regards the solemn commitment that the Presidents of the Americas entered into at Punte Del Este in April, 1967, "to create progressively, beginning in 1970, the Latin American Common Market, which shall be substantially in operation in a period of no more than fifteen years" as somewhat of a dead letter.

If this were to happen, it would be a most regrettable development. If this regional integration goal is not pursued at the very time that Western Europe is moving toward a strengthened Common Market and Japan into economic super power status, it is my view that Latin America will have relegated itself to an almost permanent position of economic and political weakness.

In my mind, arguments for Latin American integration remain valid. These include:

1. Integration would make Latin American industry more competitive in relation to the rest of the world, thereby strengthening the

Latin American export base for semi-manufactured and manufactured goods where world demand will be buoyant in the years ahead;

2. Integration would justify certain infrastructure projects in Latin America that otherwise would not be justified;

3. Integration would cause import substitution to be looked at on a regional basis and could lead to efficient continent-wide industrial planning which would give a considerable impulse to industrialization.

4. Integration would strengthen Latin America's bargaining power re the rest of the world;

5. Integration would permit working toward a multilateral payments union in Latin America; and

6. Integration's above mentioned economic benefits could give an impulse to job creation, political stability and social justice—problems that have plagued Latin America in the modern era.

And, of course, the summation of these preceding benefits—if successfully nurtured—could provide a giant step for Latin America in approaching its century old dream of someday achieving a Latin American political union.

For those of us interested in a broader scheme of Latin American economic integration, the evolution of the Andean Pact grouping to date, while causing some disquiet, also gives grounds for hope. I realize that in Latin America, as well as in the United States, the Andean Pact is controversial, particularly as it relates to the "code of behavior" for private foreign investment. The Andean Pact is also controversial in terms of the effect it will have on the possibility of the broader economic integration of Latin America.

Regarding this latter point, one school of thought strongly questions the economic compatability of this grouping and is concerned that as the Pact grows and strengthens, it will be increasingly difficult to work out smooth relations between the Andean pact countries and the rest of Latin America. Concern is expressed that industries may be established that—while being optimal in terms of the economic needs of this specific regional grouping—clearly are not optimal in terms of a broader Latin American integration. In other words, it is argued that if the Andean Pact gets in the way of economies of scale, this could be a disastrous development for Latin America.

The optimists—and I include myself as one—are hopeful that Venezuela soon will accede to the Pact and that this act will soften some of the Pact's present rigidities. The accession of Venezuela could help trigger the application of Argentina. As the Pact strengthens, negotiations with the "giants" of the area—Mexico and Brazil—would become mutually desirable and mutually profitable as would negotiations with the Central American Common Market. The evolution of the Andean Pact thus could become the linchpin of a broader integration plan which would replace the relatively defunct Latin America Free Trade Area (LAFTA). This optimistic assessment is clouded by the immense political diversity of the countries making up the Andean grouping. It cannot be doubted that Chile is the present weak link.

The self-made economic problems of Chile are staggering, and the deterioration of the economic situation unfortunately does not seem to have run its course. This rapid economic deterioration is characterized by the persistent production problems in both the agricultural and manufacturing sector: accelerating inflationary pressures, mounting product scarcities including essential food items, and a serious foreign exchange crisis aggravated by continuing labor difficulties fomented by the Marxist unions in the major Chilean copper mines. These are the kinds of problems that have political consequences.

I realize that the alleged inappropriate behavior of one major American corporation in Chile—behavior which was not supported by other American corporations in Chile or by the U.S. Government as the Anderson papers made clear—makes it all too easy for political leaders facing a difficult situation to point the finger at a foreign scapegoat. This is a favorite political tactic the world over. But, the tactic must not be allowed to obscure the root causes of the present Chilean economic, social and political problems.

Leaving aside the unique problems Chile is causing the Andean grouping, the whole question of the relationship of the Andean Pact countries to the LAFTA and the Central American Common Market—which is recovering nicely from the disastrous war between Honduras and El Salvador—is an open question. The shape of future relations first with Venezuela and then with Argentina, Mexico and Brazil is also relatively undefined. Beyond this is the question of the future of the relations of the Andean Pact countries and/or a broader economic unit with the other nations and major trading blocs of the world.

Regarding the present role of the United States, in Latin America under President Nixon's "low profile" policy, we can no longer be seen as the colossus of the North, and paradoxically, this now seems to be causing some resentment.

Over the short-term, I share the view that Dr. Joseph Grunwald puts forward in his perceptive new book, "Latin American Economic Integration and U.S. Policy," that "the United States, because of the Vietnam war and the Congress's attitude towards foreign aid, was in no position to make substantial and definite commitments in support of Latin American integration." I would add that these factors constraining U.S. policy are not likely to alter significantly over at least the short run. New bilateral and multilateral aid programs remain in deep trouble in the Congress, trade preferences remain down the road as long as the present protectionist mood persists and there is an emphasis in the Administration on bilateral relations rather than more ambitious integration plans. It would be my hope that the larger nations of Latin America—Brazil, Mexico and Argentina—would take up the slack and make a more definite commitment to a broader Latin American integration along with Canada and that these relative giants would make the concessions that would be necessary to get a broader integration movement back on the tracks.

Any speech on Latin American integration would be remiss if it did not mention the role of private foreign investment. The fear of foreign domination has had a deterrent effect on the forward movement of regional integration schemes. In my order of priorities, I feel that the protection of U.S. business interests should be subordinate to the U.S. broader economic objectives which hopefully again will include the promotion of Latin American integration as a priority objective.

In viewing the future role of private foreign investment, I think that there are some points on which almost everyone can agree. The first of these areas of agreement is that the developing world will require the transfers of technology that are an inherent element of private foreign investment for a long time to come. Increasingly, I feel the developing world is regarding such transfers of technology as being more important than transfers of capital.

Equally acceptable I hope is the fact that the developing world will have to pay for the technology and capital they receive as these transfers will not descend on the developing world as "manna from heaven." In turn, it is incumbent on the developing world to make a better definition of the areas in which they want technological transfers—and capital transfers.

In viewing new private foreign investment, acceptance also seems to be growing that a joint venture or multinational venture arrangement in many cases is preferable to a 100 percent ownership position. A joint venture immediately creates a vital interest by nationals of the country in the project. The idea of foreign ownership extending into perpetuity is also becoming a casualty of our age. I note that the ADELA and some U.S. corporations have adopted disinvestment policies. Also, it is clear that if takeover situations stir concern in Western Europe and Canada, this concern undoubtedly is heightened in the developing world including Latin America. The recent promulgation of Canadian policy concerning takeovers will not be lost on the nations of the developing world.

Heightened American business sensitivity on matters such as these could go a long way toward alleviating tension between the foreign investor and Latin American nations.

On the legislative front, I do not feel that the broad purposes of any group have been well served by Hickenlooper-type amendments—be they tacked on to our bilateral assistance or multilateral assistance programs

In my view, just as the Hickenlooper amendment, which affects our bilateral aid has not been an effective policy instrument in our relations with Latin America, I cannot see why the Gonzales amendment affecting our multilateral lending programs should be any more effective.

Finally, in reviewing the foreign investment area, I remain concerned that there are still too many grey areas and a lack of definition continues to lead to unnecessary conflict and at times unnecessary legislation. There are intensive discussions going forward regarding the rules of the game as regards international trade and international monetary matters but, discussions of similar intensity are not going forward—and they should be—as regards private foreign investment with the exception of the Burke-Hartke bill, and this is solely a domestic battle which must be fought and won at home.

I reiterate the suggestion I made in Mexico City approximately one year ago that the United States and Latin America should convene a high-level meeting that would look toward the evolution of a continent-wide private foreign investment policy which would safeguard the sovereign rights of each country. Perhaps such a meeting could then commission a small group of men, representative of the Western Hemisphere, thoroughly to review this matter with a view toward defining the role of private foreign investment and foreign capital and technological and managerial inputs required by Latin America over the next decade. Review of the adequacy of present institutional structures in the private foreign investment area could also fall within their mandate.

It is my view that a multilateral mechanism—a GATT for private foreign investment—to set forth guidelines of behavior both as to obligations and rights by investor and host has never been more essential if the law of the jungle is not to take over in private foreign investment matters, with all the sad consequences this would entail for international and inter-American relations. I will continue working to promote these ideas.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BROWN of Ohio (at the request of Mr. GERALD R. FORD) for the period May 18 through May 25, 1972, on account of official business, as U.S. congressional observer to the First Ordinary Congress of Zaire.

Mr. HOLIFIELD (at the request of Mr. O'NEILL) from May 22 through June 10, 1973, on account of official business (Commission on Government Procurement).

Mr. THONE (at the request of Mr. GERALD R. FORD) for May 17 and balance of the week on account of official business to attend the Mexico-United States Interparliamentary Conference.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SIKES for 15 minutes today and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. DENNIS) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 5 minutes, today.

Mr. VEYSEY, for 5 minutes, today.

Mr. FINDLEY, for 5 minutes, today.

Mr. CRANE, for 30 minutes, today.

Mr. DON H. CLAUSEN, for 10 minutes, today.

Mr. WYMAN, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. SEIBERLING) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. ASPIN, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FLOOD (at the request of Mr. MAHON) to extend his remarks and include a table in connection with the conference report on the bill H.R. 14582.

Mr. MAHON, to revise and extend his remarks and to include extraneous materials and appropriate tables.

Mr. HALPERN to extend his remarks during debate on State Department and USIA authorization bills to follow Mr. GROSS during debate.

Mr. ROONEY of New York on the bill H.R. 14989, in Committee of the Whole and to include charts and miscellaneous matter.

(The following Members (at the request of Mr. DENNIS) and to include extraneous matter:)

Mr. BURKE of Florida.
Mr. HARSHA.
Mr. GUDE.
Mr. GROSS.
Mr. HALPERN in four instances.
Mr. DERWINSKI in three instances.
Mr. VEYSEY in four instances.
Mr. KUYKENDALL in two instances.
Mr. MCKINNEY.
Mr. HOSMER.
Mr. BROYHILL of North Carolina.
Mr. WYMAN in two instances.
Mr. FRENZEL.
Mr. NELSEN in two instances.
Mr. PRICE of Texas in two instances.
Mr. GERALD R. FORD.
Mr. MCDADE.
Mr. TALCOTT in two instances.
Mr. DUNCAN.
Mr. SCHMITZ in four instances.
Mr. RAILSBACK in four instances.
Mr. SANDMAN.
Mr. DEL CLAWSON.
Mr. ARENDS.
Mr. BROWN of Ohio in three instances.
Mr. BOB WILSON in two instances.
Mr. CONTE.
Mr. ZWACH.
Mr. BAKER.
Mr. KEMP.
Mr. DAVIS of Wisconsin.
Mr. HOGAN in 10 instances.
Mr. MCCLOSKEY.

(The following Members (at the request of Mr. SEIBERLING) and to include extraneous matter:)

Mr. WRIGHT in two instances.
Mr. GONZALEZ in three instances.
Mr. ROGERS in five instances.
Mr. HUNGATE in three instances.
Mr. HAGAN in three instances.
Mr. EDWARDS of California.
Mr. CARNEY.
Mr. FOUNTAIN.
Mr. RARICK in six instances.
Mr. SYMINGTON in two instances.
Mr. ROE.
Mr. BADILLO.
Mr. JONES of Tennessee in six instances.
Mr. CLAY in six instances.
Mr. RYAN in three instances.
Mr. DRINAN.
Mr. CHAPPELL.
Mr. PATTEN.
Mr. HARRINGTON in two instances.
Mr. GAYDOS in 10 instances.
Mr. KLUCZYNSKI.
Mr. ANNUNZIO.
Mr. ROSTENKOWSKI.
Mr. VAN DEERLIN.
Mr. STOKES in two instances.
Mrs. MINK in three instances.
Mr. YATRON.
Mr. RODINO in two instances.
Mr. MIKVA in five instances.
Mr. DINGELL in two instances.
Mr. CAFFERY in two instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14070. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 234. Joint resolution deploring the attempted assassination of Gov. George C. Wallace of Alabama.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 14070. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

ADJOURNMENT

Mr. SEIBERLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Thursday, May 18, 1972, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 12674. A bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes; with amendment (Rept. No. 92-1069). Referred to the Committee of the Whole House on the State of the Union.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1996. A letter from the Assistant Secretary of the Interior, transmitting the Third Annual Report of the Government Comptroller for Guam, covering fiscal year 1971, pursuant to Public Law 90-497; to the Committee on Interior and Insular Affairs.

1997. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed grant with Pennsylvania State University, University Park, Pa., for a research project entitled "Thermodynamics of Oxide and Silicate Phases of Importance in Extractive Metallurgy," pursuant to Public Law 89-672; to the Committee on Interior and Insular Affairs.

1998. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with the Bendix Corp., Ann Arbor, Mich., for a research project entitled "Standardization of Controls on Front-End Loaders," pursuant to Public Law 89-672; to the Committee on Interior and Insular Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

1999. A letter from the Comptroller General of the United States, transmitting a report of observations on financial inventory accounting in the Department of Defense; to the Committee on Government Operations.

2000. A letter from the Comptroller General of the United States, transmitting a report on an examination of the financial statements of the Bureau of Engraving and Printing Fund for fiscal years 1970 and 1971;

to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 15015. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. BADILLO (for himself, Mr. Scheuer, and Mr. Bingham):

H.R. 15016. A bill to prohibit States and political subdivisions from discriminating against low and moderate income housing, and to give a priority in determining eligibility for assistance under various Federal programs to political subdivisions which submit plans for the inclusion of low and moderate income housing in their development; to the Committee on Banking and Currency.

By Mr. BIAGGI:

H.R. 15017. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to encourage and assist the use as a crime deterrent of identifying marks made on personal property by eletcric etching pencils; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, and Mrs. Hicks of Massachusetts):

H.R. 15018. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H.R. 15019. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 15020. A bill to amend the Internal Revenue Code of 1954 to exempt certain organizations from private foundation status; to the Committee on Ways and Means.

By Mr. BROWN of Michigan:

H.R. 15021. A bill to increase the membership of the Advisory Commission on Intergovernmental Relations by two members who shall be elected town or township officials; to the Committee on Government Operations.

By Mr. BROWN of Michigan (by request):

H.R. 15022. A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction of $500 for married women who have not given birth to a child; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 15023. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act to increase benefits thereunder and for other purposes; to the Committee on Education and Labor.

By Mr. CHAMBERLAIN (for himself, Mr. Brown of Michigan, Mr. Conyers, Mr. Esch, Mr. Riegle, and Mr. Vander Jagt):

H.R. 15024. A bill to provide for the establishment of the National Professions Foundation to promote progress in the professions, and for other purposes; to the Committee on Education and Labor.

By Mr. CLANCY:

H.R. 15025. A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for certain travel and communication expenses of parents of wounded servicemen; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 15026. A bill to designate certain lands in the State of California as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. DELANEY:

H.R. 15027. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. DIGGS:

H.R. 15028. A bill to require that certain cuts of beef sold at retail meet standards required by the Secretary of Agriculture to limit the amount of excess fat and other valueless parts of beef carcass contained in such cuts; to the Committee on Agriculture.

By Mr. DINGELL:

H.R. 15029. A bill to provide for public ownership of the bus company in the District of Columbia, to approve amendments to the Washington Metropolitan Area Transit Authority Compact, and for other purposes; to the Committee on the District of Columbia.

By Mr. FINDLEY:

H.R. 15030. A bill to amend section 232 of the National Housing Act to include fire safety equipment among the items which may be covered by an insured mortgage thereunder, to require (as a condition of eligibility for mortgage insurance) that a nursing home or intermediate care facility comply with the Life Safety Code, and to authorize insured loans to provide fire safety equipment for such a home or facility; to the Committee on Banking and Currency.

H.R. 15031. A bill to amend the Social Security Act to provide that an intermediate care facility (or nursing home) must comply with the Life Safety Code, and must fully disclose all ownership and security interests therein, to qualify as a provider of services for which payment may be made under a State's approved title XIX plan (or certain other State plans), and to provide that information which an intermediate care facility or nursing home is required to furnish State agencies under the title XIX program must be made available to the public; to the Committee on Ways and Means.

By Mrs. GRIFFITHS:

H.R. 15032. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HORTON:

H.R. 15033. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. KOCH (for himself and Mr. Brademas):

H.R. 15034. A bill to amend the Education of the Handicapped Act to provide for comprehensive education programs for severely and profoundly mentally retarded children; to the Committee on Education and Labor.

By Mrs. MINK:

H.R. 15035. A bill to amend title 10 of the United States Code to deem service as a member of the Women's Air Force Service Pilots during World War II to be active service for purposes of computing retirement and longevity benefits; to the Committee on Armed Services.

By Mr. PELLY (for himself, Mr. Dingell, and Mr. Goodling):

H.R. 15036. A bill to amend the Migratory Bird Treaty Act to prohibit during specified periods the feeding of migratory game birds and to impose penalties for such feeding, to increase the maximum fine for certain other violations of such act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PETTIS:

H.R. 15037. A bill to amend section 303(a) (5) of the Social Security Act, and sections 3304(a)(4) and 3306(f) of the Federal Unemployment Tax Act; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 15038. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits thereunder; to the Committee on Ways and Means.

By Mr. RAILSBACK:

H.R. 15039. A bill to provide that the historic property known as the Congressional Cemetery may be acquired, protected, and administered by the Secretary of the Interior as part of the park system of the National Capital, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RODINO:

H.R. 15040. A bill to amend the Flammable Fabrics Act to extend the provisions of that act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; to the Committee on Interstate and Foreign Commerce.

By Mr. SANDMAN:

H.R. 15041. A bill to provide the death penalty for assassinating, or attempting to assassinate, Federal elective officeholders, or persons seeking election to Federal office; to the Committee on the Judiciary.

By Mr. SYMINGTON:

H.R. 15042. A bill to establish a commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands; to the Committee on Agriculture.

By Mr. YATRON:

H.R. 15043. A bill to amend the Internal Revenue Code of 1954 to provide that employees receiving lump sums from tax-free pension or annuity plans on account of separation from employment shall not be taxed at the time of distribution to the extent that an equivalent amount is reinvested in another such plan; to the Committee on Ways and Means.

By Mr. CABELL:

H.R. 15044. A bill to provide for public ownership of the mass transit bus system operated by D.C. Transit System, Inc., and other private bus transit companies engaged in scheduled regular route operations in the Washington metropolitan area, and for other purposes; to the Committee on the District of Columbia.

By Mr. CONTE (for himself and Mr. Kyros):

H.R. 15045. A bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. EDMONDSON (for himself, Mr. Belcher, Mr. Camp, Mr. Jarman, and Mr. Steed):

H.R. 15046. A bill to provide for the conveyance of certain real property to the State of Oklahoma for National Guard purposes; to the Committee on Armed Services.

By Mr. EDMONDSON:

H.R. 15047. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits thereunder, to increase the amount of earnings counted for benefit and tax purposes, and to make appropriate adjustments in social security tax rates; to the Committee on Ways and Means.

By Mr. GARMATZ (for himself, and Pelly):

H.R. 15048. A bill to amend the Merchant Marine Act of 1970; to the Committee on Merchant Marine and Fisheries.

By Mr. KASTENMEIER (for himself, Mr. Conyers, Mr. Ryan, Mr. Mikva, and Mr. Fish):

H.R. 15049. A bill to amend the Voting Rights Act of 1970 to prohibit the States from denying the right to vote in Federal elections to former criminal offenders who have not been convicted of any offense related to voting or elections and who are not confined in a correctional institution; to the Committee on the Judiciary.

By Mr. NELSEN (for himself and Mr. McMillan):

H.R. 15050. A bill to eliminate the tax on premiums paid on annuities in the District of Columiba; to the Committee on the District of Columbia.

By Mr. PRYOR of Arkansas (for himself, Mr. Duncan, Mr. Halpern, Mr. Collins of Illinois, Mr. Anderson of Tennessee, Mr. Eilberg, Mr. Stratton, Mr. Link, Mr. Rosenthal, Mr. Hechler of West Virginia, Mr. Forsythe, Mr. Ryan, Mr. Sarbanes, Mrs. Abzug, Mr. Davis of South Carolina, Mr. Nix, and Mr. McCormack):

H.R. 15051. A bill to provide new and improved transportation programs for older persons; to the Committee on Banking and Currency.

By Mr. PRYOR of Arkansas (for himself, Mr. Kemp, Mr. Stokes, Mr. Burton, Mrs. Hicks of Massachusetts, Mr. Gude, Mr. Burke of Massachusetts, Mr. Peyser, Mr. Byrne of Pennsylvania, Mr. Charles H. Wilson, Mr. Podell, Mr. Corman, Mr. Bingham, Mr. Giaimo, Mr. Rangel, Mr. Steele, and Mr. Mollohan):

H.R. 15052. A bill to provide new and improved transportation programs for older persons; to the Committee on Banking and Currency.

By Mr. SCHMITZ:

H.R. 15053. A bill to prohibit manufacturing or publishing altered flag designs of the United States; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 15054. A bill to amend the Transportation Act of 1940, as amended, to facilitate the payment of transportation charges; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 15055. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. DANIELSON:

H.J. Res. 1202. Joint resolution to authorize the President to proclaim the last Friday of April of each year as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 1203. Joint resolution authorizing the President to issue a proclamation designating the 7-day period beginning August 28, 1972, as "All-American Family Week"; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia:

H.J. Res. 1204. Joint resolution proposing an amendment to the Constitution of the United States to modify the appointment and tenure of Federal judges; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H. Con. Res. 617. Concurrent resolution expressing the sense of the Congress with respect to the withdrawal of all American forces from Vietnam; to the Committee on Foreign Affairs.

By Mr. BOGGS:

H. Res. 985. Resolution authorizing additional investigative authority to the Committee on Public Works; to the Committee on Rules.

By Mr. GERALD R. FORD (for himself and Mr. Saylor):

H. Res. 986. Resolution authorizing the Speaker to administer the oath of office to William S. Conover II, and referring the question of his final right to a seat in the 92d Congress to the Committee on House Administration; to the Committee on House Administration.

By Mr. LENT:

H. Res. 987. Resolution urging supplemental appropriations to implement the President's message of March 17, 1972, calling for equal educational opportunities; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred to as follows:

By Mr. BURTON:

H.R. 15056. A bill for the relief of Leona B. Labartinos; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 15057. A bill for the relief of Domingos Afonso; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 15058. A bill for the relief of Takehito Kobayashi; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 15059. A bill for the relief of Edward M. Fleming Construction Co. Inc., a corporation in the process of liquidation represented by its surviving board of directors; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

NEIGHBORHOOD YOUTH CORPS—EXPANSION AND CHANGES

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. BADILLO. Mr. Speaker, although the House and Senate Conferees have agreed on appropriations that increase the number of available slots for the Neighborhood Youth Corps by some 140,700 slots, we are still falling dismally short of what we must do if we are to make meaningful commitments in this area and extend to our youth genuine opportunities for training and developing their potential. The yearly replay of dashed hopes and barebones offerings, which in the final analysis are viewed by the disappointed youth and communities as establishment's efforts to cool the summers, must cease. It is essential that instead we proceed with legislative remedies that will genuinely improve the employment chances of our youth—an approach, incidentally, which would in the long run do much more to deplete the welfare rolls than any so-called work incentive provisions presently advocated in conjunction with welfare reform.

In February of this year I submitted testimony urging substantial supplemental appropriations to ease the plight of our cities. As we all know, the effort to meaningfully increase appropriation levels failed in effect. The amount of supplemental funds which New York City, for instance, stands to receive under the present budget provisions will not even begin to make a dent in the city's desperate needs.

Last year the city had jurisdiction over 48,000 summer job slots. At the same time it had 143,000 youngsters from families receiving public assistance for whom a summer job was considered an absolute necessity. This year there are over 350,000 youth in New York City who are eligible for the program. Their eligibility avails them little, however, since New York will be unable to reach even 2 out of every 10 of those who should and need to participate in the program.

Recreation support funds have also not been substantially increased over last year's level. This means that large numbers of 6- to 12-year-olds will once again roam the hot city streets with nothing to do and nowhere to go.

Dismal as these statistics are, they do not begin to reflect the true picture. My consultation with city officials and other experts indicates that our problem is not limited to a lack of adequate funding—catastrophic as that is—but involves also an underutilization of the potentials of the program.

The Neighborhood Youth Corps, as it is presently funded, is primarily a summer program. Because of its existing built-in restrictions it is often viewed by the community as a riot prevention program, designed to keep youth under control. This impression is fortified by the fact that over 90 percent of the youth reached during the summer months, limited as their numbers are, do not have access to part-time employment during the school years.

Thus, the program cannot incorporate into its design an effective career ladder for the youth served. To meet minimum needs, the summer program should be substantially increased—probably tripled, with appropriate additions provided in the year-round out-of-school and in-school portions of the program. Such a setup would allow communities to develop year-round Neighborhood Youth Corps experiences for youth served who need them. Special emphasis could be placed on school dropouts and high school juniors and seniors who, because of academic or educational reasons are considering dropping out of school.

With the allocation of additional slots, a series of demonstration programs aimed at restructuring the basic mandate of the present Neighborhood Youth Corps could be undertaken. New York City is particularly concerned with the fact that present legislation does not allow officials to utilize resources of the private sector, and that there is a lack of experimentation involving both public and private institutions that could result in the development of strategies utilizing the basic Neighborhood Youth Corps concept. Consequently, the city is presently working on experimental approaches that would go a long way to rectify the situation. I find these approaches very promising and, utilizing the data and experiences developed through them and existing related programs, I intend to introduce legislation to incorporate their approach into our nationwide program. Some of the programs and proposals that do have national significance, in my estimation, include the following:

THE ALLIANCE WITH INDUSTRY PROGRAM

This is designed to create job opportunities for Neighborhood Youth Corps enrollees in the industry and business sector. The initial proposal, as it is being prepared for submission to the Department of Labor, will set up an experimental approach for the summer, in-school, and out-of-school programs. Staff will develop job slots in a cross section of business firms that were selected because of their size, industry, and occupational groupings. Enrollees' stipends for the first cycle would be paid by the Federal Government, with the understanding that the firms would continue to employ and pay the wages of the youth for an equivalent period of time. Such a program would allow the Neighborhood Youth Corps to expand its job offerings, be the catalyst for the development of internship/career ladder programs for these youth, and develop a manpower system that is more attuned to the future employment of the youth of our Nation.

WORK RELEASE PROGRAM

The Bureau of Comparative Education, of the Board of Education, in conjunction with the public and private sector, has been running an effective work release program in 58 high schools. Students participating in the program work 1 week and go to school another and receive course credit for their work. They also receive a salary. Their courses in school are geared to supplement their work assignments. Preliminary evaluations show an improvement in grades and school attendance.

The program is also seen as an effective entry into the job market. The bulk of the participants are potential dropouts, although students with good academic records who simply do not wish to go to college, also participate.

I believe that similar programs could be instituted nationwide using the Neighborhood Youth Corps slots. The programs could build upon and modify the criteria and procedures presently in effect in the New York City Bureau of Cooperative Education. Initially, to assure wider distribution of funds, the work arrangements could be on a once-every-3-weeks basis. Provisions would have to be developed to allow the cities and localities to proceed in developing Neighborhood Youth Corps funded jobs in the private sector.

WORK SCHOLARSHIP PROGRAMS

One reason for the overwhelming financial difficulties experienced by low-income college students is that the students during high school years are given little opportunity to work and save for college. I believe we should seriously explore the possibility of providing Neighborhood Youth Corps jobs for college bound youth that incorporate special built-in savings arrangements. I am collecting data on this, and preliminary indications are that this is an idea worth looking into.

Finally, I believe we should work out provisions for funding recreation support programs on a year-round basis. This may be done in such a manner as to assure that the programs are carried on in conjunction with other supportive programs, such as remedial and social services. Youth gangs in the cities increase dramatically after the summer months. There are numerous indications that their numerical increase coincides with the discontinuance of the recreation programs. A year-round program may well help not only in reducing the numbers of the gangs, but also in providing a valuable and meaningful link with the troubled youth who make up their membership.

WEIRTON STEEL MAKING PROGRESS IN REUSE OF STEEL CANS—TASK FORCE FORMED TO HELP CITIES SALVAGE SCRAP

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 17, 1972

Mr. RANDOLPH. Mr. President, it has long been my belief that our country's environmental problems cannot be resolved without the concern and involvement of all segments of our society. Neither government, nor industry, nor individual citizens can accomplish the task before us. Success in providing a clean world can be achieved only if all of us work together.

A major part of the environmental challenge relates to the collection and disposal or reuse of millions of tons of solid wastes. I am particularly interested in how we respond to the challenge presented by the billions of metal cans that Americans use. We realize that in addition to the litter problem caused by their careless disposal, cans should be recycled to alleviate some of the shortage of natural resources.

Mr. President, Weirton Steel, which is located in my home State, has been a leader in developing and implementing new ways to collect and reuse steel cans. Nearly 2 years ago the company conducted a demonstration of remelting scrap cans at its plant in Weirton, W. Va. At that time, 500,000 beer cans were remelted into a useable product. Today, billions of steel cans are being remelted routinely at more than a dozen plants of the parent, National Steel Corp. At one plant alone, National Steel's Great Lakes Division in Detroit, 37½ tons of discarded cans recently were melted in a single month.

To give added emphasis to the importance of recycled steel cans, Weirton Steel has sponsored programs to promote their collection, in the Weirton community. In the year since the community's can-salvage program was started in Weirton, approximately 1½ million cans have been collected and $525 in proceeds have been distributed to the Boy Scouts, Girl Scouts, and the Camp Fire Girls.

In addition, National Steel has created a new solid waste task force to help cities develop effective systems for reclaiming steel scrap from municipal refuse.

President George A. Stinson of National Steel said:

> Our motivation is simple. We produce the steel used to manufacture one can in four of the 65 billion this country consumes each year. That obligates us to help develop economical and effective systems to recycle that portion of the nation's solid waste.

Mr. Stinson said a growing interest in "mining municipal refuse piles by the simple and relatively inexpensive process of magnetic separation" is responsible for the new program.

This group, Mr. Stinson correctly said, will respond in various practical ways to the demands made on it. Its members will make technical and commercial information available.

They will attempt to relate their knowledge and experience to situations they are asked about. They will help inquirers avoid needless delay and difficulty. No charge will be made for any service.

Where it may be useful, the task force will assist in design, engineering or similar professional activities without fee.

Mr. President, we see here how one corporation is reacting responsibly to the environmental challenge.

THE PRAYER AMENDMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. SCHWENGEL. Mr. Speaker, last year I led the fight against the so-called prayer amendment. The amendment before the House last November would have promoted State-written, State-directed, and State-sponsored prayer in our public schools. Seeing it as a direct threat to freedom of religion and the separation of church and state, I undertook opposition to this amendment to protect religious liberty.

At that time, Evangelist Billy Graham, was quoted as having endorsed the amendment. Recently, however, Dr. Graham announced he no longer supports the proposed prayer amendments to the U.S. Constitution. In a news conference held at Charlotte, N.C., last month he said he is "against any type of forced prayer that the state draws up." Dr. Graham said he had studied the arguments before Congress and that he was convinced the Supreme Court had only struck down enforced prayer exercises, not voluntary ones.

This, of course, was the position I held during the debate on the amendment. It is gratifying to know that Dr. Graham, after having studied the issues, has come to support my position. It is clear that this is another indication of a rising feeling in the Nation that prayer amendments are not the real solutions to the problems raised by public education.

The news story follows:

[From the Charlotte (N.C.) Observer, Apr. 5, 1972]

SCHOOL PRAYER NEEDS A SECOND LOOK, SAYS GRAHAM

(By Sam R. Covington)

"I don't think we should ever force prayer," Billy Graham said in Charlotte Tuesday, revealing he had changed his mind on the controversial efforts to put a prayer amendment in the Constitution.

But there should be another court test of what many people believe to be a Supreme Court ban on prayers in the public schools, said the Charlotte-born evangelist.

Graham, speaking on the eve of the Charlotte area crusade, said he supported past attempts to amend the Constitution.

But studying arguments before Congress on the matter convinced him that the Supreme Court had only struck down enforced prayer exercises, not voluntary ones.

Graham said he felt teachers should feel free to teach the Bible and conduct religious exercises. A prayer amendment straw vote in the Florida primary revealed overwhelming support for school prayer, he said, and he's convinced people across the nation support it.

Graham, flanked by United Methodist Earl G. Hunt Jr., and Rev. Carl Bates, honorary co-chairmen of the crusade, declined comment on liquor by the drink in North Carolina and on a court suit growing out of the October Billy Graham Day in Charlotte.

He said he felt he shouldn't discuss the suit because it is still before the court, but emphasized that the crusade is open to all who want to attend, a reference to the suit, which alleges that several "hippie" persons were illegally kept out of the Coliseum where Billy Graham Day was held.

Graham said he feels campus unrest has declined because many student objectives were met, many students in recent years have to work to stay in school and because more students are turning to religion.

"I think there is a great spiritual force that has developed on many campuses, and thousands of students are turning to Jesus Christ. That doesn't mean they are turning to the organized church," said Graham.

On the matter of civic, social and moral problems, Graham said he would preach from the Bible on these problems every night.

"I would hope it (the crusade) would have some impact but of course no crusades have ever solved a social problem."

Graham said social reform requires government action as well as Christian concern.

Graham returned to the question of moral and social reform later in the day at a meeting of local ministers, crusade staffers and students of a school of evangelism held in conjunction with the crusade.

"I have a very peculiar and strange feeling about this crusade I've never had before," Graham told the Charlotte ministers.

"I have a feeling this crusade is something special in God's plan for this, my hometown."

Graham said he had no way of knowing what his feeling meant for the city, but suggested that there may be here a person designed for great religious service or a situation that could be altered. He cautioned that the results of a crusade can't be known for years afterwards.

"I don't know what it is, but something is going to happen in Charlotte. This meeting was not planned by accident, it was planned in God's providence."

PEACE ALERT, USA

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 17, 1972

Mr. CRANSTON. Mr. President, the presidential elections are more than 150 days away, yet thousands of people all over America want to use their vote right now to show President Nixon and Congress that they want the Vietnam war ended.

Polls have been taken, of course, and they tell us that a great majority of the American people want the war ended. Yet the polls are samples of several thousand people—thus really involving only a very few citizens, and in no way effectively dramatizing the public's desire for peace.

I think we have come up with a possible solution. It is called Peace Alert, USA—launched on May 11 by the Senator from Iowa (Mr. HUGHES), San Francisco Representative PHILLIP BURTON, and myself.

Peace Alert, USA, features a straw vote on whether the public wants the war ended by a congressional cutoff of funds. It is simple and direct. It should be effective, for everyone in public office understands the power of the ballot.

On June 30 of this year, the current appropriations bill will expire. If the Vietnam war is to be continued, then it is Congress that must vote the funds. A massive outpouring of antiwar ballots received by June 30 should help convince Congress to end the war by cutting off the money that pays for it.

The Peace Alert, USA, plan has received support from such people as Louis Lundborg, former chairman of the board, Bank of America; Rear Adm. Gene La Rocque (ret.); Jesse Jackson; Gov. Pat Lucey of Wisconsin; Gov. Jack Gilligan of Ohio; Allard Lowenstein; Father Theodore Hesburgh, president, University of Notre Dame; William Myers, chairman, Fund for New Priorities in America; Harold Willens, national chairman, Business Education Funds; Donna Reed, cochairwoman, Another Mother for Peace; Leonard Woodcock, president, United Auto Workers; and many private citizens who have called to voice support.

Every person who cares about this issue is being asked to send in a postcard which reads:

> Should Congress bring the war to an end by cutting off the funds?

A "yes" or "no" must be clearly indicated, as must the sender's name, address, and phone number. Names will help verify ballots, and help avoid ballot stuffing.

Cards should be sent to: Peace Alert, USIA, Box 1621, Washington, D.C. 20013

All cards will be counted—and the impact on Washington should be great.

I think this is currently the most direct and effective way the populace has of making its views known.

The vote is one of our Nation's most priceless heritages. I think we can all use it to try to end the war now.

THE UNENDING BATTLE IN SOUTHEAST ASIA

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. HARRINGTON. Mr. Speaker, the recent offensive of the North Vietnamese illustrates the failure of President Nixon's Vietnamization policy. It appears that Hanoi can force the Saigon Government onto the defensive at any time it desires.

The President's reaction to the offensive was dead wrong. Bombing and mining are serious acts of war. What is needed is not the further escalation of war; history tells us that it is futile and barbaric.

In a recent article, Robert Shaplen discusses the reasons for and the ramifications of the Communist offensive. He correctly observes:

> Since it seems unlikely that such bombing will have the desired effect—getting Hanoi to call off the offensive and make major concessions in peace talks—the war, under the abysmal prevailing circumstances, could go on for another three, five, or even, as the Communists themselves have often said, ten or more years.

Vietnamization will not be completed by this June, as the President has promised; American air and naval support will be necessary if the South Vietnamese are to continue the battle. We must not let American involvement in this civil war continue. A definite date for the withdrawal of all American forces must be established.

The full text of Mr. Shaplen's article clarifying the Vietnam situation follows:

LETTER FROM VIETNAM

Whatever new responses President Nixon chooses to make to the current military crisis in Vietnam will serve to point up once again the precariousness of our position and the case with which Hanoi can seize the initiative and force the Saigon government onto the defensive. While achieving impressive elements of surprise, the Communists have uncovered serious weaknesses in South Vietnamese military leadership and morale and have moved into numerous strategic towns and areas without strong resistance. Meanwhile, throughout the country, there has been a vast new outpouring of refugees as people once more flee the battle zones and another agony begins for them. The war has never before presented so many complexities and imponderables, nor has it ever before been affected by so many external events. The North Vietnamese, unhappy about President Nixon's summitry in Peking and his projected summitry in Moscow, are more than ever determined to continue fighting, in what for them remains a supreme test of revolutionary will and endurance, even if they are unable to achieve the immediate and complete military conquest of Indo-China.

Hanoi's first objective, of course, has been to prove that Vietnamization and pacification, the twin pillars on which President Nixon's South Vietnamese policies rest, are failures—that the American-built South Vietnamese Army is incapable of fighting by itself, and that the fragile system of village and hamlet security, inspired by the Americans and advertised before the attack with computerized claims of more than ninety-five-per-cent success, is a sham and can be rendered a shambles. It will take a longer period of sustained military, political, and psychological pressure to put Vietnamization and pacification to the full test, but it is already clear that were it not for vast amounts of American air and sea power, much of it hastily brought into action from elsewhere, the first North Vietnamese assaults across the Demilitarized Zone and the Cambodian border would have led to the swift caputre of both Hué in the north, and An Loc, a provincial capital only sixty miles north of Saigon. Now, slightly more than a month after the assault began, the

Communists can claim an impressive list of victories. They have taken one whole province—Quang Tri, in the far north, with its capital city of the same name—at least eight district capitals, and forty military bases around the country. The fall of Quang Tri and the ignominious flight of its defenders, the South Vietnamese 3rd Division, whose officers apparently exercised no real leadership and whose men fled south to Hué, where they looted and burned, was the most ominous portent for ARVN, the Army of the Republic of Vietnam. In the wake of this debacle, President Nguyen Van Thieu has fired both the 3rd Division commander, General Vu Van Giai, and the boss of I Corps, the whole northern military area, General Hoang Xuan Lam (who happens to be a close political associate of Thieu's). If the new I Corps commander, the well-regarded (and apolitical) General Ngo Quang Truong, cannot stabilize the situation and defend Hué, using the veteran 1st Division—by now battered and outnumbered—it could mark the beginning of the end for ARVN, especially if the troops of a couple of other divisions elsewhere decide to emulate those of the 3rd.

Farther south, in the Central Highlands, the provincial capitals of Kontum and Pleiku are momentarily threatened, with the likelihood that Communist victories at coastal cities to the east, notably Quang Ngai and Bong Son, will effectively cut the country in two. To the southwest, An Loc remains in immediate jeopardy. In time, these and other cities—or what is left of them after North Vietnamese shelling and American bombing—may change hands several times, but in this phase of the offensive the aim of the Communists has been not only the capture of cities but, even more important, the total engagement of ARVN, including all its reserve elements, as well as South Vietnam's Marines and Rangers, over as far-flung a front as possible. In this aim, the North Vietnamese, though they have made strategic and tactical errors of their own, have pretty much succeeded, and even the government's Regional and Popular Forces, which are ordinarily supposed to operate within smaller geographical areas as the backbone of the pacification-security structure, are being used as mobile troops to try to stem the Communist attacks. This has already created a military vacuum in some places and has led to reinfiltration by Communist agents and Vietcong armed bands into a good many rural areas, especially in the Mekong Delta, previously rated by the government as secure and pacified.

Although the Communist offensive was expected for at least two months and was known to have been planned since mid-1971, the timing and synchronization took the South Vietnamese by surprise—a thing that has happened so often that it, at least, is no longer a surprise. Hanoi, in turn, was undoubtedly surprised, though perhaps not to so great a degree, by the intensity with which Nixon responded—apparently against the judgment of some of his advisers—and by his seeming willingness to risk the domestic political consequences of greatly increased bombing throughout South Vietnam and fierce new air attacks on North Vietnam. Since it seems unlikely that such bombing will have the desired effect—getting Hanoi to call off the offensive and make major concessions in peace talks—the war, under the abysmal prevailing circumstances, could go on for another three, five, or even, as the Communists themselves have often said, ten or more years. There are, of course, a number of alternative possibilities, including Nixon's defeat in November and, subsequently, a fast termination of our effort by a Democratic President. It is worth noting that recently Hanoi has been talking about getting Nixon to change his policies, which may indicate resignation to the likelihood of his reelection and a belief that he can be pressured into a less warlike and more diplomatically amenable position. At the moment, with our side's withdrawal from the Paris talks after fruitless dialogues between Henry Kissinger and Le Duc Tho, of North Vietnam, that possibility seems to have receded. Beyond this, the upcoming round of fighting may well be followed by a more useful round of talks.

If the offensive, or at least this phase of it, fails and the Communists cannot seize and hold certain key areas and cities, they will, as they have always been able to do, revert to small-unit and guerrilla warfare. To do this effectively, and at the same time regroup and be prepared to strike again in a few weeks or months in large-sized elements from newly established sanctuaries, the North Vietnamese will first try to re-create a stronger southern Vietcong force. Vietcong strength has been severely undermined in the last several years, and the main force at present is estimated to be only forty-two thousand, plus another twenty-five thousand regional guerrillas, thirty to forty thousand local forces operating within limited areas, and sixty to seventy thousand political and administrative cadremen. Though these are still totals to be reckoned with in such areas as the Delta and the central coastal regions and their surrounding hills, the Vietcong's recruitment, prior to the new offensive, was down from a high of seven thousand a month a few years ago to less than a thousand a month, largely because of past failures and the effectiveness of pacification in many areas. To compensate for this drop, the North Vietnamese infiltration rate at the beginning of the year was double what it was in 1971, and higher than at any time since 1968—when, following the big Tet attack, which was primarily Vietcong-led, large May and August offensives were mainly conducted by the North Vietnamese.

The present strengths and dispositions of the Communist and South Vietnamese regular forces have been widely misrepresented. The North Vietnamese Regular Army today consists of four hundred and eighty thousand men (and there are two and a half million men between the ages of fifteen and forty-nine fit for military service, about a quarter of them with some training. Included in the Regular Army are fifteen divisions of approximately ten thousand men each, and a variety of autonomous regiments and battalions—engineer and artillery units, and so on. It is now reported that eleven of the fifteen divisions (including two partly made up of Vietcong) are fighting in South Vietnam, two are in Laos, one is in Cambodia, and only one remains in North Vietnam. Usually, the North Vietnamese employ half of their divisions at a time. At present, approximately a hundred and twenty thousand of their regular soldiers are fighting in South Vietnam, sixty thousand are fighting in Laos (where another twenty thousand guard the Ho Chi Minh Trail), and twenty thousand are fighting in Cambodia. Of the remaining two hundred and sixty thousand, an estimated half, many of them belonging to autonomous regiments and battalions, are in South Vietnam but have not yet been committed to action; the rest are still in North Vietnam. Since the offensive began, traffic down the Trail has dropped off sharply, but "volunteers" are still being signed up in North Vietnam—particularly urban youths, some of them only sixteen years old, who are being enlisted because they have been criticized for leading too easy lives; their dispatch down the Trail on the three-to-six-month journey southward is a kind of punishment, akin to the dispatch to the countryside of allegedly effete urban elements in China.

Much has been made of the one million one hundred thousand South Vietnamese men under arms today, but when the figures are analyzed and broken down, of the four hundred and forty thousand men in ARVN—fifty thousand less than the actual number called for by Army planning tables—only a hundred and thirty-five thousand are actually engaged in daily combat. These are the men now fighting against the hundred and twenty thousand North Vietnamese, which means that the ratio of rifleman versus rifleman is just about one to one. Of South Vietnam's more than five hundred thousand Regional and Popular Forces, the great majority are guarding outposts, villages, and hamlets, where they come into contact primarily with the Vietcong or with combined North Vietnamese and Vietcong elements of battalion size or less. The government also has a hundred and thirty thousand armed police, many of them in and around Saigon, where they share the defense of the capital and the nearby provinces with some two hundred thousand Regional and Popular Forces. There are an additional half million armed local militia, known as People's Self-Defense Forces—volunteers whose total enrollment is more than a million but who are issued guns on a day-to-day basis and whose fighting ability is extremely uneven; in fact, whose ranks are frequently infiltrated by the Vietcong.

The chances of a powerful buildup of the Vietcong, including a new apparatus of both "secret" (or illegal) cadres, who stay underground, and legal cadres, who live ostensibly normal civilian lives and hold government or private jobs, will depend to a very large degree on how the morale of Saigon's forces holds up over the next few weeks and months. Indeed, what worries the Americans and the South Vietnamese government as much or more than how well the ARVN will stand up to the present assaults is the ability of the R.F. and P.F. and the P.S.D.F. to endure steady North Vietnamese and Vietcong pressure. Should these elements break in substantial numbers—and they are the objects of a particularly intensive Communist psychological campaign—it would demonstrate both their weakness and their lack of faith in their leaders and in the Thieu government. This could lead rapidly to what the Communists have been demanding in Paris and in their propaganda—the replacement of the Thieu government by a new, roughly tripartite government of "national concord," composed of representatives of the Communist-created Provisional Revolutionary Government, independent "peace-loving" citizens and groups, and unnamed representatives of the present Saigon government with whom the Communists feel they could cooperate. Once such a government was created, negotiations for a cease-fire and a political accommodation could take place, the Americans would withdraw by a specified date, and all prisoners of war on both sides would be returned. This would mean accommodation on Communist terms and the political defeat of the present Saigon regime and its American supporters.

It is possible, if the situation deteriorates further and moves to a sudden climax, that such a solution could be arrived at even before the scheduled buildup of a new Vietcong apparatus is completed. Conceivably, Hanoi might favor a slower schedule, for that would enable the North Vietnamese to continue their announced tactic of "fighting and talking at the same time," while restructuring the Vietcong for the long-haul political and, if necessary, military future of resumed civil war. In this connection, it is significant that both Hanoi and the National Liberation Front, which set up the Provisional Revolutionary Government in South Vietnam in 1969, are now resurrecting another organization, the Alliance of National, Democratic, and Peace Forces, which was formally established shortly after the 1968 Tet offensive. The Alliance, headed by a fugitive Saigon lawyer named Trinh Dinh Thao, was supposed to organize urban intellectuals as a sort of sister group of the older N.L.F. Its leaders were a dozen or so Saigonese who had been living in the city longer than the members of the Front, which was formed in 1960, and who did not flee to the rural areas until shortly before or during the Tet offensive; a similar Alliance in Hué stayed in that city until the Communists gave it up after a bitter three weeks' fight. For a while, it appeared that the Alliance was in some competition with the N.L.F. (and later the P.R.G.) as a bridge-building group between the countryside and the city, and that it might play a more important role in future negotiations. But then it became apparent that although there may initially have been some purposeful or planned competition between the Alliance and the N.L.F., the latter was still supreme and the Alliance had been created primarily for propaganda and proselytizing purposes. For some time, the Alliance all but dropped out of sight, though it surfaced occasionally as a potential adjunct group.

Recently, on April 20th, the fourth anniversary of the founding of the Alliance, both the Front, through its chairman, Nguyen Huu Tho (also a former Saigon lawyer), and Hanoi, through President Ton Duc Thang personally, sent the Alliance laudatory anniversary messages. I have been told that this may be the first step in a plan to move the Alliance back into an important role as a would-be "caretaker government" in Saigon, or at least part of such a government. The Alliance would then fulfill what was supposed to be its original purpose back in 1968—to serve as an intermediate body, reresenting important elements of the Saigon community, in helping the P.R.G. to set up a provisional coalition preceding elections and the establishment of a permanent coalition government which the Communists would soon hope to dominate. What the Alliance would in effect do is widen the negotiating base for the Communists by including for example, some overseas sypathizers living in Paris and some of the better-known political and religious elements in Saigon. This does not mean that the Communists are willing to accept President Thieu's offer, included in President Nixon's eight-point proposal of last January 25th, to resign a month before new elections and let Senator Nguyen Van Huyen, the head of the South Vietnamese Senate, take over an interim administration. A caretaker regime, though, as the Communists and also some anti-government non-Communists see it, would ostensibly be more attractive to a wider spectrum of Saigonese and could better help establish a workable coalition. The Communists remain firm in their insistence that such a regime could not include "Thieu and his henchmen."

There is, of course, no indication at all that President Thieu is ready to step down in accordance with his offer unless the Communists agree to a cease-fire and show a willingness to negotiate with the understanding that all their forces are to be withdrawn and that there will be an election six months later. Thieu has said he would quit a month before the election but has never said he wouldn't be a candidate again. The Communists have denounced the eight-point proposal as a sham and a fraud that would leave Thieu's apparatus intact.

Actually, since the attacks, even Thieu's leading opponents in the Senate and the House of Representatives, as well as the An Quang Buddhist faction, have been supporting him in the battle against the Communists, though they make a subtle distinction between defense of the Second Republic and defense of the present regime. However, should the situation deteriorate badly Thieu's strength could wane, and a new solution, involving some sort of caretaker government, could be put together. While still fighting and talking at the same time, the Communists could then simply move the Alliance of National, Democratic, and Peace Forces back into the forefront in a tactical maneuver to gain more time, seeking support among the millions of fence-sitting Vietnamese who are ready and willing, out of war-weariness alone, to get the accommodation process started.

If this dreadful war is to end sooner rather than later, such a development conceivably could also be stimulated by big-power intervention, notably on the parts of the United States and the Soviet Union to get the peace talks in Paris going again on a more productive basis. Hanoi would probably prefer to wait until after the American election and see if Nixon can be defeated or forced to back down; but if the fighting slackens, Hanoi may well opt for a resumption of serious private talks. Both Saigon and Hanoi have been aware of the possibility of the Moscow summit's being cancelled or, more likely, stalemated to the point where any possible agreement over mutual reduction of aid to the two fighting sides would be rendered impossible. Most observers here, however, feel that Moscow wants to talk with Washington about other subjects, including European stability, the Middle East, technological assistance, and strategic-arms limitation, far more than it wants to talk about Vietnam, and thus the Russians might be willing to make concessions on Vietnam in return for American concessions on other matters more important to them.

Vietnam, it must be sadly noted, has been just as much of a military testing, or proving, ground for the Russians as it has been for the Americans, with Soviet missiles and radar-guided anti-aircraft guns attacking high-flying B-52s, with MIG-21s jousting with Phantoms, and now with wire-controlled heat-seeking missiles used against tanks and low-flying aircraft. Moscow has promised Hanoi continued unlimited amounts of modern weaponry, including tanks—which have been used so recklessly in the current attacks that, as one American official has commented, "you'd think they were going out of style." Such promises were strongly reaffirmed last month, apparently, when Konstantin Katushev, a leading member of the Soviet Union's Party hierarchy, and Deputy Foreign Minister Nicolai Firyubin travelled to Hanoi. Morover, whatever inclination the Russians might have to talk about mutual arms limitation in Vietnam is not likely to be enhanced by renewed American bombing of North Vietnam and our threats of blockading Haiphong Harbor. There is no reason to believe that Nixon can sway Hanoi any more than President Johnson did with more bombing over a longer period, and damage to Russian ships in Haiphong Harbor—one of which reportedly sank after our April 15th B-52 raid—assuredly strengthens, rather than weakens, Hanoi's position vis-a-vis Moscow. Although nothing has been said about it, after the first Haiphong attack in mid-April the Russians diverted several ships bound for North Vietnam, but then the voyages were resumed. (Incidentally, many Vietnamese civilians and foreigners have by now been evacuated from Hanoi and Haiphong.) If more Russian ships are hit, the propaganda value probably will bulk larger in Moscow's eyes than the prospect of a larger conflict.

Perhaps because this has been so obviously a North Vietnamese, rather than a Vietcong, offensive, Hanoi has sought less than before to pretend that the battle is being waged by the "liberation forces" in the South. As General Vo Nguyen Giap, the chief of the North Vietnamese Army and Hanoi's Defense Minister, told a National Assembly meeting a few days before the offensive, "Let the great rear, the Socialist North, give its best and fullest support to the front line to meet all the latter's needs in manpower and materiel." This theme has been constantly repeated since the offensive began, in newspaper editorials and on the radio, with various Hanoi spokesmen lauding the "patriotic" turnout of soldiers and with Hanoi festooned with poster pictures of the "great victories" in the South.

Saigon has blossomed out, too, with hortatory banners calling for "the final struggle to victory" and with newspaper pictures of battlefield successes. But meanwhile the popular mood seems to have been almost one of relief at the idea that this may indeed be the beginning of the end of the war and that, whatever happens, peace may finally come, after twenty-seven years, through accommodation and compromise. There has been some, but not much, hoarding of rice, and the price of gold is stable. Some think this indicates an attitude of confidence, but most interpret it as resignation. There are perhaps three divisions' worth of headquarters troops and other such deskbound soldiers doing bureaucratic jobs in and around the city, and while the government talks of getting them away from their desks and out into the field, no one has yet done anything about it.

In the early months of the year, despite a vast amount of electronic intelligence showing, among other things, a tremendous influx of men and materiel down the Ho Chi Minh Trail, many American and South Vietnamese intelligence people expected no major offensive until May or June but probably a series of what are known as "high points," including more terrorist activities and localized attacks, in April. Actually, according to information from prisoners and other intelligence sources, it was known that an attack was initially planned for mid-February, but for some reason, probably a combination of American air interdiction and an inability to get enough supplies in place (and maybe even because Peking secretly intervened prior to President Nixon's China trip), the attack was postponed. Late in March, however, a number of prisoners captured in the Highlands area near the city of Kontum, not far from the point where Cambodia, Laos, and South Vietnam meet, gave the first explicit information that a major attack was scheduled for April. The prisoners indicated that the offensive would start in the Highlands region and that the overall objective was to achieve quick successes and seize and hold key strategic and populated areas. The "total victory" the Communists have spoken of publicly as well as in their captured documents—meaning both political and military victory and the defeat of pacification and Vietnamization—was to come later in 1972, these prisoners indicated.

Although an offensive across the D.M.Z. was mentioned in captured documents as part of a later phase, for some reason not yet known the North Vietnamese decided at the last moment to delay in the Highlands and to concentrate their main efforts across the D.M.Z. What could have changed their minds was the weather, which was bad at the end of March, with low-lying cloud cover making it extremely hard for the high-flying American bombers to attack. There has also been some speculation that a delegation of Russian high-ranking generals that visited Hanoi late in March may have had something to do with the shift in plans, but the more expert feeling is that while the Russians did nothing to restrain the Nort Vietnamese, they were in Hanoi mainly to talk about military aid and not push buttons for this attack. At any rate, the decision was made to strike across and around the D.M.Z. with elements of four divisions—including three of the same ones that made a similar attack in 1966, when it took most of two United States Marine divisions and more than one ARVN division some seven months to push them back into North Vietnam.

One of the most puzzling things is the apparent faulty intelligence about the size of the invading force—approximately fifteen thousand combat troops, plus two regiments employing a hundred and eighty Russian Second World War T-54 tanks. As one American officer said, "We were wrong about the enemy's specific intentions and wrong about his capabilities because we thought too much in broad terms about where and how he could hurt us." Following an extremely heavy forty-eight-hour artillery barrage, which began on March 30th, the invaders moved swiftly across the D.M.Z. in several places, using some of the same routes they had chosen back in 1966. Opposing them was the newest and least tested South Vietnamese division, the 3rd, about half of whose men came from the highly rated but oversized 1st Division and the rest of whom were inexperienced draftees and former members of the Regional Forces. One of its regiments cracked badly almost at once; many of its men deserted and fled, leaving behind some heavy artillery pieces at a firebase named Camp Carroll. This helped the Communists to overrun quickly about a dozen other firebases across a ten-mile strip below the D.M.Z. The remainder of the 3rd Division, together with most of a Marine division flown up from Saigon by the Vietnamese Air Force, part of a Ranger force flown up by the Americans, and perhaps most significant, an armored Vietnamese unit with M-48 tanks that were rushed up from nearby Phu Bai, where it had been engaged in a training exercise, established a new line running along the Cua Viet River, and this held until April 28th.

Military experts here are still puzzled about why the Communists didn't try harder with their tanks, of which they initialy lost about half, to low-flying South Vietnamese planes, to American M-72 anti-tank weapons and bazookas that were quickly supplied to the ARVN, and—after the clouds lifted, three and a half days later—to the first big waves of American fighter-bombers and B-52s. The original Communist plan, according to our intelligence, was to push on and take Hué, the main target, in ten days. The best explanation of why the Communists stopped long enough for the South Vietnamese to send reinforcements was that they outran the range of their artillery, which was set up mostly in the D.M.Z., and, more important, their supplies; it takes between one and two truckloads of gasoline and ammunition a day to keep a T-54 tank in action. In any event, despite continued heavy expenditure of artillery and surface-to-air missiles, the Communists lost their chance to drive ahead quickly toward Hué, where another fight such as took place in 1968 remains imminent. Anticipating just such a thing, many of the city's inhabitants, as well as refugees who fled there from Quang Tri, have now joined a great exodus southward toward Danang, by car and truck, by whatever boats they can board, and on foot. Under these chaotic conditions, some sort of internal political blowup, triggered by the Communists, is fully likely in both Hué and Danang when the fighting gets serious there. As usual, it is the common people of the country who are suffering most, though the government, in the early stages of the conflict at least, has done a better job of taking care of refugees than before. The Communists, incidentaly, persuaded or forced an estimated twenty-five thousand people from the northern Quang Tri area to go north with them, into the D.M.Z., or to North Vietnam, where they will probably be used as laborers.

The next Communist target turned out to be the III Corps area, north of Saigon, although some activity also began taking place in the Central Highlands. A week after the attack in the north, the North Vietnamese captured Loc Ninh, a district capital in Binh Long Province, north of Saigon, where in 1967 they lost more than a thousand men in repeated human-wave assaults. This time, they took it swiftly and immediately set up their own village committees and local rule, using some government people who didn't flee south and thus following their new approach of seeking to use willing rural officials. Then, still moving quickly, the Communists began the attack on An Loc, the provincial capital of Binh Long, closer to Saigon—which some Americans and Vietnamese believe remains the main target of this phase of the offensive, rather than the Highlands or the northern provinces of Quang Tri and Thua Thien, which President Thieu feels the Communists most want to seize and hold for purposes of future negotiation. As of this writing, the seige of An Loc has lasted a month, and the government forces, with the help of American airpower and their own, have so far managed to hold it, at the cost of large losses to themselves as well as to the Communists. The city is more than half destroyed, and whoever takes or retakes it will capture little but rubble. From the Delta, the 21st Division was sent up to help defend An Loc, but the unit bogged down south of the city on Route 13—now called Thunder Road, because of all the Communist mortar fire there—and other reinforcements had to be flown in by air. A new major battle that is shaping up along this road would directly threaten Saigon and probably be accompanied by sapper attacks in the capital, though it is doubtful whether at this juncture the Communists would call for a general uprising in the city, since one they called for in 1968 failed to materialize.

While the An Loc siege went on, the Communists were not inactive elsewhere. With the 21st Division gone from the Delta—two others are still there—they stepped up their small-unit assaults and fire attacks in about eight Delta provinces where there are only Regional and Popular Forces and Self-Defense elements left. Some territory has been lost in these provinces—where the main pacification effort has gone on, because the Delta is the most populous part of South Vietnam. At the same time, the long-heralded offensive in the Highlands picked up steam and the Communists seized several firebases and base camps north and west of Kontum, the capital of Kontum Province, and mounted their major attack on Kontum itself and on Pleiku.

With only five hundred Vietnamese-operated helicopters and less than nine hundred American ones still in South Vietnam, the whole helicopter-supported firebase concept, which General William C. Westmoreland, the former commander-in-chief of American forces, helped initiate but in recent months has criticized, is more than ever questionable. In the days when the Americans were doing most of the fighting, their enormous mobility, with more than four thousand operational helicopters, made the firebases militarily useful and defensible, but the South Vietnamese, left to defend the firebases with a handful of American advisers, are stuck with this concept, and the hard-hitting North Vietnamese are aiming to seize the bases in various parts of the country even at a heavy cost in lives—a factor that General Giap never seems to worry about. One wonders why the firebases are so important to either side, and why the Communists haven't simply bypassed them and struck sooner at their main objectives. But then so many things both sides have done in their ludicrous war haven't made sense.

In addition to hitting in the Highlands, the Communist have managed to cut the key roads leading in and out of them, including those running north and south from Kontum to Pleiku and beyond, and west and east across from Pleiku to the city of Qui Nhon, the caiptal of Binh Dinh Province, on the coast. They have also cut Highway 1, the main national road running north and south along the entire length of the coast and then swinging west to Saigon and into Cambodia to Phnom Penh. These are the same tactics they followed during the French war, and the obvious effort is to keep the spread-out government troops from moving supplies by road as well as by air. Korean troops defending the Highlands Route 19 from Pleiku to Qui Nhon came in for severe criticism from the South Vietnamese for not trying very hard. (The story is that, having received excellent pay in their service here for a long time, they now want to go home, and they resent Nixon's efforts to keep them here.) Recently, they have been more active, and succeeded in reopening the road through the An Khe pass on Route 19.

The Communists' over-all strategy in the Highlands areas is to cut South Vietnam in two, as was done at the end of the French war and was almost done again in 1965, when President Johnson sent a huge American force in to prevent such a debacle. Important as Saigon is, South Vietnam's Central Highlands and the Bolovens Plateau in Laos adjacent to them remain, in the opinion of the most knowledgeable military experts, the key to the whole strategic situation. The coastal provinces to the east—Quang Nam, Quang Ngai, Binh Dinh, and Phu Yen—have always been strong Communist areas, and as the offensive has progressed, more and more local attacks began occurring there, coinciding with the cutting of the roads and the luring of ARVN divisions and reserves into the main battles. A number of firebases and district towns and villages have been hit and some have been captured in these coastal provinces, where Regional Force units are up against not only crack North Vietnamese troops but sizable Vietcong forces. Most of the Regional Forces are holding up satisfactorily, but there have been instances where they have cracked and run, and this is the sort of thing that has Saigon worried, for if it becomes more common the deterioration of morale is apt to worsen swiftly. The traditional Communist strength in the coastal region dates back to the early days of the Vietminh, before the French war began. When the Vietminh soldiers went north after the end of the French war in 1954, they left behind wives and girl friends, a lot of whom gave birth to sons who are now seventeen and eighteen years old. Many of them today are members of hard-core Vietcong units.

Ranking American officers privately admit that a number of ARVN regiments, as well as an appreciable number of Regional and Popular Force units, have fought poorly. Communist penetration of the local Self-Defense Forces has led in some cases to Communist victories, especially in the Delta, and to the creation of new local governments—often including former pro-Saigon hamlet council members—sympathetic to the Vietcong. In March, President Nixon quoted General Creighton W. Abrams, the commander-in-chief of American forces in Vietnam, as predicting that the South Vietnamese lines "may bend [but] they will not break," and this is becoming more uncertain day by day. The paramount question remains that of endurance—a quality that the North Vietnamese always seem to possess beyond comprehension but that remains to be tested among the majority of South Vietnamese.

Since all of the ARVN except the special reserve units, the Marines, and the Rangers are accustomed to living with their families and even traveling around the country with them, how well the 21st Division, for instance, which has long been based in the Delta, will conduct itself north of Saigon seems questionable. The other vital factor, which is equally difficult to gauge, is the extent of commitment of each side's total forces. The South Vietnamese have probably committed more of their regular units so far than the North Vietnamese. About seventy or eighty per cent of ARVN elements are involved in defensive battles around the country, while no more than fifty or sixty per cent of Hanoi's forces in South Vietnam have been committed.

Hanoi's ability to keep so many men in reserve is all the more remarkable in view of the fact that the North Vietnamese are fighting in Laos and Cambodia as well as in South Vietnam, and that they have gained victories during recent weeks and months in both those countries. Herein lies another danger for South Vietnam—that its forces will be outflanked, which means that new sanctuaries can readily be reestablished and new invasion routes opened. Although the North Vietnamese control of the Bolovens Plateau and their drive eastward toward the China Sea coast make up the single most significant strategic factor in the present situation, second in importance is the stepped-up activity in Cambodia by both North Vietnamese and the Khmer Rouge, the indigenous Cambodian Communists, whose numbers have been estimated to be about twenty-five thousand but are now said to have doubled as a result of some recent hasty recruitment or impressment of Cambodian villagers. Siem Reap, northwest of Phnom Penh, is once more the scene of fighting, as are other areas of Phnom Penh.

The sections of Highway 1 cut between Saigon and Phnom Penh, amid heavy fighting on both sides, have placed the Cambodian capital under a new threat of being isolated and open to more rocket attacks, such as one on March 21st, when more than a hundred and twenty people were killed and more than two hundred wounded. Most of the province of Svay Rieng, in southeast Cambodia, has been occupied by the Communists, and the North Vietnamese 1st Division, which was occupying a corner of the country near the Gulf of Siam, has been moving back toward the Mekong Delta. In northern Laos, elements of two North Vietnamese divisions are still in control of the Plaine des Jarres, although the siege of the U.S. Central Intelligence Agency base at Long Cheng has been lifted after many weeks of fighting. The Communists still threaten the Mekong Valley to the west, however, between the royal capital of Luang Prabang and the administrative capital of Vientiane, and their dry-season offensive, now at an end, has left them in a stronger position than they have been in for many years, in southern as well as northern Laos. Inasmuch as they now control more territory in both Laos and Cambodia, and have probably cached more materiel in more places than in previous years, their position, as the wet season is about to begin, is much stronger than it was at this time last year or the year before. This, plus their manpower reserve and the fact that they have conserved their forces well so far during the current offensive, makes it almost certain that, if necessary, heavy fighting will continue throughout the wet season in all three countries, but especially in South Vietnam, where Giap will undoubtedly spare no effort to grind the ARVN forces down and keep them moving about.

The present offensive and the general developments in all of Indo-China can be said to have had their genesis in May, 1970, with the South Vietnamese-American invasion of Cambodia, and in February and March, 1971, when the South Vietnamese went into Laos with heavy American air cover. The Cambodian invasion was a partial military success, but, more important, it was a first step in widening the war, just as the far less effective and more costly Laos incursion was a second step. Both invasions forced the Communists to reëvaluate their entire strategy and tactics, and it has taken them until now to respond to what they regard as a new American challenge in Indo-China. Following the death of Ho Chi Minh in 1969, a series of debates began in the North Vietnamese Politburo and among the country's military. During a Central Committee meeting at the end of 1970, it was more or less decided to press the fight against the Americans as the primary objective and to build up a strong rear in North Vietnam. The Laos incursion, the secret negotiations in Paris, and the publication of President Nixon's eight-point proposal again forced the North Vietnamese to revamp their strategy. The debate raged during a four-day meeting of the Fatherland Front Congress in Hanoi in December, 1971. The Fatherland Front had been formed in 1955 as an all-inclusive organization replacing the earlier Vietminh and its successor organization, the Lien Viet Front, and after the opening congress only one other had been held, in 1961, prior to last December's. Several important North Vietnamese leaders made speeches, but the most significant one was made by Truong Chinh, a ranking member of the Politburo and the head of the Standing Committee of the National Assembly. Truong Chinh declared that "the spearhead of the world revolution must be directed at the U.S. imperialists and not at anyone else." Analyzing in detail Nixon policies, he took note of the dangers to the Communists inherent in them because of Nixon's willingness "to negotiate with a number of countries, especially the Soviet Union and China, with a view to blocking and threatening the two greatest Socialist countries; to take the fullest advantage of the contradictions between these two countries; to create contradictions among the Socialist countries, with a view to achieving conditions advantageous to the Americans; to seek a détente among the big powers of the world; and to continue to bully small countries."

The most seriously threatened countries, he said, were, of course, those in Indo-China. This theme has been constantly repeated, as it was in a joint communiqué issued in the first week of March by North Vietnam's Premier Pham Van Dong and Cambodia's exiled Prince Norodom Sihanouk, when he visited Hanoi from his new home in Peking. At the Fatherland Front Congress, there was revealed what some analysts believe was a difference between, on the one side, Truong Chinh and General Giap and, on the other, Le Duan, the head of the Laodong (Workers' Party. Le Duan was represented as wanting to move more carefully toward negotiations, to put more emphasis on building up the Socialist rear, and perhaps to allow the P.R.G. more latitude in dealing with the Saigon regime. Although political disputes in Hanoi have for the most part tended to be exaggerated by outside observers, it remains true that Truong Chinh has tended to maintain a pro-Peking line, while Le Duan is known for a pro-Moscow orientation. On Le Duan's birthday, early in April, the Soviet Union and other Eastern European nations went out of their way to send him special greetings, which can be taken as a sign not only of his position as first among equals in the Hanoi hierarchy as far as Moscow is concerned but as a reminder that, rift or no rift, it is Moscow's man who is running the Laodong Party and who helped negotiate the deal whereby the North Vietnamese obtained the vast amounts of materiel necessary for carrying out the current offensive.

In the matter of ideological undercurrents in North Vietnam, there has recently come to light a fascinating article published in the prestigious Laodong Party theoretical magazine *Hoc Tap* and written by Tran Quoc Hoan, who, as Minister of Public Security, is Hanoi's tough top policeman and a close associate of Le Duan and Premier Pham Van Dong. Inveighing against "counter-revolutionaries" and "rebels" in North Vietnam. Hoan's article—which is specifically directed at Party leaders and not at the rank and file—seems to be not only a warning that the war-weary peasant and small shopkeeper must be made to toe the economic line but, beyond this, an alert against real ideological strife. Such conflict, he seems to imply, could be a reflection of the continued Moscow-Peking split and could be fostered by the Fatherland Front, as Chinh's (and, by implication, Peking's) instrument.

The Chinese, who at the outset played down this spring's offensive, both as believers in "protracted warfare" and because it was backed by the Russians, later, on April 10th, broadcast a Ministry of Foreign Affairs message in English protesting the resumption of American bombing in the North and adding, "The Vietnamese nation is a whole. It is fully legitimate and a matter of course for the Vietnamese compatriots in the northern and southern parts of the country to support each other and jointly combat the aggressors. . . ."

A whole series of captured notes and documents serve to show how meticulously the present attacks were planned for many months. In September, 1971, at a large conference of the Central Office for South Vietnam, or COSVN (the politico-military headquarters that, from various locations, runs the war in the South for Hanoi), the opening speaker, who was unidentified but whose remarks were broadcast a month later by Radio Liberation, said, "This congress is called for assault, urging our armed forces and people to surge forward in concert, with a tremendous stamina, to endure more hardships, to make all sacrifices, and, together with compatriots throughout the country, to realize President Ho's sacred testament [and] resolutely fight the U.S. aggressors until complete victory." Documents and prisoner interrogations have all emphasized that the long-range Communist objective has been to "seize and hold certain land and populated areas," and this is the script that has been followed, along with the one of "pinning down big [ARVN] units." This explains why the Communists have fought so long and hard for An Loc. There are those who have questioned the wisdom of the South Vietnamese government's stand there (Hué, as a symbol, is something else again), but President Thieu's orders have been to defend An Loc at all costs, possibly because of its proximity to Saigon and his fear that a victory for the Communists there would inspire them to strike with a sapper battalion or so at Saigon, which would serve both to frighten the population and to make Thieu's own position less secure.

The point stressed in everything the Communists broadcast and write is that the Saigon government's "human and economic resources" must be attacked, and this is why so much emphasis is being placed on a "ten-point amnesty program" promulgated by the P.R.G. and designed to make as many wavering troops and bureaucrats as possible desert to the Communists. The program, which is being widely publicized by radio and by means of a pamphlet signed by Mme. Nguyen Thi Binh, the head of the P.R.G. delegation at the Paris peace talks, carries the obvious message that those who switch allegiance now will spare themselves and their families trouble if and when the Communists take over. The pamphlet is full of such pronouncements as "Families which urge their members to desert the enemy ranks and return to their relatives and people will be given credit for their achievements . . ." and "Families which urge their members to revolt will be regarded as 'insurgent' families and will be praised and rewarded properly." Soldiers in all government ranks who resent being conscripted and refuse to fight "will be positively assisted by the people and revolutionary administration." Regional and Popular Force and Self-Defense Force troops "who have entertained good relations with the people," allowing them to work and travel about freely, "will be recognized as patriotic by the people and the revolutionary administration." Even government "spies," the pamphlet says, will be forgiven, which seems unlikely. Special appeals are made to "high-school and college students, intellectuals, and civil servants" who have been conscripted, as well as to the police force, which has been used as "a tool for directly scraping up and pillaging our people's wealth and repressing and terrorizing their struggle movements." The fact that the Communists have laid so much stress on this program may be taken both as an admission that the Vietcong structure has been weakened and as underlining the importance of the antipacification drive. At the same time, if there are definite Communist victories, the amnesty appeal could have a telling effect.

Though the Communists have long prepared for this offensive, carrying and distributing arms and ammunition far more effectively, over a wider area, than the South Vietnamese and the Americans suspected, they still have transportation problems—moving materiel from rear to forward supply depots in bad weather and slipping it past government lines and roadblocks, and so on—and they have already expended astonishing amounts of materiel. However, the individual North Vietnamese soldier still travels a good deal lighter than his South Vietnamese counterpart, the South Vietnamese Army having been molded far too much in the American logistical image. How much Vietnamization is really Americanization has become apparent during the offensive and in the South Vietnamese reaction to it. It is already quite clear that, however many, or few, Americans remain here in the coming months or years—the Vietnamization of the ARVN is supposed to be finished this June, but the Vietnamization of the Air Force will take another year—those who remain will have to retain a major part of the responsibility for the management and movement of materiel. They will also have to continue steady air and naval support indefinitely if the South Vietnamese are to be kept going—certainly a questionable proposition as far as Congress and the American people are concerned—and they will have to continue working on the coordination of air and ground support and artillery fire.

During the recent fighting, American advisers have sometimes taken over the direction of action in a way they hadn't done since 1962 and 1963, when they weren't supposed to take charge but did so anyway. This doesn't mean that the South Vietnamese, in most instances, didn't conduct their own operations, but it was an American adviser, for instance, who blew a vital bridge at the Cua Viet River in the north, and, in the III Corps area around Saigon, Major General James A. Hollingsworth, the senior military adviser, has taken charge so much and used the personal pronoun so vociferously—threatening to kill as many North Vietnamese as he could all by himself—that he was taken to task by headquarters for his remarks, though he kept right on making them; "good old Holly," as his friends call him, has become something of a latter-day hero among Americans in the gung-ho set.

On the other hand, as has long been predicted, friction has cropped up between the Americans and the South Vietnamese during the dwindling days of the large American presence. At Camp Carroll, the firebase near the D.M.Z. that fell early in the offensive, there was resentment over an American helicopter's removal of two American advisers at the height of the action, while at Hoai An, a district capital in Binh Dinh captured by the Communists, the Vietnamese territorial forces ran off in civilian clothes and abandoned their advisers, who had to be lifted out by helicopter under fire as the Communists were taking the place. At An Loc, the Americans remained to direct the defense of the city when it was under its strongest attack.

The coming weeks and months will not be easy ones for the advisers still in the field, especially those far out in the rural areas, which are bound to be regularly attacked; nor will they be easy for the six thousand American combat troops still in the country. Life will be a lot easier for the twenty-five thousand Americans in Saigon and for the twenty thousand at the main base of Long Binh, just to the north—unless, of course, both places come under strong attack. Meanwhile, these Americans lead luxurious, if fretful, lives. In Saigon, the work schedule is long and hard, but at Long Binh there is plenty of time for both soldiers and officers to enjoy the base's eleven swimming pools, including a newly completed Olympic-size one; a new three-hundred-and-five-thousand-dollar theatre, just opened; and tennis courts and massage parlors. Originally, the idea behind building such luxurious installations at the few remaining bases was to keep the Americans happy, so that they wouldn't go roaming around buying drugs. (At Long Binh, in fact, no one without official business is allowed off the base.) As usual, however, things seem to have been carried too far, and something approaching a combination of Disneyland and Beverly Hills has been created.

If the remaining Americans here are in ambivalent positions, with a relative handful still taking a highly active role in the war, along with the land- and sea-based airmen, while the rest are in a bizarre Long Binh-like limbo, the Vietnamese are, to be sure, becoming more aware at last that their basic reliance on the Americans is about to end. Despite the continuing dependence on our air support, military hardware, and economic assistance, they now know that the gruelling ground war, which is what really counts, is theirs to win or lose. President Thieu, perhaps for that reason, and because he is fully aware that his overthrow is one of the Communists' principal objectives, has taken personal charge of the war in a way that has brought him both respect and criticism. Almost daily, Thieu makes a trip to one or another of the fronts, and on his orders troops have been shifted from one end of the country to the other. Though Thieu's military experience has been considerable, how goood a strategist he is is open to question, especially when he is pitted against Giap. So far, Thieu has done just what Giap wants him to do by shuttling ARVN troops all over the place. The main criticism one hears is that he has too frequently bypassed his own Joint General Staff, headed by the able General Cao Van Vien, and has worked directly with the four corps commanders in the country and with those division commanders he feels he can trust because they are his personal friends—which doesn't mean they are competent, or even have sufficient combat experience, which several of them do not, having never commanded regiments, or even battalions, and having served only as province chiefs.

Nixon long ago let it be known that we were "not wedded" to the Thieu administration, even though we would not participate in its "overthrow." If the Communist offensive can be halted, Theiu will enhance his position politically. If it continues, as it seems bound to do, and the process of military erosion feared by many takes place, he will be in exactly the sort of trouble the Communists hope for. It is conceivable that Thieu, if he faces a critical situation, will appoint a new military directorate, such as existed before he became President in 1967. He might thereby forestall such a move by dissatisfied generals and younger officers who are determined to fight to the end by any means necessary. Anyway, it is no accident that Thieu has kept units most loyal to him around the capital (which is what President Ngo Dinh Diem did back in 1963).

While most of Thieu's political opponents, including not only the Buddhists but a miscellaneous array of minority groups and individuals, have either come out in support of him or at least issued anti-Communist and save-the-nation declarations, an exception has been retired General Duong Van Minh, who entered and then quit the race for the Presidency last fall. Without mentioning Thieu by name, but making it implicit that he was not supporting the regime's policy, Minh, a few days after the offensive began, said in an interview with a foreign news agency that if the war continued he saw only "more suffering and mourning for innocent people," as well as "more dependence on foreigners for the Vietnamese people on both sides." He called for "a political solution based on the principles of national self-determination and national reconciliation by the Vietnamese people themselves" and for a return to negotiations. His indirect criticism of Thieu was most sharp in a passage in his statement saying that "in order to make the negotiation talks become successful, South Vietnam must have a government responsive to the wishes of the people, a government genuinely chosen by the people," that "all forms of oppression must be put to an end," and that "all the elements of the opposition, including students who have unlawfully been put under arrest, must be freed."

There have been no anti-war demonstrations, or any other kind, since the heavy fighting began, and orders have been given for the police to crack down harshly if any start. Though the situation could change overnight if the military situation worsens, there have been no Communist incidents in Saigon during the first month of the offensive. Although police security in the capital has vastly improved in the last year or so, the Communists surely have their agents underground in the city and probably some sapper teams either within it or nearby. The war right now, however, is still being determined in those areas where the main forces are engaged. The inroads by small Communist units in the Delta are increasing daily, and the situation there is not made better by the deteriorating one across the border in Cambodia, where the new government of President Lon Nol and Prime Minister Son Ngoc Thanh is shaky, despite the recent ratification of a new constitution. If the Communists should establish a liberation government in Cambodia (and Sihanouk recently sent his mother, who is still living in Phnom Penh, a message telling her he would soon see her in Siem Reap), the problems could swiftly multiply for Lon Nol and his South Vietnamese allies. Increasing Communist pressure to force Prime Minister Souvanna Phouma of Laos to compromise and form a new coalition government in accordance with the 1962 Geneva agreements has followed this year's military campaign there, and this, too, is scarcely conducive to feelings of confidence in Saigon.

One American who is in a position to know says, "The situation may be serious, but it's not hopeless." The reverse of that phrase has long been a popular piece of cynicism in Vietnam. Everyone from President Thieu and President Nixon down is ready, willing, and eager to negotiate, but the question remains how and when. The Vietnamese Communists like the Chinese, are convinced that politics comes out of the barrel of a gun, and this, at the moment, is the message of the new offensive.

—ROBERT SHAPLEN.

THE PRESIDENT'S NEW WAR STRATEGY

HON. JOHN. V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 17, 1972

Mr. TUNNEY. Mr. President, Philip W. Harry, chairman of the Santa Cruz, Calif., county board of supervisors recently presented me with resolution No. 153–72. The resolution reflects the thinking on the President's new war strategy of the members of the board as individuals and of more than 2,000 persons who attended a public hearing on Wednesday, May 10, 1972, in the Santa Cruz Civic Auditorium.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION No. 153–72

Resolution supporting Southeast Asia Initiative opposing war in Southeast Asia

Whereas, we realize that we were not elected members of the Santa Cruz County Board of Supervisors to become involved in establishing or altering our nation's foreign policy, and

Whereas, there is no known legal precedent for our expressing a viewpoint in regard to said foreign policy, and neither is there any known legal impediment to our doing so, and

Whereas, we firmly believe that the President has exceeded his Constitutional authority in his announcement of a blockade of the harbors of North Viet Nam, and

Whereas, the effects of a war in Southeast Asia, or any other area on earth, are felt in all sections of our country, including Santa Cruz County, and are therefore of concern to the citizens of this county, and

Whereas, we do not presume that we necessarily represent the thinking of all the people of Santa Cruz County in regard to the aforementioned foreign policy as it affects the war in Southeast Asia, but reflect the thinking of ourselves as individuals and of more than 2,000 persons who attended a public hearing on Wednesday, May 10, 1972, in the Santa Cruz Civic Auditorium, and

Whereas, this thinking also has been reflected by many other persons in Santa Cruz County, and

Whereas, we share with concerned citizens in Santa Cruz County and all over the world the conviction that war in any form, by any people against any other people, is immoral, and

Whereas, we also deplore all acts of violence, disturbance and disruption at home and abroad;

Now, therefore, it is hereby resolved that the members of the Santa Cruz County Board of Supervisors, as individuals, deplore the war in Southeast Asia and urge the enactment of any legislation which will bring this war to a close and prevent repetition of such involvement in any other area.

It is further resolved that said members of the Santa Cruz County Board of Supervisors endorse the Southeast Asia War Initiative.

It is further resolved that the Chairman of this Board is authorized to deliver a copy of this resolution in person to the White House. The costs of such trip will not be a county charge.

It is further resolved that in making such presentation, the Chairman of this Board will be representing only those members of this Board who are listed below as approving this resolution.

It is further resolved that all citizens of Santa Cruz County are urged to send their own messages to the President and to members of Congress in order that the views of said citizens in this matter may be adequately expressed.

Passed and adopted by the Board of Supervisors of the County of Santa Cruz, State of California, this 10th day of May, 1972, by the following vote:

Ayes: Supervisors Mello, Sanson, Harry.
Noes: Supervisors Forbus, Cress.

HON. PETER G. PETERSON SPEAKS AT ANNUAL MEETING OF THE AMERICAN RETAIL FEDERATION

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. GERALD R. FORD. Mr. Speaker, the leaders of the retail industry recently gathered in Washington for the 37th annual meeting of the American Retail Federation. The highlight of this year's meeting was a banquet address by the Honorable Peter G. Peterson, Secretary of Commerce.

Secretary of Commerce Peterson warned his audience that passage of the Foreign Trade and Investment Act of 1972, commonly called the Hartke-Burke bill, would adversely affect all Americans, consumers and workers alike, as well as cause grave international trade repercussions. He said that passage of the legislation, "or anything like it would be a national disaster for the United States and an international disaster for the world in which we live."

I wholeheartedly concur. In my opinion, it would be catastrophic and disastrous for this country to retreat into a new round of isolationism which is represented by the Hartke-Burke bill.

Mr. Speaker, the American Retail Federation is to be commended for its longstanding leadership in opposing legislated import quotas. I hope that all of us who are concerned about America's position in the world community will pause and reflect on the Secretary of Commerce's excellent statement on a measure which, if enacted, could have serious consequences for us all.

At this point, I insert Secretary Peterson's speech in the RECORD and urge that my colleagues read it:

SECRETARY PETERSON SAYS U.S. CONSUMERS WOULD BE HURT BY PASSAGE OF HARTKE-BURKE BILL

Passage of the Foreign Trade and Investment Act of 1972, the Hartke-Burke Bill, would adversely affect all Americans, consumers and workers alike, as well as cause grave international trade repercussions, Secretary of Commerce Peter G. Peterson said today in a speech before the American Retail Federation in Washington, D.C.

Passage of the legislation "or anything like it, would be a national disaster for the U.S. and an international disaster for the world in which we live," Secretary Peterson declared.

Secretary Peterson joined President Nixon's cabinet earlier this year after serving as Assistant to the President for International Economic Affairs.

He predicted these effects should the Hartke-Burke Bill be enacted:

American consumers would be denied freedom of choice and be forced to pay higher prices for many products and commodities. "Some experts tell me it is probably safe to assume that the bill would raise the U.S. price level by at least $10–15 billion, and probably much more," he said.

American workers would be the net losers—both as workers *and* consumers.

"I would repeat," Secretary Peterson said, "it is demonstrable that more U.S. jobs, and higher paying jobs at that, would be lost in the reduction in our exports than will be gained as domestic production substituted for imports, and that U.S. unemployment would rise as a result."

Domestic price rises pressured by this action would substantially erode the international competitiveness of the United States. In making this point, Secretary Peterson said, "We know that inflation of the mid and late 1960s had just such an effect. It made our dollars increasingly overvalued in exchange markets, retarded our exports and stimulated imports."

Foreign countries would retaliate, economically and politically, against such efforts to exclude them from our market.

Acknowledging that the U.S. has serious international problems, Secretary Peterson pointed out that "protectionism, and especially the Hartke-Burke Bill, would exacerbate every one of them. It would solve none of them. It would deepen the international economic problems for the 1970's and beyond."

Secretary Peterson outlined measures to take as positive alternatives to the Hartke-Burke Bill:

"We must effectively check inflation to stay competitive both at home and abroad. We must receive fair treatment in international trade from other countries. We must negotiate better rules and procedures to govern the international monetary and trading systems. These steps alone would go far to enable us to maintain a more open trade policy, as indeed they did in earlier periods," he said.

CONSUMERS AND THE HARTKE-BURKE BILL

(Address by the Honorable Peter G. Peterson, U.S. Secretary of Commerce)

INTRODUCTION

It has often been said that this is the age of "consumerism," and that in the United States this trend has gone further than in other countries. And it is certainly true that Americans can choose freely, widely, handsomely—and I think—joyfully among an impressive array of consumer goods in virtually all product areas. Who among our consumers would deny that this freedom and richness of choice is an important part of our quality of life? The retail industry of the U.S. has played a major role in bringing about this result—no doubt by practicing the old but, timeless slogan "The Customer is Always Right."

But an anomalous development is now taking place—an organized effort to raise our cost of living, to divert our human and industrial resources from the things we do well and efficiently to the things we do less well and at higher cost, which would raise unemployment and wreak havoc on overall U.S. foreign policy at the same time.

I am referring to the "Foreign Trade and Investment Act of 1972"—otherwise known as the Hartke-Burke bill.

It has been said that there have always been many who would try to substitute their judgment for the market place—who would opt for a market autocracy (as long as their view was acceptable, of course) instead of a market democracy. These times are no exception.

What is behind this curious bill that would purport to make us richer by increasing inflation? That would increase unemployment in our most efficient industries?

That would set us on a course of economic isolationism yet *anticipate* no counter-measures from our customers abroad? That would trigger bitter political conflict with our major allies around the world?

The Hartke-Burke bill represents a protest vote against imports—What is behind it?

The contemporary debate over imports and investments is amply endowed with catch-phrases, the most familiar to us being the so-called "export of jobs" by U.S. investors—particularly the larger multinational firms. The U.S. is also said to be receiving a "flood" of imports, implying that imports are something bad and the country is in danger of drowning.

Historically, imports have always received "bad press." Today, imports continue to have a bad reputation—with nearly everyone, that is, as you know best of all, but the consumer. In part, concern about imports comes from one of those legacies of past economic thought, that of the 18th century "mercantilists."

National wealth then was considered the responsibility of the State and was to be accumulated by selling more in foreign commerce than was bought. Persistent payments surpluses were the goal of policy. Imports by definition ran counter to that national goal. Ultimately, of course, one country could end up with all the world's wealth but no trade, because the means of payment—gold—would be drained from its own customers.

The existing vocabulary of the world of trade has shifted from the characterization of "mercantilists" to the more modern formulation of "free traders" vs "protectionists."

I hope tonight to avoid this kind of simplistic rhetoric than polarizes us all, i.e., "free traders" versus "protectionists."

The implicit overstatement hidden in this kind of talk is dangerous. A "free trader' 'is often thought of, at least by his adversaries, as a naive, theoretical, "do-gooder" who would give the country away on behalf of outworn economic theories that nobody else lives by. His critics would call him a softball player in an era of an international world series of hardball. The "protectionist", on the other hand, is stereotyped as an economic Neanderthal whose greed and narrow self-interest would plunge the country backward, if unintentionally, into the closed and retarded world of the Middle Ages.

As in nearly all stereotypes that persist, there is probably at least a touch of truth in each of these. But this is not time for name calling but for finding a balanced position that fits the modern realities.

I'm convinced that one can be for an open world—without, if you will forgive the expression in this group, giving the store away. That one can be for reviving the spirit of the Yankee Trader, whom we may have forgotten. He bargained hard, but also marketed hard—because he was for more, not less trade. Incidentally, Secretary Connally has demonstrated that you don't have to be from the north to be a Yankee Trader.

I would be one of the last to deny that we face serious international economic problems or that a passive, benign approach was (or is) appropriate.

The President's August 15 moves were far from passive or benign. They were obviously the bold steps of an activist—who at the same time moved in a way that was consistent with his vision of an open world. The U.S. trade balance has shifted from a surplus of about $6 billion in the mid-1960's to a deficit of $2 billion in 1971, a swing of about $8 billion. This shift did cost U.S. jobs, and not all of them were offset elsewhere in our economy.

There were several reasons for this swing: U.S. inflation, the overvaluation of the dollar in the international exchanges, lagging U.S. productivity, and foreign barriers to U.S. exports. These are difficult and complex problems, and we are, I think, addressing them with vigor. *But inward moving steps toward a closed world, and especially the Hartke-Burke bill, would exacerbate every one of them.*

It would solve none. Indeed, it would deepen the international economic problems of the U.S. for the 1970s and beyond.

FUELING INFLATION

What does the bill do? The Hartke-Burke bill proposes that most items imported by the U.S. from foreign countries, be rolled back to the 1965–69 level. They could then increase only in proportion with rising U.S. production. This would mean a cutback of about $10.4 billion from our present level of imports, and more from future levels.

Now, many retailers have adopted the slogan, "Keep The Lid On" in cooperating with the President's wage-price program. The Hartke-Burke bill would "slap a lid" on *imports* at levels reflecting 1960's consumer demand and preferences but "take the lid off" a major restraint on inflation.

It is difficult to quantify precisely the overall price effects of these cutbacks. The Department of Commerce trade staff is trying to do that. We do know, however, that they would be very large. Fixed import quotas raise the price of the domestic products with which they compete both by reducing total supply of the product and, very importantly, by reducing the market pressures which force U.S. producers to maintain competitive prices.

One well known advertiser uses the now famous commercial line "Try it—You'll like it." While not attempting to improve on Madison Avenue, the Hartke-Burke bill could bring about a new jingle which said "Try it—You'll like it: If you can *find* it—and if you can *afford* it."

Under the Hartke-Burke proposal, imports of capital goods and industrial supplies needed by American manufacturers to stay abreast of foreign competition and domestic demand would be rolled back by 31% and 13% respectively, or $1.3 billion and $1.4 billion from 1971 levels.

Consumer goods would decline 34%, food 15%, and automotive vehicles a whopping 56%. Of course, certain imported items would be particularly hard hit. Imports of color television sets, for example, would be cut back by 64% ($131 million). Imports of new passenger cars would drop by 54% ($2.3 billion), and imports of 35 mm still cameras by 30% ($10 million). Some experts tell me it is probably safe to assume that the bill would raise the US price level by at least $10–$15 billion, and probably much more.

Such a development would be tragic, both for our domestic economy and for our international competitive position. You are all well aware of the major effort launched by President Nixon last August to bring U.S. inflation under control. Phase II has as an interim goal reducing the rate of inflation by 1.5%-2%, down to 2%-3% by the end of the year. It is thus highly relevant to note that the Hartke-Burke quotas could raise prices by at least 1.5%-2%—as much as Phase II will reduce them! In short, such legislation could seriously undermine the anti-inflationary effects of the President's wage-price program!

For example, more than 600,000 Americans currently demonstrating a desire to buy an imported subcompact would be prevented from doing so. In fact, perhaps General Motors, if they supported this legislation which they certainly do not, could change their ad to run: "See the USA in your Chevrolet—it's the *only* way."

Would importers be content to simply sell half as many cars at the same price as before? They would have to lay off workers and cut expenses where they could, but their unit costs would also inevitably rise. Furthermore, they would find an oversupply of customers clamoring for each car allowed in. So they could easily raise prices to minimize the reduction in their profits. Finally, U.S. import quotas of this severity would go far toward permitting U.S. manufacturers to simply charge much higher prices than their own costs or the marketplace would dictate. Think with me of the effect of quotas which virtually guarantees the domestic producers a fixed share of the market. How many of your suppliers have lowered prices as an offensive marketing weapon to hold on to their market share against foreign competition? I would guess a great many. What do you think would happen if that fear, or stimulus, were removed? They would have far less incentive to hold prices down.

In addition to lowering the level of imports, the quotas applied according to the bill's formula would freeze the product and country mix at the average ratios existing from 1965–1969. Think with me how often in your retailing lifetimes—demands or tastes have changed, and in turn the quality of foreign sources has changed.

For example, consumers have recently shown increasing preference for Japanese cars in relation to German cars. In 1971, four out of every ten purchasers of foreign cars bought a Toyota or Datsun. Under the proposed quotas, only about half as many new foreign cars would be allowed into the country and only one in seven of those could be a Japanese car.

Thus, any changes in consumer preferences would be ignored, along with the price increases. This is a way of saying that skirt lengths might be hemmed in forever.

REDUCING OUR COMPETITIVENESS

Those domestic price rises I have talked about would also substantially erode the international competitiveness of the US economy. We know that the inflation of the mid and late 1960s had just such an effort. It made our dollar increasingly over-valued in the exchange markets, retarded our exports and stimulated imports. It required us to devalue the dollar late last year.

The devaluation should improve our trade balance by about $6 to $8 billion over the next few years, according to our own estimates, those of the international economic organizations, and those of leading academic economists. It will thus restore much of our earlier trade surplus. In the process, it should create at least half a million additional jobs for US workers—precisely the number, incidentally, which the AFL–CIO claims were lost due to the changes in our trade balance in the late 1960s.

The recent devaluation, however, has only provided us with an opportunity. We could fritter it away if we fail to maintain the competitive improvement which it provides. I have already outlined how the Hartke-Burke bill would raise our prices, and thus reduce our competitiveness directly.

In addition, Hartke-Burke's sweeping import quotas would deny US producers some of the vital imports which they need to remain competitive, or at least raise substantially the costs of those imports. Our textile industry, for example, buys substantial amounts of European machinery in its drive to improve productivity.

Most importantly, however, a rigid regime of import quotas would affect the American competitive spirit. I don't even recall as a former businessman ever going to work thinking how *glad* I was to have competitors. I suspect none of us really enjoy our competition. And it is certainly easy to dislike foreign competition even more. And yet, we all know that competition from abroad has increasingly provided the US with a strong incentive to innovate, introduce new technology and to maximize quality and productivity.

There are a number of good illustrations of this traditional resilience of our system—when it is challenged. One is shown by the recent experience of US electronic calculator manufacturers. Increased foreign competition and an eroding market share gave domestic producers a timely indication in the late 1960s that their technology was becoming outmoded. On the basis of this import-precipitated "early warning", American manufacturers initiated an intensive R&D effort which is now paying sizeable dividends in terms of increased sales of US calculators both at home and abroad. And one US manufacturer is close to producing a mini-calculator for under $100—far under the price of similar Japanese versions.

It is highly doubtful that domestic producers would have responded as rapidly to changing market conditions had they been afforded the security of import quotas.

Another area is in knitted fabrics, where US manufacturer of double knits has opened up a whole new set of styles . . . in other words, not just a manufacturing innovation, but a product-marketing innovation.

Thus looking at the realities of managerial decision-making in America, it appears doubtful that our response would be as swift or as intensive in a situation where permanent quota protection was present. Many have asked. Would Detroit have developed the compact as soon without the pressure of Volkswagen in late 1950s, or the subcompact without the pressure of Toyota and Datsun in the late 1960s? Would the steel industry have adopted the oxygen process as soon except for its success abroad and resultant foreign penetration of the US market? Yet it is precisely such actions which are crucial if we are to maintain the leadtime necessary for the production of technologically superior products on which our international competitive position rests.

Numerous exercises comparing US R&D expenditures with those of the European Community and Japan indicate that the latter countries are now allocating a considerably larger share of their resources for this important task than does the United States. We simply must improve the US technological performance, which is why the President recently sent to the Congress the first Presidential message on technology and ways of stimulating industrial uses of technology. But in the event that Americans obtained additional protection from foreign competition through a system of import quotas, it is reasonable to assume that some US producers would give an even lower priority to R&D. The accompanying ossification could well prove extremely costly in terms of America's long term ability to maintain its prosperity and technological superiority in a rapidly changing world economy.

THE FOREIGN RESPONSE

What about the effect of Hartke-Burke on other countries? Can we expect others to acquiesce to quotas? Our major trading partners would stand to lose an average of nearly 30 percent of their exports to the U.S.

Imports from the European Economic Community would be cut back nearly 25 percent, or $1.8 billion.

Canada would be hit with a 30 percent loss in its exports or $3.6 billion—which would cut its entire Gross National Product by 4 percent!

The less developed countries, which literally depend on exports for their survival, would be dealt a further savage blow to their aspirations. And tragically, those that are the newest of the developing countries (and these are usually those with even greater poverty) would be hit the hardest since their 1965–1969 imports to the U.S. would be at lower levels.

Let's look closer at the case of Canada. About 70% of Canada's exports are shipped to the U.S. Hartke-Burke would roll back Canada's exports to the U.S. some 30%. This would displace about 326,000 Canadian jobs. If the U.S. were in Canada's shoes this would be equivalent to a whopping 3.4 million jobs.

Frankly, I don't know why the proponents of Hartke-Burke think Canada, or Japan, or any of the other countries that would be severely impacted, would or could sit still in the face of this kind of economic disruption. Would the U.S. be able to do so? Or want to try? Would we not agree that the internal political repercussions of a jolt of this magnitude would force us into retaliation. Would other nations react differently? I think not.

Furthermore, it is a good bet that foreign retaliation would be carefully aimed at our major export items—often the strongest sectors of our industrial society.

Perhaps like all countries, we are a country of anecdotalists. This may explain why so many of us, when talking about trade will refer to one or two heavily impacted industries and draw massive generalizations about the state of U.S. manufacturing. For example, when I talk about the impact of this Bill on our export manufacturing industries, some will say . . . What export manufacturing industries are you talking about? It surprises them, and it may surprise you, when I tell you that the U.S., even in its first year of trade deficit since 1888, still exported over $30 billion of manufactured goods, equal to what we imported.

Suppose, to take a specific example, the European Community retaliated against the U.S.. aircraft industry. Sales of most current model U.S. aircraft to European airlines could virtually cease, with an annual loss of export sales of about $400 million. Europe could not only supply most of its near term needs for aircraft from its current or planned production, but its response to U.S. quotas would also threaten future generations of U.S. aircraft. New projects either would be precluded, as the EEC produced competitive aircraft, or would have to be priced to yield a break-even point at a much lower level of sales. Economies of scale could not be realized as they have in the past. In turn, increased costs of future aircraft to U.S. airlines would be passed on to the consumer in higher air fares. Everyone would lose. The manufacturers would sell fewer airplanes. The airlines would pay higher prices for them. The consumer would get higher air fares. And many highly skilled, high paying jobs would be lost in the already troubled aero-space industry.

Despite the certainty of retaliation against our exports under the Hartke-Burke quotas, there are some who say "what of it?" They suggest that reducing both sides of our trade account by the same amount would provide a net increase in the number of jobs here at home. They assume that the job content of the domestic production which would replace imports is greater than the job content of our exported goods. This assumption is false.

Indeed, the reverse is true. When both direct and indirect labor requirements are considered—that is, the labor directly occupied in export and import-competing industries, and also the labor required to produce intermediate goods which support these industries—it turns out that our exported goods are actually more labor-intensive than our domestically produced goods which compete with imports.

Professor Leontief of Harvard demonstrated this point some twenty years ago, and the so-called Leontief Paradox recently has been given new and impressive empirical support. The net losers in any trade warfare ignited by the Hartke-Burke bill would be American workers—who are also, after all, American consumers, too!

Under the most favorable assumptions, retaliation and counter-retaliation would create only as many jobs as they would destroy, and society would be forced to pay not only substantially higher prices for its goods but the additional cost of moving workers out of export industries into import-competing industries. But I would repeat it is demonstrable that more U.S. jobs, and higher paying jobs at that, would be lost from the reduction in our exports than would be gained as domestic production substituted for imports, and the U.S. unemployment would *rise* as a result. Those who argue for protectionism are unintentionally, I believe, misrepresenting the true interest of American labor, *both* as workers *and* as consumers, except in the narrow and short term sense of a particular industry at a particular time.

But the foreign response to a U.S. Hartke-Burke bill would go far beyond these immediate trade and job effects, catastrophic as they would be. We would also forfeit some critically important opportunities to negotiate a more equitable and balanced international trading system—which we certainly need. Since last August, we have been working hard—and with some success—to reduce those foreign barriers to trade which hinder U.S. exports. The U.S. government wants to enter into major trade negotiations, beginning in 1973, to get at those barriers in a major way. We want to change those rules of the international trading system which we feel discriminate against the U.S. But a Hartke-Burke bill would send U.S. trade policy careening in the opposite direction, and I believe would destroy any chances for improving our access to foreign markets and improving the international rules.

Similarly, our government is seeking major reforms in the international monetary system. We must change those features of the system which contributed to the overvaluation of the dollar, so that we will never again lose jobs as a result. But our hopes in this area would also be shattered by the breakdown in international economic cooperation which would flow from U.S. adoption of anything like the Hartke-Burke bill.

And what of the effects of such a U.S. trade policy shift on our overall foreign policy? I have already indicated that the Hartke-Burke quotas would levy billions of dollars of losses on our major allies—in Western Europe, Japan, and Canada. The internal political effects of such U.S. action could be devastating to any efforts by the governments of these countries to maintain close ties to the U.S. Would we continue to advocate active cooperation with any country which unilaterally destroyed several percentage points of our GNP, and millions of U.S. jobs?

The longer term implications for our foreign policy are particularly critical as we move into a new era of international relationships in which we seek a more balanced partnership with our traditional allies and new channels of cooperation with our traditional adversaries. Partnership with allies would be impossible politics if the U.S. adopted isolationist economics. And increased cooperation with traditional adversaries would be undermined by cleavages with traditional allies, both by weakening our own strength and by encouraging our adversaries to seek to promote such disharmony rather than join us in new areas of activity together.

A POSITIVE ALTERNATIVE

I thus conclude that passage of the Hartke-Burke bill, or anything like it, would be a national disaster for the U.S. and an international disaster for the world in which we live. Indeed, it would intensify all of our domestic and international economic problems, and bring us new political problems in their wake.

But foreign trade, like all economic change, does cause real problems for certain individuals. Recognition that open and balanced trade helps the nation as a whole is no solace to the worker who does lose his job, or the firm which goes bankrupt, as a result of imports. We must have a clear and effective policy approach to deal with such problems.

I have already mentioned some elements of such an approach. Our economy must grow rapidly, to achieve full employment and induce rapid rises in productivity. We must effectively check inflation, to stay competitive both at home and abroad. We must receive fair treatment in international trade from other countries. We must negotiate better rules and procedures to govern the international monetary and trading systems. These steps alone would go far to enable us to maintain open trade policy, as indeed they did in earlier periods. We must never forget that millions of workers in civilian work force of around 85 million shift jobs each year within our economy. Overwhelmingly due to purely domestic reasons, and that most of the dislocation caused by changing trade patterns can be readily absorbed in an expanding U.S. economy operating with a monetary system that keeps our balance of payments in equilibrium.

In addition, however, we must have an effective program which will provide assistance to those industries, firms, and especially workers, injured by imports. Such an "adjustment assistance" program was adopted by the Congress in principle in 1962. But it has been ineffective in practice due to a combination of excessively tight legislative requirements, excessively tight legal interpretations of those requirements—indeed, a failure on all our parts to attach sufficient priority to this very economic but also very human problem.

Also, since the adjustment process takes time—even when accelerated by a program of assistance—some have suggested that temporary orderly marketing instructions should be available. (And we are exploring possibilities of internationalizing its criteria for involving such mechanisms.)

An interagency group is hard at work devising a better adjustment assistance program. Access to adjustment help must be greatly eased. Assistance must become available much more quickly to those who need it; "early warning" must apply in this context as well. It must receive the highest priority from both the Administration and the Congress. The AFL–CIO has estimated that a viable program for workers would cost about $500 million annually. Even if one accepts this figure without question, it strikes me as a very good buy if it preserves the billions of dollars of consumer benefits, the thousands of jobs, the unquantifiable, but nevertheless huge gains in terms of U.S. economic competitiveness and overall U.S. foreign policy, which derive from our maintaining an open and balanced trade policy for the United States.

THE ROLE OF RETAILERS

I would submit that retailers are among the major beneficiaries of such a policy within our society. And you stand to lose a great deal, too.

As our whole society gets more complicated, the task of governing can come to resemble an esoteric discipline in which the best practitioners are those who are capable of mastering the greatest volume of information and detail. Since everyone is not equally adept, it follows that some of us in Washington will rely on time honored ways of making their job easier. This means they will rely on lobbyists.

The trouble with relying too heavily on this system is that it implicitly assumes that all interests are organized when, in fact, the true picture is very different. What really exists is a situation in which only those who were directly affected in the short run and who have the resources to spend were exerting sustained pressure on Congress.

In the critical field of trade, I believe the great unorganized public—your customers—are hardly represented at all. It is possible therefore to pass misguided and harmful legislation because no one is able to put pressure on Congress in his capacity as a member of the unorganized public. The question "For whom do you speak?" could only be answered "I speak for myself" and that is not good enough.

The harmful effect of this system of representation is illustrated in the current debate. Imports have—as I noted earlier—historically had a "bad press"; that is, they have had a bad reputation with everyone but the consumers. Even though the consumers were importantly affected by imports, their overall opinion has really counted for very little partly because the consumers were not informed and energized. Even though this situation is changing, particularly as our recent experience with rapid inflation has had the salutary effect of mobilizing this concern, the consumer still needs educators and advocates and what I am proposing is that you, the retailers, help to fill the gap.

You gain enormously from the preservation of consumer freedom and consumer rationality, from the ability of the consumer to enjoy his changing tastes at reasonable prices.

In a sense, Americans need the stimulus of trade and international competition even more than most people. For us, expansion, innovation and competition have always been a way of life and we have benefited greatly from our willingness to compete on equal terms with all comers, anywhere in the world. Frederick Jackson Turner, a noted historian, wrote that Americans need an outlet for their energies. He saw the closing of the frontier as a crucial turning point for this society which had until the early part of this century given itself wholly to the great task of settling a continent.

In many ways we see evidence today of the wisdom of Turner's assessment. Increasingly, the dynamism of our society is giving way to lassitude and a certain purposeless timeserving which not only harms us economically, but does great social harm as well. Given this situation, can we sanction a bill which would restrict our freedom of economic expansion still further, that would freeze us into a pattern of protection and economic reaction? I think not, and I hope that anyone who stops to consider the whole picture will agree.

You thus bear a major responsibility for the preservation of open trade and an open world, and for opposing such efforts to reverse it as the Hartke-Burke bill. I would like to close by suggesting some ways in which you could exercise that responsibility.

The first requirement is educational. Few consumers realize, even now, how international trade can either accelerate inflation or help combat it. Few realize how it can increase, or decrease our standard of living. To the extent the consumers' interest is unrepresented—it is likely his interests will be misrepresented.

Given your broad mission to serve the interests of your customers, given your enormous knowledge and given your impressive communications resources and abilities, I think you have a decisive role to play in a creative and different kind of "protectionism" . . . i.e., protecting the true interest of the consumer.

Longer term, the position of the retailer is just as likely to be damaged by import quotas as the consumer. Consumers and retailers, in fact, tend to share each other's fates in various ways. As the final link between the product and the consumer, the retailer is always closely identified in the mind of the purchaser with the goods which he happens to sell. This means that if the goods are "overpriced" it will be a reflection on the retailer and not, as might be more just, on the conditions which forced him to raise prices to their high level. You are the "omnipotent middlemen" and when times are hard you make a convenient target for those who have no other outlet for their anger. Retailers, in short, have a lot to lose by import quotas which force up consumer prices, restrict their choice of goods and, therefore, reduce their creative contribution to a rising standard of living.

Retailers and consumers should also make their voices heard, directly, where it counts: with their elected representatives in the Congress and in the Executive Branch. Strong countervailing forces are needed to answer those who support economic isolationism if lawmakers in our democratic system are to adopt policies suited to the needs of all Americans, rather than to the needs of those *few* Americans which happen to speak most loudly. On trade, the American consumer has indeed been a "silent majority." He can no longer afford to be silent. The "majority," after all, is all of us.

A third possibility is active cooperation by retailers in a new adjustment assistance program. I noted earlier that we need "early warning" of changing production trends, to prevent job layoffs and to commence retraining programs in time to avoid hardships. Who better than retailers can spot these changing trends? You are the major purchasers of wide ranges of U.S. and foreign products. You are always planning months and even years ahead to meet—and sometimes help determine!—the buying desires of American consumers. Your guidance could thus be invaluable in helping industry, labor, and government.

The most important thing, though, is to recognize and communicate just what a restrictive philosophy such as Hartke-Burke contains would really mean.

It is analogous, I think, to the all too common if human attempt of an individual to isolate himself from experience that would challenge him . . . like Linus' desperate search for a security blanket.

The individual may achieve a certain security, but the cost of such security is very high. It is attained at the expense of the opportunity to grow and learn, and in the end the legacy can only be a complacent mediocrity which, never having been challenged, can never progress.

An individual depends even on his failures to help find the limitation of his own abilities. Nothing is more disastrous than to set ones own limits in anticipation of failures that may occur. This is no less true for a nation—especially one that is as great as ours.

WEST VIRGINIA ARTISANS WILL DISPLAY THEIR WORK AT MOUNTAIN HERITAGE ARTS AND CRAFTS FESTIVAL AT HARPERS FERRY, W. VA., JUNE 9–11, 1972

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 17, 1972

Mr. RANDOLPH, Mr. President, mass production, standardization, and widespread availability, have enabled the American industrial complex to give our people the highest standard of living on earth. This is desirable, for it means that in our day-to-day lives we do not have to face the rigors of life in a relatively primitive wilderness that were endured by our ancestors.

While we daily enjoy the benefits of our advanced industrial society, I am gratified that there is increasing attention and respect for the methods of the past. Throughout our country there has been a reawakening of interest in individual skills. Our State of West Virginia has become a center for the practice of these skills and a significant number of people are producing handmade articles of high quality that are sold and used throughout the United States.

Some 400 artisans have joined together as the West Virginia Artists & Craftsmen Guild to further their work in our State. On June 9, 10, and 11, the guild will sponsor the West Virginia Mountain Heritage Arts and Crafts Festival at Harpers Ferry. In a historic location, only about 1 hour's drive from Washington, this gathering will provide a splendid opportunity for many thousands of people to examine handmade articles of great variety and high quality.

In addition, the Harpers Ferry area of West Virginia is one of historical significance. In the region where the Potomac and Shenandoah Rivers meet, the names of George Washington, Thomas Jefferson, and John Brown are prominent, for all of these men contributed to the region's past.

Mr. President, I invite attention to the Mountain Heritage Arts and Crafts Festival in the hope that many people, including Members of Congress, will avail themselves of an opportunity to renew their acquaintance with the pleasures that individually handcrafted products can bring.

VIP TOURS FOR DEFENSE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. HARRINGTON. Mr. Speaker, the following article from the New York Times of last Sunday is interesting on several counts. It describes a continued close—one might say symbiotic—relationship between the Nation's largest industries and the Department of Defense, and while I have no evidence with which to refute the assertions that business interests are an important part of this relationship, it is interesting that the membership of the group is almost exclusively businessmen. And I say men deliberately, since the article reveals that this organization remains an all-male preserve. I commend the New York Times for discussing this situation, and I wish to insert it here so that it may get even wider circulation.

The article follows:

VIP TOURS FOR DEFENSE: GROUPS OF BUSINESS ALUMNI DEFEND THE MILITARY

(By Marylin Bender)

FORT BENNING, GA.—Secretary of Defense Melvin R. Laird had to cancel his luncheon address here last Wednesday but the 20 DOCA's carried on, undaunted and with their usual good humor.

As members of the Defense Orientation Confrence Association, one of America's least known and peculiarly exclusive groups of military-minded businessmen and professionals, DOCA's are used to having their gatherings punctuated by explosions of power politics.

Some of them reminisced how the day they arrived in Taiwan last fall on their Pacific Command tour, they learned that Nationalist China had been expelled from the United Nations. The group was in "Saigon having dinner with General Abrams right after Secretary Rogers was there and just before Secretary Laird was due," recalled Martin Ceder, a construction equipment dealer from Louisville, Ky.

While elsewhere questions and violent reactions followed President Nixon's announcement Monday night of his decision to mine the North Vietnamese ports, here the DOCA's proceeded on their two-day inspection of the home of the United States Infantry, registering approval and relief that action had been taken at last.

Just before the reception at the Officers' Club Tuesday evening, Oscar Nelson Jr., a West Virginia cattle breeder whose family-owned carbon black company was bought by Ashland Oil, Inc., and Joseph Wells Jr., executive vice president of the Homer Laughlin China Company, paused to wonder how the stock market had behaved.

"Mr. Nixon isn't going to let this market go down," Mr. Wells asserted. That day it closed 13 points lower.

"I'm very proud of what President Nixon did," declared Rogers Hall, a cotton and soybean farmer from Cleveland, Miss. "I'm a hawk, I'm an American," said Mr. Hall. Many of the group proudly sported American flag emblems.

Asked to define themselves, most DOCA's respond in patriotic terms. They see themselves as opinion molders and public-spirited citizens.

The DOCA constitution discriminates neither on the basis of religion nor occupation. It does not mention sex, although a resolution of the board (aimed at wives) restricts tours to men. The dues are negligible, $45 a year, but members must be able to pay their own way on inspections that range from $27 plus transportation for this mini-tour to $500 plus fare for the European Command Tour next fall.

Most of the members are top managers of giant industrial corporations, bankers or small regional tycoons, though there have been an occasional clergyman, educator or labor leader.

Nelson A. Rockefeller belongs and so do Stuart K. Hensley, chairman of the Warner-Lambert Company, Edwin H. Gott, chairman of the United States Steel Corporation, Joseph Gancie, vice president of ITT World Communications; Chim Ho, the Honolulu financier, and Daniel Parker of the Parker Pen Company, none of whom attended this tour.

Among DOCA's presidents—who must spend $10,000 to $15,000 a year of their own funds, mostly in travel expenses—have been the late John Jay Hopkins, president of the General Dynamics Corporation; William T. Taylor, retired chairman of ACF Industries, Inc., and D. W. Brosnan, retired chairman of the Southern Railway System.

What distinguishes membership in DOCA from other forms of corporate fraternalism is that one must have attended one of the Joint Civilian Orientation Conferences (JCOC) by invitation of the Secretary of Defense.

The late James V. Forrestal, the first Secretary of Defense, started such military briefing tours for influential civilians in 1948. JCOC's pay their own expenses except for transportation on the tour, whereas DOCA's accept no military airlifts. After one such tour (invitations are not repeated) JCOC's may join DOCA, founded in 1952 as a nonprofit alumni organization.

In the early days, concedes Philip W. F. Jones, a retired Navy commander and DOCA's executive vice president, invitees of both JCOC and DOCA tended to have defense business axes to grind. But in recent years, DOCA has tried to stress the personal satisfaction of defending the military in an era when its image and strength have been under attack.

"It takes constant monitoring," Mr. Jones said. "Some members call up, quite innocently, asking to have contacts made and we have to explain we don't do that."

Or as Mr. Taylor, the retired chairman of ACF Industries, once put it, "I can't conceive of anyone being crass enough to join for business. I'd spit in his eye if anyone thought I belonged in order to sell stuff to the department."

A few members like Edward R. Neumann, general manager of the government services division of the Fruehauf Corporation, admit DOCA "gets you a little closer, it's easier to talk to people you know."

But most derive less tangible business dividends such as stardom on the Kiwanis, Rotary and church circuit, "giving the facts and showing the slides," dropping names and obviously being informed. "You're very much in demand," Mr. Nelson, the West Virginia cattle breeder, said. DOCA members brief their own corporate boards and "straighten out" their peers' misconceptions in the locker rooms of their clubs.

Some, like Benjamin Mates, a retired textile manufacturer from New Hampshire, and Roddey Dowd, a pipe and foundry executive from North Carolina, are military buffs. DOCA offers to Mr. Dowd "the camaraderie of a wonderful bunch of men" and appeases his "lingering wish for affiliation with the military." He says he has never found in his family-owned company "the challenge of commanding motivated men."

After the CBS–TV documentary "The Selling of the Pentagon" in February, 1971, focused attention on the Defense Department's extensive public relations efforts, JCOC was suspended for a year. Last week, it resumed again with an abbreviated six-day $300 tour. For the first time, four women and two students were invited along with the usual five dozen influential citizens, like William Wrigley of the Chicago chewing gum Wrigleys and Robert McIntire, president of Sears, Roebuck–Peru.

The JCOC's and the DOCA's spent a day in tandem here. Awakened by cannon and bugle at dawn on Wednesday, they were briefed on the modern volunteer Army and saw classroom orientation for guerrilla warfare, such as in Vietnam.

They watched paratroop training demonstrations, rode in CH–47 helicopters (just like those used in Vietnam, except for red carpeting and slipcovered seats) and applauded as Rangers disarmed and dealt strategically disabling kicks and hand blows to each other.

The resumption of JCOC will affect DOCA's lagging membership, which shrank by 14 per cent last year to 694. If one of the female JCOC's elects to join, DOCA directors will have to amend its all-male resolution.

"I always said we'd cross that bridge when we came to it," Mr. Jones said.

NATIONAL INSTITUTE OF JUSTICE

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 17, 1972

Mr. SCOTT. Mr. President, the Chief Justice of the United States, in remarks delivered to the opening session of the American Law Institute on May 16, advanced a proposal which I find particularly interesting and challenging. He urged the legal profession and the judiciary to conduct a searching inquiry into the concept of a National Institute of Justice which might pursue the coordination of and improvements in the operation of justice in the United States.

In advancing his proposal that a study of the Institute concept be undertaken, the Chief Justice referred to a "timely and provocative article" written by Bert H. Early, executive director of the American Bar Association, and published in the April 1972 issue of the West Virginia Law Review. The article suggests that the National Institute of Justice "is a concept whose time has come."

I ask unanimous consent that the text of Chief Justice Burger's remarks and the Law Review article be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HAS THE TIME COME?

(Remarks of Warren E. Burger, Chief Justice of the United States)

Forty-one years ago last week, the Institute met in Washington—probably in this very room—when the Mayflower was new and sparkling. Now the Mayflower has taken on the air of grace and patina that I like to think comes with age, but the problems you and I are concerned about are very much the same. I was in Law School when Chief Justice Hughes welcomed the members of the Institute that spring morning of 1931 when he spoke of the growing burdens on the Federal Courts, the need for more judges, and for better methods. He expressed his concern in terms of "the ultimate goal that ever recedes—even as we advance and press on."

Today I welcome you at a time when that "ultimate goal" Hughes spoke of seems to have receded even farther from our grasp than ever before.

A measure of the change in the dimensions of the problems can be seen in the statistic that when Chief Justice Hughes greeted the Institute 41 years ago there were 75,000 filings in the District Courts. This year we will have 140,000 comparable case filings. We now have more than double the number of District Judges but we also know that the trial of cases, particularly criminal cases and some others, have become more complex and protracted so that statistics do not tell the whole story. The Supreme Court filings in 1931 were 1,300 and in the 1971 Term, soon to end, we will have more than 4,000.

But it is not my purpose today to speak only of the problems of Federal Judges for, as we know, the problems of justice are indivisible, and the burdens and needs of State Courts, like federal checks, are far more critical than they were four decades ago. In that day the members of the Bar who regularly practiced in the Federal Courts were relatively few in number and often identified as "federal" practitioners. Whatever distinctions once prevailed are long gone.

Now everyone seems to have "discovered" the Federal Courts, and even the addition of 61 new judgeships in the past three years will not solve our problems.

It was 13 years ago—1959—that my distinguished predecessor, Earl Warren, as he welcomed you, pointed to some of the problems I now wish to speak of, and the Institute's significant *Study of the Division of Jurisdiction Between State and Federal Courts* was the result. That comprehensive Study has been before the Congress for three years and hearings are not yet completed.

The "upward trend" in the burdens of the Federal District Courts that he spoke of has accelerated. The total filings in the Federal District Courts in 1959 were 88,453 and the filings in the current fiscal year in the District Courts will exceed 140,000. The Introduction to the Institute's Study on Jurisdiction makes this statement:

"It is unwise to paralyze the federal courts by maintaining conditions that will generate constant and unending pressure for expansion of the federal judiciary. It is intolerable that these delays and these pressures be produced by cases that have no proper place in the federal courts."

When we remember that these statements were addressed to the conditions of more than a dozen years ago, we are bound to look at what has happened since then. Since 1959, new federal statutes and decisions of the Supreme Court have added new burdens to the Federal District Courts. Whether those statutes and those decisions were wise or unwise does not alter the hard facts. Meanwhile, so far as I know, no statute and no decision of the courts has subtracted any significant burden from the avalanche which has fallen upon the Federal Courts.

The prime thrust of the Institute's Jurisdiction Study was to try to point the way for a fair allocation between the state and the Federal Courts, and it is no disparagement of the Institute's Study that the passage of time and events may well have overtaken some of the recommendations. Meanwhile, most of the same factors which placed inordinate burdens on the Federal trial courts have also created new problems for the state courts.

We must assume that, at some point, the Congress will reach its own conclusions on the Institute's Study and that action will be taken to control the input into the Federal District Courts. But we must also recognize that when, and if, this is done, the burdens on the state courts will be increased unless something is done to help their plight we will have merely transferred the illness from one part of the body to another. That can hardly be regarded as a solution.

What the Institute's Study was directed at was to achieve: "the proper jurisdictional balance between the federal and the state court systems, assigning to each system those cases most appropriate in the light of the basic principles of federalism."

We are all well aware, I think, that in the period since the Institute began its Jurisdictional Study in 1959, and the completion of that Study and the publication of the Report in 1969, a vast area of new kinds of cases has developed in terms of class actions, suits relating to environment and pollution control, consumer claims, and many others. Probably much of this was not anticipated in 1959 or even during the period when the Study was under way. For that reason even if all the recommendations of the Study were adopted by the Congress that would, at best, merely make way for the new waves of litigation coming into the Federal District Courts. Meanwhile, to achieve the "proper jurisdictional balance" will mean the elimination of some of the federal jurisdiction, particularly diversity cases, and those changes will increase the burdens of the state courts. Federal and State planning must be coordinated.

The creation in this past year of the National Center for State Courts is a highly significant step toward filling the vacuum with an agency qualified to define the problems and measure the needs, but realistically its leaders know that as yet it is in its infancy. With the best of good fortune it will take time for that Center to become a large force, and there are some things that will remain beyond its reach simply because of limited resources.

Indeed, the very creation of the National Center for State Courts has served to focus attention on how little has been done in this country to provide support for the systems of justice as a whole—particularly for the local and state courts.

It was in keeping with the great traditions of our profession that most of the forward steps in the law during this century have been largely the work product of private initiative, private effort, private leadership, and private funding. We need recall only a few of these advances—the monumental work of the Restatement of Law by this Institute, the development of the Federal Rules—Civil, Criminal, and Appellate—by lawyers, judges and law professors, working under Congressional authority and cooperation.

A cursory glance at the Federal budget, whether this year, 10 years ago or 40 years ago, shows that literally billions of dollars have been allocated to a vast range of domestic needs of the American people—and I do not suggest for one moment that Congress should have done otherwise. Those budgets include research and direct assistance on such things as research and development and subsidies for transportation, protection of forests, improvement of agriculture, assistance to small business, research relating to natural resources, fish, game and wildlife and pollution control, to say nothing of the enormous expenditures for space research and technology, and a host of others. As we have increasingly emphasized federalism and the partnership aspect of the state and national governments, it has become more and more apparent that many of these vital programs must be initiated and funded by the Federal government or they will not be done at all. Today there are more than 1,000 distinct Federal programs of domestic assistance reaching to the state and local communities and administered by more than 60 Federal agencies and involving many billions of dollars.

You may have observed that I did not mention one of the programs of the Federal government that touches every individual in the country, and that is the program of the National Institutes of Health, for which the current annual appropriation is $2,400 million.

The first small comparable step bearing even a faint resemblance to the National Institutes of Health and relating to the system of justice was the *Law Enforcement Assistance Administration,* which is a new but now familiar program. In the current fiscal year nearly $700 million was appropriated for LEAA, but as the name indicates, the primary thrust of the program is on law enforcement and the bulk of its resources has been directed toward improving law enforcement at the state and local levels. Some funds have gone into programs for the improvement of state courts but it is a relatively small part of the whole. I want to emphasize that LEAA is a sound program; it is long overdue but it is not complete. Our American concepts of justice are basically sound—we like to think of them as equal to any in the world—but our "delivery" of justice, to borrow a term from our medical friends, is faltering and inadequate. The means of "delivery" of justice is an effective legal profession with procedures and methods in the courts that will accomplish the desired results. *Surely an effective system of justice is as important to the social, economic and political health of the country as an adequate system of medical care is to our physical health.*

I suspect that everyone in the room has heard of or taken part in discussions in recent years on the need for some kind of national facility primarily directed to help improve the operations of our judicial systems. It is of interest, I think, that the current issue of the West Virginia Law Review contains a timely and provocative article written by a distinguished member of the Institute, Mr. Bert Early, the Executive Director of the American Bar Association. In this article Mr. Early raises for discussion by our profession the need for such a facility. No one need agree with all details of the approach or the solutions advanced by Mr. Early, but I raise to you the question whether the time has not come to draw together, as he is trying to do, all the strands of this concept and subject it to the critical analysis of lawyers, judges, law professors, public administrators, political and social scientists, and of legislative leaders in the states and in the Congress. It is significant that the Committee for Economic

Development is about to recommend the creation of a new federal authority to ensure justice in a study entitled *Crime and Establishing Justice,* which is to be released late next month.

I have already referred to the tremendous accomplishments by private volunteer efforts within the legal profession, but in a nation of 210 million people spread from Maine to Alaska, now to Hawaii, Guam, and Key West, teeming with the life and industry of a dynamic and mobile people, there are some things which must be done on a national scale and with Federal sponsorship if they are to be done at all. Fundamental to our Federal system, and our federalism generally, is the idea that the national government will do, or will help do, what the states or private initiative cannot accomplish separately or alone.

Our basic system of justice, of course, lies within state power and it should remain so, with Federal courts should function as the Constitution intended they should, as courts of special and limited jurisdiction and that, of course, is the theme that runs through the study diction. Day-to-day justice, in short, is inherently a state function.

The developmental needs of Federal courts were recognized, in part at least, by the creation nearly five years ago of the *Federal Judicial Center, charged with the primary mission of engaging in research and development and related steps to improve the Federal courts.* But if we are to maintain the appropriate allocation of litigation responsibilities between state and Federal courts, there must be some additional effort conducted by the Institute and support given to both, federal and state, and particularly the state court. The Federal Judicial Center is a good start, but it is also a modest start when we see it in light of our needs. The development in this past year of the National Center for State Courts, to which I have alluded, is another important but small step—small partly because it was private and voluntary, in its genesis, although it has received substantial support from LEAA. Its leaders hope that in time the states will assume the burden of its support. But the overall problems of the states are hardly less than those of their large cities in terms of revenues and resources, and it is no easy task to develop the official cooperation of fifty states on a voluntary basis. Yet if the state courts are to maintain their proper role as the basic system of justice in this country, they must have help. It is for this reason that I mention Mr. Early's article to which, at his request, I wrote a brief Foreword. We should look at the Federal and state system as a stool, and we know the weakness of one leg of a stool impairs the stability and utility of the whole.

The total range of problems of the courts of this country in the 1970's is so vast and diverse that it would serve no purpose to try to catalog them. They embrace the conduct of private and public civil litigation and the whole spectrum of criminal justice. *We should strongly oppose any idea that all the states be pressed into a single mold, however good the pattern might be, for we take pride, appropriately, in our diversity, and the states should always be free to innovate and experiment in order to achieve better and fairer administration of justice.* Many of the problems, however, are common to all the states, and the state courts have much in common with the Federal courts. *The development of a national* facility need not supplant and should not supplant existing service functions such as the Federal Judicial Center the National Center for State Courts, or the basic LEAA program. We must always be alert to avoiding overlapping and duplicating functions but we must also move to fill in the gaps.

I have no detailed program or blueprint in mind for such a facility, and at this stage it would be premature for anyone to be sure that he could do more than suggest some of the needs and outline some of the objectives of such a national facility in the broadest terms. Let me mention however, just a few of the characteristics which might be appropriate if the basic concept of a national institute of justice is sound.

First, I have already suggested that if such a facility is to be created, it should be national in scope and created by the Congress; and even though the analogy is maybe limited, it may be useful to think of it at least broadly in terms of the National Institutes of Health that have contributed so much to the welfare of this country.

Second, since the problems of justice should be the concern of everyone, such a facility should not be under the exclusive control of judges and lawyers. To give it the appropriate broad base that its constituency would demand, it should be under the governance and direction of a broadly based representative body, *including a substantial representation of the states.* By way of illustration only, it might be—and I speak now of the governing body—composed of perhaps four members designated by the Congress, four by the Executive, and four by the Judiciary.

Third, it could appropriately include a staff of trained and qualified specialists who would, upon the request of a state, give technical assistance on a consulting basis working with the National Center for State Courts with reference to the problems of improving the states. By the very nature of the problems and the limited number of people who could qualify as specialists or experts, any staff of such an institute such as this would likely be quite small.

Fourth, it should appropriately have resources and authority to make grants for court improvement somewhat as LEAA now gives assistance for the improvement of the police function, of correctional systems, and for state courts.

Fifth, it should have research and development capabilities so that the best developments in the most efficient courts in the country can be translated swiftly into systems and programs to be adapted by such courts as desire them, building on what LEAA has begun in the way of aid to state courts.

Sixth, it is very important that such a program should be one to *assist* the states to do what they lack resources to do for themselves—it should definitely never, never *be a program to "federalize" the state courts.* Some of the state courts have developed programs and procedures that the Federal system has adopted. The use of court executives, now being updated being but one example. The collective experience of all the courts of the 50 states would be the prime resource from which standards could evolve.

I have suggested only a few basic characteristics that such a new facility might well possess. The essence of what I am suggesting today parallels in broad outline what Mr. Early has suggested in his provocative article and what others have probed at from time to time. A starting point is to develop, through some mechanism, a representative group or possibly several representative groups to canvass the entire subject. I would not undertake to say who should do this, but the leadership of our profession is rather obvious in the form of the American Bar Association, the American Law Institute, the American Judicature Society, the Institute of Judicial Administration, the National Center for State Courts and the Federal Judicial Center—and of course there are others—such as the Council of State Governments and the National Conference of State Legislative Leaders.

The development of such a facility cannot be dealt with as swiftly as the legal profession and the Judiciary, in cooperation, created the Institute for Court Management or the National Center for State Courts last year, or as the Congress, on the urging of the Judicial Conference of the United States, created the Federal Judicial Center. The undertaking I speak of is too large, it has vast implications, and there are too many hard questions to be answered: Should there be such a facility? What should be its functions? Should it be a purely governmental facility? How should it be governed?

The proposal I advance, therefore—if it can be called a proposal—is not to create or establish a national institute of justice but to make a searching inquiry into the whole subject. When this study has been made—and that is in itself a large undertaking—the Congress would perhaps find it worthy of inquiry.

If, even tentatively, these ideas have merit, if they are feasible, I have no doubt that the leadership of the legal profession will see to it that such a study is commenced.

Of this I am sure: our profession cannot fulfill the promises implicit in the idea of the rule of law and equal justice under law if we content ourselves with being specialists in concepts but amateurs in execution.

[From the West Virginia Law Review, April 1972]

National Institute of Justice—A Proposal

(By Bert H. Early[*])

FOREWORD BY WARREN E. BURGER [†]

From his long experience and the vantage point of his unique position in the organized bar, Mr. Early has given voice to a great need—a great void—in our system. He correctly and carefully disclaims any thought of "homogenizing" the systems of justice, but rather presses for some central means to energize the valuable programs for improved justice now in being and to probe for new solutions. We spend more than two billion dollars annually through the National Institutes of Health and the country is better for it. But the social, economic and political health of the country must be fostered by a comparable facility to revitalize the faltering machinery of justice—and happily that can be done for a mere fraction of the NIH budget. Whether it is financed by private as well as public funds is not central to the proposal—the key is the *function* of such an institute.

Mr. Early's provocative article is advanced by him to stimulate debate. It deserves a wide audience and I sincerely hope it will be challenged and debated—vigorously—by the bar and the public.

I. THE PROPOSAL

The intent of this article is to advance a proposal for the creation of a new type of organization, national in scope and purpose, to marshal our resources and energies for an accelerated program of modernization of our system of law and justice to serve better the needs of over 200 million Americans.

Such an organization might be called *The National Institute of Justice.* At the outset, it should be clearly understood that the Institute would not conflict with or duplicate the Federal Judicial Center, the National Center for State Courts or other existing organizations. It would, rather, complement their activities and encourage a broader base of support. In broad perspective the concept may be stated simply: the establishment of a national public agency, governed by the most eminently qualified individuals available, and dedicated to the mission of giving national cohesion and increased public and private support to the now inadequate and piecemeal efforts directed toward improving the justice system at all levels. The National Institute must deal with the system of justice as a whole. That system consists of interlocking and interdependent components—substantive laws; procedures; legislative

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bodies; institutions for dispute settlement, such as courts and administrative agencies; law enforcement offices and agencies and corrections and rehabilitation facilities and services; and a host of individuals who work within the legal profession. The ultimate aim is to achieve a structure of civil and criminal justice that is more effective, expeditious and accessible to the present day needs of all our people.

The goal is unassailable. It was the dream of our founding fathers and it has been the aspiration of our nation's foremost leaders for nearly two centuries. And yet it has eluded us.

No less a figure in American jurisprudence than Roscoe Pound spoke prophetically of its elusiveness as early as 1906. In his historic paper, entitled *The Causes of Popular Dissatisfaction with the Administration of Justice*,[1] Dean Pound addressed the Annual Meeting of the American Bar Association with these words:

"I venture to say that our system of courts is archaic and our procedure behind the times.

"Uncertainty, delay and expense, and above all the injustice of deciding cases upon points of practice, which are the mere etiquette of justice, direct results of the organization of our courts and the backwardness of our procedure, have created a deep-seated desire to keep out of court, right or wrong, on the part of every sensible business man in the community. . . .

"But too much of the current dissatisfaction has a just origin in our judicial organization and procedure. The causes that lie here must be heeded. Our administration of justice is not decadent. It is simply behind the times. . . .[2]"

Again in 1937, more than thirty years later, in *Law: A Century of Progress*,[3] Dean Pound tolled the same ominous bell:

"Looked at superficially, many features of the legal order of today may well give us pause. . . . The multitude of regulations required by an urban, industrial society encountering the pioneer habits of self-reliance and private judgment which have come down from the past make the time seem one of disrespect for law. . . . The inadequacy of the judicial organization and legal procedure of the past century to deal with the mass of litigation arising in our great urban centers leads to widespread complaint and popular dissatisfaction with the administration of justice. . . .

"Questions of law have ceased to be local. We are so unified economically that no question is limited by jurisdiction and venue as questions used to be. Questions of law today are likely to be questions of business as well. Creative work cannot be done under limitations of party and jurisdiction and venue.

"Even less may the work of reshaping the law be left to occasional legislative commissions or to the intermittent and hurried action of judiciary committees. In such matters as procedure the judicial councils which have been set up so generally in the past decade will do much. *But the ministry of justice, which will take the functioning of the legal order as a whole for its province and give to the problems of peace the continuous study which is so generally given by governments to preparations for war, seems to be a long way off in the English-speaking world.*[4]"

Progress in the administration of justice has been painfully slow. It has failed to keep pace with a burgeoning, automated, electronic society that is increasingly urban, impatient and demanding. Indeed, the situation has taken on crisis dimensions.

This is not to say or to imply that there has been no progress. Indeed, there has been much. However, its hallmarks too frequently have been a patchwork of effort lacking focus, continuity and adequate funding. Notwithstanding accelerating efforts to improve the administration of justice, Chief Justice Burger, in his address on the State of the Judiciary in July, 1971, was compelled to observe that:

"Essentially the problems of the federal courts, in common with state courts and indeed much of the entire fabric of our national life, are suffering from an accumulated neglect. This disrepair became an acute problem as the load increased, and we cannot ignore it any longer."

It is not the purpose of this article to dwell on the obvious and profound inadequacies of our present system of justice. It is rather to suggest that the evolution of our legal system makes it clear that vital elements still are missing. Those elements are focus, continuity, innovation, experimentation, and research, all melded under capable direction and with adequate funding. The catalytic agency to synthesize these elements can, in this writer's judgment, be a National Institute of Justice.

This article is then a document of advocacy. The historical details of our failure to attain the noblest purposes of our founding fathers are left to the legal philosophers and historians. It is sufficient to accept the fact of that failure as a point of reference and to move on to more promising methods that offer brighter hope for future progress.

II. A NATIONAL INSTITUTE OF JUSTICE

It is proposed that the National Institute of Justice take the form of an independent, not-for-profit, federally chartered corporation designed to coordinate and support the machinery of justice. It would be governed by a board composed of the most eminently qualified and widely representative individuals available. Its mission would be to make the administration of justice more fully responsive to the needs of our contemporary society.

Purposes of the institute

The primary purposes of the Institute would be as follows:

First, to provide direction and leadership that would be both responsible and responsive. The Institute would serve as consultant and advisor to all components of the machinery of justice at both federal and state levels.

Second, the Institute would provide a permanent body charged with the development of an overview of the law, with the establishment of priorities, with responsibility for the coordination of educational resources, research activities and projects of the organized bar.

Third, the Institute would serve as a fiscal agent to receive and disburse public and private funds for research, evaluation and action.

There is today no single body or individual in the federal or state governments charged with these ongoing overall responsibilities. Cooperation has improved between states and the federal government, but cooperation is not enough. Although each government has certain officers in each branch responsible for specific areas of the administration of justice, each is limited by constitution or statute to only a par of the law's sweep. It seems clear that the three branches of government should have the benefit of the research, counsel, advice and recommendations of an agency that has the primary mission for and a continuing commitment to the improvement of the quality of the legal system as a whole.

Functions of the Institute

It is envisioned that the proposed Institute would perform the following functions:

1. Survey, Appraisal and Information Collection and Dissemination Function

It would be essential that the Institute undertake and maintain an ongoing survey and appraisal of the functioning of the legal system and of the principal efforts to modernize, reform and reconstitute legal processes and the administration of justice. The task of determining what has been and is being done by the federal, state and local governments, private foundations, law schools, interest groups, professional organizations and other educational institutions is a task of great magnitude, but is essential to any coordinated effort directed toward modernization and reform.

The collection and dissemination of information about the operation of our society—*a law society*—is presently conducted by a variety of federal, state and local government agencies, private foundations, the organized bar and private institutions. The present efforts are uncoordinated, frequently incomplete, redundant and permeated with frustrating, circular reference systems. The creation of a National Institute of Justice would, for the first time, provide a single source from which comprehensive and complete information might flow. The Institute could provide an invaluable national link among governmental, private and professional interest groups directly or tangentially concerned with the same or closely related problem areas. The use of modern computer technology makes the goal achievable within a reasonable time and within our economic means.

2. Diagnostic function

The diagnostic function would have as its goal the discovery and evaluation of the principal bottlenecks in the flow of civil and criminal justice and the recognition of new problem areas as they arise. This function has never been assumed by any agency or organization in the country on a continuing and permanent basis. So little attention and money have been devoted historically to this function that the legal profession is constantly in the posture of reacting to certain issues only after they have developed to crisis proportions. With an effective diagnostic function, problem areas can be dealt with more expeditiously and effectively.

3. Coordination function

Coordination would be one of the Institute's foremost roles. This necessarily includes the establishment of priorities, the development of long range goals and a continuing evaluation of the results of action and research programs of the various components of the law society, both public and private.

4. Research catalyst function

The disorganized and proportionately insignificant allocation of resources for legal research is evidence of the crucial need for a catalytic function of the Institute in this area. Although lack of sufficient funding is certainly one of the most crippling aspects of the anemic state of legal research in the nation today, a solution does not involve solely the infusion of more dollars. Continual inquiry must be made as to the value and relevance of research undertakings. The Institute could perform a highly valuable service as a catalyst in the development of areas in which research has been long neglected.

Most legal research of the past has been doctrinal research *in law*. However, studies have begun to appear which shed new light on the operation of the processes of law in society—research *about law*.

5. Advisory function

The Institute could play a significant and effective role as an advisor to all branches of government and to the profession. Its recommendation, based upon research and analysis, would certainly tend to carry great weight.

6. Continuity function

Perhaps one of the critical roles which the Institute would assume is to provide functional continuity for the modernization ef-

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fort. History demonstrates clearly that continuity of direction and operation has been a principal weakness in the functioning of law and in the quest for more effective administration of justice.

7. Neutrality function

A seventh function of the Institute would be its mandate to insure neutrality. It should remain, as much as possible, free from political control of the decision making. While the rule of law in theory knows no party, the nature of our representative government inevitably brings political influences into the operation of the system of justice. An Institute governed impartially is both possible and esential.

Funding

It is contemplated that the Institute would be funded from both public and private sources. It would be both a grantor and a grantee of funds.

In its role as grantee, the Institute would be authorized to receive funds for its general administration, under contract for specific projects and programs and under grants for either specified or unspecified uses. As grantor, the Institute might serve as a funding agency for investment of public or private funds in research or action programs.

It is this writer's view that the creation by Congress of this Institute would not eliminate the continuing need for funding from numerous other sources including individuals, organizations, foundations and state and local governments. On the other hand, it is perfectly apparent to all who have examined the problem that the costs involved in modernizing the justice system—after generations of neglect—will be so large that additional responsibility for making funds available must necessarily rest with the federal government. As the Institute progresses in its survey function, it will only then be able to project accurately financial needs in a realistic way.

It should also be understood clearly that the Institute is not intended to supplant or put out of business existing agencies performing valuable work in the various areas of law and justice. Its aim will be to do more, not less. The Institute will be in a posture to provide a common rallying point for concerned individuals and organizational efforts to obtain congressional and executive response for projected needs.

Staff

It is contemplated that the Institute would have an interdisciplinary, broadly experienced professional staff of modest size. The staff, as directed by the governing authority, would not assume the functions presently performed by other organizations; rather, it would undertake functions not now being performed or being performed on a very limited basis.

It is not anticipated, for example that the Institute would itself be a large research organization. It would contract with universities, law schools, bar associations, legal associations, bar foundations, other professional organizations, private corporations and governments to carry out evaluation and research projects.

The staff would be responsible to and serve under the direction of a governing body which might be constituted as a Board of Directors.

Governing authority

It does not seem desirable at this juncture to suggest the specific type, size, or constituency of a governing board. Suffice it to say that the governing body should be appointed for a term of years by the President with the advice and consent of the Senate. Ex-officio members might include the Chief Justice of the United States and other high government officers. In all events, members of the governing body should be selected with due regard to their experience, knowledge and proven dedication to the mission of justice.

What the Institute should not be

In any attempt to define what the National Institute of Justice should be, it is critical to inquire as to what it should not be.

The Institute should not usurp functions of existing entities. On the scene today are a number of public and private organizations dedicated to the modernization and efficient functioning of the law society. These include the Federal Judicial Center, the National Center for State Courts, the Law Enforcement Assistance Administration, the American Judicature Society, the American Bar Foundation and other private foundations of research and action in the field of justice, bar-related organizations and research centers. In its coordination role, the Institute would utilize existing organizations, and indeed nurture their further development and usefulness.

The role of the Institute would most certainly not include any attempt to federalize the state courts. Such a statement hardly seems necessary except for the extreme fear of some that action at a national level that involves funding by the federal government may be so motivated. It is contemplated that the Institute would be as much the servant of the states as it would of the federal government. If the Institute were to be successful, its reputation would depend upon its even-handed administration, its thoroughness and its understanding of the broad spectrum of problems in the administration of justice on the local, state and national levels.

It was said long ago and repeated many times since that the law is too important to be left to lawyers. The work of the Institute would be much too pervasive and too important to be other than interdisciplinary in its governing body, its staff and its concept.

The institute is envisioned as a cooperating, coordinating, and consulting organization that would make its resources available for the investigation, analysis and solution of legal and law-related problems. Thus, its staff would primarily perform consulting services, as opposed to having direct responsibility for the implementation of reform movements. In short, the staff would provide insight into ways that modernization resources might be utilized most efficiently.

Because the Institute would not be possessed with coercive power, its effectiveness could only develop as a result of its creativity and its applied expertise in fulfilling its functions. Only if the Institute proves capable of performing that function would its services be in demand or its recommendations be heeded.

III. STRUCTURES OF RESPONSE IN OTHER DISCIPLINES

The concept proposed in this article is not entirely new. Almost precisely fifty years ago Mr. Justice Benjamin Cardozo urged the creation of a ministry of justice.[6] He envisioned that a ministry consisting of five members might observe the law in action, develop recommendations for reform in the civil law and report to Congress and the state legislatures where change was needed. In making his recommendations, Mr. Justice Cardozo observed that his thought was not novel, pointing to the prior proposals of Roscoe Pond. Lord Westbury, Lord Haldane and others.[7]

Other proposals have been made in Congress in more recent years. The late Senator Dirksen and Congressman Emanuel Celler proposed the creation of a national foundation of law in bills submitted in 1967.[8] These bills were offered in full cooperation with the American Bar Association, the Association of American Law Schools and the American Association of Law Libraries. In both the 90th and 91st Congresses Senator Fred Harris submitted proposals for the creation of a National Foundation of the Social Sciences.[9] Senator Harris' proposal envisioned a foundation designed to support academic research, education and training in the fields of political science, economics, psychology, sociology, anthropology, history, law, social statistics, demography, geography, linguistics, communications, international relations, education and other social sciences. In presenting his bill, Senator Harris called particular attention to the fact that his proposed foundation would perform no in-house research, but would, in keeping with the precedents set by the National Science Foundation and the National Foundation for the Arts and Humanities, underwrite, fund and support academic research, education and training in the social science field.

Approprate inquiry might be made as to whether a National Foundation for the Social Sciences could adequately perform the functions of the proposed National Institute of Justice. The argument can be made quite forcefully that the interdisciplinary atmosphere of an organization devoted to the social sciences might indeed have a statutory effect.

This proposition has been thoughtfully analyzed by Robert B. McKay, Dean of New York University Law School, when he made the following observation: [10]

"[S]ocial scientists do not regard law as a kindered discipline. Accordingly it seems likely that in a social sciences foundation the law would always be the poor relation and that the important tasks we believe should be undertaken would not be supported except where there was an interdisciplinary study to be made in which law could play a complementary, but secondary, role."

With respect to the Dirksen-Celler proposals of 1967, it should be made clear that the leadership of the American Bar Association played a very significant role. Indeed, the leadership of the ABA, the Association of American Law Schools and the American Association of Law Liberties actively solicited the support of Senator Dirksen, Congressman Celler and their colleagues in both the House and Senate in support of that proposal. Why then, it may be asked, after four years has the proposal not been more actively pursued by the association to the point that it might even today already be a reality. Such legislation commonly requires a germination period. At the time the Dirksen-Celler proposals were introduced it was assumed that it would take a number of years to bring about the adoption of them or similar legislation. Indeed, the history of the several models described above indicates that this has been the pattern in each case.

The present proposal is thus not reflective of any abandonment of the broad principles contained in the original Dirksen and Celler bills, but is rather reflective of the refinements in thought that have evolved during the past four years. Indeed, it is recognized that there may be other refinements of the concept suggested from many sources before any proposal becomes a reality.

Both the Dirksen and Celler bills and the Harris bills envisioned the creation of their proposed foundations as independent administrative agencies of the federal government—one of four general types of independent government or government funded entities. These are the independent administrative agency, the government owned corporation, the federally chartered not-for-profit corporation, and federally chartered profit making corporation. The National Institute of Justice is envisioned as a federally chartered not-for-profit corporation.

Existing models of independent administrative agencies are the National Science Foundation and the National Foundation of the Arts and Humanities. An example of a federally chartered not-for-profit corpora-

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Footnotes at end of article.

tion is the Corporation for Public Broadcasting.

The National Science Foundation was created to strengthen both research and education in the natural sciences. It was brought into existence as the result of a report prepared at the request of the President describing how best to develop a national science policy and to support basic research and education in the natural sciences. The report was submitted in 1945 by Dr. Vannevar Bush, Director of the Office of Scientific Research and Development. It recommended the establishment of an independent federal agency composed of members to be selected by the President. The establishment of the National Science Foundation took some five years after submission of the Bush report. The Foundation is authorized to make grants to institutions and provide fellowship programs for individuals; it now receives about a half-billion dollars annually for its work.

The National Foundation of the Arts and Humanities was created to encourage and support the humanities and the arts through studies and grants. It was many years aborning. In 1951 President Truman requested a report on the status of the arts with respect to government. Two years later a report was submitted to President Eisenhower and in 1962 President Kennedy urged approval of a measure establishing a federal advisory council on the arts. Proposals were made in the next two years for a national council on the arts and a national arts foundation. In 1964 the National Council on the Arts was created and in the following year the National Commission on the Humanities joined forces with the Council to bring about the creation of the National Foundation of the Arts and Humanities. The Foundation has certain unique qualities of organization that are not here relevant. Its importance lies in the fact that responsible individuals in the field envisioned an independent agency modeled along the lines of the National Science Foundation, which would provide general support for research and education in the humanities. There appeared to be no other logical place within the federal establishment to provide a home for the arts and humanities.

The Corporation for Public Broadcasting was created in 1967 following a study by the Carnegie Commission on Educational Television. While acknowledging the free speech dangers implicit in government participation in the communications media, the Commission recommended extensive federal funding for television program production. In terms of structure, it is significant that the Commission proposed the establishment of a federally chartered not-for-profit corporation which would be neither an agency nor an establishment of the United States Government. Under the enabling legislation the President of the United States, operating under certain guidelines, appoints the fifteen members of the Corporation's Board of Directors. The Corporation may receive funding from federal and other sources.

It was thought that the federally chartered not-for-profit corporate structure would most effectively provide the independence, continuity, funding and political insulation vitally needed for operation in this controversial and sensitive area.

Each of the foundations and corporations described above bears some similarities of purpose and function to the proposed National Institute of Justice. Each is designed to provide a home for a discipline or a profession with great public service commitment that will make possible a continuity of direction and leadership, will encourage development, research and education, will provide responsible funding grants and will insure competent, independent and neutral direction. Each of these provides an analogy and insight for considering the creation of a National Institute of Justice.

IV. THE MANY PRESSURES OF MULTIPLE CHANGE

An overview of developments within the profession emphasizes the need for the creation of a National Institute of Justice.

In addition, inquiry is justified as to whether any existing institution, or a combination of institutions, including the organized bar, are presently capable of performing along the functions deemed necessary for effective and comprehensive modernization.

Accordingly, some of the major areas of evolution in the modernization process are considered, followed by an analysis of the role of the organized bar in this process.

During the Twentieth Century the components of our machinery of justice—the courts, the practicing profession, legal education, the methods of practice, law related research—have too frequently lagged in their response to the problems and challenges of our rapidly changing society. Indeed, the practice of law in this country has been described as the last cottage industry. It should be observed that this has not been for want of concern on the part of dedicated lawyers, judges and numerous organizations of the profession. Rather, problems concerning the administration of justice and the practice of law have for too long been considered primarily the provincial concern of judges, lawyers and their constituent organizations. As has been described, in areas such as medicine, the natural sciences, and the arts and humanities, it was deemed in the national interest to create national organizations to foster development, research and innovation.

In contrast, the failure of this nation, until recently, to view problems concerning the effective administration of justice with sufficient seriousness to warrant a commitment of substantial resources from the federal government, has meant that those struggling to modernize the legal profession, legal education, and our justice machinery, have had to work with minimal funding wholly inadequate to meet the magnitude of the problems. We have too often gone in separate ways without carefully evaluating the merits and effectiveness of our efforts and without resources to interrelate results with the over-all problems of judicial administration. The inescapable conclusion one draws from most of these past efforts is that the approach has been comparable to trying to construct a space vehicle by assigning a thousand engineers, each left in isolation, to design one specific component with little comprehension as to how the components would function together when assembled. It may, therefore, be helpful to look briefly at certain components of the justice system in terms of the recognized needs of an urban society.

How law is practiced

In comparison with other vital aspects of society, the practice of law today and the basic methodology of the courts have changed relatively little from the days of Thomas Jefferson and John Marshall.

For many early nineteenth century lawyers the primary and often sole source of legal research and knowledge and Blackstone's *Commentaries*. And between 1790 and 1840 our courts produced only about 50,000 reported decisions. The next fifty years produced about nine times as many—450,000. From 1890 to the present the courts have added almost two million published decisions to our legal storehouses of knowledge. And this does not include the hundreds of thousands of new regulations which have been issued by administrative agencies or the approximately 10,000 new statutes adopted by legislatures each year.

New tasks and few demands have been placed on today's lawyer. The call for equal access to the machinery of justice and to professional legal counselling for the poor and for members of minority groups has created new demands to which the bar has responded. Increasingly, questions are being raised as to the adequacy of available legal services to middle income American families.

Inherent in the increased recognition and utilization of the courts as effective vehicles for social and political change has been the mounting pressure on the lawyers and his profession to promote and protect equally, due process, and the "public interest" for those who could not individually afford a lawyer's services. New opportunities for public service by younger attorneys have developed. Law firms and bar associations have been challenged to attain an even higher level of public service activity.

Unlike industry and government, lawyers have not been able to reduce appreciably the number of expensive man-hours they devote to routine legal tasks. With certain exceptions, which will be discussed later, the ideal of the profession has long been to provide custom-tailored services to each client. The sources of essential legal research—court decisions, statutes, and administrative regulations—have skyrocketed quantitatively. Lawyers' research has become increasingly costly, and it is the client who must pay for the straining shelves of law books and the expensive manpower necessary to extract needed materials in them.

Yet young associates and solo practitioners, still pore through indices, digests, cases, commentaries and looseleaf services in the same manner as their great-grandfathers. These laborious methods remain the primary information retrieval system of the profession.

To this day routine legal research remains largely untouched by computer technology. The reasons are probably less the limitations of the computer than the high capital cost of better legal indices for computer use and for programming millions of bits of information. This high initial cost has certainly been a major deterrent to extensive utilization of automated information retrieval.

Another characteristic of the legal profession today is its increasing specialization. The lawyer's image of himself as a generalist, fully proficient in the law as a whole, bears little relation to reality. New areas of legal practice and inquiry have been added steadily during this century, *e.g.*, labor relations law, federal tax law, civil rights law, antitrust law, and securities regulation law. Numerous other examples could be cited. The practicing lawyer today is constantly confronted with the problem of how little of the "seamless web of the law" he can hope to practice with proficiency.

The growing national uniformity of laws harbors profound implications for the profession and its admissions procedures. This century has been particular witnesses to the growing influence of federal laws and agencies regulating both man and his industry, labor and finance. The portion of a lawyer's time spent on matters regulated solely by state law has declined steadily. Suffice it to say that many practitioners today devote most of their practice to federal matters which were unknown 75 years ago.

The move toward modernization: An unfinished saga

The American Bar Association and the legal profession as a whole have in recent years devoted increased time and resources to consideration of methods for modernization. There exists a growing awareness in the Bar that the profession as traditionally structured has not met many of the legal needs of individual citizens. Changes in society as a whole have exerted certain but incalculable pressure on the profession to change. They have been affected by the emphasis upon research and innovation and by the increasing demands first of the poor and now of the middle class to share in the benefits of an affluent society, including quality professional services of the doctor and lawyer.

Issues wth respect to the modernization of the profession have arisen in two broadly defined areas. First, issues concerned with the internal organization of the legal profession, including specialization, use of paraprofessionals and computer technology are increasingly being considered. Second, issues related to the delivery of legal services to individuals are undergoing intensive scrutiny. These include, *inter alia,* prepaid legal cost programs, group legal practice, legal aid and judicare, and lawyer referral services.

Specialization

Specialization in the legal profession is a fact of life. A proportionately smaller number of lawyers today practice alone or with one partner—the standard form in rural small town America—the America of the Nineteenth Century. Industrialization and urbanization brought the growth of large industrial, financial and governmental organizations. As these institutions grew, so did the law firms which provided them with legal services. As large law firms developed, the lawyers within them often began to specialize and to organize into departments in order to provide better services to the client. Large corporations promoted specialization in the legal profession by employing lawyers as corporate counsel to serve the highly specialized legal needs of the corporation. The growth of widely diversified and specialized government agencies resulted in the need for large numbers of attorneys to work in the agency's specialized area. Government has become a vast training ground for specialized legal practice. As a result of these changes in the structure of the profession, over twenty percent of the lawyers who practice in the United States today are "one client"—government or corporation—lawyers. The move toward specialization also has affected the single practitioner and small firm. Specialties such as personal injury litigation, criminal law, domestic relations, and labor law are increasingly areas of specialization for the single practitioner or small firm lawyer.

While the de facto growth of specialization has been recognized both within the profession and by its clients, the bar has only begun to cope with the implication, opportunities, and problems of the formal recognition of specialization. Much experimentation will be necessary concerning certification requirements, e.g., the roles of law school curriculum, "internship" or apprenticeship, continuing legal education and graduate law study in training for a specialty. The area of examinations in specialty certification is still largely unexplored. No state as yet has developed a comprehensive specialist certification procedure, although California presently is experimenting with a certification system for specialists in workmen's compensation, tax law and criminal law.

The implications of specialization also remain largely unexplored. Careful study and thought must be given to the role of the general practitioner in an era of increasing specialization. A determination must be made as to the appropriate mix of formal education and practice for training in various fields of specialization. For example, it may be reasonable to require a litigation specialist to have more courtroom experience than classroom experience. The mix of the practical and the formal education for a tax expert may be quite different. Heretofore, the resources for exploring these questions have been woefully lacking.

Paraprofessionals

The case for greater utilization of paraprofessional legal assistants was well stated by the ABA Special Committee on Availability of Legal Services, which observed that: "freeing a lawyer from tedious and routine detail, thus conserving his time and energy for truly legal problems, will enable him to render his professional service to more people, thereby making legal services more fully available to the public."

Traditionally lawyers have used clerks and secretaries as assistants for handling administrative aspects of the practice of law such as filing papers, searching court records, preparing forms, and other routine tasks. As the profession strives to extend legal services to more and more individuals in lower and middle income groups, the occasions in which routine operations may be performed by trained lay assistants will be multiplied.

The ABA Special Committee on Lay Assistants for Lawyers recently conducted a pilot training program for legal assistants and is developing model curricula for training law office personnel. The future for the development of educational programs for such training in colleges and law schools and of certification standards and procedures for this new vocation are virtually unlimited.

New systems for delivering legal services to individuals

The profession is in a state of ferment with respect to the development of new systems for the delivery of legal services to persons of moderate means and to the disadvantaged. There are genuine considerations of professional standards concerned with independence of the attorney and with conflicts of interest. Serious questions have been raised as to whether the present pattern of providing legal services to individuals is adequate to enable the average person to know when a problem confronting him is one in which a lawyer can help; to know whether the lawyer's service is worth its cost; and to locate a lawyer he is confident can and will provide the expert legal assistance he needs, at a cost he can afford. The conclusion is unavoidable that the profession, as presently structured, does not adequately meet these criteria, to serve low and middle income people.

Pressures of change have come from several sources. In the 1960s the Legal Services Program of the Office of Economic Opportunity was created, as a result of the widespread recognition of the inadequacy of the then existing legal services delivery system for low income Americans. Today about 2,000 legal services attorneys are handling approximately two million cases each year for the poor. The same questions are being raised now of the adequacy of legal services available to individuals above the poverty line—those in the middle and lower-middle income groups.

Probably the greatest force today behind the development of new systems to make legal services more readily available to middle income groups is the trade union movement. Labor organizations have obtained, through collective bargaining, substantial medical coverage benefits for their members in the form of insurance and group practice programs. It was predictable that they would also turn their attention to legal services available to their members.

Group legal services

The term "group legal services" as discussed here connotes a plan in which a group or organization designates one or more lawyers to represent individual members of a group. Numerous group legal service plans are operating today, frequently under the sponsorship of unions.

These plans have created continuing controversy within the legal profession. However, the issue no longer primarily revolves around whether such plans may be allowed to exist. The United States Supreme Court, in a series of decisions, the most far-reaching of which was *United Mine Workers* v. *Illinois State Bar Association,*[11] has shielded such arrangements against charges of unauthorized practice. One commentator has stated that the holding in the *Mine Workers case* makes it "difficult to conceive a practical and attractive group legal arrangement that would not be protected by the rule it announces."[12]

Group legal services have been around for some time. Certain forms of group practice have been accepted by the profession. Probably the most common group legal service arrangement is in the automobile insurance industry. Individuals protected by automobile casualty insurers must, in the event of a claim, accept counsel of the company's choice. In addition, the legal needs of the poor served through the OEO-funded Legal Services Program are primarily met by a group legal services structure. A substantial amount of additional study and analysis must be performed to determine the effectiveness of group legal services plans. But the need for new methods to better meet the legal services requirements of large numbers of people can be said to constitute one of the most pressing problems facing the profession today. The Bar can ill-afford to ignore the reality of group legal service programs; a brochure published by the ABA Standing Committee on Lawyer Referral Services has observed that "the time may well come when a majority of the general public will receive all needed legal services *from* lawyers provided by lay organizations."

PREPAID LEGAL COST INSURANCE

Another change in the structure, primarily in the funding of legal services for the middle class, has been embryonic development of prepaid legal cost programs. Examples of the growth and success of hospital and medical insurance plans have raised the question of the feasibility of financing legal services generally through pre-payment plans. The funding of "routine" legal services under this concept is, strictly speaking, a pre-payment or financing mechanism rather than a spreading of the risk. The automobile insurance industry has long had experience in calculating the cost of legal services as part of the insurance premium; but this has been primarily coverage for legal catastrophe. As yet we have had litle experience with prepayment mechanisms for routine legal services.

The American Bar Association Special Committee on Prepaid Legal Services is sponsoring a pilot program in Shreveport, Louisiana, in cooperation with the Shreveport and Louisiana State Bar Associations, which has been in operation since January, 1971, with Ford Foundation funding. The Committee is undertaking sponsorship of a pilot program in Los Angeles, California, which has not yet begun operation. Prepaid legal service programs are attractive to trade union, and other consumer groups, including teachers and municipal, state and federal employee associations. However, problems concerning such sponsorship are myriad. For example, employer contributions to such plans are presently not authorized under the Taft Hartley Act. Unlike health and medical service benefits, contributions to these plans are not tax deductible. Whether state insurance departments will consider prepayment plans as insurance for the purpose of state regulation is not presently known. These and other questions require further exploration.

Many members of the organized bar see prepaid legal cost programs as a vehicle for providing more effective legal services for individuals without placing a lay intermediary between the attorney and his client. Indeed, due in large part to efforts of the Association, twenty-three state bar committees have been established to explore the establishment of prepaid plans.

Footnotes at end of article.

LAWYER REFERRAL SERVICES

Although lawyer referral systems have been in operation in the United States since 1937, there are today only 267 lawyer referral offices in operation, dealing with approximately 250,000 clients each year.

The present system bears some similarities to the legal aid system as it was constituted prior to the introduction of the OEO Legal Service Program. It is typically underfinanced, inadequately advertised, and underutilized. To be sure, the present system is making a substantial day-to-day contribution to the availability of legal services to the public, but those who have given the most penetrating consideration and study to the problem are generally dissatisfied with the capacity of the present system to meet the much wider unfilled needs of middle-income families. The ABA Standing Committee on Lawyer Referral Service has indicated that a major problem is to provide some assurance to the public that the quality of service which an individual will receive would be significantly better than could be accomplished by selecting a lawyer at random from the yellow pages of the telephone book.

Judicare

The OEO Legal Services Program has almost exclusively utilized the approach of funding offices staffed by attorneys employed to perform legal services for the poor. Only a few OEO-funded programs permit the client to select a private practitioner who is then reimbursed by the funded agency. This system is known in the profession as "Judicare," and its supporters argue with considerable logic that it is the only practical method of providing legal services in rural and sparsely settled areas.

The need for evaluation of methods

Thus, there is a pressing need to intensify the study of the effectiveness and relative cost of new and old systems for the delivery of legal services. The basic obligation of the profession is to provide legal services to the public, to make such services available to all members of society, and, in so doing, to insure that they are performed by qualified persons who have been adequately educated.

Legal education—Law schools in lockstep

Law schools are today in a period of profound soul searching and re-evaluation. With striking uniformity they have followed curriculum and teaching methods developed in the late Nineteenth Century. Most are now revising their curricula to introduce more effective methods of educating and training lawyers to deal with the problems of the late Twentieth Century.

Traditionally, the source of most law school teaching materials has been appellate court opinions. Of course, any practicing lawyer knows that the world of the appellate court opinion is often a considerable distance from the real world of most legal practice. Until recently there was little innovation in law school teaching methods and content. The case method of teaching long reigned supreme.

It has been suggested that the complete lawyer should receive three types of education which may or may not be subject to combination. He should be taught to analyze the legal significance of issues. He should be taught techniques of practice. He should learn the social, political and economic dynamics of our society inasmuch as the law is the basic regulator of these dynamics Traditionally too, law schools have seen themselves as educating prospective lawyers to *think* like lawyers, leaving to others education in the technique of practice. Clinical teaching was relatively rare with legal writing reserved, in the main, for the law review editor.

Until recently little concern was evidenced over the failure of legal education to familiarize prospective lawyers with how society works. But today, law schools are profoundly involved in a re-evaluation of their role and responsibility to themselves and to society as a whole. Law schools are increasingly concerned with the relevance of their curricula. This concern has produced new courses and orientation. There has been increasing concern with interdisciplinary aspects of legal education. Clinical training is increasingly supplementing the traditional classroom curriculum.

In the past a major limitation of experimentation with curricula and teaching methods was the view, perhaps accurate, that most law students were headed in the same direction, *i.e.*, toward traditional private practice. Law schools today are faced with a far greater diversity of student interest. This is due in part to expanded opportunities for legal practice in government, legal aid, and other full-time public service activities, and to the increasing specialization of private practice. Teaching has been oriented to training legal generalists on the theory that even a specialist needs to know something about other areas of the law. However, the reality of specialization has raised questions about whether there is a role for law schools in the training of specialists. Moreover, continuing controversy revolves around the relevance and use of the third year of law school. Clinical training, interdisciplinary studies and specialization are all increasingly vying for that last year of the law student's education.

Increasingly, law schools are asking whether they should break the uniformity of past patterns and begin to develop specialties and particular emphasis, *i.e.*, should urban law schools emphasize urban legal studies with perhaps a greater research and behavioral orientation.

Three major barriers have served to retard experimentation with new curricula: the conservatism inspired by the success of the case method in its time; bar examinations; and funding. The so-called "national" law schools are perhaps most affected by the first factor, because they have been most successful by traditional standards of legal education. On the other hand, although the national law schools have not oriented their course primarily toward bar examinations, the majority of schools have been sensitive to that practicality. Undoubtedly, tradition-bound bar examinations have discouraged innovation in law schools. Some experimentation with a national bar examination is now going forward under the auspices of the Association of American Law Schools and the National Conference of Bar Examiners. This effort is being widely applauded and carefully observed.

Formal education in the law is still a remarkably young idea in this country. In fact, it has only been in the last half century that the majority of practicing lawyers have been trained by law schools. Historically, young aspirants to a legal career "read law" in the office of a licensed practitioner, and the requirement of formal legal education as a prerequisite to taking a bar examination is a comparatively recent development.

Many law schools had their beginning in the basement of a YMCA and as night schools catering to the part-time student. A large number of schools were started as proprietary institutions and there remain a surprising number of such institutions, especially in the State of California. Among the low-budget proprietary operations large classes are the normal mode of operation. It is also true that even the law schools forming a part of universities are expected to produce a profit. The notion of a university law school receiving research and educational grants from its parent organization generally has been a foreign thought. As an inevitable result, curricular innovation, including greater clinical and research programs, which would require significant increases in law faculties, facilities and funding, have been slow to develop.

Research by law school faculties and students has, over the years, been minimal, especially as compared with other disciplines. That which has been undertaken has largely been of a doctrinal nature.

The history of the funding of legal education and research from private sources suggests that significant change in the foreseeable future is unlikely, unless new and substantial sources of income are made available.

Continuing legal education

Continuing legal education has in recent years become a significantly more important component of the lawyer's training.

This, too, reflects a recognition of the incompleteness of law school education as preparation for legal practice.

The early efforts of the Practising Law Institute and the Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association paved the way for rapid growth of programs of continuing legal education. Such programs are now widespread. Today most state and some local bar associations, as well as many law schools, sponsor continuing legal education programs.

Increasingly, the profession sees continuing legal education as at least a partial answer to a number of its problems. It is seen as a way of minimizing the learning which a new attorney might otherwise experience at a client's expense. It is looked upon as a method by which specialists can increase their proficiency and general practitioners develop specialties. It is an avenue for bridging the knowledge gap created every time major new legislation is enacted.

Funding is and will continue to be a major problem in continuing legal education. It restricts the types of programs which can be offered; programs must appeal to significant numbers of attorneys in order to pay for themselves. To a limited extent profitable programs can support the unprofitable ones, but this places serious limitations on developing programs for less profitable specialties or in areas of public service. The result is that these areas are likely to be neglected.

Two illustrations of education in the area of court administration are worthy of note. Until 1964 there did not exist in this country a school for state trial court judges. It was only with the inspired leadership of Tom C. Clark, then Associate Justice of the U.S. Supreme Court, and the infusion of substantial funding by the Kellogg and Fleischmann Foundations that the American Bar Association's National College of the State Judiciary became a reality. More than 30 percent of the state trial judges of courts of general jurisdiction have since attended the college.

Until last year there was no institution in the United States for the education of court administrators and executives. Under the leadership of the Chief Justice, Warren Burger, and with a large grant from The Ford Foundation, the Institute for Court Management was created. It already has graduated two classes and has inspired some law schools to undertake the development of programs leading to a master's degree in Court Administration. It was a large factor in persuading Congress to enact the Court Executives Act creating "business managers" for each of the Federal Circuits.

Regulating professional qualifications

The state has conferred on the lawyer the exclusive right to provide legal services. Yet neither the profession nor the state has developed a procedure for admitting attorneys to the bar which assures the public that those who are licensed to practice have achieved a reasonable level of competency or possess the necessary moral qualifications. It is fair to say that there is near consensus within the legal profession that state bar examinations do not truly test whether an applicant is competent to practice law. Indeed, no law firm would base its decision to employ an admittee on the strength of his passage of such a written examination. The plain fact is that no written test can measure the ability of an applicant to perform many of the facets of practice. Furthermore, while specialization is a growing reality in the legal profession, bar examinations do not reflect this fact, and at the present time there is no later certification procedure regulating such specialization.

Many are of the view that the regulation of professional qualifications is not the concern of the law school. Some suggest that it is the responsibility of the organized bar. Others lay the responsibility on the judicial branch of the state government. In any event, it is certainly the responsibility of some group within the profession, and the plain fact is that professional competency is not now receiving sufficient constructive attention.

Research in and about law

One of the hallmarks of today's society is its reliance upon research as an instrument of development and progress and for the solution of problems. One need look no further than his television set to observe the constant emphasis on research in the advertisements of program sponsors. Typically, one hears such slogan as "progress through research"; "Ford has a better idea"; "progress is our business"; etc.

Insofar as research in the law is concerned, it may be divided into two types: doctrinal and empirical. They have been described by professor David Cavers of the Harvard Law School as research in law and research about law. In the field of doctrinal research, or research in law, the legal profession has historically made important contributions. This kind of research required little money and could be traditionally performed in the library. This was pointed out by Dean Robert B. McKay of New York University Law School in his testimony before the Senate Subcommittee on Government Research [13] in which he observed that lawyers have made great progress in systematizing and unifying the law through their doctrinal research. This has been true despite the obstacles presented by a diverse federal system comprising more than fifty separate jurisdictions. By way of illustration, Dean McKay pointed to the substantial contributions of the American Law Institute and the Commissioners on Uniform State Laws as examples of what lawyers could do with modest sums of money.

However, it has been only in very recent years that the profession has come to realize the importance of empirical research and the responsibility of the profession for its conduct. This awakening concern for research about the law led to the establishment of the American Bar Foundation, the research arm of the American Bar Association. The work of the Foundation has been primarily limited by the funds available to it. Law schools evidence a growing commitment to research about the law, but here, too, financial resources are limited.

As Chairman of a Special Committee on Financial Resources of the Association of American Law Schools, Dean McKay conducted a study financed by the Walter E. Meyer Research Institute of Law, the purpose of which was to ascertain the level of private philanthropic contribution to legal education and legal research. The results of that study indicated that private foundation support has not been large. During the twelve-year period of the study most of the funds were granted for construction, fellowships and individual research. Only a modest amount was made available for empirical research.

Of the funds granted to law schools, more than 60 percent was concentrated among five schools and nearly 80 percent was concentrated among ten. The Ford Foundation was the principal grantor, accounting for more than two-thirds of all foundation support. Grant money went primarily to international legal studies, graduate fellowships for law teachers and the administration of justice, particularly in the criminal field. In the final year of the period studied, only a little over one percent of all foundation grants allocated to the sciences and social sciences was directed to law.

In the same period, the government was providing only negligible support for legal research. At the time of Dean McKay's study, the National Science Foundation had made no grants for legal education or legal research. Likewise the National Endowment for the Humanities made no research grants to lawyers. Proposals introduced in Congress for a National Foundation for Social Sciences and a National Foundation of Law and Justice have not yet received wide support.

In contrast, research in support of the physical sciences has fared very well at the hands of both private and public agencies. Admittedly, the legal profession has been slow to awaken to its responsibilities and opportunities to improve the function of our law society through research about the law. But it has been demonstrated that lawyers working together and working in conjunction with other disciplines are quite capable of making the system work better. The obvious need today is to provide adequate funding, continuity and direction.

The Crisis in the Administration of Justice

The inadequacy of our nation's judicial machinery, which was designed to meet the needs of an agrarian society in the late Eighteenth Century, has produced a crisis in our judicial system. This crisis in the result of a multitude of long-neglected problems which, because of increasing demands being placed upon our court system, now threaten much of the system with virtual collapse. There is hardly an urban court which is not touched by the crisis. Interminable delays threaten to destroy the usefulness of our civil courts for the peaceful and orderly resolution of conflicts. Delays in the criminal courts too often mock both the concept of deterrence or the rights of accused. Many judges now must devote an inordinate amount of time to administrative details which could be better handled by others. At the same time, assembly line justice often prevails. Appellate courts are equally affected. In many state systems the average time required to process an appeal can consume in excess of eighteen months.

The task of resolving the problems which contribute to this crisis is not easy, for resort to simplistic solutions usually creates a high risk of destroying the very system which such solutions are intended to save. What is needed is reform within the context of our legal traditions.

The focal point of the machinery of justice in our country is, of course, the judge himself. Too frequently judges, especially in the minor courts that process the bulk of the civil and criminal litigation, receive little or no judicial training or orientation. There remain substantial problems with respect to insuring that judicial officers are competent and have the requisite temperament to adjudicate disputes in a courtroom setting.

On the positive side of the ledger, this is an area which is receiving substantial direction and attention from Chief Justice Burger. He, for example, has been instrumental in the creation of the new National Center for State Courts. His predecessor, Chief Justice Warren, was the moving force in the establishment by Congress of the Federal Judicial Center. Under the broad mandate of Congress, one of the primary functions of the Federal Judicial Center is "to conduct research and study of the operation of the courts of the United States, and to stimulate and coordinate such research and study on the part of other public and private persons and agencies."

The new National Center for State Courts, together with the Federal Judicial Center, the National College of the State Judiciary under the sponsorship of the Section of Judicial Administration of the ABA, and the Institute for Court Management, all are recent examples of advances in strengthening judicial training and support.

V. TRANSLATING DESIRE INTO REALITY

Inherent in the efforts and most legal reformers, voluntary and professional, has been the assumption that if enough human energy were applied by enough dedicated groups existing machinery could be improved and the crisis in justice could be met. The piecemeal, uncoordinated nature of the various efforts seems not to have been regarded as a deterrent. At least they have been accepted as an inevitable fact of judicial life. But with it all, comprehensive, coordinated national planning is lacking and effective modernization of the system appears still to be an elusive and urgently needed element.

From the time of the creation of our constitutional government, the condition of justice has suffered almost directly in proportion to the increasing population and the increasing complexity of our society. The responsibility, although often the subject of partisan political debate, has fallen on the lawyer and ultimately the organized bar. Lawyers are educated to understand and deal with the application of the rule of law. Moreover, they are virtually the only professional group having complete access to the machinery of the administration of justice: the enforcement of societal mandates through law. In short, they are intermediaries between the theory of the law and its application to society.

Yet the very nature of the practice of law can be contradictory in terms of the interests of society and the interests of particular individuals, or organizational and governmental entities. They are paid advocates, ethically bound to consider the client's interest as paramount to virtually all other considerations. This obligation is to be juxtaposed with a commensurate obligation—also a matter of ethics—to work for the public good.

Efforts to accommodate these co-equal obligations have been pursued, in the past, mainly through the organized bar or through government. One has only to consider the makeup of the executive, judicial and legislative branches of government to note the intricate and pervasive involvement of the lawyer in the administration of justice. Chief Justice Burger aptly articulated this in his State of the Judiciary address at the 1971 ABA Annual Meeting several months ago:

"A strong, independent, competent legal profession is imperative to any free people. We live in a society that is diverse, mobile and dynamic, but its very pluralism and creativeness make it capable of both enormous progress or debilitating conflicts that can blunt all semblance of order. One role of the lawyer in a common law system is to be a balance wheel, a harmonizer, a reconciler. He must be more than simply a skilled legal mechanic. He must be that, but in a larger sense he must also be a legal architect, engineer, builder and, from time to time, inventor as well. This is the history of the lawyer

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Footnotes at end of article.

in America, and in this respect he is unique among the lawyers of all societies."

While it cannot be said that kinship among lawyers is so great that one may find them huddled together under one roof, they are gregarious enough that the vast majority of them belong to state and local bar associations. More than half of them voluntarily belong to the American Bar Association, the national organization of the profession.

The movement to organize lawyers into bar associations on a national, state and local level is a little over a hundred years old. The organization started in metropolitan areas and the more populated states. The early associations were voluntary in nature and had modest budgets. Permanent staffs did not exist; association projects were carried on by volunteers. The Bar was not seen in those days as responsible for the discipline of members and certainly not as the harbinger of reform.

The passage of time brought many changes. As bar associations assumed larger roles in professional standards of conduct and practice, and a larger share of responsibility for the machinery of justice, the so-called integrated bar began to develop among practicing lawyer to belong to the professional organization of lawyers in a state, took place largely during the middle third of this century. Today, half the states have integrated bars and the trend in that direction is continuing. Even with this movement, inadequate funding has in most states prevented the mounting of effective programs of discipline, education and improvement of judicial machinery.

It may surprise some to realize that the American Bar Association had no permanent staff for the first half of its nearly one hundred years. Indeed, not until the middle of the 1950's did it have sufficient funds to staff a limited number of projects and activities. Membership in the American Bar Association has trebled in the past fifteen years, while its income has grown by more than 600 percent. In the last decade an even more significant development has taken place—the funding of public service and educational projects through foundation and government funds. About half of the Association's annual income now comes from such sources. It is this writer's belief that that percentage will grow in the decade ahead to between 65 percent and 75 percent of the Association's entire income.

Indeed, the progress of the organized bar in the past decade has been so marked that some believe that the crisis in the administration of justice can be met by the organized bar under the direction and leadership of the American Bar Association. While the forward strides of the last decade are a source of encouragement and even some pride, and while the leadership of the American Bar Association is dedicated to the proposition that this organization has the potential for even greater and more significant contributions to the cause of justice, it must be recognized that there are some inherent qualities of a voluntary organization that militate against its completely effective fulfillment of this lofty role.

On the one hand, the ABA House of Delegates includes the widest possible range of representation from all groups who constitute the legal profession today. The Association's present day structure is its strength when called upon to pass upon the conclusions or proposals of others. Nevertheless, because it is a voluntary organization and represents so many diverse and often irreconcilable views, it should not surprise or discourage us to note that the contribution of the organized bar to the solution of today's societal problems has been, of necessity, confined largely to the realm of ideas. Time freely contributed by volunteers, projects financed by volunteers, machinery tuned to decision by consensus, cannot produce the kind of massive, venturesome, sustained and coordinated attack which is required in the field of justice today. Volunteer bar associations, the American Bar in particular, perform at their maximum efficiency in unfolding and debating a wide range of views. By their very nature, however, voluntary bar associations cannot, at the same time, be fearless in research, forceful in exposition and confident in criticism.

Even if the organized bar could, through reorganization or otherwise, build a sufficient structure from which to conduct far-reaching research programs and substantial pilot programs in our quest for a better society, an argument can well be made against proceeding in that direction. As long as bar associations remain voluntary, their ability to represent all lawyers is impeded. Should the day come when all lawyers speak with one voice, the rest of society may nonetheless readily question both our method and our motive.

The very size of life and society today minimizes the effectiveness which any voluntary group can now offer. Individual contractors alone cannot produce coordinated space programs. Individual railroads cannot serve a sprawling nation. Society today requires a National Institute of Justice.

VI. CONCLUSION

The late Reginald Heber Smith once observed that men can learn, if they must, to put up with physical imparity and economic inadequacy; but that a brooding sense of injustice makes them want to tear things down. We who bear the primary responsibility for the machinery of justice in this nation, if we are to be faithful to our oath, must be vigilant in our search to find new and better ways to make equal justice under the law a living reality. It is incumbent upon us to move forward with common purpose and high aspiration that is worthy of our heritage. The National Institute of Justice is a concept whose time has come.

FOOTNOTES

*Executive Director, American Bar Association, Chicago, Illinois; A.B., Duke University, 1944 ('46); J.D., Harvard University, 1949. Mr. Early wishes to thank his associates, John W. Atwood and David C. Long, for their invaluable assistance in the preparation of this article, Mr. Early practiced law in Huntington, West Virginia from 1949 to 1962.

† The Chief Justice of the United States.

[1] Pound, *The Causes of Popular Dissatsifaction with the Administration of Justice, 40* AM. L. REV. 729 (1906).

[2] *Id.* at 742, 749.

[3] Pound, *A Hundred Years of American Law*, in LAW: A CENTURY OF PROGRESS 8 (A. Reppy, ed. 1937).

[4] *Id.* at 20, 23, 24.

[5] *E.g.* Laswell and McDougal, *Criteria for a Theory About Law*, 44 S. CAL. L. REV. 362 (1971).

[6] Cardoza, *A Ministry of Justice*, 35 HARV. L. REV. 113 (1921).

[7] *Id.* at 114.

[8] S. 2627 and H.R. 13584, 90th Cong., 1st Sess. (1967).

[9] S. 836, 90th Cong., 1st Sess. (1967), and S. 508, 91st Cong., 1st Sess. (1969).

[10] *Hearings on S. 836 Before the Senate Subcomm. on Government Research,* 90th Cong., 1st Sess. (1967).

[11] 389 U.S. 217 (1967).

[12] Schwartz, *Changing Patterns of Legal Services,* in LAW IN A CHANGING AMERICA 117, (G. Hazard, Jr., ed. 1968).

[13] *Hearings on S. 836 Before the Senate Subcomm. on Government Research,* 90th Cong., 1st Sess. (1967).

THE DARKNESS AT THE END OF THE PIPELINE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. OBEY. Mr. Speaker, last week Secretary of Interior Rogers Morton decided to give the go-ahead for the construction of the trans-Alaskan pipeline.

Many Members of Congress, from both political parties, had indicated to the Secretary their belief that before any final decision was made more attention ought to be given to a trans-Canadian route which would not only deliver the Alaskan oil to mid-west markets where it is badly needed, but would also eliminate the environmental damages from tanker oil spills and earthquakes which even the Department of Interior admits will almost certainly result if the Alaskan pipeline is built.

As I indicated in a letter to Secretary Morton, I agree with that position and I find it most unfortunate that the Secretary does not.

I ask that a copy of my letter to Secretary Morton appear below, along with a recent article from the Washington Post which clearly describes the environmental issues involved and an editorial from the Post on the Secretary's decision.

The material follows:

APRIL 28, 1972.

HON. ROGERS C. B. MORTON,
Secretary, Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: More than a month ago the Department of Interior sent to the Council on Environmental Quality a nine-volume, 3,500-page environmental impact statement on the proposed trans-Alaskan pipeline.

When that impact statement was first issued, many persons got the impression that a decision in favor of issuing a permit for the pipeline had already been made. We were told that was not true, and that a decision would be made in about 45 days.

Many of us in Congress have asked for public hearings on this important and massive impact statement. I would like to renew that request. Unfortunately, one official of the Department of Interior has been quoted as saying that further public hearings on the impact statement would be a "circus." I disagree. The decision on whether to build a pipeline is a matter of considerable public concern and it ought to be made with the fullest public participation.

I do realize that a great deal of work and effort by dedicated and competent people went into writing that final impact statement. But the statement on which hearings were held last year—a document of about 200 pages—is a far different impact statement from the one released on March 20th. This latter statement, for example, contains much material which has, to date, never been publicly discussed. If in fact a decision has not been made on whether to issue a permit for the construction of the trans-Alaskan pipeline, further public hearings would undoubtedly help to assure a skeptical public that the best possible decision with regard to the construction of a pipeline will be made.

Frankly, I would like hearings for another reason—to consider the possibility of withholding a decision on the construction of a trans-Alaskan pipeline until we receive further indications from Canada on when a pipeline can or will be constructed through that country. This alternative was barely discussed in the environmental impact statement.

Some persons contend that we do not know the official position of the Canadian Government with regard to the pipeline. I don't think that is true. In February, 1972, the President of Canada's Treasury Board made it plain that Canada is concerned about the proposed trans-Alaskan pipeline and wants to discuss with us proposals for a pipeline through Canada. On March 30, 1972, their Minister of Energy, Mines and Resources, Donald Macdonald, indicated that the Canadian Government was preparing an application, to be completed by the end of this year or early next year, for the construction of a pipeline through Canada's northwest.

The advantages of a pipeline through Canada, including the fact that potential environmental damages from earthquakes and tanker spills will be minimized if not eliminated by the Canadian route, have been clear for some time. EPA Administrator William Ruckelshaus outlined those advantages in a letter to you over a year ago, when he asked that the pipeline be held up pending a review of the environmental advantages of the Canadian route. Those advantages were highlighted even more in the environmental impact statement issued by your Department.

Those of us on the House Appropriations Subcommittee on Interior were told a few months ago that "as much as 20%" of the trans-Alaskan pipeline will lie within a serious earthquake prone area. It was no surprise, therefore, when the impact statement concluded that it is "almost a certainty" that one or more large earthquakes will occur in the vicinity of the pipeline during its lifetime.

The impact statement calls oil spills from tankers transporting oil from Valdez to the west coast of the United States "unavoidable". So, we must assume that tanker spills in the future may even dwarf the Torrey Canyon spill of several years ago.

Mr. Secretary, no one questions the fact that Canada will be building a gas and oil pipeline through the Mackenzie Delta, and the impact statement concludes that "less environmental costs would result from a single transport corridor than from two separate corridors," one in Canada and one in Alaska. It would seem prudent, therefore, to look further into the possibility of a Canadian rather than a trans-Alaskan route.

Let me emphasize the fact that I fully realize that we need the oil which has been discovered on Alaska's North Slope. I am only concerned that we transport it in a way that presents the least potential harm to the environment. Since we can eliminate two of the main problems associated with the proposed trans-Alaskan route, earthquakes and oil spills, I think it would be wise to make our final choice only after giving more consideration to a trans-Canadian route.

In sum, I agree with the President of the Canadian Treasury Board, when he said recently: "In the resource management of the North American land mass, all the alternatives need to be thoroughly investigated before any unilateral actions are taken. That much seems clear no matter what national strategies are to be pursued by Canada and the United States in satisfying their respective requirements for oil and gas."

Sincerely,

DAVID R. OBEY,
Member of Congress.

THE DARKNESS AT THE END OF THE PIPELINE

(By C. Robert Zelnick)

Among those who care about such things, the conviction runs deep that the battle over the trans-Alaska pipeline has become the Interior Department's Vietnam. Ill-conceived from its inception, fraudulently purveyed, divisive in its political repercussions and disastrous in its consequences, the project has little to recommend itself other than the enomous quantity of resources already poured into its accomplishment.

Yet Interior continues to see light at the end of the pipeline. That it will issue the right-of-way needed by the Alyeska Pipeline Company—a consortium of seven oil industry giants—to cross federal lands in Alaska seems a foregone conclusion. On March 20, the day his department released its massive "final" impact statement—which conceded every significant ecological objection ever voiced against the 789-mile Prudhoe Bay-to-Valdez route, Interior Secretary Rogers C. B. Morton promised a decision "within about 45 days." Eight days later, after meeting with Morton, Peter Flanigan and other administration officials to express his country's desire "for the construction of a Mackenzie Valley pipeline." Donald S. Macdonald, Canada's Minister of Energy, Mines, and Resources, told reporters at a Washington news conference: ". . . I had the impression that, with so much effort and study invested in the trans-Alaska pipeline, that it rather looks as though they would be giving that priority in their consideration."

Actually, as Morton conceded in an appearance on the "Today" show the morning after Interior released its report, his department could not have decided anything with finality within 45 days. Since April, 1971, Interior has been blocked by an injunction issued by the federal district court in Washington from issuing the permit. Two weeks advance notice is required, during which time Judge George L. Hart Jr. will have to satisfy himself that Interior has complied with the National Environmental Policy Act of 1969. The act requires a complete statement of the consequences of any agency action "significantly affecting the quality of the human environment," plus a thorough examination of alternative courses.

Hart, a model of judicial self-restraint, is expected to rule for Interior. The Wilderness Society, Friends of the Earth, and the Environmental Defense Fund—the three environmental group plaintiffs—would then probably appeal to the more assertive U.S. Court of Appeals, with the loser, in all likelihood, taking the case to the Supreme Court. The ultimate result is almost certain to be a landmark decision in environmental—or, for that matter, administrative—law.

THE CHOICES

The nub of the social issue involved is not whether Alaskan oil should be brought to market. Rather, the choice is between an 1,800-mile overland route, 1,500 miles of which would traverse Canada's Mackenzie Valley, and a shorter land route from Prudhoe Bay to Valdez, with the oil then moving via tankers to ports on the U.S. West Coast. The nub of the legal issue is whether Interior has considered the Canadian alternative to the degree necessary to satisfy the environment law, and whether, regardless of Interior's diligence, the evidence favoring the Canadian route is not so overwhelming as to make any right-of-way grant through Alaska a clear abuse of administrative discretion.

Environmentalists are convinced that the Mackenzie Valley route is superior, in part because it involves a single pipeline corridor rather than two, and that should Morton decide otherwise, they can beat him in court. They maintain that abundant support for their position can be found in Interior's own impact statement of March 20. The stakes are high. The pipeline project would be the largest undertaking in the history of private enterprise. The oil industry claims to have invested almost $100 million to date in studying the Alaskan terrain and in procuring pipe and construction materials. That figure, even if exaggerated, is a mere pittance compared to the profits they expect to reap from the venture.

The known oil field in the Prudhoe Bay area—three giant pools running inland from a 40-mile stretch along the Beaufort Sea and covering an area the size of Massachusetts—exceeds 10 billion barrels. This, however, is only a fraction of what the industry eventually hopes to find. Forty billion barrels is a more realistic estimate. In September, 1969, an assortment of producers paid Alaska more than $900 million for the privilege of looking for more North Slope oil. A barrel of oil sells for about $3.25 on the West Coast, more in the Midwest and East.

NO "GOOD" WAY

Despite years of study and volumes of "stipulations" designed to project the environment, there remains no "good" way of running 2 million barrels of oil a day through 48 inches of pipe at a temperature of 145 degrees Fahrenheit over and under a vast stretch of Arctic wilderness. You have to begin by building gravel service roads and air strips large enough to accommodate the big Hercules aircraft. You must find more gravel for 12 camp sites and 6 pumping stations, each 50 acres; this means gouging about 50 million cubic feet of gravel out of riverbeds and off the tops of hillside along the way. Stream siltation and land erosion are the inevitable results. Some 350 streams would be crossed by the route. Many are spawning grounds for salmon and grayling. Oil spills can be a problem there. They can be even more of a problem if the oil gets carried out to the Beaufort Sea and trapped under the ice. Then the oil becomes a permanent part of the marine ecology.

If you decide to bury the pipe all the way, its heat melts the permafrost, causing slides and differential settlement, eroding the support for the structure and eventually causing a break. When you are forced to build part of it on stilts, you erect a barrier that blocks caribou and other migrating animals and subjects the line to greater risks of surface damage. When you dig a ditch to catch expected oil spills, the ditch becomes a moat, entrapping other animals.

Your service road extends civilization where it has never reached before. The construction activity, the planes landing and taking off and the helicopters hovering overhead frighten bear and caribou, rare birds and sheep. When these move to other areas, they die or cause other animals to die. The ecological balance in the Arctic is fragile. In the winter, a caribou uses almost all its energy just staying alive. A single timberwolf can exhaust and kill the stoutest buck in the herd. So can a bulldozer.

What we get in return for the partial destruction of our nation's largest wilderness area is more oil, a lot of natural gas, the corresponding need to spend fewer U.S. dollars buying foreign sources of energy, and, arguably, a mild, temporary improvement in our national defense posture. This latter case has been stated so often and with such apparent conviction by both the Interior Department and the oil industry that one wonders how we would have survived had not the Prudhoe Bay field been discovered in 1968. Statistical projections provide a clue.

THE EARTHQUAKE PROBLEM

By 1980, the United States is expected to be using about 22 million barrels of oil daily and producing some 10.4 million barrels, excluding what is to be drawn from the North Slope. Part of our expected deficit can be made up by importing an estimated 4 million barrels a day from nations in the Western Hemisphere. The rest will have to come from Indonesia and the Middle East.

Alaska's 2 million barrels daily could reduce this dependency somewhat for about five years. After that, our demand is expected to so outstrip domestic production that North Slope oil will be of little strategic value. In the case of a minor outbreak in the Middle East, say between 1980 and 1985, the benefit is obvious. But if the problem were big and with Russia, an exposed pipeline can offer small comfort to our military strategists. Prudhoe Bay is only 600 miles from Siberia.

While conservationists—at least those involved in the pipeline battle—accept the reality that 10 billion to 40 billion barrels of oil are going to find their way to market, they believe that even if oil was the only resource involved and even if big tankers weren't needed for the remainder of the Alaskan route, the Canadian route, while longer, is preferable. For one thing, the Alaskan area involved is renowned for its extreme seismic activity. In the past 70 years, some 23 major earthquakes have clobbered the terrain over and under which the Alaskan pipeline would go; any one of the quakes could have caused a catastrophic break in the pipe. Valdez itself, where a 900-acre, 510,000-barrel-capacity "tank farm" is planned, is a "new" city, about four miles northwest of its predecessor. The "old" Valdez was substantially washed into the sea as tidal waves of up to 170 feet rolled ashore following the great Alaskan earthquake of 1964.

The route through Canada poses no comparable seismic problems. It has fewer miles of unstable soil and more existing roads, even railroads. From Edmonton, the proposed Canadian terminus, existing pipelines now extend both to the Midwest (Chicago) and the West Coast (Seattle). Certainly less environmental damage is involved in expanding existing facilities or building parallel facilities than in constructing new ones.

THE GAS LINE

The relative merits of one land route versus another, however, are matters about which a court is unlikely to substitute its judgment for that of an administrative agency with admitted expertise in the field. But what about *two* land routes versus one land route? Environmentalists claim that this is the fatal legal weakness in Interior's position. Buried, almost lost in the department's six-volume statement, and totally lacking from its consideration of alternatives to the Alaska route, is the acknowledgment that "at some time during the operation of the proposed trans-Alaska pipeline, it would become necessary to transport to market the natural gas that would be produced with the Prudhoe oil."

Indeed it would. In fact, it is estimated that 26 trillion cubic feet of gas are under the Prudhoe Bay fields waiting to be developed with the oil. Moreover, Interior says, "route selection and construction procedures would be similar to those for an oil pipeline but with some simplifications resulting from reduced pipe weight and lower operating temperatures."

Yet logistics militate against the likelihood of a trans-Alaska gas pipeline. The gas would have to be liquefied at Valdez prior to shipment. Interior estimates that operational costs of a liquefaction plant would run to half a billion dollars a year. Additionally, there are only about a dozen liquefied natural gas tankers operating in the world, while some 20 to 40 would have to be built to handle the Valdez traffic alone. Thus, Interior concludes, "A gas pipeline across Alaska appears to be a remote possibility because of the problems involved in shipment from the southern terminus; a gas pipeline through Canada to the Midwest seems to be much more feasible."

Of the various Canadian possibilities, Interior leans toward the Mackenzie Valley, noting, "The Mackenzie River is a valuable artery for use in the construction of a trans-Canada gas pipeline. Good all-weather roads and some railway mileage also exist, and existing winter trails would be valuable at the right time of year." So much does Interior favor the Canadian route when it comes to natural gas—where neither oil industry prestige nor money is on the line—that in March Secretary Morton set aside a 300-mile corridor on federal lands in northern Alaska along the route the natural gas would travel from Prudhoe Bay to Fort McPherson atop the Mackenzie Valley.

If Interior is a bit circumspect about confessing that, in effect, it plans to grant two rights-of-way instead of one, it is far less bashful in assessing the environmental impact of 41 oil-laden tankers as they steam between Valdez and West Coast ports. Here, in fact, the report takes on a quality of terrifying candor, much like Yukio Mishima standing on the balcony, coldly describing the act of harikari he is about to perform.

The sea journey poses exceptional hazards, particularly for the crews of oil tankers. Port Valdez is a 3-mile-wide, steep-walled glaciated fjord that extends east-west about 14 miles. It narrows to less than a mile before dumping out into the Valdez Arm section of the 2,500-square-mile Prince William Sound. The coastline is rocky and treacherous, not entirely free of icebergs and blasted by frequent gale-force winds. A special pilot must guide each vessel through the narrow neck of the port.

The area, moreover, is one of extreme seismic activity. Prince William Sound was the epicenter of the 1964 Alaskan earthquake during which, as Interior notes, "74 lives were lost mainly as a result of submarine landslides, sudden large-scale tectonic displacements, destructive waves, and, to a lesser extent, vibration of structures."

From Prince William Sound the tankers would run into the Gulf of Alaska and down the foggy northern Pacific coast. "During the cool months," Interior says, "the Gulf has the highest frequency of extratropical cyclones in the Northern Hemisphere." From October through February, it is rocked by waves of 12 feet or better about 20 per cent of the time. Moreover, "the 1964 Alaskan earthquake was but one of a large number of earthquakes of moderate and high intensity that have occurred in or near the Gulf of Alaska, and there is no geologic basis to assume that other equally devastating earthquakes will not occur in the near future."

"REHABILITATING" BIRDS

Plans call for about 10 per cent of the tankers to pass through the narrow Strait of Juan de Fuca—where again navigational hazards will require the assistance of a pilot—and into the 40 miles of beautiful waterway known as Puget Sound, a recreational haven for 2 million Americans and Canadians. The remaining vessels would head for San Francisco, Los Angeles and points further south.

Again, seismic dangers will be extreme. Interior recalls that "on April 13, 1949, an earthquake with an intensity of 7.1 on the Richter scale and an epicenter between Olympia and Tacoma resulted in approximately $25 million damage to the Puget Sound area. More recently, on April 29, 1965, an earthquake of slightly less intensity (6.5) with an epicenter between Seattle and Tacoma caused an estimated $12.5 million damage to the Seattle area. These are the two largest of the numerous earthquakes that have occurred in this region during the last hundred years; the level of seismic activity has increased substantially during the last few decades."

Interior estimates that if the performance of the oil tankers on the Valdez run was no better than the worldwide average, we can anticipate spills averaging 384 barrels a day, or about 140,000 barrels a year. Better vessels may reduce these numbers somewhat, but the damage per spill would likely exceed the world-wide average since "large spills in the area would be more difficult to contain, clean up and restore because of the distances from sources of ships and cleanup gear and the generally limited manpower in the region."

Interior details the impact all this filth would likely have on the huge salmon runs of the Northern Pacific, and how it would probably impede, and perhaps wipe out, fishing in the Port Valdez-Prince William Sound area, where the coastal waters are today as pristine as any on earth. On a cheerier note, while chronicling the devasting effect an oil spill might have on the many rare migratory bird species that inhabit Alaska-Canadian coastal areas during certain months, Interior records for posterity Alyeska's pledge to "rehabilitate" those birds belonging to endangered species. The term seems peculiary appropriate. In this forgiving society we "rehabilitate" drunkards, junkies, whores and others who have gone astray. Clearly the murres, murrelets, loons, grebes, albatrosses, gulls, terns, ducks, geese and shore birds who fall victim to the oil industry's determination to bring its goods to market along the route it deems best are out of step with the natural order of things and gravely in need of "rehabilitation." Unfortunately, only about one in seven of the poor creatures doused in the San Francisco Harbor spill a year ago lived long enough to profit from the experience.

SHOCKING OMISSIONS

If the six volumes of Interior's report dealing with the environmental impact of the combination overland-tanker route contain some shocking revelations, the three-volume economic analysis shocks by what it fails to disclose. Simply stated, a careful reading of Interior's economic analysis provides no clue as to why Alaskan crude should go to the West Coast in the first place, certainly none justifying an iota of increased environmental risk.

The West Coast is second only to the Southwest in the production of petroleum. It will not need any Alaskan crude for the next few years, will not be able to absorb 2 million barrels a day from the North Slope until well into the 1980s, and, if as expected, Alaskan production increases to 5 million barrels a day, the West Coast will not be able to absorb the surplus during the life of the pipeline.

Thus, even ignoring the greater hazard of the tanker route from Valdez, it is nonsense to say, as Secretary Morton did on his March 21 "Today" show appearance, that "if the pipeline went through Canada and if it ended up in the middle of the country, you would then have to bring oil into the West Coast by tanker. So the same amount of oil would be arriving by tanker."

The West Coast simply does not need as much oil as Alyeska wants to provide. And, if it did, the obvious source would be the Southwest or Canada, a fact Canadian minister Macdonald has been pressing upon his Washington counterparts without apparent success. On April 19, for example, Macdonald was questioned in the Ottawa House of Commons by David Anderson, a Vancouver MP active in the battle against Alaskan tanker traffic, as to whether Canada was willing to supply the United States with enough oil to compensate for the anticipated additional two years it would take to complete the trans-Canada route. Macdonald's reply:

"Both in my discussions with Secretary Morton and other officials of the United States administration in Washington and recently with Secretary Rogers last week, I made it perfectly clear that Canada was prepared to supply additional quantities of oil to the United States not only for a two-year period, but a longer period, and that this would be facilitated by their lifting their quota system."

Would Alyeska, assuming a right-of-way is granted for the trans-Alaska pipeline, then be stuck with a $2 billion to $4 billion Edsel, given the bearish West Coast market for Alaskan crude? A few energy economists believe so and have privately expressed surprise that the oil industry has been able to maintain so united a front on the issue while both the East and Midwest hunger for additional crude oil. More probably, Arco and British Petroleum, the two companies with the biggest positions in the pipeline, would be able to trade their excess crude to Japan in exchange for Japanese rights to Middle East oil, rights purchased long in advance. The Middle East crude oil could then be sold at a good profit on the East Coast, bailing the two companies out of their predicament but making an utter shambles of any national defense arguments for trans-Alaska route.

WINNING IN THE COURTS?

There is a reasonable chance that the environmentalists will ultimately prevail in the courts. Perhaps they will persuade the courts that Interior's failure to consider adjacent oil and gas pipelines rendered its statement procedurally inadequate. Perhaps they will win an even more significant point by forcing Interior to abide by the results of its own research, thus introducing important substantive requirements, as well as procedural ones, into the environmental law.

Interior, meanwhile, hopes that its "final" impact statement on the trans-Alaska pipeline will at least get the environmental monkey off its back. From the outset it seems to have regarded the environment statute as an unwelcome encumbrance to a predetermined course.

Two years ago the department attempted to grant the oil consortium a right-of-way to build a service road adjacent to the pipeline, arguing, incredibly, that the road and the pipeline were unrelated. Its impact statement on 361 miles of gravel carved into the middle of Alaska's wilderness totaled four pages, and became the subject of the court injunction still in effect.

Interior's second attempt at compliance with the enviromental law was a bit more sophisticated, but not much. Its multi-volume "draft" impact statement, produced in January, 1971, during the interregnum between the Hickel and Morton secretaryships, was basically a collection of data and arguments compiled by Alyeska itself. In that report, the department found it unnecessary either to consider the impact of tanker traffic from Port Valdez to the West Coast or to assess the feasibility of a trans-Canada pipeline route. Even today, Secretary Morton can be heard arguing from time to time that consideration of the Canadian alternative is superfluous because "no application for a Canadian route is pending." Since the 1965 *Scenic Hudson* case, however, federal courts have held that an administrative agency charged with protecting the environment has a duty to consider alternatives not placed before it by the parties. It cannot only "sit as an umpire blandly calling balls and strikes," the court found. In any event, Interior's 1971 statement was sufficiently derelict so that even the Corps of Engineers, in its formal comment, warned that the department had failed "fully to comply with the letter and spirit of the Environmental Policy Act."

SCARCE STATEMENT

The Justice Department, fighting the pipeline case for Interior in court, has also shown a greater zest for adversaria than guardianship of the public domain. Last summer, more than a year after the first lawsuit was filed, Justice tried unsuccessfully to remove the case from the District of Columbia to the friendlier confines of the U.S. District Court in Anchorage, Alaska. This past April, when MP Anderson and several Canadian residents of the Puget Sound area sought to intervene in the case, Justice opposed the motion.

Now we have Interior's third attempt at compliance with the environmental act. Legally, the department hopes that by confessing the devastating results of its proposed action, it can achieve what it failed to get by denying those results in its two earlier efforts. Politically, it appears anxious to present the public with a *fait accompli*. In the weeks since March 20, only seven copies of the impact statement have been made available to the public without cost in six cities across the entire "lower 48" states. For others, the volumes cost $42.50 a set. Faced with a demand for public hearings, Under Secretary William Pecora claimed that "a public hearing would be a circus" and would "interfere with a more thoughtful and rational analysis of this complex document."

"Clearly the department has not tried to encourage hearings or informed debate," complained the Christian Science Monitor on May 2, in what might pass as the editorial understatement of the year. The Monitor went on to wonder "how much 'thoughtful and rational analysis' the Interior Department has itself given to the study." Before too long the federal courts may themselves be wondering the same thing.

[From the Washington Post, May 16, 1972]

A SETBACK FOR THE ENVIRONMENT IN ALASKA

Secretary of Interior Morton may be confident, as he says he is, that his decision in favor of building the Trans-Alaskan pipeline now "is in the best interests of the nation and the American people." We remain far from convinced. As we read his statement, his decision rests solely on a finding that the United States must get the Northern Slope oil to this country's West Coast as quickly as possible in order to maintain a "secure and adequate supply" of oil. If he were right on that finding, there would be little to quarrel with in his decision; for environmental risks must be taken when there is an emergency threatening the country's legitimate, compelling energy needs. But the facts the Secretary musters to support finding of immediate national need seem shaky at best—and extremely dubious at worst.

This is not to say that we were surprised at the Secretary's decision. It was foreshadowed some weeks ago when Canadian officials left a conference with him convinced that his primary interest was getting that oil to the West Coast as soon as possible. The alternative the Canadians were discussing—a trans-Canadian pipeline—was apparently brushed aside at that time and is being formerly brushed aside now on grounds that the United States will need all the oil coming out of the pipeline and will need it before the Canadian line could be built.

The basis for this finding is that the demand for oil in the United States in 1980 will range between 20 and 25 million barrels a day, which will be some 8 to 16 million barrels more than will be produced in the lower 48 states. The purpose of the pipeline is to reduce the gap, to ensure a steady supply of oil without relying on other nations, most notably the nations in the Middle East. But the maximum flow through the pipeline will be 2 million barrels, still leaving a gap of between 6 and 14 million barrels. At best, then, the pipeline would reduce American dependence on other nations for oil from 40 to 30 per cent of total needs and at worst from 64 to 56 per cent. The dependence will still be there and you can judge as well as we can from those figures just how much the pipeline will reduce it.

As we understand the situation, the real crisis, although it is already starting to build, will not come until the 1980s when domestic needs are projected to reach even higher levels. So, at most, rushing the Northern Slope's oil to the West Coast as quickly as possible merely slows the rate at which the crisis builds. When it finally reaches the critical point, the United States will undoubtedly have to press for development of Canadian oil reserves. It is this situation—the opportunity now to encourage the Canadian development we will need later—that led S. David Freeman, a former science aide to President Nixon, to write Secretary Morton, "The notion that we can't afford to wait for the completion of the Canadian energy corridor is thus a false notion that is detrimental to obtaining a secure source of energy for the United States in the 1980s."

Nevertheless, it is the theme of a need for a quick fix that runs through Secretary Morton's explanation. If you accept that need as given, and there is some indication the Interior Department has accepted it as such all along, the ultimate outcome of this dispute was never in doubt and the whole affair has been largely a procedural sham. The two years of delay have produced many safeguards for the environment which the pipeline company would not otherwise have provided. But they have not produced, so far as we know, a convincing case that the nation's security will be substantially enhanced by getting the Northern Slope's oil to the West Coast rather than to the Midwest in 1980. And Secretary Morton has certainly not produced such a case. That was—and is—the real issue.

CORPORATE FARMING

HON. FRED R. HARRIS

OF OKLAHOMA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 17, 1972

Mr. HARRIS. Mr. President, in the near future, the Senate will be considering S. 2828, "the Family Farm Act of 1972." This legislation, as proposed, will limit vertical integration in the food production, processing, and marketing services in America.

Recently, in order to collect additional information about the rampant growth of the agribusiness giants and the subsequent and well-documented decline of rural America and the family farm, I held a public hearing in Salina, Kans., on the subject of "Corporate Farming." Mr. President, the testimony given at that hearing, sustantiating the need for legislation such as the Family Farm Act of 1972, will be of interest to my colleagues. It is for that purpose that I offer a transcript of that hearing to be printed in the RECORD.

Mr. President, it is evident that the problems caused by agribusiness corporate giants in this country are reaching crisis proportions. All departments of Government bemoan the population crush of the urban areas and the mass migration from the farm to the cities. Secretary Butz would have the American people believe that the administration is for the family farmer. Yet not a single action has come from Mr. Butz limiting the present power of corporations, or more importantly, an attempt to arrest their insatiable appetite for land and an ever-increasing percentage of the food and fiber production.

Mr. Butz is out stumping the country, making hay with the farmers by telling only one side of the story. When he trumpets the price increase in farm commodities, he conveniently fails to mention that the agribusiness giant will gobble up the family farm at the first opportunity. The farmer has not heard a word from Mr. Butz, or the Nixon administration, telling the small farmer that while he pays more than his fair share of taxes, he is having to compete with the agribusiness big boys who write off their agricultural losses as tax losses, and then bill the taxpayer again for billions of dollars in subsidies. The small farmer, the taxpayer, provides the giants with direct subsidies. If that is not enough, the taxpayer then gets to pick up the cost of alleviating the wretched social conditions in our cities caused, in a large part, by too many rural people pushed into urban areas.

The Nixon administration has an agricultural economic policy of sheer folly. If Nixon, Connally, and Butz are the economic managerial geniuses they would have us believe, then let us see some action and statistical data on the real cost of food produced by the agribusiness giants. I submit that we will find that the cost of food, the supermarket prices added to the social costs of meeting the problems of the urban area, will stagger the mind, and the pocketbooks, of the American taxpayer—especially the farmer.

With past actions as our guide, we can only fear the worst and believe that the Nixon administration is not going to make any fundamental changes of policy which will disturb their agribusiness corporate friends. The rush to destroy rural America and the lives of rural folks will continue pell-mell unless Congress takes some action to protect the family farm. I believe S. 2828, the Family Farm Act of 1972, will be a great step forward in returning rural America to rural people. We are compelled to take action, to pass this legislation to prevent the destruction of rural America.

Before entering the testimony in the Record, I want to acknowledge the work of Mr. Andrew Schuman, formerly of my staff, who organized the hearing, with assistance from Mr. John Harvey, a member of the National Farmers Union in Kansas, and Mr. Jim Ploger, the Kansas representative of the National Farmers Union. Additionally, I want to thank Mrs. Ruth Matthews of my staff who spent many long hours transcribing and preparing the testimony for publication.

I ask unanimous consent that the entire transcript of the hearing, as well as additional statements and letters, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Public Hearing on Corporate Farming, Salina, Kans., March 16, 1972

Senator Harris. I want to introduce one of my legislative assistants, Gary Dage, who is from Oklahoma. He has been for years my special adviser in agricultural matters. Any of you who would like to submit a statement, either now or later, other than oral—some folks have already said they would like to get a statement in the record now or send it to us later on—you can talk to Gary about that and we would be glad to have you do that.

This is an ad hoc public hearing on corporate farming, a subject I think is going to become increasingly important. I led the fight against Earl Butz to be Secretary of Agriculture primarily on the basis of (clapping) his connections with agribusiness, which I thought were exactly in the wrong direction.

I was asked down stairs awhile ago a question that I am continually asked, isn't it true that maybe these big corporations who are moving in and taking over a lot of farming and livestock industry, etc. are doing this because they are more efficient? The answer to that is "No." What they are more efficient at is getting federal tax money. They are fairly efficient at that, and it is not a natural thing that this has developed. It's an unnatural thing.

I want to tell you a little something I said when I testified against Earl Butz. I said my Dad . . . my Dad's a small farmer down in southwestern Oklahoma and makes his living from a farm. That's the only way he has to make a living, and he's a very small farmer . . . I said, and this is true, ten years ago my father said to me you do good liberals are about to run us poor fellows off the farm and get the rich richer and the poor poorer. And I kept saying, "Dad, you just don't know the good things I'm doing for you." Well, it turned out on that, as well as on a lot of other things, my father was a lot smarter than I thought he was. (Laughter) You can look around our home county and see that that's true. In many ways some of the programs haven't helped—in some ways have made them worse and in many ways we haven't gone at it in the right way.

These hearings will be transcribed. They are also being transcribed for public radio broadcast. The whole hearings will be broadcast on public radio nationally in the future, but in addition to that we will transcribe the writings and they will be published in the Congressional Record and presented to the relevant committees in the House and Senate. Any of you who would like to get a copy of the transcript once it is printed, if you will drop me a note in Washington, I'll see that you get a copy.

I'm forming an organization called the New Populist Institute, one of the principal purposes of which will be immediately to hold hearings on some of the issues that I think are fundamental, like corporate farming. I hope from that effort we might begin to get these issues more involved in the presidential campaigns of 1972.

The people will have to react to these issues and discuss them pro and con, especially the candidates for the presidency. I just came from California where I held hearings in Los Angeles. Before that, I visited some small, independent farmers around Fresno. My hearings out there were on the monopolization of water and land and natural resources in California.

I've got an opening statement here which I'll start with and then we have a representative from Governor Docking's office who will be our lead-off witness.

Opening Statement of Senator Fred R. Harris

I have come to Kansas today to hold an open public hearing on the issue of corporate farming.

Since World War II, sweeping changes have taken place in American agricultural productivity, and much more is at stake than efficient food production.

In fact, the very shape and substance of the American countryside has been radically altered—there has been nothing short of a violent revolution in rural America. Consider these facts:

More than 70 percent of all American people are now packed onto less than 2 percent of the land. When you go to places like Los Angeles, as we were telling awhile ago, they'd sure like to buy a little of this wind to blow off that awful smog that they have there;

In 1970, for the first time since the nation was settled coast to coast, our farm population fell below 10 million;

There were more than six million farms in 1940—there are less than three million today, and USDA benignly predicts that at least another million farms will shut down during the next nine years;

Over the last three decades, 30 million rural Americans have had no economic alternatives but to leave their land and their rural homes and to move into the alien environment of our urban concentrations—this forced migration—it was not a natural migration—continues today at the rate of 800,000 people a year;

14 million rural Americans are left behind in rural poverty, with millions more existing just on the edge of poverty;

47.1 percent of the farm families in this country have annual incomes that fall below the poverty level of $3,000;

1.5 million farm workers averaged an income of $1,083 in 1970; another one million farm workers raised their average income to $2,461 in 1970 by also doing some non-farm work.

Why can't independent family farmers, farm workers and small town businessmen make a living in rural America?

There are two basic reasons. First, there has been a corporate invasion of American agriculture. Second, government has sided with agribusinessmen, turning its back on the little man who traditionally has been the strength of this country.

Food has become big business. In 1970, America's food tab came to $114 billion. It is not the independent farmer and the farm workers who are bringing that food to market and pocketing those billions. It is agribusiness—corporations such as Tenneco, Del Monte, Bud Antle, Ralston-Purina, Green Giant, Safeway, Swift, Heinz, U. S. Sugar and General Foods. Also, a number of "brave new farmers" are trying to harvest those profits—these are major industrial giants such as Boeing Aircraft, Dow Chemical, Prudential Insurance, Coca Cola, Standard Oil, Goodyear Tire and Rubber, American Brands, and Purex—all of them moving into agriculture now.

If the tractor was the symbol of American agriculture thirty years ago, the corporate board room is its symbol today.

Increasingly, agribusinessmen are in control of the land, of agricultural production and of farm markets. As they have moved into rural America, the little man has been moved out:

While the number of farms has declined by half over the last 30 years, the average size of farms has doubled;

Small farms still constitute more than half of the number of farms, but they account for only 7.8 percent of farm sales;

During the past three decades, an average of almost 2,000 farms a week have folded;

For every six farms that fold, one small town businessman shuts his doors.

Yet why, if the corporate giants are so efficient, do they need the support of the American taxpayer in the form of billion dollar subsidies and other benefits? An investigation of tax returns of large scale corporate farmers would show many losing money. Of course, some intend to show a loss in order to get a tax break. Take Tenneco, it started out as a Tennessee Gas company. It's a huge conglomerate now, one of the biggest landowners in California and lots of other places. They make a loss in farming and charge that against the gain they make in other areas. Tenneco last year paid not one damn tax, which meant all of you paid a lot of tax that you shouldn't have had to pay and they ought to have paid. And for others, losses in production can be easily covered by huge profits in processing or marketing. The individual farmer doesn't have these options.

What is particularly galling to the independent farmer is that numerous USDA and university studies show that he possesses the needed acreage to farm efficiently. For example, maximum cost-saving production efficiency is reached at about 1,500 acres for cotton, less than 1,000 acres for corn and wheat, and 110 acres for peaches. You get as efficient as you are ever going to get at those kind of upward limits, for example.

The corporatization of American agriculture is not the inevitable result of any economic process. The decisions to create and administer a farm policy aiding the giant agribusiness are conscious ones; they are no more inevitable than a Communist nation's decision to create massive state farms. And the result for the independent farmer and farm worker is the same whether state or corporate interests control rural America: they have no power over their own lives.

We are at a crossroads, I think, in America today. That's why I am interested in these hearings now to take back this information to the Congress. We can decide that rural America should be a place in which people can live and work in dignity or that it will simply be a giant food factory to produce more corporate profits. This is a fundamental issue, and America has not faced up to it. We have no national rural policy. Instead, we have allowed vested economic interests, guided by nothing nobler than profit, to determine what will exist in the countryside and what will be the fate of millions of rural people.

Let me conclude by noting that this is an election year. It is also a year in which the people of the Midwest and Plains states will play a major role in determining who will be the Democratic nominee for President.

I think that each of the candidates who puts his or her name before the people of this region should give frank and unequivocal answers to the following questions:

What can be done to redistribute income and power in rural America from the giant absentee corporations to the people who live and work here?

What can be done to develop an effective antitrust law for agriculture, such as the Family Farm Act of 1972, to prevent giant conglomerates from taking control of rural America?

These are vital issues, fundamental to real change in America. They are a part of the New Populism that can turn the country around.

JOHN IVAN, ADMINISTRATIVE ASSISTANT TO GOV. ROBERT DOCKING

I'm very pleased that all of you are here and we'll proceed now with the agenda for the hearings, starting with Mr. John Ivan, Administrative Assistant to Governor Docking, who will present Governor Docking's statement.

Mr. Ivan, I'm glad you're here. Just have a chair there, and we'll be glad to hear from you. (Clapping)

John Ivan. Thank you very much, Senator. First, in behalf of the Governor I would like to welcome you to the State of Kansas. I know that you and the Governor are very good friends and have had an opportunity to associate for a number of years in government together, and we appreciate it very much that you invited his office to be represented.

The Governor was in Salina earlier today but because of a tightness in schedule on a previous commitment in Pittsburg, Kansas, he was unable to stay long enough to present his statement in person. I know that he appreciates your indulgence in being allowed to present his statement through me as his Administrative Assistant.

This is a special pleasure for me because I grew up in Salina, Kansas, and graduated from Salina High School. My mother grew up on a family farm just northwest of Salina, and my great grandparents lived here for awhile. My great grandmother passed away when she was 105, but they kept the home place so the individual family farm, which is about 125 miles southeast of here—remained intact until the time of her death in 1969, and now my grandparents are carrying on the farming activities there. My father had a chance, for a few years at least, to be raised on a farm which is just across the line in Oklahoma, although he was born in Kansas and spent his youth on a family farm.

So it is a pleasure and somewhat nostalgic, and certainly we commend you for being one of the cosponsors of a law which addresses the issue of the family farm and raises the issues relative to corporate farming. The Governor prepared this statement, as he has in the past, consistent with his general opposition to unrestricted corporate farming. If you will allow me, I will address our attention to his statement which he has asked me to deliver in his behalf.

STATEMENT BY GOV. ROBERT DOCKING DELIVERED IN THE GOVERNOR'S BEHALF BY JOHN IVAN, ADMINISTRATIVE ASSISTANT TO GOVERNOR DOCKING

Throughout the United States and in Kansas, agriculture and its related activities are a leading industry, providing jobs for two out of every five gainfully employed persons in the United States.

Agriculture turns the wheels of American industry; it is the greatest single factor in bolstering the entire financial structure of our nation.

Agricultural groups throughout America—and especially in Kansas—are composed primarily of family farmers who have been cooperative, industrious and dedicated to progressive enterprises which generate dynamic industries and business activities for our entire economy.

The strength of agriculture in Kansas is dependent on the family farm.

In Kansas today, more and more family farmers have found that they can retain operation of the farm land through a family-owned corporation.

But large corporations which take over our agricultural operations could deteriorate the concept of the family farm. Deterioration of family farms in Kansas could destroy the basis of our Kansas economy and the foundation of an American way of life.

Specific disadvantages of corporate farming include:

1. Corporate farming could seriously injure rural communities.

Though the corporation may be considered one legal person, there still is a major difference. A corporation may replace ten farm families who once lived and contributed to the prosperity and welfare of that rural community.

When ten farm families leave a rural area, the merchants of the community suffer from the loss of those families, their customers and the life-blood of that community. The merchants, in turn, could be forced out of business.

An article in Nation's Agriculture tells the story of a New York State dairyman. After incorporation, he now manages and operates more than 1,000 acres on what once was 15 individually owned farms southeast of Watertown, New York.

The majority of those farm families now have gone to the city where they are—for the most part—ill-equipped to make a living. The Watertown area is poorer because it has lost 15 families—or approximately 60 persons who previously contributed to the area's economy.

2. There is no evidence to support the need for corporate farming in Kansas. This is important.

Today, the efficiency and production of Kansas agriculture and its stimulus to the state's progress are at an all-time high. Production in the past ten years is from 25 to 50 per cent higher than any other ten-year period in history. This has been accomplished through the cooperative efforts, the dedication and the willingness on the part of the family farmer.

Corporate farms above family size farms are less efficient, not more efficient. In fact, in most cases—except for farming specialized crops—corporate farms have operated at a loss and have been disbanded.

3. Large corporation farming throws the family farm into competition against large corporations which are not dependent on farming for their existence.

Corporations can take advantage of economies of size, market power and specialized management, all of which are associated with large operations at the expense of family farmers.

4. Corporate farming takes the management of and the returns from farming out of the hands of farmers.

5. Corporate farming removes the liability from the stockholders for any action taken by the corporation that results in liability for negligence—resulting from personal injury or property damage. The shareholder could lose only his investment in stock unless he was the corporate employee who committed the alleged negligent act. Shareholders are not responsible for contracts and debts of the corporation.

6. Corporate reaction time to matters requiring policy change can be much slower than the optimum interval required for efficiency. The corporation's control by the majority stockholder can be adverse to profitable operation, especially if that individual is unfamiliar with farming and farm technology.

7. A corporation cannot act as responsibly as a good farmer citizen.

As an example, the Kansas Irrigation District Law requires that qualified voters for district election and persons eligible to hold a position as a director or other officer be both an elector and a landowner. For that reason, a corporation does not qualify as a voter under Kansas law. If a stockholder or officer of the corporation does not individually own land, the corporation ownership of land results in the stockholder or officer being denied the right to vote at a district election. The stockholder also is denied the right to be elected and to serve as a director or officer of an irrigation district. This illustration emphasizes a disadvantage which prevails when a farm family conveys all of the family real estate to a family corporation.

8. Corporate farming *could* result in a loss of tax revenues to the federal and state governments.

For instance, a farming corporation with a net income in the $20,000 to $25,000 range would be taxed at the 22 per cent federal tax level, while an individual farmer with the same net income range would be taxed in the 40 per cent bracket. Presumably, there would be a similar proportionate loss in state revenue.

9. If the corporate farm is used to pass on the ownership of a farm from one generation to another, an estate tax loss in federal and state revenues would result.

Beyond these nine reasons for maintaining our current method of providing Americans with ample food products, we should ask ourselves these questions about the kind of nation we are building:

Will it consist of teeming, troubled cities on the one hand, and a wasted rural landscape on the other? Will a citizen in the United States be able to find a decent, independent life in a small town or on their own farm land? Or *will* he be a nameless worker in a vast food processing combine, managed by a corporate owner?

Will rural America be dominated by its own citizens, or by absentees who care greatly about profits and little about the quality of our farm heritage?

We need to continue our efforts to improve rural towns and communities. We need to continue our efforts to improve our economic conditions and job opportunities in rural America. We should continue our efforts to enhance agriculture, so the farmer can do better and so his children will find opportunities in agriculture.

I recently sent to Secretary of Agriculture Earl Butz a program designed to enhance agriculture in Kansas.

Those points include:

1. Effective means must be found to halt the cost-price squeeze on farmers. The forward progress and development of our nation must include equitable prices and an equitable share of the national income for those engaged in agriculture.

2. Funds made available for farm programs should not be reduced. Programs which will make it possible for farmers to obtain a reasonable return on their investment and for their labor should be continued.

3. We should hold the line on importing farm commodities which could depress markets for the American farmer's produce.

4. Provisions should be made for supplying low interest rate loans in adequate amounts so farmers can compete in this highly competitive economic society.

5. To halt the migration from rural to urban centers, federal programs should be provided to rural areas with the same attention and concessions which have been made available to urban communities. Greater emphasis must be placed on rural medical health, rural housing, rural water and sewage systems and rural telephone services. These are vital to the health and well-being of our farm families and all other persons in rural areas.

6. Efforts should be focused on wholesomeness and quality of product and safe, attractive packaging. Search for new uses and new markets for agricultural products should be intensified—particularly in the area of international markets. I am enthusiastic about the potential of Great Plains Wheat, Inc. and of MIATCO, the Mid-America International Agri-Trade Council, organized, promoted and directed by agriculture departments in 12 midwestern states. These are progressive moves in an area vital to agriculture.

7. Careful attention should be given to transportation rate structures and their effect upon farm commodities and the products of agri-business in our area This is an item of most urgent consideration.

8. Agriculture, as the nation's largest and most basic industry, merits recognition as a department of federal government. I repeatedly have expressed my concern regarding the proposal to fragment the United States Department of Agriculture, which is so important to the complex industry of nationwide production and distribution of agricultural commodities. I was pleased when President Nixon abandoned his earlier position and announced he no longer favored dissolving the United States Department of Agriculture. The American farmer deserves a department identified with his concerns at the cabinet level.

9. We must maintain research in areas of crippling plant and animal diseases and parasites which rob the profits from agriculture. Similarly, we must insist upon research to develop new and expanded uses of farm commodities—especially those which experience distressed markets.

I am convinced that the road to national prosperity starts on the farms and in the countryside of our nation. We cannot have a prosperous rural America without a strong farm economy.

The family farmer, not the corporation, is the answer to a better quality of life in our state and in agriculture.

Mr. Ivan (for himself). I might add one thing, that while we measure many of the great benefits and assets of the family farm in terms of economics, that for those who live in the Salina area or in the State of Kansas, who go back to the home places which no longer exist, those who drive through our countryside and recall the people that have worked hard there and who in influence have passed many others—thousands, if not millions of other generations, in this generation who go not only to places in Kansas but around the world—who have the strength of character and inner self-discipline, willingness to work and to be constructive members of this society, is certainly something that while difficult to measure in economic terms cannot be discounted as far as its importance insofar as maintaining the family farm.

We are very happy that you chose Kansas and Salina as a site for your hearing, and we certainly welcome all those who come from around Kansas to our state. We hope that you'll enjoy everything but the March wind, and that that won't be too bad, and that you will have a chance to get around our state and see how beautiful it is. Just like the red dust of Oklahoma doesn't blow anymore, the dust of Kansas doesn't blow. We're now sort of a state of lakes and a great agriculture community, and we are pleased that you could gather information from those of us who are so concerned about it.

Thank you very much.

(Applause.)

Senator Harris. Thank you. I'm glad that you could be here to represent Governor Docking, who is indeed an old and highly respected friend of mine, for that participation. I appreciate your courtesy.

You said something about strength of communities. Thomas Jefferson had the idea, as you know, that the social and political institutions on which our form of government depends were probably best maintained and strengthened when people lived in small and rural communities, etc. A lot of people have come to think of that as kind of an old-fashioned notion. A study was made in California of two communities, one called Arvin and the other called Dinuba. Both communities are about exactly alike, except that in Arvin a big corporation owns most of the land and the people who live there are primarily workers, whereas in Dinuba the people are mostly independent farmers. It is amazing the difference as to breakdown in social and political institutions, particularly the one where an outside corporation owns everything. Anyone who would like to have a copy of that study, if you'll drop me a note I'll send it to you. I think it's right in line with what you've said, and I appreciate that very much.

Thank you.

ATTORNEY GENERAL VERN MILLER, STATE OF KANSAS

Senator Harris. Is Attorney General Vern Miller here yet? Oh yes, there you are. (Applause)

Attorney General Miller. Senator, I want to apologize for being a little late.

Senator Harris. Not at all.

Attorney General Miller. I was right on schedule until I came to a street that was blocked by a train. After seeing it sitting there for awhile, it finally dawned on me that it certainly was property in the form of corporations. (Laughter and applause)

Senator Harris. General, we'll be glad to hear from you and I certainly appreciate your coming.

Attorney General Miller. Thank you. First, I want to make it clear that I have no prejudices in this area, but I wanted to state that, like John Ivan, I was raised on a small farm out of Wichita, Kansas—just to set the record straight.

I appreciate very much being asked to come and also to be given the opportunity to make this statement in regard to corporate farming in Kansas:

I am appearing here today because I am concerned about certain aspects of corporate farming in the state of Kansas. Recently several Kansas citizens who have small farming operations contacted my office to complain about what they feel is a violation of certain Kansas statutes which place restrictions on corporations engaged in the business of managing, owning or controlling large tracts of lands and engaging in agricultural or horticultural business operations. In particular, they allege that certain out-of-state corporations are engaging in certain types of agricultural business in Kansas in violation of K.S.A. 1971 supplement 17-2701. They allege that these corporations own, control or manage more than five thousand acres in violation of the statute and that certain of these corporations are in the process of selling stock to more than ten stockholders which would also be a violation of the statute if it is true. They also question whether or not all the incorporators of these corporations are residents of the state of Kansas which they are required to be. Their general fear is that huge conglomerate farming operations will restrain trade, will have a tendency to set prices, and will in general be detrimental to the small farmer of this State who has been the backbone of this State throughout our history. We are deeply concerned about this situation and share their apprehensions that large corporations engaging in the business of farming operations and related activities may have a detrimental effect on the small farmer.

I have assigned personnel to investigate these complaints to determine if the allegations made by them are well founded, presently the investigation is underway, and I hope to have it concluded soon. Should we determine that any violations have taken place, we will bring whatever appropriate actions are indicated to prohibit any violations of Kansas law.

So that you will be more informed regarding the statutes dealing with this area of concern, I should like to point out that Kansas law states no domestic corporation shall be organized and no foreign corporation shall be given permission to do business in this State for the purpose of engaging in the agricultural or horticultural business of producing, planning, raising, harvesting, or gathering of wheat, corn, grain, sorghum, barley, oats, rye or potatoes or the milking of cows for dairy purposes except that a domestic corporation shall not be prohibited from engaging in the above-mentioned activities if the following circumstances prevail:

1. Such a domestic corporation does not have more than ten stockholders.

2. All of the stockholders of the corporation are individuals, trustees, natural or corporate, under trust instruments wherein individuals or classes of individuals are designated as primary or principal beneficiaries or guardians, conservators, executors or administrators of individuals.

3. All of the incorporators must be residents of this State.

4. Such corporation does not either directly or indirectly own, control, manage or supervise a total of more than five thousand acres of land.

5. None of the stockholders own stock in any other corporation authorized to engage in any agricultural or horticultural business of producing, planning, raising, harvesting or gathering of wheat, corn, grain, sorghum, barley, oats, rye or potatoes or the milking of cows for dairy purposes.

I should also like to point out that in the interest of conservation a corporation either foreign or domestic which is organized for coal mining purposes may engage in the agricultural or horticultural business on land owned by it which has been strip mined for coal.

It appears to us that there are no criminal sanctions set forth in the statute which would allow us to ask for criminal penalties after obtaining a conviction. However, the attorney general's office does have the power to bring a civil action to dissolve, oust and enjoin any corporation which is in violation of the above-mentioned sections. Should we determine from our investigation that any corporation either foreign or domestic is in violation of those sections, we will immediately proceed against them.

As mentioned above, presently we have several corporations under investigation, but since the investigations are pending and at this time inconclusive, I think it best not to mention the names of those corporations or any individuals associated with them. I might add that we are concerned about subtle maneuvers by individuals or corporations which tend to violate the legislative intent and produce a situation detrimental to the small farmer in this State.

I certainly appreciate the opportunity to address you and we thank Senator Harris for his efforts to aid the small farmers of this State.

JOHN STENCEL, PRESIDENT, ROCKY MOUNTAIN FARMER'S UNION

Senator Harris. Next I'll call on Mr. John Stencel, President of Rocky Mountain Farmers Union, and Mr. Madill Barnes, Legislative Director of Rocky Mountain Farmers Union.

But, first, I want to introduce some Oklahomans who are here. This is Rudolph Buckwald, who is on the Board of the Cotton Electric Cooperative down in my hometown of Walters. He is here visiting his son, Don, who lives up here. We're glad you're here. There are other Oklahomans in the audience and I would appreciate it if each of you would introduce yourself. (Introduction of guests)

John Stencel. Senator Harris, it is indeed a pleasure and a privilege for us to come from Colorado to be in Kansas to testify. I would also like to introduce Rocky Mountain Farmers Union's Legislative Director, Madill Barnes, who is seated here with me:

Senator Harris, members of the staff, ladies and gentlemen—My name is John Stencel. I am President of the Rocky Mountain Farmers Union and a member of the National Farmers Union Executive Board. I am appearing here this afternoon on behalf of that organization and also the National Farmers Union. Our National president Tony Dechant wishes me to relay his sincere apologies for not being here himself, but, unfortunately he was called to Washington, where hopefully he is figuring out some way to sneak some meaningful farm legislation by the administration. (laughter)

Senator, we of the Farmers Union want to thank you for affording us the opportunity to focus the country's attention upon a problem that you and I know is tearing at the heart of our way of life—that is the sinister entrance of the corporate conglomerate upon the rural community.

Because I am here in a double role, I would like to divide my remarks to first deal generally on a national level and then move into some specific problems that are peculiar to our Rocky Mountain area.

First, it should go without saying that the Farmers Union, being a family farm organization and proud of it, is philosophically absolutely, unequivocably, 100%, opposed to large corporations—whose interests are predominantly other than farming—encroaching in any way on farming. (I qualify the corporate definition because there are many bona fide family farms which are incorporated under Subchapter "S" of the Internal Revenue Service code, and I want to make clear that I am not speaking about these operations.)

The Farmers Union membership feels so strongly about this issue that our national convention held a couple of weeks ago repeated on the first page of our policy statement a special section called "The Family Farm" and, if I may, I would like to read it to you:

A "family farm" is a production unit where the family furnishes its own capital and management, takes the economic risk, and provides most of the labor (peak seasons excepted).

1. Why Preserve the Family Farm:

The family farm is the keystone of our highly successful agricultural system. The interest and welfare of the nation is increasingly related to preservation of a family farm pattern of agriculture.

Studies indicate that large-scale (including corporate) farms are not more efficient than family farms. Competitive advantages that large-scale and corporate farms can have over family farms include access to adequate operating capital and the ability to shift earnings from non-farm business into farming to avoid payment of interest and to take tax losses on farming operations. On the other hand, when the management of a farm is taken away from those who supply the *management*, *labor*, and *capital*, there is loss of initiative, skill, and prudent judgment which have made possible the efficiency and abundant production of our family farm agriculture.

The efficiency criterion, moreover, is insufficient to judge which pattern of agriculture is most consistent with the over-all interests of America. A number of interests and groups suffer ill effects from corporate (non-family farm) agriculture and the migration to the cities of farm families: (1) Non-metropolitan communities lose families engaged in agriculture and their taxes which support schools, libraries, and other rural institutions; (2) main street businesses (banks, farm implement dealerships, etc.), dependent on the purchasing power of farm families, face bankruptcy due to volume out-of-state buying—a common practice of corporate farms; (3) consumers will experience higher, "administered" food prices due to the concentration of market power in corporate agriculture; (4) urban areas face increased demands for housing, sewage disposal, welfare, and other service programs due to overcrowding; and (5) environmental protection for the entire nation can best be maintained through the preservation of family-type farm operators.

Senator Harris. I want to comment on the migration of people from the farms and small towns to the cities. I was on the Kerner Commission, and one of the things that we came across in studying the problems in the cities in 1967 was exactly that. You can't keep up with the problems in these cities, if people continue to move on into them at the rate they have been doing in the past.

One thing I think we need to do is to convince people who live in cities how their interests are involved in these kinds of subjects and in a populous rural America. The second thing is something I alluded to awhile ago about environment. It just stands to reason that the more people you concentrate in a smaller space, the more difficult both your air and water pollution problems are going to be. There again, is a thing, I think, we need to bring to the attention more of people who live in the cities as to their stake in these kind of issues in rural America.

John Stencel. Very true. Those one million people who have moved to the cities in the last 20 years have greatly added to the problems that the cities have today. We should have kept those people in the rural areas to begin with.

2. Why Public Policy Should be Used to Preserve Family-farm Agriculture:

Some of those points you were just making are mentioned right here. The United States in 1972 has a "mixed" economy, in which the market has been modified and circumvented in various ways by corporate structure for businesses, by tariffs and import restrictions, by laws for fair trade pricing and fair competition, by exclusive franchises and an assured return on investment for the utilities, by restriction of entry into certain trades and professions, and by collective bargaining for workers. The independent family farmer stands virtually alone as the textbook example of free competition in the United States economy.

We reaffirm the National Farmers Union's position that federal governmental policies and programs are essential to protect family farmers against the hazards of the marketplace where almost everyone else, except the farmer, is protected. The power of public policy must be used to sustain the independent farmer in an economy which is otherwise strongly organized—in which most other production is planned, most marketings are rationed, and most prices and profits are administered.

Our former national president James Patton, as those who know him would suspect, stated the case more colorfully and aggressively when he keynoted our Rocky Mountain convention last year.

He said, ". . . I'm absolutely convinced that bigness does not mean efficiency. You ought to try and ride on the Penn-Central Railroad. The biggest one in the business is busted; it's broke, and you can't get anywhere on it. I wouldn't say that General Motors, the largest corporation in the world, is exactly efficient when they have to recall some 500 or 600 thousand cars. They can do it because they have no competition. I don't think that big farms and integrated Agribusiness is the answer. What people are really talking about when they want to eliminate the family farm and integrate everything is to gain a monopoly in agriculture so they can predetermine their prices by monopoly practices just the same as big business does, just the same as General Motors does and just the same as the steel industry did until World War Two."

I quote this particular statement of Jim's because it specifically challenges the thought that somehow corporate efficiencies will bring lower food prices. This is a bugaboo that came from the Benson years, and I think that we as a farm organization perhaps were remiss in not zeroing in on that point then.

America was in awe with the corporate producing power then and the new-found affluence of the mainstream American was indeed awesome. We were all moving into wall-to-wall carpeted, lawn-surrounded, suburban homes. We got TV's, two cars in every garage. Was it any wonder that Ralston Purina would seize upon the opportunity to be the one to put a chicken in every pot? Unfortunately, given that general frame of mind, it was accepted on face value that of course Ralston would do it more efficiently.

I am happy to say there are signs the tide is turning, though, but unfortunately it is only after many of those who cannot afford it have paid the price. To return to the chicken example, hundreds upon thousands of farms have been financially squashed out of business by the ruthless contract-purchasing practices of Ralston Purina and the side effects have been the slow strangling of towns and counties and a way of life. These practices are now getting more scrutiny by everyone. . . including the housewives who check the prices stamped on those checkerboard-square wrappers. Hearings such as this one are beginning to gain the attention of the press. And perhaps, the most heartening of all, the few farmers left are beginning to organize. Their struggle has been tough and because they don't receive the federal protection afforded other bargaining groups, their treatment has been rough. I hope that you, Senator, may be able to take your hearings to Arkansas and hear, first hand, the retaliatory treatment some of these farmers have received as a result of their organization efforts.

In short, Americans were duped into accepting at face value that conglomerate activity in agriculture would necessarily bring more efficiency. And all too often, those who wanted to protect the family farm as a way of life were cowed into accepting, or at least not speaking out against, this assumption. They left it unchallenged and turned to other related problems, which I hasten to add were no less real. We all discussed the so-called side effects of the corporations buying from major suppliers or directly from the manufacturer, leaving the local merchant without customers. We discussed generally the decay of the rural way of life, and more recently we have been calling attention to the pressures the rural emigration has been placing on the cities. Environmentalists have of late been calling attention to the damage caused by the demands on the land of the heavily fertilized one-crop production of the corporate operations.

The point I want to make is that corporate entrance into agriculture has yet to show one instance of improved efficiency by their own corporate standards. To me, corporate efficiency would include such yardsticks as producing more of it better for less money.

But sticking to my poultry example (which is an example of a commodity market almost totally by so-called agribusiness), which of these criteria has been fulfilled? None. In short, they have flunked by their own rules. Ken Monfort, President of Monfort of Colorado—one of the nation's largest feedlot and slaughter operations, says simply that no other form of farming will ever out-produce the family farmer.

Yet, the corporate invasion continues like a cancer, and ironically just when much of the country is beginning to wake up to its real effect, the current administration gives us a Secretary of Agriculture who has long been the country's most prominent apologist for the Benson years. Earl Butz and his programs can best be described as an anachronism designed on those old corporate efficiency theories which thankfully seem on their way out the window.

I would like to suggest that an administration truly attuned to "where it is at", so to speak, would know what to do. For instance, it could be:

Trust-busting companies like Tenneco and Ralston Purina, instead of trading personnel with them,

Pushing such combined farm group efforts as the Coalition Farm Bill instead of killing them,

Pushing for farm marketing bills with teeth in them such as those offered by Senator Mondale and Congressman Bergland,

And reorganizing the Department of Agriculture into a force to improve rural life just as the Department of Housing and Urban Development is a force for the cities, instead of trying to do away with it.

These are not radical suggestions. They would simply help rural America regain a fair position in the give and take free enterprise system that is such a basic part of our ideals.

I realize that these remarks are not very specific, but I hope others might bring more specific information from their regions.

In my schizophrenic role, I would like to move on now to my regional role as president of Rocky Mountain Farmers Union and mention a couple of more specific points having to do with my area.

The corporate interest in the farm lands of my area (Colorado, Wyoming and New Mexico) is menacing, but for different reasons than elsewhere. Rather than buying up our farm and ranch lands in order to gain control of the farm industry, they come to our area for the land itself.

That is not to say that there have not been large conglomerate-operated ranching efforts. There are many corporate-owned sheep and cattle operations in all three states, and their operation brings all the attendant problems usually discussed.

I should add, parenthetically, that we are heartened by one noticeable withdrawal from the arena—Gates Rubber Company. In 1967, Gates, which had for years stuck to its P's and Q's and made only industrial rubber products such as tires and V-belts, suddenly got the diversification fever. It bought the Learjet Company located not far from here in Wichita and a startling amount of land in the northeastern part of Colorado.

The idea, as I understand it, was that Gates was going to saturate a previously dryland farming area with deep irrigation wells and grow wheat, pinto beans, sugar beets and experiment with truck farming. Cynical observers pointed out that Gates had experienced a terribly successful business year and had a lot of cash around dangerously within the grasp of Uncle Sam, and that was the cause of the diversification effort. The more cynical even suggested that if the well-drilling program was a success, the value of the land would soar from under 100 dollars per acre to over a thousand. The result, they said, would be that tax dollars would suddenly become equipment investment and wisked out of the government's hands on depreciation schedules. And, finally, the money spent would be multiplied geometrically in the stock portfolios on the assets column. The story has an unexpected ending, however; the Learjet operation ran into unexpected rough sledding, neatly taking care of Gates' excess cash problems, so Gates turned its back on the agribusiness operation.

I would like to repeat, before moving on, however, a conversation with a dryland wheat farmer from nearby Benkleman, Nebraska, by the name of Jim Sys. Jim is one of many sons of a Czech imigrant who homesteaded in that country. He and his brothers each own their own farms which have grown into reasonably profitable operations. They are subject to all the adversity that Mother Nature can serve up: wind, drought, hail and floods, but due to their hard work, each has made a go of it.

When Jim heard of the Gates' effort, he was impressed with the idea. Capitalization had always been his main problem and Gates obviously had that solved. He went to look, and was even going to apply for a foreman's job he had heard was open. His face clouds when he tells what he saw, though, and he never asked for the job. He said there was more equipment than he and his family could have used on ten such operations just strewn around the yard and decaying. He said nobody cared; there was no pride. He was totally repulsed by that kind of waste. Jim calls what he saw "un-American" and he is fond of equating it with his picture of farming behind the Iron Curtain. I am happy to say that last year was Jim's best year ever; so maybe there is hope.

The real problem with which I would like to deal is beyond this and is more complex and insidiously subtle. The problem involves the corporate role in the buying of farm lands for non-farm development purposes.

As I am sure you are aware, Senator, the Rockies which stretch the length of my area are now under severe pressures of land speculation and development, and the large corporate role in this is increasing. My old friend, Ralston Purina, is one of the culprits in this regard, having just bought out the faltering Keystone ski area near Dillon, Colorado. Others include LTV, which is involved in the development of Steamboat Springs, and Great Western United, which has spread from simple sugar manufacture to city development in Pueblo, Colorado, and Santa Fe, New Mexico.

Another category would include those corporate giants relocating in Colorado who have gotten into the land development business on the side. Included here would be the Eastman Kodak Company which is locating in Windsor, Colorado, and most recently, the Johns-Mansville Company which has announced it will move to an area south of Littleton, Colorado. Both companies have bought up large tracts of farm and ranch land far in excess of what they actually need for plant facilities. They are, in fact, building company towns like the Pullman Company at the turn of the century.

The result is that farmers and ranchers are turning their attention from the problems of staying in farming, such as getting a good price for their products, to making an almost immoral killing on their land. But again, the farmer finds himself at the mercy of forces over which he has little or no control. The companies I mentioned are friends of the state government, which has in recent years been preoccupied with development. Their arrival is greeted with accommodation and in the case of Johns-Manville and Kodak, they are wooed into coming. Those upon whose land they settle get out with a fat check and are happy. A few neighbors usually profit, too. However, the farmer who wants to stick it out is likely to be in for a rough time. As the development grows, he is faced with all sorts of added costs. His property mil levy, for instance, is based upon the estimated land value and skyrockets. The cost of all sorts of new government services, such as fire and police protection and schools, drives the mil levy up.

The increased speculative land value seemingly has a benefit, too, but it is a false one. The farmer is in a position to swallow the increased costs because he is able to borrow more on his land each year. When he does finally throw in the towel, however, he is faced with paying almost as large a debt as the hyperinflated selling price he receives.

A phenomena we are beginning to see now in Colorado is that these corporations, after having made their particular mess out of the countryside, suddenly become environment conscious. These same companies, having now gotten theirs, so to speak, start talking of greenbelts, zoning, and restricted land use. The farmer is then subjected to the most cruel political treacheries, for the farmer faced with that kind of "Pull up the ladder, Jack, I've got mine" zoning sees his land value plummet and faces certain mortgage foreclosure. That is why today, in our area at least, so many farmers and ranchers seem to support the most reckless of land abusers and rapists.

I sometimes suspect that the financial success of these large corporate entities comes only because they have squeezed it mercilessly out of some smaller being, and not because they have ever done anything better or more efficiently. In other words, they haven't managed to build anything more attractive or cheaper in our area. In the end, their developments will remain attractive only because they are surrounded by large open spaces created not by them, but by government, and totally at the expense of the farmer whom Fate put next door.

This is a problem that environmentalists and farmers must join together to resolve, and the corporate giants' role must be understood for what it is. I am convinced that it is not a problem that can be coped with totally at the state level because the corporate interests are simply too big for states to handle. The companies, too often, are bigger than the state financially and certainly with more resources to wage a legislative war than any responsible group within the state.

In Colorado, we got a rough example of this in 1969, when largely as a reaction to the prospect of Gates moving into the corporate farming arena, the Farmers Union and others rallied behind a bill to ban non-farm corporations from agricultural production. The bill died after a one-hour hearing by a legislative committee. One newspaper headlined the action "Visiting Farmers Cut Off by Corporation Capitol Scythe."

In our states, Senator, these corporations enjoy the Gates' approach—that is—buying the land, playing at ranching with all its attendant tax advantages, and biding their time until it is time to start development.

There must be a well thought-out, federally promoted land policy to resolve these inequities. This country has historically been free and easy with its land because in our formative years, it seemed that we would have an inexhaustible supply. As a result, we seem very sophisticated about governing ourselves in virtually any area except our land use. Toward land use, we seem to be zealous anarchists hell-bent toward our own self destruction.

I am well aware that, unchecked, corporations will endlessly seek those areas of the highest profit potential. That statement in its pure form seems to be the heart of the free enterprise system and unchallengeable. However, corporations whose diverse holdings give them the power to control the marketplace are theoretically, under the law, subject to anti-trust action.

In the Rocky Mountain region, they control the marketplace—not through the normal forms of monopolistic practices—but because of their size they can control the lawmaking bodies that are supposed to govern their activities. This includes legislatures, county commissioners and boards of various districts. Any new policies must on the one hand shore up the governmental agencies so that they may withstand the corporate pressures and secondly, attack the corporate financial incentives by creating attractive alternatives for those farmers and ranchers whom these corporate developers woo.

I would suggest that this policy include a land bank apparatus to bring reparation to those farmers caught in the financial eddies created by large development practices.

We should have strict environmental control of development activities through the Interstate Land Sales Act.

Finally, the maintenance of the family farm must be a fundamental part of this land program. In this category, I would mention again the proposals made earlier to bring strong financial support to the family farmer so that he can get a fair price for his work. This would probably do more than anything to end his preoccupation with converting his farm into homesites and helter-skelter development.

In this connection, I should like to call your attention to what is happening in Switzerland. The Swiss have long experienced the kind of development pressures being felt in our territory. I was interested to read an article in World Agriculture which made mention of the fact that one of the basic points keeping Switzerland out of the Common Market was its refusal to lower its agriculture prices to Common Market levels. The reason given is simply that Switzerland has found the best way to resist becoming totally inundated with resort development is to assure its farmers a fair price for their products. In this way, farm land gets sold generally to another farmer and not a land speculator.

Thank you very much, Senator Harris. I would be happy to answer any questions or supply any additional information I can. (Applause.)

Senator **HARRIS**. Thank you very much. I don't have any specific questions. I think your statement is very complete. I think the last note is really the important one that when people can make a living out of farming, naturally that's what they are going to be doing with land. That's a really basic kind of thing.

Mr. Stencel, I certainly appreciate your being here, and also Mr. Barnes.

JOHN STENCEL. We thank you again, Senator.

DALE LYON, LEGISLATIVE DIRECTOR, FARMERS UNION IN KANSAS

Senator **HARRIS**. I'm glad to see so many of you here today. We have a lot more than we had anticipated. We like that, but I hate for any of you to have to stand up.

It is a pleasure to have Mr. Lyon of the Farmers Union and others with us today, and I appreciate it very much. Mr. Lyon, we will be pleased to hear from you at this time.

DALE LYON. Senator Harris, we are privileged to have this opportunity to discuss the threat of corporate farming in agriculture, and we appreciate your invitation to us to testify today.

I do want to identify myself further. I am a farmer and I moonlight as a legislative agent—and most of it is done in the moonlight, I'll tell you that (laughter) . . .

I have chosen, Senator, to talk about Kansas, since I thought we would have probably a lot of testimony nationally:

We are privileged at this opportunity to discuss the threat of corporatism in agriculture and we appreciate your invitation to testify.

The Farmers Union in Kansas has long opposed corporate forming within this state, and currently is working to improve the Kansas statutes in relation to corporate farming. To this end, we have asked Attorney General Vern Miller to attempt to enforce the present laws; and we have caused a bill to be introduced in the Kansas Legislature to close the loopholes, which are many.

We have found our attorney general responsive as his testimony today undoubtedly will show.

The legislature is a different story, indeed, a matter to which I will address myself in a few moments.

It is said by those who oppose strong laws to regulate corporate farming that little or none exists in the state and that none is in the offing. This is not true.

Even were it true, however, that there are no corporate farms in Kansas and no corporate land ownership, the effects of the corporate philosophy from agriculture-related business, and in our land grant schools, have long since left their irreversible scars on the Great Plains of Kansas and the neighboring states.

The dying towns, the towns which have completely disappeared, the empty farm houses, the rubble of abandoned schools and churches, all these are just as much caused by the corporate economic philosophy as any other factor, even more so, we believe.

At what period in history this began is hard to say, but its ingredients are obvious. So-called production efficiency is a graveyard of one farm entity after another.

The aura of efficiency, taught and preached in our schools, is a cover for many economic sins against the family farmer. The idea of producing more and more without considering reasonable markets, the downgrading of diversification which was the best bank account the farmer ever had, the move to specialization, of using capital advantage to enlarge operations, the concentration of markets, all of these are a result of the creeping corporate economic philosophy.

These preachments and their acceptance turned many farmers away from the historic intent of the homestead act and turned increasing numbers of farmers into economic animals. Farms were no longer, first, a home, second, a way of life, and third, an economic unit to support a family as Thomas Jefferson idealized the family farm in this country. Those who try to remain that way are swallowed up by an all consuming desire by others whose only motive is profit . . . the true corporate philosophy.

All these things were accomplished through what is termed "education". I think a better word is propaganda.

This set the stage for the second course—the incorporation of agricultural processing and marketing. This destroyed the supply and demand relationship at the marketplace. Competition in pricing has disappeared. The marketing of all farm commodities that I am aware of is done to non-competitive buyers, pricewise. The intangible monopoly—the farm producers market—is an intangible monopoly not connected in the classic sense financially, but in the business of price-fixing in the classic sense. Nevertheless, the situation does exist. Farmers can't break it. The law is no protection from it.

Today in Kansas, the cattle feeding business is rapidly becoming corporate-owned. The hog business is becoming integrated. The chicken and egg business has virtually disappeared. Corporate ownership of land is rapidly increasing. Even the small meat cutter and packer are being legislated into oblivion.

In each of these moves, hundreds of farmers have been denied the right to farm, their only crime being that they could not compete with the superior position of corporate capital with the capital generated from their own farms. To be subject to such unfair exposure is a crime itself.

I am talking about Kansas where it is said we have no corporate farming of a serious nature.

For a state that is purported to have no large scale corporate farming because we have a law on the books which limits a domestic farming corporation to ten stockholders and 5,000 acres, strange things happen.

The Kansas Farm Bureau and the Kansas Livestock Association powered a bill through the Kansas Legislature to establish farm labor relations. Now anyone knows that family farm situations are not conducive to farm labor problems. Such laws are written only for the corporate agricultural employer. The defense of this act by these groups is that we are going to need such laws in the future.

This is a very cleverly driven nail into the coffin of the family farm. Organized labor will tend to equalize the cost of production of the family farmer with the corporate farm without giving him the same capital position to absorb it. It will tend to destroy the family farm.

Stock and non-stock land investment corporations are buying land and getting options to buy at this time. An interesting thing about this is that any stockholder of that corporation or multiple numbers in partnership can lease this land and farm it, and they completely bypass the Kansas Corporate Farming Law. The law does not apply in such a case.

Senator **HARRIS**. I noticed one thing out in California that struck me in that regard. They are using that kind of device—it's really a corporation in effect—but they are using it to get a tax advantage. They set up this partnership and go into land development, say, for example, you are going to put in almonds or grapes that's going to take maybe five years to develop. They buy into that thing as a partner for the purpose of taking a tax loss. A doctor or lawyer buys a piece of that and they are allowed under the tax laws, which is wrong, to write that off as an expense rather than capital investment. When everybody gets a tax loss out of the thing up to the time it starts to produce, then they sell out and get a whole new set of investors who have different interests. And that's what you are talking about. It looks like a partnership but operates like a corporation and winds up getting a lot of tax advantages. I'm sorry to interrupt you, but that made me think of. . . .

JOHN STENCEL. I haven't got into it that far, Senator, but, actually, I've never found any advantages in corporate farming except taxes. I don't know of any for a family corporation; I don't know of any other advantage. But then, I'm not an attorney and maybe you can help me out on that.

To continue where I left off here . . . . There is no prohibition from corporate ownership of land and there is no restriction on leasing corporate land in which you have an interest.

Land investment corporations abound in the state. Foreign corporations sneak into Kansas under the guise of individual titles to tracts of land and farm the land in the name of a corporate agent.

Among these strange things occurring in Kansas, the state that pioneered the anti-farm corporation law in 1923 and is supposed to be free of corporate farming, there has been a recent occurrence which should be of special interest to you, Senator Harris, and I am sure to the people of Kansas.

An Associated Press story last September in the Salina Journal reported the following, which later investigation proved to be true: Senators Bob Dole and James Pearson announced in Logan County, Kansas, the approval of an F.H.A. loan of $592,000 to the Smokey Valley Grazing Association Incorporated. This was a loan that Senators Dole and Pearson apparently helped secure, or, at least, wanted to claim credit for doing so.

These men represent a state which has a corporate farming law restricting farms to ten stockholders and 5,000 acres. This huge loan, nevertheless, was granted to buy 11,000 acres of land by a corporation which had thirteen incorporators and a reported sixteen stockholders. This loan represented approximately 12 percent of the F.H.A. guaranteed loans for an entire fiscal year for all of the United States. The average loan of this type is $203,000.

The F.H.A. had a backlog of 63 applications which were passed over apparently in favor of this loan. Five of these applications were from Kansas.

On the other hand, Senator Bob Dole has announced repeatedly his support of the family farm. Senator James Pearson made a plea in behalf of the family farm and talked in opposition to corporate farming and vertical integration of farming on the floor of the United States Senate when he explained his vote for Dr. Earl Butz for Secretary of Agriculture. In a letter to me explaining his vote for Dr. Butz, Senator Pearson had this to say, "Let me assure you that I share your deep commitment to the family farm system, not only for economic but for social reasons as well."

It appears to us that Senator Pearson, who represents a state whose public policy by law is to limit corporate farms to 5,000 acres, is not keeping his faith with the citizens of this state when apparently he promoted a $592,000 F.H.A. loan for an 11,000 acre corporate farm.

To say grazing is not farming is to say that one-third of all the acres harvested in the nation is not agriculture since it is done by grazing. How absurd.

Further, he is not being consistent with his personally stated philosophy in opposition to corporate farming. His actions belie his rhetoric. This whole loan episode should be investigated. There just may be some unfair use of government programs involved here.

Let me get back to the Kansas Legislature. Farmers Union was successful in getting a bill introduced which would have made the present law in Kansas meaningful except for the ownership of the land. In private conversation, a member of the legislature asked us not to press the issue and promised a study of corporate farming so that a realistic law would be written. I agreed this was acceptable. The resolution was drawn and has been on page 13 or 14 of the legislative calendar every day since. Just one more of the strange occurrences in a state where the illusion is perpetuated that corporate farming is not a threat.

The power lobbies had their day on the farm labor bill and are having their day with the corporate farming study. The legislature has submitted to this pressure. It is a handmaiden of power politics.

Senator, you have suggested that I direct my remarks to the effect of corporate farming on the Plains States. This I have attempted to do. The Kansas situation is quite similar to that of neighboring states. I am more familiar with Kansas. It is an example. I think, however, in behalf of the Farmers Union members in Kansas, I should deal finally with the basic philosophy of private ownership of land versus corporate ownership.

Here is where the real key to the future of the family farm lies—the ownership of the land. Whoever owns the land controls its use. If the ownership of land passes from private title to corporate title, the natural recycling of land ownership from generation to generation ceases. Corporations are non-human entities, so they are not mortal. The more land owned by corporations, the less land there is available for private ownership and farming. Man's dependence on the corporate structure becomes ever more complete. The right to be a true capitalist is then denied the American farmer and the American people.

Not only must we deal with land ownership. We must eliminate vertical integration which is a means of destroying the independence of the family farm without owning the land. This control is established by monopolized markets and a monopoly on the source of capital. The Family Farm Act of 1972, of which you are a cosponsor, is a sound step toward solving this problem. We appreciate your efforts.

Another area in which we must work and endeavor to accomplish is to divorce the power to control the farm operation through the use of corporate capital loaned to farmers. The capital input in agriculture must not to be a tentacle of power for corporation.

We must give the farmer the means to control his production, tailor it to demand—profitable demand only.

We must give the farmer the tools to reasonable control of the price of his product in the marketplace.

We must look at the possibility of passing federal legislation to restrict the power of the states to tax farm real estate and personal property. The states have long since shown they will not be fair to the farmer in this field. The farmer pays 28% of all the property tax for schools in Kansas today. He has 6% of the income.

Corporate farming is a cancerous growth which is destroying the basic tenets of American liberty. We must be surgeons. We must cut it out before it is too late. Farmers Union in Kansas proposes to do so.

Thank you.

CHRIS WALKER, NATIONAL DIRECTOR, NATIONAL FARMERS ORGANIZATION

Senator HARRIS. We have a representative from the National Farmers Organization, the NFO, here with us. Mr. Walker, we appreciate what you and your organization are doing, and we will be pleased to hear from you at this time.

CHRIS WALKER. Thank you Senator Harris and staff and friends of family-controlled agriculture. Sometimes it's real nice to be on the last part of a program, because you can say amen to what the others have said. Maybe I can add a little bit, but it certainly is our feeling that we would say amen to the statements that have already been made.

To divert a little, I had the pleasure of being in the Chambers of the Senate when Senator Harris led the team that made the strong appeal to get Dr. Butz kicked out. (Laughter)

Senator HARRIS. Be careful, now. (Laughter)

CHRIS WALKER. I don't think the Senator will mind the remark I made, but it was disgusting that we would have those who aren't more concerned about agriculture. But there in the Senate Chamber were Senator Harris and his colleagues who were wanting to do something for farmers. Then over on the other side were Senator Dole and those who were wanting to put Dr. Butz in office. It seems you had about four hours, I believe, that morning; it was divided up equally between the two sides, you know. So Senator Harris was glad to start off because he had more Senators than he could put on the program. After two or three of them had talked, then Senator Dole and his colleagues were able to drag some more of them in—and I say this quite truthfully—from the halls outside the Senate Chambers and get them to talk. But after awhile they ran out of finding someone who would speak for Dr. Butz. (Laughter) And so Senator Harris very graciously offered Mr. Dole to take of his time because he had plenty of speakers who would like to comment against Dr. Butz. I was very amused at this, and it's great to have the Senator working for us from this angle.

Senator HARRIS. They finally, as you know, called a quorum call just to use up the time because they couldn't find anybody who wanted to speak. I said it seems a shame it appears that nobody wants to speak for Dr. Butz. But they wouldn't give me their time. I said, I've got a lot of speakers if you will give me your time, we can use it on the other side. (Laughter.)

CHRIS WALKER. You're right. It's kind of amusing, but it's disgusting too, but the Senator was well on top of the situation.

I am a farmer from northeast Kansas; Mayetta, Kansas.

I serve as National Director of NFO from Kansas, Vice-Chairman of Kansas NFO and National Treasurer working out of NFO's home office at Corning.

I appreciate the opportunity to participate in this inquiry into the alarming rise in corporate power and influence in this country, and its impact on people on farms and in small towns and cities, and the secrecy that shrouds corporate activities in Agriculture. I want to commend the chairman for the leadership he has shown in raising the issue of growing corporate power in states like Kansas and warning the people, farm and city alike, of the danger of destroying the family-size farms that have made American Agriculture the most efficient and productive in the world.

I am mystified by the claims of some that vertical integration and other corporate activity we hear so much about is not a threat. We view it in the NFO as Phase I of a corporate takeover of the food industry, which would involve acquiring or controlling all phases of production, processing, and retailing.

This takeover attempt is acknowledged by some of the largest corporations in this country. An example, Tenneco, Incorporated, a huge conglomerate, has 3.4 billion dollars in assets, has told its stockholders that it is developing a food system based on "Integration from seedling to supermarket."

Other well-known companies are pushing aggressively into farm production with direct or indirect approaches and with various kinds of contracts. Those companies include Safeway, Dow Chemical, Stokley-Van Camp, and Ralston Purina.

They signify the growing concentration of corporate power, this nation's unwillingness to curb bigness, and the nature of the threat to the individual producer in agriculture.

These companies, and others like them, are taking advantage of low farm prices, families strapped by big farm investment and mortgages, and reluctance of many farmers to organize and fight for prices that would assure economic survival.

They also capitalize on cheap labor, credit at prime rates from big city banks, tax avoidance made easy by countless loopholes which give leeway to destroy competition.

Farm people feel helpless against the enormous power lined up against them. They also feel betrayed by Agri-business companies that grew powerful by profiting on sales to farmers, then turning around to exploit them into vertical integration and driving them off the land.

Bigness and efficiency are still the rages in agriculture. The farm economist will hit you, when you argue for better prices, with the suggestion that you ought to get bigger or get out. If you can't swing the credit, many will say maybe you should get into contractual setup where credit for expansion can come from the big integrator.

The big companies are in there in force, pushing vertical integration all across the country. Their objective is to get control of the production and to manipulate the marketing flow of the production to suit their own purposes. That enables them to avoid the heavy financial and managerial commitment that is necessary in buying land and equipment, hiring and supervising farm workers, and carrying out farm management responsibility—yet still remain in position to profit by reason of product control.

Take the rapid rise of vertical integration in the hog industry, for example. It is difficult even in his own neighborhood for a farmer to determine who is involved. Producers normally get into a contractual agreement with an integrator when they are in financial difficulty—lots of them did a year ago when hogs were down around $15.00—and they do not want their neighbors knowing they are in this kind of trouble.

We know from our own survey, taken a year ago after several weeks of disastrous hog prices, that integrators have made serious inroads.

We surveyed our NFO meat committee chairman in more than 2,000 counties asking them to name counties where integrators had signed contracts or were promoting them in their areas. We also asked for details on whether integrators were supplying such inputs? As sows, feeder pigs, and credit.

The survey disclosed that feed companies and other integrators had contracts with thousands of independent hog producers. The names of more than 70 integrators, including several meat packers, showed up in the county by county survey. As many as a half-a-dozen integrators were active in some leading hog producing counties.

The survey also disclosed that integrators were either established or were pushing into more than 170 counties. These hog agreements were written much like those in the early days of the broiler contracts in the South.

The survey probably understates the real impact of vertical integration activity in hogs the past year. Farmers handling the survey at the county level reported difficulty obtaining information on the corporations involved, contract terms, the number of hogs in a setup and the number and identity of the producers signed up.

One answer to these problems is congressional action to stop the practice known as Tax Loss Farming. We must close these federal tax loopholes and eliminate this series of unfair competition faced by working people.

Government spokesmen have been contending that modification in the 1969 Tax Reform Act took care of this problem, but they do not square with the facts as we know them out in the farm states.

The National Planning Association's Agricultural Committee, for example, recently issued a report that shows that this legislation had virtually no impact. It pointed out Oppenheimer Industries, a Kansas City firm that promotes tax farming plans for the rich, recently boasted that its clientele of Hollywood stars and others had doubled in the past 4 years to 400 persons.

Another answer is the Family Farm Act, an antitrust bill that would get conglomerates, integrators, and other big corporations out of farming.

The NFO has been fighting for a way to get State laws tough enough to keep processors, handlers, distributors, suppliers, and others out of farming. We have done this because we know that as we succeed in bargaining, and requiring fair treatment for farmers, that many of the big companies involved will decide to produce the commodities rather than deal with united farmers at a fair price.

The Family Farm Act, now under active consideration in both Houses of Congress, would prevent further movement into food production by these corporate giants and require them to divest themselves of their present production holdings.

Specifically, the bill provides that any corporations involved in processing or marketing which owns 3 million dollars or more in assets or any individual owning 1 million dollars of stock in such a corporation, cannot then become involved in producing food.

The bill is designed so it will not hurt farm cooperatives and certain charitable, educational, and research institutions. They are exempted as long as their farming activities are related to the work and are not for profit.

It provides Congress with the means to preserve free, private, and small business and prevent insidious monopolistic tendencies in Agriculture.

It is entirely consistent with our adopted antitrust, anti-monopoly policies to forbid integrating of food production from the soil to the grocery store shelves, and to require food processors and distributors to compete and keep their facilities open for production of the independent producer.

It is time to challenge those who contend eliminating farmers and moving people off the land is desirable and inevitable. It is time to get rid of those bureaucrats who respond in an attempt to get better farm prices by simply telling producers to get bigger or get out. It is time to put some teeth into antitrust laws relating to Agriculture. It is time to fight for legislation to eliminate tax-loss-farming to join together and bargain collectively for fair prices that return cost of production plus a reasonable profit.

We need all these things to stop the redevelopment of a feudal system, based on corporate and economic arms or political power, and to make it possible for our sons and daughters to be something besides a corporate employee.

I hope, Mr. Chairman, that Congress will wake up and begin taking some action to bring about these badly needed changes.

And while we are all talking about it here, I have a statement that was made by a former President of the United States when he said, "Free speech does not live many hours after free industry and free commerce die." Corporate industry and corporations controlling commerce, I believe this is what he is talking about, and we don't want to see that happen.

Senator, it is a pleasure to have you as a team leader for farmers. We appreciate your efforts and appreciate your coming to Kansas to get testimony against corporate agriculture.

Thank you.

(Applause.)

ROBERT SPEAR, PRESIDENT, NATIONAL FARMERS ORGANIZATION

Senator HARRIS. Next, we will hear from Mr. Robert Spear, President of the Kansas Farmers Association. Mr. Spear, it was nice of you to come.

ROBERT SPEAR. Mr. Chairman, your aides and fellow family-farmers, I'm here as the State Chairman of NFO and also as a member of the National Board of Directors of the National Farmers Organization, and a farmer.

I came here today to give a personal testimony of what is happening in corporate agriculture and how it affected me. As a young farmer, starting in farming in 1953, I worked at several jobs in order to start farming. Then one day I looked at something that looked real profitable to me. It was sold to me with the idea that it would work; that it would make me a lot of money and make me prosperous, and all the things that I'd thought were wonderful at that time. This happened to be in about 1956–57, and the reason that I give this testimony today is to try to keep other farmers from falling into the same trap that I fell into.

I was approached by some people to set up what we call a cage-layer operation. I was working with two or three companies, but mainly Ralston-Purina Company. They were the ones who talked me into starting this, helped me finance it, and also got me in touch with the people to build the building, got me in touch with all the people in order to get the cages, and also got me in touch with the market, which was debtless and which is the Safeway Stores.

When I started in the deal, they promised me if I produced 20 cases a week that I would have a four cent a dozen premium for producing that volume. As time went on, two years later they said in order to get that four cent premium, you are going to have to produce 30 cases, so double your operations. At this point we didn't feel we wanted to, so we held with the 1680 hen operation. I was fast becoming an integrated farmer. I not only had chickens; I had hogs bought on a lease.

In 1962, I was taken to a meeting of a group of farmers that were organizing, and at this time I joined the NFO and at this time we had a brochure on vertical integration. I studied this thing, and then I saw where I was at. We were in debt. We were young, our family was small and we had a lot of expense. We worked that operation until we got it into a place where we figured the best thing to do was to shut it down.

When I got ready to shut it down I was approached by this company. They said, oh, you don't want to shut this system down, you got the house, you got the chickens, you've got everything set up. I'll tell you what we'll do, we'll give you seven cents a dozen. We'll furnish the chickens, we'll furnish the feed, you furnish the house, the utilities and you do the work and we'll give you seven cents a dozen. I knew my operation well enough to realize that a hundred dozen a day was about all I was going to get from those chickens, which meant that I would work for them for $7.00. We belonged to Farm Management; we knew our cost also. It was going to cost us $3.50 a day for utilities, depreciation and these things. So that meant I would work for them for $3.50 a day.

But there was another trap put into this, and that was, well, if you get more efficient, you could make more than $3.50 a day. This is a trap that I think every farmer has fallen into in the State of Kansas and also throughout the nation—this efficiency bit. They put this trap out, but we knew our cost and how it would work, and we said, "No, we're going to shut it out; we won't work for you for $3.50 a day."

They said, well, if you don't want to work for $3.50 a day, you could make an investment of another $10,000 and put up another unit, you could make $7.00 a day and that would make you more efficient. At this time, we went ahead and shut it down, completely. At that time I went to the road and started organizing out across Kansas, Oklahoma, Texas and Colorado. Then I began to see a picture put together, and vertical integration, ladies and gentlemen, is very, very real. It is one of the worst types of corporations you'll ever see out here. It is a silent partner that takes over farmers and they don't realize it is going on. I watched this going on out across western Kansas and the high plains. I watched the feedlots develop.

Farmers would go together and put their capital together in feedlots. It wasn't long until they lost their money—their capital; they could not put the cattle in there themselves. So they had to look for outside investors to put them in. Today we see large corporations of oil companies, investors, putting cattle in these lots, and these people are only working for them, the same as I would have been in the chicken industry if I had gone ahead with their "so much a dozen" gain.

I visited feedlots all across the high plains area last winter and I found that these big corporations, when they get some thirty to forty percent of the cattle in that lot, they come out and run tests on the feed. They look at it and they say, "Now this feed is costing too much; you've got to lower your price." Then they put the squeeze on the feedlot operator at this point.

The same thing is going on out here on the hogs. The Clean Meat Program of Purina is nothing more than this. They squeezed all the money out of the chicken people and now they are out to get the people with the hogs. My neighbor sits down here putting out hogs at fourteen cents a pound gain. The farmers are writing contracts—two of these right next to me—that will run from anywhere from a thousand to ten thousand head and are raising these hogs on fourteen cents a pound gain. These things were written while farmers were down; they didn't have enough money to make their investment.

There are several others that I have seen go together, and to give you some examples—Sooner Beef. You may recognize the name. This is a feedlot that is 18 miles south of Rolla, Kansas. They work in the chutes and some feedlots. Vickers Oil to Petroleum Lutz, now is called Sooner Beef, which is subsidiary of Pro-Chemco. Pro-Chemco has over 150,000 head of cattle on feed right now. Their biggest feed lot is Randall County Feedlot, south of Amarillo, Texas. Another one, John Rockefeller. He leased 9,000 acres of corn from the XIT Ranch, which is in the high plains area, and he purchased interest in the Master Feedlot at Hooker, Oklahoma, and Guymon, Oklahoma, and leased Capo facilities feed yards.

There are many others that you can put together as you work over this part of Kansas. You can see investment companies buying land and renting out here. They rent it on a long-term basis and they have an option to buy. Kansas Beef Industry is now buying land in our area and is donating it to a bank to put together another corporation. This is happening all across the State of Kansas, even though we have laws to prevent it. It's happening all across the Great Plains.

I think we have to look to find why this is happening to agriculture. I think the very root of the whole thing is farm income, because if farmers had a fair income there wouldn't be a possibility of these big corporations taking the land away from us. Rural America wouldn't die.

Another thing is high interest. When we got into debt, they raised the interest and the interest just took that much more of our income. The investment requirements are high and they have locked our young people out of farming, unless dad can give them a start.

So we have to ask ourselves, why is vertical integration expanding? What is the root of the problem? Why are corporations expanding and how can we stop them?

I think Thomas Jefferson once said, "A country that expects to be ignorant and free expects that which has not been and never will be." And we farmers have got to learn one thing, and that is when we started this country as a free enterprise and capitalistic system, farmers were the ones that started it. We learned that we had to have capital in order to operate; we learned that we had to produce something with that capital or we couldn't stay in there.

And then we learned to be efficient. But if you could find efficiency, you find that this is producing something for nothing—eventually something for nothing, and we've almost done that. The next thing you have to build a system to market your production, and farmers have done that.

But there was one thing that we forgot to do. All other businesses have done this same thing, but we as farmers never did do it. We never actually entered the capitalistic system. And that was, we forgot to price our product. We left it in the hands of the buyer to price our product, and that is the root of the evil causing corporations to come out here today. If we had priced our products the same as other people in other segments of this economy, we would not have the problem we have today.

So if this economy falls, if we lose this last free chance in this world for man to be free and own his own products, and all this, most of the blame is going to be shouldered by everyone of us who are farmers, because we did not rise up and set a price on our products. This is what is the matter in the United States today; this is the root of the whole thing.

We have tried to put together a system which will change this, and I'd like for you to have a copy of this, Senator. This is just a start and will give support to the Family Farm Act. This will give us more time—buy more time for farmers to find out what is wrong out here in agriculture, buy us time to get in a position to set a price which is equal and fair with the rest of the economy. When we do this then, Senator, we will not have to worry about corporation takeover.

I thank you very much.

(Applause.)

Senator Harris. Thank you very much. That was very helpful, particularly to get that kind of personal experience and background. I think it gives a lot of weight to the statement and to the things that we've been saying.

I know some of you have given me statements to be printed in the record. If others now or later want to do that, if you'll send them to me or if you have them with you give them to Mr. Dage here with me when we close up.

We do have a brief time. If anybody else would like to say a word or two, just let us know and we'll be glad to hear from you at this time.

From the audience:

As a member of the Salina County Farmers Union and a Saline County farmer, I commend you for coming to Salina and Saline County, and I welcome all of you people. I'm real proud that you came here for this meeting. We in the Farmers Union and individual farmers in the county have worked for the past several years in opposition to corporate farming. I'm very happy to see the Senator and Governor Docking and Attorney General Miller, the gentleman from Rocky Mountain Farmers Union and from NFO, Mr. Dale Lyons. With members and friends of an organization like this, we got to be heading the stock out of the woods. (Laughter) We're going to go and we're going to be behind you, and we're going to fight.

Thank you again for coming to Salina, all of you.

Question. Are there hearings going on around the country in favor of corporate farming too, the same as against corporate farming?

Senator Harris. Well, I think the Secretary is taking care of that end of it. (Laughter) A lot of people don't feel that their views are being properly represented by the present Secretary of Agriculture. May I say, we haven't done so well always as Democrats, either, so it's not so much a matter of partisanship, I think we all know that. But the idea of these contributions is to have ordinary people, who don't feel that they are being properly spoken for by the Department, or can't go to Washington to have their say.

Question. You mean the ones who are being represented by their lawyers in Washington—the ones who are for corporate farming, their interests are being represented in Washington?

Senator Harris. I think they do pretty well. What you find in all these kinds of situations is corporate power. They are not so much interested in new benefits; they've got the benefits. They just want to keep it the way it is.

That's all tied in with campaign financing, the way campaigns are financed, etc., and that makes it awfully tough. What I'm trying to do in these kinds of things, and others who are joining me in it in the future, is to try to get out in the country and get some feel about what folks like yourselves are thinking. Now, I start with some very strong biases, as I said to start with, but at least I know a little more about it than I did—how these issues affect people out in the Great Plains and out here in Kansas.

Now, I want you to think, too, about a couple of other things that I think are going to become important considerations. One is land reform. We haven't talked about land reform very much in this country for a long time, and I think we ought to begin to do that again.

Secondly, I think we ought to begin to talk about some kind of rural renewal. There is a program called Urban Renewal, but it doesn't work very well for a lot of different reasons. But the general principle of it is that government will go in and buy urban land, develop it if necessary, and sell it off in smaller tracts. I think that something like that, with some kind of capital investment assistance and proper kinds of financing at the proper rates, etc., could be a very important thing in this country, and I hope we may begin to develop both of those ideas as time goes on. They weren't the proper subjects of this hearing, but I think for the long pull they are very much involved in these issues.

May I just say again, I am very grateful that you are here and I'm awfully pleased with the kind of interest and attention there was. For those of you who have come in late, we will transcribe these hearings and they will be published in the Congressional Record and brought to the attention personally of those who can make decisions about these matters. We would be glad, if you'll write me in care of the United States Senate—just write me Senator Fred Harris, Washington, D.C., or in care of the U.S. Senate—to send you a copy of the transcribed hearing when it's finished.

Thank you all very much. I've enjoyed being here.

The following are statements and letters submitted to Senator Harris at the conclusion of the hearing:

Statement Submitted by Wayne Worthington, President, Reno County Farmers Union, Burrton, Kans.

I am Wayne Worthington, Burrton, Kansas, President of Reno County Farmers Union. I would first like to express my appreciation for the opportunity to enter testimony at this important hearing on corporation farms. I would like to emphasize the importance of this hearing.

I strongly oppose Corporation type agriculture on the grounds of the adverse social conditions caused in areas where these conditions now exist. Example cases in point are the desolate areas of empty schools, churches, and small town businesses in both California and Eastern Colorado where Tenneco Oil Company and Gates Rubber Company exploited previously prosperous communities. Residents were forced to other areas adding to the already climbing rolls of low income families.

A current investigation is in progress in Kansas by the Attorney General to determine the legality of the operations of several corporations.

It is a known fact tax breaks are an all important reason for the formation of corporate farms. For this reason, I urge your continued efforts to eliminate the advantages offered conglomerates through tax and financing advantages not allowed individual operators.

The best control of these economic giants can be enforced on a national basis.

Statement Submitted by Aloys P. Betzen and John P. Strunk, Sedgwick County Farmers Union, Colwich, Kans.

Conglomerative Corporation Farming will lead to:

1. The death of private owned farms.

1. Single ownership of millions of acres of farmland.

3. Complete control of raw agricultural grains, fibers, and meats to the processed product, with only profit or tax angle being considered. A recent survey of the largest U.S. firms by the Federal Reserve Bank of Philadelphia shows them estimating, on average, a 16 per cent rise in profit after taxes this year.

4. Complete elimination of small town businesses by bypassing local merchant to make supplies purchases.

5. A greater tax burden on general public with corporations employing a legal staff to figure all the tax angles.

6. Local grade school and high school districts will become obsolete.

7. It will take the pride of workmanship away from the individual making many of us slaves of the corporations. This can be found in many countries that are ruled by a few wealthy people.

8. Large concentration of livestock and use of medication, such as antibiotics etc., pollution will be hard to control.

9. Only one mishap in use of fertilizers, insecticides, and herbicides will involve large acreage.

10. Absentee ownership will have no knowledge or care of water or wind erosion. We favor saving the family farm and making our rural communities more attractive to our young people.

Statement Submitted by Mr. Ivan Wyatt, Legislative Director of the Case County Farmers Union, Clements, Kans.

I am Ivan Wyatt of Clements, Kansas, Legislative Director of the Chase County Farmers Union and a member of the Legislative Steering Committee of the Farmers Union in Kansas.

I think we here all agree that the ultimate goal of the movements of giant corporations, into the field of American agriculture, is to gain control of this nation's food supplies from field or feedlot to the dinner plate.

The approach to this complete control is being made from several angles. The most obvious is the attempts of several corporate giants to gain control of large blocks of this nation's more fertile lands, such as the San Joaquin Valley in California or the sugar beet areas of Kansas and Colorado.

In my statement I would like to bring to the attention of you gentlemen another, perhaps more subtle, approach being used to gain control of American agriculture by the giant conglomerate corporations.

In many ways I see the demise of the family farmer in America in a parallel with the way the American Indian was driven from his land.

The family farmer, like the American Indian, can be a formidable foe to drive from the land if given a fair chance; but, like the Indian, the deck is stacked against the independent family farmer. One example is the unbelievably low parity ratio of less than 70% brought about by poor administration of farm policy on the national level. Even these low prices seem not to be driving the family farmers from the land fast enough.

Back to the American Indian, it seems the same tactic is being used against the American family farmer as was used against the Indian. As I am sure you all recall from your history classes, it was a slow, almost impossible, task to drive the Indian from the land in a frontal attack.

So another approach had to be devised. Even though the Indian was being kept on the move and couldn't produce an adequate living from the land, he was able to sustain himself and his family from another source, the wild game roaming the prairies, the giant herds of buffalo, elk, deer, etc. So in order to bring the Indian nations to their knees, his second source of livelihood had to be denied him; hence, the slaughter of the great herds of wild game that almost brought about the extinction of the buffalo.

To me this is very similar to the tactic being used against the family farmers of this nation.

While we see a policy of low prices to the producer of grains so low he can hardly survive, we see his second source of livelihood being denied him through the use of vertical integration into the production of meat and eggs and poultry by giant conglomerate corporations, including some conglomerate feed companies who got their start by doing business with the very farmer they are now forcing out of agriculture.

When we see farmers try to band together for the purpose of survival, we then see the powers of the already giant corporations band together to crush the independent producers. We witnessed this a few years ago in the area of Northwest Arkansas when the broiler producers rebelled against the low prices offered by three processors controlling the area. When the producers attempted to form co-ops to market their produce, they were immediately blacklisted. Without a market for their produce they were bankrupted and out of business in a short time, leaving the control of producing and processing in the hands of the integrators. As it has been said, "What a more perfect crime can there be than to destroy a man's means of livelihood, then go unpunished."

All this might be excuseable if the ultimate end was higher quality of food at a lower price to the consumer. But the very opposite is the fact. This is just one example. We have seen virtually this country's entire production of eggs and broilers fall into the hands of a few corporations involved in the production of livestock and poultry feeds and non-farm corporations.

We see today the facilities and money of our Agriculture Colleges, supposedly established to benefit all people, being used to develop machines and varieties of crops, inferior in quality, but developed to withstand the rigors of a mechanical harvester which makes it possible for a few big corporations to operate larger acreages producing and flooding the market with an inferior product while crowding out the independent producer of a quality product.

There seems to be no great interest in the many poor Southern farmers' plight who have just begun to make a decent living by switching to the high labor intensive crops such as okra, tomatoes, cucumbers, etc., only to find that they will be deprived of yet another means of making a living through the combined efforts of their state universities and the giant conglomerate corporations.

What a marked contrast between the national concern over the economic problems of the Lockheed Corporation, Penn-Central Railroad, and those of the hundreds of thousands of farm families striving to earn a living.

These same corporations are now, because of low grain prices, beginning to make inroads into another segment of meat production. The production of pork from the sow to the consumer, again with the help of the agricultural colleges helping to develop systems favorable to operation of farrowing and fattening systems agreeable to a large corporate type operation.

As with all other corporate operations involved in the production of foods, it calls for a high concentration and use of drugs to make up for the lack of proper management and operation that can be found only with the combination of ownership and management. The lack of this combination, substituted with drugs, confinement, and a controlled market, brings about the end results of a substitution of quantity for quality.

As one travels the plains of Kansas, Oklahoma, and Texas, he sees the many large feed lots and thinks of them as part of the overall farming operations of the nation. This is partly true, but for the most part these operations have become a tax loophole, sometimes called tax shelter, of income juggling for high income individuals and multi-corporations, involved in anything from oil production to the production of electronics equipment, or even land speculation. The operators of the feedlots for the most part, are simply hired nurse-maids for someone else's cattle.

Promoters are now trying to funnel this high income money into the business of the cow-calf operation that is now virtually the only part of the cattle industry remaining in the hands of the independent operator and farmer.

The sad part of this is that the independent producer must operate so as to make a living while his competitor uses it for a tax dodge. For example, one conglomerate, which is involved in the food industry, from the planting to the retailing, had an income of $464 million and a taxable income of $88.7 million. Yet, due to federal tax breaks, this conglomerate not only paid no taxes on that income, but he had a tax credit of $13.3 million. This is certainly an unfair tax advantage.

In my opinion what is happening is that these tax loss type of operations are moving in and setting up these integrated operations at a level just under what would be a profitable operation for the independent farmer, then making up the difference on the price after processing.

This is what is making it impossible for many farm families to stay on the land. It is becoming impossible for the farmer to feed his home-grown grains; consequently, they become strictly cash grain farmers. They must then acquire more acres to farm, crowding out other farm families, or else be crowded out themselves. If they do survive, then they find themselves very susceptible to a fluctuating grain market or loss to drought and pestilence.

This testimony is in no way meant to mean that this is a greater danger to the family farmer than the ownership of agricultural land by corporations, because whoever owns or controls the land controls American agriculture.

My testimony is meant to illustrate how the vertical integration of the production of red meats, poultry, eggs, etc., by giant corporations is just another means by which they can gain control and ownership of the land by driving the farm families out of agriculture.

The need is urgent for national legislation to control and roll back the vertical integrators and tax dodge operators, who have gained control or are intent on gaining control of this nation's production of meat and eggs.

Also, legislation is needed to prevent contracts that verge on fraud, that trap the unwary, and that many times tie up the young beginnng farmer or producer in such a way that he becomes a virtual slave working for pennies with no means of escape, except to get out of agriculture with the possible loss of what equity he may have had in his farm and home.

To sum up . . . the family farmer is being driven from the land through low farm prices, and he is rapidly running out of buffalo.

STATEMENT SUBMITTED BY CYRIL AND NOLA HABIGER, SALINA, KANS.

We believe that unlimited Corporation Farming could eventually destroy the family farm and rural America as we know it today.

Corporations operate on a dollar basis and have no concern for church, school, community, small towns, or family farms.

HAVILAND, KANS.,
March 15, 1972.

DEAR SENATOR HARRIS: In a letter postmarked January 12, 1972 from National Farms Co. P.O. Box 485, Concordia, Kansas 66901, my wife was informed of the tremendous changes taking place in agriculture today. The agricultural changes were listed as technical problems such as the use of fertilizer, chemicals, seeds, and cultural practices, plus taxes, insurance, accounting, marketing, and other related fields. She was warned of droughts and other acts of God. As a life long farmer, being born and reared on the farm I fully agree these problems exist. The punch line of the letter was: "How would you like to make 10% on the value of your land?" This illicited a reply from my wife and I. Whereupon Mr. Allen Kaspar from Concordia drove over to explain the set up.

It seems there is a Feed-Seed-Fertilizer Corporation in Omaha, Nebraska, which has been doing so well that it needs a tax deduction. Also, through the corporation, corn will bring 15¢ a bushel more; fertilizer can be applied for 30% less; and large sums of money to buy land and irrigation equipment can be acquired at low rates of interest. Out of this corporation, which realizes the present Kansas laws forbid foreign corporations, has grown a company composed of the officers of the corporation. This would make the company legal under present Kansas laws. The company wants 25 quarter sections of land in the Kiowa County-Edwards County area this year and 25 more the next year and so on. *But*, the company also wants an option to buy the land at an agreed price, the rental to be 6% of such agreed price. Taxes on the land would be paid by the "company" and a 4% appreciation of the land value would be allowed each year toward a selling price. Of course, the first two years would be the developmental stage and it is likely at the end of that time the "company" would exercise its option to buy. The results would be the loss of the land by the owner with a 10% income for only 2 years. This apparent bonanza to the land owner could be a bone of contention between him and any present tenant.

Other drastic results of such a carnivorous corporation would be the devouring of local implement companies, local gas and fertilizer companies, and even local banks would lose their good local customers. Most important of all would be the use of itinerate laborers in preference to local taxpaying citizens. More rural residents would filter to the cities.

It takes no mind-reader to see that the net result is bad for all America, whether rural or urban. Only the greedy corporations will benefit.

Sincerely,

RICHARD A. DOWELL.

NATIONAL FARMS CO.,
Concordia, Kans.

DEAR FARM OWNER: Are you aware of the tremendous changes taking place in agriculture today?

As a farm owner, you'd better be!

Each year the business of farming becomes more technical. There are constant changes in the use of chemicals, fertilizers, seeds and cultural practices. Also as a land owner you have highly technical problems such as taxes, insurance, accounting, marketing and other related fields.

Prices for the farm products we are selling today are about equal to the prices of the early 1940's—nearly thirty years ago! Yet prices paid by the farmer and farm owner are at an all time high.

During the past few odd numbered decades (1930's and 1950's) we have experienced several drought years, forecasts for the 1970's call for some drought years.

How would you like 10% or more return on your present land value? I have clients who are interested in cash leasing with an option to buy farmland with irrigation development potential. With the newer type of irrigation equipment available, almost any land can be irrigated providing there is irrigation water available. These clients will drill the well and install pump and irrigation equipment at their expense.

There is no commission or fee to be paid by you as owner of the land. We are being indemnified by our clients we are obtaining the lease for.

If you are interested in obtaining more information on this cash lease, fill in the enclosed postcard, mail it in today and we'll be in touch with you.

May we hear from you please.

Yours very truly,

ALLAN KASPAR.

MARCH 16, 1972.

Hon. FRED HARRIS.

DEAR SENATOR: I would like to express my opposition to Corporation farming, for several reasons.

First, by the act of incorporating, they would have some tax advantage not usually available to the individual farmer.

They could draw huge government payments, and add to their land holdings each year with those payments.

By buying up land at high prices, they force the small farmer from the land, and he has to go to town and work at whatever job is offered and most times at low wages.

The corporation farmer doesn't need the small town business man. He can get in his airplane and fly to the large cities to purchase his equipment, fuel, repairs, supplies, etc.

The corporation cattle feeder, by concentrating huge numbers of feeder cattle in a comparatively small area, creates a health hazard for the surrounding community.

In conclusion, it is my considered judgment, that the best interests of the American people is not served by having ownership of land in the hands of the few.

Respectfully submitted.

LEO HENKE,
Farmer.

OSBORNE, KANS.

OSBORNE, KANS., *March 15, 1972.*

Senator FRED HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARRIS: I am glad you have come to our area in the interests of the family type farm. There has been much discussion on just how large a family type farm really should be. This, in my opinion, would vary with different individuals and the type of farm they have lived on.

We all know what the large corporation farm is and how disastrous it can be to a community in that the business men would no longer be selling to them—as they would have their goods shipped in in quantity. It would greatly reduce the size of our small towns as well as remove the farm families from their farms. The employees would not have the direct interest in the soil and community as if it was their own. Churches, schools and communty organizations would surely suffer. And, in the end, those who have to move to the already overcrowded cities would only add to their problems.

We have already seen too much of our rural population leave the country. One can only guess at the problems we would encounter with the large corporation type farms.

Sincerely,

GRACE L. OTTE.

MARCH 15, 1972.

U.S. SENATOR FRED HARRIS,
Washington, D.C.

DEAR SIR: I am pleased you are taking the time to come to our state to find the feelings of our people in regard to Corporate farming.

I'm afraid the American Consumer is being sold a bad bill of goods, when they are told that food can be produced and bought cheaper due to it being produced by Corporate farming. I doubt very much if any other group of people will work for as small an amount per hour as the present farmer.

I'm a darned poor letter writer. I can talk much better than I can write.

I forgot to mention the fact and perhaps you already know this, and that is that schools, churches and smaller towns become extinct. We are having plenty of problems now. No doubt you know the large cities are already broke and I feel quite sure they won't want to put up with me.

Thanks for your efforts on the matter of Corporate farming.

Sincerely,

ALBERT OTTE.

CAWKER CITY, KANS.

MARCH 15, 1972.

Senator FRED HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARRIS: We hope you will continue to expose and fight against Corporation Farming. We are opposed to it because it is against our American heritage of free enterprise and family farms. Because of Corporation Farming pushing out smaller farmers, creating unemployment, and chaos in our over-crowded cities, we have a deep, restless feeling of dissatisfaction in our country.

We appreciate your efforts. Please continue to force corporations out of farming.

Sincerely,

Mr. and Mrs. CAP C. STREIT.

DOWNS, KANS.

MARCH 16, 1972.

Hon. FRED HARRIS,
U.S. Senator.

DEAR SENATOR HARRIS: I am Robert Anderson of Route 2, Kinsley, Kansas. I farm eleven hundred acres north of Kinsley.

Every day it becomes more apparent that the corporate invasion into Agriculture must be stopped. Corporate control of our Agricultural land brings with it many undesirable results: (1) Land prices are pushed unrealistically high. (2) Cash rent bidding for land is pushed to dangerous heights. (3) Rural towns are dried up as farm families leave due to loss of family purchases, plus the loss of purchases of farm supplies. (4) Large farm corporations take little interest in local government and support of local schools and hospital systems.

The above listing is only a part of the problems created by large corporate farming. In my area there are several investor type corporations involved in farming. It is my hope that a way may be found to stop this invasion before it is too late.

It is a privilege to make this statement.

Sincerely,

ROBERT W. ANDERSON.

KINSLEY, KANS.

MARCH 16, 1972.

Senator HARRIS,
Senate Office Building,
Washington, D.C.

SENATOR HARRIS: There is a deep concern on the part of many of us family farmers about the inroads corporation farming and certain phases of vertical integration are making in our agriculture economy. Family farms are already at a disadvantage on cost price squeeze. Our rural communities are dying because our profit margins cannot support businesses and schools in a way to meet needs. Our sons and daughters must seek a life in urban areas because there is no economic incentive to keep them where we need them the most, in our own rural communities.

Any efforts that you can contribute to help us revert the losses to rural areas brought or to be brought about by corporation farming will be greatly appreciated.

Sincerely,

WARREN E. INSKEEP.

CAWKER CITY, KANS.

MARCH 16, 1972.

Senator FRED HARRIS.

DEAR SIR: Cawker City, Kansas, 800 population. We need every one to make our little towns survive. Help us defeat cooperate farming and keep our churches and schools at home. Your support is greatly needed.

Sincerely yours,

HOWARD V. REECE.

STRONG DEFENSE: AMERICA'S SWORD OF FREEDOM

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. PRICE of Texas. Mr. Speaker, the recent presentation to Congress by Secretary of Defense Melvin Laird and Joint Chiefs of Staff Chairman Adm. Thomas Moorer on the U.S. military posture has initiated the annual debate on defense spending. For the last several years the debate has centered on a decision of priorities and the need in America for a reordering of priorities. Admittedly, there is much that must be done for the betterment of our American way of life, but we must deal with the realities of the world today as we seek that better way. Often, in the rhetoric that surrounds this discussion of reordering our priorities, we lose sight of a fundamental principle—the first priority of any society is to provide for its own survival. The concentrated attacks by the liberal elements of our society on defense expenditures only serve the purposes of those who seek our downfall.

For some time now we have been on an antimilitary binge which has forced drastic cutbacks in certain categories of defense spending which I believe are essential to our security. The result of this binge is that during the past 5 years the balance of military power has dramatically shifted in favor of the U.S.S.R. According to Defense Secretary Laird in his annual Defense Department report, "the Soviet buildup is showing even greater momentum" than projected last year at this time. Admiral Moorer, in his presentation before the House Armed Services Committee on February 17, stated the United States no longer has "that predominance of strategic power which for about a quarter of a century has significantly contributed to our avoidance of nuclear war." If this trend of increasing Soviet capabilities continues while those of the United States remain stagnant, the United States will fast become a second-rate power subject to the dictates of our Communist enemies.

Despite claims by the liberals, the doves, and the disarmers, the cold war is far from over and the threat of nuclear destruction or nuclear blackmail at the hands of the Communists will become even more imminent if our defense posture continues to deteriorate for lack of funds. The only way to deal with the Communists is to do so from a position of superior strength. There can be no talk of disarmament and peaceful coexistence so long as there are Americans who still resist any efforts of the Communists to impose their formal rule over our country. Peaceful coexistence is merely one of the big lies of the Communists to be used to their advantage in their struggle to dominate the world.

Mr. Speaker, it is time for those of us who believe in preserving individual freedom and a democratic form of government to speak out in support of spending whatever is necessary to regain our military superiority. We must join together and inform the American people of the true nature and meaning of the adverse shift in the strategic balance and urge them to support a defense posture that can withstand all threats of Communist coercion. The very existence of our American way of life depends on it.

MORE HARASSMENT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. ZWACH. Mr. Speaker, I have introduced legislation exempting employers of 25 workers or less from the provisions of the Occupational Safety and Health Act.

I am fully in accord with the aim of this act, but I think in drawing up the regulations we drifted pretty far afield from what is practical or even possible.

Recently, an editorial appeared in Ken Anderson's Cottonwood County Citizen in Windom in our Minnesota Sixth Congressional District which was widely reprinted and which dealt with some of the absurdities of this act.

Mr. Speaker, I would like to insert this editorial in the CONGRESSIONAL RECORD so that I might share it with my colleagues and the many others who are regular readers:

MORE HARASSMENT

Many businessmen and manufacturers are "shook" with the requirements of the Occupational Safety and Health Act (OSHA) which is now in effect.

They should be, because this new law is going to force many of them out of business.

OSHA is another nail in the business coffin which state and federal governments have been in the process of building for years. It is supposedly designed for the protection of workers, but it will add to the harassment of businessmen and manufacturers so that many will eventually quit, or go broke.

The law is filled with silly regulations, all of which are included in a 249-page book. And this is only a start. You can be sure the book will be expanded to 500 pages at the next printing.

There is the rule that if an employee chews snuff, the employer must furnish him with a spittoon which must be cleaned daily. (Presumably this is the boss' job.)

Female employees are not to reach over seven feet. If so, they must be furnished with a ladder. If the ladder is made of wood it must not have over a certain number of knots per foot.

If you have both men and women employees (even if it's only two), you must provide separate rest rooms. The ladies are to have a lounge with a cot.

Weight limits must be posted on various areas of the floor. No one has yet figured out how the limits are arrived at unless you keep loading the floor with employees until they sink into the basement. Then you fish 'em all out, have a mass weigh-in at the elevator, repair the floor and then post the weight.

In addition to these nitpicking regulations governing working conditions, the act will require many additional reports from business firms. Add this to already overburdened clerical departments, and you have still more problems for the average small business.

Possibly one of the worst features of the new law is that when inspectors come in to check for compliance, they are judge, jury and prosecuting attorney, all wrapped into one individual. They can levy fines up to $1,000, no questions asked. It's a Hitlerian tactic, but it's being done every day.

Getting into business—and staying in business—is getting tougher every year. Now the OSHA law is going to make it all but impossible.

CITIZEN,
Windom, Minn.

JACKSONVILLE'S ENVIRONMENTALISTS ACTIVE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. BENNETT. Mr. Speaker, recently, almost 20 civic groups in Jacksonville, Fla., which I represent in the Congress, banded together for the purpose of celebrating Earth Week in an energetic, constructive, and meaningful way.

In January 1972, representatives from interested organizations formed the Jacksonville Earth Week Committee and planned activities and projects to promote local participation during the national observance of Earth Week, April 15 to 22, 1972. The emphasis which was stressed locally this year was one of a positive, individual effort toward the solution of environmental problems. The over-all slogan which the Jacksonville Earth Week Committee emphasized this year was "Earth Week—a time for a personal commitment to positive environmental action."

Seven week-long projects were undertaken. Displays were set up in four shopping centers, youth groups took up a 7-day campaign to clean up city-owned lots of neighborhood sites, information sheets on ways to fight pollution were handed out at city hall, the Jacksonville Jaycees took on painting projects, special projects were undertaken in the Duval County schools and the Jacksonville Children's Museum put environmentally oriented exhibits on display.

In addition to this, Audubon Society members conducted guided tours throughout Fort Caroline National Memorial Park, which was created as a result of legislation I introduced in the Congress. Junior Gardeners of the Garden Club of Jacksonville paraded through shopping centers in antilitter costumes and ecology films were shown free of charge at the Haydon Burns Library in downtown Jacksonville.

The Ministerial Alliance placed special emphasis on environmental stewardship during Sunday services during Earth Week. The Junior Woman's Clubs of Jacksonville presented an environmental play, "Clean-up Day." The Sierra Club sponsored a bike rally that was open to all members of the pubic.

The highlight of the week was a buffet banquet honoring the honorary Earth Week board of directors. As you can clearly see, Earth Week in Jacksonville this year was indeed a citywide affair, bringing in persons from all parts of our community. Their activities showed their concern for the environment. I certainly share their concern and congratulate them on their efforts.

BILL INTRODUCED TO MAKE ASSASSINATION A CAPITAL OFFENSE

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. SANDMAN. Mr. Speaker, I am today introducing legislation to provide the death penalty for assassinating or attempting to assassinate candidates for Federal elective offices.

This bill will amend title 18 of the United States Code to cover murder and attempts on the lives of candidates for President, Vice President, the U.S. Senate, and the U.S. Congress.

Currently, Mr. Speaker, capital punishment is a sentence that can be imposed upon conviction for murdering Federal officeholders, but not candidates for those offices.

The full text of this legislation follows:

H.R. 15041

A bill to provide the death penalty for assassinating, or attempting to assassinate, Federal elective office holders, or persons seeking election to Federal office

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18 of the United States Code is amended by inserting immediately after chapter 7 the following new chapter:

"CHAPTER 8.—ASSASSINATION

"SEC. 131. Assassination or attempted assassination of a Federal elective office holder, or person seeking election to Federal office.

"Whoever murders or attempts to murder any individual who is an elected Federal officer or who seeks election to any Federal office shall suffer death."

SEC. 2. The table of chapters of title 18 of the United States Code and of part I of such title are each amended by inserting the following new item after the item relating to chapter 7:

"8. Assassination."

Mr. Speaker, it is a sad day in America when this type of legislation becomes necessary. Attempts on the lives of political figures are becoming commonplace.

The tragic occurence in Laurel, Md., brings to mind that the murders of both Robert F. Kennedy and Martin Luther King, Jr., took place some 4 years ago. Their convicted murderers are still appealing their convictions on technicalities despite the fact that the late Senator's murder was witnessed by many people.

I say it is time for Congress to streamline criminal trial procedures to uphold the constitutional guarantee for a "speedy trial."

And, Mr. Speaker, it is time that we restored importance to facts and truth rather than to remain so buried in format and the technicalities of our criminal trial system.

Justice should be done swifty. But above all, justice should be done.

UNNECESSSARY ADVISORY COMMITTEES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. GAYDOS. Mr. Speaker, the House recently passed legislation to control the creation and perpetuation of unnecessary advisory committees and other special study groups within the Federal Government.

It is time Congress started heading these sacred cows under one roof. Some of them have grazed far too long in the lush green pastures of the U.S. Treasury. Others have no business there at all.

Because no one was watching, these bureaucratic bovines multiplied like rabbits over the years, which is the reason we are caught on the horns of a dilemma today. Nobody knows how many of them are straying in the field of Washington and that is no bull. The best guess is somewhere between 2,600 and 3,200 have found a home on the range. Since nobody can count heads, nobody can reckon what it costs to feed them, although it has been said the taxpayer is shoveling out more than $75 million a year to keep them sleek and fat. That is a lot of hay. Mr. Speaker, in the words of John Wayne, "I think it's time we corral these critters, head 'em up and move 'em out."

Seriously, the present situation concerning advisory groups and interagency commissions in Government is almost too incredible for belief. It is incomprehensible that, despite the intense effort exerted by the House Committee on Government Operations, an accurate listing of these groups and their cost cannot be compiled. The committee deserves the commendation of the Congress and the country for attempting to bring this morass of bureaucracy into some semblance of order.

It is a known fact many of the committees, with which this legislation is concerned, exist merely on paper. It is a fact that some committees exist although they have long outlived their purpose. It is a fact that some groups have completed the mission assigned to them but their efforts were wasted because the findings are refuted or ignored, sometimes before the formal report is filed. There are committees which do not meet, committees which have no leadership, and committees which duplicate the work of other committees. It adds up to wasted time, wasted money, and inefficient operation on the part of the U.S. Government.

This bill will do much to correct the situation. It provides for the phase-out of advisory committees and study groups unless their continued existence is justified after a review of their activities by appropriate authority. It requires the President to report on his advisory committees, furnishing an annual report on their work and progress and comment on the findings and recommendations of these groups.

Mr. Speaker, I believe this legislation will help streamline Government operation, eliminate duplication of effort, reduce the number of commissions, committees and advisory groups, and save the taxpayers untold millions of dollars.

THE MILLION-DOLLAR BIKE RIDE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. HALPERN. Mr. Speaker, Last May 8, over 45 cities across this Nation held bikecology days. The reemergence of the bicycle as a functional and pleasurable mode of transportation has sparked many communities and States to enact legislation designed to provide for public bikeways.

Recently, Mr. Speaker, I sponsored a bike ride around the Capitol in which many of my colleagues from both the House and the Senate participated. Yesterday I received word that a similar bike ride is being conducted in Maryland for the benefit of St. Jude Hospital. Epsilon Sigma Alpha, an international philanthropic sorority, will hold several bike rides—many local rides and one which will be coast-to-coast for the benefit of St. Jude Children's Research Center in Memphis, Tenn. These activities should receive the unanimous support of both the Congress and the general American public.

Mrs. Linda Jane Ruhl, chairman of the Washington chapter has informed me that her local group of ESA will sponsor a 15-mile bicycle ride Sunday, June 11 at the R. M. Watkins Regional Park in Forestville, Md. The great coast-to-coast bike ride will begin on July 3, here in Washington, including Danny Thomas and his daughter as guests.

Mr. Speaker, the money raised by these bike rides will go toward research on leukemia, malnutrition, sickle cell anemia, influenza, and infant mortality. The cause is an excellent one and the effort should be supported by Congress and the American people. Let us urge our constituents to contribute to and participate in this worthwhile project.

PATRICK BUCHANAN TELLS US LIKE IT IS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. HARRINGTON. Mr. Speaker, many of us were naive enough to think in January of 1969 that administration policies on civil rights, busing, open housing, and integration were to be based on the merits of those policies, and how much could be gained from them for the poor, the indigent, the discriminated against of this country. If we still believed that, after 3 years of zigging and zagging designed to confuse rather than progress, it would only be from blindness. Clearly it has not been the goal of this administration to bring the hope for social advancement to those who have never held it. Instead we have been treated to a potpourri of programs and nonprograms which all show an unswerving dedication to the supposedly outdated philosophies of "separate but equal," "laissez faire," and "all is best in this best of all possible worlds." Perhaps life is contented in San Clemente and Key Biscayne, but it seethes with injustice in Jacksonville, Watts, Roxbury, Biloxi, and the like.

What, if not social progress, lies behind the motives of the collective mind we know as the Nixon administration? If we did not suspect as much already, Patrick Buchanan, speechwriter for the President, tells us today in the Boston Globe that it is the reelection of the President. In 1970, in a memo to the President reprinted today in the Boston paper, Buchanan tells the President that:

> The ship of integration is going down; it is not our ship; it belongs to national liberalism—and we cannot salvage it; and we ought not to be aboard.

This political Jim Hawkins has emerged from the apple barrel with astounding news for his captain about the faltering course of the vessel, only to find that the captain, first mates DENT and Mitchell, and crow nester AGNEW had left the ship before it had even left port.

They are not unrelated, Mr. Speaker, this supposed failure in the efforts toward an integrated society and the Nixon administration "realization" that "benign neglect" is the civil rights policy of greatest political advantage. This administration neglect, benign and otherwise, is the cause, root and branch, of the temporary setbacks in the drive for equality and an end to discrimination. It has eaten away at the spirit of those who were accepting all too slowly the fact that some black people are poor because of a myriad of economic, social, racial, and political winds blowing against them. And it has eaten away at the momentum by which the Federal Government was beginning to attack these problems. If there is hesitation now as to whether to continue with that attack, it is nothing more than a self-fulfilling prophecy.

I find it absolutely despicable, Mr. Speaker, that the questions of whether we will reverse the hatred and discrimination of over 200 years be determined by so blatant political motives as Mr. Buchanan illustrates in the memo of 1970. All other motives in the matter are classed by Mr. Buchanan with those of an idealogue. Well, as one ideologue who sees some profound moral questions here about how millions of black Americans live in America—a Nation which reeked with hypocrisy in 1856 and reeks with a more subtle kind today—I am deeply saddened by the Globe disclosures.

The memo follows:

TEXT OF BUCHANAN MEMO TO PRESIDENT NIXON

The attached is a middle re-write of a speech I have been working on for the Vice President for Atlanta, February 21st.

It contains a bill of particulars against any more compulsory integration, anywhere in the country at this point in time. The reasons are these: (1) The climate of the country racially argues against it for the simple reason of maintaining peace. (2) The record of integration in the North according to Bickel (Alexander Bickel, Yale law professor) is utter failure; and the prospect of success is absent completely without enormous and unacceptable cost. (3) In the South, the trend of integration of the schools will result in socio-economic segregation which is worse for education than racial segregation; it is unfair to the poor who integrate while the middle class retain the freedom of choice to go to the schools they want; it encourages poor white to simply abandon the schools, and life-long teachers to quit their jobs.

In short, integration appears to damage rather than advance both the cause of education and the cause of racial harmony.

Finally, the national mood among blacks and white alike—is toward black separatism and white separatism. Where the Court in 1954 ruled at the crest of a national tide (US Supreme Court decision in Brown vs. Board of Education) outlawing segregated schools; their current rulings go against the grain of rising and angry public opinion.

What of Stennis' amendment? (Amendment by Sen. John Stennis of Mississippi, later adopted by Sen. Abraham Ribicoff of Connecticut, to apply to Northern schools the same standards of desegregation Federal courts were applying to Southern school systems). Certainly equitable. But it can't be carried out; there will be blood in the streets if we try to bring suburban Northern kids into the central city schools—in the condition those schools are in today.

If we try to apply to some suburban teachers the kind of school ratios they imposed on Atlanta, RN will be a one-term President.

Let me say candidly that for the foreseeable future, it is all over for compulsory social integration in the USA; because that body of public approval which must be present for a social change of this magnitude is not there; indeed, a hard opposite opinion is building.

Where does this leave us?—essentially confronted with the choice of following the Court's logic and decisions and trying to integrate the schools of the entire nation—an impossible task—or the court, in one manner or another backing off from compulsory integration to a posture of freedom of choice; the posture of the orders of Brown as against the far-reaching language of Brown.

What this speech now lacks are the following essentials:

(1) If we are going to hold off integration, we must put forth an alternative to blacks and white liberals that will hold a reasonable chance that education is going to be improved where the blacks are not—if we are not going to move them en masse into white schools.

(2) Recognition that there are thousands of Northern and Southern people who wanted to make this work; who went out on a limb to make racial integration succeed—and who are going to be left holding the bag; for trying something above and beyond the call of duty.

(3) I am deeply concerned that Wallace will in the immediate future force the President to carry out a court ruling whether with marshals or troops—which would make the little demagog invincible in areas and end our chances of destroying him by 1972.

(4) There is on the side of stopping this movement; the Washington Post had an editorial asking for a study of what has been accomplished and where we are going; Bickel's case is almost unassailable; the New York Times is reporting rising racial violence in the schools; the lesson is sinking in rapidly—only an ideologue can, in the face of this kind of evidence, demand that whites and blacks be mixed in more schools; where in every school in which it has been tried racial violence is becoming the rule—according to the Office of Education.

(5) The second era of Re-Construction is over; the ship of Integration is going down; it is not our ship; it belongs to national liberalism—and we cannot salvage it; and we ought not to be aboard. For the first time since 1954, the national civil rights community is going to sustain an up-and-down defeat. It may come now; it may come hard; it may be disguised and dragged out—but it can no longer be avoided.

This is the other side of the coin—and represents in itself a serious problem for the whole country; our objective has to be, I think, to cushion the fall to the degree we can. Looking at the realities as a reasonable individual I can't see how they can win—but we don't want to humiliate them. For that reason, perhaps some of my language is too tough.

My recommendation is that the President withhold any day-to-day comment; perhaps that he set a date in the future when he or the Vice President will outline our policy and concern on this issue; to ease up the heat on us a bit.

The Vice President might be able to deliver a thought-out address, all cheer lines out, and moving to the Right of the President and giving RN time to move the distance we have to move which is essentially to a qualified freedom of choice posture; outlawing segregation but not requiring integration or racial balance or the shifting of white children into black schools. If we could get Green versus New Kent County (ordering quick and substantial desegregation) reversed, that would be enough.

RULES FOR FARMWORKERS NEEDED

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. TALCOTT. Mr. Speaker, the editor of the Monterey Peninsula Herald is in a unique position to observe objectively, from a close vantage point, the turmoil on the farms caused by the paucity of farm labor legislation.

Practically every conscientious observer without special interest or an "ax to grind" will agree with the May 12, 1972, editorial of the Monterey Herald.

The circulation of the Monterey Herald is predominately urban and suburban rather than rural or agricultural. Therefore, the Herald deserves special credit for calling attention to a serious problem directly involving agriculture, farmers and farmworkers, yet indirectly involving every U.S. citizen.

When other nonfarm area newspapers will take a similar interest in the challenges of agriculture and the problems of the farm, it may be possible to repeal the "law of the jungle" which disrupts agricultural production and engenders so much alienation on the farm.

I ask unanimous consent to include the editorial at this point in the RECORD.

[From the Monterey, Calif., Peninsula Herald, May 12, 1972]

RULES FOR FARM WORKERS

Assorted members of the Farm Workers Union are picketing the American Farm Bureau Federation office in Salinas, and elsewhere, because it is trying to establish collective bargaining rules for agricultural employes comparable to those covering industrial and other non-farm workers.

The situation again points up the need for such federal legislation. Rep. Burt Talcott has made the attempt several times with a farm labor bill that usually dies aborning when organized agriculture can't pull itself together for a meaningful effort.

Cesar Chavez, the mercurial leader of the Farm Workers Union, opposes attempts at either federal or state legislation. However, either he has a labor union or he hasn't a labor union. Chavez can't have it both ways to suit his convenience.

Key labor law provisions sought by the Farm Bureau are procedures for secret ballots to determine what unions shall represent farm workers and the outlawing of the secondary boycott.

Because Chavez in the past has depended heavily on show-by-hand voting (so that dissidents can be easily spotted) and the secondary boycott of retail outlets far removed from the farms he is trying to organize, it is not difficult to understand his objection to the Farm Bureau program.

Both these tactics are illegal under the National Labor Relations Act. But because the farm workers are exempt from this law, the secondary boycotts and open voting have been the union's most powerful weapons in organizing unwary field workers.

The self-appointed leader of the California farm workers bears the name of a line of Roman emperors, and thanks to the vacuum in laws he has been able to write his own law in the Caesarian tradition.

It is no less deplorable that both the Congress and the California Legislature, either of which could establish collective bargaining machinery to protect the rights of both workers and growers in California agriculture, are choosing to fiddle while principles burn.

WHO IS ESCALATING THE WAR?

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. DAVIS of Wisconsin. Mr. Speaker, this editorial appeared recently in the Daily Jefferson, Wis., County Union. Mr. Robert Angus, its editor, raises the question we Americans should be asking the North Vietnamese and ourselves. The editorial follows:

JUST WHO IS ESCALATING THE WAR?

President Richard M. Nixon, choosing to take decisive military action as the only real alternative open to him for bringing the hostilities in Indochina to a close, has coupled the mining of North Vietnamese harbors with stern military steps intended to choke off Hanoi's war supplies.

There are many Americans who agree with the President that this new move, drastic that it might be, is the only way to end the drawnout Vietnam War. There are many, of course, who do not agree. They were quick to criticize the United States policy in the past and they were quick to do so today.

It's ironic that President Nixon should be held up to such ridicule for trying vainly to unwind the war while those same critics have little or nothing to say about North Vietnam's big war offensive. Although American troops continue to pour into embarkation ports in Vietnam, with the President adhering to a fast withdrawal schedule even in the face of new enemy assaults, those critics choose to ignore the fact that South Vietnam troops have taken over the burden of ground fighting and that the war has become increasingly "North Vietnamized."

In the Tet offensive of 1968, which was such a telling psychological blow to the American public and to the Johnson Administration, nearly every village and city throughout the length and breadth of Souht Vietnam was subjected to attacks by Viet Cong guerrillas.

At that time, the argument that the conflict was a civil war against a repressive regime in Saigon which we were immorally supporting had some credibility.

Today, when U.S. troop strength has dwindled to well under 100,000 and no ground units are engaged in active combat, the current fighting is almost entirely a North Vietnamese operation—a textbook operation involving frontal assaults by armored columns across the Demilitarized Zone, artillery support, logistical lines of supply and all the rest, an operation made possible by weapons and materiel from the peace-loving Soviet Union.

At a recent Senate hearing, Sen. J. W. Fulbright, Arkansas Democrat, could ask the secretary of State, in sincere anguish at the continued killing and destruction: "Why have you (the administration) placed us in the position where we have a Hobson's choice between either surrender or escalation?"

Yet, when President Nixon undertook to begin the withdrawal of American troops, with the full support of Congress and the vast majority of Americans, each reduction in our strength increased the possibility that we would be faced with one or the other eventuality. North Vietnam was repeatedly warned what our reaction would be.

The real question that should be asked is, why has North Vietnam chosen to attempt an all-out military conquest of South Vietnam, and to humiliate the U.S. in the bargain, at a time when U.S. withdrawal was so near to being accomplished?

And why aren't more Americans asking that question?

WEST UNION, OHIO, SUPPORTS THE PRESIDENT

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. HARSHA. Mr. Speaker, throughout the history of our Nation, the American people have always rallied to the support of the President in times of national crisis. Today is such a time. The cause of peace and the cause of freedom are at stake, and our President deserves and needs the support of the American people.

The President has shown great courage in his recent actions, and his example demands nothing less than total national unity. We must make clear to the Communist aggressors that we stand as one people in support of our President and his dedicated efforts to insure the safety of our remaining troops in South Vietnam, to obtain the release of all our prisoners of war, and to achieve an honorable settlement of the war which can form the basis for a just and lasting peace throughout the world.

In concluding his recent address to the Nation, the President expressed his very real need for the support of the American people when he said:

> At this moment, we must stand together in purpose and resolve. As so often in the past, we Americans did not choose to resort to war. It has been forced upon us by an enemy that has shown utter contempt toward every overture we have made for peace. . . . I ask for your support of this decision, a decision which has only one purpose, not to expand the war, not to escalate the war, but to end this war and to win the kind of peace that will last. With God's help, with your support, we will accomplish that great goal.

The American people have given the President overwhelming public support. Many thousands of messages of support have been received by the White House and the Congress, and independent public opinion polls indicate that more than 65 percent of the American people are supporting the President in his efforts to end the war.

I have been particularly gratified by the many expressions of support for our President that I have received from the residents of my congressional district. One outstanding example of support that has come to my attention is the bipartisan, nonpolitical action that is being carried out in the village of West Union, Adams County, Ohio. A telegram has been sent to the President assuring him of the community's support of his recent actions, and, under the sponsorship of the local newspapers, one Republican, the Adams County News, and the other Democrat, the People's Defender, efforts are presently underway to gather the signatures of all the residents of the community on an expression of support for the President.

I would like to take this opportunity to commend the fine citizens of this community at this united display of responsible citizenship and to express my earnest hope that their examples will serve to inspire similar efforts in many other communities throughout our country. I also commend the newspapers and their editors for their leadership in this patriotic endeavor.

I would like to share with my colleagues the text of the telegram that was sent to the President on behalf of the residents of West Union, Ohio:

WEST UNION, OHIO.

To the President of the United States of America, the Honorable Richard M. Nixon:

Please be advised that on this date, Thursday, May 11, 1972, the village of West Union, Ohio, located in Adams County, has instigated action to gather the support of the entire community of the recent action that you have taken in the effort to halt the flow of supplies to North Vietnam. The action is being sponsored by the two newspapers in West Union, both the Republican, the Adams County News, and the Democratic, the People's Defender. This is purely a non-political undertaking. It is to emphasize the fact that we are Americans.

HERBERT H. LAX,
Editor, the People's Defender.
DELORIS ARMSTRONG,
Editor, the Adams County News.

NIXON PUTS PEACE UP TO SOVIET UNION

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. BAKER. Mr. Speaker, a week has passed since President Nixon told the American people of his decision to mine North Vietnamese harbors, cutting off the flow of supplies to the enemy. At the same time, the President announced his firm decision to continue our air and naval attacks until Communist aggression in South Vietnam ceases.

It is still too early to know what impact the President's action will have upon the war. I join the vast majority of the American people in praying this move will lead to the lasting, honorable peace President Nixon so earnestly seeks.

The President placed responsibility for achieving this peace squarely upon the shoulders of the Soviet Union in his televised address last week. Our Chief Executive made it clear he would be the one to cancel planned summit talks in Moscow with Soviet leaders later this month.

At this point, the future of the talks appears promising. Let us hope President Nixon's steadfast refusal to appease Communist aggression has led to a new respect for America in the Kremlin and other world capitals. By his latest announcement, the President has demonstrated to the Soviets and to the world that the United States is still a nation of her word. His address proved conclusively that the United States will not back down in commitments to her allies. If the President does indeed go to Moscow, he will be speaking from a position of strength, not from one of weakness and cowardice. For the sake of world peace, let us pray Soviet leaders will talk, rather than fight about, international differences.

Editor James Stahlman of the Nashville Banner has written an excellent editorial, "Nixon Puts Peace Squarely up to the Soviet Union." In this hour of national crisis, I commend it to the attention of my colleagues.

SUPPORT THE PRESIDENT—NIXON PUTS PEACE SQUARELY UP TO THE SOVIET UNION

Hanoi's repetitious, defiant, insulting refusal to endeavor to end the war in Southeast Asia by negotiation, rather than prolonged and devastating conflict, has finally brought the United States to the only course of action now left open to this peace-loving nation, as solemnly and regretfully announced last night by President Nixon.

The Vietnam war was not started under Nixon. It was inherited by Nixon after more than half a decade of escalation, staggering losses in dead, wounded and prisoners, as well as mounting drain on this nation's financial and material resources.

President Nixon has reduced American combat strength in the field by more than half a million men since 1969. He has fervently sought an honorable settlement at the peace table. He has made every possible effort to free our prisoners, end the fighting, bring every American home, without stultifying the Presidency itself, degrading the United States in the eyes of the world and leaving the field open to aggressors, large and small, to enforce their national wills on weaker neighbors.

Monday night, after consultation with other powers, discussion with members of the Congress, his Cabinet, the National Security Council, the Chiefs of Staff of our military forces and all other pertinent groups and individuals whose advice he considered necessary and helpful in reaching a sound conclusion, President Nixon laid it on the line in manner and terms which none could fail to understand.

Long ago, even from the beginning, we should have mined all North Vietnamese ports, interdicted all shipments, by land or water routes, of arms or equipment furnished the Viet Cong by other nations, particularly the Soviet Union.

The President's challenging, direct confrontation with the Soviet Union, was deliberately temperate but unmistakably determined and firm.

The Soviet Union's response will either help bring the peace which President Nixon and the American people so devoutly wish, or produce the cataclysmic holocaust which would leave the world in rubble and civilization devastated, if not totally destroyed.

The Banner does not believe that the Soviet Union would take that risk. It could not survive a two-front war, with the United States on one side of them and Red China right at their back door. This would be not only unthinkable, reckless, foolhardy. It would be suicidal.

Of one thing all hands may be sure—the leaders of the Soviet Union and other world powers know Richard Nixon as a man of superb courage who has now set his nation's course and will not be deterred.

The American people have only one choice—the preservation of our national honor and the attainment of a long-sought peace, or abject surrender to insolent, arrogant enemies, which would be provacative of sporadic conflicts which nobody could stop.

The President should have the support of all Americans who love their country, as well as their fervant prayers in these tragic, awesome days ahead.

This, in The Banner's considered judgment is the best and only present hope for world peace.

A nation on its knees is invincible.

A RESPONSE TO THE POSTAL UNION STATEMENT

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. CHAPPELL. Mr. Speaker, on May 8, 1972, my colleague of California (Mr. WALDIE) introduced into the RECORD on page 16241 a statement by the National Postal Craft Unions on the inclusion of the Postal Service in H.R. 12202.

At the time the unions submitted this statement, I requested the legal department of the U.S. Postal Service to respond. I now submit this response for the RECORD, and trust the other body will properly evaluate the facts so that the Congress will not go on record as interfering with collective bargaining as a first step in the ultimate collapse of the Postal Reorganizaiton Act:

U.S. POSTAL SERVICE,
LAW DEPARTMENT,
Washington, D.C., March 17, 1972.

Hon. BILL CHAPPELL, Jr.,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CHAPPELL: This is in response to your request for the comments of the Postal Service on a lengthy "brief" submitted by a number of postal unions to the House Committee on Post Office and Civil Service on the subject of the inclusion of postal employees in legislation proposed to liberalize the health benefits program.

The unions' "brief" is a repetitious statement of arguments already made—for the most part—at the recently completed Hearings before the Subcommittee on Retirement, Insurance, and Health Benefits on the Postal Amendment to H.R. 12202. These arguments do not draw into serious question the position on this issue taken in the Postal Service's letter of January 26, 1972, to Chairman Dulski. We are taking this opportunity, however, to restate in the attachment, in the context of the various assertions in the union "brief", the reasons for our conviction that the proposed legislation would have no application to postal employees in the absence of language making it specifically applicable to the Postal Service.

Postal employees have fared well under the Postal Reorganization Act and under the collective bargaining agreement in which, in exchange for large wage increases, the unions agreed to a continuation of the health benefits program "at the current contribution level". As we have stated before, we are aware of no reason whatsoever why the Congress should act to change the law by including postal employees within the ambit of the liberalized health benefits program now being considered.

Sincerely,

LOUIS A. COX,
General Counsel.

COMMENTS OF THE POSTAL SERVICE ON POST-HEARING STATEMENT OF THE NATIONAL POSTAL CRAFT UNIONS ON INCLUSION OF THE POSTAL SERVICE IN H.R. 12202

INTRODUCTION

The unions' statement, which looks and reads like a court brief, is plainly self-contradictory. Ten pages are devoted to showing that the unions' interpretation of the law is correct and would be upheld by the courts; another fourteen are devoted to showing that their interpretation of the collective bargaining agreement is correct and would be upheld by any arbitrator. ("It is inconceivable that the parties believed that the Unions were intentionally settling for a lesser employer contribution than Congress might grant to Federal employees generally in the future." "Brief", p. 14.) Then follows the jarring conclusion that Congress should amend the bill to make it expressly applicable to the Postal Service in order to avoid submitting the issues to the courts or to arbitration. That this legislative assist from Congress is required is a pointed expression of the inadequacies which the unions themselves apparently perceive to exist in the legal arguments presented in their "brief".

The conclusion that the Postal Service should, if the benefits of the proposed legislation are to be extended to postal employees, be included by specific language in the legislation closely approaches the Postal Service's position that without such specific inclusion postal employees will not receive the benefits of this legislation. The conclusion underscores the fact that what the unions are really advocating is a change in the law. That a change is required if postal employees are to be covered seems generally agreed by members of this Committee, including those who, as a policy matter, would favor the change. See, *e.g.*, Hearings on Postal Amendment to H.R. 12202, Ser. No. 92–30, 92d Cong., 2d Sess. 12, 20, 30–31, 37 (Congressmen Hogan and Waldie).

The argument of the unions in favor of Congressional resolution of these issues is particularly weak: they say that if their intepretations of the law and of the contract are correct, then "nothing is gained" by imposing the costs of litigation on them. They do not point out, however, that if the Postal Service's interpretations are correct, then Congressional resolution of these issues to the contrary will soon cost the Postal Service almost $100 million per year, as opposed to a few thousand dollars that it might cost the unions to litigate the question.

The position of the Postal Service is that changes in health benefits for postal employees were intended under the Postal Reorganization Act to be made solely through collective bargaining, and not through later amendments of chapter 89 generally applicable to other Federal employees. This is the position we took in our January 26, 1972, letter to Chairman Dulski on H.R. 12202. We note also that the Comptroller General and the Civil Service Commission, in their reports on H.R. 12202, have concurred in the position of the Postal Service. H.R. Rep. 92–841, 92d Cong., 2d Sess. 8–15 (1972). It is well established that interpretations of statutes by the agencies administering them are entitled to great weight. See, *e.g.*, *U.S.* v. *Amer. Trucking Ass'ns.*, 310 U.S. 534 (1940). Consistent with the Postal Service's position, we advocate and need no new or special legislation to provide for the exclusion of postal employees from coverage by the proposed legislation which we believe the Postal Reorganization Act and the collective bargaining agreement were intended to accomplish.

Subsequent Amendments to the Statutory Health Benefits Program Do Not Apply to Postal Employees Unless Such Amendments Are Expressly Made Applicable.

In support of the proposition stated above the Postal Service relies on a well-known and commonly-accepted rule of statutory construction as follows:

"A statute of specific reference [i.e., one that refers to a particular statute by its title or section number] incorporates the provisions referred to from the statute as of the time of adoption without subsequent amendments, unless the legislature has expressly or by strong implication shown its intention to incorporate subsequent amendments with the statute." 2 *Sutherland, Statutory Construction,* § 5708 (3d ed. 1943).

In their "brief" (p. 6) the unions make the argument that this canon of construction actually supports their position. While admitting that the first sentence of 39 U.S.C. 1005(f) makes benefits applicable to postal employees at the level at which the benefits existed "immediately prior to the effective date of this section", they say that the canon could not apply to the second sentence of section 1005(f) because: ". . . under *that* rule, the ceiling on the three benefits would be programs as they existed on the date of *adoption of the legislation,* whereas, with respect to all the others, the ceiling would be the *effective date of the section,* which Congress understood would occur quite considerably later. It is unthinkable that Congress intended to treat the subjects referred to in the second sentence *less* favorably than all the others comprehended by the first sentence. Yet, that would be the result of applying the presumption." "Brief", p. 6 (emphasis in original).

The lack of merit in an argument that the canon cannot apply to statutes having a delayed effective date because the canon, as stated by Sutherland, uses the words "time of adoption" is rather obvious. It is clear that the rule as stated did not consider the case where, by a delayed effective date provision, a law becomes effective after the date of its adoption. We would agree that the programs mentioned in the second sentence of section 1005(f) should, in the context of the first sentence and of the delayed effective date provision, be deemed to have been made applicable as of the effective date of the section. This sensible departure from the literal wording of the canon, however, in no way indicates that the canon can have no application to the Postal Reorganization Act or that, because the Act contains a delayed effective date provision, the incorporation date for the programs referred to in section 1005(f) should be indefinitely advanced to comprehend all changes made after passage of the legislation.

It is further argued that the canon cannot be applied to 39 U.S.C. 1005 because that section also extends retirement and injury compensation benefits to postal employees and everyone agreees that subsequent statutory increases in such benefits would apply to them. "Brief", pp. 7–8. This argument is refuted, however, by the fact that the canon, by its own terms, recognizes that it does not apply if the legislative history of the statute clearly indicates that the incorporation by reference is intended to include subsequent amendments. The legislative history of the Postal Reorganization Act clearly indicates that subsequent statutory increases in retirement and injury compensation benefits were intended to apply to postal employees but that increases in other benefits were expected to be provided solely through collective bargaining. 116 Cong. Rec. 20229–20230 (1970) (remarks of Mr. Udall), reproduced at pages 43–44 of Hearings on Postal Amendment to H.R. 12202, Ser. No. 92–30, 92d Cong., 2d Sess. (1972).

The union "brief" (pp. 3–4) contains an attempt to destroy this clear legislative history by arguing that somehow the term "existing law" as used in reference to health benefits in the statement "[w]ill be identical to existing law until changed by collective bargaining" includes future amendments to that law. (Quoted language is from the table accompanying Mr. Udall's remarks, cited above.) This argument is based—as it must be—on giving the word "existing" a strained and unusual meaning for which there is utterly no justification in the context of its original usage by Congressman Udall. The Postal Service's position, however, is based on ascribing to the word "existing" its normal and usual meaning, a meaning that has the result of necessarily excluding future changes. This interpretation was the one supported by Congressman Hogan at the Hearings: "I think the legislative history is very clear . . . I think this makes it very, very clear that health benefits were not envisioned in the legislation to be increased every time we increase it for other Government employees . . ." Hearings, p. 37.

It is asserted in the union "brief" (pp. 4–6) that a comparison of the first and second sentences of section 1005(f) lends weight to the argument that statutory changes in the health benefits program were intended to apply to postal employees. The unions appear to agree that the first sentence of section 1005(f) freezes compensation, benefits, and other terms and conditions of employment "in effect immediately prior to the effective date of this section" until changed, as to bargaining unit employees, by collective bargaining. It is argued, however, that unlike the first sentence, the second sentence "carries no restrictive reference to what was 'in effect immediately prior to the effective date of this section'." On this basis the "brief" concludes that Congress clearly intended that the benefits provided by the chapters enumerated in the second sentence should be treated differently from the "compensation, benefits and other terms and conditions of employment" referred to in the first sentence, for otherwise the second sentence would become utter surplusage.

Contrary to the statement in the "brief", the second sentence of section 1005(f) does indeed carry a "restrictive reference". The first words read: *"Subject to the provisions of this chapter and chapter 12 of this title"*. Being "subject to . . . this chapter" includes, obviously, the provisions of the first sentence of section 1005(f), which contains the reference to benefits "in effect immediately prior to the effective date of this section". In addition, the second sentence of section 1005(f) concludes by providing that the benefits of the chapters enumerated in the second sentence would remain at existing levels "unless varied, added to, or substituted for, *under this subsection.*" (Emphasis added.) "This subsection" is a precise "restrictive reference" that clearly includes the provisions of the first sentence of section 1005(f).

The Postal Service's interpretation of the second sentence of section 1005(f) does not, however, lead to the conclusion, as is contended in the "brief" (p. 5), that the provision is "utter surplusage". Under the first sentence, fringe benefits, including subchapter I of chapter 85 and chapters 87 and 89, continue in effect until changed through collective bargaining. Standing alone, however, this sentence might not be interpreted to authorize or require the Civil Service Commission to continue to administer the statutory benefits programs on behalf of postal employees, particularly in light of 39 U.S.C. § 410(a), generally rendering federal personnel laws inapplicable to the Postal Service. Accordingly, the second sentence performs a quite proper and necessary role in that it provides for the involvement of a third-party agency, the Civil Service Commission, in certain continuing statutory benefit programs affecting postal employees. Moreover, the second sentence performs the additional function of making it clear to postal employees that the key fringe benefits they had secured through Congressional action, involving existing known and specific benefits administered by the Civil Service Commission, would stay in effect until changed through collective bargaining. The importance of these programs is sufficient in itself to merit a specific reassurance to employees of their continuation.

THE MEANING OF THE COLLECTIVE BARGAINING AGREEMENT

Approximately half of the "brief" is devoted to a lengthy discussion of the meaning of the collective bargaining agreement. As indicated above, this discussion before this Committee—instead of before a court or an arbitrator—is inappropriate and would be unnecessary if the union position had any substantial merit to it.

The key argument advanced about the meaning of the collective bargaining agreement is that the words "at the current contribution level" are ambiguous and do not mean what they so clearly appear to mean. We suggest, however, as Congressman Hogan stated during the Hearings (p. 30), that the words are "crystal clear". In using them the parties could only have meant that insofar as *the contract* was concerned "current contribution level" means just that—the contribution level on the date the contract was entered into. In this regard, the language reflects the fact that, while the unions had pressed during the early stages of bargaining for liberalized benefits—including in the retirement as well as the health benefit areas—they had settled, in the contract as signed, for a continuation of the *status quo*.

The Postal Service has stated that a change in the retirement program which had the result of increasing the contribution of the employer would apply to the Postal Service as a matter of law, notwithstanding the language in the contract. It is claimed that this position—in view of the Postal Service's contention that changes in the health benefits program would not apply to postal employees as a matter of law—results necessarily in our giving identical words in the contract different meanings "as a matter of contract construction". "Brief", p. 13. This assertion reflects a basic misunderstanding of the interplay and differences between contract rights and statutory rights within the context of postal collective bargaining.

The difference in treatment of changes in the retirement and health benefits programs is unrelated to the contract. It stems instead directly and uniquely from the terms of the Postal Reorganization Act itself. Each time the words "at the current contribution level" were used they were intended "as a matter of contract construction" to have exactly the same meaning, namely that existing contribution levels would continue for the duration of the contract.

If a law were passed, however, which had the effect of overriding the contractual intention, that law would take precedence. Accordingly, changes in the retirement program could apply to postal employees, not because altered contribution levels would be *consistent with or intended by* the words "at the current contribution level" but because, *as a matter of statutory law*, on the basis of legislative history mentioned above, changes in the retirement program would operate notwithstanding the words of the contract. Changes in health benefits, however, would not apply, since, as a matter of statutory law, as also discussed above, health benefits were fixed as to postal employees on the effective date of 39 U.S.C. § 1005. In sum, the fact that changes in retirement benefits apply *as a matter of statute* to postal employees does not affect the intended meaning of *the contract* in any way. Moreover, application of such changes sheds no light upon the application to postal employees *as a matter of contract or of statute* of changes in the unrelated health benefits program. This result was anticipated in Article XX of the agreement, which provides that should a part of the agreement be rendered invalid by legislation such invalidation "shall not invalidate the remaining portions of this Agreement and they shall remain in full force and effect."

CONCLUSION: THE POSTAL SERVICE SHOULD NOT BE SPECIFICALLY COVERED BY LIBERALIZED HEALTH BENEFITS LEGISLATION

As stated above, the Postal Service and the unions reach the same conclusion as to the course to be followed if it is decided that postal employees are to be covered by the liberalized health benefits legislation now pending in the Congress. That course would be to include the Postal Service by specific reference in the legislation. The Postal Service reaches this conclusion out of a conviction of the correctness of its interpretations of the law and of the collective bargaining agreement, while the unions reach a similar conclusion out of an apparent lack of confidence in their interpretations.

The most noteworthy fact about the "brief" of the unions is that it concludes that the health benefits bill pending before the Congress should be amended to cover the Postal Service specifically without stating a single economic or other equitable reason to justify the change. The reason for this omission appears to be related to the fact that postal workers have been heavily favored by the collective bargaining provided under the Postal Reorganization Act and that they cannot show they deserve additional and special consideration from Congress. We cannot stress too emphatically our belief that collective bargaining cannot be successful unless the parties understand that they will have to abide by the agreements they reach through the bargaining process.

The negotiated agreement signed by postal labor and management on July 20, 1971, provided for a $300.00 one-time payment as well as salary increases totaling $1,250.00 per employee during the two-year life of the contract and a cost-of-living adjustment that may come to an additional $160.00 per year, all of which places postal employees in a very advantageous position as compared to other Federal employees. Additional benefits, mentioned at the recently concluded Hearings, which postal employees enjoy that are not shared by other Federal employees include the no-layoff, no reduction-in-force provision in the collective bargaining agreement and the provision guaranteeing a minimum of 4 hours' pay for employees called in outside their regular work schedules. Additional health care benefits for postal employees would constitute a windfall to such employees, on top of the already ample pay increases and other benefits which they have won through collective bargaining.

In order to maintain fiscal responsibility, salary and fringe benefits must be considered as a single compensation package. The union representatives initially proposed during negotiations that all health plans should "continue in effect, with the exception that the Postal Service would pay the entire cost of premiums." Affidavit of Francis S. Filbey, February 7, 1972, Hearings, pp. 54–55. They later opted for more direct remuneration for their members and agreed that fringe benefits would be maintained at the current level for the duration of the contract. Any massive costs added to this compensation agreement would severely strain the efforts to stabilize postal costs. By 1976 the proposed health insurance increase would cost the Postal Service more than $100,000,000 annually. Financing for this increase would obviously have to come from increased postage rates.

For reasons outlined in our letter to Chairman Dulski of January 26, 1972, stated during the recently completed Hearings on this matter, and reiterated above in response to the unions' "brief", the Postal Service believes that H.R. 12202 would not, without amendment, apply to postal employees and we recommend strongly that the bill not be amended to provide for such application.

FREE PRESS MUST RESPECT RIGHTS OF PRIVACY, TOO

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. ARENDS. Mr. Speaker, in my regular weekly newsletter of March 16, 1972, to the newspapers of my district I had occasion to comment on the study being made by our Committee on Armed Services with respect to the classification of information pertaining to our national security. I wrote at that time:

> Basic to our form of government is the people's right to know about the affairs of their government. At the same time, the safety and security of our country require that certain information affecting our national defense and conduct of foreign relations not be made public. The problem is how to maintain a proper balance.

Striking a proper balance between the people's right to know and the "Government's right to privacy" is not easy to accomplish. An editorial which appeared in the Beacon-News of Aurora, Ill., under the date of May 9, 1972, impresses me as making a distinct contribution to this problem. It emphasizes that it has been a tradition of American journalism itself to strike a balance. I call this editorial to the attention of the House, if for no other reason than it indicates there are highly responsible journalists in the United States who recognize that newspapers themselves have a responsibility. The Beacon-News of Aurora, Ill., is to be commended for the attitude it takes and its speaking out on this subject.

The editorial follows:

FREE PRESS MUST RESPECT RIGHTS OF PRIVACY, TOO

When President-elect Dwight D. Eisenhower flew to Korea in December 1952 to fulfill a promise to make a personal effort to end the Korean war, no news about his trip was published until he had visited the battlefront and was on his way home.

Six reporters and photographers from American news services had accompanied him. They and their editors who knew about the trip were pledged to secrecy, and they kept their pledge.

That episode reminds us of how recently in history it was possible for our government leadership to take the press into its confidence with assurance that such confidence would be respected.

To put it another way, it reminds us of how recently a bond of responsibility united the American press in respect for the necessity of secrecy in some activities of its government.

It has been a tradition of American journalism that when the lure of an exclusive headline was balanced against the national interest, the latter would prevail.

The award of Pulitzer Prizes last week to a newspaper and a columnist who trampled on that tradition shows how the atmosphere of trust between governments and organs of the press is deteriorating—a phenomenon not confined to the United States of America.

In West Germany, a sensational element has been added to the debate over ratification of the Moscow and Warsaw treaties by the leaking and publication of confidential notes kept by treaty negotiators.

In Japan, a newspaper has created a political crisis by publishing secret cables exchanged during negotiations for the new agreement on Japanese administration of Okinawa.

In both these cases, as with the "Pentagon Papers" incident and others in the United States, persons whose position of trust gave them access to government files found a ready market in the press for documents they decided to steal.

In America, newsmen are the first to protest any attempt by government to conceal what the public deserves to know. By and large courts have interpreted the First Amendment in a way that keeps most doors and records open to reporters covering a government beat.

However, the public's "right to know" has never precluded the government's own right to an element of privacy—the right of officials to meet and talk informally, to propose and dispose of ideas, to take notes, to exchange memoranda, and to record this confidential background of its public actions.

Such privacy is essential in the sensitive field of international relations and is of crucial importance in matters of national defense and security.

A free press serves the public interest. However, the public interest is not served when elements of the free press behave in a way that impedes the right of a government to function in behalf of its people.

That is what is threatened by the disturbing, no-holds-barred attitude of one segment of our press toward information which the government has every right to keep under lock and key.

NATIONAL PUBLIC BROADCASTING SURVEY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. BROWN of Ohio. Mr. Speaker, during the recent hearings before the Subcommittee on Communications and Power concerning the funding authorization for the Corporation for Public Broadcasting, I sent a questionnaire to each of the Nation's educational TV stations, asking their views on this issue. The survey was intended to gain a further understanding of the needs and priorities of the public broadcasting stations from the stations themselves, rather than relying solely on their national representatives. I am confident that the responses of 105 public educational TV stations to my survey and the information gained from it were influential in the subcommittee and in the full committee in gaining some needed basic changes in the Public Broadcasting Act of 1967.

At the time the Public Broadcasting Act of 1967 was passed, the prospects of classroom and general instructional programs offered the strongest appeal to many Members of the Congress, as the debate at that time indicated. It was my feeling then, and even more so now with the growing financial crisis in our schools, that both the local stations and the CPB should give priority to developing programs for classroom instruction above either cultural or public affairs programing.

Most important, though, is the need for "grassroots" input into programing decisions from both the stations and the local communities which they serve. By reversing the downward power flow of programing decisions, which H.R. 13918 does, from a federally well-heeled CPB to hard-pressed, locally financed stations, we can reestablish the balance of educational, national, and local programing so as to serve the local communities as they want to be served. Local stations, locally controlled, may be pleased with what is happening at the top, but if they are not, they should be able to do something about it.

Public broadcasting, as clearly shown during the hearings, is still "growing up" and has a way to go to reach maturity. The bill, H.R. 13918, expected to come up on the House floor in the near future will further this process and should be passed. I believe that the results of my survey demonstrate the need for this legislation.

The results follow:

EDUCATIONAL TV SURVEY, FEBRUARY 1972

(By CLARENCE J. BROWN, M.C.)

1. Does your station need additional federal assistance funds?

A. 100%, yes.

B. 0%, no.

2. If you answered "yes" to 1 (above, how much could your station effectively use this year from the federal government for:

A. Facilities $493,000 (average); $51.8 million (total).*

B. Annual operating cost assistance $122,000 (average); $12.8 million (total).

C. Local program production assistance $123,000 (average); $12.9 mil. (total).

3. What amounts did your station receive last year from the federal government (CPB, HEW, etc.) for:

A. Facilities $87,000 (average); $9.1 million (total).*

B. Annual operating cost assistance $13,500 (average); $1.4 million (total).

C. Local program production assistance $24,800 (average); $2.6 mil. (total).

4. What minimum and maximum percentage of your local station budget do you feel it is "healthy" for the federal government to provide?

A. For facilities: Minimum, 40% (average); maximum, 72% (average).

B. For annual operating costs: Minimum, 21% (average); maximum, 44% (average).

C. For local program production costs: Minimum, 20% (average); maximum, 44% (average).

(Percentages not totaling 100 represent question not answered by all respondents.)

5. With regard to federal funds distributed to local stations to cover a portion of their operating costs (not facilites grants), would you prefer:

A. 13% distribution at the discretion of a federal agency and for purposes designated by the distributing agency?

B. 50% a formula written into law distributing a portion to every station with minimum and maximum limits on the amount each can receive and incentives for local stations to increase local funds?

C. 31% NAEB proposal (30% of CPB funds direct to station; "advice and concurrence").

6. No matter which style of distribution you preferred in 5 (above), what agency should be responsible for distributing federal funds to assist with station operating costs (not facilities grants)?

A. 2% HEW.

B. 96%, CPB.

C. 1%, Other (specify), State education authority.

7. Should the percentage of money going directly to local stations from federal tax dollars increase as the total amount of federal funds available increases.

A. 97%, yes.

B. 1% no.

8. If your station received a significant increase in revenue this year, what would be your spending priorities? (Indicate first, second, third.)

A. 1, facilities.

B. 3, operations.

C. 2, programming.

9. In connection with question 8 (above), please list your top priorities in each category (summary):

A. Facilities: Color equipment; mobile and remote capacity.

B. Operations: Increased staff and program personnel.

C. Programing: Local public affairs; community education.

10. Please rank in 1, 2, 3 order the kinds of programs on which your station would spend any additional funds it received:

A. 8, national news.

B. 8, national public affairs.

C. 4, local news.

D. 1, local public affairs.

E. 3, cultural programs.

F. 6, children's programs.

G. 7, professional training.

H. 5, instructional programs for classrooms.

I. 2, instructional programs not for classrooms.

11. Please rank in 1, 2, 3 order the kinds of programs on which CPB should spend its funds and efforts:

A. 7, national news.

B. 1, national public affairs.

C. 7, local news.

D. 5, local public affairs.

E. 2, cultural programs.

F. 3, children's programs.

G. 7, professional training.

H. 6, instructional programs for classrooms.

I. 4, instructional programs not for classrooms.

12. Do you feel your station has adequate input into the decisionmaking process of:

A. CPB? 47%, yes; 51%, no.

B. PBS? 67%, yes; 32%, no.

C. Any regional network to which you belong?

66%, yes; 6%, no; 24%, not applicable.

D. Any state network to which you belong?

42%, yes; 7%, no; 41%, not applicable.

E. HEW for determining priorities for facilities grants?

30%, yes; 65%, no.

13. Do you feel local stations should be represented on the decisionmaking board of:

A. CPB? 94%, yes; 6%, no.

B. PBS? 99%, yes; 1%, no.

C. Regional networks? 99%, yes; 0, no.

99%, yes; 0, no.

D. State networks? 94%, yes; 0, no.

94%, yes; 0, no.

14. If you answered "yes" to any part of question 13 (above), what percentage of the board do you think should be made up of station representatives?

A. In the case of CPB, 40% (average).

B. In the case of PBS, 68% (average).

C. In the case of regional networks, 78% (average).

D. In the case of state networks, 60% (average).

15. If you answered "yes" to part A of question 13 (above), do you think such CPB representation should be:

A. 80%, elected from the stations themselves?

B. 20%, appointed by the President (as in the case of CPB at present?)

16. Has your station ever felt an attempt to exert influence on its programing decisions or operations from sources of financial support?

A. 41%, yes.

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*Equals sum of all questionnaires.

B. 58%, no.

17. If "yes" from what sources. (CPB, PBS, foundations, private donors, corporations, etc.)? **

18. How would you normally react to such pressure (summary)?

Almost all of the stations stated that such pressure would be considered on a case by case basis, within the requirements established by the Congress and the F.C.C. Generally, any undue pressure or attempt at control would be rejected.

Tabulation results represent a 63% response, or 105 questionnaires returned out of 166 sent.

PROTEST RESOLUTION ON FRANCHISE GIVEN TO LANDMARK SERVICES, INC.

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. DINGELL. Mr. Speaker, the American Legion, Michigan Department, on April 9, 1972, approved a resolution urging reconsideration of the franchise given Landmark Services, Inc., to provide transportation services on an exclusive basis at Arlington National Cemetery.

I share the American Legion's concern about this matter and insert the text of the resolution to appear at this point in the CONGRESSIONAL RECORD.

RESOLUTION

Whereas, Several million Americans annually visit Arlington National Cemetery to pay homage to our Nation's honored dead, particularly our late President John F. Kennedy, and the Tombs of the Unknowns; and

Whereas, The Department of the Interior granted earlier this year an exclusive franchise to Landmark Services, Inc. to charge $1.25 each for adults and $.75 for children, ages two to twelve for a thirty minute interpretative tour and $.70 each for adults and $.30 for children for a twelve minute non-interpretative tour; and

Whereas, This exclusive franchise, with its attendant charges, restricts entry of even private automobiles, except for special purposes, thus causing an automatic and substantial expense for virtually all who enter; and

Whereas, The tenets of this franchise are effectively an evasion of what has always been a free and fundamental American right of reverence not to be confused with normal sightseeing tourism to our National Park System; now, therefore, be it

Resolved, By the Executive Committee of The American Legion, Department of Michigan, in Spring Meeting assembled in Sturgis, Michigan, this 9th day of April, 1972, does respectfully petition the Department of the Interior to reconsider its granting of said exclusive franchise to the Landmark Service, Inc. with a view to making its services optional to visitors and to lifting the restrictions of the entry of private vehicles; and be it further

Resolved, That copies of this resolution be sent to Senators Griffin and Hart, Congressmen Dingell and Ford with a respectful request that it be read into the Congressional Record and, thus, be made available for corrective action by Congress.

RESOLUTION TO END U.S. INVOLVEMENT IN SOUTHEAST ASIA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. EDWARDS of California. Mr. Speaker, I rise to commend the city council of San Jose for a resolution recently passed by unanimous vote. The resolution calls for an end to U.S. involvement in Southeast Asian military affairs and, the fact that it has been passed unanimously is of great significance. For many years our Nation was divided over the the important question of our continued involvement in this horrible war. Many fine people found themselves troubled and unable to see clearly the best path to take. This period of uncertainty is almost behind us now. Our citizens seem to have arrived at the undeniable conclusion that our involvement in this war must end. I commend the city council for its responsible leadership of the San Jose community on this question and I fervently hope that we in Congress will begin to represent the will of our citizens as expressed in the resolution, which follows:

RESOLUTION TO END U.S. INVOLVEMENT IN SOUTHEAST ASIA

Be it resolved by the Council of the City of San Jose:

Whereas, The United States involvement in Southeast Asia has persisted for over ten years costing over 55,835 hostile and non-hostile American deaths, many of whom were from San Jose; and

Whereas, there are a multitude of problems within the United States that must be solved, including poverty programs, educational reform, environmental improvement, unemployment and urban renewal that could use the monies presently being allocated to the war effort in Southeast Asia; and

Whereas, a large percentage of youth in the United States and San Jose have been alienated and disillusioned by our continuing involvement in Southeast Asia; and

Whereas, there are 490 POW's now being held in North Vietnam, including 55 from the San Jose area who may be released with a total United States withdrawal from Southeast Asia; and

Whereas, the City of San Jose realizes that the expenditures for the war effort in Southeast Asia could be better used for solving some of the domestic problems that exist within this city and other cities; and

Whereas, our involvement in Southeast Asia is against international agreement which cause American practices to be questioned at home and abroad; and

Whereas, the citizens of Southeast Asia are innocently dying and are suffering from this war and the destruction that has persisted for over ten years;

Now, therefore, be it resolved by the Council of the City of San Jose that:

The City of San Jose on this 1st day of May, 1972, go on record as being opposed to the war in Southeast Asia and in favor of withdrawal of all armed forces and military personnel from Southeast Asia by November 7, 1972.

Be it further resolved by the Council of the City of San Jose that we urge the immediate release of all prisoners of war held by the Democratic Republic of Vietnam and the National Liberation Front, and during the interim period of this date and the release of the prisoners of war, the camps containing these American citizens be opened to inspection by the International Control Commission and the International Red Cross.

Adopted this 1st day of May, 1972, by the following vote:

Ayes: Councilmen—Colla, Garza, Goglio, Hayes, Hays, Naylor, and Mineta.

Noes: Councilmen—None.

Absent: Councilmen—None.

TRIBUTE TO THOMAS E. LIVINGSTON AND THE MEMPHIS LIFE UNDERWRITERS ASSOCIATION

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. KUYKENDALL. Mr. Speaker, in the April 20 issue of the Memphis Commercial Appeal, Jerry Obermark, the new business writer for the newspaper, tells the story of a major professional association and one of its leaders who has done much to promote its professionalism. I would like to take this opportunity to share with my colleagues this article which justly pays tribute to one of Memphis' largest professional associations made up of many outstanding life underwriters and to the capable leadership of its president, Mr. Thomas E. Livingston.

The article follows:

PRESIDENT OF UNDERWRITER'S UNIT IS EARLY RISER

(By Jerome Obermark)

Since last July Thomas E. Livingston, a Memphis insurance agent for the past 30 of his 60 years, has been getting up an hour earlier.

The extra time is needed to organize his workload and tend to the extra duties that came with the office of president of the Memphis Life Underwriters Association. With 1,100 life insurance agent members representing 150 local agencies, the association is one of the largest professional associations in Memphis.

"Our main purpose is to better prepare life insurance agents so they in turn, can do a better job of serving the insurance buying public," Mr. Livingston said.

To that end, as association president, Mr. Livingston supervises the work of 22 committees. He dictates memos in the early-morning hours, attends an average of two luncheon meetings each week on association matters and about an equal number of committee meetings each week.

The main association work is accomplished by committees, especially the program and public affairs committees.

"The secret of our success has been the selection of good competent committee leaders. If I offer any advice to my successor in July, it will be to select good committee heads," Mr. Livingston said.

Mr. Livingston's main responsibility is organizing and coordinating committee work. Each month industry spokesmen present talks at association meetings, which are usually sales oriented. Motivation is a major recurring topic. Advanced insurance courses, also, are supported by the association and its members.

In addition, the association supports two public service programs: Man-to-Teen and Medic Alert.

** Of the 37 responding to this question, 32% cited private corporation, 38% private donors, 30%—state agencies, 24%—local governments, 22%—foundations, 19%—PBS, 14%—CPB, 5%—NET. (percentage totaling over 100 represent multiple answers)

About 65 association members serve as auxiliary probation officers and make weekly contact with a youth on probation in the Man-to-Teen program. Juvenile Court Judge Kenneth Turner says many youngsters have to be sent to correctional institutions.

The Medic Alert program involves distribution of brochures to doctors' offices and clinics. The brochures tell how to obtain a necklace or bracelet to identify hidden disorders which may be critical following an accident rendering the wearer unconscious. About 200 association members participate in this program, Mr. Livingston said.

Mr. Livingston has served in every office of the association in the 25 years he has been a member. He will continue to serve on the board of directors after a new president is elected in July.

"It has been time-consuming work, but very enjoyable and rewarding . . . I've made so many friends," he said.

H.R. 14243—SYMINGTON TAX BILL

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. SYMINGTON. Mr. Speaker, as the Internal Revenue Code now stands, business firms and labor groups are free to plead their case before Congress on legislative proposals which affect them, using funds deductible by the taxpaying donor. By contrast, certain public charities risk the loss of their tax-exempt status by engaging in the same type of activity.

By making it financially easier for one sector of our society rather than another to inform Congress, the law is inequitable. It discourages healthy debate; it deprives Congress of open access to the views of charitable, educational, and scientific organizations, on legislation which affects the interests that such organizations represent; and it seriously undermines the watchdog function which these groups serve in the public interest—a function which is almost impossible for the average citizen.

It is the goal of Congress to make reasoned judgments on legislative proposals based on a balanced response to the popular will. For Congress to achieve such a balance, all elements of our society should be able to present their views to their representatives. The legislation, H.R. 13720, proposed by Congressman AL ULLMAN and cosponsored by a bipartisan group of over 65 House Members, is an important step toward insuring that Congress will hear balanced debate on public issues. The Ways and Means Committee recently held 3 days of hearings on this legislation.

Mr. Speaker, I would like to submit for the RECORD an editorial emphasizing the need for such legislation which appeared in the New York Times last week:

[From the New York Times, May 11, 1972]

LOBBYING FOR THE PUBLIC

Ever since the Internal Revenue Service deprived the Sierra Club of its tax-exempt status for sponsoring newspaper advertisements on the Redwoods National Park bill five years ago, other public interest groups have been uncertain as to how far they could go in efforts to influence legislation without meeting a similar fate.

The Internal Revenue Code is unclear on how much legislative or lobbying activity is permissible. As a result—as Chairman Russell Train of the Administration's Council on Environmental Quality said in his Congressional testimony last week—communication between public interest groups and Congress or state legislatures has been stifled. This has deprived legislators of a valuable flow of information and expertise from groups with vast experience in such important fields as health, education, social welfare and the environment.

The threat of the loss of tax-deductible status has also put public interest groups at a disadvantage compared to private corporations, which can treat their legislative and lobbying activities as tax-deductible business expenses, and to Governmental agencies, which have free access to legislative bodies.

A bill to correct this imbalance and help public-interest groups further the causes they were formed to promote has been introduced into Congress by Representative Ullman of Oregon, with bipartisan backing. The bill would permit such organizations to spend up to 20 per cent of their annual disbursements on efforts to influence legislation, but no more than 5 per cent on so-called "grass roots" lobbying.

Such clear limits would free citizen groups to make a valuable contribution to the legislative process. President Nixon has stressed the importance of citizen involvement in environmental issues and other public concerns requiring legislative action. This bill would promote such involvement and at the same time undo a serious wrong perpetrated by the I.R.S. against many public-interest organizations by its decision in the Sierra Club case.

REMARKS BY E. CARDON WALKER

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. SCHMITZ. Mr. Speaker the following is a news release by Mr. E. Cardon Walker, president, Walt Disney Productions. At a time when everyone worries about the ecology issue, it is refreshing to find that the Disney plan for Mineral King fulfills the public need. while at the same time provides maximum protection for the national park and forest lands involved.

The news release follows:

REMARKS BY E. CARDON WALKER

In calling this press conference to discuss the future of Mineral King today, we would like to begin by setting the record straight once again on the history of this project.

The area known as Mineral King is located in Sequoia National Forest, whose mandate from Congress is to provide a balanced program of land management which takes into consideration the needs of all segments of the American public. This policy has resulted in the establishment of millions of acres of permanently protected primitive or wilderness areas. It also gives the Forest Service authority to designate for use by the general public an area such as Mineral King, which has outstanding year-around recreational potentials, including the complete range of winter sports activities. This has been done in more than 80 other areas.

After many years' experience in the management of Mineral King, the Forest Service determined that the area was, and is, best qualified to fulfill the recreational needs of all Californians. Why? Because of its unmatched potential as a winter recreation site, its natural summer beauty, and because of its proximity to major population centers. It is not a wilderness. Formerly subjected to mining and timbering activities, it is now extensively used for summer recreational activities, including a pack station and almost 60 summer homes. For many years, it has been accessible via a dangerous and substandard access road.

Thus, in 1965, the Forest Service issued a prospectus seeking competitive bids for the recreational development of the Mineral King area.

Of the six proposals submitted, the Disney plan was accepted and judged as best serving the public need under the terms of the prospectus.

It was the Forest Service which stipulated in its prospectus that the area must be freely accessible by means of an improved all-weather road, and it continued to maintain that position throughout the three-year period allotted to Walt Disney Productions for the preparation of its master plan.

We believe that our master plan for Mineral King, which was approved by the Forest Service in January, 1969, offered the best possible protection of the surrounding environment under the constraints established by the Forest Service in 1965.

However, we have now obtained approval from the Forest Service to revise our master plan. These major revisions were developed over the past two years under the guidance of our Conservation Advisory Committee, and we will not proceed with this project unless this new plan is implemented.

Those who serve on our Conservation Committee are as follows:

Mr. Horace M. Albright, Former Director of the National Park Service, and Superintendent of Yellowstone National Park.

Dr. Ira Gabrielson, President, Wildlife Management Institute.

Mr. Thomas Kimball, Executive Director, National Wildlife Federation.

Mr. Bestor Robinson, Former President and member of the Board of Directors, the Sierra Club; Formerly Chairman of Secretary of Interior's Advisory Committee on Conservation.

Mr. Eivind T. Scoyen, Former Superintendent of Sequoia and Kings Canyon National Park and Associate Director of the National Park Service.

Mr. William E. Towell, Executive Vice President, American Forestry Association.

These nationally recognized conservationists, who support the development of Mineral King, have freely given of their time to advise the Disney organization and review its plans for the area.

We believe, and these men and the Forest Service concur, that the following recommendations will substantially improve both the aesthetic concept and operational control of this project:

1. As you know, the Disney plan now includes an electrically-powered, cog-assisted railroad to take visitors into the Mineral King Valley from a point in Sequoia National Forest just east of its common boundary with Sequoia National Park. We propose the extension of this transportation system westward across Sequoia National Park to a termination point in the Oak Grove area, which is below and outside the boundary of the National Park.

Preliminary engineering studies indicate that a two-track, cog-assisted, narrow gauge railway would be highly flexible, allowing the train to traverse the National Park along the general path of the existing access road, for which Tulare County holds the right-of-way.

The proposed route for the railway would pass below the Atwell Mill Grove of redwood trees in Sequoia National Park and enter the Mineral King area at a lower elevation than the proposed road, thereby eliminating any possibility whatsoever of any effect on these redwood trees.

We propose that the entire cog-assisted railroad be publicly owned. Walt Disney Productions would enter into a contract to operate the publicly-owned transportation system on a non-profit basis, during the 30-year term of the permit to be issued to Disney by the United States Forest Service. Income from the operation of the train would return only the cost of operation and maintenance, and the principal and interest required to finance its construction.

2. The extension of the cog-assisted railroad to a point below Sequoia National Park would allow many "gateway" facilities to be removed from the Mineral King area. Among those facilities which could be located below the National Park would be the entire reception area, all administrative and many service facilities, the maintenance and storage shed for the trains, and a major portion of the employee housing. The plan would also eliminate the need for construction in the Mineral King area of a multi-level parking structure and all other facilities necessary to accommodate the visitor automobile.

The Forest Service plans development of rail served, walk-in summer camping opportunities near Silver City and to a lesser extent hike-in camping in the bowls above the valley. Capacity of the camping facilities will be determined after careful planning but would probably accommodate 500 people.

3. The original Forest Service prospectus, which stipulated that access to the area must be by automobile, made it necessary for Walt Disney Productions to plan enough recreational facilities to serve the largest number of visitors who could traverse the public road on any given day. The proposal outlined today will allow us to scale down the number of recreational facilities, such as restaurants and ski lifts, which will be necessary at ultimate development. Under the administration of the Forest Service, the number of visitors admitted to the area at any one time will be limited to a reasonable number, which will guarantee an enjoyable recreational experience for the guest. We expect that visitation will average 4,000 per day.

The Forest Service approves the concepts described in this statement.

The plan we have just proposed would have the following positive effects:

1. It would eliminate the need for the construction of a new access road across Sequoia National Park. The proposed railroad would traverse the park along the general alignment of the existing access road, thereby eliminating the need for cutting a new route through the same area, as would have been required under the previous plan. The right-of-way for the narrow-gauge train would need to be less than half as wide as that required for the two-lane access road planned by the State of California.

It would still be necessary for the state to improve, but to a lesser standard, the existing road between State Route 198 and the Oak Grove area. This road would not cross any National Park or National Forest land. Since the road would now terminate below the snow line, and winter visitors would never have to drive under snow conditions, the plan will mean greater safety in transportation for the general public.

2. This proposal would drastically reduce the amount of state gas tax revenues necessary to provide adequate public access, saving California's taxpayers as much as $30,000,000. The cog-assisted railroad would be paid for by those who would use it.

3. The plan will provide a positive means of controlling, at all times, the number of visitors allowed into the Mineral King area, and would facilitate enforcement of new Forest Service and Park Service restrictions on the use of wilderness back country.

4. The new proposal will eliminate the need for a separate 66KV power line across the National Park, which had been estimated by Southern California Edison Company as necessary to provide the initial burst of power to start up the cog-assisted trains above the National Park, where the access road would previously have terminated.

The electrical requirements for the Mineral King valley area can now be supplied by a power line at a fraction of that voltage, which would be buried underground in the roadbed of the railroad.

5. Perhaps most significant is the fact that visitor automobiles will now be restricted from the entire Mineral King area. This will set a precedent similar to the type of access now being advocated by officials of the National Park Service, the National Forest Service and other recreational planners. It will provide a prototype demonstrating that the public will accept access to our National Parks and Forests by means other than automobile. The train ride, in itself, will be a revolutionary and enjoyable experience for the general public.

We in the Disney organization believe that the plan presented today is economically practical, aesthetically and environmentally sound. It has always been our desire, and it was the desire of Walt Disney himself, to establish at Mineral King new standards of excellence in the development of recreational facilities on public land, consistent with the protection of the area's natural beauty. This objective can and will be achieved.

Walt Disney Productions has now met all the objections to the creation of recreational services and facilities at Mineral King, save one: Shall this area remain totally inaccessible in winter and available only to a select few in summer, or shall it be made available for the pleasure, benefit and enjoyment of everyone?

That is the remaining question. That is where we stand today. Now, where do we go from here?

The future of Mineral King is in the hands of those who feel the project is needed—the United States Forest Service; the Board of Supervisors of Tulare County; the many other public officials and private citizens and organizations who have advocated this project; and most of all the members of the general public, particularly the citizens of California, who have every right to the year-round enjoyment of our National Forests.

Since the Forest Service determined the public need in 1965, Walt Disney Productions has responded in good faith to the government's requirements. Our demonstrated concern for America's natural heritage is a matter of record. Walt Disney received 37 awards for his work in the field of conservation, including an Honorary Life Membership in the Sierra Club.

Therefore, we can no longer allow the good name and worldwide reputation of the Walt Disney organization to be attacked due to circumstances over which we have had no control. No longer will we allow our plans for this project to be misrepresented, as they often have been in the past.

We restate that Walt Disney Productions ceased all financial investment in this project three years ago, and that we withdrew from active advocacy of the project at that time. We have never been a party to the litigation between the Sierra Club and officials of the federal government, and we are not now.

As everyone knows, there are millions of acres in California's High Sierra where those who desire and are physically capable may backpack under primitive or wilderness conditions. Yet, there are all too few areas available to serve those who enjoy the wide variety of winter recreational activities and the high alpine summer experiences which would be available at Mineral King.

Thomas H. Kuchel, while serving California in the United States Senate, was a strong supporter of the recreational use of Mineral King. In an article written in 1967, he eloquently and wisely assessed the situation in the following words:

"We must make balanced judgments on whether any given resource should be developed commercially, developed for recreation, or maintained in a natural state. These are difficult judgments for which there are all too few guideposts. But if we fail to allocate a balanced portion of our total recources to each of these needs, sheer economic and demographic pressures will lay waste to the remaining wilderness we possess.

"People will continue to go to the mountains. There is no way to stop them. Indeed, why should we try to stop them? Is it not far better for their government to help set aside specific and suitable areas for their enjoyment and recreation? If we fail to develop selected areas, such as Mineral King, the 50 million people who will be in California before the end of this century will spill over the sides of the coastal cities and ravage the Sierra with unplanned and undirected enthusiasm for the vanishing outdoors.

"The best assurance that we will permanently protect portions of our natural heritage lies in orderly development to accommodate the demands of our growing population to be near nature.

"In Mineral King, California has an outstanding opportunity that should not be lost. It is a spectacularly unique area which, if carefully planned, can be developed into one of the finest recreational complexes of the world."

The public need for additional recreational areas clearly exists. We have presented a plan today which fulfills the public need, while at the same time provides maximum protection for the National Park and Forest Lands involved.

If the public agencies and officials responsible for the Mineral King area respond favorably to our plan, then Walt Disney Productions is ready to move ahead. We stand by, prepared to fulfill our commitments as the permittee for this project.

For the people of California, Mineral King truly represents an opportunity that should not be lost.

MR. AND. MRS. KENT C. NICODEMUS, SR., CELEBRATE BIRTHDAY AND ANNIVERSARY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. BYRON. Mr. Speaker, this Sunday, May 21, Mr. and Mrs. Kent C. Nicodemus, Sr., of Walkersville, Md., will celebrate their 50th wedding anniversary. On the same day, Mr. Nicodemus will be celebrating his 90th birthday with his family and friends.

I am sure the celebration of these two remarkable anniversaries will be joyful as the Nicodemuses are joined by their many friends in the Walkersville area. I would like to join with these friends in wishing them happy anniversary and happy birthday and to extend my best wishes for their future together.

RIDICULOUSNESS OF AMNESTY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. BOB WILSON. Mr. Speaker, I would like to share with my House colleagues two excellent and particularly pertinent editorials on amnesty for draft dodgers and deserters by Dan McKinnon, the president of radio KSON in San Diego. Dan is the son of former Member of Congress Clinton B. McKinnon, whom I know many will remember well, and I am pleased to include these two editorials in today's RECORD.

[Radio KSON editorial broadcast]

THE RIDICULOUSNESS OF AMNESTY—PART I

There's a new controversy bubbling under the surface of American Society.

It's an offshoot of the Vietnam war and it's going to shake the very foundations of our principles in this country.

Many people not only feel it will rattle the foundations . . . but, should it occur, it will mark the start of the crumbling of our country and the principles for which it stands.

The issue . . . amnesty.

Should the turncoats, deserters and chickens who left America rather than serve their country in the Armed Forces during the heavy fighting in Vietnam be welcomed back without punishment?

The anti-war groups are the instigators of amnesty and say deserters and draft dodgers should be just as welcome home as veterans.

Have you seen their latest bumper sticker . . . "Support our boys in Canada."

The issue promises to raise the total ire of the hawks and it only seems logical for the doves to want their flocks of peaceniks . . . now scattered all over the world . . . reunited.

How do you feel about amnesty?

The feelings and sentiment in congress will be reflected by those who express to their congressman how they feel. That expression will have tremendous impact on what is done.

Why not write your congressman and let him know what you think . . . instead of just grumbling about what a raw deal the guy who served his country got while the deserters are returned without punishment.

[Radio KSON editorial broadcast]

THE RIDICULOUSNESS OF AMNESTY—PART II

We talked some about amnesty yesterday. There seems to be a growing effort by some to grant amnesty to approximately 70,000 persons who freely chose to disobey the draft law during the Vietnam war.

On the other hand, five million persons accepted the responsibilities of citizenship.

One's personal views on a particular war, or this particular war, are irrelevant to the point that the draft is and has been the law of the land and a fundamental duty of citizenship.

Those people intelligently and knowingly violated the law and consciously accepted the consequences.

As far as the argument that "theirs was a harder decision" is concerned, it is infinitely more palatable to be alive in Canada or Sweden than possibly dead in Vietnam, and for someone who chose to avoid his responsibilities, the decision would be simple.

It would appear that the "moral" argument is camouflage for the easy out.

Forgetting that for a moment, what do we say to those five million men in this war alone who chose to face the stark possibility of death, as well as their responsibilities, whether they agreed with the war or not. What do you say to them if amnesty is granted to those who chose to run from both death and responsibility under the guise of "conscience"?

What sort of precedent will be set for those of future conflicts who can say "Why go? I'll get amnesty in a few years."

More importantly, what sort of amnesty can be given to those who wanted it, but sought their duty instead, and met eternity on Bunker Hill, in the fields at Flanders, on the beaches at Iwo Jima, in the ice at Chosin and in the jungle provinces of Vietnam?

Without them, we wouldn't have the privilege of discussing amnesty for anyone. Why not write Congressmen Lionel Van Deerlin or Bob Wilson in Washington and let them know how you feel.

A NATION OF LAWS AND GOV. GEORGE WALLACE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. BURKE of Florida. Mr. Speaker, as most Americans, I am at a loss to explain the chronic symptoms which have engulfed this, our Nation during the past decade, slowly tearing at the very fiber of our domestic tranquility and expression of peaceful assembly in our governmental process. We have witnessed the snuffing out of the life and genius of one of our Presidents; his brother, a United States Senator; two leaders of the social movement and peaceful reformers; a union leader, and now, a candidate for the presidency, Gov. George Wallace. I am at a loss to explain and rationally analyze the actions of these assassins who have sought to silence a political opponent not with wisdom and through persuasive rhetoric and challening ideas, but through the use of the most destructive tool man has invented—a gun.

And one wonders what impulse has instigated this process in our political life; what kind of a stimuli is being promoted and brought into play to witness such acts of cowardice and undemocratic behavior. One wonders whether some of the young who rather than use their God-inspired minds to create and develop better life for us and themselves, turn to the "crutches" in today's society and instead become dupes of the extremists who want immediate solutions to old-age problems; who instead of reasoning and challenging dormant institutions with novel, sensible approaches, accept revolutionary answers which can only lead to violence and destruction.

I believe that we should begin reversing that process which if unchecked, will ultimately disintegrate our resolve to promote our republican form of democracy. And, we better begin now. Rather than "curse the darkness" as someone has said, let us take those steps—one at a time—to rebuild that fiber which we once possessed in our own unique experiment in social living when this Nation was born. We can begin by firmly reminding our judicial powers—our judges and our court systems—to pay closer heed to the rights of the majority. To mete out just punishment to flagrant violators of our society's norms, rather than continue to create and promote the aura of psychological uncertainty. Because it appears that too many times an offender has greater rights than the victim, as he feels he will not have to account to society for his or her acts of violence.

Every society is governed by its laws and the manner they are imposed on all the subjects. The moment that the law is shown to be meekly proscribed; the moment basic norms by which that society is guided become confused and caught in a quagmire of indecision and abnormal resolve: That moment the society becomes vulnerable to deterioration. And, I might add, this is when the misfits in our society begin dreaming up their schemes to assassinate political leaders. My colleagues in the Congress, this is that substance which is being eroded in our society, and perhaps in our today's world. And this process must be reversed. A nation guided by its laws to survive must make certain that they are adhered to. Let us make sure that the laws we in the Congress enact, and those enacted at lower levels of government, are also adhered to, and not circumvented.

A free society will continue to progress, or fall victim to confused chaos when its resolve to maintain its basic norms begins to disintegrate. The job is incumbent on all of us who have a stake in the freedoms we have enjoyed and want to promote for our posterity. Let not unpunished criminals continue to guide our spirit, nor the uncertain judges in whose hands our legal process rests, but let the men and women who have something to offer to the political vitality of this Nation speak out and seek a balance to the norms which have sustained our country in the past.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

FORMER AMBASSADOR HONORED

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. RHODES. Mr. Speaker, rarely do we see such a glowing tribute paid to a diplomat leaving his post as was the one which appeared in the January 13 issue of El Alcazar, a leading newspaper of Madrid, to our former Ambassador to Spain, the Honorable Robert C. Hill.

Since Ambassador Hill is a longtime friend, it is with pride that I place this editorial in the CONGRESSIONAL RECORD—particularly so because I know it to be true, well deserved, and a genuine expression of the affection and admiration the Spanish people felt for Mr. Hill and his family.

America has been well served by Ambassador Hill, not only in Spain, but previously in Costa Rica, El Salvador, and Mexico. I thank him for representing our country with grace and ability, and for presenting her in her finest light to other nations of the world.

[From "El Alcazar," Madrid, Jan. 13, 1972]

MR. HILL IS LEAVING—FAREWELL TO A FRIEND

"I am not going there with a brass band. I am going to a serious country and I am aware of my many responsibilities."

That was Robert C. Hill's first statement in May, 1969, when the Senate approved his designation as Ambassador to Spain.

In those words, Mr. Hill intended to sum up his program of activities in our country. He did exactly this at the farewell party offered him by the New York Hispanic-American Chamber of Commerce and by the Spanish Institute.

The Ambassador has fulfilled his mission and is now returning to his country. He understood Spaniards, and we understood him. He leaves many friends and good remembrances. This is a priceless legacy for his succesor at the Madrid Embassy by which the future new Ambassador should profit to maintain and develop mutually cooperative relations between two friendly countries, whose interests are in harmony and whose responsibilities are so clear and important in this critical hour of the world.

Without being a career diplomat, the man who till recently has been American Ambassador to Spain has shown outstanding diplomatic gifts, not only among us but also at the other places where he was posted by his country's Foreign Service. At this moment of farewell our memories of his tact and understanding are still fresh, of the way in which he knew how to maintain the contacts between Madrid and Washington to bring to a successful end the negotiations leading to the renewal and "up-dating" of the agreements of cooperation between the two countries, not only in the military field but also in the economic, cultural and technical ones.

The visit to Spain of the American President and of his leading helpers—the Vice President and the Secretaries of Defense, State, and Transportations, among others—capped the diplomatic efforts of the man who has been American Ambassador to Madrid till now.

Some day History will make known the full scope and significance of the role played by Mr. Hill during recent years in the field of Hispanic-American relations.

The son of a physician, Mr. Hill—54 years old at present—was born in the rural town of Littleton, New Hampshire. After his primary and high school studies he graduated from Dartmouth College. In addition to filling many important civilian posts, he served in the Foreign Service and in the U.S. Army. Before becoming Ambassador to Spain he had been Ambassador to Costa Rica, El Salvador, and Mexico.

On June 17, 1969, he presented his credentials to the "Caudillo", thereby becoming accredited Ambassador to our country. When he landed at Algeciras he said: "I bring President Nixon's and the American people's warm and sincere greetings to all Spaniards."

At this moment of farewell, we bid a sincere and friendly one to him, to his wife Cecelia and to their children, who became so well adapted to Spanish society.

Good bye, Mr. Ambassador!

ST. JAMES CATHOLIC CHURCH OF YOUNGSTOWN, OHIO, CELEBRATES 25TH ANNIVERSARY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. CARNEY. Mr. Speaker, recently, I had the honor of attending the 25th anniversary celebration of St. James Catholic Church in Youngstown, Ohio.

Through cooperation, loyalty and sacrifice, St. James Catholic Church has become one of the most dynamic parishes in the entire Youngstown area.

I extend my sincere congratulations to the pastor, Father James R. Kolp, and all the priests, sisters, and parishioners of St. James Church on their silver anniversary. It is my fervent hope that St. James Parish will continue to grow and prosper in the coming years.

Mr. Speaker, I insert letters from Bishop James W. Malone of Youngstown and Father Kolp, the names of the parish clergy and members, and a brief history of the parish and school in the RECORD at this time.

The articles follow:

DIOCESE OF YOUNGSTOWN,
Youngstown, Ohio.

MY DEAR FRIENDS: It is a pleasure to learn that St. James Parish is celebrating its 25th anniversary.

During these years, many families have come closer to Christ through the ministry of the priests and the Notre Dame Sisters and other generous people at St. James. Gratefully we acknowledge the enrichment which they have brought to the lives of St. James parishioners.

May the celebration of this 25th anniversary bring increased joy and happiness to all of you.

Yours sincerely in Christ,
The Most Reverend JAMES W. MALONE,
Bishop of Youngstown.

A WORD FROM OUR PASTOR

DEAR PARISHIONERS: This booklet is the result of loyalty and effort of many people. Special thanks to the Altar and Rosary Society and their president, Barbara Fercana, who took the formation of this pictorial directory under their wings and stayed with it until its completion. Many thanks to the many parishioners who came over to the school at the appointed times to have their pictures taken. Many thanks to Sister Mary Edwardin, SND, and Helen Racz who compiled our school and parish history. And finally, a special note of appreciation to Richard Whetstone and Joan Blessing who arranged this booklet for publication.

St. James Parish can be summed up in five words: Sacrifice of priests and people. It includes the untold sacrifice of young Fr. Halter, who answered Bishop McFadden's call to be the leader of the 200 families of the Christian community in southeast Warren and Howland township. Father Halter's dynamic determination, his confidence in the people, his foresight of the needs of the parish, have led to our present beautiful Church and School, rectory and parish grounds. While parishes sometimes see the need of future building or constant repair, St. James has adequate, modern facilities. Msgr. Halter could read into the hearts of the loyal, generous and justly proud people of St. James.

St. James parish is still growing. In one recent month, for example, we accepted 19 new families into our parish. In a half year, there has been 53,000 Communions.

As pastor, I am tremendously prejudiced, but I believe on our silver anniversary, that we at St. James have the most beautiful church in the area, the finest school, the most excellent C.C.D. program, the greatest choir, the most enthusiastic folk song Mass, and the greatest spirit of cooperation and loyalty of any group around.

One thing I want to bring out is the theory that working in our parish has been like "drinking from the fountain of youth." Many parishioners who are working hard on this anniversary celebration were working with Fr. Halter 25 years ago in the initial formation of our parish.

May God bless all who have made St. James parish what it is today. It is my prayer and the prayer of Fr. Coleman, that God will guide us to that even greater and holier years ahead.

Sincerely yours in Christ,
Fr. JAMES R. KOLP.

FORMER PASTOR AND ASSISTANTS

Msgr. Clarence Halter, 1947–1967.
Fr. Francis Snock, 1950–1951.
Fr. Vincent Scharff, 1951–1952.
Fr. Bernard Bast, 1953–1959.
Fr. Robert Lyden, 1952.
Fr. Robert Sfara, 1959–1962.
Fr. James Foley, 1962–1963.
Fr. John Mulqueen, 1962–1967.
Fr. Felix Tecca, 1963–1969.
Fr. Kenneth Sanders, 1967–1969.
Fr. Robert Coleman, 1968–
Fr. Joseph Bennett, 1969.
Deacon Joseph Rudjak, 1971–1972.

RELIGIOUS FROM PARISH

Fr. Donald Bank, Fr. John Bank, Fr. John Lody, Fr. Paul Sanders, C. Ss. P.; Fr. Martin Susko, Fr. Edward Wieczorek.

Sr. Mary St. James S.N.D. (Margaret Davis).

Sr. Mary Marquette S.N.D. (Antoinette Dershaw).

Sr. Mary Sherise S.N.D. (Lynette Marcello).

Sr. Mary Sean Maureen S.N.D. (Bonita Quinn).

Sr. Mary Janeta S.N.D. (Patricia Stamper).
Brother Daniel Kelly F.S.C. (Daniel Kelly).
Brother Paul Keough F.S.C. (Paul Keough)
Louis Santucci (Seminarian).

Sr. Kathleen Pillar O.S.U. (Kathleen Pillar).

HISTORY OF THE PARISH

In January 1941, with the approbation of the Most Reverend Joseph Schrembs, Bishop of Cleveland, Ohio, the Right Reverend Monsignor Edward A. Fasnacht, pastor of St. Mary's Church of Warren, purchased a site in the South East section of Warren, for the purpose of establishing a mission for the faithful Catholics in this area. The site chosen was located at Willard and Burton Streets.

The Most Reverend James A. McFadden Auxiliary Bishop of Cleveland, broke the ground, blessed it and laid the cornerstone of the newly formed mission, which was named St. James, in honor of the bishop.

The parish was begun as a Chapel of Ease for the families in the East end of Warren, to have a place where they could assist at Mass on Sunday. No other ceremonies were authorized. It belonged to St. Mary's Parish. It was later made a Mission of St. Mary's with additional Masses scheduled and confessions and other services provided. The original building, that was used as a Church, was dedicated July 25, 1941, and still stands on the corner of Milton and Willard. It had a seating capacity of 250, and is presently used as the Parish Hall.

St. James Parish was officially established May 10, 1947, by decree of the late, first Bishop of Youngstown, the Most Reverend James A. McFadden. At the time of its establishment, it had approximately 200 families living within its boundaries. Father Clarence A. Halter, was appointed pastor and offered the first Mass in the parish Church on Mother's Day, Sunday, May 11, 1947.

A five room house diagonally across from the church was purchased to be used until a rectory could be built. However, this home, after two additions, is now adequate as an administration building and residence for the priests who serve the parish.

In 1950, the first assistant, Father Francis Snock, was assigned to the parish. Also, the priests of the Society of the Pious Father of St. Paul, in Canfield, Ohio, helped out for a time.

In early 1955, the church was undergoing severe taxation due to overcrowding conditions at Mass on Sundays. The auditorium in the school building had a seating capacity of approximately 450, so a decision was made to use that facility for the offering of the Holy Sacrifice of the Mass. The change was made on Easter Sunday, April 10, 1955.

More parking space became necessary, so the pastor obtained more property for that purpose. A home for the custodian was also purchased at this time, this home is adjacent to the rectory. The parking area also doubles as a playground for the children of our school.

On July 10, 1959, coincidental with the establishment of a parish on the North East side of Warren, a boundary change was effected. This extended the boundaries of St. James Parish to include an additional 150 families, thus making the parish larger, and raising the census figures to over 900 families.

Establishment of the present boundaries added a territory which was already under development. This promised to add even further to the future numbers of parishioners. Permission was obtained from the Most Reverend Bishop, Emmett M. Walsh, for the project of building a new church of contemporary design to seat 800. A contemporary design was selected to both serve the spiritual needs and to ease the financial burden of the parishioners.

On October 1, 1961, the Most Reverend Emmett M. Walsh, Bishop of Youngstown, dedicated the new edifice. Thus beginning a new era for St. James Parish.

The parish continued to offer social and relegious apostolates and added some to make the the parish a close knit community of concerned Catholics willing to help their fellow man. These organizations included:

St. Vincent de Paul Society, Holy Name Society, Altar and Rosary Society, Catholic Mothers Study Club, Home and School Association, Mens Choir—Mixed Choir, Nocturnal Adoration Society, Confraternity of Christian Doctrine.

Many discussion groups have also been held to provide the parishioners with a deeper and fuller understanding of the Catholic Faith.

Many changes have taken place within the Christian community of St. James, the years have given us approximately 13 assistants (refer to page 3) and two devoted and dedicated pastors. The first pastor, Monsignor Clarence Halter, was destined to leave us, and in 1967, was assigned as pastor of St. Michaels Church in Canton, Ohio. It was a bad time for St. James, as Msgr. Halter had devoted 20 years service to his flock. The sadness was compensated only by the appointment of Fr. James R. Kolp, our present pastor, who in his short 5 years with us has equaled the devotion of Msgr. This brings us up to date of the history of St. James. The future years, with the grace God, will bring us more blessings.

RECTORY STAFF

Fr. J. Robert Coleman, Assistant; Lenora Weinstock, Church Secretary; Joan Blessing, Housekeeper; Evelyn Pickens, Sacristan.

HISTORY OF THE SCHOOL

Sr. Mary Edwardin, Principal.

Mrs. Virginia Saxon, School Secretary.

In September of 1951 St. James School opened its doors for the first time to an enrollment of 168 happy, curious youngsters, with bright new classrooms, and a staff of four Sisters of Notre Dame.

On January 13, 1952, his excellency, Bishop Emmet Walsh, dedicated the new school. The bishop stated in his sermon that, "a new school is a monument upon which Christ, the lover of children, smiles lovingly and raises his hand in blessing." He told Father Halter and the Sisters that they could be very proud of St. James School.

Due to an evergrowing parish population, and to provide more adequate facilities for a better Catholic education, plans for an additional expansion of six classrooms were soon underway and completed.

In the fall of September of 1971, St. Mary Middle School was ready for operation, the first in the diocese, thus affecting St. James in so far as we now have classes from Kindergarten to Grade Five.

This diocesan plan enables the school to provide a modern individualized learning program through the use of our well equipped Learning Center, centralized library and an up-to-date teacher reference room.

Principals of the School

Sister Mary Leoncia, S.N.D., 1951–53.
Sister Mary Padua, S.N.D., 1953–57.
Sister Mary Lawrene, S.N.D., 1957–1963.
Sister Mary Annrita, S.N.D., 1963–64.
Sister Mary Concepta, S.N.D., 1964–70.
Sister Mary Edwardin, S.N.D., 1970–

MEMBERS OF ST. JAMES CATHOLIC CHURCH

A

Abruzzi, Mr. & Mrs. Anthony.
Abruzzi, Mr. & Mrs. Guerino.
Abruzzi, Mr. & Mrs. Robert.
Abruzzo, Mr. & Mrs. Cloyd.
Abruzzo, Mr. & Mrs. Paul.
Ackerman, Mr. & Mrs. Homer.
Albrect, Mrs. Mary Ann.
Alexander, Mr. & Mrs. Saker.
Alexi, Mr. & Mrs. Joseph.
Amato, Mr. & Mrs. James.
Antolini, Mr. & Mrs. Anthony.
Anzellotti, Mrs. Joseph A.
Anzellotti, Mr. & Mrs. Joseph R.
Ardingo, Mr. & Mrs. Angelo.
Arnold, Joyce.
Athya, Mr. & Mrs. Howard.
Aulizio, Mr. & Mrs. Michael J.
Axe, Mr. & Mrs. L. Gregory.

B

Baciu, Mr. & Mrs. John.
Bagnall, Mr. & Mrs. George.
Bailey, Mr. & Mrs. Donald L.
Bailey, Mr. & Mrs. James W.
Bailey, Mr. & Mrs. Steve.
Bair, Mrs. Stella A.
Baker, Mr. & Mrs. E. Roger.
Balek, Mr. & Mrs. Michael.
Balestrino, Mr. & Mrs. Joseph.
Ballock, Miss Ann.
Banish, Mr. & Mrs. Joseph.
Banish, Miss Mary.
Banish, Mr. & Mrs. Thomas.
Bank, Mrs. Sue.
Barranco, Mr. & Mrs. Joseph.
Barson, Mr. William.
Bartlett, Mrs. Leroy.
Barton, Mr. & Mrs. James.
Barton, Mrs. Joan.
Bartosik, Mr. & Mrs. Joseph.
Basciano, Mr. & Mrs. Thomas.
Bates, Mr. & Mrs. Clarence.
Batta, Mr. & Mrs. Thomas.
Battee, Mr. & Mrs. Frank.
Bauer, Mr. & Mrs. Edward.
Beck, Mrs. Cecil.
Beatty, Mr. & Mrs. Charles.
Belanger, Mr. & Mrs. Harvey.
Bellas, Mr. & Mrs. Steven.
Bellay, Mr. & Mrs. Frank.
Bencivengo, Mr. & Mrs. Raymond.
Bennett, Mrs. Robert.
Benoit, Mr. & Mrs. Irving.
Benyei, Mr. & Mrs. Roger.
Beougher, Mr. & Mrs. J. Howard.
Berardo, Mr. & Mrs. Ralph.
Berry, Mr. & Mrs. Charles.
Bertolasio, Miss Karen.
Bertuzzi, Mr. & Mrs. Louis.
Bevan, Mrs. Ann.
Bezusko, Michael.
Bianco, Mr. & Mrs. John.
Bianco, Mr. & Mrs. Louis
Biles, Mrs. Anna.
Biles, Miss Marilyn.
Binben, Mr. & Mrs. Victor.
Binko, Mr. & Mrs. Frank Eugene.
Birich, Mrs. Joseph.
Bissell, Mrs. Ida.
Blair, Mr. & Mrs. John A.
Blazek, Mr. & Mrs. John.
Blessing, Miss Mary Joan.
Blevins, Mrs. Charles.
Blosic, Mr. & Mrs. Peter.
Bodnar, Mr. & Mrs. Joseph J.
Bolchalk, Mr. & Mrs. Frederick.
Bolen, Mr. & Mrs. Bruce L.
Bolen, Mr. & Mrs. Donald.
Bolyard, Patricia.
Bonanno, Mr. & Mrs. Anthony.
Bordash, Mr. & Mrs. Frank.
Bosso, Miss Constance.
Bowman, Mr. & Mrs. Paul.
Boye, Mr. & Mrs. Donald.
Braden, Mrs. Charles.
Brazina, Mr. & Mrs. Eugene.
Breig, Miss Regina K.
Brekoski, Mr. & Mrs. Robert.
Britt, Mr. & Mrs. James F.
Britt, Mrs. Pauline.
Brocco, Mr. & Mrs. William.
Brown, Mrs. John.
Brown, Mr. & Mrs. Richard W.
Brutz, Mr. & Mrs. Dominic.
Brutz, Mr. & Mrs. James.
Brutz, Mr. & Mrs. James.
Buchanan, Eliza.
Bufalini, Mr. & Mrs. Edward.
Bufano, Mrs. Ben.
Bufano, Mr. & Mrs. Michael.
Bukovan, Mr. & Mrs. George A.
Bulvony, Mr. & Mrs. Carl.
Bulvony, Mr. Michael.
Burless, Mr. & Mrs. Andrew.
Burns, Mr. & Mrs. Francis.
Burns, Shirley.
Butcher, Mrs. Anne.
Butler, Mr. & Mrs. Frederick H.
Buydos, Mr. & Mrs. Michael.
Buydos, Therese.
Bycraft, Mrs. Ann M.
Byers, Mr. & Mrs. Bernard L.

C

Calvin, Miss Kathryn.
Camarata, Mr. & Mrs. Peter.
Cameneti, Mr. & Mrs. James.
Campbell, Mr. & Mrs. Jack.
Cancelli, Mr. & Mrs. Neal.
Caniglia, Mr. & Mrs. John.
Caniglia, Mary Jo.
Canton, Mr. & Mrs. Joseph.
Canzonetta, Mr. & Mrs. Anthony.
Canzonetta, Mrs. Donald.

Canzonetta, Mr. & Mrs. Donald.
Capak, Mr. & Mrs. Elmer.
Capak, Mrs. Steven.
Capan, Mr. & Mrs. George.
Capellas, Mr. & Mrs. George.
Capito, Mr. Frank A.
Capito, Mr. & Mrs. George.
Capito, Mr. & Mrs. Gregory.
Capito, Mr. & Mrs. Patsy.
Caporali, Mr. & Mrs. Lancy.
Caputo, Mr. & Mrs. Eugene.
Caputo, Mr. & Mrs. John.
Carano, Dr. Joseph.
Carbone, Mr. & Mrs. Vincent.
Cardarelli, Mr. & Mrs. Rock.
Carney, Mr. & Mrs. James.
Carney, Mr. & Mrs. John.
Caroots, Mr. and Mrs. Stephen.
Caroselli, Mrs. Frank.
Carson, Mr. Anthony.
Casagrana, Mr. & Mrs. Millard.
Cashman, Miss Dorothy.
Cashman, Mrs. M. J.
Cashman, Mr. Robert.
Castellano, Mr. & Mrs. Jerry.
Castilla, Mr. & Mrs. Daniel.
Catignani, Mr. & Mrs. Bert.
Cauduro, Mr. & Mrs. John.
Cavalcante, Mr. & Mrs. Barry.
Cavalcante, Mr. & Mrs. Otto Joseph.
Ceglia, Mr. & Mrs. Nick, Sr.
Cessna, Mr. & Mrs. William.
Cesta, Mr. & Mrs. Carmen.
Cesta, Mr. & Mrs. Vernon.
Chance, Mr. & Mrs. Joseph A., Jr.
Chehovits, Mr. & Mrs. Donald.
Chickerneo, Mrs. Andrew.
Chidboy, Mr. & Mrs. Charles.
Chill, Mr. & Mrs. Thomas.
Choinski, Mr. & Mrs. Joseph.
Chos, Mr. Stephen.
Christie, Mr. & Mrs. John.
Christin, Mr. & Mrs. Michael.
Ciabattoni, Mr. & Mrs. Luigi.
Ciferno, Mr. & Mrs. Salvatore.
Cimbanin, Mrs. Nancy.
Clark, Mrs. Elmer.
Clark, Miss Kathy.
Clark, Mr. & Mrs. Patrick.
Clark, Mr. Thomas.
Clemente, Mrs. Grace
Clemente, Mr. Victor.
Clementi, Mr. & Mrs. Felix D.
Clementz, Mr. Robert
Clifford, Mr. & Mrs. Kevin.
Clossin, Mrs. Louis.
Clossin, Mr. & Mrs. Patrick.
Collins, Mrs. Alfred.
Collins, Mr. & Mrs. Ralph.
Conable, Mr. & Mrs. F. E.
Conceller, Mr. & Mrs. Edward
Conti, Mrs. Frank.
Conway, Mr. & Mrs. Michael.
Cook, Mrs. Howard.
Cook, Mr. John Howard.
Core, Mr. & Mrs. Camillo.
Cornicello, Mr. Joseph.
Courey, Therese.
Cox, Mrs. Lester L.
Crabb, Mrs. Ann.
Crean, Mr. Thomas.
Crigler, Connie.
Crigler, Mr. & Mrs. William E.
Criste, Mr. Ralph J.
Crkvenac, Mr. & Mrs. Thomas J.
Cronin, Mr. & Mrs. James.
Crooks, Mr. & Mrs. Dennis.
Crowley, Mr. & Mrs. Patrick.
Cuff, Mr. & Mrs. Donald.
Cummings, Mr. & Mrs. James.
Cupples, Mrs. Sarah.
Curtis, Mr. Carl.
Curtis, Mr. & Mrs. George V.
Curtiss, Dr. & Mrs. Charles.

D

Dallas, Mr. & Mrs. George.
D'Amico, Anna Marie.
D'Amico, Mr. & Mrs. Anthony.
D'Amico, Mr. & Mrs. Stephen.
D'Andrea, Mr. & Mrs. Ray.
Danko, Mr. & Mrs. Paul.
DiVincenzo, Mr. Dominic.
D'Annunzio, Mr. & Mrs. Eugene.
D'Annunzio, Mr. & Mrs. Faust.
Daugherty, Helen.
Daugherty, Mrs. Thomas.
Davenport, Mr. & Mrs. Howard.
Davis, Mrs. Elizabeth.
Davis, Mr. & Mrs. Sherman.
Dawson, Mr. & Mrs. Dwight.
Dean, Mr. & Mrs. Philip.
DeCandio, Mr. & Mrs. Mike.
DeCapito, Mrs. Frank.
DeCapito, Mr. & Mrs. John.
DeCato, Mr. & Mrs. Albert.
DeFelice, Mr. & Mrs. Anthony.
DeFilice, Mr. & Mrs. James.
DeFilippis, Mr. & Mrs. Pete.
DeJacimo, Mr. & Mrs. Anthony.
DeJacimo, Mr. & Mrs. Ronald.
Delahunty, Mr. & Mrs. Carl.
Delahunty, Mr. & Mrs. Thomas E.
DelBene, Mr. & Mrs. Donald J.
DelDuca, Mr. & Mrs. Frank.
DeLeo, Mr. & Mrs. Blase.
DelGarbino, Mr. & Mrs. Albert.
DelGarbino, Mr. & Mrs. Guido.
Delsanter, Mr. & Mrs. Anthony.
DelVecchio, Mr. & Mrs. Richard.
DeMarco, Mr. & Mrs. John Leo.
DeMedicis, Mrs. Thomas.
DeNicholas, Mr. & Mrs. Angelo.
DePizzo, Mr. & Mrs. James.
DeRose, Mrs. Frank.
DeRose, Mr. & Mrs. Louis.
Derr, Mr. & Mrs. George H.
Dershaw, Mr. & Mrs. Leonard
DeSantis, Mr. & Mrs. Eugene.
DeSantis, Mrs. Rose.
DiAntonio, Mr. & Mrs. Rudolph.
DiCenso, Mr. & Mrs. Frank J.
Dick, Mr. & Mrs. James.
DiCristofaro, Mr. & Mrs. Raymond J.
DiFrancesco, Mr. & Mrs. Cosmo.
DiFrancesco, Mr. & Mrs. Fred.
Dillon, Mr. & Mrs. John.
DiLoreto, Mrs. Flowers.
DiLoreto, Mr. & Mrs. Gregorio.
DiLoreto, Mr. Tony.
DiMauro, Mr. & Mrs. Anthony.
DiMauro, Miss Carlene.
DiMauro, Mr. & Mrs. Dominic.
DiMauro, Mrs. James.
DiVincenzo, Debbie.
DiVincenzo, Mr. & Mrs. Michael.
Dodgson, Mr. & Mrs. Ernest.
Dohar, Mrs. Elizabeth A.
Donohoe, Mr. & Mrs. Gerald.
Dooley, Mr. & Mrs. Hughston.
Dorsey, Mrs. Veronica.
Doshner, Mr. & Mrs. Paul.
Drapcho, Mr. & Mrs. Henry.
Drab, Mr. & Mrs. Henry.
Drab, Mr. Henry, Jr.
Draper, Mrs. Pearl.
Drapp, Mr. & Mrs. John G.
Driscoll, Mr. & Mrs. Gerald.
Drobik, Mr. & Mrs. Joseph.
Duck, Mrs. Burton.
Duda, Mr. & Mrs. Walter.
Dulick, Miss Karen.
Durkin, Mr. & Mrs. John J.
Duttko, Mr. & Mrs. Joseph.
Duttko, Mr. & Mrs. Joseph, Jr.
Dyer, Mr. & Mrs. Daniel.
Dzurilla, Mr. & Mrs. Michael.

E

Eakins, Mrs. William.
Eckenrode, Mr. & Mrs. Leo.
Eckroate, Mr. & Mrs. William.
Ellwood, Mr. & Mrs. Ronald.
Ellwood, Mrs. Theresa.
Emmerth, Mr. & Mrs. Andrew.
Ericksen, Mr. & Mrs. John.
Evans, Mrs. Donna.

F

Falfas, Mr. & Mrs. Andrew.
Fallone, Mr. & Mrs. Paul R.
Feher, Mr. & Mrs. Joseph.
Fercana, Mr. & Mrs. Carl.
Ferguson, Mr. & Mrs. Francis.
Ferradino, Mr. and Mrs. Louis.
Ferris, Mr. and Mrs. John.
Fetsko, Mr. and Mrs. Stephen.
Fialko, Mr. and Mrs. Joseph.
Ficeti, Mr. and Mrs. Silvio.
Fiedor, Mr. and Mrs. Louis.
Fiore, Mr. and Mrs. Elfonso.
Flaviano, Mr. and Mrs. Anthony.
Flemming, Mr. and Mrs. William.
Floch, Mr. and Mrs. Robert T.
Floden, Mr. and Mrs. Rudolph.
Fogel, Mr. and Mrs. David.
Fonce, Mr. and Mrs. Carmen.
Fondoulis, Mrs. John.
Forrest, Mrs. Helen.
Fortsch, Mr. and Mrs. Frank.
Foskie, Mr. and Mrs. Bruno.
Francesangli, Mr. Louis.
Francis, Mr. and Mrs. Adam.
Franco, Mr. and Mrs. Lawrence.
Frankenstein, Mrs. P. V.
Franko, Mrs. Ann M.
Frantz, Mr. and Mrs. Robert.
Frederick, Mrs. Cosma.
Frengel, Mr. and Mrs. Daniel P., Jr.
Fulton, Mr. and Mrs. Harry.
Funge, Mr. and Mrs. Robert.
Futey, Mr. and Mrs. Joseph.

G

Gabelle, Rita.
Gabele, Mr. and Mrs. Edward J.
Gabele, Rita.
Gabele, Mr. and Mrs. John.
Gabriel, Mr. and Mrs. Kenneth.
Galick, Mr. and Mrs. Robert.
Gallagher, Mr. and Mrs. John.
Gamon, Mr. and Mrs. Jerome.
Gallagher, Mr. Richard.
Gano, Mrs. Harold.
Garvin, Mr. John V.
Garritano, Miss Georgeann.
Gaughan, Mrs. J. W.
Gedeon, Elmer.
Geidner, Mr. and Mrs. William.
Geist, Mrs. Louise.
George, Mr. and Mrs. John R.
Giammaria, Miss Carmella.
Giannamore, Mr. and Mrs. Nelson.
Gill, Mr. and Mrs. Elmer R.
Gilmore, Mrs. Charles.
Gilmore, Mr. and Mrs. Donald R.
Gilmore, Mr. and Mrs. Robert.
Giordani, Mr. & Mrs. Aldo.
Glavan, Mrs. Joseph.
Godiciu, Mr. & Mrs. Robert W.
Goehring, Mr. & Mrs. Henry.
Gonda, Mr. & Mrs. Joseph.
Gonia, Mr. & Mrs. Kazimier.
Gonia, Mr. Ludwig.
Gorbel, Mr. & Mrs. John.
Gore, Mr. & Mrs. Robert.
Gore, Mr. & Mrs. William.
Gorse, Mr. & Mrs. Edward J.
Gorsick, Mr. & Mrs. Louis A.
Gorsick, Mr. & Mrs. Louis M.
Gorsick, Mr. & Mrs. William.
Gotthardt, Mr. & Mrs. Glenn.
Gourlay, Mr. & Mrs. James.
Grabosky, Mr. & Mrs. Francis.
Gracott, Mr. & Mrs. William.
Graham, Mrs. Gladys.
Graziano, Mr. & Mrs. Joseph.
Green, Mr. & Mrs. Robert.
Gregor, Mr. & Mrs. Andrew.
Gregor, Mrs. John.
Gregory, Mrs. Rosemary.
Griffith, Mr. & Mrs. William A.
Grimes, Mr. & Mrs. Russell.
Grocott, Miss Margaret.
Grubish, Mrs. John.
Guerra, Mr. & Mrs. Donald.
Guerrero, Mr. and Mrs. Mannuel.
Guerrieri, Mr. & Mrs. James.
Guerrero, Mr. & Mrs. Ramon.
Gundy, Mr. & Mrs. George.
Guyon, Mr. & Mrs. Stanley.
Guzan, Mr. & Mrs. James.
Guzzi, Dominic.
Gwyer, Mr. W. L.

H

Halavick, Mrs. Cecelia.
Halavick, Mr. & Mrs. Rudolph.
Hall, Mrs. Lester.
Hallock, Mrs. Albert.
Hamilton, Barbara.
Hanick, Mr. & Mrs. John.
Harkins, Mr. & Mrs. Robert L.
Harry, Mr. & Mrs. Desmond A.
Hayes, Mrs. Robert.
Hayth, Mr. & Mrs. Chester.
Heald, Mrs. Richard.
Hearn, Mr. James E.
Helbling, Mr. James.
Heltzel, Mrs. Louise.
Hendrickson, Mr. & Mrs. Fred.
Herceg, Mr. & Mrs. Daniel.
Hinkson, Mr. & Mrs. John.
Hiryok, Mrs. Michael.
Hivick, Mr. & Mrs. H. Clark.
Hivick, Mr. & Mrs. James.
Hlaudy, Mr. & Mrs. John A.
Hockenberry, Mr. & Mrs. Clarence.
Hoffman, Mr. & Mrs. Charles.
Hoffman, Mrs. Kenneth A., Jr.
Homa, Miss Anna.
Homa, Mr. George.
Homa, Mr. & Mrs. John.
Homchosky, Mr. Charles.
Homlitas, Mr. & Mrs. John.
Howell, Mr. & Mrs. Joseph.
Hraboury, Mr. & Mrs. Franz.
Hrusovsky, Mr. & Mrs. John.
Hudock, Mr. & Mrs. Steve.
Huff, Mr. & Mrs. Herbert.
Humenuk, Miss Anne.
Hutchinson, Mr. & Mrs. Thomas.
Hutzler, Mr. & Mrs. Donald.

I

Iacozili, Mr. & Mrs. Augustine.
Iacozili, Mr. & Mrs. John.
Iacozili, Mrs. Nicolina.
Iannizzaro, Mr. & Mrs. Robert.
Iannucci, Mrs. Fannie.
Iannucci, Mr. & Mrs. Michael.
Imblum, Mr. & Mrs. Howard J.
Infante, Miss Sophia.

J

Jackson, Mr. & Mrs. A. R.
James, Mrs. Angela.
Jara, Mr. & Mrs. Thomas.
Jenyk, Mrs. Andrew.
Jerina, Mr. & Mrs. John.
Johnston, Mr. & Mrs. Jerome.
Johnson, Mrs. William.
Jones, Mr. & Mrs. Harry D.
Jones, Mr. & Mrs. William A.
Jonesco, Sharyn.

K

Kachenko, Mr. & Mrs. Nicholas.
Kacir, Mr. & Mrs. Paul.
Kadvan, Mr. & Mrs. Joseph.
Kaliney, Mr. & Mrs. William.
Kalinowski, Mr. & Mrs. Bruno R.
Kanche, Mr. & Mrs. Michael.
Kania, Mrs. Bruno.
Kapouralos, Mr. Harry.
Kapouralos, Mrs. Margaret.
Kapraly, Mr. & Mrs. Donald.
Kasanicky, Mr. & Mrs. William.
Karrenbauer, Mr. & Mrs. Ronald.
Kassan, Mr. & Mrs. Andy.
Kassan, Mrs. Helen.
Kassan, Mr. & Mrs. Robert.
Kassan, Miss Sandra.
Kassan, Mrs. Sophia.
Kearns, Mrs. Elizabeth.
Keating, Mr. & Mrs. Leo W.
Kebe, Mr. & Mrs. Joseph.
Kellar, Mr. & Mrs. Harley.
Kelly, Edward.
Kelly, Mr. & Mrs. Paul.
Kender, Mrs. Theodore.
Kensek, Mr. & Mrs. Michael.
Kerchofer, Mr. & Mrs. Thomas.
Keresztúri, Theresa.
Kerul, Mr. & Mrs. Joseph.
Kins, Mr. & Mrs. Edward E.
Kirchner, Mr. & Mrs. Donald.
Klapka, Mr. & Mrs. Lewis.
Klein, Mr. & Mrs. Robert.
Klenovic, Mr. & Mrs. Matthew.
Knoch, Dennis.
Knoch, Mr. & Mrs. Joseph.
Knock, Mrs. Charlotte.
Knowles, Mr. James.
Kodash, Mr. Michael.
Koenig, Mr. & Mrs. Thomas G.
Kois, Mr. Jacob L.
Kondzich, Mr. & Mrs. Paul.
Kopnicky, Mr. & Mrs. Steve.
Korodi, Mr. & Mrs. Joseph, Jr.
Koziel, Mr. & Mrs. Stanley.
Kratochvil, Mr. & Mrs. Francis.
Kreidler, Irene.
Krempasky, Mr. & Mrs. Edward J.
Krisman, Mr. & Mrs. John V.
Kroeger, Mr. & Mrs. Gary.
Kurilla, Mr. & Mrs. Joseph.
Kudrich, Mr. & Mrs. John.
Kurdila, Mr. & Mrs. Andrew.
Kurtz, Mrs. Marie.
Kush, Mrs. Michael.
Kusnir, Mr. & Mrs. Michael.
Kuszmaul, Mr. & Mrs. Gene.
Kvesich, Mr. & Mrs. Joseph.
Kwortek, Mr. Charles.
Kyle, Mrs. Paul.

L

Lachowski, David.
LaDuca, Mr. & Mrs. Anthony.
Lackey, Mrs. Harvey.
Lachowski, Rina.
Lachowski, Mr. & Mrs. Stanley.
Lackey, Mr. & Mrs. William.
LaClave, Mary
Lacusky, Mr. & Mrs. Joseph.
Lahait, Mr. & Mrs. Arthur.
Lampila, Mrs. John.
Lance, Mrs. Hilda.
Lancey, Mr. & Mrs. Andrew.
Lapmardo, Mr. & Mrs. Michael.
LaPorta, Miss Clementine.
LaPorta, Mr. & Mrs. Ralph.
Laprocina, Mr. & Mrs. Gabriel.
Laprocina, Mr. & Mrs. Nicholas.
Laprocina, Mr. & Mrs. Patrick.
Laratta, Miss Mary Lou.
Laretta, Mr. & Mrs. Samuel.
Lasso, Mr. & Mrs. Samuel A.
Lavelle, Mr. & Mrs. John.
Law, Jeffrey.
Law, Mr. & Mrs. John E.
Lawler, Mr. & Mrs. James.
Lazzari, Mr. & Mrs. Edward J.
Lazzari, Mr. & Mrs. Eugene J.
Leancu, Mr. & Mrs. George.
Leancu, Tim.
Lecocq, Mrs. Anna.
Leon, Mr. & Mrs. Frank.
Lesnoski, Mr. & Mrs. Leonard.
Letscher, Mr. & Mrs. James.
Letscher, Mrs. Martin.
LeVander, Mrs. Ernest.
Levero, Mr. & Mrs. James.
Lewis, Mr. & Mrs. David.
Liberatore, Mr. & Mrs. Fred, Sr.
Liberatore, Mr. & Mrs. John.
Liberatore, Mr. & Mrs. Joseph.
LiBossi, Mrs. Ida.
Lisby, William.
Littell, Mrs. Donley.
Lloyd, Emma.
Lody, Mr. John.
Loftus, Mr. & Mrs. James.
Loftus, Mr. & Mrs. James J.
Lombardi, Mr. & Mrs. Dominic.
Loney, Mr. & Mrs. William.
Long, Mr. & Mrs. Daniel.
Lonsway, Miss Marguerite.
Lonsway, Mr. Paul.
Lonsway, Mr. Robert.
Lorello, Mr. & Mrs. Dominic.
Loreto, Mr. & Mrs. E. A.
Loyal, Mrs. Harold.
Loychik, Mr. & Mrs. Donald.
Lucas, Mr. & Mrs. Donald E.
Lucas, Mr. & Mrs. John.
Ludwick, Mr. & Mrs. Albert.
Ludwick, Mr. & Mrs. Stanley.
Ludwick, Mr. & Mrs. Walter.
Lugiewicz, Mr. & Mrs. Michael.
Lugiewicz, Mr. Zigmunt.
Luich, Mr. & Mrs. Michael.
Lulek, Mr. & Mrs. John.
Lusk, Mrs. Roger.
Lyntz, Mr. & Mrs. Charles.
Lyons, Mr. & Mrs. James.

M

Mack, Mr. & Mrs. Ray.
Macklin, Mr. & Mrs. Kenneth.
Maffei, Mrs. Joseph.
Maggio, Mr. & Mrs. Joseph.
Maher, Mr. & Mrs. Charles.
Makis, Mr. & Mrs. Peter J.
Malie, Mr. & Mrs. John.
Malone, Mr. & Mrs. Edmund.
Maloney, Mr. & Mrs. Edward.
Mancini, Mr. & Mrs. Guglielmo.
Mann, Mr. & Mrs. Raymond.
Manna, Mr. & Mrs. Joseph.
Manna, Mr. & Mrs. Joseph, Jr.
Manzo, Mr. & Mrs. Vincenti.
Marado, Mr. & Mrs. Charles.
Marcello, Mr. & Mrs. Leonard.
Marchand, Mr. Edward.
Marchand, Mr. & Mrs. Robert.
Marchese, Mr. & Mrs. Felix.
Marchese, Mr. & Mrs. Guy.
Marchese, Miss Mary.
Marchese, Mr. & Mrs. Victor.
Marcolini, Mr. & Mrs. Ronald.
Marilla, Mr. & Mrs. Ralph.
Marino, Mr. & Mrs. James.
Marks, Mr. & Mrs. Carl.
Marscio, Mr. & Mrs. Anthony.
Marsco, Mr. & Mrs. John.
Marsh, Mr. & Mrs. Roger.
Marshall, Mr. & Mrs. Charles.
Martelli, Bartholomew.
Martelli, Fiore & Sue.
Martin, Ann.
Martin, Mr. & Mrs. Augustine.
Martin, Mrs. Mary.
Martin, Mrs. Mary.
Martin, Mr. & Mrs. W. W.
Martin, Mr. & Mrs. Peter M.
Martin, Mr. Robert.
Martini, Mr. & Mrs. Albert Jr.
Martini, Mr. & Mrs. Elvedio.
Martini, Mr. & Mrs. Perry.
Martini, Mrs. Raffala.
Maruskin, Mr. & Mrs. Ronald.
Marvin, Mr. & Mrs. Thomas.
Marx, Mr. & Mrs. Louis.
Masa, Mr. & Mrs. Pete.
Mascio, Mr. Dominic.
Maselli, Mr. & Mrs. Donald.
Massacci, Mr. & Mrs. Dundy.
Massaro, Mr. & Mrs. Cesidio.
Matock, Mr. & Mrs. John.
Matsick, Mr. & Mrs. John.
Matysiak, Mr. & Mrs. Gilbert.
Maycher, Miss Dorothy.
Maycher, Mrs. Josephine.
Mayo, Mr. & Mrs. Joseph F.
Mayo, Mr. & Mrs. Peter
Mayville, Mrs. Isador.
Mearnic, Mr. & Mrs. George.
Medvitz, Mr. & Mrs. Elmer.
Mehall, Miss Agnes.
Mehall, Frances C.
Menendez, Ida.
Menendez, Mr. & Mrs. Leo.
Mensi, Mr. Ben.
Menz, Mr. & Mrs. Harry.
Merat, Mr. & Mrs. Lawrence.
Mermer, Mr. & Mrs. John.
Merolla, Mr. & Mrs. Salvatore.
Merryman, Mr. & Mrs. John B.
Meter, Mr. & Mrs. Andrew.
Metro, Mr. & Mrs. George.
Metter, Mr. & Mrs. Louis.
Middleman, Mrs. Alberta.
Mignella, Anthony.
Mihalik, Mr. George L.
Mikusevich, Mr. & Mrs. Frank A., Jr.
Mikusevich, Mrs. Frank, Sr.
Miller, Mr. & Mrs. Albert.

Miller, Mr. & Mrs. Gene.
Miller, Mrs. William.
Mindek, Mr. & Mrs. Paul.
Misus, Loretta.
Misus, Mr. & Mrs. Raymond.
Modic, Mrs. Frank.
Molek, Mr. & Mrs. Thomas.
Molish, Mr. & Mrs. George S.
Mongelluzzo, Mr. John.
Monroe, Mr. & Mrs. Louis.
Monroe, Mr. and Mrs. Paul.
Moon, Mrs. James.
Moran, Miss Betty Lou.
Moran, Mr. Frank T.
Moreau, Mr. & Mrs. Ronald.
Morgan, Miss Enith.
Morgan, Mrs. Mary.
Mori, Mr. and Mrs. Patsy.
Morrison, Mr. & Mrs. Bernard E.
Mortaro, Angeline.
Mosholder, Mrs. Charles.
Motak, Mr. Vinko.
Muccio, Mr. & Mrs. Fred.
Muldowney, Mr. & Mrs. John.
Munno, Mr. & Mrs. James.
Myford, Mr. & Mrs. Sherman.
Mylott, Mr. & Mrs. Thomas M.
McAleer, Mrs. Frank.
McAleer, Mrs. Kathleen.
McBride, Mrs. John.
McCann, Mrs. Margaret.
McCann, Mr. & Mrs. Raymond.
McCauley, Mr. William T.
McCord, Mr. & Mrs. Thurman.
McCorkle, Mrs. Ida.
McCorkle, Mrs. Joseph R.
McFarland, Mr. & Mrs. H. A.
McGarrity, Mr. & Mrs. Hugh.
McGinley, Miss Barbara.
McGinley, Mrs. James.
McGuire, Mr. & Mrs. Bernard.
McMahon, Mr. & Mrs. Charles.
McMahon, Mr. & Mrs. John A., Sr.
McMurray, Mrs. Frank.
McVeigh, Mr. & Mrs. Sam.
McVicker, Mr. & Mrs. James F.

N

Nagy, Mrs. Robert.
Nagy, Mr. & Mrs. William G.
Natural, Mr. & Mrs. Joseph J.
Nelson, Mr. & Mrs. Gerald.
Nicholas, Mrs. Tony.
Noark, Mr. & Mrs. Eugene.
Nolan, Mr. & Mrs. Joseph.
Notar, Mr. & Mrs. Dan.
November, Mr. & Mrs. Theodore.
Null, Mr. & Mrs. Jerome.
Nyre, Mrs. Anna.

O

O'Connor, Miss Mary K.
O'Day, Mr. & Mrs. Stanley.
Ognibene, Mr. & Mrs. Patsy.
Ognibene, Mr. Vincent.
O'Hara, Mr. & Mrs. Joseph.
O'Hara, Miss Maureen.
Ohlin, Mr. & Mrs. George.
Ohlin, Mr. & Mrs. Joseph.
Okopal, Mr. & Mrs. James.
Oliver, Mrs. Mary Rose.
O'Loughlin, Mr. & Mrs. Coleman.
Onder, Mr. & Mrs. Andrew.
Onder, Mr. & Mrs. John.
Ondrejko, Mrs. Elizabeth.
O'Rourke, Mr. & Mrs. Thomas P.
Orsinelli, Dr. & Mrs. David.
Osborne, Mr. & Mrs. Ronald.
Ossolo, Mr. Ray.
Ostic, Mr. & Mrs. Stephen.
Ott, Mrs. Donald.
Otto, Mrs. C. W.

P

Pabin, Mr. & Mrs. Thomas A.
Pachay, Mrs. Helen.
Pacifico, Mr. & Mrs. Harry.
Pack, Mr. & Mrs. Paul R.
Padovan, Mrs. Gene.
Padvani, Mr. & Mrs. Armand A.
Palen, Mr. & Mrs. Walter.
Palen, Mr. & Mrs. Walter, Jr.
Palcich, Mrs. Helen.
Palipchak, Mr. & Mrs. Richard.
Palmer, Mrs. Angela.
Palmer, Mr. & Mrs. Dominic.
Palmer, Mr. & Mrs. Frank.
Palmer, Mr. & Mrs. Joseph.
Palmer, Mrs. William C.
Palya, Mrs. Joseph.
Pananen, Mrs. Carl.
Pandak, Miss Barbara.
Pandak, Mr. and Mrs. John.
Pankovich, Mr. & Mrs. Stephen.
Parana, Mr. & Mrs. William.
Parise, Mr. & Mrs. Dennis.
Parise, Mr. & Mrs. Donald.
Parise, Mrs. Michael.
Parker, Miss Cindy.
Parker, Mrs. Dorothy.
Parker, Mrs. William.
Pasek, Mr. & Mrs. Donald.
Pasquini, Mr. & Mrs. Patsy.
Patrick, Mr. & Mrs. Regis.
Patrone, Mr. & Mrs. Joseph.
Patrone, Miss Rosalind.
Patterson, Mr. & Mrs. Walter.
Pavlik, Mr. & Mrs. Anthony.
Pavkovich, Mr. & Mrs. Steve.
Pawlicki, Mr. & Mrs. Clarence.
Peck, Mr. & Mrs. Joseph.
Pellegrim, Mr. & Mrs. Louis.
Pellezzeri, Mr. & Mrs. Guy.
Perez, Mrs. Guillermo, Sr.
Perez, Mr. & Mrs. William.
Perhacs, Mr. & Mrs. Richard.
Perone, Mr. & Mrs. Michael.
Petkovich, Mrs. Florence.
Petrick, Mr. & Mrs. Frank.
Pettenati, Mr. & Mrs. Enrico.
Pickens, Miss Janice.
Pickens, Mr. & Mrs. William M.
Pierce, Mrs. Adam.
Pike, Mrs. Elaine.
Pillar, Mr. & Mrs. John.
Pinciaro, Mr. & Mrs. Frank R.
Pinter, Mr. & Mrs. Donald.
Placanica, Mr. & Mrs. Francesco.
Plasky, Mr. & Mrs. William.
Plevyak, Mr. & Mrs. George.
Plihcik, James D.
Plihcik, Mr. & Mrs. John.
Plihcik, John M.
Politsky, Mr. & Mrs. Joseph.
Polehonki, Mr. & Mrs. Ralph.
Polena, Miss Leona.
Polko, Mr. & Mrs. Richard.
Potts, Miss Angeline Marie.
Plumley, Mr. & Mrs. Carl.
Polovich, Mrs. Mary.
Polyak, Mr. & Mrs. Joseph.
Pompeo, Mr. & Mrs. Albert.
Pompili, Mr. & Mrs. Paul.
Ponikvar, Mr. & Mrs. Harry.
Popovich, Mr. & Mrs. Robert.
Poppal, Mrs. Patsy.
Portale, Mr. & Mrs. Joseph.
Potts, Mr. & Mrs. Joseph.
Pountious, Mr. & Mrs. Wallace.
Powell, Mrs. Marjorie.
Powers, Mr. & Mrs. Leonard.
Pozega, Mr. & Mrs. Paul.
Prince, Mr. & Mrs. Joseph.
Prince, Mr. & Mrs. Lawrence.
Principi, Mr. & Mrs. Joseph.
Profera, Mr. & Mrs. Salvatore.
Prokay, Mr. & Mrs. John.
Prosser, Mr. & Mrs. John.
Protomaster, Mr. & Mrs. John.
Pruitt, Mrs. Floyd.
Puncsak, Mr. & Mrs. John.
Puncsak, Mr. & Mrs. Michael.
Pupillo, Mr. & Mrs. Valentino.

Q

Quinby, Mrs. Helen.
Quinby, John.
Quinn, Mr. & Mrs. Bruno.
Quintiliani, Mr. & Mrs. Dominic.

R

Racher, Mr. & Mrs. Frank.
Racz, Mr. & Mrs. Michael.
Racz, Mr. & Mrs. Paul.
Radcliffe, Mrs. Everett.
Radich, Mr. & Mrs. Richard.
Radon, Mr. & Mrs. Fred.
Ragazzo, Mr. & Mrs. Raymond A.
Rajski, Mr. & Mrs. Anthony.
Rakijasic, Mr. Frank.
Ramos, Mr. & Mrs. Manuel.
Ramsey, Mr. & Mrs. Ken.
Rapach, Mr. & Mrs. Paul.
Rapone, Mrs. Lucy.
Rathy, Mr. & Mrs. George.
Razum, Mr. & Mrs. Thomas.
Recheck, Mr. & Mrs. Norman.
Reda, Mr. & Mrs. Dominic.
Redmond, Mr. & Mrs. James H.
Reed, Mr. & Mrs. J. Harry.
Reghetti, Mrs. Robert.
Reichenhauser, Mr. & Mrs. George J.
Rek, Mr. & Mrs. August.
Rek, Mr. & Mrs. Michael.
Rek, Mr. & Mrs. Paul.
Religa, Mr. & Mrs. John W.
Remsey, Mr. & Mrs. Kenneth.
Renie, Mr. & Mrs. Elmer.
Renn, Mr. & Mrs. Robert.
Repasky, Mr. & Mrs. Matthew.
Reppart, Mrs. Martha.
Rhoda, Mr. Harold.
Rhodes, Mr. & Mrs. Eugene.
Rhodes, Mr. & Mrs. James.
Richards, Mrs. Helen C.
Rihn, Mrs. W. H.
Riley, Miss Patricia.
Rinaldi, Mr. & Mrs. Paul.
Ritter, Mr. & Mrs. Fred.
Rizzi, Mr. & Mrs. Sam.
Roberts, Mr. & Mrs. Michael.
Roberts, Mr. & Mrs. Steve.
Robinson, Mr. & Mrs. Thomas G.
Rogan, Mr. & Mrs. Otto G.
Romachik, Mr. & Mrs. John.
Ronyak, Mr. & Mrs. James.
Roseman, Mr. & Mrs. Edward J.
Rosile, Mr. & Mrs. Nicholas.
Ross, Mr. & Mrs. Patrick.
Rozzano, Mr. & Mrs. Louis.
Rubbo, Mr. Roland.
Rubinic, Mr. & Mrs. Louis.
Ruddy, Mrs. Audrey.
Rufo, Mr. & Mrs. Americo J.
Rufo, Mr. & Mrs. Leonard.
Rumancik, Helen.
Rumancik, Mr. & Mrs. John.
Rummell, Mr. & Mrs. Robert.
Rusk, Dr. & Mrs. Thomas.
Ruson, Mrs. Rose.
Russell, Mr. & Mrs. Edward.

S

Saiani, Mr. & Mrs. Geno.
Salucci, Mr. Angelo.
Salucci, Mr. & Mrs. Joseph.
Salucci, Mr. & Mrs. Luigi.
Saluga, Mr. & Mrs. Stephen.
Salvato, Mr. & Mrs. Jerry.
Salvato, Mr. Lawrence.
Sanders, Mr. & Mrs. John.
Santucci, Mrs. Adolph.
Santucci, Mr. & Mrs. Alex.
Santucci, Mr. Louis A.
Santucci, Mr. & Mrs. Nick.
Sapashe, Mr. & Mrs. Louis.
Saponaro, Mr. & Mrs. Charles.
Sawayda, Mrs. John.
Sawayda, Mr. & Mrs. John.
Saxon, Mr. & Mrs. Michael.
Sayfoot, Mr. & Mrs. Warren.
Scala, Mr. & Mrs. Anthony.
Scala, Mr. & Mrs. Sebastian.
Scarpaci, Mrs. Marie.
Schatzel, Miss Dorothy.
Schatzel, Mr. Leo T.
Schick, Mr. & Mrs. Dennis.
Schisler, Mr. & Mrs. James R.
Schisler, Mrs. Thurman.
Schisler, Mrs. William, Sr.
Schooley, Mr. & Mrs. A. J.
Schuller, Mr. & Mrs. Dennis.
Schulz, Mrs. Elizabeth.
Scott, Miss Leanora E.
Scully, Mrs. Thomas.
Seifer, Mr. & Mrs. Andrew.
Seifer, Mr. & Mrs. Robert.

Seifert, Mrs. Paul.
Seikel, Mr. & Mrs. Gerald.
Seiple, Mr. & Mrs. Lee.
Seman, Allen J.
Senard, George.
Sergi, Mrs. Rose.
Sesler, Mr. & Mrs. Hugh.
Setting, Mr. & Mrs. Anthony.
Sferra, Mr. & Mrs. Edward.
Shader, Mr. & Mrs. Thomas.
Shafer, Mr. & Mrs. Thomas.
Shaver, Mr. Dale.
Shebestok, Mr. & Mrs. John.
Shine, Mr. & Mrs. Albin.
Shine, Mr. & Mrs. Andrew.
Shine, Andrew J., Jr.
Shine, Mr. & Mrs. Anthony.
Shine, Mrs. Jenny.
Shoffner, Mr. Herman.
Showacre, Mr. & Mrs. John.
Shver, Mr. & Mrs.
Sibera, Mr. & Mrs. Ronald.
Sicuro, Mr. & Mrs. Charles.
Siekkinen, Mr. & Mrs. John E.
Simini, Mr. & Mrs. James
Simoni, Mrs. Fred.
Sinovec, Mr. & Mrs. Joseph.
Sisk, Mr. & Mrs. Eugene.
Skiba, Mr. & Mrs. Fred.
Skidmore, Mr. & Mrs. Charles.
Slanina, Mrs. Theresa.
Slapsak, Mrs. Caroline.
Slavin, Mr. & Mrs. Robert.
Slyk, Mr. & Mrs. Nicholas M.
Smart, Mrs. J. J.
Smart, Mr. John.
Smiley, Mr. & Mrs. Dominic T.
Smiley, Mr. & Mrs. William.
Smith, Mr. & Mrs. Clair.
Smith, Mr. Gary.
Smith, Mr. & Mrs. Kenneth.
Smith, Mr. & Mrs. Michael.
Smith, Mr. & Mrs. William.
Smolka, Mr. & Mrs. Joseph.
Smuke, Mr. & Mrs. Edward A.
Smuke, Mr. Joseph F.
Snyder, Mr. John.
Snyder, Mr. & Mrs. Joseph.
Solitto, Mr. & Mrs. Frank.
Sollitto, Mr. & Mrs. Michael.
Soltesz, Mr. & Mrs. Godfrey.
Sopik, Mrs. John.
Sopik, Leonard.
Sotak, Mr. & Mrs. Joseph.
Spanish, Mrs. Matt.
Spano, Mr. & Mrs. Larry.
Spelich, Mr. & Mrs. George.
Spelich, Mr. & Mrs. Joseph.
Spitilli, Mr & Mrs. Concetto.
Sporich, Mrs. Jerry.
Sporich, Mr. & Mrs. Paul.
Stacey, Mrs. Stanley E.
Stamper, Mr. & Mrs. Hugh B.
Stamper, Miss Margaret.
Stampfel, Mr. & Mrs. Anthony.
Stangasser, Mr. & Mrs. Louis.
Stankevich, Mr. & Mrs. William.
Stankewich, Mr. & Mrs. Joseph.
Stankovich, Mr. & Mrs. George.
Stanton, Mrs. Martin J.
Stefanko, Cindy.
Stefanko, Mr. & Mrs. Paul.
Sprague, Mrs. Loyd A.
Stefano, Mr. & Mrs. John.
Stefano, Mrs. Lucy.
Stefano, Mrs. Michelina.
Stefano, Robert.
Stem, Mr. Michael.
Sternitzke, Mr. & Mrs. Richard.
Stimak, Mrs. Annette.
Stishan, Mr. Frank.
Stoshak, Mr. & Mrs. Joseph.
Stratton, Mr. Allan.
Stritto, Mr. & Mrs. Dennis Dello.
Strutt, Mr. & Mrs. Howard.
Stutsman, Mr. & Mrs. Richard.
Sullivan, Anthony.
Sullivan, Mary.
Sullivan, Michael.
Sullivan, Mr. & Mrs. Thomas.
Sullivan, Mrs. William.
Susko, Mrs. Margaret.
Susleck, Mr. & Mrs. Matthew.
Swap, Mr. & Mrs. Wesley W.
Swayngim, Mrs. James.
Syzmanski, Mr. & Mrs. Victor C.
Szakacs, Mrs. Daniel.
Szallay, Mr. & Mrs. Michael.

T

Talstein, Mrs. Emil.
Tate, Mr. & Mrs. Richard.
Telesz, Mr. & Mrs. Edward J.
Telesz, Mr. Thomas.
Terzigni, Mr. & Mrs. Anthony.
Testa, Mrs. Teresa.
Theis, Mrs. Peter W.
Thirion, Mr. & Mrs. Richard.
Thomas, Mr. & Mrs. John M.
Thomas, Mr. & Mrs. John T.
Thomas, Mr. & Mrs. Lewis E.
Thomas, Mrs. Mark.
Thomas, Mr. Mark.
Thomas, Mr. & Mrs. Robert P.
Thompson, Mr. & Mrs. George.
Thompson, Mrs. Jack.
Tocorzic, Mrs. Michael.
Tocorzic, Mr. & Mrs. Milton.
Tomassi, Mr. & Mrs. Benedict.
Tomazin, Mrs. Karl.
Tomko, Mr. & Mrs. Thomas.
Tortorete, Mr. & Mrs. Michael.
Toth, Mr. John.
Toth, Mr. & Mrs. Joseph.
Toth, Judith.
Trautmann, Mr. & Mrs. William.
Tresey, Mr. & Mrs. Joseph.
Trimbur, Mr. & Mrs. Thomas.
Tripodi, Mr. & Mrs. Ernest.
Troiano, Mr. & Mrs. Guy.
Trunick, Mr. John.
Turek, Mr. & Mrs. Theodore.

U

Uber, Mrs. Charles.
Uhlir, Mary E.
Urban, Mr. & Mrs. Edward.
Urban, Mr. & Mrs. Thomas.
Urbania, Mr. & Mrs. Matthew, Jr.
Urchek, Mr. & Mrs. John L., Jr.
Usselman, Mr. & Mrs. William H.

V

Vaccar, Mr. & Mrs. Dominic.
Vadas, Mr. & Mrs. John.
Troiano, Mr. & Mrs. Vincent.
Valentz, Mrs. Amelia.
Vanus, Mr. & Mrs. Richard.
Vargo, Mr. & Mrs. Steve.
Vargosko, Mr. & Mrs. Stephen.
Varie, Mrs. Nick.
Venetta, Mr. & Mrs. Dominic.
Venetta, Mr. & Mrs. Henry.
Venetta, Mr. & Mrs. Loreto.
Venetti, Mr. & Mrs. Dominic.
Vennette, Mr. & Mrs. Jerry.
Ventura, Mr. & Mrs. Sam.
Vera, Mr. & Mrs. Nicholas.
Verbosky, Mr. & Mrs. John.
Verhosek, Mr. Albert.
Veri, Mr. & Mrs. Nick.
Veri, Mrs. William, Sr.
Verich, Mr. & Mrs. Alex.
Via, Mrs. Charles H.
Victor, Mrs. Ronald.
Victor, Mr. & Mrs. William.
Vigil, Rita.
Villecco, Mrs. Nancy.
Vincent, Mrs. Angeline.
Vincent, Mr. & Mrs. Joseph.
Vingle, Mr. & Mrs. Richard A.
Vlahos, Mr. & Mrs. John.
Vlasic, Barbara.
Vlasic, Mr. & Mrs. Thomas.
Vogt, Mrs. David.
Volk, Mr. & Mrs. Frank.
Voytek, Mr. & Mrs. Adam.
Vucco, Mr. Joseph, Sr.
Vucco, Mrs. Luby.

W

Waldeck, Mr. & Mrs. Henry.
Walker, Mr. & Mrs. James.
Walsh, Mr. & Mrs. Daniel.
Walters, Mrs. Sylvia.
Waltko, Mr. & Mrs. Joseph.
Wanecek, Mr. & Mrs. Frank A.
Ward, Mr. & Mrs. William Daniel.
Waris, Mrs. James.
Warner, Mrs. Elizabeth.
Washington, Mr. & Mrs. Walter.
Wasil, Mr. & Mrs. Thomas.
Wassel, Mrs. Alexander.
Waters, Mr. & Mrs. Charles J.
Watros, Mrs. Harold.
Welch, Mr. & Mrs. Thomas.
Weston, Mr. & Mrs. George H.
Wheeler, Mr. & Mrs. Charles.
Whetstone, Mrs. James.
Whetstone, Mr. & Mrs. James, Jr.
Whetstone, Mrs. Richard J.
Whipple, Mr. & Mrs. Lynn.
White, Ann.
Wieczorek, Mr. & Mrs. Edward.
Wiesen, Mr. & Mrs. Herbert.
Williams, Mrs. Charles.
Williams, Mrs. Jack.
Williams, Jill.
Williams, Mr. & Mrs. Mark.
Williams, Mr. & Mrs. Richard T.
Williamson, Mr. & Mrs. William.
Wilson, Mrs. Dorothy.
Wilson, Mr. & Mrs. Randall.
Wimer, Mr. & Mrs. Homer.
Wirth, Mr. & Mrs. Donald.
Woods, Mr. & Mrs. Everett.
Worosz, Mrs. Browslaw.
Wrataric, Mr. George.
Wright, Mr. & Mrs. Leonard.
Wyko, Mr. & Mrs. John R.

Y

Yakovac, Mrs. Elizabeth.
Yaksic, Mr. & Mrs. Rudy.
Yanitor, Mr. & Mrs. Michael.
Yannucci, Mr. & Mrs. Nick.
Yannucci, Mr. & Mrs. Norman J.
Yannucci, Mr. & Mrs. Samuel.
Yants, Mr. & Mrs. William J.
Yasechko, Mr. & Mrs. Joseph.
Young, Mrs. Jack.
Yurko, Mr. & Mrs. Joseph.
Yurtin, Mr. & Mrs. Frank.

Z

Zagger, Mr. & Mrs. John.
Zalac, Mrs. Joseph.
Zampedro, Mr. & Mrs. John, Jr.
Zampedro, Mr. John, Sr.
Zampedro, Mr. Publio V.
Zarlinski, Mr. & Mrs. Joseph.
Zelinsky, Mr. & Mrs. Andrew.
Zelinsky, Mr. & Mrs. John.
Zelinsky, Mr. & Mrs. Joseph.
Zeno, Mr. & Mrs. Thomas.
Zerecheck, Mrs. Mary.
Zerecheck, Raymond.
Zickefoose, Mr. & Mrs. Elmer.
Ziegler, Mrs. Ethel.
Zito, Mrs. Bruno.
Zoba, Mr. & Mrs. Eugene.
Zock, Mr. & Mrs. Henry.
Zucco, Mr. & Mrs. Angelo.
Zucco, Mr. & Mrs. Anthony.
Zupon, Mr. & Mrs. Matt.

TRIBUTE TO ALAN BANNER

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mrs. MINK. Mr. Speaker, recently a young constituent of mine, Alan Banner, the son of Dr. and Mrs. Albert Banner of Hawaii, was tragically lost at sea off the coast of western Samoa.

Though young, Alan Banner lived a full and meaningful life. Because of his deep and sincere concern for his fellow man, Alan had served in the Peace Corps in the Fiji Islands where he lived and worked in a small, remote village. He helped to establish a successful fishing cooperative that was not only of immediate benefit to the people of the village but was structured in such a way that it continued to be most effective even after his departure.

Alan's parents received a letter from the chief of that village expressing the sorrow of his loss and extolling the contribution Alan had made in improving the welfare of the entire village. Alan's family consider this letter the finest tribute to his life and memory. Though it is a tribute to Alan Banner it is, in a greater sense, a memorable tribute to the many unsung volunteers whose priceless contributions all too often go unnoticed. These are the deeds we should consider when authorizations for the Peace Corps are before us. The letter follows and it shows the impression and friendships our Peace Corps volunteers make for us all around the world:

> KIA ISLAND,
> *Vannalain, Fyi, Is., April 22, 1972.*
>
> DEAR MR. & MRS. BANNER AND FAMILY: On behalf of the people of Kia I share with you your sorrow at the loss of Alan. Though he hasn't been here, except for one short visit, for over a year, the work that he did here and his being here as one of us is remembered by us all. It was his efforts that enabled us to get our boats, engines, nets and equipment to carry out modern methods of fishing that he taught to us. His living with us gave us an example of how to carry on with our scheme. He helped us to increase our fishing from small individual efforts to a scale that brought us all together in a common effort. Through him, all our children who attend secondary schools are able to get financial aid through the fishing enterprise.
>
> Most of all, he taught us in a way that made it possible for us to carry on even after he had gone.
>
> When he returned last year, it was for the presentation of our new fishing vessel which he helped us to buy, and since then we are hoping to buy a deep sea tuna fishing vessel, at his suggestion.
>
> The people of Kia are going to have a "BRUA", a feast in his honor. Our thoughts will be with you and with Alan on this day and in the future. We will be honoured and pleased if at any time in the future any of you would like to visit us on Kia and hope that someday we will have this opportunity
>
> * * * * *
>
> On my own behalf, I feel very deeply because in the two years that Alan was here I came to know him and love him as a brother and as such, feel that we all are part of the same family.
>
> Sincerely yours,
>
> AKUILA TUTORA.

TRINITY LUTHERAN CHURCH IN SMITHSBURG, MD., CELEBRATES 150TH ANNIVERSARY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. BYRON. Mr. Speaker, this Sunday, the Trinity Lutheran Church in Smithsburg, Md., will mark its 150th anniversary. A full program has commemorated this day beginning with special Lenten services.

Part of the celebration has been the return to Trinity of past pastors. These included Rev. Paul Curfman, Rev. C. Huddle, Rev. Gomer Rees, Rev. Francis Bell, Rev. James Horn, Rev. Harry Yeide, and Rev. Robert Hyson. Trinity Lutheran Church was founded through the efforts of Rev. Benjamin Kurtz who served as Trinity's first pastor in 1822–28.

I would like to congratulate Rev. William L. Dreikorn and the congregation on this anniversary and to wish them a happy reunion and successful celebration.

CRIME—THE PROBLEM AND SOLUTION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. PRICE of Texas. Mr. Speaker, crime in our country is skyrocketing. Even though fortressed in their homes, 78 percent of respondents to a recent Life magazine pool reported they do not feel secure in their own homes.

Why? Why are so many crimes committed in spite of what we like to believe is our increasing degree of civilization? Crime is a national disgrace—it is threatening, alarming, wasteful, expensive, and apparently ever increasing.

Our priorities are radically offcenter. National, State, and local governments have failed the people on the crime issue. In talking about human needs and social programs, we overlook the societal obligation that lives must first be protected. The fear of crime is destroying some of the basic human freedoms which any society is supposed to safeguard—freedom of movement, freedom from harm, freedom from fear itself.

It is a fact that if fear stalks our country, all the worthy programs we can dream up to advance our society will be for naught.

We must check the trend now by supporting firm law enforcement. We must stop mollycoddling and babyfooting criminals. Let us get such criminals off the streets and in the jails where they belong. We must back up our police for they are doing a difficult and often thankless job for society. Perhaps a logical step for many communities is citizen anticrime patrols or groups of volunteers that keep a protective eye on the community via roving patrol units and providing escort services after dark. Crime prevention should not be the exclusive province of the police department; individual citizens also need to become more actively involved in fighting today's rampant crime.

As horrifying as the crime statistics are, it is still acknowledged that for many reasons, citizens do not report at least half of all crimes committed. How can our police make any decent progress in arresting crime rates if they do not know the true extent of the problem? Collectively, we should pick up the pay telephone, drop a dime in, and give information to the police—we should reactivate the old concept of "dirty-diming" the criminal. Let us not hesitate to point the finger at the wrongdoer who constitutes a true menace to our peaceful society. Through citizen anticrime patrols or just by becoming involved, citizens should be more prepared to assist in fighting crime.

Experience demonstrates that the faster policemen are able to respond to a call, the higher the arrest rate for suspected violators. Accordingly, policemen may be able to apprehend 80 percent or more of suspects if the police are notified within 1 minute after the event, while the chances for prompt arrests after the lapse of 4 minutes or so after the event are practically nil. There is no doubt that police and the community they serve can form an effective team for crime prevention and law enforcement.

It is a known fact that relatively few offenders are caught, and most of those arrested are released. I am troubled that previous Supreme Court decisions have aided the criminal by giving him technical ways of beating the system. This idea of dismissing a criminal because the policeman forgot to sign his name on column B of page 3 of form A is ridiculous.

Law enforcement officers are tired of arresting and prosecuting criminals only to see them go free—to commit new crimes. New York City's Police Commissioner Patrick V. Murphy has said:

> I will state emphatically that the court system must accept the giant share of the blame for the continual rise in crime.

The late J. Edgar Hoover once said:

> I am firmly convinced that one of the most effective moves we could make to combat crime in the 1970's would be to speed up and improve our judicial processes so that the time element between a criminal violation and its disposition in court is sharply reduced.

We must take immediate steps to improve our court system. We need to beef up our court system and provide faster justice. The only answer to our Nation's crime problems will be found in direct, purposeful, positive action—not just waiting and hoping the problem will go away. The guilty criminal should have little doubt that when he is arrested, he will be promptly prosecuted and substantially punished for his misdeeds.

If we are to find relief from crime, it is imperative that we shore up our legal walls to prevent lawbreakers from slipping back and forth through loopholes to prey on the public, then hiding behind legal sanctions to avoid just and adequate punishment. Justice should be all-inclusive—that is, just for the victim and the public as well as for the accused. If we are to contain the spiraling crime rate and bring a higher degree of security to the law-abiding citizen, then we must make justice swift and certain.

I speak of action programs, not blue-ribbon study groups to improve conditions. While we spin our wheels setting up commission after commission to study prison and court reform, crime continues rapidly on the rise.

The FBI reported 5.5 million crimes

in 1970. The risk of being a victim of crime has increased 144 percent since 1960. Yet during this same period, the population increased only 13 percent. Thus, over this 10-year period, crime increased 11½ times as fast as the population.

We know that between 40 to 75 percent of all released offenders from prison will be returned to prison on criminal charges. And, consider a statistic to break the heart, 20 percent of all arrests in 1970 for serious crimes were for persons under the age of 15. Such juvenile crime statistics suggest that the reason our criminal justice system is failing is that parents, schools, and churches are failing to impress young people with the meaning of discipline and right conduct.

What can we do about crime? More police will help. Tougher judges will help. More enlightened job training in humane prisons will help. And more citizen participation in law enforcement will help.

All of our government institutions on the local, State, and Federal levels must become more responsive to the needs of citizens and take appropriate actions immediately if they are to command the continued respect of the citizenry.

Even more important, the respect for law among our whole society—parents, schools, churches—must be strengthened. For if moral values and the sense of civic responsibility are shaped carefully, crime will be reduced. It is as simple, and as fearfully difficult as that.

A STUDY OF LAMBERT ST. LOUIS INTERNATIONAL AIRPORT

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. SYMINGTON. Mr. Speaker, several weeks ago FAA Administrator John Shaffer made a speech in Miami before the National Airlines Management Association. In that speech Mr. Shaffer indicated that the best way to meet this Nation's air transportation needs may not be by building larger and larger airports which sterilize huge chunks of land. He said that not only is the building of superports detrimental to the landscape, but that these superports may be "more attuned to officials egos than passenger needs." Mr. Shaffer suggested that some of the air traffic pressure on large airports might be more efficiently relieved by the development of short haul systems using small planes and small existing airports.

Mr. Shaffer's views have been reconfirmed by a study of Lambert St. Louis International Airport recently completed by the Systems Analysis and Research Corp. This study concluded that with revised FAA traffic projections, with scheduled improvements of Lambert, and with a diversion of private aircraft to a reliever airport, Lambert could function as an adequate air transportation facility for the St. Louis area well into the 1990's. This study emphasized, as Mr. Shaffer has, that passenger convenience must be considered in planning air transportation for a region.

An article describing the Systems Analysis study appeared in yesterday's St. Louis Globe-Democrat. Because this study makes a strong argument for the adequacy of an existing airport—Lambert—and against the building of an enormous new airport proposed for the St. Louis-East St. Louis area, I insert this article into the RECORD:

LAMBERT COULD BE USED FOR 20 YEARS, STUDY SAYS

(By Robert Blanchard)

An improved Lambert St. Louis International Airport will be adequate as the main air carrier airport for St. Louis for the next 20 years, a new technical study disclosed Monday.

Therefore there should be no rush to abandon Lambert or to retard its improvement, the report says.

"Lambert Field is ideally situated to serve air travelers, and therefore St. Louis should take full advantage of this existing facility," concluded the study of the Systems Analysis and Research Corp., an aviation economic consulting firm based in Washington, D.C.

The study was prepared at the request of the Lambert Field Evaluation Committee of the Missouri-St. Louis Airport Authority, which was recently created by the Missouri Legislature.

W. R. Persons, committee chairman, hailed the report as conclusive evidence against a move to abandon Lambert in favor of an airport near Waterloo-Columbia, Ill.

"The report clearly and conclusively demonstrates that the entire argument for rushing to abandon Lambert in favor of the Illinois site has no substance and has all the characteristics of a political power play which would ultimately cost the taxpayers multimillions," Persons declared.

The consulting firm concluded that Lambert, with revised FAA traffic projections and with scheduled improvements, can adequately serve as the main airport here through 1990.

Also, based on an analysis of projections and a lead time of 10 years, the firm said it will not be necessary to begin construction of a new commercial airport here until after 1990 at the earliest.

"This will provide sufficient time to determine whether new technology, will obviate the need for a new airport or, if not, provide sufficient time for construction of a new facility.

"However, prudent management of resources requires that steps be taken to reserve land now, should the need for a new airport develop beyond 1990," the report stated.

Systems analysis and Research Corp. is an economic forecasting firm which provides studies in support of engineering planning for airport development. It is presently employed in planning an additional airport in Chicago and a new Dade County airport near Miami.

In the St. Louis study, the firm reassessed air traffic forecasts, airport capacity, current improvement plans at Lambert and initial estimates of the cost of needed improvements.

The study warned that without efforts to expedite the Lambert improvements, the airport "could easily become obsolete by default."

Among improvements urged in the report was the development of a major reliever airport for private aircraft. Ideally, such an airport could be located on property adequate for development as a major airport which could be exchanged with Lambert after 1990 if it proves desirable to do so, the report said.

The consultants stressed that Lambert is the best site for the major St. Louis airport from the point of view of the air traveler, the airlines, the community and the environment.

They assailed a "prevalent bias" in airport planning, based on the rapid growth of the 1950s and 1960s, "that oversized airports will soon be utilized by rapid traffic growth and, therefore, it is better to err on the side of overstating traffic demands."

The most recent available data reflecting the actual decline in air traffic in St. Louis was studied by the firm, which produced these forecasts for air travel demand for airlines here:

One: Annual enplanements will grow to a total of 14.26 million in 1990, compared to last year's total of 3.01 million at Lambert.

Two: Annual airline aircraft movements will increase from 167,000 this year to 262,000 in 1990.

Three: Peak hour IFR (instrument flight rules) movements will increase from 47 this year to 67 in 1990. This consideration is most important during adverse weather conditions when all flights are IFR (in contrast to flying under visual flight roles).

The current Lambert runways with planned but unaccomplished extension and improvements will have sufficient capacity to serve anticipated demand beyond 1990, the report stated.

It urged prompt action on the planned extension of runway 12L-30R and the resurfacing of the parallel runway, 12R-30L, which serves as Lambert's main runway.

Plans of the Municipal Airport Commission announced in 1970 to improve the passenger terminal "are generally adequate but the first steps must be taken promptly to ensure that full potential of Lambert is maintained and realized," the consultants declared.

Cost of improvements to serve the expected demand through 1990 at Lambert was estimated to be about $76 million. Funds from the 1968 airport revenue bond authorization can provide for all of the needed improvements, it was pointed out.

"It is feasible, based on reasonable traffic estimates which recognize most recent traffic trends, to develop Lambert through the 1980's. Moreover, the advent of new technology leaves open the probability of Lambert serving indefinitely as the major air carrier airport," the report concluded.

The convenience of the air traveler, the consultants noted, has yet to be accepted as a major influence on the airport decision for St. Louis. Lambert's proximity to the air traveling public should be a key consideration, they said.

A further reason to use Lambert's full potential is the economic impact of the airport on the surrounding community, the report continued. Abandonment of Lambert as the main airport "would cause severe and unnecessary economic dislocation throughout the community," it stated.

The study also dealt with airport traffic forecasts. The firm developed the Air Transport Association's forecasting method which is now being widely used at major airports so that forecasts of passenger volume will compare accurately with other long-range forecasts.

The report was released in a press conference at Emerson Electric Co.

Persons, board chairman and chief executive officer of Emerson, said costs of the report have not been determined. He added that it will be paid either by the authority or by "interested citizens."

The study was conducted by Henry Sweezy, vice president of SARC, who was present at the conference. He is a former vice president of Ozark Air Lines, Inc., and a former planning officer of the Civil Aeronautics Board."

He said the study required about three and one-half weeks.

DEATH OF AN INDUSTRY?

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. BROYHILL of North Carolina. Mr. Speaker, I have long been concerned about recent Federal court decisions regarding the broadcast industry and the effect they have had in bringing instability and chaos to a vital American institution.

An article appearing in the May 1972 issue of Nation's Business graphically describes a number of problems facing broadcasters. I commend it to the Members of the House, to better inform them of the important issues involved.

It is time that the Congress took the initiative in setting broadcast policies which will serve the public interest. I have long supported legislation to establish an orderly procedure for the renewal of broadcast licenses, and I strongly urge its consideration by the House of Representatives:

DEATH OF AN INDUSTRY?

How would you like to own a business where you are required every three years to justify your performance to seven political appointees and perhaps lose that business if they don't think you measure up?

Or perhaps be forced to give away one of your wares for each one you sell?

Those are only two of the life-or-death problems facing the American radio and television industry.

Why should you be concerned about the broadcasters? Everybody knows they make millions and millions of dollars.

Their plight is of concern to you, however, for two reasons. If you ever advertise anything at all, new rules proposed for the broadcasting industry could eventually affect you, whatever form your ads take.

In a broader sense, you have a stake in the broadcasters' struggle because government policies that could cause the death of their industry could spread to others. The worst threat to the stations, of course, is that of being put out of business.

Owners of two TV stations—one in Boston, Mass., the other in Jackson, Miss.—have actually been stripped of their licenses, and over a hundred more stations are under attack.

Because of court decisions, any individual or group can challenge a station's right to continue operating. No matter how frivolous or unrealistic the complaint, the station is compelled to respond.

And a recent decision by the U.S. Court of Appeals in Washington has raised concern that a broadcaster—even after meeting the demands of a protester—might be required to pay for all expenses incurred by the challenger. And this, warn industry officials, could open the floodgates to all kinds of extortion by persons more interested in money than in changing a station's programs.

Pressures on broadcasters are coming from militant minority groups on the one hand and government edict on the other.

Target stations are having to spend untold man-hours and many thousands of dollars in legal fees to protect their investments.

The seven-member Federal Communications Commission can wipe out those investments by refusing to renew the licenses of station owners who come under attack. The owners' recourse: a further investment in money and time before the U.S. Court of Appeals in Washington, whose past rulings do not cast it in the role of the broadcaster's best friend. And now the Federal Trade Commission is asking the FCC to force radio and TV stations to offer time—even free time—to almost anyone who wants to challenge the contents of commercials.

This is known as "counteradvertising" and if it should come to pass, warns the Columbia Broadcasting System, it would "undermine and destroy" the financial base of commercial broadcasting.

Here, too, the fate of the industry is in the hands of the FCC.

These twin threats are part of an overall review of who should have access to the airwaves under the so-called Fairness Doctrine for presenting all sides of controversial issues.

The implications are abundantly clear: Under this kind of oppressive federal regulation, the foundation of the competitive enterprise system is being severely rocked.

While advertisers on radio and television are most immediately under the threat of counteradvertising required by government decree, it's only a short step to the point at which any form of advertising would be affected.

Broadcasting officials, from the owners of tiny radio stations to executives of the national networks, have warned that any attempt to implement a counteradvertising policy in their industry could lead to an end to free TV and radio in this country.

After all, the only thing the broadcasters have to sell—in order to remain in business—is the time for commercials.

Sponsors, they say, are hardly likely to continue paying for commercials when part of the money is going to finance time to rebut those commercials.

One broadcasting executive asks specifically: Should free air time be made available to horse lovers to condemn autos, or to let "the carrot juice sippers" rail against soft drinks?

A colleague puts the issue in somewhat different terms: "When a commercial for a brassiere is aired on radio or television, should the no-bra bunch be offered equal time to extoll the virtues of the swinging life?"

PROGRAMS AND PERSONNEL

While the counteradvertising debate rages, militants are aiming at the very heart of the broadcast's business—his federal license to operate.

Petitions to deny license renewals are being filed with the FCC on behalf of Negroes, Mexican-Americans, Puerto Ricans, Indians, Orientals, Gay Liberation, Women's Lib and various other groups and causes. Common threads of their complaints concern programing and personnel.

They argue that they are entitled to more attention in broadcasting through "relevant" programs reflecting their interests and concerns. The racial and ethnic blocs in particular contend they should be represented on the broadcasting staffs of the stations.

Recent court and administrative decisions have opened the FCC's door petitions by such groups for denials of license renewals, even though the complainants do not want to take over the licenses themselves and indeed often have no suggestions on who should operate the stations.

Some stations have compromised and agreed to such steps as putting on more black-oriented programs and hiring blacks for on-the-air jobs.

Hanging over the broadcasters, who have at stake millions of dollars in capital investments, not to mention goodwill built up over the years, is the fact that their licenses must come up for renewal every three years. The long-standing policy for the 7,000 radio and television licenses in this country once was to judge a broadcaster at renewal time on the basis of the record. Satisfactory performance in the previous three years virtually guaranteed renewal.

A competing application for the same license could be filed by a party with sufficient resources to establish and maintain a station on that same frequency. But a petition to deny the renewal application could be filed only by someone who could show a direct economic stake—another station that claimed interference with its signal, for example.

SHOCK WAVES

In recent years, however, two major developments have sent shock waves through the broadcasting industry.

Here's what happened:

In 1966, the U.S. Court of Appeals in Washington—overruling the FCC—held that the general public, as individuals or groups, had legal standing to challenge a renewal and to argue that a given station had not performed in the public interest. (In the same case, three years later, that court stripped television station WLBT in Jackson, Miss., of its license as a result of objections to the way it handled matters concerning the local Negro community.)

The FCC, in 1969, made a major departure from its own policy that an adequate record gave a licensee priority over a challenger. It refused to renew the license of WHDH-TV, of Boston, Mass., which had gone on the air in 1957 and was estimated to be worth more than $50 million. The station's record was not "superior," the FCC ruled, and the licensee would therefore be considered on the same basis as a competing applicant for the same license.

Then the FCC went on to take the license away from WHDH on the ground that its parent company also owned a newspaper, the *Boston Herald Traveler*. The FCC said it believed in diversification of ownership of communications media.

(There were two grim ironies for the station here: Only three of the seven members of the FCC voted against it. One member voted against transferring the license and the other three did not act on the decision.

(And, when the station finally ceased broadcasting this past March, company officials said the *Herald Traveler* could not long survive without television revenues that more than offset its losses.)

Later, the FCC sought to draw back from its sharp departure in the WHDH case and issued a policy statement reaffirming the importance of a good record in renewal applications. But the Court of Appeals in Washington struck down the policy statement last June on the ground it discriminated against new applicants.

LIBERALS ATTACK A LIBERAL

Sen. John O. Pastore (D.-R.I.), chairman of the Senate communication subcommittee, introduced a bill in 1969 to stabilize the situation. Under the legislation the FCC could not consider a competing application for a license unless it had first taken the license away from the applicant for renewal.

Said the Senator: "A person who has a license has to live up to the law. And when he does, and does a good job, he hadn't ought to be harassed by any entrepreneur who comes in and makes a big promise."

Sen. Pastore, a veteran liberal and staunch supporter of civil rights legislation, suddenly found himself the target of liberal, civil rights and other activist groups.

Absalom Jordan, national chairman of Black Efforts for Soul in Television (BEST), told the Senator: "This bill is back-door racism . . . it says, in effect, no black ownership. First priority goes to whites."

The Rev. William F. Fore, executive director of the Broadcasting and Film Commission of the National Council of the Churches of Christ, opposed the bill "because we believe it would have the effect of permanently protecting the licenses of incumbent broadcasters. . . ."

The hearings on the Pastore bill became so emotionally charged over allegations that it would insulate broadcasters from challenges by minority groups that it got nowhere. While the Senator pointed out that challenges would still be possible, the provisions of the bill itself were obscured by injection of the racial issue.

Sen. Pastore, who was subjected during his 1970 re-election campaign to charges of racism because of his sponsorship of the bill, has declined to take up the fight again.

And the industry has been unable to obtain hearings on measures to restore some stability to the license renewal situation while at the same time keeping open avenues for legitimate grievances against a station.

As a result, more and more stations find themselves under fire.

In 1967, only one petition to deny a license renewal was filed with the FCC. In 1970, there were 32. In 1971, there were 68. The total this year is expected to go even higher.

Organizations that have filed, or are considering filing, petitions to take licenses away from present holders include such groups as the Black Knights and the Columbus Civil Rights Council, both of Ohio; the Black Identity Educational Association, of Omaha, Nebr.; the Bilingual-Bicultural Coalition on Mass Media, of San Antonio, Texas; the Chinese Media Committee of San Francisco, Calif.; the United Farm Workers [see "Chavez Blight Spreads East," page 32]; the National Organization of Women (NOW); and the National Union Alianza Federal de Pueblos Libres of Albuquerque, N. Mex. (The Alianza was organized originally to press a claim that Southwestern inhabitants of Mexican origin are entitled to vast tracts under Spanish land grants.)

ONE STATION'S STORY

In Denver, Colo., for example, station KLZ–TV was the target of a complaint that carried such allegations as "lack of programming related to the black community and the frustrations, problems, aspirations and the cultural values of the black community and the Chicano community. . . . Many commercials urge children to purchase edibles of doubtful nutritional value and perhaps harmful. . . ."

KLZ-TV officials estimated that to prepare a response to those and other allegations, executives and employees put in 1,200 man-hours. In addition, University of Denver students were hired to review more than 1,000 days of news scripts. And thousands of dollars went for legal fees involved in drafting the response.

The station said:

"With one exception, none of the individuals or organizations signing the petition even contacted the station to make known any of their views, suggestions and observations . . . which are so vehemently expressed in the petition.

"Because of the nonspecific nature of charges, the preparation of this response . . . has consumed tremendous amounts of time . . . Effort of this magnitude was required because the petitioners indulged in broad characterizations and loosely stated serious allegations without providing supporting facts. The licensee is left, therefore, to defend itself against many charges and innuendos that are neither articulated nor supported."

As an example of what it was facing, the station told of one incident: It had received a complaint that a commercial featuring the "Frito Bandito" was considered offensive by Mexican-Americans.

The station told its advertising agency, the sponsor and CBS that when the commercial was scheduled, it would disconnect from the network and substitute a commercial acceptable locally. This involved special arrangements for a cue, breaking the network connection, presenting the local commercial and then rejoining the network.

"This arrangement required special handling by six different members of the station's personnel," KLZ told the FCC.

HOW MUCH IS ENOUGH?

Broadcasters confronted with challenges often find themselves up against such questions as who, if anyone, has the wisdom to lay down specific standards for determining "relevance" of programing to one or more minority groups, for identifying the genuine spokesmen for such groups, and for fixing the point at which minority-oriented programing is sufficient.

How much is enough? A Bakersfield, Calif., radio station directed 97 per cent of its programing to the Mexican-American community but was challenged on grounds it had not discussed programing with bona fide representatives of that community.

From the industry standpoint, the key legal case now pending involves WMAL–TV of Washington, D.C. That city's Black United Front has filed a petition for a denial of license renewal on grounds the station "has failed to serve the public interest . . . by completely overlooking and failing to serve the interests, needs and desires of the substantial black population within its primary signal area." The petition noted that blacks "constitute an overwhelming majority" of the city that WMAL "purports to serve."

The cost to WMAL–TV, in legal fees alone, of defending its position and retaining its license can only be described as staggering. Nation's Business editors, examining FCC files, studied one set of documents submitted by the station—not its entire response—which amounted to a stack measuring some 36 inches high.

The FCC refused to order a hearing on the complaint. "Many types of programing cannot be broken down into that for black people and that for others," it said. "Were the Commission to require such a breakdown of programing according to the racial composition of the city of license, we would effectively be prohibiting the broadcast of network and other nationally presented programing. It is sufficient to say that such 'separate programing' is not feasible."

The Black United Front has asked the U.S. Court of Appeals to overrule the FCC and order a hearing.

A key issue in the case, one that could have a major impact on broadcasters in urban areas everywhere, is what constitutes WMAL–TV's area of responsibility.

The Black United Front says it is Washington, D.C., which is 70 percent Negro. But the station points out its signal area, extending far beyond the city limits, contains a population that is predominantly white.

RUNNING THE GAUNTLET

Thomas H. Wall, president of the Federal Communications Bar Association, says broadcasting is "the only industry I know where you have to run the gauntlet every three years to stay in business."

No one is suggesting, he says, that broadcasters who do not live up to their responsibilities be shielded from competition. On the other hand, Mr. Wall says, those who make charges against licensees should be compelled to bear the burden of proving them. And, he adds, "if broadcasters give in to the wishes of the protesters too much, they will wind up being led around by the nose."

Mr. Wall says the bar group believes Congress should act to clarify the "confusion and uncertainty" surrounding license renewals.

The National Association of Broadcasters is backing legislation to extend the license period to five years from three. It also would provide that a license be renewed if the holder shows he has made a "good faith effort" to fulfill his responsibilities and has not shown callous disregard for the law or FCC regulations. Opponents could still come in to challenge licensees on whether they had met those standards. Meanwhile, what amounts to pools of legal aid have been set up for challenges.

That pioneer case in Jackson, Miss., was brought on behalf of the local black community by the Office of Communication of the United Church of Christ, which has since made its legal expertise in license matters available to protesting groups in many other communities. And several other organizations have been formed to provide legal services in license challenges on request.

One recent case in which the United Church of Christ figured prominently could well cause even more headaches for the broadcasting industry.

Several black groups filed a petition to deny renewal of the license of KTAL–TV, in Texarkana, Ark.

Whereupon, KTAL entered into an agreement in which it pledged, among other things, to "discuss programing regularly with all segments of the public." It also hired two black newsmen to appear on camera.

On top of that, the station agreed to a demand that it pay more than $15,000 in legal and other fees incurred by the protesters.

The challenge to the license renewal was withdrawn, but the FCC refused to allow the payment to the challengers, holding that would not be in the public interest.

Then the same Court of Appeals that had ruled against the broadcasting industry so many times in the past overturned the FCC ruling and said the payment could be made.

Another case in which protesters have demanded that a station pay their legal fees—this time, the station refused to pay—is now before the FCC and is expected to wind up in court. Industry sources are concerned, because of the KTAL decision, that judges are heading toward requiring, not just permitting, payments by stations when challenges are withdrawn.

Taking a long look at all that is going on, the National Association of Broadcasters sums up this way: "It is no longer foolish or alarmist to say that present trends in government control . . . could wreck broadcasting."

NOW YOU SEE IT, NOW YOU DO NOT

In 1967, the Federal Communications Commission ruled that radio and television stations had to carry—without charge—antismoking messages to counter the paid commercials of the cigaret companies.

Smoking, the FCC said, had become sufficiently controversial to come under the Fairness Doctrine requiring broadcast licensees to air all sides of major public issues.

On Jan. 2, 1971, cigaret commercials were banned from the airwaves under a law Congress had passed the previous year.

But the antismoking messages continued. The FCC had announced just before the ban took effect that continuing the antismoking spots would be regarded as a public service. (Many broadcasters took the announcement as a strong signal that it would be good to be able to tell the FCC when their licenses were up for renewal that they had provided this service.)

So, under the Fairness Doctrine, it now appeared that the shoe was on the other foot, that stations carrying antismoking messages would have to carry the industry's arguments on the smoking-and-health issue.

No, it wouldn't be that way at all, the FCC said. Only the antismoking messages could continue.

The Fairness Doctrine? Well, the FCC explained, information about cigaret smoking had become so well-known that there no longer was a controversy over its effects. And the Fairness Doctrine, you know, applies only to controversial issues.

THE SOUR SUGAR DEAL IN MAINE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. GROSS. Mr. Speaker, I have spoken out from time to time in protest over the outrageous use of the taxpayers' money to bankroll the infamous Maine Sugar Industries operation, which was tainted with political consideration from the beginning of its ill-conceived life.

In a recent column, Pulitzer Prize winning reporter Clark Mollenhoff, writing with reporter George Anthan, revealed that the now-bankrupt sugar company had as its production manager a convicted international swindler who served time in a Federal prison for his crimes.

This same criminal is now head of a firm that will allegedly try to put Maine Sugar Industries back in business.

Mr. Speaker, the American people have been bilked enough by this sugar gang in Maine and I sincerely hope that this latest exposé will serve as a warning to the Federal Government that not another red cent of the public's money should be put into this operation.

I include Mr. Mollenhoff's column for insertion in the RECORD at this point:

SOUR TASTE TO MAINE SUGAR

(By Clark Mollenhoff and George Anthan)

WASHINGTON, D.C.—Controversy is brewing in Maine over the fact that John Cancelarich is president of a new corporation that has contracted with an agency of the state government to make another attempt at developing a sugar industry in that traditional potato-raising state.

Cancelarich is the former production manager for Fred H. Vahlsing, whose firm, Maine Sugar Industries, Inc., cost the state of Maine more than $10 million, and the federal government more than $13 million during the last decade in another sugar beet venture.

This has left a sour taste in the mouths of a large number of Maine political figures and citizens, so far as Vahlsing is concerned.

What has not been known generally in Maine is that Cancelarich is a convicted international swindler, who has served a federal prison term.

The more you know about the nature of his conviction—on charges of stealing drug cultures and documents—the more you question why Vahlsing hired him in the first place.

The chronology of events involving Cancelarich shows:

On Oct. 26, 1962, Cancelarich was indicted in the Southern District of New York on four counts of transportation of stolen drug cultures and documents, and one count of conspiracy involving theft of drug cultures and information from an American drug firm, where he had been employed.

FIRM IN ITALY

The indictment charged that Cancelarich and four co-conspirators entered into a complex arrangement for delivery of the cultures and documents to an Italian drug firm.

On Dec. 5, 1962, Cancelarich was employed by Vahlsing in a key role at the Vahlsing sugar plant at Easton, Maine.

Throughout the period from 1962 through 1965, Vahlsing worked with various state and national political figures to obtain state and federal loans and loan guarantees to finance his sugar industry plants.

With governmental backing, the Great Western Sugar Co. in 1964 made tests that indicated a sugar industry in Maine would be a poor business risk.

On Jan. 20, 1966, Cancelarich and other defendants appeared before U.S. District Judge Charles Metzner in New York City. Despite pleas by his lawyer that Cancelarich had admitted his part in the conspiracy and had told federal authorities about the affair, Judge Metzner sentenced him to six months in the federal prison at Danbury, Conn.

The judge indicated that payments for delivery of the drug material earned the co-conspirators lump sum payments of up to $80,000.

From January to May 3, 1966, Cancelarich served at Danbury prison, but remained on Vahlsing's payroll at a time when the sugar company was deeply involved in losing millions of dollars in taxpayers' money.

Vahlsing, who was aware of Cancelarich's criminal activities, contacted the U.S. Board of Parole in a successful effort to release Cancelarich from prison before he served his full sentence.

From June, 1966, through the fall of 1968, Vahlsing and Cancelarich continued to seek additional federal financing to bolster the unsuccessful sugar venture.

The U.S. Economic Development Administration (EDA) opposed pouring more federal money into Vahlsing's sugar company despite the fact that Senator Edmund Muskie (Dem., Maine) was a leader in promoting Vahlsing's requests to federal agencies.

CONSULTANT HIRED

In the fall of 1968, EDA hired an outside consultant to evaluate the financial affairs of Vahlsing's company, Maine Sugar Industries. Vahlsing and his employes refused to permit the consultants to examine plant operations and key financial records.

The reports the auditors made to EDA, however, charged that cost overruns for plant development were more than 100 percent—$14.7 million to $32.9 million.

In May, 1969, in a final report to EDA, the consulting firm referred to the financial condition of Vahlsing's company as "adverse and alarming."

In the fall of 1969, Vahlsing complained to the Nixon administration that the first report was "unfair." The administration then hired another firm to look at Maine Sugar Industries again. This study was nearly as devastating as the first.

The Nixon administration then rejected Vahlsing's pleas for more federal money. Vahlsing's operations have been a special embarrassment to Senator Muskie because of financial support he's received from the sugar company owners, and because of pollution problems arising from Vahlsing's sugar and potato enterprises in Maine.

SAME OLD DEAL

The State of Maine, through the Maine Industrial Building Authority (MIBA), took over the Vahlsing sugar plant to satisfy its debts. Maine Sugar Industries was forced into bankruptcy last year, and the federal government indicated it was willing to write off its $13 million investment as a loss.

Now, the State of Maine has turned around and leased the plantation to the firm headed by Cancelarich.

State Senator Joe Sewell, a Republican, said of the new arrangement, "Here we go again, same old deal."

LEAA—VIOLATES CIVIL RIGHTS ACT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. CLAY. Mr. Speaker, I wish to call to the attention of the Members of this body the fact that Federal moneys are being spent each day by the executive branch of the Government in direct violation of the law. The case that I refer to is particular to my district in the State of Missouri but similar situations are happening throughout the country. The Justice Department is continuing to allocate LEAA moneys to agencies who are discriminating against blacks and other minorities. The lackadaisical attitude of Justice Department officials indicates that they hold civil rights laws in utter contempt.

Mr. Speaker, I would like to commend the following exchanges of letters between Jerris Leonard and myself to my colleagues' attention. The letters follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 5, 1972.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: I am writing to express my deep concern over the flagrant lack of compliance with Title VII of the Civil Rights Act by recipients of LEAA funds in Missouri.

As you know, the funds in Missouri are administered by the Missouri Law Enforcement Assistance Council. This organization in itself has avoided compliance with the law. Funds have been arbitrarily dispensed, with no affirmative action programs presented by many of the State agencies receiving these monies.

One of the recipients of LEAA funds has been the Missouri Highway Patrol. I wish to point out that this is the most rigidly segregated police unit in the State of Missouri. They have an authorized strength of 750 troopers—of which two are black. I am sure you will agree that this represents a wanton disregard of federal civil rights laws and the laws of the State of Missouri.

Another LEAA recipient is the St. Louis Police Department. The St. Louis Police Department with approximately 2,290 commissioned men and women employs only 311 blacks among its ranks. It may interest you to know that blacks comprise 42 percent of the population in the City of St. Louis. Thus, a figure of 311 is a mere token representation. The underemployment of blacks on the Police force has been brought to the attention of the department on numerous occasions with no attempt to rectify the situation.

Since these agencies are receiving substantial federal monies, efforts should be made to bring them into compliance with federal law. As the Administrator of the Law Enforcement Assistance Administration, I am, therefore, urging you to take immediate action to withold from the State of Missouri all LEAA funds. Funds should not be dispensed until positive action is taken to insure compliance with all federal laws by the Missouri Law Enforcement Assistance Council and its grantees.

Discrimination which is aided and abetted by the federal government cannot and should not be tolerated. The federal government should serve as an exemplary figure in ending these racist tactics—instead, as is the case with LEAA recipients, we find it promoting them.

I trust you will move on this matter swiftly and I look forward to hearing from you shortly.

Sincerely,

WILLIAM L. CLAY,
Member of Congress.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., April 21, 1972.

Hon. WILLIAM L. CLAY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CLAY: This is in response to your recent letter regarding compliance with Title VII of the Civil Rights Act by recipients of Law Enforcement Assistance Administration funds in Missouri.

I share your concern about the under utilization of minorities in the criminal justice system. However, our Statistical Division recently completed a survey of the minority representation on all State Planning Agencies and Regional Supervisory Boards. The Bureau of Census statistics indicate that the minority population of the State of Missouri is 11.54 percent. Our survey shows the minority representation on Missouri Law Enforcement Assistance Council to be 10.53 percent, and on the Regional Supervisory Board to be 10.89 percent.

As you know, St. Louis is one of the eight major American cities selected for LEAA's High Impact Anti-Crime Program to combat burglary and street crime. In connection with that selection, the Office of Civil Rights Compliance of LEAA has recently completed a civil rights compliance review of the St. Louis Police Department. An analysis of the review has now begun.

It is my belief that the cut-off of LEAA funds would be a disservice to minority communities, which have a disproportionately high crime rate. You may be assured of LEAA's determination to fulfill its statutory obligation by requiring full compliance with the civil rights provisions of the Civil Rights Act.

Your interest in this matter and the programs of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

JERRIS LEONARD, *Administrator.*

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 17, 1972.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. LEONARD: This is in response to your letter in connection with my request concerning compliance with Title VI and VII Law Enforcement Assistance Administration funds in Missouri.

I am not impressed nor convinced in the least by the cursory, non-responsiveness of your letter to the specific charges I brought to your attention. It is meaningless to point out that the non-white population of Missouri is 11.54% and your survey indicates that the minority representation on the Missouri Law Enforcement Assistance Council is 10.53% black and on the Regional Supervisory Board, it is 10.89% black. I assume that the black representatives on these boards are eminently qualified and adequately reflect the needs and desires of the minority community. I would further assume that if the Department of Justice were truly interested in justice, it would devote its resources to an in-depth investigation of the charges I have made.

If there are blacks living in Missouri who are qualified to serve on the important LEAA Council and LEAA Regional Supervisory Board, I cannot understand why there are none qualified to serve as Missouri Highway patrolmen or hold key positions in other components of the criminal justice system in the State. In view of your proud statement that only 11% of Missouri is black and that 10% of the LEAA Board is black, I am requesting for a second time, that your department withhold all LEAA funds from the State of Missouri until all grantees, including the Highway Patrol, reflect like percentages. Until the Highway Patrol employs 75 black patrolmen, the logic of your argument for not denying funds remains very illogical.

The Missouri Highway Patrol is one of the recipients of LEAA funds. Once again, I wish to call to your attention that this is one of the most rigidly segregated institutions in the United States. They have an authorized strength of 750 troopers—of which two are black. There are more than 500,000 blacks in Missouri, but only three have been found qualified for the Highway Patrol since its inception.

If your investigators would just attempt to determine what disqualifies blacks from the Highway Patrol, I'm sure they will come up with the same findings that my investigation revealed—pure, unadulterated racism. Applications from blacks have been indiscriminately rejected and justified by illegal excuses which range from not enough education, to being over-educated; from being too short to being too tall; and from having too much experience to not enough experience. Many have been determined to be physically unfit, only to be re-examined by their own doctors and told that the alleged physical disabilities do not exist.

I further wish to point out that the St. Louis Metropolitan Police Department also receives LEAA funds. The St. Louis Police Department with approximately 2,290 commissioned men and women employs only 311 blacks among its ranks. The situation shows little improvement when considering the courts and corrections aspect of the criminal justice system—not only in St. Louis—but throughout the entire State. It may further interest you to know that 42% of the population in the City of St. Louis is black. Thus, according to your percentage rationale concerning the racial composition of the LEAA Council and Supervisory Board, I would think you would insist on 900 blacks being employed as commissioned officers.

In addition, I think it is quite important to consider the 42% black population in the inner city since St. Louis has been designated as one of the LEAA High Impact Crime cities. The plan for the City of St. Louis, which I understand is to be forwarded to LEAA in a few weeks, apparently was developed in the usual fashion that totally excluded active input and participation from the black community. Consequently, I must request that no LEAA funds be invested in the St. Louis impact City Program until a thorough analysis and assessment has been conducted to ascertain whether or not program needs and desires of the black community are adequately considered.

In my opinion, it is regrettable that citizens and elected representatives of this country cannot turn to the Federal Government to secure compliance with federal law. Obviously, it is your opinion that 10% black representation on the LEAA Board satisfies the federal law relating to non-discrimination based on race. I seriously question such a narrow and discriminatory opinion.

It is also regrettable that those who scream the loudest about respect for law and order are precisely the ones who aid and abet law violators—when the only laws being violated are those protecting the rights of minorities. In your letter you state, "you may be assured of LEAA's determination to fulfill its statutory obligation by requiring full compliance with the civil rights provisions of the Civil Rights Act." I mght add that the only thing left out was "with all deliberate speed."

Such glowing generalities as "determination", "statutory obligation", "concern" and "full compliance" are merely generalities. Justice would be better served if you would confine your response to the specific charges that I leveled against the Missouri Highway Patrol and the St. Louis Metropolitan Police Department. To refund LEAA in Missouri in light of the apparent discrimination against blacks in law enforcement agencies would constitute a callous disregard for the federal laws protecting the rights of minorities.

We will never instill respect for law among our citizenry until those responsible for enforcing laws are committed to respecting them.

It is within this context that I request that no further LEAA funds be awarded to the Missouri Law Enforcement Assistance Council (or the City of St. Louis) until a comprehensive investigation has been conducted on the effectiveness of the administration, operation and implementation of the LEAA program within the State of Missouri. While LEAA and MLEAC input and involvement in such an investigation would be helpful, it is important that adequate citizen involvement and participation at the State and local level also be realized.

Sincerely,

WILLIAM L. CLAY,
Member of Congress.

GUARD-RESERVE DOMESTIC ACTION PROGRAMS DESERVE "WELL DONE!" FROM ALL OF US

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. WRIGHT. Mr. Speaker, 34 units of our National Guard and Reserves received Department of Defense awards Tuesday morning in recognition of their continuing efforts in support of community projects and domestic actions.

These outstanding men and women, enlisted and officers, showed their desire to do something over and beyond the primary military mission of their organizations as a means of improving the quality of American life. It is apparent that no single organization of people in American society has done more toward finding practical, effective solutions to the problems that haunt our American cities, and to the problems that victimize disadvantaged youngsters, than have the Armed Forces of the United States. And in the lead of this effort are the magnificent officers and men of the Guard and Reserve units of this country.

The idea of the Armed Forces making contributions in the domestic area is an idea not always well received. Some would argue that the military should do the military thing and only the military thing. But many dedicated Guard and Reserve members do care enough to work personally to meet the needs of our society and to try to improve our society. The kind of people who voluntarily join the Guard and Reserve organizations demonstrate by that very act that they are not just ordinary citizens. They are more interested in serving others than in serving only their material appetites, and their conscientiousness extends not only to performing a military job, but to employing the skills which they possess to solve the problems of our society. Here are but a few examples of the awards made to members of the Guard and Reserve today:

An Air Reserve unit in Massachusetts

provided a mass immunization program to combat the threat of birth defects and death caused by rubella to unborn babies.

A Denver Army Reserve unit established comprehensive outpatient medical care and referral program on weekends in an area of high unemployment and large numbers of poor.

The Coast Guard Reserve in Texas originated, coordinated and participated in an ecological project called "Sportsmen Against Pollution" in which reservists involved local community members and organizations in a cleanup campaign at a huge reservoir.

In Indiana, the Marine Corps Reserve used training byproducts in the construction of civic projects with emphasis on recreational facilities and soil conservation and gave valuable assistance to local schools, Goodwill Industries, and Boy and Girl Scout programs.

An Air Guard fight group organized and supervised the complete restoration of the condemned residence of a 63-year-old woman in Syracuse, N.Y., donating both labor and materials.

Prescott, Arizona's Army Guard, conducted a highway antilitter drive, an antidrug program, a Christmas collection campaign, sponsored a Little League baseball team, a Halloween party, and assisted in building a youth center gym.

The Naval Reserve in Illinois benefited more than 8,000 youths and 1,200 adults by supporting Explorer Scouts, conducting crash and rescue demonstrations for more than 30 local fire departments, assisting Scout camps and even hosting the national model airplane meet.

Other Guard and Reserve units from Huntington Park, Calif., to New Bedford, Mass., from Ponce, P.R., to Tuskegee, Ala., to McChord Air Force Base, Wash., made equally impressive marks with their own programs. Right here in the District of Columbia the National Guard conducted its annual youth leaders camp, a program which provides 170 youths, representing a cross section of the community, with the opportunity to learn and practice basic principles of leadership in a wholesome multiracial, outdoor atmosphere.

Space and time do not permit a complete recitation of the accomplishments of every Guard and Reserve unit over the past year. It suffices to say, however, that had every segment of our society contributed in like manner, this Nation would be considerably further along in its efforts to achieve those goals all men and women of good will so earnestly seek to improve the American way of life for all.

The military is ofttimes criticized because it has been called upon to represent our Nation in missions that are always popular today.

Therefore, it is most fitting that another side of the military—composed of citizens of your and my community who stand ready and alert within our Guard and Reserve components—be recognized for their selfless, altruistic acts toward their fellow man.

I am pleased to have the opportunity to tell you of these proud moments in the lives of our military men and women—people whose dedication is too often ignored and rarely complimented in these times. And I am confident all Americans will join in extending a heartfelt "Well done!" on this occasion.

LEGAL DIMENSIONS OF THE NIXON BUSING PROPOSAL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. STOKES. Mr. Speaker, I have just received a copy of a very thorough memorandum of law concerning President Nixon's bills on the subject of busing, H.R. 13915 and H.R. 13916. The memorandum was prepared by students at the Harvard Law School under the auspices of the Harvard Black Law Students Association. I congratulate the students for a job very well done.

I have repeatedly voiced my very strong objections to the President's proposals on policy grounds. This legislation would turn the clock back and would destroy many of the gains which we have made in the desegregation of education. It indicates a total lack of commitment on the part of the administration to equality in education.

In order to provide my colleagues with a thorough legal analysis of this legislation, I insert here a copy of the memorandum.

THE LEGAL DIMENSIONS OF THE NIXON BUSING PROPOSAL

(By Lavell Jackson, Henry Melchor, Michael Peay, and Virgil Roberts)

PART I

The opportunity of education, where the state has undertaken to provide it, must be made available to all on equal terms. Today, the constitutional principle that the opportunity of education provided by the State must be made available to all on an equal basis is firmly established. The landmark case in this is, of course, *Brown* v. *Board of Education*, 347 U.S. 483 (1954). *Brown* was actually a consolidation of four cases heard together by the Supreme Court. The plaintiffs in the four cases were Black children who had been denied admission to state public schools attended by white children under state laws which required or permitted racial segregation. There had been findings in the lower courts that the "Black" and "White" schools involved had been "equalized," or were being "equalized," with respect to buildings, curricula, qualifications and salaries of teachers, and other tangible factors. Thus, the Court was presented with the question:

"Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal education opportunities?" *Id.* at 493.

The Court concluded, in answering the question, that "separate educational facilities are inherently unequal. Therefore . . . the plaintiffs and others similarly situated are by reason of the segregation . . . complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment." *Id.* at 495

It is important to note that when the Court made its decision in *Brown* it took cognizance of the importance of education to our society. The Court wrote:

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even services in the armed forces. . . . In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms." *Id.* at 493.

In the aftermath of *Brown* there have been numerous cases holding that to separate Black and White children in the public schools, on the basis of race, is a denial of equal protection of the laws in violation of the Fourteenth Amendment. For example, in *Cooper* v. *Aaron*, 358 U.S. 1 (1958), the Court recognized that state support of segregated schools through any arrangement, management, funds, or property could not be squared with the mandate of the Fourteenth Amendment that no state shall deny equal protection of the laws to any person within the jurisdiction of the state. The Court went on to hold that the right of a student not to be segregated on racial grounds in public schools was so fundamental and pervasive that it was embraced in the concept of due process of law.

The unconstitutionality of the operation of dual school systems based on race or color was also recognized in *United States* v. *Louisiana*, 364 U.S. 500 (1960); *Bolling* v. *Sharpe*, 347 U.S. 497 (1954); *Watson* v. *Memphis*, 373 U.S. 526 (1963); *Goss* v. *Board of Education*, 373 U.S. 683 (1963); *Rogers* v. *Paul*, 382 U.S. 198 (1965); *Green* v. *County School Board*, 391 U.S. 430 (1968); *United States* v. *Montgomery County Board of Education*, 395 U.S. 225 (1969); and *Northcross* v. *Board of Education*, 397 U.S. 232 (1970), to name just a few cases.

In summary, it can be stated that today, eighteen years after the *Brown* decision, no constitutional principle is more firmly established than the one which outlaws racial segregation in the public schools as a denial of equal protection of the laws under the Fourteenth Amendment to the federal Constitution.[1]

However, it must be noted that *Brown* and the other cases cited above found a denial of equal protection under the laws guaranteed by all persons by the Fourteenth Amendment where dual school systems were maintained. The Supreme Court has yet to hold that *de facto* segregation on the basis of race in the public schools is a denial of equal protection under the Fourteenth Amendment.[2] But in the recent case of *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, the Court intimated that in the future the equal protection clause would require desegregation of the schools in states which formerly practiced *de jure* racial segregation, as well as desegregation in those states which practice *de facto* segregation.

Congress should not declare a moratorium on busing and thereby attempt to restrict the historic power of the Supreme Court to use equitable remedies in enforcing the equal protection clause of the Fourteenth Amendment. To do so would violate the principle of separation of powers and precipitate a constitutional crisis.

The principle of separation of powers of government is fundamental to the American constitutional system. Philosophically and realistically the body politic is an absolute despotism. Thus, when all governmental

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Footnotes at end of article.

power from the body politic is placed in the hands of an individual or one branch of government, the individual becomes a despot (no matter how enlightened) and the government totalitarian. It was this fear of despotism coupled with the desire to "secure the Blessings of Liberty" that led the framers of the American Constitution to divide the government into three branches—legislative, executive, and judicial.

Madison, one of the framers of the Constitution, expressed the views held by many of his colleagues in *Federalist Papers,* No. 47. There he argued stringently for the adoption of the then recently drafted American Constitution with its separation of powers. He wrote, in *Federalist Papers,* No. 47:

"The accumulation of all powers, Legislative, Executive, and Judiciary, in the same hands, whether of one, a few or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

The theory of separation of powers advocated by the framers and embodied in the United States Constitution is rather simple. Each branch of government is coequal and independent. *See Humphrey's Executor* v. *United States,* 295 U.S. 602 (1935). Moreover, each branch and the officers of each branch are limited to exercising only the powers or functions assigned to that branch. Thus, there is a system of "checks and balances." For whenever one branch of government ventures beyond its constitutionally granted authority, the other two branches can act to bring the "wayward" branch into line. In this manner, arbitrary and unlimited power, the chief characteristics and evil of tyrannical forms of government, is never vested in any one department of government.

Through the years numerous Supreme Court decisions have been instrumental in preventing encroachments by one department into the functions of another department. In *Luther* v. *Borden,* 7 How. 1 (1849), the Court refused to get involved in what was essentially a legislative function, namely the determination of whether or not a state had a republican form of government. The Court in *Youngstown Sheet & Tube Co.* v. *Sawyer,* 343 U.S. 579 (1952), prevented the executive from performing the legislative act of confiscation. A final example is *Quinn* v. *United States,* 349 U.S. 155 (1955). In that case the Court limited the investigative powers of the Congress. The Court stated:

"[T]he power to investigate, broad as it may be, is also subject to recognized limitations. . . . [T]he power to investigate must not be confused with any of the powers of law enforcement; those powers are assigned under our Constitution to the Executive and the Judiciary." *Id.* at 161.

See also Kilbourn v. *Thompson,* 103 U.S. 168 (1880).

Today, despite the long American constitutional history of separation of powers, the President is attempting to upset the delicate balance of governmental power established by the Constitution. The executive branch of the government is in disagreement with the manner in which the Supreme Court has exercised its judicial power to enforce the mandate of the Constitution. Consequently, the executive is endeavoring to enlist the assistance of Congress in an effort to prevent the judiciary from enforcing the constitutional rights of a minority group of American citizens.

If the President is successful in his attempt to ignore the counsel of such political philosophers as Aristotle, Montesquieu, Madison and Jefferson, a severe blow will have been struck against representative democracy. The Presidential bid to thwart the busing proposals of the Supreme Court and lower federal courts serves only to aggravate a grievance which originally helped spark the American Revolution nearly two centuries ago. The Declaration of Independence, in listing the grievances of the colonists against the King of England, states:

"The history of the present King of Great Britain is a history of repeated injuries and usurpations. . . . He has made judges dependent upon his will alone."

The colonists did not forget the evils of a judiciary influenced by the executive. Thus, when the Constitution was drafted safeguards were placed into the document to prevent the judiciary from being "dependent" on other branches of the government. Article III of the Constitution provides, for example, that judges of all federal courts shall hold their offices for life, during good behavior, and that their compensation cannot be diminished during their continuance in office.

In response to political pressure the President now is proposing "a moratorium on busing to achieve racial desegregation." (Busing, as discussed elsewhere in this memorandum, has been ordered by a number of courts as a means of remedying the effects of unconstitutional behavior on the part of many states.) This "moratorium" would be achieved by act of Congress. In other words, if the proposed legislation were enacted, Congress and the President would be attempting to prohibit the judiciary from enforcing the equal protection clause of the Fourteenth Amendment as it applies to education. This would be the case since in many states equal educational opportunity can be achieved only if schools are desegregated by busing. Such action by the executive and legislative branches of government would be a clear attempt to usurp the functions and power of the judiciary.

Article III of the Constitution expressly reserves all judicial power of the United States government to the federal courts. The article states:

"Section 1. The judicial power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish . . . Section 2. The judicial power shall extend to all Cases, in Law and Equity, arising under this Constitution, the laws of the United States, and Treaties."

It is clear the judicial power of the United States resides with the federal courts. If Congress and the President attempt to usurp that power, a constitutional crisis will arise. The courts can only interpret the law, the President must enforce the law. Suppose Congress passes a law calling for a "moratorium" on busing and the Court declares it unconstitutional. Will the President say, "The Court has made its decision, now let them enforce it"? Will law and order be encouraged, or will people lose faith in the efficacy of the legal order? To whom should the American people listen: the courts, Congress, or the President?

One can readily imagine that the loyalties of the American people would be greatly divided. Some will favor busing and adherence to court orders. Others will refuse to abide by court decisions knowing that they are taking a position officially adopted by Congress. Only the Congress can prevent the growth of national discord over the meaning and enforcement of the Constitution. This discord can be prevented by the refusal of Congress to join the Presidential attempt to usurp judicial power.

PART II

The question to be discussed in this Part is as follows: Are the constitutional standards for upholding the right to equal educational opportunity satisfied by the proposed Equal Educational Opportunities Act of 1972 and the Student Transportation Moratorium Act of 1972?

The constitutional standards for upholding the right to equal educational opportunity have been established by the Supreme Court of the United States. In 1954 the Supreme Court decided that ". . . [i]t is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms." *Brown* v. *Board of Education,* 347 U.S. 483, 493. In establishing equal educational opportunity as a constitutional right, the Court held that racial segregation in the field of public education was a denial of the equal protection of the law guaranteed by the Fourteenth Amendment. It explicitly overruled the "separate but equal" doctrine announced in *Plessy* v. *Ferguson,* 163 U.S. 537, and stated that "[s]eparate educational facilities are inherently unequal." *Brown* v. *Board of Education, supra,* at 495.

To effectuate these constitutional principles, the Court authorized the federal district courts "to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases." *Brown* v. *Board of Education,* 349 U.S. 294, 301. The district courts were to take these cases under their equity jurisdiction and to eliminate obstacles "in a systematic and effective manner," taking into account the public interest but not allowing the "vitality of these constitutional principles" to yield to public disagreement with them. The "with all deliberate speed" requirement was amenable to "good faith" compliance at the earliest possible date. *Brown* v. *Board of Education,* 349 U.S. 294, 300. Initially the burden was upon the individual aggrieved parties to seek relief in the district courts, and the defendant school boards were required to present plans for achieving a racially nondiscriminatory school system. Subsequently, the Court prohibited racial segregation in the public schools of the District of Columbia as a denial of due process of law under the Fifth Amendment. The constitutional duty of the states imposed by the Fourteenth Amendment was imposed upon the federal government by the Fifth Amendment. *Bolling* v. *Sharpe,* 347 U.S. 487 (1954).

Evasive desegregation plans, controversy over what constituted "state action" to demonstrate a Fourteenth Amendment violation, and the indecisive "good faith" and "with all deliberate speed" requirements produced prolonged delay in school desegregation. Absent a finding of purposeful activity on the part of school boards with the aim of maintaining segregated schools, there was no affirmative duty on school boards to achieve racial balance or integration within public schools. *Bell* v. *School City of Gary, Inc.,* 324 F.2d 208, *cert. denied,* 377 U.S. 924. However, the defective plans and delays in achieving "racially nondiscriminatory school systems" required a re-evaluation of the standards by which desegregation was to be effectuated.

In 1968 the Supreme Court overruled a "freedom-of-choice" plan because it was ineffective. The Court stated:

"The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work *now.* The obligation of the district courts . . . is to assess the effectiveness of a proposed plan in achieving desegregation. . . . It is incumbent upon the district court to weigh that claim in light of the facts at hand and in light of any alternatives which may be shown as feasible and more promising in their effectiveness." *Green* v. *County School Board,* 391 U.S. 430, 439.

The Court also noted that the general experience indicated that "freedom of choice" was an ineffective tool for desegregation although it might prove useful in certain instances. *Green* v. *County School Board, supra,* at 440.

More importantly, the Supreme Court had charged district courts to actively assess desegregation plans before their implementation. Feasibility and realizability were added to effectiveness as the criteria for such plans. Alternatives which more closely approached these criteria were to be given foremost consideration. In addition, the "with all deliberate speed" requirement was replaced by a demand that plans be designed to work "now." In 1968 the Court held that "continued operation of segregated schools under a standard of allowing 'all deliberate speed' for desegregation is no longer constitutionally permissible." *Alexander* v. *Board of Education*, 396 U.S. 19, 20. That fundamental constitutional rights could be collusively denied and delayed became increasingly objectionable to the Court.

In 1971 the Court added the term "reasonableness" to the criteria defining the equitable remedial solutions available to the courts, but it stressed substance and the "basic fairness inherent in equity" over semantics as the governing factors. *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 31. In outlining the efforts which might be necessary to overcome constitutional violations in educational opportunity because of state-enforced discrimination, the Court stated:

"The remedy for such segregation may be administratively awkward, inconvenient, and even bizarre in some situations and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual school systems." *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1,; 28.[3]

After the *Swann* decision, the standards for a judicial remedy against segregation in public education were (1) reasonableness; (2) feasibility; (3) realizability; and (4) effectiveness. The district courts were commissioned to actively weigh desegregation plans against these standards and "the basic fairness inherent in equity.' The "with all deliberate speed" requirement was discredited constitutionally, and decrees providing remedy to the denial of equal educational opportunity were to become effective immediately. All available techniques were to be considered by the district courts. *Davis* v. *Board of School Commissioners*, 402 U.S. 33, 37.

In the light of the standards outlined by the Supreme Court of the United States for implementing desegregation, the provisions of the proposed Equal Educational Opportunities Act of 1972 and the Student Transportation Moratorium Act of 1972 do not uphold the constitutional prohibition on racial segregation in public education as a denial of equal protection of law and due process.

The sections of the Equal Educational Opportunity Act of 1972 which pertain to the remedies available for correcting segregation do not violate the definitive standards outlined by the Supreme Court. However, to the extent that these provisions affect the ability of the courts to consider the remedies provided and the remedies available within their equity powers, the bill restricts the discretion which has traditionally attached to equity jurisdiction.

Section 402 outlines the privity within which specific remedies must be considered upon a finding of denial of equal educational opportunity. The court is required to make a specific finding concerning the efficacy of each remedy and to apply the first remedy or combination of remedies which would correct the denial. To be considered in order the remedies are: (1) neighborhood school (closest to residence) noting capacity and natural physical barriers; (2) neighborhood schools noting only capacity; (3) voluntary transfer out of a school in which the majority of the students are of one's own race; (4) revised or newly created attendance zones or grade structures (within transportation limitations); (5) construction of new schools or closing inferior schools; (6) construction of educational centers; or (7) any other educationally sound and administratively feasible plan (within transportation limitations).

The transportation limitations mentioned are found in § 403 which prevents implementation of any plan requiring increased transportation over the average number of students or the average daily distance for the preceding year *unless* there was clear and convincing evidence that this plan alone would provide an adequate remedy despite the provisions in § 402, *supra*. In addition the appellate court is required to grant a stay over an order directing a transportation plan exceeding such limitations if the defendant appeals.

Thus the proposed bill has not removed any of the remedies presently available to a party denied equal educational opportunity and it has not altered the constitutional standards outlined by the Supreme Court. But it does propose to alter the equity power of the federal courts. The Court in *Brown* v. *Board of Education*, 349 U.S. 294, 300, had cited the equity powers under which it authorized district courts to remedy denial of equal educational opportunity.

"The essence of equity jurisdiction has been the power of the Chancellor to do equity and to mould each decree to the necessities of the particular case. Flexibility rather than rigidity has distinguished it. The qualities of mercy and practicality have made equity the instrument of nice adjustment and reconciliation between the public interest and private needs as well as between competing private claims." *Hecht Co.* v. *Bowles*, 321 U.S. 321, 329–30, *cited in Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 15. In the *Swann* decision, the Court rejected an argument that Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000(c) limited the equity powers of the federal courts. If this is the intent of the President's proposed bill, as it is clearly the effect, there is an issue of separation of powers.[4]

The Student Transportation Moratorium Act of 1972 proposes a stay for one year on the implementation of any desegregation order from a federal court which requires such transportation of students as was not in existence prior to the order or until Congress provides an alternative remedy to end segregation. This proposal removes for one year the affirmative constitutional duty of a school board to remove the vestiges of racial segregation in public education if transportation is required to effectively implement desegregation in a particular situation. More importantly, the bill prolongs the denial of equal educational opportunity to those students for whom transportation may provide the only realistic, feasible, reasonable or effective remedy to segregation. In addition, a moratorium on transportation which removes for a year or any period of time the courts' ability to consider all the alternative remedies to segregation implies a return to the doctrine of "with all deliberate speed" to the extent it forecloses an effective remedy and this doctrine has been declared by the Supreme Court to be constitutionally defective. "The importance of bus transportation as a normal and accepted tool of educational policy is readily discernible . . . An objection to transportation of students may have validity when the time or distance of travel is so great as to either risk the health of the children or significantly impinge on the educational process." *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 30–31.

It can be concluded that to whatever extent transportation provides an effective remedy to segregation in public education, it is an alternative to be considered by the federal courts. To whatever extent it is the most effective remedy before the court in a particular situation of denial of equal educational opportunity, transportation is constitutionally required.

PART III

The question of Congressional control over the jurisdiction of federal courts is multifaceted and complex. This is an area of the American legal system which has seen a considerable degree of conflict. The view that Article III of the federal Constitution casts an obligation on the Congress to endow federal courts with the full scope of federal judicial power was rejected in the framing of the first Judiciary Act. *See* Warren, *New Light on the History of the Federal Judiciary Act of 1789*, 37 *Harv. L. Rev.* 49 (1923). The test of the article places a mandatory obligation upon Congress; its obligatory force is so imperative that Congress could not, without being derelict in its duty, have refused to carry it to operation. "The judicial power of the United States, shall be vested in one supreme court, and in such inferior Courts as the Congress may from time to time ordain and establish." *U.S. Const.* Art. III, § 1. Be this power as it may, the question posed is whether Congress could have lawfully refused to create a Supreme Court, or to vest in it the constitutional jurisdiction.

To logically follow, the duty of Congress to vest the judicial power of the United States would be a duty to vest the whole judicial power. Put another way, the language, if imperative as to one part, is imperative as to all. If it were otherwise, this anomaly would exist: Congress might refuse to vest the jurisdiction in any one class of cases enumerated in the Constitution and thereby defeat the jurisdiction to all, for the Constitution has not singled out any class upon which Congress is bound to act in preference to others:

"If Congress possess any discretion on this subject, it is obvious, that the judiciary, as a co-ordinate department of the government, may, at the will of Congress, be annihilated, or stripped of all its important jurisdiction; for, if the discretion exists, no one can say in what manner, or at what time, or under what circumstances it may, or ought to be, exercised. The whole argument, upon which such an interpretation has been attempted to be maintained, is that the language of the Constitution, shall be vested, is not imperative, but simply indicates the future tense. This interpretation has been overruled by the Supreme Court upon solemn deliberation." *Martin* v. *Hunter's Lessee*, 1 Wheat. 304 (1816).

Congress is bound to establish some inferior courts in which to vest all its jurisdiction which, under the Constitution, is exclusively vested in the United States, and of which the Supreme Court cannot take original cognizance. Congress might establish one or more inferior courts; Congress might parcel out the jurisdiction among such courts, from time to time, at its pleasure. But, to be sure, the whole judicial power of the United States should at all times be vested, either in an original or appellate form, in some courts created under Congressional authority.

An observation of Article III, § 2 of the Constitution reveals an imperative sense of the meaning of the words employed. The words are "the judicial power shall extend . . ." To be sure, there has been argument that this phrase is equivalent to the words "may extend," and that "extend" means to widen to new cases not previously within the scope of the power. However, such a contention does not logically weigh in the balance. To accept that this was not an absolute power would lead to an unwieldy construction of the courts' powers. The primary case outlining the authority of Congress *vis-a-vis* the federal courts is *Ex parte McCardle*, 74 U.S. (7 Wall.) 506 (1869). Under the post-Civil War Reconstruction Act, Congress imposed military governments on a large number of the former Confederate states. McCardle was

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Footnotes at end of article.

a Mississippi newspaper editor in military custody on charges of publishing "incendiary and libelous articles." After being denied a habeas corpus petition, he appealed to the Supreme Court. After arguments had been heard on the merits, Congress stepped in to pass the Act of March 27, 1868. That law stated that so much of the 1867 Act[5] "as authorized an appeal from the judgment of the circuit court to the Supreme Court of the United States, or the exercise of any such jurisdiction by said Supreme Court, on appeals which have been, or may hereafter be taken, and the same is hereby repealed." This effectively withdrew the Supreme Cort's appellate jurisdiction.

The *McCardle* decision prescribed the role of Congress to have plenary power to limit federal jurisdiction when the consequence is merely to force proceedings to be brought, if at all, in a state court. Much mental gymnastics have been devoted to this question; the most coherent and logical argument was advanced by Professor Henry Hart. Professor Hart's thesis is that most interpreters read *McCardle* too broadly. That is to say in measuring the worth of *McCardle* one must be mindful that an undisciplined interpretation of the case would threaten to destroy the essential role of the Supreme Court. Upon closer scrutiny it is clear that this is a result which *McCardle* carefully avoided. For instance, the circuit courts of the United States were still open to habeas corpus, and the Supreme Court itself could still entertain petitions for writs which were filed with the Court in the first instance. *Ex parte Yerger*, 75 U.S. (8 Wall.) 85 (1869). Hart stresses that *McCardle* should not be read as an instance of the Supreme Court attempting to be an architect of its own doom.

The Norris-LaGuardia Act[6] is a more recent statutory example of the manner in which Congress validly may define the jurisdiction of the federal courts. This legislation narrowly restricted the authority of courts of the United States to issue a restraining order or a temporary or permanent injunction in "a case involving or growing out of a labor dispute," and provided that "yellow dog" contracts "shall not be enforceable in any court of the United States and shall not afford any basis for the granting of legal or equitable relief by any such court." The Act was drawn as a limitation of the "jurisdiction" of the courts. However, there is a notable distinction between present attempts to restrict through legislation the power of federal courts to issue busing orders, and the scope of Norris-LaGuardia: the latter act did not challenge the dignity of a constitutional claim. The intent of Norris-LaGuardia is not to impinge upon the assertion of constitutional claims, but to create a new forum (namely, the National Labor Relations Board) for the adjudication of statutory rights. The current legislative proposals, however, constitute direct threats to constitutional rights announced by the Supreme Court.

Any attempt by Congress to undermine the remedy fashioned by the Supreme Court is an empty one if Congress itself cannot propose an effective remedy for unequal educational opportunities. In a democratic country operating under a system of limited governmental power, there could be no greater unseemly sight than the specter of its courts standing powerless to prevent a clear transgression by the government of a constitutional right of a person or group with standing to assert it. *Cf. Crowell* v. *Benson*, 285 U.S. 22; *Birens* v. *Six Unknown Narcotics Agents*, 409 F.2d 718. *See also Case Co.* v. *Borak*, 347 U.S. 426 (example of a case in which the Court was willing to imply a remedy in order to effectuate a right or duty declared by Congress).

The question of Congressional power was similarly contended with in *Lockerty* v. *Phillips*, 319 U.S. 182 (1943), *overruled, Yakus* v. *United States*, 321 U.S. 414 (1944). This case involved a suit by wholesale meat dealers in a federal district court in New Jersey to restrain the United States Attorney from prosecuting pending and prospective criminal proceedings for violations of Maximum Price Regulation No. 169, fixing maximum wholesale prices for specified cuts of beef. It was alleged that in view of the prices fixed by the regulation, the Act as applied to the plaintiff denied due process of law in violation of the Fifth Amendment and that the Act involved an unconstitutional delegation of legislative power to the administrator of the Act. Congress gave the administrative "Emergency Court" (and the Supreme Court upon review of decisions by the "Emergency Court") equity jurisdiction to restrain the enforcement of price orders under the Emergency Price Control Act. At the same time it withdrew that jurisdiction from every other federal and state court. In contrast to Nixon's anti-busing proposal, Congress in this instance established a court with exclusive jurisdiction to hear constitutional claims regarding disputes on the grounds that the federal courts did not have the power to enjoin constitutional claims. More importantly, Congress set up interim relief so that all constitutional claims might be heard. The authority and wisdom to determine the remedy was impliedly restored to the courts.

Katzenbach v. *Morgan*, 384 U.S. 641 (1966), which imputed broad power to Congress,[7] went on to hold that a constitutional right may not be abridged; the decision amounted to an expansive exercise of judicial power to implement a constitutional remedy. The case concerned the constitutionality of § 4(e) of the Voting Rights Act of 1965. This law provided that no person who had successfully completed the sixth primary grade in a public school or a private school accredited by the Commonwealth of Puerto Rico could be denied the right to vote in any election, even if the language of instruction in such school was not English. The Court held that Congress had the power to remove the states' literacy requirements in order to sustain the vitality of the equal protection clause of the Fourteenth Amendment. A notable fact about the manner in which Congress acted in *Katzenbach* is that Congress was attempting to fashion the most effective means of enforcing the Constitution; Congress did not step in until there was an immediate threat to constitutional objectives. Rather than being a regressive action, § 4(e) granted what Congress considered to be the only viable and effective remedy to meet the constitutional goal.

"Implication of a private right of action may be suggested by explicit statutory condemnation of certain conduct and a general grant of jurisdiction to enforce liabilities created by statute . . . or from such consideration as the protection intended by the legislature and the effectiveness of existing remedies . . . fully to achieve that end." *Colonial Realty Corp.* v. *Bache & Co.*, 358 F. 2d 178.

President Nixon's unprecedented attempt apparently argues that only Congress should decide the manner through which a constitutional right may be enforced. But it has been the traditional role of the judiciary to act through the creation of remedies in order to make a constitutional right more than an empty shell of words. *See, e.g., Mapp* v. *Ohio*, 367 U.S. 643 (1961) (formulation of the exclusionary rule of evidence to prevent illegal searches and seizures). In the present busing controversy the courts again have acted to formulate a remedy: their considered judgment, reached after deliberating upon the arguments of all interested parties, is that busing is a proper and potentially effective vehicle through which to achieve the goals first elaborated almost two decades ago in *Brown* v. *Board of Education*, 347 U.S. 483 (1954). This judgment of the federal courts has marked the culmination of an orderly judicial process; any attempt by anti-busing advocates to disrupt this orderly process in *ex post facto* fashion must be made to meet a heavy burden of justification. Put in its proper perspective, therefore, the Nixon proposal at the very least must demonstrate the ineffectiveness of busing and must show that any new plan to effectuate the goals of *Brown* will provide a proper and workable remedy.

It can be concluded that effectiveness is the principle which decides whether the legislature is promoting or abrogating a constitutional right. The Supreme Court in *Miranda* v. *Arizona*, 384 U.S. 436, for example, explicitly noted:

"Congress and the states are free to develop their own satisfaction for the privilege [against self-incrimination], so long as they are as fully effective as those [required by the Court] in informing accused persons of their right of silence and in affording a continuous opportunity to exercise it."

Of course, there must be judicial review of any new methods of enforcement to ensure that the constitutional protection has not been diluted. *Marbury* v. *Madison*, 1 Cranch 137 (1803).

Thus, to some, of course, the legislative and executive responsibility to interpret and apply the Constitution does require them to function in a rather Burkean sense. This responsibility forbids President Nixon to reflect every whim and passion of the community at large, and commands that he take account of the "sober second thought." *See* Store, *The Common Law in the United States*, 50 *Harv.L.Rev.* 4, 25.

Returning to the question of judicial remedies, the case of *Jacobs* v. *United States*, 290 U.S. 13 (1933), may delineate a clearer example of a constitutional right with a necessarily implied remedy. The construction of a dam by the government caused repeated overflows onto the plaintiff's land; the Court found this to be a taking of private property for a public use within the meaning of the Fifth Amendment. The damages remedy was implied from the constitutional right itself. The right to "just compensation" can scarcely be vindicated other than by securing "just compensation." Thus, the Court read the Fifth Amendment as self-executing, creating a duty to pay upon the government even in the absence of specific statutory authorization for suits to enforce the right to just compensation. *Jacobs* v. *United States*, 290 U.S. 13, 16 (1933). *See also Weeks* v. *United States*, 232 U.S. 383 (1914) (exclusionary rule enacted for federal courts); *Battaglia* v. *General Motors Corp.*, 169 F.2d 254 (1948).

In conclusion it should be noted that to deny effectiveness to this Congressional busing proposal is not, of course, to disparage Congressional assertion of authority in the area of civil rights. The denial merely recognizes that the power of Congress does fall within known limits. For, as Mr. Justice Harlan stated in his dissent in *Katzenbach* v. *Morgan*, 384 U.S. 641, 670 (1966), "[f]ederal authority, legislative no less than judicial, does not intrude unless there has been a denial of state action of Fourteenth Amendment limitations, in this instance a denial of equal protection."

PART IV

When the Supreme Court handed down the landmark decision of *Brown* v. *Board of Education*, 347 U.S. 483 (1954), the constitutional principle that state-imposed racial segregation in public schools is unconstitutional under the Fourteenth Amendment equal protection clause, became firmly established. Thus, so-called *de jure* segregation in schools was outlawed.

However, the geographical impact of that decision both within and beyond the context of the facts involved in the case was limited, in the main, to the South, which

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Footnotes at end of article.

had a long-standing tradition of affirmative state encouragement of racial segregation. In effect, *Brown* and its early progeny left so-called *de facto* patterns of segregation in the North essentially unaffected.

The anomaly which immediately sprang to view in the wake of *Brown* was that the "root and branch" elimination of the evil—state-supported segregation in schools—became a singularly heavy burden for the South, simply because of historical-cultural-legal fortuities, while placing little or no burden on other regions in which the evil of segregation was equally rampant, albeit for other reasons.

De facto segregation is generally recognized within the educational context as a situation in which segregation exists as a result of housing and other patterns or practices which (1) do not bear a patent stamp of an official policy of segregation; (2) are characterized by a discrete interaction of private and ostensibly benign state conduct; and (3) tend to racially concentrate residential neighborhoods.

As a consequence, Northern schools which are located in areas of significant black population are for the most part characterized by "racial imbalance." The question is thus presented: What constitutes impermissible segregation in public schools in the North? Or otherwise posed, do Northern school districts have an equally affirmative constitutional duty to undo patterns of segregation in their schools as the Supreme Court held was mandatory upon formerly dual school systems. *Green* v. *County School Board*, 391 U.S. 430 (1968).

The question has found various responses in the federal courts. On the one hand, some circuits have not found an affirmative constitutional duty absent demonstrable "state action," that is, state involvement in segregation. *Board of Education* v. *Dowell*, 375 F.2d 158 (10th Cir.), *cert. denied*, 387 U.S. 931 (1967); *Griggs* v. *Cook*, 272 F.Supp. 163 (N.D. Ga.), *aff'd*, 384 F.2d 705 (5th Cir. 1967). On the other hand, some circuit courts have found to the contrary. *Davis* v. *School District*, 309 F.Supp. 734 (E.D. Mich. 1970), *aff'd*, 443 F.2d 573 (6th Cir.), *cert. denied*, —U.S.—, 92 S.Ct. 233 (1971); *United States* v. *School District No. 151*, 404 F.2d 1125 (7th Cir. 1968), *modified*, 432 F.2d 1147 (7th Cir. 1970), *cert. denied*, 402 U.S. 943 (1971); *Spangler* v. *Pasadena Board of Education*, 311 F.Supp. 501 (C.D. Cal), *intervention denied* 427 F.2d 1352 (9th Cir. 1970).

Although the circuit courts currently are in disarray on the issue, recently a "spate of decisions has consistently held school segregation actionable in cities outside the South." Dimond, *School Segregation in the North: There Is But One Constitution*, 7 *Harv. Civ. Rights-Civ. Lib. L. Rev.* 1, 12 (1972). Two basic types of constitutional theories have been advanced to challenge *de facto* segregation: (1) "equal educational opportunity; and (2) "state-enforced racial separation." The first theory looks at educational resources, inputs, and outcomes for predominantly white schools as compared with black, and searches for a resulting denial of "equal educational opportunity." *See Hobson* v. *Hanson*, 269 F.Supp. 401 (D.D.C. 1967), *aff'd sub nom., Smuck* v. *Hobson*, 408 F.2d 175 (D.C. Cir. 1969).

The second theory attempts to discern state-enforced segregation through the broad discretion of school authorities to assign teachers and pupils to schools, construct and locate schools and attendance boundaries, choose initial student assignments, and finally to set and enforce transfer policies. *See* Dimond, *School Segregation in the North: There Is But One Constitution*, 7 *Harv.Civ.Rights-Civ.Lib.L.Rev.* 1, 13–20; *cf. Davis* v. *School District*, 443 F.2d 573 (6th Cir.), *cert.denied*, — U.S. —, 92 S.Ct. 233 (1971).

The landmark case of *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, gives notable comfort to the "equal educational opportunity" theory. *See id.* at 18–19. The decision also supports the "state-enforced segregation" position. *See id.* at 20–22.

However, the Supreme Court has not ruled authoritatively on the impact of the Fourteenth Amendment upon *de facto* school segregation. With the on-going refinement through case law of the appropriate operative standards for determining in what situations school segregation is unconstitutional, it becomes increasingly clear that the distinction between *de jure* and *de facto* hides more than it reveals, and is at base constitutionally repugnant because it places equal evils on unequal footings.

In conclusion, the death knell for the phenomenon of *de facto* school segregation may very well be found in the following language from *Swann, supra*, at 20–21 (emphasis supplied):

"The construction of new schools and the closing of old ones are two of the most important functions of local school authorities. . . . Over the long run, the consequences of [their] choices will be far reaching. . . . The location of schools may thus influence the patterns of residential development of a *metropolitan* area and have important impact on composition of inner-city neighborhoods.

* * * * *

"In ascertaining the existence of legally imposed school segregation, the existence of a *pattern* of school construction and abandonment is thus a factor of great weight."

FOOTNOTES

[1] See Part II, *infra*, for further development of this equal protection argument.

[2] But a number of lower courts have held that *de facto* segregation is as violative of the Fourteenth Amendment as *de jure* segregation.

[3] The *Swann* decision was based on the fact that the school district had a past history of racial segregation imposed *de jure* by school authorities. However, there were findings in the District Court that residential patterns within the district (city and county) had resulted because of local, state and federal action other than decisions of the school board. Based upon these patterns, the board in turn had located schools and fixed their capacities. The Court did not decide the question whether school segregation as a "consequence of other types of state action, without discriminatory action by the school authorities is a constitutional violation" subject to judicial remedy. *Swann* v. *Charlotte-Mecklenburg Board of Education, supra*, at 23. This argument is important in reference to extending the finding of *de jure* segregation especially in Northern cities where there is no past history of segregation of the *de jure* (state-imposed) type. This problem does not attach to the constitutional standards of remedies to desegregation and therefore is not developed in this memorandum.

[4] See Part I, *supra*, for a discussion of the issue of separation of powers.

[5] This Act authorized federal courts to grant habeas corpus to anyone restrained in violation of the Constitution.

[6] Act of March 23, 1932, 47 Stat. 70.

[7] For further elaboration of the *Katzenbach* decision, see *Oregon* v. *Mitchell*, 400 U.S. 112 (1970).

CONGRESSIONAL CEMETERY

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. RAILSBACK. Mr. Speaker, the Congressional Cemetery is in dire need of our help. This cemetery, opened in 1807, is the burial site of J. Edgar Hoover, John Philip Sousa, Simon Bolivar's son, the builder of the Washington Monument, several Indian chiefs, and 55 Senators and 75 Congressmen. The bodies of John Quincy Adams, William Henry Harrison, and Zachary Taylor lay in the public vault until they could be moved to other gravesites.

Despite such important people associated with the Congressional Cemetery, it has been seriously neglected. Family vaults have been stripped of their doors. Trees and other foliage are overgrown. There are piles of beer cans and whisky bottles. The small gray chapel built at the turn of the century has not been used since 1970.

There is something that we in the Congress can do about these problems. The property can be acquired, protected, and administered by the Secretary of the Interior with adequate sums for the proper development and operation of the Cemetery. Legislation I am introducing today will do just that, and I urge its immediate consideration.

THE NATION SALUTES REV. JOHN SEYMORE MOORE, PASTOR EMERITUS OF THE FIRST REFORMED CHURCH OF HAWTHORNE, ON THE GOLDEN ANNIVERSARY OF HIS ORDINATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. ROE. Mr. Speaker, I am pleased to submit this commendation and respectfully request my colleagues here in the Congress to join with me in tribute to the Reverend John Seymore Moore, a most distinguished clergyman and outstanding senior citizen of our Eighth Congressional District of New Jersey on the 50th anniversary of his ordination to the gospel ministry. On Sunday, May 21, 1972, his many friends and citizens of the State of New Jersey will join his congregation in celebration of this golden anniversary of the pastor emeritus of the First Reformed Church of Hawthorne, N.J.

In 1922 Pastor Moore was ordained in New York City by the Classis of New York, Reformed Church in America, and was welcomed by the congregation of the First Reformed Church of Hawthorne in 1929 where he served as pastor with dignity and sincerity of purpose until his retirement in 1962. He served on the battlefield of France in World War I, was founder and chaplain of the American Legion of Hawthorne, also served as chaplain to the Veterans of Foreign Wars of Hawthorne and to the police and fire departments of Hawthorne.

He is a member and past president of the Rotary Club of Hawthorne; served for 30 years on the board of education, Reformed Church of America; as founder and chairman of the young people's committee and vice president of the board; member of the YMCA of Paterson and founder of its Hawthorne branch; president of the board of superintendents of

New Brunswick Theological Seminary, America's oldest seminary; vice president of the Synod of New York, RCA; and president of the Synod of New Jersey, RCA.

Pastor Moore has won the deep admiration and respect of all who have had the good fortune of knowing him. He is highly revered by our community, State, and Nation for his cultural and spiritual enrichment of others in his pursuit of the noble cause of brotherhood, good will, and understanding among all men. Yes, Pastor Moore, the Nation does, indeed, salute you and all of your good works.

LIMITATION IN U.N. APPROPRIATION

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. NELSEN. Mr. Speaker, I have been pleased to note the tough but wise position of the Commitee on Appropriations relative to the United Nations in the appropriations bill for fiscal year 1973 which we are considering today.

The committee specifically notes in its report, 92–1065, that it—

> Has placed in the bill a proviso limiting the annual United States contribution to the United Nations and affiliated agencies to 25 per centum, except for the joint financing program of the International Civil Aviation Organization. As a result of this proviso, a reduction of $25,103,500 has been made.

The committee report continues:

> Much has been said and written by officials of the Executive and the Legislative branches of the Governmet relative to the necessity for reductions in our contributions to these international organizations but to date little has been accomplished. This recommended reduction serves notice that the Congress means what it has been saying in this regard.

Certainly, Mr. Speaker, I wish to urge wholehearted support for the retention of this reduction, which has also been requested by President Nixon. It is the conviction of a great many of us that we have for far too long contributed more than our fair share to the U.N. This year we are paying this 131-member organization around one-third of the U.N.'s total budget. Yet we have only around 6 percent of the world's population. Since the start of the U.N. in 1964, we have paid about 41 percent of the entire U.N. operation and it is fair to ask what we have got in return.

What makes the burdensome amount we contribute to the U.N. especially irritating is that some nations that usually oppose us are not even paying what they legitimately owe. The Soviet Union, for example, has never paid assessments for the U.N. operations in the Congo and the Middle East.

The U.N. needs to mend its ways, curtail its excessive spending habits and reform its operations. It makes no sense, for example, for the Soviet Union to be casting three votes in the General Assembly while we can only cast one. The Soviets claim that both the Ukrainian SSR and the Byelorussian SSR are separate states, but this is pure fiction. Neither of these regions has had separate diplomatic relations with other countries since 1918.

Some dedicated patriots and loyal American citizens are so disenchanted with the U.N. that they would like to get us out of it and get it out of the United States. The failure of Congress to take a tough line on this spending issue would certainly add impetus to such efforts, even though we would thereby lose our veto power in the Security Council, a veto that could be crucial to the welfare of the free world at some future moment in history.

At the very least, we should restrict the size of our contribution to this controversial organization in recognition of the great need in many areas for these funds right here at home.

POLISH CONSTITUTION DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. DERWINSKI. Mr. Speaker, one of the most impressive annual events conducted in Chicago is the Polish Constitution Day parade and program conducted under the auspices of the Polish National Alliance.

The parade and program are always held the first Sunday of May commemorating the third of May Polish Constitution. This is an historic document revered by the people of Poland even though the present Communist tyrants of that country have attempted to eradicate its principles.

The major address at this year's Polish Constitution Day program at Humboldt Park, Chicago, was delivered by Mr. Aloysius A. Mazewski, president of the Polish National Alliance. I insert it into the RECORD at this point calling the particular attention of the Members to the strong support given the President in this period of international crisis.

The speech follows:

AT MANIFESTATION OF POLISH CONSTITUTION DAY, HUMBOLDT PARK, CHICAGO, ILL., MAY 7, 1972

(Speech of Aloysius A. Mazewski, president, Polish National Alliance)

Since the turn of the century, these May 3rd Constitution observances by Chicago Polonia have always represented more than observances of a historic event.

They have always had special significance and meaning for our grand parents and parents and still have it for Americans of Polish ancestry and their compatriots of other origins.

For, in addition to its power to renovate the Polish spirit, give the nation new directions and restructure the political viability of the state,—the May 3rd Constitution of 1971 contains within its framework vitally important and enduring lesson for all men committed to the principles of freedom and justice.

It is the lesson of responsibility.

It declares that concomitants are—civic responsibility of the individual, commitment to the unity and security of the nation, respect for the laws of the land, socio-political progress toward a viable state, and—above all—commitment to a deeply felt patriotic living.

Another lesson highly relevant to our times, springs from the fact that May 3rd Constitution restricted excessive permissiveness and unlimited individual freedom that has grown wild in the 18th Century Poland.

Thus, as a legislative document which joined the real freedom and dignity of man with the sense of responsibility toward the state and the society, the Constitution of May 3rd has signal relevancy and meaning to our generation of Americans.

Like in the 18th Century Poland, we see in our America freedom grown wild on the lunatic fringes of nihilism and radicalism, negation of civic and social responsibilities by those who would destroy our institutions and temples of freedom not for the sake of changes but for the sake of anarchy. They do not have the slightest conception with what to replace the things they are bent on destroying.

Like in Poland of the May 3rd Constitution era, we too, see in our land and in our times insidious hedonism which adds to the socio-cultural and even political malaise.

Poland, with the political reformation and the progress toward social justice, embodied in May 3rd Constitution, was an island of enlightened and responsive freedom, surrounded by powers of absolutism and tyranny. It fell under the onslaught of these reactionary powers and the frontier of freedom in Eastern Europe ceased to exist for more than one century—until the aftermath of world war one.

Today—another frontier of freedom is endangered in another part of the world, where our commitment to defend this freedom is clear and unequivocal.

We see what is happening in Vietnam.

We know that President Nixon's wisely planned policy of winding down the war and securing the right of self determination for the people of South Vietnam, has been challenged by the Communist forces of North Vietnam.

We also know that Mr. Nixon's plans designed for a peaceful and honorable solution of the struggle was brutally disrupted by the savage invasion of South Vietnam by communist forces from the north.

These self evident facts, however, seem to be of no import to those who summarily criticize and condemn Mr. Nixon's response to this latest Communist provocation and raw, undisguised aggression.

And for us, concerned with the security and viability of the free world—the time has come to declare our support for President Nixon's policy and his search for lasting peace based on justice and honor among nations.

As in the times of the May 3rd Constitution, civic responsibilities and duties of all of us, call for more patriotic, and deeply felt patriotic living.

The May 3rd Constitution teaches us that true patriotism is not mere flag waving or pious exercises in historical semantics.

True patriotism is a way of life nurtured by love for the land, respect for our institutions of freedom, and awareness of civic and social responsibilities toward fellow men and toward the state.

And to these propositions we commit ourselves today, as our ethnic historical legacy.

This noble legacy is not ours alone. It belongs to the descendants of those peoples who in the 15th Century constituted the first in Europe, if not in the world, Commonwealth of Nations known as Polska, Litwa i Ruś.

We share together the glories of the Jagiellon dynasty, and the tragedies that befell our homelands in later years. And one of the tragedies was the fact that the partitioning powers applied divisive tactics against all of us and succeeded in creating inimical attitudes among us.

Old habits and prejudices die hard. But time has come for us to start a substantive dialog among us, to declare our common heritage and renew the ties that formed real brotherhood among our nations.

Together, we have much to contribute to the culture and cohesiveness of the pluralist society of our America.

GUN CONTROL: A TIMELY REMINDER FROM WAVA

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. VAN DEERLIN. Mr. Speaker, the despicable attempt on the life of Governor Wallace has caused thoughtful Americans to ponder the directions in which this country is, or should be headed.

One of the most eloquent commentaries, an editorial appeal for controls over handguns, was made by WAVA, an all-news radio station in Arlington, Va.

While I do not agree with every point, such as the call for the death penalty for use of concealed guns during commission of a crime, the general thrust of the editorial—the need to deny unstable individuals the "tools of deranged violence"—can hardly be disputed.

As WAVA says, we cannot have it both ways in filling our highest public offices. Eventually we must choose between "freedom of speech with the secret ballot" and "freedom of handguns with the secret bullet."

Text of the editorial, which was aired yesterday, follows:

THE WALLACE SHOOTING

The attempted assassination of yet another American political leader, this time Alabama Governor George Wallace, has again shocked this country and set us awash once more with self-searching about ugly shootings, youth and rampant violence. But it is all just not that complicated.

If there is this time, and finally, a lesson to be learned from these things, it is not that America has in these years gone suddenly berserk, it is rather very simply that this surging, developing and increasingly crowded nation is humanly bound to create among 200 million people a small, dangerous fringe element and that our advancing technology has produced their tool of expression, and the source of our national problem, the pistol.

The Kennedy brothers, and Martin Luther King and now George Wallace are really only public symbols of something which happens without headlines to hundreds of other innocent Americans—the little people the politicians talk about in election years who are gunned down by pistols every day of every year in robberies and domestic quarrels.

It is something of an irony of history that many of the same people who support George Wallace in Maryland were the same, in defense of the right to possess guns, who defeated Senator Joseph Tydings only two years ago after his campaign to ban the unlicensed federal sale of handguns—pistols and revolvers still on sale despite all of our grim experience in hardware stores in every state from Wisconsin to Maryland.

Now the pointy heads who supported Tydings and the Kennedys as well as the constitutional gun defenders who supported Wallace may at last end common cause—in hard realization that the only way we are going to protect the common man or the uncommon leader from the fringe element crazes is by denying them the tools of deranged violence.

We do not need any more studies or rationales or presidential commissions of inquiry or more secret service—the matter has been studied to death over enough graves of the common and uncommon man. The sum of it is that in the nuclear age, *no* one other than a law officer needs to own or carry a handgun.

If something at the end is simply to be done about this it is to approve in Congress the studies and pending legislation which already fill the file cabinets of Washington and make the sale or possession of unlicensed handguns, like machine guns before them, a federal crime, and make the use of a concealed gun to commit a crime a Federal offense punishable by death.

To you who *want* to do something now, write or call your congressman, and to you who *can* do something on Capitol Hill, the time is now before more of this to make it the law of a land which will be more free and more happy without fear of the blazing pistol.

The harsh hard final truth is that in the crowded theater of modern democracy, we cannot have it both ways—the freedom of speech with the secret ballot, and also have the freedom of handguns with the secret bullet.

ASTRONAUT'S BROTHER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Astronaut Charles Duke's twin brother, Dr. William Duke, has recently written to the Washington Post responding to an article by Mr. Nicholas von Hoffman. Dr. Duke's letter was published in the May 10, 1972, edition of the Washington Post. Because of the value of Dr. Duke's remarks, I am including his letter in the RECORD for review of all Members:

[From the Washington Post, May 10, 1972]

FROM AN ASTRONAUT'S BROTHER

The article by Nicholas von Hoffman, "Two Klutzes on the Moon," which appeared in the Washington Post, April 26, 1972, has come to my attention. I would like to make a few comments concerning Mr. von Hoffman's rather schizoid commentary. My viewpoint is no doubt biased, since I happen to be the twin brother of one of the "klutzes" on the moon.

I could find no listing of klutze in the dictionary. Obviously, quite a derogatory noun was used. My reaction to the activities on the lunar surface was that I was watching two enthusiastic, exuberant, excited, inquisitive men, performing a job as best they could, yet showing their natural human reactions and emotions.

Mr. von Hoffman's point about nobody remembering the second man to sail around the world after Magellan is correct, although most "klutzes" know that Magellan never made it around the world. He was killed by natives on an island in the Pacific, fully one year before Juan de Elcano (del Cano) sailed the last remaining ship into his home port.

My brother stated publicly that he would go to the moon anonymously. He sought no personal gain. No one will recall the names of these space explorers, but each time one mission is completed, the next is easier. I am sure the second, third, or one hundredth man to sail around the world found it easier than the one preceding. Who is to judge what is to be gained now or one hundred years hence in and from space?

I am envious that Mr. von Hoffman has such a direct line to God and informs us so well about God's refusal to live up to His treaty obligations with NASA. Too bad the United States Air Force Academy should be damned in the same paragraph, since neither of the "klutzes" on the moon graduated from that institution, an error difficult to explain for one who knows so much about what God would or would not do.

Perhaps most distressing is Mr. von Hoffman's belief, almost hope, that death would claim the two or three "klutzes," and put the space program back on the front page. All of our astronauts fly with this prospect in mind, but they go. Why, I wonder for what reasons? Clue us in, Mr. von Hoffman.

I feel genuine sorrow for Mr. von Hoffman. He is obviously unhappy and disenchanted with his country, his earth, his heavens, his fellow humans, but most of all with himself. We would welcome a visit to Lancaster so that we could show him how a whole town of "klutzes" are enthusiastic, exuberant, and excited about our earth, our country, our heavens, and about life. I hope most Americans share this view.

WILLIAM W. DUKE, M.D., F.A.C.P.
LANCASTER, S.C.

READING HIGH SCHOOL BAND WINS TOP HONORS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. YATRON. Mr. Speaker, I would like to take this opportunity to congratulate my alma mater, Reading High School, for the top-notch performance of the Reading High School Marching Band at the Shenandoah Apple Blossom Festival in Winchester, Va. The band's first-place performance in Winchester earned it a place in the competition in New York City's Salute to Israel parade.

According to Mr. Hiram D. Hoch, band director, the excellent showing in Virginia will allow Reading to be one of the 40 high schools from an 11-State area to participate in the invitational parade.

In the 45th Annual Winchester Festival held in May, the Reading High Band and Band Front captured six first-place and one second-place awards.

Top honors were won in both band and twirling contests as Scott Evans retained his title in the featured twirler category. During the grand feature parade, the Reading Band was second in the category for a group with 91 or more musical instruments. Majorette Captain Kim Beck brought in two more top honors in that category and the entire twirling corps beat its competition for its second win for the weekend.

The Reading High School Band has visited Virginia for the past 5 years and has brought back a total of four first place and four second place trophies. I would like to especially congratulate the following award winners of the 200-member first place organization: Miss Kim Beck for her majorette award; Mr. Scott Evans for his twirler award; Miss

Debbie Fair, captain of the rifle squad, for their participation in the band front competition; Mr. Richard Strunk, band president; and Mr. Hiram D. Hock, band director, for his dedicated and excellent efforts in training the Reading High School Marching Band.

THERE'S NO LION LIKE FRASIER

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. SCHMITZ. Mr. Speaker, at a time when there is nothing in the news but reports of mayhem, murder, hate, and greed, I would like to call your attention to the story of an aging lion, who lives in the well-known Lion Country Safari in my district, who has captivated the hearts of people from coast to coast.

The article follows:

THERE'S NO LION LIKE FRASIER

(By Stan Leppard)

Most people figure if you've seen one lion you've seen them all, but Frasier—Lion Country Safari's leonine Lothario who really IS the King of Beasts—would stand out in the middle of a jungle full.

He is the seediest-looking, the rattiest-looking old lion you're likely to ever see, in or out of captivity. Furthermore, he looks like he doesn't give a damn.

Frasier is at least 20 years old, which would be 80-plus by human reckoning. His tongue muscles are shot and his tongue lolls from his mouth, which is constantly between a drool and a yawn. He is rheumatic and he walks with stiff-legged difficulty.

But he is the Pride of the pride at Lion Country, keeping seven giant young lionesses blissfully happy while siring 33 cubs in 16 months.

The saga of Frasier has been headlined across the country and featured on TV in the past few months. But just in case you missed it, it started like this:

Frasier had outlived the normal life leonine life span of 12 to 15 years by at least two years—and maybe as much as 10—at the time Lion Country Safari bought him from a Mexico City circus two years ago.

Underweight, lame, and suffering from malnutrition, Frasier was fed 12 pounds of meat a day and shot full of vitamins and minerals to restore his health. He gained 100 pounds and the sparkle was restored to his eye, which he immediately started casting about among the young lady lions at Lion Country.

This give the zoologists an idea, and they decided to try Frasier out on a group of tough and choosy lionesses.

Lions run in prides, which include six to a dozen lionesses, a dominant male, maybe a lesser male or two, and the cubs. There was one pride, lacking a dominant male, in which the lionesses had rejected and mauled five young males in a row which were introduced into their compound. Lion Country staffers decided to see how old Frasier could make out.

The next morning the lionesses were found purring happily around Frasier, who lay on his back snoozing with his paws in the air. Chunks of meat, fetched by the lady lions, were stacked around him. Frasier was in like Flynn.

The rest is history. Frasier Fan Clubs have sprung up all over the country. Frasier is the ideal and inspiration of the Geritol generation. Kids as well as senior citizens are wearing "Frasier" T-shirts, and there is even a "Frasier for President" movement. There has never been anything in the animal world like Frasier, and the human world has never related with the animal world like people are relating with Frasier.

I set out to find out what makes Frasier tick, for want of a better or more usable word; to see if zoologists, psychiatrists or just people in general could explain his phenomenal feats and why they have captivated the nation.

It started with a visit to Lion Country Safari and an eyeball confrontation with the old master.

"No, you couldn't call Frasier a woman chaser," said Zoological Director Pat Quinn in an office briefing before we went out to look over the lions.

"Female lions actually select the males," Quinn said. "A male may take aim at certain females, but the lionesses really make the choice.

"The prides are well-established social structures, both here at Lion Country Safari and in the wilds. Animals are territorial, like people, but males sometimes move from one pride to another.

"The main purpose of the male lion," Quinn went on," "is to breed females and defend his territory against invasion by other males from outside the pride. Frasier does both of these chores very capably."

While Frasier's happy females do pamper him and wait on him, it isn't true that they continue to fight his battles against young males trying to move in, Quinn emphasized.

"Frasier is old, but he is tough when defending his own turf," Quinn said. "He has shaken the daylights out of quite a few much younger cats trying to move in."

Frasier's toughness, however, never is evident with his own pride, Quinn said.

"Animals, like people, have individual traits, and Frasier has outstanding ones. He is good-natured, patient, and even-tempered to an astonishing degree. You'll see him lying out there with the cubs tumbling over him, pulling at his ears and stepping on his his ears and stepping on his face. Younger male lions would be likely to bat the cubs a good one when they get this playful, but Frasier just nuzzles at them and yawns."

Is Frasier really all this virile, or have his feats been exaggerated by an alert public relations staff? Quinn was asked.

"Frasier is absolutely genuine," Quinn insisted. "He has been officially recorded as breeding 22 times in an hour and a half, by the way."

"You sure Frasier isn't really a young lion who looks old?" I asked. But Quinn, laughing, shook his head.

George Cohen, LCS sales representative, drove me out to Frasier's turf in his car. As Quinn prophesied, Frasier was lying there surrounded by his happy lionesses, and with the cubs tumbling over him. Birds were walking around his head, occasionally taking a peck at one of his ears.

"The birds seem to congregate around his head, occasionally taking a peck at one of his ears.

"The birds seem to congregate around Frasier," Cohen commented. "Sometimes they light on his head and just sit there. Any other adult lion would take a swipe at them, but Frasier just opens one eye and looks at them."

Frasier struggled to his feet, yawned prodigiously, and started ambling with stiff-legged strides toward the compound in which the lions are locked for the night. The lionesses and the cubs got up to follow.

"Better get that door shut and the window rolled up before they get too close to the car," Cohen cautioned. "Frasier probably wouldn't bother you but those females are big, aggressive and mean Kalahari Desert lionesses, and they can tear your head off in one slash. They don't like anybody getting close to him."

One of the lionesses, sporting a new and raw scar across her face and two more on her right front leg, paused to snarl menacingly at us.

"That's Sonja, one of Frasier's favorites, and one of the meanest of the pride," Cohen said. "She got the scars in a fight the other day with Linda, there, who is even meaner. Jeaously, I guess. But the meanest of the pride is Najulla, over there, nicknamed 'Nasty,' and deserving it."

After the lions were locked in the compound, Frasier flopped down next to the steel fencing and surveyed his wives and children with a sleepy and contented gaze.

I knelt and eyeballed him through the chain links at two-foot range. "What's your secret, Frasier?" I pleased. "Give me a hint."

Frasier closed his eyes, yawned, and shook his head. Sonja sprang against the fencing, snarling, her eyes glittering venom.

It looked like I wasn't going to get much help from the principal characters in solving the Frasier mystery.

After Frasier and his lady friends refused to comment I went back to Pat Quinn.

"Tell me what kind of vitamins and minerals you feed this cat every day," I said.

"Frasier gets vitamins A, D_2, D_3, E, B_{12}, B_1, B_2, B_6, along with niacin, methoinine, inositol and chlorine chloride in massive doses, pantothenic acid, cobalt, manganese, iron, copper, phosphorus, calcium and salt," Quinn said. "On top of that he gets 12 to 15 pounds of meat, mostly beef, and some chickens."

I decided to go into the question of why humans love Frasier so. I sought the answer from a psychiatrist.

A woman psychiatrist who had been kind enough to help me, and to let me quote her by name, on a long-ago story involving criminal types, wouldn't go that far this time.

"I realize you are asking about humans, not lions, but after the story is out a lot of people won't see the difference," she said firmly. "I will then be in the position of being remembered as the analyst who is a lion-shrink, and no, thanks."

However, she said she didn't think the Frasier story reflected any national overemphasis on sex, or on the male fear of sexual shortcomings.

"It's a good story, a fun story," she said. "The public reaction, I think, represents the desperate need of people—men, women and children—to find something like this in the middle of news that is nothing but mayhem, murder, hate and greed. People are fearful nowadays. The world is getting more frightening by the day, and something like the Frasier story is a welcome relief."

I went to the people in the street. Ten kids, boys and girls, evenly mixed, had the same answer: "Wow—that Frasier."

Six male senior citizens said essentially the same thing: "Frasier is the guy who shows 'em there can be life in the old boy, yet—I'm a Frasier man."

Three elderly ladies giggled, and a fourth responded: "I think this Frasier stuff being printed is just outrageous. I can't understand why people carry on about him like that. But I don't miss reading one word."

Finally, I went back to Lion Country. It was closing time and Frasier's pride was locked up in the compound.

Remember the scene from the movie "Cat Ballou," where Lee Marvin's disreputable horse was leaning against a building with his front legs crossed?

Well, Frasier was leaning against the steel fence exactly that same way when I approached. Sonja was slinking coyly up to him, offering a mangled chicken.

Frasier wouldn't take the chicken, but he thanked her for it with his eyes, and he touched her briefly on the ear with his floppy old tongue. Sonja dropped at his feet and started to eat the chicken, looking up at Frasier all the time just to make sure he wasn't going to change his mind.

Linda walked up at this point, stepping daintly around Sonja with only one haughty downward glance and rubbed up against Frasier. He gave her an affectionate, though sort of absent-minded nip on the neck. Then he flopped down against the steel fence, sighing deeply, looking contentedly out over the compound.

"Is this the way you do it?" I whispered through the fence. "Just by letting them come to you; being nice and gentle, but also being indifferent enough to worry them a little?"

Frasier didn't say a word. But I'll swear one old eye closed for a split second in a conspiratorial wink.

JOSEPH A. LOFTUS WINS PENNSYLVANIA AWARD FOR EXCELLENCE

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. McDADE. Mr. Speaker, there is in the Commonwealth of Pennsylvania an award given annually to certain citizens who have distinguished themselves in their professions to such a degree that the Commonwealth wishes to take note of this distinction through the conferring of a Pennsylvania Award for Excellence.

A distinguished recipient of that award this year is Mr. Joseph A. Loftus, who received the award for excellence in journalism. Mr. Loftus is a native of Scranton who began his career in journalism working for the Scranton Republican, now the Scranton Tribune-Scrantonian. He pursued his career in journalism with the New York Times and is presently a special assistant for communications in the U.S. Labor Department where he also serves as an adviser to Department officials and the White House on communications matters.

I know that all my colleagues here in the Congress will join me in offering the warmest congratulations to my fine friend, Joe Loftus. In the newspaper career recited as well as in his career as State manager of International News Service, Mr. Loftus has shown those fine perceptions and that intelligent understanding of news and the news media which are so characteristic of the great men of journalism in our time.

I append an article from the Scranton Tribune concerning Mr. Loftus:

[From the Scranton (Pa.) Tribune, May 15, 1972]

Ex-Tribune Reporter Given Pennsylvania Award

A former reporter for the Scranton Republican, now The Tribune, was one of six persons who received 1971 Pennsylvania Awards for Excellence Friday night.

The awards, given to an assortment of people including the world champion heavyweight boxer and a symphony conductor, were presented at ceremonies held in the Bellevue-Stratford Hotel, Philadelphia.

Loftus received the Award for Excellence in Journalism.

A Scranton native, Loftus began his newspaper career here before joining the New York Times, where he served 2 years.

Currently he is special assistant for communications in the U.S. Labor Department. He also serves as an advisor to department officials and the White House on communications matters.

Son of the late Mr. and Mrs. George J. Loftus, he was graduated at St. Thomas College, now the University of Scranton, and holds a masters degree from Columbia.

At one time he was state manager of International News Service, now a part of United Press International.

He is a brother of Mrs. Dorothy Kairis, a member of the Scranton School Board.

Others who received awards were Joe Frazier, world heavyweight boxing champion; Dr. William Steinberg, conductor of the Pittsburgh and Boston symphony orchestras and the London Philharmonic; Dr. Sylvester A. Stevens, historian and former curator of the Pennsylvania State Museum; Samuel Baxte, former Philadelphia water commissioner, and Clarence Farme head of Philadelphia's Human Relations Commission.

NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD ACT OF 1972—VITAL LEGISLATION

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. PATTEN. Mr. Speaker, I hope that the House will swiftly pass legislation that would expand and advance the national attack against diseases of the heart, blood vessels, and lungs, because it would help prolong, and even save, thousands of American lives a year.

It is disturbing—and appalling—that diseases of the heart and blood vessels cause over 50 percent of deaths in the United States. The combined effect of the disabilities and deaths from these diseases has a major social and economic impact on the Nation. Reduction of cardiovascular diseases could increase the average American's life expectancy by about 11 years and provide annual savings of over $30 billion a year in lost wages, productivity, and medical care costs.

Mr. Speaker, the bill I have cosponsored—H.R. 14493—contains a 10-point program to be carried out by the National Heart and Lung Institute at the National Institutes of Health.

It would provide for:

Investigation into the epidemiology, etiology, and prevention of all forms and aspects of cardiovascular, lung, and blood diseases.

Studies and research into the basic biological processes involved in understanding functions of the heart and lungs.

Development of techniques used in the diagnosis, prevention, and treatment of such diseases, and rehabilitation of patients.

Establishment of programs that would apply scientific efforts to the diseases and assist in detection and treatment.

Creation of centers for the conduct and direction of field studies involving cardiovascular and plumonary diseases.

Studies and research into blood diseases and blood.

Education and training of scientists and others in fields and specialties to conduct programs involving cardiovascular, pulmonary, and blood diseases.

Public and professional education relating to all aspects of these diseases.

Establishment of programs and centers for study and research into diseases of children and for diagnosing, treating, and preventing such diseases.

And establishment of programs to provide emergency medical aid for persons stricken by any of these diseases.

Under the proposal I have helped sponsor, a National Heart and Lung Advisory Council would be created, consisting of 23 members, each leaders in the fields of fundamental sciences, medical sciences, or public affairs.

Mr. Speaker, the Senate has already passed a heart, lung, and blood vessel bill introduced by the able and dedicated chairman of the Senate Subcommittee on Health, the Honorable Edward M. Kennedy, of Massachusetts. I hope that this vital legislation will soon be passed by the House and signed by the President. There should be no delay, because it would mean disability or death for many Americans.

This legislation represents great hope for the present and future victims of these devastating diseases. Good health is the most precious of all blessings and this bill would significantly improve the health of our people. Mr. Speaker, I strongly urge my colleagues to support and vote for the National Heart, Blood Vessel, Lung, and Blood Act of 1972.

THE POWER OF AN IDEA

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. JONES of Tennessee. Mr. Speaker, this week the American Advertising Federation is meeting here in the Nation's Capital. At one of yesterday's sessions, Mr. John Cleghorn, vice president for advertising and public relations of Holiday Inns, Inc., delivered an address entitled "The Power of an Idea."

Mr. Cleghorn's remarks, though brief, give a great deal of insight into the remarkable success of Holiday Inns, which, I am proud to say, had its origins in Memphis, Tenn.

I have known and respected Mr. Cleghorn for many years, and I insert his address at this point in the Record:

The Power of an Idea

What is an idea? The dictionaries don't know quite what to do with this four-letter-word which has played such a dominant part in the growth of America. The most appropriate definition I could find is from the Readers Digest Encyclopedia Dictionary which describes an idea as "that which is conceived in the mind as a result of conscious thinking or creative imagination." Now this product of conscious thinking and/or creative imagination seems to have a limitless power—but not by itself. It has to be combined with action.

But what turns out to be the most salient kinetic potential of an idea is not its power to generate action—but its power to generate other ideas. As one idea starts to churn around, it spins off another idea and the two ideas spin off two more and this process produces a kind of relentless excitement. The result is that suspenseful and dramatic activity which we call Free Enterprise. And that just about sums up the story of Holiday Inns.

To quote Ecclesiastes, "There is nothing new under the sun." Back in the twenties, in the Saturday Evening Post, the late great novelist Sinclair Lewis, in a series called "Adventures in Autobumming," wrote as follows: "Somewhere in these states there is a young man who is going to become rich. He may be washing bottles in a dairy lunch. He is going to start a chain of small, clean, pleasant hotels, standardized and nationally advertised, along every important motor route in the country. He is not going to waste money on gilt and onyx, but he is going to have agreeable clerks, good coffee, endurable mattresses and good lighting; and in every hotel he will have at least one suite which is as good as the average room in a modern city hotel. He will invade every town that doesn't have a good hotel already. When he has completed his work, he will be in the market for European chateaux as fast as retiring royalties have to give them up."

The founder of the Holiday Inn System was hardly twelve years old when this was written—and he never heard of that prophecy until it was brought to his attention a few years ago. But he's the person Sinclair Lewis had in his clairvoyant mind.

As an oyster's pearl starts with irritation, so this gem of an idea started with what Kemmons Wilson calls the most miserable vacation of his life. In 1951, he and his wife, Dorothy, and their five small children drove to Washington. The hotels along the route were inadequate, expensive, and downright hostile to children. Driving home, Kemmons conceived of a chain of motels and started noticing likely sites at intersections on the fringes of major cities. That's when the "conscious thinking and creative imagination" referred to in the dictionary began to produce, and other ideas began to spin off.

In true conservative fashion, the stodgy element called it Wilson's folly when he completed his first Holiday Inn on the outskirts of Memphis. It had 120 rooms, about five times larger than the average tourist court. It had wall-to-wall carpeting and those "endurable mattresses" Sinclair Lewis referred to. But it had much more. It had free television, a free swimming pool. And to cap it all off, this father of five advertised "children under twelve *free* when sharing their parent's room." Actually inviting children, and not charging for them! And maybe the most unorthodox gesture of all was to welcome pets, and have a free dog kennel—and actually allow the dogs to stay in the room if preferred.

So Wilson's folly opened full, in 1952. It's been full—or almost so—ever since, and the original Inn—with much updating—is still there, along with 14 other Holiday Inns in greater Memphis, Tennessee.

The power of an idea! Kemmons started with one Inn in 1951. Twenty years later, according to our 1971 annual report, Holiday Inns, Inc., had revenues of $707.8 million and pre-tax earnings for the year of $73.6 million. From that one Inn there are now 1,400 Holiday Inns, with 200,000 rooms, in all 50 states and Holiday Inns are either open, under construction, or planned in 50 foreign countries.

Kemmons built two other Holiday Inns in Memphis and realized he couldn't expand fast enough on his own. That's when another idea evolved. Franchising. The most likely prospects were builders. Kemmons was a builder, himself. He teamed up with another master builder named Wallace E. Johnson, also of Memphis, who was a power in the national Home Builders Association. They persuaded 65 builders from throughout the U.S. to come to Memphis to see the Holiday Inn and hear about their idea. The 65 came, listened, and said they liked it. But only two bought franchises. The others were too busy with their regular projects. Only after hard work and hard selling not only by Wilson and Johnson, but by others on the team, were more franchises sold. Finally, however, franchises began to dribble in at $500 each and the fledging System began to gain momentum. Franchises now sell for $15,000 or $100 per room, whichever is larger, and about 400 applications are processed each year, resulting in an average of 125 bona fide franchises. That figure, plus the Inns built by the parent company, gives the startling statistic of a new Holiday Inn opening every 55 hours, somewhere in the world.

With that many Inns, you're going to have some amusing episodes. A recent one involves a guest who found he couldn't get out of his bathroom. The door had jammed. He pounded on the wall and shouted and the guests in the next room called the front desk. The innkeeper came over with his pass key to investigate. When he couldn't unlock the bathroom door, he phoned the Inn operator to have the porter bring a screw-driver to room 204. Well, it was 5:30 in the afternoon and at this Holiday Inn the porters also handled room-service calls. So the porter stopped by the bar and brought Room 204 a screw-driver—vodka and orange juice, which didn't help open the door, but the harried guest thought it was a delightful extra touch to offer it to him when the door finally was open. He drank it—and everyone was happy.

This franchising is a fascinating idea. It seems to be almost exclusively an American institution. Foreign investors don't understand it and their language has no word for it. The term was first applied to a privilege or right, such as the franchise to vote. Then it began to mean a special business privilege bestowed by a government, such as the franchise or right to operate a bus line in interstate commerce. Then it began to mean the right given by a manufacturer to a distributor or retailer to sell the manufacturer's products in a given area, like the right to sell Chevrolets in Birmingham.

And from there it expanded to the right to sell things such as food and lodging service under given conditions—under the green and yellow sign of Holiday Inns, for example.

But we carry the principle even further by working out a mutual arrangement with the franchise holder so that he has a vote in making rules and setting assessments for the entire Holiday Inn group, involving also the company-owned properties. We think our method of franchising is a very good arrangement for the mutual benefit of everyone involved, including the customers. Our franchisees represent a wide range of knowledge and experience. Doctors and dentists, builders, developers, bankers, retired military men, farmers, entertainers, and, of course, hotel and restaurant operators. And now we even have an astronaut. John Glenn is a Holiday Inn franchise holder. All these people are part of the Holiday Inn family. We provide them the know-how to build and operate a Holiday Inn. They feed back suggestions based on what they have learned in their special fields.

They have to live up to a set of standards which assures a good operation, but they help set the standards. We all put a part of our revenues into a pool for national advertising, but we all help determine the amount that goes into the pool.

Our people will attest to the power of the franchising idea. They have a high degree of autonomy but they also have many of the advantages usually confined to large corporations. The franchise method, coupled with employee profit-sharing, involves everyone in the incentive system. Holiday Inn stockholders, Holiday Inn franchisees, who also may be stockholders, and the employees of both groups—all these people are engaged in an incentive enterprise. That's the American way!

Ideas generate ideas. From franchising came the International Association of Holiday Inns which provides all Holiday Inn operators the right of self-determination and self-government—which gives representation with taxation. It also feeds into the system the tremendous input of talent, judgment, and influence of our franchise holders. Think of the ideas that must generate.

A good example of the Association as an idea factory is the Holidex System. In 1965, we had 63,000 guest rooms and our teletype reservation method couldn't carry the load. An association committee was assigned to the problem. This group, working with company representatives, came up with a computerized reservation system which is unique and tremendously effective. The result is our data processing complex which now spans the Atlantic and handles reservations for 200,000 guest rooms, and if the type of room you want is not available at one Inn, the computer automatically throws on the screen the name, location, and of two other nearby Holiday Inns as alternates. It all started with an idea.

With several idea-generating people around, you are soon unable to trace the actual source of an idea. Such is the case with Trav-L-Parks, a new Holiday Inn venture offering campsites to touring families. The need became apparent when such a large segment of the traveling public moved outdoors. Now there is a chain of Holiday Inn Trav-L-Parks embodying the same franchising principles as the Holiday Inn motor-hotel System.

One more idea and we'll be through. The Chaplain-on-Call program. Our headquarters employees—all 200 of them—needed a chaplain, someone to counsel and take charge in bereavement or tragedies. So we hired one, an ordained minister. He and our president, William B. Walton, conceived the chaplain-on-call program. The power of an idea! We now have 800 chaplains on call, in the U.S., Canada and five foreign areas and it is still growing. They're listed in each Inn, like physicians-on-call.

We certainly don't want to invade privacy, but we know any hotel room can be a very lonely place to a troubled guest. Last year the chaplains report more than 200 potential suicides prevented—temporarily at least—and a great number of other calls to help out in marital crises and mental disturbances. Kemmons didn't think of that one as he drove back from Washington.

Ideas have to be implemented. We have in the Holiday Inn administrative organization an elite club called the Royal Order of Bear Skinners. I am proud to be a member. It originates from the old vaudeville joke which most of you must have heard. It seems that our two top idea men, Wilson and Johnson, were invited to a bear hunt. They bought all the equipment, clothes, boots, hats, guns, and typically, showed up at the lodge two hours late. The rest of the hunters had already returned. So Wilson and Johnson set out to find their own bear. Before they had gone very far they turned a corner and met one face to face. Wilson, being chairman, fired first, and missed. Johnson also fired and missed. This irritated the bear and he took out after them. They headed for the cabin with the bear close behind, snapping at their backsides. They dashed through the open front door of the cabin with the bear right with them. They dashed out the back door but slammed it quickly in the face of the bear. Then they yelled through the window: "You skin that one and we'll go find another one."

And that pretty well tells the story. Those two idea-merchants have been bringing us about two live bears a week to skin—while they go find another one.

In September of this year we will have the formal opening of the Holiday Inn University which will train an estimated 4,000 people. It is an expansion of our present scattered training units and will have its own 88-acre campus, lake, dormitories, and alumni group, without subsidized athletics, and we trust, no campus disorders. The System now needs 120,000 employees and there is a scarcity of trained personnel.

In order to raise money to expand, Holiday Inns, Inc., went public in 1957, with 120,000 shares of stock at $9.75 per share. If you had bought 100 shares for $975, today it would be equivalent to 1,632 shares. At the current quotation of $50 per share, your initial investment would be worth more than $80,000.

That is the power of an idea—in America.

VISITS STRENGTHEN FRANCO-AMERICAN TIES

HON. PATRICK T. CAFFERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. CAFFERY. Mr. Speaker, in 1968, at a time when there was evidence of some coolness in relations between the United States and France, then-Ambassador Sargent Shriver conceived the idea of a continuing parliamentary exchange between Members of the House of Representatives and the French National Assembly as one means of ameliorating our differences.

His idea sprang from the simple but sound premise that for lawmakers of the one country to gain a deeper knowledge of the other could not help but cement the many lasting bonds between our two countries and lessen the few misunderstandings that occasionally arise between even the closest of allies.

It was my pleasure to serve as a host for one of my French counterparts during the visit of the French delegation last October, and it was my distinct honor to serve as cochairman, along with my colleague from Illinois (Mr. RAILSBACK), of the nine-member delegation from this body which reciprocated that visit during the past Easter recess of the Congress.

As guests of the French Government, we were privileged for several days to observe the operation of the French Parliament and to meet for a very frank and beneficial exchange of ideas with a broad range of French officials from Prime Minister Jacques Chaban-Delmas to a number of officials in charge of special areas of mutual concern.

From our discussions with a large number of legislative leaders, Cabinet ministers, and local government officials, several impressions remain most vivid.

I felt some special kinship to our French hosts, perhaps because my district in Louisiana shares so much of the French heritage. The last few years have witnessed a remarkable resurgence of the French language in south Louisiana and an equally remarkable and successful effort to perpetuate other elements of the French culture in which south Louisiana is so rich. Thus it was especially gratifying and informative for me to answer questions about this renaissance from my hosts, who not only are aware of this movement but are obviously most interested in expanding their cooperation with us in that area.

One of the primary mutual concerns of our two countries is the attack on the international traffic of heroin and other hard drugs, and I believe our two countries have entered into a model example of binational cooperation to curb this traffic.

After our lengthy discussions with concerned French officials, including Interior Minister Raymond Marcellin, many of us in the American delegation came away with increased confidence that the French are taking strong steps, both in passage of new laws and enforcement of existing ones, to clamp down on a vast smuggling enterprise which warranted the concern of both our countries.

Mr. Speaker, these are but a couple of the highlights of our visit, and there are many more which I shall not enumerate here today. The most general and certainly lasting benefit of any such exchange is the broadened knowledge and understanding of another country, another culture, another people.

In an era of increased dialog even with our adversaries with whom we have great differences, I believe it is not only important but essential that we seek to further our cooperation with France, a country with whom we have often stood and with whom we have deep ties that are indeed as old as America itself.

ANTIBLOCKBUSTING BILL FACES TROUBLE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. DERWINSKI. Mr. Speaker, it is my judgment that the Department of Housing and Urban Development has become an unmanageable institution and the adverse effects of its policies have been seen in numerous areas in the district I represent. Specifically, the Chicago Heights-Park Forest area has suffered from very questionable HUD programs.

Recently, Secretary Romney was in the area, and an article in the Park Forest Reporter of May 10 is sufficiently self-explanatory that I place it in the RECORD believing its point to be well made:

ANTIBLOCKBUSTING BILL FACES TROUBLE

Senator Tom Hynes (D-29th) said Senate Bills 942–43–44, which are an attempt to strengthen the current antisolicitation law were defeated in the senate judiciary committee last week by a 6 to 6 vote. He said it is unlikely that the bill will get out of committee during session.

The anti-solicitation law presently is implemented by the Illinois Commission on Human Relations, to stop block busting through unscrupulous realtors who call by phone or in person on homeowners who have not indicated their property is for sale.

Senator Hynes told the Reporter by telephone that he thought Senate Bills 942–43–44 were pretty good. He said they would have been of great assistance in combating panic peddling.

There is another series of bills still alive—House Bill 1769–70–71, cosponsored by Senator Frank D. Savickas (D–27) and Representative Edward Madigan (R–47). This bill, Senator Hynes said, has passed the House and is now before the Senate.

Hynes said he and Senator Daniel Doherty (30th) were in support of the bill, as were Senators Jack Walker, Frank Ozinga and Charles Chew.

This series of bills, if passed, would transfer the implementation of the present law from the state Human Relations Commission to the Department of Education and Registration. Hynes said it would put more of a burden to actively check realtors than the law now provides.

The down state legislators are blamed for the downfall of a total of five bills that would have given strength to the anti-solicitation law. Hynes said the down state lawmakers just don't understand the problem the city and surrounding suburbs have in combating blockbusting and its accompanying ills.

Hynes urged that all area residents write their legislators to support House Bill 1769–70–71 immediately. The Senators and Addresses are: 6th Dist.—Frank Ozinga, 3101 West 95th, Evergreen Park, 60642; 8th Dist.—Jack E. Walker, 18018 Arcadia, Lansing, Ill. 60438; 28th Dist.—Thomas C. Hynes, 10540 Western, Chicago, 60643; 30th Dist.—Daniel Doherty, 1957 E. 93rd Chicago, 60617.

To be effective at all the letters must be written, now, today. This is how you can help return your community to stability.

CAPITAL PUNISHMENT AND THE WAR ON CRIME

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. SCHMITZ. Mr. Speaker, the late J. Edgar Hoover said in the FBI Law Enforcement Bulletin, June 1960, that—

> Law-abiding citizens have a right to expect that the efforts of law enforcement officers in detecting and apprehending criminals will be followed by realistic punishment. . . . It is my opinion that when no shadow of a doubt remains relative to the guilt of a defendant, the public interest demands capital punishment be invoked where the law so provides.

As it happened, I was attending a meeting of the House Internal Security Committee when the news came to Capitol Hill that J. Edgar Hoover was dead. It brought immediately to mind the superb cooperation which the FBI Director had always given to our committee, even in the days when it was known as the House Committee on Un-American Activities, and was under the most vehement attack.

J. Edgar Hoover's judgment was as sound as his public service was extraordinary. Through nearly half a century, through changes that altered many aspects of our country almost beyond recognition, J. Edgar Hoover held fast to the eternal moral principles and total devotion to duty which originally caused him to be appointed head of the FBI—by President Calvin Coolidge, in 1924. How many men in public office today will be able to say that, or have it said of them, if they complete an even remotely comparable span of time in the service of their country?

So much has been made, both pro and con, of Hoover's fight against subversion that we sometimes tend to forget that this man was first and foremost a crime fighter. He detested crime—especially violent crime—with all the fervor of a militantly Christian heritage. He led men into battle against crime like a general in war. In the 1930's he brought America's "gangster era" to an end in a brilliant campaign whose victories over the Dillingers, the Barkers, the Karpises, and the Floyds and their like, became American legends comparable to the tales of the Old West. And he removed from American families a shadow whose heart-stopping terror has been all but forgotten by a whole subsequent generation which, thanks to him, was spared it: the shadow of widespread kidnaping of little children for ransom.

J. Edgar Hoover and the FBI brought the kidnap-killer of the Lindbergh baby to justice, and were centrally involved in the passage and enforcement of the "Lindbergh Law," which imposed the death penalty for kidnaping, and by so doing made it possible for kidnaping on a large scale to be eliminated from our land. And so J. Edgar Hoover knew well that there are some crimes which the death penalty does help to prevent.

On March 17, 1971, testifying before the House Subcommittee on Appropriations, Hoover reviewed the grim record of policemen murdered on duty during the decade of the sixties. In the period 1960–69, 561 police officers met death at the hands of 741 felons, 54 percent of whom had previously been charged with a crime of violence. One-fourth of these murderers were on parole or probation when they killed the police officer and 3 percent—19—had already been convicted of a murder. Nineteen of our police officers would be alive today if these men had been executed so that they could not kill again. In January 1971, Hoover reported in the FBI Law Enforcement Bulletin the case of a man arrested, after a furious gun battle, for two murders, a kidnaping, and an armed robbery, who had already committed a previous murder 4 years earlier, only to be found insane, "treated," and subsequently released. Facts like these—which it is unfashionable even to mention nowadays—have been totally disregarded by those responsible for the court decisions and propaganda campaigns for the elimination of capital punishment.

J. Edgar Hoover believed in enduring values and he understood that human nature does not change. Many of our present judges believe that neither law nor truth endures, and that evil does not exist—and try to remake our law accordingly. We dare not let them take many more essential weapons away from our hard-pressed law enforcement, or the fight against crime will be lost, resulting in anarchy, which all history shows is inevitably followed by tyranny.

DAILY CALUMET READERS HONOR "DR. MAX"

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. MIKVA. Mr. Speaker, in every community, there are people who devote themselves to helping others and to making the community a better place to live. Unfortunately, they are not always recognized for their service. In my district, there has been an acknowledgement of such a servant. Dr. Max Brzezinski has been honored as "Man of the Year"—thanks to the readers of the Daily Calumet, a leading newspaper in my district. The newspaper sponsored the contest, and more than 6,000 readers responded. "Dr. Max" was the clear winner.

Dr. Brzezinski is an active community leader, working on those "little things"—like getting a crossing guard for a dangerous street intersection—that are so important in the day-to-day life of a community. Dr. Max is a good example of what a good citizen should be. We are glad that he has been honored and are grateful for his work.

A copy of the Daily Calumet article describing Dr. Brzezinski's election and his work follows:

DR. MAX CAL "MAN OF THE YEAR"

(By Kathleen Hallahan)

Dr. Max Brzezinski has been named Man of the Year by Daily Calumet readers.

Dr. Brzezinski was one of a group of 10 nominees for the honor in The Daily Calumet's Man of the Year Contest. He received 2,609 votes from readers, who cast their ballots during the last two weeks.

The other finalists and their vote totals are:

Douglas Maynard and James Badoni, 1,430;
Officer John Hodges, 849;
Art Schmidt, 410;
Eddie Kamraczemski, 349;
Jim Mills; 278;
Ronald Perkich, 96;
Birthe Hultgren, 52;
Rev. Lennart Arnell, 22;
John Szymanski, 10.

A total of 6,105 votes were cast in the contest, excluding some 250 votes which were discarded as fraudulent ballots.

The nominees were also selected by Daily Calumet readers in a "primary" voting period, during which cans of food accompanied ballots. A total of 1,310 votes were received, with an equal number of cans, donated to the southeast side's community pantry which provides emergency food relief.

Dr. Brzezinski is a lifelong resident of the South Chicago community. He resides at 83rd and South Shore Dr., and is an optometrist with offices at 8810 Commercial.

As were other nominees, "Dr. Max" was featured as The Daily Calumet's Man of the Week in 1971.

"It's terrific—it's wonderful," Dr. Brzezinski said. "My friends really worked hard." He noted that many of those who voted for him have been his patients.

Dr. Brzezinski is active in community affairs, and was instrumental in obtaining a crossing guard for 82nd and Exchange. He also successfully campaigned to have a tavern in the area closed on the grounds that it was a "den of prostitution and gambling."

During World War II, he was a liaison officer between the Vatican and the U.S. Army. As a member of the overseas staff of the National Catholic Welfare Conference, he was knighted by Pope Paul XII in 1946 in the order of St. Gregory the Great. During the war, he was responsible for reuniting displaced persons with their families. Since he fluently speaks Polish, Italian, French, and German, he also assisted other families overseas.

Currently, he is involved in work at St. Michael's Parish, as well as the Old Settlers Association of Chicago. He is named in the American Catholic Who's Who, and is president of the Polish American Optometric Association. He also is a member of the fourth district police steering committee.

The fifth highest vote-getter, Edward Kamraczewski, known to many South Chicago residents as Eddie Kam, died last week of a heart attack, but he continued to receive votes through the April 21 deadline.

CONTINUED CAMPAIGN TO DENY BASIC RIGHTS TO MIGRANT FARMWORKERS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. BADILLO. Mr. Speaker, this afternoon I briefly participated in a vigil being conducted by the United Farm Workers Union, AFL–CIO. This vigil was held to highlight the fast being observed by Cesar Chavez and to protest a repressive farm labor law recently enacted by the Arizona State Legislature and sponsored by groups such as the American Farm Bureau Federation.

The measure quickly passed by the Arizona Legislature outlaws the secondary boycott and makes it virtually impossible for farmworkers in Arizona to gain some bargaining power through the use of an effective strike. This action is simply another in a continuing series of efforts aimed at destroying the United Farm Workers Union and denying basic rights to the thousands of farmworkers throughout the country. The UFW is clearly being persecuted by narrow, special interests and antiunion forces such as the American Farm Bureau Federation and an alliance known as the Free Marketing Council.

Mr. Speaker, I believe our colleagues must be aware of this vicious and ill-conceived effort to prevent farmworkers from protecting their interests and securing a living wage, decent working and living conditions, and simple human dignity. I present herewith, for inclusion in the RECORD, the text of a press release issued by the United Farm Workers Union this morning and a letter written by Cesar Chavez during his current fast.

The press release follows:

PRESS RELEASE

Supporters of the United Farm Workers and Cesar Chavez held a vigil today outside the Washington office of the American Farm Bureau Federation. The vigil was called in conjunction with a fast being observed by UFW's director Cesar Chavez in Phoenix, Arizona. Chavez began the fast after the

Arizona state legislature passed a farm labor law which was sponsored by the Farm Bureau, UFW leaders contend that the bill will severly hamper efforts to win union recognition for the state's farm workers.

At the vigil in Washington D.C., Ramon Romero, a lettuce boycott coordinator for the Farm Workers Union, charged that in effect the new Arizona law will take away the only economic lever that Arizona farm workers have to bring their employers to the bargaining table. He said that the law, which goes into effect in 90 days, will make it impossible for Arizona farm workers to strike effectively and that it outlaws secondary boycotts.

The farm workers' spokesman said that similar bills sponsored by the Farm Bureau have passed in Idaho and Kansas and have been introduced in over 20 other states. He called for a Congressional investigation of the Farm Bureau, stating that the Farm Bureau enjoys tax-exempt status although there is a serious question as to whether the Farm Bureau is an "agricultural organization" for the betterment of farmers. Romero pointed to the fact that in the eyes of the President's Price Commission, the Ohio and Indiana State Farm Bureaus were "companies" and were among those which failed to file quarterly profit margin reports last week. He also claimed that many Farm Bureau members are not farmers at all, but businessmen who happen to buy Farm Bureau insurance. He called for a full disclosure of the sources of income, salaries, and expenditures of the Farm Bureau.

Chavez' fast is being undertaken just two weeks after resumption of the farm workers' boycott of iceberg head lettuce from California and Arizona. Since the beginning of the fast last Thursday, Chavez has attended Mass nightly with farm workers from the area surrounding Phoenix. He is attended by a private nurse and his personal body guards. The location of the fast and nightly services is a small community center in Phoenix's Mexican-American Southside.

In a letter to farm workers supporters written at the sight of the fast and made public at the vigil, Chavez explained that "The fast is not out of anger at the growers. My concern is the spirit of fear that lies behind such laws in the hearts of growers and legislators across the country. Somehow these powerful men and women must be helped to realize that there is nothing to fear from treating their workers as fellow human beings." He also called for a commitment from farm workers supporters not to eat or buy head lettuce until the boycott is won.

MAY 15, 1972.

DEAR BROTHERS AND SISTERS: Our people have been poor for more years than we can remember. We have made only a small amount of progress in the past ten years of work and struggle. Our women and children still die too often and too young. There is too much hunger and disease among us. Not even 5 per cent of America's migrant farm workers are protected by union contracts. Yet there is a great fear of our union, a fear that I do not fully understand, but that I know is present with most growers and especially among the lettuce growers in the current resistance to the rights of their workers. Growers, through the Farm Bureau, are seeking to bring the whole machinery of government against us. Why are they so afraid of a union for migrant workers? Is it so much to ask that the poorest people of the land have a measure of justice?

In Arizona, a major lettuce-producing state, the growers and the politicians have just passed a law that destroys the right of farm workers to have a union. Farm workers under this law cannot engage in consumer boycotts. Supporters of our union could be arrested for telling their friends not to buy lettuce. Farm workers are put in the humiliating position of having to go to a special Agricultural Labor Relations Board appointed by Republican Governor Jack Williams, for a government-conducted election to determine their right to strike. The law provides for union-representation elections but establishes so many steps and procedures that seasonal and migrant workers would never have a chance to vote. Growers can not only frustrate an election for two to three months, but they can actually avoid elections by a minor change in hiring practices. Even if workers should vote for the union, an employer can seek a decertification election after only a three-month waiting period. The bill is discriminatory. It is aimed only at farm workers, who are mostly Black, Brown, and Indian. No other labor force is asked to live with these repressive measures. This is what the Farm Bureau means when they advocate "free elections" and "responsible legislation."

Farm workers in Arizona tried to tell their legislators about the unfairness of this law. They collected letters and petitions and brought them to their representatives. They were met with cold indifference. They were patient, but could not get appointments. In many cases their letters were thrown into trash cans in front of their eyes. After the bill passed, it was brought by the highway patrol to the governor, who signed it immediately. The next day the governor was asked by a reporter to comment on the farm workers who wanted to meet with him. He responded, "As far as I am concerned, these people do not exist."

What is it that causes sane men to act so hastily and so cruelly? It cannot be that we are so powerful. In the context of the great corporations, we are like a mosquito on an elephant's back.

This attack on our union, in Arizona and in every major state, is also an attack on the spirit of justice in America. Why shouldn't farm workers finally have a chance to hold their heads high in their own organization? Why shouldn't there be food on the tables of the families who work so hard to harvest that food? Why shouldn't poor people be allowed to struggle non-violently for justice? The answers seem so obvious, but the Farm Bureau, the lettuce growers, and the politicians are deaf to our pleas.

My major concern is not this particular Arizona law. The fast is not out of anger at the growers. My concern is the spirit of fear that lies behind such laws in the hearts of growers and legislators across the country. Somehow these powerful men and women must be helped to realize that there is nothing to fear from treating their workers as fellow human beings. We do not seek to destroy the growers. We only wish an opportunity to organize our union and to work non-violently to bring a new day of hope and justice to the farm workers of our country. It is long overdue, and surely it is not too much to ask. Justice for farm workers is our only goal. It is the goal of our non-violent lettuce boycott. Will you help us by making a commitment not to eat or buy lettuce? This is a small sacrifice that can bring a great change for migrant farm workers. I ask your prayers and your continued help in our struggle.

Your Brother,

CESAR CHAVEZ.

CUTTING OFF SUPPLIES TO THE COMMUNIST INVASION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. WYMAN. Mr. Speaker, many persons feel the quickest and best way to get the war ended in Vietnam is to help the South Vietnamese defeat and expel the Communist invading armies. President Nixon is doing this by acting at long last to cutoff supplies, munitions, and oil, to the invading armies.

If these Communist invaders can be defeated the probability is that North Vietnam will meaningfully negotiate an end to the war including return of Americans they hold prisoner. In fact, the likelihood is that only in this way will such an agreement be made, inasmuch as their response has consisted of arrogant refusal to negotiate for so long that it is obvious to one and all that the so-called negotiations at Paris were a one-way street.

That the results of the President's action are beginning to show is indicated in the following Evans and Novak column appearing in today's Washington Post. Many of us suspect that both the Soviet Union and Red China would just as soon see this thing ended now. If so, Evans and Novak's writing may be prophetic.

The article follows:

NOOSE TIGHTENS ON HANOI

Although President Nixon's order to mine the ports of North Vietnam is more than ten days old, there is still no sign that Communist China is rushing work troops to North Vietnam to protect vital rail links—a Chinese omission that fits perfectly the Nixon plan to choke off Communist war supplies.

To the contrary, the relatively mild Chinese reaction to the President's blockade by mines of North Vietnamese ports strongly hints that Peking is not at all eager to repeat rail-repair assistance it gave North Vietnam during the height of U.S. bombing in the late 1960s.

During that last extended period of major U.S. bombing of the two major rail lines connecting North Vietnam and China, 40,000 to 50,000 Chinese work troops were assigned one job: quick repair of American bombing damage. That mission not only helped keep open rail supply lines but also gave Peking political leverage in Hanoi to match Moscow's rising influence.

Relations between Hanoi and Peking have steadily deteriorated since those troops went home in late 1968, reaching bottom with President Nixon's spectacular trip to Peking, which the Hanoi politburo regarded as an act of betrayal.

Hard prediction of China's long-range reaction to the American blockade of its Communist ally's ports would be folly this soon. Nevertheless, there is reason to believe Peking's present leadership does not wish to become any more involved with the Vietnam war than the minimum necessary to prevent an open break with Hanoi.

Because of this, Hanoi may have severe difficulty making up by overland transport from China the calamitous loss of war shipping into North Vietnamese ports. Hanoi's war machine, fueled about 15 per cent from China, is likely to find it difficult to keep even that relatively low level of supplies flowing by rail and truck route from China.

Thus, the noose around Hanoi is now perceptibly and inexorably tightening. Experts here estimate that with Haiphong's port facilities able to unload a maximum of between 30,000 and 40,000 tons of war supplies per day, the first two weeks or so of the blockade will cost Hanoi close to half a million tons.

Quite apart from the deadly psychological blow that the supply cutoff must be causing Hanoi, its military significance is even more important. Commanders in the field at the hottest points of contact with the South Vietnamese army—Hue, Kontum and Anloc—now must begin to think about husbanding what heretofore had been a fairly constant stream of incoming supplies.

That transforms current military operations. The South Vietnamese position around the provincial capital of Kontum is extremely precarious today, but, as of this writing, the Communists appear to be still holding back the long-predicted attack. Likewise, although some military experts have been convinced that Hue could be taken when the Communists were willing to make the sacrifice, the assault still has not been launched so far. The reason: understandable caution about jumping headlong into the unknown suddenly created by the choking off of new supplies.

Possibly, assaults on these and other highly exposed South Vietnamese positions are being deliberately held up until Mr. Nixon leaves Washington this weekend for the Moscow summit, when they would have maximum political effect on both the United States and the Soviet Union.

Hanoi may also be playing the long shot that Moscow will threaten a military response to Mr. Nixon's port closures after the West German parliament has ratified the Bonn-Moscow and Bonn-Warsaw treaties, now scheduled for final action by the end of this week.

But supporters of those contingencies are in a minority. Far more likely, Hanoi is reassessing a military position that has brought its future war-making potential into serious question and a political position that has denied it the all-out support it needs from Peking and Moscow.

OPINIONS ON THE WAR IN VIETNAM

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. DEL CLAWSON. Mr. Speaker, the editor of the Daily Signal published in Huntington Park, Calif., has, in my opinion, accurately reflected the reaction of most Americans at this point in the history of U.S. involvement in Vietnam. I believe his comments are worthy of the attention of my colleagues and include his column at this point in the RECORD.

[From the Huntington Park (Calif.), Daily Signal, May 10, 1972]

News

(By Tom Hageman)

Opinions on the war in Vietnam and how to get out of that miserable nation of intrigue were set in concrete long ago.

There are those who would have our troops march out on hands and knees. There were those who feel certain that a military victory could be achieved if we ever used our real muscle.

And then there is the vast middle ground that followed three presidents in the belief that our system was sound and that our leaders would not betray us.

Those three broad categories of opinion existed on Monday morning and they remained in precisely the same position Monday night following President Nixon's blockade decision.

Those three positions mentioned are thoughtful ones, arrived at honestly and without selfishness.

And then there are the rioters—the idiots who burn, destroy and disrupt. A prime example of this kind of counterproductive nonsense was displayed yesterday at Isla Vista in Santa Barbara.

Yesterday they tried to burn the bank and inconvenience citizens who in no way caused or wished them harm. They did this, they said, in protest of the blockade.

Not too long ago they did exactly the same thing—then they were more destructively successful—because the rents were too high and the establishment educators were not properly relating to the brilliant minds assembled at UC Santa Barbara.

That kind of value system—and it was exhibited at Stanford and Berkeley as well—seems painfully twisted and shallow.

Undoubtedly there were some peaceful protest marches and demonstrations yesterday. Most, however, looked suspiciously contrived and anything but peaceful in intent.

And the news media, particularly television, is at its worst in reporting campus protests. By using the "roundup" device of reporting, all sense of proportion is lost. You see the rioters, but you do not see the 98 per cent not engaged in such activity.

A "roundup" story often fails because it takes all of the extremes and all of the exaggerations and puts them together in a gloriously distorted version of the way things are going.

Escalation of the war by any name is not a course of action that the people of the United States by any means welcome. The war was actually lost long ago. We are now trying to salvage the peace.

Certain members of the Congress are beginning to sound like spokesmen for Hanoi. Those who talk impeachment, among other things, are off the track and are not properly assessing the mood of the vast majority. They are perhaps blinded by "roundup" thinking and are doing a disservice to this nation, its people and our honor.

Yes, there really is a thing called "honor" left in this world. And it will be around a lot longer than the promulgators of division and defeat.

THE HANDICAPPED—WILLING AND ABLE WORKERS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mrs. MINK. Mr. Speaker, a young constituent of mine, Wayne Valdez of McKinley High School in Honolulu, recently visited Washington, D.C., to participate in a national convention concerning employment of the handicapped.

Wayne was the winner in Hawaii's "Ability Counts" essay contest sponsored by the Governor's Committee on Employment of the Handicapped. He was awarded the trip to Washington to participate in a national convention on the subject with other statewide winners.

Wayne's winning essay is a perceptive analysis of the special problems which confront the physically handicapped in attempting to find gainful employment. Though a handicapped person may possess all the requisite skills, he is often denied an opportunity merely because of an irrelevant handicap. Wayne also conducted a random survey of the public concerning the attitudes toward handicapped people and found that ignorance and apathy regarding their problems and abilities often prevail.

I applaud Wayne's articulate recognition of the capacities of the handicapped and the awareness that "ability counts" should be the determining factor in hiring these individuals. I would like to share with my colleagues the insights expressed in Wayne Valdez' winning essay:

The Handicapped—Willing and Able Workers

Daniel Inouye and Mrs. John Burns, well-known Honolulu citizens, have one thing in common, a physical handicap. Senator Inouye lost his left arm in World War II, but has represented Hawaii in the United States Congress almost since Statehood. Mrs. Burns, the First Lady of Hawaii, is confined to a wheelchair since a bout with polio, but has headed numerous charity drives. But what about the less famous people who are handicapped? Are they leading successful, productive lives? How do the handicapped feel about their disability?

I have found the answers to these and other questions that apply to the physically handicapped in Hawaii. I have arrived at a general definition of a handicapped person from the data I compiled. A handicapped person is one who, because of certain physical disabilities, has had to make major readjustments in life. Handicapped people usually experience a sense of alienation because they know they are different and are afraid of being rejected by others. But they are human beings who want to and can lead normal lives.

There are about 100,000 physically handicapped people in Hawaii. Most of them are not receiving any kind of aid from a rehabilitation center, although there are 138 organizations that offer rehabilitative services that are usually free.

An organization offering a good rehabilitation program is the Goodwill Industry of Honolulu, Inc. Its main purpose is to provide vocational training and paid job experience that will eventually give the handicapped person more self-confidence. This rehabilitation enables them to seek jobs never before open to them; it nutures independence.

The handicapped with vocational training would be no better off if Hawaii's employers are not aware of their potential or are prejudiced against them. If employers can accommodate the handicapped, provide work for them, they will surely find the handicapped just as efficient if not more efficient than normal employees. The requirements of some jobs do not demand the full array of senses; Lyle McQuary, a letterpressman at the Sturgis Print Company in Honolulu is deaf; his job does not require hearing.

The handicapped must also make emotional adjustments. An interview with Mrs. Mildred O., a secretary at a Goodwill Industry office in Honolulu, showed me she did not feel handicapped. Despite an artificial left arm, she has a job and says she leads "a normal life." She also feels that the public is not aware of her abilities or they might "give some sympathy."

Mr. Donald I., a proprietor of a concession stand at Honolulu International Airport, feels that his blindness does not hamper him in his work. He knows the monetary units by size and texture, but depends on the customers' honesty to a certain extent. When asked if the public seemed sympathetic towards him, he said, "I just know what I hear and I can't tell from that."

Mr. Henry K., is confined to a wheelchair, but he has a job with a Honolulu reality company's accounting department. He does not feel handicapped because he has a Master's Degree in accounting and feels he is as qualified as anyone. He also commented that he learned to accept sympathy as unavoidable.

These people and many others have learned to accept their handicap. They have gained self-confidence and are capable of doing efficient work. But is the public aware of their capabilities?

I conducted a poll selecting 50 people at random at the Ala Moana Shopping Center. First, I asked, "Who are the physically handicapped?" The general response was "I don't know" or "People who can't work." Second, "Are you aware of the rehabilitation services offered in our state?" The answers were, for 100 per cent," "No." The last question was "Do you think the handicapped are capable of competing with non-handicapped people for the same job?" The answers varied from "Yes, depending on the job" to "No, they're hopeless."

Although a general conclusion cannot be drawn from this survey, I cannot help but feel that if this is a sample of the public awareness of the handicapped, the attitude of the majority in the community must be apathetic. The image of the handicapped seems to be one of a helpless individual. Until the public changes its apathy to concern, the citizens can be of little help in meeting the needs of the handicapped.

I feel that the public of Hawaii has much to learn. The people must first become interested and enthusiastic in order to give the handicapped equal job opportunities and the recognition they deserve for their accomplishments in various fields of labor. Once the community is alerted and awakened, much help can be directed toward a better, happier life for the handicapped person.

MODERN VERSION OF LITTLE RED RIDING HOOD

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. ANNUNZIO. Mr. Speaker, recently I mailed a questionnaire to certain Chicago residents, and Mr. Jack D. Sheets, one of those who responded to my questionnaire, has asked me to insert the modern version of Little Red Riding Hood into the CONGRESSIONAL RECORD.

I know that my colleagues in the Congress will find this version of the classic story of Little Red Riding Hood both provocative and interesting, for it reflects on some of the serious problems confronting our society today. The story follows:

THE MODERN VERSION OF LITTLE RED RIDING HOOD

Once upon a time there lived a little girl called Red Riding Hood. One day her mother asked her to take a basket of fruit to her grandmother, who lived in a cottage in a forest, and had recently been ill.

It happened that wolf was lurking nearby and heard the conversation. He went to the grandmother's house, killed her, and dressed in her nightgown, and jumped into her bed to await the little girl.

When Red Riding Hood arrived, he pretended to be the grandmother, and then tried to grab her and eat her.

Red Riding Hood ran screaming from the cottage, and a woodcutter working in the forest heard her cries and rushed to her rescue. He killed the wolf with his axe, and Red Riding Hood's life was saved. All the townspeople hurried to the scene, and hailed the woodcutter as a hero.

However, at the trial, several facts were brought out by the lawyers and the American Association for Understanding Unfortunate Wolves, who voluntarily entered the case.

It was shown that the woodcuttter had not advised the wolf of his rights under law. Moreover, he had not made any warning signals with his axe before striking the fatal blows.

Then the AAUUW stressed the point that, although the act of eating the grandmother may have been in "bad taste," the wolf was only "doing his thing," and thus should not have been punished by death.

The AAUUW contended that the killing of the grandmother could have been considered self-defense on the part of the wolf, and also that since the grandmother was over the age of 30 she was beyond the age of serious regard and of being considered of further value to society.

The threat which the wolf had made to little Red Riding Hood in seeking to kill and eat her was also only a natural urge of the animal instinct to satisfy his normal hunger desires, and it may have been activated by a condition of dire physical hunger. Also it was the normal reaction of a person in a situation of being underprivileged and of a minority oppressed group.

When the court took these matters under consideration, it rendered post-mortem decision that there was no basis for charges against the wolf.

On the other hand, it was held by the court that the woodcutter should be charged with unprovoked assault with a deadly weapon. He was tried and found guilty and sentenced to ten years in the penitentiary.

Also, the family of the wolf brought a civil suit against the woodcutter and were awarded damages totaling 50 thousand dollars, which were assessed against his property and assets (consisting of a small cottage, a donkey, and a few personal effects). These were taken from the woodcutter's family and they were turned out into the streets.

Ten years after the "incident" at grandma's the cottage was made into a "shrine" in honor of the wolf who bled and died there. On the tenth anniversary of the incident all the village officials made speeches eulogizing the noble wolf. The most touching tribute of the memorial service was given by Red Riding Hood herself, now grown and a married woman.

She said that while she was selfishly grateful for the woodcutter's intervention, she now realizes that the impetuous man had "overacted" and had taken advantage of an unfortunate and helpless victim.

As Red Riding Hood knelt to place a wreath in honor of the brave wolf, there was not a dry eye in the crowd.

Adapted by Hart Armstrong from a U.S. Press Assn. release.

1. "The defender magazine" vol. 46, No. 10, for April 1972, page 28.

2. There is no record of a documented history of a non-rabid wolf ever attacking or harming a human being. However, changing the animal would have destroyed the value of the story.

THOUGHTS ON A TRAIN

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. FRENZEL. Mr. Speaker, the St. Paul Dispatch, a prominent evening daily serving the metropolitan area of St. Paul and Minneapolis, carried an editorial column in its April 26 issue concerning Amtrak, the National Railroad Passenger Corp.

This column indicates at least one observer's deep convictions concerning the need to maintain and improve our railway passenger service. I hope my colleagues will find it helpful in building their own evaluations of Amtrak and its services. The article follows.

[From the St. Paul (Minn.) Dispatch, April 26, 1972]

THOUGHTS ON A TRAIN

(By Oliver Towne)

Somewhere between Tomah and La Crosse, as the Empire Builder slipped through a rain-streaming Wisconsin night toward the Twin Cities, Jack Birdsell, Amtrak representative, sat down in the compartment's empty chair.

"Well," he said, "what's the verdict after our first year?"

There were three of us with some train of thought. Ramsey County Sheriff Kermit Hedman, president of the New Brighton Central railway, a nationally-famous railroad museum, and his wife, Eyleen, had also made this first anniversary ride on Amtrak to Milwaukee and return.

Just a year ago, we had ridden the farewell run of the old Burlington Northern Zephyr. A month later, we had climbed abroad our first Amtrak train to Wisconsin Dells.

Jack Birdsell may not have chosen just the right moment for his question. All three of us were prejudiced.

We had just finished a leisurely dinner in the diner under the ministrations of steward Burt Taurma, as polished a maitre d' as ever ran a restaurant. Our waiter, Eddie Hansford, had plied us with service, humor and good food—thick, slabs of juicy prime rib; jellied consomme; creamy, cheesie, au gratin potatoes from a renowned old Great Northern recipe; fresh, hot rolls; a dish of celery, pickles and olives; and an offering of deep dish apple pie.

With it we drank a fine 1966 St. Emilion Bordeaux.

And where is there a restaurant left in the world which still supplies finger bowls?

Or a complete dinner served in that grand manner at $5.10?

And all the while, we had sat in the colorfully appointed, newly decorated diner, with its bouquets of fresh, red roses on each table, with its snow-white linen and polished silverware, and watched soggy dusk and then rainy night come to the Wisconsin countryside, its farmhouses, villages, towns.

Nor were we in a mood to condemn Amtrak service. We had just come from Milwaukee, whose new, beautiful railroad station has fared much better than St. Paul's empty hulk and Minneapolis' shabby receptacle for a mere four trains a day.

Milwaukeeans can ride 20 trains a day, more than ever before. All are sleek comfortably equipped and passenger business has risen 32 per cent in Amtrak's first year.

Perhaps Jack Birdsell should have asked his question that morning when, at 5 a.m., we got up and drove sleepy-eyed through a mixture of rain and spitting snow to the Minneapolis station to board the east-bound Amtrak Builder, which was 40 minutes late and staffed by a crew as disconsolate as the morning outside.

The affront to St. Paulites having to take a train in Minneapolis is unpardonable, and the hour at which they must board is diabolical.

"Agreed," said Jack. "And we know it and are doing something about it."

Starting June 11, the Hiawatha North Coast Limited, the second train, will leave for Chicago at a Christian hour of 11 a.m., instead of 8 a.m. And the Empire Builder will pull out at 8 a.m. instead of 6:30 a.m.

What's more, there is a torrid rumor, not attributable to Jack Birdsell, that a new Twin Cities Amtrak station will be built and operating by Nov. 1 at N. Fairview and the mainline in the Midway district.

If there is any bitterness among Amtrak staffers, it is the impatience and total ignorance of some editorial writers and congressmen about Amtrak's hopes and struggles.

Writers who haven't ridden a train in 30 years are suggesting that since Amtrak's first year turned in a deficit, that service still didn't measure up in many places, the whole thing ought to be scrapped.

How any one could believe that Amtrak could take the nation's broken down, rusting passenger trains and work miracles in 12 months is beyond me. Or that a nation which can spend billions putting men on the moon frets at having to subsidize rail passenger traffic on Earth for a few million of dollars.

And if you think the airlines aren't being subsidized already or that buses don't run on taxpayer-provided surfaces, you live in an Alice-in-Wonderland world.

Amtrak cars are being rotated through shops for refurbishing. The task of smoothing roadbeds is already beginning between the Twin Cities and Chicago. You can see it along the way. New ties, new ballast, new rail.

It is no idle chatter that Amtrak is negotiating to buy a fleet of Turbo-Jet trains which will make the run from the Twin Cities to Chicago in 4½ hours, Loop to Loop.

There still is glamor and romance, if not exquisite pleasure, about beginning the day in the cozy diners comfort over a plate of fried eggs and sausage, English muffins and marmalade, fresh orange juice and hot coffee.

And you can sit and look out of the window at the tiny bugs crawling over the spaghetti freeways and shake your head at what fools we mortals be.

From a train window, you can see America, not the traffic ahead of you.

STATE DEPARTMENT PRACTICES AND PROCEDURES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. ASHBROOK. Mr. Speaker, in the May 15, 1972 CONGRESSIONAL RECORD, beginning on page 17384, there appears the testimony of John D. Hemenway given before the Senate Foreign Relations Committee on April 25 in which he raised objections to certain promotions included on a list of State Department and USIA personnel, which promotions require Senate confirmation. The Senate committee temporarily withheld confirmation while the State Department responded to the objections. Yesterday the committee voted to confirm the list of promotions, and today the Senate voted to approve the committee's action.

The Hemenway testimony, plus the documents he submitted with his statement but which did not appear in the CONGRESSIONAL RECORD, points up the subtle methods which have been refined at State to dispose of, or reward, those of their choosing. State, for instance, in emphasizing the highly competitive nature of the Foreign Service, will claim that it is sometimes necessary to dismiss admittedly capable officers to keep a high level of competency among those implementing our foreign policy. Yet, when one specific standard, language proficiency, is applied to a list of promotions offered by State, the Hemenway findings demonstrate that State recommends officers over 60 percent of whom did not meet the minimum professional level of proficiency in two foreign languages. Furthermore, over 30 percent of those proposed did not meet the very mimimal standards of a single foreign language.

On the other hand, consider the possible plight of Foreign Service officers who have fallen out of grace with the hierarchy. An FSO can be dismissed for being at the bottom of his class for a certain time or if he fails to be promoted to a higher class over a specified period of time. Promotion boards review the efficiency records of an FSO and make a determination as to his standing in his class or whether he deserves promotion. Mr. Hemenway's testimony referred to an official memo which stated that many FSO's have 12 to 14 files on themselves, some not authorized, and some of which contained information not actually placed in the official personnel folders provided in the regulations and not made available to the officers being considered.

In the case of a competent FSO who was undesirable from State's viewpoint, the logical question arises as to which files were presented to the promotion board members for evaluation. Did files from the FSO's efficiency record contain those which were unauthorized or those withheld from his inspection to which he is entitled by statute.

Also, the question arises as to how much "coaching" promotion board members received in the way of oral presentations from State officials. Mr. Hemenway claimed in his testimony that such a practice was in effect in the past, and State in answering his testimony conceded that this was indeed true. State stated:

> While it was, as the witness contends, practice in the past for members of promotion boards to consult during their deliberation process with individuals in various areas of the Department, we have taken steps to halt such consultations.

In view of the above two possibilities for mischief, one can picture a dismissed FSO asking himself what files did the promotion board consult in his case which he was not allowed to see. Or he might ponder as to the nature of any consultation between board members and individuals in various areas of the Department which he was not privy to. Of course, the final question suggests itself as to how many FSO's were dismissed due to the chicanery of State officials.

To complete the record of this latest confrontation on one aspect of State Department procedures and practices, I insert at this point the State Department response, dated May 8, to Mr. Hemenway's charges of April 25. In addition, there is included Mr. Hemenway's reply, dated May 16, copies of which were delivered to the Foreign Relations Committee, addressed to committee members, yesterday morning in advance of the committee meeting which responded to State's letter of May 8. Also included are several documents which accompanied Mr. Hemenway's testimony of April 25 which are pertinent to the above remarks and which appeared in Mr. Hemenway grievance case against the State Department now over 2 years old and still unresolved.

The articles follow:

DEPARTMENT OF STATE,
Washington, D.C., May 8, 1972.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: The Department appreciates very much the invitation of the Committee, as contained in Mr. Marcy's letter to Deputy Under Secretary Macomber of April 26, to comment on Mr. John D. Hemenway's allegations regarding the Foreign Service promotion list recently sent by the President for the advice and consent of the Senate. We have taken the liberty of replying at length and in some detail.

Mr. Hemenway's basic charge, that the Department is violating regulations in nominating for promotion officers without proper language qualifications, is not correct. In 1967 the Department announced *as a self-imposed* objective that each officer should acquire at least a minimum professional level of proficiency in two foreign languages before reaching the senior level. Our regulations did not then, nor do they now, establish such proficiency as a prerequisite for promotion.

We continue to adhere to "two language" proficiency as an objective and believe we have made significant progress in attaining it. For example, in 1966 some 64 percent of all FSOs had tested speaking proficiency in one foreign language; the percentage is now 74 percent, and nearly 30 percent of all FSOs now have such proficiency in two or more foreign languages.

The attached charts make it clear that the Department is committed to and is making progress in upgrading the language capabilities of its officers. Of course, language ability is but one of the professional skills which the selection boards consider in reaching eventual decision on the rank order of each officer in comparison with his colleagues in a class.

Among the materials I have enclosed is a chart which indicates the tested scores of the 67 officers who are recommended for promotion from Class 3 to 2 and from Class 2 to 1. We believe the Committee will find it interesting as it gives a more complete picture of the actual individual language skills of the officers in question. You will note, for example, that some of the officers cited in testimony as having no language capability actually have proficiency at the "near-professional" level in one or in several languages. Some of the officers who were listed by the witness as having but one language have "near-professional" ability in an additional or in several other languages.

Related to this basic charge of the witness is the allegation that the Department's *Biographic Register* has been altered to "expunge" instances of an officer receiving language training but subsequently failing to attain proficiency in it. It was the practice in 1964 (the edition of the *Biographic Register* the witness refers to) to list all training assignments irrespective of their duration. In the late 1960's the *Biographic Register* was considerably streamlined to make individual entries more concise and to reduce the overall length and cost of the publication. In doing so, reference to all training assignments and temporary details of less than six months was dropped (for example, Spanish, French, and German training courses do not exceed six months).

We would now like to comment on a number of other charges made by the witness.

While the Department continues to have the highest confidence in Mr. Howard Mace, Mr. Hemenway is in error in commenting that this is the "last Mace list." The fact is that Mr. Mace had very little involvement with this year's promotion process. Only preliminary consideration had been given to the membership of last fall's Selection Boards prior to his departure in August from the Office of Personnel, and he was in no way involved in the final selection of members. It is therefore false to say that this is the "last Mace list."

The witness has also raised questions as to the materials available to Selection Boards during their deliberations. Only the official performance file consisting of the Development Appraisal Reports and the Performance Reports was provided to the 1971 Boards on each officer eligible for promotion. That was the official performance file. To enable Board members to get a "feel" for the strictness or leniency of any particular rating or reviewing officer (or Inspector), however, the Board has access to files containing all other recent reports written by these officers. The Boards are also given a brief factual biographic summary (Department of State Personnel Abstract, DS-1711) on each officer, which includes a statement of his language capabilities. Boards were able to establish additional facts on length of assignment, health, etc., by specific inquiries when this was required for their deliberations.

While it was, as the witness contends, practice in the past for members of promotion boards to consult during their deliberation process with individuals in various areas of the Department, we have taken steps to halt such consultations. In fact, Selection Board precepts now require that members sharing relevant personal knowledge with other Board members must do so by signed memorandums with copies going to the officer concerned and to the personnel office for inclusion in the officer's performance file.

Mr. Hemenway makes reference to the past promotion of the present Director General of the Foreign Service to Career Minister. When, last fall, Director General William O. Hall became aware that certain individuals were questioning the legality of his promotion to Career Minister, he asked the Legal Advisor for an immediate opinion. The Legal Advisor replied that the promotion had been accomplished legally. The Director General informed the Secretary and other senior officials of the details of the situation and offered to resign his position. The Secretary accepted the opinion of the Legal Advisor, expressed his full confidence in Ambassador Hall, and asked him to stay on as Director General.

Another allegation made by the witness is that one of the officers nominated for promotion on the list could somehow have prevented the tragic murder of one foreign service employee by another at one of our posts in West Africa. The facts simply do not support this extraordinary charge.

Mr. Hemenway alludes to another case ("#114") and claims that the charges lodged against a particular officer have not been investigated and answered. His facts are distorted. The case to which he alludes involved a grievance filed by an officer not on the list. It has been investigated and the officer granted redress. No charges were lodged against "#114" nor were any warranted. Mr. Hemenway implies that the Selection Boards should have had knowledge that one officer being reviewed was the supervisor of a complainant in a grievance case. This is in direct contradiction to Mr. Hemenway's earlier objection that the promotion boards have access to information not contained in performance files.

The witness next contends that to get a promotion it pays to be close to "top management and administration." Three cases are cited to support this thesis, and only one of these can reasonably be described to have been "close" to top management. The promotion lists are the product of the Selection Board deliberations. Performance and not organizational location is the main focus of their attention. A review of the promotion lists does not reflect any particular organizational or skill bias on the part of the Boards. It is true promotions are affected by the anticipated vacancies each year by specialization and class. This is necessary if available officers are to match the requirements of the service.

In commenting on these three officers, Mr. Hemenway states that "two of those three are without any language qualifications." The fact is that one of these is almost bilingual in Spanish and also has an S-2/R-3 in French, while a second of the three has an S-3/R-2 in German and an S-2+/R-2 in Spanish.

The witness's comments concerning a promotion board which considered Foreign Service Reserve Officers of Unlimited Appointment (FSRU) are also misleading. He questions the quality of the officers promoted by this Board by applying his language criteria to the members of the Board itself. He fails to explain that many of the people considered by these Boards are specialists (physicians, scientists, historians, communications technicians, audio visual technicians, etc.), categories in which highly specialized knowledge is of primary and language skills of secondary consideration.

The witness's contention that a member of one of these Boards was rewarded for his efforts with a "payoff" promotion is incorrect. The Class III Board which recommended "#126" completed its findings on December 16, 1971; the memorandum suggesting this officer as one of several potential FSRU Board members was dated January 10, 1972, almost a month after the Class II Board had recommended this officer for promotion.

The witness also registers his belief that persons without formal academic degrees are unqualified for officer rank. Some of the most distinguished officers in the Foreign Service, in other agencies, and indeed in all branches of the Government are without formal academic degrees, and we do not require any officer entering the Foreign Service to display academic degrees. Experience indicates that those candidates able to pass through the examination process for the Foreign Service including that for lateral entry, have very satisfactory intellectual qualifications, however acquired.

The Department believes that all officers included in the list are qualified for and deserving of promotion. They have been found so after careful consideration under duly established procedures. We, therefore, urge the Senate to give prompt consent to these nominations.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

LANGUAGE PROFICIENCY RATING SCALES

S-1: Able to satisfy routine travel needs and minimum courtesy requirements.

S-2: Able to satisfy routine social demands and limited office requirements.

S-3: Able to speak the language with sufficient structural accuracy and vocabulary to satisfy representation requirements and handle professional discussions within a special field.

S-4: Able to use the language fluently and accurately on all levels pertinent to foreign service needs.

S-5: Speaking proficiency equivalent to that of an educated native speaker.

R-1: Able to read elementary lesson material or common public signs.

R-2: Able to read intermediate lesson material or simple colloquial texts.

R-3: Able to read nontechnical news items or technical writing in a special field.

R-4: Able to read all styles and forms of the language pertinent to foreign service needs.

R-5: Reading proficiency equivalent to that of an educated native speaker.

THE GROWTH OF LANGUAGE PROFICIENCY OF FSOs

The following table—provided by the Foreign Service Institute—gives the numbers and percentages of Career Ambassadors, Career Ministers and other Foreign Service Officers with tested S-3 language proficiency as of February 7, 1972. The change in percentage since August 31, 1966, is shown, as well as the number of officers who have met the Department's goal of S-3 proficiency in two languages. The percentage of FSOs with tested S-3 proficiency in at least one language increased from 63.8 in 1966 to 74.4 in 1972. The percentage of FSOs with a proficiency of S-3 or better in more than one language increased from 23.2 in 1967 to 29.7 in 1972.

		Officers with tested S-3			Officers with tested S-3 in 2 or more languages			
Class	Number of officers in class	Number	Percent	Change in percent since Aug. 31, 1966	Number	Percent	Change in percent since July 15, 1967	Tested S-3 skills per class
CA	3	1	33.3	+33.3				1
CM	54	32	59.3	+13.9	16	29.6	+1.3	51
FSO-1	278	180	64.7	+12.4	75	27.0	+8.3	287
FSO-2	396	271	68.4	+8.3	113	28.5	+6.7	427
FSO-3	599	438	73.1	+10.7	215	35.9	+7.1	742
FSO-4	660	552	83.6	+16.6	277	42.0	+8.1	900
FSO-5	568	506	89.1	+12.5	171	30.1	+2.1	719
FSO-6	314	234	74.5	−2.9	42	13.4	−2.9	284
FSO-7	179	72	40.2	−14.0	6	3.4	−1.4	81
FSO-8	32	9	28.1	−7.1			−3.6	9
Total	3,083	2,295	74.4	+10.6	915	29.7	+6.5	3,501

Note: The possessor of an S-3 minimum professional language proficiency can participate effecively in all general conversation; can discuss particular interests with reasonable ease; comprehension is quite complete for a normal rate of speech; vocabulary is broad enough that he rarely has to grope for a word; accent may be obviously foreign; control of grammar good, errors never interfere with understanding and rarely disturb the native speaker.

ENCLOSURE 3

LANGUAGE SKILLS OF OFFICERS ON 1971 PROMOTION LIST

Name	Tested ratings meeting departments objectives						Additional tested ratings		
	Language	Speaking	Reading	Language	Speaking	Reading	Language	Speaking	Reading
FSO 2 to 1									
Bloomfield, Richard J	Spanish	4	4+	Portugese	4	4	German	2	2
Bradford, William G							Italian	2+	2
							French	2+	2–
Broderick, William D	Spanish	3+	4+	Serb-Croat	3+	4	German	3	3
Button, Jack B									
Crowley, Edwin D	French	3+	4	German	3	3+	Hungarian	2	1
Culbert, William E							French	2	2+
Day, Arthur R	German	4	4+						
Ericson, Richard A., Jr							Japanese	3	2
Goldstein, Gerald							German	2+	2
							Portugese	1+	1+
Holdridge, John H	Chinese	3	4						
Hussman, Margaret							Italian	3	2
							Spanish	2	2
Johnson, Richard E	Polish	3+	3+	German	3	3+	Serb-Croat	2+	2+
							Bulgarian	2	2+
							French	2	2
							Portuguese	2+	3
Laingen, Lowell Bruce							German	2	2+
Lehfeldt, William W	Spanish	4+	4+						
Maestrone, Frank E	French	4+	5	German	4	3+			
McKee, Henry Hunt	do	4	3				Spanish	2+	3
Myerson, Jacob M	do	4	4+						
Pringle, Sandy MacGregor	Spanish	3+	4						
Schiff, Stanley D	German	4	4	French	3	3			
Shoesmith, Thomas P	Japanese	4+	4+				Chinese	1	1
Stearns, Monteagle	Greek	4	4	French	4	4+			
Vine Richard D	French	4	4+	German	3+	4+			
Wortzel, Arthur I	German	3+	3+	Russian	3	3+	Polish	3	3
							Czech	2+	2
FSO 3 TO 2									
Bell, S. Morey	Spanish	4+	4	French	3+	3			
Berlin, Calvin C	do	3	3+				Italian	2+	2
							French	1+	2
Bliss, Robert R									
Brown, Charles W							German	3	2
							Spanish	2+	2
Calingaert, Michael	French	4+	4	Italian	4	4+	German	4	4
Carson, James L	do	3	4				do	2+	2
Cash, Harvey J	Spanish	4+	4	French	4	3+	Portugese	3+	3
Chaplin, Maxwell	do	4	4+						
Davis, John R., Jr	Italian	4	4				Polish	2+	3
							Spanish	1+	2
							French	1+	0
Ely, Michael E	French	4	4				Indonesian	2	2
							Spanish	1+	2
							French	1+	2
French, Harry George									
Grove, Brandon H., Jr	French	4	3+	German	3+	3+			
Handyside, Holsey G	do	4	4	Arab. East	3	3			
Hemenway, Brewster R	Spanish	4	4				Russian	2	2
							French	2	1
Houston, Robert B., Jr	Polish	3+	4+	Bulgarian	3+	4	German	3+	4
							Russian	1+	2
							French	2+	0
Johnson, Charles K	German	4	4+	Italian	3	3 +			
Johnston, Ernest B., Jr	French	4	3+	Spanish	3	3	German	3	2
							Italian	2	2
Lang, Archie S	German	3	3						
Leidel, Donald C							Spanish	1	1
Livingston, Robert Gerald	Serb-Croat	4+	4+	German	4+	4+	Russian	2+	3
							French	2+	3
							Italian	1+	2
Matthews, H. Freeman, Jr	Spanish	3+	3+	French	3	3+	do	3	3
							German	2	3
McCabe, David H									
Melencamp, Noble M	Italian	4	4+	Russian	3	4	German	2+	3
							French	2	3
Mencher, Alan G	French	4	4+	German	3	3	Spanish	1+	1
Mills, John L	Spanish	3+	4				Italian	2+	3
Moran, James B							French	2	2
O'Neill, John J., Jr							do	2	0
Pike, Wendall									
Rogers, Stephen H	French	4	4+						
Simcox, David E	Spanish	4	4+				French	2	3
Sinn, Melvin E	do	4	4+						
Smith, Thomas W. M	French	4	4				Russian	1	1
Smyser, William R	German	5	5	Spanish	3+	4+	French	3+	3
							Italian	3+	3
Sorenson, Roger A	Italian	3	3				Russian	0+	1
Squire, Christopher A	Hungarian	3	4	French	3	4			
Sterner, Michael	Arab. East	3+	3				French	2+	2
Sulser, Jack A	German	4	4+				Italian	2+	3
Summers, Thomas E							German	2+	3
							French	1	1
Terranova, Joseph, Jr							Spanish	1	1
Thorne, Nicholas G. W							French	3	2
Veliotes, Nicholas A	French	4	3+	Italian	3+	4	Hindi	1+	1
							Urdu	1+	0
White, Robert	Spanish	3	3+	French	3	3+			
Yoder, Amos							French	1+	2
Zachary, Dan A	Greek	4	4	French	3+	3+	German	3	3
Zucca, Albert L	Spanish	4	4	Italian	3+	3			

WASHINGTON, D.C.,
May 16, 1972.

Re: 60% of the Senior Foreign Service Officers on Promotion List are not qualified.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Senate Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: During the confirmation hearing of Mr. Howard Mace, you expressed a desire to make meaningful nomination hearings at which the Senate was asked for its advice and consent. You regretted that confirmation hearings had become a *pro forma* affair and you indicated that you sought a meaningful and constructive role for the Senate Foreign Relations Committee in hearings of this kind.

On 25 April 1972 I testified before your Committee in that spirit. Subsequently, on 8 May 1972, Mr. Abshire wrote you a letter which purports to rebut my testimony of April 25. In fact, it confirms much of what I said on that date.

It is my role to testify to facts known to me; it is for the Senate to give its advice and consent. In considering the facts, I repeat the question I posed during my testimony: Can a man consider himself a diplomat by profession who, after more than 20 years of professional service still knows not a single foreign language? Thirty per cent (30%) of those recommended for promotion are in this category by the Department's own revised (and this time, presumably accurate) statistics. And a total of 60% of the senior officers (classes I and II) fail to meet the Department's own "minimal professional levels" of language proficiency, which is two foreign languages *before reaching senior level* (FSO class I and II).

Why is this the case? The Department has not even bothered to answer why. The Department merely asserts that all on the list are qualified. Also, they have not even responded to the charge that, of the promotion board determining officers for promotion to FSO–2, for example, not one met the Department's language standards; further, two out of the five had no recorded language qualifications at the "useful" level at all (S–3, R–3). Other boards are similarly poorly qualified. I submit that the quality of the promotion boards goes far to explain the quality of the promotion list.

Let us use the new statistics of the Department of State, but if you will forgive me, I will retain the old math! We still can calculate that 60% of the officers recommended for promotion fail to meet the Department's own standards. Look at the record:

Among those recommended for promotion to FSO–2, we find: 12 out of 45 have no tested language at the "useful" level. *15 out of 45* have only one "useful" language. It follows that 27 out of 45 fail to meet the Department of State's own minimal levels for senior officers.

In other words, 60% of the FSO–2 promotees are not qualified.

Again, using the Department's new statistics, look at FSO–1: 7 out of 23 know no language at all at the "useful" level. And *7 out of 23* have only one language at the "useful" level. Therefore 14 out of 23 fail to meet the Department of State's own goals.

Again, about 60% are not fit, judging from the Department's own objective standards.

Very early in Mr. Abshire's letter to you of May 8, Mr. Chairman, it is underscored that these standards are *"self-imposed."* Does that really justify departure from the rules? Have the Department's lawyers never read the US Supreme Court on *Service vs. Dulles?* I recall that, from that decision, once a Department sets regulations, even those it does not have to set, i.e., "self-imposed" regulations, then it must follow them. The State Department seems to take the view that since they are "self-imposed" rules, they can be violated whenever the spirit moves them. Have they learned nothing since *Service vs. Dulles?*

Even the new statistics presented by Mr. Abshire are suspect, however. They bear no date. A date is important. To be valid under the regulations, a tested ability in a language must be tested within a specified period, i.e., five years, unless an officer is exempt. Mr. Abshire does not mention this in his letter. Perhaps he does not know this. Let me cite the regulations:

3 FAM 876.2 *Time Limit.*

"To meet the requirements set forth in various sections of these regulations, the tested proficiency must have been attained not more than 5 years before the assumption of the duties for which the proficiency is required, unless the officer has met the standards cited in section 867.1 [tested twice very high at the S–4/R–4 level through two FSI tests 2 yrs apart or tested as bilingual.]

If the Committee were to ask that the language testing scores submitted be dated, it might discover that many of the rated abilities claimed are out of date and, again, the officer does not meet the required standard. Further, there are other requirements under statute that must be met. These imply a greater sense of responsibility than is indicated by "self-imposed" regulations to be broken at will. Certain legal requirements go back at least to December 31, 1963:

Sect. 968 *Foreign Language knowledge prerequisite to assignment.*

"The Secretary shall designate every Foreign Service officer position in a foreign country whose incumbent should have a useful knowledge of a language or dialect common to such country. After December 31, 1963, each position so designated shall be filled *only* by an incumbent having such knowledge. *Provided*: that the Secretary or Deputy Under Secretary for Administration may make exceptions to this requirement for individuals or when special or emergency conditions exist, The Secretary shall establish foreign language standards for assignment abroad of officers and employees of the Service, and shall arrange for appropriate language training of such officers and employees at the Foreign Service Institute or elsewhere."

It should be noted in passing that if regulations are considered "self imposed" and not to implement the law cited above, the Secretary will be forced to make a large number of "exceptions" for persons inadequately qualified. Our competitors in foreign diplomatic services require languages upon entrance—can we require less during an entire career?

By the language grading system of the Department of State, anything lower than S–3, R–3 is *not* a passing grade. Yet, in Mr. Abshire's letter, the Department has leaned on these low grades as if they really represented accomplishment. In this twisted world, two "Ds" make a "C", so to speak.

However, the Department claims that there is more to promotions than language skills. I agree, I used that as an indicator merely because it is so completely objective a measure. In fact, Mr. Chairman, on 25 April I asked your Committee to consider also the matter of professional competence. Admittedly that is difficult to measure objectively in the diplomatic service. I used, as an example, the Executive Director of the Bureau of African Affairs at the time of the widely publicized Erdos/Leahy murder trial. That particular Executive Director is on the promotion list to FSO–1, a violation of the regulations and propriety, I think. I offered the name of one witness to support my own testimony. In fact there are several such witnesses, should the Senate wish to investigate this matter thoroughly. In rebuttal, the Department simply asserts (see bottom of page three) that "the facts simply do not support this extraordinary charge." Is the charge really so extraordinary when compared to the bizarre facts of the murder itself? I mention the case because a man is on the promotion list to FSO–1 who evidently does not belong there. He was executive director in a critical situation which I happen to know he knew about. There is at present a grievance case under way in the Department of State relating to the murdered man's predecessor at the very same post. The Department knows this. I wonder if Mr. Abshire knew it when he signed the letter to you, Mr. Chairman? If the Senate were to investigate, abundant witnesses would be available to establish the professional laxity of this man who now is recommended for promotion to FSO–1. And, to boot, he does not even qualify from the language standpoint—our only truly objective standard. He does not qualify in a single tested language at the "useful" level (R–3, S–3). (Please recall that two languages are said to be the objective for "senior officers".)

With respect to other factors affecting promotion, on April 25 I also mentioned the need for basic integrity or honesty. I also cited an example in this category. For its part, the Department attempted to rebut this example, too. (see first paragraph, page four)

Very late last night I spoke to the officer concerned. After listening to the pertinent paragraphs of Mr. Abshire's letter, he characterized the statements in the letter concerning his affairs as untrue. This employee of the Department of State is prepared to testify before your Committee under oath, Mr. Chairman, as I told you on 25 April. Mr. Abshire said the matter was investigated. The officer concerned told me the matter was not investigated—at least not in a satisfactory fashion. It was whitewashed and the officer concerned was not permitted to face his accusers. Mr. Abshire says that the officer was granted redress. This is not true. The officer concerned says that he requested, but was denied, redress. Mr. Abshire writes that a grievance was filed. This also is not true, according to the officer concerned who says that no grievance was filed. Yet the officer who participated in this unresolved dispute involving a question of integrity appears on the promotion list. As I noted on 25 April, he also fails to meet minimal language objectives set out in regulation.

With respect to law and regulations concerning language requirements and other requirements for promotion, I must note that I am not a lawyer. I must fall back on common sense. However, happily many members of your Committee, Mr. Chairman, may be lawyers or have colleagues in the Senate who are. They will recognize the legerdemain and pettifoggery in Mr. Abshire's letter for what it is. I came to you with a simple question. If people in the Foreign Service do not meet the "minimal professional level" set as the "objective", then why promote them? The Foreign Service already is top heavy in these two top ranks. Why complicate the matter by advancing persons known not to meet the standards? Even if it is not downright illegal or improper, is it not simply unwise? I have to leave this to you, Mr. Chairman, and to the Senate, whose advice and consent to this list is sought. I can only raise the question.

Similarly, I shall not attempt to judge the impropriety at this late date of the promotion of the Director General mentioned on page three. I am sorry I touched on such a sensitive point. It is a fact that Director General Hall received special extra-legal consideration for promotion when others, far junior, were not granted that consideration. I note in passing that the propriety of Director General Hall's promotion was sufficiently complex that he felt that he had to turn to the Legal Advisor for an "immediate opinion" to determine whether his promotion "had been accomplished legally." Most Foreign Service officers would have known without asking anyone. My own guess is that Director General Hall knew too. How can you expect propriety or legality or "sanctity of the promotion system" in such an environment of "one time exceptions."

Regarding my references on 25 April to the proliferation of State Department files, compare the statements on the top of page three of Mr. Abshire's reply concerning files to which there was access with Mr. Abshire's statements in the same paragraph about the need for Board members to get a "feel" for the strictness or leniency of any particular officer! Seen in the light of admitted improprieties of the recent past (see the second paragraph on page 3) does this inspire confidence in the present? Personally I believe that there are misrepresentations here, although it is difficult for me to establish this, in the time I have had to reply to this letter.

Page five of the Abshire letter, like many of the others, contains self-serving statements calculated to justify the lack of established standards, uniformly enforced. There are also many untrue statements which press of time forces me to pass by.

One, however, I should like to single out, look at, and identify, for it is typical of the kind of correspondence which the Department of State has been writing about me and other officers which have incurred the displeasure of certain members of the in-house management clique. Nowhere in my testimony to you, Mr. Chairman, will you find the statement attributed to me on page five of Mr. Abshire's letter to you of May 8, 1972: "The witness [John Hemenway] also registers his belief that persons without formal academic degrees are unqualified for officer rank." That is not a true statement and I do not even believe that. In fact, I myself was an officer at age 18 (in the infantry) when, of course, I had no 'formal academic degrees' of any kind. Your Committee might wish to inquire why the State Department would write letters for Mr. Abshire to sign that contain untrue statements. It might help explain why they forward promotion lists containing unqualified senior officers.

Mr. Chairman, your Committee staff provided me with a copy of Mr. Abshire's letter to you at 1:15 today (May 15). Since I was told that your Committee would meet this morning at 10:00 am to consider the matter of the Foreign Service list, I have spent the night writing this letter. Many of the points at which I testified are conceded, in effect, but, surprisingly, the letter concludes with the request that "all officers included in the list are qualified for and deserving of promotion." This is patently untrue.

To invite the US Senate to endorse with its advice and consent a list known to contain unqualified persons is to call into question the role of the Senate in these matters. If the list is imperfect, why should it not be sent back until the obvious imperfections are removed? Either the Foreign Service has high standards or it does not. As able men are dismissed, the pretense is that these standards are very high. I and my colleagues look to you and the Senate, Mr. Chairman, to see that standards are enforced and that the Foreign Service myth becomes reality.

Sincerely,

JOHN D. HEMENWAY.

A FOREIGN SERVICE EMPLOYEE'S RIGHT OF ACCESS TO HIS PERSONNEL RECORDS

To: M—Mr. Macomber.
From: L—John R. Stevenson.

This memorandum examines the extent to which a Foreign Service officer is legally entitled to access to the Department's personnel records, including memoranda, files, correspondence and miscellaneous materials relating to him. It deals specifically with the Director General's files, suitability files and career development and counselling files, but does not discuss employee access to security or medical files.

DISCUSSION

Sections 601, 611 and 612 of Title 6 of the Foreign Service Act of 1946 (22 U.S.C. §§ 981, 986–87), as amended, principally govern a Foreign Service officer's access to material maintained by the Department regarding his performance or efficiency. In the definitions portion of Title 6, section 601 (22 U.S.C. 2981) defines "efficiency record" as follows:

(1) "Efficiency record" is the term which describes those materials considered by the Director General* to be pertinent to the preparation of an evaluation of the performance of an officer or employee of the Service.

This concept is broader than that of "efficiency report," which is defined in the same section as follows:

(2) "Efficiency report" is the term which designates the analysis of the performance of an officer or employee made by his supervising officer or by a Foreign Service inspector in accordance with such regulations as may be prescribed by the Secretary.

Part B of Title 6 is entitled *Efficiency Records*. It defines the responsibility of the Director General for the keeping of efficiency records. Section 611 (22 U.S.C. § 986) says:

"The Director General, acting under the general direction of the Board of the Foreign Service, shall be responsible for the keeping of accurate and impartial efficiency records. Under his direction there shall be assembled, recorded, and preserved all available information in regard to the character, ability, conduct, quality of work, industry, experience, dependability, and general usefulness of all officers and employees of the Service including the reports of Foreign Service inspectors and the efficiency reports of supervising officers. The Director General shall undertake such statistical and other analyses as may be necessary to develop the validity and reliability of efficiency reporting forms and procedures."

The second portion of Part B, entitled *To Whom Records Shall be Available*, states in Section 612 (22 U.S.C. § 987):

"The correspondence and records of the Department relating to the officers and employees of the Service, including efficiency records as defined in section 601(1) but not including records pertaining to the receipt, disbursement, and accounting for public funds, shall be confidential and subject to inspection only by the President, the Secretary, the Under Secretary, the Counselor of the Department, the legislative and appropriations committees of the Congress charged with considering legislation and appropriations for the Service or representatives duly authorized by such committees, the members of the Board of the Foreign Service, the Director General, and such officers and employees of the Government as may be assigned by the Secretary to work on such records. *Under such regulations as the Secretary may prescribe and in the interest of efficient personnel administration, the whole or any portion of an efficiency record shall, upon written request, be divulged to the officer or employee to whom such record relates.*" (Emphasis added.)

These sections read together require the Department to make available to an employee any material retained in the Department's files which can reasonably be said to be pertinent to the preparation of an evaluation of his performance, including information regarding the officer's character, ability, conduct, quality of work, industry, experience, dependability, and general usefulness. This is in keeping with the intent of Congress, expressed by the House Committee on Foreign Affairs in its report on the Reorganization of the Foreign Service (Report No. 2508, 79th Cong., 2d Session, attached), that there is a "need for keeping officers and employees informed as fully as possible concerning their personal standing in the Service" and that the performance of the Service as a whole can best be improved "by enabling employees to have knowledge of their shortcomings."

The Department's regulations implementing the foregoing statutory provisions are found in 3 FAM, Section 1055 (Access and Accountability):

"Personnel folders are official in nature and only those persons whose duties so require may have access to them. No employee is permitted to withdraw his own personnel folder. If, however, he wishes to obtain information from his own folder for legitimate purposes, he may make the request through his administrative office which will be responsible for withdrawing the folder and providing the employee with the desired information."

3 FAM 1051 (Types and Contents of Folders) defines official personnel folders as follows:

" 'Official Personnel Folders' consist of the Civil Service Official Personnel Folder, the Foreign Service Official (Administrative) Personnel Folder (see Exhibit 1051.3), the Foreign Service Performance Folder (see Exhibit 1051.4), and the Development Appraisal Report (DAR) Folder of Foreign Service personnel."

Under 3 FAM 1052 only the following materials are to be excluded from these folders:

"a. Medical files in the custody of the Medical Division (PER/MED).

"b. Investigative files maintained by the Office of Security.

"c. Classified documents retained in the Office responsible for generating the material. (Classified documents when found in the Official Personnel Folders shall be removed by the Personnel Service Division (PER/PSD), and returned to the originating office.)

"d. Material maintained by the Board of Examiners of the Foreign Service containing documents up to the entrance on duty of Foreign Service officers."

These regulations appear to accord with the Foreign Service Act as far as they go. However, they do not account for three types of files which the Department for some years has made a practice of keeping, though they have not been expressly authorized by the FAM: (1) career development and counselling files (CDC); (2) the Director General's file; and (3) the SRS suitability file. These files heretofore have in varying degrees contained material or information pertinent to an evaluation of the performance of an officer which have not actually been placed in the official personnel folders provided for in the regulations and made available to officers. In addition to these three types of standard folders there are believed to be other, usually less formal personnel files maintained in various bureaus and offices. The recent Committee on Files found that with respect to many Foreign Service officers twelve to fourteen different files are maintained.

It thus appears that action is necessary to rationalize the organization and maintenance of the Department's personnel files, and to bring the regulations on employee access into full conformity with the Foreign Service Act. The basic authority to do so, apart from what is provided in the Foreign Service Act, is found in Section 301 of Title 5 of the United States Code:

"The head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public."

As a first step, and pending the formulation of more detailed recommendations, I address myself to the most immediate problem, that of the Director General's files.

In order to maintain the confidentiality and privileged character of the Director General's files for essential administrative purposes, particularly communications with Ambassadors in the field, and yet to comply with the intendment of the Foreign Service Act that the whole or any portion of the "efficiency records" of a Foreign Service Officer or employee be divulged upon written request I would suggest the following general guidelines be observed in the future. In doing so I am taking particular note of the comment in the Report of the House Committee on Foreign Affairs on the Foreign Service Act Amendment of 1955 to the effect that "the Director General is required to evaluate materials going into the record so that so far as possible personnel decisions will not be based on irresponsible allegations or reports contrary to fact."

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*Amended by 22 U.S.C. 311a which vests in the Secretary of State or persons designated by him, any authority granted to the Director General.

1. A distinction should be made between two types of documents: (a) correspondence and other materials which are basically administrative in nature, such as decisions or actions by the Director General and recommendations from Ambassadors with respect to particular assignments or actions; and (b) material which can reasonably be said to be pertinent to the preparation of an evaluation of an officer's performance, including information regarding his character, ability, conduct, quality of work, industry, experience, dependability and general usefulness.

Materials included in (b) which the Director General deems to be pertinent to an evaluation of the performance of an officer or employee should be transferred to the appropriate personnel file where they will be available for general personnel purposes and subject to inspection by the officer or employee concerned as an efficiency record within the meaning of the Foreign Service Act. Material in this category which the Director General determines should not go into the record should be destroyed.* Accordingly, what will be retained in the Director General's file will be essentially a record of administrative action and recommendations with respect to such specific actions.

2. With respect to documents retained in the Director General's file, the Department will wish to maintain the position that this material is classified or privileged and not generally available to officers or employees. However, the Director General could make available in the informal stage of a grievance proceeding or otherwise information that was contained in the Director General's file, but the presumption would be against such disclosure. The Director General's file should be physically separated from other personnel files and not made available to anyone other than the Director General and his personal staff without his express consent.

3. Where the Director General decided against making material in the Director General's file available in the informal stage of a grievance proceeding, the grievant would have the right under the Foreign Service Interim Grievance Procedures to have access to such material if the Grievance Board made an express finding that such disclosure was "required to achieve justice in the case" and was "not detrimental to the public interest."

In conclusion, I believe it is necessary that we discuss at an early date the necessity and modalities of revamping the Department's personnel records system, and amending the FAM accordingly, so as to bring the Department's procedures into greater accord with the provisions of the Foreign Service Act. While the preliminary views I have expressed regarding the Director General's file will, I trust, be of immediate utility in a limited area, a much larger job remains to be done. I look forward to reviewing this with you.

JOHN D. HEMENWAY,
Washington, D.C., February 28, 1972.
Chairman PAUL A. TOUSSAINT,
Hemenway Hearing Committee,
U.S. Department of State,
Washington, D.C.

DEAR MR. CHAIRMAN: A memorandum written by the United States Ambassador to the Organization of American States, Joseph John Jova, dated January 25, 1972, came to my attention today. Entitled, "Case of John D. Hemenway", it directly concerns me. This memorandum, entered as exhibit E-5 of the Hemenway Hearing record by Department of State lawyers, was never previously known to me.

Ambassador Jova's memorandum seems to be an expansion of material found in the Parson/Penfield Report of January 14, 1969—the very same phrases are used in it—yet Ambassador Jova states in his memorandum that he has written from memory. If that is true, Ambassador Jova possesses a remarkable memory—almost photographic. There are contradictions contained in his memorandum which seem to me to be serious and noteworthy.

The memorandum raises more questions than existed before it was written. Accordingly, I respectfully request that Ambassador Jova's name be added to the list of witnesses submitted with my offer of proof to the Hearing Committee on 22 January 1972 in the event the Committee desires to hear more evidence before acting concerning the Finding of Facts outlined by me in draft form with my offer of proof.

Prior to Ambassador Jova's testimony under oath, it would be helpful for the Committee to provide me (and itself) with information relating to the following questions prompted by Exhibit E-5 of my Hearing record:

(1) Why was this memorandum written? Specifically at whose request and authority, when, and for what purpose?

Are other memoranda in existence responsive to the same authority making requests for a similar purpose?

(2) It does not seem credible to me, as stated by Ambassador Jova, that his memorandum is based on his memory. Therefore I must ask:

What documents were given to Ambassador Jova for his own information in connection with the preparation of his memorandum of January 25, 1972?

Additionally, since one must presume that an authoritative, high-level request underlies Ambassador Jova's effort to reconstruct the matter he entitles, "Case of John D. Hemenway", it will be useful to know:

By whom and by whose authority were such materials transferred?

Why was Ambassador Jova's testimony not entered into the record under oath where the penalties of perjury would prevail and opportunities for cross-examination exist?

(3) On page 2 of TAB D of the Parsons/Penfield Report to the Secretary of State, it is written that "the Board" (presumably Amb. Jova) asked for supplementary information from PER and Hemenway's "supervisor" (presumably Johnpoll). Yet Ambassador Jova states in his memorandum of January 25, 1972, that *he* was approached *first* by Alex Johnpoll. Two questions arise at once:

Is Ambassador Jova putting a good face on an otherwise improper act by suggesting that the initiative—at least the first time—came from Mr. Johnpoll?

Is Ambassador Jova suggesting that Ambassador Parsons—U.S. Deputy Representative to the SALT talks—misrepresented the facts of the Jova/Parsons/Penfield conversation?

In any event, it seems to me that this material is more appropriately entered into the record under oath. Clearly, either someone has lied or unwittingly told an untruth, i.e., Amb. Parsons/Penfield and Amb. Jova do not agree as to the facts.

(4) Why was the Hearing Committee not informed that a further related investigation of this matter—apparently at the instance of the Department of State—was taking place outside of the Hearing Room? (I note in passing that Hemenway never has been provided information, as requested, concerning the second investigation subsequent to the Parsons/Penfield Report.)

This preliminary informal approach, not under oath, may possibly prejudice witnesses and certainly permits off-the-record discussion of the Hemenway Grievance matter that is not permitted by the regulations governing the Hemenway Hearing.

Why was my attorney not informed of this procedure?

(5) Three (3) illegal contacts between the Promotion Board in 1967 and unauthorized persons are documented by Ambassador Jova's memorandum. Were any records made of these contacts, as required by regulations?

We have had no response from our earlier request for a full disclosure of other contacts made by persons similarly in contact with promotion boards considering Mr. Hemenway.

If no record was made, how did the rest of the Board become aware of the information obtained by Amb. Jova so that it could consider it?

Why does Ambassador Jova feel that code words or, as he puts it, "hints of weaknesses" confirmed by a supervisor, helped Hemenway? For example, Jova records, as if it were a fact that Johnpoll "when pressed" confirmed that Hemenway "tended to see things in black and white." How could this have helped Hemenway's chances for consideration?

Did Ambassador Jova ask Mr. Johnpoll about any of the policy differences between Hemenway and Johnpoll/Puhan? Did he even know of them? Does he know of them now, or at the date of the writing of his memorandum?

Ambassador Jova must know that the allegation that an FSO sees issues in "black and white" is one of the most damaging signals that can be introduced into a personnel file. Why did he feel that he had to "press" for confirmation of this information from Alex Johnpoll in the "further conversation" he initiated. Had Amb. Jova spoken with PER in the meantime, to get further leads as to lines of questioning?

Why does Ambassador Jova call Mr. Johnpoll "Alex" in his memorandum of January 25. This is what Mr. Johnpoll was called by his close colleagues. Does Ambassador Jova have this relationship with Mr. Johnpoll? We would like to know more about this relationship.

(6) Contact with "a placement officer in PER/CMD" is recorded. Who was this person?

What did he say to whomever contacted him?

Who contacted him? Under what authority was this done?

Was he contacted directly—or through his supervisor? Who was his supervisor?

(7) What were the specific "hints of weakness" that caused the Board to "anguish" and caused the Board to recognize other files as "better" than the Hemenway file? These alleged "hints" were said to be in "the file"—but which file or files? We would like to know specifically, for there are between 12 and 14 files maintained on every Foreign Service Officer, according to the October 1971 memorandum from the Department's Legal Advisor Mr. Stephenson to Mr. Macomber, introduced into the Hearing Record. The Boards regularly consulted several of these files, at least, despite the obvious impropriety of such acts, unless properly recorded. Catch words or "key" phrases, or the lack of such phrases (to which reference already has been made) could be described in Ambassador Jova's terms as "hints of weakness". We want to know specifically which phrases Amb. Jova felt these were because we shall add them to the specific phrases already identified in the record that are directly attributable to policy differences between Mr. Hemenway and his supervisors, who have introduced untruths into the

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*If the Director General's discretion is exercised at the outset to exclude an item, that item never becomes a part of the Department's records, and hence the statutory regime for filekeeping (44 U.S.C. §§ 3301 et. seq.) does not apply and destruction of the excluded item is lawful (18 U.S.C. § 2071). We are examining the question of destruction of existing records, which will be the subject of a separate memorandum.

record against him. We believe these were introduced deliberately and maliciously to injure the career advancement (and therefore to cause the ultimate expulsion of Hemenway from the Foreign Service.) Statements in Ambassador Jova's memorandum must be added to others of record that have been proved untrue, false, misleading and malicious or slanderous.

(8) It is not at all clear what is meant by Amb. Jova in the third paragraph of his memorandum of January 25, 1972 when, in describing contact with PER he records "the opinion that Hemenway could be assigned to another position in the Service when his tour expired." I would like to know what the implications of this remark are. Was Jova already discussing my expulsion from the Service? Without a promotion, this is the only assumption that makes sense—otherwise there would be no need to consider assignments after Hemenway's tour as Berlin Desk Officer "expired."

(9) What is the basis for the assertion that Mr. Johnpoll's intervention—if it was Mr. Johnpoll's and not Amb. Jova's—resulted in Mr. Hemenway "receiving a higher ranking than he otherwise would have received based solely upon his file?" Had Hemenway already been ranked prior to this illegal intervention, so that such a comparison might be made?

What other contracts were made during which Hemenway's name or affairs was mentioned in any context whatsoever?

What was the role of Idar Rimestad in this specific connection? Of Jules Bassin? John Steeves?

How many officers in their last year in grade actually were promoted by this Board which Jova claims was "particularly concerned" over officers in their last year? Is it not a fact that promotion results prove that officers in their last year were offered by that very Board far fewer promotions than their competitors of the same grade specifically *because* of their seniority, rather than as Ambassador Jova claims?

Exactly who were the officers whose files were said to be "better" than Hemenway's file? (Note that the reference is to *files,* demonstrating again the fatal damage to one's career of inserted "key phrases" or "hints of weakness" that are masking the real problem of policy differences.)

Did Jova make any attempt whatsoever to see whether the file matched the man, i.e., that Hemenway was not the victim of his supervisor? He does not state. If Jova felt he could interview the supervisor, why did he not feel he could interview the man concerned? Did he feel this would be "unfair"?

(10) Is it really true, as Amb. Jova states, that under the precepts in existence for the 1967 Boards, Hemenway had one "last chance" remaining for promotion—1968? How does this square with the written statement of Mr. Rimestad (written prior to the convening of the 1968 Boards or even the writing of the 1968 efficiency report) referred to on page 4 of TAB A of the parsons/Penfield Report (Line A-4.4).

(11) We would like to know the names of all persons with whom Mr. Jova had contact in the Management/Personnel/Administrative area in connection with the Hemenway case at any time. Specifically, through whom did Mr. Jova operate to establish contact with persons outside of the Board while deliberations over promotions were in progress? How many contacts during this period did he have with persons in connection with others being considered for promotion, or with:

Mr. William B. Macomber, Jr.
Mr. Howard P. Mace.

Mr. Chairman, I would like you to inform the Hearing Committee that I can prove that Mr. Jova's memorandum, like the Parsons/Penfield Report before it, is a deliberate web of fabrication contrived to shore up an otherwise unconvincing facade of "fairness" and "objective examination" of "objective records" by "objective boards." Frankly, it reminds me of the Congressman who always had the Civil Service Commission administer a "fair" examination to all candidates interested in an appointment to West Point or Annapolis. The exam was "fair". The trouble was that the appointments were not given to the persons achieving the highest marks. The candidates, of course, did not know this.

You may wish to inform the other members of the Hearing Committee that, at this late date, the scope of this grievance hearing may be widened by the Department of State initiatives of this kind. It certainly does illustrate the continuing "growth" or "life" of a grievance until something suitable is done. Personally, I believe that, by writing his memorandum, Ambassador Jova has documented further his unwise and illegal act—the fact that this improper kind of contact between promotion boards and unauthorized persons and records is widespread does not legitimize the action.

I was hoping that certain persons in the Department of State really were beginning to see the need for reform. Clearly Ambassador Jova is not one of them. He must have known that his memorandum contained deliberate untruths, misleading omissions and inaccuracies at the time he wrote it, i.e., on 25 January 1972.

Sincerely yours,
JOHN D. HEMENWAY.

DEPARTMENT OF STATE,
Washington, D.C., January 25, 1972.

MEMORANDUM

From: USOAS—Ambassador Joseph John Jova.
Subject: Case of John D. Hemenway.

As Chairman of Selection Board IV which considered "the case of John D. Hemenway in 1967, I have been asked to comment on the consideration given Mr. Hemenway by that Board. The following is a reconstruction of the matter based on memory some five years later.

We were very interested in the Hemenway case, as he had such an unusual background. As I remember, he had been a graduate of Annapolis, but had served in the Army and Air Force as well as the Navy, and has been (I think) a Rhodes Scholar. In spite of this background, and in spite of many favorable comments, the file also contained hints of relative weaknesses.

To the best of my recollection, during the earlier sessions of the Board I was approached by Alex Johnpoll, who was at that time or had previously been the supervisor of Mr. Hemenway. Mr. Johnpoll urged that the Board look favorably on this case, pointing out that Hemenway was nearing time-in-class and urged that he be promoted since if he were selected out it would be a loss to the Service. In view of the Board's interest in this case and the fact that the time-in-class situation (penultimate year) made our recommendation of importance, I initiated a further conversation with Alex Johnpoll after a study of the file. He repeated strongly his recommendations that Hemenway be promoted. On being pressed, he did confirm a criticism that he tended to see things in black and white, but maintained that his other good qualities more than compensated for this and that there was a real need in the Service for someone with his background. An inquiry was also made to a placement officer in PER/CMD, who expressed the opinion that Hemenway could be assigned to another position in the Service when his tour expired.

The Board anguished over this case but found that the hints of weakness apparent in the file did not permit ranking Mr. Hemenway higher than we actually did in view of the very strong competition from others whose files were better. As I recall, he was placed in the upper middle of the class. A higher ranking would have meant placing him above officers whose files were better than his solely on the ground that he was approaching time-in-class. We also recognized that he would have still one more chance for promotion and felt that a decision to place him above officers whose files were actually better on "compassionate grounds" was an action which might more appropriately be considered by a final Board.

I should stress that the intervention in his favor by Mr. Johnpoll resulted in his receiving a higher ranking than he otherwise would have based solely upon his file.

We were particularly concerned regarding those officers who were in their last year and for whom this was a last chance; we were also concerned about those who were approaching this stage. For this reason I asked the entire membership of Board IV to review informally the findings of the respective panels in those cases involving all officers who were in either their last year or penultimate (as was Mr. Hemenway) year of time-in-class.

PROMOTION OF OFFICERS AFFECTED BY MAXIMUM TIME-IN-CLASS OR AGE

On October 14 Ambassador Steeves, Mr. Lyerly, Mr. Zimmerman and Mr. Lutkins discussed the problems posed by the cases of 1) officers who will either pass the mandatory retirement age or exceed the specified time-in-class limit prior to the processing of the 1969 promotion list, and 2) officers currently serving as Chiefs of Mission who have either passed the mandatory retirement age or exceeded the specified time-in-class limit.

Mr. Lyerly perceived no legal obstacle to the promotion of an officer certified to the Selection Boards who subsequently reached maximum time-in-class before the final processing of the promotion list. In such cases we would send the officer the usual time-in-class letter, but we would grant him a sufficient "grace period" under 3 FAM 737.1 to cover the time required for the processing of the promotion list. This policy would be applicable at all grades, though in practical terms the problem would normally occur only in cases of promotions from Class 1 to Career Minister.

The case of a Class 1 officer recommended for promotion to Career Minister who would reach the mandatory retirement age of 60 prior to the processing of the Career Minister list was also considered. Mr. Lyerly believed that in such a case it would be necessary for the Secretary to take a formal action, under the authority given him by Section 632 of the Foreign Service Act, extending the officer in the Service.

With respect to officers holding Presidential appointments as Chiefs of Mission, it was agreed that Ambassador Steeves would recommend to the Board of the Foreign Service next year that in the future any such officer would be regarded as moving to a political status at the time he reached mandatory retirement age or exceeded the specified time-in-class limit. In any case where such an individual reached mandatory retirement age or exceeded his maximum time-in-class prior to the convening of the annual Selection Boards he would not be certified for review by the Boards.

Special attention was devoted to the cases of Ambassadors William Hall, Raymond Thurston, and Howard Cottam who were certified for review by the Twenty-Second Selection Boards although they exceeded the specified time-in-class for Class 1 on July 30, 1968. It was decided that if one or more of these officers were recommended for promotion by Board 1 and the subsequent Career Minister Review Board, it would be left for the Foreign Service to determine whether they should be promoted. If the Board of the Foreign Service should adopt the policy recommended in the preceding paragraph, its approval of the recommendation that one or more of these Ambassadors be promoted would constitute a single exception not constituting a precedent for the future.

LARUE R. LUTKINS,
Chief, Performance Evaluation Division.

POLLUTED ESTUARY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. GUDE. Mr. Speaker, the Washington Metropolitan Area is facing the realization that the Potomac Estuary will be used for water supply purposes in the near future. This is necessitated by the fact that the quality of the river at low flow may be exceeded by the consumption requirements of the metropolitan area. At normal periods our area's water comes from further up the river—above the estuarine line.

If we are to use estuary water for drinking purposes, we must redouble our efforts to get the river cleaned up. We must not allow the expansion of the Blue Plains waste treatment plant to be held up further for lack of funds. We must devise a method to handle the sewage overflow and storm runoff problem that comes with heavy rainfall.

Finally, we must press on with our studies of recycling waste water for the purposes of consumption. This is the inevitable solution to Washington's water supply problems and as well as for many other cities around the country.

I submit for the information of my colleagues three articles on this matter which appeared in the Washington Star on May 7, 8, and 9, 1972.

The articles follow:

DRY DOOMSDAY—THE DAY THE WATER RUNS OUT

(By John Fialka)

One day soon, a day coming with a mathematical certainty, the Potomac River will run virtually dry.

It will most likely be a hot summer day in a period of prolonged drought. At first, Washington suburban jurisdictions won't feel the crisis because they have some water storage capacity.

But the District of Columbia will be in serious trouble.

At best, Washington has a 12-hour reserve supply of water. After that, parts of the system simply will have to be shut off to supply water to more vital areas. Some sink taps, toilets and fire hydrants will be empty.

This waterless doomsday already has occurred—on paper. On a hot day in 1966, Sept. 10, the flow in the river above Great Falls fell to a new low of 388 million gallons a day (mgd) before it reached the first of the area's water intakes.

Last summer, on July 17, another hot day, those intakes drew 402 mgd from the river. Another record.

Engineers from a variety of local and federal agencies concerned with the problem are now praying that these conditions will not coincide on one day this summer.

They say the crisis is inevitable. It could occur sporadically in the 1970s. It will happen frequently in the 1980s, when the area's daily appetite for water is expected to soar to above 900 mgd.

The crisis is so near that the engineers are now considering making Washington one of the first major cities in the world to recycle water from its own sewage system.

They are already preparing the hardware for drawing water from the upper end of the Potomac estuary, parts of which are grossly polluted.

This use of treated estuary water could begin under emergency conditions this summer, although the U.S. Army Corps of Engineers is still conducting research on how to identify and kill the large concentrations of viruses it believes exist in the estuary, which is the same body of water that receives most of the area's sewage.

How did Washington get into this predicament?

The Capital is located in one of the most water-rich areas of the nation. On an average day, the Potomac has about 7 billion gallons in it, or, as one engineer put it, "enough water for the whole East Coast."

But all of this largess flows by, unhindered by dams, from the tributaries into the Potomac, over Great Falls and Little Falls, and into the river's broad estuary, where it sloshes back and forth under the influence of the tides on its way to the sea.

While other cities have planned to store water—Baltimore has a one-year reserve supply, New York City has a three-year supply—the Washington area is still dependent on the presumed abundance of its river.

The Metropolitan Area Council of Governments estimates that 75 percent of the area's present and future water * * * the Washington Suburban Sanitary Commission, which supplies Montgomery and Prince Georges Counties; Washington Aqueduct, operated by the Corps of Engineers, which supplies the District, Arlington and Falls Church; and the city of Rockville, Md. Water authorities for Fairfax City and Fairfax County, which also supplies Alexandria, obtain most of their water from impoundments on Goose Creek and Occoquan River.)

It is not that the Washington area suffers from a lack of planners. The water supply has been one of the most planned, argued, calculated and arbitrated problems among all of its urban concerns.

Specifically, the question of whether to dam the Potomac may be the oldest standing political feud in Washington.

And it is not that the Corps of Engineers, which is responsible for collecting and purifying the District's water, hasn't tried.

In 1948 it presented Congress with an ambitious plan to discipline the Potomac with a series of massive hydroelectric dams.

The proposal was attacked by a small army of farmers, conservationists and friends of the coal mining industry and, eventually, was shelved.

In 1963 the corps gave birth to a new $500 million plan for a system of 16 dams on the upper Potomac and its tributaries. These, the corps said, would provide water for fishing, swimming, boating, for municipal water supplies, and for flushing sewage down the Potomac during low water levels.

The presentation of the plan was the occasion for one of the area's all-time great civic hearings. More than 1200 people jammed an auditorium, most of them to complain about dams.

At that point CITPERCON, the Citizens Permanent Conference on the Potomac, a heterogeneous coalition of conservationist groups, farm groups, labor unions, garden clubs, canoeists and citizen associations, formed to keep a constant watch on proposals to tamper with the Potomac.

Every two years since then, CITPERCON has clashed with the corps when Congress prepares its omnibus water resources authorization bill, which has been described as a huge "pork barrel" of dam projects for individual representatives.

Only one of the 16 dams has been authorized by Congress. It is the Bloomington Dam, about to be constructed near Keyser, W. Va., on the North Branch of the Potomac.

Plans for the others have been repeatedly torpedoed by CITPERCON and other conservationist-minded groups who have argued that the Potomac is "The National River," and should be preserved in its natural, unfettered state.

Over the years, the corps has performed a slow, grudging retreat from its original plan, cutting the request to six dams and, most recently, to two.

In Senate hearings to be scheduled this month or in early June, the corps will ask for funds to construct a dam on the Middle River near Staunton, Va., and to dam the Monocacy above Frederick, Md., at a point called Six Bridge.

According to Gen. Kenneth R. Cooper, deputy director of civil works for the corps, the two dams were picked because they have generated the most local enthusiasm from among the 16.

"Frankly, we picked the ones where we have the most backing. It's a start, anyway," he said, noting that the corps still hopes to build 6 of the original 16.

Washington is the only place in the world where the corps is charged with purifying a metropolitan water supply. The dams, Cooper believes, are vitally needed to supplement the Potomac flow during dry spells.

"Normally we try not to be specific advocates for projects," the general said, referring to the corps' repeated battles with CITPERCON. "Here we are in a little bit different position."

"They (the conservationists) are not responsible for the final quality of the water," he added. "We are."

Thinking about the one dam that has been authorized irritates Dr. Spencer Smith, the chairman and registered lobbyist for CITPERCON, who is proud of the group's record. "I still don't know how that got through. It was a fluke, that's all."

Smith, a former administrator for the Office of Price Administration during the Truman era, estimates that CITPERCON can get support from 20,000 people in times of crisis, when letters opposing dams have been known to shower down on key committee members.

Driving through much of Virginia and Maryland to pass out leaflets and speak at citizen meetings, he has worn out two station wagons in ten years.

"I've grown old testifying against this thing," he added.

This year, the battle is continuing. On April 5, a spokesman for CITPERCON appeared before Junior Jaycees of Waynesboro, Va., which was holding a forum on the proposed dam near Staunton.

In working paper CITPERCON left the Jaycees, it pointed out that the major beneficiary of the dam would be the Washington area water supply system.

"Have local residents really considered the fact that they are being asked to sacrifice farms, fields and a free-flowing river for the benefit of an area more than 100 miles (as the crow flies) distant?" the working paper asks.

"In the case of Washington, D.C., it is entirely possible that by the time the Verona Dam at Staunton is completed, technology will have been developed to provide for the recycling of waste water," it adds.

Smith and other CITPERCON spokesmen also have attacked the Corp's claim that localities near the dams will be able to use reservoirs for recreation. They point out that in the late summer, when water is needed for Washington, the level of the reservoirs will be lowered, leaving wide stretches of parched, cracked mud to greet fishing and boating enthusiasts.

Smith blames most of the local enthusiasm for dams on potential contractors, land speculators and recreational lobbyists, including the "fishing tackle lobby."

He has repeatedly argued that it would be much cheaper for Washington to take water from the Potomac Estuary, which begins just below Chain Bridge.

"Once they (the Corps) argued that it (the estuary) was saline. We brought in an expert and showed that the salt water didn't begin until below Ft. Belvoir."

Recently, Smith has been wondering about the latest reason for the Corp's reluctance to pipe water from the estuary: possible contamination from viruses.

I've had an almost Pavlovian response up to this time. Whatever they say, you look for the gimmick. I usually find it. But I hope that some day, if they ever come in with a legitimate reason, I'll see it," he said.

Smith believes the Corps is growing weary of the battle, but it is obligated to continue proposing dams every two years because of local support generated from previous years.

"It's too bad you can't get them the hell out of the way so you can plan for the area," he added.

Late this spring, the Corps and CITPERCON will come before a Senate subcommittee like two aged pugilists who have studied and battered each Council of Governments and a team of others over the years.

This year the metropolitan area's other business and civic leaders, being organized by the Metropolitan Board of Trade, will be backing the Corp's plan.

"We have no selfish interest in this at all," said William G. Russell, head of the Board of Trade's effort. "We just think it is too bad when a city has come to the point where it has to drink water from its own sewage system."

While the battle continues, there is mounting evidence that it has lasted so long that the dams are no longer feasible as an immediate solution to the problem.

It takes from five to eleven years to build a dam, according to the Corps. Assuming Congress approves the Staunton and Six Bridge dams this year, it could be 1980 before they are built.

Projections made by the federal Environmental Protection Agency and by the District's Department of Environmental Services, show the area is likely to have water shortages before that.

And according to a recent report by EPA, the two dam projects being pushed by the Corps would provide the smallest proportion of water for Washington.

Because of the distance of the dam from the city, Washington would have to anticipate a water crisis at least two weeks in advance. It would take that long for extra water to reach the city from the nearest reservoir, the one behind the proposed dam at Six Bridge.

Water from the Bloomington dam, which has the most storage capacity, would take 28 days to reach Washington. The dam will not be ready until 1977, at the earliest.

Furthermore, according to a study released by the District's Department of Environmental Services, assuming the Bloomington dam and the other two dams pending before Congress are built and operating by 1980, the area will face another water crisis by 1984 because of the continuing increase in water use.

Finally, assuming that three dams will be built to protect Washington's supply of fresh water, there may be still another problem. Montgomery County, weary of fighting with the District and Prince Georges County over where it should pump its sewage, has let it be known that it is looking for locations for one or two sewage treatment plants on the Potomac, above the District's water intakes.

The county has assured interested parties that the plant or plants will provide the most up-to-date form of tertiary treatment, which means an effluent of almost drinking water quality.

If and when the waterless doomsday approaches, area governments have agreed upon a water restriction plan, which will go into effect when the flow in the river drops to within 100 mgd of the demand.

At that point, voluntary controls will be suggested, including the curtailment of lawn sprinkling and car washing. When the flow decreases to within 50 mgd of demand, the controls will become mandatory.

The Corp's Gen. Cooper is somewhat optimistic about the restrictions:

"People could paint rings on their bathtubs, reminding them to use only so much water, they could take Navy showers (using water only for final rinse). You could cut consumption quite a bit."

What if water rationing doesn't work and the engineers do not come up with a safe way of purifying water from the estuary or of recycling water from the Plue Plains sewage treatment plant?

All the agencies who "planned" Washington's water supply system including Congress, the Corps of Engineers, area governments and an assortment of conservationists, have not come up with an answer to this question.

There is an obscure hint in one engineering study of the problem that the matter may then rest upon the whim of even a more powerful agency:

"This situation is now. There is no margin of safety except that as may be provided by heavenly benediction in the form of . . . rainfall . . ."

POLLUTED ESTUARY—OUR EMERGENCY WATER SOURCE

(By John Fialka)

The broad expanse of water that most Washingtonians refer to as the Potomac River is really not a river.

From Chain Bridge downstream it is technically the Potomac Estuary. Instead of flowing like a river, it sloshes back and forth, governed by the tides.

Area residents may be drinking from it soon. Government engineers warn that Washington's increasing demands for water soon will exhaust the river during prolonged dry spells. They point to the estuary as the next major source of drinking water.

The problem is that the Nation's Capital has fouled its own nest. Parts of the estuary, which receives most of the area's sewage, are grossly polluted.

The solution to the problem will have national implications. The estuary is now the base for a critical, unprecedented study on the detection and removal of disease-causing viruses from drinking water, a problem which nearly every major city may have to face.

In theory, at least, the estuary would be a likely place to look for drinking water. It can be considered a natural reservoir, containing more han 100 billion gallons of fresh water in the 35-mile stretch between Chain Bridge and a point below Ft. Belvoir, where the water turns salty.

The U.S. Army Corps of Engineers which is charged with collecting and purifying the water used by the District, Arlington and parts of Falls Church, has always looked to the river for water.

In 1963, and every two years since, the corps has gone to Congress for money to build a network of dams on the upper Potomac and its tributaries to help supplement the river's flow during dry months.

Except for emergencies, one corps general told Congress early in these hearings, the estuary would be unfit for use because it "consists of a mixture of the effluents from several sewage treatment plants, local drainage from urban areas, raw sewage from combined sewer overflows, discharges from recreational and commercial craft, backwash from the water purification plant and the unused water of the Potomac River."

NOW IS THE TIME

The emergency has arrived. The area's appetite for water on a peak day now exceeds the lowest recorded flow of he river, although the two events have not, as yet occurred on the same day.

Since 1969, the corps has been ready to pump from the estuary on an emergency basis during the driest part of the summer. The makeshift emergency system will be completed this summer.

An intake pipe will be situated on a barge moored near Chain Bridge. The water will be pumped into the C&O Canal and then sucked back out of the canal behind the Dalecarlia Filter Plant, where it will be given an extra dose of chlorine and then blended with the city's water supply.

By the summer of 1974, a permanent intake system will be installed, with a capacity to take up to 100 million gallons a day from the estuary.

RUNNING UPSTREAM

Among the long-range plans for estuary use now being weighed by government engineers is the possibility of piping the water upstream, to a point above the Washington Suburban Sanitary Commission's intake. (The commission supplies most of the water for suburban Montgomery and Prince Georges Counties.)

This would dilute the estuary water and give the natural elements which tend to purify a river's water—the sun, certain bacteria and algae—time to work before it reaches the purification plants.

"It would also give the suburbs a shot at the estuary water," one engineer added.

The estuary has become the focal point of water supply planning because the corp's dream of a network of 16 dams on the upper Potomac and its tributaries has never materialized.

Influenced by stubborn opposition from conservationists and others interested in preserving the historic beauties of the river, Congress has only authorized one dam, which will not be ready until 1977.

HOW MUCH TO PUMP?

Now the engineers, and other federal and local agencies that have become involved, are frantically trying to untie a host of knotty problems involved in estuary use.

First, how much water can you pump from the estuary? According to Gary Baltis, an engineer-planner for the Corps, the pumping will begin in 1974 by drawing a total of about 10 or 15 million gallons a day.

Based on a mathematical model of the estuary developed by the Environmental Protection Agency, there will come a point—somewhere beyond 3 billion gallons—where the major "slug" of sewage emitted by the area's largest treatment plant at Blue Plains will be sucked upstream to the intake.

"What we hope to do is simply draw off water from the relatively clean upper end of the estuary. After that we'll stop," Baltis explained.

One problem is that in the dry summer months, when the estuary water may be needed, what current there is in the estuary diminishes. The 270 million gallons a day of dark gray liquid emitted by the Blue Plains plant tends to remain longer in the estuary, feeding massive blankets of green, foul-smelling algae.

A ping-pong ball, dropped into the water at Blue Plains during a lowflow period, will go back and forth in the estuary approximately 41 times, coming as far upstream as Hains Point, before it is washed into the salty water below Ft. Belvoir.

MORE SALT WATER

The corps' planners have even considered pumping Blue Plains sewage downstream as far as the Route 301 bridge. However, the mathematical model of the Potomac shows that this would simply move the saltwater front in the river upstream, further fouling the water supply.

This problem will be somewhat alleviated after 1975, when Blue Plains and other area treatment plants which discharge into the Potomac are scheduled to begin tertiary treatment which produces an effluent that is much cleaner.

Second, assuming the District and other area jurisdictions can clean up the estuary using tertiary sewage treatment, will it stay that way?

The short answer to this question is no. The District, like most older cities, has a combined storm and sanitary sewer system. If it rains during a low flow period when water is being pumped from the estuary, raw sewage will be leaking into the water supply from at least 65 overflow points, according to Paul V. Freese, head of the District's water resources management office.

OVERFLOW TO RIVER

The sewage treatment plant keeps running at its rated capacity and the rest of the millions or even billions of gallons of mixed sewage and storm runoff goes directly into the Potomac.

According to Freese, the cost of separating the two systems would be about $500 million and would require digging up a good part of the city.

Other cities, faced with this problem, are considering storing storm runoffs in huge underground reservoirs. Some, including the District, have experimented with huge, floating plastic bags that would store the runoff until it could be processed through the treatment plant during less than peak periods.

"Whatever we look at takes two things, time and money," Freese added. "We're running out of time and we don't seem to get the money."

(If the rain continues long enough, however, this problem would become moot because the flow in the river would be restored and the District could take all of its water from its two regular pumping stations at Great Falls and Little Falls.)

VIRUS PROBLEM

The third major knotty problem involved in the use of estuary water concerns viruses.

Until ten years ago, there was almost no research on whether the presence of viruses in public water supplies was harmful to man.

Then a few scientists began to point out that in waters which had a heavy concentration of human or animal fecal matter, there could be as many as 100 different types of enteric viruses.

(Enteric viruses cause a number of human diseases, including polio, infectious hepatitis and intestinal flu.)

In the late sixties, when it became apparent to the Corps of Engineers that it would have to consider the estuary as a temporary source of water in the 1970's and 1980's, and, perhaps, as a permanent source after that, it asked the U.S. Public Health Service to study viruses in the Potomac.

RESULTS STILL PENDING

The project, still under way, has been taken over by the Environmental Protection Agency (EPA).

So far, according to the Baltis, the Corps' planner, the results have been "inconclusive." A total of 25 different viruses have been grown in Potomac water and then subjected to chlorination. "We've found that some strains are far more resistant (to chlorination) than others," he added.

J. H. McDermott, head of EPA's water supply program's division is conducting the testing, explained that so little work has been done on viruses that scientists are still trying to perfect ways to detect them.

Because laboratory methods could not find the minute quantities of viruses living in small samples of Potomac water, scientists have first had to "spike" the water with sizable concentrations of viruses.

Once the water is spiked, scientists try to track down and identify the virus they put in the water. Then they observe how much chlorination will kill it.

"We have gotten it up to being able to find 60 percent of the known quantity (of viruses) that was spiked in it," said McDermott, who added that a scientist working at Baylor University in Texas may have found a way to identify up to 90 percent of the virus population in a given water sample.

POLIO VIRUS IS TOUGH

One type of polio virus was found to have survived 120 minutes of chlorination. (The average dose given to municipal tap water lasts between 15 and 30 minutes.)

Polio viruses have become common inhabitants of sewage water, McDermott pointed out, since most people have been immunized with some type of polio virus.

While the estuary testing continues, other EPA studies have isolated viruses that have survived chlorination in the drinking water of Lawrence, Mass., and Billerie, Mass., a Boston suburb.

"It is quite conceivable that we have detected the tip of an iceberg," McDermott says.

The highly complicated questions of how to find and eliminate viruses in the public water supply seems to have set off a controversy among the scientists themselves. Some argue that huge amounts of money should now be earmarked for virus research, pointing out that, heretofore, most water supply money has gone into sewage treatment.

WE'RE DRINKING IT

Others, including one EPA water quality scientist (who asked that his name be withheld) take a more conservative stance:

"Look, whatever is in the water has been there for a long time. Some cities on the Mississippi and the Ohio have been making tap water out of each other's sewage for years. So far, we've survived."

The virus controversy is somewhat confusing to traditional Potomac watchers, men like Dr. Spencer Smith, the head of the Citizens Permanent Conference on the Potomac (CITPERCON), a coalition of conservationists and like-minded groups who have battled against the Corps' plans to dam the Potomac for years.

CITPERCON has argued long and consistently that the cheapest and best solution to the area's water problems would be to clean up the Potomac Estuary.

This also would fulfill the group's major goal, which is to keep the upper Potomac, "The National River," in its natural state.

HOW MANY UPSTREAM?

Smith sometimes worries about viruses, but because the corps has raised so many objections to alternatives to dams, he often wonders whether the question is a red herring.

"Hell, there are viruses coming down the river. They tell you there's viruses in the estuary, ask them how many they've looked for in the river," he said.

"There should be an answer to that," Gen. Kenneth B. Cooper, the corps' deputy director for civil works, replies. He has asked his staff to come up with an answer.

"At the moment, there isn't an answer to your question," a corps spokesman said later. He said that virological tests of the river may begin this year.

Recycled Sewage May Solve Water Problem

(By John Fialka)

What might be the ultimate solution to Washington's approaching water shortage can be found today in a square, open metal tank in a new unmarked building on the shores of the Potomac.

It smells like water. It looks like water. The tiniest spots of rust on the bottom of the tank are clearly visible through 5 feet of the liquid.

Poured into a tumbler, its clarity could deceive almost anybody. But nobody is drinking it, yet.

It is treated sewage, processed through a pilot plant operated by the Environmental Protection Agency at the site of the District's sewage treatment facility at Blue Plains, in Anacostia.

Dolloff F. Bishop, the chemical engineer who oversees the complex process, which begins with raw D.C. sewage, runs his hand through the tank. He splashes it around a little and lets the droplets run off his fingers.

"This," he says, proudly, "is good stuff."

As far as the Potomac's future is concerned, it is indeed good stuff. The machinery that produced the liquid is scheduled to be installed at Blue Plains by 1975.

Then, 309 million gallons a day (mgd) of the new, sparkling effluent will replace the approximately 250 mgd of smelly, black-grey fluid that now goes into the Potomac at Blue Plains.

Bishop is thinking of the few additional steps that he estimates would be necessary to bring the effluent up to drinking water quality. Research along these lines has begun.

"We are doing these studies in anticipation that somebody might come down and ask us about that one of these days," Bishop explained.

That somebody might be the District government. The city's Department of Environmental Services recently released a report showing that within the next few years the flow in the river above Chain Bridge—the current source of most area drinking water—may not be enough to meet the demand during dry spells.

By the late 1980s, according to the department's projections, the area may be short as much as 400 million gallons a day during prolonged dry periods.

To prevent such a crisis, Washington has three options.

Over the years, most of the District and federal engineers who have wrestled with the problem have preferred storing water behind a series of dams on the Potomac. Efforts in this direction, however, largely have been stymied by opposition from conservationists who wish to keep the river in its natural state.

It also could draw water from the Potomac Estuary or recycle water from its sewage treatment plant. District engineers tend to favor recycling over estuary use for two reasons:

If the technology can be worked out, recycled effluent would give the city a water source of more consistent quality than water taken from the Potomac Estuary. Because the District's storm and sanitary sewer system are combined, a heavy rain flushes a considerable load of storm runoff and raw sewage into the estuary from various overflow points once the sewer plant's capacity is exceeded.

Recycling is one answer to the problem that the District can carry out by itself, without having to form an agreement on water and sewer matters with other area jurisdictions.

"If people won't allow you to build dams, you've got to rely on recycling. But I'm not sure the public is ready to do that yet," said Paul V. Freese, head of the District's water resources management office.

The District will continue to push for dams on the upper Potomac as the best feasible solution to the city's water crisis. If the dams are not built, the city's engineers favor direct recycling rather than pumping water out of the estuary as the next best solution.

Freese disagrees with the U.S. Army Corps of Engineers, which is preparing to install a permanent pipeline into the Potomac Estuary in 1974 to augment the city's water supply during dry spells.

The combined sewer problem, he argues, makes the estuary (which begins below Chain Bridge) a less reliable source than recycled effluent, which could be produced in a water purification plant attached to Blue Plains.

Some engineers believe recycling will become commonplace in the next 50 years. At least one other American city, Denver, is reported to be looking into the possibility.

And the 61,260 citizens of Windhoek, South Africa, have been drinking water reclaimed from their sewage system for four years without any reported ill effects.

The South African government, which foresees a major water shortage problem in some parts of the country, is now building a larger recycling plant that will serve the area of Pretoria, which has more than a half a million residents.

The recycling project at Windhoek was begun in 1968 with a considerable public relations effort. South Africa's prime minister, B. J. Vorster, celebrated the opening of the plant by unveiling a plaque and drinking a glass of the finished product.

According to Scientiae, a South African scientific journal, "The staid Windhoek citizens welcomed the scheme—naturally with numerous witty remarks which are still being retold with relish."

"I am told that people come from other cities to drink it," a spokesman for the South African Embassy said. "It's supposed to taste better than ordinary tap water."

Ordinarily, municipal sewage is treated in two steps before it is released. Solids are removed through the use of a screen and a settling tank. Then the liquid is aerated.

The effluent that results from these processes is still laden with nitrates and phosphates, two of the major problems in the nation's rivers and streams.

At Windhoek, the South Africans further purify the water by filtration and by placing it in maturation ponds where algae eat most of the remaining pollutants.

Then the water is chlorinated, piped through sand and activated carbon filters, and dumped in Windhoek's water supply reservoir. What comes out of the tap is actually a blend of fresh and recycled water.

Unlike Washington, Windhoek is located in arid country. Annual rainfall is less than 16 inches. During dry months, nearby rivers dry up. Underground water is often salty and reservoirs suffer from a high rate of evaporation.

Windhoek's water crisis was apparent from the early 1950s. But Washington's approaching water crisis is still not apparent. The area is water rich. The problem is that there are not enough dams or reservoirs to save more than a one-day supply.

Because of the substantial opposition to dams and the time necessary to build a sufficient system of reservoirs, the answer to Washington's problem may well be in the square metal tank at Blue Plains.

The District's new treatment process will remove nitrates by passing the effluent through tanks containing two highly efficient strains of bacteria, which convert nitrates into nitrogen gas. Phosphates are settled out by injecting alum into the water.

According to Bishop, what is left in the process, after a final filtration, is still a puzzle.

"Fish will live in it," he said, pointing to his experimental tank.

There is a strong likelihood, however, that it contains viruses and some organic chemicals.

How to remove the remaining chemicals, which could include traces of heavy metals, is the major remaining obstacle, Bishop believes.

"It's the residual organics that will be the real toughies," he concludes.

Some engineers and scientists, including Bishop, believe that proper chlorination will remove viruses. Viruses, they argue, are not a new problem. Many municipalities in the U.S. use water that receives sewage from major upstream cities, especially on the Ohio and Mississippi rivers.

Some strongly disagree.

"Some people think the latest thing to do is to take the sewage and drink it," grumbles William N. Long, deputy director of EPA's division of water supply programs.

Long has visited Windhoek. He claims that, during some periods, the recycled water becomes undrinkable. He is co-author of a paper on the subject which argues that if a process is found that removes 99 percent of all viruses, recycled water could still infect up to 600 people in a medium-sized city.

Long's superior, James H. McDermott, agrees. "As a matter of philosophy, we can't advocate recycling water at the present time," he said.

In a closed recycling system, he explained, there is no "fail-safe." If something goes wrong and a harmful ingredient passes through the treatment-purification process, there would be no time to catch it before it goes back into the water system.

If the hazards to public health in recycled water cannot be eliminated, there is still another way for a water-short city to get some benefit from water reclaimed from sewage.

This would require the installation of two separate water distribution systems. Chlorinated, highly treated effluent would circulate in one set of pipes and could be used for flushing toilets, operating air-conditioning systems, for fire hydrant and sprinkling systems and other purposes that do not involve human contact.

In a recent study on water reuse, stamped "tentative proposals for discussion only," the D.C. Department of Environmental Services suggests that such a dual system could begin "first in the federal office building sector of the city and gradually spread throughout the high-intensity office building sector of the city."

The study estimates that the costs of a dual system, which would be "borne by the water utility," would be high, ranging from $185 million for installing a dual system in the inner city, to $560 million, for extending it to the entire District.

Dual systems, the study adds, also could be put to good use in the suburbs, where most of the increase in water demand is taking place. Builders of new houses and buildings could simply be required to install dual systems.

EPA could begin by testing the feasibility of such a system on federal facilities in the neighborhood of Blue Plains, the study points out. Recycled water could be used to water a golf course contemplated by the National Park Service at Oxon Cove and for nonconsumptive uses at the Naval Research Laboratory and Andrews Air Force Base.

One strikingly simple way out of the approaching water crisis that is discussed in the study would be to increase the price of water during periods of high demand to discourage nonessential uses such as car washing and lawn watering.

Some conservationists have suggested another simple way: Stop all growth in the metropolitan area and encourage people to change their habits to conserve water.

"Anti-growth is a philosophy that's foreign to the engineer," said the District's Freese. "I would much prefer to supply whatever the city wants.

"I would say the solution is going to be a combination of things. We're going to have to have some dams. We're going to have to recycle some," he concludes.

In an age that is preoccupied with such complex problems as poverty, race, the war and tax reform, how do you focus attention on water, something that most people have taken for granted all of their lives?

"That's the simplest question of all," one engineer replied. "All we need now is one hell of a good draught."

THEY MUST NOT BE FORGOTTEN

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. McKINNEY. Mr. Speaker, within the next few weeks, the House Committee on the Judiciary will begin hearings on a series of bills, all with the same specific goal: To provide benefits to the survivors of police and firemen killed in the line of duty. I am hopeful that the committee will hear broad support for this proposal and that the members will be able to bring a bill to the House floor which will gain immediate and overwhelming passage.

In a timely article, the New York Times recently interviewed the widows of five New York City police and firemen and the headline on the story read, "They Say Nobody Cares." I would hope that we can demonstrate, in some small way, that we do care. At this point, I would like to share Judy Klemesrud's poignant feature with my colleagues:

WIDOWS OF POLICE AND FIREMEN—THEY SAY NOBODY CARES

(By Judy Klemesrud)

They call themselves "New York's forgotten women." They break into tears easily, they proudly wear their husbands' medals of bravery pinned to their dresses, and they receive a pension check once a month—a check they feel is not nearly enough for the family of a man who gave his life protecting the residents of New York City.

The women, 432 in all, are members of the Police and Fire Line of Duty Widows of New York City, Inc.

Founded in April, 1961, for the "mutual benefit" of the members, the group now numbers 236 widows of firemen and 196 widows of policemen. They range from modly dressed, long-haired women in their early 20's to 90-year-olds who reside in nursing homes. Ten of the widows are black.

"Sometimes you feel that nobody even cares about you," said Mrs. Doris Campisi, 40 years old, of Glendale, Queens, whose policeman husband, Anthony, was stabbed to death six years ago while making an arrest at 38th Street and Eighth Avenue.

"In the beginning, the city gives you medals," the yellow-haired mother of two went on, "but after a while you begin to feel like just a number on a pension check."

The city hasn't forgotten entirely. Once a year, there are separate memorial services for deceased policemen and firemen. The police memorial service will be held tomorrow at 11 A.M. in the Police Academy auditorium, 235 East 20th Street. An official contingent of 14 police widows from the widows' association plan to attend.

And the pension situation, as of last week, isn't quite as bleak as it was. Mrs. Campisi and 21 other members of the Police and Fire Line of Duty Widows went to Albany last week and lobbied successfully for the passage of a bill that would increase their $4,420 yearly pensions by about $1,000 a year, their first cost-of-living increase since 1965. The bill passed both houses last Friday, and now awaits the signature of Governor Rockefeller.

In another development, Mayor Lindsay yesterday instructed his legislative representative in Albany, Richard Brown, to send a memo to the Governor urging him to sign the "widow's bill," as it is known, into law. The Mayor also issued a separate statement supporting the bill.

The widows' group was founded by Mrs. Florence Churchill, now 75, of Manhattan, a policeman's widow, at a time when the majority of the widows were receiving only $28 a week. While the group's major objective has always been to better the members' financial condition, it also serves as a social organization.

The members, who pay $5 in annual dues, meet four times a year, in October, November, April and May. Their projects include writing letters to politicians, pointing out such things as the fact that police and fire widows in San Francisco and Boston receive their husbands' full pay, as opposed to the half-pay they get in New York presently based on the 1965 pay scale, and baking cookies for the members who live in nursing homes. There is also an annual Christmas party, "where we pay some guy $20 to come and play the accordion," one member said.

The widows frequently talk of their struggles to make ends meet, their loneliness, how hard it is for them to get a loan or credit, and the indifference of former friends. But in this respect, how are their lives any different from those of other widows?

"There is one big difference," said Mrs. Helen Venturelli, 58, of the Bronx, a policeman's widow who is the group's vice president. "Someone killed our husbands, and that's a very difficult thing to bear." (Most of the firemen, of course, were killed while fighting fires.)

Like many of the widows, Mrs. Venturelli altered her life-style drastically after the death of her husband. She went to work part-time for the Honest Ballot Association for 16 years, and then, when she left, found it rather difficult for a woman her age to find a job.

NECESSARY ECONOMIES

Living entirely on her pension, she gave up reading newspapers, because she couldn't afford them, as well as loin lamb chops, English muffins and bananas. She said today she eats mostly spaghetti or hamburger ("A pound and a half makes five patties"), makes her own clothes and gives herself her own home permanents.

The pension plans are financed by deductions from the men's paychecks. Some of the widows are also eligible for Social Security benefits—if their husbands signed up after the plan was first offered to them in 1958.

The police and fire widows generally receive the same benefits—with one exception. In 1964, a group of anonymous businessmen founded an organization called the Hundred Club of the City of New York, Inc., to help the widows and children of policemen killed in the line of duty.

Headed by Michael J. Murphy, a former Police Commissioner of New York, the group has distributed about $165,000 among 30 families since its formation. Each widow received $1,000 for immediate expenses—often invaluable as it can take months for a pension check to arrive.

The Hundred Club, at 654 Madison Avenue, also pays outstanding debts, "whether it be a $15,000 mortgage, a $500 furniture loan, or both," Mr. Murphy said. At Christmas, the club sends each child under the age of 18 a $100 savings bond.

Widows who remarry automatically relinquish their membership in the Police and Fire Line of Duty Widows, and they lose their pensions as well. However their children continue to receive them. The group has no statistics on the number of widows who have remarried.

"I just don't know whether I could get married again," said Mrs. Carol Cosgrove, of Massapequa, L.I., an attractive 29-year-old mother of four who "occasionally" dates. "It would really be a gamble—you'd always worry how the new husband is going to treat your children. How do you know he won't start beating them up?"

Several of the women mentioned that their husbands' deaths had had tragic effects on their children. Mrs. Esther Weisse, 62, of the Bronx, a fireman's widow, said that her 26-year-old daughter, a secretary, telephoned from her office at noon every day to see if Mrs. Weisse is all right.

"If I'm going out, I have to phone her before I leave," Mrs. Weisse said. "She goes out of her mind that something might happen to me, too."

Nothing angers these women quite as much as the insults and epithets and rocks and bottles that have been hurled at New York's finest and firemen lately.

"These men are prepared to go through hell for the people," said Mrs. Ceclia Meyer, 59 of Cambria Heights, Queens, a policeman's widow. "All right, so maybe they have a few bad eggs. But the public just does not appreciate them the way that they should."

Most of the widows seemed opposed to the idea of having a son go into the same line of work as his late father.

KILLED IN FIRE

"Over my dead body would my son be a fireman!" said Mrs. Kathleen Roche, 56, of the Bronx, a seamstress whose husband was killed in a fire in an abandoned building in 1951. "I'd rather have my son dig ditches—and I wouldn't let my daughter marry a fireman, either."

And although some of the widows have married men who, like their first husbands, were policemen or firemen, the sentiment seems to be against this practice.

"I would never, never want to go through all that again," said Doris Campisi, "the bell ringing in the middle of the night, the priest standing there, the shock, the nightmares. I tell you, it is just awful."

NATIONAL DEAF BASKETBALL CHAMPIONS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. DUNCAN. Mr. Speaker, the citizens of my district are extremely proud of the Tennessee School for the Deaf's selection as the National Deaf Basketball Champions.

The dedication and determination displayed by Coach David Bailey and his team are a source of pride and inspiration to all athletes in Tennessee. These men have made the sacrifices necessary of all athletes in order to achieve high goals. This year's team has now set a standard for their school which will be a tough record to match in the future.

Excellence in the world of sports is a most elusive quality. However, in the case of the Tennessee School for the Deaf's basketball team excellence has been obtained.

The Tennessee School for the Deaf has proven that it is second to none when it comes to the demanding game of basketball.

THE LATE J. EDGAR HOOVER AND FBI—AN INTERVIEW AT "FACE THE NATION"

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. HOGAN. Mr. Speaker, I appeared recently on the CBS public affairs news program "Face the Nation" along with the gentleman from California (Mr. Edwards). I hope that in the process I helped to set the record straight about some matters regarding the late J. Edgar Hoover and the Federal Bureau of Investigation.

I now insert a transcript of the "Face the Nation" program into the Record:

TRANSCRIPT OF "FACE THE NATION," SUNDAY, MAY 7, 1972

(Guests: Representative Don Edwards of California; Representative Lawrence Hogan of Maryland.)

(Reporters: George Herman, CBS News; Robert Novak, Chicago Sun-Times; Robert Pierpoint, CBS News.)

George Herman. Congressman Edwards, Congressman Hogan, President Nixon has indicated that he plans to leave L. Patrick Gray III as Acting Director of the FBI until after the election next November. That means the Senate will have no chance to question Mr. Gray, and it will leave an old friend and advisor to the President in charge of the FBI through the political season. Is this causing any concern in Congress?

Rep. Edwards. Yes, it's causing concern to me. I think that Mr. Nixon's plans will circumvent the will of Congress, because the law provides now that the appointee should be confirmed or not confirmed by the United States Senate, and so leaving Mr. Gray in there for a number of months is not in the congressional intention.

Herman. Mr. Hogan?

Representative Hogan. I don't agree with that. I think that under the circumstances, it's the appropriate and proper thing to do, because I think it would be a disservice to the American people if we were to allow the FBI to now become a political football because it is an election year. I think President Nixon did the right thing in taking it and insulating it from politics until after the election, then he or whoever else is elected President has the opportunity to appoint the Director of the FBI.

Announcer. From CBS Washington, "Face the Nation," a spontaneous and unrehearsed news interview with two members of the House Judiciary Committee, who were formerly FBI agents, Representative Don Edwards, Democrat of California, and Representative Lawrence Hogan, Republican of Maryland. They will be questioned by CBS News White House Correspondent Robert Pierpoint, Robert Novak, Syndicated Columnist for the Chicago Sun Times, and CBS News Correspondent George Herman.

Herman. Both of you gentlemen have served as former FBI agents. One of the points to the question—I think Mr. Hogan said quite clearly that he's removed it from the area of politics as far as confirming is concerned, but still the FBI as an investigatory body can have some impact on politics, one way or another. The question or part of the question still remains—is it fair to have a political advisor to the President in charge of our national investigating body during a campaign period? Mr. Hogan?

Rep. Hogan. Well, the FBI is and always has been under the Department of Justice, which has always been under a political appointee of the incumbent President, so I don't see what the difference is. As a matter of fact, Mr. Gray's confirmation as Deputy Attorney General has been pending before the Senate while the Kleindienst investigation has been going on, so in fact the Senate already has an opportunity to probe and assess his background for the job. So I think that under all things considered, he was probably the ideal choice for the job, at least on an interim basis until we can piece together what the transition from the Hoover years to the new years should be.

Novak. Mr. Hogan, do you envision that Mr. Gray is going to last forever and ever as FBI Director if Mr. Nixon is reelected, or whoever Mr. Nixon names if he is reelected is going to act in that role for many years, as Mr. Hoover, or is this going to become an appointment, do you think, that will change as the Presidency changes?

Rep. Hogan. Well, it's difficult to answer that, Bob. I don't think that we can expect or even that it would be a good thing to have somebody serve as Director of the FBI for 48 years, but we have to recognize that J. Edgar Hoover, in effect, created the FBI, at its inception, as a young man of 29, and we're not going to have those parameters in the current situation. I would hope that the directorship of the FBI would not become a political football where the incumbent President would appoint a political hack to run the FBI. I think that would be a tragedy, and with all the criticism that's been leveled at Mr. Hoover, one thing has to be recognized—he was completely nonpartisan, and the very fact that he did have independence of judgment and action, where Presidents and Attorneys General were afraid to fire him because of the rapport he had with the American people, this was a built-in protection for the American people that the FBI would not be used or mis-used, I should say, in a political way.

Pierpoint. Mr. Edwards, you seem to feel that the President's appointing Mr. Gray as an interim director was somehow wrong, and that in this—we all agree this is going to be a highly political year, that Mr. Gray should have been submitted to the Senate for approval. Do you think that the Senate would in fact have approved Mr. Gray without a strong political fight?

Rep. Edwards. I have no way of answering that question because Mr. Gray is somebody that no one knows anything about. I had hardly heard of him before he was appointed interim Director, but I reiterate the plans of the President are to have Mr. Gray as Director, interim or not, for nearly an indefinite period of time, more than half a year, and this is not what Congress intended in the Omnibus Crime Bill. It said that any Director of the FBI has to be confirmed by the Senate, and it is being circumvented by this procedure.

Pierpoint. But the legalities of the case aside, what is it that really bothers you about this method of operation? After all, that's the way FBI Director Hoover was appointed many, many years ago and the way he stayed in office all the time, that is, without the Congress' approval. Why is it that for six months you are worried about Mr. Gray staying in that job? Are you afraid that he may use his office in a political way?

Rep. Edwards. Not necessarily. However, I think that it must be admitted that Mr. Gray's appointment is a political appointment. He is an old and valued friend of the President, the relationship going back to when Mr. Nixon was a congressman, so it is a political appointment. It is not in the realm of possibilities that I would consider appropriate for this job.

Novak. In that connection, Mr. Hogan, as a former agent, would you have preferred to have seen Mr. Hoover's successor come from within the ranks of the Bureau?

Rep. Hogan. I'm not sure that I would. I've been talked to myself as a possible replacement for the job because I was there and then I was out.

Novak. Who talked to you on that basis?

Rep. Hogan. Well, some of my colleagues in the Congress have proposed this and discussed it with me, and in times past I have discussed it with other people in the administration, but I don't expect that that is going to happen. But I do think that there is an advantage in having someone within the organization, who knows how it operates, but I also think there is an advantage in having an infusion of cross-pollination from the outside world with the FBI. I think that this is the kind of balance we need. I think the President's appointment of Mr. Gray was a good one. He's a political friend and associate of the President. Well, you could hardly expect the President to appoint a political enemy to that job. I mean, obviously——

Novak. What about the permanent successor to Mr. Gray—would you rather see someone with some expertise in the law enforcement field succeed Mr. Gray if Mr. Nixon is reelected?

Rep. Hogan. I don't think that police work is necessarily the best—I'm talking about a local police department now—because the police department's responsibility is protection, not investigation primarily, and it's riot control; it's parade control and so forth. So I don't think that that's the best preparation. Someone ought to be a lawyer; he ought to be able to meet the qualifications for an FBI agent, as Mr. Gray does. I think if Mr. Gray does the job well in this interim period, then he probably will be the one appointed and perhaps should be the one appointed.

Herman. We've left hanging—between both of you gentlemen—we've left hanging the question of how long an FBI Director should serve. Do you have some ideas on the subject, either of you?

Rep. Edwards. Yes, I don't think that the FBI Director should serve more than six years. There are too many built-in machineries for excessive power in the FBI as it is run today, and I do not think definitely that the new Director should be of the family of the FBI, trained in the organization and a protege of the late Mr. Hoover.

Herman. Well, let me get back to that machine for excesses in a moment, but first I want to find out what Mr. Hogan thinks about length of term.

Rep. Hogan. I don't think that it's really appropriate to put a fixed number of years on a term. I mean, he's not a politician running for office as we, Don and I are. I think it ought to be someone who can serve at the will of the President, yes, but I would hope that the Presidents in succession would recognize that this ought to be a position that's aloof from politics, as Mr. Hoover has always kept it. I think that's essential.

Herman. But in other words, the Director should submit his resignation pro forma when there's a change of administration, and then the President should make up his mind?

Rep. Hogan. I would say so, but I would hope that the Presidents would leave a—I've got a great deal of confidence in the men who survive and become Presidents of the United States, regardless of party, and I think most of them are genuinely concerned with protecting the liberties of Americans. So I would hope that that would be the case, that they would appoint someone who, if he were in politics, or as Mr. Gray—and Mr. Gray is making great efforts now to completely disassociate himself from politics, as he should.

Pierpoint. Now I want to ask Congressman Edwards about this statement which is made frequently. You didn't make it; Congressman Hogan did just now, but that is that the FBI under Director Hoover has been aloof from politics. In view of the—well, let's take for instance the heavy investigation of anti-war groups of the past few years. Do you agree with that, that's it's always been aloof from politics?

Rep. Edwards. I wish I could say that it has been entirely aloof from politics; and it was, I believe, when I was an FBI agent more than 25 years ago. However, in the past few years, it has become rather—not closely connected, but connected with politics. The late Director wrote two letters that were used as recommendations in senatorial races. The—the—as you say, the nearly obsessive concentration on conservative domestic politics, student unrest, black unrest, rather than on the problems of international communism and the international situation, do have a flavor of politics about them.

Herman. You said——

Rep. Hogan. Could I—could I comment on that? I just can't let that go unchallenged. Now is it politics when anti-war groups bomb the Capitol Building? Is it politics when they blow up ROTC buildings or blow up banks? That's not politics; those are violations of the law. And the FBI not only has the right—has the obligation—to investigate these violations; whether they happen to be anti-war groups is completely immaterial. But the FBI has been completely aloof from politics. The—J. Edgar Hoover served under eight different Presidents—four Republicans, four Democrats.

Herman. Isn't the key word partisan politics?

Rep. Hogan. Well——

Herman. It has been aloof from the problems of the Republican and Democratic Parties, but the—the Director has indicated a political stance.

Rep. Hogan. Well, if you define anti-war radical activities as politics, then yes, the FBI has been involved in politics. But I don't think violence is politics.

Novak. Mr. Hogan, does your definition of aloof from politics take into consideration the very close relationship that the late Director had with several Presidents, including Lyndon Johnson—the fact that he was on intimate terms with his staff and was operating closely with them—is that aloof from politics, on political considerations?

Rep. Hogan. I think it's aloof from partisan politics, yes, would—I mean, it would be perfectly normal for a man of Mr. Hoover's stature to be friendly with a number of Presidents.

Novak. Well, I don't think it's a matter of friendliness; I mean in making political discussions and discussing what's in the best interests of the President. And there's—there's much information on that.

Rep. Hogan. Well, there—there's rumors about a lot of things, Mr. Novak, but I know of no incidents of my personal knowledge where Mr. Hoover has in any way been involved in helping the political fortunes of any incumbent President.

Herman. Gentlemen, I want to get back to the tantilizing hint that Mr. Edwards dropped a few moments ago when you said the possibilities for excesses are so great. I'd like you to develop that theme a little bit, and also tell us whether these possibilities have been at any time, in any way, utilized.

Rep. Edwards. The responsibilities, by statute of the FBI, are rather immense—internal subversion in the United States, espionage and counter-espionage, as well as the criminal codes of the United States. There are 25 to 30 thousand fingerprints coming in a day—and information into the data bank of the FBI. And the need for respect and for the defense of constitutional liberties is huge. And so any organization with this kind of power has to be carefully scrutinized and there—Congress should maintain constant oversight on its activities, which Congress does not do today.

Pierpoint. Why does Congress not do it,

and why has it not done it for the past 40-some years?

Rep. Edwards. I regret to say that it has much to do with our procedures in Congress, the seniority system and—and in addition, the real fear that taking on Mr. Hoover is a little bit like taking on motherhood.

Herman. The second half of the question is, is such a possibility for exploitation or unfairness being utilized? Is—has the FBI done the kind of things you think it might do?

Rep. Edwards. The FBI is like every other agency—it is good, and there're aspects where it has not done particularly well.

Herman. Such as?

Rep. Edwards. Such as in its data processing it—and fingerprint identification files, to use the recent Minard(?) judge's decision, it has been inaccurate, and the system is out of control. It has been very bad insofar as race relations in the United States are concerned. Out of 9,000 agents, less—fewer than a hundred are brown or black—not a single woman FBI agent. When I was in the FBI, I thought it was 20 years ahead of its time. I'm afraid now that it's 20 years behind its time.

Pierpoint. Congressman Hogan, would you say that the FBI has kept up with the times?

Rep. Hogan. I would say that it has, but I'd like to comment on the excesses because I don't thing that ought to go unchallenged, because it's just not true. The FBI has been zealous in protecting the civil rights and the liberties of Americans, and to have the things happen which the FBI is accused of presupposes that there's a conspiracy of 20,000 loyal Americans who are somehow involved in this activity. But I'd like to cite one thing—Mr. Hoover was involved in a commission—a committee that the President set up to study the problems of campus radicalism. And everyone on that committee recommended rampant wire-tapping to try to get to the root of campus unrest. Mr. Hoover, who was chairman, was the sole opponent of this rampant wiretapping, and went to the Attorney General and the President, and it was not done. But this is the kind of thing; he—by his very nature, he was dedicated to personal liberty. So it's paradoxical that he would be criticized for the thing he's been strong—

Pierpoint. But didn't he in fact order that his agents infiltrate black student unions on all campuses in the country, and black student unions are a fairly common thing and simply an organization of blacks. And yet he did not order the infiltration of white student unions.

Rep. Hogan. Well, I can't believe that. He certainly, I'm sure, has tried to infiltrate the SDS and other radical revolutionary organizations. That's part of the responsibility in trying to protect the United States against revolution. We have to recognize that in virtually every nation in the world where there has been a successful revolution, the seeds of it were on college campuses.

Herman. Among the blacks?

Rep. Hogan. Pardon?

Herman. Among the blacks?

Rep. Hogan. Well, I don't know among blacks—I don't know that this is true. But I'm sure that it hasn't been exclusively. If there are black power groups who are dedicated to revolutionary activities and bombings and police sniping, I think the FBI ought to know what's going on.

Pierpoint. But you're not accusing black student unions of that?

Rep. Hogan. I'm not accusing anyone, but I'm just saying that for the FBI to carry out its responsibilities, it ought to know what—what radical revolutionaries are doing, whether they be black, red or white.

Novak. Mr. Edwards, I'd like to find out from you, what you, as a liberal, think the FBI ought to be doing. Number one, do you think the FBI should maintain surveillance over the Black Panthers?

Rep. Edwards. The FBI should maintain appropriate surveillance, in accordance with the statutes that we have enacted, over any group that is—could—that has as its object the overthrow of the United States government.

Novak. Well, can you answer my specific question, sir? Do you think the FBI should maintain surveillance over the Black Panthers, try to infiltrate the Black Panthers, get informers in the organization?

Rep. Edwards. No. I—I don't think it's necessary. I don't think that the organization is that dangerous.

Pierpoint. Well, how do you know what organizations are dangerous until you infiltrate them? These organizations are not going to advertise that they're in favor of the revolutionary overthrow of the United States government, so you've got to look into them some way.

Rep. Edwards. Well, there should be appropriate surveillance made of any organization that would be of danger to the American republic, yes.

Novak. Do you think that the FBI should maintain surveillance over the Socialist Workers Party and other groups dedicated to the overthrow of the government when they plan peace marches in Washington?

Rep. Edwards. I think that the FBI has acted reasonably responsible in its surveillance of these groups and, yes, of course, the Congress has ordered them to do it; they have to comply with the law.

Novak. So you think, sir, that unlike some of your colleagues in the ADA, that the FBI does have a legitimate function in the—in the political and security area, apart from catching bank robbers and auto thieves.

Rep. Edwards. Of course it has, and by federal law it has that responsibility and it must comply.

Herman. Do you think that the FBI should maintain surveillance over members of Congress who may be in some way connected with any of these organizations—who may be speakers, for example, at their rallies?

Rep. Edwards. No, I—I think that members of Congress are not entitled to any privileges that are not those of the American public generally. So if a congressman is involved in any possible illegal activity, then certainly he should be investigated by the FBI.

Pierpoint. Congressman Hogan, do you feel that the FBI should be allowed to investigate the private lives of leaders of civil rights groups, such as the private life of Martin Luther King, which we know was investigated by the FBI?

Rep. Hogan. No, I don't think they should, and I think what we have to recognize here is the information to which you are alluding came as the result of a wiretap in an internal security type case, which was——

Novak. Much more than a wiretap, sir.

Rep. Hogan. No, I don't think they should, I do, then. But I don't think that anyone, because they are prominent, ought to be exempt from the same kind of investigative scrutiny that the average citizen has. Why should someone, because they are prominent, be exempt from it?

Herman. No, but I think the point of Bob's question is should that kind of material then be widely disseminated and circulated?

Rep. Hogan. Absolutely not, under no circumstances should it be, but you have to recognize that the only time the FBI should conduct any investigation is where there is a violation of federal law or a potential violation of federal law or falls within the other responsibilities of the agency. And during the course of that investigation, you might gather information which is not vital to the prosecutive action, but you don't discard that.

Novak. What can the Congress do to stop this passing along of juicy tidbits of gossip by special agents in charge in the field to the Director, which then went to—in the recent past—to the President of the United States? Do you think that Congress ought to establish some safeguards so that the powers of the FBI are not so misused?

Rep. Hogan. If that is done, I think it's reprehensible. I don't think it should go on. I don't know how Congress would control that—I mean that's a human frailty, like women gossiping over the backyard fence. It's deplorable, but I don't see how we can legislate to protect against it.

Novak. Well, it's been common knowledge in the Bureau that that's been done for years. Isn't that true, Mr. Hogan?

Rep. Hogan. It's not common knowledge to me. I was only in ten years.

Pierpoint. Mr. Edwards, do you have any suggestions as to what Congress might do to put a stop to what is common knowledge to many of us, but apparently not to Congressman Hogan, namely, the dissemination of private sex information on the private sex lives of some of our civil rights leaders and of some of our sports figures and of some of our actors and actresses in this country?

Rep. Edwards. Well, if that is taking place, and I have heard of an instance or two, but not widespread violations——

Pierpoint. But presumably one instance is bad enough.

Rep. Edwards. Yes, it is bad enough, and I reiterate that Congress has been derelict in its oversight of the FBI. The House Judiciary Committee should have hearings from time to time and ask them what they're doing, what their practices are, and call individual agents before the committee.

Pierpoint. Is your problem your chairman, the committee chairman—is that why you're not getting anywhere with legislative oversight of the FBI?

Rep. Edwards. Well, up until the death of Mr. Hoover, a portion of it was that Mr. Hoover refused to come to Congress except to Mr. Rooney's subcommittee of the House Appropriations Committee. He refused to go to the Senate, and he insisted on having his testimony in secret, and I might add that most of the employees—65 per cent of this particular committee—goes to the FBI—their money—the employees of the committee are 65 per cent FBI employees.

Rep. Hogan. Could I comment on that? I, as a member of Congress, resent the implication that we are somehow not doing what we're supposed to do in regard to a government agency. The appropriations committee has to approve the FBI's budget every year as part of the Department of Justice's. Now, do we have this kind of scrutiny with the Bureau of Narcotics, the Bureau of Customs, with the Office of Equal Opportunity? You know, we don't hone in and pinpoint every activity of other agencies.

Herman. Others have found their budgets steadily cut——

Rep. Hogan. That's not the question. He's talking about wholesale scrutiny and surveillance over the FBI's activities. We don't do that with any other agency. We do approve appropriations.

Novak. But isn't that a tremendous neglect of duty by Congress that you have never even had one line of testimony about the international operations of the FBI, which they have no legislative mandate for. Isn't that a failing?

Rep. Hogan. Well, I don't know that that's true. We have liaison now with the police agencies in various governments. Why do we need legislative authority for this? It's part of the FBI administrative activities. But I'm on the Post Office and Civil Service Committee, and I've only been in Congress three years, but we've had on at least five occasions representatives of the FBI testifying, and I'm sure other agencies—other committees do as well.

HERMAN. A question that must philosophically trouble a lot of people visiting Washington—we watched the FBI building going up on Pennsylvania Avenue; it is going to be the second largest—the third largest government building in Washington, smaller only than the Pentagon and the Rayburn Office Building. Do we need such an enormous national police building in operation in this country for our safety and our well-being?

Rep. HOGAN. Well, I resent the words national police. We've always opposed national police——

HERMAN. I'll strike the word—the Federal Bureau.

Rep. HOGAN. Okay. But you have to recognize that we have billions of fingerprints on file, and that's occupying one separate building, and the FBI facilities are now divided into about four different buildings——

PIERPOINT. Did you say billions?

Rep. HOGAN. Billions—fingerprint cards—yes.

PIERPOINT. That's more people than there are in the United States today, I assume.

Rep. HOGAN. Well, there are some there for—there are multiple people there, and there are also people in there who are dead, and there are also aliens in there. This all puts it in one building.

HERMAN. I'd like to have Mr. Edwards' answer also.

Rep. EDWARDS. I think it's a mistake to have in the nation's capital an FBI building that dwarfs the Department of Justice. The Department of Justice is the boss; the FBI is a part of it; and I think it would have been better if it had been a less pretentious building.

PIERPOINT. Well, the building isn't really what's important here, though. It's the function of the organization itself. I mean, after all if you're going to have a large national police or whatever you want to call the FBI, you do need a decent place for them to work, don't you?

Rep. EDWARDS. Yes, that is correct.

HERMAN. We have one minute left. Do you think, though, that the FBI operation is dwarfing the Justice Department operation, and should it?

Rep. EDWARDS. No, it certainly should not.

HERMAN. Is it?

Rep. EDWARDS. To a great extent it has in the past few years. It has operated independently from the Justice Department, and that is a great mistake. During the last six months of Robert Kennedy's tenure as Attorney General he did not have any words at all with Mr. Hoover. Relations were—

HERMAN. We have less than 30 seconds left. I just want to ask you sort of a one-word answer. Do you think now that with this changeover the Justice Department will get more control over the FBI than it has had in the past, Mr. Edwards?

Rep. EDWARDS. I think it is essential that it does.

Rep. HOGAN. I think we are contradicting the point that was made earlier. You are saying now that it should have more control under a political appointee, which was the converse of what we said when we opened this program.

HERMAN. Okay, and on that rather complex note, we have to sign off. Thank you, gentlemen, very much for being with us today on Face the Nation.

ANNOUNCER. Today on Face the Nation, two members of Congress who were formerly FBI agents, Representative Don Edwards, Democrat of California, and Representative Lawrence Hogan, Republican of Maryland, were interviewed by CBS News White House Correspondent Robert Pierpoint, Robert Novak, Syndicated Columnist for the Chicago Sun-Times, and CBS News Correspondent George Herman. Next week, in his first television appearance after spending two weeks in China where he conferred at length with Premier Chou En-lai, the Republican leader of the Senate, Senator Hugh Scott of Pennsylvania, will "Face the Nation."

STATEMENT BY U.S. REPRESENTATIVE SILVIO O. CONTE INTRODUCING A BILL TO EXPEDITE RESOLUTION OF SMALL BUSINESS GOVERNMENT PROCUREMENT CONTRACT DISPUTES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1972

Mr. CONTE. Mr. Speaker, today I am proud to introduce legislation which I believe can do a great deal to alleviate the problems which small businessmen face in performing Federal contracts. My bill would set up a number of regional small contract claims divisions within the various existing boards of contract appeals to handle claims in amounts not to exceed $50,000 for any particular contract. Next week I will reintroduce this bill when I expect it will attract a great many cosponsors. Today I am pleased to file the bill with my colleague from Maine (Mr. KYROS).

Those familiar with present procedures realize that something must be done to promote fairer adjustment of contract disputes. It is simply shocking that the average appeal at present costs over $5,000 and takes 12 to 18 months to prosecute, during which time the contractor is deprived of the use of funds to which he may be entitled. A chief cause of the delays and the expense is that nearly all such claims are now heard only in Washington. It is obvious that this burdensome effort also serves to deter many potentially valid small claims from ever being pursued. This, of course, defeats the very purpose of the appeal procedure.

Mr. Speaker, the source of the proposal I introduce today is the Smaller Business Association of New England. SBANE is a private, nonprofit, nonpartisan association of New England small companies. Founded in 1938, SBANE now boasts over 900 members. Today, in the midst of various activities marking this as National Small Business Week, SBANE hosted a luncheon for House members during which it made its annual legislative presentation to the Congress. As usual, its recommendations are based on thorough research and deserve the serious consideration of all my colleagues. I want to commend SBANE's President Roland Sutton and presentation chairman attorney Ronald Kehoe for an outstanding job.

Let me add one final note on this proposed legislation. It is clear that the reforms I seek can be made administratively. I also recognize that the Federal Procurement Commission is concerned about this problem and may well have its own recommendations when it makes its report at the end of the year. This bill, it is hoped, will serve to stimulate these reforms. Should these reforms not take place, however, I urge all my colleagues to support this bill.

I include the text of SBANE's presentation and the text of my bill at this point in the RECORD.

The materials referred to follow:

Memo to: U.S. Congress from: SBANE, Smaller Business Association of New England, Inc.

1972 ACTION PROPOSALS!

1972 SBANE Washington Presentation-Proposals for Congressional Action Committee:

Chairman—Ronald F. Kehoe, Esquire, Haussermann, Davison & Shattuck.

Co-ordinator—Joseph Butare, State Street Bank & Trust Company.

Committee—Donal F. Barry, Container Services, Inc.; Dr. Arthur S. Obermayer, Moleculon Research Corporation; Elinor Selame, Selame Design Associates; Roger Travis, Medi, Inc.; Joseph Weinrebe, Republic Travel Service, Ltd.; Richard M. Glennon, Peat, Marwick, Mitchell & Company; Eleanor Monahan, 128 World Publishing Company; Edward H. Pendergast, Jr., Anthony, Pendergast & Creelman; Bernard Soep Associates; Oliver O. Ward, Athbro Precision Engineering Corp; and Jack H. Westerbeke, Jr., J. H. Westerbeke Company.

ABOUT SBANE

The Smaller Business Association of New England, Inc., is a private, non-profit, non-partisan association of New England small companies. It was founded in 1938 to promote and protect the welfare of small business throughout the six-state region. This is accomplished by:

(1) grouping together, articulating the needs of small business, and taking common action;

(2) promoting and supporting legislation and government activities beneficial to small business and opposing those activities and legislation detrimental to the interest of the smaller business;

(3) cooperating with other small business groups; and

(4) the education of the small businessman and others in the problems which they must face in order to be successful, and the education of the small businessman as to matters which both threaten and preserve the system of free, profit-incentive, private, competitive enterprise.

The major emphasis in the programs offered to the membership are in the areas of legislation on the national level and education programs.

Besides appearances before various Congressional committees, the Association appears on Capitol Hill once a year for a Washington Presentation of specific proposals designed to assist small business.

The Association is also a member of the Small Business Economic Council, which was formed at the request of President Nixon in September, 1970, to promote awareness of small business problems with key administrative officials.

The education activities are many and varied. They include seminars and conferences held throughout New England often sponsored in conjunction with leading New England universities and Federal agencies such as the Small Business Administration.

Best known of SBANE's educational programs for the past 13 years has been the annual "Live-In" Seminar on the campus of the Harvard Business School.

The Association also publishes a monthly magazine, New England Business, containing information and educational features for the small business executive and news about SBANE's monthly activities.

The Association's services also extend to counselling its members on small business problems and serving as a source of business information. Furthermore, the Association provides government liaison, procurement assistance and offers its members group insurance programs and trade missions.

SBANE offices are located at 69 Hickory Drive, Waltham, Massachusetts 02154.

I—SBANE 1972 PROPOSAL FOR PROCUREMENT

First, to promote fairer adjustment of contract disputes with the Government, SBANE proposes legislation creating regional small claims divisions within the Boards of Contract Appeals. We aim to provide a speedy and inexpensive vehicle for settling claims up to $50,000, as an alternative to the undue delay and cost of a BCA proceeding. We also recommend that prime contractors be required to incorporate disputes clauses in their contracts, giving subcontractors a means of appeal to the Government.

Second, to help smaller businesses obtain their fair share of Government spending, we support: (1) the transfer of DOD's small business specialists to the SBA, (2) a program of mandatory small business subcontract set-asides, and (3) enactment of H.R. 9551, authorizing an SBA certificate of competency where a low bidder is alleged to lack "integrity, tenacity and perseverance."

Regional small claims divisions

Government contractors often become involved in disputes with contracting officers. Typically, such disputes arise in connection with contract changes, the interpretation of contract clauses, drawings and specifications, or the allowable amounts of costs in cases where a contract has been terminated for the convenience of the Government. The contracts provide that such disputes shall be determined by the appropriate Board of Contract Appeals. The purpose of the BCA proceeding is to provide a quick, inexpensive and efficient administrative remedy as an alternative to court litigation, which (to quote from the Supreme Court's decisions in the Kihlberg and S. & E. Contractors decisions) can be "vexatious and expensive and, to the contractor oftentimes, ruinous."

In the years since the enactment of the Wunderlich Act (41 U.S.C. Secs. 321–322), court decisions have held that BCA hearings must conform to formal litigation procedures. As a result, the process of obtaining a decision from a Board of Contract Appeals normally costs over $5,000 and takes 12–18 months, during which time the contractor is deprived of the use of the funds to which he may be entitled. Moreover, witnesses must travel to Washington, at considerable cost in lost time and travel expense.

We recognize that these delays and expenses are inherent in any full-blown litigation. They may be tolerable to a contractor who is claiming a large sum. But if the amount claimed is small, the contractor is often deterred from prosecuting his claim and is left to the mercies of the contracting officer. He simply cannot afford to seek a remedy, even if his claim is wholly valid. This defeats the initial purpose of providing an administrative review, and results in gross unfairness.

SBANE proposes the enactment of legislation to establish, within the existing Boards of Contract Appeals, regional small claims divisions for the speedy, inexpensive resolution of small contract claims. The salient features of our proposal are as follows:

1. Jurisdiction would be limited to claims totalling no more than $50,000, per contract.

2. Resort to the small claims procedure would be at the contractor's election; he would retain his right to utilize the existing procedure as at present. The contracting agency would not have this option.

3. The small claims divisions would be empowered to make findings of fact and rulings of law.

4. A division's decision would be final and binding upon both parties.

5. The divisions would be staffed by personnel (lawyers and procurement experts) of the same high caliber as the existing Boards of Contract Appeals.

6. All claims would be processed regionally rather than in Washington.

7. Attorneys and other professionals would not appear before the small claims divisions. Cases would be presented by the contractor's employees and the contracting officer.

8. The statute should require the administrative adoption of implementing regulations designed to assure the speedy, informal and inexpensive resolution of disputes.

These procedural rules should include:

(a) elimination of all formal pleadings, to be replaced by a simplified statement and counterstatement of the matters in dispute;

(b) discovery proceedings would not be available;

(c) technical rules of evidence would not apply, and would be replaced by informal methods of proof;

(d) a decision must be rendered within 30 days after the close of hearings.

To further reduce the delays which characterize the present system, we propose that contracting officers be required to render their decisions on small claims within 60 days after notification that a dispute exists.

SBANE'S Bill

SBANE believes that these reforms would eliminate the unfairness of the present system. Their adoption would greatly benefit many Government contractors, both large and small, without jeopardizing any legitimate interest of the Government.

SBANE has prepared a bill to carry out its proposal for a small claims procedure. This bill will be filed for us in both Houses of Congress, and we intend to work for its passage and/or for the administrative creation of small claims divisions.

Contract disputes clause

SBANE again urges that Government prime contractors be required to include a contract disputes clause in their purchase orders and subcontracts, giving subcontractors access to the appropriate Government contracting officer and Board of Contract Appeals (including the proposed small claims divisions) for the settlement of disputes between sub and prime. We recognize that Government agencies are reluctant to become involved in disputes to which they are not parties. But many subcontractor claims are directly or indirectly caused by agency action (e.g. termination of the prime contract). At least in those cases, and as a beginning, subcontractors should have recourse to the BCA as an alternative to a lawsuit.

Approximately 400,000 small companies offer products and services which the Federal Government needs. Congress has declared as policy that the Government, acting through the SBA, should insure that a "fair proportion" of its purchases, contracts and subcontracts be placed with small business enterprises.

Declining small business procurement

Yet in fiscal 1971 the small business share of Government procurement spending fell to its lowest levels in 18 years. The volume of state and local procurement through small business is now almost equal to the Federal Government's volume! In 1971 only 17% of prime contract dollars, and less than 35% of subcontracting spending, went to small business. These percentages have been declining steadily since 1967. The following table illustrates that reductions in federal spending have their heaviest impact on those least able to bear it, small businessmen.

THE SMALL BUSINESS SHARE OF THE SUBCONTRACT DOLLAR (MILITARY)

[Dollar amounts in billions]

Fiscal year	Total amount subcontracted	Amount subcontracted to small business	Percentage for small business
1964	$9.3	$3.6	38.7
1965	8.5	3.5	41.2
1966	12.2	5.1	41.8
1967	15.5	6.7	43.2
1968	15.2	6.5	42.8
1969	14.9	6.0	40.3
1970	11.9	4.4	37.0
1971	9.5	3.3	34.7

The SBA is not likely to be able to reverse this trend because it has been reducing the manpower allocated to its procurement program. Administrator Kleppe has testified before the House Small Business Committee that loan administration is the agency's Number One priority and that personnel are being transferred from procurement and other programs to the loan program. Of its more than 4,000 employees, SBA has only 143 working on procurement, including 43 Procurement Center Representatives. Obviously, such a handful cannot monitor the Government's millions of procurement transactions each year so as to protect the interests of small business.

Transfer of DOD's small business specialists to SBA

But a ready source of additional help is at hand. The procuring agencies themselves, most notably the Department of Defense, have hundreds of "small business specialists" whose primary job is to represent small business. But at the same time their primary responsibility is to the agency which employs them. In such a split role, these specialists are rendered far less effective than they would be in an independent status.

SBANE believes that DOD's small business specialists should be working primarily to help small business gain a fair share of the defense contract dollar. Accordingly, we recommend that they be transferred from DOD to SBA.

Mandatory subcontracting

Another SBA activity—its voluntary small business subcontracting program—has not been working well. This effort is too important to be allowed to falter. The answer, as SBANE sees it, is to make it mandatory.

A Navy Department experiment proves the feasibility of mandatory subcontract procurement. The Navy invited bids on a fixed price contract for the MS 56 mine, with the requirement that the prime contractor place first tier subcontracts with small firms in amounts totalling 25% of the contract price. The prime contractor had to identify its proposed first tier small business subcontractors by name, describing each item to be subcontracted and the estimated dollar amount of each subcontract. The result? The Department of the Navy reports that the prime contractor exceeded the contractual requirements without increased cost, and that the mandatory provision did not diminish competition or increase the problems of contract administration.

SBANE therefore recommends that Congress require Government procurement agencies to develop and test mandatory small business subcontracting procedures in order to determine their feasibility in each instance.

Certificates of competency

SBANE supports H.R. 9551, introduced by Chairman Evins of the House Small Business Committee and by Congressmen Corman and Conte. This bill would expand SBA's power to issue certificates of competency to cover the case where a low bidder is unjustifiably rejected by a procuring agency on the amorphous grounds that he lacks "integrity, tenacity and perseverance." These vague criteria have been used to unfairly exclude small businesses. Such inequities can and should be cured by binding SBA review. H.R. 9551 ought to pass.

II—SBANE 1972 PROPOSAL FOR OCCUPATIONAL HEALTH

Small businessmen want to be safe and to provide a healthy work environment for their employees, as mandated by the Occupational Safety & Health Act. But we believe that this legislation is needlessly harsh and burdensome to small business in several respects. We recommend Congressional action to temper the Labor Department's rigid implementation of OSHA, and the enactment of some portions of *S. 3262* so as to grant a moratorium to small companies, to provide compliance assistance, and to introduce badly needed flexibility into the enforcement of the Act.

The Occupational Safety and Health Act of 1970, commonly known as "OSHA" (Public Law 91-596) was intended to promote safe and healthful working conditions for the nation's working men and women. SBANE heartily supports that goal, but we believe that OSHA is seriously defective in its present form.

Complex regulations

First, the regulations are too complex and voluminous for the small employer to cope with. When published, they filled up 744 columns of the Federal Register. There are seven pages dealing with stepladders alone! The Labor Department's handbook is nearly 300 pages in length, and offers no help in figuring out which regulations are applicable and which are not. Every conceivable detail is covered. The small employer has never faced any regulatory scheme so demanding and bewildering. He may not even know that the law exists. Even if he does, he typically lacks the skill, manpower and expertise needed to inform himself of its requirements. Yet those requirements apply to him as much as to the largest industrial plant in America.

Rigid enforcement

Second, if the employer seeks help and advice from the Department of Labor he is faced instead with a prompt walk-around inspection of his premises, and a mandatory citation is issued on the spot, carrying a penalty of up to $1,000. for each serious violation alleged. This is the fault of both the Labor Department and the Act itself. This statute is peculiar in our law for the Draconian rigidity that is written into it on matters both substantive and procedural. Rigid, insensitive implementation by the Labor Department has only made matters worse.

To illustrate statistically how voluminous the citations are becoming, consider the following box score compiled by the National Safety Council:

In the seven-month period, July 1, 1971 through January 31, 1972, the OSH Administration conducted 16, 162 inspections in 14,741 establishments. Of these, only 3,089 (21% of the total) were found to be in compliance with the OSH standards. As for the remainder, 11,856 citations were issued alleging 42,942 violations. The proposed penalties amount to $1,003,250. The number of employee complaints regarding occupational safety and health hazards submitted to the OSH Administration through the end of January totaled 1,519. The number of cases contested before the Occupational Safety and Health Review Commission is nearing 700.

Lawmaking without hearings

Third, the Act very unwisely adopts whole bodies of pre-existing criteria and guidelines, set up by private organizations and called "national consensus standards." Under OSHA, these were put into effect wholesale, without any review in legislative hearings or in administrative rule-making proceedings. The Administrative Procedure Act was explicitly bypassed. As a result, many small businessmen must try to comply with requirements that have no applicability or feasibility as applied to them, and regarding which they have never had a chance to be heard.

The financial burden

Fourth, A good-faith effort to obey all of OSHA's requirements could literally bankrupt a small company. The SBA has the responsibility for administering special 5⅛% 30-year loans to help small businesses to comply with OSHA. Its Administrator, Thomas S. Kleppe, foresees that many small businesses will be forced to borrow SBA funds beyond their capacity to repay: "The size of the loan for upgrading to the new standards might be just enough to break the back of the small business." Moreover, we are concerned that only 3 such loans had been granted as of April 15, 1972. It appears that SBA and the Department of Labor could better publicize their availability.

SBANE's role

SBANE believes that major changes are in order. To that end, our organization is collaborating with the staff of the Senate Labor and Public Welfare Committee by polling our members to document the Labor Department's harsh inspection practices.

Senator Curtis' bill

Legislative relief is also needed. Some 40 bills have been filed, most notably S. 3262—H.R. 13943, initially introduced by Senator Curtis and now awaiting committee action. The Curtis bill is specifically designed to enable smaller businessmen to live with OSHA. SBANE endorses some of its features, including:

(1) delaying the effective date of OSHA for one year for employers having fewer than 100 employees. This will provide small businessmen with the time they need for familiarizing themselves with the applicable requirements and for making their plans to comply.

(2) requiring the Secretary of Labor to determine the applicability of each OSHA standard to each class of business in each industry. If the Secretary determines that the application of a given standard to a particular class of business would be unreasonable, it will not be applied.

(3) providing technical assistance to small employers to help them comply with OSHA.

(4) permitting the Secretary of Labor to enter into compliance agreements with violators. This will replace a vindictive mandatory penalty for first offenses with some essential flexibility in the administration of the law.

These provisions and others like them should have been written into OSHA in the first place. We are dismayed that they were not, and we urge that the defect be cured. The alternative is the forced closing of small businesses and increased unemployment. Confusion and unnecessary expense are not the hallmarks of good legislation and they do nothing to further its desirable objectives.

In summary, we quote from a letter recently addressed to SBANE by a concerned member. It is representative of many similar comments:

"In attempting to operate safely as now defined, I have obtained two publications that are guidelines for self-inspection. Each guideline runs to several hundred pages. I would suggest [changes] with an eye to protecting the shop that cannot afford staff people specifically for attention to such details. We want to be safe. We want to comply with the new law. We need time. The "one man band" small operation is sure to come up a loser under the present set up."

III—SBANE 1972 PROPOSAL FOR THE SMALL BUSINESS ADMINISTRATION

Since 1953 Congress has vastly multiplied the SBA's responsibilities without giving it corresponding increases in its manpower and funds. The agency must be strengthened in these respects. The SBA's assistance to small business is being increasingly diverted to minority enterprises to the exclusion of others. Congress should separate the 8(a) program from SBA's other programs and establish guidelines to protect small businesses as a whole from becoming the victims of a well-intended desire to promote minority ventures, particularly with respect to 8(a) contracts and loan guaranty funds. Small business specialists should be transferred from the Department of Defense to SBA, where they can function more effectively.

Small business trends

There has been a widespread trend during the last few years toward small business. A leading magazine poll of high school students reveals that over 70% expressed an interest in either owning their own business or working for a small company. Business schools are finding small business courses over-subscribed and students demanding more. College placement departments reveal intense interest among graduates toward small business employment. More and more people in this country today want to "do their own thing."

Publications and consumer studies point out the abuses of concentrated power in American industry. Books like America, Inc. and the revelations of such consumer groups as Nader's Raiders clearly signal the dangers inherent in corporate concentration. It has become quite fashionable to shake a finger at the giant corporation. Unfortunately, the whole American free enterprise system is sharing the blame for the abuses of the few. It is equally unfortunate that everyone talks about the problem without defining the obvious solution. The answer, as we see it, is to launch a massive program to foster the healthy growth of small business and encourage the creation of new competitive enterprises.

The erosion of SBA's role

When the Small Business Act was passed in 1953, it seemed clear that Congress intended the Small Business Administration to be the organization that would work to ensure a healthy, competitive business environment. And yet there has been a constant process of departure from the initial commitment. There are several factors in this process.

First, the agency has been loaded with numerous additional responsibilities but without additional manpower allocations needed to carry out its new programs.

Second, larger business has been "getting into the act" and crowding out the smaller businesses from the very programs that were established specifically to aid small business. For example, the size standards for the small business set-aside program have been increased, notably in the aircraft and munitions industries—a company with as many as 1,500 employees can use SBA's limited resources and can compete with little companies for what is supposed to be the guaranteed small business share of the procurement dollar.

Third, Congress simply refused to grant SBA's requests for additional manpower while other segments of the economy get all the staff they need, and more.

SBA and Agriculture Dept.

To illustrate this last point, we cite the following census statistics, furnished to us at our request by the SBA. Here is a graphic demonstration of disproportionate support given to the Department of Agriculture over that given to the SBA.

Total U.S. labor force—August 31, 1971—81,000,000.

Farms, 2,895,000.

Farm Employment, 4,528,000.

Percent of Total Labor Force in Agriculture, 5.6.

Dept. of Agriculture Employees (9/15/71), 123,589.

Small Businesses, 5,000,000.

Small Business Employees, 35,000,000.

Percent of Total Labor Force in Small Business, 43.2.

SBA Employees (9/15/71), 4,026.

Note the shocking disparity between SBA's manpower and Agriculture's. Agriculture represents less than one-seventh as many workers as SBA, yet it has 30 times the number of employees! In fiscal 1972, the Agriculture Department will spend $37 per farm for every dollar SBA spends per small business!

The SBA's massive efforts to help minority group enterprises—while certainly worthy and long supported by SBANE—have resulted in the diversion of so much manpower and money that other vital programs of the SBA (e.g., Procurement and Management Assistance) have suffered terribly. The House Small Business Committee has recently held hearings on this situation.

Overemphasis on 8(a) assistance

For example, for the past 2–3 years the Government has heavily emphasized the 8(a) program. Under Section 8(a) of the Small Business Act, the SBA is empowered to step into any procurement program of any federal agency and become the prime contractor, letting all subcontracts. Section 8(a) was intended to benefit all small business, but SBA has used it exclusively for the benefit of minority business. The SBA has devoted some 30–50% of its procurement efforts to arranging 8(a) subcontracts for minority enterprise—at a time when its procurement program was already seriously understaffed. 174 SBA personnel work exclusively on 8(a) procurement, while many others are carrying heavy support duties. The remaining Procurement and Management Assistance staff are unable to function effectively. And many Government agencies—notably the Federal Aviation Agency, the General Services Administration, Department of Defense and the Veterans Administration—have been following SBA's lead with considerable fervor, by taking the initiative to recommend 8(a) treatment of more and more of their contracts.

Even more distressingly, the procurement dollars expended on 8(a) contracts are not new funds. They are primarily taken from the small business set-aside program, at the expense of nonminority smaller firms. Result: one small business advances at the expense of another. Net gain to small business as a whole: nil.

To illustrate this mushrooming 8(a) activity, consider the following statistics:

Fiscal year	Number of 8(a) contracts	8(a) dollars
1968	8	$10,493,000
1969	29	8,840,000
1970	199	22,520,000
1971	811	66,120,000
1972 (1st 8 months)	660	51,000,000
1972 (12 months goal)	1,600	100,000,000
1973 (goal)	2,500	175,000,000

Thus, from 1968 to 1973, the 8(a) contracts will have increased over 300 times in number and more than 16 times in dollar volume—virtually all of it diverted from small-business set-asides.

Minority assistance was conceived as seed money to help new enterprises get started. Instead, the funds have been repeatedly funneled as subsidies to a handful of companies long after they should have made way for other, newer ventures. Of the 582 companies receiving 8(a) contracts 1968–1971, 10 firms have received $31,000,000.—nearly 29% of the total contract funds—and a single company has been awarded $9,500,000, almost 9%!

Similarly, the general economic slowdown of the past 2 years has caused banks and other financial institutions to restrict their lending to ever fewer and "safer" products and management, particularly in the high-technology field. In such times SBA should be providing loan guaranty funds to fill this gap, as it has in the past. Instead, it has favored minority companies to the virtual exclusion of others. Because of this approach, small businesses in general will continue to encounter difficulty in obtaining secondary financing, despite help from Congress via P.L. 92–213, empowering SBA to guarantee the loans and debentures of all SBICs.

SBA's lack of personnel and narrowly focused emphasis means that the agency is doing little more than servicing its borrowers and its programs geared to minority businesses. Both of these activities primarily help new businesses in their early, formative stages. Older small businesses have different needs and problems as they reach higher levels of maturity. Such companies, having emerged as competitive factors in the marketplace, should also be assisted by SBA. But as its Procurement and Management Assistance program dwindles, SBA is becoming unable to provide the badly needed expertise. So, ironically, the minority enterprises will eventually suffer along with everyone else.

Unless remedial action is taken promptly, we foresee that the Government's assistance to small business will be more imagined than real, and that there will be a continuing decline in small business opportunities to do business with the Government.

SBANE's Rx

SBANE strongly recommends the following corrective measures:

1. The SBA's 8(a) program should become a separate department within the SBA with proper manpower of its own.
2. Guidelines should be established by Congress to define the amount of set-aside and loan guaranty funds which SBA can divert to 8(a) subcontractors.
3. The SBA's procurement experts should be re-allocated to its overall procurement program where they were originally assigned and where they have the training and experience to provide invaluable assistance.
4. The small business specialists currently serving the Department of Defense should be transferred to the Small Business Administration (see SBANE's proposal on Procurement).
5. Congress should take a serious look at SBA's requests for increased funds and manpower.

IV—SBANE 1972 PROPOSAL FOR RESEARCH & DEVELOPMENT

Sbane endorses, with certain reservations, three proposals made in the President's Message on Science and Technology. These include:

(1) The new Experimental R&D Technology Incentives Program.

(2) A revitalization of the role of the Small Business Investment Corporation, and a lengthening of the time for certain small business tax incentives.

(3) Realistic attitudes on patent rights.

President's message on science and technology

The New England economy has been dependent upon its small, high technology companies for much of its growth and prosperity since World War II. During the past few years defense and aerospace cutbacks have severely affected this segment of our economy and resulted in widespread professional unemployment. Alternative opportunities to redirect our technological resources have been grossly insufficient. Finally, in the 1973 Federal Budget and the President's recent Message to Congress on Science and Technology, we see some indication of positive steps that could benefit our floundering high technology businesses.

Over the past three decades government-sponsored research in military and aerospace have produced the most sophisticated defense capablity in the world and have allowed us to be the first nation to send men to the moon. However, the Government has assumed that research and development directed toward domestic needs would take care of itself in a free enterprise economy. We are now finally becoming aware that the normal economic incentives are frequently insufficient to encourage industry to increase productivity and to meet societal needs.

NSF–NBS experimental incentives programs

The 1973 Federal Budget contains $40 million for a new program to provide incentives for non-Federal investment in research and development. The program is to be administered jointly by the National Science Foundation and the National Bureau of Standards, with the lion's share of the money going to the National Science Foundation. The NBS part is called the Experimental Technology Incentives Program and NSF calls it the Experimental R&D Incentives Program. The objective of this program is "to experiment with incentives for increasing non-federal investments in R&D and for increasing the efficiency and speed of conversion of R&D to new or improved products, processes, and services which contribute to improvements in the quality of life, employment opportunities, economic growth, productivity, and foreign trade." We heartily support these objectives and most of the suggested mechanisms for achieving them.

However, this program represents the only budgetary outgrowth of a major effort conducted last fall and winter by the White House staff to redirect our technological capabilities to address civilian needs. The public had been led to expect funding in the billions for civilian-oriented new technological initiatives, but only $40 million appears in the budget. Not only were many other sound programs dropped from consideration, but also the $40 million to provide new incentives to industry is grossly inadequate for the scope of this program. The $40 million budget for this program looks even more insignificant when one recognizes that

(1) most of the funding is through the National Science Foundation which both traditionally and by program design will be contracting principally with universities, and

(2) the budgetary figure is a proposed allocation, not an expenditure.

Thus, assuming an average three-year contract, the total expenditures, including both administration and contracting with industry at the National Bureau of Standards, will be less than $5 million in the fiscal year 1973. That seems like a lot of hoopla for such small funding. We suspect that the public relations cost of this program to the taxpayer exceeds the funding available to industry.

It is small wonder that the program is directed toward finding incentives for non-Federal funding of R&D; the proposed Federal contribution for fiscal 1973 is clearly inadequate. An explanation for NBS's emphasis on non-Federal funding is that "industry's willingness to invest is the best assurance that the opportunity has realistic commercial applications." Most businessmen do not make investment decisions based on whether there are realistic commercial applications." Most businessmen do not make investment decisions based on whether there are realistic commercial applications, but rather on whether they can get a reasonable return on their investment. They consider factors such as risk, lack of a proprietary position, capital requirements, and difficulties in penetrating the market. We believe that the emphasis on non-Federal contributions may seriously restrict the utility of this program as a means for making American industry more productive.

Investment and tax incentives

In the President's Message to Congress on Science and Technology he also proposes investment and tax incentives that SBANE actively supports. Over a decade ago, legislation was passed permitting the Small Business Administration to loan money to Small Business Investment Corporations (SBIC). However, the upper limit of $10 million of outstanding loans was soon reached, and the limit was not subsequently increased, thus reducing the effectiveness of this Act. The President has now recommended that the upper limit be increased to $20 million and that the ratio of this Government support to an SBIC's equity be increased in order to encourage investment in high technology and processes. We feel that this is a sound approach to encouraging new ventures, but that $10 million additional funding can only be considered an interim amount. We also support the following proposals:

(1) Extension of eligibility to exercise qualified stock options from five years to eight or ten years.

(2) Reduction of the holding period of non-registered stock from three years to one year, and

(3) Extension of tax-loss carry-forwards from five years to ten years.

We hope the legislative process can move fast enough to see these proposals become law before the end of 1972.

Liberalized patents policy

In his recent message to Congress the President also indicated that the Government patent policy toward private use of Government-owned patents is being liberalized, so that exclusive licenses will sometimes be granted to private firms. This is certainly a step in the right direction; we only hope that the intent will not be thwarted by bureaucratic conservatism. In general, the small business man is extremely reluctant to be the first to develop and exploit new technologies unless he has a protected proprietary position. If he does not have patent protection or proprietary "know-how", he recognizes that, if the market proves to be good, the giant company with tremendous marketing and manufacturing resources will jump in and easily undercut his business. We feel that not only with Government-owned patents, but also with all Government-industrial contracting, the Government should decide on patent rights based on what will best allow the effective exploitation of the invention rather than what will best preserve the Government's rights.

In summary, sound and creative new programs to stimulate R&D in private enterprise are before the Congress this year. However, the funding levels requested are unrealistically low, and certain parts of these programs should be changed or reoriented. We now urge both the Congress and the Administration to convert their words into meaningful action.

V—SBANE 1972 PROPOSAL FOR TAXATION

SBANE calls for favorable action on the Bible-Evins Tax Bill (S. 1615 and H.R. 7692), especially its provisions for additional first-year depreciation, for equalized treatment of fringe benefits, and for operating loss carryovers for electing small business corporations. It urges enactment of the Interstate Taxation Act as a first step toward tax simplification, via a uniform method of state taxation. We also support S. 544 in part, insofar as it would extend the availability of deductions for net operating losses to 10 years. SBANE recommends creation of the post of small business analyst in the Treasury Department to ensure that the small businessman's viewpoint will be considered. We also propose that small corporations be offered a special status to help them avoid double taxation.

Bible-Evins bill

Senate Bill 1615, introduced by Senator Alan Bible, is a comprehensive plan for tax reform and simplification. It encompasses a total package of meaningful change which will give significant tax incentives to small business without creating serious adverse revenue effects.

In the past we have recommended the passage of a number of Senator Bible's proposals. We are gratified that some of the more important proposals, such as the restoration of the investment credit and adoption of the ADR depreciation system, have been implemented.

Increased additional first-year depreciation

One of the most pressing problems facing smaller business is the ability to generate the necessary capital funds for expansion. For this reason SBANE supports the proposal to increase the amount of additional first-year depreciation from $10,000 to $20,000.

Equalized fringe benefit treatment

Recent taxation legislation has resulted in a major disparity between the fringe benefits afforded the employees of unincorporated businesses and electing small business corporations vis-a-vis the employees of large corporations. A ceiling of $2,500 has been placed on the amount that can be taken. Senate Bill 1615 proposes equalized treatment of fringe benefits and SBANE urges its enactment.

SBANE's sliding scale surtax exemption

SBANE does not favor Senator Bible's proposal for adjusting normal corporate tax rates so as to shift a larger portion of the burden to large companies. Instead, we again call for the enactment of our proposed sliding scale surtax exemption. Under the SBANE plan, there would be a basic $50,000 exemption from the present surtax for corporations with earnings of $50,000 or less. This exemption would gradually be reduced to the current level of $25,000. for companies having taxable incomes in excess of $100,000. SBANE's plan offers the advantage of providing meaningful tax reductions for smaller businesses without significantly increasing the tax of larger corporations.

The Bible-Evins bill also contains a number of proposals that only conform the tax treatment of similar items between corporations, electing small business corporations, and partnerships. Of these, the most significant and worthy of support allows for the carryover of unused operating losses of electing small business corporations. This proposal has considerable merit. In the past, shareholders of these corporations have not been allowed to utilize operating losses in excess of basis. In subsequent periods when the shareholder had positive basis, the unused losses were not available for deduction. This is contrary to the rules which apply to partnerships, where a current deduction is allowed for any unused operating loss not claimed in prior years due to insufficient basis.

Interstate Taxation Act

SBANE strongly supports enactment of the Interstate Taxation Act, designed to provide a uniform method of state taxation as a first step toward tax simplification. This legislation would have a decided, positive effect in encouraging interstate commerce, in that it would remove the single largest roadblock facing small businesses wishing to engage in such commerce. As things stand now, small businesses encounter a virtual jungle of uncertainty in determining if they are indeed subject to state tax, and if so, in computing the tax. A single example illustrates the almost incredible nature of the problem: due to varying methods for determining taxable property, it is not uncommon for the aggregate of the allocation factors for all the states in which a corporation does business to total more than 100%; accordingly, many corporations actually pay state taxes on more than their entire income or capital! The Interstate Taxation Act would help put a stop to situations such as this. In prior years this bill has passed the House, only to die in committee in the Senate. Our Association feels that it deserves to be reported out of committee and enacted into law.

The paperwork flood

A related problem is the proliferation of federally required tax forms. We are all literally buried in piles of paper. Each attempt at simplification of paper flow seems to result in the addition of a simple new form to cure the ills. This form, although intended to help, is usually added to the already existing forms and actually increases paper work! In time the simplified form becomes more and more complex until someone comes along with a further simplification idea and the cycle resumes. Senator McIntyre of New Hampshire has been holding hearings on this serious burden. SBANE has participated in those hearings because we have seen new businesses drowning in a flood of paper requirements that severely interferes with the drive toward becoming a healthy small business. We hope that members of Congress will recognize that the best approach to resolving this mounting problem is to examine the necessity, rather than the mere utility, of every Government form.

10 year loss carryover

The Administration's small business tax relief bill (S. 544) strikes us as being "too little, too late." However, we re-emphasize our strong support for its proposal to extend from 5 to 10 years the period during which a net operating loss can be carried forward by individuals and by small business corporations. The present 5-year limit is exceedingly unfair to certain small companies. As an example, we cite the plight of small technical products firms, formed in the mid 1960s. Typically, such enterprises experienced several years of losses while becoming established. Then they encountered the economic downturn of 1970–1971, which particularly affected sales of capital equipment. As conditions began to improve in late 1971 and early 1972, these companies began to realize profits, only to find that they no longer have a loss carryover deduction from their start-up years. Congress should recognize their plight and extend this needed relief.

Small business tax analyst

Although many believe that America's economy is dominated by large national and multi-national industrial companies, the fact is that without the small businessman our economy would not provide the average American with the life style we all so eagerly strive for. We are all well aware of the ability of big business to make its position known to government. By contrast, it is extremely difficult for the small businessman to have his thoughts and desires heard. We believe that the small businessman can be given an effective voice in the councils of government by establishing the position of Small Business Tax Analyst in the Treasury Department. The main function of such an official would be to review tax legislation and problems from the viewpoint of small business, and to articulate that point of view in the day-to-day workings of the Treasury. We emphatically endorse this feature of the Bible-Evins bill.

Double taxation

SBANE proposes the adoption of legislation which would enable a small business to elect to be treated as a regulated small business corporation, which would be defined as any domestic corporation (other than a personal holding company) whose stock was owned at least 90% by individuals, with net assets of $1,000,000. or less determined as of the end of the prior year. An electing regulated small business corporation would be exempt from taxation of its income so long as at least 90% of its taxable income was distributed to its shareholders during the current year or before the filing date of its Federal income tax return. The taxable income of a regulated small business corporation would be computed in the normal manner except for the elimination of the dividends received deduction for nonaffilated corporations.

SBANE urges the adoption of this legislation to negate the stifling effects of double taxation on small businesses. This classification of corporations would further the congressional intent demonstrated in the enactment of the Subchapter Selection. There are many small business corporations which do not qualify for Subchapter S status or whose stockholders do not need or cannot avail themselves of the loss deductions because of their small original investment in the corporation. By electing to be treated as a regulated small business corporation, the stockholders would be taxed on the taxable income of the corporation after deduction of net operating loss carryovers. Since this proposal reduces the present incentive to maximize corporate compensation and other related deductions, we believe it would provide the further advantage of reducing controversies with the Internal Revenue Service.

The disc program

We cannot leave the subject of taxation without expressing our appreciation to Congress for its wisdom in enacting the export tax deferral program. By means of Domestic International Sales Corporations, many small companies can now gain entry to foreign markets that would otherwise have remained closed to them.

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H.R. 15045

A bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any determination of a dispute concerning a question of fact arising under a contract between a contractor and any department or agency of the Federal Government involving an amount not exceeding $50,000 shall be made by the contracting officer or procuring agent of that department or agency who is responsible for that contract prior to the conclusion of the 60 day period beginning on the date of notification by the contractor of the dispute, unless such period is extended at the request of the contractor.

SEC. 2. The head of any department or agency of the Federal Government shall establish regional small contract claims divisions of the Board of Contract Appeals of that department or agency for the consideration of a final decision of a contracting officer or procuring agent under the first section of this Act.

SEC. 3. (a) Any small contract claims division established under section 2 of this Act shall be subject to the following rules of procedure:

(1) Parties in any dispute before a small contract claims division shall be represented by their employees who are involved in the administration or performance of the contract.

(2) The parties may not be required to file formal pleadings.

(3) No procedure for the discovery or production of evidence other than a hearing shall be utilized by any small contract claims division.

(4) All hearings and other proceedings of any small contract claims division shall be informal and not subject to technical rules of evidence.

(5) A small contract claims division must decide each dispute not later than 30 days following the conclusion of hearings with respect to any dispute.

(b) The head of each department and agency of the Federal Government is authorized to prescribe such rules and regulations relating to the establishment, operation, and procedures of small contract claims divisions as may be necessary or appropriate to assure the prompt and informal resolution of small contract claims disputes.

THE RECLAMATION LANDS AUTHORITY ACT

HON. FRED R. HARRIS

OF OKLAHOMA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 17, 1972

Mr. HARRIS. Mr. President, last November, I, along with Senator BAYH, Senator CRANSTON, and Senator HART, introduced legislation known as "the Reclamation Lands Authority Act," S. 2863. Recently, in order to collect information concerning land monopoly in America, I held a public hearing in Los Angeles, Calif., on the subject of land and resource monopoly.

The testimony given at this hearing reveals a great deal about the scandalous situation our Government has allowed to develop in the area of land monopoly, particularly in the federally irrigated agricultural lands of California. It is an outrage that our Government has failed to vigorously enforce that very important piece of legislation: "The Federal Reclamation Act of 1902," which stipulates that landowners can receive federally subsidized water for farms of 160 acres or less, provided they live on, or very near their land. The 1902 law was strengthened by amendments in 1926 which provide that any federally irrigated holdings in excess of the 160-acre limitation had to be sold within 10 years at preirrigation prices. This legislation was enacted for the very purpose of preventing land monopoly in the hands of the wealthy few. The intent of Congress, as well as President Theodore Roosevelt who signed the 1902 act into law, was to protect the small farmer and encourage the use of federally irrigated land by as many people as possible.

Since that time, we have seen an intolerable concentration of these federally irrigated lands at the great expense of the small farmers driven off the land;

the urban areas of America which have been forced to absorb the millions migrating there; and, the American taxpayer who has had to pay billions to alleviate the poor social conditions caused by the urban crush, as well as pay additional billions in subsidies.

Attempts to enforce the 1902 law through court suits initiated by the Johnson administration have been virtually ignored by the present administration. I am aware, Mr. President, of the recent decision by the Justice Department to appeal an adverse decision of the Government's case in the United States against the Tulare Lake Canal Co. suit. While I applaud this decision, it is a little like running only half of the race. The Justice Department declined to appeal an earlier case in the Imperial Valley of California when they lost a suit to enforce the 160-acre limitation. If there is any doubt in anyone's mind about the intentions and motivations of the administration in that matter, they need only to refer to a letter from Solicitor General Griswold where he stated that, "we should not win" the case. Additionally, the Justice Department has failed to file a suit against the landowner giants concerning the residency requirements of the 1902 Land Reclamation Act. They have, by neglect, left the job of enforcing this portion of the law to a private citizen in California, Mr. Ben Yellen, who filed a suit against the Government, specifically the Secretary of the Interior, to force the Government to enforce the residency portion of the law.

Mr. President, today I submit the testimony given at the public hearings in Los Angeles. I call the attention of my colleagues to this testimony and urge their inquiry into this situation. I believe they will recognize, as I and others have, that this situation is growing steadily worse—it is not getting better and it is not even remaining static.

Given the administration's failure to adequately protect the American small landowner and farmer with the laws they have, it is up to Congress to move quickly and forcefully to make this Government active in the interest of the people. Passage of "the Reclamation Lands Authority Act" will be a step in this direction. This legislation, as proposed, will require the Federal Government to purchase "excess" land at preproject market prices, and resell, or release, the land at post project market prices.

Before entering the testimony in the RECORD, I want to acknowledge the work of Mr. Andrew Schuman, formerly of my staff, who organized the hearing, along with the assistance of Mr. Dave Weiman of the National Coalition for Land Reform. Also I want to thank Mrs. Ruth Matthews and Mrs. Debbi Duffy of my staff who have spent long hours transcribing and preparing the testimony.

I ask unanimous consent that the transcript be printed in the Extensions of Remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered:

OPENING STATEMENT OF SENATOR FRED R. HARRIS, PUBLIC HEARING ON LAND AND RESOURCE MONOPOLY, LOS ANGELES, CALIF., MARCH, 9, 1972

I have come to California today to hold an open public hearing on the issues of land and resource monopoly. The hearing will be transcribed, published in the Congressional Record and presented to the relevant committees in the Congress. Since California is a Presidential primary state, we hope that these hearings may cause the issues involved to become issues in the Presidential campaign.

Here in the United States we are supposed to have a free enterprise system, an economy which provides opportunities for men and women to earn a decent living through hard work, and a political system which protects the interests of the public. Instead, we more and more have a system in which concentrated economic power has become concentrated political power, in which the rich receive both profits and subsidies, while working men and women pay the bills.

If the federal government would move aggressively against monopoly power, prices would fall by as much as 20 percent. With real market pressures, our economy would move toward full employment and price stability without the inordinate government controls we now have.

But the government does not move against monopolies because the government is, in a real sense, under the influence of monopolies. We have only to look at the recent decision by the Justice Department to drop its antitrust suit against ITT. Though this is the example now in the news, it is not an isolated example. It is a part of a consistent pattern.

There are, of course, many types of monopoly, but today in California I would like to focus on a special kind of monopoly.

Winston Churchill once said: "Land monopoly is not the only monopoly, but it is by far the greatest monopoly. It is a perpetual monopoly and it is the mother of all other forms of monopoly."

Nineteen large corporations now own about 35 percent of California's timberland, and 29 large corporations own about 21 percent of California's cropland. Forty-five giant corporations own more than 3.7 million acres of farmland. This means that a miniscule percentage of the people of California control nearly half the harvested cropland in the state. Actually, many of the corporations that were included in this survey are not even based in California. They are part of huge conglomerates that are headquartered in New York, Texas and other states.

These statewide figures, as shocking as they are, do not convey the full impact of land monopoly in particular local areas. In Kings County, for example, a single company—the J. G. Boswell Company—owns more than 20 percent of the land. In Kern County, three giant companies—Tenneco, Standard Oil of California, and the Tejon Ranch, which is controlled by the Los Angeles *Times*—own nearly half the land. Many of these companies receive millions of dollars in federal subsidies and tax breaks, while thousands of landless residents of these counties are unemployed and impoverished.

Closely associated with monopolization of land is monopolization of water. Because of the state's dry climate, most land in California has little value unless it is irrigated or receives water for residential and industrial use. The state and federal governments have spent billions of dollars building dams and canals to bring water to land that would otherwise be arid and worthless. Who gets the benefit of these water deliveries that the taxpayers so generously subsidize? Once again, it is primarily a handful of large corporations and wealthy individuals.

I believe it is time to bring an end to land and water monopoly, and to the invasion of agriculture by large absentee corporations. The corporate domination of rural America contributes to the exploitation of rural labor; to the denial of opportunity for young people and poor people to get a start in agriculture; to the overriding of our cities and the degredation of our evironment.

These problems are particularly acute in California, but I have seen them elsewhere—in Appalachia, where absentee-owned coal companies are destroying the landscape and siphoning wealth out of the area; in the South, where giant paper companies have made virtual peons out of black and white woodcutters, in the Midwest, where vertical integration of the poultry and livestock industries has reduced once proud and independent farmers to the statute of helpless cogs in a corporate hierarchy.

If we are to have a healthy democracy and a healthy economy, we must begin right now to redistribute income and redistribute power. We must break the corporate stranglehold over our economy and our political system. In rural areas, we must develop a land policy that considers people, not corporate profits, as its highest priority. We must assure that the land belongs to those who work and live on it, and that landholdings are of reasonable size. We must make small-scale farming economically viable so that we can stop the tragic outmigration from rural America to our already overcrowded cities.

There is a related issue of monopoly that I would like to consider today, and that is the monopolization of vital natural resources in addition to land and water.

California has been blessed with an abundance of resources of all sorts: vast stretches of timber, enormous deposits of oil, a great number of hydroelectric power sites, and the most potentially productive sources of geothermal power in the country.

These natural resources were not created by the efforts of any one man or group of men; they were here even before man arrived in California. Like the land itself, these natural resources should be used for the benefit of all the people, not just a privileged few.

I am concerned that there are too many layers of private profit between the people of California and the natural resources that properly belong to them. The oil companies, the El Paso Natural Gas Company, and private utilities such as Pacific Gas and Electric, have used their economic and political power to gain control of the people's resources and to overcharge the public for use of its own resources. We will hear testimony today describing how this is done, and how this problem might be remedied.

Let me conclude by noting that this is an election year. It is also a year in which the California primary will play a major role in determining who will be the Democratic nominee for President.

I think that each of the candidates who puts his name before the people of California should give frank and unequivocal answers to the following questions:

What can be done to redistribute income and power in this country?

What can be done to break up the concentrated ownership of land in California?

What can be done to enforce the federal law which says that no water shall be delivered to an absentee landowner or to properties in excess of 160 acres?

What can be done to control the profits of giant resource companies such as El Paso Natural Gas, PG & E, and the major oil companies?

These are vital issues, fundamental to real change in America. They are a part of the New Populism which can turn this country around.

Statement of Peter Barnes, National Coalition for Land Reform, San Francisco, Calif.

I would like to direct my testimony today to the problem of land monopoly in California. I would like to proceed both in a critical way—describing and analyzing the problem—and in a constructive way—suggesting steps that can be taken to distribute the land more equitably.

It might be beneficial to begin by looking briefly at the history of land ownership patterns in California.

California has never been a state in which land has been equitably distributed. In this respect it differs sharply from the Midwest and New England states, and resembles in many ways the Southern states.

Concentration of land ownership began even before California became part of the United States. The Spanish and then the Mexican governments granted vast acreages of California land to a few hundred favored individuals. After California joined the Union, most of the Mexican land grants soon fell prey to wily speculators and defrauders, who either bought out the heirs of the grantees or forged phony title papers and bluffed their way through the courts. Several of the original Spanish land grants are embodied in giant holdings today—for example, the Irvine Ranch (88,000 acres in Orange County), and the Tejon Ranch (about 300,000 acres northeast of Los Angeles).

Vast landed empires continued to be built in California throughout the Nineteenth Century. For some reason American history books are filled with tales about the robber barons of finance and industry—the Rockefellers, Morgans, Carnegies and Harrimans—but almost always neglect to mention the great cattle barons of the West.

One of the most notorious of the latter breed was Henry Miller, a German immigrant who arrived in San Francisco with six dollars in his pocket and amassed an empire of 14 million acres—about three times the size of Belgium—before he died. It was said of Henry Miller that he could ride by horseback from Oregon down to Arizona and sleep every night on his own land. His empire disintegrated after his death, but Miller and Lux, Inc. is still one of California's largest landowners, with at least 93,000 acres.

On a par with Henry Miller in deviousness and ambition was the team of James Haggin and Lloyd Tevis, a pair of San Francisco tycoons who, among other things, had interests in the Southern Pacific Railroad and Senator George Hearst's mining ventures. Their empire building was capped in 1877 by a masterfully engineered land-grab that must rank among the classics of the genre.

Under the impetus of California's Senator Sargent, who was acting on behalf of Haggin and Tevis, Congress in 1877 hurriedly approved a land giveaway known as the Desert Land Act. President Grant signed it in the last week of his administration. Under the law, lands which were allegedly worthless deserts were to be sold at $1.25 an acre, in 640 acre sections to any individual who would promise to provide irrigation.

Haggin and Tevis had their eyes on a big chunk of land near the Kern River that was hardly worthless desert, but which qualified under the terms of the act. They also had cronies in the federal Land Office. President Grant's signature on the Desert Land Act was barely dry when Haggin and Tevis arranged to have the San Francisco Land Office open its doors on Saturday, March 31, 1877, exclusively so that they could purchase hundreds of thousands of acres in Kern County by hiring vagabonds to enter phony claims for 640 acres each.

Haggin and Tevis were able to acquire title to approximately 150 square miles of Central Valley land before anyone else in California had even heard of the Desert Land Act. In the process they dislodged settlers who had not yet perfected their titles under old laws and who were caught unawares by the new one. The San Francisco *Chronicle*, which in those days was a fairly populist newspaper, called the whole maneuver an "atrocious villainy" and demanded return of the stolen lands. A federal investigation followed, but Haggin and Tevis emerged triumphant.

This monumental land grab nearly a century ago would be of little interest today were it not for the fact that Haggin and Tevis' vast empire is still with us in slightly different garb. In 1890 Haggin and Tevis incorporated their holdings under the name of the Kern County Land Company. In 1936 their heirs were fortunate enough to discover an enormous supply of oil beneath their land, so that a share of Kern County Land Company stock worth $33 in 1933 was worth $2,680 (after splits) in 1965, and had paid $1,883 in dividends. In 1967, Kern County Land Company was bought by Tenneco, a Houston-based conglomerate that is one of the main threats to small farmers in the San Joaquin valley today.

At about the same time that Haggin and Tevis were building their empire, the Southern Pacific Railroad was establishing its stranglehold over the state's economy and politics. The railroad's lobbyists were successful in persuading Congress not only to directly subsidize construction of its tracks, but to grant it, in addition, alternate sections (square miles) of land on both sides of its lines for a width of 20 miles in each direction. In this manner the Southern Pacific and its subsidiaries received from the federal government a total of 11,588,000 acres, about one-fifth of all the land that is now in private ownership in California. Over the course of the years the Southern Pacific has sold much of that land, but it still owns, according to the Nader report, at least 2.4 million acres, which is slightly more than three times the size of the state of Rhode Island. A large portion of this land is located along the west side of the San Joaquin Valley, where it has recently benefitted from the construction of a new interstate highway (Route 5), and deliveries of subsidized water from both the federal and state governments.

To sum up the historical background: California never was a state where the Jeffersonian vision had much meaning. It began as a state of large landholdings, developed as a state of large landholdings, and remains a state of large landholdings. This pattern of concentrated land ownership has contributed to the great disparities of income that persist in California, and to a long history of racial exploitation; first native Americans, then Chinese, Japanese, Filipinos, Asian Indians and Mexicans have toiled as virtual serfs to the big landowning masters.

Californians did not always passively accept this heritage of land monopoly. In the Nineteenth Century it was fought by the San Francisco *Chronicle*, the McClatchy newspapers, Henry George and the Grangers. In the Twentieth Century such men as Upton Sinclair, Carey McWilliams and Paul Taylor have led the fight. At one point Congress was persuaded to enact a law specifically designed to break up land monopoly in the West—the Reclamation Act of 1902. But this law has never been effectively enforced—federal water continues to be delivered to landholdings of vast size—and the concentration of land ownership in California has, if anything, increased in recent years.

What are the social consequences of land monopoly? Racial exploitation and extreme rural poverty are, as I have mentioned, two very important ones. Professor Walter Goldschmidt, who conducted the famous Arvin-Dinuba study in 1946, will describe some of the consequences to rural communities. Another consequence has been the inability of large numbers of willing workers to find gainful employment in rural areas, with a consequent outmigration to cities that are already overcrowded. A further consequence, as the recent Nader report pointed out, has been the domination of the political process by large landed interests. This has not only contributed to the environmental deterioration of California, but to the frequent use of government money and power to further enrich the already rich and powerful.

Perhaps the best way to understand some of the consequences of land monopoly is to look at a specific example. Let me briefly describe the situation in the Imperial Valley, an area that is far from the worst in California in terms of concentrated land ownership.

The Imperial Valley lies just north of the Mexican border and covers an area about the size of Rhode Island. It is one of the richest agricultural areas in the world, producing $250 million annually of cotton, sugar, beets, lettuce, alfalfa and other crops.

The Imperial Valley would be a wasteland, instead of a grower's paradise, were it not for water brought in from the Colorado River. Originally, efforts were made by private landowners to irrigate the Imperial Valley, but these efforts were not very successful. At one point a levee broke and the entire valley was flooded—what is now the Salton Sea is a result of that 1906 mishap. Even when the canals were working properly there were several problems: first, the major canal passed through Mexican territory, and thus was not secure from political cut-off; and second, without a dam on the Colorado, there could not be a steady flow of water year-round.

In 1926 the Imperial Valley landowners persuaded the federal government to help them out. Congress passed the Boulder Canyon Act, which authorized construction of Hoover Dam and the All-American Canal. The difficulty, from the standpoint of the Imperial Valley landowners, was that the Boulder Canyon project fell within the terms of the 1902 Reclamation Act. This meant that no water could be delivered to any single landowner owning more than 160 acres, or to any landowner who did not live on or near his land.

At this point the political muscle of the Imperial Valley landowners came into play. Ray Lyman Wilbur, Herbert Hoover's Secretary of the Interior, was persuaded to sign a letter in 1933—just days before the Roosevelt Administration took over—expressing his opinion that the Imperial Valley was exempt from the 160-acre limitation. Wilbur was persuaded to make this last-minute ruling by an aide who shortly thereafter became a paid consultant to Imperial Valley growers.

As a result of Wilbur's letter and the subsequent non-enforcement of the 1902 Reclamation Act, more than half the irrigated acreage in the Imperial Valley is today held by owners of more than 160 acres, and two-thirds of it by absentees.

These privileged landowners receive a multitude of unearned subsidies. First is the water subsidy. Hoover Dam, completed in 1935, cost $175 million; the All-American Canal cost $30 million. Most of this mammoth investment is repaid from the general treasury and by hydroelectric power consumers in Los Angeles and other southern California cities.

Second is the labor subsidy. Between 1952 and 1964, millions of braceros toiled in the Imperial Valley at wages lower than any others paid in America. Today thousands of Mexicans stream across the border each morning with permit cards, and many others enter the valley illegally. Their presence impedes the effort to unionize farmworkers and keeps field wages down to unconscionable levels.

Then there's the agricultural subsidy. The same federal government that spends millions to make the Imperial Valley fertile also pays millions to landowners not to grow crops. According to a recent article in the Los Angeles Times, 500 large growers in the Imperial Valley receive some $12 million annually in farm subsidies, while 10,000 landless residents of the valley must eke out an existence on welfare payments totalling less than $8 million.

By far the largest windfall is in the form of land appreciation. Irrigated land in the Imperial Valley is worth, conservatively, $700 an acre more than the same land would be without water. A landowner with 2,000 acres thus gets a $1.4 million windfall from the federal government. merely because his land is in the right place.

When Stewart Udall was Secretary of the Interior, an effort was begun to enforce the 160-acre limitation in the Imperial Valley. The big landowners fought Udall in the courts, and last January received a favorable ruling from U.S. District Judge Howard B. Turrentine in San Diego. The Nixon Administration could have and should have appealed the Turrentine decision all the way up to the Supreme Court if necessary; it is, after all, a "law and order" Administration. It was not urged not to appeal the decision by Governor Reagan, Senator Tunney and other friends of the Imperial Valley growers. Finally, it let the Turrentine decision stand.

About three months ago another U.S. District Judge, William D. Murray of Butte, Montana, made a contrary ruling to Turrentine's. He held, in a lawsuit brought by Dr. Ben Yellen and others, that the residency requirement of the 1902 Reclamation Act does in fact apply to the Imperial Valley. If Judge Murray's decision stands or is upheld, it could result in a redistribution of land in the Imperial Valley to small resident farmers and farmworkers. The Justice Department has not yet announced its position on this particular case, but I doubt very much that it will go against the big absentee landowners.

At this point I would like to introduce a memorandum with regard to this particular case submitted by Arthur Brunwasser, who is an attorney in San Francisco who is representing landless residents in the Imperial Valley. Mr. Brunwasser makes a very good analogy between this Imperial Valley case and the ITT case which is now making headlines. In both cases, we have a situation where the government initially attempted to enforce anti-monopoly laws against big economic interests. In one case, it was the Sherman Act they tried to enforce against the ITT, and in another case it was the Reclamation Act they tried to enforce in the Imperial Valley. In both of these cases the government lost the initial decision at the District Court level and should have appealed this to higher courts. In both cases, after the initial District Court decision great political pressure, and perhaps some inducements also, were brought to bear on the Nixon Administration not to appeal these lower court decisions, and in both instances the Nixon Administration did not appeal. The public interest was harmed and the big special interests were not broken up up as they should have been and the public domain was in effect given away.

Senator **Harris**. That memorandum will be made a part of our record at the end of your testimony.

Peter Barnes. Thus far I have talked a good deal about unearned wealth accumulated by land monopolists through political and economic power. The Senator is quite familiar, I am sure, with numerous other instances of powerful economic interests further enriching themselves through influence over government policies. I would like to conclude my testimony by emphasizing that there is another very vital issue at stake in this consideration of land monopoly, and that is the kind of society we are going to have in rural California and throughout rural America.

The alternatives are clear-cut. Are we to have a rural America that is little more than a colonial hunting ground for absentee corporations to exploit; a rural America that is characterized by enormous disparities between rich and poor; a rural America that is steadily losing sons to the ghettos and barrios of our cities? Or are we to have a rural society in which wealth and power and opportunity for self-improvement are equitably distributed, in which working men and women can earn a decent living, close to the land, without being exploited and without losing control over their own lives and livelihoods?

To me the choice is clear: it must be a rural society which is economically and politically democratic. Yet the policies of both the federal and our state government, I am sorry to say, are consciously or unconsciously operating to bring about just the opposite. Water subsidies, crop subsidies, labor policies, tax policies, research policies at land grant colleges, the failure to enforce anti-trust laws or the anti-monopoly provisions of the 1902 Reclamation Act—all of these are highly adverse to the building of a democratic rural society.

What can be done to achieve the kind of rural society I have been talking about? First, we must preserve what is best in rural society today. This means we must stop the corporate invasion of agriculture, and help existing family farmers to survive. Second, we must put an end to other forms of corporate exploitations—for example, the exploitation by paper companies of woodcutters in the South. Third, we must enable more people—particularly farmworkers, sharecroppers, woodcutters and miners—to earn a decent living from the land and its resources.

To accomplish all this it will be necessary to change a broad spectrum of government policies. Tax laws, price support programs and research policies should be changed to favor efficient family farm units and worker-owned cooperatives rather than large absentee corporations. Anti-trust laws and anti-monopoly laws must be enforced. And—let us be frank about it—land will have to be redistributed from those who own too much to those who don't own any, especially in California and the South. In other countries this is called "land reform," and the United States government has ardently promoted it.

Clearly, such changes will take a considerable period of time to bring about, but we must start right away. Two important pieces of legislation have already been introduced. One is the Family Farm Act, which has been sponsored in the Senate by Senators Nelson, Harris, Mondale, Hughes and others. The Family Farm Act would amend the Clayton Act so as to prohibit vertically integrated conglomerates from engaging in agriculture. Conglomerates presently engaged in agriculture would have to divest their agricultural operations over a five year period. Perhaps the act could be expanded to specify ways in which divestiture would take place, in order to insure that one big corporation doesn't simply sell to another, but that its agricultural operations are in fact broken up and sold to independent family farmers and farmworkers.

The second important piece of legislation is the Reclamation Lands Authority Act, sponsored in the Senate by Senators Harris, Cranston and others, and in the House by Congressmen Waldie, Dellums, Kastenmeier and others. This bill would authorize the federal government to purchase excess landholdings in federal reclamation areas, and re-sell them to resident family farmers and farmworkers.

In addition to these two measures, other important changes are needed. We need new tax laws that don't reward speculators, tax-loss farmers and giant conglomerates. We should eliminate the preferential treatment for capital gains, the oil depletion allowance and other major loopholes. On the state level, we should have a progressive state-wide property tax that falls most heavily on large landowners, and lightens the burden on owner-occupied homes and small farms.

We also need a Railroad Land Reversion Act, to reclaim for the people some of the lands that were given away for free to the railroads a hundred years ago. If railroad passenger service is going to be nationalized, and if, as I suspect, freight service will eventually be nationalized too, we should make absolutely certain that the railroad lands are nationalized as well, and put to better social use than the mere creation of profit for private corporations.

In addition to all these measures, I believe another major piece of legislation, as yet unwritten, ought to be pursued. This would be a Twentieth Century equivalent of the Homestead Act. The government can't give out free land any more, but it *can* purchase and re-sell lands in rural areas, just as it does in urban areas (where it's called "urban renewal"). This new homestead act would be of nationwide application: it would benefit the rural poor in Appalachia, in the South, in northern New England, as well as in California. It would enable those who work the land or harvest its resources to acquire, cooperatively or individually, ownership or leasehold rights to the land on which they work. It would enable farmworkers, sharecroppers, and other rural Americans to get started in agriculture. It would provide for re-sale of land to poor persons on credit terms that are not prohibitive. This might be done the way some colleges make loans for tuition: the student agrees to pay back a fixed percentage of his future earnings. If he gets rich, he pays back a lot; if not, he isn't overburdened with debt.

Of course there will be opposition to measures such as these. It will be claimed that they are impractical, or radical, or unnecessary. I would say that they are workable, urgently needed, and squarely in the American tradition.

America is, presumably, a country of free private enterprise. But we ought to stop and ask what free private enterprise means. Free enterprise, to me, does not merely imply the right to get big. It also implies the right to start. When the land and water of the nation's most populous state are increasingly controlled by a few giant landowners, when agribusiness conglomerates like Tenneco gain control of agriculture "from seedling to supermarket", the right to get a start in farming will be obliterated—as it almost is today.

Americans must decide whether they want the rich to get richer or the poor to have a chance. Agriculture is one of the few places where the poor *can* have a chance. If it is closed off, if the profits of the few are given precedence over the needs and desires of the many, the consequences can only be unpleasant.

Senator **Harris**. Thank you very much for an excellent statement, Peter. Why is it that there is a climate or feeling in America that bigness is necessary for efficiency in agriculture? What is your response to that?

Peter Barnes. Well, I think there have been studies made with regard to agriculture as to what is the most efficient size, and you don't need land holdings of 100,000 acres in order to be efficient. It has been shown that you can survive very well on relatively small acreages. It depends, of course, on the particular crop. But there are farmers that I personally know, for example in Fresno County, that are grape farmers with 150 acres who are doing very nicely. In Merced County, I am friends with a walnut grower who has only 40 acres, and he is doing very well. And in citrus, for example, you can do extremely well on quite small acreage. But I think this is a myth that has been propagated by some of the big agribusinesses, and also the U.S. Department of Agriculture contributes to the propagation of this myth that you have to be enormous in order to be efficient.

Senator Harris. In my home state lately some land, which has been used, I think, for a training school, became surplus, and a man who heads up the State Office of Economic Opportunity came up with the idea for people who were unemployed or on welfare, that this land might be offered to them on sort of a new Homestead Act basis if they would go in there and plant orchards, etc. They don't know what sort of response they would get, but they were just absolutely overwhelmed by people who wanted a chance to own their own land and farm it. That ties in exactly with our policy in the past of driving people like that off the land into the cities. I served on the Kerner Commission and we found that government policies had driven people off the land into the cities as late as the '50's and some even now. The government policy indicated that that kind of policy was probably good for those who moved, and the idea was to encourage people to do so. For example, I think Secretary Benson had a conscious policy of seeing that people like that moved into the cities, where the problems turned out to be a lot worse. I really like that idea of some kind of a new Homestead Act. Have you followed that up yet with any kind of specific detail on legislation? I would be very interested.

Peter Barnes. We're working on that. It's going to take a little while to draw it up, but as we do we'll keep in touch.

Senator Harris. That kind of decentralization of people, I think is highly important in regard to protection of the environment as well as a lot of other problems that come from concentration of land ownership.

Peter Barnes. I don't know if you ever saw, Senator, an article that appeared in the February 1970 issue of *National Geographic* which shows the ultimate meaning of all this concentration of land and development of corporate agribusiness in rural areas. It is a very interesting article which I will show you if I have an opportunity, and the one thing that's most dramatic in it is a picture which has been sketched by an artist guided by the U. S. Department of Agriculture of what rural America will look like in about the year 2000. And it shows these enormous 20-mile long fields that have been leveled by nuclear explosives, and these huge automated combines that are going down these fields, and jet powered helicopters overhead that are spraying insecticides and skyscrapers which are actually feedlots for cattle. And it's all controlled by computers and only one man runs this vast many hundred square mile farm—they call it a farm. What does this? If this actually comes about and at present, as things are going now, I think this will come about because this is what people like Secretary Butz want. This will be an ecological disaster for rural America. It will mean that all the people will be forced off the land into the cities and that only huge corporations with enormous amounts of capital will be able to produce our food. And they also wonder about the quality of our food that will be produced in such a way with chemicals and mass automation. I think you can see the case of the tomato, as we have already, which is an automated tomato. It doesn't taste nearly as good as the vine-ripened tomato.

Senator Harris. But it has been developed because it can be picked by machines and is hard, isn't that it?

Peter Barnes. That was the idea.

Senator Harris. You mentioned about the Colorado River and the Imperial Valley. I've been very interested in Indian Affairs, among other things, and I think more and more water rights are going to become really crucial kinds of rights for American Indians and for people generally here out in the West and Southwest. I think the day is surely coming when people are not going to stand for the kind of exploitation of public water rights, as for example the Colorado River. There's going to be more and more contention about who owns that water, and how much of it. I doubt that people are going to stand much longer for the kind of exploitation that is now taking place. The water, if it's just going to put more profits into the coffers of those big corporations and those big landowners in the Imperial Valley, I think that's going to come under increasing question and I hope it will. What about these two cases, the one involving Judge William Murray from Montana and the one in regard to the Reclamation Act of 1902, and the requirement against owning more than 160 acres if one receives water from publicly built irrigation systems? Is there any way the general public or anybody else can go forward with those cases if they're not appealed, or what can be done about that? Are we pretty much stymied by the Justice Department's decision to stand on the side of the large landowners?

Peter Barnes. Well, of course, it would be nice if the government itself were defending the interest of the people in these cases. Unfortunately, the Administration, I would say, has sold out the people. However, I'm not a lawyer but I understand there are some private citizens who are attempting to intervene in these cases and to pick up the ball where the Nixon Administration has let it drop. As I understand it, this intervention is now before the 9th Circuit here in California and is awaiting outcome. First on the question of standing, whether a private citizen does have standing to pick up a case which the government has dropped, and second, on the merits.

Senator Harris. One of the basic premises of the Alliance for Progress is that there should not be great concentration of land ownership in Latin America; and one of the things most progressives say is wrong with the situation in South Viet Nam is concentration of land ownership there. Just to emphasize the point you made, doesn't it seem strange to you that even a lot of progressives are willing to talk about land reform everywhere else except here in the United States?

Peter Barnes Well, it's always easier to go after the other guy than to start swallowing some of your own medicine. As you said, the Alliance for Progress in the Kennedy Administration—this is one of the big things that we are pushing. In fact—I don't have exact figures—but the AID has spent millions of dollars actually providing technical assistance, and even money to enable foreign governments to buy up land and redistribute it to peasants, and why we do that in foreign countries and fail to see the need to do similar things in this country is a very interesting subject.

Senator Harris. Do you think that there is a chance by occurrences like this and the activities of the National Coalition for Land Reform and other such efforts that we might be successful in the Democratic presidential primary here in getting land reform and the monopolization of water resources elevated to the level of an important presidential campaign issue?

Peter Barnes. I very much appreciate your opening statement, Senator, in which you asked the other presidential candidates to take clear-cut and unequivocal positions on these issues. To my knowledge they have yet to do so, and I think these issues are of supreme importance in the State of California and in other states, but particularly here. I would like to see all of the presidential candidates who come to the State for our primary take stands on this issue.

Senator Harris. I'm going to be holding additional hearings like this throughout the country with special emphasis on primary states. Some of the presidential candidates have indicated an interest in appearing before the hearings and actually testifying. I think that would be good and I hope that that would force others to have to react. I think it is important that we talk about inflation and jobs and health care and housing, among other things, but I believe unless we are going to talk about fundamental issues, such as maldistribution of income and power, and the concentration of economic and political power, we are not going to change these things and obviously land reform, water law reform—those are issues which are vital to the whole question of redistribution of income and power.

Well, I appreciate very much, Peter, what you have done in this field, and are doing, and I appreciate your excellent statement this morning.

Peter Barnes. If I may just add one thought which has occurred to me in relation to what you have just said, in the '60's we were very concerned with poverty and thought the way which we ought to go about reducing poverty was to focus attention on poor people, and their inadequacies—their lack of education, their maternalistic family structure which Moynihan was always talking about. And the war on poverty, so called, which was not really a war on poverty because it didn't get at all to the redistribution of income, was just designed to provide a little job training or early child education for poor people. Whether it was meritorius in its own right was completely beside the point. I think in the '70's, we have to turn the telescope around. Instead of looking at the poor people and wondering why they are poor, we should look in the other direction and look at the concentrations of economic wealth and wondering why people are so rich. Instead of a war on poverty, I think we should start having a war on wealth, and then we'll get somewhere.

Senator Harris. Let me ask you one more thing. Somebody asked me awhile ago when you are talking about land reform, are you talking about a form of socialism? Your statement indicates, as I answered, that what we are talking about is really trying to make the free enterprise system work a little better. Would you agree with that?

Peter Barnes. By socialism, I guess those critics would mean the Soviet system where you have these large state farms. That's hardly at all what we have in mind. We mean the . . .

Senator Harris. As a matter of fact, that is sort of what we have now in a way, isn't it? We've got large corporate socialism, where the corporation, backed up by the government with the public's money—either tax subsidy, farm subsidy, water subsidy, or labor law subsidy—is able to exploit land and people and to do it with the government's approval or acquiescence.

Peter Barnes. And we have all the bad effects of socialism and none of the good effects. What we're talking about is, as I have said, squarely an American tradition—a very Jeffersonian concept—of having the people own the land that they live and work on.

Senator Harris. Very good, thank you very much Peter.

(Document submitted by Peter Barnes follows:)

Memorandum Re United States Versus Imperial Irrigation District

Former Attorney General Mitchell and Attorney General Designate Kleindienst are accused of having accepted a $400,000 political contribution from International Telephone and Telegraph in return for the settlement of an anti-trust case. A similar incident occured last year when the government decided not to appeal a case it lost in the

United States District Court in San Diego, California. This latter case sought enforcement of the 160 acre limitation of the Reclamation Act in the Imperial Valley of California. The following questions come to mind:

1. Why didn't the government appeal a decision of a single federal judge in a case that was in the courts for four years and involved the important issue of land monopoly under the biggest reclamation project in the Western United States (and, according to the land owners in the Imperial Valley, the biggest reclamation project in the world)?

2. Did the large landowners of the Imperial Valley (Irvine Company, Purex, Tenneco, Kaiser Industries, Southern Pacific Land Company) offer political contributions to the Republican Party in return for abandoning the case at this level of the litigation?

3. Are there any other cases like this involving the expenditure of millions of dollars of taxpayers' money, where the government did not carry its case to the highest court in the land?

4. Does the government intend to appeal an adverse decision of a single federal judge in the U.S. District Court for the Eastern District of California in Fresno, California, where it was held that the 160 acre limitation did not apply to the Tulare Lake region under the Flood Control Act? *United States of America v. Tulare Lake Canal Company*, Civil No. 2483. (Decided: January 1972)

Facts on the Imperial Valley:

The Valley is located just north of the Mexican border. To the east is the State of Arizona and to the west is San Diego County. To the north is Riverside County, California (the location of Palm Springs).

The total value of crops harvested in 1969 in the Imperial Valley was $246,731,000.00. The entire irrigated acreage of 437,500 acres is irrigated with Colorado River water carried to the Valley in canals from Boulder Dam. Two hundred Thirty-Three Thousand of these irrigated acres are held in individual ownerships in excess of 160 acres. 91.5% of the land is cultivated and farmed in units exceeding 160 acres in size. It is estimated that 60–70% of the irrigated land is owned by absentee landowners—persons and corporations who do not live on their land.

The climate is warm year round, as in Palm Springs. There is high intensity farming (i.e., one crop is harvested after another on the same acreage) because the area is irrigated and thus the water supply is steady and dependable.

Facts of the Case: United States v. Imperial Irrigation District, 322 F. Supp. 11 (S.D. Cal. 1961):

The Reclamation Act states that water from reclamation projects is not to be provided to more than 160 acres of land belonging to a single owner, 43 U.S.C. § 431, 43 U.S.C. § 423e. As a condition of receiving Project water, a landowner must sign a recordable contract in which he promises to sell all lands in excess of 160 acres. 43 U.S.C. §423e.

The Boulder Canyon Project Act of December 21, 1928, 43 U.S.C. §§ 617 et seq, was enacted at the request of Imperial Valley interests in order to have a means of controlling the Colorado River. Prior to enactment of the B.C.P.A., the Valley used the Colorado River for irrigation purposes, but such use was not satisfactory because the River often flooded and harvests could not be planned and organized. The BCPA provided:

"This Act shall be deemed a supplement to the reclamation law, which said reclamation law shall govern the construction, operation and management of the works therein authorized, except as otherwise herein provided." § 14 of the BCPA, 42 U.S.C. § 617m.

Prior to the institution of the litigation in 1967, there were conflicting administrative rulings on the applicability of acreage limitation to the Imperial Valley. On February 24, 1933, Secretary of the Interior Ray Lyman Wilbur wrote a letter stating that acreage limitation did not apply. 71 I.D. 496, 529, Appendix E. On December 31, 1964, Solicitor of the Department of the Interior Frank J. Barry, rendered an opinion in which the Wilbur letter was rejected and Solicitor Barry concluded that acreage limitation did in fact apply in the Imperial Valley 71 I.D. 496.

On January 5, 1971, the District Court held that the BCPA "otherwise provided" and therefore the land limitation provisions of reclamation law did not apply.

The Boulder Canyon Project:

The cost of Boulder [or Hoover] Dam was $174,732,000.00. The only portion of the construction charges for the All American Canal system to carry the water to the Imperial Valley which were to be repaid by water users was $25,000,000.00. Payment was to be over a 40 year period, later extended to 50 years, interest free. In practice, the Imperial Irrigation District (established under State law) sells electrical power from a generator constructed on the government canal and uses the proceeds to repay the construction charges. The water users, in effect, pay nothing.

The Failure to Appeal:

As the time for the government to file its Notice of Appeal approached expiration, the following occurred:

1. The attorneys in the Justice Department who were familiar with the case were ordered not to talk to the press about the possible appeal.

2. The Interior Department said it would only make a recommendation: the final decision on whether to appeal was said to be with the Justice Department. *The Sacramento Bee*, February 25, 1971.

3. The Justice Department said it had "no comment" on the case. "We only make a recommendation. The final decision will be made in Interior". *The Sacramento Bee*, February 25, 1971.

4. Representative Victor V. Veysey, Republican who represents the Imperial Valley, "promised he will go to the White House to block an appeal." *The Sacramento Bee*, February 25, 1971. Veysey is an excess landowner in the Valley who was decertified from using Braceros under Public Law 78 because he permitted them to operate machinery contrary to the law.

5. An Imperial Valley newspaper reported in 1949 that Congressman Richard Nixon, then running for a seat in the United States Senate, had "declared he is against the 160 acre limitation." *The Brawley News*, October 31, 1949.

6. 123 landless persons in the Imperial Valley moved to intervene in order to appeal the final judgment entered against the government. At the hearing on the intervention motion on March 29, 1971, the Asst. U.S. Attorney stated to the court:

"I have been told that that decision [whether or not to appeal] has not yet been made . . . it would be improper to infer from, based on newspaper articles [*The Sacramento Bee*, February 25, 1971] or other kinds of speculation, that the government will not take an appeal."

7. Eleven days later, the time to appeal expired on April 9, 1971. The "speculation" proved to be correct.

8. Intervention was denied. An appeal was taken to the Court of Appeals for the 9th Circuit and that appeal is now pending [docket number 71–2124]. The applicants for intervention have also briefed the acreage limitation question as well as the intervention question. If they are unsuccessful, the judgment against the government will become final and will, of necessity, have an adverse effect on the enforcement of acreage limitation in other reclamation areas.

9. On March 26, 1971, Senator Clinton P. Anderson, Chairman, Subcommittee on Water and Power Resources, wrote to Attorney General Mitchell and Solicitor of the Department of the Interior Mitchell Melich urging them to appeal the case.

10. Asst. Attorney General Shiro Kashiwa of the Land & Natural Resources Division answered Senator Anderson and explained that the 1933 Wilbur letter was undisturbed until 1964 when Solicitor Barry wrote his opinion and "under these circumstances, it would be inappropriate for the Government further to pursue the matter by seeking appellate review of the District Court judgment." Solicitor General Griswold repeated this explanation and added that since Imperial Valley lands were already irrigated [by private means] before the BCPA, no new lands were brought under cultivation by the BCPA. (Griswold's letter of explanation was directed to a lady in Kansas and is reproduced in the Congressional Record, vol. 117, pt. 35, p. 46228.

11. The shortcomings of the reasoning advanced by Asst. Atty. Genl. Kashiwa and Solicitor General Griswold are:

a. Secretary Wilbur wrote his letter less than 10 days before the expiration of the Hoover Administration and the inauguration of President Roosevelt.

b. On May 31, 1945, Solicitor of the Dept. of the Interior Fowler Harper, commented on the Wilbur letter by stating:

"Furthermore, an examination of the files revealed that the letter of the Former Secretary [Wilbur] was written at the request of counsel of the Imperial [Irrigation] District who wanted a ruling on the applicability of the excess land provisions provided that such ruling would be that the 160 acre limitation did not apply. Purposely the letter of Secretary Wilbur never took the form of a formal decision. It was written solely for the purpose of giving partisan help to the Imperial Water District, as the delay of the final confirmation of the contract held up the construction of the All American Canal. Besides, the time of the Hoover Administration was near its close. In less than ten days after the date of Secretary Wilbur's letter (February 21, 1933), President Roosevelt was inaugurated." 71 I.D. 496, 533, 547–48 Appendix H.

c. The law does not distinguish between land reclaimed through a reclamation project and the supply of supplementary water to land already under cultivation. *Ivanhoe Irrigation District v. McCracken*, 357 U.S. 275, 290–291 (1958).

Reasons to Criticize the Actions of the Justice Department:

1. The acreage limitation provision is the cornerstone of the anti-monopoly policy of Congress when it enacted the Reclamation Act. The purpose of the Act was to encourage settlement by small family farmers and Congress sought to prevent a few large landowners from monopolizing the benefits of the Federal subsidy of water.

2. It is very unusual for the government not to appeal a case such as this and I can think of no other instances where this has occurred. In the recent case against the *New York Times* to prevent publication of the Pentagon Papers, the government lost before more than a dozen federal judges at both the District Court and Court of Appeals levels in two judicial circuits, the District of Columbia Circuit and the 2nd Circuit. These numerous defeats did not prevent the government from going all the way to the Supreme Court.

3. Before the case was tried, the trial judge who ultimately ruled against the government was quoted in the newspapers as stating that he wanted to get the case on its way to the Supreme Court. Apparently the government did not want the case to get that far.

4. I think it unlikely that any lawyer in the Justice Deartment who worked on the case approves of the decision not to appeal. This decision was obviously made for political considerations and the result is that the

government is giving away the public domain.

STATEMENT OF GEORGE BALLIS, SANTA FE, N. MEX.

Senator HARRIS. We will next hear from George Ballis of Santa Fe, New Mexico. George, would you state your interest in this subject, and then we would be glad to hear from you. I do appreciate all you have done to help in regard to the hearings and your long-time interest and activity in this field. George Ballis:

George BALLIS. My name is George Ballis. I really reside in Fresno. I just happen to be in Santa Fe for a few months on a job. I went to Fresno, California, when Eisenhower went to the White House in 1953 and I've been in Fresno more or less since that time. I went to Fresno to edit an AFL-CIO weekly newspaper called the Valley Labor-Citizen and in that position I became acquainted with a number of political labor leaders, land owners, etc., and I got to wondering—because at that time I'd just gotten out of college—I got to wondering why some people in the San Joaquin Valley were both Democrats and Republicans, when I'd read in all my civic books and been told by the professors that somehow the Democrats were supposed to hate the Republicans. And what happened is, I studied a lot of the things that Peter Barnes talked about and discovered that the large landowners there, the economic interest in California, control both parties, and that as far as the certain interests they are interested in, there are no political parties. I think two anecdotes really underlined that for me. When I first went to Fresno, there was a joke in town—a political joke about a man named Jack O'Neill who was in control of about 125,000 acres at that time. He is now deceased. The joke was that there were really three Jack O'Neills. There was a Republican Jack O'Neill, a Democratic Jack O'Neill, and the real Jack O'Neill, and as a matter of fact he had one of his vice presidents working in the Republican Party, and it didn't make any difference whether the Republicans were running Kuchel or Rafferty, this man was sitting at the head table and raising money. And he had another man who was active in the Democratic Party, and it didn't make any difference who the Democrats were running, as that man was raising money and sitting at the head table and participating on Finance Committees for the Democratic candidate. And then there was the real Jack O'Neill. As a matter of fact, Jack O'Neill even lent his own name to a political campaign, and it didn't make any difference whether he won or lost, he always won.

And 1958 is an example. In 1958 he got so hot and bothered about the idea that the State of California was on the verge of electing a liberal Democrat Governor, namely, Pat Brown, that he lent his name to William Knowland, a very conservative Republican, and he became the Northern California Chairman for William Knowland. I remember very distinctly in the Court House park in 1958 in Fresno when Mr. O'Neill got up and introduced Pat Brown—I mean he introduced William Knowland at a rally—and of course Pat Brown wiped out William Knowland and you would figure that according to the rules of the game the spoils belong to the victor, or whatever they say, that Jack O'Neill would be out. But as soon as Pat Brown took office, Jack O'Neill was reappointed to the local Fare Board, which was sort of just an honorary position, and then he and Pat Brown together flew back to Washington where they testified in favor of water legislation which would give Jack O'Neill's large holdings some of the things that Peter Barnes talked about, this heavily subsidized water. Now I think it's important if we're going to understand what's really happening in America—that these people get what they want out of the government, and sometimes they get it legally and sometimes they get it illegally, but they always get it. And it doesn't make any difference whether it's water resources or cheap labor, and I think that's been the history of our country since the beginning. It's been a constant warfare—and we're sort of on the losing side, those of us who are in favor of people rather than money—a constant warfare against exploitation of land and of people on the one side, and development of our human resources on the other. I think slavery is just, you know, an exaggerated example of our long standing—not policy—but of our long standing actions in this country.

Now, it's my basic contention that all these problems are interwoven and that there is no black problem, there's no Chicano problem, there's no public utility problem, there's a human problem and all those issues are interwoven. I think that was brought out where people say there are a lot of poor black people in Oakland, because they have been run off the land in the South and in the San Joaquin Valley in California, and they're run off the land because of the policies that our government follows, both legally and illegally in the water development and farm labor fields and almost any other field you can think of. And even when the general welfare has been specifically legislated, the administration of the law is turned upside down in a few years so that the exploiters gain control of the benefits of that particular legislation, or the legislation is totally emasculated. I'll just use a couple of examples.

The crop subsidy program, for example, was legislated during the days of Roosevelt, the second Roosevelt, with the idea that you were going to guarantee income to small farmers, keep them on the land and they wouldn't run off to the cities and create slums and unemployment in places where they wouldn't be able to get jobs and get a decent living. Now in a few years that subsidy program was turned upside down so that now, for the past thirty years, it is used as a tool by the large landowners to run small farmers out of business and to maintain a tighter and tighter control over the land. Now, I would like to cite one specific instance of that, and I'd like to talk about it based on a story of the Los Angeles *Times* of Wednesday. The Los Angeles *Times* of Wednesday on the Business page has a headline which says two sugar plantations lead in farm subsidies with $1 million payoffs. Now the story goes on and talks about how the sugar companies are getting all of these subsidies, and the implication of the article is that somehow these large landowners like J. G. Boswell are not getting the subsidies they used to. About the third paragraph it says there are no 1971 listings for the J. C. Boswell Company which led all farm recipients in subsidies in 1970 with $4.4 million. Now if you remember what happened in 1970 after the furor by the city congressmen, we were going to put a $55,000 limitation on crop subsidies. So what J. G. Boswell did with just one of its holdings in Kern County—I don't know what it did with all of the others—they somehow set up a partnership of 20 people. They hired a farm manager to manage the farm, these 20 partnerships, and then the farm manager turned around and hired J. G. Boswell to farm the land they had farmed the year before. (Laughter) Now there was a slight scandal in Kern County about crop subsidies a couple of months ago, and the scandal was based on the fact that somehow some out-of-state people who didn't know how California operated came in to check on the subsidies in Kern County. They made spot checks around the country. They went to Iowa, Georgia and Kern County. In Iowa, they found apparent violations of the crop subsidies regulations of about 1½ percent. In Georgia, they found violations of approximately 7 percent, and in Kern County they found violations of approximately 40 percent, and one of the violators was the director of the national crop subsidy program who owns a farm in Kern County and was appointed by President Nixon. Nixon just happens to be a Republican—you know this guy Frick could have been appointed by a Democrat just as well. What happened was that there were a lot of newspaper stories—especially in the *Fresno Bee*—but there were virtually no newspaper stories in the city newspapers and around the state or around the country. Now there was a great furor, and finally the Senate Agriculture Committee sent out two investigators to Kern County and they confirmed that there were wholesale violations. They found out that between the time the crop limitation law of $55,000 had been passed in 1970 to the time the law went into operation in 1971, 500 farms in Kern County alone had changed their corporate structure to evade the law. These investigators then issued a press release when they left Kern County saying the Committee is going to be back and we're going to get to the bottom of all this.

So what happened about two months later is that a Senate Committee spokesman announced that it wouldn't do any good to come to Kern County, so the Senate Committee is going to hold informal hearings in the South and in the Midwest where there are virtually no violations at all. Nixon's not protesting this, of course, neither of California's Democratic Senators are protesting this, none of California's Republican Congressmen are protesting this—because all of them to a man on these particular issues are owned by the economic interest which control this state.

Now some journalists a few years ago said that there never has been a great U.S. Senator from the State of California—Republican, Democrat or otherwise—simply because these interests have an ironclad control of the economics and politics of this state. I would like to turn out the lights, just for a second, to illustrate something graphically with a slide which Peter Barnes made earlier, and then I'll talk about a couple of other things. We can't turn the lights off; I guess we can't see them.

Senator HARRIS. No, I'm afraid not.

GEORGE BALLIS. If we find the light switch, I'll talk about it later.

Senator HARRIS. Some places, such as in the East, we could count on a brown-out now and then. Maybe if that happens, we can be ready to show these slides at a moment's notice.

GEORGE BALLIS. I would like to mention maybe three other things. I submitted for the record four documents. One is on the Imperial Valley, which goes into slightly more detail than Peter Barnes did. Another is on the power structure of the San Joaquin Valley—who controls the land, and how they got most of that. Another is on Del Monte Corporation, which indicates how the Del Monte Corporation is really the corporate structure in America and how they are interrelated to the Bank of America and the utilities and all that, which I think is important to understand if we're going to believe my argument that all our problems are, in fact, one problem. You will never be able to see this except with a configuration but I'll enter it for the record.

Senator HARRIS. O.K.

GEORGE BALLIS. What we have along the top of the chart are the names of the Board of Directors of the Del Monte Corporation. Underneath the names are other companies on which they hold directorships or have a financial interest of one sort or another. Below is the listing of these corporations and how they interlock with other corporations, including the Los Angeles *Times* and all the others. It's one corporation.

The other study is a reference manual on the film called "The Dispossessed," which is on the Pit River Indians in Shasta County. There is a chart in that book, and the chart just happens to have the large land owners in Shasta County listed across the top. If you look closely at the chart, the names at the top are different but the names underneath are not. The Indians have a problem in Shasta County in that their land was taken without treaty—without any agreement on their part—and the interests which control Shasta County are, for instance, the Pacific Gas and Electric Company which is the biggest business there. The Los Angeles *Times* has cut trees down there to make paper. So the Indian problem is here in the civic center of Los Angeles, although the specific location of the issue might be in Shasta County which is seven or eight hundred miles away.

What's happening, I think, another thing which hasn't been discussed specifically, is that what's happening in California and I think in parts of Texas and the South although I'm not sure about that, is that we're setting up a sort of system of land ownership comparable to what we had in the Middle Ages in Europe called "mort main." Now "mort main," the Latin scholars tell me, means "dead hand." The way that law was operated was that a man could not sell his land or anything, it just passed from generation to generation in one control. Now part of the revolution in Europe at that time was to break that land monopoly. Now that's slowly—not so slowly—taking over in California. One of the corporations which is doing that is Kaiser in partnership with Kaiser-Aetna, with the Aetna Insurance Company. It's called the Kaiser-Aetna Corporation. One of their operations is a Black Butte Farm up in Northern California, near Sacramento. Now what they do is to buy bare land. They plant walnut trees on it. Then they advertise through their own agents, themselves. I have some of those ads which I could submit for the record. They advertise in city newspapers for people who want a tax loss so they get doctors and businessmen who have made a killing in some other business and they want some red ink on their tax returns. So they sell them the title. They give them a piece of paper which says that the doctor, for instance, owns this land. But then the doctor leases it back to Kaiser-Aetna, and Kaiser-Aetna farms it. Well after five or six years when the walnut trees come into production, they start making money. So then they act as the agent to sell that property for the person who no longer wants a tax loss to somebody who wants to make some money on it. That person who then buys the property—the second buyer—also leases it back to Kaiser-Aetna. Now Kaiser-Aetna in that partnership formed in 1969, on this one operation alone, they are now up to nearly 4,000 acres. That's the dead end—that means that nobody else can get in on that operation. Kaiser has a number of other real estate promotions similar to that. One over in Riverside County, and one in Ventura County. They bought 18,000 acres above the San Luis Reservoir which is a part of the State Project, which they are going to hold until they can subdivide it and make a lot of money on it. Right now they are running cows on it. But that sort of operation if extended—I talked with a PR man of Kaiser-Aetna, and he says the reason they do that is that money is somewhat fluid. In other words, they don't tie up a whole lot of money in land, but at the same time they make more money than they would if they just held it in a bank where it wasn't fluid. They don't make quite as much money as if they held a long term investment but they want a short term investment like that with continuing control of the land so that they have—they make money—and also they have the fluid cash on hand for other ventures they want to go into. One of the problems, for instance in New Mexico, just to relate California to New Mexico, is that one of the big operators in New Mexico in gypsum and coal, etc. is Kaiser Industries. Now there's a big fracas going on in New Mexico about buying a big ranch to save it from exploitation, and people have discovered—the ecologists who proposed this thing did a little investigating and found out that it didn't make any difference whether the state bought the land or not because Kaiser already holds long-term leases to mine the coal. So they can't save the property.

What does it really mean, in dollars and cents, when somebody talks about the Kern County Land Company which owns in Kern County 400,000 acres of land? Now I can't conceive of 400,000 acres—what is it? Well it's a one-mile wide strip of land extending from San Francisco to Los Angeles, if you want to get a picture of it. But that still doesn't mean anything. And if all these guys control all that stuff, you know I figure they're worse off than I am. I don't want to live their lives anyway—let them control the land. The important issue is how does that affect people, and I would like to cite a couple of examples in the San Joaquin Valley.

On the west side of the San Joaquin Valley on that large map I was trying to show you, which is dominated by the large land holders, are several small communities, mainly farm workers because the owners reside in Fresno, San Francisco, Los Angeles or Houston. These people live quite a ways from Fresno and they wanted a hospital out there. Now the way the law is set up, the majority of the property owners have to agree to setting up a hospital district. So the voters are ready and a bunch of the folks from these communities went into the board of supervisors and said we want a hospital. So the supervisor set up a hearing and three of the large land owners appeared who controlled the majority of the property in that district, and they said, "We don't want a hospital." And there was no hospital built. There is no hospital built.

Now about 55 miles west of Fresno, there is what at one time was a model rural settlement. It was created in 1956 by an enterprising grocery store-gas station operator. He had a grocery store and a gas station at this place called Three Rocks, and there wasn't much else around. He decided he wanted some customers, and just about that time the large growers were converting from human cotton pickers to machine cotton pickers. For about 35 or 40 years they had those one-room shacks on their plantations, which is what they are for all practical purposes, although we don't call them that in California, and nobody said anything about these shacks because they wanted folks there every fall. Well, somehow when they didn't need the shacks any more, the Fresno County Health Department said these shacks had to be removed from the property because they weren't fit for human habitation. So the grocery store operator got about 40 or 50 of these shacks, hauled them over behind his grocery store and started renting them to the folks, and they had about 70 or 80 families in there. So the well went dry after about four months. The people started hauling water into the place—this was in 1956, while I was on this newspaper I mentioned earlier—and being an enterprising reporter, it only took me three years to find that place. So by 1959, I had gotten 55 miles out of Fresno and I was attracted by this place. Here were all of these run-down shacks with shiny garbage cans and I couldn't figure out why the Hell have these people got shiny garbage cans. They had shiny water cans because they hauled the water, not the garbage. So the old man has to go out and put his garbage can in the back of the car and go off to some irrigation ditch to get water. And I did the liberal Christian thing and I took some pictures, you know the leaves and the dust and the kids playing . . . and I print them in this newspaper, and lo and behold nothing happens. So I sent them off to a left wing friend of mine in Berkeley, and he sent them off to a left wing friend of his who works for the New York Times.

Presently the New York *Times* came by and they did the liberal Christian thing, only in a more dignified way than I'd done it. And nothing happened, except it turns out that there is some guy in Moscow, who edits a farm journal in Moscow, who reads the New York *Times*. And they picked up the story, and you know what they did. They did the dirty Communist thing. It turns out that nothing much happened after that either. You know, no world revolution or anything, except that one of the approximately hundred editorial employees at the Fresno *Bee* somehow got ahold of the Moscow farm journal, and the Fresno *Bee* discovered Three Rocks. The Fresno *Bee*, until after the Moscow farm journal had been printed, had never once printed a word about what the conditions were at Three Rocks. My excuse was that there was only one person out there. Well, the Fresno *Bee* went out there and pointed out—they did the liberal Christian thing—but also pointed out how the Communists were doing their dirty thing with it. Nothing happened, except that the *Chronicle* reads the *Bee* and the San Francisco *Chronicle* sent somebody down and they printed a story, and a couple of nonviolent people who belonged to the American Friends Service Committee read the *Chronicle* and they said there must be some way in this Christian democratic society to provide housing for poor farm workers. So they sent a man down there named Bart McAlester, who does a lot of whittling and soft talk, and he went around and organized the folks and made some proposals. He went to Russell Giffen, who farms approximately 130,000 acres, and Russell Giffen agreed to donate 20 acres so that the farm workers could somehow build housing on these 20 acres. Immediately after getting this promise, Bart McAlester went to Washington where he testified that farm workers should have a minimum wage and Russell Giffen withdrew the offer. And that's also the way it happens in a Christian democratic nation. So by that time we are up to about 1964, and the American Friends Service Committee sent a guy in there full time. In about three years after he had worked there, they started building houses. They started building houses in 1967. In about 8 months some of the houses were finished, but then the folks were not allowed to move in because the Bureau of Reclamation, the large land owner's water agency, complained that somehow the cesspools that the folks had were going to contaminate the irrigation water. So they couldn't move into the houses for several months while they got some more money to build some sort of a sewage system.

About 15 miles down the road from Three Rocks is the West Bridge Country Club. Now the West Bridge Country Club was organized in 1965, with approximately 200 people for $250 each to become charter members. To my knowledge none of the folks who lived in the shacks joined the country club. But within sixty days after that country club was organized, they had a $300,000 loan from the Farmers Home Administration of the U.S. Department of Agriculture to build a country club, and in less than two years the country club was finished. You can drive by and there are palm trees and grass and the whole works out there. Now the Farmers Home Administration is the same agency which is supposed to help poor farm workers build houses, and it took them 60 days to get a country club together and four years to get housing for farm workers.

Now it seems to me that all the pleadings of liberal Democrats or Christian Republicans ain't going to change that situation, because the situation in California is aggravated by the liberal Democrats and the conservative Republicans. On these issues of farm labor, water development and land monopoly in California, it doesn't make any difference whether Ronald Reagan is the Governor or Pat Brown is the Governor, and on the national level it doesn't make any difference whether Jack Kennedy is President or whether Nixon is President. The completion of the State Water Project—the final legal and illegal acts which brought that program to construction stage—were performed under the Administration of Jack Kennedy. The papers—the illegal legal opinions—were signed by Robert Kennedy. The state legislation was passed under Pat Brown when the Democrats held good majorities in both houses of the state legislature.

Now that brings me to my final point, which is that a radical friend of mine was asked in 1968, "Who are you going to vote for, Nixon or Humphrey?" He said, "It doesn't make any difference." And the guy said, "What do you mean?" He said, "Look at it this way, if you go down to the ocean and you watch a guy riding the surf, you don't say look at that guy pushing the ocean around. You say look at that guy ride that surfboard." And a politician is going to ride the waves, the waves of poverty. And the issue is not to put another politician on the surfboard, but to create a new wave. Somehow we have got to create a new power base, because the power bases that are established in this country own the government and all of the problems that we have in America, and all of the problems we have in South America or in Vietnam are related to that structure. That map of the San Joaquin Valley which I wanted to show you is the map of South America, is a map of Mexico, is a map of Mississippi, is a map of the South China Sea. Because those corporations which control the land in the San Joaquin Valley already have the South China Sea divided up on who's going to get the oil leases. All those old familiar names—Standard Oil, Tenneco, Shell, Texaco, and right down the line. Those are the issues—in Brazil, or wherever you want to name it, whether it's black, brown, red or white—those are the issues and they are not going to be changed by using the same old structure, unless we change that structure whether it's the Democratic Party or the Republican Party.

Senator HARRIS. George, thank you for a highly interesting and effective statement in helping us to see how concentration of economic power translates into political power that cuts across party lines. I think, as you have indicated, that the farm subsidy program is a scandal and an outrage. Mr. Frick, who is head of that program in the Federal Government now, ought to have to resign as a result of what's going on right there in Kern County, his home county for which he bears some particular and personal responsibility.

GEORGE BALLIS. He says he doesn't, because his part of the farm is in trust to the Bank of America. If any of you know what the Bank of America is, you know that it finances most of the agriculture in California and controls a lot of banks in Southeast Asia, and you know that's a joke.

Senator HARRIS. We tried to amend the Sugar Act this last summer to make the present limit of $55,000, which is too high—it ought to be $20,000—apply to the sugar growers as well as other kinds of farmers, and it is amazing what great reasons technocrats and others give you for keeping things the way they are. We ought to make that $55,000 limit $20,000, and it ought to be enforceable rather than filled with loopholes as it is presently. It is important to know how law and order is a lot better phrase when applied to poor people than it is when applied to those who presently benefit by evading tax and other laws. John Wayne, as I understand it, is one of those who gets quite a large farm subsidy. Did you know that?

GEORGE BALLIS. I don't know anything about that. I know he shoots straight, that's all I know. (Laughter)

Senator HARRIS. George, thank you very much.

(Documents submitted by George Ballis follow:)

A DISCUSSION MANUAL FOR THE DISPOSSESSED; A 16-MILLIMETER DOCUMENTARY FILM ON THE PIT RIVER INDIANS STRUGGLE TO REGAIN THEIR LANDS

THE DISPOSSESSED: COMPLETE SCRIPT OF FILM

Picture: *Italic.*

Sound: Roman.

Handcuffed Indians, Police Crossing Screen, Pit Indian Sign and Officer Pulling Indian.

Buffy Sainte Marie: Chant.

Grace Thorpe sitting on ground surrounded by cops.

Grace Thorpe: "Why aren't you in here asking PG&E to leave. They're the ones that are trespassing on the land, not the Indians."

Raymond Lego, close up.

Raymond Lego: "We have certain rights that have never been extinguished here by due process of law. The land is ours. The land was originally ours, and is still ours. Nothing has ever happened to change that."

PG&E Power Line, PG&E Private Road.

Buzzing powerline.

Cop with back to camera facing Lego.

Cop: "Mr. Lego, you're under arrest charged with Section 602L of the Penal Code which is occupying real property without permission of the owner."

Lego: "I submit to your authority under protest."

Lego holding card with name and number for mug shot.

St. Marie, singing and chanting: "Standing up to the sheriff and his guns . . . my heart is there with you . . ."

St. Marie at campfire.

St. Marie chanting.

Rain on water, rain on plants.

Rain falling.

Dew on leaf.

Birds chirping.

Meadow, close up.

Birds chirping.

Stream in meadow.

Birds chirping fades to stream noise.

Small waterfall pan to large waterfall.

Stream noise swells to waterfall roar.

Rainbow on Water.

Waterfall roar fades to silence.

Padlock on PG&E dam.

Roar of water coming out of dam.

PG&E warning sign on sudden rises in river.

Water roar.

Water spouting out of dam.

Water roar.

PG&E Pit River Powerhouse.

Water roar.

Whirlpool at base of PG&E dam.

Water roar.

Pan from Indian bed outside, around house to man washing and drinking from stream.

Water roar.

Pan from water dipper to PGE powerline.

Water roar dissolves to buzzing powerline with Charlie Edwardson's voice starting over the buzz "They are real. They are so real it . . ."

Charlie Edwardson, chart showing corporate relationships.

Edwardson: ". . . hurts. In our education has been very painful. We have been taught that there is democracy, you know. We have been taught of these things ever since I was a student. And as a student I kept—I was amazed of how fancy our Constitution is. And along with this amazement, I look around and see it was not the case. This is not the America that I was taught to be. And I kept wondering . . ."

Baby outside Indian house.

Edwardson: ". . . why. Why it is this way? Why must people face this type of a situation?"

PGE powerline insulator.

Power line buzz.

Lego medium shot, cuts of PG&E facilities including dried up Pit River.

Lego: "Pacific Gas and Electric Company went and they persuaded the government that they wanted the franchise and the concession by the government to build power sites along and up and down the Pit River. As I understand it, the PG&E at this time is one of the richest corporations in the state, possibly the whole nation. They have large holdings here, and they are making money; but the thing is, on our side of it, as Indian people, none of these things were ever—ah—or none of our people were ever approached to get our consent or agreement that any of our tribal assets should be taken by this corporation. And all up and down the river we had, originally, our salmon runs. Our people lived on the natural food provided by the rivers as well as the forests. And eventually because of the chain of powerhouses, the diversion of the river, and the drying up of the rivers in large parts, finally destroyed our fishing—our natural food of fish, and our people began to deteriorate."

Mickey Gimmell, Pit tribal chairman, close up, cuts of Kleenix, LA Times masthead, Pit Indian area map, San Francisco Examiner masthead.

Mickey Gimmell: "I'm talking about the federal forests whereby we haven't been paid a dime for timber rights either. And, today, they're making millions of dollars off of us. And today, our people are, again, unemployed most of the year 'round, again, among the poorest people in the country; whereby large logging companies make millions of dollars. We want people to know that we aren't going to be pushed around any longer." St. Marie chant comes in.

Five close ups of Indians.

St. Marie chants.

House number on PG&E camp building, Indians entering property and building campfire.

St. Marie chants.

Lego at campfire, medium shot, cut to old photo of Indian.

Lego: "Well, as a councilman of the Pit River tribe, one of the areas, I feel kind of honored to welcome all of you people here. We have occupied our land. We have taken a position in this specific place which is part of our land. We have carried the challenge to the corporation."

Richard Oakes, Indian organizer, medium shot.

Richard Oakes: "Basically, the newness that you feel here on the land itself is a newness that's sort of—it's been hidden from you—it's a fence that's been around you for so long. This land is yours. The buildings here are yours. There's one that's lit up. For the women that want to cook, go over there and cook. The rest of you people that are on security, get on security. And patrol it like it's yours. Right now I think the only thing we can do until the morning is to go out and find yourself a place where you can sleep."

Man and woman in doorway.

Talbert Wilson chants.

Man gives V sign in doorway.

Wilson chants.

Sun through trees, smoking campfire ashes.

Birds chirp.

Pan from cop car to sign "Pit River Indians Welcome Indians of all Tribes."

Birds chirp. Wilson chant comes in toward end of shot.

Group in front of PG&E house.

Wilson chants.

Two cops surrounded by group of Indians.

One cop: "Mr. Oakes. Gentlemen. I've been instructed to advise you that you people are in violation of the trespass laws of the Penal Code of the State of California in that you are entering and occupying dwellings and real property belonging to the Pacific Gas and Electric Corporation. You will be given adequate time to peacefully vacate the premises. If you fail to vacate, arrests for the law violations will occur. We would like to have you out as soon as possible and preferably this evening. Thank you very much." Lego: (off camera) "Well, you come back tomorrow, and you'll find us here."

Sun through trees.

Bird chirps.

Crowd of cops and cars.

Cop: (off camera) "Get your squads together men."

Shasta Sheriff John Balma: "But I believe we have 60 to 65 officers here."

Reporter: "Could I ask why so many?"

Balma: "Whenever we go on a detail of this kind we go with sufficient force to handle any situation that we may be confronted with."

Police marching across screen, arrested Indian.

Reporter: (off camera) "Why do you deliberately want to be arrested?"

Arrested Indian: (off camera) "Well, the more cases we get into court, the more likely they ain't going to throw our case out of court so fast."

Reporter: "In other words, you're trying to make a test case out of this?"

Indian: "Yes. We ain't going to be on trial. It's going to be the United States government, not us."

Reporter: "I guess in some senses the entire United States belongs to the Indians."

Indian: "Right."

Reporter: "Do you plan to take the whole country back?"

Indian: "Nope. Just some of it. We know what we're up to. We know what we're going to face, and we're going to do it. We're going to stand by our decision."

Reporter: "Do you want to be prosecuted?"

Indian: "Yes."

Reporter: "How will you plead?"

Indian: "Not guilty."

Pan from Shasta County patch on cop's arm to his face.

Indian (off camera): "You've always been trespassing all over the world, now you're trespassing right here in your own backyard."

Indian woman close up, pan to child in front of house.

Indian woman, Morningstar: "You'll pay for it. It's not the last of it."

Cop (off camera): "Let's move 'em out men. Let's go. We haven't got all day."

Morningstar: "Yeah, arrest the children. That's all you're good for . . . Oh, you've got it coming. You've got children and you're going to pay for it, too. You're going to know what it's like. You should be ashamed, ashamed that you're living on our land."

Pan to cop in front of cabin.

Cop: "All right, let's start with the next cabins, men. Anybody in this cabin? Start arresting these people here."

Balma: "Start getting these people."

Cop: "Hey, fellas, start arresting these people. Escort 'em over. Load 'em up."

Cop brings Oakes out of cabin, cut to chart showing interlocking directorships of large corporations, Pit welcome sign, cop pulling Indian, arrest line, Thorpe.

Gimmell: "There can be little argument that large corporations and the rich control and run most of our government's policies and that they dictate the American way of life. This big business, big business get rich syndrome has corrupted America's value system to the point that no one, today, any longer can trust his own brother or his neighbor. Violence, money, position of power are the white man's way.

The American Indian can no longer allow his values and culture to be destroyed and corrupted by a society that does not relate to one's fellow man except to see what they can get from him."

Thorpe on ground surrounded by cops.

Thorpe: "Why aren't you in here asking PG&E to leave? They're the ones that are trespassing on the land, not the Indians."

Lego close up, cut to various arrest scenes and back to Lego facing cop.

Lego: "Our ancestors started right around about 1920. Hopefully they had filed a petition for redress of grievances against the United States government for the taking of our land, dispossession of our people and the general abuse that was suffered by our people in the process of removing Indians. The result of that work was brought to a head in 1963. And this was all done beyond our control and not to our knowledge. And later on they came and told us we'd have to vote on whether we accepted this formula of compromise settlement, one package, consolidated agreement for—well, it was stipulated that it would be 47 cents an acre. And, so, today, we feel that the claims case was mishandled it was compromised and brought to a conclusion without our authority or consent. We hadn't agreed to anything. And, at this time, we re-assert and reclaim our land."

Lego facing cop.

Cop: "Mr. Lego, you're under arrest charged with Section 602L of the Penal Code which is occupying real property without permission of the owner."

Lego: "I submit to your authority under protest."

Lego mug shot.

Crowd noise.

Cop shakes down Indian.

Cop: "Spread your legs out there please. You have any weapons on you at all?"

Indian: "Might have a small pocket knife."

Cop: "You want to take it out?"

St. Marie chant fades in.

Handcuffed Indians in bus, bus pulls away, cop closes wagon door on handcuffed Indians, wagon pulls away into trees.

St. Marie chants and sings: "By the trestle in the cove, standing up to the sheriff and his guns . . . my heart is there with you."

Cops carry away Pit Indian welcome sign.

Silence.

Man behind jail bars.

Background noise.

Aubry Grossman, attorney for Pit Indians.

Reporter: "Mr. Grossman, isn't it a little late to make a claim on these lands for these people you represent?"

Grossman: "Well if it's late, it's the responsibility of the United States government. Took them 117 years to declare, finally, that the land had been illegally taken in 1853, so most of the delay has been due to the United States government."

Reporter: "What are you going to advise them to do now?"

Grossman: "I'm going into the meeting with them . . ."

St. Marie chant fades in.

Grossman in jail meeting with arrested Indians, cut to "Evict PG&E" picket sign and man's chest painted, "Let My People Go," cuts and pan of Pit Indian area map, cut to Grossman in tribal meeting.

St. Marie chants. Grossman: "All of that land within these confines was Indian title in 1853. It was your land, taken away illegally. So, let 'em come in and say, 'OK, we took the land illegally, we're going to give 'em 47 cents an acre to take care of it.' They got to say to you—by bringing you into court—they got to say to you that though you've got a decision by the highest body that exists in this country to decide these things—that Congress intended to decide it—nevertheless, some private corporation, PG&E, can get you arrested, not only—how many?—34 of you, the same way they could get 3400 of you arrested. And they could not only get you arrested once, they could get you arrested 100 times if you went back. You see the big questions that are raised; that radicals are supposed to be the only ones that raise: who runs the country? (power line buzz comes in under voice) And what does law and order mean?"

Handcuffed Indians, close up on hands.

Power line buzz.

Jack Fallon, PG&E attorney, close up.

Power line buzz fades out. Jack Fallon: "PG&E paid money for record title to this parcel. Our title dates back in each instance to the United States government. In other words, this company has paid money for record title directly from the United States government for this land."

Cuts of PG&E Pit River facilities, Pit Indian area map, chart showing interlocking ties between PG&E and other large corporations.

Narrator: "The largest business in Shasta County is the Pacific Gas and Electric Company. PG&E owns in Shasta County, 52,525 acres with an assessed valuation of $320,000,000. PG&E has interlocking ownerships and directorships with a number of the largest corporations in America including (powerline buzz and water roar under cuts from big business chart) . . . and Stanford Research Institute."

Farm worker adjusting irrigation in huge field.

Narrator: "One of the biggest shareholders in PG&E is a man named Russell Giffen who farms in the San Joaquin Valley 130,000 acres of land. Russell Giffen over the past several years has been the second largest recipient of public welfare in the State of California. For instance, in 1969, Giffen received over $3,000,000 for growing cotton and for not growing cotton."

Lego close up, cut to William Bennett, former member of the California Public Utilities Commission.

William Bennett: "The plight of the Indians is symptomatic and typical of the manner in which a monopoly such as Pacific Gas & Electric Company treats people whether they be ratepayers or in some cases even small shareholders. (*Intercut of handcuffed Indians.*) The attitude of PG&E which is exemplified, I think, by the testimony of the president of PG&E, Mr. Shermer Sibley, given under oath. When I said to him, 'Is the $67,000,000 rate increase you're seeking inflationary or non-inflationary?'—he said, 'It is deflationary,' and I said, 'Well, how is that?' and he said, 'Because it gives people less money for discretionary spending.' (*Intercut man looking out of PG&E building*). Now he's deciding that one way to meet inflation is to raise your utility bill, giving you less money to spend for things you decide as an individual you might need, whether they're foolish or not foolish. It is interesting to note that Mr. Sibley's salary was raised $20,000 last year so he's now making $150,000 per year. He considers his salary increase to be deflationary as well. (*Intercut San Francisco Bay fill.*) Just for the sake of the establishment itself—if you believe in saving it—the establishment has to be saved from its own excesses. What's going on at Pit River should illustrate to people how difficult the task is toward achieving economic justice in the United States of America in the year 1970. When I talk about the PG&E, it's—I could do the same thing about U.S. Steel or General Motors or whatever. They're all basically the same: the same type of narrow corporate thinking—an almost calloused indifference to the spiritual nature of man as a beautiful creature and animal, the great preoccupation with profit for the sake of profit to the neglect of human values. (*Intercut man on street, high angle.*) But the important thing to know is you and I, in a sense, don't have the power to correct those except through organization, union and numbers. Individually we can't do it, and that's what has to be done. And this is why people whether they are black or brown or red or white; students, intellectuals, oppressed third layer corporate utility executives, have something in common. (*Intercut handcuffed Indians.*) They're being had. (Power line buzz under voice) And unless they realize it they will continue to be had or exploited."

PG&E Powerline pan to old Indian house, cut to Pit Indian area map, man on porch, close ups of porch and road out.

Narrator: "PG&E is also interlocked with the second largest private business in Shasta County which is the Pacific Telephone. Pacific Telephone on only six acres of land holds an assessed valuation of $27,000,000. Pacific Telephone is also interlocked with Levi Strauss, Stanford Research Institute and the Bank of America. Also a number of other corporations including Broadway Hale, W. T. Grant, Wells Fargo, DiGiorgio Fruit Corporation, Tenneco, Bank of California, U.S. Plywood and the Southern Pacific Railroad."

Three oranges, Pit Indian area map, Lego washing up.

Narrator: "The third largest business in Shasta County is the Fruit Growers Corporation which is affiliated with the Sunkist growers. Fruit Growers owns in Shasta County 82,217 acres with an assessed valuation of $23,000,000."

SP train, Pit Indian area map, Indian boy taking water into house.

Narrator: "The fourth largest business in Shasta County is the Southern Pacific Railroad which owns 165,617 acres with an assessed valuation of $15,000,000 for Shasta County alone. Southern Pacific is the single largest holder of private land in the State of California. Southern Pacific is also affiliated with other big businesses in Shasta County including Pacific Telephone. Southern Pacific has interlocking ownerships with Stanford Research Institute, Del Monte, Union Oil, Fibre-board Corporation, IBM, Equitable Life Insurance, Texaco Oil, Tenneco, Southern California Edison, Bank of California, Marineland of California, Caterpillar Tractor, New York Life Insurance, Con Edison of New York and the Ford Foundation."

Sign on California Water Project canal, tractor in huge field.

Narrator: "One of the big owners in Southern Pacific is a man named J. G. Boswell. J. G. Boswell in the San Joaquin Valley owns approximately 125,000 acres of land. Over the past several years J. G. Boswell has been the single largest recipient of public welfare in the entire state. Boswell received, for example, in 1969 nearly $5,000,000 for growing cotton and for not growing cotton."

Lego, close up, pile of logs, San Francisco Examiner masthead, Pit Indian area map.

Narrator: "Another large land owner in Shasta County is Hearst Publications. (sound of chain saw and tree falling) Hearst Publications owns in Shasta County 38,823 acres with an assessed valuation of nearly $7,000,000."

Times-Mirror Lumber Mill, Los Angeles Times masthead, logging truck, Pit Indian area map, Times-Mirror Lumber yard.

(Sound of chain saw and falling tree) Narrator: "Publishers Forest Products owns in Shasta County 25,515 acres with an assessed valuation of nearly 2,000,000."

Kimberly-Clark Mill, Pit Indian area map, Kleenix labels.

Narrator: "Another big business in Shasta County is Kimberly-Clark. Kimberly-Clark owns in Shasta County, 82,806 acres with an assessed valuation of $8,500,000. Kimberly-Clark has interlocking ownerships with a number of national corporations including Pan American, the First National Bank of New York and Miller High Life Beer. Kimberly-Clark is one of the largest manufacturers and distributors of paper products in America." (Sound of chain saw and falling tree.)

Pit Indian area map, polluted stream sign, man felling tree, pile of logs.

Narrator: "Now about half of Shasta County is owned by the federal government but most of the economic benefits from this public land are enjoyed mainly by the big businesses in the area and not by the public. These companies like Kimberly-Clark, LA Times, Sunkist and U.S. Plywood contract with the federal government to buy the timber. They cut the trees for paper and lumber products which they sell at a profit. They make money off the public land without accepting any of the direct responsibility of land ownership such as paying property taxes."

Chart showing interlocking corporations, Kleenix label, Safeway sign, grape pickers, Viet Cong dead, Examiner masthead, Pit indian area map, LA Times masthead, doorbells, mayor's door, war dead, man behind barbed wire.

Narrator: "The rules of Shasta County are an intricate part of the vast yet tightly controlled military and industrial complex which runs the country and much of the world. The key interest of this complex is control: control of products, control of markets, control of people and control of countries. Key elements in their systems of control are information gathering and propaganda. This vital function is performed in part by the Stanford Research Institute. The Stanford Research Institute writes reports on urban problems and long range planning for various governmental agencies. It also does warfare research for the federal government."

Boycott Safeway Picket, Pit Indian area map, grape picker, farm labor housing.

Narrator: "One example of the complex's attempts at domestic social control is Safeway Stores. Safeway is the second largest chain in America. It is interlocked with the PG&E, the LA Times, the Southern Pacific Railroad and the Stanford Research Institute. Safeway has been one of the chief roadblocks to efforts of farmworkers to organize and improve their economic conditions. While other chain stores agreed to purchase only union grapes, Safeway continued to buy non-union grapes."

Handcuffed Indians, close up.

St. Marie chanting.

Lego, medium shot, dry Pit River bed below PGE dam.

Lego: "And in our legends and in the teaching of our forefathers we know that Mother Nature was the best—it carried out the will of the Great Spirit. It was not our place to dictate or change. It was not our place to impress upon—to inject or to impress or to put forth our ideas to control nature. So, today, that is one reason why we're so concerned about the present plight of Mother Nature itself—ecology, pollution, pollution of the rivers, bad air and everything else—because we somehow wished that the people, today, that is in power could only learn like we had to learn; because they have impressed their own thinking—they have begun to remake the nature itself, to the extent right now we are all worried about the environment and everything else. This is why we have such a strong feeling about this as Indian people. An Indian is not an Indian unless he has a land base, because our people has always been close to nature, close to the land. Our whole lives was provided and sustained by that which came from the land. And looking at it from that point of view, we Indian people are not too many at this point, and we feel that we are fast disappearing from this land of ours, and it's about time that we tried to take a stand. And we feel this is an opportune time. We have many people that are concerned of the very things which we are concerned—ecology and many other things, environmental conditions and many things like that. And we are also concerned; but the fact of the matter is we have been rendered powerless. We have lost our voice in matters of this kind. And we want to rebuild this. We would like to preserve our land. We would like to build our people again on the strength of land."

Pit Indian area map.

Chain saw sound and falling tree.

Stump zooming out to cut over area.

St. Marie chanting. Oakes: "The Indian Claims Commission found that the U.S. government took possession of the land illegally. After conceding to the illegality of the act the Indian Claims Commission offered to pay to each tribe 47 cents per acre, but this money was refused by the Pit River tribe of Indians with the contention that as the legal holders of title to the land that all the land within the boundaries in the findings of the California—of Indian Claims Commission was to be immediately returned to the tribe. The contention, then, that the Pit River Indians and other Indians for being their guests are trespassers, as stated indirectly by the U.S. Government and directly by PG&E is ludicrous. The trespassers are, indeed, the U.S. government—there was no treaty signed—PG&E and other large corporations as well as the State of California."

Chart of interlocking corporations.

Oakes: "It has to be remembered big business and government are almost synonymous terms. Big business and its pressures exert policies emanating out of government affect not only Indians, but poor whites, blacks and other minorities."

"Evict PG&E" sign, "Return Indian Land To Indians" sign.

Oakes: "The Indian Claims Commission conceded that the land was taken illegally in 1853 and by that admission alone it would seem that clearly the Indians are not the transgressors of law and order, but the upholders was what law and order stands for."

Blackboard: "Big business and government are synonymous—they are only right as long as they can get away with it"

St. Marie chant.

Oakes close up.

Oakes: "The Indians have never sold the land. They still maintain that they own it. They do not want to sell it. They want the land back and they want to live on this land according to the ways of their ancestors and according to the ways that they see fit."

Gimmell close up, Pit Indian area map.

Gimmell: "We believe that money cannot buy the Mother Earth. She has sheltered, clothed, nourished and protected us. We have endured. We are Indian. We are the rightful and legal owners of the land. Therefore, we reclaim all of the resourceful land that has traditionally been ours with that exception of land now owned by private individuals. On this land we will set up our own economic and social structure retaining all of the values which are commensurate with Indian life. We will encourage and help other Indian tribes and groups to establish structures across the country in order to establish intertribal economic and cultural ties, basing the economy on the barter system. Therefore, let it be known by all concerned that the Pit River tribe makes the following demands: number one, that the U.S. government and the large corporations including PG&E, PT&T, the Southern Pacific Railroad, Kimberly-Clark, Hearst Publications and the Los Angeles Times-Mirror Corporation among others return all of our land to us immediately. No amount of money can buy the Mother Earth. Therefore, the California land claims case has no meaning. The earth is our mother and we cannot sell her."

Zoom out from handcuffed Indians, zoom out from mountain peak, credits.

St. Marie singing and chanting: "By the trestle in the cove, standing up to the sheriff and his guns . . . my heart is there with you . . ."

FINDING OUT

If you are into any sort of community involvement in your area, you should be aware of the controlling forces or you will have no conception of what might be required to make change.

Most of the information you need is public; it can be found in libraries and various public offices. For instance, you can find out who the biggest landowners are by checking records in the county assessor's office. These records are public. The employees there are obligated to help you find what you want. From these records, you can determine, the size, location and value of land. Also past owners and sale prices.

Public and college libraries—in their business sections—have directories of public corporations and corporation executives (Standard & Poor's, for example). From these records you can determine interlocking business relationships. Libraries also may have a file of corporation annual reports—or you can contact companies directly for these documents.

The local newspaper files, although they are not public, may be helpful. By being cool, courteous and persistent you will probably be able to find out almost anything you want to know about the real powers in your community, how they are inter-related and how they operate.

For a detailed outline of how to do community research, write for: "Where It's At," Department of Social Justice, National Council of Churches, 475 Riverside Drive, New York, N.Y. 10027.

"Research Methodology Guide," NACLA, Box 226, Berkeley, Calif. 94701.

NORTHERN CALIFORNIA: PIT RIVER INDIAN AREA

The dotted line on the above map (not reproduced) outlines the nearly 3.5 million acres taken illegally from the Pit River Indians in Northern California. The basis for this Indian claim is spelled out on the following pages by a legal memorandum filed in Burney Judicial Court by Pit River attorneys June 22, 1970, following mass arrests of Indians for allegedly trespassing on PG&E property. After the court denied the Indian motions to dismiss the trespass charges and refused to initiate charges against PG&E, the Indians filed in U.S. District Court a $10,000,000,000 civil rights suit against the State of California, PG&E and Shasta County.

Pit Indian legal claim

The following memorandum was filed June 22, 1970, in Burney Judicial District Court by Aubry Grossman, attorney for the Pit River Indians.

Introductory Remarks

A few introductory words in explanation of the title page of our Memorandum. As you can see, we reject the title of People of the State of California versus the Indians, as defendants. The People of the state of California are not against the Indians, and the Indians are not defendants.

The Pit River Indians have decided that they are not, and never again will be, defendants, because they will never again be on the defensive—on the taking of Indian land.

The process of systematically taking Indian land away from Indians—to quote the Alcatraz Declaration (May 31, 1970):

"How did we lose our land? Wars, massacres, other violence, fraud, occupation, expropriation, forced sale, division of tribal lands, deprivation of water, flooding" is going to be stopped here and now and a reverse process begun, say the Pit River Indians.

The Indians know, and the Government knows, that every single year for well over 200 years, large amounts of Indian land were taken away, or made worthless (by deprivation of water). The process still goes on (Pyramid Lake, termination of Colville reservation, etc.) An appropriate metaphor is that the land question for the Indians is similar to an automobile going up a steep hill. Until now the force of gravity has been greater than the power of the automobile's engine. However, now for the first time, Indian power is at least equal to the force of gravity and undoubtedly the Indian power engine will start, albeit gradually, to ascend the hill by stopping the diminution of Indian land and obtaining the return of some Indian land.

The other reason for our changing the title is to state in the title (what the Courts have held) that the United States, and now PG&E, are withholding this illegally taken land from the true owners. To call this trespass by Indians is to believe the thief who cries "stop thief."

State of California, County of Shasta Justice Court for Burney Judicial District (An incorrect and improper title selected by prosecuting authorities)

People of the State of California (Plaintiffs) vs. Mickey Gemmill, Raymond Lego, Charles Buckskin, Richard Oakes, et al., Defendants.

Memorandum in support of motion to dismiss charges, motion to acquit, demurrer, motion to establish the unconstitutionality of this prosecution, motion to prosecute Pacific Gas and Electric Company.

Alternative correct and proper titles would be: The Pit River Indians of California, Plaintiffs, vs. Pacific Gas and Electric Co., Defendants.

The Pit River Indians of California, Petitioner, vs. the United States of America, Defendant.

This is a political case. The proof is the use of governmental force to keep the Indians from regaining their land which was stolen from them. This case points up rather spectacularly and dramatically who it is that uses constitutional and legal methods, and on the other hand who it is that uses force and violence instead of following proper legal procedures.

On the one hand the Indians use the procedure created by Congress, by filing a petition with the Indian Claims Commission. On the other hand, the government used the force and violence of a) forcible arrest, b) carrying off to jail, c) holding in jail, d) manacling. This force and violence was visited upon the Indians because they, having waited one hundred and seventeen years, and having obtained a decision by the "highest court in the land," finally, in desperation, used "self-help" when the Government manifested no intention of enforcing this decision by the return of their land.

The arrest of these Indians, coupled with the refusal to arrest Pacific Gas & Electric Company, demonstrates, conclusively, an unconstitutional functioning of the legal and judicial system in Shasta County (unless they shall be corrected, as we hope they will be, by this Judge in deciding this Motion). We refer to the control by PG&E of the legal machinery and public officials; and the lack of any control or influence, and the lack of rights, possessed by the Indians. We refer next to the "fish of one and fowl of another" activities of the public officials.

All PG&E had to do was to wave its finger and the sheriff arrested 50 or so Indians on the charge of trespassing, despite the fact that there could be no trespass committed unless two elements were present: 1) the ownership or right of possession in PG&E, and 2) the lack of the most minute ownership or possessory rights in the Indians. PG&E made no showing to the Sheriff or District Attorney of their right to ownership or possession, and the Indians had title established by the Indian Claims Commission, strengthened (if there were any need for strengthening) by 25 U.S. Code 4, which provides:

"In all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership."

The Indian Claims Commission adjudged that the Indians had "previous possession or ownership."

The Sheriff and the District Attorney were put on notice of these facts a little less than a day before the arrests of the Indians by receipt of the telegram which is attached as Exhibit A (page 15). They ignored this notice and did nothing to contact the sender of the telegram or to verify the facts stated.

The optimum defense that the Sheriff and the District Attorney can muster to our charges against them is the claim that the occupation of the 52,000, or so, acres for many years constituted some kind of practical evidence of PG&E's ownership of large amounts of land.

Even if there were not the notice given them by Exhibit A, this cannot possibly provide any justification of the arrest of the Indians for two reasons: the fact that PG&E had a right to ownership and/or possession would not be evidence that the Indians did not have a right to ownership or possession; the question is not whether PG&E had the right to ownership or possession of a great deal of land but whether they had it in the precise area where the trespass occurred.

On the day our Motion was presented, in open court, we offered a sworn statement of Indian ownership and the right to possession, relying on the decision of the Indian Claims Commission and 25 U.S. Code 194—and requested the initiation of a prosecution for trespass against PG&E. In response, District Attorney Robert Baker asserted that he would not permit a prosecution against PG&E, because he was not personally convinced that the Indians had title, whilst admitting that PG&E had furnished him no evidence whatsoever of its title; and he admittted that he had never read the Indian Claims Commission decision of which we had given him notice. In response, Judge Billy Covert tentatively refused to accept the offered sworn statement and issue a warrant. Later he definitively refused to issue the warrant, stating that he was advised by the County not to do so.

We want it specifically understood that our demand for dismissal and acquittal of the "defendants" and for prosecution of PG&E is based upon the Fourteenth Amendment to the Constitution, being a denial of the equal protection of the laws In support of this constitutional claim we ask leave of the Court to produce evidence in support of the statements made in this Memorandum. We request permission (our constitutional right in support of this claim) to place on the witness stand and question Sheriff John Balma, District Attorney Robert Baker and Judge Billy Covert as to their relations with PG&E, its representatives, lawyers or otherwise; and as to their knowledge, before the arrests of facts showing the right to ownership and possession of the land in question by PG&E and by the Indians. We assume that the examination of these witnesses will have to be calendared as to time and place, and we so request.

We now proceed to the merits of our claim which is that, as a matter of law, the Indians were possessed of such rights of ownership and/or possession as would legalize their entry on the property and void any right to prosecute them for trespassing.

At the outset, we note a curious omission from Section 602 of the Penal Code. Reading it literally, a person could be guilty of occupying his own land, if someone else had any ownership or possessory right to it. This is obviously not what the Legislature intended, so we will read into this statute the following words:

"A person cannot be found guilty of trespass under this statute if he has any measure of ownership or possessory rights to the land in question."

It flows from what we have said that to justify dismissal or acquittal we need not establish the absence of PG&E's right to ownership or possession, but need establish only that the Indians have a right to ownership or possession.

The Indians' right derives from thousands of years of "Indian title" to the land shown in the map which is Appendix A to the Motion (page 10). It further derives from 25 U.S.C. 70 et. sequ., which established the Indians Claims Commission. It further derives from the decision of the Indian Claims Commission in "The Pit River Indians of California vs. the U.S. of America," Docket No. 347 before the Indian Claims Commission.

"Following hearings in 1956 on the question of title and liability, we made findings of fact and entered an interlocutory order on July 29, 1959 holding that the Pit River Indians, as an over-all identifiable group, had established original Indian title to eleven tracts aggregating approximately 3,386,000 acres of land in parts of Lassen, Shasta, and Modoc Counties, California, which had been used and occupied by eleven autonomous groups or bands and that the original Indian title to that land had been taken by the United States without compensation as of March 3, 1853, by the Act of March 1853 (10 Stat. 244). We directed the parties to present evidence of the acreage of the tracts concerned and the value as of the date of the taking (7 Ind. Cl. Com. 815). This docket number has been inactive since said above date until the present procedings were initiated." (13 Indian Claim Commission Reports 369, 381)

For Congress' purpose in establishing the Commission, and the authority it intended to vest in the Commission, we quote from the Commission's 1968 Annual Report, as follows:

"Function and Description"

"The Indian Claims Commission is an independent agency established by Act of Congress on August 13, 1946 (Public Law 79-726). It is a judicial arm of the Congress created for one special purpose: the hearing and determining of Indian claims against the United States which came into existence prior to the approval of the Claims Commission Act of 1946."

As the Report demonstrates, Congress was creating a judicial body to establish the facts, and determine the law, on the subject of deprivation of Indian property by the U.S. Government. With the exception of Court of Claims jurisdiction (based upon statutes passed by Congress for disposing of specific Indian claims, which are of no further significance), the Commission is the only body having jurisdiction, and it has exclusive jurisdiction, on the illegal taking of Indian land by the United States.

The Pit River Indians of California have in their favor a final Decision, Order and Judgment that in 1853 they were the exclusive owners of this land and that this title was taken away from them illegally without compensation in 1853, by the passage of a federal statute.

The United States Supreme Court has held, unequivocally, that when the United States has taken land from an Indian tribe without agreement or compensation, it thereby violates the Fifth Amendment to the United States Constitution. Shoshone vs. United States (1936) 299 U.S. 476, 81L Ed. 360. Also see Miami v. U.S. (1960) 28F (2) 202.

No other court has jurisdiction to do anything on this illegal taking of the Pit River Indians' land in 1953 except to enforce or implement the Commission's decision. Therefore this Justice Court must dismiss these actions and acquit these "defendants." To deny this is to declare that a Justice Court Judge or jury has the power to reverse a decision of the Indian Claims Commission. Even more, it declares that a Justice Court judge or jury can reverse the United States Supreme Court because a Commission decision, since it could have been appealed to the United States Supreme Court and was not, has the finality of a Supreme Court decision. The situation is identical to one in which Congress has declared certain land to be owned by the United States. In such a case, obviously, a federal employee could not be charged with trespass for entering on the government land. Similarly, if one were charged with trespassing on another's land he would have an absolute legal defense if there was a judgment in his favor in a quiet title suit.

Having stated that the appropriate and exclusive tribunal has rendered a final decision that this land was illegally taken from the Indians we have said enough to justify the granting of our motion. However, because of public statements by the District Attorney and PG&E we can anticipate what position they will take. We will address some remarks to their position. They claim that the Pit River Indians of California have somehow given up their right to the return of their land because there was a consent or stipulation or agreement to the money aspect of the Commission's judgment.

Let us analyze the position of PG&E and the District Attorney in its naked form, admitting for the sake of argument, that the Pit River Indians had agreed to the money aspect of the judgment. Remember, we have a solemn judgment that the land was illegally taken away and we have an unchallenged and unchallengable principle that land illegally taken must be returned. How adequate was the consideration for which the Pit River Indians gave up their right to their land (if they did)?

It is assumed that the Commission had valued the land at 47 cents an acre. However, that valuation was based upon the average for all California Indians. Since the Pit River Indians had owned more than twice as much land per Indian (if tribal land were divided up) they are (it would seem) being offered 20 cents an acre. But this is also not a correct statement. It vastly overstates the offer. Actually, the Pit River Indians—for land and improvements and profits from the land which are conservatively valued now at $5,000,000,000—are being offered the munificent sum of 1/12 of one cent an acre. How do we calculate this? Very simple. The Supreme Court has held that when there has been such an illegal taking as this there is a constitutional right to interest; therefore, in our case, to the 1853 value must be added compound interest. If this is compounded at a 5% interest rate from 1853 to 1964 (date of judgment) it will be multiplied 250 times. Expressed another way the $29,100,000 judgment (for all California Indians including the Pit River Indians) should be increased to $7,275,000,000. Though this sounds large, it is actually less than 1% of the value of the greater part of the State of California.

The Indian Claims Commission based its consent judgment upon (1) a stipulation signed by the Government and all the attorneys for the Indians except the attorney for the Pit River tribe; and (2) a purported agreement by vote of the various Indian groupings. The Pit River Indians never agreed to the stipulation, rejected the settlement at an official tribal meeting which was held for this purpose; and consistently advised the Commission that they would not accept the settlement, the stipulation, or the consent judgment or the payment of the checks, or any payments under the judgment. By official tribal action the Pit River Indians of California have decided that they will not accept their shares of the checks.

In any event, Congress has determined, in the Indian Claims Act, that nothing short of the actual payment of the claim will discharge the United States of its liability:

"The payment of any claim, after its determination in accordance with this chapter, shall be a full discharge of the United States of all claims and demands touching any of the matters involved in the controversy." 25 U.S. Code 70 (u).

Incidentally, it has been uniformly accepted by every agency of the Government and by all courts that where Indian land is concerned, the only way it can be transferred or sold or given up is by official tribal action. No action of the members of the tribe, or assent, if expressed individually, have ever been accepted by the Government as legal or binding.

In conclusion, we point out that the Pit River Indians of California have "exhausted their legal remedies," have obtained a decision of the "highest court of the land" that the United States Government took their land in 1853 in violation of their right not to be deprived of their property without due process of law (Fifth Amendment).

If this Court is willing to defy such legal and constitutional authorities, it must be at least recognized that a settlement paying 1/12th of a cent per acre for this valuable land is confiscatory.

Respectfully submitted.

Grossman, Ackerman & Peters; Casandra Dunn, Fresno, Ca.; Fred Gabouri, Sherman Oaks, Ca.; Gary Bass, Seattle, Wash.; Joe Muskrat, Fresno, Ca.; George Duke, Berkeley, Ca.; Richard B. Collins, Jr., Berkeley, Ca.; Robert S. Donovan, Berkeley, Ca.; Pano Stephens, San Francisco, Ca.; Patrick Coyle, San Francisco, Ca.; Geoffrey A. Braun, San Francisco, Ca.; Monroe E. Price, Westwood, Ca.; Stephen F. Kunkel, Redding, Ca.; Daniel M. Rosenfelt, Los Angeles, Ca.; David H. Getches, Escondido, Ca.; and Robert S. Pelcygur, Escondido, Ca. By Aubrey Grossman.

Dated: June 22, 1970.

JUNE 5, 1970.

Exhibit A—Telegram to Sheriff, District Attorney, and All Superior Court Judges, Shasta County, Calif.

This office represents the Pit River Indians who have just occupied some portions of their land which is claimed without legal justification by Pacific Gas and Electric Company. In the event that you contemplate any type of legal action, civil or criminal against the Pit River Indians, or any of them, be advised of the following. Number one: The Government of the United States, acting through the Indian Claims Commission, has determined that the Pit River Indians had title to this land in 1853 and in that year it was illegally taken from them, Docket No. 347. Number two: Since 1853 the Pit River Indians have never conveyed, sold or given up title to this land. Number three: the Federal Government has the exclusive right to legislate and administer in the field of Indian affairs in general, and the ownership of land illegally taken from Indians in particular. Therefore any action against the Pit River Indians taken by any representative of the State of California or any of its subdivisions would violate the exclusive authority of the Federal Government. Number Four: if you should act in any way against the Pit River Indians you would be in violation of the Federal Civil Rights Act in that you would be depriving them of their rights under federal law. As you know, the Civil Rights Act established the illegality of state action, and also establishes individual responsibility of any state officer or official who participates in such a violation.

GROSSMAN, ACKERMAN & PETERS,
By AUBREY GROSSMAN.
1095 MARKET STREET, SAN FRANCISCO, CALIF.

SHASTA ANSWERS INDIAN CLAIM

(The following memorandum was filed in Burney Judicial District Court June 22, 1970, by Shasta County District Attorney Robert W. Baker.)

In the Justice Court of Burney Judicial District, County of Shasta, State of California.

The People of the State of California, Plaintiff, vs. Richard Oakes, et al., Defendants.

Memorandum of points and authorities in opposition to motion to dismiss

I. Introduction

Defendants have filed a so-called "Motion to Dismiss Charges, Motion to Acquit, Demurrer, Motion to Establish Unconstitutionality of this Prosecution, Motion to Prosecute Pacific Gas & Electric Company." The captioned title of the motion is representative of its ludicrousness. A motion to dismiss can only be granted upon motion of the District Attorney or by the court on its own motion. (Penal Code No. 1835). A motion to acquit is a motion only recently recognized by the Penal Code but can only be granted by the court at trial either after the District Attorney has rested his case or after the presentation of all the evidence (see Penal Code No. 1118.1) and then only under specific conditions not here relevant. A demurrer, of course, can only be granted for one of the reasons set forth in Penal Code No. 1004. It is also basic law that such defect must appear on the face of the complaint. Moreover a demurrer must "distinctly specify the grounds of objection to the accusatory pleading . . ." (Penal Code No. 1005). This, of course, defendants have failed to do.

The Motion to Establish Unconstitutionality of this Prosecution is of course not recognized in the Penal Code and the basis of this motion or why this prosecution is "unconstitutional" is nowhere set forth in defendants' motion. The last motion, the one to prosecute Pacific Gas & Electric Company is equally ridiculous. It would make just as much sense and based on the same legal grounds set forth in defendants' motion to prosecute every landowner, tenant invitee, licensee or other person occupying or owning property in the northeastern section of this County as well as large sections of Modoc, Lassen and Plumas Counties.

II. Law of the Case

The entire legal argument advanced by the defendants is based on a complete misinterpretation of a claim of the Pit River Indians filed with the Indian Claims Commission. 7 Ind. Cl. Comm. 815 (1959); 13 Ind. Cl. Comm. 369 (1964). Defendants assert that case held (1) the Pit River Indians held "Indian title and exclusive title" to the subject property and (2) that the land was illegally taken by the United States Government, by the adoption of a statute in 1853." This is a complete misstatement of this case. In fact the Indian Claims Commission held (7 Ind. Cl. Comm. at p. 862)

"It was not until the Battle of the Infernal Caverns on September 26–28, 1867, when petitioner Indians were decisively overcome and their power to resist white domination was broken. While this probably as accurately as any date marks the physical taking of petitioners' title, the expiration of the period for registration of land titles in California under the Private Land Claims Act, . . . and the passage on that date of an 'Act to Provide for the Survey of the Public Lands of California and the Granting of Preemption Rights to Settlers' legally terminated petitioners' right to assert land claims, effectively classed the land here involved as part of the public domain and thus constitutes the date of taking of Indian title to the land described in our Finding of Fact No. 25."

That Commission at no time indicated there was any illegality in the taking; in fact it said title passed into the public domain by virtue of U.S. Statute (9 Stat. 631). The Indian Claims Commission also approved a settlement between the United States and the Pit River Indians. This decision became final in 1964 (13 Ind. Cl. Comm. 369) and was never appealed to the Court of Claims or the United States Supreme Court which was the right of the Pit River Indians at that time (see 25 U.S.C.A. No. 705).

Moreover, it is clear that Indian title is not exclusive in the absence of a treaty with the United States or a grant from the United States. *U.S. vs. Santa Fe Ry. Co.*, 314 U.S. 339; 86 L.Ed. 260. In the absence of such a treaty or grant, Indians have only a right of occupancy which is not a property right and such right ". . . may be terminated and such lands fully disposed of by the sovereign itself without any legally enforceable obligation to compensate the Indians . . . taking by the United States of unrecognized Indian title is not compensable under the Fifth Amendment." *Tee-Hit-Ton Indians v. U.S.*, 348 U.S. 272 at 279, 285; 99 L.Ed. 314; See also 41 Am.Jur. 2nd, Indians No. 23.

It is surprising counsel for the defendants overlooked a California Supreme Court decision that specifically held that a party claiming under a patent holds title free of an Indian possessory title when the Indian claimant failed to file a claim with the Lands Commission pursuant to the 1851 statute above cited. *Harvey v. Barker*, 126 Ca. 262 1899). In a well written opinion which is conclusive on this court the United States Supreme Court affirmed this decision. *Barker v. Harvey*, 181 U.S. 481 45 L.Ed. 963 (1900). See also *Botiller v. Dominguez*, 130 U.S. 238; 32 L.Ed. 926. The *Botiller* case incidentally specifically upheld the constitutionality of the 1851 statute.

The statement of defendants that the prosecution has no evidence that Pacific Gas & Electric Company owns the subject property is false.

Conclusion

Defendants' motions should be denied.

Dated: June 22, 1970.

Respectfully submitted,
ROBERT W. BAKER,
District Attorney and Attorney for Plaintiff.

PACIFIC GAS AND ELECTRIC COMPANY

PG&E is the largest business in Shasta County. It owns 52,525 acres with an assessed valuation of over $320,000,000. This great wealth is concentrated in the series of dams and powerhouses along the Pit River. PG&E is the largest privately-owned power company in the world. It has close ties with the giants in banking and oil. PG&E directors and the other companies and organizations in which they hold directorships are:

John F. Bonner, Deltona Corporation, Macro Island Dev. Corporation.

K. C. Christensen, Gas Lines, Inc., Natural Gas Corp. of Calif., Standard Pacific Gas Lines, Pacific Gas Transmission Co., Alberta Natural Gas, Alberta & Southern Gas Co., Ltd.

Ransom M. Cook, Wells Fargo Bank, Wells Fargo International Corp., Cutter Labs, Industrial Indemnity, Litton Industries, Wells Fargo & Co.

James F. Crafts, Firemen's Fund Insurance, California State Chamber of Commerce, Children's Hospital, SF, National Industrial Conference Board, National Newark & Essex Bank, United California Bank, American Express Co., Amex Holding Corp., Standard Calif. Bank.

Charles de Bretteville, Bank of California, Shell Oil, Safeway Stores, Western Union.

Robert H. Gerdes, Gas Lines, Inc., Standard Pacific Gas Lines, Natural Gas Corp. of Calif., Pacific Gas Transmission Co., Alberta Natural Gas Corp., Pacific Gas Communications Co., Fund America.

Russell Giffen, Giffen, Inc., farmer of 130,000 acres in San Joaquin Valley and second biggest recipient of public welfare in state. In 1969 over $3 million for growing crops and not growing crops.

Walter A. Haas, Levi Strauss, Pacific Intermountain Express, Iris Securities, Levi Strauss Realty, Mills College.

James M. Hait, Food Machinery Corp., Interpace Corp., Wells Fargo Bank, Varian Associates, Georgia Pacific.

Red O. Hunt, Crown Zellerback, Pacific National bank, Crocker-Citizens Bank, General Reinsurance Co., Singer, Union Oil, Canadian Imperial Bank, National Industrial Conference Board, Crocker National Corp.

Elliott McAllister, Bank of Calif. International, Del Monte, Rhodes Stores, Cypress Lawn Cemetery.

Porter Sesnon, Fibreboard, State Auto Association, State Taxpayers Association, Cate School, Cypress Lawn Cemetery, Mills College, Porter Estate Co., Watkins Johnson, Air California.

Emmett G. Solomon, Crocker-Citizens Bank, Provident Securities, Stanford Research Institute, Mills Hospital, Crocker Estate Co., Fibreboard, Sierra Railroad, Crocker Land Co., Clorox, Merced Water Co., West Bay Community Association, Suburban Realty, Universal Land Co., Mills College, U.C. School of Business Administration, Pacific Telephone, Metropolitan Life Insurance.

Carl F. Wente, Bank of America National Trust Savings Assn., Foremost-McKesson.

PACIFIC TELEPHONE

Pacific Telephone is the second largest business in Shasta County. On only six acres of land it holds an assessed valuation of over $27,000,000. PTT is owned by ATT, the largest phone company in the world, the largest corporation in the world. The corporation is into such things as manufacturing communications equipment, transmitting network television programs, handling top secret government communications, space satellites, anti-Ballistic missiles. PTT directors and the other companies and organizations in which they hold directorships are:

Jerome W. Hull, Crocker-Citizens Bank, PSA (airline), New York Life Insurance, Occidental College, LA & Calif. Academy of Science.

E. Hornsby Wasson, Standard Oil of Calif., Stanford Research Institute, Emporium Capwell, Bekins Van, American Potato, U.S. Chamber of Commerce, McCallie School, University of Chattanooga, Bell Telephone of Nevada, Prudential Insurance, Bank of America, Bankamerica Corp.

Robert M. Cunningham, Security Pacific Bank, Bell Telephone of Nevada.

Angus S. Alston, ATT.

Daniel P. Bryant, Bekins Van, Bank of America, LA Chamber of Commerce, Pacific Lighting Corp., Bankamerica Corp., Occidental College.

Peter Cook, Wells Fargo Bank, Emporium Capwell, Western Pacific Railroad.

Christian de Guigne III, Stauffer Chemical, Bank of California, Stanford Research Institute.

Charles E. Ducommun, Ducommun, Inc., Lockheed Aircraft, Security Pacific Bank, Investment Corp. of America, Stanford University, Claremont College.

Walter A. Haas, (see PGE page).

Robert DiGiorgio, DiGiorgio Corp., Bank of America, Bankamerica Corp., Broadway Hale Stores, Union Oil, NY Fruit Auction Corp., Philadelphia Fruit Exchange, Newhall Land & Farming.

William French Smith, chairman UC regents, Pacific Mutual Life Insurance.

Emmett G. Solomon, (see PGE page).

KLEENEX

Kimberly-Clark owns in Shasta County 82,806 acres with an assessed valuation of over $8,500,000. It is one of the largest distributors of paper products in the world. It has plants in Japan, South Africa, Holland, Mexico, England, Puerto Rico, Australia, Singapore, Germany, Colombia, Italy, France, El Salvador, Canada, Thailand, Philippines. Between 1968 and 1969 its sales in Japan increased by 50%; Mexico, 30%, Philippines, 30%; and England, 20%. Kimberly-Clark directors and the other companies and organizations in which they hold directorships are:

J. R. Kimberly, First National Bank of Neenah, Wis. First National Bank of New York.

G. M. Minard, Kimberly-Clark, Canada, Kimberly-Clark Pulp & Paper, Spruce Falls Power & Paper, Kimberly-Clark Lumber Canada, Slate Island Mining.

D. C. Slichter, Rex Chainbelt, Northwestern Mutual Insurance, Mauty Paint & Varnish, First Wisconsin Bankshares Corp., Lawrence University, Wisconsin Electric Power, First Wisconsin National Bank, American Appraisal, Western Publishing, Pelton Steel Casting.

A. G. Sharp, First National Bank of Appleton, Wis., Irving Pulp & Paper Ltd.

J. S. Rockefeller, First National City Bank, N.Y., National Pacific Railroad, Monsanto, National Cash Register, Pan Am World Airways, Indian Spring Land, Cranston Print Work, American Museum of Natural History, First National City Trust Co. Memorial Hospital for Cancer.

Louis Quarles, Miller Brewing Co., Milwaukee, Chicago, St. Paul & Pacific Railroad, Mariner Realty, Peter Cooper Corp., Allen Bradley, Oyite Corp., Marshall & Isley Bank Stock Corp., Oilgear Co.

E. B. Fitzgerald, Cutler Hammer, First Wisconsin Trust, First Wisconsin National Bank, First Wisconsin Bankshares Corp.

SOUTHERN PACIFIC

SP owns in Shasta County 165,000 acres with an assessed valuation of $15,000,000. Throughout the West, SP holds nearly 4 million acres of other forest, grazing, agricultural and commercial land. As it eases out of the rail passenger business, its freight hauling goes up and this "railroad" is moving into related fields such as trucking and marine transport—and such unrelated ventures as non-rail real estate development, data processing and communications.

The Fontana luxury apartments at the foot of Van Ness and the Holiday Inn at Fisherman's Wharf in San Francisco are on SP land. SP land hosts an office building in Beverly Hills. The company has a microwave communications subsidiary which serves other businesses and a data processing company. SP directors and the other companies and organizations in which they hold directorships are:

S. D. Bechtel, Bechtel International Corp., Industrial Indemnity, Lakeside Corp., Canadian Bechtel Ltd., Stanford Research Institute, Ford Foundation, Morgan Guaranty Trust.

Don J. Russell, St. Louis Southwestern Railroad, Stanford Research Institute, Tenneco, Chubb Corp., Federal Insurance Corp., University of San Francisco, Tulane University.

Malcomb P. Aldrich, American Museum of Natural History, Presbyterian Hospital, Metropolitan Museum of Art, Equitable Life Insurance, American Electric Power Co.

Henry Mudd, Cyprus Mines, Marcona Corp., Kicking Horse Forest Products, Canada, United California Bank, Pima Mining, S. Calif. Edison, Pacific Mutual Insurance, Western Bancorporation, Union Oil, Hawaiian Cement, N. American Rockwell.

Paul Davis, Food Machinery Corp., Lehman Corp., Caterpillar, IBM, Stanford Research Institute, Lehman Brothers of N.Y.

T. M. Evans, H. K. Porter, Crane Ltd., Canada, Crane Ltd., Great Britain, Pittsburgh Opera, Crane Co., Evans & Co., Children's Hospital, Pittsburgh, Boys' Club, Evans Investment Corp., Midwest Rubber Reclaiming.

Henry Harris, Harris Upham, Texaco, Chemical Bank, Marineland of the Pacific, Stone & Webber, Tenneco.

Ken Isaacs, Mass. Investors Growth Stock Fund, Mass. Investors Fund, Fiduciary Exchange Fund, Second Fiduciary Exchange Fund, Leverage Fund, Children's Hospital, Dexter School, Suffolk Franklin Bank, Phelps Dodge, Canada General Fund, Depositors Fund of Boston, Exchange Fund of Boston, Diversification Fund, General Public Utilities Corp., Lehigh University, Capitol Exchange Fund.

Robert Magowan, Safeway Stores, Bank of California, Caterpillar Tractor, Fibreboard, Del Monte, J. G. Boswell.

Stephen Bechtel Jr., Bechtel Corp., Bechtel International Corp., Canadian Bechtel Ltd., Industrial Indemnity, Crocker-Citizens Bank, Tenneco, Hanna Mining, National Industrial Conference Board, Crocker National Corp.

Richard S. Perkins, First National City Bank, NY, Seeing Eye, NY Life Insurance, ITT, Royal Globe Insurance, Chapin School Ltd., International Executive Service Corp., Boys Club, YMCA, Metropolitan Museum of Art, Allied Chemical Corp., Carnegie Institute of Washington, Con. Edison of NY, Miss Porter's School.

Gardiner Symonds, Tenneco, General Telephone & Electronics, Midwestern Gas Transmission, Packaging Corp., East Tennessee Natural Gas, Tenneco Chemicals, Tenneco Oil, Philadelphia Life Insurance, Tennessee Gas Transmission, J. I. Case Farm Equipment, Kern County Land Co., Tennessee Gas Pipeline, Walker Manufacturing, Newport News Shipbuilding, Dry Dock Co., Houston National Co., Houston National Bank.

LOS ANGELES TIMES

Times-Mirror Corporation (through Publishers Forest Products) owns in Shasta County 25,515 acres with an assessed valuation of $2,000,000. Times-Mirror publishes the Los Angeles Times, second largest daily newspaper in the United States. It also owns four other dailies plus being merged with the Dallas Times and a Dallas TV station. Times-Mirror controls lumber and paper mills, 190,000 acres of timberlands, a cable TV company (California, New York and Florida), a 263,000-acre ranch, a huge commercial printing plant, a direct mail business, a film production outfit. Times-Mirror companies print phone books for 800 communities, election ballots, charts and maps, medical and legal books, such popular titles (hard and softback) as Mailer's *Armies of the Night*, Dr. Spock's baby book, the Beatles' *Yellow Submarine*—and *Popular Science* and *Outdoor Life* magazines. Times-Mirror International, marketing arm of the publishing subsidiaries, last year expanded to Japan, Far East, Central and South America, India and Pakistan. This year, the Australian and European activities are being expanded. Times-Mirror directors and the other companies and organizations in which they hold directorships are:

Frank D. Murphy, (former UC chancellor), Hallmark Cards, Norton Simon Inc., Bank of America, Ford.

Norman Chandler, Emett & Chandler, Buffum's, Chandis Securities, Chandler Sherman Corp., Dresser Industries, Security First National Bank, Safeway Stores, Kaiser Steel, Pan Am World Airways, Santa Fe Railroad, Pacific Western Industries, Boys Club, Calif. Institute of Technology, Pfaffinger Foundation, American Mutual Fund.

Otis Chandler, TRW Inc., Orange Coast Publishing, American Newspaper Publishers Assoc., Unionamerica, Tejon Ranch, Associated Press, Western Airlines.

Albert J. Casey, Bank of California, Tejon Ranch, Merchant & Manufacturers Assoc.

J. L. Atwood, North American Rockwell, Pacific Indemnity, Equitable Life Insurance, State Chamber of Commerce.

Harrison Chandler, Chandis Securities.

F. David Frost, Avery Products, Ralph M. Parsons, Signal Co., Rohr Corp., Tejon Ranch.

Thomas V. Jones, Northrop Corp., Calif. Institute of Technology, LA World Affairs Council, Stanford University, Aerospace Industrial Assoc., Industrial College of the Armed Forces.

Dorothy B. Chandler, US regent, Center Theatre Group, Performing Arts Council.

G. Keith Funston, Olin-Matheson Chemicals, Metropolitan Life Insurance, Trinity College, Beekman Hospital, NY State Chamber of Commerce, Westover School, Seabury House, IBM, Republic Steel, National Aviation, Illinois Central Industries, Putnam Trust, Hartford Steam Boiler & Insurance, Avco Corp., Chemical Bank.

Frank L. King, United California Bank, Western Bancorporation, U.S. Borax, Pacific Mutual Life Insurance, Pacific Indemnity, Cyprus Mines, El Paso Natural Gas, United California Bank International.

Harry J. Volk, Union Bancorporation, Western Airlines, Pacific Lighting Corp.

Simon Ramo, TRW Inc., TRW Semiconductors, Unionamerica, Union Bank.

Lowell S. Dillingham, Bank of Hawaii, Pioneer Mill, Hawaiian Cement, Hawaiian Land Co., Oahu Sugar, Bank of America, Bankamerica Corp., Western Airlines.

Robert F. Erburu, Pickett Industries, New American Library, Publishers' Paper, World Publishing, Pfaffinger Foundation, Times-Mirror Foundation, Matthew Bender, Harry N. Abrams, Yearbook Medical Publishing, C. V. Mosby, Popular Science, Spaulding Pulp & Paper, Plan Hold Corp., Fuller & Dees Marketing Group, Publishers' Forest Products, Sanderson Films, Southwestern Co., Times-Mirror Co. of New York, Times-Mirror School & Library Services, TM Communications.

PGE—SQUATTER ON THE PUBLIC DOMAIN

(By Peter L. Petrakis)

In early June of 1970, a group of Pit River Indians occupied a campground along the Pit River in Northern California that was controlled by Pacific Gas & Electric Company. The Indians were reoccupying a small part of ancestral lands which had been stolen from their tribe. They were trespassing, said PG&E.

The campground lies within a 3.5 million acre parcel of land spreading over parts of four counties that, according to the Federal Indian Claims Commission, was unlawfully occupied by white settlers who drove out the native Pit River Indians in the late 19th century.

After that, the Federal Government took over some of the land and, in 1923, granted PG&E a license to erect power plants along the Pit River.

The nominal license fee did not grant ownership to PG&E. But PG&E nevertheless has tried mightily to create the impression that it does own the sites. A typical part of its characteristic "public relations" approach to disputing the Indians' claim:

1. Having them arrested for "trespassing," in collusion with the sheriff, district attorney and justice of the peace of Shasta County.
2. Asking the publisher of Hearst's San Francisco Examiner to send a reporter to Redding to cover the story when it became clear the Indians were getting sympathetic treatment by other papers (the Hearst Corporation has large holdings in the area).
3. Discovering a "tame" Indian, Ike Leaf, then writing a statement for him condemning the Indian militants, flying him to Redding on a company-chartered plane and arranging a press conference for him in the sheriff's office (invitations to the press sent out by a PG&E public relations man, who also presided over the meeting).

The owner?

Under white man's law, the existence of a license to occupy land is reasonable evidence. Why, then, didn't PG&E produce the government license to back up its assertions that it had a right to be on the Pit River? Why did it instead keep talking as if it actually owned the disputed property?

The probable answer: To bring up the matter of licenses in such a dramatic story, the subject of intense public interest, would have exposed a cover story that PG&E and the other private utility companies have been fostering for more than 50 years.

This is that they are bastions of individual initiative, "taxpayers" carrying their own weight in society, competing under adverse circumstances with a government that intrudes unfairly in the domain of "private enterprise."

The plain fact is that the U.S. Government set up the private power companies in the power business. PG&E, staunch defender of "private initiative:"

1. Has built its entire hydroelectric generating system on public lands and waterways under federal licenses which allow it to operate but own none of the power-generating sites.
2. Has captured the power generation of irrigation districts, water agencies and municipal, state and federal projects—representing a public investment of billions of dollars—and got power dirt cheap from the agencies and sold it back to the public at a large mark-up.
3. Has utilized a nuclear technology developed by the public at a cost of billions, uses nuclear fuel produced at expensive government plants by a publicly developed process that uses huge quantities of cheap public power, and has its nuclear power plants insured by the taxpayers because no private insurer will risk coverage.

River grab

It started in the early part of the century, when technological advances were making it possible to generate power at locations remote from marketing areas. Private power companies were grabbing up power sites on the nation's rivers, despite efforts by President Theodore Roosevelt and others to develop the sites in the public interest.

By 1920, the private power lobby turned the tide in Congress. It passed the Federal Water Power Act, which vested ownership of water power sites in the people but also created the Federal Power Commission with authority to grant 50-year licenses to private and public utilities for power development on the nation's rivers. Only token charges were fixed for the use of the water, and public recapture of sites held by private power companies was made difficult.

Many licenses were issued to private power companies and public agencies over the next few years. So now, 50 years later, many licenses are due to expire. This means that 18 percent of PG&E's hydroelectric capacity is subject to recapture by the public by 1975, and all of it by 2013.

To anticipate the license expirations, the Federal Power Commission in 1964 set up procedures to recapture or relicense power sites that made an already difficult recapture procedure even more difficult.

The FPC issued the original licenses on its own authority. But now it will send its recommendations to Congress for action, at least two years before a license expires. If Congress does not recommend recapture, a new license would be issued. The new procedure has been challenged, but not tested legally. So, for the present, a mere licensing arrangement has, through private power lobbying, been perverted into a virtual grant in perpetuity of public property to private corporations.

Over the past 70 years, several public agencies also have secured water and power rights on California rivers and, in 1913, Congress tried to keep private utilities from benefiting from this granting of public rights.

That came in the Raker Act, which prohibited the city of San Francisco from selling private utilities the power it developed on the Tuolumne River from the city's Hetch Hetchy project while operating under a Federal grant.

But when Congress passed the Federal Water Power Act in 1920, it buckled under severe pressures from utility lobbyists and deserted the public power principles of the Raker Act.

Under the Water Power Act, several irrigation districts and water agencies, as well as the State of California, are free to sell public power from public projects on public rivers to PG&E for resale to the public.

Water act

PG&E is making a killing off this public power, precisely the sort of thing the Raker Act was designed to prevent. Thus, PG&E exploits the public, not only through its own plants, built on the public domain under its own FPC licenses, but also by capturing the power generated by public agencies at plants built on the public domain under their FPC licenses or federal grants.

Historically, any time a public agency has wanted to dam a California stream, PG&E has followed a consistent pattern: Get the power into the PG&E system, or fight the project.

For example, PG&E and other private utilities fought the formation of the East Bay Municipal Utilities District in 1923. But PG&E and EBMUD have since worked out a cozy relationship.

Since EBMUD completed Pardee dam in 1928, PG&E has been getting all EBMUD power. EBMUD has never made even a gesture toward getting into the power business, even though the Municipal Utility District Act of 1921, which permitted the creation of EBMUD, authorized the district to go into the power, water and even the telephone business.

Two exceptions

Over the years, PG&E has captured every power-generating irrigation district and water agency in northern California, with the exception of two—the Turlock Irrigation District and the Modesto Irrigation District.

In 1952, PG&E commissioned an official 367-page company history, titled "PG&E of California: The Centennial Story of Pacific Gas and Electric Company, 1852–1952," written by C. M. Coleman. In it is found this pithy summation of PG&E's attitude toward public developments on the public rivers:

"Although the Company fought hard to preserve itself from government competition, it always willingly gave cooperation to worthy public water projects."

To PG&E, a "worthy public water project" is one in which the public surrenders its most lucrative product, electrical energy, to PG&E.

This, then, is the historic PG&E pattern:

1. Let a public agency build the most expensive parts of a hydroelectric project—the dams and canals—which PG&E would otherwise have to build and pay taxes on, then contract with that agency to deliver the falling water to the nearest PG&E power plant.
2. Or, better yet, let the public build hydro power plants too, then get the power into the PG&E system at low, fixed annual rates, under long-term exclusive contracts.
3. Make it clear to irrigationists and municipalities that PG&E will block public projects if the power contracts are not signed with PG&E.
4. All the while, wage vigorous publicity campaigns to convince the public that public water and energy from public water are logically and ideologically separable—that the public impoundment of water on a public river, and its distribution through public systems, is "a worthy public water project," while the distribution of the inevitable by-product of the release of that public water—public power—is the expression of an alien and subversive philosophy.
5. Pose as an altruist and argue that PG&E's piddling payments for this public power are helping irrigationists and municipalities to pay for their water projects, which could not otherwise be built.
6. Condition the public to ignore the fact that, if PG&E had exercised its self-celebrated "individual initiative" and built these projects for its power purposes, water users would still be getting the benefits from stored water that they now enjoy.

Today, 10 public agencies in California generate power for PG&E. Seven of them are under exclusive long-term contracts to PG&E, delivering all their electricity at low fixed annual fees to the company. One of them, the State Department of Water Resources, is under contract to deliver 56 percent of the power generated at the $500 million Oroville Dam to PG&E and the rest to Southern California Edison and San Diego Gas and Electric Co. until 1984. After that, all the power from Oroville Dam will go to PG&E.

Big profit

From all these public agencies, PG&E gets 10 percent of the electricity it sells to the public. PG&E gets this power so cheap, and marks it up so high, that public power accounts for 25 percent of the company's annual profits from electricity sales.

The Turlock and Modesto Irrigation Districts, the only two in California to do their own electrical retailing, charge 33 percent less for electricity than PG&E does in the irrigation districts the company has captured. And the Turlock and Modesto Irrigation Districts pay for their projects without any "help" from PG&E, of course.

In reality, water at the tap and water power at the wall plug are merely different manifestations of the potential energy of water stored at high elevations. Yet, because of PG&E-generated confusion, citizens who would become enraged to learn that all the water behind a public dam had been diverted to a private corporation for resale to the public are not at all shocked to learn a private company is selling them their own electricity.

PG&E confuses the public at every turn. When PG&E builds a dam on a public river, it is called a "power dam," even though downstream water users may benefit from the resulting year-round water supply. When irrigationists, or municipalities, or the state or the federal government build a dam, PG&E propaganda conditions people to think of it as a "water supply," though electricity, in vast amounts, may be produced from it—for PG&E.

"Water" project

Today's multi-billion dollar California Water Project should be called a "power and water project," since an immense amount of electricity will result from the state's impounding of Feather River water behind Oroville dam.

But PG&E and the other private utilities aren't openly fighting this project, for the simple reason that they are getting all the electricity from the public water project's $500 million Oroville facilities and selling it back to the public at exorbitant rates. That according to the classic PG&E line, makes it a "water plan."

The State Water Resources Department is more than a generator of power for private utilities. It also will buy power from them to help pump water through the California Aqueduct that will carry water from north to south in the California Water Project.

The Water Resources Department has contracted to sell the power output of Oroville Dam—3 billion kilowatt hours a year—to the private utilities for a low fixed annual fee of around $20 million.

More money

The utilities, in turn, will sell this hydropower to the public during the peak daylight and early evening hours—and get an estimated $42 million a year in revenue for doing it.

Then to supply the Water Project with the power for its pumps, the utilities will turn around and deliver 10 billion kilowatt hours of their thermal power to the state during the off-peak hours. That will cost the state $26 million a year.

The utilities will sell the pumping power to the state at cost, but they nonetheless will profit greatly from it. For it will enable them to keep their power plants running steadily and not just during the peak hours of general public demand, and thus avoid the heavy costs involved in shutting down and starting up steam generating plants.

There's an ecological aspect to this, too. Since the amount of water to be let out of the water project's Oroville reservior will increase as Southern California's population grows, more water will pass through the powerhouses to generate electricity. And since the private utilities have contracted for all of the power from Oroville Dam, the more overcrowded Southern California becomes, the more PG&E and the others will profit.

Can't lose

Even if political opposition or legal injunction were to stop the badly conceived and possibly illegal California Water Project, the private utilities will come out on top.

Oroville Dam already is built, the contracts for power have been signed, and the utilities are getting Oroville power.

Should the Project be blocked, or even delayed, the state would be relieved of part of its responsibility to husband water at Oroville, and would be able to make large water releases for power generation to the private utilities.

If the Delta Peripheral Canal, last link between Oroville water and the California Aqueduct, is not built, political pressures will develop to find alternative sources of water to send south.

There would be a strong possibility that water would come from sea-water desalinization plants, operated by the private utilities.

PG&E and other coastal utility companies are moving fast to get into that field and, with the Department of Water Resources, are now studying desalinization in connection with thermal power generation, under an order from Gov. Reagan.

PG&E also has offered the U.S. Interior Department the use of its steam plants at Moss Landing and Morro Bay for experiments in desalinization in connection with power production.

Nuclear plants

Nuclear power plants are enormous heat producers, and studies by the Atomic Energy Commission show that this heat can be used to convert sea water.

When President Johnson announced this in 1964 and indicated that the government would enter that area, shock waves were set up in the private power industry. The industry's trade publication, Electrical World, saw an "insidious" threat. "The alternative," said Electrical World, "is for electric utilities to assume a response role in the supply of potable water."

In other words, the private power companies are planning to get into the water business. Thus, historic trends are demolishing PG&E's carefully contrived cover story that water projects are public business and power projects are private business. To maintain their monopoly, PG&E and other private power companies must now get into the water business, too.

A further advantage to private power companies is that seawater desalinization could be done during those off-peak hours when shutdowns are so expensive.

The implication for principled ecologist-conservationist foes of the Water Project is that they may be getting some covert, and unprincipled, support from the giant utility corporations of California.

Because of their strategic position in the economic life of the state and their enormous political power, the private utilities have been able to rig things so that, whatever the fate of the Water Project, the net result will be a public capital investment for their benefit.

Although Gov. Reagan has stopped the Upper Eel River Development, the study is continuing. This project on the north coast river has a direct relationship to the Oroville power contract with the private utilities, and is specifically mentioned in the contract.

Section B–8 of the contract provides that, after 1985, the Department of Water Resources can release, for power generation, an amount of water from Oroville Reservoir greater than that to be released from the Upper Eel River Development.

More water

The Upper Eel River Development would build a 700-foot high dam at Dos Rios in the Coast Range in Mendocino County, about 20 miles north of Willits, and would create a vast reservoir that would drown 30-square-mile Round Valley with its Indian reservation and the town of Covelo, 30 miles upstream.

The plan for the Upper Eel River Development is to feed its water into the California Aqueduct at the Aqueduct's point of origin in the Sacramento-San quin Delta and send it to Southern California.

This could relieve Oroville Reservoir of its role as "key conservation unit" of water for Southern California and allow the state to make greater releases of water through Oroville's powerhouses—not to meet water demands in the south, but to generate power for PG&E.

The development also could counteract conservationist opposition to the Delta Peripheral Canal. By using water from the Eel River to supply Southern California, the Sacramento River can be permitted to flow at higher volume, flushing out the Delta and preventing stagnation in San Francisco Bay. This will mean maximum releases of water through the powerhouses at Oroville, for maximum generation of power for PG&E.

"Or else"

Politically, this would be the alternative presented to the public: "Let us build the Upper Eel River Development, or the Delta and San Francisco Bay will be destroyed by diminished flow of the Sacramento River."

PG&E will have maneuvered the state of California into building a hydropower facility for PG&E at Oroville whose generating potential nearly equals that of all the PG&E dams in California, plus a new source of public power for PG&E at Dos Rios, plus an off-peak market for PG&E's thermal power.

Alternatively, if the Eel River is not developed, there will be a brand new product to be sold by PG&E—desalinized sea-water for the California Aqueduct, generated at PG&E's nuclear power plants.

The key to the control PG&E and the other private utilities have over public water power projects in California, apart from their ability to buy politicians and dominate newspapers, is their monopoly on thermal electric generating plants.

Hydro power, which is all PG&E permits the public to generate is variable. It fluctuates daily and seasonally, as well as from year to year, depending on annual precipitation. Therefore, to make it salable for modern power demands, which are comparatively steady, it must be firmed by thermal power.

Since private companies have a monopoly on steam plants in California, it gives them enormous coercive powers over public agencies in disposing of public power. The companies tell the public in effect, "You will sell your power to us, and on our terms, or you won't sell it at all."

PG&E in control

In 1941, when the Bureau of Reclamation first asked Congress for funds to construct a steam electric plant at Antioch to firm the power from Shasta dam, and build transmission lines down the Sacramento Valley, the result was a parade of PG&E executives, lobbyists and attorneys that has never stopped. Result: The Central Valleys Project still has no steam plants, the federal project still is at the mercy of PG&E.

The California Water Project was originally designed to include a stateowned nuclear power plant, which together with the hydro power, would have made the project independent of outside sources of power to operate its pumps. The plant has not yet been authorized, though any observer of the private utilities in action knows that is intended to mean forever. Result: The private utilities will get $39 million from Water Project power, plus an additional $26 million payment for power from the Project itself, plus more economical performance of their steam plants and therefore greater profits.

More recently, PG&E blocked legislation which would have given the Northern California Power Agency, an association of 11 small municipal power cities, authority to jointly finance and construct a thermal power plant to serve their growing power demands. The bill had been passed by the State Senate, 21 to 4. Originally scheduled for the Assembly Local Government Committee, where proponents thought their bill had a chance, PG&E lobbyists got the bill switched at the last minute to the heavily pro-private utility Commerce and Public Utilities Committee by Assembly Speaker Robert T. Monagan (R-Tracy).

Observers on the scene saw evidence that the private power lobby had done an advance job on the committee members. The lobbyists were well represented in the audience. Assemblyman Kent Stacy of Kern County wryly asked the bill's author, Sen. Fred Marler of Shasta County, how he felt about changing the bill to add a provision to tax all publicly owned utilities, "as private utilities are." He was referring, of course, to the private utilities' pet project, the Bagley bill to tax public power cities, AB 908, recently withdrawn for the time being by its nominal author, William T. Bagley.

The committee, made up entirely of southern California conservatives, and headed by Robert Badham of Orange County, did not give the northern California cities a single vote.

Having fought successfully for decades to keep the United States government and the government of California from building steam plants in the state, the private utilities are not about to let 11 little cities do it.

The cities' desperate search for new power sources is based on the fact that the Central Valleys Project cannot supply additional power to its preferred customers (public power cities) after 1980. In 1967, PG&E forced the Bureau of Reclamation into an agreement that prevents the Bureau from accepting new preference customers or any new source of supply without the consent of PG&E and limits the amount of power CVP can supply to its existing preference customers to their estimated 1980 requirements.

The leverage PG&E used to get this lopsided agreement out of CVP was its monopoly on steam plants, on which the CVP is forced to rely for firming and making salable its Shasta hydro power. The multi-billion dollar federal CVP, and the preferred customers that are eligible to receive its power, are securely in PG&E's vest pocket, barring future lawsuits for anti-trust violations.

FCC stacked

The Federal Power Commission has retained jurisdiction to modify the 1967 PG&E-CVP agreement, but little hope lies in that direction: The chairman of the FPC is pro-private utility, and a vice-president of the Arizona Public Service Company is about to be appointed head of the FPC Bureau of Power (he will also continue on the company payroll).

Meanwhile, PG&E continues to encircle the 11 cities. During recent hearings before Sen. Philip Hart's Anti-Trust and Monopoly

Subcommittee, R. W. Cowden, NCPA secretary, disclosed that PG&E has 1) refused to wheel public power to NCPA cities, 2) grabbed up all potential sources of non-PG&E power that the cities could use, including public power from irrigation districts and water agencies, surplus power from the Sacramento Municipal Utility District's Rancho Seco nuclear power plant under construction, also Union Oil's geothermal steam fields, 3) refused to join with the cities to construct power plants, 4) sponsored the Bagley bill, 5) opposed legislation permitting cities whose charters are silent on the matter to issue revenue bonds for public electric systems, 6) had the NCPA banned from membership in regional utility councils. To this list must now be added PG&E's maneuvers to block the HUD loan, and the lobbying effort to block the cities from building their own thermal power plants.

PG&E's obvious intention is to put the 11 public power cities out of business and consolidate its historic theft of the public domain.

Suggestion to NCPA: Move to recapture some PG&E licenses coming up for expiration in the next few years, under provisions of the Water Power Act of 1920.

Atomic power

And PG&E has even more ambitious plans for the future—a future of nuclear power.

PG&E already has one nuclear power plant at Humboldt Bay near Eureka, and another nearing completion at Diablo Canyon near San Luis Obispo. Several more are being planned. In late September, PG&E announced it will purchase a quarter billion dollars worth of uranium fuel in 1971.

The company will buy crude, un-enriched uranium fuel from mining companies and turn it over to the Atomic Energy Commission, which will purify it to increase the proportion of fissionable uranium-235, then turn it back to PG&E.

The enrichment process is carried out at three AEC plants, including those at Oak Ridge, Tenn., and Paducah, Ky., that are in the service area of the Tennessee Valley Authority.

According to the FPC, industrial TVA power costs about half as much as PG&E and other private power. So the cost to PG&E for having its uranium fuel prepared by the government will be greatly reduced by the government's use of cheap federal power from the TVA.

If the government had to buy power from a private utility to enrich uranium for PG&E, its power bills would practically double, and this would be reflected substantially in the cost of nuclear fuel for PG&E.

Thus PG&E will receive another indirect public subsidy in the form of cheaper nuclear fuel, processed with cheap public TVA power that PG&E and other private utilities condemn as "socialistic" when it is used directly by the public.

It will be just another typical chapter in the story of PG&E, a huge public parasite that dominates the political life of the state, compels the public to create vast public works in its behalf, usurps the public's lands, rivers and technology, buys off and intimidates the press and even picks the men who "regulate" it on the state Utilities Commission and the Federal Power Commission.

PG&E doesn't see it that way, however. Its official biographer writes:

"PG&E's position at all times has remained essentially the same—that of a staunch defender against political invasion of a business successfully created and maintained by individual initiative and developed according to the needs of a growing state."

HOW PG&E GETS $67 MILLION OF PUBLIC POWER

D. L. Bell, PG&E's vice president and treasurer, recently put on a poor-mouth act for the State Public Utilities Commission. PG&E, he maintained, must be granted $67 million more a year in electrical revenues so that it can "maintain its credit and financial standing" with major investors.

The Guardian examined PG&E's rate application exhibit and discovered that, although Bell hadn't said so, PG&E already gets a public subsidy of $67 million worth of public power.

The $67 million—$67.4 million to be precise—is that part of PG&E's annual revenue which comes from its sale of public power. This is power generated at public facilities such as dams, sold to PG&E cheaply and then transmitted and sold to the public by the giant utility.

It is by far the most profitable phase of PG&E's extremely profitable operations.

PG&E's own exhibits show the company made an incredible after-tax profit of 22 percent in 1969 from the power it generated itself. However, its profits from the public power sales were even greater—a staggering 54 percent.

In dollar terms, that was a profit of $138,357,000 on PG&E-generated power and $36,482,000 on the public power sales.

That made total profits of $175 million—a figure that would rise by $40 million if PG&E is granted its plea for $67 million more in revenue.

None of this would be passed on the public agencies which have created huge tax-free capital investment and profit windfalls for PG&E. Their fees are fixed under long-term contracts.

PGE PLANTS ON PUBLIC RIVERS

Total installed capacity: PG&E hydro plants: 2,074,000 kilowatts.

PG&E-captured public hydro plants: 2,497,000 kilowatts.

California's rivers belong to all of us—and so do the sites where dams are built and electrical power is generated. But who occupies many of the sites, generates power and sells it to us? PG&E and other private utilities.

The utilities don't even pay much for this lucrative privilege. They operate under federal licenses which are granted for a nominal fee and are good for 50 years.

After the licenses expire, the public could take back the power generating sites—but only theoretically, thanks to private utility pressure on the Federal Power Commission that has subverted temporary licenses into grants in perpetuity.

Private utility holdings straddle almost all California rivers. The dates listed are the expiration dates of all 19 licenses held by PG&E and some held by Southern California Edison.

1 Humboldt Bay PG&E nuclear power plant, first of many contemplated by PG&E and other private companies along the California coast. These plants utilize fuel manufactured in government plants, and a technology developed by publicly financed research at a cost of billions. Public also insures these plants, because no private insurance carrier will take the risk.

2 McCloud and Pit Rivers Installed capacity: 656,000 kw. Oct. 23, 1973. July 31, 2011.

3 Pit River Indian Lands The government grabbed 3.5 million acres in Siskyou, Modoc, Shasta and Lassen Counties from the Pit River Indians between 1854 and 1890. In June, Pit River Indians reclaimed their land and PG&E arrested them for "trespassing" on PG&E-operated campground. Arresting agents never asked PG&E to produce proof of ownership, and PG&E has never produced it. PG&E operates its Pit River powerplants on a federal license that expires Oct. 23, 1973. License is now subject to capture by public agencies. If not captured PG&E's license will be renewed for another 50 years.

4 North Fork Feather River Installed capacity: 628,000 kw. Sept. 30, 1982, Sept. 30, 2003, Oct. 31, 2004.

5 Bucks Creek Installed capacity: 52,500 kw. Dec. 31, 1968.

6 Eel River Installed capacity: 52,500 kw. Dec. 31, 1968.

7 Yuba River, North Fork Yuba River, South Fork Yuba River, Bear River and North Fork American River Installed capacity: 139,000 kw. April 22, 1973, July 1, 1991, April 30, 2013.

8 Bodega Bay Area set aside for a state park was grabbed by PG&E for a nuclear power plant. Bitter public opposition arose. Application withdrawn when it was revealed that plant would be within one mile of the San Andreas earthquake fault.

9 Arena Cove Proposed PG&E nuclear power plant.

10 Mokelumne River Installed capacity: 190,000 kw. Nov. 23, 1975.

11 Stanislaus River Installed capacity: 119,000 kw. Dec. 31, 2004.

12 Lee Vining Creek (Southern California Edison) installed capacity: 10,360 kw. Nov. 30, 1986.

13 San Joaquin River Installed capacity: 63,000 kw. Dec. 1, 1972, April 30, 1989.

14 San Joaquin River Installed capacity: 33,000 kw. Feb. 11, 1973.

15 San Joaquin River (Southern California Edison) installed capacity: 155,000 kw. March 2, 1971. Feb. 28, 1999.

16 Collinsville Proposed PG&E nuclear power plant.

17 Davenport Proposed PG&E nuclear power plant.

18 Moss Landing Large PG&E steam plant. Army Corps of Engineers developed harbor largely to bring in oil tankers to supply the plant with oil.

19 Kings River Installed capacity: 315,000 kw. Feb. 27, 1972, March 31, 1985.

20 Diablo Canyon PG&E nuclear power plant, under construction.

21 Tule River Installed capacity: 5300 kw. April 30, 1989.

22 Tule River (Southern California Edison.) Installed capacity: 2200 kw. June 15, 1970.

23 Kern River Installed capacity: 11,000 kw. April 29, 1975.

24 Kern River (Southern California Edison.) Installed capacity 42,000 kw. Feb. 27, 1975. April 30, 1996.

25 Owens River Tributaries Bishop. Birch and McGee Creeks. (Southern California Edison.) Installed capacity: 30,000 kw. Nov. 30, 1986.

26 Hollister Ranch SCE nuclear power plant, under construction.

Sources: PG&E rate application, 11970 PG&E annual reports to the state PUC Bonneville Power Authority, U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, California Department of Water Resources, California Irrigation Districts Association, San Francisco's Hetch Hetchy Annual Report, California Power Users Association, PG&E promotional brochures, Federal Power Commission.

PGE'S CAPTIVE PUBLIC POWER AGENCIES

PG&E, that grand old champion of free enterprise, has a new motto: Let the Public Build Them. That is, let us build the dams and powerhouses which generate power, then let PG&E grab the power and resell it to us.

This map shows the public facilities PG&E uses to get dirt-cheap power which it sells at exhorbitant rates. (It is only 10 percent of the power which PG&E sells, but it accounts for 25 percent of PG&E's annual power profit of $175 million.)

PG&E already has captured the public power generation of five irrigation districts, two county water agencies, a municipal utilities district of the California Water Project. It also gets cheap federal power from the Bonneville Power Authority.

But wait till 1984. By then, PG&E will be getting the entire power output of the state's huge 500 million Oroville Dam.

1. Columbia River Bonneville Power Authority Federal power sold to PG&E, SCE, SDG&E, Los Angeles Department of Water and Power, Central Valleys Project and State Department of Water Resources. BPA sells 763,000,000 kwh to PG&E for $1,526,000. PG&E resells to public for $12,972,000.

2. North Coast Rivers Legislation now pending would create 20 state and federal dams on the Eel, Trinity and Klamath Rivers—to divert water to southern California and the southern San Joaquin valley. Inevitably: More public electric power for private utilities, including PG&E to sell back to the public.

3. Sacramento River U. S. Bureau of Reclamation, Central Valleys Project. PG&E gets surplus power from USBR's power plants on Sacramento, Trinity, and American River watersheds, uses it to meet peak demands. Sells the thermal power to USBR when USBR cannot meet its load demands. Reason USBR can't meet its load demands: PG&E has blocked construction of federal steam plants in California. PG&E has also blocked construction of federal transmission lines, forcing USBR to pay PG&E to transmit power to its consumers, i.e., public agencies.

4. Upper Eel River Development. Department of Water Resources. Proposed expansion of the California Water Project. After 1985, Eel River water would be fed into the California Aqueduct. Water from this source, plus other north coast rivers, would reduce need for water conservation at Oroville Reservoir on the Feather River, permitting greater water releases for power generation at Oroville dam on demand by PG&E.

5. Feather River. California State Department of Water Resources. Sells 2,846,000,000 kwh to PG&E. SCE, EDG&E for $16,000,000. Companies resell to public for $48,382,000. After 1984, all Oroville Dam power will go to PG&E Jan. 31, 2007.

6. South Fork Feather River. Oroville-Wyandotte Irrigation Districts. Sell 386,000,000 kwh to PG&E for $3,488,000. PG&E resells to public for $6,562,000. Mar. 31, 2009.

7. Yuba River. Yuba County Water Agency. Sells 89,000,000 kwh to PG&E for $240,000. PG&E resells to public for $1,513,000. Apr. 30, 2013.

8. Yuba River. Nevada Irrigation District. Sells 350,000,000 kwh to PG&E for $1,577,000. PG&E resells to public for $5,950,000. April 30, 2013.

9. Middle Fork American River. Placer County Water Agency. Sells 839,000,000 kwh to PG&E for $5,225,000. PG&E resells to public for $14,263,000. Feb. 28, 2013.

10. South Fork American River. Sacramento Municipal Utility District. PG&E gets peaking power from SMUD's hydroelectric plants, sells thermal power to SMUD to supply district's base load. PG&E will get thermal power from SMUD's nuclear power plant at Rancho Seco, now under construction. July 31, 2007, March 31, 2007.

11. Mokelumne River. East Bay Municipal Utilities District. Sells 90,000,000 kwh to PG&E for $487,000. PG&E resells to public for $1,530,000. Power rights granted to EBMUD in 1925, in perpetuity, by special act of Congress.

12. Stanislaus River. Oakdale-South San Joaquin Irrigation Districts. Sell 374,000,000 kwh to PG&E for $2,542,000. PG&E resells to public for $6,358,000. Dec. 31, 2004.

13. Tuolumne River San Francisco Hetch Hetchy water and power projects. Congress in 1913 grants unprecedented rights to San Francisco to dam Hetch Hetchy Valley in Yosemite National Park for water and power development. Purpose: Public water and power for San Francisco through publicly owned distribution systems. Sale to private utilities expressly prohibited. For 15 years, SF openly sold power to PG&E for resale to the public, in violation of the Raker Act. S.F. also sells power wholesale to Turlock and Modesto Irrigation Districts, which then retail it to their residents over public systems.

14. Tuolumne River Turlock and Modesto Irrigation Districts. Don Pedro Dam and reservoir. Power and water for districts' residents over publicly owned systems. San Francisco paid for half the cost of Don Pedro dam, but let the districts have all the power. S.F. has enough trouble getting rid of its Hetch Hetchy power to preserve PG&E's illegal monopoly in the city, without adding Don Pedro power.

15. University of California. A preference customer for the federal Central Valleys Project. The Berkeley campus could save $5 million in 10 years by buying cheap CVP power instead of expensive PG&E power, a 1963 study showed. But PG&E refuses to wheel the CVP power to Berkeley, in violation of congressional power policy, and Cal Regents refuse to buck PG&E.

16 Santa Clara Headquarters of Northern California Power Agency, a group of 11 public power cities in Northern California—Santa Clara, Palo Alto, Lodi, Lompoc, Ukiah, Healdsburg, Gridley, Biggs, Roseville, Alameda and Redding. PG&E is trying to drive them out of the public power business by refusing to wheel cheap federal power to them from the Central Valleys Project and lobbying against them in Sacramento and Washington.

17 Newark End of the line for San Francisco's Hetch Hetchy power. There it passes through a PG&E tollgate and into PG&E's system. PG&E transmits it 35–50 miles to supply SF municipal services (22%) and out-of-town industrial users (38%) assigned to city by PG&E as a dumping ground to keep SF from selling its own power to its own residences and businesses. PG&E's annual wheeling charge to SF: $2,000,000. SF's annual loss of revenue: $30,000,000.

18 Merced River. Merced Irrigation District. Sells 345,000,000 kwh to PG&E for $1,937,000. PG&E resells to public for $5,865,000. June 9. 1974, Feb. 28, 2014.

19 California Aqueduct. San Luis Dam and power plant. Built jointly by State Department of Water Resources and U.S. Bureau of Reclamation. Power for water project pumps, surplus to PG&E, SCE and SDG&E. Supplemental power will be purchased from private companies, including PG&E.

20 San Luis Obispo Power Plant. Water flow from northern California will generate power for water project pumps.

21 Pyramid Power Plant. Water flow from northern California will generate power for SCE, Los Angeles, and Water Project pumps. Being built jointly by SCE and LA Dept. of Water and Power.

22 Castaic Power Plant. Built jointly by State Department of Water Resources and City of Los Angeles. Power for water project pumps and Los Angeles Department of Water and Power.

23 Owens River. (Los Angeles Department of Water and Power) Water and power rights granted to City of Los Angeles by a special act of Congress.

24 Kings River. Army Corps of Engineers, Pine Flat Dam. Federal government built a large dam, reservoir and powerhouse, but did not install generators.

25 Corral Canyon. Proposed Los Angeles Dept. Water and Power nuclear power plant.

LOGGING ON SHASTA FOREST SERVICE LAND

About 40% of Shasta County, nearly 1,000,000 acres, is held by the federal government. The economic fruits from this public land are enjoyed mainly by big business and not the public or the Indians. The following table compiled from government figures lists the amounts of timber in board feet bought and cut in Shasta National Forest by logging companies. These firms pay the forest service for the right to cut trees which they process into wood and paper products. They make money off the public land without any of the responsibility of property ownership such as paying property taxes.

1965: Kimberly-Clark, 86,333,000; Nead Lumber, 6,490,000; Rochlin, 14,800,000; Brightwood Lumber, 16,500,000; Lorenz Lumber, 15,340,000; Trinco, 25,000,000; Diamond National, 23,000,000; International Paper, 14,100,000; U.S. Plywood, 45,670,000; Main Lumber, 28,500,000; South Fork Timber, 15,480,000; Cowning Lumber, 3,640,000; Trinity Alps Lumber, 35,800,000; Moss Lumber, 28,700,000; Frank Halbert, 315,000; PGE, 900,000.

1,966; Nead Lumber, 6,260,000; Scott Lumber, 4,600,000; Humboldt Fir, 13, 400,000; Diamond National 26,400,000; Cheney-Grant, 15,400,000; Continental, 15,400,000; Lorenz Lumber, 246,000; Rochlin, 10,300,000; Emmerson, 22,20,000; Kimberly-Clark, 55,719,000; PGE, 2,300,000; Main Lumber, 4,500,000; S. Fork Timber, 47,100,000; S. Fork Salvage, 1,880,000; Carolina-Pac., 14,700,000; Tefco, 32,500,000; B & D Lumber, 3,600,000; International Paper, 17,000,000; U.S. Plywood, 24,800,000.

1967: Lorenz Lumber, 29,700,000; Kimberly-Clark, 73,287,000; Bunke, 406,000; Nead Lumber, 5,500,000; Twin Harbors, 2,000,000; International Paper, 43,800,000; Eagle Lake, 13,400,000; Talco, 21,000,000; Dinsmore Lumber, 43,600,000; Trinco, 12,000,000; Main Lumber, 45,940,000; B & D Lumber, 4,300,000; SP, 425,000; Crawford, 9,100,000; Emerson, 23,200,000; Lake Mt. Logging, 1,430,000; Scott Lumber, 14,800,000; S. Fork Timber, 2,040,000; Malaby, 520,000; U.S. Plywood, 166,000.

1968: Eagle Lake, 38,800,000; Carolina-Pac., 15,180,000; Paul Bunyan, 5,500,000; Cheney-Grant, 22,600,000; Lorenz Lumber, 35,829,000; Lazy J, 398,000; Trinco, 250,000; Diamond National, 21,000,000; Kimberly-Clark, 57,600,000; Lake Mt. Logging, 900,000; Bratton, 7,300,000; Crawford, 41,600,000; Main Lumber, 12,300,000; B & D, 5,000,000; Halbert, 702,000.

1969: Eagle Lake, 42,000,000; Commander, 23,400,000; Lake Mt. Logging, 2,500,000; Diamond Nat., 12,300,000; Paul Bunyan, 23,600,000; Cheney-Grant, 42,900,000; Klamath Ply., 2,850,000; Sierra-Pac., 19,000,000; U.S. Plywood, 16,544,000; Pub. For. Prod., 10,800,000; Stange Lumber, 500,000; Kimberly-Clark, 38,959,000; Lazy J. 390,000; Arney, 115,000.

1970: Moore, 4,157,000; Sierra-Pac., 36,800,000; Lorenz Lumber, 3,800,000; Main Lumber, 8,500,000; U.S. Plywood, 10,400,000; Carolina-Pac., 33,019,000; Cheney-Grant, 16,700,000; I'natl Paper, 3,800,000; AC Logging, 5,500,000; Pub. For. Prod., 13,868,000; SP, 972,000; Hyampan, 10,500,000; Commander, 9,000,000; Georgia-Pac., 38,000,000; Kimberly-Clark, 19,984,000; Trinco, 508,000; Schwartz, 269,000: Varwig, 184,000.

DEL MONTE CORPORATION

General information

Del Monte Corporation (until 1967 called California Packing Corporation) claims to be the largest producer and distributor of canned fruits and vegetables in the world. It markets 250 different styles and packs of food.

Del Monte has 17,000 year-round employees and seasonal employment ranges from 6,000 to a peak of over 39,000 (in 1969).

Del Monte's 23,000 stockholders own 12,260,323 shares. Its interlocking corporate links are illustrated on a chart which will be completed about February 20, 1971. It has major loans of $30 million with Equitable Life Assurance and New York Life Insurance.

In February 1969, Del Monte claimed to own 32,000 acres of farmland and operate additionally 77,600 acres through leases in California, Hawaii, Northwest, Southwest, Midwest and Mountain States in the U.S. and in Canada, Kenya, Philippines and Latin America. (Lease holdings are difficult to research because they do not have to be recorded.) Processing plants are located throughout the U.S. and in Canada, England, Italy, Kenya, Mexico, Puerto Rico, Philippines, South Africa and Venezuela.

DEL MONTE AND SUBSIDIARY COMPANIES—OPERATING FACILITIES AND SERVICES

	Domestic	Foreign	Total
Food processing plants:			
Canned foods	38	21	59
Dried fruits	3		3
Snack foods	4	4	8
Specialties and frozen foods	6	1	7
Related facilities:			
Alcohol and vinegar	2	2	4
Apricot pit and kernel	1		1
Banana freighters		6	6
Banana terminals	3	1	4
Can manufacture	11	3	14
Canning machinery		1	1
Cattle feeding	5	1	6
Distribution centers	9	1	10
Farms, ranches, plantations	28	12	40
Label printing	1		1
Research labs	4	1	5
Seed farming and processing	6	1	7
Tuna freezing and storage		1	1
Tuna seiners and transport vessels		6	6
Public transportation facilities and services:			
Air freight forwarding stations	14		14
Ocean terminals	1		1
Trucking operations	4	1	5
Warehousing	4		4
Other services and activities:			
Building maintenance accounts	238	6	244
Food service accounts	617		617
Food vending accounts	218		218
Land sites under development	2		2
Public restaurants	24		24

Del Monte either owns outright or controls subsidiaries in Belgium, Brazil, Canada (3), Costa Rica, Ecuador, France, Greece, Guatemala, Italy, Japan, Kenya, Mexico(4), Panama, Philippines, Puerto Rico(4), South Africa, United Kingdom(2), Venezuela. They produce and distribute canned fruits, vegetables and specialties. Also canned meat products (Venezuela); canned tuna (Ecuador, Puerto Rico) fresh and frozen fruits and vegetables (Costa Rica, Mexico, Philippines), and snack foods (Canada, Mexico). Its brand names besides Del Monte include Award and Grand Tour frozen foods, Perky frozen meats and fruit pies, Granny Goose, Lin-Can in England, Alymer in Canada. In recent years the corporation has pushed diversification into some fresh fruit and vegetable promotion particularly asparagus, pineapple and bananas. Also institutional foods (airlines, restaurants and schools—a $1 million contract through subsidiary Service Systems Corps. to provide lunches for 11,000 low income students in Buffalo during 1970–71), food and vending machines, building maintenance, land development, public warehousing, air forwarding and trucking. In November of 1970, Del Monte received ICC approval to buy four more trucking firms in California, Washington and Arkansas.

Largest canner in Canada

Del Monte owns the largest canner in Canada, Canadian Canners Limited.

West Sacramento, Calif., Port

Two of Del Monte's subsidiaries are West Sacramento Port Center, Inc., and Del-Pac Properties (Cal Pak Properties) which combined own in Yolo County, California, 3,106 acres of land with a market value of over $7.7 million. As can be seen from the Yolo County maps, these properties are around the docking facilities of the Sacramento-Yolo Port District and the deep water channel leading from this port to the San Francisco Bay and the Pacific. West Sacramento Port Center, Inc., (see photos) is actively promoting its business properties between the port facilities and Interstate 80, the freeway linking Sacramento, the state capitol, just across the river, with San Francisco Bay area. The port's deep channel can handle about 75% of the freighters now afloat.

The Port is a public agency financed by local taxes, federal money through the Corps of Engineers and Port fees.

In 1968 a group of citizens tried to have the West Sacramento area including the port and much of Del Monte's properties incorporated into a city to assure more orderly development and police protection. At that time, Del Monte took out its own petition against incorporation. When the issue finally came to a vote, Del Monte did nothing openly to oppose incorporation which lost by about 2–1.

In 1970 there was a move to set up a park and recreation service area. Del Monte officials repeatedly appeared at hearings to ask that their land be excluded. Board of Supervisors finally established the area anyway, but with two zones of benefit: one general which was to pay full tax fare on one, agricultural which would pay less. Opponents have filed a petition to kill the service area by the ballot and as of December 1970 were about to succeed. Del Monte did nothing publicly on the petition.

Some of Del Monte's West Sacramento land is in pears, some in field crops, some vacant and some subdivided for commercial purposes. There is some talk in the community of a possible Del Monte housing subdivision on some of its property below the Port near the deep water channel.

Granny Goose, are you grown up enough?

Del Monte acquired ownership of Granny Goose in 1966 for 300,000 shares. At the time Granny Goose operated five plants employing about 700 people and had annual sales of $20 million.

In May of 1970, a federal grand jury in Los Angeles indicted four firms including Granny Goose for conspiring to raise and fix retail prices of potato chips, corn chips and other snacks in California, Arizona and Nevada. The others charged were Frito-Lay (owned by Pepsi), Dell Brand (owned by Sunshine Biscuits and American Brands) and Pet, Inc. At the time of the indictment, Del Monte said in the Wall Street Journal, "We understand, however, that the period mentioned in the complaint is prior to the time present top management took office." (I.E.: before Del Monte bought Granny Goose) The indictment dated May 26, 1970, stated: "Beginning sometime in early fall of 1959, the exact date being unknown to the grand jurors, and continuing thereafter up to and including the date of the return of this indictment the defendants and co-conspirators have engaged in a combination and conspiracy in unreasonable restraint of the aforesaid interstate trade and commerce in snack food products . . ."

On November 2, 1970, the four alleged conspirators pleaded nolo contendere, and on December 9, 1970, were each fined $35,000 for 11 years of price-fixing. Still pending in Los Angeles district court are about 20 civil suits seeking triple damages. Plaintiffs include retail stores, school districts and the Zoological Society of San Diego.

Del Monte's California farmland

The corporation's principal landholdings in California I have been able to locate are in Merced, San Joaquin, Sutter and Yolo Counties. Each county map has on its face a small state map locating the county and with Del Monte's holdings colored in. Each county map is attached to a collection of assessor's maps for that county. These sheets illustrate the specific holdings. Del Monte apparently also holds some land in Yuba and possibly in Sonoma, but these have not been located. There are some leases possibly, but these are difficult to locate because they need not be recorded.

San Joaquin County, Calif.

Del Monte owns in San Joaquin County over 3,300 acres with a market value of over $11.6 million. Included in this total is one piece of 3,125 acres with five labor camps and another several-block-long section of central Stockton with a canning factory and can plant, formerly owned by Continental Can. One large piece of city property was purchased last year in the name of Del Monte de Puerto Rico.

According to neighboring farmers the 3,125-acre piece is used mainly for asparagus but it was difficult to tell when I was there in December. The five labor camps on the property (see photos and San Joaquin assessor's map C33–4) with the exception of (5) the headquarters camp are surrounded by high barbed wire. One has high wire and a wooden fence facing the road. In December all camps with the exception of (5) were empty. It has come to me in years past and I was told again in December that when the other camps are occupied during the season, armed guards are posted to keep out "unauthorized" folks.

The block of land on assessor's page BKS 26, I figure was purchased for a future plant or warehouse site because it is located on a railroad and near an interchange of Highway 99, a main California highway, at the edge of the City of Stockton.

Sutter County, Calif.

Del Monte owns in Sutter County 1,448 acres with a market value of $6.7 million. Included is a canning factory in Yuba City (assessor's page 2–12) and scattered acreages of peaches. At the center of one of these holdings—all peaches—assessor's page 19–07, is located a well painted frame farm labor camp with central toilet and shower. Several families were living there this winter. The county recorder's office has on file a number of financing contracts between Del Monte and growers wherein as part of the mortgage agreement the grower must deliver his crops to Del Monte for the life of the contract. The scattered nature of the holdings in this county seems to indicate that some of the properties were acquired through foreclosures.

Merced County, Calif.

Del Monte owns in Merced County 5,100 acres with a market value of $6.9 million. It is mostly in peaches with some 1200 acres in figs . . . and numerous farm labor camps. On assessor's page 42–05 surrounded by peaches in one camp (10) plus some scattered houses and a load dock (9). Camp (10) seems to be basically a single man's facility with some guys around doing pruning in January.

None of the camps on page 53–09 were occupied in January except for caretakers. On assessor's page 53–12 camp (1) has single men in it year round, (5) is the HQ camp with offices and some houses, (6) is empty in winter, (2) is empty. On assessor's page 37–01, camp (8) is occupied year round with families and has been since it was constructed about 1953. Some 25 families live there this winter. A few have lived there since 1953. The places—of cement blocks—don't look too bad—see photos—except for the whole prison camp feel: high wire fence topped with barbed wire (a Del Monte trademark), huge no trespassing sign at the gate. The grounds are one big mudhole in the winter rains. There is no hot water in the units. No baths. No toilets. No heat. When the workers complain, they are told the camp was made for summer use only even though it has been used year round for over 16 years. Each building is a duplex. Each duplex, two rooms: a cold water kitchen with stove and refrigerator furnished, and a living room-bedroom. I have talked with families with up to eight people who have lived—and still live here—One man said for two years he slept in an overstuffed chair while his wife slept with the kids crossways on the bed and the baby was in the kitchen in a crib. The central-toilets-showers have hot water but no heat. Daily low winter temperatures in this area commonly range in the 30s and 40s with maybe 20 mornings of hard freeze every year. The families heat their two rooms by turning up the cooking stove. Some long time regular employees and straw bosses get two of these two room units for their families. The units are rentfree as long as the men work for Del Monte. If they are laid off by the company they can work for other farmers in the area and remain in the camp. The only stipulation is that they must be available when Del Monte wants them back.

The camp has a company store run by the camp manager. Credit is available. Charges are deducted from an employee's check. From various current and former Del Monte workers I heard the usual range of company store honors, none of which are verifiable:

(1) the camp manager has some say over who goes to work in the slack season. He favors those who buy at the company store and/or have charges there.

(2) a destitute traveling family sometimes never gets out of debt. They arrive broke, start work and charging at the company store at the same time. And they charge away most of every paycheck before they get it.

(3) charges in the company store are slightly higher than stores in town.

The arguments for the store—and the high fence—were: The fence and the store keep the kids from running across the highway and getting killed which supposedly happened to a little girl before the store was opened. The whole truth is that Del Monte had a store in another camp which now is not open all year. Del Monte has high barbed wire around all its camps except HQ camps whether they house little girls or just single men.

Del Monte is paranoid about the farm workers union. They're super uptight about any "strangers" entering the camps. In the fall of 1970, a Merced County public health nurse was thrown out of camp (8) and ordered to check with the main office every time before she went back. Now she calls the ranch HQ every time before she visits anyone at the camp. A self help housing organizer was not allowed to put up a poster for the program in the Del Monte office or the company store.

In 1964 Del Monte in cooperation with a local school district sponsored a tutoring program at one of the camps for some six weeks in August and September. The program attracted so much interest that in 1965 the county school district obtained a $100,000 federal grant for a large scale program also in a Del Monte camp. In September, community workers under the grant passed out leaflets in all the local farm labor camps including Del Monte's. The leaflets announced that the state law requires all school age children to attend school and not work in the fields during school hours. The next day (Saturday) the top county school officials were rolled out of bed early when a posse of about 10 growers including a representative of Del Monte stormed into Merced to complain that the leaflets had frightened away some of their workers, that families were packing up and leaving. When the school officials said they were only publicizing the state law, the growers answered that, state law or no state law, they didn't want anybody in their camps in the future unless they had specific permission from the owners to be there. Figs (the late crop picked after school starts) tend to be harvested more by families because there's work for almost any age. The fig trees at Del Monte's in Planada are very short and require no ladder work like peaches and other tree crops. This makes it somewhat easier for a family to pick up extra money. Fig orchards are picked several times. After the first picking there are fewer figs each time through and more work is required to get the same amount of boxes. The piece rate is boosted on these later pickings to provide another incentive to work whole families.

Everybody I've talked to about Del Monte confirms the residue in my memory that the company uses many wetbacks; neighboring farmers, folks in town, locals now working at Del Monte, former Del Monte employees. A local worker on a pruning crew in January said that 15 of 20 men were wetbacks. A man who worked a pruning crew in December said 18 of 21 were wetbacks. He said wetbacks are actively recruited on the other side of the border by coyotes who charge the men $250 a head to get them up here and in jobs with forged papers and social security cards. Other workers insisted to me that the company fixes wetbacks up with the papers and the social security cards. A farmer who used to own land near Del Monte's said that he has no doubt that Del Monte encourages the recruitment of wetbacks but is sure that it is done in such a manner that Del Monte cannot be held directly responsible. He says that Del Monte has an intensive recruiting program on the border and in Texas and also is not above stealing other farmer's workers. This farmer said Del Monte brings in workers by the busload, one time even a busload of Chicanos from Nebraska! Still other workers insisted that the company doesn't do anything to recruit wetbacks but just hires whoever comes along. Wetbacks, according to my informants, are paid the same as the locals and receive checks directly from the company. Some of the locals claimed to me that the presence of the wetbacks does lower the wages. The wetback being illegal has to accept any wages and conditions. The local to work alongside of a wetback has to do the same. Several of the locals told me that the immigration makes periodic raids, like at the end of harvesting and at the end of pruning—to prove they're doing their job.

These workers said they think the company knows when the raids are coming. Maybe they're ordered. That's my idea. That way the wetbacks would get a free ride back to the border. Local workers claim they don't like the idea of wetbacks, but "they need jobs, too, and I wouldn't feel right turning them in all the time."

Documentation of the raids awaits reports from the immigration on activities over the past several years.

In the fall of 1967, during a farm labor shortage scare, Del Monte was one of less than 10 growers in California who through the courtesy of Governor Ronald Reagan had the use of 200 prisoners to harvest figs. They were available for about a month beginning in early October. A state appeals court has since ruled use of prisoners in private employment is unconstitutional. Presumably they were paid the "going rate," but I found no one who knew this for sure.

All the local workers I talked with are Chicanos up to the rank of straw boss and foreman. They all felt what one described as a subtle discrimination. They claimed there was only one Chicano on salary, that all others were paid by time and/or piece work. One young Chicano with a year of college worked for the company five years in the office and in the fields. He lived for some time in the camp described above and finally in a company house. He said they kept promising him good promotions, but he said he could feel a subtle discrimination against Chicanos rising above a certain level regardless of ability or education. Finally he became convinced he wasn't going anywhere and quit, last summer. He now works full time in a Planada liquor store. He said all the upper supervisors are not from the ranks but moved in from the outside.

All workers complained to me about the fluctuating wage policies of the company. Most work is on contract or piece rate.

Workers are not sure day to day what the rate will be. On some occasions they are told the next day what the rate was on the previous day—after the office does some figuring. Sometimes they are told in the middle of the day what the rate is for that day, after one of the supers from the office checks how the work is going. Workers say the company likes to keep the rate so a man's daily pay does not get too high—or presumably too low although workers did not complain about that. They said that sometimes if the men make too much in one day, the rate is lowered for the next day or the men may be moved to another block, another crew moved in where they were yesterday and the rate lowered. Sometimes the rate is raised if the work goes slow but most often they are just given a pep talk. One man told me that the piece rate is kept so that a man makes right close to $2 an hour. They are paid the $2 an hour for eight hours if they prune, for example, a certain number of trees, and then a "bonus" is added for each tree over that amount in one day. He said the rate is fixed and changed whenever and however the company unilaterally decides. The aim is to keep the men working like hell to make the quota with small chance of getting one or two extra trees at the end of the day . . . at best.

All Del Monte present and past workers and neighboring farmers agreed that Del Monte pays slightly better and that conditions in the fields (water and toilets) are slightly better than other growers in the area, although the consensus seems to be that Del Monte works a man like hell.

A number of workers complained about getting sick with pesticides. One man reportedly even spent some time in the hospital. Another said that even now two years after he got sick he still occasionally wakes up at night in a sweat with that pesticide rash. The impression I got from most guys is they don't see pesticides as a big issue.

An ex-farmer who operated near Del Monte around Planada said the company goes out of its way to be a good neighbor, cooperating on the distribution of irrigation water, loaning machinery and selling old machinery at low prices after they have depreciated it on their books. This same grower said the peaches on the Planada ranch are a marginal operation. They have shown a profit only two or three years since World War I. The figs are profitable, however, he said. He also pointed out that the peach deficit may be a bookkeeping operation because all of Del Monte's farming is geared to the canneries—to make the processing and efficient money-coining deal. Del Monte can afford to "lose" money on farming and make it up on canning. Such a set up might even be desirable because if Del Monte pays less for its peaches, it also pays less for peaches bought from other growers. Their farming operations may be used to regulate the market as well as regulate the operation of their canneries. This same farmer reported that Del Monte makes an effort to keep its contract growers happy and loyal by financing their entire farming operations and making payments to them "under the table" in excess of contract terms in certain cases. The same farmer said that when he was in on the operation of a co-op cannery Del Monte once gave him a load of peaches because it couldn't be worked into the schedule of one of its factories.

Another ex-grower who sold Del Monte his 840 acres near Ballico in Merced County said Del Monte gave him a good deal and paid a fair price. The man said he wouldn't have been able to survive the present wave of "labor unrest and mechanization." At the time of the sale he also was faced with the problem of his partner's death and an impending divorce. He said Del Monte took over all his workers and was "too" loyal to some who did not produce for them. Del Monte fixed up his old labor camp. Within the context of its operation, Del Monte is good, this grower said; but he's not sure he's in sympathy with large corporate operations in agriculture. "It does things to the market to destroy competition and efficiency." This man also complained about the trend with corporate and government control which is squeezing out the individual in farming. He noted the Cling Peach Advisory Board, a state sponsored group which controls the production of canning peaches. Estimates are made on projected crop needs and possible production in the spring, and a certain percentage of green drop is ordered. A grower must strip a set percentage of his green peaches off his trees—or cut out an equivalent of trees. At harvest time, more projections are made and, based on these figures, some peaches may be "diverted" at the canneries. The aim of the program is to maintain prices by limiting supplies. The individual grower is at a decided disadvantage in relation to the canners in this system. About 50 per cent of his costs are tied up in the current crop—irrigation, labor, fertilizers, sprays. If after that he has to drop some of his green fruit—or even worse pay to have peaches picked and then diverted—he's up against it.

Another grower, small operator who went broke growing tomatoes, told me it is his opinion that the basic canner-grower relationship, Del Monte or anyone else, leaves the grower at a disadvantage. The natural interest of the canner is to encourage overabundance of whatever crop to drive down the price. In this relationship the small grower is in the weaker position especially when so many of them depend on the canners for financing. The make up and control of the Cling Peach Advisory Board awaits receipt of some more information.

San Jose, California, dried fruit plant

The business agent of the International Longshoremen's Union which has jurisdiction of the Del Monte dried fruit plant in San Jose, California, told me that last fall management stopped the union from collecting food for the lettuce strikers in the plant and openly pushed in-plant collections for the United Fund. Management told the union that collections for the striking farm workers were not in the best interest of the company. At the start of the United Fund drive, the plant superintendent stepped out of his office into the plant and in a loud voice said, "If anybody doesn't want to contribute send him to the office so he can explain it to me." The union wrote a letter of protest saying that if collections for the farm workers were forbidden so should the United Fund solicitations. The company answered, "Denial of access to such a widely accepted charitable agency such as United Fund would be a sharp departure from contemporary business and community standards."

For years, this union has had with Del Monte in San Jose an informal hiring hall agreement whereby after calling back all workers previously with the company, the bosses would contact the union for any additional people needed. In 1969, Del Monte backed out of this arrangement because an official from the San Francisco office of federal contract compliance said Del Monte would have to advertise more widely for job openings to provide fair employment. Now, according to the union, there are more Anglos and fewer Chicanos and Blacks being hired than when the company dealt directly with the union.

Del Monte bananas

Following item from the October 30, 1970, issue of Moody's Industrials:

"Del Monte Corp.

"Proposed acquisition of Guatemala banana operations of United Brands Co. will be effected for over $10,000,000 cash, subject to approval of Guatemalan and U.S. authorities. Under agreement, Co. will not acquire title to United Brand's holdings until 1972. Before that time and subject to Govt. approval, United Brands would supply Co. with a substantial quantity of bananas which would more than double Co.'s banana marketing operations. Increased production would be marketed under Co. name by West Indies Fruit Co., Co.'s subsidiary. United Brand's banana production which Co. does not acquire will continue to be marketed under Chiquita brand name. Agreement will help United Brands satisfy part of conditions of a 1958 consent agreement in an antitrust action under which it agreed to form a competitor to handle about 35% of its import volume."

In that area of the world Del Monte already owns—in part—100% of Del Monte International, Inc., a Panamanian company. In 1968 Del Monte went into the banana business by buying West Indies Fruit Co. of New York, West Indies Fruit Company International, Atlantic Banana, Federal Transport Co. of Panama, Bananas SA Ecuador, Penn Shipping of Panama and Southern Stevedoring.

San Francisco urban renewal

Del Monte plans to build a 35-story $30 million international headquarters building in the Yerba Buena Center, a questionable redevelopment project in San Francisco. This particular project started out in the mid-50s as a small scale, light industrial spot clearance project near downtown. Under press from the city's private promotors, it was gradually shifted geographically and conceptually until it became a major clearance project for office buildings, a big hotel, arena and shopping center. At one point the city was sued for ignoring the folks and had to agree out of court that it would plan 1500 new housing units which it had not wanted to do. There have been loud and continuing screams from liberals about the project. The edifice complex and all that. One of the beneficiaries of this program is to be Del Monte through the purchase of choice downtown land at a cheap price, fully cleared for building. The Del Monte deal is now being challenged in the courts by Alvin Duskin, the San Francisco dressmaker, who has been fighting skyscrapers generally and the state water plan. In the court case, Duskin is claiming the redevelopment agency sold the land to Del Monte at way below market value. Duskin also has launched a signature collection drive for a city ballot initiative to require direct voter approval for all buildings over six stories.

IMPERIAL VALLEY

Imperial County, California, on the U.S.-Mexican border, is the sixth richest agricultural County in the United States. This wealth is 100% dependent on a heavily subsidized federal irrigation system (welfare plan) which illegally delivers water to large landowners. These farmers get additional welfare support in the form of:

Subsidies for growing and not growing crops.

Soil conservation funds for improving their lands.

Land management and crop advice.

Illegally low farm assessments.

Cheap labor, most of it foreign, much of it illegal.

One of their welfare programs—cotton-grain subsidies—in 1969 paid 252 Imperial growers $8 million compared to the $7.8 million received by the 17,760 local residents on poor people's welfare.

About 24 per cent of the Imperial County population is on poor people's welfare. The official county unemployment figure is over 11 per cent—nearly 50 per cent above the state-wide rate. According to the local director of the state employment office, 90 per cent of Imperial farm jobs are held by Mexican commuters who cross the border daily. In the past 10 years, one of every two farm jobs has disappeared. Farm employment has plummeted from 14,700 to 7,500. In the peak season, jobs are scarce; in the off-season, non-existent.

Poor people's welfare, in contrast to what is available to the landowners, is meager, and many times not readily at hand (especially for those who are not up-to-date articulate on their rights.) So folks get hungry.

Soothing the abrasive Imperial gap between the few rich and the many poor is the "war on poverty". One of the local ointments in this war is the Rural Development Corporation (RDC) which has set out to promote housing, educate the farm workers, and develop jobs. It has an English and citizenship program in which students receive a stipend of $20 a week—hardly more than gas money to get to school in a rural area. This winter as the classes progressed on the long range benefits of citizen participation and learning English, RDC students, teachers and administrators became overwhelmed with the blowing-in-the-wind futility of trying to talk away the rising tide of unemployment, deprivation, and hunger. The end of February 1971 (beginning of the farm slump season in Imperial) RDC was able to release $5,000 for emergency food distribution. The money was passed out in $30 food orders per family; 166 families were helped. Perhaps, hardly more than another futile gesture, but RDC couldn't stand there talking about democracy and conjugating verbs without trying to do "something" immediate for starving people. The citizenship classes of RDC were used for outreach to contact hungry families. This is some of what they found on the first day of food distribution:

A family with eight children. The father breaks his leg and then can't find work for several months. In January he disappears. The wife and kids live in a small trailer. There is no table in the kitchen and the rest of the trailer is laid out as a haphazard sleeping quarters.

A widow with eight children pays over $100 monthly for four rooms with no inside running water.

A family with 13 kids. Last year, the man joins the farm workers strike to improve wages. He is blacklisted by Imperial Valley ranches.

Numerous farm workers with families cannot find work during the February-June off-season in Imperial. Welfare is increasingly hard to come by, so they migrate to Texas or the San Joaquin Valley of California (sometimes without their families).

A farm worker's widow with five children lives in a one-bedroom house.

A family with six children. Wife is dying of cancer. As the woman gets weaker, her husband stays at home to take care of her last three months of life, (he can't afford to do this.) He can't afford any kind of help. One week after receiving their food voucher, the wife dies. As this is being written, the husband is taking up a collection among his neighbors and friends to pay burial expenses.

A family with three kids. Husband falls off tractor, and an operation at the county hospital leaves him almost paralyzed. His disability runs out, but his scar from mid-stomach to mid-back swells painfully whenever he exerts himself. He works occasionally when a job is available, but he doesn't think he can continue.

A family with six children has been living in a three room house for six years (rent: $45) No inside toilet or bathroom. No money for school clothes.

RDC distributed $5,000 worth of $30 food order vouchers. A few hundred people were fed. RC is planning to pass out an additional $10,000 this spring—a few hundred people will be fed a couple of more times. How far does a $30 food order go with six to 13 kids??? It takes some of the edge off the hunger. Draws some of the fire out of the anger, but nothing will have changed in Imperial Valley. The rich will continue to be very rich. Very powerful. Very subsidized. Very illegally subsidized. The poor will continue to be deprived, powerless and effectively ignored, and all the kids will once again be hungry a week after the last food voucher is issued.

The poor will continue to be poor because the rich are hogging the public welfare.

Nothing will ever change in Imperial County until the basic priorities of that society are radically altered to conform to the democratic principles and laws of this land. The first step in that direction is a recognition that Imperial County is a corporate-socialistic province in which the ruler's claims to wealth and power rest on the questionable laurels of unfair and oft times illegal subsidies (welfare) payments and the bald exploitation of the poor, particularly those of Mexican heritage. Let us now look at these laurels.

The water subsidy

Imperial County is a hot, dry, low desert. The annual rainfall ranges between two and three inches. The soil is rich from Colorado River silt deposited over the eons, but farming would be impossible without irrigation. The big Colorado is the source. In 1901 the first irrigation water was brought to Imperial from the river 60 miles away. Four years later, a roaring flood washed away the diversion works, and water poured into the Valley for two years until 1907 when the Southern Pacific Railroad finally filled the breach. Even after that irrigation in Imperial was a chancy business. The Colorado was untamed. The flow was seasonal. The Alamo Canal which fed water into the valley from the river traversed part of northern Mexico first. The U.S. Bureau of Reclamation said these conditions "severely impaired the full economic development of the area."

Imperial landowners wanted an American Canal and a harnessed Colorado. They got both with the Boulder Canyon Project: Hoover, Parker, Davis, General Wash Dams and the first delivery of irrigation water through the All-American Canal in 1940. "It now may be said with confidence," bragged the Imperial Irrigation District, "that no section of our nation is more assured of a permanent and prosperous future than is this valley." In other words, the Boulder project financed by the U.S. taxpayers and built by the Bureau of Reclamation saved the Imperial Valley from recurring disastrous floods and now delivers into perpetuity and on order the irrigation water required to make that desert a garden. The subsidies built into this system would stagger the conniving imagination of that mythical welfare mother who continues to produce kids so she can collect more dole.

(1) Free dams

The Imperial farmers who use irrigation water from the Colorado project do not pay one red cent for the cost of the three dams which regulate the river, store their irrigation water, deliver the water on their demand and save them from floods.

The Bureau of Reclamation states:

"Hoover Dam pioneered reclamation's present-day giant, multiple-purpose developments. Its benefits encompass the whole concept of river control."

"The dam controls floods and stores water for irrigation, municipal and industrial uses, hydroelectric power generation, recreation and fish and wildlife . . . This water is released in a regulated, year-round flow to farms, homes and factories downstream."

"Water stored in Lake Mead (behind Hoover Dam) irrigates ¾ million acres of land in this country (over ½ million acres in the Imperial Irrigation District) and ½ million acres in Mexico . . .

"Colorado River water stored behind Hoover Dam irrigates some of America's richest farmlands."

California Department of Water Resources says, "Davis Dam, 67 miles downstream (from Hoover) . . . is used primarily to regulate the water . . . in accordance with downstream water requirements in the United States and Mexico . . .

"Senator Wash Reservoir . . . provides for a limited but valuable amount of additional regulation."

Despite these statements of the irrigation benefits derived from these three dams, the Bureau of Reclamation in its financial statements does not allocate one cent of the dam's costs to irrigation; therefore, *irrigators repay nothing*. They get a free ride. A subsidy. A dole. Most of the Hoover and Davis dams' costs are allocated to hydroelectric power and reimbursed by power. Most of the power is used in urban areas which means that the electric customers in the cities (as far away as Los Angeles) are subsidizing irrigation for Imperial farmers. When Bureau of Reclamation cost expert Gene Hines in Boulder City, Nevada, was asked why none of these dams costs were allocated to irrigation in view of the admitted irrigation benefits, he said, "Apparently there were no obvious beneficiaries at the time the costs were allocated."

The Boulder Canyon Project Act was authorized December 21, 1928. The Imperial Irrigation District (IID) was organized in 1911, and began actively leading the campaign for the Hoover Dam and All American Canal in 1920. The Metropolitan Water District of Southern California (Los Angeles area), another agency which delivers irrigation water illegally from the Colorado, was organized in 1928 before the project was approved, and its representatives lobbied for its passage.

ESTIMATED IRRIGATION SUBSIDY FROM COLORADO RIVER DAMS [1]

	Total cost	Estimated irrigation subsidy
Hoover	$177,000,000	$35,000,000
Parker-Davis	152,000,000	30,000,000
Senator Wash	58,000,000	58,000,000

[1] Based on a 20 percent ratio for irrigation on Hoover, Parker, and Davis, and 100 percent for Senator Wash. The 20 percent figure is on the low side to compensate for the large amount of city water in the Los Angeles part of the project. Irrigation is allocated over 60 percent of costs in the Federal Central Valleys project in California. I guess that 100 percent of General Wash is chargable to irrigation because the only purpose of the dam is to regulate the river for the farmers.

The Boulder Canyon Act contains language which permits the irrigators to get free dams. The legislation says: "that no charge shall be made for water for irrigation for potable purposes in Imperial or Coachella Valleys."

Such phrasing, however, does not preclude a realistic evaluation of the subsidy involved. In standard Bureau of Reclamation procedure, the function of the allocated cost concept is to give a clear picture of the division of expenditures by function on multi-purpose projects such as Boulder Canyon. The reimbursable costs reflect the division of repayment obligations, if any, by the various users. The Bureau policy on irrigation, for example, is that the users are charged not on the basis of costs but on the basis of the Bureau's estimate of their "ability to pay." In the Central Valleys Project the bureau allocated over 60% of costs to irrigation. The reimbursable costs—what the irrigators were actually required to repay—was 17%. The amount of the irrigation subsidy there, is easy to figure. Not so on the Colorado. Apparently the big landowner-speculator coalition (led by Los Angeles Times and Irvine) which promoted the project desired to have the subsidy (welfare) tracks (covered) as much as possible.

(2) Free flood control: Minor proportions of Hoover Dam costs and the entire cost of Senator Wash Dam are allocated to flood control which is a totally non-reimbursable item. The cost is paid by the federal taxpayers, nothing is paid by those protected from floods—like the IID. Another subsidy. Another welfare program.

Nonreimbursable flood control

	Million
Hoover Dam	$25
Senator Wash	58

NOTE.—None of the Parker-Davis Dams' costs are allocated to flood control or irrigation as noted above; but out of the $152,000,000 expenditure some $13 million is allocated to Municipal and industrial water, presumably for the Metropolitan Water District whose water is diverted from the Colorado at Parker Dam. The Met made a $13 million contribution toward building Parker-Davis Dam. Incidentally, the Met does deliver irrigation water from the Colorado, some to Orange County. The biggest landowner there: Irvine Ranch, 88,000 acres. Irvine is the second largest landowner in Imperial with 10,000 acres.

(3) Free water: As noted above, IID is not charged for any water it uses from the Colorado by special exemption from Congress. The argument, in effect, being that since IID used river water before the project went in, they had some sort of a property right and the Federal Government could not charge Imperial for water it already owned. As noted in the section on "Free from the Law," below, ownership of the water is not the key factor in application of the 160 acre limitation. The law applies to all water stored, regulated and/or delivered by a federally subsidized facility.

Imperial Irrigation District (IID) receives from the Colorado River 2.6 million acre feet of water a year. This is slightly more than the 2.5 million acre feet which is used yearly from all its sources by the entire Metropolitan Water District. The population of Imperial County is about 74,000. The population of the Met which extends from Oxnard to San Diego is over 10 million.

An acre foot of water is 326,000 gallons—enough water to cover one acre one foot deep. One acre foot would supply a city dweller with enough water for over four years if we assume the daily per capita city use is 200 gallons—a high figure.

Per capita use in Los Angeles is now 188 gallons; in San Diego, 153.

Assuming about two million acre feet of IID's water gets its 500,000 irrigated acres, that means that each acre uses four acre feet of water a year. *An individual could survive over 16 years on that much water.*

(4) Free interest: IID does have some obligation to pay on the Boulder Canyon Project costs. It pays a pro-rata share of the costs for the diversion works and the All-American Canal which carries the water to the district from the river. This is a 40 year contract—in reality a 55 year contract. (see paragraph below.) On this contract *no interest is charged*. The federal taxpayers pick up these costs. Another subsidy. Another dole. If interest were charged the $28 million now being repaid by IID would be nearly tripled.

(5) Free ride for 15 years: All-American Canal began delivering water to IID in 1940. The district began repaying its reimbursable share in 1955. That's like buying a house and not making a payment for the first 15 years.

(6) More free flood control: All-American Canal costs $70 million; of this, $4.5 million is allocated to non-reimbursable flood control. When asked about this, Hines of the Bureau at Boulder City said that figure covers some levees built in the valley to prevent flooding.

(7) Free from the law: Terms of the Federal reclamation law under which the Colorado River facilities were built require that delivery from any federally subsidized irriga-

tion project be limited to enough water to farm 160 acres for each owner. The law has been interpreted liberally to allow man and wife 320 acres—and a real conniver could run-in a 160 acres each for a couple of other relatives also.

Reclamation law further states that one owner may obtain enough water to irrigate endless acres if he signs a contract with the federal government in which he agrees to make available for sale his "excess land" (over 160 acres) within 10 years at a price which does not take into consideration the increment in value resulting from the subsidized water. The purpose of this section is to prevent "undue enrichment" and to stop profiteers from gouging buyers for the "unearned increment" in land prices contributed by the federal project.

Harry Horton, late buyer for IID, once told Congress that under terms of this section, the big operator could sign the contracts, farm their lands for 10 years, sell at about any price and come out quite well.

Another part of reclamation law provides that the acreage limitation shall apply to all waters which are stored, regulated and/or delivered by facilities financed in whole or part by the United States. The same law requires that irrigators live on or near their land.

The specific rationale for these regulations is that the benefits should be widely dispersed because all federal irrigation water is heavily subsidized through free interest, free flood control, electric power, etc., and as a result the land skyrockets in value. The general rationale: the better society is the one in which the power and the wealth are broadly enjoyed and controlled.

Clearly this law applies to the Imperial Irrigation District. But in the lame duck February, 1933, days of the Hoover Administration IID was exempted, without benefit of a government legal opinion (by a mysterious series of memos). IID's attorney wrote Assistant Reclamation Commissioner Porter Dent asking for a ruling on the 160-acre limitation in Imperial "Provided, that such ruling would be that the 160-acre limitation did not apply." Dent passed the request, with an approving memo, on to Northcutt Ely, as Assistant Secretary of Interior. Ely agreed without following the usual procedure of obtaining a legal opinion from the department's solicitor. An exemption letter was drafted and signed by Secretary of Interior Wilbur.

Two weeks later, Roosevelt replaced Hoover in the White House, and Northcutt Ely took a retainer with the IID—a position he still holds.

In 1964, Interior Solicitor Frank Barry ruled that Wilbur's letter was "clearly wrong," and that the law applied. This federal turnabout set the stage for a court case precluded by another curious set of events—another object lesson in California power politics.

To fight the new attack, Imperial's largest landowners organized Imperial Resources Associates (IRA). Its initial guiding light was Robert Long, vice-president of Irvine Ranch (10,000 acres in Imperial, 88,000 in Orange County, both illegally receiving Colorado water). Long is now a vice-president (in charge of agricultural loans) for Bank of America, world's largest bank, financier of over half of California's farm production. Long's favorite speech was a warning about how the little farmer would suffer along with the big grower if acreage limitation were enforced. IRA elected as its president, Stephen Elmore whose three family companies farm over 17,500 acres in Imperial. Presently the Reclamation Commissioner, Floyd Dominy, representing the agency mandated to enforce the law, went to Imperial and told the growers, "I think it is time to examine whether the 160-acre principle is sufficient for today's farming." Following this rousing support of law and order by Dominy, IID and the farmers rejected all formal Bureau of Reclamation proposals to apply the limitation. On January 11, 1967, the U.S. Justice Department filed a suit against IID in San Diego federal court.

IID went into battle with its regular legal battery while IRA hired O'Melveny & Meyers.

O&M, a bi-partisan political powerhouse in California, attaches one of its top men to every important candidate in every important political race in the state. In 1970, they had a man with Reagan and a man with Unruh. In the U.S. Senator's race they assigned a man to George Murphy, a man to Norton Simon and three men to John Tunney, the eventual winner. One of Tunney's O&M assistants was Warren Chrisopher who first met Tunney in Washington when Tunney was the congressman from Imperial and Christopher was a deputy attorney general on leave from O&M. That was when Christopher's partners were defending Imperial's big farmers from this federal onslaught. Perhaps a conflict of interest?

Another O&M partner, Allyn Kreps, was a honcho in the winning 1968 campaign of California's other liberal senator, Alan Cranston. Kreps in 1964 ran the initiative campaign which killed much of California's fair housing law. Chief sponsor of that law was Assemblyman Jesse Unruh, the candidate for governor Kreps managed in 1970.

Republican Governor Reagan blasted attempts to limit farm size in Imperial, and the State of California in the person of its Democratic attorney general entered to case on the side of the big operators.

In January 1971, U.S. District Judge Howard Turrentine ruled the 160-acre law did not apply in Imperial. His decision relied mainly on the 1933 Wilbur letter and the fact that it had not been openly challenged by the Congress. The Justice Department brief had said, ". . . the Wilbur letter must be recognized for what it was—a partisan effort by a lame-duck administration to effect, by administrative interpretations, an exemption . . . that proponents never dared risk seeking directly."

Turrentine's decision was in keeping with California water litigation history: most lower courts rule with the big landowners; the U.S. Supreme Court rules for the people. At one point, Turrentine was quoted as saying, "Let's get it on the way to the Supreme Court." However, appeal now depends on the politics of Nixon's administration. Nixon has long been on record against acreage limitation. The government has until early April to take the case up to Appeals Court.

Meanwhile another suit is pending in San Diego Federal Court. About 125 mostly landless Imperial Valley folks are asking that the resident requirements of the law be enforced in IID. A little quoted section of the law states that farmers irrigating with federally subsidized water must live on or near their land. About 70% of IID is held by absentee owners living outside of the county. The case is to be heard in mid-March. Art Brunwasser of San Francisco is attorney for the folks led by Dr. Ben Yellen.

The battle over acreage limitation has been long and bitter. Never in the nearly 70-year history of the law has it been strictly enforced. The special interests arrayed against enforcement have, in the final analysis, been too strong for the public interest to prevail. The stakes in terms of power and wealth in Imperial and throughout the West (particularly California) are staggering. First of all, the big operators could not build their own irrigation projects and pay the full costs; so they turn to the federal government for subsidies. The subsidies involved are only the beginning and in the long view not much more than incidental. Delivery of water to arid land multiplies the value up to tenfold. Water makes possible great wealth. With a small number of big operators, like in Imperial, the wealth is thereby concentrated as is control of the communities' economic and political destiny. Imperial's big operators not only have babies on their water welfare program, they have continentals, private planes and their very own U.S. Senators.

Strict enforcement of the 160-acre law in Imperial would dethrone, but far from impoverish a privileged class of owners who have been enriched on the public dole for over 30 years. According to 1969 figures of the Imperial County office of the U.S. agricultural Stabilization and Conservation Service, 139 individuals and companies farm over 60% of the IID (300,000 plus acres) in operations of more than 1,000 acres each. The 139 figure is further narrowed when the overlapping and joint ownerships are considered. The Elmore family, for example, has three companies with a total of over 17,500 acres. Conglomerates have moved into Imperial to cash-in on control of the Colorado and cheap water: Purex, United Fruit, Kaiser-Aetna, Dow, and Irvine Ranch. The closest estimate of outside, absentee ownership, is about 70% of IID's 500,000 irrigated acres.

When the "farmers" organized against the 160-acre limitation, the driving force came from Irvine Ranch with headquarters in Orange County, near Los Angeles, and the Elmores who live on the coast near San Diego.

CROP SUBSIDIES—1969 WELFARE IN IMPERIAL COUNTY

	Number	Total payment	Per capita yearly average
Poor folks	17,760	$7,800,000	$439
Farmers [1]	252	8,000,000	31,746

[1] Federal program for growing and not growing cotton and grains. Sugar payments not included.

The federal government also gave Imperial Valley growers over $2.6 million in sugar-payments in 1969.

Many of the same growers are involved in both programs. The Elmores, for example, collected $489,006 in cotton-grain subsidies in three different companies. Under the same three names they got $93,652 in sugar payments. Irvine Ranch was doled $174,408 in cotton-grains; $17,000 in sugar. Even the local congressman, Victor Veysey got in on the handout. He was paid $10,000 in the cotton-grain program and $3,500 in sugar.

Last year Congress enacted a $55,000 subsidy limit per farmer per crop. A man can collect $55,000 for cotton, $55,000 for wheat, $55,000 for barley, etc. Also a farmer can rent out his crop allotment over the limit in each crop and realize 60% to 90% of what he took in previously, depending on how much rent he can charge. Also the sugar program is not included in the limitation.

Soil conservation subsidies

Over the past five years, 1966 through 1970, the U.S. Soil Conservation program has paid Imperial growers $1.7 million to improve their land. Nearly 90% of these funds have been used for concrete ditch lining and underground drainage tiles to leach away salt-laden water. This work has been carried out under a cost-sharing arrangement established by IID which is also the local soil conservation district, the only such tandem operation in the county. Under district policies, landowners pay 25% to 30% of the costs; the district and the federal government pick up the rest of the tab.

Land management and crop advice

Imperial County, like other counties, maintains an agricultural commissioner's office and a farm extension service. These offices carry out state laws on inspection of crops, control of weeds, insects and predatory animals and provides farmers with advice and assistance in general farm operations. The Imperial County 1970–71 budget for these two departments is $340,000. The state hires and pays 11 technical and professional workers in the extension office at an added expense of about $150,000.

Research subsidies

IID is conducting three experiments in cooperation with (being subsidized by) government agencies.

To control weeds in the canal system, an African fish is being introduced with help from the California Department of Fish and Game.

Pollutants in irrigation and drainage water are being monitored with help from the U.S. Geological Survey.

Water consumption and drainage problems are being studied with help from the U.S. Department of Agriculture.

U.S. Department of Agriculture operates an experimental farm in Imperial at an annual cost of ———.

University of California operates an experimental field station in Imperial at an annual cost of $229,000.00.

Almost every advancement in farm mechanization, new chemicals and crop management techniques has been developed through research projects conducted at the University of California. These new methods are primarily responsible for the drastic decline in farm jobs. The University has done nothing in research to help improve the conditions of farm labor.

Electric subsidies

As noted earlier a disproportionate share of the Colorado River Dam costs are charged off to electricity. Nothing is charged off to irrigation. Power users, mainly city dwellers from as far away as Los Angeles, subsidizes irrigation for Imperial. This electric subsidy is compounded in IID, itself. The district acts as an electric utility. It distributes power; some of which it generates at drops along the All-American Canal, some of which it generates with steam, gas and diesel plants and some of which it buys from the Bureau of Reclamation. IID rates are relatively high for a public power agency, not because costs are particularly high, but because the district uses its electric revenues to give the irrigators another subsidy. Paul Post recently retired general superintendent of IID power sales, says that subsidy was planned from the beginning and has been carried out. The 1969 IID annual report shows that the power division paid to the federal government $420,000 to cover canal costs; the water division paid nothing. In previous years comparable but lesser amounts were paid from the same power account. On close look, IID's financial statement reads like a report from a power company, not an irrigation district.

1969 Imperial Irrigation District annual report

Water sales, $5,700,000.

Electric sales, $13,000,000.

Rural electric sales, $600,000.

Residential, commercial electric sales, $12,000,000.

Public agency electric sales, $400,000.

Water deliveries, cities, towns, 240,000 acre feet.

Irrigation, 2,500,000 acre feet.

Town residents in Imperial—including poor people welfare recipients—pay high electric rates so the big landowners can get cheap irrigation water.

Illegally low farm assessments

In the mid-60s local crusading Dr. Ben Yellen began exposing "fake low assessments" on farm properties. By comparing sale prices to values assessed by the county for tax purposes, he found that farm land was being assessed from 6% to 12% of market value, while cityland was being assessed at 25% to 35%. A state Homeowners Association study confirmed Yellen's charges. In 1966 Yellen announced for county assessor. He ran a close third, but the "swindler" incumbent was defeated anyway. The victor: a man who had just quit as assessor-tax collector for the IID.

A spot check in February 1971 seems to indicate that the "fake low assessments" of six or seven years ago are not quite as fake as they used to be; but the farmers still seem to be favored. Farmland tends to be assessed at near market value; cityland, overassessed. And it seems that the most gross overassessments occur on the cheaper houses. The old-soak-the-poor philosophy of Imperial County is being carried into the 70s. To substantiate these charges a complete study of county land sales for the past year would be required.

Cheap labor

Squashed tight up against Imperial's southern line is the colossal Mexicali slum, Mexico's fastest growing city. Stories of Yankee gold draw literally hordes of destitude "campesinos" here from the sparse interior. Mexicali's population is soaring over 450,000. The whole of Imperial County is only 74,000. The pressure on the border is lean, hungry and relentless. Legal border crossings have risen from 8.9 million in 1965 to over 11 million in 1969. The apprehension of illegal Mexican aliens in the Imperial district has nearly doubled in five years. The U.S. border patrol picked up 6,933 wetbacks in 1965; 13,590 in 1970. At least 90% of Imperial's 7,500 farm jobs are held by commuters from Mexico—legal and illegal. The border patrol is outrageously undermanned and demonstrably unenthusiastic about the wetback issue. It is an open community secret in Imperial that thousands of Mexicans work illegally on the U.S. side of the border. Some are wetbacks who cross surreptitiously, either evading the border patrol or passing with forged papers. Others cross "legally" as visitors or shoppers and stay on illegally to work. Many middle and upper class Imperial households have cheap domestic help in this category, and illegals are known to work in many different Imperial jobs and hundreds of miles north of the border.

(Ironically, one illegal was exposed recently working for a war on poverty program in Fresno nearly 500 miles north of Mexico. He had been there three years.)

The border pressure works both ways: workers want to go north; business wants to move such. Under a convenient no-duty entente, some 89 U.S. owned assembly plants are operating in Mexicali. Perhaps the largest employer in this category is Mattel Toys which has 2,000 workers in a Mexicali plant.

Their wage rates: $2.24 to $3.68 a day, sometimes slightly more for piecework. The people work six days, earn about $22 weekly.

The burden of this nearly open border and the concentration of land ownership is reflected in Imperial's stagnant economy.

Donald W. Baerresen, research director of the Center for Advanced Studies in International Business in Los Angeles says, "Here in Southern California much of our staggering welfare costs is due to the overflow, legal and illegal, of indigents across the border."

Between 1960 and 1970, Imperial County's population remained static at 74,000. The percentage of Anglos declined from 59% to 52%; Chicanos increased from 33% to 37%.

Over 75% of the county's low income families live in Calexico, the tiny (10,000) community just across the border from Mexicali.

Between 1960 and 1969 while farm jobs declined 50%, construction jobs dropped 10%, manufacturing jobs remained static.

Over 24% of Imperial County is on poor people's welfare.

The doctor-patient ratio in Imperial County is one for every 2,300 while the national average is one for every 650.

A 1970 U.S. Department of Labor study concluded: (1) "Commuters generally are paid the same wage rates as residents of the border community, but wage rates in most border areas are lower than in the remaining sectors of the border states and lower than the national averages for similar industries. . . . (2) "Unemployment rates on the United States side of the border . . . are far higher than the average unemployment rates for the border states and are among the highest in the country . . . (3) "Border areas have a relatively high incidence of federal wage-hour violations."

Clearly, the concentration of landownership, much of it absentee, is sucking the local wealth out of the county.

Clearly, American corporate socialism, both agricultural and industrial, is exploiting the poverty on both sides of the border. The poor, in effect, are subsidizing the rich through cheap wages, just as the rich are being subsidized through various welfare programs they have courtesy of the U.S. government.

Dr. Yellen has filed suit in Washington, D.C. federal court in an attempt to have the Bureau of Reclamation set the electric rates for IID. Federal law requires that when the state Public Utilities Commission does not set rates for such as IID, the federal government must.

Yellen also promoted California Rural Legal Assistance (CRLA) to file a one-man, one-vote suit against IID, because the voting districts were not close to equal. Judge Kirk in the Imperial Superior Court ruled against CRLA. The case was appealed and demanded to Kirk. CRLA will seek to have Kirk disqualified this time around. *For over 10 years before becoming a judge, Kirk worked in the law firm which represented IID.*

PROFILE OF POWER STRUCTURE IN SAN JOAQUIN VALLEY

The singular fact of economic and political power in California is that much of its prime agricultural lands are held in large tracts by absentee owners. The patterns of large holdings—or large holding—prevails in the Delano grape area, western Stanislaus County, the Sacramento-San Joaquin Delta, Orange County, Imperial Valley and, most significantly in the San Joaquin Valley's west and south sides between Los Banos and the Grapevine (south of Bakersfield). Once the significance of concentrated landownership is understood, all of the political fights over water and farm labor—and most of the state's other public policy battles—fall neatly into focus. The interests which control this land are interlocked with all other facets of the California economy. They work in both political parties. They romance organized labor, particularly the building trades.

The largest holding in the San Joaquin Valley is Kern County Land Company (KCL) which owns about 350,000 acres in Kern County. That's equal to a 6-mile wide strip of land extending from San Francisco to Sacramento. Or from Los Angeles to Santa Barbara.

This holding was acquired in post-Civil War days through political fraud, economic pressures, legal harassments and conventional purchases.

KCL in 1966, is, however, far more than a land giant in a remote agricultural county. It is an international corporate octopus. A modern illustration of the maxim that the sins of fathers shall be visited upon sons.

KCL operates cattle feeding yards in California and Kansas, oil leases along the Gulf Coast and in Australia and Canada.

Twenty-five percent of American automobiles are equipped with exhaust products produced by a KCL subsidiary, Walker Manufacturing. One of Walker's three plants is located in Aberdeen, Mississippi. Another subsidiary, Deluxe Products, which makes oil filters has a plant in Holly Springs, Mississippi.

KCL holds controlling interest in J. I. Case farm machinery. It is developing real estate for residential, commercial and industrial use in Bakersfield, Santa Monica, and Hawaii.

KCL owns interests in a Palo Alto electronics firm, a Coalinga asbestos mine, a co-op winery. It holds canal companies, an almond hulling plant, a fruit packing operation.

Its directors sit on the following boards, in some cases with high office: Bankers Trust, General Electric, Matson Navigation, Pacific Mutual Life Insurance, California Ink, Hewlett-Packard, Varian Associates, Pillsbury, Owens-Illinois Glass, Western States Life Insurance, American Trust, Emporium Capwell, Pacific Telephone, Western Pacific Railroad, Pacific Gas & Electric, Rand Corporation, Brunswig Drugs, Security First National Bank, First National Bank, Firemen's Fund Insurance Company, and others.

The KCL operation was put together in the 1870's and 80's by James Haggin and Lloyd Tevis, two San Francisco financial manipulators, and Bill Carr, who gained fame as chief political hatchetman for the Southern Pacific Railroad.

The trio, with Carr as the man in Bakersfield, moved into Kern County with immense financial resources and tremendous political juice. In less than 20 years they gained title to nearly 400,000 acres.

When the Southern Pacific was selling land to no one, the ring—as the Haggin-Tevis-Carr operation was called by the liberal San Francisco Chronicle—was able to buy vast SP tracts, directly some 100,000 acres, indirectly another 62,000. The fact that Tevis was vice president of SP helped.

In the mid-70's the ring obtained 30,000 acres which had been entered with forged soldiers' scrip. The titles were clouded so Congress passed and President Grant signed, on his last day in office, the Desert Land Act.

Before the general public discovered the implications of this measure, the ring had secured the 30,000 acres of fraud and entered another 70,000 acres, all through dummy filings. The Visalia land office was put at the disposal of Carr all through a Saturday night and Sunday to file the entries.

The Desert Act allowed entries up to 640 acres for $1.25 an acre, while charges under the regular Homestead Act were $2.50 an acre for 160 acres.

The new act also waived the residency requirement on the grounds that the so called desert lands could not be inhabited until reclamation projects were completed.

Bitter protests led by the Chronicle forced a federal investigation which proved that most of the dummy entrymen had perjured themselves in the affidavits—they had never seen the land on which they filed and they did not know if it was desert land—in fact large portions were farmed without irrigation. Among the dummies were employees of firms controlled by Tevis and Haggin, including Wells Fargo and Central Pacific Railroad, plus government employees under Carr's control at the mint and the customs houses. All the dummies gave their land to the ring.

In a later hearing, the ring admitted that it had inspired entrymen friendly to their interests. Haggin declared the whole fraudulant operation was justified because reclamation and irrigation projects were feasible only under large ownership and that the ring planned, once the projects were complete, to sell off the land to settlers.

The federal government bought this argument. Haggin's claim that the big operators would build irrigation projects and sell off is comic in light of modern day developments; i.e., the Central Valley's Project financed by the federal government and the State Water Project financed by State and Federal funds are bringing water to these lands.

Incidentally, KCL land is not for sale—the cost factor was so low that sales would put the company in an unfavorable tax position. However, KCL in 1964, did sell 10,000 acres in northern Kern County. The reason according to the KCL land offices in Bakersfield is that the situation might arise when the company could no longer guarantee delivery of irrigation water to these lands, farmed by tenants. The future is uncertain because the federal government has been talking about enforcing a federal law which limits the delivery of irrigation water from subsidized projects to no more than enough to irrigate 160 acres of land. Kern River water is now supposedly subject to that law—as yet unenforced—because the river is regulated by the federally constructed Isabella Dam.

The federal government debates this issue with itself while KCL tenacles reach far beyond the "home" base in Kern County. In fact, "home" base is not Kern County, but San Francisco has been since the beginning. KCL never held a stockholders' meeting in Kern County until 1961.

Southern Pacific Railroad owns 201,000 acres in the Valley. It got this land free about 90 years ago for building a railroad part of which was never completed.

The Boston Ranch Company holds some 37,000 acres. It is owned by J. G. Boswell who also holds 32,364 acres in his name. Also under Boswell control are: Crockett-Gambody, 28,503 acres; Tulare Lake Land Company, 10,392; and Miller and Lux (by lease), 25,313 acres.

Over 168,000 acres is owned by the Tejon Ranch which is controlled 50 per cent by the Los Angeles Times, explaining perhaps the newspaper's great concern for water development. Tejon holds another 100,000 acres south of the Kern County line.

Another large holding in the San Joaquin Valley is the 52,000 acre Vista del Llano owned by Anderson, Clayton and Company (ACCO), the largest cotton marketing firm in the world. ACCO is the most extensive private financier of crops in the U.S., a key exporter of Brazilian cotton—and coffee, part owner of a large ship operating combine, a manufacturer of oleo, soft drinks, instant pizza, salad oil. ACCO owns an insecticide plant in Mexico, a soap factory in Brazil, a farm in Peru, cotton oil mills in Argentine, cotton gins in Paraguay. It has agencies in Thailand and Turkey, Korea and Holland, Yugoslavia and South Africa—and 38 other countries.

Another large holding is the DiGiorgio Fruit Corporation owning a total of 26,000 acres of California farm land. DiGiorgio subsidiaries include: Wood Canning, S & W Foods, Treesweet Products, Sun Vista Foods, Klamath Lumber, Earl Fruit, Philadelphia Terminals Auction, New York Fruit Auction, and Chicago Fruit Auction. The New York and Chicago auctions are owned 45 and 13 per cent respectively. DiGiorgio controls the growing, and shipping, the canning and the selling of its products on the eastern markets.

Directors of DiGiorgio also sit on the following boards, in some cases with high office: Bank of America, Union Oil, Broadway-Hale Stores, Pacific Telephone, Lockheed Air-Craft, Petroleum Equipment Suppliers, Southern California Edison, Foremost Dairies, Fibreboard Paper, California Ink, Bank of California Merchants National Realty, Transamerica Insurance, Firemen's Fund Insurance, Pacific Gas and Electric, Crocker-Citizens National Bank, Bell Telephone of Nevada, and others.

The biggest portions of the larger holdings are controlled from San Francisco (KCL and DiGiorgio), Los Angeles (Tejon Ranch), and distant points (ACCO). Even some of the local big operators are involved in non-farm corporations. The Giffen family of Fresno owns some 60,000 acres in this area and farms perhaps another 60,000 under lease mainly from SP. Russell Giffen is a director of the Pacific Gas & Electric, the world's largest private utility.

Now under construction through the westside of the Valley, is the State, Federal San Luis irrigation and municipal water project. The main canal enters from the north approximately at Los Banos and extends south-southeastward through the middle of all these above mentioned holdings except DiGiorgio. The canal will turn sharply eastward near Bakerfield and will leave the Valley through the Los Angeles Times' Tejon Ranch.

This project will be subsidized by the State and Federal taxpayers—over $1,000 per acre in some places. On water projects financed in any way by U.S. tax funds, the Federal law sets a subsidy limit to any one owner: enough water to irrigate 160 acres of land (320 acres for man and wife). This subsidy limit has been waived on the major portion of this land by Federal administrative fiat—contrary to legislation by Congress. When small farmers, unions, and church groups in 1964 stormed a U.S. Senate interior subcommittee in protest, the Federal administration announced some re-tightening of its loose regulations. Since then, Department of Interior officials have once again relaxed in favor of the large landowners.

In one 600,000 acre portion of the Valley Federally subsidized irrigation water will be delivered through a local governmental agency created under California State Water law. The name of this agency is the Westlands Water District. SP owns 120,000 acres in this district; Gliffen and Anderson-Clayton operate here. When the district holds an election each person has one vote for every dollar's worth of property he owns. The SP land agent drives down from San Francisco to cast 20 per cent of the vote all by himself. It is not surprising that he holds one of the director's chairs. The president of the district is Russell Giffen, a 100,000 acre operator who also is a director of Pacific Gas & Electric.

Manager of the district is a lawyer named Ralph Brody. Brody began his career in the U.S. Bureau of Reclamation which builds the water projects. He learned the water law so well that when Pat Brown was elected Governor, he named Brody his special counsel on water. Brody succeeded in snaking the State water plan—which will deliver water to the large landowners—through a hesitant State legislature. Brody succeeded where two Republican Governors had failed. Almost immediately he was hired as the manager of Westlands and appointed by Governor Brown as chairman of the California State Water Commission, a body which makes basic decisions on irrigation water projects. A conflict of interest?

It is Ralph Brody who speaks for the State of California at Congressional hearings on Federal appropriations for water developments. It is almost funny to have him sitting before a U.S. Senate committee as Water Commission chairman and introduce himself as manager of the land barons' Westlands Water District.

On the charted portions of this map, some of the richest land in America awaits full exploitation. The largest block of class I soil in the U.S. lies just south of Los Banos in Westlands. It is useless, of course, without irrigation water. Its value dry is estimated at about $100 per acre; with pumped water from expensive deep wells, around $350; with subsidized canal water, $1,000. The land will be worth just about what the taxpayers will pay out in subsidies.

These subsidies and the fabulous increment in land values explain why, when a $1.75 billion bond issue to finance part of the State's contribution to the project was on a November, 1960, ballot, the biggest financial donors to the successful "yes" vote were Tejon Ranch and Southern Pacific.

The area of the historic Delano grape strike includes the following holdings:

DiGiorgio, 26,000 (4,700 in strike area); Schenley, 3,700 (plus 700 leased); Anthony Bianco, 6,795; W. B. Camp, 4,908; Anton Caratan, 1,129; Mila Caratan, 2,183; P. J. Divizich, 5,500; John Dulcich, 1,431; Elmco Vineyards, 3,610; Guimarra, 12,459; George Lucas, 940; Pandol & Sons, 2,288; D. M. Steele, 4,187; A & N Zaninovich, 2,283; Marko Zaninovich, 3,686; V. B. Zaninovich, 2,157.

These holdings are not entirely in the strike area. Who are the owners of these lands?

Anthony Bianco, for example, owns grapes outside of Delano. His headquarters are in Fresno, and he owns 240 acres of grapes in Fresno County. He also owns 400 acres of grapes at Arvin which is near Bakersfield. He has packinghouses at Sanger in Fresno County, and in Delano. He also grows grapes near Thermal in Riverside County, where he also has a packinghouse. He has a 500 acre peach orchard near Tipton along with 200 head of cattle and pasture land. He has cherry orchards near San Jose, but his biggest ranch is 4,000 acres of lettuce, cotton, vineyards, and citrus near Glendale, Arizona. This was bought by a syndicate formed by A. Biancos, Sr., and Jr., Carl Jarson of Detroit and Peter Malbandian of Phoenix for $2,600,000. The Delano ranch cost $500,000 and the Tipton ranch also cost $500,000. Bianco has an office in New York to handle eastern shipping. He ships 3,000 rail and truck lots a year. Each carlot holds about 1,250 lugs, so he ships a total of 3,750,000 packages a year. Of course, not all of these are grapes, and not all of the fruit is grown by him. He buys from Lodi and Modesto southwards throughout the San Joaquin Valley.

Anthony Bianco is a director of the Grape Crush Administrative Committee which administers the bulk wine marketing order. He is also on the board of the Allied Grape Growers Association, a grower wine processing co-operative.

W. B. Camp, who was an assistant director of the Agricultural Adjustment Administration (AAA) during the New Deal was head of the entire cotton division, and was also the director of the Southern Region. He came fresh from his job of agricultural appraiser for the Bank of America (1929–1923). He made his money off the destruction of potatoes on a Kern County airstrip which was the New Deal's way of putting business back onto its feet while 19 million workers were unemployed and hungry. He owes his fortune to the Democratic Party. He was president of the quasi-facist Associated Farmers of California, the director of the agricultural committee of the State Chamber of Commerce. His wife is a farmer in Edgefield County, South Carolina and is a director of the Bank of Trenton, South Carolina. W. B. Camp is mainly a cotton grower, and is a small grape grower.

Delano has been a relative late comer in the history of California agriculture. As in almost all of the State's farming, the wellspring of wealth and power is water—captured, pumped, stored and spread out on the rich land at the command of the grower.

Even by arid California standards, the Delano area was not well-endowed by nature—it was mostly sagebrush, with no rivers nearby—so the first settlers went elsewhere. The keystone development came in the 1920's when Joseph DiGiorgio, an entrepreneur with a Sicilian grape background, began to pit vines and well water against the Delano sagebrush. After a faltering start and much experimentation, DiGiorgio and others who saw him making it, expanded their operations and perfected their grapes.

As they drew more and more water out of the ground for their multiplying vines, the underground water table sank lower and lower. The expense of drilling new wells down to the fading water table became prohibitive for all but the bigger operations.

According to records cited by Chief Engineer-Manager, Sam Fortier of the Delano-Earlimart Irrigation District (the strike area), between 1905 and 1948 the water level dropped at least 100 feet; and in some parts of the district, as much as 250 feet. DiGiorgio and the other grape growers were literally pumping themselves out of business.

In the 1930's, the U.S. Bureau of Reclamation began work on the huge Central Valleys project. One of its long range aims was to bring river water some 100 miles into the Delano area. This rescue water began to arrive, via the Friant Kern canal, in 1951.

Since then the water table has gradually risen. The average rise has been 50 feet; as high as 100 feet.

Federal officials place the cost of supplying Central Valleys Project water at $700 an acre, of which the growers repay $123. The remaining $577 per acre comes from Federal taxpayers and the users of project electric power.

The 160 acre subsidy limit is supposed to apply to the Delano area. Some of the big growers, mostly notably DiGiorgio, have agreed to this limit in signed contracts; but compliance has been bogged down in weak-kneed enforcement of a weak law—and DiGiorgio continues to use subsidized water for much of its holdings—contrary to the letter and the spirit of Federal law. Others of the big growers, Schenley for example, have decided not to sign any agreements of compliance with the Federal law; and the huge whiskey maker is allowed to pump all the subsidized water he wants from the underground wells replenished by tax delivered water.

The production of grapes in Delano is a big business established by hard-working, creative men. It is a big business which was once rescued by Federally subsidized irrigation water and now depends upon this water for its very existence.

California growers are enriched and empowered not only by subsidized irrigation water—the world's biggest welfare program some have claimed. The big growers strengthen their control of our lives through political manipulation which brings them the tax financed subsidies of soil conservation programs, marketing orders, acreage allotments for crops, guaranteed prices, etc.

These government programs are administered entirely by local committees of farmers. The big growers control the committees which parcel out the subsidies.

The size of some of these subsidies strains the imagination.

On June 19, 1967, Senator John Williams of Delaware, inserted in the Congressional Record, a list of direct price support payments received by big farmers throughout the United States. Included on this list were the following big operators on the west and south sides of the San Joaquin Valley and the amounts of direct subsidies (welfare) they received from the Federal treasury during 1966.

J. G. Boswell, $3,313,000.
Giffen, Inc., 2,397,073.
South Lake Farms, 1,468,696.
Salyer Land Company, 1,014,860.
Vista Del Llano, 622,840.
Kern County Land Company, 652,057.
Westlake Farms, 622,569.
Tejon Ranch, 121,096.

(The above is just a sample of the California farmer welfare recipients listed by Senator Williams. A total of 84 farming operations in California recived direct price support payments of over $100,000 in 1966.)

This paper becomes, in this light, more than an expose of past political frauds and current political giveways. It becomes a warning to all of us who cherish freedom and would perfect its practice in America.

The warning is simply this: if the economic political power structure illustrated by this paper is further enriched and entrenched by huge water subsidies, individual freedom will be even more severely limited, if not entirely eliminated, in the San Joaquin Valley—and thereafter much of the State.

The landownership pattern on the east side of the San Joaquin Valley is just the reverse of what exists on the west and south sides. According to the U.S. Bureau of Reclamation in the entire area served by the Friant-Kern Canal from Fresno to Bakersfield, over 80 per cent of the holdings are under ownerships of less than 160 acres each (a notable exception is the Delano-Earlimart Irrigation District as cited above).

The scale of holdings is reflected in the local communities. Small farm communities, according to a U.S. Senate subcommittee on small business, offer more opportunity for small business, for community activity and participation, for jobs. A recent study by Fresno State College revealed, also, that the small farmers on the east side of the Valley pay higher wages than the big operators on the west side.

The stock portfolio of a "typical" rancher

W. Todd Dofflemyer was, until his death March, 1966, a substantial shipper and grower of oranges in Tulare County. For many years he sat as a member and chairman of the Exeter Irrigation District Board, which administers the Federal Government water program, providing growers with water at a small fraction of its real cost. Needless to say, Dofflemyer and his fellow board members, all of them large growers using the water they administer, were not over-zealous in their enforcement of the program's 160-acre limitation. Mr. Dofflemyer's will, available in the Tulare County Recorder's office, makes very interesting reading, especially its itemization of his somewhat lavish investments in stocks:

2000 shares Agnico Mines, Ltd.
200 shares Abex Corporation.
400 shares American Cynamid Corp.
53 shares Amtel, Inc.
110 shares Arvin Industries.
200 shares Arvida Corporation.
2000 shares Benquet Consolidated, Inc.
109 shares Callahan Mining Corp.
200 shares Cities Service Company.
300 shares Denison Mines, Ltd.
2000 shares Deer Horn Mines, Ltd.
300 shares Dome Mines, Ltd.
400 shares Eurofund, Inc.
250 shares Englehard Industriesm, Inc.
100 shares Great Western Sugar Co.
150 shares Hecla Mining Co.
229 shares Homestake Mining Co.
100 shares Ideal Cement Company.
200 shares International Harvester.
200 shares International Packers.
200 shares Japan Fund.
100 shares Kerr-McGee Oil Industries.
100 shares Lockheed Aircraft Corp.
200 shares Melville Shoe Company.
100 shares Signal Oil & Gas Company.
1000 shares Siscoe Mines, Ltd.
200 shares Southern Natural Gas Company.
110 shares Timken Roller Bearing Company.
303 shares Tennessee Gas Transmission.
100 shares United Aircraft Corporation.
300 shares United Shoe Machinery.
1000 shares Upper Canada Mines.
150 shares Union Carbide & Carbon Corp.
200 shares Allegheny-Ludlum Steel.
100 shares American Can Company.
200 shares American Smelting & Refining Company.
1000 shares American-South African Investment Company.
200 shares Ananconda Copper Company.
100 shares Atlas Consolidated Mining.
400 shares Atchison, Topeka & Santa Fe Railway Company.
200 shares Babcock & Wilcox Company.
103 shares Bunker Hill Company.
165 shares Cerro Corporation.
100 shares Colt Industries.
200 shares Continental Can Company.
432 shares Draper Corporation.

STATEMENT OF THE HONORABLE GEORGE E. BROWN, JR.

Senator Harris. George Brown is here. May I say, hopefully, a once and future Congressman from the State of California. George, I'm glad you're here, and am pleased to hear from you at this time.

George Brown. Thank you, Senator.

I appreciate the invitation and opportunity to appear here. I wish to make clear that I am not appearing as an expert on the subject of land and resource monopoly in California, land reform and related subjects. However, I have lived more than 50 years in California, most of that time in the rural and suburban areas. I have been a public servant more than 30 years and an elected public official at local, state and federal levels for nearly 20 years. This experience has given me some knowledge, and considerable concern, about the land and resource problems of California. I should like to testify here this morning as an informed layman, trusting that the views which I shall express and the recommendations that I offer will be of some value to you. I shall be as brief as possible, knowing that your time is limited.

Agricultural land in California is increasingly concentrated in the hands of giant corporations. The extent of this, and the rate at which it is occurring, has been well documented by many sources. It is not unique to California. The Congressional Record contains many references to and insertions of such studies with which I am sure you are familiar. For instance, the Congressional Record of Tuesday, Oct. 12, 1971, contains a series of articles by Nick Kotz of the Washington Post, and the Congressional Record of Oct. 27th, 1971, contains a series from the New Republic dealing with agribusiness corporation, conglomerates, land reform, etc. There are many others.

Owners of family-sized farms, and farm laborers, are being displaced from rural areas and forced into the cities where they contribute to and suffer from the problems of urbanization. Again, this phenomenon is not new. In fact, it has been a characteristic of our national growth. The difference today is largely in the rate at which it is accelerating. The adverse effects of this were noted and predictions of its increasing impact were made as long ago as the 1930's by the National Resources Planning Board.

The growth of corporate farms and massive landholdings has been supported as necessary to efficiency in production. The sacrifice of small farm holdings on land of marginal efficiency is justified as being necessary to progress. These assertions cannot be defended. Economies of scale in agriculture peak at operations that generally run from under 100 acres to possibly 1000 acres, depending upon crops and land. The fact is that corporation farming frequently is tax loss farming, or farming in which the profits can be taken at another point in a vertically integrated operation—neither practice being available to the family farm. Another point of importance is that even family farms today require substantial capital, and capital at competitive rates is increasingly difficult to obtain for family farms. Corporations, on the other hand, can generate capital internally or can secure it from financial institutions or the public at rates substantially below those available to family farms. This difference alone, having nothing to do with efficiency of farming operations, may force the family farm out of business.

The net effect of this will ultimately be a condition under which the bulk of our food and fiber will be marketed under price conditions having nothing to do with cost of production. Price structures will be incidental to the activities of corporations in other fields, and may be used as a device to levy a private tax on consumers as monopoly conditions are approached.

Another hazard from large corporate landholdings is the propensity of the corporation to exert undue influence on the local governing bodies for favorable treatment in terms of taxation and in approval of schemes for urbanization of the land. It is probably true that large landholders are the chief beneficiaries of the California law (Williamson Act) allowing for tax assessment at lower agricultural values for land placed in agricultural preserves. It is large corporate landholders who are the perpetrators of excesses in the development of "recreation" and "2nd home" developments, with their frequently adverse effect on environmental conditions.

Consideration of these problems, which I have sketched very briefly, leads me to conclude that a number of steps are necessary if we are to avoid the ill-effects of monopoly and giantism in the control of land—probably the most fundamental resource of our society. First, all land resources must be subject to comprehensive land use planning, integrated in national, regional and state policies. I drafted such a proposal in 1970, which was introduced as H.R. 17190 on April 23rd, 1970. I refer you to this bill as reflecting my views on this subject.

Secondly, land use planning requires a conscious policy of population control and distribution. I have introduced such legislation in years past, but public awareness and support of the need for this has increased so rapidly that completely new and stronger legislative proposals are now justified.

Thirdly, acreage limitation and residency requirements of federal reclamation laws should be enforced. However, some flexibility should be built into the law to meet the changing technological conditions in agriculture. There is no particular magic in the figure of 160 acres. The magic is in the concept of federal encouragement of an efficient family-sized agricultural operation, rather than federal encouragement of agricultural giantism.

Fourthly, anti-trust legislation should be made applicable to agricultural operations, such as provided in the Family Farm Act of 1972.

Fifth, the small family farmer should be provided with adequate access to capital at competitive rates. Marketing and bargaining legislation, such as that introduced in this session by Congressman Sisk of Fresno, should also be enacted to strengthen the position of the farmer in the marketplace.

Sixth, intensive study should be given to the application of a statewide graduated property tax, to replace all existing local property taxes. By graduated, I refer of course to the principle of taxation of low or zero rates for the first increment of assessed value, with progressively higher rates at higher increments of assessed value. This would encourage the small landholder, particularly if integrated with federal reclamation policy on landholding. Such a property tax system might also be the largest single factor in creating a market for housing at lower income levels. Present property taxes are a major inhibiting factor in the supply of housing at those levels.

Seventh, consideration should be given to strengthening of legislation relating to all forms of cooperatives, including consumer, marketing, and producer cooperatives. Legislation to encourage non-profit Community Development Corporations by giving them legal status and access to major sources of federal funding, including interest free loans and grants, should be developed and integrated with the structure of law relating to cooperatives.

These few suggestions are presented to you for your consideration and with gratitude for the opportunity to appear here. Thank you.

Senator Harris. Well, thank you. I think that the statement is really excellent. Your presence here is very helpful and your suggestions are detailed and to the point. One in particular that we haven't spoken about earlier or heard about earlier today is the one on comprehensive planning on land use. Has someone in the intervening time taken up that bill which you had introduced? You mentioned H.R. 17190.

George Brown. Yes. In fact, that was my own bill which was introduced in the last Congress, not the present Congress. There have been some efforts to encourage planning but, frankly, I am not familiar with specific bills which may have been, if any, introduced in this session. I do know that in the California State Legislature there are a number of what I would consider rather piecemeal efforts at legislation. For example, there are bills having to do with planning for the Coastal regions and there are bills having to do with planning for other special regions. These are necessary and valuable, but in themselves they will not really do the job. They will meet a particular crisis, but they will not meet the overall crisis of the chaotic growth of the population of this state and its dispersal in ways which are not conducive to the protection of the environment or the development of a living condition, in either the city or the country, which will make this the kind of a place to live that it really should be. We're no different here than New York or your own state probably.

Senator Harris. That's right. Almost anybody not personally involved, who looked at the situation of the big corporate farmers getting all fixed up with these tax subsidies, water subsidies, and others which you have talked about, and others here today have, would think it's not right that they continue to receive these subsidies. Now, I have, as you have, run both successfully and unsuccessfully for public office, and I know that campaign financing is highly important insofar as how economic power translates into political power. Do you see, for example, here in California the disclosure laws both federally and state-wide as being involved, or campaign financing generally being involved, as to why things stay the way they are though it's obvious to most that it's not right they should do so?

George Brown. Well, Senator, I don't think things have changed much in the 15 years or so that I have been in politics, including the state legislature, and it is my judgment that the votes of at least a sufficient number of the legislature are heavily influenced by the nature of secret campaign contributions to be able to protect the status quo. Now that doesn't mean that all legislators are corrupt or that all representatives of big corporations are corrupt, but I say the influence is direct, pervasive and powerful and it doesn't have to even influence a majority of the legislators to be able to control the nature of the legislation which comes out of the legislature on issues of this sort. I think it is obvious that it does. The campaign disclosure laws are widely violated in this state as they are nationally. There seems to be no teeth in them. The teeth that exist are not used with the exception that within the last year or so we have seen an aggressive effort made by the Secretary of State, Jerry Brown, either to enforce them or show how unenforceable they are. This is a very happy situation.

Senator Harris. Thank you very much. I appreciate your contribution and your presence here.

STATEMENT OF PETER L. PETRAKIS, PROFESSOR OF CHEMISTRY, SAN FRANCISCO STATE COLLEGE, AND UTILITIES EDITOR OF THE SAN FRANCISCO BAY GUARDIAN

Senator Harris. Mr. Peter Petrakis, our next witness, is Assistant Professor of Chemistry at San Francisco State College and Utilities Editor of the San Francisco *Bay Guardian*.

Mr. PETRAKIS. Senator Harris, I appreciate the opportunity and the invitation to testify at this hearing on land and resource monopoly. I regret that I didn't have time to prepare a written statement for this hearing. I started to write one, but I found that I was rewriting four years at San Francisco *Bay Guardian* of investigative reporting on the subject of the Pacific Gas and Electric Company. So I decided to simply paste-up all those articles and have them duplicated, and let the whole *Guardian* series serve as my written testimony and that of other *Bay Guardian* reporters as well.

I will speak extemporaneously, not on all of these topics, but mainly on PG&E's forty-seven years of success in keeping San Franciscans from enjoying their own low-cost public power from a great hydroelectric project that the people of San Francisco built for themselves, and for which they paid $300 million. I will also speak on PG&E's stature of billions of dollars worth of public power investments in California. I could tell you about PG&E's efforts to squeeze out other public power cities in California, but I see that Mayor Gillmor of Santa Clara, who is head of the Northern California Power Agency, will be testifying expertly on that subject.

I will mention the San Francisco Press Club incident in passing. The *Bay Guardian* in the three years prior to 1970 won four Press Club Awards, the "Club's Pulitzer prize of the West." In 1970, we learned that the rules had been rewritten to exclude the *Guardian*, and only the *Guardian*, from the competition. This was after two years of *Guardian* reporting on PG&E. We investigated and found that the head of the Awards Committee was none other than the top public relations man at PG&E, and that it was he who initiated the move. The rest of the committee was made up of public relations men from several large corporations with which PG&E has a client relationship, and they faithfully followed the PG&E initiative. There was the PR man from the Bechtel Corporation. This is a large construction firm that does a lot of their power plant construction. General Electric, which sells heavy equipment to PG&E, and Westinghouse which does the same, also had representatives on the committee. We had won four Press Club Awards in the years immediately preceding that. I will go into that if you like. I can say right now that we will probably be kept out of better places in the future.

I think when we talk about land and water monopoly in the press, we tend to neglect a very important part of the picture, and that is the power that is generated when the public undertakes to build large-scale water projects. This is a story that goes back many years. At the turn of the century, the private power companies were grabbing up water power sites all over, as soon as it became technologically possible to generate power at sites that are remote from the actual marketing areas.

Theodore Roosevelt and others were determined not to let this sort of thing happen, but rather to allow these rivers to be developed in the public interest. An early expression of this philosophy can be found in the Raker Act in 1913. This is a special piece of legislation that granted to the City of San Francisco the right to dam Hetch Hetchy Valley, which is a valley very similar to Yosemite Valley, a glacial rock-lined canyon in the northern end of Yosemite National Park. The city had only two reasons for wanting this particular site, despite the fact that it enraged the conservationists, justifiably. One was that it was convenient, the water was good; and the other was that it was an excellent power generating site. The city wanted the power. The city in 1900 adopted a charter policy that committed the city to public ownership of all public utilities, and specifically water, power and transportation within the city. So the city has this fight last from about 1900 to about 1913 when Congress finally passed the Raker Act. The issue was very prominent in this case as to who should benefit from this investment of the people in public lands, and therefore a section was added that prohibited the City of San Francisco from ever selling the water and the power to a private utility company for resale to the public. Congress was responding to two philosophies here. One is that when public lands are drowned, or public waterways are dammed, the public benefits should be distributed in the wisest possible manner to the benefit of all the people. Secondly, they were responding to that city charter policy that I just mentioned. While in 1913 it was passed, by 1919 construction was underway. The chief engineer of the project, Mr. O'Shaughnessey, as early as 1919 was advocating the sale of the power to the Pacific Gas and Electric Company for resale to the public. It is an interesting thing that I have just recently uncovered that in 1920, one year later, Mr. O'Shaughnessey had his name on a pamphlet entitled, "Shall California Be Sovietized?" This was a political piece of literature that came out to oppose a scheme that was before the voters in that year to put the State of California into the business of developing these river sites. It is interesting that along with Mr. O'Shaughnessey was a board member of the Pacific Gas and Electric Company, two men from the city attorney's office, and people in general, I would say, were quite sympathetic to the private utility interests. So already by that year as the project was underway, the groundwork was being laid for betrayal of the whole purpose of the Raker Act.

In 1925, the city was able to generate power. The Moccasin Power Plant was completed. The line was under construction, heading down from the Hetch Hetchy across the Central Valley and ending up in Newark, which is a little town in the southeast corner of San Francisco Bay. Suddenly the word flashed out from City Hall that funds were exhausted, and conveniently PG&E completed the line from San Francisco down to Newark, where it had its substation. The two lines were joined and PG&E began selling San Francisco's own power back to the people of San Francisco, buying it for $2 million and selling it back for $9 million. This went on for 15 years. Let me back up at this point and say that if it were true that the city had no money to complete this project, that is to complete those transmission lines into the city and to buy out the PG&E distribution system, it is very interesting that in the Water and Power Act of 1920 there was a provision for the State of California to lend money to municipalities with which to buy their own utilities. And here was our city engineer and some of our city officials on a political campaign committee to defeat that particular thing. This went on until about 1938 when the Secretary of the Interior, Harold Ickes, brought suit against the city for violation of Section 6 of the Raker Act for selling the power to PG&E. In 1940, the Supreme Court ruled that the city had violated it, and I want to refer to the specific language of this because much of what I have been telling you already has been written about by Professor J. B. Mullens of the University of California. I want to quote from the language of the Supreme Court in 1940. This is on the principle that when the meaning of an Act is in dispute, you go back to what the legislators intended.

"From the Congressional debates on the passage of the Raker Act can be read a common understanding both on the part of the sponsors of the bill and its opponents that the grant was to be so conditioned as to require a municipal performance of the function of supplying Hetch Hetchy water and electric power directly to the ultimate consumers. . . ."

Again, it said:

"Before final passage in the Senate opposition had practically narrowed down to the power provisions of the measure, and these provisions contemplated a publicly owned and operated power system."

San Francisco, I believe, is the only city in the United States that is required by federal law to have public power. Now, I'll get back to that and continue the thread of this story. In 1941, the last of eight bond issues were prepared for the voters. This was one month before Pearl Harbor. The bond issues, as before, were defeated. And why were they all defeated? It was a powerful, well financed opposition from the Pacific Gas and Electric Company. Congressman Franck Havenner testified that on the record PG&E spent $200,000 to defeat these bonds issues during the '20's, which I think you'd have to multiply by a factor of perhaps five to ten to get it into modern day figures. Then again, they succeeded in 1941. In December the whole question became sort of moot because we were in the war, and at the same time the Federal Government opened up a large aluminum plant right along side the Hetch Hetchy line in the valleys. That plant—since aluminum production is such a huge consumer of electricity—that plant was able to absorb the entire output which had been destined for the city. But after the plant closed down, the city succeeded in getting several stays of execution on this court order to stop selling to PG&E, and up until 1945 the city and the Interior Department were wrangling over the issue of how to dispose of the power. San Francisco's whole strategy was to try to find some way to have technical compliance with this law and yet not displace the Pacific Gas and Electric Company. In 1945, the Interior Department apparently was satisfied and agreed to an arrangement that we have pretty much to this day where 40 percent of the power that San Francisco generates is sold to a large group of industrial users of the type that I mentioned before, the alumnium companies. Big ones, that can just soak up this power at an enormous rate to get rid of this embarrassment that the city has with all this wealth, that it doesn't seem to want.

Another 4 percent goes to a couple of irrigation districts in the Central Valley. This is the Turlock Irrigation District and the Modesto Irrigation District, which are right adjacent to the Hetch Hetchy lines. These two districts have public power systems. They take a fraction of the Hetch Hetchy power, which just about supplies all their needs. They make more public profit from this fraction of Hetch Hetchy power by retailing it than the City of San Francisco does by wholesaling the entire output. They subsidize the free distribution of irrigation water, and I realize that we *wonder about who's getting this generous subsidy* in the light of previous testimony. I question how many small landowners really do. But the principle is there that they, at least, are using this power potentially for the benefit of the public. And the remaining 20 percent comes into San Francisco to power the municipal railway—and I'll mention the municipal railway later—and Water Department pumps and lighting civic buildings, etc.

Now, we pay PG&E to bring that power into the city and to distribute or transmit to our industrial customers out of town. They don't pay San Francisco taxes, they don't hire San Franciscans, they just soak up that power. We pay them $2.3 million a year. I mention other utilities that the City of San Francisco owns. We own the municipal railways, and this is a chronic money-loser, and public transportation everywhere is in trouble. The reason we own it is precisely for that reason. When we bought the Market Street Railway Company, which was a private company serving the city in 1944, the manager of the public utilities in San Francisco said that the system was in an advanced state of decrepitude, that we only bought it to keep the thing running long enough to replace it. In the first five months under city ownership, the city spent a million and a half dollars just keeping the stock rolling. So you can conclude from this that the previous owners were all too happy to get rid of it, and their only gain, I am sure, was to get the highest price possible. They had been losing money for many, many years before, and it is quite clear that they were cutting their losses by eliminating maintenance.

The Water Department, it was historically clear away back as early as 1870, that the Spring Valley Water Company which was serving the city then, would not be able to meet the city's needs, and it agreed to an amicable condemnation. So what does that leave us but PG&E, and why this resistance? Because it is the most lucrative business of all. PG&E, I have estimated by looking at PG&E data, is making a profit in San Francisco somewhere between $30 million and $40 million a year, while the city contents itself with about $3 million to $4 million profit on a total capital investment of about $300 million.

Now two years ago, in 1970, a group of Hastings law students from the University of California and I, representing the *Bay Guardian*, appeared before the City Public Utilities Commission to urge them to start a feasibility study to buy out PG&E. Surprisingly, they amended the resolution they were considering, which was to renew the existing contract that dissipates this power to include such a study. I checked back from time to time and a year later they had not contacted the controlling engineer who was designated to do the study. They passed a few memoranda back and forth internally. Then they had a budget hearing for the next fiscal year, and the *Guardian* appeared again. The reaction could be summed up like, "what feasibility study are you talking about." So we read from the record and their quotes in the newspaper, etc. Finally, a year later, they directed the manager of utilities to find out how much one would cost. When he reported back a few months later, they decided not to request the funds from the Board of Supervisors. I am telling you this because I want to get into the matter of who comprises the San Francisco Public Utilities Commission. The President is the Vice President of the Bank of America. One of its members is a board member of the Bank of America. This is all documented in one of these articles here.

The Federal Trade Commission in 1934 conducted an investigation of the whole utility industry and they went in very deeply into the matter of the control, the overlap, between the banking industry and the private utilities industry. I think we are seeing an example of this sort of mutuality of interest. If you look at PG&E's top ten stockholders, you will find that half of them are bankers and half of them are insurance company people. These bankers represent the big four banks in California.

Senator Harris. Generally, California corporations? Or are they national as well as California?

Peter Petrakis. This is the interesting point. There is only one California bank among the top ten stockholders, and this is the Bank of California. The rest are Eastern banks, like Chase Manhattan and Manufacturers Hanover Trust, and I don't recall the others right off hand. But the interesting thing is that because Senator Lee Metcalf was able to go into this matter of nominee names, so-called street names, the aliases that large corporations have to conceal their real identity. This is how I found out, for instance, who the top big bankers are. You see, many banks have more than one street name. The Bank of America, for instance, has about 45, so that they may not know one of these nominee firms may have enough stock to appear in the top ten. In the aggregate they would comprise a very large amount. Now, this is a matter for a congressional investigation. I don't think any reporter has the wherewithal to find this out. I think it's very worthwhile looking into. Here we have a man who presides over a city public utilities commission, created under a policy of public ownership, committed to it, who is a Bank of America vice president and the Bank of America has a board member on PG&E, and who knows how much of a financial interest. I know that after World War II, the Bank of America organized large bank syndicates to lend huge sums of money to private utilities in California. In 1954, the vice president of PG&E told the State Public Utilities Commission that it keeps $2 million in the Bank of America branch at San Francisco, the headquarters branch. It generates a line of credit for $14 million, he said, which is available to us overnight. He also testified that there is PG&E money in all the branch banks, which are spread all over the state.

So that brings me to one recommendation I would like to make. I would recommend that there be a congressional investigation in the City of San Francisco on the city's compliance with the terms of the Raker Act. I would like to see the Secretary of the Interior brought before this hearing and asked how he can say, as he said to a number of San Francisco citizens in writing, that they are satisfied with the city's complying with the Raker Act. I would like to see an investigation of the street name question. How much of one single bank's money is spread through a whole bunch of nominee firms, so that none of them add up enough to be recordable under recording requirements.

Now, the Raker Act was an isolated situation, By 1920, Congress had passed the Water Power Act which just threw the whole field wide open to private power companies to get licenses to set up power plants on the navigable streams in the country. These were 50-year licenses. That was in 1920. We are now in the 1970's, 50 years later. These licenses are expiring—several Southern California Edison licenses, and 20 percent of PG&E hydropower capacity will expire by 1975. But it is interesting how the recapture principle is being applied. The Federal Power Commission granted these licenses on its own authority. About 1968, they set up regulations to anticipate this flurry of renewal applications, and they set it up so that the licenses will be routinely, automatically renewed unless Congress passes a special bill to recapture the licenses. I think that should be reversed. I think that the licenses should be automatically recaptured, and a special act, if necessary, depending on the circumstances, be passed to allow them to continue. Perhaps we shouldn't think about 50-year licenses, either, because this is a public resource. I am reminded of the motto of the Ontaria Hydropower Commission that the gift of nature belongs to the people. This is a Provincial-wide system, with the Provinces engaged in the wholesaling of electricity. There are 5,000 municipal electric systems that buy their power from this Province. They participate in its governance and it seems to me a far more rational way than we have here in California.

You see, when we put what is essentially a governmental power into private hands, we are in effect creating a private government. You can look at any town of any consequence in California, and you will find the outpost of the PG&E empire, a little branch office right down there near the civic center. PG&E—and I am only using PG&E because that's an example—belongs to every single Chamber of Commerce in its territory. If you look at the cities, it would read like the index of towns on a road map. It belongs to Rotary Clubs, Kiwanis Clubs—everywhere where the influential people in any coommunity congregate—and it puts that system to work.

I have another point now, then I'll finish. On this matter of amending the recapture provisions. Since there is collusion, apparently, between bankers and private utilities, I think in this instance it would be necessary to have government grants or government loans—low interest loans—to municipalities and public districts and other public entities that would like to acquire one of these licenses. I would talk this out with people from the Northern California Power Agency as something they might be interested in getting behind.

Senator Harris. Well, thank you very much, not only for your testimony but for the really important work which you and the *Guardian* have done in this whole field. Why do you think the general public seems to consider utility companies free enterprise when, as a matter of fact, they have a monopoly—a government-protected monopoly and a government-protected rate of return—and are very unlike the kind of market-pressured enterprise we normally think of as free enterprise?

Peter Petrakis. There are two things, I think, that explain this. One is that private companies just pour this propaganda out, and it is a direct thrust of theirs to portray this line. The second is that newspapers don't consider utilities newsworthy in a deep, continuing analytical sort of way. I think that the *Bay Guardian* is the only paper in the United States that has a utilities editor. They have a city editor, they have someone who covers the city hall, but no one who systematically stays on the local utility. I think it's just a news blackout that just sort of leaves the field wide open for the power company propagandists to create any kind of illusions they want for the public.

Senator Harris. I recently testified before the Federal Price Commission. I told them I felt that they had failed the American people by not including utility rates among those that they regulated, nationally. They are thinking about that, but the process of utility regulation itself involves several kinds of subsidizations of utilities. Generally, they are owned by Eastern bankers and insurance companies. So you're not talking about a lot of investors in California; generally, you are talking about a few big banks and insurance companies around the country that own most of these utility companies. First, we say to them we will give you a guaranteed return on your investment; then we allow you to count nearly anything you want to as an investment; and then we even say you can count it at its "fair market" value rather than its original cost. That's number one. Number two, we give you monopoly of a particular area and guarantee you a set of customers so you won't have any competition. Number three, we allow you to use a public resource—that is, hydroelectric power and other kinds of public resources—for that private gain. As a general rule, we furnish you with regulatory agencies that you control. Most of the state regulatory agencies that control utilities are controlled by the utilities themselves, and as a result set prices much too high. At the federal level we've said, while other people will have wage and price controls, you won't have federal price controls—you can go ahead and do whatever you want to at the local level. What's amazing to me is that more people aren't very much disturbed about that kind of exploitation. What happens, I think, is nobody knows much about that exploitation because, while you and I pay for it in increased rates, the utilities are able to be very active in all kinds of civic affairs and community affairs. In fact, that's what the local manager spends most of his time doing—being very influential in local affairs. It's another way these things are perpetuated. We need more activity, such as you and the *Guardian* have been involved in, to get the public to understand what is being done to them.

Peter Petrakis. We're trying to do that. I forgot to mention one thing. We talked about hydropower, that's just a small part of any modern day power load. The thing now is, of course, nuclear power. I don't want to go into the pros and cons of that. I just want to point out though that this is a directly subsidized project. This is a technology that was developed at public expense at a cost of billions. The utility companies get their uranium enriched at Federal Government plants, and then use TVA power to do it, because all the uranium enrichment plants are in the TVA territory. You look at the Federal Power Commission figures and you see that power costs half as much in the TVA region as it does, say out here in California. This is power that PG&E and others would condemn as socialistic if it were used directly by the public, and I think that this goes right into the point that you were making about corporate socialism, which is really what we have. . . .

Senator Harris. That's exactly it. It's a kind of Zaibatsu system that existed in Japan prior to World War II where industry and government were virtually synonymous. With an outfit like PG&E, it's pretty much the same thing. It's kind of a corporate socialism, but a few big bankers and big insurance companies get the profit, rather than the general public. And that translates into political power, which is of interest to us in these hearings. It's not just economic power, but they are politically powerful enough to keep things virtually the way they are.

Well, I really appreciate what you've had to say here and it will be highly useful to us.

Peter Petrakis. Thank you.

Documents submitted by Peter Petrakis follow:

[From the San Francisco Bay Guardian, Oct. 26, 1970]

PG&E, Staunch Defender of Private Enterprise, Is the Biggest Welfare Recipient

(By Peter L. Petrakis)

It captures power from public agencies, builds its dams on public rivers and exploits publicly developed nuclear research.

In early June of 1970, a group of Pit River Indians occupied a campground along the Pit River in Northern California that was controlled by Pacific Gas & Electric Company. The Indians were re-occupying a small part of ancestral lands which had been stolen from their tribe. They were trespassing, said PG&E.

The campground lies within a 3.5 million acre parcel of land spreading over parts of four counties that, according to the Federal Indian Claims Commission, was unlawfully occupied by white settlers who drove out the native Pit River Indians in the late 19th century.

After that, the Federal Government took over some of the land and, in 1923, granted PG&E a license to erect power plants along the Pit River.

The nominal license fee did not grant ownership to PG&E. But PG&E nevertheless has tried mightily to create the impression that it does own the sites. A typical part of its characteristic "public relations" approach to disputing the Indians' claim:

1. Having them arrested for "trespassing," in collusion with the sheriff, district attorney and justice of the peace of Shasta County.

2. Asking the publisher of Hearst's San Francisco Examiner to send a reporter to Redding to cover the story when it became clear the Indians were getting sympathetic treatment by other papers (the Hearst Corporation has large holdings in the area.)

3. Discovering a "tame" Indian, Ike Leaf, then writing a statement for him condemning the Indian militants, flying him to Redding on a company-chartered plane and arranging a press conference for him in the sheriff's office (invitations to the press sent out by a PG&E public relations man, who also presided over the meeting).

THE OWNER?

Under white man's law, the existence of a license to occupy land is reasonable evidence. Why, then, didn't PG&E produce the government license to back up its assertions that it had a right to be on the Pit River? Why did it instead keep talking as if it actually owned the disputed property?

The probable answer: To bring up the matter of licenses in such a dramatic story, the subject of intense public interest, would have exposed a cover story that PG&E and the other private utility companies have been fostering for more than 50 years.

This is that they are bastions of individual initiative, "taxpayers" carrying their own weight in society, competing under adverse circumstances with a government that intrudes unfairly in the domain of "private enterprise."

The plain fact is that the U.S. government set up the private power companies in the power business. PG&E, staunch defender of "private initiative:"

1. Has built its entire hydroelectric generating system on public lands and waterways under federal licenses which allow it to operate but own none of the power-generating sites.

2. Has captured the power generation of irrigation districts, water agencies and municipal, state and federal projects—representing a public investment of billions of dollars—and got power dirt cheap from the agencies and sold it back to the public at a large mark-up.

3. Has utilized a nuclear technology developed by the public at a cost of billions, uses nuclear fuel produced at expensive government plants by a publicly developed process that uses huge quantities of cheap public power, and has its nuclear power plants insured by the taxpayers because no private insurer will risk coverage.

RIVER GRAB

It started in the early part of the century, when technological advances were making it possible to generate power at locations remote from marketing areas. Private power companies were grabbing up power sites on the nation's rivers, despite efforts by President Theodore Roosevelt and others to develop the sites in the public interest.

By 1920, the private power lobby turned the tide in Congress. It passed the Federal Water Power Act, which vested ownership of water power sites in the people but also created the Federal Power Commission with authority to grant 50-year licenses to private and public utilities for power development on the nation's rivers. Only token charges were fixed for the use of the water, and public recapture of sites held by private power companies was made difficult.

Many licenses were issued to private power companies and public agencies over the next few years. So now, 50 years later, many licenses are due to expire. This means that 18 per cent of PG&E's hydroelectric capacity is subject to recapture by the public by 1975, and all of it by 2013.

To anticipate the license expirations, the Federal Power Commission in 1964 set up procedures to recapture of relicense power sites that made an already difficult recapture procedure even more difficult.

The FPC issued the original licenses on its own authority. But now it will send its recommendations to Congress for action, at least two years before a license expires. If Congress does not recommend recapture, a new license would be issued. The new procedure has been challenged, but not tested legally. So, for the present, a mere licensing arrangement has, through private power lobbying, been perverted into a virtual grant in perpetuity of public property to private corporations.

Over the past 70 years, several public agencies also have secured water and power rights on California rivers and, in 1913, Congress tried to keep private utilities from benefiting from this granting of public rights.

That came in the Raker Act, which prohibited the city of San Francisco from selling private utilities the power it developed on the Tuolumne River from the city's Hetch Hetchy project while operating under a Federal grant.

But when Congress passed the Federal Water Power Act in 1920, it buckled under severe pressures from utility lobbyists and deserted the public power principles of the Raker Act.

Under the Water Power Act, several irrigation districts and water agencies, as well as the State of California, are free to sell public power from public projects on public rivers to PG&E for resale to the public.

WATER ACT

PG&E is making a killing off this public power, precisely the sort of thing the Raker Act was designed to prevent. Thus, PG&E exploits the public, not only through its own plants, built on the public domain under its own FPC licenses, but also by capturing the power generated by public agencies at plants built on the public domain under their FPC licenses or federal grants.

Historically, any time a public agency has wanted to dam a California stream, PG&E has followed a consistent pattern: Get the power into the PG&E system, or fight the project.

For example, PG&E and other private utilities fought the formation of the East Bay Municipal Utilities District in 1923. But PG&E and EBMUD have since worked out a cozy relationship.

Since EBMUD completed Pardee dam in 1928, PG&E has ben getting all EBMUD power. EBMUD has never made even a gesture toward getting into the power business, even though the Municipal Utility District Act of 1921, which permitted the creation of EBMUD, authorized the district to go into the power, water and even the telephone business.

TWO EXCEPTIONS

Over the years, PG&E has captured every power-generating irrigation district and water agency in northern California, with the exception of two—the Turlock Irrigation District and the Modesto Irrigation District.

In 1952, PG&E commissioned an official 367-page company history, titled "PG&E of California: The Centennial Story of Pacific Gas and Electric Company, 1852–1952," written by C. M. Coleman. In it is found this pithy summation of PG&E's attitude toward public developments on the public rivers: "Although the Company fought hard to preserve itself from government competition, it always willingly gave cooperation to worthy public water projects."

To PG&E, a "worthy public water project" is one in which the public surrenders its most lucrative product, electrical energy, to PG&E.

This, then, is the historic PG&E pattern:

1. Let a public agency build the most expensive parts of a hydroelectric project—the dams and canals—which PG&E would otherwise have to build and pay taxes on, then contract with that agency to deliver the falling water to the nearest PG&E power plant.

2. Or, better yet, let the public build hydro power plants too, then get the power into the PG&E system at low, fixed annual rates, under long-term exclusive contracts.

3. Make it clear to irrigationists and

municipalities that PG&E will block public projects if the power contracts are not signed with PG&E.

4. All the while, wage vigorous publicity campaigns to convince the public that public water and energy from public water are logically and ideologically separable—that the public impoundment of water on a public river, and its distribution through public systems, is "a worthy public water project," while the distribution of the inevitable byproduct of the release of that public water—public power—is the expression of an alien and subversive philosophy.

5. Pose as an altruist and argue that PG&E's piddling payments for this public power are helping irrigationists and municipalities to pay for their water projects, which could not otherwise be built.

6. Condition the public to ignore the fact that, if PG&E had exercised its self-celebrated "individual initiative" and built these projects for its power purposes, water users would still be getting the benefits from stored water that they now enjoy.

Today, 10 public agencies in California generate power for PG&E. Seven of them are under exclusive long-term contracts to PG&E, delivering all their electricity at low fixed annual fees to the company. One of them, the State Department of Water Resources, is under contract to deliver 56 per cent of the power generated at the $500 million Oroville Dam to PG&E and the rest to Southern California Edison and San Diego Gas and Electric Co. until 1984. After all, all the power from Oroville Dam will go to PG&E.

BIG PROFITS

From all these public agencies, PG&E gets 10 per cent of the electricity it sells to the public. PG&E gets this power so cheap, and marks it up so high, that public power accounts for 25 per cent of the company's annual profits from electricity sales.

The Turlock and Modesto Irrigation Districts, the only two in California to do their own electrical retailing, charge 33 per cent less for electricity than PG&E does in the irrigation districts the company has captured. And the Turlock and Modesto Irrigation Districts pay for their projects without any "help" from PG&E, of course.

In reality, water at the tap and water power at the wall plug are merely different manifestations of the potential energy of water stored at high elevations. Yet, because of PG&E-generated confusion, citizens who would become enraged to learn that all the water behind a public dam had been diverted to a private corporation for resale to the public are not at all shocked to learn a private company is selling them their own electricity.

PG&E confuses the public at every turn. When PG&E builds a dam on a public river, it is called a "power dam," even though downstream water users may benefit from the resulting year-round water supply. When irrigationists, or municipalities, or the state or the federal government build a dam, PG&E propaganda conditions people to think of it as a "water supply," though electricity, in vast amounts, may be produced from it—for PG&E.

"WATER" PROJECT

Today's multi-billion dollar California Water Project should be called a "power and water project," since an immense amount of electricity will result from the state's impounding of Feather River water behind Oroville dam.

But PG&E and the other private utilities aren't openly fighting this project, for the simple reason that they are getting all the electricity from the public water project's $500 million Oroville facilities and selling it back to the public at exorbitant rates. That according to the classic PG&E line, makes it a "water plan."

The state Water Resources Department is more than a generator of power for private utilities. It also will buy power from them to help pump water through the California Aqueduct that will carry water from north to south in the California Water Project.

The Water Resource Department has contracted to sell the power output of Oroville Dam—3 billion kilowatt hours a year—to the private utilities for a low fixed annual fee of around $20 million.

MORE MONEY

The utilities, in turn, will sell this hydropower to the public during the peak daylight and early evening hours—and get an estimated $42 million a year in revenue too for doing it.

Then to supply the Water Project with the power for its pumps, the utilities will turn around and deliver 10 billion kilowatt hours of their thermal power to the state during the off-peak hours. That will cost the state $26 million a year.

The utilities will sell the pumping power to the state at cost, but they nonetheless will profit greatly from it. For it will enable them to keep their power plants running steadily and not just during the peak hours of general public demand, and thus avoid the heavy costs involved in shutting down and starting up steam generating plants.

There's an ecological aspect to this, too. Since the amount of water to be let out of the water project's Oroville reservoir will increase as Southern California's population grows, more water will pass through the powerhouses to generate electricity. And since the private utilities have contracted for all of the power from Oroville Dam, the more overcrowded Southern California becomes, the more PG&E and the others will profit.

CAN'T LOSE

Even if political opposition or legal injunction were to stop the badly conceived and possibly illegal California Water Project, the private utilities will come out on top.

Oroville Dam already is built, the contracts for power have been signed, and the utilities are getting Oroville power.

Should the Project be blocked, or even delayed, the state would be relieved of part of its responsibility to husband water at Oroville, and would be able to make larger water releases for power generation to the private utilities.

If the Delta Peripheral Canal, last link between Oroville water and the California Aqueduct, is not built, political pressures will develop to find alternative sources of water to send south.

There would be a strong possibility that water would come from sea-water desalinization plants, operated by the private utilities.

PG&E and other coastal utility companies are moving fast to get into that field and, with the Department of Water Resources, are now studying desalinization in connection with thermal power generation, under an order from Gov. Reagan.

PG&E also has offered the U.S. Interior Department the use of its steam plants at Moss Landing and Morro Bay for experiments in desalinization in connection with power production.

NUCLEAR PLANTS

Nuclear power plants are enormous heat producers, and studies by the Atomic Energy Commission show that this heat can be used to convert sea water.

When President Johnson announced this in 1964 and indicated that the government would enter that area, shock waves were set up in the private power industry. The industry's trade publication, Electrical World, saw an "insidious" threat. "The alternative," said Electrical World, "is for electric utilities to assume a responsible role in the supply of potable water."

In other words, the private power companies are planning to get into the water business. Thus, historic trends are demolishing PG&E's carefully contrived cover story that water projects are public business and power projects are private business. To maintain their monopoly, PG&E and other private power companies must now get into the water business, too.

A further advantage to private power companies is that seawater desalinization could be done during those off-peak hours when shutdowns are so expensive.

The implication for principled ecologist-conservationist foes of the Water Project is that they may be getting some covert, and unprincipled, support from the giant utility corporations of California.

Because of their strategic position in the economic life of the state and their enormous political power, the private utilities have been able to rig things so that, whatever the fate of the Water Project, the net result will be a public capital investment for their benefit.

Although Gov. Reagan has stopped the Upper Eel River Development, the study is continuing. This project on the north coast river has a direct relationship to the Oroville power contract with the private utilities, and is specifically mentioned in the contract.

Section B–8 of the contract provides that, after 1985, the Department of Water Resources can release, for power generation, an amount of water from Oroville Reservoir greater than that to be released from the Upper Eel River Development.

MORE WATER

The Upper Eel River Development would build a 700-foot-high dam at Dos Rios, in the Coast Range in Mendocino County, about 20 miles north of Willits, and would create a vast reservoir that would drown 30-square-mile Round Valley with its Indian reservation and the town of Covelo, 30 miles upstream.

The plan for the Upper Eel River Development is to feed its water into the California Aqueduct at the Aqueduct's point of origin in the Sacramento-San Joaquin Delta and send it to Southern California.

This could relieve Oroville Reservoir of its role as "key conservation unit" of water for Southern California and allow the state to make greater releases of water through Oroville's powerhouses—not to meet water demands in the south, but to generate power for PG&E.

The development also could counteract conservationist opposition to the Delta Peripheral Canal. By using water from the Eel River to supply Southern California, the Sacramento River can be permitted to flow at higher volume, flushing out the Delta and preventing stagnation in San Francisco Bay. This will mean maximum releases of water through the powerhouses at Oroville, for maximum generation of power for PG&E.

"OR ELSE"

Politically, this would be the alternative presented to the public: "Let us build the Upper Eel River Development, or the Delta and San Francisco Bay will be destroyed by diminished flow of the Sacramento River."

PG&E will have maneuvered the state of California into building a hydropower facility for PG&E at Oroville whose generating potential nearly equals that of all the PG&E dams in California, plus a new source of public power for PG&E at Dos Rios, plus an off-peak market for PG&E's thermal power.

Alternatively, if the Eel River is not developed, there will be a brand new product to be sold by PG&E—desalinized seawater for the California Aqueduct, generated at PG&E's nuclear power plants.

STEAM PLANTS

The key to the control PG&E and the other private utilities have over public water power projects in California, apart from their ability to buy politicians and dominate newspapers, is their monopoly on thermal electric generating plants.

Hydro power, which is all PG&E permits the public to generate is variable. It fluctuates daily and seasonally, as well as from year to year, depending on annual precipitation. Therefore, to make it salable for modern power demands, which are comparatively steady, it must be firmed by thermal power.

Since private companies have a monopoly on steam plants in California, it gives them enormous coercive powers over public agencies in disposing of public power. The companies tell the public in effect, "You will sell your power to us, and on our terms, or you won't sell it at all."

In 1941, when the Bureau of Reclamation first asked Congress for funds to construct a steam electric plant at Antioch to firm the power from Shasta dam, and build transmission lines down the Sacramento valley, the result was a parade of PG&E executives, lobbyists and attorneys that has never stopped. Result: The Central Valleys Project still has no steam plants, the federal project still is at the mercy of PG&E.

The California Water Project was originally designed to include a stateowned nuclear power plant, which together with the hydro power, would have made the project independent of outside sources of power to operate its pumps. The plant has not yet been authorized, though any observer of the private utilties in action knows that is intended to mean forever. Result: The private utilities will get $39 million from Water Project power, plus an additional $26 million payment for power from the Project itself, plus more economical performance of their steam plants and therefore greater profits.

More recently, PG&E blocked legislation which would have given the Northern California Power Agency, an association of 11 small municipal power cities, authority to jointly finance and construct a thermal power plant to serve their growing power demands. The bill had been passed by the State Senate, 21 to 4. Originally scheduled for the Assembly Local Government Committee, where proponents thought their bill had a chance, PG&E lobbyists got the bill switched at the last minute to the heavily proprivate utility Commerce and Public Utilities Committee by Assembly Speaker Robert T. Monagan (R-Tracy).

Observers on the scene saw evidence that the private power lobby had done an advance job on the committee members. The lobbyists were well represented in the audience. Assemblyman Kent Stacy of Kern County wryly asked the bill's author, Sen. Fred Marler of Shasta County, how he felt about changing the bill to add a provision to tax all publicly owned utilities, "as private utilities are." He was referring, of course, to the private utilities' pet project, the Bagley bill to tax public power cities, AB 908, recently withdrawn for the time being by its nominal author, William T. Bagley.

The committee, made up entirely of southern California conservatives, and headed by Robert Badham of Orange County, did not give the northern California cities a single vote.

Having fought successfully for decades to keep the United States government and the government of California from building steam plants in the state, the private utilities are not about to let 11 little cities do it.

The cities' desperate search for new power sources is based on the fact that the Central Valleys Project cannot supply additional power to its preferred customers (public power cities) after 1980. In 1967, PG&E forced the Bureau of Reclamation into an agreement that prevents the Bureau from accepting new preference customers or any new source of supply without the consent of PG&E and limits the amount of power CVP can supply to its existing preference customers to their estimated 1980 requirements.

The leverage PG&E used to get this lopsided agreement out of CVP was its monopoly on steam plants, on which the CVP is forced to rely for firming and making salable its Shasta hydropower. The multi-billion dollar federal CVP, and the preferred customers that are eligible to receive its power, are securely in PG&E's vest pocket, barring future lawsuits for anti-trust violations.

The Federal Power Commission has retained jurisdiction to modify the 1967 PG&E-CVP agreement, but little hope lies in that direction: The chairman of the FPC is proprivate utility, and a vice-president of the Arizona Public Service Company is about to be appointed head of the FPC Bureau of Power (he will also continue on the company payroll).

Meanwhile, PG&E continues to encircle the 11 cities. During recent hearings before Sen. Philip Hart's Anti-Trust and Monopoly Subcommittee, R. W. Cowden, NCPA secretary, disclosed that PG&E has (1) refused to wheel public power to NCPA cities, (2) grabbed up all potential sources of non-PG&E power that the cities could use, including public power from irrigation districts and water agencies, surplus power from the Sacramento Municipal Utility District's Rancho Seco nuclear power plant under construction, also Union Oil's geothermal steam fields, (3) refused to join with the cities to construct power plants (4) sponsored the Bagley bill, (5) opposed legislation permitting cities whose charters are silent on the matter to issue revenue bonds for public electric systems, (6) had the NCPA banned from membership in regional utility councils. To this list must now be added PG&E's maneuvers to block the HUD loan, and the lobbying effort to block the cities from building their own thermal power plants.

PG&E's obvious intention is to put the 11 public power cities out of business and consolidate its historic theft of the public domain.

Suggestion to NCPA: Move to recapture some PG&E licenses coming up for expiration in the next few years, under provisions of the Water Power Act of 1920.

And PG&E has even more ambitious plans for the future—a future of nuclear power.

PG&E already has one nuclear power plant at Humboldt Bay near Eureka, and another nearing completion at Diablo Canyon near San Luis Obispo. Several more are being planned. In late September, PG&E announced it will purchase a quarter billion dollars worth of uranium fuel in 1971.

The company will buy crude, un-enriched uranium fuel from mining companies and turn it over to the Atomic Energy Commission, which will purify it to increase the proportion of fissionable uranium-235, then turn it back to PG&E.

The enrichment process is carried out at three AEC plants, including those at Oak Ridge, Tenn., and Paducah, Ky., that are in the service area of the Tennessee Valley Authority.

According to the FPC, industrial TVA power costs about half as much as PG&E and other private power. So the cost to PG&E for having its uranium fuel prepared by the government will be greatly reduced by the government's use of cheap federal power from TVA.

If the government had to buy power from a private utility to enrich uranium for PG&E its power bills would practically double, and this would be reflected substantially in the cost of nuclear fuel for PG&E.

Thus PG&E will receive another indirect public subsidy in the form of cheaper nuclear fuel, processed with cheap public TVA power that PG&E and other private utilities condemn as "socialistic" when it is used directly by the public.

It will be just another typical chapter in the story of PG&E, a huge public parasite that dominates the political life of the state, compels the public to create vast public works in its behalf, usurps the public's lands, rivers and technology, buys off and intimidates the press and even picks the men who "regulate" it on the state Utilities Commission and the Federal Power Commission.

PG&E doesn't see it that way, however. Its official biographer writes:

"PG&E's position at all times has remained essentially the same—that of a staunch defender against political invasion of a business successfully created and maintained by individual initiative and developed according to the needs of growing state."

How PG&E Gets $67 Million of Public Power

D. L. Bell, PG&E's vice president and treasurer, recently put on a poor-mouth act for the State Public Utilities Commission. PG&E, he maintained, must be granted $67 million more a year in electrical revenues so that it can "maintain its credit and financial standing" with major investors.

The Guardian examined PG&E's rate application exhibits and discovered that, although Bell hadn't said so, PG&E already gets a public subsidy of $67 million worth of public power.

The $67 million—$67.4 million to be precise—is that part of PG&E's annual revenue which comes from its sale of public power. This is power generated at public facilities such as dams, sold to PG&E cheaply and then transmitted and sold to the public by the giant utility.

It is by far the most profitable phase of PG&E's extremely profitable operations.

PG&E's own exhibits show the company made an incredible after-tax profit of 22 per cent in 1969 from the power it generated itself. However, its profits from the public power sales were even greater—a staggering 54 per cent.

In dollar terms, that was a profit of $138,357,000 on PG&E-generated power and $36,482,000 on the public power sales.

That made total profits of $175 million—a figure that would rise by $40 million if PG&E is granted its plea for $67 million more in revenue.

None of this would be passed on to the public agencies which have created huge tax-free capital investment and profit windfalls for PG&E. Their fees are fixed under long-term contracts.

[From the San Francisco Bay Guardian, Apr. 17, 1970]

PG&E Keeps Public Power Out of UC-Berkeley

(By Peter L. Petrakis)

While the University of California imposes tuition on students as a revenue-producing device, it refuses to move effectively against the Pacific Gas & Electric Co. to save some $500,000 a year in power costs.

This unpublicized issue is complicated, but it boils down to this: the University for years has sought to reduce its $2 to $3 million electricity costs, but PG&E refuses to wheel cheap power on its transmission lines to the Berkeley campus. Thus, Cal has no choice but to buy PG&E's expensive private power.

The background: In 1962, the Regents commissioned R. W. Beck & Co., a highly respected engineering firm, to determine how University's mounting electricity costs could be reduced.

Beck's survey recommended that the Berkeley campus switch from PG&E to the public power available from the U.S. Bureau of Reclamation, a division of the Department of Interior, which transmits power over its conductors down the Central Valley from its generators at Shasta Dam. The anticipated savings for Cal: $5 million over a 10 year period.

As a public or "preference" agency, the University would be entitled under Reclamation Law to first call on Shasta's power output, Beck's report noted. It urged the University to apply immediately to Interior for a consignment of Shasta power.

Interior Secretary Stewart Udall promptly allocated 66 megawatts of power, but a serious obstacle remained: PG&E and its success for decades in keeping all federal transmission circuits out of the Bay Area and thereby severely throttling the growth of public power. (See previous Guardians on PG&E's illegal private power monopoly in San Francisco), by federal law a "public power city.")

PG&E's early assurances took the line, as one official put it, "we'll be glad to wheel your power over our cables." Later, when PG&E developed cozier relations with Interior, a sweetheart contract surfaced which prohibits delivery by PG&E of USBR power to a preference customer situated within any municipality in which PG&E enjoys exclusive distribution rights.

This "contract" has never been tested in court, but it clearly violates the Sherman Act and congressional intent in distributing public power. As Interior Secretary put it on Jan. 3, 1945, in Power Policy Memorandum #123327-1,

"Transmission outlets to existing and potential wholesale markets shall be adequate to deliver power to every preferred customer within the region upon fair and reasonable terms. . . . They must be owned and controlled by the government unless privately owned facilities should be made available upon terms which assure full accomplishment of the basic objectives of the congressional power policy and which do not reward the private company simply because of its strategic location or monopolistic position."

More: "No contracts shall be made that operate to foreclose public agencies and cooperatives from obtaining power from the Government project."

Clark Kerr, then UC president, twice wrote PG&E's president and implored him to wheel USBR power to Berkeley from the nearest point on the CVP conductors at Tracy. PG&E rejected both requests.

How could PG&E arrogantly refuse to wheel public power? How could the USBR contradict public policy and sign a contract with PG&E permitting the private utility to refuse to wheel public power to a preference customer?

The answer lies in the fact that PG&E, and the politically muscled private utility lobby in Washington, has for four decades lobbied Congress into refusing to authorize the Bureau to build thermal generating plants to firm up its hydroelectric power, which is variable, and make it marketable.

Thus, the Bureau's Central Valley Project is totally dependent upon PG&E to firm up USBR hydro power (unlike TVA's fully integrated steam/hydro system). The marketability of USBR power is left to the mercy of PG&E.

"This situation is believed to lie at the root of PG&E's intransigence and the USBR's impotence," reported Elmo R. Morgan, UC vice-president for physical planning and construction, in a March 11 report memorandum.

(Note: PG&E's intransigence to wheel public power to UC stands in stark contrast to its willingness to surrender big industrial customers to the City of San Francisco to keep San Francisco's public power from reaching city customers over a public distribution system. See Feb. 28 Guardian.)

In 1965, instead of challenging the PG&E/USBR contract in court, the University seriously considered a notably tortured proposal to de-annex the campus from the City of Berkeley, remove it from PG&E's designated trade territory, meet the terms of the highly questionable contract and compel PG&E to wheel federal power. The proposal was abandoned as too complicated.

More important: the USBR advised the University that, even if the campus were de-annexed, USBR would still consider its delivery of federal power subject to discretionary control by PG&E.

By 1966, Gov. Brown was out, Gov. Reagan in and tuition clouds loomed darkly on the horizon. Enter the Berkeley faculty local of the American Federation of Teachers.

In an April 23, 1968 letter to Reagan, the AFT pointed out that it would be grossly unfair to impose tuition without cutting costs in plant operation, such as power costs. Three months later, a reply came from Reagan's then director of finance, Caspar W. Weinberger, who expressed skepticism about the substantial power savings. But he promised to investigate.

Russell Thompson, senior construction analyst in the Department of Finance, wrote a detailed letter on Aug. 19 and agreed with the union that ". . . substantial savings could be realized by obtaining federal power to the Berkeley campus . . ." However, he cited PG&E's refusal to wheel the power as the major obstacle.

Thompson also noted that the regents earlier had balked at laying out an estimated $5 million for the university's own transmission line to Tracy—because, he pointed out, the USBR could not guarantee a firm source of power for many years.

The AFT replied to Thompson with two suggestions: (1) that Reagan himself write PG&E and ask once more that it wheel the power and, if this fails, (2) that the state initiate a court test to require PG&E to transfer the power in accordance with the Ickes order.

As a research aid to Reagan's legal counsel, the AFT enclosed citations to both the Sherman Act and a chronology of 60 years of Reclamation and other congressional acts establishing the basis for federal power policy.

In its final communication, the State Department of Finance told the union that (1) would have to come from Reagan (it never has) and (2) from the university (it never has either).

The key is that the Regents and the University administration have never wanted to take on fortress PG&E in a lawsuit.

Morgan's report came in response to Regent Fred Dutton's request, at a Feb. 20, 1970 meeting of the Regents' Finance Committee, for the UC administration to reinvestigate the reduction of campus utility costs.

Morgan skated over the possibility of litigation in coming up with two courses of action: (1) to file again for CVP from the Bureau (which he quickly discounted as unlikely in view of the "historical background") and (2) to ask the State Public Utilities Commission to grant the university a special rate (which might produce some discount, but certainly far from the 50 per cent savings of public power.)

I called Thomas J. Cunningham, the Regents' general counsel and a former judge, on March 20 and asked him why the university hadn't taken PG&E to court in hopes of saving $500,000 a year in power costs. His office was "consulted, but we didn't get into the act" at the time Kerr was begging PG&E to wheel CVP power, he said.

I read Ickes' power policy to him, as the basis for possible UC litigation as a preference public power customer. He acted as if he were hearing it for the first time.

"That's good news," he said. "Morgan would be very interested to hear about that." He transferred me to Morgan's extension.

I called Morgan, but he didn't express much interest. He finally suggested I send him the Ickes' quotes and the 60-year chronology so he could review them. The Ickes' quotes and the 60-year chronology came from the AFT, but the AFT I learned had originally gotten them two years ago from Morgan's office.

RESTRICTS PUBLIC POWER IN NORTHERN CALIFORNIA

(By Tiffin Patrick)

WASHINGTON.—The Pacific Gas and Electric Co. has demonstrated its influence with the Nixon administration by delaying for nine months, then idling, a federal loan to help 11 Northern California public power cities develop their own public power supply sources. PG&E's major victory went unreported in the local press.

PG&E's influence has been exceeded only by its audacity.

Hal Conner, the private utility's competent Washington lobbyist, says PG&E has made a survey of its own and concluded it would be more economical for the cities to satisfy their additional power needs by purchasing directly from PG&E.

The loan in question is exceedingly small by federal standards, but the principle at stake is large.

All 11 cities have municipally-owned power systems. They expect significant population growth in the next two decades and will need more power. Anticipating that they will become increasingly more dependent upon PG&E unless they develop a power generating source of their own, the cities banded together as the Northern California Power Agency and last July applied to the Department of Housing and Urban Development (HUD) for a $125,000 loan to conduct a feasibility study on possible supply sources.

Perhaps naively, the cities anticipated little difficulty at the time.

Santa Clara City Mgr. Don Von Raesfeld says PG&E opposition was "a little bit surprising" because representatives of the nation's major power companies had, during the Johnson Administration, pledged cooperation in helping municipal companies solve their long-range power supply problems.

But it's a whole new ball game now, as some Nixon staffers say.

PG&E "cooperation" on the municipal application turned out to be total—and highly effective—opposition. Lobbying through their trade association, the National Association of Electric Companies, PG&E persuaded HUD to delay the grant indefinitely. HUD's decision came on March 25.

At one point, HUD officials went so far as to tell reporters here that they had "no record" of the application and didn't know what had become of it.

PG&E knew, however. A week after the "no record" statement was made, utility lobbyists huddled with Asst. Secretary Samuel C. Jackson and, reportedly, Secretary George Romney himself to express vigorously their opposition to the loan.

The reasons given for that opposition vary somewhat, depending on the lobbyist who's doing the talking. Conner insists opposition to the loan comes from non-California private utilities who are concerned the loan might set a "precedent" for similar applications by municipally owned companies elsewhere.

Other association members maintain the entire impetus for opposition arises from PG&E, a point buttressed by the estimates of Herbert C. Westfall, a Seattle engineer hired by the 11 California cities, that they could save $17.5 million a year in lower electric bills by developing their own power generating facilities.

If Westfall is anywhere near correct, the potential savings for larger cities would be staggering. Palo Alto, Santa Clara and Alameda are the largest cities in the Northern California Power Agency and most of the other cities—Roseville, Redding, Ukiah, Heraldsburg, Gridley, Biggs, Lodi and Lompoc—are very small cities indeed.

(San Francisco is the only city in the U.S. required by federal law to have public power, but it has allowed PG&E to establish an illegal private power monopoly in San Francisco. Thus, the city can't sell its own citizens the power it produces from its Hetch Hetchy power generating facilities. However, San Francisco is now seeking to sell some of its excess power to the 11 public power cities.)

At any rate, the cities struck back, but belatedly. They enlisted the aid of Rep. Charles Gubser, whose district includes Palo Alto and who is a moderately conservative Republican from Gilroy who has never been accused of advocating Socialism.

"I don't see why established cities that have their own power plants should be denied the right to find ways of improving service to their customers," Gubser said. "This isn't a public power vs. private power issue because it isn't going to change the service areas in any way."

Despite this reconcilation of opposition and ideology, it was precisely the private power vs. public power argument that utility company lobbyists supposedly made with Rep. Charles R. Jonas, (R-North Carolina) ranking Republican on the HUD appropriations subcommittee, in applying pressure on the agency to deny the loan.

By coincidence, North Carolina is one state where municipally owned companies abound and where the loan was regarded as setting a "precedent."

Representatives of the cities were prepared to counter this move by asking Rep. Joe Evins (D-Tenn.), chairman of the subcommittee and a staunch public power advocate, to support the loan application.

Evins was the last hope against HUD officials deciding to go all the way with PG&E and deny the loan. Six Northern California congressmen supported the cities' application, but Gubser is the only Republican among them and the Nixon administration has shown a consistent disinclination to listen to Democrats—unless they possess important chairmanships.

PG&E's victory is nationally significant. American cities that want federal assistance to improve their power service have in effect been told to look elsewhere than the Department of Housing and Urban Development.

Eleven North California Public Power Cities Defy PG&E

(By Tiffin Patrick)

WASHINGTON.—Eleven California cities have defied the Pacific Gas & Electric Co. and renewed their application for an independent power supply study that was blocked by PG&E lobbying earlier this year. (See April 17 Guardian.)

The cities, all of them small Northern California municipalities that now furnish cheap, city-owned electricity, are looking for alternative power sources to meet an anticipated doubling of demand by 1985.

PG&E lobbyists here, who candidly concede they would prefer the cities to purchase additional power from PG&E, last March successfully opposed a $125,000 loan for the study from the Department of Housing and Urban Development (HUD).

Lobbying through electric company trade associations, PG&E contended that the study would set "a dangerous precedent" for federal assistance to municipal power systems. Despite support for the grant from several Northern California congressman, HUD unceremoniously rejected the application.

Now, the cities have reapplied in a letter that eschews the legalese HUD is fond of and pinpoints the reason for the denial.

"We do not feel that it was the intention of your department to be unduly influenced by 'political pressures' in making a determination as to whether or not a loan application, obviously in the public interest, should be approved or denied," R. W. Cowden wrote HUD Asst. Secretary Samuel C. Jackson.

Cowden is city manager of Redding and secretary of the Northern California Power Agency, an organization formed by the 11 cities to make the application. The cities, which presently serve some 340,000 customers with electric power, include Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara and Ukiah.

How PG&E Robs S.F. of Cheap Power

(By J. B. Neilands)

A few months before he died last year, Franck Havenner sat up in his bed in a nursing home in San Francisco and told me of how the Pacific Gas & Electric Co. swindled San Francisco out of hundreds of millions of dollars of cheap hydroelectric power.

The story was incredible: PG&E and its political allies had defeated eight successive bond issues to establish a municipal electric system in San Francisco and grant city residents and businesses the benefit of low cost power produced by the city's Hetch Hetchy water system in the Sierras.

The results: San Francisco has paid through the nose to PG&E for its power and the city loses about $30 million a year in profits it would get from a public system.

Havenner, longtime SF supervisor and later a U.S. representative, said: "In the beginning, we had the support of some newspapers, but in the end the PG&E was able to buy them all out with their newspaper ads."

The PG&E/newspaper/political combination got stronger with each bond issue. Today, you never hear about the city's sacred pledges to build a public power system.

How could this happen? How could Sacramento, Los Angeles, Palo Alto and a dozen other California cities get their own lucrative electric distribution systems when SF couldn't even get one when it had its own power? More: How could this happen when it is a specific condition of federal law for San Francisco, unlike any other American city, to build its own municipal electric distribution system?

Abe Ruef's graft in 1906 was peanuts, birdseed, compared to this.

The story goes back to the turn of the century when San Francisco desperately needed an adequate water supply. Fifteen alternate sites were crossed off before Mayor Phelan filed for water rights on the Tuolumne River with money from his own pocket.

Unfortunately, however, the site lay inside Yosemite National Park and the proposed dam would flood exquisite Hetch Hetchy Valley.

Conservationists were furious and John Muir raged: "Dam Hetch Hetchy! As well dam for water tanks the people's cathedrals and churches; for no holier temple has ever been consecrated to the heart of man." Understandably, Congress was reluctant to grant the brutal intrusion into Yosemite.

The impasse was resolved by Rep. John Edward Raker, from the state's second (Mountain) district. He proposed to let San Francisco take the water from Yosemite, but in the process generate and distribute low-cost hydroelectric power.

It was the only federal grant of its kind ever made by Congress and it is certain, as Interior Secretary Harold Ickes later emphasized, that it would never have been made without crucial conditions: that both water and power go directly to consumers, and that no profits whatsoever from this unprecedented public grant go to private utilities.

The act's language was explicit (see chronology, 1912) and there was no doubt among supporters or opponents, about the public power intent of Congress. Thus on the floor debate:

"Mr. Sumners: Is it the purpose of this bill to have San Francisco supply electric power and water to its own people?

"Mr. Raker: Yes.

"Mr. Sumners: Or to supply these corporations, which will in turn supply the people?

"Mr. Raker: Under this bill, it is to supply its own inhabitants first . . ."

Muir and other militant conservationists were bitterly disappointed by the Raker Act and the loss of Hetch Hetchy, but other conservationists, like Sen. George Norris of Nebraska, considered it a reasonable compromise.

The Raker Act was the Magna Carta for cheap public power. It was thought to be tightly drawn in the public interest and virtually impervious to subversion by private power trusts. Its basic intent was to establish a municipal power distribution system in San Francisco, but it also allowed the sale of power to public agencies and recognized the prior claims of the nearby Turlock and Modesto Irrigation Districts.

However, the Act stipulated, in strict terms especially irritating to the private power lobby, that any attempt to transfer the water or power to a "person, corporation or association" for resale could result in revocation of the federal grant.

WATER, NOT POWER

In developing water, San Francisco has observed reasonable compliance with the Raker Act on the record. It has had little trouble passing expensive water bond issues to construct the enormous Hetch Hetchy system of pipes and tunnels that delivers the water across the Central Valley, under San Francisco Bay and into the Peninsula's Crystal Springs Reservoir." There's been no reluctance to "go into the water business" in San Francisco.

In developing power, however San Francisco has gone up against fortress PG&E and has failed miserably in complying with the Raker Act. Ickes was here on Oct. 24, 1934, for the celebration of the first flow of Hetch Hetchy water to reach Crystal Springs. He mused in his diary:

"San Francisco also develops power from this water. . . . Unfortunately, private utilities have such a grip on San Francisco that it cannot actually sell its own power to users in San Francisco. I held there was a violation of the Act . . . the newspapers and most of the politicians have seen to it, by propaganda and other devious methods, that a method of complying with the Act has been defeated."

Norris lamented in his biography that, as a supporter of the Raker Act, he had "underestimated the 'resourcefulness' of PG&E.

"When I spoke so hopefully and so confidently (not only I but many others) it was incredible that a great utility could control the policies of city government in San Francisco . . . to defeat the original spirit and purpose of Hetch Hetchy. But it has done all this."

PG&E moved in early and has prevented the full public development of Hetch Hetchy power to this day. Hetch Hetchy's first small hydroelectric generator, Early Intake Powerhouse, went on the line in 1918. It was immediately connected to the Sierra and San Francisco Power Co. (later merged into PG&E). Interior declared the accord illegal on June 8, 1923, but nothing was pressed since only a small amount of power was involved.

With the completion of Moccasin Powerhouse in 1925, a substantial block of hydroelectric power became available; to bring the energy to San Francisco as required by the Raker Act, the city began laying a steel tower transmission circuit in the direction of San Francisco.

It was strung all the way to Newark, some 99 miles, but was stopped abruptly at Newark on the east shore of San Francisco Bay. Here, conveniently, PG&E had a substation and here, conveniently and in obvious anticipation of a new energy load, PG&E had just laid a trans-Bay, high voltage cable to span the remaining 35 miles to San Francisco.

Although the city had purchased enough

copper wire to complete the Hetch Hetchy line, word suddenly rocketed from city hall that further construction funds were exhausted. San Francisco's two power companies, Great Western and PG&E, refused to sell their systems to the city, and the board, instead of using eminent domain to acquire them, approved a contract on July 1, 1925, to hand over Hetch Hetchy power to PG&E at Newark. The copper wire was stored quietly in a SF warehouse and 10 years later sold for scrap.

"The disgraceful history of the handling of Hetch Hetchy power should place a new ugly verb in the lexicon of political chicanery. 'To Hetch Hetchy' means 'to confuse and confound the public by adroit acts and deceptive words in order to turn to private corporate profit a trust set up for the people'.

"I need not repeat the scandalous story that has given birth to this new verb, but I would remind you that the last chapter of it has not been written. The pledge that the people of San Francisco, with full knowledge, made to their government has not yet been redeemed". Interior Secretary Harold Ickes to the Commonwealth Club in 1944.

THE BIG SELLOUT

It was a sellout worthy of chronicling by Lincoln Steffens and Frank Norris. The city produces the power, but PG&E grabs it for wholesale, then wheels it into the city at exhorbitant retail rates. As the San Francisco Examiner then observed:

"It is a wrongful and shameful policy for a grant of water and power privilege in the Yosemite National Park Area to be developed at the expenditure of $50 million by the taxpayers of San Francisco, only to have its greatest financial and economic asset, the hydroelectric power, diverted to private corporation hands at the instant of completion; to the great benefit of said private corporation and at an annual deficit of San Francisco."

In the 1925 city election, every incumbent supervisor was defeated who voted for the 1925 contract and presided over the establishment of PG&E's tollgate at Newark. The people wanted public power and the new board determined the city should bond itself in whatever amount necessary to buy out PG&E and get it.

The first $2 million bond issue in 1925 fell before a powerful PG&E onslaught, but it still got 52,216 for, 50,727 against (two-thirds needed for passage). In all from 1925 to 1941, PG&E's enormous political influence defeated eight bond propositions to buy all or part of PG&E distribution properties.

To defeat the bonds, Havenner told a congressional committee in 1942, that PG&E had spent at least $200,000 in the previous 10 years; Ickes broke the amount down further: $11,876 in 1935; $25,330 in 1937; $59,755 in 1939 and much, much more in 1941. It now spends hundreds of thousands each year in political and charitable donations.

PG&E's strategy, Ickes testified, was to "spread throughout the city the word that the Raker Act could be easily amended" and to confuse the issue by saying the city "had been discriminated against" by the act (see Ickes box).

PG&E laid it on thick in an expensive series of seven ads in the daily press; the press responded by repeating and embellishing the PG&E line. The Chronicle, for example, ran nasty cartoons and editorial comments implying this was all a city hall power grab: "If the city hall were not so busy trying to aggrandize itself by clutching more business to muddle with . . ."

PG&E'S VOICE

(PG&E maintained close connections with most newspaper managements, but Chronicle/PG&E connections have for decades been intimate through family relationships, notably the Tobin and de Young dynasties. Joseph O. Tobin, who became a Chronicle owner by marrying Mike de Young's daughter, Constance, is a nephew of Joseph S. Tobin, a onetime PG&E director. The Tobins live in Hillsborough and have long been associated with the Hibernia Bank. Mike de Young and his brother founded the Chronicle.)

(Recently a Chronicle story described PG&E president Robert Gerdes as "exceedingly dignified" in the utility's whopping rate hike case before the Public Utilities Commission. His opponent, the distinguished former PUC commissioner, Wililiam Bennett, was described as "something" of a representative for consumers.)

His patiences exhausted, Ickes meanwhile filed suit in federal court to throw out the PG&E's phony 1927 contract. The case ultimately went to the U.S. Supreme Court which ruled, on April 22, 1940, that San Francisco had been illegally disposing Hetch Hetchy power to PG&E for the past 15 years.

More: that the act required a "publicly owned and operated power system" in San Francisco.

It is difficult, almost impossible I found, to determine how long this illegal sale continued, how much city users were overcharged and what is the city's current legal status. It appears to me, after months of research, that the ciy is still under a federal court injunction.

A significant sidelight is then Rep. Clair Engle's investigation in 1955 into another diversion of Hetch Hetchy power to PG&E. Engle's biting cross examination of public officials and his ability to disentangle complicated issues proved conclusively that San Francisco was allowing irrigation districts to serve as a conduit to transfer Hetch Hetchy power to PG&E.

Engle quoted figures compiled by the Federal Power Commission showing that 24.7 per cent of the power purchased by Modesto and Turlock "is currently and for a period from 1945 to 1953" was sold to PG&E. Forty-eight per cent of this total was Hetch Hetchy power, the FPC said.

Engle asked the American Law Division of the Library of Congress to research this point. It advised him on May 22, 1956, that SF had sold dump power to PG&E since 1945 and by letter agreement had extended the arrangement into 1962. It also said that SF had been selling power to Modesto and Turlock, which at the same time were furnishing to PG&E about the same amount they were buying from the city. M and T have plenty of power through their own generating plants at Don Pedro and La Grange.

To determine if this unlawful transfer of power continues, the following data is required: (1) hourly production by district generating plants; (2) simultaneous receipt by the districts from Hetch Hetchey; (3) simultaneous delivery from the districts to PG&E. The Interior Department has refused my repeated requests for this public information.

We are left with a significant remark in the Modesto District's 1967–68 annual report: "These once bitter enemies, the irrigation districts and San Francisco, work in close harmony toward the full economic development of the water and power resources of the Tuolumne River watershed."

And, I might ask, in supplying power to PG&E in violation of the Raker Act? Because of the power, the money and the chicanery involved, only something on the order of a congressional investigation will turn up the facts.

As a result of PG&E's influence, Hetch Hetchy's formidable power output is dribbled away in a fragmented pattern that brings relatively little revenue to the city. Besides the irrigation districts, power is sold to several low-paying San Francisco industrial consumers, which are served by PG&E lines from its Newark and Warnerville substations. The city pays for transmission charges, including losses.

City power is wheeled into San Francisco on PG&E toll lines and the company until recently levied an outrageous toll. (PG&E buys Hetch Hetchy power at Newark for $2 million, then resells it to SF consumers for $9 million, congressional testimony showed in 1941. Total overcharge: $6,600,000. Multiply these totals year by year and you begin to get the dimensions of this steal from the city treasury.)

Hetch Hetchy power goes to the airport, Muni and street lights. Everything else, notably the lucrative, tightly packed retail market that forms the base of PG&E's empire, is served by PG&E.

Sen. Lee Metcalf of Montana, a nationally recognized authority on utilities, writes the Guardian: Political manipulation by power companies is commonplace. Too few accounts of it are published. J. B. Neilands here tells well how Pacific Gas & Electric Co. defied national and local governments and denied Bay Area residents the low cost electric power to which they are entitled by law—and which they can get if they will insist on law enforcement.

(Metcalf is the author of "Overcharge," an exhaustive 1967 study of utilities. He has invited Neilands, a professor of biochemistry at the University of California, Berkeley, to testify at current congressional hearings on public power.)

THE BIG STEAL

What does San Francisco lose without its own system to distribute its own power? Three key points: (1) a lower use rate for business and residences, (2) a new source of city income (much, much more than PG&E taxes bring), and (3) a substantially lower city tax rate because of this massive tax subsidy.

Let us compare SF with Palo Alto, a city with a municipal system since 1898, and see how these benefits accrue.

(1) Lower user rate: Palo Alto's municipal rate for KWH is $5.65, PG&E's in San Francisco is $6.20. This means that power per user is about $20 cheaper a year in Palo Alto and owners of Palo Alto's 20,000 meters would save some $400,000. (PG&E charges much higher rates around Palo Alto—in Menlo Park, for example, 250 KW costs $7.41 from PG&E.)

(2) New city income: Palo Alto put $1,327,000 in surplus power profits into the general fund in 1967. This does not include the exact in-lieu-of-tax payment PG&E would have made had it operated the utility. Palo Alto credits this as a separate item to answer PG&E charges that "public agencies do not pay taxes."

(3) Lower tax rate: income from public power is the reason, and the only reason, that Palo Alto's tax rate is just 78¢ per $100 assessed valuation. In Berkeley, a city of comparable size, the city tax rate by contrast is almost $3 because it does not have public power. Clearly Palo Alto uses power revenue as a big tax subsidy.

If we add the $400,000 in user savings to the $1,327,000 in utility revenue, the total annual benefit of public power approaches $2 million. Palo Alto also has an $8 million investment in a modern and efficient electric utility system which, at the rate of undergrounding, will be entirely subsurface by 1980.

San Francisco's profits from public power would total about $30 million a year by scaling up these figures from Palo Alto. It would more than double the city's current Hetch Hetchy power revenues.

This sum would undoubtedly rise much higher because San Francisco has an extremely high meter density, with its packed in housing, and because the city of course generates its own power. Palo Alto buys federal power wheeled over PG&E lines.

Politically, it would be difficult to establish a municipal power system in San Francisco. A ninth bond issue, even a modest one to complete the line from Newark, would surely be defeated by the PG&E/Ex/Chron combine. Sacramento is the most recent California city to buy out PG&E; even with the forthright support of the Sacramento Bee, it took a terrific battle to defeat PG&E's well-heeled campaign.

In Berkeley, where the Berkeley Coalition has made public power an issue in the April council election, PG&E agents call on the Berkeley Gazette almost daily to keep the newspaper in line.

The best course in San Francisco is to illuminate the issues as this article has done, then dramatize them in this fall's supervisorial campaign (see editorial, p. 8). There are several ways San Francisco can proceed: one is to gradually acquire its own system by putting in its own lines during redevelopment construction; another is to get acquisition capital through the non-profit corporation method of financing used with Candlestick Park and parking garages.

Since Ickes two decades ago, the Interior Department has been notoriously lax in pushing San Francisco to enforce the Raker Act. James Carr stepped out of this don't-ruffle-PG&E-atmosphere in Interior to become San Francisco's general utilities manager. He has kept PG&E's monopoly intact, untroubled and unquestioned in San Francisco.

I asked Carr, shortly after he took office in 1964, when the city would enforce the Raker Act. Carr replied in a letter, 51 years after the Raker passed as the Magna Carta of public power, that it was "premature to discuss municipal distribution of power in San Francisco." In March, 1969, it still is.

How to "Hetch Hetchy"

(A Chronology)

1902: SF City Engineer Grunsky develops a plan to pump Hetch Hetchy water in Yosemite National Park to a thirsty San Francisco.

1912: The Freeman Plan calls for a gravity-flow system with hydro electric plants on the Tuolumne River. The Board of Supervisors publishes a book, large and glossy, showing that the proposed works would beautify Hetch Hetchy and make cheap water power available to SF.

1913: Congress passes the Raker Act (HR 7207) granting, with strict provisions, water and power rights to the City & County of San Francisco.

The two key sections: Section 6:

"That the grantee is prohibited from ever selling or letting to any corporation or individual, except a municipality or municipal water district or irrigation district, the right to sell or sublet the water or the electric energy sold or given to it or him by the said grantee: Provided, that the rights hereby granted shall not be sold, assigned, or transferred to any private person, corporation, or association, and in case of any attempt to sell, assign, transfer, or convey, this grant shall revert to the Government of the United States."

Section 9 outlines enforcement procedures:

". . . the grantee shall at all times comply with the observe on its part all the conditions specified in this Act, and in the event that the same are not reasonably complied with the carried out by the grantee, upon written request of the Secretary of the Interior, it is made the duty of the Attorney General in the name of the United States to commence all necessary suits or proceedings in the proper court having jurisdiction thereof . . ."

1923: The City purchases enough copper transmission cable to reach from Hetch Hetchy to San Francisco.

1925: San Francisco builds a great powerhouse on Moccasin Creek in the low Sierra and the transmission line was started to the city. Suddenly, word comes from the city that further construction funds were exhausted: just as the line conveniently reaches PG&E's substation in Newark, just after PG&E conveniently completes a high voltage line from SF to Newark. PG&E refuses to sell its SF system to the city, then inveigles SF to put up a PG&E tollgate in Newark. PG&E got the city's power cheap, then jacks up the rate for wheeling it the remaining 40 miles to SF consumers. (See 1941.) Every supervisor for this contract was defeated handily in the 1925 supervisoral election.

1927: First of eight bond issues to create an SF municipal power system as required by Raker Act. PG&E, its powerful political allies and the newspapers only manage to narrowly defeat the bonds: 52,215 to 50,727 against on a 2/3rds vote. PG&E alliance gets stronger as the press in later years more and more shuts off the truth about San Francisco's pledges under the Raker Act. Now, you see hardly a word.

1933: Interior Secretary Ickes takes office. Begins study of 1925 contract.

1935: Ickes grumbles about PG&E and Hetch Hetchy. City sells the unused cable for scrap.

1937: Ickes files suit in Federal District Court, charging San Francisco with violation of Sec. 6.

1938: Federal District Court rules in favor of the government; the city appeals.

1939: Circuit Court of Appeals reverses the District Court; government appeals to the US Supreme Court.

1940: Supreme Court upholds the Government, remands the case to the District Court. The Supreme Court made liberal reference to the original debate on the Raker Act and said in part.

"From the Congressional debates on the passage of the Raker Act can be read a common understanding both on the part of sponsors of the Bill and its opponents that the grant was to be so conditioned as to require municipal performance of the function of supplying Hetch Hetchy water and electric power directly to the ultimate consumers . . ."

Again: "Before final passage in the Senate opposition had practically narrowed down to the power provisions of the measure, and these provisions contemplated a publicly owned and operated power system". San Francisco readied its eighth and last bond issue.

1941: Ickes comes to SF and gives a speech at the Civic Auditorium urging passage of the bond issues on Nov. 4. Chronicle runs front page editorials and nasty, misleading cartoons against the power bonds. Citizens committee is formed to fight the power bonds and amend the Raker Act. Chairman is J. W. Mailliard of the politically prominent family, a member is Walter Haas of Levi Strauss.

Committee states: "We are not committed to private ownership nor to public ownership." The bonds were defeated and Rep. Tom Rolph (brother of Mayor James Rolph) introduced a bill to amend the Raker Act. Hearings were held in Washington and San Francisco. Bill died in committee.

1941: A quick glimpse of PG&E's surcharge on SF public power (unreported here) emerges in the House Public Lands Committee hearing in Washington. PG&E buys Hetch Hetchy power at Newark for $2,400,000 a year, then resells it to SF consumers for $9,000,000, testimony showed. The total overcharge: $6,600,000. It is difficult, almost impossible The Guardian found, to determine how long this illegal sale continued and how much city users were overcharged.

1944: Ickes coins the phrase "to Hetch Hetchy" in a Commonwealth Club speech. Means "to confuse and confound the public by adroit acts and deceptive word in order to turn to private corporate profit a trust set up for the people."

1949: Walter Haas elected to the board of PG&E.

1955: Rep. Engle introduces a bill to create a new irrigation district on the Tuolumne River. In the hearings, Engle proves that Hetch Hetchy power sold to Turlock & Modesto Irrigation districts was resold to PG&E in violation of a 1945 proviso by Ickes. City Atty. Dion Holm agrees Raker Act requires a municipal system and says ". . . we are minus that for the time being, which one day we will have."

1964: James Carr assumes post as manager of SF utilities. Comes from an interior department notoriously lax, since Ickes, in trying to enforce the Raker Act. His brother, Francis Carr, was until 1966 manager of PG&E's tax department. Neilands asks Carr when the city will enforce the Raker Act and Carr replies, 51 years after Raker Act passes, that ". . . it is premature to discuss municipal distribution of power in San Francisco . . ."

1965: Neilands writes similarly to Frank Barry, solicitor of the interior, says Barry: ". . . we know of no means by which the US can require the city to acquire the municipal distribution system . . ."

1969: Oral Moore, manager of Hetch Hetchy, tells the Guardian that the city has no plans to enforce the Raker Act.

[From the San Francisco Bay Guardian, Feb. 28, 1970]

SF Power—In the Great Tradition of Abe Ruef and Candlestick

(By Peter L. Petrakis)

Oral Moore, manager of San Francisco's Hetch Hetchy water and power project, recently addressed the San Francisco Planning and Urban Renewal Association (SPUR) on our huge hydroelectric system in the Sierra. He referred to "the problem of disposing of San Francisco's electrical power."

"Problem?"

Why should San Francisco, which has within its boundaries one of the most compact, populous and lucrative retail power markets in North America, have a "problem" disposing of its own electric power?

The historical background of this "problem" has been outlined fully in previous Guardians as part of the great San Francisco tradition of Abe Ruef, Russell Wolden and Candlestick Park. (See Neilands in Mar. 27, 1969 Guardian, Petrakis in Sept. 30, 1969 Guardian.) Only a brief summary is now needed.

In 1913, after a bitter conservation battle, the federal government granted San Francisco the unprecedented concession to dam a beautiful valley (Hetch Hetchy) in a beautiful national park (Yosemite) to build a system of dams, reservoirs and powerhouses on the Tuolumne River to supply the city's water and power.

The condition: that the city produce cheap public power, that it build a municipal distribution system and that it allow absolutely no resale or transfer of power to private utilities such as PG&E.

Disposing of Hetch Hetchy water was no "problem" for San Francisco. It brought out the Spring Valey Water Co. without much fuss and promptly went into the business of retailing cheap water to San Francisco and Peninsula residents. Retailing cheap electric power in San Francisco, however, brought the city up against fortress PG&E.

NEWS BLACKOUT

From 1927 to 1941, PG&E spent a small fortune to defeat eight successive bond issues to purchase its San Francisco distribution system in accordance with Raker Act and city charter public power commitments. Its principal allies: the Chronicle, Examiner (who impose a news blackout on the issue to this day) and other conservative business elements.

Since 1925, when Hetch Hetchy's first block of power became available, the city PUC has slaved mightly to figure out how to get rid of the power without selling it to San Francisco citizens and disturbing PG&E's illegal power monopoly.

First, the PUC tried to sell the power directly to PG&E for resale to San Franciscans (with a stiff surcharge). But the U.S. Supreme Court killed that sweetheart arrangement in 1940.

The Court's decision and the failure of the bond issues, together with a steady growth in Hetch Hetchy's power generating capacity, have subsequently led the city into an incredible series of arrangements, all designed to dispose of power to almost anybody except its owners—the people of San Francisco.

Many San Franciscan's think of this Hetch Hetchy scandal as past history. It isn't. By forcing the city to build its electric utility system on the fringes of PG&E's empire, the private utility has imposed crippling physical and economic deformities that grow worse each year.

In brief, San Francisco has been forced to "solve" its "problem" by:

(1) Maintaining a "dumping ground" for Hetch Hetchy power with large out-of-town chemical plants, assigned to it by PG&E to keep the city's power out of San Francisco;

(2) Continuing to provide Hetch Hetchy power to PG&E for resale;

(3) Wholesaling Hetch Hetchy power to public power districts that make more money out of a fraction of Hetch Hetchy's output than San Francisco can make out of the whole output;

(4) Preparing to maximize Hetch Hetchy's capacity with a $230 million bond issue (total capital investment in the project: half a billion dollars) without simultaneously planning to acquire San Francisco's retail market; which it must have to make the investment pay;

(5) Planning to wholesale Hetch Hetchy power to nearby public power cities thereby allowing them to reap the superior profits and prosperity that come with electrical retailing;

(6) Continuing to allow PG&E to grab annual profits of at least $30 million while the city takes the crumbs of far less profitable markets.

By the early 1940's the Turlock and Modesto Irrigation Districts began to outgrow their own power generating facilities. They were now interested in a deal San Francisco had first offered them in 1925. No doubt with some relief, after the Supreme Court decision, the city contracted to deliver extra Hetch Hetchy power to the districts, well above the Raker Act's small quota for irrigation.

MUNICIPAL SERVICES

To dump the rest of the electricity, City Hall and PG&E came up with this plan: Hetch Hetchy power coming over PG&E's Newark-San Francisco transmission lines (formerly sold by the company to San Franciscans) would henceforth be delivered exclusively to the municipal services. That way, no one could say the city was "selling" Hetch Hetchy power to PG&E for resale.

The Department of the Interior and the Justice Department, which had sued the city over the earlier "agency" contract, went along with the plan. They agreed the city would pay PG&E to perform a service—wheeling the city's power to municipal departments.

(Another way to look at this arrangement, though, is that San Francisco gives to PG&E that portion of Hetch Hetchy output destined for municipal services, then buys it back. Once Hetch Hetchy power goes into PG&E's lines, it becomes indistinguishable from PG&E power and the company can do what it wants with the power—even sell it to the people of San Francisco. "Wheeling" and "wheeling fees" are merely bookkeeping labels.)

After these contracts were signed in 1945, the city had a guaranteed market for power. The city could now proceed with further power developments along the Tuolumne River—not for sale to the people of San Francisco, but to anyone else who could legally buy it.

Sometimes in the psychology of utility managers makes them unable to bear the sight of an undeveloped hydroelectric power drop. Thus it has happened that, although the city has been unwilling to go into business selling electricity to its own citizens, it has proceeded to harness additional power on the Tuolumne for customers outside the city.

From 1925 to the present, Hetch Hetchy's total generating capacity has been increased from 70,000 to 320,000 kilowatts by the construction of additional dams and powerhouses. In 1968, Hetch Hetchy delivered nearly 2 billion kilowatt-hours of energy to its customers. (PG&E during the same year delivered roughly the same amount to all the houses, businesses and industries in San Francisco.)

So rapidly did Hetch Hetchy's generating capacity grow, from 1945 on, that it outstripped the capacity of the municipal services and the irrigation districts to absorb it. The original solution to "the problem" was no longer adequate. The city had to have additional customers.

It found them—not among the residents of San Francisco, but among out-of-town chemical manufacturers.

In the past six years, these companies have gotten about 38 per cent of Hetch Hetchy's power, according to the city PUC's annual report. (See table.)

The companies: Shell Chemical Co., Kaiser Gypsum and Cement Co., Kaiser Aluminum and Chemical Co., Air Products and Chemicals Corportion, Hercules Powder Co., Norris Industries, California Ammonia Co. and some small customers. (The balance of the power is distributed to Turlock/Modesto Irrigation districts (40 per cent) and municipal services (22 per cent), including the Muni Railway, City buildings, airport, water department pumps and street lights.

SF'S DUMPING GROUND

Not one of these plants is in San Francisco. They do not pay taxes to San Francisco. They do not employ San Franciscans. They merely use San Francisco's power for the benefit of Contra Costa, Santa Calar, San Joaquin and Stanislaus Counties.

But the story is more complex than that. It involves a further development in the incestuous relationship between City Hall and PG&E that has sabotaged the public power provisions of the Raker Act and the city charter for 45 years.

Of course, more than a primitive urge to grow was involved in the development of power capacity above the immediate and predictable needs of municipal services and irrigation districts. A basic characteristic of hydro power is its variability. It rises and falls with the amount of precipitation in the Hetch Hetchy watershed.

The city has no steam plants to back up these hydro power variations. Therefore, to meet what it regards as its primary obligations the city must generate a large excess of hydro power. That way, it will not be caught short during a dry spell.

However, San Francisco has developed an excess generating capacity far greater than needed to assure constant delivery to its primary customers. In fact, the current excess is double the amount now needed by the irrigation districts. This insures plenty of power to meet future increases in demand by these users.

The Modesto Irrigation District increases its power consumption by 10% a year, Turlock by 8%. Thanks to the economic growth stimulated by cheap public power and water, it will not be long before both districts will be able to absorb all of Hetch Hetchy's present excess capacity.

But in the meantime something had to be done about the "problem" of San Francisco's excess power. Enter the city's industrial customers.

That these industrial plants serve as an "electrical dumping ground" for power the city cannot (or will not) deliver elsewhere is revealed by the nature of the contracts the city signs with them. Unlike the contracts with the irrigation districts, these are short term contracts, cancellable on short notice. Here is how they work:

During periods of high runoff at Hetch Hetchy, more surplus power is available, so the city sends more power to these companies (over PG&E's lines, for a fee). During dry spells, Hetch Hetchy must deliver less. What then happens to these companies when Hetch Hetchy power is reduced? Do they cut down operations until Hetch Hetchy is ready to deliver more? Not at all. They keep operating at full blast—because the city buys the additional power it needs from PG&E to meet these companies' demands.

NONCOMPETITIVE

Thus, PG&E and the city essentially share the same industrial customers. These companies once were exclusively PG&E's customers, but PG&E turned them over to the city in the early 1960's when the new Dion Holm and Robert C. Kirkwood powerhouses went on the line at Hetch Hetchy. Why should PG&E willingly give up customers?

To PG&E, the arrangement is necessary, if unpalatable, because it keeps the city from getting funny ideas about bringing the extra power into San Francisco as the Raker Act and city charter require. Better to let the city get rid of power by assigning it some less profitable PG&E customers—outside the city.

Oral Moore freely concedes this is what the industrial accounts are all about. "PG&E has to provide some legitimate outlets for Hetch Hetchy power or they'd be in trouble," he told me "The city would obviously be pressuring to get a distribution system."

INDUSTRIAL ACCOUNTS

To the city's industrial customers, it makes no difference who they pay for electricity. The city and PG&E charge them the same rate—the schedule established for privately owned utilities by the California PUC.

Thus, they have no incentive to prefer public power, which in other areas is cheaper than power sold by private utilities.

This non-competitive arrangement clearly violates the Raker Act and its provisions for a public system to sell power "in direct competition with adjacent privately owned utilities."

Few San Franciscans are aware of these industrial contracts that dispose of electricity they can't have. This is because they are quietly ratified by the State PUC. Orville Wright, formerly a deputy city attorney for public utility matters, told me that, although these contracts have existed for several years, they have never been the subject of the State PUC public hearings.

The city, according to Moore, expects to gradually turn the industrial customers back to PG&E over the next few years. Demand for power in the Turlock and Modesto Irrigation Districts, which the city considers its prime customers, is growing so rapidly that, by about 1974, they will be able to take all the available output from Hetch Hetchy. No doubt, PG&E will breathe easier. The loss of some of its industrial accounts would have been only temporary. The loss of its San Francisco distribution system would have been forever.

"POWER BANK"

The Raker Act says: "* * * the grantee (SF) is prohibited from ever selling or letting to any corporation or individual, except a municipal water district, or irrigation district, the right to sell or sublet the water or electric energy * * *"

It was on the basic of this restriction that the U.S. Supreme Court, in 1940, invalidated the 1925 sweetheart contract between the city and PG&E. Nevertheless, some Hetch Hetchy power still passes regularly into the PG&E system, and is retailed to PG&E's customers. Unlike the earlier arrangement, this one at least has the wary approval of the U.S. Interior Department.

Since Hetch Hetchy is exclusively a hydroelectric system, with no steam plants to back up the system's output variations, problems arise at the production end.

Annually, during the late winter months, it is necessary to lower the levels in the Hetch Hetchy reservoirs to anticipate the spring thaw. In February, March and April, Moore told me, the snow pack on the Hetch Hetchy watershed is measured. An estimate is then made, usually accurate to within 5%, of the volume of water that will flow into the reservoirs during the thaw.

An amount of water equal to that expected from the thaw is then let out of the reservoirs.

If this were not done, the added water from the runoff would spill over the tops of the dams and by-pass the powerhouses. By lowering the reservoirs in advance, the city can put all the water through the powerhouses to generate electricity.

While the reservoirs are being lowered, the generators run day and night. However, the city's regular customers cannot use this sudden surge of extra power; their needs are fairly steady over the year.

Through a letter agreement in 1960, the city arranged to transfer the extra power to PG&E. Since PG&E has a lot of steam generating capacity, the hydro power is readily absorbed into the PG&E system. All the company must do to accommodate this surge of hydro power is to throttle down some of its steam plants. Durng these periods, Hetch Hetchy power is sold by PG&E to its customers, including the people of San Francisco.

During late summer, when the run-off is essentially completed and the reservoirs again are filled, the city faces a different problem. It must now regulate the water flow through the powerhouses to conserve water for city and irrigation needs, and to prepare for a possible dry spell the next year. PG&E then cranks up its steam plants to pay back the electricity it got from the city during the late winter and spring.

Examination of Hetch Hetchy's annual report shows that, while the "deposits" and "withdrawals" from PG&E's "power bank" do not balance well in a given fiscal year, they do come out better over a six year period. But unlike regular banking, the city does not earn "interest" on its "deposits" with PG&E. PG&E, after all, makes a substantial profit on the power it "borrows" from Hetch Hetchy—more money than the city can make on its power sales.

This is another instance how San Francisco's failure to obtain its own city retail distribution system has hurt the city and benefitted PG&E. Had the city bought out PG&E, in all probability it would have built its own steam plants with its own earnings long ago—just as other public hydro systems have done—to smooth out yearly production at the maximum levels.

HETCH HETCHY PROFITS

The Raker Act recognizes the prior claims of the Turlock/Modesto Irrigation districts and stipulates the city must provide at cost whatever power the districts need for irrigation and municipal services. This amounts to only a small portion of the total delivered to the districts. San Francisco's "problem" has allowed the districts to reap a windfall—an abundance of cheap electricity for general distribution to houses, businesses and industries.

In the 1967–68 period, the two districts sold to their residents about 1 billion kilowatt-hours of electricity annually (80% from Hetch Hetchy). From this, they grossed $13.6 million and cleared $5.4 million. In the same period, San Francisco grossed $12.8 million from Hetch Hetchy power, but it had to sell twice as much electricity—2 billion kilowatt-hours, Hetch Hetchy's capacity—to do it. City profits from electricity sales were less than $4 million.

The reason is obvious: San Francisco has no domestic retail market and the districts do. Power sales in the districts are almost entirely retail, while San Francisco's sales are predominantly wholesale, at cost or at low industrial rates. As any PG&E executive knows, the sale of electricity to the ultimate consumers—houses, business and industries—and on a large scale is how major profits are made in the utility business.

After completion of the first Don Pedro dam, residents of the irrigation districts voted overwhelmingly in 1922 to buy out PG&E's distribution system and go into the retail electric business. The districts built this project and thus were not restricted by the Raker Act. There was no compulsion for them to retail Don Pedro power and no prohibition against wholesaling it to private utilities.

GROWING PROBLEM

Yet they voted to buy out PG&E. With an earthy practicality that never caught on in "The City That Knows How," voters responded to arguments like this:

"The power crop is a natural by-product of the stored water and to sell that crop at a small wholesale price and turn around and buy it back at a much higher price for drainage and cther uses does not seem any better logic than to raise a crop of corn, sell it at a low price and then buy the corn at retail prices to feed our hogs." (From the district's annual report.)

For about 20 years, the districts were able to supply their own power from their own projects. Then, after San Franciscans in 1941 voted down their eighth and last bond issue to buy out PG&E's local distribution system, the districts "rescued" San Francisco, solved Moore's disposal "problem" and agreed to take the power the city didn't want. They have been taking it ever since.

The supreme irony is that the districts do better with just a portion of San Francisco's power than does San Francisco with the whole.

Even with the high profits, district electrical rates are substantially lower than they are in San Francisco. The average household uses 3,000 kilowatt-hours of electricity per year, according to the State PUC. On this basis, an average household in the Modesto Irrigation District pays $60 a year for electricity. The average San Francisco household pays PG&E $74.40 a year—24% more for the same amount of power.

The Modesto Irrigation District makes enough profit from Hetch Hetchy electricity to totally subsidize the distribution of irrigation water to the district's farmers and still has money left over; in 1968, it transferred $1.8 million to surplus after making the water subsidy. Meanwhile, San Francisco's PUC contemplates a 15% increase in water rates for city consumers and PG&E petitions the State PUC for another increase in electricity rates.

San Francisco could bring almost the entire output of Hetch Hetchy into the city—if it had a distribution system. Although there is no visible intention at City Hall to do this, the PUC still is studying expensive ways to maximize Hetch Hetchy's power output.

A couple of years ago, the PUC hired the associated engineering firms of Claire A. Hill and R. W. Beck to determine how to develop unused potential on the river to maximize Hetch Hetchy's power output.

The consultants' plan would boost Hetch Hetchy's annual power production 2½ times, to nearly 5 billion kilowatt hours. This is enough to supply two cities the size of San Francisco, but again none of this power is destined for San Francisco citizens. The cost estimate was $230 million, to be paid out of general obligation bonds over a period of 50 years. This would boost San Francisco's total investment in the Hetch Hetchy Project close to half a billion dollars.

Moore says the expansion would add $2.5 million to the $4 million the city nets annually on Hatch Hetchy power. Concedes Moore, "This is a small return for a $230 million investment."

The city could do much better if it took over the electrical distribution system in San Francisco and its annual profits to PG&E of at least $30 million. (See Neilands' article in Mar. 30, 1969 Guardian.)

This possibility the PUC is not exploring. Instead, following its don't-ruffle-PG&E tradition, it has quietly scouted the area outside San Francisco for potential customers it could legally wholesale its vastly increased output. It has found some.

The Northern California Public Power Association reports it will be happy to take all of San Francisco's extra power. This is an association of public power cities, including Palo Alto, Sacramento and Alameda. Of course, Hetch Hetchy power would be "wheeled" to these cities over PG&E lines, at an annual cost of millions.

ACQUISITION

Curiously, our PUC did once gesture weakly to acquire PG&E's distribution system in San Francisco. In 1963, the PUC ordered its utilities staff to find out how much a feasibility study would cost. Nothing more was ever heard on the matter.

I recently asked former Commissioner Thomas Stack, then the PUC president and the PUC's strongest public power advocate, what happened. He replied that, shortly after the instructions were given, the General Manager of Public Utilities, Robert C. Kirkwood, died. His successor, James K. Carr, requested time to settle into his new position.

"Everything came to a standstill," Stack said. Why didn't the staff follow instructions? "Well, it's possible for someone to shuffle papers so long that you even forget what it was you were asking."

Clearly, what is needed is a feasibility study to acquire PG&E outright, or gradually in federal urban renewal projects. Before this, however, there must be steam in the boilers beneath the PUC, the mayor and the supervisors. This may take awhile.

At the moment, our Hetch Hetchy economists are fretting about how much rent the project pays for its modest offices. Supervisors Von Beroldingen, Francois and Medelsohn figured out how the city can save $80,000 (repeat: $80,000) in five years: Move Hetch Hetchy offices from 215 Market St. to the top floor of a cigar factory South of Market in the Industrial area.

Comparing Hetch Hetchy Profits

San Francisco generates 2 billion kilowatt hours of power a year at Hetch Hetchy, sells it to SF municipal services, out-of-town chemical plants and the Turlock and Modesto Irrigation Districts. But not to San Franciscans.

	Millions
San Francisco's 1967–68 power earnings:	
Gross	$12. 8
Net	4. 0

The Irrigation Districts retail 1 billion kilowatt-hours of electricity (most of it from San Francisco) to their residents.

	Millions
Irrigation Districts' 1967–68 power earnings:	
Gross	$13. 6
Net	5. 4

Conclusion: The Turlock and Modesto Irrigation Districts make $1.4 million more a year than San Francisco on half the amount of power. The point: The Districts do it by retailing the cheap public power which San Francisco sells wholesale to them. This is the same public power which San Francisco refuses to sell to its own citizens.

WHERE HAS SAN FRANCISCO'S POWER GONE? (EVERYWHERE, BUT TO SAN FRANCISCANS)—6 YEARS OF HETCH HETCHY PRODUCTION: 1963–68[1]

	Kilowatt-hours	Percent of total Hetch Hetchy output
1. San Francisco houses, business, and industries	None	0
2. San Francisco municipal accounts (wheeled from Newark to San Francisco on P.G. & E. lines, at an annual charge to San Francisco of $2,000,000):		
International airport	636,000,000	
Municipal railway	378,000,000	
Municipal street lighting	264,000,000	
Water department pumps	156,000,000	
All other municipal	605,000,000	
Subtotal	2,039,000,000	22
3. Irrigation district accounts:		
Turlock Irrigation District	1,040,000,000	
Modesto Irrigation District	2,670,000,000	
Subtotal	3,710,000,000	40
4. Industrial accounts:		
Dow Chemical Co. (Pittsburg)	1,399,000,000	
Kaiser Gypsum & Cement Co. (Santa Cruz)	939,000,000	
Hercules, Inc. (Pinole)	656,000,000	
Shell Chemical Co. (Pittsburg)	168,000,000	
California Ammonia Co. (Lathrop)	120,000,000	
Kaiser Aluminum & Chemical Col (Santa Cruz)	111,000,000	
Norris Industries (Riverbank)	88,000,000	
Air Products & Chemicals Co. (Lathrop)	21,000,000	
Miscellaneous customers (Fresno, etc.)	28,000,000	
Subtotal	3,526,000,000	38
Total Hetch Hetchy power delivered	9,275,000,000	001

[1] Source: Hetch Hetchy preliminary annual report, 1969 Pacific Gas & Electric Co. annual reports, 1963 through 1968.

HOW SAN FRANCISCO SOLVES ITS POWER "PROBLEM"

San Francisco's power, 2 billion kilowatt-hours annually, originates at city's $300 million facilities at Hetch Hetchy.

Turlock and Modesto Irrigation Districts buy 40 percent of Hetch Hetchy output, retail it to district consumers (houses, industries, agriculture), make more public profit on this fraction of Hetch Hetchy power than San Francisco makes on the entire output. Districts charge low rates, subsidize irrigation with earnings—still have profit left over.

City's 99-mile line ends at Newark, 35 miles from San Francisco. Hetch Hetchy power passes into PG&E's toll gate there and the private utility carries it to city municipal services (22 percent) and to city's out-of-town industrial customers (38 percent). Annual toll to PG&E: $2 million.

City's industrial customers employ no San Franciscans, pay no city taxes. PG&E assigned them to San Francisco to help the city get rid of Hetch Hetchy power the irrigation districts can't use. Purpose: to prevent the city from agitating to acquire PG&E's San Francisco distribution system and bring this cheap public power to the city.

MAKE THE CITY CHARTER MODERN, EFFICIENT EVEN, BUT DON'T RUFFLE PG&E

(By Peter L. Petrakis)

For the first time in 38 years, San Francisco had the chance to change its city charter and set up the legal machinery to establish a municipal power distribution system and stop Pacific Gas & Electric Co. from swindling the city out of $30 million a year in hydroelectric power.

Instead, the Charter Revision Committee blew the opportunity and put forward charter revision proposals that would make it difficult, if not impossible, to buy out PG&E and establish a city power system as required under historic mandates from the U.S. Congress, the U.S. Supreme Court and the city charter itself.

The result: San Francisco businesses and residences will continue to lose the benefits of low cost public power produced by the city's Hetch Hetchy water and power complex in the Sierra. They will continue to pay through the nose to PG&E. PG&E's dominance remains undisturbed in San Francisco.

The background of this historic power grab is long and complex. It was outlined at length for the first time by Prof. J. B. Nielands in the Mar. 27 Guardian and in the brief chronology on page 3 of this issue.

But the major points are simple. The city charter, since 1898, commits San Francisco to "gradually" acquire and "ultimately" own its own power system.

The U.S. Congress, in the famous Raker Act of 1912, granted San Francisco an unprecedented concession to dam a beautiful valley (Hetch Hetchy) in a beautiful national park (Yosemite) to get water for a thirsty city. The condition: that the city produce cheap public power, that it build a municipal power system to distribute the power and that it allow absolutely no resale or transfer of power to private utilities such as PG&E. The Raker Act then was considered the Magna Carta of public power.

San Francisco has produced public water and public power, but PG&E for four decades has kept this public power from reaching San Francisco. The private utility has reaped millions of dollars by, in effect, selling the city its own power.

The 1969 charter committee could have tackled this sorry scandal. It could have set up specific legal steps to enforce the Raker Act and the charter's utility acquisition provisions, "gradually" buy out PG&E and distribute the city's own power in San Francisco. Instead, the committee:

1. Deferred for two years the whole question of public power in Section 119. Tom Caylor, of the powerful Chamber of Commerce, said, "We have no obligation to recommend continuation of any policy; we are interested in Balkanizing the public utilities and getting them into manageable form."

2. Decided to Balkanize public utilities by abolishing the city's Public Utilities Commission and dividing the commission's specific utility operations among other agencies.

3. Deprived all city utilities of their historic charter protection.

4. Separated the water and power departments, making it difficult if not impossible to acquire the integrated hydroelectric system as required by the charter and the Raker Act. Assigned the administration of the Sierra Hetch Hetchy complex and the city water department to a new agency (Environmental Resources Agency) and, at the same time, cast its critical power component, the Bureau of Light, Heat and Power, to the political whims of the supervisors under a vague reorganization plan.

The Bureau now delivers Hetch Hetchy power for strictly municipal purposes, but could be expanded to gradually displace PG&E under urban renewal.

This plan to displace PG&E—by authorizing the Bureau of Light, Heat and Power to install its own lines in federal renewal areas or those getting federal money—has evolved after a strong PG&E newspaper combination defeated eight bond issues to buy out PG&E.

Gradual displacement would require no large bond issues, could be financed by urban renewal grants and could be enforced through federal law. It would be less susceptible to the PG&E/Ex/Chron juggernaut.

But this method would need specific charter requirements well within the committee's power to supply: (1) continued stability for public utilities by preserving their charter status; (2) assignment of the Bureau of Light, Heat and Power as the intended distributor of Hetch Hetchy electricity and (3) placement of this bureau in the new Environmental Resources Agency (or in a preserved PUC) alongside the Hetch Hetchy project and the Water Department.

Instead of making these provisions for gradually displacing PG&E, the Committee sabotaged the city's charter and Raker Act public power commitments, all the while insisting that it was deferring "policy" for two years.

Once this decision was made, the Chairman became "very tough minded" and allowed "no pet packages" to be introduced, according to one committee member. It is doubtful, then, that even if a member had wanted to bring up the Raker Act he could have gotten it past Chairman Frankel.

What would happen to Section 119 when the committee got around to it in 1971? It is questionable, Staff Director George Williams replied, whether such a statement belongs in a city charter.

I asked several committee members if the Raker Act came up in committee deliberations and got bewildering answers:

Atty. William Porter: "We all knew a problem exists on the Raker Act. There are several lawyers on the Committee who know a great deal about it."

J. Bradley Bunnin (staff counsel): "The Committee did a fair amount of research on the Raker Act."

Atty. James Frankel (committee chairman): "I'm vaguely familiar with the Raker Act from reading the Guardian. The Committee never gave a second's thought to it."

George Williams: "No, the Raker Act never came up."

Thomas Caylor: "I think PG&E is doing an outstanding job. When we get to Section 119, I'm going to do everything I can to remove it from the charter. I don't believe in universal imperatives. The city should be able to pick and choose what it wants to acquire."

Wouldn't it have been more logical to decide policy in Section 119, then deal with the city's utilities?

Williams: "The order of business in this respect is not crucial because of the Committee's neutral position on the question of public versus private ownership."

Frankel: "Don't get me to say we have a policy on public versus private ownership of utilities."

Caylor: "Section 119 was not put into the charter as a matter of high philosophical purpose. It was a tool to get utilities out of the hands of exploiters. That kind of banditry is no longer with us. We now have safeguards, and a different attitude on the part of the utility monopolies."

Porter: "Who are you going to get to pay for billboards? Can't you just see the president of PG&E calling his banker friends and people like Dauer (William Dauer, head of the Chamber of Commerce) and saying, 'Don't support those Reds'?"

Bunnin: "Putting Section 119 into the third year was based on a literal reading of the Supervisors' resolution."

Result: The Committee created policy to justify changes in non-utility areas, but had to be "neutral" on existing utility policy because it wasn't the time to deal with it.

Supervisors set this schedule for the Committee: first year, structure and organization of city government; second year, city personnel matters; third year, everything else. The Committee decided that meant reorganizing utilities the first year, dealing with utility policy the third year.

On other issues, the Committee acted with dispatch. In its concern for human rights, it sought to establish a Human Rights Commission with charter (not ordinance) status. In its concern for amenities, it wanted a more independent Planning Commission.

Recognizing the alienation of citizens, it created an ombudsman's office with charter status. Sensing weakness in the major's office, it decided to strengthen it. And so on.

This was the approach: conduct a study, evolve policy and make changes in accordance with that policy. But when I asked Staff Director Williams why Section 119 wasn't adopted before the Committee dealt with utilities, he said, "The Committee was not instructed to make policy for the city."

Frankel reassures, "This year's work doesn't affect 119." The problem is that Section 119 did not affect this year's work.

All this is nonsense. When the Committee juggles utilities, then says it has "no policy" or a "neutral" policy on the Raker Act and Section 119, it might as well declare its utility policy straight away: "Ignore the Raker Act and don't interfere with PG&E's illegal monopoly."

During my interviews, I was given these explanations why the Committee didn't take on PG&E and the Raker Act:

"Isolate the hot potatoes . . . keep down controversy . . . we can't afford the opposition of PG&E and the Chamber of Commerce types . . . nowadays, you need $50,000 to elect a dog catcher in this city . . . we're going to need all the friends we can get . . . a billboard costs $3,000 . . . it would be a silly criticism of the Committee to raise the Raker Act at this time."

Clearly, the Committee doesn't want to take on a new and powerful political opponent, PG&E. Neither does it want to jeopardize a potentially lucrative source of campaign revenue—PG&E and its business allies.

Already, a large anticipated source of campaign money, from the Chamber of Commerce, won't materialize because of the Chamber's strong opposition ("it's a double cross," one Committee member said)—for reasons that have nothing to do with utilities.

Labor unions and much of the city hall bureaucracy are also cool for their own parochial reasons.

Charter revision, Frankel said philosophically, "is not a sexy issue."

San Francisco is desperately short of money. Its residents and businesses this year will pay a crushing 20 per cent more in city property taxes. Question: wouldn't a good sexy issue be cheaper power for industry, lower light and heat bills for homeowners and businesses, a massive tax subsidy for socially beneficial city programs and a saving of $30 million a year for the city and its constituency?

Alger Jacobs, manager of Wells Fargo's investment portfolio, had little to say about public utility acquisition. As I tried to bear down on Section 119 questions, he said: "I hate to be a dog, but I have to break off the interview or I'll miss my ride home."

Then he added wryly, "And I'd have to use public transportation."

Principles of charter revision, cited by the 1969 Charter Revision Committee:

"The City and its residents lose substantial savings which could result from timely use of modern techniques of government."

"The main function of city government is to serve the people of San Francisco."

"The operating departments should be organized to permit effective, efficient, economical and responsive City management."

"The basic system of safeguards which has protected San Francisco against major graft and corruption should be retained and strengthened."

How to Hetch-Hetchy the City Charter

1897: James D. Phelan runs for mayor of San Francisco on a platform of public ownership of all public utilities. Phelan explains in the Overland Monthly:

"Supervisors and Aldermen, in this city it is common report, betray the interests they are supposed to guard, and the officers of the corporations uphold the interests of those they are paid to serve. The see-saw of corruption will continue so long as public utilities are in the hands of private owners. Would it not be wise statesmanship to destroy corruption, increase efficiency and lower cost at one blow? We may come to that and hence we want a charter that will enable us to assume new duties and responsibilities in line with modern progress."

Elected Mayor, Phelan appoints a Committee of One Hundred to frame a new charter.

1898: The voters, weary of corruption by private utilities, approve the charter. A section reads:

"It is the declared purpose and intention of the people of the city and county that public utilities shall be gradually acquired and ultimately owned by the city and county."

The charter also includes provisions for voters to override pro-private utility supervisors by initiating acquisition of a private utility on petition by 15 per cent of the voters.

1900: Under the new charter, the city initiates moves to acquire a public water and power system. The Examiner, noting anticipated savings from city budget cuts, urges investment of these savings in a city-owned lighting plant. It recommends buying out the San Francisco Gas and Electric Company, PG&E's predecessor. Mayor Phelan files for city water rights along the Tuolumne River, using money out of his own pocket.

1912: Supervisors publish a large, glossy book showing that the proposed works would beautify Hetch Hetchy and make cheap water and power available to San Francisco.

1913: Congress passes the Raker Act (HR 7207) granting water and power rights to the city and county of San Francisco. The city is strictly prohibited from transferring water and power from Hetch Hetchy to private utilities like PG&E.

The two key sections: Section 6:

"That the grantee is prohibited from ever selling or letting to any corporation or individual, except a municipality or municipal water district or irrigation district, the right to sell or sublet the water or the electric energy sold or given to it or him by the said grantee: Provided, that the rights hereby granted shall not be sold, assigned, or transferred to any private person, corporation, or association, and in case of any attempt to so sell, assign, transfer, or convey, this grant shall revert to the Government of the United States."

Section 9 outlines enforcement procedures:

". . . the grantee shall at all times comply with and observe on its part all the conditions specified in this Act, and in the event that the same are not reasonably complied with or carried out by the grantee, upon written request of the Secretary of the Interior, it is made the duty of the Attorney General in the name of the United States to commence all necessary suits or proceedings in the proper court having jurisdiction thereof . . ."

1925: San Francisco builds a great powerhouse on Moccasin Creek in the low Sierra and begins laying the transmission line to the city. Just as the line conveniently reaches PG&E's substation in Newark, 40 miles from San Francisco, City Hall announces construction funds are exhausted. PG&E inveigles SF to put up a PG&E tollgate in Newark, buys the city's power cheap, then jacks up the rate for wheeling it the remaining 40 miles to SF consumers.

1927: The first of eight bond issues is proposed to create a SF municipal power system as required by the Raker Act. PG&E, its powerful political allies and the newspapers manage, narrowly, to defeat the bonds.

1932: San Francisco prepares a new charter (the present one), retaining the old public utilities policy (see 1898), but inserting the words, "when public interest and necessity demands."

1937: Interior Secretary Harold Ickes files suit in federal court, charging San Francisco with violating power provisions in Sec. 6 of the Raker Act. A key government argument:

". . . the grant to the City was made upon the mandatory condition that this power be sold solely and exclusively by the City directly to consumers and without private profit in order to bring it into direct competition with adjacent privately owned utilities . . ."

1938: Federal court rules in favor of Ickes' case; the city appeals.

1939: Circuit Court of Appeals reverses the District Court. The Circuit Court recognizes the charter's utility policy as committing the city to "a general policy of public ownership of all public utilities" carried forward as a footnote in the current charter. The government appeals to the U.S. Supreme Court.

1940: Supreme Court upholds the government, makes liberal references to the original Raker Act debate.

"From the Congressional debates on the passage of the Raker Act can be read a common understanding both on the part of sponsors of the Bill and its opponents that the grant was to be so conditioned as to require municipal performance of the function of supplying Hetch Hetchy water and electric power directly to the ultimate consumers . . ."

1942: Frank Havenner, former supervisor (later congressman), informs Congress that PG&E's expenditures on the defeat of bond issues were officially reported as approximately $200,000, but probably amounted to much more. Referring to the dereliction of city officials, he added:

"They ignored the elaborate pledge of ultimate municipal distribution of the power . . . ignored also is the language of Section 119 of the San Francisco City Charter."

1944: Ickes coins the phrase "to Hetch Hetchy" in a Commonwealth Club speech. It means "to confuse and confound the public by adroit acts and deceptive word in order to turn to private corporate profit a trust set up for the people."

1955: Rep. Engle introduces a bill to create a new irrigation district on the Tuolumne River. In the hearings, Engle proves that Hetch Hetchy power sold to Turlock & Modesto Irrigation districts was resold to PG&E in violation of a 1945 proviso by Ickes. City Atty. Dion Holm agrees Raker Act requires a municipal system and says ". . . we are minus that for the time being, which one day we will have."

1967: Supervisors pass a resolution directing the mayor to create a Charter Revision Committee and appoint members to it.

1969: Charter Revision Committee defers action on "policy" of utility acquisition for two years, yet subverts the "policy" with major changes in the utility departments.

Well, well. It's clearer now why the Charter Revision Committee wasn't much interested in taking on PG&E on the Raker Act business. For its campaign, the committee picked up $2,500 from PG&E—one of only three $2,500 corporate contributions. J. Bradley Bunnin, the committee's staff counsel, went to work for PG&E's law department shortly after the Charter Revision package was defeated in November.

The Great 1965 James K. Carr Public Power Disaster

(By Peter L. Petrakis)

San Francisco's Public Utilities Commission has authorized another study of the feasibility of acquiring PG&E's electric distribution system in the city. But don't be fooled. The commissioners don't appear to mean it any more now than they did last time, in 1965.

This "buy out PG&E" ploy has not been reported fully until now. But if the PUC had meant it in 1965, a regional public power system could have been set up to compete with the PG&E system, which in San Francisco continues to bilk the people of $30 million each year in private power profits.

Then as now, the commission appeared to be concerned merely with the threat to take over PG&E's San Francisco distribution system. It sees such threats mainly as bargaining tools in negotiations with PG&E on the contracts that set the fees it pays to PG&E for delivering the city's Hetch Hetchy power to San Francisco's municipal services and several out of town industrial users. (These users were "assigned" to the city by PG&E to keep San Francisco from selling its own cheap public power to its own residents and businesses.)

San Francisco's power comes from its hydroelectric system that was built, as the result of an unprecedented act of Congress in 1913, by flooding Hetch Hetchy Valley in Yosemite National Park.

But as the Sacramento Bee puts it, "not one watt of it ever powers so much as a nightlight or broils a hamburger for the San Francisco resident for whom the system was built." Instead, San Francisco residents and businesses have been forced for the past 50 years to buy PG&E's expensive private power—in disregard of the city charter and in violation of the Raker Act.

City Utilities Manager James K. Carr, who has set out this year to negotiate "long term extension" of the PG&E contracts, used the "buy out" threat five years ago to get PG&E to lower its delivery fees for city power from an outrageous $2.6 million a year to a merely exorbitant $2 million. After that, the threat of acquisition was quietly laid aside until 1970, when contracts were again up for renewal.

Carr could have scored a real victory for public power. For the 1965 threat inspired four major public agencies to approach him with an important deal.

They proposed a partnership and regional public power district that would give San Francisco the political and economic leverage to finally wrest control of electrical distribution in San Francisco from PG&E, and at last give city residents the cheap public power that PG&E has been denying them for decades.

The deal also would have headed off these subsequent developments:

An excess annual payment of $1.7 to 2.6 million a year to PG&E for the electricity to operate BART trains—meaning BART fares will be 10 per cent higher than necessary.

PG&E's capture of the massive public power output of the California Water Project's Oroville Dam. PG&E buys this power for about $20 million, then retails it back to the public for about $42 million.

The annual $500,000 excess payment by the University of California/Berkeley for PG&E power. Cal wants to get public power to save money, but PG&E refuses to wheel CVP power to the campus and Cal Regents refuse to buck PG&E in court.

The increased vulnerability of public power cities throughout Northern California to heavy reliance upon and perhaps ultimate capture of their power systems by PG&E.

Managers of the California Water Project and officials from UC, the transit district and the city of Santa Clara were the ones who approached Carr with the deal to avoid the problems since raised for them.

They proposed to join with San Francisco and pool the power produced at Hetch Hetchy with that produced at Oroville Dam, pool funds to build a jointly-owned thermal power plant to beef up the hydro power and deliver low-cost electricity to each member of the proposed power consortium.

But Carr continued to be concerned only with the idea of using the threat to get PG&E to lower its fees. The consortium proposal fit in nicely with that, however, and Carr ostentatiously instructed Hetch Hetchy Manager Oral Moore to make a preliminary study of the proposal.

By early fall, Moore was ready to propose a formal study to the utilities commission, to be carried out by R. W. Beck and Associates, an engineering consulting firm, for $75,000. The city would pay $15,000, the other agencies would share the balance.

Carr halted the study abruptly, however, when PG&E agreed to lower fees.

After that, managers of the State Water Project not only had to abandon hopes to deliver power directly to public agencies, but also plans to construct their own thermal power plant. Instead, they had to contract to buy thermal power from PG&E and two other private utilities.

The capture by PG&E of the power output of the project's Oroville Dam also means PG&E has managed to interpose itself between Oroville power and BART, which will be one of the chief users of electricity at the dam.

Since the cost of propulsion will constitute the largest single item of operating expense when BART is completed, the fact that it will have to buy power from PG&E will raise fares far higher than they would be if it could buy the power at the much cheaper rates that would have been charged under the proposed consortium.

Carr's position on the proposal, as outlined in a memorandum to the City Utilities Commission after the feasiblity study was halted, showed where he stands on the issues of public power in competition with private power. He's against it.

He called the proposal "unrealistic . . . a move in the wrong direction."

Two years after Carr wrote this, Santa Clara, Alameda and Palo Alto joined eight other public power cities to form the Northern California Power Agency to pool resources for joint projects and for collective resistance to PG&E's threats to take over their power systems.

Their partnership is a feeble one that could have been strengthened greatly by inclusion of the members of the proposed power consortium of 1965.

Carr's judgments were made without the benefit of a serious, systematic study by outside experts. Indeed, his memorandum was intended to prevent such a study.

The Utilities Commission, he wrote, "should devote the staff's limited time and energy to negotiations looking toward a sustantial reduction in delivery charges for city power over PG&E lines . . ."

Carr also wrote of "the great strides that have been made toward lower-cost power and better service through cooperation of private and publicly-owned power producers. . . . Further progress. . . . requires great—not less—cooperation and pooling of privately-owned and publicly-owned generation and transmission facilities."

This must stand as a minor masterpiece of irony, in view of the huge capital investments the public has made for PG&E during the past 50 years, and PG&E's war on public power distribution.

"Cooperation," it turns out, means letting PG&E control the destiny of the Federal Central Valley Project.

"Progress" means letting PG&E put public power cities out of business to destroy the competitive yardstick by which PG&E's power rates can be judged.

"Pooling of privately-owned and publicly-owned generation facilities," means turning over public power to PG&E for resale to the public.

The Guardian has contacted knowledgeable people in the four various agencies and found strong agreement on this point: That Carr's decision in 1965 was a serious blow to public power systems in northern California.

There's no reason to believe, either, that Carr's position or that of anyone else has changed since 1965.

Just as in 1965, appropriate sounds are coming from the Utilities Commission these days about studying the acquisition of PG&E—but no appropriate action.

The study was authorized this April. But nothing has been done about finding answers to the crucial questions on the costs and benefits of buying out PG&E.

It turns out, in fact, that the consulting firm, R. W. Beck, which was designated to do the study, actually has been retained only to help the city on cost-benefit studies relating to the renewal of the PG&E-city contracts.

HOW P.G. & E. WILL MAKE YOUR BART FARES 10 PERCENT HIGHER

Thanks to Pacific Gas & Electric, fares on trains to be operated by BART will be 10 per cent more than they need to be—meaning that for every $1 you give BART for fares, you'll have to fork over another dime for friendly PG&E.

The dime will help pay for BART's yearly purchase of 430 million kilowatt hours of electricity from PG&E to run its trains. The overall cost will be between $4 and $6 million a year—20 percent of BART's total operating expense.

It might have been otherwise, had James K. Carr, San Francisco's manager of public utilities, carried through a 1965 proposal to deliver cheap public power to BART from Oroville Dam, Hetch Hetchy and a publicly-owned thermal power plant.

Exactly how many millions of dollars would have been cut from BART's electricity bills is not known, for only a study of the public power proposal would have shown that—and Carr killed that study.

It is clear, however, that BART will pay from $1.7 million to $2.6 million more for electricity than it would have had to pay if Carr hadn't blocked access to public power sources in 1965.

This estimate is based on Federal Power Commission figures on the cost of 430 million kilowatt-hours of industrial power in Seattle, a public-power city with a population of 560,000, and San Francisco, a PG&E city with a population of 750,000.

The federal figures show that PG&E rates are 76 per cent higher than Seattle Department of Lighting rates. To make up the difference, you will pay 10 per cent extra to ride BART trains.

[From the San Francisco Bay Guardian, Oct. 26, 1970]

Do Not Pay Your Utility Tax

San Francisco Supervisors have granted Pacific Gas & Electric still another boon—this time in adopting the five per cent sales tax on gas, electric, telephone and water bills that went into effect on Oct 1.

The measure further institutionalizes PG&E's illegal power monopoly in San Francisco by giving status to the giant utility as an official city tax collector. More, it gives City Hall a vested interest in raising PG&E rates and from now on refusing to oppose PG&E rate increases as it has in the past. For whenever the rates go up, returns under the new tax ordinance also will go up.

This is the last of a barn full of straws. It is time for supervisors to live up to the public power mandates of the City Charter and federal law. The city must buy out PG&E and use its own facilities to bring its own cheap public power to San Francisco from Hetch Hetchy.

Until the supervisors do this, San Franciscans should not pay the five per cent tax that now appears on their PG&E bills—and send along a note with the bill explaining precisely why they are making a principled refusal. (For assistance, contact the Guardian and ask for back copies on PG&E and Congressional Record reprints of Hetch Hetchy statements by Sen. Lee Metcalf (D-Montana.)

According to a recent ruling by the State Public Utilities Commission on a similar tax imposed in Vallejo, "utilities cannot disconnect or threaten to disconnect the utility service of any customer" who does this, as long as he pays his regular bill.

San Francisco could bring these taxpayers into court to try to collect. But in so doing, the city might well prompt a serious legal challenge to the city's chronic failure to buck PG&E and bring Hetch Hetchy power to San Francisco under the public power mandates.

Is there a better way to make the point that, if the city is interested in law enforcement, it ought to start with PG&E?

That's the point: the city collects a five per cent utility tax from every utility user in town, but doesn't go after the $30 million in illegal profits that go each year to PG&E.

[From the San Francisco Bay Guardian, Feb. 26, 1971]

How to Hetch Hetchy

The Grand Jury, as Ed Uno demonstrates in his Guardian interview, is supposed to investigate city departments and issue reports leading to reform. (See pgs. 12–13.)

Instead of investigating the Hetch Hetchy power department however, the 1970 Grand jury, like previous SF Grand Jurors for the past 25 years, took a three day all expenses paid vacation to Hetch Hetchy last September. Needless to say, this Grand Jury like previous Grand Juries:

1. Didn't say in its final report that this Hetch Hetchy area is by federal law to be opened up to camping for the public, not just for SF VIPs and the Grand Jury.

2. Didn't investigate why the cheap Hetch Hetchy public power is by federal law required to go to the citizens and businesses of San Francisco—but, that the city has instead allowed PG&E to establish private power monopoly here and keep San Francisco from selling its own power to its own people. The city's loss: $30 million a year.

3. Didn't report that it took a $1,600 vacation from a city department it was charged to investigate. Or, for that matter, that PUC/Hetch Hetchy each year gets a nice chunk of the city budget for VIP and press inspection tours of Hetch Hetchy.

Several persons have asked about The Guardian's recommendation for San Francisco citizens to make a principled refusal to pay the 5% utility tax. Here is the principled refusal, mailed to PG&E with his power bill, of Peter Petrakis, Guardian utilities editor.

This is to inform you that I will not pay the 5% city tax on my utility bills on grounds that, if the San Francisco Board of Supervisors wants to take money off a utility, it ought to go out and get one.

Section 119 of the City Charter reads:

"It is the declared purpose and intention of the people of the city and county, when public interest and necessity demand, that public utilities shall be gradually acquired and ultimately owned by the city and county . . ."

Under the Charter Utility Policy, the Supervisors are designated to make the determination of public interest and necessity. The Supervisors have now decided that the city should have revenues from utilities, but they have made not so much as a gesture towards implementing Charter policy and determining the public interest and necessity of acquiring a money-making utility. Instead, they persist in treating Section 119 as a meaningless ornament.

The Raker Act of 1913 (H.R. 7207) is a direct expression of the municipal ownership policy of the City Charter. It gave the city the right to dam the Tuolumne River at Hetch Hetchy Valley inside Yosemite National Park for a city water and power supply.

In making this requirement, Congress was responding to the municipal ownership philosophy of the Charter, as well as to the broader principle that the public should be the prime beneficiary when special privileges are granted inside the public domain.

The city, in collusion with the Pacific Gas and Electric Company, has been violating both the City Charter and the Raker Act ever since power became available from the Hetch Hetchy project. It has refused to obey the law, buy out the PG&E distribution system and bring San Francisco's cheap electricity to its people. (See The Grand Jury 'Investigates' Hetch Hetchy, p. 13.)

The city and PG&E have worked out a series of arrangements that are designed to keep San Franciscans from enjoying their own low cost power from their own projects. Now, the supervisors have taken the city further away from compliance with law in further institutionalizing PG&E's illegitimate presence here by giving it status as an official city tax collector.

I wish this protest and tax refusal to be regarded as a principled one, based on the conviction that the City of San Francisco, its Board of Supervisors and other officials, elected and appointed, are in chronic violation of law on the matter of Hetch Hetchy power, and that this utility "user's tax" takes the city in the opposite direction from eventual compliance with the law.

[From the San Francisco Bay Guardian, Dec. 23, 1970]

The Grand Jury Cometh

Situation report on the 1970 grand jury:

This Fall the Guardian asked each member of the San Francisco Grand Jury in a formal letter to support a formal inquiry into the failure of the city to live up to the City Charter and Raker Act, buy out PG&E and sell its own cheap public power to its citizens. (See previous Guardians.)

Grand Jury Foreman Ray Hackett, at the next jury session, branded the request a circulation-building gimmick "by a newspaper of limited circulation," according to authoritative sources.

Hackett also announced to his fellow jurors that, since the Guardian's publisher had not asked for acknowledgment of the letters suggesting the inquiry, no acknowledgment would be sent.

Gustav Knecht, who heads the Grand Jury committee that oversees the Public Utilities Commission and thus would conduct the inquiry, had a ready excuse for not wanting to take part in an inquiry.

Knecht, a stockbroker at Dean Witter & Co., said he recommended PG&E stocks to his clients and that he couldn't possibly investigate the Guardian's complaint. "I have a conflict of interest," he said.

Instead of undertaking any investigation, the jury routinely sent the letter to Oral Moore, head of the city's Hetch Hetchy power department, and asked him to send back a reply.

Bruce Brugmann, Guardian publisher, called Hackett to confirm these points. Hackett became angry and accused Brugmann of getting secret, unauthorized information from grand jury sessions. He threatened at one point to subpoena Brugmann and force him, under threat of a contempt citation, to reveal his grand jury sources.

Brugmann said he wouldn't reveal his sources, but he would be glad to appear and talk about how PG&E was bilking San Francisco businesses and residences of $30 million a year. "Isn't this more important than the identity of my sources?"

"We're going to have a facedown on this," Hackett said.

[From the San Francisco Bay Guardian, Apr. 31, 1970]

Banned by the San Francisco Press Club

The Guardian has regularly entered the annual "Pulitzer of the West" newspaper awards competition of the San Francisco Press Club and, the past three years, has won four of the nine awards available in the one non-daily category open to us.

Last year, Blair Paltridge's expose of the San Francisco grand jury won the $250 first place prize. Larry McDonnell, PG&E's top public relations man, chairman of the club's awards committee and the man who made the awards presentations, announced The Guardian prize at the awards banquet. The Guardian story "purported to show," as McDonnell put it from the dais, that the city's grand juries were unrepresentative.

This year, The Guardian had been tipped off that, despite the fact we won the contest last year, an attempt would be made to exclude our newspaper from this year's competition. We called the club several times through June and early July to ask when the entry blanks would be sent to us. (The past three years, we got them in normal course in the mail.) In early July, the club secretary told us McDonnell and his awards committee were sending them out that Thursday.

We never got them. The secretary told Bruce Brugmann, Guardian publisher, the committee had decided the category this year would be open to "weeklies only." The Guardian (a monthly) was out. Brugman pressed her for details and an explanation, but she said the entry forms were being mailed out this year by PG&E and she didn't have much information. She referred Brugmann to McDonnell at PG&E.

Brugmann called McDonnell at PG&E. Yes, he said, The Guardian was out this year, but it was not the intent of his committee to exclude the Guardian. Instead, it was to initiate a category for weeklies only, to encourage them to enter and to get back to the original spirit of the press club contest.

How do you encourage weeklies by excluding the Guardian? How do you justify banning last year's winner? Why is the only non-weekly to submit entries the past three years suddenly picked out, without explanation, without the courtesy of notification, and made the only newspaper ever blackballed in the history of the competition? Isn't this censorship to exclude The Guardian, one of the few Bay Area newspapers devoted to investigative reporting and solid journalistic crusades in the Pulitzer tradition?

Brugmann pressed these obvious questions, but McDonnell refused to give any details beyond his "we want to encourage the weeklies" stand. He became incensed when Brugmann asked if The Guardian blackball had anything to do with The Guardian's two year campaign against PG&E and its illegal power monopoly in San Francisco that keeps cheap public power out of San Francisco in defiance of federal law, the U.S. Supreme Court and the city charter. (See "PG&E's Big Blackball," p. 15.)

McDonnell said his committee's decision had not been aimed at The Guardian and that The Guardian had not come up in the discussion. He denied vehemently that he or PG&E had anything to do with The Guardian blackball and he threatened to hang up when Brugmann asked if it had anything to do with our PG&E campaign.

He refused to say how the ban originated, who originated it, or even who brought it before the committee in its first and only meeting on June 10. He even refused, until Brugmann pressed hard, to identify the other members of his committee.

The group that banned The Guardian, McDonnell finally disclosed, was made up almost exclusively of advertising and public relations men—most of them representing companies The Guardian had criticized in its reportage. The committee: Chairman: McDonnell (PG&E), Robert Rezak (PT&T), Carl Albracht (Westinghouse), Paul Cane (Bechtel), Gordon Grannis (Crown Zellerbach), J. Campbell Watson (Editor & Publisher), Carl Spencer (General Electric), Charles St. Peter (Frank Albert-Guenther Law Adv. Agency), Robert Richelson (Carl Byoir Adv. Agency).

Brugmann polled the committee by phone and found, contrary to McDonnell's explanation, that several committee members recall that: (1) PG&E's McDonnell brought up the rules change that axed The Guardian; (2) No other newspaper was mentioned by anyone; (3) The Guardian was mentioned several times during the session by name, (4) The Guardian was mentioned, as CZ's Grannis put it, "as not being a weekly newspaper" and therefore not qualifying for this year's contest.

Brugmann brought up these points to each committee member and nobody rebutted them. If the member didn't agree with these recollections of his committee colleagues, he said he couldn't remember or he simply refused to answer questions (Watson, Richelson) or he hung up (Cane, Albracht, Richelson). Rezak was quite specific. "He (McDonnell) threw it (the rules change) out on the table."

Did you realize, Brugmann asked, that The Guardian was being purposely excluded by McDonnell's proposal? Rezak: "You didn't have to hit me with a bat." He added: "If they wanted to change the rules they could have heard from your paper."

Rezak said that, as a PT&T man, he read The Guardian regularly and that he, too, didn't like some of the stories and editorials, particularly those critical of PT&T. But, "this wasn't the time or the place" to do something about them, he said.

Brugmann appealed in writing to the club's 15 man board of directors under guidelines set down by Dick Alexander, Examiner reporter, club first vice-president and chairman of the July 27 meeting that heard Brugmann's protest. (See p. 15 for details on Alexander's Examiner series that appeared three days later on July 30–31 and put forth, without qualification or deviation, the PG&E/McDonnell line on The Guardian-initiated proposal for the city to buy out PG&E.)

Brugmann asked the directors to either publicly announce and explain The Guardian's blackball or reopen the competition. The 1970 Pulitzer contest, Brugmann wrote, was "not the time or the place to begin censoring copy, banning newspapers or bringing the contest quietly into line with the PG&E Progress or, for that matter, a committee representing Westinghouse/GE/PG&E/PT&T Crown Zellerbach/Bechtel or clients of local ad agencies/pr firms."

Brugmann wasn't notified about any action of the directors, so a few days later, he called Ray Leavitt, director, secretary of the meeting and SF's chief deputy city assessor. No, Leavitt told him, the directors hadn't acted on his protest, but they would vote on it at the Sept. 14 meeting. Don't call us, we'll call you, he told Brugmann genially.

Directors at the meeting: McCarty, Leavitt, McDonnell, Alexander, Joshua Eppinger (old Examiner city editor, now associate managing editor), Graham Kislingbury (of Kislingbury Adv. Agency), Robert Meyers (former SF bureau chief of AP, now with Whitaker & Baxter public relations firm), George Shimmon (commercial photographer), Harry Ross.

Directors not at the meeting: Larry Dum (Examiner reporter), Stanton Delaplane (Chronicle columnist on assignment in Mexico), Paul Speegle (symphony public relations director), Ed McLaughlin (KGO radio), Don McLaughlin (PT&T public relations).

Leavitt's story sounded familiar to Brugmann so he polled some club directors as he had with McDonnell's awards committee. He found, contrary to Leavitt's account, that the members had listened politely and attentively to McDonnell's explanation, and decided without dissent to reject Brugmanns' complaint (the Aug. 15 entry deadline was only a couple of weeks away, one argued) and not to notify Brugmann about their decision.

More: not a word about Brugmann's protest or the directors' decision to reject it appeared in Leavitt's minutes of the meeting.

Brugmann called Leavitt back. Why, Brugmann asked, did his account differ so sharply from those of his colleagues? How would Leavitt's Sept. 14 vote have any bearing on a contest that ended Aug. 15 and whose winner would soon be announced at a Sept. 27 banquet?

"Don't you like the way the club is run?'" asked Leavitt. "I don't like the way the club booted me out of its contest," Brugmann replied. Leavitt hung up. Brugmann called back immediately, but Leavitt hung up again on his city hall assessor's office phone.

Eppinger, when contacted, asked Brugmann if he knew McDonnell. "You've got the wrong guy," he said. "Larry McDonnell is truly a gentleman." Brugmann tried to press questions on McDonnell and the directors' meeting, but Eppinger hung up.

Brugmann wrote another protest on Aug. 7, reiterated his earlier requests and asked the directors to act on it before the Aug. 15 entry deadline. He sent copies to each director.

"You have blackballed me and my newspaper from your Pulitzer awards contest," Brugmann wrote. "You have done so secretly, without a decent hearing, without notification of any kind, on the basis of PG&E's aversion to The Guardian's news and editorial policies (which is abhorrent in a contest with the name *Pulitzer* and in a club with the word *press*), on the bald excuse I do not publish my newspaper frequently enough (a club commentary on my desperately poor financial condition, which didn't bother you the past three years, and the fact I cannot break the Ex/Chron monopoly joint advertising rate that swallows up most of the newspaper advertising revenue in SF, which is what my federal suit is all about.)"

"Good God: Do you guys spend your whole lives behind the big black cat (Ed: which means you won't be quoted)? Are you really in the business of censoring copy, banning newspapers and bringing the contest/club quietly into line with the PG&E Progress. Will one of you be reading my PG&E meter next week?" By now the story was out and on Newsroom, KPFA and Jim Eason's KGO talk show. The LA Times Phil Hager was working up a story.

Directors received several protests from working newspapermen, including Joseph Houghteling, an owner of three suburban weeklies, and Fred Garretson, The Oakland Tribune's conservation writer, last year's first place Pulitzer winner and a Nieman fellow this fall at Harvard University.

Two directors, Dum and Speegle, called Brugmann to offer informal support and sympathy and a third, Meyers, told Brugmann earlier he felt badly about the whole business. Still, at presstime, Brugmann had heard nothing formally from the directors on his protests.

Summed up Dum: "I think this is a public relations error. I think it's surprising that a club with so much public relations talent should make such a public relations blunder."

Postscript: Our press club is in another world: it discriminates against women, has few minority members, at last count had only 100 working newsmen out of 400 or so "actives" and a total club membership of 2,500. Isn't it time for somebody else, say the Journalism School at Berkeley or Stanford, to sponsor a real contest for working newsmen with qualified and independent judges?

Then, the club members could go back to their high stake poker games and gang dinners honoring Helen Hayes and Rudy Vallee.

[From the San Francisco Bay Guardian, Oct. 26, 1970]

STILL BANNED BY THE SAN FRANCISCO PRESS CLUB

Larry McDonnell, PG&E's top public relations man, refused to appear on a recent KABL radio program on the PG&E/Hetch Hetchy power scandal. The reason, McDonnell told the KABL reporter, was because a Guardian editor was interviewed for the program and because The Guardian wasn't a "credible" paper.

No facts, no argument, no refutation, just quiet swipes at Guardian "credibility"—that's been the McDonnell/PG&E line since The Guardian began disclosing two years ago how PG&E steals over $30 million a year in power revenue from San Francisco in defiance of federal law, the U.S. Supreme Court and the city charter.

It was no surprise then to watch McDonnell/PG&E move quietly to blackball the Guardian, as a consistent winner, from the press club's Pulitzer of the West newspaper awards contest. (My God: what if the Guardian's PG&E exposés won this year, as did our grand jury exposé last year?)

It was surprising to watch the awards committee and club directors and Examiner/Chronicle executives with influence in the club gather about McDonnell like rams in a storm, rumps together, horns out, and refuse to budge. (See Lynn Ludlow's 'Dear Larry' letter on pg. 15.)

Bruce B. Brugmann, Guardian editor and publisher, appealed three times in writing to the club's directors under guidelines set down by Dick Alexander, Examiner reporter and club first vice-president.

His first letter was not only rejected, but the directors decided without dissent to not notify Brugmann of their decision. Brugmann's second letter was ignored.

In his third letter, Brugmann pointed out that, by allowing PG&E/McDonnell to blackball the Guardian because of the Guardian's PG&E exposés, the directors were now:

1. A party in perpetuating and covering up a great San Francisco scandal far beyond the scope and cost of Abe Ruef, Russell Wolden and Candlestick Park . . . PG&E's success in keeping San Francisco from selling its own power to its own citizens is dependent on silence and complicity from the Ex/Chron.

2. Actively giving aid and comfort to the Ex/Chron monopoly and their rate-fixing stranglehold on San Francisco journalism . . . actively opposing the Guardian's major constitutional lawsuit in federal court to challenge the monopoly and restore real competitive journalism to San Francisco.

"The Ex/Chron, too, is seeking to discredit the Guardian as Chron did the two challengers to its KRON broadcast license; Chron has had the Guardian and its staff members under surveillance for months by private dicks, as testimony in the KRON case revealed."

"You will note for the record," Brugmann said, "no executives of the Ex/Chron, the club's two dominant newspapers, supported the Guardian on grounds of free press, fair play or competitive journalism."

"I'm not complaining," he added, "I'm just making the obvious point of the identity of interest of PG&E/Ex/Chron over the scotch and behind the Big Black Cat at the club and but another example of the sudsy working relationship the Ex/Chron has with about every major flack in town. This PG&E/Ex/Chron palsy walsy is so comfy that McDonnell/Bog Gross/Bob Letts could be installed tomorrow at the Examiner or the Chronicle city desk; in turn the Examiner's Dick Alexander/Gayle Cook/Josh Eppinger/Ed Dooley/Dick Nolan and the Chronicle's Stanton Delaplane/Charlie Raudebaugh/Abe Mellinkoff could be installed in the public relations department of PG&E without a break in stride for the PG&E Progress, the San Francisco Examiner or the San Francisco Chronicle.

"Is this really your intention? Do you intend to stick in tight formation with PG&E/Ex/Chron and support press censorship, newspaper banning, municipal scandal and newspaper monopoly in one sweep down the field?"

Instead of taking up Brugmann's appeal, the directors approved a resolution commending McDonnell for his diligence, imagination and initiative in handling the Pulitzer awards contest this year. They also decided not to notify Brugmann of their decision.

(McDonnell, incidentally, got $22,000 and $1,149 in expenses in 1969 as a PG&E public relations man, according to PG&E exhibits on file with the PUC. PG&E in 1969 also paid press club dues and chits for four PG&E public relations men: $312, $151, $302 and $151 for a grand total of $916. This is about half the Pulitzer prize total of $2,000 in cash prizes.)

Directors at the meeting were: McDonnell, Alexander, Charles Raudebaugh (Chronicle investigative reporter), Harry Ross (former city controller), Paul Speegle (symphony public relations director), Graham Kislingbury (of the Kislingbury Advertising Agency), Don McLaughlin (PT&T public relations man), Robert Meyers (former SF bureau chief of the Associated Press, now with Whitaker & Baxter public relations firm), Josh Eppinger (the Examiner's associate managing editor) and George Shimmon (commercial photographer.)

Directors not at the meeting were: Superior Court Judge Francis McCarty, Ed McLaughlin (director of KGO radio), Ray Leavitt (SF's chief deputy city assessor) and Club President Delaplane. (Delaplane was a real Pulitzer prize winner, of the Columbia University variety, in the early 1940s.)

Larry Dum, Examiner reporter and club secretary, had turned in his written resignation just before the meeting—not because of the Guardian blackball, he told The Guardian, but over a series of differences with the directors and the club.

After the vote of confidence from fellow directors, McDonnell said thanks and the resolution was duly entered in the club minutes. As before, there was not a word about Brugmann's protest, nor the Pulitzer judge resignations, nor the many letters and calls of protests, nor Sen. Metcalf's critical comments on the club on the floor of Congress.

Brugmann's postscript was prophetic:

"PG&E's gas and power monopoly was born and bred in corruption and bribery: it paid Abe Ruef $1,000 a month in "attorney's fees," three key PG&E executives were indicted for bribery during the Ruef graft prosecution. For the next five decades, PG&E has illegally kept San Francisco from selling its own power to its own people and today steals $30 million a year from every business and residence in the city. Its PR man is head of the Pulitzer awards committee, blackballs the Guardian, will preside over the awards presentation at the banquet, will announce, congratulate, and shake hands with each Pulitzer winner.

"There you have it: the state of San Francisco journalism in September of 1970."

[From the San Francisco Bay Guardian, Oct. 26, 1970]

REACTION TO THE GUARDIAN'S OUSTER FROM THE SAN FRANCISCO PRESS CLUB'S PULITZER OF THE WEST CONTEST

Kenneth Stewart, emeritus professor of journalism at the University of California at Berkeley, and Jerry Werthimer, professor of journalism at San Francisco State College, resigned in protest as Pulitzer judges over the Guardian's ouster from the San Francisco Press Club contest.

Here are some other reactions, including letters sent to the club; the directors; Stanton Delaplane, club president; and Larry McDonnell, PG&E's top public relations man and chairman of the club's awards committee. No letters of protest or resignation were acknowledged or answered by the directors.

Dear Larry: This note is an appeal to you to suppress your disgust at the disgusting charges of the Bay Guardian concerning your personal and professional integrity. I believe the Awards Committee should play Caesar's wife and find a way to allow Brugmann to compete, possibly in a "non-weeklies" category that would include the dailies, possibly in a new "periodicals" category that would include San Francisco Magazine, California Living, Rolling Stone and articles for national publications by local journalists.

I am writing not as a reporter for The Examiner nor as a journalism teacher at San Francisco State College but as a non-member of the Press Club who cherishes the awards he has received, both as a high school student in 1951 and as a professional newsman in recent years.

I have further credentials: The same issue of the Bay Guardian which offered a paranoid paroxysm about the Press Club also included a false accusation concerning my own honesty in covering the KRON TV hearings—with Charles Raudebaugh of The Chronicle, I was accused of distorting, suppressing and slanting my news stories with a deliberate intention of somehow assisting the strategy of the KRON lawyers.

It was a stupidly written hatchet job which will be believed, unfortunately, by a large number of those otherwise well-meaning innocents who mistake sincerity for competence, bombast for truth and rhetoric for realty. The old Big Lie. It works.

Because the Press Club is more than a social organization with a swimming pool, it must judge the Brugmann complaint solely on the principles, not the personalities which involve freedom of the press. To do otherwise is to damage severely the credibility of the club among those outsiders, including myself, who hate to see the club appear to behave on the same unprincipled level as Bruce B. Brugmann, the crybaby editor specializing in cheap crusades and undeserved martyrdom games.

Lynn Ludlow,
Examiner reporter.

The author (Stephen R. Barnett, acting professor of law at the University of California) replies: "Mr. Ludlow does not even attempt to show that anything in my story was inaccurate. His letter is pure invective, and it speaks for itself."

To the Press Club:

When I agreed once more to become a judge in the forthcoming newspaper awards competition, I was not fully aware of the implications of the new rule that effectively eliminates any entries by Bruce Brugmann and his San Francisco Bay Guardian.

I would not be true to the memory of the newspaper PM, on which I spent my happiest newspaper days, if I did not ask that my name be withdrawn from the list of judges in the contest. Thanks for the invitation for dinner and drinks but I shall not be with you on September 9.

Kenneth N. Stewart,
(*Professor emeritus in journalism,
University of California.*)

To the Press Club:

As a member of the Press Club and first place winner in last year's Best News Story competition (plus another Press Club award in 1965) I protest and request an explanation . . . Brugmann has supplied powerful circumstantial evidence that this change in the rules . . . was in fact engineered by executives of corporations whose activities were exposed by Brugmann's scholarly muckraking . . . If there is some explanation other than Brugmann's, I'd like to know what it is.

Fred Garretson,
Oakland Tribune.

To the Press Club:

As a participant in three weekly newspapers over the past 20 years, I join Bruce Brugmann in his protest against the new definition for entry categories in the annual newspaper contest.

It seems obvious the lines were drawn specifically to exclude the Guardian. For by most criteria, the Guardian looks like a newspaper, reads like a newspaper, and indeed sounds more like a newspaper than many of such products published hereabouts.

Certainly, the Press Club's own record over the past years is good evidence that the Guardian was considered a newspaper until the PR-types decided it wasn't.

I can understand why PG&E doesn't want the Guardian in any contest; I cannot understand why the Club as a whole could accept the utility's rationalization.

Joseph C. Houghteling,
Publisher, Los Gatos-Saratoga Times Observer.

Mort Levins, publisher of the San Jose Sun newspapers and Milpitas Post, wrote a column titled "Scratch one press contest." Excerpts:

"In the past two years, the Bay Guardian, a crusading monthly tabloid published in San Francisco, has swept the awards in the non-daily classifications. And they deserved each one they won. And we can say that because we came in second.

"The Guardian isn't hampered by the conventionalities of dependence on advertising revenue and the currying of a local geographic base of support. And it has a missionary zeal that attracts outstanding writers seeking a platform.

"The Guardian stories showed bold enterprise, dramatic flair in word and layout. They also nailed a number of the state's biggest pelts to the wall. PG&E, PT&T, SP, the big San Francisco newspaper-TV combine, etc. all receive a good monthly rake in the muck.

"But, even the judges (picked from business, industry and retired journalist ranks) agreed these were stories that deserved prizes.

"This year, to save judges from sleepless nights and conscience pangs, Press Club directors decided to change the rules . . . the judges won't have to contend with the problem of pinning a prize on a story which has been an embarrassment to a major private economic interest.

"The announced reason for the rule change was to encourage more weeklies to enter. A strange bit of logic.

"Bruce Brugmann, the burly driver who has kept the Bay Guardian afloat and on course, hasn't lost any sleep himself about the exclusion from the contest. He's been kicked out of better places than the SF Press Club, we're sure.

"The surprising thing is that the Press Club (as dominated as it is by public relations types) ever did permit the Guardian to win any awards in the first place.

"But it is prety clear that the loser in all this is the press itself which hasn't much of a record on self-analysis and self-criticism. The standards set by really significant prize competitions help set goals for those working in the news field.

"Evidently, the Press Club contests can now be dropped from that tiny group of contests that really mean anything."

These remarks come from a Sept. 29 speech by Vic Reinemer, Senator Metcalf's executive secretary and co-author with Metcalf of "Overcharge," a book on utilities, at the

Western States Water and Power Consumers Conference in Salt Lake City.

The President, Vice-President, the Attorney General and his wife are all absolutely correct when they talk about the breakdown of law and order in this country. Their only fault is that they understate the case . . .

Several of us could provide the President with a real blockbuster for release from the Western White House, about the Raker Act of 1912, a federal statute which required construction of a municipal power system in San Francisco and forever prohibited any corporation from selling or subletting the water and electrical energy from Hetch Hetchy Dam.

If the Administration took law and order seriously, the President would pin the Cop-of-the-Month Award on Bruce Brugmann, editor of the Bay Guardian, a San Francisco weekly. Brugmann and two of his detectives, Neilands and Petrakis, have developed an air-tight case that Pacific Gas & Electric stole Hetch Hetchy's power from the City of San Francisco.

But alas, all the Guardian has received so far is a blackball from the San Francisco Press Club's annual awards committee, which is headed by one of P.G. & E.'s ombudsmen.

The P.G. & E. man is very soft on law and order. He packed the Press Club committee with "radiclibs"—to use Mr. Agnew's phrase—from Pacific Telephone and Telegraph, GE, Westinghouse and advertising agencies.

These "radiclibs" have taken over so much of the San Francisco press corps that nonenforcement of the Raker Act and the theft of Hetch Hetchy power isn't even mentioned by the San Francisco dailies.

Agnew should know this. He's been talking about just the radiclibs in the eastern press. But they are infiltrating the media all over the country.

This U.S. Senate speech, by Sen. Lee Metcalf (D-Montana), was entered in the Congressional Record on Aug. 19, 1970, under the title "Monopolies support monopolies in San Francisco." It was reported in a 14-paragraph story in the Sacramento Bee newspapers by Leo Rennert, the Bee's Washington bureau chief.

Mr. President, last month a bill to exempt newspapers from the antitrust laws was signed into law by the President, whose administration has certainly on more than one occasion criticized media concentration. This new law further strengthening the news conglomerates makes the survival of the small, independent newspapers even more tenuous.

One such independent, the San Francisco Bay Guardian, a monthly, continues to struggle against the price-fixing unity of that city's two major dailies. The Guardian has pioneered many controversial areas untouched by the larger papers.

And its courageous and excellent reporting has not gone unnoticed. During the past decade, the San Francisco Press Club has on two occasions awarded the Guardian its "Pulitzer of the West" Award—in 1964 and 1967. The Guardian has also won four out of the San Francisco Press Club's nine awards in the "nondaily" category during the past 3 years, including first place in the 1969 competition.

In view of this fine record, I was greatly surprised to learn from Bruce B. Brugmann, publisher of the Guardian, that his paper has been excluded from the Press Club's competition this year.

I believe this exclusion is explained, however, by the sad fact that the chairman of the Press Club's Awards Committee is none other than a public relations man from the Pacific Gas & Electric Co.

One of the courageous campaigns waged during the past 2 years by the Guardian has been against that company's monopolistic and political strength in San Francisco and northern California.

The Guardian has documented P.G. & E.'s direct violations of the law—see articles in the April 3, 1970, CONGRESSIONAL RECORD, pages E2738–E2742. The Guardian has criticized the company's love-in with the major San Francisco dailies, and finally, it has recently advocated municipal ownership of P.G. & E.'s local electric distribution system.

One of the Guardian's editors, Peter Petrakis, recently suggested to the Public Utilities Commission a feasibility study on the acquisition of the system. This study is now underway.

Perhaps this was the last straw for P.G. & E. Its tolerance for "freedom of the press" has reached the breaking point. So through the Press Club the company is "punishing" this small, independent newspaper which it believes poses such a threat to its monopoly.

Mr. President, I am dismayed that P.G. & E. would choose this arena for its punitive and petty actions against the Guardian.

I am appalled, however, that the San Francisco Press Club would allow its fine and respected halls to be used for such obvious derogation of the "freedom of the press" on which rests its tradition if not its very existence.

I also ask unanimous consent to have printed in the RECORD the Bay Guardian's June 8 release of Peter Petrakis' testimony before the San Francisco's Board of Supervisors, with its analysis of city acquisition of the electric system; and finally the recent comments of our Washington friend, Nicholas von Hoffman, who refers to the Bay Guardian as "the best and most reliable periodical in the city—San Francisco."

(From the San Francisco Bay Guardian, Aug. 31, 1970)

P.G. & E.'s BIG BLACKBALL

The Guardian's news and editorial campaign for public power and against PG&E's illegal private power monopoly in San Francisco is now about a year and a half old.

It has been publicly challenged by PG&E's maneuver to get the Guardian banned from this year's San Francisco press club awards contest, (see On Guard), and by Dick Alexander's pro-PG&E series in The Examiner on July 30/31. So: we thought it necessary to detail The Guardian's campaign and present a point by point rebuttal of the PG&E/Alexander/Examiner line.

1. The Guardian in March, 1969 ran a story by J. B. Neilands ("How PG&E Robs S. F. of Cheap Power"), outlining in detail the Hetch Hetchy scandal and how PG&E for 45 years blocked public power for San Francisco in violation of the public power mandates of the Raker Act. It told of the strenuous efforts by PG&E and its allies, the Chronicle, Examiner and other conservative business interests, to preserve PG&E's illegal monopoly in San Francisco by defeating eight consecutive bond issues to buy out PG&E and set up a municipal power system. It showed how San Francisco now loses a minimum of $30 million a year in profits by not having a publicly owned electric distribution system.

2. In September, 1969, we disclosed the attempt to sandbag the city charter's mandate for the public ownership of all public utilities by the 1969 Charter Revision Committee (P. L. Petrakis, "Make the Charter Modern—Efficient Even—But Don't Ruffle PG&E").

3. In February, 1970, we detailed the collusive PG&E/SF arrangements that dissipate the city's Hetch Hetchy power outside San Francisco, and we contrasted the sorry economic performance of the Hetch Hetchy project with that of the public systems to which it is forced to sell power. (P. L. Petrakis, "S. F. Power—In the Great Tradition of Abe Ruef and Candlestick").

4. On April 14, 1970, P. L. Petrakis, Guardian utilities editor testified before the San Francisco PUC and persuaded commissioners to order a feasibility study to buy out PG&E's electric distribution system so San Francisco could at least enjoy the benefits of its own cheap electricity.

The next day, the Examiner said nothing about the PUC's historic move against PG&E, the first in 29 years on this public power issue, even though Reporter George Rhodes had interviewed Petrakis after the meeting and turned in a separate story. The Chronicle reported nothing.

5. On June 8, 1970, Petrakis testified before the Board of Supervisors and urged the board to take no action to raise Municipal Railway fares until the PUC's feasibility study was completed. It might then be possible, he argued, to use earnings from the sale of electricity to subsidize the Muni and maybe even lower the fares. His arguments weren't reported.

6. In late July, the Guardian learned the Awards Committee of the San Francisco Press Club—dominated, it turned out, by Larry McDonnell, PG&E's top public relations man—banned the Guardian from this year's competition for the "Pulitzer of the West" award.

7. On July 30 and 31, the Examiner finally came out with two prominently displayed and lengthy articles on the acquisition study. They were written by Dick Alexander, first vice-president of the Press Club. They could have just as well been written by PG&E's McDonnell. (See analysis below.)

8. To this date, nearly four months after the PUC initiated its study, Chronicle readers have not been told the city is considering buying out PG&E.

Alexander's stories presented figures on Hetch Hetchy power distribution (40% to the Turlock and Modesto Irrigation Districts, 22% to San Francisco municipal services, 38% to out-of-town industrial accounts), which could only have come from the Guardian.

The percentages represent a six-year average, available from no other published source, and Petrakis tabulated billions of kilowatt-hours to get them.

The point is that, though the Examiner used the Guardian as a resource, it failed to mention these more crucial revelations:

1. Our discovery, based on annual reports from the Turlock and Modesto Irrigation Districts and the Hetch Hetchy Project, that the districts make more profit by retailing just a portion of our Hetch Hetchy output over their publicly-owned electric system than we make by wholesaling the entire output.

2. That with these earnings, the districts subsidize the free distribution of another utility—irrigation water.

3. That district residents—urban and rural—pay 24% less, on the average, for electricity than do the residents of San Francisco, and they use our power to do it.

4. That, even with the water subsidy and the lower rates, the districts still have millions of dollars left over for surplus.

5. That these benefits the districts enjoy are made possible by a huge capital investment by the people of San Francisco.

6. That the districts bought out PG&E's local distribution systems in the 1920s when San Francisco defeated its first bond issue. The result: their residents are able to buy cheap Hetch Hetchy power while its original owners, the people of San Francisco, cannot because they have not followed the mandates of the Raker Act and their own city charter and bought out PG&E.

7. That the people of San Francisco, under the Raker Act, have priority on Hetch Hetchy power and can take practically all of it, as soon as they establish a public power distribution system.

8. That San Francisco loses at least $30 million a year in profits by leaving electrical retailing in the hands of PG&E.

9. That this $30 million annual profit could provide the city with a generous tax subsidy to help keep taxes down, subsidize the Muni, pay for desperately needed city services.

10. That San Francisco now must pay PG&E $2 million a year for wheeling city power from Newark because the city, under mysterious circumstances worthy of chronicling by Lincoln Steffens, never completed the last 35-mile link of its transmission lines from Hetch Hetchy.

11. That PG&E "assigned" some of its out of town industrial customers to San Francisco, to provide a way for San Francisco to dump its excess power and to prevent public clamor for a publicly-owned system to distribute it here.

12. That these large industrial users (in Contra Costa, Santa Clara, San Joaquin, and Stanislaus Counties), taking 38% of San Francisco's power, do not employ San Franciscans and pay no San Francisco taxes.

13. That it was understood by congressional opponents and proponents alike that power generated at Hetch Hetchy, as a result of the Raker Act's grant of land in Yosemite National Park, would be delivered to the people of San Francisco through a publicly-owned distribution system.

14. That the U.S. Supreme Court in 1940 declared that the intention of the Raker Act was to provide municipal water and power for the consumers in San Francisco.

15. That the Raker Act, passed at the insistence of San Francisco in 1913, does not exist in a vacuum, but is the expression of our general charter policy on public utilities—that all such utilities shall be "gradually acquired and ultimately owned" by the city.

16. That the major piece of unfinished business under charter policy is the acquisition of a municipal electric distribution system for Hetch Hetchy power.

17. That this charter policy (Section 119) has so far resulted in the acquisition of a municipal transportation system, a municipal water system, a municipal sewage system, a municipal street system, a municipal airport, a municipal parking system and a municipal power generating facility.

Naturally, the directed verdict from PG&E/McDonnell/Alexander is "not feasible."

As the latest attempt to sandbag public power for San Francisco, this requires a point by point rebuttal.

The Examiner: ". . . if PG&E were to go out of the electric business and serve only gas here, more than half (of the $9.5 million the company pays in local taxes) would not be paid to the city. It would have to be made up by higher taxes on others."

The Guardian: This is outright obfuscation. Contrary to the PG&E/McDonnell line, the company is not a taxpayer. It is a tax collector. It has only one source for the taxes it claims to pay—its customers, which include every electricity user in San Francisco.

The company adjusts the rates it charges the public to offset the taxes it "pays" the public. Result: the public pays PG&E's taxes in its utility bills.

E: Revenues from a public electric distribution system "can't be used for (another) utility (e.g., to subsidize the Muni, as the Guardian has suggested) without a charter amendment."

G: Any undertaking as important as buying out the local electric system will inevitably require some legislation to facilitate both acquisition and the subsequent management of the system by the city. To imply that the possible need for charter amendments is some sort of impediment to acquisition is specious—especially when the city, for two years, has had a charter revision committee engaged in revamping the entire city charter.

Whatever is required—approval of acquisition, bonding, charter amendments, ordinances—could be presented to the voters as a package.

E: "The total amount of general obligation bonds sold cannot exceed 12 per cent of the assessed value of taxable property (under the city charter) . . . Either the limit must be extended, which is unlikely, or Hetch Hetchy be exempted (from the charter limitation)."

G: Nowhere do the two Examiner articles (56 column inches) mention revenue bonds, which do not have this limitation and are being used increasingly by many public agencies.

The critical questions: Why mention only general obligation bonds—the kind that raise the tax rate? Why ignore revenue bonds, which would permit the city to pay for the electrical system out of the money it earns from it, without raising taxes?

Why fail to tell the public that PG&E itself finances its own expansions with what are essentially revenue bonds that the public pays off through its utility bills? Couldn't the city pay for its own electric system in exactly the same way?

E: ". . . the city, if it put up its own distribution system, would not have enough power from Hetch Hetchy to supply San Francisco consumers. So, it would have to buy electrical power from another source. Pacific Gas and Electric."

G: It is probably true the city at times, would have to obtain outside power to supplement Hetch Hetchy. It is also beside the point. Because of federal power policy, virtually every electric utility on the west coast of North America is interconnected with every other electric utility. Power is constantly being sold, exchanged, loaned or borrowed between these utilities.

To imply that San Francisco could not successfully retail its own electricity to its own people because it could not, with its own Hetch Hetchy power alone, supply all their power needs is to argue that a dairy can't survive unless it owns all the cows that supply it with milk. Or that a newspaper can't succeed unless it owns forests and paper mills.

Has the Examiner never heard of wholesale purchase for resale? It is a common business practice.

E: "Hetch Hetchy Project manager Oral Moore estimates PG&E's local facilities could be worth about $500 million."

G: Alexander quoted Moore secondhand from the PUC counsel. He should have checked with Moore directly. We did and learned Moore did once cite that figure as an off-hand estimate, but he now believes after further study the figure would most likely be between $200 and $300 million for the distribution system and for PG&E's local Portrero thermal generating plant.

City ownership of the local steam plant would supplement Hetch Hetchy power, making dependence on PG&E for supplementary power unnecessary.

It is not surprising for PG&E McDonnell/Alexander/Ex to grossly over-estimate the worth of the private utility's local properties to discourage acquisition. That's the same old story.

Some factors should be kept in mind: 1) PG&E's electrical system in San Francisco was essentially completed several years ago. The city's population has been fairly stable for decades. PG&E has taken nearly full depreciation on large parts of its local system. It could not now sell it at original value.

2) Only a small proportion of PG&E's total electrical plant is now in San Francisco (13% of its customers, 2% of its distribution lines, 5% of its thermal generating capacity).

The total depreciated value of PG&E's system-wide distribution and steam generation facilities is $2 billion, according to PG&E's own exhibits, on file with the State PUC in its current rate increase application. Based on the above percentages, it is generous to estimate that 10% of the value of those properties is in San Francisco.

This comes to $200 million.

E: ". . . condemnation proceedings through eminent domain . . . could take years in the courts."

G: PG&E is proving it will fight tooth and claw to preserve the most lucrative segment of its system But the city will ultimately win if it resolves now to pay heed to its own interests, its own charter and federal law.

Conclusion: Had Alexander gone beyond McDonnell/PG&E in his research, he might have turned up some additional arguments, such as the 1925 Examiner editorial commenting on PG&E's early Hetch Hetchy grab:

"It is a wrongful and shameful policy for a grant of water and power privilege in the Yosemite National Park Area to be developed at the expenditure of $50 million by the taxpayers of San Francisco, only to have its greatest financial and economic asset, the hydroelectric power, diverted to private corporation hands (PG&E) at the instant of completion; to the great benefit of said corporation, and at an annual deficit to the city of San Francisco."

Or this 1930 Examiner editorial:

"To do all this (build Hetch Hetchy) and then fail to distribute the power which is produced by the city would be the rankest sort of business folly."

It still is.

Are You a "Key Person" in San Francisco? Would You, Too, Like To Vacation at Hetch Hetchy at City Expense? Call Jim Finn at the PUC, 558-4986

(By Greggar Sletteland)

"The weather will soon permit use of the Hetch Hetchy facilities for the coming season," then Mayor Jack Shelley wrote to PUC President Thomas F. Stack on a chilly February day in 1965.

Shelley proposed in the letter that San Francisco take "maximum advantage" of its rustic guest cabin high in the Sierras by opening it to "important State and Federal officials . . . business, community, labor or other important city officials."

"My objective," Shelley wrote, "is to acquaint key people of San Francisco with the magnificent public plant that has been made possible by the taxpayers."

In the years since, Supervisors, judges, grand jurors, PUC Commissioners, newsmen, have flocked to the scenic Hetch Hetchy valley in numbers that confirm Mayor Shelley's hopes—and then some.

In the last 18 months alone, the city, according to a Hetch Hetchy report circulated within the department, has served up 2,621 meals at Hetch Hetchy's O'Shaughnessy guest cabin during "the season." For these meals, the city has picked up a $12,746 tab.

Not included in this amount is the bill, size unknown, for upkeep of the cabin, built at a cost of $29,000 in 1938 for reasons no one can now recall with certainty, though some say it was to entertain President Franklin Delano Roosevelt during one of his West Coast visits.

The total bill to the taxpayer would be even higher, but the O'Shaughnessy area is buried in snow from November through late April, confining the season of the dignitary to six months or so.

Can the ordinary taxpayer who "made possible" the O'Shaughnessy facilities take a few days' rest there away from the rat race?

Not unless he's a "key person."

Even city employees on work-projects at the nearby O'Shaughnessy dam can't stay at the cabin. There's a bunkhouse for them.

Each meal served to a dignitary by the city costs the taxpayer $7.08, according to the previously mentioned PUC report. This is only an average, mind you. Figure three bucks for breakfast, another three for lunch, and $15 or so for dinner. The city could get away for less by wining and dining officials at the St. Francis.

To learn more about the sporting season at Hetch Hetchy, the Guardian ventured over to PUC headquarters. After a two-week struggle in the Water Department's accounting section, Chief Accountant Milt Brown agreed to open his books on the guest cabin, including vouchers containing the names of visitors.

A quick tabulation of names and bills, however, revealed that, of the 2,621 meals served, vouchers accounted for only 514.

"We only get vouchers for guests who have paid," Brown explained. "Since the others ate free, naturally we would have no bills with their names on them."

Brown's remark inspired a merry Guardian chase through the PUC in pursuit of 2,107 missing meals and 301 missing dignitaries. (On the average a dignitary eats seven meals during his stay at O'Shaughnessy; 2,107 missing meals divided by seven meals per dignitary means 301 missing dignitaries.) Here are the highlights:

James Leonard, PUC's public relations director, proclaimed innocence and pointed toward Hetch Hetchy Director Oral Moore.

"We file a boarding house report," said Moore. "It's a complete record of what happens up there." Could we see that report?

"We send it on over to accounting," said Moore.

Said Milt Brown, in accounting, "We don't have any boarding house report."

Moore, when told of Brown's remark, said, "I assume they destroy it."

Then the city kept no records of who had been staying in the guest cabin?

"There's never been any requirement," Moore explained, "that we keep records of who goes up there."

But then who decided which San Franciscans were important enough to stay in the cabin? Who decided which guests would have to pay and which the city would pick up the tab for?

"You'll have to ask Jim Finn about that," Moore said. "He's the one who handles all this."

The man who would have all the answers, PUC Secretary James Finn, proved a formidable obstacle to further enlightenment. Finn confirmed he (in consultation with PUC General Manager John Crowley) decided who would use the guest cabin. Finn at first wasn't sure, really, who went up there.

"I learned a long time ago that I don't inquire to Commissioners or Supervisors about who's going to O'Shaughnessy."

Why not?

"They don't answer," said Finn. "They say it's none of my damn business."

Asked to explain the city's policy on use of the guest cabin, Finn said it was set forth in Shelly's letter calling for the cabin to be put to "maximum advantage." Beyond defining "city officials" as those "so specified by the city charter," he would not elaborate.

If he didn't keep a list of former guests, the Guardian asked, did he have a list of reservations for the coming season?

Finn said he didn't.

"The less I know about the party and the politics of it," he said, "the better off I am."

William Bourne, Deputy City Attorney who acts as PUC attorney, voiced mild distress when told of missing, possibly destroyed, records, involving thousands of dollars in city funds. He said he would huddle with Finn on the matter.

Later, Bourne told the Guardian Finn did indeed keep a reservation list. "It's on a little pocket calendar," Bourne said. In Bourne's view that calendar was not an official document and therefore unavailable for public inspection.

Even if the reservations had been listed in the more formal fashion one might expect for documents describing official city business, those lists would still not be available, Borne said.

Reminded that $12,000 in city funds for the past 18 months alone was involved, Bourne acknowledged that the PUC might have been "lax" in its recordkeeping. "But that's not my department," he said.

From that date on, Finn was out when the Guardian called.

The Guardian put through a call to the residence in Groveland, California, near Moccasin, of Mrs. Irene Kimmey, listed in city payroll records as the "housekeeper" for the O'Shaughnessy cabin.

"She's up to the cabin," said Mr. Kimmey. The asnwer was the same for eight subsequent calls placed to Mrs. Kimmey on eight different days.

Meanwhile, another season of the dignitary has come.

Would you like to vacation at Hetch Hetchy at city expense?

Are you a "key" person in San Francisco? Give a call to James Finn, reservations clerk, at 558-4986.

PEOPLE YOU SHOULD GET TO KNOW

Those in bold type ate, at taxpayer's expenses, 150 to 3,500 meals served at Hetch Hetchy guest cabin in the last two years. Those in small type ate 500 meals paid for by friends in bold type. People who ate the 1,950 missing meals, with the taxpayer paying, are too important for the public to know.

FALL, 1970

John D. Crowley, General Manager, P.U.C., Oct. 16–19, 1970, C. Crowley, M. Marino.

Marvin A. Cardoza, President, P.U.C. & Urban Affairs, Officer, Bank of America, Oct. 14–16, 1970; J. Cardoza, J. Holbrook, A. Ziph, L. Freschi, M. London.

Hon. Joseph J. Diviny, P.U.C. Commissioner, labor leader, Oct. 8–11, 1970; J. McGeehan & wife, J. Farrell & wife.

Eneas J. Kane, S.F. Housing Authority, former P.U.C. aide, Oct. 12–14, 1970; F. Lucoza & wife, T. Ferguson.

Hon. John A. Ertola, S.F. Supervisor, now Superior Court judge, Oct. 22–25, 1970; Mrs. J. Ertola, Mrs. Smith, Mr. C. Ertola, Sr., Mrs. C. Ertola, Sr., B. Ertola, W. Ertola, Dr. Para & wife, C. Ertola, Mr. Lettie & wife.

SPRING, 1970

Oliver M. Rousseau, P. U. C. Commissioner, homebuilder, May 1–3, 1970; D. O'Neill, L. Breito, L. Goldman, B. Coon, J. Rolph II, R. Smith, L. O'Neal.

Oliver M. Rousseau, May 8–10, 1970; L. Byington, Dr. Selak & wife, J. Tynan & wife, Mr. Hirsch & wife.

Eneas J. Kane, May 15–17, 1970; K. Kane, T. Ferguson, C. Raudebaugh, C. Roberts.

Wallace R. Lynn, P.U.C. Commissioner, May 22–24, 1970; D. Lynn & wife, D. Lynn, Jr., G. Lynn.

John P. Crowley, May 29–June 2, 1970; J. Kealy.

FALL, 1969

Eneas J. Kane, Nov. 7–9, 1969; Mrs. E. Kane, T. Ferguson, K. Roberts, C. Raudebaugh.

John D. Crowley, Nov. 27–30, 1969: Dr. Christiansen & wife.

John D. Crowley, Oct. 24–26, 1969: Dr. Christiansen & wife.

Bert Simon, President, Globe of California & former P.U.C. Commissioner: Mr. Joffee, Dr. Wise & wife, Mr. Phelan & wife.

Hon. John A. Ertola, Sept. 11–14, 1969: J. A. Ertola, C. Ertola & wife, Mr. Gatti & wife, Dr. G. Pera & wife, Mrs. S. Adamson, Mrs. M. Clark.

Eneas J. Kane, Sept., 1969: Mr. T. Ferguson.

John D. Crowley, Aug. 8–10, 1969: Gen. Snoddie & wife.

Hon. Richard N. Goldman, P.U.C. Commissioner, August 20–21, 1969: Mr. Seidman & wife, Mr. Schwartz & wife, Mr. Peidoza & wife.

SPRING 1969

Hon. Richard N. Goldman, June 20–22, 1969: P. Arnstein, W. Block.

Oliver M. Rousseau, June 13–15, 1969: C. Bortlie, B. Corton, C. Roga, B. Reid, G. Oaks.

Hon. John A. Ertola, June 5–8, 1969: Ron Ertola, J. Picetti, M. Rozano, Q. Kapp, I. Felmer, C. Molinari, H. Aney, G. Connell, R. Monaco, B. Vernazza, L. Stefanelli, P. Fontana, R. Gardner.

James K. Carr Party, General Manager, P.U.C., May 29–June 1, 1969: Miss Carr, Mr. Bennett & wife, Father Moore, A. Leroy.

Oliver M. Rousseau, May 16–18, 1969: J. Kernan, J. Lovely, D. O'Neill, J. Rolph, L. O'Neal.

Eneas Kane, May 8–11, 1969: Kathy Walker, Betty Walker, C. Raudebaugh, Ted Ferguson.

DEAR PUC: This article is just a reminder that you are allowing PG&E to steal $40 million a year from us. Your attention on this matter is 40 years overdue. Won't you reconsider our request to make a feasibility report to buy out PG&E right away?

Thank you,

SAN FRANCISCO CITIZENS.

(By Peter L. Petrakis)

All J. Welton Flynn could say at the April 27 meeting of the city Public Utilities Commission was, "I don't believe it."

Flynn, an accountant, is Mayor Alioto's newest appointee to the PUC. The Guardian was telling Flynn and three other commissioners that San Francisco probably loses at least $30 million a year by not retailing its own Hetch Hetchy power to its own residents, and that therefore the commission ought to request money to implement its own resolution to do a feasibility study to buy out PG&E.

The commissioners offered no figures to refute ours. On an obviously prearranged motion, the PUC voted unanimously to kill its own feasibility study, which had never been implemented in the year since it was authorized.

The commission wouldn't accept our method of estimating power profits in San Francisco—factoring up the power profits of cities that have municipal electric systems to a city the size of San Francisco.

OK. The Guardian has now turned to an authoritative source on power profits in San Francisco, one that our PUC respects highly—the Pacific Gas and Electric Company.

It seems our earlier estimate of San Francisco's profit loss to PG&E was a bit conservative.

We checked PG&E's 1970 annual report to the state Public Utilities Commission and PG&E officials submitted to the state PUC in support of PG&E's 1970 rate-increase application. We found:

(1) That San Francisco's annual profit loss to PG&E probably exceeds $35 million a year.

(2) That even assuming no increase in PG&E power profits (hardly likely, in view of Reagan's PUC and the near-breakdown of utility regulation in California), San Francisco will lose more than $1 billion in profit to PG&E over the next 30 years.

(3) That $3.37 of every $5 PG&E gets in San Francisco electric sales is profit before taxes.

(4) That San Francisco's power market is so lucrative that the city, from its own power revenues under municipal ownership, could readily finance purchase of PG&E's local electric distribution system, with two local PG&E thermal generating plants thrown into the deal, and still have millions in surplus profits every year during the repayment period.

(5) That with PG&E's two local steam generating plants, San Francisco would have a 20% excess capacity to meet future city

power needs, but in the meantime could sell surplus power to public power cities, or to public agencies like BART, to bring total annual profits close to $40 million.

Here's the breakdown: PG&E power revenue from San Francisco—$55 million; PG&E's San Francisco electric expenses—$19 million; Revenue minus expenses—$36 million. That's $36 million profit before taxes for PG&E. (See box for computation details.)

Don't let that "before taxes" throw you. PG&E doesn't pay any taxes. We pay PG&E's taxes in our utility bills. PG&E adjusts its rates to offset its taxes, so PG&E is really a tax collector.

The $36 million profit figure includes only power profits from San Francisco. More could come from wholesaling surplus city power to others. The combined power output from the city's Hetch Hetchy facilities and PG&E's Potrero and Hunters Point thermal plants would come to around five billion kilowatt-hours a year.

San Francisco now uses four billion kwh a year. So, the city would have a billion kwh to sell to other public systems. PG&E now sells a billion kwh at wholesale for about $8 million, of which probably a fourth is profit. That would bring San Francisco's annual power profit to $38 million.

And, since San Francisco now pays PG&E over $2 million a year to wheel Hetch Hetchy power into the city for municipal services (from Newark, 35 miles away), the city could also keep that money.

Final profit figure: Around $40 million a year. That's what PG&E takes from San Francisco every year, not counting profits from natural gas sales. In 30 years, it adds up to about $1.2 billion dollars.

What would it cost to buy out PG&E? No final answers can be given until the feasibility study is made (which is probably why the PUC killed it). The study would involve a detailed inventory.

The Guardian analyzed PG&E data and estimated the total depreciated value of its San Francisco electric properties at around $200 million. Oral Moore, Hetch Hetchy general manager, earlier came up with the same rough estimate, based on a study of PG&E property taxes.

Depreciation of PG&E property is an important factor in San Francisco. The city is essentially "full grown," and has been for several years. PG&E's two local steam plants were built in 1929 and 1930 at a total cost of $82 million, according to the Federal Power Commission. PG&E has now taken more than 40 years depreciation on them.

The distribution network also is greatly depreciated. PG&E's own valuation of domestic-user facilities in its San Francisco Division (includes several peninsula cities) is $19 million.

Let's be generous and assume that the final cost, including actual plant value, severance costs to PG&E, plus interest and bond redemption payments for 30 years on revenue bonds, would come to $600 million.

Since net earnings over that period would be around $1.2 billion, the city could still make $600 million in profit. That comes to $20 million a year, about what the Supervisors hope to raise with their utility tax, off-street parking tax and 100% increase in the business gross receipts tax.

I sent a draft of this article to Shermer L. Sibley, president of PG&E, asking for his comments on these figures. He replied.

"As you might suspect, we do not agree with your conclusion that municipal ownership of our electric system in San Francisco would be desirable, nor with the arguments you use to support that conclusion." Sibley did not elaborate.

Perhaps the best answer to Sibley is the experience of public power cities.

Palo Alto, with power rates much lower than PG&E's, recently announced that, despite lower revenues from sales taxes and an increased city budget, it would not be necessary to raise property taxes.

The reason: increased earnings from the municipal electric system would compensate. Palo Alto, with one of the lowest property taxes in the state, makes more city revenue from its electric utility than it does from the property tax.

Jack Knudson, a Palo Alto resident, recently took a Menlo Park friend's bill to the Palo Alto electric department for comparison. The PG&E bill was $11.54 for 572 kwh (an average monthly rate of consumption). The same amount of power costs $8.93 in Palo Alto.

In 1966, voters in Anaheim rejected a proposition to sell their municipal electric system to a private utility. Said City Councilman Schutte: "I have never felt so strongly about a matter as I do this particular issue. I think the electrical system should be retained. If it had not been for this facility, many improvements and programs, such as parks and playgrounds, which are for the people, would not have been realized without either a bond issue or raising taxes."

A. R. Schell, city manager of Roseville, recently told the Guardian, "In brief, the electrical system has been the salvation of the City of Roseville in many respects. It has given flexibility to city finances. It has saved many thousands of dollars for citizens of the city. It has been an aid in our industrial program. I think every city should own its own municipal electric system, where feasible."

"Where feasible?"

Isn't it now feasible, with rising taxes and PG&E bills, to do a study to see how much the city would profit by selling its own electricity to its own people?

Electric Power Profits in San Francisco

PG&E Revenue (from 3.2 billion kilowatt hours)	[1] $55, 000, 000
PG&E Electric Expenses:	
Power generation	[2] 11, 200, 000
Distribution and customer accounts	[3] 4, 400, 000
Sales expenses	[4] 700, 000
Administrative and general expenses	[5] 3, 000, 000
Total expenses	19, 300, 000
PG&E Profit Before Taxes (Revenue minus expenses)	[6] 35, 700,000

[1] San Francisco's power load is 4 billion kwh per year. Of this, 3.2 billion is supplied by PG&E, and the rest by the city's Hetch Hetchy Project for municipal services. The city pays PG&E $2.3 million a year to carry Hetch Hetchy power into the city from PG&E's Newark substation, 35 miles away, where the Hetch Hetchy transmission line ends and PG&E picks up the power.

[2] Computed from PG&E's average unit power production cost (3.5 mills per kwh).

[3] San Francisco has 12% of PG&E's customers. Since customer-related expenses in San Francisco are half those for the average PG&E customer system-wide, the figure is 6% of PG&E's total distribution and customer accounts expenses ($73 million).

[4] Taken at 12% of PG&E's total sales expenses ($6 million).

[5] Taken as 12% of PG&E's total administrative and general expenses ($25 million).

[6] This figure compares well with the Guardian's earlier $30 million estimate, which was obtained by scaling-up Palo Alto's municipal power profits to a city the size of San Francisco. The same $30 million is obtained by scaling-up the power profits of the Modesto and Turlock Irrigation Districts, which buy Hetch Hetchy power from San Francisco and retail it to their residents over their public power systems (charging rates 15% lower than PG&E rates in San Francisco). Combined T/M power profits are $5 million a year. San Francisco has 6 times the population of T/M, thus you multiply by $5 million by 6 to get $30 million.

The $30 million figure we have always regarded as a minimum profit figure for San Francisco: mainly because it didn't take into account the economies that would come from this city's high meter density (240 customers per mile of distribution line, compared with 96 for the whole PG&E system). PG&E's own figures bear this out (see footnote 3, above).

Sources: PG&E's 1970 annual report to the California PUC, PG&E's 1970 rate-increase application to the California PUC (CPUC application No. 51551). Hetch Hetchy project preliminary annual report, fiscal year 1969–70.

HOW MUCH PROFIT DOES PG & E TAKE OUT OF YOUR CITY

The giant private utilities have severely crippled regulation in California, but they have not succeeded, as yet, in keeping from the public their annual reports to the state Public Utilities Commission.

That may come later. In Arizona, utility reports to the state regulatory agency are "confidential," meaning the public can't find out what's going on.

Nowhere, including California, will private utilities tell the public how much profit they take out of individual cities and towns—for the obvious reason that public awareness of those juicy profits might lead to moves to buy out the local private utility.

In California PG&E is required to report gross revenues for individual communities. These figures provide the basis for a rough estimate of the profit your city loses by not having a municipal electric distribution system.

Your estimated city loss is 40% of PG&E's reported revenues. That 40%, on a system-wide basis, is what is left of PG&E revenues after operating expenses are deducted.

The estimated city loss includes PG&E profits (62%) and the "PG&E taxes" hidden in your electric bill. Under municipal ownership, the 40% your city now loses would all be city profit—to be used to lower rates, lower property taxes or both.

Here is a sampling of Bay Area cities, showing PG&E's reported 1970 revenues, the estimated public profit lost in each for lack of a municipal electric system, and property taxes levied in each, as reported by the State Controller's office.

Subtracting the estimated city loss (which would be city gain with public power) from the property tax, the sample shows how much each city might cut property tax bills if the city operated its own electric distribution system.

This method can be tested by the following case: Palo Alto, operating its own electric system, makes $2,099,092 a year in profits. Berkeley, which is twice as big as Palo Alto, should make twice as much.

Our estimate for Berkeley is $4,119,000. Cities like Oakland, with high population density, should be able to make more than our figures indicate because high density means lower operating expense.

At first glance, it does seem incredible that lost city electric revenues are so large relative to property tax levies. Again, Palo Alto provides a useful example.

Palo Alto's municipal electric system in the last fiscal year transferred $2.1 million in profits into the city's general fund. For the same year Palo Alto's property tax levies were also $2.1 million. If it is assumed that the public power profits would ordinarily be raised through property taxes, then municipal ownership can be said to have reduced Palo Alto property taxes by 50%.

Compare the property tax rate of Palo Alto with that of San Mateo, a nearby PG&E city with about the same total assessed value. San Mateo: $1.63 per $100 of assessed valuation; Palo Alto: $.74 per $100 of assessed valuation. Thus, Palo Alto's tax rate is 55 per cent lower than San Mateo's. Essentially, the same relationship holds true in comparing total property tax levies in the two cities. San Mateo: $5 million; Palo Alto: $2.1 million. Palo Alto's total property tax is 58 per cent lower than San Mateo's.

City	Reported P.G. & E. electric revenues	Estimated city loss	Property tax levied 1970–71	Percent of possible property tax savings with public power
Albany	$926, 469	$371, 000	$617, 691	60
Berkeley	10, 298, 980	4, 119, 000	9, 063, 146	45
Burlingame	2, 935, 607	1, 174, 000	1, 414, 434	83
Davis	1, 719, 585	688, 000	1, 218, 694	57
El Cerrito	1, 520, 022	608, 000	1, 293, 431	47
Hayward	7, 583, 067	3, 033, 000	3, 276, 560	93
Livermore	2, 386, 142	954, 000	1, 102, 837	86
Menlo Park	3, 238, 763	1, 296, 000	1, 012, 991	100+
Mill Valley	839, 929	336, 000	1, 092, 366	31
Mountain View	6, 671, 503	2, 669, 000	2, 461, 718	100+
Novato	1, 956, 779	783, 000	594, 111	100+
Oakland	30, 578, 517	12, 231, 000	26, 944, 809	46
Pacifica	1, 683, 277	673, 000	1, 338, 327	50
Redwood City	4, 725, 204	1, 890, 000	3, 199, 622	67
Richmond	12, 947, 392	5, 179, 000	9, 061, 102	57
San Jose	33, 141, 052	13, 260, 000	20, 271, 793	65
San Rafael	3, 884, 337	1, 554, 000	1, 191, 147	100+
San Mateo	6, 117, 456	2, 447, 000	4, 982, 462	49
Santa Cruz	2, 846, 638	1, 139, 000	1, 721, 317	66
Sunnyvale	10, 450, 279	4, 180, 000	4, 053, 620	100+
Vallejo	3, 884, 337	1, 554, 000	2, 204, 968	71

LET'S BREAK UP THE BOFA/PG&E ACT ON THE PUC

Conflict of interest is defined and expressly prohibited by Section 222 of the city charter: "No supervisor and no officer or employee of the city and county shall engage in any activity, employment or business or professional work or enterprise which is inconsistent, incompatible, or in conflict with his duties as a supervisor or officer or employee of the city and county. . . . Violation . . . shall constitute official misconduct. . . ."

Section 11 spells out what must be done about official misconduct: "Any appointee of the mayor or the board of supervisors guilty of official misconduct . . . must be removed by the mayor or the board of supervisors, as the case may be, and failure of the mayor or any supervisor to take such action shall constitute official misconduct on his or their part."

Section 119 declares it to be the "purpose and intention" of the people of San Francisco to "gradually acquire and ultimately own" all utilities in San Francisco.

With these charter provisions in mind, The Guardian requests the immediate removal of Marvin E. Cardoza (chairman) and Louis A. Petri (member) from the San Francisco Public Utilities Commission.

We charge these two Alioto appointees with conflict of interest, as vice-president and board member respectively of the Bank of America, which makes it impossible for them to carry out the public power mandates of the charter, the federal Raker Act and the U.S. Supreme Court.

These public power mandates require San Francisco to buy out PG&E's private power monopoly in San Francisco and thereby sell the city's own Hetch Hetchy power to its own citizens and businesses in San Francisco. We believe Cardoza and Petri cannot support this policy to buy out PG&E and that they have amply demonstrated already that the intimate connections and direct working relationship between BofA and PG&E require them to subvert this public power policy in the interests of their employer and to the disadvantage of the city.

This enterprise, we contend, is "inconsistent, incompatible and in conflict" with their public duties as PUC officers.

The working relationship between banks and private utilities is an old pattern. A 1934 Federal Trade Commission investigation showed that the major investors in private utilities were banks and insurance companies.

The investigation produced documents and testimony that characterized bank-utility relationships as an "invisible partnership which should work to the advantage of both parties."

Today, the BofA/private utility/PG&E relationship is quite visible. Eight of the 20 board members of B of A are also on the boards of California private utility companies. Nearly half of PG&E's board of directors are also bank directors, representing every major San Francisco bank. Of PG&E's 10 largest stockholders, five are banks and five are insurance companies.

Here are some specific visible elements in the BofA/PG&E alliance:

(1) PG&E vice president K. C. Christensen testified before the state PUC in 1964 that PG&E's kept $2 million in interest free deposits with the San Francisco headquarters branch of BofA and that these deposits gave the giant utility a line of credit for $14 million, "which is available to us overnight." PG&E, he testified further, has large interest free deposits in numerous BofA branches all over the state.

For more than 50 years it has been official PG&E policy to cement political alliances with bankers by "saying it with millions in interest free deposits." (See Hockenbeamer footnote.) It still does. Christensen is now a director of BofA's real estate investment trust.

(2) Before his death in February this year, Carl F. Wente, a BofA board member, was also a board member of PG&E and a member of the board's executive committee.

(3) Walter A. Haas, Jr., a member of BofA's board of directors, is the son of Walter A. Haas, board member and member of the executive committee of PG&E. Walter Jr. is also on the board of directors of PT&T.

(4) T. M. McDaniel, board member of BofA, is president of the Southern California Edison Company.

(5) Garrett W. McEnerney II, board member of BofA, is also a member of the board of directors of Pacific Telephone. He is the nephew of Garrett W. McEnerney I, one of the original incorporators of PG&E and a member of its board of directors (He is also an attorney for the Examiner.)

(6) E. Hornsby Wasson, board member of BofA, is a board member of Pacific Telephone and board member of Prudential Insurance Co., one of PG&E's top ten stockholders.

(7) F. A. Ferrogiaro, board member of BofA, is a director of California Pacific Utilities Company.

(8) BofA has always been a major financier for private utilities. After World War II, it organized and led large bank syndicates in lending huge sums to private major utilities in California.

It is fair to conclude that the BofA has a major financial stake in the private utility industry, in PG&E and in keeping intact and undisturbed PG&E's private utility monopoly in San Francisco. It is also fair to conclude that Mayor Alioto had incredible gall to appoint two BofA executives to a city public utilities commission that is required by law to buy out PG&E.

In January, 1970, the Guardian asked Mayor Alioto in writing if his forthcoming appointments to the PUC would be people who could support the city charter's utility policy. Alioto never replied. A month later he appointed Cardoza and at the same time announced that Cardoza's BofA had agreed to help buy city utility bonds, not through competitive bidding, but through negotiated sale.

A negotiated sale of the $26 million in utility bonds was necessary because BofA and other San Francisco banks had refused to bid the interest rate down, and had held out instead for a negotiated sale that could extract higher interest rates from the city.

Is it unreasonable to wonder if the appointment of bankers to the PUC was part of the deal? We think not. The banks also gouge millions each year from the city by paying extremely low interest on the city's $250 million in bank deposits (see last Guardian).

These corporate connections might be considered symbolic were it not for the fact that Cardoza and Petri since their appointments have acted openly as sword and shield for PG&E/BofA on the PUC. They have moved to quash every attempt to find lucrative markets for the city's Hetch Hetchy power and to block every move leading to the acquisition of PG&E.

Cardoza became PUC president in February and, in late April, led the commission in a unanimous vote to kill the PUC's own cost and feasibility study in buying out PG&E. (The reason: the feasibility study would show that the city loses $35 to $40 million each year by not selling its own power to its own people, according to our comparisons with public power cities like Palo Alto.)

Cardoza's kill came in a meeting deliberately rigged to avoid publicity and cover the PUC's tracks. The resolution to kill wasn't printed on the PUC's official calendar, Cardoza quickly disposed of the matter, at 5:45 p.m., long after the audience had gone home. He refused, when requested, to give his reasons for his kill vote and his refusal showed the way for other commissioners to do the same.

Almost since the day Cardoza was appointed, the PUC has been negotiating with PG&E to renew contracts that dissipate the city's Hetch Hetchy power in unprofitable out-of town markets and establish the extortionate fees the city pays PG&E to wheel city power to municipal services.

Cardoza/Petri support without blushing the city's sell-out bargaining position: that PG&E cannot only block Hetch Hetchy power at Newark, but it can then set up a tollgate and soak the city $2.3 million to wheel city power 35 miles from Newark to SF.

PG&E would not elect public power advocates to its board of directors. It would not even elect men who professed to be neutral on the subject. Why should the people of San Francisco tolerate private power company agents on the "board of directors" of their municipal utility enterprise.

Footnote: We urge the 1971 SF grand jury to investigate the BofA/PG&E act on the PUC and the entire Hetch Hetchy scandal and to forgo its annual three-day $1200, wine and dine trip to our Hetch Hetchy facilities in Yosemite National Park.

To this end, The Guardian two weeks ago wrote the grand jury and formally requested an investigation.

Footnote: From a letter by A. F. Hockenbeamer, president of PG&E from 1927–1935, to the president of an eastern utility company:

"The bankers as a rule, are about as economically minded as we are, but nevertheless, we came to the conclusion about 15 years ago that as a practical incentive to get them to work with us, there is no substitute for deposits. A worthwhile account has, therefore, been the keystone of our policy . . .

"We believe it is well worth while: First, because the service they render to us as banker is worth something, and secondly, because it cements their friendship and cooperation. Incidentally, we require no interest on these deposits."

LET'S END THE CHARADE AND CALL THE PUC THE RAILWAY AND WAREHOUSE COMMISSION

(By Jay Joseph)

Why not just end the charade and go back to the pre-Hiram Johnson days and call it the Railroad and Warehouse Commission?

The regulatory agency now known as the California Public Utilities Commission, a creature of Hiram Johnson reform in 1911, was intended to be second only to the California Supreme Court in importance and independence in its role of protecting the consumer against the excesses of the all-powerful railroads and utilities.

It worked for Hiram. It worked in latter days for Governors Earl Warren and Pat Brown. It worked so well that Pacific Telephone Co. was the despair of its parent American Tel. and Tel. as the company with the lowest earnings—read that lowest rates—in the Bell System.

But Ronald Reagan is not Hiram Johnson.

And the California Public Utilities Commission might now at least consider striking "Public" from the signs in its McAllister Street offices in San Francisco.

The public is in low esteem these days around McAllister St. with Reagan's appointees the heirs of Johnson's agency.

"The orderly business of this commission is too often frivolously delayed or diverted from its objective, observed PUC President (he doesn't like the title chairman) John P. Vukasin Jr. not long after he took office.

Vukasin is an Oakland lawyer, a 1969 Reagan appointee to the five-member commission and in 1964 was state vice chairman for the Barry Goldwater presidential campaign.

When he speaks of frivolous diversions he is not referring to those mounds of printed testimony and exhibits utility attorneys bring in wheelbarrow loads.

No. He means those amateurs from the Sierra Club, the California AFL–CIO, the fledgling lawyers of Consumers Arise Now from Hastings College of the Law, Bill Bennett and Sylvia Seigal of the Association of California Consumers. And Edward L. Blincoe, of whom more later.

Vukasin made that statement as he took over a Commission hearing on rules changes proposed by, among others, Francis N. Marshall, partner in Pillsbury, Madison and Sutro, the San Francisco law firm which enjoys a million dollar annual retainer from Pacific Telephone at its ratepayers' expense.

Marshall took his lumps from the Brown-appointed Commission a few years back when he went in as spear-carrier for a Pacific Telephone rate increase and emerged with a $40 million rate reduction. It was not a performance calculated to win any endearment from the stewards of telephony at Ma Bell's headquarters company in New York, and future rate applications were entrusted to others.

Marshall, however, was allowed to contribute toward earning that million dollars a year, beginning in 1968, when he, John C. Morrissey of Pacific Gas and Electric Co. and A. Crawford Greene Jr., sometimes transportation industry counsel, offered some rules to "streamline" Commission procedure.

That is the point where entered from Stage Left a fat, untidy man with a crumpled wide tie when nobody was wearing wide ties. His name is Edward L. Blincoe and on a nickle-and-dime budget sans law degree (or, probably, any degree) he tilted with the distinguished man of the million-dollar-retainer, Francis N. Marshall.

At the rules change hearings Marshall, in fact, dubbed Blincoe most accurately as the epitome of "the man off the street." It was the kind of man Marshall is most desirous of eliminating from any but a minor role in rate increase applications.

"He cost the State of California and other parties, I'm sure, many tens of thousands of dollars in repetitious time," testified Marshall in the kind of indignation which occupation of a paneled office at Pillsbury, Madison and Sutro can engender.

The rules changes are numerous and most of them are of no public interest—but two are. One would put down the Blincoes of this world to a new status called "limited parties." As such they could introduce exhibits and testify till the cows come home—but they could not cross-examine witnesses.

The other change would require that all participants, with a few exceptions, be represented by attorneys.

Blincoe's monument to rate regulation is enshrined in page after page of cross examination of Pacific Telephone Co. witnesses. Cal PUC Case 7409; look it up if you have a few weeks free.

"I was repetitious," allowed Blincoe one day at the rules change hearing. "Sometimes I had to ask the same witness (from Pacific Telephone) the same question differently twenty times to get an answer he could have given the first time."

That kind of bickering is fun to observe on a dull day. But it obscures the potential contribution the Man off the Street can make on the public's behalf.

A portrait of the likes of Edward L. Blincoe may never grace the cover of your telephone book. But he is the man who got Pacific Telephone to list multi-message unit calls on your monthly phone bills, without which, of course, one could never protest an incorrect billing.

And Michael Peevey, a nonattorney who is research director of the California AFL–CIO, one day cross examined a PG&E witness on wage increases to get on the record the fact that labor productivity increased at a faster rate than wages. PG&E somehow neglected to mention productivity in its direct testimony on labor costs.

These are the kinds of things that will be lost if the Commission weeds out the nonlawyers in the interests of "streamlining."

VUKASIN CRUMBLES

There is evidence that Goldwater's hero Vukasin is crumbling in his enthusiasm for these rules changes in light of criticism from the press—most notably the Los Angeles Times and the McClatchy Newspapers—and from the California Legislature.

Vukasin, as most everybody on the fifth floor at the McAllister Street offices has noted, is even spending more time at work since the press focused on him. He used to be known as a part-time commissioner, not a bad job at $31,000-per year.

Last month he even paid fence-mending calls on the editorial writers of The Chronicle, Examiner, Los Angeles Times, Sacramento Union and Sacramento Bee.

The proposed rules changes—which probably will be before the full commission in March or thereabouts—bear Vukasin's signature under a recommendation for adoption.

POSITION SHIFT

Since the heat, however, he has shifted his position to say he was merely throwing the proposals into the public arena for discussion and revision.

Vukasin's "staff rotation" plan has drawn as much or more criticism as the rules changes. It involves shifting some 300 experts (of a staff of about 800) into new jobs to create "depth" in the Commission.

Trouble is, in the arcane field of utility regulation an expert who talks the language of telephone rate separations (or anything else) becomes an amateur in any other field. There are no generalists in utility regulation.

Critical legislators are falling all over themselves to hold hearings on the rules changes and staff rotation.

PUBLIC RELATIONS

For a man who won his bachelor's degree in public relations (at UC Berkeley in 1950) Chairman Vukasin must have missed some lessons.

When Gov. Reagan was proclaiming "cut, trim and squeeze" last fall, Vukasin was having his office redone. There was a new $459 conference table which demanded new chairs ($834) and sofa ($265). Add a desk chair, $205.

Vukasin then installed a mobile telephone in his state car which, incidentally, is driven for him by a young man named Ernest Hendricks whom the state pays $480 per month to be a clerk in the Commission's duplicating office.

Vukasin told the Los Angeles Times that the redecorating was initiated well before he became president of the Commission last July.

The State's General Services Department will tell you, however, that the furniture purchase orders are all dated in November 1970.

ONE INDEPENDENT

The Commission stands four out of four now with Reagan appointees. There is a fifth seat, vacant since Dec. 31, that the governor will fill soon, but it will be meaningless in terms of power balance. The only commissioner who has exhibited any independence of the present four is Thomas Moran, a San Diego attorney.

Moran has written some stinging dissents, most notably when the Commission decided to allow Pacific Telephone to claim accelerated depreciation for federal income tax purposes.

Pacific had shunned the option, available since the 1950's, because at the time the tax savings would go to the ratepayers' benefit. But when Ma Bell lobbied a change in federal tax law to permit utilities to hold the tax savings as an investment pool, Pacific broke down the doors to apply—successfully.

"The majority decision is outrageous," protested Moran. "Pacific Telephone will collect from California subscribers a bonus of more than $700 million during the next 10 years."

Vukasin and Reagan's other two commissioners were not the least outraged. It was suggested—not entirely kindly—that they did not know what they were signing. They are two loyal, but out of work, former legislators, William Symons Jr. and Vernon L. Sturgeon, onetime Republican state senators who were reapportioned.

UTILITIES GET MAN ON PUC

(By Ivan Sharpe)

In a bombshell admission that may reverberate around the Reagan administration, a utility company executive frankly conceded to the Bay Guardian this week that utilities got their own man appointed to the State Public Utilities Commission.

Commissioner Fred P. Morrissey, one-time associate dean of the UC Graduate School of Business Administration at Berkeley, was recommended to Gov. Reagan after a hush-hush meeting of utility company attorneys in San Francisco's Bohemian Club in December 1966.

The meeting, which was hinted at and denied Jan. 25 in the final day of PUC hearings into PT&T's massive $181 million rate increase application, was confirmed to me by Sherman Chickering, general counsel and vice president of San Diego Gas & Electric Company.

"Utilities got together, as anybody has a right to do, to screen candidates for the commission," said Chickerling, senior partner of the prestigious San Francisco law firm of Chickering & Gregory, 111 Sutter St.

"Most of the principal utilities had representatives at the Bohemian Club meeting," added Chickering, "We passed on our list of candidates to a screening committee headed by Joe Knowles, the Governor's representative here."

Chickering also confided that he was a member along with five others, of that Reagan screening committee, although he claimed that he had never attended any of its meetings.

He said that the utilities had got together in the past to recommend candidates every time there was a pending vacancy on the PUC.

FIRST TIME

"This was the first time one of our candidates was chosen," he admitted, however.

Chickering described Morrissey's selection by the utilities was "natural one."

"I had read several of his articles about utilities and I knew what his views were. He was objective in his thinking. If somebody else hadn't put his name up, I might have done so myself," he said.

Chickering also said he was disappointed there were not more utility company representatives on the Knowles committee.

"There were people like Knowles who knew very little about utilities," he added.

Knowles, a taciturn stockbroker little known outside his office or the second floor of the State Building here, at first denied there were any utility men on his screening committee, which he called a talent search sub-committee.

After I pointed out Chickering's utility connections, Knowles said: "I didn't know that. I just know him as an attorney and a very good one."

Asked the names of his committee members, he replied: "I can't even recall who was on the committee now. It was over a year ago."

He said there were six, on the committee including himself.

I CAN'T REMEMBER

Knowles, again, at first emphatically denied that he had got names of possible candidates from the utilities. But, when told of Chickering's admission, he conceded: "I can't remember now."

He added: "All I did was to try to get names of people who were interested in being appointed to the commission. I had a whole sheaf of names with resumes and biographies."

Despite the biographies, Knowles claimed that he did not know that Commissioner Morrissey was a former paid consultant for Pacific Telephone.

Chickering's startling disclosure drew a predictable sharp comment from PUC Commissioner William M. Bennett, whose persistently probing questions during the final day of telephne rate hearings into the circumstances of Morrissey and Commissioner Symons' appointments led to angry exchanges.

"As a Californian and one who must take utilities' services, such as gas, electricity, telephones, I don't like a system that permits California public utilities to pick commissioners," he said.

"I think it is a terrible thing when the Reagan administration is consulting with California public utilities to select commissioners who are supposed to protect the public interest and oppose those utilities in their rate applications.

THE SAFEST CANDIDATE

"Realistically, those utilities aren't going to recommend anyone but the safest candidate for them," declared Bennett, a Democratic holdover who does not expect to be reappointed when his term ends this December.

The circumstances of Morrissey's appointment to the $25,000, six-year-term PUC job assume more damaging and tainted significance when it is remembered that Reagan early last year made the unprecedented comment during the telephone company rate hearing:

"The phone company here in California has been in great difficulty because of some of the actions of the Public Utilities Commission. The PUC is going to have to be more realistic in its approach and its permissions to the phone company."

Lt. Gov. Robert H. Finch also said that the view was outdated that only the public's interest must be protected in regulation of utilities.

Philip M. Battaglia, Reagan's former executive secretary, predicted last July that utilities would get fair treatment from the PUC in the future.

This week Battaglia told me: "We had certainly heard a lot of complaints during the campaign that the PUC needed a balance. If the thinking was oriented one way, it should be balanced out with some fresh thinking."

However, Battaglia said he would be "very surprised" if the utilities had, in fact, recommended Morrissey.

In any case, Commissioner Morrissey himself feels there is nothing to be perturbed about.

If the utilities had put his name forward to Governor Reagan, he said this week, "I don't know whether it would be improper or not. Whether they did or didn't is substantially indifferent to me. I would vote independently in any case."

He said he found Chickering's admission "frankly hard to believe.

"What has happened here is that there has been a concerted effort on someone's part to label me as pro-utility. I just don't think this is so.

"Look through the way I've voted in the past year. I'm sure I've voted on matters which would displease utilities."

TWO ARTICLES

Morrissey said two articles he wrote in the Public Utilities Fortnightly in April and November, 1966, were "more pieces of research rather than pro-utility."

"I still look upon myself as an academician," he added. His paid work for the telephone company was in the 1950s, he said.

Tom Reed, Reagan's former appointments secretary who quit at the end of Reagan's first 100 days in office, denied that utilities had any say in Morrissey's appointment.

"They made no recommendations to me," he said.

Reed, who runs a mining and land company in Nevada County and lives in San Raphael, said he had given Reagan five or six names for the PUC appointments, with Morrissey and Symons getting his personal recommendation.

He recommended Morrissey, he said, after his name had been put forward by the major appointments task force, by a senator and after canvassing college faculties.

SCREAM VIOLENT OBJECTIONS

He conceded that utility companies didn't "scream violent objections" to Morrissey's nomination.

"I thought then, and I still do, that both Morrissey and Symons were intelligent, impartial and fair guys who were concerned with the best interests of the people," said Reed.

Symons, a rancher, whose Mono County GOP senate seat was swept away by reapportionment in 1966 after serving one year in the Legislature, was recommended by members of the State Senate, disclosed Reed.

COMPLETE SURPRISE

Chickering, incidentally, said Symons' appointment came as a "complete surprise" to him and to the utilities, who had not recommended him.

Whatever the political repercussions of Chickering's remarkably frank statements, great doubt is now thrown on the validity and fairness of the Pacific Telephone hearings which ended last month after 82 days and 12,568 pages of testimony.

Pacific, in requesting a $181 million rate boost, wants to improve its allegedly depressed rate of return on investment by some 30%—to 8% from 6.3%. If granted in full, the request would nearly double some phone bills in San Francisco.

Chickering's remarks also appeared to contradict sworn testimony by Jerome W. Hull, Pacific's executive vice president, who stated: "I do not know of any recommendations that were made to the Governor by any utility group."

STATEMENT OF GARY G. GILLMOR, CHAIRMAN OF THE COMMISSION, NORTHERN CALIFORNIA POWER AGENCY, AND MAYOR OF THE CITY OF SANTA CLARA, CALIF.

Senator HARRIS. I would like to call now Mr. Martin McDonough, General Counsel for the Northern California Power Agency, and the Honorable Gary G. Gillmor, Mayor of Santa Clara, and Chairman of the Northern California Power Agency. Gentlemen, we are pleased you are both here, and we would be pleased to hear from you at this time.

Mayor GILLMOR. My name is Gary Gillmor, the Mayor of the City of Santa Clara, and also Chairman of the Northern California Power Agency. To my left is Martin McDonough, General Counsel, from the Northern California Power Agency, and we did have the opportunity of having fifty statements so they will be available here for the press and those involved.

Senator HARRIS. Good.

Mayor GILLMOR. Basically, the Northern California Power Agency is made up of eleven municipalities, who at the present time do not have any generation but are hoping to get into the generation field in the electrical area, but we do have our own distribution system. We have a population in our system of close to 400,000 people, spreading from the northern part of the state even down to Lompoc, our most southern extremity.

We have had many problems along the way. I have been somewhat of a neophyte in this area. I have only been involved eight years in fighting Pacific Gas and Electric, whereas Martin McDonough, to my left, is probably in my opinion the most able counsel in this area, and really he is one of the few, I think because of the statements that were made earlier that not too many people seem to be interested on a general basis in electricity. The news doesn't like it. However, in Santa Clara alone—just an interesting statistic—over the last five years we ran an analysis based upon our tax rates, and we were fortunate enough to be the number one city in the State of California for clean industrial growth in 1970. And looking at this as a result of our lower utility rates, we have found that our average family, based upon taxes and other concerns in the electrical area, saved over $300 in the past five years. Now when we start talking about $300, in amounts of this nature we find that individuals, I think, should be concerned and should be aware of what is going on in the electrical area in northern California, in fact, in the entire state and the nation.

The NCPA previously, with the 11 cities made up of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara and Ukiah, negotiated for their power with PG&E on an individual basis. As a result of this individual basis, we found that "divide and conquer" seemed to be the aspect used by Pacific Gas and Electric with the various entities, giving them piecemeal bits of hope and piecemeal bits of contractual relations, which in essence pacified the city councils. Therefore, they would have long-term contracts with them, which would lock them into basic terms and regulations which really, in my opinion, were not beneficial for the individuals or the municipality.

This was their method until the late 1960's when we formed the Northern California Power Agency with the idea of defeating this divide and conquer aspect with which PG&E had engulfed them. We saw this basically in the Central Valley Project. The Central Valley Project was a system whereby the Department of the Interior through the Bureau of Reclamation, Pacific Gas & Electric, and other entities, devised an integrated transmission and generation system for all of northern California and into southern California.

At that time we were appalled when we appeared before Secretary of the Interior Udall, and we found that Pacific Gas & Electric had entrenched themselves so much in the Interior Department's Bureau of Reclamation and the state legislature and other entities, that we were in a situation that at any time for approximately 40 years if we wanted to get new power into the system—new generation—that we had to have the consent of Pacific Gas & Electric, who seemed to have control over the Federal Government itself. We were fortunate just to get a letter of intent between the Secretary of the Interior, at that time Mr. Udall, and the Pacific Gas & Electric president, Mr. Gerdes,, which in essence stated—during this infamous period, I will call it—they would consider PG&E working with the Federal Government if they would allow new generation to come into the great system and into the Central Valley Project.

We at this time are trying to get generation in northern California, since we don't have any. Southern California is way ahead of us on this. And therefore we decided to adopt a project in the Geysers Area. This is a geothermal area, and it's a new area for most of us, even though it has been here from time immemorial. And in northern Sonoma County, we find that there is an active steam area; in fact, I believe it is the only one in the United States that is 99.5 percent pure in regard to the steam, even though there are known areas throughout the Western United States, of which I have a map up here, and, as you are well aware, basically there are potential fields throughout all of Western United States. The Geysers Area, though is the only producing area in northern Sonoma County, and we were looking to that area for potential generation.

We contacted the Department of the Interior, Bureau of Reclamation, told them of our intent, and they stated first, well, let us have a feasibility study on this. We are spending over $100,000 for a feasibility study. As a matter of fact, we even asked for a loan prior to this for our general needs from the Federal Government. This was through HUD. We went back to Washington and talked to, I believe, Assistant Secretary Jackson at the time in HUD. It was a loan for a little better than $100,000, of which we guaranteed repayment. We had six Congressmen, both Senators, and bipartisan support on this loan to look to our general needs, and it was defeated. It was appalling when this happened, and this is when I felt that a crusade was needed, and I hope through efforts like yours that people of the State of California will realize what is going on in the utility industry.

With that defeat, we decided that this was not going to stop us, and we went on into the area of doing it on our own. We are raising our own monies; we are talking with the Department of the Interior through the Bureau, and we even did our own feasibility study on the Geysers Area. Just recently, on working with the Bureau, we found that it was feasible insofar as the transmission lines are involved, and that, in fact, it would be no harm to PG&E or to the Bureau of Reclamation. However, at the present time the Bureau of Reclamation says this is fine, it is feasible; but you must now go to PG&E and, in my opinion, beg, and ask them in essence if we can work with them through the Bureau so that we can get 220 megawatts of power in the Geysers Area.

When we go to the Geysers Area and the monopolies that seem to be present there, we find that Union-Magma, which controls 86 percent of the known geyser stream area where there is a basic feeling that the power is available, we find that they have an exclusive contract with Pacific Gas and Electric, and they have 86 percent of the known wealth. We also find that we are now dealing with Signal Oil which has a substantial part of the remainder. But in the meantime, Pacific Gas and Electric is also negotiating with them to a minor degree. Signal, we feel, is acting in good faith with us at the present time; however, we still have this nemesis on the side which is Pacific Gas and Electric controlling most of the area at the present time. And I start to wonder if this isn't again another method whereby Pacific Gas and Electric, since they have controlled—and I'll make this as a firm statement—they do control the State Legislature.

As an example of this, we had a bill by our Senator Ahlquist, who ran for Lieutenant Governor in the last election, and he authored it on our behalf, whereby we find in the State of California you can get revenue bills for almost every type of industry you want to go into, such as water, airports, roads—in general, all cities can get involved in this. There is one major exception to this, and this is power—generation and distribution. So we tried to amend this. And this is illogical, because this is a way in which you can generate revenue to pay your debt obligation. It was found we got it through the Assembly, we got it to the Senate and it is still there. It has never passed. We have tried many, many times, and we buck Pacific Gas and Electric, and all of the private companies. They group together to fight us every year that we are in the legislature on this, and this is totally illogical. This is why I say they control the legislature. We find that again, going back to the Geysers Area with Union-Magma and with the other entities that are involved there, and with all these potential areas and with much of the land owned by the Federal Government.

In the hearings that are forthcoming on this, in this particular area alone, let's not let history repeat itself. I hope that people in the Congress will become concerned and become involved. I think there is a feeling in northern California, with such cities as Berkeley—and I am happy to say in Berkeley they have a potential referendum whereby they are forcing the City Council in Berkeley through this referendum to buy out Pacific Gas and Electric. The costs are magnanimous as compared to the returns that the people of Berkeley—the people of Foster City are doing the same thing, the people of San Francisco, and I am happy to see that there is one newspaper there that is doing something about it—will get back their monies which they definitely deserve. And the people of the State of California, through having these public entities like the Northern California Power Agency, will have a general yardstick with which to measure this quasi-monopolistic tendency of PG&E. We find that PG&E in one case has not raised their rates over the past few years, because they know the Northern California Power Agency will not stand for it and in unity we will fight them.

So we find insofar as the Geysers Area is concerned, which is a new area for generation, a clean type of generation. In fact, I'd like to quote from the Supreme Court of California, which recently said:

"Geothermal steam obviously provides an attractive source of power for the generation of electricity. Since the conversion of geothermal steam power into electric power does not involve combustion, the process does not pollute the environment with by-products. The steam is not significantly cheaper than fossil fuels, but construction of geothermal steam electric generation costs less than installation of fossil fuel plants. Furthermore, steam units of relatively low capacity are economical, and the lead time for building such facilities is shorter than that required for construction of fossil fuel or nuclear plants." (Northern California Power Agency v. Public Utilities Commission (1971) 5 Cal. 3d 370 at 373.)

We find that we have preference customers in the State of California that are paying four to four and a half mills for their power. Our feasibility reports show that in the geothermal steam area, we would pay six to seven mills for power. If we had to buy it from Pacific Gas and Electric, we would pay seven to eight mills for the power. And also the fossil fuel costs are going up, and we anticipate 12 to 15 percent increase requests from PG&E very shortly along these lines. We find that Pacific Gas and Electric, with its monopolistic tendency, is now trying to curb our growth into generation fields. This is a fight of survival as far as they are concerned. With almost every city council in the area, as was mentioned earlier, they are involved in every service, fraternal, social and commercial organization.

We are fortunate that in Santa Clara the head of the Chamber of Commerce is a Pacific Gas and Electric representative. And we also find that within our community there are very nice individuals, and in every community there are private power people, and I know they are standing up for their interest. However, it is frustrating, it's sickening, and in my opinion it is almost corrupt, the way these measures have happened in San Francisco. It's a corrupt situation in my opinion. Because of the people of San Francisco—definitely through the Raker Act—something should be done, and I concur with the previous speaker on that.

This concludes my remarks. Martin McDonough is the most able counsel in regard to the utility industry. He in turn was very influential in setting up SMUD, the Sacramento Utility District. This is why we hired him as our general counsel. He can cite to you, if you are interested, various court cases that we have been involved with.

We are definitely committed to fight the monopolistic tendencies in the Geysers Areas, which are already 86 percent certain, as you will see from our comments where the Pacific Gas and Electric control this by right of first refusal on all the residual lands. We find that we are left with Pacific Gas and Electric holding thousands of acres. However, this is on the periphery. It is not tested. Union-Magma has had accomplishments here, and they have their own fields. We find that now we must go and beg, in my opinion, the Bureau of Reclamation to get progress on what we have spent hundreds of thousands of dollars to test the feasibility of transmission. We have to go to the President of Pacific Gas and Electric and say, "Will you now meet the intent of the letter between Udall and Gerdes." This is not fair.

I don't think that's private enterprise, if you want to call it that.

And I disagree with it being called private enterprise. I agree with your comments earlier—who control the municipalities and public power. If it wasn't for public power, I'd hate to see the rates in the State of California, because we are always there even though we are small, monitoring and constructively, I say, arguing with them over their rates. We will find through the NCPA, and we hope through your influence—and we admire your courage, because this is not a popular matter which makes newspaper headlines—that you will continue your fight as well as Senator Metcalf and the others who have seemed to take an interest in the conglomeration of monopolies that seem to be present.

If there is one in the State of California, I think one that is very paramount and the least known about, it is the area between public and private power. We are determined to go to whatever method necessary, through the courts if we have to, to get our own generation to keep Pacific Gas and Electric, and all others who seem to feel that they can use public monies for investigation, research and inquiry at the expense of the public, from benefiting from the high inflationary guaranteed return, which they now have.

Martin, would you like to make some comments?

Senator HARRIS. Mr. McDonough?

MARTIN MCDONOUGH. I am involved in certain litigation involving these aspects, Senator, but I won't go into that unless you have some questions.

Senator HARRIS. Can I ask either one of you, Mr. Mayor or Mr. Counsel—this is a rather new subject to me, that is geothermal power—what is the basic law about who owns this steam? Is that like the ownership of petroleum that goes with the land? What is the interpretation under California and other law?

MARTIN MCDONOUGH. There probably is no final answer, but we are treating it as though it were petroleum products for the purpose of ownership. That's the current practice.

Senator HARRIS. The Department of Interior, as I understand it, takes the position that they will lease this kind of energy source on public lands—on Federal lands—out to the highest bidder. Is that the way it works?

Mayor GILLMOR. Well, Martin has attended some conferences. That's basically my understanding. Martin?

MARTIN MCDONOUGH. Yes sir, as I understand it, that's the basic principle, except there are some grandfather principles in the law which protect people who had done certain work or taken certain steps before the law took effect. And those people who are grandfathered in will have important privileges. Aside from these privileges, the basic idea is that the highest bidder will prevail.

Senator HARRIS. That being the case, leasing out this kind of energy source to the highest bidder would obviously benefit somebody like PG&E. It would be just like if when we began to harness hydroelectric power, we just leased that out to whoever wanted to bid the highest. Is that a fair statement?

MARTIN MCDONOUGH. Yes sir, it would have been a very bad situation for California, at least, if hydropower privileges had been given out to the highest bidder.

Senator HARRIS. Mr. Mayor, you talked about SMUD being under pressure, I suppose, and deciding not to grant you a loan, which I understand they could do under Federal programs to try to develop this source of energy. Is that correct?

MARTIN MCDONOUGH. Well, we received the basic arguments that priorities, etc., precluded them, that the money had dried up, and other reasons for which to deny us the right to this loan. It was quite amazing, Senator, because when we had Republican and Democratic support and they showed up to me in the first. I've been back there many, many years, and in our area we had Congressman Gubser, who is not a proponent to any degree of public power, supporting us 100 percent, and then Congressman Edwards, who has been a definite proponent of public power, and they were putting us on. This is what really appalled me in regard to their denial of this. As you are well aware, there are many reasons that can come up to deny such loans.

Senator HARRIS. One of the things I've found as I've been around the country, is that oil companies in particular have for some time been moving into other energy sources—coal, uranium, etc. As I understand what you've said, the same kind of situation exists here in regard to this geothermal energy?

MARTIN MCDONOUGH. That's correct. There's Union, there's Signal, there's also another oil company that has taken over Geothermal Resources International, as I believe they used to be called. They are very active now. They conceive the monies that are ever-present there, and it is a cheap source of supply, so this is why it is so important at this time at hearings like yours that we start developing some governmental regulations of this. I'd hate to see future generations faced with the deplorable electrical situation that we have today.

Senator HARRIS. Well, I really appreciate that. As I said, this is a somewhat new situation to me, but one I find very alarming. I want to compliment you and others like you who are making the fight for the general public. I just hope that these hearings and your testimony here may add to the fight. I thank you very much for your presence and for our statement.

MARTIN MCDONOUGH. Thank you.

Senator HARRIS. Thank you. Incidentally, I think it's really outrageous that with the awful demand for power in this country that we are often wasteful consumers of energy and power. Think what that's doing to the country insofar as pollution and depletion of natural resources, and the stripping of land for coal, etc., and yet in a building like this you can't turn off the lights in one room. That just seems like a hell of an outrage to me that that should be so.

MARTIN MCDONOUGH. No comment. (Laughter)

Senator HARRIS. I want to look into that. Thank you very much. We will recess now for lunch and resume at not later than 1:30.

Thank you very much.

STATEMENT OF MARC GROSSMAN, LEGISLATIVE COORDINATOR, UNITED FARM WORKERS

Senator HARRIS. The hearings will come to order. I apologize to all of you that were here on time that I was inadvertently delayed. Our first witness of the afternoon is representing the United Farm Workers—the Legislative Coordinator of the United Farm Workers, Mr. Marc Grossman. Mr. Grossman, I'm pleased that you are here and we'll be glad to hear from you at this time.

May I just say for those of you who might not have been here this morning, that these ad hoc public hearings will be transcribed and published in the Congressional Record and presented to the relevant committees in the House and Senate where there are issues which are brought out in the hearings and legislation now pending and being prepared. I also hope that by holding these hearings in California, a presidential primary state, we may be able to get these issues more involved in the presidential campaigns in 1972 and thereby have more immediate impact. Mr. Grossman.

MARC GROSSMAN. Senator, we would like to thank you for giving us the opportunity to make a statement here on a matter which is of interest to us. There is a double standard, we feel, in rural California and rural America. There is one standard for large landowners and the agribusinessman, and there is another standard for the farm worker and the laborer, the vast majority of whom are Mexican-American, Filipino and Black. When a man robs a bank, they call it a felony and they send him to jail. As a matter of fact, I think it is a federal felony and in all probability the FBI takes part in tracking down and evidence gathering. When a poor bank teller or clerk embezzles money from a firm or trust, he is prosecuted and perhaps imprisoned. But when a giant farming conglomerate or large family grower subverts the letter and spirit of the law, and in the process steals from the taxpayers and the power users of the nation millions of dollars annually, there is hardly a head turned in the seats of authority responsible for safeguarding the public interest. As a matter of fact, our government, instead of trying to correct these abuses, is actually aiding in the conspiracy.

There was an article on the front page of the Fresno *Bee* on Friday, January 7, 1972, written by a Mr. George Baker, concerning a 160-acre law being violated in Kings County. It stated in part:

"A Fresno federal judge has absolved Kings River area farmers from federal acreage limitation laws in a ruling which could have far reaching consequences. District Judge M. D. Crocker yesterday ruled the so-called 160-acre limitation cannot be applied by the U.S. Bureau of Reclamation to 1.1 million acres of rich farmland fed by the Kings River water stored behind the Pine Flat Dam."

And in another section, it said:

"The principal beneficiaries of the ruling will be the large-scale farmers of the Tulare Lake area, such as J. G. Boswell Company and Salyer Land Company."

Senator, there is a double standard in this state and nation. When a farm worker spends a large part of his wealth building up the wealth of a rich grower's ranch, and then he is fired one day because of mechanization, ill health or old age, and thrown out of his livelihood without any kind of security, without employment insurance—which Governor Reagan vetoed as a Christmas present for farm workers last year—without a pension, without a medical plan, and through sheer poverty has no choice except to turn to the County Welfare Department for assistance, what's going to happen? In Kings County, where Boswell and Salyer companies receive millions of dollars of the taxpayers' money in public subsidies, there is no food stamp program. And why is there no food stamp program? Because the growers in that county don't want one. And why don't they want one? Because they don't want to be saddled with the financial burden of one, and because the concept of "doling" welfare out to poor farmers is against their principles of free enterprise. You know, that's a very interesting concept, welfare. When the government squeezes out a few crumbs to feed a malnourished farm worker's child, they call it welfare. But when a multimillion dollar grower receives millions of the taxpayers' dollars for benefits he is not even entitled to receive, for benefits which were designed to aid a class of small family farmers, they don't call it welfare. They call it something else. They call it subsidies.

There's a state of anarchy in the State of California. There is a flagrant flouting of the written law as it pertains to the whole question of subsidies and government benefits, and who is entitled and who is not entitled to receive them. Now, I'm sure you know this, and I'm sure most people here know this. And I'm not an expert on cotton subsidies, or the 160-acre limitation or the Williamson Act, but what I would like to do is make a few brief statements on some aspects of these subsidies as they affect the farm workers' struggle for economic dignity through collective bargaining.

In the last twelve years, farm workers have been engaged in a life and death struggle for dignity and self-determination. They have been fighting to build a union, a union that would be begun by farm workers, run by farm workers and dedicated to filling the needs and aspirations of farm workers. They have been struggling nonviolently in the tradition of Gandhi and Martin Luther King, Jr. They have gained some remarkable victories in the face of overwhelming odds, mainly through hard work, dedication and a great deal of sacrificing. Many of the strikers have lost their homes, their cars and most of their worldly possessions, but out of this conflict has come a national union dedicated to gaining for all farm workers of America the rights that other United States working people gained twenty or thirty years ago. A few weeks ago the Farm Workers Union dropped its official status as an organizing committee and was granted a fully, independent charter by the national AFL–CIO. We are now the United Farm Workers–AFL–CIO, until later on this summer when the farm workers will converge in a national convention when they will name the new union.

But these recent victories are only a small beginning. There are farm workers in Florida and in the South suffering even greater indignities than here in California, who are now organizing behind the United Farm Workers. Where farm workers work under the protection of union contracts, conditions improve and wages and benefits increase. Workers under union contract now enjoy minimum wages, improved working conditions, sanitary facilities in the fields—including toilets—cool, clean drinking water, overtime, grievance procedures, protection from extremely dangerous and toxic poisons, a medical plan, and two clinics. Our clinic in Delano was staffed by four full-time doctors, and we have a clinic in Calexico. Farm workers, really for the first time, are starting to enjoy the kind of political freedom that they have never had without fear of reprisals or discharge. But, unfortunately, only about one percent of the growers in this nation are covered under union contract. The vast majority of the rest are still operating under a cruel and inhuman labor system that has kept farm workers in an oppressed state for generations.

Now what's our government doing about all this? Anyone receiving Reclamation Act water on land in excess of 160 acres, or in some cases 320 acres, is violating the law and receiving an illegal subsidy. Many of these growers are also engaged in oppressing their workers. So by granting these illegal subsidies to growers who are engaging in exploitative labor practices, the Federal Government is in essence closing its eyes to the suffering of farm workers.

In California, government—both at the state and federal levels—grants benefits and subsidies to growers who are in constant and persistent violations of the law. Growers in California discharged their workers for union activities. They violate state sanitary laws and Food and Drug Administration regulations and laws regarding food picked under sanitary working conditions or poisoned by pesticides. Growers work children 12 years of age or younger over eight hours or more a day. In the Imperial Valley in 1970, our Union had a labor strike against melon growers there, and the growers hired eight- and nine-year-old children to work as strike breakers. And in many areas of California you can drive around and see little kids that you think are going to Sunday School and ask them where they are going: "I'm going to go and pick garlic," or something like that—little kids in straw hats, 8, 9 and 10 years old.

Growers continue to misuse pesticides, endangering both farm workers and consumers, in violation of the state law. In an average year, 1000 people die from these pesticides, many of them children who get into carelessly left-around pesticide containers or pesticides sprayed in the fields. In a farm workers union contract, there is a health and safety clause. I am quoting from a contract signed March 31, 1970, by Mr. Lionel Steinberg, who I understand is to testify here. This is a farm workers Union table grape contract. It's a good example of a lot of the contracts that are signed in the table grape industry. In it:

"DDT, Aldrin, Dieldrin, Endrin, Parathion, Tepp and other economic poisons which are extremely dangerous to farm workers, consumers and the environment, shall not be used."

Others specify that the organo-phosphates, which are also dangerous to farm workers, are to be used only in keeping with the strict application of state safety laws and the approval of a worker-elected health and safety committee. I would like to leave with you a copy of a Farm Workers Union Contract as an exhibit.

Senator HARRIS. Thank you, I would like to put that in our record.

MARC GROSSMAN. During the lettuce strike in the summer and fall of 1970, the pesticide issue was the issue that the workers were probably more concerned with than any other issue. Even in many cases, more than with wages. The reason that the balance of the lettuce industry broke up negotiations with the Farm Workers Union last year was their refusal to negotiate on the issue of economic poisons. Growers may grant that the farm workers might know something about what they need to eat and live on, but most growers are much too paternalistic to admit that farm workers might also know something about the safety conditions and the working conditions under which they have to work.

Growers create numerous industrial hazards—buses without brakes, tractor drivers ill-trained for that kind of work, resulting in numerous injuries and death. Growers violate sections of the Social Security Act by failing to report money taken from workers as deductions, and this is rampant in many areas of the country—not so much, maybe, as it used to be but it is still around. Now some of our people don't think that these kinds of things happen any more, but they happen daily. Workers are being cheated on wages and being brutalized by growers, forcing them to work long, hard hours that contribute to the fact that the average farm worker dies at the age of 49.

Now, it is bad enough that these unjust, exploitative conditions exist in agriculture, but the least that the government should do on state and federal levels when it finds out about these injustices is to make sure that it in no way aids growers in this oppression. Instead, our government has acted as a silent partner to the suffering of farm workers and the bilking of the taxpayers of the nation.

The Federal Reclamation Act is a good example of the methods that arrogant growers use to dominate the law. Not only farm workers are victimized by the abuse of the law, but many small and marginal growers also suffer from the effects of subversion of this Act. Several years ago two farm workers, who also owned small plots or agricultural holdings in the southern Tulare County area, instituted a suit that was filed on their behalf by Charles Farnsworth, an attorney for the United Farm Workers Organizing Committee. They stated that they were being denied a supply of water adequate for farming their own lands because of the illegal sales and deliveries to large growers by the Interior Department and the Irrigation District. The local Irrigation District where the suit was filed was the Delano-Earlimart Water Irrigation District. One of the workers was quoted as saying, "I have to support my family with the wages I earn working for these big growers. I can't make a living on my own farm because I can't get enough of this irrigation water. The Irrigation District tells me there isn't enough water, but I know it's because the big growers are getting it all."

The reason that those two small growers—I think they were on about 40 acre farms—couldn't get enough water was because two very large table grape growers in that area were receiving federal water under the Reclamation Act on their acreages in excess of, I believe it was 1500 or 2000 acres, so there wasn't enough left over for the people for whom the Act was designed. This federal policy of helping small farmers has been subverted for years by this kind of illegal delivery of water to big growers, and millions of dollars of the taxpayers' money has been wasted in this subsidy to rich corporate farmers, and the government has done absolutely nothing to correct it.

Many farm workers would also like to be small growers. It is very interesting because I understand that a lot of doctors and lawyers and professional people in the cities use the Reclamation Act as an easy tax write-off for investment or speculative purposes. I think the Act should also be to the benefit of the small growers and farm workers who would like to go into some sort of marginal farming, because after all it was for them, I understand, that the Act was originally passed.

If the spirit of the Reclamation Act is ever to be fulfilled, that is, if it is ever to benefit a class of small family farmers on acreages of 160 acres or below, then this vicious cycle of the subversion and the flouting of the law must be corrected. I have already estimated that the average taxpayer pays hundreds of dollars per year to provide cash subsidies to growers. Recent reports indicate that the growers' greed is not even fulfilled with this, that many growers have conspired and have been conspiring for years to fleece the taxpayer out of even more revenue. A good example, as mentioned this morning with regard to Kern County, where growers receiving subsidies for cotton under the Agricultural Soil Conservation Act through the local ASC Committee in Kern County, were in flagrant and rampant violation of that law—where 40 percent of its growers there were violating the law. And this is a situation which is really unique to California in many ways. You have violations, I imagine, in other states but nothing like this.

In the farm workers struggle, the water subsidy has had its effect. In the Imperial Valley lettuce industry, the Western Growers and Shippers Association would have been forced to come to the negotiations table by now had it not been for the financial backing they received from the Federal Government in the form of water subsidies. In many areas of this state, in the Imperial and Coachella Valleys where we have had strikes against growers, the fact that large growers exist at all is due nearly entirely to the existence of these water irrigation projects and districts and the water subsidies that they receive.

But the water issue is not an isolated example of the government complicity in the grower opposition of the plight of oppressed farm workers. During the lettuce boycott of 1970–71, the Nixon Administration through the Department of Defense opposed the farm workers' boycott by drastically increasing their purchases of scab lettuce from the Bud Antle Corporation. The United Farm Workers filed suit in the Federal District Court against Bud Antle Corporation, Secretary of Defense Melvin Laird and the Department of Defense, charging violations of the First and Fifth Amendments to the Constitution and the Administration Procurement Act and other procurement regulations, which essentially establish a policy against the federal agencies taking sides in labor disputes.

Now we contended that the Department of Defense—and they'll probably do this again when we institute the lettuce boycott, I'm sure they will—but we contend that when the Department of Defense spends millions of the taxpayers' dollars for the purchase of a field product which is most definitely involved in labor disputes, that that isn't maintaining neutrality.

The Federal Government has even refused to continue its investigation of a very serious and very real plot to assassinate Cesar Chavez. In late August of last year, agents of the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service contacted Mr. Chavez and his aides and informed the Union of a plot to assassinate him. This investigation was closed down several months later without having revealed who put up the money or actually the whole network of conspiracy. We could only think in its most charitable light that this was due at most to bureaucratic negligence. But perhaps a more realistic political rationale for it is that there are political considerations in this, especially when you consider who the Secretary of the Interior is. A man who, when he was Governor of the State of Texas, used his private police force, the Texas Rangers, in gestapo-like tactics in breaking our strikes in that state.

Senator Harris. Secretary of the Treasury. You said Secretary of the Interior, but you mean Secretary Connally?

Marc Grossman. Yes.

The Border Patrol has a history of generations of racism and harassment to Mexican-American farm workers in the Southwest. On February 10 of this year, the Border Patrol killed a 21-year-old farm worker in Livingston, California, without any provocation at all, according to the statement of Cesar Chavez right at point-blank range. It was an arrogant injustice committed by a despotic armed man against a humble, unarmed worker. It is an outrage that we should have to suffer assaults and murders by the officials of the government that calls itself a government of democracy and justice.

Our movement is expanding among farm workers everywhere. It represents a group that seeks social justice. We are men and women of dignity and peace, and we live our convictions in nonviolent struggle for social change. We are not violent, but we feel anger when one of our brothers is unjustly murdered. Whenever any person who has any kind of firearms enters a field where our members are working on a contract, there will be a sitdown in that field.

And this is only part of the Border Patrol and Immigration's history of opposition to our Union and the whole question of illegal aliens. For years the Border Patrol has refused to investigate or conduct raids on ranches where we are picketing or striking. A good example is Mr. Earl S. Smittcamp, who was recently appointed by Governor Reagan as a member of the State Board of Agriculture. Mr. Smittcamp has a reputation of being one of the most notorious users of illegal aliens in the Fresno County area. And yet the Border Patrol consistently refuses to raid his ranch. However, where our member was murdered in Livingston, California, the Border Patrol conducts regular harassment and humiliation of farm workers. I might add that through our hiring hall procedures, we try to issue work dispatches to only legal residents and American citizens, and of course we help illegal aliens with immigration problems. We are concerned with that. But we're not going to sit by in a situation where illegal aliens, imported by growers, are used to break our strikes and depress wages.

There seems to be a trend in this state and with the state and federal bureaucracies whereby the agencies that are responsible for enforcing and administering the law have become co-conspirators in the subversion of the law, and have even become law-making bodies themselves. These agencies and these government offices which are responsible for enforcing the law decide which offenses they will prosecute and which offenses they will not prosecute. And year after year we have seen big government scandals concerning the stealing of the taxpayers' money by these growers. You know, there is really no big problem in understanding why this occurs and why these agencies refuse to enforce the law, because the growers control the agencies. With the device of the cotton subsidies, the growers control the ASC Committees in the counties and state on the state level, such as in Kern County.

With regards to the water reclamation question, the growers control the individual water irrigation districts, such as the Delano-Earlimart Water Irrigation District and others. And even now the growers through the legislative process are trying to use the same method that they used to feather their caps with these subsidy programs to try to get rid of us. The growers are now trying to set up agencies and special committees and commissions legislatively to deal with farm worker unionization. Committees and agencies which are being set up, or attempted to be set up, exactly in the same way they were set up in the cases of water, land and tax subsidies—committees controlled by Reagans and Nixons, and through them by the growers themselves.

We understand that within the next few days or few weeks, the Nixon-employer controlled National Labor Relations Board is going to enjoin us on the boycott, that they are going to declare the boycott illegal, and I imagine it can eventually result in some sort of contempt of court action where the leaders—the officers—of our Union may go to jail again.

This is not going to stop farm workers from organizing. Farm workers will strike and march and picket and boycott, and do whatever else it is necessary to do until all farm workers in this land have dignity and justice through organized strength.

The growers throughout the State Houses in this country under the leadership of the American Farm Bureau Federation and other reactionary groups, such as the National Right to Work Committee, are attempting to pass legislation destroying the farm workers unions in the State Houses. They are setting up a smoke screen by using the secret ballot union representation election as a front for the right-to-work anti-boycott, anti-strike laws which they are trying to pass, and this is being done simultaneously in fifteen states across the nation. So that at one time we have, right now, about four legislative crises across the United States, from Florida to Kansas and Idaho.

Another trick the growers are using is a referendum, an initiative referendum, they are trying to get on the ballot in California—with a great deal of financial help from the food chain stores, by the way. The man who is in charge of getting this referendum on the ballot is a guy by the name of Walters, and he got George Wallace on the presidential ballot here in '68. They are using a great deal of fraud in getting people to sign this referendum. They are passing the referendum off as a lower food prices kind of thing. In many cases, they are telling people who sign it that they are signing a pro-farm worker, pro-United Farm Workers referendum, and, fortunately, we checked with the Secretary of State's office here in California, and I think they need something like 325,000 signatures and as of last week they had about 16,000. So we hope it won't get on the ballot, but this is just another way that the growers are trying to get around the farm workers' boycott and strike. They know they can't beat us on the strike or boycott any more, so they are trying to do it through legislation and through voting.

When the Farm Workers Union was founded in 1952, Cesar Chavez and the other early organizers saw the plight of the farm workers as the result of a basic power imbalance in rural California and rural America. There is a situation where growers control and still make the most important decisions in farm workers' lives. That is, those decisions covering wages, working conditions, and hiring and firing practices. And grower racism and paternalism aside, these crucial economic decisions are made as a rule, not on the basis of the human interest of the workers, but rather on certain economic principles related to economic self-interest and the maximization of profit. Moreover, this structural deficiency in the economic framework of rural California and rural America carries over into social and political activities of rural communities where growers dominate local school boards, city councils, county boards of supervisors, rural law enforcement agencies, and state and federal regulatory offices and their enforcement outposts in rural communities.

The problem of the 160-acre limitation, the problems of the Williamson Act in this state, and the cotton subsidies, and all their abuses cannot be understood apart from the larger picture of agribusiness domination in rural America. At the core of this problem lies the vicious stranglehold that growers have on all aspects of life in rural California and America, and it is this stranglehold that must be broken if we are to have any kind of progress in this country.

The Farm Workers answer to this was and still is to counter this oppression with their own organizational strength, the strength of workers coming together into a union of their own to engage their employers in collective bargaining as equals across a negotiating table, and not as peons of the field. Farm workers are struggling and are being subjected to a vicious legislative campaign now to destroy their union, because they are trying to gain political and economic freedom—something they never had before.

The kind of hard-nosed, determined nonviolent battles that farm workers have waged through strikes and boycotts is the only language that the masters of the land can understand. Committee hearings, speeches, studies and written law cannot and have not helped farm workers in their plight, and they cannot and they will not help get some equity. Only strong law and order enforcement will do that, and, unfortunately, we feel very strongly that there will be no such enforcement until the power balance is changed and organized farm workers, through their own union, have equal power in the community. Then enforcement will come, as is happening now, in areas where we have Union contracts and where labor and sanitation laws are now being enforced through our Union committees.

Senator Harris. I agree with that. I think that the American way is to confront them with organized and group power, and that's exactly what you are doing. And I commend you and the United Farm Workers, which you represent, for helping bring some kind of power to a group which has been economically and politically powerless in our society.

The thing that is interesting to me is how all these companies with which you deal are proud to call themselves representatives of the free enterprise system. And yet, we subsidize them in so many ways; we subsidize them with food stamps, for example, for those counties where it's allowed. And those who do work for them at decent levels of pay probably have to pick up part of that to the degree that food stamps are provided, instead of having the company start by paying a decent wage to begin with. So you are fighting the public's battle in many ways, and that's only one. But also in the labor laws, isn't it true that if you are Tenneco or Standard Oil of New Jersey, whereas in your usual business you are subject to the labor laws, if you move into agriculture you're not. And, therefore, there is a kind of built-in incentive in the law for big conglomerates and others to go into the farm business.

Marc Grossman. It is very interesting, Senator, that in 1965 the first strike of the National Farm Workers Association, which was the predecessor to the United Farm Workers Union, was a strike at the Mt. Arbor Nurseries in McFarland. Mt. Arbor Nurseries were owned by a firm actually in Cincinnati, Ohio. The Reverend Chris Hartmeyer, Director of the California Migrant Ministry, made a call to the man out in Cincinnati, or out in the Midwest, who owned Mt. Arbor Nurseries, and said we have a situation here where the workers are on strike and demand Union representation. And the guy said, "Oh, is that so. We have contracts with our employees in other areas, so we will contact our lawyers." Reverend Hartmeyer called him back a few days later, and the man told him, "Well, farm workers are not covered by the National Labor Relations Act. We don't have to do anything," and hung up on him. It isn't as simple as that. A lot of people say we want coverage under the NRA, which is not true because the only reason the growers really want us to be covered by the National Labor Law is to use it as a weapon to destroy our Union.

Senator Harris. What about plans for land reform? Are there any long-range plans? I understood there may be in the United Farm Workers for the workers themselves to become small growers, either individually or through cooperatives?

Marc Grossman. Well, there's always plans, you know. The only problem is that in the next few years, and in the foreseeable future, our Union will spend most of its financial assistance in staying alive. When farm workers gain economic strength through recognition, then there will be a whole slew of programs and reforms, I think, in rural America. But I think that that could never happen until we actually gain the kind of large-scale recognition that may take us several years.

Senator Harris. Did the United Farm Workers support that bill by Senator Harrison Williams for the right of farm workers to organize?

Marc Grossman. Well, Senator Williams has been a long-time friend of the Farm Workers Union, and at this point all I could really say is that we are opposed to any inclusion under National Labor legislation. I believe we have been talking with Senator Williams about, and I am not exactly sure as to the details of the communications there.

Senator Harris. I am surprised that is so. I would think that would give you additional power, particularly in the event you run into problems through the courts on boycotts.

Marc Grossman. No, not really. You see the problem is, Senator, that to be covered under the National Labor Relations Act, we would also have to be covered under Taft-Hartley and Landrum-Griffin. I think an understanding of the history of those laws is necessary. The Wagner Act was passed in the '30's when the Congress felt that there was this great imbalance between the power of labor and the power of industry. Therefore, we had the Wagner Act to try to correct this imbalance and give labor some rights and some advantages. Then after the war the Congress, however erroneously, believed that Unions were big and powerful and their excesses had to be curbed. So they passed the Taft-Hartley, which is a great restriction on organizing today, and later Landrum-Griffin. We are already covered under parts of Landrum-Griffin, because of our affiliation with the AFL–CIO. But our position as a Union is very similar to the kind of position unions had back in the '20's and '30's—a young, fledgling struggling union—and we want the same kind of twelve-year breathing period that other unions had in industry.

Furthermore, we have many advantages under our present situation today that we would not have under NRA; for instance, we would not be able to boycott. We may not be able to boycott anyway because of the Nixon Administration, at least not for awhile, but we can do that without coverage under NRA. Actually, I think a lot of people think we enjoy it, you know, but it's not anything enjoyable at all. It takes farm workers away from their homes and families and friends for months and years at a time, and to places they have never been, thousands of miles away from where they were born. It's a very hard kind of work and it can be very lonely and very demanding. But when growers break our strikes by getting exemptions from rural judges, and when growers' goons beat up our workers and threaten us with violence, it's impossible to continue in a strike situation. The only nonviolent alternative we have is that of boycott, and it has proven to be the most effective economic weapon in the history of the American labor movement. So any law that would destroy that boycott, destroys the only nonviolent and principal economic weapon we have. I know it's a very sticky issue, although the Union has never officially come up for inclusion under NRA. It is interesting, too, that the growers only recently changed their position on that, because for years they opposed any kind of inclusion for farm workers under labor legislation. And all of a sudden, around 1970 when we signed the balance of the contracts we have with the table grape industry, all of a sudden the growers decided, well we've got to get these guys under laws now. We haven't been able to beat them on the boycott and the strike, but we ought to get them under legislation. I think you have to understand that the whole movement by the Farm Bureau and the Right-to-Work Committee and the growers associations across this land that cover farm workers under state and federal legislation is nothing but a smoke screen to destroy our Union.

Senator Harris. I appreciate having that insight expressed, and I do appreciate your being here very much, Mr. Grossman.

Marc Grossman. Thank you.

Document submitted by Mr. Grossman follows:

Collective Bargaining Agreement

This agreement is made and entered into at Los Angeles, California as of the 31st day of March, 1970, by and between the party whose name appears on the signature page hereof under the designation of "Company" ("Company" herein) and United Farm Workers Organizing Committee, AFL–CIO (herein "Union").

The parties agree as follows:

SECTION I. RECOGNITION

A. Company does hereby recognize Union as the sole labor organization representing Company's agricultural employees (herein called "workers") and recognizes and agrees to treat and negotiate with Union as the sole and exclusive bargaining agent for and on behalf of such workers on properties owned or leased by Company, and all other workers employed by Company. The term "worker" shall not include supervisory employees with the authority to hire or fire (herein called "Supervisors").

B. Company further recognizes the rights and obligations of Union to negotiate wages, hours and conditions of employment and to administer this Agreement on behalf of all covered employees.

C. Neither Company nor its representatives will take any action to disparage, denigrate or subvert Union, nor will they promote or finance any competing labor organization.

D. Neither Company nor its representatives will interfere with the right of any worker to join and assist Union. Company will make known to all workers that they will secure no advantage, nor more favorable consideration nor any form of special privilege because of non-participation in Union activities.

E. Company will make known to all workers, supervisors, and officers, its policies and commitments as set forth above with respect to recognition of Union and will encourage employees in the bargaining unit to give utmost consideration to supporting and participating in collective bargaining and contract administration functions.

F. Supervisors and other workers not covered by this Agreement shall not perform work on operations performed by workers in the bargaining unit as defined in this Agreement, except for improvement of processes, testing of equipment, and training. Company agrees that this paragraph shall not be used as a basis for the purpose of avoiding the recall of bargaining unit workers from layoff or displacing bargaining unit workers from work they would normally perform.

G. Any claim by Union that on-the-job conduct of any non-bargaining unit employee is disrupting harmonious working relations may be treated as a grievance under the grievance procedures of this contract.

H. There shall be no sub-contracting without prior consultation and agreement with the Union.

SECTION II: UNION SECURITY

A. Union membership shall be a condition of employment. Each worker shall be required to become a member of Union immediately following seven (7) continual calendar days of employment, and to remain a member of Union in good standing. Union shall be the sole judge of the good standing of its members. Any worker who fails to become a member of Union within the time limit set forth herein, or who fails to pay the required initiation fees, periodic dues or regularly authorized assessments as prescribed by Union shall be immediately discharged upon written notice from Union to Company. The preceding sentence is not intended to limit the grounds for determination of good standing.

B. Company agrees to furnish Union, in writing, a list of workers giving the names, addresses, ages, Social Security numbers and type of job classifications.

C. Company agrees to deduct from each worker's pay all initiation fees, periodic dues and assessments as required by Union, upon presentation of individual authorizations, signed by workers, directing Company to make such deductions. Company shall make such deductions from the worker's pay once monthly and shall remit same to Union not later than the 15th day of the following month. Vacation pay is subject to monthly dues deduction. Union will furnish the forms to be used for authorization. Company will furnish Union with a duplicate copy of all signed authorizations.

D. Union shall indemnify and hold Company harmless from and against any and all claims, demands, suits, or other forms of liability that may arise out of or by reason of action taken by Company for the purpose of compliance with any of the provisions of this section.

SECTION III. SUCCESSOR CLAUSE

A. This Agreement shall be binding upon the successors, administrators, executors, and assigns of the parties hereto.

B. In the event a farming operation or part thereof is sold, leased, transferred, conveyed in any manner, or taken over by sale, transfer, assignment, receivership or bankruptcy; such operation shall continue to be subject to the terms and conditions of this Agreement for the life hereof. Company shall give notice of the existence of this Agreement to any purchaser, transferee, lessee, or assignee of the operation covered by this Agreement or any part thereof. Such notice shall be in writing, with a copy to the Union, at the time the seller, transferor, or lessor executes a contract or transaction as herein described.

SECTION IV. HIRING

A. Whenever Company requires workers to perform any work covered by this Agreement, it shall notify Union, stating the number of workers needed, the type of work to be performed, the estimated starting date of the work and the approximate duration thereof. Said preliminary notice shall be given at least two weeks prior to the estimated starting date. Company shall give Union a further notice fixing the exact starting date at least forty-eight hours prior to the date fixed for actual commencement of the work.

B. Upon receipt of said latter notice, Union shall use its best efforts to furnish the requested number of workers. If Union does not furnish the requested number of workers on the date of the beginning of the work, Company shall be free to procure needed workers not furnished by Union from any other source. If Company procures workers from any other source, it will make available to Union, in writing within seven (7) days thereafter, the names, Social Security numbers, job classifications, and addresses of all workers so hired, provided, however, that Union shall be entitled, acting on its own, to ascertain such information from such workers at any time after twenty-four hours following the hiring of such workers. Such workers shall be subject to the provisions of Section II of this Agreement.

C. The number of workers requested by Company shall be reasonably related to the amount of work to be performed in ratios related to Company's previous practices.

D. Company will notify Union in advance of lay-offs either within seven (7) days, or as quickly as possible, and will furnish Union with a list of those workers that have been laid off either within twenty-four hours or as quickly as reasonably possible thereafter.

E. When filling vacancies and making promotions, demotions, transfers, layoffs, recalls from layoff or reclassification, preference will be given to workers with the greatest seniority provided they have the qualifications to perform the work under normal supervision with reasonable efficiency.

F. Seniority will be defined as the total length of continuous service or actual days worked. Any authorized leave of absence or vacation will be deemed days worked if such time would have been work days. Seniority will not be accumulated during time not worked.

G. If less than the usual work opportunity is available, preference in hiring shall be given to workers with the longest seniority.

H. Union will assume responsibility for compliance with seniority. Company shall be entitled to rely on seniority determinations made by Union, and Union will indemnify Company and hold it harmless of and from any claims, demands, disputes or actions arising out of or in connection with such determinations as shall have been made by Union.

SECTION V. DISCRIMINATION

In accord with policies of Company and Union, it is agreed that neither party will discriminate against any worker on the basis of race, age, creed, color, religion, sex, political belief, national origin, or language spoken.

SECTION VI. MAINTENANCE OF STANDARDS

Company agrees that all conditions of employment for workers relating to wages, hours of work and general working conditions shall be maintained at no less than the highest standards in effect as of the date of this Agreement. Conditions of employment shall be improved wherever specific provisions for improvement are made elsewhere in this Agreement.

SECTION VII. REPORTING AND STANDBY TIME

A. A worker paid on an hourly or piecework basis who is required to report for work and does report and is furnished no work or less than four hours of work for reasons other than Acts of God shall be paid at least four hours for that day at the worker's hourly rate of pay or the worker's average hourly piece rate earnings. The term "Acts of God" shall include, but not be limited to, a drop in allowable sugar content of any particular variety of grape during the first week of harvest only.

B. A worker shall be paid for all time he is required to remain on the job ("standby time") at his hourly rate or average hourly piece rate earnings.

SECTION VIII. CAMP HOUSING

A. Allocation of available camp housing shall be on a non-discriminatory basis without favoritism. The factors of race, color, creed, religion, age, political belief, national origin or language spoken shall not be considered in distribution of available dwellings.

B. Camp housing shall be free of charge. Board shall be operated on a non-profit basis.

SECTION IX. WORKER SECURITY

A. Company agrees that any worker may refuse to pass through any picket line sanctioned by Union.

B. No worker under this Agreement shall be required to perform work that normally would have been done by employees of another Company who are engaged in a strike, or to work on goods that will be handled or are destined to be handled by other workers engaged in strikebreaking.

SECTION X. CREDIT UNION WITHHOLDING

Upon proper written authorization from a worker, deductions as provided for in such authorization shall be made by Company for the Farm Workers Credit Union, and such monies forwarded to that organization.

SECTION XI. LEAVES OF ABSENCE

A leave of absence without pay shall be granted to a worker for a reasonable period for any of the following reasons, without loss of seniority:

A. For jury duty or witness duty;

B. Up to two (2) years for illness or injury of worker requiring absence from the job;

C. A worker of Company who serves his country pursuant to the Selective Service Act shall not lose any seniority, job rights, or other benefit. Upon return from such service, such worker shall be granted a job equal to that he would have had with Company had he remained in Company's continued employ.

D. For valid personal reasons.

SECTION XII. DISCHARGE

A. Company shall have the sole right to discipline and discharge workers for just cause provided that in the exercise of this right it will not act in violation of the terms of this Agreement.

B. Prior to any discharge, Company shall notify a steward and/or Union official and such Union representative shall be present when formal charges are made.

C. The Union representative shall have the right to interview employees in private.

D. Within twenty-four (24) hours after any discharge for just cause the Union representative will be notified in writing of the reasons for such discharge.

E. Individual performance in relation to a piece rate or incentive plan shall not be conclusive evidence for the purpose of discharging a worker.

SECTION XIII. LEAVE OF ABSENCE FOR UNION BUSINESS

A. Any worker elected or appointed to an office or position in Union shall be granted a leave of absence for a period of continuous service with Union. Fifteen (15) days' notice must be given the Company before the worker takes leave to accept such office or position or chooses to return to work. Such leave of absence shall be without pay. Seniority shall not be broken or suspended by reason of such leave.

B. A leave of absence without pay shall also be granted for temporary leave to conduct Union business provided reasonable notice is given.

SECTION XIV. RIGHTS OF ACCESS TO COMPANY PROPERTY

A. Duly authorized and designated representatives of Union shall be permitted on Company premises in connection with the normal conduct of Union affairs.

B. In the exercise of the foregoing privilege, there shall be no unnecessary interference with the productive activities of the workers.

C. Before a Union representative contacts any of the workers during regular working hours, he shall notify Company that he is on the premises.

SECTION XV. RECORDS AND PAY PERIOD

A. Company shall keep full and accurate records, including total hours worked, piece rate or incentive records, total wages and total deductions. Workers shall be furnished a copy of the itemized deductions each payday which shall include the worker piece rate production record.

B. Union shall have the right, upon reasonable notice given to Company, to examine time sheets, work production or other records that pertain to worker's compensation.

SECTION XVI. BULLETIN BOARD

Company will provide bulletin boards placed at such central locations as shall be mutually agreed, upon which Union may post notices.

SECTION XVII. ROBERT F. KENNEDY FARMWORKERS MEDICAL PLAN

Effective as of the date of this Agreement, Company shall thereafter during the term of this Agreement contribute to the Robert F. Kennedy Farmworkers Medical Plan ten cents (10c) per hour for each hour worked by all workers covered by this Agreement.

SECTION XVIII. HEALTH AND SAFETY

Company and the United Farm Workers Organizing Committee, AFL–CIO recognize the need to protect and conserve human life, water, soil and vegetation. Economic poisons, when used incorrectly by a grower in agriculture on any crop, may be harmful to farm workers and to consumers, disrupt the earth's ecology and do not properly serve the farmers. In the hope of developing, with the help of Federal, State and University consultants, new, imaginative and creative approaches to the problem of conserving our natural resources, and in hope of taking progressive steps to protect the health of farm workers and consumers, Company and Union agree that the subject of economic poisons is a necessary and desirable subject for this collective bargaining agreement.

Company and Union agree as follows:

A. Union shall cause to be formed a Health and Safety Committee (the "Committee") comprised of workers' representatives. Members of the Committee shall have free access to all records concerning the use of economic poisons. The Committee shall participate in the formulation of rules and practices relating to the health and safety of workers including, but not limited to, the following: use of economic poisons; the use of garments, materials, tools and equipment as they may affect the health and safety of the workers; and sanitation conditions.

B. DDT, ALDRIN, DIELDRIN, ENDRIN, PARATHION, TEPP and other economic poisons which are extremely dangerous to farm workers, consumers and the environment, shall not be used.

C. The Committee shall approve the use of organo-phosphates. Company will notify Committee at least seven (7) days prior to the application of organo-phosphate material. Such notice shall contain the information set forth in paragraph D, below. The Committee shall determine the length of time during which farm workers will not be permitted to enter a sprayed field following the application of an organo-phosphate pesticide. One baseline cholinesterase test and other additional tests shall be taken at the expense of Company when organo-phosphates are used. The results of said tests shall be given to Committee immediately, and, if requested, to an authorized Union representative.

D. The following records shall be kept and made available to the Committee and to any other authorized Union representative:

1. A plan showing the size and location of fields and a list of the crops or plants being grown.

2. Pesticides and economic poisons used including brand names plus active ingredients, registration number on the label and manufacturer's batch or lot number.

(a) Dates and time applied or to be applied.

(b) Location of crops or plants treated or to be treated.

(c) Amount of each application.

(d) Formula.

(e) Method of application.

(f) Person who applied the pesticide.

(g) Date of harvest.

E. No worker under this Agreement will be required to work when in good faith he believes that to do so would immediately endanger his health or safety.

F. There shall be adequate toilet facilities, separate for men and women in the field readily accessible to workers, that will be maintained in a clean and sanitary manner. These may be portable facilities and shall be maintained at the ratio of one for every forty workers or fraction thereof.

G. Each place where there is work being performed shall be provided with suitable, cool, potable drinking water convenient to workers. Individual paper drinking cups shall be provided.

H. Workers will have two (2) rest periods of ten (10) minutes which insofar as practical shall be in the middle of each work period.

I. Tools and equipment and protective garments necessary to perform the work and/or to safeguard the health of or to prevent injury to a worker's person shall be provided, maintained and paid for by Company, such as but not limited to: grape knives, rain gear, gloves, pruning shears, and umbrella for tractor drivers. Workers shall be responsible for returning all such equipment that was checked out to them, but shall not be responsible for breakage.

J. Adequate first aid supplies shall be provided and kept in clean and sanitary dust proof containers.

SECTION XIX. GRIEVANCE PROCEDURES

A. The parties to the Agreement agree that for all differences, misunderstandings, or disputes which arise between Company and Union in regard to wages, working conditions or other conditions of employment, discharge or any other dispute, an earnest effort shall be made to settle any difference immediately as follows:

Step 1. Any disagreement or disputes between company and any worker, or union, shall be taken up within seven days of its discovery and the responding party shall respond immediately, if possible but no later than 24 hours from the presentation of the dispute and disagreement.

Step 2. In the event that such dispute cannot be settled within one work day, the matter shall be taken up by a Union representative with Company's representative.

Step 3. If the matter is not settled under Step 2 within two (2) work days, the matter in dispute shall be reduced to writing and submitted to Company's designated representative and a Union representative.

B. If the parties have not resolved a dispute arising out of the interpretation of this agreement within seven (7) working days, the matter shall be submitted to an arbitrator selected by Union and Company. If they cannot agree on an arbitrator, one will be chosen by the Federal Mediation and Conciliation Service, and his decision on the matter shall be final and binding on both parties.

C. A grievance committee of five (5) workers shall be established by the Union which committee may participate at any step of the grievance. If Company requests a meeting of this committee during working hours, Company shall pay the members for their time at their hourly rate or average piece rate.

D. Any disputes arising between Union and Company under Sections I, XXV, II or IV shall be taken up directly by Company's representative and Union's representative and shall proceed immediately to arbitration, if said persons cannot resolve the dispute within five (5) days.

E. All testimony taken at arbitration hearings shall be taken under oath, reported and transcribed. The arbitrator's fees and expenses shall be assessed as a part of his award against the losing party as he shall determine the same.

SECTION XX. UNION LABEL

The parties contemplate that a Union label (certification mark) will enjoy a competitive advantage in the market. The parties wish to insure that the public cannot be deceived in purchasing non-union picked grapes under a fraudulent Union label (certification mark). In order to insure that such fraudulent marketing does not and cannot take place, the following information will be made available to an official representative of Union:

A. Labels or labeling process:

1. Name and registration number.

2. Printing source.

3. Amount ordered.

4. Amount used.

B. Shipping information:

1. Method: truck, rail, air or sea.

2. Name of shipper.

3. Name of broker.

4. Destination.

5. Type of sales arrangement, including but not limited to district sales, consignment, credit, auction, contract or other arrangement.

C. Union Label or Seal. Each lug and/or unit (as that term may be agreed upon) shipped shall bear the Union label or seal. The Union label or seal cannot be sold, transferred, or assigned in any manner. Company will place on each lug and/or unit for sale in a visible manner a Union label such as the Union may designate.

D. Security Clause. It is recognized that violation of this provision will cause actual damage which is difficult to ascertain, but which includes expenses attendant upon informing the consuming public of this misuse and misrepresentation of other non-union growers. These expenses will approximate $10,000. The damages for violation of this provision, therefore, shall be $10,000 plus $1,000 for each mislabeled carload shipped.

SECTION XXI. MODIFICATION

No provision or term of this Agreement may be amended, modified, changed, altered or waived except by a written document executed by the parties thereto.

SECTION XXII. DURATION

This Agreement shall be effective as of March 31, 1970, and shall continue through the 30th day of March, 1973. Thereafter, the Agreement shall continue in effect from year to year unless either party gives the other written notice of its intention to terminate, which notice shall be given sixty (60) days prior to any anniversary date of this Agreement. Notwithstanding the foregoing, either party shall have the right at any time after January 1 of a contract year to notify the other in writing of its desire to reopen Sections *XVII, XVIIIH and XXIII* for the purpose of renegotiation, and if such renegotiation has not resulted in a mutual agreement prior to the end of said contract year, then the provisions of Section *XXV* shall become inoperative unless, on or before the end of said contract year the parties shall have mutually agreed to submit said issues to arbitration.

SECTION XXIII. WAGES AND OTHER BENEFITS

A. Appendix A which is attached hereto and made a part hereof sets forth the schedule of wage rates which shall apply to all jobs in the bargaining unit.

B. Incentive and piece rate workers shall have guaranteed an hourly earnings rate of not less than the rate applicable to general labor as set forth in Appendix B of this Agreement.

C. A worker will be paid jury duty pay and/or witness pay for any days of work missed (not exceeding seven) due to the performance of such duty. Jury duty pay and/or witness pay is defined as the difference between the fees received by such worker for performing such duty and his regular earnings up to eight (8) hours per day for each such day of jury duty and/or witness service. To receive pay under this provision, the worker must provide Company with a copy of notice summoning him to appear for jury duty or witness duty and if so requested, documentary evidence of the amount of jury fees and/or witness fees received for performing such duty.

D. Vacations with pay shall be granted to eligible workers who qualify for such vacations. Workers shall be eligible in the calendar year following the first anniversary of employment and annually thereafter for a two-week vacation, provided that, in order to qualify for vacation pay such worker must have worked two thousand (2,000) hours in the prior calendar year. Vacation pay will be computed on the basis of the hourly rate (or his average hourly piece rate earnings) applicable on the last day worked prior to the vacation.

E. Overtime pay based on time and a half shall be paid to all women and minors who work more than eight (8) hours per day.

SECTION XXIV. HOURS OF WORK

A. A normal work day will consist of no more than eight (8) hours per day, Monday through Saturday. A normal work week will consist of forty-eight (48) hours.

B. The foregoing is not considered to be a guarantee of hours per day or hours per week.

SECTION XXV. STRIKES, BOYCOTTS AND LOCKOUTS

A. There shall be no strikes, boycotts of union-picked grapes or lockouts.

B. If any of said events occur, the officers and representatives of Union and/or Company, as the case may be, shall do everything within their power to end or avert such activity.

SECTION XXVI. COUNTERPARTS

This Agreement may be executed in counterparts, each of which when taken together shall constitute the original agreement between the parties.

In witness whereof, the parties hereto have caused this Agreement to be executed as of the date and year first above written.

United Farm Workers Organizing Committee, AFL–CIO.

The Grape and Fruit Company.

STATEMENT OF LIONEL STEINBERG, FRUIT GROWER, THERMAL, CALIFORNIA

Senator HARRIS. Our next witness is Mr. Lionel Steinberg, president of David Freedman & Company, Inc. Mr. Steinberg is a fruit grower from Thermal, Calif. Mr. Steinberg, thank you for your patience in coming here and staying all this time. I will be pleased to hear from you at this time.

LIONEL STEINBERG. First, it is a pleasure to be here, Senator. I have followed your career with a great deal of interest. I think you are performing an outstanding public service to Americans of both political parties.

Senator HARRIS. Thank you.

LIONEL STEINBERG. It was good of you to come here to California.

My name is Lionel Steinberg. I was born in Fresno, California, and graduated from Fresno State College in 1940. Following graduation I did a year of graduate work at American University Graduate School in Washington, D.C., in soils and agricultural economics. I spent one year at the Harvard Graduate School of Business, Naval Supply Corps School, serving in the U.S. Navy from 1942–1946.

I have spent over 30 years farming, harvesting and marketing California fruits and vegetables. During this period I have grown some 20 of California's 100 crops, and am presently growing table grapes and citrus in Coachella Valley.

I served as a member and as the Vice President of the California State Board of Agriculture from 1959 through 1970, and served on the White House Food for Peace Council 1961–1964. Since 1963 I have served as a National Trustee of the American Freedom from Hunger Foundation.

In 1963, I served as a member of the first 7-man mission that was sent by President John F. Kennedy, the U.S. Department of State, and the Governor of California, to Chile, to initiate an agricultural program in that country.

I served as Chairman of the 1962 and 1963 California Farmers People-to-People Missions to the Soviet Union, Yugoslavia, Poland, Bulgaria, East Germany, West Germany, Belgium, France, Italy, England and Israel.

In 1965, I was appointed by U.S. Secretary of Agriculture Orville Freeman to serve on a 15-man Citizens Advisory Committee on Civil Rights, 1965–1968.

I wish to express my appreciation for the invitation to testify here on the problem of land and resource monopoly and its effects on the people of California, and to make some suggestions for changes.

I would feel remiss if I did not remind my fellow Americans that in no period in our history have the American people been better fed for a smaller portion of the family income. In 1972 the average employed American family buys a healthful, varied diet containing ample quantities of meat, poultry, dairy products, fruits and vegetables for ⅙ of the family income. 25 years ago a less healthful and less varied diet took ⅓ of the family income.

During this same 25-year period, ½ of the nation's farms have disappeared—some 30 million people have abandoned their family farms for an insecure life in the cities, where 75% of the people are crowded only on 2% of the land. Our remaining 2.8 million farms are disappearing at the rate of 2,000 farmers each week. I have read recently that the American Farm Bureau Federation and other exports forecast that in 15 years there will be only 500,000 farms remaining in the United States. In 1950 there were 10 million farm workers, and in 1970 4.2 million farm workers.

Here in California the decline of the family farm has been just as precipitous. In 1960 there were 108,000 farms in the State, with an average of 359 acres each. By 1970 there were only 56,000, averaging 654 acres. The latest U.S. Census reports that 54% American farmers grow 97% of the production on 88% of the 292 million acres farmed in the United States; and according to the USDA in 1970 a total of 45 corporations controlled 61% of California's prime agricultural land.

Despite the fact that agriculture, in the past 25 years, led all American industries in increased productivity, American farmers earned the smallest return on their invested dollars, and the lowest return for their own labor. It is my humble opinion that many members of the Congress need to be reminded of the people who make up rural America.

A million family farmers were forced off their farms during the Ezra Taft Benson era, from 1952 to 1960. This erosion continued during the 1960's, and is accelerating under President Nixon.

In my opinion the Nixon farm program has been an abysmal failure. The plight of the American farmer has worsened. The corporate invasion of agriculture by billion dollar companies and conglomerates is gobbling up rural America with its goal of integrating agriculture from seedling to the supermarket. The parity ratio is down to the 1933 levels. That is why there was a massive rebellion in Congress when President Nixon recommended the appointment of former Assistant Secretary of Agriculture Earl Butz to the Cabinet as Secretary of Agriculture . . . because he is a man whose views are diametrically opposed to the preservation of the family farm.

In the rural communities of America that used to be a prosperous way of life, local merchants who once sold machinery and materials to the farmers, and the small business man, are disappearing, along with the destruction of the rural, social and economic structure of this country. These are the people whose economic wellbeing is tied directly to the dollars returned from farm activities. These are the people who have been squeezed between rising costs and lowered prices and are fast disappearing as a viable part of our economic community.

As the smaller family farm disappears, so do the small businessmen and the small communities of the countryside. Replacing the family farms are multipurpose corporations and conglomerates whose tax shelters and benefits give them advantages not available to the individual farmer. These large units do not become a part of the rural communities. Their business is conducted with persons far removed from the local area. The total result is an abandonment of the rural areas. Billion dollar corporations and conglomerates are the octopus squeezing the bona fide family farmer out of existence.

Here in California, Tenneco brags that they have become a $4.3 billion company in assets in just 27 years, with over $2½ billion in annual sales. Depreciation from their Tennessee Gas Transmission system and oil and gas holdings, are used to develop and farm 25,000 acres of crop land, and promote and sell to business and professional men another 100,000 acres.

The overall effect is to make Tenneco, Purex, United Brands, International Telephone & Telegraph, Greyhound, John Hancock Life Insurance Co., Ralston Purina, Stokely Van Camp, Coca-Cola, Dow Chemical and Southern Pacific, the agricultural giants who control super farms, endangering the food supply of the nation.

The present tax structure of the United States encourages industries to enter agriculture, frequently taking heavy farming losses, while acquiring tax credits with the long range plan to own land speculatively as a counter-inflationary capital investment. Their machinations and disregard for overproduction can bankrupt family farmers when they over-flood the market place with crops.

The perfect example of this is in the lettuce farming where United Fruit, Purex and others have inundated the country with lettuce plantings which have rapidly driven f.o.b. prices down to packing charges, resulting in the elimination of three-fourths of the individual lettuce farmers who cannot compete and obtain financing from banking institutions against these new farm Goliaths.

The worst example in the nation is here in California. Again, I am speaking of Tenneco. That company has sought vertical integration from the manufacture of pesticides and farm machinery through production, processing and marketing. When they acquired Kern County Land Company, they acquired several hundred thousand acres of the richest farm land in California. They then proceeded to develop some of this acreage with funds derived from natural gas and oil depletion allowances, and tax advantages.

If Tenneco had limited their operations to slowly developing their own farm lands, it would have been bad enough. However, they have joined with Hollis B. Roberts, one of America's most prominent ranchers, in an unholy alliance to lure doctors, lawyers and other professional men into gentleman ranching.

Hollis Roberts teamed up with the New York brokerage firm Hayden, Stone in forming Haygrove, Inc. That company obtained options on 20 tracts of farm land, totalling over 6,000 acres in California, and set up a limited partnership operation called Jasmin Groves, to develop the property as citrus and nut orchards. In December, 1968, it offered 720 partnership interests in Jasmin Groves for $10,000 each in down payment, plus an additional $15,000 to be paid subsequently as required. 1968 was the last year that business men and professional men were allowed to purchase farms with 5-years prepaid interest. That plan called for prepaying $4,763,000 of the interest, which would allow each partner putting in an initial $10,000, to take a tax deduction for the first year of $8,700.

The Los Angeles Times, February 22, 1972, reported the newest twist in conglomerate-brokerage house maneuvers. On that day, Hollis B. Roberts, president of Roberts Farms Inc., announced the purchase of an additional 25,000 acres of prime farm land in Kern County from Tenneco West Inc. The transaction, worth about $42 million, brings the total purchased by Roberts from Tenneco within the last few months to 70,000 acres, worth some $65 million.

Now here is an interesting twist. Tenneco's newest subsidiary, Heggblade Marguleas Tenneco, knows very well that to develop 70,000 acres of farm land into trees and vines would require in excess of $250 million. Apparently $250 million is a large sum for even a billion dollar corporation. So this is where Hollis Roberts enters the picture. It appears it will be up to him and assorted brokerage houses to find 2,000–3,000 San Francisco, Beverly Hills and other big city investors who will each assume the financial responsibility of providing tax dollars for the planting of 30–40 acre parcels.

At the end of 5 or 6 years over one-half the cost of development will be borne by the Treasury Department through tax loss farming, and if growing wine grapes, walnuts, citrus and nut crops is not profitable, the non-farmer owner can walk away from it and figure it was a loss like a bad stock purchase. In the meantime, when the 70,000 new acres of crops come into production, it will provide permanent competition for the full-time efficient family farmer who must make his entire living from farming. As you gentlemen know, trees and vines, when well cared for, live for 20 or 30 years.

At the same time, Tenneco, through its subsidiaries and its tie-in agreements with Hollis Roberts, will retain the marketing rights on this acreage which may generate $100–200 million per year in sales, from which they will extract packing and selling profits of about 10%.

This contract is in existence, Senator. I wonder if you could obtain a copy, since none of us in agriculture in California are privy to some of the finer points of this agreement between Hollis Roberts and Tenneco. I think it's a matter of public interest and perhaps there may even be antitrust implications.

Senator Harris. That's a good suggestion, and also as a member of the Senate Finance Committee, I would be very interested in that, because it obviously takes advantage of the tax laws, capital gains in particular, and I'll try to look into that to see if it would be possible to get a copy.

Lionel Steinberg. This is a vicious cycle. Over-planting of almost any crop produces vicious results. Those of you with a knowledge of elementary economics know that fruits and vegetables are items of flexible demand. A small amount of overproduction in lettuce, tomatoes, peaches, table grapes, etc., can result in disastrously low prices in the market place.

That is why, in the recent "money crunch" of tight money, California's major banking institutions faced the problem of how to justify supplying loans to small farmers growing speculative crops. Eventually many of them made a decision to continue to finance the most efficient family farmers with a long record of good operations. However, this period of Nixonomics brought the downfall of many new young farmers, and family farmers without the managerial experience required of financial institutions.

Someone should remind the American people that they spend only 17% of their take-home pay for food products at the supermarket. Only 40% of that 17% gets back to the farmer—about 6½% of the consumer's take-home pay.

I have just completed four months serving as chairman of the Agriculture, Water and Rural Development Committee preparing recommendations for the California Commission on Platform and Policy that will carry California's views to the Democratic Convention. This Committee was made up of 20 members who conducted meetings and hearings in Fresno, San Francisco, Sacramento, Los Angeles, and the Coachella Valley, soliciting views of farmers and rural Californians on agriculture, water and rural development. The public was invited, regardless of party affiliations. Expert testimony was heard from many eminent Californians.

The theme that ran throughout the session was the fear of the impact of conglomerates on the family farm. The president of the world famous Sun-Maid Raisin Growers, Allen F. Mathers, responded to our invitation in both written and oral testimony. He said, in part, "It is certainly true that the entry of large business firms, basically oriented to nonagricultural operations, into farming activities will occasion some changes in the overall shape of California agriculture. In addition to this, however, it is apparent that in many areas—particularly specialty crops—non-corporate investors have deemed it advantageous to place funds into agricultural production. These have generally been characterized as the "professional men," such as doctors, lawyers, etc. Substantial numbers of businessmen are also included in this group of individuals who feel that investment in agriculture can provide some tax shelter, as well as appreciation of the real estate asset."

Mather concluded, "We would recommend that legislation be adopted to require capitalization of costs involved in vineyard plantings, until the time that the vines become bearing. This approach has heretofore been applied by Congress to citrus groves and almond orchards. It seems only appropriate that the same treatment be applied to vineyards.

Senator Harris. Does that mean that it wouldn't be treated as expenses that could be charged off against ordinary income, so that a person couldn't buy that up as an expense tax loss?

Lionel Steinberg. Which would lessen their enthusiasm for growing figs, plums, peaches, apricots, table grapes and wine grapes.

Senator Harris. Right.

Lionel Steinberg. Mr. Les Thonesen, President of the Fresno County Farm Bureau, who is a family size farmer growing nectarines, grapes and oranges in Parlier, California, stated and I quote him in part, "The family farmer has been the backbone of this country and agriculture. He will remain this as long as he has the freedom to produce and market his commodities, if he is given the technical knowledge to progress with the times. Every effort should be made to take away tax or other advantages that large corporations may enjoy by going into agriculture. If this is done, in my opinion, there will always be family size farms in America."

It is my hope that both political parties at their national conventions will address themselves seriously to the unparalleled problems of American agriculture, and to rural America itself. Some of the recommendations we have made to the Democratic Party are the following:

(1) We urge that farming be returned to farmers in the 1970's. Legislation is needed to preserve the efficient family farm, and turn back the increased dominance of agriculture by large corporations.

(2) We urge that farm income be raised to a level that will preserve the integrity and future efficiency of the full-time family farmer. Farm income should be at full parity level with that of the non-farm business. Seldom has the American farmer received a commensurate return on his investment in his land, buildings and equipment comparable to that received by other businesses.

(3) Despite an abundance of food available for those able to pay for it, one-fifth of the people in the richest nation of the world suffer from malnutrition and hunger. The Food Stamp program inaugurated to prevent hardship among law income people, the aged, and the needy, must be maintained, and expanded. Every child in America is entitled to one decent meal a day provided by a school lunch and school milk program. Adequate school lunch facilities should be made available in every school in the nation.

(4) Establishment of a food and feed reserve plan whereby essential commodities will be stockpiled as a safeguard against crop failures to assist our nation and other nations in times of famine and disaster, is of prime importance.

(5) We urge the support of the National Marketing and Bargaining Bill of 1971 which would extend protective legislation to the agricultural community long enjoyed by labor and industry assuring the consumer of a consistent and ample supply of farm produce at fair prices and give the farmer a voice in the marketing of his product. It would attempt to restore balance to the farm economy through national bargaining and marketing legislation, and would for the first time give the farmer the power to bargain collectively commodity for commodity in the market place under the law.

(6) We urge that agriculture be brought under the National Labor Relations Act. We support and recognize the right of farm workers to bargain collectively and to join unions of their own choice, with the right to register their choice by secret ballot.

(7) Young farmers must be encouraged to enter agriculture by long term, low interest loans, particularly applied to areas where Federal funds have established vast water projects.

(8) Support and encourage agricultural cooperatives in their endeavor to improve economic returns to farmer members.

(9) Halt the encroachment in agriculture by the giant conglomerates that seek to control America's food supply from the seedling to the supermarket. They have access to vast sums of development capital; they use unfair tax writeoffs and can spread losses and profits from one business to another, and they enjoy the biggest Federal subsidies. This encroachment on agriculture by conglomerates, aiming to control our food and fiber, will be halted by:

(a) Enforcement and strengthening of the Sherman Anti-Trust Act.

(b) Stemming unfair trade practices.

(c) Eliminating tax loss loopholes and write-offs, whereby farm losses are offset by non-farm income.

(d) Discouraging land speculation.

(e) Reducing natural resource depreciation allowances.

(f) Discouraging excessive land holdings and encouraging laws favoring resident operator run farms.

(g) Providing equal pricing advantages and marketing conditions to producers of equal quality commodities.

(h) Enacting laws altogether prohibiting conglomerates from engaging in agricultural production.

(10) We urge programs providing technical assistance, grants and low cost loans to qualified young farmers, and qualified farm workers seeking to become proprietors of small family farms. Particularly, incentives should be given to those seeking to utilize production processing and marketing co-ops.

In conclusion, may I commend you and your colleagues who are the co-sponsors of a Senate antitrust measure—the Family Farm Act of 1972—that would require large corporations to divest their agricultural operations. I noted with interest that this Act provided that persons and organizations owning or controlling more than $3 million in non-farm enterprises, or over $1 million in stocks or shares of one or more businesses, would be prohibited from controlling land for agricultural production. General exceptions are farmer-owned cooperatives, charitable and educational institutions and non-profit research organizations.

This legislation, with some amendments, would encourage the self-sufficiency of family farmers and arrest out-migration from rural areas, stopping the trend toward control of rural America by conglomerates.

Senator Harris. Thank you very much, Mr. Steinberg. I won't take more of your time, and the time of others who have been waiting a long time to testify, except to say that I am grateful for your testimony, and say, too, that I noted what you said about the platforms in the National Conventions and of your own efforts in that regard to be serious, which I certainly commend.

Document submitted by Mr. Steinberg follows:

Members—Agriculture, Water and Rural Development Committee—California Democratic Party Commission on Platform and Policy

Lionel Steinberg, Chairman, P.O. Box 501, Thermal, California 92274, Residence—797 Via Vadera, Palm Springs.

Ruth Gelman, Vice Chairman, 6633 Kane Way, Bakersfield, California 93309.

J. Frank Bennett, General Manager, California Prune Bargaining Ass'n., 455 Capitol Mall, Room 380, Sacramento, California 95814.

Joseph F. Branco, Manager, Western Dairymen's Association, Rt. 1, Box 128, Dos Palos, California 93620.

Berge Bulbulian, 2735 South McCall Ave., Sanger, California 93657.

Francis DuBois, 776 Sycamore Lane, Davis, California 95616.

A. E. Engel, Manager, Plumas-Sierra Rural Electric Co-op, P.O. Box 1136, Portola, California 96122.

Mark Eudey, California Municipal Statistics, 244 Kearny St., San Francisco, California 94108.

John H. Guthrie, Slough Ranch and Feed Lot, 20210 Avenue 176, Porterville, California 93257.

J. Russell Kennedy, Chairman, Calcot, P.O. Box 259, Bakersfield, California 93302.

Anthony J. Tarlock, Manager, Walnut Control Board, 2040 Pioneer Court, San Mateo, California 94403.

John Thurman, Jr., County Board of Supervisors, Rte. 5, 2125 Dunn Rd., Modesto, California 95351.

Tad Tomita, President, Naturipe Berry Growers, P.O. Box 6390, San Jose, California 95150.

L. T. Wallace, Economist, Agricultural Extension Service, 319 Giannini Hall, University of California, Berkeley, California 94720.

William E. Warne, Consultant, 209-8th, Sacramento, California 95818.

J. Keegan Watson, Watson Dairy, 201 Sunnyslope Ave., Petaluma, California 94952.

John C. Williamson, Chief Executive Officer, Senate Rules, Room 5100, State Capitol, Sacramento, California 95814.

Borghild Haugen, Executive Director, California Farmer-Consumer Information Committee, 1346 B Franklin St., Santa Clara, California 95050.

U.S. Congressman Bernie Sisk, House Office Building, Washington, D.C. 20515.

State Senator George Zenovich, State Capitol, Sacramento, California 95814.

AGRICULTURE

In no period in American history have the American people been better fed for a smaller portion of the family income. In 1972 the average employed American family buys a healthful, varied diet containing ample quantities of meat, poultry, dairy products, fruits and vegetables for 1/6 of the family income. 25 years ago a less healthful and less varied diet took 1/3 of the family income.

Since World War II one-half of the nation's farms have disappeared—some 30 million people have abandoned their small farms for an insecure life in the cities, where 75% of the people are crowded onto only 2% of the land. Our remaining 2.8 million farms are disappearing at the rate of 2,000 a week. The Nixon farm program has failed. The parity ratio is down to 1933 levels.

The small towns and communities of America, long dependent upon local dollar trade generated by family farm trade, are now squeezed by inadequate economic returns to the family farm unit. Replacing family farms are multi-purpose corporations and conglomerates whose tax benefits and shelters give them advantages not available to individual farmers. These large units do not become a part of the rural towns. Their business is conducted with persons far removed from the local area. The continued disappearance of family farms will result in the more rapid disappearance of small businessmen from rural communities. These communities may die. If they do, our country will suffer immeasurably.

The failure of farm communities will be felt by people in our large cities. The problems of one area become the problems of another. As people move from the rural area to our cities they compound problems of welfare, housing, pollution and crime in the metropolitan areas. In the short term we may not notice the loss of our family farmers—in the long term we will all notice both the shortage of food and fiber, and higher food prices, as well as the problems of crowded city living.

(1) It is the solemn pledge of the Democratic Party to return farming to farmers in the 1970's. Legislation is needed to preserve the efficient family farm, and turn back the increased dominance of agriculture by large corporations.

(2) We pledge ourselves to raise farm income to a level that will preserve the integrity and future efficiency of the full-time family farmer. Farm income should be at full parity level with that of the non-farm business. Seldom has the American farmer received a commensurate return on his investment in his land, buildings and equipment comparable to that received by other businesses.

(3) Despite an abundance of food available for those able to pay for it, one-fifth of the people in the richest nation of the world suffer from malnutrition and hunger. The Food Stamp program inaugurated by our Party to prevent hardship among low income people, the aged, and the needy, must be maintained, and expanded. Every child in America is entitled to one decent meal a day, provided by a school lunch and school milk program. Adequate school lunch facilities should be made available in every school in the nation.

(4) We must establish a food and feed reserve plan whereby essential commodities will be stockpiled as a safeguard against crop failures to assist our nation and other nations in times of famine and disaster.

(5) We support the National Marketing and Bargaining Bill of 1971 which would extend protective legislation to the agricultural community long enjoyed by labor and industry assuring the consumer of a consistent and ample supply of farm produce at fair prices and give the farmer a voice in the marketing of his product. It would attempt to restore balances to the farm economy through national bargaining and marketing legislation, and would for the first time give the farmer the power to bargain collectively commodity for commodity in the market place under the law.

(6) We recommend that agriculture be brought under the National Labor Relations Act. We support and recognize the right of farm workers to bargain collectively and to join unions of their own choice, with the right to register their choice by secret ballot.

(7) Young farmers must be encouraged to enter agriculture by long term, low interest loans, particularly applied to areas where Federal funds have established vast water projects.

(8) To maximize constructive foreign trade we must institute a thorough study of import and export activities so as to identify areas of unfair practices. It shall be our purpose to establish truly equitable trade programs within the framework of recognizing needs and problems of American farmers and the standards which they must meet in their production activity, including high wage levels.

(9) Create a stronger and more responsive U.S.D.A. Identify clearly the costs of programs assigned to the agency. Record for the public the costs of consumer programs, welfare programs, and general public programs separate and apart from farm programs.

(10) Continue to support and encourage agricultural cooperatives in their endeavor to improve economic returns to farmer members.

(11) Establish a national land use policy that will protect the prime agricultural land of the nation and will preserve living space for future generations. Land taxation based upon land use should be an integral part of such a program.

(12) We want farmers to have more access to commodity marketing orders. These are self-help programs in which farmers decide the procedures, scope and methods which they want to use in order to meet their own production and marketing problems. We want the nation's farmers to be encouraged to coordinate and use effective marketing orders at both the state and national levels. All farmers should be permitted the prerogative of self-determination in organization and marketing problems.

(13) The Democratic Party pledges to halt the encroachment in agriculture by the giant conglomerates that seek to control America's food supply from the seedling to the supermarket. They have access to vast sums of development capital; they use unfair tax writeoffs and can spread losses and profits from one business to another, and they enjoy the biggest Federal subsidies. This encroachment on agriculture by conglomerates, aiming to control our food and fiber, will be halted by:

(a) Enforcement and strengthening of the Sherman Anti-Trust Act.

(b) Stemming unfair trade practices.

(c) Eliminating tax loss loopholes and write-offs, whereby farm losses are offset by non-farm income.

(d) Discouraging land speculation.

(e) Reducing natural resource depreciation allowances.

(f) Discouraging excessive land holdings and encouraging laws favoring resident operator run farms.

(g) Providing equal pricing advantages and marketing conditions to producers of equal quality commodities.

(h) Enacting laws altogether prohibiting conglomerates from engaging in agricultural production.

(14) We urge programs providing technical assistance, grants and low cost loans to qualified young farmers, and qualified farm workers seeking to become proprietors of small farms. Particularly, incentives should be given to those seeking to utilize production processing and marketing co-ops.

(15) We recognize the growing pressure upon United States' fruit and vegetable growers from importation from countries paying extremely low wages, and urge Congress to provide reasonable import surcharges.

(16) We recognize that a strong, healthy cotton economy is an essential step toward prosperity for U.S. agriculture. A program for cotton should strive toward stability in price by building a reserve stock isolated from the normal market fluctuations. Meaningful price-support and export market programs should be employed to protect grower income and build increasing markets for U.S. cotton.

(17) To help meet the needs of the dairy industry we urge:

(a) Legislation to improve farm bargaining power.

(b) Development of realistic workable supply management.

(c) Price supports that will maintain a fair level of farm income.

(d) Effective operation of the marketing order under which more than 50% of all milk is marketed in the nation.

(18) The Democratic Party believes in the principle of Most Favored Nation treatment in world trade, and that this principle must be adhered to by all nations signatory to GATT in order to insure trading on a non-discriminatory basis. In order to insure that world trading returns to a non-discriminatory basis, and that the Most Favored Nation principle is preserved, this Party intends to pursue and resolve all cases of discrimination in trade, including discrimination against fresh citrus exports from the United States to the European Economic Community.

(19) Prolonged transportation strikes such as the recent dock tie-up causes irreparable damage to American agriculture. It is essential that a mechanism be established to eliminate long term work stoppages without vio-

lating existing rights of labor or management.

ENVIRONMENTAL CONSERVATION AND NATURAL RESOURCES

Man has, for years, fouled the air, water and land of planet earth. The consequences of such irresponsible acts are now confronting us. Remedial measures to compensate for past practices, as well as avoidance of future pollution, are essential if man is to continue his tenure on earth. As the greatest contributors to pollution, it is our obligation in this nation to take first steps towards remedial action. However, people of all nations must be concerned with the need to improve and protect the environment. To this end, an international approach holds promise. A meeting of the nations which contribute most to pollution is a beginning which is long overdue. The United States should assume leadership and call such an international meeting. This meeting should include the 18 most industrialized nations which account for 82% of the world's pollution, to join forces here in the U.S. to discuss emergency measures.

(1) We pledge restoration of a livable environment; conservation and prudent use of natural resources; clean water and clean air; waste disposal emphasizing recycling without offense to the people, to the landscape, or the rivers, the lakes and the seas.

(2) In furtherance of these objectives, we pledge appraisal of the long-term environmental impacts, and consideration of alternatives in order to avoid unwarranted social costs and environmental degradation by projects that are undertaken.

(3) Specifically, with regard to pollution, we pledge limiting agricultural burning in strict accordance with acceptable air quality standards; elimination, except under governmental control based on safety and ecological security, of persistent pesticides, and of dangerous poisons and wastes; prevention of unacceptable water pollution; and encouragement of regional solutions to agricultural and metropolitan drainage problems.

(4) We pledge increased research in problems of water degradation brought about by re-uses, by irrigation return flows, by industrial discharges, and by percolation of effluents.

(5) We pledge to apply the new programs based on advanced water sciences, such as desalination and weather modification, to specific problems and to bring them out of the stage of repetitive experimentation.

(6) We pledge periodic review of framework water and related land use studies in the light of new projections and the needs of urban areas, in which most of the people contend with the environmental consequences of their lives and their economic pursuits.

(7) We pledge to sponsor effective planning for air, water and land uses within metropolitan areas in which local governments will cooperate with state and federal resource and construction agencies to give effect to sound programs of environmental enhancement.

(8) We pledge protection of prime agricultural lands from monopolization and from urban sprawl, the preservation of greenbelts and open space, judicious dedication of wildernesses and wild rivers, and the reservation of parks, seashores and recreation areas while there is time to do so.

(9) In order to achieve these purposes, we will restate in conformity with the social objectives stated above the mission of the U.S. Bureau of Reclamation and of the Corps of Army Engineers and other federal agencies so that they will be compatible with the needs of the remaining decades of the 20th Century.

(10) Recognizing the changes and transitions that have occurred in American agriculture during this century; we urge an upward revision of the 160 acre limitation of the Reclamation Law of 1902, that will strongly enforce and preserve the intent of the law of project the family farm, but at the same time will recognize the changes in agriculture. Coupled with a change in the limitations should be programs to encourage land ownership by farm workers and qualified young farmers through long term loans and other incentives.

RURAL DEVELOPMENT

Over the last 25 years the rate at which the value of goods and services our country produces has increased twelve times faster than our population's growth—yet rural America continues to suffer from lack of jobs and access to social and cultural services of all kinds.

During the same period, 3 million farms have disappeared in the technological revolution that is still sweeping agriculture. More than 30 million people have abandoned the small farms and towns for the cities, so that 75% of our people are crowded onto 2% of the land. This has resulted in a national crisis of the environment. We must halt the trend toward megalopolis.

All states have communities and regions losing vital capable people to the cities and suburbs of the nation. Unless this national trend toward concentration is stopped, urban areas as well as rural areas will keep on "losing out." Everyone is involved in the solution of this situation.

It is of tremendous interest and concern, both in the short run and long run, that recognition of the problem result in direct activities that will maintain economically sound and socially desirable rural community areas across this nation.

Moreover, the farm area will be reduced to food producing regions devoid of the small towns that once were home to so many people. The people who once populated the rural areas are now crowded into the urban city life with all its complex and difficult problems.

Responsible decisions by people who know what they want for their communities and America are keys to opportunity to change our patterns. But we have to act now.

We must identify the needs of rural America, community and region, by community and region.

We must decide where America's dollars and resources for rural development can be invested for the most new jobs and for the greatest number and highest quality of services.

We must obtain the funds for making loans to the communities which do the best job of planning for responsibly managed jobs and service projects.

We must emphasize the creation of local and original plans and encourage community-wide participation and enforcement.

We strongly support the Democratic Party's U.S. Senate Consolidated Farm and Rural Development Act to finance major development and programs for America's smaller communities and rural areas in the interest of better balanced national growth.

Specifically we urge:

(1) Programs which create job opportunities which in turn have the greatest possible "spin-off" job creation potential.

(2) Programs which encourage profitable private investments to create local jobs.

(3) Programs to provide loans for responsibly planned water and sewer projects, waste management projects, housing projects and education centers.

(4) Programs to provide loan funds for quality health and medical services for people of all ages and income levels.

(5) Programs of effective job placement, counselling and on-job training.

(6) Programs which provide ready access to our diverse cultural heritage and expression.

(7) Programs specifically adapted to helping farm workers, permanent or migrant, share more equitably in the nation's wealth and social opportunities. Farm workers need help to voice their needs and obtain employment and social services.

(8) Effective waste management laws will eliminate pollution of air and water resources.

(9) A comprehensive land use plan is needed to enhance and maintain the agricultural areas of the Nation, and guarantee the city dweller open space and a pleasing environment now and for future generations.

(10) Rising technological advances in both industry and agriculture have resulted in unemployment of persons willing and able to work. Therefore, it is in the public projects, regionally located, including job training and education, with projects in the fields of public education, communication and recreation.

Statement of Walter Goldschmidt, Professor of Anthropology, University of California, Los Angeles

It is difficult to prove causation in history, for each society is unique and the forces are complex, but there are few who doubt that the nature of rural land tenure is intimately related to the character of the social order. Since the dawn of civilization, when intensive agriculture became the means by which man supplied his basic wants, the control of land has been a basic element in forming the character of society. By and large, where democratic conditions prevail, the man who tilled the soil was a free holder and in control of his enterprise. Where, on the other hand, the farming lands are owned and controlled in the urban centers, and the men engaged in production are merely peasants, serfs, or hired laborers, democratic institutions do not prevail. Those who framed our constitution and set the course of American history believed that this relationship was paramount. It lay behind Jeffersonian democracy; it lay behind the homestead act, and it lay behind the extension of the homestead principles in the development of irrigation under the Reclamation Act as formulated at the beginning of this century.

It is a remarkable fact that in this scientific era, so little empirical research has been done on this vital relationship. Indeed, I know of none other than that which I executed in 1944, and which was published by the U.S. Senate in 1946.[1] This research touches on these basic issues, but it was more modest in its scope. Essentially, it focused on the scale of farm operations rather than on external land control and absentee ownership (though these are not unrelated), and it focused only on the rural community itself, not on the broader social context. Yet this more explicit framework, necessary to the prosecution of research, is manifestly related to the broader consideration.

The study we made in 1944 on the towns of Arvin and Dinuba was one of "controlled comparison." We selected two towns which, as nearly as was possible, were alike in basic economic factors except that they differed in farm size. In scientific terms we treated farm size as the "independent variable," and examined the character of the social life and organization of the two communities as the dependent variable. It was thus designed to discover whether the size of the unit was a matter of importance in the determination of the character of the society. Our purpose in making this study was to provide an answer to the question as to what effects might the application of the acreage limitation law, under which the Reclamation Program is expected to operate, have on the rural life in California. The study was executed in the San Joaquin Valley, for that was the target

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area for the Central Valley Project, for which the study was made.

We found that in fact the two towns varied remarkably—variances that were consistent, statistically significant, and all in support of the principle that independent family farms created a healthier rural community. Though the total dollar volume of agricultural production was the same, the communities differed in the following important ways:

The small farms community had twice as many business establishments as the large-farm town and did 61% more retail business, with particular differential in the purchase of household goods and building equipment.

The small farms supported about 20% more people and at a measurably higher level of living.

The majority of the small farm community population were independent entrepreneurs, as against less than 20% in the larger farm community, where nearly two-thirds were agricultural wage laborers. And I might say agricultural wage laborers before Mr. Chavez. The Union has brought some dignity to that work. I was doing this right in the aftermath of the depression and you know the conditions at that time.

The small farm community in all instances had better community facilities: more schools, more parks, more civic organizations and more churches.

The small farm community had more institutions for democratic decision making and a much broader participation in such activities by its citizenry.

It is reasonable to ask whether in fact the size of farm differential was the essential determinant of these differences—and needless to say, this question was raised. Research under natural conditions cannot produce those perfect controls that a laboratory will provide, and we examined with great care the alternate hypotheses that were put forward by the critics of this study. The alternate explanation most frequently argued was that Arvin was much younger than Dinuba. When we plotted the growth of the towns, we found that Arvin was between 20 and 25 years younger, but that the facilities that differentiated the two communities were, in all instances, much older than this differential in age. We also made some comparisons with neighboring towns of Arvin's age where the farms were smaller and these, too, showed a richer local social life than the larger-farm community. We examined also differentials in the cost of production, such as water charges, and found that these were so nearly alike that they could not have had a differentiating effect on the local economy and community life.

It was part of the original research design to engage in a second phase of the study, in which we would investigate all the rural communities in the San Joaquin Valley. I had supplied to me by economists of the U.S. Department of Agriculture, by which I was employed at the time, data on the farm size of each of these towns. It was our intent to examine certain readily obtainable data relating to the kinds of differentials we found: physical facilities and amenities, churches and social organizations, existence of schools, banks and newspapers, and the like. We could then treat these either individually or combine them into a kind of "index of community quality" and then establish a regression curve between that index and the size of farms. Had we been able to do this, and had it supported the comparison between Arvin and Dinuba as I am confident it would have done, then there would have been no question of the cause of the differences between Arvin and Dinuba.

But a powerful pressure against the study developed, spearheaded by the Associated Farmers and picked up by the national press. Pressure was brought to bear on the BAE, so that its director ordered me to discontinue the investigation after I had completed the work on Arvin and Dinuba. The issue took on such magnitude that, 20 years later, it was the subject of a detailed historical review.[3] I find much lacking in this analysis, for the author failed to comprehend some of the basic issues and he left out some important events—such as the prohibition against the second phase of the study—but it nevertheless stands as testimony to the concerted effort to prevent the completion of the study—and by extension, freedom of discussion and inquiry. There were some [3] who believed that it was objections to this study that brought about the Congressional wrath that led to the curtailment of the BAE in general and that has led to its virtual abandonment of sociological research. There is, however, no direct evidence of this in the *Congressional Record*.[4]

In the invitation extended to me to testify here, it was suggested that I examine our research with the perspective of twenty-five years, and in the process I have reread my works on the subject and some of the controversy they engendered. I am satisfied that the canons of scientific inquiry were scrupulously followed, that the data are clear and unequivocal, and that the analysis is basically sound. It is important to emphasize that the analysis rests firmly on well-established and basic sociological theory, and I want to comment briefly on these theoretical matters. This involves some consideration of an earlier research on the town of Wasco, which was my doctoral dissertation and subsequently published (with two chapters on Arvin and Dinuba) under the title *As You Sow*.[5]

The thesis of *As You Sow* is that industrialized farming creates an urban pattern of social organization. Theories of urbanization stem from the great sociological tradition established by Ferdinand Tonnies, Max Weber, Emile Durkheim and Louis Wirth. The essence of this theoretical framework is that urban social orders are of a different kind from rural ones, characterized by social heterogeneity, social class, depersonalized social relationships which are dominated by pecuniary considerations rather than sentimental ties, and increased differentials of power leading to a source of alienation and apathy in the mass population. These theories were formed on the differentials between city dwellers and peasantries of Europe, but were recognized by American rural sociologists as applying to the cities and farm communities in this country as well.

And, of course, the study of Arvin and Dinuba showed that there were differentials within this, because if you have more of those qualities of industrialization you have more of the urbanized kind of social relationships. I was interested in the testimony this morning in hearing someone point out, seeing it from the standpoint of PG&E, that PG&E had somebody on the Chamber of Commerce in every little town. Well, this is something I discovered when I went to Wasco, but I saw it from the other side. That is to say, in Wasco the town quite clearly was being dominated, not by local leaders but by outsiders who came and went at the pleasure—not merely of PG&E, though PG&E was one, but Bank of America, McCormick-Deering, the oil companies—I can't remember—Union Oil was one of them and there were couple of oil companies who had their outlets there. And their managers, quite clearly—I mean, I didn't get records of this—but quite clearly they defined it as part of their task, or the job—to put it crudely—of running the town, of being sure that they were on the boards of directors of all the organizations and setting the opinion and the tone and attitudes. And it was very important to me in the prosecution of my business, for instance, not to get in the bad graces of such people. And I know that questions went back to San Francisco from the managers in some of those places as to the credentials and bona fides of this stranger in their midst. This is, of course, doing something to our rural communities in a very real and important way.

I do want to make another pont now—I'm trying to pick up the text on a matter of labor and unionization. It has appeared in various places of the testimony, especially that from the agricultural Farm Workers Union, that unionization is a necessary element and that the relationship between the unions and the small farmers is an integral relationship. And I believe this very firmly. I think, perhaps the current subsidy and the current deleterious effect of government policies in the '70's and in the '60's has been the tax benefits and tax breaks in this whole matter of capital gains and so on, of which others know much more than I. But at an earlier time, I am quite convinced that the important issue lay in the retention of underpaid, and I think that's the only proper way to put it, agricultural labor, extremely low-wage labor, which gives a subsidy to the large grower. The small grower, depending upon how large his operation is, obviously, gets a large percent of his income as a result of the work he does with his hands. And if the work he does with his hands is being paid at fifteen and twenty and twenty-five cents an hour, as it was at the time I was working in the California agricultural concerns, that meant it was a very low income to him, indeed, for the time he spent there. So, of course, he has been disadvantaged as opposed to those who were farming, as the saying went in those days, from the barns.

The matter of unionization requires some special attention. The larger growers in California have fought unionization in the past and have profited by the low level of wages. This has, in turn, been very hard on the small farmer, for a large proportion of his income derives from his own and his family's labor. It is an ironic fact that the early introduction of unionized labor would have helped to protect the small farm system, but that unionization has begun to take hold only after the invasion of the agricultural scene by the giant corporations. The irony is compounded by the fact that small farmers have, because of deeply felt ties to the concept of independence, generally been antipathetic to the unions. Thus while the establishment of strong labor unions in rural areas will come about largely as a result of large scale corporate operations, they are not themselves a threat to the continuation of the family indeed of super-Arvins.

The American society was built on the assumption that the population would consist largely of independent entrepreneurs—shop keepers, artisans, self-employed professionals and, above all, independent farmers. Industrialization has effectively eroded this concept for urban populations. The independent family farmer has been an important leaven, preserving that quintessential independence of spirit that has characterized American culture. The study of Arvin and Dinuba has shown what effect corporate and large scale control can have on rural community life; the vision of the future under increased corporate control of the land is the vision of Arvins rather than Dinubas—indeed of super-Arvins.

Is this an inevitable development; is it possible that there is no stemming the tide of an evolution toward corporate control of agriculture? There is no real evidence that this is the case. Governmental policies with respect to tax laws, with respect to agricultural aid, and with respect to farm labor have been potent forces affecting the growth of large scale and corporate farming. This growth cannot therefore not be said to be natural, but is the result of force-feeding—of the injection of fiscal hormones, if you will.

One aspect of this force-feeding for the growth of corporate farming has been the

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failure to apply time honored and established agrarian policies to current reclamation programs, such as the Central Valley Project. I am convinced that if such policies are applied to the area, there will be richer and better rural communities in the target area of the C V P, and furthermore, that this will be an important element in the preservation of the traditions of American life.

Senator **Harris**. Thank you for a very helpful and fascinating statement. I agree with you this hasn't been a natural kind of thing. It's been unnatural, brought about by government action. I have a few questions that obviously are on my mind and yours, but first, a more procedural question, that is, would it be possible today to find the kind of laboratory you did in Arvin and Dinuba to up-date that study and to do the further research that you had intended originally to do?

Walter Goldschmidt. I think it would. I think that California probably still provides that laboratory. I don't—my work has taken me in other directions, so I've come back and I'm having a kind of vis-a-vis of the whole situation. But, I still have the files and I'm still deeply and emotionally involved in these issues and problems. So I don't know exactly what's going on. Arvin has changed its character. I've been trying to find out how much land was developed in Arvin—I don't mean to say it has really changed its character, I mean the Arvin area got a lot of irrigation water and so the agriculture has expanded. And whereas Arvin and Dinuba had exactly the same economic base in '44 when I was there, I'm sure Arvin's base now has doubled, or trebled, or quadrupled. And I'm also quite sure that if that had been done with 160-acre homestead-like farms, that you would have not had one Arvin almost as good as Dinuba but you would have had two or three or four Dinubas. That I'm quite convinced of. The nature of the study, the nature of the way things went wouldn't have been exactly like Dinuba, because architectural styles and city planning styles differ, but they would have been communities.

This is one thing that Senator Nelson asked me, too, and I think there is an interest. I think it would be very important if this is to be done. For instance, I doubt that it could be done within the framework of the U.S. Department of Agriculture as it is presently set up. I think it ought to have, quite frankly, support from the Senate, either directly or indirectly; that it be done under the aegis of a committee. No one really knew how my study was done because of the Secretary's insistence that there be no mention of the Department of Agriculture here. It looked as if the Senate Small Business Committee had commissioned the study, which it had done no such a thing. But I think it could be done, and I think it could not only be done in California, but now that California—the culture of the future—seems to be spreading all over the United States, it probably should be done in parts of the South that have become corporate controlled and probably in parts of the Atlantic Seaboard, and maybe even the Middle West. The study would have to be done a little differently.

I spent two months in the field. I guess my budget was in the order of a one-man year, which is to say $5,000 at the time and which is to say $20,000 now, perhaps. Of course, I was in a big agency and the agriculture data, I didn't know how they got it, but they provided me with the size of farm data, and they provided me with the total value of crop production. As an anthropologist, I couldn't do that. You'd have to do it that way again. You would have to have a proper team of experts.

I think not only it can be done, Senator, I think very much that it should be done. I think this study was a powerful force in the 1940's; it was a fantastic force. I gather it has regained some of its momentum as a result of your and other Senators' interest in it. I think it would be awfully easy to say, but that's in another country and besides the wench is dead kind of thing about it, because if they would say well it's 25 years, and anyway, you know. The way the press puts it . . . it's really very, very funny. I usually dine out on stories of this. (Laughter) But, they'll put it down for that reason.

We validate things in scientific studies, even when we know the answer, what the true answer it, and I think it would be very, very important to set it for us, and to do it with the canons of scientific properties, as it was done originally. I was extremely cautious. I didn't even take the worst, the extreme community, on the farming comments . . . I guess my identifications are that I'm a scholar, and my identity as a scholar is paramount. And that's the kind of person you want for this job. I became a propagandist because my study was propaganda, that is to say, it came out to be a statement of this is what happens, boys, and this is what you are going to have to put up with . . . on an issue that was in the public press at the time. It's not my nature to be a propagandist, and the study was not made in a propagandist fashion at all but, as I say, I was prevented by the propagandists from taking the second phase.

Senator **Harris**. Well, I appreciate very much your being here and I hope the new interest being given to that study will get us back to the fundamental questions involved.

The other question is, could you reverse it if people had access to land and a decent life, and the working of it? Wouldn't the social and political and other organizations and institutions which will allow for human self-determination and freedom arise? I think we could look at examples such as Israel and others, and conclude probably that they were—at least that's the basic question you raised, isn't it?

Walter Goldschmidt. Your question, Senator, is, "Have we passed the point of no return to the demoralization of our culture and our heritage?" I'm certainly not going to be the doctor to say the body is dead. I don't think we ever pass the point of no return. Of course, it can be revived, it has to be revived. I look around me and I see the kind of young people that you have on your staff, that Senator Nelson has on his staff, and Nader's Raiders and the lot, and I'm not worried too much about the basic American spirit. I am worried about economic controls.

Senator **Harris**. Thank you. Thank you very much.

FOOTNOTES

[1] Walter Goldschmidt, Small Business and the Community: A Study in Central Valley of California on Effects of Scale of Farm Operations. Report of the Special Committee to Study Problems of American Small Business. The U.S. Senate, (79th Congress; 2d Session). U.S. Government Printing Office, Washington, D.C. December 23, 1946.

[2] Richard S. Kirkendall, Social Sciences in the Central Valley; An Episode. The California Historical Society Quarterly, 1964.

[3] Alden Stevens: Small Town America VII. Dinuba, California. The Nation, September 28, 1946.

[4] Walter Goldschmidt, Alive and Kicking (Letters to the Editor) The Nation, January 15, 1947.

[5] Walter Goldschmidt, As You Sow. Macmillan, 1947 (originally published by Harcourt, Brace).

STATEMENTS OF JEAN FLORES, DELANO, CALIF., AND DAVID MCMILLON, ARVIN, CALIF.

Senator **Harris**. I would like to call now on Mrs. Jean Flores and Mr. David McMillon of Kings County, California, who have been here very patiently with many others. Thank you for coming and we'll be glad to hear from you right now.

Jean Flores. I should like to make a correction. Mr. McMillon is from Kern County, Arvin, California.

Senator **Harris**. Oh, you're from Kern County, Mr. McMillon, and you, Mrs. Flores, are from Kings County?

Jean Flores. Right.

Senator **Harris**. O.K. Thank you very much.

Jean Flores. My name is Jean Flores. I am a daughter of a farmworker. I have migrated with my parents through out the San Joaquin Valley in my childhood years. In the past five years I have worked in the migrant traveled counties of Kern, Ventura, Fresno, Kings, Madera, Merced, Stanislaus, San Joaquin and Tulare. Through this experience I have become aware of the major problems in these basically agriculture areas. It is of Kings County, that I am here to provide testimony regarding conditions in that county.

The area of Kings County is 1,395 square miles and has a population of 66,300 as per census of 1965. The area of the county is 892,000 acres. Ninety-five percent of the land is privately owned, with 506,528 acres in farms and 342,041 acres in other lands.

The above indicators reveal that Kings County is a large agricultural area. One of the largest growers in the state of California controls Kings County. J. G. Boswell, who obtained four and a half million dollars in subsidies from the Federal Government is the largest land owner in Kings County. Agricultural prosperity blossoms out for this grower-controlled county. For the farmworkers of this area it means poverty. An example of this is that 60 percent of the residents in this county are on Welfare. The Kings County residents are on welfare because there is no work available, which reflects the subsidies that growers receive.

California growers are enriched and empowered not only by subsidized irrigation water, the world's largest welfare program some have claimed. The biggest growers, J. G. Boswell and Salyer who control Kings County, strengthen their control of our lives through political manipulation, which brings them the tax franchise subsidies of soil conservation programs, marketing order, acreage allotment for crops, guaranteed prices, and so on, as has been stated over and over again today. These government programs are administered entirely by local committees of farmers, the big growers control the committees which parcel out subsidies and financial assistance to obtain more land.

The size of some of these subsidies strain the imagination. The following growers rake in subsidies, Welfare in Kings County: J. G. Boswell, with four and a half million dollars; Salyer Farms, one million fourteen eight-sixty; South Lake Farms, one million four sixty-eight six ninety-six; West Lake Farms, six hundred twenty-two thousand five sixty-nine. A total of seven million six hundred and six thousand and twenty-five dollars.

The above is a sample of California farmer welfare recipients. A total of eighty-four farming operations in California received direct price support payments of over a hundred thousand in 1966. This story has been repeated over and over. The government makes laws to limit subsidies and the growers find ways to continue to collect subsidies. The process for them seems to be very simple.

Another example of the kind of power that is controlled by the big growers is the Williamson Act, that has recently passed in Kings County and at the same time the Food Stamp Program was turned down. The Food Stamp Program in Kings County would have cost $80,000 to be exact. Cost of commodities versus Food Stamp Program is the same. At the same time the grower-controlled board of supervisors passed the Williamson Act, which represented a half-a-million dollar tax cut to the rich growers. Because of this action Corcoran Schools, in Kings County, will lose $200,000 in tax revenues. As of Feb. 22, 1970, Kings County had 320,000 acres in preserves, dropped $17 million, in assessed value, losing $1.1 million in tax revenues.

Middle income people become the victims of rising taxes and place the blame on welfare recipients as a scapegoat. No one realizes the huge tax gifts that continually go to growers. The grower-controlled board of supervisors continue to divert public attention away from their own action and make the Food Stamp Program and Welfare a scapegoat for rising taxes. The large growers continue to manipulate Kings County.

The pity of all of this is that it took a thousand five hundred farm workers to camp in front of the courthouse for twenty-one days and nights just to force the board of supervisors to comply with the law. The board of supervisors were not in compliance with distribution of commodities as per Federal regulations. It took a court order and demonstration to bring the board into compliance.

The Social Workers Organization of the Welfare Department in Kings County supported the poor of that county. It takes no imagination to see the outcome of the poor in this county.

According to Dr. Arnald Schaefer, who testified before the Senate Select Committee on Nutrition and related Human Needs on January 1968, there are two significant indicators of malnutrition among children. One of them is the incidence and severity of dental problems among young children. The other is the incidence of functional anemia among young children. Dr. Schaefer further stated that many Dental problems among children are caused by lack of vitamin C and by a lack of fluoride. He also said that dental problems among children get worse because, as the child's teeth get worse, he usually eats more and more of the soft food that lacks the proper nutrients he needs.

The above statements on health problems bear out this crisis, since 60 percent of Kings County is on Welfare and receiving commodities.

Three years ago the Corcoran Unified School District surveyed 250 low-income children between the first and third grades of the 250 children between the first and third grades, 148 or 59 percent had multiple caries (cavities). The district classified 84 cases as severe and 64 cases as moderate. Out of 250 children surveyed by the Corcoran School District, 124 or 49 percent had functional anemia.

The above statements on health problems bear out this crisis, since 60 percent of Kings County is on Welfare and receiving commodities.

In Kings County $144 per capita is spent on Education well above the national average of $100 per capita. However the county has a functional illiteracy rate of 14.9 percent in contrast to 8.4 percent for the U.S. Moreover only 33.8 percent of the county's population have completed the secondary level of education. On a personal interview with several school officials one of the major causes for this number is the lack of basic educational and language skills in the low-income families of the county. In Corcoran last year there were 130 retarded children in classes as classified by the school personnel. This figure was out of 2,000 students. As stated previously, the Williamson Act is certainly not helping this situation.

In a conference with officials of the Human Resource Development agency, it was stated that there was no employment service in Kings County.

The Public Low rent program in Kings County consists of 150 units in Hanford and 100 units in rural community of Corcoran. Although in 1966 Self-Help Enterprises reported a percentage of 35 to 40 percent substandard dwellings in Kings County, According to Officials from Self-Help Enterprises, in a recent article in the Fresno Bee, it was indicated that decent housing is being built, but at a rate that would take 30 to 40 years for the rural poor to have decent housing in Kings County. Provisions for senior citizens over 62 years of age are made by Farmers Home Administration. Rural housing loans are made only to the applicants who are unable to obtain credit from private lenders.

I have some news clippings that represent some of the statements that I have made here today.

I do want to say that I feel that as part of the testimony, that I am not here to bring out the problems as have been indicated here over and over again, but rather to appeal to you and to ask of you that these words do not go unheard. I ask that we have an opportunity to live as decent men and women. I cannot help thinking that these problems that I have presented here today are not only ours (the rural poor) but yours also. For a lot of us it is too late and we don't have the opportunity to go back in time, but must our children again suffer the same fate? It all depends on you.

Thank you.

Senator Harris. I agree. Thank you very much.

Senator Harris. Mr. McMillon, do you have anything to add to her statement?

David McMillon. Yes, my name is David McMillon and I live in Arvin, California. I reside in Kern County. What I have to say to you today is very short and to the point. Previous testimony by Mrs. Flores verifies conditions for the farm worker of the rural poor. Six years ago, Kern County Assemblyman John Williamson introduced a bill designed to give farmers tax protection against urban inflated land owners. The result in the grower control in the County of Kern is as follows: One million acres were put in reserve. Because of this there was a drop of $55 million in the assessed values, losing $5 million in tax revenue. Rural school districts are being hurt, such as Wasco High School District. Their total assessed value dropped 4.9 percent and the board has to raise 19 percent to make up the $63,000 tax revenue lost. There is no need to further identify what has already happened, and has been said here today. I will bring it to the level that affects my immediate area.

About a year ago HEW funded a migrant clinic designated for the target area of Lamont-Tehachapi. HEW guidelines required 51 percent of that board must be farm workers from the target area. It has been over a year and still that regulation has not been adhered to. The target area elected farm worker representatives to represent them through the democratic process. Recently this board, which is called Los Campesinos, is not recognized.

The target area residents have demonstrated support by picketing and demonstrations. They have not been heard. Instead, it seems that political strings have been pulled against this board, because it has not been recognized. This example is what happened when large growers control the county. We need help, your help to obtain our pride and dignity in making it possible to be self-sustaining. I envision the possibilities of being able to obtain land, to be free of the large landowners that control our lives. In essence today we've been having this problem, and also in the Arvin area. We now represent the low income in our clinic in Tehachapi.

And we've been having quite a problem with the non-consumer, really. The HEW guidelines indicate that 51 percent of the board should be consumer; 49 percent non-consumer. It seems that the non-consumers are taking control and at this point the 51 percent consumers literally are just kicked out of the picture with no input into the clinic, when at first it was designed for the low-income consumer people, who are the farm workers.

Today I'm here to plead the cause for these people, because I feel that they should have their own input into this clinic. The problems that they have are the problems we are most concerned about. I think that if the board would have the 51 percent consumers, they would have more imput on conditions affecting their own lives. But, consequently, by not going the way that it should go, we're being limited in the kind of needs that the farm workers should have in that area. So this is why we're here today to bring this need, to bring this point, to you today to see if there can be something done in the progress of this clinic, which is of great benefit to the community.

It has really served the people, and I would say today that it is very essential in our area. As of right now, it's the first time in history that we have had a farm workers clinic that is giving the kind of services that we are giving at this clinic. In the past the only health facility that we had was the Kern General Hospital, and most of the low-income and the farm working people were more or less, if they didn't have ample or sufficient money to pay, denied care. Here with a nonprofit clinic, there is no charge right now, and I think it has been a big benefit to the farm working people.

Recently Mrs. Flores wrote up a proposal and submitted it to the Colorado Mine and Health Clinic, in which we asked them for resource money to put in for emergency food distribution throughout the clinic. Fortunately for the migrant's health, they did adhere to our call and our plea and did grant us some monies for an emergency food grant. This was a great help because now in this particular area there is very little work going on and these people have a very bad time of it right now.

We have three or four months in the year that there is almost no work going on, and these people either have to be placed on welfare, or some kind of agency, on commodities and various distributions given out through the legal agencies in town. That is becoming such a problem, because there are so many restrictions and it is so hard to get on, that the people are literally doing without, and I think that the clinic has been a big asset to the community.

I plead with you today to give this your undivided attention to see if there can be something done so that this clinic can continue to be there and continue to give the services it has given and that it was originally designed to give.

We thank you.

Senator Harris. Mrs. Flores and Mr. McMillon, I think you are to be commended for trying to organize people to try to make the American system work through some kind of organized power. Furthermore, it's an appalling thing to me that here we've had about 50,000 American boys die half way around the world in South Vietnam for what we say is the right of the people of South Vietnam to govern themselves. The reality hasn't worked out that way, but at least we say that's our goal. In too many places in this country, we don't even have self-government as a goal. You have no power to govern yourselves in those counties where huge landholdings, just as you said so well Mrs. Flores, turn out to mean political control as well as economic control, and the ordinary person is held in bondage while big landowners are so politically powerful they can avoid paying their taxes. What we are engaged in here is talking about basic changes, such as land reform and breaking up these economic concentrations of power. I hope we can get these presidential candidates talking about some of these basic things, and that's one of the purposes of this hearing.

Mrs. Flores. I don't know if David made it clear, I know he was talking of a project and we are here to talk about reform, but I think the thing that is very obvious to us is that many times the government is saying, "We give you a project and we understand," and we hear your needs, and all the beautiful political campaign speeches.

But in reality, what I think we are identifying is that the programs that are there are never controlled by people, they are controlled by political growers who have someone sitting on these boards; that in fact what does happen is that there is really nothing—it is only a make-believe for people that begin to think that maybe somewhere, someplace there is a future. But in reality what we're saying is that we see through this, we have tried to put this in context and we understand that the educational levels of farmworkers are low as well, and I think they should have the opportunity to be able to have land, to make a living. I guess basically that's what we are saying.

Senator Harris. You're saying it very well too. Thank you both very much.

David McMillon. I would like to add some more, including my agreement with Mrs. Flores, that recently in the process of trying to initiate educational status in our clinic for children to come and be further educated within the community, to get funded so that we can further educate the farm working people so that they can place themselves into our society. It's so hard when the higher ups make a level, for consequently that level doesn't penetrate lower than that specific level, and it doesn't meet the needs of the lower level—you know, below that level—that they have penetrated their forces to. This is the hurting part of our society today.

What about these people that are below our level, that society doesn't lift a finger to help? These people are human beings also. These people, I feel, should have a say in our democracy today, too. These are part of our society—whether they are below our level or they are above our level. And this I feel has been so badly misinterpreted in our democracy today. Because, what about the poor farm worker? I think if we will give some attention and penetrate some of our thought toward that person that's below our level, we can become more concerned about their individual needs.

I think then, and only then, that we can see the United States growing together as a people. But until that day comes, Senator, we will never be united. And I feel this very strongly, and I feel that in our area today—in the Bakersfield area—that we are trying to bring our forces together in a united type of way to where we can try to work together in every aspect, regardless of what category that person may belong in. And I feel today that if we can further penetrate our forces into an educational level to where we can meet the needs of the ower level, that we then can say we are doing something for our society.

Senator Harris. And in the process lift us all up. I agree. Thank you both very much.

Statement of Lupe Quintero, California, Rural Legal Assistance, Imperial Valley, Calif.

Senator Harris. Ms. Quintero, would you introduce those who are with you and then proceed however you please. I'm very pleased you are here. Are you all representing the California Rural Legal Assistance in the Imperial Valley?

Lupe Quintero. Yes, we are.

Senator Harris. O.K.

Lupe Quintero. My name is Lupe Quintero and I am a community worker for the CRLA and Gilbert Rodriguez was a volunteer worker at the CRLA, and John Osborn is a community worker for the CRLA.

Senator Harris. I know you have come a long way and I really appreciate it.

Lupe Quintero. What we have here is a statement from a small landowner in the Imperial Valley. She is from Brawley, and we thought it was very important what she did have to say about the big farmers and the big companies down there in the Valley. She has been in the Valley since 1923, and what she owns is about 120 acres. I'd like to read, when we interviewed her, some of the things she had to say, so I'll just read you.

Senator Harris. Good.

Lupe Quintero. She's a very nice lady, and she says:

"In the early days you could see a house on every 160 acres, at least, and the homes were surrounded by trees. Now the houses are situated so far apart and trees have been cleared out for farming. One of the things that concerns me is the fact of absentee ownership. So many of the huge companies lease the land. Some of the big farmers of the Valley itself don't even live on the land that they own."

She is saying that the big companies monopolize everything.

"To buy an acre today at the minimum costs at least $800, and it saddens you very much that it's nearly impossible for anyone today to even attempt to get started in the Valley—even to start their own little farms."

I wanted to stress the fact about absentee ownership, because you have the people that own the land and they take money out of the Valley. The only reason they reinvest is to take care of maybe their high income taxes. I would also like to say on this absentee ownership that these people—I'm talking about the companies—get rich off of our people's sweat. And the poor people have never benefited; these people are merely used for cheap labor.

One of the problems that this lady has faced is being presently pressured by a local farmer, who obtained his wealth merely through family inheritance. He has not toiled the land—he sounds like a spoiled brat to me, really.

Senator Harris. Sounds like the old system where the king's eldest son under the rule of primogenity had complete sway over an area. . . .

Lupe Quintero. Right. She leases her land along side this farmer's land—she owns quite a bit of land down there. This farmer's name is John Benson. He built a cement ditch alongside her land. It's very clever how he did it exactly—it's really just illegal. He more or less scooted her land over, so that he could build a cement ditch to pressure her to sell. She had to have a survey done, which cost her $900, and she is in the process right now of fighting this man.

One of the things that really touches me was that she said he already owns at least half of the land in the Valley, and why would he want her 40 acres. It is only 40 acres that she has alongside his land, and she is saying why would he want more when he already owns at least half of the Valley? But this is the type of people that the people have to deal with down in the Valley.

Now Benson, who as I said has inherited his wealth, and is an attorney, is Mayor of Brawley, one of the small towns we have in the Imperial Valley, and he has no concept absolutely of the poor down there. He doesn't sympathize with the Chicano. One of the problems that we have had . . . there was this incidence where a rancher killed—while drunk driving—killed this young Chicano. This man had been arrested previously two times for drunk driving, yet nothing was done about this case. When the Chicanos of the community brought this to the City Council, Benson, the Mayor of the town, just absolutely put down the Chicano community for standing up for their rights. And this is the type of mentality that we have to put up with in the Imperial Valley. We feel that this must end.

One of the things that we have to see down there about the Imperial Valley is that these growers, once they have the economic power, it goes side to side with the political power. From the City Council, from the Board of Trustees on up, they run the Valley, and it's tough for us to get together. We have a lot of organizing to do, but we've got to get the people together.

Senator Harris. In other words, it didn't work out one man and one woman and one vote.

Lupe Quintero. Right. Right. Very true. One of the things that's going on in the Valley right now is—and this will be very general—is the geothermal. They've held some conferences down there because the Imperial Valley has a great source, great potential, in this geothermal project right now. But as usual, you have the big companies and private groups that are interested in this geothermal, but the last persons ever consulted about this, that could really reap from this, are the poor people. They're not consulted on something like this. One of the things is that our people—especially there's a type of paranoia, not only in the United States but in the Imperial Valley about the welfare problem. This is an incident that happened. The Department of Labor made available to the Imperial Valley $80,000 for this emergency employment, and the Board of Supervisors, who run the Valley, said, "We are too busy to take this right now." Now, this was to employ the migrant worker, and yet they bitched about these people being on welfare, and they collect these subsidies. So the Calexico City Council, another small town there, moved on this. They made a popular resolution to get this $80,000 and divide it among the different agencies. Now when the Board of Supervisors got a whiff of this—that this City Council was going to ask for this money—they quickly tried to move on this and for them to get the money, for them to get the control. But luckily the City Council had moved in and they got the money. But this is the type of thing we have to put up with down there—the grower might.

They run the schools, they run the Valley, and, as I stated, was the fact that saddened this lady very much that you no longer have the small farmer. It's an imposition that people, such as Benson, are forcing them to sell their lands. He's got so much property down there, and yet he's asking for her 40 acres. This is the type of thing that the small farmer has to put up with. They are just being eased out.

This is what I have to say on this, and I want to know if maybe. . . .

Senator Harris. Tell me first, about the California Rural Legal Assistance. How is that set up? What main kind of cases, just all kinds, that you get involved with?

Lupe Quintero. Yes. I, myself, as a community worker deal mainly with welfare cases. That's the majority of the problems you have done there—the welfare problems. And you have a county that seems to want to interpret the laws their own way. They see the regulation but they tend to more or less interpret it how it pleases the county. And the Welfare Department is run a lot, also controlled at lot, by the Board of Supervisors. So we deal a lot in the welfare cases.

Senator Harris. And with welfare rights?

Lupe Quintero. Yes.

Senator Harris. Mr. Rodriguez, do you have anything to add?

Gilbert Rodriguez. No.

Senator **Harris.** Mr. Osborn?

John Osborn. Well, just basically taking off on the same thing. I think a lot of the problems in the Valley—I have only been in the Valley for about four years—centers around power. The Federal Government hasn't done very much to help people whose rights have been taken away to regain those rights. Through subsidizing agriculture, providing water from federally-financed projects to big farming interests, they have further strengthened the economic power of large agriculture, and hence the political powers. This is directly affecting the poor in Imperial Valley. The poor are powerless. They don't have a voice in what goes on in the Valley. It's one thing, I think, to recognize that poor people have to get together and organize themselves, but as long as the government continues to back large agriculture, it is very, very hard. It's like running into a stone wall. I worked in the schools for a year as a teacher's aid. I wasn't from the Valley and I couldn't believe it in the beginning, because there's just no freedom of expression. One thing that I'm concerned about is if more hearings of this type were held in the future, I would hope, that a heavy effort would be taken to contact the people of the Valley and the people of rural California. I can't speak for them, and it's really important, because those people have lost their voice and they have a lot to say.

Senator **Harris.** This is my own second effort here in California on this general issue. The earlier thing was a field trip into some of these valleys, just looking and talking with the people without trying to keep a formal record, and then this hearing. I want to do some more of this, particularly closer to the time when the presidential campaigns are going to be. I've been trying to figure out how can you get these issues . . . for example, there's still a notion persists that if you just give poor people enough advice, they'll quit it. I think that was one of the problems about the poverty program. But if the job's not there, if the economic power is not there, if the political power is not there, when you get through all you are doing is building up people's frustrations and not really giving them any additional chance. So I've been trying to figure out how's the quickest way by which you might begin to get the country, or a sufficient number of the people in the country, to understand that there has to be a better division of both economic and political power if we're really going to fundamentally change things. I've been focusing, first, on the fact that we are about to nominate a President—to nominate a Democratic President, I don't think we can change Nixon; I hope we can change Presidents. But in the process, it won't really do that much good if we just change Presidents and sort of add on to the present program. There will have to be a better division of things. So I've been focusing on the idea that if we could somehow have some impact on what all these candidates say, and on the platform, and try to force people to discuss basic things like land reform and dividing up economic power better, etc. Maybe that's the beginning way to have some impact. So that's the purpose of this hearing, more than any other purpose, and then to try to do some additional things like this as we get nearer to the primary in this state.

Lupe Quintero. I don't know if you would ever have the chance, but we would like to invite you to come down to the Valley. There is a young group who is trying to gain some say in this geothermal project that is going on down there.

Senator **Harris.** Good, I'd like to come visit them.

Lupe Quintero. They are trying to get a voice for the poor so that they can in the future obtain jobs for these people. Because those that are going to invest in that are not going to consider the poor people. Another ripple—nothing's going to change down there.

Senator **Harris.** I would like to do that. I would accept that.

Lupe Quintero. Could we get a transcript of this?

Senator **Harris.** Yes, I meant to say earlier to those who are here, and I'll say now, anybody who would like to have a transcript of this hearing, if you'll write me in Washington I'll see that you get one. It will be published in the Congressional Record, and I'll see that everybody that participates gets one. Also anybody else who would like one, we'll do so.

I don't know how people like yourselves continue to get yourselves up in the morning and do what you do, but I'm sure glad there are people like you, and I appreciate your being here today.

Thank you.

Statement of Marilyn Stout, Northridge, Calif.

Senator **Harris.** Last, I would like to call on Miss Marilyn Stout, Northridge, California. Miss Stout, I appreciate your allowing Miss Quintero and those with her to come on in advance, and I do appreciate your being here and your willingness to come and testify.

Marilyn Stout. I'm glad we came, and I'm glad you're holding these hearings. I am particularly interested to hear what people have to say.

I'm a journalist and a housewife, and I live in Los Angeles—Northridge is a suburb of Los Angeles. I hear you're aware by now that we have four aqueducts bringing four rivers into Los Angeles. There is the Colorado Aqueduct, bringing in the Colorado River, then there is the Owens River, which is brought by two aqueducts and that is under the Control of the Department of Water and Power. Then there is the Sacramento River and the San Joaquin that come down through the California Aqueduct. These many aqueducts have brought more water to Los Angeles than either of the two public agencies could sell—the Metropolitan Water District or the Department of Water and Power. As a result of this, strangely enough, even in 1960 these agencies were living with the past mistakes of overbuilding dams and aqueducts by selling water for less than cost. You know, this happened in 1960 before the last two aqueducts were built. This has subjected the City of Los Angeles to a heavy debt which we are carrying on property taxes, and it's subjecting Los Angeles to increased density of population and all the ills of a mass population—more smog, more traffic. We have a speculative land belt around the city of about 70 miles.

There is pressure for the city to subsidize this speculative territory. We're constantly having battles in the City Council of Los Angeles to keep speculative developers from getting our school funds. The schools in Los Angeles are not really very good. Recently, for example, we had an opportunity to pass a bond issue to rebuild the schools that were subject to earthquakes in the Central City, and the people said, "Let the schools fall." They did not pass the bond measure. So now the School Board is in a problem trying to move bungalows from the outlying suburbs and trying to provide school rooms for the minorities.

I brought some maps. I think you've probably seen them before. This is a similar one to the one you couldn't show today. It's a very beat-up old map. It was made by Raymond Kilpatrick who was for forty years a member of the California Legislature.

Everytime there is another aqueduct built, it seems that the water is brought from somewhere, the money is obtained from Los Angeles, and the land in the middle is the beneficiary. And this is the case again. The green line represents the California Aqueduct as it comes off the delta in the confluence of the two rivers up there—the Sacramento and the San Joaquin. The red territory is about 400,000 acres owned by Kern County Land, now Tenneco Corporation. The blue territory is . . .

Senator **Harris.** That's both those red pieces, all that?

Marilyn Stout. All that red. And that blue territory is 168,000 acres of land owned by the Los Angeles Times Mirror Corporation. Now that company told us—all its million subscribers—to vote for this water bond measure, without telling us that Kern County or Tenneco had land which would increase in value a half a billion, and Los Angeles *Times* territory would increase in value a quarter billion when water hit those deserts. A figure of $1500 an acre was put on this by Wayne Morse and Paul Douglas. That aqueduct continues down into Southern California.

By the way; the Los Angeles *Times* now holds 300,000 acres of land. Their holding in the Tejon Ranch has increased. I found that out in Walker's Manual. . . .

Senator **Harris.** I noticed a discrepancy in that from what I stated this morning, and I believe what Peter Barnes later stated too.

Marilyn Stout. Yes. Now the aqueduct goes into Southern California and the west branch comes to Los Angeles, and the other branch goes into the Parris Reservoir in San Diego County. The Metropolitan Water District is paying 75 percent of the cost of that aqueduct. It will come out of the property taxpayers in the MWD, mostly Los Angeles. There is a price differential on the water. Up in the San Joaquin Valley, they get water for $19.00 an acre foot. One of the people in the MWD told me that he calculated the price, transferred it from cubic feet per second to acre feet, and we pay about $125 an acre foot for water in Los Angeles. So Los Angeles is really a victim of the water project. They're really not the beneficiary.

The outstanding research on this was done by the Hirshleifer, DeHaven, Milliman team—I gave you their addresses. Dr. Milliman is the head of the Department of Urban Affairs at the University of Southern California. Hirshleifer is in the Economics Department at UCLA, and Jim DeHaven is in the Rand Corporation.

Senator **Harris.** I'm glad to see them doing some other things besides Defense. (Laughter)

Marilyn Stout. In Southern California, in addition to the City of Los Angeles, of course, is the great Irvine Ranch of 90,000 acres. In about eight holdings that were formerly owned by Pennsylvania Railroad, I understand Ford Motor Company owns one of them now, they try to pick up as many subsidies as they can. I have some newspapers which I'm going to make available to you. Here's the Irvine Ranch story and it tells—I've got this—the company-owned town, the company-owned agricultural firm and the company-owned branch of the University of California. . . . (Laughter)

Senator **Harris.** As a member of the Senate Finance Committee, I knew about them because of special tax advantages which they have, and desire more of.

Marilyn Stout. Yes, right. And in addition to that they have aquifers, underground. You have to particularly watch underground aquifers in Orange County. The MWP price schedule is highest for urban and industrial commercial use, middle for agriculture's use, and lowest for underground aquifer water. So they get water at 35 percent discount below cost when it goes into the underground aquifers. Then there's a big argument about who owns the water. I heard an argument over at UCLA, "We own the aquifers, therefore the water is available to anybody to use without paying," and the

MWD men were arguing, "We own the water and you don't get any until you pay," you know that sort of thing goes on.

Another story we have here is one that I want you to be aware of. It's one that's caused a lot of fighting in California. It's 2 million acres to be sold in Riverside County. That is federal land; it's under federal control and we don't want it to get sold and put into real estate developments or farms, or anything like that. We want it held as federal land. Now the interesting thing about this is that we've had a big fight over the acreage limitation provision in the California Constitution.

Senator Harris. Now, what are the red and greens? Are they significant?

Marilyn Stout. The nicest parts are the greens—those are the National Forests. The purple stuff is the National Parks, like Sequoia and Yosemite, and the yellow is the public domain, that is, the federally-owned, just plain land, and mostly desert. We'd rather have it kept as Desert National Park. The blue is wildlife refuge, and the pink is military reservations, and orange is Indian land. There is a lot of publicly-owned land in California—federally-owned land, and we like it that way.

There is an Article 17 in the California Constitution that limits property ownership and states this as a principle of California law. Twice, there have been attempts to throw this out on the ground that it was obsolete, this acreage limitation provision—there's no land available. We have these headlines to prove that developers are trying to get this land. So twice the people of the State of California have preserved the acreage limitation law, despite the efforts to knock it out.

And there's a third attempt happening now to remove acreage limitation from the California Constitution.

Here's a story that you might be interested in. The Los Angeles *Times* has never admitted to its owners how much property they own, or how much they would benefit from this. When the Nader's Raiders finally published information, the only admission they made was that, "It's not true." Maybe they did list some of their landowners, as I saw them. They did. Then they listed in their editorial, "Yes, we do own land, but it's only incidental."

I thought it was interesting that in the story just before the election in 1960, their headlines said many factors helped confuse the voters. They weren't being very clear. And I thought that was quite a slip that many factors helped confuse the voters. (Laughter)

This Irvine Ranch story was prepared well in advance, but it was not published until five days after the bond election.

We have some recommended strategies for change. I read your Family Farm Act of 1972. I liked that. And the Reclamation Land Authority Act, that's good. We have a list of the ten or eleven counties' subsidies, crop subsidies, income tax write-offs, etc. that the large landowners tried to obtain, and we are quite convinced that if you would strip those large corporations of all subsidies, they couldn't afford to hold that land.

Senator Harris. Yes, they're not more efficient, they're just more efficient at getting federal money.

Marilyn Stout. Yes. We think they are like a dinosaur—not enough heart and brain, really, to sustain themselves. They need our transfusions of money and water, etc. (laughter) so that if you strip them of all these subsidies that would help in the effort to bring about land reform.

We think we ought to rely heavily on two forms of taxation. The property tax, we think, is an important index of wealth. I don't care what Mr. Nixon thinks, we think the property tax is a good tax. We think it's a source of local government and school revenue, and we think it ought to be punitive for people who hold hundreds of thousands of acres of land. Naturally, it would be. Again, there is an attempt being made in California to relieve the property taxpayer, and we are afraid it will relieve people who own 400,000 acres of land and will be a burden to the rest of us.

We feel that assessors should be appointed, rather than elected. They should be certified public accountants who would lose their license for cheating, dishonesty, or any kind of hanky-panky in assessing. We also think the income tax is a good index of wealth. Income is, and it's an important tax and should be based on ability to pay. Income from any source ought to be taxed in the same way. There ought to be no special allowances—depletion allowance, capital gains, or any other loophole.

Furthermore, we have the idea that if we got out of the war in Vietnam, we could have a federal tax cut or a larger percentage of money should be returned to communities where the payees reside, and the income tax returned to communities on the basis of population. So if people decentralize—people are getting very clever, I mean they are using birth control methods, etc., and the population is dropping—all you need to do is inform people correctly when you start changing policies. If people get intelligent, they're going to start decentralizing and moving into smaller towns and moving back onto the farms if they are correctly informed. So we think that there's going to be a natural decentralization happening with information, and that the income tax refund, if there's going to be any, should shift with them. The distribution scheme should shift with them. The tax revenue sharing should not be based on the usual ten-year census figures; it should reflect where the population is now, not where it was ten years ago. You know, Nixon is always talking about tax sharing.

We positively believe in no incentives or subsidies for good planning, because these big corporations are great at catching the bait and avoiding the hook. We believe in Gunnar Myrdal's definition of free enterprise, and we have even found some in the Bible where Jesus said, "Get up and walk." That is a definition of free enterprise. (Laughter) The large corporations don't believe in it, but we think we ought to put them on free enterprise.

And that, plus the publications and notes, I would like to go into the Record.

Senator Harris. Wonderful, very good. I think the analogy to Lazarus is pretty good—"Take up thy bed and walk." It really is an outrage that somehow these big land holdings and big corporations use their tax subsidies to continue to convince us that it is a good deal for them to continue to exploit us. There is a kind of vicious circle there, and so many people believe it. But I do believe that one of the ways to get at it, as when I served on the Kerner Commission, people use to think it was sort of an old-fashioned Jeffersonian notion now outdated to think about getting back to smaller communities, etc. But when I served on the Kerner Commission we were beginning then to make some headway on the idea that you could not solve the problems of these cities so long as people continue to move on into them, where the problems of concentration were already enormous. Little-by-little, I think, we have more people believing that. But we haven't enough people yet thinking about the fundamental forces which brought the problems into being, and one of those fundamental forces, as you have pointed out very well, is how we subsidize those who push people off the land and who have driven them into these larger cities. A good thing happening in the country, there's a feeling about going back to the land by a lot of younger people and other people as well. That is not a trend that is oldfashioned, but may be new-fashioned if we take out the forces that have prevented it from happening up to the present time.

You've done some wonderful work here and in the past, and I think your testimony today will be very helpful to us. I appreciate it very much.

Marilyn Stout. One of the things in the area is something that really interested us. The State of Oklahoma, your state, is giving away free land—ten-acre farms.

Senator Harris. That's right, and it has been overwhelmed by people who want it. I understand there has been some problems—some of the oil companies are beginning to worry about that. It's amazing around the country those who just don't like the idea of having people around. I was in East Tennessee lately about strip mining, and one of the big land companies there—and they have the same problem, these big land companies, most of which are owned outside of East Tennessee—is ripping off the land with that coal and driving people out and exploiting people. One man said, "The only thing wrong with these hills are people." (*Laughter*) That's what these big landowners think. Another thing, some of that land there is owned by one of the biggest landowners, a British-owned corporation which, interestingly enough—wouldn't you know it—calls itself the American Corporation. (Laughter) It's wonderful that these uephemisms straighten things out and show us how it is. One of the best things they use against us is free enterprise—don't bother with us, we're involved in free enterprise. They're not at all.

Well, may I just say, I appreciate very much, Mrs. Stout, your being here and the chance to hold these hearings. I'm going to be back here. I'm not one of a kind. I think I'm a vanguard of the kind of politics that's beginning to dominate this country in the $70's. I think Americans are getting sick and tired of all this damn exploitation of land and resources and people by a lot of big people who are ripping folks out for their own private profit. And we're going to give an opportunity to all those who don't like what was said today to come and be heard—from Los Angeles *Times* to Tenneco and whoever else. And I hope we will be in contact with them and they'll want to have their say, too.

Thank you very much.

Documents submitted by Marilyn Stout follow:

Senator Harris. I would like to insert the following letter from Mr. Charles Davneport in the Record.

Davis, California, *March 8, 1972*.

Hon. Fred R. Harris,
U.S. Senate,
Washington, D.C.

Dear Senator Harris: This replies to your letter of February 18 in which you asked if I could testify on the problem of land and resource monopoly, its effects on the people of California and possible strategies for change. Unfortunately, I cannot appear in person, but I have a few comments on our Federal tax system and this problem.

Our Federal income tax laws provide, in effect, a subsidy for certain kinds of farm investments by permitting the income from them to be taxed at a much lower rate than most investment income. Indeed sometimes the tax rate is reduced not only to zero but to a negative figure. At numerous other places I have outlined how this occurs indicating that it arises primarily from the use of overly generous tax accounting rules.

These rules allow premature deductions of capital costs, are said to allow deduction of large expense prepayments, and fail to require inventories in many cases where comparable businesses would be forced to use inventories. These benefits are made considerably better if the deducted costs are later returned and reported as long term capital gain. While some legislative action was taken in 1969, we all knew that those provisions would very largely be ineffective. It seems clear that experience has borne out this prognostication.

Also in other places, the kind of farmer that the tax loss would attract has been described. All commentators would, I think, agree that the provisions outlined above are most attractive to taxpayers who have a large source of outside income and who have available to them considerable credit. Also since the tax benefits are proportional to the size of the nonfarm income and the tax loss produced by the farming operation, one would expect that the tax dodge farmer would also desire a large farm. Taking these qualities into consideration, there is no difficulty in concluding that two kinds of investors should be attracted to tax dodge farming. They were corporate conglomerates which have substantial sources of nonfarm income which would, absent the tax loss, be taxed at a 48% tax rate and syndications of high bracket individuals.

If one reviews the last two decades of the farming industry (between 1950 and 1970), one finds a number of astounding phenomena. First, the nominal before tax rate of return on farm investments has declined from about 6% down to less than 4%. This compares with more than 10% for other manufacturing corporations during that period. But the decreasing returns did not prevent the flow of capital into agriculture. During that time, the assets producing farm crops increased by about 2⅔ times although total net farm income rose by less than 25%. This is a most unusual situation: declining returns on increasing investment.

Second, a profile of the farmer in 1950 would have shown that his nonfarm income was about 30% of his total income. By 1970 his nonfarm income was about 50% of his total income.

Third, while the productive assets in farming were increasing 2½ times, farm debt increased five or more times over this two decade span.

Thus, when we look at the last two decades, we find that before tax rates of return on farm investments were declining while investments were increasing. This combination would indicate that the before tax rate of return is not giving us the true picture. Indeed, there must be something more than the before tax rate of return. I speculate that in part the something more is the zero tax rate and the negative tax benefit flowing to certain kinds of farm investors. One also concludes that many of the farm investors in these decades had just the characteristics we would have expected had the tax benefits been the only inducement to farm investment.

Our judgment on this score may be further confirmed by viewing the roster of newly arrived farmers. In the last decade or two we have found that many of our country's largest corporations have entered the farming game: Tenneco, Gulf and Western Industries, Prochemco, Union Carbide, General Foods, and many others. The number of corporations in farming has increased dramatically. Some of these corporations are conglomerates which bring huge amounts of nonfarm income into combination with farm losses.

Also as we would have guessed, syndications among high bracket individuals is the hallmark of some kinds of farm investments. Just how high a tax bracket? Many of the promoters of these syndications suggest that the taxpayer not make the investment unless he has a net worth of from a quarter to a half-million dollars or has a marginal tax bracket of 50%. Neither of these characteristics is likely to be found among the farm population as a whole.

Just how extensive are these syndications? During 1970, there were offerings by cattle breeding and feeding syndicators in excess of $175 million. Many of these offerings exceeded $10 million, and some of them were reported to go as high as $25 million. Incidentally, in many of them the promoter has already made arrangements for financing a large part or all of the investment to be made by the members of the syndicate. There were also numerous syndications in other crops.

There is thus empirical evidence that many of the new farmers are just the kinds of farmers who have the qualities to reap a tax harvest rather than rely on the product of the land. This new farmer may well be a large scale owner with considerable capital and financing at his fingertips. In almost all cases he is an absentee farmer who has turned his capital over to a business manager. The business manager does not have the flexibility and the social consciousness that an owner on the scene has.

In closing let me emphasize that certain kinds of farm investments are subsidized by the federal tax laws. These subsidies appear to have induced a large amount of absentee capital into the farm sector. This absentee capital is unfair competition for the farmer who must rely on his land for his income. The absentee owner who has a large source of outside income may combine a meager profit or even a loss with the tax benefits available to him and show a handsome return on his investment.

Since these benefits vary in proportion to the loss and the amount of outside income, there is an encouragement to owners of large amounts of capital who can control large amounts of farm resources. All of this tends toward concentration in the farming industry.

This situation need not be continued. It is unfair to the farmer. It is unfair to the American taxpayer. Solutions abound, but Congress has not been willing to adopt any of them.

I hope you find the foregoing helpful.

Sincerely yours,

CHARLES DAVENPORT.

P.S. For purposes of identification only, I teach income tax law at the University of California at Davis.

STATEMENT SUBMITTED BY MR. JOE BURNIAS, CORCORAN, CALIF.

My name is Joe Burnias. I am a farmworker and have traveled the migrant trail with my father and now with my family. I have worked in the fields throughout California wherever there is work available to support my family. In the last ten (10) years, because of mechanization work is hard to find. I do not have the education nor the skills to even think that I can support my family outside of field work. What I have are my calloused hands, my love for my family, a desire to provide a future for my family, my belief in God, and my love for the land that I work. For the last fifteen years the campesino has been discussed with regard to his family, his skills, his health, his housing, his future. I have not seen results in Kings County. What I have seen is less work for the campesino, and money appropriated to advance mechanization in farm labor. Milliones of dollars for tax cuts under the Williamson Act and subsidies for large farm owners who control Kings County. The Williams Act has caused a loss of $200,000 tax revenue for Corcoran.

I feel that you are aware of the present conditions of the campesino, and so in my simple way I ask, that the statements that have been stated here do not go unheard. That land and financing be made available so that the campesino and rural poor can begin to feel pride and dignity in himself and family. FHA was set up for and controlled by growers who have continued to utilize it for their personal gain. The time has come for projects to become available for the thousands of people such as myself. The campesino would benefit greatly from this wealth of knowledge all the research and subsidies too. The campesino cannot do it alone, and I appeal to you to bring justice and action on these matters.

Now we can talk all afternoon on the merits of different programs, unemployment and welfare plans, the migrant and seasonal campesinos, displacement by machinery, rural poverty, and I still won't know what the consequence of all these things will be and nobody else seems to know. What I am sure is that in our experience we have learned one simple thing—regardless of what the situation is, people will not be able to do anything constructive, anything to free them from the shackles of poverty, unless they have the power to cope with the situation, wherever it may be and whoever it may be. For the campesino such as myself, this age, this image, that power will come through financial and availability of land that will allow me to provide a future for my children, self esteem and pride in myself as a man, then we can hope to break the cycle and destiny of the campesino and his family that has starved him for decades.

Thank you.

SENATE—*Thursday, May 18, 1972*

The Senate met at 12 noon and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Eternal God, who can neither be fathomed nor dismissed, be very real to us in this reverent moment. Amid the turbulence of the world without, bring peace to our troubled hearts that all who serve Thee here may think wisely, speak convincingly, and act bravely. Out of diversity and conflict bring the unity that enables this Nation, delivered from failure, sin, and unrighteousness, to go forward to the new day of justice, truth, compassion, and brotherhood. Lift all efforts for peace into the higher order of Thy kingdom and may the spirit of the Prince of Peace rule in the hearts of all the people.

In the Redeemer's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 18, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 17, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on May 16, 1972, the President had approved and signed the act (S. 2676) to amend the Public Health Service Act to provide for the control of sickle cell anemia.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency, was read twice by its title and referred to the Committee on Foreign Relations.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 14655) to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ELIMINATION OF CERTAIN SURETY BONDS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 757, H.R. 13150, which has been cleared on both sides of the aisle.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 13150, to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–790), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 13150 is to provide that the Federal Government shall assume the risks of fidelity loss. It thus establishes the policy that no agency of any branch of the Federal Government shall obtain surety bonds for its civilian or military personnel who have the responsibility for substantial sums of money in connection with their official duties. The bill repeals or amends existing law requiring Federal agencies to obtain surety bonds for these civilian and military personnel. It provides that the amount of any loss due to the fault or negligence of a Federal employee shall be charged to the agency's appropriation or other available appropriate fund.

BACKGROUND

The bill grew out of a proposal by the Secretary of the Treasury. Its provisions are based upon extensive studies conducted by the House Committee on Post Office and Civil Service as described in detail in House Report No. 92–932. The Secretary of the Treasury's legislative proposal was made in order to carry out a recommendation by the Director of the Office of Management and Budget, the Chairman of the U.S. Civil Service Commission, and the Comptroller General. The recommendation was made under the joint financial management improvement program.

The House committee studies resulted from consultations with officials of the Treasury Department and the General Accounting Office. Favorable reports on the measure were received from the following agencies:

Chairman, Committee on House Administration, House of Representatives.

Clerk, House of Representatives.

Sergeant at Arms, House of Representatives.

U.S. Public Printer.

Administrative Office of the U.S. Courts.

Department of State.

Department of the Army.

Department of the Navy.

Department of Housing and Urban Development.

Department of Agriculture.

U.S. Postal Service.

The American Insurance Association opposed enactment of H.R. 13150.

The rationale behind the abolition of the procedure of acquiring surety bonds for Federal employees is that self-insurance is a financially sound procedure if the self-insurer is able to assume the risk. The Federal Government can well assume such a risk. The House report points out that precedent for assumption of insurable risk exists throughout the Federal Government, which does not contract with insurance companies for coverage of loss from fire, accident, or other casualties, nor does it contract for insurance in the shipment of valuables such as Federal securities, stamps, and currency.

In addition to the ability of the Federal Government to take the risk of loss through the fault or negligence of an employee, statistics show that the cost of the bonding program is greater than the amount of claims filed. For example, the estimated cost of the bonding program from 1956 through fiscal 1971 was $5.1 million. The amount of claims filed during the same period was $3.2 million. The difference of $1.9 million is a rough approximation of the net cost to the Government.

Of the almost $7 million in total losses incurred since 1956, approximately $1.9 million of such losses, or about 28 percent, exceeded the limits of the bond coverage. The reason for this is that most employee bonds offer limited protection, usually in the range of $2,500 to $25,000. For example, the bond for the Director of the Central Disbursing Office of the Treasury Department is $25,000, but annual disbursements and checks signed by the Director total more than $25 billion.

PROVISIONS OF THE BILL

In addition to repealing and amending existing law requiring surety bonds, H.R. 13150 provides that when an agency suffers an uncollectable fidelity loss resulting from the fault or negligence of an employee or officer, the agency would charge its operating appropriation for the full amount. The appropriate charges would be the same as those which now finance the bonding premiums. Agency activity through the proposed legislation would be performed in accordance with regulations of the Comptroller General, and the Secretary of the Treasury would report to the Congress for each of the 5 full fiscal years following enactment on agency experience under the self-insurance program.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Tennessee (Mr. BROCK) for not to exceed 15 minutes.

SOVIET-AMERICAN TRADE

Mr. BROCK. Mr. President, for nearly three decades the United States and the Soviet Union have been locked in a struggle which has led to the polarization and division of much of the world. But the impending detente in Soviet-American relations, as evidenced by the recent Berlin agreements and SALT talks, exchange visits by leading government officials, and President Nixon's forthcoming summit meeting in Moscow may afford us the opportunity of achieving new initiatives. Through the vehicle of trade and economic development between the world's leading industrial powers, a degree of understanding may at last be within grasp.

Insurmountable barriers have long existed between Cummunist Russia and democratic America. Political obstacles inherent in our vastly conflicting ideologies have prevented either side from allowing more than minimal political and economic relationships.

Russia's motives, her ambitions and her objectives, have never waivered, though her tactics were conducted in deliberate obscurity. The same ideological differences which have long generated adversities between the Communists and ourselves still exist.

Russian dreams of conquest did not fade with Stalin's passing, and it would be a foolish and self-deceiving blunder if we, as Americans, were to disregard Communist political ambitiousness.

Nevertheless, trade and reciprocal economic agreements could be of great benefit to both countries, and might provide a much-needed incentive to an American economy plagued with heavy surpluses of agricultural products, diminishing energy resources, and an acute balance-of-payments deficit. No better area for increased discussion and interaction between the United States and the Soviet Union exists than that of bilateral trade and commercial development.

Progressive, farsighted steps are being taken in an endeavor to solidify cooperative ties between governments and to encourage the increased participation of America's free enterprise system in trade and resource development. The Nixon administration has been striving to secure negotiated accords with the Russians as a means of providing American exporters with future buyers for the country's manufactured and agricultural products. Emissaries of both economies have been jointly exploring areas of possible trade consideration which could lead to substantial increases in commercial reciprocity. Discussions have revealed a new willingness on both sides to speak realistically and to explore even the most basic experiments.

It is in our national interest to continue this process for several significant reasons. First, we are in a position to benefit immensely by expanding our Russian markets receptive to American investments and capital goods. We can no longer afford to squander the potential of nonstrategic trade. Certainly, this Nation is not prepared to assist the Russians in developing weaponry or military capacities, be it through trade or any other means. National security must be paramount when considering any area of cooperation with the Communists. Former Secretary Stans made it very clear to Soviet leaders while in Moscow that the United States will not include in trade agreements items which might jeopardize American security interests.

Conversely, we accomplish nothing by refusing to sell capital manufactured goods to Russia, for they still will be able to obtain competitive products from other sources, Western Europe and Japan in particular. The result, a net economic loss to the United States and the entrenchment of Russia's dependency on other nations. Denial of this important market could mean a resounding setback to America's future competitive position in world trade.

America's ability to compete has been on the decline since the late 1950's when the Nation's industry became lax, ironically because of the lack of competition. The same dangerous pattern spanned the 1960's as costs soared while productivity waned. The result was inflation and the financial crisis of the seventies. Inflation, coupled with a refusal to seek sufficient gains in productivity, has brought us to a situation where the dollar is in dire distress on the world market. Only domestic discipline and a resolute, competitive surge in international trade will be able to curb the collision course faced by American economic viability.

Second, such trade raises our bargaining power in political terms. While in Moscow, both Secretary Butz and Mr. Stans made it apparent that the normalization of trade relations between the two countries will depend a great deal on a parallel improvement in political relations—a pointed reference to Russia's continuing military aid to the North Vietnamese. The Russians need what America is prepared to offer in trade. A result of increased trade and economic links must also parallel an increased willingness on the part of the Russians to renounce continuing impediments to peace, to move away from the use of force.

Third, although we must continue our resistance to Communist dogma, if, by negotiating and entering into greater trade with the Soviet Union this Nation's economic, political, and strategic strengths will be improved, then we must weigh these assets and meet the challenge.

Speaking before an export expansion assembly in Cheyenne, Wyo., on February 3 of this year, Mr. Robert Beshar, director of the Bureau of International Commerce, made a statement that merits attention for its emphasis on the opportunity at hand. He said:

> The possibilities now being offered by the Soviet Union of exporting to the United States large quantities of raw materials in exchange for equal values of United States manufactured capital goods represents a unique opportunity for the United States. It is not simply a question of whether the two richest nations in the world should be trading broadly with each other. Rather the focus should be on the unusual complementary characteristics of these two economies, with the Soviets willing to exchange raw materials with little labor content, for sophisticated capital goods, many of which are labor intensive.

This statement reveals several extremely important points concerning America's future economic concerns and may provide answers to some of our most crucial employment problems.

It offers the United States an opportunity to secure vital raw materials which this country will be needing in a few short years. This would mean a slackening in the current overuse of our domestic timber, minerals, and fuel energy resources—all items which the Russians are willing to trade in return for American manufactured and agricultural commodities. An example of such a transaction is the Russian need for American capital and technology to develop their huge petroleum reserves. This would require the involvement of American corporations and a substantial investment in order to tap fuel reserves and process them for energy use. In return, the American business would receive their original investment, a predetermined interest rate, and a long-term contract for buying the gas for use in the United States.

Some concern exists regarding a possible dependence on foreign—and particularly Communist—sources for America's vital energy needs. Recently, the distinguished senior Senator from Alaska (Mr. STEVENS) voiced this question, relating the dangers of overdependence and the great costs that would be incurred in transforming American shipping capabilities to meet the potentially awesome task of importing oil, and gas in liquid form, from abroad.

The Senators' reasoning is legitimate and warrants the careful attention and concern of this Government. America must not—indeed cannot—afford to become overly dependent upon other countries for her basic energy needs. Such reliance has overt political and economic ramifications, and could lead to the paralyzation of American industry.

Nevertheless, the fact remains that America's vital natural resources are being depleted at an ever-increasing rate. Experts are already predicting that the United States will be in a position requiring the importation of energy resources as soon as the late 1970's. To delay action, to close our eyes to the situation, would only mean the future loss of this Nation's bargaining power in the sphere of natural resources. Clearly, trade now is preferable to dependency in the near future. At our present rate of consumption, America risks being thrown at the mercy of foreign sources in the event of a future energy crisis. The same dangerous consequence which would result from over-dependency. We must not allow such a possibility to develop.

Following this logic, we must encourage the maintainance and development of America's strengths, her technological, manpower, capital and natural resource superiority. We need to conserve our depletable resources for future use, while obtaining supplementary but not dependency—creating supplies from other sources.

Noting our current labor needs and unemployment, we can as well sell "sophisticated capital goods, many of which are labor intensive." Given the present potential for trade between the United States and the U.S.S.R., the Department of Commerce has estimated the possibility of moving from $150 million to as much as $2 billion annually in labor-intensive exports to the Soviet Union. According to Bureau of Labor Statistics estimates, this could actually mean the addition of hundreds of thousands of new jobs to the domestic economy. Such a boost in available job opportunities could mean a considerable drop in unemployment, coupled with higher wages and lower prices on many domestic items.

On the agricultural side, disastrous droughts and crop diseases have continuously laid waste much of the Soviet Union's agricultural harvest. The Soviets must import grains to feed their livestock and supplement Russian diets. As a result, the Nixon administration has already cleared the way for exporting $135 million worth of feed grains to the Soviet Union and authorities of both nations are hoping to increase American agricultural exports to the Soviet Union up to $200 million annually. This represents a tremendous new source of relief to the American farmer's old and reoccurring nightmare of overproduction. Russia, with its huge population and growing volume of grain-dependent livestock could conceivably provide America with a new and dependable market for the Nation's agricultural surpluses. Such new initiatives, in order to be productive, would require the reduction of barriers to trade which are the result of many years of commercial division and isolation.

A major obstacle in path of normalized United States-Soviet trade relations concerns the matter of credit. The United States has already offered the Soviet Union the standard 3 years, 6⅛ percent interest credit rate offered to other nations, but the Russians are insisting on a 10-year, 2-percent interest plan. This is where we must stand firm. It is true that the Soviet Union lacks the hard currency needed to meet short-term credit rates. But they do possess nonmonetary goods in the form of raw materials which might be substituted for cash payments. America can extend normal credit, as it does to any buyer.

The Soviet Union should accept this fact as it is; not as some sort of political discrimination, but as a basic economic measure.

In considering credit arrangements the question also arises concerning the Soviet bid for most-favored-nation status. Congress would be wise in scrutinizing every aspect of this question. It would be foolish to give the Soviet Union favorable access to the American domestic marketing system without first settling all questions of credit and areas of trade. The American consumer and the American business community alike must be given fullest protection in considering the extension of most-favored tariff status to any nation, particularly on whose government can manipulate production and price for political rather than economic reasons. Additionally, such favorable tariff reduction must parallel a lessening of Soviet tariffs on American goods, and open the doors further to advanced trade proceedings and markets for American goods.

Russia owes the United States billions of dollars in World War II lend-lease aid; a settlement has never been reached concerning these payments. This country has cancelled all but $800 million of this heavy debt and settlement of the situation would suggest yet another step, psychologically and politically, in building stronger confidence between the two countries.

Recognizing all the problems, and dangers, implicit in the impending change, the steady process of detente has evolved to the point where the world's greatest powers can achieve new agreements in trade, while possibly stabilizing political relations at the same time. Never, in the long bitter history of Soviet-American relations has the desire for new and direct cooperation been so intense.

America must move with both confidence and yet caution toward the goal of trade with Russia. It is easy to become too optimistic about the immediate prospects and benefits which might result and in the process overlook the substantial impediments and differences in our two economies. We must work patiently to reduce these problems and to adjust the requirements of both economies. This will require resolution on each side to study and comply with the marketing methods and trade procedures of the other. The achievement of these necessary steps to understanding and cooperation will provide the groundwork for increased trade and perhaps for expanded interaction in other areas.

The condition and vitality of future Soviet-American relations will be greatly determined by the degree of success of these early initiatives. Trade may prove to be the basis for structuring a more stable relationship, politically, between the two most powerful nations on earth—a relationship which, if properly cultivated, would greatly reduce the chances of armed confrontation throughout the world and provide the basis for a stable, lasting peace.

When founding the European Coal and Steel Community in 1951, the great "Europeanist," Robert Schumann, stated that the motive behind integrating Europe's vast resources of war into a single supra-nationally controlled body was to make future war not only improbable, but virtually impossible.

It is unthinkable that such a formal and conclusive parallel agreement could be made between the United States and the Soviet Union in the foreseeable future, but the principle is credible. The key to future peace and political stability rests with economic interdependency. By developing peaceful but binding trade links with the Soviet Union, the United States could accomplish through economic means that which she cannot accomplish with force at the present, a reduction of tension and an increase in understanding. Even more important, if we have the courage to pursue this process in a manner consistent with the principles and values of America, we can achieve our most fundamental objective—the extension of freedom.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with speeches by Senators limited to 3 minutes. Is there morning business to be transacted at this time?

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains to the Senator from Tennessee under the order?

The ACTING PRESIDENT pro tempore. Two minutes remain to the Senator from Tennessee.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be delayed temporarily and that the Senator from Tennessee retain his time and yield it to me.

Mr. BROCK. Mr. President, I would be delighted to do so.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair and I thank the distinguished Senator from Tennessee.

Mr. President, when the 2 minutes expire, if the Chair will announce the period for the transaction of routine morning business, I will then resume my speech.

THE ATTEMPTED ASSASSINATION OF GOVERNOR WALLACE—PROTECTION FOR CANDIDATES

Mr. ROBERT C. BYRD. Mr. President, the assassination attempt against Governor Wallace poses some very serious questions about the safety of political candidates in the future.

There is no way in which a candidate can be completely protected if he exposes himself in a crowd as Governor Wallace did, and as most candidates eventually do. It is part of the American political process that candidates should wish to mingle with the crowds which turn out to hear them. But I believe that the first thing which must be done is for the candidates themselves to restrain themselves and to take all precautions possible.

I know that it is not desirable that campaigning be done from a television studio. TV is a valuable tool in elections; but it is often cold and impersonal, and it can convey impressions which are not accurate. It has always been a part of the American political scene that candidates should meet the voters in person, and that tradition should be continued to the extent that it can be continued consistent with the personal safety of those involved.

But I believe that new means of protecting candidates must be explored, and that all practical protection must be provided. A person who is willing to undertake the rigors of campaigning for public office should not also be expected to put his life on the line every time he appears in public. He should not be expected to restrain his own heartfelt, strong personal views with regard to issues that are emotional and highly controversial.

Every candidate—as long as he acts within the law—should be free to forthrightly and frankly express his viewpoints whether or not they are popular or unpopular. That is the American way and it is the democratic way. And I think every candidate should be defended in that opportunity and protected in that opportunity.

To this end, then, I think, new measures have to be considered. Not only will the candidates themselves have to exercise added care, but also such things as more stringent controls of certain types of handguns—the Saturday night special, in particular—the possible use of weapon detection devices, the imposition of mandatory death sentences for assassins and would-be assassins, and closely controlled public appearances of candidates—all these possibilities must be considered.

The parallel is not exact, of course, but if airline passengers can be screened for weapons before boarding airplanes, then it might be possible to have Secret Service or FBI agents screen persons entering halls to hear candidates speak. Magnetometers might be used at entrances to detect weapons.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time the Senator's time has expired. He will be recognized in the morning hour for an additional 3 minutes.

Mr. ROBERT C. BYRD. I thank the Presiding Officer.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

THE ATTEMPTED ASSASSINATION OF GOVERNOR WALLACE—PROTECTION FOR CANDIDATES

Mr. ROBERT C. BYRD. Mr. President, detection devices could also be used for the outside events, it seems to me, to screen lines of people who might wish to shake hands with a candidate. There is no reason that I know of why disorder and confusion have to prevail at political rallies. People could be required to line up and pass through a detection area before reaching the candidate. Such a procedure could well speed up political meetings and make them more orderly, in addition to saving lives.

I think all of us have had this experience as we appear at public meetings. Following the program, people always come forward to the head table and shake hands with the speaker. I should think they would be quite willing to pass by some kind of metal detection device in order to do this. This would not inhibit them from coming forward. It would serve to discourage only those individuals who had the evil intention of using a gun or other weapon to conduct an attack upon the candidate.

Moreover, the use of bulletproof lecterns should become standard operating procedure. These lecterns should be on platforms or stages separated from the audience as a matter of routine.

I believe that as a matter of routine the Secret Service should be given veto control over arrangements for the appearance of candidates for the presidency just as they have such veto power over arrangements for the personal appearance of the President. It is better to sacrifice some of the spontaneity and personal contact than to expose candidates needlessly to attack.

At Laurel, security people were right beside Governor Wallace and they could not prevent the tragedy which occurred because of the crush of people surrounding the Governor. This type of situation must be avoided in the future, and I believe the Secret Service, which is now charged with the responsibility for protecting the candidates for President, should have the authority to keep jostling crowds away from candidates in situations where there has been prior advertising of rallies and beforehand public knowledge of a candidate's route or place of appearance.

I am convinced that the general laxity in dealing with criminals and the widespread unwillingness to impose the death penalty, even in instances in which juries and courts have ordered it, has contributed to the boldness with which assassins have attacked candidates and public figures in recent years. They have been virtually assured that they can take life but that their own life will be spared. I believe a Federal law is in order making a death sentence mandatory for a person convicted of murdering or attempting to murder a candidate for President of the United States. If punishment to fit the crime were swift and inescapable, if would-be assassins knew that inevitably they would go to the gallows, the electric chair, or the gas chamber, I am inclined to believe that they might be inclined to think twice before attempting to perpetrate such a crime.

The shooting of Governor Wallace is more than a personal tragedy for Mr. Wallace, as serious as that in itself is. It is a tragedy for our political system. The person who attacks a candidate attacks also our system of government and our way of life. This senseless crime should alert all Americans to the necessity of taking every step possible to prevent such occurrences in the future. If we do not act to meet the threat, the whole character of our public life can and will be changed.

Crimes such as that perpetrated upon Governor Wallace have a way of inciting imitators. Whatever action we can reasonably take should be taken before there is a repetition.

Mr. STENNIS. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. The Senator has no time remaining. The Senator from Mississippi is recognized in his own right.

Mr. STENNIS. Mr. President, I wish to highly commend the Senator from West Virginia for the substance of his remarks. I did not get to hear all of his statement by any means, but I think unmistakably he is entirely correct.

An assault of this kind is more than an assault on Governor Wallace or the individual; it is an assault on our system of government. It is an assault on the idea of people being able to freely take part in the campaign by going to the rallies, engagements, and having a chance to get a personal impression of the thought processes, personality, and demeanor of the candidates. It is an assault on the basic right of the American people and, as I said, on the system of Government.

There is no doubt in my mind about this lack of severity of punishment also having a part in generating the general atmosphere whereby a person will go into a matter of this kind or stumble into it. There is no doubt about it; the second thought is not there for him. There are countless thousands of people who can either be encouraged or pushed into or who would voluntarily go into a situation where they are prompted to take action of this kind. I do not know what the punishment is for an unsuccessful assault of this type, but it seems to me it certainly could well be placed in the realm of capital punishment. Under the circumstances, the jury could be in charge of that. Ordinarily, an attempt to murder is not punishable by death.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. ROBERT C. BYRD. It was my suggestion that even the attempt—when clear and unmistakable—to assassinate a candidate, especially a candidate for President, should carry with it a mandatory death penalty because in my judgment a lot of these nuts running around the country are eager to undertake an assassination because of the notoriety they think would attach to their having attempted to shoot a candidate for President. They are only confronted with a few years in prison, and possibly they will not serve long sentences, and even if they spend a few years in prison they will get out eventually and always be a subject of attraction to autograph seekers and to those who will point to them and say, "He is the fellow who shot George."

I think it is time some of these people be put out of commission. Not only should the death penalty be made mandatory for those who are successful in committing an assassination of a President or a presidential candidate, but also those who make an overt, clear, unmistakable attempt to do so. I am convinced that the only way to stop some of these people is to confront them with the absolute assurance that whether or not they are successful in assassinating their target they are going to get the death penalty.

Mr. STENNIS. Mr. President, again I commend the Senator.

Mr. ROBERT C. BYRD. I thank the Senator from Mississippi.

Mr. GURNEY. Mr. President, I listened with interest to the remarks of the distinguished assistant majority leader in connection with the danger posed to the country by the people who are assaulting presidential candidates. I think these remarks are imminently sound and I endorse them wholeheartedly, especially the portion that would invoke the death penalty not only on the successful attempt but on the unsuccessful attempt because surely this kind of continued practice is going to endanger the whole political process of this Nation unless we are able to put a stop to it, and I do not think we are going to put a stop to it unless those who see some opportunity to seek a brief instant of glory are frightened from doing these things by the severe penalty invoked.

I think that the remarks of the distinguished Senator from West Virginia are well made. I think, too, that his suggestions about campaigning and protection of the candidates on the campaign trail are very sensible and sound.

All of us like to be friendly and plunge into a crowd and shake hands and indicate our interest in people who are listening to us on the campaign trail, but it is also quite obvious that this sort of approach is not going to work in the turbulent times that we are now in. Perhaps all the candidates could revise their tactics so indeed they could be protected from the lunatic fringe element running around the country.

I commend the Secretary from West Virginia for bringing this matter to the attention of the Senate. It is very sensible.

Mr. ROBERT C. BYRD. I thank the Senator from Florida.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 1972

Mr. HARRY F. BYRD, JR. Mr. President, I notice in the conference report on the supplemental appropriations for the fiscal year ending June 30, 1972, an item appropriating $650,000 for the Joint Committee on Inaugural Ceremonies for 1973. It may be that I should want to comment in some detail on that item. As I recollect, a time limitation was worked out yesterday dealing with the supplemental conference report.

If I may address a question to the acting majority leader, may I ask the able Senator from West Virginia what the time agreement is in regard to the conference report on supplemental appropriations.

Mr. ROBERT C. BYRD. Mr. President, if I may respond to the very distinguished senior Senator from Virginia, the time is limited to 1 hour on the conference report and on the amendments in disagreement. The amendments in disagreement not being a part of the conference report, the hour includes the whole package.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator. I had not been aware of the item of $650,000 for the Joint Committee on Inaugural Ceremonies for 1973. I noted it just a few moments ago in the conference report. I probably would want to address myself to that item. I am wondering whether, if the time should run a little short, we might be able to adjust that 1-hour limitation.

Mr. ROBERT C. BYRD. Well, Mr. President, it could be done only by unanimous consent, and if we reach that kind of situation the leadership, as far as I am concerned, would do everything possible to bring about an accommodation for the Senator, but it would require unanimous consent.

Mr. HARRY F. BYRD, JR. I thank the Senator.

One other question. At what time does the acting majority leader expect to call up the conference report?

Mr. ROBERT C. BYRD. The conference report is to come before the Senate upon the completion of the routine morning business today.

May I ask the Chair when that would be?

The ACTING PRESIDENT pro tempore. At 12:40.

Mr. ROBERT C. BYRD. I thank the Chair. So around 12:40 the hour will begin.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Virginia, my namesake, and of whom I am very proud.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OCCASIONAL CONFUSION IN PROPERLY IDENTIFYING THE TWO SENATORS BYRD

Mr. ROBERT C. BYRD. Mr. President, I thought my distinguished colleague, the senior Senator from Virginia, Senator HARRY F. BYRD, JR., should know that there continues to be some confusion in the country—I do not know why there should be—as to which Senator BYRD represents Virginia and which Senator BYRD represents West Virginia. I received a letter from a lady in Florida just the other day which enclosed correspondence from a quite outstanding correspondent with the news media. I will not name him or say at this point which city he hails from, but he is a well-known news media correspondent. Apparently the Floridian had taken him to task, for his having said something about a Senator BYRD, of Virginia or of West Virginia, in some way. So, the media representative responded to her correspondence and sought, in a very courteous way, to set the lady straight regarding the matter. His letter went somewhat like this:

> DEAR MRS. BLANK: Apparently you are not aware that there are two Byrds in the Senate. Senator Robert Byrd represents the State of Virginia and his father, Senator Harry Byrd, represents West Virginia.

So, Mr. President, I responded and stated to the lady—with a copy to the media correspondent—that Senator ROBERT C. BYRD represents the State of West Virginia and that the distinguished Senator HARRY F. BYRD, JR., is in reality—regretful as I am to say so—of no relation to me, but that he very eminently represents the great State of Virginia, a State which was formerly ably represented by his late illustrious father, Harry F. Byrd, Sr.; and finally that my late foster father, a coal miner in the sovereign State of West Virginia, never held any political office and as far as I know never had any political ambitions.

I am—may I say for the RECORD—always proud to refer to the distinguished Senator from Virginia as my "cousin," because, even though we are not blood cousins, we have a great affinity one with the other, and I suppose that the old saying that "Byrds of a feather flock together" really does have much truth to it.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield at that point?

Mr. ROBERT C. BYRD. I yield to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. I want to say that my admiration, affection, and regard for the able Senator from West Virginia is such that I am glad to have any relationship with him, even that of being his grandfather. So I do not want to correct any news accounts or any misunderstandings that might link me with the able and distinguished Senator from West Virginia with the same name as mine. I am grateful for our close association in the Senate, and whether or not he can prove any blood relationship, I claim him as a close friend and a close relative, and I am always proud to be standing side by side with him in the Senate or anywhere else.

Mr. ROBERT C. BYRD. Mr. President, I thank the able senior Senator from Virginia. May I say I share his expressed feeling to the fullest extent.

I yield now to the distinguished senior Senator from North Carolina.

Mr. ERVIN. Mr. President, since he has been privileged to serve in the Senate with both the BYRDS, the one from Virginia and the one from West Virginia, the Senator from North Carolina would like to affirm without fear of successful contradiction that both the State of Virginia and the State of West Virginia are represented in the U.S. Senate in a most intelligent, a most courageous, and a most glorious manner.

Mr. ROBERT C. BYRD. Mr. President, if the able Senator from North Carolina will yield to me, I thank him for what he has just said.

By the way, carrying this just a little bit further, I would personally appreciate it, and I am sure the Senator from Virginia would, if the press would at least recognize that there is a State of West Virginia as well as a State of Virginia.

Mr. HARRY F. BYRD, JR. (laughing). I think that is a reasonable request.

Mr. ROBERT C. BYRD. I am not complaining about my being associated with the distinguished Senator from Virginia in the newsstories. I am proud to be associated with him, but I do think that the people of the country ought to remember that there are two States carrying the name of Virginia, but that one carries the additional title of "West," and at times there are two words added for emphasis—which I shall not here repeat—when prideful reference is made by West Virginians to their own State of West Virginia.

Mr. President, if I may now be recognized in my own right.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. ROBERT C. BYRD. The other day, in reporting on the outcome of the Byrd amendment, a very eminent newscaster on an evening news program stated that the amendment was offered by the majority whip, Senator Byrd of Virginia. That night I noted that a local newscaster referred to the amendment in the same manner. One of the Washington newspapers, which I shall not name, but it was an afternoon newspaper—I will not get any closer than that—referred to the amendment as having been offered by Senator Harry Byrd, Democrat of West Virginia.

So, while I realize those mistakes might naturally occur occasionally, I would hope there would be a little greater care taken, not that I personally am complaining about the association with the Senator from Virginia, but I do wish that everyone would at last come to the realization, in this latter half of the 20th century, that there is indeed a West Virginia as well as the great old Dominion State of Virginia, the mother of Presidents.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. MATHIAS. Mr. President, I have listened with interest to colloquy between the distinguished Senator from Virginia and the distinguished Senator from West Virginia and I am happy to say that we in Maryland have the really unique distinction of being able to claim them both as neighbors, and we consider them very good neighbors.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Maryland.

RETIREMENT OF MARYLAND CHIEF JUDGE HALL HAMMOND

Mr. MATHIAS. Mr. President, today marks the retirement of the chief judge of the Court of Appeals of Maryland, Judge Hall Hammond. I am moved to say a very few words as a tribute to his remarkable career as a public servant and as a jurist.

He grew up in the traditions of Maryland. His family had been active in Maryland since the 17th century. He is the 20th century example of that tradition of long public service, which has gone on for so many generations.

He served as attorney general of Maryland, and was an outstanding attorney general. He really expounded a concept of the law which was intelligible to all people of Maryland, which made the law a living force in our State. Then on appointment by our former Governor, Theodore Roosevelt McKeldin, he was elevated from attorney general to the court of appeals, and later became the chief judge of Maryland.

I think, Mr. President, most Members of the Senate will recognize that good judgment, sound judgment, and wise judgment are always hard to find. Through the operation of our mandatory retirement law, we are losing that kind of a judge. I say losing, because his retirement will be a loss to the people of Maryland, and in a larger sense to the judiciary of the entire country.

While I regret it, his retirement does give us the opportunity to recognize the great contributions he has made to the State of Maryland and to the entire judicial system of the United States.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President——

The ACTING PRESIDENT pro tempore (Mr. Allen). The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair. Plato thanked the gods for having permitted him to live in the age of Socrates. I thank the benign hand of destiny for permitting me to live in a day and time and to serve in this august body at a time when the distinguished Senator from Alabama (Mr. Allen) presides over the Senate with a degree of skill, proficiency, and dignity as "rare as a day in June."

EXTENSION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 10 minutes. I do this at the request of the Senator from Louisiana (Mr. Ellender), the manager of the Supplemental Appropriations Conference Report.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

Report on Transfer of Certain Minor Statutory Functions of Department of Defense

A communication from the President of the United States, transmitting a communication from the Secretary of Defense, reporting, pursuant to law, on the transfer of certain minor statutory functions (with accompanying papers); to the Committee on Armed Services.

Report on Contract Award Dates

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on contract award dates, for the period May 15–August 15, 1972 (with an accompanying report); to the Committee on Armed Services.

Proposed Amendment of Federal Aviation Act of 1958

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend section 1306 (a) of the Federal Aviation Act of 1958, as amended, to authorize the investment of the war risk insurance fund in securities of, or guaranteed by, the United States (with an accompanying paper); to the Committee on Commerce.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Observations on Financial Inventory Accounting—What It Is and What It Could Be", Department of Defense, dated May 17, 1972 (with an accompanying report); to the Committee on Government Operations.

Report of Government Comptrollers for Guam

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of the Government Comptroller for Guam, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Report on Foreign Agents Registration Act

A letter from the Acting Attorney General, transmitting, pursuant to law, a report on the administration of the Foreign Agents Registration Act, for the calendar year 1971 (with an accompanying report); to the Committee on the Judiciary.

Report and Recommendations of National Advisory Council on Extension and Continuing Education

A letter from the Chairman, the National Advisory Council on Extension and Continuing Education, transmitting, pursuant to law, a report of that Council (with an accompanying document); to the Committee on Labor and Public Welfare.

Report on Financial Condition of the American Legion

A letter from the Director, National Legislative Commission, the American Legion, transmitting, pursuant to law, a report on the financial condition of that organization, as of December 31, 1971 (with an accompanying report); to the Committee on Veterans' Affairs.

Proposed Allied Services Act of 1972

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation cited as the "Allied Services Act of 1972" (with accompanying papers); jointly referred to the Committees on Finance and Labor and Public Welfare, by unanimous consent.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Allen):

A resolution of the House of Representatives of the General Assembly of the State of Ohio; to the Committee on Foreign Relations:

"Resolution

"Memorializing the Congress of the United States to return to the Republic of Mexico all captured flags of the Mexican Army in return for all captured U.S. flags

"Whereas, it is common knowledge that the current tide of friendly relations enjoyed between the United States and our southern neighbor, the Republic of Mexico, is the product of modern times; and

"Whereas, It is hoped that this friendship will continue in the future as a benefit to both great nations despite past differences; and

"Whereas, The wish of all peace loving men of North America is to cement relations between ourselves and the neighboring democracy to our South; and

"Whereas, This intention would best be served by an overt gesture of our feelings of good will and friendship between ourselves and the Republic of Mexico; therefore be it

"*Resolved,* That we, the members of the House of Representatives of the 109th General Assembly of Ohio, in adopting this Resolution and causing a copy thereof to be spread upon the pages of the Journal do hereby memorialize and fervently encourage Congress to return to the Republic of Mexico all captured flags of the Mexican army in return for all captured United States flags; and be it further

"*Resolved,* That the Legislative Clerk of the House of Representatives transmit properly authenticated copies of this Resolution to Carl Albert, the Speaker of the House of Representatives; to Spiro T. Agnew, Vice President of the United States; and to each Senator and Representative from Ohio in the Congress of the United States.

"Adopted May 11, 1972."

A letter, in the nature of a petition, from the New England Council, Boston, Mass., praying for the enactment of legislation relating welfare reform; to the Committee on Finance.

A resolution adopted by the Military Order of the World Wars, New Orleans, expressing disapproval of the removal of certain Reserve Officer Training Corps units; to the Committee on Armed Services.

A resolution adopted by the Military Order of the World Wars, New Orleans, La., in opposition to any modification or revision of the Panama Treaty; to the Committee on Foreign Relations.

A resolution adopted by the Military Order of the World Wars, New Orleans, La., in opposition to the granting of amnesty to draft evaders and deserters from the Armed Services; to the Committee on the Judiciary.

A resolution adopted by the Military Order of the World Wars, New Orleans, La., commending the President for his action in Vietnam; ordered to lie on the table.

A telegram, in the nature of a petition, from Rose Rainer, Chicago, Ill., in opposition to recent actions in Vietnam; ordered to lie on the table.

A resolution adopted by the Society of Colonial Wars in the State of Louisiana, New Orleans, La., expressing approval of the actions of the President in Vietnam; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERT C. BYRD (for Mr. SPARKMAN) from the Committee on Banking, Housing and Urban Affairs, without amendment:

S.J. Res. 211. A joint resolution to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance (Rept. No. 92–795).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2454. A bill to amend the Youth Conservation Corps Act of 1970 (Public Law 91–378; 84 Stat. 794) to expand the Youth Conservation Corps pilot program, and for other purposes (Rept. No. 92–796).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 6957. An act to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes (Rept. No. 92–797).

EXECUTIVE REPORTS OF COMMITTEES

Mr. FULBRIGHT. Mr. President, as in executive session, from the Committee on Foreign Relations, I report favorably sundry nominations in the diplomatic and foreign service which have previously appeared in the RECORD and I ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they may lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations are as follows:

Philip W. Arnold, of New York, and sundry other persons, for promotion in the diplomatic and foreign service.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BELLMON (for himself and Mr. HARRIS):

S. 3624. A bill to provide for the conveyance of certain real property to the State of Oklahoma for National Guard purposes. Referred to the Committee on Armed Services.

By Mr. COTTON:

S. 3625. A bill to redesignate the additional Senate Office Building as the "Styles Bridges Office Building." Referred to the Committee on Public Works.

By Mr. ERVIN:

S. 3626. A bill for the relief of certain persons. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 3627. A bill to authorize the Secretary of the Interior to sell certain mineral rights in certain lands located in Utah to C. R. Jensen of Sandy, Utah, the record owner thereof. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (for himself and Mr. HOLLINGS):

S. 3628. A bill authorizing and directing the Secretary of Commerce to make a report to Congress on environmental monitoring systems, both national and international. Referred to the Committee on Commerce.

By Mr. MATHIAS:

S. 3629. A bill to amend the Internal Revenue Code of 1954 to provide that a married individual who files a separate return shall be taxed on his or her earned income at the same rate as an unmarried individual. Referred to the Committee on Finance.

By Mr. TOWER (for himself, Mr. SPARKMAN, Mr. ALLOTT, Mr. CURTIS, Mr. DOLE, Mr. HANSEN, and Mr. HRUSKA):

S. 3630. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry. Referred to the Committee on Labor and Public Welfare.

By Mr. HART:

S. 3631. A bill to promote commerce and assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MAGNUSON (for himself and Mr. HOLLINGS):

S. 3628. A bill authorizing and directing the Secretary of Commerce to make a report to Congress on environmental monitoring systems, both national and international. Referred to the Committee on Commerce.

ENVIRONMENTAL MONITORING REPORT ACT

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference a bill authorizing and directing the Secretary of Commerce to make a report to Congress on national and international environmental monitoring systems. We now recognize that every new technological development can be expected to have some impact on the environment. Human health and well-being depend to a large extent upon our being able to minimize the adverse environmental effects of commerce and commercial technology. Knowledge of the environmental consequences of commerce comes in part from monitoring programs, a number of which are already in operation. In order that the Department of Commerce, especially the National Oceanographic and Atmospheric Agency—NOAA—and the Congress may be fully informed of existing and proposed systems, I believe it imperative that there be a comprehensive report dealing with these environmental monitoring systems. This bill provides for such a report by the Secretary of Commerce with the assistance of the president of the National Academy of Sciences.

Both national and international monitoring systems must be considered because the problem of environmental contamination is global. Pollution of the Yangtze is no less important to us in the long run than the pollution of the Potomac. Existing national and international systems will thus be categorized and evaluated with the objective of arriving at recommendations for significantly improved worldwide monitoring.

Clearly gaps in our knowledge must be eliminated with all possible dispatch. Institutions such as those envisioned in my world environmental institute resolution will serve to house and distribute all available environmental information. New institutions will also be needed, however, to increase the volume of information available.

The focus of the bill I introduce today is on this latter function of information collection. It is my hope that when we have a clear picture of what is now being done in this area, we will be able to plan future environmental monitoring more wisely, avoiding both gaps and overlaps in the protection of mankind from environmental hazards. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Monitoring Report Act".

STATEMENT OF PURPOSE

SEC. 2. The purpose of this Act shall be to require the Secretary of Commerce to prepare and transmit to the Congress a report on various aspects of environmental monitoring, with recommendations for the improvement of existing national and international environmental monitoring systems.

FINDINGS OF FACT

SEC. 3. The Congress hereby finds that—

(a) human health and well-being depends upon man's ability to minimize the adverse impact of commerce and commercial technology upon the environment;

(b) reconciling commerce and commercial technology with environmental quality requires a knowledge of the environmental consequences of commerce and its growth;

(c) such knowledge may be developed in

part through proper environmental monitoring systems, a number of which are already in operation or under consideration;

(d) the Department of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), will have responsibility for certain of these environmental monitoring systems and participate in or be affiliated with numerous other such systems;

(e) the Congress should be informed of the status, utility, and necessary improvements in existing and proposed monitoring systems, both national and international; and

(f) the Secretary of Commerce should therefore be authorized and directed to make a report to the Congress on environmental monitoring, and should seek the cooperation of the Departments of Defense, Transportation and Interior; the Environmental Protection Agency; the Atomic Energy Commission; the National Aeronautics & Space Administration; the National Science Foundation; and President of the National Academy of Sciences in order to make a report as comprehensive as possible.

REPORT

SEC. 4. Not later than one hundred and eighty days following the effective date of this Act and annually thereafter the Secretary of Commerce shall transmit to the Congress a comprehensive report on environmental monitoring systems. The report shall deal with various aspects of environmental monitoring, including but not limited to:

(a) Existing environmental monitoring systems, classified both by the medium in which the monitoring is performed and the phenomena that are monitored to include—

(1) a description of each system and a list of all nations and organizations participating in each monitoring system;

(2) a description of the research facilities associated with each monitoring system, including such information as number of stations, frequency of sampling, time delay, and such other matters as the Secretary shall determine to be relevant;

(3) the costs of maintaining and operating each system, insofar as available, and the sources of funding for each system;

(4) an evaluation of the suitability of each system for the performance of its mission;

(5) an evaluation of the adaptability of each system for incorporation in a broader and more comprehensive network of environmental monitoring; and

(6) such other information with respect to particular systems as the Secretary may see fit to report.

(b) A plan with respect to major systems proposed or not yet in operation;

(c) An evaluation of environmental monitoring generally, including its significance, utility, methodology, and role in the solution of environmental problems;

"SEC. 4. (d) Recommendations for the improvement of environmental monitoring systems in the United States as well as those international systems in which the U.S. is a participant such as the World Weather Program of the World Meteorological Organization and the Integrated Global Ocean Station System of the Intergovernmental Oceanographic Commission; with special attention to such proposals as may emerge from the International Biological Program, the International Hydrological Decade and the U.N. Conference on the Human Environment and other such scientific studies and recommendations; and with reference to the feasibility of coordinating U.S. environmental monitoring programs with international programs, and"

(e) Such other information and material with respect to environmental monitoring as the Secretary of Commerce may feel warrants attention by the Congress.

REQUEST FOR ASSISTANCE FROM THE PRESIDENT OF THE NATIONAL ACADEMY OF SCIENCES

SEC. 5. The Secretary of Commerce is authorized and directed to request the assistance, advice, suggestions, and recommendations of the President of the National Academy of Sciences in preparing the report required by section 4. The Secretary is authorized to accept in whole or in part, such drafts of the report as the President or his designees may provide.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 6. (a) There are hereby authorized to be appropriated to the Secretary of Commerce such sums as may be required to carry out the purpose of this Act.

(b) The Secretary of Commerce is authorized to utilize such portion of funds so appropriated as he shall determine to be required to defray expenses incurred by the President of the National Academy of Sciences in complying with the Secretary's request for assistance, as authorized by section 5.

By Mr MATHIAS:

S. 3629. A bill to amend the Internal Revenue Code of 1954 to provide that a married individual who files a separate return shall be taxed on his or her earned income at the same rate as an unmarried individual. Referred to the Committee on Finance.

ENDING THE TAX ON MARRIAGE

Mr. MATHIAS. Mr. President, 3 years ago, as today, the attention of the Congress and the Nation was focused on the need for tax reform. It was, and is, our desire to further equalize our growing tax burden, thereby creating a more equitable system in which each individual will pay his fair share.

The culmination of this widespread concern over tax equity was the Tax Reform Act of 1969, legislation which proved to be a big step forward in providing much-needed relief for overburdened American workers. One of the objectives of the Reform Act was the reduction of tax rates applied to single wage earners, a burden considered too heavy when compared to that imposed on married couples earning similar incomes who enjoy the tax benefits of income splitting.

An unfortunate by-product of these efforts to lessen the tax load of single individuals was, in effect, the creation of a "tax on marriage." As a result of the Reform Act, married couples in which both parties earn similar incomes are taxed at a rate substantially higher than are two single individuals earning comparable incomes.

The "marriage tax" falls most heavily on couples of middle- or upper-middle income. The tax can be quite significant. According to Prof. Oscar S. Gray of the University of Maryland School of Law, married individuals earning salaries in the $12,000 to $26,000 range are taxed at a rate that is 7½ to 19 percent higher than that applied to single individuals. Two persons, each whom earns $12,000 a year, would owe $1,000 less tax if they were single than if they were married.

Part of the original rationale for lowering the tax rate for single individuals was that single persons have higher living costs than married couples. If this were true at some time in the past, it does not seem to be necessarily true today.

Moreover, Mr. President, the "marriage tax" may be interpreted as a symbolic, or even real, policy declaration by Congress that marriage is to be discouraged.

As Professor Gray has written:

> A new phenomenon has become very prevalent in recent years, particularly since 1969: Couples, each of whom works, frequently at comparable salary levels, establish housekeeping together without getting married. We may or may not approve of this, but there is no reason for Congress to subsidize it.
>
> Under the present tax rates Congress tells such a couple, who may be, for instance, young lawyers or economists in the Government, "We will charge you two or three thousand dollars less a year if you stay single, living together as you are, than if you get married". Their other expenses stay the same either way—only the taxes go up if they marry. (Should they have a baby, they can realize yet further tax savings by staying single, if one files as head-of-household.)

Mr. President, in light of this information, I feel that the need for tax reform is clearly evidenced.

With the assistance of Professor Gray and individuals at Georgetown Law School, I have prepared a bill which will eliminate this "marriage tax." My bill will not increase the taxes paid by single persons, but will assure that married couples who file as a couple need never pay a greater tax than they would pay were they to file separately as single individuals.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the remarks of Professor Gray, prepared for delivery before the House Ways and Means Committee, and a copy of the bill which I am introducing today.

There being no objection, the remarks and bill were ordered to be printed in the RECORD, as follows:

OSCAR S. GRAY ON "TAX ON MARRIAGE" BEFORE COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, MAY 1, 1972

Mr. Chairman and Members of the Committee:

I am Oscar S. Gray, a lawyer in Washington and Baltimore, and an Associate Professor of Law at the University of Maryland School of Law in Baltimore.

I appreciate the opportunity to appear before you to discuss an unintended marriage penalty—or sin subsidy—which has arisen under the Tax Reform Act of 1969, to propose possible solutions.

As you know, one of the objectives of the 1969 act was to cure an inequity which had previously applied to single individuals. It was thought that the pre-1969 tax differential between single and married people was too great because married people had the benefit of income splitting and single people did not. It was also assumed that the expenses of single people were greater per capita than those of comparable married people. Accordingly new, lower rates were provided for single individuals in the 1969 act.

Such an adjustment was fair in principle, if the single person living alone were to be compared with the traditional family situation involving a working, income-splitting husband and a housewife with no outside income.

A big problem was overlooked, however. If the family income is generated by both husband and wife, the income-splitting advantages of marriage diminish depending on the ratio of the respective incomes. If both spouses have approximately the same income—which we frequently see among professional people, particularly younger couples—there is no income splitting advantage whatever. Such couples will now pay more taxes under the current rates if they are married than if they had stayed single, since the new rates for single individuals would provide a lower total tax than is available for any such married couples.

I have attached a table indicating this tax penalty of marriage at various income levels. It is very substantial—a penalty of between 7½% and 19% for instance, for couples earning approximately the same, at moderate salary levels yielding taxable incomes of between $12,000 and $26,000. In actual dollars, the couple each of whom is employed at approximately a $12,000 taxable level pays $1,000 extra taxes each year over the amount they would have paid had they remained single. At the $26,000 taxable income level the tax penalty for the couple approaches $3,000 cash each year over and above what the same people would have paid were they single—a $3,000 annual cash penalty just for being married.

This burden unfortunately falls hardest at the lower and middle professional rates. At all salary levels over $10,000 the penalty is at least hundreds of ill-affordable dollars each year. The very rich, however, are much less prejudiced. The moderate level professional couple each of whom is in the $26,000 taxable income range pays almost as much marriage penalty as the couple each of whom earns $100,000 annually—the difference is only $600 a year more for almost $150 thousand extra taxable income.

The penalty, furthermore, for the moderate level couple is especially resented because of the fallacy in the other assumption which underlay the 1969 rates for single individuals, namely, the thought that single people have higher living expenses than comparable people who are married. Apart from a number of debatable elements in that premise which would apply even in the single breadwinner household—and I have never met a married man who did not think that he had had more cash in his pocket when he was a bachelor—the assumption overlooks two special situations which are pertinent to a number of married professional people.

One such situation arises in the case of the couple who work in different cities and must accordingly maintain separate residences. This is much less rare than may be thought. We have recently seen the distinguished example of a couple each of whom was an American ambassador and who accordingly were required to work and live in different countries. I myself worked in Pittsburgh for the first year of my marriage while my wife worked in the Washington area. We find this situation increasingly where academic and governmental appointments—and elective positions as well—are involved.

More seriously, a new phenomenon has become very prevalent in recent years, particularly since 1969: Couples, each of whom works, frequently at comparable salary levels, establish housekeeping together without getting married.

I can attest from my professional contacts with young people, both as teacher and as counsel, that this has definitely become a very familiar occurrence. We may or may not approve of this, but there is no reason for Congress to subsidize it.

Under the present tax rates Congress tells such a couple, who may be, for instance, young lawyers or economists in the Government, "We will charge you two or three thousand dollars less a year if you stay single, living together as you are, than if you get married". Their other expenses stay the same either way—only the taxes go up if they marry. (Should they have a baby, they can realise yet further tax savings by staying single, if one files as head-of-household.)

Imagine the deterrence this presents to matrimony. What, may I ask, would an extra $3,000 a year—in cash—tax-free dollars—mean to you, in your household, Mr. or Madam Committee member? Would this amount not be enough to make you think twice about tying the knot, if you were living happily, but un-wed, with a fiance?

Imagine further the feelings of the working housewife—or husband—at paying this penalty, knowing that the sinners down the street, holding the same jobs, making the same income, incurring the same expenses, are entitled to pocket $2,000 or $3,000 extra every April because of this tax rate anomaly.

A number of solutions are conceivable. To be acceptable an alternative must deal with certain technical problems with which you are familiar. Among them is the characteristic of the 1969 provision, referred to above, that the extent of the inequity depends directly on the extent to which income splitting is in fact nonavailable to a married couple, that is, on the similarity of or disparity between their respective incomes. In cases where an income splitting advantage does remain under current law, because of a large disparity between the income of the spouses, it should be retained in order to avoid reviving the inequities as between community-property and non-community property states which prevailed before the Revenue Act of 1948.

This problem could be solved by providing simply that married couples filing as at present need never pay a greater tax than the total which they would have paid had they been able to file separately as single individuals. I respectfully recommend this approach to the Committee.

I am also aware, however, of some sentiment—which I do not necessarily share, but which I would be prepared to accommodate for purposes of compromise—that any reform at this stage should be limited to the tax on the working couple's *earned* income alone, and should not be extended to unearned income. In principle I do not see a controlling difference; as a practical matter this partial solution would be far preferable to no solution, and would probably cure most of the inequity for most affected families.

I accordingly attach for your consideration a proposal which has been circulated among some of us who are interested in this problem. The drafting is not mine, but I am glad to have the opportunity to associate myself with it and to bring it to your attention. This proposal would provide for a new section to be entitled "Equalization Rate for Working Spouses". Under this approach married couples would compute their tax as at present, but with a ceiling. The total tax they would pay in respect of their *earned* income would not exceed the total of the taxes each would have paid on his and her individual earned incomes had they been able to file separate returns as single individuals. This would be accomplished by subtracting from the total tax on all taxable income, calculated at current rates for married taxpayers, the difference between the tax, calculated on *earned* income alone, at current rates applicable to married persons and the tax which would have been payable on the same earned income had the taxpayers been able to file separately as single individuals.

Such an approach would steer a middle course which would preserve both the benefits of the Revenue Act of 1948, which eliminated the inequities as between community property and non-community property states, and those of the Tax Reform Act of 1969, which rectified the tax position of single individuals as compared with the typical, single breadwinner family. It would permit those reforms to stand without generating the new inequity which we have discussed against married couples where both spouses work at substantially similar income levels.

It would, furthermore, recognize to some extent the economic disparities between the conventional single breadwinner family unit and the very different entity which has the same aggregate income but where both spouses work to produce that income. In the latter case the wife is not available for household work to the extent that she is engaged in other work. Such a family therefore necessarily spends more on goods and services for the household than the typical single-breadwinner family with the same taxable income, and should accordingly not have to bear the same tax burden as the family where the wife is home and available all day for housekeeping, cooking, sewing clothes, gardening, etc.

In providing these realistic adjustments, the proposed amendment would also save us from the unseemly spectacle of a great nation subsidizing sin, discouraging matrimony, possible encouraging divorce, and in general impeaching its commitment to social rectitude and stability through the imposition of an unnecessary, unprincipled—probably unintended—but certainly seriously burdensome tax on the institution of marriage.

Thank you.

THE TAX COST OF MARRIAGE[1]

Man and Woman each earning taxable income of—	Tax if both are single and file separate returns		Tax if married filing either jointly or separately		Additional tax burden because of marriage		Relation of additional burden to tax imposed if single (percent)
	Each	Total	Each	Total	Each	Total	
$4,000	$690	$1,380	$690	$1,380	0	0	0
$5,000	900	1,800	910	1,820	$10	$20	1.1
$10,000	2,090	4,180	2,190	4,380	100	200	4.8
$12,000	2,630	5,260	2,830	5,660	200	400	7.6
$14,000	3,210	6,420	3,550	7,100	340	680	10.6
$16,000	3,830	7,660	4,330	8,660	500	1,000	13.1
$18,000	4,510	9,020	5,170	10,340	660	1,320	14.6
$20,000	5,230	10,460	6,070	12,140	840	1,680	16.1
$22,000	5,990	11,980	7,030	14,060	1,040	2,080	17.4
$24,000	6,790	13,580	8,030	16,060	1,240	2,480	18.3
$26,000	$7,590	$15,180	$9,030	$18,060	$1,440	$2,880	19.0
$32,000	10,290	20,580	12,030	24,060	1,740	3,480	16.9
$38,000	13,290	26,580	15,030	30,060	1,740	3,480	13.1
$44,000	16,290	32,580	18,030	36,060	1,740	3,480	10.7
$50,000	19,290	38,580	21,030	42,060	1,740	3,480	9.0
$60,000	24,290	48,580	26,030	52,060	1,740	5,480	7.2
$70,000	29,290	58,580	31,030	62,060	1,740	3,480	5.9
$80,000	34,290	68,580	36,030	72,060	1,740	3,480	5.1
$90,000	39,290	78,580	41,030	82,060	1,740	3,480	4.4
$100,000	44,290	88,580	46,030	92,060	1,740	3,480	3.9

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[1] For the sake of simplicity, the computations begin with taxable income, and ignore whatever additional tax difference is created by the fact that the standard deduction allowable to a married person filing separately or jointly is ½ that allowable to a single person.

S. 3629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 1: Section 1 of the Internal Revenue Code of 1954 (relating to tax imposed) is amended by adding at the end the following new subsection:

"(e) Equalization Rate for Working Spouses.—If for any taxable year two taxpayers are married to each other and each has earned income, and the total tax payable by the two without regard to this section is greater than the total of the taxes that each would pay if each filed as a single individual, then (unless the taxpayers have chosen the benefits of part I, subchapter Q, relating to income averaging) there shall be subtracted from the total tax otherwise payable by such taxpayers an amount computed as follows—

(1) There shall first be computed the lower of the total tax payable by such taxpayers without regard to this section on the basis of either a joint return or separate returns, excluding all income other than earned income;

(2) There shall then be computed the total tax payable by such taxpayers if each had been entitled to file a return as a single individual, but excluding all income other than earned income. In making such computation, either itemized deductions must be claimed on both returns or the standard deduction shall be subject to the restrictions imposed under Section 141 in the case of a separate return by a married individual;

(3) The result of the computation provided in (2) shall be subtracted from the result of the computation provided in (1), and the difference shall reduce the total tax otherwise payable under this chapter.

In any case where earned income is community income under community property laws applicable to such income, the amount of such income which is considered the earned income of a taxpayer for purposes of the computations under this subsection shall be the amount of such income which would be the earned income of that taxpayer if such income did not constitute community property."

Sec. 2. The amendment made by Section 1 of this Act shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. TOWER:

S. 3630. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry. Referred to the Committee on Labor and Public Welfare.

Mr. TOWER. Mr. President, today, I am introducing a bill which directs the Secretary of Labor, in formulating and promulgating safety standards under the Occupational Safety and Health Act of 1970, to recognize the differences between the light residential construction industry and the heavy construction industry. I am pleased to be joined in this effort by my distinguished colleagues, Mr. Sparkman, Mr. Allott, Mr. Curtis, Mr. Dole, Mr. Hansen, and Mr. Hruska.

The Occupational Safety and Health Act, Public Law 91–596, was enacted into law in the waning days of the 91st Congress. During the 15 months which have passed since its enactment, regulations have been promulgated which have made compliance with the act most difficult for many Americans. In an attempt to eliminate many of the problems which have surfaced, Senator Curtis introduced, and I cosponsored, the Occupational Safety and Health Amendments of 1972, S. 3262, on February 29 of this year. The proposed amendments embodied in S. 3262 are quite extensive and their enactment should be a major step toward correction of the many inequities which have arisen under interpretation of the act.

The legislation we introduce today is quite narrow in scope in contrast to the aforementioned S. 3262, but its importance is in no way lessened thereby.

During recent years, the Federal Government's commitment to the goal of providing decent, safe housing for families of low and moderate income has grown considerably. As ranking minority member of the Senate's Housing and Urban Affairs Subcommittee, I have actively sought new and innovative means for the construction of federally assisted housing which would reduce the burgeoning expense attributable to current housing programs. I am now concerned that those cost-saving gains realized through new technologies and advanced construction techniques perfected in recent years will be more than offset by an interpretation of the Occupational Safety and Health Act which fails to distinguish between light residential construction and heavy construction.

Mr. President, every attempt should be made to insure that the working environment of our national labor force is as accident and hazard free as possible, yet in seeking this goal, unnecessary and superfluous requirements should not be imposed. The conditions and job hazards that are normally encountered in light construction have long been recognized to be different and considerably less serious than those encountered in heavy construction. Thus, I am at a loss to comprehend why identical requirements which, in many instances, necessitate expenditure of considerable amounts, are imposed on these two dissimilar arms of the construction industry. Obviously, the increased expense is passed directly to the homebuyer through an increase in the purchase price of the residence.

Mr. President, we are reaching the closing days of the 92d Congress. As time grows short, it will become increasingly more difficult to secure hearings and favorable committee consideration for legislation as broad in scope as is S. 3262. The bill we propose today will narrow the issue to that of the immediate need for some distinction being drawn between light residential and heavy construction regulations under the act. In addition, Representative Charles Thone has introduced identical legislation in the House of Representatives, H.R. 12296, and its list of cosponsors currently numbers more than 130 Members of that House. This legislation may now boast of bipartisan support from both Houses of Congress, support which underscores its importance and the need for immediate consideration.

Mr. President, I ask unanimous consent that a memorandum entitled "Rationale for Separate Construction Safety Regulations for Light Residential Construction" and the text of this bill be printed in the Record at this point.

There being no objection, the memorandum and bill were ordered to be printed in the Record, as follows:

Rationale for Separate Construction Safety Regulations for Light Residential Construction

Activities in light residential construction, which include remodeling and decorating activities, are different from those activities which are associated with heavy construction. The work is different in that it is smaller in scope, in the number of employees on a given job, and the scale of activities necessary to complete the construction. By definition, light residential construction is limited to structures no more than three stories high without elevators. Working on a structure of this size must be viewed as being different from working on a structure thirty stories high.

The exposure to possible injury differs also. To start with, the excavations are different. Large structures often have need for big excavations in which to place massive footings and below grade building floor levels. Light residential excavations are almost always limited to one story basement excavation or to slab-on-grade. In heavy construction, the movement of large quantities of earth from reasonably confined areas requires more massive equipment, trucks and personnel than does the simple excavation of home basement. Both the length of time and number of persons exposed to more hazardous conditions are greater in excavations for heavy construction.

The same rationale applies to the building height. The difference between a two-story house and a twenty-story office building is visually obvious. But is also different from a safety standpoint. Because the individual living unit is smaller, there are less craftsmen working on it and there are fewer activities at one time. On the other hand, it is common to observe a number of floors of a multi-story building under some phase of construction at one time. At the topmost floor being worked on, the crews may be forming and tying in steel, below that they may be pouring concrete for some purpose, elsewhere, workers may be removing formwork, on the lower levels they may be installing heavy electrical conduit, the plumbing crews might be running up the plumbing, sheet metal crews may be making up or fitting ducts, etc. The number of people and diverse activities in which they are engaged tends to create situations in which individuals are not aware of structural changes, changes in material placement, changes in crew locations, etc., all of which can lead to potentially dangerous conditions.

These conditions do not exist in light residential construction. The excavation is completed before the masons lay up the basement walls. When that is done, the carpenter crews do the rough framing. With the partitions up, the plumber roughs in the plumbing and then the electrician runs his services. The drywall crew covers the interior walls and then the finish carpenters come in to hang doors and install trim. The point is that rarely do more than a few people work on a house at one time and they know the condition of the work site while they are there. They normally do not have other crews working above, below and around them creating hazards for which they are not prepared.

The claim has been made that separate sets of standards for light residential construction and for heavy construction would cause confusion to the worker where he may be working on a heavy construction job one day and a light construction job the next day. This claim is not well founded, due to the fact that work practices such as this do not exist. Typically, workers are not only trained but prefer to stay with work on which they are most familiar and accustomed to. Therefore, crews who work on residential construction typically do not work on heavy construction jobs and vice versa, those crews who work on heavy construction jobs do not work on residential construction jobs. This fact is further borne out by the recognition in wage rates and working conditions. Wage rate differential for heavy construction workers and light residential construction workers are not at all uncommon.

There is another very decided advantage in establishing separate standards for light residential vs. heavy construction. As the OSHA regulations are now published, there is a great deal of confusion as to which regulations apply in a particular instance. This confusion exists not only in the minds of builders, subcontractors and other associates in the residential construction industry, but also among the OSHA compliance inspectors who must understand and interpret the regulations in order to enforce them. It is necessary that in order to eliminate this confusion and to obtain fair, equitable and uniform application of the regulations that these standards be separated. There are numerous OSHA regulations which, by admission of OSHA personnel, are not intended to apply to light residential construction, but still there is no way of positively determining this from the regulations themselves.

An example of the regulations which work a hardship on the homebuilder is one which requires that when dropping waste materials more than 20 feet to any point lying outside the exterior walls of the building an enclosed chute must be used. This excludes the third story in many light residential units by several feet. In a large structure with numerous crews are working on and around it, chuting waste material to lower levels makes good sense from a safety standpoint, since it is difficult to control the movement of large numbers of workers and large amounts of discarded material. On the other hand, in home building, clean up is done by a few laborers who can gather up the relatively few pieces of cut ends of boards, etc., and discard them under very controlled conditions. Since more emphases is to be placed on housekeeping under the safety regulations, clean-up will take place at more frequent intervals and collected material will be even less in volume for a given period. As there are few craftsmen working on a given house at a given time, and these are usually of one trade, disposal of this waste material can take place without endangering them and a chute is not needed.

Another requirement within the safety regulations that is overstated as concerns home building is the need to provide a fire extinguisher for each 3,000 sq. feet or major fraction thereof being protected. In multistory buildings, an extinguisher must be provided on each floor located adjacent to the stairway. A 35 gallon drum of water with 2 fire pails, or a ½ inch hose on a reel may be substituted for the extinguisher. The hose affords little relief, since water service is not available for much of the construction period and there is no hose bib to which it may be fastened on the second floor. The 55 gallon drum is subject to freezing, is too heavy to move about, would interfere with work activities as it would take up too much room in the typical two-story house, and would surely create a mess on the wooden floors.

The fire extinguishers themselves would require a considerable investment in the typical subdivision and would be difficult to protect from theft and vandalism.

There is no clearly stated point of construction at which the extinguishers must be put in place, nor is it clear just when they are no longer required. It is interesting to note here that this requirement to protect a home under construction is far in excess of building code or occupancy requirements once a family moves in and sleeps in the house.

Fire protection in a high rise structure provides a degree of control until the top floors of the building can be evacuated, which may take a considerable length of time. Evacuation of a light residential structure would take only seconds because of the design and the fact that few people are at work in it at one time. Providing fire fighting equipment for employees protection in light residential construction is not necessary.

There is a requirement in the safety regulations that all floor openings shall be guarded by a standard railing and toe boards. A floor opening is defined as an opening dimension in any floor, roof or platform through which persons might fall. This requirement should not apply to home building activities.

Typically, floor openings in light residential construction are those for stairs and ductwork. Such openings are created by framing carpenters and remain open only until interior partitions can be put in place. This might take several days. No other crews are in the structure at this point. Since the personnel of the crew which created the opening, and which is working to enclose it with stud walls, are really the only persons exposed to the possible hazard, the need for the standard railing is eliminated. The same is true as concerns the edge of the floor before the exterior walls are in place. The only workers exposed to danger of falling from the edge of that floor are the workers erecting the exterior walls.

In construction of a high rise office building, the requirement remains valid because many stories remain open for a long period of time. Stairwells are formed, floors are poured, the forming removed and the hole left without surrounding partitions for a considerable period. And, as typical in heavy construction, there are many crews exposed to the hazards which they had nothing to do with creating and these persons are thus not aware that the hazard exists.

A similar requirement exists as concerns wall openings. A wall opening is an opening at least 30 inches high and 18 inches wide from which there is a drop of more than 4 feet and the bottom of the opening is less than 3 feet above the working surface. It is required that when such an opening exists, it be guarded by a standard rail, intermediate rail, toeboard, enclosing screen, or all of these. This in effect would mean that many window openings of a light residential structure would have to be barred. To do so is unnecessary, because of the relatively few craftsmen working on the house while the openings exist. There is no need to bar the opening to protect the carpenters who created it. The plumber, the electrician, and the sheetmetal installer would be working in the building in small crews with no likelihood that they would be unaware of the existence of the window openings and with no real need to be in a position such that they would fall through them. Installing electrical outlets below picture windows, for example, would require kneeling work positions, thus placing the bulk of the worker below the bottom edge of the opening.

These are typical examples of rules in construction safety which are excessive in their application to home building. There is indeed a need for safe working conditions, but such conditions should be tempered to provide reasonable requirements for the industry involved.

S. 3630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Occupational Safety and Health Act of 1970 is amended by adding at the end thereof the following new subsection:

"(h) In promulgating standards under this section (and in connection with carrying out his other functions under this Act), the Secretary shall take into consideration and give appropriate recognition to the distinct differences between the light residential construction industry and the heavy construction industry. And such standards which are made applicable to the light residential construction industry shall be separate and distinct from those applicable to the heavy construction industry, and shall reflect the less hazardous working conditions and smaller size of most employers in the light residential construction industry. For purposes of this subsection, 'light residential construction' refers to all construction activities carried on with respect to residential structures of three stories or less which do not have an elevator."

Mr. ALLOTT. Mr. President, I am pleased to join with the honorable senior Senator from Texas in introducing today a bill directing the Secretary of Labor to formulate and promulgate safety standards under the Occupational Safety and Health Act of 1970, which recognizes the differences between the light residential construction industry and the heavy construction industry.

The safety regulations which have been issued covering the construction industry were those designed for heavy construction and do not take into account the differences between the two industries; a difference which this bill will recognize. The Department of Labor has ample authority under the act at the present time to recognize and make this distinction, however, to date it has refused to do this.

The Nation—Congress, the administration, State and local governments, and the public—is committed to the goal of safety for our national labor force. Everything should be done to make the working environment as accident and hazard free as possible. However, it is important in working toward this goal that needless unnecessary, and superfluous requirements not be imposed. Work hazards differ from industry to industry. Obviously, they are much greater in some than others. This is an important consideration to be taken into account in formulating safety standards.

Generally, working conditions are less hazardous in the light residential construction industry than in the heavy construction industry. This difference between the industries has been reflected historically not only in terms of previous Federal legislation, wage rates, safety codes and regulations, and type of equipment, but also in workman's compensation rates. It should be obvious that different regulations should apply to an industry concerned with the building and remodeling of homes and garden apartments and one involving construction of high-rise office buildings, commercial transportation facilities, roads and bridges. It is essential that industrial safety regulations offer the maximum possible protection for workers. It is equally important that unnecessary and needless regulations not be imposed since the cost of all regulations is ultimately borne by the consumer—in this case the home buying and renting public. The home buyer should not be required to pay for anything more than is necessary to protect the health and safety of the workers involved in the construction of his home.

I urge all Senators to join with me in

the sponsorship of the bill, which seeks reasonable and realistic safeguards for the light residential construction industry.

By Mr. HART:

S. 3631. A bill to promote commerce and assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes. Referred to the Committee on Commerce.

POWERPLANT SITING ACT OF 1972

Mr. HART. Mr. President, I introduce for appropriate reference a bill to promote commerce and insure protection of environmental values while facilitating construction of needed electric power facilities.

One of the most urgent problems facing the Nation today is providing the necessary electric power in a way that is compatible with a sound program of environmental protection. The Nation's enormous demand for more electricity is matched only by the determination of many citizens to not have a powerplant in their back yard. In scores of communities across the Nation, residents have banded together to block the construction of generating facilities. The utilities, increasingly frustrated in their efforts to overcome such opposition, are now grimly awaiting the day when the lights do go out, confident that such an event will eventually demolish all further opposition. This collision course must be avoided.

Presently, many Federal, State, and local agencies require a utility to secure permits before the construction of a powerplant can commence. In many cases dozens of reviews are required. Various interest groups can take advantage of the utilities vulnerability by engaging in harassing and delaying actions before each of the agencies that require a permit. The result of this process too often creates emergency situations resulting in short-term actions that make little economic or environmental sense. All sides lose under this decisionmaking climate.

This problem has received extensive study by an interagency powerplant siting group composed of interested Federal agencies. This group produced in December 1968, a report entitled "Considerations Affecting Steam Powerplant Site Selections" and August 1970, it issued a second report called, "Electric Power and the Environment" which forms the basis for the administration's powerplant siting bill. Many scholarly articles have been written and distinguished groups including the National Academy of Engineering and the Association of the Bar of the City of New York have examined the problem.

Both the Senate and the House Commerce Committee have held extensive hearings on the subject of powerplant siting. But after examining the record I have concluded that the existing proposals before the Senate are not sufficiently comprehensive to adequately balance power and environmental needs.

The legislation which I propose today would give the public a greater voice in the siting of powerplants and improve upon the administration's proposal. It is designed to insure public confidence in the site selection process and establish procedures for long-range planning, timely siting decisions, and smooth construction schedules.

This legislation requires open long-range planning. Not by existing voluntary regional reliability councils which are controlled exclusively by the utilities, but by officially constituted regional councils with representation from the Federal Power Commission, the Environmental Protection Agency, and one person designated by the Governor of each of the States in that power region. At Commerce Committee hearings on May 15, 1972, Mr. Alex Radin, general manager of the American Public Power Association, pointed out:

> The real question . . . is whether the long range planners, the real decision makers, the initiators, are going to be persons responsible primarily to stockholders, or whether they're going to be persons responsible to the electorate.

I believe this question should be answered by making these planners responsible to the public. Under my bill they would review plans submitted by utilities to coordinate and develop a long-term power plan for meeting the electric needs for the entire region while assuring minimum environmental impact.

In addition, this proposal would encourage a State or group of States to establish certifying agencies for bringing about an integrated and prompt resolution of all issues pertaining to the siting of major non-Federal power facilities. These certifying agencies would be composed of representatives from all State agencies that are currently required to review or approve powerplants under existing State laws. Agencies represented would include air and water pollution control boards, fish and game departments, planning agencies, utility commissions, and natural resource agencies. In addition the certifying agency may include members from the utilities and an equal number of persons representing citizens environmental protection and resource planning groups. These siting agencies would centralize and unify the decisionmaking process while still insuring that persons with expertise in all relevant areas would be charged with evaluating utility proposals. All interests would be assured a voice as well as a vote in the siting process. This balanced agency is designed to merit the confidence of the public and assure that needed powerplants are located in optimum sites.

This certifying agency would, with opportunity for public participation, review and comment upon the long-range plans prepared by the regional councils. After public hearings it would establish an inventory of sites 5 years in advance of need. It would evaluate, on the record, specific power facility construction plans 3 years prior to construction. If it issues a certificate to the applicant, that determination is binding upon all other State or local agencies. However, the certifying agency is required to insist that the applicant comply with all Federal, State, and local regulations and standards that apply to powerplants or transmission facilities.

I propose to establish a one-stop certification procedure at the State and local level and a procedural consolidation at the Federal level. Duplicative applications and reviews by dozens of agencies would be eliminated. But it would also establish a fair stop with adequate public input and full consideration of all relevant factors. Provision is made for the appointment of a counsel for the environment to represent the public interest in protection of the environment without precluding the appearance of other interested persons. In addition the certifying agency is directed to undertake independent studies to measure and evaluate the impacts of a given powerplant and determine those areas within its jurisdiction that are suitable or unsuitable for the construction and operation of power facilities.

In addition this proposal would require periodic review of all powerplants in operation. Since these facilities may last 40 years or longer, a single review prior to construction is not sufficient to insure its operation in the public interest over its entire lifetime. Therefore I have proposed that every 5 years all certified facilities be reviewed to determine whether or not it is practical and feasible to retrofit them with the latest technological development in order to improve their safety or reduce their environmental impact.

Similar functions would be performed by a Federal certifying agency in the case of federally owned electric facilities. This agency would be composed of representatives from the Atomic Energy Commission, the Council on Environmental Quality, the Environmental Protection Agency, the Federal Power Commission, and the Department of the Interior. It would also promulgate guidelines for State certifying agencies and certify non-Federal power facilities if the State did not establish a qualifying agency.

In addition I have included provisions to guarantee that all utilities have access to transmission lines and power generating facilities on reasonable terms. Provision is made to insure that the antitrust laws continue to apply to the power industry. These provisions are designed to strengthen regional or national power pools so that generating and transmission facilities would be more likely to be constructed in the best locations.

Finally this proposal would not weaken or alter the authority of the Council on Environmental Quality and major Federal actions regarding powerplant siting would continue to be subject to the requirement of filing a section 102 statement under the National Environmental Policy Act to insure that there is adequate consideration of environmental values in the process.

In summary I propose this legislation to achieve a proper balance between national environmental and power supply needs. This bill would establish a rational mechanism to avoid the collision course between the utilities and the environmentalists and thereby insure that the public is adequately protected in this vital area.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Powerplant Siting Act of 1972".

SEC. 2. The Congress, in furtherance of the national environmental policy (as exemplified in the National Environmental Policy Act of 1969 (83 Stat. 852), and the national electric energy policy as set forth in section 202(a) of the Federal Power Act (16 U.S.C. 824(a)), finds it to be in the public interest to provide that bulk power supply facilities be opportunely constructed in a manner consonant with the preservation of environmental values.

It is the ultimate purpose of this Act to assure for the Nation an adequate and reliable supply of electric power through a balanced and comprehensive use of the Nation's air, land, and water resources, taking into account all beneficial uses. Pursuant thereto, it is a purpose of this Act to authorize and encourage Federal, regional, and State governmental authorities to act expeditiously to assure protection of environmental values in the location, construction, and operation of bulk power supply facilities.

For the purpose of protecting the public interest and the interests of all persons concerned with the environment, it is deemed desirable to provide for planning and certification of location, construction, and operation of bulk power supply facilities and to provide Federal guidelines for the functioning of these certification procedures by State, regional, and Federal certifying agencies.

It is further deemed desirable to inaugurate a Federal program to assist in the development of new power generation technology and methods of locating or grouping bulk power supply facilities designed to promote the conservation of power and reduction of the environmental damage associated with power generation.

SEC. 3. As used in this Act—

(a) "Regional council" means a body established in the power regions designated by the Federal Power Commission, and composed of one representative from each of the following: the Federal Power Commission, the Environmental Protection Agency, and one person appointed by the respective State Governor from each of the States within the designated power region; these regional councils shall have the responsibility and authority to fulfill the requirements of section 4;

(b) "electric entity" means any person (as defined in section 551 of title 5 of the United States Code) which owns or operates bulk power supply facilities, or plans to own or operate such facilities, however organized or owned, whether investor owned, publicly owned, or cooperatively owned, including a "State" or a "municipality" as defined in sections 3(6) and 3(7) of the Federal Power Act (16 U.S.C. 796), but not the United States or an agency, authority, or instrumentality thereof, or any corporation which directly or indirectly is wholly owned by the United States, its agencies, authorities, or instrumentalities;

(c) "Federal electric entity" means the United States, an agency, authority, or instrumentality thereof, or any corporation which directly or indirectly is wholly owned by the United States, its agencies, authorities, or instrumentalities, which owns or operates bulk power supply facilities or plans to own or operate such facilities.

(d) "bulk power supply facilities" means electric generating equipment and associated facilities designed for, or capable of, operation at a capacity of two hundred thousand kilowatts or more, or any sizable additions thereto as defined by the appropriate certifying body or agency, or electric transmission lines and associated facilities designed for, or capable of, operation at a nominal voltage of two hundred and thirty kilowatts or more, between phase conductors for alternating current or between poles for direct current, or any sizable additions thereto as defined by the appropriate certifying body or agency, except that any facilities subject to licensing pursuant to part I of the Federal Power Act (16 U.S.C. 792–823) shall not be subject to the provisions of sections 6 and 8(c) of this Act;

(e) "Federal certifying agency" means the Federal agency, authority, or other entity authorized and empowered to carry out the responsibilities provided for in this Act and constituted according to section 9 of this Act;

(f) "State or regional certifying body" means the State or regional agency, authority, or other entity authorized and empowered to carry out the responsibilities provided for in this Act within the State or States affected;

(g) "regional" means the governments of two or more States; and

(h) "commencement of construction" means any clearing of the land, excavation, or other substantial action that would adversely affect the natural environment of the site or route but does not include changes desirable for the contemporary use of the land for public recreational uses, necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental values.

SEC. 4. (a) Each electric entity shall submit its long-range plans to the appropriate regional councils. Each regional council shall consider these plans, and prepare annually its long-range plans for bulk power supply facilities pursuant to guidelines established by the Federal certifying agency within ninety days after enactment of this Act, upon the advice of interested State and Federal agencies and citizens environmental protection and resource planning groups. This regional plan shall—

(1) describe the general location, size, and type of all bulk power supply facilities to be owned or operated by each entity and whose construction is projected to commence during the ensuing fifteen years or during such longer period as the Federal certifying agency may determine to be necessary, together with an identification of all existing facilities to be removed from utility service during such period or upon completion of construction of such bulk power supply facilities;

(2) identify the location of tentative sites for the construction of future bulk power supply facilities, including an inventory of sites and a tentative application for all plants on which construction is to be commenced in the succeeding five years, including the location of the routes of any transmission lines described in section 3(d), and indicate the relationship of the planned sites, routes, and facilities thereon to environmental values and describe how potential adverse effects on such values will be avoided or minimized;

(3) reflect and describe the regional council's efforts to identify and promote new power generation technologies which will reduce the environmental damage associated with bulk power generation;

(4) identify the general location, size, and type of alternative bulk power supply facilities considered in the course of the development of regional plans and rejected as not then suitable or appropriate;

(5) reflect and describe the regional council's efforts to coordinate the bulk power supply facility plans identified therein with those of the other entities so as to provide a coordinated regional plan for meeting the specific electric power needs of the region;

(6) reflect and describe the regional council's efforts to identify and minimize environmental problems at the earliest possible stage in the planning process; and

(7) supply such additional information as the Federal and State certifying agencies may from time to time prescribe to carry out the purposes of this Act.

(b) Each regional council shall give initial public notice of its plans referred to in subsection (a), by filing annually a copy of such plans together with its projections of the specific demand for electricity that the facilities would meet with the appropriate Federal, regional, or State certifying agency or body, with the Federal Power Commission, the Environmental Protection Agency, the Department of the Interior, and the Council on Environmental Quality, and with such other affected Federal, State, regional, and local governmental authorities, and citizens' environmental protection and resource planning groups requesting such plans and with affected electric entities.

(c) The Federal certifying agency shall review annually, in cooperation with other interested Federal and State departments and agencies, the long-range plans for bulk power supply facilities prepared in accordance with subsection (a) of this section, and shall on the basis of such plans prepare and publish a proposed national plan for bulk power supply facilities. The notice of publication shall provide not less than ninety days for comments by any person or agency on such proposed national plan. The Federal certifying agency may consult with any other persons or agencies, and may hold public hearings on all or part of the proposed national plan and shall make such revisions therein as he deems necessary to make it meet the objectives set forth in section 2(a) of this Act, adopt and publish such plan, and make copies of it available to each State, regional, and Federal certifying agency. Thereafter, such agency in discharging its functions under section 7 of this Act shall comply with such plan.

SEC. 5. (a) (1) Each State shall establish a decisionmaking body at the State or regional level for the certification of sites and related bulk power supply facilities of any electric entity. These State or regional certifying bodies shall be established and administered in accordance with the requirements of this Act. A State or regional certifying body shall include representatives of—

(A) each State agency which is required under State law to review and certify bulk power supply facilities and each principal State agency dealing with air pollution, water pollution, land use planning, public health, and fish and game; and

(B) electric entities and in equal numbers representatives of citizens' environmental protection and resource planning groups. protecton and resource planning groups.

(2) The State or regional certifying body shall also include a representative of the local governmental unit or units in which proposed bulk power facilities are to be located. This representative is to be appointed by the chief executive of the local government unit involved. The member(s) so appointed shall sit with the certifying agency only at such times as the certifying agency considers the proposed site in the local government unit which he represents and such member shall serve until there has been a final determination on the proposed site.

(3) A regional certifying body shall be constituted in accordance with guidelines under section 9, which guidelines shall preserve the balance of representation as between groups designated in (B) of paragraph (1) above.

(4) Representatives of the electric entities and citizens groups referred to in paragraph

(1) above shall be selected by the Governor of each State for staggered terms of four years.

(5) Each member of a State or regional certifying body shall have an equal voice and vote.

(b) Upon notification of the establishment of the State certifying agency, the Federal certifying agency, if it finds the State certifying agency and procedures to be in accord with the requirements of this Act, including the guidelines published pursuant to section 9 hereof, shall issue a certification of qualification of procedure with respect to each such State, which certificate shall be revoked by the Federal certifying agency if the State or regional certifying body fails to abide by said requirements and guidelines, but unless revoked, shall constitute conclusive evidence of its authority to exercise the provisions of section 6 of this Act, for such time period as the certificate remains effective.

(c) If, at any time after the date of enactment of this Act a decisionmaking body and procedures are not designated or established for the certification of sites and related bulk power supply facilities within one or more of the several States, and qualified in the manner as set forth in subsection (b), or if such certificate of qualification of procedure is later revoked, the Federal certifying agency shall have exclusive authority to issue a certificate of site and facility with respect to any bulk power supply facility of any electric entity within any said State or States applying both State and Federal standards. With respect to each such State the authority of the Federal certifying agency shall continue until such State or States have qualified pursuant to subsection (b) of this section. Any proceedings for the certification of sites and bulk power facilities which are pending before the Federal certifying agency on the date of issuance of any certificate of qualification or procedure by the Federal certifying agency shall continue to be proceedings subject to the authority of the Federal certifying agency and shall require a Federal certificate before construction may commence. Should a State not designate a certifying body and procedures as set forth in subsection (b), the Federal certification agency is required to consult with the appropriate regional council in making its certification decisions.

(d) The Federal certifying agency, prior to denying or revoking a certificate of qualification of procedure in respect to matters arising under subsection (b), shall consult with the Governor or Governors of the State or States involved, informing each of the particular respects in which the State or regional certifying body's authorities or procedures fail to comply with the requirements of this Act, including the guidelines published pursuant to section 9 hereof, and shall afford each State affected a reasonable time to respond and to make appropriate changes.

(e) Any State dissatisfied with the action of the Federal certifying agency denying or revoking a certificate of qualification of procedure as referred to in subsection (b) may appeal to the United States court of appeals for the circuit in which such State is located, with service of the summons and notice of appeal at any place within the United States, and the court shall have jurisdiction to affirm the action of the agency, to set it aside in whole or in part, and for good cause shown, to remand the case to the agency for further deliberation: *Provided*, That any findings of fact of the Federal certifying agency supported by substantial evidence shall be conclusive: *And Provided further*, That any judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. Upon the filing of an appeal, the clerk of the court of appeals shall forthwith transmit a copy of the notice to the Federal certifying agency, which agency thereupon shall file with the court the record upon which the appealed action was entered, as provided in section 2112 of title 28, United States Code. Upon the filing by the agency of the record, the jurisdiction of the court shall be exclusive.

SEC. 6. (a) (1) Effective twelve months from the date of the enactment hereof, no electric entity shall commence to construct or begin operation of bulk power supply facilities within a State or States, unless it has obtained from each such State or States a certificate of site and facility with respect to those facilities, issued by each qualified State or regional certifying body (or from the Federal certifying agency as provided in paragraph (2)) and no Federal electric entity shall commence to construct or begin operation of bulk power supply facilities unless it has obtained from the Federal certifying agency a certificate of site and facility with respect to those facilities. In issuing certification for a Federal electric entity, the Federal certifying agency shall consult continuously throughout its decisionmaking process with such State or regional certifying bodies and regional councils within whose geographical area of jurisdiction said Federal electric entity lies or will lie, in order that ensuing certification will be consistent in promoting the sound environmental, power supply and public interest objectives established at the State or regional level. If, at the time of application under subsection (b) for a certificate of site and facility, there is no qualified State or regional certifying body in one or more of the several States within which the electric entity proposes to construct a bulk power supply facility, then the electric entity may obtain from the Federal certifying agency a certificate of site and facility with respect to such bulk power supply facilities to be constructed or operated within said State or States by any such electric entity. Such facilities shall be constructed, operated, and maintained in accordance with the terms and conditions of the certificate. Applications for certificates for bulk power facilities already under construction on the effective date of this subsection shall be filed promptly with the appropriate certifying body, and certificates shall be granted for any application showing a sizable investment applicable only to the site which is the subject of the application on the effective date of this subsection, as defined by the appropriate certifying body, solely on a showing that all permits or licenses required when construction in fact commenced had been obtained. Operation of any bulk power facilities whose construction had commenced on or before the effective date of this subsection may commence prior to certification if a timely decision has not been made, subject, to any reasonable actions or conditions that may be later required by the appropriate certifying body. No certificate is required for bulk power facilities already in operation on said effective date, but such certificates are required for sizable additions thereto as defined by the appropriate certifying body.

(b) All applications by any electric entity for a certificate of site and facility from a State or regional certifying body or Federal certifying agency or by a Federal electric entity from a Federal certifying agency shall be filed three years prior to the planned date of commencement of construction of the affected bulk power supply facilities and such plans may be subject to necessary modification during the period of review; except that in the case of a bulk power supply facility the construction of which is planned to commence before three years after the date of enactment of this Act, such application shall be made as soon as practicable after such dated enactment. As a prerequisite to such filing, except for good cause shown, the electric entity or Federal electric entity shall have complied with the provisions of section 4 of this Act and the requirement that the site selected is from among those sites in the five-year inventory of approved sites and that it will utilize the general transmission line routes identified in the regional council's long-range plans.

SEC. 7. (a) The State, regional, and Federal certifying bodies or agencies are hereby empowered and authorized, pursuant to section 6 hereof, to issue certificates of site and facility for bulk power supply facilities, if such bodies find, after having considered available alternatives, that the use of the site or route will not unduly impair important environmental values and will be reasonably necessary to meet electric power needs, or otherwise to deny such certificates if the applicant fails to conform with the requirements of this Act. The issuance of the certificate by the Federal, State, or regional certifying body shall be a binding determination that all applicable State or local standards and requirements concerning siting, land use, air and water quality standards, public convenience and necessity, esthetics, and any other applicable State or local requirements have been or will be complied with, but shall not preclude judicial review pursuant to section 15 of this Act. Determinations of compliance with applicable Federal air and water quality standards shall be made by the duly authorized State, interstate, or Federal air and water pollution control agencies. Prior to issuance of a certificate of site and facility by the Federal, State, or regional certifying body, the State, interstate, or Federal agency having jurisdiction with respect to applicable water quality standards may furnish the certificate required under section 21(b) of the Federal Water Pollution Control Act.

(b) In the consideration of applications for certificates of site and facility, the certifying agency shall assure full public review and adequate consideration of all environmental values, including the impact on adjacent States, and other relevant factors bearing on whether the objectives of this Act would be best served by the issuance of the certificate. In the issuance of such certificates the certifying agency may impose such reasonable terms and conditions as it deems necessary. Such certificates, when issued, shall be final and subject only to judicial review.

(c) In issuing such certificates, the certifying agency shall comply with the national policy stated in section 138 of title 23, United States Code, and section 4(f) of the Department of Transportation Act, that special efforts should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. No certificate shall be issued which requires the use of—

(A) any publicly owned land from a public park, recreation area, or wildlife or waterfowl refuge, or

(B) any land from a historic site,

if such park, recreation area, refuge, or historic site is of National, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, unless (i) there is no feasible and prudent alternative to the use of such land, and (ii) all possible planning is done to minimize harm to such park, recreational area, wildlife or waterfowl refuge, or historic site resulting from the use of such land for purposes of a bulk power facility.

SEC. 8. Each State, regional, and Federal certifying agency is hereby empowered, authorized, and directed—

(a) to review and comment on the long-range plans prepared and filed pursuant to section 4 of this Act and make the information contained therein readily available to the general public and interested governmental agencies;

(b) after public hearings, to designate areas within its jurisdiction that are suitable or unsuitable for use as sites for bulk power supply facilities;

(c) to compile and publish each year a description of the proposed powerplant sites and locations of transmission line routes within its respective jurisdiction as identified in the long-range plans of the regional councils pursuant to section 4(a)(2), identifying the location of such sites and the approximate year when construction is expected to commence, and to make such information readily available to the general public, to each newspaper of daily or weekly circulation within the area affected by the proposed site, and to other interested Federal, State, and local agencies;

(d) to conduct mandatory public hearings with respect to any proposed powerplant sites identified five years in advance of construction and to decide whether or not any such sites should be approved for inclusion in the regional council's five-year inventory of sites. The basis for such decision shall be whether or not construction of any plant at the proposed site would unduly impair important environmental values. It is contemplated that any such hearings on the site itself will be held promptly after the site is identified;

(e) upon the receipt of an application for a certification of site and facility pursuant to section 6 hereof to publish a notice in each newspaper of daily or weekly circulation serving the affected area which describes the location of the facilities (powerplant and transmission lines) and other pertinent details concerning the facilities, and which provides the date of the public hearing thereon which shall be held prior to the issuance of the certificates of site and facility applied for;

(f) to require such information from the regional councils, the electric entities, and Federal electric entities as it deems necessary to accompany applications for certificates of site and facility and to assist in the conduct of hearings and any investigations or studies it may undertake;

(g) after receiving an application for a certificate of site and facility pursuant to section 6 hereof, to commission an independent consultant study to measure the consequences of proposed bulk power supply facilities on the environment for each application, and to conduct any other studies and investigations which it deems necessary or appropriate to carry out the purposes of this Act;

(h) after receiving an application for a certificate of site and facility pursuant to section 6 hereof, to notify the appropriate state or federal attorney general who shall appoint an assistant attorney general or a special assistant attorney general as counsel for the environment who shall be a member of the bar of the State where the bulk power supply facilities are proposed to be located; the counsel for the environment shall represent the public and its interest in protecting the quality of the environment for the duration of the certification proceedings: *Provided, however,* That this subsection shall not prevent any person from being heard or represented by counsel in accordance with other provisions of this Act.

(i) to monitor the operation of each certified bulk power supply facility and perform data-gathering functions necessary to determine whether the certified facility is operating in compliance with the issued certificate. This section does not relieve the Environmental Protection Agency or State environmental agencies of any responsibilities.

(j) to review the operation of each bulk power facility that it certified at five year intervals to determine if it is feasible and practical to amend the terms of the certificate of site and facility to require the retro-fitting of the latest practical technological devices to improve performance, reduce adverse environmental impacts or improve the health or safety aspects of these facilities.

(k) to issue such rules and regulations in accordance with title 5, section 553, of the United States Code or, in the case of State or regional bodies, in accordance with like provisions required by the Federal certifying agency under section 9(d) as a condition of certification under section 5(d), as may be required to carry out the provisions of this Act.

SEC. 9. The Federal certifying agency shall consist of the Chairman, Administrator, Secretary or his designate of the Atomic Energy Commission, Council on Environmental Quality, Environmental Protection Agency, Federal Power Commission, and the Department of the Interior. The representative of the Department of the Interior shall be chairman. The Federal certifying agency is authorized to appoint such officers and employees as may be necessary. This agency shall, upon the advice of all interested Federal and State agencies, and after public notice and opportunity for comment, publish guidelines for Federal, regional, and State certifying bodies, which guidelines may be revised periodically as needed and shall include—

(a) criteria for evaluating effects of proposed sites and facilities on environmental values;

(b) criteria for use in evaluating the relative environmental impacts of alternative sites and technologies;

(c) criteria for evaluating the projected needs for electric power and its most efficient production;

(d) procedures to insure full participation in the certification procedures, including participation by the public, through public notice and opportunity for public hearings, consultation with appropriate citizens' groups, rights of intervention and appeal from decisions of the certifying body and other safeguards; such procedures shall include hearing and judicial review substantially equivalent to those provided under chapters 5 and 7, of title 5, United States Code;

(e) procedures with respect to the formation of regional certifying bodies;

(f) procedures to assure proper consideration of multistate impacts in certification proceedings; and

(g) requirements with respect to staffing and technical and professional competence of State and regional certifying bodies.

SEC. 10. An electric entity holding a certificate of site and facility as referred to in section 6, and which cannot acquire by contract, or is unable to agree with the individual, corporation, or other owner (other than the United States Government), of property as to compensation to be paid for the necessary rights-of-way or other property to construct, operate, and maintain the certified bulk power supply facilities, may acquire the same by the exercise of the right of eminent domain in the district of the United States for the district in which such property may be located, or in the State courts. In any proceeding brought in the district court of the United States, the petitioner may file with the petition or at any time before judgment a declaration of taking in the manner and with the consequences provided by sections 258a, 258b, and 258d of title 40, United States Code, and the petitioner shall be subject to all of the provisions of said section which are applicable to the United States when it files a declaration of taking hereunder.

SEC. 11. (a) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts not in conflict with any law or treaty of the United States for cooperative effort and mutual assistance in certificating sites and related bulk power supply facilities of electric entities, for the enforcement of their respective laws thereof, and for the establishment of such authorities or agencies, joint or otherwise, as they may deem desirable for implementing such agreements or compacts. The right to alter, amend, or repeal this section is expressly reserved.

(b) It is the intent of Congress to encourage cooperation among the various State and regional agencies in the planning of bulk power facilities and in their review of applications for certificates of site and facility including the establishment of cooperative procedures and joint actions by the several States, and also to encourage compacts between the States to coordinate and resolve environmental considerations which effect bulk power supply facilities.

SEC. 12. Each State or regional certifying body qualified pursuant to a certificate of qualification of procedure and the Federal certifying agency are authorized to assess and collect reasonable fees, including filing fees, in a just and equitable manner from every electric entity and Federal electric entity operating within the jurisdiction of the legal authorities and procedures of said body, said assessment and collection to be in an amount not in excess of the reasonable cost of administration of the qualified body's certfication program.

SEC. 13. (a) The Federal certifying agency, in cooperation with other interested Federal agencies, citizens' environmental protection and resource planning groups, and the electric power industry, is authorized to develop a coordinated program of studies of new and evolving siting concepts relative to bulk power supply facilities in consultation with interested State, regional, and local governmental authorities, the interested public, and the electric entities. The Federal agencies shall make public their studies.

(b) Each electric entity which owns or operates a bulk power facility shall make capacity available to all other electric entities on fair, reasonable, and nondiscriminatory terms. Capacity shall be made available on the basis of ownership in the facility, stock ownership, sales of power at cost from the facility, or any other basis which the Federal certifying agency determines to be fair, reasonable, and nondiscriminatory. Each electric entity proposing to construct, modify, or build a generation facility shall permit any other electric entity to enlarge the facility at its own expense, upon fair, reasonable, and nondiscriminatory terms. Upon application by any interested electric entity and after notice and opportunity for hearing the Federal certifying agency shall order compliance with this section.

(c) Each electric entity which owns or operates a transmission facility shall make capacity available to all other entities on fair, reasonable, and nondiscriminatory terms, including access by means of wheeling, displacement transactions or other exchanges. Each electric entity shall permit any other electric entity to enlarge and utilize transmission facilities, at its own expense and insofar as enlargement may be made consistent with adequacy of bulk power supply to meet local utility, regional and interregional needs, upon fair, reasonable, and nondiscriminatory terms. Upon application by any interested electric entity and after notice and opportunity for hearing the Federal certifying agency shall order compliance with this section.

(d) No action of any person, electric entity, State, regional, or Federal agency or body, pursuant to the provisions of this Act, shall relieve, exempt, or immunize any person or electric entity from the operation of the antitrust laws, including enforcement or intervention by the Attorney General of the United States or private actions brought before any court or regulatory agency.

Sec. 14. All departments and agencies of the Federal Government are authorized to cooperate with the State, regional, and Federal certifying bodies so as to foster and fully effectuate the purposes of this Act. Those departments and agencies are authorized to make available to the various certifying bodies staff experts, information, and technical assistance upon request. Upon the request of one or more States for a study of the environmental considerations affecting bulk power supply in its or their region, or the regional impact of any specific proposed bulk power supply facility, appropriately directed to a Federal department or agency, said department or agency is authorized to undertake such study in cooperation with other interested Federal, State, and local agencies and make its findings available to all concerned.

Sec. 15. The orders or decisions of both the Federal and State certifying agencies pursuant to this Act shall be subject to review pursuant to the provisions of section 701–706 of title 5, United States Code, or in the case of a State or regional body, in accordance with like provisions required by the Federal certifying agency under section 9(d) as a condition of certification of qualification under section 5(d): *Provided*, That an appeal is filed within sixty days of the date of the date of the certifying agency's order or decision.

Sec. 16. (a) The provisions of this Act shall in no way alter or affect the jurisdiction of the Council on Environmental Quality of the requirements of the National Environmental Policy Act of 1969 (83 Stat. 852).

(b) Nothing herein contained shall be construed to relieve any present or future requirement arising from any Federal law, which may be applicable to any natural person, artificial person, or interest of government, Federal or State, or to affect in any way the authority or requirements of the Atomic Energy Act of 1954, as amended, the Federal Power Commission under the Federal Power Act of 1935, as amended, or the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935.

Sec. 17. (a) Whoever—

(1) without first obtaining a certificate of site and facility, commences to construct a bulk power supply facility after twelve months after the date of enactment of this Act; or

(2) having first obtained a certificate of site and facility, constructs, operates, or maintains a bulk power supply facility other than in compliance with the certificate; or

(3) causes any of the aforementioned acts to occur;

shall be liable to a civil penalty of not more than $10,000 for each violation or for each day of continuing violation. The penalty shall be recoverable in a civil suit brought by the Attorney General on behalf of the United States in the United States district court for the district in which the defendant is located or for the District of Columbia.

(b) Whoever knowingly and willfully violates subsection (a) shall be fined not more than $1,000 for each violation for each day of a continuing violation, or imprisoned for not more than one year, or both.

(c) In addition to any penalty provided in subsections (a) or (b), whenever the Federal certifying agency determines that a person is violating or is about to violate any of the provisions of this section, the agency shall refer the matter to the Attorney General who may bring a civil action on behalf of the United States in the United States district court for the district in which the defendant is located or for the District of Columbia to enjoin the violation and to enforce the Act or an order or certificate issued hereunder, and upon a proper showing a permanent or preliminary injunction or temporary restraining order shall be granted without bond.

(d) Any person may commerce a civil action on his own behalf—

(1) against any electric entity or Federal electric entity that is alleged to be in violation of any terms or conditions of the applicable certificate of site and facility, or

(2) against the State, regional, or Federal certifying agency where there is an alleged failure of the appropriate certifying agency to perform any act or duty under this Act which is not discretionary.

The district courts shall have jursidiction without regard to the amount of the controversy or the citizenship of the parties to enforce such a certificate of site or facility, or to order the appropriate State, regional, or Federal certifying agency to perform such act or duty, as the case may be: *Provided, however*, That no action may be commenced under this subsection prior to sixty days after the plaintiff has given notice of the violation to the appropriate certifying agency and to the appropriate electric or Federal electric entity. Nothing in this section shall restrict any right which any person or class of persons may have under any statute or common law.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 856

At the request of Mr. Gurney, the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of S. 856, a bill to encourage States to establish junked motor vehicle disposal programs, and for other purposes.

S. 1969

At the request of Mr. Hart, the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. 1969, the Death Penalty Suspension Act.

S. 2581

At the request of Mr. Ervin, the Senator from Georgia (Mr. Gambrell) was added as a cosponsor of S. 2581, a bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action.

S. 3070

At the request of Mr. Thurmond, the Senator from Tennessee (Mr. Baker) was added as a cosponsor of S. 3070, a bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization, and medical care.

S. 3121

At the request of Mr. Hart, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 3121, a bill to extend for 5 years the Civil Rights Commission, and for other purposes.

S. 3338

At the request of Mr. Talmadge, the Senator from Arkansas (Mr. McClellan) was added as a cosponsor of S. 3338, a bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

S. 3475

At the request of Mr. Ervin, the Senator from North Dakota (Mr. Burdick), the Senator from Missouri (Mr. Eagleton), the Senator from California (Mr. Cranston), the Senator from Oklahoma (Mr. Harris), and the Senator from North Carolina (Mr. Jordan) were added as cosponsors of S. 3475, a bill to help preserve the separation of powers and to further the constitutional prerogatives of Congress by providing for congressional review of executive agreements.

SENATE JOINT RESOLUTION 225

At the request of Mr. Gurney (for Mr. Schweiker) the Senator from Kentucky (Mr. Cooper) was added as a cosponsor of Senate Joint Resolution 225, to prevent abandonment of railroad lines.

SENATE CONCURRENT RESOLUTION 82—SUBMISSION OF A CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A UNITED NATIONS VOLUNTARY FUND FOR THE ENVIRONMENT

(Referred to the Committee on Foreign Relations.)

Mr. BAKER. Mr. President, in less than a month the United Nations Conference on the Human Environment will convene in Stockholm marking the beginning of a new era of environmental concern—an era highlighted by the universal realization that there is "only one earth." To focus the attention of the world upon the fact that despite vast political and economic differences which divide the world, we all must share one common environment, this is the goal of the Stockholm Conference. Immense preparation has gone into making this first international conference on the human environment more than just general discussion of the problems we share. Instead, specific proposals have been made by this country and many others which will be debated at Stockholm and acted upon.

Among these proposals is a recommendation that we establish a global system of monitoring and surveillance stations which would accurately assess the state of the earth's air and water and project trends so that the world might anticipate problems of the international environment before they exceed critical proportions. Another proposal to be acted upon at Stockholm is a convention on ocean dumping, but the success of the U.N. Conference will not be judged solely by the various proposals aimed at curbing one type of environmental degradation or another, but rather by the institutional arrangements agreed upon to deal with all international environmental problems of the future. There must be an office or a mechanism that can effectively deal with the governments of the world on environmental questions which transcend national boundaries and jurisdictions and it has been proposed that that mechanism be established within the United Nations. I support that proposal, because despite questionable successes and failures of the United Nations in the past to keep peace in the world, the role of the United Nations as the international environmental forum is one which has not been tested and should be in the years to come. It is of paramount importance that the mechanism established not only act as the key environmental administrator in the United Nations, but also oversee environmental projects initiated by the various U.N. specialized agencies.

To adequately perform all of these functions, the mechanism agreed upon must be adequately financed. Accordingly, the President in his 1972 environmental message to the Congress introduced the concept of a United Nations Voluntary Fund for the Environment. He further proposed that the Fund consist of $100 million over a 5-year period to which the United States would contribute its fair share. Acceptance of this proposal abroad has been good, but not half as good as it might be if the Congress were to go on record in support of the Voluntary Fund.

Now I must emphasize that I do not recommend a specific contribution for the United States to such a fund, because I feel that that will be better decided after the conference has taken place, but I am recommending a fund that would consist of considerably more money than the President's proposal. It is my belief after discussing the question of funding with the U.N. Conference Secretariat that $100 million would be grossly inadequate for a 5-year period. Consequently, I have recommended the establishment of a voluntary fund that would begin at $50 million for the first year, increase to $100 million for the second year, and increase further to $150 million for the third year. This amount, I believe, would more accurately reflect the demands that will be made upon the Fund and would vastly increase its effectiveness in dealing with the developed and developing nations of the world.

Moreover, if the Congress signifies their support for such a concept before the conference convenes in June, it would immeasurably increase the Fund's chances for acceptance at the conference.

Mr. President, I submit the following concurrent resolution:

S. Con. Res. 82

Whereas the peoples of the world have from time immemorial sought to improve their general well-being to the common detriment of the environment;

Whereas this degradation of the environment has resulted in deteriorating air and water and depleted natural resources;

Whereas the lack of collective action on behalf of the environment has resulted in a challenge to all nations for human survival;

Whereas nations of the world have accepted that challenge and agreed to meet in Stockholm, Sweden, June 5–16, 1972, for the first United Nations Conference on the Human Environment;

Whereas the success of this historic Conference will be determined primarily by the institutions agreed upon to deal effectively with the problems of the environment which transcend national jurisdictions;

Whereas an international environmental institution within the United Nations, created to deal with all problems of the international environment will require adequate funding for its first year and additional funding for subsequent years; and

Whereas the United States' share of such a fund should reflect this Nation's commitment to global environmental quality as a leading consumer of resources: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States delegation to the United Nations Conference on the Human Environment, June 5–16, 1972, should urge the establishment of a United Nations Voluntary Fund for the Environment to consist of a first year budget of the amount of $50,000,000 and to increase the annual budget for the Fund by the same amount each year for the next two years, and the United States Government should agree to pay its fair share of such annual budget.

SENATE CONCURRENT RESOLUTION 83—SUBMISSION OF A CONCURRENT RESOLUTION PROCLAIMING NATIONAL HALIBUT WEEK

(Referred to the Committee on the Judiciary.)

Mr. MAGNUSON. Mr. President, I submit, for appropriate reference, a concurrent authorizing and requesting the President of the United States to proclaim the week beginning May 21, 1972, and ending May 27, 1972, as "National Halibut Week." In addition, the resolution calls upon the people of the United States to observe such week with appropriate ceremonies and activities.

I have regularly presented this proposal upon request of the Halibut Fishermen's Wives' Association, based at Seattle, Wash., so that all interested may pay honor to this natural marine wealth from the sea and also pay proper and due respect to those who harvest and process this excellent protein from the North Pacific Ocean.

Strong leadership for this celebration has been given by the Wives Association as well as the other organizations concerned, including crewmen, vessel owners, and the Halibut Association of North America.

Few segments of our fisheries have been beset with more difficulties—from conflict with foreign fleets on the fishing grounds to unfair competition in the marketplace—but these fishermen and those who market their products have continued to produce good qualities of high protein, low fat resources from the sea. In addition, the good efforts of the International Pacific Halibut Commission in returning this resource to its maximum sustainable yield is a world-recognized accomplishment in the realm of ocean conservation.

I take pleasure in submitting the following concurrent resolution and in saluting all of those who participate in the harvest and celebration:

S. Con. Res. 83

Resolved by the Senate (the House of Representatives concurring), That the President is authorized and requested to issue a proclamation designating the seven-day period beginning May 21, 1972, and ending May 27, 1972, as "National Halibut Week" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

FOREIGN RELATIONS AUTHORIZATION ACT—AMENDMENT

AMENDMENT NO. 1202

(Ordered to be printed and to lie on the table.)

Mr. ROTH. Mr. President, for myself and Senator Boggs, I am introducing an amendment to the Foreign Relations Authorization Act which requires the Arms Control and Disarmament Agency to prepare a report to the Congress on the problems and possibilities of international agreements that would regulate and limit the transfer of conventional arms to smaller countries. I will say more about this amendment at the appropriate time. For now, I ask unanimous consent that the text of the amendment and the letter I am sending to other Members of this body concerning this amendment be printed in the Record.

There being no objection, the amendment and letter were ordered to be printed in the Record, as follows:

Amendment No. 1202

On page 27, after line 24, insert the following:

REPORT TO CONGRESS

Sec. 303. (a) The Arms Control and Disarmament Agency, with the cooperation and assistance of other relevant government agencies including the Department of State and the Department of Defense, shall prepare and submit to the Congress a comprehensive report on the international transfer of conventional arms based upon existing and new work in this area. The report shall include (but not be limited to) the following subjects:

(1) the quantity and nature of the international transfer of conventional arms, including the identification of the major supplying and recipient countries;

(2) the policies of the major exporters of conventional arms toward transfer, including the terms on which conventional arms are made available for transfer, whether by credit, grant, or cash-and-carry basis;

(3) the effects of conventional arms transfer on international stability and regional balances of power;

(4) the impact of conventional arms transfer on the economies of supplying and recipient countries;

(5) the history of any negotiations on conventional arms transfer, including past policies adopted by the United States and other suppliers of conventional arms;

(6) the major obstacles to negotiations on conventional arms transfer;

(7) the possibilities for limiting conventional arms transfer, including potentialities for international agreements, step-by-step approaches on particular weapons systems, and regional arms limitations; and

(8) recommendations for future United States policy on conventional arms transfer.

(b) The report required by subsection (a) shall be submitted to the Congress not later than one year after the date of the enactment of this Act, and an interim report shall be submitted to the Congress not later than six months after such date.

Dear Colleague: I have introduced an amendment to the Foreign Relations Authorization Act which would require the Arms Control and Disarmament Agency (ACDA) to present a comprehensive report to the Congress on the possibilities for controlling the transfer of conventional arms from the major supplier countries to developing recipient countries. It is my understanding that such a report could be handled by ACDA's present staff and within the budget authorization contemplated by the present act.

I hope this amendment will provide the stimulus for a thorough exploration of ways and means of reducing and regulating the massive flow of weapons into the developing world. Although all the wars occurring among developing countries since World War II have been largely fought with foreign supplied weapons, little national and international attention has been given to the possibilities of negotiating arms control agreements regulating conventional arms transfer. Congressional interest would help draw attention to this problem. Moreover, it could provide a useful basis for future U.S. policy initiatives on conventional arms control by identifying the areas most susceptible to negotiation as well as the appropriate policy vehicles through which negotiations might be pursued. Finally, I believe that preparation of the report would encourage greater interagency interaction and cooperation in this sensitive and vital area of arms control.

I would appreciate your cosponsorship or other support for this amendment. If you have any questions, please contact me directly or have a member of your staff call Charles E. Morrison at 52441.

Sincerely,

William V. Roth, Jr.,
U.S. Senate.

ADDITIONAL STATEMENTS

PRESIDENT TRUMAN AND 1948

Mr. SYMINGTON. Mr. President, Harry S Truman ranks today among the great Presidents in the history of the United States. One of President Truman's outstanding abilities was his capacity to work and fight for those programs in which he believed.

The ability was never more clearly demonstrated than in his uphill and successful campaign for election in 1948.

In that connection, an interesting article written by Mr. Harold Slater, city editor of the St. Joseph, Mo. News-Press, was published in that newspaper on May 4. Mr. Slater gives his personal observations, not only of the 1948 campaign, but also of the convention in Philadelphia the previous July.

I ask unanimous consent that this article by one of Missouri's most experienced political writers be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Time Has Added to Stature of Harry Truman

In the big white Victorian-style house on Delaware street in Independence, Mo., former President Harry S Truman next Monday will quietly observe his 88th birthday, honored and respected as have been few men in the history of the United States. At his side will be as fine and gracious a helpmate as any man ever has known, Bess, his wife for more than 52 years. Time has mellowed many of those who once fought his policies and action. Time, too, has added to his stature as a statesman and a patriot. He stands now at the peak of public affection—a wise patriarch of his Democratic party, a treasured citizen for the entire nation.

Harry Truman had his rough days in the White House and he had his glorious ones. His was the knack to rise to the heights when the time was crucial in his career. He could put on that extra spurt to come out ahead when all seemed stacked against him. Frank honesty, determination, sincerity and loyalty have ever distinguished the man who succeeded Franklin D. Roosevelt as President. His life has been a lesson to all on the importance of those characteristics.

Twenty-four years ago this summer his political fortunes were low on the eve of the Democratic National Convention. Many in his own party were saying he didn't have a chance of being elected. They were striving to secure the nomination for President for other candidates. The 80th Congress was doing its best to clip his wings. Henry Wallace was about to put his third party movement in flight. And, in protest to civil rights matters, delegations of some Southern states were to walk out of the convention hall.

That 1948 Democratic convention at Philadelphia was gloomy indeed. One correspondent wrote he had seen public hangings that were more enthusiastic. Thomas Dewey had been nominated by the GOP and seemed unbeatable. The Democrats were finding it difficult to raise enough funds for even a relatively modest campaign.

That was the situation at 2 on a hot July morning when President Truman, nominated only a few hours before, strode into the convention hall after a train trip from Washington to accept the nomination. He was dressed in a white suit, sharp and suave. The delegates, worn out by a long tedious day, were restless and laconic. But not for long. President Truman delivered to them one of the greatest fighting speeches ever presented to any national convention.

He lashed into the 80th Congress, calling that Republican-controlled body one of the two worst Congresses in the history of the United States. Then he astounded everyone by calling the Congress back for a special session to enact a legislative program he said was vital to the nation. He put the Congress squarely on the spot, and his Democratic audience loved it. The audience that had been so lethargic only moments before whooped it up. The President said he was calling the Congress back on a very special day in Missouri, "turnip day." The crowd roared.

Certainly that dramatic speech, given at an unlikely hour for oratory, was a great turning point in the 1948 Presidential drive. The rest is history. The pollsters and pundits were confounded when President Truman, with betting odds 20 to one against him in places, pulled through to the most amazing election upset victory in history. Those who had regarded Tom Dewey as a sure thing were shaking their heads for days afterwards.

What a host of memories former President Truman has to enjoy in this autumn of his life! His mother once said of him, "Harry always plowed the straightest furrow one ever saw." That indeed has been true of his entire life, his full public career. So Happy Birthday, Mr. President, from your neighbors to the north who think of you not only as a great Missourian and a great President, but also as a great fellow.

THE JACKSONVILLE SYMPHONY

Mr. GURNEY. Mr. President, tonight, the Kennedy Center for the Performing Arts plays host to one of Florida's greatest symphony orchestras, the Jacksonville Symphony.

In its previous life the symphony died at the age of 21. The cause of death was listed as an overdose of good intentions and even the national news media carried the obituary.

But the reincarnation was an even bigger story. It told how a group of determined Floridians put the symphony back together again when some said that it could not be done. Now, under the disciplined and talented baton of Conductor Willis Page, the New Jacksonville Symphony is preparing for its most important season. Fittingly, it takes place during the sequicentennial celebration of the bold new city of the South.

At the Kennedy Center tonight, this well-known symphony will perform a world premiere of two musical compositions of nationally known artists Duke Ellington and Carlisle Floyd. I take this opportunity to personally urge all of my esteemed colleagues in the Senate to join me at the Kennedy Center for such a command performance—and I take pride in welcoming to our Nation's Capital the Jacksonville Symphony and wish them great success in the opening of their spring tour.

UTAH'S "DEAD SEA"

Mr. MOSS. Mr. President, as Senators well know, I have long been interested in developing the scientific, geological, and recreational values of Utah's famed inland sea—Great Salt Lake. My proposal to establish Great Salt Lake National Monument on and around Antelope Island is now before the Senate.

I was therefore pleased to read in the May issue of Reclamation Era an article entitled "Utah's 'Dead Sea' Is Still Alive," which tells some of the history of the lake, discusses past and present industrial and recreational use, and takes a look at its potential for the future in both fields.

Although, some recreational opportunity exists on the lake at present, the article states that:

> The lake continually stirs up hopes of Utahans that someday it may become a major recreation area.

I ask unanimous consent that this most interesting article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Utah's "Dead Sea" Is Still Alive

Half a world and a mile of elevation lie between Palestine's Dead Sea and Utah's Great Salt Lake, yet there are striking similarities between the two.

Both are fed by a nearby fresh-water lake, and by a river named Jordan. Nature has denied each an outlet, resulting in an unusually heavy salt content in their waters.

Because each is a unique natural phenomenon, located near other attractions of both scenic and historic nature, tourists throng to these briny seas, drawn in great measure by the enthralling prospect of bobbing like corks atop water in which it is difficult—if not downright impossible—to sink.

Mineral salts abound in the waters of both and, because they are both known as "dead" seas, a store of legend and myth has grown up concerning them.

But there are also significant differences between the mountain-fringed lake in Utah and its desert-bound Middle Eastern cousin.

For one thing, Utah's "Dead Sea" is very much alive!

Short miles to the east, guarded by the towering ramparts of the snow-mantled Wasatch Mountain range, lies Utah's capital city, a thriving, modern metropolis which derives its name from the lake with which it shares a valley.

On the western shore of the lake, where the salt desert spreads its flat terrain toward Nevada, a $70 million plant is under construction to extract magnesium salts from the briny waters for use in manufacture of magnesium.

RECLAMATION'S WILLARD BAY

Midway along the east shore of the lake, Bureau of Reclamation engineers have erected a 14-mile dike to impound fresh water flowing down through mountain canyons to form the Willard fresh water bay which is providing new recreational possibilities as well as meeting irrigation needs.

And planners from government and private industry are mapping new blueprints to make Utah's inland sea a more viable part of the State's economy.

An air of mystery and legend has always surrounded the natural lake, largest in the United States west of the Mississippi. Long before mountain man Jim Bridger explored the lake in 1824, rumors of this body of water had mushroomed into fantastic stories that became part of early American folklore.

The largest remnant of a great fresh water lake which once covered the Salt Lake Valley and much of western Utah, the Great Salt Lake now is 75 miles in length, 50 miles wide and covers 1,500 square miles. Its waters are roughly 25 percent salt, nearly 8 times the saline content of ocean water.

Western explorers John C. Freemont and Jim Bridger explored much of this lake in a rubber boat in 1843, in the process laying to rest Bridger's original idea that he had "discovered an inland arm of the Pacific Ocean."

CANNOT SINK

Since Brigham Young and some of the early Mormon pioneers first swam in the lake in 1847, discovering to their delight that one could float freely on its waters without the slightest fear of sinking, the lake has become famous for swimming. Many visitors to the Salt Lake Valley still take advantage of the several south shore beaches to bob buoyantly on its surface.

Despite this great natural attraction, however, the fluctuating levels of the lake have made it difficult to establish permanent bathing facilities on the lake shores. Over the years, numerous such resorts have been founded, enjoyed various periods of prosperity, then faded when the receding waters left the resorts high and dry. In a few rare instances, the resorts have even been flooded when heavy precipitation caused an unusual rise in the water level.

THE GREAT SALTAIR

Most famous of the Great Salt Lake resorts was Saltair, built in 1893 when the lake was reasonably high and water splashed against the pilings which supported the resort pavilions. In its heydey, Saltair provided visitors a variety of entertainment and its dance pavilion and roller coaster were famous throughout the Mountain West and much of the country.

From the turn of the century until 1930, with the exception of a few years between 1900 and 1910, reasonably high water levels kept the resort in profitable operation. But between 1930 and 1940, hard times fell upon the famed resort. During this decade, the lake dropped to its lowest recorded levels and the water receded to several hundred yards from the pavilion.

With the rise of the lake during the 1940's Saltair again enjoyed a brief resurgence as a resort, but then the waters again receded and the once-proud resort fell into disuse. Repeated fires scorched this grand "lady of the lake" and last summer a violent blaze completely gutted the structure. Despite efforts of private groups to have her, the majestic Saltair Pavilion never again will reign over the Great Salt Lake.

Particularly in recent years, as Utah came into her own as an industrial state, attracting new population and business ventures, plans have been broached and blueprints prepared to build new and modern developments on the shore of the lake—mainly on the Salt Lake City end—but they proved to be more a dream than a reality.

Still, the lake continually stirs hopes of Utahans that someday it may become a major recreation area, although, considerable recreational opportunities exist now.

The high salt content of the water makes the lake unusable for such aquatic sports as water skiing, but winds which sweep out of the mountain canyons to the east and sometimes blow north or south along the valley floor provide adequate breeze-power for a good many sailboats.

If and when plans for developing new beaches on Antelope Island, which lies in the lake northwest of Salt Lake City, are brought to fruition by either Government or private developers, boating may become far more popular.

A State park now exists on the northern tip of Antelope Island and a rough causeway supports a road which links the island to the valley land. But lack of funds has stymied efforts to build a modern, all-weather causeway, and violent storms which often whip the lake pose a constant threat and often wash away sections of the road and dike.

PROPOSED NATIONAL MONUMENT

Some State leaders and members of the State's Congressional delegation have proposed national monument status for Antelope Island, complete with the development of bathing beaches and construction of dikes which would turn the southeastern portion of the lake into a fresh-water pond.

Man has already proved that such dikes are not only possible but feasible. Some 12 miles northwest of the city of Ogden, which is about 45 miles north of Salt Lake City, a 14½-mile earthfill structure, 36 feet in height, runs in a rough rectangle enclosing a bay of the lake which holds 215,000 acre-feet of fresh water when filled to capacity.

It is here that much of the water activity on the lake takes place. Sailboats dot the surface of Willard Bay on breezy days. Motorboats tow water skiers in graceful patterns and, at times, speedboats slice the bay's surface in well-attended boat race events.

In recent years, navigability of the lake has been a central question in legal disputes between the State of Utah and the Federal Government over ownership of the lake's shore lands.

At one time, boats of considerable size regularly plied commercial routes on the Great Salt Lake. In 1902, officials of the Southern Pacific Railroad embarked on an ambitious task. Engineers of the firm decided to build a causeway across a 40-mile section of the lake to shorten the rail route between the transportation hub of Ogden and the western shore of the lake. During construction of this famed "Lunch cutoff," barges loaded with construction materials regularly sailed the lake.

But long before this, a variety of vessels used the lake waterway for a number of purposes. In 1848, a group of Mormon pioneers used boats to conduct a major exploration of the entire lake. Boats became the principal method in the 1850's for ferrying livestock to and from ranching operations on Antelope Island.

THE LAKE'S VESSELS

Then, in 1871, the biggest vessel to use the Great Salt Lake hauled ore from the mines at the south end of the lake to a smelter located at Corinne, on the northern shore. Named *City of Corinne,* this vessel was a 240-ton, Mississippi River-type stern-wheeler. When the short-lived commercial venture failed, the *City of Corinne* was converted into a pleasure boat and for many years sailed the lake, making regular stops at various resorts.

On one such cruise, as the story goes, a noted visitor to Utah used a trip on the *City of Corinne* to indicate he might become a candidate for the Presidency of the United States. Whether the tale is true or not, the vessel was renamed in honor of the distinguished passenger and cruised the lake for years under the name of *General James A. Garfield.*

Commercial ventures on or near the Great Salt Lake have been many and varied over the years. One of Utah's earliest industries was extraction of salt from lake brine, and today at least three major salt companies have operations on the south shore. It is estimated that the lake contains 8 billion tons of salt. But, in spite of the vast natural resources here, Utah produces only about 1 percent of the Nation's salt supply.

Potash has been produced near the lake for years, but the industry really took hold in the 1930's and is a significant contributor to the region's economy.

Brightest hope for the future of the lake is its vast store of mineral salts.

POTENTIAL INDUSTRIAL SITE

Industries are looking to the lake as a source of magnesium chloride, sodium sulphate, potassium chloride, and lithium chloride. In the eyes of many, the lake is a mineral storehouse of untold potential which may yet prove of great and lasting economic benefit.

One company which obviously believes this is N.L. Industries. It has under construction along the lake's west shore a $70 million plant to take magnesium salts from the water for commercial and industrial use.

An early industrial development dream involving the lake is extraction of oil from the briny waters.

Way back in 1861, an army battalion camped near Promontory, Utah—the spot where the transcontinental railroad link was first established—found oil at Rozel Point.

This mysterious oil supply has puzzled geologists and frustrated every attempt to extract it from the lake. Some 32 holes have reportedly been sunk into the lake bottom in this area, in what is possibly the only offshore oil drilling operation in water surrounded by an American desert.

Some estimates have it that 21 million barrels of crude oil lie beneath the lake. This oil is very thick, oozes to the surface occasionally in warm weather and often forms a gooey carpet of tar on the lake bottom. It is so thick that it is almost impossible to pump by ordinary means, but this has not discouraged efforts to tap the oil reserve.

Meanwhile, the lake remains a resource of obviously great value, its potential largely as yet unrealized, but waiting for the right circumstances to become an even greater asset.

SUPPORT FOR PRESIDENT NIXON BY DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. HRUSKA. Mr. President, my attention has been called to a telegram sent to the President of the United States by Mrs. Eleanor W. Spicer, president general of the Daughters of the American Revolution. In her message she strongly supported the decision by Mr. Nixon to mine North Vietnamese ports and to take other bold steps aimed at halting the Communist invasion of South Vietnam and bringing peace.

The DAR has been harshly criticized within recent years by some liberal spokesmen. That criticism has stemmed in part from the stand of the organization on the Vietnamese war. The DAR has stated emphatically that we should fight so vigorously in Vietnam that we would convince Hanoi, once and for all that it should cease its persistent attempts to conquer South Vietnam and other portions of Indochina.

In retrospect, there is a great deal of merit in the DAR position. If the type of firmness currently being displayed by President Nixon had been part of our strategy many years ago, we might have seen peace in Indochina long ago. We might have saved many thousands of American lives.

The DAR has historically been unashamedly patriotic. It has strongly supported virtues and disciplines which many have tended to discard. It has warned repeatedly against the permissiveness and excesses which have made crime such a pervasive threat to our Nation, and demoralized some segments of our society, including many of our schools.

Consequently, I think Mrs. Spicer and the DAR are to be congratulated as a salutary force in our country.

As Mrs. Spicer's telegram to the President states, she was the wife of a marine officer who served in World War II and was a prisoner of war for 45 months, and she is the mother of sons who fought in Korea and Vietnam. She knows at first hand what war is all about.

I ask unanimous consent that the text of Mrs. Spicer's telegram to the President be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Hon. RICHARD M. NIXON,
President of the United States of America:

As President General of the National Society Daughters of the American Revolution, I want you to know that we wholeheartedly support your decisive action which seeks an honorable end to the Vietnam War and which aims also at the release of the American Prisoners of War.

The DAR has gone on record for years as advocating steps which would persuade a "group of international outlaws" that their campaign of aggression against other peoples had become so costly that they must seek peace.

I am sending copies of this telegram to our State Regents and am confident that they will let you know their sentiments.

As a life-long member of a Marine family; the widow of a Marine officer who was a Prisoner of War for 45 months in World War II; the mother of Marine officers who saw combat in Korea and Vietnam, I am proud of my President, and, realizing the uncertainties of the future, whatever comes, I am proud to be an American.

ELEANOR W. SPICER,
President General, NSDAR.

UPRIVER DAMS ON MISSOURI DO THEIR JOB

Mr. SYMINGTON. Mr. President, all too often in years past melting snows in the Rocky Mountains combined with spring rains have turned the Missouri River into a raging torrent, bringing tragedy and destruction down the entire basin.

An editorial in the Kansas City Star of May 6, however, emphasizes the change since completion of upstream reservoirs.

As the editorial states:

> The Army Engineers' six big main stem reservoirs in the Dakotas and Montana, beginning early this year, swallowed up 5.5 million acre-feet of water—an acre-foot being a foot deep over one acre—including a record 1-day storage gain of 625,000 acre-feet on March 15.

In addition to the prevention of severe and costly floods—$100 million in damages prevented so far this year alone—other benefits have accrued because of these dams.

During 1971, more than 2.8 million tons of goods were transported on the Missouri River, much of it made possible by the even water flows created by the mainstem reservoirs.

Also during 1971, the combined outdoor recreation total for these lakes was a record 8.4 million visitor-days, an average of almost 2½ days for every man, woman and child in the four States—Montana, North and South Dakota and Nebraska—where these lakes are located.

A record 13.2 billion kilowatt-hours of electric power was generated at these dams last year, sufficient hydroelectric power to supply the needs of the State of Nebraska.

Other benefits include water stored for agricultural irrigation, municipal water supplies and as protection for the Missouri Basin from periods of extreme drought.

This editorial also points out that the Missouri River projects are returning the original investment lavishly. I agree, and add that the return on this investment should also include the improvement in the quality of life of the people who live in the Missouri River Basin.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Kansas City Star, May 6, 1972]

UPSTREAM DAMS QUIETLY SWALLOW A MISSOURI RIVER FLOOD

Under conditions prevailing 20 years ago, this would have been another of those anxious, unhappy springs when the Missouri River, swollen by melting winter snows and the breakup of ice in its upper reaches, would have roared destructively down its valley all the way to St. Louis. It never happened.

The Army Engineers' six big main stem reservoirs in the Dakotas and Montana, beginning early in the year, swallowed up 5.5 million acre-feet of water—an acre-foot being a foot deep over one acre—including a record 1-day storage gain of 625,000 acre-feet on March 15.

This volume of runoff meant sure trouble in the old days. But now the dams stopped it and the Reservoir Control Center in Omaha happily predicted another year of full service to all uses of the stored water, including barge tows and hydroelectric power generation. Power output this year is expected to be near the record generation of 13.2 billion kilowatt-hours last year. Barge lines, which the last three years have been able to load their carriers deeper than normal channel capacity because of high-level releases, seem assured of another 10-day extension to the season in December.

Without the big dams in place, the engineers estimated that downstream river stages would have been 15 to 20 feet higher, inflicting $100 million in flood loss. Flows would have been half again as great as the 1943 flood which covered Omaha's airport six feet deep.

But instead this impounded disaster now makes it possible to release 10,000 to 15,000 cubic feet a second more at Gavins Point on the Nebraska-South Dakota state line than in the early 1960s when the huge lakes were still filling. It is difficult now to recall the sharp disputes of those years between the various water interests over priorities. Now there is plenty for all, especially with a mountain snowpack still largely in place at 130 per cent of normal depth.

These big Pick-Sloan lakes cost several hundreds of millions of dollars. But they are returning that investment lavishly—to say nothing of the outdoor recreation they provide for millions of visitors. They will be there to do the flood-stopping job next year or whenever these same conditions develop. As one backer of these much-maligned "pork barrel" river projects asserted, "If this is pork, I'll take another helping."

INAUGURATION OF GENERALISSIMO CHIANG KAI-SHEK FOR FIFTH TERM AS PRESIDENT OF REPUBLIC OF CHINA

Mr. DOMINICK. Mr. President, on May 20, Generalissimo Chiang Kai-shek will be inaugurated to his fifth term as President of the Republic of China. Over the years, Chiang has brought the island of Taiwan tremendous peace, growth, and prosperity—progress rivaled by few in the developing nations of the world.

The past year has been a turbulent and confusing one for the Republic of China. Many changes, including expulsion from the United Nations, have caused some fears and doubts in the minds of the people of Taiwan as to just what the United States commitment to their country will be in years to come.

I have reiterated my strong support and admiration for the people of Taiwan many times in the last few months, and I am sure that all Senators join me in expressing once again our greatest friendship and admiration for the people of the Republic of China and their President on the occasion of his inauguration.

UPPER COLORADO RIVER BASIN AUTHORIZATION

Mr. MOSS. Mr. President, on May 10, the senior Senator from Wisconsin (Mr. PROXMIRE) commented on the passage of H.R. 13435, a bill to increase the authorization for appropriations for continuing work in the Upper Colorado River Basin by the Secretary of the Interior.

The purpose of the bill was to provide sufficient funds to complete the construction of the Upper Colorado River Basin project which was authorized to be constructed by the act of April 11, 1956 (70 Stat. 105). The original authorization provided $760 million for the work, including the major storage reservoirs which now control the widely varying flows of the Colorado River and several water supply projects as well which utilize a part of the water made available by the storage.

The Senator from Wisconsin stated that the Senate Committee on Interior and Insular Affairs held no hearings on this measure. I wish to inform the Senate that while the Senator is correct that the committee held no hearings on H.R. 13435, this bill was not pending before the Senate at that time. But the Subcommittee on Water and Power Resources held a hearing on April 12, on S. 3287 and S. 3283, Senate companion bills which were identical to H.R. 13435 as introduced.

I wish to assure Senators that the implication that insufficient study was given to this legislation is particularly unwarranted. The Interior Committees of both Houses have had close and continuing associations with the Upper Colorado River Basin project since the exhaustive consideration given to it before it was authorized in 1956. There have since been a number of additional participating projects considered for either study or construction, each involving a review of the financial and economic status of the storage project, and, of course, the whole matter was reviewed in great depth when the Congress was considering the Colorado River Basin Project Act of 1968 (82 Stat. 885).

The authorizing act of 1956 (70 Stat. 105) requires the Secretary of the Interior to report to the Congress annually on the status of the Colorado River storage project and participating projects. The 15th of these annual reports was transmitted to the President of the Senate on December 28, 1917, and is, of course, available to any interested Senator. I am sure my colleagues will find it to be a comprehensive and detailed accounting of the financial aspects of the project as well as a statement of the diverse and impressive benefits which the project already is providing to our Nation. I am pleased to report that the project already has returned more than $20 million to the Treasury although many of the revenue producing features are still under construction. Moreover, construction funds for storage and power production is repaid with interest to the U.S. Treasury. These funds are a prudent investment; not a nonrecoverable expenditure.

Furthermore, the Colorado River Basin Project Act of 1968 requires the Secretary to report annually to the Congress on the operation of the major reservoirs on the Colorado River system. My colleagues will find that the report for the 1971 operations and 1972 projected operations is an informative document including discussions of river regulation, water use, and environmental measures, among other items, on a reservoir-by-reservoir basis.

The Interior Committee, therefore, came to the consideration of H.R. 13435 and its companion bills with considerable current knowledge of the situation and insights into the significant issues.

I am sure that Senators will agree that the value of legislative hearings are not always measured by their length.

The Senator from Wisconsin also made quite a point of the fact that there was no new benefits to cost analysis of each of the projects in the report on the bill. Of course there was not. The feasibility of each of the projects was carefully evaluated when the projects were originally authorized in 1956. It is an unpardonable delay that they are still waiting to be built—some 16 years after authorization. We should get on with the job.

NEED FOR STRONG EXPORT ARM IN MARKETS OF THE WORLD

Mr. TOWER. Mr. President, I am pleased that the Senate has taken action to delete from S. 3526, the Foreign Relations Authorization Act of 1972, the provision which would have reduced overseas personnel of the Department of Agriculture.

Agricultural exports were worth more than half a billion dollars—$553.9 million—to Texas farmers and ranchers last fiscal year, and that is important to them and also to the merchants, the implement dealers, and to others in the Main Street economies of the Lone Star State.

Those exports are important, too, to the ports of Texas, which are part of the gulf complex through which the bulk of our exports of corn and soybeans move.

We have much to gain from a vigorous and expanding agricultural export position. Right now, we are working to recoup the losses to Texas in agricultural exports and shipping revenues suffered in the dock strike of last October and November.

We need a strong export arm in the markets of the world, and that is what the Department of Agriculture is providing. For these reasons, I commend the Senate for the adoption of the amendment of the Senator from Oklahoma (Mr. Bellmon).

CRIMES OF VIOLENCE AGAINST POLITICAL FIGURES

Mr. CURTIS. Mr. President, I am deeply shocked and grieved, as I know every American citizen of good will is shocked and grieved, at the horrible crime of violence committed last Monday against Governor Wallace. My prayers have been and continue to be with Governor Wallace, his family, his doctors, and the others who were wounded in this senseless attack. I earnestly pray for the Governor's full recovery.

I feel it is equally important to add that my prayers go out for the soul of the young man who perpetrated this deed. It was the act of an individual who must face the consequences. That point must be made and reiterated often. I am deeply concerned over the tendency to attribute to the act, as to the horrible killings of President Kennedy, Senator Robert Kennedy, and Dr. Martin Luther King, some national disease or sickness in which we all share guilt and are made to feel as if we are participants in the crime.

I am as horrified as anyone could be that such an act of violence can happen here. I am aware, too, that attacks on our political leaders seem to be happening with increasing frequency.

I do not believe it in any way minimizes the tragedy of this event to point out that it is not a new phenomenon, and, given the increased population, mobility, and physical access to political leaders, even the increasing frequency of such incidents is not necessarily a symptom of sickness in our society.

I have listened to newsmen link this event to our "senseless and unjustifiable killings of people in another country who have never done anything to us." I have listened as political leaders commented that "this shows you this country is in trouble," and that "political assassination is becoming as American as apple pie," and that our country "is in really great danger when those—differing—voices can't be heard."

This is an assessment of the situation which might have been justifiable in the heat of the moment when a public official is killed and there is some evidence that it might be a plot. It is an assessment which no sound thinking person should make today, even under stress, unless he deliberately seeks to infect the country with an unwarranted sense of corporate guilt for political purposes.

For the truth of the matter is that the previous assassinations have all been at the hands of deranged individuals. As a society we bear no more guilt for their acts than for the acts of Richard Speck, or the skyjackers, or any other unstable individual whose own torment leads him to acts of desperation.

I, too, believe we should continue to search for ways to minimize the opportunity or incentive to commit such crimes against our unheralded citizens as well as our national leaders.

But we must keep our perspective. We must remember our history: That an assassination attempt was made on Andrew Jackson's life in the first quarter of the 19th century; that in 1856 a Member of Congress beat Senator Charles Sumner senseless on the floor of the Senate and crippled him for life; that a madman killed President Lincoln in 1860; that another madman assassinated President Garfield in 1881, and still another took the life of President McKinley in 1901.

Eleven years later an assassination attempt seriously wounded President Theodore Roosevelt and others of his party while he campaigned for the presidency. In 1935 an assassin took the life of Louisiana Governor Huey P. Long. In 1954 there was a vicious attack on Members of the House of Representatives, several of whom were seriously wounded; and an attempt was also made to assassinate President Truman. Only 9 years separated that attack from the killing of President Kennedy, and no more than 25 years have separated any of the attacks mentioned.

Further, I do not set this forth as an exhaustive summary of such crimes or attempted crimes against political figures. Hardly a presidential election has gone by that some private citizen has not died in a quarrel over politics.

But we do not and must not attribute these individual acts to a whole nation.

If anything contributes to the atmosphere that causes such acts it is the politics of confrontation in times of severe testing. If there is any lesson here, it is for the press and politicians to use the utmost discretion in inflaming passions for political purposes.

S. 1438—PROTECTION OF THE PRIVACY AND OTHER RIGHTS OF EXECUTIVE BRANCH EMPLOYEES

Mr. ERVIN. Mr. President, last December, the Senate by unanimous consent gave its approval for the third time to S. 1438, a bill to protect the constitutional rights of executive branch employees and prohibit unwarranted governmental invasion of their privacy.

The bill is now pending before the House Post Office and Civil Service Committee. That committee also has on its agenda H.R. 11150, an amended version of S. 1438 reported from the Employee Benefits Subcommittee presided over by

Representative James Hanley. H.R. 11150 is sponsored by Representatives Hanley, Brasco, Udall, Charles H. Wilson, Galifianakis, Matsunaga, and Murphy of New York.

Since it was first introduced in 1966 in response to complaints raised during the Kennedy and Johnson administrations, the need for this bill has been self evident to everyone but the White House and some of those who do its political bidding in the civil service.

Its bipartisan nature is obvious from the fact that in three Congresses more than 50 Senators cosponsored it, and an overwhelming majority of the Senate approved it each time.

The history of the fight for enactment of this legislation is set out in an illuminating article written by Robert M. Foley and Harold P. Coxson, Jr., in volume 19 of the American University Law Review. Although the article discusses the bill as S. 782 in the 91st Congress, that version was identical to S. 1438 as passed by the Senate.

The authors have reservations about certain inadequacies of the bill, which I confess I share, but these are the results of compromises thought necessary to obtain passage. They also believe the bill does not go far enough in meeting other serious due process problems often encountered by individuals in their Federal employment. There are, I agree, major omissions in the statutory guarantees of the constitutional rights of these citizens and the authors define them well. As a practical matter, however, one piece of legislation cannot effect all of these changes. I believe we must begin with the passage of S. 1438.

I wish to offer the observation that a great deal of careful legislative drafting is reflected in the balance S. 1438 achieves between the first amendment rights of individuals and the needs of government as an employer. It is my sincere hope that the balance so carefully developed over a 5-year period will not be disturbed as the bill makes its way toward passage.

The authors conclude their analysis with these observations, which I commend to the attention of Members of Congress interested in protecting the right of privacy of all Americans:

> There is no question of greater importance to a free society than that of defining the right of privacy. This right is the most important pillar of freedom. The framers of the Constitution, with a keen awareness of the case with which tyrannous power can be used to erode freedom had this right clearly in mind as they wrote that citizens should be "secure in their persons, houses, papers, and effects, against unreasonable searches and seizures . . . ." In fact, the heart of the Bill of Rights is predicated upon this right. In this light one must view the governmental incursions into this constitutionally protected area. To allow encroachments upon the right to privacy of federal employees within the framework of free society may lead to an irrevocable disintegration of the right to privacy for all.
>
> The Court has been able to define some areas where privacy is protected, but this is not enough. There is no definitive guideline for such an interpretive process. The time is ripe for Congress to begin a comprehensive definition of this right, since this process obviously cannot be achieved entirely through the courts. The guideline must come from Congress, which is the only government body charged with expressing the common will of society. S. 782 appears to be a good stepping stone.

Mr. President, I ask unanimous consent that the article, entitled "A Bill to Protect the Constitutional Right to Privacy of Federal Employees," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the American University Law Review]

S. 782—A Bill To Protect the Constitutional Right to Privacy of Federal Employees

LEGISLATIVE HISTORY

A State which dwarfs its men, in order that they may be more docile instruments in its hands even for beneficial purposes—will find that with small men no great thing can really be accomplished. . . .[1]

Legislative attention has recently been focused on the unwarranted invasions of privacy and restrictions on liberty perpetrated by the Federal Government against its nearly three million civilian employees. S. 782,[2] recently proposed in the 91st Congress, addresses the question posed by the philosopher John Stuart Mill a little over a century ago: What are the limits of legitimate interference with individual liberty?[3] Today, expanding federal activities and increasing reliance on technological innovations have extended the traditional limits to the point that further interference will render "individual liberty" a hollow phrase. Although occasional encroachments on traditional areas of liberty and privacy might be justified by the overriding interests of society,[4] there is a need to periodically reexamine the extent to which such encroachments will be sanctioned. "There is once again serious reason to suggest that the law must expand its protection if man's traditional freedoms are to be preserved."[5]

S. 782 is a legislative atempt to protect federal employees from specific violations of their constitutional rights[6] and to provide a statutory basis for the redress of such violations.[7] The major emphasis of the bill is the protection of federal employees from unwarranted invasions of privacy by government officials. This article will demonstrate the need for S. 782, analyze its provisions, and measure its effectiveness.

For the past five congressional sessions, violations of federal employee rights have been the subject of "intensive hearings and investigation" by the Subcommittee on Constitutional Rights of the Senate Judiciary Committee.[8] As a result of numerous complaints from civil servants,[9] the Subcommittee initiated legislataive hearings in June, 1965, on "Psychological Tests and Constitutional Rights."[10] Following these hearings, the Chairman of the Subcommittee, Senator Sam J. Ervin, Jr. (D.-N.C.), wrote to then President Lyndon B. Johnson:

"The invasions of privacy have now reached such alarming proportions and are assuming such varied forms that the matter now demands your immediate and personal attention."[11]

On August 9, 1966, Senator Ervin introduced S. 3703,[12] a bill "to protect the employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted invasions of their privacy."[13] On August 26, 1966, Senator Ervin introduced S. 3779,[14] a bill similar in intent to S. 3703 but differing in the provision of penalties.[15] Both S. 3703 and S. 3779 were sent to the Senate Judiciary Committee and then referred to the Subcommittee on Constitutional Rights.

As a result of the Subcommittee hearings, amendments to S. 3779 were proposed to meet "legitimate objections to the scope and language raised by administrative witnesses and to clarify the intent of its cosponsors."[16] The most notable amendment to S. 3779 resulted from Professor Alan F. Westin's proposal for a Board on Employees' Rights.[17] Professor Westin commented:

"A new agency ought to be set up within the executive branch, along the lines of what is generally called the ombudsman principle, which would be empowered to receive employee complaints, to hold hearings, and determine whether the Federal right to privacy for employees against unreasonable intrusions has been invaded without justification, or without proper cause. . . . It is a mistake to see this function as one which the Civil Service Commission either can or should perform. I think it calls for an independent agency".[18]

On February 21, 1967, Senator Ervin introduced S. 1035,[19] an amended version of S. 3779. The bill was referred to the Senate Judiciary Committee and, on September 13, 1967, it passed the Senate by a vote of 79–4.[20] On June 13, 1968, exactly nine months after passage by the Senate, hearings on S. 1035 (and H.R. 17760)[21] were begun in the House Subcommittee on Manpower and Civil Service[22] where S. 1035 died.[23] On January 21, 1969 a bill encompassing the same provisions as S. 7035 was introduced in the Senate as S. 782.[24] In introducing this bill, Senator Ervin noted that:

"On reflection, however, it may be that concerted opposition to the bill [S. 1035] mounted by the federal agencies and departments is only one more example of the effective and smooth cooperation which government agencies can demonstrate when the occasion demands. As they viewed it, I suppose impending enactment of S. 1035 was such an occasion" . . . .[25]

S. 782 was referred to the Senate Subcommittee on Constitutional Rights, and on July 22, 1969, the Subcommittee met in executive session to receive the testimony from Richard Helms, Director of the Central Intelligence Agency (CIA).[26] On the basis of his testimony, and after a number of meetings with officials of the National Security Agency (NSA) and the Federal Bureau of Investigation (FBI), committee amendments were drafted to meet the approval of the Directors of those agencies.[27] On May 15, 1970, S. 782 was approved unanimously by the Senate Judiciary Committee,[28] and on May 19, 1970, the Senate passed the bill *viva voce*.[29] On May 20, 1970, S. 782 was sent to the House Post Office and Civil Service Committee and referred to the Subcommittee On Manpower and Civil Service,[30] where the bill is now pending. Senator Ervin predicted that "although the bill [S. 1035] died in a House Post Office and Civil Service Subcommittee in the last Congress, I believe prospects are much brighter for passage [of S. 782] this year."[31]

The need to protect federal employees from unwarranted invasions of their privacy was amply documented throughout the legislative history of S. 782. Several blatant examples of privacy-invading techniques follow.

The example most frequently cited during the hearings was the salacious interrogation of an eighteen year-old college sophomore co-ed, applying for a summer job as a secretary at a federal agency. She was asked intimate questions regarding her personal relationship with a boy whom she was dating. A few illustrative questions should suffice: "Did he abuse you?", Did he do anything unnatural with you?", "You didn't get pregnant, did you?"[32] Of course, one can see the relevance of such questions to secretarial skills.

A second and more subtle means of invading privacy is demonstrtaed by the use of psychological examinations, personality inventories, and even polygraph tests. Perhaps a legitimate argument might be advanced

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Footnotes at end of article.

that such precautions are necessary for jobs involving national security. However, these mind probing techniques often require employees to answer intimate questions relating to sex, religion, family relationships, or personal beliefs having little to do with national security.

The Minnesota Multiphasic Personality Inventory (MMPI) is one of the tests frequently utilized by government agencies. The test contains 566 true/false questions which must be answered, "quickly and without thinking or deliberating." [32] Examples of these questions are:

(20) My sex life is satisfactory.

(58) Everything is turning out just like the prophets in the Bible said it would.

(95) I go to church almost every week.

(115) I believe in a life hereafter.

(177) My mother was a good woman.

(216) There is very little love and companionship in my family as compared to other homes.

(258) I believe there is a God.

(320) Many of my dreams are about sex matters.

(387) I have difficulty holding my urine.

(519) There is something wrong with my sex organs.[34]

Martin L. Gross, author of a study on psychological testing,[35] testified before the Senate Subcommittee on Constitutional Rights that there has never been a validated psychological test, nor a single statistically significant experiment indicating that a personality test predicted emotional behavior.[36] To make matters worse, the agencies have used these invalid tests improperly. The use of untrained personnel and the random selection of questions removed from their test context, have destroyed even the reliability of the tests. Yet despite this, and the invasion of privacy inherent in such tests, the agencies continue to use them with little reservation.[37]

The disclosure of family financial affairs is another serious intrusion into the right to privacy. Pursuant to Executive Order No. 11222,[38] the Civil Service Commission implemented a questionnaire requiring periodic disclosure of the personal finances of federal employees and their immediate families. The purpose of this questionnaire is to prevent conflicts of interest among the upper echelon employees of the federal government. However, section 402 [39] of the Executive Order provides that other employees may be required to file similar disclosures. Obviously this requirement is ineffectual in disclosing the unethical employee, since it would not be difficult for him to falsify the questionnaire in order to conceal a conflict of interest. Yet, for the overwhelming majority of ethical employees, the requirement is a particularly objectionable invasion of privacy. As Senator Ervin commented:

"[T]his policy amounts to a demand that the employee, on pain of losing his job, prove every few months that he and members of his family are not violating or even appearing to violate federal laws. To my mind, this questionnaire constitutes a colossal vote of no-confidence." . . .[40]

One of the most clandestine intrusions into the area of individual privacy and one of the hardest to legislate against, is the subtle coercion of employees to follow the whims and desires of supervisory personnel. These include the solicitation for charities, contributions to favorite funds, involvement in savings bond programs and attendance at unrelated meetings, activities, and the like. An individual employee could hardly be expected to refuse such "requests" by his supervisor, when the same supervisor will determine his qualifications for promotion.[41]

Of particular concern in the current period of political activism is the denial of federal employment to those persons who have engaged in demonstrations and protests. Although intended to meet legitimate objections to the abuses of the political process, in a reactionary period, such stringent prohibitions may also serve to stifle individual initiative and involvement in an area having little to do with one's employment with the federal government. These sanctions might be invoked merely because the propriety of such involvement is questioned. As Senator Ervin has commented, "it is essential to assure that any denial of a security clearance or of a federal job is rendered on equitable, just, and timely standards of social behavior." [42]

S. 782 is a legislative attempt to remedy these and other practices which are eroding the traditional pillars of freedom today. Obviously, passage of the bill will not eliminate "all the ills besetting the federal service, all of the invasions of privacy," [43] nor all of the isolated incidents of coercion and intimidation. As Senator Ervin has commented: "We cannot legislate against all manner of fools or their follies." [44] But, as an analysis of the bill will demonstrate, S. 782 is an attempt to provide basic standards for governing the individual rights of those under federal employment.

S. 782

The Act encompasses four major provisions which include: government officials who are forbidden to pursue certain activities, the four classes of prohibited activities themselves, judicial remedies for violation of the Act, and several protective or balancing clauses.

There are three classes of government officials against whom S. 782 is directed. Section 1 provides that "[a]ny officer of an executive department or executive agency . . . or any person purporting to act under his authority . . ." [45] is prohibited from participating in certain enumerated activities. Section 3 provides that "[a]ny commissioned officer . . . or any member of the Armed Forces acting or purporting to act under his authority . . ." [46] is prohibited from engaging in the same activities as prescribed in section 1. And section 2 provides that "[a]ny officer of the United States Civil Service Commission, or any person purporting to act under his authority . . ." [47] is prohibited from performing certain of the selected activities forbidden to the above two classes of personnel.

The Act contemplates a number of activities which are considered in violation of the individual's basic right to privacy. Among these activities are the following, which are specifically denied to the first two classes of supervisory personnel:

RACE, RELIGION, AND NATIONAL ORIGIN—SECTION 1(a)

It is unlawful to require by any manner "[a]ny civilian [48] employee . . . in executive branch . . . to disclose his race, religion, or national origin, . . . or [that] of his forebearers." [49] However, inquiry into national origin is not prohibited where this factor may adversely affect national security.[50] Such inquiry is only permitted in cases where it is a statutory prerequisite for employment or job assignment.

NON-JOB RELATED ACTIVITIES—SECTION 1 (b), (c), (d), (g), AND (h)

Executive department officers are prohibited from informing or intimating to employees that notice will be taken of their attendance or nonattendance at any non-job related meeting or any other outside activities. Furthermore, an employee may not be required to make a report on activities which are unrelated to his job, unless there is "reason to believe . . . [that the activities are] in conflict with his official duties."[51] "Exception to this injunction is made for meetings which provide for the development of skills qualifying an employee for the performance of his job." [52]

In addition, it is unlawful to coerce an employee to invest in government bonds or securities or to make donations to charitable causes. However, it is appropriate that supervisory personnel call meetings or take other actions which afford the employee the *opportunity* to participate in the aforementioned activities.[53]

Finally, by a provision similar to the Hatch Act,[54] executive officers are forbidden in any way to require their employees to participate or not participate in political activities.[55]

INVESTIGATION INTO PERSONAL AND FAMILY MATTERS—SECTION 1(e), (f), (i) AND (j)

It is unlawful to elicit from an employee or applicant information concerning: personal relations with his spouse or blood relatives, religious beliefs or practices, and attitudes or conduct concerning sexual matters [56] via any of the following techniques; interrogation, examination, psychological testing,[57] or polygraph testing.[58] This prohibtion is made with the following provisos: (1) that the clause will not be "construed to prevent a physician . . . from authorizing such tests in the diagnosis or treatment of any civilian employee or applicant . . . where such information [is] necessary . . . to determine [if that] . . . individual is suffering from mental illness;" [59] (2) that such treatment is "not pursuant to general practices or regulations governing" [60] a class of individuals; and (3) that nothing contained in the clauses will be "construed to prohibit . . . advising . . . [the] employee of specific charges of sexual misconduct made against [him]. . . ." [61]

Furthermore, it is unlawful to require an employee or prospective employee to disclose family financial matters. However, the employee will not be freed, as a result of these prohibitions, from making the usual disclosures to the appropriate governmental department or agency of such records as tariffs, taxes, customs duties, and other lawful obligations.[62] In addition, disclosures may be required of an employee who, in his job capacity, has the power of final determination of tax or other liability of any person or legal entity, or who may have a conflict of interest between his personal financial dealings and the performance of his official duties.[63]

OTHER PROTECTIONS—SECTION 1(k) AND (l)

The third class of supervisory personnel, officers of the Civil Service Commission, is enjoined from requiring any executive department official to violate the provisions of section 1. Requiring civilian employees or applicants to disclose, by any of the above mentioned methods, any of the information enumerated in sections 1(e) and (f), is unlawful.

The Act further provides that an employee should not have to present his case without aid.[64] To implement this protection, any person under interrogation for misconduct which could lead to disciplinary action is permitted the presence of counsel or another representative of his choice at such inquisition.[65] However, the foregoing right is severely curtailed in the case of the NSA and CIA. Counsel or representative must either be an employee of the agency or must be given security clearance for access to available information. To protect an employee who files a complaint, the Act makes it unlawful to discriminate in any way against an employee who refuses to submit to the demands or other actions of his superior which are made illegal by this bill, or for exercising any right granted by it.[66]

One of the primary rights granted by the Act is the ability to seek judicial as well as administrative remedies. Standing to sue or file a grievance action with the Board on Employees' Rights,[67] (hereinafter designated "the Board"), is provided by the Act for: any person with a personal complaint, any person

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representing a class of aggrieved employees, or any employee organized on behalf of its membership,[68] for any activity made illegal by this bill.

Sections 4 and 5 afford two forums in which remedial action may be taken, both of which are given primary jurisdiction to hear the complaint. The first is the Board which is nonpartisan, separate from the Civil Service Commission, and nongovernmental in its composition. It is endowed with the power to issue: administrative sanctions; cease and desist orders; arbitration proceedings; recommendations for general courts-martial, where appropriate; and in the case of a federal appointee, a report to the Congress and the President.[69] For purposes of judicial review, decisions emanating from the Board are to be considered final. No matter which route is chosen, judicial review is begun at the U.S. District Court level.[70]

The second path is to file a suit seeking civil damages, before the appropriate United States District Court.[71] The Act obviates the necessity of first exhausting other administrative remedies before filing a complaint with the Board or the courts.

The forum chosen for the initial action must be elected prior to commencement of the proceedings, since the respective paths are mutually exclusive.[72] The civil court route seems the most attractive, since it affords damages as one type of remedy. However, there are three critical factors which may encourage complainants to proceed via the Board: delay because of overloaded court calendars,[73] the expense of courtroom litigation, and the fact that section 5(m) allows civil action review of Board decisions in the United States District Court, the court of original jurisdiction for civil actions.

There are two clauses balancing individual against societal rights. The first gives substantive protection to the employees' right to litigate an alleged invasion of privacy.[74] The second balances the right of societal self-preservation against the individual's right to privacy by insuring that investigative agencies will retain the ability to ferret out elements which may be subverting society.[75] Section 5(h) protects the complainant and any necessary witnesses against economic coercion. It provides that all employees who appear before the Board will be compensated for the work time lost and will be remunerated for any additional expenses resulting from such appearance. In addition, all employees appearing will be "free from restraint, coercion, interference, or reprisal in or because of their participation." [76]

Section 6, at the request of Senator Bayh [77] and Senator Young,[78] preserves the investigative prerogatives of the three major security agencies. By negative implication, any director or employee designated by the director of the CIA or NSA, is permitted to pursue activities forbidden other executive officers by sections 1(e) and (f) as long as there is a "personal finding with regard to each of the individuals to be so tested or examined that such test or information is required to protect the national security." [79]

ANALYSIS OF S. 782

This section will attempt to analyze S. 782 by dealing with the following three issues: (1) how well the Act fulfills its purpose as propounded by Senator Ervin in the report issued by the Senate Committee on the Judiciary,[80] (2) what are the major loopholes and legislative omissions, and (3) how does the Act relate to the whole issue of privacy in our society today?

As measured against the avowed purpose, the Act fares only moderately well. The purpose of the Act in general, is to extend to all civilian employees of the United States Government the basic constitutional right to individual privacy which has been infringed upon by government officers with alarming frequency. Specifically, the legislation is designed to meet three exigencies: (1) to establish a statutory basis for protecting certain rights and liberties of government employees, meeting not only present but also future needs; (2) the need to attract the best qualified employees for federal service; and (3) to set an example for state and local government and private industry.[81]

In providing immediate statutory relief, this Act makes a major contribution in fulfilling the present needs of federal employees and applicants. Previously, there was no way by which an employee could gain standing to sue except at the discretion of a government grievance committee. The established grievance procedures carry any complaint regarding invasion of the right of privacy down a bureaucratic cul-de-sac. The employee would file his complaint, which in turn would be passed through the channels to the grievance committee. The grievance committee in turn would return such complaint to the employee's superior for refutation of the allegations, wherein the complaint would die. The provisions of this Act allow the employee the opportunity to directly test through adversary proceedings, either in open court or in a quasi-judicial hearing, the constitutionality of some rather questionable government practices.[82] Endorsement of the bill is widespread among employee organizations, attesting to the fact that the Act apparently meets present needs for statutory protection.

One consideration relevant to the ability of the bill to meet future needs is the growing size of governmental involvement in the business of the country. In many instances the government requires the same kind of security precautions for industry's employees as it does for its own, and national security frequently requires legitimate curtailment of an individual's constitutional rights. As governmental operations affect more and more lives in this manner, extension of legislative protection seems inevitable. Increasingly closer scrutiny will have to be paid to the balancing of individual rights against the necessities of society. Two prominent jurists sounded the warning eighty years ago: "[f]rom time to time society must redefine the exact nature of the right of privacy according to political, social, and economic changes . . . [recognizing] new rights if established freedom is to be maintained." [83] It is hoped that this bill will be but a step in a continually evolving process.

The second function of the bill, the attraction and retention of career federal employees, is difficult to assess by objective criteria. Although it is possible that some highly qualified applicants refuse federal employment because of the various screening procedures employed by many agencies and departments, it seems more likely that the vast number of people seeking employment with the executive branch of the government are unconcerned by the invasions of privacy at the initial interviews for their new jobs. The reason is simple; such practices are frequently utilized by private industry. However, raising the issue of initial refusal of federal service begs the question. There are far more compelling reasons for rejecting federal employment, such as low initial salary and lack of adequate career advancement opportunities, which must be considered before the issue of invasion of privacy can be reached. To the Government, retention of the employee is equally as important as attracting him, and herein the bill answers a critical need. The blatant and persistent application of bureaucratic pressure and invasion of privacy may, on the basis of this bill, be questioned with impunity. Undoubtedly, subtle pressures resulting from personality conflicts will continue to be applied to employees, but that is a problem which is beyond legislation.

Although private industry is not always quick to follow governmental leads, once civil cases by federal employees have been successfully prosecuted, an avenue will be opened for judicial interpretation which may have a profound effect on private industry. At the state and local levels, there have already been some moves to incorporate many of the Act's protections as evidenced by testimony of New York Civil Service Commission Secretary Allan J. Graham at the hearings on S. 1035.[84]

Summarizing the above standards for appraising the bill, S. 782 provides an immediate, impartial forum and judicial remedies for a federal employee's complaints against glaring incursions by the executive branch of the government into cherished, constitutionally protected areas. It is impossible for this legislation to alleviate all future problems in this area. It is equally unlikely that the example which it sets will be sufficient to encourage state and local governments and private industry to incorporate the Act's protections without some further stimulus. However, there can be no doubt that as a remedy for present and future conditions, S. 782 provides a viable first step. As stated by Vincent Connery, president of the National Association of Internal Revenue Employees, "during . . . a period of rapidly accelerating demand among federal employees for truly first-class citizenship . . . [this] bill holds out the serious hope of attaining such citizenship." [85]

Turning to the question of future effectiveness of the bill, it is necessary to discuss loopholes and legislative omissions which seriously impair that effectiveness. A major concern is section 1(e) which purports to protect employees from being denied the opportunity to refute charges of sexual misconduct made by an executive officer. The clause requires that the officer is not prohibited from advising the employee of such a charge.[86] This provision leaves to the officer's discretion something which in light of the variance in our cultural mores, should be mandatory; an employee should have the affirmative right to answer any such charge. The employee, to fully protect his right to answer ungrounded charges, should be granted the right to examine his official dossier, including memoranda, on demand at any time provided that a record be maintained of the inspection.[87] This examination right should also extend to the photocopying of any pertinent documents. To enforce such a right of inspection, it would be necessary to establish a central record office with employees having immediate access.

An important omission from the Act is the right of the employee to know the specific grounds for denial of promotion, assignment, or initial employment, and, if the information is insufficient on its face, the right to initiate full discovery proceedings before the Board. A protective clause of this nature would apprise an employee of the possible existence of adverse information in his dossier. To facilitate the above provision, clear guidelines should be established by all departments and agencies for making these major administrative decisions. Furthermore, the necessity of maintaining a dossier which contains such personal information as one's sexual activities shouud be re-evaluated. As Senator Bible stated at the hearings on S. 1035, "There is a line between what is federal business and what is personal business and Congress must draw that line. The right of privacy must be spelled out." [88]

Another major omission is the way in which certain kinds of information can be elicited. S. 782 narrowly circumscribes four techniques which are forbidden. However, the clever bureaucrat will quickly devise new and awesome procedures for achieving the same ends. Science is constantly researching information gathering techniques. These techniques are often pragmatically applied by scientists who have become subservient to the

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demands of government "technocrats" on whom these scientists rely for reseach money and prestige. As stated by Harold D. Lasswell of Yale Law School, "If the earlier promise was that knowledge would make men free, the contemporary reality seems to be that more men are manipulated without their consent for more purposes by more techniques . . . than at any time in history."[89] Harrell R. Rodgers, Jr. cites some of the terrifying new technological developments for invading the sanctity of the home and of man's personality, such as: narcoanalysis (chemical truth drugs); electronic eavesdropping devices such as the laser transmitter which can penetrate a room several blocks away and give a full television reproduction of the scene, including sound; and, brain wave analysis, which in the near future scientists predict will be able to "read" thoughts.[90] S. 782 affords no protection against such invasions.

In effect, Sections 6 and 7 of S. 782 provide a release of two major investigative arms of the government: the CIA and NSA. It is necessary to note the process through which this is achieved. First, the CIA and NSA are exempted from the prohibitions of Sections 1 (e) & (f). Second, before availing himself of the procedures in Sections 4 and 5, a complainant must first submit his grievance to one of the above agencies and then allow them one hundred and twenty days to either correct a wrong or alleviate a threatened one. These two clauses seem innocuous until one reads them together with the third clause; this clause allows the Director of the agency, at his discretion, to terminate the employment of an individual when it is necessary and advisable "in the interests of the United States."[91] The net effect of these clauses might be to allow the employee the right to complain, but to give the agency the option of one hundred and twenty days of dilatory proceedings, at the end of which, if the issue has not been dropped, the employee may be subject to dismissal.

Section 9 of S. 782 completely exempts the third major investigative agency, the FBI, from coverage by the bill. This loophole looms ominous. Why is this agency permitted to escape coverage? If we are going to be concerned about the rights of federal employees, and indeed ultimately of all Americans, one might generate some questions about the unlimited information gathering ability of these three autonomous investigative agencies: the FBI, NSA, and CIA. As these agencies exist today, they have virtually unlimited power to snoop and pry into people's personal lives under the guise of national security. How safe from invasion is an employee's right of privacy, if a bureaucrat may in the future request of one of these agencies an investigation which is otherwise forbidden to him under the Act? It seems far-fetched now, but it is not beyond the realm of possibility.

Restrictions on the unlimited storage of information by electronic data banks[92] is the last major omission to be discussed. Because this issue concerns not only federal employees but also every citizen of the United States, it is of major importance. The government, with increased efficiency of integrated information-retrieval systems, is rapidly moving towards a central data bank which will store information on every aspect of an employee's life. Two issues are apparent. What limits will be placed upon access to the information, and perhaps more importantly, what information is to be stored in the first place? The potential for invasions of privacy poses virtually unlimited dangers to the stability and security of man in society as a social, psychological, and political being.

AN OVERVIEW OF THE ISSUE OF PRIVACY

There is no question of greater importance to a free society than that of defining the right of privacy. This right is the most important pillar of freedom. The framers of the Constitution, with a keen awareness of the ease with which tyrannous power can be used to erode freedom had this right clearly in mind as they wrote that citizens should be "secure in their *persons*, houses, papers, and effects, against unreasonable searches and seizures . . . ."[93] (emphasis added). In fact, the heart of the Bill of Rights is predicated upon this right. In this light one must view the governmental incursions into this constitutionally protected area. To allow encroachments upon the right to privacy of federal employees within the framework of free society may lead to an irrevocable disintegration of the right to privacy for all.

It is necessary for Congress to commence a comprehensive and definitive treatment of the right of privacy at this stage in our historical development. At no time in the past were individuals and government more able to invade that right with such subtlety as they are now. Our technological advancement has achieved such a degree of sophistication that the right can be curtailed without one's being aware of the method used. We no longer can afford the luxury of a patchwork approach by our legislature and judiciary. Perhaps the first attempt at defining the right occurred in *Olmstead v. United States*,[94] where Justice Brandeis described privacy as "the most comprehensive right and the right most valued by civilized man . . . The makers of our Constitution . . . conferred, as against government, the right to be left alone."[95] However, since there is no specific constitutional amendment protecting a right of privacy, the Supreme Court has had to use theories related to specific amendment guarantees, such as first, fourth, fifth, and ninth, in order to give color to a theory of protection of privacy.

Utilizing the "due process"[96] protection of the Constitution, the Court was able to reach the privacy issue in cases such as *Breithaupt v. Abram*,[97] where invasion of a person's body without consent was at issue, and *Griswold v. Connecticut*,[98] where invasion of the sanctity of marital relations was in contest. "Search and seizure" also presented a fruitful area to develop the definition of privacy. The landmark decision in this area was *Mapp v. Ohio*,[99] where the Court utilized the fourth amendment to establish the principle that the right of privacy is protected in the constitutional guarantee of freedom from "unreasonable searches."[100] The most recent area of litigation around the privacy issue is that of wire-tapping and other electronic eavesdropping devices.[101] In these cases, the fourth and fifth amendment protections were coupled together. The *Griswold* case, however, is the cleverest expansion of the right of privacy by judicial interpretation. The Court there utilized the ninth amendment's protection of "unenumerated rights."[102]

The Court has been able to define some areas where privacy is protected, but this is not enough. There is no definitive guideline for such an interpretive process. The time is ripe for Congress to begin a comprehensive definition of this right, since this process obviously cannot be achieved entirely through the courts. The guideline must come from Congress, which is the only government body charged with expressing the common will of society. S. 782 appears to be a good stepping stone.

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Harold P. Coxson, Jr.

FOOTNOTES

[1] J. Mill, On Liberty 117–118 (Appleton, Century, Crofts ed. 1947).

[2] S. 782, 91st Cong., 1st Sess. (1969).

[3] Mill noted: "There is a limit to the legitimate interference of collective opinion with individual independence; and to find that limit, and maintain it against encroachment, is as indispensable to a good condition of human affairs, as protection against political despotism." J. S. Mill, *supra* note 1, at 5.

[4] Mill's utilitarian philosophy is premised on the theory that all human action should attempt to create the greatest happiness for the greatest number of people. Thus, although an individual's freedom should not be unduly restricted, the primacy of the individual should not transcend the aggregate needs of society.

[5] Rogers, *New Era of Privacy*, 43 N. Dak. L. Rev. 253 (Winter, 1967).

[6] S. 782 is phrased in constitutional terms—"to protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent the unwarranted governmental invasions of their privacy," S. 782, 91st Cong., 1st Sess. (1969). Senator Ervin commented that the purpose of the bill was "to assure as far as possible that those in the executive branch responsible for administering the laws adhere to constitutional standards in their programs, policies, and administrative techniques." S. Rep. No. 534, 90th Cong., 1st Sess. 5 (1967).

[7] S. 782 is premised on the fact that federal employees lack viable remedies for their grievances. The Senate Judiciary Committee's report on S. 1035, an earlier version of the bill, stated: "Testimony at the hearings as well as investigation of complaints have demonstrated that in the area of employee rights, a right is only as secure as its enforcement. There is overwhelming evidence that employees have heretofore frequently lacked appropriate remedies either in the courts or the Civil Service Commission for pursuing rights which belong to them as citizens." S. Rep. No. 534, 90th Cong., 1st Sess. 31 (1967).

[8] *Id.* at 7.

[9] As Senator Ervin observed: "Never in the history of the Subcommittee on Constitutional Rights have we been so overwhelmed with personal complaints, phone calls, letters, and office visits. In all of our investigations I have never seen anything to equal the outrage and indignation from government employees, their families and their friends." *Hearings on S. 3779 Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary*, 89th Cong., 2d Sess. 3 (1966) [hereinafter cited as *Hearings on S. 3779*].

[10] *Hearings on Psychological Tests and Constitutional Rights Before the Subcomm. on the Judiciary*, 89th Cong., 1st Sess. (1965).

[11] Letter from Senator Ervin to President Johnson, Aug. 3, 1965, printed in *Hearings on S. 3779, supra* note 9, at 367.

[12] S. 3703, 89th Cong., 2d Sess. (1966).

[13] *Id.*

[14] S. 3779, 89th Cong., 2d Sess. (1966).

[15] S. 3703 provides the penalty of "a fine not exceeding $1,000, or . . . imprisonment not exceeding one year, or . . . both . . ." for the violation or attempted violation of employee rights enumerated in the bill. S. 3703, 89th Cong., 2d See. § 2 (1966). S. 3779 reduced the penalties to a maximum of $500 and 6 months imprisonment. S. 3779, 89th Cong., 2d Sess. § 2 (1966).

This reduction is noteworthy. Throughout the history of this legislation it will be noted that the criminal penalties are reduced. In the original version of S. 1035, the penalties were reduced further to a maximum of $300 and 30 days. In the final version of S. 1035, and later in S. 782, criminal penalties are eliminated entirely and redress is limited to civil remedies. S. 1035, 90th Cong., 1st Sess. (1967) and S. 782, 91st Cong., 1st Sess. (1969). This is indicative of the remedial design intended for the violation of employee rights. Criminal sanctions would create an unreasonable hardship for the offending official.

[16] S. Rep. No. 534, 90th Cong., 1st Sess. 10 (1967).

[17] S. 1035, sec. 5(a), 90th Cong., 1st Sess. (1967).

[18] *Hearings on S. 3779, supra* note 9, at 247.

[19] S. 1035, 90th Cong., 1st Sess. (1967). S. 1035 incorporated the Board of Employees' Rights proposed in the *Hearings on* S. 3779. In addition to S. 1035, Senator Ervin introduced S. 1036 to "protect members of the Armed Forces of the United States by prohibiting coercion in the solicitation of charitable contributions and the purchase of government securities." S. 1036, 90th Cong., 1st Sess. (1967).

[20] 113 Cong. Rec. 25456 (1967). After absentee approvals were recorded the total vote was 90–4. The four opposing votes were cast by Senators Eastland, Hollings, Russell and Stennis. Originally, Senate debate on S. 1035 was scheduled for August 29, 1967. However, the debate was postponed because of objections raised by the CIA and NSA who felt that they should be completely exempted from the requirements of the bill. 113 Cong. Rec. 25410 (1967) (remarks of Senator Ervin).

In the debate prior to the vote on S. 1035, Senator Ervin reluctantly submitted a committee amendment granting partial exemption to the CIA and NSA. 113 Cong. Rec. 25410 (1967). In addition, the original version of S. 1035 contained a complete exemption for the FBI. However, Senator Ervin modified the bill to include Senator Young's amendment, granting only partial exemption to the FBI. 113 Cong. Rec. 25452 (1967). Thus, S. 1035 as passed by the Senate, included partial exemptions for all three security agencies—the FBI, CIA, and NSA.

[21] H.R. 17760 ("a bill to recognize the rights and obligations of the civilian employees of the executive branch of the Government of the United States") had been introduced by House Subcommittee Chairman David N. Henderson (D.-N.C.) only two days prior to the scheduled hearings. Essentially, H.R. 17760 listed the rights and *obligations* of federal employees. H.R. 17760, 90th Cong., 2d Sess. (1968). Congressman Henderson, as well as Civil Service Commission Chairman John Macy, felt that Senator Ervin's bill did not reflect the obligations that federal employees necessarily assumed by government employment. *Hearings Before the Subcomm. on Manpower and Civil Service of the Comm. on Post Office and Civil Service,* 90th Cong., 2d Sess. 28 (1967) (testimony of Mr. Macy).

Senator Ervin commented: "This bill H.R. 17760 not only would retain the status quo and reinforce the present evils perpetrated under existing law; its language can be used to justify further restrictions on the freedom of employees. . . . H.R. 17760 protects no rights; it provides no remedies. It provides no Board on Employees' Rights. It affords no access to the courts. Without specific remedies, and without specific rights, that bill is, . . . 'a feeble litany of pious hopes.' " *Hearings on* S. 1035 and H.R. 17760, *supra* at 134.

[22] *Hearings on* S. 1035 and H.R. 17760 *Before Subcomm. on Manpower and Civil Service of the House Comm. on Post Office and Civil Service,* 90th Cong., 2d Session. (1968) [hereinafter referred to as *Hearings on* S. 1035 and H.R. 17760].

[23] Civil Service Commission Chairman John W. Macy, Jr. had previously expressed opposition to the bill. *See Hearings on* S. 1035 and H.R. 17760, *supra* note 22, at 57–63, Mr. Macy's testimony at the *Hearings on* S. 1035 and H.R. 17760 was also critical. *Id.* at 27–55 *generally.* Later, in the same hearings, Senator Ervin characterized Macy as the " 'Great White Knight' of the executive branch of the Government in fighting this bill", and noted that "he [Macy] . . . hides to some extent behind the security agencies in waging this battle." *Id.* at 205. The major opposition to the bill appeared to come from the Civil Service Commission (via the Macy-Ervin vendetta) and the security agencies.

[24] S. 782, 91st Cong., 1st Sess. (1969).

[25] 115 Cong. Rec. (*daily* ed. Jan. 31, 1969).

[26] S. Rep. No. 91–873, 91st Cong., 2d Sess. 3 (1970).

[27] *Id.*

[28] *Id.*

[29] 116 Cong. Rec. 7352–7368, D500 (daily ed. May 19, 1970).

[30] It will be noted that this is the House Subcommittee, chaired by David N. Henderson (D.-N.C.), in which S. 1035 died during the 90th Congress. Congressman Henderson's own bill (H.R. 17760), introduced just prior to the hearings on S. 1035, contributed to that set back. *See* note 21, *supra.* However, as yet, Congressman Henderson has not revealed plans to oppose S. 782 or to introduce a companion bill himself.

[31] Remarks by Senator Sam J. Ervin, *S. Subcomm. on Constitutional Rights Release* (May 15, 1970). Senator Ervin's optimism appears well founded. First, as Senator Ervin has observed: "[b]oth major party platforms and position papers by both Presidential candidates in 1968 pointed to a bipartisan commitment to further legislative protection for employee privacy of the nature of S. 782." The cosponsors of the bill attest to its bipartisan support. A representative sample of the cosponsors should suffice to demonstrate the divergent political philosophies represented. Among the cosponsors are Senators McCarthy, McGovern, Muskie, Byrd, Scott, Brooke, Mathias, Tower, Goldwater, and Thurmond. In addition, it would appear that the major objections of the security agencies have been removed by the addition of committee amendments. Finally, Civil Service Commission Chairman Macy has retired and the new Chairman, Robert Hampton, has not expressed opposition to the bill.

[32] S. Rep. No. 534 *supra* note 7, at 19. A 25 year old NSA applicant was given a polygraph test in which he was asked: "When was the first time you had sexual relations with a woman?"; "Have you ever engaged in homosexual activities?"; "Have you ever engaged in sexual activities with an animal?"; "When was the first time you had sexual relations with your wife?"; "Did you have intercourse with her before you were married?"; "How many times?" *Id.* at 21–22.

[33] *Hearings on Psychological Tests and Constitutional Rights Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary,* 89th Cong., 1st Sess. 507 (1965) (sample questions from personality tests administered to one State Department employee during a fitness-for-duty examination).

[34] *Id.* at 507. (some questions also taken from S. Rep. No. 534, *supra* note 7, at 5–6).

[35] M. Gross, The Brain Watchers (Random House, 1962).

[36] *Hearings on Psychological Tests and Constitutional Rights Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary,* 89th Cong., 1st Sess. 33 (1965) (statement of Martin L. Gross) [hereinafter cited as *Hearings on Psychological Tests and Constitutional Rights*].

[37] "The Subcommittee Hearings in 1965 on 'Psychological Tests and Constitutional Rights' and its subsequent investigations support the need for such statutory prohibitions on the use of tests." S. Rep. No. 534, *supra* note 7, at 20. *See generally,* Hearings on Psychological Tests and Constitutional Rights, *supra* note 30.

[38] Exec. Order No. 11,222, 3 C.F.R. § 560, 18 U.S.C. § 201 (Supp. II, 1965–66).

[39] Exec. Order No. 11,222, 3 C.F.R. §560, 18 U.S.C. § 402 (Supp. II, 1965–66). "The Civil Service Commission shall prescribe regulations, not inconsistent with this part, to require the submission of statements of financial interests by such employees, subordinate to the heads of agencies, as the Commission may designate. The Commission shall prescribe the form and content of such statements and the time or times and places for such submission." Thus, subject to the discretion of the Commission, any government employee may be required to report.

[40] Letter from Senator Ervin to John W. Macy, June 23, 1966, printed in *Hearings on* S. 3779, *supra* note 9, at 521.

[41] When asked about the effect of refusing to participate in these programs, one official replied that it would constitute an "undesirable work attitude bordering on insubordination and should at the very least be reflected on the annual efficiency rating of the employee." 113 Con. Rec. 25413 (1967).

[42] Letter from Senator Ervin to Robert Hampton, April 17, 1970, printed in S. Subcomm. on Constitutional Rights Release (April 17, 1970).

[43] *Id.* at 25410.

[44] *Id.*

[45] S. 782, 91st Cong., 1st Sess., at 1–2 (1969).

[46] *Id.* at 10.

[47] *Id.* at 8.

[48] Note the word civilian as differentiated from an employee of the Armed Forces is used so as not to infringe on military jurisdiction.

[49] S. 782, 91st Cong., 1st Sess., at 2 (1969).

[50] This provision protects the various investigative agencies of the executive branch. It serves as a balance wheel, giving interpretive latitude to decision makers who have to balance individual interests against society as a whole. The problem is that there is no yardstick by which to measure the limits of this phrase. One is left with an Alice-in-Wonderland situation. It is conceded that to formulate the necessary definitional guidelines for the phrase would require going to the very roots of foreign and domestic policy making. Such a task would require the executive branch to devise a framework of congruent national goals. It may be added that close scrutiny must be paid to limitations on individual liberty, for "without liberty, national security is a hollow phrase." 112 Cong. Rec. 25411 (1967) (remarks by Senator Ervin).

[51] *id.* § 1(d), at 4. Such a requirement protects the employee by placing the burden of proof squarely on the shoulders of the executive officer to show the alleged connection at the hearing or trial of the employee's complaint.

[52] S. 782, 91st Cong., 1st Sess. § 1(b), (c) at 2–3 *in general* (1969).

[53] *Id.* § (h), at 6.

[54] Federal Corrupt Practices Act 18 U.S.C. §§ 601, 2 (1964), and 5 U.S.C. § 7324 (1964).

[55] S. 782, 91st Cong., 1st Sess. § 1(q) at 5–6 (1969).

[56] *Id.* § 1(e), at 4.

[57] *Id.*

[58] *id.* § 1(f), at 5.

[59] *Il.* § 1(e), at 4.

[60] *Id.* at 4–5.

[61] *Id.* at 5.

[62] *Id.* § 1(i), at 7.

[63] *Id.* § 1(j), at 7.

[64] *Id.* § 1(k), at 8.

[65] *Id.*

[66] *Id.* § 1(1), at 8.

[67] *Id.* § 5, at 12–13.

[68] *Id.* 4, at 11–12.

[69] *Id.* § 5, at 12–13.

[70] *Id.* § 5, at 13–15, *in general.*

[71] *Id.* § 4, at 11–12.

[72] *Id.* § 7, at 9. The fact that these forums are available does not preclude the establishment of grievance procedures within departments or agencies as established in S. 782, § 10.

[73] In S. 782 at § 5(q) and (k), the Board is encouraged to dispense with the grievance quickly; the hearing must be docketed within ten days and the opinion must be out within thirty days of the conclusion of the hearings.

[74] S. 782, 91st Cong., 1st Sess. § 4 at 11, 12(1969).

[75] *Id.*§ 6 at 18, 19.

[76] *Id.* § 5(h), at 15.

[77] 113 Cong. Rec. 12943–8 (daily ed. Sept. 13, 1967).

[78] *Id.* at 12951, 12954.

[79] S. 782, 91st Cong., 1st Sess. § 6, at 19. The two provisions help to preserve the balance between individual freedom and societal need for protection.

[80] S. Rep. No. 534, 90th Cong., 1st Sess., at 3, 4(1967).

[81] *Id.* at 3, 4(1967) *in general.*

[82] *Id.* at 5, Senator Ervin, upon introduction of S. 1035 on Feb. 2, 1967, stated that, "Many current practices affecting government employees are unconstitutional; they violate not only the letter but the very spirit of the Constitution." See the Legislative History section *supra* for examples of such practices.

[83] Warren & Brandeis, *Right of Privacy*, 4 Harv. L. Rev. 193 (1890).

[84] S. Rep. No. 534, 90th Cong., 1st Sess.: "I have taken steps to propose the inclusion of several of the concepts of your bill into rules and regulations of the City Civil Service Commission."

[85] *Id.* at 6.

[86] S. 782, 91st Cong., 1st Sess. § 1(e), at 5 (1969).

[87] Congress may presently be considering legislation on this protective measure as such a proposal was made in H.R. 7214, 91st Cong., 1st Sess. (1969).

[88] S. Rep. No. 534, 90th Cong., 1st Sess. at 4(1967).

[89] Lasswell, *Must Science Serve Political Power?* 25 Amer. Psychologist 117, 119 (Feb., 1970).

[90] Rodgers, *New Era of Privacy*, 43 N. Dak. L.R. 253, 262–3 (1967) *in general.*

[91] 50 USC § 403(c). This statute defines the reasons for terminating employment of a CIA employee. Similarly, 50 USC § 833 accomplishes the same function for the NSA.

[92] For a comprehensive treatment of this subject, see Pipe, *Privacy: Establishing Restrictions on Government Inquiry*, 18 Amer. U.L. Rev. 516 (June, 1969).

[93] U.S. Const., amend. IV.

[94] 277 U.S. 438 (1928).

[95] *Id.* at 478 (Brandeis, J. dissenting).

[96] U.S. Const., amend. V.

[97] 352 U.S. 432 (1957).

[98] 381 U.S. 479 (1965).

[99] 367 U.S. 643 (1961).

[100] U.S. Const., amend. IV.

[101] *See* Olmstead v. U.S., *supra* note 81. *See* also Nardone v. U.S., 308 U.S. 338 (1939); Lee v. U.S., 343 U.S. 747 (1952); Topez v. U.S., 373 U.S. 427 (1963); Osborne v. U.S., 385 U.S. 323 (1966); Berger v. N.Y., 388 U.S. 41 (1967); and Katz v. U.S., 389 U.S. 347 (1967).

[102] U.S. Const., amend IX.

THE FEDERAL MINIMUM WAGE AND UNEMPLOYMENT

Mr. TOWER. Mr. President, the House of Representatives has recently passed legislation increasing the Federal minimum wage. Soon the Senate will be debating this issue.

It is my hope that this debate will touch upon all of the aspects and ramifications of the minimum wage. This analysis should include a historical study of the impact of this Federal legislation as well as the potential impact which another increase will have on the economy.

I invite the attention of the Senate to an editorial published in the Wall Street Journal of May 15. The editorial points out some of the economic facts that should be considered in any discussion over the Fair Labor Standards Act.

Mr. President, many Members of Congress have criticized the administration's record on the economy, particularly in the rate of unemployment. While minimum wage legislation has been pictured as a socially humanitarian act, not enough consideration has been given to the act's negative economic repercussions—particularly in the area of teenage unemployment. I trust that all Senators, including those who have opposed the administration's economic policies, will consider this before and during the upcoming debate.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Dignity and Unemployment

Despite what critics of our political system sometimes suggest, few politicians would vote for legislation they knew to be harmful to Negroes, women, teenagers and the very old. Yet minimum wage legislation, which Congress is once again debating, is harmful to each of those groups.

The idea behind minimum wages sounds like humanitarian simplicity itself: Putting a floor under every worker's wages gives him dignity and assures a bare minimum income to those lowest on the wage scale. The current measure, passed last week by the House of Representatives, is to increase that minimum for most nonagricultural workers from $1.60 to $1.80 an hour this year and $2 next year.

But that reasonable-sounding examination is based on sentiment rather than economic wisdom, so that the results are something else again. What happens is that workers of relatively low productivity whose skills aren't worth the legal minimum—the unskilled, the uneducated and the young—simply find themselves out of work.

The group most directly affected is teenagers from minority groups. A study three years ago by Professors John M. Peterson (University of Arkansas) and Charles T. Stewart Jr. (George Washington University), who systematically analyzed government and academic research on the U.S. experience with minimum wage laws, revealed that as federal minimums doubled between 1954 and 1968, unemployment among teenage Negroes increased from 15% to more than 25%, even while unemployment generally was dropping from 5.5% to 3.8%.

Another study noted that unemployment among black teenagers rose each time the minimum was increased since 1950, and now stands at higher than 30%. No wonder Milton Friedman, has branded the minimum wage law "the most anti-Negro law on our statute books—in its effect, not its intent."

It is ironic, tragically so, that the mistaken policy of minimum wages is still regarded as progressive, humane social legislation. We wish someone could explain what is either progressive or humane about marginal workers unemployed at $2 an hour, rather than employed at something less.

NATIONAL AND DULLES AIRPORTS

Mr. SPONG. Mr. President, National and Dulles Airports are the only two federally owned and operated airports in the country and, as such, they are the only two airports over which residents of the surrounding communities have absolutely no voice. Public resentment over the growing noise and congestion at National Airport, nevertheless, finds expression through a number of other avenues, including the editorial columns of area newspapers.

A letter from Mr. Bruce Uthus, of Arlington, Va., to the editor of the Washington Sunday Star, was published on May 14, 1972. It expresses the views of many northern Virginians.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Jets at National

Sir: Two years ago the FAA administrator, John Shaffer, in exploitation of the air controllers "sickout," and under the guise of a so-called "study," took it upon himself to authorize the airlines to use the much larger, heavier and noisier 727 stretch-jets at National Airport. This cavalier action was taken without any knowledge, hearing, consultation or participation of the citizens of the community or the Congress. There was no consideration, study or report of the potential environmental or social impact which this action would impose on the affected local public.

Just a few weeks prior to Shaffer's precipitous action he had assured the Congress and the public as follows: "It is the position of the FAA that the Boeing 727–200 series aircraft should not be used in commercial service at Washington Airport."

The unheralded and sudden introduction of stretch-jets into Washington National Airport prompted an early congressional committee hearing on the matter, the report of which is most revealing. Among other things, the committee denounced Shaffer's unilateral action as "most alarming," and further that "the attitude of the FAA, toward the public and the Congress, is one of contempt rather than service."

Shaffer was asked by the committee, "How would the people on the ground along the Potomac Valley be affected by the introduction of the stretch-jet operation at National?" Whereupon Shaffer, who resides outside the sound cone of the Potomac flight paths, had the brazen effrontery to answer for the whole community and said: "The people along the Potomac will never know the difference between the stretch-jets and the regular 727." The arrogance and utter disregard of the public reflected in this statement is indicative of the attitude of the FAA from the time it ignored the protests of the public and authorized the initial use of jets at National in 1966 to the present.

PUBLIC IGNORED

The public has never been represented in arriving at these self-serving and cozy FAA airline-inspired decisions despite the drastic and important impact which these decisions have on the environment and mode of living of the affected residents in the Washington sector of the Potomac River Valley.

So today the airlines, with the dutiful and servile assistance of the captive FAA bureaucracy, are in fact the autocratic dictators of the environment in which the people in this area live. The result is that we live in a world of incessant jet noise and heavy air pollution. People along the National Airport flight paths cannot enjoy the Potomac River parks, their porches, balconies, patios, hi-fi's and, as Martha Mitchell recently pointed out to the press, normal conversation cannot be heard in our living quarters. Some of the casualties of this incessant deafening din were the things that made this a little more pleasant place to live, such as the Gadsby Theater, Watergate concerts and other outdoor theater activities.

When one steps out of the Kennedy cultural center onto the marvelous commodious balcony, with its inspiring views up and down the river, the roar of an overhead jet is killing. And, as one looks down at the Roosevelt Island bird sanctuary, one wonders how many can long live, as the island is constantly sprayed with the death-dealing visible and non-visible pollutants from climbing jets. In our frustration we ask why a proposed highway can be stopped dead in its tracks because highway authorities did not prepare and submit for public consideration studies of the environmental impact of the highway, and yet a highway in the sky can be created at once by a unilateral decision of a minor official of the federal government.

DULLES UNDERUSED

The residents of this community, as they wince at the deafening roar of overhead jets, must with great irony remember that to prevent just such pollution and environment the Congress and the public selected an excellent site, planned and built a truly jet-oriented airport at Dulles and at a cost of over 110 million taxpayers' dollars. The objectives of this action have been totally negated by airline-subservient bureau officials, and as a consequence we have to subsidize the under-utilized Dulles operation while National is saturated by jet traffic originally intended for Dulles. It just doesn't make sense.

Can anyone imagine the French or the English permitting the Seine in Paris or the Thames in London being used as a "bombing run" for commercial jets?

There have been "tons of complaints" by FAA's own admission. However, so far nothing has been done about them; nor has the Congress or the President, who publicly profess great interest and concern in reducing pollution and improving the environment, taken any steps to relieve the plight of the noise-tormented residents of this community.

Since the FAA is so obviously a captive bureau of the airlines, it will require a superseding authority to overcome the havoc the FAA has wrought on our environment. The President or his Secretary of Transportation could quickly correct the situation by an order. Since such timely action has not been forthcoming, it is to the Congress we must look for corrective action.

BRUCE UTHUS.

ARLINGTON, VA.

GROUP TO INFORM PUBLIC ON WORKINGS OF CONGRESS

Mr. MATHIAS. Mr. President, a recent national public opinion poll showed only 26 percent of voting-age Americans expressing favorable opinions about Congress.

I believe the major reason for this low esteem is the fact that most Americans know too little about Congress and have a serious lack of understanding of how the legislative branch of their Government operates.

After all, how can one judge Congress fairly and objectively without a clear understanding of how it operates. It is my feeling, and one shared I am sure by all Senators, that Congress as an institution can be strengthened and improved by an increased public understanding of its responsibilities, its functions, and procedures.

I was pleased, therefore, to learn that a group of former Members of Congress and former congressional aides have organized the National Foundation to Increase Public Understanding of Congress.

An independent, nonpolitical, nonprofit, educational organization, the foundation is dedicated to making Congress better known to the people. Its aim is to develop a wholesome, interest in Congress on the part of the general public.

The foundation is the brainchild of Eric Smith, a onetime Associated Press editor, and a longtime student of Congress and the lawmaking process, who over the past 20 years served as a consultant to a number of Senators and House Members. Mr. Smith heads the foundation's staff as executive vice president.

Chairman of the foundation's broadly based board of directors is former Texas Representative Frank N. Ikard. President of the group is former Maryland Representative Richard E. Lankford.

The story of Congress and how it functions as an institution has never really been told. It is a story that needs telling and NFIPUC is not only needed, but essential at this time. Never in our history has Congress needed more the service NFIPUC will render in increasing public understanding of the national legislature and never has the public been in such need of information about the Congress and how it does its work.

I know I speak for all my colleagues in both Houses when I salute and commend the founders and supporters of NFIPUC. This effort is a most worthwhile public service and is deserving of the support of all who are interested in strengthening and improving the Congress.

The foundation has been assured the full cooperation of the Nation's radio/TV industry, daily newspapers and other print media, the motion picture industry, and other mass communications media. It plans to conduct programs and projects in all these media.

One of the projects the foundation has underway is a series of radio programs about Congress. I was privileged to be a guest on the first program which is devoted to the beginning of Congress, the congressional concept worked out at the constitutional convention of 1787 and the first Congress of 1789.

Since this is a matter of great interest to my colleagues, I ask unanimous consent to have printed in the RECORD the text of an announcement concerning this project.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

RADIO SERIES TO EXPLAIN HOW CONGRESS OPERATES

WASHINGTON.—The National Foundation to Increase Public Understanding of Congress today announced plans for a series of 19 15-minute radio programs about Congress and how it operates.

Eric Smith, the Foundation's executive vice president, said the organization has received a public service grant from the Colgate-Palmolive Company to cover cost of broadcasting the series over 100 radio stations.

"The series," Smith pointed out, "starts with the Congressional concept as worked out at the Constitutional Convention of 1787 and the first Congress of 1789. It explains how Congress took its present form and how it operates today."

He said the programs would be hosted by Joseph McCaffrey, dean of radio/TV Congressional correspondents. House and Senate leaders and members from both parties are interviewed on the programs.

Smith described as "one of the unique aspects of the series" the fact that "the people who tell the story of Congress and how it functions are members of Congress themselves."

The Foundation plans to make tapes of the programs available to schools, colleges and universities for classroom use. Scripts from the series will be put together, after editing, into book form.

Other projects the Foundation has in the works include:

A comprehensive color motion picture depicting the history, functions and procedures of Congress to be shown on selected TV stations and made available to schools and institutions of higher learning, to civic and other groups for showing at meetings.

A truck-trailer van to carry the story of Congress and how it operates to school and college campuses, cities and towns across the nation. The Congressional Special van will feature the Foundation's motion picture and a graphic arts display about Congress.

A museum-type "Hall of Congress" in Washington to explain in graphic audio-visual terms the history and functions of Congress. Visitors to Capitol Hill will first tour the "Hall" so they will better understand what they see when they visit Congress. This "Hall" will serve as the model for one in the principal city of every state.

THE GENOCIDE CONVENTION AND THE ROLE OF THE SECRETARY OF STATE

Mr. PROXMIRE. Mr. President, critics of the Treaty for the Prevention and Punishment of Genocide argue that under the treaty American citizens might be unjustly prosecuted in foreign courts. They fear that our Government would leave her citizens vulnerable to foreign interpretations of the treaty and obligate the United States to honor these interpretations.

This fear is totally unjustified because of the treaty and the proposed implementing legislation. First of all, every time the United States ratifies an international treaty it must first comply with the Constitution and Bill of Rights. This alone indicates that no rights will be abrigated nor safeguards denied the American people.

But, complementing these guaranteed protections of American citizenship and freedom, the implementing legislation allows the Secretary of State of the United States to exercise discretion in each instance of alleged genocide. Hopefully, such moments of violence and brutality will never come to pass. But, if an American citizen is ever charged with such a crime, the Secretary of State is empowered to determine whether the accusation is based in fact or fiction, whether it is punishable under the definitions of the Genocide Convention, whether or not it violates the protections of the U.S. Constitution, and, finally, whether or not such a charge conflicts with existing international treaties.

If there is any question that the rights of American citizenship are being denied, the Secretary of State shall review the case and use his discretion as to whether the accused should stand before a tribunal to answer charges.

There is no reason for American citizens to fear unjust prosecution, but there is every reason for those who value human rights to affirm their opposition to genocide. Therefore, I urge the Senate to take up the Genocide Treaty and move for immediate ratification.

NATIONAL NURSING HOME WEEK

Mr. DOLE. Mr. President, "We care" is the theme of this year's National Nursing Home Week. For those who daily through their jobs or as volunteer workers demonstrate their concern for older Americans living in our Nation's nursing homes, there is no need for such a reminder. But for the many millions of Americans who are concerned but need to be reminded of the situation in which thousands of older Americans find themselves, the designation of a National Nursing Home Week serves a highly important purpose.

It draws attention to the problems of our citizens who have an opportunity to enjoy years of comfortable life after retirement. It reminds us that 20 million men and women, a tenth of our country's population, are over 65 years of age, and that many of them, without assistance and attention, could face their last years without adequate nourishment, without companionship, without proper medical care, and without hope.

Nursing homes have done, and can do, much to serve the elderly. There are 456 nursing homes in Kansas in which reside more than 20,000 older Kansans. Yet the value of the nursing homes to Kansas is not only measured by the number of elderly served, but also by the peace of mind they bring to the elderly and their families who can put faith and confidence in the care offered by nursing homes and their staffs.

President Nixon, in his address to Congress, March 23, 1972, announced a high national priority for efforts to improve the lives of older Americans. In speaking of our obligation to older Americans, the President said:

> Let us work to make ours a time of which it can be said, the glory of the present age is that in it, men and women can grow old—and can do so with grace and pride and dignity, honored and useful citizens of the land they did so much to build.

In commemoration of National Nursing Home Week, I ask my colleagues in the Senate to join in a commitment to accomplish the goal outlined by President Nixon of improving the lives of older Americans. Let older Americans know during National Nursing Home Week and throughout the year, that in truth, and deeply, "We care."

JOSEPH MERRILL BOWMAN, JR.

Mr. TALMADGE. Mr. President, it is with considerable sorrow that I note the untimely death of a good friend and fellow Georgian, Joseph Merrill Bowman, Jr. "Joe," as he was known to his friends, was an excellent example of a smalltown boy who made good, for he distinguished himself in his profession and rose to the position of Assistant Secretary of the Treasury.

Throughout his dealings in the highest levels of Government in Washington, Joe impressed his friends and associates with his qualities of perseverance, integrity, and intelligence.

He served with special distinction in the Treasury Department from 1963 to 1969. In March 1964, he was appointed Assistant to the Secretary of the Treasury for Congressional Relations. In January 1968, he was appointed Assistant Secretary of the Treasury for Congressional Relations, Bureau of Customs, and Bureau of Engraving and Printing.

In recognition of Joe's distinguished efforts the Secretary of the Treasury, Mr. Henry H. Fowler, presented to him in January 1967 the Alexander Hamilton Award, the highest award in the Treasury Department. This citation aptly describes Joe's accomplishments in the Treasury Department:

> As Deputy Assistant to the Secretary of the Treasury for Congressional Relations beginning April 15, 1963, and as Assistant to the Secretary since January 23, 1964, Joseph M. Bowman, Jr. has played a significant, leading role in the formulation and enactment of an exceptionally comprehensive Treasury legislative program. By supplying the Congress with comprehensive and through justification for that program, by careful legislative liaison, through steady, friendly, and durable personal relationships with members of both houses of the Congress, by exercise of keen judgment and tact, and energetic, tireless, day-by-day attention to Treasury relations with the "Hill," he has contributed outstandingly to the making of an important body of statutory law. The range and scope of his responsibilities have been measured by the variety and complexity of the legislative subject matter he has mastered: Six major revenue bills, authorizations for international banking institutions. silver and coinage bills, debt ceiling extensions, the notable reorganization of the Customs Service, the first significant domestic banking and credit legislation in some years—to list only a few. His devotion and achievement well warrant the presentation to him of the highest recognition within the power of the Secretary of the Treasury—the Alexander Hamilton Award.

When Joe left the Treasury Department in 1969 he joined the prestigious law firm, Corcoran, Foley, Youngman & Rowe. Joe continued to distinguish himself while a member of this firm, and he has continued to be one of my warmest friends and closest associates.

I believe that one of the qualities that attracted me so much to Joe was the fact that he never forgot the lessons he learned in growing up in a small town in south Georgia. He was born and reared in Quitman, Ga., and he worked hard as a youth in a number of different jobs. He graduated from Quitman High School and continued his studies at Emory University. His law studies were interrupted by the Korean war. He served in the Air Force from 1952 to 1956, and he was discharged as a first lieutenant.

In 1953, Joe made one of the best moves of his life—he married Mary Isabella Nichols, a charming lady from Barnesville, Ga.

Upon his discharge from the Air Force, Joe completed his law studies at the Emory University Law School in 1957. He was admitted to the Georgia bar in 1958.

He served as legislative assistant to Congressman John J. Flynt from 1958 to 1959, and then returned to Barnesville, Ga., to practice law.

Joe returned to Washington in 1962 to accept an appointment as Congressional Liaison Officer for the Department of Labor. He distinguished himself in working on the Manpower Training Act in this capacity and transferred to the Department of the Treasury, where he advanced to the position of Assistant Secretary.

Joe is survived by his wife, three children, his mother, and a brother. My wife, Betty, joins me in extending sympathy to this fine family. In losing Joe Bowman, we have truly lost a friend that it will be impossible to replace.

There are men who spend their lives serving man; and therefore they serve God. Joe Bowman was one of the best of these.

DISCLOSURE OF FINANCIAL INTERESTS BY SENATOR AND MRS. MATHIAS

Mr. MATHIAS. Mr. President, I ask unanimous consent to have printed in the Record a statement of disclosure of the financial interests of Mrs. Mathias and myself and a letter of transmittal to the Honorable John Stennis, chairman of the Select Committee on Standards and Conduct.

There being no objection, the letter and statement were to be printed in the Record, as follows:

May 10, 1972.

Hon. John Stennis,
Chairman, Select Committee on Standards and Conduct, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to Senate Rules 42 and 44, I have submitted the information required. In addition to that disclosure, Mrs. Mathias and I wish to follow the practice that we have established and to make a listing of our assets, our creditors and our income over and above Congressional pay and allowances. A copy of this voluntary report is enclosed for your information and additional copies will be sumitted to the Congressional Record.

Sincerely yours,
Charles McC. Mathias, Jr.,
U.S. Senator.

Disclosure of Financial Interests

ASSETS

Equity in Federal Retirement System.
Life Insurance.
Livestock and Farm Machinery.
Real Estate:
House: RFD 2, Frederick, Maryland.
House: 3808 Leland Street, Chevy Chase, Maryland.
Half interest in forty-acre farm in Frederick County, Maryland.
Half interest in 306 Redwood Avenue, Frederick, Maryland.
Lease for 370-acre farm, expiring in 1973.

STOCKS

Farmers & Mechanics National Bank, 1,034 shares.
Capitol Hill Associates, 2 shares.
Citizens Bank of Maryland, 15 shares.
Foote Mineral Company, 18 shares.
Frederick Medical Arts, 15 shares.
Glaxo Corporation, 48 shares.
G. D. Searle & Co., 30 shares.
First Pennsylvania Corporation—common, 134 shares.
First Pennsylvania Corporation—preferred, 2 shares.
Massachusetts Investors Growth, 124.809 shares.
The Detour Bank, 4 shares.
The Great Atlantic & Pacific Tea Company, 6 shares.
Warner Lambert Pharmaceutical Company, 76 shares.
Maryland National Corporation, 129 shares.

LIABILITIES

Debts due on mortgage, collateral and personal notes to:

Farmers & Mechanics National Bank, Frederick, Maryland.

First National Bank of Maryland, Baltimore, Maryland.

Frederick County National Bank, Frederick, Maryland.

Walker & Dunlop, Washington, D.C.

YEAR 1971

Investment income, $1,841.49.
Interest, $50.42.
Honorariums, $2,050.
Net rents, $954.05.

ADDRESS BY SENATOR ELLENDER TO WASHINGTON CHAPTER, FEDERAL GOVERNMENT ACCOUNTANTS ASSOCIATION

Mr. ELLENDER. Mr. President, on Thursday evening, May 11, 1972, it was my pleasure and privilege to address the members of the Washington chapter of the Federal Government Accountants Association on the occasion of that organization's 13th annual awards meeting. I used this opportunity to advance certain proposals that I firmly believe would enhance the ability of the Congress to make decisions concerning the Federal budget and, consequently, result in a more effective and efficient allocation of our Nation's resources.

The proposals contained in my address do not require any legislative authorization and need not involve any changes in the appropriation procedures employed by the House of Representatives at this time. Nonetheless, in my opinion, they represent progressive, but not radical, changes that may be undertaken by the Senate Committee on Appropriations on its own initiative. Therefore, I invite Senators and others to review my remarks, and urge them to give me the benefit of their views and opinions on these proposals.

Mr. President, so that this might be done, I ask unanimous consent that my speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL MANAGEMENT OF THE BUDGET

(By Senator ALLEN J. ELLENDER)

It is most appropriate at this Annual Awards Meeting of your Association to consider Congressional management of the President's budget. Your awareness of and interest in the many facets of financial management are evidenced in the four major awards being conferred here this evening: one for budgetary improvement, one for accounting systems development, one for complex product costing, and one for more effective control of overhead costs chargeable to defense contracts.

Collectively and individually, these reflect our hopes for progress toward more efficient government. This should be of major interest in the Congress, as well as the Senate Committee on Appropriations, of which I am chairman.

Your Association is widely recognized, and deservedly so for its dedication to the improvement of Federal financial management. The fact that your meeting tonight is being held in the Nation's Capital at one of the great centers of learning in the United States, to honor seven outstanding students of accounting for their achievements at seven area colleges and universities, adds luster to this occasion. Your membership is to be commended for these public-spirited endeavors and for the Association's adoption of a new and significant Code of Ethics.

As chairman of the Committee on Appropriations, my emphasis focuses on the decision-making aspects of the budget process. It is my job to help Congress determine how the Government will spend its resources, who will receive the benefits, and who will pay the bills. The task of reviewing and judging the ever-larger and more varied requests of Federal departments and agencies has become increasingly difficult. Our spiralling national debt and the continued rise in Government spending year after year deeply concerns me. We cannot and should not continue deficit spending on the year to year operation of the Federal Government.

I am not at all sure we are efficiently and effectively allocating our limited resources to the various needs of our people. I am particularly concerned that our current method of budgetary review is not effective in enabling us to perform the responsible action we are charged with under our Constitution.

Although archaic in phraseology, the clause in our Constitution empowering the Congress to control all public expenditure ranks as its most important provision. This clause, part of section 9, Article I, reads:

"No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." These sixteen carefully chosen words place ultimate control over public funds in the hands of elected representatives directly responsible to the people. Appropriately implemented, it ensures a United States Government responsible to the people and responsive to their needs as defined by the President and Congress together.

Despite this comprehensive Constitutional provision, Congress has not always had adequate control of public expenditures over the years. For more than a century, the United States operated without even a semblance of a national budget. The waste of resources that occurred year after year for most of this period was no less than scandalous. The activities of the various Committees of the Congress provided a small degree of budget coordination, but Congress itself did not have the means to control public expenditures effectively.

Opinion differed in earlier years, and still differs, on the degree to which the Congress should exercise legislative control over appropriations and also over expenditures once appropriations are made. For a variety of reasons, Congressional control over public expenditures has come to be seriously diluted. The intermingling of appropriations and the transfer of appropriations without specific authority are among the devices used. Occasionally, appropriations have been extended indefinitely in contravention of a series of laws providing that unexpended balances be returned to the Treasury.

Still other devices employed to contravene Congressional control over public expenditures have been the letting of contracts in anticipation of appropriations and the incurring of expenditures on a deficiency basis, forcing the Congress to appropriate funds for the remainder of the year. Congressional prodding has substantially eliminated these devices and Congressional control over public expenditures has been accordingly strengthened.

In 1921, a national budget system was established. The Budget and Accounting Act made the President the business manager of the Executive Branch, and created the Bureau of the Budget as a special staff agency to assist him in the discharge of his budgetary, management and other executive responsibilities. Prior to this Act, no provision had existed for a coordinated budget system and no procedures had been developed for the formulation of a meaningful annual fiscal summary of our estimated revenues and expenditures.

Uncoordinated departmental and agency formulation of budget estimates afforded an obvious temptation to extravagance and waste. When a department or agency head was free to request whatever amount his judgment and enthusiasm might dictate, the collective estimates could not be called a "budget" in any real sense of the word. The relation of proposed expenditures to prospective revenues had not been considered. There was no rational relationship set forth between programs or budget totals.

The Congress was at a double disadvantage in dealing with these uncoordinated estimates of individual departments and agencies. Its committees were deprived of reliable information on actual program needs, and could not always obtain the cooperation of the President in their attempts to adapt the machinery of Government to the needs of the Nation.

Many of the problems which the Congress experienced in coping with years of uncoordinated estimates were alleviated when it required the President to prepare an official budget "which shall set forth his budget message, summary data and text, and supporting detail." There were two objectives of the Congress in requiring the President to prepare an official budget.

First, the reduction of duplication, waste and inefficiency both within and between agencies through a process of coordinated review of all budget estimates.

Secondly, the promotion of better management as well as better fiscal planning and control.

This action by the Congress eliminated the long-entrenched concept of departmental and agency self-determination. With one stroke it increased the rationality and effectiveness of our budget process one hundredfold.

Under the rules by which the Senate operates, the Senate Committee on Appropriations has exclusive jurisdiction over all appropriations bills coming before it. The Committee membership of twenty-four Senators is divided into thirteen Subcommittees for the purpose of conducting detailed reviews of the President's proposals. Each Subcommittee conducts independent hearings on an assigned segment of the President's budget. The fact that all appropriations bills by tradition originate in the House frequently interjects an appeals aspect into Senate Subcommittee deliberations as departmental and agency representatives urge reconsideration of House actions, but our jurisdiction and our interest extends to all phases of the President's budget.

As soon as a Subcommittee has accumulated the information it deems necessary to evaluate its assigned area of the President's budget, it proceeds to mark-up the House bill for consideration by the full Committee. Each Subcommittee's recommendations are considered and acted upon by the full Committee and then by the Senate itself as soon as they are developed. As a consequence, coordination is difficult to achieve.

The actions of the Senate in appropriating funds for Government activities under thirteen different appropriations bills considered over a period of months presents us with certain problems. It makes legislative control of public expenditures more difficult, for there is a large difference between a series of actions dealing with specific items and coordinated action dealing with all programs in their entirety. Each individual appropriations bill is not considered in relation to the others. Taken together, the thirteen appropriation bills, when finally approved, do not necessarily allocate our limited resources among competing programs on the soundest basis.

The allocation of limited resources to unlimited needs is the essence of responsible budgeting. The reasons which fifty years ago prompted the Congress to require the President to strike an equitable balance between national needs and resources in developing a national budget are more compelling today. Their importance has grown with each yearly increase in the Federal budget. It seems to me the time has come for Congress to consider changing its procedures to obtain more effective control in the overall budget process, and at the same time allow more discipline to be brought to bear in its decision-making.

During the past two years the Senate Committee on Appropriations has been moving in the direction of a more effective approach to its important budgetary responsibilities. Last year, when I became Chairman of the Committee, overall hearings were conducted shortly after the President's 1972 budget was received, to provide general perspective on the major issues involved. Although only governmental witnesses were heard on that occasion, these overall hearings proved beneficial.

This year I requested that public witnesses also be given the opportunity to testify on the Federal budget at similar overall hearings on the President's 1973 budget. During four days of hearings this past February, eight governmental witnesses and forty-two public witnesses provided a wide range of perspectives. These have given the Committee and, I hope, the Congress, a much better grasp of the issues before it for resolution. These hearings, I am pleased to report, were very well received. The Committee has been complimented time and again on its initiative in involving the public in the broader aspects of the Congressional review process. The facts, figures and other budgetary data contained in the 850 pages of testimony presented at this overall review are enabling us to make better informed judgments on individual agency items.

More importantly, this approach is establishing a trend toward reviewing the overall Federal budget in its entirety, rather than in terms of the segments for which the various committees of the Congress and the Subcommittees of the two Appropriations Committees of both bodies have prime responsibility.

The success achieved these past two years in our endeavors to treat the President's budget in the overall terms, which good management practice requires we should, convinces me that the Congress may go much farther in this direction. The Appropriations Committees of the House and Senate may wish to consider adopting a fully coordinated approach to our responsibilities in the interest of reaching a more effective and efficient allocation of resources.

I am proposing that the Senate Appropriations Committee give thought to extending our overall budget hearings early each year to the point where we have sufficient information to establish general guidelines and tentative ceilings for each of the thirteen budgets to be reviewed by our Subcommittees. It seems to me that this action, based on the full Committee's preliminary review, would help establish a coordinated framework within which our thirteen Subcommittees could review and report on the individual departmental and agency budgets as they presently do. The Subcommittees' basic functions and responsibilities would not be altered. All thirteen Subcommittees should be able to operate more efficiently because their members would be more aware of how the areas with which they were dealing related to the budget in its entirety.

The merits of coordinated review are persuasive enough that I believe the possible advantages should be called to the attention of the Committee and the Congress. In addition, I am proposing that thought be given to scheduling our full Committee's review of Subcommittee recommendations only after all thirteen Subcommittees have completed their evaluations of their respective areas of the President's budget. On our final review, it might be possible for us to take coordinated action and report out to the Senate a coordinated recommendation for all items requested in the President's budget.

Our recommendations might be reported in the form of thirteen separate bills as is presently the practice, or a single bill having thirteen chapters might be preferable. To me, the form is of less importance than the substance. What is important is that the Committee's recommendations be coordinated and that they cover all aspects of the President's budget.

Twenty-five years ago the Congress recognized the inadequacies of its fragmented approach to budget decisions. Legislation was enacted requiring the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives, and the two counterpart Committees of the Senate to formulate a legislative budget each year for the ensuing fiscal year. Several attempts aimed at establishing maximum amounts to be appropriated were made, but none succeeded. Most Members of the Congress seemed to be of the opinion that an advance ceiling on expenditures prior to appropriation was unworkable.

Following these failures, the House of Representatives in 1950 experimented with an omnibus appropriation bill, incorporating all appropriations for all branches of the Government, including the District of Columbia, the legislative and the judiciary, executive agencies, national defense and foreign aid. The Senate cooperated fully in this single appropriation approach and it was successfully carried through for fiscal year 1951. The following year the concept was abandoned by the House Appropriations Committee. On a number of occasions since there has been strong sentiment in the Senate to reinstate some version of the omnibus bill approach but none of the proposals advanced gained acceptance in the House of Representatives.

The proposals I am advancing this evening do not require legislative authorization, and need not involve any changes in the procedures followed by the House of Representatives. They represent progressive but not radical changes that may be undertaken by the Senate Committee on Appropriations on its own initiative. It is within the power of the Senate to stop the unsound Congressional practice of acting on a series of individual appropriation bills over a period of months, if agreement can be reached that the Congress should consider and act upon the revenue and expenditure program of the Government as a whole. In my view, we should look for all possible ways and means to increase the effectiveness of Congress and its Committees in this area. Today, it seems to me, we have too much fragmentation of authority in the appropriations process. This has created a vacuum which the Executive and his budget-makers have been able to fill to the detriment of the Congress.

Implementing these proposals, if they win support after consideration, will not be easy in an organization so wedded to tradition as is the Congress of the United States. The long years required to effect earlier reforms demonstrate that concerted action on the part of many individuals is necessary before any progressive change can be achieved. Probably the most optimistic factor is the accelerating tide of financial management improvement which has developed since the Budget and Accounting Procedures Act was legislated in 1950. The Joint Financial Management Improvement Program spearheaded by the Comptroller General of the United States, the Secretary of the Treasury, the Director of the Office of Management and Budget, and the Chairman of the Civil Service Commission, supported by your Association and its varied endeavors, has contributed immeasurably during the last twenty years to better management in Government.

Your Association, particularly with its distinguished membership from all facets of financial management, can become a potent force in this debate. I urge each of you to join with concerned voices in the Congress as we search for improvements in the management of our Government's resources.

PERIODICALS PUBLISHED BY THE DEPARTMENT OF DEFENSE AND THE MILITARY SERVICES

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the Record a copy of a letter and enclosures I sent to the chairman of the Senate Appropriations Committee (Mr. Ellender) concerning the vast number of periodicals published by the Department of Defense and the military services. The information, supplied to me by the Department of Defense, reveals that a total of 1,402 periodicals are being published currently, not including newspapers, at an admitted total annual cost of $12,722,581. I have cost and personnel information concerning, and a sample copy of, each of these periodicals for anyone who is interested in obtaining additional information about this program.

There being no objection, the material was ordered to be printed in the Record, as follows:

May 17, 1972.

Hon. Allen J. Ellender,
Chairman, Appropriations Committee,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: In January I asked the Department of Defense and each of the Military Services to furnish me with certain information on periodicals they publish. My interest was stimulated by an article appearing in the Armed Forces Journal which estimated that at least 371 magazines are published by the Department and the various Services.

The information I requested shows that the estimate was far short of the mark. The Department and the Services publish a total of 1,402 periodicals, not including newspapers. The admitted total annual cost is $12,722,581. This is a small amount when compared with the $82 billion budget for the Defense Department, but I think it illustrates the fat that exists throughout the Armed Services. Last year, for example, the Army discontinued 59 periodicals, but started 102 new ones. I enclose for your information a list of the periodicals which have been started or discontinued in the last two fiscal years for all of the Military Services and the Department of Defense. I would appreciate your including this list and my letter in the printed hearings on the Department of Defense appropriations bill.

Although I have a compilation of information, including the cost and the personnel involved in preparing each of the publications, it is too voluminous to have printed in your hearings. It and sample copies of each of the 1,402 publications are, of course, available to the members of the Committee and its staff if they would care to see them.

I realize that the Committee is well along in its consideration of the Defense appropriations bill, and it is unfortunate that this material was not available earlier. However, I do hope that on the basis of these facts, the Committee will impose a ceiling on the amount that can be spent for periodicals. I suggest a ceiling of $8 million as a starting point, with the objective of lowering it further next year. In the meantime, I hope the Committee will make a thorough study of this matter, establish stringent criteria, and require full justification for each of these publications.

With best wishes, I am.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

DEPARTMENT OF THE ARMY,
Washington, D.C., March 28, 1972.

Memorandum for: Assistant Secretary of Defense (M&RA)
Subject: DoD Periodicals.

Reference is made to your multi-addressee memorandum of 18 January 1972, subject as above. Copies of the questionnaires, executed by Army activities for issuances defined as periodicals in your memorandum. have been furnished to your office. These questionnaires constitute the Army inventory of periodical issuances.

The Department of the Army shares the concern of the Secretary of Defense over periodicals as expressed in his memorandum of 3 January. In concert with his objectives, a DA committee has been formed to analyze our periodical management in detail. This committee will conduct in-depth reviews of all WR-wide and major command periodicals, make recommendations to improve the management and control of periodicals, and institute actions necessary to insure their effective management and control. A copy of the DA memo establishing the committee is enclosed for your information.

The schedule of actions in your memorandum has not allowed sufficient time to make meaningful reviews of periodicals at all levels. However, the review of periodicals issued below the major command level has been partly accomplished. The committee is proceeding with its in-depth reviews of DA-wide and major command periodicals. An initial action of the committee, taken as of 10 March, was to suspend all authority to establish new periodicals, to expand existing periodicals, or to modify existing ones in any way that would increase costs. This is, of course, a temporary measure pending completion of committee review actions and the issuance of more permanent guidance.

As requested in your memorandum of 4 February, inclosed are lists of Army periodicals discontinued and started during fiscal years 1971 and 1972. No periodicals were combined during this period.

You will be informed of further actions taken within the Department of the Army in this significant area.

ROBERT F. FROEHLKE,
Secretary of the Army.

HEADQUARTERS,
DEPARTMENT OF THE ARMY,
Washington, D.C., March 8, 1972.

[MEMORANDUM No. 15–24]

BOARDS, COMMISSIONS, AND COMMITTEES—PERIODICAL AUTHORIZATION AD HOC COMMITTEE

1. Establishment. The Periodical Authorization Ad Hoc Committee is hereby established.

2. Background. The Secretary of Defense has directed a review and evaluation of periodicals to accomplish the following:

a. Develop appropriate controls over the cost, communications effectiveness, and purpose of individual DOD periodicals.

b. Eliminate periodicals that do not meet these control criteria.

c. Insure that there is a mechanism for continuing surveillance over the remaining DOD periodicals.

3. Purpose and functions. The Periodical Authorization Ad Hoc Committee, acting on behalf of the Secretary of the Army, will—

a. Make a review of the essentiality of Army-wide, major command, and DA staff agency periodicals and make recommendations to the Vice Chief of Staff to approve or disapprove their continued publication.

b. Act upon requests to initiate new Army-wide, major command, or DA staff agency periodicals.

c. Conduct informal reviews of periodicals. These reviews will cover all areas relative to the periodical including, but not limited to, utilization of personnel, content and format, cost effectiveness, printing, and distribution. Findings based on these informal reviews will be forwarded to the command or agency concerned for corrective action, when indicated.

4. Composition. The Periodical Authorization Ad Hoc Committee will include the following members:

a. Representative of the Administrative Assistant to the Secretary of the Army.

b. Representative of the Secretary of the General Staff.

c. Representative of the Comptroller of the Army.

d. Chief of Information.

e. The Adjutant General.

5. Direction and control.

a. The Periodical Authorization Ad Hoc Committee will report to the Vice Chief of Staff.

b. The Adjutant General will be the chairman.

c. The committee will meet at the call of the chairman.

d. The Adjutant General will provide secretarial, administrative and other services, record minutes of the meetings, and maintain records of the committee.

6. Correspondence. Communications to the committee will be addressed to: Chairman, Periodical Authorization Ad Hoc Committee, US Army Publications Agency, Nassif Building, Falls Church, Virginia 22041.

By Order of the Secretary of the Army:

Official: VERNE L. BOWERS, Major General, United States Army, The Adjutant General.

Distribution: Headquarters, Department of the Army.

W. C. WESTMORELAND,
General, United States Army, Chief of Staff.

PERIODICALS DISCONTINUED DURING FISCAL YEAR 1971–72

NAME OF PERIODICAL AND PUBLISHING ACTIVITY

1. Career Counselor Newsletter; HQ, USAREUR, OAC, AEAAG–PR, APO NY 09403.
2. Intelligence & Security Bulletin; USA Strategic Communications Command, Ft. Huachuca, AZ.
3. Command Communications, HQ, USARV, AGSC–E, APO SF 96375.
4. DCSMIS Newsletter; HQ, USARV.
5. The Adjutant General Newsletter, AG, USARSUPTHAI.
6. Hi–Lite; SUPCOM-SGN, APO 96491.
7. Typhoon; IFFV, APO 96350.
8. The Americal; Americal Division, APO 96374.
9. Rendezvous with Destiny; 101st Airborne, APO 96383.
10. Sky Soldier; 1730 Airborne Brigade.
11. Hurricane; IFFV, APO 96266.
12. Chaff; US Army Air Defense School, HQ, Staff & Faculty Battalion, The School Brigade, Ft. Bliss, TX 79916.
13. Third US Army Judge Advocate Newsletter; HQ, Third US Army, Ft. McPherson, GA 30330.
14. Camp Drum Commissary Newsletter; Camp Drum, NY 13601.
15. MEDDAC Bulletin; MEDDAC, Carlisle Barracks, PA 17013.
16. Army Aviation Information; USATCFE, Ft. Eustis, VA 23604.
17. Commissary Sales Store Information; USATCFE, Ft. Eustis, VA 23604.
18. Commissary Newsletter, USA QM Center and Ft. Lee, Ft. Lee, VA 23801.
19. Through the Open Door, HQ, 548th Spt & Svc Bn (DS), Ft. McClellan, AL 36201.
20. Accident Experience Summary, USATC, ATTN: AMNOR–ASAF, Ft. Ord, CA 93941.
21. Accident Prevention Newsletter, Safety Division, Ft. Stewart, GA 31313.
22. Waiting Wives Newsletter, Ft. George G. Meade, MD 20755.
23. Command Information Notes, Ft. George G. Meade, MD 20755.
24. News 'N' Notes, USAARMC and Ft. Knox, Ft. Knox, KY 40121.
25. Army Community Service Newsletter, Camp Drum, NY 13601.
26. Command Information Bulletin, USAARMC and Ft. Knox, Ft. Knox KY 40121.
27. Command Information Fact Sheet, USAARMC and Ft. Knox, Ft. Knox KY 40121.
28. Command Information Fact Sheet, USATCFE, Ft. Eustis, VA 23604.
29. Command Information Pamphlet, HQ, Ft. Monroe, Ft. Monroe, VA 23351.
30. Command Information Fact Sheet, HQ, Ft. Monroe, Ft. Monroe, VA 23351.
31. Military Personnel Newsletter, USA Reserve Components Personnel & Administration Center, 9700 Page Blvd., St. Louis, MO 63132.
32. Student News Bulletin, US Army Infantry School, Office of the Secretary, Ft. Benning, GA 31905.
33. Out Patient Newsbulletin, Department of Clinics, MEDDAC, MAH, Ft. Benning, GA 31905.
34. Professional Staff Program, MEDDAC, Ft. Gordon, GA 30905.
35. ACS Newsletter, U.S. Army Garrison, Carlisle Barracks, PA 17013.
36. Fort Lee ACS Newsletter, Ft. Lee, VA 23801.
37. Post Scripts, USATCFE, Ft. Eustis, VA 23604.
38. Army Community Services Scene, HQ, Ft. Devens, Ft. Devens, MA 01433.
39. ACS News Bulletin, Ft. Monroe, VA 23351.
40. USARAL Reenlistment Newsletter, HQ, U.S. Army, Alaska, APO Seattle 98749.
41. USARAL SCC Supply Newsletter, HQ, U.S. Army Alaska, APO Seattle 98749.
42. Maintenance Newsletter, HQ, U.S. Army Alaska, APO Seattle 98749.
43. Master Self-Service Supply Center Listing, HQ, U.S. Army Alaska, APO Seattle 98749.
44. Commanders Call Newsletter, HQ, U.S. Army Alaska, APO Seattle 98749.
45. MPB Personnel Newsletter, Military Personnel Branch, Adjutant's Division, DPCA, Ft. McClellan, AL 36201.
46. TTC Journal, U.S. Army Tropic Test Center, U.S. Army Test & Evaluation Command, Ft. Clayton, Canal Zone (P.O. Box 9421).
47. Education Bulletin, Ft. Stewart, GA 31313.
48. The Field Artilleryman, U.S. Army Field Artillery School, ATSFA–PL–FM, Ft. Sill, OK 73503.
49. Surgeon's Newsletter, HQ, Fifth, U.S. Army, Ft. Sam Houston, TX 78234.
50. Army Medical Department Information, HQ, First U.S. Army, ARAA–G–MX, Ft. George G. Meade, MD 20755.
51. PM Newsletter, Office, Provost Marshal, HQ, Third U.S. Army, Ft. McPherson, GA 30330.
52. The Catapult, U.S. Army Field Artillery School, Office of the Secretary, ALVD, Ft. Sill, OK 73503.
53. Air Defense Speaks, U.S. Army Air Defense School, Nonresident Inst Dept., P.O. Box 5300, Ft. Bliss, TX 79916.
54. Ft. McPherson Golf Course Newsletter, Ft. McPherson Golf Club Ft. McPherson, GA.
55. C^2 120th USA Reserve Command, Columbia, SC.
56. A Helping Hand, HQ, XVIII Airborne Corps, Ft. Bragg, NC.
57. 12th Mule Brigade Express, 50th Pub

Info Det 12th Support Brigade, Ft. Bragg, NC.

58. Waiting Wives Newsletter, Army Community Service, Ft. Gordon, GA.

59. Doctrinal Notes, U.S. Army Quartermaster School, Ft. Lee, VA.

PERIODICALS ESTABLISHED DURING FISCAL YEAR 1971–72

NAME OF PERIODICAL AND PUBLISHING ACTIVITY

1. Command Information Newsletter; HQ, US Army Alaska APO Seattle 98749.

2. Infantry Branch Newsletter; Infantry Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, D.C. 20315.

3. Up-Date, Part II, Personnel Notes; Quartermaster Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, D.C. 20315.

4. Ordnance Branch Personnel Newsletter; Ordnance Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, D.C. 20315.

5. Women's Army Corps Branch Newsletter; Women's Army Corps Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, D.C. 20315.

6. Adjutant General Branch Newsletter; Adjutant General Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, D.C. 20315.

7. REDLEG Newsletter; Field Artillery Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, D.C. 20315.

8. Signal Branch Newsletter; Signal Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, D.C. 20315.

9. Newsletter; USA Hospital, Ft. McPherson, Ga.

10. Engineer Newsletter; Engineer Branch, Officer Personnel Directorate; Office of Personnel Operations, Washington, D.C. 20315.

11. ADA Newsletter; Air Defense Artillery Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, DC 20315.

12. Chemical Branch Newsletter; Chemical Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, DC 20315.

13. Military Intelligence Branch Newsletter; Military Intelligence Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, DC 20315.

14. Finance Branch Newsletter; Finance Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, DC 20315.

15. Armor Branch Newsletter; Armor Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, DC 20315.

16. Military Police Branch Newsletter, Military Police Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, DC 20315.

17. Aviation Warrant Officer Branch Newsletter; Aviation Warrant Officer Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, DC 20315.

18. The 807th, HQ, 807th Hospital Center, Mesquite, Texas.

19. INFO-GRAM, US Army Security Agency, Arlington Hall Station, Arlington, Va 22212.

20. Organization Directorate Newsletter, USA Combat Developments Command, Ft. Belvoir, Va 22060.

21. Arrowhead Magazine, Information Office, USA Combat Developments Command, Ft. Belvoir, Va 22060.

22. Military Police Liaison Bulletin, HQ, USA Europe & 7th Army, APO New York 09403.

23. Army Community Service Information Bulletin; Community Support Division, HQ, USA Europe & 7th Army, APO New York 09403.

24. Training Notes; HQ, USA Europe & 7th Army, APO New York 09403.

25. USAREUR ADP Information Bulletin; HQ, USA Europe & 7th Army, APO New York 09403.

26. Adjutant General's Newsletter, HQ, USA Strategic Communications Command, Ft. Huachuca, AZ 85613.

27. Personnel and Administration News Bulletin; HQ, USA Europe & 7th Army, APO New York 09403.

28. CONARC Reports; Information Office, HQ, Continental Army Command, Ft. Monroe, VA 23351.

29. Civilian Employee Bulletin; USA Intelligence Command, Ft. Holabird, MD 21219.

30. Pentagon Security Brief; 902d Military Intelligence Group, P.O. Box 113, Falls Church, VA 22041.

31. Your Home Herald; USA Flight Training Center, Ft. Stewart, GA 31313.

32. Army Installations Newsletter; Chief, National Guard Bureau, Washington, DC 20310.

33. Chief of Staff Quarterly Newsletter for Senior Reserve Component Officers; Office of Reserve Components, HQ, DA, Washington, DC 20310.

34. Parameters; US Army War College, Carlisle Barracks, PA 17013.

35. Admissions Office Information Bulletin; U.S. Military Academy, West Point, NY 10996.

36. Military Chaplains' Review; USA Chaplain Board, Ft. George G. Meade, MD 20755.

37. The Engineer; The Engineer School, Ft. Belvoir, VA 22060.

38. Impact; 92d Airborne Division, Ft. Bragg, NC 28307.

39. Command Information Fact Sheet; USATCFE, Ft. Eustis, VA 23604.

40. Command Information News; USA Field Artillery Center and Ft. Sill, Ft. Sill, OK 73503.

41. RAP House Drug Abuse Fact Sheet; USA Air Defense Center, Ft. Bliss, TX 79916.

42. Student New Bulletin; USA Infantry School, Ft. Benning, GA 31905.

43. Through the Open Door; 548th Supply & Service Bn (DS), Ft. McClellan, AL 36201.

44. HQ, Fifth US Army Command Information Fact Sheet; HQ, Fifth US Army, Ft. Sam Houston, TX 78234.

45. Information Tips; HQ, First US Army, Ft. George G. Meade, MD 20755.

46. OCPA Notebook; HQ, Sixth US Army, Presidio of San Francisco, CA.

47. Blue Arrow Bulletin; Command Information Branch, Ft. Ord, CA 93941.

48. The USACDEC Monitor, USA Combat Developments Command, Ft. Ord, CA 93941.

49. HEAD-LINES; Ft. Carson Drug Center, Bldg 2245, Ft. Carson, CO 80913.

50. Eighth Army Surgeon's Notes; HQ, Eighth US Army, APO SF 96301.

51. Out Patient Bulletin; Martin Army Hospital, Ft. Benning, GA 31905.

52. From the Horse's Mouth; Army Community Service, Ft. Riley, KS 66442.

53. A Helping Hand; HQ, XVIII Airborne Corps, Ft. Bragg, NC 28307.

54. Army Community Service Scene; HQ, Ft. Devens, Ft. Devens, MA 01433.

55. Army Community Service Newsletter; Camp Drum, NY 13601.

56. ACS Newsletter; USA Garrison, Carlisle Barracks, PA 17013.

57. C^3 Information Section; 120 USA Reserve Command, Drawer C, Five Points Station, Columbia, SC 29205.

58. HQ Fifth USA Command Information Reserve Notes; HQ, Fifth US Army, Ft. Sam Houston, TX 78234.

59. Flag Pole Facts; Fifth USA ROTC Instructor Group, Washington University, St. Louis, MO 63130.

60. The Georgetown Eagle; USA ROTC Instructor Group, 37th & O Streets, NW, Washington, DC 20005.

61. Torch and Shield; Army ROTC, Arizona State University, Tempe, AZ.

62. The Sentinel; Department of Military Science, University of Iowa, Iowa City, IA 52240.

63. Wyoming ROTC Newsletter; 6th USA Instructor Group, University of Wyoming, Laramie, WY 82070.

64. ROTC Speed Note; HQ, Third US Army, Ft. McPherson, GA 30330.

65. ROTC Notes; HQ, Third US Army, Ft. McPherson, GA 30330.

66. Safety Hotline; Camp McCoy, Sparta, WI 54656.

67. Aviation Safety Newsletter; HQ, US Army Training Center, Ft. Polk, LA 71459.

68. USAFAAC Aviation Safety News Bulletin; HQ, USA Field Artillery Aviation Command, Ft. Sill, OK 73503.

69. Accident Experience Summary; HQ, USA Training Center, Ft. Ord, CA 93941.

70. Happening; HQ, USA Training Center, Ft. Ord, CA 93941.

71. The Catapult; HQ, USA Field Artillery School, Ft. Sill, OK 73503.

72. Adjutant General's Newsletter; HQ, US Army Vietnam, APO SF 96375.

73. North Carolina Army Retirees Newsletter; HQ, XVIII Airborne Corps, Ft. Bragg, NC.

74. Supply Division, DIO Newsletter; USA Air Defense Center and Ft. Bliss, Ft. Bliss, TX 79916.

75. Reserve Components Food Service Information Letter; HQ, First US Army, Ft. George G. Meade, MD 20755.

76. The Chapel Messenger; HQ, US Army Training Center, Ft. Jackson, SC 29207.

77. Employee Newsletter; Saigon Area Civilian Personnel Office, HQ, US Army Vietnam, APO SF 96243.

78. Civilian Personnel Bulletin; HQ, Ft. Devens, Ft. Devens, MA 01433.

79. Supervisors Memo; Office of the Civilian Personnel Directorate, HQ, Eighth US Army APO SF 96301.

80. Fort Sheridan Civilian News; Dept. of the Army, HQ, Ft. Sheridan, Ft. Sheridan, IL 60037.

81. Civilian Employee Information Bulletin; Civilian Personnel Office, US Army Infantry Center, Ft. Benning, Ga. 31905.

82. AG Journal; Assn of the Adjutant General's Corps, Ft. Benjamin Harrison, IN 4621.

83. Doctrinal Notes; US Army Quatermaster School, ATTN: ASTQS-AR-D, Ft. Lee, VA 23801.

84. Drill Sergeant Newsletter; HQ, USATC, Infantry and Ft. Ord, Ft. Ord, CA 93941.

85. US Army Air Defense School Newsletter; Ft. Bliss, TX 79916.

86. Pentagon Security Brief; Pentagon Counterintelligence Force, 902d Military Intelligence Group, P.O. Box 113, Falls Church, VA 22041.

87. Command Information Newsletter; US Army Recruiting Main Station, Suite 200, Bldg. 4, 300 120th Avenue, NE, Bellevue, WA 98005.

88. The Charger; AIO Office, USA Recruiting Main Station, Baker Bldg., Room 703, 110 21st Avenue, So Nashville, TN 37203.

89. Command Information Newsletter; USA Recruiting Main Station, 620 Central Avenue, Alameda, CA 94501.

90. Commander's Newsletter; USA Recruiting Main Station, P.O. Box 1083, Beckley, WV.

91. Command Information Newsletter; USA Recruiting Main Station, 317 N. Central Avenue, Alameda, CA 94501.

92. Command Information Newsletter; USA Recruiting Main Station, 4727 Wilshire Blvd., Los Angeles, CA.

93. Command Information Newsletter; USA Recruiting Main Station, 300 SW Madison Street, Portland, OR 97204.

94. The Constitution Guardsman; 130th Public Information Detachment, Connecticut Army National Guard, 360 Broad Street, State Armory, Hartford, CT 06115.

95. The Cornerstone; USA Recruiting Main Station, P.O. Box 2198, Century Station, Raleigh, NC 27602.

96. Gotham Recruiter; NY Recruiting Main

Station, Ft. Wadsworth, Bldg 2100, Staten Island, NY 10305.

97. Old Dominion Recruiter; USA Recruiting Main Station, Defense General Supply Center, Richmond, VA 23219.

98. The Prospector; USA Recruiting Main Station, 2581 Piedmont Road, NE, Atlanta, GA 30324.

99. The Provider; CO, USA Third Recruiting District, 1628 Virginia Avenue, College Park, GA 30337.

100. 5 RD Journal; HQ, USA Recruiting District, Ft. Sheridan, IL 60037.

101. Soundings; USA Recruiting Main Station, San Juan, US Army Recruiting Command, Ft. Brooke, Puerto Rico 00933.

102. The Army Lawyer; The Judge Advocate General's School, US Army, Charlottesville, VA 22901.

DEPARTMENT OF THE NAVY,
Washington, D.C., March 24, 1972.

MEMORANDUM FOR THE ASSISTANT SECRETARY OF DEFENSE (MANPOWER AND RESERVE AFFAIRS)

Subj: Congressional Inquiry Regarding Periodicals.

Ref: (a) OASD (M&RA) multi-addressee memo of 4 Feb 1972, Subj: Senator Fulbright's Inquiry Regarding Periodicals.

Encl: (1) New Navy Departmental and Field Periodicals—FY 1971/1972, (2) Discontinued Navy Departmental and Field Periodicals—FY 1971/1972, (3) DoD Questionnaires for Discontinued Navy Departmental and Field Periodicals—FY 1971/1972.

The attached lists of Navy periodicals discontinued, combined or started during fiscal years 1971 and 1972 are forwarded in response to the action requested by reference (a). The lists show that during the specified time, Navy discontinued 30 periodicals (two were combined into one new title and one was incorporated into the existing *All Hands*) and began publishing 9 new periodicals. Report forms (Request for Initial Approval/Annual Review of Periodical) are furnished for all of the periodicals reported discontinued by Navy's reporting deadline of 10 March 1972. Report forms on periodicals recommended to be combined were included in a set of reports on service-wide periodicals forwarded by my memorandum of 16 March 1972. Report forms on periodicals previously combined or started were included in sets of reports previously forwarded to the Periodicals Evaluation Task Force.

HUGH WITT,
Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics).

DEPARTMENT OF THE NAVY DEPARTMENTAL AND FIELD PERIODICALS, NEW—FY 1971/1972

OFFICE OF THE CHIEF OF NAVAL OPERATIONS

TRA Navy
Surface Warfare Newsletter
The Challenge

BUREAU OF NAVAL PERSONNEL

Management Bulletin

FOURTH NAVAL DISTRICT

Regional Office of Civilian Manpower and Management, Philadelphia, Pa.
News and Views

NAVY FINANCE CENTER, CLEVELAND, OHIO

Jumps Flash

NAVMIRO, PHILADELPHIA, PA.

NAVMIRO Manufacturing Technology Bulletin

ELEVENTH NAVAL DISTRICT

Naval Amphibious School, Coronado, Calif.
Learning Resources Bulletin

TWELFTH NAVAL DISTRICT

Naval Postgraduate School, Monterey, Calif.
Management Quarterly

DEPARTMENT OF THE NAVY, DEPARTMENTAL AND FIELD PERIODICALS, DISCONTINUED—FY 1971/1972

BUREAU OF NAVAL PERSONNEL

BuPers Mess Newsletter—Consolidated into "Management Bulletin."

Special Services Newsletter—Consolidated into "Management Bulletin."

Tides and Currents—Incorporated into "All Hands."

FOURTH NAVAL DISTRICT

NAVAL HOSPITAL, PHILADELPHIA, PA.

Safety Newsletter.
Shipmate.
Pers-Scope.

NAVAL SHIPS PARTS CONTROL CENTER, MECHANICSBURG, PA.

Observations.

NAVAL DISTRICT WASHINGTON

U.S. NAVAL ACADEMY

Colloquy.

NAVAL AIR FACILITY, WASHINGTON, D.C.

Crossroads.

FIFTH NAVAL DISTRICT

NAVAL AIR STATION, NORFOLK, VA.

NARTU Newsletter.

NORFOLK NAVAL SHIPYARD, PORTSMOUTH

NAVORDSYSUPPOLANT Civilian Personnel Bulletin.

SIXTH NAVAL DISTRICT

Chief of Naval Air Training, Pensacola, Fla.
Fly Navy.

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., March 24, 1972.

Reply to Attn. of: DAPS

Subject: Periodicals Discontinued, Started, or Combined During Fiscal Years 1971–1972.

To: Periodicals Evaluation Task Force, Attn: Mr. David C. Stewart, Director, Room 604, 1117 North 19th Street, Arlington, Va. 22209.

1. Reference your memorandum, same subject, dated 9 Mar. 1972 and our initial reply of 15 March 1972.

2. The attached inclosures complete the Air Force response to subject memorandum.

For the Chief of Staff.

T. BALIDES,
Colonel, USAF, Chief, Publishing Division, Directorate of Administration.

USAF ACADEMY, COLO., *March 10, 1972.*

Reply to attn of: DAP

Subject: Report on Air Force Recurring Publications (RCS: DD–M(OT)725) (Your ltr, 16 Feb 72)

To: Hq USAF (DAPS)

The following recurring publications have been discontinued, combined or approved from 1 July 1970 to present:

USAFARP 40–1, Supervisors Newsletter, Approved 10 Jan 72.

USAFARP 265–5, Chapel Organizational Paper (COP), Approved, 10 Sep 71.

AFCRP 190–1, Mathematics Newsletter, Recinded, 13 Jan 72.

AFCRP 519–1 thru 519–40, Cadet Squadron Newsletters, Rescinded, 1 Jan 72.

USAFARP 265–3, The Underground Press, Replaced by COP, Sep 71.

USAFARP 265–4, Catholic Forum, Replaced by COP Sep 71.

USAFARP 265–1, Hanesher, Replaced by COP, Sep 71.

For the superintendent

PHILIP T. ROBERTS,
Major, USAF,
Director of Administration.

DISCONTINUED, COMBINED, OR STARTED PUBLICATIONS FROM 1 JULY 1970 TO PRESENT

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

HQ TAC

23–1, TAC Directory of Organizations, Discontinued, 14 June 71.

26–1, Manpower and Organization Newsletter, Discontinued, 14 June 71.

27–1, (C) TAC Joint Action Fact Sheets, Discontinued, 26 Feb. 71.

30–1, TAC Billeting Newsletter, Started 9 Apr. 71.

39–2, Education and Training Journal, 14 June 71.

127–2, TAC Safety Management, Discontinued, 7 Jan. 72.

190–4, TAC Broadcasting Newsletter, Discontinued, 14 Feb. 72.

190–5, Staff Notes, Discontinued, 21 Aug. 70.

200–4, (S) TAC Evasion and Escape Bulletin, Discontinued, 29 Feb. 72.

265–1, Chaplain Newsletter, Started, 11 Jan. 72.

HQ 9AF

127–1, The Position Report, Discontinued, 11 Feb. 72.

HQ 12AF

127–1, Missile/Explosive/Nuclear Memo, Discontinued, 8 Mar. 711.

127–2, Ground Safety Memo, Discontinued, 8 Mar. 71.

355–1, Disaster Preparedness Newsletter, Discontinued, 8 Mar. 71.

501–1, Life Support Newsletter, Discontinued, 8 Mar. 71.

Bergstrom AFB

35–1, CBPO Newsletter, Started, 15 Oct. 71.

127–1, Fly Safe Newsletter, Discontinued, 6 Jan. 72.

Cannon AFB

100–1, Air Traffic Control and Communications Electronics Bulletin, Discontinued, 17 Jun 71.

190–1, Commander's Call Bulletin, Discontinued, 9 Mar 72.

England AFB

36–1, JOC TALK, Discontinued, 23 Feb 72.

Forbes AFB

40–2, Civilian Personnel Newsletter, Discontinued, 14 Jan 72.

74–1, Quality Control Newsletter, Started, 6 Aug 71.

211–1, Family Services Newsletter, Discontinued, 14 Jan 72.

George AFB

11–1, Administrative Newsletter, Discontinued, Jan 72.

40–1, Civilian Personnel News Bulletin for Personnel Managers, Discontinued, Apr 71.

51–1 (479TFWg), Weapons Newsletter, Discontinued, Mar 71.

145–1, Commissary Newsletter, Discontinued, 23 Feb 72.

161–1, Aeromedical Bulletin, Discontinued, Mar 71.

161–2, Industrial Health Bulletin, Discontinued, Feb 72.

Holloman AFB

40–2, Contact, Discontinued, 23 Feb 72.

211–1, Family Services Newsletter, Discontinued, 15 Feb 72.

Hurlburt AFB

67–1, Supply Newsletter, Discontinued, 9 Mar 72.

190–1, Commander's Call Bulletin, Discontinued, 9 Mar 72.

Langley AFB

67–1, Base Supply Newsletter, Discontinued, 9 Mar 72.

Little Rock AFB

35–1, Personnel Newsletter, Started, 29 Oct. 71.

40–1, Employee's Newsletter, Started, 28 Apr. 71.

60–1, Verbum (Stan/Eval Newsletter) Started, 21 Sep. 70.

127–1, Safety Bulletin, Discontinued, 14 Feb. 72.

190–1, Internal Information Newsletter for Commanders and Unit Information Officers, Started, 10 Sep. 70.

190–1, Internal Information Newsletter for Commanders and Unit Information Officers, Discontinued, 9 Mar. 72.

Luke AFB

40–1, Supervisor's Courier, Discontinued, 23 Feb. 72.

Supply Newsletter, Discontinued, Dec. 71.

Management Analysis Digest, Discontinued, Dec. 71.

501–1, Life Support Newsletter, started, Oct. 71.

MacDill AFB

127–1 (ITFWg), Safety Brief, Discontinued, Mar. 72.

40–2, FWP Minigraph, Started, 19 Mar. 71.

40–2, FWP Minigraph, Discontinued, 23 Feb. 72.

40–3, Memos for Managers of Civilian Personnel, Started, 5 Oct. 71.

40–3, Memos for Managers of Civilian Personnel, Discontinued, 23 Feb. 72.

67–1, Supply Newsletter, Discontinued, 23 Feb. 72.

211–2, Tide and Tidings, Discontinued, 23 Feb. 72.

McConnell AFB

11–1, Administration Newsletter, Discontinued, 15 Feb 72.

35–1, CBPO Newsletter, Started, 18 May 71.

67–2, Supply Newsletter, Discontinued, 15 Feb 72.

67–3, Critical Item Newsletter, Discontinued, 17 May 71.

127–1, Ground Safety Brief, Discontinued, 15 Feb 72.

127–2, Missile, Explosive, and Nuclear Safety Brief, Discontinued, 15 Feb 72.

355–1, Disaster Preparedness Bulletin, Started, 16 Apr 71.

Mt Home AFB

178–1, Management Analysis Newsletter, Discontinued, 16 Jul 71.

Myrtle Beach AFB

35–1, Personnel Newsletter, Discontinued, 15 Feb 72.

190–1, Information Bulletin, Discontinued, 9 Mar 72.

Nellis AFB

30–1, The Informer, Personal Affairs, Started, 22 Oct 71.

40–2, Management Memo, Discontinued, 23 Feb 72.

Pope AFB

67–1, Supply Squadron Customer Assistance Program Newsletter, Discontinued, Jan 72.

190–2, Commander's Call Bulletin, Discontinued, Aug 71.

Seymour Johnson AFB

40–2, Supervisors' Newsletter, Discontinued, 23 Feb 72.

190–1, Information Newsletter for SQ COs and IOs, Discontinued, 23 Feb 72.

Shaw AFB

60–1, Stan/Eval Newsletter, started, 26 Oct. 1971.

60–1, Stan/Eval Newsletter, discontinued, 17 Feb. 1972.

501–1, Life Support Newsletter, started, 24 Sept. 1970.

501–1, Life Support Newsletter, discontinued, 16 Feb. 1972.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR TRAINING COMMAND,
Randolph Air Force Base, Tex.,
March 14, 1972.

Reply to attention of: DAPE.

Subject: Report on Air Force Recurring Publications (RCS: DD-M(OT) 725) (Your Ltr, 16 Feb 1972).

To: HQ USAF/DAPS.

Attached is a consolidated listing as requested.

For the Commander.

EUIN N. GUINN,
Colonel, USAF,
Director of Administration.

ATC REPORT ON RECURRING PUBLICATIONS

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

HQ ATC

Zero Defects Newsletter, ATCRP 25–1, Discontinued, Oct 70.

Security Police Newsletter, ATCRP 125–2, Discontinued, Oct 70.

RECON Program Newsletter, ATCRP 400–1, Discontinued, Oct 71.

ATC Broadcaster, ATCRP 190–2, Combined, Oct 71.

Fire Protection Newsletter, ATCRP 92–1, Discontinued, Oct 71.

Industrial Engineering, Newsletter, ATCRP 85–1, Started, May 71.

JOC Newsletter, ATCRP 35–2, Started, Dec 71.

(No issues published to date)

Chanute AFB

Civilian Personnel Newsletter, RP 40–1, Started, Oct 70.

Commander's Call Newsletter, RP 190–1, Started, Jul 71.

Data Automation Newsletter, RP 300–1, Started, Jul 70.

Columbus AFB

Military Personnel Items, RP 35–1, Started, May 71.

Civilian Personnel Newsletter, RP 40–1, Started, Oct 70.

News & Views to Management, RP 40–2, Started, Oct 70.

Chief of Supply Newsletter, RP 67–1, Started, Oct. 70.

Volunteer's Views, RP 211–1, Started, Oct. 70.

Craig AFB

Base Administration, Newsletter, RP 11–2, Started, Jan. 72, Discontinued, March 72.

Air Traffic Controller, RP 60–1, Discontinued, Feb. 72.

90-Day Training Schedule, RP 67–2, Discontinued, Feb. 72.

Craig View Newsletter, RP 85–1, Started, June 71.

Disaster Preparednes Newsletter, RP 355–1, Started, Mar. 71.

RECON Brief, RP 400–12, Started, Nov. 71.

Keesler AFB

Keesler Kross-Wing (RP 127–1).

Flight Safety Shorts (RP 127–2).

Accents on Safety (RP 127–3).

Keesler Kross-Wing, RP 127–1, Combined, Jan. 72.

Laredo AFB

FOD O'Gram, RP 66–1, Discontinued, Apr. 71.

JOC Newsletter, RP 36–1, Discontinued, Feb. 72.

Career Information Newsletter, RP 39–1, Discontinued, Feb. 72.

Laughlin AFB

What's Happening, RP 215–1, Started, Oct. 70, Discontinued, Feb. 71.

Chief of Supply Newsletter, RP 67–1, Discontinued Oct 70, Started, Feb. 71.

Information for Supervisors, RP 40–2, Discontinued, Nov 70.

Stan/Eval Newsletter, T–38, RP 60–1, Discontinued, Nov 70.

Stan/Eval Newsletter—T–37, RP 60–2, Discontinued, Nov 70.

Laughlin Recreation Newsletter, RP 215–2, Started, Mar 71.

Lowry AFB

Communication-Electronics, Newsletter, RP 100–1, Discontinued, Jul 70.

Squadron IO's Info-Briefs, RP 190–1, Discontinued, Nov 70.

Area Dental Laboratory, Newsletter, RP 162–1, Started, Jan 71.

Aircrew Information Bulletin, RP 127–1, Started, Mar 71.

CBPO Newsletter, RP 35–1, Started, Aug 71.

Data Automation Newsletter, RP 171–1 Discontinued, Dec 71.

Lackland AFB

None.

Mather AFB

CBPO Monthly Newsletter, RP 35–1, Started, Nov 70.

Air Base Group Squadron, Newsletter, RP 35–2, Started, Feb 72.

Moody AFB

Stan/Eval Newsletter (T–37), RP 60–1, Discontinued, Feb 72.

Stan/Eval Newsletter (T–38), RP 60–2, Discontinued, Feb 72.

Supply Information Newsletter, RP 67–1, Started, Aug 71.

It's Your Move, RP 75–1, Discontinued, Feb 72.

USAF Monthly Accident, Summary, RP 127–3, Started, May 71.

Moody at Your Fingertips, RP 211–2, Started, May 71.

Randolph AFB

Disaster Preparedness, Newsletter, RP 355–1, Started, Oct 70, Discontinued, Nov 71.

Reese AFB

Youth Activities Bulletin, RP 34–1, Discontinued, Aug 70.

Supervisors Letter, RP 40–2, Discontinued, Aug 70.

Stan/Eval Newsletter (T–37), RP 60–1, Discontinued, Aug 70.

Stan/Eval Newsletter (T–38), RP 60–2, Discontinued Aug 70.

Monthly Maintenance Order, RP 66–1, Discontinued, Aug 70.

Weekly Maintenance Plan, RP 66–2, Discontinued, Aug 70.

Maintenance News From MCM, RP 66–3, Discontinued, Aug 70.

Base Level Maintenance Management Evaluation Report, RP 66–4, Discontinued, Aug. 70.

Supply Newsletter, RP 67–1, Discontinued, Aug. 70.

Vendors Guide, RP 70–1, Discontinued Aug. 70.

CE Annual Work Plan, RP 85–2, Discontinued, Aug. 70.

Flash Safety Bulletin, RP 127–2, Discontinued, Aug. 70.

Commissary Shopping Guide, RP 145–1, Discontinued, Aug. 70.

3500 USAF Hospital Information Booklet, RP 160–1, Discontinued, Aug. 70.

3500 USAF Hospital Prenatal Information Booklet, RP 160–2, Discontinued, Aug. 70.

RMS Handbook, RP 178–2, Discontinued, Jan. 71.

Unit Security Officers Bulletin, RP 205–1, Discontinued, Aug. 70.

Family Services Newsletter, The Tumbleweed, RP 211–2, Discontinued, Aug. 70.

Cost Reduction Program Brief, RP–400–1, Discontinued, Aug. 70.

Family Services Welcomes You, RP 211–1, Discontinued, July 71.

Plane Talk, RP 127-3, Discontinued, Aug. 71.

Special Safety Subjects, RP 127-1, Discontinued, Jan. 72.

Know Your Finances, RP 177-1, Discontinued, Feb. 72.

Sheppard AFB

Junior Officer Communique, RP 36-1, Started, Sept. 71.

Disaster Preparedness Newsletter, RP 355-1, Started, Nov. 71.

Vance AFB

Carnak Says, RP 60-2, Discontinued, Nov. 70.

Security Police Quarterly Report, RP 125-1, Started, Apr. 71, Discontinued, Jan. 72.

Webb AFB

Data Automation Newsletter, RP 300-1, Started, Nov. 70, Discontinued, Jan. 72.

Stan/Eval Newsletter (T-37), RP 60-4, Discontinued, Aug. 71.

Stan/Eval Newsletter (T-38), RP 60-5, Discontinued, Aug. 71.

Chief of Maintenance Newsletter, RP 66-1, Started, Nov. 71.

Field Maintenance Schedule Newsletter, RP 65-2, Discontinued, Jan. 72.

Williams AFB

Air Traffic Control Newsletter, (Unnumbered), Discontinued, Jan. 71.

Saquaro MARS News (Unnumbered), Discontinued, Dec. 70.

Summer Safe (70), (Unnumbered), Discontinued, Nov. 70.

Sunday School Messenger (Unnumbered), Discontinued, Apr. 71.

Career Information Newsletter, RP 35-1, Discontinued, Feb. 71.

Stan/Eval Newsletter (T-37), RP 127-5, Discontinued, Feb. 71.

Stan/Eval Newsletter (T-38), RP 126-6, Discontinued, Feb. 71.

Foreign Training Newsletter, RP 30-1, Started, Jan. 72.

WILLIE Personnel Press, RP 35-1, Started, Dec. 71.

3636 Combat Crew Tng Wg

None.

3650 Flying Tng Wg

None.

HEADQUARTERS AIR FORCE
COMMUNICATIONS SERVICE,
Richards-Gebaur Air Force Base, Mo.,
March 13, 1972.

Reply to attention of DAPE.

Subject Report on Air Force Recurring Publications (RCS: DD-M(OT) 725) (Your Ltr 16 Feb 1972).

To HQ USAF/DAPS.

The following information is submitted in accordance with instructions in above referenced letter:

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

HQ AFCS

RP 5-1, Master Reference Library Bulletin, Started, 20 Oct 1970, Discontinued, 5 Feb 1971.

RP 35-2, Comm-Line, Started, 10 Feb 1971, Discontinued, 31 Jan 1972.

RP 70-1, Procurement Digest, Started, 20 Oct 1970.

RP 100-5, Scope Creek Newsletter, Started, 1 Sep 1971.

RP 200-1(S/NF), Intelligence and Electronic Warfare Review (U), Started, 6 Dec 1971.

Pac Comm Area

RP 35-1, Personnel Newsclip, Discontinued, 1 Sep 1970.

RP 60-1, Air Traffic Control Digest, Started, 30 Nov 1971.

RP 65-1, Materiel Information Letter, Discontinued, 1 Mar 1971.

RP 190-2, Pacific Communicator, Discontinued, 1 Sep 1970.

RP 190-4, SEACTION Bulletin, Discontinued, 1 Mar 1971.

1961 Comm Gq RP 10-1, Message Management Bulletin, Started, 30 Dec 1970.

483 Elect Instl Sq RP 100-1, Squadron Newsletter, Discontinued, 28 Jan 1971.

2127 Comm Sq. RP 190-1, Comm Chatter, Started, 2 Apr 1971.

Eur Comm Area

RP 66-1, European DSTE Newsletter, Started, 30 Apr 1971.

RP 100-1, AUTOVON Newsletter, Started, 28 Jan 1971.

RP 125-1, Security Newsletter, Started, 14 Feb 1972.

RP 127-1, Safety Talks for Supervisors, Discontinued, 25 Feb 1972.

UK Comm Rgn RP 190-1, Newsletter, Discontinued, 25 Feb 1972.

Med Comm Rgn 190-1, Monthly Newsletter, Started, 30 Apr 1971.

1986 Comm Sq RP 190-1, Internally, Started, 1 Dec 1971.

2140 Comm Sq RP 100-1, Telephone Newsletter, Discontinued, 10 Dec 1971.

Tac Comm Area

RP 30-1, HQ Tactical Communications Area and Subordinate Units Officers and Key Personnel Roster, Discontinued, 25 Feb 1972.

RP 45-1, Unit Information Directory, Discontinued, 25 Feb 1972.

RP 125-1, Incident Bulletin, Discontinued, 25 Feb 1972.

RP 178-3, Mgt Information and Control System Summary, Discontinued, 29 Oct 1971.

RP 190-1, The Tactical Communicator, Discontinued, 7 Jan 1972.

RP 205-1, Security Observer, Started, 26 Mar 1971.

9th Tac Comm Rgn RP 60-1, Flight Facilities Information Letter, Discontinued, 1 Jul 1971.

12th Tac Comm Rgn RP 190-1, Information Letter, Discontinued, 1 Jul 1971.

South Comm Area

RP 102-1, MARS Newsletter, Started, 12 Oct 1971, Discontinued (After Jun 1972 Edition), 30 Jun 1972.

RP 102-2, MARS Newsletter, Region 2, Started, 12 Jan 1971, Combined w/RP 102-1, 12 Oct 1971.

RP 102-4, MARS Newsletter, Region 4, Started, 12 Jan 1971, Combined w/RP 102-1, 12 Oct 1971.

RP 102-6, MARS Newsletter, Region 6, Started, 12 Jan 1971, Combined w/RP 102-1, 12 Oct 1971.

RP 205-1, COMSEC Information Newsletter, Discontinued, 12 May 1971.

RP 205-2, COMSEC Technical Review, Discontinued, 22 Oct 1971.

1839 Elect Instl Gp RP 100-1, Newsletter, Started, 18 Feb 1971, Discontinued, 12 Nov 1971.

North Comm Area

RP 11-1, Telephone Listing, Started, Discontinued, 3 Nov 1971, 25 Feb 1972.

RP 11-2, Administrative Newsletter, Started, 4 Nov 1971.

RP 60-1, Flight Facilities Newsletter, Started, 27 Sep 1971.

RP 65-1, LG Newsletter, Started 22 Feb 1971.

RP 100-2, Frequency Management Listing, Started, 25 Feb 1972.

RP 102-1, MARS Newsletter, Started, Discontinued (After Jun 1972 Edition), 30 Jun 1972.

RP 102-3, MARS Newsletter, Region 3, Combined w/RP 102-1, 1 Jan 1972.

RP 102-5, MARS Newsletter, Region 5, Combined w/RP 102-1, 1 Jan 1972.

RP 123-1, Inspector General Newsletter, Started, 6 Dec 1971.

RP 127-2, Speaking of Safety, Started, 6 Dec 1971.

RP 205-7, COMSEC Newsletter, Started, Discontinued (As of Jul 1972), 21 May 1971, 31 Jul 1972.

Alaskan Comm Region

RP 11-1, What's Happening in Administration, Started, Jan 1972.

RP 67-1, Materiel Control News and Notes, Discontinued, 19 Apr 1971.

RP 127-1, Ground Safety Digest, Discontinued, 11 May 1971.

1931 Comm Gp RP 11-1, Group Fact Sheet, Discontinued, Jan 1972.

3 Mobile Comm Group

RP 190-1, Reserve Affairs Information Newsletter, Discontinued, 1 Feb 1972.

1840 ABWg

RP 67-1, EACC News, Combined w/RP 67-2, Jan 1972.

RP 67-2, SWEN (Supply Widespread Enlightenment Notebook), Started, Jan 1972.

RP 127-1, ZERO, Started, Aug 1971.

RP 145-1, Commissary Newsletter, Started, Aug. 1970.

For the Commander.

RICHARD W. HECK,
Capt., USAF, Chief, Publishing Division,
Directorate of Administration.

APO SEATTLE,
March 13, 1972.

Reply to Attn of: DAP (754-5207).

Subject: Report on Air Force Recurring Publications (RCS: DD-M(OT) 725, (Your Ltr, 16 Feb. 1972).

To: HQ USAF/DAPS.

The following is a list of recurring publications which meet the criteria outlined in subject letter:

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

Career Information and Counseling Bulletin (AACRP 35-1), Started, Jul 70.

Domestic Action Program, In Focus (AACRP 35-2), Started, Aug 71.

Triple Asterisks (AACRP 123-1), Started, Jan 71.

AFRN Newsletter (AACRP 190-1), Started, Dec 71.

Junior Officers' Council Newsletter (AACRP 190-1), Started, Jan 71.

Weekly Intelligence Review (AACRP 200-1), Started, Jul 71.

Security Education (AACRP 205-1), Started, May 71.

Disaster Preparedness Newsletter (AACRP 355-1), Started, Mar 71.

Chief of Supply Newsletter (WRP 67-1), Started, Jul 71.

Security Newsletter (21 AB Gp RP 11-1), Started, Apr 71.

Family Services Newsletter (21 AB Gp RP 211-1), Started, Dec 71.

The Word (21 AB Gp RP 265-1), Started, Jul 71.

Family Services Newsletters (EAFBRP 34-1), Started, Apr 71.

ACW Training and Standardization Bulletin (AACRP 50-1), Discontinued, Nov 71.

Fire Prevention Newsletter (AACRP 92-1), Discontinued, Nov 71.

Accident Prevention Bulletin (AACRP 127-2), Discontinued, Nov 71.

Junior Officers' Council Newsletter (AACRP 190-1), Discontinued, Feb 71.

Aircrew Standardization Bulletin (WRP 60-1), Discontinued, Aug 70.

Explosive Safety Bulletin (WRP 127-1), Discontinued, Nov 71.

Nuclear/Missile Safety Bulletin (WRP 127-2), Discontinued, Nov 71.

Flying Safety Bulletin (WRP 127-3), Discontinued, Nov 71.

Ground Safety Bulletin (WRP 127-4), Discontinued, Nov 71.

Supervisor's Information Newsletter (21 AB Gp RP 40-2), Discontinued, Jan 72.

The Word (21 AB Gp RP 265-1), Discontinued, Feb 72.

Civilian Personnel Supervisor's Newsletter (EAFBRP 40-2), Discontinued, Feb 72.

Ground Safety Accident Prevention Bulletin (EAFBRP 127-1), Discontinued, Feb 72.

For the Commander,
THOMAS J. BEAMAN,
MSgt, USAF, Chief, Publications Division, Directorate of Administration.

BOLLING AIR FORCE BASE,
District of Columbia, March 10, 1972.

Reply to attn of: DAPE
Subject: Report on Air Force Recurring Publications (RCS: DD-M(OT)725) (Your Ltrs, 25 Jan 1972 and 16 Feb 1972).
To: HQ USAF/DAPS.

Attached is a listing of HQ COMD USAF recurring publications which were discontinued, combined or started from 1 July 1970 to present.

For the Commander,
W. J. MIDDLETON,
Lt Col, USAF, Director of Administration.

HEADQUARTERS COMMAND USAF—RECURRING PUBLICATIONS

TITLE OF PUBLICATION, ACTION TAKEN, AND DATE

1. Stan/Eval Newsletter (1st Comp Wg RP 60-1), Approval, 23 Feb 1971.
2. The Supply Times (1st Comp Wg RP 67-1), Approval, 21 Jun 1971.
3. Depot Technical Information Bulletin (1155 Tech Ops Sq—RP 66-1) (This is a Sq of the 1035 USAF Fld Acty Gp), Approval, 16 Dec 1971.
4. Operations Newsletter (1035 USAF Fld Acty Gp RP 55-1), Approval, Aug 1971.
5. Waiting Wives Newsletter (1 Comp Wg RP 211-3), Approval, 1970.
6. Family Services Newsletter (1 Comp Wg RP 211-1), Approval, 21 Jun 1971.
7. Reserve Affairs Newsletter (HCRP 45-1), Approval, 20 Jul 1970.
8. HQ COMD USAF Quarterly Newsletter (HCRP 190-1), Approval, 13 Jan 1972.
9. Protestant Chapel Newsletter (1100 AB Wg RP 265-1), Approval, Oct 1970.
10. Ground Safety Digest (1100 AB Wg RP 127-1), Discontinued, 29 Feb 1972.
11. Youth Bulletin (1 Comp Wg RP 211-2), (This was not previously reported), Discontinued, 1 Oct 1971.
12. Supervisors Personnel Management Evaluation Guide (1100 AB Wg RP 40-2). (This was not previously reported because nothing has been published since Aug 1968), Discontinued—recommended it be a pamphlet instead. 22 Feb 1972.

ENT AIR FORCE BASE, COLORADO
March 10, 1972.

Reply to attn of: DAPE.
Subject: Report on Air Force Recurring Publications (RCS: DD-M(OT)725) (Your Ltr, 16 Feb 1972).
To: HQ USAF/DAPS.

The requested information follows:

TITLE, ACTION, AND DATE

Fiscal Control Office Newsletter, Started, Nov 70.

Administration Guidance Letter, Started, Apr 71.

CBPO Newsletter (4787 AB Gp), Started, May 71.

Ground Safety Bulletin, Started, May 71.

Commander's Call Bulletin, Started, Jul 71.

Unit Information Representative Newsletter, Started, Jul 71.

Family Housing Newsletter, Started, Nov 71.

Aerospace Defense Command Monthly Space Digest, Discontinued, Feb 71.

ADC Maintenance Bulletin, Discontinued, Apr 71.

BMEWS Maintenance Management Summary, Discontinued, Apr 71.

ADC Material Digest, Discontinued, May 71.

ADC Security Police Digest, Discontinued, May 71.

PROBE, Discontinued, Jun 71.

Scanning the Law, Discontinued, Sep 71.

Disaster Preparedness Bulletin Discontinued, Oct 71.

Summary of ADC Services, Discontinued, Nov 71.

Ground Electronic Maintenance Summary, Discontinued, Dec 71.

Civilian Personnel Supervisor's Bulletin, Discontinued, Feb 72.

Disaster Preparedness Newsletter, Discontinued, Feb 72.

Education & Transition News Brief, Discontinued, Feb 72.

Family Housing Newsletter, Discontinued, Feb 72.

Ground Electronic Maintenance Summary, Discontinued, Feb 72.

Hamilton Supervisory Letter, Discontinued, Feb 72.

HOW-GO-ZIT (Supplemental), Discontinued, Oct 71.

Material Management News, Discontinued, Feb 72.

M & O Newsletter, Discontinued, Feb 72.

Newsletter (Intelligence), Discontinued, Feb 72.

PME Tech Notes, Discontinued, Feb 72.

Safety Newsletter, Discontinued, Feb 72.

Unit Information Representative Newsletter, Discontinued, Feb 72.

For the Commander,
LEE A. SARTER, Jr.,
Colonel, USAF, Command Director of Administration.

SCOTT AIR FORCE BASE, ILL.,
March 10, 1972.

Reply to attn of: DAPE/Mrs. Gross/3113.
Subject: Report on Air Force Recurring Publications (RCS: DD-M(OT)725).
To: HQ USAF/DAPS.

MAC recurring publications which have been discontinued, combined, or started from 1 July 1970 to the present are listed below.

TITLE, ACTION TAKEN, DATE

Military Airlift Committee Newsletter NDTA/MAC, MAC RP 20-1, Discontinued, 26 Apr 71.

Logistics Performance Measurement and Evaluation System MAC RP 30-2, Discontinued, 18 Oct 71.

OER Quality Improvement Bulletin, MAC RP 36-1, Discontinued, 3 Sep. 70.

Supply and Services Newsletter, MAC RP 67-1, Discontinued, 20 Aug 70.

MAC Stock Fund Newsletter GSD/SSD, MAC RP 67-2, Discontinued, 25 Mar. 71.

Security Police Review, MAC RP 125-1, Discontinued, 28 Jan 72.

Dull Sword Special, MAC RP 127-3, Discontinued, 9 Feb 72.

Quarterly Comptroller Newsletter, MAC RP 170-6, Discontinued, 26 Aug 70.

MAC MSET Review, MAC RP 66-1, Started, 13 Jul 70.

Aerospace Medicine Bulletin, MAC RP 161-1, Started, 23 Sep 71.

Reserve Forces Newsletter, 21 AF RP 45-1, Discontinued, 3 May 71.

Security Education/Motivation Review, 21 AF RP 207-1, Discontinued, 2 Nov 70.

Reserve Forces Newsletter, 22 AF RP, Discontinued, Feb 71.

Airlifter, 22 AF, Discontinued, Feb. 71.

Chaplain's Newsletter, 22 AF, Discontinued, Jun 71.

Staff Digest, ARRS RP 5-1, Discontinued, 15 Feb 72.

Rescue Newsletter, ARRS RP 190-1, Started, Dec 71.

ACGS Administration Newsletter, Started, Dec 70.

1 CAMSq Newsletter, Started, Feb 72.

Semiannual Reserve Information Letter, AWS RP 45-1, Discontinued, Oct 71.

Comptroller Newsletter, AWS RP 170-1, Discontinued, May 71.

9 WRWG Recon, 9 WRWG 190-1, Discontinued, Feb 71.

Focus on PRIDE, AAVS RP 30-1, Discontinued, 20 Aug 70.

Maintenance Briefs, AAVS RP 66-1, Discontinued, 10 Sep 71.

CBPO Newsletter, 1400 RP 35-1, Started, 18 Feb 71.

Procurement Newsletter, 437 MAWg RP 70-1, Discontinued, Oct 70.

Commander's Call Bulletin, 438 MAWg RP 190-1, Discontinued, 14 Jun 71.

Unit Information Officer's Newsletter, 438 MAWg RP 190-2, Discontinued, 1 Nov 71.

Maintenance Informational Brief, 438 MAWg RP 66-4, Started, 3 Dec 70.

Port-Folio, 438 MAWg RP 76-1, Started, 13 Dec 71.

Quality Control and Evaluation-Monthly Summary Inspection Summary, 438 MAWg RP 66-2, Discontinued, 12 Aug 70.

CBPO Newsletter, 1605 ABWg RP 30-1, Discontinued, 12 Feb 72.

Consolidated Base Personnel Office Monthly Newsletter, 1640 ABWg RP 35-2, Started, Nov 70.

B-52 Standardization/Evaluation Newsletter, 1640 ABWg RP 51-1, Discontinued when change of command from SAC to MAC, 1 Jul 71.

KC-135 Standardization/Evaluation Newsletter, 1640 ABWg RP 51-2, Discontinued when change of command from SAC to MAC, 1 Jul 71.

Propulsion Improvement Program (PIP), 1640 ABWg RP 66-1, Discontinued when change of command from SAC to MAC, 1 Jul 71.

Commissary News, 60 AB Gp RP 145-1, Discontinued, 20 Sep 70.

Aeromedical Evacuation Information, 10AEGp RP 11-1, Combined, 19 Aug 70.

CBPO Newsletter, 62 ABGp RP, Started, Jan 71.

MAC Communique, 62 ABGp RP, Started, Feb 71.

Civilian Supervisory Newsletter, 63 ABGp, Started, 10 Jan 72.

For the Commander,
ROSEMARY MCCULLEY,
Captain, USAF, Executive Officer, Directorate of Administration.

INDEX OF DISCOUNTINUED PACAF RECURRING PUBLICATIONS

HQ PACAF, TITLE

RP 30-1, ACTION.

RP 35-1, Career Assistance and Counselling Brief.

RP 55-3, Reports Newsletter.

RP 101-1, PACAF C-E Air Traffic Control News Bulletin.

RP 200-3, (C) (GP-4) IDHS Digest.

RP 355-1, Disaster Preparedness Newsletter.

5AF, TITLE

RP 205-1, 5AF Security Education Guide.

RP 501-1, Life Support Newsletter.

6100ABWRP 30-1, Family Housing Services Newsletter.

475ABWRP 55-1, Stan/Eval Newsletter.

475ABWRP 67-1, Chief of Supply Newsletter.

7AF, TITLE

RP 40-1, U.S. Civilian Personnel Newsletter.

RP 127-2, The Word.

RP 200-1, (S) (GP-1) Weekly Air Intelligence Summary.

RP 355-1, 7AF Disaster Preparedness Newsletter.

377ABWRP 127-1, Ground Safety Newsletter.

377ABWRP 127-2, Explosive Safety Newsletter.

13AF, TITLE

RP 11-6, HQ Thirteenth Air Force Staff Directory.

CABRP 11-8, HQ 6200 Air Base Wing Staff Directory.

432CSGRP 35-6, Personnel Newsletter.

374TAWRP 65-1, Flyer.

374TAWRP 65-2, Chief to Chief.

388CSGRP (Not numbered), Korat CBPO News.

388TFWRP (Not numbered), Commander's Call Newsletter.

*405CSGRP 30-1, The Ghekko.

*432CSGRP 35-6, Personnel Newsletter.

*6203SPTGPRP 40-8, Thai Civilian News.

*432CSGRP 67-4, Supply Newsletter.

*432 CSGRP 125-2, Cop-Out.

*635CSGRP 125-6, Security Educ/Motiv.

*432CSGRP 127-1, Accident Prevention.

*432CSGRP 127-2, Supervisor's Safety.

*405CSGRP 170-1, Clark AB Facts.

*432CSGRP, 190-9, Information Off. News.

*6200ABWRP 265-1, Religious Activities.

*432CSGRP 265-3, Chapel Light.

PACAF Recurring Publications Discontinued, Combined, and Started 1 Jul 1970 to Present

NUMBER, TITLE, ACTION TAKEN AND DATE

PACAFRP 11-1, HQ PACAF Staff Directory, Discontinued, Jan. 72.

PACAFRP 23-2, Directory of PACOM Organizations, Discontinued, 25 Nov. 70.

PACAFRP 30-1, ACTION, Discontinued, 22 Feb. 72.

PACAFRP 35-1, Career Assistance and Counseling Brief, Discontinued, 22 Feb. 72.

PACAFRP 35-2, EOT World Wide, Started, 10 Feb. 72.

PACAFRP 55-3, Reports Newsletter, Discontinued, 2 Mar. 72.

PACAFRP 64-1, SEARCHER—Newsletter of the 41st Aerospace Rescue and Recovery Wing, Discontinued, 7 Oct. 71.

PACAFRP 75-1, Transportation Review in PACAF (TRIP), Discontinued, 19 Jan. 71.

PACAFRP 101-1, PACAF Air Traffic Control News Bulletin, Discontinued, 9 Nov. 71.

PACAFRP 136-1, PACAF Weapons Newsletter, Combined with PACAFRP 136-3, 19 Aug. 71.

PACAFRP 136-2, PACAF Explosive Ordnance Disposal (EOD) Newsletter, Combined with PACAFRP 136-3, 13 Aug. 71.

PACAFRP 136-1, PACAF Munitions Bulletin, Started, 11 Aug. 71.

PACAFRP 178-1, Management Analysis Newsletter, Discontinued, 9 Nov. 71.

PACAFRP 200-1, PACAF Reconnaissance Technical Newsletter, Discontinued, 28 Jan. 71.

PACAFRP 200-3, PACAF IDHS Digest, Discontinued, 3 Mar. 72.

PACAFRP 205-1, Security Information Bulletin, Discontinued, 1 Dec. 70.

PACAFRP 265-2, Command Chaplain Pacific Air Forces, Started, 15 Oct. 71.

PACAFRP 355-1, Disaster Preparedness Newsletter, Discontinued, 22 Feb. 72.

5AFRP 40-1, Civilian Newsletter, Started, 1 Oct. 71.

5AFRP 65-1, DGS/Materiel Monthly Newsletter, Discontinued, 6 Apr. 71.

5AFRP 125-1, 5AF Security Police Newsletter, Discontinued, 26 Mar. 71.

5AFRP 190-2, Far East Network Newsletter, Started, 22 Jun 71.

5AFRP 205-1, 5AF Security Education Guide, Discontinued, 11 Feb 72.

5 AFRP 265-1, 5AF Chaplain Newsletter, Discontinued, 10 Mar 71.

5AFRP 501-1, 5 AF Life Support Newsletter, Discontinued, 9 Feb 72.

5AFRP 501-2, 5AF Life Support Bulletin, Started, 17 Dec 71.

6122ABGPRP 40-1, Misawa Bulletin, Discontinued, 13 Apr 71.

6122ABGPRP 67-1, Supply High-Lites Newsletter, Discontinued, 12 Jul 71.

6122ABGPRP 127-1, Mission Safety 70, Discontinued, 13 Apr 71.

6122ABGPRP 190-1, Commander's Call Newsletter, Discontinued, 13 Apr 71.

6100ABWRP 30-1, Family Housing Services Newsletter, Discontinued, Feb 72.

475ABWRP 30-1, Family Housing Service Newsletter, Started, 7 Jul 70.

475ABWRP 30-1, Family Housing Service Newsletter, Discontinued, 15 Feb 72.

475ABWRP 55-1, Stan/Eval Newsletter, Discontinued, 16 Jul 70.

475ABWRP 67-1, Chief of Supply Newsletter, Discontinued, 22 Feb 72.

51CSGRP 67-1, Supply Newsletter, Discontinued, 9 Mar 71.

824CSGRP 35-2, Monthly Career Information Newsletter, Discontinued, 1 Sep 70.

824CSGRP 40-4, "Hibari No Koe," Discontinuer, 8 Apr 70.

18TFWRP 66-1, The Cock Crows, Started, 8 Dec 71.

18TFWRP 127-1, Weapons Safety Bulletin, Started, 7 Jan 72.

18TFWRP 127-2, Flight Safety Bulletin, Started, 7 Jun 72.

7AFRP 28-1, 7AF Civic Action Newsletter, Discontinued, Mar 71.

7AFRP 40-1, U.S. Civilian Personnel Newsletter, Discontinued, Feb 72.

7AFRP 40-2, Supervisors Newsletter, Started, Feb 71.

7AFRP 127-2, The Word, Discontinued, Feb 72.

7AFRP 200-1, 7AF Weekly Air Intelligence Summary, Discontinued, Feb 72.

7AFRP 55-1, Combat Tactics Newsletter, Discontinued, Mar 71.

7AFRP 355-1, 7AF Disaster Preparedness Newsletter, Discontinued, Feb 72.

7AFRP 67-1, Supply Equipment Management Report, Discontinued, Mar 71.

7AFRP 85-1, Civil Engineering Newsletter, Discontinued, Feb 71.

7AFRP 125-1, Security Digest, Discontinued, Feb 71.

7AFRP 127-5, Flight Safety Gram, Discontinued, Apr 71.

7AFRP 178-3, (S) (GP-4) 7AF Results in the PACAF Command Management System, Discontinued, Apr 71.

7AFRP 70-1, Procurement Information Combat Safety, Discontinued, Dec 71.

7AFRP 127-1, Combat Safety, Discontinued, Dec 71.

7AFRP 170-1, 7AF Comptroller Monthly Newsletter, Discontinued, Dec 71.

7AFRP 900-1, Awards and Decorations Newsletter, Started, Jun 71.

366TFWRP 35-1, Personnel Newsletter, Started, Jul 71.

366TFWRP 55-1, Gunfighter Weaponeer, Started, Jan 72.

366TFWRP 11-1, Commanders Action Line, Started, Jan 72.

377ABWRP 127-1, Ground Safety Newsletter, Discontinued, Feb 72.

377ABWRP 127-2, Explosive Safety Newsletter, Discontinued, Feb 72.

483CSGRP 30-1, Personnel Newsletter, Started, Sep 70.

377ABWRP 35-1, Equal Opportunity and Treatment Newsletter, Started Nov 71.

483CSGRP 40-1, Employee Newsletter, Started, Jan 72.

483CSGRP 213-1, Education Newsletter, Started, Dec 71.

13AFRP 11-6, HQ Thirteenth Air Force Staff Director, Discontinued, Feb 72.

1961COMRP 10-2, Message Management, Started, 1 Jan 72.

IST MOBRP 11-2, TD Wire Newsletter, Started, 1 Jan 72.

405CSGRP 11-8, Staff Directory, Started, Sep. 70.

405CSGRP 11-8, Staff Directory, Discontinued, Feb 72.

405CSGRP 30-1, The Ghekko, Discontinued, Feb 72.

432CSGRP, Personnel Newsletter, Discontinued, Feb 72.

6203SPTGPRP 40-8, Thai Civilian News, Discontinued, Feb. 72.

8CSGRP, Thai Civilian News, Started, Feb. 72.

13AFRP, 50-3, Training Information/Policy News, Discontinued, May 71.

405CSGRP 55-1, Aircrew Evaluation Bulletin, Started, Jan 72.

383TFWRP 60-1, THUD Newsletter, Started, Jan 72.

374TAWRP 65-1, The Flyer, Started, Oct 70.

374AWRP 65-1, The Flyer, Discontinued, Feb 72.

374TAWRP 65-2, Chief to Chief, Started Oct 70.

374TAWRP 65-2, Chief to Chief, Discontinued, Feb 72.

8CSGRP 66-4, A&E Newsletter, Discontinued, Jun 71.

432CSGRP 66-5, Maintenance Analysis, Discontinued, Nov 71.

8CSGRP 67-2, Supply Newsletter, Approved, Sep 71.

432CSGRP 67-4, Supply Newsletter, Discontinued, Feb 72.

635CSGRP 67-7, Supply Newsletter, Discontinued, May 71.

432CSGRP 125-2, Cop-Out, Started, Sep 70.

432CSGRP 125-2, Cop-Out, Discontinued, Feb 72.

635CSGRP 125-6, Security Educ/Motiv, Started, Oct 70.

635CSGRP 125-6, Security Educ/Motiv, Discontinued, Feb 72.

432CSGRP 127-1. Accident Prevention, Discontinued, Feb 72.

432CSGRP 127-2, Supervisor's Safety, Discontinued, Feb. 72.

405CSRP 170-1, Clark AB Facts, Discontinued, Feb 72.

463TAWRP 190-1, 463TAW Newsletter, Started, Feb 71.

463TAWRP 190-1, 463TAW Newsletter, Discontinued, Jan 72.

13AFRP 190-6, AFPN Newsletter, Started, Jan 70.

7/13AFRP 190-7, FARANG Newsletter, Discontinued, Dec 70.

432CSGRP 190-9, Information Office News, Discontinued, Feb 72.

8CSGRP 190-10, Commander's Call Bulletin, Approved, Jan 71.

8CSGRP 190-10, Commander's Call Bulletin, Discontinued, Dec 71.

6200ABWRP 265-1, Religious Activities, Discontinued, Feb 72.

13AFRP 265-2, Lucky 13TH, Discontinued, Dec 70.

432CSGRP 265-3, Chapel Light, Discontinued Feb 72.

8CSGRP 265-4, Wolfpack Newsletter, Started, Aug 71.

388CSGRP (Not Numbered), Korat CBPO News, Discontinued, Feb 72.

388TFWRP (Not Numbered), Commander's Call Newsletter, Discontinued, Feb 72.

6486ABWRP 50-1, OJT Informant, Discontinued, 1 Jan 71.

6486ABWRP 67-2, Supply Emphasis on People (SEOP), Discontinued, 14 Jan 72.

6486ABWRP 127-3, Flying Safety Bulletin, Discontinued 4 Jan 71.

6486ABWRP 215-3, See Lancer Newsletter, Discontinued, 1 Feb. 71.

6486ABWRP 265-1, Catholic Parish Council Newsletter, Discontinued, 1 Dec 71.

HEADQUARTERS U.S. AIR FORCES
IN EUROPE,
APO New York, N.Y., March 9, 1972.

Reply to
Attn of: DA.
Subject: Report on Air Force Recurring Publications (RCS: DD-M(OT) 725) (Your Ltrs. 25 Jan. 72 and 16 Feb. 72).
To: HQ USAF/DAPS.

1. Subject report is forwarded per instructions.

2. AFM 12-50, table 5-1, rule 14, requires that the official record set of recurring publications be destroyed when recurring publication is discontinued. Dates of action taken on discontinued recurring publications were taken from our control cards which are kept

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*The 12 reports preceded by an asterisk were discontinued by 13AF in February 1972 and reported in response to HQ USAF/DAPS letter, 16 Feb 1972. However, no report forms nor copies of the discontinued publications were received from 13AF.

for 1 year at which time the control number is eligible for reuse. Exact dates for recurring publications discontinued prior to February 1971 cannot be given. Information for the period July 1970 through February 1971 was taken from obsolete USAFER 0–2s.

For the Commander in Chief.

LYLE E. RILEY, *Lt. Col., USAF,*
Dep. Director of Administration.

1 Attachment—Report on Recurring Publications, 2 cys.

TITLE, ACTION TAKEN, AND DATE

26–1, Manpower & Organization Newsletter, Rescinded, Dec 71.

30–1, Iberia, Morocco, BSA District Newsletter, Rescinded, 12 Feb 71.

34–1, Family Services Newsletter, Rescinded, 15 Apr 71.

35–1, Military Personnel Newsletter, Rescinded, 12 Feb 71.

35–2, CBPO Newsletter, Rescinded, 17 May 71.

35–3, CBPO Newsletter, Rescinded, 3 Mar 71.

35–4, Personnel Newsletter, Started, 15 Jul 70.

35–5, Personnel Newsletter, Started, 14 Jul 70.

35–6, 36TFW Personnel Newsletter, Started, 15 Jul 70.

35–7, Military Personnel Newsletter, Started, 15 Jul 70.

35–8, Personnel Newsletter, Started, 15 Jul 70.

35–9, Personnel Newsletter, Started, 15 Jul 70.

35–10, Personnel System Management Bulletin, Rescinded, 28 Oct 70.

35–11, Personnel Newsletter, Started, 15 Jul 70.

35–12, CBPO Newsletter, Started, 24 Jul 70.

35–13, Personnel Newsletter, Started, Oct 70.

35–14, CBPO Newsletter, Started, 16 Oct 70.

35–15, Personnel Actions Digest, Started, 9 Jun 71.

35–16, Personnel Newsletter, Started, 8 Jun 71.

35–17, Personnel Newsletter, Started, 8 Jul 71.

35–18, The Hem Line, Started, 14 Jan 72.

35–19, CBPO Newsletter, Started, 1 Feb 72.

36–1, Bar News, Started, 15 Oct 71.

36–1, Bar News, Rescinded, 25 Feb 71.

40–4, Supervisor/Employee Newsletter, Rescinded, Feb 71.

40–5, Employee Newsletter, Started, 26 Apr 71.

40–11, Civilian Personnel Communique, Rescinded, Oct 70 *.

40–13, Supervisor's Tips, Rescinded, 7 Jan 71.

40–18, 3AF Employees Newsletter, Combined into 40–5, 26 Apr 71.

40–33, 3AF Manager's Advisor, Combined into 40–5, 26 Apr 71.

40–35, Civilian Supervisor & U.S. Employees Bulletin, Rescinded, Jan. 71*.

40–36, Spanish Personnel Bulletin, Rescinded, Jan. 71*.

40–39, Personnel Newsletter, Superseded by 35–11, 15 Jul 70.

40–40, Supervisory Personnel Bulletin, Started, 27 Aug 70.

40–41, Employee Newsletter, Started, 27 Aug 70.

55–1, The Ops Line, Started, 28 Jul 71.

60–1, HQ TUSLOG Det 10 Stan/Eval Newsletter, Started, 13 Dec 71.

60–2, 513TAW Stan/Eval Newsletter, Started, 12 Jan 72.

60–5, Stan/Eval Information Letter, Rescinded, 4 Aug 71.

60–8, USAFE Airlift Newsletter, Rescinded, 4 Aug 71.

60–9, Stan/Eval Bulletin, Started, 11 Sep 70.

60–10, Stan/Eval Information Newsletter, Started, 9 Jun 71.

64–1, 40ARRWg Newsletter, Rescinded, 1 Aug 71.

66–1, 10TRW Maintenance Analysis Flash, Started, 1 Feb 72.

66–2, Precision Measurement Equipment Laboratory (PMEL) Newsletter, Started, 11 Aug 71.

66–4, PME Tech Notes, Started, 12 Feb 71.

66–4, PME Tech Notes, Rescinded, 25 Feb 72.

67–2, Supply & Equipment Analysis Report (SEAR), Rescinded, Jan 71*.

67–2, Supply Newsletter, Started, 1 Feb 72.

67–3, Supply Newsletter, Rescinded, 25 Feb 72.

67–5, Supply Newsletter, Started, 20 Jul 70.

67–5, Supply Newsletter, Rescinded, 25 Feb 72.

67–6, Supply Newsletter, Started, 26 Jan 71.

67–6, Supply Newsletter, Rescinded, 25 Feb 72.

67–7, Supply Newsletter, Started, 20 Jul 70.

67–, Supply Newsletter, Rescinded, 25 Feb 72.

67–8, Supply Newsletter, Started, 11 May 71.

67–8, Supply Newsletter, Rescinded, 25 Feb 72.

67–9, Chief of Supply Newsletter, Started, 9 Jun 71.

67–9, Chief of Supply Newsletter, Rescinded, 25 Feb 72.

67–10, Supply Newsletter, Started, 24 Jun 71.

67–10, Supply Newsletter, Rescinded, 25 Feb 72.

67–11, 48 TFW Supply Newsletter, Started, 3 Nov 71.

67–11, 48 TFW Supply Newsletter, Rescinded, 25 Feb 72.

67–12, Chief of Supply Newsletter, Started, 13 Dec 71.

67–12, Chief of Supply Newsletter, Rescinded, 25 Feb 72.

67–13, Monthly Supply Newsletter, Started, 29 Dec 71.

67–13, Monthly Supply Newsletter, Rescinded, 25 Feb 72.

67–14, Supply Newsletter, Started, 12 Jan 72.

67–14, Supply Newsletter, Rescinded, 25 Feb 72.

70–2, Procurement Newsletter, Rescinded, 6 Dec 71.

75–1, VCO/NCO Quarterly Bulletin, Rescinded, 25 Feb 72.

75–2, Mitteilungsblatt, Rescinded, 25 Feb 72.

75–3, Directorate of Transportation Newsletter, Started, 15 Jan 71.

75–4, VCO/NCO Newsletter, Started, 10 Jun 71.

75–4, VCO/NCO Newsletter, Rescinded, 25 Feb 72.

75–5, VCO Monthly Newsletter, Started, 18 Aug 71.

75–5, VCO Monthly Newsletter, Rescinded, 25 Feb 72.

110–1, JAG Notes, Rescinded, 24 Feb. 71.

123–1, Inspector General's Newsletter, Rescinded, Jan 71*.

125–2, Security Police Newsletter, Started, 8 Oct 71.

127–4, Wiesbaden Flying Safety Bulletin, Rescinded, 18 Mar 71.

127–5, Missile-Explosive-Nuclear Newsletter, Rescinded, 1 Apr 71.

127–8, Safety Brief, Rescinded, 25 Feb 72.

127–10, The Preventive, Rescinded, 6 Aug 71.

127–11, Safety Flash, Rescinded, 25 Feb 72.

127–12, The Safety Slant, Rescinded, 24 Mar 71.

127–13, Safety Bulletin, Rescinded, 25 Feb 72.

127–14, Safety Newsletter, Rescinded, Apr 71.

127–16, Safety Bulletin, Rescinded, 1 Apr 71.

127–17, Safety Officers Memo, Rescinded, 16 Mar 71.

127–18, Missile, Explosives, Nuclear Safety Memo, Rescinded, 25 Feb 72.

127–19, Safety Gram, Started, 9 Oct 70.

127–19, Safety Gram, Rescinded, 25 Feb 72.

127–20, Zero in on Safety, Started, 17 Mar 71.

127–20, Zero in on Safety, Rescinded, 25 Feb 72.

127–27, Ground Safety Bulletin, Rescinded, 12 Feb 71.

136–1, USAFE Munitions Bulletin, Started, 9 Apr 71.

136–2, 50TFW Weapons & Tactics Newsletter, Started, 15 Oct 71.

161–1, Epigram, Started, 7 Jan 72.

163–1, Pest Control Newsletter, Rescinded, 25 Feb 72.

177–1, Cross Check, Started, 8 Oct 70.

177–2, CCPM Newsletter, Started, 5 Feb 71.

178–1, Crossfeed Newsletter, Started, 8 Oct 71.

190–5, The Direct Line, Started, 15 Jan 71.

190–5, The Direct Line, Rescinded, 16 Feb 72.

200–1, (S) Cockpit Intelligence, Started, 6 Jan 71.

200–2, (S) USAFE Intelligence Bimonthly Newsletter, Started, 6 Jan 71.

213–1, Education Newsletter, Started, 3 Nov 71.

213–1, Education Newsletter, Rescinded, 25 Feb 72.

265–1, Jewish Chapel Chronicle, Rescinded, Oct 70*.

265–2, USAFE Chaplain Newsletter, Started, 11 May 71.

265–2, USAFE Chaplain Newsletter, Rescinded, 25 Feb 72.

265–3, European Council Chimes, Rescinded, Oct 70*.

300–1, HQ USAFE Data Automation Newsletter, Started, 3 Dec 71.

355–1, HQ 17AF Disaster Preparedness Newsletter, Started, 3 Aug 71.

355–1, HQ 17AF Disaster Preparedness Newsletter, Rescinded, 25 Feb 72.

501–1, Life Support Newsletter, Started, 30 Jun 71.

501–1, Life Support Newsletter, Rescinded, 25 Feb 72.

HEADQUARTERS AIR FORCE RESERVE,
Robins Air Force Base, Ga., March 8, 1972.

Reply to Attn of: DAPE.

Subject: Report on Air Force Recurring Publications (RCS: DD-M(OT) 725) (Our ALMAJCOM Ltr, 25 Jan 72) (Your Ltr, 16 Feb 1972).

To: HQ USAF/DAPS.

Listing of all recurring publications (periodicals) within Headquarters Air Force Reserve which were discontinued, combined, or started from 1 July 1970 to the present appears in columnar format below, as requested in paragraph 2 of subject letter.

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

AFRESRP 67–1 Air Force Reserve Effectiveness in Supply and Services, Started, 22 Apr 71, Discontinued, 17 Sep 71.

AFRESRP 75–1, Transportation Newsletter, Started, Oct 70, Discontinued Feb 72.

AFRESRP 127–1, Personnel Error Prevention News, Discontinued 1 Feb 72.

AFRESRP 265–1, Unit Chaplain's Newsletter, Started, 21 Jan 72, First Issue, Mid March 72.

AFRESRP 400–1, Cost Reduction Program Newsletter, Discontinued, 1 Dec 70.

Eastern AFRRRP 50–1, The Region Ringer, Started, Jan 72.

Eastern AFRRRP 500–1, Commander's Emphasis, Started, Oct 70.

EAFBRP 40–1, Employees Newsletter, Started 4 Sep 70.

Western AFRRRP 11–1, Administration Newsletter, Started, Apr 71.

Western AFRRRP 76–1, Aerial Port Information Newsletter, Started, Jan 72.

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* Information taken from USAFER 0–2s.

Western AFRRRP 160–1, Nursing Service Quarterly Newsletter, Started, Jun 71.

Western AFRRRP 355–1, Disaster Preparedness Newsletter, Started, Aug 71.

Western AFRRRP 500–1, Commander's Special Interest Items, Started, Jul 71.

939 MAGRP 30–1, CBPO Newsletter, Started, Oct 70.

452 MAWRP 190–1, Newsletter, Started, Mar 71, Discontinued, Feb 72.

For the commander.

Roy E. Shy,
Major, USAF, Asst Director of Administration

Headquarters Air University,
Maxwell Air Force Base, Ala., March 8, 1972.

Reply to attn of: DAP.
Subject: Report on Air Force Recurring Publications (RCS: DD–M(OT)725) (Our ALMAJCOM Ltr, 25 Jan 72) (Your Ltr, 16 Feb 72).
To: Hq USAF/DAPS.

The following information is submitted as requested in the above referenced letter:

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

AFROTC Junior Newsletter, Combined with Ideas Incorporated, Sep 71.

Junior Officers Council Newsletter, Discontinued, Oct 71.

FACTS, Discontinued, Aug 71.

Personnel Services Newsletter, Discontinued, Aug 71.

Chaplain Resources, Started, Oct 70.

Chaplain Interchange, Started, Oct 70.

Bits and Bytes, Started, Nov 70.

For the Commander.

J. D. Fuhrmann,
Lt. Col., USAF, Director of Administration.

Headquarters Air Force
Logistics Command,
Wright-Patterson Air Force Base, Ohio,
March 8, 1972.

DAP.
Subject: Report on Air Force Recurring Publications (RCS: DD–M(OT)725) (HQ USAF/DAPS ltr, 16 Feb 72).
To: HQ USAF/DAPS.

1. Attached is the listing of all recurring publications which were discontinued, reinstated, or initially approved since 1 July 1970 (attachment 1).

2. In July 1970, 19 recurring publications were discontinued as a result of reduction in printing funds. Eleven were reinstated in 1971. Of these 11, seven were civilian-type newsletters and issuances were reduced from monthly to once every two months. Six recurring publications have been approved since June 1971.

3. The economies effected since July 1970 through discontinuance and restricted frequencies have resulted in an annual 3.3 million page savings and an annual printing cost savings of over $10,000.00. These savings are fully explained in attachment 2.

For the commander.

John H. Vines,
Colonel, USAF, Director of Administration.

TITLE OF PERIODICAL, AFLCRP ACTION TAKEN, AND DATE

11–1, AFLC Director of Administration Newsletter, Discontinued, 20 Jul 70.

35–1. Military Personnel Newsletter, Discontinued, 1 Jul 70.

35–2, Military Personnel Digest, Approved, 29 Jun 71.

40–1, Strictly Personnel, Reinstated, 9 Oct 70.

40–4, OOAMA Civilian Personnel Newsletter, Discontinued, 1 Jul 70; Reinstated, 9 Oct 70.

40–5, Wing Tips, Discontinued, 1 Jul 70; Reinstated, 9 Oct. 70.

40–8, The SMAMA News Letter, Discontinued, 1 Jul 70; Reinstated, 9 Oct. 70.

40–9, 'Round Robins, Discontinued, 1 Jul 70; 9 Oct 70.

40–10, Civilian Personnel Newsletter, Discontinued, 1 Jul 70; Reinstated, 9 Oct 70.

40–11, AFLC Civilian Personnel Letter, Discontinued, 20 Jul 70; Reinstated, 9 Oct 70.

40–12, SCOPE, Discontinued, 1 Jul 70; Reinstated, 9 Oct 70.

66–1, Notes from MTO, Discontinued, 1 Jul 70.

67–1, Clothing & Textile Supply Newsletter, Discontinued, 20 Jul 70; Reinstated, 29 Jul 71.

70–2, Command Procurement Newsletter, Discontinued, 20 Jul 70.

75–1, SAAMA Distribution Digest, Approved, 23 Sep 71.

75–2, SMAMA Directorate of Distribution Newsletter, Approved, 30 Sep 71.

75–3, OOAMA Distribution Digest, Approved, 14 Oct 71.

75–4, Dateline: Distribution, Approved, 29 Nov 71.

85–1, Shop talk, Approved, 7 Feb. 72.

127–1, Safety Tips, Discontinued, 20 Jul 70.

127–3, Ground Safety Bulletin, Discontinued, 1 Jul 70.

144–1, Aerospace Fuels Digest, Discontinued, 1 Jul 70.

146–1, Food News, Discontinued, 20 July 70; Reinstated, 17 Aug 71.

205—1, AFLC Security Education Guide, Discontinued, 20 Jul 70; Reinstated, 21 Dec 71.

300—2, Data Automation Review, Discontinued, 20 Jul 70.

Command Headquarters Air Force
Systems, Andrews Air Force
Base,
Washington, D.C., Mar. 8, 1972.

Reply to attn of: DA.
Subject: Report on Air Force Recurring Publications (RCS: DD–M(OT)725) (Your Ltr, 16 Feb 1972).
To: HQ USAF/DAPS.

Attached is consolidated listing, in duplicate, of Air Force Systems Command recurring publications which were discontinued, combined, or started from 1 July 1970 to present.

For the commander.

J. C. Huntley,
Colonel, USAF, Director of Administration.

REPORT ON AIR FORCE RECURRING PUBLICATIONS (RCS: DD-M(OT)725)

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

Air Force Systems Command

AFSCRP 30–1, AFSC Personnel Newsletter, Combined, 22 Feb 72.

AFSCRP 35–1, PDS Bulletin, Started, 18 Nov 71.

AFSCRP 40–3 Employee-Management Relations Review, Combined, 22 Feb 72.

AFSCRP 45–1, Reserve Personnel Newsletter, Started, 23 Oct 70.

AFSCRP 80–1, STINFO Newsletter, Discontinued, 22 Feb 72.

AFSCRP 80–2, Air Force Research Review, Discontinued, 22 Feb 72.

AFCRP 205–1, AFSC Security Digest, Discontinued, 24 Feb 72.

AFSCRP 173–1, AFSC Cost Accounting Newsletter, Started, 14 Jan 72.

AFSCRP 265–1, AFSC Chaplain Newsletter, Started, 22 Jan 71.

AFSCRP 400–1, Resources Conservation Program Newsletter, Started, 23 Dec 71.

Aerospace Medical Division

AMDRP 40–2, Supervisor's Bulletin, Combined, 22 Feb 72.

AMDRP 127–3, Supervisor's Safety Briefing, Discontinued, 26 Apr 71.

AMDRP 190–1, The Brooks AFB Newsletter, Started, 19 Aug. 71.

WHMCRP 190–1, The Wilford Hall USAF Medical Center Newsletter, Started, 27 Jul 71.

Aeronautical Medical Division

ASDRP 375–1, Life Support Program Status Report, Started, 4 Jan 71.

Electronic Systems Division

ESDRP 35–1 CBPO Newsletter, Discontinued, Apr 71.

ESDRP 40–2 Personnel Management Digest, Combined, 23 Feb 72.

Air Force Contract Management Division

AFCMDRP 25–1 ZD Flashes, Discontinued, Jan 71.

AFCMDRP 40–2 Personnel Management Digest, Discontinued, Jan 71.

AFCMDRP 74–1 Quality Topics, Discontinued, Jan 72.

Space and Missile Systems Organization

SAMSORP 36–1 SAMSO Officer Personnel Bulletin, Started, 8 Jul 71.

SAMSORP 40–1 Personnel Memo, Started, 23 Jul 71.

SAMSORP 67–1 Supply Branch—Information Letter, Discontinued, 24 Nov 70.

SAMSORP 127–1, Green Cross Letter, Discontinued, 10 Feb 72.

SAMSORP 127–2 SAMS Safety Supplement, Discontinued, 10 Feb 72.

SAMSORP 310–1 Data Management Newsletter, Discontinued, 1 Jan 72.

SAMSORP 320–1 Value Engineering Digest, Discontinued, 8 Dec 71.

Air Force Flight Test Center

AFFTCRP 26–1 MET Newsletter, Discontinued, 1 Mar 72.

AFFTCRP 35–1 Junior Officer's Newsletter, Discontinued, 15 Mar 71.

AFFTCRP 40–2 AFFTC Supervisors Journal, Combined, 1 Mar 72.

AFFTCRP 67–1 Supply Newsletter, Started, 26 Apr 71.

AFFTCRP 92–1 Fire Call, Discontinued, 1 Mar 72.

AFFTCRP 92–2 Fire Bulletin, Discontinued, 1 Mar 72.

AFFTCRP 400–1 Logistics Bulletin, Started, 29 Dec 71.

Air Force Special Weapons Center

AFSWCRP 35–1 Personnel Staff Digest, Discontinued, 15 Sep 71.

AFSWCRP 40–2 Super Advisor, Combined, 22 Feb 72.

AFSWCRP 40–3, Commander's Equal Opportunity Policy Statement, Combined, 22 Feb 72

AFSWCRP 85–1 4902d Civil Engineering Squadron Newsletter, Discontinued, 7 Feb 72.

AFSWCRP 127–1 Safety Watchword, Started, 26 Jan 71.

AFSWCRP 127–2 Safe Flyer, Discontinued, 7 Feb 72.

AFSWCRP 190–1 Pocket Guide and Map, Discontinued, 22 Feb 72.

Air Force Eastern Test Range

AFETRRP 205–1 AFETR Security Bulletin, Discontinued, 10 Feb 72.

Armament development and Test Center

ADTCRP 92–1 Fire Protection News Bulletin, Discontinued, 2 Mar 72.

ADTCRP 136–1 JMEM Air-to-Air Surface Newsleter, Started, 31 Aug 71.

ADTCRP 212–1 Weekly Accessions List, Discontinued, 2 Mar 72.

Air Force Weapons Laboratory

AFWLRP 80–1 Weapons Technology Brief, Discontinued, 14 Feb 72.

Headquarters Air Force Accounting and Finance Center,
Denver, Colo., Mar. 3, 1972.

Reply to attn of: SUAP.
Subject: Report on Air Force Recurring Publications.
To: HQ USAF/DAPS.

Following is the information requested in your 16 Feb. 1972 letter concerning recurring publications started or discontinued since 1 Jul 1970:

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

a. Military Personnel Newsletter—AFAFCRP 35-1, Discontinued, Aug. 1971.

b. Central Pay Newsletter—AFAFCRP 177-1, Starter, Nov. 1970, (to be discontinued approx. Sep 1972).

For the Commander.

N. L. AUBUCHON,
Chief, Administration Division, Directorate of Support.

HEADQUARTERS AIR RESERVE PERSONNEL CENTER,
Denver, Colo., Feb. 28, 1972.

Reply to attn of: DA.

Subject: Report on Air Force Recurring Publications (RCS: DD-M(OT) 725) (Your Letter 16 February 1972).

To: HQ USAF/DAPS.

Only two actions relating to ARPC recurring publications have occurred since 1 July 1970:

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

"Dialog"—bi-monthly, Started, January 1971.

"Crossfeed for Reserve Chaplains"—monthly, Started, July 1971.

For the Commander.

CHESTER H. MAY,
Deputy Director, Directorate of Administration.

HEADQUARTERS
STRATEGIC AIR COMMAND,
OFFUTT AIR FORCE, NEBR.,
February 24, 1972.

Reply to Attn. of: DAP.

Subject: Report on Air Force Recurring Publications (RCS: DD-M(OT) 725) (Your Ltr. 16 Feb 72).

To: Hq USAF/DAPS.

Attached is a consolidated listing of all actions taken by this office on recurring publications from 1 Jul 70 to the present.

For the Commander in Chief.

FRANK L. ZIRILLI,
Colonel, USAF,
Director of Administration.

REPORT OF ACTION ON RPs

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

Procurement Brief Review, Discontinued, Nov 70.

Data Link Newsletter, Discontinued, Nov 70.

SAC Accounting and Finance Summary, Discontinued, Nov 70.

Education News, Discontinued, Nov 70.

Editor's File, Discontinued, Dec 70.

* Compass, Started, Dec 70.

SAC Newsletter for Controllers, Started, Feb 71.

* Engine Digest, Started, Apr 71.

* Open Mess Comparative Analysis, Started, Jun 71.

Chief of Supply Newsletter, Started, Dec 71.

SACCS Maintenance Digest, Discontinued, Jan 72.

916th Squadron Newsletter, Discontinued, Jan 72.

Countdown, Discontinued, Jan 72.

APO Wives Newsletter, Discontinued, Jan 72.

SAC Suggestion Summary, Discontinued, Feb. 72.

Quarterly COMSEC Newsletter, Discontinued, Feb 72.

Commissary Store Newsletter, Discontinued, Feb 72.

The First Termer, Discontinued, Feb 72.

Housing Facts, Discontinued, Feb. 72.

2AF Administration Items of Interest, Discontinued, Feb 72.

2AF Medical Items of Interest, Discontinued, Feb 72.

11th Hour, Discontinued, Feb 72.

Legal Administration, Discontinued, Feb 72.

Security Education Motivation Brief, Discontinued, Feb 72.

Security Education Motivation Brochure, Discontinued, Feb 72.

Area Dental Laboratory Newsletter, Discontinued, Feb 27.

Stan/Eval Newsletter, Discontinued, Feb 72.

B-52 Crew Information Letter, Discontinued, Feb 72.

Operations Fact Pac, Discontinued, Feb 72.

KC-135 Crew Information Newsletter, Discontinued, Feb 72.

DOT Newsletter, Discontinued, Feb 72.

Monthly Supply Data Analysis, Discontinued, Feb 72.

The Hawkeye, Discontinued, Feb 72.

Vandenberg Chapel Chimes, Discontinued, Feb 72.

Parish Refueler, Discontinued, Feb 72.

Andersen Chapel Chimes, Discontinued, Feb 72.

Accident Prevention Kit, Discontinued, Feb 72.

HEADQUARTERS AERONAUTICAL CHART AND INFORMATION CENTER,
St. Louis, Mo., February 23, 1972.

Reply to attn of: DAP.

Subject: Report on Air Force Recurring Publications RCS: DD-M(OT) 725) (Your Ltr, 16 Feb 1972).

To: HQ USAF/DAPS.

1. The following publications are reported in accordance with your letter.

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

Military Personnel Newsletter, ACICRP 35-1, Approved, 11 Jan 71, Discontinued, 18 Feb 72.

Personnel Newsletter, ACICRP 40-1, Approved, 15 Jan 71.

Planned Assistance Brief ACICRP 40-2, Approved 16 Feb 71.

Supply Information Letter, ACICRP 67-1, approved, 28 Jan 71.

Safety Newsletter, ACICRP 127-1, Approved, 28 Jan 71.

Special Activities Security Information Letter, ACICRP 205-1, Approved, 21 Jan 71, Discontinued, 18 Feb 72.

Security Newsletter, ACICRP 205-2, Approved, 11 Feb 71, Discontinued, 31 Jan 72.

Technical Library Acquisitions List, ACICRP 212-1, Approved, 5 Feb 71.

2. The above listing includes *all* ACIC recurring publications. They were all brought into the recurring publications system after 1 July 1970.

LLOYD D. BOWMAN,
Lieutenant Colonel, USAF,
Director of Administration.

HEADQUARTERS, U.S. AIR FORCES SOUTHERN COMMAND,
New York, N.Y., February 22, 1972.

Reply to attn of: DA.

Subject: Report on Air Force Recurring Publications (Your ltr, 16 Feb 72).

To: Hq USAF/DAPS.

The following is a listing of USAFSO recurring publications which were discontinued, combined, or started since 1 July 1970 to the present:

TITLE OF PERIODICAL, ACTION TAKEN AND DATE

USMILGP/MAAG and Air Attache Addresses, Discontinued, 18 Feb 72.

Boletin Informativo SAR, Discontinued, 18 Feb 72.

Family Services Lady, Discontinued, 18 Feb 72.

Stan/Eval Newsletter, To Be Discontinued, 30 June 72.

Safety Newsletter, To Be Discontinued, 30 Jun 72.

CBPO Personotes, Started, 19 Aug 70.

Dollars & Sense, Started, 7 Jun 71.

Rap Line, Started, 8 Dec 71.

Special Services Presents, Started, 15 Nov 71.

E. W. DE HEART,
Lieutenant Colonel, USAF,
Director of Administration.

DEPARTMENT OF THE NAVY,
HEADQUARTERS U.S. MARINE CORPS,
Washington, D.C., March 3, 1972.

MEMORANDUM FOR THE ASSISTANT SECRETARY OF THE NAVY (INSTALLATIONS AND LOGISTICS)

Subj: Department of Defense Periodicals.

Ref: (a) ASD(M&RA) Memo of 18 Jan 1972, Subj: DOD Periodicals, transmitted by ASN(I&L) RS #9-157.

(b) ASD(M&RA) Memo of 4 Feb 1972, Subj: Senator Fulbright's Inquiry Regarding Periodicals, transmitted by ASN(I&L) RS #9-316.

(c) Dept of Navy Publications and Printing Regulations, NAVEXOS P-35.

Encl: (1) Listing of Periodicals Discontinued during Fiscal Years 71/72.

(2) Listing of Periodicals Started during Fiscal Years 71/72.

(3) Listing of Periodicals Combined during Fiscal Years 71/72.

(4) Two copies of Marine Corps Order P5216.1D, Marine Corps Directives System.

(5) Sixty requests for Initial Approval/Annual Review of Periodicals (Report Control System DD-M(OT) 725).

In response to references (a) and (b), enclosures (1) through (5) are submitted.

The requests/reports contained in enclosure (5) are approved subject to modification, as appropriate, to insure compliance with the regulatory restrictions contained in reference (c). Should any subsequent reports be received, they will be submitted by separate transmittal as soon as possible.

The Leatherneck Magazine and Marine Corps Gazette have not been included in this report as they are considered to be outside the category of the information requested.

The Head, Publications and Printing Branch (Code ABP), Administrative Division, Headquarters Marine Corps extension 42568/42580, is designated as the single point contact for Marine Corps Periodicals.

H. M. ELWOOD,
Acting Chief of Staff.

MARINE CORPS PERIODICALS DISCONTINUED DURING FY 71-72

TITLE, PUBLISHER, FREQUENCY OF ISSUE, AND DATE DISCONTINUED

Sgt Major's Memo, MCRD SDiego, Monthly, Jan 72.

Special Service News, MCRD SDiego, Weekly, Feb 72.

Div Food Serv Newsltr., 3d MarDiv, Monthy, Jan 72.

Div NBC Newsltr., 3d MarDiv, Qtly., Oct 71.

Div Admin Asst News, 3d MarDiv, Bimonthly, Jan 72.

Navy Admin Newsltr., MCB Camp Butler, Monthly, Sep 71.

MAG-32 Embark Newsltr., 2d MAW, Monthly, Nov 71.

The Professional, 1st MAW, Monthly, Feb 72.

Base Special Serv. Newsltr., MCB Camp Butler, Monthly, Feb 72.

Base Safety Newsltr., MCB Camp Butler, Monthly, Feb 72.

CCPO Newsltr., MCB Camp Butler, Monthly, Feb 72.

Camp Butler Logistics Newsltr., NCB Camp Butler, Monthly, Feb 72.

Camp Lejeune Trader, MCB Camp Lejeune, Weekly, Feb 72.

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* These 3 recurring publications have been printed and distributed for years, unnumbered and uncontrolled. SAC/DAPC began control on the date indicated.

4th MarDiv Newsltr., 4th MarDiv, Monthly, Feb 72.

Troop Information Newsltr., MCFC Kansas City, Monthly, Feb 72.

Wing Supply Bulletin, 2d MAW, As Required Feb 72.

Quill, H&MS-31, Beaufort, SC., Semimontlhy, Feb 72.

Hot Dope Sheet, 2d MAW, Monthly, Feb 72.

Roundup, 8th MarDist, Qtly., Feb 72.

G-2 Newsltr., 2d MAW, Monthly, Aug 71.

Tech Info Bulletin, HQMC, As Required, Oct 71.

MarCor RECON (Cost Reduction) Newsltr., HQMC, As Required, Jun 71.

MarcCor Public Affairs Notes, HQMC, As Required, Dec 71.

Highlights Calendar, MCB CamLej, Monthly, Feb 72.

Akamai-Manu-Kane, MAG-42, Bimonthly, Feb 72.

Security News Notes, FMFLANT, Semimonthly, Feb 72.

Wing Word, 1st MAW, Monthly, Feb 72.

Periodicals Combined During FY 71–72: None.

Marine Corps Periodicals Started During FY 71–72

TITLE, PUBLISHER, FREQUENCY OF ISSUE, AND DATE DISCONTINUED

The Marine Leader, FMFPAC, Monthly, Apr 71.

Here's a Shot at—

Things Bugging Marines, FMFPAC, As Required, Mar 71.

Quarterly Safety Review, MCB 29 Palms, Quarterly, Nov 71.

Regimental Newsltr., 1st FSR, Monthly, May 71.

ARMM's Newsltr., 2d MarDiv, Monthly, Feb 72.

G-2 Info Newsltr., 2d MarDiv, Monthly, Jan 72.

Chapel Chimes, MCAS Kaneohe, Monthly, Oct 70.

Zero-In on Safety, MCAS Kaneohe, Monthly, Aug 70.

Public Works Advisor, MCAS Kaneohe, Quarterly, Oct 71.

Safety Through Training, 2d MAW, Bimonthly, Sep 70.

Training Newsltr., HQMC, As Required, Aug 71.

USMC Drug Scene, HQMC, As Required, Feb 71.

Focus, HQMC, Quarterly, Jul 70.

Training Newsltr., 1st Mardiv, Quarterly, Nov 70.

Pass The Word, FMFLANT, Monthly, Dec 70.

General Library System, MCB CamLej, Semimonthly, Jul 71.

MarCor Exchange Newsltr. HQMC, Bimonthly, Jan 71.

Med Dept. Newsltr., 1st MarDiv, Monthly, Jun 71.

Defense Communications Agency,
Washington, D.C., April 13, 1972.

MEMORANDUM FOR THE ASSISTANT SECRETARY OF DEFENSE—MANPOWER AND RESERVE AFFAIRS

Attn: Periodical Evaluation Task Force, Office of Information for the Armed Forces.

Subject: DOD Periodicals.

Reference: (a) OASD(M&RA) Memo, subject as above, 18 Jan 72 (RCS DD-M(OT) 725).

(b) DCA Memo, 210, subject as above, 15 Mar 72.

(c) DCA Memo, 210, subject as above, 31 Mar 72.

1. As a follow up to reference (c) attached are survey report forms for periodicals discontinued by Defense Communications Agency Field Activities as follows:

a. DCA Alaskan Region DCA Alaskan Region Newsletter

b. DCA Western Hemisphere Area DCA-WEST HEM Monthly Communications Summary (COMSUM)

2. Also attached is survey report form covering a periodical entitled DCA-Europe Newsletter (Crosstalk) published by the Defense Communications Agency European Area.

Arthur E. Hayes,
Chief, Administrative Division.

Assistant Secretary of Defense,
Washington, D.C., Mar. 8, 1972.

Memorandum for The Assistant Secretary of Defense (Manpower and Reserve Affairs).

Subject: DoD Periodicals.

In response to your memorandum of 4 February 1972, the following information is provided:

Defense Industry Bulletin published by the Defense Supply Agency (DSA) has been consolidated with the Defense Management Journal published by the Office of the Assistant Secretary of Defense (Installations and Logistics). This consolidation was effective 15 December 1971, and was culminated due to similar material published by both periodicals and in the interest of cost reduction.

Attached is the form, "Request for Initial Approval/Annual Review of Periodical," (Report Control Symbol DD-M(OT) 725) which provides the requested data applicable to the publication of the Defense Management Journal.

Barry J. Shillito,
Assistant Secretary of Defense,
Installations and Logistics.

Defense Intelligence Agency,
Washington, D.C., Feb. 25, 1972.

MEMORANDUM FOR THE ASSISTANT SECRETARY OF DEFENSE (MANPOWER AND RESERVE AFFAIRS)

Subject: Review of Periodicals, RCS DD-M(OT) 725.

References: a SecDef Memo, 3 January 1972, subject: DoD Periodicals.

b. Assistant SecDef Memo, 18 January 1972, subject: DoD Periodicals.

1. Periodicals published within the Defense Intelligence Agency have been reviewed for applicability, purpose, accuracy, good taste and legal sufficiency.

2. Enclosed are those periodicals which support the DIA mission and meet the DoD criteria. One periodical not attached, *Trends and Developments in Foreign Technology Weapons and Systems*, is in compartmented intelligence channels. The unclassified review for this periodical is enclosed. Another periodical, *Defense Intelligence Digest*, was abolished after publication of the February 1972 issue.

3. New periodicals will be reviewed and approved as set forth in DoD guidance. Point of contact for coordinating, controlling and distributing periodicals within this Agency is the Administrative Officer, Directorate for Support.

Edwin P. Leonard,
Colonel, USAF,
Deputy Director for Support.

Defense Nuclear Agency,
Washington, D.C., March 15, 1972.

MEMORANDUM FOR: PERIODICALS EVALUATION TASK FORCE, OASD (M&RA)

Attn: Captain Nugent, USN.

Subject: Periodicals Discontinued, Started, or Combined During Fiscal Years 1971–1972.

1. Reference OASD(M&RA) Memorandum of March 9, 1972, subject as above.

2. This Agency is in the process of creating a periodical which will be published by the Chief, Civilian Personnel Management and Equal Employment Opportunity Office. The periodical will be a "Civilian Personnel Newsletter", to be distributed monthly commencing on or about April 1, 1972.

3. The "Request for Initial Approval/Annual Review of Periodical" for the above periodical will be submitted when all the required information is obtained.

Charles P. Cox,
Colonel, USA,
Director for Pers & Admin, J-1.

Defense Supply Agency,
Alexandria, Va., Mar. 14, 1972.

MEMORANDUM FOR PERIODICALS EVALUATION TASK FORCE, OASD (M&RA)

Attn: Captain M. J. Nugent.

Subject: Periodicals Discontinued, Started, or Combined During Fiscal Years 1971–1972.

1. Reference: Memorandum, Periodicals Evaluation Task Force, OASD(M&RA), 9 March 1972, subject as above.

2. Report of DSA periodicals discontinued, started, or combined during fiscal years 1971 and 1972 is enclosed.

Bruce W. Keller,
Captain, SC USN,
Staff Director, Administration.

List of DSA Periodicals Discontinued, Started, or Combined During Fiscal Years 1971–1972

1. Discontinued:
    - a. Inside DCAS (HQ DSA).
    - b. Industrial Security Newsletter (DCASR, Dallas).
    - c. Safety Responsibility (DESC).
    - d. DESC APSCAPS (DESC).
2. Started:
    - a. DRILS Newsletter (HQ DSA).
    - b. Personnel Tel-O-Gram (DCASR Dallas).
    - c. A Look at Loss Prevention (DESC).
    - d. MILSCAP News (HQ DSA).
3. Combined: a. Defense Industry Bulletin combined with Defense Management Journal.[*]

NATIONAL SMALL BUSINESS WEEK AND THE ANNUAL SBANE PRESENTATION TO CONGRESS

Mr. McINTYRE. Mr. President, the week of May 15 is National Small Business Week. This country's small business community consists of over 5½ million businesses hiring some 45 percent of the Nation's total work force, and it is only appropriate that we set aside 1 week each year to recognize their contribution to this country's economic strength and vitality.

During National Small Business Week, each year SBANE, the Smaller Business Association of New England, representing over 900 members, comes to Washington and presents to Congress a detailed report on the activities of small business in New England and makes legislative recommendations to aid our small business community. As always, SBANE has made an exceptionally concise and well-defined set of proposed legislative recommendations.

I ask unanimous consent to have printed in the Record SBANE's 1972 memorandum to Congress.

There being no objection, the article was ordered to be printed in the Record, as follows:

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[*] Defense Industry Bulletin was issued by HQ DSA; the Defense Management Journal will be issued by DoD.

ABOUT SBANE

The Smaller Business Association of New England, Inc., is a private, non-profit, non-partisan association of New England small companies. It was founded in 1938 to promote and protect the welfare of small business throughout the six-state region. This is accomplished by:

(1) grouping together, articulating the needs of small business, and taking common action;

(2) promoting and supporting legislation and government activities beneficial to small business and opposing those activities and legislation detrimental to the interest of the smaller business;

(3) cooperating with other small business groups; and

(4) the education of the small businessman and others in the problems which they must face in order to be successful, and the education of the small businessman as to matters which both threaten and preserve the system of free, profit-incentive, private, competitive enterprise.

The major emphasis in the programs offered to the membership are in the areas of legislation on the national level and education programs.

Besides appearances before various Congressional committees, the Association appears on Capitol Hill once a year for a Washington presentation of specific proposals designed to assist small business.

The Association is also a member of the Small Business Economic Council, which was formed at the request of President Nixon in September, 1970, to promote awareness of small business problems with key administrative officials.

The education activities are many and varied. They include seminars and conferences held throughout New England often sponsored in conjunction with leading New England universities and Federal agencies such as the Small Business Administration.

Best known of SBANE's educational programs for the past 13 years has been the annual "Live-In" Seminar on the campus of the Harvard Business School.

The Association also publishes a monthly magazine, New England Business, containing information and educational features for the small business executive and news about SBANE's monthly activities.

The Association's services also extend to counselling its members on small business problems and serving as a source of business information. Furthermore, the Association provides government liaison, procurement assistance and offers its members group insurance programs and trade missions.

SBANE offices are located at 69 Hickory Drive, Waltham, Massachusetts 02154.

I. SBANE 1972 PROPOSAL FOR PROCUREMENT

First, to promote fairer adjustment of contract disputes with the Government, SBANE proposes legislation creating regional small claims divisions within the Boards of Contract Appeals. We aim to provide a speedy and inexpensive vehicle for settling claims up to $50,000., as an alternative to the undue delay and cost of a BCA proceeding. We also recommend that prime contractors be required to incorporate disputes clauses in their contracts, giving subcontractors a means of appeal to the Government.

Second, to help smaller businesses obtain their fair share of Government spending, we support: (1) the transfer of DOD's small business subcontract set-asides, and (2) enactment of H.R. 9551, authorizing an SBA certificate of competency where a low bidder is alleged to lack "integrity, tenacity and perseverance."

Government contractors often become involved in disputes with contracting officers. Typically, such disputes arise in connection with contract changes, the interpretation of contract clauses, drawings and specifications, or the allowable amounts of costs in cases where a contract has been terminated for the convenience of the Government. The contracts provide that such disputes shall be determined by the appropriate Board of Contract Appeals. The purpose of the BCA proceeding is to provide a quick, inexpensive and efficient administrative remedy as an alternative to court litigation, which (to quote from the Supreme Court's decisions in the Kihlberg and S. & E. Contractors decisions) can be "vexatious and expensive and, to the contractor oftentimes, ruinous."

In the years since the enactment of the Wunderlich Act (41 U.S.C. Secs. 321–322), court decisions have held that BCA hearings must conform to formal litigation procedures. As a result, the process of obtaining a decision from a Board of Contract Appeals normally costs over $5,000. and takes 12–18 months, during which time the contractor is deprived of the use of the funds to which he may be entitled. Moreover, witnesses must travel to Washington, at considerable cost in lost time and travel expense.

We recognize that these delays and expenses are inherent in any full-blown litigation. They may be tolerable to a contractor who is claiming a large sum. But if the amount claimed is small, the contractor is often deterred from prosecuting his claim and is left to the mercies of the contracting officer. He simply cannot afford to seek a remedy, even if his claim is wholly valid. This defeats the initial purpose of providing an administrative review, and results in gross unfairness.

SBANE proposes the enactment of legislation to establish, within the existing Boards of Contract Appeals, regional small claims divisions for the speedy, inexpensive resolution of small contract claims. The salient features of our proposal are as follows:

1. Jurisdiction would be limited to claims totalling no more than $50,000 per contract.

2. Resort to the small claims procedure would be at the contractor's election; he would retain his right to utilize the existing procedure as at present. The contracting agency would not have this option.

3. The small claims divisions would be empowered to make findings of fact and rulings of law.

4. A division's decision would be final and binding upon both parties.

5. The divisions would be staffed by personnel (lawyers and procurement experts) of the same high caliber as the existing Boards of Contract Appeals.

6. All claims would be processed regionally rather than in Washington.

7. Attorneys and other professionals would not appear before the small claims divisions. Cases would be presented by the contractor's employees and the contracting officer.

8. The statute should require the administrative adoption of implementing regulations designed to assure the speedy, informal and inexpensive resolution of disputes.

These procedural rules should include:

(a) elimination of all formal pleadings, to be replaced by a simplified statement and counterstatement of the matters in dispute;

(b) discovery proceedings would not be available:

(c) technical rules of evidence would not apply, and would be replaced by informal methods of proof.

(d) a decision must be rendered within 30 days after the close of hearings.

To further reduce the delays which characterize the present system, we propose that contracting officers be required to render their decisions on small claims within 60 days after notification that a dispute exists.

SBANE believes that these reforms would eliminate the unfairness of the present system. Their adoption would greatly benefit many Government contractors, both large and small, without jeopardizing any legitimate interest of the Government.

SBANE has prepared a bill to carry out its proposal for a small claims procedure. This bill will be filed for us in both Houses of Congress, and we intend to work for its passage and/or for the administrative creation of small claims divisions.

SBANE again urges that Government prime contractors be required to include a contract disputes clause in their purchase orders and subcontracts, giving subcontractors access to the appropriate Government contracting officer and Board of Contract Appeals (including the proposed small claims divisions) for the settlement of disputes between sub and prime. We recognize that Government agencies are reluctant to become involved in disputes to which they are not parties. But many subcontractor claims are directly or indirectly caused by agency action (e.g. termination of the prime contract). At least in those cases, and as a beginning, subcontractors should have recourse to the BCA as an alternative to a lawsuit.

Approximately 400,000 small companies offer products and services which the Federal Government needs. Congress has declared as policy that the Government, acting through the SBA, should insure that a "fair proportion" of its purchases, contracts and subcontracts be placed with small business enterprises.

Yet in fiscal 1971 the small business share of Government procurement spending fell to its lowest levels in 18 years. The volume of state and local procurement through small business is now almost equal to the Federal Government's volume! In 1971 only 17% of prime contract dollars, and less than 35% of subcontracting spending, went to small business. These percentages have been declining steadily since 1967. The following table illustrates that reductions in federal spending have their heaviest impact on those least able to bear it, small businessmen.

THE SMALL BUSINESS SHARE OF THE SUBCONTRACT DOLLAR (MILITARY)

[Dollar amounts in billions]

Fiscal year	Total amount subcontracted	Amount subcontracted to small business	Percentage for small business
1964	$9.3	$3.6	38.7
1965	8.5	3.5	41.2
1966	12.2	5.1	41.8
1967	15.5	6.7	43.2
1968	15.2	6.5	42.8
1969	14.9	6.0	40.3
1970	11.9	4.4	37.0
1971	9.5	3.3	34.7

The SBA is not likely to be able to reverse this trend because it has been reducing the manpower allocated to its procurement program. Administrator Kleppe has testified before the House Small Business Committee that loan administration is the agency's Number One priority and that personnel are being transferred from procurement and other programs to the loan program. Of its more than 4,000 employees, SBA has only 143 working on procurement, including 43 Procurement Center Representatives. Obviously, such a handful cannot monitor the Government's millions of procurement transactions each year so as to protect the interests of small business.

But a ready source of additional help is at hand. The procuring agencies themselves, most notably the Department of Defense, have hundreds of "small business specialists" whose primary job is to represent small business. But at the same time their primary responsibility is to the agency which employs them. In such a split role, these specialists are rendered far less effective than they would be in an independent status.

SBANE believes that DOD's small business specialists should be working primarily to help small business gain a fair share of the defense contract dollar. Accordingly, we recommend that they be transferred from DOD to SBA.

Another SBA activity—its voluntary small business subcontracting program—has not been working well. This effort is too important to be allowed to falter. The answer, as SBANE sees it, is to make it mandatory.

A Navy Department experiment proves the feasibility of mandatory subcontracts procurement. The Navy invited bids on a fixed price contract for the MS 56 mine, with the requirement that the prime contractor place first tier subcontracts with small firms in amounts totalling 25% of the contract price. The prime contractor had to identify its proposed first tier small business subcontractors by name, describing each item to be subcontracted and the estimated dollar amount of each subcontract. The result? The Department of the Navy reports that the prime contractor exceeded the contractual requirements without increased cost, and that the mandatory provision did not diminish competition or increase the problems of contract administration.

SBANE therefore recommends that Congress require Government procurement agencies to develop and test mandatory small business subcontracting procedures in order to determine their feasibility in each instance.

SBANE supports H.R. 9551, introduced by Chairman Evins of the House Small Business Committee and by Congressmen Corman and Conte. This bill would expand SBA's power to issue certificates of competency to cover the case where a low bidder is unjustifiably rejected by a procuring agency on the amorphous grounds that he lacks "integrity, tenacity and perseverance." These vague criteria have been used to unfairly exclude small businesses. Such inequities can and should be cured by binding SBA review. H.R. 9551 ought to pass.

II. SBANE 1972 PROPOSAL FOR OCCUPATIONAL HEALTH

Small businessmen want to be safe and to provide a healthy work environment for their employees, as mandated by the Occupational Safety & Health Act. But we believe that this legislation is needlessly harsh and burdensome to small business in several respects. We recommend Congressional action to temper the Labor Department's rigid implementation of OSHA, and the enactment of some portions of S. 3262 so as to grant a moratorium to small companies, to provide compliance assistance, and to introduce badly needed flexibility into the enforcement of the Act.

The Occupational Safety and Health Act of 1970, commonly known as "OSHA" (Public Law 91–596) was intended to promote safe and healthful working conditions for the nation's working men and women. SBANE heartily supports that goal, but we believe that OSHA is seriously defective in its present form.

First, the regulations are too complex and voluminous for the small employer to cope with. When published, they filled up 744 columns of the Federal Register. There are seven pages dealing with stepladders alone! The Labor Department's handbook is nearly 300 pages in length, and offers no help in figuring out which regulations are applicable and which are not. Every conceivable detail is covered. The small employer has never faced any regulatory scheme so demanding and bewildering. He may not even know that the law exists. Even if he does, he typically lacks the skill, manpower and expertise needed to inform himself of its requirements. Yet those requirements apply to him as much as to the largest industrial plant in America.

Second, if the employer seeks help and advice from the Department of Labor he is faced instead with a prompt walk-around inspection of his premises, and a mandatory citation is issued on the spot, carrying a penalty of up to $1,000 for each serious violation alleged. This is the fault of both the Labor Department and the Act itself. This statute is peculiar in our law for the Draconian rigidity that is written into it on matters both substantive and procedural. Rigid, insensitive implementation by the Labor Department has only made matters worse.

To illustrate statistically how voluminous the citations are becoming, consider the following box score compiled by the National Safety Council:

In the seven-month period, July 1, 1971, through January 31, 1972, the OSH Administration conducted 16,162 inspections in 14,741 establishments. Of these, only 3,089 (21% of the total) were found to be in compliance with the OSH standards. As for the remainder, 11,856 citations were issued alleging 42,942 violations. The proposed penalties amount to $1,003,250. The number of employee complaints regarding occupational safety and health hazards submitted to the OSH Administration through the end of January totaled 1,519. The number of cases contested before the Occupational Safety and Health Review Commission is nearing 700.

Third, the Act very unwisely adopts whole bodies of pre-existing criteria and guidelines, set up by private organizations and called "national consensus standards." Under OSHA, these were put into effect wholesale, without any review in legislative hearings or in administrative rule-making proceedings. The Administrative Procedure Act was explicitly bypassed. As a result, many small businessmen must try to comply with requirements that have no applicability or feasibility as applied to them, and regarding which they have never had a chance to be heard.

Fourth, a good-faith effort to obey all of OSHA's requirements could literally bankrupt a small company. The SBA has the responsibility for administering special 5⅛% 30-year loans to help small businesses to comply with OSHA. Its Administrator, Thomas S. Kleppe, foresees that many small businesses will be forced to borrow SBA funds beyond their capacity to repay: "The size of the loan for upgrading to the new standards might be just enough to break the back of the small business." Moreover, we are concerned that only 3 such loans had been granted as of April 15, 1972. It appears that SBA and the Department of Labor could better publicize their availability.

SBANE believes that major changes are in order. To that end, our organization is collaborating with the staff of the Senate Labor and Public Welfare Committee by polling our members to document the Labor Department's harsh inspection practices.

Legislative relief is also needed. Some 40 bills have been filed, most notably S. 3262—H.R. 13943, initially introduced by Senator Curtis and now awaiting committee action. The Curtis bill is specifically designed to enable smaller businessmen to live with OSHA. SBANE endorses some of its features, including:

(1) delaying the effective date of OSHA for one year for employers having fewer than 100 employees. This will provide small businessmen with the time they need for familiarizing themselves with the applicable requirements and for making their plans to comply.

(2) requiring the Secretary of Labor to determine the applicability of each OSHA standard to each class of business in each industry. If the Secretary determines that the application of a given standard to a particular class of business would be unreasonable, it will not be applied.

(3) providing technical assistance to small employers to help them comply with OSHA.

(4) permitting the Secretary of Labor to enter into compliance agreements with violators. This will replace a vindictive mandatory penalty for the first offenses with some essential flexibility in the administration of the law.

These provisions and others like them should have been written into OSHA in the first place. We are dismayed that they were not, and we urge that the defect be cured. The alternative is the forced closing of small businesses and increased unemployment. Confusion and unnecessary expense are not the hallmarks of good legislation and they do nothing to further its desirable objectives.

In summary, we quote from a letter recently addressed to SBANE by a concerned member. It is representative of many similar comments:

"In attempting to operate safely as now defined, I have obtained two publications that are guidelines for self-inspection. Each guideline runs to several hundred pages. I would suggest [changes] with an eye to protecting the shop that cannot afford staff people specifically for attention to such details. We want to be safe. We want to comply with the new law. We need time. The "one man band" small operation is sure to come up a loser under the present set up."

III. SBANE 1972 PROPOSAL FOR THE SMALL BUSINESS ADMINISTRATION

Since 1953 Congress has vastly multiplied the SBA's responsibilities without giving it corresponding increases in its manpower and funds. The agency must be strengthened in these respects. The SBA's assistance to small business is being increasingly diverted to minority enterprises to the exclusion of others. Congress should separate the 8(a) program from SBA's other programs and establish guidelines to protect small businesses as a whole from becoming the victims of a well-intended desire to promote minority ventures, particularly with respect to 8(a) contracts and loan guaranty funds. Small business specialists should be transferred from the Department of Defense to SBA, where they can function more effectively.

There has been a widespread trend during the last few years toward small business. A leading magazine poll of high school students reveals that over 70% expressed an interest in either owning their own business or working for a small company. Business schools are finding small business courses over-subscribed and students demanding more. College placement departments reveal intense interest among graduates toward small business employment. More and more people in this country today want to "do their own thing."

Publications and consumer studies point out the abuses of concentrated power in American industry. Books like America, Inc. and the revelations of such consumer groups as Nader's Raiders clearly signal the dangers inherent in corporate concentration. It has become quite fashionable to shake a finger at the giant corporation. Unfortunately, the whole American free enterprise system is sharing the blame for the abuses of the few. It is equally unfortunate that everyone talks about the problem without defining the obvious solution. The answer, as we see it, is to launch a massive program to foster the healthy growth of small business and encourage the creation of new competitive enterprises.

When the Small Business Act was passed in 1953, it seemed clear that Congress intended the Small Business Administration to be the organization that would work to ensure a healthy, competitive business environment. And yet there has been a constant process of departure from the initial commitment. There are several factors in this process.

First, the agency has been loaded with

numerous additional responsibilities but without additional manpower allocations needed to carry out its new programs.

Second, larger business has been "getting into the act" and crowding out the smaller businesses from the very programs that were established specifically to aid small business. For example, the size standards for the small business set-aside program have been increased, notably in the aircraft and munitions industries—a company with as many as 1,500 employees can use SBA's limited resources and can compete with little companies for what is supposed to be the guaranteed small business share of the procurement dollar.

Third, Congress simply refused to grant SBA's requests for additional manpower while other segments of the economy get all the staff they need, and more.

To illustrate this last point, we cite the following census statistics, furnished to us at our request by the SBA. Here is a graphic demonstration of disproportionate support given to the Department of Agriculture over that given to the SBA.

Total U.S. labor force, August 31, 1971—81 million.

Farms, 2,895,000.

Farm employment, 4,528,000.

Percent of total labor force in agriculture, 5.6%.

Department of Agriculture employees (9/15/71) 123,589.

Small businesses, 5,000,000.

Small business employees, 35,000,000.

Percent of total labor force in small business, 43.2%.

SBA employees (9/15/71), 4,026.

Note the shocking disparity between SBA's manpower and Agriculture's. Agriculture represents less than 1/7 as many workers as SBA, yet it has 30 times the number of employees! In fiscal 1972, the Agriculture Department will spend $37 per farm for every dollar SBA spends per small business!

The SBA's massive efforts to help minority group enterprises—while certainly worthy and long supported by SBANE—have resulted in the diversion of so much manpower and money that other vital programs of the SBA (e.g., Procurement and Management Assistance) have suffered terribly. The House Small Business Committee has recently held hearings on this situation.

For example, for the past 2-3 years the Government has heavily emphasized the 8(a) program. Under Section 8(a) of the Small Business Act, the SBA is empowered to step into any procurement program of any federal agency and become the prime contractor, letting all subcontracts. Section 8(a) was intended to benefit all small business, but SBA has used it exclusively for the benefit of minority business. The SBA has devoted some 30–50% of its procurement efforts to arranging 8(a) subcontracts for minority enterprises—at a time when its procurement program was already seriously understaffed. 174 SBA personnel work exclusively on 8(a) procurement, while many others are carrying heavy support duties. The remaining Procurement and Management Assistance staff are unable to function effectively. And many Government agencies—notably the Federal Aviation Agency, the General Services Administration, Department of Defense and the Veterans Administration—have been following SBA's lead with considerable fervor, by taking the initiative to recommend 8(a) treatment of more and more of their contracts.

Even more distressingly, the procurement dollars expended on 8(a) contracts are not new funds. They are primarily taken from the small business set-aside program, at the expense of non-minority smaller firms. Result: one small business advances at the expense of another. Net gain to small business as a whole: nil.

To illustrate this mushrooming 8(a) activity, consider the following statistics:

Fiscal year	Number of 8(a) contracts	8(a) amount
1968	8	$10,493,000
1969	29	8,840,000
1970	199	22,520,000
1971	811	66,120,000
1972 (1st 8 months)	660	51,000,000
1972 (12 months' goal)	1,600	100,000,000
1973 (goal)	2,500	175,000,000

Thus, from 1968 to 1973, the 8(a) contracts will have increased over 300 times in number and more than 16 times in dollar volume—virtually all of it diverted from small-business set-asides.

Minority assistance was conceived as seed money to help new enterprises get started. Instead, the funds have been repeatedly funneled as subsidies to a handful of companies long after they should have made way for other, newer ventures. Of the 582 companies receiving 8(a) contracts 1968–1971, 10 firms have received $31,000,000—nearly 29% of the total contract funds—and a single company has been awarded $9,500,000, almost 9%!

Similarly, the general economic slowdown of the past 2 years has caused banks and other financial institutions to restrict their lending to ever fewer and "safer" products and management, particularly in the high-technology field. In such times SBA should be providing loan guaranty funds to fill this gap, as it has in the past. Instead, it has favored minority companies to the virtual exclusion of others. Because of this approach, small businesses in general will continue to encounter difficulty in obtaining secondary financing, despite help from Congress via P.L. 92–213, empowering SBA to guarantee the loans and debentures of all SBICs.

SBA's lack of personnel and narrowly focused emphasis means that the agency is doing little more than servicing its borrowers and its programs geared to minority businesses. Both of these activities primarily help new businesses in their early, formative stages. Older small businesses have different needs and problems as they reach higher levels of maturity. Such companies, having emerged as competitive factors in the marketplace, should also be assisted by SBA. But as its Procurement and Management Assistance program dwindles, SBA is becoming unable to provide the badly needed expertise. So, ironically, the minority enterprises will eventually suffer along with everyone else.

Unless remedial action is taken promptly, we foresee that the Government's assistance to small business will be more imagined than real, and that there will be a continuing decline in small business opportunities to do business with the Government.

SBANE strongly recommends the following corrective measures:

1. The SBA's 8(a) program should become a separate department within the SBA with proper manpower of its own.
2. Guidelines should be established by Congress to define the amount of set-aside and loan guaranty funds which SBA can divert to 8(a) subcontractors.
3. The SBA's procurement experts should be re-allocated to its overall procurement program where they were originally assigned and where they have the training and experience to provide invaluable assistance.
4. The small business specialists currently serving the Department of Defense should be transferred to the Small Business Administration (see SBANE's proposal on Procurement).
5. Congress should take a serious look at SBA's requests for increased funds and manpower.

IV. SBANE 1972 PROPOSAL FOR RESEARCH AND DEVELOPMENT

SBANE endorses, with certain reservations, three proposals made in the President's Message on Science and Technology. These include:

(1) The new Experimental R&D Technology Incentives Program.

(2) A revitalization of the role of the Small Business Investment Corporation, and a lengthening of the time for certain small business tax incentives.

(3) Realistic attitudes on patent rights.

The New England economy has been dependent upon its small, high technology companies for much of its growth and prosperity since World War II. During the past few years defense and aerospace cutbacks have severely affected this segment of our economy and resulted in widespread professional unemployment. Alternative opportunities to redirect our technological resources have been grossly insufficient. Finally, in the 1973 Federal Budget and the President's recent Message to Congress on Science and Technology, we see some indication of positive steps that could benefit our floundering high technology businesses.

Over the past three decades government-sponsored research in military and aerospace have produced the most sophisticated defense capability in the world and have allowed us to be the first nation to send men to the moon. However, the Government has assumed that research and development directed toward domestic needs would take care of itself in a free enterprise economy. We are now finally becoming aware that the normal economic incentives are frequently insufficient to encourage industry to increase productivity and to meet societal needs.

The 1973 Federal Budget contains $40 million for a new program to provide incentives for non-Federal investment in research and development. The program is to be administered jointly by the National Science Foundation and the National Bureau of Standards, with the lion's share of the money going to the National Science Foundation. The NBS part is called the Experimental Technology Incentives Program and NSF calls it the Experimental R&D Incentives Program. The objective of this program is "to experiment with incentives for increasing non-federal investments in R&D and for increasing the efficiency and speed of conversion of R&D to new or improved products, processes, and services which contribute to improvements in the quality of life, employment opportunities, economic growth, productivity, and foreign trade." We heartily support these objectives and most of the suggested mechanisms for achieving them.

However, this program represents the only budgetary outgrowth of a major effort conducted last fall and winter by the White House staff to redirect our technological capabilities to address civilian needs. The public had been led to expect funding in the billions for civilian-oriented new technological initiatives, but only $40 million appears in the budget. Not only were many other sound programs dropped from consideration, but also the $40 million to provide new incentives to industry is grossly inadequate for the scope of this program. The $40 million budget for this program looks even more insignificant when one recognizes that

(1) most of the funding is through the National Science Foundation which both traditionally and by program design will be contracting principally with universities, and

(2) the budgetary figure is a proposed allocation, not an expenditure.

Thus, assuming an average three-year contract, the total expenditures, including both administration and contracting with industry at the National Bureau of Standards, will be less than $5 million in the fiscal year 1973. That seems like a lot of hoopla for such small funding. We suspect that the public relations cost of this program to the taxpayer exceeds the funding available to industry.

It is small wonder that the program is directed toward finding incentives for non-Federal funding of R&D; the proposed Federal contribution for fiscal 1973 is clearly inadequate. An explanation for NBS's emphasis on non-Federal funding is that "Industry's willingness to invest is the best assurance that the opportunity has realistic commercial applications." Most businessmen do not make investment decisions based on whether there are realistic commercial applications, but rather on whether they can get a reasonable return on their investment. They consider factors such as risk, lack of a proprietary position, capital requirements, and difficulties in penetrating the market. We believe that the emphasis on non-Federal contributions may seriously restrict the utility of this program as a means for making American industry more productive.

In the President's Message to Congress on Science and Technology he also proposes investment and tax incentive that SBANE actively supports. Over a decade ago, legislation was passed permitting the Small Business Administration to loan money to Small Business Investment Corporations (SBIC). However, the upper limit of $10 million of outstanding loans was soon reached, and the limit was not subsequently increased, thus reducing the effectiveness of this Act. The President has now recommended that the upper limit be increased to $20 million and that the ratio of this Government support to an SBIC's equity be increased in order to encourage investment in high technology and processes. We feel that this is a sound approach to encouraging new ventures, but that $10 million additional funding can only be considered an interim amount. We also support the following proposals:

(1) Extension of eligibility to exercise qualified stock options from five years to eight or ten years.

(2) Reduction of the holding period of non-registered stock from three years to one year, and

(3) Extension of tax-loss carry-forwards from five years to ten years.

We hope the legislative process can move fast enough to see these proposals become law before the end of 1972.

In his recent message to Congress the President also indicated that the Government patent policy toward private use of Government-owned patents is being liberalized, so that exclusive licenses will sometimes be granted to private firms. This is certainly a step in the right direction; we only hope that the intent will not be thwarted by bureaucratic conservatism. In general, the small business man is extremely reluctant to be the first to develop and exploit new technologies unless he has a protected proprietary position. If he does not have patent protection or proprietary "know-how", he recognizes that, if the market proves to be good, the giant company with tremendous marketing and manufacturing resources will jump in and easily undercut his business. We feel that not only with Government-owned patents, but also with all Government-industrial contracting, the Government should decide on patent rights based on what will best allow the effective exploitation of the invention rather than what will best preserve the Government's rights.

In summary, sound and creative new programs to stimulate R&D in private enterprise are before the Congress this year. However, the funding levels requested are unrealistically low, and certain parts of these programs should be changed or reoriented. We now urge both the Congress and the Administration to convert their words into meaningful action.

V. SBANE 1972 PROPOSAL FOR TAXATION

SBANE calls for favorable action on the Bible-Evins Tax Bill (S. 1615 and H.R. 7692), especially its provisions for additional first-year depreciation, for equalized treatment of fringe benefits, and for operating loss carryovers for electing small business corporations. It urges enactment of the Interstate Taxation Act as a first step toward tax simplification, via a uniform method of state taxation. We also support S. 544 in part, insofar as it would extend the availability of deductions for net operating losses to 10 years. SBANE recommends creation of the post of small business analyst in the Treasury Department to ensure that the small businessman's viewpoint will be considered. We also propose that small corporations be offered a special status to help them avoid double taxation.

Senate Bill 1615, introduced by Senator Alan Bible, is a comprehensive plan for tax reform and simplification. It encompasses a total package of meaningful change which will give significant tax incentives to small business without creating serious adverse revenue effects.

In the past we have recommended the passage of a number of Senator Bible's proposals. We are gratified that some of the more important proposals, such as the restoration of the investment credit and adoption of the ADR depreciation system, have been implemented.

One of the most pressing problems facing smaller business is the ability to generate the necessary capital funds for expansion. For this reason SBANE supports the proposal to increase the amount of additional first-year depreciation from $10,000 to $20,000.

Recent taxation legislation has resulted in a major disparity between the fringe benefits afforded the employees of unincorporated businesses and electing small business corporations vis-a-vis the employees of large corporations. A ceiling of $2,500 has been placed on the amount that can be taken. Senate Bill 1615 proposes equalized treatment of fringe benefits and SBANE urges its enactment.

SBANE does not favor Senator Bible's proposal for adjusting normal corporate tax rates so as to shift a larger portion of the burden to large companies. Instead, we again call for the enactment of our proposed sliding scale surtax exemption. Under the SBANE plan, there would be a basic $50,000 exemption from the present surtax for corporations with earnings of $50,000 or less. This exemption would gradually be reduced to the current level of $25,000 for companies having taxable incomes in excess of $100,000. SBANE's plan offers the advantage of providing meaningful tax reductions for smaller businesses without significantly increasing the tax of larger corporations.

The Bible-Evins bill also contains a number of proposals that only conform the tax treatment of similar items between corporations, electing small business corporations, and partnerships. Of these, the most significant and worthy of support allows for the carryover of unused operating losses of electing small business corporations. This proposal has considerable merit. In the past, shareholders of these corporations have not been allowed to utilize operating losses in excess of basis. In subsequent periods when the shareholder had positive basis, the unused losses were not available for deduction. This is contrary to the rules which apply to partnerships, where a current deduction is allowed for any unused operating loss not claimed in prior years due to insufficient basis.

SBANE strongly supports enactment of the Interstate Taxation Act, designed to provide a uniform method of state taxation as a first step toward tax simplification. This legislation would have a decided, positive effect in encouraging interstate commerce, in that it would remove the single largest roadblock facing small businesses wishing to engage in such commerce. As things stand now, small businesses encounter a virtual jungle of uncertainty in determining if they are indeed subject to state tax, and if so, in computing the tax. A single example illustrates the almost incredible nature of the problem: due to varying methods for determining taxable property, it is not uncommon for the aggregate of the allocation factors for all the states in which a corporation does business to total more than 100%; accordingly, many corporations actually pay state taxes on more than their entire income or capital! The Interstate Taxation Act would help put a stop to situations such as this. In prior years this bill has passed the House, only to die in committee in the Senate. Our Association feels that it deserves to be reported out of committee and enacted into law.

A related problem is the proliferation of federally required tax forms. We are all literally buried in piles of paper. Each attempt at simplification of paper flow seems to result in the addition of a simple new form to cure the ills. This form, although intended to help, is usually added to the already existing forms and actually increases paper work! In time the simplified form becomes more and more complex until someone comes along with a further simplification idea and the cycle resumes. Senator McIntyre of New Hampshire has been holding hearings on this serious burden. SBANE has participated in those hearings because we have seen new businesses drowning in a flood of paper requirements that severely interferes with the drive toward becoming a healthy small business. We hope that members of Congress will recognize that the best approach to resolving this mounting problem is to examine the necessity, rather than the mere utility, of every Government form.

The Administration's small business tax rerelief bill (S. 544) strikes us as being "too little, too late." However, we re-emphasize our strong support for its proposal to extend from 5 to 10 years the period during which a net operating loss can be carried forward by individuals and by small business corporations. The present 5-year limit is exceedingly unfair to certain small companies. As an example, we cite the plight of small technical products firms, formed in the mid 1960s. Typically, such enterprises experienced several years of losses while becoming established. Then they encountered the economic downturn of 1970–71, which particularly affected sales of capital equipment. As conditions began to improve in late 1971 and early 1972, these companies began to realize profits, only to find that they no longer have a loss carryover deduction from their start-up years. Congress should recognize their plight and extend this needed relief.

Although many believe that America's economy is dominated by large national and multi-national industrial companies, the fact is that without the small businessman our economy would not provide the average American with the life style we all so eagerly strive for. We are all well aware of the ability of big business to make its position known to government. By contrast, it is extremely difficult for the smaller businessman to have his thoughts and desires heard. We believe that the small businessman can be given an effective voice in the councils of government by establishing the position of Small Business Tax Analyst in the Treasury Department. The main function of such an official would be to review tax legislation and problems from the viewpoint of small business, and to articulate that point of view in the day-to-day workings of the Treasury. We emphatically endorse this feature of the Bible-Evins bill.

SBANE proposes the adoption of legislation which would enable a small business to elect to be treated as a regulated small business corporation, which would be defined as any domestic corporation (other than a personal holding company) whose stock was owned at least 90% by individuals, with net assets of $1,000,000 or less determined as of the end of the prior year. An electing regulated small business corporation would be exempt from taxation of its income so long as at least 90% of its taxable income was distributed to its shareholders during the current year or before the filing date of its Federal income tax return. The taxable income of a regulated small business corporation would be computed in the normal manner except for the elimination of the dividends received deduction for nonaffiliated corporations.

SBANE urges the adoption of this legislation to negate the stifling effects of double taxation on small businesses. This classification of corporations would further the congressional intent demonstrated in the enactment of the Subchapter S election. There are many small business corporations which do not qualify for Subchapter S status or whose stockholders do not need or cannot avail themselves of the loss deductions because of their small original investment in the corporation. By electing to be treated as a regulated small business corporation, the stockholders would be taxed on the taxable income of the corporation after deduction of net operating loss carryovers. Since this proposal reduces the present incentive to maximize corporate compensation and other related deductions, we believe it would provide the further advantage of reducing controversies with the Internal Revenue Service.

We cannot leave the subject of taxation without expressing our appreciation to Congress for its wisdom in enacting the export tax deferral program. By means of Domestic International Sales Corporations, many small companies can now gain entry to foreign markets that would otherwise have remained closed to them.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered. The extended time for the consideration of morning business has now expired.

SUPPLEMENTAL APPROPRIATIONS, 1972 CONFERENCE REPORT

The PRESIDING OFFICER (Mr. SPONG). Under the previous order, the Senate will proceed to consider the conference report on H.R. 14582.

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SPONG). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of May 11, 1972, at p. 16873.)

The PRESIDING OFFICER. There is a time limitation on this conference of 1 hour, to be equally divided between the Senator from Louisiana (Mr. ELLENDER) and the Senator from North Dakota (Mr. YOUNG), and that includes the time on any amendments in disagreement.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that, for the time being, the time be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. ELLENDER. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 10 minutes.

Mr. ELLENDER. Mr. President, I wish to say that we have up for consideration the conference report on the supplemental appropriation bill.

This is a large and an important supplemental appropriation bill and the amount agreed to in the final conference is $4,347,698,270.

This bill was in conference a large part of the day of May 4, 1972, and practically the entire day of May 11, 1972.

There were 50 separate Senate amendments, and I believe that we performed very well from the point of view of the Senate.

There has already been printed in the record a tabulation which shows the amounts of the budget estimates, the amounts recommended in the House bill, the Senate bill, and the final amounts agreed to in conference on each of the 13 chapters in this bill. I will confine my remarks to a few of the more significant items.

Title II of this bill includes $2,340,194,728 for increased pay costs as a result of Executive Order 11637 of December 22, 1971, which adjusted the salary rates upward of civilian employees of the Federal Government; Executive Order 11638 of December 22, 1971, which provided an adjustment upward on a comparable basis for members of the uniformed services; and as a result of the substantial increase for members of the uniformed services voted by the Congress, becoming effective in November 1971.

The deductions of $45,796,120 under the House bill and of $11,349,000 under the Senate bill in title II, agreed to by the conferees, relate to Department of Defense pay cost items and are possible due to the most recent recomputations in some line items and to absorptions of additional funds in other line items through savings realized from program changes.

Under title I, the conference agreement totaled $2,007,503,542—an increase of $439,041,032 over the House bill but a reduction of $704,470,169 under the Senate bill.

One of the largest single increases made in this bill by the Senate was $320 million for the subscription to the International Development Association. The conference committee decided to delete this appropriation, with the understanding that the first of the three annual installments of $320 million under the new authorization would be provided in the regular annual appropriation bill for fiscal year 1973.

The Senate was able to prevail in connection with the Constitution and land acquisition item under the Forest Service in chapter VI, thus providing $170,000 for the Alexandria, La., Forestry Center for installation of an emergency water supply system before fire breaks out and threatens the area.

For manpower training under chapter VII, the House had provided $95 million and the Senate amendment increased the sum to $247 million. The conference committee is recommending an appropriation of $156,550,000, including $15 million for the summer recreation program and $141,550,000 for the Neighborhood Youth Corps' summer jobs program.

Senate amendment 19 provided an appropriation of $40 million for the National Cancer Institute, and the House conferees agreed to accept the full amount.

For higher education, the Senate had provided $300,400,000. In conference, the Senate was able to secure approximately one third of this sum—or $100 million. The total appropriation includes $45 million for educational opportunity grants, $23,600,000 for national defense grants, $25,600,000 for work-study student loans, and $5,800,000 for additional projects specifically for veterans under the Talent Search, Upward Bound, and Education Professions Development Act programs. These sums are to be used in the 1972–73 academic school year.

Mr. President, that provision is included in the supplemental bill because we would like to be sure that they are able to use the funds in the coming academic year.

The conference committee agreed to recommend an appropriation of $20 million for the Office of Economic Opportunity program for emergency food and medical services, as authorized by section 222(a)(5) of the Economic Opportunity Act of 1964.

Under chapter VIII, the legislative branch, the conferees agreed to recommend the sum of $650,000 for the expenses of the Inaugural Ceremonies in January, 1973, as proposed by the Senate amendment.

For the Federal Railroad Administration, grants to Amtrak, the Senate amendment provided $270 million. The conference committee has reduced this sum of $170 million, with the understanding that should an authorization in excess of this amount be ultimately approved by the Congress, the additional authorized amount can be considered at a future date.

One matter of great interest in this bill was amendment No. 50. The House language had limited the use of administrative and nonadministrative expenses of the Federal Home Loan Bank Board, thus precluding the use of funds for relocating the district bank for the fourth district from Greensboro, N.C., or for the supervision, direction, or operation of such bank at any other location. The Senate had deleted this restriction. However, in view of the position of the House conferees the Senate receded on this amendment.

Mr. President, the evidence produced in the conference indicates that in Greensboro, where the bank had been established, over $2 million had been spent in order to provide the necessary building to accommodate that bank. We thought it was just a waste of money to transfer this institution from where it presently is to another area.

As I said earlier, Mr. President, the grand total of this bill, as recommended by the committee of conference, is $4,347,698,270. This is $518,249,119 below the budget estimates; $393,244,912 above the House-passed bills; and $715,819,169 under the Senate version of the bill.

Mr. President, I urge the adoption of the conference report.

Mr. President, I will be glad to answer such questions as I can.

Mr. JAVITS. Mr. President, would the Senator yield me 5 minutes?

Mr. ELLENDER. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, it will be remembered that a large group of Senators, 27 in number including myself, had to work very hard in respect of the appropriations for the Neighborhood Youth Corps summer jobs and recreation program, pitching that effort very heavily on the problems of youth, both white and black, and also among other minorities where the unemployment rates are extremely high in poverty neighborhoods. For black youths it is as much as 37.4 percent. And generally speaking, in poverty neighborhoods for all groups it is 27.5 percent.

In response to that effort, the Senate Appropriations Committee, exercising a most commendable discretion this time, went all the way with us and allowed the full amount needed for the summer jobs programs to the extent that the U.S. Conference of Mayors certified that the amount could be adequately used and absorbed. They differed with us only on the duration of the summer job opportunities, limiting it to 9 weeks instead of 10 weeks. They provided 947,928 opportunities. The administration wanted an aggregate of 609,300 job opportunities through a supplemental bill. The administration sought a very modest increase, we thought, in what had already been provided, falling very far short, as far as we were concerned, in what they were seeking.

Mr. President, so that the facts and figures may be fully before the Senate, I ask unanimous consent that the testimony of the 27 Senators, which I had the privilege of presenting to the Senate Appropriations Subcommittee, be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

The Testimony of Senator Javits

Mr. Chairman, I am appearing on behalf of myself and 26 of my Senate colleagues, to urge that the Subcommittee recommend a supplemental appropriation of $291.4-million, under the Manpower Development and Training Act of 1962 for the Neighborhood Youth Corps summer job program, and for related transportation and recreational activities to meet the needs of poor youths in urban and rural areas, during the coming summer. In this request I am joined by Senators Lloyd Bentsen, Quentin N. Burdick, Robert C. Byrd, Howard W. Cannon, Clifford P. Case, Alan Cranston, Thomas F. Eagleton, J. W. Fulbright, Fred R. Harris, Philip A. Hart, Hubert Humphrey, Henry M. Jackson, Frank E. Moss, Edmund S. Muskie, Bob Packwood, Claiborne Pell, Abraham Ribicoff, Robert Taft, Jr., John Tower, John V. Tunney, Harrison A. Williams, Jr., Robert P. Griffin, George McGovern, Walter Mondale, William B. Saxbe and Richard S. Schweiker, each of whom joined with me in a letter dated April 17, 1972 to the Subcommittee in this regard.

If added to the $175.7-million now available, the supplemental appropriation would bring to $467.1-million the aggregate amount available for the coming summer.

As you know, the Administration has requested an additional supplemental appropriation of $95-million for a total of $270.7-million, the same amount as last year, or $196.4-million below the amount which we request.

The following is an itemization of our request in each of the major components of the program, which is administered by the Department of Labor:

$268.3-million for the Neighborhood Youth Corps job program which provides work experience with public and non-profit private agencies, for poor youth between the ages of 14 to 21, giving them earnings enabling them to complete or to continue their education. Under the program, which begins this June, each youth is employed for 26 hours a week at $1.60 an hour over the period of the program. The amount we request, together with the $175.7-million available, would fund 947,928 ten-week job opportunities; the Administration would apply $82.2-million of its requested supplemental for this purpose, to fund an additional 194,000 nine-week opportunities or an aggregate of 609,300 nine-week opportunities, the same funding and opportunity levels as last year.

$1.2-million for related transportation necessary for poor youth to participate in the job program, the Administration would provide $1.5-million out of existing manpower and transportation funds.

$21.9-million for the recreational support program—providing opportunities to children eight through thirteeen years of age; no funds are now available for this program. The Administration has requested a supplemental appropriation of $12.8-million for this component, again the same amount as was made available last year.

Our requests are based in each instance upon what the National League of Cities—U.S. Conference of Mayors, representing most of the Nation's cities, has documented as required for this summer.

I ask unanimous consent that there be included in the record a copy of a letter from the National League—U.S. Conference charts documenting these needs on a city-by-city basis: in the job program they show a need for 410,035 opportunities in the fifty largest cities and 537,893 in other areas.

For example, in New York City there is a documented need for 77,500 slots, compared with the aggregate of 40,541 which could be provided if only the Administration's supplemental request is granted. Seattle, Washington needs 5,000 slots; only 2,682 could be provided under the Administration's request.

The situation in smaller cities is similar. For example, Jersey City, New Jersey needs 2,454 positions compared with the 1,498 which could be provided under the Administration's proposed funding levels.

It should be noted that the National League of Cities' figures represent in each case the number which may be effectively used. Actually, the number of youth who could benefit if funds had been made available earlier is much greater. For example, there are 1.7 million youth who could benefit in the job program—almost twice the aggregate number to be covered if our request is granted.

We submit that the supplemental appropriation of the amounts for the Neighborhood Youth Corps summer program, and related transportation, is essential to meet the very difficult employment situation among poor youth. While the current national unemployment rate is at 5.9 percent, the most recently available statistics show a jobless rate among teenagers in poverty neighborhoods of 25.7 percent, with the rate among black teenagers in such areas at 34.7 percent.

Experience indicates that even if the overall employment situation improves, as we hope it will, poor youth will still continue to have unemployment ranging from four to five times the norm. There are substantial signs that increases in the number of returning veterans, economic cut-backs, and other factors will aggravate further the youth unemployment situation in the coming summer.

Mr. Chairman, in my opinion there is no domestic problem more shocking than that of youth unemployment—except the drug problem to which it relates all too often.

We cannot afford to continue to dash the employment aspirations of so many at such a crucial age.

Unfortunately, we will not be able to look substantially to other public or private resources to deal with the problem. The Emergency Employment Act of 1971, which will provide approximately 130,000 public sector job opportunities in this fiscal year and a similar number in the coming year will not focus upon the needs of poor youth; according to a preliminary survey taken by the Department of Labor only 14 percent of those now covered are in the age group below 21 years of age. Moreover, despite efforts which we hope will be successful, it is likely that general economic conditions will continue to make it difficult for the private sector to take up the slack through such voluntary job programs as those conducted by the National Alliance of Businessmen. The National Alliance—which has a goal of 175,000 jobs for this summer—was able to provide only 150,000 in each of the last two summers, even during times when economic conditions were generally more favorable. I ask that a copy of a letter from the National Alliance of Businessmen be included also in the hearing record.

We do not consider it advisable to cut the program to nine weeks, as proposed by the Administration. It was reduced to a nine-week program for the first time last summer only as a temporary compromise made in the last hour to make very inadequate funds spread as far as possibe. From the standpoint of the poor, the difference between ten and nine weeks is more than academic. Poor youth depend upon the wages derived from the program to contribute to the costs of returning to school and, in many cases to the support of their families.

I urge full and early consideration this year so that public and non-profit sponsors will be able to plan effectively and provide youth with meaningful alternatives to continued frustration and restlessness.

Mr. Chairman, while these sums will not meet the total need they are substantial and they will help enormously. I should point out that they will be returned to some extent in that they will permit many parents now on welfare to engage in employment or training since their children will be occupied during the day. Over the long term they should decrease the possibility that youth participants will fall into welfare dependency themselves or find a way of life grounded in juvenile delinquency, drug addiction or crime, which is of such a high cost to society.

As members know, these programs have been of particular concern to me throughout the years, and I have felt it necessary each year—in the context of the supplemental appropriation bill—to seek more funds.

I am most grateful for the consideration that has been extended by the members of this Subcommittee in past years to this program. While we have disagreed on the amounts or what might be a reasonable figure to fight for in Conference with the House, the members have been most solicitous and understanding.

Mr. JAVITS. Mr. President, the matter has now been resolved in this conference report and, naturally, considering the need we cannot jump up and down about the result. But as far as conferees are concerned, I would like very much to express the appreciation of all 27 of us to the conferees for the result achieved.

Mr. President, what happened was that it is, practically speaking, split down the middle, and instead of the Senate allowance of $247 million or the House allowance of $95 million, they compromised on $156.5 million.

Mr. ELLENDER. Mr. President, if the Senator will yield, the House allowed $95 million.

Mr. JAVITS. Yes, and the Senate figure was $247 million. That is right. The compromise was just about down the line, as far as the committee is concerned. It allowed some $15 million for summer recreation instead of the $12.8 million proposed by the House or the $21.9 million proposed by the Senate; and $145.5 million for Neighborhood Youth Corps summer job program instead of $82 million proposed by the House or the $223.9 million proposed by the Senate.

As far as transportation is concerned, it allowed some of the funds to be used for that purpose, if necessary, and agreed with the House, subject to concurrence by the two Houses, that the money would be available until September 30, 1972. This will provide about 750,000 9-week jobs with provision for recreation and transportation, as I have just indicated.

I wish to thank the conferees very much for the result which has been attained with great particularity. I thank the Senator from New Hampshire (Mr. Cotton), the Senator from Washington (Mr. Magnuson), the Senator from North Dakota (Mr. Young) who is the ranking minority member of the committee, the Senator from Louisiana (Mr. Ellender), the Senator from New Jersey (Mr. Case), who is a member of the Committee on Appropriations, who took a very special part in this effort. I wish to note it is the best we have done in this group of Senators who have been so deeply interested in summer jobs, in all the years in recent times that we have been fighting this battle. I deeply feel that Members will see how helpful this is, especially in the teeming cities, like my own New York City, and they will receive the gratification which the country can give to dedicated men who achieve results like this.

I have been a member of the Committee on Appropriations and I know how dug-in people can become on the other side, so I have a double appreciation of this result.

Mr. YOUNG. Mr. President, we could not have had better supporters in conference than the Senator from Washington (Mr. Magnuson), the Senator from New Jersey (Mr. Case), and the Senator from New Hampshire (Mr. Cotton). They fought long and hard for the things the Senator from New York is particularly interested in. They got the best possible.

Mr. JAVITS. I am sure of that and I am very grateful.

Mr. MAGNUSON. Mr. President, I shall make only a few brief remarks.

The total appropriations allowed in conference for chapter VII of the second supplemental appropriation bill for the Departments of Labor, and Health, Education, and Welfare is $1,203,451,000. This sum is $141,850,000 above the budget estimates, is $306,962,000 under the total sum recommended by the Senate and $224,550,000 above the amount allowed by the House.

Mr. President, as usual this was a difficult conference. We were pitted against both the House conferees and the administration as they pressed for figures that were much lower than ours. In the face of such opposition, all the Senate conferees worked hard to provide as much of the Senate increases for chapter VII of this bill as were possible—and in the areas of greatest need.

We are just as disappointed as some members that we could not do better in providing a larger sum in some areas. I am particularly disappointed that we were not able to provide more money for jobs and training of younger people through the Neighborhood Youth Corps and the student aid programs under the Office of Education. Nonetheless, I believe that the views of this committee and the Senate did exert some influence in stimulating the administration to offer a supplemental request—however minimal—for student aid; and I think we can point with some pride to the fact that this bill does include a total of $259 million for the Departments of Labor and HEW to provide jobs and educational opportunities that would otherwise be closed to needy youngsters.

NEIGHBORHOOD YOUTH CORPS

In recognition of the extremely high jobless rate among teenagers, the Senate provided funds which, when added to funds already available, would have provided about 950,000 job opportunities for economically disadvantaged youngsters in urban and rural areas. The conference bill, while falling short of the Senate proposal, will provide additional jobs for about 750,000 youngsters this summer. This is 150,000 more jobs than proposed by the administration and the House. These youngsters will be provided a worthwhile work experience this summer. They will be off the streets and will be provided with earnings which will enable them to complete or continue their education.

FOLLOW THROUGH

The Senate recognized the need to follow up and reinforce the educational benefits received by preschool youngsters in Headstart programs. The Senate bill included $9 million to prevent the termination of 26 ongoing projects which are providing services to 8,300 educationally disadvantaged grade school children. Both the House and the administration favored termination of these projects. Nevertheless, we were able to fight to get at least $3 million restored which will allow continuation of the best projects for at least 1 more year. We are hopeful that many of the remaining projects will be able to be continued under funds appropriated for the educationally deprived children under the Elementary and Secondary Education Act.

HIGHER EDUCATION STUDENT AID

Here the Senate recognized the ever-increasing cost of higher education for increasing numbers of students. The Senate bill added $300 million in order that approximately the same percent of student aid requests could be met in the fall of 1972 as in the fall of 1971. The Senate especially recognized the need for counseling large numbers of returning veterans so that these young people might make maximum use of their GI benefits. This need was apparent to the Senate since only about one-fifth of the veterans are using their GI benefits.

The conference bill includes $100 million for these purposes. These funds will provide over 165,000 additional scholarships and loans to needy youngsters this fall—most of whom would not otherwise be able to begin or continue their education. The funds will also provide increased counseling to our returning veterans. This is very important "seed" money because it can make the difference between a veteran returning to school to make something of himself and leading a more productive life or being relegated to a life of enforced idleness in a high unemployment economy. It is easy to see how counseling at this crucial juncture can pay great dividends for our veterans and our Nation. Nonetheless, the administration failed to request funds for this item, and it was only because of the hard work of the Senate conferees that this item is in the final bill.

EMERGENCY FOOD AND MEDICAL RESERVES

The Senate included $30 million to allow the Office of Economic Opportunity to restore this program to 70 percent of the 1971 level. The Senate added these funds in recognition of the need to provide outreach, transportation and related services to allow some 2 million hungry and sick Americans in urban and rural areas—especially areas of continuing high unemployment—to fully participate in existing food stamp and commodity programs. The Senate conferees pointed out that the administration's recently announced food program did not involve any real increase in resources—merely a shift in existing funds—a "rob Peter to pay Paul" act. Further, the administration's proposal in contrast to the Senate proposal, would not focus on areas of high unemployment, but would involve merely more of the same. The Senate proposal, in contrast, would concentrate on reaching out to the poor, especially the rural poor, and making existing food stamp and food commodity programs available to them.

Consequently, the Senate conferees were successful in persuading the House to include at least $20 million in the conference bill for this purpose. Since these funds in no way duplicate the recently announced administration food "plan," the Senate fully intends and directs that these funds shall be spent. The next move is clearly up to the Office of Management and Budget on the release of this money.

NATIONAL CANCER INSTITUTE

The conference bill includes the full request of $40 million for construction of cancer centers and training of additional cancer research scientists. This supplemental will allow the National Cancer Institute to get a "running start" on building up the facilities and staff necessary for an all-out effort to conquer this dread disease.

CONCLUSION

Mr. President, in closing, let me state that I thought chapter VII of the Senate bill was a good one. The conference report before, you, today, provides for an amount that should prove very helpful.

The amounts provided for some items are not entirely to my satisfaction; however, in the main, there will be adequate funds to meet necessary expenses of the Departments of Labor, and Health, Education and Welfare, and Related Agencies in fiscal year 1972, and we will be back in this coming fiscal year to see if more can be done.

Mr. ELLENDER. Mr. President, I yield 15 minutes to my good friend from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, the conference report carries an item of $650,000 for the Joint Committee on Inaugural Ceremonies for 1973. I understand from the committee that the amount was determined in the following fashion: The 1969 expenditures were $347,656. The Architect's estimate for the upcoming inauguration started with that figure. Then, it was increased by a figure of $114,135, that being what is called the increased cost factor of 32.8 percent, or one might say 33 percent during the 2 years 1970 and 1971. Then, for the year 1972 the increased cost factor is placed at 12 percent. In addition to that, provision is made for snow removal and for administration expenses.

The total is $570,206, plus $50,000 for the Sergeant at Arms and $30,000 for the joint committee, bringing the total estimated inaugural expenses to $650,000.

There are several aspects of this matter that have impressed me. One is that the cost for the 2-year period——

Mr. ELLENDER. Mr. President, if the Senator will yield I wish to say to my good friend from Virginia that I think the increase is for 1969, 1970, 1971, 3 years, and the 1972 increase was 12 percent.

Mr. HARRY F. BYRD, JR. I thank the Senator from Louisiana. The worksheet given me by the committee shows 1970 and 1971 increased cost factor of $114,135.

Mr. ELLENDER. The worksheet given to you is not clear. It was really for 3 years.

Mr. HARRY F. BYRD, JR. Three years.

Mr. ELLENDER. Yes.

Mr. HARRY F. BYRD, JR. I thank the Senator.

The increased cost factor for that 3-year period was 33 percent. Now, we come to 1972, when the cost factor is supposed to have been decreased and inflation is supposed to be more under control and we have a cost factor of 12 percent. So for 3 years we had 11 percent and for the present year 12 percent. That does not indicate to me that inflation is under control. As a matter of fact, inflation is not under control and these figures submitted by an official Government agency show that inflation is not under control.

That is justification for asking for $650,000 to finance the new inauguration which will take place in January 1973. I think the President of the United States, whoever he may be, should have an appropriate inauguration. I think whatever sum is necessary to give to him an appropriate inauguration should be appropriated by Congress.

However, Mr. President, I do wish to point out that during the 3-year period 1969 through 1971 the costs are estimated to have increased by 33 percent or 11 percent per year, whereas in 1972 the increased cost factor is placed at 12 percent. It would certainly indicate clearly there has not been any leveling off or reduction in the inflationary aspect.

Now, as the Senate considers the $650,000 appropriation to finance the inauguration of the next President of the United States, perhaps a bit of history might be of interest.

In 1944 my immediate predecessor in this office was the late Harry Flood Byrd, Sr. He was chairman of the Committee on Rules and Administration of the Senate, and as such was chairman of the Joint Inaugural Committee. Franklin Delano Roosevelt was seeking his fourth term, to which he was subsequently elected. Plans were being made for the inaugural ceremonies for January 1945. Senator Byrd advised President Roosevelt that as chairman of the Inaugural Committee he wanted to cooperate fully with the President, and would introduce legislation appropriating whatever amount of money President Roosevelt desired for the inaugural ceremonies.

The President notified Senator Byrd that the amount of money to be appropriated was a decision for Congress to make, whereupon Senator Byrd recommended a figure of $100,000.

Later President Roosevelt called a press conference and said he had no idea of spending such a gigantic sum of money on his inauguration, and all he needed was $25,000, and he would show the economy-minded Senator from Virginia how to economize.

So Senator Byrd then came back to the Senate, revised his request downward from $100,000 to $25,000, which the Senate and the Congress approved. That approval was given by the Congress on September 23, 1944.

In November of 1944, immediately after the election, the present senior Senator from Virginia was in San Diego, Calif., waiting to go to the Pacific as a member of Naval Patrol Bombing Squadron 13.

Senator Byrd, Sr., flew to California to spend a few days with my wife and me, and while he was there he got a telephone call from Gen. Edwin M. "Pa" Watson at the White House. General Watson said that they had been doing some refiguring on the cost of the inaugural ceremonies and that $25,000 would not be adequate.

Senator Byrd informed General Watson that any figure the President wanted for the inauguration, if he would write a letter, he, Senator Byrd, would recommend such amount to the Congress.

Two days passed, and General Watson called again and he said that he had talked with President Roosevelt and that President Roosevelt was reluctant to write such a letter because he thought Senator Byrd might publish it. Senator Byrd told General Watson to tell the President not to be in dcubt about that; that he certainly would publish it and would put it in the CONGRESSIONAL RECORD.

Another day passed, and General Watson called again and said that he hoped Senator Byrd would not insist upon a letter from the President. Senator Byrd did insist.

The next day General Watson called again, and he said it was vitally important that Senator Byrd return immediately to Washington, because it was necessary to make sure the financial matters for the inauguration would get straightened out.

While it was inconvenient for him to do so, Senator Byrd did return to Washington. President Roosevelt would not give in by writing a letter requesting an additional appropriation, nor would Senator Byrd give in by making such a request until he got such a letter from the President.

As a result of these two strong-minded men locking horns, the inauguration of 1945 was the most austere, I suppose, in the history of the U.S. Government. I got the figures from the Archives and the records show that of the $25,000 congressional appropriation, only $526.02 was used, with $24,473.98 being returned to the Treasury.

So that was probably a somewhat happy day for the taxpayers, but perhaps not so happy a day for some of the folks in the White House.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. HARRY F. BRYD, JR. I am delighted to yield to the distinguished Senator from Louisiana.

Mr. ELLENDER. In his investigation as to the costs of the 1944 inaugural, did the Senator learn who was the Santa Claus, because they certainly could not do that for $500. Someone must have made a contribution.

Mr. HARRY F. BYRD, JR. That aspect I have some hesitancy putting into the RECORD. These other records I can substantiate, but I am not able to substantiate an answer to the question asked by the distinguished senior Senator from Louisiana. For that reason I have some hesitancy in making a statement, but my understanding is that there were some supplemental funds or contingency funds available from which an additional amount was utilized.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I commend the Senator for his statement and certainly want to add my words of admiration and appreciation to his distinguished father and others who so consistently practiced economy.

I happen to remember the 1945 inauguration. It will be recalled that at that time we were still involved in a very serious war in Europe and in the Pacific. I do not believe there was a parade, and my recollection is that the inauguration took place at the White House, just outside, and it was a very austere occasion, no doubt brought about by financial need as well as the fact that the Nation was involved in a very grim war situation.

Mr. HARRY F. BYRD, JR. Yes. The Senator from Nebraska brought out a very interesting point. The Nation was involved in war. The inauguration took place only 3 or 4 months before the ending of the war in Europe and about 7 months before the ending of the war in the Pacific, and that, too, of course, had a bearing on the cost. Nevertheless, the facts bear out that plans were being made then for a much more elaborate inaugural ceremony than eventually developed. It was held in the South Portico of the White House.

Mr. President, I say again that, whoever may be President of the United States at any particular point in our history, the American people want him to have adequate appropriations from the Federal Treasury so that he may have an appropriate inauguration. If the committee feels that the $650,000 figure is an appropriate one, then I do not contest the figure other than to point out that the figures used to substantiate the sum which is being requested are figures which indicate very clearly to me that inflation is not being got under control, because both the committee and the Architect ascertain that costs have gone up 33 percent over the 3-year period of 1969, 1970, and 1971, and they project that the cost will go up 12 percent during 1972—each of these figures being compared with 1969.

The PRESIDING OFFICER. The Senator from Louisiana has no further time to yield. However, under the consent agreement, the Senator from North Dakota (Mr. YOUNG) has 49 minutes remaining.

Mr. YOUNG. Mr. President, I yield to the Senator from Louisiana whatever time he wishes.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. ELLENDER. I thank the Senator.

Mr. President, I wish to commend the Senator from Virginia for giving us the interesting historical background on the swearing in of the late President Roosevelt in 1945. I happened to be here, and that happened to be his fourth inauguration. I think other factors that contributed to the fact that it was a short ceremony and that not much money was spent on it was that it was the first time a President ever took office for the fourth time and it was during World War II.

But I am pleased, Mr. President, with the attitude of the Senator from Virginia. As chairman of the committee, I shall request that an accounting be taken of all expenditures made and that it be submitted to the Senate after the inauguration.

I thank the Senator from North Dakota.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I have nothing further to add.

Mr. YOUNG. Mr. President, I yield back the remainder of my time.

Mr. ELLENDER. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert: "$67,835,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert: "$4,380,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert the following: "*Provided,* That there shall be advanced in fiscal year 1972, upon request of the board of directors of any regional corporation established pursuant to section 7 of said Act, $500,000 for any one regional corporation, which the Secretary of the Interior shall determine to be necessary for the organization of such regional corporation and the village corporations within such region, and to identify land for such corporations pursuant to said Act, and to repay loans and other obligations previously incurred for such purposes: *Provided further,* That such advances shall not be subject to the provisions of section 7(j) of said Act, but shall be charged to and accounted for by such regional and village corporations in computing the distributions pursuant to section 7(j) required after the first regular receipt of monies from the Alaska Native Fund under section 6 of said Act: *Provided further,* That no part of the money so advanced shall be used for the organization of a village corporation that had less than twenty-five Native residents living within such village according to the 1970 census".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 22 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"HIGHER EDUCATION

"For an additional amount for "Higher Education," $100,000,000, including $45,000,000 for educational opportunity grants, $25,600,000 for college work-study programs, and $23,600,000 for student loans under the National Defense Education Act: *Provided,* That the funds appropriated herein shall remain available until June 30, 1973."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 23 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert: "$20,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 27 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert the following:

"CHAPTER IX

"PUBLIC WORKS

"DEPARTMENT OF THE INTERIOR

"Southwestern Power Administration

"Operation and Maintenance

"For an additional amount for 'Operation and Maintenance', $180,000, to be derived by transfer from the appropriation for 'Construction,' Southwestern Power Administration

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert: "$170,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: "*Provided further,* That the appropriations for the Federal office building (superstructure), Chicago, Illinois; the Courthouse and Federal office building (superstructure), Philadelphia, Pennsylvania; and the Federal Bureau of Investigation building (superstructure), Washington, D.C., shall be available only upon the approval of the revised prospectuses by the Committee on Public Works of the Congress."

Mr. ELLENDER. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 5, 6, 12, 22, 23, 27, 33, and 38.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Mr. ELLENDER. I ask unanimous consent that the requirement this conference report be printed as a Senate report be waived inasmuch as, under the rules of the House of Representatives, it has been printed as a report of the House of

Representatives. The reports are identical.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATIONS ACT OF 1972

The PRESIDING OFFICER (Mr. Spong). Under the previous order, the Chair lays before the Senate the unfinished business, S. 3526, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 1200) of the Senator from Michigan (Mr. Griffin).

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation of 1 hour on amendment No. 1194, by Mr. Hartke, to S. 3526, the time to be equally divided between and controlled by Mr. Hartke, the author of the amendment, and the distinguished Senator from Arkansas (Mr. Fulbright).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the pending amendment by Mr. Griffin be temporarily laid aside; that the Senate proceed to the consideration of amendment No. 1194; that the time on any amendments to the amendment come out of the time on the amendment; and that at the conclusion of the hour, or at the conclusion of the vote or votes on amendment No. 1194, or upon the yielding back of the time on that amendment, the amendment by Mr. Griffin then be restored to its original status as the pending amendment before the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendment by Mr. Church and Mr. Case also be laid aside temporarily, under the same specifications.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum—the time to be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the pending amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. Byrd) proposes an amendment numbered 1194, at the end of the bill——

Mr. ROBERT C. BYRD. Not the Senator from West Virginia. The Senator from West Virginia is not proposing the amendment.

Mr. President, I suggest the absence of a quorum, under the same understanding as before.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Beall). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Louisiana (Mr. Long) may be recognized for not to exceed 2 minutes, without the time being charged against the amendment which has not yet been reported.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELFARE REFORM

Mr. LONG. Mr. President, some days ago the Finance Committee announced its decision to replace the welfare expansion portions of H.R. 1 with provisions designed to provide employment opportunities for people. The committee felt that providing jobs and employment incentives was far preferable to providing funds for more and more people to have a guaranteed income from welfare, even though those people could appropriately be expected to go to work.

The idea of providing low-paying jobs rather than a welfare dole is not new. Elliot Richardson, Secretary of HEW, chose to describe these as WPA-type jobs.

Mr. President, the people of this country have had a chance to think about this issue down through the years. If they must make the choice between providing someone with a low-paying job or providing the same amount of money in welfare for doing nothing, I am sure the people of this country would overwhelmingly favor providing a low-paying job.

Secretary Richardson and his group undertook to place some false, misleading, and high estimates on what it would cost to provide work opportunities for people. The committee feels that the type of approach we advocate will cost no more in the short run than the real cost of the welfare expansion program, and only a fraction as much in the long run as the HEW recommendation for a guaranteed annual income for doing nothing.

The approach of the committee was applauded in an editorial published in the Nashville Banner on May 4, 1972, entitled "Welfare Reform Needs Workfare." It attached to its editorial an article which was published in the Wall Street Journal, entitled "Was the WPA Really So Awful?"

Mr. President, I ask unanimous consent to have printed in the Record the editorial from the Nashville Banner and the reprint of the article from the Wall Street Journal.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

Welfare Reform Needs Workfare

Workfare is better than welfare—as a program responsibly treated in behalf of the genuinely needy is better than a handout extravaganza of monstrous consuming outrage. With that dual fact, advanced at the legislative level by Sen. Russell B. Long, chairman, the Senate Finance Committee has agreed overwhelmingly; and the taxpaying public concurs emphatically.

Judgment dictated rejection of the proposed guaranteed annual income for the welfare clientele—the administration's plan, a format more calculated to crystallize, magnify and perpetuate the abuses in question than to modify and ultimately overcome them by emphasis on the work—or self-help—ethic.

The rejection was by a committee vote of 10 to 4, a bipartisan stand, reflecting the fact that on this issue lawmakers have heard from home. What they have been hearing coincides with the state-level policies asserted by Gov. Ronald Reagan in California and Gov. Nelson Rockefeller in New York. The realistic message there, in both states, is that these—as Exhibits A and B in the costly and mounting outrages of abuse by welfare-riders—want workfare to replace welfare as such. Clearly they have recognized, too, the more than implied responsibility for job-training where necessary, and state-provided jobs where other work is not readily available.

The substitute plan approved by the Senate Finance Committee is in no sense inhumane, and would not ignore—as a public obligation—the bona fide cases of need. The substitution of work opportunities for handouts applies to adult welfare persons not physically incapacitated nor otherwise prevented from working.

It is not indifferent to the necessity of child care. It does tend to underscore the fact of parental obligation, too.

By present estimates it would take approximately 1.2 million adults out of the present welfare system and put them under a new Federal Employment Corp., where they would have to work to get any further payments.

If that is "make work" in the sense of public projects of a useful nature, initiated for precisely this purpose, it assuredly would be an improvement over the philosophy—fast becoming an ideology—of paying these for doing nothing.

On this page today is reprint of an article from the Wall Street Journal, answering the deprecating charge that the proposed alternative is "another WPA." It reminds of what the WPA accomplished. The reminder is apt in Tennessee, as well.

In Nashville, through that agency was built the airport, "Berry Field," named for the late Col. Harry S. Berry who was state administrator for the Works Progress Administration. Here also is Cheatham Place, the PWA-built housing and slum clearance project, and Andrew Jackson Place. Here was landscaping in Shelby Park, restoration of Fort Negley, and participation in work and beautification projects at The Hermitage.

In Tennessee WPA employment was from 30,000 to 40,000 persons; 31,000 miles of highway were built, and 3,198 bridges. There were education programs also, employing teachers. These are some of the projects carried out, constructively, under that program.

With concern for the taxpayers' purse responsible lawmakers are going to have to act to reduce, not proliferate, the overall costs. The expensive magnitude of it as well as the disgraceful abuses, are reasons for the overwhelming demand for its reform.

In the Senate view workfare is better. The people agree.

WAS THE WPA REALLY SO AWFUL?

(By Paul Lancaster)

NEW YORK.—Through a program that gives local governments money to add workers, Washington is moving gingerly into the business of combating unemployment directly by creating jobs. But proposals for broader job programs, including public works, still trip up on a ghost from the 1930s, the WPA.

Implicit in warnings against "another WPA"—the initials stand for Works Progress Administration—is the notion that when a government program is motivated by the desire to make work, the participants won't make anything useful. But a glance around this city, where an army of WPA workers labored in the Depression, shows that's not necessarily the case.

The businessman arriving in town at LaGuardia Airport is making use of a major WPA project. So is the visitor arriving at Newark Airport, which the WPA expanded and modernized. The Wall Street executive who takes a cab from midtown Manhattan to his office travels down the East River Drive, another undertaking in which the WPA had a hand.

Sports-minded New Yorkers enjoy golf courses and tennis courts built by workers employed by the WPA and earlier New Deal job programs. Residents who frequent Central Park have such workers to thank for the playgrounds around the edge of the park, the delightful little zoo, the bridle path, the red brick boathouse where they rent rowboats—even the concrete benches. Besides these visible reminders of federal "make-work" programs, there is much that is less obvious now but that kept the city from falling apart during the Depression, such as new sewers and sidewalks and repairs to museums, libraries and other public buildings.

Today's unemployment rate of under 6 percent looks insignificant by the standards of the '30s, when as many as a quarter of all workers were jobless. Nevertheless, a substantial number of the five million Americans now classed as unemployed are growing just about as desperate as their Depression counterparts—perhaps more so in some cases because they see so much affluence around them.

Many have been out of work for long stretches and seemingly have little prospect of landing a job in industry soon even if the pace of business continues to pick up. Their ranks include unskilled urban blacks as well as highly trained engineers and technicians displaced by defense and aerospace cutbacks. For some of the hard-core unemployed, public employment may offer the only hope.

So far, Washington's efforts to create public jobs have been sharply limited. The bill enacted last summer to expand local government payrolls by providing federal funds for the hiring of new teachers' aides, policemen and the like creates only 150,000 jobs all told, and critics say many of these aren't going to the people who need them most. Before accepting this relatively modest program, President Nixon twice vetoed bills that would have created many more jobs. One veto message assailed "WPA-type jobs."

It's not hard to find grounds for criticizing the WPA. Some of the $10 billion that agency cost the federal government between its launching in 1935 and the closing of its books in 1943 went for such questionable items as the wages of local politicians' household help. In a number of instances WPA funds financed the construction of facilities that wound up in private hands. There were also frequent complaints that the Democrats used WPA jobs to buy support in elections.

Nor is there any denying the waste and inefficiency that gave rise to the term "boondoggle." A final government report on WPA activities conceded that some of the agency's airport and dam construction had proved "ill-advised" and "overdone." The same report notes that the WPA built 2,309,000 public privies, raising the question of whether privy building might not have been overdone, too.

The cartoons depicting WPA workers leaning on their shovels had a basis in fact. Indeed, in 1938 a crew of WPA ditch-diggers here in New York walked off the job because the foreman wouldn't let them lean on shovels. The men had been in the habit of working in pairs, one with a pick and one with a shovel. When the pick man was working, the shovel man rested, and vice versa. The foreman ordered each man to use pick and shovel interchangeably to speed the work. The workers called the order "inhuman" and struck before eventually complying.

Given the immense scale of its operations, however, perhaps the remarkable thing is that the WPA managed as well as it did. At one time or another. 8.5 million Americans were on its payroll, earning an average of $54 a month. And the list of their accomplishments is impressive.

WPA workers built 67,000 miles of urban streets and built or improved 572,000 miles of rural roads. They built or improved 8,000 parks and 12,800 playgrounds. They erected 5,900 schools and renovated 31,000 others, and they built or improved more than 1,000 libraries.

Some of their efforts at least moderated the environmental problems that concern Americans so much today. WPA crews built or modernized more than 1,500 sewage treatment plants. Unemployed miners on the WPA rolls in West Virginia, Ohio, Pennsylvania and Kentucky sealed thousands of abandoned coal mines, thereby reducing the stream pollution caused by acid drainage from the mines. Other conservation projects included the reseeding of depleted oyster beds and the planting of 177 million trees.

No section of the country failed to benefit. Jersey City got a 22,000-seat stadium, and Whitley County, Ind., got a new cemetery. Los Angeles got golf courses and swimming pools, and Cumberland, Ky., got a new city hall. Chicago got help with its lakefront park, and Oregon got a ski lodge atop Mount Hood.

Construction accounted for the bulk of WPA employment, but the agency showed considerable imagination in putting jobless professionals and white-collar types to work in fields where they could use their talents. Laid-off teachers set up adult education programs. WPA clerical workers helped streamline record-keeping in municipal tax offices.

Best remembered are the projects in creative fields. WPA writers turned out the celebrated series of state guidebooks still prized as reference works today. WPA artists covered the walls of public buildings with 2,500 murals. Many of the murals have long since disappeared, but some of the painters employed by the art project went on to fame—Jackson Pollock and Willem De Kooning, to mention a couple.

The programs for writers and artists, as well as others for musicians and actors, were directed from Washington, but most of the WPA's construction and maintenance projects resulted from proposals made by local governments. A town said it needed a park. If the WPA approved, it issued tools and a tool shed from its supply section, and the jobless went to work.

Some cities' needs are as great today as they were in the '30s. Just as a starter, much of the work the WPA did needs to be redone; the parks it built are a mess and the public buildings it constructed or refurbished have become shabby. A major urban rehabilitation effort would be one way to employ many of the unskilled jobless profitably.

Finding jobs for the idle engineers and technicians might require imagination of the sort the WPA displayed in putting unemployed professionals to work. But men ingenious enough to build moon rockets could surely make a contribution somewhere. One likely possibility is in helping cities cope with the rising tide of waste through recycling programs and other means.

Today's conditions are not the same as those of the depths of the Depression, of course, and there are questions as to whether the money for a major job-creating effort is available. A proposal by Rep. Henry Reuss, a Wisconsin Democrat, to create 500,000 public service jobs over two years carries a price tag of $6 billion, compared with $2.25 billion over the same span for the current program. But the achievements of the WPA coupled with the glaring needs of the cities today, do suggest that money spent to make jobs would yield the nation at least some return in the form of concrete benefits. And aside from such tangible benefits, a larger public jobs program could hope to lift the spirit of some of those who have come to feel that society has no useful role for them to play.

REFERRAL OF MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TO COMMITTEES ON FINANCE, AND LABOR AND PUBLIC WELFARE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message from the President of the United States on the Allied Services Act of 1972 be jointly referred to the Committee on Finance, and the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

In responding to steady public demand over recent decades for more and more human services, the Federal Government created a host of assistance programs designed to meet a wide variety of human needs.

These many programs were established one-by-one over a considerable number of years. Each of the target problems was examined in isolation, and a program to alleviate each problem was devised separately—without regard to programs which had been, or would be, developed for allied problems.

The result is that a compassionate government unwittingly created a bureaucratic jungle that baffles and short-changes many citizens in need. The unintended administrative snarl wastes taxpayers' money. And it frustrates needed efforts to treat "the whole person."

The Allied Services Act of 1972, which I am proposing today, would give State and local officials authority to consolidate the planning and implementation of the many separate social service programs into streamlined, comprehensive plans—each custom-designed for a particular area.

Such plans could eventually make it possible to assess the total human service needs of an entire family at a single location with a single application. Most applicants need more than one service, and now must trudge to office after office applying for assistance from one program at a time—with the result that they may not obtain all the services they need, or may be discouraged altogether from seeking help.

The Department of Health, Education, and Welfare administers some 200 different human assistance programs in about a dozen major fields—to help needy citizens with such services as mental health, vocational rehabilitation, manpower training, food and nutrition, special programs for the aged, education, juvenile counseling, alcoholism and drug abuse, housing and public health.

Each of these programs has its own eligibility rules, application forms, management, and administrative policies. Each program usually has its own office location and its own geographical coverage area.

Federal rules and regulations, in short, now keep each social service program locked up in a little world of its own. This is not only wasteful and inefficient—it also prevents State and local efforts to close the gaps in social service delivery systems.

As I stated in my State of the Union Message this year, "We need a new approach to the delivery of social services—one which is built around people and not around programs. We need an approach which treats a person as a whole and which treats the family as a unit."

For the uninformed citizen in need, the present fragmented system can become a nightmare of confusion, inconvenience, and red tape.

The father of a family is helped by one program, his daughter by another, and his elderly parents by a third. An individual goes to one place for nutritional help, to another for health services, and to still another for educational counseling.

They are not the only victims of fragmented services—others include the taxpayers, and the public officials and government employees seeking to operate these diverse programs. Vast amounts of time, money, and energy are expended in administrative procedures which overlap and duplicate—rather than being efficiently organized to help people.

The Allied Services Act of 1972 would give State and local governments greater legal freedom and planning tools needed for the long-overdue job of modernizing the delivery of social services into consolidated programs. This process would begin at the option of elected State and local officials, and would be highly responsive to their needs.

It would permit knowledgeable State and local people to break through rigid categorical walls, to open up narrow bureaucratic compartments, to consolidate and coordinate related programs in a comprehensive approach to related social aid problems—designed to match widely-varying State and local needs.

Under the Act, the Federal Government would make dollars available for the costs of developing consolidated plans, and it would also be prepared to underwrite the administrative start-up costs when the comprehensive services program went into effect.

To encourage and facilitate such unified services, the Secretary of Health, Education, and Welfare would be empowered by the Act to approve the transfer of up to 25 percent of any existing program's funds into any other purpose or programs involved in an approved local allied service plan—a logical flexibility now hindered by Federal program regulations.

The Secretary also could provide a waiver of any existing program regulation which barred or hampered an existing program from participating in such activity.

The Allied Services Act charts a new course for the delivery of social services. It is a complex reform proposal with many major ramifications for many established groups—government and private—on the Federal, State, and local levels.

The consideration and eventual passage of this legislation by the Congress would only be a start. At the same time, human service delivery reform would have to be debated all across the country by affected governments and groups, in order to decide how they would make best use of the proposed freedoms and incentives in their particular areas.

This is one more effort by my Administration to make government more sensible, more responsive and more effective at the local level—where most citizens actually meet the practical impact of government.

In this important proposal, as in my recommendations for Revenue Sharing, we would summon forth the creative energies and the local expertise of State and local officials, rather than keeping them strapped in a straitjacket of inflexible Federal regulations.

They would be freed—and thus would be challenged—to direct the development of customized, comprehensive social services plans to treat the special needs, resources and desires of their particular areas.

Such efforts should result in government built for people, geared for across-the-board performance, and designed for results rather than bureaucratic ritual.

If we bring this about, we shall not only be providing better social services—we also shall be taking a giant step toward the restoration of the people's confidence in the common sense of performance of their government.

RICHARD NIXON.

THE WHITE HOUSE, *May 18, 1972.*

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time not be charged against anyone.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1194

Mr. HARTKE. Mr. President, I call up my amendment No. 1194 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of the bill, add the following new title:

TITLE VIII—STUDY COMMISSION RELATING TO PEACE AND INTERNATIONAL COOPERATION

FINDINGS AND PURPOSE

SEC. 801. The Congress declares that the United States has an urgent and continuing responsibility to seek international peace and has undertaken obligations to seek international peace under the Kellogg-Briand Pact of 1929, the Nuremberg Charter of 1945, and article II, paragraphs 3 and 4, of the United Nations Charter. It is the purpose of this title to establish a study commission which will submit findings and recommendations to determine the most appropriate way to meet these responsibilities and obligations and to provide the means to seek and achieve the peaceful resolution of international conflict.

COMMISSION ON PEACE AND INTERNATIONAL COOPERATION

SEC. 802. (a) To carry out the purpose of section 801 of this Act, there is established a Commission on Peace and International Cooperation (hereafter referred to in this title as the "Commission").

(b) The Commission shall be composed of the following twelve members:

(1) four members appointed by the President, two from the executive branch of the Government and two from private life;

(2) four members appointed by the President of the Senate, two from the Senate and two from private life; and

(3) four members appointed by the Speaker of the House of Representatives, two from the House of Representatives and two from private life.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Seven members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) Each member of the Commission who is not otherwise employed by the United States Government shall receive $145 a day (including traveltime) during which he is engaged in the actual performance of his duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

DUTIES OF THE COMMISSION

SEC. 803. (a) The Commission shall study and investigate the organization, methods of operation, and powers of all departments, agencies, independent establishments, and instrumentalities of the United States Government participating in the formulation and implementation of matters relating to peace and international cooperation and shall make recommendations which the Commission considers appropriate to provide improved governmental processes and programs in the formulation and implementation of such matters, including, but not limited to, recommendations with respect to—

(1) the reorganization of the departments, agencies, independent establishments, and instrumentalities of the executive branch participating in such matters;

(2) improved procedures among departments, agencies, independent establishments, and instrumentalities of the United States Government to provide improved coordination and control with respect to the conduct of such matters;

(3) other measures to promote economy, efficiency, and improved administration of such matters; and

(4) the best methods by which the United States Government should seek to achieve peaceful resolution of international conflicts and international cooperation.

(b) The Commission shall submit a comprehensive report to the President and Congress, not later than June 30, 1974, containing the findings and recommendations of the Commission with respect to its study and investigation. Such recommendations may include proposed constitutional amendments, legislation, and administrative actions the Commission considers appropriate in carrying out its duties.

POWERS OF THE COMMISSION

SEC. 804. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of any such subcommittee, or any designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purposes of this title. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

STAFF OF THE COMMISSION

SEC. 805. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at GS–18.

EXPENSES OF THE COMMISSION

SEC. 806. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

Mr. HARTKE. Mr. President, the amendment that I have sent to the desk would amend the pending bill to provide for a study of the need for a Department of Peace.

In the last session of Congress, I introduced legislation that would provide for a Department of Peace as an executive department of the Government. That proposal represented a call to the new idealism which holds that future wars can be avoided only if we care enough to try. It would establish a new Department to develop long-range policies for peacekeeping. For presently, there is no institutional advocate for peace in our Government.

A major argument against the establishment of a department of peace has been that such action is unnecessary—that the State Department and the various agencies conducting U.S. foreign policy promote the cause of peace. However, many of those engaged in the conduct of foreign policy have stated that their function is neither to foster peace nor prevent war but to promote the national interest of the United States as defined by the President, the Secretary of State, and their colleagues and collaborators. Apparently the understanding is that their duty has nothing to do per se with peace or war. To paraphrase the classic dictum of Karl Von Clausewitz:

> War is politics continued by other means.

Diplomacy is war continued by other means—namely, a quest for national advantage in competition with rivals and potential or actual enemies. The only thing that is clear from all of this is that it is unclear to Government officials and United States citizens as to who is the advocate of peace and international cooperation in the U.S. Government. Therefore, the need for a study to determine who does and should conduct the peace efforts of the United States is abundantly clear.

Title VI of the present bill provides for the establishment of a study commission to investigate the formulation and implementation of United States foreign policy. But I am not certain that the type of study which I have called for would come under the purview of title VI, since title VI, as I read it, contemplates only a review of existing institutions and functions rather than looking to any sharply new direction in the overall purpose of our foreign policymaking. And it is precisely that new direction in purpose that characterizes the call for a department of peace.

Mr. President, I wish to call attention to the fact that when I first made a statement and called for the establishment of a Department of Peace and had a news conference with respect to the measure, that same day President Nixon had a news conference. He was asked what his comment would be about a Department of Peace. He said:

> We already have a Department of Peace in the Department of State, and a Department of Defense.

That raised eyebrows of many Americans and many people throughout the world.

At this point I would like to ask the proponents of the pending bill, if I may have the attention of the Senator from Arkansas, the chairman of the Committee on Foreign Relations, an opinion as to whether or not such a study as I have called for would be conducted under title VI of the present bill. In other words, I want to know if it would come within the purview of the present bill, and if so, under what circumstances would it be included under the pending bill?

Mr. FULBRIGHT. I think most certainly what the Senator has in mind, as I understand his amendment, is definitely contemplated in title VI of the bill under the Study Commission Relating to Foreign Policy.

One of the objectives of such a commission is to study not only the appropriate governmental processes but also the formulation of policy. Section 603 states on page 34:

> DUTIES OF THE COMMISSION
>
> SEC. 603. (a) The Commission shall study and investigate the organization, methods of operation, and powers of all departments, agencies, independent establishments, and instrumentalities of the United States Government participating in the formulation and implementation of United States foreign policy and shall make recommendations which the Commission considers appropriate to provide improved governmental processes and programs in the formulation and implementation of such policy, including, but not limited to, recommendations with respect to—

Then the Senator will notice the five specific areas for study. I wish to call particular attention to the fifth item which states:

> Other measures to promote economy, efficiency, and improved administration of foreign policy.

It is a rather broad statement.

We had in mind for one objective, very much the same thing the Senator has proposed.

This has been an idea that has been considered for a number of years. The committee is very interested in reestablishing the role of the Department of State as distinguished from the National Security Council, of reestablishing its prestige and its importance. So the duties of the commission, as we provided, will encompass the study of the problems regarding the establishment of peace and how to resolve, by peaceful means, international conflicts.

I, of course, approve of the Senator's objective, but I just think the provision in the bill is ample to achieve that objective.

Mr. HARTKE. I would like to make this point to the chairman of the Foreign Relations Committee. In the first place, I am not interested, really, in realining the present institutions. There is a great attack upon institutions per se in this country, and the attack upon those institutions is because they are not promoting the best interests of the United States—at least in my view of what should be the ultimate purpose of the United States, and that is to promote world peace. Certainly, this is not new, but it is something in which the United States has been derelict in recent years. We are being portrayed throughout the world as a nation without a goal and without a soul. The reason for that is that we have no one dedicated, no agency dedicated, no institution dedicated, no personality that can be readily identified as an individual who is dedicated to promoting world peace and peaceful purposes.

If I look upon section 603, I call attention to the fact that the commission which is envisioned in section 603 deals with the powers of all departments—it does not deal with anything new—agencies, independent establishments, and instrumentalities of the U.S. Government. This, in and of itself, refers to existing institutions which I think anyone who is acquainted with the Vietnam tragedy would have to say are in utter disarray and complete failure.

Then in line 23, I call the attention of the chairman of the committee to the word "participating." This is a very limiting factor. It does not envision anything new. It is merely a continuation of the old.

Mr. FULBRIGHT. Mr. President, will the Senator yield before he passes from that?

Mr. HARTKE. Yes, I am glad to yield.

Mr. FULBRIGHT. I call the Senator's attention, in connection with that, to subsection (b), which provides that "the commission shall submit a comprehensive report," and so forth, and provides that those recommendations "may include proposed constitutional amendments, legislation, and administrative actions the commission considers appropriate in carrying out its duties."

It is very clearly contemplated that if the commission feels it is proper to have a new organization or institution or a constitutional amendment, or whatever is desired, that is within the purview of the commission to study. The point is that the commission has to develop some new ideas. That could relate, as I say, to anything from constitutional amendments to the creation of a new department.

Mr. HARTKE. My distinguished friend, the chairman of the Foreign Relations Committee, knows I hold him in high esteem, certainly in his dedication to world peace, but the fact remains that there is not in this legislation any definition or any real penetration of the need for doing something affirmatively toward world peace. It deals with foreign policy. If the Senator were to ask any person in the United States what the foreign policy of the United States was, if he could define it at all, he would say, "We have demonstrated to the world that we are a nation that believes that might makes right."

Mr. FULBRIGHT. That would be a result of current policy or from reading the newspapers. What does the Senator expect them to say?

Mr. HARTKE. I expect them to say that, and I expect them to say that about this legislation unless it contemplates affirmative action rather than a continuation of the present structure.

On line 24, page 34 of the bill, it deals with foreign policy. When we talk about foreign policy in the common vernacular of the United States, we do not deal with something new. We do not deal with innovations. We do not deal with imagination. We do not deal with idealism. The foreign policy of the United States, as defined in the marketplace by the common man in the United States, is that we do not intend to be a Nation that is going to suffer its first defeat militarily. Those are the words of President Nixon. He says he has the polls to back him up in his overall policy. When we come back to section 603, on line 3 of page 35, it says "of such policy." It does not deal with something new. It deals with the past.

If there is something that this country needs, it needs some kind of thinking into the future. We are in the last third of the 20th century.

Mr. FULBRIGHT. The only reason for this provision is that it would contemplate some new policy. The Senator is saying we are creating this commission to endorse existing policy. That is an absolute non sequitur. Obviously, we would not have been interested in it except that we are dissatisfied with the current policy. Obviously any reasonable person would interpret this to mean that we are looking for some new policies and some better way to make and conduct policy than we now have. If we were content with what it is now, we would not do anything about it.

Mr. HARTKE. Let me ask the Senator who there is in the administrative side of the U.S. Government today who is charged with the responsibility to develop plans, policies, and programs for peace.

Mr. FULBRIGHT. Well, at the moment it is commonly believed that the National Security Council has that responsibility.

Mr. HARTKE. The National Security Council?

Mr. FULBRIGHT. That is what we are led to believe.

Mr. HARTKE. The last time they called the National Security Council it was when we were invited to a Democratic caucus, in which it was stated we should try to find out what is going on with respect to the spectacular announcement that the President was going to bomb North Vietnam and that he was going to mine Haiphong Harbor. That was the National Security Council's action.

Mr. FULBRIGHT. That was the President's action.

Mr. HARTKE. But it is the National Security Council.

Mr. FULBRIGHT. They report to him, not to the Congress.

Mr. HARTKE. I understand. As the chairman knows, I was in the caucus, and I made it clear that I thought we should be participating in the foreign affairs and in the decisions of the Nation, especially with respect to Vietnam. At the time it was suggested that the chairman of the conference and the majority leader, together with the chairman of the Foreign Relations Committee and the chairman of the Armed Services Committee, should make a little request, in the words of one Senator—which we did not do—of King Richard I. That was later dropped. But it was suggested that should be done before there was an announcement and before action was taken in Vietnam.

At that time the chairman would ask if we could report back at 4 o'clock in the afternoon, before the President would go before the Nation, even though he had not at that time announced he was going to take such action. The chairman of the conference and the majority leader said it was hoped they would be able to await some type of accommodation to discuss this with the President. As the chairman of the Foreign Relations Committee knows full well, the majority leader was summoned, as though he were a servant of the administration, to meet at 8:30 in the evening, at which time the decision of the National Security Council was announced to those in attendance, and then, as though they were synchronizing their watches, they said, "At this moment we are mining the harbor of Haiphong."

If that is an affirmative mandate for the National Security Council to secure peace, that is the type of affirmative mandate I am looking for.

There is nothing in this bill which in any way whatsoever puts forth that type of affirmative mandate to study methods, programs, policies, and plans whereby this Nation can really have world peace. Is there anything that the Senator can point to that would be contradictory to what I have said?

Given the history, it seems to me we have shunted aside far enough. As far as I am concerned, I say we might as well disband the Senate, because we are operating under Executive mandate. I think it will require some type of affirmative policy, rather than merely an addendum whereby we say "shall study the existing organization," and may include other items. I think there ought to be an affirmative mandate here to discuss methods, policies, programs, how to proceed and how to promote peace, how we are going to deal with other nations, how we are going to deal with existing private institutions, organizations, and individuals, so that we can have an interchange for peace; how we are going to use the authority in the Atomic Energy Act, for example, for peaceful use of atoms. We have not heard about that since Eisenhower was President, as a matter of fact.

In other words, what we are talking about here is changing the whole course of our Nation to seize the initiative for peace, not to simply quietly agree that we cannot do anything about this man in the White House unless we get a new President.

I would hope that in some way we could incorporate in this bill some affirmative mandate, some policy by which we would at least put the Senate on record that we are in favor of peace. I find it rather repulsive to hear that it is the Chinese and the Russians who are held out to the rest of the world as being the nations seeking peace.

This is not a new concept, as the Senator well knows. For example, in a very important article written back in 1960, entitled "Government Organization for Arms Control," the distinguished junior Senator from Minnesota (Mr. HUMPHREY) made the following very incisive point:

> The role of the Senate in the ratification of treaties is a vital one. The requirement of a two-thirds vote means that very large support and understanding of the position of the executive branch on any treaty that is negotiated must be forthcoming from the Senate. A two-thirds vote also means that the subject of any treaty must transcend partisan politics. Seldom does the political party in control of the executive branch have the strength in the Senate to command or expect the support of 67 Senators.

Then he went on to say:

> The executive branch should not wait until a treaty has been negotiated before it consults the Senate. If it does, the Senate has the awkward choice of either a routine approval of the treaties submitted to it or of refusing consent to the product of months and perhaps years of labor and negotiation.

This deals with the ratification of treaties. But it deals with the same fact, that there is no institution in government today which is dedicated to the promotion of peace.

Benjamin Rush, at the time that he was active, in Revolutionary days, said it was not illogical to suggest that the United States should have a department of peace, even though we were then engaged in the Indian wars, because we had created a Department of War in a time of peace.

All I am saying to the chairman of the Committee on Foreign Relations is that unless there is an affirmative declaration in this bill which says, very simply, that we are interested in peace, I think it could easily be interpreted that we are primarily interested in engaging in imperialistic conquest. The present situation demonstrates the complete bankruptcy of our foreign policy for the last 25 years. We need a new direction.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, I do not see any really substantial difference. The Senator's amendment does not in any way affect the present powers of the National Security Council. He is recommending the establishment of a study commission to submit findings and recommendations, the same thing that the bill recommends. He uses the words—to provide—the best methods by which the U.S. Government should seek to achieve peaceful resolution of international conflicts and international cooperation."

On page 35 of the bill, it says:

> (2) more effective arrangements between the executive branch and Congress, which will better enable each to carry out its constitutional responsibilities;

I think it is clear that one of the things we have in mind is to find better ways to achieve the peaceful resolution of international conflicts. That would clearly be one of the objectives.

We would not, by passing a bill saying we are for peace, have the slightest effect upon what the underlying policies really are. It is the policies and the persons responsible for their implementation that bring about peace. We could pass a resolution saying we are for peace, but does the Senator think that would promote anything at all?

We have to change what we actually do, and this is done through the institutions of government, as we put it here, which will better enable us to carry out our constitutional responsibilities by better, more effective arrangements between the executive branch and Congress. We had in mind exactly what I think the Senator does, and that is that the relationship between Congress and the Executive has broken down; there is no communication in the field of foreign policy. We all recognize that; that is really the reason for the provision in the bill. I do not see how the Senator's amendment adds anything to the provision in the bill. If he thinks the word "peace" inserted somewhere in there would make a big difference, I think we might find a place to put in such a word. But I see no point in adding the entire amendment to the committee's provision, because it does exactly the same thing: It authorizes a study of ways to better organize our system to bring about a more rational and peaceful world. That is what its objective is.

Mr. HARTKE. Let me emphasize to the Senator once again that rhetoric in this society is very important. I am not so sure all of us would agree that rhetoric should be as important as it is. Communications are very important, and because of the fact that they are, I think we ought to communicate from this body to the President and to the world that we want a nation which will be dedicated in the future to peace; and there is no way at the present time that we can do that, with the President in his present posture, because he is demonstrating to the world that he means peace through additional bombing, he means peace through utilization of military power, he means peace through utilization of napalm. I do not believe in that, and I know the chairman of the Committee on Foreign Relations does not believe in that.

I think we need an emphasis on peace, but I will say equally, as strongly as I can, that until we at least have the rhetoric, we are not going to have policy formulation in that direction.

I might say, the rest of the world may go ahead and condemn the totalitarian societies of China and Russia, but the fact is that they have reemphasized day after day that they are seeking for peaceful solutions. That is what I would like to see us do. I would like to see us change our agencies and institutions of government to give some hope, at least, to the young of this Nation and the young in heart that we are going to at least change the policy, not just change the institutions or put together the present organizations which are dealing with the present policy, but absolutely change the whole character and characteristics of America to be what it was originally conceived to be, that is, a Nation which would take the liberty which God gave us, in the words of Thomas Hooker. Or in the words of Winston Churchill, when he said that America was the most gracious of all the Nations in the world, seeking neither tribute nor ransom from friend or foe.

Those words mean something. Words by themselves may not make a change in policy, but I would imagine that in many ways the charge and the encouragement that have been given by forceful statements of policy, either in speeches or in legislation, have really changed the whole course not alone of nations, but of the world.

Would the chairman be willing to include, in section 603(b), the statement that the recommendations would include proposed constitutional amendments, legislative and administrative actions, and the desirability and feasibility of a Department of Peace?

[Disturbance in the galleries.]

The PRESIDING OFFICER. The galleries will be in order.

The time of the Senator from Indiana has expired.

Mr. FULBRIGHT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 25 minutes remaining.

Mr. HARTKE. I asked this question of the Senator when he was consulting with his aide: Would the chairman be willing to include in section 603(b), after the word "legislation," the words "a study of the desirability and feasibility of a Department of Peace"?

Mr. FULBRIGHT. A Department of Peace?

Mr. HARTKE. Yes.

Mr. FULBRIGHT. No. I think that if the Senator is going to put in anything—and I do not think it is necessary—I mentioned section (5) a moment ago: "Other measures to promote economy, efficiency, and improved administration." Changing that to "Or other measures to promote peace" would be inoffensive and would emphasize what is obviously intended by this provision.

Mr. HARTKE. In other words, the Senator says that "other measures to promote peace——

Mr. FULBRIGHT. The Senator can put in the word "peace" if he wishes.

Mr. HARTKE. "Other measures to promote peace, economy, efficiency, and improve the administration of foreign policy?"

Mr. FULBRIGHT. Yes.

Mr. HARTKE. That would be acceptable under the circumstances.

Mr. FULBRIGHT. I think it would be. That is perfectly proper. That is clearly implied, I think, in the purposes of this Commission.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I am prepared at this time to make a modification of my amendment. My understanding of the parliamentary situation is that a modification of the amendment would require unanimous consent, and I am prepared to withdraw my amendment and make a substitution; but I am not prepared to do so in the event there is going to be an objection to the unanimous-consent request.

The PRESIDING OFFICER. Unanimous consent is required for the Senator to either modify or withdraw the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that I be permitted to withdraw my amendment and offer a new amendment, which, in effect, would add, on page 35 of the bill, in section 603(a)(5), the word "peace" after the word "promote" and before the word "economy."

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I do not intend to object—would this entail any conflict with the previous unanimous-consent agreement with respect to the laying aside of the Church-Case and the Griffin amendments?

The PRESIDING OFFICER. This is a different amendment.

Mr. ROBERT C. BYRD. Mr. President, I would reserve my objection and ask that the Senator modify his request to include the proposition that the previous unanimous-consent order in no way be affected.

Mr. HARTKE. I so modify my request—that is, that it shall in no way affect the previous time order or any other proceedings, under any other amendments or proceedings which have been had heretofore.

Mr. ROBERT C. BYRD. And that the new amendment would have to be disposed of within that overall 1-hour time period provided in the previous agreement.

Mr. HARTKE. I agree to that.

The PRESIDING OFFICER. That is the same as modifying the amendment.

Is there objection? The Chair hears none, and it is so ordered.

Mr. HARTKE. Mr. President, my time has expired. I have no time remaining.

The PRESIDING OFFICER. The Senator is correct. His time has expired.

Mr. FULBRIGHT. Mr. President, I yield myself such time as I may require.

I should like to explain for the record my understanding of what is now the amendment before the Senate. The Senator's original amendment has been withdrawn; and in place of that, on page 35, line 19, after the word "promote," he would insert the word "peace."

I see no objection to this. I believe that a full understanding of the purpose of the language in the bill would include peace. It certainly would be contemplated that this Commission, in studying the processes and programs of our Government would be looking toward the promotion of peace. So I would be perfectly willing to accept this amendment. I think it delineates more specifically what is contemplated and I see no objection to it.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. COTTON). All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Indiana. (Putting the question.)

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Michigan (Mr. GRIFFIN).

QUORUM CALL

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, again, for the record, what is the pending question before the Senate?

The PRESIDING OFFICER. It is on the amendment of the Senator from Michigan (Mr. GRIFFIN) to S. 3526.

Mr. ROBERT C. BYRD. I thank the Presiding Officer.

Mr. President, the leadership has endeavored to inquire as to whether there are other amendments to S. 3526, on which a time limitation might be reached which would permit prompt action on such amendments without a long setting aside of the pending amendment by Mr. GRIFFIN.

The leadership is unable, however, to find any additional amendments which Members would be willing to take up this afternoon or tomorrow with only a reasonably short period of time for the discussion and disposition of those amendments.

Furthermore, there are no other measures on the calendar which are cleared for action today or tomorrow. As to the conference report on the higher education bill, it will not be brought up before next week.

The situation being what it is, then, Mr. President, the only thing that the Senate could do on tomorrow would be to come in and spin its wheels if, indeed, the wheels would turn at all. A few Senators might be on hand or they might not be on hand to make speeches. I have no way of knowing whether Senators would be disposed to discuss the pending business on tomorrow. I doubt it.

That being the case, before changing the date for the next convening of the Senate, I want to express my appreciation to the Senator from Indiana (Mr. HARTKE) and the Senator from Arkansas (Mr. FULBRIGHT) for their willingness to dispose of the amendment which was just disposed of a bit earlier, and I want to express the hope—shared by the distinguished majority leader, I am sure—that committees will, on tomorrow, take advantage of the opportunity to conduct hearings on bills, especially those "must" bills, such as regular appropriation measures, and so forth, which ought to be brought to the Senate soon and placed on the calendar for floor action, thus enabling the Senate to dispose of the "must" legislation—and, in that category, I place the 12 to 14 remaining regular appropriation bills—before the Democratic Convention in July.

Of course, any other "must" legislation that can be disposed of before July should be made ready for floor action as expeditiously as possible.

Then, when the Senate reconvenes, of course, following the Democratic Convention, there will be a period during which the Senate could take up other business, such as H.R. 1 and the catchall supplemental appropriation bill. So I hope the Senate and the House will not resign themselves to being in session throughout this entire year, and I trust that committees will take advantage of the opportunity for uninterrupted and well-attended meetings to transact business and prepare measures for floor action.

ORDER FOR ADJOURNMENT TO MONDAY, MAY 22, AT 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, having said that, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. on Monday next.

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HRUSKA, FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS, AND FOR CONSIDERATION OF PENDING BUSINESS ON MONDAY, MAY 22, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order on Monday next, the distinguished Senator from Nebraska (Mr. HRUSKA) be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business, S. 3526.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 5199) to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket numbered 251–A, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 8116) to consent to the Kansas-Nebraska Big Blue River Compact.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

Mr. HARTKE. Mr. President, I ask the acting majority leader a question. At the present time, is my amendment No. 1168, which I intend to call up, in order?

Mr. ROBERT C. BYRD. No, it is not. Does the Senator wish to call that amendment up at this time?

Mr. HARTKE. I would like to proceed with that if I could.

Mr. ROBERT C. BYRD. Mr. President, might I have the attention of the Senator from Florida (Mr. GURNEY) and the Senator from Arkansas (Mr. Fulbright)?

Mr. President, the distinguished Senator from Indiana desires to call up amendment No. 1168. The pending question before the Senate is on the agreement to the Griffin amendment. I shall propound a unanimous-consent request and see if it is the will of the Senators present to proceed with the consideration of amendment No. 1168.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as amendment No. 1168—proposed by the Senator from Indiana (Mr. HARTKE) to S. 3526, the pending business—is called up and made the pending business before the Senate, there be a time limitation thereon of 1 hour, the time to be equally divided between and controlled by the Senator from Indiana (Mr. HARTKE) and the Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. GURNEY. Mr. President, reserving the right to object, this request is only for time?

Mr. ROBERT C. BYRD. Yes.

Mr. GURNEY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the pending amendment, the Griffin amendment, now be temporarily laid aside and that the Church-Case amendment to which the Griffin amendment addresses itself also be temporarily laid aside for not to exceed 1 hour, that the distinguished Senator from Indiana (Mr. HARTKE) may be recognized immediately for the purpose of calling up amendment No. 1168, and that the time on any amendments to the Hartke amendment, debatable motions, or appeals come out of the time allotted to that amendment; provided further that the Griffin amendment be returned to its status as the pending question before the Senate upon the disposition of the Hartke amendment.

THE PRESIDING OFFICER. Does the distinguished Senator from West Virginia also ask that the Stennis amendment be temporarily laid aside?

Mr. ROBERT C. BYRD. Mr. President, would the consideration of the Hartke amendment also necessitate the laying aside temporarily of the Stennis amendment?

THE PRESIDING OFFICER. The Chair is advised that it would be necessary.

Mr. ROBERT C. BYRD. Very well. I also include that in my unanimous-consent request.

Mr. GURNEY. Mr. President, reserving the right to object, and I shall not object, my understanding is that when the Hartke amendment is disposed of, in whatever fashion it is disposed of, the status quo of the parliamentary situation is precisely the same as it was before the Hartke amendment was called up.

THE PRESIDING OFFICER. The Chair is so advised.

Mr. ROBERT C. BYRD. Before the Chair puts the request, might I also ask the Chair, in the event there is a rollcall vote on the Hartke amendment and any other amendments at the close of the 1 hour, thus necessitating a longer period of time than the 1 hour for disposition, and in view of the request that the Griffin amendment be laid aside only for not to exceed 1 hour, if the Chair anticipates any problem?

The PRESIDING OFFICER. The Chair anticipates no problem because if a rollcall vote is in progress, it would continue to its conclusion and the Griffin amendment would automatically be again before the Senate.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Presiding Officer, and I thank all Senators.

The PRESIDING OFFICER. Is there objection to the entire unanimous-consent request by the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. HARTKE. I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, is it the intention of the distinguished Senator from Indiana to ask for the yeas and nays on his amendment?

Mr. HARTKE. Not at all.

Mr. ROBERT C. BYRD. Mr. President, does the able Senator anticipate a rollcall vote on his amendment?

Mr. HARTKE. I do not because of the persuasive voice of the chairman of the Foreign Relations Committee. However, I hope that I can maintain his attention at this time to a matter of important foreign policy.

Mr. ROBERT C. BYRD. I thank the Senator.

AMENDMENT NO. 1168

Mr. HARTKE. Mr. President, I call up my amendment No. 1168.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 21, line 7, strike "subsection" and insert "subsections" in lieu thereof.

On page 21, line 17, insert the following:

"(d) No person other than the President of the United States or the Secretary of State shall be authorized to conduct negotiations looking to the termination of an armed conflict to which the United States is a party unless he has been appointed to conduct such negotiations by and with the advice and consent of the Senate.".

Mr. HARTKE. Mr. President, negotiation of a treaty is constitutionally to be shared by the Senate and the President. The Constitution of the United States assumes that the President and the Senate will be associated throughout the entire process of making a treaty.

With this fundamental constitutional principle as a background, I am pleased that section 501(c) of S. 3526 requires that "no person shall be designated as ambassador or minister, and no person shall use the title of ambassador or minister, and no person shall use the title of ambassador or be designated to serve in any position or use any title which includes either of those two words, unless that person is appointed as an ambassador or minister" by and with the advice and consent of the Senate.

While the report of the Foreign Relations Committee which accompanies S. 3526 does not make clear the full intent of section 501(c), its impact will be to require the President to submit for the advice and consent of the Senate the nomination of any ambassador or minister—whether that title be diplomatic or personal.

Unfortunately, Mr. President, section 501(c) would not prevent the existence of a situation such as the one which exists at the Paris peace talks today. On July 26 of last year, I introduced Senate Resolution 156 to restore the Senate to its rightful constitutional place in the treaty-making process of the United States, and thereby facilitate a speedy end to our involvement in the Indochina war. That resolution required the President to submit to the Senate for advice and consent, the nomination of the man he wishes to send as chief negotiator to the Paris peace talks.

Amendment 1168 has the same purpose. It states in unequivocal words:

> No person other than the President of the United States or the Secretary of State shall be authorized to conduct negotiations looking to the termination of an armed conflict to which the United States is a party unless he has been appointed to conduct such nego-

> tiations by and with the advice and consent of the Senate.

Mr. President, recently the Senate passed the War Powers Act in an effort to preserve the Senate's constitutional warmaking powers. We have neglected however, our constitutional power to make peace, which is the treatymaking power.

The power to make treaties is an important one. Yet, in recent years, there has been a neglect on the part of the Senate to exercise its responsibilities under the Constitution in relation to the treatymaking power.

There is general agreement that the President and the Senate must agree before a treaty can be made. The only question really at issue is whether the two parties shall have a right to be equally informed.

Because the Senate has not given its advice and consent to the U.S. negotiator at the Paris peace talks, the Senate has been effectively excluded from participation in the formulation of negotiating policies for the United States in areas of the most crucial importance to the Nation. The Senate's role in treatymaking, in other words, has been relegated to the very last stage when—and if—the executive submits a signed treaty for ratification.

Mr. President, in support of my amendment I offer the following basic arguments.

First, article II, section 2 of the Constitution states that the President shall have the power, by and with the advice and consent of the Senate, to make treaties. That language could hardly be more precise. To make a treaty includes all the proceedings by which it is made, and the advice and consent of the Senate being necessary in the making of treaties, it must also necessarily be employed in all the proceedings by which a treaty is made.

Second, the war in Indochina is as much a war as any formerly declared war in the history of this Nation.

This is the longest war in our history. It has cost more than 50,000 American lives and something in the neighborhood of $200 billion. The Indochina war is, in fact, a war. The Paris peace talks are being held for no other reason than to produce a negotiated settlement of the war. They are, therefore, an exercise in treaty-making of precisely the sort contemplated in article II, section 2 of the Constitution.

Third, it is the clear requirement of my amendment that the person conducting negotiations for the United States at the Paris peace talks be appointed to conduct such negotiations only by and with the advice and consent of the Senate. This provision applies whether or not such person has been confirmed in the rank as ambassador or minister for another diplomatic assignment. Once again, the treaty-making requirements of article II are ineffective unless they require advice and consent to the appointment of ambassadors and ministers to specific assignments—not for some undefined diplomatic status.

Fourth, the lesson of the past 10 years has been that the Senate cannot afford to have itself excluded from the treatymaking process. Had we known all of the facts to which the President was privy in 1965, it is doubtful that Congress would have approved the Gulf of Tonkin Resolution. Had we known all the facts which have now been disclosed in the Pentagon Papers and in the National Security Study Memorandum, the fruitlessness of the policies of both escalation and Vietnamization would have been apparent.

Mr. President, the events of the past few weeks make it obvious that the Paris negotiations will soon take on a renewed importance. It is certainly the hope of every American that an agreement can be reached in the very near future which will provide for cessation of the conflict in Indochina. Unless we enact the provisions of amendment 1168, however, those negotiations will continue to take place without the participation of the Senate, and any agreement reached between the parties to negotiations will be made without the advice and consent of the Senate. Mr. President, clearly these events are not in keeping with the letter nor the spirit of the Constitution.

While section 501(c) of the Foreign Relations Authorization Act is designed to reassert the Senate's role in the appointment of ambassadors and ministers, it is of no import in reasserting the Senate's role in the treaty-making process. It would permit the President to name—without the advice and consent of the Senate—a chief negotiator to the Paris peace talks. All that would be required would be for the President to give the chief negotiator a title other than ambassador or minister. He could, for instance, be called a Presidential envoy, a representative, an emissary, or a counsel. Any of these terms would permit the circumvention of the provisions of section 501(c). Amendment 1168, on the other hand, is very specific. No person can be authorized by the President to conduct negotiations looking to the termination of an armed conflict to which the United States is a party unless he has been appointed to conduct such negotiations by and with the advice and consent of the Senate. If amendment 1168 is adopted, it will enable the Senate to become a party to the Paris negotiations through the confirmation process.

Because the lessons of recent history have been bitter, I urge my colleagues to support my amendment.

Mr. President, I have some other comments, but I wonder if the chairman of the committee would have some comment on the proposal.

Mr. FULBRIGHT. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I am very sympathetic to the objective the Senator has in mind, which is to follow the Constitution with regard to the appointment of ambassadors. That is what subsection (c) of section 110 on page 21 of the bill would do. It states:

> No person shall be designated as ambassador or minister, and no person shall use the title of ambassador, or be designated to serve in any position or use any title which includes either of those words, unless that person is appointed as an ambassador or minister in accordance with subsection (a) of this section or clause 3, section 2, of article II of the Constitution, relating to recess appointments.

I think all Senators are interested in upholding our Constitution. That is why we put it in to induce future Presidents to follow what we believe to be the proper constitutional interpretation of section 2, article II.

I assume the Senator from Indiana has in mind the appointment of the former Ambassador to Korea, Ambassador Porter, as an ambassador stationed in Paris, not accredited to France, but stationed there, for negotiations with the North Vietnamese.

I share the Senator's belief that when an ambassador is shifted he should be reconfirmed. In other words, if Ambassador X is shifted from Paris to Italy, he is reconfirmed, and that practice has been followed. In this case Ambassador Porter was not appointed and I think he should have been to maintain the regular and proper procedure contemplated by the Constitution.

The Senator will note the language on page 21 of the bill which states:

> On and after the date of enactment of the Foreign Relations Authorization Act of 1972.

In other words, it is prospective. It is not that I do not approve of the appointment of Mr. Porter but I knew if it was not prospective it would be interpreted by the minority party as directed at the President, it would become embroiled in politics, and we would get very serious opposition to it and could not move forward thereon. That is the principal reason it is made prospective in operation.

I can only say to the Senator that the Constitution is not self-enforcing. It was contemplated that each branch would have respect for the other branch.

I share the Senator's feelings that this has not been done. But the real negotiator has not been Ambassador Porter. It has not been any Ambassador. It has been a man without any title, other than as official of the White House.

From what I have read in the press, it is my impression that the real negotiations—certainly the secret negotiations, which probably had more substance to them than those which Ambassador Porter had—were done by Mr. Kissinger. The Senator has read about it. It is public knowledge.

So his amendment would reach that case, from here on. It says "no person." I am not sure this does not go too far. What are "negotiations"? Does that mean the President cannot send anybody to talk to any person whatever? He could not go to talk to individuals in a foreign government without having been approved by the Senate? We get into very difficult situations here. It says no person other than the President or Secretary shall be authorized to conduct negotiations. What are "negotiations"? What is an "armed conflict"? As applied to Vietnam, we all know what it is.

Mr. HARTKE. May I interrupt there?

Mr. FULBRIGHT. Yes.

Mr. HARTKE. Let me point out exactly what I am talking about. I am talking about negotiations. I am dealing very specifically with the question of Vietnam. I think, for all intents and purposes, Mr. Kissinger is the alter ego of President Nixon and has served in the actual capacity of attempting to negotiate a treaty. I am talking about a treaty.

Let me ask the chairman of the Foreign Relations Committee, if he cares to respond, does he have any idea what the present negotiating position of the United States is in regard to Vietnam?

Mr. FULBRIGHT. Nothing other than the public statements of the President. The latest was his statement of May 8, when he laid down a new proposal for the negotiations. Now, what Mr. Kissinger may have said to Le Duc Tho, in Paris, I do not know.

Mr. HARTKE. The reason why I asked that question is that it becomes embarrassing to the American people—not embarrassing to the Senate, except as it is a part of the American people, but embarrassing to the people of the United States—that we have a President who has made a public announcement, and the chairman of the Foreign Relations Committee, who is as alert, intellectual, and morally concerned as any man I know, cannot really explain to the American people what the position of the President is.

In other words, we have a situation where the very essence of the future is the involvement of young Americans, who have died in the number of 130 since March 30. Sixty-eight deaths have been admitted and the rest have not been admitted to have died yet. Five thousand Vietnamese have died since March 30, the date of the present military step-up. Yet we do not have a clear-cut statement from the President of the United States as to what is his policy, not 6 months or 4 months from now, but even tomorrow.

I think if indeed we are a self-governing nation, which we proclaim ourselves to be, we should make up our minds to show the President that the Senate is unhappy and is distressed and that we are going to do everything we can to call to the attention of the American people that the President's political future alone is not what is important as the sole determinant of what happens to this country. We have 205 million Americans whose future is more important than what the history writers may say about President Nixon. Maybe he does not have a plan. Maybe he has only a hip-pocket operation. I have to assume that is true, because he said he had a plan to end the war in 1968, which has been the best kept secret of this administration. Six months later, if the Senator will recall, when he called Members of the Congress to the White House, he said he was preparing to disengage in that year. That was the public statement made to Members of Congress in 1969.

I think it is high time that we recognize that we have a situation in our hands which is not only very distressing to the American people but which will cause a psychological disturbance of the type which occurred at Laurel, Md., and which has been expressing itself with increasing fervor in the last few years. The violence is a result of the anxiety and frustration which cannot seem to be cured.

I think it is time that the Senate and the Congress do something about it or go home. I think it is well known that the Senate has no effective means of knowing what is going on in Vietnam.

Mr. FULBRIGHT. The Senate has the means to do something about it, but it does not choose to exercise its power. We had a vote the day before yesterday on a clear-cut issue. The Senate does not choose to use that power. The Senator's feeling about relations between the executive and the legislative branches, as well as the war in Vietnam I share, but the fact of the matter is that a majority of the Senate does not wish to use the power it has, as was demonstrated only 3 days ago. That is not the only case. We had one a week ago Monday, in which the Senate specifically and overwhelmingly rejected the idea that we should have sufficient information to weigh legislation. The Senate, in effect, left it entirely to the Executive to determine whether it wishes to give the committees of the Senate any information or not. The whole essence of the vote on the USIA authorization was whether the Senate is entitled to basic information for use in reaching a judgment. As far as I know, the information is not classified. It is simply called an internal working paper.

So to say the Senate has no power is not the right way to put it. The proper way to put it in that the Senate does not wish to use the power it has.

The majority of the Senate do not agree with the Senator from Indiana or the Senator from Arkansas. It is too bad, but the Senator represents a minority in the Senate.

Mr. HARTKE. But the Senate passed a resolution some time ago asking for a termination of the hostilities.

Mr. FULBRIGHT. The Senator means the Mansfield amendment?

Mr. HARTKE. That is right.

Mr. FULBRIGHT. The resolution asked that our troops be withdrawn, it did not compel it by cutting off the money. It was a plea. The Senate has the power to cut off the money, but a majority has refused to do it so far.

Mr. HARTKE. I will accept that. That is a fair interpretation. I think the Senator from Arkansas is right.

I want to ask, while I have a moment here, is there at this moment some type of cover operation, some kind of secret deal, between the Communist Chinese and the Communist Russians and the Americans as to how they are really going to terminate hostilities in Vietnam?

Mr. FULBRIGHT. The Senator knows I do not know anything about that. I am certainly not a party to any deal. I wish there was a deal, but if there is, I do not know anything about it.

Mr. HARTKE. All I can say is that there is some information which has come to me that there is great fear that such a conclusion has been reached, and that is based on the fact that the mining of Haiphong had no real deterrence to present military activities in Vietnam, that there was not the type of resistance that could have been anticipated if there was going to be a real confrontation between Russia and the United States, that there is a continuation of plans for the summit meeting, that there was a meeting between President Nixon and the Chinese Government, that there were rumors to the effect that an agreement had been reached as to the future handling of the Vietnam situation.

So we are in a position where we are not able to find out from the President whether or not he has made any secret arrangement as to how he is going to ultimately terminate the situation in Vietnam.

Does the Senator have any information on that?

Mr. FULBRIGHT. No; of course I have no information on that. The President has not confided in me. As far as I know, he has not confided in anyone in the Senate.

Mr. HARTKE. Back to the matter at hand, I have discussed the matter with the chairman of the Foreign Relations Committee, and he has indicated to me that he felt that at this time there is sufficient authority within the framework of the present bill to cover some of the matters to which I have referred, and that there is general recognition by the chairman that all of these people should really be confirmed by the Senate——

Mr. FULBRIGHT. Let me make it clear that all men who hold the title of Ambassador—and this would in effect cover the present Ambassador Porter—would be covered by the provision in the bill. The provision in the bill does not cover a case of individuals who are not given the title of Ambassador, who hold no title, but to whom the President has said, "You go talk to somebody in some foreign government and see if you can bring about a settlement."

Take Mr. Sisco. I believe he has been very active in discussing matters with Middle East authorities on both the Israeli side and the Arab side.

He is an Assistant Secretary of State. He is not confirmed as an Ambassador, but as Assistant Secretary of State. Normally they do not conduct negotiations.

When the Senator says "no person other than the President or the Secretary of State," that is a very broad statement. I am not at all sure that the Senator meant to go that far. I thought he had in mind the case of Ambassador Porter, which was one of the situations the committee had in mind when it put the provision in the bill. But I think if we are going to go beyond that it requires some very careful consideration, and I doubt if the Senator would wish to be quite as all-inclusive as that language is—that no one who has not been confirmed by the Senate can negotiate, because the word "negotiate" is a very ambiguous word.

Does it mean they cannot even go out and discuss a matter of a preliminary nature or an immediate nature? What is negotiation? The Senator raises some serious problems, if we take that language as written.

As I say, I had assumed the Senator was thinking of the Porter case. We were thinking of that case, and that is one reason why we put this in.

Mr. HARTKE. Let me ask the chairman, in view of his apprehension, would it be possible for us to have hearings on Senate Resolution 156 before the Committee on Foreign Relations, so that I could provide a clarification of exactly what I mean?

Mr. FULBRIGHT. Well, at a later time. There is no prospect in the immediate future, because we have some must legislation. Our calendar is very full, with the foreign military aid and sales legislation and other matters. I anticipate that when the pending business is disposed of, we will, of course, have conferences with the House of Representatives. We are getting to the stage where it will be very difficult to schedule hearings on new legislation.

But this question is a current question, and it really involves, I think, what to do about the National Security Council and people who are in positions of that character. I expect that is what the Senator has in mind.

Mr. HARTKE. Mr. President, let me call the attention of the chairman again to the simple fact that I am talking only about those people who are charged with negotiation of a treaty. There may be difficulty in a definition of the term "negotiation," but there certainly is no difficulty in finding that word in the Constitution; and that is the constitutional prerogative of the Senate.

All I am saying is that, if there is any real apprehension on the part of the chairman or of the committee as to how this should be done, I would think that the Senate would want to reassert its power in regard to negotiation. In other words, I am dealing specifically with the treatymaking power under the Constitution. This body has taken quite a bit of time and put a great deal of emphasis upon the warmaking powers. We have spent many days here on the floor of the Senate, and the committee itself spent many days, in having full hearings upon the question of the warmaking powers. What I want to reemphasize, as I did under the previous amendment, is the fact that this Nation has to have a new direction in its thinking. It has to get its head screwed on right, let me put it that way, and stop putting the emphasis on war and start putting it on peace.

For that reason, I want to deal with the treaty-making power, which is the peace section of the Constitution. So I would hope that the Committee on Foreign Relations could at least find a little time to deal with peace, as much as with the war powers of the Senate.

Mr. FULBRIGHT. Mr. President, if I may say so to the Senator, the bill called the War Powers Act was not intended to promote war. The objectives of that bill introduced by the Senator from Mississippi and the Senator from New York was to restrict the almost unrestricted assumption of power by the Executive to prosecute war. I think is is unfair to leave the implication that the bill was intended to promote warfare and more wars around the world. It was not that at all.

Mr. HARTKE. Let me say to my distinguished friend that it is well recognized that it is much easier to create a war than to create peace. We have gotten into this situation; whether it is a declared war or not, it is the longest armed military conflict in which this country has ever been involved, and has probably done more to tear this Nation asunder internally than any other war but the Civil War, and maybe even more than that. I would hope we could devote some time to the treaty-making power, in the interest of establishing that this Nation is going to be dedicated to peace, that it is going to be dedicated to the finding of the humanitarian tolerance in which we profess to believe, rather than finding better machines with which to kill people.

The war powers bill, again, involved the question of reasserting the power of Congress in getting us into war. Again I say, getting into war is one thing, and that seems to be the tendency of this Nation; but the means of getting out of it other than by complete capitulation of the enemy seems to be something we have not yet mastered. I think it is time we as a Nation seek to find the ability to take us somehow out of this conflict and this terrible agony. I think perhaps the President is willing to end the war, but he wants to end it on his terms, and his terms are military victory. The policy of the United States still is that elusive goal called military victory. I would sincerely request—and I do not intend to press it at this time—that the chairman of the Committee on Foreign Relations give attention not only to promoting peace and plans and programs for peace, but more important than that, to making this Nation, as I said a moment ago, seize the initiative for being the promoter of peace, to be the one Nation in the world which can see a way by which each generation does not have to be faced with the elimination of some of its finest young people.

Mr. President, if there is one thing this Nation wants it is an end to this war. Sad as it may seem, most of the people are giving up. It is not alone the young who are giving up. Some of us in this body are on the eve of giving up. It is with increasing frequency that I talk with intelligent people who are now making plans, for the first time, to leave the United States of America—plans to leave because they no longer think the United States stands for the idealistic structure in which it originally was conceived.

I think it is high time that we turn in that direction. That has been the substance of these two amendments. I am not dealing with the question of the technicalities of ending the war in 4 months or 6 months. What I am talking about is my children and my children's children, and all the children's children of this Nation.

I think too often we have become obsessed with the technicalities of ending this war, without thinking about how we are going to forestall the next one. In my opinion, we are sowing the seeds of a revolutionary climate in this country which will be hard to contain. I hope and pray I am mistaken.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER (Mr. WEICKER). The Senator will require unanimous consent to withdraw his amendment at this time.

Mr. HARTKE. I ask unanimous consent to withdraw my amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question recurs on agreeing to the amendment of the Senator from Michigan (Mr. GRIFFIN).

Mr. GURNEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1196

Mr. HARRY F. BYRD, JR. Mr. President, at the clerk's desk is an amendment which I offered for myself, the Senator from Florida (Mr. GURNEY), the two Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), and the Senator from North Carolina (Mr. ERVIN). I do not know what the attitude of the leadership is, but, so far as I am concerned, I am willing to call that amendment up now and agree to a time limitation, assuming that it meets with the approval of the Senator from Florida, and vote this afternoon.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. ROBERT C. BYRD. May I inquire from the Senator as to what the nature of the amendment is? He identified it, but I am not sure that I can recognize it.

Mr. HARRY F. BYRD, JR. The amendment is to section 503 of the pending bill. The section to which I refer would repeal legislation which Congress enacted last year. Last year's legislation prevents the President from prohibiting the importation of a strategic material from a free-world country if such a strategic material is being imported from a Communist dominated country. It applies specifically to chrome. Congress, by an overwhelming vote last year, wrote the so-called chrome amendment into law, the President signed it, and it became effective January 1.

It is significant that when the roll was called in both the House and the Senate, Representatives from 46 of the 50 States supported this amendment. The Committee on Foreign Relations has included in the pending authorization bill a provision which would undo what Congress did last year. My proposal would be to delete from the Foreign Relations Authorization Act of 1972 the proposal which was inserted by the committee.

Mr. ROBERT C. BYRD. The proposal inserted by the committee would nullify the action by Congress last year in passing the law to which the Senator refers?

Mr. HARRY F. BYRD, JR. The Senator from West Virginia is correct.

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. Amendment No. 1200, the amendment by the Senator from Michigan.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. GURNEY. I might apprise the acting majority leader as well as the Senate that I have discussed this matter with Senator GRIFFIN. He has no objection to his amendment being laid aside, as it was during the consideration of the Hartke amendments, for the disposition of the Byrd amendment, with his amendment reverting to its status quo parliamentary-wise after the Byrd amendment is disposed of, if it is taken up.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield

Mr. ROBERT C. BYRD. Mr. President, I would have to respond to the distinguished author of the amendment, the able senior Senator from Virginia, in this way:

I supported his amendment last year. I think it was a good amendment; I think it was the right amendment. I intend to support it again whenever it comes up for a vote in the Senate. But I could not accede to setting aside the Griffin amendment this afternoon and taking up the amendment of the able Senator from Virginia, even if I had to interpose an objection at this time myself.

Mr. HARRY F. BYRD, JR. I understand, and I certainly will not press the point. But I did want the distinguished acting majority leader to know that I am prepared today to take up this amendment, if the leadership so desires.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. President, I would have to explain for the RECORD that, in the first place, I do not think we could get a time limitation on the amendment this afternoon. And I do not think we could get it for tomorrow. A good many Senators will be out of town tomorrow. So it would be impossible to get an agreement limiting time on the amendment as of now. As a matter of fact, I received word from a Senator earlier today indicating that he would not want the leadership to enter into a time agreement on this amendment during the rest of this week.

Second, I think I would be honor-bound to those Senators who oppose the amendment to interpose an objection on their behalf if such a request were made at this time, none of them being on the floor at this moment. I am sure that we could get one of them to the floor quickly, but I do not think anything would be gained by pressing the matter today.

I do appreciate the willingness of the distinguished senior Senator from Virginia to bring up his amendment this afternoon or tomorrow and get action on it; but, under the circumstances, I doubt that this can be done, and I hope the Senator will not press his request today.

Mr. HARRY F. BYRD, JR. I understand fully the position of the able acting majority leader, and I will not press the point.

Mr. ROBERT C. BYRD. I thank the Senator.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, again for the record, let me say that the acting leadership on this side of the aisle, together with the leadership on the other side of the aisle, has sought to ascertain whether other amendments could be brought up today and the pending amendment by the Senator from Michigan (Mr. GRIFFIN) set aside temporarily. We find none. We do not find any on which time agreements could be provided for on tomorrow.

There are no measures on the calendar which would require debate and which could be called up today or tomorrow.

The Senate has made some progress, in that the atomic energy bill was disposed of yesterday. H.R. 13150, to provide that the Federal Government shall assume the risks of its fidelity losses, was also disposed of today, as was the supplemental appropriation conference report. An amendment by the Senator from Oklahoma (Mr. BELLMON) to S. 3526 was disposed of yesterday. An amendment by the Senator from Indiana (Mr. HARTKE) was disposed of today. Another amendment by Mr. HARTKE was withdrawn after some debate today.

So, the wheels of the Senate have been grinding slowly but they have been grinding exceedingly fine. There has been some progress made. However, I do not think that the Senate would be justified in coming in tomorrow just for speeches, and committees can have an opportunity to work, with good attendance by Senators.

That being the case, I state the program for Monday next.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday, May 22, 1972, is as follows:

The Senate will convene at 11:30 a.m. After the two leaders have been recognized under the standing order, the distinguished Senator from Nebraska (Mr. HRUSKA) will be recognized for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will resume the consideration of the unfinished business, S. 3526. The pending question at that time will be on agreeing to the amendment of the Senator from Michigan (Mr. GRIFFIN).

There could be rollcall votes on Monday. I want to alert all Senators to the possibility that other amendments may come up on Monday, if agreement can be reached with respect to time limits thereon and if agreement can be reached to set the pending Griffin amendment aside temporarily. Rollcall votes could occur on such amendments. Tabling motions would be in order at any time, and rollcall votes could occur on tabling motions.

I would therefore urge all Senators at least to be prepared for rollcall votes, possibly, on Monday next.

ADJOURNMENT TO MONDAY, MAY 22, 1972, AT 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until Monday next at 11:30 a.m.

The motion was agreed to; and at 4:03 p.m., the Senate adjourned until Monday, May 22, 1972, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 18, 1972:

COMMUNICATIONS SATELLITE CORP.

Frank E. Fitzsimmons, of Maryland, to be a member of the Board of Directors of the Communications Satellite Corp., until the date of the annual meeting of the Corporation in 1975, vice George Meany, term expired.

U.S. DISTRICT COURTS

Hirman H. Ward, of North Carolina, to be a U.S. district judge for the Middle District of North Carolina, vice Edwin M. Stanley, deceased.

HOUSE OF REPRESENTATIVES—*Thursday, May 18, 1972*

The House met at 12 o'clock noon.

Rev. Father John Nicola, assistant director, the National Shrine of the Immaculate Conception, Washington, D.C., offered the following prayer:

In the name of the Father and of the Son and of the Holy Spirit, let us pray.

Almighty God, it is with filial devotion that we bow our heads in prayer this day.

In recognition of the unprecedented wealth and bountiful blessings You have bestowed on our great country, we the people and the leaders of the people of the United States of America offer our heartfelt gratitude.

Please continue to bestow Your favors on us. Grant to our Congressmen and to the statesmen of the entire world a profound wisdom and an abiding charity, that all Americans and all mankind may enjoy the fruits of Your creation in harmony and brotherhood.

May Your kingdom come and Your will be done on earth as it is in heaven. Amen.

In the name of the Father and of the Son and of the Holy Spirit. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On May 9, 1972:

H.J. Res. 1029. Joint resolution to authorize the President to issue a proclamation designating the month of May of 1972 as "National Arthritis Month."

On May 16, 1972:

H.R. 8083. An act to amend title 5, United States Code, to provide a career program for and greater flexibility in management of, air traffic controllers, and for other purposes;

H.R. 9019. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket numbered 22-A, and for other purposes; and

H.R. 11589. An act to authorize the foreign sale of certain passenger vessels.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment, bills of the House of the following titles:

H.R. 14655. An act to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 158]

Alexander
Ashley
Blackburn
Blanton
Blatnik
Boggs
Bow
Broomfield
Brotzman
Brown, Ohio
Buchanan
Burke, Fla.
Cabell
Carey, N.Y.
Celler
Chisholm
Clark
Clay
Colmer
Daniels, N.J.
Davis, S.C.
de la Garza
Dellums
Denholm
Diggs
Dowdy
Dulski
Dwyer
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Ford, William D.
Frelinghuysen
Frey
Fuqua
Gallagher
Goodling
Gray
Hagan
Harsha
Hathaway
Hébert
Hicks, Mass.
Holifield
Howard
Hungate
Kazen
Keith
Kyros
Landrum
Link
Long, La.
Lujan
McCloskey
McCormack
McEwen
McKay
McMillan
Macdonald, Mass.
Metcalfe
Miller, Calif.
Minish
Morgan
Murphy, N.Y.
O'Hara
Passman
Patman
Pettis
Peyser
Pryor, Ark.
Rees
Reid
Rostenkowski
Scheuer
Springer
Stubblefield
Teague, Calif.
Thone
Tiernan
Ullman
Waggonner
Wiggins
Wilson, Charles H.
Wolff
Wright

The SPEAKER. On his rollcall 345 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SOCIAL SERVICES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-296)

The Speaker laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In responding to steady public demand over recent decades for more and more human services, the Federal Government created a host of assistance programs designed to meet a wide variety of human needs.

These many programs were established one-by-one over a considerable number of years. Each of the target problems was examined in isolation, and a program to alleviate each problem was devised separately—without regard to programs which had been, or would be developed for allied problems.

The result is that a compassionate government unwittingly created a bureaucratic jungle that baffles and short-changes many citizens in need. The unintended administrative snarl wastes taxpayers' money. And it frustrates needed efforts to treat "the whole person."

The Allied Services Act of 1972, which I am proposing today, would give State and local officials authority to consolidate the planning and implementation of the many separate social service programs into streamlined, comprehensive plans—each custom-designed for a particular area.

Such plans could eventually make it possible to assess the total human service needs of an entire family at a single location with a single application. Most applicants need more than one service, and now must trudge to office after office applying for assistance from one program at a time—with the result that they may not obtain all the services they need, or may be discouraged altogether from seeking help.

The Department of Health, Education, and Welfare administers some 200 different human assistance programs in about a dozen major fields—to help needy citizens with such services as mental health, vocational rehabilitation, manpower training, food and nutrition, special programs for the aged, education, juvenile counseling, alcoholism and drug abuse, housing and public health.

Each of these programs has its own eligibility rules, application forms, management, and administrative policies. Each program usually has its own office location and its own geographical coverage area.

Federal rules and regulations, in short, now keep each social service program locked up in a little world of its own. This is not only wasteful and inefficient—it also prevents State and local efforts to close the gaps in social service delivery systems.

As I stated in my State of the Union Message this year, "We need a new approach to the delivery of social services—one which is built around people and not around programs. We need an approach which treats a person as a whole and which treats the family as a unit."

For the uninformed citizen in need, the present fragmented system can become a nightmare of confusion, inconvenience, and red tape.

The father of a family is helped by one program, his daughter by another, and his elderly parents by a third. An individual goes to one place for nutritional help, to another for health services, and to still another for educational counseling.

They are not the only victims of fragmented services—others include the taxpayers, and the public officials and government employees seeking to operate these diverse programs. Vast amounts of time, money, and energy are expended in administrative procedures which overlap and duplicate—rather than being efficiently organized to help people.

The Allied Services Act of 1972 would give State and local governments greater legal freedom and planning tools needed for the long-overdue job of modernizing the delivery of social services into consolidated programs. This process would begin at the option of elected State and local officials, and would be highly responsive to their needs.

It would permit knowledgeable State and local people to break through rigid categorical walls, to open up narrow bureaucratic compartments, to consolidate and coordinate related programs in a comprehensive approach to related social aid problems—designed to match widely-varying State and local needs.

Under the Act, the Federal Government would make dollars available for the costs of developing consolidated plans, and it would also be prepared to underwrite the administrative start-up costs when the comprehensive services program went into effect.

To encourage and facilitate such unified services, the Secretary of Health, Education, and Welfare would be empowered by the Act to approve the transfer of up to 25 percent of any existing program's funds into any other purpose or programs involved in an approved local allied service plan—a logical flexibility now hindered by Federal program regulations.

The Secretary also could provide a waiver of any existing program regulation which barred or hampered an existing program from participating in such activity.

The Allied Services Act charts a new course for the delivery of social services. It is a complex reform proposal with many major ramifications for many established groups—government and private—on the Federal, State, and local levels.

The consideration and eventual passage of this legislation by the Congress would only be a start. At the same time, human service delivery reform would have to be debated all across the country by affected governments and groups, in order to decide how they would make best use of the proposed freedoms and incentives in their particular areas.

This is one more effort by my Administration to make government more sensible, more responsive and more effective at the local level—where most citizens actually meet the practical impact of government.

In this important proposal, as in my recommendations for Revenue Sharing, we would summon forth the creative energies and the local expertise of State and local officials, rather than keeping them strapped in a straitjacket of inflexible Federal regulations.

They would be freed—and thus would be challenged—to direct the development of customized, comprehensive social services plans to treat the special needs, resources and desires of their particular areas.

Such efforts should result in government built for people, geared for across-the-board performance, and designed for results rather than bureaucratic ritual.

If we bring this about, we shall not only be providing better social services—we also shall be taking a giant step toward the restoration of the people's confidence in the common sense performance of their government.

Richard Nixon.

The White House, *May 18, 1972.*

PROVIDING FOR DISPOSITION OF FUNDS TO PAY INDIAN CLAIMS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5199) to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket numbered 251–A, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Page 2, strike out lines 14 to 20, inclusive, and insert "adding the names of persons living on the date of this Act who were eligible for enrollment under said section 4 but were not enrolled, (b) by adding the names of children born to enrollees on or prior to the date of this Act and who are living on said date, (c) by adding the names of children born to persons who were eligible for enrollment under said section 4 but who were not enrolled, regardless of whether such persons are living or deceased on the date of this Act, provided said children of such persons are living on the date of this Act, and (d) by deleting the names of persons who are deceased as of the date of this Act.".

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, a few years ago the Miami Tribe of Indians recovered a judgment against the United States, and it was distributed per capita on the basis of a roll prepared pursuant to a 1966 act of Congress.

The tribe has now recovered a second judgment, and the pending bill authorizes its distribution on the basis of the 1966 roll, which is comparatively recent, after the roll has been brought up to date by adding the names of children who have been born since that date and by deleting the names of persons who have died.

The Senate amendment is a perfecting one, which adds the names of children whose parent was eligible for enrollment under the 1966 act but was not enrolled, and who is now dead.

I believe the amendment should be accepted.

The Senate amendment was concurred in

A motion to reconsider was laid on the table.

CONSENTING TO KANSAS-NEBRASKA BIG BLUE RIVER COMPACT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8116) to consent to the Kansas-Nebraska Big Blue River compact, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 10, strike out lines 12 and 13, and insert "1968, that were then inactive shall be canceled by due process of laws in effect in that State.".

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE A REPORT

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight tonight to file a report.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. ROONEY of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14989) making appropriations for the Department of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14989) with Mr. Abernethy in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through line 7, page 1 of the bill.

If there are no further amendments to be proposed, the Clerk will read.

The Clerk read as follows:

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

> For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $151,087,250: *Provided*, That no payment shall be made herefrom to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization except that this proviso shall not apply to the joint financing program of the International Civil Aviation Organization.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Derwinski: Page 5, line 18, strike out "$151,087,250" and all that follows down through line 23 and insert in lieu thereof the following: "$176,190,750".

Mr. DERWINSKI. Mr. Chairman, I rise to offer an amendment to increase the amount to be appropriated for the United Nations and seven of its specialized agencies by $25,103,500. This amendment, if approved, would restore cuts made by the Appropriations Committee.

The committee report accompanying the bill explains the reason for the cuts. It says:

> The Committee has placed in the bill a proviso limiting the annual U.S. contributions to the United Nations and affiliated agencies to 25 percentum, except for the joint financing program of the International Civil Aviation Organization. As a result of this proviso, a reduction of $25,103,500 has been made.

Over half of the total reduction is in the amount to be appropriated for the regular budget of the United Nations. The U.S. cash assessment to this budget for 1972 is $60,119,286. The committee reduced this by $13,238,272 to $46,881,014.

Mr. Chairman, this unilateral reduction, if permitted to stand, would cause the United States to be in violation of the Charter of the United Nations.

Article 17 of the Charter provides that—

> The expenses of the Organization shall be borne by the members as apportioned by the General Assembly.

It does not allow the member states to establish its own level of contributions.

The scale of U.N. assessments is determined by the U.N.'s Committee on Contributions which is composed of 12 members elected for 3 years by the General Assembly. Every 3 years the existing scale is reviewed in depth and appropriate adjustments made. The next comprehensive review is scheduled to take place in 1973. At that time, the Committee will recommend a revised assessment of member states for the year 1974–76. That is the time and place for the United States to effect a reduction of its annual assessment—not as a result of unilateral congressional action which will cause the United States to be in violation of its treaty obligations.

Substantial cuts were also made in the amounts to be provided for the United Nations Economic and Social Council, $1.9 million; the World Health Organization, $5.4 million; the Food and Agriculture Organization, $3 million; the International Atomic Energy Agency, $1 million; the International Civil Aviation Organization, $0.3 million; and in the International Center for the Study and Preservation and Restoration of Cultural Property, $58,200. Again, if these cuts are allowed to stand, the United States will again be in violation of its international obligations. When the United States joined these organizations, it agreed to contribute to the separate budgets as determined by the respective specialized agencies.

I have also been informed that the United States will exert every effort to have the several specialized agencies reduce the U.S. level of assessment to 25 percent. This amendment would also strike the language which limits U.S. payments to the United Nations or any affiliated agency to 25 percent of the annual assessment of such organization from the funds being appropriated. If this language were not removed from the bill, it would be meaningless to increase the funds inasmuch as there would still be a 25-percent limitation regardless of how much money was appropriated.

I can understand why the Appropriations Committee took the action that it did. The United States has paid a disproportionate share of the U.N. and specialized agencies budgets over the years and I agree that the U.S. level of assessment should be reduced. Any reduction in U.S. contributions without agreement, however, is not the way to achieve our objective.

I submit that it is neither orderly nor in accordance with the legal membership obligations of the United States to suddenly and precipitantly cut our contributions to budgets already approved by each of the organizations affected and on which payments are already due.

Mr. Chairman, the United Nations is confronted with a serious financial crisis. The reason for the crisis is the refusal of the Soviet Union, other Communist countries and France to pay their assessments to those costs in the regular U.N. budget relating to peacekeeping operations in the Congo and in the Middle East. For years the United States has been working to resolve this problem by getting those countries to pay what they owe to the organization. We have also focused world attention on the fact that the Soviet Union, other Communist bloc countries, and France are primarily responsible for the serious financial crisis in the United Nations.

There is growing evidence that these efforts may be successful. This year, France is paying its full contribution to the U.N. regular budget for the first time since 1963. Hopefully, the Soviet Union will soon agree to pay its legal obligations. I have talked to our able Ambassador to the United Nations George Bush, and he tells me that he has been conferring with Soviet representatives in the United Nations and is of the opinion that a breakthrough may be made in the impasse in the not too distant future. If the United States defaults on its obligations now our efforts to persuade other member nations to meet their full financial obligations would be effectively undercut.

There is another factor that must be considered. If the United States does not pay its full assessment in 1972 the United Nations will run out of funds in October, in the middle of the 27th General Assembly. Regardless of other considerations, the United States will be blamed for the crisis. We must not permit that to happen.

Mr. Chairman, I do not disagree with those who are interested in reducing the U.S. level of assessment to 25 percent. As a matter of fact, I told the 26th General Assembly on December 22, 1971, that it is the announced intention of the United States to seek such a reduction at the earliest possible opportunity. I do believe, however, that it should be done through the United Nations machinery in compliance with our treaty obligations.

President Nixon is aware of this problem. In his Foreign Policy Report to the Congress on February 9, 1972, he announced that it is "the policy of this administration to negotiate with other U.N. member states on arrangements by which the U.S. contribution to the assessed budget of the United Nations and its specialized agencies will be brought down to the level of 25 percent." He emphasized, however, that such negotiations would take time. He said:

> In view of the UN's current financial difficulties, and of the requirements of international law, we must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately.

This amendment, if adopted, would give the President time to accomplish that objective while enabling the United States to adhere to its legal international commitments.

I urge the adoption of the amendment.

I again direct the attention of the Members to article 17 of the U.N. which states that the expenses of the organization shall be borne by the members as apportioned by the General Assembly. Now, every 3 years the General Assembly through an assessment procedure reestablishes the assessment of the members. Our goal, the goal of our Government, the goal of the State Department and the goal of the administration, is to reduce the U.S. assessment to the 25-percent figure in the bill, but it cannot be done until the U.N. General Assembly moves in this fashion. It is our hope, and again it is the hope of the administration and the Department of State, that with the admission of the two Germanys, which could well happen this fall, the combined contributions of the two Germanys, West Germany and East Germany, will be such that the U.S. portion of the budget which is 31.52 percent could be reduced to 25 percent.

The point is that the position of the committee is premature, and does not, in fact, give us the leverage and effectiveness that we need to work in the U.N. to reduce our assessment. Furthermore, the other goal we have been working to achieve is to see that the other nations, specifically the Soviet bloc and France, which have deliberately withheld a portion of their assessment for political purposes, not only cease this practice, but also pay up the amount in arrears.

I would like to reemphasize that point. For the last 10 years we have been accusing the Soviet Union and its associate countries such as Ukraine and Byelorussia, and all of the Communist bloc states, of reneging on their obligations to the U.N. Yet if this bill passes in the form proposed by the committee, the United States would be guilty of withholding almost $3 million more from the organization, and its units, in 1 year, than the Soviet Union has withheld since 1963. So we would wind up at this point after years and years of effective support of the U.N., after years and years of pointing a proper finger of accusation at the countries which have weakened the U.N., we would wind up being the greatest culprit of all. Notwithstanding the good intentions of the subcommittee, the impact and gravity of its action is such that I would hope, that at least we could understand that the target of 25 percent is a policy, and that within a year it may be reached. And it would be extremely poor timing to accept the committee figure.

I could go on, Mr. Chairman, and read into the record statements by Secretary of State Rogers, and other administration officials on the propriety of accepting my amendment, and adding the $25 million cut from the bill by the committee. I have a sneaking suspicion that many of the Members have their minds made up, which is always a very dangerous situation if one fears he might not have the necessary votes. I would suggest that notwithstanding anybody's discontent with the U.N. that this is the wrong approach toward solving the complex problems because it would deprive us of any flexibility, any bargaining power, and it would be in direct contradiction of the obligation that we assumed as a nation when we first joined the U.N.

I would think that if the members of the committee and the Members here on the floor would just pause, keeping in mind that a year from now it is our target to reduce our contribution to 25 percent, that the proper thing to do at this point would be for the committee to accept my amendment, and then in a year from now meet the issue head on in the U.N., with a good chance to reduce our assessment.

Let me make one other point: We are dealing with the fiscal 1973 State Department budget. The U.N. is on its 1972 calendar year budget. We are already technically in default. Our payment should have been made in mid-February or the first of March.

One of the other statements that has been raised——

The CHAIRMAN pro tempore. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. DERWINSKI was allowed to proceed for 1 additional minute.)

Mr. DERWINSKI. One of the other points made by Secretary Rogers is that if this bill, as it is now before us today, is adopted, the United Nations will be bankrupt in October and that the United States of America would bear the onus for this development.

We spent years putting the blame where it belongs, on the Soviet bloc and France, for creating the U.N. fiscal crisis. It would be tragic for us at this point to take this step.

Mr. Chairman, may I outline the tactical situation in the United Nations.

TACTICAL SITUATION IN THE UNITED NATIONS

Presumably all members except the floor countries would have their assessments substantially increased if the U.S. ceiling were to be reduced to 25 percent without compensatory additions. If these adversely affected members voted to protect their assessment rates, there would be about 70 votes against changing the U.S. ceiling.

However, if the United States proposed in the General Assembly this fall that the Assembly resolve to reduce the ceiling assessment rate to 25 percent as soon as possible upon the admission of new members, the existing members would not suffer an immediate rise in their assessment rate and would presumably be more willing to go along with the U.S. request. Nonmembers and their estimated assessments are:

[In percentages]

Country:	*Estimated assessment*
West Germany	6.80
East Germany	2.00
South Korea	0.11
North Korea	.10
South Vietnam	.07
North Vietnam	.07
Switzerland	.84
Total	9.99
Required to reduce United States to 25 percent	—6.52
Approximate amount to benefit other members	3.47

Therefore, I believe my amendment deserves support for the reasons outlined, and I solicit the approval of the House.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I had intended to offer an amendment—and I have one at the desk—to reduce this amount even further rather than to increase it as the gentleman would propose. However, we must be realistic. I think the committee has done an excellent job, and I certainly commend it for limiting our United Nations contribution to 25 percent.

Most people, I really am convinced, do not understand that we are paying such a large portion of the U.N. budget.

When you assess what we are paying and what we are getting in return, I still think this is about the worst break that the United States gets.

As most of us know, we get one vote in the General Assembly, the same as any other member nation.

But, what most people do not realize is that there are presently, 132 member nations—50 of them with smaller populations than my home State of Alabama.

In order to put this matter into perspective, I'd like to give you some statistics:

In my home State of Alabama, after the last redistricting, the average congressional district contains 492,000 people. There are 12 member nations of the United Nations that have smaller populations than my congressional district. In other words, my congressional district has more people than 12 members of the U.N.—yet the United States as a whole has only one vote.

Jefferson County, Ala., which contains Birmingham, has more population than 16 member nations of the U.N. Montgomery County, my home county, has more population than two member nations.

I would say that if we are paying 31 percent of the entire budget of the U.N., we are paying a disproportionate share. I commend the committee for limiting our obligation to 25 percent. I would certainly hope to answer the argument that has just been made that the administration is working toward this end by pointing a finger at Communist Russia for having failed to live up to their obligation. This is ridiculous—we have been pointing this finger now for many, many years, and it has not done a bit of good. Obviously, it has been proven in the past that pointing the finger does not do any good. For Russia has consistently refused to pay all of its past dues.

You might think we could embarrass the Soviet Union, but I would say that, by upholding the action of the Appropriations Committee, we are not suggesting to the State Department what to do and we are not suggesting to the United Nations—we are serving notice on the U.N. that we are not going to pay more than 25 percent of their total budget.

We have just recently seen the admission of Red China into the U.N. with some 800 million souls. I am very curious to know the portion of the budget they are going to pay. I am sure someone on the committee knows. I understand 800 million Chinese are going to pay $4 million in dues and the United States with 200 million pays 30 percent of the total budget. I think it is ridiculous and disproportionate, and I think we need to realize what the U.N. is—it is a debating society. That Tower of Babel on the East River in New York is a fine forum to get together and to discuss world problems, but so far as its doing anything really worthwhile like stopping the war in the Mideast, it has been of no avail.

How many voices did we hear raised when North Vietnam invaded South Vietnam? Did we ever get a pledge from the U.N. to condemn this action? No, sir. So if it is a debating society—fine. Let us recognize it for what it is. Let us pay our fair share of the dues and no more. Let us stop getting the worst break in this debating society which is not helping us at all.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I share the feeling of the gentleman about the improper way representation in the United Nations General Assembly is constituted. Of course, it is based on the theory that every nation is equal to every other nation. But I wonder if the gentleman would support U.N. Charter changes to change the method of representation to make it more in accordance with actual power and population?

Mr. DICKINSON. I would certainly support such a change. As a matter of fact, when the organization was originally set up, as I have said, it was proposed that the United States to pay 49 percent. They get together every 3 years and decide. I understand, that they are going to reassess what each nation is able to pay according to GNP. I do not know what other elements enter into it in their August deliberations.

Earlier the gentleman from Illinois (Mr. DERWINSKI) said that the General Assembly has a group or a commission that sets the fees that are charged.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

(On request of Mr. SEIBERLING, and by unanimous consent, Mr. DICKINSON was allowed to proceed for 1 additional minute.)

Mr. DICKINSON. I think rather than waiting many more years to see some meaningful and effective change come about in our dues structure, let us serve notice now that we are not going to pay.

Mr. SEIBERLING. If the gentleman will yield further, I think certainly it should be more proportionate. But I would like to ask the gentleman another question. Would the gentleman support changes in the U.N. Charter to give the U.N. some means of raising its own revenues without having to go to the members?

Mr. DICKINSON. I would think that, as soon as the U.N. demonstrates its effectiveness in dealing with world problems, it would have no trouble in raising money for its needs through voluntary contributions as it does now.

Mr. SEIBERLING. Would it not be more effective if we would live up to our commitments under the charter by paying our dues?

Mr. DICKINSON. I would advise the gentleman that we have lived up to our commitments. It is the Communist bloc nations that have not lived up to their commitments. I do not see why we should be penalized. They are not penalized in the least. I think it is time that we serve notice that we are not going to carry the whole load, paying one-third of the entire budget of an organization consisting of 132 member nations while we have only one vote.

Mr. SEIBERLING. I think we should meet our commitments while they exist.

(Mr. BIAGGI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Alabama (Mr. DICKINSON), which would cut the U.S. contribution to the United Nations to $30 million or about 15 percent of the U.N. budget.

There is absolutely no logic behind the fact that at the present time the United States is paying one-third of the costs of the United Nations operations. At the same time the United States has only 5.9 percent of the population represented in that body. This is certainly an inequitable situation for the United States and an unfair burden to be carried by the American taxpayer.

Mr. Chairman, I believe the amendment offered by the gentleman from Alabama (Mr. DICKINSON) is a most reasonable and realistic proposal. If this amendment is passed, the United States would still be paying its fair share of the costs of the United Nations.

Furthermore, by the United States paying its fair share, we would actually improve the relationships between nations because each and every country would be *sharing* in the operation of the United Nations on a much more equitable bases. In this way we would not appear to be buying our way into this body and the other nations would feel as if they were contributing their share to its operations.

Mr. Chairman, I urge my colleagues to join with me in supporting this most worthwhile proposal offered by the gentleman from Alabama (Mr. DICKINSON).

Earlier I voted against an amendment offered by the gentleman from Illinois (Mr. DERWINSKI) which would have increased the U.S. contribution to the United Nations on the same principle.

Mr. ZABLOCKI. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I have strongly supported the legislation which the Congress approved earlier this year, urging a reduction in our assessment to the United Nations. I feel that the 25-percent ceiling which we suggested in the Foreign Assistance Act is reasonable and fair. And I hope that the President would do his best to carry out this congressional directive.

At the same time, I believe that the amendment which is pending before us warrants careful consideration.

The cut which has been recommended by the Appropriations Committee would not only cause the United States to renig on a legal commitment but could also seriously affect many worthwhile programs of the specialized agencies.

A million-dollar cut in our contribution to the International Atomic Energy Agency, for example, could be counterproductive in terms of our efforts to limit the spread of nuclear weapons. It could also endanger efforts aimed at the establishment of a workable, effective system for the inspection of atomic facilities.

The five and a half million cut in our contributions to the World Health Organization could be disastrous in its effect on undertakings aimed at the eradication of diseases which do not honor national boundaries.

And a $3 million cut in our support of the food and agriculture organization's programs could further impair international efforts directed to the eradication of malnutrition and hunger.

Other worthwhile international programs would also suffer if the cuts recommended by the Appropriations Committee were sustained.

There are times, Mr. Chairman, when, in our effort to economize, we may prove to be pennywise but pound foolish. This may be the case in this instance.

Inasmuch as our assessments to various international organizations will be under review this fall, and inasmuch as the administration has provided assurances that every effort will be made to comply with the direction of the Congress to reduce our contributions to the United Nations, I believe that we ought to refrain from shooting from the hip today.

I urge, therefore, that the amendment be approved.

Mr. GROSS. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, this is in some respects a rather amusing situation; with the gentleman from Illinois (Mr. DERWINSKI) offering this amendment. He says, "Don't cut the United Nations today; mañana will be all right."

Congressional world travelers seem to learn something of different languages. I understand that mañana means put it off until tomorrow.

We have heard the old song and dance about mañana in connection with the United Nations for so many years it is almost becoming nauseating.

I do not know whether I should say that I regret it or not, but it was my turn on the Foreign Affairs Committee, as a member of the minority, to represent the House minority at the United Nations last year. I felt under no compulsion to go for I did not think it would do me or the United Nations any good. Moreover, sitting next to me on the Foreign Affairs Committee is the gentleman from Illinois (Mr. DERWINSKI). I could see the saliva running as he anticipated what would happen if I declined. I did decline, and the gentleman from Illinois (Mr. DERWINSKI) spent last year living high on the hog at the United Nations.

Something seems to happen when Members go on these world tours and then cap it off with a year of association rubbing elbows with the foreign gentry at the United Nations.

I understand, through a series of articles in one of the newspapers recently, that the foreign countries in the United Nations spend a minimum of $10 million each year entertaining with cocktail parties and all the trimmings.

I do not know whether the gentleman from Illinois lived at the Waldorf Astoria, or where he lived while a delegate to the U.N., but things do happen to people in such rarified atmosphere.

Here is an opportunity to make a substantial savings in behalf of the taxpayers of this country who, after all, have to foot these bills. I say to you that there is no better time in the world to save $25 million than right here and now.

I will be glad to yield to the gentleman from Illinois.

Mr. DERWINSKI. Let me say to the gentleman I appreciate his having given me the opportunity to serve at the U.N.

Mr. GROSS. I did not really give the gentleman the opportunity. It was a declination on my part that opened up the opportunity.

Mr. DERWINSKI. Just think—if the gentleman had served at the U.N. he would probably offer the amendment today which I offered.

Mr. GROSS. The difference is that I suspect if I had spent any part of a year at the United Nations I would probably offer an amendment to cut twice $25 million or cut it off altogether.

Mr. DERWINSKI. Just 4 months; too short a time.

Mr. GROSS. Well, it was long enough to somehow impregnate the gentleman with the idea that the United Nations ought to be well served, although it gives no evidence of deserving it.

Mr. HALEY. Mr. Chairman, will the gentleman yield.

Mr. GROSS. I yield to the gentleman from Florida.

Mr. HALEY. I thank the gentleman for yielding. I think the finest thing that could happen to the United States of America would be to cut off every dime to the United Nations, go up there and take them by the nap of the neck and the seat of the pants and throw them out of this country.

Mr. GROSS. I thank the gentleman for his observation.

I should like to ask one question of the gentleman from New York (Mr. ROONEY) in connection with this matter.

Does the gentleman have any idea of the position of the ranking minority member on the Appropriations Committee (Mr. BOW), and whether he is for this reasonable reduction?

Mr. ROONEY of New York. I most certainly do. He telephoned me from Geneva last night and has caused a telegram to be delivered to my office. I shall, when I get to that point, divulge it to the members of the Committee of the Whole.

Mr. GROSS. I thank the gentleman for his response.

Mr. Chairman, I know the distinguished minority leader of the House is waiting, palpitating, and panting, to get to the well of the House to oppose this amendment in behalf of saving the taxpayers $25 million, so I yield the floor.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, obviously there is no personal gain for me to get into a family dispute between my dear friend from Iowa who came to the Congress the same day I did in January 1949 and my good friend, the gentleman from Illinois (Mr. DERWINSKI). I have great respect for both.

However, on this occasion I think it is my responsibility to speak up as I feel, and on this occasion I feel that the gentleman from Illinois is right and my friend from Iowa is wrong.

Let me say that the gentleman from Illinois, in my judgment, did a first-class job representing the Congress at the United Nations last fall. Let me make two observations about his representation on our behalf.

I know of no one at the United Nations who worked harder to do all that he could to see to it that the Chinese Nationalist Government remained a member of that body. I think he deserves our applause and not condemnation.

Second, I know that the gentleman from Illinois while he was there did all that he could possibly do to achieve a reduction in our percentage contribution to the United Nations.

So I say again I think the gentleman from Illinois should be applauded and not condemned.

Mr. Chairman, I think the issue is not whether we should cut the contribution from 31 percent to 25 percent. I want it cut to 25 percent and possibly lower. The issue is how you do it—whether you do it by an after-the-fact action such as this recommended by the Committee on Appropriations or whether you do it in the orderly process of an agreement following negotiations by our representatives at the United Nations.

Our representatives at the United Nations since I have been here have been able to reduce our percentage contribution from 39.89 percent, as it was in 1949, to 31.52 percent, as it is today.

Now, that is progress, and it has been done under pressure from the Congress over the years that we have been contributing too much.

Our various representatives negotiating for us at the United Nations have made progress. I think we could make as much, if not more, progress by keeping the kind of pressure on that we have exhibited. The mere fact that the Committee on Appropriations recommended this cut ought to be a signal to our people up at the United Nations and to the other nation members that we anticipate at the next negotiation, which takes place in 1973, that our contribution had better be down to 25 percent or less.

We have been making a big point over the years that some other nations have not paid up their assessments.

And therefore we have been in the honest position to argue effectively that they are in default and, therefore, they ought to pay up. If these defaults were paid the United Nations would be in a better financial condition.

But, I think we ought to be honest with ourselves. If we go into default ourselves, our credibility in arguing is eroded very seriously. If we let the Committee on Appropriations' amount stand, I think our position in trying to get other nations to pay up is eroded very seriously.

Now, let me conclude with one final observation, if I may. One of our former Members is now in the United Nations representing us. I think George Bush is an outstanding representative for our country at the United Nations. He is dedicated to see to it that this result is achieved in the next negotiations in 1973. George Bush understands the attitude and the atmosphere in the House of Representatives today which is a signal to him that the reputation that he has for strong negotiations better result in this kind of a cut.

However, I feel that George Bush will achieve it, but his whole credibility is enriched, is made stronger, if we do not undercut him here this afternoon.

Mr. Chairman, I hope and trust that the Derwinski amendment will be agreed to.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan has expired.

(By unanimous consent (at the request of Mr. DICKINSON), Mr. GERALD R. FORD was allowed to proceed for 1 additional minute.)

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to my friend from Alabama.

Mr. DICKINSON. The distinguished gentleman from Michigan made the point that we have been able to effectively point our finger at the Communist bloc nations that are in default, but if we do not adopt this amendment, we can no longer point our finger effectively at them.

However, it is my information that the Communist bloc nations are in default in dues and assessments in an amount of over $150 million.

I wonder how effectively the pointing of our finger has been? They have not paid anything up to this time toward reducing their default. In fact I understand the United Nations has all but written it off.

I was wondering, if really, as the gentleman says, if we give the signal to Mr. Bush, that if we say to him that we cannot contribute more than 25 percent, if this is not a stronger signal?

Mr. GERALD R. FORD. The gentleman is a very able lawyer. The gentleman knows that if you go into a court of equity, you have to come into court with clean hands. If the United States goes into this negotiation without clean hands, I do not think our case would be as strong as it would be if it goes into this negotiation with current assessments fully paid.

The United States is in a far more persuasive negotiating position if we go into these negotiations with clean hands.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan has again expired.

(By unanimous consent, (at the request of Mr. GROSS) Mr. GERALD R. FORD was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I shall be delighted to yield to my distinguished friend from Iowa.

Mr. GROSS. Does the gentleman recall the statements expressing outrage that were made by Mr. George Bush and other officials of this Government last fall when the United Nations action was taken?

Mr. GERALD R. FORD. I recall very vividly the strong arguments that the gentleman from Texas, now our ambassador, made in behalf of the Chinese Nationalist Government. I thought he fought a valiant battle, although it was unfortunately an unsuccessful fight. But I certainly applaud what he tried to do and I think we should support him.

Mr. GROSS. Does the gentleman remember, however, the statements that were made that the action taken should result in a substantial reduction in the U.S. contribution to the United Nations?

Mr. GERALD R. FORD. I would like to respond to that, if I might. As I understand the situation, the Chinese Nationalist Government over the years had their contribution to the U.N. allocated on the basis that they were representing the 800 million-plus people not only of Taiwan but the mainland also. The Chinese Nationalist record of payment is that they were approximately $30 million in arrears.

I would hope some way would be found to get the Chinese People's Republic to find the money to repay the U.N. under the circumstances.

Mr. GROSS. I am not talking about arrears or defaults. I am talking about the statements that were made last fall by official representatives of this Government in support of a cut in the United States contribution to the U.N.

Mr. GERALD R. FORD. Our Ambassador is dedicated to a cut, and it will come in the next negotiations which begin in 1973.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan has again expired.

Mr. DRINAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the distinguished minority leader in his statement, and to associate myself with his remarks.

Mr. Chairman, I am in disagreement with the decision of the House Appropriations Committee to cut approximately $30 million from the American financial contribution to the United Nations.

The State Department has requested $180.9 million for fiscal year 1973 for the United Nations, the sum equal to the share of the total U.N. funding—31.52 percent—that the United States is required to pay under procedures outlined in the U.N. Charter. The Appropriations Committee has reduced that figure to $151.1 million, or $29.8 million less than requested, and has mandated that this country's contributions to the United Nations and the critically important U.N. special agencies must not exceed 25 percent of the total budget.

This action by a committee of Congress is totally unprecedented, as far as the United States is concerned. It is illegal and clearly in violation of an American treaty commitment. Most importantly if effected it would seriously damage the United Nations, which, without the full U.S. contribution, will not have the financial support to survive until the General Assembly convenes in September.

The United States does not have the right under international law to reduce unilaterally our contribution to the United Nations and its affiliated agencies. That power is vested in the U.N. Committee on Contributions, the decisions of which the United States must abide by according to article 17 of the U.N. Charter.

Have we forgotten that scarcely a decade ago the nations of the world censured the Soviet Union, France, and other countries for refusing to pay their contributions for U.N. peacekeeping operations? On that occasion the World Court declared that nations defaulting on their dues were clearly violating international law. Such violation and censure is what the decision of the Appropriations Committee would now precipitate for the United States.

To those who believe that the United States is paying a disproportionate share of the U.N.'s operating budget, I would point out the following facts:

The United States ranks fifth among the member nations of the U.N. in per capita contribution.

The United States ranks 42d in contributions as a percentage of gross national product.

The U.S. share of the operating budget has declined over the years, from 39.89 percent in 1946 to 32.51 percent in 1960 to 31.52 percent today.

We all know, however, that it is not the expense to the United States that has influenced some of our colleagues to support the action of the Appropriations Committee today. Rather, it is an attitude, reminiscent of the 1950's, that if the United States cannot get its way in the U.N., we will, so to speak, "take our ball and go home." This kind of retaliatory foreign policy is totally unbecoming to a great power like the United States.

Regardless of motive, the action of the Appropriations Committee would make the United States one of the major defaulting members of the U.N. and would seriously violate the U.S. commitment to the principles of the U.N. Charter. The goal of a 25-percent assessed contribution for the United States as outlined in President Nixon's 1972 State of the World Address is realistic and laudable. But we must realize that long established, legally sanctioned avenues of redress are available to the United States. To take this step suddenly, unilaterally, and illegally would alienate our allies in the world community. It would also weaken, perhaps irredeemably, the fiscal soundness of the United Nations. The United States must not commit this illegal act now, when the need for a healthy United Nations is at its greatest and when American prestige among the nations of the world is at its lowest.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. SCHEUER. I yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes after the remarks by the gentleman from New York (Mr. SCHEUER) with the last 5 minutes to be allotted to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FRASER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SCHEUER. Mr. Chairman, I rise in strong support of the views expressed by the minority leader.

On Tuesday of this week I spent an hour with George Bush, our former distinguished colleague, and I know he feels very strongly that this bill would place the United States very simply in a position of rejecting its treaty obligations, and that is wrong. It is morally wrong and it is politically wrong. It is wrong in every way, and we simply should not do it.

We have been pointing the finger at the Russians, and we have been pointing the finger at the French, for their arrogant disregard for their treaty obligations and the integrity of the United Nations financing arrangements. We would be placing ourselves in exactly that position, and we would be seriously curtailing the authority and the integrity and the credibility of the United States in the halls of the United Nations.

We are coming close to the renegotiation of these financial arrangements, and there does not seem to be any reason to me why we cannot negotiate a 25-percent figure for the U.S. contribution. We have the very distinguished American from Texas, and I do not know whether he is a Democrat or Republican, but he has just retired, apparently, from partisan political activities to assume the U.S. ambassadorship at the U.N. I suggest that we not retire that gentleman from Texas to the deep freeze, but that we unleash him so that we can take advantage of his remarkable negotiating abilities when the next round of negotiations on U.N. contributions comes up. And I am sure if Mr. Connally does not have any other important public position at that time that he would render a distinguished service in those Elysium fields of international diplomacy. I am quite confident that the efforts of our U.N. delegation with the support of whatever administration is in power, would bring the United States, U.N. contribution to a reasonable, proper, and relevant level. We do have very much at stake in the effectiveness of the United Nations, and in the leadership of the United Nations that it far outweighs the $25 or $30 million we are talking about here. For example, we have the United Nations' efforts in the field of international drug control, which are desperately important to us. We have established in the United Nations a special fund for drug control, and we want to use our leadership and our credibility to get the other nations of the world with us so that they will make reasonable contributions to that United Nations special fund on drug abuse control.

There are important programs in international population control which, next to the threat and the specter of atomic incineration, desperately need the priority attention and support of the U.N.

Here, too, our authority would be diminished and our voice would be weakened if we are in default of our U.N. treaty obligations.

I think such a default would hurt our dignity and our prestige and would be totally inconsistent with 150 years of our country living up to our international obligations. We will certainly be able to negotiate America's appropriate contribution at the appropriate conference. I strongly support Mr. DERWINSKI, the gentleman from Illinois, and the distinguished minority leader on this crucial amendment.

Mr. FRASER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

Whatever the motives of the proponents of this unilateral cut, there is no question that the effect of such a move would be to drive the United Nations into bankruptcy within the next 6 months.

The refusal of other nations—namely the Soviet Union and France—to pay the full amount due to the United Nations has been instrumental in bringing the United Nations to its present sad financial plight. In this situation, in which the United Nations working capital fund is totally depleted, the United Nations ends each year almost in the red even with full payment of the U.S. assessed contribution. The estimated cash position for the United Nations at the end of 1972 is only $1.9 million even with the full U.S. assessment of $60.1 million. But if Congress votes to cut our payment by $13.2 million, the United Nations will literally run out of money altogether some time in October of this year during the General Assembly. At the end of October, the estimated cash position of the United Nations would be minus $1.3 million. Although the Soviet Union and France hold the major responsibility for the financial crisis during the past decade, the United States would certainly be viewed as the single member nation most directly responsible for precipitating total financial collapse of the United Nations this year.

Mr. Chairman, I share the commitment of this administration to bring down the U.S. assessment rate to 25 percent of the U.N. budget. There is a good prospect that both East Germany and West Germany will be admitted to the United Nations within the next year or so. When that happens there will be an automatic reduction in the share that the United States has to pay. It is hoped that we can negotiate a further reduction through the action of the General Assembly next fall, when the special committee which works on the assessment meets in the following spring. So we can accomplish the reduction while adhering to our international obligations under the rule of law.

The fact is that we have never yet had to take this kind of arbitrary and illegal action in order to get a reduction in the past. Since the United Nations began, we have cut our share from 42 percent down to 31 percent. It has been done by negotiation and under the orderly process and within the proper framework to which we are a signatory.

But I cannot, as a conscientious Member of this body, vote today to violate our treaty obligations. I cannot vote to arbitrarily cut assessments that have already been set. They are not negotiable. There are payrolls being met and commitments being made. Such arbitrary action would be irresponsible on the part of the Congress.

An example of important work of the U.N. in which the United States has a vital stake is the current round of negotiations and meetings leading to the conference next year on the law of the seas and seabeds. This conference is to determine national jurisdiction in the seas, rights of transit through and under international straits, fishing rights, and rights for exploitation of the mineral riches beneath the seas. Our stake in this matter is obviously enormous. To refuse to pay our legal dues to the U.N. would make infinitely more difficult the acceptance of the U.S. position at this and other conferences of the U.N. Not only would we be crippling the U.N. itself as an organization, but also the credibility and influence of our own negotiations at the U.N.

If it is the intention of those who favor unilateral and illegal cuts to get the United States out of the United Nations and to end our involvement with the organization, then an effort to that effect should be made forthrightly and stated clearly. To do so by flagrantly violating our treaty obligations would seriously undermine the international integrity of this Nation. But I believe—as the polls show 85 perecnt of the American people believe—that the United Nations should be made stronger, not weaker. Let us not go down the wrong track and further erode the already seriously eroded standing of the United States in the world community.

I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I would like to congratulate the gentleman from Minnesota on the statement he is now making and associate myself with him in support of the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. DERWINSKI) to restore $29.8 million cut by the committee as the U.S. contribution to the United Nations and its affiliated agencies. The suggestion has been made by the supporters of this cut that it has the approval of President Nixon and the backing of the so-called Lodge Commission on the U.S. Participation in the U.N. Although this suggestion contains an element of truth, it is misleading in several respects.

The fact is that the administration does not support a unilateral reduction in our assessed contributions. In his state of the world message in February of this year, the President said, and I quote:

> It is . . . the policy of this Administration to negotiate with other U.N. member states an arrangement by which the U.S. contribution to the assessed budget of the United Nations and its Specialized Agencies will be brought down to the level of 25 percent. In view of the U.N.'s current financial difficulties, and of the requirements of international law, we must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately.

The President's policy is consistent with the Lodge Commission recommendation that this reduction be spaced over a period of years. I think it should also be pointed out that the Lodge Commission recommended that the savings which accrue from this cutback to 25 percent should be used to increase our voluntary contributions to other U.N. programs. And again, this suggestion received the support of the President.

Mr. Chairman, the simple fact is that if we unilaterally reduce our contributions at this time, we will be abrogating our international treaty obligations under article 19 of the U.N. Charter as amended in the early 1960's, a principle we fought to establish. I think it is especially ironic that there are those advocating this cut who adhere to the line that the United States must honor its international treaty commitments elsewhere in the world. Either those commitments mean something or they do not. If we think we can simply pick and choose which commitments we will honor and which we will ignore, then all our commitments will lose meaning, and we will lose the respect and confidence of those members of the international community to whom we are committed.

I support the President and the Lodge Commission in their recommendation that we reduce our contribution share to 25 percent, and I also support the orderly and legal way of going about this. The proper way to go about this is through the U.N. Committee on Contributions and not through the House Committee on Appropriations.

Therefore, Mr. Chairman, I strongly urge adoption of this amendment to restore these funds to our U.N. contributions.

Mr. CULVER. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Iowa.

Mr. CULVER. Mr. Chairman, I also would like to identify myself strongly with the remarks of the gentleman from Minnesota.

Mr. Chairman, I rise to support the motion to restore the full cut made by the Appropriations Committee in the authorized and legally assessed U.S. contribution to the United Nations and its affiliated organizations.

To make this cut of nearly $30 million in our contributions to the current budget of the U.N. will serve no conceivable national interest and will simply add another default record to the several which already exist with the international organization. This action on our part would probably not produce a single compensatory penny from other sources during the calendar year and would merely hobble and even cripple important work and services of the U.N., and particularly, its international specialized agency such as the International Atomic Energy Agency, World Health Organization, and the Food and Agriculture Organization. To apply this rigid 25-percent limitation now would only invite uncertainty, loss of mutual confidence, and administrative chaos—the very antithesis of the careful negotiation which would bring about some reallocation of national quotas and an improved system of financial control and management within the U.N. The new Secretary General is clearly making efforts in this direction which deserve our support. To make this unilateral cut will undermine his efforts; nor does it provide genuinely effective leverage in advance of the next General Assembly session. The United States will, in any event, see some moderation in its quota allocation in the visible future—a small one as a result of assessments of other countries already agreed to, and a larger one with the likely admission of nations still not in the U.N., such as Germany and perhaps Switzerland. The House Foreign Affairs Committee carefully considered this issue and found no clear benefit to be derived from a partial default. It would much more likely set in motion a contagious loss of confidence and mutual recrimination than it would stir a new burst of energy and support within the United Nations. The fact that some other countries have fallen short of their full obligations really provides no basis, legal or otherwise, for initiative action on our part.

The fact is that we are entering an era when this Nation and others will and must have greater recourse to international channels of negotiation, communication, and protocol. Whether we talk of effective restructuring of the international monetary, trade, and aid system or of looming issues in international environmental policy or of joint space exploration or the movement to a policy for the oceans, the U.N. and international organization are not marginal or incidental concern, but foremost necessities. To endorse a unilateral cut in our obligations to the U.N. at this time would be to harm our own national interest as well as the fabric of international order.

Mr. VANIK. Mr. Chairman, one aspect of this appropriations bill, H.R. 14989, disturbs me greatly. We are being asked to maintain most programs at close to their 1972 levels, but we are also requested to cut over $25,000,000 from our contributions to the United Nations and its related agencies.

This bill includes a provision reducing the U.S. share of the cost of operations of the U.N. and its specialized agencies to a maximum of 25 percent of the organization's total cost. This is a substantial reduction from the present 33⅓ percent ceiling. Translated into dollars, this reduction is even more appalling. This bill places fiscal year 1973 contributions to the United Nations at $46.9 million—a figure approximately $10 million below our 1972 contributions, and $14 million below the figure requested in the President's fiscal year 1973 budget.

But we have not stopped there—we are callously cutting back our contributions to the U.N.'s specialized agencies as well. All of us are aware of the tremendous success and progress of these purely humanitarian organizations. In 1968 the United Nations Educational, Scientific, and Cultural Organization sent expert missions to 26 countries, teacher training experts to 34 countries, and administered 31 institutions for teacher training. By 1971 UNESCO teacher-training projects in Africa, Asia, and Latin America had trained approximately 64,000 teachers.

A 2-year UNESCO project increased school enrollment by 39 percent in Africa, and between 1956 and 1965 UNESCO increased school enrollment in Latin America from 25 million to 42 million students. UNESCO is also striving to eliminate illiteracy. A total of 25,000 adults were involved in UNESCO literacy courses in December of 1969—this number has grown to over 235,000 today. These programs are attempting to provide a total command of the written language which is a prerequisite for gainful employment. UNESCO stresses technical education designed to meet the social and economic needs of a developing nation.

At the urging of the United States, UNESCO is launching a fight against drug abuse and is also beginning an international educational program dealing with this tragic problem. UNESCO is also working in a wide range of scientific and cultural areas. This organization has been a highly beneficial factor in the development of many nations since its inception in 1946.

In fiscal year 1972 the United States contributed an estimated $12 million to UNESCO, but we are now asked to appropriate $10,067,101 for this urgently needed institution, a shameful cut of almost $2 million.

The World Health Organization assisted 75 countries with malaria eradication programs in 1968. WHO action resulted in a decrease of smallpox cases from 120,000 in 1967 to fewer than 70,000 reported cases in 1968. In Latin America there were 18,352 reported cases of smallpox in 1949. There were only 19 in the first 7 months of 1971. Due to the almost total eradication of smallpox, the U.S. Surgeon General is now limiting vaccinations to American persons traveling. This will save the United States almost $128 million annually. Efforts to eliminate malaria and smallpox in the undeveloped nations of the world continue.

WHO is also assisting countries throughout the world in their efforts to control cholera, tuberculosis, sleeping sickness, and other communicable diseases. WHO is also working to insure adequate and safe water supplies in the underdeveloped nations. By 1969 the organization was assisting more than 81 countries to improve their water supplies.

In fiscal year 1972 the United States contributed an estimated $23.7 million to WHO—but we are now asked to approve a cut of approximately $3 million in U.S. funds for this organization. The President requested $26.3 million for WHO, this bill only allots $20,857,370.

Similarly, and I hasten to add, unfortunately, this bill cuts about $1 million from our contributions to the Food and Agriculture Organization. This organization has made enormous strides in the struggle to resolve the world food problem through research and development of agricultural techniques all over the world.

All totaled, this bill cuts $25.1 million from our contributions to the U.N. and its affiliated agencies. Since much of the additional 1972 funds for these agencies simply reflect increased costs and not increased operations, U.S. cuts will lead to actual cut-backs in agency. We cannot in good conscience approve of such a cut in funds.

Proponents of this reduction point out that this country has always borne the largest proportion of the costs of the United Nations. This is true, and such a large share of the costs should be shouldered by the wealthiest nation on earth. But our contribution is not really that substantial. Six nations—Canada, the Netherlands, Sweden, Denmark, Norway, and even the tiny Maldive Islands—had 1970 contributions which were greater, per capita, than that of the United States. As we cut our contributions, the number of such nations will undoubtedly grow. Our contribution amounts to approximately one-sixth of 1 percent of our annual defense budget.

Our relationship with the U.N. is not a one-way street, as critics of the organization would have us believe. Each year the U.N. and its agencies spend in this country approximately four times the amount of our contribution.

Mr. Chairman, I am deeply distressed at the reduction of funds for the United Nations. Continued cutting of the U.S. contributions could conceivably be the death knell of the U.N. But I am concerned that these cuts are only the beginning of a trend in which this country will eventually reduce funds for other humanitarian international commitments and cut all unilateral development foreign aid as well.

The United States is the most powerful nation in the world, and we have been so since the beginning of the 20th century. However, it was not until the end of World War II that we finally acknowledged our responsibilities in a peaceful world. Our prewar isolationism had helped lead to the failure of the League of Nations and subsequently, the horror and tragedy that was World War II.

In 1945 we signified our acceptance of our responsibilities by founding the United Nations. Since then we have been the strongest backer of this organization. The United Nations has, in its 27-year existence, encountered crisis after crisis, and has experienced limited success in its peacekeeping efforts. But the organization has negotiated or mediated a peaceful solution to many crises, such as in Kashmir and in Cyrus. If nothing else, the U.N. has always provided an international forum for debate, a forum which has proven invaluable.

The specialized agencies of the U.N. have made great strides, especially in the underdeveloped nations of the world. I have mentioned UNESCO, WHO, and the FAO. Other organizations, notably UNICEF, have contributed to the achievement of a better lifestyle for the citizens of the world. U.S. support of these institutions has been essential to their continued operations. We must not let them down now. As the greatest power on earth, it is the moral duty of this country to assist less fortunate nations fight starvation, poverty, sickness, and illiteracy. We cannot morally withdraw assistance from such crucial and worthwhile programs.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRENZEL. Mr. Chairman, I cannot say any better than the gentleman from Illinois (Mr. DERWINSKI) or the distinguished minority leader, or tell you any more the advantages of the Derwinski amendment than they have. I rise in strong support of that amendment.

Mr. Chairman, the bill before us contains a cut of nearly $30 million in the legally assessed U.S. contribution to the United Nations. If the Congress approves this cut, the United States will take its place among other defaulters, of whom we have been so critical and whom we have accused of violating international agreements.

The President, and various elements in his administration, have spoken to the need to reduce the U.S. assessment rate to about 25 percent as soon as it can be done consistent with our obligations and treaties. I agree with the President that the United Nations should not be so reliant on one country as it is upon ours, and that all members who wish to participate in the forum, and the benefits, of the U.N. should be willing to pay. However, the President has also pointed out that a unilateral reduction on our part would violate our treaties and be disruptive of plans and programs which he is trying to generate through the U.N.

The U.N. has not lived up to its promise. Some of its affiliated agencies' activities have not always gained, nor merited, our support. Nevertheless, the U.N. remains the single international forum, and the great hope for permanent world peace. If we desert our legal obligations, our international policies will be jeopardized and our word will no longer be good.

I intend to support an amendment to H.R. 14989 to restore the cuts. I urge all the Members of the House to vote also for a restoration of these funds.

At the same time, I will continue to work to see that the disproportionate reliance of the U.N. on the United States for funding is not maintained. I will support the President on his efforts to reduce our funding level to approximately 25 percent through recognized mutual negotiations, but not by unilateral actions on our part. In my judgment a vote to restore these funds is a vote to maintain the U.S. reputation for international leadership.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes following the remarks of the gentleman from Florida, with the last 5 minutes reserved to the committee.

The CHAIRMAN. The gentleman from New York has asked unanimous consent that debate on the pending amendment and all amendments thereto close in 10 minutes, the last 5 minutes to be given to the gentleman from New York. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FASCELL. Mr. Chairman, I rise in support of the amendment offered by our distinguished colleague from Illinois. Let me say that having had the opportunity to serve, as many of us have had, at the United Nations, I know how difficult a job it was for our colleague from Illinois (Mr. DERWINSKI) to be there 4 months and serve on the Budget Committee, the fifth committee, as well as all the other political committees. I know from having heard from people and having observed his services there that he did an outstanding job as representative of the United States at the United Nations.

Because of his knowledge gained there and because of his own feelings, he recognizes that this amendment is vital to the operation of the U.N., and is in the best interests of U.S. policy and commitment.

These interests were expressed by the distinguished minority leader and our distinguished colleague from Minnesota (Mr. FRASER), chairman of the Subcommittee on International Organizations. The Foreign Affairs Committee of the House has already expressed its feelings with respect to the desirability of the 25-percent assessment for the United States in the U.N. as being one which the United States ought to achieve. But now that we have been committed on a prior assessment and we are in the middle of a year, we should not arbitrarily and unilaterally cut it back and breach an international agreement.

Furthermore, the committee action means that our representatives who are at the U.N. go into the negotiations with the ground cut out from under them. It seems to me totally paradoxical, on the one hand, to urge representatives to try to achieve a reduction of this assessment and before they even get to the negotiations to fix the assessments for the next 3 years that we arbitrarily cut the U.S. assessment previously agreed to for this year.

It is ordinarily difficult for the United States to get the necessary number of votes to sustain its position in the U.N. We make their negotiation for future assessment especially difficult or impossible by going back on our international agreement now.

I just do not see how we could reasonably expect our delegation to achieve the objective which the administration wants and which the Congress has said it would want in that way. Reducing the money now due the U.N. and precipitating a financial crisis is not going to ease the ability of our representatives to negotiate.

I do not know what the outcome will be. Frankly, for the United States to get votes in the U.N. at any time is very difficult. We have to persuade and negotiate as best we can. We all know how it is around here, and it is much more difficult in the United Nations, where there are so many differing national interests, and where people see things in differing ways. There are whole blocks and regions alined one way or the other. It will not be easy to negotiate.

It is also difficult because the United States is not guaranteed an automatic reduction when other countries come in. All changes will have to be agreed to to rearrange the percentages to achieve what we want.

Yet, because of our past track record; because of the way the United States is regarded; because we have always maintained our commitment; because we have been in the forefront of trying to maintain the responsibility and the operational capability of the United Nations, we have been able through persuasion to get other countries to go along with us to reduce our share of the assessment.

I believe, based on past effort, we ought to give negotiation a try. I believe it would be absolutely wrong as a matter of national policy and that it would be counterproductive as a matter of negotiating policy for us to go along with the committee proposal. For these reasons we ought to adopt the amendment now pending and restore the funds.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Illinois.

Mr. YATES. Emphasis has been placed on negotiating and other aspects of the United Nations. It seems to me a matter of greater importance would be the impact of the reduction on such organizations as the World Health Organization, the Food and Agricultural Organization, and the International Atomic Energy Agency. These are agencies which even the opponents of the United Nations concede are doing a very good job throughout the world.

It seems to me that the brutal impact of this amendment will force a cutback in the operations of these agencies and really set back international good will to a great extent. Does the gentleman agree?

Mr. FASCELL. I thank the gentleman for those observations. Of course, he is absolutely correct.

The CHAIRMAN. As one of the two Members standing when the unanimous-consent request was agreed to the Chair recognizes the gentleman from Illinois (Mr. YATES).

Mr. SIKES. Mr. Chairman, I had hoped to get recognition.

The CHAIRMAN. Time for debate has been fixed. Under the unanimous-consent agreement, the Chair recognizes the gentleman from Illinois (Mr. YATES) for 5 minutes.

Mr. YATES. Does the gentleman from Florida desire to share my time?

PARLIAMENTARY INQUIRY

Mr. SIKES. Mr. Chairman, a parliamentary inquiry. It was my understanding that the time was fixed with the last 5 minutes reserved to the committee.

The CHAIRMAN. Does the gentleman from Illinois yield for a parliamentary inquiry?

Mr. YATES. I yield for a parliamentary inquiry.

Mr. SIKES. Mr. Chairman, it was my understanding the time had been fixed, with the last 5 minutes to be reserved for the committee. Presumably that time would be controlled by the chairman of the subcommittee.

The CHAIRMAN. There will be 5 minutes remaining after the time of the gentleman from Illinois.

Mr. ROONEY of New York. Mr. Chairman, may I say it is my understanding there would be 10 minutes.

The CHAIRMAN. The gentleman from New York propounded a unanimous-consent request that at the conclusion of the remarks by the gentleman from Florida (Mr. FASCELL) the time be limited to 10 minutes and that 5 minutes be reserved to the committee. The unanimous-consent request was granted. There were two Members standing, the gentleman from Illinois (Mr. YATES) and the gentleman from New York (Mr. ROONEY).

The Chair has recognized the gentleman from Illinois, and the time is now running. If the gentleman cares to yield to any Member, that is his privilege.

Mr. YATES. I thank the Chair.

Mr. Chairman, I should like to associate my statement with the remarks of the distinguished gentleman from Florida (Mr. FASCELL). His explanation of the operations of the political unit of the United Nations was very good, on how our Ambassador and our mission to the United Nations functions in this very critical area of world politics.

I believe it would have a most crippling effect upon our foreign policy, if we were to breach our treaty obligations by cutting back these funds. That is the fundamental point of this amendment: Shall the United States abide by or break its pledged word given by formal treaty? We are proud of our adherence to our obligations given to other nations. Certainly we should not in this way disrupt friendly relationships with nations who rely upon our promise.

The constituent agencies of the United Nations, the World Health Organization, the Food and Agriculture Organization, and the International Atomic Energy Commission and the Intergovernmental Maritime Consulting Organization, are all agencies which have been operating and operating on the very best level over the years. To suddenly and drastically cut back their operations by $29 million at this time would be a tremendous setback to the effort of the United States to achieve world peace and to achieve the kind of a world we seek.

I yield to the gentleman from Illinois.

Mr. DERWINSKI. I think we should emphasize, as the gentleman from Florida did, that there is really a positive note to our hope to cut back to 25 percent without impairing the United Nations budget. As a result of the decision just this week in the German Parliament to concur in the treaties with the Soviet Union and Poland, it is quite possible that come September these two nations will be admitted to the United Nations and that their combined assessment will run to about 9 percent. Then subsequent negotiations could be conducted and we could reduce our assessment 25 percent. I do not think we should at this point take the premature action that the committee is taking.

Mr. YATES. The gentleman is exactly right. It is important that we sustain the principle that the United States does not breach its treaties. We have criticized other nations who are members of the United Nations for their refusal to make their required contributions to the United Nations under their treaty obligations. For us to break our word will undercut the validity of the arguments we made at the time. We must sustain our treaty obligations, and if we are to reduce our contributions to the United Nations, we ought to do it by negotiation.

Mr. GROSS. Will the gentleman yield?

Mr. YATES. I am glad to yield to the gentleman.

Mr. GROSS. Does the gentleman feel the same way about the Southeast Asia Treaty Organization?

Mr. YATES. I feel that way about all of our treaty obligations. If the gentleman's remarks were directed to the question as to whether or not we were protecting Vietnam under the SEATO treaty, I would say to the gentleman that I do not believe the SEATO treaty applies to Vietnam.

Mr. GROSS. Will the gentleman yield for one further question?

Mr. YATES. I certainly will.

Mr. GROSS. Was the gentleman at one time on the United Nations payroll, or was he on the——

Mr. YATES. I was on the U.S. payroll as a member of the mission of the United States to the United Nations as the U.S. Representative to the Trusteeship Council.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROONEY) to close debate on this amendment.

Mr. ROONEY of New York. Mr. Chairman, our distinguished friend, the gentleman from Illinois (Mr. DERWINSKI), Ambassador DERWINSKI—excuse me—said that the committee's position on this matter is premature.

Let me show you just how premature it is. I have in my hand a report I wrote in the year 1950 on the 1951 appropriation bill—the same bill. In it I said:

> Every effort must be made to reduce the unusually high percentage of contributions which in all too many instances this country is called upon to make. The high percentage of contribution of the United States should be reduced just as quickly as the economic conditions of other member countries make possible their assuming a more equitable share of the cost. The committee will examine carefully the Department's submission of this item next year to determine what accomplishments have been made by the Department in obtaining such reductions.

The same year, on the same bill, when it went to the other body, the Senate Appropriations Committee said:

> The committee believes every effort must be made by the Department to reduce the unusually high percentage of contributions which the United States is called upon to make to most of these organizations.

Please do not forget that this was back in 1950. This is now 22 years later. We should be credited for having the courage to come on this floor and take some action to finally do something about this situation.

So, in effect, the State Department and our ambassadors to the U.N. and our diplomats never did a d—— thing about it.

Now, Mr. Chairman, let me get to the next item.

I want to call to your attention the fact that the President appointed a Commission known as the Lodge Commission. This is what the former U.N. Ambassador and Senator Henry Cabot Lodge said in a press conference at the White House on April 26, 1971:

> The Commission thinks that no state should pay less than $200,000; that no state should pay less than one-tenth of one percent. The Commission recommends that the United States reduce its current contribution to the regular budget of 31.52 percent down to 25 percent, but it also recommends an increase the voluntary budgets and funds for other purposes. So we will still be contributing, but on the regular budget it is unwholesome and unsound for any country to pay more than 25 percent.

Now, I mentioned earlier that on last night I had a telephone call from the gentleman from Ohio (Mr. BOW) who is in Geneva. He told me that everyone he spoke to in Western Europe and in Geneva insofar as our U.N. membership is concerned were in favor of the proposed action of this committee reducing our assessments to 25 per centum.

He then sent me a telegram which reads as follows:

> Stay firm on limitations on international organization funds. Many of our friends here in Switzerland agree with our position. We shall have the respect of many nations that will support us. You may quote me on the floor.
>
> FRANK T. BOW,
> *Member of Congress.*

I suggest to the Members of the Committee of the Whole House on the State of the Union that this pending amendment of the gentleman from Illinois rightly should be voted down. No one should stand here and say that insofar as the United Nations itself is concerned they are going to be seriously affected. All this nonsense about the items referred to by the gentleman from New York (Mr. SCHEUER) has nothing to do with this. This has nothing to do with UNICEF, the Children's Fund, and many of the items to which the gentleman from New York referred. The Committee action only concerns the U.N. and a few other U.N. agencies.

So, Mr. Chairman, I ask that the pending amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The question was taken; and on a division (demanded by Mr. DERWINSKI), there were—ayes 34, noes 59.

TELLER VOTE WITH CLERKS

Mr. FRASER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FRASER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered, and the Chairman appointed as tellers Messrs. DERWINSKI, SMITH of Iowa, DICKINSON, and ZABLOCKI.

The Committee divided, and the tellers reported that there were—ayes 156, noes 202, answered "present" 1, not voting 72, as follows:

[Roll No. 159]

[Recorded Teller Vote]

AYES—156

Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Arends
Ashley
Aspin
Badillo
Barrett
Belcher
Bell
Biester
Bingham
Blatnik
Bolling
Brademas
Brooks
Brown, Mich.
Burke, Mass.
Burton
Byrnes, Wis.
Carlson
Carney
Celler
Chamberlain
Clay
Cleveland
Collins, Ill.
Conable
Conte
Conyers
Corman
Coughlin
Culver
Dellenback
Dellums
Derwinski
Diggs
Dingell
Dow
Drinan
du Pont
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Foley
Ford, Gerald R.
Forsythe
Frenzel
Fulton
Gibbons
Gonzalez
Green, Pa.
Griffiths
Gubser
Gude
Halpern
Hamilton
Hanna
Hansen, Idaho
Harrington
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Horton
Hosmer
Howard
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Kee
Keith
Koch
Leggett
Lloyd
McClory
McDade
McKinney
Madden
Mailliard
Mallary
Matsunaga
Mayne
Meeds
Mikva
Minish
Mink
Mitchell
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Nedzi
Obey
O'Hara
O'Neill
Pepper
Pike
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Quie
Railsback
Rangel
Rees
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Rooney, Pa.
Rosenthal
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Sisk
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Sullivan
Thompson, N.J.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Ware
Whalen
Whalley
Widnall
Wolff
Yates
Zablocki

NOES—202

Abbitt
Abernethy
Addabbo
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Aspinall
Baker
Baring
Begich
Bennett
Betts
Bevill
Biaggi
Boland
Brasco
Bray
Brinkley
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byron
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collier
Collins, Tex.
Cotter
Crane
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dennis
Dent
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Eilberg
Fisher
Flynt
Fountain
Frey
Galifianakis
Gaydos
Gettys
Giaimo
Goldwater
Grasso
Gray
Green, Oreg.
Griffin
Gross
Grover
Haley
Hall
Hammerschmidt
Hanley
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Keating
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum

Latta
Lennon
Lent
Long, Md.
McClure
McCollister
McDonald, Mich.
McFall
McKevitt
McMillan
Mahon
Martin
Mathias, Calif.
Mathis, Ga.
Mazzoli
Melcher
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Mollohan
Montgomery
Myers
Natcher
Nelsen
Nix
O'Konski
Passman
Patten
Pelly
Perkins
Pickle
Poage
Poff
Powell
Price, Tex.
Quillen
Randall
Rarick
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rostenkowski
Roush
Rousselot
Runnels
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Staggers
Steed
Steiger, Ariz.
Stephens
Stratton
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Veysey
Wampler
White
Whitehurst
Whitten
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zion
Zwach

ANSWERED "PRESENT"—1

Bergland

NOT VOTING—72

Alexander
Blackburn
Blanton
Boggs
Bow
Broomfield
Brotzman
Brown, Ohio
Burke, Fla.
Cabell
Carey, N.Y.
Chisholm
Colmer
Daniels, N.J.
Davis, S.C.
de la Garza
Denholm
Donohue
Dowdy
Dwyer
Eshleman
Evins, Tenn.
Fish
Flood
Flowers
Ford, William D.
Fraser
Frelinghuysen
Fuqua
Gallager
Garmatz
Goodling
Hagan
Hansen, Wash.
Harsha
Hastings
Hébert
Holifield
Hungate
Kazen
Kyros
Link
Long, La.
Lujan
McCloskey
McCormack
McCulloch
McEwen
McKay
Macdonald, Mass.
Mann
Metcalfe
Miller, Calif.
Mills, Ark.
Murphy, N.Y.
Nichols
Patman
Pettis
Peyser
Pryor, Ark.
Pucinski
Purcell
Reid
Roy
Springer
Stubblefield
Symington
Thone
Tiernan
Waggonner
Wiggins
Wright

So the amendment was rejected.

PERSONAL ANNOUNCEMENT

(Mr. PURCELL, at the request of Mr. Bergland, was granted permission to extend his remarks at this point in the Record.)

Mr. PURCELL. Mr. Chairman, I am unable to be present. Were I present, I would vote "no" on this amendment. The gentleman from Minnesota (Mr. Bergland) having intended to vote "aye," the result of the vote would be the same. The gentleman from Minnesota voted "present."

WAYS AND MEANS APPROPRIATION BILL

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe it is impossible to properly consider an appropriation bill except in the context of other spending proposals and other appropriation bills, so I think we should have a look at the bill now pending in the context of other appropriation bills which are scheduled for consideration shortly.

It may be that next week the House will have three appropriation bills, two out of the Committee on Appropriations, and the other out of the Committee on Ways and Means. That has not yet been determined because the Committee on Rules has not made a determination. But before we act, perhaps, on the pending bill, we ought to think about the other appropriation bills that may be before us.

Next week, the House is scheduled to consider the $19.7 billion appropriation bill for housing, space, science, veterans, and so forth, reported today by the Committee on Appropriations. We are also scheduled to have before the House next week the appropriation bill for the Department of Transportation, to be reported by the Committee on Appropriations on Monday next. Those are the two bills from the Appropriations Committee that will certainly be considered.

The Ways and Means Committee is seeking to call up a third appropriation bill next week. I sent for a copy of the Ways and Means Committee appropriation bill, H.R. 14370. I expected to find in it some reference to revenue sharing, but I did not find any such reference.

On page 1 the bill says:

> This Act may be cited as the State and Local Fiscal Assistance Act of 1972.

In other words, it would be proposed that we consider State and local fiscal assistance—in other words, appropriations—for 1972.

Then, in my curiosity, I turned over to page 18, and I found that it said—brazenly and clearly—on line 19:

> There is hereby appropriated out of any amounts in the general fund of the Treasury attributable to the collections of Federal individual income tax not otherwise appropriated—

A certain amount.

All right. It would appropriate for the local communities $1.750 billion for the current fiscal year 1972.

Then, over on the next page—page 19—the bill would appropriate $3.5 billion for the fiscal year 1973. But it does not stop appropriating there.

The bill would also appropriate for fiscal year 1974, $3.5 billion. But further—

It would appropriate for the fiscal year 1975, $3.5 billion. And on it goes—

For the fiscal year 1976, the bill would appropriate $3.5 billion. And then—

For the first half of the fiscal year 1977, the bill would appropriate $1.750 billion.

Now, that is the end of the appropriations for the local communities in H.R. 14370.

We then turn to the appropriations in the Ways and Means Committee bill for the States where, on page 32, it is provided that,

> There is hereby appropriated out of any amounts in the general fund of the Treasury attributable to the collections of the Federal individual income tax not otherwise appropriated—

A certain amount.

There follows on page 32, these appropriations for the fiscal years 1972–77:

For the fiscal year 1972, $450,000,000.

For the fiscal year 1973, $1,000,000,000.

For the fiscal year 1974, $1,200,000,000.

For the fiscal year 1975, $1,400,000,000.

For the fiscal year 1976, $1,600,000,000, and

For the first half of the fiscal year 1977, $900,000,000.

Now, the bill out of the Ways and Means Committee does not say that these funds are to be a certain percentage of the revenue collected each year. The bill is essentially nothing more than a simple, garden variety appropriation bill. The bill before us today could just as easily be handled by the Ways and Means Committee as it is also a fiscal assistance bill for the State Department and the Commerce Department and so forth. It contains funds for fiscal assistance to States and communities—law enforcement assistance, for example.

It does seem to me that in considering spending and appropriations that we should not appropriate for a 5-year period. It seems to me that we ought to act every year on the appropriations for anything as important as State and local fiscal assistance. So it strikes me as remarkable that it would be recommended that we appropriate for a period of 5 years ahead, that we not be required to take a look for 5 years. Remarkable indeed.

Members who have political opponents this fall could be faced with the challenge that he or she has a locked-in position for 5 years for State and local fiscal assistance. An opponent might well say, "Elect me and the first day I take office I will introduce a bill doubling the amount which your sitting Congressman has voted for the next 5 years."

So, Mr. Chairman, I would say if we are properly to consider the vital matter of appropriations of taxpayers funds, we had better do so on a yearly basis. We had better keep a closer rein on the purse strings than just once every 5 years.

Now, if the Congress is to authorize any such plan as so-called general revenue sharing, it might want to consider authorizing appropriations to be made on a 1-year advance funding basis. But the idea of a 5-year appropriation—and out of the Ways and Means Committee at that—crosses the borders of absurdity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, reserving the right to object, and I will not object——

Mr. MAHON. I yield to the gentleman.

Mr. GROSS. I withdraw my reservation of objection.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. GROSS. Will the gentleman yield to me?

Mr. MAHON. I yield.

Mr. GROSS. I would like to suggest to the distinguished chairman of the Committee on Appropriations that if he would offer himself as a candidate for the Presidency, he might be able to write his own appropriation bills.

Mr. MAHON. Let me say that today, on this particular issue, I do not speak in behalf of the Committee on Appropriations. I speak as a Member of the House, because if we pass the Ways and Means appropriation bill, we have 5 years in which we have no longer any need to take any action with respect to general fiscal assistance to State and local communities.

Another feature of this Ways and Means Committee 5-year appropriation bill is that it seeks to characterize the funds as "trust funds". Well, you could just as rationally set up trust funds for the entire Federal funds budget and provide that the Federal Government—from such trust funds—is authorized to provide for operation of the State Department, the Department of Defense, the Agriculture Department and so forth, for this year, for next year, and for the next 5 years.

Mr. Chairman, the bill deals with general Federal funds in the general fund of the Treasury, and it is a rank perversion of the trust fund concept, which is used for social security and other participating beneficiary programs, to label them as "trust funds" in any way, shape, or form.

I would point out that the Ways and Means Committee appropriation bill would amount to an abdication by Congress for 5 years. Of course, it could be extended for 10 years, if we wanted to abdicate for that length of time, and we could expand the coverage and eliminate ourselves altogether from the fiscal picture in perpetuity if we desired to do so.

I shall get permission to revise my remarks and extend them, if I may, in regard to this matter, which troubles me a great deal. The bill would make something of a shambles of our vital fiscal processes.

It is not a matter of how one feels about the general question of revenue sharing. A Member could be for revenue sharing with a vengeance and still not be for the Ways and Means appropriation bill.

Mr. BURTON. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. BURTON. I would like to commend our distinguished colleague, the chairman of the Committee on Appropriations, for taking this time to alert the Members as to some of the very serious policy implications, not the least of which is the significant erosion of the congressional authorities that are inevitably contained in the bill recently reported out by the Committee on Ways and Means.

Mr. MAHON. I thank my friend.

Another vital question about this matter is that it is doubtful that it is appropriate to separate two inseparable political responsibilities, that is, the responsibilities of taxing and spending. Does the House want to do the taxing at the Federal level and let State and local officials do the spending without our concurrence on a year-to-year basis?

Mr. Chairman, I shall not now take further time of the Committee. However, I had thought that H.R. 14370 was an entirely different animal, some sort of revenue sharing. But when I read it, I found that it is just another appropriation bill. I hope that all Members will take the time to read the bill. All a Member needs to do to see that it is an appropriation measure is read the bill.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MAHON. Yes, I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. The distinguished chairman mentioned the possibility that this could be extended for shorter or longer periods of times beyond the 5-year period. Really, I wonder how something like this could ever be discontinued or even lessened once it is initiated.

Mr. MAHON. Whenever you find a safe way after you have a tiger by the tail to turn the tiger loose, then I could answer the gentleman's question by saying that we could stop it. No, in my opinion we could not stop the trend or the escalation.

If we start down this broad road, with the States and localities clamoring for more money year after year, there is no way as a very practical matter to ever bring this kind of program to an end or contain it. It would undoubtedly escalate very rapidly and Congress would be on the sidelines, and since we do not have the money in the Treasury fiscal chaos would occur, and our system of government would greatly erode or collapse as a result of it.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. Yes, I yield to the gentleman from Florida.

Mr. GIBBONS. I heard the gentleman reading the dollar figures and as I recall these figures total up to about $30 billion.

Mr. MAHON. It is about a $30 billion appropriation bill. It is as simple as that. And it covers 5 years.

Mr. GIBBONS. Mr. Chairman, if the gentleman will yield further, now that we in the Ways and Means Committee have appropriated $30 billion, does the gentleman's committee plan to bring in a tax bill to bring in the revenue with which to raise the $30 billion?

Mr. MAHON. The challenge of the seventies is to raise the revenues with which to pay the bills of this country. However, what the Ways and Means Committee bill does is to ignore the need for revenues although it involves $30 billion in actual spending from the Treasury.

If that is not nonsense, Mr. Chairman, I do not know what it is.

Mr. CÓRDOVA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I commend the distinguished chairman of the subcommittee, the gentleman from New York (Mr. Rooney) for his usual excellent job. My constituency in Puerto Rico is appreciative of his sensitivity to our problems, and I know that I can always count on his help where Puerto Rico is concerned.

AMENDMENT OFFERED BY MR. HOSMER

Mr. HOSMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hosmer: On page 5 line 18 strike out $151,087,250 and insert in lieu thereof "$152,120,250" and On page 5 line 22 after the word "apply" insert the following: "to the International Atomic Energy Agency and".

Mr. HOSMER. Mr. Chairman, I ask for the attention of the gentleman from Iowa, the gentleman from Missouri, and anyone else who voted against the previous amendment to raise funds for the international agencies back up to 31 percent.

The vote established the principle that we are not going to maintain the commitment that was made on an international basis to various international agency budgets. So be it. I am not asking you to change the principle. I am asking you to look at one specific application.

My amendment proposes that we should restore $1,033,000 taken away from the International Atomic Energy Agency by the bill before the House, because the function of that agency is of personal importance to all of us. IAEA is not an agency which merely hosts parties and does a lot of other useless things on the international social circuit that a lot of people properly object to.

Mr. Chairman, the International Atomic Energy Agency is in exactly the same category as the International Civil Aviation Organization which was exempt from the cutbacks contained in this bill.

The International Civil Aviation Organization is designed to do work which prevents airplanes from crashing and people getting killed.

The International Atomic Energy Agency is designed to do the work which safeguards nuclear material from mischievous hands and thereby keeps people from getting blown up by proliferated nuclear bombs.

I direct this particularly to the chairman of the Appropriations Subcommittee. I am asking for $1,033,000 to be restored to this bill so that it can be used to support the international inspection and safeguards activities of the International Atomic Energy Agency, which keep you and every other citizen of this world a little further from the possibility of being blown to bits by plutonium or uranium that is stolen out of legitimate channels and surreptitiously used to make illegitimate nuclear bombs in violation of the International Atomic Energy Agency Statute, and in violation of limited test ban treaty obligations and in violation of national safeguards on fissionable materials.

Mr. PRICE of Illinois. Mr. Chairman will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Illinois.

Mr. PRICE of Illinois. Mr. Chairman, I would like to join the gentleman from California (Mr. Hosmer) in support of his amendment. The International Atomic Energy Agency is a very important agency that is dedicated to the peaceful uses of the atom throughout the world. The safeguard program the gentleman mentioned is essential to safeguarding the peaceful uses of the atom throughout the world. It has been a very successful agency. It has brought international cooperation in making certain that the atom would be directed more to peaceful uses than to armament uses. I fully support the gentleman from California, and hope that his amendment is adopted by the House.

Mr. HOSMER. Mr. Chairman, I thank the gentleman from Illinois. I think that he, if anybody, being the vice chairman of the Joint Committee on Atomic Energy, can speak authoritatively respecting the necessity for this money.

I would say to the Members of the House that I do not often get up here and ask to spend more money and I never ask to throw it away on anything that is useless. I am a fiscal conservative, but I say that this is a necessary and wise expenditure. I say that appropriation of the full IAEA budget is essential in order to better protect your lives and the lives of people around the world who depend on the IAEA to police and safeguard special nuclear material. So I ask all of the Members for support of this amendment. I think to do anything less would

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I would ask the gentleman how much did the President ask for this purpose in his budget request?

Mr. HOSMER. The President asked for $1,033,000 more than he got, and that is what I am asking to be put back in.

Mr. PATMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to come out in favor of the position taken by the gentleman from Texas (Mr. Mahon), Chairman of the Committee on Appropriations, and suggest that there is a big question involved in these closed rules. What right have a majority of the Members of the House to prevent a Member who represents 500,000 people himself—and it is a bigger question than the one-man, one-vote question—what right have they to say to this Member who is elected by the people as a Member of the House of Representatives, that he does not have the power to offer an amendment to a bill, and that he is not allowed to have any meaningful participation in the proceedings?

That is what happens under a closed rule.

Now, of course, you can say that, well, a majority select him, but the point is, does the majority have the power to muzzle Members of the House? Does a majority, even 434, have a right to muzzle the 435th one?

In the other body, it is not allowed. There every Member of the U.S. Senate has a meaningful participation in every bill that comes before that body and every Member over there has an opportunity to offer an amendment to any bill that comes before that body and he cannot be excluded from offering it and having a vote on it.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. CEDERBERG. That is the best reason for a closed rule that I know of when the gentleman refers to what happens in the other body.

Mr. PATMAN. Of course, that is the gentleman's privilege to say that.

Of course, I am not criticizing the gentleman. But I do not think it is really democratic when they take it upon themselves to exclude amendments in the public interest. This is a constitutional question.

There are 81,299 entities of government in this country. I had the Library of Congress look into that a couple of years ago and they came up with the numbers, one Federal, 50 States, 20,000 school districts, thousands of counties—3,071 counties, cities and political subdivisions and there are 81,299 entities of government in all the 50 States.

Now some of these political entities are in every Member's district, thousands of them, and do you think that the majority has a right to exclude that Member from even offering an amendment and to just stop him from having any meaningful participation in that bill that means so much to the people of his district—500,000 people?

Mr. HALL. Mr. Chairman, will the gentleman yield so that I may ask unanimous consent that he may speak out of order?

Mr. PATMAN. I yield to the gentleman.

The CHAIRMAN. Does the gentleman from Missouri ask unanimous consent that the gentleman from Texas may speak out of order?

Mr. HALL. I do, Mr. Chairman.

The CHAIRMAN. Without objection, it is so ordered.

Mr. PATMAN. Thank you, sir.

Mr. HALL. If the gentleman will yield, I would like to "welcome him to the club." For 12 years I have spoken and voted against closed rules. I am glad to find that after 40 years, the gentleman has finally reached this decision, also; and speaks out against taking away the individually elected member's rights—when his ox is gored.

Mr. PATMAN. I have voted against closed rules many times.

Sometimes I would vote for a closed rule if I decided that is the most expeditious way of passing legislation there was no real objection to. I think it is undemocratic—a closed rule is undemocratic. It is the majority forcing their will upon a minority involving constitutional rights and privileges that should not be denied. I hope you consider that in revenue sharing.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. PELLY. I understood the gentleman from Texas (Mr. Mahon) to object to some other committee than the Committee on Appropriations appropriating money. I know that the gentleman's committee, the Committee on Banking and Currency, for 40 years has been appropriating money through the backdoor spending process although the U.S. Constitution provides that no money shall be drawn from the Treasury except by an appropriation made by law.

Mr. PATMAN. Oh, I will not agree to that at all. I do not agree to that at all. The gentleman is entirely mistaken.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that debate on the pending amendment, and all amendments thereto, close in 5 minutes, the time to be allotted to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. Rooney) is recognized.

Mr. ROONEY of New York. Mr. Chairman, the pending amendment of the distinguished gentleman from California (Mr. Hosmer) is just another bite at an apple that has already been properly digested. Only a few moments ago by an overwhelming vote the Committee of the Whole approved the position of the committee and defeated the amendment offered by the gentleman from Illinois (Mr. Derwinski). Now he seeks to deduct $1,033,726 from the committee reduction of $25,103,502.

It so happens that of the U.N. agencies that were enumerated in the $25 million plus cut, the one with the largest share of United States contributions is the International Atomic Energy Agency where the share is 31.716 percent.

The position of the committee is merely a reduction from that amount or from that percentage down to 25 percent. Since the Committee of the Whole has already taken action on this matter, I suggest that the pending amendment be defeated.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from California.

Mr. HOSMER. Is it not a fact that the cutback is a meat ax *cutback*, that it does not consider the particular needs of the agencies.

Mr. ROONEY of New York. No, I would not consider it that kind of cut at all. It is a scientific cut. As I stated before, it was suggested by former Ambassador to the U.N. Henry Cabot Lodge and suggested also by the President of the United States, if you please, who has advocated a reduction of 25 percent.

Mr. HOSMER. Mr. Chairman, will the gentleman yield further?

Mr. ROONEY of New York. I yield to the distinguished gentleman from California.

Mr. HOSMER. It is not a scientific cut in any way, manner, or form. The International Atomic Energy Commission is the agency which is policing the special nuclear material, and all I am asking for is the money that is necessary to do it. If you do not want to have all that money, you are not going to have these materials safeguarded. If you do not want them safeguarded, they will be stolen. If they are stolen, you are going to have a great outcry.

Mr. ROONEY of New York. Mr. Chairman, I yield back the balance of my time.

The question is on the amendment offered by the gentleman from California (Mr. Hosmer).

The question was taken; and on a division (demanded by Mr. Hosmer) there were—ayes 44, noes 42.

So the amendment was agreed to.

The Clerk read as follows:

The funds provided for Salaries and Expenses, Federal Bureau of Investigation, may be used, in addition to those uses authorized thereunder, for the exchange of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State Statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination as that provided for under the aforementioned appropriation.

POINT OF ORDER

Mr. EDWARDS of California. Mr. Chairman, I make a point of order against the paragraph on page 17, lines 1 through 12, since it constitutes legislation on an appropriation bill in violation of clause 2, of rule XXI.

The CHAIRMAN. Does the gentleman from New York desire to be heard.

Mr. ROONEY of New York. Mr. Chairman, the gentleman from New York must state that this proviso allows the FBI to furnish indentification records to officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions. And as it further states:

If authorized by State Statute and approved by the Attorney General, to officials of State and local governments.

This has been done for years. Then one of the judges, and I use the term in its broadest sense, ruled that the FBI could not furnish this information. The other body inserted this proviso last year. We brought the amendment back to the House for a separate vote and it was approved.

If the gentleman from California (Mr. Edwards) desires to superimpose his views over the majority of the House, and wants to prevent the banks from finding out if they are hiring criminals, he can press his point of order and we shall have to concede the point of order.

The CHAIRMAN. The gentleman from New York concedes the point of order.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman for the concession.

The CHAIRMAN (Mr. Abernethy). The point of order is conceded, and the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision of United States prisoners in non-Federal institutions; purchase of (not to exceed eighteen for replacement only), and hire of passenger motor vehicles; compilation of statistics relating to prisoners in Federal penal and correctional institutions; assistance to State and local governments to improve their correctional systems; firearms and ammunition; medals and other awards; payment of rewards; purchase and exchange of farm products and livestock; construction of buildings at prison camps; and acquisition of land as authorized by section 4010 of title 18, United States Code, $114,400,000: *Provided*, That there may be transferred to the Health Services and Mental Health Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions.

AMENDMENT OFFERED BY MR. RAILSBACK

Mr. RAILSBACK. Mr. Chairman, I have two amendments which are at the Clerk's desk, and I ask unanimous consent that they be considered en bloc.

Mr. ROONEY of New York. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. RAILSBACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Railsback: On page 19, line 17, strike out "$114,400,000" and insert in lieu thereof "$115,417,000."

Mr. RAILSBACK. Mr. Chairman and Members of the House, this amendment is to that section which is titled "Salaries and Expenses, Bureau of Prisons," and the purpose of the amendment is to reflect that there has been a cut of about a million dollars from the budget request, which I believe is very serious, inasmuch as it is probably going to result in the reduction of a number of teaching positions which had been requested.

Let me say that the budget requested an increase of 18 positions and $254,000 for inmate education. Fifty percent of all males are high school graduates, but only 17 percent of the inmates are. The offender returning to the community we know will face keen competition for employment, and we know, too, that he must be equipped educationally if he is to survive this competition. Unfortunately, about 15 percent of the inmates function below the sixth grade level. Since 1965 the number of teacher positions in the prisons doubled and the number of high school equivalencies increased four times, from 406 in 1965 to slightly over 2,000 in 1971. The addition of 18 teacher positions will provide an opportunity to add approximately 300 inmates per year to the number now receiving high school equivalency certification and increase the enrollment capacity by 200 per year in the adult basic literacy programs.

With respect to drug addiction treatment, there is an increase of $100,000 requested to meet the increased cost in 1973, and half a million dollars is requested for after-care services for 253 new releases.

With respect to correctional officers, an increase of 120 positions and $86,000 is requested to provide increased supervision and control capability in institutions and additional counselors and attention for training.

My feeling, Mr. Chairman, is as a member of Subcommittee No. 3 of the House Committee on the Judiciary, which has been conducting investigations of our prisons, we have found time after time that young people who have committed a first offense which sent them to prison are being returned to prison as recidivists. We know, for instance, 72 percent of the first-time youthful offenders are going to be back in jail within 5 years. It would be my hope that by adding $1 million, which is all this does, we would not shortchange the Bureau of Prisons in trying to increase the number of teaching positions so that hopefully we will be in a position to rehabilitate and maybe send these young people back to society so that they can get a job and so that they will not have to commit further crimes and so that they will not go down in statistics as recidivists.

So it is my hope, Mr. Chairman, that we can adopt this amendment, which only involves $1 million. It would be very worthwhile in my opinion.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I am glad to yield to the gentleman.

Mr. KEATING. I would like to commend the gentleman for his amendment and be associated with his remarks.

I thank the gentleman from Illinois for yielding and commend him for his insight into this very real problem.

I wish to be associated with the remarks of the gentlemen at this point in the Record.

Having served for almost 9 years as a judge, later as a member of the Select Committee on Crime, and the Judiciary Committee I have had a full and extensive look into law enforcement and prison facilities at the municipal, State, and Federal level.

I am firmly convinced that to reduce the ever-increasing crime rate, one of the steps to be taken is to improve the prison system and all related functions such as parole, rehabilitation, and facilities.

The end goal for all of us must be to make the streets of this Nation safe again and it is my opinion this is one of the steps that will help.

Mr. CONYERS. Will the gentleman yield?

Mr. RAILSBACK. Yes. I am glad to yield to the gentleman.

Mr. CONYERS. Mr. Chairman, I want to join in supporting the gentleman on this increase.

I think, as many of us have heard in the committee, it is a very worthwhile effort.

I concur with the gentleman's remarks and hope his amendment is supported.

Mr. McKINNEY. Will the gentleman yield?

Mr. RAILSBACK. I am glad to yield to the gentleman.

(Mr. McKINNEY asked and was given permission to revise and extend his remarks at this point in the Record).

Mr. McKINNEY. Mr. Chairman, I thank the gentleman from Illinois for yielding.

The U.S. prison system is one of the saddest disgraces that this Congress must bear responsibility for. Recidivism in the U.S. prison system is about 72 percent. This shows our total and abject failure in rehabilitation.

This failure is particularly tragic when one considers that the great percentage of prisoners that are in jail for drug related crimes. This in most cases means that the prisoners are younger, brighter, and an even greater loss to society.

Even if one is not to consider the human values of the rehabilitation of a criminal, certainly we should consider the cost to the American taxpayer. It costs twice as much to keep a man in jail as it does to supply him with a Yale education. At this price 72 percent failure ratio is intolerable.

Now, Mr. Chairman, I admit that this $1 million is not going to change this. The principle, however, is vital to the future of prison reform. Under the instructions of this committee there is nowhere that this money can be cut except in the teaching staff. Education and retraining are the very heart of rehabilitation and the major emphasis in general over all reform.

These few positions will not change even the education emphasis enough. However, Congress must stop looking for savings that are false in the long run in the prison system. Our failure is proof of the cost of this long established habit of shortchanging the Bureau of Prisons.

Congress must establish at least the principle that we are going to finally work to bring the prison system out of the 18th century.

Mr. RAILSBACK. I thank my friend.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent, seeing that the distinguished gentleman from Illinois was the author of this amendment, that all debate on the pending amendment and all amendments thereto close in 10 minutes, 5 minutes to be allotted to the gentleman from Illinois (Mr. MIKVA) and the last 5 minutes to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MIKVA. Mr. Chairman, I thank the distinguished chairman of the committee for his suggestion of 5 minutes on each side for the discussion of the amendment.

Mr. Chairman, let me say at the outset that this is one of a series of three amendments that will be offered dealing with the problems of our prisons and the manner in which they are conducted as well as the supervision of the prisoners.

I think that all of our colleagues received a letter from the gentleman from Illinois (Mr. RAILSBACK) and me this morning which talked about four amendments, but I would like to state to my colleagues at this time that we do not plan to pursue the amendment having to do with the cut in construction funds.

However, the other three amendments, two of which will be offered by the gentleman from Illinois (Mr. RAILSBACK), and one of which will be offered by me with reference to probation officers, we do pursue, because the problem of our prisons and recidivism has reached another high. I do not mean to say that the authorities have not attempted to do the job because I believe they have done the best job they can. But there is no secret that it has been an inadequate job.

Just last week in one of our Federal institutions a prisoner immolated himself—burned himself to death—after he was denied parole.

Mr. Chairman, I seek not to place the blame for that tragedy on the officials of the prisons and certainly not on the Bureau of Prisons, and certainly not on the distinguished Committee on Appropriations. But I think it is one example of the fact that our prisons have not found the handle in rehabilitating people.

Mr. Chairman, people who come out of our prisons most frequently come out worse than or as bad as when they went in.

The cut that this amendment would seek to restore is vital to our rehabilitative system. The committee virtually mandated that all of the money should be spent for additional line personnel, the guards, and for an additional chaplain.

The only place these cuts can be made, for all practical purposes, is out of additional teaching personnel that was requested, out of additional medical personnel that was requested and, in short, out of all of the people that have something to do with trying to rehabilitate our prisoners.

We have hired a lot of people to stop more wrongdoing, we have hired more police officers and prosecutors and more judges, and we have put more people into the institutions, but we have not provided the necessary funds for their proper handling.

I would suggest that for the sake of $1 million you would not want to have a continuation of the policies that have not worked in the past because I think that is being penny wise and pound foolish.

Therefore, Mr. Chairman, I would hope the members of the committee would support the amendment.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I would like to associate myself with the two gentlemen from Illinois in this particular matter and support the amendment.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. Yes, I am glad to yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, I would like to associate myself with the remarks of the gentlemen who have preceded me, and to say that it seems to me it is vital in this area to create the 348 additional Federal probation officers that are required and requested and have been approved by the Office of Management and Budget.

I would like to commend the two gentlemen from Illinois and the gentleman from Indiana and I hope this very important amendment is supported and agreed to.

There follows the statistics concerning the Probation Office and the need for more officers:

First. As of December 31, 1971, the Federal probation system had under its supervision 45,177 persons.

Second. The number of probation officers to supervise these 45,177 persons was 640, averaging out to a per officer caseload of 71. It was estimated that by the end of fiscal year 1972, the persons under supervision would have risen to 47,200, and the caseload would therefore rise to 74 per officer.

Third. Even with the proposed increase of 348 officers, producing a complement of 988 total officers, the estimated caseload by the end of fiscal year 1973 was projected as 53—988 officers supervising 52,500 persons.

Fourth. Even the figures in Nos. 1 and 2 do not disclose how bad the real picture is because they do not take into account the man hours which must be devoted to one of the major roles of probation officers—preparation of presentence investigation reports for the courts. This work is computed at 14 hours per presentence investigation. For fiscal year 1971, the number of presentence investigations constituted 23,479. For fiscal year 1972, the figure is estimated to be 25,800; and for fiscal year 1973, the figure is projected as 28,400.

Thus, in fiscal year 1971, while there were a total of 640 probation/parole officers, there were really only the equivalent of 429 available for supervisory work, producing a real caseload of 99. For fiscal year 1972, it is estimated that there will be the equivalent of 439 parole/probation officers available for supervisory work, producing a caseload of 108.

And for fiscal year 1973, even with the hoped-for addition of the 348 new officers, the real caseload, figuring the equivalent of 767 officers actually available for supervisory work, would be 68.

I should note that the 1967 President's Commission on Law Enforcement and the Administration of Justice called for a caseload of 35.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, this is a very important and much needed expenditure. Today we are struggling with the problem of what to do with these prisoners; how to help toward their rehabilitation and keep than from the commission of future crimes. These funds will help.

I support this amendment and I associate myself with the remarks of its authors.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I rise in support of the amendment, because it seems to me that if we really mean it about having law and order in this country, we have got to spend the necessary amount of money all the way down the line from the law enforcement agencies to our rehabilitation system. If we are not going to do this, then we are not willing to put our money where our mouth is.

Mr. ROONEY of New York. Mr. Chairman, and members of the Committee of the Whole, I rise in opposition to the pending amendment.

Mr. Chairman, I shall not take much time on this amendment, but I should like to point out that the committee granted an increase of $9,537,000 over the appropriation for the current year. The reduction was only $1,017,000, which is less than 1 percent of the total request.

Apparently some of these figures—and one speaker was talking about an item which is about 20 pages further on in the bill, he was talking about probation officers, and they are not included in this item. As a matter of fact, probation officers are provided for in the judiciary appropriations, not the Department of Justice appropriation. But apparently these gentlemen have not even read the report because the report states on page 11:

> The amount allowed is an increase of $9,537,000 over the appropriation for the current fiscal year. All of the additional custodial and chaplain personnel have been approved as well as all other top priority items requested, including narcotic addict treatment.

Please let me quote from a letter addressed to the chairman of the Senate Committee on Appropriations handling this bill—and before I do, and as this letter will indicate, the Department of Justice has not even appealed this item to the other body. They are satisfied with the amount, and they know that if they need additional funds they can come in and make a supplemental request. Please do not do it on the floor such as is being attempted to be done here.

This letter, which is dated May 16, 1972, on the letterhead of the U.S. Department of Justice, Washington, D.C., and signed by Glen E. Pommerening, Acting Assistant Attorney General for Administration, says:

> With reference to the Bureau of Prisons, the Department accedes to the House reduction on the basis that prison population may not reach the average 22,300 projected in the 1973 budget and that consequently staff costs associated with that level as well as per capita care costs may not materialize. Should the average population reach the level initially projected, the Department may find it necessary to seek supplemental relief.

Now, that is the perfectly normal way to handle such a matter. This is the way it has been done for a long time, and there is good sense to it without a question of a doubt.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, I want to associate myself with the remarks of the chairman of our subcommittee. This reduction is less than 1 percent, $1,017,000 out of a $115,417,000 budget.

This amendment is to restore $1 million. We are not talking about the money because if $1 million was going to do all of the rehabilitating that the gentleman from Illinois says it is going to do, then the gentleman ought to make it $5 million, and rehabilitate five times as many.

We ought to stick with the committee's position. When we can prove that this money can be sensibly used, then we will give the money to them in a supplemental, if necessary.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I think that Members might keep in mind that this budget started last October through the appropriations process and naturally 9 months later there would have been some reassessments set forth to the chairman from the Departments. That is what happened in this case and this would apply to all items in this budget.

Mr. ROONEY of New York. And the fact is that the recommended amount is satisfactory to the Department of Justice, which includes the Bureau of Prisons.

I urge that the pending amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RAILSBACK).

The question was taken; and on a division (demanded by Mr. RAILSBACK), there were—ayes 34, noes 40.

TELLER VOTE WITH CLERKS

Mr. RAILSBACK. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. RAILSBACK. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered, and the Chairman appointed as tellers Messrs. RAILSBACK, SLACK, CEDERBERG, and MIKVA.

The Committee divided, and the tellers reported that there were—ayes 178, noes 165, not voting 88, as follows:

[Roll No. 160]

[Recorded Teller Vote]

AYES—178

Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Biaggi
Biester
Bingham
Boland
Bolling
Brademas
Brinkley
Brooks
Brown, Mich.
Broyhill, N.C.
Buchanan
Burke, Mass.
Burton
Caffery
Carter
Celler
Chamberlain
Clay
Cleveland
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Coughlin
Culver
Danielson
Dellenback
Dellums
Dennis
Derwinski
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Fascell
Foley
Ford, Gerald R.
Forsythe
Fraser
Frey
Fulton
Galifianakis
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hansen, Idaho
Harrington
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Howard
Jacobs
Johnson, Calif.
Johnson, Pa.
Kastenmeier
Keating
Keith
Kemp
Kluczynski
Koch
Kyl
Lent
Lloyd
Long, Md.
McClory
McClure
McDonald, Mich.
McKevitt
McKinney
Madden
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mikva
Minish
Mink
Minshall
Mitchell
Moorhead
Mosher
Moss
Murphy, Ill.
Nedzi
Nelsen
O'Hara
O'Neill
Pepper
Perkins
Pickle
Poff
Preyer, N.C.
Price, Ill.
Quie
Railsback
Randall
Rangel
Rees
Reuss
Riegle
Rodino
Roe
Roncalio
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Sullivan
Symington
Teague, Calif.
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Waldie
Ware
Whalen
Whitehurst
Widnall
Wolff
Wyatt
Wydler
Wyman
Yates
Zablocki
Zwach

NOES—165

Abbitt
Abernethy
Addabbo
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Bennett
Betts
Bevill
Brasco
Bray
Broyhill, Va.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Camp
Carlson
Carney
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collins, Tex.
Cotter
Crane
Curlin
Daniel, Va.
Davis, Ga.
Delaney
Dent
Devine
Downing
Dulski
Duncan
Edwards, Ala.
Evans, Colo.
Findley
Fisher
Flynt
Fountain
Garmatz
Gaydos
Giaimo
Green, Oreg.
Griffin
Gross
Haley
Hall
Hammerschmidt
Hanley
Hansen, Wash.
Harsha
Hays
Henderson
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
King
Kuykendall
Landgrebe
Landrum
Latta
McCollister
McDade
McFall
McMillan
Mahon
Mailliard
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Michel
Miller, Ohio
Mills, Md.
Mizell
Monagan
Montgomery
Morgan
Myers
Natcher
Nix
Obey
O'Konski
Passman
Patten
Pelly
Pike
Pirnie
Poage
Podell
Powell
Price, Tex.
Quillen
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rooney, Pa.
Rousselot
Runnels
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Steed
Steiger, Ariz.
Stephens
Stratton
Stuckey
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Veysey
Vigorito
Wampler
White
Whitten
Williams
Wilson, Bob
Wilson, Charles H.
Wylie
Yatron
Young, Fla.
Young, Tex.
Zion

NOT VOTING—88

Alexander
Anderson, Tenn.
Ashley
Belcher
Blackburn
Blanton
Blatnik
Boggs
Bow
Broomfield
Brotzman
Brown, Ohio
Burke, Fla.
Cabell
Carey, N.Y.
Chisholm
Colmer
Daniels, N.J.
Davis, S.C.
Davis, Wis.
de la Garza
Denholm
Dickinson
Dowdy
Dwyer
Edmondson
Eshleman
Evins, Tenn.
Fish
Flood
Flowers
Ford, William D.
Frelinghuysen
Frenzel
Fuqua
Gallagher
Gettys
Goldwater
Goodling
Hagan
Hanna
Hastings
Hébert
Holifield
Horton
Hungate
Kazen
Kee
Kyros
Leggett
Lennon
Link
Long, La.
Lujan
McCloskey
McCormack
McCulloch
McEwen
McKay
Macdonald, Mass.
Mann
Metcalfe
Miller, Calif.
Mills, Ark.
Mollohan
Murphy, N.Y.
Nichols
Patman
Pettis
Peyser
Pryor, Ark.
Pucinski
Purcell
Reid
Roush
Roy
Schneebeli
Schwengel
Springer
Stubblefield
Terry
Thone
Ullman
Waggonner
Whalley
Wiggins
Winn
Wright

So the amendment was agreed to.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in line with this bill, which appropriates money for the State Department, let me say to you—and I know this will not be reported in the press, especially not in the New York Times and the Washington Post—that Mr. Clark Clifford appeared before the Committee on Foreign Affairs this morning and advocated our immediate withdrawal from Vietnam and advocated that the North Vietnamese be allowed to take over.

He did say that they ought to give back 10 percent of the prisoners as we cut out 10 percent of our troops and if they did not live up to that, then we ought to reescalate.

But he is for getting out and their taking over.

I pointed out to him in the open meeting this morning—and I want the Members to know about it, because I know it will not be reported in the Eastern press—that he had been Mr. Truman's adviser for 4 years and after that we had a Republican President for 8 years, and he was Mr. Johnsons' adviser and Secretary of Defense and his evidence was to escalate in Vietnam, and in my opinion he destroyed Mr. Johnson; and lately he has been Mr. MUSKIE's adviser on foreign policy, and you know what has happened to Mr. MUSKIE.

So all I can say is, gentlemen, pardon me if I do not place too much reliability on Mr. Clifford's advice.

Mr. YATES. Mr. Chairman, I move to strike the last word.

I should like to make an inquiry of the distinguished chairman of the subcommittee (Mr. ROONEY).

In the course of reading the portion of the bill relating to the State Department, I notice that there is no provision for assistance to Israel with regard to refugees from the Soviet Union. Such provision is provided for to the extent of $85 million in the authorization bill that passed the House yesterday.

I understand also in the Committee on Rules the other day the gentleman from New York (Mr. ROONEY) indicated such an item would fall within the jurisdiction of the Subcommittee on Foreign Operations of which the gentleman from Louisiana (Mr. PASSMAN) is the chairman, and the gentleman from New York was quite confident that appropriate provisions would be made when the bill was brought before the House shortly by the gentleman from Louisiana.

Is my understanding correct, may I ask the gentleman?

Mr. ROONEY of New York. The distinguished gentleman from Illinois is correct.

Mr. YATES. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, including necessary clothing and medical aid, payment of rewards, and reimbursement to St. Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates as authorized by law (24 U.S.C. 168a), $17,000,000.

AMENDMENT OFFERED BY MR. RAILSBACK

Mr. RAILSBACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAILSBACK: On page 20, line 16, strike out "$17,000,000" and insert in lieu thereof "$18,090,000".

Mr. RAILSBACK. Mr. Chairman and members of the committee, I would like to address a question to my distinguished colleague from Michigan.

The budget request was about $1 million higher than the appropriation figure. It is my understanding that that was because they project certain higher costs in fiscal year 1973 calculated on an anticipated increase of 6.5 percent in man-days and an estimated increase of 16.7 percent of the average man-days cost over the fiscal 1972 estimates.

These are the moneys that we must pay to contract out for prisoners that are not kept in U.S. prisons by way of contract with States and even in some cases local governments.

It is my understanding, after talking to my colleague, the gentleman from Michigan (Mr. CEDERBERG), that these are taken care of when the exact bill becomes known by way of a supplemental request. I would like to ask the gentleman if my understanding of that situation is correct?

Mr. CEDERBERG. That is correct. Last year we gave them $14,545,000 and the request this year was $18,090,000 and we gave them $17 million. If it turns out the amount is $17.5 million. We have to pay the extra money. There is not any way out of it. We have put that figure in there based upon the best guess we could make and our guess is as good as theirs.

Mr. RAILSBACK. Mr. Chairman, in view of the statement of the gentleman from Michigan (Mr. CEDERBERG), I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SALARIES AND EXPENSES

For grants, contracts, loans, and other law enforcement assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, including departmental salaries and other expenses in connection therewith, $850,597,000, to remain available until expended.

AMENDMENT OFFERED BY MR. JAMES V. STANTON

Mr. JAMES V. STANTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JAMES V. STANTON: On page 20 strike out lines 17 through 24.

Mr. JAMES V. STANTON. Mr. Chairman, in this day of law and order it would seem a little paradoxical that a Member of Congress would stand up here and ask that all of the money for the Law Enforcement Assistance section of this bill be stricken, but if you were acquainted with the detailed administration of this program as I have been, I can assure you that you would join with me in putting a new law-enforcement program into being in the United States.

Last year the Attorney General of the United States, John Mitchell, said crime is being eradicated from the streets, and from this House floor I said that in Cleveland it was not crime that was being eradicated, it was people being pushed off the streets. I have just received the latest FBI statistics which indicate that all violent crimes—murder, forcible rape, and robbery—in the United States there has been a 10-percent increase despite the continued appropriation of millions of dollars by this House and by the Senate. Why is that? The reason is simple. The bureaucracy that exists has caused the millions and millions of dollars that this House has appropriated in the past not to get to the cities of America, not to get to the sources of the crime.

Last year alone of the funds that were appropriated ending in the fiscal year June 30, for the State of Hawaii, Hawaii received only 1.4 percent. In the State of Ohio the figure was 4.6 percent of all the money appropriated by this House and by the Senate in the fiscal year ending June 30, was received at the local community level.

Nationally, 83 percent of the money that was appropriated by the House and the Senate for the fiscal year ending June 30, was never received. It is tied up in the bureaucracy, the bureaucracy between here and the cities of America.

Let me show you that bureaucracy.

(Chart.)

Mr. JAMES V. STANTON. This reflects the steps that the city of New York has to take to get an LEAA grant. The city of New York which you (Mr. ROONEY) has a great concern for, and I share that concern——

Mr. ROONEY of New York. This is utter imagination on the part of the gentleman from Ohio. I have heard many people complain that I just had to make a telephone call to obtain funds for the city of New York.

Mr. JAMES V. STANTON. Let me say, Mr. Chairman, these are the steps we have to take to get these funds to the local communities. This bureaucracy is the reason that this money should be stricken from the bill and an entirely new program written for LEAA.

Jerris Leonard, Law Enforcement Assistant in the Administration, cannot fight crime.

We have a letter from the mayor of Philadelphia, we have a letter from the mayor of Chicago, from all of the metropolitan areas of the United States, indicating that they are not getting the dollars that we appropriate on the floor of the House. Because of that, I believe the money ought to be stricken.

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close upon the conclusion of my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. JAMES V. STANTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ROONEY of New York. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close in 5 minutes, the 5 minutes to be allotted to the committee.

Mr. MIKVA. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. MIKVA. Do I understand, Mr. Chairman, that the gentleman from New York has asked that all the time be allotted to the committee?

Mr. ROONEY of New York. Mr. Chairman, the gentleman is correct. I did not understand that anyone else had asked for time, and the gentleman from Ohio (Mr. James V. Stanton) had already spoken.

Mr. MIKVA. Mr. Chairman, I make the point of order that the request is out of order.

The CHAIRMAN. The Chair will state that the request of the gentleman from New York is not in order.

Does the Chair understand that the gentleman from New York wishes to make another request?

Mr. ROONEY of New York. That is correct, Mr. Chairman.

Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 20 minutes, with the last 5 minutes to be allotted to the committee.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. DRINAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ROONEY of New York. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close in 20 minutes, with the last 5 minutes to be allotted to the committee.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Mikva).

(By unanimous consent, Mr. Mikva yielded his time to Mr. James V. Stanton.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. James V. Stanton).

Mr. JAMES V. STANTON. Mr. Chairman and Members of the House, I know what I suggest is rather harsh, striking all of the LEAA money. But I want to point out to you that the money is not getting to your local communities and that in the vast majority of instances the funds that are being appropriated here have totally failed to reach the crime areas.

If I could indicate to you for a second, from the city of Philadelphia, Frank Rizzo, the mayor of that great community, indicates a total failure of the LEAA program. I think he is as good a strong law and order man as there is in this Nation.

We have from the city and county of Honolulu, a documentation of a total failure of the program.

Each city has documented that they are unable to get Federal funds that have been provided by this Congress to the local community because of redtape.

For the year prior to the end of this fiscal year, 51 percent of those funds for the LEAA have not been received by the local community. So when you have a program that is so tied up in bureaucracy as this program is, there is only one thing you can do, and that is to kill the program.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ECKHARDT. Mr. Chairman, I ask unanimous consent that my time be allotted to the gentleman from Ohio.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. JAMES V. STANTON. Thank you, Mr. Chairman.

First of all, from the State of Tennessee we have an indication that LEAA funds are further delayed because the State administration is not appropriating the funds.

You get a situation that exists in Tennessee where the States are fighting with the local administration and, as a consequence, the funds are not being put into effect to fight crime.

If you go throughout this Nation, you will find that conflicts exist throughout the Nation between the States and the local LEAA agency, again tying up these funds needed to fight crime.

For example, in the city of Miami, all of the funds that were to be appropriated to the city of Miami are tied up in the regional authority of LEAA and not $1 has been received by the city of Miami, which has one of the highest crime rates in America.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. Smith).

(By unanimous consent, Mr. Sikes yielded his time to Mr. Smith of Iowa.)

Mr. SMITH of Iowa. Mr. Chairman, the members of our subcommittee have been somewhat critical as to the way this program is being handled, but for exactly the opposite reasons as those given by the proponents of this amendment. Only about 50 percent of the money has actually been spent on law enforcement, but it is because local people have not spent it on law enforcement and have been diverting it to other purposes. Instead of too much redtape causing the diversion, it was lack of strict enough guidelines that resulted in local governments using so much of the money for nonlaw enforcement purposes.

They have been auditing only to see if money were stolen but not to see if it is spent to enhance law enforcement, Mr. Leonard states that they are changing procedures to make sure the applications are directed to law enforcement.

This program has been used as a general revenue-sharing proposal. They have just handed out the money so long as they said they may use it for law enforcement.

So when the local people are not spending it on law enforcement but are just accepting the money and spending it for other purposes, it is because there has not been strict enough guidelines and that is the reason there has been so much slippage.

Now, they promise they are going to do something to assure benefits to law enforcement with the money. We need to do more to reduce crime in this country. Who else is going to do something about law enforcement if the local agencies do not?

In this country the Federal Government does not have the police power. That authority is reserved to the States. We must depend upon some such program to help local governments do a better job of law enforcement. Therefore, I urge defeat of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Chairman, I heartily concur in the protest on bureaucratic redtape in the distribution of LEAA funds which has been made by my distinguished colleague from Ohio, the Honorable James V. Stanton.

It is incredible that applications by local governments for LEAA funds should have to pass through the almost impossible barriers of redtape which have been outlined by my colleague, Mr. Stanton.

I believe that the goals of this program are important and should be expeditiously funded. The bureaucratic hurdles are costly and consume far too much of the vital resources which are critically needed for effective law enforcement.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Edwards).

Mr. EDWARDS of California. Mr. Chairman, I think it would be a great mistake to approve this amendment.

The Law Enforcement Assistance Act has only been in effect for a short number of years and really has not had a chance to be judged appropriately, even though I commend Mr. Monagan's subcommittee of the Committee on Government Operations for the excellent oversight report. However, the House Judiciary Committee wrote the original LEAA legislation. The House Judiciary Committee is anxious to offer amendments whenever they are needed.

The pending amendment is the wrong way to proceed. If approved, it would eliminate perhaps one-half of the heroin treatment programs in the United States. I do not think anybody in the House wants to do that.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Chairman, one of the small county seat towns in my district, the city of Bluffton, in Wells Countrict, the city of Bluffton, in Wells County, Ind., has completely reequipped its police department under this program and has become one of the best small police departments in the country. So some of the money is getting through. Both the argument for the amendment and the amendment itself are entirely too drastic and the amendment should be opposed.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Corman).

Mr. CORMAN. Mr. Chairman, I urge defeat of the amendment. It was my privilege to author the original LEAA bill. Recently, there have been some mistakes. I was very apprehensive about this money going through State regional boards. It ought to go directly from the LEAA to law-enforcement agencies. But it has been used with great success in many communities, including both the city and county of Los Angeles. I hope that we continue to strengthen the program.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Biaggi).

Mr. BIAGGI. Mr. Chairman, I rise in opposition to the amendment. However, I commend the gentleman for focusing attention on the problem. The problem is twofold. There is the bureauracy on the one side and the implementation of programs that would result in the proper utilization of money. We find that throughout the country police officials will use the money no matter for what purpose. It is available. Hence, they dream up notions that do not relate to police enforcement. It is essential that this whole program be revised and reviewed, and if we accomplish nothing else this day by the offering of the amendment, at least we put the officials of LEAA on notice that they will be subjected to even greater scrutiny.

Mr. Chairman, during this week, which has been designated National Police Week, Americans all over the country have the opportunity to express their appreciation to our Nation's police officers for a job well done.

Indeed, over the course of the last few years we have witnessed an unprecedented attack on our law enforcement system. The main thrust of this attack has been directed at our police officers. They have been subject to verbal abuse and the worst sort of degrading behavior on the streets of our cities as well as in the smallest town in rural America.

These gallant men go about their business day to day—the business of protecting the lives and property of each and every one of us from the criminal elements of our society. I know that it is not an easy job because I was a police officer for 23 years in New York City. These men are called upon to put their lives on the line every day in the performance of their duties.

Yet they have been the victims of sniper fire and wanton assaults in ever-increasing numbers. In New York City this deplorable situation appears to take on the aspects of an all-out war on the police.

This trend takes on the appearance of outright anarchy with every slaughter—and it must stop. Cooler heads must prevail in order for our police system to survive and remain an effective and fair dispenser of justice for all. More sober minds must put the difficult task of the law enforcement officers of our Nation in perspective.

Mr. Chairman, I urge my colleagues to join with me in praising our Nation's police officers not only during this week of official recognition, but throughout the entire year for a job well done. They certainly deserve it.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Chairman, I rise in opposition to the amendment. In hearings before our Judiciary Committee, in which we considered revisions of the Law Enforcement Assistance Act, we took note that there were some discrepancies and a need for some improvements. We have endeavored to provide those improvements. The programs authorized by the Law Enforcement Assistance Act is relatively new. The act grants wide latitude to State and local officials. The fact that we observe some deficiencies may arise, in part, because local officials have had too much control by the Federal bureaucracy. This is one way for them to become extricated from this bureaucratic redtape which has hampered local and State officials in the exercise of their proper prerogatives.

It is my hope that this effort toward decentralization and special revenue sharing can continue to be supported. It is my expectation that this innovation in Federal programs will be successful.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. Abzug).

Mrs. ABZUG. Mr. Chairman, I oppose the amendment. I think we all are interested in seeing the LEAA function. It helps fight drug addiction and matters of that kind. Many of us feel very critical about the way LEAA has functioned because of the utilization of our funds for improper police activities. The Government Operations Committee has issued a report criticizing it. I hope that this discussion will spur the Judiciary Committee to intensify its oversight operations so that we can act to revitalize the LEAA for progressive law enforcement as was intended as soon as possible.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Seiberling).

Mr. SEIBERLING. Mr. Chairman, Mr. Stanton and I are coauthors of a bill now pending before the Judiciary Committee which would cut through all the redtape and get this money where it was supposed to go when this House adopted the act. Four years, it seems to me, is long enough to prove whether a system is being administered effectively or not. When only 17 percent of the funds appropriated last year have gotten to the cities that are supposed to be benefited by them, obviously it is not working.

The gentleman from Indiana (Mr. Dennis) pointed out that the small cities in his area are getting LEAA funds. Of course, they are. But that is part of the problem. We have letters from the law enforcement authorities in Honolulu, in Chicago, in major cities all over this country, that say the money is not getting to the major metropolitan areas. Yet that is where most of the crime originates and where most of the law enforcement funds are needed.

The law as it is now administered is not providing effective law enforcement assistance. It is time we faced up to the fact and made a new start.

(By unanimous consent, Mr. Slack and Mr. Carney yielded time to Mr. James V. Stanton.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. James V. Stanton).

Mr. JAMES V. STANTON. Mr. Chairman, I would like to read to you from the subcommittee hearings conducted by the distinguished chairman, Mr. Rooney, on the subject of the LEAA. This statement is from Richard Kleindienst, who is the Acting Attorney General of the United States or the Attorney General. It states:

> LEAA has greatly improved the flow of funds and services to States and localities. As a result of the reorganization of the agency, duplication of effort in the review process has been eliminated.

Then he goes on to justify the bureaucracy that has been created. But this is not a partisan issue. This has existed since 1968. Gentlemen, we have to face up to it. This program is a failure.

(By unanimous consent, Mr. Andrews of North Dakota and Mr. Cederberg yielded their time to Mr. Poff.)

Mr. POFF. Mr. Chairman, I oppose the amendment. I regret that the gentleman decided to offer it. It thrusts into the campaigns this fall an issue which should not be in the political arena.

The issue is simply the fight against crime. That fight should be nonpartisan and bipartisan.

The structure of the Law Enforcement Assistance Administration honors the principle that the police power of this Nation should not be centralized and lodged in the Federal Government but compartmentalized and vested in State and local governments. It is the instrumentality fashioned by Congress to promote the concept of decentralization in the field of law enforcement. A minority of the Congress opposed this concept from the beginning. The minority favored categorical grants in aid rather than block grants. But the majority, I think wisely, decided that the role of the Federal Government should be that of a silent partner rather than that of overseer and overlord in the business of enforcing criminal laws and punishing disobedience of those laws.

LEAA had a shaky start. Its administrative apparatus was cumbersome. Mistakes were made at the Federal administrative level. Mistakes of implementation were made at the local level. Most of these mistakes were discovered promptly and announced publicly by LEAA itself. Moreover, LEAA moved positively to correct those mistakes and to prevent their reoccurrence. After the present Administrator took office and following the adoption of amendments by Congress in 1970, LEAA was reorganized from bottom to top. Three new regional offices were established. More than 40 new auditors were employed, regulations were clarified and strengthened.

Yes, in its early days, LEAA made mistakes. Doubtless, improvements can be made yet today. Nationwide, the program encompasses some 50,000 individual criminal justice projects in every echelon of the system, and in every State and nearly every municipality in the country. It is unavoidable that there should be some mistakes, some misfeasance, some nonfeasance, and inescapably some malfeasance. However, that is no reason why the total program should be penalized. We should not dismantle a city police department in order to punish the occasional bad cop.

The fight against crime has not been won; but the corner has been turned. In the last 3 years, in cities over 100,000 population, the rate of crime increase has dropped. In 53 of those cities, there has been an absolute reduction in the statistics of major crime. In the Nation at large, the crime increase rate has dropped dramatically. In 1968, the increase was 17 percent over 1967; in 1971, it was only 6 percent over the year before. In the District of Columbia, there has been an absolute 50-percent reduction in major crime over the last 3 years.

The LEAA program cannot and does not claim credit for all of the progress that has been made. Indeed, the credit belongs largely at State and local levels where dedicated men and women have suffered the most vicious verbal abuse and even the hazard of physical violence to lead the fight against crime. But there can be no reasonable doubt that the LEAA program has provided the leadership, the incentive, and the funds to spearhead the fight.

There must be no armistice in this fight. We dare not grow weary of the battle. We must win. Victory is going to take money. We must be prepared to pay the price.

I urge the defeat of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROONEY) to close debate on this amendment.

Mr. ROONEY of New York. Mr. Chairman, this pending amendment seeks to strike the entire appropriation for the Law Enforcement Assistance Administration.

The distinguished gentleman who offered the amendment, the author of the amendment, is a fine gentleman who unfortunately, when he says that the funds are not getting through to local communities, evidences the fact that he has been expertly misinformed, because the funds are getting through.

The funds are distributed under a formula set by whom? Set by the Congress of the United States. If anyone does not like the formula, if anyone objects to the way the funds are handled, this should be taken care of in the proper way, with the Legislative Committee and not here with the appropriation bill.

The Appropriations Committee fully realizes the many past failings of LEAA. We said that yesterday in a colloquy with the distinguished gentleman from Connecticut (Mr. MONAGAN). But these funds do get through to the police departments. They do get through to the State police organizations and to the police departments of the various cities.

Let me say, if the gentleman from Ohio wants to prevent the police department of his city and of all the cities in the country, and the State police organizations from having any funds to combat the rampant crime we have in this country, then I say, adopt the amendment. That is exactly the effect of it.

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONAGAN. Mr. Chairman, although the report of the Legal and Monetary Subcommittee on LEAA is very critical, and I yesterday detailed the areas in which LEAA performance has been disgracefully bad, I am opposed to the amendment which has been offered by the gentleman from Ohio, (Mr. STANTON).

As I said in yesterday's debate, I believe that the Appropriations Committee should not have granted the additional funds requested by LEAA and should have at most continued the $698 million figure of last year, but I definitely am opposed to cutting off all funds for the program. It should be improved, if possible, and not eliminated until its total inadequacy has been proven.

Perhaps this day will come. There is much reason to expect so. But the program has only been in effect since 1968 and has never been thoroughly reviewed before this last year. Next year, the legislative committee will have an opportunity to reconsider the authorizing legislation and decide what the future course of the agency will be. At this stage, we should not stifle it through total restriction of funds in an appropriations bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JAMES V. STANTON).

The question was taken; and on a division (demanded by Mr. ROONEY of New York) there were—ayes 4, noes 82.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $75,663,000: *Provided*, That the salaries of secretaries to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 5, 6, 7, 8, 9, or 10, and that the salaries of law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 7, 8, 9, 10, 11, or 12: *Provided further*, That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed $41,326 and $31,744 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $53,477 and $40,797 per annum, respectively.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIKVA: On page 40, beginning in line 15, strike "$75,663,000" and insert in lieu thereof "$84,153,000".

Mr. MIKVA. Mr. Chairman and members of the Committee, this is the last amendment in a series of amendments which the gentleman from Illinois (Mr. RAILSBACK) and I had planned to offer.

In many respects this one deals most vitally of all with the question of what kind of system of criminal justice do we want to have.

While this comes under the judiciary, let me make it crystal clear that we are talking about law enforcement in its most vital aspect, the probation officer who also serves as a parole officer for our Federal prisoners and people who have been convicted in the Federal courts.

Mr. Chairman, the probation officer historically has functioned under the judiciary, although I might say that it is merely a historical fact; there are many people in this country who think they should be separated from the judiciary. In any event, they requested an additional 348 probation officers for the purpose of supervising people that were out on probation.

The committee saw fit to cut that number down to 100, or about 29 percent of the request.

I do not want to belabor this Committee with statistics, but I think that the members of the Committee ought to know that at present the caseload for the average probation officer for fiscal year 1972, taking into account the fact that the probation officers also have to do presentencing reports, amounted to 108 cases per probation officer.

Ladies and gentlemen of the Committee, who are we kidding? With that kind of caseload there is no supervision. We might as well turn those people free and not go through the pretense of putting them on probation with that kind of caseload. There is no supervision. What we are talking about if we restore this cut, and this is some $6 million of additional funds requested, we would be able to cut the caseload down at its best to perhaps 60.

The President's Commission on Law Enforcement has said that a meaningful caseload for real supervision would be 35. We are not even talking about that point as yet.

But I can tell you that if we are talking about a caseload of 160 cases per probation officer, we are talking about turning loose 100 or more people who have been convicted or who have served time, but who are not going to receive any kind of supervision worthy of the name.

We have authorized more police officers, more prosecutors in the courts and more judges on the bench and we may be putting more people into correctional work, thanks to the wisdom of the House in the amendment which was adopted earlier; but if we do not do something about supervising them after they have been granted probation, we deserve the kind of recidivism and repeater crime we are getting.

Mr. Chairman, I think if there is any amendment which will be offered to this bill which more squarely shows our concern for law and order, I do not know what it is.

Mr. Chairman, I urge the support of the members of the Committee of this amendment.

Mr. DENNIS. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment offered by the gentleman from Illinois (Mr. MIKVA).

Mr. Chairman, I have the highest and the greatest respect for this committee, and normally I would not question its figures. I think it knows better what figure to arrive at, obviously, in general, than I do; but I do think that I know a little bit about the subject matter at hand, because it is a fact that I have spent a good part of my life in courtrooms, and not a small part of that in criminal courtrooms, both as prosecutor and as defense attorney. I am convinced from that experience—and we can speak only from our experience—that we are accomplishing very little in the way of our criminal justice. We are not too efficient, and we certainly are not accomplishing reform.

We have to send people to jail, unfortunately, in order to protect society sometimes, but in rehabilitating them we are signally failing.

If there is anything we can do, and it is a very difficult problem, to succeed in the rehabilitation process, it probably comes in the case of those offenders who merit and are granted probation without being given the debilitating experience of incarceration in a penal institution. And if probation is to be meaningful these people have to have a reasonable amount of supervision, and there is no judicial system in this country where that supervision is adequate.

I think this is one way where a few dollars, while no panacea, might actually be spent usefully. I think the committee knows that I am not ordinarily an advocate of increasing appropriations, but I think this is a place where, to restore the appropriation to the budget request, which is all the amendment offered by the gentleman from Illinois (Mr. Mikva), does, and to restore it to what the departments involved feel that they ought to have, is an expense that this wealthy society can well afford in an effort to try to rehabilitate people who need rehabilitation, and as to whom we are almost universally failing today.

So, Mr. Chairman, I urge support of the amendment offered by the gentleman from Illinois (Mr. Mikva).

Mr. CORMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not use the full 5 minutes. I call the Committee's attention to the fact that the new Chief Justice urged district court judges to go into prisons and see what happens to the people that they send to those institutions. I know several judges who have done that.

We all fuss from time to time because we think judges are too lenient; they do not put people in prison for a long enough time. But those judges are faced with a very, very difficult problem, particularly when they must sentence a relatively young person convicted of a serious crime. They must either put them in an institution where they know they will come out as hardened criminals, well educated in their profession of crime, and be of tremendous expense and burden to society for the rest of their natural lives, or they must run the risk of putting them back on the street under the supervision of a probation officer.

That latter course is unquestionably the better in most instances, for those who have adequate supervision. That is the reason why this amendment is tremendously important. I urge its adoption.

Mr. McKINNEY. Mr. Chairman, I rise in favor of the amendment offered by the gentleman from Illinois (Mr. Mikva).

Mr. Chairman, I shall not take the full 5 minutes, but I would very much like to point out that this is one appropriation that we could make that would save money.

It costs more to keep a man in prison than it costs to send two young men to Yale University. Certainly if we fail in 70 percent of all of the instances, we are wasting our money.

There is no possible way that we can succeed in rehabilitation if we turn our prisoners out of the prison system with no supervision and no help in finding a job and no help in leaving the very society and surroundings that put them there in the first place.

Basically, what we are talking about is the most important part of the entire process, that of getting a man back into society as a rehabilitated human being.

This amount of money is cheap indeed as compared with what the American taxpayer pays for a failure of rehabilitation within the prison system.

I, therefore, include in the Record a copy of my testimony in front of the Judiciary Committee, which, I think, will show the Members the importance of restoring the 248 probation officers that the Appropriations Committee cut.

Statement by Congressman Stewart B. McKinney

Mr. Chairman:

I would first like to thank you for inviting me to testify with the knowledge that I address you today as a concerned citizen and legislator and not an expert in the field of prison reform. I wish to make a few brief comments on what I feel faces us today from my own experience in a prison and the subsequent dialogue which developed between myself and other concerned citizens throughout the United States.

Before I address myself specifically to the area of parole, I would like to make a few introductory remarks on the system of which it is an integral part. I think I voice the concern of many Americans in regard to the great waste of human and natural resources which is our present prison system. The men behind the walls in Terre Haute or Atlanta often find their behavior the subject of many surveys and fiction, but eventually they come to understand that they are really only the object of neglect. We are not concerned here with the motivating factors which got them where they are, but we certainly have more than a generous stake in what happens to them from the day of their arrest and their subsequent treatment in the criminal justice system.

I think I can safely say that we have adopted the theory of rehabilitation as both a salutary treatment for the offender and an adequate safeguard for the public. However, if we are to profess an adamant belief in rehabilitation then we certainly must admit that we have either failed miserably or we have the hardest criminals in the world. I think most would agree that the latter is true and is necessarily the product of the former.

How should we respond to this situation? Some would say that we have been too soft and that rehabilitation is a failure and that our main concern should be punishment. These same people would point to the recent prison riots and the work stoppages and food strikes at such comfortable prisons as Danbury. Ironically, the fact of the matter is that we are inflicting the cruelest of punishments on our prison populations every day. First, we send many young men to prison who should never be there in the first place. Second, when they do get to prison we tell them that they may be there for a year or they may be there for five years. They don't know how long their stay will be and they don't know what to do to shorten it. They are sure of only one thing—that one day in the future some man from Washington will sit down in front of them and tell them whether they will be there another year.

Where can we place the blame for this situation? It lies with all Americans, myself included, who have failed to see that we all have a stake in the lives of these men, that most crimes are committed by repeaters and that like it or not more than ninety percent of those men that we send behind bars are going to be coming out and they are going to be coming out mad.

Now where do we start? We start by recognizing the fact that our criminal justice system is uncoordinated and overgrown. If we have neglected the aged and the mentally ill, you can be sure that at the bottom of the list are our prisons and the administration of the system which got them there. How do we intend to ameliorate this situation? Do we patch up the old system which has proven time and again that it can't respond, that it can't fulfill its task of rehabilitating the prisoner and protecting *society?* Unfortunately, I think that is where we are headed.

The Federal Parole Board has been referred to by one commentator as "on the whole as low in quality as anything I have seen in the federal government." The Parole Board exists to protect society and to offer prisoners hope if they reform. I think we need only check the statistics to prove that society is far from protected and if you ask prisoners what is their main grievance, they will probably answer the parole system. One such prisoner in the Atlanta Federal Penitentiary wrote me the following:

"The major cause of prison uprisings in the opinion of this writer, based on years of experience, as a prisoner in the State prisons, and in the Federal system, is the denial of a prisoner's right to earn his freedom. The continued arbitrary treatment of prisoners by state and federal parole boards and authorities will continue to compound the problems of prison administrators and render their rehabilitative programs useless and meaningless if allowed to continue. The time has come that a prisoner convicted in the courts of this land can be allowed by his own efforts to earn his right to freedom from his term of incarceration."

Ironically, the Chairman of the Federal Parole Board, testifying before your Committee actually made the best case for complete reorganization of the parole system. He asserted that it was the enormous responsibility of the Board as the releasing authority for inmates of the federal system to conduct hearings on some 12,000 cases, review some 5,000 progress reports, totalling some 17,000 decisions in 1970. This is not "enormous" responsibility; it is an impossible responsibility when you consider that this entire load is handled by eight Board members and eight Board examiners.

Mr. Reed asserted that the Board had set out on a massive research project to study decision-making procedures of the U.S. Board of Parole and to conduct follow-up research on the success or failure of those paroled. This project was termed a unique in the fact that it would utilize for the first time, through modern computers, correlation of relevant social factors which would be pertinent to our "rapidly changing culture patterns of the Seventies." Whether or not this concept is possible is beyond me, but even if this information were available, how would it be used in relation to other criteria such as the five-minute hearing. Could we be safe in assuming that the computer might become the sole judge? Have we progressed so far that we have even lost sight of the individuality of man despite the fact that he has been branded a criminal?

I commend the Chairman and other members of the Committee for introducing the long-awaited changes in the parole system as contained in H.R. 13118. These reforms, if enacted into law, would see substantive progress made in this area. However, I do not feel, as I have mentioned before, that the overhaul of a sunken ship will necessarily make that ship seaworthy again. I do not think that this legislation significantly answers the problem of meeting the administrative needs of some 17,000 cases each year. I do not think that this legislation significantly answers the need for a more humane approach to our prison population. And finally, I do not think this legislation faces the overwhelming problem of the criminal justice system to coordinate itself into a responsive contemporary "system".

For my own purposes, I feel that H.R. 13293, introduced by Congressman Railsback, and S. 3185 introduced by Senator Percy in the Senate, formulate a viable alternative to the present system.

Parole, as I have stated earlier, should be and in reality is, interrelated to all the other steps which make up criminal adjudication. The main thrust of this legislation would get the Board, in this case a District Board, right into a case from the minute of arraignment. This would mean that evaluation and consultation would be taking place from the very start. This consultation would be between the court, the U.S. Attorney, the defense, and the Board.

I have made clear my feeling that the present Board as it is now constituted cannot possibly handle the load which comes before it each year. With the establishment of District Boards in each of the 90 federal districts we would alleviate this great burden and for once see individual attention given the offender and at the same time, a better chance for his rehabilitation and a more secure community.

I think one of the most interesting aspects of H.R. 13293 is the chance which is given in special pre-trial consideration for an offender to be released into special community programs, be they drug, alcohol or health centers, for a period of one year. This type of program is revolutionary in the sense that it answers a twofold problem. One, our prison population has drastically been changed by the great number of young people who have been arrested on drug charges. In Connecticut over 50% of all the male inmates in our prisons are drug dependent and many of them are newcomers to crime. They soon find themselves well trained by the pro in all the con games, thereby becoming losers on two fronts, both to narcotics and to a life of crime. The second aspect which has always been of great concern to me is the great lack of psychiatric and mental aid which is now available in our prisons. The utilization of community programs would see this scarcity filled and also at the same time provide good care to the offender. I would hope that if such programs were implemented there would be no bounds for the federal and state programs to work side by side.

It would also be the function of this Board to set up goals for the convicted offender so that he would know what is expected of him and that he can be sure that he will have an annual review of his case with the results of that review published. This new attempt at regionalization for more than one reason strikes me as much more advantageous than the system which now exists.

This legislation also does not lose sight of the need for national policy and standards or the need for appellate jurisdiction over the District Courts, which would be filled by the Circuit Board. Although the exact powers of this Board seem at this time nebulous, I cannot question its concept of giving this regional program the unification it needs.

This Committee has certainly recognized the need for greater research into all the aspects of prison reform and corrections. Whether this void can be filled by an Institute or Advisory Council I would like to see greater cooperation between the state and the Federal Government correction departments giving both sectors a chance to share their programs and ideas. I think if anything we must share our knowledge in this field and that certainly no one has a monopoly on this commodity.

The main thrust of my statement today has been to emphasize the great need for us to regionalize and unify the knowledge and methods which we have now. To bring some awareness to all Americans of the waste of lives and money which now is a fact of life in our prisons. I commend this committee for any action which it will take in rectifying this situation and I appreciate the chance you have given me to express my views. Thank you.

(Mr. WHITE asked and was given permission to extend his remarks at this point in the Record.)

Mr. WHITE. Mr. Chairman, I rise in support of the amendment which will restore funds as requested by the administration for 348 additional probation officers for the U.S. Courts.

I am quite aware of the critical problem of case workload for U.S. probation officers in the western district of Texas and I am sure that the figures of the case workload in my area of the country are reflective the national shortage of U.S. probation officers.

Since 1968 the supervision case load for the U.S. probation office for the Western district of Texas rose from 509 cases to 926 cases in 1971. Presentence investigations rose from 573 to 823 in the same period. Yet the staff to do this work remain constant with only one additional officer. There is every indication that the trend for more and more cases to be supervised by U.S. probation officers will steadily increase. For example, the Comprehensive Drug Abuse Act of 1970 provides for a special parole term for every convicted drug offender in addition to a term of confinement. This means that every federally convicted Drug offender will be under supervision at some time. In the Western District of Texas this case load has increased from 826 cases to to 926 in less than one year, from July 1, 1971.

Translated into meaningful realities, the lack of sufficient staff for the U.S. Probation Office will mean that young people who might have been salvaged for a useful role in society will face an uncertain future in prison, and it will mean that presentence reports upon which decisions in a prisoner's life are made include inaccurate and incomplete information.

I have every confidence in the ability of the U.S. Probation Office to help in restructuring and reconstituting misguided lives into constructive and contributing members of our society. It is the duty of the Congress to give the U.S. Probation Office the wherewithal to accomplish this goal. I urge my colleagues to support this amendment.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, and all amendment thereto, close at the conclusion of 5 minutes, with the time to be allotted to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York (Mr. Rooney)?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Rooney).

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to this amendment.

The committee has allowed 260 new positions as set forth on page 21 of the committee report.

This amendment would add on top of those 260 brand new positions, 737 additional positions including 100 positions that the Judicial Conference and its budget committee does not under any circumstances want. This is the sort of thing we are doing here today. It is true that all of the positions requested were not allowed. Some of the requests were exorbitant. They requested an increase of over 50 percent in the probation system.

I would suggest that you look at the figures on pages 145 through 149 of the printed hearings, volume I.

The gentleman by this amendment proposes to restore the full amount requested for all positions, as I said before. In so doing, he is proposing to add 100 deputy clerks over and above the number which the witnesses from the Judicial Conference requested. This will be found a page 135 of the printed hearings, volume I. I should like briefly to read what we have at that page:

> DEPUTY CLERKS FOR DISTRICT COURTS
>
> Mr. Rooney. With regard to No. 6, which is a request for 277 new jobs as deputy clerks for the district courts, $2,525,000.
>
> Judge Weinman. Take 100 off of that. I stated that before we began.
>
> Mr. Rooney. Because of the fact you do not have to process passport applications?
>
> Judge Weinman. That is correct.

The distinguished Judge Weinman is the chairman of the budget committee of the Judicial Conference, as well as the chief judge of the southern district of Ohio.

A great many passport applications are now being handled by postal employees in the post offices throughout the country.

As you know, we are always confronted by the judicial branch with budget requests which have never been looked into by the bureau of the budget that is now known as the Office of Management and Budget. Because of the comity between the three branches of Government—the judicial, the executive and the legislative—they just insert in the budget whatever the judiciary requests and then that amount comes up to the Hill as a budget request.

If you adopt the pending amendment you will in effect be giving a rubberstamp endorsement to the request of every Federal judge, at least so far as deputy clerks are concerned, and then tossing in another extra 100 for good measure.

Furthermore, though some of the proponents were talking about criminals, crimes, and someone even referred to jails, a good deal of this money is for civil cases.

I suggest that the pending amendment be voted down.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Illinois.

Mr. MIKVA. I am sure the gentleman wants to at least make clear what the committee is voting on. The thrust of the amendment is to restore the cut of 248 probation officers, which were cut by the commiteee from a total of 348 probation officers which were asked for before the committee.

Mr. ROONEY of New York. No. I must tell the gentleman from Illinois that his amendment goes far beyond that. It would add 737 brandnew jobs. Mr. Chairman, I yield back the balance of my time and ask for a negative vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The question was taken; and on a division (demanded by Mr. MIKVA) there were—ayes 34, noes 60.

TELLER VOTE WITH CLERKS

Mr. MIKVA. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. MIKVA. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. MIKVA, SLACK, DENNIS, and CEDERBERG.

The Committee divided, and the tellers reported that there were—ayes 142, noes 199, not voting 90, as follows:

[Roll No. 161]

[Recorded Teller Vote]

AYES—142

Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Ashley
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Biaggi
Biester
Bingham
Bolling
Brademas
Brown, Mich.
Broyhill, N.C.
Buchanan
Burton
Celler
Clay
Cleveland
Conte
Conyers
Corman
Coughlin
Culver
Danielson
Delaney
Dellums
Dennis
Diggs
Dingell
Donohue
Dow
Drinan
du Pont
Eckhardt
Edwards, Calif.
Esch
Fascell
Foley
Ford, William D.
Forsythe
Fraser
Frey
Fulton
Gibbons
Gonzalez
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hamilton
Hanna
Harrington
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Howard
Jacobs
Johnson, Calif.
Johnson, Pa.
Karth
Kastenmeier
Keating
Koch
Leggett
Lent
Lloyd
McClory
McKinney
Madden
Mailliard
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mikva
Minish
Mink
Minshall
Mitchell
Moorhead
Mosher
Moss
Murphy, Ill.
Nedzi
O'Hara
O'Neill
Pepper
Podell
Price, Ill.
Price, Tex.
Pucinski
Railsback
Rangel
Rees
Reuss
Rhodes
Riegle
Roe
Roncalio
Rooney, Pa.
Rosenthal
Roybal
Ruppe
Ryan
Sandman
Sarbanes
Scheuer
Seiberling
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Symington
Udall
Van Deerlin
Vanik
Waldie
Whalley
White
Wolff
Wyatt
Yates
Zablocki
Zwach

NOES—199

Abbitt
Abernethy
Addabbo
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Aspinall
Baker
Belcher
Bennett
Betts
Bevill
Blatnik
Boland
Brasco
Bray
Brinkley
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Caffery
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collier
Collins, Tex.
Conable
Cotter
Crane
Curlin
Daniel, Va.
Davis, Wis.
Dellenback
Dent
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
Edwards, Ala.
Eilberg
Evans, Colo.
Findley
Fisher
Flynt
Ford, Gerald R.
Fountain
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Grasso
Gray
Green, Oreg.
Griffin
Gross
Haley
Hall
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Hays
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kemp
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Long, Md.
McClure
McCollister
McCulloch
McDade
McDonald, Mich.
McFall
McKevitt
McMillan
Mahon
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Michel
Miller, Ohio
Mills, Md.
Mizell
Mollohan
Montgomery
Morgan
Murphy, N.Y.
Myers
Natcher
Nelsen
Nix
Obey
O'Konski
Passman
Patman
Patten
Pelly
Perkins
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Quie
Quillen
Randall
Rarick
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rostenkowski
Rousselot
Runnels
Ruth
St Germain
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Staggers
Steiger, Ariz.
Stephens
Stratton
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Terry
Thomson, Wis.
Tiernan
Ullman
Vander Jagt
Veysey
Vigorito
Wampler
Ware
Whalen
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zion

NOT VOTING—90

Alexander
Ashbrook
Baring
Blackburn
Blanton
Boggs
Bow
Brooks
Broomfield
Brotzman
Brown, Ohio
Burke, Fla.
Byrne, Pa.
Cabell
Carey, N.Y.
Chisholm
Collins, Ill.
Colmer
Daniels, N.J.
Davis, Ga.
Davis, S.C.
de la Garza
Denholm
Derwinski
Dowdy
Dwyer
Edmondson
Erlenborn
Eshleman
Evins, Tenn.
Fish
Flood
Flowers
Frelinghuysen
Frenzel
Fuqua
Gallagher
Goldwater
Goodling
Hagan
Halpern
Hastings
Hawkins
Hébert
Henderson
Holifield
Horton
Hungate
Kazen
Kee
Keith
King
Kyros
Link
Long, La.
Lujan
McCloskey
McCormack
McEwen
McKay
Macdonald, Mass.
Mann
Metcalfe
Miller, Calif.
Mills, Ark.
Monagan
Nichols
Pettis
Peyser
Pike
Pryor, Ark.
Purcell
Reid
Rodino
Roush
Roy
Schwengel
Sisk
Springer
Steed
Stubblefield
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thone
Waggonner
Wiggins
Wilson, Charles H.
Winn
Wright

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REPRESENTATION BY COURT-APPOINTED COUNSEL AND OPERATION OF DEFENDER ORGANIZATIONS

For the operation of Federal Public Defender and Community Defender organizations, and the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964 (18 U.S.C. 3006A, as amended by Public Law 91-447, October 14, 1970), $13,500,000: *Provided*, That none of the funds contained in this title shall be available for the compensation and reimbursement of expenses of attorneys appointed by judges of the District of Columbia Court of Appeals or by judges of the Superior Court of the District of Columbia.

AMENDMENT OFFERED BY MR. FAUNTROY

Mr. FAUNTROY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FAUNTROY:

Page 41, beginning in line 17, strike out $13,500,000" and all that follows down through line 21, and insert in lieu thereof the following:

"14,750,000".

Mr. FAUNTROY. Mr. Chairman, my amendment asks that the provision prohibiting the expenditure of funds by courts in the District of Columbia pursuant to the Criminal Justice Act be eliminated from this bill. It is clear that the impact of such a prohibition on our local criminal justice system would be catastropic. We are also asking that the appropriation be increased by $1,250,000, an amount that represents the current level of expenditures by these courts.

In 1971, 43,157 criminal cases were prosecuted by the Federal Government in all Federal courts. On the other hand, 36,749 criminal cases were prosecuted by the U.S. Attorney for the United States in the Superior Court of the District of Columbia. Thus, the local District of Columbia courts handled 46 percent of the cases brought by the Federal Government.

The effect of this proposal by the committee would be that Federal moneys now available to pay for indigent counsel in cases brought by the United States would be cut off. If this provision is retained in the bill, Judge Greene has written me that 70 percent or 15,000 of the indigent cases will be without any counsel. I will introduce into the RECORD his letter at the appropriate time.

SUPERIOR COURT
OF THE DISTRICT OF COLUMBIA,
Washington, D.C., May 17, 1972.

Congressman WALTER FAUNTROY,
Cannon Office Building,
Washington, D.C.

DEAR CONGRESSMAN FAUNTROY: In response to your request, I submit herewith the following information concerning the operation of the Criminal Justice Act in the District of Columbia Court System.

According to figures supplied by the Administrative Office of the United States Courts, there were 43,157 criminal prosecutions handled by the federal courts throughout the nation in 1971. In that same period 36,749 criminal cases were prosecuted by the United States in the Superior Court of the District of Columbia. Thus, the courts of the District of Columbia handled 46% of the cases to which the Criminal Justice Act applied in 1971, while receiving in payments

> $1,072,098 of the total amount of approximately $10,700,000 Criminal Justice Act funds disbursed.
>
> It is my understanding that the Public Defender Service, with its presently authorized staff, would be unable to provide representation for only approximately 30% of the defendants prosecuted in the Superior Court for criminal acts against the United States. Inasmuch as the court is obligated to furnish counsel to each such defendant appearing before it, some 15,000 persons annually will require representation by attorneys other than those of the Public Defender Service. Approximately 90% of these criminal defendants are indigent. If Criminal Justice Act funding is eliminated it will be necessary either to hold proceedings without counsel or to require all members of the bar of the District of Columbia, irrespective of expertise or other commitments, to undertake such representation free of charge.
>
> The court has made no independent study of the feasibility of relying on the private bar to provide counsel for most indigent defendants, but leading members of the bar have indicated that it would be difficult to implement for a great variety of reasons. It is, of course, not inconceivable that the appellate courts would void criminal convictions obtained if counsel were not appointed because funds were not available.
>
> I hope this information is responsive to your requests.
>
> Sincerely,
>
> HAROLD L. GREENE.

The court will then be left with three alternatives:

First, release of the 15,000 charged individuals since without counsel it would be impossible to try them and quite possibly unconstitutional to hold them pending a time when counsel is available. This would mean the release of individuals who quite possibly are guilty of an offense or a delay which would mean that justice is thwarted either by another act of crime or a failure of the prosecutorial witnesses to remember clearly.

Second, return to the court system of the practice of some who deliberately profited from the misfortunes of others by taking money and providing little or no competent counsel.

Third, requiring as a condition of practice in the District that each attorney represent without charge or compensation such indigent cases as may be assigned, irrespective of expertise or other commitments. This is a system that is unworkable. The organized bar tells me that this is unworkable because the commitment to an adequate defense is not possible given the demands of one's regular clients and possible lack of expertise in criminal matters.

The committee feels that the 1970 Court Reorganization Act ends the need for Federal funding of this nature under this act for the city. The legislative history of the Criminal Justice Act makes abundantly clear that the District of Columbia Courts were to receive full benefits of the act. Subsequent amendments spell out with even greater clarity the intention to provide funds for counsel to indigent defendants:

> The provisions of this Act, other than subsection (h) of Section (1) shall be applicable in the District of Columbia. The plan of the District of Columbia shall be approved jointly by the Judicial Council of the District of Columbia and the District of Columbia Court of Appeals.

There is not one word which is contrary to this position in the Court Reorganization Act. In fact, it is clear from the reorganization and the fact that the prosecutorial function is left to the United States and the U.S. Attorney that there would be a definite Federal interest and participation which would be compatible with the Criminal Justice Act.

The act was enacted to fulfill the fifth and sixth amendments to the Constitution that require equal justice be afforded to all defendants in criminal cases brought by the United States. This representation is to be based on categories of crime and it is not intended to be based on categories of court—the decisive factor is whether or not the United States, represented by the U.S. attorney, is the one who is bringing the case. In the District of Columbia, all criminal prosecutions, except prosecutions of police and municipal regulations, disorderly conduct, and lewd, indecent, or obscene acts, are brought in the name of the United States and are prosecuted by the U.S. attorney. Furthermore, where the offense can be joined with any other Federal offense which is solely cognizable by a Federal court, that case is tried in the Federal courts and counsel is provided. The result is that counsel is provided at the discretion of a prosecutor for essentially the same crime depending upon the court in which the case is tried.

This resultant misjustice was never contemplated by the Criminal Justice Act. We have come a long ways in this city in providing justice in our courts. We now have speedy trials, which has resulted in a reduction of crime, we have protected the constitutional rights of a defendant by assuring counsel, and we have established a partnership with the Federal Government in accomplishing this goal. All of this is now threatened, and so I implore you to support this amendment, so that the catastrophe which will emerge does not become a reality and that the progress we have strived so hard to make is continued.

Mr. CELLER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from the District of Columbia (Mr. FAUNTROY).

Mr. Chairman, if we do not adopt this amendment, then the Criminal Justice Act, which we had enacted, will be without the funds to provide appropriate services for defendants. The Superior Court and the Court of Appeals of the District of Columbia are Federal courts: First, they were created by an Act of Congress; second, the Federal jurisdiction previously in the U.S. district court was transferred to them; and third, the U.S. attorney is the prosecutor.

There are approximately 20,000 prosecutions brought by the United States in the District of Columbia. The Public Defender Service can handle no more than 20 percent of these. The remainder of the defendants may be unrepresented, that is about 16,000 prosecutions. If these prosecutions cannot go forward, these cases will have to be dismissed.

It cannot be emphasized enough that the most serious felonies, including first-degree murder, have to be tried in the Superior Court.

It is doubtful that those cases not being handled by the Public Defender Service could be parceled out on an uncompensated basis to the District of Columbia bar members. And while there are about 1,500 to 2,000 such attorneys, most of them are not prepared to handle criminal cases. Such a situation can only contribute to backlogs and delays.

To the extent that there may have been some exorbitant fees paid to a few attorneys under the Criminal Act program, this situation is being very well taken care of by a special committee of judges appointed by the Chief Judge of the Superior Court.

The Criminal Justice Act specifically says that—

> The provisions of this Act, other than in subsection (h) of Section (1) [providing for public defender organizations] shall be applicable in the District of Columbia. The plan of the District of Columbia shall be approved jointly by the Judicial Council of the District of Columbia Circuit and the District of Columbia Court of Appeals.

It was Senator HRUSKA who introduced an amendment to the Criminal Justice Act to make the provisions of the Criminal Justice Act applicable in the District of Columbia, and he so stated it categorically on the floor of the Senate.

The Criminal Justice Act was enacted by Congress to fulfill the requirements of the fifth and sixth amendments to the Constitution that equal justice must be afforded to all defendants in criminal cases brought by the United States by providing, wherever necessary adequate legal services to defendants who cannot themselves afford to purchase such services.

It would be most unfortunate if the courts of the District of Columbia should be rendered incapable of making timely disposition of important criminal prosecutions due simply to a failure to appropriate funds with which to compensate counsel.

I urge the approval of the amendment.

Mr. SMITH of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as a member of both the Judiciary Committee and the District of Columbia Committee, I urge my colleagues to reject the language contained in lines 17 to 21 on page 41 of H.R. 14989.

It seems to me that the question is whether or not the Criminal Justice Act of 1964 as amended by Public Law 91-447 in 1970 encompasses the courts of the District of Columbia and what the responsibility of the Congress is in that regard.

In reviewing the legislative history of this act, it is quite clear to me that the intent of Congress was to include the courts of the District of Columbia. The 1970 Amendments to the Criminal Justice Act specifically included the District of Columbia courts. If my colleagues will indulge me, I will read the comments of Senator ROMAN HRUSKA in offering such an amendment on the floor of the Senate.

> Mr. HRUSKA. Mr. President, the amendment that I have offered would make the provisions of the Criminal Justice Act, as amended by S. 1461, fully applicable to the District of Columbia.

This amendment is needed to clarify the application of the act to appointed counsel appearing before the court of general sessions or any other court of general jurisdiction, now or in the future, in the District of Columbia. The Criminal Justice Act of 1964, as originally enacted, omitted any reference to the District of Columbia Court of General Sessions, although the Comptroller General ruled in 1966 that the act does extend to certain classes of cases prosecuted in that court. As I recall, that was also the intent of the 1964 act.

Since the Constitutional Rights Subcommittee began consideration of S. 1461, and other proposed amendments to the 1964 act, legislation has been proceeding through the Senate and the House District Committees that would significantly reorganize the Federal courts of the District. That legislation is now before a conference committee.

The concurrent jurisdiction of the District of Columbia District Court and the District of Columbia Court of General Sessions over certain offenses against the United States would end under that legislation, and the court systems would be greatly changed. It is the concurrent jurisdiction, however, upon which the Comptroller General based his opinion of coverage under the 1964 act.

Therefore, to insure coverage of the Criminal Justice Act in the District, whether or not the court reorganization bill is enacted, for those classes of cases specified in the 1964 act, as amended by S. 1461 as reported by the full Judiciary Committee, this amendment is offered.

The amendment was agreed to and the bill passed the Senate. The House Judiciary Committee accepted the amendment stating only that those provisions providing for a Public Defender Service, did not apply to the District since one was already in existence.

I am pleased to state that I voted for that legislation and it passed the House 277 to 21.

It may be asked what interest does the Congress have in the internal workings of the Superior Court of the District of Columbia?

It is we who enact the laws under which all felonies and misdemeanors are tried. Prosecutions in the Superior Court are in the name of the United States and handled by the U.S. attorney. Judges are appointed by the President. Even prisoners in court are in the custody of the U.S. marshal. Is it not proper, therefore, to provide defense counsel when our Constitution demands no less of us.

It appears that the committee's action is prompted by newspaper accounts of seemingly excessive compensation having been paid to appointed counsel under the act. I do not defend the propriety of those fees. I have no information, and I have not seen any before the House, as to the quality of representation or the circumstances warranting such fees. However, a committee of judges, private lawyers and representatives of the Public Defender Service is meeting this afternoon to seek methods of preventing the excessive compensation of attorneys in such cases. Tomorrow, a full committee of Judges of the District of Columbia Superior Court will convene to further explore the problem. It seems to me that any vindictive action taken today in cutting off funds is premature and one that will plunge the District of Columbia court system into chaos.

So I would urge, ladies and gentlemen, that this amendment be supported.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I am happy to yield to the gentleman from Maryland.

Mr. GUDE. Would the gentleman say that after having strengthened both the police and the court system, in Washington this amendment would be counterproductive in our fight against crime. Because of the lack of legal counsel many arrested criminals would probably end up back on the streets without having been tried.

Mr. SMITH of New York. I would certainly agree with the gentleman. We have made great progress here in the District of Columbia in reducing actual crime and in speeding up the process of justice, and this would certainly be counterproductive.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 5 minutes, the time to be allotted to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROONEY of New York. Mr. Chairman, the situation which has been uncovered here is one of the most unusual that this committee has ever come across in all the years of its existence. We find that we appropriated $10 million-plus for a system of court-appointed counsel in all the Federal courts throughout the land, including the courts of appeal. Lo and behold, over 10 percent of that money has been used here in the District of Columbia by a court that is not a Federal court, and a court that has its own public defender service.

We find that in this court here in the District of Columbia, the Superior Court—and Judge Greene himself, the chief judge, has referred to the fact that it is not a Federal court—they have paid out and approved as much as $51,510.60 to one lawyer in 1 year. To go down the list, we find that they paid another lawyer $26,852.50. They paid another one $26,161.50, another one $34,031.16, another one $30,104.25, and again we are back to the king of them all, Mr. Barney Keren, who got $51,510.60, a member of the fifth street bar.

There is another one who got $47,108, and another $37,574. The entire list is well above $10,000. That is for only a year. This sort of thing was never intended and they never should have permitted it to happen, particularly when they have their own public defender system. That is $1,611,000 in the current year and $1,934,000 is requested for the coming year. The District of Columbia appropriation bill is yet reported, and all the court has to do is to go to the District of Columbia Committee and ask the committee and the District of Columbia government to increase the funds that they think are necessary.

There is no reason why the fund about which we are speaking should be tapped for this local court. It is not a Federal court, anything here said to the contrary notwithstanding. This is for the U.S. District Courts and the U.S. Courts of Appeal for the District Courts.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. I think the Members would find it interesting to read the list of attorneys who have fattened in the District of Columbia as set forth on pages 161 and 162 of part I of the committee hearings. This is the list to which the gentleman from New York has referred.

Mr. ROONEY of New York. That is correct. I thank the gentleman.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from New York.

Mr. SMITH of New York. I thank the chairman. I do not defend any of the attorneys who may have gotten fees that are too high, but I understand some of those high fees were earned in the Federal court as well as in the District of Columbia Court.

Mr. ROONEY of New York. Where?

Mr. SMITH of New York. They were earned in representing indigent clients in the Federal courts in the District of Columbia, as well as in the District of Columbia courts.

In addition to that, Mr. Chairman, I would like to point out that by law the public defender service in the District of Columbia is limited to 60 percent of all indigent defendants, as I understand it.

Mr. ROONEY of New York. I would think the gentleman would confine himself to the views of his fellow members on the District Committee on this subject, who do not take the position that he does condoning the payment of fees such as these, when, as he knows, lawyers used to consider it a privilege and an honor to be appointed to represent an indigent defendant and to spend their own moneys for expenses to try the case for them.

We have gotten far away from that system when we must pay $51,510.60 to one lawyer.

Mr. Chairman, I ask that the pending amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the Delegate from the District of Columbia (Mr. FAUNTROY).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission established by title VII of the Civil Rights Act of 1964, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $1,500,000 for payments to State and local agencies for services to the Commission pursuant to title VII of the Civil Rights Act, $25,110,000.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Gross: On page 47, line 2, strike out "$25,110,000" and insert "$23,000,000".

Mr. GROSS. Mr. Chairman, this amendment eliminates the $2,110,000 increase in the appropriation allowed by the committee over the amount appropriated last year.

If anyone needs to be reminded that the Equal Employment Opportunity Commission is one of the most incredibly wasteful and completely mismanaged agencies in the Federal Government, the hearings and investigation conducted by the Appropriations Committee will serve that purpose.

The excellent investigations staff of the Appropriations Committee has submitted a report on this EEOC operation that almost defies belief.

The staff discovered, for example, that top officials at EEOC—and I quote—

> Have been oriented toward hiring individuals who were involved in civil rights movements rather than hiring individuals based on their ability to perform the job for which hired regardless of any prior civil rights experience. Some officials believe that many of the EEOC morale and employee problems stem from the fact that this type of individual frequently disrupts the operation of the Commission.

The staff also discovered that the top brass of this outfit has a passion for spending money in the final days of a fiscal year, and spending it as if it were going out of style on various and sundry ill-conceived and mostly useless projects.

There was one instance where the acting general council of the EEOC had the unmitigated gall to refuse to resign from the EEOC until he was awarded a $20,500 contract to prepare a handbook that contained nothing that was not already available in the agency.

One Special Assistant to a Commissioner told the committee staff that the EEOC had—and I quote—

> Doled out over $2 million and does not have any results to show for the expenditure.

The Chairman of the EEOC is so inept that he could not recall a memorandum from one of his officials written on June 22, 1971 warning him that, and I quote—

> As of June 21, 1971, we had $406,000 to spend before the end of the fiscal year.

The Chairman could not recall this, but he had no difficulty remembering to put in a request for money to buy uniforms for his chauffeur.

The Civil Service Commission has characterized the EEOC as "chaotic." It has had an annual employee turnover as high as 42 percent, yet each year its officials clamor for more and more people—over 200 percent more employees now than it started out with 4 years ago.

Given the sorry record it has compiled, and given the contempt with which its chairman treats the taxpayers of the country, I see no reason whatscever why the appropriation for this agency should be increased one penny over last year.

Mr. ROONEY of New York. Mr. Chairman, I must rise in opposition to the pending amendment.

In the subcommittee I favored the full amount requested. But I found myself without sufficient votes to have the other members agree with me.

Unquestionably there have been a great number of administrative weaknesses and errors in this agency. However, I do not think we are going to cure this immediately at a time when they are being given so many additional duties by the Congress, by cutting them back more than $2 million. That is my personal feeling with regard to the matter.

Mr. Chairman, I yield back the balance of my time.

Mr. CEDERBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

I think the action taken by the subcommittee is the proper action. This kept it at the last year figure, giving them the opportunity to also have sufficient funds to provide for the pay increases and also to fill positions that we granted last year that had not been filled.

I can appreciate in reading the investigative report the point which has been made by the gentleman from Iowa (Mr. Gross). There have been some very difficult problems insofar as administration of this agency or Commission is concerned. This is why we do not give them any new positions. I think they requested 312 new positions, and in my opinion this was done in order to hold the line until they had an opportunity to get their administrative house in order.

In addition to this, Mr. Chairman, we are faced with another supplemental of something in the area of $17 million, that we want to take a look at, going to this Commission during the next several months.

While I, personally, am somewhat sympathetic to the position of the gentleman from Iowa and I recognize the problem he has pointed out, I think it would be unwise to adopt the gentleman's amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. Would not the gentleman like to correct his opening remarks to the effect that the committee gave the Equal Employment Opportunity Commission no new money?

Mr. CEDERBERG. I said no new money, but I think no new positions would be more nearly correct.

Mr. GROSS. But you did give the Commission $2.1 million more than for last year.

Mr. CEDERBERG. We gave them sufficient money to take care of the positions we granted them last year which have not been filled and also to provide for the pay increases.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I do not suppose there is a Member in this House who has not at sometime during the past year and this year made a speech somewhere deploring waste in the Federal Government.

Here is an opportunity to do something about it.

Here is an organization which as Mr. Gross has pointed out has wasted money shamefully, an organization that does not know what to do with the money and, of course, they bribe people to resign from it by giving them a $20,000 contract.

You know a lot of people are trying to interpret the results of some of the primaries. Well, I will give you one interpretation. People are tired of this kind of thing. They are tired of reaching into their pockets to pay for it. They are tired of buying uniforms for chauffeurs for bureaucrats.

Here is an opportunity to do something about it, a small one, albeit, but an opportunity to save a couple of million dollars.

Mr. Chairman, I intend to support the amendment.

I rarely ever—in fact I cannot ever remember taking part in the debate on the gentleman from New York's appropriation bill, and I do not pick this one out as any special target, but from the testimony contained in the hearings, this organization simply has thrown money around as though, to use Mr. Gross' expression, as though it were going out of style.

Mr. Chairman, I think if we really mean some of these speeches we have been making about economy, here is a chance to vote for some economy.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the chairman of the subcommittee a question.

I was intrigued by the statement made to the effect that a report had been given to the committee showing malpractice or malfeasance of the manner in which this Commission is conducted.

By any chance, did that report contain anything indicating that some of the personnel were engaged in political activity?

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Texas yield?

Mr. GONZALEZ. I yield to the gentleman from New York.

Mr. ROONEY of New York. Not to my knowledge.

Mr. GONZALEZ. Would it be possible for any Member of the House to obtain a copy of the report?

Mr. ROONEY of New York. It is contained right there in the book which the gentleman has his hand on.

Mr. GONZALEZ. Oh, is that the one you have reference to?

Mr. ROONEY of New York. Yes; I referred to it yesterday. The investigative staff of the House Appropriations Committee made an investigation with regard to the activities of this agency and the report is in the printed hearings, volume 4.

Mr. GONZALEZ. I thank the gentleman.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the committee, I think it well that we recognize the fact that just a few months ago this House passed an amendment to the EEOC bill which gave this Commission special enforcement powers out of recognition of the fact that heretofore it had not had those powers.

This agency is charged, particularly under the complaint section, with trying to eliminate discrimination in this country. The Commission has already been severely hampered in the job assigned it by this Congress. They came before the chairman and the committee, and requested an $8.6 million increase. They asked for 312 additional positions to do what this Congress asked them to do. They were denied the increase and they were cut $6 million. They were denied all 312 of the new positions requested. They are now functioning by virtue of the $6 million appropriation cut at their same 1972 personnel level.

It just seems to me that we have to recognize the fact that in fiscal year 1970 they had received 14,000 complaints to investigate and evaluate. In fiscal year 1971 it went to 23,000 complaints. It is now at the figure of more than 30,000 for the year 1972.

It seems to me that if we are really serious about attacking the problem of discrimination in employment in this country that this Congress must live up to its commitment and assist the EEOC Commission to try to carry out the mandate given it by this Congress. To cut it further than the $6 million cut that has already been done certainly shows hypocrisy on our part.

Mrs. GRIFFITHS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one of the largest expenditures in this Government is the expenditure for welfare. You authorized me, and I am checking into those expenditures. If you do not do something about helping women get jobs you are never going to reduce that expenditure; it is going to be increased indefinitely.

If there is any movement that has been tried here this afternoon on this floor that is pennywise and pound-foolish, it is to do anything to the EEOC which reduces the opportunity for women to be given jobs.

You are not spending peanuts on welfare in this country; you are spending this year $85 billion on income maintenance programs, and now you want to make a cut of $6 million.

Mr. Chairman, this is ridiculous.

I am wholeheartedly against this amendment, and I am for seeing to it that people are given a decent opportunity without discrimination to go to work.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 55, noes 74.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Subversive Activities Control Board

SALARIES AND EXPENSES

For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109, and not to exceed $15,000 for expenses of travel, $450,000.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Yates: Page 51, line 1, strike out lines 11 through 16.

Mr. YATES. Mr. Chairman, Members may have an idea that the Subversive Activities Control Board is a live agency that is engaged in the task of listing so-called subversives, which was the statutory responsibility of the Board when the act was first passed in 1950. Now all that remains is the name behind which the Board is hiding.

Since 1965, when the Supreme Court of the United States held unconstitutional the basic law which created the Board, because that law abridged the first amendment, guaranteeing free speech, and the fifth amendment, which prohibits laws requiring self-incrimination, the Board has had nothing to do. At the present time this agency has nothing to do. It is a dead agency which should have been buried 7 years ago. But it is still being kept alive in the hope that perhaps some day a law will be written that will be found constitutional.

However, at the present time the Board has nothing to do. Nothing. Oh, yes, the Board has the task of deleting defunct organizations on the Attorney General's list, which a high school student can do in 2 weeks.

Let me read to you from the hearings as they appear in part IV on page 44. Mr. Rooney is addressing the Chairman of the Board, Mr. Mahan, as follows:

> Mr. Rooney. How many times has the Board met in the past year?
>
> Mr. Mahan. I listed that. You mean in relation to cases, Mr. Chairman, or on Board meetings?
>
> Mr. Rooney. Even to have just a talk with one another.
>
> Mr. Mahan. We meet about once a week.
>
> Mr. Rooney. That would be how many times in the past year?
>
> Mr. Mahan. I would say we have met 50 times. All of these cases go before a panel of three members of the Board. We eliminated hearing examiners some time ago. Recommendations are made by the members themselves, after hearing the evidence on all these cases.
>
> We need two administrative assistants. Two Board members do not have secretaries, including the chairman. I think we need another and another secretary in the event these cases come up.
>
> Mr. Rooney. To help you do what—do nothing? I don't understand this.
>
> Mr. Mahan. I will not hire anybody, Mr. Chairman, unless we get new cases under Executive Order No. 11605.
>
> Mr. Rooney. How many days of hearings did you have last fiscal year?
>
> Mr. Mahan. Nine.
>
> Mr. Rooney. Nine days?
>
> Mr. Mahan. I had 14 in the last calendar year, but nine in the last fiscal year—nine in New York, two in Pittsburgh, and three in Washington.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. YATES. I will be pleased to yield to my distinguished friend, the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, I would like to commend my distinguished friend for reading so accurately and well.

Mr. YATES. Well, I thank the gentleman for complimenting me even in that way. After all, the gentleman's questioning was so good.

Now on page 46 I read the final exchange between Mr. Mahan and the gentleman from New York (Mr. Rooney), which is as follows:

> Mr. Mahan. I have always told you when we needed it I will come up here. You always told me I could. I appreciate very much being before you and saying that whatever you give us is satisfactory.
>
> Mr. Rooney. We like to see you socially. We really do.

So based upon these hearings the gentleman from New York (Mr. Rooney) and the committee provided for $450,000 to pay the salaries of a nonfunctioning board that has no statutory activities at all and which lives in hope that someday they will find something to do.

When I offered this amendment before the Committee on Appropriations, the gentleman from New York (Mr. Rooney) indicated to the committee that it could not take this action—it could not cut off the funds for appointees by the President and confirmed by the Senate.

I asked the Library of Congress for a brief on this question and I was told that there is no such law, that the distinguished gentleman from New York was referring to the Lovett case which in 1946 sought in an appropriation bill to cut off the salary of Mr. Lovett, at that time that action was rejected by the Supreme Court of the United States.

This is what the head note of that case states:

> Legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial are bills of attainer prohibited by the Constitution.

This is a case that has no possible bearing upon the action which I am taking in trying to cut off the funds for this agency. The Appropriations Committee in every single one of its bills cuts off funds in order to cut out jobs that are on payrolls. There is no reason why the Appropriations Committee and the Congress cannot eliminate jobs, not only of those who are underlings, but as well, those who are members of a board.

Does the gentleman wish me to yield?

Mr. ROONEY of New York. Yes, please.

Mr. YATES. I am glad to yield to the gentleman from New York.

Mr. ROONEY of New York. I should like to point out that those are presidential appointees and they have to be paid.

Mr. YATES. I suggest to the gentleman that there is no legal foundation for the gentleman's argument. If the gentleman has any, I wish he would cite his case. I can tell the gentleman that I have had the Legislative Counsel's Office and the

Library of Congress look into the matter to see if they could find any cases in support of his position. None has been found. I urge support of my amendment.

Mr. ICHORD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. ICHORD. Mr. Chairman, I would like to take this time to put this matter in proper perspective. The purpose of establishing the Subversive Activities Control Board in 1950 was to provide a way of making public the identity, purposes, and mode of operation of Communist organizations within the United States. The program, as the gentleman from Illinois has stated, has encountered many frustrations, not only because of adverse court decisions, but also because of the failure of Attorneys General to assign work to the Subversive Activities Control Board for whatever reason.

Under the law the Subversive Activities Control Board cannot work unless the Attorney General assigns it work. As a result, the work of the Subversive Activities Control Board has been severely circumscribed. It has not been very active.

I rise in opposition to the amendment offered by the gentleman from Illinois, and I submit to the House that this is not the time and the place to consider this amendment. I agree with the gentleman from Illinois that we should not pay officers and employees when they are not doing any work, but I would point out to the gentleman from Illinois that the President of the United States has recently, by Executive order, assigned a function for the SACB to perform in connection with a loyalty security program operated under Executive order.

The U.S. Government for several years, since the Truman administration, has operated a loyalty security program under Executive order. That was Executive Order No. 9835, promulgated by President Truman. That program was continued by President Eisenhower under Executive Order No. 10450 and, most recently, President Nixon amended No. 10450 assigning a function formerly performed by the Attorney General under the loyalty security program to the Subversive Activities Control Board. The order has been very controversial. Many constitutional lawyers have argued that the President did not have that authority. But in any event the President did not have the authority to make the order completely effective because SACB would have to have subpena power, the right of court review and the right of the court to enforce the orders of the SACB before the order was fully effective. The President definitely did not have authority to grant such powers. Therefore, the President recently recommended to the Congress that it pass H.R. 9669, giving SACB such powers.

That bill was referred to the House Committee on Internal Security. It was reported to the House on May 9, 1972, with the recommendation that it do pass. It is now pending before the Rules Committee. In a few days this House should have the opportunity to pass upon that measure.

That will be the time and place to decide whether or not the Subversive Activities Control Board should be continued. The real question here involved is, do we want the U.S. Government to operate a program designed to weed out persons who are disloyal to the Government of the United States? Admittedly it is very difficult to operate such a program.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I am sure the gentleman from Illinois would want such a program to continue.

I yield to the gentleman from Illinois.

Mr. YATES. The gentleman has rightfully pointed out that under previous Executive orders, beginning with President Truman, the Civil Service Commission has had the task of weeding out those people in Government who have been found in various parts to be either undesirable, unfit, subversive, or disloyal.

Mr. ICHORD. The Civil Service Commission, in answer to the gentleman——

Mr. YATES. That is right. Let me make my second point.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(On request of Mr. Yates, and by unanimous consent, Mr. Ichord was allowed to proceed for 3 additional minutes.)

Mr. YATES. I point out further that supplementing the activities of the Civil Service Commission is the work of the Federal Bureau of Investigation, the FBI, which is authorized as well under the Executive order to make full field checks in those cases where Government employees are supposed to have some sort of taint.

Mr. ICHORD. I would point out to the gentleman from Illinois that there is no provision mandating a full field investigation under the loyalty and security program for nonsensitive positions. Such a program would be too expensive. This is where we need an organization performing the function which was formerly performed by the Attorney General. Admittedly the Attorney General was not the right agency.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. ICHORD. I yield further.

Mr. YATES. The Supreme Court has held that Executive orders which seek to hold employees disloyal who are in insensitive positions are without validity, and has held those orders unenforceable.

Mr. ICHORD. I disagree entirely with the gentleman from Illinois. He is entirely wrong. The Supreme Court held that they did not have the right to dismiss summarily.

Mr. YATES. Right.

Mr. ICHORD. Employees who were in a nonsensitive position.

Mr. YATES. That is right.

Mr. ICHORD. There has been no determination as to sensitive positions.

Mr. YATES. Which is a procedure authorized under the Executive order. The Court said that could not be done.

At any rate, what the gentleman is saying is that his committee has reported out a bill which may or may not become a law. That is point No. 1.

Point No. 2 is this: Executive Order 11650, which is the subject of the gentleman's bill, was the subject of an amendment by Senator Ervin in the Senate last year, and Senator Ervin was able to persuade the Senate to vitiate Executive Order 11605.

Mr. ICHORD. I would predict that when H.R. 9669 does come before this House that this House will pass that bill overwhelmingly. That is the place to make the decision as to whether or not to abolish SACB.

Mr. DRINAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, today once again we are presented with the annual ritual whereby the Subversive Activities Control Board, that lifeless institution, that ugly corpse, is dragged before Congress and hundreds of thousands of dollars are requested for its maintenance.

Every year, in the remote and unrealistic hope that we could somehow breathe life back into this corpse, Congress has appropriated funds for the SACB.

After studying the bizarre, fruitless, and unconstitutional 21-year history of this anachronism funded at public expense, I am persuaded that it is finally time to put the corpse to rest.

In 21 years, the Subversive Activities Control Board has produced absolutely nothing by way of work product. The SACB has been totally useless and irrelevant to the Federal loyalty-security program. In 21 years, the only accomplishments of the SACB have been to clog the courts and to waste the time of the Justice Department in expensive and protracted constitutional litigation. As a trustee of the taxpayers' money, I cannot in good conscience support additional funding for this Board.

No member of this House who truly believes in fiscal responsibility can vote funds for this Board which has had, and can have, nothing whatever to do. No Member of this House who is opposed to wasting money should be intimidated by the discredited and shameful ploy that he is "soft of communism."

The inadequacies and wastefulness of the Subversive Activities Control Board have been so well demonstrated that it would be redundant to repeat at this point all of the evidence which indicates how wrong we would be to waste taxpayers' money on the SACB by not voting for this amendment today.

I would like to insert at this point in the Record the text of letters which I have received from the American Civil Liberties Union and the Americans for Democratic Action setting forth their basic objections to SACB funding and their support for this amendment. I endorse both letters.

Americans for Democratic Action,
Washington, D.C., May 16, 1972.

Dear Congressman: You will soon be called upon to vote on the appropriations bill for the Departments of State, Justice, Commerce and the Judiciary which contains a $450,000 appropriation for the Subversive Activities Control Board. Americans for Democratic Action urges you to support a floor amendment to the bill to strike all 1973 funds for the SACB.

We submit that the SACB should no longer be funded on two grounds. First, we believe that Executive Order 11605, issued last year by President Nixon in an effort to give the SACB something to do, represents an unconstitutional infringement on First Amendment freedoms of speech and association and an unconstitutional usurpation of legislative power by the executive branch.

Second, continued maintenance of the Board is a waste of the taxpayers' money because the courts will undoubtedly strike down the Order (a federal district court has already indicated it will do so) and the Board will be left with $450,000 and nothing to do.

At a time when the President is warning Congress against over-spending, at a time when funds are so desperately needed for a host of domestic programs, why fund an agency that has not made one single contribution to the welfare and safety of this country?

After twenty-two years of utility at a cost of over $6 million, it seems clear that the SACB and all it stands for has no place in our government. When active, it infringes on constitutional freedoms; when moribund, it represents a shameful waste of the taxpayers' money. We urge you to help abolish, once and for all, the SACB.

Sincerely yours,

LYNN PEARLE,
Legislative Representative.

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., May 16, 1972.

DEAR CONGRESSMAN: This week you will be called upon to vote on the fiscal 1973 appropriation of $450,000 for the Subversive Activities Control Board. The American Civil Liberties Union urges you to vote for an amendment which will be offered to delete SACB funds from H.R. 14989, the State, Justice, Commerce, and Judiciary Appropriation Bill.

Three reasons underly our position: First, the activities of the SACB unconstitutionally infringe upon the First Amendment freedoms of all of our citizens. Second, funding the SACB is a significant waste of the taxpayers' money. Third, the Administration has usurped the Congress' legislative powers by giving the SACB by Executive Order functions well beyond those assigned it under Congressionally-approved statute—a course in which the Congress should not acquiesce.

BACKGROUND

Prior to July, 1971, the SACB had been reduced to total inactivity by decisions of the federal courts holding virtually all of their responsibilities unconstitutional. In *Albertson* v. *SACB*, 382 U.S. 70 (1965), the Supreme Court held in 1965 that individuals could not be compelled to register under the Internal Security Act because they would thereby be subject to prosecution under the Smith Act, thus violating the constitutional guarantee against self-incrimination. In 1967, the Congress empowered the SACB to register individuals. In *Boorda* v. *SACB*, 421 F.2d 1142, (D.C. Cir. 1969), *cert. denied* 397 U.S. 1042 (1970), the courts held that this new task violated the First Amendment guarantee of freedom of association. As a result of these and other cases, the level of activity at the SACB dropped so low that in the course of last year's appropriation hearing, SACB Chairman John W. Mahan testified that the SACB does not have enough work to keep its officials busy.

E.O. 11605 UNCONSTITUTIONAL

In the midst of last year's appropriations hearing, the Administration moved to rescue the Board from possible oblivion by issuing Executive Order 11605 which was intended to greatly expand the workload of the SACB. In considering whether to continue to fund the SACB, the fact that E.O. 11605 will ultimately be found unconstitutional, once again leaving the SACB with a great deal of the taxpayers' money and nothing to do, must be considered.

Executive Order 11605 authorizes the government, in evaluating the loyalty of its employees, to consider "knowing membership in, or affiliation or sympathetic association with" any group which is totalitarian, Fascist, Communist, subversive, which unlawfully advocates force or violence to deny others their constitutional rights, or which seeks to overthrow the government by unlawful means. The SACB is given the job of making a list of such organizations to replace the outdated Attorney-General's list. The definitions of these categories of organizations are vague, imprecise, and could be interpreted to apply to many perfectly lawful but dissident organizations, including most of the peace movement and many civil rights organizations. Moreover, the entire scheme of the Order is aimed at speech alone and not at illegal acts.

In *Cole* v. *Richardson*, 40 U.S.L.W. 4381 (April 18, 1972), the Supreme Court reviewed the limits imposed on loyalty oaths and programs:

"We have made clear that neither federal nor state governments may condition employment on taking oaths which impinge rights guaranteed by the First and Fourteenth Amendments respectively, as for example those relating to political beliefs. *Law Students Research Council* v. *Wadmond*, 401 U.S. 154 (1971); *Baird* v. *State Bar of Arizona*, 401 U.S. 1, (1971); *Connell* v. *Higgenbotham*, 403 U.S. 207, 209 (1971), (Marshall, J., concurring). Nor may employment be conditioned on an oath that one has not engaged, or will not engage, in protected speech activities such as the following: criticizing institutions of government; discussing political doctrine that approves the overthrow of certain forms of government; and supporting candidates for political office. *Keyishian* v. *Board of Regents*, 385 U.S. 589 (1967); *Baggett* v. *Bullitt*, 377 U.S. 360 (1964); *Cramp* v. *Board of Public Instruction*, 368 U.S. 278 (1961). Employment may not be conditioned on an oath denying past, or abjuring future, associational activities within constitutional protection; such protected activities include membership in organizations having illegal purposes unless one knows of the purpose and shares a specific intent to promote the illegal purpose. *Whitehill* v. *Elkins*, 389 U.S. 54 (1967); *Keyishian* v. *Board of Regents*, *supra; Elfbrandt* v. *Russell*, 384 U.S. 11 (1966); *Wieman* v. *Updegraff*, 344 U.S. 183 (1952)."

The scope of inquiry in Executive Order 11605 goes way beyond these limits.

One federal court has already examined Executive Order 11605 and found it constitutionally deficient. In *American* Servicemen's Fund v. Mitchell, C.A.No. 1776–71 (Memorandum and Order, January 10, 1972), although the district court dismissed the suit as premature, it left no doubt about the ultimate unconstitutionality of the Executive Order. In the court's words,

". . . the Order contains definitions governing listing which appear on their face to raise constitutional problems by reason of their vagueness and overbreadth and the resulting effect on the rights of many Government workers, present or future."

WASTE OF TAXPAYERS' MONEY

The SACB cannot begin to list new organizations until the Justice Department petitions it to do so. Robert Mardian, until recently head of the Justice Department's Internal Security Division, testified in July, 1971 that the Department was considering 25 cases for presentation to the SACB. As of today, almost a year later, not a single case has been referred. Indeed, in testimony before the House Internal Security Committee in January of this year, a Justice Department spokesman stated that the Department "probably would not file any cases" while the American Servicesman's Fund case was in its "appeal period." (Testimony of Kevin Maroney, January 27, 1972) That appeal is just now in the beginning stages. It could take two years before the appeal is completed through the Supreme Court. *Thus, the entire fiscal 1973 could pass without the Department's sending a single new case to the Board.*

SACB Chairman Mahan has testified that the Department has submitted 169 names of organizations to be taken off the Attorney-General's list and that the SACB expects 96 more petitions this year. They indicate, however, that 82 of these cases were disposed of in approximately 3 days of hearings. At that rate, it should take only about 7 more days to dispose of all of the remaining delisting cases, including those not yet referred by the Department.

Executive Order 11605, therefore, in no way justifies the appropriations of any funds for the SACB in fiscal 1973. As indicated above, SACB Chairman Mahan has testified that the SACB does not have enough other work to keep its officials busy. There is simply no justification for any expenditure of the taxpayers' money on such a body. And yet, H.R. 14989 appropriates $450,000 for the SACB to spend.

E.O. 11605 USURPS CONGRESSIONAL POWERS

E.O. 11605 purports to give the SACB powers never given to it by the Congress. In defending that course last year, former Assistant Attorney General Mardian stated that the President had "constitutional statutory powers." As Senator Sam Ervin so clearly stated on the floor of the Senate, "My copy of the Constitution says that all legislative power is given to Congress. The President has none. His responsibility is to 'faithfully execute' the laws, not amend them as the Justice Department sees fit." 117 Cong. Rec. S 12211 (daily ed. July 27, 1971). And in the words of Judge Gesell in the *American Servicemen's Fund* decision, there is "no precedent for a President delegating to an independent, quasi-judicial body far-reaching responsibilities different in form and effect from those specifically given that body when created by the Congress."

H.R. 9669, an Administration bill which would have Congress ratify, after the fact, this act of Presidential legislation, is a long way from passage. In the meantime, the Congress is being asked to ignore the constitutional doctrine of separation of powers and fund the SACB anyway.

Despite the SACB's attempt to portray it otherwise, the SACB still has no significant amount of work to do to justify the almost one-half of a million dollars proposed here. Moreover, the work it wishes to do infringes substantially on the rights guaranteed to all by the First Amendment. As you consider this appropriation, we urge you to keep in mind the following thought which is taken from an editorial in the Washington *Evening Star* which appeared during last year's debate:

"The surest way to fan the spark of revolution and violence is to over-react to the threat, to curb constitutional liberties in an attempt to maintain the status quo, to lose faith in the due process of law, to establish bureaucratic vigilante committees to inquire into the thoughts, the words and the associations of citizens of the United States." 117 Cong. Rec. E 8297 (daily ed. July 26, 1971).

Sincerely,

HOPE EASTMAN,
Acting Director.

I would also like to bring to the attenion of my colleagues, Mr. Chairman, the following statement which I have made in the report of the Internal Security Committee on H.R. 9669, which seeks to expand the jurisdiction of the SACB in a manner which is unconstitutional, in my judgment:

VIEWS OF CONGRESSMAN ROBERT F. DRINAN

I am entirely persuaded that H.R. 9669 as amended in Committee would, upon enactment, almost immediately be declared unconstitutional. Perhaps the most distressing of the several constitutional infirmities of this bill is its total abdication to the President of legislative authority over the jurisdiction of the SACB.

Apart from the legal deficiencies of this proposal, I am opposed to it because there is no evidence whatever that any Federal department or agency needs this law to insure fidelity by its employees to our system of government.

Finally, I oppose H.R. 9669 because it would undermine one of our most precious freedoms—the freedom to assemble and speak our beliefs without fear of punishment by the government.

For two years, the Internal Security Committee has been holding hearings in an attempt to give the Subversive Activities Control Board something to do. As Chairman Ichord stated in his original announcement of these hearings on June 2, 1970, "The question arises as to the advisability of the further maintenance and funding of a Board which has little or no work to do."

For a variety of reasons—most fundamentally the established unconstitutionality of the principal functions of the SACB,[1] and the absence of any groups for it to investigate (expressed repeatedly by the Justice Department)—the SACB was, and it is to this day, unable to find anything with which to occupy itself.

The day after SACB Chairman John Mahan testified on July 6, 1971, before the Senate Appropriations Committee that "We do not have enough to fill our time," there appeared in the Federal Register Executive Order 11605. That order sought to provide the SACB with work. In open contravention of the exclusive authority of Congress to legislate new SACB functions, the Executive Order asserted several vaguely-defined categories of political organizations which the SACB could, in the words of its Chairman, "expose and disclose."

Nine groups soon brought suit in the United States District Court for the District of Columbia, in *American Servicemen's Union* v. *Mitchell*, seeking a declaratory judgment and injunctive relief against the operation of the Executive Order on the ground of unconstitutionality.

In an extensive analysis, the Court essentially did two things. First, it declined immediate relief pending the administration of the Executive Order. More importantly, however, in its January 10, 1972, opinion the Court clearly intimated that Executive Order 11605 was unconstitutional. The Court stated:

"Apart from the disturbing implications of this effort to revitalize a loyalty program that has found little favor, the issues presented by the complaint are extremely serious and must eventually be resolved. There is, for example, no precedent for a President delegating to an independent, quasi-judicial body far-reaching responsibilities different in form and effect from those specifically given that body when created by the Congress."

The Court further stated,

"Wholly apart from the question of delegation, the Order contains definitions governing listing that appear on their face to raise constitutional problems by reason of their vagueness and overbreadth and the resulting effect on the rights of many government workers, present or future."

H.R. 9669, as originally introduced, was an attempt to codify—incorporate by reference—and somehow legitimize the Executive Order. However, it was clear that no codification could cure the constitutional defects to which the Court alluded and which are so well demonstrated in a long line of Supreme Court decisions extending over a period of many years.

H.R. 9669 as amended is a misconceived attempt to give the SACB something to do. The amended bill strikes the original bill's references to Executive Order 11605 and replaces them with a wholly unspecified, undefined and unlimited transfer of legislative authority to the President or his designees to create any criteria they want "with respect to the character of relevant organizations" which the SACB may use as a basis for Federal agencies to exclude on "loyalty" grounds prospective and existing employees.

It seems to me that, by taking this approach, the proponents of the amended H.R. 9669 are saying in effect that a small dose of dangerous medicine is intolerable but a huge dose of poison is a good thing.

Further complicating the background in which this bill is reported is the fact that notwithstanding two years of hearings on the subject of government loyalty-security programs, our Committee never at any time held hearings on the unprecedented amendment contained in the bill which would set up the President as the exclusive legislator with respect to SACB functions. Neither the Administration, nor any Federal department, nor any of the many other witnesses before the Committee asked for such a proposal, commented upon it, or, indeed, was aware that it might be made. (In fact, there appears to me very substantial merit in the argument that this bill should have been referred to the Post Office and Civil Service Committee, or the Judiciary Committee, both of which have exercised long-standing jurisdiction in the areas covered.)

To my knowledge, not the slightest effort was made to solicit the views of constitutional experts or anyone else outside the Committee as to the desirability or legality of such a drastic step. To all appearances, it would seem that this proposal was a last-minute afterthought.

I don't believe any Member of our Committee, or any Member of the House, really favors this bill. The Chairman of the Subcommittee which studied this subject for two years, Congressman Preyer, who elsewhere in this Report sets out his basic objections to H.R. 9669, did not vote for the bill in Committee. Chairman Ichord, in his April 14, 1972, letter to Congressman Preyer which is appended to this Report, states—

"I am not certain that the solution is to be found in H.R. 9669, nor am I wholly convinced that we may expect any more action from the Department of Justice in the future than it has given the [SACB] in the past."

Under all of these circumstances, I am frankly surprised that five Members of our Committee determined to bring such a measure before an already-overburdened House.

Before I very briefly set forth the constitutional infirmities of this bill, I think it is important to note that all of the cabinet departments, the Posal Service and the Civil Service Commission appeared before the Committee in the course of its loyalty-security hearings and that notwithstanding probing interrogation of each of them there was asserted no evidence which would even remotely support the contention that we need an expanded loyalty-security program of this nature. Over and over, department representatives testified that the present program is adequate to their needs, that they could not recall a single instance where an employee was fired on loyalty-security grounds, that they were satisfied with the present approach. To the extent that there were objections to our current loyalty-security program in testimony before the Committee, those objections were on civil liberties or curable administrative grounds. A careful review of all of the testimony persuades me beyond any doubt that any suggestion that our government needs expanded bureaucracies or program to combat the risk of subversion in its ranks is not supported by the evidence.

On March 15, 1972, for example, the General Counsel of the Civil Service Commission, Anthony Mondello, testified before the Committee that for at least seven years—since 1965—no Federal department or agency has felt obliged to remove even one employee on loyalty-security grounds.

But even if there were an expressed need for this radical new proposal, which there certainly is not, I would urge my colleagues to vote against it because of its dangerous and unconstitutional provisions.

Essentially, this bill has three constitutional defects. First, it purports to legitimize exclusion from government employment on the basis of associational activities. As the Supreme Court has held in *Keyeshian v. Board of Regents*, 385 U.S. 589, 606 (1967), and elsewhere:

"Mere knowing membership without a specific intent to further the unlawful aims of an organization is not a constitutionally adequate basis for exclusion from [a government] position. . ."

See also, *Aptheker v. Secretary of State*, 378 U.S. 500 (1964); *Elfbrandt v. Russell*, 384 U.S. 11 (1966); and *Brandenburg v. Ohio*, 395 U.S. 444 (1969).

The Supreme Court doctrine in this regard makes perfectly good sense. All of us who lived in the 1950's remember painfully the innumerable tragic consequences of guilt-by-association.

Secondly, this bill is an unconstitutional delegation of legislative authority to the President. The law is well established that Congress may not delegate authority to the President or anyone else without setting a comprehensible legislated standard. As long ago as 1825 the Supreme Court stated in *Field v. Clark*, 143 U.S. 649, 692:

"[T]hat Congress cannot delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution."

See, *e.g.*, *United States v. Chicago, M.St.P and P. Rr.*, 282 U.S. 311, 324 (1931); *Curnin v. Wallace*, 306 U.S. 1, 16–17 (1939); *Mulford v. Smith*, 307 U.S. 38, 48–49 (1939); *Sunshine Anthracite Coal v. Adkins*, 310 U.S. 381, 398 (1940); *Opp Cotton Mills v. Administrator*, 312 U.S. 126, 142–46 (1941); *Pittsburgh Plate Glass v. N.L.R.B.*, 313 U.S. 146, 165–66 (1944).

In a complex, technological society there are sometimes occasions when broad discretion must be vested in the President and Executive agencies to administer programs—such as Phase II—and promulgate rules. In each such instance, however, the Congress has provided comprehensible standards of national policy upon the basis of which the Executive could act. If ever there were a case where no such standards were enunciated by Congress, this bill is it. Here, the President would be guided by a totally undefined, unarticulated concept of "loyalty and security." These words present no standard, no policy, no intelligible principle. In a concurring opinion in *Joint Anti-Fascist Refugee Committee v. McGrath*, 314 U.S. 123, 174, 176 (1951), Mr. Justice Douglas well summed up such a situation:

"No one can tell . . . what meaning is intended. . . . [they] will mean one thing to one [person], another to someone else. [They] will be given meaning according to the predilectious of the [administrator]. . . . [to some they] will be synonymous with 'radical'; to others [they] will be synonymous with 'communist.' [They] can be expanded to include those who depart from the orthodox party line—to those whose words and actions, though completely loyal, do not conform to the orthodoxy view on foreign or domestic policy. These flexible standards, which vary with the mood or political philosophy of the [administrator], are weapons which can be made as sharp or blunt as the occasion requires."

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[1] See, *e.g.*, *Albertson* v. *SACB*, 382 U.S. 70 (1965); *Boorda* v. *SACB*, 421 F. 2d 1142 (D.C. Cir. 1969), *cert. denied* 397 U.S. 1042 (1970).

This bill is a clear example of the unconstitutional transfer of legislative authority which Professor Kenneth Davis calls "true Congressional abdication" in his *Administrative Law Treatise*, § 2.01 (1958). Under H.R. 9669 the Congress would simply vest in the President nothing more or less than the power to write the loyalty-security laws of the United States.

Third and lastly, I believe H.R. 9669 is unconstitutional under the First Amendment as vague and overboard. As the Supreme Court stated in *United States* v. *Robel*, 389 U.S. 258, 265 (1967), in which it held unconstitutional government sanctions against members of "communist action" groups under the Subversive Activities Control Act—

"It has become axiomatic that 'precision of regulation must be the touchstone in an area so closely touching our most precious freedoms.' *NAACP* v. *Button*, 371 U.S. 415, 438 (1963); see *Aptheker* v. *Secretary of State*, 378 U.S. 500, 512–13; *Shelton* v. *Tucker*, 364 U.S. 479, 488 (1960)."

Much has been said in recent years about the "chilling effect" of government action on First Amendment rights. *Dombrowski* v. *Pfister*, 380 U.S. 479 (1965). In the words of Judge Gesell in the *American Servicemen's Union* case, *supra*, the phrase "chilling effect"—

Cover[s] many degrees of chill and it is necessary to distinguish between the fear of catching flu, a possible shiver or two, and that hard chill that stifles free exercise of a definite constitutional right."

In H.R. 9669 we have, in my judgment, the hard and stifling chill to which Judge Gesell refers. Here is postulated an arrangement whereby citizens would fear entering into political associations which might be designated "unloyal" by some present or future President not restrained or guided by the Congress. Here we would have a law under which any President who for whatever political or other reason felt constrained to give the SACB something to do would feel obligated to create new zones of impermissible associations. If H.R. 9669 were enacted no citizen would have any guide as to what groups he could join without placing his reputation and livelihood in jeopardy.

There is much controvery in Congress as to whether we need any loyalty-security program, whether the SACB should be given any funds, whether the House Internal Security Committee should continue to exist, whether its files should be used to exclude citizens from government employment, and so forth. Those are not the issues here.

Instead, the issue presented by this bill is whether we should endorse this particular and unprecedented approach—this abdication of our legislative function. Two million citizens apply for Federal employment every year, and enactment of this bill would in a real sense injure every one of them.

Our highest court gave us wise guidance in this matter in a highly relevant footnote in the *Robel* case, 389 U.S. at 268:

"Faced with a clear conflict between a Federal statute enacted in the interests of national security and an individual's exercise of his First Amendment rights, we have confined our analysis to whether Congress has adopted a constitutional means in achieving its concededly legitimate legislative goal. In making this determination we have found it necessary to measure the validity of the means adopted by Congress against both the goal it has sought to achieve and the specific prohibitions of the First Amendment. But we have in no way 'balanced' those respective interests. We have ruled only that the Constitution requires that the conflict between congressional power and individual rights be accommodated by legislation drawn more narrowly to avoid the conflict."

If there is a remedy for what so many of us perceive to be the failings of our government loyalty-security program, this bill surely is not it.

ROBERT F. DRINAN.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes, the last 5 to be allotted to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, I wonder if I could have the attention of the gentleman from Illinois (Mr. YATES) for a question.

Is it true one of the members of this Board was found administratively to have violated an executive directive pertaining to release of personnel files; that is to say he had disclosed classified documents of the State Department? Is he still on the Board?

Mr. YATES. I do not know the answer to the gentleman's question. Perhaps the gentleman from New York (Mr. ROONEY) can answer the question.

Mr. JACOBS. Is this the Board Mr. Otepka is on?

Mr. ROONEY of New York. Mr. Otepka, a former employee of the State Department, is a member of the Subversive Activities Control Board.

Mr. JACOBS. If that is the gentleman, I might say, if I am not in error, he was dismissed from his job for having disclosed State Department personnel files against an executive directive, I believe, to the legislative branch of the Government.

Mr. ICHORD. Will the gentleman yield?

Mr. JACOBS. Surely.

Mr. ICHORD. I believe the gentleman from Indiana is in error. Mr. Otepka was not dismissed.

The employee that the gentleman from Indiana has described was not dismissed from his employment with the State Department, as I understand it. He was kept in that position and was appointed to the Subversive Activities Control Board from his position in the State Department.

Mr. JACOBS. There was a controversy, was there not? And can the gentleman describe that controversy?

Mr. ICHORD. He was never dismissed by the State Department.

Mr. JACOBS. Is the gentleman really sure about that?

Mr. ICHORD. That is my understanding.

Mr. JACOBS. Do I understand also that under this administration, as a matter of fact, Mr. Otepka was finally reprimanded, reduced one civil service grade and transferred to duties which did not involve the administration of personal security functions.

Mr. ICHORD. I am not fully familiar with all of the issues in the matter. The alleged disclosure was made to the Senate Judiciary Committee and not to an outside organization.

Mr. JACOBS. I just point out that as I understand the debate it is expected that possibly very soon there will be legislation for this Board creating something for it to do.

It strikes me that that will be soon enough to appropriate the money with which to pay them.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Illinois.

Mr. YATES. I will say to the gentleman from Indiana that at the present time the Board has nothing to do, and I would say further to the gentleman that if there is something which they have to do it could be done through the Attorney General. They submit certain information to the Attorney General, information which a high school student could formulate in 3 weeks.

Mr. JACOBS. And a high school student's minimum wage would not allow for this kind of compensation?

Mr. YATES. That is correct. The compensation is $36,000 a year for five Board members who are doing nothing.

The gentleman from Missouri spoke about a bill that his committee has approved, and I suggest that that bill is a long way from enactment, if ever enacted at all.

Mr. JACOBS. My point is this. It seems to me if the bill is enacted, that might be time enough to appropriate the money.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the pending amendment.

We already have had the same amendment before the full House Committee on Appropriations on Monday and the amendment was defeated.

This is a matter where the Board is constituted of Presidential appointees who are authorized by law.

Now, with regard to the bill H.R. 9669, I am glad that in the last couple of days, the gentleman from Illinois (Mr. YATES) has learned that this bill was reported out by the House Committee on Internal Security on May 9. I should like to ask the gentleman from Missouri (Mr. ICHORD) the chairman of that committee if there were any "no" votes against reporting it out?

Mr. ICHORD. Mr. Chairman, if the gentleman will yield, the vote on the bill recommended by the President was 5 to 1.

Mr. ROONEY of New York. Now, the reference of the distinguished gentleman from Illinois to the questions asked by the gentleman from New York in the printed hearings laid the basis for the substantial reduction by the committee from $706,000 requested, down to $450,000, the same amount as allowed by the Congress in the current fiscal year.

This committee therefore, cut $256,000 below the budget request.

Mr. Chairman, this Board has a great many things to contend with. They hold hearings and these subversive crackpots from all over the country descend upon these hearings and create a great deal of disturbance.

I have here a page of the transcript of one of their hearings. You really would not believe what goes on. The language contained in this transcript is so obscene and filthy that we would not dare print it in the report or RECORD. All I am going to do is leave it here on the table for any Members of the House to read.

These sort of people would favor the pending amendment. These are the people who do not want a Subversive Activities Control Board, and they do not want it at a time when many additional duties are being given to the Board by the Department of Justice.

Mr. Chairman, I yield back the balance of my time, and ask for a vote against the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The question was taken; and on a division (demanded by Mr. YATES) there were—ayes 39, noes 87.

TELLER VOTE WITH CLERKS

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. CEDERBERG. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered, and the Chairman appointed as tellers Messrs. YATES, CEDERBERG, DRINAN and ICHORD.

The Committee divided, and the tellers reported that there were—ayes 106, noes 206, not voting 120, as follows:

[Roll No. 162]

[Recorded Teller Vote]

AYES—106

Abourezk
Abzug
Adams
Addabbo
Anderson, Tenn.
Annunzio
Ashley
Aspin
Badillo
Begich
Bergland
Biester
Blatnik
Boland
Bolling
Brademas
Burke, Mass.
Burton
Carney
Celler
Clay
Conte
Conyers
Corman
Cotter
Culver
Danielson
Diggs
Dingell
Dow
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Findley
Fisher
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Giaimo
Gibbons
Green, Pa.
Gude
Hanna
Harrington
Hathaway
Hechler, W. Va.
Helstoski
Hicks, Wash.
Howard
Jacobs
Karth
Kastenmeier
Koch
Leggett
Lloyd
Long, Md.
McKinney
Mailliard
Mallary
Matsunaga
Mazzoli
Mikva
Mink
Monagan
Moorhead
Moss
Nedzi
Nix
Obey
O'Hara
O'Konski
Patten
Podell
Railsback
Rangel
Rees
Reuss
Riegle
Robison, N.Y.
Roncalio
Rosenthal
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Sikes
Stanton, James V.
Stokes
Symington
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Waldie
Whalen
Wolff
Yates

NOES—206

Abbitt
Abernethy
Albert
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Aspinall
Baker
Baring
Barrett
Bennett
Betts
Bevill
Biaggi
Bray
Brinkley
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Caffery
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Coughlin
Crane
Curlin
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Dent
Devine
Dickinson
Donohue
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Esch
Flynt
Ford, Gerald R.
Fountain
Frey
Fulton
Galifianakis
Garmatz
Gaydos
Gettys
Gonzalez
Grasso
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harsha
Harvey
Hays
Henderson
Hicks, Mass.
Hillis
Hogan
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Keating
Keith
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
McClory
McCollister
McCulloch
McDade
McDonald, Mich.
McFall
McKevitt
McMillan
Madden
Mahon
Mathias, Calif.
Mathis, Ga.
Mayne
Melcher
Michel
Miller, Ohio
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Montgomery
Morgan
Murphy, N.Y.
Myers
Natcher
Nelsen
O'Neill
Patman
Pelly
Pepper
Perkins
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Runnels
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Scott
Sebelius
Shipley
Shoup
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Thomson, Wis.
Wampler
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wyatt
Wydler
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—120

Alexander
Anderson, Calif.
Anderson, Ill.
Ashbrook
Belcher
Bell
Bingham
Blackburn
Blanton
Boggs
Bow
Brasco
Brooks
Broomfield
Brotzman
Brown, Ohio
Burke, Fla.
Byrne, Pa.
Cabell
Camp
Carey, N.Y.
Chisholm
Clark
Collins, Ill.
Colmer
Daniels, N.J.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Derwinski
Dowdy
Dwyer
Edmondson
Erlenborn
Eshleman
Evins, Tenn.
Fish
Flood
Flowers
Frelinghuysen
Fuqua
Gallagher
Goldwater
Goodling
Gray
Hagan
Halpern
Hansen, Idaho
Hastings
Hawkins
Hébert
Heckler, Mass.
Heinz
Holifield
Horton
Hungate
Kazen
Kee
Kemp
King
Kluczynski
Kyros
Link
Long, La.
Lujan
McCloskey
McClure
McCormack
McEwen
McKay
Macdonald, Mass.
Mann
Martin
Meeds
Metcalfe
Miller, Calif.
Mills, Ark.
Mitchell
Mosher
Murphy, Ill.
Nichols
Passman
Pettis
Peyser
Pike
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Reid
Rodino
Roush
Rousselot
Roy
Saylor
Schmitz
Schwengel
Shriver
Springer
Stubblefield
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thone
Ullman
Veysey
Vigorito
Waggonner
Ware
Wiggins
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wylie

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 704. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is finally convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 59, after line 8, insert the following:

SEC. 705. No part of any funds appropriated by this Act shall be used to pay, directly or indirectly, the salary of any officer or employee of the United States, who refuses to testify on any matter before any joint committee, committee, or subcommittee of Congress, or of either House of Congress.

Page 59, line 9, strike out "705." and insert in lieu thereof "706.".

Mr. DINGELL. Mr. Chairman, this might properly be denominated the congressional privilege amendment to this appropriation bill.

For a long time I have been concerned about the fact that policymakers are continuously unavailable to the Congress, that we do not have the opportunity to participate fully in the judgments made by the Executive.

The people in the downtown offices of the Executive will refuse to come before the congressional committees.

Recently my colleague and our good friend, Mr. UDALL, performed a very valuable service for the Congress. He ran a study as a part of his responsibility on the Post Office and Civil Service Committee as to the large number of Federal employees who have been moved from the regular executive departments over to the Executive Office of the President.

I have seen different figures as to the number of people who have been moved into the Executive Office of the White House.

It is obvious that there is a need for there to be an executive staff to the President and obvious that the confidences of the President be preserved.

One thing that should be noted is that the amendment provides no part of any funds appropriated by this act shall be used in the payment of any person who refuses to testify in a matter before a joint committee, he being a public employee or official.

The act, I remind my colleagues and friends, is the appropriation bill for the Departments of State, Justice, Commerce, and the Judiciary.

What this says to these agencies when they are called by an appropriate committee of the Congress to give testimony and to inform the Congress on matters that are of legitimate and proper concern with regard to the expenditure of funds and Government policy is that they come in a cooperative mood to give testimony on matters of concern to the Congress.

Congress I think has a high responsibility to the American people. The American people expect us to lay down policies, to expend money, and to disclose the policies of this country, and they expect us to make available to them information on where we are going. They expect us to control the power of the purse and the power of taxation and to have the ability to get from the executive departments all the cooperation and participation and all the assistance and testimony that is necessary for us properly to carry out our responsibilities in legislating and seeing to it that the laws are fairly and properly carried.

In many instances that has been denied to us. If we look at the situation, for example, in the Bay of Pigs or the Gulf of Tonkin or in Vietnam, we might recognize that had we had full participation by the executive department in the decisionmaking process and had Congress the opportunity to receive fully the information that may or not have been withheld from us, conceivably the judgments of this Nation might have been rather different.

Mr. Chairman, I for one think the Congress has the right to this information and the right to cooperation of the executive and we have the duty to procure it. The function of this amendment is to see that it shall be done.

This is not the last time that this amendment will be before the House, because as appropriation bills come before this body I propose to offer similar amendments to other legislation and I will assure my colleagues that I will offer such amendments to the executive appropriation bill so that we might have an opportunity at that time to determine whether or not we are going to be able to get from the people who really run this Government the information that we need.

You know, we believe the Congress has the power to confirm Cabinet officials, but never does Mr. Kissinger appear before us to be confirmed and never does Mr. Ehrichman appear before us. Never will they appear to respond to questions from us. What we get essentially is an errand boy—Rogers, the Secretary of State. Mao Tse-tung when the President was over there had the wisdom to know who really runs this country. He did not invite Mr. Rogers, the Secretary of State, to meet with him, but, instead, Mr. Rogers met with a third-level functionary in the Chinese Foreign Ministry. But who did meet with Mao Tse-tung. Mr. Kissinger and the President. Indeed it is rumored about and it might be reliably believed—and it might come as a surprise to some, but it is factual, I think—that the President and Mr. Kissinger excluded Mr. Rogers from their meetings with Mao Tse-tung.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. DINGELL. Mr. Chairman, I think the point at issue here is a very simple one. If we are to be able to get at the real decisionmakers and to have their participation and testimony, their counsel and advice so that we might understand fully what the programs and the policies of this Nation are and what the administration really intends and what the actions being taken by the executive are and what our actions with relation to these actions might happen to be or might happen to mean, then an amendment of this kind is absolutely necessary or else the Congress will be legislating half blind, half deaf, and half without the intelligence and the information that it needs in order to carry out its responsibilities in the writing of our laws.

And, so for that reason, it is imperative that this body adopt this amendment and begin adopting this amendment so we might have the full cooperation of everyone and so the Congress may begin to legislate with its eyes open, with full information as to all aspects of all matters relating to the actions in which it is engaging. That is the function of the amendment, and I hope for that reason my colleagues in this body will adopt the amendment.

Mr. CEDERBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think there are grave doubts as to the constitutionality of this amendment. It not only applies, for instance, to the Secretary of State and his relations to the President, but under this amendment, as I read it, if a subcommittee decided to do so it could call any Justice of the Supreme Court, any Federal judge, before it and ask him why and how he made his decision on any specific case, if the subcommittee were so disposed to do it.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Michigan yield?

Mr. CEDERBERG. Yes; I yield to the chairman of the subcommittee.

Mr. ROONEY of New York. Does not the gentleman feel, based upon his experience over the years that this represents the worst type of an amendment to an appropriation bill.

This is, in effect, a legislative proposal. Strictly speaking, it is a limitation on an appropriation bill.

Further, this is not the sort of thing that we should be confronted with at this hour of the day.

Mr. CEDERBERG. The gentleman states it exactly correct.

I just cannot believe that the House of Representatives would consider on an appropriation bill putting this kind of restrictive language, which should consume a number of days of hearings by the appropriate committees.

This goes far beyond the State Department. It goes into the Judiciary and all of these areas. Certainly, this should not be considered at this time and I am opposed to it.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. Yes; I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I know that inconsistency is not necessarily a virtue around here, but I would like to point out the fact that a moment ago we were told that we should not pay the salary of somebody because they had revealed secrets. Now we are told that we should not pay the salary of people who do not reveal secrets.

Mr. CEDERBERG. Yes; it is a rather inconsistent approach.

AMENDMENT OFFERED BY MR. ECKHARDT TO THE AMENDMENT OFFERED BY MR. DINGELL

Mr. ECKHARDT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT to the amendment offered by Mr. DINGELL: Add after the words "who refuses" on the 4th line, the following: ", except upon the basis of a constitutional privilege and within that scope absolutely protected by a right which he enjoys under the Constitution.".

Mr. ROONEY of New York. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order against the amendment.

The gentleman from Texas may proceed.

Mr. ECKHARDT. Mr. Chairman, what this amendment does is takes care of the problem which the gentleman from Michigan was mentioning.

It is true that there are areas absolutely protected by the Constitution against trenchment by any of the three branches of Government, but those areas are extremely restricted.

No. 1, a committee of the Congress may not call upon a person to testify to matters which would cause his own incrimination or tend to cause it, and there is nothing we could write or nothing we could do to abridge that right of the individual against self-incrimination.

Second, there is a very narrow field in which Congress may not command appearance and testimony. For instance, a member of the Supreme Court could not be brought before a body of Congress merely for the purpose of asking him to explain the basis of his decision, nor could Congress call upon the President of the United States to come before a body of Congress and reveal in advance the placement of troops.

Now, I think the effect of my amendment to the amendment would be not to change the original amendment, because I think it is constitutionally limited, even without this amendment, but I, like everyone else here, am pledged to uphold the Constitution and I feel it our duty to draft any bill or any amendment within the limitations of the Constitution.

It is for this reason that I feel that the amendment is necessary, and I feel that the amendment does not do anything other than what is dictated by the Constitution. Therefore, it seems to me that it is impossible to consider it as placing any greater burden upon anyone by placing this amendment to the amendment in the bill.

I would, therefore, think that this amendment must be in order, because this amendment only makes the amendment comply with the constitutional limitations which would exist anyway. But it does seem to me that the observation of the gentleman from Michigan is correct, and is one that deserves attention, and we do not wish, by providing for a limitation on use of funds, to cause that limitation to impinge upon constitutionally guarded rights. And that is the only reason why I have offered this amendment.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I want to commend the gentleman for offering his amendment to my amendment. I believe it can be very helpful, and if it survives a point of order I certainly will look with kindness on it, and hope the House will accept it.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman from Texas yield?

Mr. ECKHARDT. I yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, I am constrained to withdraw my reservation of a point of order. But I do want it understood that I am just as vigorously opposed to this amendment as I indicated a moment ago.

Mr. ECKHARDT. I thank the gentleman.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

These amendments which have been offered here by the gentleman from Michigan (Mr. Dingell), and the gentleman from Texas (Mr. Eckhardt) go to very important fundamental constitutional questions which actually reach back to the very early days of the Republic. President Washington, if I recall correctly, refused certain documents to the Congress on the grounds of executive privilege, having to do with the Jay treaty at the end of the Revolutionary War.

And, really, this is a fundamental and important constitutional question, the exact limits of which, where the President's power of so-called executive privileges leaves off, where the rights of the Congress begin, and so on, have never really been decided. I think it is a proper matter for us to give attention to at some appropriate time. It ought to be given careful attention with a lot of study, with a lot of prior hearings, certainly in a nonpartisan sense, because the question is going to exist, whoever has the majority in the Congress, or whoever holds the White House. But it ought to be done on a resolution or a bill on that subject, and after extensive hearings and after due and extensive deliberation, as the distinguished chairman of the subcommittee, the gentleman from New York (Mr. Rooney) has said. And with all respect, even with the amendment offered by the gentleman from Texas (Mr. Eckhardt) on it, I cannot feel that it makes good sense, on an appropriation bill, at 6 o'clock in the afternoon, to try to determine the limits of a constitutional problem which has been with us since the early days of the Republic, and probably will be with us for a long time to come.

This is not the time nor the place for the House to take this matter up. Therefore this amendment and the amendment to the amendment, in my humble judgment, should certainly be defeated.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, from what the gentleman has said, and I think that what he has said is correct, that there are certain constitutional limitations which have protected all Presidents from President Washington on down, I would assume the gentleman would at least vote for the amendment to the amendment.

Mr. DENNIS. I would say to the gentleman in response to that that I think his amendment to the amendment just makes a bad situation sound a little bit better. The gentleman says, as I understand him, that this is not to apply, this amendment will not apply when constitutional privilege properly applies, or something to that effect.

Mr. ECKHARDT. That is correct.

Mr. DENNIS. But that leaves up in the air the question, which is a very difficult question itself, and which has never been determined, as to when and where and under what circumstances does a constitutional limitation properly apply.

I have to say to my friend, that question, too, ought to be discussed on appropriate legislation and not here off the cuff this afternoon on an appropriation bill.

Mr. ECKHARDT. Mr. Chairman, would the gentleman yield again?

Mr. DENNIS. I yield to the gentleman.

Mr. ECKHARDT. That question exists without this amendment. There is always the question of the extent and the bound of constitutional limitations.

Mr. DENNIS. In that case the gentleman's amendment is unnecessary.

Mr. ECKHARDT. If I may assert this point—the gentleman's amendment is necessary because it gives this body the power to enforce its own constitutional right. The only power we have is the power of the purse.

Mr. DENNIS. I think not. We have certain powers and we can legislate on this subject, but not in this manner, I would say, on an amendment to an appropriation measure.

Mr. MOSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment to the amendment offered by the gentleman from Texas (Mr. Eckhardt) and in support of the amendment as it wouud then be amended.

I think it is time that the Congress assert its privilege. We are faced with unilateral decisions of the Executive as to the parameter of information that the Congress can have—the input it can have for the purpose of making legislative decisions. Let us face the simple fact that an Executive who claims the power to determine the availability of officials of the Government and who claims the power to determine the type of information that Congress can get is in a very favorable position to determine the outcome of legislative decisions.

Information is vital to the Congress in fulfilling its obligations to the American people. I do not think even without the Eckhardt amendment the Congress would go to the extremes that Executives have in the last two decades in claiming privilege. I have encountered during the 16 years I have served as chairman of the Government Information Subcommittee—I have encountered every conceivable type of claim of privilege and some of them by persons far down in the ladder of responsibility. But anyone interjecting privilege against the Congress on appearing before a committee in advance leaves the Congress helpless.

We have no means, no effective means of compelling them to appear and to give testimony to the Congress.

I think all we do, if we adopt this amendment, is to make the Congress a little bit more equal to an executive department which grows and grows and grows and claims ever more power without looking for any sound constitutional basis to sanction the claims of power.

I hope that the House of Representatives in a sense of some commitment to its own powers and to its own responsibilities will adopt the amendment offered by the gentleman from Michigan and assert, as he stated in offering it, the privilege of the Congress against the Executive.

Mr. UDALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the sun never sets on this Chamber without a half dozen speeches lamenting the decline of congressional power.

Today on this amendment, and on subsequent appropriation bills as they appear, this Chamber will have an opportunity to do something about the erosion of congressional power.

Let us make clear what is involved here. There is not a dime in this bill, as I read it, for the White House. There is not a dime in this bill that deals with the President or his immediate aides or his personal secretary or his counsellors. This bill deals with administrative departments and agencies. I have no quarrel with the doctrine of executive privilege as it originally developed in our unique and unusual system of government, with a separation of powers. Here is what the doctrine means: The three branches are equal. I have no right to go down and paw through the President's filing cabinets or call his personal secretary before a committee to ask her what is going on, or to make such requests of his immediate counsellors and advisers.

By the same token we have no right to interrogate the Supreme Court Justices about the Court's internal workings or the bases of their decisions.

And likewise neither of the other branches can summon my administrative aide to question him about what policies I am discussing and proposing, and that sort of thing.

But the other side of the coin, the other side of that limited doctrine, is that the President's principal advisers, policymakers, and the President's principal administrators—the members of his Cabinet and their assistants—must come to Congress and disclose what is going on, how they are administering the public law.

The key matter of congressional oversight, the key matter of the congressional power of the purse, which are the ways we check and balance the executive department, those power simply cannot function unless we have the information that has been discussed by my colleagues here today.

So what this amendment states is as follows: "Mr. President, you have a legitimate area of secrecy and privacy in your own office among your own intimates and your close advisers in the White House Establishment"—and we are going to try to define that a little later as we deal with other appropriation bills—"but under the Constitution, the power of the Congress to oversee, the power of the Congress to control—these powers can and must be exercised only through adequate information." So this amendment says, as it will be limited by the Eckhardt amendment, that these administrative departments cannot claim executive privilege and cannot hope, if they do, to have paid the salaries of employees who claim that privilege.

Mr. Chairman, this is a sound amendment and it ought to be adopted by any self-respecting legislative body.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan (Mr. DINGELL) as amended. The Foreign Operations and Government Information Subcommittee has been holding hearings this week on the very problems which this amendment seeks to attack. We have found flagrant instances of denials of information to Congress by the Executive. We have also noted, as other Members have also, the increasing tendency of executive branch witnesses to refuse to testify before congressional committees, or to make excuses, stall for time, or otherwise refuse to cooperate with legitimate congressional legislative and oversight responsibilities.

A recent study for the subcommittee by Dr. Harold C. Relyea of the Government and General Research Division, Congressional Research Service is entitled "The Development of the White House Staff." It shows how the power and authority over executive branch functions has been flowing from Cabinet departments and agencies into the White House staff and Executive Office of the President. For example, the study shows that the White House staff has almost doubled since 1969.

Mr. Chairman, what good is it for Congress to take testimony from a Cabinet or sub-Cabinet officer on a particular bill or oversight matter when the actual decisions are being made at the White House level? These advisers, paid with public funds, are responsible to no one except the President himself. They have repeatedly refused to testify before our subcommittee and before other committees as well.

I commend the gentleman from Michigan (Mr. DINGELL) for offering this amendment. While it will not get at the entire problem, it is a long-delayed step in the right direction for Congress to reassert its constitutional prerogatives as a coequal branch of the Government.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendments and any further amendments thereto, as well as any other amendments to the bill, close in 15 minutes.

The CHAIRMAN. The Chair advises the gentleman that his request is not in order inasmuch as the remainder of the bill has not yet been read.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD at this point and that all debate on the pending amendments and any further amendments thereto, as well as any further amendments to the bill, shall close in 5 minutes.

Mr. JACOBS. Mr. Chairman, I object.

Mr. ROONEY of New York. Mr. Chairman, I should like to amend my request by extending the time to 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the bill be considered as read, printed in the RECORD at this point, and that debate on the pending amendments and all amendments to the bill close in 10 minutes.

Is there objection to the request of the gentleman from New York?

There was no objection.

The remainder of the bill is as follows:

SEC. 705. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of, or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials or students in such institution from engaging in their duties or pursuing their studies at such institution.

This Act may be cited as the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 66, noes 55.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL) as amended.

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 67, noes 73.

TELLER VOTE WITH CLERKS

Mr. UDALL. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. DINGELL. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. DINGELL, CEDERBERG, DENNIS, and ECKHARDT.

The Committee divided, and the tellers reported that there were—ayes 132, noes 180, not voting 119, as follows:

[Roll No. 163]

[Recorded Teller Vote]

AYES—132

Abbitt
Abourezk
Abzug
Adams
Addabbo
Anderson, Tenn.
Annunzio
Ashley
Aspin
Badillo
Baring
Barrett
Begich
Bergland
Blatnik
Boland
Brademas
Brinkley
Burke, Mass.
Burton
Carney
Celler
Clay
Conyers
Corman
Cotter
Curlin
Danielson
Delaney
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Ford, William D.
Fraser
Galifianakis
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gross
Gude
Hall
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hays
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Howard
Jacobs
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kee
Koch
Landrum
Leggett
Long, Md.
McCulloch
McFall
Madden
Matsunaga
Mazzoli
Melcher
Minish
Mink
Mollohan
Moorhead
Morgan
Moss
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Neill
Patman
Pepper
Pickle
Preyer, N.C.
Price, Ill.
Rangel
Rarick
Rees
Reuss
Riegle
Roberts
Roe
Rogers
Roncalio
Rosenthal
Roybal
Runnels
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Sisk
Skubitz
Staggers
Stanton, James V.
Stokes
Sullivan
Symington
Tiernan
Udall
Van Deerlin
Vanik
Waldie
Wolff
Yates
Yatron

NOES—180

Abernethy
Anderson, Ill.
Andrews, Ala.
Archer
Arends
Aspinall
Baker
Bennett
Betts
Bevill
Biaggi
Biester
Bolling
Bray
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Coughlin
Crane
Culver
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Esch
Findley
Fisher
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frenzel
Frey
Garmatz
Gettys
Griffin
Griffiths
Grover
Gubser
Haley
Halpern
Hamilton
Hammerschmidt
Harsha
Heckler, Mass.
Henderson
Hillis
Hogan
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Keating
Keith
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
McClory
McCollister
McDade
McDonald, Mich.
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mallary
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Mikva
Miller, Ohio
Mills, Md.
Minshall
Monagan
Montgomery
Myers
Natcher
Nelsen
O'Konski
Patten
Pelly
Perkins
Pirnie
Poage
Poff
Powell
Price, Tex.
Railsback

Randall
Rhodes
Robinson, Va.
Robison, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Scott
Shipley
Shoup
Sikes
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Talcott
Taylor
Teague, Calif.
Terry
Thomson, Wis.
Ullman
Vander Jagt
Veysey
Wampler
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wyatt
Wydler
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—119

Alexander
Anderson, Calif.
Andrews, N. Dak.
Ashbrook
Belcher
Bell
Bingham
Blackburn
Blanton
Boggs
Bow
Brasco
Brooks
Broomfield
Brotzman
Brown, Ohio
Burke, Fla.
Byrne, Pa.
Cabell
Caffery
Camp
Carey, N.Y.
Chisholm
Clark
Collins, Ill.
Colmer
Daniels, N.J.
Davis, Ga.
Davis, S.C.
de la Garza
Dellums
Denholm
Derwinski
Dowdy
Dwyer
Edmondson
Erlenborn
Eshleman
Evins, Tenn.
Fish
Flood
Flowers
Frelinghuysen
Fulton
Fuqua
Gallagher
Goldwater
Goodling
Hagan
Hansen, Idaho
Harvey
Hastings
Hawkins
Hébert
Heinz
Holifield
Horton
Hungate
Kazen
Kemp
King
Kluczynski
Kyros
Link
Long, La.
Lujan
McCloskey
McClure
McCormack
McEwen
McKay
Macdonald, Mass.
Mann
Martin
Meeds
Metcalfe
Miller, Calif.
Mills, Ark.
Mitchell
Mizell
Mosher
Murphy, Ill.
Nichols
Passman
Pettis
Peyser
Pike
Podell
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Reid
Rodino
Roush
Rousselot
Roy
Saylor
Schmitz
Schwengel
Sebelius
Shriver
Smith, Calif.
Springer
Stubblefield
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thone
Vigorito
Waggonner
Ware
Wiggins
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wylie

So the amendment, as amended, was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Jacobs).

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Jacobs: On page 59, after line 21, add:

"Sec. 706. No part of the funds appropriated by this Act shall be used to furnish Government purchased or leased limousines or luxury sedans or chauffeurs for any employee of the United States other than those defined in 5 U.S.C. 5312."

Mr. JACOBS. Mr. Chairman, this amendment speaks for itself.

About 2 months ago I was driving in Washington, and pulled up next to one of the chauffeur-driven cars with a bedlamp in the back, and a fellow was sitting in there reading the funny papers. So I took the license number and called the District of Columbia government the next day and asked which agency had that automobile, and the answer came back that they could not give that information because that vehicle was involved in national security.

I have always heard that there was never a depression in Washington, and in a sense, my friends, we might even consider this as an antibusing amendment because I am talking about those big buses with chauffeurs in which the people's servants are served by servants. I think this is a good time to make clear to the public that we do not tolerate that, and that we are interested in transportation, not transfiguration of government servants into holy cows, and that they should get around the same way as all of the Members of the Congress do.

The CHAIRMAN. The time of the gentleman from Indian has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. Jacobs).

The amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Findley).

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Findley: On page 59, after line 21, add a new section 706 as follows:

"Sec. 706. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1973 only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond 86 per cent of the total aggregate net expenditures estimated therefor in the budget for 1973 (H. Doc. 215)".

Mr. FINDLEY. Mr. Chairman, this is a very modest amendment. It would have the effect of cutting $553 million from the appropriation bill.

I recognize that the subcommittee under the leadership of the gentleman from New York (Mr. Rooney) has done an exceptionally good job because unlike some subcommittee its work is within the executive budget request. I think that is notable and deserving of applause.

But it would be a mistake for anyone to assume that staying within the budget request means that the U.S. Treasury is saved and that we will have a balanced budget because the executive budget request is $25 billion in the red.

This is the Bow amendment of several years ago brought up to date to accord with the budget request now before us. I have offered this amendment before and I plan to again on subsequent appropriation bills.

If it were adopted on each appropriation bill, we would emerge in the fiscal year 1973 with a balanced budget.

The CHAIRMAN. The gentleman from New York (Mr. Rooney) is recognized.

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the amendment.

This amendment is a bit refreshing because it at least seeks to reduce and all day we have been fighting amendments to increase. The gentleman from Illinois only wants to cut the bill 14 percent or over half a billion dollars. I do not know what the gentleman has in mind. Does he want to discontinue the FBI? Does he want to do nothing about our narcotics problems? Does he want to lower the assistance to States and municipalities for law enforcement agencies?

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman.

Mr. FINDLEY. I want to show that we have either got to quit spending as much money as we are or bring in bills providing for more revenue.

Mr. ROONEY of New York. I know, but in this bill these are all very important and utterly necessary functions.

Mr. FINDLEY. I think we ought to quit appropriating until we have enough money for the appropriations.

Mr. ROONEY of New York. I appreciate the statement of the gentleman.

In this pending bill we saved over $102 million, which is a pretty good record. This subcommittee has always had a pretty good record, but when it comes to a day such as this and we have the gentleman from Illinois wanting to cut 14 percent—I am ready to give up.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman.

Mr. FINDLEY. The point is—we ought to be reducing the appropriations and should wait until we have enough money to provide for increases.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Findley).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Gonzalez).

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gonzalez: On page 59, line 8, insert:

Sec. 705. No part of any funds appropriated in this Act shall be used to pay, directly or indirectly, for wiretaps or tapes on telephone conversations of Members of Congress or the Federal judiciary.

Mr. GONZALEZ. Mr. Chairman, I offer this amendment to insure the integrity of the legislative and judicial processes, and protect those separate branches of the Government from the interference of the tremendous power of the Executive. Under the ancient principles of parliamentary procedure and freedom, the legislature sought protection from the interference and undue pressure of the crown. With recent developments of electronic devices, the executive branch—the crown—is vested with tremendous powers over the independence and the integrity of the legislative branch. This amendment is designed to maintain a free and independent Congress and judiciary.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment. There have been no instances in which congressional telephones have been tapped by the Federal Bureau of Investigation. There is no reason to assume that this is needed now. It is not the kind of thing that we should try to institute with 1 minute of debate on each side. I am afraid, though I am reluctant to say this about an amendment offered by my very distinguished and dear friend from Texas, but I am afraid this is bordering on the ridiculous, and I ask that it be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The question was taken; and on a division (demanded by Mr. SIKES) there were—ayes 66, noes 124.

TELLER VOTE WITH CLERKS

Mr. CEDERBERG. Mr. Chairman, I demand tellers.

Mr. ALBERT. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ALBERT. The gentleman was not standing on his feet before the vote was announced.

The CHAIRMAN. The Chair feels that the gentleman was on his feet as quickly as he could get there.

Mr. ALBERT. Mr. Chairman, if the Chair's view was that way, I withdraw the point of order.

The CHAIRMAN. The gentleman was on his feet when the Chair announced the result of the vote.

Tellers were ordered.

Mr. CEDERBERG. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. GONZALEZ, SIKES, CEDERBERG, and JACOBS.

The Committee divided, and the tellers reported that there were—ayes 71, noes 231, answered "present" 1, not voting 129, as follows:

[Roll No. 164]

[Recorded Teller Vote]

AYES—71

Abourezk
Abzug
Adams
Addabbo
Badillo
Begich
Biester
Blatnik
Brademas
Burton
Carney
Celler
Clay
Conte
Conyers
Curlin
Diggs
Dingell
Drinan
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Ford, William D.
Fraser
Gonzalez
Gray
Green, Pa.
Gude
Hanna
Harrington
Hathaway
Hays
Hicks, Wash.
Jacobs
Johnson, Calif.
Kastenmeier
Koch
Leggett
McFall
McKinney
Matsunaga
Melcher
Mikva
Mink
Moorhead
Moss
Murphy, N.Y.
Nix
Price, Ill.
Rangel
Rarick
Riegle
Roberts
Rogers
Roncalio
Rosenthal
Roybal
Ryan
Sarbanes
Scheuer
Snyder
Stanton, James V.
Stokes
Teague, Calif.
Udall
Vanik
Waldie
White
Wolff
Yates

NOES—231

Abbitt
Abernethy
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Baker
Baring
Barrett
Bennett
Bergland
Betts
Bevill
Biaggi
Boland
Bolling
Bray
Brinkley
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Danielson
Davis, Wis.
Delaney
Dellenback
Dennis
Dent
Devine
Dickinson
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Esch
Findley
Fisher
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frenzel
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Grasso
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hillis
Hogan
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Keating
Keith
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lloyd
Long, Md.
McClory
McCollister
McCulloch
McDade
McDonald, Mich.
McKevitt
McMillan
Madden
Mahon
Mailliard
Mallary
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Ohio
Mills, Md.
Minish
Minshall
Mollohan
Monagan
Montgomery
Morgan
Myers
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Railsback
Randall
Rees
Reuss
Rhodes
Robinson, Va.
Robison, N.Y.
Roe
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Runnels
Ruppe
Ruth
St Germain
Sandman
Satterfield
Scherle
Schneebeli
Scott
Shipley
Shoup
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Terry
Thomson, Wis.
Ullman
Van Deerlin
Vander Jagt
Veysey
Wampler
Whalen
Whalley
Whitehurst
Whitten
Widnall
Williams
Wyatt
Wydler
Wyman
Yatron
Young, Tex.
Zablocki
Zion
Zwach

ANSWERED "PRESENT"—1

Seiberling

NOT VOTING—129

Alexander
Anderson, Calif.
Andrews, N. Dak.
Ashbrook
Belcher
Bell
Bingham
Blackburn
Blanton
Boggs
Bow
Brasco
Brooks
Broomfield
Brotzman
Brown, Ohio
Burke, Fla.
Byrne, Pa.
Cabell
Caffery
Camp
Carey, N.Y.
Chisholm
Clark
Collins, Ill.
Colmer
Daniels, N.J.
Davis, Ga.
Davis, S.C.
de la Garza
Dellums
Denholm
Derwinski
Dow
Dowdy
Dwyer
Eckhardt
Edmondson
Erlenborn
Eshleman
Evins, Tenn.
Fish
Flood
Flowers
Frelinghuysen
Frey
Fulton
Fuqua
Gallagher
Goldwater
Goodling
Hagan
Halpern
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hébert
Heinz
Holifield
Horton
Hungate
Kazen
Kee
Kemp
King
Kluczynski
Kyros
Landrum
Lennon
Link
Long, La.
Lujan
McCloskey
McClure
McCormack
McEwen
McKay
Macdonald, Mass.
Mann
Martin
Meeds
Metcalfe
Miller, Calif.
Mills, Ark.
Mitchell
Mizell
Mosher
Murphy, Ill.
Nichols
Passman
Pettis
Peyser
Pike
Podell
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Reid
Rodino
Roush
Rousselot
Roy
Saylor
Schmitz
Schwengel
Sebelius
Shriver
Springer
Stubblefield
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Vigorito
Waggonner
Ware
Wiggins
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wylie
Young, Fla.

Messrs. LONG of Maryland and YATRON changed their votes from "aye" to "no."

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, in order that my noble friend from Indiana may offer another one of his well-considered, well-conceived and meritorious amendments, I ask unanimous consent to yield my time to the gentleman from Indiana (Mr. JACOBS).

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. JACOBS: On page 59, after line 21, add:
>
> "SEC. 706. No part of the funds appropriated by this Act shall be used in violation of 31 U.S.C. 638 a."

Mr. JACOBS. Mr. Chairman, that act was passed in 1914. It prohibited any Federal employee from taking a car home at night for his own use, and there are certain exceptions noted there.

Mr. Chairman, I will take the rest of my time simply to thank the Committee from the bottom of my heart for their overwhelming support, and to tell you that I was disturbed that my time was cut so short, but maybe my mother was correct when she said that perhaps if I talked less I might get more done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. SLACK).

Mr. SLACK. Mr. Chairman, I yield back my time.

Mr. ASHLEY. Mr. Chairman, I rise in support of the Derwinski amendment to delete the provision in H.R. 14989, the State, Justice, and Commerce Appropriations bill for fiscal 1973, prohibiting payments to international organizations above 25 percent of the total assessment and restoring funds to meet these legal commitments.

Unilaterally cutting our contribution to the U.N. from its present level of 31.5 percent to 25 percent would be shortsighted and irresponsible, as well as a violation of our international treaty obligations.

We must not let our pique over such recent actions as the expulsion of Nationalist China blind us to the vital and singular role that the U.N. as an institution plays in seeking world peace. That action, it must be remembered, was the result of individual sovereign governments expressing their individual judgments with respect to a question on which there were legitimate arguments on both sides. This is precisely what the U.N. is all about. Over the years the positions taken by the United States generally have been supported by a majority of the member nations of the U.N., but when our interests do not coincide with those of other countries, surely they should be able to so indicate without retaliation from the Congress of the United States.

It can be argued that adopting the Appropriations Subcommittee's recommendations would "save" our taxpayers some $29.8 million, but this would be at the cost of seriously compromising our chances of achieving far more important objectives, such as greater U.S. influence in the U.N.'s budget and policymaking process and persuading the organization to improve its financial and management practices.

Also of basic importance is the fact that congressional action to cut our contribution would be a repudiation of our international treaty obligations. This country, with the approval of Congress, is bound by international law to abide by the allocation of U.N. regular expenses "as apportioned by the General Assembly in accordance with article 17 of the Charter." While I agree with many of my colleagues that our share of the U.N. regular budget should be reduced, this should be accomplished through the established procedures at the U.N. in the Committee on Contributions, where it is legally and politically appropriate to do so and not in the Appropriations Committees of the Congress.

As President Nixon said in his 1972 state of the world address:

> In view of the U.N.'s current financial difficulties, and of the requirements of international law, we must proceed in an orderly way in reaching this goal (reduction of the U.S. contribution to 25%). It is unrealistic to expect that it can be done immediately.

Indeed, the prospects for a reduction of the U.S. contribution in the near future are already excellent. Taking into account the probable entry of the two Germanys into the U.N. in 1973 and the increases already agreed to in the assessments of other members, the U.S. share of the budget will be reduced to between 28 and 29 percent for the period 1974–76.

Mr. Chairman, the U.N. is not perfect but it remains the best hope for world peace and if we are to act responsibly, we must do everything possible to strengthen it, not to weaken it. Therefore, I strongly urge this body to support the amendment to meet our full contribution to the U.N.

Mr. BELL. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from Illinois (Mr. Railsback) to restore funds for salaries and expenses of the Federal prison system.

While I can appreciate the committee's desire to promote fiscal responsibility, cutting funds from this area would indeed be a false economy. We are all aware of the precarious situation of our correctional institutions and the justice system overall. Our Federal prisons have been relatively free of the strife and violence that have plagued some State prisons. Conditions are far from optimal, however. The increased overcrowding, further deterioration of physical plants, and the reduction of rehabilitative services and personnel that would result from this substantial budget cut would greatly endanger the tenuous balance that currently exists.

With crime costing the taxpayer an estimated $100 billion annually, full funding for the Federal prison system can only be considered a sound investment.

Equally important is the need for proper supervision of Federal probationers. This is a highly crucial stage in the life of an offender, and one that has received too little attention.

In 1967 the President's Commission on Law Enforcement recommended a caseload of 35 probationers per officer. Present caseloads now average 99 and increases are expected in fiscal year 1972.

Mr. Mikva's amendment to increase the probation force by 348 officers is a modest proposal in light of the fact that caseloads will still average about 50 according to projections for fiscal year 1973.

Adequate and expert supervision for probationers would reduce the rate of recidivism, relieve some of the pressures on our prisons, help the offender back into the mainstream of society and, in the longrun—like Mr. Railsback's amendment—save the taxpayer money.

I therefore urge passage of this important amendment as well.

Mr. GALIFIANAKIS. Mr. Chairman, today the House is working on an important appropriations bill for the Departments of State, Justice, and Commerce, the judiciary, and related agencies. I am especially pleased to have the opportunity to rise in support of this bill because it includes a vitally necessary item for North Carolina. This is the appropriation of $50,000 for an improved Agricultural Weather Service in North Carolina as part of the National Weather Service's Special Weather Services Branch.

North Carolina is third in the Nation in total value of weather-sensitive crops and ranks fourth in per acre value of these crops. A recently completed survey in North Carolina by Agricultural Extension agents indicates an average yearly loss of $62,560,000 due to weather damage to agricultural commodities in the period 1966–70. According to the Director of Research at the Agricultural Experiment Station at North Carolina State University, J. C. Williamson, Jr., this amount could be greatly reduced if an improved agricultural weather services were to be established for North Carolina. He writes:

> We conducted a survey of the superintendents of our 15 outlying research stations in which we asked them to estimate from their records and experience the reduction in annual out-of-pocket expense in their operation if improved agricultural weather forecasting of the type available in certain other states were available to them. They estimated this saving would be $60,000 per year for their 15 farms.

This improved weather service would not serve agriculture exclusively, but it would have many more benefits. The improved regionalized detailed forecasting will be of great aid in our recreational and tourist industries. Produce and shipping interests will benefit. Consumers will ultimately benefit through lowered costs of production and higher quality foods. Environmental quality will be improved and pollution reduced because better knowledge of impending weather will reduce the number of pesticides applications and amounts applied.

I am pleased that the Appropriations Committee of which I am a member recognized the value of this service to North Carolina and included it in the budget for fiscal 1973. I appreciate the opportunity to share with my colleagues the need of this vital item for North Carolina and I urge you to join me in support of the appropriations bill we are considering today.

Mr. MIKVA. Mr. Chairman, I rise in support of the amendment deleting the continued funding of the Subversive Activities Control Board.

The SACB is an embarrassing throwback to a period in our national history which is best buried and forgotten. To the extent that the SACB has been active in trying to ferret out subversive activities in the past 20 years, it has tread on the constitutional rights of those in its path and has been repeatedly chastised by the courts for its efforts.

Fortunately it has been largely inactive and ineffective. But in the process it has wasted over $6 million tax dollars.

In 1971 President Nixon attempted to restore some semblance of function to the SACB by issuing Executive Order No. 11605, expanding the Board's jurisdiction. I share the opinion of the American Civil Liberties Union that Executive Order 11605 is patently unconstitutional, and I expect that the courts will agree.

Challenging the constitutionality of the Executive order, a suit was filed last September in U.S. District Court. The case, American Servicemen's Union, et al., against John N. Mitchell, and others, was assigned to Federal District Judge Gerhard A. Gesell, who dismissed it because it was filed prematurely. However, in his order, Judge Gesell indicated how he viewed both constitutional questions. After describing the new functions assigned to the Board, Judge Gesell stated:

> Numerous broad, imprecise definitions of terms within this general category expand and becloud meaning to a point where it is fairly obvious that the Attorney General can by petition initiate hearings into the activities of almost any group that has been an active protest group using techniques of mass demonstrations, sit-ins, or other so-called "non-violent" techniques such as those associated with many anti-war organizations . . . the Order contains definitions governing listing that appear on their face to raise constitutional problems by reason of their vagueness and overbreath and the resulting effect on the rights of many Government workers, present or future.

Judge Gesell was also troubled with the separation of powers problem:

> There is no precedent for a President delegating to an independent, quasi-judicial body far-reaching responsibilities different in form and effect from those specifically given that body when created by the Congress. Moreover, Congress has never authorized the delegation attempted in this instance. The argument is advanced that Congress subsequently ratified this unusual action by authorizing an appropriation. But there is a serious question whether congressional action taken under the procedurally complex and rushed atmosphere of a $4 billion omnibus appropriation bill constitutes ratification when the amount appropriated for this special program was very small and when the

House of Representatives initially voted on the bill ten days before the Executive Order was issued.

Losing in court has long since ceased to be a novelty for the SACB. And when it happens again, we will be left with the same useless boondoggle.

Yet the bill before us contains $450,000 for the SACB for fiscal 1973. At a time when the President is warning Congress against over-spending, at a time when funds are so desperately needed for a host of domestic programs, why fund an agency that has not made one single contribution to the welfare or safety of this country?

After 22 years of futility at a cost of over $6 million, it seems clear that the SACB and all it stands for has no place in our Government. When active, it infringes on constitutional freedoms; when moribund, it represents a shameful waste of the taxpayers money. I urge the adoption of the amendment deleting any further funding. It is time we abolished, once and for all, the SACB.

Mrs. ABZUG. Mr. Chairman, I support the amendment which would restore the $29 million for the United Nations and its affiliated agencies. Both reason and our treaty commitments require that we repudiate the action of the Appropriations Committee in deleting these funds, for the U.N. must be maintained and strengthened.

Arising like a phoenix out of the ashes of World War II, the United Nations has served a valuable purpose as a forum where the various nations and ideologies of our world can meet and exchange views and ideas. It has served as a pressure valve in times of crisis and has on a number of occasions supplied neutral peace-keeping forces to troubled areas of the globe. I hope that its good offices will play a part in securing early peace in Indochina and in the Middle East, and in keeping the peace all over the world.

In these times of great international tension, when we are escalating the war in Indochina rather than stopping the bombing, withdrawing our troops, and ending support for the Thieu regime, the United Nations stands out in bold relief as an institution that richly deserves our full support.

Mr. BELL. Mr. Chairman, I rise in strong opposition to the amendment offered by my colleague from Ohio to cut the entire budget of the Law Enforcement Assistance Administration.

The citizens of this country have witnessed over the past decade an alarming increase in the rate of crime and civil disorder. The established law enforcement agencies at all levels of government were unable to sufficiently control the outbreaks of violence that were occurring all over this Nation.

In 1969, President Nixon, recognizing the need for decisive action in this area, created the Law Enforcement Assistance Administration. It was the design of LEAA to provide desperately needed leadership at the national level for local and State law enforcement agencies. The President established this administrative body to insure the distribution of Federal funds to expedite the development of State criminal justice planning agencies. The function of these agencies was to devise new and sophisticate old methods of law enforcement.

Prior to the creation of LEAA there were no significant efforts to apply statistical research or systems analysis to the operation of criminal justice nor were there working blueprints whose focus and objective was to reduce crime in America. LEAA has filled this void, and has done so in a manner worthy high commendation.

I am deeply distressed by the effort of my colleague to terminate a program that has time and again demonstrated its ability to successfully deal with the problem of crime. LEAA has capably assumed the role of an innovator and initiator in the field of criminal justice administration, a role that has been vacant and neglected for too long.

I impress upon my colleagues the need for such a program and remind you that LEAA is but a child when viewed in terms of its existence. However, it is a child who has developed its maturity, wisdom, and abilities far beyond its years.

It is for these reasons that I urge you to soundly defeat Mr. STANTON's amendment to H.R. 14989.

Mrs. ABZUG. Mr. Chairman, is there a single Member of this House who thinks that the Subversive Activities Control Board is serving any useful function? It is a handy rest home for old right-wing political figures, and voting appropriations for it enables us to claim that we are fighting subversion in the United States, but the fact of the matter is that it has done next to nothing since its creation, and that what little it has done has been held unconstitutional by the courts.

I and my constituents cannot understand why we are giving nearly a half million dollars to an institution that is dedicated to violating the freedoms guaranteed by the first amendment. Even if no Americans were going hungry, which is not the case; even if no Americans were living in indecent houses, which is not the case; even if every American workingman were assured of a job and a salary for himself and his family, which is not the case, I could not imagine a justification for the refunding of the SACB. Considering the real priorities that cry out for adequate funding, it is a tragic statement of our condition as a nation. I urge that the funds for the SACB be stricken in their entirety, so that we may bury forever this shameful vestige of the cold war and McCarthyism.

Mr. FASCELL. Mr. Chairman, no domestic issue has so captivated public concern in the past decade as has the question of public safety and the adequacy of Government efforts to control crime. In response to the need for Federal assistance in this vital area the Congress passed the Omnibus Crime Control and Safe Streets Act in June 1968, establishing as the primary source of Federal criminal justice assistance the Law Enforcement Assistance Administration. At the time of its creation the Nation had just experienced riots and civil disorders in a number of cities in the country. Representing a concerted and unique Federal response to the needs of State and local law enforcement operations, LEAA has been given strong financial support by the Congress in the 4 years of its existence. Starting with a budget of $60 million in fiscal year 1969, LEAA's appropriations grew to $698.9 million in fiscal year 1972.

I believe it is extremely important for the Federal Government to exert every possible effort to bring its resources to bear on the problem of crime control at the State and local levels. It is equally important, for the sake of public confidence in Government, that the funds appropriated to LEAA be fully accounted for and be used in such a way as to assure achievement of the legislative purpose. Unfortunately, such is not currently the case with LEAA. The block grant programs have been underevaluated, underaudited, and undersuccessful.

I reach this conclusion on the basis of extensive hearing by the Legal and Monetary Affairs Subcommittee of the House Government Operations Committee, on which I sit. When the 1968 Safe Streets Act was passed, I was chairman of that subcommittee and I directed the staff to monitor closely the operations of LEAA because of its extremely important mission. Shortly after I relinquished the chairmanship of the subcommittee, under the new rules of the House, to my distinguished colleague from Connecticut (Mr. MONAGAN), disclosures of serious maladministration of the LEAA block grant programs in Alabama and Florida under previous State administrations came to the public's attention. Concerned about the extent of the problems that had been disclosed, my friend from Connecticut intensified the subcommittee's review of the block grant programs. An in-depth review of the programs was commenced, including 9 days of public hearings at which more than 30 witnesses testified, including the present and former administrators of LEAA.

The culmination of this investigation is a comprehensive and fully documented report which will be filed with the Clerk of the House. The report explores a number of the weaknesses in the administration of these programs and recommends a series of steps that must be taken if the programs are to realize their potential. I recommend that all read this document because it affects every area of the country.

Mr. Chairman, of particular importance to me and my constituents is the method used by LEAA to distribute the so-called discretionary grants. A few months ago LEAA announced an "impact program" under which eight cities with populations of between 250,000 and 1 million would each receive $20 million in the 3 years from 1972 through 1974. I took exception to the cities that were selected for the simple reason that on the basis of the selection criteria announced by LEAA probably no city in the country deserved to be included among the eight cities more than Miami.

In nearly every important category of street crime Miami's crime rate was higher than that of Atlanta, which was the selected city in the southeast region.

In fact, Miami had the dubious distinction of having the highest crime rate in the country on the basis of the 1970 Uniform Crime Reports of the FBI, which is the crime index used by LEAA. LEAA has indicated that Miami may be included in the next group of cities to be selected under the impact program. I hope that the additional amounts that will be appropriated for discretionary grants will enable LEAA to make that promise become a reality.

Mr. Chairman, echoing the words uttered yesterday by the distinguished gentleman from New York (Mr. ROONEY), I wish to commend my colleague from Connecticut (Mr. MONAGAN) for his efforts in bringing to our attention the state of affairs at LEAA. The investigation conducted by his Subcommittee on Legal and Monetary Affairs is the essence of what the Government Operations Committee is all about. Already the investigation has had significant results which will literally save millions by the reforms and tighter procedures that his inquiry has caused, and will also enhance the possibility that the block grant programs will attain the promise that we envisioned when the programs started in 1968.

Mrs. ABZUG. Mr. Chairman, I rise in opposition to the Gross amendment, which would reduce by $2 million the already thin EEOC appropriation.

Job discrimination against minority groups and women has been a prime cause of their disaffection with our society. These people are truly the economic castoffs of our society and have suffered blatant, pervasive, and unlawful discrimination. One reason for the continuance of this discrimination has been the lack of enforcement power vested in the EEOC. Now that this problem has been partially rectified by the new legislation, the EEOC must receive full funding.

There are three principal reasons why the EEOC should receive not only the $25 million contained in this bill, but the full $31.5 million originally requested: First, the Commission's new enabling legislation, signed into law only a few months ago, greatly expands its powers and responsibilities; second, the publicity attendant upon the enactment of this new legislation will make many more people aware of the EEOC's existence and functions, and will lead more victims of employment discrimination to come to it with their complaints; third, the EEOC already has a substantial backlog of pending cases due to inadequate funding in the past.

I urge the defeat of the Gross amendment and support full funding for the Equal Employment Opportunity Commission.

Mr. RANDALL. Mr. Chairman, I will vote against H.R. 14989, the appropriation bill for the Departments of State, Justice, Commerce, and judiciary in its present form. The combined appropriation amounts to over $4.5 billion. That is a lot of money. The committee cut the appropriation only 2 percent.

If we are going to try to achieve a balanced budget we must cut all appropriation bills this year by about 10 or 12 percent.

One of the interesting facts is that the committee decided to cut $11 million from the Justice Department under the budget request, $23 million from Commerce, and $12 million from the judiciary when, in my judgment, the State Department with over half a billion dollars should have been given much greater reductions.

Mr. Chairman, to oppose an appropriation bill involving the Justice Department, the Commerce Department, and the judiciary will subject one to being asked the question whether he is for law and order, or for a strong FBI, or for speedy trials in our courts. The answer should be quite apparent and obvious, that we are for all of these things. That is the reason why it is so unfortunate that all three of these Departments were tied up together in one appropriation bill.

I find no basis for complaint in the appropriations for Justice, Commerce, or judiciary. But I must cast a vote of protest against the State Department's appropriation because, if I read the report correctly, the Foreign Service appropriation is over $300 million and that represents an increase over fiscal year 1972 of almost $20 million.

Mr. Chairman, I oppose this appropriation for the Foreign Service because in the New York Times under date of April 30, 1972, Mr. John D. Hemenway, who is now a civilian employee with the Department of Defense, charged the State Department with deceiving the Congress by submitting for confirmation to key posts the names of officers it knew to be unqualified. It seems there was a hearing in the other body where Mr. Hemenway testified that the Bureau of Management in the State Department was promoting its own staff members to key assignments, tampering with personnel files, in violation of regulations. He went on to point out that the foreign language requirements for senior Foreign Service officers were repeatedly waived. He also charged there was illegal access to promotion panels.

As I read that story in the New York Times, applicants are now being admitted to the Foreign Service without passing examinations. Some had neither a college degree nor language qualifications. The worst part of it all is that one of the spokesmen of the State Department when questioned conceded there had been a violation of regulations by unauthorized access to personnel files and apparently admitted the foreign language requirement was no longer a minimal standard but only an objective the Department hoped to achieve.

Mr. Chairman, last year when this appropriation measure came up, I pointed out we had some very unfortunate experiences with officers of the Foreign Service during the previous year. Now that I have read the story in the New York Times, their conduct is understandable because if we let the present practices of appointment and promotion continue, things will get worse instead of better. I must oppose the appropriation for the State Department under these existing circumstances.

Mr. RARICK. Mr. Chairman, this is a genuine Christmas tree bill—a little gift for every agency in the Departments of State, Justice, and Commerce, the judiciary and related agencies, with a few choice bones left over to encourage all comers.

The total authorization in dollars is not given—perhaps because we lack the sophisticated machinery to total such astronomical figures.

The suggestion offered that this legislation proposes a "reduction" in American contributions to the U.N. at least has the welcome smell of fresh air blowing through a cemetery.

Some would have the American people believe that we are doing a great service by reducing American contributions to the international Communist debating society from one-third to a maximum of one-quarter of the U.N. budget.

The informed American will not buy this ploy; he realizes that the American people, with only one vote in this 131-member organization and approximately 5½ percent of the world population, will still be called on to provide one-quarter of the money for the United Nations, an organization that seems bent on the destruction of every American institution and our constitutional government.

Nor will the informed American swallow the argument that our share should be greater because we are wealthier people. Too many wealthy people and accumulations of wealth have found ways to dodge their fair share of the cost of running our own country through tax loopholes. Why should we apply one rule to our people and a separate theory to international organizations?

The U.N. is illegally apportioned. It could never stand the "one-man one-vote" test of any of our Federal judges.

The gift list for International Organizations and Movements from the report accompanying the bill is worth noting in its entirety, especially when Census Bureau reports indicate that of 872,772 families in the State of Louisiana, approximately 10.6 percent receive public assistance income to help meet their daily needs.

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

A total of $151,087,250 is included in the bill to meet the annual obligations of United States membership in international multilateral organizations pursuant to treaties, conventions or specific acts of Congress. The amount allowed is $29,812,750 below the amount of the budget estimate.

The committee has placed in the bill a proviso limiting the annual United States contribution to the United Nations and affiliated agencies to 25 per centum, except for the joint financing program of the International Civic Aviation Organization. As a result of this proviso, a reduction of $25,103,500 has been made.

Much has been said and written by officials of the Executive and the Legislative branches of the Government relative to the necessity for reductions in our contributions to these international organizations but to date little has been accomplished. This recommended reduction serves notice that the Congress means what it has been saying in this regard.

The committee has provided $4,000,000 for the International Labor Organization which together with the $7,692,580 contained in the Second Supplemental Appropriation Bill as passed by the House will provide a total of $11,692,580 to be made available for that organization. While this total is not the full amount requested, it represents a payment of dues for in excess of one and one-half years.

The following table sets forth the amount provided for each organization funded in the bill.

United Nations and Specialized Agencies:	
United Nations	$46,881,014
United Nations Educational, Scientific and Cultural Organization	10,067,101
International Civil Aviation Organization	4,163,000
World Health Organization	20,857,370
Food and Agriculture Organization	9,098,820
International Labor Organization	4,000,000
International Telecommunication Union	966,797
World Meteorological Organization	943,489
Intergovernmental Maritime Consultative Organization	151,538
International Atomic Energy Agency	3,849,190
Subtotal	100,978,319
Inter-American Organizations:	
Inter-American Indian Institute	61,561
Inter-American Institute of Agricultural Sciences	3,196,807
Pan American Institute of Geography and History	151,300
Pan American Railway Congress Association	15,000
Pan American Health Organization	11,313,412
Organization of American States	20,767,512
Subtotal	35,505,592
Regional Organizations:	
South Pacific Commission	247,605
North Atlantic Treaty Organization	6,414,955
North Atlantic Assembly	79,946
Southeast Asia Treaty Organization	452,750
Colombo Plan Council for Technical Cooperation	9,753
Organization for Economic Cooperation and Development	6,401,758
Subtotal	13,606,767
Other International Organizations:	
Interparliamentary Union	32,720
International Bureau of the Permanent Court of Arbitration	1,550
International Bureau of Intellectual Property	15,000
International Bureau for the Publication of Customs Tariffs	19,914
International Bureau of Weights and Measures	98,670
International Hydrographic Bureau	17,642
International Wheat Council	41,980
International Coffee Organization	290,000
International Institute for the Unification of Private International Law	$11,860
Hague Conference on Private International Law	12,456
Maintenance of Certain Lights in the Red Sea	3,910
International Bureau of Exhibitions	7,625
Customs Corporation Council	385,045
International Center for the Study of the Preservation and Restoration of Cultural Property	58,200
Subtotal	996,572
Total	151,087,250

MISSIONS TO INTERNATIONAL ORGANIZATIONS

These is included in the bill $5,097,000 to provide for the expenses of the United States missions to seven international organizations as well as the costs of the delegations to four international parliamentary groups. The request for $22,000 for a proposed increase in the rental of quarters at the Waldorf-Astoria is again specifically denied.

The following table sets forth the individual items and the amounts approved for each:

United States Mission to:	
United Nations	$2,109,500
International Organizations, Geneva	1,597,200
International Organizations, Vienna	595,500
International Civil Aviation Organization	156,000
Organization of American States	164,400
United Nations Educational, Scientific, and Cultural Organization	233,500
The Food and Agriculture Organization	86,000
Subtotal	4,942,100
United States Congressional Groups to:	
Interparliamentary Union	44,900
NATO Parliamentary Assembly	50,000
Canada-U.S. Interparliamentary Group	30,000
Mexico-U.S. Interparliamentary Group	30,000
Subtotal	154,900
Total	5,097,000

The $151,087,250 proposed to the United Nations and other international organizations would amount to almost $1,616 for every needy family in my State.

We hear often of the promises and the greatness of the U.N. and international togetherness, but no one has taken the time to explain what it has actually done in its 27 years of existence. What is the interest on the investment? Exactly what have the American people to show for their money?

Such inquiries, if answered at all, all receive the same repetitious reply—always a plea for more money and more power.

This is a tremendous sum for membership in a debating society. Even the President recognizes the ineptness of the U.N. as a viable organization. Why else would he risk so much through summit trips to Peking and Moscow, unless he realizes that this is the only way he can get anything done on the international level?

I am confident that my people are opposed to Christmas tree giveaways, especially when the interest for themselves and their country comes last.

I feel also that my people will be reminded of legislation like this on income tax day, especially if the taxes are again increased when the next administration takes office.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ABERNETHY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. ROONEY of New York. Mr. Speaker, I demand a separate vote on the so-called Railsback amendment at page 19 of the bill.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment upon which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 19, line 17, strike out "114,400,000:" and insert in lieu thereof "$115,417,000:".

The SPEAKER. The question is on the amendment.

Mr. ROONEY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that I may extend my own remarks and include certain tables, letters and miscellaneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I have missed three rollcall votes. Had I been present, I would have voted "nay" on rollcall No. 138. On rollcall Nos. 151 and 152, I would have voted "yea."

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority whip about the program for the remainder of the week, if any, and the schedule for next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. O'NEILL. Mr. Speaker, we have completed the program for this week. The program for the House of Representatives for the week of May 22, 1972, is as follows:

Monday is District Day. There are no bills.

Then we have H.R. 6788—Mining and Mineral Research Centers under an open rule with 1 hour of debate.

H.R. 11627—Motor Vehicle Information and Cost Savings Act under an open rule with 1 hour of debate.

On Tuesday we have the bill for HUD-Space-Science-Veterans Appropriations for the fiscal year 1973, subject to a rule being granted. The Committee on Rules will meet on Monday as to the granting of the rule on that bill.

On Wednesday and Thursday, we have scheduled:

H.R. 14370—State and Local Fiscal Assistance Act of 1972 subject to a rule being granted. The Committee on Rules will meet on Tuesday on this bill, which is the so-called revenue sharing bill.

Then we have the bill on the Transportation Appropriations for the fiscal years 1973, subject to a rule being granted.

The Memorial Day recess will be from the conclusion of business on Thursday, May 25 until Tuesday, May 30.

Any further program will be announced later.

Conference reports may be brought up at any time.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that Calendar Wednesday Business in order on Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts.

There was no objection.

ADJOURNMENT OVER TO MONDAY, MAY 22, 1972

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON HUD, SPACE, SCIENCE, VETERANS' APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes.

Mr. TALCOTT reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

TRADE RELATIONS BETWEEN UNITED STATES AND RUSSIA

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, the time has come to begin normalizing trade relations between the United States and Russia. We are natural trading partners. We need their raw materials—and they need our manufactured goods and agricultural products. What I am proposing is that both countries lower their tariffs and treat each other as they treat practically all their other trading partners. At present, we are one of four nations on their high tariff list and, in turn, they are on our high tariff list—which, in my view, does not make much sense economically. The bill I am introducing today would authorize the President to change this on a reciprocal basis. I see no reason to penalize each other. The two greatest economies in the world simply should not remain aloof.

Right now, it means we are losing literally billions of dollars worth of foreign trade which could benefit American labor, industry, and Government tax revenues—Federal, State, and local. Last year Western Europe and Japan did $5 billion worth of trade with Russia. In comparison, we did $170 million worth—just a drop in the bucket.

To remedy this situation, I am today introducing a bill which would authorize the President to lower tariffs with Russia on a reciprocal basis if he determines such action is in the national interest.

As chairman of the Foreign Operations and Government Information Subcommittee, which has investigated the matter of delinquent debts owed to the United States by other countries, I am aware of the fact that the Soviet Union owes us untold amounts from our World War II lend-lease program and that for 12 years they have refused even to negotiate these debts with us.

Were that the situation today, I would not be introducing this bill today.

However, as I announced to the Congress on February 17, 1972, the Russians sent a delegation, which arrived in Washington soon afterward, to begin negotiations on these delinquent debts.

I am introducing this bill today because in just 4 days the President of the United States is expected to leave for Moscow for what may be a historic conference with leaders of the Soviet Union.

I am introducing this bill today because I believe that our President should have concrete evidence of essential congressional support, if the normalization of trade relations is to be part of the hoped-for package for peace.

I am introducing this bill today because the Russians have given assurances they are now ready to negotiate seriously the settlement of all delinquent and disputed international debts owed to the United States from the World War II lend-lease program. Such an understanding is essential if we are to move forward to the resolution of other problems between our two countries and also to the granting of credits for some purchases of goods and services from the United States. It is standard business practice, however, that debts must be paid before other credits are advanced. Frankly, I think normal—and indeed prosperous—trade relations would help to establish a more friendly climate for a meeting of minds on a number of issues.

Although there are still major problems between Russia and the United States, I believe the old cold war climate has thawed somewhat over the years. The SALT talks have shown real progress, for example. Late last year, former Commerce Secretary Stans made what I consider to be a most significant journey to Moscow to explore increased trade possibilities. The Russians also have made some large purchases of agricultural commodities from the United States. Their Minister of Agriculture said on a recent trip here that the Soviet Union is interested in purchasing American grain for years to come as well as U.S. farm machinery.

As a matter of fact, the Russians have stated they are interested in buying complete plants, consumer goods, and food commodities. Of course, I would expect the Department of Commerce to make certain we are not exporting American jobs when we send complete packaged plants abroad. I think the necessary safeguards can be taken to insure our own future as we establish a new trade relationship with the Soviet Union. I might add, however, that America must expect to buy as well as sell to keep this proposed new economic cycle revolving as it should. Any small town merchant knows that.

Some experts predict that U.S. exports could jump to $2 billion in 2 years and rise to a staggering $5 billion the third year. One of the major purposes of this legislation is to insure American jobs and increase employment.

I am advised that the Russians are interested in buying consumer goods as well as developmental type items. The consumer list covers a wide range, including shoes and textiles. I visited the Soviet Union last summer and I know that the Soviet consumer is woefully undersupplied by the standards of most industrialized nations.

I also understand that the Soviet Union will pay hard currencies for U.S. exports when appropriate and that their projected trade with the United States is not limited solely to barter arrangements and return sales from the future production of any packaged plants we might send them.

American workers are on the losing end of the stick now. Currently, American companies tend to carry on business with Eastern Europe, including Russia, through their Western European affiliates because they can get government-backed credit from most Western European countries. I say that business should come from American factories employing American workers on American soil.

I agree with Mr. Stans when he says we put ourselves in a rather ridiculous position if we refuse to sell the Russians equipment which they can buy in Germany, France, Italy, Britain, or Japan. He believes U.S.-Russian trade can be increased by billions of dollars over the years. Now is the time to begin. Let us get started. The Russians say they are ready—we should be too.

Mr. Speaker, if we are ever going to see a peaceful world, nations must learn to live together and resolve their differences. I think mutually beneficial foreign trade contributes to the attainment of this goal.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I am glad to yield to the distinguished gentleman.

Mr. FINDLEY. Mr. Speaker, I commend the gentleman from Pennsylvania (Mr. Moorhead) for introducing a trade bill permitting MFN to the Soviet Union. I am the author of a bill permitting such to any nation with whom we have diplomatic relations.

In trade policy, I feel the time has come to normalize our trade policy, extending to the Soviet Union, and other nations the same general tariff levels and credit opportunities we give to most nations.

The Soviet Union is one of the few nations against whom we discriminate in trade policy, and I hope we will soon negotiate to end the discrimination.

Although the Soviet Union has relatively little to sell abroad, and therefore has limited foreign exchange, its foreign trade is growing. The United States should take every reasonable step to get some of the business.

Congress should authorize the President of the United States to negotiate a commercial agreement with the Soviet Union which would include most-favored-nation tariff treatment for Soviet products. The increased foreign exchange which this would enable Russia to secure would greatly enhance their ability to purchase U.S. goods.

In addition, other steps can be taken by the President without congressional approval which would allow the Soviets to buy more from the United States. They require tough negotiation between our two countries—negotiation which will redound to the benefit of both parties.

I commend the gentleman for introducing this bill.

GIVE US THIS DAY OUR DAILY DIRT

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MELCHER. It is extremely difficult for me to understand why American consumers do not rebel against the inadequacy of food inspection and sanitation in the United States.

I have authored bills to require more careful inspection of meat imported into the United States, and to establish inspection of fish and seafood products which now come to our tables from some very unsanitary fish boats, dockside processing facilities, and other plants.

A report of the General Accounting Office recently confirmed many of my fears about the inadequacy of meat inspection in other countries, and the laxity of our own inspection of imported meat which even has allowed millions of pounds of the foreign products to come in even after the processing plant abroad has been delisted for unsatisfactory conditions.

The GAO also has given us reports on serious inadequacies in domestic poultry and meat plants.

Now comes a General Accounting Office report on 97 domestic food manufacturing plants which shows less than one-third, only 30, in Compliance with Federal standards. There were 23 with "significant" unsanitary conditions, 23 with "unsanitary conditions," and 28 with "minor" unsanitary conditions.

I include in the Record at the conclusion of these remarks an editorial from the Washington Post for Saturday, May 13.

I believe the public is entitled to the answers to the questions propounded in the editorial, and that this Congress has an obligation to get those answers. We have a responsibility both for oversight of the administrative agencies, and for remedial legislation and greater funding if it is needed.

The Washington Post this morning, May 18 carries an article on a Food and Drug Administration announcement that it intends to step up inspection of the domestic food establishment—depending on Congress providing 300 new inspectors to add to 210 now employed.

The article states that FDA estimated it would take 1,500 inspectors to inspect the plants annually.

I fail to understand that figure. There are an estimated 60,000 plants, which would mean that the 1,500 inspectors would have to get around to 40 plants each during the year, less than 1 a week.

Inspection 5 or 6 days a year is not too much; there should be more than one inspection a year, but I am unable to comprehend why a single inspection requires more than a week in the average plant.

Obviously, this whole situation needs to be explored thoroughly and answers provided, not only to the public, but to those of us in Congress who share the responsibility for clean food.

I am including in the Record the new article, by Elsie Carper, on FDA plans to step up their inspections.

Now It's Dirty Food

Had any clean food lately? Chances are you have, but that is exactly the problem—that it is often a matter of chances. Congressional investigators recently made a random survey that included 97 food manufacturing plants and found "significant unsanitary conditions" in 23, "unsanitary conditions" in 16, and "minor unsanitary conditions" in 28. Only 30 plants were in compliance with federal law that forbids filth or decomposition. The new report from the General Accounting Office runs its clean finger of investigation through the food plants and comes up dirtied by such findings as rodent dung and urine, cockroaches, improper use of pesticides, unsanitary equipment, poorly maintained areas over and around food-processing locations. The 97 plants manufacture or process much of what is on our tables everyday: cheese, fish, flour, bakery goods, candy, carbonated beverages, fruits, vegetables, sugar, jams and jellies, macaroni and other items. In all, the GAO estimated that two of every five American food manufacturing plants are unsanitary or worse.

As hard as this food news is to swallow, it is made even more choking when you consider the now-common disclosures about restaurants that flunk health inspections. To wash it all down, there were the recent Senate hearings revealing that half the American population quenches its thirst from purified water discharged only hours before from some industrial or municipal sewer. The irony is almost too much: the United States has the most productive food supply in the world, yet many of the operators that help bring the food to the consumers care little about cleanliness.

Little of this has "just happened." Unsanitary food plants get that way for a number of factual reasons. The most obvious one is that cleanliness costs money; why bother about rats and roaches when you can put a pretty wrapper on the product and the consumer will never know the difference. Or if he does know, he shouldn't get excited—as a bakery merchant in New York said when roaches were found near the flour and sugar piles in his warehouse, "Yes, but they are dead roaches." A second reason for food plant unsanitation is that the Food and

Drug Administration has neither the money or staff and sometimes not the interest, to inspect the 32,000 food plants covered by the Food, Drug and Cosmetics Act. According to recent testimony, the FDA can only get to each food facility an average of once every five to seven years; thus, while the FDA cat is away, the mice in some food plants do indeed play. The cockroaches, too.

Since there are rarely outbreaks of food poisoning that kill people—the vichyssoise soup case last summer—it is hard to create public pressure for action. But the potential for danger is still present, and so are the obvious questions. Why doesn't the food industry police itself? Why doesn't HEW aggressively seek more money so that inspections could be more regular? Why doesn't Congress authorize more funds? It shouldn't be too much to ask that the public's tax money be devoted to making sure that its food is clean. As Senator Ribicoff has noted, "If I want, for instance, to give one of my grandchildren a candy bar, I should be able to do it secure in the knowledge that the confection is free of rodent and insect hair. I don't think that's an unreasonable demand to make of the American industry."

FOOD PLANTS FACE NEW FDA CHECKS

(By Elsie Carper)

The Food and Drug Administration announced yesterday that it is stepping up inspections of food processing plants to end widespread unsanitary conditions disclosed in a recent congressional investigation report.

Prodded by the report and by pressure from the House Public Health and Environmental subcommittee, the FDA said it intends to take "prompt, vigorous action to assure good housekeeping operations" in the nation's 60,000 food plants.

The expanded program was announced by FDA Commissioner Charles C. Edwards, who said the agency would enforce standards of "cleanliness of personnel, equipment and premises and elimination of all conditions that attract vermin and rodents."

He said that sanitation practices apparently had declined while the FDA devoted most of its resources to preventing contamination of food by bacteria.

"While we must continue to give high priority attention to microbiological problems such as salmonella and botulism which can present a serious hazard to health, we cannot tolerate a decline in general sanitation practices," Dr. Edwards said.

The General Accounting Office report, issued last month, found rodent excretions and urine, cockroach and other insect infestation, and nonedible materials in and around raw materials, finished products and equipment as well as improper use of pesticides and dirty processing areas.

The report was based on a random survey of 97 plants. It said the inspectors found that only 30 were in compliance with FDA standards and that 23 of the 97 had "significant insanitary conditions" which could cause product adulteration.

Dr. Edwards said that the new program is dependent upon Congress approving funds for 300 additional food inspectors in the FDA budget for the fiscal year beginning July 1. The FDA now has 210 inspectors.

He told the House subcommittee last week that the FDA is now able to inspect each food plant about once every seven years. The additional inspectors would reduce the interval to four years.

Subcommittee Chairman Paul G. Rogers (D-Fla.) has been urging the agency to seek additional inspectors. During subcommittee hearings last year, the FDA estimated that it would need 1,500 inspectors if all plants were to be inspected annually.

In his statement yesterday, Dr. Edwards emphasized that the FDA will concentrate on establishments with poor records.

Violations uncovered by FDA inspectors will be brought to the attention of management, along with a request for a written response within 10 days detailing steps taken to correct the unsanitary conditions, Dr. Edwards explained.

This will be followed by a reinspection of the plant within 30 days.

The FDA said that it would take "appropriate regulatory action" against plants that failed to comply. Such action, it said, could include seizure of products, an injunction against the plant or civil or criminal prosecution.

A NEED FOR HANDGUN CONTROL HEARINGS

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, the shooting of Governor Wallace earlier this week has made many people aware of the desperate need for strict handgun control in this country. Newspaper and radio and television editorials and the mail coming into my office all share the same tone. They all want to know why Congress has done nothing about the unconscionable traffic in handguns that threatens to destroy the big cities of this country. In the city of Chicago alone, 456 people were killed last year. The Chicago Police Department annually picks up 14,000 handguns, but with close to 2 million new handguns flooding the country every year it is a losing battle.

There is a direct relationship between the number of handguns and their easy availability and the steadily climbing rate of crime in urban America. The mayor's of our big cities—like Mayor Daley of Chicago and Mayor Lindsey of New York—have recognized that, and so have the police chiefs. According to national opinion polls, most of the people in this country want strict handgun control too. But somehow, the message has not gotten through to the Members of this Congress. All we seem to hear is the anguished complaints of a few who think they will be "inconvenienced" because handgun control will complicate their lives as target shooters. As a result there has been little support for hearings on handgun control.

Yesterday, under the leadership of Senator BAYH of Indiana and Senator KENNEDY of Massachusetts, the Senate took some courageous action. Senator BAYH's Subcommittee on Juvenile Delinquency passed a bill without dissent that would stop the sale and manufacture of "Saturday Night Specials." That legislation faces a difficult fight in the Senate, but at least that body has made a start.

This vital issue deserves a hearing in the House of Representatives, too. The need for such hearings is one thing that both the proponents and the opponents of handgun control legislation should be able to agree upon.

There are several comprehensive, progressive handgun control bills now before the House. I have proposed one (H.R. 915) and so has the distinguished chairman of the House Judiciary Committee, Congressman EMANUEL CELLER of New York (H.R. 8828). Given the magnitude of the problem and the public's concern, they should have a hearing. As a member of the Judiciary Committee, I hope we can give these proposals and others the attention that the problem deserves.

PRESIDENT'S TRIP TO RUSSIA

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the President's trip to Russia comes at an opportune time. I had misgivings about his trip to Communist China. I felt that we were making too many concessions too soon and receiving little if anything in return. However, it is possible that the trip may have helped to avoid a confrontation on the U.S. bombing policy in Hanoi and Haiphong. Regardless of this, I am convinced that the trip to Russia is sound; that Russia is interested in a better understanding with the U.S. and in a degree of control on armaments. They are now enjoying an excellent military posture. They are as strong in most respects as we are, stronger in some. It is to their advantage to hold things as they are while they make domestic and economic gains at home and bolster their world trade picture. This means we may reach some understanding with Russia during the President's trip which will lessen world tension. It certainly is to be hoped that this is the case. I can foresee additional competition in diplomatic and trade channels instead of military competition. But if this occurs America should welcome the change. It is doubtful that the President's trip will have any appreciable effect on the war in Vietnam, at least in the immediate future, but at least the Russians are talking instead of reacting in force. This is a very important difference. I applaud the President for his efforts.

CUBAN INDEPENDENCE DAY 1972

The SPEAKER pro tempore. (Mr. SEIBERLING). Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 60 minutes.

Mr. FASCELL. Mr. Speaker, this Saturday, May 20, will mark the 70th anniversary of the Republic of Cuba's independence. On that date in 1902 there came into being in Cuba a new government dedicated to the same principles of political freedom and individual liberty which underlay the establishment of our own Nation.

Cuba's gaining of independence from Spain was the culmination of a decades long struggle for freedom led by such patriots as Maximo Gomez, Antonio Maceo, and Jose Marti. It marked the beginning of a new era in Cuban history. During the next 60 years the Cuban people continued their hard work to build a better and more prosperous way of life for themselves and their children. There were many disappointments, both economic and political, but throughout the years, whether under constitutional rule or dictatorship, the spirit of liberty and the legacy of Marti and the other true

Cuban revolutionary leaders persisted.

In the late 1950's, many Cubans, still inspired by their devotion to democratic principles, thought they had found a new leader who could yet fully realize the hopes and expectations of 1902. We all now know the sad history of how that leader, Fidel Castro, betrayed the trust of the Cuban nation and the democratic traditions of Jose Marti.

Despite that betrayal, Mr. Speaker, we still have cause to celebrate today the anniversary of Cuban independence for the cause of freedom still burns bright in the minds and hearts of millions in Cuba and hundreds of thousands more who have fled their homeland.

Mr. Speaker, when Fidel Castro overthrew the Batista dictatorship almost all of his supporters believed that there would be a new birth of political freedom in Cuba. Many more hoped that a new economic revolution would be added to a renewed commitment to the political goals of 1902. The way in which all these noble expectations have been cruelly frustrated is surely one of the most tragic tales of hemisphere life in this century. Instead of free elections Castro has established an authoritarian regime without parallel in hemisphere history. His regime has killed hundreds of well meaning citizens while driving hundreds of thousands more—almost 10 percent of the country's entire population—into exile. He has substituted the iron fist for the ballot; replaced a sense of community and cooperation with a system of neighborhood spies; and crushed a growing community of talented authors and artists with an insistence on adherence to rigid dogma.

Besides shattering the dreams of those who believed he represented a return to the democratic principles of Marti, Fidel Castro and his regime have managed to accomplish one of the most fantastic reverse economic miracles of all time. Inheriting a basically sound economy which combined a talented work force with adequate capital and thus offered hope for steadily improving economic conditions, Castro has managed to create perhaps the only economy in the entire world with a rapidly declining rate of growth. According to the World Bank, from 1960 to 1969, Cuba's economy declined at an average annual rate of 3.2 percent, and this at a time when the population was growing at 2.5 percent per year. For anyone who knew Cuba and its energetic and imaginative people, it is difficult to imagine how anyone could manage to do this deliberately, but Castro has done it through his disastrously incompetent policies.

From being a relatively prosperous nation in 1959, the World Bank now estimates the average per capita income in Cuba to be only $280. A balance in foreign trade has been replaced by an annual deficit which this year will exceed $600 million—a staggering amount for a nation the size of Cuba. Almost $500 million of this deficit is with the Soviet Union but that is not the only indication of Cuba's growing indebtednes to other nations. In recent years, Cuba's debt to free world countries, excluding $1.7 billion owed the United States has reached $500 million. Three hundred million dollars of that increase in debt, mostly to European countries, has been since 1969.

Perhaps the greatest indicator of the massive failure of Castro's economic policies has been the steady decline of Cuba's all important agriculture sector. The once prosperous tobacco and coffee industries now contribute almost nothing. The island's all important sugar crop is in serious difficulty—so serious this year that no production target was announced and no figures have yet been released even though the harvest has almost been completed. Last year, Castro set a sugar production goal of 7 million tons. Only 5.9 million tons were harvested. This year, reliable estimates are that only 4 to 4.5 million tons will be produced—the lowest tonnage since 1963's disastrous 3.8 million ton crop.

Mr. Speaker, all of these dire statistics are not a source of encouragement for me. They cannot be for they represent deprivation for millions of hard-working Cubans for whom I cherish a deep and lasting affection. Moreover, these figures are indicative of a potentially serious threat to our own Nation because of Cuba's growing dependency on the Soviet Union. We all saw what that could mean during the 1962 Cuban missile crises. While we are hopeful that negotiations will soon lead to a lessening of international rivalry and world tensions we must continue to bear in mind that enemies of this Nation may still be tempted to use Cuba as a base against us. Within the last several weeks, we were reminded of this possible danger when for the first time the Soviets sent a long-range missile submarine to Cuba in apparent violation of their alleged understanding with the United States over use of Cuba as a base for such submarines.

It must also be realized that Castro's willingness to be used by the Soviets for their own ends is not the only threat which the current Cuban Government poses to the United States. Castro, through his continuing export of subversion and his training in Cuba of guerrilla leaders, is still a threat—though a decreasing one—to the peace and stability of the hemisphere. While it is apparently true that the level of his support for revolutionary movements has declined this is more likely due to his failure at home and the notable lack of previous adventures abroad than to any real change in his devotion to violent revolution. Of even more direct importance to the United States is Castro's blustering threat, less than 3 weeks ago, to take action against our base at Guantanamo.

Mr. Speaker, having briefly reviewed the present unhappy state of affairs in Cuba and between our two countries, I want to talk for a moment, in concluding my remarks, about the past and future. While I am hopeful, as is everyone here, that freedom will be restored in Cuba in the near future, I am not overly optimistic. Despite strong internal opposition, Castro's grip on Cuba remains strong. Perhaps the continuing failure of his policies will yet lead to his overthrow from within, but we must remember, whether we like it or not, that he has a powerful ally willing to do a great deal to keep him in power. But as long as communism remains in control in Cuba, the United States must continue its efforts to keep alive in Cuba the spark of freedom and to promote by the most effective and appropriate means the eventual return of Cuba to the councils of the free world.

Over the long run, Mr. Speaker, I am certain that freedom and the dignity of man will again triumph in Cuba just as they did in 1902. I base that judgment on my belief in the Cuban people and on past history. On this 70th anniversary of Cuban independence, it is well to recall that 33 years before its eventual achievement, this body, the U.S. House of Representatives, in 1869 first lent its support to Cuban liberty when we adopted this resolution by a vote of 98 to 25:

> *Resolved by the House of Representatives*, That the people of the United States sympathize with the people of Cuba in their patriotic efforts to secure their independence and establish a republican form of government, guarantying the personal liberty and the equal political rights of all the people; and the House of Representatives will give its constitutional support to the President of the United States whenever, in his opinion, a republican government shall have been in fact established, and he may deem it expedient to recognize the independenec and sovereignty of such republican government.

Liberty triumphed eventually then and I have every confidence it will do so again.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I am delighted to yield to my distinguished colleague from Alabama.

Mr. BUCHANAN. Mr. Speaker, I join the distinguished gentleman from Florida in commemorating this Cuban Independence Day.

Mr. Speaker, May 20 marks the 70th anniversary of the liberation of the Republic of Cuba, but it also, unfortunately, marks another year during which the residents of Cuba have not been permitted to know freedom.

We can join with the many thousands of Cubans who have fled to this country and who can truly celebrate Cuban Independence Day in freedom, but we must also share their sorrow at being unable to celebrate with their 8½ million fellow countrymen and relatives who are virtually held captive in their native country. It is our mutual and prayerful hope that they will all be united in liberty one day.

Notwithstanding the struggle which is going on today within Cuba in the quest for true freedom, the United States and those Cubans who now live within our borders can commemorate that day when Cubans threw off the yoke of Spanish rule—ending nearly 400 years of domination.

As Americans we can be proud of the small role we played during those last crucial years in the fight for independence. We can also continue to recognize the heroism and courage which kept alive the drive to attain independence in past years and which are still alive today in the hearts of Cubans who yearn to be free.

This great desire for freedom and the spirit which burned in those earlier Cuban citizens has not dimmed and it offers hope for those who are today ruled by the despotic government of Fidel Castro.

The people within Cuba today have known freedom. For 50 years, from 1902 until 1952, they were free to determine their own destinies and free to help build for the future of their country and for the hemisphere. They created a land where human dignity and rights were recognized.

Since that time, however, they have suffered under the tyranny first of Batista and now of Fidel Castro.

But I believe, Mr. Speaker, that this thrust for freedom will prevail and will result one day in a true and lasting liberation of all the people of the Republic of Cuba.

Mr. FASCELL. I thank my distinguished colleague.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I am delighted to yield to my distinguished colleague from Texas.

Mr. GONZALEZ. I know the hour is late, but I think it is never too late to compliment a distinguished Member of this body who has been so active in behalf of the cause of Cuban refugees and in behalf of the cause of sustaining the climate of American public opinion with respect to the tremendous stake our Nation has in the development in this unhappy island known as Cuba.

I share the gentleman's sentiments, in taking time to mark the cause of freedom that has such a long and hallowed and heroic tradition in the Cuban island.

We all know that in the last century there was a long struggle for freedom from colonialism. We know the part that our country played at the turn of the century in helping to gain this freedom. It seems both tragic and ironic that in the 20th century, right at our front door, freedom should be so completely lost to the point that an agent of another tremendous power, expansive since World War II and militantly anti-American, should, as this agent does, pose a real, a present and a serious threat to the stability of the Western Hemisphere in general and to the safety and well-being of the United States in particular.

I therefore salute the gentleman from Florida for his interest in this very important matter.

Mr. FASCELL. I thank my distinguished colleague from Texas for making those remarks. They are indeed appropriate, particularly for us to take the time to keep the spark and the hope of liberty alive.

There is not any question about what has happened in Cuba.

The gentleman is absolutely correct. Cuba today is a subjugated nation and a client state of the Russian empire, totally dependent on them. Despite all of the pronouncements and promises that were made, the fact is that economically, politically, and otherwise, it is really a closed shop. To that extent the great flow of hope and freedom that really lies in the hearts and bodies of the Cuban people equally as it does in ours has been betrayed.

Therefore, on this day we could take a little time to commemorate the great struggle of the Cuban people in an earlier day to achieve their independence and freedom and to hope that they will have the opportunity, with the hopes and the prayers of many people around the world, to do it once again.

FROM RUSSIA TO AMERICA: PLEAS WHICH CALL FOR OUR SUPPORT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, as the hour of the President's departure for the Soviet Union draws nearer, the pleas of the oppressed Jews in that nation grow more urgent.

Four Israeli citizens, who have first-hand knowledge of Soviet oppression, have requested that I convey to my colleagues in the Congress and to the American people their firm belief that those Jews who are detained in Russia see the efforts of Americans and their leaders in Washington as the only answer to their hopes and prayers for emancipation.

Two of the four who came to my office are, at this moment, on a hunger strike outside the Soviet Embassy here in our Capital.

They are Miss Katia Palatnik, 23, who is protesting the imprisonment of her 36-year-old sister, Raiza; and Michael S. Epelman, 30, who is seeking to be reunited with his wife, Polina, and their 8-year-old daughter. He reports:

> Both have repeatedly been denied emigration permits.

Raiza Palatnik has been imprisoned by the Soviet Government since December 1, 1970, following her request for permission to go to Israel. She is suffering from a serious heart ailment and her left hand is paralyzed as a result of that condition.

Even so, her sister learned, Raiza was ordered by her jailers to work on a labor day, in honor of Lenin. When she was unable to carry out the order, she was moved to a special, damp detention cell and placed on a severely restricted diet. Four days ago, Raiza courageously concluded a 5-day hunger strike in protest of the oppression of her people.

Katia, who finally won an exit permit in late January this year, told me through an interpreter that her sister, in her last letter, "wrote that she is not sure she can survive the remainder of her prison term."

That sentence is scheduled to be completed in 8 more months but, Katia explained, "they could extend her sentence for bad behavior."

Mr. Speaker, Michael Epelman left the Soviet Union in February of 1971 in order to, as he described it:

> Escape living in a society where it was not possible for me to live my life as a Jew.

He said:

> I felt that the Soviet policy toward Israel and the Middle East conflict was totally unacceptable to me since, as a Jew, I could not live and work in a country whose government blindly supported regimes seeking to destroy my people.
>
> I found it intolerable to continue to render allegiance to a country which supplied bullets for the purpose of killing my brothers—the citizens of Israel.

Mr. Epelman, a mathematician at an Israeli university, told me:

> I can no longer work at my profession. I am a fighter for the freedom of my wife and daughter. They are all I live for.

I also was visited by Vitali Svechinski and Joseph Yankelevich, as they delivered a message from 46 Soviet Jews who are seeking to emigrate.

In an unsuccessful attempt to send the same message to President Nixon on Monday, May 15, the 46 detainees delivered the cable to the Central Telegraph Office in Moscow. Not surprisingly, Soviet authorities intervened and refused to permit transmission of the message.

The cable's contents were relayed by telephone from Moscow and presented to me by Mr. Svechinski and Mr. Yankelevich. It stated:

> President RICHARD M. NIXON,
> *The White House,*
> *Washington, D.C.:*
>
> We respectfully request that you receive in the White House Vitali Svechinski and Joseph Yankelevich who will speak in our behalf.

Mr. Speaker, the plea was signed by the following last names:

> Polsky, Prestin, Slepak, Abramovich, Lerner, Rutman, Orlov, Novikov, Halperin, Mandelzweig, Lvovsky, Raginsky, Eindinder, Hurvich, Babel, Yoffe, Korenfeld, Yachot, Tzipin, Kliachkin, Begun, Shapiro, Koshchevoy, Michailova, Beilin, Orkhina, Smielansky, Lobov, Slepian, Kogan, Svechinsky, Goldberg, Gershovicz, Feingold, Ratner, Margolin, Markish, Nudel, Zaichik, Levin, Karasin, Belfor, Pisarevsky, Gendin, Rutinskaya and Kosharovsky.

At the request of Mr. Svechinski and Mr. Yankelevich, I contacted the White House, and the President's very able special consultant, Len Garment, met with them Tuesday night.

Mr. Svechinski, who is 41, tried in 1949 to escape the Soviet Union, during a wave of antisemitism instigated by Josef Stalin. He was arrested and sentenced in 1950 to 10 years in the infamous Kalyma camp, where he joined many other "anti-Soviet" Jewish activists.

In January 1955, nearly 2 years after Stalin's death, his sentence was reduced and he was released. He and his family emigrated to Israel last February.

Mr. Yankelevich, 52, spent 10 years in prison and 5 more years in exile in Siberia before obtaining an exit permit in May of 1969.

Mr. Speaker, last Monday, in New York City, I was privileged to participate in a national assembly in behalf of Soviet Jewry. At that time, 1.4 million petitions, gathered by concerned Americans from all over our country, urged freedom for Soviet Jews and a halt to Soviet repression. At the same event, I presented to the National Conference on Soviet Jewry petitions from 143 of my colleagues in the House of Representatives, urging the

President to express his concern during his meeting with Soviet leaders. I also presented 20,000 petitions which were gathered by people of varying faiths in Erie County and other portions of Western New York State.

Mr. Speaker, the ground swell of concern in this great Nation of ours in behalf of this oppressed people is growing from day to day. We in Congress have a duty and moral obligation to add to our own persistent efforts until the long-suffering Soviet Jews are free at last. The principles for which we stand should illustrate that our efforts are not only in behalf of Jewish rights, but address themselves to the entire spectrum of human rights and dignity. I implore my colleagues in the Congress and people all over America to speak out and stand up for freedom.

Mr. Speaker, we will be watching with great interest the fate of these valiant people and I expect to be hearing from them in the near future. I shall speak again and again in their behalf until Soviet Russia starts to live up to its responsibility to treat people in a humanitarian way.

THE LORTON PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 15 minutes.

Mr. WILLIAMS. Mr. Speaker, because of the great importance of a program currently underway, and because of the innumerable benefits derived in behalf of society and handicapped children, I am most pleased with the accomplished results of the "Lorton Project" administered by the Information Center for Handicapped Children, Inc. Mrs. Yetta W. Galiber, director of the Information Center, furnished me with the following information: The Lorton project is involved in utilizing selected inmates of Lorton Reformatory, Va., to man rehabilitative and educational programs for the training of handicapped children. I feel the efforts made by the Information Center are important and the following should be inserted in the RECORD in its entirety.

The organization known as the Information Center for Handicapped Children was established in 1969, and funded by the Office of Education, Bureau of Education for the Handicapped. The Center was instituted in response to an increasingly disturbing situation: There are now an estimated 300 or more rehabilitative and educational programs dealing with the District of Columbia—Metropolitan Area's handicapped children. Many of these programs have overlapping concerns, criteria, and methodologies. Even with this confusing array of services—and possibly because of it—most parents of handicapped children—particularly poor parents—had no idea where to find the agency that might help their child. Often, luck and persistence played a larger part in the final decision than did rational choice. The Information Center was founded as a means of coordinating this information and directing the parents to several possible sources of aid.

During the first 2 years of the center's existence, the main thrust of the program was the establishment of a linkage between the parents of handicapped children and the bewildering proliferation of agencies catering to their needs. However, since that time, the center has gradually moved into the areas of child advocacy and program implementation.

Our commitment—the commitment of all of us here—is the welfare of handicapped children—regardless of age, gender, or ethnic background—just children. However, I would like to dwell on the subject of a particular type of child: the emotionally disturbed child.

"Emotional disturbance" becomes a curiously imprecise term when applied in a practical situation. Like most societal labels which attempt to define behavior or social interaction, it is usually most appropriate to the society which invents it, than to any other. There is a respected and growing body of opinion which questions the applicability of that particular term to those who are socially and economically isolated from the societal mainstream.

However, I do not propose to examine the validity of that term this afternoon. Instead, what I propose is that, for the moment, we accept its validity; and that we examine some of the problems that are typical of those so labeled; and that we then look at possible ways of correcting those problems.

In this Nation, there are two primary educational tracks: In the first, the child is sent off to school, progresses through the elementary and secondary grades, and then, ideally, through college and beyond. The key, child-perceived elements in this track are primary motivation, official reinforcement, supportive peer pressure, and the demonstrated successes of predecessors.

In the second track, however, the sequence and pressures are tragically altered. The child goes to school, encounters increasingly less subtle obstacles, balks at them, and is then routed through a series of official and semi-official agencies leading, finally, to institutionalization, or incarceration in a penal facility—the university of the second track. The key elements here are a weak primary motivation, an often rule-of-thumb decision as to the child's potential, and a negatively reinforcing peer pressure.

Thus, within the second track, we now have two extremes: The children, whom we have called emotionally disturbed; criminals. The newly mandated purpose of the information center has been to explore possible methods of reconnecting one end of this cycle to assist the child. But such an effort requires the expenditure of large numbers of man hours—by persons who are compassionate, committed, intelligent—where were we to find such people? It seemed to me that such people could be found at the Lorton Reformatory.

Lorton Reformatory is a correctional institution located in nearby Virginia. And, as it is to be expected, the 2,000 or so men in residence there range from below to above normal in intelligence. And it is a fact that a large number of these men were able to exert a tremendous amount of control over their own environment. Furthermore, it became clear that a large facet of the frustration of incarceration was the lack of opportunity to use this innate talent.

In short, from the beginning, it appeared that society possessed simultaneously a great need, and the means to fill that need. Thus, the information center, as a further development of its original mandate, determined to link the need with the resource.

Working closely with the administration at Lorton, we identified 14 men ranging in age from 19 to 54 years, and possessing uncompleted sentences of from 3 to 24 years. Although certain categories of offenses—such as rape, or personal histories involving homosexuality, were excluded from eligibility, the most important fact was that Lorton officials had previously formulated minimum-security criteria which would allow certain men to work within their communities, should such an opportunity arise, and that these men met those criteria.

In September of 1971, as a result of a highly successful pilot program utilizing Lorton residents as counselor aides for handicapped children, 10 residents began a work-study program at the Washington Technical Institute. Bused daily between the city and the correctional facility, they spent their mornings working toward an associated degree in educational technology, and their afternoons working with the students at boys' junior/senior high school. Their curriculum included courses in child development, social problems, communications media and strategy, folk-action programs, and organizational strategy and planning. Those men are now in their second quarter, and the number of participants has grown to 15. In addition, I am happy to report that all the participants have passed their courses, that 40 percent of the grades have been "A's", and that the men have received what amounts to rave notices from the instructors and administrators at the Institute.

The work component of the program involves a great deal of counseling and guidance. Boys' junior/senior is a "holding situation," for boys whose behavioral problems have caused them to be expelled from all the other schools. If the training they receive at boys' is successful in changing their behavior, the students are returned to the regular school system. The primary emphasis in this program is placed on activities which allow the Lorton resident to use and reinforce the skills he has acquired at the technical institute. As his involvement in both the academic curricula and the practical program becomes more intense, his duties and insights become more complex. The process begins with observational duties—keeping progress checks on each student in work and play situations, and the maintenance of behavioral records. The second step is a more active role, and includes the investigation of truancy, and the delivery of performance reports to teachers and parents. With the successful performance of those duties, the men engage in a more formalized counseling activity, involving close work with, and tutoring of the students. A 1-to-1 format is employed as a means of building the boys' confidence and self-image. A feedback loop is accomplished through weekly staff meetings, where successes, failures, and the necessity for programmatic alterations are discussed.

In October of 1971, the Information Center and the District of Columbia's Department of Special Education initiated a program for the profoundly mentally retarded at the Sharpe Health School. Sharpe is a facility for the orthopedically handicapped, and its excellent health center and supportive services make it an ideal location for such a program. The program began with three Lorton residents, one teacher, and three profoundly handicapped children. The residents worked full time as educational aides, and received training in Gesell's four fields of behavior—motor, adaptive, language, and personal/social. In addition, their duties include the performance of therapeutic activities, the teaching of self-care skills, program planning, parent training, and recordkeeping and evaluation of progress. The impact of combining children who need special tenderness, and men who feel a special need to be tender is overwhelming. The children are responding remarkably well, and, of course, their parents are delighted. Lorton resident participation in this program has now increased to six men assisting 11 children.

In addition, the 21 men also participate in a Saturday tutorial program of the information center involving 1-to-1 relationships with educable retarded children at four centers in the District. And the future holds even more promise. We foresee the time when resident-inmate houses will become national fixtures—not half-way houses, but academic-professional communities, committed to rendering service to the handicapped, and comprised of ex-offenders engaged in that work; where the work that is to be done is central to the existence of those communities. Moreover, there is ample reason to believe that society will not let the efforts of those men go unnoticed or unrewarded.

As a result of their effort, four of the present program participants are being considered for reduction in minimum sentence. It is anticipated that this precedent will become an increasing possibility for those who render such a high degree of service to society.

And, besides the obvious benefits to the children, there is the very real possibility that the close relationships established between these men and their charges will result in the discovery of "hidden intelligence" in many of the handicapped.

The benefit to society of such programs as I have described are potentially enormous: The emotionally disturbed children, many of whom come from broken homes, receive the attention of surrogate fathers and brothers in the persons of the Lorton residents; this is particularly important in the case of black, male children, who lack sufficient contact with constructive black male images in their home and school situations. The profoundly retarded children receive love and care from the residents. These men are given a chance to positively utilize their untapped talents. They easily relate to isolated children; they are, in a sense, using their handicaps to help others who are handicapped. And, best of all, they have come to feel that education and effort are relevant and rewarding. In short, our society receives a second chance to help those it "lost" a generation ago.

And, by far, the largest beneficiary of these efforts is society itself. As overburdened with priorities, as lacking in resources, and as laced with apathy as our society may be, it is moving toward a future when multifaceted problems are met with multifaceted responses toward a time when emotionally handicapped children need not be automatically destined to become emotionally handicapped adults.

PERSONAL ANNOUNCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 5 minutes.

Mr. VEYSEY. Mr. Speaker, on May 11 due to official business in my district I was unable to be present for six rollcall votes. I would like to state how I would have voted had I been present.

On rollcall No. 144, to instruct the House conferees to insist on the House antibuisng amendments to S. 659, Omnibus Education Amendments of 1972, I am recorded as "not voting." Had I been present I would have voted "yea."

On rollcall No. 148, agreeing to the Erlenborn amendment, which contained the provisions of H.R. 14104, in the nature of a substitute to the committee amendment, H.R. 7130 the Fair Labor Standards, I am recorded as "not voting." Had I been present I would have voted "yea." On rollcall No. 145, on an amendment to the Erlenborn amendment offered by Mr. ANDERSON that would provide a minimum wage for nonagricultural employees covered prior to the 1966 amendments of $1.80 an hour for the first year and $2 an hour thereafter, and would provide a minimum wage for employees first covered by the 1966 amendments of $1.70 an hour the first year, $1.80 an hour the second year, and $2 an hour thereafter, I am recorded as "not voting." Had I been present I would have voted "yea." On rollcall No. 146, on an amendment to the Erlenborn amendment that sought to provide overtime pay for transit employees who work over 44 hours a week and on January 1, 1974, overtime pay for all over 40 hours a week, I am recorded as "not voting." Had I been present I would have voted "no." On rollcall No. 147, an amendment to the Erlenborn amendment that sought to strike language which establishes youth subminimum wage rates, I am recorded as "not voting." Had I been present I would have voted "no." On an amendment that sought to retain the present exemption for overtime for nursing home employees, rejected by a division vote, I would have voted "yea." On rollcall No. 149, on H.R. 7130 the Fair Labor Standards Amendments as amended, I am recorded as "not voting." Had I been present I would have voted "yea."

THE REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BUCHANAN) is recognized for 5 minutes.

Mr. BUCHANAN. Mr. Speaker, this Saturday, May 20, President Chiang Kai-shek will be inaugurated for his fifth consecutive 1-year term as chief of state of the Republic of China. He is the remarkable leader of a remarkable nation.

It was said following the admission of Communist China to the United Nations last October that the Republic of China was destined to fade away. It was said in the wake of the President's trip to Peking that the Republic of China would henceforth be given short shrift by the United States and the international community.

Nothing could be farther from the truth. The Republic of China has not faded away. In fact, two-way trade in Free China showed a 41.6-percent increase in the first quarter of 1972 over the first 3 months of 1971.

Henry Kearns, President of the U.S. Export-Import Bank, declared earlier this year that long-term credits will be provided the Republic of China on an "unlimited" basis, because Free China is "here to stay, offers a good market and has the ability to pay."

The New York Times recently reported that the annual per capita income of the Republic of China is now running at $418, second only to Japan in Asia, and 4 to 5 times higher than the per capita income of Communist China.

A campaign has been launched by Nationalist China to attract Western European capital, and there is already strong evidence that industrialists there, particularly in West Germany, are strongly interested.

The growth in foreign trade suggests that by the end of 1972 the Republic of China may well report a $5 billion volume, far above the amount now projected by Communist China, which has remained at the $4 billion level for several years.

There is a similarly bright picture in the field of agriculture. Since 1952, rice production—the principal cash crop—has grown 60 percent on the same amount of acreage. Most of this increase can be attributed to the introduction in the early 1950's of a land reform program which has made most of Taiwan's farmers independent, prosperous operators.

Meanwhile, the number of farmers is declining as more and more opportunities for industrial jobs open up. The farm population presently amounts to about 36 percent of the total while the farm population in Communist China is about 80 percent.

Illiteracy has almost been wiped out under the administration of President Chiang Kai-shek and his government. There are some 85 universities, independent colleges, and junior colleges available.

Most public officeholders were born and raised on Taiwan as opposed to the misconception that so-called mainland Chinese are always given preference. Most of the 600,000-man military forces of the Republic of China were native born on Taiwan.

But whether they were born on Taiwan or the mainland, the 15 million people who live on Taiwan are Chinese. They have elected Chiang Kai-shek to an unprecedented fifth consecutive 6-year term as President of the Republic of China. It is obvious that the Republic of China, free China, is here to stay as a prosperous, viable, law-abiding member of the community of nations—and a stanch friend of the United States. I congratulate President Chiang Kai-shek on his inauguration, and I salute the Republic of China, and her people, whose courage, dignity, and industriousness are an example for us all.

SOUTHEAST ASIA—OUR INVOLVEMENT MUST END

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, today the presidents of several colleges and universities in New Jersey, led by Dr. Edward Bloustein, of Rutgers, together with hundreds of faculty, administration, and student representatives from our 52 institutions of higher learning, journeyed to Washington. They sought, in a completely rational and nonviolent effort, to present to the members of the New Jersey delegation in Congress a substantial petition urging an end to our involvement in Indochina. They conveyed, in our gathering, their deep concern about the destructive effects of our participation in Southeast Asia and their conviction that it must be brought to an end.

I was privileged to be able to arrange this meeting and to address it, and I ask that my statement be printed in the RECORD at this point, together with a resolution adopted by the New Jersey State Assembly on May 15 urging a termination to the conflict.

STATEMENT OF HON. PETER W. RODINO

When one raises the subject of Vietnam these days, it is with a sense of sorrow and weariness. Regardless of whether one originally favored our military involvement in Southeast Asia or opposed it, there is a universal feeling among Americans that the war has gone on too long, that it has cost too much in lives, in money, in national disunity, and that our involvement should end at the earliest possible time.

But the war continues. And while it does, we must deal with it—particularly those of us who serve in Congress and are entrusted with responsibility for guiding national policy. Until the last American comes home we cannot rest or turn away from that responsibility. Congress has an obligation to evaluate national policy and participate in the decision-making process. In the past, there has been too great a tendency to allow the executive branch an open hand with respect to the Vietnam war and other overseas commitments.

The people of our nation are demanding an end to the war. Monday, the New Jersey state assembly, representing seven million Americans, approved a resolution urging a speedy conclusion to our involvement in Vietnam. The New Jersey assembly expressed the view that we have done enough. Tens of thousands of American men have died. A half million Americans have been wounded in action. Hundreds of billions of dollars in tax money have gone to support our war effort and supply the armies of South Vietnam, Laos, Cambodia, and Thailand.

There may be argument over our responsibility to help South Vietnam in the first place. There can be little argument that whatever that responsibility, it has been more than adequately honored. It is time to leave this conflict to the Vietnamese. It is time to withdraw our remaining forces, including naval and air support.

We all feel the responsibility for the safety and return of those Americans held prisoner by the Communists. But the hard truth taken from the history of warfare is that prisoners are returned only after the war has ended. There is no reason to believe that this war would be any different or that our prisoners would not be returned after our involvement ends and hostilities cease.

In his recent decision to mine the harbors and inland waterways of North Vietnam and by vastly escalating the bombing, the President has served to widen and deepen the war. He has placed more Americans in jeopardy and has insured that more American prisoners will be taken. While the Russians and Chinese have not immediately reacted with threat of arms, our actions increase the possibility that Russian and Chinese lives will be lost, which may in turn force those nations to take strong military action against our initiatives.

In a world where hydrogen tipped missiles by the thousands are pointed at most of the major population centers of Russia and America, and many nations in between, and any action that contributes to tension or miscalculation must be avoided, I cannot believe that the vital interests of the United States now or in the future are so imperiled by the war in Vietnam as to make a military provocation necessary.

Certainly we must have an adequate national defense. Certainly we must never lower our guard and risk an erosion of our power or domination of free and friendly nations by blatant aggressors. But our commitment of manpower, weapons and national wealth provides us with that kind of protection. There is no question that we can adequately defend ourselves and our interests. That ability will not be weakened no matter what the outcome in Southeast Asia.

On the other hand, there has been an obvious weakening at home. Our Armed Forces have been drained by the war. Morale is low. The military unfairly has become a target for popular abuse. Our economy is struggling with the consequences of war. The dollar has been devalued. Inflation still remains high. Precious tax dollars have been diverted to buy the instruments of war rather than being used to improve the lives of people here at home. Perhaps worst of all, we have become an uncertain nation: uncertain of our leadership; uncertain of our ability to cope with very real and immediate domestic problems; uncertain of our role in the world—which should be that of guardian of liberty and example for all people everywhere to improve their lives through dedication to their own freedom and individual enterprise.

The way to help America, the way to preserve the peace, the way to renew our national strength and purpose, and to restore our confidence in ourselves, is to end the war. We must bring our men home. We must work toward ending the killing and destruction in Southeast Asia. And we must do it immediately.

I pledge myself to do everything possible to contribute to that kind of an American policy, and a stronger, more certain America.

RESOLUTION BY NEW JERSEY ASSEMBLY

Be it resolved that the President and Congress of the United States are hereby notified of the earnest desire of the people of the State of New Jersey that American participation in the present war in southeast Asia be terminated immediately, allowing only for the time actually required to repatriate American troops and prisoners of war;

The President is urged to renew negotiations with North Vietnamese representatives to effect a total American withdrawal and the release of American prisoners;

The President and Congress are memorialized to redouble their efforts to end the war and make federal tax funds available to the states for urgently required needs of the state and its people.

This resolution shall be transmitted upon passage to the President of the United States, the president of the United States Senate, the Speaker of the House of Representatives and every United States Senator and United States Representative from the State of New Jersey.

RESETTLEMENT OF JEWISH REFUGEES IN ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO), is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, in one appropriation bill the House of Representatives is taking a great step forward in aid to humanity—foreign and domestic.

It appropriated $85 million foreign aid for the resettlement of Soviet Jewish refugees in Israel. There had been much talk, resolutions and meetings on this most serious humane problem and finally material help has been given. We provide aid to Israel because we believe in its goals and respect the viability of its Government and its role as one of the last homes of freedom in that part of the world. We give aid to Israel for it is in our own national interest to have a secure, free Israel, our only real friend on the southern coast of the Mediterranean.

The domestic aid to humanity and safer streets was the full appropriation of funds for the Law Enforcement Assistance Administration and to the Bureau of Narcotics and Dangerous Drugs. The first would aid our local enforcement units and the latter to try to stamp out the national menace of drugs which is the basic cause of many of our problems.

I commend the local efforts of drug abuse programs which are so important. Education in our schools and at community meetings is important and should be encouraged on a far greater basis. There are many other facets to the problem which I believe can be brought about with congressional action. For example, I have introduced legislation to regulate the sale of needles and syringes. I have sponsored legislation to provide federal funds to research nonaddicting substitutes for heroin. I have sponsored legislation to stimulate international and United Nations action to buy the poppy crops in Turkey and Southeast Asia in order to stop the flow of heroin at its source. I have sponsored legislation to increase the number of customs agents who check for the illegal importation of drugs.

I believe we must develop a broad program which will try to attack the crisis from many angles—a program which will be a partnership of government at all levels with local community groups.

As a Member of the House Appropriations Committee, I had the opportunity to participate in the committee debate and final draft of these two important measures. I had previously cosponsored legislation to provide financial assistance for the resettlement of Soviet Jews to Israel so the favorable committee action and House vote was especially gratifying to me. In addition, I was able to vote in committee for full funding of the law enforcement programs. These two measures—one international and the other domestic—illustrate the importance of the Appropriation Committee's work in our legislative process.

CHANGED CONDITIONS WARRANT TERMINATION OF IMF-SOUTH AFRICAN GOLD AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, yesterday the price of gold sold in the private London market closed at $57.75 per ounce, up $3.15 from the previous day's closing price. This rise topped off a series of increases that has pushed the private price of gold to more than 50 percent above the official price of $38 per ounce. The press cites a number of factors responsible for the recent increase in gold prices, including Secretary Connally's resignation from his Treasury post, continuing U.S. payments deficits, rising industrial demand for gold, and rumors of a United States-Russian deal apparently generated by self-serving goldbugs. However, one important factor contributing to the price increase—on which I shall focus today—has been the reduction in gold supplied to the market by South Africa, the world's largest producer.

Governor Theunis De Jongh of the South African Reserve Bank announced earlier this week that his country would not sell its full current output on the private market because South Africa expects a balance-of-payments surplus during the first half of this year. Being the principal supplier of a sought-after commodity, the South Africans have avoided selling more gold on the private market than necessary to meet their international payments obligations. This is obviously an intelligent strategy for any commodity producer large enough to influence the going market price. However, the international monetary crisis which remains fundamentally unresolved, and the rising trend in the private market price for gold means that South Africa no longer warrants the protection granted that country under its December 30, 1969, agreement with the International Monetary Fund—IMF.

The agreement stipulates that South Africa may sell gold to the Fund up to the amount needed to meet that country's foreign exchange needs during the current 6-month period whenever: First, the free market price of gold is $35 per ounce or less or, second, South Africa will have a payments deficit after the sale of all of its current gold output on the private market. The agreement also stipulates that it shall be subject to review whenever this is requested because of a major change in circumstances and, in any event, after 5 years.

Under this agreement, the IMF in 1970 purchased $640 million of gold from South Africa. About a third of these 1970 purchases occurred because the free market price was at $35 per ounce and below, but the majority of the IMF purchases were made because of an anticipated South African payments deficit. In 1971 the International Monetary Fund bought $138 million worth of gold, valued at $35 per ounce, from South Africa. All of these purchases were made under the balance-of-payments criterion. Since the President announced his new economic policy last August 15, the IMF has purchased no gold from South Africa.

The IMF-South African gold agreement has proven to be a one-sided affair. It has guaranteed South Africa an outlet for its gold when the free market price was down or when that country was experiencing a cyclical payments deficit. But it has left South Africa free to ration its sales on the free market in a manner that fosters speculation and so lever the market price of gold upwards.

I, individually, and the Joint Economic Subcommittee on International Exchange and Payments, opposed the IMF-South African deal before it was concluded. I have continued to oppose it ever since. This agreement was reached only with the explicit approval of the U.S. Treasury, and Treasury spokesmen have persistently defended it.

On December 12, 1969, more than 2 weeks before the agreement was announced, the Subcommittee on International Exchange and Payments issued the following recommendation:

> The March 1968 two-tier gold marketing agreement has succeeded beyond initial expectations and should be maintained in its present form. The United States could gain nothing from any "compromise" with South Africa producing a resumption of official gold purchased from that country. Consequently, the United States Treasury should under no foreseeable circumstances agree to support—either directly, through the IMF, or by sanctioning the purchases of other industrial countries—the free market price of gold.

On December 24, 1969, I, as chairman of the Subcommittee on International Finance of the House Banking and Currency Committee, wrote the Managing Director of the IMF, Pierre-Paul Schweitzer.

My letter said in part:

> Our Subcommittee contemplates action on International Monetary Fund matters in early 1970. We should, I believe, be prepared to take legislative action to instruct the U.S. Executive Director of the International Monetary Fund to do all in his power to prevent the Fund, or any member, from violating the spirit of the two-tier gold agreement by purchasing new gold outside the international monetary system.

The Treasury ignored the warnings of these subcommittees under the Joint Economic Committee and the House Banking and Currency Committee, and permitted the IMF to enter into an agreement biased in the favor of South Africa and gold speculators throughout the world.

In the light of events during the past year, the United States should demand rigorous adherence to the spirit of the March 1968 two-tier gold agreement. This agreement terminated intervention—both purchases and sales—by individual central banks in private gold markets, and divorced the official price of gold from the private price. It segregated monetary gold and gave it an official pedigree. The spirit of the agreement was breached when the U.S. Treasury conceded to South African and European interests in permitting the IMF to purchase South African gold under various circumstances. This spirit will only be fully honored if private and official gold markets are totally divorced, if South Africa is prohibited from rationing its gold sales between the private and official market so as to maximize the private price, and if no new gold is allowed to enter the international monetary system.

Conditions have changed since December 30, 1969. The private market price of gold has skyrocketed and the world has been forced to learn to live with continuing international monetary uncertainty. The Treasury has contributed to this uncertainty by its reluctance to enter into prompt negotiations to resolve a lengthy list of unsettled international monetary issues and to institute fundamental reforms. It can now eliminate some uncertainty by insisting that private and official gold stocks be permanently and irrevocably segregated, by rendering permanent the condition existing since last August 15 that the IMF purchase no more gold from South Africa, and by exercising its right to request the immediate termination of the IMF-South African gold agreement.

MR. PATMAN PRAISES JAMES W. KNOWLES ON RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, last night the Joint Economic Committee held a farewell party for James W. Knowles who has served as a staff economist on that committee for 22 years.

At that affair, which was sponsored by Jim's many friends and associates both on Capitol Hill and in the economic profession, Senator WILLIAM PROXMIRE, chairman of the Joint Economic Committee, praised Jim for his many years of productive work on the committee and expressed the regret that the invaluable experience of people like Jim Knowles could not somehow be made continuously available to the committee.

Congressman RICHARD BOLLING, who has been a member of the Joint Economic Committee for over 20 years, likewise praised Jim's outstanding contribution to the committee's work and commended him particularly for his skill in presenting members of the committee with policy alternatives. Mr. Bolling stressed the importance to all of us in having an objective view of the problems with which we deal and the ways of solving them.

It was also my privilege as a committee member who has known Jim for all of the 22 years that he served on the committee to say a few words in appreciation and farewell to Jim Knowles.

I insert my remarks in the Record:

Remarks of Mr. Patman at Retirement Party for Jim Knowles

Ladies and gentlemen, it is a privilege tonight to say a few words at this retirement party for Jim Knowles. I have been associated with him for 22 years.

I do not think this is a sad occasion although we will all miss Jim very much. True, he has served many productive years on the Committee, but he leaves at a young age and I look forward to many more deeds in the future. Certainly, we shall be hearing from him.

We will miss you here, Jim. You have always been dedicated; you have always spoken the truth as you saw it; and you have always been able to bring knowledge and wisdom to the many issues that we have had to deal with over the years.

I recall that you were appointed on January 16, 1950, over 22 years ago! In looking back, I was impressed by the fact that issues have not changed as much as we might expect. In the Committee's Report that was issued in 1950, we called for the following policies, among others:

1. A revision of the tax structure to reduce present inequities, stimulate business activity and yield a moderate amount of additional revenue. We specifically called for the closing of loopholes and somewhat more favorable treatment of small business.

2. Protection for farm incomes and encouragement of necessary shifts in farm production.

3. Increased Federal aid to elementary, secondary, and higher education, and more financial aid to States.

4. Liberalization of Social Security.

But even though some of the problems sound similar, we have faced many, many issues in the 22 years of our mutual association and we have seen impressive economic growth over those years in spite of inevitable ups and downs. Moreover, I think that the Committee and the Congress deserve credit for reducing the size of the ups and downs over the years. I believe that we have stabilized public economic policy to a considerably greater degree than was possible before the Employment Act.

Just consider in 1950, GNP was $250 billion. At the present time, it is over $1.1 (trillion). This is a gain of almost 290 percent.

However, inflation in that 22 year period was 81 percent. In other words, prices now are 81 percent higher than they were then. Even so, our real growth has more than doubled. But, impressive as that is, I would be happier if it had grown more because our unemployment has also grown. In 1950, we had 3.3 million unemployed people but in 1972 that figure has jumped to 5.1 million so there is plenty of work to do.

In leaving the Committee, I know that Jim will continue to make contributions to economic knowledge and a solution of economic problems, particularly unemployment. In retiring, Jim, you should have great satisfaction of a staff man who has contributed as much as anyone I know to the solution of economic problems over the last 22 years. We have much better knowledge of fiscal policy now than we did before, and I think that this Committee and the members and the staff deserve credit for that. It is true that the Congress does not always act on our recommendations, as I have had occasion to point out more than once, but our impact is greater than it used to be.

We have learned a great deal more about monetary policy in the last 25 years. Again, I think the Committee has taken the lead, time and time again, in bringing light into the shadowy regions where monetary policy used to operate. They are still a little too shadowy for me and I intend to maintain my efforts to give the public more information and insight into monetary policy, and to correct some of the present weaknesses in our monetary policies that still hamper our full growth and development.

Time won't allow me to go into detail on the many other areas where the Committee has made an impact, such as the effect of the budget on the economy, or the improvement of our basic economic information. The point I want to make is that you, Jim, have made a large contribution to all of this and I think you have every right to feel highly satisfied for a productive career with the Committee.

And, in the years ahead, I hope you will not forget your happy association with us and to help remind you, my colleagues on the Committee and I have acted jointly to convey our appreciation in documentary form.

Let me read from a copy of a Committee Resolution of May 15, 1972.

Joint Economic Committee Resolution

The Members of the Joint Economic Committee, Congress of the United States, extend their sincere appreciation to James Wiley Knowles for his valued contributions to the work of the Joint Economic Committee and his able counsel over the past twenty-two years.

Mr. Knowles was appointed to the staff of the Joint Economic Committee on January 16, 1950, and has served as economist, senior economist, executive director, and director of research. His professional services as an expert economist and his many creative studies have represented an outstanding contribution to achieving the objectives of the Employment Act and have served to enhance public knowledge and understanding of economic policy.

William Proxmire, Wisconsin, *Chairman;* John Sparkman, Alabama; J. W. Fulbright, Arkansas; Abraham Ribicoff, Connecticut; Hubert H. Humphrey, Minnesota; Lloyd M. Bentsen, Jr., Texas; Jacob K. Javits, New York; Jack Miller, Iowa; Charles H. Percy, Illinois; James B. Pearson, Kansas.

Wright Patman, Texas, *Chairman;* Richard Bolling, Missouri; Hale Boggs, Louisiana; Henry S. Reuss, Wisconsin; Martha W. Griffiths, Michigan; William S. Moorhead, Pennsylvania; William B. Widnall, New Jersey; Barber B. Conable, Jr., New York; Clarence J. Brown, Ohio; Ben B. Blackburn, Georgia.

According to an action taken by the Joint Economic Committee on May 15, 1972, and duly recorded in the minutes of the Committee.

WHAT ABOUT THE DEFICIT?

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the schedule for next week indicates that the State and Local Fiscal Assistance Act of 1972, the so-called revenue-sharing bill, may be the subject of consideration by the House if a rule is granted in the meantime.

Some Members have expressed concern about various aspects of this legislation and I want to put forth some of the points which make my support extremely doubtful.

To begin with, this bill purports to be a sharing of revenues, but the fact is that with a deficit last year of $23 billion and one projected for the 1972 fiscal year of $38.8 billion, it is quite clear that any provisions of revenues in excess of current appropriations will cause a further deficit or require new sources of revenue.

In addition to this proposed deficit financing, I am concerned that the legislation makes funds available to local units of government without proper control. Naturally, the local administrators favor any measure which purports to give them more money but this eagerness for revenue is no guarantee that the purpose for which it will be spent will be sound.

The experiences of the Law Enforcement Assistance Administration, a prototype of revenue sharing, has amply and disastrously demonstrated the waste, inefficiency and illegality which can come from funding without adequate control.

It is about time in my judgment that the local administrators whose expenditures have skyrocketed in recent years should begin to look toward putting a ceiling upon expenditures rather than urging measures which will lead to a greater tax burden. The budget of my own city is seven times what it was when I was mayor and it is clear that this type of increase cannot continue without financial collapse. Perhaps the current bill will provide a good time to bring all these questions to the surface.

CAPITAL TRANSFER TAX SYSTEM

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, we have entered an era in which there seems to be no limit to the need for more capital in homebuilding and other areas of great public interest. This naturally moves into the mainstream of tax policy discussions—the whole question of how taxes affect the supply of capital. One question raised is whether pure capital gains actually belong in the income tax base. The best way to open up a subject is to present a model for discussion, and this is the purpose of a bill which I am introducing today. It has been prepared through the collaboration of some outstanding tax people. This bill would—

Establish a system, associated with the estate and gift taxes, to tax as transfers of capital the pure capital gains of individuals;

Moderate the rates of tax on such gains;

Provide a reasonable exemption from the tax;

Provide a credit of these taxes paid during life against estate taxes due at death; and

End the levy of a Federal tax on gains realized from the sales of homes.

It should be noted that the proposed credit of lifetime taxes on capital transfers against the estate tax due at death will solve a problem which is scheduled for consideration in the review of estate and gift taxes to which the Ways and Means Committee is committed. In the past, the problem of equalizing at death the tax treatment of gains has been considered in connection with income tax revisions. When our committee reached the subject during our 1969 reform hearings, however, we decided to hold it over for consideration during our review of the estate and gift taxes. The proposal for a credit—instead of an additional tax—is an option which has not been previously explored during official studies of the problem.

In completely severing the connection with the income tax base, the bill would take the affected gains of individuals out of subtitle A of the Internal Revenue Code, which relates to income taxes, and place them under subtitle B, which now relates only to estate and gift taxes. The new provisions would appear as "Chapter 13—Taxes on capital transfers by individuals" under the subtitle reentitled to read "Subtitle B—Estate, gift and capital transfer taxes." The term "chapter 13 net capital gain" is used to describe gains which would be taxable under these provisions.

REASONS FOR NEW SYSTEM

If it is concluded that pure capital gains do not belong in the income tax base, there are alternative courses. One would be to propose that tax on such gains be eliminated. This is a course which has been recommended by a number of students of taxation. It is not without precedent in that capital gains go untaxed in a number of countries. There would seem to be an excellent case for exempting pure capital gains from tax especially in view of the heavy estate taxes which will be paid at death on any substantial amount of capital left by a deceased person. Exemption, however, would mean avoidance of any tax on capital gains when the person involved did not leave a taxable estate.

Another course would be a new system of capital transfer taxes, as provided in the bill, linked with the estate and gift tax system instead of with the income tax system. An important reason for going this route instead of eliminating tax on pure gains during life would be the revenue effect of the latter in the early years. Moreover, a tax on gains during life would assure some tax when a person does not end up with enough property to be subject to estate tax at death. There seems quite a strong case, however, that gains from the sale of homes should be completely exempted from the capital transfer tax, and also that there should be a reasonable yearly exemption from the tax. After some experience under a new system, if it is established, it might well be decided that the areas of exemption should be expanded or that the tax itself should be phased out over a period of time.

THE PROPOSED EXEMPTION

The bill would provide an exemption of $500 for single persons and $1,000 for married couples. The benefit would be most significant for people of modest means whose capital gains are seldom if ever large. Many taxpayers who now have to fill out the special schedule for capital gains under the income tax system would be excused from making any return.

RATES OF TAX

The rate schedule included in the bill requires only eight brackets as compared with 25 under the income tax system. Rates would begin with 4 percent on the first $5,000 of taxable gains—$10,000 in the case of a joint return—and increase 3 percentage points a bracket to a top rate of 25 percent on gains over $50,000—$100,000 in the case of a joint return. Tables I and II below show the rates separately for single and joint returns:

TABLE I.—*Rate Scale for Taxable Long-Term Capital Gains of Individuals*

[Single Returns]

Taxable Gains and Tax:
Not over $5,000: 4%.
$5,000–$10,000: $200 plus 7% of excess over $5,000.
$10,000–$15,000: $550 plus 10% of excess over $10,000.
$15,000–$20,000: $1,050 plus 13% of excess over $15,000.
$20,000–$30,000: $1,700 plus 16% of excess over $20,000.
$30,000–$40,000: $3,300 plus 19% of excess over $30,000.
$40,000–$50,000: $5,200 plus 22% of excess over $40,000.
$50,000 and over: $7,400 plus 25% of excess over $50,000.

TABLE II.—*Rate Scale for Taxable Long-Term Capital Gains of Individuals*

[Joint Returns]

Taxable Gain and Tax:
Not over $10,000: 4%.
$10,000–$20,000: $400 plus 7% of excess over $10,000.
$20,000–$30,000: $1,100 plus 10% of excess over $20,000.
$30,000–$40,000: $2,100 plus 13% of excess over $30,000.
$40,000–$60,000: $3,400 plus 16% of excess over $40,000.
$60,000–$80,000: $6,600 plus 19% of excess over $60,000.
$80,000–$100,000: $10,400 plus 22% of excess over $80,000.
$100,000 and over: $14,800 plus 25% of excess over $100,000.

These rates would substantially reduce the taxes paid on the affected gains up to the very large gains where the reductions would still be quite significant. Under the income tax system, the tax on gains is related to the rates paid on income so that a small amount of gains may be subjected to a high rate of tax. Conversely, a person with little or no income but significant gains is most lightly taxed at present, and hence would benefit the least under the new system. As a general matter, the middle bracket taxpayer whose gains are smaller than his income, would benefit the most from breaking the link with the income tax. For example, under the present system a married taxpayer with $8,000 in gains will pay 18 percent on the gains if his taxable income is $24,000 but only 12.5 percent if his income is only $12,000. Under the bill the same tax rate would be paid on any given amount of gains regardless of the amount of taxable income. In this instance the rate would be 4 percent.

Students of the bill will want a general picture of how people in different income and capital gains situations will fare under it. To provide a broadly informative picture in one table, there must be a stable relation between the amount of capital gains and the amount of taxable income. Table III below puts the relationship on a dollar for dollar basis, that is, a taxpayer with a given amount of taxable income is assumed to have the same amount of capital gains:

TABLE III.—REDUCTION IN TOP RATE OF TAX ON CAPITAL GAINS FOR TAXPAYERS WITH EQUAL AMOUNTS OF TAXABLE INCOME AND OF CAPITAL GAINS

[Joint returns]

Amounts of taxable income and of capital gains	Top rate payable on capital gains: Present law (percent)	Top rate payable on capital gains: Proposed law [1] (percent)	Percentage reduction
$1,000	7.5	0	100.0
$6,000	11.0	4	63.7
$12,000	14.0	7	50.0
$24,000	21.0	10	52.4
$48,000	25.0	16	36.0
$96,000	35.0	22	37.1
$192,000	35.0	25	28.6

[1] After 2 exemptions of $500.

This table shows that people with small amounts of taxable income and equal amounts of capital gains would find their taxes on the latter fully to be substantially eliminated by the bill, while those with higher incomes and gains would still pay substantial rates of tax on their gains. In fact, the top rate of 25 percent for pure capital gains under the bill is the same as the basic alternative—top—rate which was in effect for all long-term gains for 28 years before 1970. Of course, people with small incomes but large gains also will be subject to the higher rates under the bill.

ENDING TAX ON THE SALE OF HOMES

For 50 years we have taxed a person when he sells his home for a gain even though we would not give him a deduction if he lost money. This would seem to be reason enough to stop taxing the gain on sale of homes, and also on other properties treated the same way. But there are other reasons as regards homes which may justify ending the tax even if it were feasible to provide for loss deductions.

The first is that the average man selling his home really does not know, and cannot be expected to know, what his true gain is—and neither does the tax collector. To know his true gain, he would have had to keep meticulous records over all the years he had owned the home of what he had spent on it clearly distinguishing those for capital improvements from those for maintenance. Even tax accountants and lawyers will argue where a particular expenditure falls. Homeowners with no plans at all to ever sell certainly are unlikely to set up records in which they make an allocation every time they spend a little money to spruce up the place. Many, if not most, taxpayers who sell their homes, therefore, have no option but to guess at what their capital expenditures have been. Even then, it seems probable that the majority underestimate what they have spent, so that they pay more tax than is legally due overlooking the fiction about recordkeeping.

Another reason for arguing that the tax on the sale of homes should be ended is that a gain may be little more than a mirage when inflation is taken into account. Whether the seller plans to buy another home or to rent, he will pay in the same inflated dollars. When a person in declining years, or who is disabled, has to sell his home to move to more modest quarters in order to have more money to live on, it does seem quite unfair to tax any part of the proceeds.

If it is decided to end the tax on the sale of homes, we automatically would strike out of the tax law two arbitary and complex provisions, one providing for postponement of tax—called rollover—when the proceeds are put into another home within a specified time, and the other providing some relief from tax when the seller is over 65. Operation of both of these provisions is dependent on the recordkeeping rule which is such a fiction in practice. It may be noted that repeal of these provisions would take more language out of the tax code than the new bill would put in it.

And a quite human reason for not taxing a man when he sells his home is that a home is in truth his castle, and in most cases it is bad enough to have to give it up without facing the tax collector as he goes out of the door. Most of us do not buy homes to sell them, and it may be argued that the money in a home is an investment in living and not capital in the normal sense of the word.

A CREDIT AGAINST ESTATE TAX

When a capital gains tax is paid on the transfer of property during life, and the new property is then taxed at death, the capital involved has been taxed twice. Because the capital gains tax can be avoided by not selling property, there is a tendency among older investors to avoid double taxation by simply staying put until death. Thus, the value of the property passed on to heirs is greater than it would have been if it had first been reduced by capital gains taxation. When investments are held to avoid tax before death they are referred to in tax circles as "locked-in." To eliminate the incentive to lock in investments, a perennial proposal is that unrealized gains on property held at death be subjected to an additional—double—tax equal to what would have been paid if sold just before death. To the present, the Congress has refused to adopt this proposal, but already notice has been served it will be vigorously advocated in the upcoming review of estate and gift taxes.

It does seem that the "lock-in" situation is undesirable from the economic standpoint. There also is a question of fairness as compared with the situation where property is sold and the capital gains tax paid shortly before death. However, it does not necessarily follow that it would be fair to legislate a new double tax, or that such a tax would be desirable from the economic standpoint in an era of scarce capital and high interest rates. Thus, it seems to me the case would have to be overwhelming to justify a new tax on any capital transaction in this period.

By contrast with a new tax, a credit of capital transfer taxes against estate taxes due at death would free investors to sell property before death without incurring a tax penalty. A credit would not provide an incentive to sell; it would simply eliminate the present incentive not to sell. The result would be to loosen up capital markets and make capital more mobile than it is at present. This would mean more capital for new housing and other new investments. As a matter of economics, whatever loosens up the flow of capital also means better employment opportunities for the unemployed and underemployed.

RELATION TO OTHER CAPITAL GAINS

Since the beginning of the income tax, there has been controversy over the economic nature of a pure capital gain. Some consider a gain to be the same as income and others take the view that a gain cannot be distinguished from the capital of which it is a part. If enacted the bill would settle this controversy insofar as tax law is concerned. It would in effect state that a person's capital is the same thing during life as after death and that no part of it is the same thing as income. The capital which a person accumlates over a lifetime would be taxed only once as capital.

Taxing pure capital gains as capital transfers, moreover, would permit more objective evaluation of the tax treatment of transactions which have characteristics of both income and of capital transfer. The bill would not disturb the taxation of such transactions at the rates established in the 1969 reform law. However, the case of their continued preferential treatment under the income tax law would be strengthened. With the precedent of taxing pure capital gains as transfers of capital, it would be more evident that no transaction with a substantial capital component should be taxed at anything like full income tax rates.

The bill contemplates no change in the use of a 6-month holding period test to determine which gains are to be taxed like ordinary income under the income tax system, and those which would be taxed as long-term gains—transfers of capital—under the new system.

However, the bill does contemplate that long-term losses of individuals on the sale of assets taxable under the new system would be allowed only as offsets against long-term gains with unlimited carryover and use of excess losses.

ACROSS THE BORDER

It is noteworthy that the Dominion of Canada, in its 1971 tax reform legislation, wiped the slate clean as regards any tax liability on capital accumulated to the end of 1971, and provided a moderate, single tax on future appreciations in the value of capital assets. Specifically, while the legislation imposed a tax on capital gains realized during life or unrealized at death which accrue after 1971, it avoided double taxation of capital by bringing to an end the existing Dominion tax on estates and gifts. The top rate of the new tax on future gains will be 23.5 percent whereas the top estate tax rate in Canada is now 50 percent. As compared with a top tax of $235 on a $1,000 unit of future wealth appreciation in Canada, under the bill here introduced the tax on the same unit of wealth taxed at top rates first as a capital gain and then as part of an estate would be $770—as compared with $855 under present law.

The Canadian legislation also exempts homes from the capital gains tax, as would the bill here.

RELATION TO 1969 TAX REFORM ACT

A natural question is whether provisions of the bill harmonize with the reform intent of related provisions of the 1969 Tax Reform Act, and the broad answer is that they do. Four major provisions of the 1969 act are involved.

The first replaces the alternative rate of 25 percent on capital gains above $50,000—$25,000 in the case of a married person filing a separate return—with rates of 29.5 percent in 1970; 32.5 percent in 1971; and 35 percent in 1972. The rationale for the higher rates was that the 25 percent alternative was at variance with the intent of progression as reflected in the income tax scale. The variance occurred because the alternative rate was in fact a ceiling rate which became effective well below the top bracket of taxable income. While the bill does not use income as a factor in determining tax rates on the affected gains, the result is in harmony with the 1969 revisions because the new scale of rates on the gains proceeds is a consistent progression to the top bracket of taxable gains.

The second provision of the 1969 act of concern is the one which classifies 50 percent of a noncorporate taxpayer's capital gains as a tax preference item subject to the 10-percent minimum income tax. Of course, the pure capital gains which would be taken out of the income tax base under the new bill would be excluded from the minimum tax. But the mixed transactions, involving both income and gains, which would still be taxed at preferential rates under the income tax system, would remain under the minimum tax.

Other provisions of the 1969 act taxed in 1970 and 1971 what was termed "excess investment interest" as a tax preference item under the minimum tax, and then beginning in 1972 set up a system for limiting the deduction of investment interest to the total of several items including long-term capital gains with a carryover of disallowed interest in subsequent years. The bill provides for the deduction of investment interest in computing chapter 13 net capital gain which within the limitation has not been deducted in determining taxable income under chapter 1.

ADMINISTRATION

The bill provides for a separate return—from income taxes—for reporting taxes under the new system, and contemplates that taxes paid will be cumulatively recorded for offseting against estate taxes at death.

SUMMARY

There follows a brief summary of the provisions of the bill:

Sec. 1—

Amends Subtitle B of the Internal Revenue Code of 1954 (relating to estate and gift taxes) to read "Subtitle B—Estate, gift and capital transfer taxes", and creates thereunder a new chapter entitled "Chapter 13—Taxes on Capital Transfers by Individuals."

Places under Chapter 13 long-term gains of individuals, excluding gains under section 1231 and some other code provisions, and defines the included gains as "chapter 13 net capital gain."

Provides a schedule of rates on chapter 13 net capital gains ranging from 4% on the first $5,000 to 25% on all over $50,000 for single returns, and 4% on the first $10,000 to 25% on all over $100,000 for joint returns.

Provides an annual exemption from tax of $500 of long-term gains ($1,000 in case of a joint return of a married couple).

Provides for deduction in computing chapter 13 net taxable gain of investment interest which (under the provisions of the 1969 tax reform legislation) has not been deducted in determining taxable income under chapter 1 of the code.

Provides for a carryover to succeeding years of net long-term capital losses.

Provides for filing returns under chapter 13 separately from returns of income taxes, and for joint returns of husband and wife.

Sec. 2. Income tax amendments.

Amends Section 163(d), which under the 1969 legislation limit the deduction of investment interest, to coordinate the deduction and the carryover of disallowed investment interest under chapters 1 and 13.

Amends Section 121, which now relates to gain from sale of residences by individuals over 65, to relate to gains from sale of property used for personal purposes, and excludes all such gains from tax (replacing special provisions relating to people over 65).

Repeals Section 1034 (providing for rollover in the sale or exchange of residences).

Amends Part IV of subchapter P of chapter 1 (relating to special rules for determining capital gains and losses) to add a section (1254) excluding chapter 13 net capital gains from taxation under chapter 1.

Amends Section 57 (relating to items of tax preference subject to the minimum tax under the 1969 legislation) to exclude therefrom gains and losses taken into account in computing chapter 13 net capital gains.

Sec. 3. Credit against estate tax.

Provides credit for capital transfer taxes under chapter 13 against estate taxes at death.

Grosses up the estate subject to tax by adding thereto capital transfer taxes paid by the decedent so that transfer taxes are not allowed as an exclusion as well as a credit.

Sec. 4. Effective dates.

Makes legislation effective for taxable years beginning after December 31, 1972, except amendments made by section 3 would apply to estates of decedents dying after such date.

The text of the bill follows:

H.R. 15061

A bill to establish a system of capital transfer taxes for individuals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the heading of Subtitle B of the Internal Revenue Code of 1954 (relating to estate and gift taxes) is amended to read as follows:

"Subtitle B—Estate, Gift and Capital Transfer Taxes"

(b) Subtitle B of such code is amended by adding at the end thereof the following new chapter:

"Chapter 13—Taxes on Capital Transfers by Individuals

"Sec. 2701. Tax on Certain Long-Term Capital Gains

"(a) Imposition of Tax.—In the case of an individual, there is hereby imposed on the chapter 13 net capital gain (as defined in section 2702) for the taxable year a tax determined in accordance with the following table:

If the chapter 13 net capital gain is:	The tax is:
Not over $5,000	4% of such gain.
Over $5,000 but not over $10,000	$200 plus 7% of excess over $5,000.
Over $10,000 but not over $15,000	$550 plus 10% of excess over $10,000.
Over $15,000 but not over $20,000	$1,050 plus 13% of excess over $15,000.
Over $20,000 but not over $30,000	$1,700 plus 16% of excess over $20,000.
Over $30,000 but not over $40,000	$3,300 plus 19% of excess over $30,000.
Over $40,000 but not over $50,000	$5,200 plus 22% of excess over $40,000.
Over $50,000	$7,400 plus 25% of excess over $50,000.

"(b) Joint Return in Case of Husband and Wife.—In the case of a joint return of husband and wife, the tax imposed by subsection (a) shall be twice the tax which would be imposed if the chapter 13 net capital gain were cut in half.

"(c) Estates and Trusts.—The tax imposed by this section shall not apply in the case of an estate or trust.

"Sec. 2702. Computation of Chapter 13 Net Capital Gain

"(a) Chapter 13 Net Capital Gain.—For purposes of this title, the term "chapter 13 net capital gain" means the amount of the net long-term capital gain (as defined in section 1222) for the taxable year, computed with the modifications set forth in subsection (b), in excess of the sum of—

"(1) $500 ($1,000, in the case of a joint return of husband and wife), and

"(2) the deduction for interest allowable under subsection (c).

"(b) Computation of Net Long-Term Capital Gain.—For purposes of subsection (a), the net long-term capital gain for the taxable year shall be computed in accordance with the provisions of chapter 1 (other than section 1254) but with the following modifications:

"(1) There shall be excluded any gain or loss which is taken into account under section 1231 in computing gains and losses for purposes of that section.

"(2) There shall be excluded any gain or loss subject to the provisions of section 402 (relating to taxation of beneficiaries of employees' trusts), section 403 (relating to taxation of employee annuities), section 1235 (relating to sale or exchange of patents), or section 1240 (relating to taxability to employee of termination payments).

"(3) The provisions of section 1212(b) shall not apply for purposes of this chapter with respect to a net long-term capital loss for a taxable year beginning after December 31, 1972, but a net long-term capital loss, computed under chapter 1 with the modifications set forth in paragraphs (1) and (2), for any taxable year beginning after December 31, 1972, shall be treated for purposes of this chapter as a long-term capital loss in the succeeding taxable year.

"(c) Deduction for Interest.—The excess of investment interest (as defined in section 163(d)(3)(D) over the amount allowed in subparagraphs (A), (B), and (C) of section 163(d) (1) shall be a deduction under subsection (a) of this section in computing chapter 13 net capital gain, but only to the extent of such net capital gain (computed without such deduction). Such amount shall not be allowable as a deduction in computing taxable income for purposes of chapter 1.

"Sec. 2703. Rules for Application of Chapter.

"(a) Meaning of Terms.—All terms used in this chapter (including the terms 'taxable year' and 'paid or incurred') shall have the same meaning for purposes of this chapter as they have when used in chapter 1.

"(b) Returns.—A return of the tax imposed by this chapter for any taxable year shall be filed separately from the return for the same taxable year of the income taxes imposed by chapter 1. If a husband and wife are entitled under section 6013 to file a joint return for the taxable year of the taxes imposed by chapter 1, they may elect to file a joint return of the tax imposed by this chapter for such taxable year.

"(c) Collection of Tax.—All provisions of law with respect to the assessment, collection, and refund of taxes imposed by chapter 1 (including all periods of limitations, and the right of the taxpayer to petition the Tax Court for a redetermination of any proposed deficiency) shall be applicable to the tax imposed by this chapter."

Sec. 2. Income Tax Amendments.

(a) Section 163(d)(1)(D) of such code is amended to read as follows:

"(D) One-half of the amount by which the investment interest exceeds the sum of:

(i) the amounts described in subparagraphs (A), (B), and (C), and

(ii) the amount deducted in computing chapter 13 net capital gain under section 2702(a)."

(b) Section 163(d)(2)(B)(ii) of such code is amended to read as follows:

"(ii) the taxpayer is entitled to a deduction under section 1202 for such taxable year (whether or not the taxpayer claims such deduction), the amount of such disallowed investment interest shall be reduced by an amount equal to the amount of the deduction allowable under section 1202 plus one-half the chapter 13 net capital gain (as defined in section 2702).

(c) Section 121 of such code is amended to read as follows:

"Sec. 121. Gain From Sale of Property Used for Personal Purposes.

"Gross income does not include gain and loss from the sale or exchange of property to the extent such property was held and used by the taxpayer for personal purposes.

(d) Section 1034 of such code (relating to sale or exchange of residence) is repealed.

(e) Part IV of subchapter P of chapter 1 of such code (relating to special rules for determining capital gains and losses) is amended by adding at the end thereof the following new section.

"Sec. 1254. Treatment of Gains and Loss Comprising Chapter 13 Net Capital Gain.

"Notwithstanding any other provisions of this subtitle, gross income, adjusted gross income, and taxable income of any individual shall be computed for purposes of this chapter by excluding any long-term capital gain and any long-term capital loss which is taken into account under section 2702 in computing chapter 13 net capital gain.

(f) Section 57 of such code is amended by adding to subsection (a)(9)(A) the words "excluding any long-term capital gains and any long-term capital loss which is taken into account under section 2702 in computing chapter 13 net capital gains".

Sec. 3. Credit Against Estate Tax.

(a) Part II of subchapter A of chapter 11 of such code (relating to credits against the estate tax) is amended by adding at the end thereof the following new section:

"Sec. 2017. Credit for Taxes Paid on Chapter 13 Net Capital Gains.

"The tax imposed by section 2001 shall be credited with the aggregate amount of the taxes paid by the decedent which were imposed upon him under section 2701 (relating to the tax on chapter 13 net capital gains). Such credit shall not exceed the tax imposed by section 2001 after the application of all other credits provided in this part. If the decedent filed a joint return with his spouse for any taxable year under the provisions of section 2701, the credit for the taxes imposed with respect to such joint return shall be allowed to the extent it is established that the decedent, rather than the spouse, paid such taxes; and if it cannot be established whether the decedent or the spouse paid taxes, then one-half of the payment shall be attributed to each of them. In case the tax was paid with community property, the decedent shall be deemed to have paid one-half of the tax."

(b) Section 2051 of such Code (relating to the definition of taxable estate) is hereby amended to read as follows:

"For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate the exemption and deductions provided for in this part, and after such deduction, adding the chapter 13 capital transfer taxes paid by the decedent during his lifetime."

SEC. 4. EFFECTIVE DATES.

The amendments made by this Act, shall be applicable with respect to taxable years beginning after December 31, 1972, except that the amendment made by section 3 shall be applicable with respect to estates of decedents dying after such date.

CHIANG KAI-SHEK TO BE INAUGURATED AS PRESIDENT FOR FIFTH TERM

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, on Saturday, May 20, a good friend of the United States and of free world nations everywhere will be inaugurated to serve his fifth consecutive 6-year term as President of his nation.

Chiang Kai-shek, a man who has become a legend in his own time and one who has proven through the years, his friendship for the United States, stands tall today as he did a quarter century ago when he led the free Chinese away from the yoke of communism to form an island bastion of freedom in the China Sea.

Recently, events have proven hard for the Republic of China at Taiwan.

In the United Nations the United States was abandoned by many of its friends and roughly voted down on the question of membership for Taiwan. The Republic of China was summarily ousted and Red China admitted. There have been disturbing rumors that America may even abandon Taiwan to its fate with the Communist mainland. I know this is not the will or desire of the American people. I cannot conceive that any U.S. Government would ever adopt such a policy yet the fact remains that some nations have turned their backs on Taiwan in a scramble to gain favor and trade with Peking.

Through all of this, President Chiang Kai-shek has maintained the indomitable courage and continued to display the strong leadership that has inspired his people to great accomplishments. They continue to drive forward, strengthen their economy, improve their export position, bolster their agricultural markets and significantly, they are maintaining an effective military organization which the power hungry Communists do not overlook. The Republic of China is one of the few nations in the world which offered to send troops to fight beside American and South Vietnamese forces in South Vietnam. This is true friendship.

Evidence of the economic strength of the Free Chinese is the fact that U.S. investments as well as capital from other nations, continues to flow to the nation. A total of $800 million has been invested on the ROC private sector, and most of it has come from American business. In recent years there is increasing interest in Free China by such other industrial giants as Germany and Japan.

All of this has come about largely because of the personal leadership of President Chiang, assisted by his wife, an able and lovely lady who was American educated.

All Americans should join in a salute to this gallant leader as he embarks on another milestone in his illustrious career.

As one who has been honored to have had personal associations with him, I join with many millions in wishing President Chiang success in his continuing role as the leader of a great people.

REMARKS BY REPRESENTATIVE O. CLARK FISHER TO RESERVE OFFICERS ASSOCIATION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, on May 6, our colleague, the Honorable O. CLARK FISHER of Texas delivered an inspiring address to the Texas Department of the Reserve Officers Association. It contained not only valuable information on current policies but inspiring and prophetic passages about the current crises facing our Nation.

Mr. FISHER speaks from a broad background of knowledge on the Nation's defense posture, having served on the Armed Services Committee for a number of years and currently being chairman of that committee's subcommittee dealing with Reserve matters.

I am requesting publication of his address in the CONGRESSIONAL RECORD for its specific worth to the members of this body.

REMARKS BY REP. O. CLARK FISHER, RESERVE OFFICERS ASSOCIATION, SAN ANTONIO, TEX., SATURDAY, MAY 6, 1972

I am indeed honored to have this privilege, which I very highly esteem, of speaking briefly to the Reserve Officers Association on this occasion.

Membership in your great organization serves to identify each of you as one who is experienced and knowledge in the field of military affairs and in the broad area of national defense.

As you know, our Committee on Armed Services welcomes and respects the judgment of the ROA, and we often find the expertise of Colonel Carlton, Colonel Brackett, and their able associates to be most useful in resolving many complex issues and policies that arise.

That assistance was particularly productive last year when we were able to obtain passage of a Survivors Benefits bill, and I can inform you that, although somewhat belatedly, the Senate Armed Services Committee has indicated that measure will soon be considered and acted upon.

While I know the Survivors Benefit bill does not cover your survivors until one is entitled to retired pay, there has been a measure recently reported by the Veterans Affairs Committee which would entitle a veteran to be covered by SGLI during the interim period between the time you complete your years of service for retirement and the time you become eligible to receive retired pay. This came about largely through the efforts of your national organization.

As you know, the Administration has recommended a one-time recomputation of retired pay. I support this principle and I introduced a bill on the subject. Being realistic, I think we must recognize the difficulties we face, with much of the objection we are facing being directed at the cost aspect.

Another Administration proposal is a bill which would provide for an enlistment and reenlistment bonus for Reserves. Unfortunately, this was included in a kind of omnibus bill which provided for many additional incentives for the active duty personnel. I thought it better, and I urged, that the Reserve incentives be placed in a separate package. This could result in lengthy hearings, but I am hopeful that time will permit a resolution of the problem during this session of the Congress.

Among other pending problems, we share your great concern over the disappearance of the waiting lines to get into the Reserve components, and the shortage of approximately 55,000 from the strengths mandated by the Congress.

I share this concern primarily for two principal reasons: First, the reduction in strength dilutes the ability of the unit to perform its assigned military mission, and as we reduce the size of the active forces we must be building and not diminishing the effectiveness of the Reserves. Secondly, when we consider that we will be supporting 29 percent of the total force for approximately 4.9 percent of the Defense budget, we can recognize the cost savings as a result of Secretary Laird's decision to make the Reserve Forces the primary augmentation in time of national need, and our only alternative to increasing the size of the active forces must be a way to attract and retain people in those Reserve Forces.

I thought it appropriate to give you a progress report on a few of the proposals which we are striving to resolve during the current session—proposals in which the ROA has expressed a particular interest.

Now, let me refer for a moment to the situation in Vietnam, a subject about which you are, of course, well informed. As you know, the illegal invasion across the DMZ was an act of such raw aggression that it caused even Senator Fulbright to quit calling it a civil war over there.

It would seem important that the public understand that the problems caused by the Communist invasion has nothing to do with whether we should or should not send people to Vietnam. The one and only issue we are now dealing with is whether our bombers and naval craft—which are there—should or should not interfere with the enemy supply lines and provide protection in that way for American lives, and also by such means to help prevent a Communist takeover of South Vietnam. Some think we should protect American lives and American interests; others do not.

War protests have recently taken on a new dimension. Recent outbursts have not been directed at the draft. Nor are they directed against being required to do military service in Vietnam. While a bit hazy, their chief complaint seems to be against the presence of our Air Force and naval units in Southeast Asia, and their use against enemy supply lines—without which lines the invasion could not succeed.

While some protests may be in good faith, one becomes very suspicious about motives when we see demonstrators proudly waving enemy flags.

These people I have described appear totally unconcerned about the safety of many thousands of Americans who are in the process of being withdrawn. Just why they are opposed to protecting them is difficult for me to understand.

This line of denouncement of interference with Communist supply lines has been voiced by certain Presidential candidates, by a few befuddled Senators; by some House members; by Jane Fonda and Dr. Spock. In addition, I should add Gus Hall and Mme. Minh—who has acted as Hanoi's chief non-negotiator at the Negotiation table in Paris. The Madam, incidentally, by telephone hooked from Paris 2 weeks ago spoke to 30,000 of her loyal minions who assembled under an enemy flag in Kezar Stadium in San Francisco.

She told her faithful California followers to demand that President Nixon stop interfering with their precious supply lines, to set a day-certain, and install a Communist as President of South Vietnam. That was the effect of the orders of Hanoi's butcher woman whose invading legions are now on a wild rampage of wholesale slaughter and destruction in South Vietnam.

Let all Americans understand what these protests amount to. They say "Stop the bombing." When they say that they protest any U.S. interference with the supply lines which support the invasion and which obviously endanger the lives of 65,000 Americans. When they say "Stop the Bombing"' they are, wittingly or unwittingly, echoing the orders of Madam Minh.

This protest is not a protest against the war or against our presence in Vietnam. Our presence is already there, and it is being rapidly reduced. Therefore, the only possible validity that can be attributed to these demands must be a revulsion against any interference with enemy supply lines—because that is what it is all about. It is one thing to protest the war. But it is quite a different thing to protest interference with a brutal invasion and the protection of American lives which are endangered.

It is one thing to oppose the war, which is anyone's privilege, but quite another thing to denounce opposition to an invasion which, should it succeed, would involve several million human lives in South Vietnam, large numbers of whom would undoubtedly be slaughtered—should the Communist invaders overrun the South.

Let us examine that awful prospect for a moment, Clark Clifford, when he was Secretary of Defense, said that should South Vietnam fall to the enemy, the worst bloodbath in the history of the human race would ensue.

Many have not forgotten that after Hue was occupied by the Communist invaders briefly a few years ago 5700 bodies—men, women and little children—were dug up from shallow graves, all brutally murdered by the North Vietnamese.

Colonel Tran Van Doc, a North Vietnamese officer who defected after 24 years in the Communist movement, estimated a slaughter of 3 million if the Communists take over.

Another defector from the North, Col. Le Xuan Chuyen, who had been in the Communist movement 21 years and who should know whereof he speaks, disclosed that 5 million South Vietnamese are on the Communists' "blood debt" list. He said the plan is to kill 10 to 15 percent of them, imprison about 50 percent, and subject the balance to "thought reform."

Many other very knowledgeable people confirm this gruesome prospect of mass butchery. Now, I know some Americans insist it is none of our business. They insist that even though the lives of 65,000 Americans are endangered, and even though timely interference with the enemy's supply lines helps protect those lives and at the same time helps to prevent the big takeover they still demand that our bombers be completely grounded and our naval guns be silenced.

Another aspect of this tragic development is the plight of prisoners of war. Those who criticize the U.S. for interfering with the invasion of the South don't like to talk about POWs. When pressed on the subject they brush it off by saying once we surrender or totally withdraw all manpower and any future military supplies, the Communists will knock themselves out rushing all prisoners home. Who do they think they are kidding? How stupid can people be, anyhow? Don't they know that last year President Nixon, in secret talks by Dr. Kissinger, offered the enemy total withdrawal, a day-certain, resignation of President Thieu, a free election in the South, and massive economic aid, for a cease-fire and a peaceful settlement. But this overly-generous offer—probably the most generous peace offer in history—was spurned and repudiated.

The simple fact is that the only language the enemy understands is force. Once those Communist warmongers are made to know they are in for severe punishment and that they are not going to be allowed to win that war in Washington, only then can we hope for meaningful negotiations, and some relief for prisoners. As the matter now stands, the devastation that can be wrought by B–52's and other bombers and by sea power, constitute the only meaningful advantage and bargaining power we have left in the process to bring the war to an end and expedite the release of POWs.

The enemy is risking everything on this one last big drive. Twelve of their 13 divisions are now south of the DMZ. All their eggs are in one basket. If they are thrown back, experts believe they will never again be able to recoup, reorganize, and again pose a major threat.

The military situation in Vietnam is obviously serious indeed. The President has said too many lives, including Americans, are involved to allow the invaders to succeed in this major thrust. He has said appropriate steps will be taken to prevent it. We can only speculate on what he has in mind, what force he will apply, should necessity require it. We do know that Haiphong, where 80% of all war supplies are received, is extremely vulnerable—either from aerial attack, harbor blockade or floating mines. We do know that the irrigation dikes of the Red River Delta are extremely crucial and very vulnerable. And we know there are other vital targets that have heretofore hardly been touched. Whatever is done deserves solid, united American support.

I have belabored this subject, but I think it is something that should be talked about and the public enabled to better understand the implications. The enemy does not disguise the fact that major reliance is placed on disunity among Americans, to assist them in their infamous plans to slaughter civilians and achieve a military victory.

It is time for all thoughtful Americans to assess the situation realistically. And it is high time for presidential candidates, whose pronouncements are heard loud and clear in Hanoi, to wake up to their responsibilities as Americans and as candidates for that high office.

It follows that in this time of grave peril, when we are playing for keeps—with so much involved on the outcome of this one invasion, that all Americans close ranks, lay aside their own views about the war, whatever they may be, and give solid support to our Commander-in-Chief. He is the only one we have, and he operates under the majesty of the American flag—your flag and my flag.

RABBI IRVING LEHRMAN

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on February 6 the Honorable Charles H. Silver delivered an address of appreciation in honor of Rabbi Irving Lehrman, spiritual leader of Temple Emanu-El and national president of the Synagogue Council of America.

Most fitting was this eloquent tribute by Mr. Silver to Rabbi Lehrman, who is of a long line of rabbis, a great scholar, a man of rare eloquence and of deep dedication, not only to the cause of Israel but to the cause of humanity. Rabbi Lehrman is a man who stands tall above most men. He has long held up a great light of spiritual leadership, not only for those of his faith but of all faiths, and the glow of the light he has cast has not only warmed but illuminated innumerable minds and hearts. I deem it a great honor, therefore, Mr. Speaker, to be able to offer to my colleagues and to my fellow countrymen this deserved tribute to Rabbi Lehrman:

RABBI LEHRMAN

(Remarks by the Honorable Charles H. Silver at a dinner held at Temple Emanu-El, Miami Beach on February 6, 1972)

Most honored guests . . . and all of you—dear friends and neighbors—who have gathered to honor this great man of God.

In these days, so full of turmoil, so empty of trust, we seek—more and more—for the eternal truth—returning to the Torah—searching for God.

The synagogue is the force which has held us together as a people. It is the magic ingredient which preserved our Fathers through all the fearful horror of endless wandering, anguish and rejection.

The synagogue has been the cornerstone of our ethical and moral way of life through a long tormented history. From its altar flows the rich stream of our ancient tradition, our ethics, our philosophy, the words of fire that make ours a religion of law and of literature—and of love.

In this House of God burns the eternal light of Israel. Within its walls can be heard the thundering voice of wisdom. At this altar, we seek to guard the conscience of humanity.

And the keeper of the flame is a noble, warm and genuine human being, one truly inspired in his devoted service to God and man.

In all of my experience—in education, religion and social welfare—I have never encountered anyone who walked more firmly in the flame of his faith than the towering spiritual leader and dynamic guiding force of Temple Emanu-El.

For Rabbi Irving Lehrman is not only a scholar and teacher, but truly a practical visionary . . . devoted to the tradition and destiny of Israel, but dedicated to the wider service of all mankind.

In his duties as minister for more than a quarter of a century—he is never too busy to bring comfort and understanding to those who falter . . . to those who mourned . . . to those who needed the help he could give.

And he always gives generously of his own personality, strength and perception. He always has a solution. He always has time.

Through the darkest hours of Jewish suffering, during the tragic plight of our people, in the outrage and nightmare of Hitler, his voice was the voice of hope, his leadership was a beacon breaking through the blackest clouds.

And when the skies became brighter, he hailed a star of promise in the promised land and worked for the birth of the Republic of Israel as a member of the family of nations.

With a pure conscience and a proud but humble heart, he has been the warm and shining lesson of brotherhood for every being of every race and creed—rejecting and rebuking bigotry in any form.

The years go by and we often neglect those to whom we owe the most. We are all fortunate that this great spirit—who is a legend of his lifetime—can be recognized and honored during the vigorous days of his life while many of his most vital years lie ahead.

Rabbi Lehrman has taught us the meaning of religion in its most positive and active sense—the real meaning—the message and mission of the faith we follow.

He has taught us that we have a permanent obligation to concern ourselves with the welfare of others. Otherwise, the pages of our Holy Book are meaningless—our House of God becomes an empty shell—for He will not live in it.

Religion may begin in the church or temple, but it does not end there. It flourishes in the hearts of men of good will. It crosses the borders that separate us in small things. It brings us together to grapple with the larger goals of humanity—to rise nearer—to reach closer—to the Mind of God.

The faith reflected in the synagogues gives us the strength, the unity and courage to survive anguish and oppression—to endure all things, to resist all things, to overcome all things.

It spurs us to split again the sea of slavery and cross the seven oceans, settling on alien soil, making the barren desert bloom, mingling in many lands to enrich the culture, advance the science and increase the learning of all mankind for all time.

This is the eternal secret of the Jew's eternity—and it is the message that Rabbi Lehrman preaches so wisely—so movingly and so magnificently—from this pulpit.

Such wisdom—and such eloquence—are not gotten easily or in a single day. They must be harvested through a lifetime, fed by a mind passionately devoted to the quest for truth—by a heart ripe in the understanding of his fellow man.

Such a man respects himself as being made in the image of God. He carries a spark of that Divine Spirit deep within. He tackles his appointed task with skill and understanding, with loyalty and devotion to duty.

Such a man is Rabbi Irving Lehrman.

He has held high the sanctity of his calling with a dignity and dedicated responsibility that brings new greatness to the name of Rabbi.

Fearless and foremost in the fight for human rights, he is firm in his conviction that men who were created equal by God deserve equal treatment from other men.

He has done as much as any man to stir the conscience of the world on behalf of the homeless, the hopeless and the oppressed.

There is a magic about his very presence. It rises from the depths of his being . . . a hidden place where you know that truth and honor dwell.

Combining warmth and humanity with sincerity and strength, his words burn into the hearts of his hearers. They echo in many corners of the world, far beyond the walls of Temple Emanu-El.

There is no branch of community service, no broadening of opportunities for youth, no contribution to the social progress of our times and our people that have not known the benefit . . . yes, the blessing . . . of his energies, his wisdom and his spirit.

My dear friend and Rabbi, as I join your uncounted thousands of friends and admirers in this outpouring of friendship and appreciation. I fondly hope and firmly believe that you stand on the threshold of an even more brilliant career as a Jewish leader and Statesman.

TO ALL FREE MEN

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on April 6, the board of the Cuban Revolutionary Party headed by former President Carlos prio Socarras, issued a declaration of protest and denunciation of current U.S. policy aimed at closer relations with the Communist powers.

Whether or not one may agree with the thesis of the statement, I believe it is one which should be available for everyone to read. The people of Cuba have known the hand of tyranny throughout much of their history, from the colonial period to the present. Their homeland is now in the hands of the overwhelmingly repressive Communist political and military apparatus of Fidel Castro, and they have a right to make known "To All Free Men," as the Cuban Revolutionary Party statement is titled, their concern over the direction of current U.S. policy with respect to Communist dictatorships.

I submit, therefore, the text of this statement:

TO ALL FREE MAN

NATIONAL IDENTITY

The Cuban nation is a product of struggles that go back to many decades, a process in which all the tactics available to a people seeking to forge their own destiny were employed: passive resistance, rebellion, war. On the way fell thousands of Cubans, men who gave up their lives, their freedom, their personal property, who suffered all the impositions of colonial despotism.

Some believe that our movement toward independence began with the revolt of the tobacco planters, others, that it started in 1812, when José Aponte launched a protest of well-defined outlines. His thrust was not only laborite but nationalistic.

In the course of time, through conspiracies, insurrections, invasions, martyrdom, deportation, and imprisonment, our national identity began to take shape. Its forerunners were enlightened men who created an autoctonous culture, and struggles of all types that engendered a native conscience and a feeling of nationhood. It was guided by Céspedes' proclamation, the Guáimaro Constitutional Assembly, and the Protest of Baraguá, formulated in the resounding voice of General Maceo.

The rural patriciate was its main propelling agent in the War of 1868 and during the so-called "Little War". But it was José Martí who, in the period extending from Baraguá to Baire, interpreted the longings of the Cuban populace and lent organization and clear purpose to our war. Under the sign of national unity, with an Americanist thrust, a populist ferment, and a broad humanist and progressive sense, he traced our destiny in the Statutes of the Cuba Revolutionary Party and in the Montecristi Manifesto.

We achieved independence in the face of a Spanish Army of 200,000 war-seasoned men, of fanatic "Volunteers", and under the impact of barbaric measures, such as the execution of the medical students and Weyler's concentration camps. Then, as now, our sister nations, except Peru under Leoncio Prado, and a very few others, remained oblivious to our plight and did not even recognize the government of the Republic-at-Arms.

After the U.S. intervention, came the struggle against an American imperialism which forgot the Joint Resolution, ignored the leadership of the revolutionary organization, and blocked the entrance of the Mambises into Santiago de Cuba. We were not represented at the Treaty of Paris, a treaty which constituted a humiliation and truncated the Revolution by divesting it of all economic meaning. As a corollary we got the Platt Amendment: forcibly imposed, limitative of our sovereignty, and soundly denounced by the Cuban people in the voices of Juan Gualberto Gómez, the Marquis of St. Lucía, and other illustrious compatriots.

THE REVOLUCIÓN AUTÉNTICA

In all, it was the "revolución auténtica" (the authentic or true revolution—an expression coined by the Cuban people and later appendixed to the name of the Cuban Revolutionary Party) which realized the dreams of the independentist generation by achieving the integral sovereignty of our Republic. At his inauguration, President Grau refused to swear loyalty to the 1901 Constitution, which contained the imposed amendment. Following its revolutionary path, the "Auténtico" movement transforms words into deeds. Its advanced social legislation shapes an autoctonous doctrine: nationalist, anti-imperialist, and championing distributive social justice. It follows the course that Cuba demands in order to achieve a true socio-economic development that will allow natives living space in their own land, a fuller enjoyment of national resources, and a better distribution of national income to the benefit of the majority. In brief, the Revolución Auténtica generated a process that culminated in the Constitution of 1940 and continued to evolve, ever increasing the people's access to political power, education, culture, social security, property, wealth, health, and well-being.

All of this was carried out within a true democratic framework, respecting human liberties in both the domestic and international planes, as well as the right to elect and replace public officials through free, untampered suffrage. We had no political prisoners or exiles and lived under the reign of law, a reign that reached its fullest institutionalization under the Prio government. We guaranteed legal equality to blacks and women long before the U.S. government did. That is why the Cuban Revolutionary Party (Auténtico) is the continuator of the doctrines of José Martí, adapting them to the developments of a new age: the technological era.

U.S. POLICY TOWARD CUBA

We begin by saying that we are not here as visitors, but as political exiles who seek the independence of Cuba. We have been the victims of our own mistakes, but also of those of the United States, who not only granted immediate diplomatic recognition to the military usurpers of 1952, but supported them steadily until it turned about and aided the adventurer Fidel Castro. The Republican administration of President Eisenhower, during which Richard Nixon was Vice-President, as well as the Democratic administrations that followed it and the present Nixon government, have all, we repeat, committed serious errors in their policy with regard to Cuba. They have not realized that Cuba is only a trench in the Communist war, that it exports subversion throughout the Americas and that this island bastion, standing in the midst of the security area of the U.S. and Latin America, is occupied by Soviet imperialism and used in the total political war that the U.S.S.R. wages against the U.S. and the free world.

Who is responsible for the Bay of Pigs fiasco, if not the United States? They forgot their commitment to history, to geopolitical realities, to treaties.

What happened at the October confrontation? A true Pyrrhic victory, the surrender of a national community into the hands of Soviet colonialism.

Who gave President Kennedy power of attorney to negotiate for Cuba? That power can only be granted by the free self-determination of the Cuban people.

Cuba's "negotiated" status has been maintained as a permanent policy of the U.S. by all the successive administrations. This policy does not derive from a treaty, compact, or gentleman's agreement, but is simply a "moral" commitment, according to one U.S. Senator, who understood that it bound all subsequent Presidents. Noble doctrine indeed! It seems a sarcasm, that the independence of a nation and the freedom of its people be subject to the "moral" interpretations of a high public official, even if he belong to a powerful nation. This would constitute a denial of the juridical equality of nations, a break with the North American tradition of respect for the human rights and values that should prevail in all countries.

The norms of the Congressional Resolution No. 230 of 1962 (a Resolution which modified the neutrality laws of the U.S. in relation to Cuba when it prescribed aid to the OAS and to Cubans for the purpose of achieving Cuban independence) have not been followed. On the contrary, exiled Cubans are persecuted, indicted, arrested, even in international waters, because of their actions on behalf of Cuban liberation. That Resolution, enacted under the aegis of the Monroe Doctrine, as the document itself states, looked to the security of a hemisphere troubled by activities issuing from the Tricontinental Conference, the OLAS, and the Cultural Congress, all held in Havana. The purpose of the Resolution could have been fulfilled with a law similar to No. 11 of 1941, known as the Lend-Lease Act, by which the U.S., without undertaking belligerent activities, became the arsenal of democracy during World War II. At this time, Israel, Vietnam, Cambodia, Laos, and other countries, are receiving loans and aid in their efforts to halt the aggressive advance of Communism. Free Cubans have not been lent similar assistance.

Since the dissolution of the Cuban Revolutionary Council, a virtually static policy toward Cuba has prevailed. It has been restricted to a series of condemnations by the OAS and to a so-called blockade, which has none of the characteristics of one and which has been totally ineffective in contributing to the overthrow of Castro's Communist tyranny.

THE NEW U.S. FOREIGN POLICY

From the beginning of his term, President Nixon declared that he would take to the conference table all conflicts in which the U.S. was involved. It is not within the scope of this document to analyze whether the internal conflicts that plague this nation have been responsible for forcing President Nixon to seek peace by any pragmatic means. Under Professor Kissinger's advice, the President's policy took a bold step: he visited China seeking the "Asiatization" of Asia, just as he has sought the "Vietnamization" of Vietnam. The Pacific Ocean is no longer under American military hegemony, which has been unable to establish peace in Indochina, but has been successful in provoking uneasiness in Japan. By the wayside fell Formosa, not properly Chinese territory, but a country that has always struggled for its autonomy.

Professor Kissinger, perhaps under the influence of his cultural upbringing, has a perspective on world problems reminiscent of Bismarck's *Realpolitik* and Hausoffer's classical geopolitics, in which Third Reich hierarchs found justification through his concept of *lebensraum*. Kissinger pointed out the road to Peking as the way of achieving a world balance of power. A new Yalta may emerge from President Nixon's visit to Moscow in May, a strategic apportionment of territory similiar to that which took place 27 years ago on the Crimean peninsula. Because of its failure, Yalta should remind the free world of Lenin's dictum: "Treaties are like cakes; you break them with your hand".

The adviser's thought, laid down in his book *American Foreign Policy*, accepts Bismarck's postulate that "in war, retreat is only a tactical measure, often an indispensable one". "Living space" seems a requisite of all nations, not the privilege of the two polarized military powers in a world of political multipolarity. Kissinger makes some surprising assertions in his book, as when he states that one nation should not be better armed than another because that places the former in an indefensible position. In his mind, decisions made amidst great doubts become practically sacred once they have been put into practice. The object, he states, is the survival of the Administration so that it may achieve its planned objectives. It does not matter whether the objectives are desirable or not. The time required for administrative success is much shorter than that required for historical achievements.

The ethical principles that President Wilson introduced into foreign policy have been totally eliminated. What matters is peace, and the re-election of the President under the attractive mantle of world understanding. The U.S. has already suffered from one error of judgment in the recent Indo-Pakistani war, where India achieved the preeminence that the U.S. had denied it, through the help of the U.S.S.R. The German-Soviet-Polish pacts provide another example, as does the Franco-German agreement to create a common currency, a blow in the face of the dollar crisis. Thus, U.S. policy leans toward peaceful coexistence, one of the tactics of Communism's total political war. The Soviet seeks time; the Chinese seeks space. The two seek to bury us. They have never denied it.

OUR PROTEST

The recent events taking place between the U.S. and the Communist block for the purpose of reaching an entente to head off atomic conflict, erradicate war as a solution to international disputes, and establish peace, are part of an old Communist tactic. The truth is that it has never involved burying the war hatchet. Communists evade the issue in their slogans and machines for agitation and subversion: "wars of national liberation" have their support, but they must always take place in the free world because they are then struggles against imperialism, that is, the United States. Within their own territory, we see the Iron Curtain, the Berlin Wall, "limited sovereignty", the Soviet tanks in Hungary, Czechoslovakia, etc.; in short, Soviet colonialism that exploits the riches of other nations and assigns them tasks within an economic development plan that is useful only to Moscow. Their system is totalitarianism under the Party-State, despotic centralization, state capitalism, a subjection of all to their coercive apparatus, with no room for civil liberties or human rights.

Coexistence with the tyrannical regime of Fidel Castro, a possible outcome of the Moscow talks, where the voice of the Cuban nation in diaspora is ignored, is a mockery, unadmissible under any circumstances. Before this event can come about and after the sad experiences of the Bay of Pigs and the October missile crisis, occasions in which the U.S. betrayed the trust put in them by the Cuban people, the Cuban Revolutionary Party (Auténtico), translating the feelings of all Cubans, raises its voice in protest and places before the American people the following declaration:

"We do not accept that the destiny of the Cuban nation be negotiated in Moscow by the two military world powers. The U.S. lacks plenipotence to neogtiate a new retreat and the confirmation of the surrender of Cuba, a step that goes beyond the present status and may signify the permanent loss of liberty of José Martí's country. The political leaders of the U.S. should be fully conscious of this fact, as should the American people, who, by way of the vote, invest them with power.

"If the U.S. should act thus, it must answer to history, to the people of Cuba, to the unaligned nations, to its own allies. Only the sovereign Cuban people can decide their own destiny. The Cuban nation in exile, which represents all Cubans, does not accept any type of coexistence with the Castro regime. We do not want a second Treaty of Paris. We do not wish to meddle in the foreign policy of this nation; even less do we strive to dictate it. But when it involves an attack upon our nation, we have the right to repudiate it, in legitimate defense of her independence. If we are turned over to the enemy, we will not surrender. If you give in, we will resist to the end, and employ in the process all necessary tactics."

Board of Cuban Revolutionary Party (Auténticos): Dr. Carlos Prío Socarrás; Dr. Eduardo Suárez Rivas; Dr. Manuel Antonio de Varona; Dr. José Alvarez Diaz; Dr. Mario del Cañal; Daniel San Román; César Lancís; Angel Cofiño; Dr. Luis Fernández Caubí; Julio Alvarez; Dr. Sergio Mejías; Dr. Enrique C. Enríquez; Conchita Castanedo; Dr. Luis Raúl Fleitas; Teodoro Tejeda Setién; Ing. José Adán; Alfredo Rubio; Arnaldo Aguilera; Luis Gustavo Fernández; Dr. Guillermo Ara; José A. Rodriguez; Carlos M. Varona; Dr. Rafael Rubio Padilla; Pedro Leiva; Coronel Rafael Izquierdo; Eduardo Palomo; Aida Serra; René A. Leiva; Eddy Suárez Rivas; Adolfo Redolta; Eduardo Paz; Luis Casero Guilléns.

Miami, April 6, 1972

ABUSE OF THE "SPEECH AND DEBATE" CLAUSE OF OUR CONSTITUTION

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALL. Mr. Speaker, today I am compelled to speak out on the abuse of the "speech and debate" clause of our Constitution, and primarily the lack of responsibility as well as disrespect for Federal law which was created to protect vital defense information from reaching our enemies.

On May 15, 1972, the Congressional Record contained an article by a Member of this body ostensibly to prove that our Government is spending twice as much money to hide information as it spends to inform.

The comparison made is misleading. Over half of the $126 million supposedly spent for security classification was, in fact, spent for personnel security investigations. This money was not spent to hide or conceal information, but to insure the loyalty of these personnel to our U.S. Government.

This body should not be divided, or demeaned, under the false guise of patriotic responsibility, "freedoom of speech," and the "right to know."

We have a responsibility as representatives of the people to respect the laws we enact, and to insure that national defense information, which if given to our enemies, would injure these United States, is adequately protected.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PETTIS (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mrs. HANSEN of Washington, for May 22, 1972, through May 25, 1972, on account of official business.

Mr. RANDALL, for Monday, May 22, and Tuesday, May 23, 1972, on account of official business—commencement address and annual meeting of Chamber of Commerce.

Mr. RONCALIO, for 5 days, May 22 to May 27, for committee business, hearings of Interior Committee in Utah and Arizona.

Mr. HEINZ (at the request of Mr. GERALD R. FORD), from 4 p.m. today, on account of official business.

Mr. KEE (at the request of Mr. O'NEILL), from 6:15 p.m. today, until adjournment, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MILLS of Maryland), to revise and extend their remarks, and to include extraneous matter to:)

Mr. KEMP, today, for 10 minutes.
Mr. WILLIAMS, today, for 15 minutes.
Mr. VEYSEY, today, for 5 minutes.
Mr. BUCHANAN, today, for 5 minutes.

(The following Members (at the request of Mr. PATTEN), to revise and extend their remarks and to include extraneous matter to:)

Mr. GONZALEZ, today, for 10 minutes.
Mr. RODINO, today, for 10 minutes.
Mr. ADDABBO, today, for 15 minutes.
Mr. REUSS, today, for 10 minutes.
Mr. PATMAN, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GRAY in three instances and to include extraneous matter.

Mr. ASPINALL in two instances and to include extraneous matter.

Mr. POFF, following the vote on the Derwinski amendment in the Committee of the Whole today.

(The following Members (at the request of Mr. MILLS of Maryland) and to include extraneous matter:)

Mr. MCCLOSKEY.
Mr. WYDLER.
Mr. HUNT.
Mr. SCHMITZ in two instances.
Mr. KEMP in three instances.
Mr. WYMAN in two instances.
Mr. ZWACH.
Mr. SPRINGER in five instances.
Mr. MCCLURE.
Mr. PRICE of Texas.
Mr. WHITEHURST in three instances.
Mr. SCHWENGEL.
Mr. BRAY in four instances.
Mr. SMITH of New York.
Mr. EDWARDS of Alabama.
Mr. HARVEY.
Mr. SPENCE.
Mr. CHAMBERLAIN.
Mr. MCCULLOCH.
Mr. HOSMER in two instances.

(The following Members (at the request of Mr. PATTEN) and to include extraneous matter:)

Mr. ALBERT.
Mr. GONZALEZ in three instances.
Mr. ROGERS in five instances.
Mr. HAGAN in three instances.
Mr. RARICK in three instances.
Mr. DINGELL in two instances.
Mr. RODINO in two instances.
Mr. ROSENTHAL in five instances.
Mr. WOLFF.
Mr. DONOHUE.
Mr. JOHNSON of California.
Mr. REUSS in six instances.
Mr. DOWNING.
Mr. YATRON.
Mr. BEGICH in five instances.
Mr. ROONEY of Pennsylvania in five instances.
Mr. BRASCO.
Mr. HARRINGTON in five instances.
Mr. PATTEN.
Mr. RYAN in three instances.
Mr. BRINKLEY.
Mr. FAUNTROY in five instances.
Mrs. HICKS of Massachusetts.
Mr. CAREY of New York in two instances.
Mr. CARNEY.
Mr. GRIFFIN in two instances.
Mr. JARMAN.
Mr. LEGGETT in five instances.
Mr. FRASER in five instances.
Mr. DORN in two instances.
Mrs. SULLIVAN in two instances.
Mr. BINGHAM in three instances.
Mr. VANIK in five instances.
Mrs. MINK.
Mr. SEIBERLING in two instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14655. An act to amend Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Monday, May 22, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2001. A communication from the President of the United States, transmitting a report of the transfer of certain minor statutory functions by the Secretary of Defense as part of the consolidation of the mapping, charting, and geodetic operations of the Department of Defense within a Defense Mapping Agency, pursuant to 10 U.S.C. 125; to the Committee on Armed Services.

2002. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a listing of contract award dates for the period May 15–August 15, 1972, pursuant to section 506 of Public Law 92–156; to the Committee on Armed Services.

2003. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend section 1306(a) of the Federal Aviation Act of 1958, as amended, to authorize the investment of the war risk insurance fund in securities of, or guaranteed by, the United States; to the Committee on Interstate and Foreign Commerce.

2004. A letter from the Acting Attorney General, transmitting a report for calendar year 1971 on the administration of the Foreign Agents Registration Act; to the Committee on the Judiciary.

2005. A letter from the Director, National Legislative Commission, The American Legion, transmitting statements of the financial condition of the American Legion as of December 31, 1971; to the Committee on Veterans' Affairs.

2006. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to encourage and assist States and localities to coordinate their various programs and resources available to provide human services in order to facilitate the improved provision and utilization of those services and increase their effectiveness in achieving the objectives of personal independence, economic self-sufficiency, and the maximum enjoyment of life, with dignity, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALDIE: Committee on the Judiciary. H.R. 13366. A bill to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes; with amendment (Rept. No. 92–1070). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOLAND: Committee on Appropriations. H.R. 15093. A bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes. (Rept. No. 92–1071). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on bloc grant programs of the Law Enforcement Administration (Rept. No. 92–1072). Referred to the

Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ANDREWS of Alabama:

H.R. 15060. A bill to prevent a decrease in the dependency and indemnity compensation of any dependent parent of a deceased veteran or in the pension of any veteran or widow of a veteran as the result of any increase in social security benefits or railroad retirement benefits provided by law enacted on or after January 1, 1971; to the Committee on Veterans' Affairs.

By Mr. BROYHILL of Virginia:

H.R. 15061. A bill to establish a system of capital transfer taxes for individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 15062. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CLEVELAND:

H.R. 15063. A bill to amend the Internal Revenue Code of 1954 to encourage the use of recycled oil; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 15064. A bill to amend title 38 of the United States Code in order to provide cost-of-instruction payments to institutions of higher education with increasing enrollments of veterans; to the Committee on Veterans' Affairs.

By Mr. DULSKI:

H.R. 15065. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. DULSKI (by request):

H.R. 15066. A bill to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of 70 years of age and completion of 5 years of service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GOLDWATER (for himself and Mr. Bell):

H.R. 15067. A bill to require contractors of departments and agencies of the United States engaged in the production of motion picture films to pay prevailing wages; to the Committee on Education and Labor.

By Mrs. GRASSO:

H.R. 15068. A bill to amend the Public Health Service Act to assist research and development projects for the effective utilization of advances in science and technology in the delivery of health care; to the Committee on Interstate and Foreign Commerce.

H.R. 15069. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 15070. A bill to amend the Internal Revenue Code of 1954 to provide that certain homeowner mortgage interest paid by the Secretary of Housing and Urban Development on behalf of a low-income mortgagor shall not be deductible by such mortgagor; to the Committee on Ways and Means.

By Mr. JONES of Tennessee:

H.R. 15071. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. KUYKENDALL:

H.R. 15072. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. LLOYD:

H.R. 15073. A bill to establish the Glen Canyon National Recreation Area in the States of Utah and Arizona and the Canyon Country National Conservation Area in the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. MOLLOHAN:

H.R. 15074. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons; to the Committee on Banking and Currency.

By Mr. MOORHEAD:

H.R. 15075. A bill to amend section 231 of the Trade Expansion Act of 1962 to permit the extension of most favorable nation treatment to products of the Union of Soviet Socialist Republics; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania:

H.R. 15076. A bill to amend the Gun Control Act of 1968 to require each State to grant reciprocity to the police officers of other States with respect to the carrying of concealed weapons; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 15077. A bill to establish a commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands; to the Committee on Agriculture.

By Mr. SAYLOR:

H.R. 15078. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. SCOTT:

H.R. 15079. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. SMITH of New York:

H.R. 15080. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. STAGGERS (for himself, Mr. Rogers, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 15081. A bill to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against heart, blood vessel, lung, and blood diseases; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin (for himself, Mr. Bennett, Mr. Bob Wilson, Mr. Matsunaga, Mr. Begich, Mr. Eilberg, and Mr. Stokes):

H.R. 15082. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. TEAGUE of Texas:

H.R. 15083. A bill to amend title 38, United States Code, to provide increased rates of pension for certain widows of veterans of the Spanish-American war; to the Committee on Veteran's Affairs.

By Mrs. DWYER:

H.R. 15084. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. FULTON:

H.R. 15085. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. McKEVITT:

H.R. 15086. A bill to designate the Eagles Nest Wilderness, within the Arapaho and White River National Forests, in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. MILLS of Arkansas:

H.R. 15087. A bill to provide for the striking of national medals to honor the late J. Edgar Hoover; to the Committee on Banking and Currency.

By Mr. PRICE of Texas:

H.R. 15088. A bill to amend the Agricultural Adjustment Act of 1938, as amended, so as to protect the cotton farm yield of farms on which any crop of cotton is destroyed in any year prior to harvest through no fault of the producer; to the Committee on Agriculture.

By Mr. STEELE:

H.R. 15089. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. STRATTON (for himself, Mr. Coughlin, Mr. Drinan, Mrs. Hansen of Washington, Mr. King, Mr. Mikva, Mr. Mitchell, Mr. Price of Illinois, Mr. Runnels, Mr. J. William Stanton, Mr. Steele, Mr. Yates, Mr. Daniels of New Jersey, and Mr. Begich):

H.R. 15090. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, and for other purposes; to the Committee on Ways and Means.

By Mr. TALCOTT.

H.R. 15091. A bill to repeal section 3108 of title 5, United States Code, which prohibits the employment by the Federal and District of Columbia Governments of individuals employed by detective agencies; to the Committee on Post Office and Civil Service.

By Mr. WYMAN (of himself, Mr. McKevitt, Mr. Robinson of Virginia, and Mr. Veysey):

H.R. 15092. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. BOLAND:

H.R. 15093. A bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. FULTON:

H.J. Res. 1205. Joint resolution proposing an amendment to the Constitution of the United States with respect to tenure of office for judges of the Supreme Court and inferior courts of the United States; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.J. Res. 1206. Joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month"; to the Committee on the Judiciary.

By Mr. PELLY:

H. Con. Res. 618. Concurrent resolution to amend the act of December 27, 1950 (64 Stat. 1120), authorizing the waver of the navigation and vessel inspection laws; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDERSON of Tennessee (for himself, Mr. Coughlin, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Lujan, Mr. McDade, Mr. Meeds, Mr. Seiberling, and Mr. Yatron):

H. Res. 988. Resolution expressing the sense of the House of Representatives that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program; to the Committee on Appropriations.

By Mr. CONYERS (for himself, Mrs. Abzug, Mr. Ryan, Mr. Dellums, Mrs. Chisholm, Mr. Rangel, Mr. Stokes, Mr. Mitchell and Mr. Fauntroy):

H. Res. 989. Resolution impeaching Richard M. Nixon, President of the United States, for abuse of the Office of President and of his powers as Commander in Chief of the Armed Forces by ordering the mining of all North Vietnamese ports and the massive aerial bombardment without discrimination as to the lives of civilians in Indochina, and for other high crimes and misdemeanors within the meaning of article II, section 4, of the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MURPHY of New York:

H.R. 15094. A bill for the relief of Rosa Alfonzetti; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 15095. A bill for the relief of Leonard Diamond; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.R. 15096. A bill for the relief of Mrs. Patricia Bukowski and John Juras; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

RECEPTION OF FORMER MEMBERS OF CONGRESS

HON. WILLIAM M. McCULLOCH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. McCULLOCH. Mr. Speaker, I include a rerun of the "Former Members Day":

The SPEAKER of the House presided.

The SPEAKER. On behalf of the Chair and of the Chamber, I consider it a high honor and a distinct personal privilege to have the opportunity of welcoming so many of our former Members and colleagues as may be present here for this occasion. We all pause to welcome them. This is a bipartisan affair, and in that spirit the Chair is going to recognize the floor leaders of both parties.

The Chair now recognizes the distinguished gentleman from Louisiana (Mr. Boggs).

Mr. BOGGS. Mr. Speaker, I join with the Speaker and with the distinguished minority leader in welcoming back so many of our former colleagues.

As I look about and see the faces of so many old friends, I feel as if we have never really been separated, and in many ways that is quite true, Mr. Speaker. Only one who has served in this body or in the other body shares the fraternity that we share. Together we have sought to serve our country and together we have sought, as best we could, to resolve the problems of our times.

So in truth and in fact, all of you are still a part of us—and soon all of us here will join you.

The Honorable Sam Rayburn, one of the great Speakers of this House, liked to say, and I have heard him say it so many times, that "to serve here just for one term was the greatest honor that the people could confer on a citizen of this country."

All of you have had that great honor and that great distinction. I am pleased to see that you have joined together in an association and a group that has a permanent secretary in order to give continuity to that service even after you have ceased to be a Member.

I am informed that the members of your association now number almost 500 which, of course, indicates the great bipartisan interest that exists in this endeavor. I am told that one of your founding members has gotten so enthusiastic that he had had to withdraw as the cochairman here today because he wants to come back, not as an alumnus, but as an active Member of this body. Of course, I wish him well.

So again let me join with the Speaker of the House and with the minority leader in saying—this is your day and you take over and we will enjoy meeting with you and listening to you.

The SPEAKER. The Chair recognizes the distinguished minority leader, Hon. Gerald R. Ford, of Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I am honored, as you are and the distinguished majority leader to welcome all of the former Members back on their second anniversary as an organization at a function of this kind.

Mr. Speaker, the distinguished majority leader and I, along with all of our contemporary Members, have the opportunity to make speeches and express our views on the floor of the House almost daily when the House of Representatives is in session. Too, we want to hear from you.

Therefore, it might be wise for me to follow a practice that we still have, and which you had, and that is to ask unanimous consent to revise and extend my remarks.

But, I would feel remiss if I asked that permission without making one or two personal observations.

We still have, as we have had in the past, differences that are expressed on the floor of the House, some partisan and some within each party. But those things happened when you were here, and I suspect that they will probably happen after we will have left.

But the thing that impresses me today, as it impressed all of you, is that the friendships you make here both within your own party and with others across the aisle are the best friendships—at least that I have ever made in my lifetime.

There is a certain depth in those friendships that go on and on and on, and for good reason: They are made after long association in struggling with problems that are of great import to the country. Those friendships, in my opinion, are a significant factor in making the House the greatest legislative body in the history of the world.

I often say, and I think you would understand it better than most groups that listens, this body is the people's House. All of you, as all of us still here, were elected. Nobody is appointed. The fact that we have to go back to put our record on the line once every 2 years and seek the support of our people makes us far more responsive to the legitimate demands and viewpoints of a certain portion of the Nation's population.

All of you were proud at the time you served here. We are proud to have you back, because your contributions over the years were substantial and significant. But we think the fact that you are back as alumni indicates your continuing interest in the problems of our country, problems that you worked on that still need your help.

Let me say again, Mr. Speaker, I welcome all of you, and we look forward to seeing you in 1973 on your third anniversary visit to the House of Representatives.

The SPEAKER. The Clerk will now call the roll of former Members of the House of Representatives.

The Clerk called the roll of former Members of the Congress and the following former Members answered to their names:

O. K. Armstrong, Missouri.
Laurie Battle, Alabama.
Marion T. Bennett, Missouri.
John W. Boehne, Jr., Indiana.
Frances P. Bolton, Ohio.
J. Floyd Breeding, Kansas.
Charles B. Brownson, Indiana.
D. Emmert Brumbaugh, Pennsylvania.
Joseph Carrigg, Pennsylvania.
Joseph Casey, Massachusetts.
J. Edgar Chenoweth, Colorado.
Victor Christgau, Minnesota.
Jeffrey Cohelan, California.
Albert M. Cole, Kansas.
Harold D. Cooley, North Carolina.
Williard S. Curtin, Pennsylvania.
Laurence Curtis, Massachusetts.
Vincent J. Dellay, New Jersey.
Leonard Farbstein, New York.
Ivor D. Fenton, Pennsylvania.
Homer Ferguson, Michigan.
Phil Ferguson, Oklahoma.

Paul A. Fino, New York.
John R. Foley, Maryland.
Harlan Hagen, California.
John R. Hansen, Iowa.
Ralph R. Harding, Idaho.
Porter Hardy, Jr., Virginia.
Ralph Harvey, Indiana.
Patrick J. Hillings, California.
Earl Hogan, Indiana.
Evan Howell, Illinois.
DeWitt S. Hyde, Maryland.
Edouard V. Izac, California.
W. Pat Jennings, Virginia.
August E. Johansen, Michigan.
Lester R. Johnson, Wisconsin.
Marvin Jones, Texas.
Walter H. Judd, Minnesota.
Edna F. Kelly, New York.
Frank Kowalski, Connecticut.
Theodore R. Kupferman, New York.
Melvin R. Laird, Wisconsin.
Clifford G. McIntyre, Maine.
Hervey G. Machen, Maryland.
D. R. (Billy) Matthews, Florida.
Edwin H. May, Jr., Connecticut.
George Meader, Michigan.
Walter H. Moeller, Ohio.
A. S. Mike Monroney, Oklahoma.
Abraham J. Multer, New York.
Frank C. Osmers, Jr., New Jersey.
Howard W. Pollock, Alaska.
Stanley A. Prokop, Pennsylvania.
Robert Ramspeck, Georgia.
Kenneth A. Roberts, Alabama.
John M. Robison, Jr., Kentucky.
Byron Rogers, Colorado.
Walter E. Rogers, Texas.
Harold M. Ryan, Michigan.
Byron N. Scott, California.
Alfred D. Sieminski, New Jersey.
Lynn E. Stalbaum, Wisconsin.
Maurice H. Thatcher, Kentucky.
Clark W. Thompson, Texas.
James E. Van Zandt, Pennsylvania.
George M. Wallhauser, New Jersey.
Fred Wampler, Indiana.
John Bell Williams, Mississippi.

The SPEAKER. The Chair announces that 68 former Members of Congress have responded to their names.

The Chair is going to recognize the distinguished gentleman from Minnesota (Mr. Judd) and the Chair would like, when Mr. Judd takes the floor, to ask the distinguished gentleman from Texas (Mr. Jones) to take the gavel.

Mr. JONES occupied the chair.

Mr. JUDD. Mr. Speaker, we deeply appreciate the courtesy of the Speaker in calling a recess today in a special session of the House on a Friday for the purpose of honoring the Former Members of Congress by receiving us in this Chamber. I am sure every member of the Former Members of Congress wishes me to express for him personally our appreciation of your kind remarks, along with the words of welcome from the majority leader, the distinguished gentleman from Louisiana, Mr. Hale Boggs, and the minority leader, the distinguished gentleman from Michigan, Mr. Gerald R. Ford.

Mr. Speaker, you have certainly gone beyond the call of duty in inviting to the Chair Judge Marvin Jones, who will later be introduced for some comments by the gentleman from Georgia, Mr. Ramspeck, who will be shuttling back and forth with me as we introduce the Representatives of the various Congresses.

First let me explain why I as the vice president of Former Members of Congress, am here today instead of the president and founder of the organization, the Honorable Brooks Hays.

Let me read from the FMC bylaws, article 6(d):

> All membership rights shall be automatically suspended for any Member who becomes a candidate for election to the United States Senate or House of Representatives, and any such Member who is elected shall have his membership automatically terminated.

That is the reason the gentleman, formerly from Arkansas, and now from North Carolina, Mr. Hays, is not here. He became a candidate 2 months ago for election to the House, and therefore his membership in FMC is suspended.

As vice president, I am charged under our bylaws with exercising the functions of the president when he is not present.

Incidentally, I may mention that there are six other members of our organization whose membership is also suspended because they are running for the House or the Senate.

I do not believe anything needs to be said today about the purposes of this organization. Mr. Hays and I discussed those here last year. It was felt, first of all, that the close friendships established during our years in these bodies were precious and it was too bad to let them drop and not to maintain the fellowship and warm personal relations developed here.

A second reason for forming FMC, I believe, was a feeling that we as former Members, after we had left the Congress, had not done all we might for the benefit of our country. Our bylaws state that this organization, Former Members of Congress, Inc., can take no action on any political issue, and no officer or member can use this body or his membership therein for or against any political issue before our country, for or against any legislation before the House or the Senate or any State legislature, or for promotion of, opposition to, any candidacy, his own or any other.

To be useful, this organization must be totally bipartisan—or more important, nonpartisan. We are now only Americans no matter how divided we were by the aisle when we were sitting as Members of the Congress.

I would like to emphasize again what was brought up in our annual business meeting this morning, that this organization as such is not trying to influence the conduct of affairs in the U.S. Government, whether by the legislative, the judicial or the executive branch. We do believe, however, that there are some situations, especially in our own colleges and universities, and in our hometowns, in which we might perhaps be useful, when called upon, to help people understand better than they do the decisionmaking and legislative processes that have made this House what we believe, as the gentleman from Michigan so well said, is the greatest legislative body in the world, along with the U.S. Senate. We are dedicated to this country and this Congress and we hope that we can be useful, whenever opportunity arises, to make such experiences as we have had available, not so much to the Congress as to the people of our country.

Now, Mr. Speaker, may I report on our membership? A total of exactly 400 former Members of Congress have joined and paid dues. That is a little more than half of all the former Members of both Houses we have been able to locate. I may add that we did not get many new members this last year because 1971, an odd-numbered year, is not one in which there are many active Members who become eligible for membership in our organization of former Members.

We do not wish anyone any bad luck in the elections coming up this even numbered year. But in addition to the some 35 Members of the House and the Senate who have announced they are not going to run again, and who will be eligible after next January 3, for our organization, there may be some who are retired for other than voluntary reasons by next January. I assure you they will be more than welcome to join us in Former Members of Congress, Inc.

Mr. Speaker, during the last 2 years, we have lost 17 former Members by death. I should like to read their names and honor them by inclusion in the record of this meeting.

John G. Alexander, Minnesota;
Earl H. Beshlin, Pennsylvania.

You will recall that Mr. Beshlin was with us last year, over 100 years of age. He came to the Congress with you in 1917, Judge Jones. He said he was elected as a Democrat Prohibitionist. Unfortunately, in the last year he has passed on.

The others are:

C. W. "Runt" Bishop, Illinois;
Robert B. Chiperfield, Illinois;
William O. Cowger, Kentucky;
Frank P. Graham, North Carolina;
Noble J. Gregory, Kentucky;
Bourke B. Hickenlooper, Iowa;
Edgar W. Hiestand, California;
George Huddleston, Jr., Alabama;
Harold O. Lovre, South Dakota;
John Esten Miles, New Mexico;
B. J. Monkiewicz, Connecticut;
Gerald P. Nye, North Dakota;
Charles E. Swanson, Iowa;
James W. Trimble, Arkansas;
Sinclair Weeks, Massachusetts.

In our business meeting this morning we had a memorial service in their honor.

Now, I should like to yield to the distinguished gentleman from Georgia, Mr. Ramspeck, senior Democrat member of the FMC board of directors, for whatever remarks he may wish to make, and then we will introduce the representatives of the various Congresses here represented.

Mr. RAMSPECK. Thank you, Mr. Judd.

Mr. Speaker, I have never forgotten my first term as a Member of this House and, therefore, I am not going to make any speech.

The SPEAKER. Will the distinguished gentleman from Georgia suspend until the Chair can call to the chair the distinguished gentlewoman from Ohio (Mrs. Bolton)?

Mr. RAMSPECK. I shall be glad to, Mr. Speaker.

(Thereupon, Mrs. Bolton assumed the chair.)

Mr. RAMSPECK. During the first term which I served in 1929 and 1930, I was sitting back in the cloakroom having a sandwich one day when some Member was out here in the well of the House making a ripsnorting speech. The gentleman from Colorado (Mr. Taylor), who had been here a long time, remarked to those of us sitting there and said, "That young fellow may regret that speech." He said, "When I first came here 20 years ago, I made a lot of speeches and I cannot think of a one of them I would give a nickel for, but there are some in that permanent RECORD I would give $1,000 to get out."

Madam Speaker, it is my privilege to present to this group here today for 1-minute speeches and to tell you what they want to say, the Representatives on the Democratic side, beginning with the senior Representative here who entered the Congress in the 65th Congress.

He was a most distinguished and illustrious Member of this House, a man who in my opinion during the early days of the depression did as much, if not more, than any other leader of the House to alleviate some of the difficulties of that depression.

Madam Speaker, I now call upon the distinguished gentleman from Texas, Mr. Marvin Jones of the 65th Congress.

Mr. JUDD. Madam Speaker, will the gentleman yield just temporarily?

Mr. RAMSPECK. Yes.

Mr. JUDD. I think it was understood, was it not, that these first two distinguished Members, the oldest in terms of beginning their service and in terms of years, were to have a little more liberty under the 1-minute rule?

Mr. RAMSPECK. That is correct, Dr. Judd.

Mr. JONES of Texas. Madam Speaker, the distinguished majority and minority floor leaders, and ladies and gentlemen of the Congress, I do not feel quite that old, but I suppose that I entered Congress before about half of you discovered America. It is rather difficult to win an argument with the calendar.

Madam Speaker, it gives me infinite and inexpressible pleasure to have the privilege of again addressing this distinguished body which I have always regarded as the greatest legislative body, and along with the Senate, the greatest Congress, in all the world. I have been, as all Members have been, jealous of the prerogatives of this body.

On behalf of the entire organization of ex-Members I want to thank the officials of this House for their generous courtesy in allowing us to blow off a little steam.

As a matter of fact, we are about the best emissaries the Congress has in all parts of the United States. In all parts of the country that there are many people who do not realize that of the 3 million people who work for the U.S. Government, only 537 are elected by the people. I have told that fact many times. This number includes 100 Senators, 435 Members of the House, the President and the Vice President. They are the only ones that the people have a right to call to account in the House every 2 years, and in the Senate every 6 years, but in fact approximately one-third of the Senate every 2 years. If some group is seeking a selfish advantage or seeking some favorite legislation and can persuade the public to lose their faith in their chosen representatives by accusing Congress of dragging its feet, they have it made.

Liberty is one of the priceless possessions any people can have. We talk about giving people liberty, but we cannot give them liberty. We may give them an opportunity for liberty, but if they have not equipped themselves to keep it, they will not be able to keep it; they will lose it overnight.

That is ABC.

The Members of Congress are in the limelight always. They are subject to attack. When I first fell from grace and got into politics, I found out things about myself that I had never even suspected. Still men and women will still brave its dangers. In their willingness to do so rests the hope of the retention of representative government.

I believe a majority of the Members of the Congress, or a great many of them, at least, are lawyers, and most of them have read Blackstone, or know about Blackstone, and they will remember that in the early days when the king could do no wrong and was a dictator, they had what they called the wager of battle. If two people had a civil suit each one of them would select someone to do their fighting for them, usually on horseback. The man who won that fight, either using lances or swords, won the lawsuit for his principal. But slowly and gradually, like the rising of the sun, people began to realize that there was a question of right or wrong involved, and that the question of who won the physical contest left wholly untouched the question of who was right.

Then they began to realize that they must have laws and courts, so that a suit might be determined not by physical contest, but on the question of right and justice.

I wonder when the nations of the world are going to discover that principle?

It may be a long way off but when we reach the point that the people of the world are willing to take that course, it will be by the art of persuasion and agreement, rather than contest.

Liberty and law are as intimately linked as the law of supply and demand. You cannot have one without the other. For instance, we talk about stopping colonialism, but I believe that some of the former colonies go into dictatorships almost as soon as they are turned loose. They break up into tribal wars.

Courage, education, industry, and faith are the priceless ingredients of liberty, or the preservation of liberty anywhere, any time and any place.

How can a man protect his rights if he does not understand them, and how can he understand them without a knowledge of the past and the present? One must search the musty pages of history to find the secret of a nation's greatness, or the cause of a nation's fall.

You will recall that Thomas Jefferson said one time that nearly anybody can stand adversity, but that he could not say that much for prosperity. And I hope that the young people, who are going to take over pretty soon, and their distant tread can now be heard—sometimes I think it is not very far distant—will understand this. Each generation has the advantage of the accomplishments and should do better than the previous generation. A pygmy standing on the shoulders of a giant can see farther than the giant ever saw. I should be disappointed if they do not do better.

I happen to think they are going to do better. I have visited campuses all over the United States. I have been sitting on the U.S. court of appeals for the last several years, all over the United States, because the courts are behind, and they like to have extra help. I have been able to visit these campuses, and I have found that a great majority of the young people want to do something. I hope that none of them will get the idea, however, that governments are organized to make things easier for them. Life should be an adventure filled with the priceless thrill of work and accomplishment.

I think we are living in the most wonderful period in the world's history.

We are going through—from one epoch into another—on a sort of blind express. I do not know what is over there, or what is coming. But I do know this. We are not going back—we do not go back. We are under the pressure of change and a great many people are accepting the doctrine that Congress is dragging its feet. Selfish interests are trying to take away the prerogatives of the Congress; and those people who have a purpose to serve in making anything like a rubber stamp out of the Congress, or in abusing the means of propaganda.

Then some dictator then—that is the first step for a dictatorship and the loss of liberty.

Now we are going through a process of change. Old forms are being discarded. New discoveries are being found. The earth, the sea, and the sky are filled with hidden secrets planted by the Creator as a challenge to the human race. There is no limit to human accomplishment. We have only scratched the surface.

I do not get a chance to express myself very often in a body like this—so I thank you for your generous attention and I want to assure you that I shall continue, as will all of the other members of this organization, to be the emissary of the Congress, and to tell the public again that Congress should never be asked to pass hurried, ill-considered legislation—they should have a chance to conduct a full hearing and hear both sides. Poor legislation is worse than no legislation.

I believe in the U.S. Government, her history, her institutions, and her people. Knowing the glories of her past I have implicit faith in her people. Old forms are being discarded as they are outgrown. Truth, unfettered by out-worn creeds and dogmas, is knocking at the portals of humanity. I hope that the best of the past will be blended with the best of the new in a course of continued growth and progress.

The SPEAKER. The Chair would like to call to the chair the gentlewoman from New York (Mrs. Kelly).

Mrs. KELLY occupied the Chair.

The Chair recognizes Dr. Judd.

Mr. JUDD. Madam Speaker, it is my privilege now to introduce one who I believe is the oldest man in years who has ever addressed this body, Maurice H. Thatcher, former Congressman from Kentucky from 1923 to 1933.

Prior to that he had been Governor of the Panama Canal Zone 1910–13, and had always been very active in matters concerning the Panama Canal and its well-being.

He said he is a little shaky in his legs and I asked him if he wanted to sit down while he addressed us and he said—"No, sir, I will stand up."

I assure you he is not shaky in his mind. We are all honored that we have the chance today to honor this very great man who has never lost one bit of his interest in our country and in the Congress of the United States, the Honorable Maurice H. Thatcher.

Mr. THATCHER. Madam Speaker and former Members of the House, and any present Members, if they are present of the House and of the Senate, I am very glad indeed that I have been granted this day to be with you.

This Chamber of the House of Representatives is the heartbeat of the United States. The House of Representatives is the heartbeat of America. I suppose that the most fruitful years of my life were perhaps spent in the Congress.

I suppose you can hear me. I am reminded in that connection of a story down in my part of the world, Kentucky, about a man in his cups who attended a free lecture one night in a certain city, and the lecturer was talking about the advance of science. He had a weak voice and could not be heard. He did not know much about the subject that he was presenting.

The man attending the lecture took a seat in the rear and he tried to listen. He could not hear except the mumbling of the speaker. He got up and pointed a shaking finger at the speaker, and cried out, "Louder and funnier."

The well of the House recalls to me many interesting experiences. Naturally. I served 10 years here. I remember that on one occasion Congressman Eslick, of Tennessee—I think he was from Columbia, which is a sort of garden spot in Tennessee—came to the well to speak. He had heart trouble. We were good friends. I thought he ought not to try to speak. I came down and took a seat near him. He was speaking on behalf of the bonus, which was a vital question at that time. He sat right over there somewhere, and I sat in the front row near him because I knew he was suffering with this affliction. He rose to speak, and I remember his words. He was picturing the plight of many soldiers who returned from World War I. He was speaking therefore on behalf of the bonus. I remember his words. He was picturing the plight of certain soldiers who came back to wife and family without any resources.

He said, "We will now turn from this sordid picture." And with those words he fell. I sprang to ease him down as he fell. I knew his condition. I had taken my seat in that position for the purpose, to watch him, and when he fell he was dead. Dr. Calver, House physician, came in and pronounced him dead.

I remember so many scenes that transpired here. It is a great experience to serve in the Congress of the United States.

I have been for a great many years the only surviving Member of the Commission of Seven on the Isthmus and the Canal Zone. I was the civilian member and the Civil Governor of the Canal Zone and in charge of civil affairs. I was able to bring to bear much of my experience in Panama in legislation on behalf of the canal and the Canal Zone and the employees there. After I left Congress, I was still interested in Panama Canal projects and the affairs of the Isthmus.

I was the author in Congress of the bill which became legislation, which provided for the establishment of the Gorgas Memorial Laboratory under the supervision of the Gorgas Memorial Institute of Tropical and Preventive Medicine Inc., with the power to establish a laboratory in Panama City for research touching the cause and prevention of tropical diseases. That bill was an enabling act carrying an original appropriation or authorization of $50,000 annually. Now it is a million dollars. It is the greatest institution in the world of its character. I served as its vice president for 40 years or more, all without compensation, and throughout that time I have served as general counsel, and I am now general counsel and honorary president of the Institute, which supervises the work of the laboratory.

So my various experiences in the past always served me in the House when I was a Member of this distinguished body.

I prepared just a short statement here which I will read, and then it can go into the record for whatever purpose it may be able to serve.

My service of 10 years—5 terms—1923–33, was in an era far different from that which now prevails. That period was one of comparative peace. This is an age of violence. Man is now utilizing the fruits of science for evil purposes.

Mankind must learn that the divine intent is that progress shall be marked with beneficence, rather than evil; that his potential for good is far greater than is his potential for evil; that his mission in life is evolutionary rather than revolutionary; that peace is better than war; that peace and calm are conducive to true and realistic progress. He also must come to the complete realization that however much delayed, destiny wills that the moral values will finally obtain; and that he must labor to apply with ever-increasing force, the lessons of the past. Mirth and music mitigate somewhat the tragedies of life and death.

The moral principle is the greatest gift of heaven to man. It comprehends the spiritual values. Morality is simply what is best for all concerned.

Faith is reasoned hope. If hope endures, faith endures, and reason.

The trait of reason must dominate and control all human life. All lesser animals live only by instinct.

Thanks to the laws of mathematics, men have visited the moon, a miracle of miracles. On yesterday I saw on the TV color set the splashdown of Apollo 16 in the appointed place in the Pacific Seas thousands of miles away. If the laws of mathematics are eternal and unchanging, so are the moral laws, and whosoever defies them will perish in weakness and infamy.

What is true of individual human beings is true of nations. Righteousness exalteth a nation. Extreme partisanship must be shunned. What is best for the country must be the guide and slogan if we are to survive.

Washington fully understood the perils of unrestrained partisanship and gravely warned against its practice. He was objective, cautious, and sought in all his labors for the cause he espoused to be wise and just.

Since I left congressional service it seems to me that the human spirit has deteriorated. It has been my hope that science may change the moral direction. I repeat my observation, that what is best is moral and what is not best is immoral. Evil is the misuse of that which is good.

All of which is trite, yet must be as everlastingly repetitive as the multiplication table.

It has been suggested here and now that I read a verse written by me the other day, and I accept this suggestion and close accordingly. This is a verse I wrote.

I have always been interested in national parks and national monuments. I was the author in the Congress of the legislation that made the Mammoth Cave Region into a national park, the Mammoth Cave National Park.

This is a sonnet about the Statue of Liberty, which here is personified in speech:

STATUE OF LIBERTY (NEW YORK HARBOR)

(By Maurice H. Thatcher)

In awe I stand—gift of a sister nation—
To this land of hope and opportunity.
I bear a giant torch in approbation
Of what the people are; I symbolize the free.
Aliens from other portions of the Planet.
Troop hither, under law, from anear and afar.
The urge involved—there's naught to ease or ban it!
The migrants find the inward-swinging gates ajar.
They seek the solace of these pleasant regions,
And wish to share each and every blessing
With the native born. They are the ardent legions;
And soon all worths they find and are possessing.
The dregs are barred—not those of science, art;
The productive poor, and the pure in heart!

APRIL 12, 1971.

The SPEAKER. The Chair requests the distinguished gentleman from Wisconsin (Mr. Laird) to take the gavel.

The SPEAKER pro tempore (Mr. Laird). The Chair recognizes the gentleman from Minnesota (Mr. Judd).

Mr. JUDD. Mr. Speaker, I hope you have not developed militaristic tendencies in your present position, but from now on, if we go much over the 1-minute rule, you are authorized to apply the rules of the House.

I would like to introduce at this time a Representative of the 71st Congress, the Honorable Victor Christgau, of my own State of Minnesota.

Mr. CHRISTGAU. Mr. Speaker, former Members of Congress, and Members of Congress. The 71st Congress was elected during the campaign of 1928, and some of you will recall that was between the then Secretary of Commerce Herbert Hoover and the Governor of the State of New York, Al Smith.

One of the underlying issues during that campaign was farm relief legislation, but underlying that great controversy was also the subject of prohibition, which did not quite surface during the 1928 campaign but did during the next presidential election.

Both presidential candidates, Mr. Hoover and Mr. Smith, promised farm relief legislation. President Hoover shortly after he was inaugurated called the Congress into a special farm relief session on April 15, 1929. Two of the issues that came up in connection with farm relief legislation were the revision of the tariff and the adoption of an Agricultural Marketing Act. The Congress adopted both of those provisions.

The Agricultural Marketing Act turned out to be ineffective to meet the depression situation in agriculture at that time. Some of you will recall that during 1929 in the industrial sector there was great prosperity but in the farm sector there was a depression.

One of the issues during that Congress was whether or not the Agricultural Marketing Act should contain a provision for surplus control. The Hon. Marvin Jones of Texas at that time was the leader on the Democratic side on the Committee on Agriculture, and he offered the debenture plan as a method of meeting the surplus farm problem. The Hoover administration, however, opposed it, and it was not enacted. The Senate adopted it by one vote, but it was defeated in the conference committee.

The Agricultural Marketing Act failed to meet the needs of agriculture and I think largely on the basis that nothing was done to take care of the surplus farm producers, which Congressman Jones was trying to meet with the debenture plan.

After the Agricultural Marketing Act was passed by the House early in the 1929 special session they took up the matter of the Hawley-Smoot tariff bill. That likewise became an ineffective law. I took a trip to Europe shortly after the House passed that bill and visited a number of countries of Europe and found that there was a tremendous reaction against the United States taking that action in connection with the raising of tariffs. For example, when I went to Holland the people there said, "If you do not buy our tulips"—and we had placed a tariff on them—"we will not buy your automobiles." In Belgium the slogan was, "Patriots ride in Belgian cars" as part of the propaganda against the proposed tariff.

Because the tariff was blamed by the Democrats at that time as being partly responsible for aggravating the depression, it became a great issue in the next campaign.

You may recall that the Hoover administration was defeated by Gov. Franklin Roosevelt of New York.

So, the 71st Congress on the two great issues that were brought before it was unable to meet the problems of the day.

Mr. Speaker, one of the outstanding Members of the 71st Congress who was associated with one of the great issues that later was brought before the Congress; namely, legislation to control abuses in the labor field, and I refer to Mr. Fred Hartley of New Jersey who was one of the younger Members of the 71st Congress. As you know, he later on became chairman of the Committee on Labor and was the coauthor of the Taft-Hartley law which was one of the attempts made by Congress at that time to meet some of the problems of labor.

Mr. Speaker, it has been a great privilege to be here today and I thank you for this privilege.

The SPEAKER pro tempore (Mr. Laird). The Chair recognizes the gentleman from Georgia (Mr. Ramspeck).

Mr. RAMSPECK. Mr. Speaker, it is my privilege to call on the gentleman from Oklahoma, Mr. Phil Ferguson, representing the 72d Congress, for a short statement.

Mr. PHIL FERGUSON. Mr. Speaker, the reason that I look so much younger than these other people is the fact that I was one of the youngest Members on the Democratic side when I was elected.

I had a little word of advice. The Speaker told me when I opposed the Townsend plan, I would not be in Congress long. Sure enough, he was right. I just served 3 terms.

Mr. Speaker, I have one other observation. When I was in Congress the Army was then still plugging for more appropriations for the horse cavalry. I think today the infantry is in about the same situation as the cavalry was then. I speak rather knowledgeably about the infantry. I was a marine in World War II, a foot soldier, and the infantry did the fighting then just as it does now, but it is out of date.

Mr. Speaker, I hope and pray that we have all of the sophisticated weapons available, including the knowledge of outer space, protecting us at this time and not depend on the old conventional methods of warfare.

Thank you.

The SPEAKER. Before the gentleman from Georgia proceeds, the Chair would like to pass the gavel to a former distinguished chairman under whom the Chair served for many years.

Will the distinguished gentleman from North Carolina (Mr. Cooley) please come forward?

The SPEAKER pro tempore (Mr. Cooley). The Chair recognizes the gentleman from Georgia (Mr. Ramspeck).

Mr. RAMSPECK. Mr. Speaker, the 73d Congress will be represented by another Texan, the great State from whence a great many fine Members of this body have come.

I now yield to the distinguished gentleman from Texas (Mr. Clark W. Thompson).

Mr. CLARK W. THOMPSON. Mr. Speaker, I have been given my instructions, and I want to tell the rest of you this, by none other than the Speaker pro tem right now. I have just been reading the instructions to the cochairmen right here and I take note that the words, "Stick to the 1 minute" have been underlined three times.

So, Mr. Speaker, I shall abide by those instructions and merely bring the greetings of the 73d Congress to all of you and tell you what a great privilege it is to be back here. Further, I wish to express the hope that each succeeding meeting for a long time will see us all here again.

Thank you so much.

Mr. Speaker, I yield back the balance of my time.

Mr. JUDD. Mr. Speaker, I am not quite sure who is going to speak for the 74th Congress. Mr. Sterling Cole and Mr. Byron Scott were named. Mr. Cole was here; however, I do not see him at this moment, and also Mr. Scott is not here. How about Joe Casey? I have Joe Casey down on the list of the 72d Congress. Is that right?

Well, Mr. Speaker, we will just have to proceed from the 74th Congress to the 75th Congress. So, Mr. Speaker, I will yield to the gentleman from Georgia (Mr. Ramspeck) to announce the speaker for the 75th Congress.

Mr. RAMSPECK. Mr. Speaker, it is my great privilege and honor to introduce as the speaker for the 75th Congress the distinguished gentleman from California, (Mr. Izac).

The SPEAKER. Before the gentleman from California proceeds, the Chair wishes to pass the gavel to his old friend, the distinguished gentleman from Indiana (Mr. Harvey).

Mr. HARVEY occupied the chair.

Mr. EDOUARD IZAC. Mr. Speaker and Members of the House, and my former colleagues, I can think of many things, of course, that happened during the 75th Congress, but there is one humorous occurrence that I believe you would all like to hear about.

We were elected, as you will remember, in November of 1936, and we came down here to Washington in 1937, and there was no patronage, and everybody looked at everybody else, and said, "What, no patronage?" Because practically all of us had brought at least one friend from the home district, hoping to give him some kind of an appointment down here, either as a policeman, or to run an elevator, or something of that kind.

Well, as it happened, we had a chairman, and I presume they have the same kind of setup today, and this chairman announced to all of us, we new Members, "Unfortunately, there are no patronage jobs available."

As a matter of fact, we found out later he had seven of his own. But that did not help us any.

Fortunately, they did, later on, recognize the man I brought with me from San Diego, and he was put in the document room, and there he served with distinction for over 30 years, and he has just recently been retired.

So, when you come down to Washington for the first time do not always look for patronage.

Thank you.

The SPEAKER pro tempore (Mr. HARVEY of Indiana). The Chair now recognizes the gentleman from Minnesota (Mr. Judd).

Mr. JUDD. Mr. Speaker, I have the great honor of introducing as the representative of the 76th Congress, the Honorable Frances P. Bolton of Ohio.

The SPEAKER. Before the distinguished gentlewoman from Ohio (Mrs. Bolton) proceeds, the Chair would like now to pass the gavel to the distinguished gentleman from Oklahoma, one of our former great colleagues, Mike Monroney.

Mrs. FRANCES P. BOLTON. Mr. Speaker, former Members of the House, and those very good people who have stayed around to greet us. I first want to say one thing: And that is that just before we began this session two of my Ohio members had to leave, one was Senator Bricker, and the other was Bill Hess, great friends of all of us, but I wanted to have them have the credit of this meeting, and of having come for the business meeting this morning.

It is wonderful to be here, is it not? And it is wonderful to stand in this Chamber again. However, I have often heard my family say, "Well, mother, just remember that a few words will do a great deal more than a great many." So I am not going to say very much, and I am sure that that will be a great relief to all of you.

But the fact is that I think as a whole we former Members are not appreciating quite what our value can be to our country. I hope very much as we meet annually, and certainly under the very fine leadership first of the great Brooks Hays, and now of Walter Judd, that we will really take hold of something which will bring knowledge of what this House does before the country, and what it can do in the minds of our children, our grandchildren, and our great-grandchildren—and I now have one great-grandchild—and for many others.

So I hope that as you go home from here that you will take with you a new sense of Washington—mercy, what a lot of new roads and things they have here now—and we are going to be so grand when we drive up here. I could hardly remember my old space in the garage, but I am glad I got it, and I am glad to be here.

You remember coming in here at any time of the day or night, and seeing the Capitol, and that dome? Does it not do something to you? Well, just be sure it keeps on doing something to you so that you can pass that feeling on to your children, grandchildren, and great-grandchildren, and so that they can pass it on their great-grandchildren. For it is America.

Thank you.

Mr. JUDD. I now have the privilege of introducing the speaker for the 77th Congress, Hon. J. Edgar Chenoweth of Colorado.

Mr. CHENOWETH. Mr. Speaker and my colleagues, both of the present Congress and those who formerly served in this body, which is so rich in memories, I bring you greetings from the 77th Congress. I am delighted to be here today. Evan Howell, of Illinois, and I are the only former Members here today.

This is an unexpected pleasure. I never thought that I would again have the privilege of addressing the House of Representatives. It is a thrilling experience for me.

I came here on January 3, 1941, in the 77th Congress. I recall Speaker Sam Rayburn stated he had realized the ambition of his life that day when he was elected Speaker of the House of Representatives.

One of the first legislative battles of the 77th Congress was a fight between Michigan and Arkansas as to which State was going to lose a seat in the House, after the 1940 census. Michigan prevailed. The debate was most interesting.

Then the first major piece of legislation in the 77th Congress was the lend-lease bill. Do you remember that measure? The argument was made it would keep us out of war.

Then I remember the summer of 1941. President Roosevelt was gone for a time and no one knew where he was. Where was he? Out in the Atlantic with Churchill drawing up the Atlantic Charter.

Then you remember Pearl Harbor in December of that year, and the declaration of war against Japan and Germany. I remember distinctly. I believe it was the day after Christmas of 1941, when Churchill addressed a joint session of the Congress in the Senate Chamber. Many Members had gone home for Christmas, but Mrs. Chenoweth and I were here. I recall one statement he made. He said:

> I am happy to report to my people that the United States is now in the war with us.

I remember March 1, 1954, when the Puerto Rico fanatics used the House Chamber for a shooting gallery. The next day I received a call from Colorado. I was asked, "Where were you yesterday—why didn't you get shot and get some publicity." It just happened that I was handling the rule on the Republican side at the time the shooting started, at the request of Leo Allen of Illinois, chairman of the Rules Committee. The bill provided for importation of Mexican labor and was very controversial. Shortly after I took over the shooting started. It sounded like firecrackers. You remember the rest of the story and how five of our colleagues were wounded.

I used to show visitors from Colorado where I was standing and the bullet holes in the table next to me. However, I realized no danger, and fortunately escaped injury.

It is wonderful to be here with you today. There are so many happy memories that come back to me, when I see my old colleagues with whom I served in the House. I concur in the statement that the finest friendships in the world are made right here on the floor of this House. I am delighted to see all of you. I shall cherish happy memories of our service together as long as I live. Thank you very much.

Mr. JUDD. I am glad that we have a representative for the other body to speak for the 78th Congress, which is my own Congress, Senator Homer Ferguson of Michigan.

Mr. HOMER FERGUSON of Michigan, Mr. Speaker, former Members of Congress, and Members of the House and Senate in the present session: It is such an honor and privilege to appear in this well today that I am bound to say a few words on this occasion. I will ask the Chair to measure the time of a minute and call me to order, because I am not accustomed to these regulations of 3 or 5 minutes.

My friends, as I was sitting here listening to my good friend, Marvin Jones, I could not help but be deeply impressed by the great speech which he made. If you will carry his thoughts to the public, it will be well worthwhile.

I have had the privilege of serving in the three branches of the Government. The legislative as a U.S. Senator; the executive, as U.S. Ambassador to the Philippines; and both the State and Federal judiciary. In the judiciary, it was our duty to insure to all Americans that great motto carved on the front of the Supreme Court—"Equal Justice Under Law." In the Senate, and equally here in the House of Representatives, it was our duty to make those laws which are to be applied to all citizens equally by the judiciary. And in the executive, it was our duty to see that those laws were thoroughly carried out.

I am happy, as I stand here and look up, to see the inscription. "In God We Trust" still carved above the American flag. It was my privilege to sponsor the Senate bill that inserted in our Pledge of Allegiance to the Flag, the words "under God." I say privilege because those who pledge allegiance to our flag should realize that our Nation exists under God and it is our God-given and inspired right to represent the great people of this country in the Congress.

I thank you again for the privilege of addressing you once more.

The SPEAKER pro tempore (Mr. MONRONEY). The gentleman yields back 15 seconds of his time.

Mr. JUDD. Mr. Speaker, I am compelled to make an announcement. We have 13 more former Members to speak and we have 8 minutes before we are scheduled to board buses to go to the Department of State and the Department of Defense. A word to the wise.

It is now my privilege to introduce from the 79th Congress Hon. Albert M. Cole of Kansas.

Mr. COLE. Mr. Speaker, this is a week of notable returns—Apollo from the moon, Henry Kissinger from Moscow, and another notable return I think will be ignored by the press. I do not think Walter Cronkite will have it on the news tonight. I doubt that Jack Anderson will even disclose it in his column. I am referring to my return to the well of the House.

But more important than that, of course, is that we are here today to honor the Members of Congress, those who have served and those who are now serving. Important indeed is that. But in addition to that, we want to focus the attention of America on this House of

Representatives, because we all believe that it provides for the people of America a symbol of freedom.

The significant return today, however, is that of this organization, former Members of Congress.

Today we honor Congress and the men who serve in that great body.

More than honoring, I suggest we may focus the attention of America on this unique people's institution of advocacy, action, and protection.

When all shouts, anger, tears, abuse, and frustrations fade away, the strength and achievements of Congress become the living symbol of our freedom.

Thank you very much.

Mr. RAMSPECK. Mr. Speaker, it is my privilege to introduce from the 80th Congress the gentleman from New York (Mr. Multer).

Mr. MULTER. Mr. Speaker, may I remind those who heard the story, that stories throughout this country do change from time to time, and the story that came from Kentucky to New York is presently told about the same speaker and same gentleman, seated in the rear of the auditorium who called out, as we tell it, "I can't hear you," and a Member in the front row replied, "I can, and I'll change seats with you."

This is one of the nice things about our coming to this rostrum to speak. Anybody can leave without even asking to be excused.

May I plagiarize very briefly the remarks of our distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS) and our minority leader, the gentleman from Michigan (Mr. FORD) by saying that most of us remember, who served under the great speakership of Sam Rayburn, the gentleman from Texas, his constant repetition of "I love this House." I believe that love is inculcated into every last Member of this House on the day when we take our oath, and it remains with us as long as we live.

Then, too, as pointed out by the minority leader, our organization, if it survives and does anything, will prove that we can disagree but never be disagreeable. The purpose, if nothing else, of our organization will be to prove that this House of Representatives and the Senate, the Congress of the United States, is a living institution to be respected and revered, so that we can go on from strength to strength.

Mr. RAMSPECK. Mr. Speaker, it is my privilege to call upon the distinguished gentlewoman from New York, Mrs. Edna F. Kelly, to represent the 81st Congress.

Mrs. EDNA F. KELLY. Mr. Speaker, to speak from the well of the House was a privilege and a great honor. To have the opportunity to speak again in this august body is a greater privilege and honor—and a great responsibility. We must recognize this privilege and let the sitting Members know we pay heed to their responsibilities in these trying days and wish them God's guidance in their efforts to preserve the absolute principles upon which our country is established. I thank them for making this day possible.

Mr. JUDD. Mr. Speaker, it is my pleasure to introduce as a Representative of the 82d Congress, Mr. O. K. Armstrong of Missouri.

Mr. ARMSTRONG. Mr. Speaker, present Members of this great body, and my colleagues who are former Members. I am sure we all appreciate the honor of being here, as every one of my predecessors at this lectern has said. I consider it a great honor to say this word of appreciation on behalf of the members of the class of 1950, the 82d Congress, and still a most distinguished group.

I am sure all of us since our terms here, whether we served for a short time or long, have been introduced somewhere as "a former Member of the Congress."

I always appreciate the honor, but I feel a little humble about what happened on the first day of my term. My wife and I drove up in our battered car to Washington. The next morning when Congress was to begin, we drove up to the Capitol. Even in that day we had to look for a place to park. I noticed a sign in front of the Capitol which said, "Reserved for Members of Congress." I nudged my companion and said, "That is us." So we drove in as if we owned the place.

I had not any more than turned off the ignition when I heard a voice shouting at me which said, "You cannot park there." I looked out of the car. There was this great big policeman, 8 feet tall, and 4 feet wide. Some Members may remember him. He was shaking his billyclub at me, and he said, "You cannot park there!" I said, "Why can I not park here?" He said, "That is reserved for Members of Congress."

I said, "Officer, they just got through electing me out in Missouri." He thought that over for a minute, and then he said, "Well, Mister, please excuse me. You just did not look smart enough to be a Member of Congress!"

That was not the reason I dropped out of Congress after one term. Some Members may remember the inimitable Congressman Dewey Short. In my State in the region I had served, the "other party," as my party called it, in its unwisdom put my district in with that of Dewey Short. I did not want to oppose that veteran, so I dropped out of the race for reelection.

But I have some great memories, as we all do, of our service here. I remember a word of advice I got that first week. I thought, well, I would look in on and talk to the great Speaker, the gentleman from Texas, Mr. Rayburn. I said:

"I am a freshman Member. Have you a word of advice?" He said, "Mr. Armstrong, I have. Just because you have been elected to Congress, don't think that all the wisdom of the world resides in you." And I never forgot that.

I never forgot one other thing, Mr. Speaker, and that was indelibly impressed upon my mind. I remember a great speech of a great general by the name of Douglas MacArthur. After he had been relieved, unwisely, in my opinion, of his command in the Far East, he came to speak to a joint session of Congress. He said one thing that I wish our President at the other end of Pennsylvania Avenue, and everyone who serves in both the House and the Senate today, could remember at this time of crisis in our history. I heard that great general say: "There is no substitute for victory." He was right. There was no substitute for victory in war and there never will be, when we defend the liberties of humanity.

Thank you, ladies and gentlemen.

Mr. RAMSPECK. Mr. Speaker, to represent the 83d Congress, I call upon the gentleman from Florida (Mr. Matthews), whose friends call him Billy.

Mr. D. R. (BILLY) MATTHEWS. Mr. Speaker, I am delighted to represent my colleagues of the 83d Congress; we think, if one would evaluate quality, one of the two best freshmen classes, Mr. Speaker, who ever sat in these hallowed halls.

After leaving Washington, I have gone back to the grassroots of America, and I am teaching at the Santa Fe Junior College in Gainesville, Fla. I want to bring you greetings from the faculty and the student body of that great school.

We have much in common, former Members of Congress and instructors. We both are inclined to know how to live in genteel poverty.

You will recall that sometimes in the cloakrooms we would say that Congress would be a magnificent place in which to serve if you did not have to answer the roll, if you did not have to answer your mail, and if you did not have to run for reelection. Well, teaching would be magnificent and perfect if you did not have to call the roll, grade the papers, and work for tenure.

In closing, Mr. Speaker, I am going back to the grassroots of America to work in the classroom. This week we are studying about the Congress of the United States. I am going to talk about the etiquette of dialog that is so magnificently demonstrated here. I am going to talk about the synthesis that makes possible the merging of 1,000 different views into workable legislation. And I am going to talk about the progress we are making in the solution of problems. So often we just do not get the facts about the progress we are making.

I would challenge myself and you, my beloved colleagues, to do your part in making this country a better place in which to live.

I would challenge my college youth, whom I have the honor of teaching, for the future, and I would plead with them not to use escape mechanisms but to get into the mainstream of American life so that we can all say, after we have done our work, "indeed this is a little bit better country in which to live because of my service."

Thank you.

Mr. JUDD. Mr. Speaker, there is supposed to be one more from that Congress in the person of our Defense Secretary, Mr. Laird, but we are a little late and I expect he has had to go. He has already been honored by you, sir, by your inviting him to occupy the chair.

We will move on to the 84th Congress, to August Johansen. I do not see him here now. He was here, but he is gone.

Mr. RAMSPECK. Mr. Speaker, for the 85th Congress I call on Leonard Farbstein of New York.

Mr. FARBSTEIN. Mr. Speaker and my colleagues, I want to say that for me as a Representative of that class it is a great thrill to be back in these hallowed halls, even though we are only former Members of Congress.

I know, for myself, I did not realize how important this body was and the effect and influence this body has upon the commonweal and the general public until after I had left it.

So all I can say is the Members of this House need only carry the flag and great honor will prevail.

For the Class of "85," I want to say our great wish is first to be able to live until we attain that number, and from then on we will worry about the future.

Thank you very much.

Mr. RAMSPECK. Mr. Speaker, for the 86th Congress I call upon Mr. Fred Wampler of Indiana.

Mr. WAMPLER. Mr. Speaker and Members of this distinguished body: I want to brief my remarks, if I may, and carry you back a few years to Terre Haute, Ind., when a great American came to Terre Haute, Ind., to try to reelect a Congressman who was representing flood control. His concluding remark before combined civic organizations was "There was no issue so complex that it cannot be reconciled through the ingenuity of man." He went back to Texas. This was possibly his last public appearance for the Honorable Speaker Rayburn of the House of Representatives became ill and never returned to Washington.

It is my privilege and honor today to come back to the House bringing you the words of this great American, hoping that we can live the words that he expressed in Terre Haute, Ind., on that day. His message will never be forgotten.

Thank you very much.

Mr. RAMSPECK. Mr. Speaker, representing the 87th Congress, I call upon a gentleman from Idaho (Mr. Ralph Harding).

Then we go to the 88th Congress, and I call upon Mr. Harold Ryan of Michigan.

Mr. RYAN. Mr. Speaker. Members of the Congress, and my colleagues who are former Members of Congress, the alumni Members of the 87th and 88th Congresses are deeply grateful for the opportunity that they did have in serving in this Congress and making their various contributions. We like to think that we did add a little bit to help carry on the great Government of the United States and to help in some way even to make it better as time went on. We are also grateful for the opportunity given us in creating and developing some of the best friendships a person could ever have.

There were many good things that were done in our freshman years which are too numerous to talk about, but at the same time one of the outstanding events which occurred—and I was not on that particular committee—was under the leadership of our great President then, John F. Kennedy, we attempted to make plans to the moon.

President Kennedy did say at that time that we would be the first country to put a man on the moon, and it was during my freshman year here that appropriations were wisely made by the Committee on Appropriations and given to the Space Committee in order to develop plans so that this dream could actually be realized.

Because of succeeding appropriations and with a tremendous amount of work done by thousands of great Americans and with contributions made by many people, we have witnessed the fact that the United States is the first nation to place a man on the moon.

This will be one of the outstanding memories, of course, in my career.

I, like many others, am grateful for the opportunity to be here once again, because, as someone said, we never knew that we would ever have the chance again to grace this podium.

Mr. RAMSPECK. Mr. Speaker, representing the 89th Congress, I call upon the gentleman from Wisconsin (Mr. Stalbaum).

Mr. STALBAUM. Mr. Speaker, you know, the 89th had a lot of freshman Members, and just about at this time in the debate someone would move to cut off all further debate at the end of 2 minutes. I feel a little bit that same way today, so I merely want to give my greetings to all of the Members here from the Members of the 89th Congress and extend these greetings to the Former Members of Congress Club. It is a pleasure to be here speaking for all of them, and I hope we have many more of these meetings.

Thank you.

Mr. JUDD. Mr. Speaker, for the 90th Congress I have the honor to present the gentleman from Alaska (Mr. Pollock).

Mr. POLLOCK. Mr. Speaker, my distinguished colleagues, former colleagues and associates in Former Members of Congress, it is wonderful indeed to stand before you in the well where so much history was born, where great men of America before me have stood, and to have the experience of sharing with all of you the opportunity once again to answer the rollcall in these hallowed Chambers of the United States House of Representatives, truly the greatest deliberative body in the world.

I was privileged indeed a few years ago to represent the people of the great State of Alaska as the Congressman for Alaska. In Alaska we have one U.S. Congressman and two U.S. Senators. I always felt I had a doubly difficult and challenging job in representing my Alaskan constituents, for I had to do the work of two Senators—and I loved every minute of it. My friends, our 90th Congress Club does not have many members in Former Members of Congress Inc. We really do not have sufficient vintage yet to have very many members in this unique organization. I would like to mention, however, one of our distinguished former Members is George Bush, who is now the United States representative to the United Nations in New York, and, of course, Tom Kleppe, the Administrator of the Small Business Administration was in our class. Jim Smith, of Oklahoma, who is the Administrator of the FHA was another. I have had the distinguished privilege of serving under our President as the Deputy Administrator of the National Oceanic and Atmosphere Administration. And with sadness, I must mention that there is another former Member of the 90th Congress who is no longer with us, and that is my good friend and close colleague, Bill Cowger of Kentucky, who died recently while still a young man. His death was untimely.

One thing more, those of you who will be retiring from Congress this year, voluntarily or otherwise, let me say we will sincerely regret seeing you leave this active role in the service of our great Nation; but know also we welcome you into our ranks. We welcome you into membership in this illustrious and prestigious organization—the Former Members of Congress.

Thank you, Mr. Speaker.

Mr. SIEMINSKI. Will the gentleman yield?

Mr. JUDD. I am glad to yield to the distinguished gentleman.

Mr. SIEMINSKI. Mr. Speaker, things change. When I first visited the House Chamber on a hot summer day in the early 1930's, the Speaker was cooled by a small fan on his desk. Spitoons were everywhere.

When I came to the House as a Member in the early 1950's, the Chamber was air cooled, one spitoon stood out near Speaker Sam Rayburn's chair. We voted by voice.

Now, I read, the House will vote by push button, will it soon come to pass that people will guide their Representatives in the Congress on pending legislation by some signal?

Would it help the Members of the House and the Senate form a more perfect Congress if citizens could express their wishes on pending legislation via telephone to computer terminals for relay to the Hill?

Thus, guided by an expression of his constituency on legislation, the Member could vote it up or down as the facts allowed.

Feasible? Expensive? Perhaps.

It is estimated the present Congress will spend about $24 million during the calendar year on franked mail to keep the people informed. Plus an estimated $4½ million on air mail and special delivery. Twenty-eight million dollars a year to keep the people informed. A small price to pay for freedom.

Between elections, what would it cost to keep the Congress informed of the wishes of our citizens on legislation before it is debated for passage?

Would dial-a-vote via telephone to computer terminals for relay to Congress help it become a more perfect body, if that is possible?

Things do come to pass, do they not?

Mr. JUDD. For those of you who are still active Members of the Congress, and those of you who will be retiring voluntarily, or otherwise, this year, I want to say on behalf of all of us that while we deeply regret the facts of political life that may cause you to be leaving your active service in the U.S. Congress, we will certainly welcome you into our fellowship in Former Members of Congress, should you care to join us.

Thank you very much.

Mr. Speaker, a good many former Members wrote or called to express their regrets that they could not attend today's activities, beginning with our two honorary presidents, President Richard Nixon and former President Lyndon B. Johnson, and our honorary chairman, our beloved former Speaker, the Honorable John W. McCormack, the latter not only wrote to express his regrets, but also sent a check for support of the organization.

Mr. Speaker, I ask unanimous consent to include in these remarks the names of these former Members who have sent regrets at not being able to be present in person.

The **SPEAKER**. It there objection to the request of the gentleman from Minnesota?

There was no objection.

(The list referred to follows:)

E. Ross Adair, of Indiana, now U.S. Ambassador to Ethiopia.

George Bush, of Texas, now U.S. Ambassador to the United Nations.

Katherine Byron, of Maryland.

Louis B. Capazzoli, of New York, Associate Justice of Supreme Court of N.Y. Appellate Division.

Thomas B. Curtis of Missouri.

Ed Foreman of New Mexico.

Hadwen C. Fuller of New York.

Angier Goodwin of Massachusetts.

Charles Hoeven of Iowa.

John Davis Lodge, now U.S. Ambassador to Argentina.

Eugene Keogh of New York.

Donald McGinley of Nebraska.

Catherine Norrell of Arkansas.

M. Blaine Peterson of Utah.

David Potts of New York.

Katherine St. George of New York.

Neil Staebler of Michigan.

Joseph Tydings of Maryland.

Albert Vreeland of New Jersey.

Basil Whitener of North Carolina.

The **SPEAKER**. The Chair will state that the majority leader, when we go back in the House, will ask unanimous consent on behalf of all former Members attending this session to revise and extend their remarks.

Mr. **JUDD**. Thank you, Mr. Speaker.

There are two more items. One is a report of the nominating committee on the actions taken at the annual meeting of FMC this morning regarding the members elected to the board of directors and the officers for the new year.

Mr. Speaker, for that purpose, I yield to the chairman of the nominating committee, the disinguished former Member from Alabama, Mr. Laurie Battle.

Mr. **BATTLE**. Mr. Speaker, as chairman of the nominating committee I am * * * the board of the Former Members of Congress as they were elected unanimously this morning. They were all running after careful selection, in a manner that all of us would liked to have run originally, and that is without opposition.

We have four Members who have graduated from the Board of Directors, the Honorable Brooks Hays, Jed Johnson, Frances Bolton, and James Van Zandt.

Replacing these distinguished former Members will be the Honorable Joseph Barr, Eugene Keogh, Thomas Kuchel, and George Meader. They will serve for 3 years.

In addition, we have former Senator Ralph Yarborough who is running for public office as I understand it and he will be replaced by the Honorable Jeffery Cohelan who will serve for 1 year.

The Honorable Edna Kelly will not be able to attend the meetings of the board for the coming year so she will be replaced by former Senator Joseph Tydings. He will serve for 2 years.

And, saving the best for last, Mr. Speaker, the new president of the Former Members of Congress board of directors is the Honorable Walter Judd and the new vice president is the Honorable Joseph Tydings.

I thank you.

Mr. **JUDD**. Mr. Speaker, the wives and widows of former Members of Congress had a meeting this morning and decided to organize an auxiliary to FMC. They have been in the gallery during this session. They already have more than 150 charter members. They too, desire to maintain their friendships of yesterday.

In closing, once again I wish to express on behalf of every member of the FMC, Mr. Speaker, our great appreciation for your courtesy and that of the majority and minority leaders, and of the other Members of the Congress, for giving us this opportunity to be received by you in this historic Chamber.

Thank you very much.

The **SPEAKER**. The Chair again wishes to thank the former Members of the House for their presence here today.

THE FAILURE OF VIETNAMIZATION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. **HARRINGTON**. Mr. Speaker, that the President's Vietnamization policy is a complete failure is evident after the recent offensive by the North Vietnamese. There are several problems within the ARVN which will not disappear in the near future. There is a decided lack of good leadership, a fact which is reflected not only in military defeats but also in the poor morale of the South Vietnamese soldiers. The ARVN does not have the desire to continue the fight and it will thus be impossible to train an army with this attitude.

In a recent Wall Street Journal article, Peter Kann discusses the shortcomings of, and the outlook for the South Vietnamese Army. He reports the feelings of a Saigon cabinet minister:

> What we are seeing now, . . . is more a battle of willpower than sheer military power, and South Vietnam is short on will . . . They simply didn't fight well. It isn't simply losing that's the thing: it's losing without a fight.

The South Vietnamese Army is not capable of continuing the war without American air and naval support. The President's actions attest to that. And recent events have demonstrated that even with such support, they cannot hold their own. To continue this Vietnamization policy is to assure the American presence in Vietnam for an indefinite time. We must set a definite date for withdrawal and bring all American troops home.

The full text of Mr. Kann's article follows:

[From the Wall Street Journal, May 15, 1972]

MOMENT OF TRUTH: MOST OF SAIGON'S ARMY IS PROVING NO MATCH FOR ENEMY'S SOLDIERS—OBSERVERS SAY SOUTH LACKS DISCIPLINE AND WILL TO FIGHT BUT COULD MUDDLE THROUGH; MUSICAL CHAIRS AT A FUNERAL

(By Peter R. Kann)

SAIGON.—"An army reflects the society it is called upon to defend," says the cabinet minister, pointing out the window toward Tu Do (Freedom) Street and the jumble of traffic, the neon signs, the hawkers, the bargirls and the undrafted young men on their Hondas.

"Just look at our society," he says. "We are not disciplined. We are not purposeful. We are not motivated. So when the big guns start . . . you always have the army you deserve. You cannot expect us to be Prussians. No, not even if you teach us how to goose-step."

"Military sources" says he is proud of the many lessons the Army of South Vietnam (ARVN) has learned at America's knee—logistics organization, equipment maintenance, the use of modern weaponry. "ARVN was taking up the slack, learning to stand on its own two feet," he says. But that was before ARVN was asaulted by almost all North Vietnamese army. "What we are seeing now," he says, "is more a battle of willpower than sheer military power, and South Vietnam is short on will."

The senior civilian official, like the minister and "military sources," is still hopeful about the final outcome. The enemy, he explains, has taken horrendous casualties from American air strikes—"heads and arms and legs and blood and guts and zombies walking around concussed out of their minds." The enemy, he says, has missed some opportunities, and supplies may soon be running short. But what of ARVN's performance in Quang Tri, Binh Dinh and around Kontum?

"There's no use gilding the damned lily," he snaps. "They didn't fight well. It isn't simply losing that's the thing: it's losing without a fight."

After more than three years of measuring "Vietnamization" in terms of manpower and armaments, training and technique, kill ratios and pacification print-outs, ARVN *has* finally come to be tested these past six weeks by its ability and its will to fight under maximum stress. In the view of most observers here, ARVN is in serious danger of failing the test.

A WORD LEFT UNSPOKEN

Despite advantages of numbers, defensive positioning, overall firepower, logistical support and massive American bombing, ARVN has in too many cases been proving itself something less than a match for the enemy. To many observers here, the most significant comment on "Vietnamization" is the fact that President Nixon never even mentioned the word in his May 8 speech about mining the port of Haiphong.

All this is some distance from saying that the war is lost or even betting that it will be. But talks with Vietnamese and American officials—militay and civilian—leave the impression that if South Vietnam survives the enemy offensive, it will be less because of what ARVN does than because of what the North Vietnamese cannot do. And it will be not because ARVN will defeat Hanoi's army but because the North Vietnamese will be unable to sustain their offensive long enough to defeat ARVN (and U.S. air power).

Even if the offensive ended tomorrow, the map of Vietnam would look a good deal different from six weeks ago; somewhat smaller—and badly blotched with red. And even those officials who believe that the enemy offensive will bog down, worry over whether a South Vietnamese army that has frequently proved unable to defend its own military bases could ever gain push the enemy out of territory that has been lost. At this point, however, it isn't the territorial losses (one province, a handful of other districts and some chunks of countryside) that depress officials here; it's the way in which territory has been lost—too often without a fight.

Some ARVN units, of course, have fought well. And presumably, although no one is with them to report it, some Hanoi units have fought poorly. But the initiative and the momentum remain with the enemy. "We need a victory, some victory," a ranking Saigon official says.

A DIVISION OF LABOR?

One indication of the current mood comes from an American official who several weeks ago was optimistic because the native (South Vietnamese) Vietcong, badly mauled during years of fighting, were playing only a minor role in the offensive. This is no less true today. "But what the Vietcong are or aren't doing may not matter any more," this official says. "The North Vietnamese seem to be winning the war, and all the Vietcong would have to do is run the country."

The level of killing and of suffering has risen these past six weeks to a point where talk of optimism and pessimism seems almost irrelevant. The most relevant word is tragedy. Last month ARVN lost at least 30,000 men—dead, wounded and missing—and this month the casualties are running apace. North Vietnamese casualties are presumed to be considerably higher, if only because of American air strikes. Civilian casualties remain untabulated, but North Vietnamese guns, American bombs, the fighting and the fear of fighting have produced more than a half-million refugees since Easter Sunday.

The hopeful allied view of the offensive's outcome is that because of supply problems, aerial punishment and tactical miscalculations, the enemy will be unable to sustain the intensity of its offensive. The mining of Haiphong and escalated U.S. bombing and naval shelling of the North naturally encourage this view. But military sources here shy away from predicting how soon or how serious the effect will be felt.

One problem, of course, is that no one here really knows how much war materiel the enemy already has stockpiled in Laos and Cambodia. But an indication is that last Thursday the enemy fired a record 7,000 mortar, rocket and artillery rounds at An Loc, which is at the southern end of the Ho Chi Minh Trail.

It is said that the U.S. moves against North Vietnam will bolster South Vietnamese morale, and this appears true to some extent, at least among senior ARVN officers. But to the tired and less committed majority of South Vietnamese people, the U.S. actions also reinforce the view that Vietnam is a helpless pawn in a struggle between superpowers. And this is a view that is hardly conducive to mobilizing national pride and purpose.

Certainly no one here is predicting that President Nixon's moves against the North will "bring the war to a successful military conclusion" (as the President said) nor that it will frighten the enemy into abandoning the offensive. On the contrary, officials suggest that the measures will probably cause the enemy to try to accelerate the tempo of attack because supply problems could later hamper a protracted offensive.

A protracted drive to "destroy Vietnamization and pacification" is apparently what the enemy originally embarked on. Analysts here were saying several weeks ago that the enemy considered taking South Vietnamese cities as "bonus points"—tertiary to the main aims of destroying the morale and fighting capability of the South Vietnamese and reinstating a strong Communist presence in the countryside. The enemy was talking of "great victories" but not "final victory."

The enemy, of course, has succeeded in defeating and demoralizing a number of ARVN units, in tarnishing America's image of Vietnamization, in reoccupying many interior base areas and in bringing combat back to much of the countryside.

A GROWING ENEMY APPETITE

Now, encouraged by its successes to date (and perhaps pressed for time), the enemy has begun talking of "decisive" and even "final" victory and seems to be moving into position for what could be a climatic battle for the city of Hue. A military source here says that North Vietnam's Gen. Vo Nguyen Giap "sees opportunities. He is smelling blood. Everything points to Hue." A senior official here says, "The enemy's appetite has grown with the eating."

As the former imperial capital of all Vietnam, Hue has great psychological significance to both North and South Vietnamese, and both sides appear to be marshaling forces for a major showdown.

The North Vietnamese could not, or at least did not, take immediate advantage of the sudden fall of Quang Tri on May 1 and of the ensuing panic in Hue, where defeated ARVN troops brawled in the streets and the city's civilian population rushed to Da Nang in epidemic fear. But now the North Vietnamese are urgently moving supplies into the hills west of Hue and are dragging down and digging in their heavy artillery pieces. "They are preparing, preparing, and soon we will see the shells of their big guns," a South Vietnamese general in Hue says. He and other ARVN officers there believe that heavy barrages could begin within a week.

The South Vietnamese, meanwhile, have positioned the best divisions of their army in Hue: The First Division, the marine division, the airborne division and elements of other units. And Gen. Ngo Quang Truong, widely considered the most competent commander in ARVN, has been newly appointed to command the northern front. If these forces are soundly defeated, there would seem to be little to stop the North Vietnamese from moving on to win the war. ARVN divisions to the south are of poorer quality and are already under stress on other fronts.

Hue is now more of a military camp than a civilian city. Two weeks ago its normal population of 200,000 was bloated by another 100,000 Quang Tri Province refugees. But, like a python consuming a heavy meal, the war has since swallowed the refugee bulge farther south to Da Nang, where the normal population of 430,000 has nearly doubled.

GRIM SITUATION IN THE SOUTH

While the psychological stakes are highest in Hue, the military situation farther south may be even grimmer. The North Vietnamese are closing in on the Central Highlands city of Kontum, having routed ARVN units in Tan Canh and Dak To and forced the abandonment of a string of protective fire bases. (Yesterday, however, the South Vietnamese said they drove back an enemy attack just north of Kontoum.) On the central coast the enemy has captured three populous districts of Binh Dinh Province and is threatening to topple other districts in adjacent Quang Ngai. Gobbling up large chunks of the populous central coast might have more military signifiance—and entail less risk of defeat—than taking Hue. Thus, some analysts believe the concentration of Hanoi forces around Hue could turn out to be something of a diversion for escalated attacks down the coast. In the Highlands, if the North Vietnamese take Kontum City, they would be close to cutting the country in two—from Kontum to Binh Dinh. This is one of the specters, however melodramatic, that first brought American troops into the war back in the mid-1960s. And while cutting the country in two may mean less than it sounds, it would "make the maps look awfully messy," a senior official says.

Farther south, in the Third Military Region, which surrounds Saigon, the major fighting is still around the largely leveled little provincial capital of An Loc. The encircled garrison force there has taken terrible punishment from North Vietnamese artillery and ground attacks and is almost universally praised for its tenacious defense. The North Vietnamese, too, are taking massive casualties, particularly from U.S. air attacks, and seem to have miscalculated in expecting a quick victory. The battle could turn out to be a blunder for both Saigon and Hanoi.

A LEGION OF EXPLANATION

The explanations—or excuses—for enemy successes are legion. Certainly, neither the South Vietnamese nor the Americans were prepared for an offensive of this scope and intensity. "We just weren't building ARVN for what is happening to it," a military source says. Many U.S. officials were long aware of ARVN's faults—spotty leadership, dependence on American air power, questionable morale—but the weaknesses hadn't seemed so serious in recent years as the war wound down in intensity. The really heavy ARVN fighting was being done in neighboring Cambodia and Laos, and the failures there could be explained away by new or difficult terrain or by the dictum that it is more difficult to attack than to defend.

ARVN certainly was unprepared to face some of the heavy Soviet weaponry currently being used by the North Vietnamese—sophisticated antiaircraft guns, big 132-mm. guns and tanks. But the value of enemy antiaircraft doesn't come close to offsetting ARVN's advantage of having air power. Enemy artillery has been effective not so much because of the range of the shells as because of the static positioning of ARVN units. And military sources consider the significance of North Vietnamese tanks to be far more psychological than military. ARVN commanders continue to cite "superior" Soviet weaponry as the prime reason for Hanoi's successes, but the fact is that after many years of having nearly all the weaponry advantages, ARVN seems shocked and intimidated to find that the enemy also has modern heavy weapons.

More justified may be the view expressed by South Vietnamese Marine Gen. Le Nguyen Khang several days ago in Hue: "you (the U.S.) taught us to fight like the American army, but you didn't equip us like the American army." Certainly, ARVN units lack some of the firepower and particularly the helicopter mobility, that the U.S. units had.

"It's fine to talk about an offensive mentality when you have 3,000 helicopters," a senior Saigon official says. And it is true that ARVN now has no more than 1,000 helicopters—American and its own—to call on. But then the North Vietnamese have none.

A slightly different explanation is offered by an ARVN colonel, who says, "We have been fighting antiguerrilla war for many years, and now it is difficult for us to remember our army staff-college lessons on conventional warfare." True perhaps, but the North Vietnamese have been fighting a guerrilla war as long as ARVN has, and the North Vietnamese seem adaptable to conventional combat.

Like U.S. units, ARVN is reliant on air support. U.S. combat units generally advanced until they made contact, then called in air strikes, then resumed the advance. A military officer says the difference is that the South Vietnamese make contact, then call in air power, then do *not* advance. And air strikes inevitably are less effective when ARVN units hole up in their fire bases and fail to send out patrols to pinpoint bombing targets.

LACK OF LEADERSHIP

The most frequent U.S. explanation for ARVN failures is leadership—that combination of military ability and personal example that at best motivates troops to win battles and that at worst should prevent units from breaking before battles begin. Some ARVN officers, as at An Loc or in the Central Highlands fire base of Ben Het, appear to be providing fine leadership. But too many top ARVN generals have been promoted more for political reliability than for military prowess and are more interested in making money than in motivating men. (Following the example of their generals, whole divisions had become involved in business enterprises—harvesting cinnamon or hauling lumber.) Moreover, at its top level, ARVN often lacks clear chain of command; generals are jealous of one another's power and anxious about their own private political relationship with President Nguyen Van Thieu.

Under U.S. pressure, President Thieu has been making command changes in the past few weeks, but it almost seems like playing musical chairs at a funeral.

The quality of generals is important, but armies are basically the products of their societies. Perhaps North Vietnam is one of the world's few societies whose army could sustain for all these years—against all odds and despite all punishment—the single-minded objective of what it calls "liberating" South Vietnam. What combination of discipline, idealism and disregard for life keeps North Vietnamese units assaulting in the face of B52 bombing raids? No analyst here has ever come up with a full explanation.

On the other hand, South Vietnamese soldiers at their best display the same combination of courage and caution that might be shown by an American soldier. At their worst, ARVN troops reflect the weariness, indifference and even despair of this society.

CASH WITHOUT CREDIT

A Saigon official was visiting Hue recently to distribute money that would be used to reward distinguished soldiers. Do the North Vietnamese have to give cash rewards for bravery? he was asked. The unusually candid official replied: "No, that's the difference between them and us."

A U.S. official addresses the same subject: "Their guys are revolutionaries, fighting to change the status quo. Our guys (ARVN) are fighting, at best, to preserve a status quo—and one that isn't all that attractive to a common soldier. At worst, our guys know they are fighting so their general can support another mistress at his villa in Vung Tau (the beach resort near Saigon)."

To really motivate and mobilize South Vietnam at this late stage would probably overtax the abilities of a Churchill. And President Thieu isn't a Churchill. Mr. Thieu's strengths—like political cunning—aren't relevant to the present crisis. And his weaknesses—caution, cronyism, suspiciousness, isolation from the people—are proving more costly in crisis.

But for all their lack of discipline and motivation, most South Vietnamese probably don't want Communist rule here—or, at least, North Vietnamese conquest. On the other hand, most South Vietnamese desperately want the war to end.

"We don't like Thieu. We don't like the war. We don't like the Communists," says an opposition deputy in the South Vietnamese national assembly. But he is deeply worried about the way the war is going and wants more help from America.

"What will be President Nixon's next escalation?" the deputy asks. Perhaps there won't be any further escalation, he is told.

"Will he not send the Marines?" the deputy asks. That might be difficult for Mr. Nixon, he is told.

"Then he can send us more Koreans," the deputy says. But perhaps the Koreans don't want to lose more troops in Vietnam, it is suggested.

"That's no problem," the deputy says. "You just pay them more, and they will come."

That the "liberal opposition" of South Vietnam now wants President Nixon to buy Vietnam some more battalions of Koreans is somehow symptomatic of this society—which isn't necessarily to say that it won't somehow muddle through.

AWARD OF MEDAL OF HONOR POSTHUMOUSLY TO L. CPL. JAMES DONNIE HOWE, USMC.

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, May 18, 1972

Mr. THURMOND. Mr. President, a South Carolina patriot made the supreme sacrifice to save the lives of two comrades in combat in the service of their country. For his voluntary act of courage and bravery above and beyond the call of duty, L. Cpl. James Donnie Howe, U.S. Marine Corps of Pickens, S.C., was awarded the Congressional Medal of Honor posthumously.

In honor of his heroic and selfless action, Pickens County dedicated a memorial to L. Cpl. James Donnie Howe on May 6, 1972, in Pickens, S.C. Lance Corporal Howe is the fourth serviceman from Pickens County to receive our Nation's highest award for bravery.

Maj. Gen. M. P. Ryan, Deputy Commander, Fleet Marine Force, Atlantic, gave an inspiring tribute to Lance Corporal Howe at the dedication ceremony. I was moved by his remarks, especially when General Ryan said:

> Patriotism, certainly for this State of South Carolina, has always bred patriots, men and women who believed in a great cause and were prepared to live for that cause and to sacrifice for it.

Mr. President, I ask unanimous consent that General Ryan's dedication address be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Lt. Gov. Marris, Senator Thurmond, Congressman Dorn, families of the men we honor today, distinguished guests, ladies, and gentlemen:

We have come here today to dedicate a memorial to Lance Corporal James Donnie Howe, United States Marine Corps, who gave his life that the men who fought beside him might live.

He was a young man, and we all grieve at the death of one in the prime of his manhood. But there is pride in our grief, for what more can a man accomplish than to have found his place in life; to have filled it with honor; to have left the world better for having lived, and to be forever an inspiration to those who remember him.

James Donnie Howe was born December 17, 1948 in Six Mile, Pickens, South Carolina. He enlisted in the Marine Corps Reserve in October, 1968 and transferred to the Regular Marines in December of that year.

In June, 1969 he went to Vietnam where he served as a rifleman and then as radio operator with the 3D Battalion, 7th Marine Regiment. On May 6, 1970 in Quang Nam Province, Lance Corporal Howe and two other Marines were occupying a defensive position in a sandy beach area fronted by bamboo thickets. Enemy sappers launched a grenade attack against the position. Donnie and his two comrades moved out to assault the attackers, and a grenade was thrown at their feet. Shouting a warning to his fellow Marines, Donnie placed himself so as to insure the safety and lives of his comrades. His heroic and selfless action, far above and beyond the call of duty, cost him his life. He was presented the Nations highest tribute, the Medal of Honor, posthumously, on September 9, 1971.

Lance Corporal Howe was the fourth serviceman from Pickens County, South Carolina to be awarded the Medal of Honor. In January, 1945, private first class Furman I. Smith, United States Army, received the Medal of Honor for conspicious bravery in Italy in World War II. Private first class William A. McWhorter, United States Army, was killed in action at Leyte, Philippine Islands and was presented the Medal of Honor for valor in September 1945. Private first class Charles H. Barker, United States Army, received the Medal of Honor in October, 1954 for bravery beyond the call of duty in Korea, where he was killed in action.

The Medal of Honor is the highest award for bravery in combat that can be given any individual in the United States. It is awarded for gallantry which risks the life of the serviceman in an action which he is is not called upon to perform by duty, but by a higher devotion to his fellow men.

The Medal of Honor for Navy and Marine Corps enlisted men was the first military decoration formally recognized by the American government. It was authorized in 1861. It is awarded in the name of the Congress of the United States, as the elected representatives of the American people. For this reason it is often called the "Congressional Medal of Honor". Whenever possible it is presented by the President of the United States as Commander in Chief of the Armed Forces and as the elected representative of all Americans.

In the 191 year history of the Marine Corps, only 296 Marines have been awarded the Medal of Honor: 296 Marines out of over three and one-half million Americans who have served as Marines since this country was founded. 120 of these medals were awarded from 1862 to 1932, 80 during WW II, 42 for Korea, and 54 for Vietnam. 54 out of the 300,000 Americans who have served as Marines in Vietnam. This will give you some idea of the singularity and significance of the actions of Lance Corporal Donnie Howe.

Four men from this small area have given their lives for their country in such a manner that they will live forever in the history of this Nation as heroes. No other section of this Nation can claim such a percentage. What inspired these men to sacrifice themselves for their comrades? Patriotism, certainly, for this State of South Carolina has always bred patriots, men and women who believed in a great cause and were prepared to live for that cause and to sacrifice for it. Devotion, certainly, devotion to family, devotion to duty, and devotion to the fellowship of men.

Honor, certainly, not personal glory for there is no glory in war. But honor to the principles they were taught at home, in their schools, and in their churches. Honor to the principles that they absorbed perhaps from this very land itself, this peaceful bit of earth where they learned to lift their eyes to the hills and feel one with all mankind.

Ladies and gentlemen, today as never before our country needs heroes, such as these men. Our people are troubled, divided, uncertain of the future, as they have not been for over a hundred years. This year we are faced, as we have never been before, with the realization that current tides in our nation are eroding concepts of honor, patriotism, personal responsibility and even belief in our destiny. We hear loud and clear the voices of those who doubt this nation's ability to resist these tides. Young people drop out and many die from drug abuse—wasted lives, bringing grief to their families, leaving absolutely nothing behind.

Too many of our young people have made heroes of the unworthy—terrorists, hijackers, frauds and confidence men, the greedy, the corrupt and the immoral whose fame, or infamy, spreads like an epidemic across the country. There is a tendency today to deny individual responsibility—to institutionalize evil and thus to blame someone else for personal shortcomings. Too many blame the government, the schools, the armed forces or even the war for their own failures.

The very worst aspect of this cult is the harm done to the youth of our country. If this nation is to remain strong, or even free, we must have belief in our institutions and in our systems. We must maintain a sense of honor and individual responsibility.

As we dedicate this memorial to Lance Corporal Donnie Howe, we can honor him by dedicating ourselves to the cause he believed in.

We must remember the hundreds of thousands who fought in Vietnam—who fought with courage and compassion. We must not let their sacrifice be forgotten in the sensationalism of the failures of a few.

Let us give our support to the men who are prisoners of war and to their families and let us offer our prayers for a lasting peace that will give increased significance to the sacrifices these men have made.

We can continue to believe that ours is a great Nation that is worth sacrificing for.

We can respect the heritage of every American and judge him by his contributions, not his background.

We can remember that our strength lies in our unity—that no man is an island, entire of himself and any act that diminishes the least of our countrymen diminishes us all. Conversely the actions of Lance Corporal Donnie Howe have enhanced us all and have enhanced this Nation.

For the Marine Corps, I pledge to you that we will be a memorial to Lance Corporal James Donnie Howe: that we will remain strong, disciplined, and united as a force for peace. We will continue to stress duty, honor, loyalty—and personal responsibility; the finer impulses that govern the lives of men. We will maintain the Marine Corps as an institution to which this Nation can look for leadership, for pride, and for a sense of community such as all men seek. And as long as there is a Marine Corps, we will remember the sacrifice of Lance Corporal James Donnie Howe.

In the name of the Commandant of the Marine Corps, General Robert E. Cushman, Jr., I dedicate this memorial to a brave and gallant Marine.

AMTRAK FAILS IN IDAHO

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. McCLURE. Mr. Speaker, the House of Representatives reaffirmed its intentions yesterday to make a supplemental appropriation of $170 million to the Amtrak system. My colleagues disagreed to Senate amendments in the conference report which would have boosted that appropriation to $270 million. I was in a meeting on Capitol Hill when that vote was called at 1:17 p.m. and was not advised that a vote was in progress. Had I been here, I would have supported the House version of the supplemental appropriation. Because Amtrak fails in its obligation to service my State of Idaho, I would be happier still to see no further funds at all. I see no reason why Idahoans should be made to pay for a wide transportation network which make no effort to serve even minimal needs in that State.

WHY THE PUSH NOW BY NORTH VIETNAM?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. ZWACH. Mr. Speaker, the conflict in Vietnam continues to be the top concern of most of our people and there are almost as many shades of opinion as there are people expressing them.

I am sure my colleagues and the many others who read the Congressional Record will be interested in the views of one of our top Minnesota Sixth Congressional District editors, Bill McGarry, who conducts a vigorous and highly respected editorial section in his Appleton Press.

I insert Mr. McGarry's editorial in the Record at this point:

Why the Push Now by North Vietnam?

Battlefield strategy is hardly our forte. However, in such matters, we would imagine that someplace along the line the conservation of manpower, if not from a humanitarian standpoint, with the idea that troops alive, not tired or wounded, can be put into battle when needed is rather elementary.

With that little background we find the present campaign of the North Vietnamese hard to believe. It is estimated that little country has more than 90 per cent of its troops taking part in that present invasion of South Vietnam.

Certainly that has to be considered an all out effort and it has been meeting with more than a little success. Except for U.S. air support, which has been considerable, the South Vietnamese are pretty much going it alone and are doing very poorly.

So from that aspect the North Vietnamese and the Viet Cong are apparently winning the war they have been fighting for at least 20 years. But they are doing it at a high cost because of the vastly stepped up bombing of targets in the North by United States pilots and planes.

What we don't understand is why the North picked this particular point in time to push for a military victory. A few months or even a few years can hardly make that much difference to those people now. And if they had waited only a few months it is easy to believe the United States would have been so completely withdrawn from South Vietnam as to not be able to offer much air support.

If the North had waited as much as a year there would hardly be one American left in all of that country at the rate President Nixon was ordering the withdrawal.

What we can't understand is why the North Vietnamese and the Viet Cong didn't simply stack their rifles for a period of time and when all of the U.S. troops were gone simply sweep through the South. They would have lost a little time but would certainly have saved thousands of lives and much property.

Could it be that for one reason or another the North doesn't want the U.S. out of there? Could it be that by keeping us engaged they figure they can bleed this country more and more? Could it be that Russia and China want the war to continue so that they can field test new weapons?

Whatever the reason or reasons, the North Vietnamese efforts of the past month apparently are based more on political reasons than military logic and that in itself should tell us something about the whole sorry mess over there.

ELKINS, W. VA., CITIZENS ARE ACTIVE IN EFFORTS TO END POLLUTION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 18, 1972

Mr. RANDOLPH. Mr. President, the people of my hometown of Elkins, W. Va., are acting to make their city a cleaner, healthier place to live.

The mayor of Elkins, James P. Gladkosky, has begun a personal and official crackdown on illegal trash dumping along the roads and streets of Elkins. The mayor has been particularly concerned about the dumping of trash along the road leading to the city's sanitary landfill. One day recently, he personally ordered a resident to remove a truck-load of trash that had been dumped along the road. Under the mayor's direction, the city is carefully examining illegally dumped trash for clues to its origin.

Mayor Gladkosky, who has participated by obtaining the serial numbers from abandoned electrical appliances and automobiles so that the owners can be traced, said:

> Any citizen caught dumping illegally will be prosecuted to the fullest extent of the law. They will be turned over to the proper officials for possible prosecution.

Also in the Elkins area, the Kelly Foundry has installed $80,000 worth of equipment to remove particulate matter from its smokestacks.

The installation was made possible by the cooperation of the Randolph County Court and three local banks, utilizing a new State law which authorizes county courts to issue tax-free bonds for pollution control equipment. This allows companies to borrow money at a lower-than-normal interest rate for environmental control purposes.

In still another instace, Mrs. Pauline Beckner is using old glass bottles as the raw material in a project to raise money to help obtain a truck for a recycling effort.

Mrs. Beckner has begun salvaging colorful glass bottles for enclosing in handmade net through a process known as Macrame. The attractive results are selling well and the proceeds of her work are being saved to help the Elkins Recycling Group register and insure a truck donated to further their efforts.

Mr. President, I am heartened each

time I learn of citizens' action to combat pollution. All across our country people are becoming increasingly aware of the threat pollution poses, and they are acting to eliminate it. I commend the people of Elkins, W. Va., who are active in the cause of a cleaner environment.

GERMANY AND THE FOLLY OF EMPIRE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. LEGGETT. Mr. Speaker, the principal issue in the recent West German vote of confidence was not the political survival of Willy Brandt, but the much more important question of the values which will guide West Germany in the coming decades.

The Germans had to choose between two courses.

They could choose to perpetuate their border dispute with Poland, thus hanging on to the concept of "Grosse Deutschland"—that is, Germany as a world imperial power.

Alternatively, the Germans could choose to follow the course of France, and the Netherlands: To become one of a number of European nations with energy devoted to prosperity and progressive economic programs rather than to foreign adventures.

As we know, the German Parliament chose the second course. I am sure they will never regret it.

In making their decision, they doubtless compared their country's present happiness and prosperity with the results of their adventures in empire building during the two world wars. They doubtless considered the similar experience of Japan.

Perhaps they also considered our own attempts to control events far from our shores and unrelated to our national security, and considered what pouring $150 billion down the Southeast Asian rathole has done to our economy.

Chancellor Brandt is to be commended for his wisdom in leading his nation to a course of pragmatism and sanity. I am sure that, 20 years from now, the German people will regard this as one of their wisest decisions.

I insert in the Record an excellent editorial on this subject, entitled "The German Question," from the Christian Science Monitor of May 1, 1972:

The German Question

Like the issue of the Common Market in Britain the issue of the Polish-Russian treaties in Germany is one of those things which is immensely more important than appears on the surface.

The surface issue in Germany is only whether one man, Willy Brandt, will continue to be Chancellor. And on that point Herr Brandt's credentials are flawed. His economic policies have been less than brilliantly successful.

But the real issue behind the man Willy Brandt and his imperfect economic policies is whether the German people are truly ready to write finish to that era in German history which opened with Bismarck. Are they going to look ahead as Europeans, or look back nostalgically as Germans to the "Grosse Deutschland" of the Kaiser and Hitler?

There are plenty of valid talking points on the side of those who oppose ratification of the Russian-Polish treaties. But when all the minor and nonessential features are stripped away, the one essential fact remains that these treaties will be an act of renunciation on the part of the German people. If and when they ratify these treaties they will be giving up the idea of a German state bigger and more powerful than any other European state. They will be accepting in place of the concept of a "Grosse Deutschland" the concept of a Europe of Europeans concerned equally with the welfare of all Europeans. They will be entrusting the future welfare of Germans to Europe.

One reason for resisting the treaties is because the Russians and the Poles want them. But it needs to be noted that so, too, do all the other European countries. Russia and Poland are not the only countries which suffered from the German drive for dominance in Europe. From Bismarck to Hitler that urge was the central feature of world affairs. Everything else revolved around it. It caused a score of minor wars and two major wars. The French, British, Italians, and all the smaller peoples of Europe fear a super Germany quite as much as do Poles and Russians.

It is asking a lot of the Germans to ask them to make this deed of renunciation. Considering the present superpower of the United States, it is in questionable taste for Americans to ask it of Germans who not so long ago were themselves super. And there is nothing the Germans aspired to which was different in kind from the dreams of Spaniards in the days of Charles V, of Frenchmen under Louis XIV and Napoleon, even of Swedes under Gustavus Adolphus. The British also have had their "day in the sun." It never set, etc. We all remember.

Which is precisely why the others are letting the Poles and Russians "carry the ball" on this subject. Would French or Italians or Swedes—or Americans—be capable of such a deed of renunciation were they in the position the Germans find themselves in now? Let him who is without national pride be the first to urge its renunciation on the Germans. The only country which, to the best of our memory, ever voluntarily gave up an empire or the dream thereof is Great Britain. And that was not entirely an act of virtue. The practical fact that empire was costing more than it brought in was a stimulant to British high-mindedness. Yet it remains as an unusual, we think unprecedented, act of enlightenment.

And all of this past is why the rest of us sit rather quietly on the sidelines and watch to see whether the Germans are truly ready now to be as high-minded—and wise—and prudent—as were the British; whether indeed the Germans are ready to consider it more important to be good Europeans than to be super Germans.

A new Europe has been a dream of Western man for a very long time—indeed since the rise of the nation states. For the first time in modern history it can now be achieved. The British are ready, if reluctant. The decision really is up to the Germans. If they can do this deed of renunciation, there can be a new Europe and indeed there probably will be a new Europe of Europeans. We are very close to the achievement.

The strongest argument against all this is that it means giving up the idea of a reunification of East Germany with West Germany. Indeed it does. And this is painful for the East Germans and for their friends in the West. They are the ones who must pay the highest price for the achievement of a new Europe.

Yet in the long run what is the best and safest way for retrieving the East Germans from what amounts to Russian bondage?

Is it realistic to think of a Germany powerful enough to release them by force? That is precisely what the other Western Europeans dread as much as anything else No. That is neither a desirable nor a realistic way. That road would lead almost certainly to a war with Russia. Europe is not willing to go to war with Russia over the issue of rebuilding Bismarck's Reich.

The best hope for the East Germans, indeed for all the peoples of Eastern Europe, lies down the road of a new Europe which someday will be able to negotiate as an equal with Russia for the welfare of those peoples who are fated by history to live between the Russians and the Germans.

For all of these reasons we hope that Chancellor Brandt will be the one who leads the German people into the new Europe by persuading them to renounce the old Germany—and right now, when the time is ripe.

TRIBUTE TO LATE SENATOR UPTON OF NEW HAMPSHIRE

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Thursday, May 18, 1972

Mr. COTTON. Mr. President, among the many fine tributes to the late Senator Robert W. Upton was an editorial published in the Concord Monitor. The editorial was written by Leon W. Anderson, who for many years was a columnist on that paper and is now legislative historian of New Hampshire. His friendship and association with the late Senator covered many years. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Upton Was Opponent of Pretense

(By Leon W. Anderson)

There is no sadness in recalling the good things of life, and so it is with our long acquaintance and respect for Bob Upton of Concord.

Robert W. Upton, lawyer and political chieftain for more years than most of us can remember, was long the senior of all he served and surveyed. Of plain and sparse origin in Bow, he was a self-made man who rose to national and international repute in his chosen profession. But he was always just Bob Upton to his friends, for he abhorred sham and pretense, and refrained from imposing his successes upon others.

Like most of us, Upton was a zealous liberal in his youth, who flowered into moderation, and then seasoned into conservatism in his fuller years. His death at 88 recalls that as a young bachelor barrister of 27, he served in the 1911 Legislature and helped spark the dramatic political and governmental reforms of Governor Robert Perkins Bass into being. He represented Bow in that session, and was a member of a special group of legislators which met regularly with Governor Bass to champion his reforms, some of which continue to this day.

The honors that came to Bob Upton, such as being chosen president of a New Hampshire Constitutional Convention and United States Senator, along with the prestige of representing the United States on the Board of Clemency and Parole for convicted war criminals in Germany after World War II, have been fittingly emphasized in newspaper stories. But only a few shared the privilege of knowing his unheralded and unsung compassion for the less fortunate.

No one ever will tally this special sharing which was a private hallmark of Bob Upton. We came to know by chance of instances in which this brilliant and illustrious lawyer humbly took time from his successes to extend a helping hand to a friendless man or woman, when they were unable to pay for his services.

Best of all, we recall Bob Upton as a trial lawyer of the old school. Ever plain of dress and unpretentious of manner, he long wore a cowlick on his forehead to court advantage. He talked to jurors as plain and simple as he looked, and they became at ease and felt comfortable, for this was his charm, and the source of his successes as a trial advocate.

We dream of compiling the story of one of Bob Upton's most sensational trials of all—and perhaps will never get to it. During World War I, a farmer with a German name living on the side of Mount Monadnock was arrested for sending night signals to enemy submarines off the New Hampshire coast. Bob Upton went to his rescue, agreed the townpeoples were correct in reporting mysterious lights from the premises, and then proceeded to debunk the episode in a manner which would have put Sherlock Holmes to shame.

Bob Upton lived a good life and there need be no regrets for his passing. Good fortune was his lot, and the grace of it all continues in five sturdy sons of his image, and, we like to think, of his character.

We offer these recollections at the suggestion of some of his admirers who have shared his friendship in the past.

CONGRESSMAN LEGGETT'S MAIL ON THE MINING OF HAIPHONG

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. LEGGETT. Mr. Speaker, yesterday I received a letter from Republican Chairman Bob Dole, which began:

> As you undoubtedly know from the mail which you have been receiving from your constituents, the American people are strongly behind the President's current effort to bring peace to Vietnam and to bring *all* our boys home.

Senator Dole's assessment of the purpose of "the President's current effort" is of debatable validity, although a 1-minute speech is not the format in which to debate it. But for the record, I have received:

Four hundred and two letters and telegrams opposing the mining and bombing.

Twenty-one letters and telegrams in favor of it.

I find it interesting to note that all but four of the "hawk" communications did not defend the policy itself, but rather urged me to "support the President." I cannot escape the feeling that these people, including Senator Dole himself, would support the President equally vigorously if he were to order immediate and unconditional withdrawal.

It seems to me that blanket obedience to existing policy, regardless of the nature of that policy, is not in the best tradition of American citizenship. Perhaps those who call for "unity" above all should consider these words of Senator Richard Nixon 21 years ago:

> The country wants unity, but it does not want unity on a policy which has led to disaster . . . Disunity hurts our cause without question, but unity on a policy which was wrong could bring even greater disaster.

THE HISTORIC FREDERICKSBURG GEORGE WASHINGTON FESTIVAL

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. WHITEHURST. Mr. Speaker, I am proud to bring to my colleagues' attention an event in Virginia, the mother of Presidents, that honors the first President, George Washington.

The first annual Historic Fredericksburg George Washington Festival will be held this coming Saturday, May 20. The day has been set aside to pay tribute to Washington. It is fitting the event is being held in Fredericksburg. It was in that most historic of American cities that Washington grew to manhood. His home for 17 years was the Washington Rappahannock Ferry Farm, directly across the Rappahannock River from Fredericksburg.

The farm site is most significant. It was there he learned the values of life and the principles of freedom that were later to guide this young Nation. It was on this farm, tradition says, that he chopped down the cherry tree, where he threw a Spanish piece-of-eight across the Rappahannock, and where he studied his surveying trade.

This bit of land has significance to all Americans. However, I am sad to say the remaining 94 acres of the original 600-acre farm are not open to the public. Housing subdivisions and highways have taken much of the old farm, leaving less than 100 acres along the banks of the river. The Washington Rappahannock Ferry Farm is a "missing link" in the chain of locations where Washington lived which are open to the public. The present owners of the farm are not tourist promoters. They have indicated to me that the land was bought to keep it from developers. But one cannot indefinitely tie up thousands of dollars, and requests to allow utilization of the land become more appealing every year. It has been zoned commercial. Located on the Rappahannock River, near a major highway and the downtown area, the land is desirable for commercial use. Several businesses have expressed interest, including real estate developers and manufacturing concerns.

This national heritage is in danger of being lost.

Mr. Speaker, I am a cosponsor, with the other Members of the Virginia delegation to the House of Representatives, of a bill to establish the George Washington Boyhood Home National Historic Site. The bill, H.R. 11126, authorizes the Secretary of Interior to institute a program to preserve and interpret the land for the benefit of present and future generations. Introduced last October, the bill has been referred to the Committee on Interior and Insular Affairs.

I have also had a similar program presented to the American Revolution Bicentennial Commission. The main feature of the project as presented would be an opportunity for the American public to participate in helping save the farmland, and involve the Nation's youth. indeed the youth of the world, in preserving the site. It would be opened to the public in 1976, our Nation's 200th birthday. No final decision has been made on my suggestion.

Mr. Speaker, the citizens of Fredericksburg are justifiably proud of their heritage. The region is full of history important to the development of the United States in both Colonial and Civil War periods. I am pleased to note that however much history they possess, they pay honor to a Virginian who belongs to every citizen of the United States, our first President, George Washington.

Preparations for the festival have received attention across the State. I ask that an article appearing in the Sunday, May 14, 1972, edition of the Virginian-Pilot, a leading newspaper in my district, be printed at this point in the Record. The article follows:

First President Honored at Fete in Fredericksburg

Fredericksburg.—Following in the footsteps of the nation's first president will be the theme of the first annual Historic Fredericksburg George Washington Festival on Saturday, May 20.

Day-long festivities in "America's Most Historic City"—which is intimately associated with both the young and adult life of Washington—will begin at 10 a.m. at Ferry Landing where young George walked up Rocky Lane to school, and climaxes at Washington Avenue Mall where his mother is buried at the Mary Washington Monument.

Events—All free of charge—will feature a parade, historic dramas, arts and crafts demonstrations and exhibits.

At Ferry Landing, Boy Scouts from Virginia and Maryland will try to duplicate Washington's feat of throwing a Spanish piece-of-eight across the Rappahannock River. Drama groups will present episodes from Washington's life, and "Young George" himself will be introduced.

The festival parade, with numerous floats depicting events of Washington's life, will leave Ferry Landing at noon and proceed to the Washington Avenue Mall where afternoon events are scheduled from 2 to 5 p.m. The parade will also feature 10 area bands, military and marching units, Boy Scout troops and majorettes.

The dogwood-bordered Mall will take on the atmosphere of an Eighteenth Century Fair with maypole dances, exhibits, and sale of paintings and Colonial fine arts and handicrafts, flower stalls and judging of a cherry pie baking contest.

Historic Fredericksburg, Inc., will present a projection of plans for the city's 40-block area recently designated as a historic site by the National Register of Historic Places.

Parade floats will be parked on the Mall for viewing during the afternoon. Refreshments and souvenirs will be available both at Ferry Landing and the Mall.

Climax of the festival will come with a 4 p.m. wreath-laying ceremony by an Eagle Scout at the Mary Washington Monument, with area Boy Scouts as an honor guard.

Mary Washington selected this burial place, in the shadow of her favorite Meditation Rock. It is the only monument in the world erected by women to honor the memory of a woman.

For additional information contact Susie W. Hallberg, Director, Fredericksburg Information Center, 2800 Princess Anne Street, Fredericksburg, Va. 22401.

FAZAL MOHAMMED KHAN

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. JOHNSON of California. Mr. Speaker, a few days ago I lost an old friend. The State of California and the Nation lost one of its most dedicated, hard working citizens whose personal life was living proof of the fact that this is the land of opportunity, a land in which a person can achieve great heights from modest beginnings.

Fazal Mohammed Khan, an immigrant from his native Punjab, came to this country as a youngster and through hard work developed a showplace farm in Butte County. Throughout his lifetime here Fazal exhibited a deep gratitude for the opportunities and freedoms which were provided by his adopted land and he contributed tirelessly to the cause of good government at local, State, and Federal levels in order to return to this Nation a measure of what he felt he had received.

Fazal Mohammed Khan is gone but the world, and especially our Nation, is a better one for his having been here.

The Chico Enterprise Record, of Chico, Calif., commented on the life of Fazal Mohammed Khan and I would like to share these comments with my colleagues:

FAZAL MOHAMMED KHAN

If a search were being made for a heartwarming "success story" to inspire struggling immigrants from underdeveloped lands, it would be difficult to surpass the life story of Fazal Mohammed Khan, of Chico and Butte City, who died last Friday.

Covering half a century from his arrival in the U.S. as a boy of 15 from his native Punjab (now a part of West Pakistan), the story of Fazal Mohammed rivals the Horatio Alger yarns from the "rags to riches" standpoint.

Additionally, his deep gratitude for the opportunities and freedoms provided by his adopted land—and his tireless efforts to demonstrate that gratitude—made him an exceedingly effective developer of international good will.

Fazal, as he preferred to be called by his friends (and he considered every person a "friend"), began his life in America at the back-breaking task of "stoop labor" in California's fields.

Ultimately, he became known as one of the nation's top rice growers and his "Fazal Farms" in the Butte City area became a showplace of modern agricultural techniques for delegations of farm officials from foreign lands.

This is not to say that Fazal's rise to farming and financial prominence was rapid and without interruption. No indeed—he and others who worked with him suffered numerous setbacks both from nature and from economic difficulties during the Great Depression. Each time, however, the pieces were gathered up and put back together. And from each setback, Fazal learned much and, as he once said, "became a better farmer, a better man and a better citizen."

Ultimate success enabled Fazal Mohammed to start a process of repayment of what he described as his "debt to America." He supported charitable and social and educational programs with eager generosity. He joined, helped found and helped finance numerous organizations dedicated to the improvement of relations between America and his native regions in Asia. In this realm, he frequently worked hand-in-hand with the U.S. State Department and other government agencies in setting up official programs and international projects.

To a considerable extent, many of Fazal Mohammed's activities and attitudes were similar to those of Gilbert Alm, another prominent local citizen who also died suddenly last month.

The similarities were especially evident insofar as both men were active in politics—not as candidates, but as campaign leaders, financial supporters and hard workers. They worked for different parties—Fazal a Democrat and Alm a Republican—but they each had many friends and admirers in both camps.

Fazal Mohammed, for example, was a great friend and admirer of the late Republican State Sen. Paul L. Byrne of Chico. But the association for which he was best known—and of which he was most proud—was his long service as grassroots backer and advisor of Rep. Harold T. "Bizz" Johnson, the Second District's veteran Democratic congressman.

The Enterprise-Record file on Fazal Mohammed contains a great many complimentary references and clippings. But perhaps a few quotations from Fazal's own remarks best emphasize the qualities and the philosophy that made him so admirably unique.

In speaking of his early "stoop labor" days in the fields: "That was the hardest work I've ever seen. We got up at 3 a.m. and were out in the field bending over all day. But it gave me my start in America."

While discussing the "message" he intended to carry to a distant nation on one of his many good will journeys: "I have a deep feeling of appreciation and gratitude in my heart. Even in my early lean years, the American belief that all men are equal was my hope. I have come to see it practiced here—and that is the truth I will take with me and tell."

One night several years ago, San Francisco Mayor Joseph Alioto was in Chico discussing reports that he might be a gubernatorial candidate. Noting the difficulty an E–R reporter was having in trying to interview Alioto without interruption, Fazal Mohammed offered the privacy of the back seat of his big car and his own services as chauffeur. Returning to the parking lot after about 30 minutes, Fazal turned to the occupants of the back seat and said in his halting but sincere English:

"This is the real land for all peoples. Here we are three Americans—a Pakistani farmer driving his car in circles through the city so an Irish newspaperman can interview an Italian politician about the affairs of the state and country we all love."

That was Fazal Mohammed Khan. His was an exemplary life.

THE GOOD NEIGHBOR QUALITIES OF THE DC–10

HON. JOHN JARMAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. JARMAN. Mr. Speaker, another giant step in air transportation was taken recently when American Airlines linked Oklahoma with California by introducing a new DC–10 nonstop flight between the two States. As the following editorial from the Oklahoma Journal points out, "Oklahomans like it."

They like the comfort and convenience of the new wide-bodied airplane in the air. But most of all they like the good neighbor qualities of the DC–10. Its engines are smokeless and much quieter than older jet engines.

To our friends in other cities concerned about noise and smoke from airplanes we commend the DC–10 good neighbor airplane. "Try it—you'll like it."

The editorial follows:

A GOOD NEIGHBOR

First reports on American Airlines nonstop DC–10 service to Los Angeles—inaugurated here last Sunday—show Oklahomans like it.

Boardings are now averaging 70 percent, a good healthy percentage that should help the airline grow—as Gov. David Hall said—to be the dominant passenger carrier in Oklahoma.

On April 30, the percentage was 76, on May 1 it was 64. May 2 listed 62 percent and May 3 had 78 percent of the plane full on its flight to California.

The DC–10 has a passenger capacity of 204 and represents the first regularly scheduled "big airplane" service out of Oklahoma City.

Acceptance of the airplane is even more gratifying in light of its ecological advantages.

The DC–10 has three GE CF6 turbofan engines rated at 40,000 pounds of thrust each. And the remarkable thing is that they are smoke-free and quieter than conventional engines.

Franklin W. Polk, an American vice president, hit it on the head when he said the "DC–10 was designed to be a good neighbor to the communities it serves." Oklahoma City welcomes this new service as a good neighbor.

MEDICAL CURE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. PATTEN. Mr. Speaker, I would like to take this opportunity to place in the RECORD an excerpt from testimony recently submitted before the Labor-HEW Appropriations Subcommittee of which I am a member.

Dr. Robert K. Crane, chairman of the department of physiology at Rutgers Medical School, a unit of the College of Medicine and Dentistry of New Jersey, has addressed himself to the heart of our problem in dealing with the health of our people. Health care must be one of our national priorities, and we must use a farsighted approach in our work. I have long been concerned with the health needs of our people, and I share Dr. Crane's view that our emphasis should be placed on finding cures and using preventative methods rather than in providing medical care after the fact. As Dr. Crane points out, however, this area has been sadly neglected in the administration's budget request.

Mr. Speaker, the Labor-HEW Appropriations bill will hopefully be before the House for a vote within the next month. I urge my colleagues to read Dr. Crane's testimony so that they may be aware of the problem we face. It is my hope that when this legislation is finally enacted, the "medical cure" area of the budget will be substantially improved.

The testimony is as follows:

TESTIMONY OF DR. ROBERT K. CRANE

Mr. FLOOD. We now have Dr. Robert K. Crane, College of Medicine and Dentistry of New Jersey, Rutgers Medical School.

Mr. PATTEN. May I say Dr. Crane's school is in my district and it is a pleasure to have him come before this committee.

Mr. FLOOD. I thought you would. All right.

Dr. CRANE. Mr. Chairman, distinguished members of the commitee, I am Robert K. Crane, Ph. D., Professor and Chairman of the Department of Physiology at the Rutgers Medical School, which is one of the educational units of the College of Medicine and Dentistry of New Jersey, and is situated at New Brunswick. I am a member of the American Physiological Society and Chairman of its Public Affairs Committee.

I have spent the past 26 years in medical research and medical education. I deeply appreciate this opportunity to tell you of my thoughts, impressions and opinions about the President's 1973 budget for the National Institutes of Health, and I appreciate your forbearance in listening to them.

I am keenly aware of the fact that there is very little of specific substances about the proposed budget which you do not already know. You already know how pitifully inadequate the proposals are as compared to the needs of the research and manpower program.

You already know where the proposals are the most inadequate and in what ways Peter has been robbed to pay Paul.

You already know what benefits of health research and education we are not going to have.

In the records of testimony before this committee and its counterpart in the Senate, records well-known to you, there are contained some most impressive accounts of the ways in which NIH-supported research has benefited the people and of the ways in which even greater benefits are yet to be achieved.

If I had the talent of a Frank Putnam to explicate for you another example of benefits past and future such as his disclosure on a little drop of blood (Statement before the Senate Subcommittee on Labor, Health, Education and Welfare Appropriations, July 8, 1971), I would only be retilling already well-plowed ground.

In the same way, the dollar benefits of biomedical research are also no mystery. Among others, Dr. H. H. Fudenberg of the University of California, has done an impressive job (J. Lab and Clin. Med., Vol. 19, page 353, 1972) of gathering the facts and showing how relatively enormous dollar savings have been reaped for the health sector of the economy from a relatively modest sowing of research into polio, tuberculosis, measles, Rh disease, viral hepatitis, renal transplantation, hemophilia and retrolental fibroplasia blindness.

There is not much more, surely, that needs to be said along these lines. The record is available. It is clear, impressive and persuasive. Judging from this record it would be, frankly, a puzzle to understand why we, the biomedical community and the Congress, continue to find ourselves, year after year, engaged with the struggle to squeeze just a little more life's blood for biomedical research and education out of the stone of executive will.

Reasons for the inadequacy of the budget proposals cannot be found in the record of the past. However, they may be found in the Administration's perception of the future. Where the future is concerned, budget is strategy and the current budget proposals may be taken to represent the strategy which the Administration believes will win us through to the health goals of this country.

I would like to have a few more minutes of your time to take issue with this strategy.

I believe that I am not overstating the case when I say that it is a national goal of the highest priority that medical care and medical cure, even in their most sophisticated and expensive expressions, shall be made available to every citizen of this country according to his need and upon his demand. This goal may not yet have been explicitly stated quite as bluntly as I have done, but it seems to me that there is no other way to interpret all the high level concerns about health care delivery, national health insurance, medical education, cancer and heart and lung disease, among many others. The goal, if not exactly explicit, is indeed clearly implicit in the sum total of these concerns.

The question then that we have an obligation to ask is whether this budget, that is, these proposals of the President for funding of the NIH programs for 1973 can possibly be part of an effective strategy for achieving this goal.

It has been made abundantly clear to us by such authorities on the technology of medical care and medical cure as Dr. Lewis Thomas in his statement before the Senate Committee on Appropriations February 3, 1972, that most of the means we have currently at hand to care for the sick and diseased are either no technology at all or they are halfway technologies.

These means are expensive and their use in medical practice cannot be subjected to the ordinary controls exerted in other sectors of the economy by cost versus effectiveness analyses.

It is also maintained by such a respected economist of the health sector as Dr. Martin S. Feldstein in his book, "The Rising Cost of Hospital Care," Information Resources Press, 1971, page 49, that technical progress in the delivery of health care does not lead to an automatic reduction in the cost per patient day. Such programs may very well lead to increases. Everyone, however, agrees, and experience proves out, that learning how to prevent disease or how to cure it, as contrasted to how to take care of it after it has occurred, does lead to a tremendous reduction in cost.

With respect to the goal of full medical care and medical cure for everyone, the current situation looks like this: On the one hand, great efforts are being mounted to insure and to increase the availability and delivery of medical care while, on the other hand, the efforts for the discovery and development of medical cure, which is to say the budget of the National Institutes of Health is being held back, indeed, even cut back. We are preparing to increase, how many-fold cannot be said, the national input into delivery of the best, most sophisticated and most expensive medical care in the world. We are, by comparison, putting peanuts into medical cure.

As a strategy, this just does not make sense.

There is currently about $70 billion a year spent on health and medical care in this country. How many times will this enormous sum have to be multiplied in order to deliver to everybody the nontechnologies and halfway technologies currently available.

How many would believe that the economy could actually withstand a multiplication of this sort? How many really believe that the current strategy will ever succeed?

The only believable way to achieve the goal of having full medical care and medical cure available to everybody is to convert care into cure. The expensive halfway measures of today's medical practice must be converted into relatively inexpensive and easy methodologies. The only way in which this conversion can come about is by doing the research which will provide an understanding of the mechanism of disease and lead to a cheap and effective cure. The only way in which the research will get done is to spend money to support it. This is the strategy which, there is some hope, can succeed and this is the strategy that should be adopted.

Support for research and manpower should match the dimensions of the problem and the demands of the goal. The President's 1973 budget proposals fall far short of being an effective strategy for achieving the goal of full medical care and medical cure for everyone within a time frame that is meaningful to those of us now alive and at a price we can afford.

Thank you very much.

Mr. FLOOD. Thank you.

AN AMERICAN SPEAKS HER CONSCIENCE

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. HUNT. Mr. Speaker, the division in this country today which many attribute to the Vietnam war is a manifestation, I believe, of the work of a very determined minority that refuses to acknowledge that honest differences of opinion on controversial issues can coexist. The result is the villification of our President, the denunciation of the policies of our Government, the repudiation of our American institutions, and the shouting down of any and all who publicly profess support of the President and our country in these extremely trying times.

I received a letter from a constituent this week that struck a responsive chord because it is the spontaneous reaction of an average American citizen who had heretofore been among the ranks of the illusive silent majority. The fear the message reflects is this: A divided America will ultimately fall. That is, perhaps, the intent of the more radical militants, but it is more importantly a challenge to the great majority of responsible, reasonable and loyal Americans.

The text of the letter follows:

Hon. JOHN E. HUNT,
House of Representatives,
Washington, D.C.

DEAR MR. HUNT: I don't know if you will ever see this letter—I hope you will—and I hope you'll be interested in what I have to say.

First off, I'm not a HAWK nor am I a DOVE. I'm just an American who is horrified by the reaction to the President's decision to blockade our enemy. It is unbelievable to me that Members of our Congress could use expressions like "act of aggression"—Pravda? Yes—a U.S. Senator? God help us all . . .

Please, Mr. Hunt, do what you can to impress on our Congressmen the importance of their being Americans first and politicians second. I'm not a political expert, but it seems to me this war would have been over years ago if Hanoi wasn't given the hope that as a house divided, we will not be able to endure.

Sincerely,

FLORENCE WADE IRWIN.

TRENDS IN AERONAUTICS AND SPACE RESEARCH AT LANGLEY RESEARCH CENTER

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. DOWNING. Mr. Speaker, a most intriguing and thought-provoking program was presented at the recent meeting of the National Space Club here in Washington, D.C. Mr. Edgar M. Cortright, director of the Langley Research Center of National Aeronautics and Space Administration, provided a keen insight to some of the work in aeronautics and space research which is being conducted at this Center. I am pleased to include it in the RECORD so that those Members who may not have had the opportunity as I did to hear it might benefit from its content.

The article follows:

TRENDS IN AERONAUTICS AND SPACE RESEARCH AT THE LANGLEY RESEARCH CENTER

(By Edgar M. Cortright)

It's a pleasure to be here as a guest of the National Space Club and to have this opportunity to speak to you again. When I was here last, I discussed the crisis that is facing American technology today, and what we in the aerospace community might do about it. In a way, my topic for today is a look at the problem from another point of view—that of a research center trying to get on with the job.

What I've decided to do is to tell you about what is going on at the Langley Research Center: Our programs, our aspirations, our problems, and some of the tough decisions which face us. Because Langley is one of the Country's leading centers of aeronautical and space research, and because its program is so broadly based, our story is probably quite representative of national trends in aerospace research and development.

Research Centers are like people in a way. They have a character or personality of their own, and a set of skills of their own. They must have sustenance and shelter. To get them they use their skills to produce a useful product for an employer, who must be solvent, if not affluent. They like to be loved, and to feel that what they do is worthwhile. They ask themselves the same human questions we do: "Who am I?"; "What do I want to be?"; and "How do I get there?"

These are "identity" questions. Today identities and values are being challenged from all quarters. You can hardly rely on being for motherhood and against sin any more. In such a turmoil what do you do? You try to get down to basics—fast!

Basics begin with our charter. Our mission at Langley is to:

Generate new ideas, concepts, methods, and data to advance aeronautical and space science and technology.

Disseminate this information by publication and consultation.

Conduct applied R&D in support of specific national programs, both for NASA and in support of other agencies.

Direct selected development projects.

This is a good charter, and a broad one. To translate it into specifics requires several steps in our thinking. First, we must carefully assess some factors which bear importantly on our future:

The direction of our present program

Future options

National needs and priorities

NASA's probable role and Langley's part in it

Our resources

Actually, we've been wrestling with these issues for the past several years—ever since it became clear that the space program would no longer continue to enjoy quite the priority it held during the 1960's.

We reached these conclusions:

NASA's budget would probably stay under $4 billion through the mid-seventies at least.

The United States could not risk abandoning manned space flight to the Soviets, but would have to choose between a space shuttle and a space station.

Relevance is more than a catchword—it is the mood of much of the country and must be reckoned with.

Many aspects of NASA's program are obviously relevant to urgent national needs by almost any criteria: transportation; national security; earth observation.

Programs that do not fit into the above categories, must contribute in some other equally important way technological advancement; scientific leadership; human aspirations.

Some of the technological strength of the Nation's R&D laboratories, NASA's included, must be redirected to support other agencies on civil sector problems.

We applied these conclusions to our own situation at Langley and made the following decisions:

Increase our *aeronautics program* to

Help solve critical domestic transportation problems

Help retain U.S. leadership in civil aviation

Help improve our military aircraft

Make an all-out effort to develop the required technology for the *space shuttle*

Successfully complete Project *Viking*

Prepare to accept a role in an expanding program of *space applications*

Including assistance to other agencies on civil sector problems.

Maintain a strong foundation of *research* in the basic disciplines of the aerospace sciences.

Now about the time we got fully lined up behind these goals, we met with an unforeseen problem. The Administration, in an effort to help control rising expenses, decided to reduce its complement of employees. Few agencies were spared, and NASA was not among them. Langley will soon be down to 80 percent of its peak strength. I have learned two important lessons from the experience of carrying out these reductions. The first lesson is that the Civil Service regulations governing reduction-in-force (RIF) proceedings are rigid and inefficient and should be modified.

I have personally tried to work this problem without measurable success to date. The second lesson is that the Lord helps those who help themselves.

In the face of these reductions we have taken some relatively drastic steps. Our space research has been cut to less than half its former level. Selected areas of research are being abandoned and related facilities shut down.

We have clung tenaciously to the goals I mentioned earlier: aeronautics, shuttle, Viking, space applications, and the supporting research which undergirds them. I think I can see daylight ahead if we can avoid further manpower reductions. When I look at the content of our program—I am enthusiastic on even the worst days.

AERONAUTICS

Langley now devotes over half its efforts to aeronautics. We are working toward a set of subgoals which are responsive to either the most urgent aeronautical problems, or the most promising future opportunities.

The most urgent problems have been identified in the DOT/NASA CARD study as noise and congestion. Noise can be tackled in several ways: quiet engines, acoustically treated nacelles, jet suppression, and special flight procedures. By applying all techniques we can expect to achieve noise levels of about 90 EPNdB for virtually all types of subsonic aircraft. This compares with nearly 120 for the first jet transports and with the current regulation of 108. There is no doubt that jet aircraft can and will be quieted. Langley is now working primarily with acoustically damped nacelles, jet suppression, and with terminal flight path control. More importantly for the long term, we are constructing an Aircraft Noise Reduction Laboratory to get at the fundamentals.

Congestion can also be attacked in several ways. We can probably double the capacity of existing airports by adding runways and providing for precision flight path control with split second timing and with close spacing under all weather conditions. This requires a neat marriage of airborne and ground electronics, coupled with suitable piloting aids and aircraft-handling qualities. Langley's role is to support the FAA by concentrating on the needs of terminal configured aircraft while the FAA modernizes the ATC system with such improvements as the microwave ILS.

Another approach to congestion is to off-load the major terminals by providing STOL or VTOL service to small strategically located airports. STOL aircraft and advanced transport helicopters will be available before fan-jet VTOL's. They must be quiet, semi-automated, reliable, and comfortable. Suitable aircraft do not now exist. NASA is pushing hard to develop the technology for a number of options. Langley has a joint program with the U.S. Army to procure a Rotor Systems Research Aircraft to develop advanced rotor technology. Ames has a similar joint effort on a tilt rotor research aircraft. Ames also is managing the QUESTOL Project to procure two quiet STOL aircraft for technology development. We are helping them. At the end of these roads we see the following commercial aircraft potentially coming into service in the early 1980's:

A 250 knot, 90 passenger helicopter with half the DOC of current helicopters.

A 350 knot, 110 passenger tilt rotorcraft with a 30 percent better DOC than the advanced helicopter.

A Mach .75, 150 passenger turbo fan STOL suitable for 2,000 ft. field lengths using jet augmented lift.

All will be quiet!

The technology is less well in hand for quiet turbo fan VTOL's. This tells us that we need to get busy. One thing seems clear: because of their high hover fuel consumption, such aircraft will have to get on and off the ground in a hurry with automatic take-off and landing equipment. Langley is tackling this problem, and recently demonstrated a hands-off approach and landing with a helicopter test bed.

So much for some of the major problems we are working on. If they can be solved, a market for about $100 billion in new aircraft is projected by 1985; about $65 billion will go for wide-bodied jets including the European airbus; $20 billion for SSTs; $8 billion for STOL's; and $8 billion for the first buys of an advanced subsonic transport. Foreign governments are subsidizing their aircraft industries to get a bigger share of this market and the competition will be tough. Another reason to get busy!

At Langley we have sizable efforts underway to advance the technology for both advanced subsonic transports (ATT) and second generation supersonic transports (AST).

The next generation of subsonic transports for the 1980's will incorporate quiet engines, composite structures, supercritical aerodynamics, active controls, and integrated avionics. Composites can reduce aircraft structural weight by 20 percent. The greatest need is for service experience to demonstrate their readiness for commercial application. We are sponsoring such efforts at Langley. In aerodynamics, the supercritical wing has come along very well. In one flight demonstration an unswept wing was increased in thickness by 50 percent without loss in critical speed. A swept transport version of the wing on an F-8 has confirmed wind tunnel indications that near sonic cruise is possible. Active controls for stability, load alleviation, flutter suppression, and ride quality can also result in impressive gains and we are working these problems.

Our advanced transport technology (ATT) program is showing how to put it all together—and what it will cost to do so. A national investment of hundred million dollars over the next five years will put us in a position to market medium and long range transports with the following gains over the current wide-bodied jets:

10 EPNdB quieter
15 percent faster
10 percent cheaper to operate

With regard to supersonic transport aircraft, the following points are becoming increasingly clear:

1. The day will come when virtually all intercontinental and some transcontinental air traffic will be supersonic—or faster.

2. The United States must develop a supersonic transport or abdicate its enviable position as master builder of the world's commercial aircraft.

3. We do not have too much time to make up our minds. Are we in, or are we out?

If we decide to get back in this competition there are certain facts we must face up to:

1. The next United States SST must be better than the one we cancelled. It must be quieter, have a greater payload fraction, and have longer range—trans-Pacific if possible.

2. The United States SST must be better than the competition. Because of the time we have lost, the competition will not be the Concorde, but a follow-on super-Concorde of unknown characteristics.

These facts dictate that we proceed with a sense of urgency in the development of the necessary technology to produce a superior aircraft. I believe that there is a remarkable unanimity in the aircraft and air transport industries that a good SST would be a winner for the United States—creating jobs and National income.

At Langley we are making a major effort to formulate an advanced supersonic technology program (AST) to help get the United States back in the competition. We feel that a U.S. SST for the 1980's could have these characteristics in relation to the Concorde:

⅓ faster—M=2.7+
3 times more passengers—350+
twice the payload fraction—.10
50 percent more range—5,000 NM
much quieter—<FAR 36
30 percent cheaper to operate—DOC=1 cent/sea-mile

When you talk hypersonics today outside of NASA and military circles, you can see the eyes of the listener glaze over. This is a mistake. There are at least three potential applications of such advanced technology:

Hypersonic transports
Second generation air-breathing shuttles
Military aircraft

A hypersonic transport might fly to Australia for instance, in 2½ hours. Carrying 300 passengers, it would not look too different from an advanced SST. It might have a low enough sonic boom to fly over land. Operating costs could be competitive. Its most revolutionary features would be hydrogen fuel, with which we are now experienced, and an actively cooled structure, with which we are not.

Langley is one of the last remaining strongholds of hypersonic research in the United States. We have retained a lean hard staff in this area and are focusing our efforts toward definition of a hypersonic research airplane—in a team effort with other NASA centers and the Air Force. We envision an X-15-type project to develop technology.

This concept is receiving good response in most circles of advanced aeronautical thinking. Some, however, feel that shuttle-type transports offer more promise. Perhaps someday—but, if one calculates ticket cost based on the current $100 per pound estimate for shuttle payloads, he soon gets quite interested in the high efficiency hypersonic transport.

I won't have time today to complete the aeronautics story. We are trying hard to improve our traditional support to the military in the face of some excellent threat aircraft. We are taking a fresh look at general aviation. And we are directing our space electronics know-how toward avionics. The atmosphere is one of excitement—and promise.

SPACE

I will say less about space research and technology today for two reasons:

1. You are probably more familiar with these programs.

2. I have about run out of time.

We have several space projects located at Langley: Viking, Scout, Meteorological Technology Satellite, and Air Density/Injun. By *far* the the largest is *Viking*. This important exploration will land scientific instruments on the surface of Mars in 1976. It is progressing well and will provide an exciting event to help celebrate our bicentennial.

Our *shuttle* support is equally large in terms of Langley manpower—about 300. This number may surprise you, but we are playing lead roles in aerothermodynamics, structures, materials, and loads supporting research. Because of such efforts, NASA was recently able to certify the readiness of the technology to support the development of the shuttle. We are now concentrating on problems peculiar to the specific configuration selected.

I cannot overstress the long term importance of the space shuttle to the United States:

It would make space readily accessible to man for scientific exploration practical applications, and national defense.

It would deny any other nation the exclusive opportunity to dominate this new sea above us.

It would maintain our hard-won national space capability, as opposed to permitting it to dwindle away.

It would open up space to opportunities that are as yet undreamed of, but which one day will seem commonplace.

It would stimulate our national technology in a period when it needs a vote of confidence that only such a forward-looking program can bring.

For these, and many other reasons, I feel that the space shuttle is vital to the future of the Country. We must not fall into the trap of viewing the shuttle in the light of yesterday's needs, when it is truly tomorrow's vehicle.

The last area of space research which I will mention is that of space applications—specifically *earth observations*—an area of great opportunity to which the shuttle will ultimately contribute greatly. Langley has been actively engaged for the past several years in a program to help develop the technology to make useful observations of the earth from orbit or from high flying aircraft. Specifically, we have been working on the problem of remote detection of atmospheric constituents, including pollutants. We are also developing theoretical models for the chemical and mechanical dispersion of pollutants in the atmosphere from all manner of sources, including aircraft. We are doing the same for the oceans, but on a lesser scale.

Our goal is to help apply space technology to the support of NOAA and EPA in man's long term battle against the harmful effects of his waste products. This is both a regional and a global problem. Satellites and aircraft alone offer us tools equal in scope to the size of this problem. Scientists must first establish a baseline atmosphere, then carefully monitor any departure from this baseline, and determine the causes of such departure. I envision that one day this will be an international cooperative effort with the United States leading the way with a satellite-based system for data collection, reduction, and dissemination. Wouldn't this be a wonderful way to pull nations together on a problem that concerns everyone—our collective survival?

In conclusion, gentlemen, the Langley scene is analogous in many ways to our National scene—plenty of problems but rich with opportunity. There is only one logical response to such challenges—action—and we are taking it.

SENIOR CITIZENS MONTH

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, the President of the United States has designated May 1972, as Senior Citizens Month. I join President Nixon in urging government at all levels and citizens throughout our Nation to pay special attention during the month of May to the concerns of the elderly. It is hoped that through this added emphasis, programs can be initiated which will become lasting projects.

In 1900, 1 out of every 25 Americans was 65 or over. Today, 1 in 10 has reached the age of 65. Unfortunately, the increase in the number of older Americans has outrun the quality of life available to them. It is the responsibility of each Member of this body to take all necessary steps to insure that Americans can grow old with dignity and pride. It is our responsibility to make certain that the elderly are recognized as citizens who are capable of making significant contributions to our Nation.

It should be noted that President Nixon has backed his concern for elderly Americans with affirmative action. Under his leadership, total spending for the elderly has increased from $29.6 billion in 1968 to $46.6 billion estimated for 1972, a rise of 57 percent in 4 years. And not only has more money been spent, existing programs have been streamlined and updated, and new programs have been initiated.

It was Robert Louis Stevenson who

said, "Old and young, we are all on our last cruise." So as we address the needs of our senior citizens, we are truly in pursuit of a better quality of life for all Americans.

TRIBUTE TO JOSEPH M. BOWMAN, JR.

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. HARVEY. Mr. Speaker, as I know it was for a great number of my colleagues this morning, I was shocked and saddened to learn of the sudden passing of Joseph M. Bowman, Jr. Although Joe and I were of opposite political affiliations, I counted him as a good friend and an extremely outstanding public servant. In my 12 years in Congress, I have yet to meet a more dedicated and capable individual in what is often termed "delicate" congressional liaison work.

But to those of us who knew him, Joe was much more than a liaison representative. He was always thoroughly and completely knowledgeable on the subject at hand. I can recall his tremendous work on such complicated legislation as the Revenue Act of 1964; the Excise Tax Act of 1965; the Tax Adjustment Act of 1966; interest and equalization tax, as well as his long and untiring efforts in behalf of the multilateral lending associations. Nor, have I yet met a person with greater honor or trust. When Joe Bowman gave you the facts on legislation, you did not have to double check. He was truthful and accurate.

In the past few years, when he left Government work to join the Washington law firm of Corcoran, Foley, Youngman, and Rowe as a partner, I have greatly missed our earlier association. I shall always recall our work together with great fondness and appreciation.

To his wife, Mary Isabella and children, my wife, June, and I extend our deepest sympathy.

I insert the news article which appeared in today's "Washington Post" on Joe's sudden passing:

JOSEPH M. BOWMAN, JR. DIES; EX-ASSISTANT TREASURY SECRETARY

(By Jean R. Halley)

Joseph Merrell Bowman Jr., 40, a former assistant secretary of the Treasury and a partner in the firm of Corcoran, Foley, Youngman and Rowe, died Tuesday after an apparent heart attack.

A spokesman for the law firm said he collapsed on the street at 13th and K Streets NW shortly after leaving the firm at 1511 K Street NW. He was pronounced dead at George Washington Hospital.

Mr. Bowman served as assistant secretary of the Treasury in 1968–69. He had served earlier as deputy assistant to the Secretary of the Treasury for congressional liaison and assistant to the Secretary of the Treasury for congressional relations.

During the latter assignment, his legislative responsibilities included work on such bills as the Revenue Act of 1964, the Excise Tax Act of 1965, the Tax Adjustment Act of 1966, Interest Equalization Tax, removal of the gold cover and silver legislation.

He received the Treasury Department's highest award, the Alexander Hamilton Award in 1967.

Born in Valdosta, Ga., Mr. Bowman attended Emory University Law School from 1950 to 1952, when he enlisted in the U.S. Air Force. He was commissioned a second lieutenant in 1953, when he received his navigator-bombadier wings for service in B-29s. He served in Okinawa and was discharged in 1956.

Mr. Bowman returned to Emory University Law School in 1957 and received his law degree that same year.

He was legislative assistant to Rep. John J. Flynt Jr. (D-Ga.) from 1958 to 1959, when he joined the law firm of Kennedy, Kennedy, Seay and Bowman in Barnesville, Ga.

Mr. Bowman returned to Washington in 1962 as congressional liaison officer with the Department of Labor. He joined the Treasury Department a year later. He had been with Corcoran, Foley, Youngman and Rowe since 1969.

He was a member of the American, Georgia and D.C. Bar Associations. He was a member of the board of advisers of the National Bank of Washington and a former member of the board of visitors of Emory University.

He is survived by his wife, the former Mary Isabella Nichols, and three children, Joseph, Mary and John, of the home, 410 Virginia Ave., Alexandria, his mother, Martha Bowman, and a brother, William Stanley Bowman, of Boise, Idaho.

CHANGE PROPOSED IN RULES ON RETIREMENT AT 70

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. DULSKI. Mr. Speaker, the Chairman of the Civil Service Commission has submitted a formal recommendation to you for a change in the Civil Service retirement law as it applies to separation of employees at age 70.

I am introducing the proposed legislation today.

Briefly, the Commission Chairman proposes to change the present provision for automatic separation of a 15-year employee when he reaches age 70 or completes his 15 years, whichever comes first. Instead, he proposes to reduce the service requirement to 5 years.

The full background and justification is spelled out in the letter to you from Chairman Hampton. The text of the letter follows:

MAY 11, 1972.

Hon. CARL ALBERT.
Speaker of the House.

DEAR MR. SPEAKER: I submit for the consideration of Congress, and recommend favorable action on, the attached draft bill to amend (among other things) the separation provisions of the Civil Service Retirement law.

This law now requires automatic separation of a 15-year employee at the end of the month in which he attains age 70. Should he not have served 15 years upon reaching that age, the separation date moves to the end of the month in which this service requirement is met. Extension beyond retirement age may be authorized in unusual cases, and the age retiree can be reemployed by the Government if need for his service exists.

There are also some exceptions to the 70–15 automatic separation provision. The retirement law (1) sets age 62 as the superannuation point of employees of the Alaska Railroad in Alaska and for citizen employees of the Panama Canal Company and the Canal Zone Government serving on the Isthmus (with 15 years' service on the Isthmus or in Alaska) and (2) exempts from its regular 70–15 requirements Members of Congress, Congressional employees, the Architect of the Capitol and his employees, and judicial branch employees appointed for definite terms. In addition, the law's automatic separation provisions do not apply to the other Federal and District of Columbia retirement systems covering a sizable number of workers.

Studies conducted over the years by the Commission and by two independent Committees (the Committee on Retirement Policy for Federal Personnel which was created by an Act of Congress in 1952, and the Cabinet Committee on Federal Staff Retirment Systems which was created by the President in 1965) have all concluded that the present age 70, 15-year service provision in the Civil Service Retirement law for age retirement is not, and has not been for quite a number of years, responsive to the needs of the Government. For instance, in its 1966 report to the President, the Cabinet Committee on Federal Staff Retirement Systems summed up the rationale for amendatory legislation in this area by saying that:

"The 15-year service minimum in mandatory retirement not only prolongs the employment of some who should retire, but stands in the way of the hiring of new workers who would not have 15 years of Federal service by the time they reach age 70. This provision was adopted in 1926, when there were few private pension plans and no Social Security program. There were compelling social and economic reasons for permitting older hires to stay on the rolls until they could gain a significant CSR benefit, even if this took their Government employment well past age 80. Today, the older person with short Federal service may be presumed to have other public or private pension coverage through Social Security, corporate retirement, State or local government retirement, Veterans' compensation, military retirement * * *

"The foregoing problems in CSR as it concerns the older worker point to a serious need for amendment in order to make the system more responsive to operating requirements and give more realistic recognition to the needs and individual capacities of employees."

Although the Government's policy is not to discriminate in hiring on the basis of age, the 15-year service requirement, almost without question, adversely affects Federal employment opportunities for qualified people who are age 55 or older. We believe that if the service requirement for mandatory retirement were changed from 15 to 5 years, it would have the immediate effect of lessening resistance to the appointment of persons over age 55, and at the same time it would open up promotion opportunities for other employees. In addition, it would standardize at 5 years the service period required for disability, deferred, and age-service retirements.

Draft legislation to produce this result is attached. Under the terms of the proposed legislation, persons now serving would continue to be subject to the present age-70, 15-year mandatory retirement provision. The amendment in this respect would apply only to persons appointed or reappointed following a break in service of more than three days, after the date of its enactment. Since the amendment would not be operative until 5 years after its enactment, there would be only a minimal increase in the normal cost of the system of .01% of payroll—it would not increase the unfunded liability of the retirement system during these first 5 years.

In addition, the draft legislation proposes to amend both the Federal Employees' Group

Life Insurance and the Federal Employees Health Benefits laws to reduce from 12 to 5 years the length of service required by a retiring employee to retain his group life insurance and health benefits coverages during retirement. At present, disability retirees are the only group of employees who may continue their life insurance and health benefits coverage, after retirement, with 5 years' service; all other employees who retire on an immediate annuity must, among other things, have completed at least 12 years of creditable service in order to so continue these coverages.

The Commission believes that, if the retirement law is amended to require mandatory retirement after 5 years' service, it would be desirable to set this same period of service requirement for retention of group life insurance and health benefits coverages after retirement. Such a change would permit not only the age retiree, but other eligible employees with 5 or more years' service—some of whom no doubt stay on the job now for the sole purpose of completing the required 12 years' service—to retire with the assurance that the security they had during employment will continue to some degree during their retirement years.

However, we also believe that the effective date for any such change in the life insurance and health benefits law should be five years in the future to coincide with the operative effect of the proposed 5-year service requirement for mandatory retirement. This then would not result in any added cost to these programs for the first five years after enactment. Thereafter, though, we estimate that the regular group life insurance biweekly rate, per $1,000 of insurance coverage, would have to be increased from 41¼ cents to 42 cents (employees' biweekly life insurance rate would therefore be increased by ½ cent (from 27½ to 28 cents) and the Government's contribution would be increased by ¼ cent (from 13¾ to 14 cents) for each $1,000 of regular group life insurance coverage). The biweekly rate for the $10,000 optional group life insurance would be increased by an average of 5.6 cents, and the average high-option biweekly health benefits rate would be increased gradually to an additional 38 cents over a period of about 15 years, due to the increasing average age of enrollees under the health benefits program.

The enactment of the attached legislative proposal would go a long way in making the retirement, life insurance and health benefits laws more responsive to the needs of both the Government and its employees. The Commission accordingly recommends the introduction of the draft bill and urges its early enactment.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this proposal.

By direction of the Commission.

Sincerely yours,

ROBERT HAMPTON,
Chairman.

BUSING FOR RACIAL BALANCE IS WRONG

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. BRINKLEY. Mr. Speaker, the following editorial from the May 18 issue of the Wall Street Journal makes an important point. It recognizes that the busing issue is a valid issue which may be viewed in many terms other than race. The problem has been that many newspapers and many people, themselves, have been restricting their view of this issue to race. It is clear that this view at close range becomes much more in focus than it was at long distance, especially when that long distance look has been toward the South.

The editorial follows:

THE WALLACE PHENOMENON

George Wallace has been disabled by the bullets of a would-be assassin but his political strength has hardly suffered, as any reading of the Michigan and Maryland primary results will attest.

As everyone knows by now, the Alabama governor scored impressive victories in both states, taking about half the votes cast for Democrats in Michigan and nearly 40% in Maryland.

It is unlikely that any politician now remains unimpressed by the Wallace phenomenon. But there are many politicians who may not fully understand why so many voters have listened so raptly to what the little Alabamian has said and then checked his name in the voting booths.

Mr. Wallace, before his brush with disaster, was inviting his listeners to give "them" a message and a good many have responded. In other words, he has invited a protest vote and gotten it. The "them" he refers to are the mainstream politicians in government and Congress.

Regardless of how one feels about Mr. Wallace, and certainly we have our own doubts about his political background and style, the support he has attracted now must be regarded as one of the main political currents in this election year. The protest can no longer be written off entirely as a fringe phenomenon. It deserves more careful examination.

One popular explanation of the Wallace strength holds it to be mainly racist in nature, connected as it is with the issue of school busing to achieve racial balance. Some politicians also think they see a rebirth of old-fashioned populism, perhaps arising out of a nostalgia for simpler issues and simpler times.

There are no doubt both racist and populist elements in the Wallace vote but these are not really adequate explanations of the Wallace political strength. Such explanations do not do adequate justice to the powers of discernment of the electorate or to the validity of the democratic process. It would be extremely depressing to have to assume that so many people are being guided in their vote by sheer bigotry or illusions.

That isn't necessary, however, because such interpretations most likely miss the point of why the Wallace campaign is proving to be so effective. What Wallace has been saying is that government, particularly at the federal level, is not responding to the real needs and wishes of that majority of people who work hard, pay their taxes and try to lead responsible lives. The fact that he is getting cheers and votes of assent to this message suggests that a lot of people think he is right.

When the busing issue, for example, is interpreted in this light, rather than purely in racial terms, it has a different appearance. The simple fact is that most people, white and black, don't want their small children made pawns in social experiments. When government insists on doing it anyway, they assume, with some justification, that government is not responding to their wishes and to their own concepts of what is socially possible and desirable.

Moreover, they know, by simply looking at the tax bite that comes out of their paychecks, that they are paying ever increasing sums for such a government.

Significantly it was with thrusts at Washington bureaucrats "with nothing in their briefcases but peanut butter sandwiches" that Mr. Wallace was drawing some of his biggest cheers. And his principal opponents in the Democratic race, all of whom have been sitting in a Congress that has had a big role in expanding the federal bureaucracy, could easily be identified with this target.

This public concern about government itself—its size, its cost and its often clumsy management of social programs that affect the lives of millions of citizens directly and indirectly—should not be ignored by any candidate. To mistake it for bigotry or some other unworthy sentiment could be a serious mistake. And to ignore it could be of some considerable danger to us all, because there is a serious threat posed to a democratic system when the government no longer responds adequately to the wishes and concerns of the electorate.

ESTATE TAXES DRIVE FARMERS OFF LAND

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. ASPINALL. Mr. Speaker, the New York Times of Sunday, May 14, 1972, contained an article on one of the many dilemmas confronting the small farmer. Unlike many of the hardships of small farming in today's society, however, this problem is relatively easy to cure. It is the situation that arises when the farmland could be sold to land developers, but where the owners prefer to continue farming. In the event of the owners' death, however, the Internal Revenue Service taxes the heirs on the market value of the land—even if the heirs would prefer not to sell out to the developers.

This fine piece of investigative journalism by David A. Andelman follows:

ESTATE TAXES DRIVE FARMERS OFF LAND

(By David A. Andelman)

Thousands of American farmers are being driven off their lands—forced to sell their farms to real estate speculators, some of them say, because of the method used by the Internal Revenue Service to assess inheritance taxes.

Such taxes are assessed on what the land could be sold for, rather than what it is worth as farmland. Thus, many people who have inherited farms have had to sell them to developers simply to pay the taxes.

As a result, the revenue service is being termed partly responsible for destroying a segment of American agriculture and, at the same time, accelerating the spread of the suburbs to the rural areas of the United States.

Over the last decade, the value of agricultural lands in wide sections of the nation within easy access to metropolitan areas has skyrocketed as land speculators have bought up every available piece of property. The value of this land for agriculture, however, has largely remained constant or has declined.

The Internal Revenue Service insists on assessing all agricultural land at the "price at which property would change hands between a willing buyer and a willing seller."

The result has been that farmers holding property whose value for development is five to 10 times its agricultural worth have been forced to sell their property to the waiting speculators simply to pay their inheritance taxes, which run as high as 25 per cent. Children who would have remained on the land are being forced off.

Most of this pressure has been focused on the spreading areas on the fringes of the suburbs where metropolitan America is pushing out to meet rural America—areas such as the farther reaches of Suffolk County, L.I.; suburban Phoenix, Ariz.; the extreme northwestern part of Cook County in Illinois, and the Sierra Foothills region of California.

"Once farmland is given to the speculators, that's the final step as far as agriculture is concerned," said James E. Cross, a farmer in semirural Cutchogue, L.I. "You're taking land that took 25,000 years to develop, an amazing land that is rich and fertile, and overnight you bring in bulldozers and sock houses on it. We all pay for it in the long run."

Another Cutchogue farmer, John Wickham, cited the situation of a neighbor with a 60-acre farm in one of the best potato-producing areas in the United States.

The neighbor, who had asked not to be identified by name, inherited the farm from his mother two years ago upon her death. The farm was worth about $800 an acre if used for agriculture. But the revenue service valued it at $3,500 an acre, which Mr. Wickham noted "is the fair development value," and the tax alone came to about $1,200 an acre.

CALLS SALE "FORCED"

"This means that this chap is a very good farmer," he added, "but he had to take out a tremendous mortgage to pay the inheritance taxes, a mortgage with 9 or 10 per cent interest, and he simply can't pay it off—not with today's price of potatoes. So he has to sell it. In actuality, they [the Federal Government] forced its sale, very simply."

In Barrington, Ill., Xavier Schmid, a 72-year-old farmer who is worried about the problem that will arise when he dies, cited the case of a 90-year-old neighbor who died and left a 500-acre farm to his wife.

"They haven't sold the farm yet," Mr. Schmid said, "as the estate is still in probate. But his wife is nearly 90, and when she dies taxes will be levied all over again and the sons will have to sell the farm for sure to pay taxes."

That the situation became most acute very recently is largely attributable to the newly developing pattern of change in suburban America.

GROWTH OF FAR FRINGE

The 1970 census revealed that the fastest growing segment of the United States was the suburbs and the fastest shrinking was the rural areas. But of even greater significance was the evidence that the fastest growing segment of the suburban population was in the so-called "exurban areas"—those counties on the far fringe of the suburbs, between suburbs and countryside.

It is here that the real estate speculators are most busily at work and where the pressures on the remaining farmers are the strongest.

There are no statistics to show how many farms are going to speculators. Many are quietly sold but continue to be farmed for several years, even decades, under "lease-back" arranagments, until the land becomes so valuable that the speculator finally moves in and puts a halt to the farming.

NEED FOR LEGISLATION SEEN

A spokesman for the Internal Revenue Service, Edward York, said, "We've been aware of the problem really for several years and, of course, what it boils down to is that under the law we have no alternative but to set the tax on the value the land sells for rather than on the value the property would be used for.

"It would take legislation to change the practice."

The legislation on which the current revenue service practices are based dates to the Revenue Code of 1916, Section 203.1, of which says that property must be valued at its fair market value. A service spokesman said, "It has been applied consistently since that date."

There have been numerous attempts at reform. Representative Graham Purcell of Texas, sixth-ranking Democrat on the House Agriculture Committee, has introduced each year for the last four years a bill providing for a change of the valuation criteria.

At last count, there were six bills before the House Ways and Means Committee and one in the Senate, all waiting for action that their sponsors generally believe will probably never come.

"Each year they get buried in the hearings on general tax reform," Mr. Purcell said in a recent interview. "Ways and Means just happens to like the extra revenue the law pulls in the way it stands."

The extent of the problem and the concern it has aroused in agricultural America is indicated by the search for the methods to circumvent the revenue regulations.

In the Dade County area surrounding Miami, almost all farms have by now been incorporated. The corporate farmer is able each year to transfer a small amount of stock—up to $3,000 apiece is tax-exempt under gift tax statutes—to his children as gifts, easing the final impact of inheritance taxes when he dies.

A few states, including New Jersey, California and Maryland, have either set up or given serious consideration to establishing agricultural land use districts. They require farmland under regulation to remain in farming for a certain period of years, usually at least 10, or indefinitely. But in many areas, the revenue service has not chosen to recognize these districts for estate tax purposes.

ACCEPTED BY GOVERNMENT

In California, the Land Conservation Act of 1965 enables a farmer to contract with the county government not to put farmland up for sale for at least 10 years, enabling the state to assess the land at agricultural rates. And, state officials said the Federal Government has accepted the state assessments for Federal purposes.

But a new and more recent law may change this. It provides that if not enough of this restricted land is sold in an area, the county assessor may use the income of the land as a means of determining its value for assessment purposes.

Joseph A. Janelli, governmental affairs specialist of the California Farm Bureau Federation, is concerned that "the I.R.S. just might say this new law is a temporary expedient and we do not have the right to do it this way."

ARRANGEMENTS ARE URGED

Mr. York, the revenue service spokesman, said "there is a possibility" that an agricultural land use district "could affect the valuation—in effect discounting the valuation in some situations." But he said, even so, the value would never reach the agricultural value.

So, the California federation has begun to advise members to make their proper arrangements well in advance of death—giving land or corporate shares in land to their children over the years to take advantage of the gift tax exemption.

"All this is fine," said Mr. Wickham, the Long Island farmer. "But I can't do this. I need cash loans on my property each year in order to operate. If I go to a bank and say I've given shares to my children, that I don't have clear title, they'll throw me right out."

Dean F. Tuthill, a professor of agricultural economics at the University of Maryland, said that there were only a handful of states that had been able to figure out any method of easing the burden of estate taxes for their farmers.

COAST LAW CITED

Most special agricultural taxing districts set up to help farmers are applied only to local property taxes and not to federally administered estate taxes.

Professor Tuthill cited, as one attempt to ease Federal taxes, California's statute, which he said was a prototype for other methods of "preventing intensive development of farmland," including a bill in Maryland last year that would have allowed farmers to sell their development rights to the local county, farming it themselves but paying considerably lower taxes.

Systems such as this or one newly instituted in Suffolk County, L.I.—where the county plans to purchase, at the start, some 3,000 acres of prime farmland at speculative prices from the farmers, then lease it back to the owners—are other solutions proposed by agricultural economists in place of changes in the revenue law.

"There are so few ways open to preserve this valuable resource," Mr. Wickham concluded. "If the I.R.S. continues to follow this policy, it will put all agriculture out of business on Long Island within a generation. And who knows what will happen everywhere else in this country?"

GUN CONTROL

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. HARRINGTON. Mr. Speaker, the Wall Street Journal today has one of its typically thorough and convincing articles on the question of gun control. The article speaks for itself—forcefully and clearly—but one item seems to me worth particular attention: according to the National Commission on the Causes and Prevention of Violence, the Journal reports:

> For every robber stopped by a homeowner with a handgun, four homeowners or members of their families are killed in handgun accidents.

How long will it be before we heed the obvious message of this fact, and ban the private possession of handguns?

At this point I insert the Journal article in the RECORD:

THE GUN—IT WAS A TYPICAL DAY: AN AIRMAN KILLED SELF AND A LOVER WAS SHOT; A COP WAS SHOT IN ACCIDENT AND A PARTY-CRASHER DIED ON DAY WALLACE WAS FELLED; EACH DAY, 57 FIREARM DEATHS

Samuel O. Cunning. William Earl Evans. Julius J. Osstifin. Gerardo Manfredi. Richard Hurley. Linda Taylor. Jerry Flack. Ronald Hardiman. Stephen Williams. William Dell Chappel. Johnny Carr. Roy Lee Stout. And almost George Wallace.

George Wallace wasn't killed by gunfire on Monday. Samuel O. Cunning, William Earl Evans, Julius J. Osstifin, Gerardo Manfredi, Richard Hurley, Linda Taylor, Jerry Flack, Ronald Hardiman, Stephen Williams, William Dell Chappel, Johnny Carr, and Roy Lee Stout—among others—were. All died from gunshot wounds during the 24-hour period from midnight to midnight Monday, May 15—the day that Alabama's Gov. Wallace was critically wounded by a would-be assassin's bullets in a Laurel, Md., shopping center.

Final statistics on the day's toll of gunshot victims—whether by murder, suicide or accident—haven't yet been compiled. If Monday was an average day, however, it's expected that the number of gunshot deaths was as high as 57—the average number of people killed in the U.S. every day by guns. (The yearly gundeath toll is about 21,000.)

The anatomy of Gov. Wallace's wounding is by now well known to any American within reach of a newspaper, radio or television set. But how did Stephen Williams die? How did Linda Taylor lose her life? In an attempt to further understand what is behind the many U.S. gun deaths, Wall Street Journal reporters across the country interviewed medical examiners, policemen, sheriffs and other law officials this week. Who was killed by gunfire on Monday, May 15? the interviewees were asked. Who were the killers? How and why did the shootings occur? Where did the guns come from?

The answers in most cases were incomplete. Certainly, there was no particular pattern that emerged. But there was one common denominator: a moment of extreme violence that left someone dead.

SAMUEL O. CUNNING

One of the earliest moments of violence in the U.S. that Monday took place in Dallas. About an hour after midnight, a 19-year-old gunman, L. D. Webb, is alleged to have entered an apartment and said to the occupants, "Put your jack on the table."

No one in the apartment complied with the gunman's order. And a few minutes later, Samuel O. Cunning, a 19-year-old lineman for the General Telephone Co., was pronounced dead on arrival at Parkland Memorial Hospital—the same hospital that made headlines following the assassination of President John F. Kennedy. Mr. Webb was subsequently charged with murder.

WILLIAM EARL EVANS

Parkland was busy during the early morning hours Monday. At 1:45 a.m., 28-year-old Dorothy Locke called Dallas police and told them she'd shot William Earl Evans, 29, with a .22-calliber pistol. He, too, was pronounced dead on arrival at Parkland.

Police say Miss Locke told them that she and Mr. Evans had been going together for seven months and then had broken up. On Sunday, the day before Mr. Evans' death, she complained to police that Mr. Evans was pestering her; the police warned him to leave her alone. He apparently did. But then, police say, Miss Locke told them that Mr. Evans returned very early Monday morning and tried to break into her residence. According to police, Miss Locke said she threatened to shoot Mr. Evans, and he replied, "I'm coming in. I'm going to die tonight. Shoot me."

Miss Locke has been charged with murder and her case has been remanded to a grand jury. The weapon, police say, was a German Rohm, model RG8. A Dallas police spokesman says, "Sometimes it seems like 90% of our murders are committed with these RGs. They start at $8.50. The (model) 8 is the cheapest."

CAPT. JULIUS J. OSSTIFIN

At about the same time that William Evans was returning to Dorothy Locke's apartment, Julius J. Osstifin, a 33-year-old Air Force captain, shot himself to death in his residence in Mad River Township, Ohio. According to the report of C. D. Lett, deputy coroner in the Montgomery County coroner's office, the county sheriff's office "advised that the deceased was found in the kitchen of his residence."

"They (the sheriff's office) had received the dispatch to this residence from the wife," Mr. Lett's report states, "due to the fact that she had spoken to her husband on the phone and he advised that he was going to shoot himself upon the count of three, and then she heard the gun go off."

Mr. Lett's report identifies the suicide weapon as "a .32-caliber Harris & Richardson model 732, serial number AM50717." An investigation determined that the gun had been purchased by Capt. Osstifin from Rink's Department Store, a discount house in nearby Dayton. And a check of store records showed that the sales clerk involved in the purchase was Wilma Jordan.

"Oh, God," Miss Jordan exclaims. "I remember selling a hand gun to a young guy from out at Wright-Patterson (the Air Force installation where Capt. Osstifin was based) about that time." The time was last September, and Miss Jordan says the information card she filled out at the time of the sale shows that the buyer was five-feet-nine-inches tall and weighed 162 pounds. Retail price of the weapon was $48.88.

Miss Jordan says she can't recall what reason Capt. Osstifin gave, if any, for wanting to purchase the gun. She says, however, that she often refuses to sell hand guns "if (customers) are acting funny—and always if they've been drinking." She adds: "The bad part is that you just never know what they'll be used for. That's what makes you feel bad."

Why did Capt. Osstifin take his own life? According to Mr. Lett's report, Mrs. Osstifin told him "that her husband had been depressed in the past year due to two facts: 1. That his brother was killed in a fatal accident (auto) in Toledo on May 15, 1971 (exactly one year earlier) and 2. that she had filed suit for divorce." Mrs. Osstifin also told Mr. Lett that her husband had written a suicide note in August 1971 but didn't take any further action at that time.

GERARDO MANFREDI

As suicides go, the information surrounding the death of Capt. Osstifin is voluminous. By comparison, little is known about what drove Gerardo Manfredi, a 66-year-old retired postal carrier, to shoot himself last Monday morning on a road near Reno, Nev.

At 10 o'clock that morning, Mr. Manfredi walked into a Reno sporting goods store and bought a used .38-caliber revolver for $30. During the transaction, he complied with the 1968 Federal Gun Control Act by giving the store his name and address and signing a statement that he wasn't an ex-felon. He then got in his car, drove outside the city limits and, at 10:15 a.m., shot himself in the head.

Mr. Manfredi's body was discovered by a passing motorist five minutes later. He left a son and brother; his wife had died two years ago. The brother later said that Mr. Manfredi had recently been acting despondent without any apparent reason. And while Mr. Manfredi left a note of instructions in his car—including details of whom to contact—he left no explanation for his suicide.

RICHARD HURLEY

Explanations are also lacking for the circumstances surrounding most of Monday's murders. A case in point is the death of Richard Hurley, a 43-year-old San Franciscan who, police say, was murdered sometime shortly after the day began. The murder took place in what police described as a middle-class rooming house at 1482 Sutter St., an area of respectable moderately priced apartments and residence hotels just a few blocks from downtown.

There are a few additional facts: On Monday morning, a tenant of Mr. Hurley's building called the manager and complained that water was dripping down from the apartment above. When the manager went up to investigate, she found Mr. Hurley lying on his back on the floor near his bed. She assumed, she later said, that he was drunk. The manager then said she looked for the building's maintenance man and asked him to lift Mr. Hurley into bed. When she returned with the maintenance man, she said, they noticed blood and called the police. The time was 2 p.m.

It's also known that Mr. Hurley was unemployed and had a record of 25 arrests for such offenses as the sale and use of heroin and marijuana; burglary and robbery. Heroin was found in his room and his pockets had been rifled. And the victim had been shot to death.

San Francisco police surmise that Mr. Hurley got into some sort of argument over the sale of narcotics and was murdered. But they have no solid evidence or any suspects thus far. Nor did they find the murder weapon—or even a slug or casing—so they don't know the size of the bullet that killed Mr. Hurley. All they know is that his gunshot wound was fatal.

LINDA TAYLOR

In some of Monday's gunshot murders, police say they know *who* killed the victim, but they're not certain *why*. Such are the circumstances that surround the death of 22-year-old Linda Taylor of Baltimore. Mrs. Taylor, police say, was fatally shot in the head with a bullet from a .22-caliber rifle owned by her husband, Thomas Melvin Taylor, who has been charged with murder.

The shooting of Mrs. Taylor took place at 10:30 Monday night in a row-house district on the border of Baltimore's downtown. According to Lt. Thomas McKew of the Baltimore police, Mr. Taylor ran out into the street immediately after the shooting and yelled that his wife had shot herself. But upon questioning by police, Lt. McKew says, Mr. Taylor admitted that it was he who pulled the trigger.

According to Lt. McKew, Mr. Taylor claims the gun went off accidentally. Police, however, say they believe the shooting was intentional—although they say no motive has been established. Lt. McKew says that Mr. Taylor bought the rifle some time ago from a co-worker.

JERRY FLACK

Law officials say they do know the motive behind the Monday evening shooting death of Jerry Flack. Mr. Flack, 25, of Shelbyville, Tenn., was shot seven times while in a car owned by Louis C. Smith, 25, of Tullahoma, Tenn. Mr. Smith was jailed on a first degree murder count. According to Franklin County Sheriff David Braswell, the two men had argued "about some girl."

The shooting of Mr. Flack took place near Winchester, Tenn. Sheriff Braswell describes the murder weapon as a .25-caliber automatic. Mr. Smith, Sheriff Braswell says, told law officials he had purchased the gun two weeks earlier for $41 at the Big-K Department Store, in Tullahoma.

RONALD HARDIMAN

Other romantic entanglements reached bitter conclusions on Monday. At 4 a.m., according to Chicago police, Ronald Hardiman, 25, was shot and killed by Roxanne Murphy, 19, his ex-girl-friend. Police say Mr. Hardiman was shot at the doorway of Miss Murphy's second floor South Side apartment when he tried to crash a party that was in progress. Miss Murphy has been charged with murder.

Police say Mr. Hardiman was hit once in the chest with a .22-caliber bullet. The murder weapon, they add, wasn't registered. Miss Murphy said she obtained the gun from a friend, Police reported.

STEPHEN WILLIAMS

But unlike the case of Mr. Hardiman and Miss Murphy, or that of Mr. Flack and Mr. Smith, or that of the Taylors, Josephine Wade of Philadelphia didn't previously know Stephen Williams, the man she killed with a gun about an hour before Gov. Wallace was felled. According to police, Mrs. Wade, 53, was alone, knitting in her apartment when she heard strange noises. She later told police that she went to her bedroom, picked up a .22-caliber revolver that she kept there and went to the top of the stairs. Coming up the stairs was 23-year-old Stephen Williams.

Police say that Mrs. Wade fired four shots and that Mr. Williams died at a nearby hospital 30 minutes later. Police also say no weapon was found on Mr. Williams. They add that Mr. Williams had broken into the basement of Mrs. Wade's building and had knocked down the door leading to the first floor—even though the door had extra locks that Mrs. Wade had installed after a robbery.

Police say they are investigating whether Mrs. Wade was in legal possession of her gun. In Philadelphia, a law states that any gun or other firearm that is bought, transferred or brought into the city after March 15, 1965, must be registered with the Department of Licenses and Inspections. A cursory check, police say, showed that Mrs. Wade's gun wasn't registered.

There is no question, however, that the death of Stephen Williams, statistically speaking, was highly unusual. According to a 1969 study for the National Commission on the Causes and Prevention of Violence, only 2% of home robberies and 0.2% of home burglaries result in the death of an intruder at the hand of a householder. On the other hand, the report states, for every robber stopped by a homeowner with a handgun, four homeowners or members of their families are killed in hand-gun accidents.

WILLIAM DELL CHAPPEL

Chicago police officer Eddie J. Green, 35, was out of his home (and off duty) when he shot and killed William Dell Chappel, 28, at 4:40 a.m. Monday. Police gave the following account: Mr. Green, a vice unit officer, was placing an order at a drive-in restaurant when Mr. Chappel reached through the window of Mr. Green's car and grabbed the officer's money clip containing $130. A companion of Mr. Chappel tried to keep the officer, who was in street clothes, in the car by holding the door shut, but Mr. Green struggled free and chased Mr. Chappel to a nearby vacant lot.

According to Mr. Green's account, police say, Mr. Chappel then turned, reached into his pocket and said. "Get back or I'll blow your head off." Mr. Green then fired his 38-caliber police revolver three times, hitting Mr. Chappel twice in the stomach and once in the leg. Police say the case is under investigation. Police say Mr. Chappel apparently was unarmed.

JOHNNY CARR

But deaths at the hands of others resulting from self-protection, or passion, or the violence that often accompanies illicit activities, are only several types on the gun-fatality spectrum. Arguments among friends, relatives and neighbors can also take their toll—as happened early Monday afternoon in the vicinity of Los Angeles. According to police, Thomas Barnes, 55, became enraged at a neighbor, Johnny Carr, 58, while paying a visit to the Carr home. Mr. Barnes, police say, had argued with Mr. Carr's wife and then walked out into the front yard where he confronted Mr. Carr.

The argument heated up, police say, with both men trading insults. Then, police say, Mr. Barnes pulled a .22 revolver from his pants and shot Mr. Carr five times. Sheriff's deputies arrested Mr. Barnes on suspicion of murder, but no formal complaint was immediately filed.

ROY LEE STOUT

And then there are accidents. "He was always extra careful," says Police Capt. Michael Sypko of Roy Lee Stout, a six-year veteran in the Somerset, Mass., police force. "He always kept his bullets in his pocket and loaded his gun in here at the station. He wanted to protect his kids." But Roy Lee Stout died Monday at 8:15 p.m. as the result of a shooting accident in his own home.

The 31-year-old Mr. Stout, police say, was on duty with a partner when he discovered a rip in his uniform shirt. He suggested to the partner that they drop by the Stout home to have his wife Catherine, mend it. The time was 6:20 p.m.

Inside the house, Mr. Stout laid his new chrome-plated .357 Magnum on a table. While Mrs. Stout mended the shirt her husband went into the living room to watch television accounts of the shooting of Gov. Wallace.

Catherine Stout finished the mending and tossed the shirt to her husband. He took off his heavy pistol belt, placed it on the table beside the Magnum and started to tuck in his shirt. But his four-year-old son, Robert, caught the glint of the chrome-plated revolver and "made a beeline" for it, according to State Police Lt. Gordon Clarkson, who investigated. "The kid has a replica of the Magnum and must have thought this was his toy."

Mr. Stout lunged for the revolver and shouted to Robert, "Don't touch that!" He beat his son to the Magnum, but when he placed his two hands around it, the revolver discharged—sending a .38-caliber bullet through his cheek to the back of his brain.

Roy Lee Stout died at 8:15 p.m. at Union Hospital in Fall River. He is survived by his wife, his son and two daughters, aged six and three.

"It's ironic, isn't it?" says Capt. Sypko. "He was strictly a careful man."

STILL MORE ON THE FRENCH CONNECTION

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. BRASCO. Mr. Speaker, in recent weeks I have been doing my very best to bring into the open the story of how French governmental complicity is allowing America to be flooded with heroin converted and shipped out of France.

The U.S. State Department and French authorities profess to be shocked at such accusations, which I have persisted in making and repeating. In fact, many such sources claim not to know much at all about this degraded traffic, which is being carried on with the knowledge and cooperation of the French Government, the French police, and the State Department of the United States.

In the future, I shall endeavor to enlighten these knowledgeable people. Perhaps their jobs are so important that they have not got the time to read what ordinary Americans read, that is, the daily papers. Perhaps their noses are so high in the air and their blood is so blue that they are not aware of what the situation is like in New York City, because of the heroin traffic.

Perhaps they are in need of a little further enlightenment. It is as far away as the corner newsstand.

Most of all, I am incensed and outraged by the procrastination and bureaucratic gobbledegook which greets any and all exposés and accusations.

It runs something like this:

We are studying the problem.

We are working very closely with the French police.

We are deeply concerned over the flow of heroin into America and are working constantly with our French counterparts to bring it to an end.

Significant progress is being made in the war against heroin smugglers.

And so on, ad infinitum, ad nauseum.

Here, for example, is one newspaper article that the State Department might have read with profit. It is from the New York Post of a few weeks ago. It deals again with the French Connection.

I offer it at this point for inclusion in the body of the RECORD:

ARTICLE I: THE FRENCH CONNECTION

(By Barry Cunningham)

MARSEILLES.—The young Frenchman struck a match and held it under a scrap of tinfoil. He waited for the contents, heroin and barbital powder, to melt. Then he began a ritual that any New York junkie would recognize. He rolled the molten heroin back and forth on the tinfoil, sucking up the fumes through a wooden matchbox cover.

To get high, the French teenager had locked himself in a lavatory of the *Centre de Psychotherapie*, a newly opened state-sponsored, experimental clinic in the thick of this city's teeming Arab quarter. He said he was snorting heroin because he was "fed up" with the hypodermic needle. He had come to the center for help after witnessing the death of a friend: "Air bubbles in the veins."

It was a classic case of the availability of illicit narcotics leading to experimentation leading to addiction. For 35 years, Interpol agents in Paris have known that this sun-splashed Mediterranean port is *the* international transit point for the production and smuggling for pure heroin into the U.S.

There had been no local addicts. The drug traffic was insulated from the French population. So there was no public pressure for a crackdown. Then, with increased customs seizures and more police arrests, the international traffickers were forced to dump their precious contraband onto the local market—at a fraction of U.S. cost.

Now, in less than two years, Marseilles has grown into the heroin usage capital of Europe, with half as many overdose deaths per capita as New York City.

A recent New York Post investigation into this lethal narcotics trade involved inquiries in New York, Paris and Marseilles. Official glimpses into the shadowy world of the smuggler were often obscured by guesswork, secrecy and half-truths.

Nevertheless, important insights into the organized narcotics traffic were provided by aides of the UN Commission on Narcotic Drugs, the International Criminal Police Organization (Interpol), the U.S. Customs Bureau, the U.S. Bureau of Narcotics and Dangerous Drugs (BNDD), the French Central Office for the Repression of Traffic in Drugs, and the Sureté, the French National Police.

This correspondent was able to trace the flow of heroin in reverse—from a junkie's arm back to the needle-in-a-haystack laboratory where it was originally refined in France. The journey took me from a street corner in Harlem to a dingy suburb of Paris to the Arab Quarter here in Marseilles.

Federal experts say that 85 per cent of the "scag" that feeds New York addicts is produced in clandestine laboratories that operate here with impunity. Interpol agents say that 90 to 92 per cent of the total traffic—representing between 1,200 and 1,300 tons of raw opium, manages to escape policing of any kind.

To the junkie shivering in a gutted-out New York tenement that means guaranteed delivery for his daily thimbleful of white death.

To the French smugglers, the syndicates, the opium growers, the pushers and their protectors, it means an illicit business enterprise worth more than $4 billion a year.

These fabulous profits now make heroin smuggling the world's largest single criminal activity. The "French connection" has become the world's most wanted outlaw.

French needle freaks are called *les cames* (from *camelote*, or "junk"). They appear to be rather green at this deadly pastime. The addict in the lavatory of the psychotherapy center was neither barefoot nor bedraggled, like many adult "opium slaves" in Marseilles' grimy quay area and red light district.

Morphine addiction has been commonplace for years among the whores and merchant seamen, Moroccans, Algerians, Vietnamese, Turks and "pieds-noir" (Frenchmen born in North Africa) who inhabit these twisting streets and Arab marketplaces.

By contrast, the young French addict was a child of the bourgeoisie, dressed in turtleneck and blazer, his hair razor-trimmed, a silver charm bracelet dangling from his wrist. A psychologist at the center said it was amazing how fresh-faced the boy looked, considering that when hard-pressed for heroin he had been known to shoot up his veins with cognac and mayonnaise.

The young addict has become a brooding symbol to the French, perturbed by one estimate that there are now as many as 25,000 addicts among a population of 50 million. Misery never loved company more than when U.S. officials first became aware of that statistic. They realized with bitter irony that they are not going to get the kind of help they need to stop the Marseilles traffic until the French themselves decide to crack down on their own problem.

There has been some Franco-American police cooperation over the past year, most of it brought on by a barrage of U.S. diplomatic pressure. U.S. Ambassador Arthur K. Watson, during a Paris interview in his American Embassy suite overlooking the Place de la Concorde, told me he now spends half of each work day absorbed solely with the Marseilles heroin menace.

"I think it's the most evil thing in the world," he said. "Far more devastating for the future than the atomic bomb. It's probably the most complicated problem I've been up against in my adult life. But it hasn't gotten to the wild-eyed mugger stage in France—yet. So we've got a long way to go to combat the problem."

Both Watson and French Ambassador to the U.S. Charles Lucet can boast of impressive gains in the international death struggle against heroin. Two years ago, you could have gotten more "scag" out of a junkie's arm than U.S. agents were able to confiscate (only 26 lbs. in 1970).

That was partly because agents got bogged down in the marijuana fiasco called Operation Intercept, the abortive Administration attempt to stop pot smuggling across the Mexican border. Last year, with the emphasis on heroin, they seized over 1000 lbs. Two years ago, there were only seven French narcotics agents. Now there are 77. In 1971, they seized 245 kilos (539 lbs.) of contraband heroin, enough for 153,200,000 street doses in New York City.

"Even if we were lousy policemen, we are fathers and grandfathers—so we at least have that much going for us," says Commissaire Robert Mattei, the Police Chief of Marseilles who seems to sense the urgency of the U.S. drug crisis. Yet from 1969 until very recently his police hadn't been able to track down a single clandestine heroin laboratory in Marseilles. His detectives have shut down only 13 labs in the last 20 years.

In a lucky break, a heroin lab was finally uncovered in Marseilles last month. But it turned out to be an embarrassment for the police anyway. Two French customs agents, armed with a search warrant, practically tripped over the place while following up a tip that fuel oil smugglers were hiding out in a local farmhouse.

The discovery helped buttress some American suspicions that dozens of these laboratories operate with impunity around the Marseilles countryside. U.S. Narcotics Bureau agents put the number officially at "eight to twelve." Mattei says there are no more than "two or three."

How do the operators get away with it? There are countless official alibis to explain away the problem. The French insist that it's easier to find a needle in a haystack than to sniff out a heroin factory hidden in some innocent looking villa or factory building.

We were told that any schoolboy with a chemistry set and enough scientific knowhow to make a stinkbomb could turn out a batch of heroin overnight.

"This isn't DuPont de Nemours," says one Interior Ministry official. "We're talking about a crude laboratory that can be set up in 24 hours and dismantled in 12 hours. The equipment is simple. It can be set up in any kitchen, cellar or attic. They even have them set up in trucks, moving around from one place to another."

So simple is the heroin-making recipe, according to one top police official, that an underworld "chemist" was once arrested while making the drug from directions scribbled on a cigaret pack.

This "kitchen-sink" explanation seems farfetched and over-simplified to anyone who has ever studied a laboratory in detail. The making of heroin (diacetylmorphine) is an exacting process involving dangerous chemicals like acetic acid and acetic anhydride. Chemists must wear gas masks to protect themselves from the noxious, highly inflammable fumes of the cooking morphine. There is a leeway of only 5 degrees to boiling temperature. If the morphine boils over by accident, the laboratory explodes like a fiery napalm bomb, blasting the chemists to shreds.

I asked for and was shown evidence of tons of apparatus seized during one of the 1969 laboratory raids in Marseilles. The paraphernalia included two thermostatically controlled freezers, motorized suction pumps, electrical heaters and fans, a medical centrifuge, a machine for soldering plastic tubes.

Hardly the sort of kitchen utensils one needs for cooking lobster thermidor.

Steve Swanson, acting director of the U.S. Bureau of Narcotics and Dangerous Drugs in Marseilles, hung his head in speechless wonder when I relayed the French official's insistence that heroin labs were being secreted "inside trucks" moving around from one place to another.

"That's impossible," he finally snapped back. "They are not operating out of trucks and we know it!"

Swanson's slow-burning indignation has partly to do with the replacement of his boss, John Cusack, the Paris-based agent who until recently headed the entire BNDD force in Europe. Cusack touched off a diplomatic uproar last August when he charged in a local newspaper interview that heroin traffickers operated in Marseilles with the official blessing of "top government officials."

Feeling under attack despite its promise of cooperation with U.S. narcotics agents, the Interior Ministry demanded and got Cusack's ouster. Privately, the agent felt he had been boobytrapped by a French reporter. But the furor over his allegations served to convince many young Frenchmen that Cusack spoke the truth.

It is widely believed in France that the Corsican underworld has "owned" Marseilles since August, 1944. Corsican gangs were said to have smuggled arms shipments to the underground, thereby helping pave the way for the Allied invasion of southern France. Many Frenchmen believe that the police have been relaxed toward smuggling operations ever since.

"I'm a Corsican and I don't believe it," retorts Police Chief Mattei, pointing out that with the recent centralization of the national police under the Interior Ministry, politics has been "taken out" of French law enforcement. Mattei cites other factors that have hobbled the hunt for heroin traffickers.

The animated Marseilles harbor provides ideal camouflage for the shady business connection, the suspicious rendezvous, the delivery of a suitcase with no questions asked. They even have a special term for hired assassins in Marseilles: *"ganaches,"* meaning the "available ones."

From the backdoor of the Hotel des Polices, overlooking the turreted stone forts and fishing vessels of the harbor, one can see suspicious goings-on in the steamy little bistros of "Le Panier," an Arab-Corsican neighborhood close to Police Headquarters. Police bluntly admit they are frightened to walk those labyrinthine streets after dark, even when carrying a gun.

"They all cling together, the Maltese, the Corsicans, the Turkish gangsters," says Commissioner Gilbert Raguideau, superintendent of the Surete, the French National Police headquartered in Paris. Raguideau is also the man who drafted last February's agreement pledging cooperation between French and U.S. narcotics agents.

"They all work in the Roman fashion," he says of the Marseilles underworld. "The Roman spirit of *pater families*, the Mafia family, the Scottish clan. Nobody from Marseilles ever squeals."

The underworld code of silence is so ironclad here that American offers of up to $50,000 for confidential information have yet to lead police to a heroin laboratory.

Paying money for information raises another touchy point: It ruffles the dignity of French police to "buy" information. They say its bad for their ego. Undercover evidence is tainted, and police are so squeamish about payoffs to informers that they wont even publicize the fact that U.S. narcotics men are offering the money.

If a 12-year-old child can find the heroin man, why cannot the police? If a cursory reading of the papers reveals such horrors and accusations as are in the article, how come the French and American Governments cannot do anything about this traffic? Or perhaps they would like to come with me and take a look at what heroin is doing to our country, and my borough in particular?

In Wagner High School in Staten Island, there have been at least six arrests of pushers of heroin in recent weeks. In Franklin K. Lane High School in Brooklyn, there have been 14 heroin pushers arrested in recent weeks. Each school was the scene of heroin sold to undercover police by people involved in the traffic.

Perhaps the State Department, the French Government, and the French police would like to explain to me that passenger pigeons flew the Atlantic with this poison, and pushed the drugs on the youngsters in these high schools. Perhaps some of these gentleman with Ivy League degrees or Sorbonne diplomas would care to spend a little time with me in some of the slums and schools of New York, to see what the French connection really means. Any time. If they have the time—and the stomach.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting in the Record the May 15 edition of the news bulletin of the American Revolution Bicentennial Commission—ARBC. I take this action to help my colleagues stay informed of developments across the country preparing for the bicentennial celebrations during 1976. The bulletin is written and compiled by the communications committee staff of the ARBC. The bulletin follows:

The second Full Commission Meeting of 1972 will convene in Boston, Mass., May 15–16, at the Sheraton-Boston Hotel. On Monday at 8:00 a.m. ARBC Program Committees will meet. Following at 10:00 a.m. the Full Commission Meeting will commence to hear States' plans, including Connecticut, Maine, New York, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont. On Tuesday, May 16, the Full Commission will meet to hear major committee reports, as well as a presentation on Boston, a report on the International Expo in Philadelphia, a Bicentennial Parks report, and a Coins and Medals Advisory Panel report, as well as Financial and other committee reports.

On Monday, May 8th an orientation session was held for the eight new public members to the ARBC in Washington. The presentation of certificates was delivered by the Honorable John D. Ehrlichman, Special Assistant to the President, at the Army-Navy Club. Background presentations were given by staff members.

Pierre—Governor Richard F. Kneip has announced the names of additional members to the South Dakota Bicentennial Commission. The nine new board members, to be added to the present ten member Commission are: Joe Habeger, Madison; Alex Johnson, Watertown; Jerry Flute, Sisseton; John Bruce, Mitchell; Q. P. Coleman, Mobridge; Hoadley Dean, Rapid City; Vern Johnson, Rapid City; and Everett Follett, Spearfish. Joining SDBC Director Arnie Stenseth, Governor Kneip said, "These additional members of the SDBC will represent the portions of the state which haven't been represented as yet in Bicentennial planning as well as others whose contributions would add greatly to our planning."

The American Revolution will be the overall theme for the new ABC production, "The Revolutionaries." The four two-man telemovies, written by American novelist Howard Fast, will dramatize incidents in the lives of George Washington, Thomas Jefferson, John Adams and Benjamin Franklin.

News from the May 6th meeting of the Southwest Regional Alliance in San Antonio, Texas; Arizona ARBC Chairman, John Eversole, discussed a proposal for an "Old Glory" concept to possibly reach some 20 million young Americans; California Chairman, State Assemblyman Charles Conrad, stated that there is a growing interest in the Bicentennial in the Golden State; Gladys Warren of Oklahoma reminded everyone that all Americans should be urged to watch the TV Special "Stars and Stripes" out of Oklahoma City on July 4th; the Texas ARBC indicated that they may soon propose a national educational program designed to reach grade school children.

At the San Antonio Meeting ARBC Director Jack I. LeVant stated that "22.5 million individuals or 10 percent of the American people have already volunteered their services toward creating a meaningful Bicentennial for the country . . . and the ARBC is preparing programs for them."

The American Revolution Bicentennial Committee of the New Jersey Chapter, Special Libraries Association, has selected "Historical Markers in New Jersey" as a principal theme of its activity for the Bicentennial. The Committee hopes to finance the purchase of a bronze plaque to be given to the Frelinghuysen Restoration in Raritan. It is expected that the plaque will be mounted on the building in a public ceremony in 1976. Restoration activities on the house, donated by Congressman Peter H. B. Frelinghuysen, have begun and a library will be added. The Committee's Chairman is Mayra Scarborough of Nutley. She said the librarians are working on many other plans which will be announced as they progress.

One of the books Dial Press is publishing on American history to celebrate the Bicentennial was a recent National Book Award Winner. "Righteous Empire: The Protestant Experience in America," authored by Martin Marty, won in the religion and philosophy category.

Mrs. R. O. Stephenson, the regent of Tucumcari (New Mexico) Chapter of the Daughters of the American Revolution, has been notified that she is the winner of the Bicentennial Program Contest award sponsored by the National Society DAR. The essay contest on "The Economic Causes of the Revolutionary War" is one of several in which members of the nearly 3,000 chapters participate in during the Bicentennial Era.

The Florida ARBC is sponsoring a symposium on Eighteenth Century Florida and its Borderlands, May 18–20, University of Florida, Gainesville. The agenda includes an address by Paul Smith of the Bicentennial Office of the Library of Congress and a tour of historic St. Augustine. The symposium was planned by a University of Florida faculty committee in cooperation with the State ARBC. The symposium is made possible by a grant from the Florida Commission. The Commission will also support the publication of papers presented at the symposium as a permanent contribution to the better understanding of the American Revolution and the role played by Florida in it.

The annual George Washington Festival will be held in Fredericksburg, Virginia on Saturday, May 20th. Festivities will include a parade, historical dramas, different types of dancing from the minuet to Indian, and (of special interest to youngsters) throwing Spanish pieces-of-eight across the Rappahannock River at 10:00 a.m. Ferry Farm, which is located nearby, is the boyhood home of Washington. Although it is privately owned and not open to the public, there is interest on the national level to restore and preserve the farm as a national monument to the first President. Also of historical significance in Fredericksburg are the Mary Ball Washington House, Kenmore (the home of George's sister, Betty) and the Rising Sun Tavern which was built about 1760 by Washington's brother, Charles.

Other Virginia News: Virginia will initiate a key part of the nation's Bicentennial observance this spring by hosting 20 British families on a three-week tour of the state's attractions. . . . A logotype designed by 18-year old Michael McMahon, a senior at Norfolk Technical Vocational Center, has been recognized by the Norfolk ARBC to embellish official materials used for the Bicentennial. McMahon's entry was chosen from some 60 designs in a contest among students in Norfolk public schools and Norfolk State College. It features an anchor in the center of a circle outlined by the Bicentennial Commission's name and stars of the original 13 states. Young McMahon won a $100 savings bond for his design.

All of the papers submitted during the Library of Congress' May 5–6 Symposium will be published in official proceedings by the Library and available later in 1972. This was the first of five symposia made possible by a grant from the Morris and Gwendolyn Cafritz Foundation of Washington, D.C.

IN HONOR OF MR. CLAYTON FRITCHEY, DISTINGUISHED CLEVELANDER

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. VANIK. Mr. Speaker, yesterday the Cleveland Men's Club held its annual awards meeting dinner here in Washington and it was my privilege to present on behalf of this organization the Harold Hitz Burton Award to a distinguished national columnist, Clayton Fritchey.

The Harold Hitz Burton Award is presented annually by the Cleveland Men's Club to a Clevelander who has distinguished himself on the national scene. The award is made as a special tribute to the work of the late Justice Harold Hitz Burton, who served with great distinction as mayor of Cleveland, Senator from Ohio, and Associate Justice to the U.S. Supreme Court.

Clayton Fritchey made a tremendous impact on the Cleveland scene while he served as a reporter on the Cleveland Press in the middle 1930's when Eliot Ness was appointed safety director by Mayor Harold Burton to clean up Cleveland. Mr. Fitchey, as an investigative reporter, uncovered considerable evidence involving police graft and labor racketeering which became the basis of prosecution and sending a number of police and union leaders to the penitentiary. His reporting of these events won him a Pulitzer Prize.

As a journalist, Mr. Fritchey was managing editor of a number of metropolitan newspapers including the Baltimore Post, Pittsburgh Press, and New Orleans Item. He resigned from the Item to become General George Marshall's assistant during the Korean War, when Marshall returned to the Pentagon as Secretary of Defense.

Later Mr. Fritchey went to the White House as an Administrative Assistant to President Truman. He was one of the members of Adlai Stevenson's campaign for the presidency in 1952, and was press secretary to Mr. Stevenson in the 1956 campaign. He also served as vice chairman of the Democratic National Committee and editor of the Democratic Digest. From 1961 to 1965 he was special assistant to Stevenson while he was ambassador of the U.S. Mission to the United Nations.

Mr. Fritchey resigned from the U.S.

Mission to become a syndicated Washington columnist, as well as the Washington correspondent for Harper's magazine.

Clayton Fritchey has brought great honor to Cleveland as a highly respected nationally syndicated columnist. He is widely respected as a thorough analytical journalist, dedicated to the search of truth and the principles of fair reporting.

I was especially honored to have been chosen to convey this award to Mr. Fritchey.

PERRIN C. GALPIN HONORED BY THE KING OF THE BELGIANS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. MOORHEAD. Mr. Speaker, in ceremonies in New York recently, the Belgian Government presented the highest award given to non-Belgians, the Order of Leopold II, to Perrin C. Galpin of Pelham Manor, N.Y., for his long years of service to the Belgian Government and people. He was named "Grand Officer" in the order of Leopold II, a fitting tribute to Perrin C. Galpin, a man who has dedicated his life to enriching the lives of others through educational exchanges.

His commitment began during World War I when Mr. Galpin was Secretary of the Commission for Relief in Belgium. Following the war, Perrin Galpin helped found the Belgian American Education Foundation, the first international educational exchange program—a Fulbright forerunner. Many of Belgium's most famous citizens were products of the Galpin-inspired BAEF, including the current Prime Minister.

Many of his friends and relatives were on hand when the Belgian Counsul General to the United States read the official proclamation from King Baudoin of Belgium confering Mr. Galpin's honor. Included in that number were his son, Stephen K. Galpin, and his two daughters, Anne Galpin Judson and Lucy Galpin Moorhead.

I would like to include in the RECORD at this time, a copy of the official proclamation, as translated, and some of the remarks made at the Galpin ceremonies:

[Translation—French]

BAUDOIN, KING OF THE BELGIANS, TO ALL PRESENT AND TO COME, GREETINGS

Wishing to give testimony of Our high esteem to Mr. Galpin, Perrin-C., of American nationality, long time member of the "Belgian American Education Foundation" and of the University Foundation;

On the proposal of Our Minister of Foreign Affairs,

We have resolved and do resolve:

Article 1. Mr. Galpin, Perrin-C., is named great officer of the Order of Leopold II.

Article 2. He will assume his rank in the Order beginning today.

Article 3. Our Minister of Foreign Affairs, as he is in charge of the administration of the Order, is charged with carrying out the present resolution.

Given in Brussels, December 1, 1971.

BAUDOIN.

REMARK

Join whole-heartedly in manifestation of homage in your honor. Congratulate you warmly on high distinction bestowed in recognition of valuable services rendered as president of D.A.E.F. and assure you of my firm friendship.

GASTON EYSKENS, *Prime Minister*.

STATEMENT OF THE CONSUL GENERAL OF BELGIUM, MR. ERNEMANN

Ladies and Gentlemen, It is my pleasant duty to pay respect today, in your presence, to a man whose great energy was devoted all his life to youth and its development.

My dear Mr. Galpin, it would be too lengthy to enumerate the many activities to which you have devoted yourself. Without going into detail, I would only make mention of your book published in 1956 in memory of the great American diplomat, Hugh Gibson. I would like to recall your main endeavors while underlining those which especially link you to Belgium.

You received the degree of Master of Arts from Yale University in 1912 and then you studied at Oxford from 1913 to 1914. At this time your first ties with Belgium took form. Indeed, at the beginning of the war, you were called to take up the post of secretary of the Commission for Relief in Belgium—an office that you carried out until the organization was dissolved in the summer of 1919.

For a man such as you, however, the return of peace would not mean the suppression of the ties born during the adversity of the war. In 1921, you were one of the original incorporators of the Belgian American Educational Foundation. Successively, you occupied there the offices of secretary, vice-president, and, then, that of president which you held for 33 years, from 1939 to 1963.

Because of the activities that you developed within the BAEF, more than a thousand Belgian post-graduate students have been able to pursue their scholarly research in the United States. Thanks to you, many have been able to make brilliant careers in Belgium on account of the intellectual enrichment acquired in the USA. I need only cite our present Prime Minister, Gaston Eyskens whose connection with the Foundation and whose gratitude to you are well known. Still others owe the success of their professional lives to your enlightened advice, such as your good friend, Mr. Fraikin, a director of the BAEF.

Other Belgian organizations sought your experience and advice. In 1932 you became a member of the Franqui Foundation and, in 1945, La Fondation Universitaire named you a Board member.

Your activity at the heart of the Foundation was not late in being honored by the Belgian academic community. The University of Louvain awarded you the degree of Doctor Honoris Causa in 1928, followed by the University of Brussels which bestowed upon you the same honor, two years later in 1930.

This untiring effort in Belgium's favor made you deserving of being decorated once already; in 1951, by decision of the King, you were made Commander of the Order of Leopold.

Now to crown your career dedicated to the reinforcement of intellectual ties between the U.S. and Belgium, the Belgian government has proposed to His Majesty, King Baudoin to bestow upon you one of the highest awards he has ever given in New York.

I have the honor today to present to you, in the name of His Majesty, King Baudoin, the plaque of the "Grand Officer" of the Order of Leopold II.

SOURCE OF GREATNESS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. DORN. Mr. Speaker, the following splendid address by Dr. Feltham S. James, National Chaplain of the American Legion and presently Chaplain of the Legion's Department of South Carolina, typifies the devotion of the Legion "for God and Country." The American Legion advocates that the first defense of America must be spiritual, and through its Americanism program, the "Service to God and Country" program and its many youth programs the Legion has been a national leader for patriotism respect for law and a strong America.

Dr. James is respected and loved throughout the country. He has long been active in the chaplain programs of the American Legion, and is totally dedicated to those great principles that made this Nation great. I commend his splendid address to the Congress and to the American people.

The address follows:

SOURCE OF GREATNESS

(By Dr. Feltham S. James)

"For God and Country we associate ourselves together"—thus begins the Preamble of the Constitution of The American Legion.

As you know, The American Legion is a Lay Organization, dedicated to patriotism and Americanism—but even so, God comes first in its statement of principles. Not for Country and God—but for God and Country. It could not be otherwise, in that all that is uniquely American rests upon the basic premise of the Declaration of Independence—that men are endowed by their Creator with certain inalienable rights, and that governments exist only to secure to men rights that are God-given. The founders of The American Legion, realizing this, set forth the recognition of God as the basic principle of the organization.

To deny God is to deny America. American history has no meaning without God. Should America lose its religious faith and its reliance on spiritual guidance, it would lose itself. Faith in God has a special and priceless meaning to Americans. It is at this point that the battlements are being attacked today by the totalitarian states, who can tolerate no higher authority than themselves. They know that if they can make the peoples of America deny God, or be prevented from knowing God, they will have it made—for then there will be an end to a belief in God-given rights.

It is no wonder or mystery that, as a patriotic organization, The American Legion could not and did not, dedicate itself to America without first dedicating itself to God. It is no wonder or mystery that, although it is a lay organization, The American Legion emphasizes increasingly that Americans, of whatever faith, must know their God; that they must keep Him in their thoughts and know Him to be the Author of their being on earth and the Creator of the rights of the least of them. A free people rule themselves with God's authority, and to be fit to rule themselves they need the guidance which is found only in the teachings of religion.

In our nation's history our people have always acknowledged the authority of God, and our dependence on Him; gratefully we have thanked Him for His Blessings; and invoked His Divine guidance. We have believed that our nation is built on faith in

Almighty God and that our rights are given us by the Creator Himself.

Where we have succeeded as a Nation we have honored the sacred trust in God; Where we have faltered we have failed it. We ought to know, if we don't, that faith in God is the only sure basis for faith in country and faith in our fellowmen. Respect for the rights of others is the key to self-respect. Ours is not a blind allegiance to our country because of fear of reprisal such as we find in Communist dominated countries today. Ours is an allegiance that results from our faith in the source of all rights.

In recent years there has been a concentrated effort on the part of those who would destroy our way of life to lead us away from our belief in the Creator. To wit: the "God is dead" philosophy. They seek to sap our spiritual and moral strength, and to substitute for it a spirit of materialism and indifference. Can you think of a better way to destroy America? Lift even the mighty oak from the source of its strength in the good earth and it will die. Lift America from the source of its strength in God and it will surely die.

America is not immortal and weakness begets weakness. We have but to look about us to see signs in American life of deterioration in things of the spirit. When we see evidence of how home life has disintegrated, how parental responsibility is being shamefully shirked, how shockingly juvenile delinquency has incredibly increased, we can look into our own hearts and ask ourselves if the fruit of hard American planting is not beginning to decay. Each of us must also ask ourselves what part am I playing in this deterioration of things of the spirit. What part am I playing in the destruction of America?

The walls of China stood for five thousand years without ever being breached from the outside. But today's history reveals that they have not only been breached but they have been crumbled into dust by subversive and evil forces on the inside. American defenses may be strong enough to resist outside forces but they can be destroyed by subversive and evil forces on the inside.

I offer that the first defense of America must be spiritual. America came to her mighty greatness through a conscious dedication of our fathers to religious principles—for they knew that unless the Lord build the city—they labor in vain who build it.

We believe, as American Legionnaires, that we must intensify our religious life as a people. We must restore to our home life some measure of that love *for* and trust *in* God which our forefathers bequeathed to us. We must give the children of today that sense of responsibility that will give strength to their characters and direction to their lives.

We must intensify our youth program, our Americanism program, our "Service to God and Country" program—all of which emphasize religious and moral values. All of which seek to give our Nation's youth a vital interest in the things which brought our Country to greatness.

I would hope that The American Legion will have some part in leading America back to that faith in God proclaimed by our Founding Fathers. I would hope that it will set an example for the youth of the Nation, will in the sanctuary of our homes honor and bless our God, will provide, in conjunction with the church and synagogue religious instruction of our children. I would emphasize right here that the Legion Posts in South Carolina devote more effort this year to the spiritual needs of their communities and to work for the youth of their communities. Certainly there is no finer community service.

The training of youth and the preparation of our young Americans to take up tomorrow's responsibilities *is* the concern of The American Legion. Of course, the Legion cannot do it alone but it can be an essential part of the community's effort. We must remember that this is not just providing refreshments for a social. It is becoming involved *with* youth in the planning. We are giving our 18 year olds the right to vote. This means that our youth must be trained to accept the responsibilities as well as the rights of citizenship.

In vain we have sacrificed our American blood in the malestorm of war unless we instill in our youth the spirit of building and preserving their American heritage. Not only must we get subversion out of our schools, but we must generate in our youth a spirit of positive Americanism. Frankly, I do not know how it is to be done but I do know, if our American heritage is to be preserved, it must be done. Self-discipline and self-reliance, the ideals of loyalty, honesty and personal responsibility to God and fellowman must be woven into their character.

We must find some way for youth to discover for themselves the spirit of service. The historic question that Americans have asked themselves has been—"How can I serve?" Today the first question in many minds is "How can I avoid serving?"

The American Veteran has always been interested in youth and from its earliest history, our American Legion has carried on a vigorous program of child welfare. We have sponsored Boy Scouts, oratorical contests, junior baseball, Boys State and Boys Nation. We have reached out to lend a helping hand to the orphans; we have interested ourselves in providing scholarships for deserving boys and girls. In these efforts lies the challenge of The American Legion to muster its forces to instill in our youth the spirit of service *to* God and *for* Country. There is no better way to preserve our American heritage than by teaching youth to love and be willing to serve America. Because of the complacency and failure of the past generation, it will be a long hard battle—but it must be won.

Right here—the challenge focuses on us—We, ourselves, as American Legionnaires, must set the pace. Before today's youth we must place our own example of unselfish citizenship. Words and pious phrases and high sounding resolutions turn youth off. They must see in us, not just old soldiers, sailors and marines who once sacrificed for America in war, but citizens now willing to work for our community, our state, our Nation. We must interest ourselves in the problems of the day, stand guard over our heritage, exercise our right to vote and provide vigorous and untiring leadership.

We must not be lulled to sleep by recent projections of peaceful co-existence with the Communistic world. How can there be peaceful co-existence with men whose charted course is the destruction of American ideals?

This does not mean that we want war. The idea abroad that because we are veterans we want war is a deliberate lie planted in the minds of youth by subversive elements let loose in America. We want peace. Yes, we want peace with freedom and justice. We of The American Legion, veterans of four wars, who have seen the blood of our buddies crimson the soil of many continents and the waters of the seas of the world; we who have known the hell of war and the cost of war in the dead, the disabled, the widowed and the orphaned, we want peace above all others. Not only that, but we pray that our children and the children of tomorrow will be spared the scourge of war.

But peace cannot be won and preserved by wishful thinking or by protest rallys and marches. It must be worked for and prayed for. We must lead the vanguard for peace in our times. Let us reaffirm once again our faith in God and our faith in the righteousness of the principles upon which our nation was founded. Let us pledge that, with God helping us, we will keep faith with those who threw to us the torch of peace. Please God—may we hold it high.

HELP: READING'S ANSWER TO THE NEEDS OF OTHERS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. YATRON. Mr. Speaker, I would like to share with my colleagues in the House the fine achievements of Mrs. Pattee J. Miller of the Family Guidance Center in her efforts to help the citizens of Pennsylvania's Sixth Congressional District.

Many surburban parents, as well as those in our cities, must wonder at the irreverence of some of their children for codes of lawful and decent behavior. As more of our people crowd into cities, too often unemployed and unheard, there will be increasing frustrations in this world which, we must all agree, is already extremely complex. This process heaps frustration upon frustration, excess upon excess, and is an intolerable threat to the future of every American and to all that makes life worthwhile. We must not let this process continue unabated—but how do we do it?

Mr. Speaker, I feel that a beginning has been made in answering this question in my hometown of Reading, in Berks County, Pa. The Family Guidance Center has begun an enterprising program to be made available to all in the area. The program, HELP, has been developed and implemented by Mrs. Pattee J. Miller, the project coordinator, whose dedication to her fellow man is unrivaled. This is a grass-roots effort to reach those who are in need. The program puts concerned individuals into contact with others who have the capacity and desire to help.

HELP is a 24 hour-a-day telephone service available to anyone who needs help, guidance, counsel, or just a listening ear. It is a referral source for the County Mental Health/Mental Retardation program and similar service agencies. HELP is a community service designed to especially meet the needs of the people in Reading and Berks County. Anyone with a problem may call and receive help or be referred to the proper resource.

Perhaps this commitment to help is an answer to individual problems which, if left unattended, could lead to tragedy and crime. Perhaps this care for our fellow human beings on the local level is the answer to an impersonal society. Perhaps, if we give these efforts to reach troubled human beings a chance, the future will be brighter for all of us.

In a memorandum to the dedicated people who will participate in the program in Reading, Mrs. Miller summed up the direction of HELP when she quoted from a statement made by Albert Einstein. This statement, I believe, provides a guide for all of us to follow:

> Strange is our situation here upon earth,
> Each of us comes for a short visit, not knowing why, yet sometimes seeming to divine a purpose.
> From the standpoint of daily life, however, there is one thing we do know:
> That Man is Here for the Sake of Other Men. . . .

LETTER TO CONSTITUENTS BY CONGRESSMAN LESTER L. WOLFF

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. WOLFF. Mr. Speaker, in my continuing effort to keep my constituents informed of my work as a Member of Congress, I periodically send them a newsletter describing my activities in Congress and my feelings concerning the important issues of the day. The following is the text of my most recent report:

A REPORT FROM CONGRESSMAN LESTER L. WOLFF

Dear Friend and Constituent:

Under the reapportionment plan set forth by the State Legislature, the new Sixth Congressional District will now include you and approximately one quarter million of your fellow residents of Queens.

This remapped Sixth Congressional District takes in all of Little Neck, Douglaston, Glen Oaks and Bellrose, the major areas of Bayside and Queens Village and substantial portions of Hollis, Oakland Gardens, Fresh Meadows and Whitestone. In addition, the new Sixth Congressional District continues to serve more than 93 percent of the residents of the Town of North Hempstead in Nassau County.

I believe it is important for you to know me as a Congressman who has represented a complex surburban area comprised mainly of middle income salaried families. But, as my record clearly demonstrates, I am a Congressman who has not forgotten, or ignored, the intense problems of the cities. Like millions of other Americans, I was born, brought up and worked in the City of New York, and understand from personal knowledge and experience the special problems of urban life. I know about overcrowded schools, overloaded and unreliable transportation systems, inadequate public services, the pinch of increasing taxes and the feeling of fear for personal life and property.

Like millions of other Americans, I have gone through the syndrome of moving away from the city in search of a better and less frustrating life style for my family. But, today, the problems of the suburbs are different only in degree from the concerns of Queens residents. The corrosion that spreads from the inner city extends far beyond any legislated "city" line.

My district is atypical in the sense that it straddles two counties. However, it is not unique in its efforts to achieve common goals—an end to inflation and unemployment, a productive economy, better housing, more effective transportation facilities, a diminished crime rate, security and open space for its children.

As a Congressman, one of my prime concerns is the reflection of my constituents' wishes. However, I also have the sworn obligation to represent the best interests of the nation, domestically and internationally. These are the duties and the challenges of a congressman striving to make the American system—and I believe in the system—work. To serve your best interests requires no "shift in gears" from the programs and policies I have been advocating and proposing in the House of Representatives ever since I was first elected to Congress in 1964.

In subsequent issues of this Newsletter I will tell you about my voting record in the Congress and will document what I have accomplished and tried to do. In this issue I seek *your* opinions on matters of genuine concern to all of us. I would appreciate your taking a moment to complete the enclosed questionnaire and mail it to me at my office. What you want for yourself, your family, your neighborhood and your nation is of vital concern to me for I hope to help you realize these ambitions.

Sincerely,

LESTER L. WOLFF,
Member of Congress.

WHAT'S YOUR OPINION?

What do you consider to be the most serious problems in the nation today? (Insert number 1, 2, 3, etc. in order of importance).

---- Unemployment
---- Rising health care costs
---- Crime and violence
---- Living expenses of Senior Citizens
---- Other (please state)
---- The Indochina War
---- Drugs
---- Inflation
---- Pollution of the environment.

If you could control federal spending, how would you like to see the money used? (Insert numbers 1, 2, 3, etc. in order of preference).

---- Improved consumer protection
---- Exploration of space
---- Jobs and manpower programs
---- Military spending
---- Other (please state)
---- Crime control
---- Aid to education
---- Housing
---- Narcotics control.

What do you consider to be the most pressing problems in your community today? (Insert numbers 1, 2, 3, etc. in order of preference).

---- Transportation
---- Property Taxes
---- Drugs
---- Other (please state)
---- Jet noise
---- Education
---- Crime.

Do you support the President's latest moves in Indochina?

---- Yes; ---- No; ---- No opinion.

What course of action do you favor in Indochina?

---- Immediate withdrawal of all American ground and aerial support forces

---- Withdrawal of all American ground forces with continuing aerial support

---- Increase in American role to achieve a military victory

---- Immediate withdrawal of all forces in exchange for release of POW's

---- No opinion.

How do you rate the present wage and price controls as administered by the Price Commissions?

---- Unsuccessful in stemming inflation
---- Moderately successful
---- Totally ineffective
---- No opinion.

In your estimation, during the past year, has the number of unemployed persons in your area?

---- Increased
---- Decreased
---- Remained the same
---- No opinion.

Do you favor legalization of marijuana?

---- Yes; ---- No; ---- No opinion.

Do you favor busing to achieve racial integration of the schools?

---- Yes; ---- No; ---- No opinion.

Should the federal government administer a system of comprehensive national health insurance paid for through payroll deductions similar to Social Security?

---- Yes; ---- No; ---- No opinion.

Do you favor federal controls of all weapons?

Handguns: ---- Yes; ---- No; ---- No opinion.

Shotguns and rifles: ---- Yes; ---- No; ---- No opinion.

Mail order sales of firearms: ---- Yes; ---- No; ---- No opinion.

Name ------------------------------------
Address ----------------------------------

---- Check here if you would like the results of this opinion poll mailed to you.

AN INSPIRING STORY ABOUT AIR FORCE CAPT. JAMES CROTTY OF WORCESTER, MASS.

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. DONOHUE. Mr. Speaker, it is always good and refreshing news, especially in these tumultuous days, to read about a young American's wholesome attitude toward and dedicated service to his country and his fellow men.

I am very happy, therefore, to include in the RECORD an inspiring story, written by Sgt. Clarence Hamilton about Capt. James Crotty, that appeared in the March 31, 1972, issue of the Easy Flyer, a weekly newspaper published by the Udorn Thai Air Force Base.

I am particularly proud that Captain Crotty happens to be a native of my home city of Worcester, Mass., and I know that all who read this story, which follows, will share in my pride in this exemplary American military officer and citizen:

WHAT DID YOU DO IN THE WAR, DADDY?: WOULD YOU BELIEVE—CAPTURED 40 VIETCONG?

(By Sgt. Clarence "Scoop" Hamilton)

Once upon a time there was an anesthetist. Not just a "plain ole anestetist" but an anesthetist who joined the Air Force only to quit and join again; developed acute appendicitis while being the only anesthetist in the hospital; captured 40 Viet Cong without firing a shot; participated in an emergency operation on his brother; speaks fluent Thai, some Vietnamese and Lao; and pioneered many Medical Civic Actions Programs throughout Southeast Asia.

Sounds like the sequel to the movie "M*A*S*H"? Well it isn't. It should be more appropriately titled, "What did you do in the war, daddy?"

Capt. James Crotty, chief anesthetist, 432nd USAF Hospital, the main character, has led an Air Force career as diversified as the parts on an F–4 Phantom.

And it doesn't stop there. The anesthetist holds a black belt in Karate, and through drama scholarships has participated in several off-broadway productions.

Remarkable? Consider the fact that he's only 27 years old and has been in the Air Force for only six years.

Captain Crotty joined the Air Force in 1966 and was assigned to Griffis AFB, N.Y. Before his commission he was staff anesthetist with St. Vincents Hospital in Worcester, Mass.

After a few months at Griffis AFB he was assigned to Takhli RTAFB, Thailand. In 1967, he was assigned back to the states at Andrews AFB, Md.

Returning to Southeast Asia in 1968, he was assigned to Pleiku AB, Vietnam and in 1969 assumed duties as Medical Civic Actions (MEDCAP) Officer at Ben Hoa AB, Vietnam.

CAPTURES VIETCONG

The captain relates, "While team leader with the Medical Civic Actions Group at Ben

Hoa AB, I had an experience that I'll never forget.

"The group was making its rounds through the villages outside the base. While examining a villager for gunshot wounds, I learned that the man had been shot by Americans. From the dress and statements he made, we learned that he was a member of the Viet Cong force.

"The wounded man explained that he was tired of war and wanted peace and medical treatment for himself and family. Through further investigation we discovered that he was not alone . . . forty other Viet Cong were hiding just outside the village.

"I asked the wounded man if his friends felt the same as he did. He said yes and we persuaded him to ask his friends to surrender under the Chieu Hoi Program, (open arms amnesty), and come over to the side of the government. They did, and the South Vietnam government credited our MEDCAP group with being instrumental in the capture of 40 Viet Cong. I was later awarded the Vietnamese Medal of Honor in connection with the Viet Cong surrender."

After his assignment ended at Ben Hoa, Captain Crotty hung up his uniform and returned to the states. But he still longed to help the under-privileged people of Southeast Asia who so desperately need his medical knowledge.

MEDCAP CONTINUES

And return to Southeast Asia he did. While working as a civilian at St. Vincent's he met a Thai doctor through a friend. The Thai doctor was so impressed with Captain Crotty's work at St. Vincent's that he asked the anesthetist to go with him to Nakon Sawon Province, Thailand and teach anesthesia to the personnel working in his 1,000 bed hospital. Captain Crotty accepted and his MEDCAP activity spread to Thailand.

"After being out of the military for approximately a year, I realized that I had enjoyed serving in the Air Force. Men in my field were hard to come by and the need in Southeast Asia was drastic enough to warrant my decision to return," he said.

REJOINS AF

Back in uniform, he was stationed at Udorn RTAFB in 1967. He wasn't here long when he received word that his brother had to undergo an operation for removal of a brain tumor. The attending physician knew of Captain Crotty's expertise in the field of anesthesia and resuscitation and asked him to come home for the operation.

The emergency leave was granted and the operation was performed successfully.

He returned to Udorn where he was the only hospital anesthetist. For almost a year, Captain Crotty was on 24-hour alert since he was the only man whose life-sustaining, pain erasing profession made major operations as well as minor operations possible. If anything were to happen to him, personnel needing surgical attention would have to be air-evacted to the U.S. Army Hospital in Bangkok.

APPENDICITIS STRIKES

Ordinarily, his illness would have created a grave problem for the hospital, as well as himself, but a series of timely coincidences occurred.

He was due to rotate this month, but voluntarily extended at the request of the Hospital commander. His ability to speak to Thai Nationals in connection with operations was deemed invaluable by the surgical staff, and time was needed to orient his replacement—Capt. Wymon M. Wilson.

Captain Wilson was due in from Cam Rahn Bay, Vietnam on March 7. Through some strange quirk of fate, he decided to come to Udorn five days early, and arrived a day and a half before Captain Crotty's appendicitis attack.

The new anesthetist quickly adjusted to meet the demands of the slot left vacant by Crotty's illness and assisted in the operation on Captain Crotty.

Just a timely coincidence? Maybe.

Captain Crotty has since recovered and the two anesthetists now augment the hospital program.

With many major operations on the slate, combined with the unexpected, it's easy to see how timely Captain Wilson's arrival was.

"IT'S MY JOB"

Applying anesthesia isn't Captain Crotty's only job in the operating room.

The captain explained, "It's my job to keep the patient alive by insuring that he is able to breathe and sustain a steady heartbeat before and during the operation.

"The main reason for having me in the operating room is to keep the patient alive and pain-free during the operation and, of course, wake him when the operation is over."

A Worcester, Mass., native, he has spent four of his six-year career in Southeast Asia. His April rotation will take him stateside to Castle AFB, Calif., and undoubtedly to some new adventures.

MASSACHUSETTS WOMEN LAWYERS

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, in the current controversy over the role of women in American business and society, we tend to overlook the enormous contributions already being made by millions of American women. I would like to call to the attention of my colleagues one such success story. A remarkable woman, Mrs. Ann W. Lake, of Dedham, Mass., has shown how to combine the duties of a family with a socially and politically active career as a teacher and lawyer, and I feel that her example and advice deserve to be shared with the wide readership of the RECORD.

It is a deep personal pleasure for me to salute Mrs. Lake on the occasion of her retirement as the president of the Massachusetts Association of Women Lawyers, and I am proud to insert in the RECORD the following article from the Boston Herald Traveler:

DO NOT BE A GAL FRIDAY, TOP WOMAN LAWYER ADVISES

(By Betty Curtis)

Don't be a Gal Friday!

This is the advice Mrs. Ann W. Lake, retiring president of the Massachusetts Association of Women Lawyers, gives in a valedictory address to women attorneys who start their careers in "male dominated" law firms.

Mrs. Lake, who retires on Saturday, says more girls than ever before are turning to the law as a profession, but there is still a tendency in some law firms to treat them as "glorified office girls."

"They must make it clear, right from the outset, that they are qualified attorneys and insist on being treated as such, otherwise they'll end up answering the telephones and doing jobs like that around the office warns Mrs. Lake who has been an attorney for over 25 years and is admitted to practice before the U.S. Supreme Court.

Mrs. Lake, who is professor of law at Salem State College, urges girls taking up law, not to stay with a firm longer than, at the most, two years, time enough to earn some money and gain experience. After that, they should get out on their own, she says.

She recommends the law as a good choice of career for the girl with the right qualifications because it doesn't rule out marriage. Mrs. Lake herself is married to a physician and has three children, Beverly 22, a New York Model; Douglas 21, a senior at Trinity College, Hartford, Conn., and Warren, 18, a freshman at Middlebury College. The family lives in Dedham.

"When the children were very young I took them around the district courts with me," said Mrs. Lake who practices in Boston. "We were a familiar sight all trooping in. The court officers took care of them when I went to the bench."

"A great deal of law work can be done at home, which also fits in well if a girl is married and has a family. My clients used to bring their children to my house and they'd play with my children while we talked."

In some branches of law, Mrs. Lake is of the opinion women do a better job than men among them criminal law and in cases involving domestic relations.

Men, being the breadwinners, tend to take on numerous cases and are more inclined to deal with things in bulk than on an individual basis, she feels.

Women, on the other hand, generally seem to devote more time to their cases, to have more compassion, are more meticulous and more capable of in depth research, important attributes in criminal law and also domestic cases. Mrs. Lake's own field is Probate.

The qualifications of a good lawyer, she says, are a logical mind, a mind that can evaluate the facts of a case, concentration and a good comprehension of the English language.

And a "must" for a gal—the ability to get on with men.

Without this, she might as well forget it, says Mrs. Lake, for she'll be closely involved with men. She'll have to negotiate with them in cases and work with them and if she's too militant, or can't get on with them, she'll never make a success in the legal profession.

LOCALISMS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. GRIFFIN. Mr. Speaker, All Americans share a common desire for peace in Southeast Asia but we are not a Nation that seeks peace at any price. We seek an end to our long involvement and a return of our troops and prisoners of war.

The President has taken bold steps to meet the situation and to bring a safe return of our troops and peace to the area if the Communists truly desire peace. I believe the great majority of Americans support the President in these efforts and I know we all pray that they might meet with success.

I would like to include in my remarks an article that I believe expresses very well the feelings of most people in my area. This article recently appeared in the Woodville Republican, the oldest newspaper in the State of Mississippi. The article, written by the distinguished editor, John Lewis, is noteworthy and I commend it to my colleagues.

The article follows:

Localisms

(By John Lewis)

We have just heard our President issue an ultimatum to the government of North Vietnam, one which smacks strongly of the bygone days when American policy was to speak softly and carry a big stick, rather than the namby pamby and apologetic foreign policy which our government has been prone to follow in recent years.

We know what it must have cost President Nixon personally and politically to reach such a momentus decision, for all are quite aware of the implications of this bold course of action and the accompanying inherent danger of enlarging the scope of the conflict. However, in view of the intransigence of the enemy in Vietnam and their mockery of all efforts at negotiation, we feel that the President has taken a course of action long overdue in this far eastern conflict.

We trust that we will not be labeled a warmonger for our agreement with this new development, for to our way of thinking it is one which best promises an early end to a long drawn-out conflict which we had never seriously attempted to win. We are well aware that the peaceniks of our nation as well as many truly patriotic and sincere Americans have come to feel that the time for disengagement had arrived in Vietnam. We will have to admit that we, too, had begun to lean in that direction as opposed to a continuance of action in a no-win war.

As the President stated, he is not the one who sent over half-a-million Americans to the steaming battlefields in this far-away land, but, instead, it was he who ordered home nearly that number of American servicemen.

Mr. Nixon had shown good faith in fulfilling his promise to withdraw American forces from the area, but the enemy answered by launching a major offensive which threatens to trap some 60,000 Americans in a situation worse than Dunkirk unless firm and positive force is exercised quickly and effectively.

As a veteran of some four years of wartime service in the armed forces of these United States, we certainly have no love for war and the inevitable suffering which results among the combatants as well as among the civilian population. Still on the other hand, we are equally aware of the dishonor, danger and disaster which can result from a refusal to fulfill our duties and responsibilities on the side of peace and nonaggression as the world's greatest power. It is unthinkable that we would abandon not only the American servicemen who remain in Vietnam and the thousands of prisoners of war held by the enemy, but also the South Vietnamese allies whom we had pledged ourselves to protect from foreign invaders. Whether or not previous presidents were right in the course of action to which they committed this nation in years gone by is currently of secondary importance, for the paramount issue is now how to bring about an end to the present conflict and insure the safe return of our servicemen.

We hope and pray that President Nixon's planned course of action as stated in his Monday night address to the nation will prove to be the correct and honorable decision and that he will win the full support of America, he reminded us all that "it is you the world will be watching. . . . you want peace, I want peace. . . . we must stand together to insure a just and lasting peace. . . ."

DAY LABOR INDUSTRY NEEDS REGULATING

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. THOMPSON of New Jersey. Mr. Speaker, I wish to bring to the attention of my colleagues an article in yesterday's Christian Science Monitor dealing with the day labor industry. My Special Subcommittee on Labor has been studying this industry in conjunction with hearings on H.R. 10349, introduced by my distinguished colleague from Illinois, Representative ABNER J. MIKVA. This article accurately describes the disturbing kinds of problems we discovered during our hearings.

Little Legislative Protection: Day-Labor Industry: An Unpoliced Jungle Environment

(By Guy Halverson)

Chicago.—It is 6:15 a.m. Gloomy rain sweeps the dark morning on Chicago's northside Uptown area.

Inside a small, dimly lit room several dozen men sit huddled on long benches—eyes downcast, jackets and windbreakers pulled tight to ward off the early morning chill.

A sign on the window tells the tale—"Day Labor: 60 Men Needed," it reads in large, black type.

The predawn scene being played out here—grim as it seems to the uninitiated—is hardly unique. It is daily repeated in scores of major cities throughout America.

But for the giant American day-labor industry—which may employ as many as two million men, many of them wholly unskilled—public criticism is increasing, with one question ringing loud and clear:

Should this virtually unregulated industry be subject to city, state, or federal legislation?

STRINGENT CONTROLS SOUGHT

Critics says the abuses of marginal day-labor operators—whose field encompasses manual laborers on temporary service but not clerical, secretarial, or temporary white-collar employees—require stringent control. They charge:

In many day-labor agencies, current work practices include use of so-called "90-day clauses" whereby men who do day work for a particular firm cannot sign on as permanent employees of that firm for three months. The result, critics allege, is to virtually shackle men to an endless cycle of temporary work.

Wages—usually at minimum wage scale—are invariably paid only for the length of the shift worked, even though the men report to the day-labor centers as early as 5 and 6 a.m. to get a job assignment. Given the morning waiting period, plus travel time, the total number of hours often figures out to 12 or 13 hours.

In many cases injured workers find themselves without adequate information on their right to workmen's compensation.

Pay is often in script, cashable at only selected places such as bars.

The day-labor field is virtually unregulated. Litigation over whether or not day laborers should be covered by state laws regulating private employment agencies has arisen in Florida, New Jersey, Nebraska, and Pennsylvania.

Both Florida and Pennsylvania excluded temporary day labor from such regulations.

In Nebraska and New Jersey day labor was held covered by statutes, but in Nebraska the Legislature subsequently amended the law to exclude day laborers.

Thus, only in New Jersey is there believed to be state regulation. The U.S. Department of Labor, moreover, has shown little interest in the subject.

FEDERAL BILL DRAFTED

Comprehensive legislation has been introduced at the federal level by U.S. Rep. Abner J. Mikva (D) of Illinois. The bill—H.R. 10349, the Day Laborer Protection Act—would require that a temporary help agency first get a license from the U.S. Secretary of Labor. The 90-day restrictive hiring clause would be eliminated, and the measure would ensure fair labor practices and an adequate workmen's compensation plan. Workers would also be paid for time spent in travel and waiting for assignment.

Targets of the bill, says Mr. Mikva—who compares work abuses in the day-labor industry to conditions back in the early days of the industrial revolution—are the marginal operators, "the ones who abuse day laborers, using every legal loophole to cut costs and increase profits."

Day-labor centers flourish throughout the United States. In Detroit there are between 20 and 25 agencies employing perhaps 3,000 men. In Washington, D.C., agencies employ between 3,000 and 5,000 men.

Here in Chicago it's estimated there are some 50 day-labor agencies, perhaps 23 of them in the Uptown area, a polyglot community of Appalachian whites, blacks, Latins, and Orientals. Under the system, the agencies charge about $2.35 to the firm, and workers are then paid about $1.60 an hour. Taxes and other expenses are paid by the agency.

Chicago alderman Christoper B. Cohen—who is seeking to get regulatory legislation passed by the Chicago City Council—says that he had so many complaints from his constituents about day-laborer abuses that he finally decided to find out firsthand.

"It's just not the type of thing they teach you about in law school," Mr. Cohen says grimly.

"Going undercover," Mr. Cohen spent a week working out of day-labor offices. At one office he found the floor covered with vomit. At another agency he was forced to ride a jammed bus to the contracting firm. The bus was so packed that boards were placed between the seats to squeeze in as many men as possible—clearly in violation of city ordinances.

"And they made me pay for the bus trip as well," he recollects.

For its part, the giant American Temporary Service Contractors Association, which includes the largest and best known of the day-labor centers, insists that self-regulation rather than statutory legislation is the answer. According to John A. McDonald, an attorney for the association, statutory legislation would be discriminatory, since it would single out only the one segment of industry.

Industry officials argue that federal legislation, such as the Mikva bill, would duplicate provisions of some six different federal laws and that there are no precedents for federal licensing of a specific industry.

INDUSTRY GAINS NOTED

The industry itself has also taken firm steps in the past several years to tighten enforcement of its code of good practices. Many of the larger day-laborer firms—such as Man Power, Inc., one of the most respected employers, have been insistent on strict industry policing of marginal, "fly-by-night" operators.

Whether the industry could afford strict federal regulations is a point of controversy. Profit margins as percent of transactions are slim, running to about 6 to 8 percent on each hiring. On the other hand, profits as a percentage of investments are often quite high, says Paul Joray, an assistant professor of economics at the University of Indiana, South Bend campus. Also disturbing, he says, is the high turnover rate of firms, which, again, leaves wide potential for the "quick buck."

UNTIE OUR HANDS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. GAYDOS. Mr. Speaker, Industry Week magazine has conducted a complete and thorough analysis of the many facets involved in our international trade problems. This analysis has been presented in a series of four special articles: "Is There Still Time To Save U.S. Industry?" "Our Jobs Are on the Line," "Give Us the Tools," and the latest impact report, "Untie Our Hands."

I am inserting into the CONGRESSIONAL RECORD a copy of the latest article published in the May 15 issue of Industry Week. I sincerely hope my colleagues will read it for I believe it makes clear what our country and our Government must do if we are to provide our domestic industries the opportunity for fair competition in the world of free trade.

The article follows:

UNTIE OUR HANDS

(By Floyd G. Lawrence)

The U.S. announced the discovery of economics on Aug. 15, 1971.

It was a finding perhaps as inevitable as and yet no less startling than, the realization that the children have grown up. And with it not just we but the entire Free World entered a new "phase."

The U.S. has now made clear that it no longer intends to let its economic interests be subordinated in trade, in investment, in foreign policy, or in mutual defense; and that in future negotiations it will be as generous or as selfish as other nations. And it will be quite a change.

Since the end of World War II, we had willingly been Uncle Sam to the Free World. Enthusiastic about the growth of our nephews, we helped them with a liberal allowance and looked the other way when it came to pranks in the trade field.

We offered a hand to everyone as if we could do everything, and as if we need not change, or even review, what we were doing in the world of international economics. Our political strategists somehow failed to recognize or to adapt to mounting evidence that we were not destined forever to remain the Free World's rich uncle.

Yet since 1950, our share of world automobile production has declined from 76 to 33%; our share of world steel production from 47 to 18%; and our share of world radio and television production from 65 to 19%.

Still more evidence appeared in U.S. homes, where products made overseas grew to account for seven out of ten sweaters, two of every five pairs of shoes, one of every three bicycles, one of every two black and white TV sets, and nine out of ten home radios.

Proof of our dwindling competitiveness was piling up, but few recognized it. Most assumed competition was a game we played among ourselves, and they viewed the facts in that context:

Rapid productivity gains on the part of others were to be expected as "part of the process of catching up."

While the exports of others grew faster, our exports grew also.

We continued to enjoy a satisfactory trade surplus through 1967 as other countries needed our goods and the slack in our own economy dampened our demand for imports.

And, perhaps most important, since our consumer income rose more rapidly than our consumer prices, individual standards of living did not suffer.

But starting about 1964, foreign products became increasingly competitive in our markets as U.S. wage gains further outstripped productivity, and our costs rose more sharply than those of our competitors abroad. For the same reason, our products became less attractive abroad, and more and more dollars failed to return to the U.S. Our surplus in merchandise trade began to decline, and our balance of payments deficit began to build.

By August 1971, the U.S. faced a balance of payments deficit more than twice the previous high—at $8 billion—and a $2.2 billion merchandise trade deficit, the first since 1893.

NEPHEWS BECOME COMPETITORS

The U.S. is still rich and productive, but it is no longer supreme. It is one strong competitor among other strong competitors.

By the late 1960's, the European Economic Community (EEC) had become the largest trading entity in the world. This year it will expand further to become an economic power with a population exceeding and a gross national product rivaling ours.

If the other countries that are to be taken into the expanded EEC are included, the enlarged EEC will account for nearly 40% of world trade and for 50% of world trade in industrial products, three times the U.S. share. Even ignoring trade among EEC members, themselves, which accounts for about half, the expanded EEC will account for as much as 40% more trade than will we. One member alone, West Germany, in 1970 surpassed the U.S. as the leading exporter of manufactures with $30 billion.

Yet the competitiveness of Japan has increased even more rapidly. That nation has grown consistently faster over the last 20 years than any other in economic history. It has sustained an annual export growth of 19% over the period with a growth in manufactures during the last decade alone of some 400%.

Few have questioned the wisdom of helping to build a strong Europe facing the Iron Curtain and a strong Japan facing the Bamboo Curtain. But at the same time, few have questioned that, as the economies of other countries became stronger, they would accept an increased share of responsibility for world security and would gradually open their markets to others, including the U.S.

But if we have been correct in visualizing the strength of the Free World as nations bound together like a bundle of sticks, our vision may have been less clear when it came to dealing with the earnest desire of some sticks to become larger than others. And there's a rather obvious reason.

Because changes in trade patterns affect the economies of others far more than our own, foreign trade issues have loomed less large in our national policies and politics than in those of our trading partners. So other nations have asserted themselves to improve their competitive positions, not only through hard work, but also through discriminatory trading arrangements and the development of export support programs more aggressive than ours.

JUST LOOK AT TV

Television provides an interesting example, not only because its history spans the postwar period, but also because it is among our most technologically sophisticated industries.

"If the television industry in this country can't make it, I don't know what industry can," contends Joseph S. Wright, chairman, Zenith Radio Corp., Chicago. "I'm not aware of any industry in the U.S. that has a better track record for cutting costs, improving its product, and increasing its productivity."

Using 1952 as a consumer price base of 100, in 1970 the average TV price had been reduced to 72 while the average annual consumer price index had risen to 146.

"The average price in 1970 was almost 30% less than the price in 1952," says Mr. Wright, "yet those sets in 1952 were small screen black and white vacuum tube sets while the 1970 sets are transistorized and include color. The TV set we sell today is a much more complicated product with a great deal more in it, and wages have increased substantially. So the lower price reflects a tremendous productivity increase."

Yet in just nine years (1962–71), TV imports rose from 2.4% of a 6.6 million unit U.S. black and white TV market to 55% of a 7.6 million market. In 1965, Japanese color TV imports were only 2.6% of the total color market of 2.6 million units. By 1971 Japanese imports held almost 18% of a 7.2 million market.

Similarly, using 1962 as a consumer price base of 100, in 1970 the average U.S. radio price was 68, with portability, FM, stereo, and many added values. Yet radio has fared even worse.

In the late 1950s, millions of low-priced Japanese transistor radios began to pour into the U.S. By 1968 they had captured 95% of the U.S. market; less than 5% of our market of some 40 million home radios is served by U.S. plants today. Except for certain specialty sets, the manufacture of radios in the U.S. was made economically impossible within ten years of the invasion by the Japanese.

In world radio and television production, U.S. output has hovered around 25 million units while world output has grown from 35 million to 140 million.

JAPANESE TV PICTURE SLANTED

"The principal factors in this amazing feat have not been cheap labor, productivity miracles, or a single-minded diligence by the Japanese," believes Mr. Wright, "although these qualities have been helpful. Rather, much of Japan's success has resulted instead from what we consider to be unfair and discriminatory practices in Japan's export trade."

In 1956 and 1957, Japan decided as a matter of policy to encourage and develop the electronics industry and enacted a law known as the Electronics Industry Development Emergency Law, which remained in effect until 1971. A new and similar follow-on law for the same purpose was then enacted, extending the "emergency" to 1978.

Under this law, the Ministry of International Trade & Industry was directed to establish and supervise programs for the development of the electronics industry, and within the ministry there was set up an Electronics Industry Council of top industry officials to help formulate research and development programs as part of a first phase. Under this procedure, the entire spectrum of consumer products, components, computers, communications, and industrial electronics was broken down into program subjects.

For each one of the programs, the ministry developed a timetable, a set of specific objectives, and funding for research and development. Phase 2 of each program was the development of a plan for putting the new product into commercial production, and with financing by free or low-interest loans from the Japan Development Bank. Phase 3 contemplated production rationalization accompanied by an accelerated write-off of whatever investment the companies themselves had made in the program.

"This new system of business is not really free enterprise as we know it," adds Mr. Wright, "although through the ministry's Deliberations Committee the industry members have great influence in getting an effective consensus on what the programs can and should accomplish. But the ministry is the boss and finally decides what projects will be supported and who will participate and to what extent.

"While we and our competitors in the U.S. beat each others' brains out, trying to come up with the best color TV tube, the Japanese have eliminated wasteful duplication of research in competing projects," says Mr. Wright, "and technology is standardized and shared. And if the industry in question is considered too fragmented for effective action, mergers and consolidations are encouraged. Rather than an antagonist, the government considers itself an active and responsible partner in the venture.

"It would be asking a great deal of mortal men to encourage them to form a cartel under government supervision for export trade and then require them to compete in an antitrust environment in their home market," adds Mr. Wright. "As a result, prices in the Japanese home market are high when compared with the same product sold here or in other export markets, and this is due to a number of factors, including outright cartels to fix prices and the denial or discouragement of access to the Japanese market by foreign competition.

"The Japanese Electronics Industry Assn. admitted a year or so ago that large-screen TV receivers made in the U. S. could be delivered to a Japanese importer for a total cost of about $449 while similar large-screen Japanese sets have carried list prices in Japan of $1,200 to $1,600. By the same token," notes Mr. Wright, "Japanese color TV table models, selling in Japan for $400, are shipped nearly half-way around the world and with freight and duty paid sell in the U.S. for under $300."

Selling a product at a lower price overseas than in the home market is dumping, and U. S. law provides a dumping duty be imposed. Yet following the Treasury Dept.'s dumping finding in December 1970 and a 9% bond required pending determination of what the dumping margins might be, Japanese color TVs exported to the U. S. increased nearly 50% in 1971 and at prices, believes Mr. Wright, still below those prevailing in Japan.

"Some people in this country have suggested that we should not be overly critical of Japan and that we should not be so insistent on what they call 'protectionist' measures because this might start a trade war and have an impact on our exports, particularly on some of our agricultural products," says Mr. Wright. "I have news for them. I think we are already in a trade war with Japan and that if we aren't realistic in dealing with the problems right now it will be most difficult to preserve the relationship between our two countries in the future.

"I happen to be in an industry which has an unmatched record for competition in innovation, in technology, in marketing, and for passing on to the public the benefits of our technology and productivity in the form of better products at lower prices," emphasizes Mr. Wright. "We have been hit extremely hard by the Japanese trade war, but we don't need a government blanket to 'protect us from rigors of foreign competition.' All we need is a reasonably fair shake in the rules of the game and an intelligent and informed government interest in our problems."

PROCESS OF ELIMINATION

The need for a fair shake in international trade rules is also identified as our key problem through a process of elimination by F. J. Borch, chairman, General Electric Co., Schenectady, N.Y. He arrives at his conclusion by considering each alternative "cause" as follows:

"We have all heard that U.S. investments offshore are having a dire effect on our balance of payments. In 1970, the cumulative total of direct private investment by U.S. companies offshore reached $69 billion. The outgo for the year of our direct investments abroad was $4.4 billion, while the return on this investment to the U.S. was $7.9 billion. The return from direct investments, contrary to having a deleterious effect on the U.S. balance of payments, is actually our last remaining positive item of significance.

"Next, voices on both sides of both oceans tell us our trade balance has deteriorated because of inflation and that we should get our own house in order. In the U.S. the domestic consumer price index rose 25% from 1964 to 1970. Let's admit that's bad but look what happened to each of our trading partners: Japan 40%, France 27%, Germany 17%, Italy 21%, UK 31%—a range of 17 to 40% with only Germany appreciably below our 25%. Everyone had inflation, but not everyone had trade balance problems to the same degree."

Can our lack of productivity gains then be the culprit? Mr. Borch admits that at first glance the evidence suggests this might be the case. U.S. productivity in terms of output per manhour increased 14% between 1964 and 1970 while among our major trading partners the increase ranged from 22% in the UK to 99% in Japan. Considering the more liberal tax incentives elsewhere to invest, Mr. Borch does not find it surprising that others' productivity has gone up much faster.

"But before we accept that as our problem, let's take a further look at what really counts—unit labor costs in manufacturing which are a combined measure of output and total employment costs," proposes Mr. Borch. "Between 1964 and 1970 unit labor costs in the U.S. rose by nearly 20% with much of the rise occurring during 1969–70.

"Yet Italy is very close to our 20% increase in these costs, and France is at 16%. But two of our biggest trading partners display the following unit cost increases: Germany 26% and Britain almost 33%. In the case of Japan, the unit labor cost increase is much lower than ours at 12%, but the big divergence really occurs in 1969 and 1970 when our own unit labor costs shot up," says Mr. Borch. "Before that, Japanese unit labor cost rises parallel ours. Despite this earlier comparable unit labor cost picture for the Japanese, they nevertheless turned our two-way trade around to their positive advantage by 1965.

"Thus, the differences in unit labor cost trends do not seem to account for the massive change in our U.S. trade balance," Mr. Borch claims.

A MATTER OF PRIORITIES

"The real reason for the serious U.S. trade situation boils down to the fact that other countries have made international trade a top national priority and have adopted structural policies to promote their trade balances and their balances of payments," concludes Mr. Borch. "The success of these policies is reflected in the degree to which they have been able to shield their export prices from the inflation that took place in their domestic economies."

During the 1960s (1960=100) the Japanese *consumer* price index rose to 176 while the *export* price index rose only to 105, for a spread of 71 points. For France the gap was 76, for Italy 39, for the UK 31, for West Germany 15. But for the U.S. the export price index has more closely kept pace with the domestic price index, a 31% domestic price rise and a 22% export rise, a spread of only 9 points.

How could other countries thus insulate their export pricing from their domestic economies? Mr. Borch cites three factors:

Others had the freedom to devalue their currencies when their trade and their balances of payments got in trouble. Meanwhile, for good technical reasons under the International Monetary Fund, the U.S. was unable to institute similar compensatory competitive steps.

Others have been very careful to protect those domestic industries they consider important to their economy, or to their employment, from what they consider might be disruptive imports through preferential government procurement practices and through direct subsidies to industries in some form.

Others have tax structures which provide a wide variety of incentives to promote exports and to penalize imports. This factor Mr. Borch considers perhaps the most important of the three.

GROWING AND PERMANENT

"The U.S. will remain at a growing and permanent disadvantage as long as these structural tax differences exist," says Mr. Borch. "While our tax officials undertook a massive effort beginning in 1962 to make sure that export income of U.S. corporations was taxed here in full, foreign countries have continued to permit the shifting of export income to a tax haven subsidiary, for example, or have given extra deductions for costs tied to exports, such as extraordinary depreciation deductions for export-related assets.

"But I believe the most important of the trade-affecting measures built into the tax structure by our trading partners is the heavy reliance on indirect taxes that are not reflected in the price of their exports and are imposed at the border on imports," declares Mr. Borch.

"When the rules of the General Agreement on Tariffs & Trade (GATT) were written 25 years ago, they provided that the member countries could exempt their exports from indirect taxes, which then were understood to be mainly sales and excise taxes, and charge an appropriate compensating border tax on imports. At the same time, the GATT rules forbade both export rebates and border levies for direct taxes—those taxes imposed on personal and corporate income, and for social security.

"What we did not foresee," explains Mr. Borch, "was the full impact of the difference in tax structures in Europe and Japan, relying heavily on high rate indirect taxes, with a simultaneous shift in this country away from indirect taxes toward almost total reliance on the income tax as a source of national revenue."

As a result, when the European manufacturer exports to the U.S. or elsewhere, his government rebates or waives the actual total amount of his indirect taxes that are included in his domestic price. His product then reaches the U.S. where it crosses the border free of U.S. taxes. Thus his export product price reflects his domestic price, less his own domestic tax, and no U.S. tax.

But when a U.S. manufacturer exports to Europe, his price not only reflects all of the U.S. taxes for which he receives no rebate, but also an additional border tax equal to that nation's indirect taxes. In the case of automobiles, for example, those border taxes are 33.3% in France, 11% in Germany, and 36.6% in the UK. And the border tax is usually imposed on the landed cost, including the European customs duty.

UNITY WITH IMPUNITY

The U.S. supported the establishment of the EEC and supported the UK's entry. We observed with little complaint special preferences for some 18 African countries because they were former colonies of Belgium, France, and Italy. But eyebrows began to rise as the EEC entered into still more special agreements with Greece, Turkey, Tunisia, Morocco, Israel, and Spain.

The EEC has now given these special preferences to more than 30 countries, and an intention has been indicated to provide similar preferential treatment for all Mediterranean countries and much of Africa.

While the EEC explains that it has a "responsibility" to these nations as less developed countries, others have observed that the EEC also has a "responsibility" to the rest of the world and that it is not serving that responsibility by requiring in return reverse preferences which cannot be defended as a "benefit" to the less developed.

It is now anticipatd that preferential association agreements covering all or most industrial products will soon be negotiated between the enlarged EEC and those European Free Trade Assn. countries that have not applied for membership in it. This would mean that all of Western Europe, most of the nations bordering on the Mediterranean, and most of black Africa would be bound in a discriminatory trading and investing bloc.

A similar bloc may well rise in the Pacific, predicts Dr. Herman Kahn, director, Hudson Institute, Croton-on-Hudson, N. Y. "We believe that it is very likely that by 1980 each of the major nations of the Pacific hemisphere will be conducting more than 50% of their trade and making or receiving more than 50% of their investments with other countries in the Pacific hemisphere."

Dr. Kahn foresees the principal components of this Pacific hemisphere trading and investment community to be Japan, South Korea, Taiwan, Hong Kong, Singapore, Thailand, South Vietnam, Indonesia, the Philippines, Australia, New Zealand, and North and South American countries including Brazil, Colombia, Venezuela, Mexico, the U. S., Canada, and perhaps Argentina and Chile.

He cites the following factors as important in creating the community:

The continued economic growth of Japan at much greater than the world rate, and the growth of Japanese international trade at no less than the rate of world trade in general.

The continued rapid growth of other countries in the Far East and their increasing share of world trade.

The expanding need of the developed countries, particularly the U. S. and Japan, to export manufacturing operations to low labor cost areas such as Singapore or Taiwan, and increasingly by the end of the decade to such areas as Malaysia, the Philippines, and Indonesia as well.

A shifting orientation of Australia and New Zealand away from Europe and toward Japan, the Pacific, and the U. S.

Increased Japanese investment and marketing interest in South America, and especially in Brazil, the only major country other than the U. S. where Japanese have gone in large numbers to settle as immigrants.

"Since the Americans face both across the Atlantic and across the Pacific, it is possible for an Atlantic hemisphere trading and investment area and a Pacific trading and investment area to exist simultaneously and for the members of both to trade at least 50% with each other," observes Dr. Kahn.

BLOC BUSTING?

The growth of blocs suggests that reductions in trade barriers are a matter not only of interest but of action among our trading partners. Situated between the two, our challenge is to be part of the action of both.

From 1934 to 1967, every major initiative for free trade came from the U.S. But those initiatives took place within a context of U.S. dominance.

"The central fact of the last 25 years," believes Commerce Secretary Peter G. Peterson, "has been the conviction—ours as much as that of other countries—that the U.S. was dominant both in size and competitiveness in the international economy. The practices, institutions, and rules governing international trade and payments were structured to fit that fact.

"We as a nation and the world as a whole were too slow to realize that basic structural and competitive changes were occurring," the former Bell & Howell chairman reported when he was assistant to the President for international economic affairs. "As a result, international policies and practices were too slow in responding."

It is unlikely that a failure to recognize basic structural and competitive changes will recur. Rather, facing strong and strengthening competitors in Europe and Asia, our challenge is one of uniting in economic strategies and objectives to adapt to that new reality—and of getting our trading partners to do the same.

Perhaps inevitably, recognition of that new reality has brought a sharp polarization of opinion as to the appropriate response. Organized labor, traditionally favoring free trade in the interests of the lowest prices for consumers, has swung heavily to protectionism in the belief that it would protect U.S. jobs. Others, examining the same evidence, conclude that the answer is free trade reflecting increased equality.

This polarization of views may be momentarily useful. Certainly the ardent pronouncements of labor for protectionism are unsettling to our friends overseas and cannot have failed to heighten their interest in lesser alternatives. By the same token, the idealism of the free traders has focused attention on structural inequities and the practical consequences of suddenly unrestrained trade as well.

Thus the issue may light the way for both us and our trading partners. The issue is one of two-way trade benefiting *both* sides. The objective, clearly, must be fair trade.

WHAT IS FAIR TRADE?

While *protectionism* literally involves the protection of industries by the imposition of barriers to imports and *free trade* envisions the removal of such barriers, fair trade is more difficult to define. Let's examine a bit further what we have today.

Tariffs are less a factor now than in the past due in part to the success in reducing tariffs during the Kennedy Round of negotiations under the GATT. Tariff concessions on dutiable nonagricultural products by the four largest industrial participants—the U. S., the EEC, the UK, and Japan—averaged slightly more than 35% and covered about $20 billion of trade. With the Kennedy Round cuts this year, tariffs on such products will average only 9.9% in the U. S., 8.6% in the EEC, 10.8% in the UK, and 10.7% in Japan.

But as the tariffs have come down, nontariff barriers have become more conspicuous—in part because the tariffs have loomed less important but also, in the opinion of some, because nations have been adding nontariff barriers to improve their bargaining position in anticipation of upcoming negotiations.

Robert E. Baldwin, former chief economist in the Office of the U. S. Special Representative for Trade Negotiations, defines a nontariff barrier as any measure (public or private) that causes internationally traded goods and services to be allocated in such a way as to reduce potential real world income.

A list of some 800 such trade-distorting measures was compiled by GATT by asking each member to name its complaints against the others. But the thing that makes such barriers thorny is that, while they may distort trade, they are often adopted for social, health, or technical reasons.

The French, for example, require the presence of a French inspector during the manufacture of pharmaceuticals. Manufacturers outside France, having no French inspectors, are unable to ship their products into the country even though the motive may well be one of public health. By the same token, the American Society of Mechanical Engineers' Code is the sole standard of acceptability for boilers and pressure vessels in the U.S. Products must be inspected and certified by an inspector licensed by the National Board of Boiler & Pressure Vessel Inspectors, a safety qualification impossible for foreign firms to meet.

Among types of barriers distorting trade are the following listed by the National Assn. of Manufacturers (NAM), New York:

Government procurement

U.S. suppliers in many cases are totally excluded from foreign government purchasing, or even from purchases by private bodies abroad utilizing government funds. One of the easiest ways to exclude outside suppliers is simply to fail to provide adequate information concerning bidding opportunities or to provide it so late that a proposal cannot be readied in time to "be considered."

Import quotas

Quantitative import restrictions exist in a number of countries for a variety of products. In addition to the levels of the quotas themselves, many problems arise in relation to administration, with licenses often issued in an ad hoc discretionary manner. Import quotas used by the U.S. include limits on crude oil and petroleum products, textiles, and beef.

State trading

Although GATT provides that state trading organizations should not discriminate, the provisions are ambiguous and discrimination is in fact common. State trading may result in strict limits on the level of imports, price regulation, mark-up policies which discriminate heavily in favor of home products, or in standards policies which strictly limit the feasibility of importation. State trading organizations also often subsidize exports, or dump exports, creating artificial conditions of competition for U.S. exporters in third country markets.

Export subsidies

The industrial countries already have an agreement to refrain from subsidies on manufactures. The export incentives which do exist therefore take hidden or indirect forms, or are embodied in tax provisions or export financing terms.

Tax mechanisms

Tax devices can be used to block imports or create incentives for export, or both. Thus, the tax on automobiles may be applied in terms of cubic displacement or horsepower, favoring smaller European or Japanese cars over U. S. cars. The tax on value added, widely used in Europe as described by Mr. Borch, is another example, but general sales taxes such as those in Japan or in the various states of the U.S. or general manufacturers taxes such as those in Canada are also examples of this general problem.

Special levies

Charges on imports which vary with internal market conditions, or with specific criteria regarding contents of the product, can be very trade-distorting. The most important example is the variable levy for European Common Market agriculture while a U. S. example is the American Selling Price method of valuation for certain chemicals. The charges are designed to make imports a residual factor, after the domestic production has been assured of sale at the supported prices.

Customs procedures

Classification of products can affect the duties or other charges just as the valuation of the product determines the size of the duty in most cases. The degree of administrative discretion for classification and valuation is significant in some countries while special charges are also often made in ad hoc fashion to cover discretionary rulings on customs clearance procedures.

Standards

The mere fact that product standards differ from country to country is an impediment to importation as described in the case of pharmaceuticals into France or boilers into the U.S. New, complex products which have multiple components and purposes are facing increasing difficulties in achieving suitable registration. Even after registration, importation may be restricted by testing and inspection requirements, prepackaging specifications, inadequate government facilities for regulation of imports, and administrative discretion often leading to preferential treatment of home-produced goods.

The development of regional standards, such as Europe-wide standards, should be resisted wherever possible, warns NAM's director of international affairs, William R. Pollert, in favor of international standards and discussions leading to such standards, open to all countries wishing to participate. (Only recently the U.S. has in fact been invited to participate in talks in the EEC regarding such standards for electrical equipment.)

But both the Rome Treaty and the Stockholm Convention contain provisions designed to eliminate all forms of trade restriction among members of the EEC and the European Free Trade Assn. Studies of nontariff barriers have been made in each organization and detailed codes of behavior set forth in some areas.

"Unless the U.S. soon joins these two regional trading groups in multilateral negotiations on nontariff trade distortions, they may reach regional decisions that run counter to U.S. trade interests and yet prove impossible to change," warns Prof. Baldwin.

WILL GUIDELINES EMERGE?

"Perhaps the spadework being done now within the EEC will produce principles that can be applied more generally," suggests Dr. Harald B. Malmgren, deputy special representative for trade negotiations. "Each of the EEC member governments has programs of very active intervention in industrial policies within its own country. It will be interesting to see how they reconcile within the EEC these things each government has thought of as its own province."

He believes we should insist that the Europeans hold parallel talks with the U.S. and the other major trading powers to explore the multilateral impact of their bilateral discussions. "Such talks in parallel could be formal or informal, but they ought to be under the GATT where we have explicit rights," says Dr. Malmgren.

He also urges that the U.S. move ahead with a multilateral effort to reduce nontariff barriers and to harmonize national policies which affect world markets. "The GATT program of work is now awaiting a go-ahead from the U.S. and the EEC. It would be desirable to press ahead with this work, so that a multilateral negotiation was going on in parallel with talks on European enlargement. Such a broader effort would not have the glamour of the Kennedy Round, nor would it necessarily bring quick results. It would, however, begin to solve some problems," believes Dr. Malmgren, "and insure against new ones developing. And it would provide for all other GATT members a means for controlling the evolution of the EEC itself."

But above all, Dr. Malmgren emphasizes that we must end our policy of "wait and see," supported by our implied willingness to accept almost any economic damage, in return for a fragile unification scheme.

"Our notions about political objectives, which are very vague, many times in the past have overridden our economic interests. We have no common foreign economic policy and our grandiose political objectives are nebulous," says Dr. Malmgren. "We are unable to have a confrontation, for example, with the EEC over their preferential arrangements with Africa because [people in] the State Dept. say, 'We don't do very much for Africa and therefore we should let the EEC do something.' But when you ask them what our interest there is precisely, nobody can define it. They simply say, 'We are experienced diplomats and we know.'

"But I question all that because I have worked on political and military security matters myself. Hereafter, if a political man objects to an economic policy he should be able to explain precisely what our political interest is and how the economic policy in question affects it."

Dr. Malmgren suggests that much of our failure to have a foreign economic policy arises from the fact that there are more than 60 agencies, departments, or other institutional mechanisms which have direct interests and decision-making powers in international economic issues. We have had a situation in which the various agencies spent much time and energy discovering who had which memo from whom and, most important of all, whose cover memo would be on top of all other position papers and appeals when the President reviewed the matter and took action.

"But whatever the cause, the fact is that there has been no coherent, overall foreign economic policy," declares Dr. Malmgren. "It would be far better to have even a broad economic strategy or policy than the present ad hoc array of conflicting decisions, based upon specific political pressures in confrontation with departmental policies and vague foreign policy objectives."

ECONOMICS AS POLITICS

The fact that Dr. Malmgren accepted his new post as deputy special representative for trade negotiations shortly after this IW interview suggests he has hope. One reason may well be the recently appointed special representative for trade negotiations, William D. Eberle. The former chairman of American Standard Inc., New York, brings a blend of optimism and practically to planned negotiations.

"This will be our first real attack on nontariff barriers," says Mr. Eberle, "and we expect to be going in with the principle that while you ought to have the right to make the decisions in your own country, those decisions should not have a cost impact on third countries. Each country can make any decision it wants, but it should pay for it domestically.

"The terms free trade, liberal trade, and protectionism to me are meaningless. There will be no such thing as free trade because of domestic social and political problems," believes Mr. Eberle. "So what you're really talking about is, what is the fair market assessability of necessary domestic actions that will give us the greatest opportunity to expand trade, improve the standard of living, keep costs down, and create jobs.

"If you take that kind of an approach, then you have to look at the structure worldwide or in sectors, or both, in terms of how you get there," says Mr. Eberle. "As you move to maximize trade, such things as common standards, common government procurement policies, and other common codes would be a tremendous help."

But Mr. Eberle emphasizes that there must be adjustment mechanisms in a trade system, just as in a monetary system, so that if a country has a problem it can provide a temporary cure while the adjustment is taking place.

"The question is one of market disruption which can take place in just a couple of years today, and no country can allow another with a temporary advantage to come in and disrupt a whole economy," believes Mr. Eberle. "So we need to develop some safeguards that will allow national economies to be retained *within* some international multilateral concept.

"Maybe a country would be permitted to use tariffs or import quotas for a certain length of time. Maybe you could only have five of these at any one time so you would have to select and to phase one out before you could add a new one," conjectures Mr. Eberle.

"Tying all this together, including domestic adjustment assistance, would in turn require other new concepts. Perhaps an import has to grow 5% faster than the domestic market before you can apply for adjustment assistance protection just as with the monetary system, where if you get outside certain margins you have to adjust," suggests Mr. Eberle.

"There are only three approaches the world can take," says Mr. Eberle: "Treat each country as it treats you on a retaliatory basis, pull back into trading blocs, or pursue the multilateral approach—which may be the most difficult but makes the most sense. The question is what's best for the world and for this country."

Men facing questions such as these—men in industry, men in labor, and men in government both at home and abroad—have their work cut out for them. Clearly the rules and concepts of the 1950s will no longer do.

"As city, state, and regional economies have become fused into a single and highly interacting national economy in this country," says Roy L. Ash, president, Litton Industries Inc., Beverly Hills, Calif., "so individual national economies are fusing into a single world economic system.

"Increasing economic and business interdependence among nations is the keynote of the next two decades—decades that will see major steps toward a single economy evolve out of today's increasingly interacting, but still separate, economies."

The U.S. discovered economics on Aug. 15, 1971. If men of good will can put the discovery to work, perhaps we can at last untie our hands.

LET'S PUT SACB TO REST—PERMANENTLY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. BINGHAM. Mr. Speaker, I support the amendment to delete all funds for the Subversive Activities Control Board. The SACB is a product of a happily bygone era whose very existence was an affront to the first amendment.

During its 22 years of life the SACB has been a moribund relic. However, last year President Nixon attempted to give the Board something to do by issuing Executive Order 11605. Though the order purports to be concerned about "subversion," it itself is guilty of subverting the Constitution by violating first amendment guarantees of free speech and association and section 1, article 5, which vests all the legislative power of the Federal Government in Congress.

Executive Order 11605 is simply another in a long series of losing efforts to reconcile the activities of the SACB with the Constitution. The courts have repeatedly knocked down attempts to keep the SACB busy. It will surely happen again with this order—indeed a

Federal district court has already indicated it will strike it down—and we will be left with the same useless boondoggle.

Why go through another year of futility when the Board has already suffered 22 years of impotence at a cost of over $6 million? Why continue to fund an agency which has never rendered the slightest service to our national security when funds are so desperately needed for a host of domestic programs? The quickest and most effective way to end the useless life of the SACB is by legislative euthanasia, I support the amendment to do that.

UNIVERSITY OF ILLINOIS REHABILITATION CENTER

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. SPRINGER. Mr. Speaker, the following continuing articles on the Rehabilitation Center at the University of Illinois discusses the programs available to handicapped students who enroll at the university. Carol Mathers, the author of these articles, actually experienced the events she writes about. I know my colleagues will find these of continued interest:

"FUNCTIONAL TRAINING WEEK" IS FIRST TEST

(By Carol Mathers)

When a student with a physical disability applies for admission to the University of Illinois, he is granted no special favors.

On the contrary, he has to take all the tests required of able-bodied students—plus a few extra. And the physically handicapped student is required to make a personal visit to the university about a year before he wished to be admitted.

According to Joe Konitzki, assistant director of the Rehabilitation-Education Center and head of admissions, UI administrators at one time advocated a double standard for admission to the university—one for the able-bodied, one for the handicapped.

"We told them emphatically 'no,' because we didn't want special consideration for our kids," Konitzki explained. "Not only do we want to maintain the university's high standards, but we want our kids to learn to compete in the able-bodied world.

"These kids have often been the victims of solicitous grading anyway," Konitzki continued. "Some of them come in with beautiful high school transcripts—and then we find out that all those A's were undeserved—that their teachers were just giving the kids a break because of their disability."

Konitzki explained that students applying to the university take the same college entrance exams everyone else does, plus extra tests for vocational guidance.

"The vocational guidance tests are mandatory for our students," Konitzki said, "because we want to be absolutely sure that they really do belong in college. If they don't, then these tests will help us to channel them into a field where they perhaps will experience more success."

According to Konitzki, the center handled about 275 initial inquiries last year. Such inquiries were answered with admissions procedures information, after which 166 official candidates came to the center for an interview.

"We admit about 50 new students every year, freshman through graduate," Konitki said. "All totaled, the center has between 230 and 240 students a year."

Konitzki noted that during his 10 years with the Center the number of initial inquiries has "slacked off a bit—mostly because there are other schools following our lead and making their campuses more accessible to handicapped students." He also said that university admissions standards are rigorous and that "the reputation of the center proceeds us—many kids think that it's too tough to even try to get into."

Not only must the handicapped candidates meet the same academic standards set by the university office of admissions that everyone else must meet—but they must also meet what are for them very rigorous physical standards.

Because these students will have to carry the same load as other students in similar majors, the handicapped students "must be physically able to function in normal, everyday living activities," Konitzki emphasized.

Considering the four major groups of handicaps represented by the center's students—spinal cord injuries, post-polio patients, blind and partially sighted students, and cerebral palsy patients—the simplest everyday activities can often be highly challenging.

"Moreover, many of our students have never had to do very much for themselves—and almost none of them have been independent or lived on their own, so many of them aren't ready to take care of themselves," Konitzki pointed out. "Things like taking a shower and dressing become almost insurmountable."

Hence the required personal interview at the center—it gives both the student and the staff a chance to find out if the student is ready for the college experience.

It also provides Chuck Elmer an opportunity to do a physical evaluation on every candidate.

Elmer has evaluated thousands of students in the 16 years he's been the center's physical therapist. He's got a sixth sense about the physically disabled.

"Actually, the evaluation begins before I ever meet the student or say one word to him," Elmer explained. "I begin watching for cues as soon as he and his family drive up in the car. Does he unload his own wheelchair? Does he tranfer from car to chair without help? Once inside does he take off his own coat or does someone do it for him? Most important of all—just how much does he do for himself?"

Elmer puts most candidates through several tests and tasks: transfers (from wheelchair to another place) push-ups (on the arms of the wheelchair), getting in and out of the chair, wheeling ability, etc.

If a student shows that he is reasonably independent and he meets the academic standards, he is usually admitted to the university without further delay. However, there are always a couple dozen students who need some extra help and practice, according to Konitzki.

"For those students we recommend certain exercises and practice routines," Konitzki explained. "We send them home and tell them to practice the skills they'll need to live here at the university—and we ask them to write us a monthly report of their progress."

When students are close to the required level of physical capability they are admitted to the university and required to report one week before new student week for a preparation period officially known as "Functional Training Week," The students themselves have more colorful names for the ordeal.

And an ordeal it is. Many have compared it—unfavorably—to Marine boot camp. For one week they live in dorms with Elmer and the center's occupational therapist, Pat McLean, learning how to take care of themselves, how to get around campus, how to function independently in the AB (able-bodied) world.

"To begin with, all our kids are assigned AB roommates." Konitzki said. "They are assigned these roommates NOT so that they will have a live-in attendant but so that they will learn how to function in the AB world."

All UI dorms are accessible, so physically disabled students are scattered across the entire campus. Consequently, the handicapped students have to live exactly as the AB students—which means, among other things, doing their own laundry, getting themselves to class on time and carrying a full study load.

MEDICAL SERVICE KEY AT REHABILITATION CENTER

(By Carol Mathers)

One of the primary considerations of a physically disabled student looking at colleges is the medical facility. Important to any student, such services are essential to the physically disabled.

Fifteen years ago, before the Rehabilitation-Education Center had any other staff, director Timothy Nugent had enlisted the volunteer services of Dr. M. D. Kinzie. Now associate director of the university's McKinley Health Service, Dr. Kinzie spends six hours a week in the center's medical services department.

The department equipped much like a general practitioner's office, includes four examining rooms, a nurses station, and urology room. All lab work is done at the university's health center.

Dr. Kinzie explained, "I try to see every student with a major problem when he enrolls here. Students who have the need for on-going maintenance programs I see regularly."

Last year the Center's medical services department handled 1,500 students in nine months. Their needs ranged from simple medical prescriptions to major surgery.

"Of course, we are not equipped here at the Center to handle the students' more serious problems," Dr. Kinzie explained. "For that reason we have three consultants on call—specialists in plastic urgery, 'orthopedics' and urology. They see our students whenever it is necessary."

Even with the consultants the medical services department couldn't operate without Martha Boose, R.N. By Dr. Kinzie's own admission, "Mrs. Boose is the one who really runs the department."

On duty fulltime at the center, Mrs. Boose sees between five and 20 students a day. "They come in to have dressings changed, catheters removed, prescriptions refilled—even with common colds," she said.

Mrs. Boose explained, "When students enroll they bring prescriptions for any and all medications they are taking and we put them on file. We also write new prescriptions when necessary, but we no longer fill them here at the center."

Although 16 different kinds of disabilities were seen in medical services last year, according to Mrs. Boose, spinal cord injuries are the most frequent.

"But just seeing these students for immediate medical reasons is not my only concern" Mrs. Boose added. "I also teach the students hygiene, help them obtain the proper equipment they need, and help them with exercises and self-care."

Clinical services provided by the center go beyond meeting the students' medical needs. Physical therapy is part of the on-going program at the center and all students are involved in one way or another.

Chuck Elmer, registered physical therapist with the center for 16 years, supervises all physical therapy and functional training for the students.

"Most of our therapy is function-oriented," Elmer explained. "We gauge our success by what skill a student has acquired or improved upon as a result of our program."

The development of these skills is directed toward cutting down the time a student has to devote to personal care. "We're not really creating anything here," Elmer said. "We're just modifying behavior and molding it into a useable, functional product. We consider a student's strength, range of motion, reflexes, weight and intelligence and arrive at an idea of just how much a kid can do—how far you can push him. It's true that our students have to be able to take a constant pounding—physical therapy never lets up."

Working in the center's gymnasium which is equipped with almost $45,000 worth of equipment Elmer and his three or four graduate assistants help students to begin—and maintain—a personal program of physical therapy. To aid them, the gym offers a tilt table, Elgin table, weights, pulleys, stairs, walking bars, chinning bars, bicycles and an elaborate array of active and passive exercise equipment.

Sometimes the psychological battle is harder to fight than the physical one, according to Elmer. "Many of our students come here with misconceptions about their disability—what they can or cannot do. A lot of them are used to being waited on all the time and aren't doing for themselves things which they could—and should—be doing."

Almost half of the students have spinal cord injuries, according to Elmer, and such injuries present unique problems. "The despair and despondancy associated with a permanently disabling accident does not come at the time of the injury," Elmer explained. "Rather, it comes later with the psychological acceptance of the disability—when there's no more waiting for a miracle. Meanwhile, a student can lose a lot of valuable time."

When a student finally realizes that he is going to have to readjust his entire life around his disability, he has a lot of hard work to do. "Physical therapy isn't easy by any means," Elmer said. "But there is no substitute for it. We can't solve a student's problems for him—we can only show him the route to take. He has to do it by himself."

When a student accepts that responsibility, said Elmer, "he's taken a big step toward the total rehabilitation of the whole person."

Contributing to that total rehabilitation is Pat McLean, the center's occupational therapist. According to one student, "Miss McLean is the one who's responsible for my being able to get from one day to the next."

Now spending her second year at the center, Miss McLean is involved with "training, not treatment" of students. "I help the students master the skills they need for daily living—dressing, telephoning, feeding, showering—whatever is necessary," she explained.

During Functional Training Week, for example, she helps students to become independent before school starts. "For these students to live on their own, they need to acquire whole new kinds of techniques to handle ordinarily simple tasks—making beds, cooking meals, ironing clothes," she explained. "Sometimes I'll spend a whole day with a student practicing just one certain skill that needs improving."

Working with Elmer, Miss McLean tackles the special problems of individual students and often designs custom-made devices to help them with activities of daily living. "For example, we've designed little gadgets for students to help them dial a phone and read a paperback book or hold onto the soap in the shower."

After the problem is analyzed and a design for the device drawn up, Miss McLean takes her idea to John Kamradt, the center's property technician. Kamradt makes the idea a practical reality.

Kamradt's workshop is not like any do-it-yourselfer's garage. It houses more than $40,000 worth of equipment.

In addition to manufacturing the custom devices designed by Elmer and Miss McLean, Kamradt also keeps student equipment in good repair.

"We have 15 electric wheelchairs at the center, each of which must be charged every two or three months," Kamradt said. "We also have to take care of things like flat tires and greasing the bearings on wheelchairs. In addition we do our own upholstering on an industrial sewing machine and make our own cushions which are specially designed by Miss McLean or Elmer."

Kamradt said he renders service to six or seven students every day. "All our jobs are highly individualized," he pointed out. "What works for one kid doesn't work for another, so we are constantly modifying our designs and devices."

For all the workshop services students pay only the cost of the parts, with no charge for labor. The workshop can even build a wheelchair for a student from scratch and to his specifications—for much less than a commercial chair would cost.

The center is unique in that it houses all those services—medical, physical and occupational therapy and equipment workshop-under one roof.

As Elmer noted, it's all part of the plan for the "total rehabilitation of the whole person."

CENTER AIDS ALL THE HANDICAPPED

(By Carol Mathers)

Although the majority of the University of Illinois Rehabilitation-Education Center's students have orthopedic handicaps, another sizable percentage are visually handicapped or hearing impaired.

Ron Texley, supervisor for the center's services for the blind and deaf, handles about 40 such students every year, from freshmen through doctoral candidates. According to Texley, these students are either totally blind, legally blind, or partially sighted.

"The most difficult task facing these students when they arrive at the university is learning how to travel on campus," Texley observed. "Although most of them have been in public school, getting around a university is a lot different than getting around just one building."

To help the students overcome this hurdle, Texley and several assistants hold an orientation week for visually handicapped students before the fall semester begins.

"We spend the week living with students in their dorms and practicing how to travel from one class to another," Texley explained. "This campus is a hard one for blind students to get around because of the diagonal sidewalks. On the other hand, it's also an easy campus because of the many architectural clues."

Such clues involve the "sounds" of buildings, or the absence thereof, the way buildings do or do not block the wind, how near or far the buildings are from the sidewalks.

"First we familiarize the student with his dorm—usually showing him around his room once is enough," Texley said. "Then we walk through his schedule one day at a time."

Students must also learn the traffic patterns on campus streets. "We teach them which streets are one way, what kind of traffic controls are present, that sort of thing," Texley said. "We also teach them how to cross the street stepping out immediately as soon as the traffic begins to move."

Texley added, "Bicycles are a major problem because they make no noise. When waiting for a bike path to clear, we tell our students they just have to take the initiative and step out. We've lost a few canes that way, but nobody's ever been injured," he added.

Almost all the blind students travel with a cane, but two presently use guide dogs. "The advantage to having a dog," Texley pointed out, "is that a dog will remember your daily route and give you cues. When traveling with a cane, you have to rely on your senses and count sidewalks and buildings to know where you are."

Sometimes during the orientation periods students wear walkie-talkies during the initial stages of the mobility.

"We put a radio on a student and then follow him in a car," Texley explained. "That way we're in constant communication with him, but he knows we're not right there to protect him so he is forced to be more alert."

Once a blind student has learned his way around the campus, his real challenge is just beginning. For when classes start, he is faced with the problem of obtaining study materials he as a blind person can use.

The center's department of services for the blind has eased this burden enormously. Using more than 500 volunteers with professional backgrounds and training in recording, the center either tapes or transcribes in braille all the materials a student will need each semester.

"When a student pre-registers we get a book list for all his courses," Texley explained. "Then we check our card file to see what books we've used before and where they came from. If they're not available anywhere else, then we record it on tape here."

In addition to basic braille, music and math code braille are also done at the Center.

For shorter, supplementary reading assignments, direct readers are available to assist the students. According to Texley, each blind student needs about 10 direct readers a week to help him cover all the necessary material.

The center also maintains a basic braille library—encyclopedia, atlases, tactual maps, etc.—and has tape recorders for student and volunteer use.

Texley noted that the deaf students at the center "really need very little help." With their lip-reading skills and an occasional student assistant to take notes, they "can handle the lectures without too much trouble."

"Of course, the big advantage a deaf student has is his ability to use the standard printed study materials," Texley added.

Texley's department is one of two which provide semiclinical services to the center's students. The other service—counseling and guidance—is available to all students.

Frank Maglione has supervised the counseling services since 1961. "I like to call myself a vocational counselor because that's a lot less threatening than counseling psychologist," he said. "And people are more willing to seek this kind of help."

The center does, in fact, emphasize vocational guidance. From the time a student applies for admission to the university, he is being tested and counseled in his vocational preferences and goals.

"Our students with vocational problems often know what they want to do—the problem is that they aren't really qualified to do it. They would be better off in another career," Maglione explained.

Maglione is quick to point out that the problems of his students are similar to the problems of students anywhere. To prove this, he supervises an encounter group of eight or nine students every semester. The group is composed of able and disabled students who learn that "once you get beyond a person's disability, you discover you're just a group of people with many problems in common," according to Maglione.

However, there are certain problems which are peculiar to the physically handicapped student. "There's a tremendous amount of pressure on disabled kids to go to college because all their lives they've been told that they can't do anything else—like drive a truck or work in a factory," Maglione observed.

"But there are many ways of being smart," he continues. "We can't discount the academic, physical and mechanical abilities of these students."

Another problem which is sometimes more pronounced in the disabled student is his reaction to independence. "The parents of such students are always more concerned about them and keep closer tabs on them," Maglione said. "They've been more restricted at home, so when they come here they don't always know how to handle the responsibilities of independence."

Maglione finds that he often is counseling whole families, not just students. "We have to educate parents about the proper expectations for their kids," he explained. "We don't want parents thinking that we channel a student into one career because prejudice is keeping him out of another job."

Maglione emphasized that he tries at all times to let the students handle their own lives. "They have to learn when to ask for help and when not to," he said.

One of the times a disabled student almost always needs help is during exams. Maglione and his assistants administer, proctor, and return to the course professor many exams taken by the center's students.

Maglione also counsels with professors to help them understand students' individual problems and handicaps so that the proper allowances can be made—not too strict, but not too lenient, either.

"For example, a student with cerebral palsy may need extra time to write or type the answers to his test," Maglione said. "And students who cannot write well at all may be given permission to take the exam orally."

In addition to such practical applications of guidance assistance, Maglione's job entails "a lot of supportive therapy."

"When kids get turned down for jobs time after time, they need someone to counsel with," he said. "I tell them that when applying for a job they should be honest about their disability—but keep it in its proper perspective."

He added, "I don't think I'm necessarily doing a job here that the people over at McKinley (Health Center) couldn't handle. But after so many years of dealing with disabled students, you develop some built-in norms about them. You develop a perspective whereby you don't overreact to their situation—you're not overly sympathetic.

"Once a student is admitted to the university, there's very little doubt about whether or not he can make it if he tries. He can," added Maglione. "Our job is to support that independent effort."

FROM MONEY TO BUSES—THERE IS HELP

(By Carol Mathers)

In its effort to fill every imaginable need of the disabled student, the University of Illinois Rehabilitation-Education Center has neglected nothing. The thoroughness with which the center serves its students is illustrated in two quite dissimilar but essential nonclinical services.

Supervising the department which coordinates federal and state agency services to the disabled is Eden Nicholas. According to Nicholas, "all students at the center are "getting financial aid through various state and federal programs for the severely, permanently disabled."

The mountains of paper work and the governmental red tape require a fulltime, specially trained counselor, which Nicholas is. For 12 years he has been simplying the complexities of financial aid programs which pay all or part of a student's tuition and fees.

"About 350 of our kids qualify for aid from the Division of Vocational Rehabilitation (DVR)—which accounts for more than $210,000 paid to the university every year," Nicholas noted.

His duties also include counseling students on welfare availability and tells them what programs they are eligible for. "One thing we have to be careful of is the overlapping of financial aid programs—for example, if a student is receiving veteran's benefits he may not be eligible to receive certain DVR benefits at the same time."

Nicholas added, "Sometimes we find kids who aren't getting all they're entitled to—some kids can get a free ride, depending on their families' financial situation. And there are certain other things DVR will pay for that students may not know about—a qualified tutor, for instance," he said.

When Nicholas is not digging out from under the paperwork, he is involved with handicapped students of a different kind—the "socially handicapped."

"I screen ex-convicts and prisoners who are considered socially handicapped and determine what kind of financial aid they can receive to go to college," Nicholas explained.

The oldest and, by his admission, "the most conservative member of the staff," Nicholas has a special rapport with the center's stuednts. "Around here the kids call everybody by their first name: It's Tim, Joe, Dan, Chuck—and Mr. Nicholas. They seem to respect my opinions and often come in just to talk to me. And the feeling is mutual—I think our kids are the best in the world."

A man who shares Nicholas' opinion is Bob Wright, facilities and equipment supervisor at the center for six years. There's not much Wright wouldn't do for the students at the center—including the institution of a "honeymoon run" which makes it possible for students living at opposite ends of the campus to socialize on weeknights.

The transportation services provided by Wright's department are vital to the students' very existence at the university. Operating a fleet of four specially equipped busses which make a complete tour of the campus every half hour from 7:20 a.m.—5 p.m. everyday, and from 5:30—10:30 every night. Wright explained that the buses follow a strict schedule and that "if a student is late they miss the bus and that's just too bad."

Each bus is equipped with a hydraulic lift for wheelchairs and costs $18,000. There are only a few seats in the rear for blind students, the rest having been removed to allow more space for wheelchairs. All buses also have two-way radios for instantaneous communication with the center.

"We have a van, also equipped with a two-way radio, which we use to take kids to the hospital or to pick up and deliver exams for students who take their finals here at the center," Wright said.

"We also use the van for taking education majors to and from the schools where the student teach, or for taking students to graduate school interviews—even at our-of-state schools," Wright added.

Besides maintaining the busses, Wright also oversees all the equipment in the center—everything from sports uniforms to braille writers.

In addition, Wright maintains a fleet of chairs designed to be used in a particular sport. There are special chairs just for track, for football, and for basketball. All must be kept in top condition.

Wright is also in charge of maintaining the electronic demonstration equipment which the Gizz Kids take on tour with them, plus all the special demonstration wheelchairs built to dramatic specifications—like the "Superchair," the "Girl Catcher," the "Love Seat," and the "Hippie Chair."

The maintenance of all this equipment is a big job—but Wright still finds time to handle many of the orders for custom-made, individually designed devices needed by students every day.

All requests for equipment design or repair must be okayed by Chuck Elmer, the center's physical therapist. But before Elmer passes the order on to Wright, he puts it in what he calls his "automatic six-week delay file."

"Sometimes I suspect that a student really doesn't need the device he has requested be made or repaired," Chuck explained with a mischievous grin.

"It's just gotten to be an old friend that the student thinks he has to have around. By delaying the work, I often find that a student will learn to do quite well without that extra little crutch—and he eventually just cancels his order."

DECISIONMAKING, ADMINISTRATION, AND TRAINING AT KINGS POINT

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. WYDLER. Mr. Speaker, as a member of the Board of Visitors of the U.S. Merchant Marine Academy at Kings Point, I had the pleasure of attending the annual meeting on April 28, 1972.

I was greatly impressed by the Academy and the presentation of information made at the meeting. One of the highlights was a presentation made by Midshipman Lt. Comdr. John O. Telesca, 2d Battalion commander.

Telesca explained how the midshipmen at Kings Point are running the school, not only making demands for more and more rights, but by assuming responsibilities and carrying them out.

The following is the statement made that day, and I think it is of the greatest importance to every Member of Congress:

DECISIONMAKING, ADMINISTRATION, AND TRAINING AT KINGS POINT

The complaints of college youths from campuses across the country, demanding more student voice in real decision making and administration, are well known. Those schools that do actually involve students in running the organization often receive wide acclaims for their modern progressive approach. Little do they know that at Kings Point, the students are not just included in a meeting or two, but they run the school and have been for years.

Midshipman responsibilities include everything from military drill and reviews to a year-round intra-mural sports program, from regimental inspections to a Midshipman academic tutoring program, from a Midshipman Honor Concept to a Midshipman judge and jury for minor infractions of regulations. There are no janitors in our barracks, nor are there table setters or servers in our Mess Hall. Within the regimental system every Midshipman is required to do his part and pull his own weight, whether it be a plebe doing his daily cleaning station or first class Midshipman Officer marching his men to chow. Midshipman Officers are given the responsibility commensurate with the authority to administer the regulations. Midshipman administration of those policies of the Superintendent and the Commandant concerning the regiment ensures smooth and orderly handling of Midshipmen. In addition, by formulating policies within authorized guidelines, enforcing regulations and supervising routine activities, the Midshipman Officer is given the opportunity to handle men and to develop the basic principles of leadership and administration; qualities so necessary for Officers in the U.S. Merchant Marine and in the U.S. Naval Reserve.

The regimental system is demanding and it often requires intensive effort to live within the system. In keeping with the challenges facing Midshipmen, the Regimental

System is established for a two-fold purpose:

1. The System is a process which assists in converting a young man who is from a civilian environment, into a leader in service of his country. Its purpose is to develop in him the following:

(a) *Discipline:* Self-discipline, organization and being able to plan and budget his time.

(b) *Poise and Confidence in his Abilities:* This serves to aid in recognizing his capabilities and teaches him to act positively with authority.

(c) *Obedience and Prompt Response to Instructions:* Recognition of authority, understanding and comprehension.

(d) *Pride in Himself and His Profession:* Develops ideals, morals and scruples.

(e) *A Knowledge of his Profession:* By technical background through classroom lessons and on the job orientation and training.

(f) *An Unyielding Sense of Duty:* Attained by accepting responsibility and not making excuses.

(g) *Military Bearing and Attention to Personal Appearance:* This is a reflection of pride, in that he learns to keep himself and his possessions in good order.

(h) *Physical and Mental Toughness:* By being subjected to and withstanding pressure and strain.

(i) *An Ability to work with other People:* Communicating and cooperating to get the job done are most important for this.

(j) *A Sense of Positive Leadership Skills:* Being able to instill motivation in others.

(k) *An Ability to Perform under Variable Conditions:* Just "keeping your cool" at all times and being able to quickly think about the situation and make the proper decision no matter what the conditions are. Putting your education to work and leaving the emotionalism out of it.

2. The system is also a vehicle to practice leadership by wisdom, inter-personnel skill and example. In keeping with this objective the system should assist the upper-classmen in developing:

(a) Concern, respect, and interest in the development of their subordinates.

(b) The techniques of a firm but considerate leader.

(c) The roles of a teacher and counselor; giving advice and enabling the underclassmen to benefit from your experience.

IMPLEMENTATION

1. Orientation and indoctrination:

Basic Training Period—teaching the system and information about the Academy.

2. Enforcement:

Provides the opportunity to let the upperclassmen demonstrate their ability to lead their men and get results.

3. Improvement:

(a) Equality and Equitability—getting rid of inconsistencies.

(b) Provides a method of getting rid of antiquated guidelines and requirements.

4. End Result:

Men today are led—not driven. It is the objective of the system to develop the type of leadership in the upperclassmen that will enable them to lead their men using the proper positive motivation.

SEVENTY-FIVE TO ONE OPPOSE NIXON WAR POLICIES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. ROSENTHAL. Mr. Speaker, I wish to correct a statement I made that appeared in Tuesday's RECORD. In speaking of the current escalation of the war in Southeast Asia, particularly American mining of North Vietnamese harbors and waterways, I told of the response of my constituents and persons across the Nation who have been writing to me about the situation.

The volume of mail has been overwhelming, running more than 75 to 1 against the President's policies and in favor of peace.

Tuesday's RECORD incorrectly states that figure as merely 7 to 1. Let the record show that the people, by a margin of 75 to 1, want an end to this senseless, tragic war now. They are fed up with empty promises, false assurances, and mythical "secret plans" to end the war.

PROBLEMS OF CONGRESS IN OBTAINING INFORMATION FROM THE EXECUTIVE BRANCH

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. MOORHEAD. Mr. Speaker, the Foreign Operations and Government Information Subcommittee's continuing hearings on the operation of the Freedom of Information Act is now focusing on the problems of Congress in obtaining information from the executive branch, a problem that has grown to crisis proportions in the past few years.

The President's assertion of so-called executive privilege to withhold information needed by Congress in fulfilling our constitutional duties and responsibilities will be examined during these hearings. We will also explore the instances where stalling, subterfuge, and similar tactics by executive agencies have succeeded in denying information to Congress short of the invocation of "executive privilege" by the President himself, as pledged by the past three Presidents in correspondence with the former distinguished chairman of this subcommittee, the gentleman from California (Mr. Moss).

Mr. Speaker, so that all Members may be fully informed of the importance of these hearings that affect the rights and duties of every one of us, I insert at this point the text of my opening statement on these hearings; the text of the correspondence regarding "executive privilege" between Presidents Kennedy, Johnson, and Nixon with Mr. Moss; the testimony of our colleagues, the gentleman from New York (Mr. REID), the gentleman from New York (Mr. WOLFF), and the gentlewoman from Hawaii (Mrs. MINK); also the testimony of Deputy Comptroller General of the United States, Mr. Robert F. Keller, who details the shocking extent of executive denial of information to the General Accounting Office.

The material follows:

OPENING STATEMENT BY REPRESENTATIVE WILLIAM S. MOORHEAD

Today we begin the third segment of our hearings on government information policies. The first two segments, the Executive Branch's administration of the Freedom of Information Act and security classification policies, dealt primarily with the relationship of the Executive to the people of the United States and the Congress.

Our hearings have thus far shown that while the Executive grants lip service to Freedom of Information, its performance has not lived up to its promise. In the murky arena of classified information, the President has at long last confessed error. But he has offered a solution in the form of Executive Order 11652, which I am convinced is unworkable and lacks real commitment to solving the difficult problem of overclassification.

While the past 20 days of hearings have elicited expressions of good intentions by the various departments and agencies, we are today entering the realm of so-called "Executive privilege" and the Congress' right to know. This non-Constitutional doctrine is founded on the remarkable assertion of the President that he may withhold whatever information he wishes at any time from the Congress of the United States. This unique theory is in part justified by a memorandum of dubious legal scholarship which was presented to a Senate committee in 1958.

"Executive privilege", by which the President arrogates to himself the decision as to what the elected representatives of our government will be told about the areas of their undisputed responsibility, is further justified by the argument that "free Congressional inspection of executive documents would cause the Executive Branch to disappear from our policy, leaving in its place another unfortunate example of government by legislature."

We see quite the reverse occurring, as day by day the prerogatives, duties and responsibilities of the Congress are being sublimated by unfettered expansion of the White House staff.

It is most interesting to note that the first example of the imposition of Executive privilege as cited by the Attorney General was the purported refusal of President Washington to provide Congress with information relative to the failure of a military expedition carried out in 1792. Congress was of course interested in how we became involved in this expedition and why it failed. It seems that in 183 years we have come the full circle.

I must note, however, that—despite claims by the proponents of executive privilege—President Washington did release the requested papers to the Senate. So much for the "Father of Executive Privilege."

Since 1961 executive privilege has technically been invoked solely by the President. Letters stating this policy were sent to Congressman John Moss, former Chairman of this subcommittee, by Presidents Kennedy, Johnson and Nixon. However, this new policy has been more honored in the breach, as the various executive departments continue to withhold information from Congress on their own motion. While never invoking the magic words "Executive Privilege" the departments simply decline to provide the information, stall, provide only partial information, or otherwise attempt to thwart the will of Congress.

While Congress can call Cabinet Department witnesses before its various committees, it has not, with few notable exceptions, been able to call persons on the White House staff. When the Department of State truly administered our foreign policy, and the Department of Defense truly administered our military policy, witnesses from these departments were able to provide Congress with the information it needed to legislate. However, we are now witnessing a geometric expansion of the White House staff—with policy-makers from the agencies and departments drawn in under the spurious White House umbrella of executive privilege. I will insert a Congressional Research Service study of this expansion at the conclusion of this statement. George Reedy, Press Secretary to President Johnson, testified before this subcommittee in March that this shift to the White House is critically unbalancing the equality of the legislature and the executive.

Since 1969 the White House staff has expanded by almost 100 per cent. Amazingly enough, many of these persons are considered personal advisors to the President and will not appear before Congress.

Earlier this year, this subcommittee invited Mr. Herbert Klein, the President's Director of Communications, to appear with a panel of former press aides. He refused to appear.

This subcommittee also invited Mr. David Young, primary drafter of the new Executive Order on classification. He refused to appear. Even Donald Rumsfeld, head of the Cost of Living Council, refused to appear before this subcommittee, inappropriately donning his hat as an advisor to the President.

I ask the White House—what is the Congress supposed to do? Are we to accept White House assertions that all is well and be content with the benign claptrap oozing from the basement of the White House as prepared by a former advertising flack for Disneyland? I think not.

In the next several days of hearings, this subcommittee will hear from Members of Congress who were impeded in their legislative responsibilities by departmental refusals to supply needed information. We will also take testimony from the General Accounting Office, the arm of Congress which by law has the absolute right to all financial data necessary to the performance of its auditing functions. We will hear how even the GAO has difficulty in fulfilling its statutory obligations because of Executive intransigence.

We will also hear from Professor Raoul Berger, probably the leading academic authority on Executive Privilege whose prior articles have clearly demonstrated the extralegal basis for executive privilege.

Also appearing before this subcommittee will be representatives from the offices of legislative affairs of the Departments of State and Defense as well as the Director of the United States Information Agency, and the Internal Revenue Service—all of whom will attempt to explain and justify departmental policies toward Congressional requests for information.

THE WHITE HOUSE,
Washington, D.C., April 7, 1969.

Hon. JOHN E. MOSS,
Chairman, Foreign Operations and Government Information Subcommittee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Knowing of your interest, I am sending you a copy of a memorandum I have issued to the heads of executive departments and agencies spelling out the procedural steps to govern the invocation of "executive privilege" under this Administration.

As you well know, the claim of executive privilege has been the subject of much debate since George Washington first declared that a Chief Executive must "exercise a discretion."

I believe, and I have stated earlier, that the scope of executive privilege must be very narrowly construed. Under this Administration, executive privilege will not be asserted without specific Presidential approval.

I want to take this opportunity to assure you and your committee that this Administration is dedicated to insuring a free flow of information to the Congress and the news media—and, thus, to the citizens. You are, I am sure, familiar with the statement I made on this subject during the campaign. Now that I have the responsibility to implement this pledge, I wish to reaffirm my intent to do so. I want open government to be a reality in every way possible.

The Administration has already given a positive emphasis to freedom of information. I am committed to ensuring that both the letter and spirit of the Public Records Law will be implemented throughout the Executive Branch of the government.

With my best wishes.

Sincerely,

RICHARD NIXON.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

(Establishing a Procedure to Govern Compliance with Congressional Demands for Information)

The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest. This Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval. The following procedural steps will govern the invocation of Executive privilege:

1. If the head of an Executive department or agency (hereafter referred to as "department head") believes that compliance with a request for information from a Congressional agency addressed to his department or agency raises a substantial question as to the need for invoking Executive privilege, he should consult the Attorney general through the Office of Legal Counsel of the Department of Justice.

2. If the department head and the Attorney General agree, in accordance with the policy set forth above, that Executive privilege shall not be invoked in the circumstances, the information shall be released to the inquiring Congressional agency.

3. If the department head and the Attorney General agree that the circumstances justify the invocation of Executive privilege, or if either of them believes that the issue should be submitted to the President, the matter shall be transmitted to the Counsel to the President, who will advise the department head of the President's decision.

4. In the event of a Presidential decision to invoke Executive privilege, the department head should advise the Congressional agency that the claim of Executive privilege is being made with the specific approval of the President.

5. Pending a final determination of the matter, the department head should request the Congressional agency to hold its demand for the information in abeyance until such determination can be made. Care shall be taken to indicate that the purpose of this request is to protect the privilege pending the determination, and that the request does not constitute a claim of privilege.

RICHARD NIXON.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 28, 1969.

Hon. RICHARD M. NIXON,
The President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: The claim of "executive privilege" as authority to withhold government information has long been of concern to those of us who support the principle that the survival of a representative government depends on an electorate and a Congress that are well informed.

As you know, some administrations in the past made it a practice to pass along to executive branch subordinates a discretionary authority to claim "executive privilege" as a basis to refuse information to the Congress. The practice of delegating this grave Presidential responsibility was ended by President John F. Kennedy when he restored a policy similar to that which existed under previous strong administrations, including those of Presidents George Washington, Thomas Jefferson, and Theodore Roosevelt. In a letter to the Foreign Operations and Government Information Subcommittee, dated March 7, 1962, he enunciated the policy as follows:

". . . this Administration has gone to great lengths to achieve full cooperation with the Congress in making available to it all appropriate documents, correspondence, and information. That is the basic policy of this Administration, and it will continue to be so. *Executive privilege can be invoked only by the President and will not be used without specific Presidential approval.*"

President Lyndon B. Johnson informed the Subcommittee by letter, dated April 2, 1965, he would continue the policy enunciated by President Kennedy. He stated:

"Since assuming the Presidency, I have followed the policy laid down by President Kennedy in his letter to you of March 7, 1962, dealing with this subject. Thus, the claim of 'executive privilege' will continue to be made only by the President."

In view of the urgent need to safeguard and maintain a free flow of information to the Congress, I hope you will favorably consider a reaffirmation of the policy which provides, in essence, that the claim of "executive privilege" will be invoked only by the President.

Sincerely,

JOHN E. MOSS,
Chairman.

THE WHITE HOUSE,
Washington, D.C., April 2, 1965.

Hon. JOHN E. MOSS,
Chairman, Foreign Operations and Government Information Subcommittee of the Committee on Government Operations, House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I have your recent letter discussing the use of the claim of "executive privilege" in connection with Congressional requests for documents and other information.

Since assuming the Presidency, I have followed the policy laid down by President Kennedy in his letter to you of March 7, 1962, dealing with this subject. Thus, the claim of "executive privilege" will continue to be made only by the President.

This administration has attempted to cooperate completely with the Congress in making available to it all information possible, and that will continue to be our policy.

I appreciate the time and energy that you and your Subcommittee have devoted to this subject and welcome the opportunity to state formally my policy on this important subject.

Sincerely,

LYNDON B. JOHNSON.

MARCH 31, 1965.

Hon. LYNDON B. JOHNSON,
President of the United States, the White House, Washington, D.C.

DEAR MR. PRESIDENT: The use of the claim of "executive privilege" to withhold government information from the Congress and the public is an issue of importance to those who recognize the need for a fully informed electorate and for a Congress operating as a co-equal branch of the Federal Government.

In a letter dated May 17, 1954, President Eisenhower used the "executive privilege" claim to refuse certain information to a Senate Subcommittee. In a letter dated February 8, 1962, President Kennedy also refused information to a Senate Subcommittee. There the similarity ends, for the solutions of "executive privilege" problems varied greatly in the two Administrations.

Time after time during his Administration, the May 17, 1954 letter from President Eisenhower was used as a claim of authority to withhold information about government activities. Some of the cases during the Eisenhower Administration involved important matters of government but in the great majority of cases Executive Branch employees far down the administrative line from the President claimed the May 17, 1954 letter as authority for withholding information about routine developments. A report by the House Committee on Government Operations lists 44 cases of Executive Branch officials refusing information on the basis of the principles set forth in President Eisenhower's letter.

President Kennedy carefully qualified use of the claim of "executive privilege". In a letter of February 8, 1962 refusing information to a Senate Subcommittee, he stated that the "principle which is at stake here cannot be automatically applied to every request for information." Later, President Kennedy clarified his position on the claim of "executive privilege", stating that—

". . . this Administration has gone to great lengths to achieve full cooperation with the Congress in making available to it all appropriate documents, correspondence and information. That is the basic policy of this Administration, and it will continue to be so. *Executive privilege can be invoked only by the President and will not be used without specific Presidential approval.*"

As a result of President Kennedy's clear statement, there was no longer a rash of "executive privilege" claims to withhold information from the Congress and the public. I am confident you share my views on the importance to our form of government of a free flow of information, and I hope you will reaffirm the principle that "executive privilege" can be invoked by you alone and will not be used without your specific approval.

Sincerely,
JOHN E. MOSS, *Chairman.*

THE WHITE HOUSE,
Washington, D.C., March 7, 1962.
Hon. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee of the Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of last month inquiring generally about the practice this Administration will follow in invoking the doctrine of executive privilege in withholding certain information from the Congress.

As your letter indicated, my letter of February 8 to Secretary McNamara made it perfectly clear that the directive to refuse to make certain specific information available to a special subcommittee of the Senate Armed Services Committee was limited to that specific request and that "each case must be judged on its merits".

As you know, this Administration has gone to great lengths to achieve full cooperation with the Congress in making available to it all appropriate documents, correspondence and information. That is the basic policy of this Administration, and it will continue to be so. [Executive privilege can be invoked only by the President and will not be used without specific Presidential approval.] Your own interest in assuring the widest public accessibility to governmental information is, of course, well known, and I can assure you this Administration will continue to cooperate with your subcommittee and the entire Congress in achieving this objective.

Sincerely,
JOHN F. KENNEDY.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 15, 1962.
The Honorable JOHN F. KENNEDY,
The President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In your letter of February 8, 1962 to Secretary McNamara you directed him to refuse certain information to a Senate Subcommittee. The concluding paragraph of your letter stated:

"The principle which is at stake here cannot be automatically applied to every request for information. Each case must be judged on its merits."

A similar letter from President Eisenhower on May 17, 1954 also refused information to a Senate Subcommittee, setting forth the same arguments covered in your letter. President Eisenhower did not, however, state that future questions of availability of information to the Congress would have to be answered as they came up.

I know you are aware of the result of President Eisenhower's letter. Time after time Executive Branch employees far down the administrative line from the President fell back on his letter of May 17, 1954 as authority to withhold information from the Congress and the public.

Some of the cases are well known—the Dixon-Yates matter and the investigation of East-West trade controls, for instance—but many of the refusals based on President Eisenhower's letter of May 17, 1954 received no public notice. A report of the House Committee on Government Operations covering the five years from June, 1955 through June, 1960 lists 44 cases of Executive Branch officials refusing information on the basis of the principles set forth in the May 17, 1954 letter.

I am confident that you share my belief that your letter of February 8, 1962 to Secretary McNamara should not be sized upon by Executive Branch employees—many of them holding the same policy-making positions of responsibility they did under the Eisenhower Administration—as a new claim of authority to withhold information from the Congress and the public. A Subcommittee staff study indicates that during the year between the time you took office and February 8, 1962, the claim of an "executive privilege" to withhold government information was not used successfully once, compared to the dozens of times in previous years administrative employees held up "executive privilege" as a shield against public and Congressional access to information.

Although your letter of February 8, 1962 stated clearly that the principle involved could not be applied automatically to restrict information, this warning received little public notice. Clarification of this point would, I believe, serve to prevent the rash of restrictions on government information which followed the May 17, 1954 letter from President Eisenhower.

Sincerely,
JOHN E. MOSS, *Chairman.*

TESTIMONY OF CONGRESSMAN OGDEN R. REID

Mr. Chairman: Needless to say, I deeply appreciate the opportunity to appear before this distinguished subcommittee from the other side of the table and discuss what I and many others believe to be the most vital "freedom of information" question facing our country today—the furnishing of information by the Executive Branch of Congress.

During the course of these hearings, you will hear from Members of Congress who have experienced difficulty obtaining information on relevant matters from the Executive Branch. I am sure you also know of the many instances of obstruction, delay, and outright refusal by the Executive Branch to furnish information to the General Accounting Office when that agency has requested information in furtherance of its responsibilities under law.

Within the past year alone, members of this subcommittee have been rebuffed in their efforts to obtain important information in their official capacity. On June 28, 1971, pursuant to statutory authority contained in 5 U.S.C. 2954, seven members of the committee sought to be furnished the so-called Pentagon Papers study, only to be refused summarily. Congressman Moss and I were subsequently unsuccessful in securing the release of that study by the courts in a suit brought under the Freedom of Information Act. More recently, the President has formally invoked the doctrine of executive privilege to deny this subcommittee the Country Field Submission Report for Cambodia, thereby reversing a longstanding policy of availability of such documents to Congress.

I am certain that the record of these hearings will establish beyond dispute that the Executive Branch makes a common practice of withholding information from Congress when it deems such withholding desirable. What I would principally like to discuss here are the basic Constitutional implications of this problem and a legislative remedy which I shall introduce tomorrow in the House.

CONSTITUTIONAL IMPLICATIONS

The bedrock principle upon which our system is founded is accountability to the people. But accountability is a hollow word unless the American people, and in their behalf the Congress, have the information necessary to judge the performance of their government. Moreover, without relevant information it is impossible for either the Congress or the people to participate meaningfully in the marking of fundamental decisions which, from time to time, truly alter the course of our nation's history.

There is now a fundamental and growing imbalance between the Congress and the Executive Branch, with a major accretion of power on the side of the Presidency. This has occurred in part because the Executive Branch has actively expanded its power, and in part because the Congress has failed to assert itself.

The power to legislate, expressly granted to Congress by the Constitution, carries with it the further right of Congress to oversee the administration of the laws by the Executive Branch. Yet the Information Congress needs, both to legislate in the first instance and to oversee the administration of laws it has previously enacted, is frequently in the exclusive possession of the Executive Branch.

In my judgment there is no information possessed by the Executive Branch to which Congress does not have a right of access when that information is legitimately needed to fulfill the responsibilities of Congress for legislation or oversight. If Congress must legislate out of ignorance, it will make bad laws. If it is impeded by studying the activities of the Executive Branch, there is no way it can identify and resist the arbitrary or unwise exercise of executive power. Full access by Congress to relevant information, therefore, is essential to preserve the Constitutional balance of our government.

While these principles seem self-evident, they have never been accepted by any Presidential administration. To the contrary, the doctrine of executive privilege, which dates back to the days of President George Washington, has been repeatedly invoked over the years, both expressly and silently, to deny the Congress information which it sought in furtherance of its Constitutional duties. The Constitution nowhere states that the President may withhold information from Congress, but proponents of executive privilege claim an inherent right on his part to do so.

Speaking for the present administration last June before this subcommittee, then Assistant Attorney General William H. Rehnquist strongly affirmed such a right as "implicit in the separation of powers established by the Constitution." Yet even some of the Supreme Court cases cited in support of this proposition seem to circumscribe its application. Specifically, in *Reynolds v. United States* (345 U.S. 1) the Court held that the Executive Branch does not have unlimited discretion to withhold information, stating, "the court itself must determine whether the circumstances are appropriate for the claim of privilege."

Because the question has never been settled by the courts, Congress cannot rely on firm judicial authority to support its claim for information.

In the absence of an accommodation between the two branches of government, Congress must employ other means to make effective its right to know.

PROPOSED LEGISLATIVE REMEDY

Twelve years ago the House Committee on Government Operations made to Congress a recommendation of considerable importance. In concluding a report on this fundamental problem, the committee said:

"What can the Congress do to combat abuses by executive officials in withholding from the Congress information which the Congress believes it needs?

"Two existing powers of the Congress are available to oppose this abuse—the power of subpena and the power of the purse. The power of subpena, however, should be used only as a last resort.

"Utilizing the power of the purse, the Congress can and should provide, in authorizing and appropriating legislation, that the continued availability of appropriated funds is contingent upon the furnishing of complete and accurate information relating to the expenditure of such funds to the General Accounting Office and to the appropriate committees of Congress at their request. ("Executive Branch Practices in Withholding Information from Congressional Committees," Report by the House Committee on Government Operations, August 30, 1960, p. 14)"

Since the date of this recommendation, and indeed within memory, the Congress has taken no action to exercise its power of the purse following a refusal by the Executive Branch to furnish requested information. This is largely due, I think, to a lack of institutional procedures which would facilitate such action. The organization of Congress and the requirement of concurrent action by the Houses in order to legislate a denial of appropriations simply do not lend themselves to prompt and decisive application of financial sanctions in response to specific instances of withholding by the Executive.

The bill I shall introduce, as an amendment to the Freedom of Information Act, establishes a procedure designed to overcome this impediment. Essentially it provides that:

(1) when any committee of Congress requests information from the Executive Branch, the head of the agency concerned shall immediately furnish all the information requested;

(2) the agency head shall certify to the requesting committee whether or not full and complete disclosure of the requested information has been made;

(3) upon resolution of the requesting committee, funds for the program or activity in question shall automatically be suspended without further action being required by Congress if—

(a) an agency head *fails to make* a requested certification;

(b) an agency head certifies that full and complete disclosure of the requested information has *not* been made; or

(c) an agency head *falsely* certifies that full and complete disclosure of the requested information has been made;

(4) the GAO shall take all steps available to it under law, including refusal to countersign relevant warrants drawn upon the U.S. Treasury, to effectuate a suspension of funds.

In effect, the withholding of information by the Executive would trigger a fund cutoff previously built into law by this legislation of general applicability. Because no new legislation would be needed at the time to deny funds, effective response to the part of the Congress would be greately facilitated.

It is important to note that this legislation does not vest in Congress any power it does not already possess under the Constitution. It merely streamlines the procedure by which this power can be exercised and, as a practical matter, makes its exercise more possible.

Nor does this legislation, in my view, risk irresponsible action by a committee of Congress. Every Member of Congress is sensitive to the gravity of a fund cutoff under the conditions contemplated in this legislation. It is inconceivable that a majority of the members of a full committee would vote to initiate the fund cutoff process without first giving the most careful and sober consideration to the circumstances and ramifications of their action. For this reason, the procedure would not be invoked lightly or with great frequency, but only when fundamental disagreements between the two branches could not be resolved in any other way.

The trustworthiness of the Congress or one of its committees to preserve the secrecy of such information when necessary and appropriate should not be doubted. Committees of Congress regularly receive secret information from the Executive Branch, as they have both a right and a need to do. The national security has never suffered as a result, for committees of Congress are no less responsible than their counterparts in the Executive Branch.

CERTIFICATION PROCEDURE

Under the terms of this legislation the Executive Branch would retain at all times the ability to avert a threatened fund cutoff. It need simply furnish the requested information and certify to the committee that it has made full and complete disclosure of the information sought. If such a certification were made, funds could not be cut off (unless the certification were subsequently found by the Comptroller General of the United States to have been false). Funds could be cut off upon resolution of the requesting committee if the Executive Branch either (1) failed within the required time to make *any* certification of whether or not full disclosure had been made or (2) certified that full disclosure of the requested information had *not* been made.

By making the certification procedure the focal point on which a fund cutoff would depend, all subjectiviity and ambiguity are removed from the process. The committee would not be in the position of having to judge for itself whether all the requested information had been furnished before resolving to cut off funds. In many cases, if a committee had to make such a judgment, it could not be certain whether it would be justified in cutting off funds, because it would not *know* whether full disclosure had been made.

The certification procedure establishes an objective identifiable event from which a fund cutoff would result, and the occurrence or non-occurrence of that event would be totally within the control of the Executive Branch. Whether or not funds were cut off would depend entirely on whether the Executive Branch permitted them to be cut off by failing to certify that full disclosure of the requested information had been made. I wish to make clear that this means disclosure of all information requested, not merely all information which the Executive Branch deems it appropriate to disclose.

This procedure is fair to both the Congress and the Executive Branch. To Congress it would ensure requested information were fully provided or financial sanctions were triggered. On the other hand, the Executive Branch would at all times control the "trigger," which could be pulled only if the Executive Branch deliberately and consciously refused to certify that it had furnished all the requested information. Thus in no way could funds be cut off if the Executive Branch did not affirmatively choose to allow them to be cut off.

EXECUTIVE PRIVILEGE

Under this legislation the invocation of executive privilege by the President would not avert a fund cutoff. Should the President choose not to provide Congress the requested information, for whatever reason, funds would be cut off. The President might prefer to lose funds than to disclose the information to Congress, but that is the hard—and the only—choice he would have.

OFFICERS AND AGENCIES COVERED

I should make clear, too, that this legislation exempts no office or agency within the Executive Branch from its provisions. Specifically, the President and establishments within the Executive Office of the President are included, so that no official, office, or agency may claim some undefined "privilege" flowing from his or its relationship with the President. Since the President is included, a *fortiori* so are all agencies and offices in the Executive Branch which are subordinate to the President.

However, the bill also provides that the President or head of any agency shall not be required to disclose the nature of any advice, recommendation, or suggestion made to him by a member of his staff or of an agency of the United States in connection with matters solely within the scope of his official duties, except to the extent that such information may be required to be made public or made available to Congress by some other provision of law. Any form of information included within or forming the basis of such advice, recommendation, or suggestion is not protected from disclosure.

The obvious purpose of this provision is to protect the confidentiality of staff relationships and to encourage free debate among agency heads and their advisers. At the same time, it is intended to ensure that factual information—such as a finding by the President's science advisers that the SST would deplete the earth's ozone supply—be made available to Congress when relevant to its responsibilities.

JOINT RESOLUTION

Supplementary to the bill I have just described, I am also introducing a joint resolution expressing the sense of Congress that an office or agency of the executive branch should immediately make available all information requested by either House or any committee of Congress. The resolution is based on the same premises as the bill, and in my judgment would be a most useful reassertion by Congress of its constitutional prerogatives.

CONCLUSION

It has become common for administrations to apply a double standard to the release of information. Favorable classified information is frequently "leaked" to the press, while Congress and the public are denied information which could prove embarrassing to the government.

This legislation is born of the premise that Congress, as a co-equal branch of our Federal government, has both a right and a need to know information about all matters over which the Constitution gives it the power to legislate and the right of oversight. I can conceive in theory no justification for withholding from Congress information legitimately related to one of these functions. To keep Congress in the dark about the activities of the government is to consign it to a subordinate and subservient role in derogation of the intent of the Constitution.

Observers have frequently criticized Congress for allowing itself to become a second-class citizen in our constitutional system. There is altogether too much truth in this assertion. In failing time and again over the years to exercise the prerogatives it unquestionably possesses, Congress has materially contributed to the relative decline of its influence over our nation's course in the world. This need not have been the case, and the imbalance can be corrected if we in the Congress so desire.

STATEMENT OF THE HONORABLE LESTER L. WOLFF

Mr. Chairman and Members of the Committee, I would like to thank you for giving me this opportunity to testify on the question of access to information, a subject which is of vital concern to every Member of Congress.

As you may be aware, I have the privilege of serving on the House Foreign Affairs Committee. In fulfilling my duties on this Committee, I have had to deal with the Department of State on numerous occasions. Unfortunately, I have not always received the kind of cooperation which is essential to the proper discharge of my duties as a Member of this body.

Although I could cite many examples of this lack of cooperation which, I might add, sometimes approach outright obstruction, I would like to describe in detail three recent problems which I have had with the State Department.

The most recent instance occured this February after I had returned from a study mission to Europe and the Far East involving international narcotics traffic. During the early part of January, I attended, along with the Subcommittee on Europe, a briefing by the U.S. Ambassador to Turkey and other Embassy personnel on the subject of opium cultivation and traffic in Turkey. Mr. Rosenthal of New York, Chairman of the mission, requested me to record the meeting. Prior to the briefing in Istanbul, I requested clearance from the Embassy staff to take notes on a tape recorder. I placed my personal tape recorder on a table during the meeting where it was highly visible.

Since I felt that some of the material which was discussed at this meeting could possibly be of a sensitive nature, I requested the Embassy to return the tape by diplomatic pouch to me at my office in Washington. All other material which I sent back in this way arrived; the drug tape did not.

I launched an inquiry with Secretary Abshire, Director of Congressional Relations for the State Department, and was informed that the Department would withhold the tape and classify it. Imagine the Department of State intercepting either a Congressman's personal property or the property of the U.S. Congress, keeping it, and then classifying its contents.

For two months I had to attempt to reclaim my tape, particularly since I wished to review certain information before holding a drug-related meeting in March. I was told that the Department of State was preparing a transcript of the tape and was going to mark those sections which it considered secret. On March 21st, I finally received the transcript of my own tape. The tape itself, as this "I.O.U." indicates, is still being held by the State Department which is apparently afraid that I might give out not only the Ambassador's words, but also his voice. My very own questions have been classified "Secret" and the Department even censored a four-letter word uttered by the Ambassador. Such cavalier treatment of the personal property of a Member of Congress is nothing short of intolerable and represents a direct challenge by the Executive to Congressional autonomy.

Another illustration of this type of treatment took place last October when I introduced a resolution of inquiry directing the Secretary of State to furnish the Committee on Foreign Affairs all communications regarding the Vietnamese election, including all documents relative to the conduct and use of U.S. financed public opinion surveys. I introduced this resolution precisely because I felt that the lack of cooperation on the part of the Department of State necessitated firm action by the Congress itself concerning the availability of information necessary to the proper discharge of our responsibilities in the area of this nations' foreign policy.

One has only to read the Congressional Record of October 20th to know that the distinguished Chairman of the Foreign Affairs Committee received a letter dated October 8th from Secretary Abshire which stated, "The United States Information Agency has informed us that the Joint United States Public Affairs Office (JUSPAO) in Vietnam has NOT conducted any polls or surveys, formal or informal, concerning or involving the Vietnamese election."

Only after I had announced that I had in my possession sworn statements from persons who had participated in the conduct of these polls did Secretary Abshire write further that, "I regret that there was this inaccuracy in my last letter." Abshire explained, in a letter dated October 16th that, "We have now been informed that between October 1970 and February 1971 four regular opinion surveys were conducted by JUSPAO containing questions explicitly directed to the Vietnamese elections." The surveys were then released to the Committee classified "Limited Official Use."

On October 19th, Secretary Abshire again wrote to Chairman Morgan about these surveys in a letter that was classified "Confidential." At my insistence, this letter has been declassified. Abshire stated that, "The Embassy informed us that the results of this particular poll were discussed with President Thieu, but were neither discussed with other Vietnamese, nor given any distribution within the Vietnamese Government."

Thus what the State Department was hoping to keep quiet was the fact that American personnel were conducting surveys of public opinion not for our own information, but for the information of President Thieu's reelection campaign. Much of the raw data of these surveys, which it should be pointed out bears directly on the attitudes of the Vietnamese people towards the war, is still classified.

The final example of "liaison" work between the State Department and myself occurred in connection with a remark I made during an Executive Session of the Near East Subcommittee to the effect that I felt that our Ambassador to Israel might not be adequate to the demands of his job. Several other Members of the Subcommittee echoed my sentiments,. The State Department, through the Committee staff, requested me to delete this from the transcript of the hearing. My refusal to do so resulted in the almost one-year delay in publishing the hearings.

In summary, Mr. Chairman, it has been my experience that I have had to fight to get information and even to keep information. Access to the kind of information described is, I feel, vital to my duties as a Member of Congress. We cannot allow any agency or department to withhold information from a Member of Congress. Intrusion of the Executive branch are such that we must take effective action to prevent any further erosion of the constitutionally mandated separation of powers. I hope that these hearings will lead to some changes in the current intolerable situation. Thank you.

STATEMENT BY REPRESENTATIVE PATSY T. MINK

Mr. Chairman and Colleagues, I welcome this opportunity to appear before the committee and to testify on certain problems in the administration of the Freedom of Information Act. In particular I want to discuss with you certain concerns about access to information needed to carry out Congressional functions. As many of you know, my concern over this problem led to a Freedom of Information Act suit filed last year to obtain certain information on the Amchitka, Alaska, underground nuclear test. That case is now pending before the United States Supreme Court and arguments will be heard this fall. It is the first Freedom of Information Act case to be heard by the Supreme Court.

Because of my concern over possible adverse environmental effects of the nuclear test, I attempted last year to block its funding by Congress. On July 15, 1971, I offered an amendment to H.R. 9388, the Atomic Energy Commission authorization bill for fiscal 1972, which would have eliminated funds authorized for the test—code named "Cannikin." Unfortunately, that amendment failed in the House and a similar amendment failed in the Senate on July 20, 1971. I offered another amendment when H.R. 10090, the appropriation bill for Public Works and the Atomic Energy Commission, was taken up by the House on July 29. This also failed. A major factor in our inability to secure passage of my amendment was the lack of information on the environmental and physical dangers involved.

On July 26, 1971 an article was published in the Washington Evening Star which indicated that certain federal agencies had recommended to the White House that Cannikin be cancelled. The article indicated that the federal agencies charged with protecting the environment—EPA and CEQ—both recommended against conducting the test, as did the President's Office of Science and Technology. I ask that a copy of this article be included in the committee record at this point.

On July 28, 1971, I telegraphed the President requesting release of the documents upon which that newspaper article was based. I stressed that the information was needed so that Congress could properly legislate on Cannikin. On August 2, 1971, John W. Dean, III, Counsel to the President, replied to my telegram and informed me that the reports described in the *Star* article were not available to members of Congress. I request that a copy of that letter also be included in the committee record at this point.

Thereafter, on August 11, 1971, thirty-two other Members of Congress and I instituted a suit under the Freedom of Information Act to obtain the Cannikin reports. We contended that as Members of Congress we were entitled to disclosure of the information without regard to the restrictions on disclosure in the Act that apply to members of the public. The government responded by contending that Members of Congress could not sue Executive officials because of the "separation of powers provisions" of the Constitution. In essence, the government seemed to argue that if the Executive branch disobeyed a lawful duty owed to the Legislative branch, the Executive branch could not be held accountable by the Judiciary.

The government further contended that in any event the documents were immune from disclosure under the Freedom of Information Act because they were classified "secret" or higher and consisted of internal documents prepared for the advice of the President.

The District Court held that as Members of Congress we could not seek judicial relief against the Executive branch. It further held that as members of the public, we were not entitled to the documents because they were classified and consisted of internal agency memoranda. An emergency appeal was taken to the Court of Appeals for the District of Columbia Circuit. Several reasons were urged in support of reversal of the trial court's judgment. First, we contended that Members of Congress were entitled to sue as such and that such suits were not barred by any "separation of powers" principles. Second, we argued that Members of Congress were not subject to the restrictions on disclosure contained in the Act. Third, we contended that the government had not sustained the burden placed on it by the Act to justify nondisclosure and that the trial court had not conducted the *de novo* hearing required by the Act. Fourth, we contended that the "classification" and "internal memoranda" exemptions of the Act did not apply to the documents in question. And we basically urged that the District Court failed fully to explore the facts behind the withholding in order to determine the legality of the agency action.

The Court of Appeals did not pass on all these contentions. Rather, it simply held that the validity of the secrecy classification was cast in dispute by the government's own allegations and that an in camera inspection of the withheld documents was necessary to determine whether they should be disclosed under the Act. I ask that a copy of the Court of Appeals opinion be included at this point in the hearing record.

The government then sought certiorari from the Supreme Court, contending that the *in camera* hearing was unauthorized by the Act and constituted an invasion of Executive functions. As indicated, the case is new pending before the Supreme Court.

This brief description indicates that numerous important legal issues in the administration of the Act are presented by this case and are now pending before the court. My comments today by no means are intended to minimize the importance of all those legal issues; rather I rely on the knowledge and experience of this committee and its staff to evaluate the litigation and any decision the Supreme Court may deliver next year.

Thus I will not elaborate on the various issues such as scope of the "classification" and "internal memoranda" exemptions, the proper procedure for a reviewing court, and the other questions of statutory interpretation. I will instead direct my remarks to the important policy issue involved in this case which in my judgment is indicative of a current crisis of constitutional dimensions in our democratic society.

Specifically I refer to the present inability of the Congress to obtain information from the Executive branch that is needed to perform the Constitutional powers of legislation prescribed in Article I. How many times have members of this committee been frustrated in their efforts to obtain information needed for a legislative purpose? How many times have we been met by a wall of "Executive privilege" surrounding the facts needed for democratic governance? How many times has this withholding of information precluded intelligent legislation and effectively placed far too much power in the Executive branch? How much times has the Executive parceled bits and pieces of information to the press to further its own goals while denying that same information to the Congress?

It is my firm belief that a democratic society cannot survive the suppression of information revealed by the Cannikin episode. These highly expert Executive agencies apparently concluded that an underground nuclear test posed substantial dangers to the health and safety of American citizens. And yet, when Congress itself sought the information in order to determine the propriety of the test, the Executive branch hid behind legal privileges and principles and effectively frustrated meaningful Congressional participation.

Were this incident simply an isolated one, my alarm would not be as great. But we have seen far too many instances of such "Executive privilege." Witness the continuing inability of the Congress to participate in the vital decisions affecting the Vietnam war. Witness the refusal of the Executive to supply documents needed by the Senate in carrying out its Constitutional duty to advise and consent to Presidential nominations.

All of these things are indicative of a major crisis confronting the Congress. That crisis is an inability to obtain the information needed to govern today's complex and technological society.

My suit was filed in part to secure a judicial construction of the Freedom of Information Act that would guarantee Members of Congress the unlimited right to seek and obtain information in the hands of the Executive. I believe that that Act in its present form sets forth certain exemptions from disclosure that apply to members of the public, but that these exemptions do not apply to Members of Congress. I base this conclusion on the language in 5 U.S.C./552(c) which states that the Act "is not authority to withhold information from Congress". I also base my beliefs on the debates and proceedings that led to passage of the Act. Whether I am right in this contention, of course, is one of the issues now before the Supreme Court.

If this committee—as a result of the pending Supreme Court decision, or its own study—concludes that the Act in its present form does not provide such a right of access to Members of Congress, I suggest appropriate language to insure this right be included in any bill the committee may report and recommend for passage.

Suggestions have been made which would recognize a right in the Executive to withhold certain information from Congress. I believe such proposals concede far too much power to the Executive and authorize the withholding of far too much information. In my opinion the amount of information which the Executive branch can validly withhold from Congress is very limited indeed. Although the Executive consistently asserts a so-called "Executive privilege" supposedly based on Constitutional principles, I believe that no such Constitutional privilege prevents Congress from obtaining any information it needs for legislative purposes from the Executive branch. Of course this is conditioned upon the Fourth Amendment with its protection of the right of privacy. Congress cannot constitutionally obtain information the disclosure of which would constitute an unreasonable invasion of privacy. My point here is that Congress, in order to fulfill its Article I powers of legislation, has the Constitutional power to completely regulate Congressional access to Executive branch information.

Although I would concede as a matter of policy that there is a very limited category of documents which Congress should not seek from the Executive branch. As in other areas of legislation, definition of this category and precise line-drawing is quite difficult I frankly think it would be impossible to draft statutory language defining with any acceptable precision the category of documents I would permit the Executive to withhold from Congress. I sense only that in some cases there may be some documents whose disclosure I would not compel.

Rather than focusing excessively on the nature of documents which the Executive might withhold from Congress, I suggest the committee should properly focus on the procedures to be followed when a Congressional request for information is made to the Executive branch. Here I would suggest the broadest possible right of access to individual Members of Congress. This right should be secured by an appropriately drawn statute and enforceable by individual members in the courts. First, I would require that any refusal to supply any information to a Member of Congress should be made by the President himself, and then only to permit a decision to be made by a court. There should be a requirement of promptness in the release of information to a Member, and a fixed deadline for the President to seek court action. I would not attempt in such a statute to define with precision the categories of any documents immune from disclosure. I would instead state in the strongest possible terms the priority of Congress' right to obtain information. I would then refer to countervailing factors which *might* in certain exceptional circumstances justify nondisclosure. I would suggest the court decide on a case-by-case basis whether disclosure of the particular information sought is required. If possible, I would also make clear that decisions made by courts would form a body of precedents that must be followed by Federal officials subsequently, so that there will be no repeated delays in granting the data requested. And most importantly, I would authorize the court to require a Member of Congress to treat the information with confidentiality, perhaps even requiring closed sessions of Congressional committees or the House and Senate. But there should also be restrictions on this kind of requirement. Confidentiality should be authorized only in exceptional circumstances.

This process would not constitute "Executive privilege" but instead would in effect state that no such doctrine exists. The President would not be empowered to withhold any information from Congress. This could be done only by a court at the President's request. Penalties would be prescribed for Federal officials who violated the statute or court decisions.

I recognize these thoughts are somewhat general and imprecise. But the important themes are simple. First, the emphasis should be on a broad general right of Congress to obtain information, not any right of the Executive to withhold such information. Second, the narrow category of documents which might be withheld should not be defined in advance, but should be determined on a case-by-case basis. Third, determination of what documents the Executive branch might properly withhold from Congress should be made by the federal courts not a special agency established to administer Freedom of Information Act functions.

This third suggestion is in my mind especially important. I fear that an expert agency established solely to administer the Freedom of Information Act would become far too accustomed to secrecy, classification, and withholding. Inevitably it would tend to favor withholding rather than disclosure. On the other hand, federal courts whose traditions are deeply rooted in openness and public disclosure, would perhaps be more likely to limit severely the Executive's attempted withholding from Congress. Additionally, placing the responsibility on the federal courts would enable the decision-maker to rely on a broad spectrum of experience rather than an excessively narrow familiarity with governmental documents alone.

I would also suggest that any such procedure place an extremely high burden of proof on the agency which seeks to withhold information from Congress. As my own case demonstrates, the attempts to place such a burden on the Executive in the present Act may not be sufficient.

In conclusion, I commend this committee for its attention to a most important problem in our society. We have all become aware of the crucial need for facts and intelligent information as a necessary condition for responsible government. Unfortunately, the fact-finding abilities of Congress are far more limited than those of the Executive branch. Rather than compete through wasteful duplication and overlap of expert agencies, I seek to employ the Executive branch capability in the assistance of Congressional function. In my view the primary responsibility for governing this country rests with Congress, not the Executive branch. I thus see little justification for withholding of information from Congress. The question is basically one of trust. Who do we trust? The thousands of nameless, faceless, Executive officials whose responsibility to the people is limited? Or the 535 elected Members of Congress and United States Senators and their staffs who are directly accountable to the people? In my mind the answer is a simple one. Congress must have access to Executive information.

STATEMENT OF ROBERT F. KELLER, DEPUTY COMPTROLLER GENERAL OF THE UNITED STATES

Mr. Chairman and members of the Committee:

We are appearing in response to your request for our views on the difficulty of the General Accounting Office in obtaining information from the executive departments and agencies.

One of the most important duties of GAO is to make independent reviews of agency operations and programs and to report to the Congress on the manner in which Federal departments and agencies carry out their responsibilities. The Congress, in establishing GAO, recognized that the Office would need to have complete access to the records of the Federal agencies and provided that basic authoirty in section 313 of the Budget and Accounting Act, 1921 (31 U.S.C. 53, 54), as follows:

"All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment."

The more important factors underlying the law, intent of the Congress, and GAO's policy of insisting on generally unrestricted access to pertinent records of agencies and contractors in making GAO audits and reviews are:

1. An adequate, independent, and objective examination contemplates obtaining a comprehensive understanding of all important factors underlying the decisions and actions of the agency or contractor management relating to the subject of GAO examinations.

2. Enlightened management direction and execution of a program must necessarily consider the opinions, conclusions, and recommendations of persons directly engaged in programs that are an essential and integral part of operations. Likewise, knowledge of this type is just as important and essential to us in making an independent review and evaluation as it is to management in making basic decisions.

3. Agency internal audits and other evaluative studies are absolutely necessary. They are important tools by which management can keep informed of how large and complex activities are being carried out. Knowledge of the effectiveness with which internal review activities are carried out and the effectiveness with which corrective action where needed is taken is absolutely necessary to GAO in the performance of its responsibilities.

4. Availability of internal audit and other evaluative documents to GAO enables us to concentrate a greater part of our efforts in determining whether action has been promptly and properly taken by agency officials to correct identified weaknesses, and helps eliminate duplication and overlapping in audit effort.

We generally have had good cooperation in obtaining access to records of the executive departments except for the Department of State and the Department of Defense in those areas which involve our relations with foreign countries, and with the exception of certain activities of the Treasury Department and of the Federal Deposit Insurance Corporation. Also, quite recently an impasse has developed with the Emergency Loan Guarantee Board.

INTERNATIONAL ACTIVITIES

We have been experiencing increasing difficulties in obtaining access to information needed in our reviews and evaluations of programs involving our relations with foreign countries. Specific examples of our problems in this area were included in our testimony on June 24, 1971, before the Senate Appropriations Committee, Subcommittee on Foreign Operations, and again on July 28, 1971, before the Subcommittee on Separation of Powers, Committee on the Judiciary, United States Senate. I have with me a compilation of access-to-records problems encountered by GAO in making audits of foreign operations and assistance programs, which we prepared in September 1971 at the request of the Chairman, Senate Committee on Foreign Relations. With your concurrence, Mr. Chairman, I will submit this compilation for the record at this point.

On August 30, 1971, the President invoked executive privilege to withhold information which had been requested by the Senate Foreign Relations Committee relating to the Military Assistance Program. The President determined that it would not be in the public interest to provide to the Congress the basic planning data on military assistance that was requested by the Chairman of the Senate Foreign Relations Committee, and he directed the Secretary of State and the Secretary of Defense not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the Military Assistance Program which are not approved executive branch positions.

Subsequent to this action we noted a general increase in the volume of documents that operating officials were referring to higher authority for approval for release to our auditors. This practice added to the delays in obtaining access to documents that had hampered our audits in the past. Although absolute denial of access to a document is quite rare, our views have been hampered and delayed by the time-consuming processes employed by the various organizational elements within and between the executive agencies. These delays occur in screening records and in making decisions as to whether such records are releasable to GAO. It is not unusual for our staff people to request access to a document at an overseas location and to be required to wait several weeks while such documents are screened through channels from the overseas posts and through the hierarchy of the departments involved.

The increasing concern of the Comptroller General, especially with actions within the Department of Defense that were having the effect of denying GAO access to information and documents needed to carry out our responsibilities for review of international activities of the Department of Defense, in particular military assistance activities, prompted him to write to the Secretary of Defense on October 13, 1971. He cited examples of our access problems and pointed out specific DOD instructions and directives which, we believed, had created an atmosphere that was discouraging overseas agency officials from cooperating with GAO personnel. In reaching for a solution to this complex problem, the Comptroller General summarized his position to the Secretary of Defense as follows:

"I am most interested, as I am sure you are, in establishing a mutual accommodation within which we can carry out our respective responsibilities, with due regard to the sensitivities of the matters under review.

"I believe you can appreciate the depth of my concern at what appears to be an increasing effort within the Department of Defense to restrict the General Accounting Office's capability to carry out its responsibilities to the Congress in the field of international matters.

"To clear the air and set the stage for joint efforts to establish better working relationships I believe that a personal expression of your views communicated to your representatives in Washington and overseas would be extremely helpful. We would then be glad to work with the Assistant Secretary of Defense (Comptroller), or others that you designate, in the interest of accomplishing mutually acceptable working arrangements."

On January 27, 1972, the Secretary of Defense replied, stating:

"At the outset, let me assure you that neither the Assistant Secretary of Defense (ISA) nor myself condone any actions which could be interpreted as restricting your auditors from carrying out their responsibilities in the field of international matters or discouraging overseas officials from cooperating with your auditors in the performance of their statutory responsibilities."

He also indicated a need and intent to continue to screen the files of the Department before making them available for our review and stated:

"Papers in these files originate within as well as outside the Department, including The White House, and Department of State. I am sure that you appreciate that merely because such papers are in our files we cannot release them to GAO without the express approval of the originator. Fortunately, however, it is only on rare occasions that GAO auditors actually need access to such papers to complete their audits or reviews. The matter of access to such papers must, I believe, continue to be handled on a case-by-case basis. In the future, when the question of access to sensitive documents in the international affairs area arises, I have asked the Assistant Secretary of Defense (ISA), when he believes that access to a particular document should be denied, that he consult with the Assistant Secretary of Defense (Comptroller) and the General Counsel prior to refusing access."

The Secretary suggested that to clear the air and set the stage to establish better working relationships that DOD and GAO send representatives to some overseas locations with a view to creating an atmosphere of mutual cooperation and understanding.

Mr. Chairman, I have copies of this correspondence with me, and, with your concurrence, I will submit them for the record at this point.

Since the exchange of letters we have been meeting with Defense officials in an attempt to establish mutual working arrangements within which we can carry out our responsibilities. In addition, representatives of our office and of the Department of Defense will joitly visit overseas commands very shortly as an additional step toward this goal.

As your Subcommittee is well aware, on March 15, 1972, the President again invoked executive privilege and in his memorandum to the Secretary of State and the Director, United States Information Agency, he directed them not to make available to the Congress any internal working documents concerning the foreign assistance program or international information activities, which would disclose tentative planning data—such as is found in the Country Program Memoranda and the Country Field Submissions—and which are not approved positions.

Since then we have experienced some tightening up on our access to documents. For example, the Agency for International Development on March 23, 1972, instructed its operating personnel as follows:

"2. In order to carry out the President's directive, A.I.D. Country Field Submissions should not be disclosed to representatives of the Congress or the General Accounting Office. Likewise, disclosure should not be made of any other document from an A.I.D. Assistant Administrator, A.I.D. Office Head or A.I.D. Mission Director to higher authority containing recommendations or planning data not approved by the Executive Branch concerning overall future budget levels for any fiscal year for any category of assistance (e.g., Development Loans, Technical Assistance, Supporting Assistance or PL-480) for any country.

"3. In lieu of the disclosure of such documents, the President has directed that Congress be provided with 'all information relating to the foreign assistance program and international information activities' not inconsistent with his directive. Ordinarily, the substantive factual information contained in these documents should be disclosed through means of oral briefings, testimony, special written presentations and such other methods of furnishing information as may be appropriate in the circumstance.

"4. The General Counsel should be advised of any Congressional or GAO requests for any document described in paragraph 2 above or for files or records containing such a document. The General Counsel should also be advised of requests for other documents which raise Executive Privilege questions, whether under the rationale of the President's March 15 directive or otherwise, and a decision should be obtained from the General Counsel concerning the availability of the document for disclosure before the document is disclosed."

On May 8, 1972, the Under Secretary of State issued a memorandum to all Agency Heads, Assistant Secretaries, and Office Heads on the subject of executive privilege. This memorandum cites the Presidential Directive of March 15, 1972, and contains instructions similar to those put out by AID; however, it goes a bit further in broadening the field of applicability by stating:

"It will be noted that the President's directive is not strictly limited to Country Program Memoranda and Country Field Submissions, but applies also to other, similar internal working documents in the foreign assistance and international information fields which would disclose tentative planning data and which are not approved positions. Undoubtedly, specific questions will arise in the future as to whether or not the President's directive applies to particular congressional requests for disclosure. Such questions should be resolved in consultation with the Office of the Legal Adviser."

There is evidence that the executive agencies may try to satisfy GAO's need for access to records by providing the required information by means other than direct access to the basic documents, especially in cases where such documents are considered to be internal working documents. This would not be acceptable unless we are able to satisfy ourselves that the data provided to us is an accurate presentation of the substantive information contained in the basic documents.

In summary, our access to the records and documents or other materials we need to carry out our responsibilities for reviewing programs relating to international activities has been increasingly difficult. It is a matter of degree, but it has seriously interfered with the performance of our responsibilities. The most serious interference is in the restraints which have been placed upon agency officials overseas and which require them more and more to refer to Washington for clearance before making documents available to our staffs. Although these are not termed refusals, they come close because of the interminable delays that result from having to refer routine matters through channels to Washington.

In addition to the unnecessary cost and waste of time this involves, there is the increased risk of our making reports without being aware of significant information and the increased risk of our drawing conclusions based on only partial information.

We are seriously concerned with the increasing restrictions that have been imposed on overseas officials in particular, that take away a large measure of their discretion for dealing with GAO personnel, and we have conveyed this to the agencies.

INTERNATIONAL LENDING INSTITUTIONS

Beginning in the fall of 1970, we undertook to study U.S. participation in international lending institutions—the World Bank, International Development Association, Inter-American Development Bank, and Asian Development Bank. During our initial survey and in our later reviews relating to specific institutions, we encountered difficulties in obtaining information from the Treasury Department.

We experienced long delays in obtaining certain information. For example, access to monthly operations reports and to loan status reports for one of the institutions that we requested in December 1970 was not granted until August 1971 and then only after repeated requests.

We were refused access to several categories of documents by Treasury Department officials. These included the recorded minutes of the meetings of the institutions' board of directors, periodic progress reports on the status of projects being financed by the institutions, and a consultant's report on management practices of one of the institutions. Also, although Treasury officials advised us that they had refused access to internal documents which they received in confidence from the institutions, we were refused access to certain documents which, as far as we could determine, were not documents furnished by the institutions but rather were documents prepared by U.S. officials for use by other U.S. officials.

Inasmuch as we have not examined the documents discussed above, it is difficult to say with any confidence what effect our not having examined them may have had on our review. However, it seems that the documents in question form a significant part of the record on which U.S. management decisions regarding the institutions' operations were based. It is our view, therefore, that the documents should have been made available for our examination.

INTERNAL REVENUE SERVICE

GAO's review efforts at the Internal Revenue Service have been materially hampered, and in some cases terminated, because of the continued refusal by IRS to grant GAO access to records necessary to permit it to make an effective review of IRS operations and activities.

Without access to necessary records, GAO cannot effectively evaluate the IRS administration of operations involving billions of dollars of annual gross revenue collections (about $192 billion in fiscal year 1971) and millions of dollars in appropriated funds (about $978 million in fiscal year 1971). Such an evaluation, we feel, would greatly assist the Congress in its review of IRS budget requests and in its appraisal of IRS operations and activities. Without such access, the management of this very important and very large agency will not be subject to any meaningful independent audit.

GAO has taken every opportunity to impress upon IRS officials that it is not interested in the identity of individual taxpayers and does not seek to superimpose its judgment upon that of IRS in individual tax cases; rather, GAO is interested in examining into individual tax transactions only for the purpose of, and in the number necessary to serve as a reasonable basis for, evaluating the effectiveness, efficiency, and economy of selected IRS operations and activities. GAO has, in general, directed its efforts toward those areas where it believed that improvements in current operations would bring about better IRS administration of programs, activities, and resources.

It is the position of IRS that no matter involving the *administration* of the internal revenue laws can be officially before GAO and therefore we have no audit responsibility. The Commissioner of IRS, in a letter to the Comptroller General dated June 6, 1968, stated:

"* * * I must note that the [Chief Counsel, IRS] opinion holds that the Commissioner of Internal Revenue is barred by Sections 6406 and 8022 of the Internal Revenue Code from allowing any of your representatives to review any documents that pertain to the administration of the Internal Revenue Laws. Thus, federal tax returns and related records can be made available to you only where the matter officially before GAO does not involve administration of those laws."

Under the provisions of 26 U.S.C. 6103, tax returns are open to inspection only on order of the President and under rules and regulations prescribed by the Secretary of the Treasury or his delegate and approved by the President. Regulations appearing in 26 CFR 301.6103(a)-100-107 grant several Government agencies specific right of access to certain tax returns. Our Office is not included among those agencies. The regulation applicable to our Office, 26 CFR 301.6103(a)-1(b)(f), provides that the inspection of a return in connection with some matter officially before the head of an establishment of the Federal Government may be permitted at the discretion of the Secretary or Commissioner upon written application of the head of the establishment.

IRS has permitted Federal agencies, States, individuals, contractors, and others to have access to tax returns and records. GAO has been given access to individual tax returns only when the return is needed in connection with another matter in which GAO is involved or when we have made reviews at at the request of the Joint Committee on Internal Revenue Taxation. Otherwise we have been denied records requested for reviews of IRS operations. The reviews of IRS conducted at the request of the Joint Committee have been made pursuant to an arrangement whereby GAO and the Joint Committee agreed on certain priority matters involving the administration of the internal revenue laws. Under this arrangement we, in effect, make reviews for the Joint Committee, and we have had the complete cooperation of the Service.

FEDERAL DEPOSIT INSURANCE CORPORATION

The long and involved history of controversy between GAO and the Federal Deposit Insurance Corporation over GAO's right of access to certain of the Corporation's records appears in the published hearings of the House Committee on Banking and Currency of May 6 and 7, 1968. Those hearings resulted in the introduction of H.R. 16064, 90th Congress, a bill to amend the Federal Deposit Insurance Act with respect to the scope of audit of FDIC by GAO.

Essentially what is involved in this dispute is that although our Office is required by section 17 of the Federal Deposit Insurance Act (12 U.S.C. 1827) to conduct annual audits of the Corporation, we have been unable to fully discharge our responsibilities because FDIC has not permitted us unrestricted access to examination reports, files and other records relative to the banks which it insures.

It is the position of the Corporation that our right of access to its records is limited to those administrative or housekeeping records pertaining to its financial transactions. It is GAO's position that, because the financial condition of the Corporation is inseparably linked with the manner in which it supervised the banks which it insures, we cannot report to the Congress on the financial condition of the Corporation without evaluating the significance of its contingent insurance indemnity obligation for the banks.

At the time section 17 was being considered by the Congress, it developed that, although GAO and FDIC had agreed on the language included therein, divergent views were held by GAO and FDIC as to its meaning. Each made its position known to the House Committee on Banking and Currency, but the matter was not resolved. This difference of opinion still exists with both the Corporation and GAO feeling that the present law supports their respective positions. Repeated efforts to resolve the matter administratively have failed, and, for this reason, the Comptroller General in his testimony of March 6, 1968, before the House Banking and Currency Committee, recommended that the Federal Deposit Insurance Act be amended to specifically provide for an unrestricted access to the examination reports and related records pertaining to all insured banks.

EMERGENCY LOAN GUARANTEE BOARD

The Emergency Loan Guarantee Board, established by the emergency Loan Guarantee Act (Pub. L. 92–70), through its Chairman—the Secretary of the Treasury—has taken the position that it was not the intent of the Congress in establishing the Board to grant GAO authority to review Board activities. The Board was established to make guarantees or to make commitments to guarantee lenders against loss of principal or interest on loans to major business enterprises whose failures would seriously and adversely affect the economy or employment of the Nation or a region thereof.

GAO believes that it has the responsibility and authority to review the Board's activities including decisions of the Board in approving, executing, and administering any loan guaranteed by the Board. The Board's position, as indicated, is that there is nothing in the Emergency Loan Guarantee Act or its legislative history which would provide for a GAO review of all Board activities and that the Congress might need to pass additional legislation to make it clear that GAO has this authority. The main thrust of the Board's position is that the congressional review of loan guarantee matters is carefully spelled out in the guarantee act; GAO is directed to audit the borrower and to report its findings to the Board and to the Congress; and the Board is directed to make a "full report" of its operations to the Congress.

It is our position that, as an agency of Government, the Board is clearly subject to audit examination by GAO and that the records of the Board are required to be made available to GAO under its basic authorities. Those authorities are section 312 of the Budget and Accounting Act, 1921 (31 U.S.C. 53); section 206 of the Legislative Reorganization Act of 1946 (31 U.S.C. 60); subsections 117(a) and (b) of the Accounting and Auditing Act of 1950 (31 U.S.C. 67(a), (b)); and section 204 of the Legislative Reorganization Act of 1970 (84 Stat. 1140).

It is our view that under these basic authorities GAO has responsibility for auditing the activities of the Board and thus has attending right of access to such information and documents as the Board uses in reaching its decisions. Further, it is our view that neither the failure to spell out explicitly that GAO has such responsibility and right of access nor the fact that under Pub. L. 92–70 GAO was given explicit authority to audit the borrower diminishes in any way the basic audit authorities that we rely upon.

SUMMARY

The position of GAO is that full access to records, information, and documents pertaining to the subject matter of an audit or review is necessary in order that GAO can fully carry out its duties and responsibilities. The intent of the various laws assigning authority and responsibility to the GAO is clear on this point. The right of generally unrestricted access to needed records is based not only on laws enacted by the Congress, but is inherent in the nature of the duties and responsibilities of the Comptroller General.

The withholding of information and documents from GAO on the basis that such information and documents are internal working documents, or that they disclose tentative planning data, has seriously impaired our capability to effectively review and evaluate those programs or activities described in this statement.

The greatest disruptive element, however, is from the delaying tactics at the various levels—both in Washington and overseas—and in particular the restraints placed by the Department of Defense and the Department of State, which have restricted the exercise of normal judgment by operating officials of those departments in requiring what should be routine individual requests to go through channels for consideration on a document-by-document basis.

We expect to continue a firm effort to obtain working arrangements at the various levels which will permit us to fully carry out our responsibilities without yielding to unreasonable delays or outright refusals.

This concludes our statement, Mr. Chairman. We will be glad to answer any questions.

THE TRICKS OF HISTORICAL ANALOGY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. WYMAN. Mr. Speaker, the administration has been continuously pressured to make concessions, new concessions, some of them very one-sided, to end the war in Vietnam on any basis. Recently Senator FRANK CHURCH cited an analogous situation relating to war between England and France in the 18th century, in which case peace negotiations were permitted to drag out with the result that a later peace was made on unfavorable terms to England.

The Wall Street Journal has pointed out that when such comparisons are drawn, the whole story should be told. In an editorial, May 12, the Journal fills in an important gap in Senator CHURCH's analogy:

THE TRICKS OF HISTORICAL ANALOGY

Senator Frank Church has apparently been reading history lately, and has offered a passage about the agony of war from Charles James Fox, the great 18th Century English orator. Fox wanted to end a war between England and France that had dragged on for seven years, and said so with an eloquence common in his day and uncommon in ours.

"The Right Honorable Chancellor of the Exchequer feels the justice of the remarks; for by traveling back to the commencement of the war, and reference to all the topics and arguments which he has so often and unsuccessfully urged to the House, and by which he has drawn them on to the support of his measures, he is forced to acknowledge that, at the end of a 7-year conflict we are come to a new era in the war, at which he thinks is necessary only to press all his former arguments to induce us to persevere . . . And without any other argument or security, are we invited, at this new era in the war, to carry it on upon principles which, if adopted, may make it eternal."

Senator Church reported that Parliament spurned Fox's wisdom, and two years later was forced to negotiate the Peace of Amiens on terms less favorable to England. The Washington Post reprinted these remarks, all of which put us to browsing in the history books. We came away feeling Senator Church should have told the rest of the story.

Fox spoke in 1800, as the Senator noted, and England had been fighting revolutionary France since 1793. The "new era in the war" to which Fox referred was the rise of Napoleon. In the Peace of Amiens England made large and controversial concessions to France, but the peace quickly broke down when it became apparent Napoleon had still further ambitions. War persisted until the final defeat of Napoleon at Waterloo in 1815. Only after that did the Congress of Vienna succeed in establishing peace that more or less prevailed in Europe for a century.

If there are any lessons here, it seems to us, they are that sometimes true peace cannot be established by one-sided concessions, and that arguments can be old and tired without necessarily being wrong. What this tells about our own day we leave to Senator Church, who brought it up in that context. But whether or not Fox's speech is good advise in 1972, it is terrible advice in 1800.

HIGHER EDUCATION ASSISTANCE GRANTS BELOW AMOUNT NEEDED

HON. JOHN MELCHER

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. MELCHER. Mr. Speaker, last year's appropriation for work study, educational opportunity grants, and national defense student loans were not sufficient to provide a fair and adequate program for needy students for this coming and the next academic year.

For those students who must have part-time jobs, loans, or grants to finance their advanced education these programs have been a veritable Godsend.

Men and women of our generation are prone to refer with praise to the young people who do one or both of two things: First, seek out a job, or second, seek advanced education. So it should be doubly commendable when young people seek both to advance their education and secure a part-time job to help pay the bills. It was only a few days ago on this House floor that a number of our colleagues in the discussion on the minimum wage bill pointed with pride to their earlier days when as teenagers, or in their early twenties, they sought work. They gave us the impression that they sought work to help pay for their college education.

Yet when this supplemental appropriation bill passed the House on April 26 it neglected the higher education assistance programs. Fortunately, in the Senate, Senator LEE METCALF from my State of Montana amended the bill and aded $75.4 million for work study, $130.2 for educational opportunity grants and $89 million for national defense student loans.

It was a sensible and very needed recognition of the value of the programs.

Yet in conference the sums were reduced to about one third, thus still leaving the total available for the summer and the coming academic year below the amounts needed.

At a time when the youth are disturbed and distressed with the leadership of this country in our military positions, and the lack of sensitivity to domestic solutions to the ills of the country, and in an apparent disregard of many of the basic needs of society we should not ignore the fine benefits that accrue to the students that are eligible to participate in these programs. It is for this reason that I regret the House conferees reduced the amounts set in the Senate by Senator Metcalf's amendment in funding for work, study, educational opportunity grants and national defense student loans. By doing so we would assure thousands of needy and industrious students that we do care that they continue their efforts in higher education. We cannot justify ignoring their needs.

TRY SAYING "FRIEND"

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. HOGAN. Mr. Speaker, I noted with special pleasure the other day a newspaper article about the success of a 3-year neighborhood integration program at Brentwood Elementary School in Prince Georges County, which I represent. The article by Herbert H. Denton appeared in the Washington Post and shows how the people of a community, working hard together, can make a truly integrated society a reality.

Mr. Speaker, I insert the article into the Record at this time.

Try Saying "Friend"—Officials of Brentwood School Hold Racism Is Disappearing

(By Herbert H. Denton)

Water pistols were big on the Brentwood Elementary School playground yesterday. Most of the children, white and black, had them. And, for the record, it ought to be noted that they chased around indiscriminately shooting long trickles at one another without any apparent notice of race, creed or national origin.

It was Brentwood's annual PTA bazaar day and there were lots of other things besides water pistols—home-baked chocolate cakes, plastic firemen's hats, a dart board with balloons to puncture and a clear glass jar filled with dried lima beans. The children and their parents, in an effort to win a stuffed animal, paid a dime to make guesses on how many beans were in it.

There was an auction, too. A small murmur of excitement could be heard in the crowd when an engraved picture of the White House and autograph of President Nixon went up for bid. After several offers, it sold for $2.25. The gold-plated letter opener with leathette case on which Sen. J. Glenn Beall (R-Md.) had his name embossed, fared less well. Donald Bywater, Brentwood PTA member and the auctioneer, opened bidding at $1.25. Somebody finally took it when the price was rolled back to a dollar.

"I wanted someone to come out here and see we've got it together," Bywater, a carpenter who spends a lot of his time working for the Brentwood PTA, told a reporter. "Our kids have got it together. Our community's got it together. I mean racism, we don't have it." He is white.

"You know how kids are. They're going to have little scraps. The next 10 minutes they're back playing—even the teen-agers. It doesn't stay with them," Alfred Thomas, a city councilman for North Brentwood, told a reporter. Thomas is black.

Mostly white, Brentwood and virtually all black North Brentwood are two small working-class towns alongside one another in Prince Georges County near the Northeast District line.

For years, according to older children in the two communities, the two communities have existed separately and hostilely.

When reporters interviewed students at Northwestern High School during the time of racial fights there last month, it was the students from Brentwood and North Brentwood who expressed the most pungent of racial hostilities.

But, at the elementary school, which has drawn the young children of both communities in the three years since North Brentwood's all-black elementary school was shut down, parents, teachers and children at the fair yesterday said there is a different story.

"The high school kids were brought up in a completely different environment," Bywater said. "You'll see a great change in the schools when the younger children grow older because they were brought up in this from elementary to high school."

"We have a few troubles here but not like they got up there (Northwestern)," Earl Scott, 11, a fifth-grader who is black, told a reporter.

"Yeah," agreed a classmate, Brian Loveless, 10, who is white.

"Well, some of us get in fights down here over little arguments but it doesn't last long," young Scott continued.

When the racial fighting at Northwestern was occurring, their fifth-grade class sent about 300 flyers to Northwestern that said "Instead of whitey, coon, honky or nigger, try saying "Friend." This could be the start of somethng new!!"

Both young Scott and young Loveless said the idea of the flyers came from their teacher but, they both shrugged, they thought it was a good thing to do.

A GRATEFUL CITIZEN VIEWS MEDICARE

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. ALBERT. Mr. Speaker, I recently received a very nice letter from Mr. W. Henson Watchorn, of East Stroudsburg, Pa., asking that I convey his appreciation for the medicare program to the Members of the House of Representatives. Mr. Watchorn's letter is self-explanatory and I was pleased to bring it to my colleagues' attention:

May 10, 1972.

Hon. Carl Albert,
Speaker, House of Representatives,
Washington, D.C.

My Dear Mr. Albert: Recently I was confined to the New England Deaconess Hospital, Boston, Massachusetts. My visit to the hospital was necessitated by the need for surgery.

Enclosed is a copy of the bill I received today from the hospital. You will note that the total bill is one thousand one hundred ninety-six dollars and ninety-nine cents ($1,196.99). You will also note that of this amount medicare has paid one thousand one hundred twenty-three dollars and forty-nine cents ($1,123.49) leaving me just seventy-three dollars and fifty cents ($73.50) to pay.

As an American citizen I would like every member of the House of Representatives to know how much I appreciate the fact that the United States Government was concerned enough about the welfare of its "Senior Citizens" to pass a bill making medicare possible.

If I could write to each member of the House of Representatives and the Senate personally to express my thanks to them I would be happy to do so; but this would be an almost insurmountable task. I do not have any suggestion as to how you could convey my appreciation to all the Members of the House of Representatives but if you know of any way this can be done I certainly would be most grateful to you would see that they are made aware of my deep gratitude for what they have done for me as well as all the other "Senior Citizens" who have had to avail themselves of medicare.

Your cooperation, in any way you feel would be effective in letting the Members of the House know of my gratitude, would be appreciated. Thank you very much.

A very appreciative and grateful citizen.

W. Henson Watchorn.

NEW YORK SENATOR EARL BRYDGES ANNOUNCES HE WILL NOT SEEK REELECTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. SMITH of New York. Mr. Speaker, I rise at this time to voice my sincere commendation to a great public servant on the occasion of his retirement. New York State's Senate majority leader, the Honorable Earl W. Brydges, who presided at his last session of the New York State Senate in Albany on May 12, 1972, after 24 years of dedicated public service in the New York State Legislature, has announced that he will not seek reelection. Earl Brydges began his career in the State senate in 1948, was chosen minority leader of the senate in 1965, and majority leader in 1966, a position which he holds today.

Mr. Speaker, Senator Brydges was a giant of a man in the New York State Legislature. His contributions to education in New York State were far-reaching and far-sighted. Because of his legislative skill and influence, New York State can claim one of the highest standards of education in the Nation. Senator Brydges was one of the prime movers behind the general economic development of the western New York area and the Niagara Frontier, as well as of the entire State. His impact on the progress and development of New York State will be felt for years to come.

On May 25, 1972, in New York City, Senator Brydges will receive from the Catholic Interracial Council the John LaFarge Memorial Award for Interracial Justice. This is one further indication, if one be needed, of the esteem in which Earl Brydges is held by all citizens who know his record of brotherhood and service to mankind.

Mr. Speaker, words cannot describe the affection the people of New York State have demonstrated for Senator Earl W. Brydges. His absence from public service will be deeply felt. We join in honoring Senator Brydges as legislator, leader, servant of mankind, warm human being, and friend.

ACLU FINDS NIXON BUSING BILLS UNCONSTITUTIONAL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. CONYERS. Mr. Speaker, as a member of the House Judiciary Committee which is currently considering one of President Nixon's antibusing bills (H.R. 13916), I have found the following legal analysis by staff attorneys of the American Civil Liberties Union to be of great interest.

The analysis finds both bills unconstitutional on several grounds. While this is certainly reason enough to reject them, there is another reason just as valid.

These bills, and the current flood of other antibusing proposals, represent nothing more than a gross abandonment of this Nation's long commitment to equal educational opportunity. It appears that the other major antibusing proposals currently before the Congress are so similar to the President's proposals that they all fail on the same constitutional and moral grounds. The ACLU study follows:

LEGAL MEMORANDUM ON THE STUDENT TRANSPORTATION MORATORIUM ACT OF 1972 AND THE EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972

I. SUMMARY

The Student Transportation Moratorium Act of 1972 and the Equal Educational Opportunities Act of 1972 are, individually and as joint legislation, unconstitutional.

The bills are in direct conflict with the school desegregation cases over the past 18 years interpreting the equal protection clause of the Fourteenth Amendment of the United States Constitution. These decisions impose on government the affirmative obligation to eliminate all vestiges of state-imposed segregation—now.

The Supreme Court has invalidated state laws which ban busing, holding that they hamper vindication of constitutional rights. The federal government, like the states, cannot frustrate the constitutional mandate of the Fourteenth Amendment.

These bills will prevent enforcement of the Fourteenth Amendment and, contrary to the argument put forth by their proponents, cannot therefore be justified as "appropriate legislation" under Section 5 thereof.

II. THE STUDENT TRANSPORTATION MORATORIUM ACT OF 1972 AND THE EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972 ARE IN DIRECT CONFLICT WITH SCHOOL DESEGREGATION CASES DECIDED BY THE SUPREME COURT OF THE UNITED STATES

A. Swann, its companions and the Fourteenth amendment

A year ago the Supreme Court of the United States decided *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971) and its companion cases.[1] The Court granted certiorari in order to review important issues as to the duties of school authorities and the scope of federal courts under this Court's mandates to eliminate racially separate public schools established and maintained by state action." *Swann, supra*, 402 U.S. at 5.

The two bills seriously affect the "scope of federal courts" in the area of dismantling the dual school system. Consequently, the *Swann* decision must be carefully examined with regard to what the Fourteenth Amendment says the federal courts can and cannot do in the area of school desegregation.[2]

In *Swann*, the Court reaffirmed, in no uncertain terms, its strict adherence to the Fourteenth Amendment commitment to abolish the dual school system.

"Nearly 17 years ago this Court held in explicit terms, that state-imposed segregation by race in public schools denies equal protection of the laws.[3] At no time has the court deviated in the slightest degree from that holding or its constitutional underpinnings." *Swann, supra*, 402 U.S. at 11.

The Court then went on to state the present objective.

"The objective today remains to eliminate from the public schools all vestiges of state-imposed segregation. Segregation was the evil struck down by *Brown* I as contrary to the equal protection guarantees of the Constitution. That was the violation sought to be corrected by the remedial measures of *Brown* II. That was the basis for the holding in *Green*[4] that school authorities are 'clearly charged with the *affirmative duty to take whatever steps might be necessary* to convert to a unitary system in which racial discrimination would be eliminated root and branch.' 391 U.S. at 437–8." *Swann, supra*, 402 U.S. at 15.

With regard to the role of the federal courts in effectuating the above objective, the Court stated:

"If school authorities fail in their affirmative obligations under these holdings, judicial authority may be invoked. Once a right and a violation have been shown, the scope of a district court's equitable powers to remedy past wrongs is *broad*, for *breadth* and *flexibility* are inherent in equitable remedies".[5] *Swann, supra*, 402 U.S. at 15. (Emphasis added.)

The Court clearly held that "a district court has broad power to fashion a remedy that will assure a unitary school system." *Swann, supra*, 402 U.S. at 16.

The two bills, however, negate the language of *Swann*. The bills encroach upon and dilute the inherent power of a federal court to fashion an equitable remedy to terminate the dual school system. The bills, in effect, legislatively overrule the Supreme Court holding.

The two bills are directed at school transportation systems. The Student Transportation Moratorium Act of 1972 would stay federal court orders that require busing students. The Equal Opportunities Act of 1972 would, in certain cases, prohibit the use of busing as a tool to dismantle the dual school system, reopen federal court orders already implementing a school desegregation plan which employs busing, and finally limit the time period in which a busing plan could be used.

The Supreme Court, in interpreting the equal protection clause of the Fourteenth Amendment in the context of school desegregation cases, has spoken to the issue of student transportation.

"Bus transportation has been an integral part of the public education system for years, and was perhaps the single most important factor in the transition from the one-room school house to the consolidated school. . . .

"The importance of bus transportation as a normal and accepted tool of educational policy is readily discernible in this and the companion case".[6] *Swann, supra*, 402 U.S. at 29.

The Court in *Swann, supra*, and *North Carolina State Board of Education* v. *Swann*, 402 U.S. 43 (1971), upheld the district courts' orders allowing for busing as within the federal courts' powers to provide equitable relief. Additionally, the Court held that busing decrees were within the capacity of the school authority. It concluded in *Swann* by maintaining:

". . . we find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. *Desegregation plans cannot be limited to the walkin school.*" *Swann, supra*, 402 U.S. at 30. (emphasis added)

However, if the two bills were adopted school desegregation plans would be precisely limited to the walk-in school system.

The Equal Educational Opportunities Act of 1972 in Section 2(a)(2) states "Congress declares it to be the policy of the United States that the neighborhood is an appropriate basis for determining public school assignments." Likewise, in Title II, Section 201(c) the bill states: "No State shall deny equal educational opportunity to an individual on account of his race, color or national origin by the assignment by an educational agency of a student to a school, other than the one closest to his place of residence within the school district in which he resides, . . ."

The above provisions directly contradict what the federal judiciary has been mandating since *Brown* I in 1954. The Supreme Court summed it up when it stated:

"All things being equal, with no history of discrimination, it might well be desirable to assign pupils to schools nearest their homes. But all things are not equal in a system that has been deliberately constructed and maintained to enforce racial segregation. The remedy for such segregation may be administratively awkward, inconvenient and even bizarre in some situations and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual school systems." *Swann, supra*, 402 U.S. at 28.

B. The moratorium—"All Deliberate Delay"

The Student Transportation Moratorium Act of 1972 proposes to impose a moratorium on new and additional student transportation. Section 3 proposes to stay the implementation of any busing order of a United States Court until July 1, 1973, or until Congress enacts legislation as contemplated by Section 2(a)(4).

The bill is unconstitutional because it is contrary to the meaning of the equal protection clause of the Fourteenth Amendment as interpreted by the Supreme Court of the United States.

In 1955, the Court in fashioning its "all deliberate speed" remedy acknowledged "the courts may find that additional time is necessary to carry out the ruling in an effective manner." *Brown* v. *Board of Education of Topeka, Kansas*, 349 U.S. 294, 300 (1955). However, the "all deliberate speed" approach (allowing for delay where necessary) came to an end in 1964.

In *Griffin* v. *County School Board of Prince Edward County*, 377 U.S. 218 (1964), it was argued that the district court should have abstained to give the state courts an opportunity to rule on the possible violation of the state constitution. After finding that the Supreme Court of Appeals of Virginia had already ruled on the issues, the Court found the abstention argument improper on other grounds.

"[W]e hold that the issues here imperatively call for decision now. The case has been delayed since 1951 by resistance at the state and county level, by legislation, and by lawsuits. The original plaintiffs have doubt-

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Footnotes at end of article.

less all passed high school age. There has been entirely too much deliberation and not enough speed in enforcing the constitutional rights which we held in *Brown* v. *Board of Education, supra,* had been denied Prince Edward County Negro children . . ." *Griffin, supra,* 377 U.S. at 299.

The Court, proceeding to the merits, and finding a denial of constitutional rights, stated "the relief needs to be quick and effective." *Griffin, supra,* 377 U.S. at 232. The Court held that there existed judicial power to require defendants to exercise their power to levy taxes to assure that adequate funds were provided to maintain a desegregated school system. It held that the district court could consider an order to compel the state authorities to assist the county school system.

Mr. Justice Black, writing for the Court, concluded by stating:

"The time for more "deliberate speed" has run out, and that phrase can no longer justify denying these Prince Edward County school children their constitutional rights to an education equal to that afforded by the public schools in other parts of Virginia." *Griffin, supra,* 377 U.S. at 234.

In 1965, the Court in *Bradley* v. *School Board, City of Richmond,* 382 U.S. 103 (1965) stated:

". . . these suits have been pending for several years; and more than a decade has passed since we directed desegregation of public school facilities "with all deliberate speed," *Brown* v. *Board of Education,* 349 U.S. 294, 301. Delays in desegregating school systems are no longer tolerable. *Goss* v. *Board of Education,* 373 U.S. 683, *Calhoun* v. *Latimer,* 377 U.S. 263, 264–5. See *Watson* v. *City of Memphis,* 373 U.S. 526."

Again in 1968, the Court in *Green* v. *County School Board of New Kent County, Virginia, supra,* 391 U.S. at 439 held:

"The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work *now*."

In 1969, the Court in *Alexander* v. *Holmes County Board of Education,* 396 U.S. 19 (1969), was presented with a school desegregation plan from Mississippi. The Court's consideration of the case took exactly 20 days. The petition for certiorari was granted on October 9, 1969, the case was argued October 23, 1969, and decided October 29, 1969. The Court stated:

"The question presented is one of paramount importance, involving as it does the denial of fundamental rights to many thousands of school children, who are presently attending Mississippi schools under segregated conditions contrary to the applicable decisions of this Court. Against this background the Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. *Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.*" (emphasis added)

Alexander was remanded to the United States Court of Appeals for the Fifth Circuit. There, in the style of *Singleton* v. *Jackson Municipal Separate School District,*[7] 419 F.2d 1211, 1216 (5th Cir. 1969), the Fifth Circuit stated:

"The tenor of the decision in *Alexander* v. *Holmes County* is to shift the burden from the standpoint of time for converting to unitary school systems. The shift is from a status of litigation to one of unitary operation pending litigation. The new modus operandi is to require immediate operation as unitary systems. Suggested modifications to unitary plans are not to delay implementation. Hearings on requested changes in unitary operating plans may be in order but no delay in conversion may ensue because of the need for modification or hearing."

The Fifth Circuit on December 1, 1969, adopted a two-step plan. By no later than February 1, 1970, all steps necessary to convert to a unitary system except the merger of the student bodies were to have been taken. The student body merger was to be accomplished no later than the beginning of the fall term, 1970.

Even that time-table for the desegregation plan was too long, in the view of the Supreme Court. On January 14, 1970, in a per curiam opinion, *Carter* v. *West Feliciana Parish School Board,* 396 U.S. 290 (1970), the Court stated:

"Insofar as the Court of Appeals authorized deferral of student desegregation beyond February 1, 1970, that Court misconstrued our holding in *Alexander* v. *Holmes County Board of Education,* 396 U.S. 19."

The Court reversed the Court of Appeals and the cases were once again remanded for further proceedings consistent with the Court's opinion.

Chief Justice Burger, writing for the entire Court, said in *Swann*:

"[t]hese cases present us with the problem of defining in more precise terms than heretofore the scope of the duty of school authorities and district courts in implementing *Brown* I and the mandate to eliminate dual systems and establish unitary systems *at once*." *Swann, supra,* 402 U.S. at 6. (emphasis added)

The Court is firm: delay in dismantling the dual school system will not be tolerated or permitted.

Contrast the federal Court decisions starting with *Green* through *Alexander* and *Swann* with the proposed Student Transportation Moratorium Act of 1972. The purpose of the bill is to "impose a moratorium on new and additional student transportation." Where a federal court declared that busing was to be employed as a tool, a means to a constitutionally required end—the dismantling of the dual school system—if this bill were enacted, the order would be stayed. The stay would be, in effect, another delay in implementing the Fourteenth Amendment mandate of *Brown* and others in violation of the Supreme Court's clear and repeated rulings against such delay.

The Supreme Court has spoken on numerous occasions since the *Griffin* decision in 1964 with regard to delay in school desegregation. It has interpreted on numerous occasions what the equal protection clause of the Fourteenth Amendment dictates. It dictates implementation of "all available techniques," "whatever action may be necessary" to create a unitary school system without any further delay. It does not dictate or entertain a moratorium for possibly fifteen months on a technique which is in many cases essential to the dismantling of those dual school systems.

III. THE FEDERAL GOVERNMENT, LIKE THE STATES, CANNOT FRUSTRATE THE CONSTITUTIONAL MANDATE OF THE FOURTEENTH AMENDMENT

The proposed Student Transportation Moratorium Act should be considered in light of the Supreme Court's decision in *North Carolina State Board of Education* v. *Swann,* 402 U.S. 43 (1971).[8]

In that case, plaintiffs had attacked the constitutionality of a state statute which read:

"No student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of creating a balance or ratio of race, religion or national origins. Involuntary busing of students in contravention of this article is prohibited. . . . *North Carolina State Board of Education, supra,* 402 U.S. at 44, n. 1."

The Supreme Court concluded that

"an absolute prohibition against transportation of students assigned on the basis of race, 'or for the purpose of creating a balance or ratio,' will . . . hamper the ability of local authorities to effectively remedy constitutional violations. *North Carolina State Board of Education, supra,* 402 U.S. at 44."

The Court was persuaded by two facts in declaring the prohibition on busing unconstitutional: (1) "bus transportation has long been an integral part of all public educational systems," and (2) "it is unlikely that a truly effective remedy could be devised without it." *North Carolina State Board of Education, supra,* 402 U.S. at 44.

The principle is well-established that:

"if a state-imposed limitation on a school authority's discretion operates to inhibit or obstruct the operation of a unitary school system or impede the disestablishment of a a dual system, it must fall; *state policy must give way when it operates to hinder vindication of federal constitutional guarantees. North Carolina State Board of Education, supra,* 402 U.S. at 44." (emphasis added)

See, in this respect, *Goss* v. *Board of Education of City of Knoxville, Tennessee,* 444 F. 2d 632, 637 (6th Cir. 1971) ("any state statute or constitutional provision that forbids the transportation of school children by bus or otherwise to accomplish a better racial balancing of school population will be denied enforcement"); *Clark* v. *Board of Directors of Little Rock School District,* 328 F. Supp. 1205, 1212 (E.D. Ark. 1971) (a state legislature cannot thwart a school district in carrying out its constitutional duty to provide a unitary school system), *modified,* 449 F. 2d 493 (8th Cir. 1971); and *Taylor* v. *Coahama County School District,* 330 F. Supp. 174, 176, 183 (N.D. Miss. 1970) (the remedial power of the federal courts under the Fourteenth Amendment is not limited by state law, and no state law or custom may be imposed to frustrate the constitutional mandate to get rid of a dual school system), *aff'd,* 444 F. 2d 221 (5th Cir. 1971).

A legislative policy of the federal government cannot frustrate the constitutional mandate that segregated school systems be abolished any more than a state legislative policy can frustrate that mandate. In *Bolling* v. *Sharpe,* 347 U.S. 495 (1954), the Supreme Court of the United States expressly recognized this principle.

"In view of our decision [*Brown* v. *Board of Education,* 347 U.S. 483 (1954)] that the Constitution prohibits the states from maintaining racially segregated public schools, *it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government. Id.,* at 500 citing *Hurd* v. *Hodge,* 334 U.S. 24 (1948)." (emphasis added)

Cf., Richardson v. *Belcher,* 92 Ct. 254, 257 (1971).

If it is impermissible for a state to forbid the implementation of the remedial measure which is often the only effective means of affirmatively eliminating racial discrimination in the public schools, it is likewise impermissible for the federal government to absolutely forbid the use of that remedy.

IV. THE STUDENT TRANSPORTATION MORATORIUM ACT OF 1972 AND EQUAL EDUCATIONAL OPPORTUNITY ACT OF 1972 WILL PREVENT ENFORCEMENT OF THE FOURTEENTH AMENDMENT AND CANNOT THEREFORE BE JUSTIFIED AS "APPROPRIATE LEGISLATION" UNDER SECTION 5 THEREOF

The proponents of the two bills rely on Section 5 of the Fourteenth Amendment as their constitutional authority for these bills.[9] In a White House text isued March 17, 1972, the President said, ". . . I propose that Congress now accept the responsibility and use the authority given to it under the Fourteenth Amendment . . ." However, analysis of the origin and scope of Section 5 reveals that the White House was erroneous in its

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Footnotes at end of article.

assumption that Section 5 is a constitutional basis for the proposed bills..

In 1966, voters of New York City sought a declaratory judgment and injunction restraining compliance with the Voting Rights Act of 1965. The Supreme Court, in *Katzenbach* v. *Morgan,* 384 U.S. 641 (1966), held that the section of the Voting Rights Act which provided that no person who had successfully completed the sixth grade in an American school in which the predominant language was other than English should be disqualified from voting under any literacy test (prohibiting the enforcement of New York election laws) [10] was a proper exercise of powers granted to Congress in Section 5 of the Fourteenth Amendment.

In the *Katzenbach* opinion, the Court discussed the origin and scope of Section 5.

By including Section 5 the draftsmen sought to grant to Congress, by a specific provision applicable to the Fourteenth Amendment, the same broad powers expressed in the Necessary and Proper Clause, Art. I, § 8, cl. 18. The classic formulation of the reach of those powers was established by Chief Justice Marshall in *McCulloch* v. *Maryland,* 4 Wheat. 316, 421, 4 L. Ed. 579;

"Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end which are not prohibited, but consistent with the letter and spirit of the constitution, are constitutional." *Katzenbach, supra,* 384 U.S. at 650.

Accord, Ex parte Com. of Virginia, 100 U.S. 313, 345–6 (1880).

"Whatever legislation is appropriate, that is adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power."

Thus, the question presented is whether the proposed bills are "appropriate legislation" to enforce the equal protection clause of the Fourteenth Amendment.

The Administration has contended that Congress has the power under Section 5 to dilute as well as expand the protection of rights guaranteed by the Fourteenth Amendment. The Court specifically spoke to this point in *Katzenbach*:

". . . § 5 does not grant Congress power to exercise discretion in the other direction and to enact "statutes so as in effect to dilute equal protection and due process decisions of this Court." We emphasize that Congress' power under § 5 is limited to adopting measures to enforce the guarantees of the Amendment: *§ 5 grants Congress no power to restrict, abrogate, or dilute these guarantees. Katzenbach, supra,* 384 U.S. at 651, n. 10." (emphasis added)

The reason why this must be so is inherent in the very purpose of the Fourteenth Amendment itself. It was not adopted to facilitate the restriction of peoples' rights, but to expand and extend constitutional safeguards to reach and protect those who had previously been unprotected. It would be anomolous indeed to permit Congress to restrict the very rights the Fourteenth Amendment was designed to guarantee. No theory of judicial deference to the legislative branch calls for authorizing Congress to restrict or dilute constitutional rights as determined by the Supreme Court.

The bills put forth by the Administration would "restrict, abrogate" and "dilute" the guarantees of the Fourteenth Amendment as interpreted in the numerous school desegregation decisions of the Supreme Court over the past eighteen years. (See generally, discussion in Part II, pp. 2–12)

If the bills were enacted, a federal court when trying to dismantle the dual school system, would find itself sharply restricted in fashioning a remedy. Busing as a possibility would be out. Other approaches, such as school pairings and zoning, very often depend on the availability of busing. Thus, a federal court could find itself in the unavoidable position of having to enter a less than effective desegregation plan. The result would be a "watered down" version of the Fourteenth Amendment, thereby denying citizens the equal protection of the law which that Amendment theoretically guarantees them.

V. CONCLUSION

This country is committed to a position that dual schools are a denial of equal educational opportunity. Against the background of this commitment, these bills, which virtually eliminate one of the most important tools for achieving desegregation, signal a sharp reversal. There is no support for this reversal in the Constitution which indeed affirmatively prohibits it. For these reasons, the American Civil Liberties Union urges defeat of both of these bills.

FOOTNOTES

[1] *Davis* v. *Board of School Commissioners of Mobile County,* 402 U.S. 33 (1971); *McDaniel* v. *Barresi,* 402 U.S. 39 (1971); *North Carolina State Board of Education* v. *Swann,* 402 U.S. 43 (1971).

[2] "These cases present us with the problem of defining in more precise terms than heretofore the scope of the duty of school authorities and district courts in implementing *Brown* I and the mandate to eliminate dual systems and established unitary systems at once." *Swann, supra,* 402 U.S. at 6.

[3] "In the field of public education and doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore we hold that the plaintiffs and others similarly situated * * * are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment." *Brown* v. *Board of Education,* 347 U.S. 483, 495 (1954).

[4] *Green* v. *County School Board,* 381 U.S. 430 (1968).

[5] "The essence of equity jurisdiction has been the power of Chancellor to do equity and to mould each decree to the necessities of the particular case. Flexibility rather than rigidity has distinguished it. The qualities of mercy and practicality have made equity the instrument for nice adjustment and reconciliation between the public interest and private needs as well as between competing private claims. *Hecht Co.* v. *Bowles,* 321 U.S. 321, 329–330 (1944), cited in *Brown* II, *supra,* 349 U.S. at 300." *Swann, supra,* 402 U.S. at 15.

[6] "During 1967–68, for example, the Mobile board used 207 buses to transport 22,094 students daily for an average round trip of 31 miles. During 1966–67, 7,116 students in the metropolitan area were bused daily. In Charlotte-Mecklenburg, the system as a whole, without regard to desegregation plans, planned to bus approximately 23,000 students this year, for an average daily round trip of 15 miles . . ." *Swann, supra,* 402 U.S. at 29, n., 11.

[7] The Fifth Circuit, in its per curiam decision, had the following to say concerning the Supreme Court's decision in *Alexander:*

"It sent the doctrine of deliberate speed to its final resting place." *Singleton, supra,* 419 F.2d at 1216.

[8] *See also, Lee* v. *Nyquist,* 318 F. Supp. 710 (W.D.N.Y. 1970) (three-judge court), *aff'd,* 402 U.S. 935 (1971).

[9] Section 5 of the Fourteenth Amendment provides: "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article."

[10] New York law required the ability to read and write English as a condition of voting.

REALTOR WEEK IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. BEGICH. Mr. Speaker, I would like to take this opportunity to join with the Governor of Alaska in saluting a very special group of people, the realtors of Alaska.

In a recent proclamation by Gov. William A. Egan, the week of May 21 was set aside as Realtors Week in Alaska.

This group of men and women have been major participants in the development of Alaska and guardians of the principle of private ownership of property. Their involvement in community affairs, charitable causes, and the contributions of their professional knowledge have benefited the State of Alaska in countless ways.

Still in the infancy stage of development, Alaska has depended on these realtors to use the highest ethics and wisdom in the utilization of land. They have accepted this responsibility by advocating programs favoring home ownership, by solving community and environmental problems through the activities of their broad Make America Better program.

I call upon all Alaskans and my colleagues to join with me in saluting the 1 million realtors across the Nation for their services and professional dedication.

The proclamation of the Governor of Alaska is as follows:

PROCLAMATION

REALTOR WEEK

One of the bulwarks of this Nation is the free expression of the principle of private ownership of property, evidenced in Alaska and throughout the land by the fact that more than two-thirds of our families own their own homes.

The Realtors of Alaska have zealously guarded this principle and have contributed toward public confidence in real property ownership by their pledge to uphold the strict Code of Ethics of the National Association of Real Estate Boards.

The citizens of our State have benefited in countless ways from the efforts of Realtors in civic affairs, for charitable causes, and, most important, in the donation of their professional knowledge of real estate matters for the good of our communities and our State.

Realtors have assumed these responsibilities with credit, by encouraging wise utilization of the land, by advocating programs fostering home ownership, by solving problems in our cities, towns, and our environment through the activities of their broad Make America Better Program and by emphasizing the positive goal to "Sell America First—Everyday."

These Realtors will join with thousands of their colleagues throughout the Nation in celebrating Realtor Week, May 21–27, in extolling the advantages of real property ownership.

Therefore, I, William A. Egan, Governor of Alaska, proclaim the week of May 21 through 27, 1972, to be Realtor Week in Alaska. I urge all citizens to join me in saluting the Realtors of this State, and the 1,000,000 Realtors across this great Nation, for their services, programs, and professional dedication, and I further encourage all citizens to join with me in participating in the program of civic betterment offered during this week and throughout the year by Realtors.

Dated this 5th day of May, 1972.

William A. Egan,
Governor.

THE SENIORITY SYSTEM IN CONGRESS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. McCLOSKEY. Mr. Speaker, after 60 years, Congress in 1971 took the first step to correct a major defect in our congressional procedures. That defect is the seniority system.

Despite the formal adoption of rules ending the system in January 1971, both party caucuses promptly selected their 21 senior members as committee chairmen and ranking members respectively.

Next January, when the 93d Congress convenes, we have the opportunity to at last put into practice that which public opinion forced us to accept in principle. We can elect our chairmen and ranking members on merit instead of on length of service. In so doing, we can perhaps make some small contribution to the renewal of the faith of Americans in our system of government. The loss of that faith has been in part due to the seniority system. Most Americans now know about the system and universally deplore it.

Public dissatisfaction was fairly well summed up at the conclusion of the 91st Congress by a group of younger Members in House debate. To refresh the recollection of the House as to the primary reasons for such dissatisfaction, the key points of that debate are reprinted here:

[From the Congressional Record, Dec. 18, 1970]

The Seniority System: A Proposal for Its Abolition

Mr. McCloskey. Mr. Speaker, I rise today to propose a change in one aspect of the seniority system under which the House has operated since 1911. Under the present system, the majority party traditionally names as chairman of each standing committee that majority member who has served the longest period of time on such committee. This procedure is technically referred to as an "election," but the custom and tradition of the Democratic Party, at least, has been to automatically confirm the senior member as its chairman, whether or not such chairman be inept, incompetent, or approaching senility.

In a recent letter to a colleague, one House committee chairman referred to the seniority system quite accurately when he said:

"Each one of us will be protected, in whatever present position on Committee we have, by automatic reassignment each new 2-year term of Congress."

The essence of the system is thus protection of a chairman, even though that chairman be overage, incompetent, or merely unable to work the 12-hour day which is often required of a responsive and responsible committee chairman.

The gravest defect in the system, however, lies in its insulation of a chairman from the duty to account for his actions.

If a chairman is protected by automatic reassignment every 2 years, it is clear he is no longer accountable to his colleagues for the quality of his performance, the wisdom of his leadership, or the workload of his committee. He may be arrogant, slothful, negligent, or infirm; nevertheless, his position of chairman remains secure. If the bills awaiting consideration by his committee are never heard, if hearings are cursory and incomplete in nature, if witnesses expressing all shades of opinion are not called or permitted to testify, who can complain? The chairman is the key to the whole legislative process. It is his management and leadership ability which determine the ultimate craftsmanship of the laws we ask the Nation to respect and obey.

That the chairman should often be the most senior member is not subject to challenge. The evil of the system is that the senior member must be chairman under the system. Other things being equal, I believe most of us would recognize that a member of 10 years' experience should have preference over a member with 5 years of experience.

To require that the member with the longest continuous service also be the chairman, however, is to invite incompetence. Who amongst us would not stay beyond our declining physical and mental capabilities if we are assured that survival alone will one day give us power? Who amongst us will willingly retire and give up power once it is attained through patient service? We suggest the retirement of elder justices such as Justice Douglas, but few of us choose to retire once the privileges of power are irrevocably in our grasp. It is not human nature to do so.

The legislative process in the United States may be one of the most important processes in the world today. We deal with appropriations of over $200 billion a year; we approve or disapprove of foreign aid, military and economic, to nations around the world. We have before us next year the review and reformation of some of our most important national policies, nearly all of which are acknowledged to be either failures or badly in need of substantial overhaul—welfare, housing, agriculture, trade, education, land use, and energy, not to mention the allocations of our defense expenditures between strategic and tactical arms and continued involvement in Indochina.

These problems are immense, and on our ability to respond with careful judgment may well rest the peace of the world as well as our own domestic tranquility. In seeking to solve these problems, it seems important above all else that our procedures permit careful, thorough work. Our committee system is set up for precisely this purpose, to allow each of us to specialize in a few particular aspects of legislative purview. An essential part of careful, thorough work, however, is that the leadership be the best that can be found.

Generally, we as a Nation are committed to the election process as the means of designating our leaders.

The process of election, after all, is at the very heart of the democratic process. It is our own election which entitles each of us to represent our own one four-hundred-thirty-fifth of the American people; it is our future election which make us accountable to our constituents for the caliber of our work here on their behalf.

We elect our Speakers, our majority and minority leaders, our clerks, doorkeepers, caucus and conference officers.

Stockholders of corporations elect their directors; the directors elect corporate officers. This is true whether the corporation's assets are $200 or $200 million.

How possibly, then, can we abandon the election process when it comes to the designation of the 21 individuals who are perhaps most responsible for the success or failure of our collective efforts in handling a $200 billion budget?

Significantly, the average age of the chief executives of the top 100 U.S. corporations is 58; last year the average age of 10 of our most powerful committee chairman was 74, and three were over 80.

This is not a partisan matter, nor should it be one of ideology or political philosophy. The legislative process is one of hard work, exhaustive study and effective leadership. Most of our final work products, the bills that ultimately are enacted into law, are the results of cooperation and compromise between Democrats and Republicans, liberals and conservatives.

The abandonment of our own rules of election in the House, however, is a partisan matter, established and pursued solely by the Democratic Party.

Last year, when the 91st Congress convened, the committee chairmen of five committees—Ways and Means, Appropriations; Armed Services, House Administration and Rules—were named by two voice votes on the first day, January 3.

Over 3 weeks later, on January 29, the chairmen of the remaining 16 committees were elected, this time by a single voice vote. The record discloses no dissenting votes against these elections, and it is my recollection that none were cast.

These so-called elections in fact amounted to no more than automatic reassignments by the majority party. No real elections were ever held. As was pointed out in the letter I have previously referred to, from our distinguished colleague, Chet Holifield, to our equally able colleague, Robert Leggett, the seniority system requires that the selection be automatic.

In following this procedure, the majority party has not followed the rules of the House. It has actually subverted the rules of the House which specify that the chairman shall be elected. Rule X of the House, section 3, provides:

"At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof . . . in case of a permanent vacancy in the chairmanship of any such committee the House shall elect another chairman."

This rule was adopted on April 5, 1911, and replaced the earlier rule of Jefferson's Manual, section 11:

"Standing committees . . . are usually appointed at the first meeting, to continue through the session. The person first named is generally permitted to act as chairman. But this is a matter of courtesy; every committee having a right to elect their own chairman, who presides over them, puts questions, and reports their proceedings to the House."

Therefore, since the very inception of Congress, itself, it seems clear that committees were either to elect their own chairman or the House was to elect them. It was the abandonment of this power to Speaker Cannon and the latter's abuse of such power which led to the House revolt of 1910 and 1911.

It seems important to note, then, as a first point, that to abandon the seniority system would not represent a change in House rules; it would actually be a return to both the language and the spirit of the House rules to require that committee chairmen actually be elected by the House.

Missouri Congressman, Champ Clark, Speaker of the House for the 62d through the 65th Congress, referred to seniority in his autobiography as follows:

"Of course no party will ever make committees solely by the rule of seniority—which would be exceedingly unwise and would end in disaster—but that seniority has always been and always will be an important factor in making committee assignments is absolutely certain and no mortal man can give any philosophic or tenable reason why it should not be. Other things being equal, why should not length of service count in a member's favor?"

The key phrase is "other things being equal." As I have mentioned earlier, where capabilities are equal, I believe we would accept Champ Clark's suggestion that seniority should prevail.

However, by the end of Speaker Clark's tenure, seniority, in the Democratic Party at least, had become a fixture and it has remained so to this day, whether or not the senior member's capacities are even remotely comparable to those of his junior colleagues. Therefore, if the seniority system is to be changed, the challenge lies with the Democrats in the House. As Chairman HOLIFIELD pointed out in his letter, the rules can be changed if and when we have the votes of a majority of the members. I want to propose to my Democratic colleagues today a specific plan to meet that challenge.

The Republican Conference has before it a proposal to restore the principle of election rather than automatic reassignment. On October 13, our distinguished minority leader, specifically speaking for the Republican leadership, stated that the leadership would urge the adoption of this principle at the organizing meeting of the conference for the 92d Congress.

The recommendation which the Republican leadership supports is as follows:

"The Republican Committee on Committees will select the Member it believes should be the chairman or ranking Member of each committee, and each name will be submitted separately to the Republican conference. There a secret vote will be taken on the nomination. If the nominee is rejected by the conference, the Committee on Committees will be charged with submitting another name to the conference."

It is reasonably clear that the conference will adopt the leadership recommendation, particularly since four out of five of the Republican members of the 91st Congress who answered a questionnaire on this subject last spring indicated their desire that there be some degree of change in the present seniority system.

As President Nixon recently pointed out, however, the Republican party is essentially a minority party. We have been privileged to control the House of Representatives for only 4 years of the last 38. Therefore, if the change is to occur, it must be with the participation of at least a substantial segment of the Democratic Party in the House.

A PROPOSAL TO END SENIORITY

I would, therefore, like to humbly recommend to my Democratic colleagues the following plan for ending the seniority system once and for all.

It is my understanding that there is a reform-minded group called the Democratic Study Group. This group, or some other appropriate group, committee or task force, might well provide the means of developing a slate of proposed chairmen for recommendation to the Democratic caucus. It is possible that such slate might include all or nearly all of the men known to be "most senior," but in any event the Democratic caucus would then truly elect its choices for the committee chairmanships.

In view of the penalties which have sometimes befallen those who oppose committee chairmen, it might be appropriate that such elections be conducted by secret ballot in the same way that the Republican Party proposes. Following such election, should the result be other than unanimous, those dissenting from the choice of the Democratic caucus might then wish to propose to the full House, when we convene in January, their alternative candidates for the committee chairmanships. Since the House has the right to conduct its proceedings in secrecy, when desirable, it is possible that our joint leadership might wish to conduct a secret ballot of the full House for the ultimate selection between the two Democratic candidates tendered.

I propose this plan as being a return to both the spirit and intent of the present rules of the House and one which will give the reform-minded Democrats a chance to display the same courage they have displayed on other occasions during these past 2 years.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. MCCLOSKEY. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I would like to commend the gentleman from California for the great contribution he has made in this area. He has served on the Republican Task Force, and he has done a great deal of study in the area of congressional reform. The subject we are discussing is of great concern to my constituents and to all Americans. They know that the seniority system has become the major stumbling block to responsive and effective performance by the legislative branch.

The seniority system is not written on stone. It developed as an alternative to great power in the Speaker, power which was perhaps not bad in itself, but like the power of seniority, came to impede or frustrate the will of the House. The U.S. Congress is the only legislature in the free world to operate under a strict seniority system. None of the 50 States selects its legislative leaders by this system. Our States have not cared to imitate our example because seniority as a system of selecting leaders is out of tune with modern principles of democracy and modern standards of merit.

There is no shortage of suggestions to remedy the problem. My own preference is for election of committee leadership by committee members, by secret ballot. As the gentleman from California has pointed out (Mr. MCCLOSKEY), this system has roots in the rules followed in the past. At the very least, we must change to a system that will allow members to express a vote of confidence or a veto of leadership choices by secret ballot. This would permit the retirement from leadership of those least able to lead.

When we had a congressional reform bill here during the summer, there was a great deal of optimistic speculation that rule changes would point Congress in the direction of the 20th century context. But I believe the gentleman from California has touched on the nub of the problem. Regardless of how we change the rules of the House, this great institution cannot respond as it must without leaders of outstanding energy and initiative, as well as experience and judgment.

There are many Americans who fear that our democratic institutions are not equal to the problems and pace of modern society. So long as we cling to the seniority system, we are not giving those institutions a chance.

I thank the gentleman for yielding.

Mr. MCCLOSKEY. Mr. Speaker, I thank my Republican colleague from Maryland. Would the gentleman agree that the matter lies now not in the hands of the Republican Members of the Congress, but only in the Democratic Members who can change the system presently used, and comply with the rules of the House?

Mr. GUDE. I would hope that initiative would come from the Democratic Party. I would perceive that if it is not possible that they could do this in their Democratic causus, that we should take the initiative and attempt to alter the rules of the House in some manner to bring this about, but I do feel that the responsibility lies in the hands of the majority party.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. MCCLOSKEY. I yield to the gentleman from California.

Mr. WALDIE. Mr. Speaker, I join in the commendations to the gentleman for the work he has done in the past on this matter, and for the proposal that he has made to the House in this instance. I will ask a question or two concerning that proposal, but before I do I would like at least to state my own position on the seniority system, which may make the questions I shall ask more understandable:

My primary objection to the seniority system is that it has resulted in the diffusion of power in the legislative branch where the committee chairmen, because of the seniority system, have presided over autonomous enclaves in the exercise of the powers of their committee. That diffusion of power has I think two damaging consequences to this institution, and to its ability to provide solutions to the problems confronting the nation.

The two damaging consequences are, in the first instance, because of the diffusion of power you are unable to assess responsibility for its abuse by committee chairmen or, for what is more commonly the case, their failure to exercise power constructively, which equally is is an abuse.

It seems to me the second damaging consequence to this institution resulting from the diffusion of power involves the relationship of the supposed equality that is supposed to exist between the legislative and executive branches. There has been an enormous concentration of power in the executive branch and as a result the lack of concentration of power in the legislative branch has made it unequal to its constitutional task of representing a check and balance against the executive branch.

I would then suggest a proposal in terms of a solution to the seniority system problem—a proposal that I suspect would not be widely supported by many of my colleagues—that we concentrate this power that it is now diffused by the seniority system into the Speaker of the House of Representatives and that he have the power to appoint committee chairmen on any criteria that he deems proper and responsible and that his decision as to the appointment of committee chairmen then be approved or disapproved by the caucus of the majority party.

And I answer, anticipating a criticism that this would be a return to the Cannon system that brought about the revolt that diffused the power—and I answer to that argument that the situation is not at all analgous to that today in my view to what existed in the Cannon era. And it is not analgous in two primary respects.

First, the ability to discern abuses of power on the part of the press which is after all the primary guardian of the ethics and the interpreter of the responsible nature of actions of Congressmen and Senators—that responsibility can better be performed in this modern era than it was performed during the Cannon era. So abuses of this concentrated power would be more quickly detected and the abuses more quickly be assigned as to responsibility.

A second material distinction between this era and the Cannon era that causes that historical example not to be analagous, is that the executive branch today is overwhelmingly more concentrated in its power and the equality of the two branches therefore is far more out of balance than was the case in the Cannon era.

I would suggest, then, a concentration of power in the Speaker as a means of solving the seniority problem, bringing about easier accessibility of blame for abuse of power and more ready accountability as well as bringing about a better balance of power between the executive and legislative branches.

As a direct question as to your proposal, let me ask—rather let me preface my question—do I understand your proposal to be that if the majority party in caucus selected a slate of committee chairmen that a group of minority members of the majority caucus—meaning my type of Democrat perhaps—disagrees with—that that group then comes to the floor of the Houses of Representatives with an alternative slate and asks for the adoption of that slate of committee chairmen?

Is that essentially your proposal?

Mr. McCloskey. The election would be of the 21 standing committees.

Mr. Waldie. But is it your proposal that the members of the majority caucus who are disappointed in the outcome of the caucus vote bring their disappointment to the floor and ask for support from the minority in support of their candidates?

Mr. McCloskey. That is precisely my proposal.

I think the minority party would understand and agree that with 255 Democrats in the House and 180 Republicans—the chairman, no matter what his seniority, should come from the Democratic Party that controls the House.

Mr. Waldie. I acquiesce in the principle that the majority party should have the committee chairmen.

Let me ask you one further question.

Why in your proposal do you suggest that the initiative come from dissident Democrats who are outvoted in their caucus? Could not the initiative—since the majority of the votes after all must come from the minority side of the aisle—should not the initiative come from them also?

Mr. McCloskey. I think it would be improper that the initiative of replacing an incompetent chairman should come from a Republican.

I would suspect, however, that the 180 Republican Members of the House in the 92d Congress would like to at least have a choice.

The reason I propose the plan I do is that for 59 years it has been impossible for Republicans or members of the minority party to have a choice because the Democratic Party, instead of permitting an election, has made automatic the reassignment of chairmen based solely on seniority so that the election itself is a myth.

Mr. Waldie. Though I thoroughly disagree with what has happened on the part of my party in the exercise of their responsibility in that regard and agree with your description of it entirely, there was nothing at any time to prevent a Republican from standing on the floor at the time these committee chairmen were proposed to the House and to propose in lieu thereof his own candidates for that position.

Mr. McCloskey. You are absolutely correct. We could have at any time, and we can in the 92d Congress. It is quite clear that when we do so, however, the Democratic caucus will have already locked itself into an automatic reassignment and that our votes will be merely an exercise in futility.

The Democrat who votes with us votes at his peril. This is one of the insidious aspects of seniority, that anyone who rises to challenge it faces the loss of committee assignment, faces the loss of trips, faces the loss of having his bills heard by that committee chairman, perhaps even the loss of the budget of his subcommittee. These penalties that inhibit a challenge to the seniority system as it exists today obviously fall far more heavily on the Democratic Members than they do on the Republicans.

It would be a moot question for us to raise the question of an alternative selection of committee chairmanship. For this reason I have suggested that it should come from the Democratic Party.

Mr. Waldie. You are suggesting that it come from the Members of the Democratic Party. But the implementation of that proposal must come from your side of the aisle, because it is quite obvious that the minority we are talking about does not have the votes or they would have had them in the caucus. So the only way such a change could be brought about would be if the Republican crosses over and elects the Democratic chairman.

Mr. McCloskey. That is correct. As I count the Members, in the case of a chairman, say, who is obviously senile or incompetent, it would take 38 Democrats with 180 Republicans to elect another member of that committee as its chairman.

Mr. Lowenstein. Mr. Speaker, will the gentleman yield?

Mr. McCloskey. I yield to the gentleman from New York.

Mr. Lowenstein. Mr. Speaker, I just want to inquire of my friend, the distinguished gentleman from California, whether the proposal he now describes is extreme because it is now coming from a Republican, or whether it struck him as extreme as when he and I proposed something very similar 6 months ago?

Mr. Waldie. Mr. Speaker, if the gentleman will yield further, our proposal is somewhat different. We suggested, or at least I suggested, that if the gentleman from California in the well were to be nominated as a Speaker of the House of Representatives, and if the Democratic Party candidate for that position were not as committed to reform as is the gentleman in the well, then we would consider casting our vote for the gentleman in the well.

Mr. McCloskey. I am complimented, but I want to make very clear that at this point I am not saying I think any of us during our first two terms in the Congress would want to be chairmen, or that the experience and wisdom of other Members of Congress is not a very important aspect of our deliberations. I mean to suggest in my remarks here today nothing that would depreciate from the principle, other things being equal, that seniority is something to be properly respected, and that as between a Member with 20 years in the House and a Member with 10 years in the House, given equal capacities and abilities, we should follow the seniority system.

But the present system has led us into chaos, and it is inconceivable that the major legislative body in the world should be alone in following a rule which automatically takes the oldest surviving Member and make him chairman. I can conceive of no other body—corporate, armed services, municipal government, or State government—that follows this system.

Mr. Lowenstein. Mr. Speaker, if the gentleman will yield further, does the gentleman imply that the House erred in electing Henry Clay as Speaker when he was, in fact, a rather junior Member?

Is the gentleman in his modesty about his own qualifications suggesting perhaps that Henry Clay's achievements as Speaker be retroactively downgraded?

Mr. McCloskey. I know Henry Clay was 33 years old when he was elected Speaker, I do not know his experience before then. I can conceive how a Member, elected at age 25, with 8 years' experience, might well know enough to be a committee chairman or even Speaker in the early days of the 19th century.

Mr. Riegle. Mr. Speaker, will the gentleman yield?

Mr. McCloskey. I yield to the gentleman from Michigan.

Mr. Riegle. Mr. Speaker, it may well be that the gentleman from California in the well now is already too old to serve as a committee chairman. I rise to commend the gentleman's initiative in bringing this vital issue before the House today, and to say I agree in the main with what he has said. Certainly I agree fully with the concern the gentleman expresses about continuing to use the seniority system as the method for picking our committee chairmen in the House.

If I may, I would like to respond to a point or two made by the gentleman from California (Mr. Waldie) on the other side of the aisle with respect to his suggestion that the Speaker ought to select the committee chairmen. I am wondering why it is logical to assume that the Speaker would be all-knowing on the question of who ought to be selected as chairman or who the best man was for each individual committee. It would seem to me the people who would have the best insight and who could perhaps exercise the best judgment as to who ought to be committee chairmen are, in fact, the Members who have actually served on the committees, and who ought to be able to express a collective judgment equal to, or better than, a single man—and I speak, of course, primarily of the carryover Members. So why not have the House as a whole participate in this process, because only the returning Members have had a chance to perform on the committees and to see their colleagues perform, and can bring together that collective judgment. I do not think any one man in the House, be he Speaker or anyone else, can duplicate that, because there is just too much to know.

Mr. Waldie. Mr. Speaker, will the gentleman yield?

Mr. McCloskey. I yield to the gentleman from California (Mr. Waldie).

Mr. Waldie. Mr. Speaker, in response to the inquiry of the gentleman, my own point of view is that power as presently exercised in this system is exercised by a committee chairman as to whom it is impossible to assess responsibility or accountability for his actions.

The solution of the problem, then, would seem to be to concentrate the power.

To permit the committee to elect its own chairman would only further diffuse that power. The members of that type of committee would really have a little enclave operating in and of itself and would further isolate themselves from the accountability of the whole House.

I would not find that consistent with my personal view.

Mr. Riegle. It seems to me that the abuse which we are trying to correct now is an abuse of what the Member in the well calls automatic reassignment, the automatic reassignment of the senior Member as chairman. There is probably no more excessive abuse we can think of, that being the least logical way of selecting a committee chairman.

Mr. Waldie. That is only a description of the machinery that permits the automatic accession to power. The abuse is there is no way of assessing responsibility for the actions or accountability for the actions.

Mr. Riegle. If I may suggest one more question to the gentleman from California (Mr. Waldie) who is on his feet. The gentleman suggested earlier that he thought the press might have sufficient power today, as opposed perhaps to times past, to correct any abuse of power by the Speaker in selecting second-rate committee chairmen. I really wonder if that is so, when in fact the press today has been as unable as we have been to correct the abuse of the present seniority system. I just wonder if that is a fair burden to place there. I am not sure they can get that job done, when we ourselves cannot get it done. It seems to me they probably cannot be expected to correct the abuses which might occur under the system the gentleman has advocated.

Mr. Waldie. I have just one final comment. I do not want to monopolize the time. I know many Members desire to speak.

I join in my colleague's regret with respect to the failure of the press to interpret to the public the damage done to the public by the seniority system. I believe it has been a massive failure on the part of the press; a failure which is being overcome, hopefully, it seems to me at least, in the past several years.

I am optimistic, is the only answer I can give to the gentleman.

Mr. Rees. Mr. Speaker, will the gentleman yield?

Mr. McCloskey. I yield to the gentleman from California.

Mr. Rees. I wish to congratulate the gentleman, my colleague from California, for calling a special order on what I consider to be a terribly important issue, really related to the survival of our system, not just here in the Congress but throughout the country.

I believe that if we have problems in 1970 they have to be met by minds which are dealing with the problems of 1970 and not the problems of 1932 or 1938 or 1948.

I served with the gentleman from California (Mr. Waldie) in the California legislature, and we had no seniority system, and it worked very well. The speaker would appoint the chairman, and he would appoint the members of committees.

The speaker really could not afford to appoint a "ringer," because if he appoints a bad chairman it would accrue to him; he would have the blame. So the speaker at all times was trying to appoint those people as chairmen who could do the job.

For example, I was chairman of the Committee on Banking and Currency the first year I was on the committee. They say this might be wrong, but I believe I was a good chairman.

Other members had been chairmen of same committees for 10 or 15 years. They also did a good job. But it was a mixture.

It also meant that a younger member could come into the legislature, and if that younger member were interested in an area of public policy, that younger member could go into the area of public policy, show an interest in it, and be given a subcommittee chairmanship, so as to the able to get out to do something about the problem. He did not get a staff. Most of the work was work he had to do himself.

In my second year in the legislature, in the year 1956, I was appointed the chairman of a special subcommittee of three to look into the health effects of air pollution. Some of the first material gathered nationally on the effects of air pollution on health was gathered at that committee meeting.

We did not have staff, but we knew the doctors we could call. We knew some of the studies that were going on. I believe we had very excellent committee hearings.

We had two smog alerts during the series, so we did receive a great deal of publicity.

I believe, as a result, people became more concerned about air pollution. We were able to draw up what, up to that time, was the most progressive air pollution law in America.

I do not believe this could be done here in the Congress of the United States because all power is concentrated on the basis of seniority.

You will find some chairmen who are chairman not only of their full committee, but they are chairmen of the joint committee and of three or four subcommittees. If you look at positions within the party caucuses, you will find that they are also on the board of directors of various party caucuses. This power is guarded very carefully. I remember in my first term here a junior Member went into the problem of the inhumane treatment of animals to be used later for experiments. He got some good publicity on that, and afterwards the committee chairman jumped on the issue and put in a bill. The junior Member soon found himself out in the cold. That is the problem.

If you want to come here and do a job, even though it does not threaten anyone or get into anyone else's jurisdiction, they say that this is a potential threat and they do not allow you to do it.

The biggest fights I have seen here are not on the issues of Vietnam or civil rights but on committee jurisdiction where you see 70-year-old chairmen cutting each other's throats because they think that one is taking jurisdiction away from the other chairmen.

I know that this situation has to be defused. On our democratic side we see the power is concentrated there in 20 or 30 elderly Members who are not ready to give away any of that power or to share it with anyone. That is the frustration I find as a Member of Congress 45 years of age. I think I am somewhat in tune with 1970 and its problems. I did not want to become a Congressman because it beat heavy lifting or some such thing as that. I became a Congressman because I wanted to do a job because I am very much concerned with what is happening in this country and I feel I have something to give.

Mr. McCloskey. I agree with the gentleman and submit that it will only take 38 like-minded Democrats to change this system on the first day of the 92d Congress. If we can obtain such an agreement between enough Democrats and Republicans, we can vote out this system either through a change in the rules to permit the Speaker to appoint committee chairmen or to have other rules adopted which will change it.

Mr. Rees. As you know, I am very much in favor of changing the basic ground rules of what we can do in the first 2 or 3 days. The first 2 or 3 days of this next session we can change the rules of the House and of our own caucus in regard to seniority.

Now, Mr. Speaker, I would like to make a few short comments.

As you know Congressman Conable of New York has done a very excellent job in trying to loosen up the Republican seniority rules. We have a committee on our side headed by Mrs. Julia Hansen who expects to come up with some recommendations around Christmas time. We hope we will get those recommendations before we come back here to start the 92d Congress. I do hope that our committee will come up with some very strong rules. As you know, the Democratic Party has the power and can vote to come up with new rules on seniority. It is far tougher to come up with new rules on seniority when you have the power than when nothing is actually being lost. It is far easier on your side to come up with rules, because the power is not being lost.

Mr. Riegle. Mr. Speaker, will the gentleman yield further?

Mr. McCloskey. I yield further to the gentleman from Michigan.

Mr. Riegle. I might just say in response to what the gentleman from California (Mr. Rees) just said—and I shall try to be brief—that if there is anything sadder than an 82-year-old committee chairman in the House it is a man who lives to be 78 and is serving on a committee, who is fourth ranking on that committee, and is in poor health. We will suppose that he has been here for 35 years. He faces the hope that perhaps within 10 or 15 years he can become a committee chairman. Regardless of his ability, he cannot become a committee chairman unless he can outlive his senior colleagues on that committee. And so the Member in question is caught between the terrible pressures of the seniority system on the one hand and failing health on the other.

Mr. Speaker, I think it is important for the public to know that around the floor of this House, out of sight of the galleries, is oxygen equipment, stretchers, and other emergency medical facilities which can be brought onto the floor of the House very quickly in order to revive a senior Member or any other Member that may require emergency medical attention. I say this not in a disparaging way because clearly such emergency equipment is needed and should be available, but the fact of the matter is the seniority system has created yet another abuse. That is that no one wants to retire from the House of Representatives because it forecloses any opportunity to become a committee chairman and thus most members undertake to stay on as long as possible and try to outlive everyone else, so that he might someday become the chairman of his committee. We have men now serving here in the House who, 10 or 15 years ago, were in good health, were mentally alert and were men who should have been elected committee chairmen at that time. But, Mr. Speaker, 15 years has passed and they are still not senior men at this time and sadly, time takes its toll on all of us—and we face the cruel irony that a man may finally become chairman at a point when he has lost his capacity to serve effectively. They were not able to occupy a position of leadership at the time when their abilities were at their peak. And now, if they ever do get into that position of leadership they will probably be in their 70's or 80's.

Thus, we have the problem of each Member having to outlive his senior colleagues if he is going to ascend to a position of leadership on the committee or become committee chairman.

The fact of the matter is, a new man can come to the House when he is 35, and can serve here for 20 years. At that point he can be the best qualified man on his committee, the man who possesses the greatest leadership, skill, energy and so forth but yet that man may have to wait an additional 22 years until he's 77 before he can finally become a committee chairman. This is wrong. It does not make sense. It underutilizes our manpower here in the Congress, destroys initiative, keeps elderly men here struggling up the seniority ladder when they should retire, and tends to produce a subpar congressional performance by the body as a whole.

Mr. Speaker, the main reason the United States is so troubled today is the fact that the Congress has not been able to deal effectively with our national problems. And the main reason the Congress has failed to get the job done is the seniority system, and the fact that we have not been willing to identify our most able men and give them proportional work responsibility.

Mr. Speaker, I again salute the gentleman from California (Mr. McCloskey), for taking this special order because I think the gentleman is exactly right. If the Congress is going to help move the country ahead, we have to proceed first with respect to selecting the leadership of our committees in such a way that our most able men and women can serve as our committee chairmen. Unless we get past that present bottleneck, there is no way the Congress can come to grips with the urgent problems of the seventies.

WALLACE SHOOTING AN ATTACK UPON THE DEMOCRATIC PROCESS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. LEGGETT. Mr. Speaker, the shooting of Governor Wallace was inexcusable and contemptible.

It is absolutely essential to the functioning of a democracy that any citizen be able to stand up and offer his views to the people for their acceptance or rejection at the polls. This is what Mr. Wallace was doing when he was criminally attacked.

At this time it appears that the attack was not politically motivated, but was simply the act of a mentally ill individual. Unfortunately, such an act has a suggestive effect on similarly unbalanced people who read about it in the newspapers. I urge all presidential candidates to consider this and to decrease their exposure to dangerous situations. It will be most unfortunate to decrease the openness and personal contact of the 1972 campaign, but the alternative is far worse.

MEETING ROOM CHANGED FOR MONDAY HEARING ON CONSUMER CREDIT FOR WOMEN BY NATIONAL COMMISSION ON CONSUMER FINANCE

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mrs. SULLIVAN. Mr. Speaker, the National Commission on Consumer Finance is holding 2 days of hearings next week on the issue of whether women face discrimination when they apply for credit. There has been widespread interest in this question, and those of us who serve on the nine-member bipartisan Commission created by Public Law 90–321 are anxious to determine if discriminatory credit practices which have been called to our attention are based on State or local laws or myths or are the result of outmoded bias.

Notices mailed out this week by the Commission on the details of the hearings next Monday and Tuesday state that the Monday hearing would be conducted in room 2128, Rayburn House Office Building, and the Tuesday hearing in room 2222. Since the notices went out, however, a change in the hearing location for Monday has been made necessary. Instead of meeting in the House Banking and Currency Committee hearing room on Monday, May 22, the Commission will meet on that day in the hearing room of the Senate Committee on Banking, Housing, and Urban Affairs, room 5302, New Senate Office Building. The Tuesday hearing on May 23 will proceed as previously scheduled in room 2222, Rayburn Building.

Representative Martha Griffiths, of Michigan, will be the opening witness Monday morning, followed by the Honorable Elizabeth Koontz, Director of the Women's Bureau and Deputy Assistant Secretary of Labor. More than 20 witnesses will be heard during the 2 days of hearings, including another colleague of ours, Representative Bella Abzug, of New York, who is to testify Tuesday, as will a former House Member, the Honorable Joseph W. Barr, who later served as Secretary of the Treasury.

FUNCTION OF THE NATIONAL COMMISSION

The Commission was created by title IV of the Consumer Credit Protection Act to make a comprehensive study of all aspects of consumer credit in this country and report to Congress and to the President on the adequacy of existing arrangements to provide consumer credit at reasonable rates, on the adequacy of existing supervisory and regulatory programs to protect the public from unfair practices and insure the informed use of consumer credit, and on the desirability of Federal chartering of consumer finance companies or other Federal regulatory measures.

Three House Members—Representatives Sullivan, Henry B. Gonzalez of Texas, and Lawrence G. Williams of Pennsylvania, and three Senate Members—Senators John Sparkman of Alabama, William Proxmire of Wisconsin, and William E. Brock of Tennessee serve on the nine-member Commission. The Chairman is Attorney Ira M. Millstein of New York. The other two public members are Dr. Robert W. Johnson of Purdue University and former Minnesota Attorney General Douglas M. Head.

The witnesses scheduled to be heard Monday and Tuesday include:

COMPLETE LIST OF WITNESSES

Rep. Martha Griffiths of Michigan; Honorable Elizabeth Koontz, Director, U.S. Department of Labor Women's Bureau; Jorie Friedman, newscaster, Chicago; Betty Howard, Director, Women's Division, Minnesota Human Rights Department; Faith A. Seidenberg, American Civil Liberties Union, Syracuse; Lynne C. Litwiller, National Organization for Women, Seattle; Reps. Eugenia Chapman and Giddy Dyer, members of Illinois State Legislature; Regina S. Healy, attorney, Cambridge and Somerville Legal Services, Inc.

Dr. Josie McElhone, economist, Federal Home Loan aBnk oBard; Steven M. Rhode, Center for National Policy Review, Catholic University; Sonia Pressman Fuentas, Equal Employment Opportunity Commission; Jane Gallagher, Institute for Public Interest Representation, Georgetown University; Dr. Bernice Sandler, Association of American Colleges.

Also, Rep. Bella Abzug of New York; Quinton R. Wells, Director, Office of Technical and Credit Standards, FHA; John P. Farry, President, U.S. Savings and Loan League; Jane M. Sullivan, Northport (Long Island) Federal Savings and Loan for National League of Insured Savings Associations; Honorable Joseph W. Barr, President, American Security and Trust Co.

Homer L. Stewart, Jr., Senior Vice President, Republic National Bank of Dallas for American Bankers Association; James R. Williams, President, National Retail Merchants Association; Lucille Bradley, Atlanta, and Mildred Hagan, Boston, of Sears' southern and eastern credit offices; and Dale Browning, Vice President, Colorado National Bank, member bank of National BankAmericard, Inc.

COTTON GROWERS ASSISTANCE BILL

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. PRICE of Texas. Mr. Speaker, I am today introducing legislation to assist cotton growers who suffer complete or partial crop losses through no fault of their own.

In view of the high costs and risks and low profit margins associated with farming operations today, I believe this bill would serve the interest of cotton growers by protecting their established yields through the price support program.

My bill would amend the Agricultural Adjustment Act to allow victims of crop losses, sustained from causes other than natural or intended beyond the control of the producer, to use the average per acre yield of other farms in the country for that crop year in figuring participation levels in the USDA's cotton program during the 3 succeeding years.

Losses sustained from natural causes are already protected in present regulations; this bill would give cotton growers an added measure of protection of yields from other accidental causes. I hope my bill will receive favorable and prompt attention by the Congress.

FAILURE OF FEDERAL HIGHWAY ADMINISTRATION TO SUPERVISE OHIO INTERSTATE CONSTRUCTION PROJECT, I–71

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. VANIK. Mr. Speaker, today I testified before the Subcommittee on Public Roads of the Senate Public Works Committee concerning failures on the part of the Federal Highway Administration to adequately supervise the construction of Ohio interstate construction project, I–71.

This statement deals with issues vitally affecting the future of the Federal-aid highway program which must be properly administered if the American taxpayer is to receive the proper return on his tax dollar.

It is my hope that this Congress will take such action as is necessary to prevent waste and impropriety in the multibillion dollar highway construction program.

My statement to the committee is as follows:

STATEMENT OF CONGRESSMAN CHARLES A. VANIK

Mr. Chairman, thank you for the opportunity to testify today on the subject of the Federal-Aid Highway program. While there is increasing public discussion about the proper level of highway construction activities, I am sure that all Americans agree that those highways which are built should be built efficiently, with high quality, and with a careful concern for the taxpayer's dollar. The Federal Highway program, with a yearly expenditure of about $5.2 billion, must be carefully supervised and administered to insure the public's benefit.

In the past, there have been questions concerning the quality of construction on Federally-assisted highways. There have been gross engineering errors. There have been indictments of state highway officials. There have been recommendations to the Federal Highway Administration concerning ways to improve the level of Federal administration and supervision of these projects—projects on which the U.S. taxpayer pays between 50 and 90 per cent of the cost.

Examples of poor engineering, of graft and corruption, as well as proposals for improvements are contained in the famous Blatnik Hearings—the Hearings held by the House Special Subcommittee on the Federal-Aid Highway Program during the early 1960's which were chaired by the Honorable John

Blatnik of Minnesota. As one of the interim reports of this Special Subcommittee noted:

"A series of inquiries has disclosed that at times essential controls have been lacking, particularly in the areas of testing and inspection.

"Supervision has been poor; vitally important functions have been placed in the hands of untrained, inexperienced, and incompetent State employees; test samples and test reports have been falsified; substandard and unsuitable materials have been used . . ."

FAILURES IN CONSTRUCTION OF I-71 IN OHIO

I regret to report that I appear before your Committee today to report on further findings of failures in the Federal-Aid Highway Program. The construction in question is 2.8 miles of Interstate-71 on the south side of Cleveland, Ohio, a 90% Federally-funded project completed 2 years late in December, 1968, at a cost of $29.3 to $31.4 million, a figure which represents a cost-overrun of more than 28%, with one sub-project portion having a cost-overrun of up to 51%.

This project has been described by the news media as "Ohio's Worst Highway Bungle." Its construction was mired in incredibly stupid engineering mistakes and gross political pressures. The project reeks of impropriety and possible corruption—all at the expense of the taxpayer. The road which has been built is inferior, and probably unsound and unsafe. The construction of such a road has been a crime against the public. To document these charges I would like to read into the hearing record small portions of two General Accounting Office reports which I requested on this project—an analysis of the GAO reports prepared by my staff as a result of further investigations.

I will attempt to devote the body of my testimony today to possible corrective legislative measures which your Committee and others might consider to prevent such travesties, such fiascos, from happening again.

GAO REPORTS ON I-71

And yet for the sake of the people of Ohio, and for the American taxpayer in general, I feel that I must encourage some action to assign responsibility for this highway disaster.

The problems connected with the construction of I-71 first came to my attention as a result of six excellent newspaper articles which appeared in the *Cleveland Press* between June 30th and July 5, 1969, written by *Press* reporters Paul Lilley and Don Silver. On July 14, 1969, I wrote the GAO requesting an investigation into the charges made by the *Cleveland Press*. On May 21, 1970, I received an interim GAO report which supported the Lilley-Silver stories. The General Accounting Office finally delivered the completed report on March 16th of this year—almost two years after my request.

These two GAO reports raised more questions than my original inquiry. On March 16th, I sent one of my aides to the FHWA Division Engineer's office in Columbus to personally look at additional files. In addition, I have talked to a number of people in the Cleveland area familiar with the project.

NEED FOR FURTHER INVESTIGATION

In my opinion, the final GAO report points to a need for further action on the I-71 fiasco and the possibility of improprieties which should be further investigated. Further Federal payments for large portions of the construction should be denied. Your review may result in a request for action by the Department of Justice.

I am sending copies of my testimony of today, the GAO reports, and my analyses of them to the Department of Justice and to the Attorney General of Ohio, and I am requesting them to convene the appropriate Grand Juries. I am also delivering copies of the documents to the House Public Works Committee in the hope that that Committee and your Committee—can take corrective action to prevent future abuses.

LEGISLATIVE SOLUTIONS

How can the type of engineering errors and abuses documented in the GAO report be prevented from happening again?

The General Accounting Office, in a recommendation, urged the Department of Transportation to bring the GAO report: "to the attention of its division offices for purposes of emphasizing the importance of making thorough reviews of project plans and specifications and effective inspections of projects in an effort to preclude the recurrence of similar situations."

In a letter of December 9, 1971, to the GAO from William S. Heffelfinger, Assistant Secretary for the Administration of the Department of Transportation, the Department attempts to explain away the various criticisms which the GAO made of this particular project. The letter concludes by stating that—

"FHWA has currently in effect various policy and procedure directives which, in our opinion, adequately emphasize the importance of thorough reviews of project plans and specifications and effective administration of construction projects. As recommended FHWA will distribute the final GAO report on this subject to its field offices."

In other words, the Department does not admit that anything went wrong on the I-71 project. They are not going to take any new or special steps from preventing these abuses from happening again. I might add that this Department letter was dated December 9th. When my staff aide visited the Columbus, Ohio, Division Engineer headquarters on April 5th, none of the U.S. Engineers there had yet seen the GAO's comments. If the Ohio office had not received it, I doubt that any other office in any other state has had it called to their attention.

ADEQUATE INSPECTION

The major problem is one of adequate inspection and supervision. When my staff aide talked to engineers in the FHWA office in Columbus—none of whom, because of retirements or transfers, worked directly on the I-71 project—they pointed out that because of the number of projects in the State, they really didn't have the manpower to provide detailed inspections, let alone pass on daily operating engineering decisions. Of course, because of our Federal system of government, they probably should not. But obviously more is needed. The complaint of manpower shortage is also documented in the Government Accounting Office report from their interviews with the Columbus Federal officials:

"FHWA division officials informed us during our review that they had not done an adequate job of reviewing the project plans because of the heavy work load involved and the efforts to expedite the projects."—(Also, see page 12 of the March 16, 1972, report.)

But in the final letter of December 9th, the Department, sitting here in Washington, denies any problems:

"The report states that FHWA officials advised them that because of the heavy workload and the expedited nature of the three I-71 projects, sufficient time was not available to perform an adequate review of the plans, and greater reliance was therefore placed on the State's review. It should be recognized that FHWA is actively engaged in the design of a highway project throughout the life of the design. When the plans, specifications, and cost estimate come to FHWA, only a limited time is required to check the plans to assure that they are in accord with all of the agreements reached during the design stage.

"The adequacy of FHWA reviews which resulted in such agreements is evidenced by the division files for State Project 79 which contain the following items of correspondence pertaining to the design of this project: 38 letters from the State, 35 letters to the State, 11 memorandums to Region, 6 memorandums from the Region, and 12 office memorandums. Many of the State's submissions included plans of various phases of the work. In addition, at least 15 meetings were held to discuss various items of the design. FHWA's letters to the State concerning the review of the plans, specifications, and estimate include some 22 comments concerning various phases of the work. There are no indications that FHWA's involvement in the development of the plans or review of the plans was less than adequate."

The failure to provide adequate Federal inspection led, of course, to serious consequences. Inexcusable engineering practices were used. The result was a series of mistakes—cracked bridge piers, unstable embankments, damage to private properties adjoining the right-of-way. The State government demanded—and generally got millions of dollars in Federal assistance in repairing these mistakes—on the grounds that the Federal inspectors had seen what was going on and had not objected. (B-15; A-17)[1]

The General Accounting Office cites several other cases where Federal personnel were present, yet nothing critical was said or reported. References to inspection failure can be found on A-14, A-26, B-11, B-18, and B-22. As the GAO states, the FHWA permitted construction practices involving higher-than-normal risk either through "tacit approval, or lack of knowledge." Such oversights are either due to stupidity—or to conspiracy—and both are inexcusable. The "blindness" of the Federal engineers did not involve only the men then on duty in Columbus. As the GAO notes (B-14):

"The record of such visits and inspections contained no evidence that they had questioned the State's action or that they had objected to what was occurring. *On several of these visits, the inspectors were accompanied by FHWA region and headquarters employees.* (emphasis added)

Federal inspection is important. The quality of state inspectors has often been notoriously low. The Blatnik hearings documented the incompetence of State inspectors. In addition, I have been told that when a change of administration took place in the Governor's Mansion in Columbus in 1962, there was a heavy turn-over of State Highway employees. There are references to these changes in newspaper accounts in early 1963. Unfortunately, there is nothing new or unusual about that—it happens in lots of states, regardless of party. I was informed, however, that the quality of many of the new State inspectors was such that the Federal government advised that U.S. engineers in Ohio be particularly vigilant on new projects. The low quality of State inspections can be read between the lines throughout the GAO reports. Particular reference occurs on A-16 and B-17, 18. And when State inspectors did say something, they apparently were ignored by the contractors. (B 31)

The failure of engineering inspection is particularly disappointing in light of the Bureau of Public Roads' (now FHWA) commitment to reform as a result of the Blatnik hearings. For example, in the Ninth Interim Report of the Blatnik Committee concerning construction practices in Louisiana, the Administrator of the Bureau is quoted in 1963 as warning: "the Bureau's 'frontline troops,' the district and area engineers, that 'disciplinary action' could be expected if 'slipshod inspection' failed to disclose 'deviations' from specifications." Obviously, the "front-line troops" in Ohio didn't get the word. Further, as a result of the Blatnik hearings, the Bureau attempted to improve its record sampling requirements. The terrible failure of the soil tests on the I–71 project, which led to expensive cost over-runs and which I will provide documentation on for the record, indicate that the Federal government needs to make further improvements in its checks of State tests (B–58, 59).

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[1] For purposes of reference, the interim report will be designated as "A"; the final report will be designated as "B." Thus, in the statement, A-17 means page 17 of the interim report.

In short, the FHWA admits to no errors, but as the GAO says:

"Under the Federal-aid highway program, in which the Federal Government provides 90% of the funding, it is incumbent upon FHWA to ensure a sound investment of Federal funds. This responsibility requires that FHWA take whatever action is necessary to ensure that the States construct sound, durable, and adequate highways.

"The onsite inspection of the construction of a Federal-aid highway is one of the most important tools available to FHWA for carrying out its responsibilities. It is imperative, therefore, that such inspections be thorough and that inspection reports provide sufficient information . . ." (B–35).

In the Ninth Interim Report of the Blatnik Committee which I quoted earlier, the following notes are made about the Committee's Louisiana investigation. I am afraid that these statements apply to Ohio—at least as it relates to the I–71 project.

"And once more we give expression to our mystification that such blatant misconduct and irresponsibility can endure so long undetected at both Federal and State levels.

"The evidence is overwhelming, in fact frankly admitted, that contractors bid for highway projects in Louisiana knowing full well they never intended to build to specifications.

"Correspondingly, there is overwhelming evidence that many State engineers and project personnel never entertained any serious intention of enforcing specifications.

"Under these conditions it is no wonder, then, that such a breeding ground inevitably spawned inefficient, inexcusable, and corruptive influences.

"Despite the stream of assurances given during the hearings that substantial improvements have been made in strengthening operating procedures and in monitoring the work done on projects, we are prone to shy away, for the time being at least, from any thought that even now we can enjoy any appreciable feeling of equanimity."

Therefore, the Committee may want to consider legislative language requiring better inspection, a strengthening of the Hatch Act as it applies to state officials on Federal-aid highway projects, the extension of the Department of Transportation's financial disclosure rules to Federal engineers on inspection duty, or other steps.

Mr. Chairman, I have already taken a good deal of the Committee's time, but I would like to cite just one example of the type of abuse which plagued the I–71 project in the hope that public awareness of these types of practices can lead to a better program in the future. With your permission, I will then insert the remaining data provided by the GAO, as well as my analysis of material which they did not comment on, in the hearing record.

Politics and Concrete—They Don't Mix

Perhaps the single major problem which plagued the I–71 project was the establishment of an unrealistic and totally politically motivated opening date for the completion of I–71 from the southern suburbs of Cleveland into the downtown area. In April 1963 it was determined that an opening date for the road would be set for October 31, 1966—a week before the new Governor's possible reelection.

I do not want to talk partisan politics here. The establishment of an opening date for a popular highway as usually a rather political event. Such dates, realistic or unrealistic, are set by governors of both political parties. I am not just pointing to the former Governor of Ohio—I am pointing out a situation that probably occurs in a lot of States—and I would like to point out some of the problems which it creates, some of the money it wastes—and some of the costly consequences which develop when Federal Highway officials do not try to prevent politically motivated and unrealistic construction schedules.

When the Rhodes Administration entered office, it was widely stated that the "number one priority of the Administration" was to complete the I–71 highway link between Cincinnati and Cleveland. The job that remained in the Cleveland area was to carry the road in from the suburbs to the central city. As the Governor states (Cleveland Press, April 16, 1963) "We will not permit any one man, any one organizantion, any one group to stand in the way of progress of Route 71." To ensure that a highway opening date of October 31, 1966 was met, the Governor set up a special expediting group, composed largely of highway officials, but, to lend it his personal force, it included the Attorney General's office. The Attorney General's chief assistant, Gerald Donahue, sent a special task force into Cleveland to expedite the acquisition of property. At at least one of these "expediting meetings" ranking members of the U.S. Bureau of Public Roads were present. Apparently they offered no words of caution (B–11). The political pressure was felt throughout the job. Cleveland's traffic engineer Robert Kelly said in late 1965: "I–71 was given a political priority. The attitude is 'Damn the people, bulldozers ahead.' Never was the public so abused." That this task force procedure was irregular is noted by the GAO (B–37).

As a result of the decision to meet the pre-election opening date, a number of actions were taken. Apparently for the first time in Ohio Highway history, contracts were let for a project larger than $5 million. This, in the words of the Highway Director, reduces "the number of contractors able to handle it (the job) considerably."

Contracts were let, and apparently agreed to by Federal officials in the spring of 1965—which theoretically provided the two construction seasons necessary for the completion of highway work. (As a matter of fact, one contract was actually not let until June). This would indeed have been feasible—if the proper preparation—acquisitions, utility relocations, etc., had been completed. They were not—and everyone knew it (See B–12, B–38–39).

The effort to expedite was so rushed that the highway design plans themselves were inadequately reviewed. As the GAO reported:

"The State informed its consulting engineers that it had been unable to review thoroughly the construction plans as they related to the structures to be constructed but that it trusted that the consulting engineers had done an adequate job" (B–12).

Already the quality of the road was being threatened.

At this time, the Federal officials should have advised the State that the opening date was unrealistic and that, *as per FHWA procedures,* no Federal participation would be permitted in extra expenses for expediting purposes—and special steps should have been taken to strengthen Federal engineering review.

Let me describe several of the disasters which resulted from the inadequate planing, preparation, and continued political pressure. To build one particular bridge, a 73 foot embankment had to be built. Unfortunately, there was a peat bog on that location (B–23, 44). The construction called for the removal of that highly compressible material. It is uncertain how much was, in fact, removed. That is a question on which we need further clarification (A–13). It is standard engineering policy, however, to require that an embankment be allowed to settle for a period of at least one year before the highway concrete is poured. To meet the opening date, the embankment would obviously have to be in place before October of 1965. But it wasn't. When the contractor started moving dirt from another part of the project in the fall, it was found too wet to be stable or useable. Why was it too wet? The GAO report doesn't say. If the dirt had been moved into place in July or August, I suspect it would have been acceptable.

In addition, 153,000 cubic yards of probably acceptable material had earlier been removed from the project site to somewhere (?) else (B–28, 29). To meet the political timetable, however, soil material had to be found. For the period between November, 1965, and February, 1966, the Ohio officials and FHWA officials discussed what material to obtain. It was decided to obtain granulated slag which is relatively dry material that can be put in place during the cold winter months. But—when was this special winter material actually put in place? The decision was reached in February—the material was put in place in March, at the end of winter! What about the one year waiting period? The Federal officials had already agreed to waive that requirement in favor of a 10 month waiting period. But March plus 10 months is already December or January of 1967. The GAO does not note this discrepancy in dates and the GAO does not contest the still to be made Federal payment for this slag.

At this point the State waived the 10 month compaction period. Thankfully, FHWA disagreed and stated it would not assist in any extra costs which might result from repairing damages resulting from this inexcusable engineering practice. Thus, it made no engineering, financial, or political sense to continue to rush the job. But they did.

What was the extra cost? Although slag was apparently available almost within sight of the construction job at 75¢ per cubic yard—it was purchased from Lordstown, Ohio—ninety miles away, on a non-competitive, sole source contract at a cost of $7.40 per cubic yard—or a total extra cost of $333,000. Thus not only was a poor construction practice permitted, but there was a tremendous increase in cost.

The United States participated in the extra cost of purchasing this slag. Why? I, for one do not know, since it was clearly against the Federal regulations (B–32, 33).

At this point, after several careful readings of the GAO report, one realizes that the GAO report does not include 2 issues, which lead me to ask for further investigations. The interim and final GAO reports devote a number of pages to the issue I have just described—the purchase of the slag and the need for a waiting or compaction period before building the road on the embankment.

But on page B–31, one realizes for the first time that not all the special winter material was placed on the 73 foot embankment. It appears that up to 188,000 cubic yards of shale, suitable for winter work, was placed on top of another embankment of about 50 feet (B–29–31) at a sole-source, non-competitive bid cost of $453,000 or $2.42 per cubic yard. The GAO report does not state it—but obviously the same general time considerations apply to this embankment. Nowhere in the GAO report—at least nowhere that I can see or my staff can see—is there mention of the fact that compaction period for this embankment was waived. But if winter fill was purchased for it so the highway could open in October—it must have been. It was particularly important that this area be allowed to settle. Why? Because the embankment was placed on a 25 foot deep garbage pit.

The first question which comes to mind is why would anyone build a road over a garbage pit. The State knew it was there from the soil tests and an original construction plan note indicated that it should be removed (B–58, 59). But—and this is another story—the soil tests indicated it was a rather small garbage pit. The soil borings never penetrated to the full depth of the pit! When the full depth was discovered during the early part of the construction work, it was debated whether or not to remove the full 25 feet of soft, compressible junk. They decided not to, because that would entail a year's delay and would mean that the Governor couldn't cut the ribbon on time.

So, they built over it. The GAO objected to that; GAO is critical of construction over the garbage pit. On this part of the project a completely and totally inadequate waiting period was permitted.

What has been the result of what FHWA called a "calculated risk" (B–59)? The road has settled two feet. At least three layers of asphalt have been poured to bring the road up to the level of an adjoining bridge pier. "Mud" has been pumped under the roadbed to force the road up (B–21). The road is still settling—and may never completely stabilize (B–47). It is an atrocious road—worthy of automobile tire demonstration advertisement. If any of you ever visit my City—please drive over this section slowly. The Cleveland Police Department has already attributed one auto accident in the area to the "quality" of the road (B–23).

The second issue throws into question the whole need for purchasing any special materials for winter work. My staff aide in his visit to Columbus found a State of Ohio Department of Highways note which indicated that on October 18, 1965 when newly relocated gas and water pipelines were about to be installed, a landslide occurred (another case of soil engineering failure) necessitating the further relocation of these utilities which delayed the project for 6.5 months—that is, until April, 1966. Certain work could not be properly conducted until this utility work was completed. (I will point out later that an attempt was made to continue with the work, which resulted in improper engineering practices, soil slippage and 1.4 million dollars worth of damage to a bridge.) Since this threw a monkey wrench into the schedule of major portions of the highway—why did not every one admit that the opening date was unrealistic, and thus avoid the purchase of special materials and the waiving of proper engineering techniques (B–34).

I am afraid I could go on and on about the extra costs and bad engineering which resulted from the "drive" to open the road by October, 1966. One can find references to malpractice resulting from the expediting effort or the failure to contest Federal sharing in expediting costs on the following pages: A–31 (extra cost of up to $754,763, including $696,463 Federal); A–10; B–15; B–12; and B–46.

If the State wants to waste its money in this way, then it is an issue that it will have to face the voter of Ohio with. But the Federal government will also be paying up to $700,000 worth of costs attributed to the purchase of special materials for this "speed-up" effort. In addition, the Federal government has paid 90% of the overall cost of constructing an inadequate and unsafe roadway.

It is against FHWA regulations to pay for such "speed-up" costs: Some speed-up costs were never questioned by FHWA (B–27). Some such Federal cost-sharing was resisted; in a letter of December, 1967, FHWA said:

"We have informed you in previous correspondence that Federal funds cannot be expended to expedite the opening of a highway. This is an established Bureau of Public Roads' policy supported by our higher authority . . ." (B–32).

But some of these cost-sharing refusals were later reversed (A–16, B–17). Such reversal decisions do not just happen. I, for one, would like to know *how* they happened. Again, as the GAO report stated such Federal participation is "subject to abuse" (B–33), and contrary to policy (B–2, 3, 44). In the case of I–71, "haste clearly meant waste." As the GAO summarized:

"FHWA's lack of effectiveness in carrying out its overview responsibilities on these projects is demonstrated by (1) its concurrence in the highway opening date specified in the contracts even though the date was set before sufficient information was available to ensure that it was reasonable . . . (3) its failure to require the State to adjust the opening date specified in the contract when difficulties which obviously would delay opening the highway were encountered, and (4) its tacit approval, or lack of knowledge, of construction practices involving higher-than-normal risk authorized by the State in attempts to meet the opening date of the highway (B–10, 11).

"The problems encountered during construction made the attainment of the specified opening date more unrealistic as construction progressed, but FHWA took no action to require that the date be adjusted. FHWA policies and procedure specifically require that, when situations occur during construction which necessitate adjustments to the specified opening date, prompt agreement be reached with the State on such adjustments" (B–13).

Mr. Chairman, Members of the Committee, I think you get the dreary picture of what was involved in this construction project.

I sincerely hope that the material which I have provided can help you—and all of us in the Congress—to develop a more efficient administration of the highway program and that the Committee can provide some guidance on what remaining Federal payments should be made.

Mr. Chairman, I ask leave to submit additional material for the record.

$1.4 Million in Damage to Bridge Piers Due to Poor Engineering Techniques and Effort To Expedite Project

Because of poor engineering techniques, lax inspection, and an effort to expedite the project, there was lateral soil compaction against a series of bridge piers. The soil pressure cracked the piers, causing extra repair and replacement costs of $1.4 million—and a final realization that the project could not be opened a week before the 1966 elections.

Engineering techniques were used in the construction of a bridge on the I–71 project that any high school physics student would realize were faulty. A diagram of the bridge pier problem is provided on page B–16. The reason the piers cracked was that they were constructed *before* the 30 foot soil embankment was placed. This was done for purposes of expediting the project (A–10). Even when the embankment was placed, it was done improperly, due to the corrective work being done on the utilities location.

Who paid for this blunder? The Federal government and the consulting engineering firm (the same firm that did the original design and which was rehired to explain why the piers cracked) claimed that "good construction procedure" and the plan notes were self explanatory, that the embankment should have been placed first and then the piers dug into the embankment. In addition, and for almost the only time, the Federal engineers indicated that the U.S. should not participate in the cost of replacing the piers, since they had noted in an inspection in the fall of 1965 that the State was failing to adequately consider the soil's problems. Therefore, the FHWA Regional Administration denied Federal participation in the repair costs.

But, and this is truly amazing, "as a result of various meetings and correspondence" (B–17), FHWA later reversed itself and permitted Federal participation in the $1.4 million repair job.

I would like to include portions of letters contained in the two GAO reports. First, the State's letter to the FHWA of January 26, 1967 (note particularly, the State's contention that the lack of objection during Federal inspections justified the State's claim and the contractor's actions):

"By letter to the FHWA Division Engineer dated January 26, 1967, the State Highway Department extensively detailed its position with respect to the damaged piers. Basically, the State's principal views were as follows:

"The consulting engineer's final plans did not incorporate the suggestion offered in the Bridge Bureau letter of July 9, 1964. Since the plans included a note having a different meaning, it was believed that foundation conditions were such as to permit construction without special control methods other than where the footings were in the embankment.

"The specific delineation of certain structures in note 6, which were not to be started in the completed embankment until after a waiting period, was interpreted by the contractor and the State engineer as meaning that there were no restrictions on starting substructures which did not require placement of footers or piling in new embankment material.

"Had the consulting engineer intended not to permit the start of construction of the piers until all work had been performed on the slope above the piers, a specific statement to this effect would have been included in the plans.

"All phases of the design as shown in the plans were approved by the State and FHWA.

"At no time during the inspections of the project from July 1965 to June 1966 by representatives of FHWA or the consulting engineer were any questions raised with respect to the sequence of construction." (A–14)

Second, the State of Ohio's criteria for construction of piers and embankments:

"The embankment shall be placed and compacted up to the finished spill-thru slope and to the level of the subgrade for a distance of 200 feet back of the abutments after which excavation shall be made for the abutments and piers."

Concerning the same matter, the consulting engineer included in the construction specifications, as General Plan Note 6, the following requirements:

"The embankment shall be placed and compacted to the finished spill-thru slope to the level of the subgrade as shown on the plans, after which the excavation shall be made for the abutments, piers, and retaining walls that are set in the embankment material." (A–12)

The consulting engineer also noted specific compaction periods for the soil before particular piers were to be placed. (A–12, 13)

The State of Ohio's own Bridge Engineer commented on the consulting engineer's design notes in a letter of July 9, 1964, saying that "the plans should indicate that the construction of any piers in an embankment area not be started until after the proposed embankment had been completed to the finished grades." (A–13)

When the same consulting engineer was called in to study the cause of the pier failure, he stated that his specific cautionary mention of specific piers in the plan notes "did not, by their existence, preclude the same or similar treatment of other structures in or adjacent to any embankment . . . He stated also that the existing State design regulation required the placement of embankments before the construction of structures. With respect to the difference between the wording in the Bridge Bureau's (letter referring to embankment *area*) and the wording of (the consulting engineers design) note 6 (referring to embankment *material*), the consulting engineer stated that the Bridge Bureau was only communicating a concept and that there was no requirement that the Bridge Bureau's exact words be used in the plans. (A–15)

What is the meaning of this correspondence? The State, to obtain Federal dollars to repair the waste created by its haste, made a distinction between "embankment *area*" and "embankment *material*"—a true case of quibbling—or of "double talk." In addition, the State ignored its own construction regulations which I have included above as well as the experience of its bridge engineer bureau, and contradicted the statements of the consulting engineer.

Quite correctly, the Federal government resisted this sophistry—but only for a little while. In a letter of March 6, 1967, Washington headquarters justified Federal participation in these words:

"Acceptance is given that the construction operations were performed in the manner intended by the State and in substantial conformity with the State's plans for the project, but that the higher than normal risk assumed by adopting and then following such construction operations was a judgment decision by the State not objected to by Public Roads and probably not recognized or known by Public Roads engineers." (A–17)

(The FHWA's reply to GAO criticism in this case (B–42) is also completely inadequate.)

It is truly difficult to comment on the Federal government's reasoning in this letter. Perhaps the Committee would have some comments. The GAO stated:

"We believe that the FHWA, had it carried out its inspection responsibilities properly, could have advised the State that the construction practices being used involved higher-than-normal risk and that Federal financial participation would not be allowed in any additional costs resulting from the use of such practices. (see also B–6)

"In any event it is unclear to us how FHWA could have concluded that the construction operations had been performed in the manner intended by the State when the State's bridge engineer had specifically instructed its consulting engineers that the plans showed that embankments were to be completed prior to the erection of piers. Also our review of project records showed that the 30-foot embankment had been constructed in a manner contrary to State requirements."

WHERE DID ALL THE SOIL GO?

This issue is one of the most difficult. After a great deal of reading of the GAO reports, it is not clear to me who was paid what for hauling which dirt where. The former U.S. Division engineer is quoted as saying that the project records are not clear enough to provide firm findings on this question.

One knowledgeable person commented to me on the soil problem:

"The Contract as bid required that the Contractor haul 600,000 C.Y. of excess waste earth material from this project and place it in an embankment on a new I–80 Project involving a haul of approximately 9 miles. An alternate in original bid provided for a reduced price if this material was wasted and not placed in embankment on the I–80 project. *Despite this the Contractor was permitted to waste the 600,000 C.Y. material to a short haul (4 miles) waste dump at no reduction in contract price.* Contractor thus saved the cost of a 4 mile haul and cost of placing it in embankment on I–80 project. State in future will have to procure 600,000 C.Y. embankment for new I–80 project, from some other source at a cost of approximately $1,000,000.00." (emphasis added)

Whether this is accurate or not, I do not know—I cannot tell from the GAO report.

It has already been established that if proper care had been taken and the unrealistic opening date had been dropped, there was sufficient soil material on the construction sites to provide all necessary embankment material and that no special material—such as slag or shale—would have had to be purchased (B–27, 28, 29). Where did all the dirt go?

The GAO makes the following comments on these questions:

GAO CITATION AND FURTHER QUESTIONS

A–22—What has the final decision been on the payment reduction when the compaction requirement was waived? Where was the other material wasted?

B–31—If there was "less material available in the (sub) project 27 area than anticipated because of an error in the plans," was there a reduction in the contract price to reflect the reduction in the amount of material which had to be wasted—and rather than purchasing embankment material, could not have material been supplied from the other subproject construction sites—thus reducing special material costs and wasting costs?

B–31, 32—Evidence of complete failure of State to properly manage soil materials. This also raises questions as to why the contractor was so anxious to haul dirt away.

A–22, 23—The GAO "explanation" of reduced and increased costs is extremely confusing. Assuming that there was no duplication of hauling charges (which is very unclear), it should still be noted that the extra hauling costs of $181,497 are largely due to the need to waste soil material as a result of engineering mistakes created by the expediting process. GAO does not note this, but no other conclusion can be reached.

In short, the GAO report simply does not seem to completely answer the following charges made in the Cleveland *Press* articles of July 2nd:

The contractor, Arcole Midwest Corp. of Evanston, Ill., was paid $431,000 for hauling a large volume of I–71 excavation dirt to a future I–80 embankment site near Brookpark Road and W. 130th Street.

Only a small portion of the dirt was hauled to the site because it was found to be too wet to be workable. The windfall was more than $300,000.

Arcole was paid another $193,000 for handling the dirt after the state decided it was unsuitable for highway embankment—$193,000 in addition to the windfall.

Highway department bosses referred detailed questions to Allan V. Johnson, liaison engineer for the department. (Ohio Highway Department)

And, according to Johnson, Arcole was paid $431,000 to haul 625,000 cubic yards of I–71 excavation soil to the I–80 site. But only 87,000 cubic yards were hauled under the original contract before the state found the dirt was too wet to use.

In other words, less than 15% of the excavation dirt was delivered to I–80. So some $375,000 of the total payment went for dirt never delivered.

Yurick and Ernest Bederman, president of Arcole, told The *Press* a conflicting story. They said adjustments were made so Arcole was paid only for the units of dirt hauled.

Johnson explained that the entire $431,000 had to be paid to Arcole because of a technicality in the contract. According to him, Arcole actually was paid for excavating dirt from two I–71 locations—a hillside and a section of roadway. And that work was accomplished.

If events had gone according to plan, Ohio would have gotten 625,000 cubic yards of material built into embankment along I–80 at a bargarin rate of 70 cents a cubic yard.

Johnson said the Highway Department does not know how Arcole disposed of the wet soil it had to get rid of, but a U.S. Steel Corp., spokesman here said Arcole dumped dirt on the company's property behind the Cuyahoga works at E. 49th St. and Grant Avenue.

So, according to Johnson's argument, it cost the contractor more to dispose of the soil three miles from the excavation site than it would have cost to haul it three times that distance to the I–80 site and construct an embankment.

There are two last questions relating to the handling of the earthwork. First, the City of Cleveland appears to have provided a dirt haul road for the contractor which was not specified when the contract was bid. This apparently helped reduce the price to the contractor. Later the State helped construct a haul road for the contractor through a change order. This is rather irregular, and, thankfully, the U.S. was not asked to participate in the added public cost—but the taxpayers of Ohio and Cleveland were.

Secondly, there are some rather cryptic references to the use of soil from the Federally financed highway to provide for a "restricted extension of a city street" (B–29, 31, 32). In short, it appears that 229,000 cubic yards of material was used on a city street. Why? I have been told that this fill was used to provide the extension of a city street to a new Cleveland Police Pistol Range. The GAO does not comment on this, but it appears that expenditures on a Federal highway were used to provide direct benefit for a local project. As much as the local project may have been needed—was the placement of this amount of material totally legal? Because earth had to be purchased for other parts of the project, why was the use of this soil permitted on this local project? Should not this cost have been recovered by the U.S.?

DAMAGE TO PUBLIC SCHOOL AND TO HOSPITAL AS A RESULT OF POOR ENGINEERING PRACTICES

Pages 25 and following of the interim report indicate how damage was caused to a Cleveland public school. This damage should not have been a surprise, since the contractor was driving steel piling two feet away from this 80 year old building. Damage was also caused to some storage silos of the Cleveland Metropolitan Hospital—again due to poor engineering techniques and another soils analysis failure. About $1.9 million in extra costs were caused by these mistakes. The U.S. has already picked up about $700,000 of these causes. The interim report of May, 1970, indicates that the question of Federal participation in the remaining costs was still unresolved. The final GAO report does not provide information as to whether these extra costs were met by the U.S.

Page 31 and following of the interim report indicate why Federal participation should not be permitted. In fact, they document why the State should not have picked up these costs:

"Excerpts from the State's applicable construction specifications dealing with damage to property are shown below. '* * * The Contractor shall be responsible for the preservation of all public and private property, affected by operations within his control. He shall use the precautions necessary to prevent damage or injury thereto. * * *'" (A–31)

The State's assumption of these costs is just one more example of the truly unbelievable Assistance Ohio provided the contractor. No matter what he did wrong—the State bailed him out—and the taxpayer paid and paid and paid.

SOIL TESTS

It is obvious from my previous comments that the soil engineering and testing on this project were not very good. Soil engineering is extremely complex, and one cannot be too critical of failures in this area—though one can be critical of the State's frenzy to expedite the project and to avoid adequate corrective measures (A–5). In addition, it would appear that in the effort to expedite the project, not all the soil tests were taken which should have been (A–21) and on-site inspection was lax (A–29). In fact, the State's soil work appears to have been nonexistent. Well into the project, in the Fall of 1965, Federal engineer inspections had to recommend to the State that they "employ a soils expert" (B–17)! My staff found a memo in Columbus by a FHWA engineer which stated that "Several improper testing procedures were noted indicating inexperienced, poorly trained inspectors."

I have already commented on what may be the most serious soils failure—the failure to determine the full depth of the garbage fill where a bridge embankment was to be placed (B–21). Because of the complexity of soils testing, the GAO is not critical of this failure. Yet one must comment that on the garbage pit tests, some 700 borings were taken and fifty tests made. Given all the soils engineering mistakes on this project, the desire to expedite the work, and—as I am sure this Committee is aware—the history of contractor tendencies to report tests only on material which supports their case, I think you will agree that this is another of the amazing coincidences which mark this project. The fact that tests conducted after difficulties were encountered showed some different moisture results from the original tests raises further questions (Compare A–10 with B–19). As the July 1, 1969, Cleveland *Press* articles noted:

"Everybody blamed super-saturated soil conditions for the bulk of the problems—soil conditions that were not detected by state engineers in soil test borings made before the contract was let.

"After all of the problems developed, new test borings showed soil in the area contained more moisture than had been detected before the contract was let."

FAILURE TO IMPOSE PENALTIES ON CONTRACTOR FOR DELAYS AND ERRORS IN ENGINEERING

The contractor on this job led a charmed life. Unlike Lockheed, the construction firm which built this concrete C–5A experienced no financial reverses.

Most contracts provide for penalties if a job runs late due to contractor error. In fact, it is possible that there was $450 a day fine in the contract for failure to complete on time. We know there was contractor error—even if he was partly pushed into it by State political pressures. As noted before, the State waived contractor liability for damages—reversing its earlier determination in these cases (A–32). As explained on pages A–33–37, the State and the contractor *reached agreement to pay the contractor* for the extra time involved in the project. The FHWA refused to participate in these costs and even questioned the legality of these rulings in terms of payment by Ohio (B–36). The Ohio Attorney General apparently never commented on the legal issues raised by the Federal government. As a culminating insult the formula finally settled on, *and which was offered by the State*, was $2.1 million—$0.3 million more than the payment formula sought by the contractor! Later, another $476,000 was paid—apparently to meet the inflation cost experienced by the contractor.

Further references to the "liberal policy" of the State in granting time extension is documented in several places (e.g., B–7).

One can only surmise that the contractor undertook the project and engaged in dangerous construction practices on some belief that he would be adequately compensated if, as any intelligent person could predict, things went wrong.

The GAO report documents one of the major contractor errors. On page A–10, the consulting engineer in a study of the reasons for the bridge pier failures, states that if the embankment had been placed before the piers were placed "the subsoil movement would have probably been the same but the distortion of the structure would have been lessened or eliminated." The GAO notes on page A–4 the following:

"According to a State official, the State neither has taken nor plans to take any actions against the consulting engineers or the contractor with respect to any of the problems encountered in constructing the project. Generally, the State's basis for this decision is that there are no major errors in the plans developed by the consulting engineers and that the construction contractor has proceeded in accordance with the plans, using normal construction procedures."

Note that this statement by the State is in nearly direct contradiction to its consulting engineer and to the arguments it presented to the Federal government as justification for Federal cost sharing in the pier repair issue.

THE QUALITY OF THE HIGHWAY

The final, ultimate question in all this is what quality, durability, and safety was given to the taxpayer by the construction of this highway, built with 90% Federal funds?

From my earlier statements, you can see that portions of the road were built on peat bogs and garbage fills (B–28), with the result that considerable settlement has occurred (B–21, 22, 46, 47), the ride is uneven, and has even caused at least one auto accident (B–23). The embankments were so badly placed, that the GAO makes several references to the fact that they may never stabilize *and may "fail completely"* (B–2, 22). Further, as the GAO notes:

"A significant maintenance problem has been encountered since the highway was opened to traffic. According to FHWA certain segments of the highway will require constant surveillance and maintenance for several years." (B–10)

There are other poor quality issues which have received very little attention. First, as I stated earlier, a decision was made to place slag and shale on top of earth embankments. By the nature of these materials, they tend to solidify into rock-like materials—yet they are resting on an earth base. The result has been significant erosion between the top of the dirt base and the bottom of the special slag and shale material. There is a dramatic picture of the type of erosion taking place on page B–30.

Finally, in the area where the thirty foot embankment was improperly placed and the bridge piers cracked, tests after the cracks indicated "an above-average amount of water in the area" although no additional earth movement (B–19). The "above-average figure" of 400,000 gallons of water an hour from the City of Cleveland's sewers: The consulting firm recommended remedial action by the City but as of May of 1971, no action had been taken (B–19). This seepage which, if increased, "could create a critical problem" (B–19) is still being monitored by the State.

In final conclusion, I would simply like to repeat one of the GAO's comments and include in the hearing record their brief digest of major findings:

"Under the Federal-aid highway program, in which the Federal Government provides 90% of the funding, it is incumbent upon FHWA to ensure a sound investment of Federal funds. This responsibility requires that FHWA take whatever action is necessary to ensure that the States construct sound, durable, and adequate highways."

Obviously, the FHWA failed on this project. The dimensions of error and compounded public cost of $6.4 to $8.5 million warrant investigation and legislative action by your committee.

PROBLEMS IN CONSTRUCTING SEGMENTS OF INTERSTATE ROUTE 71 IN OHIO

(*Comptroller General's report to the Honorable Charles A. Vanik, House of Representatives*)

WHY THE REVIEW WAS MADE

The General Accounting Office (GAO) reviewed the construction of two parts of Interstate Route 71 (I–71) in Cleveland, Ohio, to determine why construction problems had been encountered. This report is a follow-up to an earlier report to Congressman Charles A. Vanik.

FINDINGS AND CONCLUSIONS

Construction problems resulted because the State of Ohio and the Federal Highway Administration were trying to meet the contract date for opening the highway to traffic. The State and the Highway Administration did not

Thoroughly review construction plans,

Require compliance with plans, and

Change the specified opening date when difficulties which obviously would delay completing the highway were encountered.

In an effort to expedite construction, the State and the Highway Administration authorized or permitted the use of other-than-normal construction methods and procedures. Construction problems increased contract costs by $6.4 million, bringing the cost of the two segments, totaling 2.8 miles, to $29.3 million. (See p. 10.)

Maintenance problems will require constant surveillance and repairs for several years

Establishment of highway opening date

Normally the State Department of Highways sets a completion date for a highway only after its specific location has been selected. In April 1963, however, a group of State officials, which was formed to expedite completion of I–71 in Ohio, set a highway opening date of October 1966 before the specific location of the highway had been selected.

To step up the schedule, consulting engineering services were accelerated and reports on solutions to major design problems were not required. Some later construction problems may have resulted from inadequate planning.

To meet a highway opening date, it would have been necessary to complete design and construction plans, acquire rights-of-way, relocate utilities, award contracts, and begin construction in the spring of 1965. Construction contracts were awarded by that time. Some rights-of-way, however, had not been acquired, and utilities had not been relocated. Relocation of utilities was part of the construction contract. (See p. 11.)

Construction problems

Several significant construction problems requiring costly, time-consuming corrective measures were encountered. In an effort to meet the specified opening date, the contractor, with State approval, did not follow normal construction practices.

Damage to bridge piers—Several piers supporting a bridge adjacent to two large embankments cracked and/or moved during construction. The embankments had not been built according to normal procedures. The Highway Administration shared in the $1.4 million repair costs. (See p. 14.)

Construction of roadway on landfill—The State instructed the contractor to build an embankment and part of the roadway over landfill. After the highway was completed, the embankment began to sink, damaging the roadway and causing it to separate from the surface of a bridge.

A Highway Administration official stated that the State's corrective measure—placing additional layers of pavement on the roadway—was not a permanent solution and that similar corrective measures would have to be continued for several years before the embankment stabilized, assuming that it did not fail completely. (See p. 21.)

The Highway Administration did not participate in the maintenance costs for this section of the highway. It did participate in the construction costs. (See p. 21.)

Purchase of embankment material—To speed up construction by working through the winter, the State, with the approval of the Highway Administration, authorized the contractor to buy special material to use in building embankments.

The special material costing $786,000 would not have been needed if the State had not decided to expedite construction and if it had used available embankment material.

The Highway Administration agreed to share in the cost of the material. The extent of Federal participation, however, had not been agreed upon. The Highway Administration's decision was inconsistent with its general policy that the Government should not participate in additional costs associated with expediting construction. (See p. 27.)

Inadequate reviews by the Highway Administration

The Highway Administration did not adequately assure itself that the State was building sound, durable, and adequate highways.

Although the Highway Administration's inspectors often had visited and inspected the projects, GAO found no evidence that they had questioned the State's actions or that they had objected to the construction methods used.

GAO believes that, had the Highway Administration carried out its reviews more effectively, many of the construction problems and additional costs associated with the sections of highway discussed in this report might have been avoided or minimized. (See p. 34).

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of Transportation (DOT) stated that:

"In summary, there were extremely adverse field conditions encountered in construction of the projects selected by the GAO for review. These conditions caused some expensive overruns in cost, required much readjustment of contractor's operations, required redesign in some areas, required acquisition of additional right-of-way, and called for a high degree of professional expertise in the field to make engineering decisions on a day-to-day basis. We do not agree that the adverse field conditions can be attributed to inadequate plan review or lack of FHWA field review. There is no real reason to believe that not adjusting time immediately was a factor in increasing the cost of these projects. The extra maintenance now required on the projects is not excessive; it is the least expensive choice to the public considering other possible alternatives."

GAO did not intend to imply that all the adverse field conditions were attributed to an inadequate plan review and a lack of field review by the Highway Administration. GAO believes, however, that many of the problems encountered might have been avoided or minimized if the Highway Administration had made a more thorough review of the project plans and more thorough and timely field reviews.

By not adjusting the highway opening date as construction problems were encountered, the contractors were required to make up lost time caused by the adverse field conditions. Many of the problems encountered were caused by the construction methods followed by the contractors in an effort to expedite the work.

Significant maintenance is required on the sections of highway reviewed by GAO. GAO believes that there is no basis for determining whether the procedures followed were the most economical because sections of the roadway had not stabilized.

DOT's comments and GAO's evaluation are discussed in greater detail on pages 36 through 48.)

TRIBUTE TO MRS. NORMAN C. "CONNIE" ARMITAGE

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. SPENCE. Mr. Speaker, since January of this year, Mrs. Norman C. "Connie" Armitage has served as president of the National Federation of Republican Women. Although California has the honor of claiming her as a native daughter, we in South Carolina were privileged to have her and her husband as residents for a number of years. She is still one of us, but unfortunately Mr. Armitage passed away earlier this year.

I have been especially fortunate in that common political interests and associations have given me the opportunity to know this lovely lady, to gain an appreciation for her as an individual not only of great character but unusual ability, and to observe her devotion to those principles upon which our Nation was founded.

Since assuming her position, Mrs. Armitage has traveled extensively throughout the country and I am sure that she has during this period been the subject of many human interest stories. One such story, and I might add an especially good one, from the Sandusky, Ohio, Register of April 21, 1972, has recently been brought to my attention.

Mr. Speaker, I place this article in the RECORD and I commend it to my colleagues on both sides of the aisle. The article follows:

[From the Sandusky (Ohio) Register, Apr. 21, 1972]

REPUBLICAN LEADER ALSO HUNTER, SCULPTOR, EQUESTRIAN, GOURMET, LINGUIST

(By Sue Hively)

Constance Dean Armitage's observation of elephants—the symbol of the Republican party—began when she was a small girl attending elementary school in her native California.

"I remember this art class," Mrs. Armitage recalled. "The teacher kept saying, 'Aren't elephants beautiful?' So nearly every day in class, we drew elephants."

Mrs. Armitage, 51, of Spartanburg, S.C. and Arlington, Va. became president of the 500,000-member National Federation of Republican Women (NFRW) in January. She was in Sandusky last week to promote President Richard M. Nixon's record at a convention of the Ohio Federation of Republican Women.

Mrs. Armitage said she began actively working for the Republican party when she was a teen ager. Influenced by her father's opposition to the Roosevelt administration, she began ringing doorbells and urging people to vote Republican.

She became a precinct worker and has participated in presidential campaigns since 1952.

When Mrs. Armitage became president of the NFRW she took a leave of absence from Wofford College, Spartanburg, S.C., where she is an associate professor of art history and only female faculty member in the college of 1000 male students.

Though she travels extensively on lecture tours, Mrs. Armitage manages to be in Washington, D.C. where the NFRW is based every week. "I have a house in the Old Town secton of Arlington, Va. that I'm furnishing. Even though it is unfurnished at present, it really doesn't look bare, because the house is only 15 feet wide."

Her other interests include fencing, bow hunting, riding, gourmet cooking, languages, and stone sculpture.

"Fencing is an individual and personal sport," Mrs. Armitage said. "You study the style, psychology and timing of your opponent. You are all alone in the world with your adversary. Winning is up to you."

Mrs. Armitage has competed in several U.S. World fencing teams. Until the last couple of years, she competed at the national championships in New York.

"Fencing is a sport you can do all your life. First your legs may slow down a little; but your hands become quicker. Then as your hands slow down, your mind becomes quicker."

Mrs. Armitage's interest in fencing stems from a poster she saw in a college gynasium. "I attended the University of California at Berkeley and gym was compulsory. I saw a picture of a girl fencing. She was wearing a swashbuckling blue cape and I thought 'that's for me.' So I signed up and learned to love fencing, but I never did see a blue cape like the one in the picture."

She met her husband, Norman C. Armitage, while they were competing on a fencing team. He won a bronze Olympic medal for fencing. Mr. Armitage believes his record still stands for competing in more Olympics contests than any other athlete.

Mrs. Armitage has been a widow less than two months. Her husband died after a lengthy illness. She still finds it uncomfortable to talk about memories. He was vice president of Deering Milliken Corp. and vice president of Deering Milliken Research Corp., S.C. Their children are Mrs. C. F. Vallhonrat, an architect, and Dean Armitage.

Armitage was also responsible for his wife's interest in gourmet cooking. Mrs. Armitage's smile widened. He was a fantastic gourmet cook. When we were going together, I realized he would starve to death after we were married if I didn't stop being a meat and potatoes cook, so I went to the Cordon Bleu in Paris to learn to cook.

"In later years I went back to Cordon Bleu and got my certificate. But I'm not Julia Childs."

Mrs. Armitage recalled an incident. "One day I was substituting for a friend on her television cooking program. I prepared a broccoli cream soup. It was really very elegant.

"A few days later as I was running to catch a plane, I literally bumped into another woman, who was also in a hurry. She stepped back, look at me and said, " I know you, You're Mrs. Armitage. I just want to tell you, I bought all the ingredients for that broccoli cream soup. I made it and it tasted awful.' "

"Mrs. Armitage shruggled her shoulders. Julia Childs, I'm not."

She doesn't enjoy cooking every day. "But I'll put on a good show a couple of times a week."

Mrs. Armitage looks the picture of the all-American woman—sunshine, health and fresh air. She is 5 feet eight inches tall, and considers herself "skinny". She has strongly chiseled hands, blue eyes, and a clear complexion. Her light brown hair, with its reddish highlights is pulled back hackney pony style. One could picture her wearing tweeds and riding her horse through the country.

Horseback riding is another of her interests. She has a registered half Quarterhorse-half Thorobred.

The subject of bow-hunting also brings a sparkle to Mrs. Armitage's eyes. "I suppose I got interested in bow hunting in sort of an unglamorous way. A friend wanted me to try it, and I did to please her more than anything. I loved it.

"I rigged a target in the back yard behind the house. A rabbit moved along on a pulley.

"I like the stillness and the solitude of bow hunting. For one thing, the number of hunters in any one area is usually limited.

"I wouldn't hunt with a gun for anything. In bow hunting you have to think like the animal and be out in nature. You have to have a tremendous alertness and hearing.

"After you sit there all those hours in the cold, trying to think like a deer and wondering where he will be, you really don't feel bad about shooting one when it finally comes. Most bow hunters don't get a deer every year anyway—maybe one every two or three years."

Mrs. Armitage currently speaks seven languages, among them Arabic and Chinese. "I've learned and forgotten several other languages over the years," she said.

"If you live in a country and speak the language, it is easier than studying languages out of textbooks." Mrs. Armitage spent three years in Italy and traveled extensively in France and Germany. She lived for months in Greece and has made several other trips to that country. "I traveled all over Greece with a knapsack on my back. It's a small country, so it's easy to do."

Every two years Mrs. Armitage takes a group of her students on an art tour of Italy.

A graduate of the University of California at Berkeley, Mrs. Armitage did graduate work in art history at the University of Florence and the University of Perugia in Italy.

She also did graduate studies of art history and Chinese at Columbia University and art history at the University of Georgia. She has a masters degree in Arabic at Columbia and has almost finished a masters in English literature. Another unfinished project in flying lessons, Mrs. Armitage quit when her husband objected.

Mrs. Armitage regards Arabic as the most difficult language she has studied, even more difficult than Chinese.

Her field of specialization is Chinese painting. However she was teaching primarily Italian Renaissance history at Wofford.

Mrs. Armitage does stone sculpturing. She explained, "I have no tactile imagination. I cannot take a piece of clay and put it together. But I can look at stone and envision what it contains; then extract it."

Mrs. Armitage believes one must be in the right mood to do sculpture. "I can't do sculpturing when I'm on a lecture tour. If you are working on something, it will haunt you.

"In the middle of the night, you can see the haunch of a rabbit or the bridge of a nose and know just how much stone should be removed.

"There have been times in the middle of a lecture when I've thought about my sculpture and there has been the temptation to say, 'Gentlemen, if you will excuse me for today, I have this piece of stone to take care of. . .' "

On the subject of women's rights, Mrs. Armitage said, I believe there should be equal pay for equal work and equal professional opportunities for women.

"But I don't want to sacrifice the gallantry of having a man open the door, hold my coat, or pull up my chair. We can have both if we don't carry this thing too far."

She believes women's service in the military service should be voluntary. "I believe an all voluntary army would probably lead to greater opportunities for women in the forces."

On family life, Mrs. Armitage said. "I don't believe in developing a condition which would create an abortion mill. I am immensely concerned with the quality of family life and increased promiscuity. Numerality is not to the advantage of women. Women have an innate goodness and gentleness."

Mrs. Armitage said she has no special secrets for maintaining her heavy schedule. "I don't get tired. I just stay on a constant level and don't get too excited, like an inactive fuse."

While on the lecture circuit, Mrs. Armitage spends here evenings in her motel room, "reading a paperback book, knitting and watching television all at the same time." For all its glamour, her life is a lonely one.

HAWAII AND UNITED AIR LINES

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mrs. MINK. Mr. Speaker, May marks the 25th anniversary of the inaugural of scheduled flights between Hawaii and the mainland United States. On May 1, 1947, two DC–6 aircraft of United Air Lines left San Francisco and Honolulu to begin the first regular air line service on this route. I would like to take this opportunity to wish United a "Happy Anniversary" for its 25 years of service to and from Hawaii.

United initially scheduled one daily round trip between San Francisco and Honolulu at a cost of $135. The flights took between 8 and 9 hours. Today a flight can cost as low as $98 and take little more than 5 hours to complete.

The faster jets and the great popularity of Hawaii have combined to explode the numbers of people who make this trip. In 1947, United carried nearly 17,000 people on this run. In 1971, United carried more than 1,045,000 people despite the presence of a number of other airlines now serving Hawaii.

Tourism in Hawaii has greatly expanded in the last several years along with the rest of Hawaii's economy. The advent of regularly scheduled air service has certainly been a contributing factor in this sustained growth.

As Hawaii's economy has expanded United has also expanded its service to meet the growing needs. United now has direct California-Hilo flights, and also has direct flights to Honolulu from a number of cities including Chicago and New York. From the modest beginnings of one round trip daily, United now has 87 round trips scheduled every week from many parts of the mainland.

Hawaii and United Air Lines have had a pleasant and mutually beneficial relationship these past 25 years. I am very pleased to take this opportunity to extend my best wishes to United on this occasion. I know the people of Hawaii look forward to continued dependable service, and I am sure the association will continue to be a long and happy one.

PLEA FOR HANDGUN BAN

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, it is not at all surprising that in view of Monday's vicious attack on Governor Wallace, public cries for handgun control are suddenly skyrocketing. Sentiments in my city of Chicago strongly favor Federal legislation which would finally and abruptly halt the propagation of death-dealing handguns.

The theory behind these feelings is that State laws just will not work. What use is a State law which prohibits buying a handgun if anyone can purchase such a weapon merely by crossing a State line?

Wednesday's Chicago Sun-Times carries a story about Mayor Daley's views on this most important question. I would like to insert that article in the RECORD, along with two editorials, one from the Chicago Tribune, and one from the Chicago Sun-Times. In addition, I would like to insert one more article from the Chicago Sun-Times by Jack Griffin, entitled "Guns . . . When Will We Ever Learn?"

The articles follow:

[From the Chicago Sun-Times, May 17, 1972]

DALEY RENEWS PLEA FOR HANDGUNS BAN

(By Harry Golden, Jr.)

Mayor Daley renewed a plea for a nationwide ban on handguns as he spoke emotionally Tuesday of his prayers for Gov. George C. Wallace.

At a press conference, Daley deplored the shooting and grave wounding Monday of Alabama's governor during a presidential campaign appearance at Laurel, Md.

"It was a dastardly act and a tragedy in the American society," Daley said.

The mayor said of Wallace, in intensive care after surgery at Holy Cross Hospital in Silver Spring, Md., "I hope to God he doesn't die."

Daley declared that Congress should now do "some soul searching," and that, if congressmen and state legislators "have any guts," they would act promptly to outlaw the manufacture or sale of all handguns for private citizens.

WOULD EXEMPT RIFLES

It was understood, from Daley's past statements, that making of handguns would be permitted for police and the military. Rifles and shotguns would be exempted from the ban.

As to his own safety, Daley said, "I'm not afraid to die. I know that someday you'll die and I don't care how it happens. The Lord is the only one who will determine that. But I don't fear it.

"We have a fine (police protective) detail. Two of them went to the Secret Service of the Justice Department (for special training) six months ago.

"I have no fear for my life. Who would want to kill me? I haven't done anything to anyone. I'll continue to meet the people of Chicago and I've been doing that for 17 years and I'm not concerned."

Daley declared, "It's about time the U.S. Congress would stop kidding themselves about (opposition of) the (National) Rifle Assn. . . . you don't shoot game with a handgun. The handgun is used to kill human beings."

CALLS FOR ACTION

The mayor also decried and called for action by lawmakers and citizens to stop:

(1) Importation of handguns and their delivery through the mails or by express service.

(2) Disruptive demonstrations and what he called, "un-American heckling," and asserted encouragement of these practices by some educators, clergymen and communications media.

(3) Political criticism characterized by "hatred" and "viciousness."

(4) "Glamorizing of violence" by television, radio and newspapers.

Daley said, "I think all of us are responsible in a way . . . we prayed last night at our family table. We said a decade of the rosary for Gov. Wallace that he would recover."

The mayor said former Police Supt. Orlando W. Wilson told him that 65 per cent of violent crime could be traced to portrayal of violence in communications.

Daley also said that the police task force last year confiscated 14,000 handguns.

"How many guns have been registered (under a 1968 Chicago ordinance)?" Daley asked, "How many are unregistered? Every one of these guns is a potential killer . . . and we have people running away from the gun legislation. A lot of guys holding high public office are running away from it.

"For what? For fear of recrimination? If I'm going to be intimidated about that, I don't want to hold public office."

Daley suggested that political campaign techniques may change in the light of the assassinations of President John F. Kennedy, Sen. Robert F. Kennedy (D-New York) and the Rev. Dr. Martin Luther King, Jr., and the attempted assassination of Wallace.

In response to a question, Daily said, "Would you continue to campaign with this happening in our country?"

"My God!" he said. "We have had the killing of a President. We have had the killing of his brother. We have had the assassination of an outstanding religious leader. And now we have the shooting of a man who is a presidential candidate.

"I would also hope that those great disciples of hatred and of viciousness would stop their attacks on one another. Even in these critical hours, we read statements.

". . . My God, what kind of society have we? He (Wallace) has a right to express his views if this is America without being hit with bricks . . . here is a presidential candidate who goes around our country and is heckled.

NO RIGHT TO INTERFERE

"In the universities, where we should have some discipline and particularly some leadership, a speaker can't talk. . . . We said in 1968 and we say it again: No one has the right to interfere with you.

"No one has the right to sit out in that driveway when you are coming to work or you are going to the hospital with your wife. No one has the right to go into a meeting and try to disrupt that meeting."

Attempts to get strong gun legislation have failed, Daley said, simply "because of the profit that's in it."

He said two Chicago boys—aged 11 and 12—got guns through the mail at $4.95 each. A Chicago manufacturer examined them, he said, and estimated one cost 98 cents to produce, and the other, $1.26.

AMERICA AND THE HANDGUN

The shooting of Gov. George Wallace raises once again the question whether new laws are necessary to restrict the manufacture, import, purchase, and use of handguns in the United States.

This was to be expected. A similar cry for gun control followed the assassinations of Dr. Martin Luther King and Sen. Robert Kennedy in 1968. In the emotionalism of that time, America was characterized as a sick, violence-prone, gun-toting society which needed to be protected against itself. The same is being repeated now.

We don't think America is sick. We don't think we are any more violence-prone than most countries, or that political assassinations are more characteristic of this country than of most others. What does distinguish this country, however, is the ease with which almost anybody can locate and acquire a gun.

The nation's gunowners [often referred to as "the gun lobby"] make a cogent argument in defense of their position. The second amendment to the federal Constitution states: "A well regulated milita being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Thus, they claim, gun control is unconstitutional.

The majority of gun owners are law-abiding farmers, sportsmen, and private citizens who do not commit crimes. After all, it is criminals, not guns, that kill people.

There are more than 20,000 gun control laws on the books in this country [including Chicago and Illinois statutes], but they have failed to work because criminals do not obey them. Gun control laws are effective only after the fact, their opponents say, and there are so many illegal guns already in circulation that a ban on them would be next to useless in terms of reducing crime. Political assassins, they add, are mentally unbalanced fanatics who are impossible to stop with or without gun control laws.

All this is largely true, but the Constitution was written at a time when police were all but nonexistent and men carried swords and saddle pistols as a matter of course. Times have considerably changed. Does the Constitution require that everyone have free access to handguns as well as rifles? Do farmers and sportsmen really need handguns? As a hunting weapon, a handgun is next to useless. It is designed for the killing of men at close range, and for little else.

True, gun control laws have been relatively ineffective. But if they were combined with sterner stop and frisk measures and harsher penalties for the commission of crimes with a gun, would they not then work? Would not control on the manufacture and importation of hand guns eventually dry up the supply?

Pistols are involved in some 92 per cent of the homicides committed in this country every year. They are used in 96 per cent of the robberies. Must it be so easy for criminals to obtain them?

Many citizens in high-crime areas say they need guns for self-defense. But for every incident in which a grocer or homeowner shoots a robber in self-defense, there are several in which a grocer or homeowner is shot reaching for his gun, and countless more in which innocent persons are shot either by accident or in a trivial quarrel. Of more than 20,000 persons shot to death in the United States every year, many die in crimes of passion or in accidents which would not have occurred if a gun had not been handy.

In short, political assassinations, tragic and conspicuous as they are, are only part of the problem. It would be illusory to think that measures such as we now feel may be advisable for the control of handguns will bring any immediate relief from assassinations or other crime. But they would quickly reduce the number of unpremediated killings and would ultimately reduce the number of others as well.

Tho we hate to see further incursions on state sovereignty, federal legislation may be the best answer. Southern and western states would balk at stricter gun control laws, as, apparently, would Illinois, where both Gov. Ogilvie and his opponent, Daniel Walker, oppose them. Nor are states in a position to control the importation and interstate commerce in handguns. In any event, we no longer feel that the right to own a .45 automatic should have priority over the chance of saving lives.

THE WEASEL'S TWIST

There was a recent time when one might have though that the terrible toll of leaders and those who sought to be leaders in the decade of 1960's was an aberration, that somehow now the American nation was restored to sanity. The attempted assassination of Gov. George C. Wallace of Alabama his dispelled that error, and it has been replaced with the sad relearning that running for public office—high or low—is still so risky that the office seeker must be more stringently protected against the people he seeks to lead.

To Wallace and his family, as well as to the other victims of Monday's shooting, we extend sympathy and all wishes for an early recovery. The specter of disability hangs over the governor; we would remind him that Franklin Delano Roosevelt was not deterred by physical disability from running for office, and Wallace has the same right to be heard.

What a terrible blow is this latest manifestation of political violence to our tightly held beliefs in how the process of election should be conducted! Are candidates and officeholders alike to be as Nero was in the last years of his reign, fearful to go anywhere but the most secure areas? Must "public appearances" be limited to television studios which are themselves the centers of armed camps? These things, we used to believe, happened only in faraway places, or to gangsters in our own land.

The roster of the last decade is horrendous. There is the official violence of Orangeburg, Kent State, Jackson State and Attica. There is the individual violence which has brought down John and Robert Kennedy, Dr. Martin Luther King Jr., Malcolm X, and now Wallace. Even George Lincoln Rockwell had the right to a reasonable expectation that he would die in bed.

We live in a climate of violence. A century away from the frontier, we rejoice in violence. An "action-packed television drama is followed by the real life picture of a presidential candidate surrounded by police and Secret Service agents, their eyes sweeping like lighthouse beams to spot the threat befor it strikes. A century away from the frontier, we still have men riding shotgun. What William Bultler Yeats said of his native Ireland in 1919 is applicable today:

We who seven years ago
Talked of honor and of truth,
Shriek with pleasure when we show
The weasel's twist, the weasel's tooth.

As government becomes more authoritarian, and parties more inclined towards self-justification than seeking honor and truth, the rest of the nation becomes polarized, inflamed. If the examples of the past were not enough, the incidents of Monday afternoon in Maryland should teach us that anyone—anyone—who attempts for his own vainglory or political purposes to divide and segment America must share the responsibility for the public climate in which madmen feel they can act.

Moreover, the list on which Wallace's name now appears is swelled a thousandfold by victims whose names are not as famous. This latest act of mindlessness should carry one message: if we as a nation act like vicious children, our lives must be strictured as are those of vicious children. Strict controls over the manufacture and sales of handguns—these children's toys—are more vital than ever. As Tom Wicker put it in Tuesday's New York Times: "The blatant availability of guns in America simply cannot be set aside or discounted as a major source of violent crime."

There is good draft legislation before the Congress on handguns (we have long since lost faith in Illinois legislators to acquit themselves like responsible human beings in this regard). It must be passed before our national preoccupation with violence thrusts more weapons into the hands of those who would seek the bubble reputation by shooting down those with whom they disagree.

[From the Chicago Sun-Times, May 17, 1972]

GUNS . . . WHEN WILL WE EVER LEARN?

(By Jack Griffin)

The madness of man, the utter insanity sometimes of his reasoning, can stretch from a parking lot in Laurel, Md., to an L train on Chicago's South Side.

Last Saturday, a young man, Michael Kulis, a student who really cared for those who lived around him, was shot to death for a handful of nickels and dimes he might have been carrying on his person.

Two days later, in the soft sunlight of Maryland, Gov. George Wallace of Alabama, Democratic candidate for the presidential nomination, was gunned down for his political beliefs.

When in the hell are we ever going to learn?

Hate, an animal insensitivity to another man, these may have been the driving forces. But the instrument was a gun. Kulis and Wallace were poles apart in philosophy, shot for different reasons, but they were victims of the same thing. A gun.

Oh, all right, I know the venom that will be spit my way by the National Rifle Assn. and the Illinois Rifle Assn., and all those others who find in the gun a sense of superiority.

I know all their tired and useless, but unfortunately overwhelmingly, arguments. I've been smothered with them before. I even know the threats of some of them.

THE USUAL BOGEYMEN

Take away our guns, they wail, and when the Russians come, or the Red Chinese, or the North Vietnamese, or the Martians invade us we will be able to fight them only with pitchforks.

Oh, for God's sake, I can just picture the local gun club down at the seashore driving off tanks with No. 6 birdshot.

Yeah, I know the one, the argument that guns don't kill. That it's the man, not the weapon. The hell guns don't kill. They damn sure do, because that's their primary function.

Now, we get to the one about a pistol in the house keeps the burglars away. That one is beautiful. I want to cry when I hear that ring across the land.

A loaded pistol around the house is an open invitation for a 4-year-old kid to blow his head off when his mother isn't looking. The NRA itself in previous literature preaches that a gun and its ammunition should be kept apart when children are in the house.

That being the case, you're going to have to have one helluva obliging burglar in the house. You're going to have to ask the burglar to wait downstairs while you find the bullets to load your gun.

And, of course, I know that people die every day from a knife or an auto, or a bar of soap in the bathtub. And these are not outlawed. But I'll tell you something, I'd a damn sight rather face a man with a slingshot than a .38 caliber pistol.

TO KNOW IS TO FEAR

Look, Baby, I know about guns. Maybe more than a lot of nuts who think I should be deported. I grew up on guns, hunted with them when I was a kid and fought two wars with them. And maybe that's why they scare the hell out of me now, and I don't want any part of them.

Nobody has ever seriously suggested that all the guns be confiscated in this country, that the hunter be denied his sport. Just a uniform federal law that will make it difficult to buy a piece of machinery designed to kill another person.

Sure, I know that criminals and idiots and flaming nitwits are able to get a gun illegally, but that's largely because there are so damn many guns available.

Local, statewide gun laws are admirable, but ineffective. What does it matter if a man is denied a gun in one state, and has only to walk across the line to buy it in another?

A man bought a rifle from a mail-order house to kill a President, another got his at a sporting goods store and assassinated one of this country's finest black leaders. A senator died from a madman's pistol.

How much longer are we going to make it easy for a man to shoot a governor, or kill a kid riding home on an L train?

NIXON'S CHOICE SEEMS PROPER

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. CHAMBERLAIN. Mr. Speaker, a thoughtful editorial appearing May 10 in the Jackson Citizen-Patriot, in assessing President Nixon's decision to mine North Vietnamese ports, comments:

It appears that the President had done his homework well, and that the blockade and mining actions were more startling to the American people than anyone else. It is questionable that any sane American actually endorses war, but when one is so engaged one of the primary precepts is to cut off the enemy's lines of supply.

The editorial goes on to underscore a number of points which I believe have been too often overlooked by many critics of the war, particularly in the past few days, and I commend it to my colleagues:

NIXON'S CHOICE SEEMS PROPER

The die is cast.

President Richard M. Nixon has decided to exercise an option in the Vietnamese war that his predecessors shied away from—the mining of North Vietnamese harbors and a form of blockade.

It was a bold move, reminiscent of the showdown with the Soviet Union over Cuba, and certainly the gravest commitment of United States power—both political and military—since then.

Reaction at home was far stronger than that emanating from the capitals of the Communist nations most directly affected.

The real reason question, politics aside, is whether the President can pull it off. If he does, he'll have won big. If he's been too bold, he'll go down as the loser of the century.

The President, in presenting his case to the American people on television, didn't act as though he was over-playing his hand, but rather like a poker player holding a royal flush.

Although the Russians, and presumably the mainland Chinese, were advised in advance of his speech, hardly a ripple emerged from them in the first 24 hours.

Tass, the official Russian news agency, said the President was engaging in undisguised aggression. Peking was silent. None of the usual engaging in diatribes.

In fact, the silence from those capitals of the world where the United States has been the favorite whipping boy, is deafening.

Obviously the President took what looks like a startling risk. It makes one wonder what John F. Kennedy would have done in the same circumstances, for after all it was Kennedy who called Premier Khrushchev's bluff over Cuba.

There are some noticeable differences this time. Nixon didn't call up the reserves or guard, nor did he put them on alert status. He hasn't yet beefed up our forces anywhere, aside from the buildup of naval and air forces needed to begin the mining and blockade of North Vietnam.

Nixon spoke of the interdiction of ships bound for North Vietnamese ports, but it wasn't nearly as strident as the tones used by Kennedy.

Several questions remain unanswered for the moment. For example, what happens if the Russians send in mine sweepers? Do our forces try to halt them?

What happens if a blockade runner hits a mine? Depending on which country owns the ship, it could provoke a very serious situation.

Yet, in the background of it all, President Nixon comes through as though he knew those answers before he ordered the mine fields laid.

His assistant for national security affairs, Henry Kissinger, has been a very busy traveler lately, and his trips have included a 4-day stay in Moscow, some time in Paris—where every nation has representatives—and various other national capitals.

In addition, Secretary of State William Rogers has been busy traveling around European capitals.

Kissinger doubts Moscow will find the blockade more than a temporary irritant, and still thinks President Nixon will be welcome later this month.

It appears that the President had done his homework well, and that the blockade and mining actions were more startling to the American people than anyone else.

It is questionable that any sane American actually endorses war, but when one is so engaged one of the primary precepts is to cut off the enemy's lines of supply.

The mine-laying and blockade, together with the bombing of railroads and highways is aimed at that specific military objective.

Theoretically, the ships now in North Vietnamese waters will get out before the mines arm themselves sometime Thursday. If they do not, they could be trapped there indefinitely.

One recent report from the Orient said the North Vietnamese were deliberately keeping the Haiphong Harbor filled with ships, not letting empty ones leave until more loaded ones arrived.

The theory advanced was that this would effectively prevent United States planes from attacking the port facilities.

Such bombing attacks would not be necessary if mines prevented shipping from entering the ports.

Barring Russian or mainland Chinese attempts to break the blockade militarily, interdiction of ships would settle down to stopping the very considerable shipping carried on by junks, wooden craft that can steal along in shallow water and avoid mines.

Only time will tell how correct the President was in making this particular move at this time, but on the surface, at least, it appears to be one that was well-thought-out and proper as of the time he made it.

CUBAN INDEPENDENCE DAY

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. ROGERS. Mr. Speaker, for some time now the Russian naval presence in the Caribbean and especially its use of Cuban ports has been a source of grave concern for me and the people of south Florida.

These activities have been cause for even greater interest with the visit of Soviet missile submarines. Last week there was a Russian missile submarine in a Cuban port. A situation which has become all too familiar.

The most recent visit is additionally noteworthy because the Congress and the American people were led to believe that there was a so-called understanding reached as a result of the 1962 Cuban missile crisis with a provision that the Soviets would not install offensive missiles in Cuba.

But the Russian submarines are in themselves offensive weapon systems and under the so-called understanding, I feel these visits by missile submarines violates the terms of that "understanding."

In 1970 I asked the State Department, the Defense Department and the White House to explain the "understanding" in light of Soviet submarine activity in Cuba during October and November. The Department of Defense would only echo that there was an "understanding" and that it had not been abridged.

I have written the President, asking him to reveal, directly or through the appropriate Department, the exact terms of that "understanding" so that the people of this Nation know full well whether the potential threat posed by Soviet offensive missile submarines is, in fact, a violation of the "understanding," or whether this action has the approval of the administration.

I have also asked the President to include the item of Soviet missile submarines in Cuba on his agenda for his visit to Russia. Depending on the answer, this may well be a new ploy in reviving the cold war tactics of years gone by, or it may be a reflection of the actions taken by this Nation to combat invasion of South Vietnam by the North. In any case, I feel the American public deserves to know the facts surrounding missile-deployment in Cuba via Soviet submarines. I would also like to enclose an editorial from the Miami Herald on this subject, which makes the point that my colleague, Mr. Fascell, agrees that we should be given the facts in this case.

The article follows:

With A Soviet Sub In Cuba, Where's The "Understanding"?

Since 1969, the Soviet Union gradually has stepped up its naval presence in the Caribbean, and its use of Cuban ports to maintain that presence.

Because this has included submarines and warships with missile firing capabilities, it has created at least the potential of another crisis like that which occurred in 1962.

Last fall, in testimony before the House subcommittee on Inter-American Affairs, the Nixon administration said there had been an understanding after the 1962 crisis by which the Soviet Union agreed not to install offensive weapons systems in Cuba or the Western Hemisphere.

The Nixon administration further told the subcommittee that this understanding had been "extended" in October, 1970, to preclude a military naval base in Cuba.

A diesel-powered Soviet submarine carrying three ballistic missiles of 650-mile range now has entered Nipe Bay on Cuba's north coast. If this does not make it a military support base, and these are not offensive weapons, it is difficult to see why not.

Since Soviet subs have been prowling off America's coasts for some time now and since the advances in weaponry have already made both American and Russian cities hostages in a balance of terror, some see this as no alteration of that balance. They view it as more of a political problem.

Yet quite clearly a Cuban port gives considerably increased range, mobility and convenience to Soviet subs. We do not see how that can fail to be important militarily.

The New York Times quoted a Defense Department official, "This looks like steady escalation. All that's left now is for them to bring in a nuclear sub with ballistic missiles and they'll be crowding the so-called "understanding" between us."

U.S. Rep. Dante Fascell, chairman of the House subcommittee on Inter-American Affairs noted the "continuing penetration" of the Caribbean and called it disturbing.

"Congress and the American people were assured that there was an 'understanding' between us and the Soviet Union over the introduction of offensive strategic weapons into Cuba, he said. "The president owes Congress and the American people a fuller explanation of what such an 'understanding' means if anything."

We agree. When the Nixon administration announced the expanded understanding of 1970, it was described as an important achievement that grew out of a test of will between the two superpowers.

The test of will continues, and we think it an appropriate time for a new appraisal from the administration on just how the test goes.

MONROE JACKSON RATHBONE

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. ROONEY of Pennsylvania. Mr. Speaker, on April 14, Lehigh University officially dedicated its new dining hall to one of its most prominent graduates, Monroe Jackson Rathbone. Mr. Rathbone, who was graduated in 1921 with a degree in chemical engineering, has served as a trustee of the university since 1948 and has been president of its board since 1957. He retired in 1965 as chairman of the board and chief executive officer of Standard Oil Co.—New Jersey—and chairman of its executive committee.

After Army service in World War I, Mr. Rathbone, a native of Parkersburg, W. Va., graduated from Lehigh, where he was a member of Tau Beta Pi, national engineering honor society. Following graduation, he took his first job as design and drafting engineer at the Baton Rouge refinery of Standard Oil Co. of Louisiana, now part of Humble Oil and Refining Co.

Through successive promotions, he became president of the Louisiana company, then a refining and marketing affiliate of Jersey Standard. While at Baton Rouge, he saw the refinery through many petroleum industry "firsts," including the commercial-scale production of butadiene for the manufacture of synethetic rubber, the commercial production of butyl rubber and of toluene from petroleum. The refinery was the site of the first "fluid" catalytic cracking unit and one of the first large-scale producers of blending agents for 100-octane gasoline.

In 1944, when the Louisiana company was merged with Esso Standard Oil Co., Mr. Rathbone came to New York as president of Esso Standard. He remained in that post until his election to the Jersey Standard Board of Directors in 1949.

In January 1954, Mr. Rathbone was elected president of Jersey Standard, and simultaneously became vice chairman of the company's executive committee. He was named chief executive officer and chairman of the executive committee in 1960. In 1963, continuing as chief executive officer, he was elected chairman of the board.

He is a director of American Telephone & Telegraph Co., Triangle Industries, Inc., Prudential Insurance Co., Tropigas International, Inc., Louisiana National Bank, Nuclear Systems, Inc., and Rolamite, Inc. He is an honorary director of the American Petroleum Institute and was chairman of its Board of Directors in 1960 and 1961. Mr. Rathbone is also a member of the business council and a director of the advertising council.

His interest in education has involved him in many charitable organizations. He is a director of the Teagle Foundation, Inc., the Deafness Research Foundation, and chairman of the National Fund for Medical Education. Until recently he was also a director of the Council for Financial Aid to Education, Inc.

Mr. Rathbone served as president of the Lehigh Alumni Association, 1948–49. In 1954, he received an honorary doctor of engineering degree from Lehigh.

Mr. Rathbone holds other honory degrees from the University of Chatanooga, Marietta College, West Virginia University, West Virginia Wesleyan University, Lafayette College, Marshall University, and Pace College. He received the honor award of Stevens Institute of Technology in 1957, the Gold Medal of Merit from the University of Pennsylvania's Wharton School Alumni Society in 1962, and the International Palladium Medal presented by the American Section of the Société de Chemie Industrielle in 1964.

The American Institute of Consulting Engineers presented him with its 1961 Award of Merit; the Deafness Research Foundation conferred its first Humanitarian Award upon him in 1962, the National Fund for Medical Education gave him its Frank H. Lahey Memorial Award in 1963; and he was the recipient of the 1964 Pace College "Man in Management" Award.

He holds the Distinguished Service Citation of Junior Achievement, Inc.; the rank of knight commander, Order of St. Olav, of Norway; commander in the Order of Orange Nassau of the Netherlands; and commander of the Order of Leopold II of Belgium.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting in the RECORD the April 24 edition of the news bulletin of the American Revolution Bicentennial Commission. I take this action to help my colleagues keep informed of activities across the Nation leading to the celebration of our Nation's birthday in 1976. The bulletin is written and compiled by the Communications Committee staff of the Commission. The bulletin follows:

BICENTENNIAL BULLETIN

The ARBC Executive Committee met on Thursday, April 20, and reviewed such agenda items as ARBC Policy/Procedure for endorsement/Recognition, the Bicentennial Parks Feasibility Study, the Philadelphia International Expo and the Program Committee Advisory Panels. Other items reported on included a Policy for Nationwide Solicitation from Individual Citizens, the Joint Advertising Council Program, the Coins and Medals Program, the Status of ARBC Legislation and a Financial Report.

Two prominent representatives from the ethnic press were named to serve on the ARBC Communications Committee during its meeting on Tuesday, April 18. Joining the 15-member committee are Sherman Briscoe, Executive Director for the National Newspaper Publishers Association, which represents over 70 Black papers in the United States, and Ignacio E. Lozano, Jr., publisher of La Opinion, a Los Angeles, Spanish-written daily.

Women and their involvement in the Bicentennial was the topic of conversation on Monday, April 17, when twenty-five top professional women representing national organizations met at the ARBC headquarters. Major consideration was given to discussions on planning for Century Three and particularly nationwide projects under the Horizons '76 theme. The B'nai Brith Women, National Organization of Women, Church Women United, Black Women's Caucus and Americans for Indian Opportunities plus organizations such as the Leadership Foundation, the American Red Cross, League of Women Voters and American Women in Radio and TV explored various similar goals for the future.

The third new member of the Communications Committee represents the National Newspaper Association and its 7,000 plus member newspapers. Mr. Theodore Serrill, Executive Director of the NNA, was represented at the meeting by Richard Dew, General Manager of the Pennsylvania Newspaper Publishers Association. Serrill had been appointed just prior to the April meeting.

The ARBC's Philatelic Advisory Panel met on Tuesday, April 18, with John C. Chapin, Chairman, presiding and reporting on the Bicentennial Poster Program procedure. Speial reports were given on future stamp shows and youth participation. Mr. Gordon Morison of the U.S. Postal Service discussed plans for the first day of issue ceremonies of the four new Bicentennial stamps from Williamsburg on July 4th. The Panel also discussed the P.N.C. (Philatelic-Numismatic Combination) which will feature the Bicentennial Stamps and the First Bicentennial Medal which will also be ready by July 4th. The U.S. Mint, under the direction of Mary Brooks, is responsible for the Medal.

The Town Affiliation Association (Sister Cities) has notified the ARBC through its President, F. W. Brittan, that the Association is accepting the Bicentennial challenge outlined by Congress and the President. The Commission will present a full Bicentennial report at its 14th Annual Town Affiliation Conference to be held in Seattle, August 16–19, 1972. At its last annual conference, the Board named a Bicentennial Planning Study Subcommittee and charged it with developing programs of substance which cities can carry out with their affiliates throughout the world. Mrs. Ruth Stevens is Chairman with Harris-Ragan Management Corporation of Los Angeles serving as project consultants. Presently they are conducting a Bicentennial planning study for TAA in cooperation with the Bureau of Educational and Cultural Affairs of the U.S. Department of State.

It has been reported that all major Northern Virginia jurisdictions are now in the process of planning activities for the state's participation in the Bicentennial celebration beginning in 1974. Fairfax, Arlington and Alexandria have already appointed committees to make studies and formulate plans. One Bicentennial group, the Virginia Gateway Association is headed by acting director James W. Goldsmith who also heads the Alexandria Commission. The Association's main purpose, Goldsmith explained, is to coordinate activities in Northern Virginia. "The Association would also allow the Northern Virginia area to speak with one voice both to the Commonwealth and to the National Commission."

The Honorable Orval Hansen, U.S. Representative from Idaho Falls, Idaho, recently proposed making the log cabin in which sculptor Gutzon Borglum was born a national historic landmark or a national monument. Borglum is credited with carving the world-famous busts at Mt. Rushmore. Congressman Hansen has enlisted the support of Secretary of the Interior Rogers C. B. Morton and George Hartzog, Jr., Director of the National Park Service for this project.

Former Congressman John Marsh, Jr., ARBC Commission member, said recently that he hopes that the National Guard Association of the U.S. will have a series of studies completed in May on their Bicentennial involvement. Mr. Marsh serves as Chairman of the group designated by the Association to determine specific projects for inclusion in a National Guard Association Bicentennial program.

At the last Western Fairs convention, which represents some 7,000 members of Fair Associations in the West, Midwest and Canada, Mr. Richard Pourade, Editor Emeritus of the San Diego Union, represented the ARBC Communications Committee and delivered an address at a special panel entitled "Hitting a Patriotic Target." Mr. Pourade concluded his speech by saying, "You must reach the people and arouse them. You must take the Bicentennial to them so that people can be brought together in a national celebration."

The Bicentennial Council of the Thirteen Original States met in Charleston, South Carolina from April 13th to 16th. The two-day meeting included business sessions and tours of historic sites in Charleston. The Council approved various plans including a Debate Tournament to be held annually at Williamsburg, Virginia beginning in 1974. James T. McKinstry of Delaware was chosen to replace Bruce K. Price of Maryland as Treasurer until the June meeting of the Council in Princeton, New Jersey.

ARBC extends deepest sympathy to the family of Martin Pinsker, whose untimely death occurred April 13th. Mr. Pinsker was Director of Programs for CBS Radio Division and a member of the ARBC Communications Committee.

A PETITION TO THE PRESIDENT

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. HARRINGTON. Mr. Speaker, I have just had called to my attention a petition from a number of men serving in Destroyer Squadron 15 home-ported in Yokosuka, Japan. In addition to including some eloquent arguments against our senseless policy in Indochina, it makes some specific requests for needed repairs to at least one of the ships in the squadron.

It is men like those involuntarily aboard these ships who are bearing the brunt of our tragically mistaken policy in Indochina, and the sacrifice they are being forced to make to preserve some outdated and self-defeating concept of power politics entitles them to be heard, and to be answered. I am sending their letter on to the Secretary of the Navy with a request for an immediate answer to their charge, and at this point I wish to insert their petition in the RECORD so that it can be brought to the attention of all Members of this body. I urge my colleagues to keep it in mind when we vote on the end-the-war amendment that I hope the Foreign Affairs Committee will soon be bringing before us.

The petition follows:

U.S. FLEET ACTIVITIES YOKOSUKA,
YOKOSUKA, JAPAN,
May 14, 1972.

RICHARD M. NIXON,
President of the United States,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are men of the Destroyer Squadron 15 of the U.S. Seventh Fleet which has been on 'extended deployment' here in Yokosuka, Japan since October 26, 1971.

When we were first deployed here to the Far East we believed and hoped, along with the majority of the American people, that the U.S. involvement in the war in Vietnam and other Indochinese countries was nearing its termination. Unfortunately, however, after having arrived in the Eastern theater we have seen with our own eyes that while the number of our ground troops in Vietnam may be slowly decreasing, there has been a drastic increase in our naval, naval air, and marine strength in the waters off the coast of Vietnam, both North and South. This, of course, does not include the increase in numbers of planes and men stationed in Thailand and other places throughout the Far East.

In your speech of May 9, Mr. President, you said you desired peace, yet you announced a major escalation of the war, i.e. the mining of North Vietnam's harbors, continued and enlarged air strikes, and a naval blockade of the North Vietnamese coast. Mr. President, we wish peace. We do not believe that this further escalation of the war will bring either peace or the release of our prisoners of war which all Americans so fervently desire. In their more than thousand year history the Vietnamese people have fought many bitter, long and eventually successful battles against foreign invaders such as Chinese, Japanese, French, etc. We believe the time has come for the Vietnamese and other Indochinese peoples to be allowed to settle their own affairs free from any outside interference, ours or any other country's. The cessation of such interference is, Mr. President, what we believe to be the true key to peace in Indochina.

We are also writing this letter to you, Mr. President, concerning a related issue to the war, i.e. our own ship's involvement in the conflict. We have recently returned to Yokosuka after a total of 205 days at sea, out of which a total of — days we were on the fun line off the coast of North Vietnam on the so-called 'Freedom-Train'. During this period we sustained slight damage from North Vietnamese shrapnel as well as many mechanical failures. Believing that extensive repairs were necessary for the safe operation of our ships, we put in numerous requests for repair work. These requests, however, were cut to almost nothing because of lack of money and insufficient time in port to do them in. We are also lacking in the number of personnel to do ship-board work, and our ships don't have the money to buy parts and material to fix and maintain a *safe* operating plan.

Concretely, what kind of repairs have we been asking for? In the boiler room on the U.S.S. Parsons, for example, we requested that all the hand-hold plugs be milled and the headers reworked in order to reduce leaks and possible failure of the pressure parts. We also asked for 76 different things relagged to replace oil-soaked and bad lagging in order to reduce fire hazards and personal injuries to the crew members. All of these were called unnecessary and skipped over because of insufficient time in port. These are only two small things out of all the work requests asked for. When we don't get all the leaks in the steam lines and valves fixed it is endangering our lives, and when we go to war we feel that we should at least have our ships in a combat-ready condition to minimize the risk to our own lives.

Furthermore, the helm on the Parsons, which is one of the most vital instruments on the ship, is in bad need of repair. When changes of course are necessary the helm is very slow in 'answering up'. In the event of attack, this fault could be very costly. The causes of this problem in the helm have never been investigated, and at present helmsmen on the ship are very hesitant to steer it.

Since we are in a state of war (although the Congress has never formally declared one as required by the U.S. Constitution) it is possible, Mr. President, that you might feel that due to the limitation of time it is unavoidable that we are unable to effect such necessary major and minor repairs. This may be true in the case of the U.S.S. Anderson and Bausell which are scheduled to leave for Vietnam in the near future. We find it difficult to understand, however, why there is no time for repairs on the U.S.S. Parsons when there is time for it and another U.S. naval vessel to participate in the three-day "Black Ship Festival" (commemorating Commodore Perry's first visit to Japan in 1853) in Shimoda, Japan from May 16 to 18, carry dependents to Shimoda and back on board ship, etc., and yet still not have time for these urgent repairs.

Furthermore, Mr. President, we feel that it is our duty to bring to your attention the present living and working conditions which prevail aboard our ships and many other ships of our size and class. It is no exaggeration to say, Mr. President, that the morale of our ship's crews, particularly of the enlisted men, is more conspicuous by its absence than by its presence. The reasons for this are numerous, although perhaps the greatest single reason is the general feeling of the crew, even among some senior enlisted men and officers, that we are fighting a meaningless war. The general feeling is compounded, however, by the actual living and working conditions which prevail aboard our ships at present.

For example, morale is low (nil, actually) because of the endless, miniscule, minute things that we are hassled for! Haircuts are a good example. Although almost everyone's hair is within the new prescribed limits, we are told to get it cut. There have been times on the Parsons when we have not been allowed to eat because our hair was considered outside of the standards. We are hassled about our civilian clothes, about simple things like Peace patches on our jackets. And our government is said to be wholeheartedly for peace!

It is unfortunate that the new regulations are set up the way they are. The decision, for example, as to length of hair is left to the judgment of the individual commands. The decision as to what the crew, or staff, of a ship or base shall wear on liberty is left up to the personal whims of the base's (or ship's) commanding officer. So, in effect, we have no choice but to comply, or to be persecuted and discriminated against.

Also we can understand the necessity for searching packages and large manila envelopes for possible drugs and other contraband. However, it is very distressing and unwarranted or liked to have personal mail in letter form from family and friends opened, read, and censored. Furthermore, for us not to know when or in what shape our letters and packages arrive or even if they do arrive when we send them is equally disturbing. We believe that is uncalled for to censor and search letters and open tape mailers. When they are opened they should at least be resealed and marked as having been searched and read. If this were done we could at least know why when we find words marked out and pages and newspaper clippings missing from our letters!

We would also like to say that we are neither informed about what is happening in the rest of the world nor about what our role is in the war zone. We get little news and what we do get through such military newspapers as the "Stars and Stripes" is so censored and cut that the truth is distorted and the facts of the situation incomplete. We think it is only fair and well within our rights as individuals and tax-paying citizens to be informed and told what is going on around us and in the rest of the world.

In summary, Mr. President, we appeal to you, to the Congress of the United States (to whom we are also sending copies of this letter) and to the American people to bring the war in Indochina to an end, not through escalation, but de-escalation, not through a show of force, but through a show of peace. There are none of us in this Destroyer Squadron who would not be willing to sacrifice even our lives in the defense of our country from foreign attack. We do not believe, however, that the defense of the United States necessitates our going more than 5,000 miles away to destroy a small nation and her people. Once again, Mr. President, we ask for peace.

Sincerely,

(Signatures not printed in the Record.)

NEWARK CELEBRATES CUBAN INDEPENDENCE DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. RODINO. Mr. Speaker, 70 years ago on May 20 the Cuban people attained freedom. The United States was deeply involved in the struggle of the Cuban people for independence, and in fact went to war with Spain to aid their liberation movement.

Unhappily, Cuba is now again in bondage. However, the citizens of the United States continue their unswerving dedication to the cause of liberty for the Cuban people. Many exiled Cubans have settled in my native city of Newark, but they retain their fighting spirit and courageous determination. I am indeed proud that the city of Newark has recognized their unceasing fight for national independence, in commemorating this week by authorizing the flag of Cuba to fly over Newark's city hall. This symbolic gesture will help to stir all freedom-loving people to rededicate themselves to the cause of human dignity and the inherent right of all men to live in freedom.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SENATE—*Monday, May 22, 1972*

The Senate met at 11:30 a.m. and was called to order by Hon. Harold E. Hughes, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, in whom our fathers trusted, we pray for this Nation that it may be great and good and strong in these perilous days. And for all nations, we pray that they may prosper in justice and righteousness under Thy sovereignty. Guide all rulers that they may concert their best efforts for the concord, security, and well-being of all the people. Give to the President, journeying, mercies and wisdom and guidance to further the peace of the world and the advancement of Thy kingdom. And to us give Thy grace which is sufficient for our daily needs.

We pray in the name of the Prince of Peace. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 22, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HUGHES thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the followed bill in which it requests the concurrence of the Senate:

H.R. 14989. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 18, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations under "New Reports."

There being no objection, the Senate proceeded to consider executive business.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The ACTING PRESIDENT pro tempore. The clerk will state the nominations under "New Reports."

The SECOND ASSISTANT LEGISLATIVE CLERK. Nominations placed on the Secretary's desk in the Diplomatic and Foreign Service.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

INTERSTATE AGREEMENT REGARDING CERTAIN MOTOR VEHICLE FEES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 761, H.R. 9580.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read the bill by title, as follows:

A bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreement with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That the Commissioner of the District of Columbia may, with the approval of the District of Columbia Council, enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, which shall stipulate that any person—

(1) who operates in the District of Columbia and in the State which is a party to the agreement a single unit motor vehicle which has three or more axles and which is designed to unload itself;

(2) who has registered that motor vehicle in the District of Columbia or in that State; and

(3) who but for the agreement is required to pay the fee for an annual hauling permit prescribed by the fifth paragraph under the heading, "General Expenses" in the first section of the Act of July 11, 1919 (D.C. Code, sec. 5–316), and a similar fee imposed on the motor vehicle by that State;

shall not be required to pay a fee described in paragraph (3) which is imposed by a jurisdiction other than the jurisdiction in which the motor vehicle is registered. If the Commissioner enters into an interstate agreement under this Act, he may adjust the annual hauling permit fees of the District of Columbia referred to in paragraph (3) so that the total amount of fees (including registration and inspection fees) required for the operation in the District of Columbia and in each State which is a party to such agreement of the vehicles referred to in paragraph (1) shall be uniform.

SEC. 2. The Commissioner of the District of Columbia may, with the approval of the District of Columbia Council, enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both pursuant to which the parties to such agreement may assist each other in the enforcements of its laws relating to traffic (including parking violations).

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–794), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSES OF THE BILL

The purposes of the bill H.R. 9580, as amended, are to authorize the Commissioner of the District of Columbia to enter into interstate agreements with the Commonwealth of Virginia, the State of Maryland, or both, in two areas: First, to authorize a person who operates both in the District of Columbia and in one of these party States, a single unit motor vehicle with three or more axles, capable of unloading itself, and who but for such agreement would be required to pay the fee for an annual hauling permit in the District of Columbia and also a similar fee in the party State, to pay such fee only in the jurisdiction in which the vehicle is registered; second, to allow any of these jurisdictions to withhold licensing of a motor vehicle if the owner of that vehicle has outstanding traffic violations in any of the jurisdictions.

HEARING

A public hearing by the full Senate District Committee on this bill was conducted on February 4, 1972. Testimony on the measure was offered by spokesmen for the District of Columbia, including both the Highways and Police Departments; the Excavating and Equipment Association; Minority Truckers, Inc.; and the Washington Area Truckers Association.

BACKGROUND

1. District of Columbia truck fees

Prior to April 5, 1971, the District of Columbia issued special hauling permits for single-unit, self-unloading trucks up to a gross weight of 49,000 pounds (the maximum loaded weight then allowed for such vehicles on District streets) for an annual fee of $28.

Public Law 91–650, however, approved January 5, 1971, and effective April 5, 1971, contained a provision (D.C. Code, sec. 5–316; 84 Stat. 1930) which increased the maximum weight allowable for such trucks to 65,000 pounds, and required that all single unit, self-unloading motor vehicles with three or more axles, and with a loaded weight in excess of certain prescribed limits (for most such vehicles, 44,000 pounds) obtain an annual hauling permit. The fee for such hauling permit was established (1) for trucks in service prior to July 1, 1970, at staggered rates, depending upon the size of the truck, ranging from $380 to $680; and (2) for all such vehicles placed in service after July 1, 1970, a fee of $680. All such vehicles which are operated in the District of Columbia, whether registered in the District or elsewhere, are subject to this requirement.

In addition, trucks registered outside the District of Columbia and operated from point to point within the city are required to be registered and licensed in the District as well. The annual fee for such registration varies from $53 to $269.50, depending upon the weight capacity of the vehicle.

2. Maryland truck fees

A dump truck with a gross weight not in excess of 48,500 pounds, registered outside the State of Maryland, may be operated in Maryland on an interstate basis with no charge on the part of the State. This is comparable to the practice in the District of Columbia, except that the maximum weight limitation is 48,500 pounds rather than 44,000 pounds as in the District. If such a truck is operated from point to point within the State of Maryland, however, it must be registered in Maryland for an annual fee of $280. The fact is, of course, that most dump trucks in service today will exceed this weight limitation.

A typical modern single unit dump truck with a wheel base of 16 feet and a gross weight of more than 48,500 pounds but not in excess of 65,000 pounds, registered outside of Maryland but operated either interstate or from point to point within that State, is presently required to obtain a special "dump service registration" in Maryland, the annual fee for which is computed at $13 per thousand pounds. Thus, a 65,000 pound dump truck from out of State operated in Maryland, is subject to an annual fee of $845 for its dump service registration in that state. In effect, it may be said that this special privilege is granted in return for the payment of a $565 fee, because the $845 "special registration includes the base fee of $280 referred to above.

The basic difference between the systems employed by the District of Columbia and Maryland with respect to these fees is that the District adds a separate hauling permit fee to the basic fee, while Maryland issues a special registration for a single fee which includes the basic fee. The final result, however, is really the same. It is to be noted that the maximum weight allowed for such trucks is 65,000 pounds in both jurisdictions.

3. Virginia truck fees

Virginia does not allow single unit dump trucks of gross weight in excess of 50,000 pounds to operate within that State, and does not levy any overweight fee in addition to its annual registration fees for such vehicles. Actually, the registration fees in Virginia have no application to the purpose of H.R. 9580, because since 1947, the District of Columbia and the Commonwealth of Virginia have had a reciprocal agreement whereby trucks registered in either jurisdiction may operate in the other, without being required to be registered and licensed in the other jurisdiction.

For this reason, single unit dump trucks registered in the District of Columbia can operate in Virginia only if their gross weight is not in excess of 50,000 pounds, and within this weight limitation there is no fee required for such operation. Also, a dump truck registered in Virginia can operate from point to point within the District of Columbia without a District registration. However, if such a Virginia vehicle weighs more than 44,000 pounds, the annual District of Columbia hauling permit is required for its operation in the District.

4. Parking tickets

The District of Columbia Revenue Act of 1971, Public Law 92–196, contained a provision which authorizezd the police in the District of Columbia to impound a motor vehicle against which there are at least two warrants or outstanding unsettled traffic tickets, if found unattended and without regard to whether the car is at the time parked in violation of the traffic laws of the District. While this provision has worked well, it does require the impounding of an individual's vehicle, causing both additional expenses to the District and to the individual involved. In fact the loss of revenue to the District of Columbia from unpaid traffic tickets is quite sizable as the following table indicates:

PARKING TICKETS—1970 AND 1971

[Figures rounded]

	Calendar 1970			Calendar 1971		
	Issued	Paid	Percent paid	Issued	Paid	Percent paid
License plates from:						
District of Columbia	371, 600	236, 000	63. 5	341, 900	319, 000	93. 2
Maryland	216, 000	126, 000	58. 2	247, 600	155, 300	62. 8
Virginia	149, 499	84, 000	56. 0	197, 000	87, 200	44. 2
Other States	267, 400	53, 000	19. 8	303, 100	61, 400	20. 2
Total	1, 005, 000	499, 000	49. 5	1, 089, 060	623, 100	57. 2

Much if not all of this loss could be eliminated if the jurisdictions involved could enter into agreements to collect the unpaid traffic tickets or require their payment prior to the yearly issuance of license plate renewal for motor vehicles.

NEED FOR LEGISLATION

Because the District of Columbia is really the center of a larger metropolitan area which encompasses parts of two States—Maryland and Virginia—in addition to the District, certain problems have arisen which can best be resolved by agreement between the several States and the District of Columbia government. Two of these are considered in this bill: the multiple charges paid to several jurisdictions as a hauling fee in order to load and dump materials which have originated in the District and the inability of the several jurisdictions to fully enforce their traffic laws because of an inability to collect fines which may be due for traffic violations.

The committee is advised that since the maximum fee of $680 for the District of Columbia annual hauling permit went into effect last April, the small-scale truck operators in Maryland are faced with a serious dilemma in that this new charge is making it difficult for them to stay in business. The nature of the dump trucking business makes interstate operation of such vehicles within the metropolitan area virtually imperative . . . and even though there are frequent instances in which owners of these trucks are obliged to operate their vehicles on an interstate basis for only very short periods of time in order to fulfill a contract, regardless of the time limit the full annual fee must be paid. On many such instances, Maryland contractors have requested temporary tags in the District, which are relatively inexpensive, for short periods of time. However, this relief is not available to them because such temporary tags do not constitute a registration which would comply with present District of Columbia law requiring registration of such trucks operating from point to point within the District. Thus, relief from the fee of $269.50 for such registration of 65,000 pound trucks in the District is not available to Maryland operators even for an operation of only a few days' duration.

Similarly, the small operators in the District of Columbia are faced with the same problem, as they now must pay this substantial new fee to the District, in addition to the dump service registration fee they must pay to Maryland. This latter fee is virtually requisite for District of Columbia dump truck operators, because the available dumping sites in the District are nearly filled at this time, and with the 50,000 pound weight limit imposed by Virginia, these large trucks must carry their loads in most cases into Maryland for dumping. For this reason, we are informed that the vast majority of the trucks that are housed in the District of Columbia are registered also in Maryland. And this necessity can only grow more acute as it is estimated that any dumping or fill sites in the District will be unavailable approximately 6 months from the present time. As is the case with Maryland trucks operating in the District, there is no relief available for the District of Columbia operator going into Maryland for only short periods of time.

To summarize, at present a 65,000 pound dump truck, single unit and with three or more axles, registered in the District of Columbia must pay a fee of $845 per year to operate in Maryland; and such a truck registered in Maryland and operating in the District must pay a fee of either $680 or $949.50 to the District per year, depending on whether or not it is used for hauling from point to point within the city.

Under present circumstances, as described in this report, there is no present problem existing between the District of Columbia and the State of Virginia in regard to the interstate operation of these trucks. As has been explained, the only existing fee which is levied in connection with the operation of dump trucks between these two jurisdictions is the District of Columbia hauling permit fee which such vehicles registered in Virginia and with a gross weight in excess of 44,000 pounds must pay if they operate in the District.

However, while having little or no significance at the present time, the instant legislation may well become extremely important in the near future. Should Virginia increase its present maximum weight limitation of 50,000 pounds on such vehicles, perhaps to the gross weight maximum of 65,000 pounds now existing in both the District of Columbia and Maryland, it can be expected that some substantial increase in fees for the operation of such heavy vehicles in the State will accompany such an action. It must be recognized that this is a possibility, in view of the pending excavation work to be anticipated in connection with the construction of the portion of the Metro system to be built in northern Virginia. And should this be the case, then the truckers in both Virginia and the District of Columbia will jointly face the the same dilemma which presently confronts the truckers operating in both the District and Maryland.

In the absence of such agreements as this bill will authorize, the only alternative for these truckers, many of whom are members of minority groups and are small businessmen, other than to go out of business, will apparently be to increase the charges for their services. Any such increase would materially raise the cost of construction of the Metro system and other large public building projects in the area, to the disadvantage of the taxpayers in general.

Your committee is advised that the District estimates that it will receive annual revenues of $347,250 from the present District of Columbia annual hauling permit fees. Of this amount, $243,000 will be attributable to trucks registered in Maryland, and $3,450 from trucks registered in Virginia. Should the enactment of H.R. 9580 result in these revenues from the truckers whose vehicles are registered in both Maryland and Virginia being lost to the District, then the revenue loss from this source will total $246,450 per year; or over a period of 5 years, the total such lost revenue will be some $1,232,250.

AMENDMENTS

It is the committee's view that the several jurisdictions in the area should not be taken advantage of by scofflaws who at the present time can violate traffic regulations secure in the knowledge that there is no reciprocal arrangement to force them to pay the fines which they have accumulated. Accordingly, we have added to the House-passed bill an amendment which would allow the various jurisdictions to enter into reciprocal agreements to stop this loss of revenue. This provision would mean an increase in revenues to the District of Columbia of some $5 million for each year and additional increased revenues to each of the surrounding jurisdictions. It hurts no governmental or private entity except for the scofflaw. The Committee also amended the title to reflect the full scope of the bill including the amendment to collect traffic fines.

CONCLUSIONS

It is the opinion of your committee that it would be in the best interests of the District of Columbia and the surrounding jurisdictions if authority were given to the Mayor-Commissioner in his discretion and with the concurrence of the City Council to enter into reciprocal agreements in both of the areas mentioned in this report.

It is undoubtedly a burden on truckers to have to have several licenses and dumping permits to work in this area on a single project such as Metro. Furthermore, this burden is in truth being passed on to the Government as the major builder in the area, so the loss in revenue to the District is partially made up by the savings in costs in the construction of Metro.

Were there to be a net revenue loss to the District of any amount, your committee would not be recommending this legislation. However, as part of this legislation the Congress is also empowering the District government to enter into reciprocal agreements to end the nonpayment of parking tickets. That will cause a revenue increase and your committee assumes that the District government will not enter into only one of these reciprocal agreements without the other also being agreed to.

Because it believes that there is no net revenue loss to the District if the agreements authorized by this legislation are entered into at the same time, and because it believes it to be in the best interests of the District that minority truckers who are registered in the District should not be discriminated against, your committee strongly advocates the enactment of this bill into law.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning fees for the operation of certain motor vehicles, and the enforcement of traffic laws."

THE SUNSHINE MINING DISASTER

Mr. MANSFIELD. Mr. President, the senior Senator from Idaho (Mr. CHURCH) is currently in his State of Idaho. In his absence he has requested that I insert in the RECORD on his behalf remarks and documents pertaining to the Sunshine mining disaster. The remarks were prepared for delivery in the Senate prior to Senator CHURCH's departure last Friday to attend the memorial services for the 91 men who perished in the Sunshine mine.

I ask unanimous consent that this material appear at this point in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

STATEMENT BY SENATOR CHURCH

We are all aware of the recent tragedy at the Sunshine Mine near Kellogg, Idaho. Ninety-one men lost their lives in one of the worst mine disasters in American history.

On Monday, May 15, I testified before a Select Labor Subcommittee of the House Education and Labor Committee, which is conducting an investigation of this fire. In addition, the Senate Labor and Public Welfare Committee has plans for its own investigation into this matter.

Mr. President, one of the most unfathomable aspects of this tragedy has been the refusal of the Nixon administration to declare the Coeur d'Alene mining district, which encompasses Kellogg, a major Federal disaster area. In my view, the administration has taken far too narrow an interpretation of the law in refusing to make this declaration. The Sunshine fire is a disaster of major proportions. The families of 91 breadwinners are in urgent need of help. The economic consequences of this fire are devastating. Yet the administration has refused to act.

Mr. President, I ask unanimous consent to insert in the CONGRESSIONAL RECORD at this point the text of my testimony before the House Select Labor Subcommittee on May 15, together with relevant documents submitted at that time for the House hearing record.

TESTIMONY OF SENATOR FRANK CHURCH BEFORE THE SELECT SUBCOMMITTEE ON LABOR OF THE HOUSE EDUCATION AND LABOR COMMITTEE, MAY 15, 1972

Mr. Chairman, I am here this morning to endorse efforts to investigate the tragic events at the Sunshine Mine in Kellogg, Idaho.

Around 11:00 on the morning of May 2, a fire which at this time is still of unknown origin, exploded into the working area of the mine. As a result, 91 men are known dead. By some miracle, two miners trapped in the mine for several days, Tom Wilkinson and Ron Flory, both of Kellogg, survived.

Governor Andrus of Idaho went to the scene in Kellogg immediately, and made the full resources of the State government availale to aid in rescue operations and to help those in need of assistance. The Governor asked on May 5th, and I backed up his request, that the President declare the Coeur d'Alene mining district a major disaster area. With such a declaration, all the resources of the Federal government could be utilized to assist in cushioning the family hardship which is the toll of such a tragedy. Specifically, such a declaration will make it possible for the bereaved families of these men to obtain unemployment compensation benefits which would not otherwise be available. As of Friday, no definitive action had taken place on the request of the Governor that disaster area designation be given. At that time, I sent a second message to the President asking that immediate action be taken on the request. I ask that the text of the Governor's telegram to the President, my letter of support, and my subsequent telegram requesting immediate action be included in the hearing record following my remarks.

Mr. Chairman, I have been authorized by Governor Andrus to say that he concurs in my appearance before this Committee and joins me in the anticipation that every aspect of this fire will be fully investigated.

Mining is an extremely important industry in Idaho. It has played a vital part in the development of Idaho and is the economic mainstay of the communities in Shoshone County. It accounts for approximately 5 per cent of the total wages paid in the State of Idaho. But, as important as the industry is, our first concern must be for the safety of the miners who work a mile or more beneath the surface. They deserve all possible protection under our mine safety laws. Mining is a hazardous occupation, but that is no reason why we should not attempt to reduce the risk to the lowest level feasible.

Stronger laws and enforcement procedures might have helped prevent the Sunshine fire. This inquiry will help to determine whether that is, in fact, the case. I support a thorough study of the current law with a view toward raising safety standards, strengthening the enforcement aspects, and imposing adequate penalties for non-compliance. This Committee may also wish to look into the advisability of transferring mine safety regulation from the Bureau of Mines to the Department of Labor.

The Governor has asked that I explain to you that he and representatives of the State agencies involved cannot be here today because, as of this time, State personnel are still assisting in the emergency operations, and attempting to gather the relevant facts concerning the disaster.

When the State agencies have completed their investigations, they will cooperate in every possible way with the Congress in the conduct of its investigations into the Sunshine calamity. As you may know, the Senate Labor and Public Welfare Committee has also undertaken an investigation of this disaster. I ask that my lettter to Senator Harrison A. Williams, Chairman of that Committee, requesting an investigation, and his reply to me of May 11, be placed in the hearing record following my remarks, I also ask that a copy of Senator Williams' press release announcing the investigation also be placed in the record.

There are many questions to be answered about the Sunshine fire. This Committee, and its counterpart in the Senate, I know, will do its best to ascertain what happened, and what can be done to keep another such tragedy from striking again in the future.

COPY OF GOVERNOR ANDRUS' TELEGRAM TO PRESIDENT NIXON

President RICHARD NIXON,
THE WHITE HOUSE,
Washington, D.C.

DEAR MR. PRESIDENT: Idaho's people deeply appreciate your personal expression of sympathy and concern for the continuing tragedy at the Sunshine Silver Mine in Northern Idaho.

To insure that the full spectrum of federal assistance is made available, I respectfully urge that you make a Declaration of a Major Disaster for the Coeur d'Alene Mining District, Shoshone County, Idaho.

The following information is submitted to support this request:

A severe fire of unknown origin, and at

this time in an unknown location in the nation's largest silver mine has taken the lives of thirty-two miners. The fate of another fifty miners still trapped within the maze of tunnels is unknown. The welfare of all people affected by the fire is of major importance to Idaho.

State and local, as well as private resources, are committed to their maximum extent. Resources of neighboring states have also been committed in an attempt to overcome this disastrous situation.

Damages to private property involved cannot be estimated at this time. Impact on the entire area could be and would be disastrous if the findings of specialist teams now at the scene are such that closure of the mine was mandatory. The Sunshine Mine is a major source of income for the area and the local economy would be shattered by a closure order at this time.

All state and local government resources capable of providing assistance will continue to be utilized.

Pursuant to Section 1710.31, Federal Disaster Assistance Regulations, I certify that the total of expenditures, obligations and resources utilized by the State of Idaho for disaster relief purposes for all disasters during the 12-month period immediately preceding this request, and for which no federal reimbursement has been or will be received, exceeds $350,000.

Cecil D. Andrus,
Governor of Idaho.

U.S. Senate,
Special Committee on Aging,
Washington, D.C., May 8, 1927.

Hon. Richard Nixon,
President of the United States,
The White House,
Washington, D.C.

Dear Mr. President: The Sunshine Mine disaster is a tragedy with which you are already familiar. I need not review in this letter what has already been prominently portrayed in the media for a week.

Idaho's Governor Andrus has recently called upon you most urgently for assistance to the Kellogg area. His telegram of May 5 delineates the problems which are now being faced and may be expected in the future in this part of my State.

Mr. President, I urge that you give his request for disaster assistance early and favorable consideration. The loss of life at the Sunshine Mine can never be lessened but the Federal government can and should lend every possible assistance to assure that the burden upon the wives, families, community and State be eased as much as possible.

Sincerely,

Frank Church.

May 12, 1972.

The President,
The White House,
Washington, D.C.

A week has passed since Governor Andrus of Idaho called upon you to designate the Coeur D'Alene Mining area a major disaster area in the wake of the calamitous Sunshine mine fire. My own letter to you in support of the Governor's request was sent on May 8th. There has still been no definitive answer to these requests.

It is now known that 91 men have died in the Sunshine fire, leaving many families without a breadwinner. These bereaved families cannot obtain unemployment compensation without a Federal disaster area designation. They are in urgent need of help.

Therefore, I respectfully call upon you once again to implement the request of Idaho's Governor by immediately declaring the Coeur D'Alene Mining District, Shoshone County, Idaho, a major disaster area.

Frank Church,
U.S. Senate.

U.S. Senate,
Special Committee on Aging,
Washington, D.C., May 8, 1972.

Hon. Harrison A. Williams,
Chairman, Labor and Public Welfare Committee, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The immense proportions of the disaster that has occurred at the Sunshine Mine in Kellogg, Idaho, need hardly be described to you. At least eighteen dead have been brought out of the mine and another 75 are unaccounted for, lost in a labyrinth of tunnels a mile below the ground.

There is no way we can restore the eighteen known dead to life again or even assure the safe recovery of those still missing, but we can ask why this disaster happened and what, if anything, could have prevented it. The Senate can review the mine safety laws to see what changes may be necessary to assure that a tragedy of these proportions will never again happen in a metal mine.

It is my view, Mr. Chairman, that the Senate Labor and Public Welfare Committee should begin, at the earliest possible time, a complete investigation of the entire Sunshine Mine tragedy. The investigation should examine the adequacy of present mine safety laws with a view toward the strengthening of enforcement procedures and penalties for noncompliance.

With best wishes.

Sincerely,

Frank Church.

U.S. Senate,
Committee on Labor and
Public Welfare,
Washington, D.C., May 11, 1972.

The Honorable Frank Church,
U.S. Senate,
Washington, D.C.

Dear Frank: I very much share the concern you expressed in your May 8th letter. As the principal author of the Coal Mine Health and Safety Act of 1969 and the Occupational Safety and Health Act of 1970, it is always distressing to learn of disasters such as the one at the Sunshine Mine in Kellogg, Idaho. I share your concern for the victims of this tragedy and I want you to know that the Committee on Labor and Public Welfare has been following the course of the disaster since last week.

The mine in question is under the jurisdiction of the Federal Metallic and Non-Metallic Mine Safety Act of 1966 for which this Committee has legislative review responsibility. Enforcement of the safety standards under that law rests with the Interior Department's Bureau of Mines, the same agency that has jurisdiction for coal mines under the Coal Mine Health and Safety Act.

As I indicated above, the Subcommittee on Labor began an initial inquiry immediately upon being notified of the disaster. Staff investigators have been on the scene since May 5. We will conduct an intensive investigation into the causes of the disaster, including the role of the Bureau of Mines in the enforcement of the Metallic and Non-Metallic Mine Safety Act. Our purpose will include consideration of appropriate corrective legislation where necessary.

The Sunshine Mine tragedy is underscored by the fact that this is the second such disaster to occur in the mining industry this year. In late February an impoundment dam belonging to the Buffalo Creek Mining Company collapsed releasing millions upon millions of gallons of water, sludge, silt, and other coal mine refuse, creating widespread flooding in the entire Buffalo Creek area. The known death toll from that disaster is now 118 with others still missing. At least two towns were completely obliterated with large scale damage to other towns in the valley. The responsibility for inspecting the dam rested with the Bureau of Mines under the Coal Mine Health and Safety Act. We have had an extensive investigation into the cause of that disaster and I intend to have public hearings into that matter within the next few weeks.

Some elements of the investigation into the Sunshine Mine disaster, of course, will have to await the completion of the rescue operations since many of the personnel from the Federal and State agencies and the company are involved in that activity.

You may be sure that the necessary resources of the Committee will be made available to present to the public the problems and failures and needed improvements of our Nation's mine safety program.

With kind personal regards,

Sincerely,

Harrison A. Williams, Jr., *Chairman.*

SENATOR WILLIAMS' LABOR SUBCOMMITTEE LAUNCHES INTENSIVE INVESTIGATION INTO MINE DISASTER THAT CLAIMS 91 LIVES IN KELLOGG, IDAHO; CITES KNOWN FIRE HAZARDS IN MINES

Washington, D.C., May 12, 1972.—United States Senator Harrison A. Williams, Jr. (Democrat-N.J.), Chairman of the Committee on Labor and Public Welfare, announced that a full-scale investigation into the causes of the mine disaster of the Sunshine Mining Company in Kellogg, Idaho, which killed 91 miners, is underway.

The investigation is being conducted under the Subcommittee on Labor's authority to review the operations of the Federal Metallic and Non-Metallic Mine Safety Act of 1966. Senator Williams, who is the principal author of the Coal Mine Health and Safety Act of 1969 and the Williams-Steiger Occupational Safety and Health Act of 1970 expressed his serious concern over the continued failure of the Department of Interior's Bureau of Mines, and the owners and operators of the mining industry to bring an end to the unnecessary death and destruction in the mining business. When announcing publicly that an investigation has been underway since the Committee was notified of the disaster, Williams stated that he had waited to make public this investigation until all efforts at rescue operations had been completed. In stating the reason for the Subcommittee's active interest, he said, "This disaster could have been avoided. It, like all other mining disasters the Committee has looked into, was man-made. We have been faced now with two disasters in recent months in the mining industry. In February a coal mine dam collapsed at Buffalo Creek killing 119 people. It was no accident. The dam had failed previously and this Company and government had notice of the unsafe characteristics of the dam. The preliminary report furnished to me by my staff on the Silver Mine at Kellogg, Idaho reflects that mine fires are a known factor in the Silver mining industry. There have been at least three fires at Kellogg since 1945, one of which was so widespread at the Sunshine Mine that it forced a suspension of operations for six weeks, though fortunately there were no reported fatalities. The mine operator of the Sunshine Mine has been cited for 14 violations of the Federal Mine Safety Fire Control regulations in the past 21 months.

"This Committee is going to continue exposing the inadequate enforcement of our mine safety laws to the public until the Bureau of Mines fully responds to the demands of Congress in enacting the statutes. If necessary, we will propose legislation to strengthen the enforcement requirements and seriously consider whether or not this program belongs in a more responsive Federal agency."

STATEMENT BY SENATOR CHURCH.

Subsequent to this testimony, Mr. President, word was received of the Administration's refusal to declare the Coeur d'Alene mining district a major disaster area. In the wake of that decision, I sent another telegram to the President, asking him to over-rule the recommendation of the Office of Emergency Preparedness. The text of that telegram reads as follows:

MAY 17, 1972.

The PRESIDENT,
The WHITE HOUSE,
Washington, D.C.
Attn: John Erlichman.

I have just been advised of the recommendation made to you by the Office of Emergency Preparedness that the Coeur D'Alene Mining District not be declared a major disaster area as requested by Idaho's Governor in the wake of the Sunshine fire. I find this recommendation unfathomable.

I take issue with OEP's restrictive interpretation of the law. Congress clearly conferred ample discretionary authority upon the President to enable him to designate the Coeur D'Alene Mining District a major disaster area under the law.

Under Title 42, section 4401 of the United States Code, a "fire" is specifically referred to as a disaster. In addition, the law grants you broad discretion by allowing "other catastrophes" to be used as the basis for declaring an area a major disaster area.

The law further states that Congress intended such designation to be invoked when "such disasters disrupt the normal functioning of Government and the community and adversely affect individual persons and families with great severity."

Under these criteria, the Sunshine mine disaster clearly qualifies.

In addition, Congress expressed its intent to achieve "greater coordination and responsiveness of Federal major disaster area programs." If the Federal Government is to be responsive to all the needs of the bereaved families of the Sunshine Mine victims, a major disaster area designation is mandatory.

Mr. President, by every measurement that matters, the people of the Coeur D'Alene Mining District have suffered a major disaster. The loss of 91 breadwinners in this small mining community greatly exceeds the fatalities in many other cases where the designation of major disaster area has been granted. I believe the law invests in you alone the power of final determination in this matter.

I urge you to assert your full authority under the law, and to overrule this recommendation by declaring the Coeur D'Alene mining area a major disaster area.

FRANK CHURCH,
U.S. Senate.

JOHN F. STEVENS: PATHFINDER FOR WESTERN RAILROADS

Mr. MANSFIELD. Mr. President, the exploration and development of the Pacific Northwest and nearby sections of our country, consisting of Washington, Oregon, Idaho, Wyoming, North and South Dakota, Minnesota, and my own State of Montana, forms one of the most glorious chapters in American history. First dramatized by the Lewis and Clark exploring expedition of 1804 to 1806, this vast territory contains land from four major sources: the Louisiana Purchase of 1803, the Texas Annexation in 1845, the Oregon cession in 1846, and the Mexican cession in 1848.

A crucial factor in the settlement and growth of this tremendous region was the construction of our transcontinental railroads, including the Great Northern. The extension of that railway from the central plains of the United States to the Pacific, required crossing the Rocky and Cascade Mountain Ranges. A key man in this project was a young civil engineer—John F. Stevens, of West Gardiner, Maine—1853–1943.

In an illuminating article in the May 1971 issue of the American West, Palo Alto, Calif., one of our leading magazines on western history, Earl Clark, a freelance water from Port Angeles, Wash., hiker, railroad buff, skier, and explorer of the pass areas over the Cascades, tells the thrilling story of Stevens' part in opening the Northwest, and aptly describes him as the "pathfinder for western railroads."

Among the spectacular incidents related by Clark are the discovery by Stevens in bitter cold on December 11, 1889, of Marias Pass in Montana; and in 1890 of Stevens Pass in Washington, through which passes the Great Northern was constructed. The latter was named in honor of its discoverer.

Stevens' demonstrated ability as a civil engineer led to his selection in 1905 by President Theodore Roosevelt at a time of grave crisis in the building of the Panama Canal to the highly responsible office of Chief Engineer of the Isthmian Canal Commission. In this position he rescued the project from disaster, developed the high-level lake-lock plan for its construction, secured its approval by the President and the Congress, purchased the major part of the plant for the work, effected the organization that was continued until the canal was completed, brought the undertaking to the point when success was assured, and then resigned to engage in other challenging tasks.

In spite of his resignation, President Roosevelt appointed him Chairman of the Isthmian Canal Commission, making Stevens the first to hold the combined positions of Chairman and Chief Engineer.

The part played by Stevens in building the Panama Canal is accurately shown in the mural painting by William Andrew Mackay in the Roosevelt Memorial Hall of the American Museum of Natural History of New York. In the background of this mural are William Crawford Gorgas, the great sanitarian of the isthmus who made the canal possible, and George W. Goethals, the successor of Stevens, under whose direction the canal was completed substantially in accordance with the plan developed by Stevens, to whom Goethals always gave full credit.

In Balboa, C. Z., today, at one end of its principal thoroughfare, is the Goethals Memorial; at the other, located in Stevens Circle, is one to Stevens with this inscription under his name: "The Canal Is His Monument"—Goethals.

A third major assignment of Stevens was his appointment with the rank of Minister Plenipotentiary by President Wilson in 1917 as the head of what is known as the Stevens Commission for the rehabilitation of Russian, Siberian, and Manchurian railroads, a position that he held with great distinction in time of war, revolution and civil strife until 1923. For these services, which included the rescue of the Czechoslovakian Army then isolated in the Eastern Front thus enabling its return around the world to rejoin Allied Forces on the Western Front, he won the Distinguished Service Medal of the United States and the highest honors of France, China, Japan, and Czechoslovakia.

In addition to the previously cited article by Earl Clark, the following recent writings about Stevens are authoritative and recommended as source material on his life and career:

Raymond Estep. "John F. Stevens and the Far Eastern Railways, 1917–23." *Explorers Journal* (New York) XLVII (Dec. 1969), pp. 13–24.

Daniel J. Flood, "Tribute to John F. Stevens—Architect of the Panama Canal." *Explorers Journal* (New York), XLVII (Dec. 1969), pp. 287–96.

Ralph W. and Muriel E. Hidy. "John Frank Stevens: Great Northern Engineer." *Minnesota History* (St. Paul), Vol. 41 (Winter 1969), pp. 345–61.

David G. McCullough. "A Man, A Plan, A Canal, Panama!" *American Heritage* (New York), XXII (June 1971), pp. 64–71 and 100–03.

After returning to the United States in 1923, Stevens received many additional honors, including the John Fritz Medal for Great Achievements and election as president of the American Society of Civil Engineers.

Two towering figures in Panama Canal history were elected to the Hall of Fame for Great Americans at New York University in 1950: Theodore Roosevelt and William Crawford Gorgas. Now, a third is being sponsored for election in 1973 to that great honor by the John F. Stevens Hall of Fame Committee of distinguished membership, with John M. Budd, former president of the Great Northern Railway, as its national chairman. The secretary of the committee is Herbert R. Hands, 345 East 47th Street, New York, N.Y. 10017.

Mr. President, as the indicated article by Earl Clark covers an important part of the life and career of Stevens and is a significant contribution to the history of the Northwest, especially to my home State of Montana, I ask unanimous consent for it to be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American West, May 1971]

JOHN F. STEVENS: PATHFINDER FOR WESTERN RAILROADS

(By Earl Clark)

From California all the way to Canada, a mighty barrier seals off the lush Pacific coastlands from the dry sage-speckled interior. This is the Cascade Mountain Range, a jumbled upthrust of volcanic peaks towering up to fourteen thousand feet, with icy streams tumbling through deep canyons, crevassed glaciers, vast snowfields, and on the lower slopes, dense forests of trees with trunks as thick as a wagon. It was not just happenstance that led Lewis and Clark, and later the Oregon Trail pioneers, to make their way to the Pacific by way of the Columbia River. For the Columbia Gorge is the only natural break in this formidable bulwark for all its thousand-mile length.

As more and more settlers filled the coastal lowlands, they probed for other passageways than the Columbia to bring their wagon roads and railways through the snow-topped Cascades. It was never an easy search. Even today, only about a half dozen passes pierce this forbidding rampart.

Few are more spectacular than Stevens Pass in Washington state, the northernmost of the Cascade crossings. Its name memorializes the great engineer who discovered it—John Frank Stevens. Yet Stevens himself has faded to a historical footnote. So little is he known to present-day beneficiaries of the pass he discovered that one popular Seattle guidebook erroneously ascribes its name to Isaac Stevens, first governor of Washington Territory. Yet the man who searched out this pass in the midst of a trackless wilderness lived to see it play an essential role in the growth of Seattle and the development of the entire Pacific Northwest.

Now a four-lane highway whisks vehicles over the summit to which he found his way on foot. Skiers by the thousands flock to its slopes all winter long. Deep beneath its granite bastion, the longest tunnel in the Western Hemisphere carries Burlington Northern trains through the mountain barrier. And that, of course, is how Stevens Pass came to be—as a route for Jim Hill's Great Northern Railway.

When the roll is called of Men Who Built the West, the name of James Jerome Hill rises high on the list. He was one of the nineteenth century's great railroad barons—but not a robber baron. Hill was, of course, an unabashed capitalist. But unlike so many of his fellow railroad tycoons, he insisted on building an efficient transportation system, not just a road to quick profits. His railroad's crack train today perpetuates one of the sobriquets by which he was known—that of the Empire Builder.

Hill was, in the words of the late Stewart Holbrook, "a legend while he lived, a legend still in death . . . the Little Giant, the Devil's Curse of the northern plains, the barbedwire, shaggy-headed, one-eyed old——of Western railroading."

He was also a man who dreamed great dreams, and none was more dominating than his dream of linking the Midwest with the Pacific by a ribbon of steel. It all began with the grandiosely named St. Paul & Pacific Railroad, a struggling little Minnesota line that Hill acquired for one hundred thousand dollars in 1878, when he was barely forty.

Jim Hill carried into the rebuilding of rickety pike the principles that were to guide his railroad operations until his death in 1916. When he built a railroad, he built it to last. Roaring and raging, he drove his engineers and contractors unsparingly to find the best grades, the easiest curves, the strongest bridges. This was vital to his operations because, unlike the other transcontinentals, Hill's Great Northern never received the government largesse of land grants. In fact, when he laid his rails across Montana, he had to pay the government to cross Indian lands.

But when Hill announced, a year after buying the modest little St. P&P that was to become the Great Northern, that he intended to push it through to Puget Sound without one dime of subsidy from the federal government, his St. Paul neighbors erupted in laughter. "Hill's Folly," they called the ribbon of steel as it advanced across the Great Plains, three to seven miles a day, 1,175 miles in a year, inexorably pushing through the endless expanse of waving grass.

As fast as track was laid, Hill's trains brought immigrants to settle this new land, mostly from northern Europe. He'd haul a man halfway across the United States for ten dollars if he agreed to settle along the line; and for only a little more, the homesteader could rent a box car and bring along the rest of his family, their possessions, and a few animals.

Laying rails across the prairies was one thing. Getting them through the Rocky Mountains was something else. When this great obstacle loomed ahead on the horizon, Hill called in a brash young engineer who had demonstrated a canny knowledge of railroad building along with the kind of stamina that was a hallmark of the West's fabled mountain men. He was John F. Stevens, then still in his thirties.

Born in West Gardiner, Maine, April 25, 1853, Stevens came west at the age of twenty-one, going to work in the Minneapolis city engineer's office. He had no technical training as an engineer; he received his education at a country school, followed by two years at a normal school in Farmington, Maine, where he studied to be a teacher.

By the time he reached thirty, he had spent six years learning the ropes of railroad location and construction in various western states. In the spring of 1883, he was offered his first major engineering assignment, as assistant to the chief engineer in charge of locating the Canadian Pacific Railway through the Canadian Rockies. Much of the mountain scenery that CPR passengers view today lies along the route surveyed by Stevens. It is possible that this work brought him to the attention of Hill, who was a director of the Canadian line until he resigned to build a transcontinental of his own.

By 1889 the Great Northern had completed its line to Havre, in north central Montana, and was stymied by the mountain barrier ahead. It was imperative to find a route that would take the rails directly west. Veering too much off this course would add mileage and gradients that would burden Hill's railroad with a permanent handicap in competition with the established transcontinentals. So Hill's chief engineer, E. H. Beckler, looked for someone with the ability to scout out a legendary pass that was supposed to exist in that region, and if it existed, ascertain its suitability for the railroad. He settled on John F. Stevens as his man.

"Time was pressing, and Mr. Hill was not a man to delay the execution of his plans once he had decided upon their general features," Stevens recalled later with dry understatement. Or to quote Hill's own orders to his chief engineer: "We do not care enough for Rocky Mountain scenery to spend a large sum of money in developing it. What we want is the best possible line, shortest distance, and least curvature that we can build between the points to be covered."

Stevens took on his new assignment in November, starting at Fort Assinniboine, a military post seven miles west of Havre, whose commandant furnished him a mule team, a covered wagon, a soldier driver, and a saddle horse. Battling blizzards all the way, Stevens and his companion set out for the Blackfoot Indian Agency, 180 miles away.

There Stevens sought information about the mystic pass that was reputed to thread the great mountains beyond the Indian lands. But no Indian would stir from his log house in that winter weather to seek it. Or for that matter, any kind of weather. Those mountains were the lair of an evil spirit, they insisted, and woe betide the mere mortal so adventurous as to disturb him.

Stevens finally ran onto a Flathead Indian who had fled after murdering one of his tribesmen and was given refuge by the Blackfoot tribe. "He knew nothing whatever of that part of the country, and was not a guide in any sense of the word," Stevens recounted. "I only wanted him to act as a messenger in case I met with disaster."

For lesser man, that disaster might have been a surety. Stevens and the Indian set out with a mule team and "patched up something that resembled snowshoes." They kept the team until deepening snow brought the mules to a floundering halt, then sent the animals back and went on by foot, carrying food and blankets.

They soon found what appeared to be a pass, but it curved around and ended abruptly against a mountain wall. Retracing their steps, they tried another route, but it too ran into a dead end (later labeled False Summit).

"Something possibly a sixth sense, urged me to keep going," Stevens recalled later. But by then the Indian signaled that he had had enough and would go no further. Stevens scrounged some dry wood, built a fire, and left the Indian beside it, picking his way on up the mountain alone.

To his happy astonishment, he perceived after several more arduous miles that he had reached a low summit of the Continental Divide and was looking down the western slope of the Rockies. He had found the legendary Marias Pass! That date of December 11, 1889, was to remain forever engraved in Stevens' memory. (If passengers on today's Empire Builder look quickly enough out the windows of their dome car as it glides over Marias Pass, they can see beside the tracks a bronze statue of the engineer who discovered it).

Just to be sure he had really found the pass, Stevens explored on down the western slope until he was at least satisfied that its waters did indeed drain into the Pacific Ocean. He was on his way back to join his Indian companion when the evil spirits that the Indians feared called down their wrath upon this audacious young explorer who had dared to unlock their secret.

It was dark by the time Stevens had scrambled back up to the pass. To try and pick his way back down the icy slopes and deep snow of the canyon he had followed that morning would have been foolhardy. The snow swirled around him as the wind whistled through the pass, and the temperature dropped steadily to what Stevens estimated was forty degrees below zero. There was no chance of building a fire to thaw out his scanty frozen provisions, as only the tips of stunted evergreens protruded through the snow. Stevens knew that if he tried to get a moment's rest, he would freeze to death. So he tramped a path that would bear his weight without snowshoes, then for the rest of that bitter long night walked back and forth, back and forth, until the first streak of daylight glimmered in the east.

His route down the canyon now covered by new snow, Stevens slipped and slid back to where he had left the Indian, who was now nearly frozen to death himself, beat some life back into him, and started the journey back to the agency. There then remained a mere 180-mile trek to a telegraph station to wire the great news to Jim Hill.

Hill's confidence in his young engineer soared. With a pass through the Rockies now assured, he sent Stevens on west in the spring of 1890 to seek a way to get the railroad over the rugged Cascades, with instructions to explore every possible route between the Northern Pacific line to Tacoma, and the Canadian border.

"Hill's Folly" seemed even more absurd when measured against the remote frontier he was struggling to reach. The population of the entire state of Washington at that time was less than 375,000. Most of this populace was scattered along the line of the Northern Pacific, far south of Hill's surveys, and on Puget Sound, where Seattle's 37,000 made it the state's largest city. A map of that era showed the north central part of the state through which the Great Northern must pass as a mountain wilderness unrelieved by so much as a single settlement.

It was not, however, unsurveyed. Twenty years earlier, the Northern Pacific had sent an engineer, D. C. Linsley, to survey the Cascades for a possible crossing. Accompanied only by three Indians, Linsley spent ten weeks in the summer of 1870 mapping and charting the mountain range, and suggested several routes across it. These were generally to the north of the one later discovered by Stevens, and thus even farther north of the route the NP eventually used to reach Tacoma via Stampede Pass.

Back in St. Paul, Hill was now in a burning hurry to locate the road through the Cascades. His crews had surveyed 565 miles of right of way west of Marias Pass, with track gangs pushing close behind. Hill's dream of a transcontinental railroad to challenge the older lines depended on reaching Puget Sound, and fast.

Methodically bringing to bear all his mountain expertise, Stevens set out in the spring of 1890 to find the best place to carry the Great Northern's rails over this final barrier. Many years later, he was to deny indignantly that he stumbled across the pass more or less by accident.

"On one of my cruises up the Wenatchee River I noted a large creek [Nason Creek] coming into it from the south, well up into the mountains," he wrote. "I knew that its course could not long continue from the south, and so followed up a short distance to where it turned abruptly, coming from the west. Realizing that it must head at a summit in the main range, I filed that mental picture away in my head for future investigation. A short time afterward when I was cruising the top of the main range, I found a comparatively low place in it, against which a creek flowing east had its head. I felt certain that it must be the beginning of the same creek that I have noted above."

Following up this hunch after returning from his explorations, Stevens dispatched an engineering party led by C. F. B. Haskell to "proceed up Nason Creek and develop its head." Haskell indeed found that the creek debouched in a pass whose elevation was 4,061 feet—about half the height of some of the peaks that overlooked it. He honored its discoverer for all time by blazing a cedar tree at the spot and marking it Stevens Pass.

By this time winter was approaching, and Stevens hastened to organize another engineering party to survey the Skykomish River valley down the west slope of the Cascades beyond the pass. The results were disheartening. Everywhere, the mountains dropped off in an abrupt escarpment. The only way to avoid it was to tunnel beneath the forbidding cliffs. But this would require a tunnel two and a half miles long, and it would take years to bore with the primitive equipment of the time. Jim Hill couldn't wait that long.

In midwinter of 1890, Stevens snowshoed back to the summit, now buried under its usual thirty feet or so of snow, and pondered the alternatives. His brilliant solution was a series of switchbacks to carry the rails over the summit, then conquering the steep grade by a great horseshoe loop at Martin Creek, the first spot where the valley widened enough to accommodate the loop. The distance to be covered was only four and a half miles as the crow flies. But Jim Hill's engines couldn't fly up the cliffs, so they traversed twelve miles of track in order to negotiate that distance over the mountain.

Looking over the plans back in St. Paul, Hill hit the ceiling when he noted one point at which Stevens called for a thirteen-degree curve. He ordered work suspended, jumped on a special train, and came roaring west to see this monstrosity for himself. Stevens felt time was of the essence, so he kept right on with the grading. Hill's greeting when he came striding up to the young engineer was simply: "Where is that thirteen-degree curve? I don't like it!"

While the rest of the entourage trembled, Stevens calmly led Hill to a point where he could look over the terrain. "That is all right," the empire builder said finally. "You could have done nothing else." Instead of firing the determined engineer, Hill raised his salary from $200 a month to $300.

It took three more years to build the line through those rough mountains, but on January 6, 1893, the last spike was driven on the west slope of the Cascades. Jim Hill had finally linked the Mississippi with Puget Sound.

But the Cascade crossing demolished Hill's credo of moving maximum tonnage over minimum grades and curves. Stevens was able to hold the grade to a maximum of 2.2 percent coming up through the Wenatchee River's Tumwater Canyon, but to climb over the pass called for a grade of 4 percent. Work began a few years later on building the tunnel that Stevens had visualized, but for the intervening seven years, his switchbacks called for some of the most epic railroading in the nation.

At Skykomish, a division point in the valley west of the summit, a train of about twenty-five cars would cut down to five or six with one sturdy little locomotive ahead, and another behind. Snorting up the mountain at five or six miles per hour, the little train headed into the first switchback, but when it came out of the Y the "rear" engine took over the lead, tugging the train up the hill while the "lead" engine pushed. The process was reversed as the train gained the next switchback, and kept on repeating until the fifth and last switchback was attained at the summit. There then remained three more switchbacks to get back down the eastern slope.

In summer, this would take anywhere from five to twenty hours. Winter was another story, with snowfalls of a foot an hour, piling up to thirty feet or more on the level, and drifts to twice that height. Hundreds of men were employed to keep the switchbacks open and shovel out the trains. It was mountain railroading at its best—or worst.

The first Cascade Tunnel, opened as the year 1900 drew to a close, was hailed as the engineering marvel of its day. For three years, from six hundred to eight hundred men hammered away at the granite deep below the pass. But when their work was completed, they had replaced nine miles of railroad, a rise of 700 feet, and 2,332 feet of curvature—the equivalent of seven complete circles.

No one was happier at completion of the tunnel than the hardy railroaders who had battled up and down the switchbacks. "Death Mountain," they called it, for runaway trains were frequent on the steep grades, and avalanches were a constant threat.

But long after the tunnel went into operation, the worst avalanche disaster in American history occurred just below Stevens Pass. The winter of 1910 was a memorable one in the Cascades. Snow fell relentlessly, reducing railroad service to a shambles. In the last week of February, two passenger trains were stalled at Wellington, a railroad town just west of the Cascade Tunnel. Snow blocked the line over the mountain at both ends, as railroad crews labored desperately to break through with their huge rotary plows.

One of the stalled trains was perched on the edge of a gulch behind the Wellington station, during the night of March 1, 1910. From a thousand feet up on the mountain, a great wall of snow suddenly broke loose. Thundering down the sheer slope, the avalanche swept the entire train into the canyon, carrying 101 people to their death, along with several railroad buildings. That event still ranks as the West's worst railroad tragedy.

The Wellington Disaster was a traumatic experience for Jim Hill's railroad. Even the name of the little railroad town was expunged from the records, rechristened as Tye. And plans began for an even longer and lower tunnel, to get away once and for all from those terrible avalanches. That tunnel was finally opened on January 12, 1929, and it is still the longest in the Western Hemisphere—eight miles. The Great Northern Railway had at last triumphed over the Cascades.

Though Jim Hill was no longer around to see it, John Stevens was. After completing the crossing of the Cascades, he rose steadily in the Great Northern hierarchy, becoming the railroad's chief engineer and later general manager, during the great era of railroad building at the turn of the century. He directed the construction of almost one thousand miles of new line, as the railroad filled out and expanded, and at times was simultaneously directing as many as two dozen major projects. Eventually he left the Great Northern and, in 1905, was summoned to Washington by President Theodore Roosevelt and placed in charge of Panama Canal planning and construction as its chief engineer, a position he held for the next two years.

But his service for Jim Hill was not yet ended. In 1908, a mysterious sportsman identifying himself as John F. Sampson loaded himself with trout-fishing gear and reconnoitered the Deschutes River in Oregon. It was not just coincidence that Hill was contesting with Edward H. Harriman of the Union Pacific for a route down this river to connect the Pacific Northwest with California.

The mysterious Mr. Sampson arranged to meet one William Nelson at a city park in Portland one rainy night and hand over to that gentleman $150,000 in cash for his controlling interest in a paper railroad that owned a right of way in the Deschutes Canyon. Mr. Sampson, it turned out, was John F. Stevens, now president of the Spokane, Portland & Seattle Railroad, a subsidiary of Hill's Great Northern.

When the Kerensky regime surfaced in Russia after the czar was toppled, and President Woodrow Wilson decided to send over a top engineer to keep the Russian railways operating, he called on John Stevens. Stevens headed the American Railway Mission to Russia until 1922, when Allied troops were withdrawn after the Soviets gained power.

Stevens returned to America, and to such tributes as that of Major General George W. Goethals, his successor at the Panama Canal, who labeled Stevens "one of the greatest engineers that ever lived." In 1925 he received the John Fritz gold medal for "notable scientific and industrial achievement," and in 1939 the gold medal of the Franklin Institute and the Hoover medal of the American Society of Civil Engineers. Although he had never received an engineering degree, he was elected an honorary member of this professional society in 1922, and became its president five years later. France made him an officer of the Legion of Honor, his own country bestowed the Distinguished Service Medal upon him, and similar honors came from Czechoslovakia, Japan, and China.

Stevens died in Southern Pines, North Carolina, June 2, 1943, at the age of ninety. By then, the pass that he had traced in the wilderness was busy transporting troops and supplies for World War II over a mighty railroad, while high above it, a state highway carried ever increasing traffic over the summit on which his name had been emblazoned on a cedar tree.

In 1925, long after the first Cascade Tunnel was built and the switchback route abandoned, the old zigzag right of way was converted to the first auto road over the pass, providing a challenging journey up and around the tight hairpin curves of the one-time switchbacks. Unlike the railroad, the highway department made no attempt to keep the pass open in winter—but the steep, narrow road was adventurous enough for a Model T even on a dry summer day.

Eventually this old road was replaced by a new state highway, which, like the railroad, was built up the opposite side of the valley from Steven's original line. A few years ago, the state temporarily closed this highway while rebuilding it to four lanes and, at a cost of more than a million dollars, rebuilt the abandoned old road over the switchbacks as a temporary bypass.

The old tunnel, abandoned since 1929, now is serving modern science in a way that Stevens could never have imagined. Its granite insulation and straight bore make it an ideal laboratory for scientists who measure movements in the earth's crust by a laser beam that peers unblinkingly the length of the tunnel.

From the new highway, travelers can see across the valley the great concrete snowsheds that were built after the Wellington avalanche brought its toll of death and destruction, and several levels of the old line are still plainly visible.

Stevens Pass is today one of the Northwest's most popular recreation areas. Every winter thousands of skiers flock to the pass to revel in the snow that made railroading a nightmare seventy-five years ago. In summer fishermen and hikers pour over the Cascade Crest Trail, tramping the original grade of the Great Northern Railway as surveyed by John F. Stevens.

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BEST WISHES FOR SUCCESS ON THE PRESIDENT'S TRIP TO MOSCOW

Mr. SCOTT. Mr. President, this week, as the President reaches Moscow, there opens there the principal avenue to more peaceful solutions, the one substantive area this week where important achievements may be reached, chances for peace bettered, the condition of all peoples made more secure, the diminution of tensions, the diminution of fear. And yet all this weekend there have been militants and protesters and ministers of the gospel and college administrators, all of them addressing themselves not to the chances for peace in Moscow, but to a single demand which boils down to an argument that they have better solutions than the President has for ending the war in Vietnam.

That war will be discussed, without question, in Moscow.

These are the same people who, with almost monomaniacal intensity, were screaming loudly following the President's recent actions in mining the harbors of North Vietnam that a nuclear disaster would be on us, that Russia would intervene, that China would intervene.

I think it is fair to say, once more, that the critics have been proved wrong. China did not intervene. Russia did not intervene. The summit meeting is going on.

Not a single person with whom I have spoken who was a party to this welter of criticism has bothered to spare 1 minute to indicate an interest in Moscow. Not a word of prayer was uttered in my presence, nor could I read of one in the newspapers, for success at Moscow. On the floor of the Senate, little or nothing has been said about the importance of the visit there, and the fact that this was the first President to be able to go to the capital of Russia during his term of office.

I think while we are expending so much energy telling the President what to do elsewhere in the world, it might be a little more proportionate, a little more creditable, for the press and the people and the Congress to devote some of their thoughts and attention to where the action is, and to join in heartfelt wishes for success to the President, for a union of minds of these two great super powers, for a lessening of the fear which besets all, which seems to be a fear of the truce of terror. An opportunity exists for us to lessen these fears. I hope more people will move as I have suggested, namely, to pray, for the success of the negotiations at Moscow.

Mr. MANSFIELD. Mr. President, may I say that no statements have been made on the floor of the Senate vis-a-vis the President's trip to Moscow, because it did not take place until Saturday morning. At least, that was the beginning of the journey. But the joint leadership, the Senator will recall, were with the President on Friday, and we did go to Andrews Air Force Base to see him off, bid the President Godspeed, and wish him well.

As far as assemblages are concerned, may I say that the first amendment still guarantees the right of peaceful assembly to the people of the Nation. I think the first amendment is so important that it should be read over and over and over again. It says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; of abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I think it ought to be pointed out that in the last clause, the word to emphasize is "peaceably." Our citizens do have a right to assemble peaceably under the Constitution, just as we in the Senate and throughout the country have the right to explain our feelings considering matters which are of national and international import. But that right does not extend to the violent minority which showed its head yesterday, which assaulted persons and property. The rights guaranteed under the first amendment do not apply to acts of violence, and that small violent minority certainly brought no credit on the great majority who appeared in Washington seeking, in effect, a redress of grievances from their Government.

I do want to join the distinguished minority leader in saying that the Senate—and I know we speak for both sides of the aisle—prays for the President on this most momentous meeting this week, hopes that his expectations will be exceeded, and knows that he is going to discuss Vietnam with the leaders in the Kremlin. Out of this, let us hope and pray, there will come some solution to this tragedy, this war, this difficulty which has cost this country so much and has done so much to bring about division within the ranks of its citizens.

So I wish to say that he does have, as our President, support in his efforts in Moscow from this side of the aisle, just as the distinguished Republican leader indicated that was the case on the other side. He will have our prayers with him during this most momentous week, and on his shoulders will, of course, ride our expectations, our hopes, and our prayers for a number of settlements, the most important of which would be an end of the tragic war in Vietnam, a SALT agreement, trade and credits, exchanges, and other matters of importance to our two Nations and the world.

Mr. SCOTT. I thank the distinguished Senator.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Nebraska (Mr. HRUSKA) is recognized for not to exceed 15 minutes.

ANNUAL REPORT ON ELECTRONIC SURVEILLANCE

Mr. HRUSKA. Mr. President, the "Omnibus Crime Control Act of 1968" became law on June 19, 1968. The several titles of that act were designed to aid the Government in arresting and reversing the rampant rise in crime in our Nation, especially the proliferation of illicit activities by syndicated crime organizations.

Title III of the Omnibus Crime Control Act was essentially a combination of bills introduced by Senator McCLELLAN and myself to control the use of electronic surveillance to protect citizens in two ways: first, by prohibiting electronic surveillance by any private party or unauthorized government agent and, second, by establishing a constitutionally acceptable standard for governmental use of electronic surveillance to enforce our major criminal laws.

An annual report to Congress is required under the terms of title III in regard to these electronic surveillance activities. In the past, on the issuance of these annual reports, the senior Senator from Arkansas (Mr. McCLELLAN) has reported to the Senate on the progress made under title III. In his absence from the Senate for a little while on official duties necessarily a part of a politician's career, I have undertaken to make the following comments in regard to title III and its progress.

Mr. President, it is clear that organized crime affects every single American. The President's Crime Commission put its net annual take at over $7 billion. And as was pointed out in the Judiciary Committee Report on the Omnibus Crime Act, these criminal cartels operate by means of the technology new to our age. The committee report included this quotation, at page 71:

> Communication is essential to the operation of any business enterprise. In legitimate business this is accomplished with written and oral exchanges. In organized crime enterprises, however, the possibility of loss or seizure of an incriminating document demands a minimum of written communication. Because of the varied character of organized crime enterprises, the large numbers of

> persons employed in them, and frequently the distances separating elements of the organization, the telephone remains an essential vehicle for communication.

The committee report then went on to say:

> Victims, complainants, or witnesses are unwilling to testify because of apathy, fear, or self-interest, and the top figures in the rackets are protected by layers of insulation from direct participation in criminal acts. Information received from paid informants is often unreliable, and a stern code of discipline inhibits the development of informants against organized criminals. In short, intercepting the communications of organized criminals is the only effective method of learning about their activities. (at p. 72)

It was, therefore, recognized that because lawbreakers have modern tools for committing crimes, the Government must have the power and means to deal effectively with their depredations.

Electronic surveillance has always been, of course, an exceedingly controversial issue. But the arguments of wiretap critics are fast being successfully rebutted by the facts of experience. For example, the constitutionality of title III has been affirmed in every major court test so far. In October of last year, it successfully met its first federal appellate decision in *United States* v. *Cox*, 449 F. 2d 679 (10th Cir. 1971), cert. denied, No. 71-5910, May 15, 1972.

Meanwhile, we are also garnering information about the efficacy and the careful use of title III through the statutorily required annual reports of all applications and authorizations for the interception of wire or oral communications during the preceding calendar year and the facts of individual cases involving surveillance.

The fourth annual report, prepared by the administrative office of the U.S. courts was recently submitted to Congress. I would now like to bring some of its contents to the attention of my colleagues, so we can judge the wisdom of our action in passing title III. I think the figures contained in it indicate that electronic surveillance is indeed an efficient and fair law enforcement tool.

In 1971, 19 States as well as the Federal Government had laws authorizing the controlled use of electronic surveillance. The Federal Government and 14 of the States reported the use of wiretaps in 1971.

In 1971, there were 816 applications for interceptions; none were denied. A total of 1972 of the orders granted were installed. Federal judges signed 285 of the 816 applications. New York, 48 percent and New Jersey, 35 percent led the States in applications.

The absence of denials attests to the wisdom of the careful preapplication screening process by the prosecutor mandated by title III.

The figure of 816 applications was a 37-percent increase over the applications filed in 1970. In 1970, there were 596 applications; in 1969, there were 301 applications.

In 1971, the average wiretap was granted for 22 days. Approximately 28 percent of the applications resulted in extensions which were granted for an average of 24 days. In 1970, the average wiretap was also granted for 22 days. Approximately 40 percent of the applications resulted in extensions, which were granted for an average of 20 days.

The development here is encouraging. It seems that it is becoming possible to conduct the surveillance over shorter periods of time more successfully.

In 1971, the following offenses were under investigation:

Gambling	570
Narcotics	126
Larceny	31
Homicide	18
Bribery	16
Robbery	17
Burglary	7
Loan sharking	5
Miscellaneous	26
	816

The locations of the interceptions included 342 residences, 211 apartments, 45 multiple dwellings, 134 business locations, and 40 business and living quarters.

In 1971, the average cost—manpower and other resources—was $4,597. In 1970, the average cost was $5,534.

In 1971, the average wiretap involved 40 persons and 643 intercepts, of which 399, 60 percent were incriminating. Federally, the average was 53 persons and 916 intercepts, of which 648, 71 percent were incriminating. In 1970, the average wiretap involved 44 persons and 656 intercepts, of which 296, 45 percent were incriminating. Federally, the average was 57 persons and 821 intercepts, of which 571, 69 percent were incriminating.

The development here is also encouraging. More wiretaps are being used, but fewer persons per wiretap are involved, and a greater percentage of incriminating intercepts is being obtained.

In 1971, the intercepts led to 2,818 arrests and 322 convictions. The studies of the Subcommittee on Criminal Laws and Procedures have shown that the average delay from indictment to trial in organized crime cases is 22.5 months. Consequently, conviction results, it seems, will always lag behind arrests, and this is indeed borne out by the 1971 report. In 1971, 71 arrests were made and 191 convictions resulted from wiretaps made in 1969; 474 arrests were made and 387 convictions resulted from wiretaps made in 1970. This makes a grand total of 3,363 arrests and 900 convictions in 1971 as a result of electronic surveillance, truly an impressive figure, and certainly one that would put to rest the claims of those who said that wiretapping would be ineffective.

To make these statistics less abstract and to gain a sense of the concrete results of electronic surveillance, it will be helpful also to look at the facts in three cases in which interceptions brought otherwise-elusive lawbreakers to justice.

First, the Sklaroff case. On June 1, 1971, a Federal jury found Martin and Jesse Sklaroff guilty of transmission of gambling information.

This was the first Federal wiretrap order under title III. It was in operation 6 days—171 conversations were involved, of which 161 were incriminating—94 percent. The telephone was in a public booth in the Miami International Airport; visual surveillance was maintained on the booth, so that the tap was in operation only when the subject entered the booth.

Two other convictions have been obtained as a result of this tap; other defendants are awaiting trial.

When Sklaroff, one of the Nation's leading layoff men—the underworld figure who reinsures bets—was convicted, he told the Atlanta Journal, June 1, 1971:

> It's going to put us out of business.

He continued:

> You can't work with a telephone—I'm gonna have to find another business. The Federal wiretaps are going to put us all out of business.

The case is now on appeal in the Fifth Circuit.

In another case, in August of 1969, the Federal Bureau of Narcotics was able to carry out one of the most important narcotics raids in the history of the District of Columbia.

Lawrence "Slippery" Jackson, the major black narcotic wholesaler in the District was picked up. Also arrested were his three Cosa Nostra importers from New York.

In 6 weeks, the agents moved from a street buy by an informant right up through the wholesaler to the New York importers. A wiretap was in operation at a residence for 39 days; 5,889 intercepts were made, of which 5,594 were incriminating, 93 percent.

In November of 1970, six convictions were obtained, and the constitutionality of title III was affirmed. Sentences, ranging up to 40 years, were imposed on the leaders. Jackson, himself, received a sentence of 25 years.

The case is now on appeal in the District of Columbia Circuit Court. Other trials are pending.

Finally, brief mention must be made of the facts in the Cox decision, which I noted above.

On October 13, 1971, the 10th Circuit Court of Appeals decided United States against Cox and upheld the constitutionality of title III. This was the first Federal appellate decision on title III.

Last Tuesday, the Supreme Court denied certiorari in this case (No. 715190), the first to reach the Court on this subject. The fact that certiorari was denied indicates that the 10 circuit decision upholding the constitutionality of this statute was not so out of line as to require immediate review. I believe that this bodes well for an eventual Supreme Court decision upholding the validity of title III.

The case involved four bank robbers, whose conversations were overheard during the course of a wiretap issued in a narcotics investigation.

The wiretap was installed for 19 days on a residential telephone; 1,216 intercepts were involved, of which 157 were incriminating, 12 percent. But the wiretap resulted in 19 convictions: 14 for narcotics, four for bank robbery, and one for an assault on a Federal narcotics agent.

In addition to uncovering the scope of the narcotics ring and solving the bank robbery, the officers were also able to prevent a murder with information overhead on the tap. This is a truly incredible testimonial to the usefulness and effectiveness of wiretaps.

Mr. President, today crime is organized and sophisticated, and technologically advanced. The Government must also have adequate tools to offset the new opportunities for crime provided by modern means of communication. Electronic surveillance is a badly needed tool. It is working, and working better all the time.

I express my hope that its remaining opponents will soon come to recognize that it can be used fairly, effectively, and constitutionally.

I ask unanimous consent to have printed in the RECORD at this point table No. 7 from the 1971 report which I mentioned earlier.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 7.—SUMMARY REPORT ON AUTHORIZED INTERCEPTS GRANTED PURSUANT TO TITLE 18, UNITED STATES CODE, SEC. 2518

[June 20-Dec. 31, 1968; Jan. 1-Dec. 31, 1969, 1970, and 1971]

Summary item	Reporting period			
	1968	1969	1970	1971
Intercept applications authorized	174	301	596	816
Federal		33	182	285
State	174	268	414	531
Average length of original authorization (days)	20	23	22	22
Number of extensions	128	200	237	228
Average length of extensions (days)	20	21	20	24
Location of authorized intercept:				
Residence	67	134	203	342
Apartment	49	68	163	211
Multiple dwelling	10	14	39	45
Business	45	71	121	134
Business and living quarters		5	30	40
Not indicated or other	3	9	40	44
Major offense specified in application:				
Arson	1	1	13	2
Bribery	5	11	16	16
Drugs	71	89	127	126
Extortion (includes usury and loansharking)	13	10	17	5
Gambling	20	102	325	570
Homicide	21	19	20	18
Larceny	19	10	31	31
Robbery	8	24	13	17
Other	16	35	34	31
Intercept applications installed	147	270	582	792
Federal		30	179	281
State	147	240	403	511
For authroized intercepts installed:				
Actual number of days in use	NA	9018.5	11,190.5	14,582.5
Average number of persons involved	29	53	44	40
Average number of intercepted communications	454	544	656	643
Average number of incriminating intercepted communications	98	265	296	399
Number of authorizations where cost reported	120	262	569	776
Average cost where cost reported	$1,358	$2,634	$5,534	$4,599
Number of orders costing:				
$1,000 or less	75	127	178	241
$1,001-$2,000	21	45	88	163
$2,001-$5,000	18	54	139	162
$5,001-$10,000	6	24	88	114
$10,001 and over		12	76	96

NA=Not available.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there now will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE ITS REPORT ON THE CONFERENCE REPORT ON HIGHER EDUCATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be given until midnight tonight to file its report on the conference report on the higher education bill, S. 659.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTENTION OF LEADERSHIP TO TAKE UP CONFERENCE REPORT ON HIGHER EDUCATION TOMORROW

Mr. MANSFIELD. Mr. President, as of now, for the information of the Senate, it is the intention of the leadership to take up the conference report on the higher education bill, S. 659, early tomorrow afternoon—very likely after consideration of morning business and close of morning business.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW, AND LAYING BEFORE THE SENATE OF THE CONFERENCE REPORT ON S. 659 ON HIGHER EDUCATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the recognition of the two leaders tomorrow, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the conference report on S. 659, Higher Education.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. The cloakrooms might ascertain whether there are any speakers this afternoon. If not, the Senate may adjourn at an early moment.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rules VII and VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FINANCIAL HOLDINGS OF SENATOR WILLIAM PROXMIRE

Mr. PROXMIRE. Mr. President, in 1963, 1965, 1967, and 1970, I submitted for the RECORD the history of my financial holdings from the time I was first elected to the Senate in August of 1957 until June of 1970. In order to bring the full record up to date, I submit herewith the history of my financial holdings since June 1970. There has been no substantial change in the general makeup of my assets. The bulk of my assets are still in U.S. Treasury bonds and notes, as they have been since late 1963. The value of these holdings is about $68,000. In addition, I now have $25,000 in State and municipal bonds.

My other assets include ownership of two homes and furnishings in Washington, D.C., on which I owe substantial mortgages to the Perpetual Building Association of Washington, D.C.; ownership of my home and furnishings in Madison, Wis., on which I owe a mortgage to the Credit Union National Association in Madison, Wis., and from which home I have received $200 per month in rent during the last year; ownership of one 1970 automobile and one 1972 automobile, ownership of one checking account in a Washington bank, one checking account in a Madison bank and one savings account in a Madison bank, for tax purposes, with a combined balance of about $8,000.

I also have an outstanding collateral loan with the National Savings and Trust Co. here in Washington.

Trust custody of stock in my children's names have been turned over to them directly as they are over 21.

The value of my holdings has remained about the same since my last report. I estimate my net worth to be about $160,000.

To the best of my knowledge, this is an accurate record of my financial holdings and obligations.

In addition I herewith submit a copy of my 1971 tax return and a list of all honorariums received during 1971 in the amount of $300 or more. Additional income was received from book royalties, newspaper, and magazine articles and a series of speeches for the Brookings Institution here in Washington for which I receive $150 per speech.

Mr. President, I ask unanimous consent that my income tax return be printed in the RECORD, along with the statement of my financial holdings.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

3.—HONORARIUMS

List each honorarium of $300 or more received by you during the preceding calendar year. Do not list reimbursements of expenses. If none, write none.

Date	Payer and description of service (e.g., speech, article)	Amount or value
Apr. 27, 1971	Monmouth College, West Long Branch, N.J.—Speech	$1,050.00
Apr. 30, 1971	Massachusetts Teachers Association, Boston, Mass.—Speech	750.00
May 3, 1971	City University of New York, New York, N.Y.—Speech	500.00
May 8, 1971	Bowdoin College, New Brunswick, Maine—Speech	450.00
May 27, 1971	Public Affairs Council, Washington, D.C.—Speech	500.00
May 18, 1971	National Federation of Independent Business—Speech	750.00
Aug. 27, 1971	University of California, Los Angeles, Calif.—Speech	612.00
Sept. 15, 1971	B'nai B'rith, New York—Speech	1,050.00
Sept. 17, 1971	Bucks County Community College, New Town, Pa.—Speech	978.50
Oct. 9, 1971	Father Gibault School, Terre Haute, Ind.—Speech	500.00
Oct. 10, 1971	Association of Governing Boards of Universities and Colleges, Williamsburg, Va.—Speech.	300.00
Oct. 21, 1971	Northwestern University, Evanston, Ill.—Speech	750.00
Oct. 18, 1971	Hillcrest Jewish Center, New York.—Speech	$750.00
Oct. 22, 1971	Texas A. & M., College Station, Tex.—Speech	1,000.00
Oct. 25, 1971	Northwood Institute, Midland Mich.—Speech	1,225.00
Do	La Salle College, Philadelphia, Pa.—Speech	850.00
Nov. 3, 1971	American University, Washington, D.C.—Speech	500.00
Nov. 14, 1971	University of Delaware, Newark, Del.—Speech	1,000.00
Dec. 5, 1971	Princeton University, Princeton, N.J.—Speech	1,000.00
Dec. 9, 1971	Suffolk University Law School, Boston, Mass.—Speech	1,050.00
Dec. 11, 1971	Maimonides Medical Center, New York—Speech	1,200.00
Feb. 2, 1971	NBC–TV Comment Program, TV talk	320.00
Total		17,085.50

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief.

February 10, 1972.
William Proxmire.

U.S. DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE INDIVIDUAL INCOME TAX RETURN—1971

WILLIAM AND ELLEN H. PROXMIRE

Exemptions:	
Yourself and spouse	2
First names of your dependent children who lived with you: Theodore, Elsie, Douglas, Mary E	4
Total exemptions claimed	6
Income:	
Wages, salaries, tips, etc. (attach forms W-2 to back.) See statement 1	$43,500
Interest	4,491
Income other than wages, dividends, and interest (from line 40)	19,750
Total	67,741
Adjustments to income (such as "sick pay," moving expense, etc.)	4,166
Adjusted gross income	63,575
Tax, Payments and Credits:	
Tax	13,561
Income tax	13,561
Other taxes	585
Total	14,146
Total Federal Income tax withheld	11,768
1971 estimated tax payments	5,500
Total	17,268
Balance due or refund:	
Overpayment	3,122
Refunded	742
Credited on 1972 estimated tax	2,380
Income other than Wages, Dividends, and Interest:	
Business income or (loss)	20,912
Net gain or (loss) from sale or exchange of capital assets	−117
Pensions and annuities, rents and royalties, partnerships, estates or trusts, etc	−1,045
Total	19,750
Adjustments to Income:	
Employee business expense	4,166
Total adjustments	4,166
Tax Computation:	
Adjusted gross income	63,575
If you itemize deductions, enter total	16,565
Total	47,010
Total number of exemptions claimed, by $675	4,050
Taxable income	42,960
Other taxes:	
Self-employment tax	585
Total	585

Itemized deductions:	
Medical and dental expenses (not compensated by insurance or otherwise):	
½ (but not more than $150) of insurance premiums for medical care. (Be sure to include in line 10 below)	150
Total	0
Enter balance of insurance premiums for medical care not entered on line 1	256
Total	256
Enter 3 percent of line 18, form 1040	1,907
Subtract line 8 from line 7. Enter difference (if less than zero, enter zero)	0
Total deductible medical and dental expenses	150
Taxes:	
Real estate	1,574
State and local gasoline (see gas tax tables)	90
General sales (see sales tax tables)	407
State and local income	4,802
Home furnishings sales tax	527
Total taxes	7,400
Contributions.—Cash—including checks, money orders, etc.:	
Church	150
Miscellanous organized charities	50
Total cash contributions	200
Total contributions	200
Interest expense:	
Home mortgage	1,661
National Savings and Trust	1,790
Total interest expense	3,451
Miscellaneous deductions for child care, alimony, union dues, casualty losses, etc. See statement	5,364
Total miscellaneous deductions	5,364
Summary of Itemized Deductions:	
Total deductible medical and dental expenses	150
Total taxes	7,400
Total contributions	200
Total interest expense	3,451
Total miscellaneous deductions	5,364
Total itemized deductions	16,565
Interest income:	
Interstate	268
U.S. bonds and notes	4,071
U.S. Treasury notes and bonds sold	152
Total interest income	4,491
Profit (or loss) from business or profession:	
Gross receipts or gross sales	23,243
Less: Returns and allowances	23,243
Gross profit	23,243

U.S. DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE INDIVIDUAL INCOME TAX RETURN—1971—Continued

WILLIAM AND ELLEN H. PROXMIRE—Continued

Other business deductions:	
Other business expenses	$2,331
Total	2,331
Net profit	20,912
Capital Gains and Losses:	
Long-term capital gains and losses—Assets held more than 6 months:	
See statement 2	−234
Net gain or (loss)	−234
Net long term gain or (loss)	−234
Summary of Parts I and II:	
Combine the amounts shown on lines 5 and 13	−234
If line 14 shows a gain—Enter 50 percent of line 13 or 50 percent of line 14, whichever is smaller	0
If amounts on line 5 and line 13 are net losses, enter amount on line 5 added to 5C percent of amount on line 13	117
Taxable income, as adjusted	117
Supplemental income schedule:	
Rent and Royalty Income:	
Total amount of rents	2,200
Depreciation	804
Other expenses	2,441
Total net income of (loss) from rents and royalties	−1,045
Total of parts I, II, and III	−1,045

Schedule for Depreciation:	
See statement 3	$804
Total	804
Total cost or other basis	33,115
Summary of Depreciation (Other Than Additional First Year Depreciation):	
Straight line	175
Declining balance	629
Total	804
Computation of Social Security Self-Employment Tax:	
Computation of Net Earnings from business self-employment (other than farming):	
Net profit (or loss)	20,912
Net earnings (or loss) from business self-employment	20,912
Computation of Social Security Self-Employment Tax:	
From business (other than farming)	20,912
Total net earnings (or loss) from self-employment	20,912
(If line 9 is less than $400, you are not subject to self-employment tax. Do not fill in rest of page.)	
The largest amount of combined wages and self-employment earnings subject to social security tax is	7,800
Total	7,800
12 Balance (subtract line 11(c) from line 10):	
Self-employment income	7,800
If line 13 is $7,800, enter $585.00; if less, multiply the amount on line 13 by .075	585
Self-employment tax	585

PROXMIRE—1971 FEDERAL INCOME TAX STATEMENTS

Employer's name and address	FICA	Income tax withheld	Wages, etc.
Statement 1—Wages:			
(H) U.S. Senate, Washington, D.C		$11,639	$42,500
(W) Washington whirl-around	$52	129	1,000
	52	11,768	43,500

	Date acquired	Date sold	Sales price	Cost or other basis	Gain or loss: Short term	Gain or loss: Long term
Statement 2—Long and short term capital gains and losses:						
(H) (A) Sale of Treasury notes and bonds		1971	$11,866	$12,100		−$234
Total capital gains or losses					0	−234
Statement 3—Rent and royalty income:						
(H) Property (1)—residence, Madison, Wis., gross rents					$2,200	2,200
Expenses:						
Depreciation					804	
Repairs—painting					637	
Repairs—miscellaneous					92	
Insurance					183	
Interest					170	
Legal and accounting					435	
Taxes—Property					924	
Total expenses						3,245
Net loss						−1,045

Description	Date acquired	Cost or other basis	Accumulated depreciation	Depreciation method	Life: Years	Life: Percent	Depreciation this year
Depreciation:							
House	1958	$30,565	$9,591	150DB	50		$629
Improvements	July 1, 1964	1,750	1,123	SL	10		175
Furniture	Dec. 1, 1964	800	800	SL	5		0
Total							804

	Amount
Statement 4—Profit or loss from business or profession:	
Other business expenses:	
Travel expense	$2,331
Total other business expenses	2,331
Statement 5—Business expense:	
Travel expense away from home:	
Lodging, meals, and tips	946
Transportation	2,183
Living expense, District of Columbia	3,000
Total business expense	6,129
Less reimbursements	−1,963
Total	4,166
Statement 6—Itemized miscellaneous deductions:	
Tax preparation fees	350
Investment expense	24
Total	374
Employee business expense:	
Other business expense, advertising:	
Dues and subscriptions	118
Entertainment	124
Telephone	40
Broadcasts	2,880
Photos	62
Miscellaneous office expense	1,740
Total business expense	4,990
Miscellaneous other deductions	5,364

I hereby certify that I was in a travel status in the Washington area, away from home, in the performance of my official duties as a Member of Congress, for 45 days during the taxable year, and my deductible living expenses while in such travel status amounted to not less than $3,000.00.

WILLIAM PROXMIRE.

SIX YEARS EVIDENCE TO THE CONTRARY, SECRETARY ROGERS CLAIMS VIETNAMIZATION IS WORKING

Mr. PROXMIRE. Mr. President, on Monday, May 15, Secretary of State William Rogers appeared before the Foreign Operations Subcommittee of the Senate Appropriations Committee. I have the honor to chair that subcommittee.

In the course of the Secretary's appearance, he made the astonishing assertion that Vietnamization is working. I have regard for Mr. Rogers. He is a conscientious and able man. He has served this country selflessly and under the most trying circumstances, but for the Secretary of State to claim that Vietnamization is working, after all the evidence we have seen, is outrageous.

I ask unanimous consent that excerpts from the hearing that relate to the questioning of Mr. Rogers on this remarkable illusion be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

VIETNAMIZATION IS WORKING

Senator FONG. Mr. Secretary, I want to congratulate you for the policy that you have established in cooling the trouble spots of the world. You have taken care of the Berlin crisis and, in the Middle East, the shooting has stopped. Vietnam seems to be the only hot spot now, and there has been a lot of criticism about Vietnamization, "Vietnamization has not worked," the present onslaught by the North Vietnamese against the South Vietnamese, and some stories come up about the soldiers' refusing to fight and they have been driven back, and from this they draw the conclusion that Vietnamization has not worked. Now, could you speak to that?

Secretary Rogers. Yes, Senator. We believe that the Vietnamization program is working. Let me tell you what the Vietnamization program is as I see it. It was to turn over the principal responsibility for combat to South Vietnam, to permit the withdrawal of American ground combat troops in Vietnam, to hold out the most responsible and reasonable proposals for negotiated settlement that we could while this was happening and to make sure that South Vietnam was not overrun by military forces during this period of time.

Now, I don't have to elaborate at any length what has happened; we have reduced the number of ground combat troops by almost a half a million, almost 500,000; we have withdrawn American combat troops. The total incremental cost of the war has gone down from about 21 million to 7 million or something in that order.

We had, until about two months ago, by everyone's standard, cooled the situation so that the fighting was de-escalated, the casualties were way down. You note two years ago we were running 300 Americans killed a week, and now we are in the neighborhood of 10 or less. So, from that standpoint, we think Vietnamization has worked well.

We always recognized, Senator, that at some point a time would arrive when the South Vietnamese would be faced with the responsibility of defending themselves. We have said all along that when that occurred, we would help them with their air and naval support. Now, the President said, each time he announced troop withdrawals, that he would take whatever action was necessary if the enemy attempted to take advantage of that situation; and, as you know, recently massive invasion of South Vietnam occurred and, for the first time, all of the combat divisions of North Vietnam were sent into either Laos, Cambodia, or South Vietnam, and they used a great deal of equipment, heavy equipment, new, modern equipment; and South Vietnam, of course, is faced with the problem of defending itself under these circumstances.

They are doing quite well. The reports yesterday and the day before indicated that they are doing quite well. We think they will be able to defend their country. We are providing, as you know, air and naval support, and we are going to continue to do that.

In the meantime, I think, we have provided the most responsible and forthcoming proposal on negotiated settlement that a nation could propose. President Nixon, in his statement, proposed a total withdrawal of our military forces from Indochina in four months on the condition that there would be an internationally supervised cease fire in exchange for prisoners of war. That seems to have been forgotten; a lot of people forget that he has made this proposal, but it is a very reasonable proposal. We think that it is a proposal that the other side should accept, and I notice that some leading Members of the Senate have indicated that they thought so, too.

Therefore we think Vietnamization has worked. We realize that we are going through a difficult period now. We think South Vietnam is going to defend itself.

Senator Fong. You are pretty sure that South Vietnam will be able to defend itself?

Secretary Rogers. Yes, we feel that way.

Senator Fong. Now, the mining of the harbors of North Vietnam—I understand that the harbors of South Vietnam were mined by the Vietcong and by the North Vietnamese in the early part of the war. Is that true?

Secretary Rogers. That is correct, yes. I think people forget that the enemy has been mining both the territorial waters and internal waters in South Vietnam for some time.

Senator Fong. And some ships have been damaged?

Secretary Rogers. That is correct. There was damage to foreign ships, including United States ships.

Senator Fong. Thank you.

Senator Proxmire. Mr. Secretary, if the Vietnamization program has worked—and I hope and pray you are right, and I certainly agree with you the most recent information we have is encouraging and heartening—but if it has worked, why is it necessary for the President to take this extraordinary action which would—we hope it won't, and maybe it won't—result in a confrontation with the Soviet Union, an action which could result in the destruction of ships and citizens of other countries, an action which was recognized by the previous Administration and which has been categorized as being quite extreme —mining a harbor—and which has been supplemented, of course, with the most vigorous bombing attacks in a long, long time, resulting in the deaths of tens of thousands of people.

If the Vietnamization is working and the South Vietnamese are able to take over more of this, why is this extraordinary kind of lethal and dangerous confrontation necessary?

Secretary Rogers. Mr. Chairman, I don't know as I want to repeat everything the President said in his message the other night, because I think it was one of the great statements that has been made about this tragic war and, as you know, it has received overwhelming support of the American people, so I don't want to repeat all the things that he has said.

Senator Proxmire. I don't know that. I have seen some polls. If somebody asked me, "Do you support the President against the Communists?" of course I will say I do. But I have found in the mail I am getting and the wires I am getting—I have been out in my State every one of the last three weekends and talked extensively with literally thousands of people, and the overwhelming position I get is that the people are very deeply concerned, very much opposed to escalation here and feel very strongly that the President may have made a serious mistake.

The fact that poll takers come in and ask the people if they support the President in time of crisis when we are close to war with another country their affirmative answer is no surprise; people are patriotic and they will support their President in almost any circumstances when he is in confrontation with an enemy. But I just wonder if this represents real support of the American people for this kind of extraordinary action.

Senator Fong. I think the two polls that were taken, one by the Public Opinion Poll, went specifically to the question of mining the harbors of North Vietnam and whether they would agree with the President that that was the right move, and I think that the Public Opinion Poll showed that 74 percent of the American people were with him and the Harris Poll showed that 58 percent were with him, I think.

Secretary Rogers. That is correct. I have no doubt about it that the American people support the action that the President took. Now, you know you can argue about it, but I think the polls clearly show that they support him.

Let us talk about it a little and let us take one thing at a time, Senator. Take the mining of Haiphong. You say in your statement, well, that was rejected by the other Administration, therefore it must be bad. I think that is a non sequitur. The fact of the matter is—

Senator Proxmire. I didn't say it must therefore be had, it was rejected. Is that not a fact? It was considered and it was always constantly rejected by the Johnson Administration.

Secretary Rogers. But I think that the implication that was intended was therefore it must be wrong. I think just the other implication is the correct one.

Senator Proxmire. Didn't escalate enough. the other Administration should have been more aggressive.

Secretary Rogers. The other Administration should have taken this action and the war might not have lasted as long as it did.

I think the logic was wrong, it was faulty—it was faulty in many instances in the past. I think that to now argue that the other Administration rejected this and therefore this is wrong is fallacious, it is a non sequitur. The very people that argue that the other Administration made mistake after mistake now cite this as an example of how wise they were not to bomb Haiphong.

Let me finish, Mr. Chairman, because in the first place, that is the least offensive maneuver that could have been taken. The enemy has been mining in South Vietnam during the war time and time again and there was very little or no criticism of them.

Secondly, the mining of the Haiphong harbor was not going to cause difficulty unless someone went to it. The mine is a passive weapon, it does not go to anybody, it only activates in the event that a ship goes to it.

Third, it was clear that if we were going to support the South Vietnamese and at a time when they were under this massive attack, and there is no denying that, that we should do these things which were as restrained as we could devise.

In other words, there were several things that were thought of that we did not decide to do. So, these actions, the mining of Haiphong, I think, were quite restrained and the interesting thing now is that I notice that the critics are beginning to say maybe this was a good thing to do.

All the predictions that were being made about how catastrophic this was going to be did not appear to have come to pass.

Now, we think that it could very well bring about a failure of the invention of the South by the North, and if that is the case, we think it is quite possible that the other side will decide that the advisable course is to negotiate a settlement.

So, I don't agree that it is a dangerous tactic, I don't believe it is going to result in a major confrontation and I think it may very well lead to a negotiated settlement.

In any event, I believe it is going to make it quite possible, I think it is quite likely now that the South Vietnamese are going to be able to defend themselves successfully and I think it is probably going to be a turning point.

Senator Proxmire. I certainly hope you are right, Mr. Secretary. You and I have the same objective, we hope this war can end and we can achieve peace and end the killing.

But the argument, Mr. Secretary, is this, that the past Administration was criticized by many of us, I supported them for a long, long time, but in early 1968, I broke sharply with the Administration and criticized them for the escalation and felt that our bombing was unjustifiable and we ought to get out. I criticized the bombing before that.

The fact that the Administration, however, did not resort to this kind of action, either bombing Hanoi directly, bombing the city and mining the harbor, it seems to me represented some kind of restraint.

The restraint that was involved, although this mining may be a defensive measure, the fact is it is a measure aimed not simply at Vietnam but at the nations that were supplying it—Russia, China and other nations, so that it seems to me that under these circumstances what the Administration has done does represent a serious escalation of the war.

Furthermore, it is accompanied by an enormous amount of bombing and no matter what you say about the defensive quality of mines, there is nothing defensive about bombing.

There is no question it is going to result in the death of thousands of innocent people and it has, so I think we have to recognize that this kind of action on our part, especially when you recognize that the North and South Vietnamese both represent about an equal number of people, both about 17 million people, the Communist nations do supply the North, all the evidence that we have so far is that the supply has been far less than our supply of the South, China and Russia have been doing none of the fighting, none of the dying.

We have lost 50,000 dead Americans, 250,000 wounded, we have poured enormous amounts of supplies in. The requirement for an offensive action in which North Vietnam is engaging, of course, is much more serious than the defensive action.

Under these circumstances to say that Vietnamization is working sounds to me like pretty Pollyannish optimism.

I hope it does, maybe it will. If it does, it will be unfortunately because of the aggressive action and escalation by our Government rather than because the South Vietnamese have demonstrated until maybe the last 24 or 48 hours, any real will to defend their country.

Senator Fong. The interesting thing about it, Mr. Secretary, is that the escalation is on our side and not the escalation on the other side. They started and invaded with 15 divisions, all the divisions they had in North Vietnam. They came in, they started with a massive invasion and this was re-escalation.

All we did was to try to stop that invasion and I don't call it an escalation on our part.

Secretary Rogers. I think, Senator, you could not be more right. I cannot get over the fact that we keep talking about how we have escalated the war. Mr. Chairman, the war was escalated by the other side. It is just as simple as that.

Two months ago, every one in this country was saying, fine everything is going well. What changed it? What changed it?

Senator Proxmire. There is no question that they have engaged in aggression, sure. I will admit that, I agree to that, that is right.

Secretary Rogers. That is escalation.

Senator Proxmire. That is true but it is also true and I don't think we are being honest or fair if we don't agree that we have stepped up the bombing enormously. Sure, they have stepped up their invasion. They have put for the first time a conventional kind of invasion as Senator Fong says, with divisions, with tanks and so forth, in the field. That is the case.

But we have stepped up our bombing, we did that before their invasion resulted. We were bombing the North and if we are going to look at this fairly and honestly, we ought to see what both sides are doing.

Secretary Rogers. Senator, if somebody is trying to break into your house and you try to push him out the window, are you escalating it? We are in this situation; the other side escalated it. You said so yourself. They have escalated it. What we are trying to do is take a defensive measure to prevent that escalation from proceeding. It is as simple as that. The decisions the President made were based on the fact that this escalation occurred and he advised the other side before that happened that if they escalated, if they attempted to take advantage of our position as we were withdrawing our troops, then he would take the necessary action and he did that.

But he did it because they escalated the war, not the United States. And it seems to me that every time an American talks about this he should say that to himself; he should say the escalation resulted from what the enemy did, not what the United States did.

Now, the bombing that we are engaged in involves military targets. The enemy is attacking civilian populations. They have killed 20,000 civilians in South Vietnam. There is very little said about that. We are bombing military targets, we are not bombing civilian populations.

So, I think, first, any time we talk about this we first have to say to ourselves the escalation of this war was caused by the enemy and what we did was a reaction against that escalation.

The bombings that were engaged in are bombings of military targets; the bombings the enemy are engaged in are against civilian populations, they are throwing in artillery in DaNang and Hue and all these cities like water spray.

Senator Proxmire. May I say, Mr. Secretary, that you are an extraordinary eloquent man, you are persuasive.

Secretary Rogers. I hope so.

Senator Proxmire. Let's recognize how we started out. We are starting out discussing whether Vietnamization is working. Now if we are going to go in with a bombing that is greater in North Vietnam than our planes dropped on all the countries throughout World War II, if we are going to put the greatest Navy in the world at the disposal of South Vietnam against little North Vietnam, if we are going to have the greatest Air Force in the world engage in the kind of tremendous activity it is, then I don't know how you can say that whatever military progress is being made here is being made as a result of Vietnamization.

Secretary Rogers. I didn't say that.

Senator Proxmire. The South Vietnamese are not doing it and that was the fundamental question.

Senator Fong asked you how Vietnamization is working and certainly on the basis of what has happened here, not only with our mining the harbor, but with our enormous amount of bombing and with the terrific amount of supply, the fact that we have supplied that million-man army with our own expenditures with $100 billion does not sound to me as if Vietnamization is doing the job.

The South Vietnamese are not doing it, we are responsible for the fact that they are able to defend their country, although we poured in far, far more.

Do you deny that, far more supplies than the Russians and Chinese have poured in?

Secretary Rogers. Oh, no.

Senator Proxmire. You would not deny it?

Secretary Rogers. No, I would not deny it.

Senator Proxmire. Then, how can you argue under these circumstances—that we have provided far more supplies, that there are 50,000 dead Americans, the enormous effort that we have made, the terrific amount of bombing, the mining of the harbor and then say that the reason for success here is because Vietnamization is working.

Secretary Rogers. I don't say that. I didn't say that.

Senator Proxmire. Then, it is not working?

Secretary Rogers. No, I didn't say that, either. The Senator asked me.

Senator Proxmire. Is it working or not working? Which is it?

Secretary Rogers. Well, if you let me finish, I will try to tell you.

I said that I think Vietnamization is working.

If you go back and look at the testimony that we have given every time we have appeared, we have always said that at some time a crunch would occur, at some point there would be a serious battle unless there was a negotiated settlement.

There would be a test between the South Vietnamese and the North Vietnamese and we thought that in the final analysis, the South Vietnamese would be able to defend their country.

But we always said, Senator, and you have to keep this in mind, that we were going to continue to provide air support and naval support while our troops were being withdrawn and we said we were going to provide air support for some time thereafter.

We were going to train the South Vietnamese to fly aircraft and they do now, they fly about a quarter or a third of the tactical air strikes in South Vietnam.

We said we are going to have to do that, too. Part of the Vietnamization program is to encourage them to fly, to provide some planes for them and so forth.

Now, this is all in the process, it has not ended. In the meantime, this—

Senator Proxmire. Would you hold for a minute? You certainly would not argue that this bombing is a matter of cover for our troops' withdrawal primarily.

Secretary Rogers. Well, it is part of it, yes, sir.

Senator Proxmire. Maybe for a very small extent, but the kind of bombing we have been engaging in with the number of sorties a day that we have engaged in with the terriffic concentration of aircraft is a matter of assisting the South Vietnamese to defend their country.

Secretary Rogers. Yes.

Senator Proxmire. It is not a matter of withdrawing our troops. So that is part of our action.

Secretary Rogers. It is a combination. We are withdrawing our troops.

Senator Proxmire. 98 percent. It is like an elephant and a mouse.

Secretary Rogers. It is a combination. We have made no secret of the fact it is a combination. We are going to continue to withdraw our troops and while this is occurring we are going to use our naval power and air power to protect our troops and to assist South Vietnam, and we are doing that.

Senator Proxmire. I am glad to get the conclusion from you, Mr. Secretary, that in your view, you are not making an assertion that the Vietnamization is working.

Secretary Rogers. That is not correct.

Senator Proxmire. I understood you—

Senator Fong. Vietnamization is working?

Secretary Rogers. I said Vietnamization is working.

Senator Proxmire. I will read the transscript but I certainly got the impression that you agreed that the United States, with all we have poured into this with the enormous amount of bombing and the casualties and effort that we have made represents the real difference here; there is not Vietnamization, it is not the Vietnamese, the South versus the North Vietnamese that may be succeeding here, it is the American effort that is doing it and that is not Vietnamization, it is American contribution.

Secretary Rogers. That is your definition of Vietnamization. My definition of Vietnamization is that we would assist the South Vietnamese to defend their country and we would withdraw our troops and in that process, we would provide them military equipment and we would provide them air support.

We recognize that an attack might occur and if it did, we thought together we would handle it. We are. We are providing air support and we think it is working.

Now, that is my definition of the Vietnamization. We never said that Vietnamization was just that South Vietnam would handle everything and we would get out; that is the thing we resisted.

Senator Proxmire. You know as well as I know it is the air support and the naval support that are the strongest military force in the world against a fifth rate military power which has perhaps one percent or less of the military strength that we have. That is what is working here, that is what is effected, it is not the South Vietnamese. I don't know how any fair-minded person can say the South Vietnamese can fight and die and win as compared to the North Vietnamese. They have not done it. They have not showed even that they believe in their Government.

They have not done it so it is not working, but it is a difference of opinion.

Senator Fong. Mr. Secretary, it is a fact that South Vietnamization is working, that is the reason that North Vietnam is getting out. It would be difficult for them to get in.

Secretary Rogers. No doubt about it at all in my mind.

Senator Fong. That shows at this time because we are down to a very, very small number of American combat units.

Secretary Rogers. And causes us the maximum embarrassment.

Senator Fong. And also if they waited any longer, perhaps South Vietnam would be too strong for them to hit.

Secretary Rogers. Yes.

Senator Fong. And so, Vietnamization is working, that is why they want to hit now.

Secretary Rogers. That is correct. I think, Senator, it is important to say this, that at this time it is critical in our national life and at a time when we are preparing to go to the Soviet Union, at a time when everyone admits that we have a very reasonable peace proposal on the table, I think it is a time for people not to be critical. There is going to be plenty of time to criticize the President in July, August and September.

Now, it seems to me that we ought to exercise restraint, we ought to think and reflect, we ought to support the President. We ought not to revive all the old arguments about the war, we are all in it together, it is important for all of us.

Now is the time, it seems to me, to support the President, not to be critical, not to go back over and try to figure out who made mistakes in the past. Certainly, there are enough mistakes made so that we can all share in that discredit or credit.

Senator Fong. The sad thing about it is before the enemy was looking at our proposal we were already changing our proposal in the Senate.

Secretary Rogers. That is a fact. I was very much impressed with what the Foreign Minister of Canada, the Secretary of State for External Affairs, Mitchell Sharp, said, because they went to him and they asked him right away that night, "What do you think about the President's speech?"

And he said something I think all Americans should think about. He said, "This is a very serious matter, it comes at a critical time. This is a good time to think and reflect. I am not going to say anything".

I think that is good advice for all of us.

Senator Proxmire. Mr. Secretary, I was about to go on to other things because we do have Dr. Hannah here to testify, too. You have done a fine job, as you always do, defending your position, but I would like to say that I just can't resist when you say it is no time to be critical.

It seems to me that when the President of the United States moves into a critical position like that, into a serious position like this, what good Americans do is to pray for the President and hope that he is making the right decisions but never ever to give up on criticizing. That is what makes our country different from other, totalitarian countries. It is our responsibility, if we feel the President of the United States is doing the wrong thing, to say so, to say so constructively and positively; but to criticize him when he is wrong seems to me that if a United States Senator with the responsibility we have, and when Senator Fong asked the question of this kind, "Is Vietnamization working?" and you say it was, and if I just sat here like a bump on a log and assume it is working and let you go with it, it seems to me I would be remiss in my duty. I think we should be critical of the President when he is wrong in all circumstances.

I hope that the summit conference in Russia works out well, that is so important to us. Vital and important as the Vietnam war is, that is more important, and I hope that it can work and will work well.

I think the President has done many things extremely well, and I have said so. When he has done them wrong, I think we should speak out vigorously and directly and immediately and not wait in any circumstances.

Secretary Rogers. Mr. Chairman, I was not criticizing you. I am critical of some of the comments that were made immediately at the completion of the President's address.

You comment on your hope that the summit meeting will be a success. All of us do. I think that not only the summit meeting but the future in Vietnam, the possibility of a negotiated settlement, depends, in considerable measure, on the support of the American people, because I think things are going well. I think things are going well generally in foreign affairs. I think that the President's policy toward the People's Republic of China, has sound policy that is going to provide great dividends in the future—I think our policy vis-a-vis the Soviet Union is a sound policy, and I think that we do now face a time in our national life where we can get along better with the Soviet Union and the People's Republic of China, and if that is the case, it may help lead to a successful completion of the war in Indochina and result in a negotiated settlement.

To a considerable extent, that depends on the kind of criticism that is made, and I am not talking about constructive, thoughtful criticism, and obviously I think every Senator has to reserve his own position. I am just saying that the type of criticism and the timing of it is important and I would hope very much that responsible Members of the Senate and the House could understand the importance of this moment in their national life and not engage in strife and criticism, and I would hope the Congress will not pass any legislation that will undercut the President's position. I say there is plenty of time for the criticism that you speak about, Senator, in the campaign.

Now we need some support, we need reflection, careful consideration given to the delicate position that we face as a nation. It is a critical time; I think it is going to work out well. I think next year when I come back here, you will find that you will have other things to congratulate me about.

Senator Proxmire. Well, I certainly hope so. Mr. Secretary, it would be a surprise if the Secretary of State ever came before the Congress and said things are going badly in foreign affairs. We expect you to say they are going well. You referred to our relations with China; you referred to our relations with Russia. You see, that is the difficulty. This is more than a defensive action and protection of South Vietnam. This is something that goes right to the heart of our relations with two of the other strongest countries in the world.

That is the problem. I don't know how well things are going with the Soviet Union when we engage in this kind of action or how well they are going in China. I hope and pray that they exercise restraint, but I can understand why they might feel that if their ships are sunk, that if a Russian ship is sunk, that they have to engage in counteraction of some kind then things won't be going well at all.

JOINT ECONOMIC COMMITTEE PUBLISHES STUDY OF CHINESE ECONOMY

Mr. PROXMIRE Mr. President, as chairman of the Joint Economic Committee, I am proud to announce publication of an excellent staff study of economic developments in Communist China.

Since the President's visit in March, curiosity about the economy of mainland China is greater than ever. We know far less about China than any other large country. The study now makes available some basic insights on the weak and strong points of Chinese efforts to maintain a huge and growing population and promote growth. The major conclusions are as follows:

The economic losses caused by the cultural revolution of 1966–69 were far more limited than the earlier economic disasters of the great leap forward in 1958 through 1960. Moreover, the Chinese economy has now fully regained the growth momentum of the years preceding the disruptions of Chairman Mao's cultural revolution.

China's chronic problem of feeding its population has been eased by a modest, but impressive Chinese version of a "green revolution." Nevertheless, in spite of an active birth control policy population growth will continue to place heavy pressure on subsistence.

To date, China has been successful in meeting conflicting claims on scarce resources: Feeding the population, expanding and modernizing their military forces, establishing and improving their industrial base. However, this current economic stability may be disturbed by several possible developments: Poor crop years, escalating weapons costs, and political instability from either Maoist programs or his succession crisis.

In spite of economic successes in China, its gross national product remains far behind that of the United States, and other major nations. China's estimated gross national product for 1970 was $120 billion, as compared to $974 billion for the United States, and approximately $245 billion for Japan. On a per capita basis, the comparison is much more striking. China's per capita income is only 3 percent of ours and approximately 6 percent of Japan's. Its relative economic weakness means that any military threat from China must be low. They are much too weak economically to pose any serious military danger to the United States. And this situation inevitably will continue for some time.

The publication, which is entitled, "People's Republic of China: An Economic Assessment," was prepared by several Government departments. Scholars throughout the country had informed us that it would be difficult for them to update the committee's 1967 study, because most of the recent information is in the hands of the Federal Government.

Accordingly, we undertook this publication to make recent Government information available to the public. We have had excellent cooperation from the Central Intelligence Agency, the Department of State, and other Government civilian agencies in preparation of this publication, particularly on the subject of current and future defense alternatives facing the Chinese and the burden of defense on limited resources. Regrettably, the Defense Department did not see fit to participate in the study, because of reluctance to reveal secret information. This is another example, in my opinion, of overzealous application of secrecy regulations.

I have scheduled hearings next month to permit outside experts to testify on the newly available information.

A copy of the "People's Republic of China: An Economic Assessment" is available from the committee office, G–133, New Senate Office Building—225–5321.

I ask unanimous consent to have printed in the Record a summary of this study, made by John P. Hardt, on the economic development in Communist China, which is very revealing and interesting, as it indicates among other things that while China has progressed greatly, she still does not have the economy to represent a military threat to this country.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary

By John P. Hardt

Five years ago, as the Great Proletarian Cultural Revolution was building up to a peak, the Joint Economic Committee released a pioneering, two-volume assessment, entitled *An Economic Profile of Mainland China. Today,* as the People's Republic of China begins to participate in the United Nations and as relations between China and the United States begin to thaw, it is appropriate to reassess and update the conclusions reached in the earlier study. The present volume, in which 12 U.S. Government specialists analyze China's economic performance, is the result.

Although the authors are faced with formidable data problems—discussed in each of the studies—they are able to support their conclusion that China's economy has shown great resiliency and that recent policies and programs are moving the country into a strong economic position. At the same time, the authors demonstrate that China has many remaining economic problems, the most conspicuous of which are the pressure of population on agricultural resources and the difficulty in keeping up in the world technological race.

The volume starts with two articles on the general economic setting—an overall survey of China's economic performance in the past two decades (Ashbrook), an analysis of economic motivation in China (Jones). The next group of papers are on specific sectors of the economy — industrial development (Field), the electronics industry (Reichers), agriculture (Erisman), and transportation (Vetterling and Wagy). Next, problems of human resources are covered in papers on science and education (Orleans) and on population policy (Aird). Finally, China's external economic relations are addressed in papers on foreign trade (Usack and Batsavage) and foreign aid (Tansky).

The authors have provided their own summaries, and the readers will want to make up his own mind when there are clashes in individual viewpoints. Some of the major questions suggested by the analysis of these papers are as follows:

1. How badly was economic development in the PRC set back by the Great Leap Forward (1958–60) and the Great Proletarian Cultural Revolution (1966–69)?

In general, the assessment of the present volume is less pessimistic than the assessment of the 1967 JEC study, partly because of the advantage of hindsight. It is now clear that fairly impressive industrial growth occurred in the midst of the Leap Forward confusion (Field, p. 64) and that the remedial measures in the post-Leap adjustment period were timely and effective (Ashbrook, pp. 4–5). Furthermore, the Cultural Revolution—which was just beginning to have adverse effects on the economy when the first JEC study was being published—proved to have no palpable effect on agriculture and only short-lived effects on industry (Ashbrook, pp. 25–30)

The closing of universities for some 4 years will have some lasting effects on the training of high-level professional manpower, "but the present halting adjustment will, eventually, result in an acceptable compromise between ideology and expedience." (Orleans, p. 205)

As for the scientists, professors and the intellectuals in general, who had to absorb the brunt of the Cultural Revolution:

"The seemingly unrestrained attacks against his Chinese colleagues are likely to be much more painful to the Western scientists . . . than to the object of the abuse who probably has become quite immune through exposure and who is pursuing his daily responsibilities, if not with enthusiasm, then at least with discerning acquiescence." (Orleans, p. 197)

2. How serious were the short and longer term impacts of the Sino-Soviet rupture in relations on Chinese economic development?

Soviet aid was critically important to Chinese industrial development during the 1950's:

"The major impetus to the drive for industrial development was furnished by large-scale imports of machinery and equipment, much of it in the form of complete industrial installations. The Soviet Union was the chief supplier of complete plants. During the decade agreements were signed with the U.S.S.R. for the construction of 291 major industrial installations in China. By the end of 1959, equipment valued at $1.35 billion had been delivered and about 130 projects were completed. Agreements were also signed with Eastern European countries for the construction of at least 100 major projects and about two-thirds of these were completed by 1959. In addition to supplying equipment for these installations the Soviet Union provided China with valuable technical aid including: (*a*) blueprints and technical information, (*b*) some 10,000 Soviet technicians and advisors, and (*c*) training for 15,000 Chinese technicians and academic students in the U.S.S.R." (Usack and Batsavage, p. 344)

The impact of Soviet aid termination in mid-1960 on Chinese industrial output was soon in coming:

"In 1961, industrial production fell sharply to a level slightly above that of 1957 but only two-thirds of the peak reached in 1959. After the withdrawal of the Soviet technicians in mid-1960, the Chinese found that they could not operate many of the heavy industrial plants built as Soviet aid projects, and they were forced to cut production drastically." (Field, p. 64)

However, the shift to non-Communist sources of assistance in the 1960's took away part of the sting, as in the electronics industry:

"The withdrawal of Soviet aid in 1960 forced China to turn to the non-Communist countries for assistance. These countries, principally Japan, West Germany, the United Kingdom, France, and Switzerland, are currently the source of more than four-fifths of China's imports of electronic products and production equipment. In 1960–1970 more than $200 million of technologically advanced electronic production equipment was imported from the non-Communist world. The imports consisted primarily of modern military and industrial electronics which China could have produced domestically only after a long development period. These imports as well as imports from the West of special electronics materials and technological know-how enabled China to forego the lengthy and expensive process of prototype development and to expand its electronics production base from 60 major electronics plants in 1960 to 200 in 1971. Years were saved in establishing the production of advanced electronic products for industrial and military programs. (Reichers, pp. 87–88).

Ideally, continuation of Soviet aid to 1967, that is, through three 5-year plans would have served Chinese economic interests best. Yet, as Reichers suggests, the forged shift to Western industrial sources had tangible long-run benefits to the Chinese.

3. In view of its burgeoning population can the Chinese economy sustain its major priorities?

With the exception of the three disaster years of 1959–61, China has fed its huge and growing population currently estimated to be 865 million. Peking's approach to China's neo-Malthusian problem has been two-pronged—a new investment strategy for agriculture and sporadic birth control programs. The new investment strategy adopted in the wake of the Great Leap Forward involved an increase in chemical fertilizers, pumps for water control, improved transportation, and so forth, and a concentration of these additional resources on potentially high-yield rice land in the south of China:

"The response of agricultural production to the new strategy including the substantial increases in investments in agriculture and the concentration on high-yield acreage—resulted in (*a*) the restoration of the 1957 level of grain production by 1964, and (*b*) the growth of grain production at a somewhat faster rate than population in 1965–71.

"As a result of the changed strategy, a new trend line has been established in agriculture, distinctly higher and more steeply pitched than that prevailing under the low-investment policy of the first decade, yet lower than that which could be readily realized given even larger and better-balanced inputs. Output will exceed the trend value when weather is better than normal and fall below the trend value to the extent weather is unfavorable." (Erisman, p. 142).

The three birth control campaigns have had no appreciable effect on demographic rates. Moreover—and this is the most striking point in the population paper—a successful attempt at fertility reduction probably would have little effect on the total size of the population over the next two decades. Aird's four population projections for 1990 range only between 1,319 million and 1,330 million:

"These models imply that even a major and successful effort at fertility reduction in the PRC is not likely to make much difference either in the size of the total population or in the size of the younger age groups, hence it cannot afford much relief from population pressure in general or from such specific problems as the need for education, employment, housing and other services for young people. To escape from such limited and rather discouraging prospects, the PRC would have to find a way to alter some of the factors that have thus far determined demographic experience in other developing countries.

"The principal reason why these models show so little difference even for successful efforts at family limitation is that they assume a correlation between fertility—and mortality trends. It is, in fact, hard to conceive of circumstances favorable to a general acceptance of family limitation which do not also result in improvement in general health and a lowering of mortality. The dissemination of family planning in the PRC has often been associated and is currently being combined with a general drive for better medical care and sanitation throughout the countryside." (Aird, p. 330.)

In summary, the main line of thinking in these papers is that new investment will keep agriculture up with population but that agriculture will provide no extra margin for stepped-up economic growth.

4. What burdens do military development and foreign aid—the power oriented programs—place on economic development?

A reading of the papers suggests that the Chinese have been generally successful both in building up a heavy industrial base and in gradually modernizing their armed forces. Among the major factors contributing to this success are: (*a*) the control of consumption at relatively, austere, egalitarian levels; (*b*) the use of foreign trade to get high-technology machinery and materials, which could be produced at home at very high cost and after long delay; and (*c*) the partial insulation of the nuclear and other high-technology programs from political turmoil. The military programs command roughly one-tenth of China's GNP (Ashbrook, p. 45) and the foreign aid programs approximately $400 million annually, or about one-third of 1 percent of China's GNP (Tansky, p. 371). During the next decade, when the cost of series manufacture and large-scale deployment of modern weapons will rise sharply upward, the leadership may face a much tighter squeeze on resources needed for growth. This squeeze would be compounded by the insistent pressure from the population to raise the level of consumption.

5. How successful has Peking been in developing the various economic regions of China?

The authors agree that Peking can point to substantial successes in building up regional transportation and industrial facilities:

"When the Communists came to power, they inherited an undeveloped and badly damaged transportation network. Reconstruction of much of the old network was undertaken during 1950–52, and bold plans were formulated for the extension of the rail, highway, and inland waterway systems. Substantial progress was made during the 1960's and, after a pause during the early 1960's, expansion was again given high priority in the late 1960's. The rail network was extended into the southwestern and northwestern sections of the country, and additional connecting links were built in the east and northeast. The highway network was expanded and improved especially in western areas such as Tibet where no railroads presently exist. The inland waterway network was restored, improved, and expanded. Inland and coastal ports were modernized and their capacities increased. (Vetterling and Wagy, p. 147)

"In summary, the Chinese have persisted in their plan for the regional development of the country through thick and thin. The original plan which was first to repair the industrial centers damaged during World War II, then to build new industrial bases in North and Central China, and finally to develop the Southwest and the Northwest—has certainly been delayed, but the pattern of development has been retained. Pao-t'ou and Wu-han, for example, are now well-established industrial bases, and a large number of industrial construction projects are currently under development in Southwest China." (Field, p. 71)

PROSPECTS AND PROBLEMS

The papers in the volume almost certainly will prove of value to anyone interested in the relationship of the United States with the People's Republic of China. The authors have provided a surprising amount of detailed information on the People's Republic of China's economic history, its current economic situation, and its future economic prospects. Although it has not been the purpose of the authors to spell out the implications of their findings for U.S. policy, they have provided us with an informational and analytic basis relevant to that important task. Some future prospects and problems may thus be identified.

Past Western projections of Chinese performance have often seriously overstated or understated the actual future performance. In times of disruption and poor performance the recuperative capabilities of Chinese society have, apparently, often been underestimated. Now, in a period encouraging favorable forecasts it is well to be cautious. A number of problems may arise to disturb an extrapolation of currently favorable economic trends:

Natural calamities may play their roles as they have throughout Chinese history; for example, floods, droughts, earthquakes, epidemics, and so forth.

The food/population balance may be disrupted causing short or longer term economic retardation.

The military burden on the economy may sharply rise in response to escalating weapons costs in their nuclear program, force expansion, and modernization to meet perceived needs on the Soviet border or in the Taiwan Straits, or other policy reasons.

Leadership struggles either to develop a better Maoist state or choose a successor to Mao may disturb the current stability.

Institutional changes, as China proceeds on its course of transformation from a traditional to a modern society, may continue to engender periods of instability and disruption. The Soviet experience has been a mixed blessing as a guide to Chinese institutional accommodation to change. From the rejection of the Soviet model the Chinese turned to a "search for a Maoist model". (Jones p. 58) An assumption that the search has ended and institutional stability will now facilitate Chinese economic development would seem premature at this point.

The People's Republic of China has become an economically strong, unified nation. Its capability simultaneously to meet requirements of feeding its population, modernizing its military forces, and expanding its civilian economic base must now be assumed from its record to date. Moreover, its expanding economy and military establishment provide a base for projecting increasing power in consonance with its enormous human resources. Chinese influence may also be felt both through direct use of economic and military aid and the indirect example of its model of development. Thus China may in the next decade or two join the United States, the Soviet Union, Japan, and the West European community in a pentagon of world powers.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF COST OF LIVING COUNCIL—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

In accordance with Section 216 of the Economic Stabilization Act Amendments of 1971, I am pleased to transmit the second quarterly report of the Cost of Living Council on the economic stabilization program covering the period January 1 to March 31, 1972.

RICHARD NIXON.

THE WHITE HOUSE, *May 19, 1972.*

INTERNATIONAL EXPOSITION IN PHILADELPHIA, PA.—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following message from the President of the United States, which was referred to the Committee on the Judiciary:

To the Congress of the United States:

In a message to the Congress on September 11, 1970, transmitting a report of the American Revolution Bicentennial Commission, I strongly endorsed the Commission's view that the primary emphasis in our commemoration of the Nation's birth should be a nation-wide celebration, involving every State, city and community.

At the same time, I agreed that we should encourage international participation in our celebration. Philadelphia seemed a natural choice as the principal site for an international exposition because it was there that the Declaration of Independence was signed and the Constitution created. Accordingly, I informed the Congress that the Secretary of State was being instructed to proceed officially with the Bureau of International Expositions in registering an international exposition in Philadelphia in 1976.

At that time, I also pointed out that this exposition was dependent upon the assurance of suitable support and a review of financial and other arrangements by appropriate parties, including high-level government officials.

The Chairman of the Bicentennial Commission, David J. Mahoney, has now informed me that on May 16, the members of his commission voted not to approve the proposal submitted by the Philadelphia 1976 Bicentennial Corporation for this international exposition. Among the reasons cited were the large costs to the Federal government, a question of whether it was still appropriate to hold such a large exposition in one city, the Commission's continuing commitment to a nation-wide celebration, and a question of whether sufficient time remained to make all necessary arrangements. The vote of the Commission was 23–4 against the exposition.

Also, I have been jointly advised by the Secretary of Commerce and the Director of the Office of Management and Budget, that we should not proceed unless certain basic conditions could be met. There is no evidence now that we can fulfill those conditions.

Under the full weight of these recommendations, I have reluctantly concluded that we cannot prudently go forward with the international exposition in Philadelphia.

I am therefore asking the Secretary of State to take action at the impending meeting of the Bureau of International Expositions to withdraw the registration of the international exposition in Philadelphia. I have also asked the Secretary to make clear to the Bureau of International Expositions that the United States, and its many State and local governments, will warmly welcome foreign participation—both public and private—in our Bicentennial. And, I am asking the American Revolution Bicentennial Commission to ensure that their plans include encouragement for such participation.

I remain firmly convinced that Philadelphia, in commemoration of its unique place in American history, will and should play a major role in the Nation's 1976 observances, and that the celebration of this birthday will reflect the vital and abundant spirit of our Nation.

RICHARD NIXON.

THE WHITE HOUSE, *May 22, 1972.*

REPORT OF NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare.

To the Congress of the United States:

Pursuant to the Elementary and Secondary Amendments of 1966, as amended, I am transmitting herewith the Annual Report of the National Advisory Council on Adult Education.

RICHARD NIXON.

THE WHITE HOUSE, *May 19, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HUGHES) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

AUTHORIZATION FOR ALL COMMITTEES TO FILE REPORTS UNTIL 5 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees have until 5 p.m. today to file committee reports.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HUGHES):

The petition of "Free the Prisoners Now, Inc.", of Bay City, Mich., praying for cooperation relative to pursuit of efforts in helping to free prisoners, and so forth.

EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT—REPORT OF A COMMITTEE

Mr. PELL, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes, submitted a report thereon (S. Rept. No. 92–798), which was ordered to be printed.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 999

At the request of Mr. CHURCH, the Senator from North Dakota (Mr. BURDICK), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. ALLOTT), and the Senator from North Carolina (Mr. JORDAN) were added as cosponsors of Amendment No. 999, intended to be proposed to the bill (H.R. 1), to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State Public Assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION, SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE

Mr. BIBLE. Mr. President. I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10 a.m. on June 9, in room 3110, New Senate Office Building, on the following bill.

S. 3531, to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreational facilities in connection with the 1976 Winter Olympic Games.

NOTICE OF HEARINGS ON FEDERAL LEASING AND DISPOSAL POLICIES FOR ENERGY RESOURCES ON THE PUBLIC LANDS

Mr. JACKSON. Mr. President, leasing and disposal policies for energy resources on the public lands will be the subject of hearings conducted by the Committee on Interior and Insular Affairs in the present session of Congress. June 19, 1972, is scheduled as the first of 2 hearing days. These hearings are part of the National Fuels and Energy Policy Study authorized by Senate Resolution 45, and conducted by the Interior Committee with exofficio participation from the Commerce, Public Works and Joint Atomic Energy Committees.

Secretary of the Interior Rogers C. B. Morton has been asked to appear and testify on the Interior Department's planning and management policies for leasing and development of energy resources on the public lands, including the Outer Continental Shelf. Comprehensive lists of questions and policy issues have been sent to the Secretary and a basis for his testimony and for materials and exhibits to be submitted for the hearing record. Mr. President, I ask unanimous consent that these questions and policy issues be printed in the RECORD following my remarks.

Representatives of other executive branch agencies will be requested to testify or to submit statements for the record, giving additional information, views, and recommendations on some or all of the questions and policy issues. Time will not permit appearances by all members of the public who might wish to testify, but the committee will accept statements in writing addressed to issues on the following lists, for inclusion in the hearing record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENERGY RESOURCES LEASING AND DISPOSAL QUESTIONS AND POLICY ISSUES

INTRODUCTION

Leasing and disposal policies for energy resources on the public lands will be the subject of two days of hearings by the Committee on Interior and Insular Affairs. These hearings are part of the National Fuels and Energy Study authorized by Senate Resolution 45 and conducted by the Interior Committee with ex-officio participation from the Commerce, Public Works and Joint Atomic Energy Committees.

June 19 is tentatively scheduled as the first of the two hearing days. On that day, representatives of the Interior Department will be asked to address several broad issues of policy concern (Attachment "A"). In addition, the Department is being asked to submit for the hearing record comprehensive answers to the attached list of questions and policy issues (Attachment "B"). The responses to Attachment "B" will be used by the Committee as background for a second day of hearings yet to be scheduled.

The list of questions and policy issues in Attachment "B" is organized according to the two major purposes of the hearings: a general oversight of energy resource management, and an examination of three particularly important aspects of leasing policy.

Part I of the list is intended as background for a general oversight of the management of all energy resources on U.S. public lands, including administration of the Mineral Leasing Act, the Outer Continental Shelf Lands Act, and the general mining laws insofar as they relate to energy resources.

Parts II and III invite a more intensive examination of three specific areas of leasing policy that may have particularly significant impacts on the nation's energy supplies in the forseeable future:

Part II concerns the criteria and procedures for issuing, reviewing or renewing coal leases and prospecting permits; and

Part III concerns mineral leasing on the Outer Continental Shelf. III–A deals with the leasing system and bidding methods and procedures for OCS oil and gas, and III–B deals with possible participation by coastal state and local governments in federal mineral leasing revenues.

The formulation in both lists of questions and policy issues were chosen for submission to the Interior Department in connection with the hearing scheduled for June 19. The views and recommendations regarding all or some of the issues covered by these lists will be solicited from other agencies, state governments, industry, consumer and conservation groups, and the public generally, either in appearances or in statements for the record.

Attachment A: General Issues of Energy Resource Management on U.S. Public Lands

The energy resources considered in the following questions include:

Oil and Gas

Oil Shale and Other Hydrocarbons (Tar Sands, etc.)

Coal and Lignite

Uranium

Geothermal Energy

In answering the questions, resources may be considered jointly or individually, as appropriate. "Public lands" should be interpreted to include the public domain, acquired lands, Indian lands, and the Outer Continental Shelf.

(1) Which energy resources on the public lands (a) are now, or (b) could be, made available in the foreseeable future, as a major element in the nation's energy supply?

(2) What are the principal goals and objectives of the government with respect to management of each resource?

(a) To what extent is each goal or objective specifically set out in law, or adopted at the discretion of the Department?

(b) To what extent is each goal or objective compatible with other objectives for the management of individual resources? (For example, how are encouragement of current development, conservation of supplies for future use, and maximization of government revenues reconciled?)

(c) What is the basis for any differences in goals or objectives with respect to different energy resources?

(d) To what extent do the goals and objectives of the principal legal authorities under which individual energy resources are managed require review to determine if they are consistent with today's energy requirements and environmental goals?

(3) How do you relate the Mining and Minerals Policy Act to Department of Interior policy regarding federal leasing of energy minerals?

(4) For which energy resources does your Department (or agency) have a long-term schedule, plan, or strategy for leasing or disposal? To what extent, and how, does each take into account national and regional demand and alternative sources of supply (including outstanding inactive, nonproducing federal leases, private and state lands, etc.)? In particular, what are the Department of Interior's policies for leasing coal, Outer Continental Shelf oil and gas, oil shale, and geothermal resources?

(5) In view of the large acreage and probable quantities of some energy resources in private ownership, or under current federal lease, what is your position on the need to issue additional leases or prospecting permits? Consider especially coal and oil shale.

(6) For each resource, what conditions regarding land reclamation, protection of other resources, or environmental quality, are currently required for exploration or energy resource production on the public lands?

(a) To what extent are such conditions prescribed or proscribed by law, or within the discretionary authority of the Interior Department?

(b) In what instances, if any, does the law permit or require bonding or other assurance of financial responsibility for environmental protection or performance?

(c) What, if any, recourse of enforcement authority has the Interior Department (or your agency) with respect to violations or default of contract provisions regarding protection of other resources or environmental quality, or land reclamation? Does the Federal government have authority to cancel a lease, permit, or other resource right in such an instance? Is addititonal authority needed at this time? Is so, what provisions should such new authority contain?

(d) What has been the specific effect of environmental laws, regulations, and requirements on the level of exploration and production of energy minerals on the public lands?

(7) What safeguards in the preparation of a new five-year leasing schedule will protect against, and provide relief from, anticipated recurring delays due to litigation and other foreseeable resistance to continuing regularly held OCS lease sales?

(8) Does the present system of leasing or disposal for each energy resource provide sufficient incentive for early exploration and development? Do the current size of lease tracts for the various energy minerals, acreage limitions on lease holdings, and length of lease terms deter exploration and/or development of any energy resource on public lands?

(9) In which cases, if any, do elements of the present system encourage speculative nonproductive holding of resources on the public lands? Consider particularly

(a) Noncompetitive leasing of onshore oil and gas;

(b) The system of prospecting permit and preference right leases for coal;

(c) The indefinite term and twenty-year review of coal leases; and

(d) The location-patent system for uranium ore.

(10) Does the present system of leasing or disposal of each energy resource provide for receipt of fair market value by the government for the resource? Consider particularly the four instances named in question 9. In each instance where the government generally receives less than fair market value, what benefit does the public receive from leasing or disposal programs in which receipt of fair market value is not a principal objective?

(11) What is the experience to date with respect to classes of enterprise engaging in exploration and production operations involving energy minerals on public lands? Does the present system of leasing or disposal for any of the major onshore and offshore energy resources unduly favor some classes of enterprise (for example, large integrated firms? What is the relationship between classes of enterprises presently engaged in development of energy resources on public lands and the rate of exploration and production with respect to the development of coal, oil shale, and geothermal energy?

(12) What are the advantages and disadvantages, in terms of the criteria set forth below, as applied to OCS oil and gas leasing of a (1) cash bonus bid—fixed royalty system; (2) deferred bonus bid—fixed royalty system (payments of one-third of the bonus bid successively upon award of lease, discovery, and production); and (3) fixed bonus—royalty bid system?

(a) Competition;

(b) Incentive to rapid exploration and development;

(c) Conservation of energy resources for future use;

(d) Total amount of resources ultimately recovered under the lease;

(e) Efficiency of allocation;

(f) Possible bias toward any one class of lessees (Ease of entry, etc.)

(g) Timing and amount of revenue to Government;

(h) Problems of administration and levels of Government personnel required to administer the leasing system;

(i) Ability to implement within the authority of the Act (i.e., would it require amendment of the OCS Lands Act?)

(13) How adequate for purposes of planning and management is the information available to your Department or agency on energy resources of the public lands? Consider particularly:

(a) Geological and geophysical information relevant to OCS oil and gas leasing;

(b) The reserves, and probable and potential resources, on lands under coal permit or lease, or under application for permit or lease;

(c) The number, acreage, and reserves or resources of uranium claims;

(d) The persons owning or effectively controlling leases or claims;

(e) The progress of development, or volume and value of production from leases or claims.

If it is the position of your Department (or agency) that inadequate information is available, what changes in law, organization, or regulations would be necessary to make the desired information available?

(14) Does oil and gas exploration, development and production on the Outer Continental Shelf impose a net economic or fiscal burden on the adjacent coastal state? Should this burden, if any, be compensated by granting the coastal states a share of OCS mineral leasing revenues?

(15) What funds have been paid to states under the revenue sharing provisions of the Mineral Leasing Act of 1920? What is the basis in policy for such sharing of revenues? With respect to public lands states other than Alaska is there any reason why such a revenue sharing policy should not be perpetuated in any subsequent legislation related to mineral leasing?

Attachment B: Energy Resources Leasing and Disposal Questions and Policy Issues

PART I. ISSUES CONCERNING ALL ENERGY RESOURCES

The questions in Part I should be answered for each of the following energy resources on U.S. public lands (including acquired lands and Indian lands):

Onshore oil and gas;

Outer Continental Shelf oil and gas;

Oil shale and other hydrocarbons (tar sands, etc.);

Coal and lignite;

Uranium; and

Geothermal energy (distinguish, where geothermal steam and hot rock resources).

Some of the following questions have been asked in a similar form with respect to Outer Continental Shelf oil and gas in the list of questions and policy issues prepared for the Committee's oversight hearings on administration of the Outer Continental Shelf Lands Act held on March 23 and 24, 1972. Where detailed answers were submitted for the record of the earlier hearing, those answers may be briefly summarized and referenced in response to the questions here. Also, questions similar to some of the following are asked in Part II and Part III of this list of questions and policy issues with specific reference to coal or to Outer Continental Shelf oil and gas. Detailed responses should be made to such questions under Part II or Part III, and those responses may be summarized and referenced where appropriate in Part I.

A. LEGAL AND MANAGEMENT REGIMES

Describe briefly the legal and management regime governing the development of energy resources on U.S. public lands (including acquired lands and Indian lands). The responses should include, but not necessarily be limited to, answers to questions:

1. What constitutes the principal legal authority under which each resource is developed?

2. What are the principal goals and objectives of the government with respect to management of each resource?

a. To what extent is each goal or objective specifically set out in law, or adopted at the discretion of the Department?

b. To what extent is each goal or objective compatible with other objectives for the management of individual resources (For example, how are encouragement of current development, conservation of supplies for future use and maximization of government revenues reconciled?)

c. What is the basis for any difference in goals or objectives with respect to different energy resources?

d. To what extent do the goals and objectives of the principal legal authorities under which individual energy resources are managed require review and amendment to make them consistent with today's energy requirements?

3. To the extent that receipt of "fair market value" is an objective of management policy for any resource, how is each such resource evaluated before lease or sale, when reviewing bids, when reviewing a lease for renewal or other purposes, and when determining royalty obligations? For each resource, and in each instance:

a. Who makes the evaluation?

b. What is net public resource value, and how is it measured and how it is used in evaluation?

c. What is fair market value, and how is it measured and how does it relate to the evaluation?

d. Distinguish, if possible, between fair market value and maximization of government revenue.

e. Is a discounted cash flow analysis used in leasing evaluations? If so, how?

f. How is fair market value determined in isolated, non-industrialized areas?

4. Describe briefly the *system* (location, competitive lease, lease to first applicant, prospecting permit with preference right, negotiated sale, etc.) used to make each resource available for private development.

5. What initiative or action is required by a private party to obtain rights to each resource?

6. What discretionary authority, if any, has the Interior Department to lease or not to lease, or otherwise to open or close lands to development of each resource?

a. Specify the source of the authority (statute or regulations) and identitfy the criteria which determine the conditions and purposes for which the authority may be exercised.

b. Is the existing authority for each energy resource adequate to protect other resources and values found on and associated with the public lands?

7. What discretionary authority, if any, has the agency with jurisdiction over the surface (if other than Interior) to open or close lands to development of each resource?

8. How is the price determined that is paid to the government for each resource or the right to develop it? To what extent is the system of pricing and/or the specific price prescribed by law, and what, if any, discretionary authority has the Interior Department over them?

9. What is the term of a lease, permit, sale, or other right to each resource?

a. Can the contract provisions be reviewed and amended within this term, and if so, with respect to what conditions?

b. To what extent are the term and the scope of review and amendment prescribed by law, or within the discretionary authority of the Interior Department?

10. What are the conditions for renewal or continuation of a lease, permit, sale, or other right to each energy resource?

a. To what extent may the conditions for renewal or continuation differ or be made different from the original conditions for issuance of the lease, permit, or right?

b. To what extent are the conditions of renewal prescribed by law, or within the discretionary authority of the Interior Department?

11. Where law or regulation establishes a performance standard (producible, commercial production, diligent development, valid discovery, etc.) for issuance, continuance or renewal of a lease, permit, or other right:

a. How is this standard defined in law, in regulation, and in administrative practice?

b. What, if any, test is conducted or required by the Interior Department to determine whether this standard has been fulfilled? Who makes and/or reviews these tests?

12. For each energy resource, what, if any, limits are there on the number or acreage of leases, sales, permits or claims that one person may hold? To what extent do these limitations apply to options, partial and total assignments, partnerships, associations, stockholder interests, or other kinds of interest?

13. For each resource, what conditions regarding protection of other resources, land reclamation, or environmental quality, are currently required for permissive exploration or in a lease or sale contract, permit, claim or patent?

a. To what extent are such conditions prescribed or proscribed by law, or within the discretionary authority of the Interior Department?

b. In what instances, if any, does the law permit or require bonding or other assurance of financial responsibility?

c. What, if any, recourse or enforcement authority has the Interior Department with respect to violations or default of contract provisions regarding protection of other resources or environmental quality, or land reclamation? Does the Department have authority to cancel a lease, permit, sale, or other resource right in such an instance?

14. Describe the existing procedure for complying with section 102 of the National Environmental Policy Act with respect to leasing or disposition of each energy resource?

a. At what points in the existing process are the overall alternatives to general leasing or disposal strategies, and to specific lease, permit or sale offerings, land closures or land openings, considered?

15. What, if any, procedures are prescribed by law, or instituted by regulation or administrative practice, for considering state and local views and interests, and the relation to privately, state or municipally owned resources of the same type, in Interior Department decisions regarding leases, sales, permits, or the opening or closing of lands to development of each energy resource?

16. For each energy resource, describe briefly the organization of the Department for administration of leases, permits, sales or claims.

a. In what instances and to what extent is the ability of the Department to implement the goals and objectives prescribed by law for each energy resource dependent upon levels of funding and personnel?

B. SYSTEMS OF DISPOSITION AND MANAGEMENT: ALTERNATIVES AND MODIFICATIONS

17. What major in-house or contractor studies and analyses have been undertaken by the Interior Department since 1969 with respect to alternative systems of resource leasing or disposal, or with respect to management procedures?

18. In the case of each energy resource, summarize briefly the major modifications in law or management actively considered either by the Public Land Law Review Commission or by this Administration. Reference these alternatives to the PLLRC report and/or consultant reports, or to Interior Department or contractor publications.

19. What, if any, major modifications of systems or management policy have been put into effect either by legislation, regulation or operating decision since 1969?

20. What major modifications of the manner of developing these resources are incorporated into legislation currently proposed by the Administration?

21. For which energy resources are the Department's decisions regarding execution of particular leases, permits, or sales, or regarding the opening or closing of lands to exploration or location part of an overall schedule of development related to national energy needs (like the OCS five-year leasing schedule)? Please summarize the principles, schedule and strategy of development in each instance. (Special attention is requested to the oil shale and geothermal energy resources.)

C. QUANTITATIVE AND HISTORICAL INFORMATION

22. Please provide the best available estimates of proved reserves, and probable and potential resources (or some other appropriate classification according to certainty and/or recoverability) on the U.S. public lands, of each of the energy resources listed at the beginning of Part I. In each of these instances, the reserves or resources on U.S. public lands should be compared with total U.S. reserves or resources. Estimates of coal and oil reserves and resources should, to the extent available, be subdivided by state, according to a measure of sulphur and ash content (i.e., distinguish between "clean and dirty" resources), and as mined or mineable by (a) underground methods, and by (b) surface mining methods.

23. In the case of each energy resource indicate:

a. the acreage of lands classified as containing, or suitable for production of that resource;

b. the number and acreage of leases, permits, claims or patents newly filed or issued, and averages outstanding in the years 1953–1972 [In the case of oil and gas, and coal, new leases and acreage should be subdivided into competitive and noncompetitive (or preference) leases];

c. the names of the ten persons or companies (including affiliated or subsidiary companies) holding the greatest (chargeable or other) acreage of leases, permits, or claims in each of these energy resources and the percentage of total lands under lease, permits, sales or claims by these persons or companies;

d. the estimated proved reserves, and probable and potential resources on lands now under lease, permit, or claim (Indicate these as proportions of total reserves or resources on U.S. public lands and in the U.S.);

e. what proportion of the total number and acreage of leases, permits, or claims, is actually under commercial production; and,

f. the number and acreage, by kind, of permits or leases expiring or subject to review in each of the next ten years.

Where, data requested in the foregoing are not available, present the best substitute information and indicate what action would be necessary to make the requested data available.

24. For each energy resource, for the years 1953–1971 and by region (for coal, subdivide by state), summarize the production and value of production from U.S. public lands. Compare these amounts of total production and value of production in the U.S.

25. For each resource for the years 1953–1971 and by region, (for coal, subdivide by state) summarize the receipts of the Federal Government from royalties, bonuses, minimum royalties, rentals, filing fees and other landowner remittances.

PART II. COAL LEASING ISSUES

The questions in Part I should be answered fully here with respect to coal resources, and these answers should be summarized in the general answers to Part I of this list. Responses are requested to the following additional questions and issues.

26. What are the criteria and procedures for determining royalties and other charges on a preference right lease obtained through a prospecting permit? How do these charges compare with "fair market value"?

27. If the terms and conditions of an existing lease are not modified except at 20-year periods, and Part 23 of 43 CFR does not apply to existing leases,

a. What environmental control does the Department (or the agency with jurisdiction over the surface, if other than Interior) presently have over the leased land?

b. Under what circumstances must the United States as lessor initiate court action to cancel a lease?

28. What other minerals can be mined under a coal lease? And how does the Department obtain fair market value for any such minerals, comingled or otherwise?

29. What limitations of right of surface utilization and exclusive possession for the surface of the leased land and the adjoining Federal lands are imposed upon lessees?

30. What criteria, methods and procedures are used to determine the timing of sales, issuance of permits and issuance of coal leases? Are these the same as for OCS oil and gas leases? If not, why not?

31. What, if any analysis or assumption regarding the demand from public lands influences the Department's decisions regarding issuances of leases or permits?

a. To what extent does the Department's coal leasing strategy depend upon, and relate to, the Department's assessment of the national energy situation?

b. To what extent do the Department's decisions on specific applications for coal permits or leases reflect an assessment of regional coal demand, and the possibility of meeting that demand from existing federal coal leases or from state or privately owned resources in the same region?

32. What was the average time elapsed after application in obtaining a prospecting permit, and in obtaining a preference right lease in 1971? in 1961?

33. Does the Department have, or is it preparing or considering, a coal leasing schedule or strategy comparable to the five-year leasing schedule for Outer Continental Shelf oil and gas?

34. How many applications for prospecting permits and coal leases are currently pending and what acreage is involved, by state?

a. What are the proved coal reserves, and probable and potential coal resources, on the lands under application for lease?

b. In each state where permit or lease applications are pending, what are the proved coal reserves, and probable and potential coal resources currently on private lands, and under federal lease, and under state, local or private lease? What was coal production in the most recent year of record? Subdivide these items, to the extent possible, into coal mined or mineable by underground, and by surface methods.

c. Which, if any, of these applications are under active consideration by the Department for issuance of permits or leases?

d. Upon what specific analyses regarding the supply and demand for coal in each region would any permits or leaces be granted?

Where data requested in the foregoing are not available, present the best available information and indicate what action would be necessary to make the requested data available?

35. Under what circumstances can the Secretary waive the general production requirements of continuous operation and diligent development set forth in the Mineral Leasing Act (30 USC sec. 207)?

a. Under what circumstances has the Secretary waived or suspended or reduced minimum royalties and rentals?

b. Since only minimum rental requirements are set by Statute, what procedure, short of effecting a change in the regulation can be used to change the rental requirements?

c. Are leases now being renewed that have gone 20 years or more without production? If so, why?

36. What methods are used to determine actual tons of coal produced on a given lease?

37. What are the ratios of inspectors to leases and lease acreage by States?

PART III. OUTER CONTINENTAL SHELF OIL AND GAS LEASING ISSUES

The questions in Part I should be answered fully here with respect to Outer Continental Shelf Oil and Gas resources, except where they have been answered in connection with the March 23 and 24 hearing. Both sets of responses should be summarized in the general answers to Part I of this list. Responses are requested to the following additional questions and issues.

A. OCS LEASING SYSTEM AND BIDDING PROCEDURES ALTERNATIVES

(The following question is an elaboration of question 17.)

38. What, if any, in-house or contractor studies or analyses have been undertaken or completed by the Department since 1969, concerning management of onshore or OCS oil and gas, including but not necessarily limited to:

The manner of bidding and payment for resource rights;

The frequency, size and configuration of lease sales;

The size and configuration of lease tracts;

The term of leases; or,

Limitations on acreage, joint bidding, assignment of leases, etc.

(The following question is an elaboration of questions 18 and 20.)

39. Summarize briefly the principal findings and recommendations regarding OCS oil and gas leasing in each of the studies or analyses referred to in response to questions 17 and 38, in the Public Land Law Review Commission report and contractor reports to the Commission. Summarize the Department's position on each recommendation.

(The following question is related, for OCS oil and gas, to question 3 in Part I.)

40. How does the Department interpret the objective of receiving fair market value in the disposition of OCS oil and gas? Specifically:

a. What is fair market value and how is it measured?

b. What is net public resource value and how is it measured?

c. Does obtaining fair market value from oil and gas leases result in maximization of Federal revenues?

d. From what point in time (e.g., time of lease, or of production) is fair market value estimated?

e. Is a discounted cash flow analysis used? What discount rate is employed?

f. Is there any difference in definitions or appraisal methods between onshore and OCS resources?

41. What, if any, conflicts are there in the choice of a leasing system or in leasing strategies between the objectives of:

a. obtaining a maximum return to the government (or fair market value);

b. maximizing the early development of OCS oil and gas resources to meet anticipated energy demands, and

c. obtaining a proper balance of production overtime?

To the extent conflicts exist among these objectives, how are they resolved?

42. What options are being considered with respect to Outer Continental Shelf leasing system changes, and what are the Department's preliminary views regarding the comparative advantages and disadvantages of each in the context of achieving Departmental OCS leasing objectives? What would be the impact of each such option on:

a. Competition;

b. Incentive to rapid exploration and development;

c. Conservation of energy resources for future use;

d. Proportion of oil and gas ultimately recovered;

e. Efficiency of resource allocation;

f. Possible bias toward any one class of lessees (Ease of entry, etc.);

g. Timing and amount of revenue to Government;

h. Costs and difficulties of administration;

i. Ability to implement within the authority of the Act (i.e. would it require amendment of the OCS Lands Act)?

Specifically deal with the advantages and disadvantages, compared to the present system and to each other. What, under the foregoing criteria, are the Department's current views, with regard to:

Lump sum (bonus only) bidding;

Deferred bonus bidding (with fixed royalty);

Royalty bidding (with fixed bonus);

Profit share bidding; and,

Work-program bidding (as used, for example, in the U.K.)?

43. Are there any plans to test one or more of the alternatives identified in question 42 in the future OCS lease sale? If so,

a. At what sale?

b. How will the experiment be implemented?

c. What will be the specific measures of success or failure?

44. To what extent is the Department's choice among leasing system options dictated or influenced by the government's desire to maximize immediate revenues (as opposed to the present value of expected long-term revenues)?

45. What is the Department's analysis of its experience with respect to fair market value returns from:

a. The present cash bonus system on the Outer Continental Shelf?

b. Competitive leasing of onshore oil and gas?

c. Non-competitive leasing of onshore oil and gas?

46. What, if any, *evidence or analysis* exists to indicate whether the system of cash bonus bidding encourages or discourages exploration and development, in contrast to alternative methods of leasing? In particular, what evidence or anaysis is there:

a. Whether bonuses paid by high bidders in competitive lease sales diminish the funds that otherwise would be available for exploration?

b. Whether high cash bonuses paid by winners discourage independent operators from participating and reduce the number of serious contenders for leases, *above and in addition to* the high costs of operation in such places as the Outer Continental Shelf and the Arctic?

d. Whether payment of a high cash bonus selects a qualified and responsible operator who is the best able or most willing to undertake early exploration?

d. Whether payment of a high cash bonus is a significant incentive that would be absent under another system, for the operator to accelerate exploration and production?

47. Summarize the assumptions and analysis that led to the Department's specific decisions regarding the frequency and size of lease sales in the first five-year leasing schedule. Include a discussion of the role of:

a. estimated demand for oil and gas, and the assumptions regarding the role of OCS resources in meeting this demand;

b. any analysis or assumptions regarding the acreage of OCS lands that industry is able and willing to explore in a given period, and the relationship of the total acreage offered and total government bonus receipts.

Provide, for each of the next twenty years, the estimated production of crude oil, gas and condensate expected from each of the sales proposed in the first five-year leasing schedule.

48. How has the cancellation of the December 1971 lease sale affected the remainder of the five-year schedule? (Has the whole schedule been set back or will the remainder of the sales be conducted according to the original schedule?) When will a new schedule be released?

49. What safeguards are being adopted in the preparation of a new five-year leasing schedule to protect against, and provide relief from, anticipated recurring delays due to litigation and other foreseeable resistance to continuing regularly held OCS lease sales?

50. What, in summary are the procedures for estimating the value of individual tracts considered for leasing, and what has been the experience with these procedures? Specifically:

a. How are pre-sale estimates of the minimum reasonable industry bid per tract calculated, by whom, and using data of what origin?

b. For the past three OCS sales, how many and what proportions of industry bids and high bids have been lower, and higher, than the Department's pre-sale estimates? For each of these three sales, what has been the ratio between the total pre-sale estimate and the total of high bids? How can this last relationship be explained?

c. Are individual OCS tracts reevaluated after opening of bids but prior to award of a lease? If so, what information goes into the reevaluation, and how is it used?

d. What avenues are available within the Department to companies which may wish to appeal Departmental rejection of bids for certain tracts, and what information related to the value of such tracts do Departmental personnel who are handling such appeals have available to them?

51. To what extent, and in what fashion, do estimates of the relative quantities of gas as compared to oil influence the choice of tracts for leasing?

B. The issue of entitlement of coastal states to receive federal funds as compensation for possible adverse impacts of OCS mineral producing activities in areas adjacent to their coasts.

52. What is the Department's tentative schedule for future OCS oil and gas lease sales, particularly in:

The Atlantic

The Gulf of Alaska,

California, and other "new" areas?

53. What arguments have been advanced by representatives of coastal states that they should share in mineral leasing revenues?

54. What, if any, formal studies or analyses exist of the net social and economic benefits or costs to coastal states of OCS mineral exploration and production adjacent their coasts?? Summarize the major findings of these studies or analyses.

55. What are the historical and expected impacts upon the economies of coastal states and communities from OCS exploration, development and production activities:

a. Increases in local employment and payrolls; profits of local enterprise; local and state business and personal taxes, etc.

b. Increased outlays of state and local governments for public safety, education and welfare; public works and environmental protection.

c. Desirable or undesirable secondary effects from location of refineries and other industries; population growth, etc.

56. Summarize, by state and by type for the last ten years, payments to the states and to the Reclamation Fund from federal onshore mineral lease revenues, under terms of the Mineral Leasing Act, and the Alaska Statehood Act.

57. Summarize the major alternatives considered by and the major findings and recommendations of the Public Land Law Review Commission and of the Commission's contractor reports with respect to sharing of revenues from OCS mineral leasing. What is the current position of the Administration on these recommendations?

NOTICE OF HEARINGS ON FEDERAL ENERGY RESEARCH PROGRAMS AND PRIORITIES

Mr. JACKSON. Mr. President, pursuant to Senate Resolution 45, a study of national fuels and energy policy, the Committee on Interior and Insular Affairs, with ex officio members from the Committees on Public Works and Commerce and the Joint Committee on Atomic Energy, will conduct a hearing on June 7, 1972, at 10 a.m. in room 3110 of the New Senate Office Building. The purpose of this hearing is to review ongoing and planned Federal research and development efforts on unconventional energy sources.

In previous hearings the committee has explored the Federal Government's role with respect to several new technological developments such as advanced power cycles for the environmentally acceptable generation of electricity and coal gasification to produce both high and low B.t.u. gas. From these and other inquiries by the committee, it is now clear that a number of fundamental policy issues exist with respect to the effectiveness of the Federal effort in bringing new technologies into being in time frames that can satisfy the Nation's growing energy needs with minimal environmental impact.

To gain perspective and insight into the Federal energy research and development programs the committee will receive testimony from Dr. Edward E. David, Jr., science adviser to the President, and spokesmen for the National Science Foundation and the Federal Committee on Science and Technology.

The Federal Committee on Science and Technology will be providing the committee with a series of reports prepared by 12 FCST subcommittees covering research and development on a wide range of unconventional energy resources. These reports are to be directed toward identifying new projects which should be undertaken, assessing priorities, identifying realistic time frames, and indicating the funding levels required.

Dr. David has been asked to address his testimony to broader questions concerning the institutional arrangements for oversight and management of energy research and development. These issues include:

First. What should be the overall strategy of the Federal Government with respect to the development of energy technologies? In particular, what should be the balance between, first, support of basic research and experimentation in many areas of energy technology to enlarge the number of long term technological options, and second, efforts toward the early commercial application of a small number of economically promising technologies—that is, coal gasification, LMFBR?

Second. What should be the organization of the Federal Government for encouragement and coordination of energy research and development?

Third. At each stage in the development of new energy technologies, what should be the respective roles of Government and industry with respect to, first, initiative and organizational responsibility, and, second, the burden of financial risk?

Fourth. What types of organizational arrangements are recommended for cooperation between Government and industry in research, development, and commercial exploitation of new energy technologies?

Fifth. What methods are recommended for financing joint R. & D. efforts in the energy field, and what arrangements are proposed for surveillance, review, and evaluation of these efforts?

Sixth. How are financial risks to be apportioned, and how are the benefits from successful research and investment to be distributed among private and public interests?

Seventh. What provisions are to be made respectively for termination of, first, successful, and, second, unsuccessful joint efforts? How are any physical plant or other valuable assets—including patents—to be disposed of?

Eighth. What are the opportunities for, and implications of, international cooperation for research and development in energy technologies?

Ninth. What are the economic and legal problems with respect to cooperation within the private sector for development of new energy technologies? In particular, are there aspects of the patent or antitrust laws whose implications in this area should be reviewed?

Mr. President, while it will not be possible to receive direct testimony from every individual or association desiring to testify, the committee will receive and print as a part of the hearing record any relevant statements received on policy issues related to Federal energy research and development.

ADDITIONAL STATEMENTS

WE MUST FIGHT INFLATION, NOT TRY TO LIVE WITH IT

Mr. PROXMIRE. Mr. President, I wish to speak on the problems of inflation and unemployment.

I do so both as a Senator and as chairman of the Joint Economic Committee.

After months of hearings on unemployment, inflation, and economic growth, after listening to expert after expert, and after studying the historical record, it is my firm belief that in this country we can achieve full employment with relative price stability. It is possible to do both. It can be done, and it should be done. We can both fight inflation and achieve full employment, and do both at the same time.

CREATING UNEMPLOYMENT A CRUEL POLICY

In saying this I reject two alternative courses. The first is the classical view that the only real way to fight inflation is to reduce demand through creating unemployment in order to reduce prices. Without acknowledging it, that is precisely what the Nixon administration has done. It was described in the 1970 Economic Report of the President as—

> A policy of firm and persistent restraint on the expansion in the demand for goods, servtices, and labor.

It was a deliberate course. Demand was reduced. Government orders were curtailed. Unemployment rose. We were told that the rise in unemployment would be both small and temporary. But unemployment rose from 3.9 percent when Mr. Nixon took office to a general level of 6 percent where it has remained for month after dreary month. It has now continued for a year and a half at this excessively high level which has resulted in 2 million more Americans out of work today than in January 1969.

I reject this course of action as cruel and inhuman. The policy is based on the concept of the Philips Curve which justifies a tradeoff between inflation on the one hand, and unemployment on the other. I reject this view not only because it is cruel but also because it is unnecessary if we follow the right policies.

WE MUST FIGHT INFLATION, NOT LEARN TO LIVE WITH IT

I reject another course as well. That course of action states that relatively full employment is so important that we must accept a high degree of inflation in order to achieve full employment. The corollary is that we must then learn to live with the inflation. That is no answer.

In a statement which was prepared by the staff of the Joint Economic Committee and which I released recently, one course of action was mentioned and articulated which is really a counsel of despair.

> Many of the present costs of inflation could be overcome by devices such as building cost-of-living escalators into Social Security. If we can't find less damaging ways of controlling inflation than either creating unemployment or imposing complex and unfair controls, we should give serious consideration to learning to live with inflation as the lesser of evils.

But I reject that course, too. We do not have to learn to live with inflation. We do not have to make the cruel choice of "either creating unemployment or imposing complex and unfair controls." That is a false choice which some intelligent and knowledgeable people accept but which I reject forthrightly.

Unfortunately, my statement posing a list of choices was taken to mean that I advocated "living with inflation." I do not advocate that. I do not believe in a cost of living escalator for social security. I voted against the Miller amendment when that was proposed. I did so because such an escalator merely builds in inflation whereas I believe that it is possible for us to increase social security at appropriate times and to raise its general level without resorting to a built-in, automatic escalator which is inflationary.

FALSE CHOICES

But here is why I believe that we do not have to make the cruel choice between either excessive inflation on the one hand or excessive unemployment on the other.

WE HAVE THE KNOWLEDGE

First of all the state of our economic knowledge is such that with appropriate policies we can have full employment and relatively stable prices. Our state of economic knowledge is such that it can be done. There is no theoretical barrier to it. In fact it is an essential part of the Employment Act of 1946. Furthermore, in the year-long major Joint Economic Committee study in 1960 entitled "Employment, Growth, and Price Levels," the committee report, the detailed staff study, and the series of individual studies, written by prominent economic experts, all pointed the way to the goal.

HISTORICAL EXPERIENCE PROVES IT CAN BE DONE

In the second place we actually have a historical experience which proves that it can be done. Many of those who took part in the Joint Economic Committee study in 1960 became key economic officials in the Kennedy-Johnson administration. Men such as Walter Heller, Otto Eckstein, Charles Schultze, James Tobin, Warren Smith, John Dusenberry, Gardner Ackley, and Arthur Okun both helped to establish the theoretical foundations for growth, full employment, and stable prices, during the 1960 study, and then became officials of the Kennedy-Johnson administration to carry out their proposals.

In the period 1961–65, this country reduced unemployment from the very high level to which it had grown during the recession period of 1960 to virtually full employment by the end of 1965 before the inflationary effects of Vietnam war spending took place. In January 1961 unemployment was 6.6 percent. It rose to a high point of 7.1 percent in May 1961, still the result of the 1959–60 recession. But by December 1965, it was reduced to 4 percent.

In addition, during this entire period prices were almost absolutely stable. The Consumer Price Index—or what we commonly call the cost-of-living index—grew from an average of 103.1 in 1960 to 109.9 for 1965. This is an increase of 6.8 points in 5 years or about 1.3 percent per year. Such a small annual rise in the Consumer Price Index is actually within the statistical margin of error and represents a stability in the consumer price level unprecedented in our own historical experience. It is unmatched by any other industrialized country in the free world.

In the same period wholesale prices rose from an index number of 100.3 in 1960 to 102.5 in 1965 or by 2.2 points or an average of 0.44 per year. Prices could not remain more stable than they did in this period.

We proved in this period that it was possible to reduce the excessively high levels of unemployment brought about by the 1959–60 recession and to reach relatively full employment without creating inflation. In fact it was done with the most stable price levels this or any other major industrial country has achieved.

WE CAN DO IT WITH PROPER POLICIES

In the third place, we can now move to relatively full employment without inflation if we follow proper policies. We can fight inflation without increasing unemployment. We can reduce unemployment without creating inflation. We do not and must not have to choose inflation or unemployment. We do not have to choose full employment while "learning to live" with inflation. Those are false choices.

We can have full employment and stable prices by following these specific policies:

NEED JOB-CREATING POLICIES

First, we must stimulate demand through high job-creating policies. We have great unmet needs. We have idle resources. We have almost 5 million men and women unemployed. We need to put idle men and women to work on idle machines to create goods and services this country needs.

Some of this can be done through Government. We should have an expanded program of public service jobs, for example. But much of it can be done by stimulating the private sector, especially housing. Housing has a great rippling effect throughout the economy.

NEED INCOMES POLICY

Second, we must do away with the present elaborate system of wage and price controls and substitute a voluntary system of wage price guidelines with special emphasis on the giant companies and giant unions who have the power to administer prices. By an incomes policy aimed at these groups and with forceful Presidential leadership, we can curtail the "administered price" inflation from which we now suffer.

And in doing this we make it possible for the Government to stimulate demand to a much greater degree than is now the case without causing inflation.

GOVERNMENT SHOULD EXAMINE ITS OWN POLICIES

Third, there is a whole series of policies the Government itself can take to reduce prices.

The Government should begin to enforce the antitrust laws and engender competition. The administered price inflation from which we suffer is brought about in large part by monopolistic industries. One basic solution is for the Government to foster competition in these areas.

The Government should act vigorously to cut back on programs which are costly, inefficient, and where productivity is low. There are many of these. There are large numbers of costly subsidy programs. There are public works projects which are inefficient. There are programs where the costs vastly outweigh the benefits. These programs should be reviewed, wasteful programs cut, and the savings used to meet our most important national needs and to fund programs which have high productivity and a high employment content.

COST CUTTING ACTIONS

In addition the Government can cut costs and cut prices for the products Americans buy. We should import far more foreign oil and expand the oil import program. The present restrictive program promotes excessive costs.

The Government should use its regulatory power in the area of gas and electrical power to defend consumer interests. The failure of the FPC to protect the consumers may cost us tens of billions of dollars per year in higher prices, to cite one example only.

The Government can save money through cutting back on its leasing program, by charging defense contractors a proper amount for the use of Government property, and by promoting competitive bidding in Government procurement.

One big part of the answer to inflation is for the Government to act in the areas where it purchases and procures. The cry should go out all over the land: "Physician, heal thyself."

By promoting competition, by stimulating demand, by cutting back on waste, by reducing frictions in the economy, by attacking monopoly, and by pressing for job-inducing programs, the Government itself can do a great deal to reduce prices and to reduce unemployment.

REJECT DEFEATIST ATTITUDE

For all of these reasons I reject the idea that we must "learn to live with inflation." That is a defeatist attitude. I reject it out of hand.

For all of these reasons I accept the proposition that we can attain full employment with stable prices if we will only try.

It is theoretically possible.

It has been done historically.

With proper policies it can be done again—now.

SUPPORT FOR PRESIDENT'S POSITION IN SOUTHEAST ASIA

Mr. YOUNG. Mr. President, it is apparent from the many visits I have had with North Dakota people and letters, telegrams, and editorials I have read that a great majority of North Dakota people support the position taken by President Nixon with respect to Southeast Asia in his nationwide televised speech.

Mr. President, I ask to have printed in the Record an editorial entitled "Nixon Speech Had Ominous Overtones, but There's Also Optimistic Point of View," published in the Fargo Forum, North Dakota's largest newspaper, dated May 11, 1972. Also, an editorial entitled "Their Words Are Silly," published in another of North Dakota's daily newspapers, the Minot Daily News, of May 15, 1972; and an editorial from the Valley City Times-Record of May 9. Also, editorials from two of our weekly newspapers: the Foster County Independent of May 11, entitled "Comments From the Editor," and the Bottineau Courant, dated May 16, entitled "From the Front Office."

Mr. President, the opinions expressed in these editorials are most commendable. I believe they would be of great interest not only to the Members of Congress but to people everywhere.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Fargo (N. Dak.) Forum, May 11, 1972]

Nixon Speech Had Ominous Overtones, But There's Also Optimistic Point of View

The words of President Richard M. Nixon carried ominous overtones Monday night when he revealed that American forces were starting to mine the harbors of North Vietnam. Some off-the-cuff observations treated the decision as a political gamble, geared to the November election. Other observers worried about whether President Nixon would still be welcome in Moscow later this month.

The world worried if this stern American reaction to North Vietnam's recent invasion of South Vietnam could lead to a confrontation of the world's two great powers, America and Russia, and somehow touch off World War III or a nuclear conflict.

Here are some of the frightening paragraphs that came in on The Forum's news wires the day after the President's speech:

Keyes Beech of the Chicago Daily News: "President Nixon's decision to impose a naval blockade on North Vietnam is the act of an angry and desperate man. He has, in effect, matched Hanoi's all-out offensive to conquer South Vietnam with his own last roll of the dice.

"It is a staggering gamble. He is risking a bigger war to win a small war. He is telling the Russians—and the Chinese—that they cannot deliver arms to North Vietnam. . . . By a single stroke, he is attempting to achieve a victory that has eluded the United States and its allies for more than a decade.

"He could—although the possibility is remote—get away with it. Neither China nor Russia wants to go to war over Vietnam. But it seems inconceivable that the two Communist giants, competing as they are for Hanoi's allegiance, can afford to accept Nixon's ultimatum."

Haynes Johnson in the Washington Post: "Not since that October night 10 years ago when John F. Kennedy imposed a naval quarantine over vessels bound for Cuba have the world's two super-powers, America and Russia, been locked in so direct a confrontation as they are today.

"There is a difference, though, and a critical one, between the Cuban missile crisis of 1962 and President Nixon's announcement of the mining of all North Vietnamese ports. Where President Kennedy addressed himself specifically to the Soviet Union and imposed his challenge in the contest of possible worldwide nuclear war, President Nixon carefully pointed out that his actions are not directed against any other nation than North Vietnam."

Murrey Marder in the Washington Post: "President Nixon gambled massively that he could end the Vietnamese War by audacious use of military force that risks a confrontation with the Soviet Union after a decade of work to reduce East-West tension.

"No president except the late John F. Kennedy in the 1962 Cuban missile crisis has wagered higher stakes in the nuclear age. There are direct parallels, but also profound differences, in these two Soviet-American crises. The threat of imminent nuclear war dangled over the 1962 crisis. In the crisis that emerged Monday Mr. Nixon is gambling that the Soviet Union will not construe his action as a direct challenge to its vital interests.

"The President's actions, however, were directed squarely at the Soviet Union. He held the Kremlin primarily responsible for supplying North Vietnam with the weapons of offensive war."

Thomas B. Ross in the Chicago Sun Times: "President Nixon risked a nuclear confrontation with the Soviet Union by ordering a sea and land blockade of North Vietnam.

"Mr. Nixon insisted that his action was not directed against Moscow. But his decision obviously placed his planned trip to the Soviet Union in extreme jeopardy, even if the Russians do not take up the military challenge directly.

"Mr. Nixon coupled his military move, the most serious and dangerous step taken by any president in the war, with the most conciliatory diplomatic offer he has ever made publicly. He said he would pull out all U.S. troops from Vietnam within four months of an internationally supervised cease-fire and the return of U.S. prisoners of war."

President Nixon's talk was grim. The situation is grim. The prospects for peace are grim.

If Hanoi's leaders had only read the writing on the wall, the American forces in Vietnam would have been virtually removed from South Vietnam within another four to six months if they had not launched their present invasion. But their invasion met with such success that the 60,000 Americans still in that war-torn country were endangered, and President Nixon reacted in a predictable manner. It is unlikely that any other man, including all of the present candidates for the Democratic nomination to the presidency, would have reacted any differently if they held the office of president under the situation which prevails in the Far East today.

It is hard to believe that President Nixon is gambling on an end of the war to protect his chances for re-election in November. It is hard to believe that he is gambling with a possible nuclear confrontation with Moscow. But as long as war continues in Vietnam, the risks of such confrontations have to be considered within the realm of possibility.

We don't like the turn of events, but we don't know who would have handled it differently, if the responsibility had been their experience. The answer as to whether the blockade threat is right or wrong can only be determined by what happens in this precarious world in the next few days.

There is an optimistic point of view, too, but this interpretation has gotten little, if any, attention. President Nixon offered North Vietnam the most generous terms for settlement yet publicized by the Allies. His offer is brutally simple: All U.S. Forces will be removed from Indochina within four months of a cease fire and American prisoners of war released. He didn't specify that the North Vietnam invasion forces had to return to their own country back of the demilitarized zone. He didn't call for an election of a new government. He didn't ask for anything except a cease-fire and the return of prisoners.

This offer certainly deserves close examination by North Vietnam, Russia, China and all the domestic critics of the administration's handling of our withdrawal from the war.

[From the Minot (N. Dak.) Daily News, May 15, 1972]

Their Words Are Silly

Many people are saying that the President's policies regarding the war in Vietnam are futile, besides being risky. The word bankrupt has been used more than once to describe both the policies and the minds that conceived them.

Having determined sometime ago to undertake an orderly, staged withdrawal of U.S. ground forces, the President and his advisors at least should be given credit for endeavoring to keep their pledges.

We mean pledges made both to the American people and to South Vietnam, in fact to the world. For the entire world including

North Vietnam, was advised of the plan in advance.

However wise, or risky, it may have been to serve notice on the world of our intentions, the President did act. He acted according to plan both when he announced the staged withdrawal of troops and when he reacted to an all-out North Vietnam offensive which took a more ominous turn than was expected.

It is totally unfair to call the President's actions bankrupt. They are not so compared to the policy advocated by certain Senate doves and others. Swift, unilateral pull-out without regard for consequences, what is that? Forsaking all responsibilities, what is that? What could be more bankrupt than advocacy of fleeing the country and leaving all obligations behind?

The anti-Administration doves, including some Democratic presidential hopefuls, have had nothing constructive to offer in the form of ideas. They talk about the importance of going back to the conference table and their words are silly. This is the same conference table which cynical North Vietnamese representatives have been using as a propaganda sounding board for several years, making a farce of the semblance of negotiations.

Not one useful word has come from these critics on the possibility of some kind of salvage job to recover something of the investment the United States has made over a period of 12 years. They seem intent only on proving, and hammering on the point, that the U.S. was wrong in the first place and has been wrong all along.

More shocking than North Vietnam's cynicism and desperate course of action is the insensitivity of many American doves to the plight of all those Vietnamese who have, with our encouragement for years, resisted the North Vietnam version of Communism and the Viet Cong. These are Americans who profess to be enlightened, very humane, and very sympathetic toward underdogs. They think they are more righteous than the Quaker in the White House. Most of them are not pacifists really. They sympathize with various parts of the world. Some have traveled halfway around the world to join such movements or give them encouragement. These people imagine themselves to be advocates of love for all races and conditions of men, full of the milk of human kindness for all oppressed brethren. Yet they have written off the Vietnamese people. They are ready to leave to whatever fate awaits them the majority of the population of Vietnam and Indochina.

Who are the cynical people, really? Who do they think will be underdogs and innocents in that part of the world whenever U.S. withdrawal is complete?

[From the Valley City (N. Dak.) Times-Record, May 9, 1972]

Purely Personal—By Van

We have often advocated that to win a war, the first move must be against the lines of supply used by the enemy forces.

We have often advocated that to win a war, the first move must be against the lines of supply used by the enemy forces. This is a primary move by fighting forces whether they are on the offensive or the defensive and one of the means that military forces must use to wage a campaign.

It has often been a source of wonder why this type of warfare was not used immediately in the present Vietnam war and the preceding battles with the Korean war. We were told these were not wars but police actions to restrain forces alien to our way of living.

They have really been wars, however, as you can't send your police forces to another community. And being wars, should have been fought with all the forces at our command.

President Nixon at long last is implementing this type of action to curtail the North Vietnam army's ability to maintain an offensive. He is doing this with the full knowledge that it might provoke a greater action if other nations feel it is their right to intervene.

It might be a bold stroke that will enable us to see within a few short months the end of a war that has not been popular and the return of the POWs in North Vietnam safely and in short order.

As we watch the televised rendition of the President's address, we realize we were once again watching one of the climatic moments of our nation's history—a time of decision and counter-decision that might be one of the more important moments of the present era.

Whether the action taken Monday will be the right one, only the pages of history will show. But we hope it will be a quick and effective stroke to finish off a war that has been on the world's stage for too long, and bring back the fighting men who have suffered months of imprisonment with little but hope to buoy them up.

[From the Foster County (N. Dak.) Independent, May 11, 1972]

Comments From the Editor

The first reaction to President Nixon's Monday evening announcement of his edict to the "international bandits" of North Vietnam and their allies apparently received approval of many here.

Commenting on the President's action to interdict avenues of supplies for the enemy, local people said "It's about time" or "It should have been done long ago."

One thought that if President Truman could have restrained his temper during his disagreement with Gen. Douglas MacArthur, much of what has taken place in Asia to make difficulties for the U.S., would not have happened. I am not so sure about that although I feel that the general that President Truman relieved of his duties was probably the best we have ever had.

I am in favor of a hard line when dealing with people who are backed by allies such as Russia and China. Policies of compromise and yielding seems only to encourage more aggression.

If the North Vietnamese and their allies have really wanted peace, they have had more than ample opportunity to have it, including complete removal of U.S. forces from South Vietnam. It suits the Kremlin to prolong the turmoil there to our disadvantage.

When President Kennedy made a hard decision and got tough with Russia regarding Soviet ships and missiles in Cuba, the U.S. decision was respected.

Many believe that Russia is militarily more powerful now and might be harder to convince should there be a similar confrontation in Asia. It seems to be the chance we must take. Backing down has only one consequence for us—more backing down.

I can remember attending several state Republican conventions at which many delegates were embarrassed by long time officials who came to seek indorsement when they should have gracefully stepped down after then too many years of holding down an office because at that time Republican nomination was tantamount to election.

[From the Bottineau Courant, May 16, 1972]

From The Front Office

Right or wrong, President Nixon certainly tossed a bomb politically when he declared mining and a blockade of the Tonkin Bay area of Hanoi and other harbors. Immediately antiwar demonstrators took to the streets. Immediately opposing candidates in the presidential race made hay of the declaration. But somehow, we believe Nixon came out on top. We believe most people felt this drastic action was necessary. If nothing else it did strengthen our position, when our image the world over was at a new low.

The new action doesn't mean we are going to bring the troops home. Removal of troops is still going on. The blockade and bombing is a hard shot at cutting off supplies from the advancing North Vietnam armies. And it appears to have had some effect. So far it has not precipitated the world war so many folks were led to believe would happen. Sure the other Communistic nations didn't like it, but they respect the display of courage and strength. They have found us not a push-over that most people felt we were becoming. Even at home, it has bolstered some spirits, especially those who back Nixon.

Well anyway, we're in it. All is going well, we'll have to wait the outcome.

PROMOTION OF RESPECT FOR THE FLAG

Mr. FANNIN. Mr. President, desecration of the American flag has become a popular pastime among those who want to get the attention of newsmen or those who simply want to shock patriotic Americans.

Most people, however, still have great respect for our flag and take pride in displaying it and in honoring it.

The Phoenix Gazette on May 12 published the story of a Phoenix man and his special effort to promote respect for our flag.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, and follows:

Patriotic Service—Your Flag Need Cleaning? Blasius Does It for Free

Fred Blasius is an American. Not a superpatriot, but "as patriotic as the next guy," and he has a service he'd like to give away. But he has few takers.

Blasius is in the dry cleaning business and operates Bell Drapery Cleaners at 1530 E. Thomas Road.

He cleans American flags free of charge, "but I haven't had the kind of response I'd like."

Born in the United States, Blasius grew up in Canada, a country that took a hundred years to get its own flag. "Perhaps living in a country without its own flag has made me appreciate the American flag more," he told The Phoenix Gazette.

"I'd like to see more people flying the flag. Especially on holidays like Memorial Day, Flag Day and Independence Day. Cleaning flags free is my little way of contributing to America—that may sound corny or like a flag-waver, but I don't mean it that way," he stated.

Cleaning American flags free of charge is not an original idea with him, Blasius said. "The National Institute of Dry Cleaners has a policy about that. All member organizations do it."

In a mini-poll taken by The Gazette, eight of 12 Valley dry cleaners said they also clean the flag free. Four dry cleaners said no.

The telephone survey revealed some surprising answers. One man thought it was illegal to clean the flag. Another thought, "You ain't supposed to clean 'em, when they get dirty, burn 'em."

But, Blasius maintains there is nothing wrong with cleaning the flag. "When it becomes too worn and unserviceable, then it should be destroyed by burning. Dry cleaning actually preserves the life of the flag. It should be cleaned two or three times a year, after dust storms, and when the colors begin to dull."

Asked what the flag means to him, Blasius thought carefully for several moments, then replied. "I guess it means that as long as the flag flies, we have the privilege of living in the free-est nation on earth. This is the greatest country. We have our problems, but it is still the greatest."

While conceding the right of protest and dissent to all individuals in a free society, he asserted that the flag should never be shown disrespect.

"I like young people. They have the right and duty to protest what they feel is not right. But it hurts me, as an American who loves his country and his flag, to see some of them wearing the flag on the seat of their pants. That's disrespect, and there is no call for it."

Blasium said his goal is to clean 500 flags before July 4th, but added that he would appreciate people giving him some time. "I sure don't want to see 500 flags in here the week before the Fourth."

THE GENOCIDE CONVENTION: VIOLENCE AROUND THE GLOBE

Mr. PROXMIRE. Mr. President, in recent days all Americans have once again been rudely awakened to the tragic fact that ours is a violent society. Violence is not a new phenomenon. We have all read through the essays of Hannah Arendt or the report of the Commission on Violence in America or if nothing else the pages of the morning newspaper. The violent nature of our world has confronted us often in the past.

But today it seems especially bad. George Wallace was gunned down within 20 miles of the Nation's Capital. The killing in Vietnam and Ireland persists and the tension in the Middle East and Southern Asia continues unresolved. As time passes there seems to be an increasing disregard for the value of human life throughout the world and an increased reliance upon violence to solve problems and relieve frustrations. If we are to survive, and if our children are to inherit a better world than we did, we must start today to rekindle our commitment to the principles of life and liberty. We must work peaceably to end violence wherever and whenever it occurs.

One vehicle for expressing our commitment to peace is the United Nations and the various peace treaties it has supported. Although the United States has strongly supported the U.N. in projects throughout the world, we have failed to ratify the very important Treaty for the Prevention and Punishment of Genocide. That treaty would outlaw the most heinous crime against humanity imaginable —mass murder.

If we are ever to make a start on the road toward curing our violent society, we must reaffirm our commitment to humanitarian principles at every opportunity. The Genocide Treaty provides us with such a chance; therefore I urge the Senate to ratify this treaty.

OUR COUNTRY IS ENTITLED TO UNITY

Mr. FANNIN. Mr. President, at the request of the distinguished Senator from Wyoming (Mr. HANSEN), I ask unanimous consent to have printed in the RECORD a statement and an insertion by him, pertinent to President Nixon's summit meeting in Moscow.

There being no objection, the statement and article were ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. HANSEN

The distinguished syndicated columnist, William S. White, in an article printed May 14 in the Wyoming State Tribune, pointed out that if the United States does not stand united behind the President at this time of decision in Vietnam, the consequences could be grim.

Mr. White noted that deep national divisions now will hearten "the North Vietnamese—and the Soviet Union as well," and if those nations are given reason to believe the President does not speak for the United States they would be tempted to read the United States as weak and frightened to the point of paralysis of national will. He said: "The consequences could then be unqualified catastrophe—and catastrophe going far beyond Southeast Asia."

Mr. President, these views are extremely pertinent in view of President Nixon's summit meeting in Moscow, and I ask that the article be printed in the RECORD.

OUR COUNTRY IS ENTITLED TO UNITY

(By William S. White)

WASHINGTON.—Two separate but fatefully interlocked time frames surround this government's blockade of the war supply ports of the North Vietnamese Communists.

First, months will be required to tell whether this action by President Nixon—which, right or wrong, is one of the bravest and loneliest presidential decisions since Harry Truman went resolutely into Korea—will be militarily successful. If it works, a military disaster in South Vietnam that might have entrapped 60,000 American troops and have led to the mass murder of South Vietnamese civilians will have been averted. If it fails, the whole cause in South Vietnam is lost and Richard Nixon may lose the Presidency, too.

The second crisis in time involves not months but only weeks. And, so unlike the first, its outcome is to a critical extent in the hands of the American people themselves. For before May has run out the public will either have backed or repudiated the President. And the nature of their choice will determine whether there is to be any chance for this last, desperate effort to get out of Vietnam on bearable terms.

Public support for Mr. Nixon will provide that chance. Any massive public opposition, inflamed by political rivals of the President, will beyond question destroy the final hope for a Vietnam solution that does not bring tragedy in its train.

So it all now comes down to a proposition as simple as that. This nation is now committed, by a commander-in-chief acting fully within his constitutional rights and fully within the traditions of the presidency whenever strong men have occupied the office. Whether this President has been wise or unwise must be left to the unknowable future.

But the deed is done.

Any public man who at this juncture carries criticism to outright obstructionism will bear an immense responsibility to history and to his fellow countrymen. For deep national divisions now can only hearten the North Vietnamese—and the Soviet Union as well.

Give the enemy reason to believe that the President does not speak for the United States and something far worse than a failure of the blockade policy itself may well ensue. Such a condition would most certainly tempt the North Vietnamese, and possibly the Soviet Union, to read the United States as weak and frightened to the point of paralysis of national will.

The consequence could then be unqualified catastrophe—and catastrophe going far beyond Southeast Asia. So it is entirely true that Mr. Nixon has indeed taken a step of audacity and great danger. It is not true, however, that he has moved in mere anger or pique or in some desire to be the big dog on the world scene.

He acted in the sober conviction that no American leader could further gamble the lives of the pitiably fleeing people of South Vietnam, and of the American soldiers sent there without their consent, on the capacity of the South Vietnamese to break the Communist invasion.

The blockade was long and carefully considered. This columnist, for illustration, reported 10 days before the President's announcement that the Soviet Union itself had been informed not only that there would be no halt to the American bombing but also that an American blockade was not excluded in certain eventualities. "Certain eventualities" meant a possible worsening of the South Vietnamese military position that later was an unavoidable reality.

There is a season for dissent and there is every reason to protect and to respect the right to differ. But that season has given the fullest opportunity to critics and on their side nothing is left unsaid. It must be remembered, too, that in the end the only man bearing the ultimate responsibility sits in the White House. He is entitled—but far more importantly the country is entitled—now to that closed-ranks public posture for which so hearty a domestic adversary of Mr. Nixon as George Meany of the AFL–CIO has so rightly called.

WORK OF FARMERS HOME ADMINISTRATION IN DELAWARE

Mr. BOGGS. Mr. President, two recent events have brought to my attention the fine work done by the Farmers Home Administration in my own State of Delaware.

Today, Mr. Paul P. Bickford, the Farmers Home Administration supervisor for Delaware and the Eastern Shore of Maryland, is turning over to the town of Selbyville, Del., a check to cover the FHA financing of an all-important sewer system.

This is a project on which I have been pleased to work with Mr. Bickford and the local and State officials involved, and I am most pleased to see that it is coming to reality.

I am sorry that the press of Senate business makes it impossible for me to be in Selbyville today to take part in the ceremonies; but I do want to offer my congratulations to Mayor Carl P. Lekites of Selbyville and the representatives of the Sussex County Council and the State government who are there.

This project demonstrates what can be accomplished when a number of State, local, and Federal agencies work together. The $1,944,000 cost of the project comes from five different sources: Farmers Home Administration is contributing a $330,000 grant and a $500,000 low-interest loan; the Environmental Protection Agency is contributing $212,000; and the Economic Development Administration is contributing $131,000; the State of Delaware is contributing $603,900; and the rest of the funds are coming from local sources.

This is a vitally-important project; and all who worked on it are to be commended.

The second event which brings the Farmers Home Administration to my mind was the signing of a contract last week by the General Services Administration for office space for the FHA State Office in Newark, Del.

We are most pleased to welcome this office and its Director, Mr. C. William Haines, Jr., to our State. We know he does a good job and we look forward to working even more closely with him in the future.

Most of Delaware is an area of towns and farms, rather than of large cities; and in many ways our State is an exhibit of the fine work done by the Farmers Home Administration under the leadership of the Honorable James V. Smith.

The FHA has long been a mainstay of production financing for the family farmer who lacked other sources of adequate credit, or who needed a loan to recover from damage inflicted on his farm by natural disaster.

More recently, this agency has been given added responsibility to expand housing credit and to finance public water and sewer facilities for rural families and towns. In its response, the Farmers Home Administration has proved itself capable of action in all the principal aspects of rural community development.

Delaware is a small State of three counties, two of which are predominantly rural. But what is significant is the county-by-county impact of Farmers Home Administration programs and the fact that FHA is rendering this same volume and quality of service in rural areas nationwide.

In Delaware, about 800 homes for families of low and moderate income have been provided through more than $11 million of rural FHA homeownership credit now outstanding.

The fact that about 500 of these homes have been produced in the past 18 months indicates the accelerating rate of progress in this program. It now engages the work of about 40 builders in rural Delaware, with some 200 homes under construction at the present time. Production for the current fiscal year will total about 470 homes, representing $8 million of construction, for a very substantial increase over the 324 homes, $5 million of building realized from the program last fiscal year.

It is worth noting also that the Farmers Home Administration has proved itself capable of excellent working relationship with agencies of local government. Its housing service is valued so highly by our two rural county governments that they have supplied extra clerical help to work with Farmers Home Administration personnel in the processing of housing loans.

FHA also is working with the Levy Court of Kent County on advance planning for the ultimate development of a countywide sewage disposal system. This is the type of benefit that can result from a strengthening of the rural facilities program. It is an indispensable part of the national action required to overcome problems of pollution control and good community development.

Mr. President, we will serve these national objectives by taking full advantage of the fine capabilities for rural service now present in the Farmers Home Administration.

LEAGUE OF WOMEN VOTERS LOSING OBJECTIVITY AND FAIRNESS

Mr. FANNIN. Mr. President, I am deeply concerned about the apparent growth of the idea that in order for a person or an organization to be effective and useful, the person or the organization must actively work for or noisily advocate a political viewpoint.

This concern has grown as I have seen what has happened lately to the League of Women Voters.

Traditionally the league performed a great public service by informing people and encouraging good citizenship. The league was very effective because it had a fine reputation for objectivity and fairness.

Recent developments have indicated that the league no longer is following the principles of objectivity and fairness in presenting both sides of the issues. Instead, the league—at least, a portion of the league—has become partisan and activist. This is detrimental to this once-proud organization. I would hope that the league can regain its position of trust in our country, and that it will not become just another one of many partisan, or activist groups propagandizing for liberal causes.

Mr. President, Phoenix Gazette editorial writer Jay Brashear recently wrote a very good article concerning the League of Women Voters. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEAGUE OF WOMEN VOTERS RISKS LOSS OF CREDIBILITY BY ACTIVISM

(By Jay Brashear)

With the leadership of the League of Women Voters apparently unable to resist the temptations of ideological political activism, there may be a need for a new organization of women—or men or both—to pick up the league's old cause: better government through increased citizen participation.

For years the league performed a public service of the highest order by mounting voter registration campaigns, publishing biographical material on candidates, arranging for debates on vital issues, conducting get-out-the-vote campaigns and generally generating an interest in public affairs.

Partisan organizations have engaged in similar activities, of course, but the League of Women Voters was particularly effective because it carefully avoided taking political sides. Individually, its members surely held some strong political views, but when doing the league's good work they managed to submerge them in the cause of better government.

Although many members of the league doubtless are distressed by the development, its leadership isn't operating with such commendable impartiality any more. Without directly endorsing candidates, the leaders are taking sides on controversial issues, which amounts to the same thing as endorsement, and puts the league into the ideological arena.

At its annual convention in Atlanta last week, the National League of Women Voters approved a resolution, by a vote of 760 to 545, calling for immediate and complete withdrawal of American troops from Southeast Asia. That is an ideologically partisan position if ever there was one: It denounces the policy of the Nixon administration and endorses the position of George McGovern and other Liberal Democratic hopefuls.

To be sure, the convention's 1,500 delegates were careful to explain that the vote on the war didn't necessarily reflect the views of the League's 160,000 members, but only of those who voted for the resolution. That disclaimer may not prove convincing, however, to a lot of citizens who have placed so much confidence in the organization's impartiality.

The league's credibility would have been equally damaged, of course, if the vote on the war resolution had gone the other way. If the delegates had acted in the best traditions of the League of Women Voters, they might have encouraged an expression of public sentiment on the war issue or, more likely, avoided the issue entirely—inasmuch as there is scarcely any lack of public interest, debate or information on the subject.

Unfortunately, the national convention's outburst of ideology wasn't an isolated aberration. Back in 1971, the same sort of thing happened closer to home. The Tucson League of Women Voters engaged in an effort to get welfare payments increased in Arizona. As a publicity gimmick, five of the women tried to run their households for a month on a welfare budget and then reported it couldn't be done.

In its earlier days the league, instead of taking an advocacy position, probably would have made arguments for and against an increase in welfare available to Arizonians in an effort to try to generate sober thinking on an issue fraught with emotionalism. Instead the Tucsonans added to the emotionalism.

At a time when politicians of all stripes are trying to confuse rather than enlighten, to skirt issues rather than to debate them, and to argue with themselves by saying whatever they believe the audience at hand might like to hear, there is a greater need than ever for an organization devoted to putting politics in focus.

Such an organization, however, must be scrupulously impartial, a characteristic that the League of Women Voters is losing fast, thanks to activists in its leadership. The league may still enjoy enough prestige that if the members clean their own house and keep it that way, the organization can work its way back into wider public confidence.

Unless the brooms are wielded soon, however, the League of Women Voters will become a part of the political spectrum, located somewhere close to the Americans for Democratic Action, the way the organization is moving. It wouldn't be any better, however, if the organization were drifting right. To be as effective as it once was, it can't be in the spectrum at all.

THE 1973 NAVY BUDGET

Mr. STEVENSON. Mr. President, during the last several years the Navy and the press have provided Congress with a great deal of information about the Soviet Navy. A widely held impression results that the Russian Navy, especially its submarine fleet, is rapidly growing; that the Russian Mediterranean fleet dwarfs its NATO counterpart; and that the Russian shipbuilding effort exceeds that of the United States and its allies.

Another result of this publicity has been too-easy acceptance of the Navy's budgetary and shipbuilding requests.

The Navy's budget is already billions larger than those of the other services, and in fiscal year 1973 the Navy is asking for funds to start a billion-dollar carrier, the $10 billion ULMS fleet, patrol frigates, sea-control ships, surface-effect ships and hydrofoils, and to continue the much-troubled *Spruance* destroyer. While there has been criticism of the carrier and the destroyer, this criticism has been largely based on the huge costs and overruns involved. By contrast, there has been easy acceptance of the Navy's statements about the Soviet fleet and about U.S. naval policy.

The Soviet navy is not growing—it is shrinking. Its feared submarine fleet has retired over 150 vessels more than it has built. Its Mediterranean force is one-fifth that of NATO's. And the East is building fewer ships than the West.

What is more, the U.S. response to Soviet naval developments has been to press for construction of vessels which are many times larger, and cost many times more, than the "threat." If the U.S. Navy is worried about a "ship gap," it will never solve the problem by building CVN–70, which will cost 10 times what was paid for the Russian carrier-cruisers. The plain fact is that we are paying exorbitant sums for a few huge vessels. The Russian policy has been to get seapower for much smaller costs per ship.

Today I offer for the RECORD a statement I have submitted to the Senate Committee on Armed Services, expressing my concern about these developments. I would also invite the Senate's attention to the newly formed Center for Defense Information and its first publication. The center is an independent scholarly and educational organization, staffed with experienced professional personnel under the directorship of Rear Adm. Gene R. LaRocque, U.S. Navy, retired. It will disseminate its research and infomational materials to the public and Congress. The May 1972, issue of its journal, the Defense Monitor, contains an article entitled "The Soviet Naval Threat: Reality and Illusion," which lends support to my own findings and should be of interest to all Senators. I ask unanimous consent that my statement, followed by the report of the Center for Defense Information, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ADLAI E. STEVENSON III OF ILLINOIS

The Navy's budget is today more controversial—and billions of dollars larger—than those of the other services. The Navy seeks $12.4 billion for procurement and research in fiscal year 1973, over $1 billion more than in 1972 and almost $3 billion more than any other service. It is seeking funds for the procurement of patrol frigates, multiple purpose sea control ships, surface effect ships, and hydrofoils. It is seeking funds for the acquisition of somewhat more conventional ships, principally destroyers, and for sophisticated weapons to place upon our multitude of vessels. It seeks funds for the F–14. It seeks funds for a billion dollar nuclear carrier and a fleet of billion-dollar ULMS missile launching submarines. It is asking for almost every kind of vessel for almost every kind of purpose.

Others, notably Senator Proxmire, have commented on the Navy's procurement difficulties. Suffice it for me to say that any fair consideration of the Navy's procurement requests must include a consideration of the Navy's ability to spend public funds sensibly and efficiently. The evidence of cost overruns cancelled shipbuilding, and industry claims for excess costs does not excite much confidence. These are matters to be weighed by the Armed Services Committee and in the forthcoming debate on the Military Procurement Bill.

It also seems clear that no fair assessment of Naval budgetary requirements can be made without a consideration of Naval strategy and our global role. In formulating its budgetary requirements, the Navy assumes four necessary capabilities: an "assured second strike," "control of sea lanes and areas," "projection of power ashore," and "overseas presence." There can be no doubt about the need for the first capability though there are doubts about the present need for ULMS. Our principal nuclear deterrent now lies beneath the seas within our submarines. It must be maintained. Of the other three capabilities, fundamental questions arise, and they should be answered, lest we squander billions of dollars for unrealistic naval "capabilities." Must we, for example, control the sea lanes to every corner of the world? Is it necessary? And is it possible? It is said that we must be able to keep open the sea lanes in order to import oil, but wouldn't any enemy cut foreign oil production at its source?

We are told by Admiral Zumwalt that it is "consonant" with the Nixon doctrine to "project power ashore" from the sea. But can that truly be the meaning of the Nixon doctrine—that American forces will be stationed around the globe at sea for "projection" ashore? Can forces at sea lend more support than those ashore? Or if land-based forces are inappropriate to the political realities of the mid-20th Century, aren't sea-based forces also? Must we be prepared to extinguish brush fires everywhere and, if so, can we do it with the Navy? I doubt it. I doubt that one-half of our attack carriers off the coast of Vietnam can for long save the South Vietnamese military regime.

It is said also that the Navy must maintain a United States overseas "presence"—maintain our might and show the flag. That assumption, too, should be tested against the rapidly changing political realities of a restless, shrinking world, seeking bread and trade, freedom and self-government, not visits from American, or Soviet, navies. I suspect that gunboat diplomacy is a thing of the past. We last tried it in the Bay of Bengal during the recent Indo-Pakistani conflict, and we accomplished nothing more than the war's prolongation—and our own humiliation. If showing the flag is necessary, is a fourth billion-dollar nuclear carrier necessary—or might a conventionally powered carrier or a new sea control ship suffice?

I do not today question the Navy's assumptions about its required capabilities, though I doubt that they are all realistic. And if they are not, we are asked to add unnecessary burdens to our already overburdened taxpayers and spend for the Navy monies which could be spent on schools, on health, on housing.

Nor do I consider, today, the apparently overlooked danger that billions of dollars spent in the name of national security on advanced vessels and weapons can add to our national insecurity by threatening our environment. We remember the concern which followed the crash of an American plane armed with nuclear weapons off the coast of Spain. We would be well advised to ask in connection with the procurement of Naval vessels what might be the environmental consequences of the sinking of a huge, vulnerable attack carrier with its nuclear power system, as well as its nuclear weapons. Two U.S. nuclear submarines have already sunk. What would be the environmental and political consequences of the sinking of a huge ULMS submarine off the coast of Japan? Environmental impact statements have been filed for far less worrisome military projects, but not for nuclear carriers or nuclear armed submarines. I sense that these dangers to our survival from instruments of supposed defense are rarely considered in the Pentagon or in the Congress.

My point today is simply that no matter what Naval capabilities are necessary, the U.S. may be able to develop a far more flexible and potent force for far less money than the Navy seeks.

Two important but little-known facts support my position:

First, *despite Soviet advantages in certain fields, the shrinking Soviet fleet is in no position to replace the United States as the world's pre-eminent naval power.*

Second, *the Soviets' new ships cost a fraction of our response to them, even if labor costs are assumed to be the same in the two countries.*

SOVIET NAVAL ADVANTAGES

The Soviets are constructing submarines at a rapid rate. In FY 1970 and 1971, the Soviets built fifteen nuclear attack submarines; the U.S. built ten. In the preceding years, the opposite was true; the U.S. was outbuilding the Soviets.

The Soviet Union is ahead in pre-*Polaris* class missile submarines. Prior to the *Yankee* construction program, the Soviets constructed or converted a large number of missile launching submarines. Twenty-five are diesel. Nine are nuclear. None carry more than three missiles; each missile carries one deliverable warhead. The West has none of these. Therefore, the Soviets have an edge here. However, all of these vesels are obsolete, and the Soviets have already retired about twelve others of these classes.

The Soviets are catching up in *Polaris*-type submarines. As we all know, the Soviets have a sizeable *Yankee*-class construction program. According to the Navy, there are now 42 of these submarines either deployed, launched, or under construction. That is one more than the U.S. has, but three less than the NATO total. So the Russians have fewer *Yankees* than NATO has *Polaris*. And seventeen of the *Polaris* submarines are already upgraded to *Poseidon*, each one of which carries twelve times as many warheads as a *Yankee* submarine.

The Warsaw Pact is ahead in anti-ship missiles. The long-range Russian missiles are partly a substitute for carrier-based aircraft. The short-range models are more akin to Naval artillery. But the U.S. has roughly 30 vessels with this capability, and we could buy NATO missiles off-the-shelf at any time. In addition, an American missile is under development. Within a few years, then, the U.S. fleets will have not only aircraft but missiles as well.

The Russian fleet is of more recent vintage than the U.S. fleet. The average age of Soviet vessels is younger than that of U.S. vessels. The average Soviet ship is eleven years old, while the average U.S. ship is fifteen years old. These statistics present several problems, however. The Soviets are generally on a 20-year replacement schedule, while the U.S. is on a 30-year schedule. Thus, the average fifteen-year-old U.S. vessel has fifteen years of useful life remaining, while the average eleven-year-old Soviet vessel has only nine. In addition, it is widely conceded that the quality of many existing Soviet vessels is significantly below that of their U.S. counterparts. This means that equally-old vessels of the same class do not represent equal fighting power. If the two countries continue with 20- and 30-year replacement cycles, the average

age in the fleets should eventually stabilize at 10 and 15 years. Then there would be a permanent 5-year "gap". But it would be the result of a conscious policy decision, not a sign that we are falling behind.

THE SOVIET FLEET IS IN NO POSITION TO SUPPLANT THE U.S. FLEET

Despite all the clamor to the contrary, the Soviet navy is actually shrinking—just as is the U.S. Navy. As large surface vessels have become increasingly vulnerable and costly to operate, and as ships from World War II and later building programs have become obsolete, the Soviets have retired them. They are faced with many of the same problems we are.

The common impression that the Soviet navy is growing is traceable to several causes. A decade ago, the Soviet navy rarely ventured on the high seas. Now we see it in the Atlantic the Caribbean, the Mediterranean. Its operations have increased. Second, the Soviet bloc has built many ships in the last decade—although not as many as the West. This activity is easily confused with growth in numbers. Last, with the introduction of new types of vessels, especially strategic missile-firing submarines, the firepower of the Russian navy has increased even while the number of ships has decreased. This is true of the U.S. Navy too.

The fact is that the Soviet Navy, including all the new submarines, shrank from 691 to 586 major fighting ships from 1960 to 1971.

The general-purpose navy, excluding the strategic missile submarines, shrank even more, from 691 to 525.

Major surface combatants shrank from 261 to 230. By comparison, U.S. major surface combatants have gone from 289 in 1964 to 244 in 1971—an almost identical reduction.

Minor Soviet combat vessels, such as ocean-going minesweepers, patrol boats and amphibious ships, shrank from 769 to 675.

Despite the recent Soviet submarine construction effort, the West has consistently outbuilt the East during the last decade. The NATO lead in total shipbuilding, in fact, has more than compensated for Soviet submarine construction.

The NATO lead in all ship construction during the last five years is 22%. The ten-year lead is even greater—33%. For major surface combatants, the NATO five-year lead is 35%, and the ten-year lead is 72%.

A different impression can be created by omitting allied construction, as naval advocates often do, or by including merchant marine and fishing fleet construction. A good example of the latter is this 1971 statement by Admiral Zumwalt:

"The Soviets are spending annually an estimated $1.7 billion for new merchant and fishing ships as compared to our FY 1969 and 1970 merchant programs of $334 million and $253 million respectively. If maritime modernization is measured in terms of shipbuilding expenditures (naval and merchant) the Soviet Union in 1970 was modernizing at almost exactly twice the annual rate of the U.S. ($4.7 billion in 1970 vs. $2.353)."

By this device, the Navy shows that the U.S. is behind in maritime modernization because the Russians are building a lot of fishing boats. This is hardly a persuasive argument for raising the Navy budget.

Just as the total fleet has been shrinking during the last decade, so has the submarine fleet. From 1960 to 1972, the attack force shrunk from 430 to about 279, a cut of over 150 submarines, or over 35%. Even when missile-firing subs are added to these figures, there still is a dramatic shrinkage. This holds true despite all the new construction which has been so heavily publicized.

The reasons for this are straightforward enough. Older vessels have become obsolete and too expensive to operate. Construction of new, more capable craft has justified retiring old vessels. In FY 1971, for example, the Soviets constructed seven new attack submarines but decommissioned 32.

The Navy is not always consistent in its use of these figures. In February, Admiral Zumwalt told the Senate that there were about 280 Soviet attack submarines. That same month, Admiral Moorer told the Senate there were just over 250. In March Admiral Zumwalt told the House there were 285. But the conclusion drawn from the facts is always the same: we must spend more money on naval procurement.

The Soviet presence in the Mediterranean is a fraction of the NATO fleet. The news reports give the opposite impression: ". . . the Soviets passed us in 1970 in the number of deployed ships in the Mediterranean; as indicated here in terms of the number of total ship-days—the Sixth Fleet is faced with the highest density of deployed Soviet submarines anywhere in the world," testified Admiral Zumwalt last year (Senate Procurement hearings, Part 1, pp. 894, 900). "The Russians have built up the Mediterranean fleet, which already exceeds that of the United States in numbers of ships. . ." (Washington Post, Sept. 16, 1971). "A Mediterranean Tide Runs for the Russians," according to Newsweek. "On a typical day . . . (there were) 55 (Soviet ships) versus the 44 in the Sixth Fleet" (Newsweek, June 19, 1971).

There is no doubt that the Soviet Mediterranean squadron has increased in size and strength during the last decade. But this increase should be put in perspective. For twenty years after World War II, the U.S. Sixth Fleet was alone in the Midterranean; it became almost an American lake. Few Russian fighting vessels visited the Mediterranean during this time. Now, of course, the situation has changed. Any increase from zero is a lot.

But those who assert that the edge has gone to the Russians are overlooking certain evidence.

The most important fact is that the Russian Mediterranean fleet is quite small. It may be good, new, and potent; but its numbers compare poorly with its NATO counterpart. It is smaller than the Italian fleet, less than half the size of the French fleet allocated to the Mediteranean, and less than one-sixth the size of the NATO fleet.

The Navy uses "ship-days" to indicate predominance by the USSR over the U.S. in the Mediterranean. This is particularly misleading. It equates three days' deployment of a Russian LST to one day's deployment of the carriers *Saratoga, Kennedy* and *Intrepid*. It also ignores our allies' contribution.

Due to the western lead in Polaris-type vessels, and due especially to U.S. MIRV technology, NATO—and the U.S. alone—have a tremendous lead in the destructive and deterrent capacity of our seaborne strategic strike force. The U.S. advantage, with or without the four British *Polarais* vessels, is about 6:1. One simple statistic provides a vivid illustration of the magnitude of the U.S. lead: One *Poseidon* can destroy as many targets as *64* of the older class of the Soviet missile submarines, or *twelve Yankee* class submarines. These figures do not appear in either Secretary Laird's or Admiral Moorer's Posture Statement.

Specifically, our *17* operational Poseidons and 15 Polaris' carrying *3504* targetable warheads; the *26* Yankees and *34* pre-Yankees carry *518*. The British *Polaris'* add 64 warheads to the NATO total. In 1975, the U.S. figure will be 6112 as against an estimated Soviet figure of 774, assuming no retirements and 42 *Yankees*.

The foregoing analysis is intended to demonstrate that naval superiority enjoyed by the United States is not in jeopardy. There is no cause for alarm—but neither should we be lulled into a false sense of security. We must remain cognizant of changes in the nature of the Soviet effort.

It is clear that there is a Soviet presence whose existence must be taken into account when naval procurement decisions are made. But neither the immediacy nor the magnitude of the Soviet effort can justify a crisis atmosphere. Those who would try to shake our confidence in the U.S. fleet do a disservice to the Navy and the Nation alike.

SOVIET SHIPS COST A FRACTION OF THE U.S. RESPONSE

Last year, the Senate Armed Services Committee held excellent hearings on the weapons system development and procurement process. For the first time, Senators were made aware of the procurement practices of other nations. The products of these foreign efforts have often been excellent, simple, mass-produceable, and inexpensive weapons.

The new Soviet ships our Navy is so concerned about cost a fraction of the ships we have been building and plan to build. We are spending vastly more per ship than the Russians, yet the Navy claims we are falling behind the Russians.

If it is true the Russians are catching up, as the Navy claims, it is because they spend less money on more small, non-nuclear-powered ships. Our latest new ships are the 95,000-ton nuclear carriers; their largest new ships are the 18,000-ton cruiser-carriers of the *Moskva-Leningrad* class.

Our new destroyer-leader-frigate, the DLGN–38, is larger than most of the new Soviet cruisers, and costs more than twice as much. Our new destroyer, the DD–963 *Spruance* class, is larger than most of the new Soviet cruisers, and costs about as much. For what we pay for a destroyer, the Soviets can build a cruiser.

We simply pay vastly more per ship than the Russians do. For one of our nuclear attack carriers we could buy seven of their deadly *Kresta* II cruisers. For one of our new frigates (DLGN–38) we could buy two of their ASW carriers. All of these computations are based on American labor costs.

Things get worse in future years. The Navy wants to spend almost a billion dollars on CVN–70. That price is exclusive of another billion for its aircraft, and half a billion for its support ships. For the price of the carrier alone, we could acquire about nine sea control ships—small carriers. We could have nine more DD–963's or twenty patrol frigates (PF). We could have almost *fifty* missile-armed hydrofoils. Isn't it possible that for a fraction of the cost of this carrier, all of its capabilities including the new anti-sub function of the attack carrier, could be better performed by a combination of different small ships? And those ships might not require the expenditures of billions for escort vessels and backup carriers.

Second, not only are U.S. ship costs extremely high, but our subsystem costs are now so high that they compare to what the Soviets are spending on entire ships. What we are paying for four apparently defective Mark-48 torpedoes coming off the assembly line now could buy one copy of the *Komar* missile-armed Russian gunboat.

CONCLUSION

Military spending by itself does not bring us added security in the world. Each increment usually brings a response from the other side, leaving us by and large in the same relative position, but always poorer and a little closer to the flash point. We don't seem to know how to slow military spending down. As our ground troops disengage in Vietnam, military sepnding goes up. Now in a moment or unreasoning fear of the Soviet Navy, we are in danger of lurching ahead again.

The world spends about $200 billion annually on engines of death and destruction. We cannot conceive the dimensions of wealth and welfare which might be bought for $200 billion, or a fraction of that sum, invested annually in schools hospitals and development. I recall last summer asking a member of the Thai government if his government might not be more stable if all U.S. money spent in that country for the support of U.S. and Thai military forces and the police had instead been spent for health, education and development. The answer came instantly, as it has to me the world over. "Of course," the minister said, "political conditions would be more stable if the funds had been spent for the people instead of for the military." If, indeed, our interest lies with the survival of free, independent nations, abjuring, as they do, domination by East and West, would we not be better off harmonizing our actions with our own best principles and abjuring the role of the world's foremost merchant of arms? Would not the world be more stable and the U.S. more powerful if we devoted $1 billion for one nuclear aircraft carrier instead to technical and humanitarian assistance in Africa and South America, and to credits for the purchase of American corn, machinery and medicines? I have my own answers to those questions, but it is not my intention to discuss them today. I merely want to suggest that we will be guilty of the most extraordinary waste if we accept with too little scrutiny the naval procurement requests. We have better things to do with our money than to build a fourth nuclear aircraft carrier.

Consider that nuclear carrier. Its cost is greatly augmented because it is nuclear. Why? It must be provisioned regularly with food, fuel for its planes and ammunition. Why not with oil for its engines? Its newly acquired anti-sub role could be performed less expensively by existing land based planes and new less expensive multiple-purpose vessels (including sea based planes and helicopters). Its sea control mission could be performed less expensively by destroyers, patrol frigates and other less expensive surface vessels—if sea control against the most modern nuclear submarines is possible by any means. Its shore support mission might be performed by surface-to-surface missiles launched from less expensive naval platforms or by planes launched from existing carriers or additional less expensive carriers. Why must we place so many of our eggs in this one most fragile and expensive basket? Is it not in this age vulnerable to destruction and heavy damage from attack by airborne missiles? Do not the Navy's own exercises demonstrate that it is vulnerable to attack from the nuclear submarine?

It was the Congress which came to the rescue of one beleaguered Naval officer in his fight within the Navy for the development of the first nuclear submarine. I believe, and so do many Naval officers, that today something more of the Congress is called for than silent acquiescence. Is it wise, for another example, to stake a down payment of $977 million on the development of an ULMS submarine that will cost $1 billion per copy? We have been told that the ULMS submarine will carry 24 missile launching tubes. It would be larger than the Soviet's largest new ship, the *Kresta II* class cruiser. I understand it would be so large that the United States would have no on shore facilities capable of servicing it. They would have to be developed at still more expense. I do not question the desirability of developing the ULMS I missile—but I do question the desirability of developing so large a new submarine, at such a cost. Would it not be more prudent to develop smaller submarines, or continue use of the modified *Poseidon* which is far ahead of anything in sight for the Soviets? Could we not deploy a far more flexible force of far more boats at far less cost?

I do not know that these questions can be answered in full before we vote on the military procurement bill. But the questions must be raised. Some have been raised in the Armed Services Committee, and I commend it for its attention to them, especially to procurement practices in the military. But they should be answered before we run the risk of wasting many billions of dollars on vessels of little or no utility and of potential danger to the peace of the world and the environment. In view of the continuing supremacy of the U.S. and NATO fleets we have little to risk by going slow and answering these questions first—and much to risk by lurching ahead.

The Soviet Naval Threat: Reality and Illusion

Admiral Thomas M. Moorer, Chairman of the Joint Chiefs of Staff, has told Congress that "a major shift in the naval balance between the United States and the Soviet Union" is taking place.

"Unless we accelerate the modernization of our fleet," he told the Senate Armed Services Committee on February 15, 1972, "the Soviets will increasingly challenge our control of the seas in those maritime regions essential to the success of our forward defense strategy, as well as in ocean areas closer to our shores."

On the basis of these arguments, the Defense Department has asked Congress for $9.7 billion in new Navy procurement funds for fiscal 1973, about $1 billion more than in 1972, which was in turn about $1 billion more than in 1971. These funds are part of a Navy "modernization" program: 42 major combat ships and 21 submarines now under construction or authorized by Congress and more than 60 major surface ships and a new fleet of ballistic missile submarines contemplated (see tables 4 and 5).

The Center for Defense Information has made its own study of the naval balance and has reached the following conclusions:

The balance is heavily in favor of the United States.

The Soviet Union is doing little which would significantly change the balance in the next few years.

There is little evidence to support the request for a large increase in money for ships designed to project US power overseas and to greatly expand US strategic weapons capability.

A LOOK AT THE BALANCE

Defense Department testimony to Congress on the Soviet naval threat stresses such trend as an increase in the number of Soviet major combat surface ships in the last five years (from 185 to 215, including two new helicopter carriers, seven new missile cruisers, 18 new missile destroyers and 36 new escorts). It stresses Russia's numerical advantage in submarines (about 343 Soviet to 138 US), new Soviet anti-ship missiles, and increases in Soviet naval operations in the world's oceans.

But these presentations fail to give a fair picture of the relative strengths of these two navies. The diagrams and data on the following pages give a fair picture. They show that:

1. The Soviet Union has no nuclear-powered combat surface ships and is not reported to be building any. The United States has four and is building seven more.

2. The United States has 14 attack aircraft carriers which carry from 40 to 90 jet aircraft each, used for striking land or sea targets. Two nuclear carriers are under construction. The Soviet Union has no attack carriers and no sea-based fixed-wing aircraft. The Defense Department has asked for funds in 1973 to start building the power plant for a fourth nuclear attack carrier. It also has asked for funds to design a new fleet of at least eight smaller follow-on carriers to be called Sea Control Ships.

3. The United States has two anti-submarine carriers which carry helicopters and fixed-wing anti-submarine aircraft. The Soviets have two anti-submarine carriers which are actually cruisers with large helicopter landing decks. One 35,000-ton ship is under construction in the Soviet Union which may be a carrier or some other type of ship.

4. The United States has seven "assault" helicopter carriers designed to move marines ashore. Five more, twice the size of the existing ones, are under construction. The Soviet Union has no comparable ships.

5. The United States has nine cruisers. The Soviets have 25. But four of the Soviet cruisers are pre-World War Two and are probably being retired. Ten of the Soviet cruisers are smaller than many US destroyers. The US Navy wants to build two 2200-ton prototypes of what would eventually be a cruiser-size hovercraft called a "surface effects ship."

6. Soviet missile-firing destroyers are fewer and smaller than their US counterparts. Congress has already authorized 30 new destroyers (DD963 Spruance Class), which are larger than any destroyers of the Soviet Union. The US Navy is asking for funds for 50 new "patrol frigates" which will be larger than most Soviet destroyers. By the late 1970s all US destroyers and patrol frigates are to be equipped with the new Harpoon surface-to-surface missile.

7. The present US fleet of 41 strategic ballistic missile submarines has 2800 separately targetable warheads.[1] Russia's ballistic missile submarines have about 500 warheads (see Table 1). Also, a greater percentage of the US ballistic missile submarines are on station at a given time than is the case with the Soviet submarines. By 1976, the number of separately targetable US submarine-launched warheads will increase to almost 7000. This figure does not reflect the proposed new ULMS ballistic missile submarine system which will be the subject of a subsequent edition of *The Defense Monitor*.

8. The Soviets have a fleet of 68 submarines armed with anti-shipping "cruise" missiles. The United States decided in the 1950s not to develop a capability in this area and abandoned its Regulus missile program. Recently, the Pentagon decided to go ahead with development of a new cruise missile for a new attack submarine.

9. The US has more than twice the number of nuclear-powered attack submarines as the Soviet Union. The Russians have 190 diesel attack submarines as compared to 41 for the US, but these are being phased out of both navies. The total number of Soviet attack submarines have decreased from 430 in 1960 to 283 in 1972, and Admiral Moorer states that he expects this number will continue to decline as newer submarines are introduced at a slower rate than older units are withdrawn. The US is building a new class of nuclear attack submarines (SSN 688 Los Angeles Class).

CONSTRUCTION

Admiral Moorer told Congress: "The rate of modernization in the Soviet surface fleet is expected to accelerate during the next few years."

The Russians are building mainly light cruisers and destroyers. These include Kresta II cruisers, and Krivak and Kashin destroyers. Recently these have been built at a rate of about one per year in each class. Defense Department reports have suggested another "possible" cruiser construction program and a "possible" carrier.

But in view of the US construction program already in progress, Soviet "acceleration" would have to be enormous to make significant difference in the overall balance.

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[1] To put in context with overall US strategic capability, Secretary Laird gave these comparative figures for nuclear weapons for mid 1972:

Total offensive strategic nuclear weapons (warheads):

U.S., 5,700.
U.S.S.R., 2,500.

REGIONAL BALANCES

When talking about a shifting balance, Defense Department witnesses limit themselves to comparing the US and Soviet navies. Yet many NATO allies have modern effective navies that must be taken into account. When NATO and Warsaw Pact forces are compared the balance clearly favors NATO (see Table 2).

The balance is even more striking when naval forces in the Mediterranean, for example, are examined alone (see Table 3). (Not shown in the table are the more than 50 small patrol boats armed with anti-ship missiles which the Soviet Union has given many of her allies in the area. These boats normally operate relatively near shore.)

OTHER FACTORS

The map on page seven shows that Soviet fleets suffer geographic and climatic handicaps—limitations not faced by the US Navy. Some fleets are partially iced-in during winter. Others can be bottled up in home waters because of narrow passages through which they must travel. These "choke points" also facilitate NATO's monitoring of Soviet fleet movements.

In discussing the US-USSR naval balance, Defense Department witnesses neglect to consider the US Coast Guard—a force which possesses over 50 ocean-going cutters of naval destroyer size, armed with guns and anti-submarine weapons.

CONCLUSIONS

The overall naval balance favors the United States. The Soviet Union is not likely to change this status in the near future.

The naval "balance" argument does not, therefore, justify, by itself, the kind of naval buildup which the Defense Department has under way now or plans in the future. However, Defense Department testimony makes clear that the Navy has other purposes in mind. Admiral Elmo R. Zumwalt Jr., Chief of Naval Operations, told Congress that the Navy's four "capabilities" are:

"Assured second strike"

(This refers to the Polaris-Poseidon fleet retaliating with strategic missiles after a Soviet nuclear attack on the United States.)

"Control of sealanes and areas"

"Projection of power ashore"

"Overseas presence"

The first "capability" is defensive. In view of the overwhelming second strike capability which the US possesses, the new ULMS program is not needed at this time. The American public deserves a much clearer definition of the other Navy "capabilities": What kind and degree of "control of the seas" has the US decided to pursue? Under what conditions and in what areas of the world will it "project power ashore"? What portion of the present Navy and what portion of the "modernization" program is designed for overseas presence? These are questions which must be publicly asked and answered before additional programs are approved by Congress.

"Every addition to defense expenditure does not automatically increase military security. Because security is based upon moral and economic, as well as purely military strength, a point can be reached at which additional funds for arms, far from bolstering security, weaken it."

President EISENHOWER.

TABLE 1.—CURRENT BALLISTIC MISSILE SUBMARINE COMPARISON

Type	Number of submarines	Missile type	Missile range (nm)	Number of launchers per submarine	Total number of launchers	Number of independent warheads per submarine	Total number of warheads
U.S.:[1]							
Poseidon	12	Poseidon	2,500	16	192	192	2,304
Polaris	21	A-3	2,500	16	336	16	336
Polaris	8	A-2	1,500	16	128	16	128
Total	41				656		2,768
U.S.S.R.:[2]							
Yankee	26	SS-N-6 (Sawfly)	1,300	16	416	16	416
Hotel	9	SS-N-5 (Serb)	650	3	27	3	27
Golf II	25	SS-N-5 (Serb)	650	3	75	3	75
Total	60				518		518

[1] Figures as of June 1972. [2] Figures as of February 1972.

TABLE 2.—MAJOR NAVAL COMBATANT COMPARISON (FIGURES AS OF FEBRUARY 1972)

NATO

	Totals	United States	United Kingdom	France	Canada	Denmark	Netherlands	Italy	Norway	Portugal	Greece	Turkey	West Germany
Attack and ASW carriers	20	16	2	2	0	0	0	0	0	0	0	0	0
Helicopter carriers	12	7	3	2	0	0	9	0	0	0	0	0	0
Cruisers	16	9	3	2	0	0	2	0	0	0	0	0	0
Destroyers and escorts	460	214	76	48	20	2	18	24	5	11	12	10	20
Submarines	259	138	34	20	4	6	5	10	15	4	2	10	11
Total	767	384	118	74	24	8	25	34	20	15	14	20	31

Warsaw Pact

	Totals	U.S.S.R.	Bulgaria	Czechoslovakia	East Germany	Hungary	Poland	Rumania
Attack and ASW carriers	0	0	0	0	0	0	0	0
Helicopter carriers	2	2	0	0	0	0	0	0
Cruisers	25	25	0	0	0	0	0	0
Destroyers and escorts	206	195	2	4	3	0	2	0
Submarines	350	343	2	0	0	0	5	0
Total	583	565	4	4	3	0	7	0

TABLE 3.—MAJOR NAVAL COMBATANTS IN MEDITERRANEAN AREA

	NATO and U.S. allies					Warsaw Pact and U.S.S.R. allies					
	Totals	NATO[1]	Spain[2]	Israel	Morocco	Totals	W.P. (U.S.S.R.)[3]	Egypt	Yugoslavia[4]	Albania[2]	Others[5]
Attack and ASW carriers	5	4	1	0	0	0-0	0-0	0	0	0	0
Helicopter carriers	3	3	0	0	0	0-1	0-1	0	0	0	0
Cruisers	3	2	1	0	0	2-4	2-4	0	0	0	0
Destroyers and escorts	106	86	17	2	1	14-17	5-8	7	2	0	0
Attack submarines	47	41	3	3	0	27-32	7-12	12	5	3	0
Total	164	136	22	5	1	43-54	14-25	19	7	3	0

[1] NATO includes U.S. 6th Fleet; United Kingdom forces normally in the area; ½ of the French Navy; and the naval forces of Italy, Greece, and Turkey.

[2] ½ of the Spanish Navy.

[3] U.S.S.R. totals are normal and highest observed.

[4] Yugoslavia and Albania are included though the political situation with the U.S.S.R. may be strained at the moment.

[5] Others include Syria, Libya, Algeria, Tunisia, and Lebanon.

TABLE FOUR: SUMMARY OF MAJOR US COMBATANT SHIPS AUTHORIZED OR PRESENTLY UNDER CONSTRUCTION

2—Nuclear Attack Carriers

5—Large Amphibious Helicopter Assault Carriers

5—Large Nuclear Guided Missile Destroyer Leaders

16—Large All-Purpose Destroyers (DD963 Spruance Class)

14—Large Escorts (DE1052 Knox Class)

12—Large Nuclear Attack Submarines (SSN688 Los Angeles Class)

9—Medium Nuclear Attack Submarines (SSN637 Sturegon Class)

TABLE FIVE: SUMMARY OF MAJOR US COMBATANT SHIPS FISCAL YEAR 1973 REQUESTED

$299 million for long lead items for one additional nuclear attack carrier (CVN-70). (Eventual total program will cost an estimated $951 million.)

$10 million for contract design for a "first buy" of eight new follow-on carriers called Sea Control Ships (SCS). (Eventual total program will cost an estimated $1 billion.)

$50 million for two 2200-ton prototypes of a new major surface combatant called Surface Effect Ship (SES), which will be a large hovercraft. (Eventual total program cost is not available.)

$945 million for advanced development of a new strategic-missile nuclear submarine called Undersea Long-Range Missile System (ULMS). (Eventual total program will cost an estimated $11.2 billion as "presently constituted.")

$612 million for procurement of seven additonal all-purpose destroyers of the DD963 Spruance Class. (Eventual total program will cost an estimated $2.7 billion.)

$192 million for the lead ship of a new fifty ship class called Patrol Frigate (PF). (Eventual total program cost is estimated at $2.4 billion.)

$1.05 billion for procurement of six additional nuclear attack submarines of the SSN688 Los Angeles Class. (Eventual total program will cost an estimated $6.8 billion.)

(All total program cost estimates are based on Department of Defense figures.)

TABLE 6.—UNITED STATES AND U.S.S.R. MAJOR NAVAL COMBATANTS

[Figures as of February 1972]

	United States	U.S.S.R.
Surface:		
Aircraft carriers	16	0
Helicopter carriers	7	2
Surface—Continued		
Cruisers (with missiles)	8	11
Cruisers (without missiles)	1	14
Destroyers and escorts (with missiles)	65	40
Destroyers and escorts (without missiles)	149	155
Surface total	246	222
Submarines:		
Nuclear submarines (with ballistic missiles)	41	[1] 35
Diesel submarines (with ballistic missiles)	0	25
Nuclear attack submarines (with cruise missiles)	0	[1] 40
Diesel attack submarines (with cruise missiles)	0	28
Nuclear attack submarines (without missiles)	56	25
Diesel attack submarines (without missiles)	41	190
Submarine total	138	343
Major naval combatant total	384	565

[1] Estimated.

TABLE 7.—U.S. AND U.S.S.R. MAJOR NAVAL COMBATANTS

[Figures as of February 1972]

U.S.					U.S.S.R.				
Number of ships	Class or type	Tonnage	Status	Operational dates	Number of ships	Class or type	Tonnage	Status	Operational dates
				NUCLEAR AIRCRAFT CARRIERS					
2	Enterprise	75, 000	Active	1961.	None				
	Nimitz	81, 000	Under construction. Requested Fiscal year 1973, $299,000,000 for long lead items (estimated total cost—$951,000,000.)	1974–6					
1	86, 000								
				CONVENTIONAL AIRCRAFT CARRIERS					
4	Kitty Hawk	50, 100	Active	1961–8.	None				
4	Forrestal	59, 650	do	1955–9.					
3	Midway	51, 000	do	1945–7.					
2	Hancock	32, 800	do	1944–50.					
2	Essex	32, 800	do	1953–5.					
8	Sea control ship	17, 000	Requested fiscal year 1973 $10,000,000 for contract design (estimated total cost—$1,000,000,000).	late 1970's.					
				HELICOPTER CARRIERS					
7	Iwo Jima	17, 000	Active	1961–70.	2	Moskva [2]	15, 000	Active	1968–8.
5	Amphibious assault ship.	[1] 35, 000	Under construction	1973–6.	1	(Possible carrier or merchant ship).	[1] 35, 000	Under construction	Late 1970s.
				NUCLEAR CRUISERS					
1	Long Beach	14, 200	Active	1961.	None				
				CONVENTIONAL CRUISERS					
1	Salem	17, 000	Active	1949.	10	Sverdlov	15, 450	Active	1951–60.
3	Albany	13, 700	do	1945–6.	1	Dzerzhinski	15, 450	Active	1962.
4	Cleveland	10, 670	do	1944–5.	2	Chapaev	11, 500	Probably being deactivated (old).	1948–50.[4]
?	Surface Effect ship (Hovercraft)	[1] 10, 000	Requested fiscal year 1973 $50,000,000 for 2 2,200 ton prototypes (estimated total cost—not available).	Late 1970s.	1	Missile cruiser	[1] 9, 000	Under construction	Late 1970s.
					2	Kirov	8, 500	Probably being deactivated (old).	1938–44.
					2	Kresta II [3]	6, 000	Active	1968–?
					4	Kresta I [3]	5, 140	do	1967–8.
					4	Kynda [3]	4, 800	do	1962–5.
				NUCLEAR DESTROYERS					
5	California	[1] 9, 000	Under construction	1972–5.	None				
1	Truxton	8, 200	Active	1967.					
1	Bainbridge	7, 600	do	1962.					
				CONVENTIONAL DESTROYERS AND ESCORTS [6, 7]					
63	Missile destroyers	3, 370–6, 570	Active	1953–67.	40	Missile destroyers	2, 850–5, 200	Active	1954–?.
30	Spruance [5]	[1] 6, 000	Under construction	Late 1970s.					

U.S.					U.S.S.R.				
Number of ships	Class or type	Tonnage	Status	Operational dates	Number of ships	Class or type	Tonnage	Status	Operational dates
50	Patrol Frigate [5]	[1] 3,400	Requested fiscal year 1973 $192,000,000 for lead ship.	Late 1990s.					
46	Knox [5]	3,011	Active (14 still under construction).	1971–2.					
NUCLEAR SUBMARINES WITH BALLISTIC MISSILES									
41	Polaris/Poseidon	5,900–7,320	Active	1959–67.	35	Yankee	7,300	Active	1969–?.
7	ULMS	[1] 16,000	Requested fiscal year 1973 $945,000,000 for advanced development (estimated total cost—$11,200,000,000).	Late 1970's.		Hotel II	3,700	do	1961–?.
DIESEL SUBMARINES WITH BALLISTIC MISSILES									
None					25	Golf II	2,300	Active	1950–65.
NUCLEAR ATTACK SUBMARINES WITH CRUISE MISSILES [8]									
None					40	Echo I+II	5,000	Active	1961–8.
						Charlie	4,000	do	1969–?.
DIESEL ATTACK SUBMARINES WITH CRUISE MISSILES									
None					28	Juliett	2,200	Active	1962–7.
						Whiskey	1,200	do	1950–7.
NUCLEAR ATTACK SUBMARINES									
56	Sturgeon and others	2,317–3,860	Active (9 more under construction).	1954–?.	25	Victor	3,600	Active	1969–?.
12	Los Angeles	6,000 (estimate)	Under construction (6 more requested in fiscal year 1973 budget).	1967–?.		November	3,500	do	1959–65.
DIESEL ATTACK SUBMARINES									
41	Guppy and others	1,850–2,145	Active (but being deactivated)	1943–59.	190	Fox Trot and others	650–2,000	Active (most being deactivated).	1950–67.

[1] Estimate.

[2] Cruiser forward with large ASW helicopter deck aft.

[3] This type of Soviet cruiser is smaller in size than U.S. destroyers.

[4] Construction began in 1938.

[5] The surface-to-surface missile (Harpoon) will be put on these units and almost all other destroyers by the late 1970's. These units are shown because of this fact and their large size.

[6] The United States has about 115 additional older destroyers and escorts.

[7] The U.S.S.R. has about 155 additional older nonmissile destroyers and escorts. Some are being converted to missile ships.

[8] The United States decided not to pursue this weapon system in the late 1950's but a cruiser missile weapon system is presently under development.

NOTES

Question marks denote continuing construction.

All total program cost estimates are based on Department of Defense figures.

In addition to the over-all numerical superiority of the US major naval combatant force and its preponderance of strength in ballistic missile capability, the US Navy also enjoys fewer climatic and geographic limitations in its normal fleet operations. The Soviet North and Pacific Fleets are restricted by severe winter weather. The Baltic and Black Sea Fleets can easily be blocked if necessary to prevent them from exiting their home waters into international seas. Also, due to geographic factors, it is easier for NATO to keep the Soviet fleets under surveillance than it is for the Soviets to maintain continuous surveillance of NATO naval operations.

TABLE 8.—UNITED STATES AND U.S.S.R. FLEET OPERATIONAL COMPARISONS

United States

Normal operations	Estimated number of major units	Major facilities	Climatic or geographic limitations
1st Fleet: Extensive training operations in eastern Pacific year-round.	125	San Diego, Long Beach, San Francisco.	None.
7th Fleet: Extensive training operations in Western Pacific year-round. Frequent operations in Sea of Japan and South China Sea. War operations in Gulf of Tonkin and Philippines Sea. Infrequent operations in Indian Ocean. Patrols U.S. Trust Territory of the Pacific Islands.	[1] 61	Pearl Harbor, Guam, Midway, Japan, Philippines, Formosa, Vietnam.	Do.
2d fleet: Extensive training operations in western Atlantic, Norwegian and North Seas, and in the Caribbean Sea year-round. Annual operations around South America. Deploys to Mediterranean Sea and to the Indian Ocean.	170	Norfolk, Newport, Charleston, Mayport, Key West, New London, Spain, Scotland, Iceland, Cuba, Bermuda, Puerto Rico, Azores.	Do.
6th fleet: Extensive training operations throughout the Mediterranean Sea year-round. Quarterly deployment of 2-3 destroyers into the Black Sea.	231	Ports in Italy, Greece, France, Spain, Turkey, Malta.	Narrow exit via Strait of Gibralter.
Middle East Force: Normal training operations in Persian Gulf.	2	Bahrein, Diego Garcia (Indian Ocean).	Narrow exit from Persian Gulf via Strait of Hormuz.

U.S.S.R.

Normal operations	Estimated number of major units	Major facilities	Climatic or geographic limitations
Black Sea Fleet: Normal in-area training operations in Black Sea year-round. Extensive deployments to Mediterranean Sea. Infrequent operations in Atlantic or Caribbean Sea.	123	Batum, Savastopol, Novorossik (U.S.S.R.).	Narrow exit via Turkish Straits.
Mediterranean Fleet: Normal operations in Eastern and Central Mediterranean Sea. Extensive time spent to anchorages or in ports. Submarines deploy from North of Baltic Fleets. Most surface combatants deploy from Black Sea Fleet.	21	Egypt	Narrow entrance via Shelf of Gibraitar and Turkish Straits.
Baltic Fleet: Normal in-area training operations in Baltic Sea year-round. Out-of-sea operations in North Sea. Infrequent operations in the North Atlantic of Caribbean Sea.	74	Riga, Kaliningrad (U.S.S.R.).	Partial winter freeze in both ports/Narrow exit via the Sound.
North Fleet: Normal in-area training operations in White and Barents Seas during summer months. Out-of-area exercises in Norwegian Sea. Infrequent operations in North Atlantic and Caribbean Sea.	197	Kola, Murmansk Sevarodvinsk (U.S.S.R.).	Partial winter freeze in all ports.

[1] Includes 2 attack carriers and amphibious landing ships with embarked Marine Battalion Landing Team.

TABLE 8.—UNITED STATES AND U.S.S.R. FLEET OPERATIONAL COMPARISONS—Continued

United States				U.S.S.R.			
Normal operations	Estimated number of major units	Major facilities	Climatic or geographic limitations	Normal operations	Estimated number of major units	Major facilities	Climatic or geographic limitations
Pacific Fleet: Normal in-area training operations in Seas of Japan and Okhotsk. Infrequent out-of-area operations in North and Central Pacific during summer months only. Deployments to the Indian Ocean.	161	Vladivostok, Nakhodka, Fetropavlovsk (U.S.S.R.).	Partial winter freeze in all ports/Narrow exits via Kuill Islands and Korea and Tsugaru Straits.	Indian Ocean Detachment: Extensive time spent at anchor in the Socotra Island area, or in Seychelles and Maldive Islands, Miner training operations in Arabian Sea.	5	None. Use friendly ports for support.	Narrow entrance via Strait of Malacca/ Long distance from Pacific and North Fleets.
				Guinea Patrol: Off west coast of Africa.	3	None. Use Conakry, Guinea for support.	None.

THE CENTER FOR DEFENSE INFORMATION

The enormous size and complexity of the military effort in this country has outrun the institutions established for citizen understanding and control of public policy. An informed public opinion on national defense and foreign commitments is lacking in our society.

For these reasons the Center for Defense Information has been established. The Fund for Peace has encouraged and made possible the initiation of this Center. Further funding will be provided by private foundations and interested individuals. The Center will be under absolutely no financial or other obligation to any government, military, industrial or individual special interest.

The Center will concentrate exclusively on analyzing and circulating public information on matters of national defense and overseas commitments, as well as scrutinizing our national defense program on a day-to-day basis. Its appraisals will challenge existing assumptions about national defense and provide the basis for rational alternative policies and budgets, to be measured against those of the Department of Defense.

The Center will disseminate its research and information to the broadest public possible through position papers; a journal, *The Defense Monitor*, of which this is the first edition; and material designed for the news and other media. In addition, the Center will respond to requests for information on defense matters. Future editions of *The Defense Monitor* will include analysis of the defense budget, ULMS (Underwater Long-range Missile System), the B–1 Bomber, technological superiority, the proposed attack carrier, US forces overseas and military commitments to foreign nations, as well as other topics of vital national and military concern.

The Center and its rapidly developing inventory of information will be a reliable and non-partisan resource for all individuals and groups insisting upon a military that will genuinely defend and strengthen American society, not weaken it by overcommitments and waste of resources.

TRADE BARRIERS AGAINST AMERICAN GOODS

Mr. FANNIN. Mr. President, at last it seems that America is starting to wake up to our great problems in international trade. Last year's trade deficit drives home the seriousness of our position.

This problem, however, is not one that arose overnight. The seeds of our dilemma were sown in the early 1960's when our Government failed to realize that World War II was long over and that we no longer needed to give special trade advantages to Japan and other nations that suffered severe damage in the conflict.

This problem grew and blossomed quickly—our trade deficits actually began in 1965 if statistics were kept as they should be.

If we are to solve this problem and maintain our position as a world economic leader, then we must look at how we got into our current position. When we study this, I believe it becomes evident that we cannot enact stringent protectionist legislation, nor can we pass laws that would strangle American firms which also have operations abroad. This would be very foolish since these firms aid rather than damage our domestic economy.

What we must do is to break down trade barriers that discriminate against American goods. We must consider providing American industry with the means of competing against manufacturers in other nations which have different rules than ours concerning production. And we must somehow bring our soaring labor costs under control.

Mr. President, the current issue of Industry Week magazine carries an excellent editorial and article, "Unite Our Hands." This article contains much valuable information that we can use in resolving our trade problems. I ask unanimous consent that the editorial and article be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

WANTED: FAIR SHAKE

The overseas manufacturer who wants to sell in this country has the support of two governments—his and ours.

Twelve years ago, that was just a flip crack. It has since become a critical cliche among U.S. manufacturers who have become victims of an assortment of tariff and nontariff trade obstacles (see story starting opposite page 30).

Those trade rule inequities have contributed greatly to our inability to compete in the world market, including our difficulty in holding our share of market in the U.S. Combined with our disadvantages in hourly employment costs, in capital recovery policies, and in the deterioration in our will to work, the unfair trade obstacles make competition difficult in many industries.

They arose partly through what our overseas competitors have done to promote their industries and their exports of highly manufactured goods, and partly through what we have not done. The inequities result from our public sector making decisions for political reasons rather than for economic reasons. They have resulted in American industry trying to compete in a world market with one hand tied behind its back.

Uncle Sam wanted to be a good guy in the world marketplace. He wanted to play the role of the beneficial uncle. He wanted to be loved. His nephews abroad didn't really love him. His nephews at home are in danger of being impoverished.

The inequities in trade are so diverse as to defy easy categorization. Most of them result from tax structures in other countries that provide a wide variety of incentives to promote exports and penalize imports. Many of these are indirect taxes that are not imposed on exports but which are imposed at the border on imports. Sometimes, they take the form of extraordinary depreciation deductions for export-related assets.

They will remain a menace to U.S. industry, to the jobs of American workers, and to the tax sources of U.S. governments—at all levels—until we, as a country, decide to make economic decisions for economic reasons, rather than for political reasons.

It is past time for U.S. industry to get a fair shake in trade rules.

WALTER J. CAMPBELL.

UNTIE OUR HANDS

(By Floyd G. Lawrence, executive editor)

The U.S. announced the discovery of economics on Aug. 15, 1971.

It was a finding perhaps as inevitable as, and yet no less startling than, the realization that the children have grown up. And with it not just we but the entire Free World entered a new "phase."

The U.S. has now made clear that it no longer intends to let its economic interests be subordinated in trade, in investment, in foreign policy, or in mutual defense; and that in future negotiations it will be as generous or as selfish as other nations. And it will be quite a change.

Since the end of World War II, we had willingly been Uncle Sam to the Free World. Enthusiastic about the growth of our nephews, we helped them with a liberal allowance and looked the other way when it came to pranks in the trade field.

We offered a hand to everyone as if we could do everything, and as if we need not change, or even review, what we were doing in the world of international economics. Our political strategists somehow failed to recognize or to adapt to mounting evidence that we were not destined forever to remain the Free World's rich uncle.

Yet since 1950, our share of world automobile production has declined from 76 to 33%; our share of world steel production from 47 to 18%; and our share of world radio and television production from 65 to 19%.

Still more evidence appeared in U.S. homes, where products made overseas grew to account for seven out of ten sweaters, two of every five pairs of shoes, one of every three bicycles, one of every two black and white TV sets, and nine out of ten home radios.

Proof of our dwindling competitiveness was piling up, but few recognized it. Most assumed competition was a game we played among ourselves, and they viewed the facts in that context:

Rapid productivity gains on the part of others were to be expected as "part of the process of catching up."

While the exports of others grew faster, our exports grew also.

We continued to enjoy a satisfactory trade surplus through 1967 as other countries needed our goods and the slack in our own economy dampened our demand for imports.

And, perhaps most important, since our consumer income rose more rapidly than our consumer prices, individual standards of living did not suffer.

But starting about 1964, foreign products became increasingly competitive in our markets as U.S. wage gains further outstripped productivity, and our costs rose more sharply than those of our competitors abroad. For the same reason, our products became less attractive abroad, and more and more dollars failed to return to the U.S. Our surplus in merchandise trade began to decline, and our balance of payments deficit began to build.

By August 1971, the U.S. faced a balance of payments deficit more than twice the previous high—at $8 billion—and a $2.2 billion merchandise trade deficit, the first since 1893.

NEPHEWS BECOME COMPETITORS

The U.S. is still rich and productive, but it is no longer supreme. It is one strong competitor among other strong competitors.

By the late 1960s, the European Economic Community (EEC) had become the largest trading entity in the world. This year it will expand further to become an economic power with a population exceeding and a gross national product rivaling ours.

If the other countries that are to be taken into the expanded EEC are included, the enlarged EEC will account for nearly 40% of world trade and for 50% of world trade in industrial products, three times the U.S. share. Even ignoring trade among EEC members, themselves, which accounts for about half, the expanded EEC will account for as much as 40% more trade than will we. One member alone, West Germany, in 1970 surpassed the U.S. as the leading exporter of manufactures with $30 billion.

Yet the competitiveness of Japan has increased even more rapidly. That nation has grown consistently faster over the last 20 years than any other in economic history. It has sustained an annual export growth of 19% over the period with a growth in manufactures during the last decade alone of some 400%.

Few have questioned the wisdom of helping to build a strong Europe facing the Iron Curtain and a strong Japan facing the Bamboo Curtain. But at the same time, few have questioned that, as the economies of other countries became stronger, they would accept an increased share of responsibility for world security and would gradually open their markets to others, including the U.S.

But if we have been correct in visualizing the strength of the Free World as nations bound together like a bundle of sticks, our vision may have been less clear when it came to dealing with the earnest desire of some sticks to become larger than others. And there's a rather obvious reason.

Because changes in trade patterns affect the economies of others far more than our own, foreign trade issues have loomed less large in our national policies and politics than in those of our trading partners. So other nations have asserted themselves to improve their competitive positions, not only through hard work, but also through discriminatory trading arrangements and the development of export support programs more aggressive than ours.

JUST LOOK AT TV

Television provides an interesting example, not only because its history spans the postwar period, but also because it is among our most technologically sophisticated industries.

"If the television industry in this country can't make it, I don't know what industry can," contends Joseph S. Wright, chairman Zenith Radio Corp., Chicago. "I'm not aware of any industry in the U.S. that has a better track record for cutting costs, improving its product, and increasing its productivity."

Using 1952 as a consumer price base of 100, in 1970 the average TV price had been reduced to 72 while the average annual consumer price index had risen to 146.

"The average price in 1970 was almost 30% less than the price in 1952," says Mr. Wright, "yet those sets in 1952 were small screen black and white vacuum tube sets while the 1970 sets are transistorized and include color. The TV set we sell today is a much more complicated product with a great deal more in it, and wages have increased substantially. So the lower price reflects a tremendous productivity increase."

Yet in just nine years (1962–71), TV imports rose from 2.4% of a 6.6 million unit U.S. black and white TV market to 55% of a 7.6 million market. In 1965, Japanese color TV imports were only 2.6% of the total color market of 2.6 million units. By 1971 Japanese imports held almost 18% of a 7.2 million market.

Similarly, using 1952 as a consumer price base of 100, in 1970 the average U.S. radio price was 68, with portability, FM, stereo, and many added values. Yet radio has fared even worse.

In the late 1950s, millions of low-priced Japanese transistor radios began to pour into the U.S. By 1968 they had captured 95% of the U.S. market; less than 5% of our market of some 40 million home radios is served by U.S. plants today. Except for certain specialty sets, the manufacture of radios in the U.S. was made economically impossible within ten years of the invasion by the Japanese.

In world radio and television production, U.S. output has hovered around 25 million units while world output has grown from 35 million to 140 million.

JAPANESE TV PICTURE SLANTED

"The principal factors in this amazing feat have not been cheap labor, productivity miracles, or a single-minded diligence by the Japanese," believes Mr. Wright, "although these qualities have been helpful. Rather, much of Japan's success has resulted instead from what we consider to be unfair and discriminatory practices in Japan's export trade."

In 1956 and 1957, Japan decided as a matter of policy to encourage and develop the electronics industry and enacted a law known as the Electronics Industry Development Emergency Law, which remained in effect until 1971. A new and similar follow-on law for the same purpose was then enacted, extending the "emergency" to 1978.

Under this law, the Ministry of International Trade & Industry was directed to establish and supervise programs for the development of the electronics industry, and within the ministry there was set up an Electronics Industry Council of top industry officials to help formulate research and development programs as part of a first phase. Under this procedure, the entire spectrum of consumer products, components, computers, communications, and industrial electronics was broken down into program subjects.

For each one of the programs, the ministry developed a time table, a set of specific objectives, and funding for research and development. Phase 2 of each program was the development of a plan for putting the new product into commercial production, and with financing by free or low-interest loans from the Japan Development Bank. Phase 3 contemplated production rationalization accompanied by an accelerated write-off of whatever investment the companies themselves had made in the program.

"This new system of business is not really free enterprise as we know it," adds Mr. Wright, "although through the ministry's Deliberations Committee the industry members have great influence in getting an effective consensus on what the programs can and should accomplish. But the ministry is the boss and finally decides what projects will be supported and who will participate and to what extent.

"While we and our competitors in the U.S. beat each others' brains out, trying to come up with the best color TV tube, the Japanese have eliminated wasteful duplication of research in competing projects," says Mr. Wright, "and technology is standardized and shared. And if the industry in question is considered too fragmented for effective action, mergers and consolidations are encouraged. Rather than an antagonist, the government considers itself an active and responsible partner in the venture.

"It would be asking a great deal of mortal men to encourage them to form a cartel under government supervision for export trade and then require them to compete in an antitrust environment in their home market," adds Mr. Wright. "As a result, prices in the Japanese home market are high when compared with the same product sold here or in other export markets, and this is due to a number of factors, including outright cartels to fix prices and the denial or discouragement of access to the Japanese market by foreign competition.

The Japanese Electronics Industry Assn. admitted a year or so ago that large-screen TV receivers made in the U.S. could be delivered to a Japanese importer for a total cost of about $449 while similar large-screen Japanese sets have carried list prices in Japan of $1,200 to $1,600. By the same token," notes Mr. Wright, "Japanese color TV table models selling in Japan for $400, are shipped nearly halfway around the world and with freight and duty paid in the U.S. for under $300."

Selling a product at a lower price overseas than in the home market is dumping, and U.S. law provides a dumping duty be imposed. Yet following the Treasury Dept.'s dumping finding in December 1970 and a 9% bond required pending determination of what the dumping margins might be, Japanese color TVs exported to the U.S. increased nearly 50% in 1971 and at prices, believes Mr. Wright, still below those prevailing in Japan.

"Some people in this country have suggested that we should not be overly critical of Japan and that we should not be so insistent on what they call 'protectionist' measures because this might start a trade war and have an impact on our exports, particularly on some of our agricultural products," says Mr. Wright. "I have news for them. I think we are already in a trade war with Japan and if we aren't realistic in dealing with the problems right now it will be most difficult to preserve the relationship between our two countries in the future.

"I happen to be in an industry which has an unmatched record for competition in innovation, in technology, in marketing, and for passing on to the public the benefits of our technology and productivity in the form of better products at lower prices," emphasizes Mr. Wright. "We have been hit extremely hard by the Japanese trade war, but we don't need a government blanket to "protect us from rigors of foreign competition." All we need is a reasonably fair shake in the rules of the game and an intelligent and informed government interest in our problems."

PROCESS OF ELIMINATION

The need for a fair shake in international trade rules is also identified as our key problem through a process of elimination by F. J. Borch, chairman, General Electric Co., Schenectady, N.Y. He arrives at his conclusion by considering each alternative "cause" as follows:

"We have all heard that U. S. investments offshore are having a dire effect on our balance of payments. In 1970, the cumulative total of direct private investment by U. S. companies offshore reached $69 billion. The outgo for the year of our direct investments abroad was $4.4 billion, while the *return* on this investment to the U. S. was $7.9 billion. The return from direct investments, contrary to having a deleterious effect on the U. S. balance of payments, is actually our last remaining positive item of significance.

"Next, voices on both sides of both oceans tell us our trade balance has deteriorated because of inflation and that we should get our own house in order. In the U.S. the domestic consumer price index rose 25% from 1964 to 1970. Let's admit that's bad but look what happened to each of our trading partners: Japan 40%, France 27%, Germany 17%, Italy 21%, UK 31%—a range of 17 to 40% with only Germany appreciably below our 25%. Everyone had inflation, but not everyone had trade balance problems to the same degree."

Can our lack of productivity gains then be the culprit? Mr. Borch admits that at first glance the evidence suggests this might be the case. U.S. productivity in terms of output per manhour increased 14% between 1964 and 1970 while among our major trading partners the increase ranged from 22% in the UK to 99% in Japan. Considering the more liberal tax incentives elsewhere to invest, Mr. Borch does not find it surprising that others' productivity has gone up much faster.

"But before we accept that as our problem, let's take a further look at what really counts—unit labor costs in manufacturing which are a combined measure of output and total employment costs," proposes Mr. Borch. "Between 1964 and 1970 unit labor costs in the U.S. rose by nearly 20% with much of the rise occurring during 1969–70.

"Yet Italy is very close to our 20% increase in these costs, and France is at 16%. But two of our biggest trading partners display the following unit cost increases: Germany 26% and Britain almost 33%. In the case of Japan, the unit labor cost increase is much lower than ours at 12%, but the big divergence really occurs in 1969 and 1970 when our own unit labor costs shot up," says Mr. Borch. "Before that, Japanese unit labor cost rises parallel ours. Despite this earlier comparable unit labor cost picture for the Japanese, they nevertheless turned our two-way trade around to their positive advantage by 1965.

"Thus, the differences in unit labor cost trends do not seem to account for the massive change in our U.S. trade balance," Mr. Borch claims.

A MATTER OF PRIORITIES

"The real reason for the serious U.S. trade situation boils down to the fact that other countries have made international trade a top national priority and have adopted structural policies to promote their trade balances and their balances of payments," concludes Mr. Borch. "The success of these policies is reflected in the degree to which they have been able to shield their export prices from the inflation that took place in their domestic economies."

During the 1960s (1960=100) the Japanese *consumer* price index rose to 176 while the *export* price index rose only to 105, for a spread of 71 points. For France the gap was 76, for Italy 39, for the UK 31, for West Germany 15. But for the U.S. the export price index has more closely kept pace with the domestic price index, a 31% domestic price rise and a 22% export rise, a spread of only 9 points.

How could other countries thus insulate their export pricing from their domestic economies? Mr. Borch cites three factors:

Others had the freedom to devalue their currencies when their trade and their balances of payments got in trouble. Meanwhile, for good technical reasons under the International Monetary Fund, the U.S. was unable to institute similar compensatory competitive steps.

Others have been very careful to protect those domestic industries they consider important to their economy, or to their employment, from what they consider might be disruptive imports through preferential direct subsidies to industries in some form.

Others have tax structures which provide a wide variety of incentives to promote exports and to penalize imports. This factor Mr. Borch considers perhaps the most important of the three.

GROWING AND PERMANENT

"The U.S. will remain at a growing and permanent disadvantage as long as these structural tax differences exist," says Mr. Borch. "While our tax officials undertook a massive effort beginning in 1962 to make sure that export income of U.S. corporations was taxed here in full, foreign countries have continued to permit the shifting of export income to a tax haven subsidiary, for example, or have given extra deductions for costs tied to exports, such as extraordinary depreciation deductions for export-related assets.

"But I believe the most important of the trade-affecting measures built into the tax structure by our trading partners is the heavy reliance on indirect taxes that are not reflected in the price of their exports and are imposed at the border on imports," declares Mr. Borch.

"When the rules of the General Agreement on Tariffs & Trade (GATT) were written 25 years ago, they provided that the member countries could exempt their exports from indirect taxes, which then were understood to be mainly sales and excise taxes, and charge an appropriate compensating border tax on imports. At the same time, the GATT rules forbade both export rebates and border levies for direct taxes—those taxes imposed on personal and corporate income, and for social security.

"What we did not foresee," explains Mr. Borch, "was the full impact of the difference in tax structures in Europe and Japan, relying heavily on high rate indirect taxes, with a simultaneous shift in this country away from indirect taxes toward almost total reliance on the income tax as a source of national revenue."

As a result, when the European manufacturer exports to the U.S. or elsewhere, his government rebates or waives the actual total amount of his indirect taxes that are included in his domestic price. His product then reaches the U.S. where it crosses the border free of U.S. taxes. Thus his export product price reflects his domestic price, less his own domestic tax, and no U.S. tax.

But when a U.S. manufacturer exports to Europe, his price not only reflects all of the U.S. taxes for which he receives no rebate, but also an additional border tax equal to that nation's indirect taxes. In the case of automobiles, for example, those border taxes are 33.3% in France, 11% in Germany, and 36.6% in the U.K. And the border tax is usually imposed on the landed cost, including the European customs duty.

UNITY WITH IMPUNITY

The U.S. supported the establishment of the EEC and supported the UK's entry. We observed with little complaint special preferences for some 18 African countries because they were former colonies of Belgium, France, and Italy. But eyebrows began to rise as the EEC entered into still more special agreements with Greece, Turkey, Tunisia, Morocco, Israel, and Spain.

The EEC has now given these special preferences to more than 30 countries, and an intention has been indicated to provide similar preferential treatment for all Mediterranean countries and much of Africa.

While the EEC explains that it has a "responsibility" to these nations as less developed countries, others have observed that the EEC also has a "responsibility" to the rest of the world and that it is not serving that responsibility by requiring in return reverse preferences which cannot be defended as a "benefit" to the less developed.

It is now anticipated that preferential association agreements covering all or most industrial products will soon be negotiated between the enlarged EEC and those European Free Trade Assn. countries that have not applied for membership in it. This would mean that all of Western Europe, most of the nations bordering on the Mediterranean, and most of black Africa would be bound in a discriminatory trading and investing bloc.

A similar bloc may well rise in the Pacific, predicts Dr. Herman Kahn, director, Hudson Institute, Croton-on-Hudson, N.Y. "We believe that it is very likely that by 1980 each of the major nations of the Pacific hemisphere will be conducting more than 50% of their trade and making or receiving more than 50% of their investments with other countries in the Pacific hemisphere."

Dr. Kahn foresees the principal components of this Pacific hemisphere trading and investment community to be Japan, South Korea, Taiwan, Hong Kong, Singapore, Thailand, South Vietnam, Indonesia, the Philippines, Australia, New Zealand, and North and South American countries including Brazil, Colombia, Venezuela, Mexico, the U.S., Canada, and perhaps Argentina and Chile.

He cites the following factors as important in creating the community:

The continued economic growth of Japan at much greater than the world rate, and the growth of Japanese international trade at no less than the rate of world trade in general.

The continued rapid growth of other countries in the Far East and their increasing share of world trade.

The expanding need of the developed countries, particularly the U.S. and Japan, to export manufacturing operations to low labor cost areas such as Singapore or Taiwan, and increasingly by the end of the decade to such areas as Malaysia, the Philippines, and Indonesia as well.

A shifting orientation of Australia and New Zealand away from Europe and toward Japan, the Pacific, and the U.S.

Increased Japanese investment and marketing interest in South America, and especially in Brazil, the only major country other than the U.S. where Japanese have gone in large numbers to settle as immigrants.

"Since the Americas face both across the Atlantic and across the Pacific, it is possible for an Atlantic hemisphere trading and investment area and a Pacific trading and investment area to exist simultaneously and for the members of both to trade at least 50% with each other," observes Dr. Kahn.

BLOC BUSTING?

The growth of blocs suggests that reductions in trade barriers are a matter not only of interest but of action among our trading partners. Situated between the two, our challenge is to be part of the action of both.

From 1934 to 1967, every major initiative for free trade came from the U.S. But those initiatives took place within a context of U.S. dominance.

"The central fact of the last 25 years," believes Commerce Secretary Peter G. Peterson, "has been the conviction—ours as much as that of other countries—that the U.S. was dominant both in size and competitiveness in the international economy. The practices, institutions, and rules governing international trade and payments were structured to fit that fact.

"We as a nation and the world as a whole were too slow to realize that basic structural and competitive changes were occurring," the former Bell & Howell chairman reported when he was assistant to the President for international economic affairs. "As a result, international policies and practices were too slow in responding."

It is unlikely that a failure to recognize basic structural and competitive changes will recur. Rather, facing strong and strengthening competitors in Europe and Asia, our challenge is one of uniting in economic strategies and objectives to adapt to that new reality—and of getting our trading partners to do the same.

Perhaps inevitably, recognition of that new reality has brought a sharp polarization of opinion as to the appropriate response. Organized labor, traditionally favoring free trade in the interests of the lowest prices for consumers, has swung heavily to protectionism in the belief that it would protect U.S. jobs. Others, examining the same evidence, conclude that the answer is free trade reflecting increased equality.

This polarization of views may be momentarily useful. Certainly the ardent pronouncements of labor for protectionism are unsettling to our friends overseas and cannot have failed to heighten their interest in lesser alternatives. By the same token, the idealism of the free traders has focused attention on structural inequities and the practical consequences of suddenly unrestrained trade as well.

Thus the issue may light the way for both us and our trading partners. The issue is one of two-way trade benefiting *both* sides. The objective, clearly, must be fair trade.

WHAT IS FAIR TRADE?

While *protectionism* literally involves the protection of industries by the imposition of barriers to imports and *free trade* envisions the removal of such barriers, fair trade is more difficult to define. Let's examine a bit further what we have today.

Tariffs are less a factor now than in the past due in part to the success in reducing tariffs during the Kennedy Round of negotiations under the GATT. Tariff concessions on dutiable nonagricultural products by the four largest industrial participants—the U.S. the EEC, the UK, and Japan—averaged slightly more than 35% and covered about $20 billion of trade. With the Kennedy Round cuts this year, tariffs on such products will average only 9.9% in the U.S., 8.6% in the EEC, 10.8% in the UK, and 10.7% in Japan.

But as the tariffs have come down, nontariff barriers have become more conspicuous—in part because the tariffs have loomed less important but also, in the opinion of some, because nations have been adding nontariff barriers to improve their bargaining position in anticipation of upcoming negotiations.

Robert E. Baldwin, former chief economist in the Office of the U.S. Special Representative for Trade Negotiations, defines a nontariff barrier as any measure (public or private) that causes internationally traded goods and services to be allocated in such a way as to reduce potential real world income.

A list of some 800 such trade-distorting measures was compiled by GATT by asking each member to name its complaints against the others. But the thing that makes such barriers thorny is that, while they may distort trade, they are often adopted for social, health, or technical reasons.

The French, for example, require the presence of a French inspector during the manufacture of pharmaceuticals. Manufacturers outside France, having no French inspectors, are unable to ship their products into the country even though the motive may well be one of public health. By the same token, the American Society of Mechanical Engineers' Code is the sole standard of acceptability for boilers and pressure vessels in the U.S. Products must be inspected and certified by an inspector licensed by the National Board of Boiler & Pressure Vessel Inspectors, a safety qualification impossible for foreign firms to meet.

Among types of barriers distorting trade are the following listed by the National Assn. of Manufacturers (NAM), New York:

Government procurement—U.S. suppliers in many cases are totally excluded from foreign government purchasing, or even from purchases by private bodies abroad utilizing government funds. One of the easiest ways to exclude outside suppliers is simply to fail to provide adequate information concerning bidding opportunities or to provide it so late that a proposal cannot be readied in time to "be considered."

Import quotas—Quantitative import restrictions exist in a number of countries for a variety of products. In addition to the levels of the quotas themselves, many problems arise in relation to administration, with licenses often issued in an ad hoc discretionary manner. Import quotas used by the U.S. include limits on crude oil and petroleum products, textiles, and beef.

State trading—Although GATT provides that state trading organizations should not discriminate, the provisions are ambiguous and discrimination is in fact common. State trading may result in strict limits on the level of imports, price regulation, mark-up policies which discriminate heavily in favor of home products, or in standards policies which strictly limit the feasibility of importation. State trading organizations also often subsidize exports, or dump exports, creating artificial conditions of competition for U.S. exporters in third country markets.

Export subsidies—The industrial countries already have an agreement to refrain from subsidies on manufactures. The export incentives which do exist therefore take hidden or indirect forms, or are embodied in tax provisions or export financing terms.

Tax mechanisms—Tax devices can be used to block imports or create incentives for export, or both. Thus, the tax on automobiles may be applied in terms of cubic displacement or horsepower, favoring smaller European or Japanese cars over U.S. cars. The tax on value added, widely used in Europe as described by Mr. Borch, is another example, but general sales taxes such as those in Japan or in the various states of the U.S. or general manufacturers taxes such as those in Canada are also examples of this general problem.

Special levies—Charges on imports which vary with internal market conditions, or with specific criteria regarding contents of the product, can be very trade-distorting. The most important example is the variable levy for European Common Market agriculture while a U.S. example is the American Selling Price method of valuation for certain chemicals. The charges are designed to make imports a residual factor, after the domestic production has been assured of sale at the supported prices.

Customs procedures—classification of products can affect the duties or other charges just as the valuation of the product determines the size of the duty in most cases. The degree of administrative discretion for classification and valuation is significant in some countries while special charges are also often made in ad hoc fashion to cover discretionary rulings on customs clearance procedures.

Sandards—The mere fact that product standards differ from country to country is an impediment to importation as described in the case of pharmaceuticals into France or boilers into the U.S. New, complex products which have multiple components and purposes are facing increasing difficulties in achieving suitable registration. Even after registration, importation may be restricted by testing and inspection requirements, prepackaging specifications, inadequate government facilities for regulation of imports, and administrative discretion ofen leading to preferential treatment of home-produced goods.

The development of regional standards, such as Europe-wide standards, should be resisted wherever possible, warns NAM's director of international affairs, William R. Pollert, in favor of international standards and discussions leading to such standards, open to all countries wishing to participate. (Only recently the U.S. has in fact been invited to participate in talks in the EEC regarding such standards for electrical equipment.)

But both the Rome Treaty and the Stockholm Convention contain provisions designed to eliminate all forms of trade restriction among members of the EEC and the European Free Trade Assn. Studies of nontariff barriers have been made in each organization and detailed codes of behavior set forth in some areas.

"Unless the U.S. soon joins these two regional trading groups in multilateral negotiations on non-tariff trade distortions, they may reach regional decisions that run counter to U.S. trade interests and yet prove impossible to change," warns Prof. Baldwin.

WILL GUIDELINES EMERGE?

"Perhaps the spadework being done now within the EEC will produce principles that can be applied more generally," suggests Dr. Harald B. Malmgren, deputy special representative for trade negotiations. "Each of the EEC member governments has programs of very active intervention in industrial policies within its own country. It will be interesting to see how they reconcile within the EEC these things each government has thought of as its own province."

He believes we should insist that the Europeans hold parallel talks with the U.S. and the other major trading powers to explore the multilateral impact of their bilateral discussions. "Such talks in parallel could be formal or informal, but they ought to be under the GATT where we have explicit rights," says Dr. Malmgren.

He also urges that the U.S. move ahead with a multilateral effort to reduce nontariff barriers and to harmonize national policies which affect world markets. "The GATT program of work is now awaiting a go-ahead from the U.S. and the EEC. It would be desirable to press ahead with this work, so that a multilateral negotiation was going on in parallel with talks on European enlargement. Such a broader effort would not have the glamour of the Kennedy Round, nor would it necessarily bring quick results. It would, however, begin to solve some problems," believes Dr. Malmgren, "and insure against new ones developing. And it would provide for all other GATT members a means for controlling the evolution of the EEC itself."

But above all, Dr. Malmgren emphasizes that we must end our policy of "wait and see," supported by our implied willingness to accept almost any economic damage, in return for a fragile unification scheme.

"Our notions about political objectives, which are very vague, many times in the past have overridden our economic interests. We have no common foreign economic policy and our grandiose political objectives are nebulous," says Dr. Malmgren. "We are unable to have a confrontation, for example, with the EEC over their preferential arrangements with Africa because [people in] the State Dept. say, 'We don't do very much for Africa and therefore we should let the EEC do something.' But when you ask them what our interest there is precisely. nobody can define it. They simply say, 'We are experienced diplomats and we know.'

"But I question all that because I have worked on political and military security matters myself. Hereafter, if a political man objects to an economic policy he should be able to explain precisely what our political interest is and how the economic policy in question affects it."

Dr. Malmgren suggests that much of our failure to have a foreign economic policy arises from the fact that there are more than 60 agencies, departments, or other institutional mechanisms which have direct interests and decision-making powers in international economic issues. "We have had a situation in which the various agencies spent much time and energy discovering who had which memo from whom and, most important of all, whose cover memo would be on top of all other position papers and appeals when the President reviewed the matter and took action.

"But whatever the cause, the fact is that there has been no coherent, overall foreign economic policy," declares Dr. Malmgren. "It would be far better to have even a broad economic strategy or policy than the present ad hoc array of conflicting decisions, based upon specific political pressures in confrontation with department policies and vague foreign policy objectives."

ECONOMICS AS POLITICS

The fact that Dr. Malmgren accepted his new post as deputy special representative for trade negotiations shortly after this IW interview suggests he has hope. One reason may well be the recently appointed special representative for trade negotiations, William D. Eberle. The former chairman of American Standard Inc., New York, brings a blend of optimism and practicality to planned negotiations.

"This will be our first real attack on nontariff barriers," says Mr. Eberle, "and we expect to be going in with the principle that while you ought to have the right to make the decisions in your own country, those decisions should not have a cost impact on third countries. Each country can make any decision it wants, but it should pay for it domestically.

"The terms free trade, liberal trade, and protectionism to me are meaningless. There will be no such thing as free trade because of domestic social and political problems," believes Mr. Eberle. "So what you're really talking about is, what is the fair market assessability of necessary domestic actions that will give us the greatest opportunity to expand trade, improve the standard of living, keep costs down, and create jobs.

"If you take that kind of an approach, then you have to look at the structure worldwide or in sectors, or both, in terms of how you get there," says Mr. Eberle. "As you move to maximize trade, such things as common standards, common government procurement policies, and other common codes would be a tremendous help."

But Mr. Eberle emphasizes that there must be adjustment mechanisms in a trade system, just as in a monetary system, so that if a country has a problem it can provide a temporary cure while the adjustment is taking place.

"The question is one of market disruption which can take place in just a couple of years today, and no country can allow another with a temporary advantage to come in and disrupt a whole economy," believes Mr. Eberle. "So we need to develop some safeguards that will allow national economies to be retained *within* some international multilateral concept.

"Maybe a country would be permitted to use tariffs or import quotas for a certain length of time. Maybe you could only have five of these at any one time so you would have to select and to phase one out before you could add a new one," conjecture Mr. Eberle.

"Tying all this together, including domestic adjustment assistance, would in turn require other new concepts. Perhaps an import has to grow 5% faster than the domestic market before you can apply for adjustment assistance protection just as with the monetary system, where if you get outside certain margins you have to adjust," suggests Mr. Eberle.

"There are only three approaches the world can take," says Mr. Eberle: "Treat each country as it treats you on a retaliatory basis, pull back into trading blocs, or pursue the multilateral approach—which may be the most difficult but makes the most sense. The question is what's best for the world and for this country."

Men facing questions such as these—men in industry, men in labor, and men in government both at home and abroad—have their work cut out for them. Clearly the rules and concepts of the 1950s will no longer do.

"As city, state, and regional economies have become fused into a single and highly interacting national economy in this country," says Roy L. Ash, president, Litton Industrics Inc., Beverly Hills, Calif., "so individual economies are fusing into a single world economic system.

"Increasing economic and business interdependence among nations is the keynote of the next two decades—decades that will see major steps toward a single economy evolve out of today's increasingly interacting, but still separate, economies."

The U.S. discovered economics on Aug. 15, 1971. If men of good will can put that discovery to work, perhaps we can at last untie our hands.

STRATEGY FOR SURVIVAL

1. To increase productivity, we will use the best tools available. We will make clear that better tools mean more jobs rather than less.

2. To restore the will to work, we will give greater rewards to those who work than to those who do not.

3. To reduce ruinous inflation, we will relate wage increases to productivity.

4. To regain the seeds of wealth, we will insist upon competitive capital formation and recovery policies.

5. To guard our economic well-being, we will urge that economic decisions be made upon that basis—and no other.

6. To compete effectively abroad, we will insist upon trade rules and tariffs that are fair and equitable.

7. To improve our quality of life, we will act to achieve the goals we desire—at a price we can afford.

8. To achieve our goals of growth and prosperity for all Americans, we will form a partnership of purpose among industry, labor, and government.

9. To implement these steps, we will reassert our heritage as Americans by speaking out now and commanding attention in all places of influence and decision.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 724, S. 3526, to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

ADDITIONAL PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, at this time I ask unanimous consent that there be an additional period now for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CRITICISM OF LIFETIME TENURE FOR FEDERAL JUDGES

Mr. HARRY F. BYRD, JR. Mr. President, if more and more power is centralized in the Federal Government, it seems to me that we need to appraise more critically the justification for the lifetime tenure appointment of Federal judges. As a matter of fact, in a democracy why should any public official have a lifetime appointment?

Mr. President, I have introduced Senate Joint Resolution 106 to require that Federal judges be subject to reconfirmation by the Senate every 8 years. A hearing was held this past Friday by the Senate Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary on Senate Joint Resolution 106.

I want to emphasize that I fully support the concept of an independent judiciary. The joint resolution I have introduced simply provides a method by which the courts might be made more accountable to the people.

Mr. President, in this whole modern world the only persons who have lifetime appointments, lifetime tenure, are kings, queens, maharajas, emperors, and U.S. Federal judges.

Mr. President, I ask unanimous consent that a copy of my testimony before the Subcommittee on Constitutional Amendments be printed at this point in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony Concerning S.J. Res. 106 by Senator Harry F. Byrd, Jr.

Mr. Chairman, and distinguished members of the subcommittee, I appreciate the opportunity to appear before you today to discuss my proposal, Senate Joint Resolution 106, to require that federal judges be subject to reconfirmation by the Senate every eight years.

As more and more power is centralized in the federal government, we need to appraise more critically the justification for life appointment of federal judges.

I have had prepared a legal memorandum covering many of the points of law involved in the issue of judicial tenure. I believe it will be of interest and assistance to the Subcommittee. I request that this memorandum be included in the record of this hearing at the conclusion of my testimony.

At the outset, let me state that I fully realize the complexity of the problems involved in this issue.

I doubt that any proposed solution could be devised that would be endorsed by all. The questions involved are both basic and complex: basic, in that they involve fundamental issues; complex, in that they have many ramifications.

It is a most difficult undertaking to seek to strike a reasonable balance between the principle of judicial independence and the principle of the accountability of public officials.

Nevertheless, I think the effort is worth making.

There is widespread dissatisfaction with the existing system, under which some judges are exercising dictatorial powers. I believe that a full and open discussion of the questions involved will be healthy and valuable. This hearing provides one opportunity for such discussion, and should the constitutional amendment I have proposed be acted upon favorably by the committee, the ensuing debate in the Senate and House will help to direct additional public attention to what I believe is one of the most serious problems in our democracy today.

Finally, of course, should the Compress approve the amendment, the forum of debate would be opened in the 50 state legislative bodies, and a true sounding of the feelings and opinions of the people would be possible. Regardless of the ultimate outcome of this national debate, I believe that it would encourage thoughtful scrutiny of the whole question of the proper role of the judiciary in a modern nation committed to the principles of separation of powers and checks and balances.

Let me begin this discussion by outlining what my proposed amendment would do, and what it would not do.

I want to emphasize at the outset that I fully support the concept of an independent judiciary. The amendment I have introduced simply provides a method by which the courts might be made more accountable to the people.

The philosophy of this proposal I am making was perhaps best expressed by Thomas Jefferson, when he said:

"In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

My amendment provides that federal judges serve in office for a term of eight years, at the end of which term they would be automatically nominated for reconfirmation by the Senate, unless they requested otherwise. If reconfirmed by the Senate, the judges would serve for an additional eight years.

During the period of consideration by the Senate as to whether or not to give its advice and consent to the reconfirmation of any judge, that judge would continue in office. Moreover his new, eight-year term of office would commence from the day after the date that the Senate approved the reconfirmation—or from the day after the expiration of his earlier term, whichever date is later.

The amendment would not affect any judge sitting prior to its ratification.

In separate legislation not requiring a change in the Constitution, I propose that if a judge were not reconfirmed, he would be retired at full pay. This would protect the financial independence of the judiciary.

This, then is the basic mechanism which I am suggesting.

The question arises at once: Is this a radical proposal, out of keeping with American tradition, or is it rather a reasonable means of achieving accountability of judges without destroying their basic independence? I submit that it is the latter.

In the first place, the facts show that 47 of the 50 states now have fixed tenure for their own judiciary. Only Massachusetts, Rhode Island and New Hampshire now provide life tenure for state judges.

It is interesting to observe that the present arrangements in the states are largely the result of changes based on experience. Most of the original states provided life tenure for judges, and the trend toward fixed terms did not make great headway until well into the 19th century. As late as the 1820's, 19 of the then 24 states still maintain life terms.

So the present condition, with only three states retaining the life tenure system, is the result of a fairly modern development.

The experience of Virginia may be of significance. Originally the state constitution provided for life tenure. In 1850, a revised constitution established the practice of popular election of judges. Twenty years later, Virginia converted to the present method of election by the General Assembly for specific terms of years.

The present Virginia system, which is directly parallel to the method which I have proposed for the federal judiciary, has worked well. Even though elected by the General Assembly, the Virginia judiciary never has hesitated to assert its independence. The Virginia Supreme Court has exercised its long-established power to strike down legislative enactments.

A letter furnished by the Executive Secretary of the Supreme Court of Virginia reveals that to his knowledge, in no case within the last 40 years has a justice of the court been denied a second term after he has once been elected by the legislature.

The experience of Virginia indicates that any fears of lack of independence on the part of judges who are subject to legislative reconfirmation are without foundation.

Indeed, I know of no documented assertion that the independence or integrity of the judiciary has been compromised in any of the 47 states as a result of fixed tenure. If the Committee has such evidence, I would hope it would make it a part of the record of these hearings.

When we stop to think about it, why should any official in a democracy have lifetime tenure? In the modern world, only kings, queens, emperors, maharajahs—and United States federal judges—hold office for life.

It would seem to me that the trend toward fixed tenure in the states is in line with the over-all movement in American government toward a more broadly based democracy. Several of the 20th century amendments to the Constitution have reflected this movement, including the 17th Amendment (providing for the direct election of Senators), the 19th Amendment (guaranteeing the right of women to vote) and the 24th Amendment (abolishing the poll tax).

In addition to Constitutional amendments, much of the statutory legislation enacted by the Congress in recent years has provided for increased participation by the people in government, notably including the fields of elections and the environment.

Each of these amendments and laws has, to some degree, represented a departure from past practice—not, indeed, a departure from traditional values, because democratic values are the core of our political system—but a change from practices that had become established through the years. If we are to have a broadly based political system, a "participatory democracy" if you will, then we must not be afraid of change.

I do not fear change.

Most certainly, I do not fear change which is based upon the will of the people.

I think all of the amendments to the Constitution, with the exception of the 18th Amendment (Prohibition), have been desirable additions.

I particularly favor the 17th Amendment, providing for the direct election of United States Senators, which was a substantial departure from the original Constitution adopted in order to widen participation in the democratic process.

I think the time has come to consider another desirable addition, namely the elimination of life tenure for federal judges.

I say again—why should any public official in a democracy have lifetime tenure?

I do not conceive this to be a liberal-vs.-conservative issue. Senator Robert M. La-Follette, Sr., of Wisconsin, perhaps one of the leading progressives of this century, in 1920 denounced "the alarming usurpation of power by the federal courts." He called for constitutional and statutory changes to end lifetime tenure for federal judges.

Certainly I see no reason why the question of lifetime appointment for judges, as opposed to a reasonable system of reconfirmation, should not be submitted to the people of this nation.

I want to emphasize again that favorable action on my proposal by the Committee and by the Congress would do only one thing: it would simply permit the question of a constitutional change to be determined by the geenral public through their elected representatives in the 50 states.

It is true, of course, that the Framers of our Constitution provided for life tenure for judges, conditioned only on "good behavior."

But in this as in every case where one considers a change in the Constitution, one must bear in mind that the men who constructed the framework of the Constitution also provided for its repair; they themselves devised a system for amending our basic law. They had that special wisdom which understands the limitations of time and place—the wisdom to know that there was that which they did not know.

It goes without saying that the reason why this hearing is possible, the reason why this very subcommittee exists, is that we have an orderly method for considering improvements in the organic law of the United States.

But more particularly in the case of the "good behavior" provision for judges, all the evidence indicates that it was conceived to protect a supposedly weak judiciary from executive and legislative pressure. Certainly no one at the Constitutional Convention suggested that the federal courts should or could invade the domain reserved for the States and the other two branches of the federal government.

It is instructive to look at the reasoning of Alexander Hamilton, for example. In *The Federalist*, No. 78, an article often cited to buttress the argument that no increase in judicial accountability should be made, Hamilton said that the judiciary "may truly be said to have neither force nor will but merely judgment . . ."

He added:

". . . It proves incontestably that the judiciary is beyond comparison the weakest of the three departments of power, that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks."

Hamilton said further that there was no real threat to liberty from the judiciary "so long as the judiciary remains truly distinct from both the legislature and the executive."

This, however, is precisely the problem today.

Because of excessive activism on the part of the federal courts, creating incursions into the realm of the other branches of government, the judiciary no longer can be said to be "truly distinct from both the legislature and the executive." As a result, the liberty which Hamilton saw as secure in the late 18th century is in peril in the eighth decade of the 20th century.

For well over a century after the creation of this nation, the unwritten canon of judicial restraint, as expressed by such eminent justices as Holmes, Brandeis, Stone, Hughes, and Frankfurter, was one of our most hallowed legal principles. To protect itself and the other branches of government the Supreme Court refused to pass on political questions; it deferred to state common law principles; it refused to enunciate Constitutional rulings unless absolutely necessary; it refused to rule upon moot questions; it deferred to a state's interpretation of its own constitution and statutes; and it strictly interpreted the rules concerning "standing" to bring a lawsuit.

But in this century, and particularly since the 1950's, first the Supreme Court and later the lower federal courts have cast aside much of the doctrine of restraint. The case law involved in this transition to ultra-activism is set forth in outline in the legal memorandum which I am submitting today to accompany my testimony; suffice it to say here, in summary, that in all too many instances the federal courts have gone well beyond the sphere of *interpreting* the law, and into the domain of *making* the law.

Under these circumstances, we are faced with a dilemma. Judges who are accountable to no one are invading the sphere of the elected representatives of the people, handing down decisions which have great impact on the lives of the citizenry. This situation is basically inequitable and contrary to the spirit of democracy.

Under existing law, no real solution is available for the present dilemma. It is not possible to legislate resurrection of the doctrine of judicial restraint.

As things now stand, the only steps that can be taken when judges step out of line are six, and none of them represents a genuine reform:

1. Impeachment.
2. Removal of appellate jurisdiction of the Supreme Court (in general or) in particular cases.
3. Abolition of lower courts entirely.
4. Alteration of the size of the Supreme Court.
5. Executive refusal to enforce the decrees.
6. Congressional refusal to appropriate money for the operational expenses of the Court.

None of these possible steps would affect a structural change of the kind needed to afford true accountability. Most of them have a punitive quality which is ill suited to real solution of the problem of excessive judicial activism.

The Constitution established a subtle system of checks and balances; the question is whether the checks upon the mid-20th Century Judiciary are not entirely too subtle.

Impeachment, for example, has not provided a very useful means of policing the judges. Thomas Jefferson referred to the impeachment process as "a bungling way of removing judges . . . an impractical thing—a mere scarecrow."

Lord Bryce, in his observations of our government, said: "Impeachment is the heaviest piece of artillery in the Congressional arsenal, but because it is so heavy it is unfit for ordinary use."

Characterizing congressional lethargy in this area, Woodrow Wilson said of impeachment:

"It requires something like passion to set them a-going; and nothing short of the grossest offenses against the plain law of the land will suffice to give them speed and effectiveness."

For lasting reform, aimed at setting the judiciary within the same restrictions on power and authority that are applicable to the legislative and judicial branches, some change in the law will be necessary.

Really basic reform could best be achieved through a system automatically applicable to all members of the federal judiciary, as I have proposed. It is nondiscriminatory in its approach and would serve to guard the interests of the people, through the representatives in the Senate, without compromising the fundamental independence of the judges who would be subject to reconfirmation.

In connection with the issue of independence, we already have seen that the experience of the states indicates no jeopardy of the judiciary's independence need be feared from a fixed-tenure system. But we need to look further into this question of independence. We need to consider what is the real *purpose* of judicial independence.

I think the true purpose of independence never was better stated than by Professor Philip Kurland of the University of Chicago Law School, who I understand is to be a witness at this hearing. In a discussion of the proposal by former Senator Tydings of Maryland to create a commission of judges to police the judiciary, Professor Kurland stated:

"It should be kept in mind that the provisions for securing the independence of the judiciary were not created for the benefit of the judges, but for the benefit of the judged."

I believe this to be a cardinal principle. Judicial independence should not be regarded as a fortress for the members of the judiciary, whether or not one believes that some judges are actual or potential oligarchs; on the contrary, it is supposed to be a shelter for the true rights of the people.

It is my contention that a uniform, reasonable system of fixed tenure and reconfirmation, such as I am proposing in Senate Joint Resolution 106, would enhance the rights of the people. Therefore it is, in its main thrust and intent, in line—not in conflict—with the real purpose of judicial independence.

There is no need to provide any official in a democracy with the prerogatives of a medieval baron in order to safeguard his independence of judgment. Indeed, to insulate a judge—or any other public official—from all accountability for his actions is to invite arbitrary action contrary to the will and welfare of the people.

Life tenure, devoid of restraint and accountability, is not consistent with the movement of this nation toward a greater voice for the people in the operations of their government. I think it is time that we abolished it.

I emphasize that every state, save three, has some form of fixed tenure for judges.

I submit that basic questions about the nature of our democracy are involved in the issue of judicial tenure. Such basic questions are best decided at the level closest to the people themselves. Therefore I hope that this sub-committee and its parent Committee will act favorably upon my proposed amendment, that there will be a full debate and final approval by the Congress, and that the question will be taken to the people through their elected representatives in the several state legislatures.

Mr. Chairman, I appreciate the opportunity to testify before the subcommittee today.

I ask that the text of S.J. Res. 106 be included at this point in the Record of the hearing.

S.J. Res. 106

Joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of eight years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Notwithstanding the provisions of the second sentence of section 1 of article III of the Constitution, each judge of the Supreme Court and each judge of an inferior court established by Congress under section 1 of article III shall hold his office during good behavior for terms of eight years. During the eighth year of each term of office of any such judge, his nomination for an additional term of office for the judgeship which he holds shall be placed before the Senate in the manner provided by the law, for the advice and consent of the Senate to such additional term, unless that judge requests that his nomination not be so placed. Any judge whose nomination for an additional term of office is so placed before the Senate may remain in office until the Senate gives its advice and consent to, or rejects, such nomination. If the Senate gives its advice and consent to an additional term of office, that term shall commence from the date of such advice and consent, or the day immediately following the last day of his prior term of office, whichever is later.

"SEC. 2. The terms of office established by section 1 of this article shall apply to any individual whose nomination for a judgeship is submitted after the ratification of this article to the Senate for its advice and consent."

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that a letter from the Executive Secretary of the Supreme Court of Virginia be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Supreme Court of Virginia,
Richmond, Va., May 15, 1972.

Senator Harry Byrd, Jr.,
Old Senate Office Building,
Washington, D.C.
Attention: Mr. Edward White

Dear Senator Byrd: This is a reply to an inquiry from your office concerning whether or not any elected member of the Supreme Court of Virginia, in recent years, has been defeated when his name was presented to the General Assembly for reelection.

I have thought about the matter, and I cannot recall, within the last forty years, that any elected member of the Court has not been reelected when his term expired. There has been, to my knowledge, one instance when a judge who was given an interim appointment to the Supreme Court was defeated in his bid for election. This was the case when Honorable Stafford Whittle was elected about 1900.

I hope this information will be of some value to you. If I can help in any other way, please let me know.

With kind personal regards and best wishes.

Sincerely,

Hubert D. Bennett.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent to have printed in the Record a letter from Mr. Justice Albertis S. Harrison, Jr., of the Supreme Court of Virginia. Mr. Justice Harrison served as commonwealth attorney of his native county of Brunswick in Virginia. He served as a member of the Virginia Senate, the attorney general of Virginia, Governor of Virginia, and he is now serving as a member of the Supreme Court of Virginia.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Supreme Court of Virginia,
Lawrenceville, Va., May 16, 9972

Hon. Harry F. Byrd, Jr.,
United States Senate,
Washington, D.C.

Dear Senator Byrd: Your letter of the fifth, sent to my Richmond office, has just reached me.

You asked the following question: "Has the fact that Virginia's Judiciary must be re-elected by the Legislature at stated intervals affected adversely the independence of the Judiciary?"

I can state unequivocally that in my opinion the necessity that judges in Virginia be reelected by the General Assembly at stated intervals has not affected adversely the independence of the Judiciary. I would observe that with one or two exceptions the members of the Judiciary in Virginia have universally been reelected by the Legislature.

I might further add that during my entire career at attorney, public official and a member of the Supreme Court of Virginia I have never heard a single judge or justice in Virginia voice opposition to Virginia's system, which does require reelection of judges of lower courts every eight years and of the Supreme Court every twelve years.

Trusting that this answers your inquiry, and with kindest regards, I am

Sincerely,

A. S. HARRISON, Jr.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Mills E. Godwin, Jr., former Governor of Virginia, submitted in support of H.R. 106. I would point out that former Governor Godwin is one of the leading attorneys of Virginia. He served in the Virginia House of Delegates, he served as Lieutenant Governor of Virginia, and as Governor of Virginia.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MILLS E. GODWIN, JR.

Mr. Chairman: I am happy to have the opportunity to submit my statement in favor of the Constitutional Amendment under consideration today.

At the outset, I would like to make it clear that during my years as a practicing attorney, FBI agent, State Legislator, Lt. Governor, and Governor of Virginia, I have never heard any criticism or objection to Virginia's system that requires appellate judges of the lower courts of record to be reelected every eight years.

During my service as a member of the General Assembly of Virginia, I had the opportunity to vote on initial election of judges as well as re-election of judges. As Governor of the Commonwealth of Virginia, I appointed and concurred in the re-election of countless judges. In not one instance during my service in such capacities did a judge ever fail to be re-confirmed. However, the possibility existed and continues to exist today for the legislature of the Commonwealth of Virginia to withhold reconfirmation. I feel that the existence of this reconfirmation process has been a good influence on the judges of Virginia.

To me, it is perfectly obvious that if our system is a valid one, the same argument that supports it would apply at the federal level.

I believe very strongly in an independent judiciary, but we must face the fact that legislative and Congressional failure to check the advance of judicial supremacy has resulted at times in the establishment of a judicial oligarchy.

The whole truth is that the only determent on a judge is his conscience and history conclusively establishes in some few instances this is not a determent.

The honest judge, and the judge who follows the dictates of the Constitution would have nothing to fear from Congress. The dishonest judge, or the one who substitutes his own ideology for the Constitution, should not be re-confirmed.

It is a well established fact that life tenure for judges was not established out of consideration for the judges but rather out of consideration for those who were to be judged.

It was felt in England that those people being judged would receive a more objective hearing of their case if the judge were free from the power of the King to withdraw his judge's commission or cut off his pay. This English experience was the basis for life tenure in the United States. By granting this life tenure, we not only made them independent of the appointing authority but also independent of the People for whose service they are appointed.

Many states began with life tenure for their judges, but today forty-seven of our fifty states have fixed tenure for their judges. From this one observation alone, one can only conclude that the People desire their judges to be responsible to the People, in most instances through their elected representatives in the state legislatures, after a fixed tenure of service.

In a democracy such as ours, of the people—by the people—for the people, it seems to be a logical step for the people to re-affirm their faith at fixed intervals (through their elected representatives) in judges whose decisions affect their lives from before birth until after death.

All of my public life, whether in a legislative or executive capacity, I have been accountable to the people. From experience ranging from law enforcement—to advocate—to Governor, I can testify that this accountability to the people is a weighty one as you gentlemen are aware. Under the existing system of life tenure for judges, there is no accountability to anyone at any time. I cannot reconcile this existence of non-accountability in a democratic system.

Judicial independence is held in trust for the people and only the people should determine whether they would like to exchange some judicial independence for more judicial accountability.

It is precisely because I believe so deeply that the people of the United States should make the determinations as to whether they would like Federal Judges appointed for a fixed renewable term that I support this Bill.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent to have printed in the RECORD testimony prepared for the subcommittee by J. Sloan Kuykendall, of Winchester, Va. He is senior partner in the firm of Kuydendall, Hall, & Whiting in Winchester. Incidentally, he is a native of the great State of West Virginia, having been born in Romney. He is a member of the American Bar Association, the American Law Institute, the American Judicature Society, the American Bar Foundation, and is a fellow in the American College of Trial Lawyers. He served as commonwealth attorney for Frederick County and he was president of the Virginia State Bar Association. At present he is president of the Virginia Board of Bar Examiners. He is an outstanding attorney in our State.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL INFORMATION

(By J. Sloan Kuykendall, Esq.)

(NOTE.—Mr. Kuykendall is a senior partner in the firm of Kuykendall, Hall & Whiting in Winchester, Virginia.

A graduate of the University of Virginia Law School, Mr. Kuykendall was admitted to the Virginia Bar in 1931.

He is a member of the American Bar Association, the American Law Institute, the American Judicature Society, the American Bar Foundation, and is a Fellow in the American College of Trial Lawyers.

He served as Commonwealth Attorney for Frederick County from 1942 to 1947.

In 1957–58 he was President of the Virginia State Bar.

At present he is President of the Virginia Board of Bar Examiners.)

Mr. Chairman, and distinguished members of the subcommittee:

Responding to the request of Senator Byrd, I state my views regarding Senate Joint Resolution 106 respecting tenure for Federal Judges.

The amendment to the Constitution proposed by Senator Byrd focuses attention once more on the role of the judiciary in our democratic form of government. When the Constitution, as drafted by the Convention of 1787, was submitted to the Thirteen States for ratification, the provision for life tenure for Federal Judges came into question. Alexander Hamilton dealt with this question in the Federalist Papers. In Paper No. 78, Mr. Hamilton justified tenure for judges during good behavior by the argument that the Judicial Branch of the Government was the weakest of the three coordinate branches, and he observed:

"From the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its coordinate branches. . . ."

He further observed:

"To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents which serve to define and point out their duty in every particular case that comes before them. . . ."

He reasoned, therefore, that courts were impotent to enforce upon the people and the coordinate branches of Government a will of the courts that may prove to be at variance with the rights and demands of the States and the people, and with the views and commitments of the Executive and Legislative Branches. He insisted that independence of the judiciary can be assured only by providing life tenure for judges during good behavior. The provision for tenure during good behavior was placed in the Constitution, and ratification was effected, before the courts had had an opportunity to function and before it could be determined exactly to what extent the courts would extend their jurisdiction and would enforce their decisions and decrees. Further, the scope and nature of judicial review respecting constitutionality of congressional enactments or executive action was not part of the colonial experience, nor did the courts of England exercise the ultimate judgment as to the validity of acts in question.

Since Hamilton's day, the scope of judicial review and the power and authority of the courts have developed and increased to a point not envisioned by the framers of the Constitution and the advocates of life tenure. It is, therefore, proper at this time to seriously reconsider the tenure provision of the Constitution to determine whether the considerations that prompted the inclusion of this provision in the Constitution as originally drafted are valid and compelling at this time.

Since the founding of the Republic, the scope and nature of judicial review, as exercised by Federal Courts, has been greatly enlarged. Not only has the number of litigated cases increased over the years, but our history has witnessed the adoption of twenty-six amendments to the original Constitution. The Fourteenth Amendment, with its equal protection and due process clauses, has provided a broad avenue for judicial opinions, some of which have not, I believe, adhered to the spirit or letter of the Constitution or the principle of *stare decisis*.

The interpretation and application of the broad and general language of the commerce clause (Article I, Section 8) and the equal protection and due process clauses (Fourteenth Amendment) call for the utmost in judicial restraint in order to avoid trespass upon the legislative and executive powers and functions, and the established jurisdiction of the States and the rights of the people. The power of the judiciary is unlimited except in the exercise of judicial restraint. Some judges have exercised a very high degree of restraint, whereas other judges have envisioned a broad and expansive role for the courts.

Alert and ingenious minds have used appropriate language to attain a desired judicial result while purporting to be merely interpreting the Constitution. Today, Congress, the President, and the People can be made subject to the will of the judicial mind under the guise of constitutional interpretation. It is, therefore, in order for the Senate to consider a longer range and continuing check on the exercise of judicial power.

When the intent of the Constitution is clearly expressed, one can judge whether a decision of the court is within the meaning of the Constitution. However, when a court deals with the general language of the commerce, due process and equal protection clauses, which afford no inherent standards that limit their application, the courts may in cases of first impression, determine whether a legislative act, executive directive, or non-governmental act falls within the purview and influence of those clauses. However, once there has been a judicial pronouncement of the highest court respecting a given set of facts calling for the application of either one or all of those general constitutional provisions, then there is judicial precedent that should be followed. It is in cases where judges depart from the express language of the Constitution and controlling precedent that a judge may be readily said to have violated the obvious restraints upon him.

In areas where the general language of the Constitution is susceptible to varied interpretations, the judicial function is put to its most difficult test. The ultimate check on the judiciary is the self-imposed restraint of the judges in an effort to avoid the imposition of their will rather than adhering to the Constitution or precedent. This is a high and serious responsibility. It is submitted that the exercise of this unique and delicate function, that of constitutional interpretation, is a continuing one and ought then to be subject to some control.

It is, therefore, submitted that it is proper that the Senate should have the duty to review the continuing performance of those clothed with judicial power. It is taken as fundamental that the people themselves are the ultimate repository of power in this Republic. The Senate is properly constituted and qualified to pass upon the continuing fitness of those who occupy the bench. The proposed reconfirmation by the Senate constitutes a moderate check upon the life tenure of a judge who now enjoys the last vestiges of an unrestrained arm of government. This procedures, which comes into play once in eight years, serves to add symmetry and a degree of responsibility to each of the co-equal and coordinate branches of government. The proposed amendment assures that the judiciary, as is true of all other branches of the Federal Government, is subject to review and are answerable to the governed through their representatives.

There are those individuals, who in good faith but mistakenly, exhort the courts to engage in new and bold enterprises of judicial activism. They see the Supreme Court and the lower Federal Courts as having a duty to rescue this nation from the supposed failures of the other branches of government; and further envision the courts as a special guardian for defining and operating the political processes in America. What is more disturbing is the plea for the judiciary to strike out boldly in identifying ideals and setting public policy they deem appropriate, and commanding public officials to begin the pursuit of those ideals, as formulated and characterized by the judiciary.

This open appeal to judges to rewrite the Constitution in their own image flies in the face of the best traditions of Anglo-American jurisprudence. That everpresent temptation to substitute one's own will for that which the Constitution plainly or by necessary implication directs or prohibits is one of the continuing and pervasive problems of our constitutional form of government.

But the unarticulated or perhaps patent recognition that judges do and will make law jeopardizes the concept of the rule of law and the role of the judiciary as a dispassionate referee, and it undermines the restraints which the Constitution should place on all citizens, even the judiciary.

From the vantage point of this observer, the seductive sirens of aggressive judicial activism nullify the famous phrases of Mr. Chief Justice Marshall in *McCulloch* v. *Maryland* (1819), "It is the Constitution we are expounding. . . ." It is further submitted that the judges or justices of the Federal system are not ordained with any monopoly of a "finer vision" of what the best means for achieving a particular social goal may be in the absence of constitutional direction or mandate.

If it be admitted that the courts have effectively abandoned the precepts of faithful constitutional construction, judicial self-restraint, and adherence to precedent, there is no reason why they should not be subject to some restraint also. There is no reason why admittedly policy conscious judgments should not be subject to some further scrutiny by the duly elected representatives of the people. If it be further admitted that the abstract policy decisions are an encroachment on the functions of Legislative and Executive Branches, a constitutional amendment making the judiciary's behavior responsible to the Senate is the only reasonable, moderate and controlled mode of assuring that Federal Judges or justices remain servants of the people rather than public rulers.

Some of the most searching and scathing criticisms of the failure of the judges or justices to exercise self-restraint and avoid the temptation to substitute their own will for judgment has been made by their brethren of the bench. One of the most famous of all dissents in Supreme Court history is that of Mr. Justice Holmes in *Lochner* v. *New York*, 198 U.S. 45, 25 S. Ct. 539, 49 L.Ed. 937 (1905).

In that case, the majority of the court held invalid a New York statute which prohibited employees of bakeries from working more than sixty hours in any one week. The court held that the statute was an impermissible exercise of the police power and that no reasonable foundation existed for upholding the legislation on the grounds of health of the workers. The majority embraced the concept of "liberty of contract". That majority reasoned that under the circumstances the "freedom of master and employee to contract with each other in relation to their employment, and in defining the same, cannot be prohibited or interfered with, without violating the Federal Constitution."

In his succinct and eloquent dissent, Mr. Justice Holmes condemned the court for writing into the Constitution the theory of laissez faire economists under the guise of constitutional interpretation. Justice Holmes went on to say:

". . . The 14th Amendment does not enact Mr. Herbert Spencer's Social Statics. Some of these laws (limiting or regulating hours or working conditions) embody convictions or prejudices which judges are likely to share. Some may not. But a Constitution is not intended to embody a particular economic theory, whether of paternalism and the organic relation of the citizen to the state of laissez faire. It is made for people of fundamentally differing views, and the accident of our finding certain opinions natural and familiar, or novel, and even shocking, ought not to conclude our judgment upon the question whether statutes embodying them conflict with the Constitution of the United States.

"General propositions do not decide concrete cases. The decision will depend on a judgment or intuition more subtle than any articulate major premise. But I think that the proposition just stated, if it is accepted, will carry us far toward the end. Every opinion tends to become a law. I think that the word "liberty", in the 14th Amendment, is perverted when it is held to prevent the natural outcome of a dominant opinion, unless it can be said that a rational and fair man necessarily would admit that the statute proposed would infringe fundamental principles as they have been understood by the traditions of our people and our law. . . ."

Again, in the New Deal era, the laissez faire concept, which had been written into the judicial opinions of the latter half of the 19th Century and early parts of the 20th Century, came into question as Congress passed a series of enactments designed to ameliorate the effects of the Great Depression. In *U.S. v. Butler*, 297 U.S. 1, 53 S. Ct. 312, 80 L. Ed. 477 (1936); the Supreme Court invalidated the Agricultural Adjustment Act of 1933. Mr. Justice Stone, later Chief Justice, took issue with the court's declaration that the congressional act was not justified or sanctioned under the Commerce Clause, Article I, Section 8 of the Constitution.

"That the governmental power of the purse is a great one is not now for the first time announced. Every student of the history of government and economics is aware of its magnitude and of its existence in every civilized government. Both were well understood by the framers of the Constitution when they sanctioned the grant of the spending power to the federal government, and both were recognized by Hamilton and Story, whose views of the spending power as standing on a parity with the other powers specifically granted, have hitherto been generally accepted.

"The suggestion that it must now be curtailed by judicial fiat because it may be abused by unwise use hardly rises to the dignity of argument. So may judicial power be abused . . . The power to tax and spend is not without constitutional restraints. One restriction is that the purpose must be truly national. Another is that it may not be used to coerce action left to state control. Another is the conscience and patriotism of Congress and the Executive. "It must be remembered that legislators are the ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts." Justice-Holmes, in *Missouri, K. & T. R. Co. v. May*, 194 U.S. 267, 270.

"A tortured construction of the Constitution is not to be justified by recourse to extreme examples of reckless congressional spending which might occur if courts could not prevent—expenditures which, even if they could be thought to effect any national purpose, would be possible only by action of a legislature lost to all sense of public responsibility. Such suppositions are addressed to the mind accustomed to believe that it is the business of courts to sit in judgment on the wisdom of legislative action. Courts are not the only agency of government that must be assumed to have capacity to govern. Congress and the courts both unhappily may falter or be mistaken in the performance of their constitutional duty. But interpretation of our great charter of government which proceeds on any assumption that the responsibility for the preservation of our institutions is the exclusive concern of any one of the three branches of government, or that it alone can save them from destruction, is far more likely, in the long run, "to obliterate the constituent members" of "an indestructible union of indestructible states than the frank recognition that language, even of a constitution, may mean what it says: that the power to tax and spend includes the power to relieve a nation-wide economic maladjustment by conditional gifts of money."

In recent years, the Federal Courts, often led by the Supreme Court itself, have taken unto themselves a broad range of problems which had heretofore been deemed beyond the ambit of their jurisdiction. My remarks here must be limited to certain salient examples of a general tendency which I see in the Federal Courts today. Consequently, it is not within the scope of my remarks to catalog exhaustively and critique the many opinions which have come from the courts in recent times. My chosen emphasis will be upon what is generally termed the "voting cases", because the problem and the marked change of the attitudes of the Federal Courts can be succinctly summarized.

In *Colvegrove* v. *Green,* Mr. Justice Frankfurter cautioned against courts entering the "political thicket" of reapportionment cases in delivering the opinion of the court:

"It is hostile to a democratic system to involve the judiciary in the politics of the people. And it is not less pernicious if such judicial intervention in an essentially political contest be dressed up in the abstract phrases of the law. . . . The one stark fact that emerges from a study of the history of Congressional apportionment is its embroilment in politics, in the sense of party contests and party interests. . . .

"To sustain this action would cut very deep into the very being of Congress. Courts ought not to enter this political thicket. The remedy for unfairness in districting is to secure State legislatures that will apportion properly, or to invoke the ample powers of Congress. The Constitution has many commands that are not enforceable by courts because they clearly fall outside the conditions and purposes that circumscribe judicial action."

Yet, in 1962, the Supreme Court reached the opposite result in *Baker* v. *Carr,* 369 U.S. 186, 82 S. Ct. 691, 7 L.Ed. 2d 663 (1962). The court held that there was jurisdiction, standing and a justiciable controversy presented, and that the Federal Courts could reapportion voting districts under the equal protection clause of the Fourteenth Amendment. Justices Frankfurter and Harlan dissented. Mr. Justice Frankfurter then stated:

"The notion that representation proportioned to the geographic spread of population is so universally accepted as a necessary element of equality between man and man that it must be taken to be the standard of a political equality preserved by the Fourteenth Amendment—that it is, in appellants' words, "the basic principle of representative government"—is, to put it bluntly, not true. However desirable and however desired by some among the great political thinkers and framers of our government, it has never been generally practiced, today or in the past. It was not the English system, it was not the colonial system, it was not the system chosen for the national government by the Constitution, it was not the system exclusively or even predominantly practiced by the States at the time of adoption of the Fourteenth Amendment, it is not predominantly practiced by the States today. Unless judges, the judges of this Court, are to make their private views of political wisdom the measure of the Constitution—views which in all honesty cannot but give the appearance, if not reflect the reality, of involvement with the business of partisan politics so inescapably a part of apportionment controversies—the Fourteenth Amendment, "itself a historical product," . . . provides no guide for judicial oversight of the representation problem. . . ."

Yet the *Baker* case was not the terminus of the march of the court. In 1964, the Supreme Court decided *Reynolds v. Sims,* 377 U.S. 533, 84 S. Ct. 1362, 12 L.Ed. 2d 506 (1964). The court held that the federal analogy which would allow the States to have one house of the bicameral legislature to be elected on a basis other than population was rejected as inapposite and in violation of the equal protection clause of the Fourteenth Amendment. In *Reynolds,* Mr. Chief Justice Warren said:

"We hold that, as a basic constitutional standard, the equal protection clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for state legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State . . .

". . . We . . . find the federal analogy inapposite and irrelevant to state legislative districting schemes. Attempted reliance on the federal analogy appears often to be little more than an after-the-fact rationalization offered in defense of maladjusted state apportionment arrangements. . . ."

". . . Lower courts can and assuredly will work out more concrete and specific standards for evaluating state legislative apportionment schemes in the context of actual litigation. For the present, we deem it expedient not to attempt to spell out any precise constitutional tests. . . . Thus, we proceed to state here only a few rather general considerations which appear to us to be relevant."

In an able dissent, Mr. Justice Harlan said of the majority opinion:

"Since it can, I think, be shown beyond doubt that state legislative apportionments, as such, are wholly free of constitutional limitations, save such as may be imposed by the Republican Form of Government Clause (Const. Art. IV, Sec. 4), the Court's action now bringing them within the purview of the Fourteenth Amendment amounts to nothing less than an exercise of the amending power by this Court."

The most disturbing aspect of the majority decision is the self-evident resort to the unarticulated assumptions of the court, that it is the court's function to alter the form of government, and that judges should use their offices in order to enforce and expand their views of a properly constituted Republican form of government. Unfortunately, the Constitution has not, and did not, require the decision which was pronounced in 1964. It is submitted that we have before us the very problem which disturbed Mr. Jefferson.

In Jefferson's letter to Abigail Adams in 1804, he expressed his fears of allowing the judiciary to pass upon the validity of enactments of other branches of government. He feared that to allow the courts to decide constitutional questions, not only for themselves but for the other branches of government, contained the seeds of judicial despotism. Under his interpretation of the Constitution,

"That instrument meant that its co-ordinate branches should be checks on each other."

Jefferson's fear of judicial despotism or judicial usurpation is no less to be feared today. It is equally self-evident that the courts, be they the Supreme Court or the lower Federal Courts, are by their example great teachers in interpreting and handing down constitutional law. If the judge decides that his views are to be written into law, how is it then that we live under the rule of law—not of men? Can we continue to say that the courts exercise only judgment, not will, as Hamilton claimed? How then can the rule of law be explained?

It is submitted that the various excursions of the Supreme Court and the Federal judiciary into various areas of policy making and administrative directives have damaged the traditional concepts of the function of the courts and the rule of law in the eyes of American citizens.

In the area of criminal law, for example, the past decade has witnessed the transformation of the Federal Constitution into a code of rules, practices, and detailed procedures as intricate as many congressional enactments. And yet, we, and the people, are told that the court is merely interpreting the Federal Constitution.

The list of recent examples of judicial policy making could grow much longer. But I trust that these few illustrations suffice to characterize the nub of the problem.

But in addition, there are other compelling reasons for periodic review of the tenure of the Federal judiciary. Not only should the acts of judges be reviewed to determine whether they practice proper judicial restraint in dealing with the powers and the authority of the coordinate branches of government and the rights and powers of the States and the people. I refer to questions of health, demeanor on the bench, age, and attitude toward responsibility and willingness to perform the work assigned with diligence and dispatch. I realize that there exists the power of impeachment for misbehavior, but in my opinion only the grossest kind of conduct would ever be dealt with in an impeachment proceeding. The impeaching process is fraught with very grave doubts and uncertainties, whereas a periodic review for judicial fitness would, in my judgment, give greater assurance of proper judicial conduct.

As a further justification for the tenure provision in the Federal Constitution, Mr. Hamlton argued that the provision

". . . is conformable to the most approved state constitutions, and among the rest, to that of this State." (N.Y.)

If this be conceded to be a valid justification for tenure during good behavior at that time in the history of our country, then it may logically be said that at this time the tenure provision for Federal Judge should be altered to conform to the majority of the state constitutions putting a time limit on tenure. I am advised that today only three States in the Union, Massachusetts, Rhode Island and New Hampshire, provide life tenure for their judges. It is apparent, therefore, that the overwhelming majority of States consider that life tenure during good behavior is unwise and that there should be a time limitation on a judgeship.

I hold to the view that a person who possesses the character, training, experience and firmness of conviction, requisite for the proper administration of the judicial process, will not be concerned that he may, in his judicial pronouncements, offend the political sensitiveness of members of the Senate. Such a man would rather surrender his judicial position that to give expression of views that he could not conscientiously embrace. I am confident that the Senate would not withhold confirmation of a judge for an additional term because he differed with the political or philosophical views of a majority of the Senate.

In considering whether it be appropriate to add yet another amendment to the Constitution, I believe it must be admitted by all minds that any change ought to offer at least reasonable promise of a better future than the present holds. Any change incorporated into the Constitution should embody fundamental law. This amendment, I believe, offers reasonable grounds to believe that it is a mode of attaining a better balanced Republic. It will serve to put limits on the exercise of the judicial power.

Once again, we are benefited by the thoughts of Thomas Jefferson, who said:

"I am certainly not an advocate for frequent and untried changes in laws and constitutions. I think moderate imperfections had better be borne with; because, when once known, we accommodate ourselves to them, and find practical means of correcting their ill effects. But I know also, that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times."

In essence, I believe that this amendment goes toward the preservation of the best features of our constitutional democracy and our heritage of limited and responsible government. Macauley, the British statesman, rightly observed:

"Reform, that you may preserve."

J. SLOAN KUYKENDALL.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that testimony by Paul Shuford, of Richmond, Va., be printed in the RECORD. He is an outstanding attorney in that city, is president of the Richmond Bar Association, a very large bar association of 900 attorneys.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH—PAUL MASON SHUFORD

Mr. Shuford is president of the bar association of the city of Richmond, an association composed of approximately 900 lawyers and judicial members, membership in which is open to all lawyers maintaining an office in the metropolitan area. It has an outstanding record in the field of judicial support and reform, and has long been recognized for the leadership it provides in matters of social and civic concern, such as legal aid, lawyer referral, Richmond Community Action program and others.

Mr. Shuford has been a practicing attorney for over 24 years, and is a partner in the firm of Wallerstein, Goode, Dobbins and Shuford. He has been admitted to practice in all the State and Federal courts in his area and has been a member of the bar of the Supreme Court of the United States since 1952. He is a member of and has served on numerous committees of the American Bar Association, the Virginia State Bar, the Virginia Bar Association and the American Judicature Society. He has taught classes at Washington & Lee University law school and at the Richmond College of Law; and under the nom de plume of "Cato" was the author of a regular weekly editorial column dealing with legal matters, which was the recipient of a "silver gavel award" for its outstanding contribution to the public understanding of law.

Mr. Shuford was graduated from Washington & Lee University and its law school, where he was a member of Phi Beta Kappa and the Order of the Coif. He served in the Army Air Corps in World War II and received the Distinguished Flying Cross twice, the Soldiers Medal, the Air Medal three times and the Purple Heart.

STATEMENT BY PAUL M. SHUFORD

Mr. Chairman and members of the subcommittee: I appear before you simply as a practicing attorney, deeply concerned . . . as I know you are . . . with the proper administration of justice. I have no novel suggestions to offer, and certainly I am not so fatuous as to believe that I can add to your knowledge or awareness of the many problems which our country faces in this very critical and delicate area of concern. It is my hope that I may lend some support to the thrust of S.J. Res. 106 . . . a support based primarily on 24 years of the active practice of law and a continuing,—and I like to think a sometimes constructive, participation in the governmental and political affairs of my native state.

In my view, the establishment and maintenance of a proper and efficient system for the administration of justice is not dependent upon any one concept or class of persons. Certainly it is not something that should be left entirely to lawyers, notwithstanding that profession's greater involvement in and more intimate knowledge of the many intricacies and subtleties of the law. Lawyers have a special role, obviously, but the overall responsibility is one that must be shared by everyone, particularly those in positions of political leadership and authority. This is especially true in connection with that particular aspect of the problem brought into focus by S.J. Res. 106.

This aspect to which I refer is perhaps best encompassed within the familiar phrase "balance of power", as that phrase is applied to the interaction of authority between the legislative, executive and judicial branches of government. Too often, I fear, our concerns with questions related to this "balance of power" are seen as being purely "political" in nature . . . a view that regrettably tends to highlight the presumed selfish and partisan elements involved in such concern to the derogation of the more noble elements implicit in expressions of concern for a better "administration of justice". Yet the former is essentially and unavoidably intertwined with the latter.

Only in a limited sense can it be said that citizen justice is ultimately dependent upon the courts. Partly from initial concept and partly from development, we have come to accept a certain "ultimacy" in judicial decrees . . . and in certain limited areas, i.e.: those pertaining to the protection of certain basic—and I do mean "basic"—rights, I feel this is both proper and preferable to alternative approaches. My concern, however, is directed at the great and growing evidence that acceptance of a properly limited doctrine of judicial supremacy has been and is being expanded into a doctrine of absolute and unlimited judicial supremacy. To the extent that view controls our affairs, we are necessarily deprived of the free exercise of our "political" rights . . . rights which, though semantically and practically distinguishable from our "judicial" rights, are just as essential a part of our total package of "rights" as any category of rights that can be imagined.

"Justice" is not limited to judiciary determined matters. Social justice, economic justice, political justice . . . all are, or should be, as fully, if not more generally, dependent on legislative enactment and executive action than on judicial decree. It is the sum total of these rights that, in company with those "personal" rights which are more properly subject to individual judicial determination, comprise the full package of our rights and privileges as citizens. It is cause for grave concern, then, whenever any one branch of government undertakes to arrogate to itself a supremacy of power which would diminish the power of the others to freely exercise their respective responsibilities to the electorate. . . power that should be limited only by the clear terms of the constitution and the will of the people as expressed at the ballot box.

I will not belabor this philosophical approach further. Suffice it to say that my concern for the proper and efficient administration of justice necessarily involves a concern for matters political, as well as judicial; and, accordingly, that it embraces a concern for the "balance of power" questions posed by S.J. Res. 106.

The more precise purpose of my statement is to express to you my conviction that a periodic reappointment and/or reconfirmation of judges by the executive and/or legislative authority does serve a very valid purpose in helping preserve this essential "balance of power," without, in my opinion, reducing the essential freedom of the judiciary to dispense justice fearlessly and impartially. I could never countenance—I would oppose with all the vigor and resources at my command—any proposal for the popular election of judges, even though I know many states follow such a practice. I do not want judges to be answerable to the popular—perhaps even the emotional or passionate—will of the moment. What I do want is to see that there shall be no person or class of persons in authority who are beyond the effective control or something other than their own notions of what is "best" for the people of these United States.

Under no stretch of the imagination could the proposal before you—nor my statements in support thereof—be construed as any effort to interfere with the proper independence of the judiciary. Indeed, the amendment, if adopted, could never serve to diminish a proper independence—as opposite to an arrogant assumption of undelegated power—unless the Senate of the United States were to act in an irresponsible and irrational way. S.J. Res. 106 would not serve to make any Federal judge dependent upon or subservient to the will or emotions of the people of his district or circuit—but only to make him periodically answerable for the overall performance of his "judicial" duties to the entire Senate of the United States. Since those with ultimate legislative or executive authority . . . that is, those who are expected to exercise a certain amount of "activism" on behalf of the public . . . are subject to the direct will of the people, I deem it a salutary thought that those in judicial authority—who are not supposed to be activist "doers" but rather restrained "protectors"—should be subject to some counter balancing authority or power in order to preclude an absolutely uncontrolled "activism."

A system similar to that proposed by S.J. Res. 106 has existed in Virginia almost from the beginning of our history. It has worked well. Largely because of the re-appointive power of our general assembly, our judges have exhibited an appropriate and healthy respect for the exercise of the legislative and executive functions. At the same time, our judges, in my considered judgment, have never felt intimidated nor evidenced any reluctance to decide any case according to their respective views of the law. They have simply eschewed, to a far greater extent than many members of the federal judiciary, attempts to "make" law. They have given due respect to the right of the people—through their elected representatives—to choose what is "best," unless such choice was plainly unconstitutional. In return, I have never known of a case in Virginia in which one of our judges has been challenged—or even criticized—legislatively because of the content or result of a decision. The only significant legislative criticism of judges has been due to well-supported charges of a lack of judicial temperament and rudeness from the bench. There have been no instances of failure to reappoint.

If this proposed amendment were adopted, I would expect the effect to be the same, as between the United States Senate and federal judges. The psychological impact of knowledge that they were not beyond all control, once on the bench, would serve to make federal judges more conscious that their responsibility and authority is limited to an exercise of the judicial function only. There would be a better balance of power between the three functions of government than now exists, and public confidence in and acceptance of judicial determinations would be thereby enhanced.

Though history could prove me wrong, I have every confidence that the United States Senate would respond to this more even 'balance of power' by acting responsibly in reconfirming federal judges. Certainly I am not prepared to limit my support of S. J. Res. 106 on the assumption that this body will be less cognizant of its duty or would not act as maturely and responsibly in this area as has the general assembly of Virginia.

Virginia's trial judges are subject to re-election or reconfirmation every 8 years; our appellate judges every 12 years. As a practical matter they enjoy life tenure. But I am convinced that this is due in no small measure to the fact that our judges eschew any legislative prerogatives . . . and I am equally convinced that many of them, at least, have eschewed such a legislative role primarily because they know they are not forever beyond the reach of the legislature.

In conclusion, I respectfully submit that each branch of government has an equally important—though different—responsibility to the American people in regard to the preservation and protection of our liberties. When this equality is threatened by any of these branches, it is incumbent upon the other two to restore it, without in any way seeking to establish a *superior* position on the part of either of them. This I conceive to be the purpose of S.J. Res. 106 . . . This I believe would be its results, if adopted.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent to have printed in the RECORD a biography and a statement by the president of the State Association of Bar Presidents.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH—EARL Q. GRAY, ESQ., ARDMORE, OKLA.

University of Oklahoma, A.B. 1910. University of Chicago, J. D. Cum Laude, 1913, Phi Beta Kappa, Order of Coif. 1957, President, Oklahoma Bar Association. 1964–65, President, Oklahoma Bar Foundation. 1960–61, Member of three-man Committee to Investigate Members of Oklahoma Supreme Court. 1964–65, Chairman, Oklahoma Committee for Administration of Justice. 1967–72, Member ABA Committee on Judicial Selection, Tenture and Compensation. 1963–72, Oklahoma State Delegate to American Bar. 1971–72, Chairman of National Conference of Bar Presidents.

STATEMENT OF EARL Q. GRAY OF ARDMORE, OKLA., REGARDING SENATE JOINT RESOLUTION 106 OFFERED BY SENATOR BYRD OF VIRGINIA

I should make clear that I speak for myself only and not for any group or organization of which I may be a member.

The proposed joint resolution would alter the provision of the Constitution which gives members of the Federal Judiciary life tenure and bring their tenure up for review after each 8 years of service. I would definitely favor such a constitutional amendment.

When I was in a one room grade school in the Texas Panhandle, the teacher and our small textbook on "Government" told us that there were three branches of the government; executive, legislative and judicial, each independent of the control of the other, and that their independence was protected by the constitution. Years later the members of the Law Faculty at the University of Chicago told us much the same thing, but one instructor after relating a decision of the Supreme Court added, "and there is no appeal from that Court on this earth." We, of course, knew that. We did not look at it as a warning of things to come, as we might have done. For many years what the teachers had told us about the independence of the three separate branches of the government remained substantially correct.

The Supreme Court had always had the power to decide first whether they had jurisdiction and then to decide the issues as they wished; and their decision was final—no appeal on this earth. Prior to and during my law school days, they in general exercised judicial restraint. They quite well stayed within the guidelines of prior decisions of their own Court, gave reasonable consideration to decisions of other courts, respected the rule that powers not granted to the Federal government were reserved to the state, ruled business to be interstate commerce only when it was moving interstate, gave reasonable credence to state court judgments, did not unwarrantably free state-convicted criminals, deferred generally to state court interpretation of their own laws and constitutions and followed other time tested rules.

Justice Cardozo said:

"The judge, even when he is free, is still not wholly free. He is not to innovate at pleasure. He is not a knight-errant, roaming at will in pursuit of his own ideal of beauty or of goodness. He is to draw his inspiration from consecrated principles. He is not to yield to spasmodic sentiment, to vague and unregulated benevolence. He is to exercise a discretion informed by tradition, methodized by analogy, disciplined by system, and subordinated to "the primordial necessity of order in the social life." Wide enough in all conscience is the field of discretion that remains."

Chief Justice Charles Evans Hughes said:

"We do not write on a blank sheet. The Court has its jurisprudence, the helpful repository of the deliberate and expressed convictions of generations of sincere minds addressing themselves to exposition and decision, not with the freedom of casual critics or even of studious commentators, but under the pressure and within the limits of definite official responsibility."

These statements gave evidence of rules which the Supreme Court accepted as guidelines. Some relaxation of these limitations became evident after Franklin D. Roosevelt appointed several members of the Court. Then after the death of Chief Justice Vinson in 1953 the Court rapidly lost sight of those guiding principles.

In 1966 came the notorious *Miranda Decision* (*Miranda vs. Arizona—16 L. Ed. (2) 694*), a 5 to 4 decision. Chief Justice Warren wrote the opinion for the 5. He pronounced the rule that any person held for interrogation by officers must be warned in advance clearly and in unequivocable terms that he has a right to remain silent, that anything he said might be used against him and that he has a right to an attorney before answering. Without this prior warning the confession could not be used in evidence.

The Constitution says nothing about any such warning. The requirement of the warning was an enactment of a constitutional amendment by the five man majority of the Court. The requirement that he would be furnished a lawyer at the expense of the state during the investigation proceedings if he is unable to pay one was also an enactment of new law by the five men.

Though the case is known by but one title, there were, in fact, four cases involved from four different states. All four were reversed.

The decision was opposed by the four states involved in the four cases, by 27 other states which joined to support the four states involved, and by the United States. On the other hand, no one supported the decision as rendered except, of course, the convicted men.

Justice White, dissenting, stated that, "This Court, as every member knows, has left standing literally thousands of criminal convictions"—based at least in part upon such confessions.

Justice Harlan, dissenting, stated that, "The Court had jumped the rails."

That the Court knew it had jumped the rails—enacted new law, soon became evident. In the very next case of the kind coming before the Court, *Johnson vs. New Jersey*, 16 L. Ed. (2) 882, the Court announced that it would give the decision in the Miranda case only prospective effect and not retroactive effect. If the decision stated the law on the day it was announced, it stated the law of the day before, one year before and ten years before. Logically it should have been applied to every prior conviction.

So as appears, the country school teacher, the grade school textbook on "Government" and the law school faculty are no longer correct. The Judicial branch has taken over the Legislative field. The Miranda case is just one of many where the Court "jumped the rails."

QUALIFYING JURORS FOR THE DEATH PENALTY

In 1968 in *Witherspoon vs. Illinois*, 20 L. Ed. (2) 776, in a 6 to 3 opinion the Court held that the practice followed previously for more than 100 years of "Qualifying jurors for the death penalty" by asking whether they were constitutionally opposed to it was all wrong and in violation of the constitution. The question was in substance merely asking them whether they would be willing to return a verdict under the existing law. As long as the state must accept jurors constitutionally opposed to a death penalty, there will be no such verdicts. Since then no person has been legally executed.

THE POLL TAX

In 1937 in *Breedlove vs. Suttles, 82 L. Ed. 252*, the Court with Charles Evans Hughes as Chief Justice has unanimously sustained the poll tax as valid. In 1966 in *Harper* vs. *Virginia, 16 L. Ed. (2) 169* in a 6 to 3 decision written by Justice Douglas, they decided exactly to the contrary and ruled the poll tax unconstitutional.

PRAYER IN SCHOOL

In 1962 in *Engle vs. Vitale, 8 L. Ed. (2) 601*, the Court outlawed the practice of daily prayer in school although the prayer was undenominational and its participation on the part of the students was voluntary.

BIBLE READING

In 1964 the Court, in *School District of Abington, Twp. vs. Schempp, 10 L. Ed. (2) 844* held that the reading without comment of verses from the Bible and the recitation of the Lord's Prayer by the students in unison was in violation of the Constitution.

COMMUNISTS IN GOVERNMENT

In 1966 in *Elfbrandt vs. Russell, 16 L. Ed. (2) 321*, the Supreme Court reversed the Supreme Court of Arizona and held that Arizona could not discharge an employee who refused to take an oath which stated in net effect that he was not a Communist. Whatever Communist Arizona had in its employ Arizona was required to keep. This was a 5 to 4 decision with Justice Douglas writing the opinion.

WELFARE WITHOUT DELAY

In 1969 the Court, in *Shapiro vs. Thompson, 22 L. Ed. (2) 600*, held that welfare was a constitutional right and with bland disregard for the practical consequence of its edict held that the denial of welfare payments to newly migrated welfare seekers pending a period of residence was a denial of "equal protection of the law."

These and other decisions make it most evident that the majority of the Court during those years took jurisdiction of whatever they wanted to take and ruled whatever they wanted to rule. They exercised no judicial restraint. They did not allow themselves to be restricted by the lack of basis in the statutes or in the Constitution nor by earlier decisions of their own Court.

It is said that Queen Victoria when Prince Albert died bewailed, "Now there is no one to tell me 'No'." There was and is no one to tell the majority of the Court "No." So they did as they pleased. The people might object, the Congress might object, the executive might object, but object was all they could do. No one could change it. It stood with the same binding effect as if it were well grounded in the statutes and constitution and in all prior decisions. When Justice White told the others that "as every member of the Court knows" the Miranda decision is contrary to thousands of earlier decisions, it did not change the result. The 5 to 4 Miranda decision written by Chief Justice Warren became the law—and it still is.

It is, of course, essential that some court have final authority. There must be a final answer to every dispute. It is not, however, necessary that judges with that awesome power have it for life. There should be some method of terminating the authority of those who choose to rule according to their own whims and prejudices rather than according to established law.

We are supposed to have a government of law and not a government of men.

With no available grounds for removal except bad conduct and no procedure for that available except the completely impractical procedure of impeachment, there is no remedy at all.

The legislative branch and to an extent executive branch of the government are not independent but are subject to the control of the judicial branch. I think most of us would agree with the nominee to the Supreme Court who said that the Court should not be a "continuous constitutional convention."

Federal Judges appointed for life and with a most liberal life time pension have complete independence, are responsible to no one. In the words of Thomas Jefferson they have a "freehold of irresponsibility." Some men can stand that kind of independent security, respected position of authority and power. Some cannot. Like prosperity, some people cannot stand it.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business again be closed.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

FOREIGN RELATIONS AUTHORIZATIONS ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, what is the pending business before the Senate?

The ACTING PRESIDENT pro tempore. The Chair again lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3926) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 12 o'clock noon. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate will proceed to the consideration of the conference report on higher education, S. 659. I would imagine there will be some controversy involved in the conference report. Senators are alerted to the possibility there will be rollcall votes and there could be final action tomorrow. I cannot say. No agreement has been entered into with respect to that matter.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and at 12:25 p.m. the Senate adjourned until tomorrow, Tuesday, May 23, 1972, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 22, 1972:

DEPARTMENT OF THE TREASURY

Charls E. Walker, of Connecticut, to be Deputy Secretary of the Treasury. (New position.)

U.S. TAX COURT

The following-named persons to be Judges of the U.S. Tax Court for terms expiring 15 years after they take office:

William H. Quealy, of Virginia (Reappointment.)

Arnold Raum, of Massachusetts (Reappointment.)

Irene Feagin Scott, of Alabama (Reappointment.)

U.S. CIRCUIT COURTS

J. Clifford Wallace, of California, to be a U.S. circuit judge, ninth circuit, vice James M. Carter, retired.

U.S. COURT OF CLAIMS

Marion T. Bennett, of Maryland, to be an associate judge of the U.S. Court of Claims vice Linton M. Collins, deceased.

U.S. DISTRICT COURTS

Samuel P. King, of Hawaii, to be a U.S. district judge for the district of Hawaii, vice C. Nils Tavares, retired.

FOREIGN CLAIMS SETTLEMENT COMMISSION

Kieran O'Doherty, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22. 1970, vice Sidney Freidberg.

ENVIRONMENTAL PROTECTION AGENCY

Robert Lewis Sansom, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, vice Donald Mac Murphy Mosiman, resigned.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Kenneth W. Schultz, [redacted] [redacted]R (major general, Regular Air Force) U.S. Air Force.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 22, 1972:

IN THE DIPLOMATIC AND FOREIGN SERVICE

Nominations beginning Philip W. Arnold, to be a Foreign Service information officer of class 2, and ending Robert C. Wible, to be a Foreign Service information officer of class 7, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 4, 1972.

HOUSE OF REPRESENTATIVES—*Monday, May 22, 1972*

The House met at 12 o'clock noon.

Dr. Jack P. Lowndes, president, Home Mission Board, Southern Baptist Convention, and pastor, Memorial Baptist Church, Arlington, Va., offered the following prayer:

Behold, how good and pleasant it is when brothers dwell together in unity.—Psalm 133: 1.

O God, we are thankful that Thou art alive in the world—and that Thou callest upon us to join Thee in making Thy love a reality in the whole earth.

Bless, we pray, our President, the Speaker of the House, the Members of this body, and all of our leaders as we work with other nations in seeking to dwell together in unity.

Please, God, do not allow us to rationalize out of the tough issues but with Thy help let us face them and do the right thing about them. In Thy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 13150. An act to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14582) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to amendments of the Senate numbered 5, 6, 12, 22, 23 27, 33 and 38 to the foregoing bill.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
May 19, 1972.

Hon. CARL ALBERT,
The Speaker,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:30 p.m. on Friday, May 19th, and said to contain a Message from the President wherein he transmits the second quarterly report on the Cost of Living Council's economic stabilization program covering the period January 1, 1972, to March 31, 1972.

With kind regards, I am
Sincerely,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

COST OF LIVING COUNCIL'S ECONOMIC STABILIZATION PROGRAM, JANUARY 1, 1972, TO MARCH 31, 1972—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

In accordance with Section 216 of the Economic Stabilization Act Amendments of 1971, I am pleased to transmit the second quarterly report of the Cost of Living Council on the economic stabilization program covering the period January 1 to March 31, 1972.

RICHARD NIXON.

THE WHITE HOUSE, *May 19, 1972.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
May 19, 1972.

Hon. CARL ALBERT,
The Speaker,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:30 p.m. on Friday, May 19th, and said to contain a message from the President wherein he transmits the Annual Report of the National Advisory Council on Adult Education.

With kind regards, I am
Sincerely,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.
By W. RAYMOND COLLEY.

ANNUAL REPORT OF THE NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 92–302)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed, with illustrations:

To the Congress of the United States:

Pursuant to the Elementary and Secondary Amendments of 1966, as amended, I am transmitting herewith the Annual Report of the National Advisory Council on Adult Education.

RICHARD NIXON.

THE WHITE HOUSE, *May 19, 1972.*

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

Mr. CONTE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

REVENUE SHARING AND THE PROCEDURE UNDER WHICH THE HOUSE WILL CONSIDER THIS BILL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I want to talk just a moment about revenue sharing and the procedure under which the House will probably consider this bill.

Mr. Speaker, I understand that the Rules Committee is going to vote tomorrow on what kind of a rule they will submit to the House for consideration of the revenue-sharing program.

If this rule is anything but a completely open rule, then I intend to oppose the rule and to ask the Members of the House to vote down the previous question.

If the previous question is voted down then, Mr. Speaker, I shall seek recognition to submit a completely open rule so that the House may work its will on this very important measure.

GOOD ECONOMIC NEWS

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, there has been so much good economic news lately that I am afraid people will begin to discount persistent reason for optimism. Good news is not necessarily inaccurate news, however, and this good news continues to be soundly based. Some of our most important economic indicators are showing great strength. Last week the Federal Reserve Board reported that as of the end of April, the index of industrial production had risen for the eighth consecutive month. During April the index rose 1 percent, seasonally adjusted, a monthly increase equal to a very substantial 12 percent annual rate. It is the largest single monthly gain since December of 1970 when the economy was rebounding from the General Motors strike. During the 8 months of the President's new economic policy the index has risen from 105.3 to 110.9, which is equal to an annual rate of increase of almost 8 percent.

A day after these very encouraging industrial figures were released, the Department of Commerce reported revised figures for the gross national product in the first quarter. These figures showed that prices rose less and real growth was higher than originally estimated. First quarter GNP climbed $30.7 billion to a seasonally adjusted annual rate of $1,104 billion. Real growth was equal to 5.6 percent, substantially above the 5.3 percent real growth figure reported in the preliminary figures.

Mr. Speaker, I think that we may all agree with Dr. Herbert Stein, Chairman of the Council of Economic Advisers, who described this performance as "confirm(ing) the picture of a strong broadly based recovery in progress." These GNP figures, combined with the recent strong performance by a number of our most important economic indicators, are good cause for optimism.

COMMUNIST-CONTROLLED DEMONSTRATIONS AT HOME AND ABROAD

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the American people are now witnessing a unique display of mass manipulation. With the President's decision to curb Communist aggression in South Vietnam, they are witnessing renewed and intensified protests and demonstrations against anti-Communist action.

The American people are being entertained by frantic efforts to dignify news coverage of demonstrations around our country. Especially is this so here in Washington, D.C., where in the name of peace, a ladies' restroom in the Pentagon was bombed, the chief of police of Washington was injured, as well as dozens of other police officers. Gus Hall, the No. 1 Communist and the Communist Party candidate for President, publicly addressed those so-called nonviolent protesters who were opposing the President's actions to obtain peace.

Then, on the President's trip to Moscow, the American people were treated to Communist demonstrations during his interim stop in Salzburg, Austria, again in opposition to his anti-Communist stand.

But this morning when the President

arrived in Moscow, the "friendly" Soviet demonstrators were all pro-American and waving small American flags.

What an interesting display of Communist control.

THE IMPORTANCE OF THE PRESIDENT'S TRIP TO RUSSIA

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, President Nixon has arrived this morning in the Soviet Union. The Congress and the people should applaud the courage and the initiative which the President has displayed in his search for the keys to peace. It is likely that several substantive agreements will be reached in Moscow. But also of importance is the decline in tension, the improved atmosphere which will no doubt result from President Nixon's efforts.

It is unfortunate that while the President is pursuing peace, there are irresponsible people here in Washington with no reverence for life, no respect for property, who are engaged in the same old, tired practice of unproductive protest. This juxtaposition of the President on a peace mission and undisciplined dissidents in the streets brings to mind the analogy of the engineer who examines the defects of a bridge in order to repair and preserve it while a demolition squad looks for the same flaws in order to blow up the bridge. President Nixon is on a positive, constructive mission while the demonstrators are running a counterproductive, negative course.

In this country, we need more of a spirit of building and preservation and less of the ugly mood of destruction and impediment. President Nixon, through his many initiatives toward peace, is providing the creative leadership which the heritage and the future of our Nation require.

CALL OF THE HOUSE

Mr. HANNA. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 165]

Abourezk
Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Badillo
Baker
Bell
Bevill
Biaggi
Bingham
Blanton
Blatnik
Bolling
Bow
Brasco
Broomfield
Brown, Ohio
Cabell
Caffery
Carey, N.Y.
Celler
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Colmer
Conyers
Coughlin
Crane
Daniels, N.J.
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Dennis
Diggs
Dowdy
Dwyer
Eshleman
Evins, Tenn.
Fish
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Galifianakis
Gallagher
Goldwater
Hagan
Halpern
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hébert
Helstoski
Henderson
Hillis
Holifield
Jones, Tenn.
Karth
Kazen
Keating
Kemp
Kluczynski
Link
Lloyd
Long, La.
Long, Md.
Lujan
McCloskey
McClure
McCormack
McKay
McKinney
McMillan
Mann
Martin
Mayne
Meeds
Melcher
Metcalfe
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Monagan
Moorhead
Murphy, N.Y.
Myers
Nelsen
Nichols
Nix
Obey
Pelly
Poage
Podell
Pryor, Ark.
Pucinski
Purcell
Quillen
Railsback
Randall
Rangel
Reuss
Rhodes
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rousselot
Roy
Runnels
Sarbanes
Scherle
Scheuer
Schmitz
Shoup
Shriver
Skubitz
Snyder
Staggers
Stanton, James V.
Stratton
Stubblefield
Stuckey
Teague, Calif.
Teague, Tex.
Terry
Tiernan
Veysey
Waggonner
Wampler
Whalley
Whitehurst
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Wydler
Wyman
Young, Fla.

The SPEAKER. On this rollcall 274 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REPORT OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Foreign Affairs:

To the Congress of the United States:

In a message to the Congress on September 11, 1970, transmitting a report of the American Revolution Bicentennial Commission, I strongly endorsed the Commission's view that the primary emphasis in our commemoration of the Nation's birth should be a nation-wide celebration, involving every State, city and community.

At the same time, I agreed that we should encourage international participation in our celebration. Philadelphia seemed a natural choice as the principle site for an international exposition because it was there that the Declaration of Independence was signed and the Constitution created. Accordingly, I informed the Congress that the Secretary of State was being instructed to proceed officially with the Bureau of International Expositions in registering an international exposition in Philadelphia in 1976.

At that time, I also pointed out that this exposition was dependent upon the assurance of suitable support and a review of financial and other arrangements by appropriate parties, including high-level government officials.

The Chairman of the Bicentennial Commission, David J. Mahoney, has now informed me that on May 16, the members of his commission voted not to approve the proposal submitted by the Philadelphia 1976 Bicentennial Corporation for this international exposition. Among the reasons cited were the large costs to the Federal government, a question of whether it was still appropriate to hold such a large exposition in one city, the Commission's continuing commitment to a nation-wide celebration, and a question of whether sufficient time remained to make all necessary arrangements. The vote of the Commission was 23–4 against the exposition.

Also, I have been jointly advised by the Secretary of Commerce and the Director of the Office of Management and Budget, that we should not proceed unless certain basic conditions could be met. There is no evidence now that we can fulfill those conditions.

Under the full weight of these recommendations, I have reluctantly concluded that we cannot prudently go forward with the international exposition in Philadelphia.

I am therefore asking the Secretary of State to take action at the impending meeting of the Bureau of International Expositions to withdraw the registration of the international exposition in Philadelphia. I have also asked the Secretary to make clear to the Bureau of International Expositions that the United States, and its many State and local governments, will warmly welcome foreign participation—both public and private—in our Bicentennial. And, I am asking the American Revolution Bicentennial Commission to ensure that their plans include encouragement for such participation.

I remain firmly convinced that Philadelphia, in commemoration of its unique place in American history, will and should play a major role in the Nation's 1976 observances, and that the celebration of this birthday will reflect the vital and abundant spirit of our Nation.

RICHARD NIXON.

THE WHITE HOUSE, *May 22, 1972.*

PROVIDING FOR CONSIDERATION OF H.R. 6788, MINING AND MINERAL RESEARCH CENTERS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 958 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 958

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6788) to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research to supplement the Act of December 31, 1970, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion except one motion to recommit. After the passage of H.R. 6788, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill, S. 635, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 6788 as passed by the House.

The SPEAKER. The gentleman from Indiana (Mr. Madden) is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 958 provides an open rule with 1 hour of general debate for consideration of H.R. 6788 to establish mining and mineral research centers. The bill is to be read for amendment by titles instead of by sections. After passage of H.R. 6788, the Committee on Interior and Insular Affairs shall be discharged from further consideration of S. 635 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

The purpose of H.R. 6788 is to establish mining and mineral research centers in the various States and Puerto Rico to train and to encourage people to enter into the field of minerals science and engineering because domestic mineral technology is not advancing fast enough.

An amount of $500,000 would be authorized annually for each participating State, on a matching basis, to establish and maintain a research institute at a qualified, tax-supported college or university conducting research in the minerals engineering field. The Secretary of the Interior would have the responsibility of the administration of the act and the promulgation of regulations. Five million dollars would be authorized for fiscal year 1973 and each of the 4 succeeding years for the institutes.

Grants to or contracts with educational institutions of foundations and Government agencies or private foundations could be made for research in mining or mineral programs that would not be undertaken otherwise. Any patents or processes developed as a result of any of the grants are to be made available to the public unless there is a question of national security involved. An appropriation is authorized for these programs in the amount of $10 million for fiscal year 1973, increasing $2 million each year for 5 years, and continuing at $20 million annually thereafter.

The Secretary is directed to cooperate with other Federal and State agencies, as well as private institutions, to insure a lack of duplication of programs.

The President would establish a center to serve as a clearinghouse for current and projected research activities.

An advisory committee would be established, the chairman of which would be appointed by the Secretary. The committee would be composed of the Director of the Bureau of Mines, the Director of the National Science Foundation, the President of the National Academy of Sciences, the President of the National Academy of Engineering, or his delegate in each instance, and such other persons as the Secretary may appoint who are knowledgeable in the field.

The estimated Federal cost of the program is $40.5 million the first year, increasing to $48.5 million in the fifth year. Thereafter the maximum authorization would be $45.5 million annually.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. LATTA. Mr. Speaker, the purpose of H.R. 6788 is to stimulate research and training of engineers and scientists in the fields of mining and mineral resources.

The need for long-range planning arises because the United States consumes about one-third of the world's mineral production each year, and by the year 2000, U.S. consumption of primary minerals is expected to increase fourfold. By way of contrast, 20 years ago U.S. schools graduated more than four times as many mining engineers as last year. More trained people are needed for such projects as developing more efficient mineral-recovery techniques and new ways to get minerals from alternate sources.

H.R. 6788 authorizes up to $500,000 per year for each participating State and Puerto Rico to assist in setting up a mining research institute at a tax-supported school of mines. In order to qualify for these funds, each participating State and Puerto Rico must match each dollar from the Federal Government with non-Federal funds. In addition, the bill authorizes $5,000,000 per year for the next 5 years to support research at these institutes. Finally, the bill authorizes $10,000,000 in fiscal year 1973 for grants to foundations, educational institutions, or Government agencies to support mining and mineral resources research. This amount would increase by $2,000,000 each year for 5 years and continue at $20,000,000 annually thereafter.

The maximum annual cost, assuming maximum participation by all the States, would be $40,500,000 for fiscal year 1973, increasing to $48,500,000 in the fifth year. In the sixth and following years the cost would be $45,500,000 per year.

The Department of the Interior commented favorably on the bill, but recommended several relatively minor amendments not adopted by the committee. The Department of Agriculture and the Department of Health, Education, and Welfare deferred to the Department of the Interior.

Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. Wyatt) and ask unanimous consent that he may speak out of the regular order.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PORTLAND, OREG.'S LINCOLN HIGH SCHOOL

Mr. WYATT. Mr. Speaker, I thank the distinguished gentleman from Ohio.

Mr. Speaker, in my constituency there is a very fine school, Lincoln High School, in Portland, Oreg. They have an outstanding drama group and this morning they performed a patriotic skit with songs, on the steps of the Capitol on the House side, called "George M."

These young people are dressed in white. The girls have blue skirts with stars. The young fellows have striped red and white vests.

They gave an outstanding performance, and I think in this day and age, when there are so many demonstrations against our system, it is a very healthy thing to see a group trying to do something affirmative and trying to pull this country together. I salute them, and their excellent leader, Ron Campbell.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. Conte) and ask unanimous consent that he may speak out of the regular order.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONGRESSIONAL BASEBALL GAME

Mr. CONTE. Mr. Speaker, on August 14, 1945, Japan surrendered to end World War II. This August 14, there will be another surrender as the Democrats get clobbered in the 11th annual Rollcall congressional baseball game.

Yes, sports fans, you can all breathe a sigh of relief, because there will be a congressional ball game this year—if the Democrats can scrape together a team with all of them off running for President.

The GOP troops are beginning to rally around the old standard: Golden Glove Goldwater, Killer McKevitt, Fast Louie Frey, Foxy Frenzel, Feisty Pete Peyser, Ironman Davis, Speedy Rubber Arm Michael are among those who have already answered the clarion call, dusted off their spikes and are limbering up for the contest.

Oh, by the way, we are letting the Red Sox and the Mets play a game afterwards, in order to help them draw a big crowd. Keep the date in mind: August 14, for the ninth straight victory of the Republican Congressional Baseball Team.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

Mr. MADDEN. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. Hechler).

Mr. HECHLER of West Virginia. Mr. Speaker, I certainly will support this rule. I have some reservations about the bill itself, however. As it is presently drawn, the major emphasis in H.R. 6788 is placed on exploration, extraction, processing, development of mineral resources, research, investigation, experiment, production, and demonstration. All of these words refer to the production of minerals rather than the protection of the health and safety of those miners who work in these industries and, in addition, the protection of the environment, which is very casually mentioned in the course of this bill.

For this reason, Mr. Speaker, at the appropriate time I plan to offer amendments to redefine the purposes of the bill, to make it crystal clear that this bill should refer to and place proper emphasis on the protection of the health and safety of those who work in the minerals industries as well as the protection of the environment.

Mr. Speaker, I ask unanimous consent to have printed at this point in the RECORD a letter dated May 16, 1972, which I wrote to Secretary Morton on this subject, as well as other extraneous material referring to the point that this bill should emphasize health and safety and the environment.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The letter and material are as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 16, 1972.

Hon. ROGERS C. B. MORTON,
Secretary of Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: Today, Assistant Secretary of the Interior Hollis M. Dole, testified before the House Select Labor Subcommittee concerning the recent disaster at the Sunshine Mine in Idaho and your Department's enforcement actions under the Federal Metal and Non-Metallic Mine Safety Act of 1966.

Mr. Dole was asked why the Bureau of Mines had failed to hire an adequate number of inspectors to enforce the 1966 law. In reply, he referred to his prepared statement, in which he said:

"The complexity of the tasks associated with inspecting large mines, such as the Sunshine, makes it imperative that inspectors have a high degree of technical training. We consider it necessary that at least one out of three inspectors have mining engineering degrees. We have been faced with considerable difficulty in hiring employees with this technical background. There is a shortage of mining engineers. Schools of mining engineering are struggling to stay in existence on the cost squeeze on high education. H.R. 6788 and S. 635, which are before Congress, both have as their principal objective financial assistance to mining schools which are developing the talent we must have to make mining a safer occupation. We urge your immediate attention to this proposed legislation."

Only a few weeks ago, Mr. Dole testified before the House Interior and Insular Affairs Committee about the disaster in West Virginia last February caused by the breaching of a retaining dam of the Buffalo Mining Company. At that hearing, he was asked why the Bureau of Mines had not enforced its regulations forbidding such retaining dams unless they were substantially constructed. At that time too, he indicated that the regulations were not adequate and urged enactment of the Administration's proposed surface mine legislation. (Later, a Department official, according to the May 12, 1972, edition of the Washington Post, said that the Bureau "missed opportunities to avoid the disaster by failing" to apply the regulations.)

It is, of course, quite convenient for Interior Department officials to cite pending bills in Congress and imply that, without the enactment of such legislation, the Bureau's efforts to protect miners and the public will be hindered. I deplore these efforts to excuse the failures of the Bureau of Mines in protecting the health and safety of miners and the public.

Since listening to Mr. Dole, I reviewed H.R. 6788, which is scheduled for floor debate next week. I fail to find, in that bill, any basis for Mr. Dole's statement that its "principal objective" is to aid "mining schools which are developing the talent we must have to making mining a safer occupation."

The stated purpose of the bill is "to stimulate, sponsor, provide for and/or supplement present programs for the conduct of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the fields of mining, mineral resources, and technology." Health and safety is not mentioned in the bill.

The Department's March, 1972, annual report under the Mining and Minerals Policy Act of 1970 also states that the bill is needed "in order to attract and insure enough manpower of sufficient quality to meet the requirements of the minerals industries." Again, health and safety is not mentioned.

Strangely enough, Mr. Dole did not cite, in his testimony, S. 659 which passed the House last November and is now in Conference. (Possibly this is because S. 659 would be administered by HEW, while Interior would administer H.R. 6788.) Title X of that bill (p. 338) clearly provides money for educational institutions to provide an "adequate supply of mineral engineers and scientists" for the industry and "for the public agencies concerned with such mineral activities, with the health and safety of persons employed in such industries, and with the protection and enhancement of the total environment." No similar statement can be found in H.R. 6788.

It is doubtful that the production-oriented Bureau of Mines will insist that a significant portion of the funds authorized by H.R. 6788 must be used "to make mining a safer occupation" or to protect and enhance the environment. I feel certain that most, if not all of the funds appropriated, will be used to train engineers and scientists primarily for production purposes.

While I have no objection to this program being administered by your Department, I believe that H.R. 6788 should not be enacted unless it is substantially amended to insure greater emphasis on health and safety of workers and environmental protection in the training of scientists and engineers. I urge that your Department promptly recommend such amendments before next Wednesday.

Sincerely,

KEN HECHLER.

ENVIRONMENTAL POLICY CENTER,
Washington, D.C., May 16, 1972.

Re Sunshine Mine disaster and H.R. 6788.

Hon. ROGERS C. B. MORTON,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: As you are well aware, the House Select Labor Subcommittee has been conducting oversight hearings this week concerning the most recent mine disaster—this one at the Sunshine Mine in Idaho. The Department of the Interior has been represented by Assistant Secretary Hollis M. Dole who today attempted to clarify the Department's history of implementation of the enforcement regulations pursuant to the Federal Metal and Non-Metallic Safety Act of 1966.

In his testimony before the Subcommittee, Mr Dole cited as a prime factor in the Department's failure to fully promulgate the 1966 Act, a shortage of qualified mining engineers. Mr. Dole assessed the Department's difficulties as follows:

"The complexity of the tasks associated with inspecting large mines, such as the Sunshine, makes it imperative that inspectors have a high degree of technical training. We consider it necessary that at least one out of three inspectors have mining engineering degrees. We have been faced with considerable difficulty in hiring employees with this technical background. There is a shortage of mining engineers. Schools of mining engineering are struggling to stay in existence on the cost squeeze on high education."

Mr. Dole has well articulated the plight of mining engineering schools, but, still lacks a satisfactory explanation for the rather phenomenal delay of four years between passage of the 1966 Act and commencement of an inspection program pursuant thereto in 1970.

There have been two major disasters resulting from mining operations since the beginning of the year. The Department of Interior's response to disasters is becoming sadly predictable—an appeal by the Department to the Congress for quick passage of new legislation, which in neither of the last two cases has been responsive to the cause of the disaster.

Predictably, Mr. Dole recommended to the Subcommittee today that Congress respond to the Sunshine Mine disaster with passage of new legislation backed by industry and the Administration.

"H.R. 6788 and S. 635, which are before Congress, both have as their principal objective financial assistance to mining schools which are developing the talent we must have to make mining a safer occupation. We urge your immediate attention to this proposed legislation."

Not only is there a conspicuous absence of health and safety curricula in the mining engineering schools, but, the legislation supported by the Administration, H.R. 6788 and S. 635, studiously avoids any references or directives to engineering mining schools to integrate health and safety research and courses into the curricula.

The legislative history of H.R. 6788 and S. 635 in contrast with the legislative history of Title X of S. 659, originally H.R. 3492, suggest that the deletion of health and safety and environmental protection and enhancement from H.R. 6788 was anything but accidental. The findings and objectives of H.R. 6788 state:

"(b) In recognition of the fact that the prosperity and future welfare of the Nation is dependent in a large measure on the sound exploration, extraction, processing, and development of its unrenewable mineral resources, and in order to supplement the Act of December 31, 1970, Public Law 91–631, commonly referred to as the Mining and Minerals Policy Act of 1970, the Congress declares that it is the purpose of this Act to stimulate, sponsor, provide for and or supplement present programs for the conduct of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the fields of mining, minerals resources, and technology."

The legislative intent of H.R. 6788 is in sharp contrast to that of Title X of S. 659, the Higher Education Act now before Congress, which states under a new Title XIII:

"Sec. 1301. The Congress, in recognition of the profound impact of mineral exploration and development on industries and on the interrelations of all facets of the natural environment, including, but not limited to, ground subsidence, mine fires, air and water resources, and fish and wildlife, and on outdoor recreation, aesthetic, agricultural, and other similar values of national, regional, and local significance, and in recognition of the fact that the prosperity and future welfare of the Nation is dependent, in large measure, on the sound exploration, extraction, processing, and development of its unrenewable mineral resources, declares that it is the purpose of this title to assist in assuring the Nation, at all times, of an adequate supply of mineral engineers and scientists (a) for the mineral industries engaged in research, investigations, experiments, demonstrations, exploration, extraction, processing, developing, and production of such resources in a manner consistent with the need to protect and enhance the quality of the total environment, and (b) for the public agencies concerned with such mineral activities, with the health and safety of persons employed in such industries, and with the protection and enhancement of the total environment."

The legislation endorsed by the Administration and offered by Assistant Secretary Dole as a mechanism to avoid further disasters such as the Sunshine disaster is not only clearly production oriented, but fails to recognize any need for health and safety curricula in the mining engineering schools, and does not even offer discretionary language under Section 100(b) for health and safety research, investigations, demonstrations, experiments, and training.

It seems increasingly inappropriate for the Department of Interior to offer totally unresponsive legislation as a panacea in the aftermath of disasters. The Secretary of the Interior is in a remarkably unique position at this time to amend H.R. 6788 to make it responsive to the health and safety and environmental protection and enhancement curriculum needs of the mining engineering schools. H.R. 6788 is expected to be brought to the floor of the House next week, and in the event that Title XIII is dropped from S. 659, now in conference, it will be imperative for the Department of Interior to respond favorably to that language embodied in S. 659, if it is to be in anyway responsive to the causes it has cited for its failure to fully promulgate the 1966 Act. In light of the fact that the Department of Interior did not comment on the language embodied in S. 659, there is no legislative history opposing it. Specifically, we would recommend amendments to H.R. 6788 which would incorporate language from S. 659 contained in Section 1301, Section 1303(a), and Section 1307 (a) and (b), the latter providing for an advisory committee of balanced representation with a significant role to carry out the Act.

We would urge the Secretary of the Interior to closely scrutinize the glaring inconsistencies between the Department's assessment of the difficulties in implementing the 1966 Act and its legislative recommendations to correct those problems. We would urge prompt action by the Department to recommend amendments to H.R. 6788 which will include those sections of S. 659 which are germane and responsive to health and safety research programs.

Sincerely,

Louise C. Dunlap,
Washington Representative.

Hechler Hacks at Mine Bill

(By Willia M. Steif)

Rep. Ken Hechler, D-W. Va., today led an attack by safety and environmental experts on a bill that would enable the Interior Department to dispense up to $45 million yearly to colleges to establish-mining research centers.

Altho the critics don't object to setting up such centers, they think their purpose should be broadened to promote mine safety and health and protection of the environment.

The bill, due for a vote on the house floor Monday, would provide up to $500,000 yearly on a matching basis for each state to set up a center at a tax-supported college.

The House Interior Committee report virtually mandates that one center be set up at Colorado School of Mines, Golden, Colo. Chairman of the committee is Rep. Wayne Aspinall, D-Colo.

RESEARCH

The five-year bill also would authorize $15 million to $25 million a year to finance research and demonstration projects. Interior committee sources said 25 to 30 states were expected to apply for grants. Colleges seeking the money would have to have at least one mining course in their schedules.

Rep. Hechler today complained, in a letter to Interior Secretary Rogers C. B. Morton, that the purpose of the bill were distorted in testimony given by Assistant Interior-Secretary Hollis Dole to a house subcommittee this week.

Mr. Dole, testifying on the recent mine disaster in Idaho, put in a plug for the mining research bill and a similar Senate-passed measure. He said they "have as their principal objective financial assistance to mining schools which are developing talent we must have to make mining a safer occupation."

Not true, said Rep. Hechler. The bill's purpose, he said, was "to stimulate" mining research and production.

"Health and safety are not mentioned," he said.

He said it was "doubtful the production-oriented Bureau of Mines" would sink much, if any, money into mining safety or environmental protection.

The Environmental Policy Center wrote Mr. Morton a similar letter.

The mining subsidy, in a different form, was part of the huge higher education bill the House passed Nov. 4, but in that bill the mining research purposes included assuring "the health and safety" of miners and assuring "the protection and enhancement of the total environment."

Those purposes were dropped out of the bill approved by the House Interior Committee April 27. Further, the interior committee gave the task of running the program to the Interior Department. The higher education bill would have delegated it to the U.S. Office of Education.

Aides of Chairman Carl Perkins, D-Ky., of the House Education and Labor Committee, said Rep. Perkins agreed to drop the mining research section out of the higher education bill that House and Senate conferees approved this week.

MORE MODEST

When the Senate passed a more modest bill last July, the Interior Department took no position. Since then, the Interior Department has become the bill's foremost advocate. Mr. Dole, in the House Interior Committee report on the bill, said the legislation was needed because:

The United States consumes "unprecedented quantities of mineral . . . basic to our society and to national security."

"We are grossly neglecting the mineral technology needed for economical production and processing in the face of widening world competition."

Trained U.S. manpower is decreasing. The number of mining schools has dropped from 26 to 17 in a decade and the number of mining engineers graduating annually has dropped from 239 in 1960 to a low 114 in 1971.

The committee called these trends "alarming."

Mr. MADDEN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. TAYLOR).

(By unanimous consent, Mr. TAYLOR was allowed to speak out of order.)

SUPPORT OF PRESIDENT NIXON IN NEGOTIATIONS IN MOSCOW

Mr. TAYLOR. Mr. Speaker, all American citizens should wish President Nixon success as he negotiates with the Government of Russia. Let us hope that progress is made in lessening tensions in Southeast Asia, ending the war in Vietnam, and finding a formula for world peace. Decisions on these subjects are more apt to be made in Moscow than in Hanoi.

Congress should take no action that could undermine the President's efforts in Moscow or that might show division in the ranks of our own Government. Congress, like the American people it represents, should feel an obligation to support our President as he enters the negotiations. This is no time for the President and the Congress to be moving in different directions.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 11627, MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 959 and ask for its immediate consideration.

The Clerk read as follows:

H. Res. 959

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11627) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said substitute shall be read for amendment by titles instead of by sections. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 11627, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 976, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 11627 as passed by the House.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 959 provides an open rule with 1 hour of general debate for consideration of H.R. 11627, the Motor Vehicle Information and Cost Savings Act. The resolution makes it in order to consider the committee substitute as an original bill for the purpose of amendment and the bill will be read for amendment by titles instead of by sections. After passage of H.R. 11627, the Committee on Interstate and Foreign Commerce shall be discharged from further consideration of S. 976 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

The purpose of H.R. 11627 is to protect the consumers and to give information to them that will be helpful in purchasing automobiles.

The legislation is designed to cut down on automobile repairs by prescribing bumper standards which would be set by the Secretary of Transportation.

The Secretary is directed to make tests on passenger vehicles on the basis of their susceptibility to damage and make the results public.

From five to 10 diagnostic demonstration projects would be set up in States which meet the qualifications set forth.

The legislation would make it illegal to set odometers back on used cars.

The cost of the legislation is $18.2 million for fiscal year 1973, $27.1 million for fiscal year 1974, and $38.1 million for fiscal year 1975.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. LATTA. Mr. Speaker, I agree with the statement just made by my friend from Indiana, Mr. MADDEN. This rule makes in order the consideration of H.R. 11627—Motor Vehicle Information and Cost Savings Act. The underlying purpose of H.R. 11627 is to make automobiles safer and less expensive to repair.

The bill contains four titles, each directed at a different aspect of the problem.

Title I directs the Secretary of Transportation to set Federal bumper standards which will reduce damage to vehicles in low-speed collisions. This provision supplements existing law by authorizing bumper standards designed to reduce property damage, in addition to protecting safety systems and equipment.

Title II provides for a consumer information study focusing on susceptibility to damage crashworthiness, and ease of repair. The results are to be disseminated to consumers in order to permit comparisons of different models. In collecting this information the Secretary of Transportation is given broad information-gathering powers.

Title III provides for a series of vehicle diagnostic demonstration projects to find the best method for testing compliance with safety and emission standards. This program is to be carried out by selected States with Federal aid.

Title IV makes it unlawful to tamper with an odometer—mileage indicator—and provides civil remedies for persons defrauded by violators of this law.

The total cost of this bill is $18,200,000 for fiscal year 1973, $27,100,000 for fiscal 1974, and $38,100,000 for fiscal 1975.

The committee did not report out the administration bill, H.R. 9353. The Department of Transportation opposes H.R. 11627, but would have no objections if title I were deleted and titles II and III were amended. The Department is opposed to title I on the ground that it provides excessive Government regulation of the marketplace. The Department would amend title II to allow 2 years rather than only 1 year to complete the automobile consumer information study. The Department would amend title III to allow greater flexibility in the requirements for demonstration projects.

The Office of Management and Budget concurs with the Department of Transportation.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE SPECIAL REPORTS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file special reports.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

MINING AND MINERAL RESEARCH CENTERS

Mr. EDMONDSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6788) to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma.

The motion was agree to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6788, with Mr. REES in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Oklahoma (Mr. EDMONDSON) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of H.R. 6788, as amended, a bill to establish mining and mineral research centers and to promote a more adequate national program of mining and minerals research. H.R. 6788 would also supplement the act of December 31, 1970, commonly referred to as the Mining and Minerals Policy Act.

This latter statute, the Mining and Minerals Policy Act, was passed by Congress in recognition of the need in this country for a broad overall policy regarding the use of our domestic mineral resources. It was also a recognition of the critical domestic supply situation with respect to many of these minerals.

By establishing broad national goals, the Mining and Minerals Policy Act was a strong first step to assist our domestic minerals situation. It also focused attention on the industry and its need for long-range planning and the establishment of long-range objectives.

Although the 1970 legislation established a much needed national minerals policy, it did not go so far as to provide specific implementing provisions to carry out the policy guidelines.

The proposal before us today, H.R. 6788, would supplement the earlier legislation and by financial assistance to the various States would encourage research in the mining and minerals field. It would also, most importantly, assist in the training of minerals scientists and engineers necessary to meet the challenge facing this Nation in meeting its future mineral requirements.

This Nation is minerals and energy hungry. Although we have only about 6 percent of the world's population, we consume about one-third of its minerals. Our minerals consumption is five times the world average.

Not long ago we were largely self-sufficient in minerals and we looked to other nations for relatively few commodities. At the same time our schools and universities were turning out a large number of graduates trained in the mining and minerals fields. Now both situations have changed. Our list of mineral imports is increasing and the number of our mineral engineers and scientists has decreased alarmingly. Where we once lead the world in minerals technology, we now are sadly lagging. In the past 10 years our graduates from mining schools have decreased 50 percent and there has been a similarly alarming decrease in the entire minerals education field. An industrial nation such as ours cannot long maintain a position of leadership or security unless we maintain scientific and technological leadership as well.

H.R. 6788 provides grants and financial assistance of three general types. They are:

First, section 100(a) authorizes an appropriation to the Secretary of the Interior of $500,000 annually for each participating State to assist in establishing and maintaining a mining and minerals research institute at a tax-supported school of mines or a tax-supported college or university conducting research in the minerals field. The Federal money would be matched, dollar for dollar, by non-Federal funds.

Second, section 101(a) authorizes the appropriation of $5 million for fiscal year 1973 and for each of the succeeding 4 years, for the expense of specific research and demonstration projects of general interest that would not otherwise be undertaken.

Third, section 200 authorizes the appropriation of $10 million for fiscal year 1973—increasing by $2 million each year for 5 years and continuing at $20 million annually thereafter—for grants to or contracts with educational institutions, foundations, Federal, States, or private foundations for research in any aspect of mining and minerals programs that would not otherwise be undertaken.

Under these provisions, maximum Federal expenditures, which incidentally we do not anticipate will reach maximum levels, could reach $40,500,000 for the first year—1973—and increase to $48,500,000 in the fifth. For the sixth and succeeding years the maximum authorization would level off at $45,500,000.

Mr. Chairman, in my opinion this is an excellent and much needed program that undoubtedly will return may times over the Federal expenditures authorized for its development. I support it and urge favorable action by the House.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. RUPPE).

Mr. RUPPE. Mr. Chairman, I rise in support of H.R. 6788, a bill to establish mining and mineral research centers, and to promote a more adequate national program of mining and minerals research.

Today in the United States, mineral technology is in a declining state, despite the key role of minerals in our society and the vastly increasing worldwide demand for mineral products. The United States is the largest single consumer of minerals and fuels in the world. With only 6 percent of the world population, the United States consumes between 30 and 40 percent of the world mineral production. In fact, during the last 30 years, this Nation has consumed more mineral raw materials than the entire world in all previous time.

These enormous mineral requirements are growing every day, and the rapid depletion of our mineral reserves is accentuated by the decline in the development of the mineral technology needed for their profitable production and processing.

The purpose of this bill is to answer the growing call for new mining and minerals technology, and to promote, encourage, and stimulate the training of mining and minerals scientists, engineers, and technicians in these fields. Our present technology is far from adequate, and the number of minerals programs in the universities across the country is rapidly declining. The number of mining schools has decreased from 26 to 17 in only 10 years, and during the same period the number of mining engineers graduated annually has dropped from 239 in 1960 to a low of 114 this past year. This legislation would move to ease the growing shortage of trained professionals in this vital industry.

It is also important to recognize that as our domestic production of essential materials falls off, we must increasingly depend upon foreign sources. During the decade of the sixties, the net value of mineral imports over exports tripled. This has occurred partially as a result of the neglect that we have shown to research in the field of mineral resources.

Our concern for a safe and clean environment also supports the need for a strong educational program in the minerals sciences. This concern could be reflected in three areas that relate to the minerals industry: mine health and safety, protection of the environment from the adverse effects of mining operations, and the assurance of an adequate, dependable supply of minerals and fuels.

I believe such a program would be highly beneficial in each of the 50 States. Many, if not most, States have unique minerals and mining problems to which State universities can direct their programs. An example of a fine school in my own district which could benefit from this program is Michigan Technological University. They have an excellent mining program which has the potential of saving the depressed mining industry in that area. To date, the minerals field has been sadly neglected. The extent to which we can fulfill the increasing and changing demands for minerals and fuels will be determined largely by our willingness to invest now in the research which will bring in large returns in the future in the way of a safer, more productive mining and minerals industry in this country.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. RUPPE. I am glad to yield to my colleague.

Mr. ESCH. Mr. Chairman, I would like to identify myself strongly with the remarks of my colleague from Michigan and compliment him on his leadership in this area and the fine work he has done in the committee in representing our excellent institution in Michigan the field of mining education. I am hopeful with some improvement that this legislation will do a great deal to put the needed funds into institutions such as Michigan Technological University which can provide the wherewithal to make the contribution that is necessary in the field of mining.

Mr. RUPPE. I thank the gentleman for his contribution.

Mr. EDMONDSON. Mr. Chairman, I yield 7 minutes to the distinguished chairman of the Committee on Interior and Insular Affairs (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, I rise in support of H.R. 6788, as amended and approved by the Committee on Interior and Insular Affairs, and I wish to make a few brief remarks regarding the importance of this measure to our Nation's future security and well-being.

The purpose of H.R. 6788, as amended and approved by the committee, is to provide a more adequate national program of mining and minerals research in the broad fields of exploration, extraction, processing and development of our unrenewable mineral resources by establishing mining and mineral research centers in the various States. These centers would promote and encourage the training of mineral scientists, engineers, and technicians and also encourage minerals research.

Congress recognized the need for a broad national minerals policy that would guide and assist both the Federal Government and private industry and in the 91st Congress passed the National Mining and Minerals Policy Act of 1970—Public Law 91-631. At that time it was also recognized that one of the most critical needs of the minerals industry was the lack of an adequate supply of trained and qualified engineers and scientists in the minerals field. The present proposal, H.R. 6788, would supplement the earlier National Minerals Policy Act and for the first time provide the necessary Federal legislation to stimulate minerals education, minerals research and the training of the necessary scientists and technicians, H.R. 6788 would accomplish this by providing financial assistance to the various States in order to permit them to build up their minerals education and research facilities.

The need for this type of research and education cannot be overemphasized. Without taking too much of the committee's time I will only point out that this country was once a leader in mineral technology. This is no longer so. Since World War II we have lagged to the point where we now turn to other nations for new ideas. Much of our mineral technology is outdated. This is nowhere more clearly shown than in our schools and our research efforts. While most other scientific fields, whether they be space or agriculture, have experienced a substantial growth, the minerals education and research effort has sustained an unequalled decline. The number of mining schools has decreased 50 percent in 10 years and the number of engineers graduating has dropped proportionately. Similar trends hold for almost the entire minerals field, including petroleum engineers, metallurgists, and geologic engineers. This trend must be reversed quickly if this Nation is to maintain its position of leadership and as a world power of the first order.

As the Members will recall, the House earlier this year passed the Higher Education Act which is now in conference. As passed by the House, the Higher Education Act includes a title X which is similar but not identical to the provisions of H.R. 6788. The Senate version of the Higher Education Act did not include title X. The Senate has passed S. 635, which is the companion bill to H.R. 6788. The conferees have met on the Higher Education Act and have not included title X in their report. The principal difference between the former title X and H.R. 6788 is in the administration of the program. Since primary interest should be on research, I feel strongly that the program should be administered by the Department of the Interior. The funding for the program as proposed in H.R. 6788 would not be much greater than was anticipated for title X of the Higher Education Act.

Mr. Chairman, this concludes my statement on H.R. 6788. I will be happy to answer any questions the Committee may have.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I will be glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I simply want to commend the distinguished chairman of the full Committee on Interior and Insular Affairs for the long effort and the continuous effort the gentleman has made to get this kind of legislation on the books, and to do something of a very substantial nature to step up the training of our mining engineers, scientists, and technical personnel in the mining field. In this effort the gentleman has been a strong voice crying in the wilderness for a long, long time, and I certainly believe that the country owes him a debt of gratitude for what he has done in this field.

Mr. ASPINALL. Mr. Chairman, I wish to thank my distinguished colleague for his friendly remarks, and in return may I say that I think that the entire membership of the Committee on Interior and Insular Affairs of the House have been very much interested in this legislation which has been under the leadership for the last many years of my friend, the distinguished gentleman from Oklahoma (Mr. EDMONDSON).

I would add this: that the House understood the situation as far as the problems of the minerals and mining industry are concerned, many years ago when we in the House adopted a policy similar to that policy contained in the National Mining and Mineral Policy Act passed in the 91st Congress. We have recognized the changed needs of our Nation. We are beginning to recognize the potential energy shortages of the near future. The Committee on Interior and Insular Affairs has just recently held a hearing, and one of the better hearings I believe, that our committee has held for a long time, and we realize that on the matter of energy fuels. We live in today's world, demanding all of the good things of life. At the same time we recognize that there is indeed a need that we must keep the world as clean as we possibly can to keep the environment in a satisfactory condition such as will keep the world in continual operation indefinitely—making it possible for man to live today and tomorrow in that world. We must at the same time realize that these good things of life, which we all demand, come from the earth itself.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I shall not take the full 5 minutes, but I do want to rise in support of this legislation that is directed toward advancing the research programs on mining and mineral resources, as well as the technological advancement in this field. At the same time we must maintain the kind of environment quality control that is going to be absolutely essential as we look to the future and evaluate, with foresight, the challenges and pending crises in the natural resource and energy categories.

There was a time when we were considered to be a land of abundance with limitless resources but with qualified expert projections, this is no longer the case. We on the Interior Committee have attempted to "wake the country and tell the people" but for too long our words have been falling on deaf ears.

With the rapidly changing international situation, the expression "self-sufficiency" takes on more meaning.

Water resources, energy resources, renewable wood resources and all natural resources have sustained and provided the good life for us all. But, unless we manage these resources more scientifically, upgrade our attitude and standards toward higher environmental quality, balanced with economic and social considerations, this Nation and her people will find themselves in a position of being unable to meet the challenges of international trade and competition—as well as meeting the demands for goods and services here at home.

Establishing the mining and mineral research centers will provide the necessary national impetus to properly address ourselves to the 4 E's—environment, economics, energy and education.

The time is now and I'm pleased to have been a participant in this legislative effort under the able leadership of our chairman, Mr. ASPINALL, Mr. SAYLOR, Mr. EDMONDSON, Mr. MCCLURE, Mr. DENT, Mr. HANSEN, Mr. MCDADE, Mr. WYATT, and the members of the House Interior Committee.

Mr. SAYLOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this legislation.

I would like to join my colleague, the gentleman from Oklahoma (Mr. EDMONDSON) in commending the chairman of the full committee and members of the subcommittee on both sides of the aisle headed by the gentleman from Oklahoma (Mr. EDMONDSON) for the work they have done on this piece of legislation.

This committee has recognized for a long time the importance of this type of research and if the Members in the other body would have recognized it several years ago, then the House Committee on Education and Labor would not have had to bother with this problem when they took up the House education bill.

I want to commend my colleague the gentleman from Pennsylvania (Mr. DENT) for having taken the role he did in seeing to it that it came in the education and labor bill and in bringing this matter to the attention of the country.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, the gentleman from Pennsylvania who is in the well of the House like the distinguished chairman of our committee, the gentleman from Colorado (Mr. ASPINALL), comes from a great mining State, a State with a great mining tradition. He, I think, also has earned the appreciation of the Nation for his leadership in endeavoring to get this kind of legislation and program on the books and to get national recognition of the shortage that we are facing today in trained personnel in this very important industry.

Mr. SAYLOR. Mr. Chairman, I thank my colleague, the gentleman from Oklahoma, for his kind remarks.

Mr. Chairman, as a principal sponsor of this legislation, I rise in support of H.R. 6788 as amended and reported by the Committee on Interior and Insular Affairs. The purpose of the bill is to provide a more adequate national program of mining and minerals research by providing matching grants and other Federal financial assistance to mining and minerals research centers throughout the United States established by this legislation.

I want to bring to the attention of my colleagues that the program proposed in this bill is based upon the same type of program, presently in existence throughout the United States, providing for water resources research institutes, which was passed by this House on June 2, 1964, and is now Public Law 88-379. The program to be established by this bill is not a new type of program proposed for your consideration. It is the same type of program we now support for water resources. The bill proposes a similar program for the mining and mineral resources of this Nation.

I would also point out to my colleagues that the importance of the mining and minerals research program, proposed in this legislation, to the economic well-being and natural security of this country cannot, in my judgment, cannot be overstated. I ask my colleagues to reflect for a moment and consider what there is in this Chamber that has not come from the mineral resources of this Nation through some mining processes. If my colleagues will extend their reflection outside this Chamber and consider the importance of mineral resources and mining to our individual everyday living, the importance of a more adequate national program of mining and minerals research becomes apparent.

The need for the program proposed in this bill was eloquently and pertinently expressed to the committee by Hollis M. Dole, Assistant Secretary for Mineral Resources, Department of the Interior. This is what Assistant Secretary Dole said to our committee:

> The United States faces three fundamental and interrelated problems with regard to its mineral requirements. The first is that these requirements are large and growing rapidly. We are 6 percent of the world's people and we consume one-third of its minerals. Per capita, our consumption of mineral resources is five times the world average, and several multiples above that of the developing nations.
>
> Between now and the year 2000, our consumption of primary minerals is expected to increase fourfold. Demands for certain metals, such as aluminum and titanium, are expected to increase sixfold. Demand for energy will triple. This means, Mr. Chairman, among other things, that over the next 30 years we shall need 7 billion tons of iron ore, more than a billion tons of aluminum ore, a billion tons of phosphate rock, 100 million tons of copper, 250 billion barrels of oil, and 1,000 trillion cubic feet of gas—assuming that we can obtain it.
>
> Although these are projections, and subject to the vagaries of future events, it is clear that they involve quantities of imposing magnitude. And they immediately raise the question as to how our mineral industries and our Nation can provide these unprecedented quantities of minerals that are basic to our society and to national security.
>
> The Nation is currently ill-prepared to meet this challenge. The drain on our richest natural resources has been severe. The most accessible minerals and fuels have been consumed at an accelerating rate to meet demands of armed conflict, cold war, and better living conditions for an expanding population. The burgeoning pressures have made the United States increasingly dependent on foreign supplies of essential minerals.
>
> The second fundamental problem—on which the first is largely based—is our failure to advance domestic mineral technology at a fast enough rate.
>
> The United States is not running out of mineral resources in the sense that domestic

supplies will become completely exhausted. This never happens. But every analysis indicates that we are grossly neglecting the mineral technology needed for their economical production and processing in the face of widening world competition. The seriousness of this critical situation is emphasized in the major conclusion of the recent study on mineral science and technology conducted by the National Academy of Sciences, the National Academy of Engineering, and the National Research Council, entitled "Minerals Science and Technology; Needs, Challenges and Opportunities." This report warns that—"Despite the key role of minerals in our society, and the vastly increasing world-wide demand for mineral products, mineral technology in the United States is in a declining state, and serious trouble lies ahead for the country unless corrective actions are taken promptly."

The United States was once a leader in mineral technology, but since World War II industrial research and development have lagged to the point where the U.S. industry has produced few new minerals recovery processes and techniques, and has turned to other countries for ideas and processes. By way of example, foreign developments have included basic oxygen steelmaking, flash smelting of copper sulfide concentrates, the zinc-lead blast furnance, continuous refining of crude lead, the hydrocyclone for separating fine mineral particles from fluids, autogenous grinding, and electroslag melting for producing high quality alloy steels. The technology for these processes has come from such nations as Germany, Sweden, Canada, Finland, the Soviet Union, Holland and Britain.

The lag of minerals technology is further evidenced by the fact that many of our present minerals recovery techniques are relics of the past and are still being used today with only modifications. The cyanide and amalgam processes for recovering gold date from the last century; flotation techniques for concentrating minerals are nearly 60 years old, the original patents for the processes used to produce aluminum were issued in the 1870's. It is generally recognized that this Nation is not finding conventional petroleum reserves to keep pace with growing demand, yet we are a good 10 years behind where we should be in the technology for producing synthetic liquid and fuels from alternate sources such as coal, oil shale, and tar sands. Automation has been introduced into coal mining without the necessary complementary training and technology for improving the health and safety of the miners.

Only through the use of imported processes and with the economies of size—mostly the product of aggressive equipment manufacturers—has the U.S. minerals industry survived. Each year, however, domestic production has supplied a decreasing proportion of the minerals required by the U.S. economy.

Technologic change and development, energetically applied, is a powerful force that can be exerted to improve the competitive position of the U.S. minerals production industry. The extent to which domestic sources can fulfill increasing and changing demands for minerals and fuels will be determined by the size and scope of the investment in minerals research and development including mined land reclamation and other environmental challenges, and to the extent that new innovative, and economic techniques can be developed.

This brings me to the third fundamental problem—to which these bills are more directly addressed—the problem of technical manpower.

Technologic advance is the daughter of research, and for a dynamic research program it is necessary to have an adequate number of competent, trained people.

Awareness of the dearth of people trained in the mineral fields that are available to the minerals industry has been reflected by numerous articles in the technical press. In the previously mentioned National Academy of Sciences report, which reviews and documents this urgent situation, it is pointed out that the whole broad area of minerals science and engineering has been woefully under-supported during the last 15 to 17 years when other scientific fields have experienced a growth of unequaled proportions. During this time no significant action has been taken by industry, the States, or the Federal Government. As a result, the number of mining schools has decreased from 26 to 17 in only 10 years, and during the same period the number of mining engineers graduated annually has dropped from 239 in 1960 to a low of 114 this past year. Twenty years ago nearly 500 mining engineers were produced each year. Similar trends hold for petroleum engineers, extractive metallurgists, and geological engineers.

We view the developments I have just described with deep concern. During the 1950's American universities and colleges graduated approximately 2,000 mineral specialists each year. During 1967 only 1,350 minerals specialists were graduated. If this trend continues, fewer than 1,000 specialists will be graduated in 1985.

Approximately 70,000 mineral specialists were employed in the United States during 1967. Thus, only one new specialist was trained for every 50 that were employed. Obviously, this ratio is too low to maintain the present technical labor force. Between now and 1985 over 40,000 persons trained in minerals science and technology would have to be available to the labor market in order to sustain this technical labor force at the current level. However, based on present trends, fewer than 20,000 new mineral specialists will be trained.

In examining these problems, one is inevitably led to the conclusion that we have a great challenge before us. How do we solve these problems that I have discussed? If this is a Federal responsibility—and it is certainly a Federal concern—what type of program is likely to be most successful?

The Federal Government currently supports research and training programs at universities in many fields such as agriculture, water quality, forestry management, marine resources, and the health sciences. We believe that this support has paid handsome dividends in terms of technologic development. It is, therefore, altogether appropriate that similar support—such as proposed in H.R. 6788—be extended to the minerals school.

H.R. 6788, as amended and reported by the Committee on Interior and Insular Affairs, is responsive to the need for a more adequate national program of mining and minerals research. Section 1 of the bill recognizes that the prosperity and future welfare of this Nation is dependent on the development of our unrenewable resources. This section also states that the purpose of this bill is to stimulate, sponsor, and provide for such research and development, and the training of mineral engineers, scientists, and technicians in the fields of mining, mineral resources and technology.

Title I of the bill authorizes an annual appropriation to the Secretary of the Interior of $500,000 to assist, on a matching basis, each participating State in establishing and maintaining a mining and mineral resources research institute. Section 100(a) sets forth what schools in a State can qualify, provisions if more than one school in the State qualifies, cooperation between schools and States, and requires the center or institute to plan for the conduct of appropriate research taking into consideration current needs and research already conducted.

Title I also authorizes the appropriation of $25 million for 5 years for grants on specific research and demonstration projects of industrywide application which would not otherwise be undertaken.

Title II authorizes the appropriation of $10 million in fiscal year 1973—increasing $2 million annually for the next 5 years and continuing at $20 million annually thereafter—for grants or contracts to educational institutions, private foundations, and so forth, to undertake research into any aspects of mining and mineral resource problems not otherwise being studied.

Title III of the bill directs the Secretary of the Interior to maintain cooperation of all parties involved, to eliminate duplication, and coordinate the mining and mineral resources research program, publish information, disclaims control over other research or programs, and makes processes or patents resulting from Federal grants available to the public unless it is not in the national interest. Title III also provides for cataloging and a clearinghouse for research activities and the establishment of an advisory committee on mining and minerals research to assist the Secretary on all matters involving or related to mining and mineral resources research.

The Federal estimated cost of this program, figured on the basis of 50 participating States and the Commonwealth of Puerto Rico, is $40,500,000 for the first year and increasing to $48,500,000 in the fifth year. Thereafter, the program will level off at $45,500,000 annually. The estimated cost of this program is not excessive if measured or compared to the fundamental and interrelated problems facing the United States in meeting its present and future mineral requirements. Moreover, if the prosperity and future welfare of this Nation is largely dependent upon the proper extraction and development of our unrenewable mineral resources with due regard to our natural environment, then it is imperative that we embark this Nation on a program of mining and mineral resources research that is adequately and sufficiently funded to obtain the desired results in the future.

Mr. Chairman, I urge my colleagues to support the passage of H.R. 6788, as amended and reported by the Committee on Interior and Insular Affairs.

Mr. EDMONDSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Nevada (Mr. BARING.)

Mr. BARING. Mr. Chairman, in late 1970 the Congress approved, without a dissenting vote, a measure establishing a national policy "to foster and encourage private enterprise" to develop and maintain an economically sound and stable domestic mining industry.

The House Interior Committee, on which I have had the honor to serve for many years in reporting this measure, had this to say about the need for such a policy:

> There appears to be little argument about the need for a broad national minerals pol-

> icy to guide both the Federal Government and private industry with respect to this Nation's long-range minerals position. Ours is more and more a mineral-based economy and whether viewed as a part of a peacetime economy or as a necessary mobilization base in times of emergency, the future well-being and national security of our Nation is directly tied to the supply and availability of minerals.
>
> As a nation we enjoy the highest standard of living and consume an enormous volume of minerals and their products. As a nation we also seek to maintain and improve this position and at the same time assure that future mineral needs can be met at reasonable costs.
>
> The long-range outlook for an adequate supply of minerals in the United States is cause for concern. The easily found, higher grade deposits are being rapidly depleted, the grade of the ore is declining and costs are increasing. For these reasons and others, including increased competition from low-cost, high-grade foreign deposits and a shortage of trained mineral specialists and engineers in the United States, the domestic mining and minerals industry needs to have firmly established long-range objectives. The establishment of a national minerals policy would be a major step in the right direction as such a policy would foster the improvement of all aspects of the industry.

That committee also pointed out that we can no longer afford to ignore the need to strengthen our domestic mineral base.

The measure which this House adopted and which later became law imposed upon the Secretary of Interior the responsibility for carrying out this policy and for reporting to Congress each year the status of our mineral industries and his suggestions for improving our domestic minerals position. His first report has just been submitted to us and it verifies the concern the House Interior Committee has frequently expressed that we must build and maintain a strong domestic mining industry and lessen, wherever possible, our dependence on foreign supply sources, particularly in these days when nationalist attitudes are on the rise, when expropriation is the order of the day, and when other mineral-consuming nations are rapidly pinning down available world supplies.

Our ever-growing population and our insatiable appetite for minerals and fuels are bringing us to the position where we must decide whether we have to lower our standard of living, thus reducing our mineral demands, or meet our mineral and fuel needs through enlightened policies which encourage our mineral development at home and in secure foreign sources.

The report of the Secretary of Interior responds to our requests for data to tell us where we stand mineralwise and what our outlook is for the future. It makes it clear that we have mineral deficiencies and that these deficiencies are growing. It points out that we use 91 different minerals, of which some 44 were imported in varying degrees. For example, in 18 instances, more than half the U.S. requirement was imported; and in 14 instances, more than three-fourths of the U.S. requirement was imported; and in 7 instances, all U.S. demand came from foreign sources. The percentages tend to grow each year.

The risks of such growing reliance can be lessened because with continuing encouragement as called for in the policy and creation of a more certain and favorable atmosphere within which to operate, U.S. private enterprise is competent to find and develop domestic mining materials in sufficient volumes to supply a large share of our growing national needs.

Firm and encouraging rather than discouraging mineral policies will prove highly important to the mineral development in Nevada. Our State has great mineral resources. It has been a producer throughout its history. But it has seen its production decline over the past year. A strong set of policies, geared to the long range, is needed to provide incentive for unlocking the minerals in Nevada's underground storehouse.

Last year saw a decline in mining activity in Nevada, particularly in the metals field. Lower production of gold, mercury, and copper resulted in a 14-percent decrease in the value of the State's mineral output.

Production values of metals decreased 19 percent, mineral fuels—petroleum—decreased 15 percent, while nonmetals increased 7 percent. I hope that these industries will record gains this year but I do not think we can achieve progressively greater production unless our national policies are changed to assure those risking their capital in mining that they can plan for greater future production without having the rules of the game changed so as to throw up roadblocks to development. It is a sad commentary that our domestic mercury mining industry has been shoved down the drain because of alleged, yet unproven, ill effects upon health and the environment. That industry has not only virtually ceased to exist in Nevada, but throughout the west as well. In Nevada alone the value of mercury production dropped from over $2 million in 1970 to slightly over $400 thousand in 1971, and the 1972 figure will be smaller yet. I understand that it is possible that our copper producing industry may be hard hit as a result of imposition of stringent sulfur emission standards which will cut down our copper smelting capabilities. Should this situation continue we shall, in effect, be exporting our smelting needs with the consequent loss of jobs in the United States.

I think all of us should take heed of the warning signals in Secretary Morton's report. We failed to heed the warnings of many years ago regarding our energy situation and look where we are today. If we are to avoid a minerals crunch in the future we should take action now to improve our domestic minerals base. We have been warned of our growing mineral dependency on foreign sources and this alone points to the need for policies to encourage private enterprise to find and produce more from domestic deposits, find more efficient methods of extraction and use, and reclaim and recycle those minerals and fuels now consigned to the scrap heap.

With our standard of living and perhaps our national security at stake I believe we must aim for expanded domestic mineral output under a favorable economic atmosphere and a realistic approach to environmental improvement balanced with production needs.

I hope that Congress will expeditiously consider ways and means to improve our mineral situations before our economy and security suffer serious shortages.

Mr. EDMONDSON. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. DENT) one of the able advocates of this proposal.

Mr. DENT. Mr. Chairman and Members, I am pleased to rise in support of H.R. 6788, the Mining and Minerals Resources Research Act of 1972.

This bill—although reported by the Committee on Interior and Insular Affairs—is not unlike title XIII—Improvement of Mineral Conservation Education—of the Higher Education Amendments of 1971, reported by the Committee on Education and Labor and passed by the House last November. Title XIII was included in the higher education package on my motion and with the gracious consent of the gentlelady from Oregon (Mrs. GREEN), chairwoman of the education subcommittee with jurisdiction over the subject matter. While in conference with the other body on the higher education bill we agreed to delete our title XIII in the interest of and in deference to the bill now before us, H.R. 6788.

Mr. Chairman, this bill is needed and I am enthusiastic in support of it. The Chairman of the Committee, Mr. ASPINALL, and his ranking minority Member, Mr. SAYLOR, as well as Mr. EDMONDSON are to be commended for their diligence and concern in bringing it to this point. And I fully expect we will see a new public law on our statute books within the near future.

Mr. Chairman, I would be remiss if I did not at this time take this opportunity to tell the House that there was never any controversy between the gentleman from Colorado (Mr. APINALL) and the gentleman from Pennsylvania (Mr. SAYLOR) or the gentleman from Oklahoma (Mr. EDMONDSON) on this legislation with myself, the original sponsor of the act in 1969.

We agreed that we would try both avenues, that we would bring it through the Committee on Education and Labor and also through the Committee on Interior and Insular Affairs in order to obviate any question as to the germaneness of the subject or as to its proper position in the legislative process. We all agreed that whichever bill that was decreed to be the correct one, that is the one we would support.

I wish to thank all three of these gentlemen for their enthusiastic support of this very much needed legislation. They have been unselfish, cooperative, and very helpful all the way along the line, both in relation to the bill before us as an amendment to the Education and Labor bill, and in this particular primary legislation.

Mr. Chairman, the bill recommends the expenditure of funds to establish and support mineral resource research institutes at land-grant universities and mining schools. The institutes will be dedicated to the further development of mineral science and technology to increase the Nation's mineral resource base and strengthen its mineral industries.

The legislation, when passed and funded, will do for our nonrenewable resources—minerals—that which we traditionally have been doing for our renewable resources—agricultural products. We are concerned here with solid waste disposal, recycling of waste materials, energy blackouts, and the pollution of the underground, to name only a few.

Whether the problem is in preventing roof falls, mine fires, gas explosions, conducting mining without surface subsidence or strip mining in such a way as to be able to restore the natural beauty and utility of the land, every State in the Union has problems pecular to its geology and the patterns of land use and population. Techniques of mining, procedures assuring safety, and methods of restoration, all will differ radically from one place to another. The setting up of agricultural experiment stations in every State of the Union was not a matter of political expediency. It recognized the infinite variety of farming techniques and farm life that exist within the United States. Can anyone deny the success of this State-by-State approach in resulting in the most productive agricultural economy the world has ever known? Unfortunately we are not in the same position relative to our mineral economy. With each day that passes, we become more dependent on foreign supplies of minerals which in turn become less dependable in terms of price and supply. We find controversies raging over regulation of mining and mine safety. Not a small part of this controversy arises from the fact that adequate research and education have not been focused on the problems of the individual States in the Union so that local regulations could be made suitable to the local situation with both the economy and quality of the environment improved. It is essential that education and research in these fields have the broadest possible base and reach the broadest and largest number of people possible. Not only do we need information and professional practitioners of the technology, but we must help as many students as possible to obtain a broad liberal education including opportunities to participate in research and development in mineral exploration, extraction, and in conservation and to rub shoulders with and sit in the classroom with the men who understand the complexity of the problem.

The application and implementation of research results, just as in the case of the Agricultural Experiment Station, needs to be carried out by people who are familiar with local industries and people. One of the greatest problems America faces now is how to communicate the results of our billions of dollars worth of research and translate them into changes in our industrial and social life. This does not come about through an edict from on high but only through personal conduct and demonstration in the field of the feasibility of these changes. Again this has been amply demonstrated in every State and in every county of the United States by the Agricultural Extension Service. There is no reason to believe the situation is any different in mining and mineral extraction from what has been faced and is currently faced in agriculture. Some States and regions of States which have not been considered great mineral producing areas have very serious mineral and material problems if only in the sand, gravel and construction material areas. How to extract these materials locally with the least disruption of life and commerce, how to locate new sources and to restore mined areas is, and will continue to be, a major problem in areas considered more metropolitan than mineral producing areas. There is no State which does not have these problems or which will not very rapidly develop these problems.

Mr. Chairman, this legislation addresses itself to these realities. And it offers remedial relief.

I urge its acceptance.

Mr. Chairman, I have also introduced similar measures since 1969. My colleagues are aware of my deep interest in mining practices; an activity which has been of major proportion in my State since the 1800's. The legislation is years overdue.

The two recent disasters associated with mining—the Buffalo Creek flood in West Virginia, and the Sunshine Mine fire in Idaho—are sad testimony of the neglect by Government of mineral education and research. My committee brought before you the toughest mine safety law in this country's history which subsequently became law—the Coal Mine Health and Safety Act of 1969. The act recognizes that research is one of the keys to safe mining practices. It mandated that research to improve working conditions and practices be conducted and even went so far as to provide an exemption to any mandatory health or safety standard for the purpose of permitting accredited educational institutions the opportunity for experimenting with new and improved techniques and equipment to improve the health and safety of miners. The sad truth is that the mineral research base in the universities of our Nation is far too weak to support this significant research at the high level envisioned.

Strong schools concerned with mineral resources are needed and should exist in each of the major mineral States, just as we have strong agricultural schools in the important agricultural States. Not only to prevent disasters and protect the lives of miners who toil every day to give this country the highest standard of living in the world, but also in the interest of conserving our natural resources, we must invigorate our university mineral engineering programs. This will provide crucially needed research results and at the same time the required engineers and scientists who will have appropriate training in mining and related fields. These experts are needed to staff our industry and Government programs designed to solve the Nation's serious mineral resource and environmental problems.

This bill will be an important step in the direction of building up the needed mineral engineering programs in our institutions of higher education. Its operative provisions call for a sustained, annual funding sorely needed for establishing and maintaining mineral resource schools, supplemented by research funds to solve local and industrywide problems by both the institutes as well as other qualified laboratories. I urge my colleagues to give it their full support.

Mr. QUIE. Mr. Chairman, the need for more adequate national programs for mining and minerals research through the establishment of these mining and minerals research centers, I think, cannot be overemphasized. The previous speakers have laid out good testimony about why we need legislation of this nature. I want to indicate my strong and full support for the objectives of this bill.

I would like to point out one problem, however, and that is the unlikelihood that all the States would secure a research center or institute, nor do I think it would be wise if all the States would secure one if they wanted it. I think this ought to be more on a regional basis. As previous speakers indicated, there are 16 institutions offering mining engineering degrees at the present time. Let me read them:

Pennsylvania State; VPI; University of West Virginia; Michigan Technological University; South Dakota School of Mines and Technology.

Montana College of Mineral Science and Technology; Colorado School of Mines; New Mexico Institute of Mining and Technology; University of Nevada (Reno); University of California (Berkeley).

University of Idaho; University of Alaska; University of Utah; Wisconsin State; University of Minnesota; and University of Missouri (Rolla).

Mr. Chairman, I will propose an amendment that we limit these institutes or centers to 20. This would take care of the 16 that presently exist, and if some other parts of the country should need a research center for their region there would be four that could be distributed in those parts. If there is need for any more than that, I think it would be wise for us to come back to the Congress again and find out if there is need and if Congress wants to authorize the money for those.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, do I understand that the amendment the gentleman will offer will provide that there be an institute in each one of these 16 schools that the gentleman has named, and it will allow for four more? Is that what the gentleman has in mind?

Mr. QUIE. My amendment provides for 20 centers, and it would be assumed those 16 presently in operation providing mining engineering degrees would qualify, because those States have an ongoing program. If that was the case, there would be four more that the other States could compete for.

Mr. ASPINALL. Mr. Chairman, if the

gentleman will yield again, I wonder if it is fair to assume that, with the authority being given to the executive department, it would naturally follow that the 16 would remain and that they would be a part of those areas which the gentleman would provide for? If we consider Montana, Utah, and Colorado, they are all within the same region. Yet they offer at the present time some of the best opportunities in this field under the provisions of this act. I would hate to have either one of them denied the possibility of serving and providing the quality of service which they are qualified to render.

Mr. QUIE. The need for extensive mining research in those States no doubt should continue. I do not think we ought to be passing a bill here that would deny a State, which has already committed its resources to mining research, any benefit under this legislation.

Mr. ASPINALL. I thank the gentleman.

Mr. QUIE. The other provision of the amendment would be to drop out the sentence under section 102 which reads:

> The Secretary may designate a certain proportion of the funds authorized by section 100 of this Act for scholarships, graduate fellowships, and postdoctoral fellowships.

The gentleman from Pennsylvania (Mr. Dent) commented here that we in the conference committee on the higher education bill agreed to delete the title having to do with mineral education, because it in the meantime came out of the Interior Committee, and a comparable bill had passed the other body, and that, therefore, we should not assume a responsibility which was that of the Interior Committee. The conference did go ahead and authorize fellowships under sections 961, 962, 963, and 964 of the higher education bill, which provides a $1 million authorization for 1973 and the two succeeding fiscal years to assist graduate students of exceptional ability who demonstrate an exceptional ability in the fields connected with mining of oil, gas, coal, oil shale, and uranium, et cetera.

With this authorization for the additional fellowships, I do not think there is an additional need, and it would leave the $500,000 per State for research centers or institutes for this purpose, and it need be used for fellowships.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The Engineers' Council for Professional Development lists approximately 30 universities in the country that have degrees in mining, metallurgical, mineral or geological areas, all of which would be potentially eligible for participation in this program.

Mr. QUIE. Those are undergraduate degrees, not graduate degrees.

Mr. EDMONDSON. These are first degrees.

Mr. QUIE. First degrees. And 16 provide graduate degrees.

Mr. EDMONDSON. I believe, when we look at the potential present in these more than 30 institutions we are really contemplating an injustice to some of these States that have a great mineral potential but do not have at the present time graduate programs that would qualify and come in under a strictly limited program, holding it to only 20 regional centers.

I hope the gentleman's amendment will be defeated.

Mr. QUIE. I say to the gentleman, if we are going to have 30 centers around the country, the research money is going to be dissipated where we will not have effective research. We have seen this in other areas and have had to limit the centers to concentrate it for effective research.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Is the gentleman from Minnesota aware of the provision dropped in the higher education conference which referred specifically to "recognition of the profound impact of mineral exploration and development on the health and safety of persons working in the mineral industries and on the interrelations of all facets of the natural environment?"

Health and safety and the environment were all mentioned in that section dropped from the higher education conference, and are not mentioned in the language of H.R. 6788.

I want to call this to the attention of the Members of the House. It would seem to me that health, safety, and the environment are very important subjects which must be put into proper perspective.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. SAYLOR. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. QUIE. Mr. Chairman, I read from section 964, which says:

> A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in this part only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such fellowship was awarded—

Which is mineral education.

So I do not see anything in the language in the conference report we agreed to having to do with health and safety. The entire field of domestic mining, minerals, mineral fuel conservation, including oil, gas, coal, and uranium would be involved.

I do not see such language in part D of the conference report at all.

Mr. EDMONDSON. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia (Mr. Hechler).

Mr. HECHLER of West Virginia. Mr. Chairman, first I should like to add my voice of commendation to the chairman of the full committee, the gentleman from Colorado (Mr. Aspinall); the chairman of the subcommittee, the gentleman from Oklahoma (Mr. Edmondson); and the gentleman from Pennsylvania (Mr. Saylor); for helping to focus attention on the shortage of scientists, engineers, and others in the mineral industries.

Certainly, since I come from one of the two largest coal producing States in the Nation, I am cognizant of the tremendous need for additional training of scientists and engineers to strengthen our mineral industries.

The major defect, as I see it, in the way that the bill is now drafted is that it places the emphasis almost exclusively on production and processing of minerals rather than recognizing the need for protesting both the miners who extract these minerals and the environment.

Mr. EDMONDSON. Will the gentleman yield at that point?

Mr. HECHLER of West Virginia. I am glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I know how keenly the gentleman feels responsibility in that area, and I commend him for it.

I direct the gentleman's attention to the fact that the rules of the House specifically place the welfare of miners within the jurisdiction of the Committee on Education and Labor and specifically limit the jurisdiction of our committee in that field. I think this has the result that it has been generally conceded that mine safety legislation and all legislation dealing with the hours and pay and working conditions of miners will originate in the Education and Labor Committee. Our committee has long regretted the fact that the Mines and Mining Subcommittee does not have jurisdiction in the field of safety, but I think the gentleman has to recognize that we are trying to deal in the area of our jurisdiction.

Mr. HECHLER of West Virginia. I thank the gentleman from Oklahoma. I believe he is downgrading the importance of his own committee when he says it cannot deal with the protection of health and safety.

Mr. EDMONDSON. Will the gentleman yield further at that point?

Mr. HECHLER of West Virginia. I certainly will.

Mr. EDMONDSON. I said the health and safety matters affecting the miners themselves. We have recognized the need for general responsibility in the field of the environment. The gentleman incorrectly stated that our bill does not mention environment. As a matter of fact, if you look at page 4 of the bill, you find reference to the ecological aspects of mining and how it relates to the natural environment.

Mr. HECHLER of West Virginia. In the 5 minutes I have I think the best thing I could do, Mr. Chairman, is to read the bill. Listen to the bill, Mr. Chairman.

On page 1 it says:

> In recognition of the fact that the prosperity and future welfare of the Nation is dependent in a large measure on the sound exploration, extraction, processing, and development of its unrenewable mineral resources . . . the Congress declares that it is the purpose of this Act to stimulate, sponsor, provide for and/or supplement present programs for the conduct of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the fields of mining, mineral resources, and technology.

If that is not an emphasis on production, Mr. Chairman, I submit I certainly cannot read or understand the English language.

Mr. ASPINALL. Will the gentleman yield to me?

Mr. HECHLER of West Virginia. I am glad to yield to the distinguished chairman of the full committee, the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. The gentleman read the qualifying sentence which is the phrase "a large measure." We did that because we were and are thinking in terms of what is necessary for the people as far the minerals in the country are concerned. We do not downgrade the rights and the health and safety of those working in the industry. Actually, we supported the Committee on Education and Labor on the matter of furthering the health and safety of those engaged in the industry and we will support your committee further. Here is a bill that has to do with just exactly what you read—with the finding, exploration, production, and processing of minerals, so that they can serve the public. How should they serve them? They should serve them in accordance with the best interests of the environment. The qualifying statement that my colleague from Oklahoma read certainly takes care of the situation.

I do not want to interfere, I say to my colleague, with the jurisdiction of the Committee on Education and Labor. We made a point of order about title X, and we were overruled.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDMONDSON. I yield the gentleman 2 additional minutes.

Mr. HECHLER of West Virginia. At the appropriate time, if and when the committee offers a point of order, of course, I will discuss this more specifically. It is very clearly stated in the rules of the House that the Committee on Interior and Insular Affairs does have jurisdiction over training and mining schools. This jurisdictional authority is set forth in rule XI, under clauses 10(k) and 10(l). I simply want to make sure in the amendment that I am offering to this bill that equal attention is given to the health and safety of the persons working in those mineral industries and equal protection is given to the natural environment. In the past 18 months we have witnessed three major disasters in the mining industry culminating in a total of 239 preventable deaths.

I think it is absolutely essential that the training provided for in this legislation place the same emphasis upon the protection of those who work in these industries as is placed on production.

The development of the "continuous miner" now used in the production of coal is no lifesaving machine. It goes "gung ho" on the production of more coal, but it provides great risks to both the health and safety of miners. It stirs up more dust and weakens the roof. We need trained scientists and engineers not only to increase production but also to protect the men who work in the mines. The Committee on Interior and Insular Affairs has full jurisdiction of placing this entire problem in the necessary perspective in which it should be placed.

Mr. Chairman, I trust that there will be sufficient support for an amendment that will indicate very clearly where Congress intends the perspective and priorities to be placed on the training of these mining engineers and scientists, not only in the production and extraction of minerals but also in the protection of the miners and the environment.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. Yes, I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I take this time to inquire as to how this money will be coordinated——

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. EDMONDSON. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. VANIK. Mr. Chairman, if the gentleman will yield, I think it is time to inquire as to how this fund will be correlated with the Office of Science and Technology. Later this week we are going to be asked to appropriate $2.1 billion. How will this authorization relate itself to that office in the administration of that fund?

Mr. EDMONDSON. Is the gentleman directing that question to me?

Mr. VANIK. Yes, I am directing the question to the chairman of the subcommittee, the distinguished gentleman from Oklahoma.

Mr. EDMONDSON. I think the President is given authority to coordinate all of these research programs and to make the adjustments and coordinating requirements within the various programs that are necessary.

It is entirely possible under section 306 on pages 13 and 14 that people from the Office of Science and Technology could be designated as part of the Advisory Committee participating in this program.

The Secretary is given a wide latitude in the designation of the Advisory Committee which will be in charge of the program.

The CHAIRMAN. The time of the gentleman from West Virginia has again expired.

Mr. EDMONDSON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I would like to also inquire as to why this act omits any reference to the need for developing new resources of energy.

As I understand it, it is directed solely to the processes of mining and extraction.

What about the problem of new sources of energy, why is that omitted from this proposal

Mr. EDMONDSON. Mr. Chairman, if the gentleman will yield, I do not think this proposal necessarily eliminates it. As a matter of fact, I think the emphasis on the vital minerals that are involved is very necessary with reference to sources of new energy processes and new power sources which will be directly dependent upon the minerals research authorized here.

Mr. VANIK. Would sources of new energy be included in the development of research in the extraction industry?

Mr. EDMONDSON. It certainly would be.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. EDMONDSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, I rise in favor of H.R. 6788.

Mr. Chairman, there has been a serious lag in the advancement of mining and mineral production and technology during the last several years in this country. This bill should be helpful in alleviating that problem and I recommend the passage of the measure, H.R. 6788.

It is with a great sense of urgency that I ask the Members of this House to give favorable consideration to this much needed legislation. At a time when we are faced with a great need for increased mineral production we see a decrease in the number of students preparing to become mining and mineral scientists, engineers, and technicians. The Federal assistance that this bill would offer for research along with the matching grants should go a long way toward alleviating the problem of decreasing specialists in these fields and help us to prepare the necessary number of students with the needed expertise in these areas.

At this point I would like to share with this body the language from a letter I received from Chancellor Merl Baker of the University of Missouri at Rolla:

> Due to the national interest in and support of nuclear, space, and other technologies during the past two decades the total enrollment in our mineral engineering disciplines of ceramic, geological, metallurgical, mining and petroleum engineering of our School of Mines and Metallurgy has declined from some 620 students in 1959 to 385 in the current academic year. Because of the increase in salaries and cost of materials and supplies, which have attended this decline in enrollments during this period, our instructional cost in these degree programs has increased by more than a factor of four and are the highest of all engineering programs in the University. In the past decade twenty-three mineral engineering degree programs in this country have been terminated because of instructional costs, and according to recent reports some four others are scheduled for termination at the close of the current academic year.
>
> As I am sure you appreciate, the lead district in Missouri is the world's largest lead producing region, and in 1970 it accounted for three quarters of the total lead produced in this country. In the period from 1968 to 1970 the total value of all mineral products of Missouri increased from $276 million to $395 million, and the production for the current calendar year is anticipated to exceed a half billion dollars. The mineral industries make a significant contribution to the economy of the state, as well as the country. Current projections suggest that mineral production in this country must be approximately quadrupled by the turn of the century to sustain the nation's economy and security. If this is to be fulfilled and the mining industry concurrently brought into compliance with the environmental, health and safety, and land-use legislation, it is essential that the mineral engineering manpower needs of industry, government, and universities be met.
>
> While the funding recommended in the provisions of H.R. 6788 may not suffice to encourage the initiation of new academic pro-

> grams in these disciplines, it will certainly be adequate to bring the costs of on-going programs in line with those of other degree programs. In our judgment the on-going mineral engineering degree programs probably have the capacity to fulfill the manpower needs to the middle of this decade, and we would sincerely hope this legislation will be enacted such that these programs might be sustained.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, in a very short time we will be discussing a bill regarding auto safety, and if we establish the same pattern we are establishing on this bill, I suppose we could include something regarding rubber plantations in Latin America and all of the steel mills which produced materials that go into automobiles.

There is nothing environmental, there is nothing about research on processing of minerals in the Mine Safety Act. It is a different proposition. We have a Mine Safety Act, we have a Environmental Protection Act. Every time you have any mining venture you have to have an economic impact statement. That is already there. We do not include all aspects of every industry in each bill we consider. The House Rules do not permit such inclusions.

But just let me go a little further into what this bill does. We have had some delineation of what the bill does not do.

The bill says:

> Such research, investigations, demonstrations, experiments, and training may include, without being limited to, exploration; extraction; processing; development; production of mineral resources; mining and mineral technology, supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social engineering, recreational, biological, geographic, ecological,

Et cetera, et cetera. Those are the possibilities.

Now, why do we have this bill? We have a bill on mine safety, we have an environmental bill. We have fallen behind in the production of metals, minerals, and the oil that we need to make this country run. That is the purpose for the bill. And it is a legitimate purpose. No one need apologize for bringing in a bill to do this one thing. We are going to have to import half of our oil by 1980, and this raises some problems even as far as future foreign relations are concerned. That is one of the reasons for the need of this bill. The only resource for energy that we have at the present time which is plentiful is coal. We have about 2 trillion tons of coal in known reserves. How do we use it? Well, after we pass the Land Protection Act, the Strip Mining Act you are not going to be able to do any mining for coal, unless somebody comes up with a new method of extraction. Who is going to do it? We have to have somebody trained to do that job. How are we going to get that coal out without disturbing the environment? And then having extracted it then we have got to clean it, to clean out the sulphur, and so forth. We can scrub it, and we can put all these devices in the smokestacks to control the emissions of the sulfur. We still do not have the technology. We have to get that job done. We have an Office of Coal Research in the Federal Government which has appropriations to try to do that job. This bill tries to control duplication of effort.

If we did all of the things that some of the Members suggest that we add to this bill, we would have duplication of effort all over the place. This bill is designed to try to help make the wisest use of our mineral resources we can find in this country, and to utilize those resources even through recycling. We do not want to reduce our environmental considerations.

This is the purpose of this bill, and we had better get on with locating and with the complete utilization of all our minerals in this country.

I want to return to the oil business for 1 second. We will be importing half our oil very soon, and most of that oil will come from the Middle Eastern nations. I think you can conjure up in your mind the kind of foreign diplomacy problems that brings up. You will have to build oil tankers costing probably $12 billion in order to carry the oil, and then you will have to spend $2 or $3 billion to build the ports in order to handle these tankers. All the time we have some resources ourselves under our own control which are not located, which are not readily available. So we must get on with the job of locating our resources if we are going to exist as one of the leading nations in the world. We need technology in mining and utilizing vast oil shale deposits.

This is what the bill is all about and, for Heaven's sake, let us not hang all of the trinkets on it that cover every possible connection with mining and mineralogy, because if we do we will not accomplish the task that we seek to achieve here today.

Mr. LLOYD. Mr. Chairman, I am pleased to support H.R. 6788, a bill to establish mining and mineral research centers, and promote a national minerals research program.

The University of Utah College of Mines and Minerals is recognized by both Government and industry experts as one of the leading schools in the Nation in mining and mineral sciences. As such, it is expected to be one of the leading candidates for the high-quality research required under this legislation.

Our requirements for more energy and mineral resources are growing rapidly, but we are lagging behind in technology and training for personnel to help meet these needs.

The United States contains only 6 percent of the world's population, but consumes one-third of the world's minerals.

In testimony before our committee, it was stated that, between now and the year 2000, U.S. consumption of primary minerals will increase fourfold, and demands for energy will triple. To produce the staggering quantities of minerals we need more advanced technology and a greater number of trained professional personnel in the mineral sciences.

I believe H.R. 6788 gives us the means to provide for these needs, and I encourage the House to give this legislation its approval.

Mr. McCLURE. Mr. Chairman, I rise in support of H.R. 6788, a bill "To establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes."

Nowhere has the need for this legislation been better stated than by Hollis M. Dole, Assistant Secretary for Mineral Resources, Department of the Interior, in his testimony before the committee. Briefly, Assistant Secretary Dole's testimony is to the effect that our demand for mineral resources exceeds production and is increasing at an alarming rate; that our mineral technology has not kept pace with those demands; that domestic research is necessary to produce the technology our demand for minerals consumption dictates—and which requires trained technical manpower—but the numbers of mineral specialists, scientists, and engineers graduating from our schools has been dwindling, not increasing.

We are aware of the problem, but we have not provided the implementing wherewithal to solve the problem.

H.R. 6788 is designed to help remedy that situation. This bill picks up where the National Mining and Minerals Policy Act of 1970 (Public Law 91-631) left off. The bill provides for implementation of that legislation which focused attention upon the ills of our minerals industry and provided long range guidance for Government and private industry. The stated purpose of this bill is to establish mining and mineral research centers to promote a more adequate national program of mining and minerals research and to provide authorization for the necessary funding.

To accomplish that purpose, $500,000 are authorized to be appropriated annually to each participating State to assist them in establishing and maintaining research centers or institutes at their tax-supported school of mines or tax supported college or university conducting research in the minerals engineering field. That grant would be matched on a dollar-for-dollar basis by each recipient State. Where more than one institute within a State qualifies for matching funds, in the absence of a designation to the contrary by act of the State legislature, the Governor of the State is authorized to designate the institute to receive the funds. This matching grant might be termed "seed money"—the funds necessary to start things rolling.

The bill also provides for an additional appropriation of $5 million to the Secretary of the Interior for fiscal year 1973 and each of the next succeeding 4 fiscal years for the expense of specific research projects which are of industry-wide application and which would not otherwise be undertaken. These funds would be available upon application approved by the Secretary of the Interior, which application would show, among other things, the need for the knowledge which the project would be expected to produce and the opportunity that the project provides for training of engineers and scientists.

The bill contains provisions assuring that the results of research will be published and programs will be coordinated in order that the solutions to mining and mineral resources problems involved will be disseminated. Specific requirements and controls upon the qualifications for fund receipt and upon fund use are set forth within this legislation to ensure that the objectives of the legislation are met.

This bill also provides for the appropriation of $10 million in fiscal year 1973, to be increased by $2 million annually for the next succeeding 5 years for grants to or contracts with other educational institutions, Federal, State or local government agencies and private organizations to conduct research into mining and mineral resource problems related to the mission of the Department of the Interior which are desirable and which are not otherwise being studied. The Secretary of the Interior is to prevent duplication of effort and to utilize existing facilities wherever practicable in this regard.

Specific provisions are contained in the bill providing for Federal and State interagency cooperation and coordination; providing for a central "clearinghouse" for resulting information; for Presidential clarification of agency responsibility where uncertainty may arise; for the establishment of an advisory committee; and for the protection of patent rights in the interest of national defense.

The cost of all this is not going to be cheap—but neither is it as expensive as letting things go on and trusting to wishful thinking to provide the minerals and mining technology that we will need within the predictable future. It is conceivable that the maximum annual cost of the projects envisioned by this legislation, after the 6th year, could reach $45.5 million. As is stated in the committee's report, a more realistic appraisal will be far short of that figure. Several States may not wish to participate; the ability of States to match, dollar for dollar, will be limited by State allocation of priorities—and that is as it should be.

This bill has been thoroughly and carefully considered by the Committee on Interior and Insular Affairs. It has my support and I urge the support of my colleagues for its passage.

Mr. ZWACH. Mr. Chairman, I am pleased to lend my support today to the passage of H.R. 6788, which would establish mining and mineral research centers and would promote a national program of mining and minerals research.

The United States comprises 6 percent of the world's total population, yet we consume one-third of its minerals. We are facing an acute situation because of the growing demand for these nonrenewable resources, while at the same time, lagging in our attempts and technology for economic production and to conserve our resources.

I am especially pleased by the fact that this will result in stepped up research in manganese and other ores on the ranges in Minnesota.

Mr. McDADE. Mr. Chairman, I rise in support of H.R. 6788, a bill which I was pleased to introduce as a cosponsor and urge its passage by the House. Before commenting on its contents, I wish to commend the chairman of the House Interior Committee, Mr. ASPINALL, the ranking minority member, Mr. SAYLOR, and the chairman of the Subcommittee on Mines and Mining, Mr. EDMONDSON, for their diligence and quick action in bringing this bill to the floor for our consideration.

Mr. Chairman, those of us who have had the opportunity to study the increasing energy demands upon our country cannot help but be shocked at the burgeoning scope of those demands. We cannot also help but be shocked at the lag in Government-sponsored mineral research to meet this crisis.

Today, the United States contains 6 percent of the world's population, yet we consume 33 percent of its minerals. Our per capita consumption is five times that of the world's average. The situation is getting worse, too. Between now and the year 2000 our mineral consumption will quadruple, and our energy demands will triple. But, because we are so ill prepared, we are becoming increasingly dependent on foreign supplies.

In the rush to meet this challenge head on, our Nation is caught in a slow-moving, dangerously inadequate commitment to mineral technology and mineral research. This Nation was once a leader in the field of mineral technology. However, since the end of World War II, the industrial research at the heart of this technology has lagged. Many of our present resource recovery techniques are relics of the past. We are not finding petroleum reserves to keep pace with our increased demand. We are 10 years behind where we should be in the technology needed to produce synthetic and liquid fuels from alternate sources.

A key contributing factor in this technological lag is the lack of adequately trained technical manpower. The last 10 years have seen a decrease in the number of mining schools in this Nation from 26 to 17. The number of graduating mining engineers has decreased from 239 in 1960 to 114 this past year. Similarly disturbing trends are found among graduating petroleum engineers, metallurgists, and geologists. By 1985, 40,000 new mineral specialists will be needed to maintain the present workforce of 70,000 specialists. However, at the present rate, only 20,000 will be trained.

To meet these and other related problems, 2 years ago the Congress passed the National Mining and Minerals Policy Act of 1970. This bill, H.R. 6788, will implement the worthy goals set forth in that policy statement.

Funds authorized by this bill will total 10 million for fiscal year 1973, increasing by 2 million annually for 5 years, reaching a continual funding level of $20 million annually. Each State or institution desiring to participate would be eligible for $500,000 in full matching funds to maintain a mining and minerals research institute. What will these funds do? Student enrollment in mines and mineral-related programs will increase. The quality and variety of mineral research programs should improve. With a guaranteed Federal commitment, we can assure a solid future for mineral resources education.

The committee has modified the original bill somewhat to include tax-supported educational institutions as well as land-grant colleges. Both would be eligible for assistance under this bill. The committee also made clear that Federal funds are to be used only for problems of major significance to the mining and minerals industry.

Mr. Chairman, the entire field of mineral research has been badly neglected. While research support for nearly every national need from agriculture to health care has been strengthened, mineral research has become the stepchild of our time. With the passage of this bill, we are bringing mineral and mines technology to an even footing with other research disciplines. If we are to meet this Nation's energy demands, if we are to develop a sound policy of developing and using our Nation's minerals, we need the passage of this bill.

I urge its adoption.

Mr. VANIK. Mr. Chairman, I share the concern of the gentleman from West Virginia, the Honorable KEN HECHLER, when he states that this legislation completely ignores environmental research and the training of personnel qualified to solve environmental problems.

This bill is a supplement to the Mining and Minerals Policy Act of 1970 (Public Law 91-631) which claimed as one of its major priorities minerals and metals reclamation, as well as mined land reclamation to lessen any adverse environmental impacts of mineral extraction and processing. Why, then, does this bill completely ignore the question of environmental research and the training of personnel qualified to solve environmental problems?

Since this bill will greatly aid the research and development efforts of private industry in mining and mineral industries, will there be a proportionate increase in the meager royalties the Federal Government receives on mineral land leases?

I am also concerned that this bill does not make any provision for research into future sources of energy, an area in which only $10 million is being spent by the National Science Foundation even though our fossil fuels of oil, natural gas, and coal are being rapidly depleted.

Since utility companies are major users of the minerals developed in this program, it is time to insist that the utility companies of America develop adequate research programs. In 1970, the utility companies of America spent $400 million in advertising and only $46 million on research.

It is time to insist upon a partnership in research—substantial contribution is due by the extraction industries and the utility companies of America.

Mr. SAYLOR. Mr. Chairman, it is an honor to be associated with the distinguished chairman of the House Interior and Insular Affairs Committee, other Members of that body, our colleagues from the Interior Appropriations Subcommittee, members of the Education and Labor Committee, Members of the other body, and additional cosponsors of H.R. 6788, H.R. 10950, and S. 635, who bring before the House measures that realistically face a crisis and resolutely maps a practical solution.

It is not often that we can say with

confidence that our work in this House will "solve" a problem; nevertheless, passage of H.R. 6788 will lead to the solution of a very large problem facing our Nation.

I know it is not fashionable to say that we have a "solution" to anything; perhaps my enthusiasm for this piece of legislation should be tempered with an additional comment, to wit: We have a "solution" for a current crisis and, with any luck and cooperation from the States and various educational institutions, we will head off further crises caused by the shortages of technologically trained manpower for the mining and mineral industries of the United States.

That, in brief, is what H.R. 6788 and its companion measures seek to accomplish. No more and no less. This piece of legislation acknowledges, grapples with, and overcomes the disastrous trend we have witnessed over the past two decades of a declining technological manpower base for our critical, basic, mineral industry.

Is it possible, one might ask, that I am overstating the case because of "pride of authorship"? I am indeed proud to have been involved with the creation of the legislation from the start, but the statistics prove beyond reasonable doubt that our national mineral industry faces a crisis of major proportions.

The number of mineral schools has decreased from 26 to 17 in only 10 years.

During that same period, the number of mining engineers graduated annually has dropped from 239 in 1960 to a low of 114 this past year.

Twenty years ago, nearly 500 mining engineers were coming into the industry each year. During the 1950's, American universities and colleges graduated approximately 2,000 mineral specialists each year. During 1967, only 1,350 minerals specialists were graduated.

Were the country and the Congress to allow the trend to continue, the effect on the total national interest would be incalculable.

Mr. Chairman, I do not apologize for speaking in dramatic terms. The crisis facing the mineral industry is infinitely more serious than the "crisis" we acknowledged back in the late 1950's when the U.S.S.R. sent the first sputnik "beeping" over our country. Because of sputnik, we launched the Mercury, Gemini, and Apollo programs. The Nation went on a "crash program" to demonstrate a technological superiority in the exciting new space sciences. We succeeded beyond our wildest dreams.

But consider this fact: What has our space program, and especially the Apollo program, brought back to earth for study and evaluation? Rocks, minerals, and mineralogical data. Yes, there have been other "spinoffs" of the space program in various fields of science, medicine, materials manufacture, information systems, and the like, but the fact remains that the guts of the space program has been to expand man's knowledge and the critical line of inquiry is the study of the moon's rocks and minerals. I do not believe I have overstressed the comparison of the space program to the mining and mineral research program contemplated by H.R. 6788. The "crisis" situation is obvious; unfortunately, too few in the Nation have seen it as such.

With regard to mining and mineral research here on earth and especially in the United States, there has been an atmosphere of, "we'll muddle through somehow." Who? When?

There are many alarms being sounded and a variety of fears for the future are currently in vogue, some are real and some imagined. However preoccupied we become with these concerns, the fact remains that the foundations of this society rest upon its agricultural, mineral, and human resources.

We have for a hundred years invested wisely and generously in agriculture. We have for 200 years sought to improve the human lot and extend the intellect and productivity of man.

On the other hand, for 200 years we have acted as if our mineral resources would never be expended and as if we thought that the technology to extend them to meet the needs of the future would spring from the ashes of our furnaces.

We are rapidly exhausting our better mineral deposits. We have ravished the land by our crude techniques of removing them. We are not exploring for new ones or improving our ability to extract useful materials from poorer grade minerals at a pace that will enable us to keep up with the demand for materials. We have instead, become more and more dependent upon foreign sources of minerals of all kinds. As one example: Soviet policy in the Middle East is based largely upon oil and the internal mineral policies adopted by nations all over the world will increasingly affect the availability of mineral resources essential to our economic strength.

Within the next decade we have some hard choices to make. We can, if we choose, become more nearly self-sufficient in mineral resources and at the same time preserve the quality of our environment. We can try to use coercion on our suppliers to keep minerals flowing into the country. We could be forced to submit to foreign domination, because of foreign control over the basic resources we need. There are, of course, many who would have the United States return to an agrarian society with a reduced standard of living, thus decreasing our need for the resources of Mother Earth.

The logical choice of the alternatives listed above is the first: We must become more nearly self-sufficient in mineral resources. Following that—if we fail to support acceleration of research and education in the mineral sciences and engineering is to accept the gloomy forecasts of the doomsayers. Research and education are long term investments. We cannot start a "crash" program in mining and mineral education on the day our foreign supplies of minerals are cut off.

H.R. 6788 does not project a crash program; it is a long-term, realistic program to make sure the day never comes to America when we are at the mercy of others, because of a lack of minerals and/or an equally disastrous lack of trained manpower to properly extract minerals.

Every State in the Union has mineral problems peculiar to it and State regulations which take cognizance of these peculiar conditions. Geology and differing economic structures and social patterns make it necessary to tailor research and education in mineral exploration, extration, and conservation to the needs of each State. It is essential that legislation setting up centers for research and education recognize these differences.

Where centers of educational expertise already exist, they should be strengthened, but no State should be prevented from establishing such a center as its needs dictate.

Changing mineral needs and economic facts of life have caused and will continue to cause new problems in extraction processing, and environmental protection. No State should be without the intellectual and technical resources to cope with the problems peculiar to its geological and social setting.

Before concluding, I want to specifically acknowledge the part that my colleague, Congressman JOHN H. DENT, played in bringing this bill to the floor of the House. The bill originally was introduced during the first session of this Congress as H.R. 3492 and since it laid greater stress on the educational aspects of the bill, it was referred to the Committee on Education and Labor.

After consultation with scientists from schools involved, with representatives of the U.S. Bureau of Mines, and with Congressman DENT, I introduced H.R. 6788 which we are now considering. This legislation stresses the research needs of our mineral industries and was naturally referred to the House Committee on Interior and Insular Affairs where Chairman ASPINALL and other members recognized the critical nature of the legislation to the problems our Subcommittee on Mines and Mining, and the whole committee, are constantly grappling with. Subsequently, our committee held hearings on the legislation late last year, receiving testimony from experts from the mining and mineral industry, educational institutions, and the Government. We felt then, and do now, that the matter of our future mining and mineral industry was so important to the Nation that our particular expertise should be applied to the examination of the implications of the legislation.

As our colleagues know, Congressman DENT'S bill was incorporated into the Higher Education Act which is now in conference. I want to commend Mr. DENT for generously requesting that his colleagues in the conference committee delete his mineral research bill in favor of the legislation we are discussing today. By his act of conviction, Congressman DENT has, I believe, insured passage of the legislation and I wanted to give him full credit for the part he played in the preparation and support of this measure.

Mr. Chairman, I wish to state in summary that the United States was once the leader in mineral technology, but since World War II industrial research and development have lagged to the point where the domestic industry has produced few new minerals recovery process and techniques, and has turned to other countries for ideas and processes.

It is time to turn the trend around. We must reverse the trend.

I do not expect the Nation nor the intellectual community, nor the press, to rise up in vociferous support of our request here today as they did when Sputnik entered the language, but I submit that the issue and challenge to the United States is just as great. I do expect the Congress of the United States to recognize its responsibility to lead the country with regard to forestalling a mining and mineral disaster.

The mining and mineral research centers bill before you now is farseeing, yet practical, legislation. It is in the national interest that it become law.

Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the bill by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Mining and Minerals Resources Research Act of 1971".

(b) In recognition of the fact that the prosperity and future welfare of the Nation is dependent in a large measure on the sound exploration, extraction, processing, and development of its unrenewable mineral resources, and in order to supplement the Act of December 31, 1970, Public Law 91–631, commonly referred to as the Mining and Minerals Policy Act of 1970, the Congress declares that it is the purpose of this Act to stimulate, sponsor, provide for and/or supplement present programs for the conduct of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the fields of mining, mineral resources, and technology.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 4, strike out "1971'." and insert "1972'.".

The committee amendment was agreed to.

AMENDMENTS OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I have three amendments at the desk which I ask unanimous consent to be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. HECHLER of West Virginia.

Page 1, line 5, strike all through the period on page 2, line 9, inclusive; and insert in lieu thereof the following:

"(b) The Congress, in recognition of the impact of mineral exploration and development on the health and safety of persons working in the minerals industries and on the natural environment, and in recognition of the fact that the prosperity and future welfare of the Nation is dependent, in large measure, on the sound exploration, extraction, processing, and development of its unrenewable mineral resources, declares that it is the purpose of this Act to assist in assuring the Nation, at all times, of an adequate supply of mineral engineers and scientists:

"(1) for the minerals industries engaged in research, investigations, experiments, demonstrations, exploration, extraction, processing, developing, and production of such resources consistent with the need to protect the health and safety of persons and to protect and enhance the environment; and

"(2) for the public agencies concerned with such industries, with the health and safety of persons working in such industries, and with the protection and enhancement of the environment.".

Page 4, line 7, after the word "provide" insert a comma and the following: "in accordance with the purpose of this Act,".

Page 14, line 3, strike the period and insert therein the following: "and its impact on health and safety and the environment."

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia that the amendments be considered en bloc?

Mr. EDMONDSON. Mr. Chairman, reserving the right to object, I assume that having the business if a unanimous-consent request intervening will not prevent a point of order being made against the three amendments?

The CHAIRMAN. No, it would not.

Mr. EDMONDSON. I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia that the amendments be considered en bloc?

There was no objection.

POINT OF ORDER

Mr. EDMONDSON. Mr. Chairman, I would like to state a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. EDMONDSON. Mr. Chairman, I make a point of order against the amendments offered by the gentleman from West Virginia on two principal grounds: First, the gentleman's amendments would change substantially and very completely the basic purpose of the legislation, which is "to establish mining and mineral research centers, to promote a more adequate national program of mining minerals research, to supplement the act of December 31, 1970, Public Law 91–631, commonly referred to as the Mining and Minerals Policy Act of 1970, the Congress declares that it is the purpose of this act to stimulate, sponsor, provide for and/or supplement present programs for the conduct of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the fields of mining, mineral resources, and technology."

The gentleman from West Virginia has declared that, rather than having this basic research purpose, it is the purpose of this act to assist in assuring the Nation at all times of an adequate supply of mineral engineers and scientists, which is a totally different and substantially different purpose than that stated in the act.

Furthermore, I make a point of order against the amendment, because the gentleman has made the principal thrust of his amendments the development of health and safety of persons working in the minerals industries, and he has restated the health and safety of persons in such industries at two points in the amendment which he has offered.

Paragraph No. 689 of rule XI, which outlines the jurisdiction of the various committees, defines the jurisdiction of the Committee on Education and Labor to include the wages and hours of labor and the welfare of the miners.

Paragraph 702 of the same rule defines the jurisdiction of the Committee on Interior and Insular Affairs, stating that that jurisdiction extends to "mineral land laws and claims and entries thereunder; mineral resources of the public lands; mining interests generally; mining schools and experimental stations." But you will note in the note directly under the section 703 the statement appears—

> The subject of welfare of men working in mines formerly under the jurisdiction of a Committee on Mines and Mining, which committee was absorbed by the Committee on Interior and Insular Affairs, was vested in the Committee on Education and Labor by the Reorganization Act (60 Stat. 812).

If this House wants to put the health, safety, and welfare of miners within the jurisdiction of the Committee on Interior and Insular Affairs, I am perfectly willing to accept the decision, and I think the committee would try to do a good job with it. But the rules have not placed it there, and I do not think by this amendment the committee should be moved into an area not within its jurisdiction.

The CHAIRMAN. Does the gentleman from West Virginia desire to be heard on the point of order?

Mr. HECHLER of West Virginia. I do, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, according to the gentleman from Oklahoma, the amendments would substantially change the basic purpose of the basic legislation, H.R. 6788. On the contrary, it would merely expand the purpose of the bill and include those aspects of health, safety and environment which deserve equal emphasis.

It will be recalled that on the 4th of November 1971, the gentleman from Oklahoma (Mr. EDMONDSON) raising a point of order against the higher education bill, said the subject matter of that bill, and a similar bill, S. 635, which also authorized grants to establish mineral research institutes, should be under the jurisdiction of the Committee on Interior and Insular Affairs.

In ruling on the point of order which the gentleman from Oklahoma raised on the 4th of November 1971, the temporary chairman, Mr. BOLAND of Massachusetts, indicated—

> To be sure, the Committee on Interior and Insular Affairs has jurisdiction under Clauses 10(k) and (l) of Rule XI over measures relating to mining schools and mining interests.

At that time the Chair said that the Speaker had properly referred the bill to the Committee on Education and Labor, and therefore since it was properly referred, it was within the jurisdiction of that committee, and he overruled the point of order.

It is my understanding that the Speaker referred, under rule XI, H.R. 6788 to the House Committee on Interior and Insular Affairs. That bill, the bill we are presently considering, provides, among other things, the training of engineers and scientists at mining schools, colleges, and universities. It also provides for the conduct, research, experiment, and demonstrations with regard to mining. As the gentleman from Oklahoma said in the CONGRESSIONAL RECORD, volume 117, part 30, page 39264, both of those subjects are matters within the jurisdiction of the Committee on Interior and Insular Affairs.

I think it would be a terrible travesty on the legislative process to rule at this point that we cannot extend the basic purpose of this bill beyond production in order to protect and to train others in the protection and health and safety of those who work in the minerals industry.

The CHAIRMAN (Mr. REES). The Chair is prepared to rule. The gentleman from Oklahoma makes the point of order that the amendment offered by the gentleman from West Virginia (Mr. HECHLER) is not germane to the bill. The purpose of the bill, as stated on page 2, lines 3 through 9, is to encourage programs for the conduct "of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the field of mining, mineral resources, and technology."

The amendment would change the statement of purpose contained in the bill to one primarily oriented toward the training of engineers and scientists. The amendment would also introduce into this statement of purpose the subject matter of the health and safety of miners and—as the Chair reads the amendment—would declare it to be part of this purpose to assure an adequate supply of mineral engineers and scientists for "the public agencies concerned—with the health and safety of persons working in such industries," meaning the mining and mineral resource industries.

The subject of the health and safety of miners is, of course, placed by the rules of this House under the jurisdiction of the Committee on Education and Labor. The training of scientists primarily concerned with this particular subject could also fall under that jurisdiction.

For these reasons, the Chair holds that the amendment is not germane and sustains the point of order.

Mr. EDMONDSON. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time—and it will only be a minute—to say that while the Chairman has upheld the point of order made a moment ago, it is the feeling of this member of the Interior Committee, and I think of practically every member of the Interior Committee, that the council which is named to advise the Secretary of the Interior in connection with this program should certainly include people with a great level of competence and with a great level of experience in the field of mining safety, and that they should have at all times in mind in connection with their programs in research the development of additional safety in the mines.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield on that point?

Mr. EDMONDSON. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I commend the gentleman from Oklahoma on the statement he has just made, because I think the history of the Bureau of Mines certainly demonstrates we do not have to give them any further encouragement to cause them to put a greater degree of emphasis on production. It is important that Congress repeatedly emphasize to the Bureau of Mines that they must pay more attention to the health and safety of miners as well as environmental considerations. I say to the gentleman from Oklahoma I am most appreciative of the remarks he has made.

Mr. EDMONDSON. Mr. Chairman, I have been disappointed in the level of successful effort by the Bureau of Mines in the inspection field. I think I share deeply with the gentleman the sense of sorrow over the tragedies that have occurred in our mines, some of which I am quite sure would have been averted by adequate inspection by the Bureau of Mines. I commend the gentleman for his continued effort in this field.

Mr. HECHLER of West Virginia. Mr. Chairman, I am pleased with the comment of the gentleman from Oklahoma.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Michigan.

Mr. ESCH. Mr. Chairman, I was going to rise in support of the amendment offered by the gentleman from West Virginia. I do appreciate the indication of the chairman of the committee that safety will be an inherent part of the work done under this bill.

Mr. Chairman, these perfecting amendments would have recognized our continuing concern for the interdisciplinary nature of problems facing mineral engineers. In my work on the Science and Astronautics Committee it has become evident to me that we must look to solving scientific problems from many points of view. Thus mineral engineers should broaden their range of study to include the human and environmental issues involved in mining and mining processes.

It seems important to me in light of continued congressional concern expressed in the Federal Metal and Nonmetalic Safety Act that the bill as presently written does not include additional funding for desperately needed health and safety curriculums in mining and engineering schools. The bills as presently written are more concerned with the problems of production and extraction of minerals than with the environmental and health related aspects which go into all mining operations. I believe we needed a balance and these amendments will do just that.

I commend the gentleman from West Virginia for his continued concern in this area and regret the ruling of the Chair.

Mr. HECHLER of West Virginia. Mr. Chairman, I thank the gentleman from Michigan for his support and the cogent arguments he has made.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—STATE MINING AND MINERAL RESOURCES RESEARCH INSTITUTES

SEC. 100. (a) There are authorized to be appropriated to the Secretary of the Interior for the fiscal year 1972, and for each succeeding fiscal year thereafter the sum of $500,000 to assist each participating State in establishing and carrying on the work of a competent and qualified mining and mineral resource research institute, center, or equivalent agency (hereinafter referred to as "institute") at one college or university in that State, which college or university shall be a college or university established in accordance with the Act approved July 2, 1862 (12 Stat. 503), entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts" or some other institution designated by Act of the legislature of the State concerned: *Provided*, That (1) such moneys when appropriated shall be made available to match, on a dollar for dollar basis, non-Federal funds which shall be at least equal to the Federal share to support the institute; (2) if there is more than one such college or university in a State, established in accordance with said Act of July 2, 1862, funds under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to the one such college or university designated by the Governor of the State to receive the same subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this Act; (3) two or more States may cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; and (4) a designated college or university may, as authorized by appropriate State authority, arrange with other colleges and universities within the State to participate in work of the institute.

(b) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college or university with which it is affiliated to conduct competent research, investigations, demonstrations, and experiments of either a basic or practical nature, or both, in relation to mining and mineral resources and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. Such research, investigations, demonstrations, experiments, and training may include, without being limited to, exploration; extraction; processing; development; production of mineral resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social engineering, recreational, biological, geographic, ecological, and other aspects of mining, mineral resources, and mineral reclamation, having due regard to the interrelation on the natural environment, the varying conditions and needs of the respective States, to mining and mineral resource research projects being conducted by agencies of the Federal and State governments, and others, and to avoid any undue displacement of mineral engineers and scientists elsewhere engaged in mining and mineral resources research.

SEC. 101 (a) There is further authorized to be appropriated to the Secretary of the Interior for fiscal year 1972, and the four succeeding fiscal years thereafter the sum of $5,000,000 annually, which shall remain available until expended. Such moneys when appropriated shall be made available to institutes to meet the necessary expenses of specific mineral research and demonstration projects of industrywide application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional mining and mineral resources research projects by two or more institutes.

(b) Each application for a grant pursuant to subsection (a) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the estimated cost, the importance of the project to the Nation, region, or State concerned, and its relation to other known research projects theretofore pursued or being pursued, and the extent to which it will provide opportunity for the training of mining and mineral engineers and scientists, and the extent of participation by nongovernmental sources in the project. No grant shall be made under said subsection (a) except for a project approved by the Secretary of the Interior, and all grants shall be made upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mineral engineers and scientists.

SEC. 102. Sums available to the States under the terms of sections 100 and 101 of this Act shall be paid to their designated institutes at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. The Secretary may designate a certain proportion of the funds authorized by section 100 of this Act for scholarships, graduate fellowships, and postdoctoral fellowships. Each institute shall set forth its plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields; set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this title, and in no case supplant such funds; have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary on or before the 1st day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this Act during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this Act shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

SEC. 103. Moneys appropriated pursuant to this Act, in addition to being available for expenses for research, investigations, experiments, and training conducted under authority of this Act, shall also be available for printing and publishing the results thereof and for administrative planning and direction. The institutes are hereby authorized and encouraged to plan and conduct programs under this Act in cooperation with each other and with such other agencies and individuals as may contribute to the selection of the mining and mineral resources problems involved, and moneys appropriated pursuant to this Act shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

SEC. 104. The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this Act and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall require a showing that institutes designated to receive funds have, or may reasonably be expected to have, the capability of doing effective work. The Secretary shall furnish such advice and assistance as will best promote the purposes of this Act, participate in coordinating research initiated under this Act by the institutes, indicate to them such lines of inquiry as to him seem most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

On or before the 1st day of July in each year after the passage of this Act, the Secretary shall ascertain whether the requirements of section 102 have been met as to each State, whether it is entitled to receive its share of the annual appropriations for mining and mineral resources research under section 100 of this Act, and the amount which it is entitled to receive.

The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this Act. The Secretary's report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

SEC. 105. Nothing in this Act shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education at any college or university.

TITLE II—ADDITIONAL MINING AND MINERAL RESOURCES RESEARCH PROGRAMS

SEC. 200. There is authorized to be appropriated to the Secretary of the Interior $10,000,000 in fiscal year 1972, increasing $2,000,000 annually for five years, and continuing at $20,000,000 annually thereafter from which the Secretary may make grants, contracts, matching, or other arrangements with educational institutions; private foundations or other institutions; with private firms and individuals; and with local, State, and Federal Government agencies, to undertake research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior, which may be deemed desirable and are not otherwise being studied. The Secretary shall, insofar as it is practicable utilize the facilities of institutes designated in section 100 of this Act to perform such special research, authorized by this section, and shall select the institutes for the performance of such special research on the basis of the qualifications of the personnel who will conduct and direct it, the nature of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training individuals as mineral engineers and scientists.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 300. The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with mining and mineral resources of State and local governments, and of private institutions and individuals, to assure that the programs authorized in this Act will supplement and not duplicate established mining and minerals research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive, nationwide program of mining and minerals research. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this Act, in addition to any direct publication of information by the institutes themselves.

SEC. 301. Nothing in this Act is intended to give or shall be construed as giving the Secretary of the Interior any authority or surveillance over mining and mineral resources research conducted by any other agency of the Federal Government, or as repealing, superseding, or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with mining and mineral resources.

SEC. 302. Contracts or other arrangements for mining and mineral resources research work authorized under this Act with an institute, educational institution, or nonprofit organization may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior, advance payments of initial expense are necessary to facilitate such work.

SEC. 303. No part of any appropriated funds may be expended pursuant to authorization given by this Act for any scientific or technological research or development activity unless such expenditure is conditioned upon provisions determined by the Secretary of the Interior, with the approval of the Attorney General, to be effective to insure that all information, uses, products, processes, patents, and other developments resulting from that activity will (with such exception and limitation as the Secretary may determine, after consultation with the Secretary of Defense, to be necessary in the interest of the national defense) be made freely and fully available to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activity of any rights which that owner may have under that patent.

SEC. 304. There shall be established, in such agency and location as the President determines to be desirable, a center for cataloging current and projected scientific research in all fields of mining and mineral resources. Each Federal agency doing mining and mineral resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for general use a catalog of mining and mineral resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of government, colleges, universities, private institutions, firms, and individuals as voluntarily may make such information available.

SEC. 305. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal mining and mineral resources research and provide for inter-agency coordination of such research, including the research authorized by this Act. Such coordination shall include (a) continuing review of the adequacy of the Government-wide program in mining and mineral resources research, (b) identification and elimination of duplication and overlap between two or more agency programs, (c) identification of technical needs in various mining and mineral resources research categories, (d) recommendations with respect to allocation of technical effort among the Federal agencies, (e) review of technical manpower needs and findings concerning management policies to improve the quality of the Government-wide research effort, and (f) actions to facilitate interagency communication at management levels.

SEC. 306. (a) The Secretary of the Interior shall appoint an Advisory Committee on Mining and Minerals Resources Research composed of—

(1) the Director, Bureau of Mines, or his delegate, with his consent;

(2) the Director of the National Science Foundation, or his delegate, with his consent;

(3) the President, National Academy of Sciences, or his delegate, with his consent;

(4) the President, National Academy of Engineering, or his delegate, with his consent; and

(5) such other persons as the Secretary may appoint who are knowledgeable in the field of mining and mineral resources research.

(b) The Secretary shall designate the Chairman of the Advisory Committee. The Advisory Committee shall consult with, and make recommendations to, the Secretary of the Interior on all matters involving or relating to mining and mineral resources research. The Secretary of the Interior shall consult with, and consider recommendations of, such Committee in the conduct of mining and mineral resuorces research and the making of any grant under this Act.

(c) Advisory Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing Committee business, entitled to receive compensation at a rate fixed by the appropriate Secretary but not in excess of the maximum rate of pay for grade GS–18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

Mr. EDMONDSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, line 13, strike out "1972," and insert "1973,".

Page 2, line 15, strike out $500,000 to assist each participating State" and insert "$500,000 for each participating State, to assist it".

Page 2, line 21, after the words "shall be" strike the remainder of the line and the language through "concerned:" on page 3, line 2 and insert in lieu thereof "the tax supported school of mines or a tax supported college or university having an administrative unit such as a school or department wherein education and research are being carried out in the minerals engineering fields:".

Page 3, line 10, after "State," strike out "established in accordance with said Act of July 2, 1862,".

Page 4, line 4 after "experiments" insert "on mineral resource problems having industry-wide application,".

Page 4, line 25, strike out "1972," and insert "institutes".

Page 6, line 2, strike out "the States" and insert "institutes".

Page 6, line 4, strike out "to their designated institutes".

Page 7, line 17, strike out "section" and insert "solution".

Page 8, line 17, strike out "State," insert "State." and strike all of lines 17, 18, 19 and 20.

Page 9, line 13, strike out "1972," and insert "1973,".

Page 9, line 18, after "institutions" insert a semi-colon.

Page 14, following line 22, insert a new section as follows:

Sec. 307. As used in this Act, the term "State" includes the Commonwealth of Puerto Rico.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Quie: Page 2, strike out line 10 and all that follows down through and including line 24 on page 3 and insert in lieu thereof the following:

"TITLE I—MINING AND MINERAL RESOURCES RESEARCH INSTITUTIONS

"Sec. 100. (a) The Secretary of the Interior is authorized to make grants, in accordance with the provisions of this title, to not more than twenty colleges and universities as he may select in the United States and the Commonwealth of Puerto Rico, to establish and carry out the work of a competent and qualified mining and minerals research institute, center, or equivalent agency (hereinafter referred to as an "institute"). Each college or university selected shall be a tax supported college or university having an administrative unit, such as a school or department, wherein education and research are being carried out in the minerals engineering fields. Colleges or universities selected under this subsection are encouraged to cooperate with other such colleges and universities in participating in the work of the institute, and shall be selected so as to serve the needs of the region in which such institute is located.

"(b) There are authorized to be appropriated to the Secretary of the Interior for grants under this section, for the fiscal year ending June 30, 1974, and for each succeeding fiscal year thereafter, such sums, not exceeding $500,000 for each institute, as may be necessary to pay the estimated yearly cost of establishing or carrying out the work of each such institute. Such sums shall be made available to match, on a dollar for dollar basis, non-Federal funds which shall be at least equal to the Federal share to support such institute".

Page 3, line 25, strike out "(b)" and insert in lieu thereof "(c)".

Page 6, beginning on line 6, strike out "The Secretary may designate a certain proportion of the funds authorized by section 100 of this Act for scholarships, graduate fellowships, and postdoctoral fellowships.".

Page 7, line 6, strike out "State" and insert in lieu thereof "institute".

Page 7, line 8, strike out "any institute of such State" and insert in lieu thereof "such institute".

Page 8, line 20, strike out "State." and insert in lieu thereof "institute.".

Page 8, line 23, strike out "in all States".

Page 9, line 1, strike out "State" and insert in lieu thereof "institute".

Mr. QUIE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. EDMONDSON. Reserving the right to object, Mr. Chairman, I would like to have a copy of the amendment.

Mr. QUIE. I have another copy.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. QUIE. Mr Chairman, if the gentleman from Oregon (Mr. Dellenback) had been here, he would have offered this amendment, and that is why, I say to the chairman, his name appears on the copy I have given to you. But he has to remain in Oregon. Therefore, he asked me if I would offer the amendment for him.

As my colleagues know, in the higher education bill that passed the House, we provided for 10 regions. However, in looking at this and at subsequent information with the provision of the 16 institutions that now could qualify, we felt it would be asking too much for us to limit this to 10 institutions on a regional basis. Undoubtedly, since the States committed their own efforts to 16 of them, those institutions would want to benefit from this program and establish an institute to conduct the kind of research that is necessary for us to understand and know what we will be doing in mining and mineral resource development. Therefore we set the figure at 20.

The authorization of the amount per institute is the same as in the committee bill.

As I had indicated earlier, it removes the authority for the fellowships in section 102, which is just one line in the bill, because we included and let remain in the higher education bill the authority for fellowships in which we set aside $1 million for that purpose.

As I have indicated earlier, this provides for fellowships in the whole area of mineral education, including all minerals that we produce in this country.

Mr. Chairman, since I have talked on this general debate before, I do not want to take up any more of your time. I will be glad to yield for any questions you might have, but since you understand the situation, I think we can bring it to a vote.

Mr. KYL. Will the gentleman yield?

Mr. QUIE. I am glad to yield to the gentleman from Iowa.

Mr. KYL. I thank the gentleman for yielding.

First of all, your general idea is that you could have regional centers rather than centers by States, but because we have presently centers of learning in this particular field which are adjacent, this would first of all be a modification of your regional idea, would it not?

Mr. QUIE. That is correct. The original concept was to have 10 centers, and this is a modification.

Mr. KYL. Now we come up with 20 centers. Is that kind of an arbitrary figure?

Mr. QUIE. It is arbitrary to some extent, I imagine, but not totally. There are regions of the country that ought to be covered, but the present institutions cover most of those regions. Therefore, we felt the four additional ones were all that were necessary now to make certain that there would be regional efforts throughout the United States. We could have said 21, I imagine.

Mr. KYL. Will the gentleman yield further?

Mr. QUIE. Yes.

Mr. KYL. There is nothing in the bill that says a State has to do this job, is there?

Mr. QUIE. No. That is true. You are correct. There is nothing that states the State will have to do it, and of course, the State has to pick up the matching money before they can do it. But it would be unwise to encourage States to involve themselves in this, assuming every State ought to do it. It ought to be on a regional basis, because with the mobility of students now, there is no problem in their attending other institutions.

I know the committee bill has it in mind where there is language occurring and the two go together in the committee bill.

Mr. KYL. Will the gentleman yield further?

Mr. QUIE. I am glad to yield.

Mr. KYL. I thank the gentleman for making that last point, because it does permit States to give it.

Can the gentleman cite one State of these United States in which there is not an institution which in some way deals with the sophistications that are covered by this bill? This would include recycling and the legal aspects as well as the social aspects.

Is there one State in the Union which does not have a university which does not deal with some of these aspects?

Mr. QUIE. I do not know what work the universities are doing with reference to these aspects, but I know they are involved with many facets of this question.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Michigan.

Mr. ESCH. In answer to the gentleman from Iowa as to why we should have a specific number and why we should limit it to 20 is because we have very limited funds. We want to target in on those meaningful institutions and not have a shotgun approach for everyone in every State going into these research programs.

The intention of this amendment is to do just that, to go to those institutions which are primarily concerned and have the expertise and add and supplement to it and to target the funds into those areas so we can have adequate research.

Mr. EDMONDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not know how your State feels with reference to this regional business, but Oklahomans are getting so tired of going to Texas in order to do business with the Federal Government that it is getting to be unbearable.

If you are in one of those States that does not have the largest city in the four-State area, you are confronted with the same situation of having to drive or fly 300 or 400 or 500 miles to another State to do some business with the Federal Government.

We have at this time in the Nation 36 States that have institutions that conceivably could qualify under this program of dollar matching for funds for a minerals research program.

Why would we say under any kind of an amendment that 20 of your 36 States can have one of these programs and 16 of those cannot? Who is going to make that decision? The Secretary of Interior? Do you want him to decide that it will be the State next to you and your State is not qualified?

We say let every State that has one of these institutions and which wants to get into the minerals research field, let every State have an equal opportunity to put up its money and match the Federal dollars in carrying out this kind of program.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. Yes, I yield to the gentleman from Michigan.

Mr. ESCH. I appreciate the gentleman yielding.

I think the point is that mining processes and safety know no State boundaries. It is a national problem.

What we are attempting to do in this bill is not reflective of State jurisdiction but rather the funds will be used to develop on a national basis in the mining industry both in terms of safety and production in research.

Mr. EDMONDSON. Would the gentleman be happy if his fine school which is located in his State did not get one of these centers but that instead it went to Illinois?

Mr. ESCH. I would like to see those institutions with the highest degree of expertise receive these funds.

Mr. EDMONDSON. And, if there are 36 of them that have a good basis for this kind of program, are you just going to eliminate 16 of them?

Mr. ESCH. I am suggesting that the testimony before the full committee indicates that there are only 16 rather than the 36.

Mr. EDMONDSON. At least 36 institutions have accredited curriculums, leading to first degress in 1970 and I think every university of this category should have a chance to participate.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from California.

Mr. BURTON. I join with the distinguished chairman of the subcommittee (Mr. EDMONDSON) in his remarks.

I happen to serve both on the Committee on Education and Labor as well as the Subcommittee on Mines and Mining.

The fact of the matter is that in the Education and Labor Committee we had very little in the way of testimony in depth on the need for the most comprehensive funding of the widest range of institutions of higher learning, testimony that we did receive and that we were able to consider in depth on the Mines and Mining Subcommittee.

I think the point which has been made by the gentleman from Oklahoma is most well founded, and it has very particular application, perhaps, in specific portions of the East, but most assuredly in the Western States where all of those States are confronted with the need to enrich their mining programs.

This is a very modest and useful step in that direction, and the limitations posed by the amendment would be in my judgment counterproductive.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman from California.

Mr. SAYLOR. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment was not offered in the subcommittee, although the gentleman from Oregon (Mr. DELLENBACK) who is a member of the House Committee on Interior and Insular Affairs, did tell us that he intended to offer such an amendment when H.R. 6788 came to the floor.

This amendment arbitrarily limits the number of States that can participate in the program. It therefore treats them all unequally. This amendment will promote favoritism in choosing the States that can participate.

Very frankly, the dwindling supply of competent personnel trained in the mining and minerals fields is one reason why our mining and mineral technology is inadequate to cope with the demands of our country for mineral production. Prohibiting some States from participation will deprive this country of the research results and the trained manpower that would have been produced by those States. A less than halfway measure will not materially contribute to the solution of our mining and minerals problems.

The water resources research program, established by Public Law 88–379, is similar in scope to H.R. 6788. The water resources research program has stimulated and expanded research, produced new technology and produced more people trained in the water field.

Expanded research, technology, and more qualified scientists, engineers, and technicians are just what is needed in the mining and minerals fields. The water resources research program does not arbitrarily limit State participants and this program should not either.

Our mining and minerals technology faces differing problems in each one of the 50 States and Puerto Rico. Limiting the centers to 20 or any other arbitrary number reduces the probability that our technology will be enhanced and increases the time frame for the technological improvement contemplated by this legislation.

Let us remember that not all of the 50 States and Puerto Rico will participate in this program. The report of the committee which reported this bill states:

> The Committee does not believe the program will involve maximum participation by all States for a number of reasons: First, the annual Federal expenditure will be decreased by the inability of each State or institute to match, dollar for dollar, the Federal contribution. Second, the fact that the institute must be a tax-supported institution, having a research program in the minerals engineering fields, limits the number of colleges and universities that can quality under the Act. Thirdly, it is anticipated that only those States having a substantial mining and mineral economy will participate in the program.

Nevertheless, this bill will allow participation by those States capable of and desiring to participate.

Mr. Chairman, I hope that the amendment will be defeated.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, I should like to ask

someone knowledgeable with respect to the bill, several questions, the first one concerning the creation of an advisory committee.

I note that four members are specified the Director of the Bureau of Mines, or his delegate; the Director of the National Science Foundation, or his delegate; the President, National Academy of Sciences, or his delegate; and the President, National Academy of Engineering, or his delegate.

What influence will the advisory committee have upon the appointments or designations as contained in the amendment just offered to the committee? Will they have any influence on that?

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. EDMONDSON. The bill, as brought to the floor by the committee, would leave the designation of the institutions within the State basically to the State as to which State institution would get the dollar funding.

Mr. GROSS. Would the advisory committee have any influence upon that decision?

Mr. EDMONDSON. The advisory committee, to my way of thinking, would have no way of influencing the decision as to what State institution was designated by the State.

Under the amendment the gentleman has offered, limiting it to 20 regional facilities, each State is not given an equal opportunity to participate. I would anticipate that some of those on this committee are going to have something to say about which institution is designated as a regional center.

Mr. GROSS. It seems to me, that is rather important because the language of the bill goes on to provide, beyond those specified, that the Secretary of the Interior may appoint an additional unlimited number.

This could be a 100-member advisory committee paid at the rate of supergrade GS-18. Why is this advisory committee unlimited as to the number?

Mr. EDMONDSON. I can only assume that the Secretary of the Interior, a man well known to all of us for his prudence and for his good judgment while he served in this body, would exercise both in holding the number of advisers on this committee, who are not specifically designated by this legislation, to a reasonably small number of people.

Mr. GROSS. I am sure the Secretary of the Interior is an honorable and capable gentleman. But when you throw the door wide open to an unlimited number of appointments it could be a mighty expensive advisory committee, I will say to the gentleman.

Moreover, there are in this Government today somewhere between 2,600 and 3,200 advisory committees, advisory boards, and advisory commissions and, Lord knows, it is time to abolish some of them. Yet, here you are creating another in this bill and the door is wide open in the creation of this one.

Let me ask the gentleman this question. I believe the report indicates that the annual cost starts at $40,500,000 and ascends to $48,500,000 annually in a 5-year period; is that not correct?

Mr. EDMONDSON. The authorization would begin at those levels. It is not anticipated that that amount of money would be appropriated. As we have explained in connection with the discussion on this particular amendment, we doubt very much it would be possible for all 50 States to participate, but since they have to match dollar for dollar within their own boards. We doubt very much that more than 25 or 30 of them would get involved in the program.

Mr. GROSS. May I ask the gentleman this question. Where in the report is there any reference as to the position of the Office of Management and Budget? Does the administration approve of this bill?

Mr. EDMONDSON. The report of the Department of the Interior, as I understand it, stated:

> The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

That can be found on page 13 of the committee report.

Mr. GROSS. That may well be. I have seen other reports on bills from various departments of Government that carry such language but that does not specifically answer the question of whether the administration supports this huge spending and for so many years when the financial situation is so uncertain. We ought to have some word as to whether this is budgeted—whether this kind of spending is part of the Federal budgeting?

Mr. EDMONDSON. The gentleman knows as well as anyone in this body that it is not customary after marking up a bill and making changes as they are felt necessary in the bill before the committee—it is not customary to resubmit that bill to the Office of Management and Budget for a further advisory opinion on the bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(Mr. GROSS asked and was given permission to proceed for 2 additional minutes.)

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, briefly, because I have another question.

Mr. ASPINALL. When the Department of the Interior was asked for their opinion, they gave us their position on the bill on November 12, 1971, and the report of the Office of Management and Budget merely states that they have no objection to the report of Interior.

Mr. GROSS. I would say to my friend from Colorado that this is 1972. We are half way through the year and, believe me, the financial situation of the Federal Government is getting no better fast.

Let me ask this question in connection with this bill: What do you do in this bill with respect to depletion allowances? Are not depletion allowances for the purpose of encouraging private industry to carry out research and development? Is that not the purpose of such tax write-offs?

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Colorado.

Mr. ASPINALL. Of course, my friend is partly right. He is not wholly right on this particular. The depletion allowance, of course, was designed to take care of the values of the nonrenewable resources that were taken away, to be used primarily for the purpose of finding new deposits of value in the minerals field.

Mr. GROSS. And the expenditures in this bill would be right on top of the depletion allowances.

Mr. ASPINALL. It would, of course, have no material effect on the amount of the depletion allowance that the Congress, not this particular Congress, but other Congresses have provided.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. ASPINALL. Mr. Chairman, I move to strike the necessary number of words.

The CHAIRMAN. The gentleman from Colorado is recognized.

Mr. ASPINALL. When we decreased the depletion allowance by 4 percent, we certainly took care of the amounts so far as the income of those engaged in the minerals and mining industry far in excess of anything we are talking about in this bill. My colleague knows that.

Mr. GROSS. Let me ask the $64 question: Where is it proposed to get the $48,500,000 to spend each year?

Mr. ASPINALL. As the Bureau of the Budget and as the appropriation process of the U.S. Congress see fit to honor this particular legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was rejected.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized.

Mr. HECHLER of West Virginia. Mr. Chairman, I plan to vote against H.R. 6788, and I will briefly outline the reasons why I will vote against it.

Under title I of the bill, $5 million is authorized annually for the next 5 years for mining institutes at tax-supported schools—not for training, but for "specific mineral research and demonstration projects of industrywide application."

Title II of the bill authorizes up to $20 million annually by 1978 for "grants, contracts, matching, or other arrangements," with educational institutions, private foundations, private firms, and individuals, and governmental agencies "to undertake research into any aspects of mining and mineral resource problems related to the mission of the Department of the Interior."

Thus, the bulk of the research money is not even guaranteed to go to mining schools to support research that might result in some training for scientists and engineers. Private firms and individuals will probably get the lion's share of this money.

Only $500,000 annually is authorized for "each participating" State to aid it in "establishing" institutes and tax-supported mining schools to conduct "competent research, investigations, demonstrations, and experiments on mineral resource problems having industrywide application" and to train engineers and scientists "through such research," et cetera. The committee report states that "it is anticipated that only those States having a substantial mining and mineral economy will participate in the program."

The committee report states:

> It is anticipated that only those States having a substantial mining and mineral economy will participate in the program.

Having listened to Assistant Secretary of Interior Hollis Dole testify on the Sunshine Mine disaster at Kellogg, Idaho, before the House Select Labor Subcommittee further confirms my decision to vote against this bill. Mr. Dole was asked why the Bureau of Mines had failed to appoint an adequate number of inspectors to enforce the 1966 law, the Federal Metal and Nonmetallic Mine Safety Act of 1966. Secretary Dole acknowledged that only half of those inspectors needed had been hired. He went on to place the blame on Congress for not having acted on legislation such as H.R. 6788. He said:

> The complexity of the tasks associated with inspecting large mines, such as the Sunshine, makes it imperative that inspectors have a high degree of technical training. We consider it necessary that at least one out of three inspectors have mining engineering degrees. We have been faced with considerable difficulty in hiring employees with this technical background. There is a shortage of mining engineers. Schools of mining engineering are struggling to stay in existence on the cost squeeze on high education. H.R. 6788 and S. 635, which are before Congress, both have as their principal objective financial assistance to mining schools which are developing the talent we must have to make mining a safe occupation.

I think it is quite convenient for the Interior Department officials to cite pending bills in Congress and imply that without the enactment of this legislation, the Bureau effort to protect miners and the public will be hindered.

Mr. Chairman, I deplore these efforts to excuse the failures of the Bureau of Mines in protecting the health and safety of the miners and the public.

The stated purpose of this bill is, once again, to stimulate and sponsor, and provide for and supplement present programs for the conduct of research and investigation, experiment, and demonstration in the broad field of exploration, extraction, processing, and development and production of unrenewable minerals resources.

Mr. Chairman, it is about time in Congress that we stop this onrushing emphasis exclusively on production. It is high time we pay some more attention to the protection of those individuals who work in these mines, and the natural environment which is being raped, ravaged, and exploited.

For these reasons, Mr. Chairman, I urge a negative vote on this bill.

AMENDMENT OFFERED BY MR. LENNON

Mr. LENNON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Lennon: Page 13, between lines 19 and 20, insert:
>
> "(2) the Administrator of the National Oceanic and Atmospheric Administration, or his delegate, with his consent;"
>
> Page 13, line 20, strike out "(2)" and insert "(3)".
>
> Page 13, line 22, strike out "(3)" and insert "(4)".
>
> Page 13, line 24, strike out "(4)" and insert "(5)".
>
> Page 14, line 1, strike out "(5)" and insert "(6)".

Mr. LENNON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. EDMONDSON. Mr. Chairman, reserving the right to object, is this amendment the one that has been supplied to us?

Mr. LENNON. That is the amendment that has been supplied to the chairman and the ranking minority Member last week.

Mr. EDMONDSON. Mr. Chairman, may I say I have no objection to the amendment being considered as read, and also there is no objection on this side of the aisle to having the amendment accepted.

Mr. SAYLOR. Mr. Chairman, if the gentleman will yield, there is no objection on this side to the amendment.

Mr. EDMONDSON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. LENNON. Mr. Chairman, very hurriedly, section 306(a), title III, page 13 provides for an "Advisory Committee on Mining and Minerals Resources Research" that the gentleman from Iowa has recently referred to. The justification for this amendment is simply because this House in October 1970, under Reorganization Plan No. 4 of 1970 creating the National Oceanographic and Atmospheric Administration transferred from the Department of the Interior to the Department of Commerce the functions vested by law in the Department of the Interior, which were administered through the Marine Minerals Technology Center of the Bureau of Mines. This would simply authorize the Secretary to appoint one additional member of the Advisory Committee; the Administrator of the National Oceanographic and Atmospheric Administration, because the Agency now operates the Marine Minerals Technology Center, which is engaged in investigations relating to marine minerals technology and particularly efforts to minimize the deleterious effects on the environment of the mining industry. It is simply to bring into this program the expertise and skill developed by this Marine Minerals Technology Center in the Department of Commerce. The information and expertise involved in these investigations may be of significant value in the consideration of mining policy matters. It is for that reason that I believe that the Advisory Committee created under section 306 of the bill should include the Administrator of NOAA or his delegate. The proposed amendment would accomplish this purpose.

I thank the gentlemen on both sides for acceptance of this amendment, and I hope the House will adopt it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. LENNON).

The amendment was agreed to.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose this bill in its present form because it undertakes to shift the burden of extraction industry research to the general taxpayer.

The extraction industry, as was pointed out by my colleague, the gentleman from Iowa, Mr. GROSS, enjoys more tax benefits than any other comparable industry in America. I believe it should contribute substantially to the cost of research, which is of some benefit to the general public but of infinitely greater benefit to the extraction industry.

If this legislation were to provide for a partnership in research, in which the industry would make some kind of a contribution to the research effort, I believe it would be a lot more acceptable.

In the present form I must oppose the bill.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The money going into this program is primarily going to the public institutions, organizations and foundations, and private industry is making a tremendous contribution to these various organizations and institutions at this time, both in the form of tax rebate for their support and in the form of specific grants and endowments for those purposes.

The gentleman is a distinguished, able, and leading member of the House Committee on Ways and Means, and is certainly aware of the fact that there are sizable contributions made by private industry to foundations and State universities and colleges in these various fields.

Mr. VANIK. I just want to say in response that I do not believe those contributions are at all related to the tremendous tax advantages and benefits provided under intangible drilling costs and the depletion allowances.

In checking the contributions of the various segments of American industry to the support of this Nation, I feel that the extraction industry is practically at the bottom of the list. I believe it is time that the industry recognize its responsibility to the public, in consideration of this tremendous advantage it has, and make an even greater contribution than it does to the cost of research.

Mr. EDMONDSON. Can the gentleman cite his authority for his statement that the extraction industry is at the bottom of the list in terms of contribution to the national welfare, and its programs that contribute to the national welfare?

Mr. VANIK. I said it is near the bottom of the list. I will submit either for the RECORD today or in the next day or so a compilation of contributions of every particular segment of the American economy to the tax burdens of this country.

My statement today is that the extractive industries are near the bottom of the taxpaying list and pay taxes far disproportionate to the volume of business.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

I should like to ask the distinguished chairman of the subcommittee a couple of questions that the gentleman from West Virginia (Mr. Hechler) earlier addressed himself to.

I am a little disturbed by the fact that the statement of purposes, to the extent one can call it that, in section (b) of the preamble to the bill, as well as the committee report, says very, very little about the extent to which this research is to focus on some of the environmental aspects of the extraction industries, particularly land reclamation and other conservation matters.

I am just wondering whether, without more emphasis, we are not going to have most of this money used simply to develop techniques for better extraction without the necessary techniques for protecting the environment. I wonder if the gentleman has an comment on that?

Mr. EDMONDSON. Well, I think the gentleman is as capable of reading the words as I am, and on page 4——

Mr. SEIBERLING. Well, I have read——

Mr. EDMONDSON. On page 4 it includes as a purpose and defines the research, investigations, demonstrations, experiments, and training and includes conservation and the best use of available supplies of minerals and includes the economic, legal, social engineering, recreational, biological, geographic, ecological, and other aspects of mining, mineral resources, and reclamation having due regard to the interrelation on the natural environment. I do not say that these are perfect words on the subject, but they certainly make it clear that problems of ecology and problems of environment and problems of conservation are included problems and target areas for research and development and for general investigation and experiment. The gentleman may have preferred to have some of them stated earlier than they are stated, but he certainly cannot say that they are omitted from it.

Mr. SEIBERLING. No. I did not intend to say that, but it did seem to me that this language is permissive in character. It is not stated anywhere that the policy of this act is, among other things, to encourage research in extractive technology which will help to preserve our environment, which, as you know, is a matter of very great concern particularly in my own State of Ohio with respect to the mining of coal, for example.

Mr. EDMONDSON. The gentleman testified on that subject and testified well. I think he will find a bill forthcoming from the Committee on Interior and Insular Affairs on the subject of reclamation and on the subject of the control of mining practices in this country that will accomplish a very, very great deal in this field. We are grateful to him for his suggestions with regard to that legislation.

Mr. SEIBERLING. I thank the gentleman very much.

I would like to ask one other question.

Is it your interpretation of this legislation that research directed simply and purely to environmental concerns would be authorized to be undertaken by these research centers or would it also have to deal with and include extraction? In other words, would this statute cover research projects that would be directed solely to reclamation?

Mr. EDMONDSON. I think a research project could be directed strictly at the reclamation phases of a mining operation. I think it could be directed strictly at the ecological impact of certain mineral processing facilities and to corrective methods to improve their processing and to eliminate pollution of the area that accompanies some of these processes. It is our hope that it will cover the entire field in terms of involving our mineral and mining processes and give us a better economy and efficiency and a better country in the process.

Mr. SEIBERLING. I thank the gentleman for his clarifying explanation of this bill and also for his hopeful assurances on the other legislation relating to strip mining.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Rees, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 6788) to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes, pursuant to House Resolution 958, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the SPEAKER announced that the ayes appeared to have it.

Mr. HECHLER of West Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 272, nays 33, not voting 126, as follows:

[Roll No. 166]

YEAS—272

Abbitt
Abernethy
Abourezk
Adams
Anderson, Tenn.
Andrews, Ala.
Annunzio
Archer
Arends
Aspinall
Barrett
Begich
Belcher
Bergland
Betts
Biester
Blackburn
Boggs
Boland
Bolling
Brademas
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collins, Tex.
Conable
Conte
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Fisher
Flood
Flynt
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton
Garmatz
Gaydos
Gettys
Giaimo
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Kastenmeier
Kazen
Kee
Keith
Kemp
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Lloyd
Lujan
McClory
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKevitt
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Miller, Ohio
Minish
Mizell
Mollohan
Montgomery
Morgan
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Konski
O'Neill
Passman
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poff
Powell
Preyer, N.C.
Price, Ill.
Quie
Rees
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Rostenkowski
Rousselot
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waldie
Ware
Whalen
White
Whitehurst
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—33

Abzug
Ashbrook
Aspin
Bennett
Byrnes, Wis.
Collier
Dow
Drinan
Edwards, Calif.
Findley
Gibbons
Gross
Grover
Gubser
Hechler, W. Va.
Jonas
Landgrebe
McKinney

Michel
Mikva
Mitchell
Patten
Price, Tex.
Rarick
Reid
Reuss
Rosenthal
Roush
Scherle
Smith, Calif.
Vanik
Whitten
Yates

NOT VOTING—126

Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Ashley
Badillo
Baker
Baring
Bell
Bevill
Biaggi
Bingham
Blanton
Blatnik
Bow
Brasco
Broomfield
Brown, Ohio
Cabell
Caffery
Carey, N.Y.
Celler
Chisholm
Clawson, Del
Clay
Collins, Ill.
Colmer
Conyers
Crane
Daniels, N.J.
Davis, S.C.
Dellenback
Dellums
Denholm
Dennis
Diggs
Dowdy
Dwyer
Eshleman
Evins, Tenn.
Fish
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Fuqua
Galifianakis
Gallagher
Goldwater
Halpern
Hanley
Hanna
Hansen, Wash.
Hastings
Hébert
Henderson
Holifield
Jones, Tenn.
Karth
Keating
King
Kluczynski
Koch
Link
Long, La.
Long, Md.
McCloskey
McClure
McCormack
McKay
McMillan
Mann
Martin
Meeds
Melcher
Metcalfe
Miller, Calif.
Mills, Ark.
Mills, Md.
Mink
Minshall
Monagan
Moorhead
Murphy, N.Y.
Myers
Nichols
Nix
Patman
Poage
Podell
Pryor, Ark.
Pucinski
Purcell
Quillen
Railsback
Randall
Rangel
Rhodes
Rodino
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roy
Runnels
Scheuer
Schmitz
Shoup
Shriver
Skubitz
Snyder
Stratton
Stubblefield
Stuckey
Thompson, N.J.
Tiernan
Veysey
Waggonner
Wampler
Whalley
Widnall
Wiggins
Wilson, Charles H.
Wydler
Young, Fla.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Mills of Arkansas with Mr. Gerald R. Ford.

Mr. Waggonner with Mr. Snyder.

Mr. Addabbo with Mr. Fish.

Mr. Daniels of New Jersey with Mrs. Dwyer.

Mr. Evins of Tennessee with Mr. Baker.

Mr. Rooney of New Jersey with Mr. Halpern.

Mr. Hébert with Mr. Young of Florida.

Mr. Brasco with Mr. King.

Mr. Rodino with Mr. Widnall.

Mr. Charles H. Wilson with Mr. Goldwater.

Mr. Thompson of New Jersey with Mr. McClure.

Mr. Stratton with Mr. Hastings.

Mr. Hanley with Mr. Anderson of Illinois.

Mr. Henderson with Mr. Wampler.

Mr. Biaggi with Mr. Keating.

Mr. Blatnik with Mr. Bow.

Mr. Celler with Mr. Wydler.

Mr. Denholm with Mr. Dennis.

Mr. Fuqua with Mr. Brown of Ohio.

Mr. Murphy of New York with Mr. Bell.

Mr. Miller of California with Mr. Wiggins.

Mr. Conyers with Mr. Koch.

Mr. Bingham with Mrs. Hansen of Washington.

Mr. Diggs with Mr. Pucinski.

Mrs. Chisholm with Mr. Fraser.

Mr. Nix with Mr. Gallagher.

Mr. Bevill with Mr. Whalley.

Mr. Ashley with Mr. Minshall.

Mr. Holifield with Mr. Del Clawson.

Mr. Karth with Mr. Martin.

Mr. Collins of Illinois with Mr. Podell.

Mr. Scheuer with Mr. Metcalfe.

Mr. Rangel with Mr. Galifianakis.

Mr. Cabell with Mr. McCloskey.

Mr. Davis of South Carolina with Mr. Quillen.

Mr. Foley with Mr. Broomfield.

Mr. Carey of New York with Mr. Rhodes.

Mr. Alexander with Mr. Crane.

Mr. Kluczynski with Mr. Dellenback.

Mr. Link with Mr. Skubitz.

Mr. Mann with Mr. Schriver.

Mr. Moorhead with Mr. Eshleman.

Mr. Anderson of California with Mr. Schmitz.

Mr. Meeds with Mr. Railsback.

Mr. Randall with Mr. Myers.

Mr. Roncalio with Mr. Shoup.

Mr. Long of Louisiana with Mr. Mills of Maryland.

Mr. Colmer with Mr. Hanna.

Mr. Jones of Tennessee with Mr. Tiernan.

Mr. McCormack with Mr. Andrews of North Dakota.

Mr. Nichols with Mr. Patman.

Mr. Rooney of Pennsylvania with Mr. Monagan.

Mr. Roy with Mr. Baring.

Mr. Stuckey with Mr. Blanton.

Mr. Runnels with Mr. Flowers.

Mr. Stubblefield with Mrs. Mink.

Mr. Long of Maryland with Mr. Pryor of Arkansas.

Mr. McKay with Mr. Purcell.

Mr. McMillan with Mr. Caffery.

Mr. Clay with Mr. Badillo.

Mr. William D. Ford with Mr. Dellums.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The **SPEAKER.** Pursuant to the provisions of House Resolution 958, the Committee on Interior and Insular Affairs is discharged from the further consideration of the bill S. 635, to amend the Mining and Minerals Policy Act of 1970.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. EDMONDSON

Mr. **EDMONDSON.** Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EDMONDSON moves to strike out all after the enacting clause of the bill S. 635 and to insert in lieu thereof the provisions of H.R. 6788, as passed, as follows:

That (a) this Act may be cited as the "Mining and Minerals Resources Research Act of 1972".

(b) In recognition of the fact that the prosperity and future welfare of the Nation is dependent in a large measure on the sound exploration, extraction, processing, and development of its unrenewable mineral resources, and in order to supplement the Act of December 31, 1970, Public Law 91–631, commonly referred to as the Mining and Minerals Policy Act of 1970, the Congress declares that it is the purpose of this Act to stimulate, sponsor, provide for and/or supplement present programs for the conduct of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the fields of mining, mineral resources, and technology.

RESOURCES RESEARCH INSTITUTES

SEC. 100. (a) There are authorized to be appropriated to the Secretary of the Interior for the fiscal year 1973, and for each succeeding fiscal year thereafter the sum of $500,000, for each participating State, to assist it in establishing and carrying on the work of a competent and qualified mining and mineral resources research institute, center, or equivalent agency (hereinafter referred to as "institute") at one college or university in that State, which college or university shall be the tax-supported school of mines or a tax-supported college or university having an administrative unit such as a school or department wherein education and research are being carried out in the minerals engineering fields: *Provided*, That (1) such moneys when appropriated shall be made available to match, on a dollar for dollar basis, non-Federal funds which shall be at least equal to the Federal share to support the institute; (2) if there is more than one such college or university in a State, funds under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to the one such college or university designated by the Governor of the State to receive the same subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this Act; (3) two or more States may cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; and (4) a designated college or university may, as authorized by appropriate State authority, arrange with other colleges and universities within the State to participate in the work of the institute.

(b) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college or university with which it is affiliated to conduct competent research, investigations, demonstrations, and experiments on mineral resources problems having industry-wide application, of either a basic or practical nature, or both, in relation to mining and mineral resources and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. Such research, investigations, demonstrations, experiments, and training may include, without being limited to, exploration; extraction; processing; development; production of minerals resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social engineering, recreational biological, geographic, ecological, and other aspects of mining, mineral resources, and mineral reclamation, having due regard to the interrelation on the natural environment, the varying conditions and needs of the respective States, to mining and mineral resource research projects being conducted by agencies of the Federal and State governments, and others, and to avoid any undue displacement of mineral engineers and scientists elsewhere engaged in mining and mineral resources research.

SEC. 101 (a) There is further authorized to be appropriated to the Secretary of the Interior for fiscal year 1973, and the four succeeding fiscal years thereafter the sum of $5,000,000 annually, which shall remain available until expended. Such moneys when appropriated shall be made available to institutes to meet the necessary expenses of specific mineral research and demonstration projects of industrywide application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional mining and mineral resources research projects by two or more institutes.

(b) Each application for a grant pursuant to subsection (a) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the estimated cost, the importance of the project to the Nation, region, or State concerned, and its relation to other known research projects theretofore pursued or being pursued, and the extent to which it will provide opportunity for the training of mining and mineral engineers and scientists, and the extent of participation by nongovernmental sources in the project. No grant shall be made under said subsection (a) except for a project approved by the Secretary of the Interior, and all grants shall be made upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mineral engineers and scientists.

SEC. 102. Sums available to institutes under the terms of sections 100 and 101 of this Act shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. The Secretary may designate a certain proportion of the funds authorized by section 100 of this Act for scholarships, graduate fellowships, and post-doctoral fellowships. Each institute shall set forth its plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields; set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this title, and in no case supplant such such funds; have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary on or before the 1st day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this Act during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this Act shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

SEC. 103. Moneys appropriated pursuant to this Act, in addition to being available for expenses for research, investigations, experiments, and training conducted under authority of this Act, shall also be available for printing and publishing the results thereof and for administrative planning and direction. The institutes are hereby authorized and encouraged to plan and conduct programs under this Act in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the mining and mineral resources problems involved, and moneys appropriated pursuant to this Act shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

SEC. 104. The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this Act and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall require a showing that institutes designated to receive funds have, or may reasonably be expected to have, the capability of doing effective work. The Secretary shall furnish such advice and assistance as will best promote the purposes of this Act, participate in coordinating research initiated under this Act by the institutes, indicate to them such lines of inquiry as to him seem most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

On or before the 1st day of July in each year after the passage of this Act, the Secretary shall ascertain whether the requirements of section 102 have been met as to each State.

The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this Act. The Secretary's report shall indicate whether any portion of an apropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

SEC. 105. Nothing in this Act shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education at any college or university.

TITLE II—ADDITIONAL MINING AND MINERAL RESOURCES RESEARCH PROGRAMS

SEC. 200. There is authorized to be appropriated to the Secretary of the Interior $10,000,000 in fiscal year 1973, increasing $2,000,000 annually for five years, and continuing at $20,000,000 annually thereafter from which the Secretary may make grants, contracts, matching, or other arrangements with educational institutions; private foundations or other institutions; with private firms and individuals; and with local, State, and Federal Government agencies, to undertake research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior, which may be deemed desirable and are not otherwise being studied. The Secretary shall, insofar as it is practicable utilize the facilities of institutes designated in section 100 of this Act to perform such special research, authorized by this section, and shall select the institutes for the performance of such special research on the basis of the qualifications of the personnel who will conduct and direct it, the nature of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training individuals as mineral engineers and scientists.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 300. The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with mining and mineral resources of State and local governments, and of private institutions and individuals to assure that the programs authorized in this Act will supplement and not duplicate established mining and minerals research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive, nationwide program of mining and minerals research. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this Act, in addition to any direct publication of information by the institutes themselves.

SEC. 301. Nothing in this Act is intended to give or shall be construed as giving the Secretary of the Interior any authority or surveillance over mining and mineral resources research conducted by any other agency of the Federal Government, or as repealing, superseding, or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with mining and mineral resources.

SEC. 302. Contracts or other arrangements for mining and mineral resources research work authorized under this Act with an institute, educational institution, or nonprofit organization may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior advance payments of initial expense are necessary to facilitate such work.

SEC. 303. No part of any appropriated funds may be expended pursuant to authorization given by this Act for any scientific or technological research or development activity unless such expenditure is conditioned upon provisions determined by the Secretary of the Interior, with the approval of the Attorney General, to be effective to insure that all information, uses, products, processes, patents, and other developments resulting from that activity will (with such exception and limitation as the Secretary may determine, after consultation with the Secretary of Defense, to be necessary in the interest of the national defense) be made freely and fully available to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activity of any rights which that owner may have under that patent.

SEC. 304. There shall be established, in such agency and location as the President determines to be desirable, a center for cataloging current and projected scientific research in all fields of mining and mineral resources. Each Federal agency doing mining and mineral resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for general use a catalog of mining and mineral resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of government, colleges, universities, private institutions, firms, and individuals as voluntarily may make such information available.

SEC. 305. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal mining and mineral resources research and provide for inter-agency coordination of such research, including the research authorized by this Act. Such coordination shall include (a) continuing review of the adequacy of the Government-wide program in mining and mineral resources research, (b) identification and elimination of duplication and overlap between two or more agency programs, (c) identification of technical needs in various mining and mineral resources research categories, (d) recommendations with respect to allocation of technical effort among the Federal agencies, (e) review of technical manpower needs and findings concerning management policies to improve the quality of the Government-wide research effort, and (f) actions to facilitate inter-agency communication at management levels.

SEC. 306. (a) The Secretary of the Interior shall appoint an Advisory Committee on Mining and Minerals Resources Research composed of—

(1) the Director, Bureau of Mines, or his delegate, with his consent;

(2) the Administrator of the National Oceanic and Atmospheric Administration, or his delegate, with his consent;

(3) the Director of the National Science Foundation, or his delegate, with his consent;

(4) the President, National Academy of Sciences, or his delegate, with his consent;

(5) the President, National Academy of Engineering, or his delegate, with his consent; and

(6) such other persons as the Secretary may appoint who are knowledgeable in the field of mining and mineral resources research.

(b) The Secretary shall designate the Chairman of the Advisory Committee. The

Advisory Committee shall consult with, and make recommendations to, the Secretary of the Interior on all matters involving or relating to mining and mineral resources research. The Secretary of the Interior shall consult with, and consider recommendations of, such Committee in the conduct of mining and mineral resources research and the making of any grant under this Act.

(c) Advisory Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing Committee business, entitled to receive compensation at a rate fixed by the appropriate Secretary but not in excess of the maximum rate of pay for grade GS–18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

SEC. 307. As used in this Act, the term "State" includes the Commonwealth of Puerto Rico.

Amend the title so as to read: "An Act to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the Act of December 31, 1970, and for other purposes."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the Act of December 31, 1970, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6788) was laid on the table.

FURTHER MESSAGES FROM THE PRESIDENT

Further messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

GENERAL LEAVE

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REPORT ON COMMUNICABLE DISEASE CONTROL ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–298)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

As required by Public Law 91–464, I hereby transmit a report on communicable disease control activities prepared by the Secretary of Health, Education, and Welfare.

RICHARD NIXON.

THE WHITE HOUSE, *May 22, 1972.*

ON-THE-JOB PROTECTION OF AMERICAN WORKERS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–303)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed, with illustrations:

To the Congress of the United States:

On-the-job protection of American workers continues as a high priority goal in this Administration's effort to improve the quality of life for all Americans.

The Occupational Safety and Health Act of 1970, which I signed into law on December 29, 1970, is a major step towards improving workplace conditions. As I said at that time, this legislation is one of the most important measures ever taken in behalf of those American workers who are covered by the provisions of the act.

The accompanying President's Report on Occupational Safety and Health describes what has been done to implement the act during the first year of its operation, and it also indicates the magnitude and direction of the task ahead. The report examines the responsibilities of the Department of Labor for setting safety and health standards, and for gaining compliance with those standards. Another part of the report explores the activities of the Department of Health, Education, and Welfare in research and training.

Like many problems that we face today, the improvement of job safety and health cannot be accomplished by simply pressing a button. If we are to reduce the injuries, the illnesses, and the deaths connected with working conditions, we must take determined actions: we must increase the number of people who are trained in health and safety techniques; knowledge of the causes of accidents and illnesses must be developed; this knowledge must be translated into effective standards; employers and employees require adequate instructions; and standards must be enforced through energetic and rigorous inspection programs.

Above all else, if we are to be successful, the full collaboration of private industry, the States and the employees must be enlisted.

The Occupational Safety and Health Act of 1970 recognizes the need of reinforcing the role of the States in resolving our national problems. As a consequence, the implementation of the act has emphasized cooperative programs with State Governments. The involvement of the States in these programs has been gratifying. It is a testimonial to the flexibility and vigor of our Federal-State system that the 50 States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands have all expressed a willingness to develop plans for setting and enforcing standards that are at least on a par with the Federal requirements fixed by the act.

In addition, many States are actually aiding the Federal Government by gathering superior statistical data that will provide a basis for charting the future direction of safety and health programs. Many States, too, are now assisting the Federal Government in the enforcement of standards.

In short, I feel that the essential groundwork has been laid for genuine progress in on-the-job safety and health. This report describes the structures that have been set in place, and it outlines how the building process will continue.

RICHARD NIXON.

THE WHITE HOUSE, *May 22, 1972.*

MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11627) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11627, with Mr. REES in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from North Carolina (Mr. BROYHILL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I rise in support of H.R. 11627. This bill, which is to be entitled "The Motor Vehicle Information and Cost Savings Act," is designed to relieve the American consumer of the high cost associated with the repair of accident damage to his automobile. I believe that most Members know that tests have shown that contemporary automobiles sustain substantial damage in collisions with a fixed barrier at 5 miles per hour. This is the rate of speed which we reach while walking down to the corner store. Incredibly, tests for 1972 models show that vehicles sustain a range of damage from $154 to $402 at this low speed.

This is a cost to the American consumer which is entirely unnecessary. The committee has received clear evidence that the technology already exists which would allow manufacturer to equip their vehicles with functional bumpers which would prevent damage to the vehicle at barrier equivalent impacts of 5 miles per hour.

This bill before us today would require manufacturers to apply this technology and to produce cars which can sustain minor bumps and bangs without damage. Data supplied to the committee show that the savings to the consumer will be immediate and could amount to many millions of dollars. Indeed, the committee has received estimates that the savings could amount to over $1 billion.

H.R. 11627 contains four titles whose contents I will briefly summarize. Title I of this bill directs the Secretary of Transportation to adopt Federal bumper standards which are to be designed to eliminate or substantially reduce the damage susceptibility of contemporary automobiles in low speed collisions. This authority would supplement the Secretary's existing power under the National Traffic and Motor Vehicle Safety Act of 1966 to establish motor vehicle safety standards. Thus, this title would empower the Secretary for the first time to set bumper standards which are designed to reduce motor vehicle property damage in addition to protecting safety systems and equipment. The standard setting and enforcement mechanisms of this title are closely patterned after those contained in the Motor Vehicle Safety Act.

Title II of this bill directs the Secretary to conduct a study of the methods for comparing passenger motor vehicles on the basis of their susceptibility to damage, their relative costs of repair, and the extent to which they offer protection to their occupants in motor vehicle accidents. Upon completion of the study, the Secretary is directed to disseminate information to the public which would permit prospective purchasers to compare various makes and models of automobiles based upon these characteristics. This title also directs the Secretary to establish procedures under which automobile dealers would be required to supply prospective purchasers with insurance rate information. A consumer would thereby be armed with information which would better enable him to judge the true cost implications and risk of personal injury which may follow from his owning a particular make and model of motor vehicle. It is the intention of this title that a consumer information program of this type would stimulate competition among manufacturers to produce cars which are more resistant to damage, less expensive to repair, and which are safer.

Title III of this bill requires the Secretary to establish a series of demonstration projects to determine the feasibility of using diagnostic procedures to test for compliance with safety and emission standards. No more than 10 nor less than five projects are to be established. The projects are to be operated by States which meet certain qualifications set forth in the title. The Secretary is to provide technical and financial assistance to eligible States.

Lastly, title IV proposes to make it unlawful to tamper with a motor vehicle odometer—mileage indicator. Because consumers commonly rely on the odometer reading as a measure of the vehicle's condition and fair value, unscrupulous dealers will often disconnect or reset odometers in order to deceive prospective purchasers. Title IV is intended to curb this practice on a national level. In order to preserve individual State initiative in this area, however, care has been taken to prevent title IV from infringing upon State odometer laws.

This legislation would authorize a total expenditure of $83 million in the first 3 fiscal years. The committee has recommended authorizations in accordance with cost estimates supplied to it by the Department of Transportation.

Mr. Chairman, the committee has worked very hard on this legislation. The first bill reported by its Subcommittee on Commerce and Finance was rejected and ordered recommitted. Thereafter, the subcommittee met for several weeks in executive session and was finally able to agree upon a bill which gained the support of the full committee.

Legislation in this difficult area is not likely to win the unanimous support of all Members. The committee has reported a bill, however, which I believe deserves and will win the support of the House. The statistical record over the past several years shows clearly that the Congress must act to protect the American consumer from the enormous economic waste which results from motor vehicle property damage. This legislation represents a restrained yet firm commitment on the part of the Federal Government to give the consumer some relief from the continuing assault on his pocketbook.

Mr. BROYHILL of North Carolina. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, here is a brief description of the bill:

TITLE I

First. Directs DOT to adopt bumper standards to reduce front and rear damage in low speed collisions.

These would expand present bumper standards intended to protect safety features only.

Second. State standards would be preempted once Federal standards are promulgated.

Third. Civil penalties plus private lawsuits allowed, but no recovery if the model was approved and built with due care.

Fourth. Authorizations: 1973, $5 million; 1974, $9 million; 1975, $10 million.

TITLE II

First. Directs a study of ways to compare cars as to repairability.

Second. DOT is to devise a scheme for having auto dealers give out information on insurance premiums.

Third. Authorizations: 1973, $3 million; 1974, $3 million; 1975, $3 million.

TITLE III

First. To establish diagnostic centers as demonstration projects.

Second. Between five and 10 projects. No more than one-half where inspector also sells repairs.

Third. Grants up to 90 percent.

Fourth. Authorizations: 1973, $10 million; 1974, $15 million; 1975, $25 million.

TITLE IV

First. Make it unlawful to change or stop odometers so as to defraud.

Second. Civil remedy is provided to victims.

Total authorizations—$83 million for 3 years.

H.R. 11627—MOTOR VEHICLE INFORMATION AND COST SAVINGS

There is an old saying, "You cannot tell about a book by its cover."

In forming judgments on the desirability of this proposed legislation do not rely too heavily upon the purposes indicated in the title. It is not helpful in telling what the act does or how it does it. In fact, forget the title and look to the history of the bill and the problems attendant upon the whole concept of Government standard setting in the field of automobile design.

The idea of manufacturing automobiles which will better stand the bumps and collisions of everyday driving is most appealing. It seems to most of us who use cars constantly that Detroit ought to be able to design autos that would do better than they do. In fact, we all have a keen suspicion that they could easily do so if they wished to. The insurance industry would be most happy if it were done. The repair shops could be brokenhearted.

Starting from this general feeling have been the bills which have worked their way through both House and Senate committees. Most of them assume that the Federal Government can make decisions in this area and set standards for any part of an automobile to make it less susceptible to damage. It sounds simple enough until you look at it closely and then it falls apart.

First of all, the creation of overall standards for damageability entails all of the elements of car design. Now you may want a car designed by a Government bureau, but I doubt it. I know I do not. Design is a very complicated interplay of appearance, function, and engineering. The factor of cost cannot be ignored—at least the buyer would like to have it considered. How well does this kind of thing work in Government? Just take one quick look at the examples which recent history provides. Government set up the specifications for the F–111, for the aircraft carriers, for the Lockheed C–5A, for the tanks. In every instance they finally cost from three to 10 times as much as the Government planners said they would cost when they left the drawing board. No matter how repairable it may be, no one is going to pay $10,000 for a subcompact. But left to the bureaucrats you might do so, and they would try to convince you that it was both desirable and inevitable.

Looking somewhat further into the stated purpose of the Senate-passed bill—cost savings—we should ask who will realize whatever savings are accomplished. One thing we know—whatever it costs to beef up cars so that they will resist damage will be a direct burden on the purchaser. But what happens when the repairs become necessary? With the ordinary insurance policy the auto owner will choose a deductible of $100 or whatever amount he has elected as a deductible. Thereafter the insurance company pays the repair bill. Government required ease of repair will certainly save insurance companies large wads of money. Whether a respectable proportion of that will be passed along to the auto owner is debatable. If, for example, that fine damage-resistant auto costs Citizen Smith $800 more to buy than the present tinfoil variety, and the insurance company reduces his insurance by $40 a year, it will take him 20 years or about two and a quarter times the life of the car to get even. And that is a bargain?

I have been talking against a bill, but I aim for this bill. It is not the same as a bill previously passed by the other body which is subject to all of the objections I have been discussing. Our bill originally came out of the subcommittee as an information bill purely. It created a scheme for a damageability index, based upon actual repair experience, which could be used in making comparisons before buying. This version was returned to the subcommittee by the full committee for further work. Thereafter the subcommittee sent forward a bill which provides for bumper standards, front and rear. This, it seems, is the most promising area of cost reduction. That is the bill which we have brought to you now.

A word about bumper standards. There are already bumper standards in existence based upon the safety provisions of the Motor Vehicle Safety Act. They were intended to require protection for the safety related equipment on the front and rear of the car—headlights, taillights, radiators, and the like. This bill merely *expands* the authority of the Department of Transportation to require protection of other front and rear equipment and sheet metal in low-speed collisions. This makes some kind of sense and I go along with it. Just how much it does for anyone beyond what is already possible is hard to say. But I support it for one reason—if there is to be a bill, and there are other features of this bill which are worthwhile, I feel that the House must be very positive in its acceptance of a bill which does not even remotely emulate the bill passed by the other body. This is as far as we should go, at least for now. Pass this bill and then insist upon it.

Going on to other features of the bill, we should note carefully the content of title 2. It provides for a thorough study of the subject of auto repairability and crashworthiness. This is a commendable idea and it presupposes that we do not currently know enough about it to plunge the Federal Government headlong into it. Whatever is learned will be made public for the benefit of auto buyers. The bulk of all data will come from insurance companies and governmental entities. In any event, there is much to be learned and it may well be worth the $3 million per year for 3 years that it will cost.

A third title of the bill would provide funds to create and operate a few pilot projects involving the use of diagnostic equipment in automobile inspection. Although the subject of auto inspections has been handled as part of the Highway Safety Act and therefore under the jurisdiction of another committee, the provisions included here are of a research nature and therefore well within the purview of our committee. If these projects show whether or how electronic diagnostic equipment can be incorporated into inspection systems, States can be encouraged or perhaps assisted in making them a part of inspection systems which will keep unsafe klunkers off the roads.

One more subject is covered by the bill. The tampering with odometers to help cover up the true mileage and condition of a used vehicle has been one of the more odious practices in the used car business for many years. Some States have legislated sanctions. This bill will not affect them. It makes it unlawful to advertise, sell or use any device to set back an odometer. It also makes it unlawful to sell a car and not disclose the truth about mileage. Although the penalties imposed are civil in nature, the creation of a Federal law on the subject bolstering those of the States, and particularly the information requirements, should deter the practice of odometer tampering. New car dealers and legitimate used car dealers support this provision.

Taking H.R. 11627 all together, there is more to be commended than condemned. I recommend that the House pass it. In so doing, however, I wish to again remind the Members that a return to the provisions of title I as passed by the other body will and should call for the defeat of the conference report. I trust that the conferees will carry out the will of the House.

Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Do I understand the gentleman from North Carolina to say that this legislation would authorize the expenditure of $83 million in the next 3 years?

Mr. BROYHILL of North Carolina. Yes.

Mr. GROSS. And it includes such things as diagnostic centers to be operated within the States?

Mr. BROYHILL of North Carolina. That is correct. These are demonstration projects. The bill does not envision going into a permanent program of diagnostic centers. These are demonstration projects only.

Mr. GROSS. I am sure the able gentleman from North Carolina and the members of the Committee on Interstate and Foreign Commerce are aware of the fact that diagnostic centers are already in operation in Arlington, Va., and I suspect in all other States and heavily occupied areas of the country. Is that not true?

So what is new about diagnostic centers?

Mr. BROYHILL of North Carolina. These diagnostic centers would permit the automobile owner to go in and have a complete checkup of his car by an impartial person to determine what it is going to cost to repair it and to determine what is wrong with it, and he can take that information which is given to him by these impartial inspectors and go to a person who is in business and make a better judgment on the services that he should purchase.

Mr. GROSS. What would make a State employee any more impartial than the operator of a service station operating a diagnostic outfit? What would make them any more impartial than the man from whom you buy your gasoline and who changes the oil in your car, and so forth? He is not in business to lose your business.

Mr. BROYHILL of North Carolina. The language in the bill does not say there is anything wrong with their services. I happen to agree with the gentleman that they provide good service. But this is an effort to see if we can obtain more information quickly about what is wrong with an automobile. Perhaps there are others on the committee who have had far more experience than I in seeing these types of centers set up in other countries. It is possible in certain systems, by attaching the automobile to computers, to actually have a read-out of what is wrong with the automobile.

Mr. GROSS. This bill does not provide for an advisory board, an advisory committee, or an advisory commission; does it?

Mr. BROYHILL of North Carolina. There are no advisory committees set up in this bill.

Mr. GROSS. I am glad to hear that.

Mr. BROYHILL of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. I thank the gentleman for yielding. I have been trying to understand the need for this bill at this time. I do have some questions I would like to ask about the bill. Perhaps the chairman of the committee would be willing to respond to my questions or try to answer those that I have.

For example, I am concerned about the civil actions that are provided in the bill. There is a provision for civil actions in which the damages to be recovered would be not less than $1,000 and as much as $400,000. I assume that those civil actions could be instituted by an individual against a car manufacturer; is that correct?

Mr. STAGGERS. What the gentleman is referring to, as I interpret his question, is a court action by the Secretary against the manufacturer.

Mr. McCLORY. How do you arrive at the $400,000?

Mr. STAGGERS. That is the limit. They cannot go beyond that. That is provided in the original Motor Vehicle Safety Act. That is the wording.

Mr. McCLORY. This bill authorizes a new type of action; does it not?

Mr. STAGGERS. It is under the Safety Act and in conjunction with it.

Mr. McCLORY. And private attorneys would be authorized to bring civil actions; would they not?

Mr. STAGGERS. I did not hear the gentleman's question.

Mr. McCLORY. Individual private attorneys would have to represent people in bringing civil actions; would they not?

It would not be the Attorney General who would bring the action, would it?

Mr. STAGGERS. I think the question is a little bit confusing, or else you are confused. The penalty provision comes under the authority of the Secretary, and that comes out in the court. There can be private suits brought, but in that respect we do not talk about $100,000 or $400,000. The judgment would be an entirely different matter in private suits.

Mr. McCLORY. Is there any limit to the damages in private civil actions?

Mr. STAGGERS. I would think so, after the case would get to court.

Mr. McCLORY. The bill also authorizes, in addition to the damages, the collection of attorneys' fees and court costs; is that correct?

Mr. STAGGERS. I think that is correct; yes.

Mr. McCLORY. This is all new; is it not?

Mr. STAGGERS. Yes.

Mr. McCLORY. Does anybody have any estimate as to how much additional attorneys' fees this bill is going to provide for the legal profession?

Mr. STAGGERS. Not any more than any other thing you might take up would provide. We say "reasonable." We certainly hope it would not be exceptional.

Mr. McCLORY. It is my understanding that most fatal automobile accidents are related somehow or other to the consumption of alcohol by the operators of the automobiles. Is there anything in here to try to reduce the loss of life from automobile accidents because of the use of alcohol by the driver?

Mr. STAGGERS. This is not a bill related to that subject in any way. This is a cause and repair bill. This is joined in with the safety bill and has nothing at variance with that. It is stated in there that it shall not interfere with the safety program we have already set up and passed.

Mr. McCLORY. There is one other question I have. As I recall the hearings, there were extensive hearings conducted, mostly in the other body, which showed the terrible abuses that were occurring or resulting from repairmen overcharging customers, installing parts that were not required, and all sorts of things like that. Is there anything in here which is directed against the repairmen or the repair industry, or are we only involving the Government in telling the manufacturers how to manufacture automobiles?

Mr. STAGGERS. We are not telling them how to manufacture automobiles. We are saying, with the knowledge they already have, they should consider the consumers of the Nation. We are not going into the repair industry. I think in all probability we will add more to the safety bill in other fields.

Mr. McCLORY. May I say the consumer is going to be the one who pays through the nose as a result of this legislation. This bill represents governmental interference in the private industry, the like of which, it seems to me, we have never had before. I think when we initially interfered in the automobile manufacture, we were meddlesome. I question the wisdom of the seatbelt legislation, and certainly the headrest legislation was most offensive. I, myself, had a costly accident as a result of having my vision blocked by the headrest when I was making a turn. It seems to me when the Government of the United States substitutes itself for the consumer and gets into the business of dictating to the manufacturers and purchasers of merchandise details of construction such as is authorized by this bill it causes injury and permanent harm to the American people.

Mr. Chairman. I am opposed to this legislation.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume, and I yield to the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Chairman, I appreciate what the committee has endeavored to do in this legislation, but there does not appear to be in this legislation any means of standardizing bumper heights. When we drive along the highway, we often follow vehicles such as Volkswagens, Fiats, and some American sports cars which have bumper levels 5 or 6 or 8 inches below the bumper levels of the average American automobile.

Mr. Chairman, it seems to me if we are going to reduce accidents and the high cost of accidents and the great physical damage which people sustain on the highways, certainly this legislation ought to be directed toward providing uniform bumper levels, so that they meet. If there is an impact, it will be the bumpers that meet rather than other parts of the vehicle in which there will be exposure to the passenger injury and increased cost of repair.

Will the gentleman tell me whether or not this legislation does anything about providing regulations about uniformity of bumper levels?

Mr. STAGGERS. It does not, but we state to the Secretary he shall set the standards, and we would expect the Secretary to standardize the bumper heights even of imported cars. That would be my intention in regard to this.

Mr. STAGGERS. Mr. Chairman, the gentleman from California had asked me to yield, and I yield to the gentleman at this time.

Mr. VAN DEERLIN. I thank the chairman.

Mr. Chairman, this legislation, as has been noted, does undertake to preempt all State statutes on bumper standards. Indeed, the report itself accompanying the bill, on page 28 says:

> Section 110 preempts state authority to establish or continue in effect bumper standards which are not identical to Federal bumper standards. This section is intended to be interpreted as a Federal preemption of the field in order to assure uniformity of bumper standards.

Mr. Chairman, six States have acted in this field. Three of them—my own State of California, the State of Maryland, and the State of Florida—have established bumper standards which would require the ability to withstand damage both front and rear at a speed of 5 miles an hour. The California law will become effective on September 1 of next year, 1973, the Maryland statute on the first day of 1974, and the Florida law on September 1, 1974.

Three other States—Georgia, Minnesota, and North Carolina—have adopted standards which provide for 5 miles an hour for the front bumper and 2½ miles an hour for the rear bumper.

Now, if we are going to preempt State standards, I should assume we are entitled to know that the Department charged with responsibility would not establish standards less stringent than those already ordered by the three States—5 miles an hour front and 5 miles an hour rear.

Would the chairman of the committee comment on that?

Mr. STAGGERS. I shall be happy to.

We refrained from setting standards or limitations in the committee. Certainly the intention was that Federal bumper standards would be as strong as any State now has, and perhaps stronger.

We leave it up to the Secretary. We know the States have a 5-mile-an-hour provision. We certainly expect him to come up to that or beyond. We hope in a year or two it will be far beyond.

Mr. VAN DEERLIN. It is to be noted that both the Ford Co. and General Motors have indicated to California that they can go along with that law, can meet it, and comply with it, and live with it.

Mr. STAGGERS. That is true. We certainly expect the Secretary to set the standards at least this high if not higher.

Mr. VAN DEERLIN. I should hope the gentleman's assurances here will be read by the Secretary, and go a long way toward influencing that judgment.

Mr. STAGGERS. I am sure they will be, because that was the intent of the committee. We have not specified that standards be set at a specific speed level of 5 miles per hour because we hope in the near future they will go way beyond that.

The CHAIRMAN. The time yielded by the gentleman from West Virginia has expired.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. Mr. Chairman, I should like to speak to the question the gentleman so ably presents here, because it is a problem the committee was concerned with, and I believe I can show the gentleman how we met that problem.

Mr. VAN DEERLIN. I would appreciate that.

Mr. ECKHARDT. On page 47 of the bill, in section 110(a) there is a preemption clause which broadly preempts all State law and puts into effect Federal law.

In subsection (b)(1) we have the exception, and we had specifically the California standards in mind there.

We did want to make this as narrow as possible, because we did not want to create a standard for a different kind of automobile for every State of the Union. So we said that until the Federal standard takes effect with respect to a given aspect of performance—as, for instance, the 5-mile-an-hour rear and front end requirement—until an action is taken by the Federal Government the State standards may continue in effect.

We did not want to open this any wider than necessary, so we said it would apply only where a State had in effect such a standard or had one promulgated. As we understand it, in California it is not now in effect but it is promulgated. So we really tailor-made this for California.

We are reasonably sure that no standard will be established by the DOT at a level less than a 5-mile-an-hour front and rear standard.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from California.

Mr. VAN DEERLIN. Does the gentleman have anything other than his own pious hope that this would be so?

Mr. ECKHARDT. I may say this: If the worry were that the DOT would do nothing, I would join in the worry. In other words, I certainly would not want to set aside an existing standard for one that is not yet promulgated. But I believe we have a pretty good assurance that when they do act it will not be less than 5 miles an hour front and rear.

Mr. BROYHILL of North Carolina. Mr. Chairman, I yield myself 1 minute.

I would like to join this colloquy just completed here.

We have discussed this at some length in the subcommittee, and I am convinced that the DOT is going to promulgate a standard that is going to be completely adequate to do the job. I do not think they are going to ignore the actions that other States have taken. My own State of North Carolina, for example, enacted a bumper standard. The gentleman from California enumerated some of the other States that have enacted these standards. I feel that the DOT is going to take into consideration what they have done in this field and certainly they are not going to have a standard that is so far below these others that it will be either meaningless or it will be very obvious that it does not mean anything.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROYHILL of North Carolina. I yield myself 2 additional minutes.

I yield to the gentleman from Texas (Mr. CASEY).

Mr. CASEY of Texas. I thank the gentleman for yielding.

One thing that I cannot understand—and maybe you can help me to understand it—is under title II, the automobile consumer information study, and on page 50 under section 201(e) it states:

> (e) The Secretary, not later than February 1, 1975, shall establish procedures requiring the automobile dealers to provide insurance premium rates to prospective purchasers that would enable the prospective purchasers to compare the difference in costs for auto insurance on the various makes and models of passengers motor vehicles.

Does that mean someone by February 1, 1975, can go in to price a Ford automobile and the Ford dealer has to have all of the insurance rates of all of the competitive automobiles available?

Mr. BROYHILL of North Carolina. I would like to say in all fairness to the gentleman from Texas I wish you would direct this question to the gentleman from California. I think he will recall I tried to strike this section in the subcommittee.

Mr. CASEY of Texas. I will direct it to anyone who wants to explain it.

Mr. BROYHILL of North Carolina. But it does require the Secretary to establish these procedures so that when a purchaser of an automobile goes in to buy this automobile he will have available there for the consumer to see the range of insurance costs that he will have to pay in that State or under the State laws. This section sets up procedures so that a car purchaser can go from one model to the other so that he can make a comparison of what the actual automobile insurance costs will be.

Mr. CASEY of Texas. Is it not going to be burdensome on each automobile dealer to have the various automobile premium rates available on all of the automobiles? You will have to have the $25 deductible, the no deductible, fire, theft, collision, and whatnot. Or else what is meant by this section?

Mr. BROYHILL of North Carolina. As I was saying to the gentleman, I was advocating in the subcommittee that a study be made on this and not actually require the Secretary to establish these procedures; however, it is in the bill, we arrived at a consensus, and I do not feel it will be overly burdensome to the auto dealers.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BROYHILL of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Texas on his own time if he wants to pursue this matter further.

Mr. CASEY of Texas. I am anxious to learn more about it. Would the chairman of the subcommittee care to respond? Was it his proposal?

Mr. MOSS. No, it was not my proposal, but I can report to you the consensus of the committee. The consensus was that by granting rulemaking authority to the Secretary to come up with a format that we would not be imposing any onerous burden on dealers. In all probability, this would become published information readily available to every automobile dealer in the country and something that would be in his showroom for study or at least available to the purchaser.

Mr. CASEY of Texas. Well, with reference to that, I wonder if the gentleman could also go into the requirement that the Secretary shall require insurers of automobiles to furnish all the data that the bill calls for on pages 54 and 55?

Is that going to end up in higher insurance premiums?

Mr. MOSS. It is the judgment, if the gentleman will yield, of the overwhelming majority of insurance writers that it will reduce rather than increase the cost of insurance. That was the impact of the testimony of those from the auto insurers before the committee in rather extensive hearings.

Mr. CASEY of Texas. As the gentleman knows, every once in a while we will pass something and then we will start hearing about the paperwork required in carrying out the congressional intent. The agencies get so involved in paperwork that the next thing you know it runs the cost up more than we anticipated.

Mr. MOSS. I am quite confident that each member of the subcommittee was as desirous as the gentleman himself to avoid any buildup of paperwork. We do not anticipate the buildup of paperwork, and we certainly would admonish the Secretary not to undertake rules and regulations which would impose undue burdens on the industry.

Mr. CASEY of Texas. I thank the gentleman.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Thank you, Mr. Chairman.

I want to make one thing clear. I am in support of the general principles of this bill. I think they are reaching a very important subject matter.

However, my concern goes to title I relating to bumper standards. I have spoken with the gentleman from Texas (Mr. ECKHARDT) for whom I have great respect and in my opinion there are few who have greater skill in the legislative process.

I would like to ask the gentleman whether it is not true that if the Federal Government, pursuant to this law, were to enact a regulation calling for 3 miles per hour, for example, bumper standards on the front and rear, would this not then preempt our California law which calls for 5 miles an hour?

Mr. ECKHARDT. Yes, the gentleman is correct.

Mr. DANIELSON. The answer was in the affirmative.

This is the portion that bothers me. I do not in any respect whatever doubt that the committee intends to have the Department of Transportation issue regulations as strong as those in California, but I have no assurance that they will.

I say this, and I do not doubt the chairman's word or the members' word, but, what we are doing here is indulging in our old fallacy of delegating to the executive department the right to do something which is truly legislative.

I respectfully submit that I do not think I have any choice but to represent my State and try to see to it that we are allowed to have our own law remain on the statute books.

Mr. STAGGERS. I will say to the gentleman that if the Secretary comes up with anything less than 5 miles per hour, we would have an oversight hearing with reference to it.

Mr. DANIELSON. I assure the chairman that I thoroughly believe him, but I do not want the Secretary to even have the chance.

Mr. STAGGERS. But, we will go into the matter and have the experts appear before the committee and determine what has been done.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. DANIELSON. Thank you very much.

I would like to respond to that by saying that in my own State legislature hearings were held on this subject. Our law was not pulled out of the blue sky. Witnesses appeared before the committee and they testified, and the act was responsibly passed by the legislature and approved by the Governor and I believe it is indeed responsible legislative action.

Appropriate bumper standards, as provided by the existing California law, would save the citizens of California an estimated $1,000,000,000 per year in savings from automobile insurance premiums and repairs to automobiles. It is only good sense to keep such laws in effect until such time as the Federal Government promulgates regulations which are equally effective.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. The answer that I gave the gentleman was absolutely candid in answer to his question, but his questions did not relate to what the Federal Government now has enacted as a standard to go into effect on September 1, 1973.

The Motor Vehicles Safety Standard No. 215 provides in section 562 as follows:

> Except as provided in S5.2.1 and S5.2.2, each vehicle manufactured on or after September 1, 1973, shall meet the protective criteria of S5.3.1 through S5.3.6 during and after impacts by a pendulum-type test device in accordance with the procedures of S7.1 and S7.2 followed by impacts into a fixed collision barrier that is perpendicular to the line of travel of the vehicle—

Now, note this:

> while traveling longitudinally forward at 5 mph and while traveling longitudinally rearward at 5 mph, under the condition of S6.

Stripped of the bureaucratic gobbledygook, that means that the Federal Government has already enunciated safety standards to take effect in September of 1973 that will make an automobile meet the requirements of a 5-mile-an-hour collision, front or rear.

As I understand, that is what the California law does or will do with respect to property damage as soon as it is put into effect. Until this happens under the Federal act the preemption clause of the Federal act does not supercede any existing California law. Therefore until 1973 if the California law goes into effect it will remain in effect until September 1, 1973, at which time it will become identical with the Federal law if the Federal agency applies to its safety standard and responsibility standards the same speed provisions, as I believe it surely will do.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the Chairman of the subcommittee, the drafter of the bill, the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I would say to my colleague, the gentleman from California (Mr. Danielson) that, as the chairman of the subcommittee reporting this legislation, I believe I was quite cognizant of the interest of the California motorist in a good bumper law, and I think we have achieved that kind of law in the bill here. I do not feel that the preemption section takes anything away from California.

The gentleman from Texas (Mr. Eckhardt) has just read the bumper safety standard which has been promulgated for 1973 model automobiles. If you will refer to page 34 of the bill before the committee at this time, beginning on line 18, the language is very clear that:

> Bumper standards under this title shall not conflict with motor vehicle safety standards promulgated under title I of the National Traffic and Motor Vehicle Safety Act of 1966.

And certainly if we had a different standard proposed to the industry by the Secretary under this new authority, and it called for less than the 5 miles per hour and 5 miles per hour—front and rear—it might well be a standard in conflict with standards being proposed under the Motor Vehicle Safety Act.

So I think we can have the assurance as indicated by the chairman of the full committee, the gentleman from West Virginia (Mr. Staggers) that if the Secretary should be so unwise as to promulgate a lower standard that he would immediately have oversight hearings before the Interstate and Foreign Commerce Committee.

I think that the gentleman from North Carolina (Mr. Broyhill), the distinguished ranking minority member on the Subcommittee on Commerce and Finance, would agree with me that in the entire span of discussion in the committee there was a consensus that we were talking of a 5-mile-an-hour standard. We did not feel it desirable to freeze that into the statute, but rather to make clear our intent and acquaint the Secretary with that intent.

Mr. BROYHILL of North Carolina. Mr. Chairman, if the gentleman will yield, as he well knows, and of course as is well known in the industry, the present standard which has been promulgated by the Department of Transportation with respect to safety-related bumper standards calls for 5-mile-an-hour standards.

Mr. MOSS. I thank the gentleman.

Mr. BROYHILL of North Carolina. So I do not think there are going to be all these difficulties to meet a 5-mile-per-hour standard from the standpoint of repairability.

Mr. MOSS. I will say to my colleague, the gentleman from California, you can vote for this with the assurance that we have been as careful as the California Legislature.

Mr. DANIELSON. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman.

Mr. DANIELSON. You have raised another question in my mind on the setting up of the standards—when is the Secretary going to set these standards under the bill?

Mr. MOSS. He is instructed to set the standards as promptly as possible, but not earlier than July 1, 1973.

Mr. DANIELSON. As I read section 102(a)—this does call for the Secretary to set the standards but does not say when.

Mr. MOSS. On page 35, line 15 of the bill, it provides "in no event shall the Secretary establish an effective date which is earlier than July 1, 1973".

Having an awareness of the fact that there are already safety related standards promulgated with an effective date I believe of September, 1973, it would seem probable that the repair standards will be promulgated within the same time.

Mr. DANIELSON. Is there anything in the bill that says when the Secretary shall set the date?

Mr. MOSS. No; there is not. I would suggest that if we start here to draw up the rules and make them spell out the process on dates and times—then we might as well go ahead and write the standards ourselves. I assure you that would be most difficult.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman.

Mr. ECKHARDT. Mr. Chairman, I think the clear answer to the gentleman's question is that if the Federal agency does not set any standards with reference to repairability, the California standards will remain in effect.

Mr. MOSS. That is correct.

Mr. Chairman, I urge the committee to support the bill.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may require.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield for a question?

Mr. STAGGERS. I yield to the gentleman.

Mr. SEIBERLING. In the hopes of avoiding a multiplicity of statutory requirements to be met by our already somewhat overburdened auto tire industry, I just wonder if I could ask a couple of questions, first, with respect to title II, Automobile Consumer Information Study.

As I read this, this would not cover studies and investigations of the tire components of motor vehicles, that is, the motor vehicle's tires. Is that correct?

Mr. STAGGERS. That is correct, because when we passed the original National Traffic and Motor Vehicle Safety Act of 1966, we included the standards there for tires. They are not repeated in this legislation.

Mr. SEIBERLING. Could I ask the same question with respect to title III—diagnostic inspection demonstration projects. Is the answer on that the same?

Mr. STAGGERS. It would be the same there because we set specific standards in 1966 in the original act.

Mr. SEIBERLING. The answer would be the same?

Mr. STAGGERS. That is right.

Mr. SEIBERLING. I thank the gentleman very much.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Chairman, it is common and painful knowledge to all of us, of the high cost of repairing automobiles damaged by a collision—first, with reference to the cost of the automobile itself and the cost of repairing them and the cost of the insurance.

The committee has set about to try to find a reasonable way of reducing those costs.

The committee was faced with this proposition: The Secretary of Transportation would set Federal standards for reducing the cost of repair. This proposal came close to getting into the area of actually entering into the design of the automobile. That was strongly opposed.

Another proposition that was argued was that it would be sufficient if we simply published information compiled by DOT about the cost of repair.

The idea was that if this information was published and make knowledgeable, then this would sufficiently protect the consumer. After lengthy consideration of these two proposals the committee has reached a good compromise, I think. The committee bill says that the Secretary may establish cost of repair standards in the area of bumpers. This will probably go to the heart of a great deal of our problem and give us a little time to see what kind of cost can be eliminated.

I commend the bill to the committee. I think it is a good consumer bill and should be supported by the Members of the House.

Mr. THOMPSON of Georgia. Mr. Chairman, no one is more in favor of better automobile bumpers than I am and, likewise, no one is more in favor of a law prohibiting the turning back of odometers on automobiles than I am. However, in looking at H.R. 11627 in its entirety, I can only conclude that these two desirable provisions are not sufficient to vote for the measure because of the very undesirable measures and purposes of the bill.

For example, it is not necessary to have a bill 57 pages long simply to accomplish these two desirable purposes. This can be done in one page. The balance of the pages is what makes the bill unacceptable.

Higher and higher taxes and increased costs of Government bring cries for relief from my constituents for the spending of an additional $81 million of taxpayers' money for a variety of purposes other than providing bumpers and prohibiting odometer changes.

As pointed out by Congressman CLARENCE BROWN, the bill is so broad that it would allow the Secretary of Transportation to require an ordinary citizen to give a report on the performance standards of his automobile—both mechanical and electrical—and were he to fail to do so, he could be subject to a fine of $1,000 and up to a year in jail. It is argued that the Secretary of Transportation would never be so foolish as to promulgate such a regulation, but I personally feel that we in the Congress should not be so foolish as to vote for such a measure that would give him this authority.

In order to carry out the provisions of this act, it would be necessary to hire a large number of Government employees who would be charged with the responsibility of taking each make and model of automobile each year and evaluating it as to repairability indexes for all of the various component parts. Further, even insurance information would have to be taken into studies and evaluation.

This will be wasteful of taxpayers' money and I frankly do not feel the American public wants its tax money to be wasted.

By giving the Secretary of Transportation the power to establish performance standards for each part of an automobile, we will find that the cost of the automobile will be increased. The exact amount I cannot say, but the increase is certain and could be $500–$600 in order to save $7–$10 on annual insurance premiums. Further, when a severe crash does occur, because the structure of the automobile is heavy and more complex due to Government regulation, we may find that, rather than having a bent fender, we may have a bent frame, thus making a repair of damages due to collision far more expensive than it would ordinarily be.

Another reason for my opposition is contained within a statement on May 16, 1972, sent out to all Members by Congressman BOB ECKHARDT of Texas, an author of many of the provisions of the bill. In it, he stated:

> Their (GM and Ford Motor Company) manufacturing techniques involve the wasteful annual style changes which, year in and year out, delivered to the public inordinately fragile, costly to repair and non-environmentally compatible vehicles. This annual style changing creates enormous manufacturing costs.

He further alleges that part of the reason he feels passage of the bill is necessary is because of the practice of the manufacturers to use "advertising to convince the car-buying public that they wanted these needless style changes and assortment of models." In brief, it is apparent that Congressman ECKHARDT is attempting to legislate by this measure against style changes which a manufacturer deems desirable and necessary to market this automobile. Further, he is apparently opposed to advertising efforts made on behalf of the automobile companies who are trying to convince the public that their new model is prettier, more attractive, and more desirable than the old one. I cannot vote for a bill designed to do this.

Maybe Congressman ECKHARDT's world would be a much better world if we were not style conscious and if women would not buy new wardrobes every time the fashion world introduced a new style in fabric, pattern or length of skirt. However, it is part of the American way of life that we create jobs and employment for people because of the desire of Americans to have something better, a little prettier and a little more useful than they had in the past.

Therefore, I for one, have no intention of supporting a bill which I feel would prevent our American system of manufacturing, marketing, and advertising from functioning—and this is certainly substantiated by Congressman ECKHARDT's remarks. I do not believe the American public wants their tax money being used to relegate them to the use of tank-like automobiles which are more expensive to purchase and operate. Further, because of added weight of the automobiles due to complying with regulations promulgated by this bill, we will cause more pollution in the air because more gasoline is used to move the increased tonnage down the highway.

Frankly, I doubt that repair costs will be reduced by this bill and so far as a bumper standing up under a 5-mile-per-hour collision is concerned, this is already required under current law and additional legislation is not needed since the 1973 cars are already required to have it.

In short, this measure will just spend more tax money to hire more Federal employees and will be part of the cause for a tax increase to be imposed on the people in the future.

Mr. BROYHILL of North Carolina. Mr. Chairman, we have no further requests for time.

Mr. STAGGERS. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 11627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Information and Cost Savings Act".

DEFINITIONS

SEC. 2. For the purpose of this Act:

(1) The term "passenger motor vehicle" means a motor vehicle with motive power, designed for carrying twelve persons or less, except a motorcycle, trailer, or multipurpose passenger vehicle.

(2) The term "multipurpose passenger vehicle" means a motor vehicle with motive power designed to carry twelve persons or less, which is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) The term "passenger motor vehicle equipment" means any system, part or component of a passenger motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory, or addition to a passenger motor vehicle.

(4) The term "property loss reduction standard" means a minimum performance standard established for the purpose of increasing the resistance of passenger motor vehicles or passenger motor vehicle equipment to damage resulting from motor vehicle accidents or for the purpose of reducing the cost of repairing such vehicles or such equipment damaged as a result of such accidents.

(5) The term "bumper standard" means any property loss reduction standard the purpose of which is (A) to eliminate or reduce substantially physical damage to the front or rear ends (or both) of a passenger motor vehicle resulting from a low-speed collision (including but not limited to a low-speed collision with a fixed barrier), or (B) to reduce substantially the cost of repair of the front or rear ends (or both) of such a vehicle when damaged in such a collision; but such a standard may not specify a specific dollar amount for the cost of repair of a vehicle damaged in such a collision.

(6) The term "manufacturer" means any person engaged in the manufacturing or assembling of passenger motor vehicles or passenger motor vehicle equipment including any person importing motor vehicles or motor vehicle equipment for resale.

(7) The term "make" when used in describing a passenger motor vehicle means the

trade name of the manufacturer of that vehicle.

(8) The term "model" when used in describing a passenger motor vehicle means a category of passenger motor vehicle based upon the size, style, and type of any make of passenger motor vehicle.

(9) The term "motor vehicle accident" means an accident arising out of the operation, maintenance, or use of a passenger motor vehicle or passenger motor vehicle equipment.

(10) The term "Secretary" means the Secretary of Transportation.

(11) The term "insurer of passenger motor vehicles" means any person engaged in the business of issuing (or reinsuring, in whole or part) passenger motor vehicle insurance policies.

(12) The term "damage susceptibility" means susceptibility to physical damage incurred by a passenger motor vehicle involved in a crash or collision.

(13) The term "crashworthiness" means the protection that a passenger motor vehicle affords its passengers against personal injury or death as a result of a crash or collision.

(14) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

(15) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(16) The term "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(17) The term "United States district courts" means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, and American Samoa.

(18) The term "person" means any individual, association, corporation, or institution.

TITLE I—BUMPER STANDARDS

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that it is necessary to reduce the economic loss resulting from damage to passenger motor vehicles involved in motor vehicle accidents.

(b) It is the purpose of this title to reduce the extent of such economic loss by providing for the promulgation and enforcement of bumper standards.

SETTING OF STANDARDS

SEC. 102. (a) The Secretary shall, by rule, promulgate bumper standards for passenger motor vehicles or passenger motor vehicle equipment manufactured in the United States or imported into the United States, other than passenger motor vehicles or items of passenger motor vehicle equipment which are intended solely for export (and are so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which are exported. Any such standard shall seek to obtain the maximum feasible reduction of costs to the public and to the consumer, taking into account:

(1) the cost of implementing the standard and the benefits attainable as the result of implementation of the standard;

(2) the effect of implementation of the standard on the cost of insurance and prospective legal fees and costs:

(3) savings in terms of consumer time and inconvenience; and

(4) considerations of health and safety, including emission standards.

(b) Bumper standards under this title shall not conflict with motor vehicle safety standards promulgated under title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.).

(c) In promulgating any standard the Secretary may for good cause shown exempt any make, model, or class of passenger motor vehicle manufactured for a special use, including occasional off-road operation, if such standard would unreasonably interfere with the special use of such passenger motor vehicle.

(d) The Secretary shall establish the effective date of any bumper standard when finally promulgating the standard, and such standard shall apply only to passenger motor vehicles or passenger motor vehicle equipment manufactured on or after such effective date. Such effective date shall not be—

(1) earlier than the date on which such standard is finally promulgated, or

(2) later than eighteen months after final promulgation of the standard unless the Secretary presents to Congress and publishes a detailed explanation of the reasons for such later effective date.

In no event shall the Secretary establish an effective date which is earlier than July 1, 1973.

(e) (1) All rules establishing, amending, or revoking a bumper standard under this title shall be issued pursuant to section 553 of title 5 of the United States Code, except that the Secretary shall give interested persons an opportunity for oral presentation of data, views, or arguments, and the opportunity to make written submissions. A transcript shall be kept of any oral presentation.

(2) The Secretary may also conduct a hearing in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of fact material to the establishing, amending, or revoking of a bumper standard.

JUDICIAL REVIEW

SEC. 103. (a) Any person who may be adversely affected by any rule issued under section 102 of this title may at any time prior to sixty days after such rule is issued file a petition with the United States Court of Appeals for the District of Columbia, or any circuit wherein such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or his delegate. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his rule, as provided in section 2112 of title 28, United States Code.

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced in a hearing, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his rule, with the return of such additional evidence.

(c) Upon the filing of the petition referred to in subsection (a) of this section, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(d) The judgment of the court affirming or setting aside, in whole or in part, any such rule of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The remedies provided for in this subsection shall be in addition to and not in lieu of any other remedies provided by law.

POWERS OF THE SECRETARY

SEC. 104. (a) (1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) All information reported to or otherwise obtained by the Secretary or his representative under this title which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

(c) (1) The Secretary is authorized to request from any department, agency, or instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

(2) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title.

(d) The Secretary shall conduct such research as is necessary for him to carry out his functions under this title.

INSPECTION AND CERTIFICATION

SEC. 105. (a) Every manufacturer of passenger motor vehicles or of passenger motor vehicle equipment shall establish and maintain such records, make such reports, and provide such items and information, including the supplying of vehicles or equipment for testing, as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect vehicles and appropriate books, papers, records, and documents relevant to determining whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title. Such manufacturer shall make available all such items and information in accordance with such reasonable rules as the Secretary may prescribe.

(b) For purposes of enforcement of this title, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter any factory, warehouse, or establishment in which passenger motor vehicles or passenger motor vehicle equipment is manufactured, or held for introduction into interstate commerce or are held for sale after such introduction; and (2) to inspect such factory, warehouse, or establishment. Each such inspection shall be conducted at reasonable times and in a reasonable manner and shall be commenced and completed with reasonable promptness.

(c) (1) Every manufacturer or distributor of a passenger motor vehicle or an item of passenger motor vehicle equipment shall furnish to the distributor or dealer at the time of delivery of such vehicle or item of equipment by such manufacturer or distributor a certification that each such vehicle or item of equipment conforms to all applicable Federal bumper standards.

(2) Paragraph (1) of this subsection shall not apply to any passenger motor vehicle or item of passenger motor vehicle equipment which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

PROHIBITED ACTS

SEC. 106. (a) No person shall—

(1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the date any applicable Federal bumper standard takes effect under this title unless it is in conformity with such standard;

(2) fail to keep specified records or refuse access to or copying of records, or fail to make reports or provide items or information, or fail or refuse to permit entry or inspection, as required under this title or any rule issued thereunder; or

(3) (A) fail to furnish a certificate required by section 105(c), or (B) issue a certificate required by such subsection to the effect that a passenger motor vehicle or passenger motor vehicle equipment conforms to all applicable bumper standards, if such person knows, or in the exercise of due care has reason to know, that such certificate is false or misleading in a material respect.

(b) (1) Paragraph (1) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any passenger motor vehicle or any passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale. Nothing contained in this paragraph shall be construed as prohibiting the Secretary from promulgating any standard which requires vehicles or equipment to be manufactured so as to perform in accordance with the standard over a specified period of operation or use.

(2) Paragraph (1) of subsection (a) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that the vehicle or item of equipment is not in conformity with applicable bumper standards or to any person who, prior to such first purchase, holds a certificate issued under section 105(c) to the effect that the vehicle or item of equipment conforms to all applicable Federal bumper standards, unless such person knows that such vehicle or such equipment does not so conform.

(3) A passenger motor vehicle or passenger motor vehicle equipment offered for importation in violation of paragraph (1) of subsection (a) shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, provide for authorizing the importation of such vehicle or equipment into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such vehicle or such equipment will be brought into conformity with any applicable Federal bumper standard prescribed under this title, or will be exported or abandoned to the United States.

(4) The Secretary of the Treasury and the Secretary may, by joint regulations, permit the temporary importation of any passenger motor vehicle or passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale.

(c) Compliance with any Federal bumper standard issued under this title does not exempt any person from any liability under statutory or common law.

ENFORCEMENT

SEC. 107. (a) Whoever violates subsection (a) of section 106 may be assessed a civil penalty of not to exceed $1,000 for each violation. With respect to violations of paragraph (1) or (3) of subsection (a) of section 106, a separate violation is committed with respect to each passenger motor vehicle or each item of passenger motor vehicle equipment which fails to conform to an applicable bumper standard or for which a certificate is not furnished or for which a misleading or false certificate is issued; except that the maximum civil penalty shall not exceed $400,000 for any related series of violations.

(b) (1) Upon petition by the Secretary or by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title, or to restrain the sale, offer for sale, or the introduction or delivery for introduction in interstate commerce, or the importation into the United States, of any passenger motor vehicle or passenger motor vehicle equipment which is determined, prior to the first purchase of such vehicle or such equipment in good faith for purposes other than resale, not to conform to applicable bumper standards prescribed pursuant to this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(2) In any proceeding for criminal contempt for violation of an injuction or restraining order issued under this subsection, which violation also constitutes a violation of this title, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(3) Actions under paragraph (1) of this subsection and under subsection (a) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

(4) In any actions brought under paragraph (1) of this subsection and under subsection (a) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

CIVIL ACTION

SEC. 108. (a) Any owner of a passenger motor vehicle who sustains damages as a result of a motor vehicle accident because of noncompliance with any applicable bumper standard may bring a civil action against the manufacturer of that vehicle in the United States District Court for the District of Columbia, or in the United States district court for the judicial district in which that owner resides, to recover the amount of that loss, and in the case of any such successful action to recover that amount, costs and reasonable attorneys' fees shall be awarded to that owner.

(b) Any such action shall be brought within three years of the date on which the damages are sustained.

PUBLIC ACCESS TO INFORMATION

SEC. 109. Subject to section 104(b), copies of any communications, documents, reports, or other information sent or received by the Secretary in connection with his duties under this title shall be made available to any member of the public, upon request, at cost.

EFFECT ON STATE LAWS

SEC. 110. (a) Except as provided in subsection (b) of this section, no State or political subdivision thereof shall have any authority to establish or enforce with respect to any passenger motor vehicle or passenger motor vehicle equipment offered for sale any bumper standard which is not identical to a Federal bumper standard.

(b) (1) Until a Federal bumper standard takes effect with respect to an aspect of performance of a passenger motor vehicle or of an item of passenger motor vehicle equipment, this Act shall not affect the authority of a State to continue to enforce any bumper standard which is applicable to the same aspect of performance of such vehicle or item of equipment and which was in effect or had been promulgated on the date of enactment of this Act.

(2) This section shall not affect the authority given to the Administrator of the Environmental Protection Agency by section 209(b) of the Clean Air Act (42 U.S.C. 1857f–6a(b)).

(3) The Federal Government or the government of any State or political subdivision thereof may establish a bumper standard applicable to vehicles or equipment procured for its own use which is not identical to the Federal standard under section 102 if such requirement imposes an additional or higher standard of performance.

AUTHORIZATION

SEC. 111. There is authorized to be appropriated to carry out this title $5,000,000 for fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; and $10,000,000 for the fiscal year ending June 30, 1975.

REPORTS

SEC. 112. The Secretary shall report to the Congress and to the President not later than March 31 of each year on the progress in carrying out the purposes of this title. Each such report shall contain a statement of the cost savings that have resulted from the administration of this title, and include such recommendations for further legislative or other action as the Secretary determines may be appropriate.

TITLE II—AUTOMOBILE CONSUMER INFORMATION STUDY

CONSUMER INFORMATION

SEC. 201. (a) During the first year after enactment of this Act the Secretary shall conduct a comprehensive study and investigation of the methods for determining the following characteristics of passenger motor vehicles:

(1) The damage susceptibility of such vehicles.

(2) The degree of crashworthiness of such vehicles.

(3) The characteristics of such vehicles with respect to the ease of diagnosis and repair of mechanical and electrical systems which fail during use or which are damaged in motor vehicle accidents.

(b) After reviewing the methods for determining the characteristics enumerated in subsection (a), the Secretary shall make specific recommendations for the further development of existing methods or for the development of new methods.

(c) After the study has been completed the Secretary is authorized and directed to devise specific ways in which existing information and information to be developed relating to (1) the characteristics of passenger motor vehicles enumerated in subsection (a), or (2) vehicle operating costs dependent upon those characteristics (including information obtained pursuant to section 205 of this title), can be communicated to consumers so as to be of benefit in their passenger motor vehicle purchasing decisions.

(d) The Secretary shall compile the information described in subsection (c) and furnish it to the public in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles with respect to the characteristics enumerated in subsection (a).

(e) The Secretary, not later than February 1, 1975, shall establish procedures requiring the automobile dealers to provide insurance premium rates to prospective purchasers that would enable the prospective purchasers to compare the difference in costs for auto insurance on the various makes and models of passenger motor vehicles.

ADMINISTRATIVE POWERS

SEC. 202. In order to carry out his functions under this title the Secretary is authorized to—

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem;

(3) contract with any person for the conduct of research and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, such advisory committees, representative of the divergent interests involved, as he deems appropriate for the purposes of consultation with advice to the Secretary. Members of advisory committees appointed under paragraph (4) of this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding $100 per day, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11, title 18, United States Code, be deemed to be special Government employees.

COOPERATION OF FEDERAL AGENCIES

SEC. 203. (a) The Secretary may request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and furnish such information to the Department of Transportation upon request made by the Secretary.

(b) The head of any Federal department, agency, or independent instrumentality may detail, on a reimbursable basis, any personnel of such department, agency, or independent instrumentality to assist in carrying out the duties of the Secretary under this title.

HEARINGS AND PRODUCTION OF DOCUMENTARY EVIDENCE

SEC. 204. (a) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to the study authorized by this title.

(c) The Secretary may require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(d) Any United States district court within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this title. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

INSURANCE INFORMATION

SEC. 205. (a) Insurers of passenger motor vehicles, or their designated agents, shall, upon request by the Secretary, make such reports and furnish such information as the Secretary may reasonably require to enable him to carry out the purposes of this title.

(b) Such reports and information may include, but shall not be limited to—

(1) accident claim data relating to the type and extent of physical damage and the cost of remedying the damage according to make, model, and model year of passenger motor vehicle, and

(2) accident claim data relating to the type and extent of personal injury according to make, model, and model year of passenger motor vehicle.

(c) In determining the reports and information to be furnished pursuant to subsections (a) and (b) of this section, the Secretary shall—

(1) consider the cost of preparing and furnishing such reports and information;

(2) consider the extent to which such reports and information will contribute to carrying out the purposes of this title; and

(3) consult with such State and insurance regulatory agencies and other agencies and associations, both public and private, as he deems appropriate.

(d) The Secretary shall, to the extent possible, obtain such reports and information from the insurers of passenger motor vehicles on a voluntary basis.

(e) Every insurer of passenger motor vehicles shall, upon request by the Secretary, furnish him a description of the extent to which the insurance rates or premiums charged by the insurer for passenger motor vehicles are affected by the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles. Such insurer shall also furnish the Secretary upon request such information as may be available to such insurer reflecting the effect of the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles upon risk incurred by insuring each such make and model.

(f) The Secretary shall not, in disseminating any information received pursuant to this section, disclose the name of, or other identifying information about, any person who may be an insured, a claimant, a passenger, an owner, a driver, an injured person, a witness, or otherwise involved in any motor vehicle crash or collision unless the Secretary has the consent of the persons so named or otherwise identified.

(g) The information required by this section shall be furnished at such times and in such manner as the Secretary shall prescribe by regulation or otherwise.

PROHIBITED ACT

SEC. 206. No person shall fail or refuse to furnish the Secretary with the data or information requested by him under this title.

INJUNCTIVE RELIEF

SEC. 207. Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of section 206. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views and shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief. Paragraphs (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

CIVIL PENALTY

SEC. 208. (a) Whoever violates section 206 shall be subject to a civil penalty of not to exceed $1,000 for each violation. A violation of section 206 shall constitute a separate violation with respect to each failure or refusal to comply with a requirement thereunder; except that the maximum civil penalty under this subsection shall not exceed $400,000 for any related series of violations.

(b) Any civil penalty under this section may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise ,may be deducted from any sums owing by the United States to the person charged.

(c) Paragraphs (3) and (4) of section 107 (b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

APPROPRIATIONS AUTHORIZED

SEC. 209. There are hereby authorized to be appropriated to carry out the provisions of this title $3,000,000 per fiscal year for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

TITLE III—DIAGNOSTIC INSPECTION DEMONSTRATION PROJECTS

POWERS AND DUTIES

SEC. 301. (a) The Secretary shall establish motor vehicle diagnostic inspection demonstration projects, inspections under which shall commence not later than January 1, 1974.

(b) To carry out the program under this title, the Secretary shall—

(1) make grants in accordance with subsection (c) and furnish technical assistance to States; and

(2) consult with the Administrator of the Environmental Protection Agency.

(c) (1) Any demonstration project under this title shall be conducted by, or under supervision of, a State in accordance with the application of the State submitted under section 303, and may provide for the performance of diagnostic inspection services either by public agencies or by private organizations, but no person may perform diagnostic inspection services for profit under any such program.

(2) Not less than five nor more than ten demonstration projects may be assisted by the Secretary under this title. No more than 50 per centum of the projects so assisted may permit diagnostic inspection services to be performed under the project by any person who also provides automobile repair services or who is affiliated with, controls, is controlled by, or is under common control with, any person who provides automobile repair services.

ELIGIBILITY AND CRITERIA

SEC. 302. (a) A State may be eligible for grants or other assistance under this title if the Secretary determines on the basis of an application by such State that such State will undertake a motor vehicle diagnostic inspection demonstration project which meets the requirements of subsection (b) of this section.

(b) (1) A motor vehicle diagnostic inspection demonstration project shall be designed, established, and operated to conduct periodic safety inspections of motor vehicles pursuant to criteria established by the Secretary by regulation and emission inspections pursuant to criteria established by the Secretary by regulation in consultation with the Administrator of the Environmental Protection Agency.

(2) Such project shall require an additional inspection of any motor vehicle subject to the demonstration (as determined by the Secretary)—

(A) whenever the title to such motor vehicle is transferred to another person unless the transfer is for the purpose of resale; and

(B) whenever such motor vehicle sustains substantial damage to any safety-related or emission-related system or subsystem, as prescribed by the Secretary.

(3) To the greatest extent practicable, such inspections shall be conducted so as to provide specific technical diagnoses of each motor vehicle inspected in order to facilitate correction of any component failing inspection.

(4) A demonstration project shall provide for reinspection of vehicles which initially fail to meet the safety and emission standards established for the project after repair.

(5) Each project shall provide to the Secretary information and data relating to the development of diagnostic testing equipment designed to maximize the interchangeability and interface capability of test equipment and vehicles, and information, and data relating to the costs and benefits of such projects, including information and data relating to vehicle-in-use standards, vehicle designs which facilitate or hinder inspection and repair, the standardization of diagnostic systems and test equipment, the capability of the motor vehicle repair industry to correct diagnosed deficiencies or malfunctions and the costs of such repairs, the relative costs and benefits of the project, the efficiency of facility designs employed, recommendations as to feasible reject levels which may be employed in any such project, and such other information and data as the Secretary may require.

APPLICATIONS AND ASSISTANCE

SEC. 303. (a) A grant or other assistance under this title may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary prescribes, including information respecting categories of expenditures by the State from financial assistance under this title.

(b) Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 90 per centum of those categories of expenditures for establishing and operating its project which the Secretary approves. Federal financial assistance under this title shall not be available with respect to costs of inspections carried out after June 30, 1976, under such a project. Any equipment purchased with Federal funds may be retained by a State for its inspection activities following the demonstration project with the approval of the Secretary. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

AUTHORIZATION

SEC. 304. There is authorized to be appropriated to carry out this title $10,000,000 for the fiscal year ending June 30, 1973; $15,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975.

TITLE IV—ODOMETER REQUIREMENTS

FINDINGS AND PURPOSE

SEC. 401. The Congress hereby finds that purchasers, when buying motor vehicles, rely heavily on the odometer reading as an index of the condition and value of such vehicle; that purchasers are entitled to rely on the odometer reading as an accurate reflection of the mileage actually traveled by the vehicle; that an accurate indication of the mileage traveled by a motor vehicle assists the purchaser in determining its safety and reliability; and that motor vehicles move in the current of interstate and foreign commerce or affect such commerce. It is therefore the purpose of this title to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers.

DEFINITIONS

SEC. 402. As used in this title—

(1) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

(2) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative.

(3) The term "transfer" means to change ownership by purchase, gift, or any other means.

UNLAWFUL DEVICES

SEC. 403. It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes an odometer to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

UNLAWFUL CHANGE OF MILEAGE

SEC. 404. It is unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.

OPERATION WITH INTENT TO DEFRAUD

SEC. 405. It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

CONSPIRACY

SEC. 406. No person shall conspire with any other person to violate section 403, 404, 405, 407, or 408.

LAWFUL SERVICE, REPAIR, OR REPLACEMENT

SEC. 407. Nothing in this title shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful.

DISCLOSURE REQUIREMENTS

SEC. 408. It shall be unlawful for any transfer to fail to give the following disclosure to the transferee in connection with the transfer of ownership of a motor vehicle:

(1) Disclosure of the cumulative mileage registered on the odometer.

(2) Disclosure that the actual mileage is unknown, if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled.

It shall be a violation of this section for any transferor knowingly to give a false statement to a transferee under the provisions of this section. The Secretary shall prescribe by regulation the manner in which information shall be disclosed under this section and in which such information shall be retained.

PRIVATE CIVIL ACTION

SEC. 409. (a) Any person who, with intent to defraud, violates any requirement imposed under this title shall be liable in an amount equal to the sum of—

(1) three times the amount of actual damages sustained or $1,500, whichever is the greater; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(b) An action to enforce any liability created under subsection (a) of this subsection, may be brought in a United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises.

INJUNCTIVE ENFORCEMENT

SEC. 410. (a) Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65(a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(b) Paragraphs (3) and (4) of section 107 (b) shall apply to actions under this section in the same manner as they apply to actions under section 107.

EFFECT ON STATE LAW

SEC. 411. This title does not—

(1) annul, alter, or affect the laws of any State with respect to the disconnecting, altering, or tampering with odometers with the intent to defraud, or

(2) exempt any person subject to the provisions of this title from complying with such laws,

except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of this inconsistency.

EFFECTIVE DATE

SEC. 412. This title shall take effect ninety calendar days following the date of enactment of this Act.

REPORT

SEC. 413. One year after the date of enactment of this Act, the Secretary shall report to the Congress and to the President on the extent to which the reliability of odometers can be improved, on the technical feasibility of producing odometers which are tamper proof, and on the Secretary's plans and recommendations for future action.

Mr. VANIK. Mr. Chairman, I am shocked that this legislation did not mention standardized bumper height and hope that the statement by the chairman of the Interstate and Foreign Commerce Committee, the distinguished gentleman from West Virginia (Mr. STAGGERS) will bring about the adoption of regulations relating to uniform bumper levels.

The present-day intermix of trucks and passenger automobiles of various bumper levels constitutes an invitation to suicide. The Italian-made Fiat has a front bumper which stands 19 inches off the ground allowing it to completely fit underneath the rear bumper of a Ford Mustang, a Plymouth Barracuda or a Buick Le Sabre. A Volkswagen without the bumper guard which is sold as an extra is only 17½ inches off the ground—allowing it to telescope under most other vehicles.

All American and foreign made passenger vehicles are defenseless against the high-platform trucks which have rear decks varying between 2½ to 5 feet.

Telescoping accidents are cruel and costly and can be reduced by prudent regulations.

It is also incredible that trucks are omitted from any obligation to provide matching rear bumpers to prevent telescoping accidents.

Although the prudent motorist maintains an assured clear distance between his automobile and the truck ahead and operates at a speed which will permit him to stop if he must—the appropriate safe distance is a matter of judgment—thousands of accidents and physical injuries result from the haphazard mixing of vehicles and trucks which have bumpers which miss instead of match.

Although there is much to be said for bumpers which can sustain impact, there is even more to be said for uniform standards in bumper levels of all passenger vehicles and trucks, so that they are designed to meet—if they must.

I am advised that while the Department of Transportation had been considering issuing regulations to require restraining structures on the back of trucks, the proposed regulations have been withdrawn due to the "economic impact" of the requirement.

This legislation is completely inadequate if we fail to provide bumper regulations which can provide more safety in the mixing of automobiles and trucks on our highways.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. DANIELSON

Mr. DANIELSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANIELSON: Page 47, strike out line 4 and all that follows down through and including line 3 on page 48 and insert in lieu thereof the following:

EFFECT ON STATE LAWS

SEC. 110. (a) Except as provided in subsection (b) of this section, no State or political subdivision thereof shall have any authority to establish or enforce with respect to any passenger motor vehicle or passenger motor vehicle equipment offered for sale any bumper standard.

(b) (1) Until a Federal bumper standard takes effect with respect to an aspect of performance of a passenger motor vehicle or of an item of passenger motor vehicle equipment, this Act shall not affect the authority of a State or a political subdivision thereof to enforce any bumper standard which is applicable to the same aspect of performance of such vehicle or item of equipment. If a Federal bumper standard is in effect with respect to an aspect of performance of a passenger motor vehicle or of an item of passenger motor vehicle equipment, a State or political subdivision thereof may continue to enforce, any bumper standard applicable to the same aspect of performance of such vehicle or item of equipment if the Secretary determines such standard is identical to the Federal standard or imposes a higher standard of performance than the Federal standard.

(2) This section shall not affect the authority given to the Administrator of the Environmental Protection Agency by section 209(b) of the Clean Air Act (42 U.S.C. 1857f-6a(b)).

(3) The Federal Government or the government of any State or political subdivision thereof may establish a bumper standard applicable to vehicles or equipment procured for its own use if such standard is identical to the Federal standard or imposes an additional or higher standard of performance.

Mr. DANIELSON. Mr. Chairman and colleagues, the amendment would do only one thing, and that is it would permit any State which already has in effect a law establishing bumper standards to continue to enforce those standards until such time as the Federal Government establishes similar standards which are just as strong as those established by the State government. I am offering the amendment because the State legislature of my own State of California passed a law during the 1971 session, which is now in effect, which calls for a 5-mile-per-hour bumper standard for both the front and the rear bumpers.

During the colloquy and the general debate which just preceded, I will concede, we have pretty well covered this subject and I am not going to wear it to a frazzle. But the point simply is that if the Federal Government is in fact going to have a standard which is the equivalent of the California standard, then there can be no valid reason to object to this amendment. The most we would be doing would be assuring that such a law can remain in effect until such time as the Federal Government sees fit to adopt a similar law.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I know what the gentleman intends to do, but I am a little bit concerned about whether this really does that. The gentleman did strike from his amendment in the third paragraph under (b) (1) the language "or may establish and enforce," so the gentleman left only the words "may continue to enforce."

Mr. DANIELSON. Excuse me, where is that?

Mr. ECKHARDT. That is on the second page of the gentleman's amendment.

It is where the gentleman originally had "may establish or enforce"—I note that was the gentleman's original intent.

Mr. DANIELSON. I struck "or may establish and enforce."

Mr. ECKHARDT. Because the gentleman does not want to protect a standard established after this act, as I understand his intent.

Mr. DANIELSON. I would accede to the implication of the gentleman's comments which, I think, are valid, that we should not go on forever here in establishing maybe 50 different standards, conceivably, for bumper standards.

However, those laws which are already passed by the appropriate legislative authority should be able to remain in effect until the Federal Government has something the equivalent or better.

Mr. ECKHARDT. Will the gentleman yield for a moment again?

Mr. DANIELSON. I would be pleased to yield to the gentleman.

Mr. ECKHARDT. It seems to me, however, that when the language says "shall not affect the authority of a State or a political subdivision thereof to enforce any bumper standard which is applicable to the same aspect of performance of such vehicle or items of equipment," that language would permit a State to enforce a bumper standard, no matter when it was promulgated, particularly when it is noted that this language is taken verbatim from the bill or very closely verbatim by striking the last portion of the language in 110, which added "which was in effect or had been promulgated on the date of enactment of this Act." Now, to strike those words seems to me to permit 50 different rules to be established at any time, even after the enactment of this act. Does the gentleman read the language the same way I read it?

Mr. DANIELSON. I read it the same way the gentleman reads it, but I do not share his concern.

Mr. ECKHARDT. I thank the gentleman.

Mr. DANIELSON. I do not in that the chairman and the other committee members have so ably demonstrated it is their belief, and I am sure it is well founded, that the Department of Transportation is going to promulgate standards eventually which will be set in excess of 5 miles per hour. I even heard words bandied about somewhere to the effect of 20 miles per hour. I will not attribute them to anyone. So, therefore, I do appreciate the comment, I think it is an excellent comment, but I think it takes us nowhere, and I, therefore, share no concern.

Mr. ECKHARDT. Will the gentleman yield once again?

Mr. DANIELSON. It is a pleasure to yield to the gentleman.

Mr. ECKHARDT. I thank the gentleman very much.

This does mean that the State of Arizona, for instance, after the enactment of this act could set a 6-miles-an-hour repair standard, and the State of Michigan a 7-mile standard, and the State of Alaska a 10-mile standard, and so on, each of which the manufacturers would have to comply with in respect to the cars sent to these destinations. Is that not correct?

Mr. DANIELSON. That is true as a hypothetical matter. Yes, that is true.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. ECKHARDT, and by unanimous consent, Mr. DANIELSON was allowed to proceed for 1 additional minute.)

Mr. DANIELSON. I thank the gentleman very much.

I would say that at that point in our life the real truth of democracy would come to the forefront, because those people in Alaska who were setting the standard higher just simply would not be able to buy cars, and then the people in Alaska would get realistic and compel their legislature to impose a standard the manufacturer could meet.

Mr. Chairman, I offer my amendment and pray my colleagues to join me.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment. I think the subcommittee and the full committee took full cognizance of the argument made by the gentleman from California when the committees passed this bill.

As the gentleman from Texas has said, it would allow 50 different standards to be imposed in the United States. If a State said a bumper had to be made in a certain fashion, with an x or a cross or something like that in order to make a better bumper, the States could impose that and have the manufacturers making 50 different kinds of bumpers.

I do not believe that we here, as a legislature in the Nation's Capital, want to really cause any great hardship or to put any impediment in the way of the manufacturers. We want them merely to apply existing technology and equip their vehicles with functional bumpers to help the American consumer.

SUBSTITUTE AMENDMENT OFFERED BY MR. VAN DEERLIN FOR THE AMENDMENT OFFERED BY MR. DANIELSON

Mr. VAN DEERLIN. Mr. Chairman, I offer a substitute amendment for the amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. VAN DEERLIN for the amendment offered by Mr. DANIELSON: Page 47, line 11, insert "(A)" after "(b)(1)".

Page 47, after line 18, insert the following:

(B) This Act shall not affect the authority of a State to continue to enforce any bumper standard which is applicable to an aspect of performance of a passenger motor vehicle or an item of passenger motor vehicle equipment and which was in effect or had been promulgated before January 1, 1972, unless a Federal bumper standard of at least equal stringency applies to the same aspect of performance of such vehicle or item of equipment.

Mr. VAN DEERLIN. Mr. Chairman, I have no disagreement in principle with the gentleman from California (Mr. DANIELSON) nor, indeed, with my colleagues on the committee.

However, the amendment for which my proposed amendment would be a substitute does open the way to the charge which has been leveled against it—that under its provisions there might be up to 50 different bumper standards in the land.

My substitute amendment would merely "grandfather," if you will, the existing statutes in Maryland, Florida, and California for 5 miles front and back, and the statutes already adopted in Georgia, Minnesota, and North Carolina for somewhat lesser rear-end standards.

True, it is possible to look upon this as a separate State standard, if the Secretary should come up with less stringent standards than are in the California law. But I would point out that California alone has 12 million automobiles on its streets and highways. This is more than 10 percent of the cars that are sold nationally. Southern California alone buys about 10 percent of Detroit's product.

If we put together Florida and Maryland with California, this would make a very appealing market to the auto industry to serve their individual needs, even if that should come about.

The assurances of the members of the subcommittee who have spoken are that there will not be less stringent standards ordered by the Secretary. I say if that is so, then there will be no harm done by nailing it down in the law we are about to adopt.

Thank you, Mr. Chairman.

Mr. ECKHARDT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are two difficulties with this provision. The first is the procedural one; that is, determining what is at least equal stringency and who determines what is equal stringency. Does the State determine it, does the DOT determine it, does the Federal court determine it? Who makes this decision of what is equal stringency? We are talking about performance tests which have to do with injury or damage to the physical parts of an automobile. When we describe these performance standards they may be measured with respect to pendulum tests, they may be measured with respect to driving a vehicle into a stationary object, and so forth. The State standard may be based on one criterion and the Federal standard on another. Who determines which is the more stringent?

I do not think we ought to leave that question open. I think that that kind of language is too loose language to place in the act.

My second point is, Mr. Chairman, more basic than this. It is this: If we are to require automobile dealers or manufacturers who sell automobiles all over the United States to comport with different standards with respect to seven States which have presently either promulgated or have put into effect standards with respect to damageability, then we not only place a burden on the automobile manufacturer but also on ourselves, because we are calling on automobile manufacturers to produce a somewhat different product in six different States.

If I live in Texas and I am satisfied with a uniform standard, I ought to be able to buy an automobile that is built on the basis of mass production meeting that standard without having to pay for the experimentation of the State of Minnesota or Florida or California or a number of other States.

I go along with the observation that up to a certain point these State regulations should be in effect. That point is where the Federal Government steps in. I think we have clearly established here that the Federal Government has already decided to step in with respect to safety standards at 5 miles an hour, the same as the California standard. It seems inconceivable to me that after already enacting a 5-mile standard with respect to safety that the Federal Government would establish a 2.5-mile standard with respect to repairability. Is that assurance not enough?

Mr. VAN DEERLIN. Will the gentleman yield?

Mr. ECKHARDT. I am glad to yield to the gentleman.

Mr. VAN DEERLIN. The gentleman speaks of six different State standards. The most standards you can possibly have under the terms of my substitute are two. A California standard for 5 and 5, assuming that the Secretary did not come up with equally stringent standards as the Federal standards.

In response to the first question the gentleman asked, the definition of stringency, I think I can be helpful to the gentleman; 2.5 miles an hour would be considerably less stringent than 5 miles an hour.

Mr. ECKHARDT. Two and one-half miles an hour as the speed that the pendulum hits the bumper, or 2.5 miles an hour as the standard speed at which an automobile strikes a fixed object, or 2.5 miles an hour as the standard with respect to the speed at which an automobile hits another automobile? Which of these three?

Mr. VAN DEERLIN. The gentleman has failed to discombobulate me, because, if he has applied the same standard in all cases, then 2.5 is still less stringent than 5.

Mr. ECKHARDT. That is clearly correct and I agree with the gentleman, but the point I am making is these are three different bases for standards to be applied in different States, and someone is going to have to decide.

Mr. VAN DEERLIN. The auto industry has indicated that it can meet and will meet by September 1, 1973, the standards already established in California.

Mr. ECKHARDT. Well, that is what we had in mind. I think we have taken care of that.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. Surely.

Mr. HARVEY. I want to join the gentleman from Texas in opposing this substitute amendment.

I would agree with him that I think, as a matter of practice, the Secretary will pick the toughest standard. He will not select a 2-mile-per-hour standard when there is a 5-mile-per-hour standard already in the law.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, (at the request of Mr. HARVEY) Mr. ECKHARDT was allowed to proceed for 3 additional minutes.)

Mr. HARVEY. Mr. Chairman, if the gentleman will yield further, it seems to me, however, that there is an additional reason for opposing this substitute. I refer the gentleman to page 34 of the bill wherein the committee has very wisely set forth in my judgment the criteria to be followed by the Secretary in making this decision concerning the type of standard we shall have. It says that he shall take into account:

First, the cost of implementing the standard and the benefits attainable as the result of implementation of the standard;

Second, the effect of implementation of the standard on the cost of insurance and prospective legal fees and costs;

Third, savings in terms of consumer time and inconvenience; and

Fourth, considerations of health and safety, including emission standards.

Well, if we are to say to the Secretary, forget all of these criteria that we have set forth and accept this particular standard, because it is the toughest, then we are disregarding all that is written into the bill.

As a matter of practice, and as the gentleman says, the Secretary certainly is not going to ignore what we have put into this bill.

In my opinion it would be a very grave error if he has to make this decision, and ignore these particular criteria.

Mr. ECKHARDT. I thank the gentleman for his comments and certainly they are ones that I had not raised.

We have set standards and limitations with reference to the Federal agency, but when we permit competition by States in setting standards, then the only way that the Federal agency may preempt those standards is by making them more stringent. Therefore, we put pressures on the Secretary to ignore a limit set forth in our bill.

Mr. HARVEY. What we have told the Secretary to do is to proceed in such fashion as makes some sense. We assume here that the other States have done this also, but they have not been so judged as a Secretary is judged right here.

Mr. ECKHARDT. That is exactly right and I certainly agree with the gentleman.

Mr. DANIELSON. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. Yes, I yield to the gentleman from California.

Mr. DANIELSON. The California law provides a standard which I think would be satisfactory to anyone. It provides that the automobile shall be "equipped with an appropriate energy-absorption system so that it can be driven directly into a standard Society of Automotive Engineers—SAE J-850—test barrier at a speed of 5 miles per hour without sustaining any property damage to the front of such vehicle and can be driven at a speed of 5 miles per hour into such barrier without sustaining any property damage to the rear of such vehicle."

Would that not be a rather certain standard——

Mr. ECKHARDT. Oh, yes; I think so, but the question is whether that specific standard would be the same as another State.

Mr. DANIELSON. But it would not be subject to objection for being vague, ambiguous or indefinite?

Mr. ECKHARDT. No, but you have the question of whether or not it is more or less stringent than the Federal standards, based on a different standard or test and then that statement becomes somewhat vague and ambiguous when you undertake to determine which is proper.

Mr. BROYHILL of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

I most reluctantly rise to oppose the amendment of my good friend, the gentleman from California (Mr. VAN DEERLIN). I am sympathetic with what the gentleman is trying to do, but I am most concerned with his amendment here and the amendment offered by the gentleman from California (Mr. DANIELSON) raises more problems than it solves.

As I think is obvious to the Members who are present here, the subcommittee discussed this in great detail. They talked about it in several sessions in our committee. It is most difficult to write language that satisfies everybody. We see language here in this amendment that says: "With equal stringency." What does it mean? I think the best way to get this job done is to urge the Secretary of Transportation to do the job, and to have an active oversight by the committee to make sure he does the job. I can assure you, as one member of the committee, that we are going to be watching closely to insure that he does. So I would urge the defeat of the amendment.

Mr. MOSS. Mr. Chairman, I rise in opposition to the amendment offered as a substitute to the amendment offered by the gentleman from California (Mr. DANIELSON).

I think the committee should be conversant with the fact that the more stringent test imposed here probably would continue in effect the standards promulgated in two States calling for a 10-mile-per-hour standard by January 1, 1975. So the gentleman should be aware of the fact that California does not have the most stringent requirement; other States have that distinction.

I think the gentleman from Texas (Mr. ECKHARDT) has pointed out the problem of determining which is the most stringent. When you tie the words "most stringent" to the additional language, "at least equal stringency" as it applies to the same aspect of the performance, I think we compound the problem of trying to determine when the Federal standard becomes effective and when the State standard can continue in effect.

I can assure the committee that there is no subject encompassed within the bill which received greater attention from the subcommittee than the question of preemption. I think we have done a thoroughly adequate job taken in context with the developments now underway on auto safety standards and the requirement here that there be no conflict between safety standards and repairability standards.

I would urge the Committee to reject the substitute to the proposed amendment, and to reject the amendment itself, and leave the bill as drafted in committee, and move it on to the House.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am convinced of one thing: that if this bill is finally enacted it will authorize and there will be spent $83 million in 3 years. I am further convinced that we will get little or nothing out of it.

Look at such language as this, beginning on page 48 and running over to the top of page 49 of the bill:

> During the first year after enactment of this Act the Secretary—

And this is section 201(a)—

> the Secretary shall conduct a comprehensive study and investigation of the methods for determining the following characteristics of passenger motor vehicles:

And the third paragraph reads:

> The characteristics of such vehicles with respect to the ease of diagnosis and repair of mechanical and electrical systems which fail during use—

When else would they fail if they did not fail during use?

> or which are damaged in motor vehicle accidents.

Well, now, I have never seen a car—and I have owned a few in my lifetime—I have never yet seen a car that after a period of years the ignition system would not fail if it was not replaced or repaired. The rubber insulation on the wires gives way and so on and so forth.

I would not think of expecting the points in the distributor to last for years and no one in his right mind in this room would. I do not understand why this kind of language is put in a bill, and if someone can answer that I would like to hear from them.

I was told earlier this afternoon or I thought I was told, that this bill does not provide for an advisory committee.

Page 50 of the bill provides as follows:

> In order to carry out his functions under this title the Secretary is authorized to—
>
> Appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committees—

That is plural—

> such advisory committees, as he deems appropriate.

Not just one—no, not just one. He can have a multiplicity of advisory committees.

As I said before this afternoon, the Federal Government already has between 2,600 and 3,200 advisory commissions, committees, and advisory boards, yet you want to create another one here.

I wonder if you would not be better advised to take the $83 million—if you have to spend $83 million on this kind of venture—take the $83 million and adopt the system that is used in the meat-processing plants. Just put Federal inspectors in the automobile plants, and out at Sears, Roebuck and Montgomery Ward, and many other places where they run diagnostic centers. Why not just put them in on the same basis as meat inspectors. Let us have everything inspected. Perhaps there ought to be a Federal inspector riding in the front seat of every automobile. Maybe that is the best way to handle this situation.

Let us put a Federal inspector in every place that we can put them. Just take out all doubt about everything—just have a Federal handmaiden around to help drive and service your car.

I am sorry that my friend, the gentleman from Missouri (Mr. HALL), is not on the House floor at the moment. He is shy and reticent about many things. He is a modest boatowner and I suspect he wonders why you do not provide in this bill for bumpers on boats. He runs his boat forward and sometimes backward. He can have a collision going forward, or he can have one going backward. There are millions of boats in America. When do you expect to require bumpers on boats? When can the good doctor expect the Commandant of the Coast Guard to tell him what kind of bumpers he must have—fore and aft?

I tell you this $83 million bill is something sweet for the bureaucrats.

Mr. Chairman, I yield back the balance of my time.

Mr. ASHBROOK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is one of the more ridiculous pieces of legislation I can recall. It is a part of the trend here of making the small businessman the scapegoat for every conceivable complaint, justified or unjustified.

As I listen to the debate, it is obvious that many Members of this body feel that the big companies, General Motors and Ford, will bear the brunt of the punitive aspects of this legislation. This is not the case. The dealer, large and small, who must face the music in meeting the public is the one who will be burdened.

For example, it will be the local dealer who will have to apprise the prospective purchaser of the various insurance rates on all models. Think of that. Before you close the deal, you have to tell the buyer what the insurance rates, or I should say the range of rates of the companies in the State, are and if they are more or less on this model or that model. Redtape is already killing American business and this bill will add that much more.

Also, do we not once in a while consider that the average small businessman is having enough trouble staying in business as it is without all of this extra redtape. I know many small businessmen who can show you in black and white that it costs them as much as $10,000 per year to just fill out government forms—Federal, State, and local. Redtape costs money. It may hire an extra person here and there but, in the long run, it is very destructive of small businesses.

Who will protect the small businessman from the consumer? Do we not ever give him a passing thought? Let me give you an example, I was getting some gas at a station in Johnstown, Ohio, my hometown, on Saturday. The attendant was watching a young man pull away in his new Chevrolet.

"He'll be lucky if it lasts three months," he said.

I asked what he meant. "Just watch," was his reply. Rubber flew and rapid shifting of gears brought the car to an immediate high speed.

"He'll be out at the dealer's in a couple of months complaining about his transmission," he sighed. Yes, I thought, he probably will and Ralph Nader will cite his car as a statistic on how the public is duped by the businessman.

This bill is not needed. It is particularly bad to think of the government getting into the business of setting up automobile diagnostic centers. Some government employee will diagnose your car and tell you how much your repair bill should be. Think of that. I oppose this legislation and feel it is an example of how absurd things have gotten here in Washington and how far most legislators are out of touch with reality.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from California (Mr. VAN DEERLIN) for the amendment offered by the gentleman from California (Mr. DANIELSON).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANIELSON).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to be proposed? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. REES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H.R. 11627), to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes, pursuant to House Resolution 959, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 254, nays 38, not voting 139, as follows:

[Roll No. 167]

YEAS—254

Abbitt
Abourezk
Abzug
Adams
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Archer
Arends
Aspinall
Baring
Begich
Belcher
Bennett
Bergland
Betts
Biester
Boggs
Boland
Bolling
Brademas
Bray
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Carlson
Carney
Carter
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Conte
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellums
Dent
Derwinski
Dickinson
Dingell
Donohue
Dow
Downing
Drinan
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Evans, Colo.
Fascell
Fisher
Flood
Flowers
Forsythe
Fountain
Frelinghuysen
Frey
Fulton
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Harrington
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Kastenmeier
Kazen
Kee
Keith
Kemp
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lent
Lloyd
Lujan
McCollister
McDade
McEwen
McFall
McKevitt
McKinney
Madden
Mahon
Mallary
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Mikva
Miller, Ohio
Mills, Md.
Minish
Mitchell
Mizell
Mollohan
Montgomery
Morgan
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poff
Powell
Preyer, N.C.
Price, Ill.
Quie
Rees
Reuss
Riegle
Roberts
Robison, N.Y.
Roe
Rogers
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thomson, Wis.
Thone
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Ware
Whalen
White
Whitehurst
Whitten
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—38

Andrews, Ala.
Ashbrook
Blackburn
Brinkley
Brown, Mich.
Burke, Fla.
Burleson, Tex.
Camp
Casey, Tex.
Cederberg
Collins, Tex.
Dorn
Findley
Flynt
Gross
Grover
Hagan
Hall
Harsha
Harvey
Hull
Jonas
Jones, N.C.
Landgrebe
Lennon
McClory
McDonald, Mich.
Michel
Price, Tex.
Rarick
Robinson, Va.
Rousselot
Scherle
Smith, Calif.
Spence
Steiger, Ariz.
Thompson, Ga.
Vander Jagt

NOT VOTING—139

Abernethy
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Ashley
Aspin
Badillo
Baker
Barrett
Bell
Bevill
Biaggi
Bingham
Blanton
Blatnik
Bow
Brasco
Brooks
Broomfield
Brown, Ohio
Byrne, Pa.
Cabell
Caffery
Carey, N.Y.
Celler
Chisholm
Clawson, Del
Clay
Collins, Ill.
Colmer
Conable
Conyers
Crane
Daniels, N.J.
Davis, S.C.
Dellenback
Denholm
Dennis
Devine
Diggs
Dowdy
du Pont
Dwyer
Edmondson
Eilberg
Esch
Eshleman
Evins, Tenn.
Fish
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frenzel
Fuqua
Galifianakis
Gallagher
Goldwater
Halpern
Hanley
Hansen, Wash.
Hastings
Hawkins
Hébert
Henderson
Holifield
Jones, Tenn.
Karth
Keating
King
Kluczynski
Koch
Link
Long, La.
Long, Md.
McCloskey
McClure
McCormack
McCulloch
McKay
McMillan
Macdonald, Mass.
Mailliard
Mann
Martin
Meeds
Melcher
Metcalfe
Miller, Calif.
Mills, Ark.
Mink
Minshall
Monagan
Moorhead
Murphy, N.Y.
Myers
Nichols
Nix
Poage
Podell
Pryor, Ark.
Pucinski
Purcell
Quillen
Railsback
Randall
Rangel
Reid
Rhodes
Rodino
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roy
Runnels
Scheuer
Schmitz
Seiberling
Shoup
Shriver
Skubitz
Snyder
Stokes
Stratton
Stubblefield
Stuckey
Teague, Tex.
Thompson, N.J.
Tiernan
Veysey
Waggonner
Wampler
Whalley
Widnall
Wiggins
Wilson, Charles H.
Wydler
Young, Fla.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Mills of Arkansas with Mr. Gerald R. Ford.
Mr. Waggonner with Mr. Snyder.
Mr. Addabbo with Mr. Fish.
Mr. Daniels of New Jersey with Mrs. Dwyer.
Mr. Evins of Tennessee with Mr. Baker.
Mr. Rooney of New York with Mr. Halpern.
Mr. Hébert with Mr. Young of Florida.
Mr. Brasco with Mr. King.
Mr. Rodino with Mr. Widnall.
Mr. Charles H. Wilson with Mr. Goldwater.
Mr. Thompson of New Jersey with Mr. McClure.
Mr. Stratton with Mr. Hastings.
Mr. Hanley with Mr. Anderson of Illinois.
Mr. Henderson with Mr. Wampler.
Mr. Biaggi with Mr. Keating.
Mr. Blatnik with Mr. Bow.
Mr. Celler with Mr. Wydler.
Mr. Denholm with Mr. Dennis.
Mr. Fuqua with Mr. Brown of Ohio.
Mr. Murphy of New York with Mr. Bell.
Mr. Miller of California with Mr. Wiggins.
Mr. Conyers with Mr. Koch.
Mr. Bingham with Mrs. Hansen of Washington.
Mr. Diggs with Mr. Pucinski.
Mrs. Chisholm with Mr. Fraser.
Mr. Nix with Mr. Gallagher.
Mr. Bevill with Mr. Whalley.
Mr. Ashley with Mr. Minshall.
Mr. Holifield with Mr. Del Clawson.
Mr. Karth with Mr. Martin.
Mr. Collins of Illinois with Mr. Podell.
Mr. Scheuer with Mr. Metcalfe.
Mr. Rangel with Mr. Galifianakis.
Mr. Cabell with Mr. McCloskey.
Mr. Davis of South Carolina with Mr. Quillen.
Mr. Foley with Mr. Broomfield.
Mr. Carey of New York with Mr. Rhodes.
Mr. Alexander with Mr. Crane.
Mr. Kluczynski with Mr. Dellenback.
Mr. Link with Mr. Skubitz.
Mr. Mann with Mr. Schriver.
Mr. Moorhead with Mr. Eshleman.
Mr. Anderson of California with Mr. Schmitz.
Mr. Meeds with Mr. Railsback.
Mr. Randall with Mr. Myers.
Mr. Roncalio with Mr. Shoup.
Mr. Long of Louisiana with Mr. Esch.
Mr. Colmer with Mr. Devine.
Mr. Jones of Tennessee with Mr. Conable.
Mr. McCormack with Mr. du Pont.
Mr. Nichols with Mr. Frenzel.
Mr. Rooney of Pennsylvania with Mr. Mailliard.
Mr. Roy with Mr. Abernethy.
Mr. Stuckey with Mr. Aspin.
Mr. Runnels with Mr. Barrett.
Mr. Stubblefield with Mr. McDonald of Michigan.
Mr. Long of Maryland with Mr. Monagan.
Mr. McKay with Mr. Pryor of Arkansas.
Mr. McMillan with Mr. Purcell.
Mr. Caffery with Mr. Teague of Texas.
Mr. Badillo with Mr. Clay.
Mr. Hawkins with Mr. Seiberling.
Mr. Brooks with Mr. Edmondson.
Mr. Byrne of Pennsylvania with Mr. Tiernan.
Mr. Stokes with Mr. Eilberg.
Mr. Jones of Tennessee with Mr. Reid.
Mrs. Mink with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 959, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill S. 976.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Staggers moves to strike out all after the enacting clause of S. 976 and insert in lieu thereof the provisions of H.R. 11627, as passed, as follows:

That this Act may be cited as the "Motor Vehicle Information and Cost Savings Act".

DEFINITIONS

Sec. 2. For the purpose of this Act:

(1) The term "passenger motor vehicle" means a motor vehicle with motive power, designed for carrying twelve persons or less, except a motorcycle, trailer, or multipurpose passenger vehicle.

(2) The term "multipurpose passenger vehicle" means a motor vehicle with motive power designed to carry twelve persons or less, which is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) The term "passenger motor vehicle equipment" means any system, part or component of a passenger motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory, or addition to a passenger motor vehicle.

(4) The term "property loss reduction standard" means a minimum performance standard established for the purpose of increasing the resistance of passenger motor vehicles or passenger motor vehicle equipment to damage resulting from motor vehicle accidents or for the purpose of reducing the

cost of repairing such vehicles or such equipment damaged as a result of such accidents.

(5) The term "bumper standard" means any property loss reduction standard the purpose of which is (A) to eliminate or reduce substantially physical damage to the front or rear ends (or both) of a passenger motor vehicle resulting from a low-speed collision (including but not limited to a low-speed collision with a fixed barrier), or (B) to reduce substantially the cost of repair of the front or rear ends (or both) of such a vehicle when damaged in such a collision; but such a standard may not specify a specific dollar amount for the cost of repair of a vehicle damaged in such a collision.

(6) The term "manufacturer" means any person engaged in the manufacturing or assembling of passenger motor vehicles or passenger motor vehicle equipment including any person importing motor vehicles or motor vehicle equipment for resale.

(7) The term "make" when used in describing a passenger motor vehicle means the trade name of the manufacturer of that vehicle.

(8) The term "model" when used in describing a passenger motor vehicle means a category of passenger motor vehicle based upon the size, style, and type of any make of passenger motor vehicle.

(9) The term "motor vehicle accident" means an accident arising out of the operation, maintenance, or use of a passenger motor vehicle or passenger motor vehicle equipment.

(10) The term "Secretary" means the Secretary of Transportation.

(11) The term "insurer of passenger motor vehicles" means any person engaged in the business of issuing (or reinsuring, in whole or part) passenger motor vehicle insurance policies.

(12) The term "damage susceptibility" means susceptibility to physical damage incurred by a passenger motor vehicle involved in a crash or collision.

(13) The term "crashworthiness" means the protection that a passenger motor vehicle affords its passengers against personal injury or death as a result of a crash or collision.

(14) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

(15) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(16) The term "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(17) The term "United States district courts" means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(18) The term "person" means any individual association, corporation, or institution.

TITLE I—BUMPER STANDARDS

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that it is necessary to reduce the economic loss resulting from damage to passenger motor vehicles involved in motor vehicle accidents.

(b) It is the purpose of this title to reduce the extent of such economic loss by providing for the promulgation and enforcement of bumper standards.

SETTING OF STANDARDS

SEC. 102. (a) The Secretary shall, by rule, promulgate bumper standards for passenger motor vehicles or passenger motor vehicle equipment manufactured in the United States or imported into the United States, other than passenger motor vehicles or items of passenger motor vehicle equipment which are intended solely for export (and are so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which are exported. Any such standard shall seek to obtain the maximum feasible reduction of costs to the public and to the consumer, taking into account:

(1) the cost of implementing the standard and the benefits attainable as the result of implementation of the standard;

(2) the effect of implementation of the standard on the cost of insurance and prospective legal fees and costs;

(3) savings in terms of consumer time and inconvenience; and

(4) considerations of health and safety, including emission standards.

(b) Bumper standards under this title shall not conflict with motor vehicle safety standards promulgated under title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.).

(c) In promulgating any standard the Secretary may for good cause shown exempt any make, model, or class of passenger motor vehicle manufactured for a special use, including occasional off-road operation, if such standard would unreasonably interfere with the special use of such passenger motor vehicle.

(d) The Secretary shall establish the effective date of any bumper standard when finally promulgating the standard, and such standard shall apply only to passenger motor vehicles or passenger motor vehicle equipment manufactured on or after such effective date. Such effective date shall not be—

(1) earlier than the date on which such standard is finally promulgated, or

(2) later than eighteen months after final promulgation of the standard unless the Secretary presents to Congress and publishes a detailed explanation of the reasons for such later effective date.

In no event shall the Secretary establish an effective date which is earlier than July 1, 1973.

(e) (1) All rules establishing, amending, or revoking a bumper standard under this title shall be issued pursuant to section 553 of title 5 of the United States Code, except that the Secretary shall give interested persons an opportunity for oral presentation of data, views, or arguments, and the opportunity to make written submissions. A transcript shall be kept of any oral presentation.

(2) The Secretary may also conduct a hearing in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of fact material to the establishing, amending, or revoking of a bumper standard.

JUDICIAL REVIEW

SEC. 103. (a) Any person who may be adversely affected by any rule issued under section 102 of this title may at any time prior to sixty days after such rule is issued file a petition with the United States Court of Appeals for the District of Columbia, or any circuit wherein such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or his delegate. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his rule, as provided in section 2112 of title 28, United States Code.

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced in a hearing, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his rule, with the return of such additional evidence.

(c) Upon the filing of the petition referred to in subsection (a) of this section, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(d) The judgment of the court affirming or setting aside, in whole or in part, any such rule of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The remedies provided for in this subsection shall be in addition to and not in lieu of any other remedies provided by law.

POWERS OF THE SECRETARY

SEC. 104. (a) (1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) All information reported to or otherwise obtained by the Secretary or his representative under this title which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

(c)(1) The Secretary is authorized to request from any department, agency, or instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

(2) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title.

(d) The Secretary shall conduct such research as is necessary for him to carry out his functions under this title.

INSPECTION AND CERTIFICATION

Sec. 105. (a) Every manufacturer of passenger motor vehicles or of passenger motor vehicle equipment shall establish and maintain such records, make such reports, and provide such items and information, including the supply of vehicles or equipment for testing, as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect vehicles and appropriate books, papers, records, and documents relevant to determining whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title. Such manufacturer shall make available all such items and information in accordance with such reasonable rules as the Secretary may prescribe.

(b) For purposes of enforcement of this title, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter any factory, warehouse, or establishment in which passenger motor vehicles or passenger motor vehicle equipment is manufactured, or held for introduction into interstate commerce or are held for sale after such introduction; and (2) to inspect such factory, warehouse, or establishment. Each such inspection shall be conducted at reasonable times and in a reasonable manner and shall be commenced and completed with reasonable promptness.

(c)(1) Every manufacturer or distributor of a passenger motor vehicle or an item of passenger motor vehicle equipment shall furnish to the distributor or dealer at the time of delivery of such vehicle or item of equipment by such manufacturer or distributor a certification that each such vehicle or item of equipment conforms to all applicable Federal bumper standards.

(2) Paragraph (1) of this subsection shall not apply to any passenger motor vehicle or item of passenger motor vehicle equipment which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

PROHIBITED ACTS

Sec. 106. (a) No person shall—

(1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the date any applicable Federal bumper standard takes effect under this title unless it is in conformity with such standard;

(2) fail to keep specific records or refuse access to or copying of records, or fail to make reports or provide items or information, or fail or refuse to permit entry or inspection, as required under this title or any rule issued thereunder; or

(3)(A) fail to furnish a certificate required by section 105(c), or (B) issue a certificate required by such subsection to the effect that a passenger motor vehicle or passenger motor vehicle equipment conforms to all applicable bumper standards, if such person knows, or in the exercise of due care has reason to know, that such certificate is false or misleading in a material respect.

(b)(1) Paragraph (1) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any passenger motor vehicle or any passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale. Nothing contained in this paragraph shall be construed as prohibiting the Secretary from promulgating any standard which requires vehicles or equipment to be manufactured so as to perform in accordance with the standard over a specified period of operation or use.

(2) Paragraph (1) of subsection (a) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that the vehicle or item of equipment is not in conformity with applicable bumper standards or to any person who prior to such first purchase, holds a certificate issued under section 105(c) to the effect that the vehicle or item of equipment conforms to all applicable Federal bumper standards, unless such person knows that such vehicle or such equipment does not so conform.

(3) A passenger motor vehicle or passenger motor vehicle equipment offered for importation in violation of paragraph (1) of subsection (a) shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, provide for authorizing the importation of such vehicle or equipment into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such vehicle or such equipment will be brought into conformity with any applicable Federal bumper standard prescribed under this title, or will be exported or abandoned to the United States.

(4) The Secretary of the Treasury and the Secretary may, by joint regulations, permit the temporary importation of any passenger motor vehicle or passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale.

(c) Compliance with any Federal bumper standard issued under this title does not exempt any person from any liability under statutory or common law.

ENFORCEMENT

Sec. 107. (a) Whoever violates subsection (a) of section 106 may be assessed a civil penalty of not to exceed $1,000 for each violation. With respect to violations of paragraph (1) or (3) of subsection (a) of section 106, a separate violation is committed with respect to each passenger motor vehicle or each item of passenger motor vehicle equipment which fails to conform to an applicable bumper standard or for which a certificate is not furnished or for which a misleading or false certificate is issued; except that the maximum civil penalty shall not exceed $400,000 for any related series of violations.

(b)(1) Upon petition by the Secretary or by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title, or to restrain the sale, offer for sale, or the introduction or delivery for introduction in interstate commerce, or the importation into the United States, of any passenger motor vehicle or passenger motor vehicle equipment which is determined, prior to the first purchase of such vehicle or such equipment in good faith for purposes other than resale, not to conform to applicable bumper standards prescribed pursuant to this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief s contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this title, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(3) Actions under paragraph (1) of this subsection and under subsection (a) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

(4) In any actions brought under paragraph (1) of this subsection and under subsection (a) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

CIVIL ACTION

Sec. 108. (a) Any owner of a passenger motor vehicle who sustains damages as a result of a motor vehicle accident because of noncompliance with any applicable bumper standard may bring a civil action against the manufacturer of that vehicle in the United States District Court for the District of Columbia, or in the United States district court for the judicial district in which that owner resides, to recover the amount of that loss, and in the case of any such successful action to recover that amount, costs and reasonable attorneys' fees shall be awarded to that owner.

(b) Any such action shall be brought within three years of the date on which the damages are sustained.

PUBLIC ACCESS TO INFORMATION

Sec. 109. Subject to section 104(b), copies of any communications, documents, reports, or other information sent or received by the Secretary in connection with his duties under this title shall be made available to any member of the public, upon request, at cost.

EFFECT ON STATE LAWS

Sec. 110. (a) Except as provided in subsection (b) of this section, no State or political subdivision thereof shall have any authority to establish or enforce with respect to any passenger motor vehicle or passenger motor vehicle equipment offered for sale any bumper standard which is not identical to a Federal bumper standard.

(b)(1) Until a Federal bumper standard takes effect with respect to an aspect of performance of a passenger motor vehicle or of an item of passenger motor vehicle equipment, this Act shall not affect the authority of a State to continue to enforce any bumper standard which is applicable to the same aspect of performance of such vehicle or item of equipment and which was in effect or had been promulgated on the date of enactment of this Act.

(2) This section shall not affect the authority given to the Administrator of the Environmental Protection Agency by section 209(b) of the Clean Air Act (42 U.S.C. 1857f–6a(b)).

(3) The Federal Government or the gov-

ernment of any State or political subdivision thereof may establish a bumper standard applicable to vehicles or equipment procured for its own use which is not identical to the Federal standard under section 102 if such requirement imposes an additional or higher standard of performance.

AUTHORIZATION

SEC. 111. There is authorized to be appropriated to carry out this title $5,000,000 for fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; and $10,000,000 for the fiscal year ending June 30, 1975.

REPORTS

SEC. 112. The Secretary shall report to the Congress and to the President not later than March 31 of each year on the progress in carrying out the purposes of this title. Each such report shall contain a statement of the cost savings that have resulted from the administration of this title, and include such recommendations for further legislative or other action as the Secretary determines may be appropriate.

TITLE II—AUTOMOBILE CONSUMER INFORMATION STUDY

CONSUMER INFORMATION

SEC. 201. (a) During the first year after enactment of this Act the Secretary shall conduct a comprehensive study and investigation of the methods for determining the following characteristics of passenger motor vehicles:

(1) The damage susceptibility of such vehicles.

(2) The degree of crashworthiness of such vehicles.

(3) The characteristics of such vehicles with respect to the ease of diagnosis and repair of mechanical and electrical systems which fail during use or which are damaged in motor vehicle accidents.

(b) After reviewing the methods for determining the characteristics enumerated in subsection (a), the Secretary shall make specific recommendations for the further development of existing methods or for the development of new methods.

(c) After the study has been completed the Secretary is authorized and directed to devise specific ways in which existing information and information to be developed relating to (1) the characteristics of passenger motor vehicles enumerated in subsection (a), or (2) vehicle operating costs dependent upon those characteristics (including information obtained pursuant to section 205 of this title), can be communicated to consumers so as to be of benefit in their passenger motor vehicle purchasing decisions.

(d) The Secretary shall compile the information described in subsection (c) and furnish it to the public in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles with respect to the characteristics enumerated in subsection (a).

(e) The Secretary, not later than February 1, 1975, shall establish procedures requiring the automobile dealers to provide insurance premium rates to prospective purchasers that would enable the prospective purchasers to compare the difference in costs for auto insurance on the various makes and models of passenger motor vehicles.

ADMINISTRATIVE POWERS

SEC. 202. In order to carry out his functions under this title the Secretary is authorized to—

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem;

(3) contract with any person for the conduct of research and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, such advisory committees, representative of the divergent interests involved, as he deems appropriate for the purposes of consultation with and advice to the Secretary.

Members of advisory committees appointed under paragraph (4) of this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding $100 per day, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11, title 18, United States Code, be deemed to be special Government employees.

COOPERATION OF FEDERAL AGENCIES

SEC. 203. (a) The Secretary may request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and furnish such information to the Department of Transportation upon request made by the Secretary.

(b) The head of any Federal department, agency, or independent instrumentality may detail, on a reimbursable basis, any personnel of such department, agency, or independent instrumentality to assist in carrying out the duties of the Secretary under this title.

HEARINGS AND PRODUCTION OF DOCUMENTARY EVIDENCE

SEC. 204. (a) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to the study authorized by this title.

(c) The Secretary may require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(d) Any United States district court within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this title. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

INSURANCE INFORMATION

SEC. 205. (a) Insurers of passenger motor vehicles, or their designated agents, shall, upon request by the Secretary, make such reports and furnish such information as the Secretary may reasonably require to enable him to carry out the purposes of this title.

(b) Such reports and information may include, but shall not be limited to—

(1) accident claim data relating to the type and extent of physical damage and the cost of remedying the damage according to make, model, and model year of passenger motor vehicle, and

(2) accident claim data relating to the type and extent of personal injury according to make, model, and model year of passenger motor vehicle.

(c) In determining the reports and information to be furnished pursuant to subsections (a) and (b) of this section, the Secretary shall—

(1) consider the cost of preparing and furnishing such reports and information;

(2) consider the extent to which such reports and information will contribute to carrying out the purposes of this title; and

(3) consult with such State and insurance regulatory agencies and other agencies and associations, both public and private, as he deems appropriate.

(d) The Secretary shall, to the extent possible, obtain such reports and information from the insurers of passenger motor vehicles on a voluntary basis.

(e) Every insurer of passenger motor vehicles shall, upon request by the Secretary, furnish him a description of the extent to which the insurance rates or premiums charged by the insurer for passenger motor vehicles are affected by the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles. Such insurer shall also furnish the Secretary upon request such information as may be available to such insurer reflecting the effect of the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles upon risk incurred by insuring each such make and model.

(f) The Secretary shall not, in disseminating any information received pursuant to this section, disclose the name of, or other identifying information about, any person who may be an insured, a claimant, a passenger, an owner, a driver, an injured person, a witness, or otherwise involved in any motor vehicle crash or collision unless the Secretary has the consent of the persons so named or otherwise identified.

(g) The information required by this section shall be furnished at such times and in such manner as the Secretary shall prescribe by regulation or otherwise.

PROHIBITED ACT

SEC. 206. No person shall fail or refuse to furnish the Secretary with the data or information requested by him under this title.

INJUNCTIVE RELIEF

SEC. 207. Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of section 206. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views and shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief. Paragraph (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

CIVIL PENALTY

SEC. 208. (a) Whoever violates action 206 shall be subject to a civil penalty of not to exceed $1,000 for each violation. A violation of section 206 shall constitute a separate violation with respect to each failure or refusal to comply with a requirement thereunder; except that the maximum civil penalty under this subsection shall not exceed $400,000 for any related series of violations.

(b) Any civil penalty under this section may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(c) Paragraphs (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

APPROPRIATIONS AUTHORIZED

SEC. 209. There are hereby authorized to be appropriated to carry out the provisions of this title $3,000,000 per fiscal year for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

TITLE III—DIAGNOSTIC INSPECTION DEMONSTRATION PROJECTS

POWERS AND DUTIES

SEC. 301. (a) The Secretary shall establish motor vehicle diagnostic inspection demonstration projects, inspections under which shall commence not later than January 1, 1974.

(b) To carry out the program under this title, the Secretary shall—

(1) make grants in accordance with subsection (c) and furnish technical assistance to States; and

(2) consult with the Administrator of the Environmental Protection Agency.

(c) (1) Any demonstration project under this title shall be conducted by, or under supervision of, a State in accordance with the application of the State submitted under section 303, and may provide for the performance of diagnostic inspection services either by public agencies or by private organizations, but no person may perform diagnostic inspection services for profit under any such program.

(2) Not less than five nor more than ten demonstration projects may be assisted by the Secretary under this title. No more than 50 per centum of the projects so assisted may permit diagnostic inspection services to be performed under the project by any person who also provides automobile repair services or who is affiliated with, controls, is controlled by, or is under common control with, any person who provides automobile repair services.

ELIGIBILITY AND CRITERIA

SEC. 302. (a) A State may be eligible for grants or other assistance under this title if the Secretary determines on the basis of an application by such State that such State will undertake a motor vehicle diagnostic inspection demonstration project which meets the requirements of subsection (b) of this section.

(b) (1) A motor vehicle diagnostic inspection demonstration project shall be designed, established, and operated to conduct periodic safety inspections of motor vehicles pursuant to criteria established by the Secretary by regulation and emission inspections pursuant to criteria established by the Secretary by regulation in consultation with the Administrator of the Environmental Protection Agency.

(2) Such project shall require an additional inspection of any motor vehicle subject to the demonstration (as determined by the Secretary)—

(A) whenever the title to such motor vehicle is transferred to another person unless the transfer is for the purpose of resale; and

(B) whenever such motor vehicle sustains substantial damage to any safety-related or emission-related system or subsystem, as prescribed by the Secretary.

(3) To the greatest extent practicable, such inspections shall be conducted so as to provide specific technical diagnoses of each motor vehicle inspected in order to facilitate correction of any component failing inspection.

(4) A demonstration project shall provide for reinspection of vehicles which initially fail to meet the safety and emission standards established for the project after repair.

(5) Each project shall provide to the Secretary information and data relating to the development of diagnostic testing equipment designed to maximize the interchangeability and interface capability of test equipment and vehicles, and information, and data relating to the costs and benefits of such projects, including information and data relating to vehicle-in-use standards, vehicle designs which facilitate or hinder inspection and repairs,the standardization of diagnostic systems and test equipment, the capability of the motor vehicle repair industry to correct diagnosed deficiencies or malfunctions and the costs of such repairs, the relative costs and benefits of the project, the efficiency of facility designs employed, recommendations as to feasible reject levels which may be employed in any such project, and such other information and data as the Secretary may require.

APPLICATIONS AND ASSISTANCE

SEC. 303. (a) A grant or other assistance under this title may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary prescribes, including information respecting categories of expenditures by the State from financial assistance under this title.

(b) Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 90 per centum of those categories of expenditures for establishing and operating its project which the Secretary approves. Federal financial assistance under this title shall not be available with respect to costs of inspections carried out after June 30, 1976, under such a project. Any equipment purchased with Federal funds may be retained by a State for its inspection activities following the demonstration project with the approval of the Secretary. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

AUTHORIZATION

SEC. 304. There is authorized to be appropriated to carry out this title $10,000,000 for the fiscal year ending June 30, 1973; $15,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975.

TITLE IV—ODOMETER REQUIREMENTS

FINDINGS AND PURPOSE

SEC. 401. The Congress hereby finds that purchasers, when buying motor vehicles, rely heavily on the odometer reading as an index of the condition and value of such vehicle; that purchasers are entitled to rely on the odometer reading as an accurate reflection of the mileage actually traveled by the vehicle; that an accurate indication of the mileage traveled by a motor vehicle assists the purchaser in determining its safety and reliability; and that motor vehicles move in the current of interstate and foreign commerce or affect such commerce. It is therefore the purpose of this title to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers.

DEFINITIONS

SEC. 402. As used in this title—

(1) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

(2) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative.

(3) The term "transfer" means to change ownership by purchase, gift, or any other means.

UNLAWFUL DEVICES

SEC. 403. It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes an odometer to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

UNLAWFUL CHANGE OF MILEAGE

SEC. 404. It is unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.

OPERATION WITH INTENT TO DEFRAUD

SEC. 405. It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

CONSPIRACY

SEC. 406. No person shall conspire with any other person to violate section 403, 404, 405, 407, or 408.

LAWFUL SERVICE, REPAIR, OR REPLACEMENT

SEC. 407. Nothing in this title shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful.

DISCLOSURE REQUIREMENTS

SEC. 408. It shall be unlawful for any transferor to fail to give the following written disclosure to the transferee in connection with the transfer of ownership of a motor vehicle:

(1) Disclosure of the cumulative mileage registered on the odometer.

(2) Disclosure that the actual mileage is unknown, if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled.

It shall be a violation of this section for any transferor knowingly to give a false statement to a transferee under the provisions of this section. The Secretary shall prescribe by regulation the manner in which information shall be disclosed under this section and in which such information shall be retained.

PRIVATE CIVIL ACTION

SEC. 409. (a) Any person who, with intent to defraud, violates any requirement imposed under this title shall be liable in an amount equal to the sum of—

(1) three times the amount of actual damages sustained or $1,500, whichever is the greater; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(b) An action to enforce any liability created under subsection (a) of this subsection, may be brought in a United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises.

INJUNCTIVE ENFORCEMENT

SEC. 410. (a) Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(b) Paragraphs (3) and (4) of section 107(b) shall apply to actions under this section in the same manner as they apply to actions under section 107.

EFFECT ON STATE LAW

SEC. 411. This title does not—

(1) annul, alter, or affect the laws of any State with respect to the disconnecting, altering, or tampering with odometers with the intent to defraud, or

(2) exempt any person subject to the provisions of this title from complying with such laws,

except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.

EFFECTIVE DATE

SEC. 412. This title shall take effect ninety calendar days following the date of enactment of this Act.

REPORT

SEC. 413. One year after the date of enactment of this Act, the Secretary shall report to the Congress and to the President on the extent to which the reliability of odometers can be improved, on the technical feasibility of producing odometers which are tamper proof, and on the Secretary's plans and recommendations for future action.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11627) was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. SEIBERLING. Mr. Speaker, I unavoidably missed the last rollcall vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BARING. Mr. Speaker, on rollcall No. 166 on the mining bill I was unavoidably detained on official business. Had I been present, I would have voted "yea."

MONETARY REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, last August when President Nixon suspended the convertibility of the dollar into gold, he effectively terminated the international monetary system that had been in existence since 1944. Since last August the only new development has been the formal devaluation of the dollar; except for that the world monetary system is still in disarray. There has been little or no visible progress in either restructuring world trade or reforming the international monetary system. Speculators have thrived.

This lack of progress has led to renewed rounds of speculation against the dollar. The unofficial price of gold has reached unprecedented heights, and is still on an upward trend. At first this immense gold price increase was explained away by calling it the result of industrial demand, but no one is hiding behind that pretense any more. So uncertain is the state of international finance that the Chicago Mercantile Exchange has just opened a market in currency, the better to accommodate those who wish to indulge in speculation. Occasional bursts of speculative fever have forced various governments to intervene in the currency markets, to prevent the dollar plunging below the floor limit set just last December. Beyond that, many countries have been forced to adopt restrictive measures to discourage the flow of unwanted dollars, and to dampen the temptations of even greater speculative rushes.

Today, many months after the President announced his economic plans and exploded the international financial structure, we still have no clear idea of what our Government expects in the way of monetary reform. The trade reform goals that were once spoken of so much have now faded away, and the Secretary of the Treasury who announced them has resigned, to be replaced by a man who, according to all accounts, had no real enthusiasm for the "new economic policy."

It is no wonder that people are confused, and it is no wonder that speculation against the dollar continues, and that speculative fever has even spread to our own shores. If our Government does not know what it wants to achieve—and there is little sign thus far that it does—then we have no reason to wonder why others are impatient, confused, and even angry. The situation is so bad, and the potential for harm so great, that the Chairman of the Federal Reserve Board has felt impelled to call for action, and action at an early date.

I do not profess to know how the monetary system should be reformed, and have no ambition to be the architect of a new system. However, I feel an obligation to attempt to discover what the thinking of the Treasury is, and to seek some knowledge of what outside experts feel ought to be done. For that reason, I have asked Chairman PATMAN to authorize my subcommittee on international finance to have a series of informational hearings on the question of monetary reform. I am glad to advise my colleagues that such hearings have been authorized, and that the first of these will take place on June 15 and 16.

I am conducting these hearings in the first place because I feel the members of my subcommittee and my colleagues as a whole, need to know what the Treasury is thinking about in terms of monetary reform, and when we can expect some action toward resolving the crisis that we have been in since last August 15. Beyond that, I want to encourage the Treasury to act, because I fear, no less than Chairman Burns, that a continued state of chaos might lead to competitive devaluations, and a return to the desperate depression that the world endured in the late twenties and thirties. In addition to the threat of competitive devaluation, which would be catastrophic in itself, I fear that the serious questions of trade adjustment must be attacked now, if we are to avoid trade warfare, which would almost assuredly damage seriously, or wreck altogether, the liberal kind of trade policies that have developed in the last 30 or more years, and which have redounded to the immense benefit of ourselves and the entire free world.

Finally, I hope to gain an evaluation of the progress, or lack of it, in balancing our dollar deficit and bringing our position back to a sustainable one. For example, devaluation was supposed to benefit our exports and inhibit imports, and I want to see if that has in fact been the case. The "new economic policy" was supposed to create a half million new jobs in this country, and I want to learn if I can, whatever became of that claim.

I want to emphasize that I have no partisan gains in mind; nobody gains from economic difficulties and it is foolhardy to play politics with the national economy. We each have an obligation to work toward the success of our national economy, and an obligation to help insure that our country achieves its objectives. But we cannot help if we do not know what the objectives are, and we cannot know where we are unless we know where we are going.

I hope that these hearings will help provide us some guideposts against which to measure our progress toward monetary reform and revised trading policies. If it turns out that we have no national goals that are well defined, then I hope that the hearings will provide some outlines of the alternatives that we have, and encourage the administration to set out on some definable course of action.

It is a virtual certainty that the existing situation cannot be sustained much longer. Men much more knowledgeable than I have recognized this, and have called for action. It is no laughing matter when the Chairman of the Federal Reserve Board says it is time to act. I can only recall too well the advice he offered last summer, and which the Treasury laughed off, only to suddenly reverse its course and take the actions that he had been urging. Certainly I have my differences with Dr. Burns, but I have to listen attentively when he expresses alarm about the international monetary situation, and makes an unmistakable call for early action. I might not adopt the plans he advocates, but the fact that he is speaking out is sufficient cause to validate my own diagnosis that the patient is still sick, and it is high time for the Treasury doctors to make up their minds about a prescription.

I believe that we may be on the verge of serious speculation against the dollar. Apparently a great many people, including a large number of Americans, believe that the recent devaluation of the dollar will not be the last. Investors are reported to be enthusiastic about the new Chicago market in currency, and are anxious to try their hands at currency speculation. I do not know how high the fever is; all I know is that laymen like me, people in positions of grave responsibility like Dr. Burns, and speculators alike agree on the central issue, which is that the world monetary system is in a dangerous state. Until we understand what action will be taken to ease that situation, we can only expect continued speculation on the private market, and continued and growing difficulties between our Government and the rest of the world. We will either have some kind of economic rule or anarchy; I would prefer that we have a system that works, as the Bretton Woods system did, rather than risk a repetition of a system that did not work and which was responsible for worldwide misery.

Mr. Speaker, I believe that the time for international monetary reform is now. I hope that the Treasury agrees with that proposition. I aim to find out.

Mr. HANNA. Mr. Speaker, well before the crisis that led to this year's meeting at the Smithsonian, informed financial and monetary experts were in agreement that fundamental reforms were urgently needed for the present international monetary system. It was clear that mere technical improvements would not suffice, but rather a substantial change predicated upon a serious reexamination of the system as a whole would be required.

It is true that in monetary matters, more than in most others, continuity is of a considerable and overriding importance. Yet, although many features of the old system should be preserved, new mechanisms and rules are needed so that a system may be devised that will be adequate to future world trade development. At the same time, it is clear to most that the heavy and singular reliance upon the dollar as the key currency tied strongly to gold is not realistic.

Meetings have been going on these last 6 months all over the world. The Group of Ten met in Rome the middle of last month and decided to create a Group of Twenty to act as the base consortium to achieve a broad measure of agreement and look into consideration for developing countries, as well as the industrialized nations. Meetings of highly important international creditors were held recently in South America and again the outcome was merely a configuration of approaches rather than solutions to the outstanding problems.

In our own view, the United States is far too unclear at the present writing to serve the needs of the dynamic situation in which we find ourselves. As a member of this House, I find it even more disturbing that too little understanding is entertained among the Members of this body as to the situation that confronts our Nation or the grave urgency which requires the informed intelligence of this country. For that reason, I commend Mr. GONZALEZ, the great statesman from Texas, in taking his time to bring this important subject matter to the floor of this House. I urge the leaders of the Congress and the chairmen of the various committees who hold some responsibility in this matter to cooperate with the requests of the gentleman from Texas for hearings and studies. Only in this fashion can the House hope to be in a position to act as the U.S. interests will require.

Now, Mr. Speaker, if I may, I would like to address myself to some of the aspects of this problem that impinge most directly upon the U.S. dollar and our trade and monetary posture in a possible new system.

On my recent visit to Europe, during which I was pleased to represent the Congress at the Vienna meeting of the Asian Development Bank, I took the opportunity to speak with banking and financial leaders of Europe and London to balance my inside view of our problems with views held by those financial centers that are so important to the establishment of any acceptable new system.

I found that there was agreement that the solutions which we seek are complex, many of them are technical, and will proceed only through the lengthy and patient negotiations process, but there are some outstanding problems which are easily discernible.

Now, some of you may feel that this is a matter that might be left to someone else's consideration. For those of you who hold such a restricted view, let me quote from a recent speech made by one of our previous Secretaries of the Treasury, Henry H. Fowler:

> On the surface the subject seems abstract and only of far-away concern to statesmen, politicians, students of foreign affairs and international bankers.
>
> But it is as close and important to you as your job, many of the products and services you consume or sell, the dollars you invest, your next business trip out of the country, the foreign visitor you meet and a lasting and meaningful peace with security on a planet on which you can hope to live a useful life of superior quality depend on a rational, workable system to our monetary problems.

Thirty years ago, when the Bretton Woods Agreement was young, world trade amounted to $40 billion a year. Today, it is over $300 billion and that trade sustains the economic growth and stability of the world.

Now, to our particular problems as a nation. Unless we aggressively pursue a near goal of a new system, there may be a serious change in the relationships between the European community and the United States and between Japan and the United States. Healthy internationalism of the past can quickly deteriorate into many forms of selfish isolationism with Western Europe seeking an inward-looking Europe; Japan turning from that nation's dependence on the Pacific basin which has been the pattern since World War II and looking to others, including Russia, for long-term trade relations. Our own country is taking the backward-looking policies of quota systems and tariffs similar to the patterns just before the great depression. Instead of moving in such disturbing directions, there should be a new system giving opportunity for fairness and equality. A system which will diminish tensions and lead to a stronger, more sensible, and fair trade system with advantages to all.

I believe one of the principal positions the United States must take is to insist upon and be ready to accept the multinationality of key currency. This, in a political sense, is already a fact of life in countries like Japan, Germany, and Switzerland. Each has a very strong surplus exchange position and the yen, the German and Swiss marks are sought as reserve currency and are beginning to be accepted in exchange payouts by trading nations.

I have observed, some years ago, that the burdens of being the sole key currency or being made the dominant key currency in the world outstripped its advantages. We can see now that the dollar must be allowed to move with the reality of trade and fiscal facts, just as sterling and all of the other currencies.

We have a real problem, often mentioned in terms of the overhang of dollars, now in the hundreds of trading nations as part of their reserve currency. Informed opinion is that this overhang amounts to something in the nature of $50–$60 billion. Two things immediately come to our mind, Mr. Speaker. The first is that we cannot accommodate this overhang by moving in any near-time frame to gold convertibility. The best approach to reduce these balances of overhanging dollars should be made on two fronts: First, a substantial percentage should be funded through the new SDR's which have enjoyed a success that confounded the pessimistic promise of the adversaries of this new expansion of gold in the IMF; and, second, some should be retired by substitution of other currencies, such as German, Dutch, or Swiss.

Immediately we can anticipate that there will be those who say we must very carefully protect the uses of SDR's in order to maintain their surprising acceptability. My personal views would be to overlook such advice. Over a period of time, by agreement of our country with nations holding surplus dollars, we should retire a satisfactory number of the overhanging dollars. At the same time, we should assure the other nations that there is no alternative in gold convertibility. The sooner we convince our friends of this fact, the sooner confidence will be restored and the program to balance out dollars held with the desire to hold such dollars will be completed. A timetable for such a program should be suggested early and negotiated as soon as possible.

In order to assure a strengthening of the SDR's at the same time we are expanding their use, we should suggest that the backing for this paper should be a mixture of gold and important currencies, who are at a particular time leading, so to speak, the market of flexible currency. This would allow a sensible relationship between international money and international goods and competition. It would be constructive, if as a part of the negotiations for accommodating the present complaint of surplus dollar reserves, we arrived at a harmonization of the uses of various types of reserves, that is, gold, SDR's, leading currency, fund quota, and so forth, so that all of the various manners of settling difficulties could be more thoroughly understood.

It seems in another area that the United States must have some very careful education and preparation and that is in establishing fexibility of exchange rates. It is our thought that the dollar should be as freely adjustable within the permissible margin of fluctuation as any other currency predicated upon the same rules of the game, moving, as we are, out of a period of dominance of and reliance on the dollar. It may be difficult for some to accept, but it is equally clear that had the United States had the flexibility of such movement much earlier and had we not carried the heavy responsibility of preserving a large measure of the liquidity for trade since the 1940's, our own position in terms of competitive prices and balance of trade would be much better.

I would suggest that there needs to be some attention given to a lowering of the existing barriers to the flow of many more of the international currencies so that more of industrialized countries would have to face some of the problems as does the United States. The Bretton Woods monetary system had at its core the problem of international trade and, therefore, did not give attention to international capital movement. The old system, therefore, did not foster liberalization of much of the money nor rationalization for maximizing such capital contribution to international finance and international development. The greatest and foremost demand of the future will be for capital. Other countries than the United States must be prepared to assume the burden of capital flow. Ending dollar dominance so that international monetary game is played on both sides, by all players, where each enjoys the benefits and all share the burdens, would release some of the singular weight that has been carried by the United States and the United Kingdom in their recent efforts to retain the value of the dollar and the paid note for their own advantage.

The United States knows and other countries are learning about the problem of hot money and the potentiality for rapid disequilibriating movement of short term capital. Negotiations should pursue an agreement whereby most countries agree to control the nation's bank interest payments and offer them only to residents. This would go a long way toward solving this problem without creating unreasonsable and undesirable restraints on capital movement. Suffice it to say that this problem needs a great deal of attention.

The United States rightfully entertains a very keen concern for a recommendation of its trade posture and the understanding of its trade partners for a more equitable position in world markets The United States equally entertains a rather deep hurt demeanor because of its longtime assumption of the burdens of our building the free world and providing it with the necessary resources for mutual security. These labor considerations are interwoven with the international monetary system. For that reason, I think each can expect to have a tie interlock, both trade agreements and monetary agreements or security agreements and monetary agreements. However, I would venture to say that a sound prediction is that a new monetary system arrived at in a multilateral basis encompassing a concern for equality for the underdeveloped countries will inevitably provide material for a more acceptable resolution of the United States' trade problems and the dilemma of the distribution of cost of mutual security.

Finally, Mr. Speaker, may I emphasize that time is of the essence. The present structure is exposing our relationships to the vagaries of the unforeseen events, exposure brings erosion, erosion diminishes the viability of accepted alternatives. So if we are to make the most of what are the best alternatives, we must vigorously and immediately pursue the necessary negotiations and in this pursuit the Congress should play an appropriate role. The gentleman from Texas has indicated his willingness to commit the time, talents and energy of his Subcommittee on International Finance.

I hope the Congress fulfills its role and obligation. I call upon the leadership of the House, the chairmen of the Banking and Currency Committee, and the House Administration Committee to support and supplement the gentleman in this important undertaking.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent, that all Members may have 5 days in which to revise and extend their remarks and include extraneous matter on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SENIOR CITIZENS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BIESTER) is recognized for 5 minutes.

Mr. BIESTER. Mr. Speaker, President Nixon has proclaimed May "Senior Citizens Month," and this gives me an opportunity to share some observations on a special project I began in my office this year. It was a senior citizen intern program, a small-scale version of the summer program Congress conducts for college students.

Through correspondence and personal contacts with the senior residents of my district, I have long empathized with the desperation with which so many of them face their day-to-day living and felt the frustration they experience in trying to obtain the help and attention of the Government.

In an attempt to establish greater two-way communication and understanding between Government and senior citizens, I approached the director of Bucks County's Adult Services, Mrs. Margaret O'Neill, to solicit her opinions and ideas—and, hopefully, her cooperation—on a senior citizen intern program in my Washington office. Working with the retirees is begun on a daily basis, she saw the value of such a project and enthusiastically pledged her support to the effort. Mrs. O'Neill notified the numerous senior citizen groups in the county, outlining the idea and requesting interested parties to apply; a group of representatives of senior citizen groups selected Mr. and Mrs. Paul Anderson of Southampton to come to Washington. Paul and Betty have been participants in senior citizen concerns, and Paul is the legislative chairman for two local senior citizen groups.

Arrangements were made for the Andersons to stay at a residential hotel in Northwest Washington. Their apartment was modest, but comfortable, and located in a pleasant neighborhood convenient to bus transportation for their trip to the office. They were placed on my payroll to receive the customary intern stipend, and the county government chipped in to help cover travel and housing expenses.

When the Andersons arrived to spend their 2 weeks with us, I had a lengthy talk with them to discuss what we all hoped to accomplish from their stay. We worked from a list of questions which had been submitted to them by their friends in the county. Then the Andersons stepped right into the swing of office activity as a regular part of my staff, working the same hours but pacing themselves at their own speed.

Provided with stacks of materials—bills, reports, hearings, public laws, Government and private organization brochures—relating to the problems of the aged, Betty and Paul waded through the information. They studied amendments to the Older Americans Act of 1965, various national health insurance plans, H.R. 1, and numerous bills pertaining to tax relief, employment of the aged, housing and community centers. In addition, they briefed themselves through reports of what the Government is currently doing for the senior citizen. They sought the answers to inquiries their friends back home had provided them and, in the process, they turned up some new questions of their own.

After they had gone through the material, appointments were scheduled for them with people who could provide the answers to their questions as well as supply additional information of value. They met with representatives of the Senate Special Committee on Aging, the Administration on Aging and the Social and Rehabilitative Service of HEW, and the American Association of Retired Persons; I sat in on as many of these sessions as possible. In addition, the Andersons attended hearings on aged-related problems, including nursing home legislation.

To provide them with a broader view of congressional activities, they saw the House and Senate in session, attended hearings of other House committees, sat in on several of my appointments and generally observed a congressional office in operation.

Having Betty and Paul in the office was a truly invaluable experience. Their presence alone was a stimulus to us all. The diligence with which they pursued their task was a very personal and meaningful testimony.

I would like to quote a few of the observations made by the Andersons which, I feel, tell a great deal about the senior citizens' evaluation of what is and is not being done to help them through later years. In a letter to me they express more eloquently than I can their disappointments and hopes.

> We wish to express to you our deep appreciation for the opportunity to work, through your office, in behalf of the older citizens of the county. We shall try to give to them as much as we can of what we learned in your office.
>
> It was and is a revelation to learn the intricate ways we have devised to govern ourselves as a nation. Being a part of your office was like living in a different world. It was exciting, but at the same time frustrating; to hear and read reports and bills, and then learn how long it takes to have them passed, when some of them are so urgent.
>
> We are encouraged just to know that someone like yourself and Senator Schweiker, and Church, and Kennedy, etc., are working to dignify and make pleasureable the older citizen's life.
>
> The home nursing care, and transportation and Operation Green Thumb and Senior Aides are so very necessary. We're sure when they are workable they'll simplify life and problems for many people. We know there are many people with children who have problems, too, but they have a longer time to have them corrected than do the senior citizens.

Before they left for home, we discussed some of their recommendations based on their study and evaluation. They expressed approval for legislation dealing with such things as transportation programs for the elderly at the local level, homemaker services, mobile medical units, low-cost housing and tax relief.

The Andersons were taken aback by the slowness with which Government acts. It is embarassing to admit to them that our governmental machinery only creaks along. We all know that even our most patient and understanding citizens are beginning to rebel against the seeming incapability of our Government to respond to real needs, and perhaps no more serious problem faces this country in the decade ahead. This frustration is exemplified in a memorandum given me by the Andersons. In it they say:

> So many hearings have been held, so many bills introduced. What does it mean if something concrete isn't done? What does it take to have these bills *passed* and some relief given to the people who really need it—the people who don't riot, who don't revolt, the people who have all their lives tried to make the best of what they had. . . . May is a beautiful month to give the senior citizens something to remember it by. *Passing* these bills would certainly be that something.

Although the Andersons departed unable to relay to their friends the news of dozens of pieces of senior citizen legislation passed during their stay, I know they left with a greater awareness of the complexities of the legislative process. Despite the fact we cannot overhaul and reform our Government as quickly as we would like, we can and must take positive steps toward realizing the kinds of substantive legislation demanded.

The senior citizen intern program was an attempt to meet a need for communication and action. Betty and Paul have returned to Bucks County to present their findings to senior citizens groups and others concerned about what is being done for older Americans and how to do more. The story they tell won't be what we'd like to hear because, in truth, there is so much to be done.

When our careers here on the Hill come to an end, our responsibilities as Congressmen will not really have ceased. What we did yesterday and do today will continue to have an impact for years to come. Now is the time to do what is necessary so we won't have to regret in 5 or 10 years our failure to act when we had the opportunity.

At a time when confidence in government is distressingly low, it is vital to maintain open channels of communication with all segments of the population. Senior citizens are organizing to better express themselves, and I feel we as individual Congressmen can do our part to take the extra steps to meet and work with them on these important questions. We plan to continue this program, and based on this trial run we hope to make it even more productive. I invite my colleagues to learn from such an experience as I believe I have, and build upon what can be a most rewarding and instructive venture.

PERSONAL ANNOUNCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 5 minutes.

Mr. VEYSEY. Mr. Speaker, on December 9, 1971, I am recorded as "not voting" on rollcall No. 453 on H.R. 11955, making supplemental appropriations for fiscal year 1972. Had I been present I would have voted "yea."

On December 15, 1971, because of official business in my district, I was unable to be present for rollcall No. 466 on the conference report on H.R. 11731, making appropriations for the Department of Defense for fiscal year 1972, I would have voted "yea." Rollcall No. 467 on the conference report on H.R. 11932 making appropriations for the District of Columbia for fiscal year 1972, I would have voted "yea." Rollcall No. 469 on the conference report on H.R. 6065, amending section 903(c) (2) of the Social Security Act, I would have voted "yea." Rollcall No. 470 on House Joint Resolution 1005, making further continuing appropriations for fiscal year 1972, I would have voted "yea."

On December 16, 1971, I was unable to be present for rollcall No. 472, tabling a motion to instruct House conferees to agree to the amendment known as the Mansfield amendment in S. 2819, to provide foreign military and related assistance and authorization for fiscal year 1972, I would have voted "yea."

HIJACKING AND EXTORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, since March 9 when President Nixon called for a mobilization of the "security forces and resources of the Federal Government" against aircraft hijackings, much progress has been made.

On May 12 a 40-year sentence was imposed in Federal court in Denver against the first extortionist-hijacker of an American aircraft brought to trial. It was the third most severe sentence ever imposed for air piracy in a Federal court.

Richard Charles LaPointe, 23, an east coast drifter, who hijacked an Air West plane at Las Vegas on January 20 this year, then parachuted with $50,000 near Denver, was sentenced to 40 years on his guilty plea accepted by the court midway in the Government's case in the trial which began April 12.

It has been almost 6 months since D. B. Cooper, still missing, began a rash of parachute-hijacking incidents, last November 24. Cooper jumped in the darkness between Seattle and Reno with $200,000. LaPointe was the fifth person utilizing the Cooper modus operandi.

In succession, 10 would-be extortionist-hijackers failed. Their "success ratio" was zero until Friday, May 2—the latest such attempt—when a hijacker commandeered an Eastern flight from Allen-town, Pa., to Washington, and later parachuted in the darkness with $303,000 over a Central American jungle in Honduras. He is still missing and his identity not disclosed.

In fact, 1971 was the first year since the influx of aircraft hijackings that there were more persons who were apprehended with their hijackings aborted than there were whose plan succeeded.

The 1971 record of 26 hijacking incidents show that 15 failed—this includes four failures of 14 hijackers who demanded to go to Cuba. This compares with nine failures of 26 total incidents in 1970; seven of 40 in 1969; and only four failures of 22 incidents in 1968.

To date in 1972, there have been 17 hijacking incidents of which 13 have failed. Three of the "successes" went to Cuba without demanding extortion of the airline. The fourth "success" is the latest extortion effort and is actively being sought in the Honduran jungle.

Legal process has been instituted against all hijackers as soon as identification is certain, including those who are still fugitives in Cuba or elsewhere.

In mid-March, the Attorney General sent telegrams to all 93 U.S. Attorneys asking that the Justice Department be notified if aircraft hijacking or related offense, including bomb and extortion threats, are not brought to trial in 60 days.

Of the attempted extortions this year one was shot and killed by FBI agents while seeking to escape in a getaway car with a hostess held as hostage by the hijacker. Another would-be hijacker who had demanded $308,600 was shot and wounded. One other, Richard F. McCoy, Jr., a Vietnam veteran and helicopter pilot, was charged with parachuting with $500,000 near his home in Provo, Utah, where the money was recovered.

In 1970, two hijackers who diverted American planes in 1969 to Cuba, were tried after their return to this country. Lorenzo Edward Ervin was sentenced to life by a Federal judge in the northern district of Georgia, and Joseph J. Crawford was sentenced to 50 years on his guilty plea in the western district of Texas.

Interestingly, one hijacking to Cuba this year, also involved a "successful" extortion that preceded it—only to run into disaster in Cuba. The hijacker held a Puerto Rico banker at gunpoint in the banker's home, finally obtained $290,000 from the bank, then demanded from the banker's brother, who owned a Puerto Rican airline, a plane and two-man crew for an escape to Cuba. But the latest word is that the hijacker is being held for an indefinite term in a political prison while the Cuban Government took the $290,000.

The Attorney General and the Department of Justice are to be commended and congratulated for the manner in which they are handling the extortionist-hijack problem.

THE MEDICAL DEVICE SAFETY ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN), is recognized for 5 minutes.

Mr. **HALPERN**. Mr. Speaker, the field of medical instrumentation has come a long way from the time when unscrupulous health swindlers peddled such items as copper bracelets and zinc disks and orgone energy boxes alleged to cure arthritis, cancer, and practically every other human ailment. Thousands of ingenious new medical devices with proven therapeutic value are now saving countless numbers of human lives and restoring millions of others to a state of good health. More than 1,300 manufacturers are presently producing at least 5,000 different devices, ranging from simple fever thermometers to the most sophisticated heart-lung machines.

The great expansion and proliferation of new medical devices in the last decade has been accompanied by a growing concern for the safe and effective use of these products. The tremendous breakthroughs in medical technology which are saving and curing so many sick people are unfortunately also exposing thousands of others to potential hazards resulting from mechanical or human error. Every year, an estimated 1,200 hospital electrocutions and countless cases of accidental injury result from unsafe and defective electrical equipment. At one New York hospital, the Downstate Medical Center in Brooklyn, 40 percent of incoming medical devices were found to be defective, many to the point of threatening life.

Under existing law, the Food and Drug Administration does not have authority to require medical devices to meet specified standards or undergo a clearance procedure prior to commercial marketing. Only after a device has been marketed and proven dangerous to people's health can FDA take action, usually in the form of asking the manufacturer to voluntarily recall the defective product. If this course fails, FDA can then ask the court for an injunction, which can be appealed by the manufacturer and result in a delay sometimes taking up to 5 years, during which time the product can continue to be sold.

It is obvious from the findings of recent study groups and various independent surveys conducted by hospitals, physicians, and other interested parties that the unregulated flow of potentially hazardous devices into the medical marketplace must be curtailed and without further delay. In 1969, the Department of Health, Education, and Welfare initiated a study of this whole area in order to formulate recommendations regarding the necessity for new regulatory legislation. The report of this study group, headed by Dr. Theodore Cooper, Director of the National Heart and Lung Institute, clearly showed the need for such legislation.

I have recently introduced a bill, H.R. 13793, the Medical Device Safety Act, which is designed to give the Food and Drug Administration mandatory power to prevent the marketing of potentially dangerous devices. This legislation would correct many of the problems which stem directly from the lack of effective regulatory authority under existing law.

First of all, my bill would eliminate the difficulties that have arisen in recent court cases due to the vagueness of the legal definition of a device versus a drug. Because of its limited authority over devices, the FDA has attempted to argue to the courts that certain "devices" can be considered "drugs" and, therefore, subject to regulation under the "new drug" provisions of the Federal Food, Drug, and Cosmetic Act. In two recent cases—the AMP case involving disposable nylon sutures and the DIFCO case involving antibiotic sensitivity discs, the courts have ruled that the legal definition of "drugs" could be applied to these products, thereby subjecting them to the "new drug" requirements under the act.

The difficulty, however, is that court opinion draws no clearly defined line between what is a drug and what is a device, making it necessary to proceed on a product-by-product basis in requiring "new drug" clearance. It should be clear that much of this litigation would be unnecessary if FDA had originally been provided with the kind of effective regulatory controls over devices that it presently has with regard to drugs. In the absence of such regulation, FDA has little alternative but to resort to strained application of the drug definition, in order to protect the public from unsafe products. Such procedures are an unwieldy, time-consuming, and inadequate means for protecting the public from hazardous products to which they will continue to be exposed during the time the courts are reaching a decision.

Furthermore, there are sufficient differences between drugs and devices that distinctions should be made between such products and that parallel, but not identical, regulatory procedures be devised. I believe that this was the intention of Congress when it passed the Federal Food, Drug, and Cosmetic Act in 1938, but I feel that additional legislation is needed to clarify this intention and to provide a suitable and adequate means for regulating devices.

My bill would attack this problem in two ways—by redefining as distinctly as possible, the terms "drugs" and "devices," and by providing a means whereby carefully defined categories of medical instruments would be regulated and subject to specified standards established on a parallel, rather than identical, basis with those of drugs. FDA would be empowered to create and enforce standards for medical devices after consulting with other Federal agencies and experienced technicians and doctors.

A highly significant provision in my bill would relate standards for medical devices to a "state of the art" clause, allowing FDA to withdraw approval of a device if new research proves it to be harmful or ineffective, or to grant approval for a device previously thought harmful or ineffective. It has been estimated that research into medical devices lags as much as 30 years behind research in the pharmaceutical field. In the future, we will undoubtedly see device research undergoing significant improvements. Thus, to apply to devices the strict requirements of the present law relating to drug research would be both unfair and impossbile. The "state of the art" clause makes this action unnecessary for the present time, since FDA approval of a device would not necessarily extend for an infinite time period.

My bill would further require that certain medical devices be subjected to premarketing clearance procedures. Such devices would include those which are not generally recognized by experts to be safe, reliable, and effective or which are intended for use within the human body or for subjecting the body to radiation, electric or magnetic energy, heat, cold, or physical or ultrasonic energy. Exemptions would be allowed for devices to be used solely in treating animals, or devices for use in strictly controlled clinical investigations on human subjects. Many of the real dangers to which patients are exposed today occur as a result of faulty electrical equipment. New electronic devices such as defibrillators have had tendencies to discharge high electrical voltage into a patient's heart before a surgeon wanted it. The tragic end results of such electrical malfunction make it essential for us to regulate and control devices of this nature.

The legislation I have proposed will arm FDA with an array of other new controls over device manufacturers, including registration of companies, establishment of Federal "good manufacturing practices," requirements for recordkeeping and reporting, and authority for more extensive factory inspection. These provisions in themselves will prevent many of the abuses that have occurred over the years.

As Ralph Nader has stated in a recent exposé of hazardous devices:

> The unprecedented hope offered by new medical technology does not need to be accompanied by unprecedented risk.

By regulating, controlling, and redefining medical devices, my bill will provide protection for millions of consumers who each year come into contact with modern medical equipment. Until we take action on this legislation, medical devices will continue to give life to millions but death to thousands of others.

THE FALLACIES UNDERLYING THE BYRD AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 10 minutes.

Mr. DIGGS. Mr. Speaker, the other body is considering the McGee amendment to the Foreign Relations Authorization Act of 1972 which would repeal the infamous Byrd amendment which the administration has interpreted as permitting the importation into the United States of Rhodesian chrome in violation of the international legal obligations of the United States.

In this connection, I would like to call the attention of my colleagues to a scholarly and thoroughly researched dissertation on some of the issues raised by the Byrd amendment. In this article, which will appear in the March, 1972 Virginia Law Review, the author, George T. Yates III, exhaustively examines the whole question of the legal basis of Rhodesian sanctions and finds any allegations of illegality of the Rhodesian sanctions "legally bankrupt."

Second, he analyzes the critical matter of the efficacy of the sanctions and, while recognizing that the sanctions have not accomplished as was originally intended, the quick demise of the illegal Smith Regime, he states the facts which demonstrate that sanctions have had a significant impact. The Rhodesian economy is slowly stagnating. He said:

> "It is feeding on itself, and it is giving the illusion of health because there is a lot of fat within the system to support it, but the future of the economy is one of mounting ills." The stagnation for which the sanctions policy is responsible shows up in the serious deterioration of the railway system, the disintegration of the flying equipment of the air service and the breakdowns in farm machinery. Unemployment is growing, especially among the black population. While a surplus of unskilled labor exists, Rhodesia needs skilled workers, and sanctions have made it impossible for the government to advertise openly for skilled labor emigrants. There also are the problems of inflation and, even more serious, shortages of foreign currency.
>
> Southern Rhodesia's foreign currency problem undoubtedly represents the greatest successes of the sanctions policy.

Finally, Mr. Yates inquires into those facts which have been asserted in the name of compelling domestic needs of the national security interests of the United States as requiring this country to become an international lawbreaker and finds that "the necessity argument collapses under scrutiny." He points out that, with the exception of South Africa and Portugal, violations of the United Nations sanctions have not been acquiesced in by the governments themselves in other countries.

I would like to present the full text of this scholarly, informative and timely article for the benefit of my colleagues:

THE RHODESIAN CHROME STATUTE: THE CONGRESSIONAL RESPONSE TO UNITED NATIONS ECONOMIC SANCTIONS AGAINST SOUTHERN RHODESIA

(By George T. Yates III, University of Virginia School of Law)

The Congress has rarely demonstrated strong support for the United Nations and its affiliated international organizations, but recently this lack of enthusiasm has developed into an utter disregard for the international obligations of the United States.[1] The attack made by the Ninety-first Congress on the International Labor Organization [2] seems mild in comparison with recent congressional efforts to undermine economic sanctions imposed by the UN against Southern Rhodesia. This recent assault has produced an amendment to the Military Procurement Act of 1971, [3] the "Rhodesian chrome statute." [4] This legislation provides:

"Notwithstanding any other provision of law, on and after January 1, 1972, the President may not prohibit or regulate the importation into the United States of any material determined to be strategic and critical pursuant to the provisions of this Act, if such material is the product of any foreign country or area not listed as a Communist-dominated country or area in general headnote 3(d) of the Tariff Schedules of the United States (19 U.S.C. 1202) for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law." [5]

The ostensible purpose of the statute was to compel the President to violate United Nations Security Council Resolution 253 [6] by allowing the importation of Southern Rhodesian chrome into the United States.[7] Congressional discussion of the legislation focused almost exclusively on Southern Rhodesia and chrome ore but, the statute itself does not mention either one. Although the legislation may be referred to as the "chrome" statue it deals with the importation of other goods. It makes possible the importation of 72 categories of materials specified on the list of strategic and critical materials promulgated by the Director of the Office of Emergency Preparedness.[9] The scope of the legislation and its potential for thwarting economic sanctions against Southern Rhodesia and other territories that might be sanctioned in the future are more formidable than the debates would suggest. What led Congress to take such drastic and comprehensive action?

The supporters of the legislation were moved by three arguments. Some felt that the United Nations Security Council acted illegally in invoking economic sanctions against Southern Rhodesia. They argued that such illegal conduct created no international obligation the United States was bound to observe. Second, some suggested that the sanctions, legal or not, had failed, since other nations had refused to enforce them. Those who espoused this view seemed to believe that violations by other states rendered the American obligation voidable, if not actually void. Third, some of the proponents spoke of compelling domestic needs, such as the need to protect American industry and the need to ensure a reliable, non-Communist supply of chrome for national defense.

While the proponents of this legislation acted hastily, if not erroneously, in assessing the impact of the sanctions upon Southern Rhodesia and the United States, and in assessing the potential national and international costs of violating the sanctions, the United Nations itself contributed to this error by failing to provide more adequate assurance of international compliance.

THE LEGALITY OF UNITED NATIONS SANCTIONS

The arguments which raise the question of the legality of the United Nations action depend on the meaning and purpose of sanctions and the source of the Security Council's authority under the United Nations Charter.

Sanctions generally and the League of Nations

The object of sanctions is to secure conformity to standards of behavior.[10] Sanctions are often defined as legal remedies imposed by a community on one who violates the legal order of that community. They are generally viewed as coercive: that is, they are applied against the will of the person sanctioned, and they are suggestive of a willingness to use force.[11] More comprehensively, "[s]anctions are deprivations *or indulgences* of individual and group values for the purpose of supporting the primary norms of a public order system." [12] The task of enforcing collective norms is not only negative but also positive to the extent that "value indulgences are deliberately employed as strategies to induce future conformity and to reward past fidelity." [13]

The success of sanctions is dependent upon a concensus regarding the values they enforce. The greater the knowledge and acceptance of the law,[14] the less likely it is that sanctions will be employed and the more likely it is that sanctions will be successful if invoked. Governments have relied on sanctions to maintain the domestic legal order. The international community, however, has

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experienced less success. The establishment and enforcement of international sanctions is difficult because of the problem of obtaining a consensus regarding the applicable international legal rules.[15] But where rules, supported by consensus, can be stated positively, as in treaties, conventions, and agreements, international law often relies on sanctions, whether express or implied, for the enforcement of international obligations.[16]

The League of Nations Covenant relied heavily on the supposed existence of an international desire to avert another world war and employed sanctions to enforce Covenant obligations. Article 16 of the League Covenant provided for the use of economic and military sanctions against member states who violated their obligations under Articles 12, 13, and 15. Indeed, paragraph one made it an act of war against all members for one member to resort to war in violation of those obligations.[17] Article 12 obligated the members to submit any dispute likely to lead to hostilities to arbitration, judicial settlement, or inquiry by the Council.[18] Article 13 specified certain disputes for arbitration or judicial settlement [19] and obligated members to carry out awards and decisions and not to resort to war against a member who complied. Article 15 established procedure for the submission of disputes to Council inquiry. In addition to labeling the violation of these covenants an act of war, Article 16 obligated the members to sever all trade and financial relations, to prohibit all intercourse between their nationals and those of the violating state, and to prevent all financial, commercial, or personal intercourse between the nationals of the violating state and the nationals of any other state, regardless of League membership. The latter provision was the only attempt to extend the scope of League sanctions beyond the League community.

The framers of the League Covenant hoped that the economic sanctions of paragraph one would constitute a strong and effective tool for containing and terminating hostilities. As one observer noted, economic sanctions were "the most formidable weapon in the armory of the League." [20]

In addition to economic sanctions, the Covenant provided for military sanctions,[21] which could be invoked against any member who violated a League covenant. The ultimate penalty was expulsion from membership, but this action required a unanimous vote of the Council.[22]

The League sanctions system was inherently weak. The veto power gave each member state the power to determine for itself when an obligation, enforceable by sanctions, had arisen. Equally restrictive was the criterion for judgment—an illegal resort to war by a member state. The requirement of actual hostilities denied the League the opportunity to use sanctions in the more positive function of war prevention. Thus economic and military sanctions under the Covenant served no broader purpose than to enforce the members' express obligations in Articles 12, 13, and 15. The restrictions on the use of sanctions, their limited scope, and the limited membership of the League itself [23] made it most unlikely that the sanctions could achieve even their narrow purpose of ending war, once it had begun.

Sanctions under the United Nations Charter

The framers of the United Nations Charter also looked to sanctions to enforce the new scheme of world order. The first purpose of the United Nations was "[t]o maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace . . . ." [24] Articles 39, 41, and 42 of the Charter give the sanctioning power to the Security Council. Article 39 provides as follows:

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

Articles 41 and 42 provide for the use of economic and military sanctions respectively.[25]

The triggering mechanism for imposing sanctions under the Charter is "the existence of any threat to the peace, breach of the peace, or act of aggression." The Charter provides a broader basis for action than did the League provision, which required an actual resort to war by a member state.[26] The United Nations has authority to intervene at any point along the continuum of events leading from latent conflict to outright aggression. In shcrt, the Security Council may take action before a full-blown crisis has developed. By way of contrast, the League lacked authority to impose sanctions at the early stages of conflict development. Indeed, the League was powerless to act even after war had broken out if required efforts had been made to settle the conflict peacefully. While the League could act only on the basis of affirmative or negative conduct by its members, the United Nations acts on the basis of conditions, regardless of their origin.[27]

In addition to the broad definition of the conditions under which the Security Council may impose sanctions, Article 39 gives that body power to determine when one of the conditions justifying the use of sanctions has in fact occurred. The League Covenant allowed each member to decide whether the pre-conditions to coercive action were met. The Covenant also automatically invoked sanctions upon the necessary finding of a resort to war. But Article 41 of the Charter gives the Security Council the right to take any action it deems appropriate, including none at all.[28] Once the Security Council has made the necessary findings of fact and has selected sanctions, it may call upon members to carry them out; and Article 25 legally binds the member nations to apply the sanctions chosen by the Security Council.[29] Similar to Article 16(2) of the Covenant, Article 42 empowers the Security Council to take military action, should it find economic sanctions inadequate.[30]

Clearly the system of sanctions established under the Charter contemplates a much broader legal order than did the League Covenant. League sanctions were designed to uphold the members' specific obligations under the Covenant. The invocation of United Nations sanctions, however, is not limited to violations of the Charter or to the actions of member nations; the Security Council has extraordinary discretion. Indeed, some have questioned whether the economic measures which the Charter envisions are actually sanctions.

Those who adhere to this position take too narrow a view of the legal order by the Charter. This legal order encompasses, not only Charter obligations, but all law that develops under the auspices of the United Nations.[31] United Nations sanctions are no more limited to upholding the Charter than are sanctions in the American legal order limited to upholding the Constitution of the United States. The Charter provides only the framework within which law is created, while sanctions uphold the substance as well as the frame.[32] Thus the Charter gives the Security Council power to perform a police function as well as a Charter-enforcing function.[33]

United Nations economic sanctions against Southern Rhodesia

Although the General Assembly had taken action with respect to the events in Southern Rhodesia as early as 1962,[34] the Security Council did not include the matter on its agenda until 1963 and took no affirmative action until 1965. The failure of the Security Council to act sooner must be attributed largely to British reluctance and the British veto.

In a letter dated August 2, 1963,[35] the Representatives of Ghana, Guinea, Morocco, and the United Arab Republic requested that the President of the Security Council call a meeting to consider the Rhodesian question. At that time the matters of concern were the scheduled dissolution of the Federation of Rhodesia and Nyasaland at the end of 1963 and the status of Southern Rhodesia thereafter.[36] The Council considered the matter during its meetings of September 9–13, 1963. At the final meeting the British veto prevented the adoption of a draft resolution [37] which, among other requests, invited the British Government not to transfer to its "colony of Southern Rhodesia" the powers and attributes of sovereignty, especially the control and operation of military forces and arms, until the establishment of a truly representative government.[38] Obviously, the Council was concerned to prevent the establishment of an entrenched white minority government in a country peopled largely by blacks.

The British attitude changed as it became more evident that Southern Rhodesia would declare her independence unilaterally and establish a government that would not recognize such fundamental British principles as majority rule.[39] On May 6, 1965, the Security Council, concerned about the "illegal" elections set for the following day in Southern Rhodesia, adopted a resolution [40] requesting all states to refuse to accept a unilateral declaration of independence (UDI) by the minority government of Southern Rhodesia and requesting the United Kingdom to take all necessary action to prevent such a declaration.[41]

On November 11, 1965, the minority government of Prime Minister Ian Smith announced Southern Rhodesia's UDI. This spurred the Security Council to further action. The following day the Council adopted a resolution condemning the Smith Government's declaration and calling upon all states "not to recognize this illegal racist minority régime." [42] Although the resolution fell short of imposing economic sanctions, it called upon all states "to refrain from rendering any assistance to the illegal régime." [43] In its decision of November 20, 1965, the Security Council moved a step closer to imposing sanctions by calling upon all states "to refrain from any action which would assist and encourage the illegal régime and, in particular, to desist from providing it with arms, equipment and military material, and to do their utmost in order to break all economic relations with Southern Rhodesia, including an embargo on oil and petroleum products; . . ." [44] This decision did not implement economic sanctions under Chapter VII of the Charter because the Council did not make an explicit finding of a present threat to the peace.[45] Instead, the Council adopted a program of voluntary sanctions.

This program did not prove very satisfactory. Even those states wishing to comply felt they lacked the authority to take effective action. In April 1966 Britain asked the Security Council for permission to use force if necessary to prevent the arrival at Beira (Mozambique) of vessels reasonably believed to be carrying oil destined for Southern Rhodesia. On April 9 the Security Council found a threat to the peace, granted the British request, and called upon all states "to ensure the diversion of any of their vessels reasonably believed to be carrying oil destined for Southern Rhodesia which may be en route for Beira; . . ." [46]

On December 16, 1966, the Security Coun-

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cil, recognizing the inadequacy of previous efforts, adopted a resolution imposing mandatory sanctions with respect to certain designated goods, including chrome.[47] The Council left no doubt about the mandatory nature of the selective sanctions. It specifically called the member states' attention to their international obligations under Article 25 of the Charter in paragraphs 3 and 6 of the resolution. On May 29, 1968, the Council extended sanctions to all Southern Rhodesian commodities and products[48] and on March 18, 1970, reaffirmed its position with respect to mandatory sanctions and called upon member states to take more stringent measures to make the sanctions effective.[49] In light of the second annual report of the Security Council Sanctions Committee,[50] the Council adopted a resolution on November 17, 1970, in which it urged compliance with past decisions and deplored the actions of those who had given moral, political, and economic assistance to the minority régimes.[51]

The illegality of United Nations sanctions

Before the Security Council can impose mandatory economic sanctions under Article 41, it must, as a minimum, find a threat to the peace under Article 39.[52] The proponents of the Rhodesian chrome statute frequently asserted in Congressional debates and hearings that the situation in Southern Rhodesia did not constitute a threat to the peace. Thus, they argued, the Security Council had acted illegally, and the United States was not bound to carry out the decisions for which such a finding was necessary, *i.e.*, Resolutions 232 and 253, which impose selective and comprehensive sanctions, respectively.

The crucial fact is that Article 39 gives the Security Council power to determine when there is a threat to the peace.[53] Those who testified in Congress, even the proponents of the chrome statute, agreed on this point. Congressman John R. Rarick of Louisiana admitted as much in his statement before the House Subcommittee on International Organizations and Movements:

Noteworthy [*sic*], the only conceivable justification for such an act of warfare—and a declared blockade under Articles 39, 41, and 42 of the United Nation's [*sic*] Charter *by the Security Council* that a target nation constitutes "any threat to world peace, breach of the peace, or act of aggression."[54]

While the proponents of the statute recognized that the existence of a threat to the peace is a Security Council determination, they refused to accept the determination as conclusive. They apparently believed that the Charter set up a system similar to that established under the League, in which each member decided for itself when sanctions should be invoked.[55] Accordingly, they reopened the question whether a threat to the peace had actually occurred and attempted to show that the Security Council had made a mistake.[56]

In attempting to demonstrate that there was no threat to the peace, the proponents showed a lack of understanding of the terms "threat to the peace" as it is used in the Charter. Under the League Covenant the invocation of sanctions was linked to a specific act by a member state. The Charter, however, provides for sanctions on the occurrence of a condition; the sanctioned state need not have committed any specific act.[57] Those who denied the existence of a threat to the peace seemed to believe that the Charter requires some showing that the state to be sanctioned had taken some step toward war. A statement of Senator Harry F. Byrd, Jr. of Virginia, the sponsor of the legislation in the Senate,[58] illustrates the point:

"Turning to the third charge made by the United Nations Security Council, namely, that Rhodesia threatens world peace, this is obviously absurd.

"Whom has Rhodesia threatened? What nation has reason to fear an assault by this small African nation?

"The answer, of course, is no one actually believes that Rhodesia threatens the peace."[59]

The correct answer is that the Charter does not focus on acts of aggression of war.[60] But as a result of their misinterpretation of Article 39 Rarick concluded that the Security Council's action was based on "lies,"[61] and Byrd stated that the United Nations policy "is rooted . . . in falsehood and injustice."[62]

Although Senator Byrd, Congressman Rarick, and other proponents of this legislation misconceived the proper basis for finding a threat to the peace under the Charter, their remarks are not without legal import. They suggested, if not in so many words, that the Council had not made this determination in good faith. While the Charter empowers the Security Council to decide whether a threat to the peace exists, a decision not made in good faith would be subject to attack on the ground that it had not been made "in accordance with the present Charter," as required by Article 25, and was not, therefore, binding on the members. Former Secretary of State Dean Acheson raised this issue in the Senate hearings.[63] Before the House he had suggested that the sanctions did not reflect a good faith decision, since the Security Council had failed to make appropriate findings.[64]

The Security Council's determination was by no means hastily conceived. In August 1963, Ghana, Guinea, Morocco, and the United Arab Republic asserted that the Rhodesian situation endangered international peace and security and urged the Council to consider the matter immediately.[65] These states feared that Britain might transfer military power to Southern Rhodesia after the dissolution of the Federation of Rhodesia and Nyasaland.[66] During 1965 the Security Council adopted three resolutions dealing with the Rhodesian problem. In the first two resolutions the Security Council did little more than cite further evidence that the situation might constitute a threat to the peace,[67] but in the third resolution the Council made it clear that it was only a matter of time until it would make such a finding.[68] Yet it was not until April 1966 that the Security Council made the initial finding of a threat to the peace in order to grant Britain the authority to prevent by force, if necessary, the importation of oil to Southern Rhodesia.[69] This history indicates, at the very least, that the Council's decision arose from mature consideration and not from hasty or premature judgment.

Ultimately, of course, any evaluation of the Security Council's "good faith" must be colored by a moral judgment. Even in cases of physical aggression one must make moral and political judgments as to whether or not the acts in question are justifiable. But in that instance, at least, the decision-maker has concrete actions upon which to focus. When, however, a condition of tension and latent hostility develops and no state has taken any hostile action, the criteria for attaching blame are less exact. Because of this fact, in the case of a threat to the peace there may not be any agreement as to whether anything worthy of international concern has occurred. Congressman Rarick implicitly recognized the moral nature of the problem when he argued by analogy that Rhodesia's neighbors constituted the real threat to the peace: "This is like saying that a solvent bank is a dangerous threat to law and order in the community because some criminal may rob or burglarize it; therefore, to preserve public peace it must be boycotted and destroyed."[70] Although Rarick purported only to contest the accuracy of the Council's decision, his remarks suggest that the Council could not have made a good faith finding that Southern Rhodesia, as blameless as the solvent bank, threatened world peace.

In the present instance, however, the Security Council was not left awash in a muddle of morality. While Southern Rhodesia did not take any overt aggressive action, her conduct violated tenets of customary international law which reflect moral values widely accepted by the world community. Further, while viewing these violations of international law as criteria for judgment, the Security Council may also have been guided by the doctrine of international concern. In sum, one cannot assume that the Security Council's determination in this case indicates that the only limitation on the Council's Article 39 power is its collective moral judgment. Even in the absence of Article 39 the international community could have taken action to uphold the law, and undoubtedly, these bases for action played a significant role in the formulation of Security Council policy.

Southern Rhodesia arguably violated Resolution 1514(XV)—Declaration on the Granting of Independence to Colonial Countries and Peoples.[71] With regard to this most frequently cited of all General Assembly resolutions, one commentator has stated:

"The continual re-citation of the resolution has given rise, along with other factors, to a fixed and universal expectation that the international community considers colonialism unacceptable, and will take steps to terminate existing colonial regimes and to prevent the creation of any new colonial territories. No state could honestly claim that it was unaware of this expectation or that the resolution was merely a "recommendation" with no normative force as an authoritative interpretation of the United Nations Charter, and few colonial Powers have attempted to permanently obstruct decolonization. In short, Resolution 1514(XV) is as much a part of our international law as any of the familiar traditional doctrines."[72]

Significantly, all of the Security Council resolutions on the Southern Rhodesia question, with the exception of Resolution 216, refer to Resolution 1514(XV).[73] The argument here, of course, is that the Smith regime is little more than a reassertion of European colonial power over the black population. To the extent that 1514 constitutes customary international law, the United Nations is justified in considering allegations of its violation,[74] and this reinforces the validity of the Security Council's finding in this case.

Further, Southern Rhodesia contravened the developing customary international law against racial discrimination. The International Declaration of Human Rights, adopted by the General Assembly on December 10, 1948, is perhaps the most widely recognized statement of United Nations policy.[75] The Declaration is not a binding treaty, but according to the preamble it is a "common standard of achievement for all peoples and nations." Article 2(1) provides:

"Everyone is entitled to all the rights and freedoms set forth in this declaration, without discrimination of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

While this goal is widely unattained, it does represent a generally accepted moral judgment. In addition to the Declaration, on December 16, 1966, the General Assembly unanimously adopted two international Covenants of Human Rights, which reiterate the international community's stance against racial discrimination.[76]

The Security Council resolutions on the Rhodesian question partake somewhat of the flavor of invocations of international law against racial discrimination. Resolution 202 endorses General Assembly requests addressed to Great Britain to obtain:

"(b) The repeal of all repressive and dis-

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criminatory legislation, and in particular the Law and Order (Maintenance) Act and the Land Apportionment Act,

"(c) The removal of all restrictions on political activity and the establishment of full democratic freedom and equality of political rights. . . .[77]

Resolution 216 refers to an "illegal racist minority regime," [78] and Resolution 217 condemns the actions of a "racist settler minority." [79] Again, this consideration supports the finding made by the Security Council.

Lastly, the doctrine of international concern was a potential basis for action. International concern may arise from any matter originating within the borders of one state having effects which transcend international boundaries.[80] A state's fear of a serious threat to its own well-being or concern for the protection of human life can be sufficient to justify intervention into the offending territory despite claims of domestic jurisdiction.[81] Clearly the racist policies of the Smith régime give rise to expectations of violence in the context of the volatile political conditions of Africa.

These internationally accepted standards of conduct provide ample basis for a "good faith" decision that Southern Rhodesia, not her neighbors, constituted a threat to the peace. The contention that this determination could not be made in good faith, and therefore does not bind the member states, falls on the evidence.

In addition to the assertion that no basis existed for finding a threat to the peace, it was also claimed that the Security Council's actions were not in accordance with the Charter because the matter came within the domestic jurisdiction clause [82] and thus fell outside the scope of the Charter.[83]

The short answer to this argument is that Article 2(7) refers to "the domestic jurisdiction of any state" and Southern Rhodesia is not a state. There was little discussion in the congressional debates and hearings which would suggest why Southern Rhodesia failed to meet the traditional international law requirements of statehood—that is, permanent population, defined territory, government, and capacity to enter into relations with other states.[84] But, as the State Department argued, Southern Rhodesia was still a dependent territory of the United Kingdom. Since Britain had brought the matter to the United Nations and had sought its assistance, United Nations action would not conflict with British domestic jurisdiction. As the Department also noted, no other government in the world, including her South African and Portuguese allies, had extended recognition to Southern Rhodesia.[85]

More importantly, the text of Article 2(7) states that the domestic jurisdiction principal cannot be invoked to prejudice Chapter VII enforcement measures. This provision implicitly recognizes that a matter of international concern, such as a deprivation of fundamental human rights or a threat to the peace, is sufficient cause for international action without regard to the origin of the concern.[86] The principle of state sovereignty undoubtedly would be outweighed in case of a threat to the peace according to the doctrine of international concern, and the framers of the Charter made the rule explicit in Article 2(7).

Thus the Security Council had authority to determine that the situation in Southern Rhodesia constituted a threat to the peace and to invoke economic sanctions to enforce that decision. Under Article 25 the obligation of the members of the United Nations, including the United States, to accept and carry out these decisions is clear.[87] All that remains is to examine the other arguments advanced by the proponents of the Rhodesian chrome statute.

THE EFFICACY OF SANCTIONS AGAINST SOUTHERN RHODESIA

Congress scarcely would have enacted the Rhodesian chrome statute merely on the strength of flimsy legalistic arguments treated above. The proponents of the legislation also argued that the sanctions had failed,[88] and that it would be foolish for the United States to continue its cooperation, at least with respect to vitally needed chrome.[89] These assertions rested on two grounds: the alleged failure of both member and non-member nations to enforce sanctions despite compliance by the United States; and, regardless of international enforcement, the claim that sanctions did not have a significant impact on the Rhodesian economy.

The first argument is essentially non-legal. In terms of the international law of treaties, no one has yet explained how the failure of other nations to enforce the sanctions releases the United States from its obligations.[90] But Congress took on the roles of judge and jury, found violations, and rested its case on some concept of fair play. In order to evaluate this approach, one must examine the enforcement program of the United States and the programs of other countries.

United States enforcement

The United States acted swiftly to execute Security Council decisions imposing economic sanctions against Southern Rhodesia. The United Nations Participation Act conferred on the President the power to implement economic sanctions ordered by the Security Council under Article 41 of the Charter.[91] On January 5, 1967, President Johnson followed Resolution 232 with an executive order relating to trade and other transactions involving Southern Rhodesia.[92] On July 29, 1968, he issued a second executive order implementing the comprehensive sanctions of Resolution 253.[93] Both executive orders followed closely the text of these resolutions and authorized the Secretaries of Commerce and the Treasury to issue regulations governing trade with Southern Rhodesia.[94] In one respect, however, the executive orders deviated from the resolutions: both orders and the subsequent regulations provided that the prohibition on imports should not apply to goods exported from Southern Rhodesia prior to the dates of the respective orders.[95] The State Department contended that these provisions did not contravene the Council's resolutions.[96] But these provisions would have vitiated the effect of the Council's decisions if they had been applied to goods exported, but not actually paid for, before the sanctions were imposed. Since one of the major objectives of sanctions is to deprive Southern Rhodesia of foreign currency, it would have been preferable to have phrased the exception in terms of defining goods for which Rhodesia could recognize no further capital gain.

The Secretary of Commerce created a potentially larger loophole for the importation of Rhodesian goods by including in the regulations an exceptional hardship provision:

"[A]ny person affected by any provisions of this Part 11 may file an application for an adjustment or exception upon the ground that such provision works an exceptional hardship upon him arising from transactions commenced before the date of the issuance of Executive Order 11419 (July 29, 1968)." [97]

From the incomplete information provided as of the last date of hearings, July 8, 1971,[98] it appears that only two requests were made under this provision, and both involved chrome allegedly paid for before the sanctions were invoked.[99]

Although the United States has prosecuted only one violation of the sanctions,[100] declining trade figures reflect the success of the American approach. United States exchanges with Rhodesia fell from $33 million in 1965 to $3.7 million in 1968.[101] By 1970 the exchange total was slightly over $500,000,[102] representing trade in non-sanctioned goods.[103] Thus in practice, despite the loopholes in the executive orders and regulations, the United States had done a commendable job in fulfilling its obligation to enforce the United Nations sanctions prior to the enactment of the chrome statute.

International enforcement

There is evidence that Congress lacked full information about the international enforcement of sanctions.[104] No member of the United Nations staff testified, and the United Nations reports on the subject were voluminous and "difficult to summarize." [105] In view of the importance that many members of Congress attached to the enforcement argument, it is unfortunate that this subject received so little informed consideration.

One of the few witnesses who did offer evidence from the United Nations reports, Senator Byrd of Virginia, noted that 23 of the 127 members had not answered the Secretary-General's inquiry about their compliance with Security Council decisions. He further stated that five states—Zambia, Botswana, Portugal, Malawi, and Switzerland—had indicated their unwillingness or inability to comply, and he observed that the United Nations had received reports of 60 violations during 1969. Finally, he noted the problem of obtaining the compliance of non-member states.[106]

The United Nations itself has provided valuable and relevant information about the efficacy of the economic sanctions against Southern Rhodesia. The body responsible for overseeing the sanctions is the Committee Established in Pursuance of Security Council Resolution 253 (1968) (hereinafter "Committee"). The Committee examines reports and collects information about alleged violations and compiles data on the effectiveness of sanctions. Thus far the Committee has summarized its finding in four annual reports.[107] Unfortunately the Committee does not engage in primary research but relies upon information furnished to it by both members and non-members of the United Nations. In its third report the Committee observed "that many of the replies received from certain Governments to its requests for information about their investigations of suspected evasions have been incomplete and that lengthy periods have elapsed in some cases before replies have been received." [108] While reliance on the member states for information of alleged violations has inhibited the Committee's investigations of individual cases, the Committee has succeeded, through the use of trade statistics, in determining general trends in sanctions enforcement.

Statistical data

As noted in the third report [109] and both draft proposals for the fourth report,[110] the sanctions have not been fully effective and have not led to the desired results. On the other hand, the sanctions have had an impact on the Southern Rhodesian economy, as evidenced by the Smith's régime's willingness to negotiate a settlement with Great Britain.[111] While Southern Rhodesia has maintained a substantial amount of foreign trade, primarily through the cooperation of her sympathizers, South Africa and Portugal, this trade is conducted at a high price. Since the vast majority of states regard it as illegal, Southern Rhodesia has had to resort to false certificates of origin and shipping documents, roundabout shipping routes, and bribery. These tactics increase transactions costs and may well have an adverse effect on the Rhodesian economy that does not show up in decreased trade volume.

On the whole, Southern Rhodesia has increased her merchandise exports, especially minerals such as chrome. Although no offi-

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cial statistics exist, the Sanctions Committee has estimated merchandise exports in 1970 increased $52 million over the 1969 figure of $318 million.[112] Through whom are these goods exported?

The large and growing discrepancy between the amount that South Africa, Mozambique, Zambia, and Malawi report as exports and the amount that nations trading with these four countries report as imports from them indicates the existence of a substantial indirect export pattern from Southern Rhodesia. From 1965 to 1970 the excess of reported imports of 23 important trading nations over the reported exports of the four neighboring African territories increased from $25 million to $209 million.[113] This difference must be attributed to disguised exportation by Rhodesia. In 1964 South Africa reported chrome exports worth $637 million, while the receiving imports worth only $600 million. By 1970, however, reports indicate that the receiving countries imported from South Africa $519 million more than that exported by South Africa.[114] Furthermore, 1967 saw an increase in South Africa's domestic consumption of chrome. This development undoubtedly compelled a reduction in exports of domestically mined chrome ore, but in 1970 South Africa reportedly increased her total exports of chrome by 233,000 metric tons over the 1967 figure.[115] The Committee concluded that South Africa's greater domestic need and her increased exports did not correspond to the rate of expansion for domestic production.[116]

It is considerably more difficult to determine which countries receive Southern Rhodesian chrome. Only South Africa, Portugal, and their territories have refused officially to abide by the sanctions, but their assistance to the Smith régime has increased the difficulty of detection.[117] Furthermore, several important trading states, notably West Germany and Switzerland, are not members of the United Nations and consequently have no legal obligation to enforce Charter sanctions. West Germany, however, (and to a lesser extent Switzerland) has pledged her cooperation.[118]

The reported statistics of the Sanctions Committee suggest that Japan and Western Europe import a much greater portion of Southern Rhodesian chrome than does the United States. In 1964 the figures on importation of chrome by Japan and the countries of Western Europe corresponded to reported South Africa exports. In 1969 reported South African exports exceeded imports into the United States by 45,000 metric tons. In sharp contrast, the reported imports for Japan and Western Europe exceeded the reported South African exports to these countries by 92,000 and 87,000 metric tons respectively. More significantly, while American importation of chrome from South Africa has declined since 1964, the Western European and Japanese imports between 1964 and 1970 has increased by 261 percent and 1775 percent respectively.[119]

Although Southern Rhodesian chrome is clearly reaching world markets, the Sanctions Committee has received no report of any such transaction being conducted with the consent of the government concerned. The success of the Southern Rhodesian régime in continuing its international trade in chrome and other commodities rests upon that government's ability to deceive the international community with respect to the origin of its exports and the destination of its imports. This fact is illustrated by the 113 cases of suspected violations which the Committee had considered as of the date of its last report. The chrome cases constitute the largest single category of suspected violations.

The Chrome cases

Thus far the Committee has considered 34 cases involving Southern Rhodesian chrome,[120] but that figure represents a larger number of suspected violations because the Committee lumps related incidents together.[121] The Committee has been unable to make a final determination in most of the cases because of insufficient information.[122] In only two instances has the Committee stated that there appeared to be no violations and that the case should be closed.[123] In none of the cases has the Committee concluded that a violation actually occurred, but seven cases reveal at least the possibility of violations.

One case presenting a strong probability of a violation is Case No. 37 Ferrochrome—"Hallaren,"[124] referred to the Committee in a United Kingdom note dated August 27, 1969. In this note Great Britain alleged that 100 tons of Southern Rhodesian ferrochrome, packed in drugs, had been loaded aboard the Swedish vessel "Hallaren" at Lourenço Marques. The vessel was alleged to have sailed on July 20 for Helsinski and other northern European ports. The Committee requested information from Sweden and Finland. On March 12, 1970, Finland replied that their officials were considering instituting legal proceedings against the importer on the basis of the evidence they had obtained.[125] Sweden reported that investigations were incomplete as of October 22, 1969.[126] The result remains in doubt because neither government had furnished additional information by the time of the Committee's most recent report.[127]

In three Latin American cases, the actions of Brazil, Mexico, and Argentina indicate probable violations. Case No. 59[128] included several alleged violations involving Hochmetals Ltd. of Johannesburg, South Africa, as a middleman.[129] The Committee sent notes to all of the United Nations members advising them of the allegations regarding this company.[130] Although Denmark and Norway were unable to provide any helpful information[131] and Belgium[132] and the Netherlands[133] found no irregularities, the Mexican government notified the Committee that it had taken measures which resulted in cancellation of the questioned transaction by the Mexican firm involved.[134] Argentina reported that although investigations would not support a prosecution in this case, Argentine officials had decided to "tighten precautions so as to prevent transactions which might, even indirectly, undermine Security Council resolutions."[135] Brazil reported that their government had decided to adopt the exceptional measure of reestablishing the requirement of a certificate of origin for all goods imported from South Africa, Angola, and Mozambique."[136] The actions of these three governments indicated that Hochmetals may be one of the primary middlemen involved in violating the sanctions.

Two other Latin American cases evoked less suggestive responses from the governments involved. In both Case No. 76 Ferrochrome-"Hodakasan Maru"[137] and Case No. 87 Ferrochrome-"Margaret Cord"[138] the Committee requested information from Brazil and Argentina.[139] following British allegations of violations. The Committee cited the Argentina and Brazilian responses to Case No. 59, but it is not clear whether these two governments investigated the later cases or merely regarded the measures taken following Case No. 59 as adequate to cover these facts as well.[140]

Finally, in three separate cases the Yugoslav government, although not corroborated by the other governments questioned, suggested the possibility of violations. In Case No. 6 Ferrochrome-"Blue Sky,"[141] the Yugoslav government prohibited the reloading of 4,000 tons of ferrochrome which the Committee had advised might be of Southern Rhodesian origin.[142] Spain found no indication of Southern Rhodesian origin but returned the chrome, since the importer never came forward to claim it.[143] In response to inquiries concerning Case No. 57 Chrome ore-"Myrtidiotissa,"[144] Yugoslavia stated that officials had taken the necessary measures to prevent the suspected vessel from entering Yugoslav ports. Austria, Italy, Greece, and Czechoslovakia agreed that the chrome was not from Southern Rhodesia.[145] In Case No. 73 Chrome ores-"Selene"[146] the Committee informed Yugoslavia of a ship suspected of transporting Southern Rhodesian chrome. Yugoslav authorities again took measures to prevent the unloading of the vessel.[147] Nevertheless, Italy[148] and Austria[149] ascertained that the chrome was South African. The Yugoslav cases are perhaps the weakest of the seven indicating possible violations. The comments of the Yugoslav government indicate that the state may have a policy of denying the use of port facilities to all vessels which the Committee has reported to be suspected of carrying Southern Rhodesian chrome.

Although the chrome cases provide limited information about the violation of sanctions, it is possible to discern patterns of trade which tend to confirm the statistical data. These cases underline the limitations on the Sanctions Committee's ability to play a useful role in sanctions enforcement. The Committee may best be described as a toothless watchdog. Paragraph 20 of Resolution 253 limits the Committee to the passive role of examining and questioning; the Committee does not have power to make decisions and enforce them. The Security Council's failure to delegate sufficient enforcement power to the Committee has created a situation in which the enforcement of sanctions is largely dependent upon the attitude of the individual states.

Attitudes of States

Article 48 of the Charter obligates member states to carry out Security Council decisions for the maintenance of international peace and security. The provision, however, does not seem to preclude the possibility of the members working jointly through a committee, if that were the consensus of the Security Council. In the absence of such an arrangement, each member state has retained wide discretion over the implementation of sanctions.

The majority of states have agreed to carry out the decisions of the Security Council and have taken measures to make the sanctions policy effective in their own territories.[150] It is beyond the scope of this Note to set forth all the provisions adopted by the various states. Indeed, the usefulness of such an exercise would be doubtful, since the difficulty in most cases is not so much the inadequacy of the law as the absence of technology and information necessary to execute it. There were, however, two states—the Soviet Union and Zambia—which drew specific Congressional criticism and which, therefore, warrant consideration.

Since 1963 the United States has imported a major portion of its chrome for domestic consumption from the Soviet Union.[151] Proponents of the chrome statute suggested that the Soviet Union may have purchased Southern Rhodesian chrome and resold it to the United States.[152] According to one State Department official, "Occasionally we have heard of Russian ships docked in Africa to pick up Rhodesian chromite but verification has proved this not to be the case."[153] Despite these rumors, the Sanctions Committee has received no allegations of violations by the Soviet Union. Indeed, the Committee has not even sought information from the Soviet Union about suspected chrome violations except on the one occasion when it addressed inquiries to all United Nations members.[154] At that time the Soviets reported that they had had no trade or any other relations with Southern Rhodesia.[155] In short, the suggestion that the Soviet Union has exported Rhodesian chrome has no apparent foundation in fact.

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The proponents of the legislation were even more critical of Zambia, a neighbor of Southern Rhodesia, which has continued a substantial trade with that territory.[156] Zambia's trade with Southern Rhodesia is not clandestine; it is conducted with full knowledge of the United Nations. That organization has recognized that Zambia's geographical location and economic dependence on Southern Rhodesia make compliance with the sanctions especially onerous. Both the 1968 and 1970 Security Council resolutions urged members and affiliated international organizations to extend assistance to Zambia to help solve the special economic problems which Zambia's efforts to comply with the sanctions policy have created.[157]

The United Nations, however, has not given Zambia a *carte blanche* to trade with Southern Rhodesia; rather, it has recognized the necessity of furnishing the Zambian people with essential commodities and has allowed the government to obtain them from Southern Rhodesia if necessary. Moreover, Zambia has made remarkable progress between 1965 and 1970: it has reduced Southern Rhodesian imports by about 83 percent [158] and exports to that country by more than 97 percent.[159]

Some witnesses at the hearings suggested that the United States also deserves a hardship exception with respect to chrome.[160] The United States, however, has alternative sources of supply; and the American economy would scarcely collapse from the extra expense.[161] Furthermore, the United States appears to have an excess supply of chrome. The Office of Emergency Preparedness has supported two bills authorizing the United States to dispose of 4,238 short tons of excess chromium metal [162] and 1,313,600 short dry tons of excess metallurgical grade chromite [163] from the national and supplemental stockpiles.[164] The former bill has been enacted [165] and the latter is pending in legislative committee. In view of the differing economic circumstances of the two nations, it is incredible to try to justify the Rhodesian chrome statute on the basis of the Zambian hardship exception.

While the statistics and reports of the Sanctions Committee suggest that national and firms of most of the industrialized nations have violated sanctions,[166] it is important to recognize that these violations have not been acquiesced in by the governments involved, with the exceptions of South Africa and Portugal. These two states must accept the major responsibility for many of the violations that have occurred, for through their deceptive practices they have made it virtually impossible for other governments to determine the origin or destruction of sanctioned commodities. As long as South Africa and Portugal continue to flaunt the law, it is not possible to make a fair assessment of other states' cooperation. To the extent that Congress based enactment of the Rhodesian chrome statute on international noncompliance with sanctions, it acted on the bases of general trends and assumptions and did not consider causation.

Impact of sanctions on Southern Rhodesia

The concern about international enforcement of sanctions is only part of a larger concern about their impact on Southern Rhodesia. Thus the proponents of the legislation asserted that, for whatever reason, the sanctions have failed, and further American cooperation is unnecessary. According to Congressman Rarick, Southern Rhodesia's continued existence proves that failure.[167] This argument raises the question whether sanctions have had a significant impact short of toppling the Smith régime.

The Economist reported that "[t]he main effect of sanctions has been to prevent any growth in the Rhodesian economy since UDI." [168] The same journal, however, also reported that the Southern Rhodesian economy had experienced something of a boom during the first five years of sanctions.[169] The apparent conflict between the two reports is resolved upon consideration of the nature of the "boom" to which the second report referred. The article reported that the economy expanded 25 percent during the first five years of sanctions. This growth may be attributed at least in part to sanctions, for they have provided a protective atmosphere for growth of new industry.[170] On a per capita basis the economy has grown about 5 percent since 1965, less than 1 percent a year in terms of real production.[171] Some Southern Rhodesian businessmen doubt that even this rate of growth can be sustained.[172]

The reason for this pessimism is the general feeling that the economy is slowly stagnating. "It is feeding on itself, and it is giving the illusion of health because there is a lot of fat within the system to support it, but the future of the economy is one of mounting ills" [173] The stagnation for which the sanctions policy is responsible shows up in the serious deterioration of the railway system, the disintegration of the flying equipment of the air service and the breakdowns in farm machinery.[174] Unemployment is growing, especially among the black population.[175] While a surplus of unskilled labor exists, Rhodesia needs skilled workers, and sanctions have made it impossible for the government to advertise openly for skilled labor emigrants. There also are the problems of inflation and, even more serious, shortages of foreign currency.[176]

Southern Rhodesia's foreign currency problem undoubtedly represents the greatest success of the sanctions policy. Southern Rhodesians can purchase most of the goods that they wish to import, but only at an inflated price. They must place their orders through South African and Portuguese middlemen who demand compensation. The rising prices of imports has rapidly exhausted the foreign currency supply.[177] This in turn has created pressures for settlement of the dispute with Britain.[178]

Spokesmen for American industry attempted to counter this argument by observing that chrome ore is not a major factor in that economy.[179] But this assertion proves too much, for this rationale would justify reimportation of most Southern Rhodesian goods. Furthermore, the inclusion of chrome in the sanctions has had some effect on the Rhodesian economy. Americans who own mines in Rhodesia believe that they no longer produce profits,[180] and the chrome which Rhodesia does export is undoubtedly sold below world market prices.[181]

Sanctions have had an economic impact even though they have not eradicated Rhodesian trade. The United Nations must have anticipated enforcement problems, but the objective of the sanctions may be achieved without total compliance. The intent behind the sanctions is not to punish for past conduct but to influence and change future policy. Broader compliance will accomplish this result sooner,[182] but recent negotiations between Southern Rhodesia and Great Britain about the status of the African population [183] indicate that the goal is realistic. Any determination that economic sanctions have failed is premature and probably wrong. And one thing is clear: American non-compliance will promote failure.

THE COMPELLING INTERESTS OF THE UNITED STATES

Although Congress devoted much discussion to arguments about the legality and efficacy of sanctions, the most important considerations were the national security and economic well-being of the United States. Assuming that severe economic hardship or a threat to the national security would warrant the breach of an international obligation, the inquiry, of course, becomes whether mitigating circumstances actually exist in this case.

The national security interest

It is a clever legislative tactic to argue that a measure is necessary to preserve national security. With regard to the Rhodesian chrome statute, Senator Robert Byrd of West Virginia asserted that the only issue to be considered was whether the legislation would aid the defense of the United States.[184] Senator Harry Byrd of Virginia stated that he introduced S. 1404 [185] because the United States, by its compliance with United Nations sanctions against Southern Rhodesia, had made itself dependent upon the Soviet Union for a strategic commodity.[186] He relied directly on the supposed danger to national security as the principal argument favoring passage of the bill:

"Yes, I think it is desirable and nice to give consideration to the attitude and views of the United Nations. But I think the No. 1 problem in regard to military defense is what is in the best interests of the United States. This is what the Senate should give foremost consideration to, in my judgment." [187]

The United States is the world's largest consumer of chrome. In 1970 the American consumption was more than one quarter of all the chrome produced during that year.[188] Despite its large consumption, the United States has no domestic production. The world's largest producers of high grade chromium are Southern Rhodesia (67.4%), South Africa (22.5%), Soviet Union (5.6%) and Turkey (2.0%).[189] In recent years more than one-half of American chromium imports have come from the Soviet Union, with lesser amounts from Turkey and South Africa.[190] This dependence on a hostile power would indeed be a matter of concern if it were not for the American stockpile inventory, which, as of May 31, 1971, was 5,344,000 tons. The Office of Emergency Preparedness has determined that the minimum that should be retained in the stockpile is about 3,100,000 tons,[191] enough to last for three years.[192] Indeed, this agency recommended the sale of a large portion of the excess.[193] Finally, it should be noted that only about 10 percent of United States chrome imports are allocated to direct defense requirements.[194] America could meet its defense needs for many years with the present supply. Clearly the proponents of the legislation greatly inflated and over-emphasized the threat to the national security. The present facts simply do not suggest the parade of horribles they envisioned.

The American economic interest

The enactment of the chrome statute ultimately reflects Congressional sentiment that the value of American compliance with the United Nations sanctions policy was simply not worth the economic cost. That cost consisted of the increased price of chrome and the threat to American industry allegedly represented by the cheaper Southern Rhodesian chrome utilized by foreign competitors.

The price of chrome, including that of Southern Rhodesia,[195] has increased rapidly in recent years.[196] This can be attributed to increasing demand [197] and inflation, as well as sanctions. The price of Soviet chrome, 58 percent of the American imports in 1971,[198] increased 188 percent between 1965 and 1970.[199] The Soviet Union, however, produces the highest grade available, and in 1965 its price was artificially low in comparison with that of other countries. It is difficult to establish the portion of the increase in chrome prices which resulted from the sanctions,[200] but an American industry spokesman who favored passage of the legislation established the increased annual cost to the United States at $16.3. million.[201]

Of course this cost is ultimately reflected in increased prices for chrome and steel products, such as automobiles and stainless steel. But the potential for savings is small. Nonetheless, in the judgment of some members of Congress this potential warrants the breach of an international obligation.

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In addition to claims based on the higher cost of chrome to American importers, the supporters of the chrome statute tried to link the future health of the American ferroalloy industry to the importation of Southern Rhodesian chrome. One American industry spokesman commented:

"Now the ferroalloy industry is constantly being threatened by the new waves of low-priced imports and consequent loss of markets. That some of our world competitors are enjoying the advantages of lower cost Rhodesian ore while we pay Russian prices is now a foregone conclusion." [202]

A labor union leader suggested that there would be no specialty steel industry in the United States if the legislation were not enacted.[203]

The tone of these comments suggest that the threat to American industry from foreign competition must stem from causes much more serious than the rising price of chrome. In 1969 American industry claimed that the production of ferroalloys in the United States was rapidly becoming uneconomic.[204] Yet in 1967 the average price of Southern Rhodesian chrome ore was $33.00, while the price of the higher quality Soviet ore was $34.10 in 1968 and $44.00 in 1969.[205] American industry sources stated that by 1969 importers had achieved market shares as high at 40 percent in some ferroalloy products.[206] It seems very dubious that the major source of industry troubles could be attributed to sanctions.

Even if their problems would be solved through a reduction in chrome prices, one may question whether that justifies the violation of United States international obligations. A small government subsidy may have been a better solution. The fact that American industry did not even make such a proposal suggests that chrome is not the critical problem.

Congress undoubtedly was concerned about the national security and economic well-being of the United States. The facts, however, indicate this concern was unwarranted, or at best, premature.

The cost of noncompliance

Congress failed to give adequate consideration to the costs of non-compliance. The most immediate cost is the loss of American credibility. The United States clearly has violated its obligations under the United Nations Charter. The treaty violation is especially odious in this case, for fundamental human rights are at stake. Undoubtedly the violation will chill American relations with the black African states who identify closely with the Rhodesian problem.[207]

Ultimately the violation may have detrimental effect on the American economy and national security. It is only a matter of time until the black majority in Southern Rhodesia gains political control. Thus, even if it is only the chome ore, not fundamental rights, that merits congressional concern, Congress should consider the possibility that a black Rhodesian government may not be receptive to American needs in the future. Indeed, Bishop Abel Muzorewa, head of the Methodist Church in Southern Rhodesia and a leading spokesman for the black population, has urged that the United States be brought before the International Court of Justice.[208]

Even though the blacks of Southern Rhodesia are unable to take such action at present, there is the possibility that an international claim may be brought against the United States. Individuals do not have standing before the World Court, but it is likely that either the United Nations or its members could show sufficient harm to bring a claim. The United Nations could claim damages for injury to the sanctions program arising from the American violation of the Charter; a member state could claim for its wasted compliance costs.

Clearly the legislation is harmful to American foreign policy interests and leaves the United States vulnerable to widespread criticism. The Soviet representative to the Security Council stated in reference to British negotiations with the Smith régime and the enactment of the Rhodesian chrome statute:

"Those actions show once again that international obligations, United Nations decisions, as well as the freedom and independence of the people of Zimbabwe, are relegated to the background whenever the matter involves profits for the monopolies, investments, the exploitation of the cheap labour of the Africans and the strengthening of economic and strategic positions in Southern Africa." [209]

The statute also is inconsistent with American foreign policy toward the Smith regime. Although the administration did not exert much effort to defeat the Byrd Amendment,[210] the United States continues its opposition to the Smith regime and continues to recognize the United Kingdom as the sovereign authority. The Secretary of State recently reported to Congress:

"The United States has continued to support British efforts to resolve the issue on the basis of eventual majority rule. This Administration's policy continues to be guided by concern that the situation in Southern Rhodesia, pending a settlement, represents a source of tension and instability to all of southern Africa." [211]

In his report the Secretary of State also recognized the utility of sanctions in achieving American foreign policy goals.[212] Obviously, non-compliance weakens the effect of sanctions, thereby undermining these goals.

The chrome legislation also frustrates American objectives in the United Nations. President Nixon has observed that the primary motivation behind the founding of the United Nations was the preservation of the peace.[213] The Security Council sought to fulfill its peacekeeping obligations by invoking economic sanctions against Southern Rhodesia. It took concrete action to preserve human rights and thereby to avert future violence. For once the Security Council functioned as its founders intended. But in order to achieve its objective the United Nations must have the full cooperation of its members. In his 1971 foreign policy report President Nixon observed:

"In the 1970s, the United Nations faces both a challenge and an opportunity. For the member states there is a challenge to prove themselves capable of using the UN framework to meet the common needs of the international community. For the UN itself, there is an opportunity to mold itself into the efficient instrument for international cooperation which the times require.

The United States will try to meet the challenge, and to help the UN seize its opportunity. [214]

Through the enactment of the chrome legislation the United States has lost sight of its own long-range objectives and its obligations as a member of the United Nations.

CONCLUSION

The Rhodesian chrome statute clearly violated international law as embodied in the United Nations Charter. Not surprisingly, those who favored the legislation directed their initial attack at the legality of the Security Council's decision invoking sanctions against Southern Rhodesia. With the exception of the assertion that the Security Council had not acted in good faith, the claims of illegality would have been more persuasive under the League Covenant; under the Charter they were legally bankrupt. Those who argued that the Security Council had acted illegally apparently failed to perceive that the Charter's provisions on sanctions, unlike those of the Covenant, give the Council broad discretion to determine when sanctions will be imposed. A member state simply does not have the authority to second-guess such a determination. On the basis of law, the asserted lack of good faith was a more reasonable claim, but on the facts it was totally unsubstantiated.

Lacking any legal justification, the advocates attempted to justify the statute in terms of practicality and necessity. In essence they claimed that although the United States had done its share in the enforcement of sanctions, the sanctions had failed, and the American obligation was terminable at will. While the United States had been more successful in enforcing sanctions than most other states, this argument failed to consider the reasons for the violations which had occurred. It was not at all clear that other nations, with the exceptions of South Africa and Portugal, had failed to act in good faith. Oddly enough, there was little reference to the Sanctions Committee's reports on international enforcement, which clearly substantiated enforcement problems. The major difficulty with this argument, however, was the fact that, in spite of only partial compliance, the sanctions *did* have a significant impact on the Southern Rhodesian economy.

The necessity argument also collapses under scrutiny. While no American desires to see his country rendered defenseless for the lack of chrome, that danger was negligible in this case. In the first place the United States was able to purchase all the chrome it wanted; no one had made any effort to cut off the supply. Secondly, the Office of Emergency Preparedness had reported that the government had too much chrome and had advised the sale of a significant amount. Indeed, it appears that if the American reserves had all been devoted to defense requirements, at the present rate of consumption the stockpile would have lasted for more than fifty years.

Even if it could be shown that American economic and national security interests required the importation of Southern Rhodesian chrome ore, this would not justify the scope of the action Congress took. The present legislation does not mention Southern Rhodesia or chrome ore. It precludes American compliance with United Nations economic sanctions against any territory if the sanctioned commodities are on the Office of Emergency Preparedness list of critical and strategic materials and their importation from Communist-dominated countries is not prohibited by law. Such inclusive language suggests that Congress wanted not only to resume the importation of Southern Rhodesian chrome ore, but also to limit the usefulness of economic sanctions in the future.

Predictably, other members of the United Nations have not reacted favorably to the chrome statute. The General Assembly voted to censure the United States in a resolution adopted by a vote of 93–2–12.[215] It should have given the advocates of the legislation little comfort to know that the only nations voting against the reprimand were South Africa and Portugal, two states which had shown already their disregard for their international obligations. Likewise in view of the legislation the Security Council adopted a resolution deploring sanctions violations.[216]

Although little can be said to justify the statute, the American defiance points out a basic weakness in the United Nations sanctions scheme, at least as it has been employed by the Security Council in this case. The problem is that while the use of sanctions has been expanded significantly beyond that of League sanctions, there has been no comparable expansion of the enforcement mechanism.

The framers of the Charter endeavored to correct the weaknesses of the sanctions administered by the League. They placed the authority to invoke sanctions in the Security Council rather than leaving it with the in-

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dividual members. They expanded the scope of the grounds for invocation beyond overt hostilities to include any condition constituting a threat to the peace. Despite the increased demands made upon sanctions in the Charter, the framers did not specify how they should be put into effect and enforced. They left that responsibility with the Security Council. Unfortunately the Security Council has failed to make an adequate response to the enforcement problem. Sanctions are by definition measures applied with a willingness to use force if necessary, but the Security Council has done little to make the threat credible.

Under the circumstances it is unrealistic for the Security Council to rely solely upon the information regarding suspected violations furnished by individual nations. The United Nations should conduct its own investigations. Of course active investigations by United Nations personnel would be expensive, and it is most unfortunate that the first test of United Nations economic sanctions came at a time when the organization faced a financial crisis. Much could be accomplished at a reasonable cost, however, if the Sanctions Committee stationed personnel in the ports of those territories adjacent to Southern Rhodesia. If states like Portugal and South Africa were to thwart efforts by the United Nations to play a more active role in sanctions enforcement, they too should be sanctioned.

Despite these enforcement problems, United Nations sanctions have had a significant impact on Southern Rhodesia. The chrome statute can only reduce that impact and make enforcement problems more severe. More importantly, the United States has enhanced its reputation as a treatybreaker. Whatever gains, if any, this country may realize in terms of economy or security are not worth the costs of non-compliance: the adverse impacts upon foreign policy and, worse, the perpetuation of injustice in Southern Rhodesia.

FOOTNOTES

[1] For a discussion of recent examples of American violations of international treaty law see Washington Post, Oct. 19, 1971, § A, at 18, col. 3.

[2] In 1970 the Director General of the International Labor Organization, C. Wilfred Jenks, whose election was supported by the United States, announced his intention of appointing a Soviet citizen to the post of Assistant Director General. Congress became so displeased at this announcement that it failed to appropriate funds for the payment of dues owed by the United States, thereby violating two provisions of the ILO Constitution. The relevant provisions of the legislation in question are Article 13, paragraph 3, which provides that "[t]he expenses of the International Labor Organisation shall be borne by the Members . . ." and Article 9, paragraph 5, which provides that "[e]ach Member of the Organisation undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities." *See* Schwebel, *The United States Assaults the I.L.O.*, 65 Am. J. Int'l L. 136 (1971); *Hearings on Departments of State, Justice, and Commerce, The Judiciary, and Related Agencies Appropriations for 1971 Before the Subcomm. on Departments of State, Justice, and Commerce, The Judiciary and Related Agencies of the House Comm. on Appropriations*, 91st Cong., 2d Sess., pt. 5 (1970); 116 Cong. Rec. 29867–79, 35166–76 (1970).

Clearly the purpose of Congress in cutting off funds was to influence Dr. Jenks' decision. Congressman John J. Rooney suggested that the Assistant Secretary of State for International Organization Affairs "telephone to Ambassador Rimstead [the Chief of the United States Mission in Geneva] and tell him to hotfoot it over to Mr. Jenks and tell him before nightfall that there will be no money for ILO as far as this subcommittee is concerned. . . ." *Hearings, supra,* at 76. Mr. Rooney added, "He might change his mind. I will lay odds that he eventually will." *Id.* at 77.

Those members of Congress who argued against payment noted that the United Nations had allowed certain of its members in arrears on dues payments to continue to vote in the General Assembly in violation of Article 19 of the Charter. *See, e.g.,* 116 Cong. Rec. 29869 (1970) (remarks of Senator Miller). Apparently they regarded non-payment of dues as a valid means of political expression in view of the precedent.

[3] Uub. L. No. 92156 (Nov. 17, 1971).

[4] Although Congress must shoulder the major responsibility for the legislation, it should be noted that the President took little action to thwart the effort and signed the bill on November 17, 1971. *See* N.Y. Times, Oct. 10, 1971, § 1, at 1, col. 7, at 8, col. 1; Washington Post, Oct. 19, 1971, § A, at 18, col. 3.

[5] Pub. L. No. 92–156, § 503 (Nov. 17, 1971). The list of Communist-dominated countries referred to in the statute appears at 19 U.S.C. § 1202(3)(d) (1964), and at 19 U.S.C. § 1202 (3)(e) (1970). The list includes Albania, Bulgaria, China (any part of which may be under Communist domination or control), Cuba, Czechoslovakia, Estonia, Germany (the Soviet zone and the Soviet sector of Berlin), Hungary, Indochina (any part of Cambodia, Laos, or Vietnam which may be under Communist domination or control), Korea (any part which may be under Communist domination or control), Kurile Islands, Latvia, Lithuania, Outer Mongolia, Rumania, Southern Sakhalin, Tanna Tuva, Tibet, and the Union of Soviet Socialist Republics and the area in East Prussia under the provisional administration of the Union of Soviet Socialist Republics.

[6] S.C. Res. 253 (1968).

[7] It is not clear whether there is a violation of the Charter and international law until sanctioned goods are actually imported. The question is academic in this case, since the Treasury Department issued a regulation lifting the sanctions with respect to strategic and critical materials whose importation from Communist-dominated countries is not forbidden [*see* Rhodesian Sanctions Regulations—Removal of Controls on Importation of Rhodesian Strategic and Critical Materials, 37 Fed. Reg. 1108 (1972)] and the first shipment of 25,000 tons of Southern Rhodesian chrome ore was unloaded from the Argentine vessel "Santos Vega" at Burnside, Louisiana, on March 20, 1972 (N.Y. Times, Mar. 21, 1972, at 3, col. 3).

[8] Chrome ore is probably the most important product that Southern Rhodesia can offer the United States. There are four major chrome-producing territories: Southern, Rhodesia, South Africa, the Soviet Union, and Turkey. The United States has no domestic production; it must rely upon its imports and reserves. Since the President implemented sanctions on the importation of chrome from Southern Rhodesia in 1967, the Soviet Union has furnished the major portion of the chrome ore imported by this country. These facts partially explain the Congressional preoccupation with chrome ore.

[9] The most recent list of strategic and critical materials, 37 Fed. Reg. 4123 (1972), includes among its 72 categories: aluminum, asbestos, bauxite, chromite, chromium, cobalt, copper, diamonds, graphite, iodine, lead, manganese, mercury, mica, molybdenum, nickel, opium, platinum, quartz crystals, rubber, shellac, silver, sperm oil, talc, tin, tungsten, vanadium, and zinc. Already the Portuguese Press has reported that Portugal's East African territory of Mozambique will export, not only chrome, but also asbestos and other minerals to the United States. N.Y. Times, Mar. 6, 1972, at 54, col. 3.

[10] Arens & Lasswell, *Toward a General Theory of Sanctions*, 49 Iowa L. Rev. 233, 234 (1964).

[11] Kelsen, *Sanctions under the Charter of the United Nations*, 12 Can. J. Econ. & Pol. Sci. 429 (1946).

[12] R. Arens & H. Lasswell, In Defense of Public Order 14 (1961) (emphasis added).

[13] Arens & Lasswell, *supra* note 10, at 234.

[14] *See* W. Reisman, Nullity and Revision (1971), where it is suggested that "[i]f law is, in part, the authoritative allocation of values, enforcement denotes the specific transfer, by means of community coercion, of the values allocated to one participant through an authoritative decision." *Id.* at 647.

[15] One authority suggested that the fact that states habitually observe international law is indicative of the sanctions behind the law. Brierly, *Sanctions,* 17 Transactions Grotius Soc'y 67, 68 (1932).

[16] These [treaty] sanctions have been and are of many types, and several of them are of very long historical standing, for a treaty has "always had an implied, if not a stated sanction behind it. Whenever one party to a treaty failed to live up to its word, the other party has usually tried to enforce the bargain, using means which ranged from the severing of diplomatic relations, through the refusal of economic intercourse, to the extreme means of war."

P. Wild, Sanctions and Treaty Enforcement 3 (1934), *quoting* D. Mitrany, The Problem of International Sanctions 23–24 (1925).

[17] Article 16, paragraph 1 provides:

1. Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

[18] Article 12 also obligated a member not "to resort to war until three months after the award by the arbitrators *or the judicial decision*, or the report by the Council" (emphasis original).

[19] Article 13 reads as follows:

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration as *judicial settlement* (emphasis original).

[20] Bertram, *The Economic Weapon As a Form of Peaceful Pressure,* 17 Transactions Grotius Soc'y 139, 140 (1932). In view of the failure of most of the members to enact the necessary implementing legislation, the legal uncertainty that would arise on the application of the sanctions, and the necessity for unanimity in the League, Bertram came to the conclusion that "the economic sanctions are in the very highest degree incomplete and ineffective, and that if the time ever comes when it is necessary to rely upon them they will prove a very serious danger to the League." *Id.* at 167. The failure of the economic sanctions experiment against Italy consequent to the invasion of Ethiopia (October 1935–June 1936) confirmed this prediction and exposed further problems, especially the need for

co-operation by non-member nations. *See* Calvocoressi, *The Politics of Sanctions: The League and the United Nations*, in Sanctions Against South Africa 48–52 (R. Segal ed. 1964).

[21] Article 16, paragraph 2.

[22] Article 16, paragraph 4.

[23] Not only did the League fail to achieve universality of membership, it failed even to enlist the membership of all the major powers at any one time.

[24] U.N. Charter art. 1, para. 1, continues: "and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace. . . ."

[25] Article 41 provides:

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42 provides:

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

[26] League of Nations Covenant art. 16, para. 1. *See* note 17 *supra*.

[27] Indeed, resuming the importation of chrome in violation of economic sanctions against Southern Rhodesia could be termed a threat to the peace.

[28] *See* note 25 *supra*.

[29] Article 25 provides that the member states "agree to accept and carry out the decisions of the Secretary Council in accordance with the present Charter."

[30] *See* note 25 *supra*.

[31] For examples of international law developing at the United Nations see text accompanying notes 54–61 *infra*.

[32] *But see* Kelsen, *supra* note 11, at 435, who suggests that the enforcement measures of Articles 39, 41, and 42 are not sanctions: "[T]hey are not established as reaction against a violation of obligations established by the Charter. . . . The enforcement actions are merely political measures to be taken by the Security Council at its discretion for the purpose of maintaining or restoring peace."

[33] Halderman, *Some Legal Aspects of Sanctions in the Rhodesian Case*, 17 Int'l & Comp L. Q. 672, 675 (1968).

[34] See G.A. Res. 1747, 16 U.N. GAOR Supp. 17A, at 3, U.N. Doc. A/5256 Add. 1 (1962); G.A. Res. 1760, 17 U.N. GAOR Supp. xxx, at xxx, U.N. Doc. xxx (1962).

[35] U.N. SCOR, Supp. July–Sept. 1963, at 64, U.N. Doc. S/5832 (1963).

[36] Since 1953 Southern Rhodesia had been a part of the Federation of Rhodesia and Nyasaland along with Zambia (as Northern Rhodesia) and Malawi (Nyasaland). For a discussion of the history of the conflict in Rhodesia see Note, *U.N. Application of Selective, Mandatory Sanctions Against Rhodesia: A Brief Legal and Political Analysis*, 7 Va. J. Int'l L. April, 1967, at 147.

[37] 18 U.N. SCOR, Supp. July–Sept. 1963, at 164, U.N. Doc. S/5425/Rev.1 (1963).

[38] The United States abstained. 18 U.N. SCOR, 1069th meeting 14 (1963).

[39] The British attitude is reflected in the following statement by the United Kingdom Representative on October 27, 1964:

In short an illegal declaration of independence in Southern Rhodesia would bring to an end relationships between her and Britain, would cut her off from the rest of the Commonwealth, from most foreign governments and from international organizations, would inflict disastrous economic damage upon her, and would leave her isolated and virtually friendless in a largely hostile continent.

U.N. Doc. A/AC. 109/L.187, annex I, appendix I, para. 8, *quoted in* Repertoire of the Practice of the Security Council, Supplement 1964–1965, U.N. Doc. ST/PSCA/1/Add.4, at 144 (1968).

[40] S.C. Res. 202 (1965).

[41] Both the United Kingdom and the United States abstained.

[42] S.C. Res. 216 (1965).

[43] *Id.*

[44] S.C. Res. 217 (1965).

[45] *See* note 68 *infra* and accompanying text.

[46] S.C. Res. 221 (1966), adopted 10–0–5; Bulgaria, France, Mali, Union of Soviet Socialist Republics, and Uruguay abstaining.

[47] S.C. Res. 232 (1966), adopted 11–0–4; Bulgaria, France, Mali, and the Union of Soviet Socialist Republics abstaining. The resolution states:

The Security Council,

Reffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965 and 221 (1966) of 9 April 1966, and in particular its appeal to all States to do their utmost to break off economic relations with Southern Rhodesia.

Deeply concerned that the Council's efforts so far and the measures taken by the administering Power have failed to bring the rebellion in Southern Rhodesia to an end.

Reaffirming that, to the extent not superseded in the present resolution, the measures provided for in resolution 217 (1965), as well as those initiated by Member States in implementation of that resolution, shall continue in effect,

Acting in accordance with Articles 39 and 41 of the United Nations Charter,

1. *Determines* that the present situation in Southern Rhodesia constitutes a threat to international peace and security;

2. *Decides* that all States Members of the United Nations shall prevent:

(a) The import into their territories of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products and hides, skins and leather originating in Southern Rhodesia and exported therefrom after the date of the present resolution;

(b) Any activities by their nationals or in their territories which promote or are calculated to promote the export of these commodities from Southern Rhodesia and any dealings by their nationals or in their territories in any of these commodities originating in Southern Rhodesia and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

(c) Shipment in vessels or aircraft of their registration of any of these commodities originating in Southern Rhodesia and exported therefrom after the date of the present resolution;

(d) Any activities by their nationals or in their territories which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in Southern Rhodesia;

(e) Any activities by their nationals or in their territories which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles and of equipment and materials for the manufacture, assembly, or maintenance of aircraft and motor vehicles in Southern Rhodesia; the shipment in vessels and aircraft of their registration of any such goods destined for Southern Rhodesia; and any activities by their nationals or in their territories which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia;

(f) Participation in their territories or territories under their administration or in land or air transport facilities or by their nationals or vessels of their registration in the supply of oil products to Southern Rhodesia;

notwithstanding any contracts entered into or licenses granted before the date of the present resolution;

3. *Reminds* Member States that the failure or refusal by any of them to implement the present resolution shall constitute a violation of Article 25 of the United Nations Charter;

4. *Reaffirms* the inalienable rights of the people of Southern Rhodesia to freedom and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and peoples contained in General Assembly resolution 1514(XV) of 14 December 1960, and recognizes the legitimacy of their struggle to secure the enjoyment of their rights as set forth in the Charter of the United Nations;

5. *Calls upon* all States not to render financial or other economic aid to the illegal racist regime in Southern Rhodesia;

6. *Calls upon* all States Members of the United Nations to carry out this decision of the Security Council in accordance with Article 25 of the United Nations Charter;

7. *Urges,* having regard to the principles stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of paragraph 2 of the present resolution;

8. *Calls upon* States Members of the United Nations or members of the specialized agencies to report to the Secretary-General the measures which each has taken in accordance with the provision of paragraph 2 of the present resolution;

9. *Requests* the Secretary-General to report to the Council on the progress of the implementation of the present resolution, the first report to be submitted not later than 1 March 1967;

10. *Decides* to keep this item on its agenda for further action as appropriate in the light of developments.

[48] S.C. Res. 253. (1968), 58 Dep't State Bull. 847 (1968), 62 Am. J. Int'l L. 965 (1968), adopted unanimously. That resolution states in relevant part:

The Security Council,

3. *Decides* that, in furtherance of the objective of ending the rebellion, all States Members of the United Nations shall prevent:

(a) The import into their territories of all commodities and products originating in Southern Rhodesia and exported therefrom after the date of this resolution (whether or not the commodities or products are from consumption or processing in their territories, whether or not they are imported in bond and whether or not any special legal status with respect to the import of goods is enjoyed by the port or other place where they are imported or stored). . . .

[49] S.C. Res. 277 (1970), 9 Int'l Legal Materials 636 (1970), adopted 14–0–1, Spain abstaining.

[50] For a discussion of the Sanctions Committee, see notes 107 and 108 and accompanying text, *infra*.

[51] S.C. Res. 288 (1970). In its resolution [S.C. Res. 314 (1972)] adopted three weeks before the landing of the first shipment of Southern Rhodesian chrome ore in the United States, the Security Council reaffirmed its position and deplored sanctions violations. For the text of Resolution 314, see note 216 *infra*.

[52] *See* text at note 24 *supra*.

[53] While it might be desirable to have limitations on the Security Council's power to find a threat to the peace, the formulations of such standards is the responsibility of the Security Council as a whole. Nothing in the Charter grants this authority to any single member.

[54] *Hearings on H.J. Res.* 172; *H. Con. Res.* 5, 6, 12; *H. Res.* 45; *and H.R.* 5445 *Before the Subcomm. on International Organizations and Movements of the House Comm. on Foreign Affairs*, 92d Cong., 1st Sess. 52 (1971) (emphasis added) [hereinafter cited as *Hearings on H.J. Res.* 172].

[55] *See* text at note 23 *supra*.

[56] This argument seems even less acceptable when it is recalled that the United States voted in favor of both of the Security Council resolutions which found a threat to the peace and invoked sanctions. This reasoning raises the question of who should be the final arbiter in making United States foreign policy with respect to the United Nations: the Executive or Congress. Senator Harry F. Byrd, Jr., viewed the chrome legislation as remedial—reasserting Congressional power in foreign affairs. Senator Byrd stated:

> I say again this action of putting an embargo on was taken unilaterally by the President. I think the Congress has given up too much power, and I think the Chief Executives have assumed too much power, and I think one reason we are in the mess we are in throughout the world today, and in my judgment we are in a mess, is because Congress has turned over to the Chief Executive and turned over to some extent, I will include the United Nations into it, too much power.
>
> Here is an opportunity for the Congress, in considering S. 1404, to say that we, as the Congress of the United States, are going to go into these matters more fully than they have been gone into in the past, and we are going to, where we feel the conditions warrant, support remedial legislation.

Hearings on S. 1404 *Before the Senate Comm. on Foreign Relations*, 92d Cong., 1st Sess. 36 (1971) [hereinafter cited as *Hearings on S.* 1404].

[57] *See* text at note 27 *supra*.

[58] *Hearings on S.* 1404, at 1.

[59] *Id.* at 5.

[60] In earlier hearings before the House Subcommittee on Africa former Secretary of State Dean Acheson also misconstrued the meaning of "threat to the peace" as that formula is used in the Charter. In response to a question from Congressman John Culver of Iowa about whether or not there had been guerrilla activity in Southern Africa, Acheson said, "Mr. Culver, let me point out to you that whether or not they are rumors [the guerrilla activities], they have nothing to do with Rhodesia's being a threat to the peace. Zambia may be a threat to the peace. Somebody else may be a threat to the peace." *Hearings Before the Subcomm. on Africa of the House Comm. on Foreign Affairs*, 91st Cong., 1st Sess. 167 (1969).

[61] *Hearings on H.J. Res.* 172, at 61.

[62] *Hearings on S.* 1404, at 5.

[63] *Id.* at 43.

[64] Mr. Acheson. In regard to your statement that the Security Council took matters into consideration and made the appropriate findings, I wish to point out that, when the resolution calling for selective mandatory sanctions was originally considered, there was no reference in it to breach of the peace or threat to the peace.

At that time it was pointed out by one of the delegates in the Security Council that there was a jurisdictional defect in the British draft in that no breach of the peace or threat to the peace was alleged, and that there had to be a finding of a breach of the peace or a threat to the peace before jurisdiction was established under chapter VII of the charter.

Thereupon, instanter [*sic*] in the meeting, without evidence or investigation, the finding was made. There was no more consideration of the matter than that . Therefore, it was a purely formalistic finding.

Hearings Before the Subcomm. on Africa of the House Comm. on Foreign Affairs, 91st Cong., 1st Sess. 155 (1969).

[65] *See* text at note 35 *supra*. In support of these claims the memorandum stated:

> [T]he British Government had refused to abide by the resolutions of the General Assembly in regard to "its Colony of Southern Rhodesia;" the situation in the territory had become aggravated and had been characterized as one "constituting a threat to international peace and security" by the Special Committee in its resolution of 20 June 1963; and the British Parliament had enacted the Rhodesia and Nyasaland Act, 1963 which would enable the British Government to transfer almost every attribute of sovereignty and independence to Southern Rhodesia without notice to the United Nations.

Repertoire of the Practice of the Security Council, Supplement 1959–1963, U.N. Doc. ST/PSCA/1/Add.3 at 217–18 (1965).

[66] The Representatives of Ghana, Mali, the United Arab Republic, Uganda, Tanganyika, and Morocco found a threat to the peace, claiming:

> [W]ithin a short time "the most powerful air force at present existing on the African continent" and a "small but highly efficient army recruited on a racial basis" would be transferred to the exclusive control of the Southern Rhodesian Government. The transfer of these forces to a "white minority Government" representative of only 6 per cent of the European population and totally unrepresentative of the 94 per cent African population, could only result in a conflict on the African continent.

U.N. Doc. ST/PSCA/1/Add.3, at 218 (1965).

[67] In S.C. Res. 207 (1965) the Security Council only noted that the Special Committee had called its attention to "the grave situation prevailing in Southern Rhodesia." At the time of S.C. Res. 216 (1965) the Security Council still seemed to hope that a solution could be reached through the application of political pressure short of sanctions, and it did not even mention the grave nature of the situation.

[68] In S.C. Res. 217 (1965), the Security Council stated: "[T]he situation resulting from the proclamation of independence by the illegal authorities in Southern Rhodesia is extremely grave . . . and . . . its continuance in time constitutes a threat to international peace and security. . . ."

[69] S.C. Res. 221 (1966) provided *inter alia:*

> *The Security Council*
>
> *Gravely concerned* at reports that substantial supplies of oil may reach Southern Rhodesia [by tankers] . . .
>
> *Considering that* such supplies will afford great assistance and encouragement to the illegal regime in Southern Rhodesia, thereby enabling it to remain longer in being.
>
> 1. *Determines* that the resulting situation constitutes a threat to the peace. . . .

[70] *Hearings on H.J. Res.* 172, *supra* note 54, at 52.

[71] G. A. Res. 1514, 15 U.N. GAOR Supp. 16, at 66, U.N. Doc. A/4684 (1961), adopted Dec. 20, 1960, by a vote of 89–0–9.

[72] Bleicher, *The Legal Significance of Re-Citation of General Assembly Resolutions*, 63. Am. J. Int'l L. 444, 475 (1969).

[73] *See* notes 42–43 *supra* and accompanying text.

[74] *See* U.N. Charter art. 13, concerning the General Assembly's role in encouraging the progressive development of international law and its codification, and U.N. Charter Chapter VI, concerning the Security Council's role in peaceful settlement of disputes.

[75] 3 U.N. GAOR, I, at 71, U.N. Doc. A/810 (1948).

[76] 21 U.N. GAOR Supp. 16, at 49, U.N. Doc. A/6316 (1967). At present neither of the Covenants has received the required ratifications or accessions to go into effect.

[77] S.C. Res. 202 (1965).

[78] S.C. Res. 216 (1965). *See* note 42 *supra* and accompanying text.

[79] S.C. Res. 217 (1965). *See* note 44 *supra* and accompanying text.

[80] McDougal & Reisman, *Rhodesia and the United Nations: The Lawfulness of International Concern*, 62 Am. J. Int'l L. 1, 15 (1968).

[81] Howell, *A Matter of International Concern*, 63 Am. J. Int'l L. 771 (1969); McDougal & Reisman, *supra* note 80, at 11 & n.40; McDougal & Reisman, Response, 3 Int'l Lawyers 438 (1969). *Contra*, Acheson, *The Arrogance of International Lawyers*, 2 Int'l Lawyer 591 (1968); Marshall, *Comment*, 3 Int'l Lawyer 435 (1969).

[82] U.N. Charter art. 2, para. 7, which provides:

> Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

[83] *Hearings on S.* 1404, at 38.

[84] *See, e.g.*, Montevideo Convention on Rights and Duties of States, Dec. 26, 1933, art. 1, 49 Stat. 3097, T.S. No. 881.

[85] *See* Statement of David D. Newsom, Assistant Secretary of State for African Affairs, *Hearings on S.* 1404, at 17, 30–31. *But see* Acheson, *id.* at 38.

[86] *See* notes 80–81 *supra* and accompanying text.

[87] *See* note 25 *supra*.

[88] *See, e.g., Hearings on H.J. Res.* 172, at 53; *Hearings on S.* 1404, at 5, 39.

[89] For a discussion of the asserted impact on the American economy see text at notes 184–214, *infra*.

[90] *See* Vienna Convention on the Law of Treaties, *opened for signature* May 23, 1969, U.N. Doc. A/Conf. 39/27, 5/23 (1969); 63 Am. J. Int'l L. 875 (1969), art. 60, which suggests that only a material breach is sufficient to invoke termination of a multilateral treaty obligation. If other states have not materially breached their obligations under the Charter, would not the importation of chrome into the United States as permitted by the chrome statute constitute a material breach?

[91] 22 U.S.C. § 287c (1971).

[92] Exec. Order No. 11322, 3 C.F.R. § 441 (1971).

[93] Exec. Order No. 11419, 3 C.F.R. § 452 (1971), 22 U.S.C. § 287c (1970).

[94] Prohibition of Transportation by Vessel of Commodities and Products from and to Southern Rhodesia, 15 C.F.R. § 11 (1971) (Secretary of Commerce); Rhodesian Sanctions Regulations, 31 C.F.R. § 530 (1971) (Secretary of the Treasury).

[95] Exec. Order No. 11322, § 1(b); Exec. Order No. 11419, § 1(b); 15 C.F.R. § 11.2 (1971); 31 C.F.R. § 530.505 (1971).

[96] *Hearings on H.J. Res.* 172, at 31. The United Nations Sanctions Committee took note of the exception made for the Union Carbide Corp. (*see* note 99 *infra*) but made no comment. U.N. Doc. S/10229, at 11 (1971).

[97] 15 C.F.R. § 11.3 (1971). Despite the fact that Commerce regulations do not specifically require payment prior to the date of sanctions, one witness testified that the Treasury Department would not grant a license to import under the "undue hardship" exception unless payment had been made prior to such date. *Hearings on H.J. Res.* 172, at 87.

[98] *Hearings on S.* 1404, at 63.

[99] *Hearings on H.J. Res.* 172, *supra* note 54, at 56, 87; *Hearings on S.* 1404, at 63, 75, 81. On September 18, 1970, the Treasury Department granted Union Carbide Corp., a license to import 150,000 tons of Rhodesian chrome

ore for which it had paid prior to January 5, 1971. As of June 22, 1971, only 23,000 tons had been imported under that license. *Hearings on H.J.* 172, at 87. The Foote Mineral Co. made three requests to withdraw $7,000 tons of chrome ore allegedly paid for prior to sanctions; each request was denied. A fourth request for 17,000 tons had not been acted upon as of July 8, 1971. *Hearings on S.* 1404 at 63.

[100] *Hearings on H.J. Res.* 172, at 35. On March 31, 1970, a federal grand jury indicted William H. Muller & Co. for importing Southern Rhodesian chrome concentrate worth $367,782 after President Johnson had issued the first executive order. The defendant paid $10,000 in fines and settled out of court for additional civil penalties. N.Y. Times, April 1, 1970, at 12, col. 1; N.Y. Times, April 4, 1970, at 2, col. 5.

[101] *Hearings Before the Subcomm. on Africa of the House Comm. on Foreign Affairs,* 91st Cong., 1st Sess. 66 (1969).

[102] *Hearings on H.J. Res.* 172, at 31.

[103] S.C. Res. 253 (1968). Paragraph 3(d) provides exceptions for supplies intended strictly for medical purposes; educational equipment; material for use in schools and other educational institutions, publications, news material; and in special humanitarian circumstances, food-stuffs.

[104] *Hearings on H.J. Res.* 172, at 36.

[105] *Id.*

[106] *Hearings on S.* 1404, at 5.

[107] 23 U.N. SCOR, Supp. Oct.-Dec. 1968, at 181, U.N. Doc. S/8954 (1968); 24 U.N. SCOR, Supp. April-June 1969, at 195, U.N. Doc. S/9252 and Add.1 (1969); 25 U.N. SCOR, Supp. July-Sept. 1970, at 20, U.N. Doc. S/9844 and Add.1–3 (1970); U.N. Doc. S/10229 and Add. 1–2 (1971) [hereinafter] cited by U.N. Document Number only]. For more information about the Committee, see *Ruzzié, Les sanctions économiques contra la Rhodesie,* 97 Journal Du Droit International 20, 42–49 (1970).

[108] U.N. Doc. S/9844, at 33.

[109] *Id.*

[110] Anonymous Working Draft for Observations and Recommendations Subsequently Sponsored by the United Kingdom and France, U.N. Doc. S/10229, at 63; Draft Conclusions and Recommendations Submitted by Poland, Sierra Leone, Somalia, Syria and USSR, *id.* at 65. In its fourth report the Sanctions Committee was unable to agree upon a set of observations and recommendations. *Id.* at 25. Thus the Committee only provided these two proposals.

[111] *See* note 183 *infra* and accompanying text.

[112] U.N. Doc. S/10229/Add.2, at 2.

[113] *See id.* at 3, Table I.

[114] *See id.* at 11, Table X.

[115] *See id.* at 12, Table XI.

[116] *Id.*

[117] Many states advocate sanctioning South Africa and Portugal. *See, e.g.,* Draft Conclusions and Recommendations Submitted by Poland, Sierra Leone, Somalia, Syria and USSR, *supra* note 110, at 67.

[118] The Swiss have been quite equivocal in setting forth their policy. Although they have refused to submit to mandatory sanctions in view of their position as a neutral state, they have agreed to "see to it that Rhodesian trade is given no opportunity to avoid the United Nations sanctions policy through Swiss territory." Thus on December 17, 1965, Switzerland made imports from Rhodesia subject to mandatory authorization and took steps to prevent any increase in trade with Rhodesia. Swiss note of February 13, 1967, *cited in* Case No. 42 Meat—"Polana," U.N. Doc. S/10229/Add.1, at 133, 135–136.

Although the Swiss have taken some action within their own territory, they have denied the possibility of controlling the activities of their nationals beyond their borders. In a clear misstatement of international law the Swiss government asserted:

> [T]he Federal authorities can only repeat that they have no legal or practical means of intervening outside the territory of the Confederation. Under public international law, each State is entitled to apply legal rules only in its own territory; the Swiss authorities cannot therefore take steps which would contravene positive international law.

Swiss note verbale of January 20, 1971, *cited in* Case No. 103 Chrome ore—"Anna Presthus," U.N. Doc. S/10229/Add.1, at 43, 45. *But see* Case of the S.S. "Lotus" (France v. Turkey), [1927] P.C.I.J., ser. A, No. 10, which is the classic statement of the nationality theory of territorial jurisdiction by which the sovereign is entitled to act with respect to its own nationals unless there is a rule of international law to the contrary.

For more discussion of the Swiss attitude see Bindschedler, *Das Problem der Beteiligung der Schweiz an Sanktionen der Vereinigten Nationen besonders im Falle Rhodesiens,* 28 Zeitschrift fur ausländisches offentliches Recht und Völkerrecht 1 (1968). For more discussion of the attitude of individual states see text at notes 150–66 *infra.*

[119] *See* Table X, U.N. Doc. S/10229/Add.2, at. 11. *See also* Annex III, Trade in Commodities, *id.* at 27, 105–111.

[120] The most recent list of ferrochrome and chrome ore cases may be found in U.N. Doc. S/10229/Add.1, at 4–5. The cases are numbered consecutively by the date on which they were reported to the Committee. The case name consists of the identification of the type of product involved and the name of transporting vessel, if any.

[121] *See, e.g.*. Case No. 59 Shipments of ferrochrome to various countries, U.N. Doc. S/9844/Add.2, at 32; U.N. Doc. S/10229/Add.1, at 19, which includes at least 13 suspected shipments.

[122] U.N. Doc. S/10229, at 7.

[123] Case No. 77 Ferrochrome—"S.A. Statesman," U.N. Doc. S/10229/Add.1, at 28 and Case No. 87 Ferrochrome—"Margaret Cord," U.N. Doc. S/10229/Add.1, at 36, *discussed in* U.N. Doc. S/10229, at 7.

[124] U.N. Doc. S/9844/Add.2, at 23.

[125] *Id.*

[126] *Id.* at 24.

[127] U.N. Doc. S/10229/Add.1, at 16.

[128] U.N. Doc. S/9844/Add.2, at 32; U.N. Doc. S/10229/Add.1, at 19.

[129] U.N. Doc. S/9844/Add.2, at 32.

[130] *Id.* at 33.

[131] *Id.* at 40. They reported that the vessels in question had been chartered to a Brazilian company. *Id.*

[132] U.N. Doc. S/10229/Add.1, at 19, 23.

[133] *Id.* at 22.

[134] U.N. Doc. S/9844/Add.2, at 40.

[135] U.N. Doc. S/10229/Add.1, at 21.

[136] U.N. Doc. S/10229/Add.1, at 19–20.

[137] *Id.* at 26.

[138] *Id.* at 36.

[139] In case No. 76 Japan denied that the chrome was of Southern Rhodesian origin. *Id.* at 27, In Case No. 87 Denmark claimed to have no information, since the vessel, though of Danish registry, had been chartered to a Brazilian firm. *Id.* at 37.

[140] *Id.* at 27, 36.

[141] U.N. Doc. S/9252/Add.1, at 16; U.N. Doc. S/9844/Add.2, at 8.

[142] U.N. Doc. S/9252/Add.1, at 17.

[143] U.N. Doc. S/9844/Add.2, at 8–9.

[144] U.N. Doc. S/9844/Add.2, at 28; U.N. Doc. S/10229/Add.1, at 17.

[145] U.N. Doc. S/9844/Add.2, at 30; U.N. Doc. S/10229/Add.1, at 17–18.

[146] U.N. Doc. S/10229/Add.1, at 24.

[147] *Id.*

[148] *Id.*

[149] *Id.* at 25.

[150] Ruzié, *supra* note 107, at 49. For discussion of specific state actions see Ruzié, *supra* note 107, at 50–54; Zemanek, *Osterreich und U.N.—Sanktionen besonders im Falle Rhodesiens,* 28 Zeitschrift für ausländisches offentliches Recht und Völkerrecht 16 (1968).

[151] *See Hearings* on S. 1404, at 59, Table II.

[152] *Hearings* on H.J. 172, at 25, 32.

[153] *Id.* at 32.

[154] *See* text at notes 128–36 *supra.*

[155] U.N. Doc. S/9844/Add. 2, at 34.

[156] *Hearings on H.J. Res.* 172, at 48; *Hearings on S.* 1404, at 57. During a Senate debate, Senator Harry F. Byrd, Jr. stated: "The Senate may be interested to know that Zambia, which yields to no country in its public expressions of animosity toward Rhodesia, continues to trade." Then he noted Zambia's purchase of 1½ million bags of corn from Southern Rhodesia. 117 Cong. Rec. S 14,936 (daily ed. Sept. 23, 1971).

[157] S.C. Res. 253 (1968), paragraph 15; S.C. Res. 277 (1970), paragraph 16.

[158] *See* Annex I, U.N. Doc. S/10229/Add.2, at 22.

[159] *See* Annex II, *id.* at 25.

[160] *Hearings on H.J. Res.* 172, at 48; *Hearings on S.* 1404, at 57.

[161] An industry spokesman estimated that sanctions cost the United States $16.3 million per year in higher costs and $2.8 million per year in list profits from American mine operations in Southern Rhodesia. *Hearings on* S. 1404, at 54.

[162] S. 762, 92nd Cong., 1st Sess. (1971).

[163] S. 773, 92nd Cong., 1st Sess. (1971).

[164] *Hearing on* S. 751 *etc. Before the Subcomm. on National Stockpile and Naval Petroleum Reserves of the Senate Comm. on Armed Services,* 92d Cong., 1st Sess. 42 (1971).

[165] Pub. L. No. 92–103 (Aug. 11, 1971).

[166] *See Hearings on H.J. Res.* 172, at 36.

[167] *Id.* at 53.

[168] The Economist, June 21, 1969, at 16.

[169] The Economist, Oct. 17, 1970, at 64.

[170] *Id.*

[171] *Hearings on H.J. Res.* 172, at 33. The second article concludes:

> However the economy may look on the surface, real living standards for black Africans in Rhodesia fell in the past decade—and there are 20 Africans to every one white. If the growth rate now has to be curbed—many believe it is falling already—sanctions are eventually going to leave Rhodesia a poorer country than Mr. Smith found it.

The Economist, Oct. 17, 1970, at 65.

[172] *Id.* at 64.

[173] *Hearings Before the Subcomm. on Africa of the House Comm. on Foreign Affairs,* 91st Cong., 1st Sess. 4 (1969).

[174] *Hearings on H.J. Res.* 172, at 33.

[175] The Economist, June 21, 1969, at 16.

[176] The Economist, Oct. 17, 1970, at 64–65; *Hearings on H.J.* 172, at 40–41.

[177] N.Y. Times, Nov. 18, 1971, at 1, col. 6.

[178] *See* note 183 *infra.*

[179] *Hearings on H.J. Res.* 172, at 85–86.

[180] *Id.* at 33.

[181] *See Hearings on* S. 1404, at 59, Table III.

[182] *Hearings on H.J. Res.* 172, at 10; *Hearings on S.* 1404, at 12.

[183] In November 1971 British Foreign Secretary Sir Alec Douglas-Home and Southern Rhodesian Prime Minister Ian Smith reached a tentative settlement of Rhodesia's rebellion against Britain. Mr. Smith made limited constitutional concessions which would supposedly have insured black majority rule sometime during the next century. *See* Washington Post, Dec. 1, 1971, § A, at 32, col. 1. According to one observer, the reason for the Smith regime's concessions was the crisis in foreign currency reserves created by sanctions. N.Y. Times, Jan. 22, 1972, at 3, col. 2.

The agreement will not become effective unless a British commission headed by Lord Pearce determines that the proposal is acceptable to a majority of the Rhodesian people. Thus far the response of the Africans who make up 95 percent of the total population has not been favorable to the plan. In response Prime Minister Smith has warned, "If the present generation of Africans are

[sic] so stupid as to reject this offer of advancement for their people, they will bear the curses of their children forever." *Id.* at 3, col. 1.

[184] 117 Cong. Rec. S14,942 (daily ed. Sept. 23, 1971).

[185] *See* note 58 *supra.*

[186] *Hearings on* S. 1404, at 4.

[187] 117 Cong. Rec. S. 15,068 (daily ed. Sept. 24, 1971).

[188] *Hearings on H.J. Res.* 172, at 13.

[189] *See Hearings on* S. 1404, at 58, Table I.

[190] *See Id.* at 59, Table II.

[191] *Id.* at 23.

[192] *Id.* at 15.

[193] *See* text at notes 162–65 *supra.*

[194] *Hearings on* S. 1404, at 17.

[195] Congressman James M. Collins of Texas stated that he believed that Southern Rhodesian chrome was selling on the world market at $45 a ton. *Hearings on H.R. Res.* 172 at 44. This would represent an increase of about $12 over the 1967 average price. See *Hearings on S.* 1404, at 95.

[196] *See Hearings on S.* 1404, at 95.

[197] *See* text at note 111 *supra.*

[198] *See Hearings on H.R. Res.* 172, at 73, Appendix III.

[199] *Hearings on S.* 1404, at 82.

[200] *Hearings on H.R. Res.* 172, at 21.

[201] *Hearings on S.* 1404, at 54.

[202] *Id.*

[203] 117 Cong. Rec. S14, 934 (daily ed. Sept. 23, 1971).

[204] Business Week, June 28, 1969, at 51.

[205] *See Hearings on S.* 1404, at 95.

[206] Business Week, *supra* note 204, at 51.

[207] *See* Statement of Hon. Charles C. Diggs, Jr., *Hearings on S.* 1404, at 77–78.

[208] N.Y. Times, Feb. 28, 1972, at 30, col. 1–2.

[209] U.N. Doc. S/PV.1602, at 41 (provisional verbatim record of the 1602d meeting of the Security Council, Nov. 25, 1971).

[210] *See* note 4 *supra.*

[211] Secretary of State, United States Foreign Policy 1971, at 187–88 (1972).

[212] According to the Secretary, "The object of sanctions remains to bring an end to the rebellion in Rhodesia. Although Rhodesia has had some success in circumventing sanctions, its economy has continued to feel their strain, especially through the lack of investment capital and the acute foreign exchange shortage." *Id.* at 188.

[213] U.S. President, United States Foreign Policy for the 1970's, Building for Peace 201 (1971).

[214] *Id.* at 206.

[215] G.A. Res. 2765 (1971). The resolution provides in relevant part:

The General Assembly,

Expressing its grave concern at the recent decision taken by the Congress of the United States of America which, if confirmed, would permit the importation of chrome into the United States from Southern Rhodesia and thus would constitute a serious violation of the above-mentioned Security Council resolutions. [Resolutions 232, 253, 277 and 288] imposing sanctions against the illegal regime in Southern Rhodesia,

1. *Calls upon* the Government of the United States to take the necessary measures . . . and bearing in mind its obligations under Article 25 of the Charter of the United Nations, to prevent the importations of chrome into the United States from Southern Rhodesia;

2. *Requests* the Government of the United States to inform the General Assembly at its current session of the action taken or envisaged in the implementation of the present resolution. . . .

[216] S.C. Res. 314 (1972). The resolution provides:

The Security Council,

Having considered the recent developments concerning the question of Southern Rhodesia,

Recalling its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, 221 (1966) of 9 April 1966, 232 (1966) of 16 December 1966, 253 (1968) of 29 May 1968, 277 (1970) of 18 March 1970 and 288 (1970) of 17 November 1970,

Gravely concerned that certain States have not complied with the provisions of resolution 253 (1968), contrary to their obligations under Article 25 of the Charter of the United Nations,

Taking into account the fourth report of the Committee established in pursuance of Security Council resolution 253 (1968) (S/10229) and its interim report of 3 December 1971 (S/10408),

Acting in accordance with previous decisions of the Security Council on Southern Rhodesia, taken under Chapter VII of the Charter,

1. *Reaffirms* its decision that the present sanctions against Southern Rhodesia shall remain fully in force until the aims and objectives set out in resolution 253 (1968) are completely achieved;

2. *Urges* all States to implement fully all Security Council resolutions establishing sanctions against Southern Rhodesia, in accordance with their obligations under Article 25 and Article 2 (6) of the Charter, and deplores the attitude of those States which have persisted in giving moral, political and economic assistance to the illegal régime;

3. *Declares* that any legislation passed, or act taken, by any State with a view to permitting, directly or indirectly, the importation from Southern Rhodesia of any commodity falling within the scope of the obligations imposed by resolution 253 (1968), including chrome ore, would undermine sanctions and would be contrary to the obligations of States;

4. *Calls upon* all States to refrain from taking any measures that would in any way permit or facilitate the importation from Southern Rhodesia of commodities falling within the scope of the obligations imposed by resolution 253 (1968), including chrome ore;

5. *Draws the attention* of all States to the need for increasing vigilance in implementing the provisions of resolutions 253 (1968) and, accordingly, calls upon them to take more effective measures to ensure full implementation of the sanctions;

6. *Requests* the Committee established in pursuance of Security Council resolution 253 (1968) to meet as a matter of urgency to consider ways and means by which the implementation of sanctions may be ensured and to submit to the Security Council not later than 15 April 1972 a report containing recommendations in this respect, including any suggestions which the Committee might wish to make concerning its terms of reference and any other measures designed to ensure the effectiveness of its work;

7. *Requests* the Secretary-General to provide all appropriate assistance to the Committee in the discharge of its task.

PENTAGON DEFIES CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, the Department of Defense is consciously violating a specific congressional directive by ordering the development of two helicopters instead of one.

The Department of Defense is guilty of totally ignoring the specific wishes of the Congress. As my colleagues know, last year's defense appropriation conference report which was approved by this House and the other body, said that "The Department of Defense is directed to revise their heavy lift helicopter program so that one aircraft can be built for the Army, the Navy, and Marine Corps. A month after our decision, the Pentagon decided to build two different helicopters that would be "clearly different" according to a recent General Accounting Office staff study.

I have written to Secretary Laird protesting the move and told him that we should build one helicopter, not two. It is obvious to me that interservice rivalry between the Army and the Navy again, will cost the taxpayers hundreds of millions of dollars. It is about time that the civilian leadership in the Pentagon adheres to the Congress's directive and order the military to stop the silly bickering.

The Army and Boeing Aircraft Corp. are also directly guilty of violating the intent and the spirit of this congressional directive. Boeing was originally given a contract to develop crucial components for a heavy lift helicopter including rotor blades and cargo handling equipment. Instead, in collusion with the Army, Boeing decided to proceed with the building of a prototype in clear violation of the original intent of Congress.

The Navy is also pushing forward on its heavy lift helicopter program, the need for which the GAO categorizes as "still questionable."

If the Pentagon successfully defies the Congress, it may cost the taxpayers as much as a billion dollars. The Navy estimates it will cost $646 million to rebuild their existing CH–53E helicopters. That means the taxpayers are paying $9.2 million to rebuild and convert each helicopter.

The Army has only developed a very early preliminary estimate of $122 million as the cost of research of the project. Depending on the number of helicopters the Army decides to build, the actual cost of research and development, the two helicopter programs could easily total $1 billion.

In this year's budget, the Army is requesting $53 million for its heavy lift helicopter program and the Navy is seeking $10 million for their version of the aircraft.

The House Committee on Appropriations and its distinguished chairman, the gentleman from Texas (Mr. Mahon), have past years led the fight to prevent the building of two helicopters when only one is needed. I hope that this House will take decisive action to prevent the Pentagon from successfully defying the specific congressional directive initiated by the House and concurred in by the Senate in last year's defense appropriation bill.

ALASKANS SPEAK ON MARINE MAMMAL LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. Begich) is recognized for 30 minutes.

Mr. BEGICH. Mr. Speaker, as you know, the House has passed legislation relating to marine mammals earlier in this session. At that time, I expressed serious reservations about certain aspects of that legislation which I believed to be insensitive to the citizens of Alaska, and to the State itself. Because of this, I voted against this bill, H.R. 10420, when it passed the House of Representatives on March 9, 1972.

Since the House acted, the Senate has been deliberating this legislation, and has held hearings in Alaska. During those deliberations, numerous items of new information have been brought forward which I believe will make both the Senate legislation and the final law more sensitive in the various aspects which I mentioned. Because I believe that my colleagues will be deeply interested in this additional information, I am inserting some of the letters and testimony which I believe to be especially informative. At the conclusion of these items, I am including the testimony which I submitted for the recent hearings held on this legislation by the Senate Commerce Committee in Nome, Alaska:

NAVAL ARCTIC RESEARCH LABORATORY,
Point Barrow, Alaska, May 5, 1972.

Hon. NICHOLAS J. BEGICH,
House of Representatives,
Washington, D.C.

DEAR MR. BEGICH: We wish to add another letter to the many already received from responsible Alaskans in support of the Natives need for exemption from the proposed Sea Mammals Bill to ban any commercial use of products. This legislation, if passed as written would greatly hasten the demise of the Native culture.

The Alaskan Eskimo has inhabited the north coast of Alaska for up to 5000 years, as we presently understand, and has hunted the mammals of the sea for that long and perhaps longer. In a harsh environment the difficult life has forced the Native to use his inventiveness and resourcefulness to simply exist. The multiple use he makes of the products of his hunt is ample evidence of this. The primary purpose of the hunt is food but all parts of the animal are used probably much more efficiently than the present day commercial meat packers claim to use "everything but the squeal."

It is often thought that "now that the land claims are settled, the Natives are wealthy." This is an understandable belief in view of the great amount of publicity given to the numbers of acres and dollars of the settlement but it simply is not true. The Alaskan Native will of necessity depend on his subsistence hunting and the products from that hunt for his livelihood for many years. Anyone who has lived and worked with these people as I have for 12 years or who spends even a few months in a coastal village will readily find this self-evident. To allow the Native to hunt the mammals for food and not allow him to make use of the total animal, hides, etc. is wasteful and would be another "white mans mystery" to the average Native. To deprive them of their traditional and in many cases only means of livelihood is cruel and unnecessary.

The sea mammals of the Arctic Alaskan Coast evidence a population stability that very definitely excludes them from any consideration as endangered species. No thinking person would encourage the hunting if an animal was believed to be on the verge of extinction but the majority of the Arctic Sea Mammals, and especially those important to the life of the Native Eskimo cannot be so considered. Studies at the Laboratory over the past 10 years in no way indicate that we need to be concerned. Additionally the harvest taken by the Native, though important to his existence is relatively insignificant to the total population and life cycle of the animals in question. There is no scientific basis to even consider the idea that continued Native hunting of these mammals will in anyway endanger their existence.

The Laboratory and I personally support you very strongly in this effort to defend the rights of the Alaskan Natives. We are also sending this letter to Senator Gravel and Senator Stevens. Please feel free to use it in anyway you wish to further assist in this matter.

Sincerely,

JOHN F. SCHINDER, *Director.*

STATEMENT OF ALLEN D. ALOWA

Mr. Chairman and members of the Senate Commerce Subcommittee, my name is Allen D. Alowa from the village of Savoonga on the St. Lawrence Island off the West coast of Alaska. I am here in Washington, D.C. at the request of the people of St. Lawrence Island and particularly the villages of Gambell, Savoonga and Northeast Cape.

It is not by my wish that I am here, for I should be at home making preparations to insure that my children will be fed and warm the next winter. But even as my people prepare now to venture into the dangers of the Bering Sea to work for their only livelihood, there is activity in this Congress to take away the only living we know: the use of sea mammals for our food and our only means of trade.

The Eskimos of the St. Lawrence Island were shocked, as indeed all Alaska was, to find that the House of Representatives had passed a law prohibiting the use of sea mammals by the Eskimo people, except for what it terms subsistence; that is to say then, that if indeed we should chance to take a walrus, the bill prohibits our ever using the tusks and skins to make our arts and crafts. We would be forced to destroy those things which now bring us a living, however meager that may be to you. We say that all too much of this kind of insensitive activity is taking place here in the East by people who know nothing of our Eskimo people and our culture, much less our dependence upon the sea and nature's own conservation in our waters.

Mr. Chairman and Senators, my people have asked me to plead with you, to make you understand what we face in my home island, if you also agree with your colleagues in the House and pass a law with such limitations.

Mr. Chairman, the St. Lawrence Island is not the ideal place to live as American ideals go. It is an island some 104 miles long and twenty miles wide. It is over one hundred miles away from mainland Alaska and forty miles from Siberia in the frigid, ever windswept Bering Sea. There is precipitation three hundred days out of the year, the average temperature is twenty degrees above zero and it is almost always blowing, much of the time very hard. Even for the Eskimo it is hard living; but nevertheless, it is home—and as some put it, it is where "God" placed us. Life is hard. Life is constant activity—not sports, not vacations, not dining and dancing, but hard work to maintain life—for one day of relaxation could mean starvation for a family.

We cannot afford the luxury of sitting at home and watching television so that we too could flood your rooms with letters, because a camera has shown us the violent death of an animal, or in our case a sea mammal. Without watching television we know violent death, not of animals but of ourselves as we daily strive to just maintain the life of our people. All meat bearing foods which Americans place on their tables every day comes from animals, yes animals. Killed one way or another. We too kill animals and sea mammals because somehow that's how it was meant to be—for it is our food and our livelihood. We don't waste for pleasure or for any other reason. We do not waste at all—our men die yearly trying to bring every bit of the sea mammal home to be used in some way in our life. To waste is to die.

And yet I read with dismay and heartbreak the report by Mr. Garmatz of the House Committee on Merchant Marine and Fisheries in a report on the Marine Mammal Protection Act of 1971, (H.R. 10420) that Eskimos shoot "indiscriminately" at Walrus and bring home only the floaters. He further states that the real reason for shooting walrus is for the use of the ivory tusks. He states that rather than eating the walrus meat, Eskimos had fed the meat to the sled dogs, which have now been replaced by the snowmobile.

Mr. Chairman, I invite Mr. Garmatz or any other such thinking one-day tourist to live with my people on St. Lawrence Island for one year. Let him leave his American Express card home and let him be poor, and let him be hungry so that no matter how afraid he may be of drowning or being killed by the elements, he must venture forth each day and each week to bring food home for his family and himself. And yes, let him bring his family too. We are not just men in Alaska, we are women and children. We have no less love for our family than the average American. If there is nothing else to life for others, for us it is to be allowed to exist and that to us is precious. Nature provided us that right with the food that comes to us on the St. Lawrence Island year after year.

But we are discovering that the experts are not those who have lived with and depended upon these mammals for centuries; the experts are those who have never seen our lands much less our lives and our homes for even a brief period of time. These wild statements about Eskimo waste of the mammals is prefaced in the report by this statement: "U.S. Knowledge and Research programs devoted to the rest of the seals including the sea lions and the walruses, is tiny". And so the Eskimos will be deprived of their livelihood and the scientists will receive their grants to study the mammal.

If we indeed do not live on the walrus now, then what are we living on? Beef, ham, and pork? Even rural Americans are concerned about the high prices of these foods. What few staples we buy are purchased at a dear price, not with mere barter, but with hard earned American dollars. One can of corned beef hash costs 70¢. A five pound box of Pilot Bread, a large round cracker which we use with our canned and native meats, runs $1.50. For the children, one can of evaporated milk is 50¢ and for the hunter who needs sugar on the sea, ten pounds of sugar is $1.75.

Let me tell you about Walrus hunts and how we supposedly waste our food products. Just about this time of year, the storms from the south begin to pound our island and the men of our villages stand-by with their skin boats for the smallest break in the weather. The warmer winds from the south break the ice from our shores and drive them north for tens of miles. The hunters, every able man in the village, then leave in skin boats 27 and 30 feet long and about six feet wide, on a twenty to forty mile ride out to sea to get their food, the Walrus and seal. The boats have crews of 5 or 6 men. We use outboards on our skin boats. They range from 25 to 40 horsepower. We have to buy our gas, at least enough to get us to the ice floes and back with our food. Gas costs us 78¢ a gallon.

When we reach our hunting area, we take only what each crew can safely handle and safely transport back to the island. NOT A THING is wasted. The Eskimo uses every bit of the Walrus and transports all of his catch back to home. We must pay at least $5.00 for a box of shells, and they often run as high as $10.00—when every bit of Eskimo earned dollars are being expanded for the hunt, you can be sure we do not shoot indiscriminately.

If there is as much as one walrus per hunter taken, both in the skin boat and in tow, you can be sure that a trip is not very swift. It often takes more than seven hours on the open frigid sea to bring the catch home. A lot of gasoline is used. If a storm should develop during this time, however mild, the crews are usually lost.

It is not sport, it is not pleasure that drives us to leave our homes and our loved ones; it is survival. Because we depend on the animal and sea mammal, we do not waste it.

When we reach our island, the crew members and family take part in the preparation of the catch. It is divided among the crew, first in meat and then in hide and ivory. Because if the ivory and hide are not made into beautiful objects that people on the mainland will buy—there will be no money to buy gas and ammunition for the next hunt. If there is not another hunt—there is no food. And though others may disapprove and wrinkle their noses, this is a food we enjoy.

Just because one hunts doesn't mean one brings something home to the table. So we must hunt all the time—and if not hunting then trapping. And as tired as we may be when we come home each day, there is still the ivory to carve or the skin to sew, because these bring cash and cash buys us the few staples that people claim have replaced walrus and seal in our diet.

The amount of cash my people make is not much. We consider ourselves lucky if we make over $3,000 in one year—gross money. It all has to come from a talent many of us have—the creation of art objects from the same animal that we have been blessed with as our food. There is no other income through jobs.

Out of that $3,000, we need to buy fuel oil and coal to get some warmth. There are no trees on St. Lawrence Island, just tundra, and the wind blows almost all the time. We are fortunate that driftwood collects on our shores in summer. The entire family collects wood all summer long for winter fuel. Fuel oil, Senators, costs us $2.50 for five gallons . . . and it lasts only a day and a half. Others use coal stoves for both cooking and heating because they can use wood with it. A 100 pound sack of coal costs ten dollars and a sack lasts only one day!

Did someone say we feed Walrus to our dogs and eat something else that we perhaps bought with cash? Did someone say we kill the sea mammals just for the ivory because ivory makes us a wealthy, happy people.

I say Mr. Chairman and respected Senators that we have been misrepresented, and shamefully so. We are not in Alaska for America to gawk at or play with, nor to be ploys of conservationists. We know better than any proclaimed conservationist what it means to conserve that which you depend upon. We're not a documentary to be talked about, we're for real. We live this life I have described. We love our Alaska. We live there, and too often we die very young there. But it is home. It feeds us.

Mr. Chairman and Senators, we cannot do any better than to try in this humble way to convince you of our heart-felt fears.

You live in a complicated world where many problems face you every day and you must make decisions. Our world is simple but life is difficult. But it is a life we know and one we respect.

If you pass a law prohibiting us from using the sea mammals as we have done for centuries and deprive us of the only income we have, you may never hear the mourning of my people as their life is taken from them. What shall you send us in replacement of a life we have known for hundreds of years—social workers and drugs to dull our days?

Or will you find some love in your hearts for my people just as you have for the animals and the sea mammals, and let us who live so near to nature and its temper, determine how we will live in balance. How much more evidence do you need than the hundreds of years we've made it work.

Honorable Senators, we are thankful for your time and your attention. We cannot tell you what to do. We can only tell you who we are. There are no charities to save us but ourselves, and the integrity of the United States.

Testimony by Waldo Bodfish

Dear Honorable Senators: I am happy to bring testimony before you distinguished gentlemen concerning the importance of sea mammals in my life and that of my people. I am a 69 year old Eskimo man who was born at Teller Mission, Alaska. I have lived along the Arctic Coast all my life, and have lived in Wainwright, the village I represent, for the past 54 years. As is true of almost all of 330 people of Wainwright, I throughout my life have depended upon hunting for the main part of my subsistence.

Hunting of sea mammals is very important for the people of my village. We must hunt for food because we have little monetary income and the prices of outside meats are extremely high. For example, beef tongue, $1.30 per pound; weiners, $1.30 per pound; hamburger, $1.39 per pound; chicken, $1.00 per pound; and pork chops, $1.90 per pound. Approximately 5% of our meat comes from the above, but 95% of the meat we consume is acquired from hunting. We do hunt caribou and other land animals, however, our diet is greatly dependent upon sea mammals—whales, seals, oogruk, walrus, beluga, and polar bear. Most every part of the sea mammals we kill are used for food, for either ourselves or our dogs.

Although the main purpose of our hunting sea mammals is that of food, the skins and other by-products which we cannot eat are used for many purposes. Sealskins have traditionally been used by many people for jackets, pants, slippers, and mukluks. They also are used for gun cases, cartridge pouches, sled bags, rope, and other purposes. Oogruk skins provide soles for our mukluk, lines and rope, and covers for our canoes. Walrus hide is also used for rope. Ivory from walrus is important too. It is used in many implements—fish hooks, seal hook handles, tool for making fish net, drum handles, etc.! Baleen from whale is used for lashings and sled runners. The walrus stomach lining and linings of whale organs are used for drum heads. These are a few of the personal use uses we make of the by-products of sea mammal hunting.

But the most important use of the by-products of our sea mammal hunting is that for arts and crafts and other commercial purposes. Much of the monetary income of my village comes from the sale of items made from these sea mammals. Seal skins are sold to be used in making various items of clothing. My wife and the other ladies of Wainwright also make and sell jackets, mukluks, slippers, mittens, purses, hats, gun cases, and other items from seal skins. The soles of the mukluks they sell are of oogruk skin. Craftsmen of Wainwright also make and sell many items from the baleen of the whale and ivory from the walrus. Baleen is made into baskets, boats, wolf scarers, letter openers, bracelets, headbands, and ornamentations on other art objects. I am sure you are familiar with the many beautiful ivory carvings and etchings that are made from walrus teeth and tusks. The hides of the polar bear are mainly sold to outsiders.

As you can see, in order to fulfill the needs of my people any legislation concerning the controlling and restricting of the killing of sea mammals must allow us first to continue subsistence hunting of these animals for food and other personal purposes; and second to use the by-products of the animals, which we kill for subsistence, for arts and crafts and other commercial uses. Although the Marine Mammal Preservation Act as passed in the House of Representatives does allow for subsistence hunting, it does not allow us to use these by-products for arts and crafts and other commercial purposes. We appeal to the Senate to pass a bill which will allow both subsistence hunting and the use of the by-products for arts and crafts and other commercial purposes of my village. If the House bill is passed as is, it would put many more people on the welfare rolls, as it would deprive them of their monetary income from these commercial uses.

We are as concerned or more concerned than many people are of the preservation of sea mammals, for this is a basis of our livelihood. Our killing of these animals is limited by nature as whales, beluga, oogruk, walrus, and polar bear are in our waters only seasonally. When they are present in our waters, we must kill enough to provide us with food throughout the year. Much of our meat is stored in underground cellars to use in other seasons.

As the father of 12 children, all but two who still live off the land and sea, I thank you for the opportunity to voice my concern in this legislation that could greatly affect or alter the way of life of my people. I appreciate having a voice in this important matter.

Anchorage, Alaska.

Senator Nick Begich,
Washington, D.C.

The Sea Mammal Bill being discussed on the House floor today March 8 will seriously affect the livelihood of natives who traditionally have made a living from subsistence hunting in addition to deriving modest incomes from arts and crafts from sea mammals. Amendments eliminating subsistence hunting of sea mammals would amount to cultural genocide. Rural Alaska community action program favors humanitarian sea mammal harvest, but we oppose any attempt to destroy traditional Alaska native livelihood.

We urge the present bill be tabled until hearings can be held in Alaska.

John Shively,
Executive Director Ruralcap.

Anchorage, Alaska.

Representative Begich,
Washington, D.C.

Copy of wire sent to Congressman Pryor. This is to clarify that Friends of the Earth opposes any provision that would ban native subsistence hunting of marine mammals with the possible exception of an endangered species. Thank you.

Art Davidson,
Alaska Representative Friends of the Earth.

Auke Bay, Alaska,
April 12, 1972.

Congressman Nick Begich,
House of Representatives, Longworth House Office Building, Washington, D.C.

Dear Congressman Begich: It has just come to my attention that the "Marine Mammal Protection Bill" has passed the House. Approximately 10,000 Natives Alaskans depend solely for their cash income on the sale of arts and crafts. 90% of Native arts and crafts products depend upon the use of marine mammals (skins and ivory) for their production.

By all means establish the commission and advisory board as soon as possible to study the sea mammal populations and make recommendation concerning their protection.

Don't take away the livelihood that 30,000 Alaskan Natives depend on now as part of their income.

Sincerely,

Bill Elsenbart,
Lawrence C. Hill
(Mrs.) Jo Michalski.

MAY 2, 1972.

DEAR SENATOR STEVENS: Enclosed find three statements of testimony by three Eskimos from Wainwright village.

These copies are being sent in possible lieu of opportunity to appear in person. Should someone from Wainright appear in Nome at the time of the hearing, he will be authorized to read these statements.

If no representative from our village makes it to Nome, we will authorize one of the Darrow delegates to represent us by reading these testimonies for us.

Respectfully yours,

BILLY BLAIR PATKOTAK,
Mayor, Wainwright City Council, Wainright, Alaska.

APRIL 26, 1972.

To whom it may concern:

My name is Weir Negovanna, an Eskimo, living at Wainwright, Alaska. I am 65 years old and a member of United Presbyterian Church. I represent the people of Wainwright, whose population is about 335 people. I live in Alaska all my life, mainly along the arctic coast.

In my younger days I make my living by hunting, fishing, and trapping. And for last six years I support my family by carving bones of sea-mammals which I sell to buy food and other necessities. My wife also is an Eskimo, a wonderful housewife and a skin sewer for our use and also for sale. She makes water-proof boots out of seal skin and oogrook-skin.

Not too long ago I have heard that there is a law about to be passed concerning the hunting of sea-mammals. It is true that there is an exception that would allow natives to hunt for subsistence, (which is good for this is our life) but the thing that will hurt me and my fellow natives is the prevention of salable items from sea-mammal hunt. For we, who do not depend on jobs will be deprived of our ability to buy and sell from local stores, and therefore forced into welfare recipients against our will.

Once a year our whaling season opens, and only if we are lucky a whale or two would be caught for our year's supply of meat. Which is then stored into our underground cellars, and every edible part of a whale is not wasted. And as far as we are concerned and as we observe the bow-head whales we hunt are numerous as ever.

As for walrus, who says they are decreasing! Certainly not us, because as we observe them they are numerous as ever. And besides, we don't hunt as many as we use to in order to supply our dog-team. Our major means of travel are snow-machines now, and they don't need meats of mammals to keep them running. Therefore what mammals we caught are used mainly for our own meat supply.

One of the happiest moments in the life of an Eskimo is the report of a whale catch, because in such a catch every native shares. And yet this very thing is threatened, and the joy of being an Eskimo will be another notch lower if the bill passes.

Submitted by:

WEIR NEGOANNA,
WAINWRIGHT, ALASKA.

APRIL 18, 1972.

To whom it may concern:

My name is Blair Patkotak, and I am known by the name of "BILLY". I'm a native Eskimo from the arctic coastal village of Wainwright, Alaska. I represent the Wainwright city council, a fourth-class city of which I am the mayor. The population of Wainwright village is 330 people.

I would like to thank everyone for the opportunity to voice my concern about the proposed House bill called "The Marine Mammal Preservation Act". I fear this bill, as proposed, will be very damaging to our native economy which, as you know, is marginal as it is. Our economy at Wainwright is based primarily on the seasonal availability of the marine mammals such as seals, walrus, whale, and polar bear. These mammals are harvested in season. When they are plentiful, our economy improves; when they are scarce, our economy declines.

I would like to describe how we utilize each of these mammals. Seals, usually quite numerous, are taken for meat for the village people and for the dogs, which we use for transportation on the winter ice in search of food and clothing. The seal skin has many uses, some of which are mukluks (boots), waterproof bags, rawhide ropes, and kayak coverings. With or without the fur, the skin is valuable to the natives and is one of the few sources of income when sold to the ouside fur companies.

Walrus is harvested each season, generally in July and August. The meat is edible, and the hide is used for rope and skin-boat covering. The ivory is another small source of income, and brings about $2.50 to $3.00 per pound. The natives who carve are able to sell trinkets which are in good demand statewide, which assists the village economy. The walrus is harvested carefully, and is always taken for food as well as ivory.

Polar bear is harvested each season, and generally a total of 12 to 15 are taken each year by the village of Wainwright. We kill the animal for food, and generally sell the hide, which brings in $30.00 per linear foot, or more, and is a major assistance to the village economy.

The whale, especially the bowhead species, is hunted only in the later part of April and during May. This mammal is considered a highly-prized catch among the native whalers and the entire village. Almost ninety-nine per cent of the whale is edible, and the mukluk is considered a delicacy among the natives. The baleen is kept for use by the native artisans and craftsmen to make into artifacts which, when sold, assist the village economy.

Any bill or legislation which would limit or prohibit a native from utilizing his only source of food, clothing, and small income would certainly result in more of my people on the welfare roll, and would impose a severe hardship on my people.

Jobs are non-existent for the most part in our area, and living is meager even in good years. Better than ninety-five per cent of the food we consume at Wainwright comes from the land and sea, as well as most of our clothing. Hunting and fishing provide our only source of income. My people are extremely conscious of the bounty from the sea, and are aware of their obligation to protect that bounty. For centuries the unwritten law, passed from generation to generation among the Eskimos, is "Harvest only what you cannot waste . . . only what you can use." I could not support any bill or legislation which could deprive my people of their main source of food, clothing, and living necessities . . . in fact, for most, the only source.

Very truly yours,

B. BLAIR PATKOTAK,
Mayor, Wainwright Village.

SECRETARY'S PROGRAM REPRESENTATIVE,
Anchorage, Alaska, April 20, 1972.

To: Honorable NICK BEGICH, Congressman for Alaska.

From: W. L. Kubley, Secretary's Program Representative.

Subject: Alaska Rural Development Council Resolutions.

I thought you would be interested in the attached resolution which was passed at the recent Rural Development Council meeting here in Anchorage. This is a very active council and meets quarterly in different locations throughout the State. The next meeting will be held in Kodiak, June 13 and 14. Dr. James W. Matthews, Director, Cooperative Extension Service, is chairman of the Council and has done an outstanding job in bringing the different Federal and State agencies together. This has resulted in a coordination of programs and has shown where duplication of efforts can be eliminated. I am also enclosing a list of those participants at the last meeting and a brochure on the Council.

RESOLUTION CONCERNING PROTECTION AND USE OF MARINE MAMMALS

The members of the Alaska Rural Development Council, being representative of the Federal and State agencies and organizations concerned with improvement of the conditions of rural life in Alaska, are opposed to passage of House Bill 10420, in its present form, and any similar totally restrictive bills in the Senate regarding protection of marine mammals. Our primary opposition is to Section 107(a)(3); that such taking of marine mammals for subsistence purposes by Indian, Aleut, or Eskimo peoples "is not done for purposes of direct or indirect commercial sale."

First, we feel that this bill, which will have a major impact on a large part of the population of Alaska, should at least be subject to public hearings in rural and metropolitan areas of Alaska before being considered. Second, if this bill becomes law it immediately destroys the Native arts and crafts cottage-industry as it apparently precludes the sales of any parts of the sea mammals, or any items made from the tanned skins, or objects of art carved from the tusks or teeth. The cultures of these costal Native peoples are firmly based on the full utilization of the sea mammals. To impose the dominant society's cultural norm of waste of a valuable resource is not only counter to their cultural beliefs, but is also contrary to present U.S. policy on waste pollution.

In addition, this arts and crafts trade is, in many villages, a major source of cash income for the village. Contrary to popular opinion, passage of the Alaska Native Land Claims Settlement Act will not solve the financial problems of these people for the near future. There is no money available to the Native people from this Act for the first two years, and total disbursements of cash over the first five years are estimated at $550 per person. The lands allotted under this Act have value only for subsistence use for a long time to come, as it has been estimated that it will take about 25 years to complete the surveying on the 40 million acres at the present level of funding. So it can be seen, that to destroy this Native arts and crafts industry by legislative fiat is to condemn these peoples to a poverty and welfare existence wthin an inflated cash economy. We, therefore, strongly urge the Marine Mammals Bill not be considered for passage until public hearings are held in Alaska, and until the bill is amended to allow the continuance of the Native arts and crafts industry.

NEW COMMITTEE FORMED

A plea for letters and contributions has gone out from a newly-formed committee aimed at opposing ocean mammals legislation detrimental to Alaskan Native groups.

A bill that would prohibit the use of ocean mammals was passed by the U.S. House of Representatives in March by a vote of 362–10. A similar measure that would allow subsistence use of certain species and for continuance of the Native crafts industries for local marketing only is now pending in the Senate's Commerce Committee.

The group, named the WHALE (What Happens to Alaska's Living Eskimos?) Committee, is composed of members of the State Legislature's Bush Caucus and other well-known Native leaders, artists, and hunters.

Initial members of the Committee, organizing in Juneau, are Senators William Hensley (D-Kotzebue), Senator Kay Poland (D-

Kodiak), Senator Jay Hammond (R-Naknek), Representatives Martin Moore (D-Emmonak), Ed Naughton (D-Kodiak), George Hohman (D-Bethel); Chuck Degnan (D-Unalakleet), Carl Moses (D-Unalaska), Frank Peratrovich (D-Klawock), George Charles, Emil Notti, Connie Paddock, Anne Walker, Brenda Itta, Howard Rock.

One of the Committee members, Senator Willie Hensley said, "We hope to coordinate a successful effort to see that amendments are made to the bill so that Alaska's Natives can continue to utilize the ocean mammals as they have since time immemorial."

The bill, HB 10420 passed recently by the House of Representatives places a five-year moratorium on the taking of ocean mammals. A Senate version, introduced by Senator Ted Stevens, SB 3161, contains amendments allowing for subsistence hunting and fishing of ocean mammals and for production of handcrafts.

"It is our intention to see that amendments which take consideration the needs of Alaska is in the final bill," Hensley added. "A law prohibiting the use of seals or whales could wipe out entire cultures, have a severe impact on local economies as well as adversely effect the economy of the State."

Members of the WHALE Committee have asked for financial contributions for an effort to publicize their cause. Contributions may be sent to: The WHALE Committee, 1800 Glacier Avenue, Juneau, Alaska 99801.

Additionally, Committee members urge Alaskans to write the following Senators in Congress, expressing their opinion on the matter: Senators Warren Magnuson, John Pastore, Vance Hartke, Phillip Hart, Howard Cannon, Russel Long, Frank Moss, Marlow Cook, J. Glenn Beall, Mark Hatfield, Ernest Hollings, Daniel Inouye, William Spong, Norris Cotton, James Pearson, Robert Griffin, and Howard Baker.

Hearings in Alaska have been set for March 11 and 12 in the morning in Nome and May 12 in the afternoon in Bethel. Persons wishing to testify should notify Senator Ted Stevens by May 8 by writing him at U.S. Senate, Washington, D.C. 20510. They should also plan to limit their testimony to ten minutes or two pages of written statements.

May 12, 1972.

Memo to: Whale Committee members.
From: staff.

Hearings on ocean mammal legislation are underway in Nome and Bethel. Attendance at the hearings was expected to be affected by the whaling season presently underway, but we are hopeful that strong testimony will be presented. Sen. Daniel Inouye and Sen. Ted Stevens, both members of the Commerce Committee, are conducting those hearings. Sen. Gravel is present, also. Both Inouye and Stevens will be in Juneau on Monday at 8:30 a.m. for a hearing on delimitation of territorial waters (room 177, Federal Building) and we understand that testimony in written form may be passed to them for inclusion in the record relating to the mammals bills. Or the testimony may be sent to the Senators' Washington offices.

In the meantime, we hear that the third working draft of the legislation is being completed, an irregular occurrence considering hearings are not concluded. At any rate, the Commerce Committee met in executive session on Monday to consider this draft. Whether it contains the needed provisions is not yet known. A full committee session is set for May 22 at which time it is thought that the bill will be released. The vote may be as soon as late May or early June, so that the free conference committee can deal with the legislation before the summer recess. This, of course, is the area which causes concern since most informed sources believe that the House conferees will override any favorable Senate amendment in order to achieve a tougher bill of the five year moratorium that was adopted by the House.

Several things have happened which will help. Charles Edwardsen of Barrow has met with Sen. Fred Harris, sponsor of one of the most prohibitive versions, and has turned the Senator around on several points. Harris is said to have promised Edwardsen to push for amendments beneficial to Alaskan interests. This is a great accomplishment.

Second, our contributions, while still not adequate, will allow for printing of a brochure to be distributed on Capital Hill and for travel of three natives to Washington next week.

Additionally, coverage of the story by UPI reached Washington papers and NBC news is reportedly planning coverage.

Material related to ocean mammals and Alaskan native use is included herewith in the event that any of you wish to submit testimony. Any analysis of the legislation introduced thus far is also included.

Open Letter to All Concerned

May 10, 1972.

Re sea mammals legislation.

As you know, hearings on the Sea Mammals Legislation will be held in Alaska May 11 and 12 in order that voices of Alaskans will be heard on these bills affecting Indians, Eskimos, and Aleuts. What impact these hearings will have on a National level, and at the Washington, D.C., scene, is yet to be seen.

A bill that would prohibit the use of ocean mammals was passed in the U.S. House of Representatives in March by a vote of 362–10. A similar measure that would allow subsistence use of certain species and for continuance of the Native crafts industries for local marketing only is now pending in the Senate's Commerce Committee.

The Senate Commerce Committee held an Executive Session on Sea Mammals Legislation on May 8. Then, on May 22, the Full Commerce Committee will meet for final deliberations on the legislation, in hopes to vote on the bill in late May or early June. Shortly thereafter, Free Conference Committee will meet and Congress hopes to have this legislation become law before recess in late June or early July.

The well-financed, highly-organized conservation and environmental groups throughout the Nation have been carrying out, for several months now, an extensive campaign to ban ocean mammal hunting, including important and needed uses of by-products of the animals; therefore, once again, affecting adversely the traditional way of life and the culture of the First Americans. Though these organizations may have well meaning, they have failed to take into consideration the basic needs of our culture and have not sought advice on these bills from the first and natural conservationists—the Indians, Eskimos and Aleuts of Alaska.

No doubt, there is agreement that the present economy of the Native people is sparse, as compared to the rest of the Nation; thus making it hard to do effective lobbying activities which relate to the lives of the Alaskan Natives. The past history of the manner in which the aboriginals in America were treated is indeed a bleak one; as the once rich, highly structured cultures have been suppressed to the point that now something has got to be done to preserve the present struggling cultures.

With this critical prospect endangering the original way of life of the First Americans, a group is being formed in order to send lobbyists to Washington, D.C.; called the WHALE Committee—letters to whale standing for What Happens to Alaska's Living Eskimos? Initial members of the Whale Committee include Senators Willie Hensley, Kay Poland, Ray Christiansen; Representatives Carl Moses, Martin Moore, Ed Naughton, Chuck Degnan, Frank Peratrovich, Senator Jay Hammond, Emil Notti, Anne Walker, George Charles, Brenda Itta, Howard Rock, and Connie Paddock; with Jan Erickson and Tim Bradner to cover matters on publicity.

As said previously, the Whale Committee wants to send at least ten people from rural areas to Washington, D.C., to lobby. If you will help out by soliciting for funds from your group, or anyone interested, it will be put to the most effective use for the benefit of Alaska. Contributions may be sent to: Whale Committee, 1800 Glacier Avenue, Juneau, Alaska 99801.

If you are interested in becoming a member of the Committee, please let us know by writing to the above address.

State of Alaska,
Office of the Governor,
Juneau, March 28, 1972.

Hon. Nick Begich,
House of Representatives,
Washington, D.C.

Dear Congressman Begich: Enclosed is a copy of the following Joint Resolution which recently passed the Alaska State Legislature: Senate Joint Resolution No. 59 am.

Sincerely,
William A. Eagan, *Governor.*

Senate Joint Resolution No. 59

Relating to pending federal legislation pertaining to protection of ocean mammals.

Be it resolved by the Legislature of the State of Alaska:

Whereas legislation is pending before the United States Senate which has as its stated purpose the protection of ocean mammals; and

Whereas, although the basic intent of this legislation may be praiseworthy, there is a grave danger that passage of present proposals would work a severe hardship for many of Alaska's peoples who must depend for their very existence on ocean mammals; and

Whereas under the terms of pending legislation persons would allegedly be permitted to hunt ocean mammals for subsistence living by traditional means and so long as waste did not occur, but not for any commercial end; and

Whereas what is meant by this language is not clear and has not been made clear in hearings held to date; and

Whereas hundreds of Alaskans depend on the ocean mammals for subsistence, and subsistence dependence goes far beyond the food utilization, such as the making of clothes and goods which are worn or sold to form the only economy of many villages; and

Whereas these Alaskans directly affected by passage of this far-reaching legislation have not had full opportunity to testify regarding the full impact of the pending legislation upon their social and economic well-being:

Be it resolved by the Alaska Legislature that the United States Senate Subcommittee on Oceans and Atmosphere is urgently requested to hold further public hearings on the proposed legislation which would afford Alaskans the opportunity to appear and testify personally before the committee on this issue of vital importance to them.

Copies of this resolution shall be sent to the Honorable Warren G. Magnuson, Chairman, Senate Commerce Committee; the Honorable Ernest F. Hollings, Chairman, Senate Subcommittee on Oceans and Atmosphere; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

Testimony by Hon. Nick Begich

Gentlemen: It is my pleasure to submit testimony for these hearings on the Ocean Mammal Protection Act. As you know, the

House has already passed a version of this legislation, which is now before this Committee, and I was one of only ten House members to vote against that bill. I voted against the bill because, in spite of some vital improvements which were won on the House floor, it remained largely insensitive to the very real problems and the needs of both the State and the people it will affect the most.

My vote against the bill was a difficult one, because I believe strongly in the objectives of this legislation, as do all Alaskans, to protect and enhance the vital wildlife resource of ocean mammals. Nonetheless, valid protection and enhancement simply do not require the insensitive and unnecessary sacrifice of social, economic and human values. I believe that a number of specific considerations are essential as the Senate considers its own version of this legislation, and I would make those factors clear today.

First, I argue in the strongest terms against the inclusion of a moratorium concept in this legislation. This concept, conceived in emotionalism, simply does no credit to the cause as it represents a crude, broad-brush approach to a complex problem which requires finely drawn and strictly enforced management strategies. A moratorium necessarily says that both the problem and the solution for all species of ocean mammals, in all geographic areas, is the same. This is simply untrue and unworthy of responsible decision-making.

The basic failure of a moratorium approach is that it remains inflexible even in the face of later-acquired knowledge which indicates that, *in some situations,* another approach is better. Although we can try to foresee all problems, and create exceptions to the moratorium, it is clearly impossible to foresee them all. Far better, in my own view, is the inclusion of a thorough and sensitive permit procedure as originally proposed in H.R. 10420 before the moratorium was substituted. Such a procedure, structured as this Committee believes appropriate, offers the opportunity for each species, each geographic area, to be treated separately so as to insure the protection and enhancement plan best in each case. As is, there is only one plan—the moratorium.

Second, this bill must, regardless of whether a moratorium is included, provide for the continuation of the seal harvest under the provisions of the North Pacific Fur Seal Convention. Because I know very well that others will confirm what I say, I simply state that the success of this program, as controlled and supervised pursuant to the Convention, is a model for future international environmental agreements. I urge that the administration of this Convention be excluded from the direct operation of the marine mammal legislation either by exclusionary language from any elements of a permit system or moratorium or by the statutory granting of a permit for the harvest program found to be necessary and best each year. Incidentally, the administration of this Convention, with its yearly fluctuation in permitted seal harvest, and resultant recovery of the seal herd, is the best argument possible against the blindness of the moratorium approach.

Third, and finally, I argue strongly for provisions in the bill which guarantee a continuation of the lifestyle and traditional existence of Alaska's Natives, who will be the true victims of an insensitive bill. Several considerations are essential. First is the absolute protection of subsistence hunting practices in all cases except those involving endangered species. Second is the protection of Native use of all bi-products of animals taken primarily for subsistence, even where that use involves commercial sale, as well as other uses. Third is the protection of the traditional Native arts and crafts industry which is based on the use of marine mammals, such protection to be fairly limited by considerations of endangered species, traditional patterns of this "cottage" industry, and sensitivity to existing cultural and personal needs.

Let us all acknowledge that there exists, with respect to marine mammals, an environmental crisis of some proportion, one requiring our best mutual efforts and inventiveness in providing solutions. But let us admit that the Native's life sustaining practices of decades, and the arts and crafts industry growing from such subsistence practices as the Native's only traditional response to the white man's cash economy, are simply not the cause of the crisis we are confronting. Let us also admit that the maintaining of a people and a traditional culture is of a high value itself, and must weigh heavily in the balance.

This concludes my list of primary concerns for the legislation you are considering. I have not offered the voluminous information which is available to support each of these points because I am certain my many friends in the areas where these hearings are held will do so to an extent which will convince the Committee on these matters. I believe that, after hearing the testimony of those who must live on a first-hand basis with this legislation, just as they have co-existed with the marine mammals for decades, this Committee will feel it a duty to write the sort of sensitive bill that is so very crucial to all of us.

Thank you.

INTERNATIONAL CORRECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 10 minutes.

Mr. PEPPER. Mr. Speaker, the treatment and rehabilitation of criminal offenders is a prime source of concern in our country as well as in other countries. Despite different social values and mores, other countries share the problem of reducing recidivism through a rehabilitative corrections system rather than one of punishment or retaliation. Dr. Mildred M. Higgins, director of the reading laboratory at Sumter Correctional Institution near Bushnell, Fla., has addressed herself to these goals in a report entitled "International Corrections," based on a visit to Asia and Australia in 1971. Dr. Higgins and her husband, Mr. Laurence M. Higgins, spent 2 months traveling to several Asian countries and Australia. Most governments provided them with a car, a driver and an interpreter so that they could get the most out of her visitations to correctional institutions, reformatories, and prisons. Dr. Higgins hastens to add that the report:

> Doesn't make us experts on prison practices in these countries, because I am sure that we were shown exactly what they wanted to see, and were told what the governments wished us to hear.

Her report indicated that prison authorities hesitated to give her statistical information about the crimes that were committed, recidivism rates and successful or unsuccessful integration of the exoffender into the community. However, she did determine that "while theft was the most common crime committed, the smuggling, selling, and taking of drugs is coming to be considered as one of the gravest problems to handle in most every country." She explained that the problem of drug abuse was the greatest concern of the "man in the street" in the countries that she and her husband visited, and that drug abuse was a problem even in the school systems of the Asian countries.

Dr. Higgins also has noted that—

> Not one cent of this trip's costs came from the taxpayers pockets—the state gave me leave without pay and pushed back my aniversary date for an equal amount of time; we used our lifetime savings because we thought we should be informed citizens.

By way of introduction, Dr. Higgins is a native of Pennsylvania who attended Montclair State Teachers College, N.J. in the 1930's, and returned to college in 1954 to graduate with a bachelor's degree and high honors from Rutgers, the New Jersey State University, in 1958. Dr. Higgins received her master of education degree from the University of Florida in 1961, and her Ph. D. from Florida State University in 1969. She also studied at several other colleges and universities. She worked as a junior electrical engineer for 15 years, prior to entering the teaching profession. She has been in her current position, director of the Reading Laboratory, since 1968.

Herewith is a summary of her report, "International Corrections," based on her findings and some reports received from the countries that she and Mr. Higgins visited:

INTERNATIONAL CORRECTIONS

(By Dr. Mildred M. Higgins)

A Report on Rehabilitative Efforts Based on A Visit to Asia And Australia During the Weeks from June 12 to August 25, 1971.

During the eleven weeks from June 12 to August 23, 1971, we talked with over one hundred officials, visited 8 correctional centers for juveniles, toured 20 institutions for adult prisoners, participated in or observed 30 other educational or rehabilitative programs, spent many days with ten programs that centered on criminology, were involved in eight religious or educational projects, and visited two universities connected with continuing education. If one were to summarize the impressions gathered during that tour of ten Asian countries and two states in Australia, we would have to state that these countries are moving toward a "cradle to grave" concept. Criminal justice and the study of criminology, it seems to me, is being put within the larger framework of social welfare in dealing with the problems of society and of those who break society's mores.

At the end of this summary there will be presented a few fundamental problems that seemed to be common to the various programs. The remainder of this summary will contain the outstanding or peculiar developments in criminological practices that we either saw or had reported to us.

Each culture that we visited held to some very firm societal values: (1) Emphasis was placed upon the family as a basic unit that should teach moral values and social-living skills to the children and young people. (2) The work ethic: pride in what one is doing by giving an honest return in labor for a day's pay (although little enough was given most laborers for long, hard work) was impressed on each child's mind from the time he or she was a toddler. (3) patriotism, love of country, duty to one's country (though not necessarily to the ruling powers), pride in its heritage and culture—all of these are still a binding force. (4) The supplying of love, tender care, food, clothing, and shelter to the very young and the very old, when these two extremes in ages have no family to take care of them, is coming to be felt to be a community responsibility. Local community, I might add, not impersonal charity. For example, in Taipei, the homes for the aged and for the children were put next to each other, so that the toddler and the toothless could share light, life, love, and laughter.

What happened when children violated the law? In many countries, such as Iran, the Philippines, Taiwan, and others, both a police officer and a social worker would investigate all the circumstances; the police would investigate the wrong that was done, while the social worker looked into the family situation and the local environment. Both would work together to bring back both a balanced report about the child and his surroundings and a suggested treatment for the future. In most countries, the child was remanded to his parents' care until his court appearance. Each country seemed to insist that at least one of the parents appear in court with his child.

Only in Japan did we hear of a uniquely different approach to sending the child back with his parents. In Japan we visited a juvenile detention center. Here, the treatment given was that of making the juvenile psychologically ready for his court appearance. The social worker, along with a team of consultants such as a doctor and a psychologist, would conduct interviews, tests, and other counseling activities, making a careful report of their findings. After the staff at the center had gone over these reports, the family was called in for guidance and interviews.

Less than one out of five children who got into trouble with the law were sent to a juvenile home or youth correctional center. About 40% were put on probation; another 40% had the case dismissed; all of these were remanded to the parent's custody. In Iran, the parent usually had to sign a paper saying that they would assume the responsibility of closer supervision over their child. Occasionally, if the child is in his mid-teens, he also must sign the paper that he will be obedient to his parents and follow their instructions or guidance. It is made clear to the child that he is being held responsible by the court for his behavior; infractions of this parental supervision can lead to his being sent to the juvenile home by the judge.

The efforts of each of the juvenile detention centers focused on teaching moral values, social living skills, academic knowledge, and vocational training, on instilling pride in one's own country, and on bringing out the unique creative talents of each child. Often supervisors were addressed as "Father," while women staff members were called "Mother." Academic education in some countries, like the Philippines, was obtained in the surrounding community schools.

On the other hand, community work in psychological testing was done in one center in Japan. Thus, a costly burden for the schools was done by the trained staff in the center.

Everywhere in Asia there was an aura of protecting the young person, even against himself, that seem to be lacking here. There, young people are not held down, nor kept babyish, but nevertheless they are not considered adults either, especially when they are in their early teens. Infractions of the rules are met with firm retribution. In the training centers, moral precepts are taught, especially in Taiwan, that would guide the young person in his adult life. In Japan, the daily writing in a diary of the frustrations, worries, and bothers that beset the young person, was encouraged. Then his counselor and he could go over these together to relieve the sore points.

In many countries, the social worker met the young person before he was ever sent to the correctional institution. Usually he or she was the one who investigated his case and recommended this action. Yet, in many countries, there was no real stigma to being sent to a correctional institution, such as we have here. Perhaps the reason for this happy state of affairs lies in the reasons for sending children to a training center in the first place. Nowhere were we told that truancy from school was considered a reason for the young person to be incarcerated, but, instead, very weak parental supervision, theft, and abject poverty were given as the basics in nearly all countries.

The same social worker who investigated the case often worked with the child's treatment team, acted as liaison person between the child, the institution, the family, and the community; he became his most important counselor; and then he often gave support for a year after the young person returned to the community. Thus, the child had someone around on whom he could rely for continuity of support, even though the *kind* of support changed to fit the young person's needs and conditions. It was never there as a crutch nor as a substitute for self-discipline on the part of the child. This type of care is practiced as much as possible in the Philippines, Australia, Hong Kong, Taiwan, and Japan, to cite a few.

Much of what has been written above is applicable to the adult offender. For example, in most of the countries, at least three out of four first offenders were given probation; the rest were given quite light sentences except for very serious crimes or repeated offenses. Most countries still retained capital punishment for premeditated murder. Even those sentenced to die usually had a "high tribunal" review who could change the sentence to life imprisonment. Of those who still faced death, there was an appeal to the monarch or highest government authority. In celebration of Iran's 2500th year as an established government last year, His Imperial Majesty, the Shahanshah, proclaimed amnesty for a number of those who were to have been put to death; he also reduced the sentences of many other offenders, hundreds of them. It was understood by the prisoners that such reduction of sentences was predicated upon model behavior, work habits, attitudes, and skills.

In most countries we did not hear of the jury system as we know it here in the United States; the usual procedure was to have the case argued before either one or three judges. Both the prosecution and the defense were supposed to have lawyers. Whether ombudsmen or defense lawyers were supplied for those too poor to pay for legal advice, was not made clear. Lower courts usually had one judge; appeals, supreme, and such-like higher courts seemed to have three judges.

In all the countries who supplied us with this information, those who have been arrested are sent to prison immediately, even before the case is heard. Even in the Philippines, where overcrowded conditions make it almost impossible to do so, these remands are kept separate from the rest of the prison population. As several inmates in Australia's prison told us, they felt this system of putting people charged with crime into prison immediately had a tremendous deterrent effect on the first-time offender. After this taste of prison life, several of them assured me, they were sure that if the judge gave them probation, they would not again do anything that would bring them back inside the walls.

We understood that Iran and Thailand give probation with a "string attached." If the offender is put on probation, the judge can put certain restrictions on his actions. In these countries, if the offender is given probation after committing a certain offense, but repeats the offense during his probationary period, he can expect to come before the same judge for sentencing on this second offense. There will be no parole granted again. Furthermore, once he completes his sentence for the second offense, he must start serving the time of his original sentence for the first offense. Most officials and the prisoners also agreed that this, too, is very effective as a deterrent.

Social welfare workers are important parts of just about all programs. In many of the countries, such as the Philippines, the social welfare worker gets acquainted with the new prisoner immediately. These are trained professionals in social welfare work. Since it is harder to recruit men than women in this occupation, the worker with some of the men is a woman. We were told that the women workers were often more efficient and/or effective than the men!

These workers have many facets to their work, such as: to get information about the prisoner, his family, and the community from which he came; to counsel with him on all matters and problems that affect him; than be on his classification team; to prescribe the treatment that he is to follow; to evaluate his progress; to bring him, his family, and his neighbors into closer communication and understanding; if asked, to help him get a job at the end of his stay in prison; finally, to be a supervisor to whom he reports for a year after he has completed his sentence.

In all the prisons visited, the men were expected to work, both hard and to the best of their ability. Wherever they worked on prison industries, they were paid for their work. The highest weekly amount we heard of any prisoner getting paid was equivalent to two and half dollars. Often this was for six days labor. Only the best and fastest artisans commanded this high rate (to them) of pay. Good workers, who had not yet achieved superior or excellent ratings, sometimes received as low as seventy-five cents ($.75) a week. Some of this money they could spend on canteen items, but the major portion was expected to be saved and/or given to the family for its support.

Since there were many more prisoners than jobs, malingering was rewarded by a job change to the non-paying but necessary jobs for the on-going prison, such as the laundry or the cleanup crew. Money that was saved needed to be used at the time of the prisoner's release, since no clothes or money was forthcoming from the government. In fact, most governments used about 50% of the earnings from the prison industries to help pay for the food and clothing of the prisoners and for the upkeep of the prison itself. The usual portion of the profits from the sale of the various items going to the inmate worker was 30%; the other 20% paid for the materials.

Items made for sale ranged from textbooks (binding and printing both being done by prison printshops) in Iran to uniforms in Hong Kong and Taiwan. Everywhere but in Australia, the standard industry employing the most workers was rug-weaving. Other products that we saw being made included shoes, leather goods, carved screens, furniture of all kinds, umbrellas, women's dresses, lapidary work, fibre-glass sailboat hulls, parts for stores, ceramics, plastic jewelry, and basketry. Women also made knitted, hooked, crocheted, and tatted articles. A few workers were engaged in forestry, land clearing, lawn mowing, cooking, and waitress work.

There was no monetary pay given to those who attended academic school or vocational training, but the satisfaction of learning how to read or become an artisan was considered adequate pay. The reason stemmed from the reverence nearly all of these cultures have for the scholar or skilled worker. To them, an education or training is one of the greatest accomplishments of their lives, worth more than silver or gold. In Thailand, the Philippines, and in other countries, every illiterate prisoner was supposed to go to academic school. Whenever we were shown academic textbooks for the adult prisoners, the officials nearly always explained that they were the same exact textbooks used for the children in the primary and elementary grades. Some exceptions were the UNESCO Adult Basic textbooks that were being used in literacy classes in India, the UNESCO books on family planning, agriculture, and basic literacy texts being used in an adult teaching workshop in Bangkok, and the immensely successful correspondence courses being carried on in New South Wales, Australia.

In spite of the grimness of prison every country went to great pains to bring beauty of some kind to the prisoners. There were many avenues to follow, but most of the following were universally present: (1) painting, sketches, mobiles, art-work of all kinds; (2) hobby craft in leather, models (usually ships), carving, and toymaking; (3) well-kept lawns and flower-beds; (4) music of all kinds; singing groups; band music; radio, TV, and some films; (5) dramatics; and, for the women, (6) cosmetology and hairdressing or charm courses.

INMATE CREATIVITY IN MANY FORMS WAS NURTURED

Chaplains of all faiths and religions play an outstanding role in the prison systems. A modification of a combined Emotional Maturity Instruction, encounter group, and a sensitivity-training course has been worked out by a Philippine chaplain. Working out a series of 72-hour retreats, all taking place in one room in one part of the prison, has wrought a minor miracle there. By emphasizing brotherhood, togetherness, and love, he has changed an over-crowded prison filled with frustrated, violent, hate-filled inmates (especially toward other inmates coming from other Filipino tribes), to an institution that is able to function as it should to restore men to society as whole persons.

Two more ideas dealing with inmates come from Australia. We were informed that the persons who had the highest positions in the state dealing with prisons, including the top-ranking man himself, must be on the major classification team for each prisoner. There are certain team-meeting days scheduled in each prison, and these high-ranking officials travel to each prison in turn for those classification teams. They are the ones who formulate the prescriptions for each inmate. Then the social worker and the prison staff take over as the prisoner's minor classification and evaluation team.

The other feature of prison treatment that merits praise is the judge's commission. This is an organization of judges outside the prison system, whose job it is to contact every prisoner once every two months. He is to hold private conversations with each prisoner that he is supposed to contact, listen to their complaints, to investigate these complaints thoroughly, and give the inmate such legal advice as he wishes. Every inmate can thus talk freely, because he knows that what he says will have a thorough investigation. He also knows that retribution against him will be severely dealt with. This is the only explicit method we heard about that dealt with alleged mistreatment of inmates or that gave him the legal advice he needed while in prison.

Also in Australia we visited a Work Release Centre. This seemed to combine the best features of our Half-Way Houses and our Community Work Release Centers. Although it had been in operation less than two years, the officials felt it was one of the soundest ways yet tried to ease the man back into society. A man and wife were stationed at the Centre, he to be counselor, mentor, confidant, and "father" to the men; she to oversee the housekeeping and be the "mother." At "home," there were milk, lunch meat, and other perishable snacks in the "fridge," coffee on the stove at all times, jelly and peanut butter on the shelves along with cookies and tea, butter, and sugar. They could help themselves to snacks before going to bed, and make themselves a lunch to take with them to work. The only requirement was that they clean up after themselves. They catch the public transportation trams or busses within a few block of the Centre. Close budgetary supervision is given, but this is gradually relaxed as the new worker shows himself competent in handling his paycheck, taking care of his own needs and those of his family if he has one.

In the effort to make the inmate feel at ease in the society around him, he is allowed to act like the ordinary Aussie laborer and budget an extra half hour of time and the price of a beer at the local pub so he can stop for a drink and some chit-chat with other men each night on his way home from work.

If theft was the most common crime committed, the smuggling, selling, and taking of drugs is coming to be considered as one of the gravest problems to handle in most every country. Some of the Asian countries apparently wished to hide statistics about it, even denying officially that any of their young people were involved in any way. Oddly enough, in spite of the official denial, the man on the street has vehemently argued that the traffic was increasing by leaps and bounds, even invading the schools. Hong Kong's prison department was very open in facing the situation; it was one of the few that had come up with a viable and working program for dealing with addicts by treating them as drug-dependants.

Their philosophy of treatment is based on several basic assumptions: (1) There is no such thing as a drug *addict*—he is a drug *dependant.* (2) He does not need a "crutch" during his treatment, nor is he really sick, either mentally or physically; therefore, he will not get methadone, although some tranquilizers may be used. (3) After the physical defects are treated, then work, regular hours, good food, and strict discipline will bring a drug user back to good health. (4) Helping a man back to self-respect and pride in himself will do as much as anything else to change a man's psychological need for drugs to a realization that he has no need for drugs at all.

Other approaches to the drug problem that we discovered were: In Iran, drug smugglers are brought before a military tribunal; if conviction occurs, the smuggler is executed by a firing squad. In 1971, we understand, (from a newspaper reporter's feature), Iran executed 116 convicted smugglers. Those who are convicted of selling drugs are given stiff prison sentences.

Some officials in Thailand and in the Philippines conceded that they really did not know how to cope with the drug problem. A few conceded that they were without funds to provide adequate treatment. They did say that they provided a strict work regime, coupled with adequate rest and food. When this severe or harsh treatment was rigorously applied even during the withdrawal stages, they claimed that within three weeks, most times less, the inmate no longer felt the need for drugs, but he had begun to gain much weight, had an appetite, and looked and felt in much better health.

Iran showed us one of their open prisons. Later we heard about, but were not able to visit similar institutions in Thailand and in the Philippines. These open prisons were noted especially for the conjugal living arrangements for the minimum security prisoners. Conjugal visitation is allowed inside the walls for qualified inmates in a number of prisons. These open prisons, however, were situated in an agricultural, lumbering, or land-clearing locality. Those who could work in those various industries outside the prison walls, and who worked at a distance from the prison, were allowed to bring their family to these places to stay with them.

Often the prison would provide places for the children to stay, since the huts are usually only large enough for the man and his wife. According to the reports about the open prison in the Philippines, the ex-prisoner is allowed to stay on the farm where he has been working and buy it for a very nominal sum. He is thus encouraged to be a self-sustaining member of society.

Returning the man to society as a fully-functioning member thereof through the process of "re-education" seems to be the way of most Asian countries that we visited. They have been using the open prison, Prisoner's Aid Societies, Welfare Boards, Social Service Workers, and Work Release Centers. Most of them use as many public relations devices as they can in order to build bridges of understanding between the prisoners and the communities. Many points of contact (through art, music, work, and service projects) between the two worlds are constantly being made. Yet nearly all officials expressed a sense of hopelessness at getting the peoples in the communities to help the former inmate.

In Iran, for example, it seemed to be almost against the law to hire an ex-felon. As one person wearily said, "How is he to sustain himself or his family when he finishes his term, if he is not allowed to work?" In South-east Asia, where it is a cultural standard for the whole family to be responsible for the deeds of each member, how can we ask them to take back into the fold someone who has flouted its rules, and caused the family to be disgraced in the eyes of the community? Just what do judges and criminologists do when the society in which they exist claim that they have been "soft" on criminals, that they have forgotten the victims, and that laws, enforcement, and punishment should be much more severe? In some countries, the officials also wonder how they can begin to humanize the prisons when the prisons are overcrowded, understaffed, and continuously short of money for even an adequate diet. Most are searching for a way to lower the rate of recidivism. Nearly every one implied that there is not enough communication between prison systems all over the world so that good ideas in one part of the globe might be adapted to another.

Lastly, where do we go from here?

TERMINATION OF THE WAR IN SOUTHEAST ASIA

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, Mayor Richard Gordon Hatcher and the city council of the city of Gary, Ind., enacted the following resolution pertaining to the termination of the war in Southeast Asia.

Over 2 years ago, on April 7, 1970, the council of the city of Gary enacted a similar resolution urging the termination of the unfortunate, and what appears to be a continuing desecration of human life and property which has been continuing for over 7 years in a land 10,000 miles away.

I submit this resolution which was forwarded to me by Betty Malinka, clerk, city of Gary, following instructions given by the mayor and the city council of Gary, Ind.:

RESOLUTION OF THE COUNCIL OF THE CITY OF GARY, IND., TO THE CONGRESS OF THE UNITED STATES ASKING FOR AN IMMEDIATE END TO AMERICAN MILITARY INVOLVEMENT IN SOUTHEAST ASIA

Whereas: Two years ago, on April 7, 1970, the Council of the City of Gary, deeply concerned about what was happening to this country and its people by the prolongation of the war in Indo-China, in a petition to the President of the United States, called for an immediate withdrawal of all United States forces and material from Southeast Asia, and was thereby the first such elective body in a major American city to take such action; and

Whereas: As a result of the national protest of which that action was a part, a withdrawal of American ground troops is proceeding, but regrettably no pledge has yet been made that all are to be withdrawn—on the contrary young Americans are still being drafted as replacements—; and regrettably, under a policy of "Let Asians Fight Asians" or "Yellow the Bodies," American air support is being given for new and terrible onslaughts, in computerized warfare; and

Whereas: The war is not only being carried on in South Vietnam, but since 1970, has been extended to Laos and Cambodia, with Thailand being used as a base for American bombing missions; and in recent weeks, *the bombing of North Vietnam, halted* in response to worldwide protest, has been resumed at unprecedented levels; and

Whereas: No proposals have yet been put forward by the United States government that we would end our backing for those forces that are standing in the way of the freedom and independence of the Indo-Chinese people; and

Whereas: American intervention has brought, and is still bringing great suffering to the people of those stricken countries: [1]

In South Vietnam, a million young soldiers killed, injured or maimed; a million civilians dead; and a third of the population homeless; and

In Cambodia, a million people driven from their homes; and

In Laos, as is only now becoming known to the American people, bombing on a scale never before experienced, with casualties the highest per capita ever suffered; and

Whereas: To that terrible toll must be added our own casualties—53,000 young men dead; a quarter of a million wounded or maimed; and uncountable numbers broken in health, mind, and spirit; and

Whereas: In pursuit of an ever more elusive military victory there, the American people (not without protest) funded and accepted as instruments of national policy:

(1) Waiver of a declaration of war by Congress.

(2) The calculated and planned use of political assassination.

(3) The use of bombing to destroy civilian populations.

(4) The establishment of "free fire zones" in which any living creature can be exterminated without restriction, resulting in massacres such as took place at My Lai.

(5) The use of defoliation and starvation as instruments of war.

(6) The forced emigration of rural peasants to cities by means of saturation bombing and evacuation at gunpoint.[2]

The price being paid for acquiescence in these crimes against humanity is everywhere evident in the dissension that is tearing this country apart, and nowhere is the revulsion more evident than in the refusal of so many young men to serve in the armed forces, at the price of their imprisonment or exile; and

Whereas: Prolongation of this immoral and illegal war has brought the country to near bankruptcy: It has cost the nation $123 billion since 1965, and that figure does not include the indirect costs, such as war-generated inflation: Vietnam veterans' benefits; rehabilitation of drug-addicted troops; nor does it include the further cost that must be paid as interest on the burgeoning national debt, which is about 80 per cent war-created [3] and

Whereas: Continuance of this costly intervention is placing an intolerable tax burden on the people, at the same time money is not available in adequate amounts for the most elementary of public services, as we in Gary well know—schools, health and welfare programs; housing; mass transportation, etc.; nor will money be available as long as "64 cents out of every Federal tax dollar (not including Social Security and other trust funds) goes for military and military-related spending, leaving only 16 cents for health and welfare," [4] and

Whereas: The Congress of the United States alone, under the Constitution, has the power to declare and wage war, and therefore must accept responsibility for its continuance,

Be it therefore resolved: That the Council of the City of Gary, fully cognizant of the seriousness of this action at this time, nevertheless implores the Congress, through its members from this area, to demand an immediate end to the bombing of North Vietnam, and an immediate end to American air and other logistic support for carrying on the war in South Vietnam, Cambodia and Laos, and

Be it further resolved: That Congress demand an immediate end to all other United States military intervention anywhere in Southeast Asia, and that a definite date for such a complete withdrawal be proclaimed; and

Be it further resolved: That copies of this Resolution be sent immediately not only to the appropriate members of Congress, but also to the President, the Secretary of State and the Secretary of Defense; and likewise to the Governor of Indiana and to the State Legislature; and

Be it further resolved: That copies of this Resolution be sent to the Conference of Mayors, with the expressed hope that similar action by other municipal bodies will be encouraged as the most direct means now available to bring the people's demand for an immediate end to the war to the Congress; and finally

Be it still further resolved: That the Council of the City of Gary calls upon all citizens, as individuals and through their organizations, to join this protest.

FEDERAL RESERVE SEEKS MORE FUNDS TO BE SPENT WITH APPROPRIATIONS OR AUDIT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Congress has a solemn responsibility to make certain that public moneys are being spent in the public interest and for proper purposes.

With this responsibility in mind, I want to call the attention of the Members of the House of Representatives to a new scheme being promoted by the Federal Reserve Board to drastically increase construction funds for branch buildings of the various district Federal Reserve banks around the Nation. In recent days, I have been approached by Federal Reserve Board Chairman Arthur Burns and asked to sponsor this legislation which would double the current authorization for construction expenditures for these branches. It is my understanding—from good sources—that the Federal Reserve has been actively lobbying other Members for the passage of this bill.

Mr. Speaker, I oppose the granting of this blank check to the Federal Reserve System so long as the Federal Reserve refuses to allow the GAO to conduct an audit.

The Congress would simply be authorizing $60 million in additional spending with no control over how the money was spent and with no check on its ultimate use. There would be no appropriations process involved and the Congress would be providing for the diversion of this public money to various construction projects with no audit and with absolutely no safeguards.

These expenditures would be on top of billions of dollars of outlays which have been made by the Federal Reserve without congressional appropriations and without audits through the years.

Mr. Speaker, I have discussed this problem with Dr. Burns and I have told him I could not consider sponsoring the legislation if the Federal Reserve continued its adamant opposition to a full-scale GAO audit. Dr. Burns has declined to agree to the audit.

Dr. Burns is an outstanding public servant and a great economist with a worldwide reputation, but I am disturbed that he would be coming to Congress for millions of dollars of authorizations while refusing an audit of the books or records of the Federal Reserve Board, the Federal Reserve district banks, and the Federal Reserve System. The American people are greatly disturbed about the use of their tax money and I do not feel that many Members of the Congress would agree to writing a blank check to any agency of the Federal Government.

Under current law, no more than $60 million may be spent for the construction of branch offices for all 12 district Federal Reserve banks. The legislation sought by Dr. Burns would double that figure and allow $120 million in construction expenditures for the branches in the 12 districts.

FEDERAL RESERVE COLLECTS $4 BILLION A YEAR ON U.S. GOVERNMENT BONDS PAID FOR ONCE

The Federal Reserve System finances its operations through public funds, but it does not come to Congress for appropriations and it has never had its books audited by the GAO. Ninety-eight percent of the funds are derived through interest payments made by the U.S. Treasury on Government securities which the Federal Reserve maintains in the portfolio of the Federal Open Market Committee in the New York Federal Reserve Bank. The Treasury payments to the Federal Reserve System are financed from tax funds. The payments to the Federal Reserve are currently running at an annual level of about $4 billion.

This $4 billion is collected from the taxpayers through the U.S. Treasury on interest on Government bonds that have been paid for once.

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[1] These statistics are from Indo-China: 1971, a White Paper published by the American Friends Service Committee:

[2] Likewise from the American Friends Service Committee's White Paper.

[3] These figures are from a study of the costs of the war by Senator Mark Hatfield (R. Ore.), 1971.

[4] Senator Hatfield's study.

ABC NEWS INVESTIGATES FHA 235 HOUSING PROGRAM

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, for the past 2 years, the Banking and Currency Committee has been attempting to get the Department of Housing and Urban Development to shape up its administration of the FHA 235 and 236 housing programs.

It has been a slow process and HUD and FHA were initially reluctant to admit the serious deficiencies and the administrative shortcomings. But we have had some progress and at least a recognition on the part of HUD that there is a major problem.

At best, this is an expensive program and there is no excuse for tax money to be used to foist poor housing on the low income people we are trying to help. In too many areas, this program was taken over by speculators whose interests were advanced by the actions—or inactions—of employees of FHA.

The continuing investigation by the Banking and Currency Committee has been aided tremendously by the news media who have focused the spotlight on housing abuses in many parts of the Nation. Both the television networks and the major newspapers have done outstanding work on this issue and when justice is brought to these programs, the journalism profession can claim a large share of the credit.

One of the recent examples of this investigative reporting appeared on the ABC Evening News on March 30.

Mr. Speaker, I want to commend Howard K. Smith and Lem Tucker of ABC News and the producer for the ABC Evening News, Jeff Gralnick, for their part in investigating these housing programs and bringing them to the attention of the American people. These days we hear much criticism of the television networks and I think it is well that the Congress—and the American public—also take note of areas where networks are meeting their responsibilities in the public interest.

Mr. Speaker, I place in the Record a transcript of the March 30 ABC news program:

Transcript Report on FHA 235, ABC Evening News, March 30, 1972

Howard K. Smith. FHA 235 is the name of a program passed by Congress in the late 1960's . . . to enable poor families to buy their own homes. It provides for government guaranteed mortgages and government subsidized interest payments. Congress saw it as a way to rehabilitate slum neighborhoods. The unscrupulous saw it as a way to unload worthless property. Last year, when the program was labeled a national scandal by Congressional investigators, the housing secretary, George Romney, promised that prompt corrective action would be taken. ABC News has been conducting its own investigation of where the program stands today. Lem Tucker reports from Cincinnati.

Lem Tucker. To understand fully what went wrong, and is still wrong, with the multi-billion dollar program, it is best to begin here; 1879 Biegler Street in Cincinnati.

Two years ago, before the scandal broke, the FHA approved this house for a guaranteed and subsidized $12,000 mortgage, so a poor family could buy it.

Today, this house is a derelict—beyond repair and condemned. A total loss like some 5,500 other FHA 235 homes around the country.

The people who lived here were finally moved in mid-March, into another recently rehabilitated 235 home. But, it too is a house with troubles.

On the outside, new siding is already stripping away. Inside, walls are cracking and a small child was almost hurt when this sink came loose from the wall.

The Utility company says the furnace needs repair. It refuses to hook up the electric meter and the fire department has just cited the house as electrically unsafe.

The only hope for the owners: That FHA will repair it, or force the real estate agency to. They may have to wait a long time. The Barnetts have.

Last year, while the program was being actively investigated, the Barnetts bought this house—promised to be sound and totally rehabilitated. But already new paint is stripping away. The porch is shaky. Walls are cracking badly; bathroom tile is falling away; and Mrs. Barnett showed us what happens when she shakes a window frame.

Federal law says FHA homes must meet city building codes. The city says this house has 14 major violations—violations which must be fixed or the Barnetts face prosecution.

Ms. Clayton Barnett: "I've did everything a person could to get it fixed. I've been to the people I bought it from. I've been to the FHA and the legal aid and I can't get anything fixed at all."

Two days after local publicity—a day after we filmed here—contractors *did* start work. But they and the FHA refused to tell Mrs. Barnett what all would be done.

Legal aid society lawyers plan to order the work stopped, until the Barnetts are guaranteed a completely safe and livable house.

But the Barnett house is livable. Idella Aridge's is not. Promised rehabilitation was never done. She's been here since 1970.

In addition to everytihng else that's wrong you can smell raw sewage which backs up in the basement. Now the house is condemned, a total loss to Mrs. Aridge and the government.

A year ago, after finally admitting profound problems with FHA 235, Housing Secretary Romney said: "We have taken steps to cope with these problems; time will tell if they are adequate."

ABC News has investigated here and in several other cities and the story time tells is still clearly not a very good one at all.

Lem Tucker, ABC News, Cincinnati.

Howard K. Smith. ABC News has learned that the House Banking Committee will reopen its investigation of the FHA 235 program . . . and plans to call Housing Secretary Romney, among other witnesses. This week in Detroit, Romney said he is "still angered" by the abuses he finds in the program.

WHITE HOUSE HOLDS CONGRESS IN LOW ESTEEM

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, on May 11, 1972, the following letter was sent to President Nixon, bearing the signatures of a number of Members of the House of Representatives:

Dear Mr. President: We have learned from recent press report that Secretary General of the United Nations Kurt Waldheim has offered his "good offices" for negotiation of the Vietnam conflict.

According to a spokesman for the Secretary General, none of the parties has formally responded to his offer.

With the recent escalation of hostilities in Vietnam it is easy to understand why this offer has not received the attention it merits. Yet it is just at this critical moment that the Secretary General's good offices may be most helpful.

In any event, we believe it would be a grave mistake for the United States to fail to make a formal response to such an offer from the Secretary General of the World Organization.

We respectfully recommend a prompt and positive response.

A total of 53 Members of the House signed the letter to the President. I am one of them. In reply, I received the following note dated May 15, from Mr. Richard Cook, Deputy Assistant to the President:

Dear Mr. Seiberling: This is to acknowledge and thank you for your letter in which you join with your colleagues in urging an early response to the offer of "good offices" for the negotiation of the Vietnam conflict by the Secretary General of the United Nations, Mr. Kurt Waldheim. You may be assured that your views will be brought to the President's attention at the earliest possible time, as well as being shared by his advisers on foreign policy.

With cordial regards,

Sincerely,

Richard K. Cook,
Deputy Assistant to the President.

The President has said that he would consider any serious offer for negotiation of the Vietnam conflict. This offer by the Secretary General of the World Organization is certainly serious. A month has passed since Mr. Waldheim announced this offer and still there has been no formal response by the parties concerned. I submit a recent statement by the Secretary General, released on May 5, 1972:

The present situation is extremely serious, and I wish to appeal to all the parties to act with the utmost restraint. The most recent developments have confirmed my conviction that a solution to the problem of Viet-nam can only be found through negotiations.

I have repeatedly offered my good offices in the search for a peaceful settlement in Vietnam. My offer still stands, but I feel that the time has now come when the full machinery of the United Nations should be used, first to achieve a cessation of hostilities and then to assist in the search for a peaceful and lasting settlement of the problem.

The United Nations was set up 27 years ago to "save succeeding generations from the scourge of war." The responsibility for maintaining international peace and security, which is incumbent on all states members of the United Nations, is the main function of the Security Council. It is my earnest hope that even at this very late stage the parties to the conflict will agree to use the machinery of the United Nations in their own interest as well as in the interest of world peace.

In view of the Secretary General's obligations under the Charter, I shall also pursue my own efforts with all concerned in the hope of finding a peaceful solution to this tragic situation.

It is a sad commentary on the President's isolation and the low esteem in which the Congress is held by the White House that the letter was apparently not even shown to the President and the reply did not even bear the President's signature. I do not begrudge the thousands of congratulatory letters bearing the President's signature and sent each year to private citizens, but it does seem to me that there is something radically wrong when a communication from 53 Members of Congress on a matter of such gravity is handled in such a prefunctory manner by the President's staff. It says more about the kind of leadership we are getting from the White House than a volume of press releases.

Below are the names of our colleagues who joined in writing the President and who received similar responses from the White House:

LIST OF CONGRESSMEN

Brock Adams, Joseph Addabbo, William Anderson, Herman Badillo, Nick Begich, Jonathan Bingham, Edward Boland, John Brademas, Phillip Burton, Charles Carney, George Danielson, John Dow, Robert Drinan, Bob Eckhardt. Don Edwards, Joshua Eilberg, Joe Evins, Donald Fraser, Sam Gibbons, Ella Grasso, Martha Griffiths, Seymour Halpern, Michael Harrington.

H. John Heinz III, Margaret Heckler, Henry Helstoski, Frank Horton, Joseph Karth, Edward Koch, Arthur Link, Spark Matsunaga, Lloyd Meeds, Abner Mikva, Patsy Mink, Parren Mitchell, William Moorhead, John Moss, Morgan Murphy, Lucien Nedzi, Bertram Podell, Charles Rangel, Thomas Rees, Robert Roe, Benjamin Rosenthal, William Ryan, Paul Sarbanes.

James Scheuer, John Seiberling, James V. Stanton, Frank Thompson, Charles Wilson, Sidney Yates.

WALLACE S. SAYRE

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, it is with a profound feeling of deep personal sadness that I bring to the attention of the House the fact that Prof. Wallace Stanley Sayre of Columbia University died in New York City on May 18.

One of our Nation's outstanding political scientists, Dr. Sayre long played a major role in the administration of the city of New York. His wisdom, vision, and counsel were sought by mayors and other public officials for over 30 years.

Born in West Virginia in 1905, Professor Sayre received his Masters and Doctoral degrees from New York University. In 1938, Mayor Fiorello LaGuardia appointed him a commissioner of the Civil Service Commission. From 1942 to 1946 he held significant positions at the Office of Price Administration. He taught at New York University, Cornell and City College before moving to Columbia University in 1954.

Dr. Sayre was a former member of the executive committee of the Citizens Union, a member of the board of directors of the Regional Plan Association, and a member of the American Academy of Arts and Sciences.

Perhaps no one in public life understood the political complexities of New York City better than Wallace Sayre. His book "Governing New York City," co-authored by Dr. Herbert Kaufman and published in 1960, remains one of the truly perceptive pieces of political literature ever published.

It was a privilege for me to know Professor Sayre as a friend and neighbor. To Mrs. Sayre, their daughters—Alison and Linda—as well as his mother and brothers and sisters, I extend my heartfelt sympathy.

At this point in the RECORD I include a tribute to Wallace Sayre which appeared in the New York Times of May 19, 1972:

[From the New York Times, May 19, 1972]

PROF. WALLACE SAYRE, 66, DIES; AUTHORITY ON CITY GOVERNMENT—HOLDER OF CHAIR AT COLUMBIA WAS CONFERRING WITH MAYOR WHEN STRICKEN AT CITY HALL

(By Paul L. Montgomery)

Prof. Wallace S. Sayre of Columbia University, a leading authority on city government collapsed and died yesterday morning while talking with Mayor Lindsay at City Hall. He was 66 years old.

Dr. Sayre, co-author of the classic "Governing New York City," was in private conversation with the Mayor when he apparently suffered a heart attack. Mr. Lindsay said he had asked the professor to his office to discuss a proposed appointment to the city charter revision commission recently authorized by the State Legislature.

Efforts to revive Dr. Sayre by Detective Patrick Mascia, one of the Mayor's bodyguards, and Dr. Michael McGarvey of the Health and Hospitals Corporation were unavailing. He was pronounced dead at 10:10 A.M. at Beekman Downtown Hospital.

"Our city is significantly diminished by Professor Sayre's passing," the Mayor said.

In his life, Wallace Stanley Sayre combined enough careers for four other men.

One of the nation's leaders in his disciplines of public administration and political science, he held public posts beginning in the La Guardia Administration and there was hardly a civic committee on governmental reform that did not include his name. In addition, he was a devoted teacher whose former students populate his field.

"We've all benefited from him," said Dr. Herbert Kaufman of the Brookings Institution, the other author of the book on governing the city. But even if he hadn't set a word to paper he still would be a giant in the profession. We're not going to see another like him for a long, long time."

Professor Sayre was neither a theoretician nor a statistician, though he knew their literature. His special talent was a wise, practical grasp of political realities as they affected public administration.

"He talked less than the rest of us," said Prof. Herbert Deane, chairman of Columbia's political science department. "But his three sentences were worth somebody else's half-hour. He was most at home in the business of politics, unlike many political scientists these days."

Dr. Sayre was a small-town boy, born near Point Pleasant, W. Va., on June 24, 1905. He attended Marshall College, then got master's and doctoral degrees at New York University. His 1930 dissertation was on the La Follette family of Wisconsin.

While teaching at N.Y.U. and speaking frequently on reform before civic groups, he caught the attention of Mayor Fiorello H. La Guardia. From 1938 to 1942 Dr. Sayre was a commissioner of the Civil Service Commission. Mr. La Guardia ousted him and a colleague, Paul J. Kern, for having criticized the political overtones of appointments.

From 1942 to 1946 Dr. Sayre held posts at the Office of Price Administration, ending as director of personnel.

Dr. Sayre was a former member of the executive committee of the Citizens Union, a member of the board of directors of the Regional Plan Association, and a member of the American Academy of Arts and Sciences.

BOOK IN THE CAMPAIGN

Among his 10 books and numerous articles, "Governing New York City," published in 1960, became best known. The 815-page work considered the city as a competing system of groups and politicians seeking rewards. It is often cited by officials.

"I'll have to bone up on my Sayre and Kaufman," Mr. Lindsay often said when he was campaigning in 1965.

Dr. Sayre taught at N.Y.U., Cornell and City College before moving to Columbia in 1954. At his death he was Eaton Professor of Public Administration.

Dr. Sayre, who lived at 448 Riverside Drive, is survived by his widow, the former Kathryn McKnight; two daughters, Alison and Linda; his mother, Mrs. Alford Sayre of Charleston, W. Va.; three brothers, Howard and Roland of Charleston and N. Dale of Westport, Conn., and four sisters, Mrs. Opal Gunnoe, Mrs. Denver Casto and Mrs. James Massie of Charleston and Mrs. Hubert Rance of Glencoe, Ill.

No funeral service is planned. There will be a memorial service at noon on June 1 in the auditorium of the International Affairs Building at Columbia.

SECTION 312 LOAN FUNDING

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, the Congress, in conformity with its clear constitutional authority to determine exactly what shall be spent and what shall not be spent by the Federal Government, appropriated $100 million for fiscal year 1972 to the Department of Housing and Urban Development for purposes of the so-called 312 low-interest rehabilitation loan program. It is my understanding that $50 million—one-half of the sums appropriated—have still not been released by the executive branch. Bearing in mind that we have only a little more than a month remaining in this fiscal year, if some of my colleagues find themselves thinking of the word "frozen," their suspicions are probably not without foundation.

My colleagues are well aware of the many problems created for communities when funds such as these are held up by the Office of Management and Budget or by the action of the Department of Housing and Urban Development. The situation created for my own city of Portland offers a distressing demonstration of the byproducts of such a delay.

As I have emphasized in letters to both Secretary Romney and OMB Director George Schultz, not only does such a delay have detrimental effects by delaying completion of plans outlined in other programs which depend on the availability of specific program funds, such as achievement of planned NDP or model cities annual goals, but it also creates major management problems for local agencies charged with the responsibility for the carrying out and oversight of these programs at the local level.

Permit me, at this point, to insert portions of a letter to me from Mr. John B. Kenward, executive director of the Portland Development Commission.

DEAR EDITH: I would like to bring to your attention a recurring problem in connection with implementation of Portland's Neighborhood Development Program and other programs of housing rehabilitation in Portland and across the country, which, at this moment, has reached a point of crisis.

The problem has to do with the availability of Section 312 low-interest rehabilitation loan monies which are required to meet the needs of persons of low income for financing improvements to their homes. I am sure you are familiar with the fact that they are available on a first-come, first-served basis to programs utilizing this rehabilitation tool without specific reservations being made to guarantee availability of loan funds to such programs.

It is our understanding that $100 million were appropriated for the Section 312 loan program for the current fiscal year. It was not until September, 1971, however, that the Office of Management and Budget released any of such funds and, then, only about one-half, or approximately $50 million.

Eventually, according to our information, $80,000 of such released 312 loan funds were allocated to HUD's Region X. $142,000 of that amount were immediately needed to fund the loan applications which had been processed and approved for persons undertaking rehabilitation of their homes in our own NDP project areas. It is presumed that other LPA's in Region X had a similar backlog of processed loans awaiting funding, and we were at that time only three months into the Program year.

On April 20, 1972, we were informed by the Regional Office that only $30,000, or approximately one week of 312 loan funding, remains uncommitted in the Region. Our own projects will generate a need for approximately $300,000 in loans to complete the housing rehabilitation programmed for the Second NDP Action Year, and an additional $25,000 will be needed for the Model Cities Housing Repair Program which PDC administers.

NAHRO's Information Center for Community Development has recently completed a survey of member LPA's as to their rate of Section 312 loan money utilization and the extent to which their programs have been affected by the recurrent exhaustions and/or holdbacks of 312 funds. Armed with facts and figures gleaned from such survey, the Information Center's staff is beginning a new effort to seek the release of impounded 312 funds from OMB.

Portland has a vital stake in the successful outcome of such efforts in order to complete the rehabilitation activities programmed through June 30th, and, further, to keep faith with the residents of the NDP areas who have worked so closely and cooperatively in developing programs of neighborhood improvement. For one agency of the Federal Government (HUD) to approve such programs and another agency of the Federal Government (OMB) to withhold the funding authorized and appropriated by the Congress necessary to the successful implementation of the approved programs lends an air of complete futility to the process of citizen involvement and destroys the credibility of the agencies working so hard to carry out the locally-approved programs.

Enclosed is a statement which we have prepared detailing the adverse effect which the present method of making Section 312 rehabilitation loan funds available is having on Portland's program. As you can see, in addition to making it extremely difficult for us to complete program activities programmed for the year, the present start-stop 312 funding technique results in increased administrative costs, poor utilization of staff, discouragement of minority-group contractors and subs participating in the Program, and a widening of the credibility gap between the residents and their local government which we can ill afford. In the words of an unidentified, independent Oregon Yankee, "It's a hell of a way to do business!"

Sincerely,

JOHN B. KENWARD,
Executive Director.

COMMENTS ON SECTION 312 LOAN FUNDING

The recurrent exhaustion and/or holdback of Section 312 rehabilitation loan funds continues to plague the Portland Development Commission's rehabilitation activities under the Neighborhood Development Program.

So far in this action year (July 1, 1971–June 30, 1972) we have had one seven-week period of exhausted 312 funds in which we generated 36 loan applications totaling $191,000. The bulk funding of these applications, when 312 loan funds were once again available, whiplashed the production schedule to such a degree that processing of new applications virtually had to be halted in order to process the paper work and supervise the heavy volume of starts. This start-stop approach to 312 loan funding results in poor utilization of Commission staff with corresponding increase in administrative costs.

Our schedule for utilization of 312 loan funds for the balance of this action year will approximate $300,000. We have been informed that there is approximately $30,000 remaining in Region X at this time. Whether additional funds can be secured before these funds are exhausted is of great concern to us. Portland, of course, is not the only city drawing on these rehabilitation loan funds.

Our staff has worked long and hard for residents of the Neighborhood Development Program (NDP) areas to explain the rehabilitation program and what it can mean to low- and moderate-income families and their neighborhoods. The concept of training and providing job opportunities for small contractors, particularly minority contractors, has been appealing to the neighborhood associations and the Model Cities Citizens' Planning Board which are actively participating in planning the NDP projects. It is difficult for these groups to understand why the program must periodically come to a standstill when Section 312 loan funds are exhausted.

Small minority contractors and other small contractors depend almost entirely upon our rehabilitation programs for their livelihood. Many are capable of handling only one job at a time. This start-stop approach to rehabilitation loan funding has created a situation which has made it even harder to bring and keep this group of contractors in the program. They are not sufficiently funded to carry themselves over the stop period and not large enough to handle several jobs simultaneously when a backlog of applications are suddenly funded. Discouraging these contractors from participating in the program not only defeats one of the major objectives, but also results in one other matter of significance and concern—poor public relations.

As of April 10, 1972, or after 21 months of operations, rehabilitation contracts in excess of $614,000 have been awarded to small minority contractors. This economic impact has been felt throughout the Portland Model Cities Area in which all current NDP Projects are located. We feel that retention and development of these contractors has added materially to the purpose and intent of the Model Cities Program.

Until a specific yearly allocation of 312 rehabilitation loan funds is provided for the full rehabilitation workload programmed for any given action year, this difficult job of rehabilitation will continue to operate with erratic patterns of minimal production and excessive administrative costs. In lieu of such allocation, we feel that consideration should be given to the interim remedy for stop-start 312 loan funding—the authorization for use of local funds to make rehabilitation loans during these periods of 312 loan fund exhaustion, to be reimbursed as new 312 monies are made available. This would level out the peaks and valleys of loan processing which would materially assist in stabilizing the production schedule. We have heard that this plan is now under consideration by HUD Region X officals for Seattle's NDP.

May I say to my colleagues that we cannot forever ignore the implications of such wholesale rebudgeting by the executive branch after the act of appropriation. Freezes on funding such as that which I have cited may become a serious and on-going erosion of that most fundamental weapon of the legislative branch; namely, "the power of the purse."

Moreover, action—or lack of action—by OMB and HUD which results in the delay of funding or the outright impoundment of funds appropriated, fosters something of a credibility gap in regard to HUD's stated goal of increasing local initiative and decisionmaking in the operation of HUD's programs. Though I have applauded their statements and efforts to provide such control and decisionmaking power at the local level, it seems to me that as long as HUD and/or the Office of Management and Budget continues to maintain such absolute control over the timing of the release of appropriated funds, we in the Congress have little option but to conclude that either some officials at HUD or higher officials in this administration are not truly committed to these stated goals of local control.

SEVENTIETH ANNIVERSARY OF CUBAN INDEPENDENCE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, May 20, 1972, marks the 70th anniversary of Cuban Independence. It is a day marked with bitter irony for those free Cubans celebrating its spirit a few short miles from their homeland, yet unable to go home to their lovely green island, the jewel of the Caribbean, which has fallen to a new form of suppression and tyranny—this time enslaved by a Communist dictator, Fidel Castro.

The American people can never accept the destruction of freedom in Cuba, nor can we tolerate the idea of reconciliation with a nation who makes its creed and goal the destruction of democracy in the Western Hemisphere.

We all share the sorrow of the Cuban people who once more long for the freedom of their beloved home; but we can also share with them the hope that the bondage will not much longer endure.

It is in that spirit, Mr. Speaker, that I look forward to a day in the not so distant future, when the 20th of May will once again be celebrated in Havana as well as Miami.

I confidently look forward to that time when Cuba once again will be our free sister nation to the South. The very spirit, faith, and love for freedom which Cuban patriots, past and present, share, is the surest guarantee for the rebirth of Cuban democracy.

THE 70TH ANNIVERSARY OF CUBA'S INDEPENDENCE FROM SPAIN

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, Saturday was the 70th anniversary of Cuba's independence from Spain. Our celebration of that glorious achievement was necessarily restrained, however, by the knowledge that increasingly Cuban sovereignty is again being subjugated to a foreign power, in this case, the Soviet Union.

Recently, a most thorough and concise report on the scope and implications of Cuba's growing dependence on the Soviet Union appeared in the March–April 1972 issue of the USIA publication, Problems of Communism. The article, entitled "Cuba's New Dependency," was written by two eminent scholars from the University of Miami's Center for Advanced International Studies, Leon Goure and Julian Weinkle.

Because of the great interest in Congress in Cuba and in the Soviet Union's activities in our hemisphere, I wish to call the article to the attention of my colleagues in the House:

[From Problems of Communism, March-April, 1972]

CUBA'S NEW DEPENDENCY

(By Leon Goure and Julian Weinkle)

In its steady expansion of economic relations with Cuba over the past decade, the Soviet Union has been motivated primarily by political rather than financial or humanitarian considerations. Basically, Soviet aid and trade do not reflect any major economic need or even any commercial interest in Cuba on the part of Moscow, for the island has little to offer the USSR economy. In fact, Cuba has turned out to be a growing economic liability,[1] for which the Soviet Union has attempted to compensate itself by such measures as the resale of imported Cuban cane sugar. However, the more important compensation has been in the political realm. Moscow views the Cuban Revolution as a triumphant "national liberation movement" which promises to weaken US prestige in Latin America and has given communism a foothold in the Western Hemisphere. Thus it is not surprising that the USSR came to Cuba's assistance when the Castro regime seemed to face economic crisis. As the Soviets have observed, "world socialism helps the national emancipation of oppressed peoples," and conversely, the latter's "liberation struggle contributes to the struggle for socialism. . . ."[2]

But if indeed Fidel Castro's 1959 victory can be said to have contributed to the "struggle for socialism," it also injected a discordant note into relations within the international socialist community. The Cuban leader has sought from the outset to maintain a wide sphere of independence in his dealings with the Soviet bloc, while promoting Castroism as the appropriate political model for both Latin America and the Third World in general. Proudly asserting that "we [Cuba] are not anyone's satellite and never shall be,"[3] he attempted to export his own brand of revolution, much to the chagrin of the USSR. Predictably, serious disputes arose between Moscow and Havana. As Carlos Rafael Rodriguez, Castro's Minister without Portfolio and one of the most influential of Cuba's old-line Communists, was later to acknowledge, "there have been inevitable differences which on some occasions became acute."[4]

The Soviet Union, in attempting to assert its influence over Cuban developments and policies, has lacked the ability to manipulate the local Communist party apparatus or to threaten military intervention as it has been able to do in dealing with the Communist states in Eastern Europe.[5]

Consequently, Moscow has attempted to exercise political control by exploiting Cuba's economic dependence on the Soviet Union. This strategy has proved increasingly effective as Cuba has faced growing economic difficulties at home and Castro's revolutionary ambitions abroad have gone unfulfilled. Moscow has used its economic leverage not only to moderate Castro's independent ideological position and foreign policy objectives but also to guide Cuba's domestic policies along desired lines, thus paving the way for the progressive integration of Cuba into the Soviet bloc.

In its pursuit of this last objective, the USSR has found itself in the awkward position of encouraging Cuba to concentrate on the production of sugar—a policy which not only contradicts past Soviet prescriptions that rapid industrialization is the key to overcoming underdevelopment but also casts the USSR, ironically, in the same exploitative role which Moscow accuses the "imperialist" United States of having played in its prerevolutionary economic relationship with Havana. Soviet spokesmen like to note that Cuba's experience "is significant . . . for the developing countries, whose economic peculiarities continue to be characterized by monoculture, dominance by monopoly capital in the sphere of production, and a complete dependence in foreign trade on the market of a few imperialist states."[6] Cuba's prerevolutionary dependence on the export of sugar to the U.S. is described by the Soviets as "one of the prime elements of that model of international division of labor which the North American imperialists foisted upon the Latin Amerian countries."[7]

After the Revolution, Castro—presumably impelled by such views and in clear emulation of Soviet experience—resolved to launch an ambitious program of industrial diversification while renouncing Cuba's traditional reliance on the production and export of sugar. This program, however, quickly resulted in severe economic setbacks as well as a growing trade deficit with the USSR, which was supplying Cuba with needed capital goods. In light of the growing cost of subsidizing the sputtering Cuban industrialization experiment, Moscow came to view a return by Cuba to its "historically-determined specialization," *i.e.*, sugar monoculture, to be an acceptable "optional model" for the island's future development. Henceforth Cuba was to concentrate on sugar production and deliver large quantities of this commodity to the Soviet bloc in order to offset the economic burden which the Cuban economy had become for the Soviet Union and its East European associates. What had been pictured as a "sin" when Cuba was trading with the United States was now represented as a desirable phenomenon according to the principles of "proletarian internationalism" and "socialist division of labor"—euphemisms for Soviet self-interest.

Once Castro was "persuaded" to accept this reversal of his rapid-industrialization policy, Cuba's dependence on the Soviet bloc inevitably followed—and her vulnerability to Soviet political pressure was rendered even greater by the USSR's own concerted drive to achieve self-sufficiency in sugar. We shall now examine how Havana's dependence on the Soviet bloc as economic benefactor and prime sugar market evolved in the past 11 years of Soviet-Cuban economic relations.

INITIAL SOVIET INVOLVEMENT

Soviet economic involvement in Cuba began essentially as a rescue operation in which Moscow came to Castro's assistance after the latter found himself first threatened with a reduction in US sugar purchases and then, in early 1962, cut off entirely from the US market.[8] Moscow initially remained aloof from Castro and his problems, and it was not until February 1960, during a visit to Havana by Soviet Deputy Premier Anastas Mikoyan, that the USSR signed a trade agreement providing for the Soviet purchase of 425,000 metric tons[9] of sugar that year and one million tons a year in each of the following four years. (Prior to 1960, Soviet purchases of sugar from Cuba had been more modest—205,600 tons in 1955; 214,300 tons in 1956; 350,000 tons in 1957; 197,900 tons in 1958, and 132,500 tons in 1959.[10]) In addition, the Soviet Union granted Cuba a credit of $100 million, at low interest, for the purchase of Soviet machinery and materials required in the "construction of plants and factories."[11] The agreement also called for the resumption of diplomatic relations, which occurred in May 1960.

When the United States in July 1960 cut its annual Cuba sugar quota by 700,000 tons,[12] the Soviet Union agreed not only to increase its own purchases for that year by one million tons but also to take the 700,000 tons left by the United States. (Actual Soviet purchases, however, reached only 1,467,800 tons for the year.) Following an exchange of views in Moscow between Raul Castro and Premier Nikita Khrushchev, the USSR also agreed to supply Cuba with petroleum and other strategic products "in amounts full meeting" Cuba's needs.[13]

The Soviet Union further expanded its economic commitments to Cuba in December 1960, perhaps in part as a response to the signing in October of a Sino-Cuban trade agreement providing for the purchase by the People's Republic of China of one million tons of sugar in 1961 and granting Cuba credits totaling $60 million. Moscow then pledged to buy 2.7 million tons of sugar from Cuba in 1961 at a fixed price of four cents per pound (1.25 cents a pound below the US-subsidized price) "if the United States carries out its threat not to buy Cuban sugar."[14] Under the new commitment, Soviet payments for Cuban products were to be 80 percent in goods and 20 percent in convertible currency.

The 1960 accord also committed the Soviet Union to assist Cuba in its newly-initiated industrialization program—especially in the construction of an iron and steel mill and an oil refinery, and in the development of Cuban petroleum and ore deposits and electric power resources. As US-Cuban trade continued to constrict, the Soviet Union in 1961 bought 3,345,000 tons of sugar, greatly exceeding the commitments made in December 1960. At the same time, Soviet exports to Cuba, including petroleum products and machinery, increased dramatically from 67.3 million rubles ($74.6 million)[15] in 1960 to 258.3 million rubles in 1961, but Cuba still maintained a favorable trade balance with the USSR through 1961 (See Table 1).[16] Clearly, the new relationship with Moscow involved a major reorientation of Cuba's foreign trade. Whereas the island's trade with the Soviet bloc in 1959 amounted to only $16 million, or roughly 2 percent of total Cuban trade, the figures rose to $905 million and 72 percent in 1961 and $1,056 million and 82 percent in 1962. For the same years, the United States' share dropped from 68 percent to zero.[17]

THE FAILURE OF INDUSTRIALIZATION

The Soviet decision to channel significant trade and aid resources into Cuba's industrial development proved ill-conceived. As one foreign observer remarked, "when the Russians came to the rescue of the Cuban Revolution, their sense of solidarity was in direct pro-

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Footnotes at end of article.

portion to their total ignorance of the situation and problems in that country." [18] The Cuban leaders were equally naive, both in assuming that the Soviet Union would finance their industrialization effort without hesitation and in anticipating immediate success for the program. Ernesto "Che" Guevara, then Minister of Industries in the Castro government, predicted that ". . . within a year, industrialization will have eradicated unemployment throughout the country." [19] Regino Boti, President of JUCEPLAN (Junta Central de Planificación—Central Planning Board) and Castro's economic minister, similarly asserted in August 1961 that Cuba's economic growth rate would rise to a level of 10–15 percent in each of the next four years and that Cuba "would be the most industrialized country in Latin America." [20]

Despite such optimism, the Cuban industrialization program soon faltered, and by the end of 1963 the experiment was patently a costly failure which the Soviet Union was no longer willing to underwrite. This experience demonstrated the inadequacies of Moscow's simplistic doctrine stressing rapid industrialization after the Soviet model as the *sine qua non* of economic progress in underdeveloped countries. The failure also generated considerable disappointment and frustration in both Havana and Moscow. As K. S. Karol reports, "much of the obsolete Russian equipment neither met their [the Cubans'] need nor enabled them to get out of their economic difficulties." [21] The Soviet Union, on the other hand, learned the hard way how ill-prepared Cuba had been for diversified industrial development. A 1968 Soviet study frankly recognized this fact:

> Between 1960 and 1963, with the assistance of the socialist countries, a significant number of old enterprises were reconstructed in Cuba, and new plants and factories were built in various branches of industry. However, such a rate of construction inevitably resulted in the dissipation and exhaustion of Cuba's internal savings. Some enterprises were constructed without sufficiently accurate economic calculation. They turned out to be unprofitable since they worked on expensive raw material imported for hard currency and with the insufficiently high labor productivity of poorly qualified Cuban labor.[22]

An important consequence of the disastrous industrialization experiment was the creation of an unfavorable balance in Cuba's trade with the USSR. This came about because of several interrelated developments. First, Havana came to rely on high-priced capital goods and raw materials imported principally from the Soviet Union. Second, in the interest of diversification of the economy, Cuba had cut back sugar production. The result was that, in 1962, Cuba's exports to the USSR declined in value to a point where they failed to balance the growing Soviet shipments to Cuba (see Table 1).

TABLE 1.—VOLUME OF CUBAN TRADE WITH THE SOVIET UNION

[In millions of rubles and percentages]

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Turnover	160.6	539.0	540.7	507.8	588.6	645.9	689.2	842.2	811.8	770.1	1,045.0
Imports	67.2	258.3	330.1	359.8	329.4	337.9	431.9	506.7	561.8	561.6	580.0
Exports	93.4	280.7	210.6	148.0	259.2	308.0	257.3	335.5	250.0	208.5	465.0
Balance	+26.2	+22.4	−119.5	−211.8	−70.2	−29.9	−174.6	−171.2	−311.8	−353.1	−115.0
Cuba's share of Soviet trade (percent)	1.6	5.1	4.5	3.9	4.2	4.4	4.5	5.1	4.5	3.9	4.7
U.S.S.R. share of Cuban imports (percent)	13.8	41.1	54.2	53.1	40.2	49.5	56.3	58.3			
U.S.S.R. share of Cuban exports (percent)	16.7	48.2	42.3	30.2	38.5	47.0	46.2	52.1			

Sources: Vneshniaia torgovlia S.S.S.R: statisticheskii sbornik 1918–66, (U.S.S.R. Foreign Trade: Statistical Handobok 1918–66), Moscow, Mezndunardonie Otnosheniia, 1967, p. 69; Vneshniaia orgovlia S.S.S.R. za 1968 god, (U.S.S.R. Foreign Trade in 1968), Moscow, Mezhdunarodnie Otnosheniia, 1969, p. 15; Foreign Trade (Moscow), No. 6, 1970, p. 55, and No. 5, 1971, p. 48; Compendio estadistico de Cuba, 1967 (Statistical Handbook of Cuba 1967), Havana, Juceplan, 1967, p. 27.

Although Havana's debt to Moscow was beginning to rise, Soviet-Cuban ties deteriorated markedly in the aftermath of what Castro viewed as a Soviet "sell-out" to the U.S. during the 1962 missile crisis. Moscow therefore felt obliged to pacify Castro with further economic concessions. A trade agreement signed in February 1963 raised the Soviet purchase price for Cuban sugar to bring it into line with rising world market prices. A joint communique issued on May 23, 1963, at the end of Castro's visit to Moscow, noted that the Soviet government had proposed the price change "on its own initiative." [23] The agreement also allowed Cuba to withhold delivery of one million tons of sugar due the Soviet Union under the previously designated quota of some two million tons for 1963. While this step doubtless was a response to the sharp decline in Cuban sugar production in that year, the concession ostensibly enabled Cuba to obtain hard currency through sales on the world market.[24] Such currency may have been necessary, particularly, in order to import certain required machinery and equipment which the Soviet Union was unable to provide. In any case, Cuba's trade with non-Communist countries increased to 25.7 percent of her total trade volume in 1963, as compared with 17.6 percent in 1962.[25] But the ultimate result was a further sharp decline in Cuban sugar deliveries to the U.S.S.R. and a marked rise in Cuba's trade deficit with that country.

RETURN TO SUGAR MONOCULTURE

Faced with the realization that its Cuban rescue operation was developing into a costly long-term economic undertaking, Moscow apparently persuaded or forced Cuba to rethink its development policy and return to the traditional concentration on sugar production in order to generate adequate foreign exchange to finance a more modest, decelerated industrialization program and (hopefully) to reduce or eliminate its unfavorable trade balance with the Soviet bloc.

Although Castro had stated at the outset of 1964 that Cuba was entering the New Year with the best economic situation and prospects in a long time,[26] he apparently was persuaded to accept the Soviet view during a visit to Moscow in January of that year. Upon his return he announced that Cuba would henceforth concentrate on increasing sugar production. A long-term trade agreement signed with the USSR in the same month pointedly provided for a schedule of Cuban sugar deliveries totaling more than 24 million tons for 1965–70, at a fixed price of 6.11 cents a pound.[27] Since Soviet payments for Cuban imports were now to be made entirely in the form of goods, Cuba's ability to obtain convertible currency apparently hinged solely on its success in producing sufficient sugar to meet Soviet-bloc commitments and still have a surplus for sale on the world market. As a consequence, the Cuban government announced a five-year sugar plan setting a production target of 10 million tons in 1970.[28] The USSR promised aid in mechanizing sugar harvesting and improving and expanding Cuban sugar mills.

In fact, Cuba failed to achieve its planned level of sugar production for 1965–70 (see Table 2) and to deliver its promised quota of sugar to the USSR during this period (see footnote 27). In a 1970 interview with a Soviet correspondent, Castro admitted:

> "Previously we did not fulfill many pledges, and accordingly—very naturally and justifiably—a certain skepticism developed concerning our economic plans." [29]

On the other hand, the Soviet supply of mechanized sugar harvesting equipment failed to yield expected results. It turned out that the Soviet harvester, imported in large numbers, was unsuited to Cuban conditions. Castro described the machine as "a great destroyer—where it had passed nothing will grow for a long time to come." [30] Although annual sugar output has gradually increased since the disastrous year 1963, when Cuba reportedly was forced to purchase 10,000 tons of sugar each from England and France in order to meet its commitments to Bulgaria and Communist China,[31] labor productivity in Cuban sugar production has actually decreased.

TABLE 2.—CUBAN SUGAR PRODUCTION, 1960–70

Year	Total production [1]	Planned production [1]	Percent of crop exported to U.S.S.R.
1960	5.862		25.0
1961	6.767		49.4
1962	4.815		46.4
1963	3.821		26.1
1964	4.589		40.5
1965	6.082	6.0	38.3
1966	4.866	6.5	37.8
1967	6.236	7.5	39.9
1968	5.315	8.0	32.9
1969	4.700	9.0	30.0
1970	8.520	10.0	35.2

[1] In millions of tons.

Source: International Sugar Organization, Sugar Year Book 1969, London, 1970, p. 52; U.S. Department of Agriculture, Foreign Agriculture (Washington), Nov. 3, 1970, p. 8; Foreign Agriculture Circular, Sugar (Washington), December 1970, p. 11; Foreign Trade (Moscow), No. 9, 1971, pp. 34–55; Hoy (Havana), Oct. 14, 1965.

Shortfalls in Cuban deliveries to the Soviet Union resulted not only from fluctuations in annual sugar production but also from Casto's resolve to meet Cuban commitments to other Communist states and the need to sell sugar on the world market to obtain hard currency. In spite of the rising Cuban trade deficit and increasing political difficulties, Soviet exports to Cuba, according to Moscow sources, increased steadily between 1964 and 1968. In fact, the island has grown increasingly dependent upon Soviet deliveries of petroleum and other critical commodities.

The Soviet Union claims to "fully or almost fully" fill Cuba's needs for oil and petroleum products, mineral fertilizer, sulphur, asbestos, cotton, saw-timber, trucks and special automobiles, and metal-cutting lathes.[32] Cuban imports of petroleum and petroleum products from the USSR rose from 2 million tons in 1960 to 5.7 million tons in 1969. Machinery imports from the Soviet Union rose from 54.8 million rubles in

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Footnotes at end of article.

1961 to 213.9 million rubles in 1969.[33] The following figures for USSR imports to Cuba in 1968 are indicative of the critical types of goods supplied: 287,500 tons of fertilizer, 3,203 trucks and 377 special automobiles, 4,619 tractors, 9,741 agricultural machines and 251 combines, 159 metal-cutting lathes, 6,900 tons of cotton, 480,900 tons of grain, 294,900 tons of flour, 51.7 million cans of meat, 43.8 million cans of milk, and 100,600 tons of fats.[34]

It was only in 1967–68, however, at the height of Castro's quarrel with Moscow, that the Soviet Union was able to turn its economic leverage over Cuba to demonstrable political advantage.[35] Clearly annoyed by Castro's acts of defiance, Moscow resorted to veiled economic sanctions, mainly in the form of irregularities and delays in the delivery of strategic items to Cuba. In January 1968, for example, Castro was forced to announce the immediate rationing of gasoline because of the "limited ability" of the Soviet Union to satisfy Cuba's growing demands.[36] According to Orlando Castro Hidalgo, a defector from the Cuban General Directorate of Intelligence, the shortage of fuel supplies made it necessary for Castro's armed forces to turn over 30 percent of their stocks for use in agriculture.[37] The USSR also delayed for one month the signing of the 1968 annual trade agreement [38] and reportedly began to charge interest on new credits extended to Cuba.[39]

Moscow's pressure apparently achieved an important shift in Soviet-Cuban relations in August 1968, when Castro gave his qualified endorsement to the invasion of Czechoslovakia by Warsaw Pact forces in exchange for an assurance of continued Soviet aid. Soviet economic restrictions were lifted shortly thereafter, and following a round of hard bargaining in late 1968 and early 1969, the annual trade agreement for 1969 was signed without undue delay. This agreement targeted a total trade turnover between the two countries of almost 1,000 million rubles for the year. The USSR was also apparently willing to continue to subsidize the Cuban economy, for the 1969 agreement provided "long-term credit to Cuba to cover the differences in the volume of reciprocal supply of goods and services."[40] Actual trade in 1969 amounted to only 770 million rubles.[41] A likely cause of the discrepancy was Cuba's production of only 4.7 million tons of sugar for the year instead of the targeted 9 million tons.[42]

For its part, the USSR leveled off its exports to Cuba in 1969. However, Soviet shipments resumed their steady growth in 1970, presumably in conjunction with Castro's all-out drive to produce a record 10 million tons of sugar. The 1970 Soviet-Cuban Trade Agreement targeted a turnover of 1,200 million rubles,[43] but the actual total came only to 1,045 million rubles. Although Cuba produced 8.5 million tons of sugar in 1970, it was able to deliver only three million tons of its five million-ton obligation under the 1964 agreement with the Soviet Union.

A new, long-term trade agreement concluded between the two countries in February 1971 stated that Cuba and the Soviet Union were "extending until 1975 the trade and payments agreement," and that the USSR would make deliveries of goods "worth 100 million rubles more than last year."[44] This would amount to 680 million rubles for 1971, based on the 580 million rubles reported for 1970 (see Table 1). The sugar production target for 1971 was originally set at seven million tons but was subsequently reduced by Castro to 6.6 million tons. Cuba actually produced only 5.9 million tons, which means that with the Soviet commitment to increase its exports the Cuban trade deficit in all likelihood will continue to rise.

TABLE 3.—SOVIET SUGAR TRADE

	Imports from Cuba (raw sugar)					Exports from U.S.S.R. (refined sugar)	
Year	Volume [1]	Value [2]	Price paid [3]	Yearly average price on world market [3]	Cost to U.S.S.R. of sugar subsidy [4]	Volume [1]	Value
1960	1,467	93.4	3.21	3.15	1.94	243	22.8
1961	3,345	270.4	4.00	2.70	95.87	414	33.2
1962	2,233	183.6	4.13	2.78	66.46	792	56.4
1963	996	123.2	6.22	8.29	(+45.45)	802	94.1
1964	1,859	222.7	[3] 6.00	5.72	11.48	348	50.2
1965	2,330	273.4	[3] 6.00	2.03	203.93	604	43.9
1966	1,841	225.8	6.11	1.76	176.55	1,070	59.8
1967	2,479	302.3	6.11	1.99	225.17	1,106	58.8
1968	1,749	212.7	6.11	1.12	192.41	1,374	79.5
1969	1,332	161.9	6.11	3.38	80.17	1,081	85.6
1970	3,000	364.3	6.11	3.69	159.72		

[1] In thousands of metric tons.

[2] In millions of rubles.

[3] In cents per pound. The authors have no explanation for these deviations from the 6.11-cent price established in 1964 (the 1964 and 1965 prices, as all others, are derived from official Soviet statistics).

[4] In millions of U.S. dollars.

Sources: Vneshniaia torgovlia SSSR, statisticheskii sbornik, 1918–66, p. 95; Vneshniaia torgovlia SSSR za 1968 god, pp. 32, 50; Vneshniaia torgovlia SSSR za 1969 god, Moscow, Mezhdunarodnie Otnosheniia, 1970, pp. 32, 49; Foreign Trade, No. 9, 1971, pp. 54–55. Figures for average prices on the world market (column 5) are from the International Sugar Organization, Sugar Yearbook 1970, London, 1971.

CASTRO'S MOUNTING DEBT

It seems useful at this point to attempt to assess the overall dimension of Castro's mounting indebtedness to Moscow. According to available Soviet statistics (see Table 1), the cumulative Cuban trade deficit with the USSR for 1960–70 amounted to 1,508 million rubles. It appears likely that the trade deficit for 1971 will amount to approximately another 400 million rubles, which indicates that the cumulative trade deficit will have surpassed 1,900 million rubles, or $2,000 million, by 1972. The trade deficit, however, represents only part of Cuba's total debt to the Soviet Union. Not included in this figure are the cost of maintaining Soviet technical and military advisors in Cuba (in addition to their ruble salaries, they receive substantial monthly living allowances in pesos); the cumulative interest charged on credits since 1968; Soviet loans of hard currency for Cuban purchases in non-Communist countries; military aid; and other forms of assistance. A recent Cuban defector who formerly occupied a responsible position in Cuba's central planning agency claims that Havana's total economic indebtedness to the USSR officially stood at $2,200 million in January 1971. Consequently, the total debt—excluding the cost of Soviet arms assistance—is likely to approach $3,000 million by 1972.

It is difficult, of course, to make an accurate assessment of the true cost of Soviet assistance to Cuba. This is particularly so because the prices charged by the Soviet Union for its exports to Cuba appear in many instances to have been inflated over world market prices. An estimate by the National Bank of Cuba places the total cost of the Soviet goods supplied to Cuba at about 50 percent above what Cuba would have had to pay if it had been able to purchase the same quality and types of goods from non-Communist countries. To pay for these goods, Cuba is required to deliver sugar—the only medium it has for generating urgently needed dollar exchange. In effect, Castro is "forced to make dollar investments for ruble sales."[45]

There are other factors, however, which are to Cuba's advantage. In the first place, the Soviet price paid for Cuban sugar has remained above the prevailing world market price since 1964. Furthermore, Moscow has shown considerable leniency in relaxing Cuba's quota for sugar deliveries to the USSR, apparently in order to allow Havana to make hard-currency sales on the world market. (It might be noted in this regard that in May 1971 Cuba's annual quota under the International Sugar Agreement for sales on the world market was set at 2.3 million tons.[46])

Another measure of Soviet aid to Cuba is the volume of Soviet shipping engaged in traffic between the two countries. According to a 1969 Moscow shipping report, 400 Soviet vessels called at Cuban ports on 1,600 occasions that year.[47] This same source stated that "an average of 60–65 large vessels are daily sailing between Cuba and the USSR or are in the ports of both countries," and that more ships would be placed in service "in the next few years." It was also reported that besides the Black Sea ports of Odessa, Novorossiisk, Tuapse, and Batumi—the main shipping points for trade with Cuba—the port of Feodosiya in the Crimea was added at the end of 1968, and a special oil jetty was built there to facilitate the loading of tankers destined for Cuba.[48] According to a Moscow radio broadcast, Soviet ships in 1969 carried 7.8 million tons of cargo to Cuba, including 5.6 million tons of oil, but brought back only 1.3 million tons of cargo from Cuba.[49] This indicates that the Soviet Union bears the additional cost of a highly uneconomical use of its ships in the Cuban trade—a factor further compounded by the long delays in loading and unloading in Cuban ports.

SOVIET-CUBAN SUGAR TRADE

Important to any assessment of the Soviet Union's support of the Cuban economy is an attempt to draw some balance for the trade in sugar between the two countries. This trade, together with Soviet deliveries of critical supplies and equipment to Cuba, has brought Cuba to the position of the sixth largest trading partner of the USSR.[50] The Soviet Union, itself a major sugar producer, has been willing to pay high "subsidized" prices for large quantities of Cuban cane sugar. It would appear that this sugar has not only helped supplement Soviet production in meeting domestic demand in the USSR but also provided the Kremlin with a marketable surplus of refined sugar which it has utilized for hard-currency sales and other foreign deliveries.

Let us examine first the matter of the Soviet sugar subsidy. As shown in Table 3, the Soviet Union has paid a price for Cuban

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Footnotes at end of article.

sugar in excess of the prevailing world average price in every year since 1960 except 1963, when the Soviet Union raised its payments significantly, but not enough to equal the brief upsurge in world prices. When Khrushchev and Castro agreed in 1964 to a stable long-term price of 6.11 cents a pound, they both apparently believed it to be a fair one. Had Cuba been able to deliver in full its annual commitments of sugar to the USSR, this would in all probability have balanced the cost of Cuban imports from the Soviet Union. Furthermore, if world sugar prices had remained high, Moscow might even have realized a profit in its Cuban trade by reselling imported sugar on the world market.

What actually occurred, however, is that Cuba failed to deliver the promised quantities of cane sugar, while at the same time the 6.11-cent price proved consistently higher than the average world price in every ensuing year. Thus, according to Soviet figures and the average annual world market sugar prices, the net subsidy to Cuban sugar for 1960–70 amounted to a cumulative total of $1,168 million (see Table 3) over what the USSR would have paid for deliveries if it had paid the prevailing average world market price in each year.[51] Of course, from 1965 on, these sugar purchases were exclusively applied against Cuban purchases of Soviet goods in what amounted to barter, or paper, transactions. (Before that, some 20 percent of Soviet sugar purchases had been paid for in convertible currency.) As noted above, these Soviet goods were also overpriced by world standards, or so Cuba has claimed. It is therefore virtually impossible to draw a definitive balance sheet for this bilateral trade relationship.

Whatever the economic balance, however, Moscow did gain several secondary benefits from its "subsidization" of Cuban sugar production. As we have seen, the large debt incurred by Cuba gave the USSR leverage over Castro and the Cuban economy. Also, favorable propaganda capital accrued from Soviet "generosity" toward Cuba and its willingness to pay prices considerably higher than those offered on the world market for Cuban sugar: Cuba's "liberation" from the fluctuations of world sugar prices was presented as an example of the USSR's "internationalism" and of its "disinterested" efforts to stabilize the Cuban economy. Significantly, when the long-term trade agreement came up for renewal in 1971, the fixed price of 6.11 cents per pound for Cuban sugar was extended for five years.

The decision to import large amounts of Cuban sugar has had a major impact on the Soviet Union and its trading partners in Eastern Europe. For example, Poland and Czechoslovakia—would as recently as 1962 had delivered a total of 231,000 tons of refined sugar to the USSR—saw their sugar deliveries to the Soviet Union dwindle to only 1,400 tons in 1965.[52] At the same time Moscow has become an increasingly significant exporter of sugar, thanks to the growing shipments from Havana. From a total of 242,900 tons exported in 1960, the Soviet Union has expanded its sugar exports to 1,374,000 tons in 1968 and 1,080,800 tons in 1969 (see Table 3). The greater part of Soviet sugar exports in recent years have been to non-Communist countries of the developing world—notably Afghanistan, Iran, Iraq, Sudan, the United Arab Republic, and Yemen. Finland and Yougoslavia are also important sugar customers, while Soviet-bloc countries receive only some 15 to 20 percent of Soviet sugar exports.

TABLE 4.—CUBAN TRADE WITH COMECON MEMBERS EXCLUSIVE OF USSR

[In millions of dollars]

	1960	1961	1962	1963	1964	1965	1966	1967
Turnover	31.6	151.2	233.2	268.4	211.0	196.2	229.2	232.2
Cuban trade	2.3	11.9	18.2	19.0	12.2	12.6	15.1	13.5
Exports	11.7	61.4	110.3	124.1	54.5	100.2	100.9	115.1
Imports	19.9	89.8	122.9	144.3	156.5	96.0	118.7	117.1
Balance	−8.2	−28.4	−12.6	−20.2	−102.0	+4.2	−7.8	−2.0

SOURCE: C. Paul Roberts, ed., Cuba, 1968, supplement to the Statistical Abstract of Latin America, Latin American Center, University of California, Los Angeles, 1970, pp. 168-69.

Beyond providing Moscow with an exportable commodity, the Cuban sugar imports would also appear to have helped meet Soviet domestic consumption and stockpiling requirements.[53] Comparing data on Soviet imports of Cuban sugar with the amounts of sugar exported by the USSR (Table 3), one finds that the Cuban shipments to the USSR more than covered the latter's exports. This would indicate that the Soviet Union, despite being the world's largest sugar producer and despite its prodigious efforts to expand beet-sugar production (in 1966–70, the USSR produced 37 percent more sugar than in the 1961–65 period), still falls short of self-sufficiency. Evidently Moscow is continuing its efforts to achieve this goal, for the 1971–75 Five-Year Plan calls for a further "significant increase" in beet-sugar production.[54]

One may ask why Soviet planners are unwilling to rely for their needs on the "socialist division of labor," which has made Cuba a major supplier of sugar to the socialist world. One reason may be that the USSR is uncertain about Cuba's economic and political future and hence is loath to become dependent on that country for Soviet domestic consumption. Furthermore, reliance on Cuba for sugar would mean surrendering the Kremlin's economic leverage over Castro. Finally, by becoming self-sufficient in sugar, the USSR can hope to earn growing amounts of hard currency through the resale of refined Cuban sugar or the sale of its equivalent in beet sugar. This may, in Moscow's economic calculus, offset some of the losses incurred in its trade with Cuba. From the Cuban viewpoint, it means that Moscow and Havana will be competing for sales on the world market, the former on the strength of Cuban sugar deliveries.

HAVANA AND COMECON

Although Moscow is not willing to become dependent on its trade with Cuba, it does seem intent on integrating the island's economy more closely into the "world socialist economy." As one Soviet commentator observed, Cuba's development must be based not on the rejection of historically-determined specialization but on the wise use of all its possibilities with the purpose of capital accumulation and transfer in the future to a more effective and rational structure of the national economy within the framework of the international socialist division of labor.[55]

While Cuba is regarded as a member in good standing of the "community of socialist states," it has yet to join Comecon (Council for Mutual Economic Assistance—the main economic institution of the Soviet bloc). Havana is content to send an occasional observer to Comecon meetings,[56] and the Council's membership seems none too eager to have Cuba join, perhaps in light of the heavy burden which Havana has already been to the bloc.

Nevertheless, Cuba continues to maintain close economic ties with other Comecon countries besides the USSR. A number of these have, in turn, granted Castro long-term credits—*e.g.*, a loan from Czechoslovakia in 1960 of $40 million for industrial construction, a credit of $20 million from the German Democratic Republic in 1968 to buy hydraulic equipment, a credit of $30 million from Romania in 1968 for oil-drilling equipment, and an unspecified amount from Bulgaria in 1968 for refrigeration equipment.[57] In 1970, additional credits were granted to Cuba by Hungary, Bulgaria, Poland, and the GDR. These credits have been necessary, at least in part, because of the consistent deficit which Cuba has been running in its trade with the Comecon states (exclusive of the USSR). The deficit had mounted to a cumulative total of $177 million through 1967 (see Table 4). As in the case of trade with the Soviet Union, the bulk of Cuba's exports to these countries is accounted for by sugar, although they also include tobacco, nickel, and alcohol. Since 1963, Cuban sugar exports to the East European members of Comecon has fluctuated from a low of 250,000 tons to a high of 796,000 tons (in 1969).[58] It is interesting to note that Bulgaria and the German Democratic Republic pay significantly less for Cuban sugar than does the USSR—their respective costs being 5.15 and 5.53 cents a pound, as compared to 6.11 cents for the Soviet Union.

Cuba also trades with the People's Republic of China, Albania, North Korea, and North Vietnam. Cuban exports of sugar to China have amounted to as much as 556,000 tons in a single year,[59] and in return China has supplied rice—a staple of the Cuban diet. In recent years, Cuba's annual sugar exports to Communist states other than the USSR appear to have been in excess of one million tons. In February 1971, Cuba agreed to deliver 120,000 tons of sugar to Chile each year for three years, mainly in exchange for agricultural produce.[60]

TOWARD INTEGRATION

Although Castro has yet to join the USSR-dominated Comecon, he has been under increasing pressure to integrate his economic programs more closely into the Soviet scheme of things. Domestic economic setbacks in Cuba and the 1970 expiration of the long-term trade agreement with the USSR set the stage for a new step in this direction. In December 1970, the Soviet news agency Tass announced the formation of a Soviet-Cuban Intergovernmental Commission for Economic, Scientific and Technological Cooperation. The report commented that "the new commission will deal with the question of further improvement of economic relations, especially draft proposals for organizing cooperation between planning bodies, industries, and departments."[61] Carlos Rafael Rodriguez, speaking at the signing ceremony, stressed that "the establishment of the new commission raises Soviet-Cuban cooperation to a high level, will give an opportunity to plan joint works over a long period of time, and will help make better use of economic resources."[62]

The first session of the joint body was held in Havana in September 1971. V. Novikov, Deputy Chairman of the USSR Council of

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Footnotes at end of article.

Ministers, who headed the Soviet delegation, stated prior to departing from Moscow that the commission would examine "a vast number of problems in Havana in order to increase Soviet-Cuban economic links."[63] These matters were said to include future collaboration in nickel production, power generation and transmission, irrigation construction, manufacture of medicines, and production of cane harvesters. Upon his return, Novikov indicated that "one of the fundamental problems of the session was the examination of the fulfillment of commercial contracts between the two countries in the past two years and at present."[64]

In a broader perspective, the commission seems designed to get Cuba to develop more effective economic planning geared to the USSR's Ninth Five-Year Plan. According to a Cuban source, the December 1970 agreement was followed by the arrival in Cuba of large numbers of Soviet planning specialists and economists who were to help the Castro government place its long-term planning on a more rational and efficient basis. It has since been reported that Soviet advisors and technicians are working at all levels of the Cuban economic structure to help correct critical shortages and develop fundamental areas of the economy.[65]

If the Soviet Union should succeed in reshaping the Cuban planning structure, the position of professional economic planners and managers would doubtless be strengthened. This, in turn, might result in a further increase of Soviet influence, for most of the planners have been trained by Moscow. Furthermore, in an attempt to ease its critical shortage of technicians, managers, and skilled workers, Cuba has sent large numbers of its citizens to the USSR for training. During the years 1960–65, a total of 3,000 Cuban agricultural workers, 200 shipping and fisheries officials, and 500 Cuban students attended Soviet technical schools.[66] By 1968, some 2,600 Cubans had attended Soviet universities, and some 700 more were studying there in 1969.[67] A 1971 Soviet newspaper account made mention of 3,500 Cuban technicians who had studied in Soviet technical schools and 5,000 Cuban skilled workers who had received on-the-job training in Soviet industry.[68] Significally, the September 1971 meeting of the Soviet-Cuban intergovernmental Commission specifically examined the question of "training of national [Cuban] cadres."

AN UNEASY PARTNERSHIP

What, then, is the prognosis for the Soviet-Cuban economic relationship?

Despite continuing expressions of mutual regard as well as ever-increasing political subservience on the part of Havana, collaboration in the economic sphere can be expected to continue to generate frustration and irritation on both sides. While granting credits designed to help Cuba "overcome the difficulties connected with the deficit in foreign trade,"[69] Moscow would clearly prefer that Cuba pay its own way within the Soviet bloc. Yet the trade deficit continues to grow, with little likelihood of reduction in the near future. Meanwhile, the Russians do not hide their dissatisfaction. According to one close observer, they 'tell all who care to listen" that they "have been pampering this ungrateful island, and that they can never recover their investments with any amounts of sugar, nickel, and tobacco Cuba may be able to send."[70]

The Cuban leadership, on the other hand, seemingly expected the USSR to provide Cuba with unlimited aid on account of Moscow's "internationalist" obligation to support another socialist state, and it has been disappointed at discovering that Moscow not only places a high premium on its assistance but also expects gratitude in return. On the subject of this Soviet aid, Castro once complained that "they give us nothing for nothing (i.e., for free), and then act as if they were our greatest benefactors, as if they were showering us with gold!"[71]

Nonetheless, neither side is ready to break up the partnership. The Soviet Union, for its part, is apparently willing to continue paying the price, high as it may be, in order to preserve a Communist regime and salient in the Americas which it hopes can be effectively used to reduce the role of the U.S. It believes that "understanding is growing in Latin America of the fact that the scope of the movement against US influence will become broader when the blockade and artificial isolation of Cuba is ended,"[72] and that Chile's resumption of trade and diplomatic relations with Cuba is a "serious blow to Washington" which sets an example of "independent'" foreign policy for other Latin American countries.[73]

Castro, in turn, has persisted in asserting that he will not rejoin the OAS if it means loosening Cuba's military ties with the Soviet Union and abandoning his support of revolutions in the Americas.[74] Yet, ironically, Havana's renewed access to its natural markets and primary source of supplies—i.e., the Western Hemisphere, and particularly the United States—offers the only practical means of reducing its economic vassalage to the USSR and of slowing down the process of Cuba's progressive integration into the Soviet bloc.

FOOTNOTES

[1] Soviet aid to Cuba is presently believed to exceed one million dollars a day. In the past decade, according to Norman Gall, Cuba has received more foreign economic aid per capita than any nation on earth. See Norman Gall, "How Castro Failed," *Commentary* (New York), Vol. 52, No. 5, November 1971, p. 56.

[2] *The USSR and Developing Countries,* Moscow, Novosti Press Agency Publishing House, n.d., p. 17.

[3] *Bohemia* (Havana), March 19, 1965.

[4] Prensa Latina (English), June 12, 1969.

[5] Cuba presents special problems in this respect, being too distant from the USSR to be susceptible to control by the Soviet armed forces. The Soviet tactic of using local Communist parties to achieve Moscow's political ends also proved unfeasible in Cuba, where Castro managed very quickly to gain control of the PSP (*Partido Socialista Popular*—Popular Socialist Party) and convert this Communist party into an instrument of his own personal power.

[6] A. D. Bekarevich, *Kuba: vneshneekonomicheskie otnosheniia* (Cuba: Foreign economic Relations), Moscow, Nauka, 1970, p. 5.

[7] *Ibid*, p. 20.

[8] All trade between Cuba and the United States was suspended in February 1962, one month after the Organization of American States (OAS) foreign ministers had voted at Punta del Este, Uruguay, to exclude Cuba from participation in the Inter-American system because of its "incompatible" ties with a Marxist-Leninist government *i.e.,* the USSR). The OAS subsequently voted, in July 1964, to condemn Cuban aggression and intervention against Venezuela and called on member states to "suspend all their trade, whether direct or indirect with Cuba, except in foodstuffs, medicines, and medical equipment that may be sent to Cuba for humanitarian reasons." See *Final Act. Ninth Meeting Consultation of Ministers of Foreign Affairs Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance,* Pan American Union, OEA/Ser. C/11.9 (English), Washington, D.C., 1964, p. 6.

[9] In this paper, all tonnage figures are in metric tons, except where otherwise noted.

[10] *Vneshniaia torgovlia SSSR: statistichekii sbornik 1918–1966* (USSR Foreign Trade: Statistical Handbook 1918–1966), Moscow, Mezhdunarodnie Otnosheniia, 1967, pp. 227–28.

[11] *Pravda* (Moscow), Feb. 15, 1960.

[12] In the five years preceding the Cuban revolution of 1959, the United States purchased about 50 percent of Cuba's average annual sugar production of 5.1 million tons. See International Sugar Organization, *Sugar Year Book 1960,* London, 1961, p. 38.

[13] *Pravda,* July 21, 1960.

[14] *Hoy* (Havana), Dec. 20, 1960.

[15] For the purposes of this paper, the Soviet ruble is considered equal to $1.11 (US), and the Cuban peso at part with the US dollar.

[16] A word of caution is in order concerning data on Soviet and Cuban economic activities. Both governments, as well as the various bureaus within them, publish "official" statistics on these operations. They are not always in agreement, which tends to cast a measure of doubt on their overall reliability. For a discussion of the problems arising in connection with the use of Soviet and Cuban economic and trade data, see Carmelo Mesa Lago, "Availability and Reliability of Statistics in Socialist Cuba," *Latin American Research Review* (Austin, Texas), Vol. 4, No. 1, Spring 1969, pp. 53–91, and No. 2, Summer 1969, pp. 47–81. Also see Vassili Vassilev, *Policy in the Soviet Bloc on Aid to Developing Countries,* Paris, Development Center of the Organization for Economic Cooperation and Development, 1969, pp. 61–74. Similarly, statistics from Western sources—such as the International Sugar Organization, the United Nations and the US Department of Agriculture—do not always agree. However, these various sources are sufficiently close to reflect the general trends, as well as the critical points, in Soviet-Cuban relations. For the purpose of consistency in this discussion, Soviet sources will be used insofar as is possible, with other sources being cited only where Soviet information is not readily available.

[17] Republic of Cuba, *Boletin estadistico 1966* (Statistical Bulletin 1966), Havana, JUCEPLAN, 1966, p. 124; *Compendio estadistico de Cuba 1967* (Statistical Handbook of Cuba 1967), JUCEPLAN, Havana, 1967, p. 27 (Original figures in pesos).

[18] K. S. Karol, *Guerrillas in Power,* New York, Hill and Wang, 1970, p. 209.

[19] *Ibid,* p. 49.

[20] *Ibid,* p. 218.

[21] *Ibid,* p. 282.

[22] V. V. Volskii, Ed., *Kuba: 10 let revoliutsii* (Cuba: Ten Years of the Revolution), Moscow, Nauka, 1968, p. 226.

[23] Stephen Clissold, Ed., *Soviet Relations with Latin America, 1918–1968: A Documentary Survey,* New York, Oxford University Press, 1970, p. 285.

[24] *Ibid.* In May 1963, sugar prices on the world market stood at nine cents (US) per pound.

[25] *Compendio estadistico de Cuba 1967,* p. 27.

[26] See Castro's speech of January 2, 1964, in *Bohemia,* No. 2, Feb. 10, 1964, p. 39.

[27] *Pravda,* Jan. 23, 1964. The agreement stipulated the following schedule of sugar deliveries: 2.1 million tons in 1965; 3 million tons in 1966; 4 million tons in 1967; and 5 million tons a year in 1968–70.

[28] *Hoy,* Oct. 14, 1964.

[29] *Ogoniok* (Moscow), No. 21, June 1970, p. 3.

[30] Karol, *op. cit.,* p. 48.

[31] *The New York Times,* April 30, 1964.

[32] Volskii, *op. cit.,* p. 253.

[33] *Vneshiaia torgovlia Soiuza SSR za 1968 god* (USSR Foreign Trade in 1968), Moscow, Mezhdunarodnie Otnosheniia, 1969, p. 288; *Vneshniaia torgovlia SSSR za 1969 god* (USSR Foreign Trade in 1969), Moscow, Mezhdunarodnie Otnosheniia, 1970, p. 50.

[34] *Vneshniaia torgovlia SSSR za 1968 god,* p. 293.

[35] A major dispute during this period involved the trial in 1968 of a "microfaction" of old-line Cuban Communists headed by Anibal Escalante. This group was accused of

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Footnotes at end of article.

having conspired with representatives of the Soviet Czechoslovak and German Democratic Republic's Communist parties to "destroy the firmness of the [Cuban] revolutionary forces." See *Granma* (Havana), Feb. 2, 1968.

[36] *Ibid.*, Jan. 3, 1968.

[37] *Communist Threat to the United States through the Caribbean: Hearings Before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, United States Senate*, Part 20, October 16, 1969, Washington, DC, US Government Printing Office, 1970, p. 1426.

[38] *Granma*, May 23, 1968.

[39] Kevin Devlin, "The Soviet-Cuban Confrontation: Economic Reality and Political Judo," from the Research Department of Radio Free Europe, April 1, 1968, pp. 15–16, cited in Edward Gonzales. "Castro: The Limits of Charisma," *Problems of Communism* (Washington), July–August 1970, p. 21.

[40] Radio Moscow, Feb. 7, 1969.

[41] *Foreign Trade* (Moscow), No. 6, 1970, p. 55; *Vneshniaia torgovlia SSSR za 1969 god*, p. 15.

[42] US Department of Agriculture, Foreign Agricultural Circular, Sugar, December 1970, p. 11, gives a production figure of 5.2 million short tone. Carmelo Mesa-Lago, "Ideological Radicalization and Economic Policy in Cuba," Studies in Comparative International Development, (Beverly Hills, California) Vol. 5, 1969–1970, p. 207, places 1969 sugar production at 4.46 million metric tons. The International Sugar Organization, The Sugar Year Book, 1969, London, 1970, p. 52, places the figure at 5.534 million metric tons for the entire 1968—69 harvest period.

[43] Radio Moscow, TASS International Service, Dec. 9, 1970.

[44] Radio Moscow, Feb. 22, 1971.

[45] Karol, *op. cit.*, p. 424.

[46] Cuba's 1972 quota for sugar sales on the world market, as established at the Seventh Session of the International Sugar Council meeting in London last November, is 2,257,500 tons. This compares with a 1972 quota of 1,175,000 tons set for the USSR. See International Sugar Organization Press Release (71) 17, London, Nov. 19, 1971.

[47] Moscow Maritime Press Service, July 4, 1969.

[48] Radio Moscow, Feb. 14, 1969.

[49] Moscow Maritime Press Service, March 25, 1970.

[50] The New York Times, March 24, 1971.

[51] See Table 2. According to Bekarevich, Soviet price support of Cuban sugar for 1960–67 alone amounted to $730.1 million (*op. cit.*, p. 213).

[52] *Vneshniaia torgovlia SSSR . . . 1918–1966*, p. 159.

[53] According to available Soviet statistics, sugar reserves of the USSR in terms of days of domestic consumption declined from 75 days in 1963 to 56 days in 1964, and then rose to 99 days in 1965. (It also appears that in 1963 the USSR increased sugar exports to take advantage of high world prices.) *Narodnoe khoziaistvo SSSR v. 1964 g.* (The USSR National Economy in 1964), Moscow, Gosstatizdat, 1965, p. 634, and *Narodnoe khoziaistvo SSSR v 1967 g.* (The USSR National Economy in 1967), Moscow, Gosstatizdat, 1968, p. 721. In 1963, a sharp drop in Cuban sugar shipments (to 996,000 tons) and a decline in Soviet beet sugar production likely caused a depletion of Soviet stocks. Although Cuban shipments rebounded to 1,859,000 tons in 1964, Soviet exports of sugar dropped sharply to 348,000 tons (compared with 802,000 tons in 1963). One may infer that the Cuban shipment went to replenish the sugar stocks of the USSR.

[54] *Pravda*, Feb. 14, 1971.

[55] Volskii, *op cit.* p. 159 (emphasis added).

[56] Daniel Tretiak, *Cuba and the Communist System: The Politics of a Communist Independent (1967–1969)*, Waltham, Massachusetts, Westinghouse Electric Corporation Advanced Studies Group, July 1969, p. 22.

[57] Volskii, *op. cit.*, p. 277–88 (original data given in pesos).

[58] *Sugar Year Book, 1969*, p. 53–56.

[59] *Ibid.*

[60] Radio Havana, Feb. 17, 1971. The Santiago (Chile) daily, *Puro Chile*, reported on February 28, 1971, that Cuba has been paying for imports of agricultural products in US dollars.

[61] Radio Moscow, TASS International Service, Dec. 9, 1970.

[62] *Ibid.*

[63] Radio Moscow, Sept. 2 and 11, 1971.

[64] *Ibid.*, Sept. 25, 1971.

[65] *The Miami Herald*, April 14, 1971; *Latin America* (London), May 7, 1971.

[66] Volskii, *op cit.*, p. 334.

[67] Radio Moscow, Jan. 22, 1969.

[68] *Komsomolskaia pravda* (Moscow), Jan. 27 1971.

[69] Volskii, *op. cit.*, p. 165.

[70] Karol, *op. cit.*, p. 425.

[71] *Ibid.*, p. 426.

[72] A. Aleksin, " 'Tikhaia' Interventsiia" (The "Silent" Intervention), *Kommunist* (Moscow), No. 10, July 1970, p. 98.

[73] *Pravda*, Nov. 14 and 15, 1970; *Izvestia* (Moscow), Nov. 17, 1970.

[74] Radio Havana, April 20, 1971.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. William D. Ford (at the request of Mr. Boggs) for today on account of illness.

Mr. Mann (at the request of Mr. Boggs) for today, May 22, and Tuesday, May 23, on account of a death in the family.

Mr. Rangel (at the request of Mr. Boggs) for today on account of official business.

Mr. Kluczynski (at the request of Mr. Boggs) for Monday, May 22, Tuesday, May 23 and Wednesday, May 24, on account of official business.

Mr. Del Clawson (at the request of Mr. Gerald R. Ford) on account of illness.

Mr. McClory (at the request of Mr. Gerald R. Ford) for June 3 through June 14 on account of official business.

Mr. Eshleman (at the request of Mr. Gerald R. Ford) for today and the balance of the week on account of continued recuperation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McKinney), to revise and extend their remarks, and to include extraneous matter to:)

Mr. Beister, today, for 5 minutes.
Mr. Veysey, today, for 5 minutes.
Mr. Kemp, today, for 15 minutes.
Mr. Poff, today, for 10 minutes.
Mr. Halpern, today, for 5 minutes.
Mr. Quie, on May 31, 1972, for 1 hour.
Mr. Esch, today, for 5 minutes.

(The following Members (at the request of Mr. Gonzalez), to revise and extend their remarks, and to include extraneous matter to:)

Mr. Diggs, today, for 10 minutes.
Mr. Aspin, today, for 10 minutes.
Mr. Begich, today, for 30 minutes.
Mr. Pepper, today, for 10 minutes.
Mrs. Grasso, today, for 10 minutes.
Mr. Matsunaga, on May 23, for 30 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden and to include a statement.

(The following Members (at the request of Mr. McKinney), and to include extraneous matter:)

Mr. Schwengel, in two instances.
Mr. Blackburn.
Mr. Gerald R. Ford in two instances.
Mr. Springer in five instances.
Mr. Arends.
Mr. Derwinski in two instances.
Mr. Goodling.
Mr. Zwach. in three instances.
Mr. Hosmer.
Mr. Nelsen.
Mr. Davis of Wisconsin.
Mr. Kemp in two instances.
Mr. Bell.
Mr. Ashbrook in three instances.
Mr. Frenzel.
Mr. Wyman in two instances.
Mr. Halpern in three instances.
Mr. Broomfield.
Mr. Esch.
Mr. Quie.
Mr Hunt.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Drinan.
Mr. Begich in three instances.
Mr. Matsunaga.
Mr. Hagan in three instances.
Mr. Rogers in five instances.
Mr. Rarick in three instances.
Mr. Gonzalez in three instances.
Mr. Hamilton in two instances.
Mr. Flood in two instances.
Mr. Ryan in three instances.
Mr. Gettys in two instances.
Mr. Wolff in four instances.
Mr Celler.
Mr. Brasco.
Mr. Purcell in five instances.
Mr. Hungate.
Mr. Brinkley.
Mr. Hanna in three instances.
Mrs. Griffiths in two instances.
Mrs. Abzug in 10 instances.
Mr. Adams.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 23, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Unler clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2007. A communication from the President of the United States transmitting proposed amendments to the budget for the District of Columbia for fiscal year 1973 (H. Doc. No. 92–299) to the Committee on Appropriations and ordered to be printed.

2008. A communication from the President of the United States, transmitting amendments to the request for appropriations in the budget for fiscal year 1973 for the Civil Service Commission and the Equal Employment Opportunity Commission (H. Doc. No. 92–300) to the Committee on Appropriations and ordered to be printed.

2009. A communication from the President of the United States, transmitting amendments reducing the request for appropriations in the budget for fiscal year 1973 for the General Services Administration (H. Doc. No. 92–301) to the Committee on Appropriations and ordered to be printed.

2010. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various facilities projects proposed to be undertaken for the Air National Guard, pursuant to 10 U.S.C. 2233(a)(1); to the Committee on Armed Services.

2011. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various facilities projects proposed to be undertaken for the Naval and Marine Corps Reserves, pursuant to 10 U.S.C. 2233(a)(1); to the Committee on Armed Services.

2012. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the submarine U.S.S. *Silversides* (exAGGS–236) to the Combined Great Lakes Navy Association, Chicago, Ill., pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

2013. A letter from the Commissioner, District of Columbia, transmitting a draft of proposed legislation to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide relocation payments for persons displaced by local code enforcement in the District of Columbia; to the Committee on the District of Columbia.

2014. A letter from the Deputy Assistant Secretary of the Interior, transmitting copies of several proposed concession permits under which various concessioners will be authorized to operate float trips on the Colorado River during a period ending December 31, 1976, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

2015. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed grant with the University of Utah, Salt Lake City, for a research project entitled "Informational Core Drilling in Utah's Tar Sand Deposits," pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

2016. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to increase the annual appropriation authorization of the National Advisory Committee on Oceans and Atmosphere; to the Committee on Merchant Marine and Fisheries.

2017. A letter from the Administrator of Veterans' Affairs; transmitting a draft of proposed legislation to amend title 38, United States Code, to provide more equitable standards under which the Administrator of Veterans' Affairs may waive recovery of overpayments of veterans benefits and release or waive liability with respect to certain home loans; to the Committee on Veterans' Affairs.

Received From the Comptroller General

2018. A letter from the Comptroller General of the United States, transmitting a report covering calendar years 1970 and 1971 summarizing the progress made by Federal agencies in developing and improving their accounting systems in accordance with the requirements of the Congress and with the related principles and standards prescribed by the Comptroller General; to the Committee on Government Operations.

2019. A letter from the Comptroller General of the United States, transmitting a report on the opportunities for improving the administration of the Government-wide indemnity benefit plan of health insurance for Federal employees and annuitants; to the Committee on Government Operations.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTION

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 5332. A bill to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes; with amendment (Rept. No. 92–1073). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 5721. A bill pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon; with amendment (Rept. No. 92–1074). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 6575. A bill to amend the act entitled "An Act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma", approved October 31, 1967 (81 Stat. 337) with amendment (Rept. No. 92–1075). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 8694. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets No. 22–E and 22–F, and for other purposes; with amendment (Rept. No. 92–1076). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 9032. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket No. 91, and for other purposes (Rept. No. 92–1077). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 10394. A bill to provide for the division and for the disposition of the funds appropriated to pay a judgment in favor of the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Mont.; with amendment (Rept. No. 92–1078). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 10436. A bill to provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes (Rept. No. 92–1079). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 10858. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes (Rept. No. 92–1080). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 14267. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission docket No. 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission docket No. 72, and for other purposes (Rept. No. 92–1081). Referred to the Committee of the Whole House on the State of the Union.

Mr. McFALL: Committee on Appropriations. H.R. 15097. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes. (Rept. No. 92–1082). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 990. Resolution waiving points of order against designated provisions in the bill H.R. 15093, making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes. (Rept. No. 92–1083). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 991. Resolution providing for the consideration of H.R. 15097. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes. (Rept. No. 92–1084). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McFALL:

H.R. 15097. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. ANDERSON of Tennessee (for himself, Mr. Begich, Mr. Gude, Mr. Harrington, Mr. Howard, Mr. Keith, Mr. Kyros, Mr. Leggett, Mr. Matsunaga, Mr. O'Hara, Mr. Sandman, and Mr. Williams):

H.R. 15098. A bill to authorize the construction of 40 liquefied natural gas carriers to meet the energy crisis; to the Committee on Merchant Marine and Fisheries.

By Mr. BROYHILL of Virginia:

H.R. 15099. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. DRINAN (for himself and Mr. Reid):

H.R. 15100. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. DULSKI:

H.R. 15101. A bill to amend title 23 of the United States Code to authorize the construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. DUNCAN:

H.R. 15102. A bill to amend title II of the Social Security Act to extend the time within which certain Federal-State agreements may be modified to give noncovered State and local employees under the divided retirement system procedure an additional opportunity to elect coverage; to the Committee on Ways and Means.

By Mr. McKEVITT (for himself, Mr. BRAY, Mr. BROTZMAN, Mr. BROWN of Michigan, Mr. CLEVELAND, Mr. COUGHLIN, Mr. DANIELSON, Mr. DENHOLM, Mr. FISHER, Mr. HORTON, Mr. HOSMER, Mr. KEMP, Mr. LANDGREBE, Mr. McCOLLISTER, Mr. PIKE, Mr. ROONEY of Pennsylvania, Mr. WYMAN, and Mr. YOUNG of Florida):

H.R. 15103. A bill to authorize designated employees of the National Park Service and the U.S. Forest Service to make arrests for violation of Federal laws and regulations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PIKE:

H.R. 15104. A bill to require that all schoolbuses be equipped with seat belts for passengers and seat backs of sufficient height to prevent injury to passengers; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request):

H.R. 15105. A bill to amend title 38, United States Code, to provide more equitable standards under which the Administrator of Veterans' Affairs may waive recovery of overpayments of veterans benefits and release or waive liability with respect to certain home loans; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Georgia, (for himself and Mr. PEPPER):

H.R. 15106. A bill to amend title II of the Social Security Act to provide that an insured individual otherwise qualified may retire and receive full old-age insurance benefits, at any time after attaining age 60, if he has been forced to retire at that age by a Federal law, regulation, or order; to the Committee on Ways and Means.

By Mr. WHALEN:

H.R. 15107. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to the effective date of the non-Federal share of the costs of certain programs of that act, and for other purposes; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 15108. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 15109. A bill to authorize construction of diversion works to convey certain saline water from the Wellton-Mohawk Valley in the State of Arizona to the Gulf of California, Mexico; to the Committee on Interior and Insular Affairs.

By Mr. FAUNTROY:

H.R. 15110. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 15111. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 15112. A bill to increase tariff rates with respect to certain petroleum and petroleum products, to eliminate the existing quota system, for petroleum and petroleum products, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD (for himself, Mr. RIEGLE, Mr. HARRINGTON, and Mr. RODINO):

H.J. Res. 1207. Joint resolution providing for the termination of hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. MILLER of Ohio:

H.J. Res. 1208. Joint resolution to provide for the designation of the week which begins on September 24, 1972, as "National Microfilm Week"; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H. Res. 992. Resolution providing for the printing of additional copies of the conference report on S. 659, Education Amendments of 1972; to the Committee on House Administration.

By Mr. BROYHILL of Virginia:

H. Res. 993. Resolution to express the sentiment of the House of Representatives in condemnation of the North Vietnamese Communist invasion of South Vietnam and in support of actions taken by the United States to repel the invasion; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

393. The SPEAKER presented a memorial of the Senate of the State of New Jersey, relative to expansion of the Beverly National Cemetery in New Jersey; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROSTENKOWSKI introduced a bill (H.R. 15113) for the relief of Stanislaw Ciochon, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

236. The SPEAKER presented petition of Albert J. Sullivan and William Cannon, Jr., Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

QUESTIONNAIRE REPORT FROM CONGRESSMAN LARRY HOGAN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. HOGAN. Mr. Speaker, this year, as in the past, I sent the residents of Maryland's Fifth Congressional District a questionnaire so that they might advise me of their opinions on the issues and I might be guided by their wishes as I cast my votes for them in Congress.

I have prepared a report on the responses from this year's questionnaire, and I now insert it into the RECORD:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FRIEND: In March I sent you a questionnaire asking for your opinions. I'm pleased to report that I received 33,752 responses compared with 27,756 last year.

Each of the questionnaires was individually tabulated and I personally read every one that included a personal note. I deeply appreciate the efforts of everyone who took the time to respond. The responses will be very helpful to me in the months ahead as I cast my votes for you in Congress.

I've put together this newsletter to give you the results of the questionnaire. I hope you'll find the results as interesting and informative as I have.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

QUESTIONNAIRE REPORT FROM YOUR CONGRESSMAN, LARRY HOGAN, MAY 1972

1. Do you favor busing schoolchildren to achieve racial balance? Yes: 9.2%. No: 88.0%. Undec.: 2.8%.

The overwhelming majority of Fifth District residents agree with the anti-busing fight I have been waging against the Department of Health, Education and Welfare. Most people—black and white—do not want their children bused away from their neighborhood schools to achieve some form of artificial racial balance.

Busing is not the answer to our race relations problems. We must reach a point in our society where the color of a person's skin makes no difference. Racial busing schemes keep reminding blacks that they are blacks and whites that they are white. We must insure a full measure of equality in every aspect of our society—in jobs, in pay, in housing—and we must make a firm commitment to root out all remnants of bigotry.

Racial busing plans disrupt school systems, restrict students' opportunity to engage in extra-curricular activities, waste millions in taxpayers' money and make meaningless the concept of the neighborhood school.

Parents want their children to attend quality neighborhood schools. The emphasis should be on quality for all schools. Parents do not want their children used as pawns in a scheme of social manipulation. Racial busing schemes are merely an attempt to use children to solve a problem which should properly be solved by us.

The President made that case in his message on busing and immediately following his address I called on HEW to comply with both the letter and the spirit of his anti-busing policy. Shortly thereafter HEW withdrew its threat to cut off $14 million in funds for the Prince George's public school system, but I am still concerned that these HEW bureaucrats, who seem to consider themselves above the law and immune from President Nixon's instructions, are still trying to dictate to Prince Georges County schools.

This fight is not yet over.

2. Do you favor no-fault auto accident insurance whereby insurance companies would compensate policy holders regardless of who is at fault? Yes: 65.8%. No: 20.2%. Undec.: 14.0%.

The growing push for no-fault insurance has been the result primarily of rapidly rising costs for auto insurance premiums. In an effort to hold the line on premium increases or cut back on premiums, insurance and government leaders have been looking for ways to streamline the insurance system and make it more efficient.

Studies have shown that only about 45 per cent of each premium dollar is paid out in actual benefits and that 20 to 25 cents of all liability dollars go to paying lawyers, claims investigators and other costs of fixing fault for accidents. Currently, serious injury or death court cases average about six months and sometimes take up to five years.

No-fault proposals have been introduced to effect premium savings by reducing or eliminating the costs of determining fault and to insure swift payment following accidents.

A major difficulty in discussing the pros and cons of no-fault, however, is the wide differences in the proposals which have been labeled "no-fault."

Under no-fault in its pure form, insurance companies would pay all economic losses to all insured parties in an accident without regard to fault. There would be no limits to the total amount of benefits and there would be no lawsuits.

Most proposals under consideration across the country, however, are not pure no-fault. Most would set limits (say, $2,000 or less) on no-fault benefits and would allow people to sue to recover damages above and beyond that no-fault maximum.

If suits to determine fault and fix responsibility for payment are still allowed, the question then becomes one of whether the individual no-fault proposal in question would provide any savings to the insured.

A number of no-fault proposals were introduced in the Maryland Legislature this year but none was included in the auto reform bill which has been enacted into law. There are also federal proposals under consideration.

3. The so-called value-added tax, in effect a national sales tax, is contemplated as a method to hold the line on property tax increases. Do you favor such a tax? Yes: 39.4%. No: 42.3%. Undec.: 18.3%.

There is obviously a great deal of uncertainty in most peoples' minds about the value-added tax which is just in the early stages of discussion and has not been officially introduced in Congress.

The tax would place a federal levy on each stage of the manufacturing and distributing process as value is added to products and services.

For example, suppose a baker buys wheat at a cost of, say, five cents a loaf. Then he bakes the bread at a cost to him of 15 cents. The tax on that 15 cents would then be passed on to the customer as part of the sale price. If the baker had to pay someone to ship the bread to a supermarket, there would be a tax on the shipping costs and that, too, would be passed along to the consumer.

The value-added tax is being considered as a way to raise $16 billion which would then be distributed to local governments to ease the burden of local property taxes which are a source of mounting concern to us all.

We obviously abhor any new tax, but this so-called value added tax is being considered as a way to reduce local property taxes which put such a heavy burden on middle-income families and retirees.

Currently, property taxes are, of course, the sole responsibility of local government. The federal government plays no role in the assessment of property, the setting of property tax rates or the collection of property taxes and has no jurisdiction in those matters.

It is the responsibility of local governments not only to find ways to streamline their operations and reduce the costs of local government, but also to find sources of revenue other than the property tax.

4. Do you favor providing income tax credits for such educational expenses as tuition, fees, books and supplies? Yes: 73.3%. No: 21.9%. Undec.: 4.8%.

In recent years taxes and other financial burdens have grown so heavy on middle-income families that those families are now finding it very difficult, if not impossible, to finance the kind of education they want for their children.

In an effort to ease those burdens and keep those educational dreams within reach, I have introduced a bill which would provide income tax credits for educational expenses.

The legislation would provide tax credits for expenses at any legally authorized educational institution, including elementary or secondary schools, colleges, and business or vocational schools.

My bill would provide a 100 per cent credit against the first $200 of expenses; 75 per cent of the next $300; and 25 per cent of the next $500. Some taxpayers could qualify for a tax credit as high as $550.

The amount a taxpayer could qualify for, however, would be reduced by one per cent of the amount by which his adjusted gross income exceeds $25,000.

My bill would be a means for getting federal money into educational institutions on a free-market basis rather than through grants to the institutions or programs run by the institutions. Individual taxpayers could decide what kind of education they need and then shop around for the institution that meets those needs. The tax credits would then help finance that education.

This change in approach should be of special interest to Prince Georges residents because—as we have learned through bitter experience with HEW's actions against the country school system—federal money can mean federal control of local schools.

5. Do you favor State-operated lotteries as a source of revenue? Yes: 78.9%. No: 15.9%. Undec.: 5.2%.

As the pressures have grown ever greater on the American taxpayer, governments have been casting about for new methods of raising badly needed revenues. The lottery has been seized upon as a relatively painless way to raise more money.

It is paradoxical that the Maryland Legislature which banned slot machines (while allowing bingo and betting on horse racing), is turning to a state-operated lottery.

A state lottery may well be a reliable source of additional government revenue, but I do not believe it will in any measure reduce illegal gambling as some predict. In states where the government has moved into the lottery business, the illegal numbers game and bookie horse race betting still flourish.

The Maryland Legislature has passed two lottery proposals but they cannot be implemented unless voters strike down the state ban against lotteries in this year's general referendum.

6. Do you think denying high school students the opportunity to purchase soft drinks during lunch is an appropriate method to insure that they eat nutritional lunches? Yes: 14.9%. No: 80.9%. Undec.: 4.2%.

At first glance, this might not seem to be a particularly important matter for a Congressman to concern himself with, but it is of very deep concern to a great many high school students and it is a federal as well as a state and local problem.

The federal regulations against the sale of soft drinks in school cafeterias, which are now in effect, were instituted to prevent local schools from making profits on food and beverage sales which competed against federally subsidized lunch programs.

In some cases, prior to the regulations, schools were selling items such as potato chips, pretzels, doughnuts and the like to supplement their funds. Some educators argued that the schools were, in effect, encouraging students to neglect the nutritional lunches funded in part by the federal government.

Frankly, I do not think the sale of items such as soft drinks constitutes a threat to the success of school lunch programs. I also do not think such sales should be subject to federal regulation.

Furthermore, some school officials have complained that the present regulations actually discourage students from eating in the school lunch rooms. Many prefer to bring lunch from home or to eat off the school grounds. With this reduction in lunch participation some schools find it difficult to sustain the school lunch program financially.

Some school officials in Maryland have told me they may have to discontinue their lunch programs completely because of lack of participation. If students stay away from the lunchrooms, they cannot benefit from the nutritional benefits the government is trying to insure.

Consequently I have introduced legislation designed to allow the sale of soft drinks during lunch time in high school cafeterias.

My legislation in no way orders the sale of soft drinks or any specific item in schools or school lunch rooms. Nor does it place the seal of approval on such items. It merely allows individual schools or school districts to decide if they want to sell soft drinks. As one who sponsored legislation to allow 18-year-olds to vote, I find it absurd not to allow them to choose what beverage they should drink with their meals.

In a letter to me, Dr. Homer O. Elseroad, superintendent of schools in Montgomery County, said, "It is our contention . . . that by the time students reach senior high school age that some slightly greater options should be available to them (at lunch), partly because of their own preferences, and partly because we believe it is good education for them to begin to assume some responsibility for these kinds of decisions themselves."

Under my proposal, a school or an organization within the school could not offer a complete alternative lunch service. It could not, for example, open a fast-food franchise right next to the school cafeteria line. But it could have a soft drink machine there, if local school authorities permitted.

7. Do you favor legalization of marijuana? Yes: 21.3%. No: 69.1%. Undec.: 9.6%.

Interestingly enough, daughters and sons were more likely to respond differently than their parents on this issue than on any other issue. Although we did not tabulate statistics on this difference of opinion, it was obvious from a sampling of the questionnaire responses. For the most part, on the other questions, families seemed to share the same opinions. That was also true on this question but to a somewhat lesser extent.

The National Commission on Drug Abuse pointed out in its report to the President that marijuana (unlike narcotics, hallucinogens, amphetamines, and barbiturates), if used in small amounts and infrequently, appears to be harmless. But it also pointed out that heavy use may be damaging psychologically and physically and further added that much more research needs to be done. While marijuana may not be physically addictive, it can certainly be psychologically addictive.

Because there is still so much we don't know about marijuana and its effects, I believe it is premature to consider legalization of marijuana, and consequently I oppose legalization.

However, I do believe it is important for us to work toward uniformity in our laws regarding marijuana all across the country. It is totally unfair for a person to be subject to 30 years in jail for a first-offense possession of a single cigarette in one state and subject only to a misdemeanor fine in another state.

8. In general do you support president Nixon's domestic programs? Yes: 53.4%. No: 31.7%. Undec.: 14.9%.

Those who were pleased with President Nixon's domestic program and cited specific reasons generally mentioned one or more of the following:

The wage-price freeze and Phase II as part of the fight against inflation: the President's opposition to school busing and his proposals to provide quality education for all on an equal basis; and a feeling that the country has stayed on an even keel.

Those who were unhappy with President Nixon's domestic program either complained that he had no program or complained about one or more of the following: high unemployment, inflation, inequities in Phase II, the economy in general and high taxes.

9. In general do you support President Nixon's foreign program?

Yes: 58.3%. No: 28.9%. Undec.: 12.8%.

Respondents who mentioned specific reasons for support for President Nixon's foreign program generally cited one or more of the following:

The President's trip to China and the easing of tensions between the U.S. and China; his trip to the Soviet Union and the prospects it holds for world peace. They also mentioned Vietnamization, the winding down of the war in Southeast Asia and the withdrawal of roughly 500,000 American men from Vietnam since the President took office.

Interestingly, the respondents who mentioned specific reasons for their unhappiness with the President's foreign program also cited his initiatives in Southeast Asia and with China and the Soviet Union.

Some feel that the President is becoming soft in the fight against communism in light of his trips to China and the Soviet Union, and some believe he has sold out Taiwan.

Others believe he could and should have ended the war in Vietnam by now and brought all the men home.

10. In general are you satisfied with the votes which I have been casting as your representative in Congress?

Yes: 70.7%. No: 7.8%. Undec.: 21.5%.

I asked this question for general guidance to know if my course is considered the right one and because I was concerned that there might be a number of citizens who were dissatisfied with my voting record but had not written to let me know of their opposition to my position on the issues.

There are times when a Congressman's mail reflects not the opinion of most of his constituents, but rather those of a very active and vocal minority. And that can make it very difficult for me to gauge accurately whether I have been voting on the issues as you want me to vote.[1]

On this question I used the phrase "in general" because obviously it is impossible to please everyone all the time. Needless to say, I am most gratified by the response to this question.

I hope, of course, you will continue to advise me of your views on the issues as they evolve.

11. In your opinion what is the most important problem facing the country, Maryland, your neighborhood?

In listing the most important problems facing the country, the greatest number of responses were, in this order: (1) crime; (2) inflation and the economy; (3) leniency in the court systems; (4) Vietnam; (5) the environment; (6) drugs; (7) education and integration; (8) racism; (9) unemployment and (10) taxes. Among other problems mentioned were welfare reform, research funding, health care and communism.

In listing the most important problems facing Maryland, the greatest responses were, in this order: (1) crime; (2) taxes; (3) quality education; (4) busing; (5) pollution; (6) land development; (7) drugs; (8) unemployment; (9) racism; (10) desegregation.

Among other problems mentioned were rapid transit and public transit availability; aid for the mentally retarded; the need for honest government; and high rents. Crime and taxes were far and away the two most prominently mentioned concerns.

In listing the most important problems facing neighorborhoods, the responses ran this way in order of frequency: (1) crime; (2) property taxes; (3) schools and busing; (4) zoning (in certain areas); (5) recreational opportunities; (6) uncontrolled animals; (7) housing; and (8) litter.

Among other problems mentioned were the need for honest government; hotrodding at night and other annoying noises; street repair; transportation; and lack of community activities. Crime and property taxes were clearly the two greatest concerns.

Among local, state and national problems, the most consistently mentioned problem is crime. As most of my constituents know, I have been particularly concerned with trying to find solutions to that problem during my service in Congress.

I was privileged to play a leadership role in passage of the D.C. Crime Act, and I'm pleased to report to you that in the year following implementation of the act crime dropped 13 per cent in the District. And crime in D.C. was down over 30 per cent in the first quarter of this year. Court backlogs have been reduced by approximately 80 per cent, the number of felony indictments has doubled and criminals are learning we mean business.

I have also introduced legislation which would broaden Prince Georges police officers' authority to pursue criminals into the District of Columbia. Currently there are a number of restrictions which force officers to stop at the D.C. line and watch suspected criminals escape.

Also, the enactment of a $1 billion bill to fight drug abuse, which incorporated a number of major features included in legislation I sponsored, should help in our fight against drugs and drug-related crime.

In addition, the Washington metropolitan area has been selected as one of 33 target areas to stop the flow of heroin on the Nation's streets, and the program holds considerable promise in the fight against crime, especially since police estimate that approximately 50 per cent of all crimes are drug related.

Further, I am sponsoring legislation designed to cut off U.S. funds to those countries which fail to exercise adequate control over the flow of illegal drugs into this country.

I have also introduced legislation which calls for involuntary commitment and forced treatment of any individual a court determines is an addict. This legislation would let us place heroin addicts, who are sick people, in quarantine and help them to get well for their sake and society's sake.

McKEESPORT LIONS CLUB CELEBRATES 50 YEARS OF SERVICE TO COMMUNITY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. GAYDOS. Mr. Speaker, the city of McKeesport, Pa., and the entire Mon-Yough Valley of southwestern Pennsylvania have "lifted their hats" in tribute to the McKeesport Lions Club and its 50 years of service to the area.

This organization, which has done so much for so many, was applauded for its charitable efforts by a former president of Lions International, Mr. John L. Stickley of Charlotte, N.C., and lauded publicly by the community's newspaper, the McKeesport Daily News.

The tributes were richly deserved for the Lions of McKeesport have not spared themselves to bring joy and comfort to others less fortunate than they. The organization has given away more than 2,700 pairs of glasses over the years to persons in need. It has given braille typewriters, watches, and tape recorders to deserving individuals. It has supplied the funds for 35 cataract operations and assisted McKeesport Hospital in its service to the community through the purchase of several pieces of medical equipment. In World War II, the Lions conducted scrap drives and war bond rallies. After the conflict, they collected more than 300,000 pounds of clothing for needy people throughout the world.

Mr. Speaker, it is an extreme pleasure to join with Mr. Stickley, the Daily News and all McKeesporters in lifting my hat in tribute to the McKeesport Lions and 50 years of unselfish service. The article follows:

HATS OFF TO LIONS

Our hats are off to the McKeesport Lions Club which this week is celebrating 50 years of selfless service to the community and the area.

Too often the work of such an organization is overlooked. Memories are short and so it's difficult to recall all of the major projects undertaken to benefit the people.

Service and help for the sightless and near-blind are paramount activities and over the years 2,700 pairs of glasses have been given to persons in need. In addition, deserving individuals have been given Braille typewriters, watches and tape recorders. Scores of eye examinations have been arranged and underwritten. Funds for 35 cataract operations have been supplied.

McKeesport Hospital has been a prime beneficiary of Lions Club efforts. Various pieces of needed equipment were purchased and an Oxygen Fund established to help patients unable to pay. During the war the Lions Club staged scrap drives and war bond rallies.

The biggest single project from a monetary standpoint was construction of the bandshell at Renziehausen Park. The club raised $30,000 for this endeavor in 1952–53. And there were other smaller projects since the club's inception which are too numerous to mention.

These accomplishments are ones that can be seen. But there are other intangible benefits that the community reaps from such organizations as the Lions.

These gains are found in the members' pride in their organization, their city and their nation and in their efforts to promote wholesome ideals among the youth.

To this end the Lions richly deserve a salute.

FEMALE OFFENDERS IN THE DISTRICT OF COLUMBIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. FRASER. Mr. Speaker, many of us have become increasingly concerned about inmate strikes and rebellions in numerous prisons across the country. These violent occurrences have revealed that there are nagging problems within the criminal justice system. Yet, when we think about crime prevention and criminal justice, most of us think only about men. The reason is that most crimes are committed by men. Female offenders, fewer in number and usually associated with nonviolent crime, are among the forgotten in American society. A report just released by the District of Columbia Commission on the Status of Women, entitled "Female Offenders in the District of Columbia," reminds the public of its responsibility to female offenders.

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[1] For anyone who wishes additional information on the votes I have cast in Congress, copies of my voting record are available simply by contacting my office.

In the country as a whole, on any one day, 15,000 women are in prison. They comprise approximately 4 percent of the total prison inmate population. Many of these women are victims of widespread discrimination in schools, training programs, and the job market. This discrimination reduced their vocational choices prior to incarceration. The rehabilitation and vocational programs in prisons do not reduce this inequity. They offer few options for the inmates. Virtually no women, the Commission reports, leave prison better able to make an adequate living. Few are equipped to avoid the ugly cycle of recidivism.

The Commission's report and recommendations make clear that at every level more research and planning must be done regarding the needs of female offenders.

The report, based on 2 days of public hearings by the Commission, details 29 specific recommendations for dealing with the special problems of female offenders. These proposals include:

That the use of the Women's Detention Center for purposes other than temporary detention, and the use of Alderson Reformatory as a detention facility for long-term offenders from the District of Columbia be discontinued at the earliest possible date;

That consideration be given to the feasibility of constructing or leasing short-term detention facilities to serve the rehabilitation needs of both male and female offenders, with assurance for the health and safety of the women and availability to them of a full-range of rehabilitation programs and recreational facilities;

That the Metropolitan Washington Council of Governments study the feasibility of developing interjurisdictional facilities for long-term offenders;

That sex-typing of training and job placement programs be eliminated; and that effective job training, development and placement programs for females be developed;

That all possible steps be taken to reduce drug addiction among females; and

That the city government consider eliminating criminal punishment for prostitution. Outright legalization was not recommended.

Almost every State, and a growing number of counties and municipalities, now have commissions on the status of women. These commissions are conducting much-needed research into the special problems of women at various levels of society, and making recommendations for policies and programs to improve the status of women. The District of Columbia Commission has made significant contributions of this nature for the past 5 years.

I believe the Commission's report and its recommendations, as well as the public hearings on which they were based, will provide a model for action in other jurisdictions across the country on the special problem of female offenders. Therefore, I insert the Commissions report at this point in the RECORD.

FEMALE OFFENDERS IN THE DISTRICT OF COLUMBIA

(A report based on hearings conducted by the District of Columbia Commission on the Status of Women)

The D.C. Commission on the Status of Women, since 1967 an agency of the District Government, is composed of fifteen members appointed for three-year terms by the Mayor-Commissioner. The Commission is authorized to conduct studies, review progress and develop and recommend constructive action directed toward improving the status of women in the District of Columbia.

Dorothy B. Ferebee, M.D., Chairman.

Violet J. Darius, Vice Chairman.

Joy R. Simonson, Secretary.

John B. Duncan, Richard A. Graham, Isabelle Gichner, Margaret A. Haywood, Mary T. Howard, and Irene Hypps.

Theresa H. Jones, Mary D. Keyserling, William J. McManus, Arline M. Neal, Pat Oliver, and Louise O'Neil.

Helen S. Lewis, Executive Director.

ACKNOWLEDGMENTS

The Commission expresses its sincere thanks to the committee which organized the hearings and whose concern for the cause of justice for female offenders made it possible to undertake and implement this project. Particular thanks for their dedication and service go to Mary-Carroll Potter, Chairman, Gloria McEnroe, and Jan Margolis. The Commission also expresses its appreciation to the Center for a Voluntary Society for its early encouragement of Mrs. Potter's committee, and for its clerical support to the drafting committee; to the Office of Criminal Justice Plans and Analysis for its financial support of the project, and to Mona Lyons and Helen Lewis for their work in compiling and editing the report. The Commission also expresses gratitude to its own members, who served as hearing officers: Honorable Margaret A. Haywood, Chief Hearing Officer; Honorable John B. Duncan; Dr. Dorothy B. Ferebee; Martha L. Mallard; Louise O'Neil; and Joy R. Simonson.

INTRODUCTION

On November 3 and 4, 1971, the D.C. Commission on the Status of Women conducted hearings into the special problems of female offenders.[1] Until that time, little public attention had been focused on this issue. Violent crime, statistically a "male" phenomenon, had for several years been a major concern in the city and had dominated the dialogue preceding passage of the 1970 D.C. crime bill. That bill reorganized the local courts and authorized additional judges and policemen to assist in crime prevention and control. Because it then appeared that the result would be an increase in the number of persons convicted of crime, official committees began to deal with long-range planning for correctional facilities and alternatives to incarceration. However, in none of the dialogue or planning did the special problems of female offenders loom large, probably because females are not a major concern as the perpetrators of violent crime. For example, in FY 1970, females accounted for only 7% of arrests in D.C.—432 female/5557 male for the seven FBI Index Crimes.[2]

But the low proportion of female offenders obscures the fact that annually close to 3,000 women offenders filter through the DC criminal justice system and about a third of them spend some time in the Women's Detention Center. Who are the female offenders? What crimes do they commit? What happens to them in court and in prison? What happens to them when they are released?

Although some answers were brought to light by more than 50 witnesses (see appendix) in the two-day hearings, it is apparent that the complex problems of girl and women offenders have been the subject of only superficial study and minimum concern.[3] The testimony was weak on substantive material because few data have been collected on the singular problems of female offenders. The conclusion and recommendations of the Commission, therefore, can be only the skeleton of a major and multidimensional problem.

It is difficult to know where and how to begin the reshaping of the corrections system to meet the special needs of the female offender and to insure equality of treatment regardless of sex. The recent report of conditions at the Women's Detention Center by the D.C. Citizens Council on Criminal Justice[4] exposes certain critical facets of the problem. Some of the Commission's recommendations overlap with those of the Citizens Council, but the Commission suggests several other steps that can be taken immediately and without cost. On a long-range basis, however, it is clear that at every level more research and planning must be done regarding the particular needs of female offenders. Furthermore, the interests of male and female alike require that continual efforts be exerted to humanize the criminal justice system.

SUMMARY OF RECOMMENDATIONS

1. The District Government should initiate a vigorous action program to insure that the special problems of female offenders receive attention both in the planning of detention facilities and in the operation of programs. A long-range and comprehensive plan for detention facilities and rehabilitation programs should be adopted before additional funds are expended for piecemeal solutions to crisis conditions at the Women's Detention Center and the Alderson Reformatory.

2. The use of the Women's Detention Center for purposes other than temporary detention, and the use of Alderson Reformatory as a detention facility for long-term offenders from D.C., should be discontinued at the earliest possible date.

3. Consideration should be given to the feasibility of constructing or leasing short-term detention facilities to serve the rehabilitation needs of both male and female offenders, with assurance for the health and safety of the women and availability to them of a full range of rehabilitation programs and recreational facilities.

4. The Metropolitan Council of Governments should study the feasibility of developing inter-jurisdictional facilities for long-term female offenders.

5. Incarceration of female offenders should be imposed only in the limited instances when it is absolutely necessary for the protection of the community and when incarceration is the only sure first step toward rehabilitation.

6. Additional community-based centers for women and girl offenders should be established.

7. Probation services for females should be expanded; the Bail Reform Act should be used more liberally and, if necessary, should be amended to remove any possibility of its application in a fashion discriminatory to women.

8. Efforts of volunteers should be encouraged as third-party custodians during pre-

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Footnotes at end of article.

trial periods and in the provision of services to inmates, in the maintenance of social contacts between inmates and their families, and in the staffing of legal-aid and probation-aid programs.

9. Sex-typing of training and job placement programs should be eliminated, and effective job training, development and placement programs for females should be developed.

10. Educational programs to attack functional illiteracy should be regularly available to women in detention, and special courses in child care, consumer problems, budgeting and other particularly relevant concerns of women should be developed.

11. All possible steps should be taken to reduce drug addiction among females.

12. The decriminalization of prostitution should be seriously considered.

13. Police, court, and corrections administrators should revise their routine operations to include recording of case history information about female offenders. Research should be conducted to determine the extent of sex discrimination at every stage of the criminal justice system.

14. Action for children in trouble should be supported to the maximum extent possible.

PRISON FACILITIES

For Women

In the United States, the number of female prisoners is relatively small, roughly 15,000 on any given day, or approximately 4% of the total inmate population. In 1970 male arrests outnumbered female arrests 6 to 1, and women were charged with only 17% of the serious crimes. According to FBI reports, however, the female crime rate is rising much faster than the male rate. From 1960 to 1970 male arrests for major crimes rose 73% while the increase for females was 202%.

The number and type of penal institutions have not increased with the crime rate. There has always been a critical shortage of facilities for female offenders and the problem is currently aggravated by overcrowded conditions and understaffed programs. Few local communities have separate jails for women, and most existing institutions are forced to house the broad range of offenders from teenagers to senile women. There are only two Federal prisons for women (Alderson, West Virginia and Terminal Island, California), and the majority of inmates at these prisons are hundreds of miles from their home communities, deprived of both family contacts and realistic rehabilitation programs.

In the District of Columbia,[5] there are several facilities for men—the D. C. Jail, the Correctional Complex at Lorton, Virginia, and 13 community correction centers. The only facilities for women are the seriously overcrowded Women's Detention Center and one halfway house, which currently serves 15 women.

Long-term female offenders are housed at the Federal Reformatory at Alderson, West Virginia, more than 250 miles from their communities and their families. The overcrowded and understaffed prison at Alderson currently houses approximately 60 District women, about 11% of the inmate population. The warden of Alderson testified to the Commission that it is virtually impossible to provide adequate rehabilitative services for the District inmates because they are out of contact with their families and their home community.

Unfortunately, the existing local services for short-term offenders are far from adequate. The Women's Detention Center has been critically overpopulated since mid-1971. Its budgeted capacity is 50. Its average daily population in 1971 was 93. Although the Center is only equipped for temporary detention, many women remain there for months, even years. The D. C. Citizens Council for Criminal Justice cites an independent report in 1971 which concluded that the Women's Detention Center is

"... overcrowded and lacking in space for programs of recreation, counseling and medical services. Proper supervision is difficult due to proper layout. Remodeling has been necessary to ameliorate the most pressing problems; extensive remodeling or additions, however, would be a poor investment."

Indicative of the need for long-range planning and coordination of corrections programs for females in D. C. is the fact that while that independent study[6] was being conducted, plans were going forward within the District Government for construction of a fourth floor addition to this poorly-laid-out structure to make room for an additional 32 beds at a cost of more than $300,000—an investment that promises to return little or nothing in terms of rehabilitation for female offenders.

For girls

Juvenile female offenders are fortunately not the victims of overcrowding in the District. Over 1,200 girls between the ages of 7 and 18 were referred to the Superior Court during the fiscal year ending June, 1971, and 65 of them were committed to the various local institutions for delinquent girls. The female population in the District's juvenile institutions has declined in recent years and currently only 140 girls are incarcerated at the Children's Center in Laurel, Maryland,[7] the facility operated by the Social Service Administration for the detention of boys and girls who are adjudicated either delinquents of PINS (Persons in Need of Supervision). The new PINS category includes juveniles who were formerly classified as "beyond control" of their parents.

Several community-based residential facilities—shelter houses, halfway houses, and one probation house—are currently operating as alternatives to institutional placement for juveniles, but under this program there is only one halfway house for delinquent girls and none for female PINS. A Social Services Administration youth worker was one of many witnesses who testified to the need for more residential facilities for girls:

"There is definitely a need for more group homes, foster homes and group living arrangements. We find it very difficult to try to place girls between the ages of 14 and 18. I guess part of this is due to the fact that in terms of a rooming house or a boarding house or apartment . . . there are certain age requirements which a girl has to go through, whereas a boy can get into this particular apartment just being steadily employed . . . but this does not apply to the girl."

Other witnesses stressed the need for residential facilities for girls who are "living in hazard" either because of deteriorated family relationships or because they are homeless and friendless, and consequently easy prey for sexual exploitation.

Local authorities are aware that inherent deficiences in institutions for juveniles interfere with rehabilitation efforts. The 1971 Comprehensive Plan for Law Enforcement and Criminal Justice in the District of Columbia[8] reports that an indepth analysis is underway of current operations of the Youth Group Homes Division of the Social Services Administration and that "in the future, increased emphasis will be placed on utilizing Youth Group Homes as alternatives to institutions."

Recommendations

1. The Mayor should adopt long-range and comprehensive plans for detention facilities for women before additional funds are expended for piecemeal solutions to crisis conditions at the Women's Detention Center and the Alderson Reformatory. Particular attention should be given (a) to the present rehabilitation needs of female offenders, (b) the need for flexible and varied incarceration facilities and rehabilitation programs, and (c) the necessity for a broad range of alternatives to incarceration for the vast majority of female offenders who are not a threat to society either because their crimes are of minor nature or because they themselves are the major victims of their crimes.

2. The Mayor should initiate a vigorous action program to insure that the special problems of female prisoners will receive attention both in the planning and operation of detention facilities. Staff who are alert to, and concerned about, these problems should be recruited for policy-making and supervisory positions within every aspect of the criminal justice system. A special effort should be made to recruit women for these positions. The Talent Bank, now being developed by the Women's Action Committee within the District Government, could be a resource in this effort.

3. The Commission is dissatisfied with present detention facilities for women offenders and recommends discontinuation of their use. The Women's Detention Center is undesirable not only because it is overcrowded, but also because its basic design makes it unworkable as a detention center for any but the most temporary of assignments. The Commission recommends discontinuation of the use of the Women's Detention Center for purposes other than temporary detention at the earliest possible date.

4. Alderson Reformatory is well designed, but its location makes it an impractical facility in terms of rehabilitation programs for offenders from D.C. The Commission recommends immediate attention to the feasibility of developing interjurisdictional facilities for detention of long-term female offenders in the metropolitan area. To this end, the Commission recommends that the Mayor and City Council request the Metropolitan Council of Governments to form a subcommittee, composed of representatives from area communities and from the criminal justice systems of the various jurisdictions, to identify interjurisdictional problems and to study possible development of joint facilities for long-term female offenders.

5. The Commission cautiously endorses recent steps by the Department of Corrections to reduce overcrowding at the Women's Detention Center and/or Alderson by considering housing at Lorton for small numbers of female offenders. The Commission recognizes the rehabilitative advantages that might accrue to women at Lorton where they might be able to take advantage of educational and training programs not available either at the Women's Detention Center or at Alderson. However, in converting a portion of the Lorton complex to a co-educational facility, the Commission urges assurance for the health and safety of the women and availability to them of a full range of education and rehabilitation programs and recreational facilities. Educational and vocational assignments must not perpetuate traditional sex-typed roles for women.

6. The Commission recommends that in developing long-range and comprehensive plans for detention facilities (see Rec. 1 in this section) the Mayor and Department of Corrections should consider, as replacement for the Women's Detention Center, the construction or leasing of short-term detention facilities that will serve the rehabilitation needs of both male and female offenders. Plans suggested by the Dillingham Corporation to construct two co-educational facilities, a Detention Intake Unit and a Main Detention Facility, to replace both the D.C. Jail and the Women's Detention Center, should be seriously considered, but the Com-

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Footnotes at end of article.

mission again urges—as in the proposal to extend the facilities at Lorton to include women—assurance for the health and safety of the women and availability of a full range of rehabilitation programs and recreational facilities.

7. The Mayor should encourage the Social Services Administration to proceed as rapidly as possible with plans to develop more youth group homes and other community residential facilities as alternatives to centralized institutions for juveniles. In developing these plans, SSA should be responsive to the continuing need for residential alternatives for girls in the early-, mid-, and late teen years, both pre- and post-delinquent.

8. The Department of Corrections should provide for specialized training for all staff, especially for custodial officers, regarding the care and treatment of female offenders.

9. The Department of Corrections should encourage organized efforts by volunteers to maintain social contact between the inmates and their families and to provide assistance to incarcerated women. Groups already organized for these efforts should be assisted; cooperation between corrections staff, volunteers, and inmates should be encouraged.

ALTERNATIVES TO INCARCERATION

The primary aims of the correctional effort—rehabilitation and resocialization—are difficult to achieve in prisons even with adequate facilities, funding, location, and staff. It is virtually impossible to rehabilitate and resocialize inmates who are deprived of contact with their families and friends, and who are pushed by the economic and social conditions of their lives into the cycle of crime.

A recurrent theme in testimony the Commission heard was the desperate need of the population of penal institutions for close family ties. A study published in 1967, comparing high school girls and incarcerated offenders, was noted in the testimony of a child psychologist: the high school students were predominantly concerned with romantic interests and student government activities, while the institutionalized girls were preoccupied with the desire for a secure and happy family situation. The bitter reality is that 80 to 85% of the juveniles apprehended in the District are reared in broken homes. An absent father and a promiscuous and/or alcoholic mother are consistent facts of life.

A social worker at Cedar Knoll testified that certain anxieties indigenous to poverty and family troubles are widespread among the girls she works with:

"The anxiety centers around a poor self-image and the frustration resulting from a lack of opportunity to experience success."

The majority of girls at both Cedar Knoll and Maple Glen have poor attendance records at school and need intensive remedial academic work to catch up with their non-delinquent contemporaries. Most of them never do catch up and virtually none have developed a marketable skill when they leave. Their future is a dismal one:

"If our girls do not go on to become adult offenders, they are usually imprisoned by the welfare system and burdened with large families whose members become the population of tomorrow's prisons."

Adult female offenders experience similar anxieties and problems. Almost 80% of the women at Alderson are married or separated, divorced or widowed; almost 75% of them have children. Virtually all of them are deprived of contact with their families for the length of their sentence. Several witnesses confirmed that the lack of opportunity for women to see their husbands and their children is destructive to both the successful rehabilitation of the inmate and to the family relationships. One witness testified that the expressed needs of female prisoners are consistently more personal than those of men:

"At the D.C. Jail, the largest volume of requests is for some sort of contact with an attorney. At the Women's Detention Center, the number one request is to get in touch with family or friends."

It is hardly surprising that 75% of the inmates at the two Federal prisons surveyed in 1969 by the U. S. Department of Labor, Women's Bureau, scored below the 8th grade academic level. Most women offenders come from impoverished backgrounds and a disproportionate number are from minority populations. Less than 3% scored at the 12th grade level although more than a quarter said that they had completed high school. About 80% of the women surveyed expressed a desire for more education, but few of them actually get the opportunity.

The testimony of the warden of the Federal prison at Alderson noted that the predominant characteristic of the inmate population there is mental disturbance:

"They've been in trouble with their families, in the community and most importantly, with themselves, for some time."

They are trapped in the cycle of poverty and crime and their own awareness of this fact depresses them even further.

Expert witnesses who addressed the special needs and problems of girl and women offenders unanimously agreed that alternatives to incarceration are desperately needed. The high rate of recidivism among female offenders is indication enough of the failure of the correction system to rehabilitate and resocialize offenders or to stem the ever increasing rate of female crime. The facilities are impersonal and dehumanizing, and simply aggravate a seriously frustrated need for personal relationships. The educational and vocational training is critically limited by inadequate funds and staff, overcrowded conditions, and the isolation of inmates from the communities to which they must return. For the juvenile population of the District's institutions, where overcrowding and distance are not problems, the lack of a personal and family-like atmosphere is singularly devastating. It negatively affects the academic motivation of the already disturbed girls and contributes to a prevalent mood of alienation and hostility.

The ACT program

While the hearings unearthed the desperate problems of adults and juveniles in, or on the brink of trouble, they also illuminated some answers. One of these is the ACT Program—Action for Children in Trouble—administered by the D.C. Department of Human Resources, Social Services Administration. It provides services and counseling to children and their families from decentralized locations in the community. ACT's goal is to work with children who are just beginning to get into trouble, and their families. It is made up of three programs: Delinquency Prevention, Mobile Psychiatric, and Aftercare. An ACT community team explained to the Commission the four concepts crucial to the success of the program:

"First, it is decentralized, that is, located where possible in public housing projects in close proximity to the people served. This makes the youth workers accessible to children and families in need. Second, our focus is on immediate response to problems when children are referred to us. We provide short-term problem focus and counseling in the provision of concrete services to the family as well as to the youth. Third, we hire and train an action-oriented staff which is willing to provide services not in an office, but in the homes and schools in the community where people live and work. And fourth, our multi-division human approach insures that the Division will be able to draw on the best thinking of many related fields, including social work, psychiatry, sociology, education, recreation, and home economics. And it is people from these various fields that we seek to hire for our teams."

The Delinquency Prevention Program has been in operation for a year and a half. It has six fully operating teams, serving five hundred families, which includes about seven hundred youths who were referred for services.

Repeatedly, testimony about the needs of girls who get into trouble with the law stressed the fact that the key solution is to begin immediate action toward prevention, and that the place to begin is with the family by making family counseling easily and readily available. The ACT program answers these needs.

Unfortunately, there is no program for adults in D.C. comparable to the ACT program for juveniles. However, witnesses pinpointed various methods of providing alternatives to incarceration: (a) community correction centers, (b) pre-trial diversion and deferred prosecution, and (c) bail, probation and parole.

a. Community Correction Centers: Correction and treatment at the community level, for adults as well as for juveniles, was overwhelmingly supported by testimony at the hearings, but witnesses emphasized the need for community support if community correction and treatment centers are to be established. The Director of the D.C. Department of Corrections stated that at least half the population of the Women's Detention Center could be placed in community-based programs if there were sufficient public support. The D.C. Delegate to Congress implied that support for community facilities for female offenders should not be difficult to marshal, since female offenders:

"Do not frighten us . . . because as a rule they do not commit crimes of violence . . . In the rare cases where they do, it is generally a domestic quarrel which precipitates the attack."

An attorney from the Public Defender Service commented that a St. Elizabeth's Hospital survey conducted in May, 1970 indicated that almost 2/3 of the female offenders housed there are "eligible, qualified for release, if there was some other custodial mechanism in the community to take care of them." The warden of Alderson prison noted that the major function of community treatment centers is to integrate the offender with assisting agencies and programs, to supplement, rather than to supplant services, and to strengthen the tie between the woman and her family.

b. Pre-trial Diversion and Deferred Prosecution: A second set of alternatives to imprisonment for District women is a pre-trial diversionary and deferred prosecution program. Many women sit idly for days, even weeks, at the Women's Detention Center awaiting trial or sentencing without access to the limited programs at the Center, or to the counseling and drug treatment that could constructively assist their rehabilitation. Successful pretrial diversionary programs have already been implemented in Wyandotte, Michigan and Brooklyn, New York. The American Bar Association Commission on Correctional Facilities is currently urging the national adoption of similar programs for the first and non-serious offender.

The District's one pre-trial and deferred prosecution program, Project Crossroads, attempts to reorient first-time offenders, who are not narcotic addicts, through counseling, job placement, remedial education and other supportive services over a three-month period following arrest, but prior to trial. If the defendant shows satisfactory progress, the court is asked to dismiss charges after the 90-day period. The program has had considerable success, but is unable to assist women who need day-care for their children or unskilled females who require a significantly longer training program to develop employable skills.

c. Bail, Probation and Parole: Another existing alternative to pre-trial imprisonment, release on bail, as currently structured, discriminates against women. A woman accused of a misdemeanor may be released on her own recognizance if the Bail Agency determines that she is a good risk, to return voluntarily to stand trial. Unfortunately, since employment is a critical criterion in evaluating risk, a housewife (technically unemployed) has little chance of obtaining a favorable judgment.

Two final opportunities for the inmate to avoid continued incarceration are probation and parole. Testimony indicates that probation opportunities are not maximized by the courts simply because probation officers are currently handling excessively large burdens. Consequently, many offenders who are eligible for probationary sentences do not receive them. Witnesses also described the delays of weeks and months that parole applicants endure in prison without the benefits of legal assistance or access to the state's evidence in the case. The effective rehabilitation of offenders is seriously hampered by the failure of the board to give reasons for the denial of parole, and by the delays of the parole board. Frustration, hostility and alienation increase, and the possibility of recidivism is enhanced.

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The development of effective probation and parole systems as well as other alternatives to incarceration is not only possible, but imperative. There is probably no prison in the nation, and certainly none in the District, that has the space and financial resources to provide the variety of educational options, job training opportunities and counseling programs to meet the needs of all its inmates, particularly women. There is no possibility of effective rehabilitation without increased community contact and support.

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Recommendations

1. Incarceration of female offenders should be imposed only in the limited instances when it is absolutely necessary for the protection of the community and when incarceration is the only sure first step toward rehabilitation. Women who are incarcerated should be granted (a) liberal furloughs on holidays and other special occasions, for exemplary behavior, (b) playrooms for their children and extended visiting hours in private, with physical contact whenever possible, and (c) assistance from volunteer groups who are eager to facilitate social contact between the inmates and their families.

2. The Commission urges cooperation between the District Government and private agencies to establish additional community-based centers for eligible female offenders who are detained at the Women's Detention Center, Alderson, or St. Elizabeth's Hospital simply because of insufficient community facilities. The Commission also endorses an affirmative public education program in support of neighborhood centers, and the increased involvement of volunteer groups in the corrections system to facilitate community-based rehabilitation of female offenders.

3. The Commission urges the development of an effective pre-trial diversionary program for female offenders, and a comprehensive evaluation of Project Crossroads to determine the additional educational, vocational training and job development efforts necessary to avoid incarceration of female first-offenders in the District of Columbia.

4. The Commission supports and encourages probation aid programs staffed by volunteers who can assist offenders who are applying for probation, and the expansion of regular probation services by the District Government.

5. The Commission advocates more liberal use of the Bail Reform Act for women, and if necessary, the amendment of the Act to remove any possibility of its application in a fashion discriminatory against women. The Commission also urges the increased use of third-party custody as a condition for release of female offenders.

6. Community groups should be encouraged (a) to take third-party custody of women during pre-trial periods, (b) to lend encouragement to women in community treatment programs for narcotic, alcoholic or other problems, and (c) to involve volunteers in one-to-one relationships with offenders and ex-offenders in tutoring, recreation, job-training, and counseling programs.

7. The Commission urges the Parole Board to adjust its procedures so that inmates' requests for hearings and judgments may be attended to more promptly. The Commission also recommends that inmates have free access to Parole Board material relevant to their cases, as well as to volunteer legal assistance.

8. The Commission recommends that city agencies enlist the assistance of private groups in planning and implementing residential intervention centers for delinquent female juveniles. The Commission also recommends that other community groups emulate the initiative of the National Capital YWCA in establishing a residential intervention center for girls.[9]

9. The Commission wholeheartedly endorses the ACT Program of care and service in the community for juveniles and their families. The ACT Program is conceptually sound because it emphasizes both crime prevention and rehabilitation by dealing with the individual as a total person, integrated in a family and a community setting. The Commission recommends that this program be supported to the maximum extent possible.

REHABILITATION: SPECIAL NEEDS OF WOMEN

Most girl and women offenders have been the victims of ghetto education and the majority possess few employable skills.[10] Many are heads of large and poor households and have been public assistance recipients. A Women's Bureau survey of Alderson and Terminal Island inmates found that ⅓ of those who had been employed prior to incarceration had earned less than $60 a week and half had earned less than $70.

The lack of training opportunities and adequate child care facilities for these women are virtually insurmountable obstacles to legal, gainful employment; a criminal life beckons as a feasible alternative to a life of poverty. After acquiring a criminal record, the female offender has even less hope of developing a skill or of being employed. Yet, in the Women's Bureau Survey, 85% of the inmates expressed a desire for job training, and nine out of ten expected to work to support themselves and often others upon release!

There is widespread sex discrimination in schools, training programs, and the job market which reduces vocational choices for females prior to incarceration. Rehabilitation and vocational programs within prisons simply compound the inequity by offering a severely limited number of options for the inmates. Virtually no woman leaves prison better able to make an adequate living, and few are equipped to avoid the ugly cycle of recidivism.

One witness testified that at the Women's Detention Center the best training available is typing, but there is limited instruction and few typewriters and self-teaching manuals. Other than typing, the women are limited to cleaning, cooking and sewing. The library materials available to the inmates are appallingly inadequate. The Commission was told that "basically, the women are limited to reading Good Housekeeping Magazine."

The long-term offenders at Alderson are doubly victimized by the distance from their homes. They cannot be enrolled in work release programs in the District, nor can they be supervised and advised during the first critical weeks after release. The vocational staff at the Federal prison is limited to a handful of counselors for over 600 women, from different communities and with different opportunities and needs.

Data Processing is the only vocational program for girls at Cedar Knoll, and no students under the age of 16 are admitted to the course. Boys on the other hand, have access to training in printing, painting, gardening, auto mechanics, furniture repair, upholstery, shoe repair, building trades, and electronics. The girls can only participate in noncredit classes in cooking, sewing, and cosmetology. A social worker at the school testified to the Commission that the academic program for girls does not compensate for the scarcity of vocational programs:

"For example, community programs for practical nursing require a 10th to 12th grade education. This excludes most of the Cedar Knoll girls."

Regardless of whether they are underpopulated or overpopulated, institutions for both girls and women offenders are all seriously deficient in the provision of medical and counseling services, as well as vocational and educational training. The high rate of recidivism speaks for itself. A Department of Corrections report on "Movement and Characteristics of Women's Detention Center Admissions, 1969" indicated that more than half the total admissions had prior criminal records. The median number of times admitted was two; excluding first-time admissions, the median number of times admitted was 4.

It will undoubtedly take time to develop and implement alternatives to incarceration and the number of female offenders detained in District correctional centers is not likely to decrease significantly within the next few years. It is consequently imperative that the corrections system begin to provide adequate services in those institutions so as to assist, and not hinder, the successful rehabilitation and resocialization of both juveniles and adults.

Recommendations

1. The D.C. Manpower Administration should seek grant funds or special appropriations to institute job training, job development and placement programs for female offenders. The Commission hopes that the courts would then give serious consideration to the idea that female offenders be given a choice of enrolling at public expense in education or vocational training courses as alternatives to serving sentences in an institution.

2. The Department of Corrections should expand its work-release programs and should also develop an effective placement program to help ex-offenders find jobs upon release, and to provide suitable job interviews prior to release.

3. Sex-typing of training programs should be eliminated; the female offender should be trained for any job which can be made

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available to her in the community. Vocational options should be expanded for both young and adult women to include dental technology, food service, furniture refinishing, repair work, counselor and health aid services, etc. Pre-vocational programs and training in good work habits and job-hunting skills should be available.

4. Medical and health services should be improved in correctional centers and information about venereal disease, birth control, and health needs of children should be readily available. The D.C. Department of Human Resources should set up a review committee to determine how the support services of the department could be better utilized to aid the female offender.

5. Educational programs to attack functional illiteracy should be regularly available to women in detention, including the short-term offenders, and special courses in child care, consumer problems, budgeting and other particularly relevant concerns of women should be developed.

6. Inmates should be given an increased role in the determination of education and rehabilitation programs at the Women's Detention Center and other corrections facilities for women.

SEX DISCRIMINATION IN THE CRIMINAL JUSTICE SYSTEM

Criminologists have suggested that the criminal justice system treats women chivalrously, and that this treatment may account for the low rates both of arrests and convictions of women. Contrarily, at the Commission's hearings several witnesses contended that women are, in fact, the victims of pervasive discrimination and a dual standard of sexual behavior. A child psychologist testified that the sexually active girl:

"Is condemned, cast out, and even jailed for activities which make her brother a respected hero among the same peer group. When the youthful male offender is brought before the court, no mention is made to whether or how many females he has had sexual contact with. To send him to training school because he is promiscuous with girls sounds ludicrous and would be laughed out of court."

The largest number of women arrested locally are charged with the victimless crime of prostitution and related offenses. Of the 2,791 women arrested in the District in 1969, 21% were charged with soliciting prostitution, and another 20% with disorderly conduct—a charge understood to be used to detain alleged prostitutes when actual proof is not available. In that same year, only 4 men were charged with "procuring."

Most arrests for prostitution in the District are classed as misdemeanors, with a maximum senstence of six months or a fine of $500, which is below the limit set for compensation for court-appointed attorneys. One witness testified that the legal services provided for the prostitute are potentially inferior to those provided for clients whose attorneys are compensated by the court:

"This works against her at every phase of the criminal process: formulating alternative pre-trial release plans; negotiating with the prosecutor; investigating the legal and factual issues of her trial; preparing for the sentencing hearing."

The local chapter of the American Civil Liberties Union testified that:

"Of all the victimless crimes . . . criminal prosecution for prostitution is the most unjust and discriminatory as well as the least efficacious . . . for by statute and tradition the woman prostitute is usually the only person penalized, although clearly it takes two people to engage in an act of prostitution."

Another witness testified that:

"Prostitution is a status crime which mainly affects only the woman herself. By removing prostitution from the criminal justice system, and thereby reallocating limited funds from police vice squads, jail personnel, administrative services, court personnel and probation services, a step towards education, treatment, and some type of rehabilitation, such as in the case of the many women who are addicts, may be effected."

The cost of apprehending prostitutes in Washington has not been established, but it may be estimated on the basis of a study done by the San Francisco Committee on Crime. The study calculated a per-arrest cost there in excess of $175 in 1969. On that basis, the 620 female arrests in D.C. on prostitution charges in 1970 cost taxpayers here an estimated $108,500. The San Francisco Committee proposed a revision of the criminal law covering prostitution because of the waste of taxpayers' money under the present law:

"What do San Francisco taxpayers buy for $175 every time a prostitute is swept off the street? They buy essentially nothing of a positive nature, and a great deal that is negative. Without really affecting the problems associated with prostitution, they are supporting a futile operation."

Prostitution and drug abuse

Washington, D.C., has for some time been gripped by a heroin epidemic, and testimony repeatedly supported the fact that many addicted females engage in property crimes and prostitution in order to support their drug habits. More than 80% of the women incarcerated at the Women's Detention Center have drug problems. The head of the District's Narcotics Treatment Administration[1] testified that:

"As far as women and heroin addiction are concerned, I don't know as much as I wish I did about the special needs and problems of women in our organization, in our treatment efforts, but I do know this, that women constitute about 26% of the overdose deaths from heroin in the District of Columbia. The overdose deaths in heroin addiction in general are concentrated in young people between the ages of 18 and 25, and there is considerable over-representation of men as there is in many kinds of delinquent behavior also. On the other hand, there are of course large numbers of women, 26% of 17,000. This is a very substantial number indeed. In our treatment program, women are less represented (16.5% to 20%) than they are in the overdose population. There is some speculation as to why that is. I frankly don't know . . . It may be because we don't provide special services for women and if we did we would have more women coming in for treatment. It may also be that women have an easier time supporting their heroin habit than men do and are less likely to be apprehended by agencies of the criminal justice system. But that is pure speculation . . ."

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To date, there has little more than speculation about causes and cures of female crime. Because women commit fewer and less serious crimes than men, they are the "forgotten offenders." Statistically, they represent only a small percentage of the offender population and they are overlooked by both the public and the criminal justice system. Psychologically, they do not pose a serious threat to the security of the community and effective rehabilitation programs are not a community concern. Effective rehabilitation programs cannot be instituted, however, until there is a good understanding of who the female offenders are, and information is not currently available on which to base such an understanding. The Dillingham study reported:

"Very little formal record keeping is maintained at the Women's Detention Center. Annual reports merely show number of admissions, releases, escapes, and apprehensions for the year. No information is provided in these annual reports as to admission by type of crime, nor is any data provided to indicate length of stay. Monthly reports merely classify inmates as 'Federal prisoners' and 'District prisoners,' and show the number of each by day of month. Information on commitments by type of crime is available only in raw data form, maintained in a card file in the record office."

The paucity of data on the female offender is only slightly less disturbing than the lack of concern. Neither the criminal justice system, nor the public even knows who the female offender is, much less what her needs and problems are. Consequently, everyday, more young and adult women pay that ironic price of being the solitary victims of their own crimes.

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Recommendations

1. All possible steps should be taken to reduce drug addiction, which is widely recognized as an important factor in the incidence of crime among women in D.C. The Narcotics Treatment Administration should develop special outreach programs for women, who are under-represented in NTA programs compared with their representation in narcotics overdose deaths. NTA should cooperate with private groups to establish additional facilities for community-based programs for female addicts.

2. The decriminalization of prostitution should be seriously considered, and the practical consequences of this innovation in the District should be carefully weighed. The Commission is mindful of the fact that one of the recurring arguments in Washington, as elsewhere, against the decriminalization of prostitution is the fear that it might result in rising incidence of venereal disease. However, the Commission is also aware that prostitution is only one of the avenues linked to the spread of venereal disease and believes, in any case, that the control of venereal disease is a medical rather than a legal problem. The Commission therefore recommends that the City Council's committees on Health and on Public Safety jointly review the relationship between prostitution and venereal disease in this city.

3. Court-appointed counsel should be compensated for all cases involving indigent women. Volunteer legal aid should be encouraged to supplement presently insufficient court services, and the efforts of the Public Defender Service to expand their services to women should be facilitated.

4. Police, courts, and corrections programs should revise their routine record-keeping operations to include case history information about female offenders. Annual reports should include specific information about the nature and trends of female crime.

5. Research should be conducted to determine the extent of sex discrimination at every stage of the criminal justice system, including the availability of bail, pre-trial disposition of cases, conviction rates and length of sentences, availability of probation and parole, and adequacy of rehabilitative and other supportive services.

EPILOG

To all who are striving for justice for female offenders and the humanizing of the

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criminal justice system, the Commission strongly recommends attention to this fact: housing, income, nutrition, education, job society will continue to be diverted to the opportunities, health, and equality of opportunity must be pursued simultaneously with the pursuit of solutions to the immediate and pressing problems of females trapped in and trying to escape from the cycle of crime and punishment. Unless these longer range goals are achieved, the energy of society will continue to be diverted to the consequences of social neglect, rather than to the underlying causes of crime.

LIST OF WITNESSES

Federal agencies

Mathea Falco, Senate Subcommittee on Juvenile Delinquency, presenting testimony for Senator Birch Bayh (D-Ind.).

Honorable Walter Fauntroy, (D-D.C.), House of Representatives.

Honorable Gilbert Gude (R-Md.), House of Representatives.

Mary Hilton, Deputy Director, Women's Bureau, Department of Labor, presenting testimony for Elizabeth D. Koontz, Director.

Constance Springmann, Federal Bureau of Prisons, presenting testimony for Mrs. Virginia McLaughlin, Warden, Alderson Reformatory for Women.

District of Columbia agencies

Board of Education

Dorothy Harris, Vice Principal, Shaw Jr. High School; Doris Sanders, Chief Attendance Officer, Division of School Attendance.

Courts

Thelma Abrams, Probation Officer, D.C. Superior Court; John D. Fauntleroy, Judge, D.C. Superior Court; Robert Golten, Public Defender Service.

Department of Corrections

Kenneth Hardy, Director; George Holland, Community Services; Helen Mitchell, Job Developer; Patricia Taylor, Administrator, Women's Detention Center.

Metropolitan Police Department

Walter E. Bishop, Inspector, Morals Division; Frances McCall, Captain, Juvenile Section; Constance L. Tilley, Lieutenant, Field Supervisor; Boyd T. Willard, Deputy Chief, Youth Division.

Narcotics Treatment Administration

Robert Dupont, Administrator; Dolores Jackson, Counselor; Mary Jackson, Registered Nurse.

Office of Youth Opportunities Services

James A. Woodward, Program Analysis Officer.

Social Services Administration Department of Human Resources: Action for Children in Trouble, Community Team: Doris Harrison, Barbara Hartman, Lorraine Rice, Julia Scott.

Carl Banks, Child Psychologist, Jr. Village; William W. Barr, Executive Director, Bureau of Youth Services; Eula De Laine, Administrator, Jr. Village; Mary Gordon, Social Worker, Maple Glen School; Nadine Holt, Social Worker, Cedar Knoll School.

Citizens and Private Organizations

Vashti Adams, Pennsylvania Program for Women and Girl Offenders.

Michael Ambrose, President, Center for Human Systems.

Edward Anderson, Common cause.

Elayne Bartner, Friends of the Juvenile Court.

Charles Brown, Vice President, One America, Inc.

Barbara Farr and Shirley Quander, Counselors, Regional Addiction Prevention (RAP, Inc.)

Sharon Grant, Job Cooperative.

Dr. Alyce C. Gullatee, Associate Professor of Psychiatry, Howard University.

Phylis Lake, Director of Volunteers, Friends of the Juvenile Court.

Dianne Harper, Alumna, Cedar Knoll.

Ann Horvitz, Executive Director, Visitors' Service Center.

Joanne Malone, Institute for Policy Studies.

Minnie R. Massie, Executive Director, D.C. Women's Commission for Crime Prevention. Women Prisoners.

Sandra McFeeley, Director, Volunteer Services, Bureau of Rehabilitation.

Myrna Rader, Legal Intern, Georgetown University.

Miriam Raskin, Social Workers, Travelers Aid Society.

Susan Ross and James Heller, American Civil Liberties Union.

Linda Singer, Women's Legal Defense Fund and DC Citizens Council for Criminal Justice.

Daniel L. Skoler, Staff Director, Commission on Correctional Facilities and Services, American Bar Association.

Dr. Elizabeth Strawinsky, St. Elizabeth's Hospital, Psychiatrist.

John Theban, Executive Director, Family and Child Services of Washington, D.C.

Bill Trainer, Director of Special Approaches to Juvenile Assistance.

Donald Yancey, MICCO Industries.

FOOTNOTES

[1] The hearing transcript is on file in the Commission offices; information about the hearing tapes can be obtained by writing to WETA-FM, 5217 19th Road, Arlington, Virginia 22207.

[2] Criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny of $50 and over, and auto theft.

[3] Some pioneering work has begun in the field of rehabilitation of women offenders. The D.C. Commission on the Status of Women has undertaken a study of the work being done in various jurisdictions with the objective of finding possible guidelines for wider applicability both within the District and across the country. This study, supported by a grant from the Manpower Administration, U.S. Department of Labor, is to be reported in 1973.

[4] "The Treatment of Women Offenders." March 3, 1971, D.C. Citizens Council on Criminal Justice, 1302 New Jersey Ave., N.W., Washington, D.C. 20004.

[5] See Appendix: Detention and Correction Facilities in D.C.

[6] A study in five volumes, entitled: *New Detention Center, District of Columbia, Technical Report*, prepared by SUA, a division of Dillingham Corporation. The report recommends replacement of the existing D.C. Jail and Women's Detention Center by construction of two new facilities. (1) A Detention Intake Unit for men and women in the vicinity of Judiciary Square, which would include space for police bookings, attorneys, pre-trial release personnel, social welfare agencies, visitation, medical examining, narcotics screening and related programs. (2) A Main Detention Center for men and women near the site of the existing D.C. Jail.

[7] The Children's Center includes four facilities: (1) the Receiving Home houses juveniles committed to the custody of the Social Services Administration while awaiting court action. (2) Cedar Knoll School, coeducational. Until February 1971, Cedar Knoll was the only detention center for juvenile females and it housed girls who had been adjudicated as "beyond control" of their parents, as well as girls actually convicted of criminal offenses. (3) Maple Glen School. In December 1970, committed delinquent youths were transferred to Cedar Knoll. Maple Glen became the PINS facility in February 1971. (4) Oak Hill Center, for more aggressive, older boys between the ages of 15 and 20.

[8] A comprehensive law enforcement plan, synchronizing plans of the courts, and Police and Corrections Departments, is reported annually to the Law Enforcement Assistance Administration (LEAA) in the Justice Department by the city's Office of Criminal Justice Plans and Analysis (OCJPA). OCJPA is supervised by the Mayor's Criminal Justice Coordinating Board, which is composed of the heads of the major criminal justice agencies in the city, and several citizen members.

[9] The YWCA's residential intervention center, approved for LEAA funding by the Office of Criminal Justice Plans and Analysis, will be capable of serving 15 individuals at a time, with expected time of residence varying from 3 to 9 months, and a yearly capacity of about 30. Its purpose is to provide a rehabilitation program as an alternative to incarceration for older girls 16–18, who will not be returning to their homes. The rehabilitative approach will be group interaction under professional guidance, focusing on real current problems. The project was developed in response to the need articulated by the local courts for alternatives to incarceration at the Children's Center and the fact that there is no program especially designed for the 16- and 17-year old delinquent girl, who has no suitable home to return to. The YWCA describes these girls as: ready to enter the working world, but not having acquired the motivations, the personal respect, knowledge of how to upgrade themselves, nor personal work habits necessary for success in the working world. The project goal is to make the girl take responsibility for her life and actions and help provide the tools necessary.

[10] Recognizing that ghetto education often leaves girls without motivation to remain in school to undertake vocational training and to plan for careers, the D.C. Commission on the Status of Women is undertaking a program of career intervention and interest motivation—PROJECT WOMEN—designed to stimulate the vocational interests of girls and their motivation to stay in school so that they will develop employable skills and avoid pitfalls of crime and delinquency. Approved as a cooperative project with the D.C. Public Schools, with LEAA funding. PROJECT WOMEN will enlist the cooperation of working women who will serve as vocational role models on a one-to-one basis with approximately 350 girls aged 12 through 17, in the general area of the M.M. Washington Vocational High School. In outlining this project, the Commission took note of a similar effort, PROJECT MEN, which had operated for two years and had led to decreased drop-out rates, expressed desire to remain in school, and increased vocational choices by the project participants. The Commission also noted that insufficient attention has been devoted in the District to the needs and problems of girls, although increasing numbers of them are involved in petty larceny, drug addition, and unwed motherhood.

[11] The Narcotics Treatment Administration (NTA) was created in February 1970 from elements of the D.C. Department of Corrections and the D.C. Department of Human Resources. NTA conducts two programs, Abstinence and Methadone Maintenance, to decrease illegal drug use and drug-related activity and to increase the number and proportion of patients who change behavior patterns and adopt more socially accepted and productive life styles.

DETENTION AND CORRECTIONS FACILITIES IN THE DISTRICT OF COLUMBIA

DEPARTMENT OF CORRECTIONS

	Incarcerated population, June 1971 [1]	Daily per capita cost, 2d quarter, 1971	Capacity 1971	Average daily population, Feb. 1, to June 30, 1971
Institutional population	3,453			
Lorton complex	1,514	$16.75	1,384	1,385
D.C. Jail	1,183	13.54	663	1,105
Youth Center	569	23.36	324	356
Workhouse, Minimum Security	321	16.66	50	225
Women's Detention Center	153	29.18		93
Parole population	1,372			
Community centers	874	15.50		
Halfway houses (men)	(2)	(2)	300	454
Halfway houses (women)	(2)	(2)	25	[3]18

[1] Figures projected by OCJPA, December 1970.

[2] Figures not available or not applicable.

[3] Average daily population, March 1, to June 30, 1971.

SOCIAL SERVICES ADMINISTRATION

	Expenditures, 1971 (thousands)			Average daily population, Feb. 1, to June 30, 1971
	Operating	Capital	Capacity	
Juvenile corrections:				
D.C. Receiving Home	$1,043.8	0	108	[1]131.0
Cedar Knoll	1,815.8	0	450	409.0
Maple Glen School	766.9	0	190	41.0
Oak Hill Center	1,255.3	$396	150	146.0
Youth group homes (combined)	846.8		[2]15	11.3
Parole (ACT)	461.5	0		
Juvenile Parole (aftercare)	316.0	0		
Predelinquency				
Mobile Psychiatric	83.8			

[1] Detention population minus those in youth shelter homes.

[2] Each.

Source: Office of Criminal Justice, Plans and Analysis, 1971 comprehensive plan and 1970 report on space allocation.

CIVIL RIGHTS VERSUS INDIVIDUAL LIBERTY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. BRAY. Mr. Speaker, the following article by Mr. Nile Stanton, of Pendleton, Ind., appeared in the spring 1972 edition of the Indiana Legal Forum—which name is to be changed to Indiana Law Review.

I found it to be an outstanding and uncommonly perceptive look at the school busing controversy, and some of the judicial decisions on this matter. It is a pleasure to commend it to my colleagues:

CIVIL RIGHTS VERSUS INDIVIDUAL LIBERTY: SWANN, AND OTHER MONSTERS OF IMPETUOUS JUSTICE [1]

"[T]here are, in our own day, gross usurpations upon the liberty of private life actually practiced, and still greater ones threatened with some expectation of success, and opinions propounded which assert an unlimited right in the public not only to prohibit by law everything which it thinks wrong, but in order to get at what it thinks wrong, to prohibit any number of things which it admits to be innocent."—JOHN STUART MILL [2]

Among the critical indicia of any democracy is the absence of a person, or group, with authority—assumed or delegated—to govern by fiat. Government by fiat is not the rule of law. One measure of a nation's dedication to a democratic ideal is, accordingly, the extent to which its judiciary refrains from issuing result-oriented mandates.[3] Conversely, where a nation's judiciary receives approval for issuing result-oriented mandates, it is an indication of the peoples' fear of freedom [4] and an encouragement for their government to retreat from a democratic ideal.[5]

Our national judiciary has at times been criticized for "legislating" [6] and for issuing certain result-oriented mandates which impinge upon individual liberties.[7] The United States Supreme Court, by its decision in *Swann* v. *Charlotte-Mecklenburg Board of Education*,[8] has again opened itself to such criticism; [9] and several lower federal courts have done so as well by rendering opinions and issuing decrees which, for civil libertarians at least, must be viewed as anathematic to democratic ideals.

To a limited extent the April 20, 1971, decision in *Swann* and subsequent lower court decisions tend to defy criticism because they aim to safeguard the rights of a minority which has been terribly oppressed, often with the sanction of law.[10] This laudable aim, however, cannot render sacrosanct all the recent civil rights cases which have been resolved favorably to the plaintiffs. Though one might be tempted, from a quick reading of the cases, to take a contrary viewpoint, it is submitted that several—the busing and no-testing decisions in particular—are incredibly bad law in terms of what they portend for individual liberty.

An Historical Overview

More than half of a century before *Plessy* v. *Ferguson* [11] the black citizens of Boston sought to abolish schools which were kept racially segregated by the school system's supervisory committee.[12] When the committee refused to voluntarily desegregate the schools, the matter was litigated; and, in rendering its decision against the plaintiff, the Massachusetts supreme court, in 1849, established precedent for the separate-but-equal doctrine.[13] In an opinion full of benign rationalizations, Chief Justice Shaw rejected the eloquent arguments set forth by the plaintiff's counsel [14] and affirmed the school system's mandatory segregation policy on grounds that the schools' supervisory committee had "plenary authority" to "classify" and "distribute" Boston youth among the different schools in the manner the committee thought would best serve "general proficiency and welfare." [15]

Although by 1896 slavery and peonage were no longer legally sanctioned and were in fact expressly prohibited,[16] that year saw, in the infamous *Plessy* decision, the beginning of constitutionally sanctioned forced segregation on the basis of race. The United States Supreme Court, with only Justice Harlan dissenting, opined that the fourteenth amendment was supposed to enforce "absolute equality" before the law.[17] But the Court also indicated that the fourteenth amendment did not prohibit laws which permitted or required separation of the races where facilities provided were substantially alike.[18] As Justice Harlan predicted, the *Plessy* judgment proved to be "quite as pernicious as the decision made by this tribunal in the *Dred Scott Case*." [19] The *Plessy* case involved segregated railroad cars; but, in obiter dicta, Justice Brown recognized that segregation was imposed most often in the public schools. Twelve years later, in *Berea College v. Kentucky*,[20] the United States Supreme Court gave its blessing to such a practice.

In the 1927 case of *Cong Lum v. Rice* [21] the United States Supreme Court upheld segregation on the basis of race for the last time.[22] Although some advances were made in the interim,[23] the separate-but-equal doctrine remained—at least in the field of education [24]—the law of the land until May 17, 1954. On that day the Court in *Brown v. Board of Education* [25] declared that state-imposed racial segregation in public schools could not be squared with the fourteenth amendment. The Court in *Brown I* found that separate-but-equal schools were "inherently unequal," and one year later the Court ordered that desegregation was to proceed "with all deliberate speed." [26]

Even after *Brown II* the nation's school boards, legislatures, and courts could not agree on answers to several perplexing questions. Several legislatures purported to give school boards authority to consider race in making pupil assignments.[27] Such laws were, of course, unconstitutional.[28] A more serious problem that arose from *Brown* was whether the decision merely required states to cease assigning pupils on the basis of race.

Although there is some authority to the contrary,[29] it is fairly well established that de facto segregation is constitutionally allowed.[30] What constitutes de facto segregation is, however, not entirely clear. The traditional view is that it is the "mere chance or fortuitous concentration of those of a particular race . . . not accomplished in any way by the action of state officials." [31] However, argument which suggests that all existing segregation is causally related to earlier de jure segregation is heard frequently [32] and merits attention. The gist of the argument is (1) that all states have in the past created or sanctioned racially segregative practices, (2) that such practices achieved their intended results, and (3) that this segregation has continued to the present day, despite the absence of any state action to overtly perpetuate racial segregation. The called de facto segregation is to maintain the results of de jure segregation. The apparent validity of this line of reasoning may be seductive enough to attract the wrath of the Supreme Court upon de facto segregation.[33]

Undoubtedly, the argument summarized above has begun to infirm traditional notions about what constitutes de jure segregation. In assuming that de facto segregation was adventitious and constitutionally permissible, the nation's courts necessarily evolved a dual standard—one which forbade de jure segregation only.[34]

Immediately following the *Brown* decision, the Fourth and Fifth Circuits adhered to a narrow interpretation of the command to desegregate. Until the 1966 case of *United States v. Jefferson County Board of Education*,[35] most courts established a pattern of decisions which adopted the oft-quoted dictum in *Briggs v. Elliot* [36] to the effect that state-imposed segregation was prohibited, while integration was not required.[37] *Jefferson* marked a significant departure from earlier desegregation law. That decision held that there is an affirmative duty to integrate schools which were formerly segregated de jure. Judge Wisdom asserted that "*[t]he*

Footnotes at end of article.

only school desegregation plan that meets constitutional standards is one that works." [38] Thus, "actual integration" became the test by which the constitutional viability of desegregation plans was to be judged. The *Jefferson* decision's repressive and simplistic test [39] was adopted by the United States Supreme Court in 1968.

The landmark case of *Green v. County School Board* [40] made it obligatory upon school authorities to immediately effectuate desegregation plans which would in fact integrate schools formerly segregated de jure. The New Kent County School System had implemented a freedom-of-choice plan by giving each student an opportunity to select what school he wished to attend and assigning him to that school. The Supreme Court found that the plan had not "worked" since few blacks chose to attend the formerly all white schools, and no whites chose to attend the county's black schools [41]—this even though the freedom-of-choice plan had been in operation for three years. The Court in *Green* noted that the *Brown* decision had intended, ultimately, to produce unitary, nonracial school systems, *i.e.*, systems with neither white schools nor black schools, but just schools.[42] To avoid constitutional attack, desegregation plans had to promise "realistically to work *now*." [43]

Although *Green* failed to establish criteria that the inferior courts could use to determine whether a school system was unitary, the Court clearly indicated—albeit negatively—that desegregation plans prima facie innocent and neutral were constitutionally insufficient if they did not result in actual integration. Unquestionably by accident, the United States Supreme Court took a small step backward [44] in 1969 when it finally defined a "unitary system" as one "within which no person is to be effectively excluded from any school because of race or color." [45] This sound and unobtrusive definition was significantly absent in *Swann v. Charlotte-Mecklenburg Board of Education*.[46]

The uniqueness of *Swann* lies in the fact that the Supreme Court approved a comprehensive desegregation plan which, accordingly, can be viewed as a constitutionally acceptable model. The nation's school officials have, for the first time, an indication of what a unitary school system should look like—the Charlotte-Mecklenburg system. Moreover, school officials have an indication of the broad range of remedies the Court will sanction to correct racial imbalance in systems once segregated de jure.

Only the highlights of *Swann* need be reiterated here.[47] It should be emphasized, firstly, that "[t]he constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole." [48] Although the Supreme Court sanctioned the district court's order that the white-black ratio in the whole Charlotte-Mecklenburg system (71–29%) be reflected as nearly as practicable in each school, the Court refused to require strict racial quotas and left the matter in the hands of the district courts.[49] The Court saw the use of ratios as a "starting point in the process of shaping a remedy, rather than an inflexible requirement." [50]

What is objectionable about the *Swann* decision is that it strongly affirms and extends the rule of *Green*. As indicated above, the Court in *Swann* refused to require fixed racial ratios; and, elsewhere, the Court went so far as to acknowledge that the existence of some one-race schools might not offend the Constitution. Nevertheless, the Court gave its imprimatur to all methods of achieving actual integration: [51] regerrymandering districts, clustering and grouping schools, majority-to-minority transfer and busing even beyond contiguous zones. Time involved, distance of travel, and age of students can, however, be taken into consideration when busing is a remedy.[52] *Swann* cannot, then, be critized on the ground that it imposes on inferior courts or school officials the task of adhering to strict racial quotas or that it imposes an obligation to bus students so that those in non-continguous zones can be intermingled. And it is true that *Swann* will achieve the laudable goal of actual integration in public schools, at least for a period.[53] But *Swann* does constitute incredibly bad law.

AN ARGUMENT AGAINST BUSING

The United States Supreme Court should overrule *Swann*.[54] In giving new force to the rule of *Green*, the *Swann* decision commands that wherever school officials have, at any time subsequent to *Brown*, failed to actually integrate their schools, they *must* integrate at once. Even after ceasing to compel or encourage segregation, schools cannot sit idly by with a desegregation plan which, however innocent, does not work, *i.e.*, result in actual integration. Professor Alexander Bickel has stated:

> "Willy-nilly, the Supreme Court imposes a choice of educational policy, for the time being at least, when it orders maximum integration, and I don't think we can be sure that the choice is the right one. . . . Willy-nilly, the Court opts against decentralized and diversified schools, that can be more responsive to the needs of cohesive groups of parents and students, that can alleviate the frustrations and sense of powerlessness of such groups. . . ." [55]

Professor Bickel cannot be read to oppose school integration; but rather, he opposes *Swann* because it *willy-nilly decided that the nation's legal order compels the racial mixing of students as a matter of educational policy*. This is properly the crux of the argument against *Swann*, and an argument which needs clarification.

The preceding pages substantiate that our national government and the states have historically foisted upon America's black citizenry various legal disabilities. It must also be recognized that—despite this fact—the *Swann* decision, insofar as it affirmatively asserts the rule of *Green*, is considerably more oppressive than even *Plessy v. Ferguson* [56] and some other segregative decisions. *Plessy* sanctioned state laws which compelled or allowed the use of separate-but-equal facilities. *Plessy* itself did not require racial separation. The case which embodied the *Plessy* rule educational institutions [57] did not compel racial separation. Query: Has any federal law or any federal court decision ever compelled that throughout the nation there must be racial segregation? No.

It is not being maintained here that *Plessy* was good law. To the extent that it permitted the existence of laws which forced racial separation, the *Plessy* decision was repressive to individual liberty. It is, indeed, difficult to characterize as anything but repressive any judicial fiat which sanctions laws which treat of human associations in compulsory terms. If the *Swann-Green* rule had gone only so far as to sanction the existence of state laws which require integration, it would appear equally as repugnant to individual liberty as was *Plessy*.[58] However, the *Swann-Green* rule does much more than that. To reemphasize, the Supreme Court has now required that state practices must effectuate actual integration.

Speaking for a unanimous Court in *Swann*, Chief Justice Burger remarked that,

> "Our objective in dealing with the issues presented by these cases is to see that school authorities *exclude no pupil of a racial minority* from any school, directly or indirectly, on account of race." [59]

Remarks such as this have served to confuse the lower courts and, on occasion, magnify the repressive effects of *Swann*.[60] On its face, the quoted language appears to reinstate a restrictive version of the command in *Alexander v. Holmes County Board of Education* [61] that "no person is to be effectively excluded from any school because of race or color." [62] However, such an interpretation cannot be squared with the context of *Swann*. Whatever the Court's "objective in dealing with the issues" was, it most assuredly could not have been that stated above—otherwise there exists no affirmative duty to integrate. And the entire thrust of the *Swann-Green* rule is precisely that duty. Only if one takes "exclude . . . indirectly" to mean "any practice which does not result in actual integration" does the quoted statement align with the rest of *Swann*. School officials and the courts should, to meet their constitutional duties, take care in reading *Swann* else they unwittingly adopt the Sixth Circuit's interpretation of the Court's alleged objective.

In *Goss v. Board of Education* [63] the Court of Appeals for the Sixth Circuit expressed the view that *Swann*, due to the above language,[64] had made it "clear that the constitutional prohibition against assigning students or teachers on account of race is applicable only to *minority* groups." [65] The court in *Goss* further suggested that "some disparate treatment in favor of racial *minorities* must be tolerated until the 'vestiges' of de jure segregation have been eliminated." [66] The United States Supreme Court did not specifically express the view adopted in *Goss*, and the Court may not have intended to precipitate such notions; however, the clear—though implicit—thrust of the Swann-Green rule is to support compensatory discrimination in favor of minorities.[67]

Compensatory discrimination, seen by some as the requisite first step in shaping a remedy for past racism,[68] received support from the federal government [69] and benign tolerance from the courts [70] even before the *Swann* decision. Although compensatory discrimination does not always impose an affirmative obligation, the practice, when done solely on a racial basis, smacks of reparations nevertheless; and it often operates—especially in combination with the *Swann-Green* rule—to foist upon the public the notion that equality of *condition*, as opposed to equality of *opportunity*, is a constitutional right and that it can be achieved by judicial fiat.

THE NO-TESTING CASES

Griggs v. *Duke Power Co.*[71] invalidated the use of an ability test which, though neutral on its face and used in good faith by an employer, operated to disqualify from employment an excessively large number of blacks. The test was rejected for that reason and because the Court felt the intelligence test was not reasonably related to the skills of the job. Taken together, *Griggs* and *Swann* have developed a relatively new line [72] of cases and decrees. The two cases of this type most patently deliterious to individual liberty are probably *Baker* v. *Columbus Municipal Separate School District* [73] and *Moses* v. *Washington Parish School Board*.[74]

In *Baker* it was established beyond question that Columbus school authorities used the National Teacher Examination scores on a racially inconsistent bases to avoid hiring black teachers.[75] The court, however, went far beyond condemning this practice. The court found that the school system's 1000 NTE cutoff score for hiring could be met by 90% of the white graduates of Mississippi colleges but could not be met by 89% of the black graduates of Mississippi colleges. Attempting to meet the *Griggs* test,[76] the court found that the 1000 NTE score was not reasonably related to measuring job capability; and, combining this with the fact that few black teachers attained the requisite score, the *Baker* court declared that, as a matter of law, the NTE is racially discriminatory. The internecine effect of the *Baker* decision can best be seen in light of *Moses*.

Footnotes at end of article.

From 1953 to August of 1971, the Franklin Elementary School of Washington Parish used the Primary Mental Ability Test and the Ginn Reading Readiness Test to produce homogeneous ability groups in its student body.[77] Although the school was not integrated until late 1969;[78] Judge Heebe opined that the tests were used to segregate the students and proceeded to devote his efforts to chastising the school officials for their educational policy. The student body of Franklin Elementary was 69% black and 31% white, but the ability tests tended to segregate the white pupils into the higher tracks.[79] The *Moses* court, accordingly, found that the use of ability groupings violated the equal protection clause.[80]

The *Moses* decision is only illustrative of a recent trend.[81] These decisions are predicated on the crucial assumption that ability groupings are socio-educationally detrimental to those students with demonstrably less ability than some other students. And to circumvent the supposed detrimental effects, at least for blacks, the federal courts have decided that ability groups are violative of the fourteenth amendment's equal protection clause and are, hence, impermissible. The assumption and remedy are at least convenient. If it could be proved that ability groupings provide the best educational opportunity for students of low ability, courts would be faced with the dilemma of choosing whether they prefer integrated classes or equal educational opportunity. The recent trend of "civil rights" law may, in view of the thrust of *Griggs* combined with the *Swann-Green* rule compel a judicial preference for integrated classes in such a case. But have concepts of equal protection ever envisaged the development of affirmative obligations which would make such a choice necessary?

CONCLUSION

In 1971 a few historic advances[82] in the law were made, the benefits of which will flow most directly to minority groups and, thus, generally to all Americans. *Swann v. Charlotte-Mecklenburg Board of Education*,[83] however, should not be viewed as an advance for civil rights. Primarily because it attempts to carve an affirmative duty out of the proscriptive language of the fourteenth amendment, the *Swann* decision necessarily raises some very serious questions about the limits to which the national judiciary can be held once a socially desirable goal is identified.

The fourteenth amendment did not acquire its negative language by quirk. The Constitution's references to equality were never meant to affirmatively command equality of condition, but were, rather, meant to assert that men are equal in ultimate worth.[84] The axiom of equality is simply that every American must be afforded equal rights and equal opportunity.[85] One of our nation's greatest civil libertarians, Justice William O. Douglas, has made this argument:

"Equal protection under the law is the most important single principle that any nation can take as its ideal." [86]

And he continued:

"All men of course are not equal in talents or abilities. But once all men are treated equally by government and afforded equal opportunities for preferment and advancement, society undergoes a transformation. A new aristocracy emerges—not an aristocracy of family, wealth, race or religion, but an *aristocracy of talent*." [87]

If the United States Supreme Court is going to adhere to the *Swann-Green* rule, the Indianapolis desegregation decision[88] provides a powerful and realistic guide for other jurisdictions.[89] The decision is atypical in two important respects: (1) The spectre of "white-flight" was given careful consideration in the formulation of the remedy;[90] and (2) because of that, the remedy aimed to join school districts beyond Indianapolis and even beyond Marion County.[91] If *Swann* is to stand, it seems that Judge Dillin's approach would reduce the probability of immediate re-segregation.

The affirmative command of the *Swann-Green* rule has serious import for other areas of desegregation law besides education. Since nearly every desegregation case has recited the causal relation of segregated housing to segregated schools, one wonders why the federal government has not taken stronger action in this area. If the causal relation is real, which it likely is, short of imposing a *Swann-Green* based affirmative duty by telling people where they must live, the courts could take this powerful step: Wherever the state or national government financially underwrites, or supports any bank which underwrites, loans for housing for a person in any area in which predominantly one race resides, the courts could find de jure segregation. Rather than require people to move, the courts could prohibit any governmental unit or any governmentally-supported agency or organization from loaning funds to those persons who seek to purchase homes in areas where members of their race predominate.

Hopefully, the national judiciary will do none of this and will, rather, overrule *Swann*.[92] The most compelling ground for doing so is the United States Constitution. The national judiciary has, in the past, had the perspicacity to recognize that affirmative duties do not naturally flow from the fourteenth amendment.[93] Although *Griggs* and the other no-testing decisions do not, by themselves, impose affirmative duties in the field of human associations—and, hence, are less reprehensible than *Swann*—the decisions elicit the reminder that the law does not require equal treatment where differences in fact exist.[94]

Not only will the existing status of desegregation law continue to produce glaringly disharmonious results[95] until *Swann* is rejected; but, much more importantly in the long run, America can no longer accept Roscoe Pound's simple but demonstrably correct pronouncement that,

"The guarantees of liberty in American constitutions are not and are not thought of as exhortations as to how government should be carried on or its agencies will operate. They are precepts of the law of the land backed by the power of the courts of law to refuse to give effect to legislative or executive acts in derogation thereof." [96]

It is not at all surprising that the national judiciary has found it necessary to ignore the proscriptive language of the fourteenth amendment in order to impose an affirmative duty in the broad area of human associations. The courts could not have in any other way mustered a constitutionally envisaged compulsion to achieve the identified socio-educational goal of equality of condition.[97]

In Athens, located on the western side of the Acropolis, is Areopagus—the hill of Ares. The judges of Areopagus once commanded that the books of Protagoras of Abdera be burned. And, before that, it was at Areopagus where Draco's council is said to have met, apportioning justice at its pleasure. Never has America's history seen such practices. And to the extent this nation is dedicated to a democratic ideal, the courts must retreat from any restriction on individual liberty in the field of human associations. The longer our highest Court adheres to the impetuous justice of the *Swann-Green* rule, the less that Court can be said to support freedom for all Americans.

NILE STANTON.

FOOTNOTES

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[1] The phrase is borrowed from Judge Clark of the Fifth Circuit. Singleton v. Jackson Munic. Sep. School Dist., 425 F.2d 1211, 1223 (5th Cir. 1971).

[2] J. S. Mill, On Liberty 89 (Crofts Classics ed. 1947).

[3] *But see* Askin, *The Case for Compensatory Treatment*, 24 Rutgers L. Rev. 65 (1969), where a contrary view is strongly propounded.

[4] E. Fromm, Escape From Freedom 240–43, 251–56 (1941).

[5] *See* Z. Barbu, Democracy and Dictatorship: Their Psychology and Patterns of Life 47–52, 144–45 (1956); W. Douglas, The Anatomy of Liberty: The Rights of Man Without Force 102–05 (Pocket Cardinal ed. 1964).

[6] *See generally* A. Bickel, The Supreme Court and the Idea of Progress (1970); P. Kurland, Politics, the Constitution, and the Warren Court (1970).

[7] *See, e.g.*, Watt, *The Divine Right of Government by Judiciary*, 14 U. Chi. L. Rev. 409 (1947).

[8] 402 U.S. 1 (1971) (9–0 decision).

[9] *See Hearings on the Status of School Desegregation Law Before the Senate Select Comm. on Equal Education Opportunity*, 92d Cong., 1st Sess., pt. 11, at 5415 (1971) (prepared statement of Alexander M. Bickel) [hereinafter cited as *Swann Hearings*]; *id.* at 5431 (remarks of Owen M. Fiss). Although the testimonies of Professors Bickel and Fiss differ at various points, they agree that the *Swann* decision is substantially result-oriented.

[10] *See, eg.*, United States v. Board of School Comm'rs, 332 F. Supp. 655, 658–65 (S.D. Ind. 1971). Judge Dillin discussed with persuasive language and specificity the numerous legal disabilities imposed upon blacks in Indiana.

[11] 163 U.S. 537 (1896).

[12] *The Smith School*, The Liberator, June 28, 1844, at 3–4, in Civil Rights and the American Negroes. A Documentary History 111–12 (A. Blaustein & R. Zangrando eds. 1968) [hereinafter cited as Civil Rights History].

[13] Roberts v. Boston, 59 Mass. (5 Cush.) 198 (1849). Enforcement of such doctrine would discriminate against whites and blacks equally if other impediments were not present. However, the law itself had, even at this early date, sanctioned or created numerous measures designed to keep blacks "in their place." The Articles of Confederation, in art. IV, made it clear that "the free inhabitants" were the citizens of the confederacy. Although the Ordinance of 1787 prohibited slavery and involuntary servitude in several states, art. VI gave express support to slavery in other states. Moreover, it should be noted that Constitution itself was specifically geared to perpetuate the subjugation of blacks. U.S. Const. art. IV, § 2, cl. 3 provided:

"No Person held to Service or Labor in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labor, but shall be delivered up on Claim of the Party to whom such Service or Labor may be due."

The Fugitive Slave Act was passed to execute this provision. Act of Feb. 12, 1793, ch. 7, 1 Stat. 302. *See* Prigg v. Pennsylvania, 41 U.S. (16 Pet.) 539 (1842), where the constitutionality of the Act was upheld. The Compromise of 1850 amended and strengthened the original Act. Act of Sept. 18, 1850, ch. 60, 9 Stat. 462. In view of Dred Scott v. Sanford, 60 U.S. (19 How.) 393 (1857), it can be argued that, as a matter of federal law, whenever possible blacks were considered property until ratification of the thirteenth amendment on December 6, 1865.

[14] Oral argument for the plaintiff is partially reprinted in Civil Rights History 112–17. Among other contentions, counsel asserted the following:

"Admitting [arguendo] that [the school for blacks] is an equivalent, still the colored children cannot be compelled to take it. . . . They have an equal right with white children to the general public schools. . . . [C]ompulsory segregation from the mass of citizens is of itself an *inequality*. . . . It is a vestige of ancient intolerance. . . ." *Id.* at 116–17.

[15] Roberts v. Boston, 59 Mass. (5 Cush.) 198, 208 (1849).

[16] *See* not 13 *supra.*

[17] Plessy v. Ferguson, 163 U.S. 537, 544 (1896).

[18] *Id.* at 548, 550. In declaring equality before the law for blacks while sanctioning state segregation laws, the Court was no more inconsistent in *Plessy* than it had been for the previous quarter-century and would be several years thereafter in civil rights cases. *See, e.g.,* Berea College v. Kentucky, 211 U.S. 45 (1908); Hodges v. United States, 203 U.S. 1 (1906); James v. Bowman 190 U.S. 127 (1903); Cumming v. Richmond County Bd. of Educ., 175 U.S. 528 (1899); Baldwin v. Franks, 120 U.S. 678 (1887); Civil Rights Cases, 109 U.S. 3 (1883); United States v. Harris, 106 U.S. 629 (1883); Strauder v. West Virginia, 100 U.S. 303 (1880); Hall v. DeCuir, 95 U.S. 485 (1878); United States v. Cruikshank, 92 U.S. 542 (1876); United States v. Reese, 92 U.S. 214 (1867); Slaughter House Cases, 83 U.S. (16 Wall.) 36 (1873).

[19] 163 U.S. at 559.

[20] 211 U.S. 45 (1908).

[21] 275 U.S. 78 (1927).

[22] *Cf.* Korematsu v. United States, 323 U.S. 214, 216 (1944).

[23] Missouri *ex rel.* Gaines v. Canada, 305 U.S. 337 (1938), required the University of Missouri Law School to accept a black applicant rather than allow the state to pay his tuition in an adjacent state until Missouri built a law school specifically for blacks. Sipuel v. Board of Regents, 332 U.S. 631 (1948), followed the *Gaines* ruling and required that a black woman be admitted to the University of Oklahoma Law School. Sweatt v. Painter, 339 U.S. 629 (1950), required the University of Texas Law School to admit a black applicant since the law school maintained for blacks was grossly inferior. McLaurin v. State Regents, 339 U.S. 637 (1950), found that where a black graduate student in a white school was assigned to a special row in class and to special tables in the library and cafeteria, the segregation was unconstitutional. Hinting at the declining constitutional viability of the separate-but-equal doctrine, the Court in *McLaurin* stated:

"There is a vast difference—a Constitutional difference—between restrictions imposed by the State which prohibit the intellectual commingling of students, and the refusal of individuals to commingle where the State presents no such bar. . . . The removal of the State restrictions will not necessarily abate individual and group predilections, prejudices and choices. But at the very least, the State will not be depriving the appellant of the opportunity to secure acceptance of his fellow students on his own merits." 339 U.S. at 641–42.

[24] Zoning ordinances which required racially segregated housing were declared unconstitutional as early as 1917. Buchanan v. Warley, 245 U.S. 60 (1917). Racially restrictive covenants in deeds, private arrangements aimed to obtain the same results as restrictive zoning, were declared void and unenforceable in 1948. Shelley v. Kraemer, 334 U.S. 1 (1948). Private racial discrimination in the sale of homes was declared unlawful only recently. Jones v. Alfred H. Mayer Co., 392 U.S. 409 (1968). Deeds containing restrictive covenants can nevertheless be recorded. Mayers v. Ridley, No. 71–1418 (D.C. Cir., Nov. 15, 1971).

[25] 347 U.S. 483 (1954).

[26] Brown v. Board of Educ., 349 U.S. 294, 301 (1955). The command of *Brown II* was that students be admitted to schools "on a racially nondiscriminatory basis . . . ." *Id.* As could be expected, the *Brown* decisions met with considerable opposition. On March 12, 1956, a group of 101 congressmen, most of whom were from the South, issued a "Declaration of Constitutional Principles" urging their states to oppose desegregation efforts. 102 Cong. Rec. 4515 (1956). *See* W. Workman, The Case of the South 285–302 (1960).

[27] Some of these are collected at Comment, 21 Vand L. Rev. 1093, 1094 n.11 (1968). *See generally* Meador, *The Constitution and the Assignment of Pupils to Public Schools,* 45 Va. L. Rev. 517 (1959). The pertinent Indiana law is at Ind. Code § 20–8–10–1 (1971).

[28] 49 J. Urban L. 339, 403 n.14 (1971), has collected most decisions on the point.

[29] *See, e.g.,* Hobson v. Hansen, 269 F. Supp. 401 (D.D.C. 1967), *aff'd sub nom.* Smuck v. Hobson, 408 F. 2d 175 (D.C. Cir. 1969); Branche v. Board of Educ., 204 F. Supp. 150 (E. D.N.Y. 1962); *Swann Hearings* 5393 (remarks of Julius Chambers); Note, *Racial Imbalance in the Public Elementary Schools in Indiana,* 3 Ind. Legal F. 483, 493–99, 511–13 (1970).

[30] Spencer v. Kugler, 326 F. Supp. 1235 (D.-N.J. 1971), *aff'd,* 92 S. Ct. 707 (1972). The leading case is Bell v. School City, 213 F. Supp. 819 (N.D. Ind.), *aff'd* 324 F.2d 209 (7th Cir. 1963), *cert. denied,* 377 U.S. 924 (1964). *Accord,* Deal v. Cincinnati Bd. of Educ., 309 F. 2d 55 (6th Cir. 1966), *cert. denied,* 389 U.S. 847 (1967); Downs v. Board of Educ., 336 F. 2d 988 (10th Cir. 1964), *cert. denied,* 380 U.S. 914 (1965). *See also* Goss v. Board of Educ., 444 F.2d 632 (6th Cir. 1971); Banks v. Muncie Community Schools, 443 F.2d 292 (7th Cir. 1970); Robinson v. Shelby County Bd. of Educ., 330 F. Supp. 837 (W. D. Tenn. 1971). Sitting as Circuit Justice, William O. Douglas has recently stated that "remedies for de facto segregation, *if there are any,* are unclear." But he added that at least *Plessy* demands separate facilities to be equal. Gomperts v. Chase, 92 S. Ct. 16, 18 (1971) (emphasis added). *Cf.* Levenson, *Educational Implications of De Facto Segregation,* 16 Case W. Res. L. Rev. 545 (1965).

[31] Moses v. Washington Parish School Bd., 276 F. Supp. 834, 840 (E.D. La. 1967).

[32] Beckett v. School Board, 308 F. Supp. 1274, 1304, 1311–15 (E.D. Va. 1969), *rev'd,* 434 F.2d 408 (4th Cir. 1970); *Swann Hearings* 5393 (remarks of Julius Chambers); *id.* at 5422–24 (prepared statement of Owen M. Fiss [reprinted with slight changes as Fiss, *The Charlotte-Mecklenburg Case—Its Significance for Northern School Desegregation,* 38 U. Chi. L. Rev. 697 (1971)]; Note, *Swann v. Charlotte-Mecklenburg Board of Education: Roadblocks to the Implementation of Brown,* 12 Wm. & Mary L. Rev. 838, 846–47 (1971); Note, *Demise of the Neighborhood School Plan,* 55 Cornell L. Rev. 594, 597–605 (1970). *See The Supreme Court, 1970 Term,* 85 Harv. L. Rev. 3, 85–86 (1971).

[33] The United States Supreme Court has never passed on the constitutionality of de facto segregation. *See* Swann v. Charlotte-Mecklenburg Bd. of Educ., 402 U.S. 1, 22–23 (1971) (which examined only segregation imposed by school authorities). The Court may, however, address itself to the legality of de facto segregation in the near future. Keyes v. Denver School Dist. No. 1, 445 F.2d 990 (10th Cir. 1971), *cert. granted,* 92 S. Ct. 707 (1972) (No. 71–507).

[34] *See note 29 supra. But cf.* O'Neill, *Preferential Admissions: Equalizing the Access of Minority Groups to Higher Education,* 80 Yale L.J. 699, 715 n.62 (1971) (citing instances in which several courts have refused to enjoin efforts made by school boards to overcome de facto segregation).

[35] 372 F.2d 836 (5th Cir. 1966), *aff'd en banc,* 380 F.2d 385, *cert. denied,* 389 U.S. 840 (1967). *See* 81 Harv. L. Rev. 474 (1967).

[36] 132 F. Supp. 776 (E.D.S.C. 1955).

[37] 132 F. Supp. at 777. *Accord,* Lockett v. Board of Educ., 342 F.2d 225 (5th Cir. 1965); Evers v. Jackson School Dist., 328 F.2d 408 (5th Cir. 1964); Kelly v. Board of Educ., 270 F.2d 209 (6th Cir.), *cert. denied,* 361 U.S. 924 (1959); Holland v. Board of Pub. Inst., 258 F.2d 730, 732 (5th Cir. 1958); Avery v. Wichita Falls School Dist., 241 F.2d 230, 233 (5th Cir.), *cert. denied,* U.S. 938 (1957).

[38] United States v. Jefferson County Bd. of Educ., 372 F.2d 836, 847 (5th Cir. 1966) (original emphasis).

[39] It is *not* contended here that "actual integration" is repressive and simplistic.

[40] 391 U.S. 430 (1968). *See* 82 Harv L. Rev. 111 (1968).

[41] 391 U.S. at 441.

[42] *Id.,* Raney v. Board of Educ., 391 U.S. 443, 448 (1968); Monroe v. Board of Comm'rs, 391 U.S. 450, 460 (1968). *See* Comment, 21 Vand. L. Rev. 1093 (1968).

[43] 391 U.S. at 439.

[44] The definition quoted must be viewed as backward if one acecpts the Court's views in *Green* and *Swann.* The freedom-of-choice plan rejected in *Green* for not producing actual integration was one which had not excluded any students from any school on the basis of race. *Swann Hearings* 5422 (prepared statement of Owen M. Fiss). *But see* Comment, 20 Kan. L. Rev. 165, 170 (1971).

[45] Alexander v. Holmes County Bd. of Educ., 396 U.S. 19, 20 (1969).

[46] 402 U.S. 1 (1971).

[47] Although the commentators rarely mentioned its import for individual liberty, *Swann* received considerable early attention. Cook, *School Desegregation: To* Brown *and Back Again—The Great Circle,* 23 Baylor L. Rev. 398 (1971); Fiss, *The Charlotte-Mecklenburg Case—Its Significance for Northern School Desegregation,* 38 U. Chi. L. Rev. 697 (1971); May, *Busing,* Swann v. Charlotte-Mecklenburg, *and the Future of Desegregation in the Fifth Circuit,* 49 Tex. L. Rev. 884 (1971); *The Supreme Court,* 1970 *Term,* 85 Harv. L. Rev. 3, 74 (1971); 49 J. Urban L., 399 (1971); Comment, 20 Kan. L. Rev. 165 (1971); Note, *Swann v. Charlotte-Mecklenburg Board of Education: Roadblocks to the Implementation of Brown,* 12 Wm. & Mary L. Rev. 838 (1971). President Nixon has given a belated, though excellent, analysis of the busing problem and has proposed significant, but not original, legislation. 118 Cong. Rec. S4164–69 (daily ed. Mar. 17, 1972). *See* S. 3388 and S. 3395, 92nd Cong., Sess. (1972).

[48] 402 U.S. at 24.

[49] 402 U.S. at 25.

[50] *Id.*

[51] *Id.* at 26–30. *See* May, *Busing,* Swann v. Charlotte-Mecklenburg, *and the Future of Desegregation in the Fifth Circuit,* 49 Tex. L. Rev. 884–85 & nn.3–6 (1971).

[52] 402 U.S. at 30–31.

[53] *Id.* at 31. After de jure segregation has been eliminated, there is no duty to continually adjust student bodies' racial compositions.

[54] Two other 1970 Term decisions in the area of civil rights at least deserve careful review, if not rejection: Palmer v. Thompson, 403 U.S. 217 (1971) and Griggs v. Duke Power Co., 401 U.S. 424 (1971).

[55] *Swann Hearings* 5415. Professor Bickel's proposals to deal with the problem are reflected in the National Educational Opportunities Act, which he helped draft. 118 Cong. Rec. H1735–39 (daily ed. Mar. 2, 1972).

[56] 163 U.S. 537 (1896).

[57] Berea College v. Kentucky, 211 U.S. 45 (1908).

[58] Such a ruling actually would be more repressive than *Plessy* since it would allow states to require affirmative remedial action in the area of human associations and would, hence, run counter to the negative language of the fourteenth amendment. *See* Meador, *The Constitution and the Assignment of Pupils to Public Schools,* 45 Va. L. Rev. 517, 524 (1959). *See generally* McAuliffe, *School Desegregation: The Problem of Compensatory Discrimintaion,* 57 Va. L. Rev. 65 (1971); *Swann Hearings* 5434–37 (remarks of Senator Ervin).

[59] 402 U.S. 1, 23 (1971) (emphasis added).

[60] *See* Cook, *School Desegregation: To* Brown *and Back Again—The Great Circle,* 12 Baylor L. Rev. 398, 401–13 (1971).

[61] 396 U.S. 19 (1969).

[62] *Id.* at 20; Northcross v. Board of Educ., 397 U.S. 232, 237 (1970) (Burger, C.J., concurring).

[63] 444 F.2d 632 (6th Cir. 1971).

[64] *See* note 59 *supra* and accompanying quote in text.

[65] 444 F.2d at 637 (original emphasis).

[66] *Id.* at 638.

[67] *See, e.g.*, Bradley v. Milliken, Civil Action, No. 35257 (E.D. Mich., Sept. 27, 1971), where Judge Roth rejected plaintiff's claim that the Detroit school system engaged in discriminatory practices with respect to the hiring and assigning of teachers; the court, nevertheless, refused to condemn—or even comment upon—the fact that in 1970 alone the school board held open 240 teaching positions, rejecting white applicants so that qualified blacks could be found and accepted.

[68] *See, e.g.*, Askin, *The Case for Compensatory Treatment*, 24 Rutgers L. Rev. 65 (1969).

[69] *Id.* at 66.

[70] *See, e.g.*, Contractors' Ass'n v. Secretary of Labor, 311 F. Supp. 1002 (E.D. Pa. 1970), *aff'd*, 442 F.2d 159 (3d Cir. 1971); Quarles v. Philip Morris, 279 F. Supp 505 (E.D. Va. 1968) *But cf.* Caldwell v. Arizona Bd. of Regents, 106 Ariz. 430, 477 P.2d 520 (1970).

[71] 401 U.S. 424 (1971), *rev'g* F.2d 1225 (4th Cir. 1970). For excellent discussions of problems embodied in this case *see* Fiss, *A Theory of Fair Employment Laws*, 38 U. Chi. L. Rev. 235, 290–310 (1971); *Development in the Law—Employment Discrimination and Title VI of the Civil Rights Act of 1964*, 84 Harv. L. Rev. 1109, 1137 (1971).

[72] Judge Skelly Wright condemned ability grouping in schools as early as 1967. Hobson v. Hansen, 269 F. Supp. 401 (D.D.C. 1967).

[73] 329 F. Supp. 706 (N.D. Miss. 1971).

[74] 330 F. Supp. 1340 (E.D. La. 1971).

[75] 329 F. Supp. at 711–14, 716.

[76] *Id.* at 717. *See* 401 U.S. at 431.

[A]bsence of discriminatory intent does not redeem employment procedures or testing mechanisms that operate as "built-in headwinds" for minority groups and are unrelated to measuring job capability.

See also Penn v. Stumpf, 308 F. Supp. 1283 (N.D. Cal. 1970); Arrington v. Massachusetts Bay Transp. Authority, 306 F. Supp. 1355 (D. Mass. 1969).

[77] Moses v. Washington Parish School Bd., 330 F. Supp. 1340, 1344–44 (E.D. La. 1971).

[78] Franklin Elementary had been an all-white school. *Id.* at 1341.

[79] *Id.* at 1343.

[80] "[T]o assign black sudents on the basis of the presently used testing violates their Fourteenth Amendment rights to be treated equally with white students. Homogeneous grouping is educationally detrimental to students assigned to the lower sections and blacks comprise a disproportionate number of the students in the lower sections. This is especially true where . . . black students who until recently were educated in admittedly inferior schools are now competing with white students educated in superior schools for positions in the top sections." *Id.* at 1345. In view of *Swann* one is tempted to query why the court did not require the affirmative act of integrating the ability levels by fiat rather than merely prohibit ability grouping.

[81] *See, e.g.*, Lemon v. Bossier Parish School Bd., 444 F.2d 1400 (5th Cir. 1971).

[82] *E.g.*, Griffin v. Breckenridge, 403 U.S. 88 (1971); Boddie v. Connecticut, 401 U.S. 371 (1971); Serrano v. Priest, 5 Cal. 3d 584, 487 P.2d 1241, 96 Cal. Rptr. 601 (1971). *But see* Palmer v. Thompson, 403 U.S. 217 (1971); Whitcomb v. Chavis, 403 U.S. 124 (1971); James v. Valtierra, 402 U.S. 137 (1971); Wyman v. James, 400 U.S. 309 (1971).

[83] 402 U.S. 1 (1971).

[84] H. A. Myers, Are Men Equal?—An Inquiry into the Meaning of American Democracy 161 (Great Seal ed. 1955).

[85] *Id.* at 136.

[86] W. Douglas, The Anatomy of Liberty: The Rights of Man Without Force 51 (Pocket Cardinal ed. 1964).

[87] *Id.* (original emphasis).

[88] United States v. Board of School Comm'rs., 332 F. Supp. 655 (S.D. Ind. 1971).

[89] *See* Bradley v. School Board, Civ. No. 3353 (E.D. Va., Jan. 5, 1972).

[90] United States v. Board of School Comm'rs, 332 F. Supp. 655, 676–79 (S.D. Ind. 1971). That Judge Dillin considered the "tipping point" was prescient and unusual. Swann v. Charlotte-Mecklinburg Bd. of Educ., 402 U.S. 1, 31–32 (1971), appeared to counsel against this. And many courts have expressly rejected consideration of this problem in view of Monroe v. Board of Comm'rs, 391 U.S. 450, 459 (1968). *See* A. Bickel, The Supreme Court and the Idea of Progress 136–37 (1970). *Cf.* United States v. Scotland Neck City Bd. of Educ., 442 F. 2d 575, 581–83 (4th Cir. 1971).

[91] 332 F. Supp. at 679–80. Professor Fiss suggested that "there's an understandable legitimate basis for having school districts conform to the municipal boundaries" and thought that multidistrict orders were "very, very far down the road." *Swann Hearings* 5432.

[92] Rather than wait for the Supreme Court to overrule itself, Congress has attempted to develop some remedies to *Swann*. Several Senators have attempted to amend the Civil Rights Act of 1964 to sanction freedom-of-choice. 117 Cong. Rec. S17658 (daily ed. Nov. 5, 1971). Senator Talmadge introduced S.J. Res. 165, 92d Cong., 1st Sess. (1971), proposing a constitutional amendment to prohibit busing. *See* 117 Cong. Rec. S16095 (daily ed. Oct. 8, 1971). *See also* 118 Cong. Rec. E2089–90 (daily ed. Mar. 7, 1972) and 118 Cong. Rec. E2191–92 (daily ed. Mar, 8, 1972) which reprint some testimony from hearings on a House-proposed amendment. The views of several notable constitutional law scholars toward an anti-busing amendment are gathered at 118 Cong. Rec. E1301–05 (daily ed. Feb. 18, 1972).

During the evening and night of November 4–5, 1971, the House of Representatives passed the Emergency School Aid Act of 1971 by a vote of 332 to 38. The bill (S. 659—H.R. 7248) contained a provision designed to postpone any district court order which would force busing to achieve racial balance until the Supreme Court had time to act on an appeal. The bill also contained a section supporting the concept of "neighborhood schools." *See* 117 Cong. Rec. H10352–434 & D1124–25 (daily ed. Nov. 4, 1971). The Senate debates were longer and equal in intensity. *See, e.g.*, 118 Cong. Rec. S2074–79 (daily ed. Feb. 18, 1972) (remarks of Senator Mondale); 118 Cong. Rec. S2308–10, S2373–74 (daily ed. Feb. 22, 1972) remarks of Senators Spong and Ribicoff); 118 Cong. Rec. S2434–52 (daily ed. Feb. 23, 1972) colloquy among several Senators). The Senate first took an anti-busing stance, but quickly changed that position. *See* 118 Cong. Rec. S2636 *et seq.* (daily ed. Feb. 25, 1972); 118 Cong. Rec. S2856–912, S2915–16 (daily ed. Feb. 29, 1972); 118 Cong. Rec. S3010–35 (daily ed. Mar. 1, 1972).

The Senate's successful efforts to keep strong anti-busing amendments out of its version of education bills did not, however, end the controversey. On March 8, 1972, the House agreed, by a vote of 272 to 139, to bind its conferees on the education bills to the strict anti-busing measures the House had adopted in November of 1971. 118 Cong. Rec. H1838–60 (daily ed. Mar. 8, 1972).

[93] *See, e.g.*, Cassell v. Texas, 339 U.S. 282, 286 (1950); Akins v. Texas, 325 U.S. 398, 403 (1945). *See generally* McAuliffe, *School Desegregation: The Problem of Compensatory Discrimination*, 57 Va. L. Rev. 65 (1971).

[94] Dennis v. United States, 339 U.S. 162, 185 (1950); Tigner v. Texas, 310 U.S. 141, 147 (1940); Tussman & tenBroek, *The Equal Protection of the Laws* 37 Calif. L. Rev. 341, 344 (1949).

[95] *Compare* Bivins v. Bibb County Bd. of Educ., 331 F. Supp. 9 (M.D. Ga. 1971) (where the court effectively side-stepped or misread *Swann*), *with* Cisneros v. Corpus Christi Independent School Dist., 330 F. Supp. 1377 (S.D. Tex. 1971) (where the court went so far as to identify the number, race, housing units, and schools of those to be compulsorily mixed) *and* Mims v. Duval County School Bd., 329 F. Supp. 123 (M.D. Fla. 1971). A simple, though presumably effective, plan was approved in Davis v. Board of Educ., 449 F.2d 500 (8th Cir. 1971). *See* President Nixon's remarks on the "maze of differing and sometimes inconsistent orders" at 118 Cong. Rec. S4164 (daily ed. Mar. 17, 1972).

[96] R. Pound, The Development of Constitutional Guarantees of Liberty at v (1957).

[97] Although there have been several attempts to explain the supposed necessity and justifiability of result-oriented decision-making, most such attempts appear to be rather specious; and none give satisfactory answers to some very difficult yet basic questions: Why is it necessary, and how is it justifiable, to frame a remedy in racial terms when damage can be ascertained in socio-educational and economic terms? Are there no disadvantaged whites who would be denied remedial action? Are there limits beyond which the courts cannot go in imposing affirmative duties in the area of human associations? If so, what are those limits? If there can be a racial basis for imposing affirmative duties, can the Constitution be read to impose affirmative duties on the basis of creed or sex if damage has been imposed primarily on the basis of these classifications? If not, why? Such questions may seem rhetorical at this time; but if *Swann* and other recent cases have in fact created affirmative duties, the nation's courts will some day be forced to grapple with such monstrous problems as are implicit in the above questions. *See generally* Askin, *The Case for Compensatory Treatment*, 24 Rutgers L. Rev. 65 (1969); O'Neill, *Preferential Admissions: Equalizing the Access of Minority Groups to Higher Education*, 80 Yale L.J. 699, 713–18 & nn.55–71 (1971); Wright, *The Role of the Supreme Court in a Democratic Society—Judicial Activism or Restraint?*, 54 Cornell L.Q. 1 (1968), none of which examine the implications for individual liberty. *cf.* Freund, *Civil Rights and the Limits of Law*, 14 Buffalo L. Rev. 199 (1964); Kaplan, *Equal Justice in an Unequal World: Equality for the Negro—the Problem of Special Treatment*, 61 Nw. U. L. Rev. 363 (1966).

NIXON ANSWERS MOSCOW

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. GERALD R. FORD. Mr. Speaker, the foreign press often makes highly significant comment on American affairs, particularly on U.S. foreign policy. In that connection, I would like to bring to the attention of the House an editorial from the London Daily Telegraph which has been reprinted in the New York Times. The Daily Telegraph editorialist, in my view, does an excellent job of summing up the situation in Vietnam which led to President Nixon's decision to mine North Vietnamese harbors and very pointedly makes clear that the President is employing the carrot as well as the stick in his latest Vietnam action. I commend a reading of the Daily Telegraph editorial to my colleagues. The editorial follows:

NIXON ANSWERS MOSCOW

By mining Haiphong and extending air attacks in the North, President Nixon is giving the proper answer to Russia's challenge in Vietnam. North Vietnam's latest invasion of the South with her entire regular army is the clearest conceivable case of flagrant aggression. It could not have been executed, or even conceived in the blitzkrieg form entirely new to the Indochina struggle, without massive Russian aid in weapons, training and planning. Its aim was to stir up again a horrible war, to halt the remarkable progress of Mr. Nixon's policy of peace and withdrawal, to humiliate America and discredit her as an ally throughout the world and to establish Russia on China's doorstep as the dominant power in Indochina.

The Russians underestimated Mr. Nixon if they thought he would stomach such damage and provocation without a sharp riposte. In view of America's great air and naval superiority in and around Vietnam they will find his latest move most difficult to counter. The ardent hope of all lovers of freedom must be that the South will be able, if necessary, to withstand the North's assaults until the accumulated supplies dry up. China, increasingly concerned about Russian influence in Hanoi and the ambitions of North Vietnamese imperialism, can be counted on not to offer alternative communications for key Russian supplies on the necessary scale.

It is typical that Mr. Nixon's display of strength is accompanied by specific offers of conciliation. He repeats previous calls for an internationally supervised cease-fire, and undertakes to end the blockade as soon as this begins and to withdraw all American forces within four months, as compared with six months in earlier statements. Previous offers were made before the North had any real hold on territory in the South. Now Hanoi would keep the gains made in its latest offensive, together with what it holds in Laos and Cambodia—theoretically pending negotiations.

Thus what looks to Mr. Nixon's domestic and foreign critics, including the British Labor party, as a reckless use of power, is in fact a stick whose only purpose is to persuade the other side to accept an almost unlimited supply of carrots. One result is that Mr. Nixon, far from cancelling his Moscow visit in a huff, or going there as the impotent prisoner of his hosts' bad faith, now has a bargaining counter on Vietnam. Are the Russians really more interested in Vietnam, and their hopes of humiliating America there, than in the missile agreement now ready for signature and the European security conference from which they count on gaining so much—to say nothing of Berlin, *ospolitik* and the Middle East? They must make their choice, and be judged by it.

"RURAL COMMUNITIES CONDEMNED TO DEATH"

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. ZWACH. Mr. Speaker, on April 24, a very significant hearing was held at Redwood Falls in our Minnesota Sixth Congressional District.

This hearing was held to hear arguments against the abandonment of the Wanda-Sanborn branch line of the Chicago & North Western Railroad, a spur of about 8 miles.

The abandonment of this line, and others which would follow, would condemn many of our rural communities to death, a death by strangulation, because of a lack of transportation facilities.

This is a problem we are gravely concerned about in Minnesota. It is a problem we all should be concerned about, because once a precedent is established, once a pattern is set, it will spread throughout the country.

Mr. Speaker, so that my colleagues and others who read the CONGRESSIONAL RECORD may understand the gravity of the plans to abandon our railroad branch lines, with your permission I would like to insert into the CONGRESSIONAL RECORD my testimony at that hearing.

STATEMENT OF CONGRESSMAN JOHN M. ZWACH

I am Congressman John Zwach. I have lived on the Chicago & North Western Sleepy Eye to Marshall line all of my life.

I came back from Washington last night because I am convinced this is a very, very important hearing. Because of this feeling I personally wrote to Mr. George Stafford, Chairman of the Interstate Commerce Commission, and requested that because of the importance of this meeting that at least one member of the Commission itself should be here. I do not believe one can get the real feeling and importance of this meeting from just reviewing hearing records. Apparently this request was ignored.

I want to make an overall statement regarding the abandonment of railroads in Minnesota and particularly in this Congressional District. I have lived along the Chicago & North Western all of my life. My father bought a quarter section of land in Gales Township, near Milroy, from the Winona & St. Peter Railroad in 1901. I believe that it is about the time the Chicago & North Western bought the Winona & St. Peter line. I, therefore, have observed the growth, operation, deterioration and neglect of this line.

The Chicago & North Western line serves some of the best agricultural land in the world in this area. Increased yields in corn have gone from about 35 bushels an acre when I was a boy to 135 bushels per acre today. Our shipment of soybeans is increasing every year. There is a growing need and potential for transportation. Productionwise the whole area is definitely on the increase.

Many of our elevators, if they cannot get cars for shipment, call their Congressman in Washington who in turn calls the railroad offices. Generally, we are able to get at least partial results. But it brings up the question, why cannot these shippers get the needed cars through the regular railroad channels?

The Interstate Commerce Commission, with whom we are meeting today, was created to protect the public by act of Congress in 1887. The Congressional intent centered on the need to establish an obligation for carriers to provide fair and reasonable service in accordance with publicly filed tariffs.

In Minnesota, our Countryside is facing a crisis as the railroads seek and obtain approval of the Interstate Commerce Commission to abandon their branch lines.

Ironically, most of the rural communities who will be suffering the most should this abandonment be successful are located on what was originally railroad land. When the railroads started building lines in Minnesota, they were given land grants of almost six million acres, 80,000 in Redwood County, as a subsidy to help them meet their construction costs. This was done to build rural America. They certainly should not now be a part of destroying rural America. Over the years, there were other subsidies, such as mail contracts, to help them in meeting their operating expenses.

Today, we are being told that the railroads cannot continue to operate some of their lines because of lack of traffic. They tell us they must have 34 cars per mile per year or $7,000 per mile revenue to break even.

On this six mile line from Sanborn to Wanda, we had in 1970, 192 cars generating $38,566 in total revenue on which the railroad showed a net profit of $1,911. Most important, the carloadings showed a steady increase from 1968. Along with this steady increase in traffic, the railroads have also been granted eight general rate increases totaling 29% since 1968. Another increase is due on May 1, 1972: a 4% general increase, with a 6% increase allowed for grain, 5% for lumber, 6% for fertilizer, and 6% for farm machinery.

The question arises, is the charged decreasing traffic caused by a lack of business potential in the area, or because of lack of servicing needs. Certainly, the condition of the tracks and the roadbeds, which prevent any service at all for weeks at a time, are the product of neglect on the part of the railroads.

I have letters in my files showing that the country elevators in this general area have the potential of from 200 to 600 cars of in and out shipments each, per year.

Our farmers today are producing more than ever before in history and most of this production must be shipped away from its point of origin. To account for this record production, there must also be a tremendous "in" shipment of fertilizer, farm machinery, lumber and other supplies.

At a meeting held at the Interstate Commerce Commission building in Washington on February 14, Jim Fetig, in the Marketing division of the Chicago & North Western Railroad said, and I quote, "We have too many small elevators." He said big grain handlers do a better job than the country elevators. He said the railroad would like to see giant farm centers developed which *would contain* a regional elevator, a regional fertilizer plant, a regional lumber yard, and so forth. The farmers could haul their products twenty to forty miles to these regional centers and also pick up their "in" shipments there.

While there is a growing nationwide effort to revitalize our rural areas, the railroads, according to Mr. Fetig's testimony, would condemn it to death by depriving it of vital transportation.

As for revitalizing our Countryside, I would like to mention what has been done in the past several years in this area. Rural Development programs of the Department of Agriculture alone for this year totalled $2.8 billion in funding. This is more than four times that of fiscal year 1961; and funding has doubled since fiscal year 1969.

The Administration has proposed Rural Community Development Revenue Sharing.

The Administration has proposed a $1.3 billion credit sharing program by broadening and expanding the Farmers Home Administration to include guaranteed and insured loans for job-creating investments and for much needed community facilities in rural areas.

The House of Representatives passed a billion dollar Rural Development Act already this year and the Senate is now working on this toward final enactment.

The President, early in his Administration, appointed a Rural Affairs Council.

But interest in rural development and helping our rural communities and solving some problems is not limited to government alone. We now have before Congress legislation, endorsed by the railroads I might add, entitled the "Surface Transportation Act". In one title alone, it wants government assistance to guarantee loans up to a maximum of $5 billion to improve transportation services which the public interest requires but for which needed financing is not available.

The abandonment of our railroads is running counter to this developing tide and we cannot allow it to go unchallenged. The very life-blood of rural Minnesota is at stake. What we need is a determination of the impact of railroad abandonment on our countryside economy and a moratorium on railroad abandonment until that study is completed. I have introduced legislation to this end in this session of Congress and I am working constantly to achieve this goal.

This abandonment hearing today is but the first of many which will be held if the present plans of the Chicago & North Western Railroad to reduce service are allowed to proceed. The railroad has been explicit in pinpointing the lines it plans to abandon. These lines reach into the very heart of our 6th Congressional District. We must today take steps to insure the growth of this great agricultural area and the growth, rather than neglect, of the public service rail lines on which the very life of our rural communities depends.

Highways in this entire area are inadequate. We have several hundred communities in this State without year-round highways, that means nine-ton weight carrying roads. Transportation in many areas would be paralyzed without these railroad lines and communities could not compete. There is now additional talk of diverting highway funds for mass transit.

I commend the communities present for working together in one vast appeal and effort. As I stated, I wanted Commission members present to sense the deep concern expressed by our people today. It is imperative that we find the answers to keeping our railroads. If the railroads, under present conditions, cannot respond to the needs of rural America, then we must carefully reconsider the operation of these rail lines. To the extent that Government can be helpful, I pledge all that I can do in that area.

VIOLENCE IN NATION'S CAPITAL

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. BRINKLEY. Mr. Speaker, here in the Nation's Capital during the past 2 days needless and unnecessary violence has again erupted. This violence is a product of that small segment of our population which is seeking to divide and disrupt our country at a time when unity behind the President is imperative.

Therefore, Mr. Speaker, I feel that it is especially appropriate at this time to bring to the attention of our colleagues the following resolution which was adopted by the Columbus, Ga., Chamber of Commerce on May 18, during Armed Forces Week. This resolution sets forth in excellent terms a strong statement of support for the President—a statement of support which I feel is shared by a vast majority of Americans.

The resolution reads:

RESOLUTION

Whereas, the Armed Forces of the United States have been engaged in military action to preserve the Republic of South Vietnam against Communist aggression since 1965, and

Whereas, the Commander-in-Chief, President Richard M. Nixon, has taken bold and decisive action to bring the Vietnam conflict to an honorable conclusion by cutting supply routes of the North Vietnamese, including the mining of Haiphong harbor and air bombardment of rail and highway targets, and

Whereas, this action by our Commander-in-Chief is in keeping with the best traditions of American military history to employ effective power at the most critical point at the appropriate time in order to accomplish the objective, and

Whereas, it is especially significant during this Armed Forces Week to take note of President Nixon's actions, now therefore

Be it hereby resolved that the Board of Directors of the Columbus Chamber of Commerce hereby enthusiastically endorses the action of the Commander-in-Chief in this matter and pledges him their full support, and

Be it further resolved that during this Armed Forces Week, the Board of Directors of the Columbus Chamber of Commerce salutes not only the Commander-in-Chief, but all members of the Armed Forces, and in particular those stationed in our community at Fort Benning, Georgia, to whom we reaffirm our special respect and esteem for loyal and faithful service to our country, and

Be it further resolved that copies of this resolution be provided the Commander-in-Chief of the Armed Forces, the Secretary of Defense, the Secretary of the Army, the Chief of Staff of the Army, the Commanders of CONARC, Third Army and Fort Benning, Senators Talmadge and Gambrell, Congressman Brinkley and the Mayor of Columbus.

IS THE END IN SIGHT?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr DERWINSKI. Mr. Speaker, WGN Radio and Television in Chicago, Ill., broadcast an editorial on Vietnam from Saturday, May 13, through Wednesday, May 17. This editorial was of special significance in my opinion since I believe it represents grassroots public thinking far more than the automatic criticism of the President which came from the ultra-liberal commentators who dominate the news media.

As the President lands for the negotiations with Soviet leaders, I am sure he is fortified by knowing that public opinion is behind him, and most Americans wish him success in his efforts.

The editorial follows:

IS THE END IN SIGHT?

The over-long American involvement in Vietnam has taken a new turn. The new course may lead, next year or the year after to Communist control of all Indo-China. But it should also lead, sooner than later, to an end to one of the longest military involvements in our nation's history.

President Nixon's address to the nation and the world, the most forth-right and open statement he's made on Vietnam, puts all the cards, at least all of our cards, on the table. While Mr. Nixon outlined three options, he did not mention others which he could have elected, options much more dangerous than the one he chose . . . full-scale naval blockade, which is an act of war . . . the re-introduction of large numbers of American troops to resume the bulk of the fighting in Vietnam . . . the use of the ultimate weapons of our nuclear arsenal.

In this perspective, it seems the President has chosen the truest course. If the North Vietnamese want the U.S. out of Vietnam, Mr. Nixon has opened a path which he said would humiliate no one. We will, as the President told the world, withdraw all our forces within four months from the date American prisoners-of-war are released and a supervised cease-fire begins.

Apparently withdrawn from our proposals are all Vietnamese political considerations. This, really, never was any of our business.

While we have little faith in the endurability of a cease-fire in that part of the world, and while we see the Hanoi government eventually dominating all of Indo-China, we see President Nixon's proposals as the most reasonable method of accomplishing what finally has become our national pur. pose there . . . the return of the American prisoners and the safe withdrawal of the 60,000 American troops still in Vietnam.

IMPOUNDMENT OF FUNDS BY THE EXECUTIVE BRANCH

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. GONZALEZ. Mr. Speaker, last week the Democratic Caucus took a stand, for the first time, in strong opposition to the unprecedented, and massive impoundment of funds by the present administration. For some time now, some of my colleagues and I have been concerned about the policy of the administration to withhold moneys for projects and programs authorized and funded by the Congress, and vital to our districts.

For the last two fiscal years, there have been over $12 billion in appropriated funds withheld in each year, by unilateral action of the executive branch.

At this time I would like to insert a copy of the resolution which the Democratic Caucus approved this week by an overwhelming vote, expressing concern over this practice. I am also taking the liberty of listing the sponsors of the resolution upon presentation to the caucus for its consideration.

It is our sincere hope that the President will take note of our position, and that all of our other colleagues will join us in our efforts to avoid any confrontation between the executive branch and the legislative branch on this issue.

The resolution follows:

RESOLUTION TO BE PROPOSED FOR ADOPTION BY THE DEMOCRATIC CAUCUS

RESOLUTION

Relating to the impoundment of funds in the executive branch

Resolved, That the massive and unprecedented impoundment of funds by the present Administration—

(1) has the general effect of limiting and changing, by unilateral action and without the consent of the Congress, the programs and policies authorized by the Congress;

(2) generally contravenes the intent of the Congress in making appropriations of funds to support those authorized programs and policies; and

(3) disregards the co-equals status of the legislative and executive branches under the Constitution of the United States.

Therefore, it is the sense of the Democratic Caucus that—

(A) funds currently impounded should be released and utilized for the programs and purposes for which they were appropriated;

(B) there be no further impoundments of funds on a massive scale; and

(C) the Congress should take such steps as may be necessary and appropriate to reassert its constitutional powers with respect to these matters.

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A CASE OF SLOPPY JOURNALISM

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. HUNGATE. Mr. Speaker, in the continuing study of the responsibility and ethics of the press and of the Congress, the following article would seem to be relevant:

A Case of Sloppy Journalism

(By Russel B. Nye)

When it comes to facts, I have never really trusted newspapers very much. A youth spent in what Colonel Robert R. McCormick used to call "Chicagoland," reading the *Tribune*, and 25 years of historical research have convinced me that newspapermen are highly fallible sources of information. When I heard Martin Nolan of *The Boston Globe* remark confidently on television (October 24, 1971) that there were "over 50,000 war resisters in Canada," I thought he might really know. The figure seemed to me important, so I wrote to Nolan, asking his source.

Nolan's reply was not helpful. He cited James Reston Jr. who had used the 50,000 figure in *The New Republic* without attribution. Newspapermen quoting other newspapermen arouse my suspicion, so I thought I'd look it up, especially when that 50,000 began turning up all over the media.

I began in 1968. That year a writer in *The Progressive* thought there were "at least 10,000 draft evaders in Canada. *U.S. News and World Report* gave estimates varying from 300–400 to 25,000. Edmund Taylor, in a well-researched article in the soon-to-be-defunct *Reporter*, cited a *New York Times* estimate of 4,000; another by a Toronto antidraft group of 10,000; and Canadian press estimates of 14,000 up. *The Atlantic*, using the Toronto group's figure, came up with 3,000–10,000.

In 1969 amazing things happened. The *New York Times* in April settled for "several thousand" draft evaders in Canada. In December, however, it raised that to 60,000 on the basis of estimates from the Toronto draft-resistors' group—a number soon to be enshrined in the American press. That the figure represented a spectacular increase of 56,000 over the 1968 news report bothered nobody at the *Times*, while CBC's "Public Eye" program, perhaps carried away by the *Times*, also estimated 60,000.

In 1970 things settled down a bit, but not for long. The *Times* shifted its estimate to 6,000–60,000 (a delightfully flexible figure, I thought) as well as quoting an "independent estimate of 20,000." The Toronto group (which used 10,000 in 1968) now placed the number at 60,000 (the *Times* again?) which other papers dutifully printed. Stewart Alsop, in *Newsweek*, fixed for no discernible reason on 25,000–30,000. Roger Williams, of the Toronto group, used the *Times'* 60,000 but insisted that "qualified observers" calculated "many more than that." (This seemed to me an interesting situation, in which draft evaders in Canada quoted the *Times* which quoted draft evaders in Canada.) Vance Garner of the Montreal Resisters' Council, entered the field with a statement that there were 14,000 draft-age landed immigrants "here now," a figure I found impossible to derive from any known Canadian immigration reports. He escalated things further by claiming that there were actually "three to four times that many" *illegally* in Canada, i.e., 42,000–56,000. A staff worker for the Clergy and Laymen Concerned About Vietnam told the press that there were 60,000 draft evaders in Canada (once more the *Times*), a figure which included 30,000 in Toronto alone.

The year 1971 was wilder, *Newsweek* cited 50,000–70,000, doubling what their man Alsop said a year before. *Parade*, apparently quoting the Clergy and Laymen group, said there were 30,000 in Toronto. The Toronto *Globe and Mail*, for its part, chose 30,000–100,000. Mike Wallace on "Sixty Minutes" used a new Montreal Resisters' estimate of 100,000, noting that it was perhaps inflated, but offering no alternative. Nolan, citing Reston, and Reston, citing nobody, said "over 50,000."

The most curious statistics of 1971, however, appeared in Rogers Williams' book, *The New Exiles*, which had few footnotes and no bibliography. Williams on different pages cited both 40,000 and 60,000 (the *Times* again!) for 1970. On another page he put the number in mid-1967 at 5,000–6,000, representing an increase of 34,000–55,000 in less than three years, certainly one of the least-noticed mass migrations in modern history. On two other pages he reported 25,000 evaders and deserters *legally* in Canada, and on yet another page, by adding wives and children, he got the number (legal or illegal?) to 50,000–60,000. Finally, at the close of his study, he increased this to 50,000–100,000.

1972 may be a banner year for inflation. *Newsweek* led off in January with "75,000, mostly in Canada," while David Brinkley, with oracular finality, made it 75,000–100,000. Senator Robert Taft, in an interview given to *The Los Angeles Times* news service, estimated there are "about 20,000 of these men in Canada." Since Senator Taft, who has initiated legislation, and Brinkley, who was commenting on it, differ by 55,000–80,000, the variance seems significant. They can't both be right.

In January, Gannett News Service used the figure "60,000–100,000," which strikes me as having a generous margin of built-in error. In February, UPI settled on 70,000. The last four references I have seen in January and February, 1972, choose 70,000.

What emerges from all this, and I have not by any means exhausted examples, is clear evidence of extremely sloppy journalism. Newspaper and television reports on draft evaders and deserters in Canada have, over those two years, varied from 10,000 to 100,000, a margin of error that ought to have stirred a twinge of doubt in some newspaperman's breast somewhere. Most striking in the stories was the almost complete lack of plain legwork. I found no journalist who had consulted easily obtainable Canadian immigration figures, and with one or two exceptions, none who had researched the realities of Canadian immigration laws. One cannot, as Alsop write, simply walk across the Canadian border and "fade into the economy," or, as *Newsweek* misleadingly implied, gain landed immigrant status simply by asking at the border. Canadian embassy and consular sources that have no ax to grind will, if asked, estimate about 10,000 American draft evaders in Canada (about the same number of Canadians have volunteered for the U.S. Army), but nobody asks them.

As for me, I trust the press no more than before, nor do I have any more information than before. I don't know how many draft evaders there are in Canada or elsewhere, but in the light of the growing debate over amnesty, I'd like to know as accurately and honestly as possible.

LOYALTY DAY 1972

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. GOODLING. Mr. Speaker, on May 6, 1972, I had the privilege of attending the Loyalty Day ceremony conducted at Wormleysburg, Pa., my congressional district.

Col. M. J. Caraccia, commanding officer for the New Cumberland Army Depot at New Cumberland, Pa., made the principal presentation for this occasion. Because Colonel Caraccia's remarks contain some meaningful and inspirational observations, I insert them to the Congressional Record and commend them to the attention of my colleagues.

The remarks follow:

Loyalty Day 1972

Traditionally we commemorate occasions such as this Loyalty Day celebration with parades, flying the National Flag in front of our homes and displaying our patriotism in a number of other ways. We may even listen to a patriotic speech—if it is not too long-winded.

It seems to me that in years past we used to show our patriotism on a greater scale than we do today. Then, flag-waving was not considered corny or unsophisticated.

I am not sure that we are less patriotic today; but, we do seem less willing to display our patriotism in the open. I think that all of us who prize freedom and love our country should be less self-conscious about showing it.

I should like to see an outward show of patriotism fashionable once again—not the pseudo-patriotism of the strident, self-seeking extremist who assails the character of our public officials, undermines our institutions, and makes a mockery of the basic values for which this country stands—but the true patriotism of the decent, honest, kindly American who can be counted on to serve and defend his country selflessly and without fanfare, in triumph or adversity.

It is in this vein that I want to talk about the Declaration of Independence. I wonder how many Americans have read this document lately. It is one of the most significant state papers in *all* history. I think most of us grew up believing the Declaration of Independence to be peculiarly American, but it is more. Its reference is not solely to the people of the thirteen colonies—but to men everywhere. Let me quote a portion of this historic document.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on which principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

These words—written principally by Thomas Jefferson—expressed a complete political philosophy and an entire theory of government. Nowhere in literature has *so much* been said in *so few* words. This is the document which gave rise to the great American dream of equal opportunity for everyone, regardless of race, color, creed or social background. No document in history matches it as a source of inspiration for men who cherish freedom. No clearer justification of man's right to throw off the yoke of oppression exists.

I wish I could say that we in this country have always been true to the principles enunciated in the Declaration of Independence. Democracy in the United States has gone through a series of difficult periods. Just over a century ago, we were rent by a great war which, in four bloody years, pitted one-half of this Nation against the other. We have had our election frauds and our scandals in government. We have experienced difficulties in establishing and safeguarding the rights of minorities. And we still have a large number of vocal dissidents who give if nothing else, considerable encouragement to the enemies of this republic. So democracy is still imperfect in the United States—although it remains the hope and the inspiration for people the world over.

Up through the early years of this century, America was largely preoccupied in transforming a continent into a nation. But in 1917, we entered the First World War—and the weight of our effort turned the tide of battle.

The Second World War ended our adolescence. When the war was over, our country had at least grown up and assumed its responsibilities as a great world power. With a compassion and an understanding unique in history, we aided both friend and foe alike to recover from the destruction of war. In the interest of the dignity and welfare of man, we developed the Marshall Plan and other aid programs to alleviate misery—and to raise hope in areas where there was only despair.

The focal point of aggression in today's troubled, restless world is in Vietnam. In that beleaguered country "Freedom is on the line."

But, we are *not* standing idly by—we have *not* sought ignoble peace. Quite the contrary. We are helping the South Vietnamese meet overt and covert communist aggression. We are helping defend another frontier of freedom.

To those who oppose our actions in Vietnam, I would ask: "*Where* is the line to be drawn against communist aggression?" For we have learned that to yield to aggression brings only greater threats and brings even more destructive war. To stand firm is the only guarantee of our own freedom.

The challenge is clear and unequivocal. The future of the free world—the conditions of human life for years to come are being determined now.

This is an appropriate time to spend a few minutes talking about the internal challenges to our American way of life.

Today America has a great stake in freedom. For many people freedom is an abstraction. It becomes reality for them only when it is denied. Like any abstract concept, freedom has little meaning except in terms of contrast.

Freedom vs slavery, freedom vs imprisonment, freedom vs personal restriction, freedom vs death. Most Americans do not know what it is to be imprisoned—to experience harassment—or to hear the sinister knock on the door of their home. It is not surprising that many of us take freedom for granted.

With equal danger, some Americans confuse freedom with license. From its earliest records, history shows us that when license becomes the liberty of self-indulgence—then freedom from want becomes freedom from work—freedom of worship becomes freedom from worship—freedom of speech becomes freedom from truth—freedom from fear becomes freedom from duty.

History is full of accounts of mighty nations which lost their perspective and sank into oblivion. Swept up in the desire for self-gratification, they were unable to cope with hardship—and were swallowed whole by nations less wealthy, less secure—but willing to sacrifice for their goals.

Our hindsight should be crystal clear; and we should recognize the two sides of our greatness. One is an expansive territory coupled with population, unprecedented production, immense wealth, and military strength. Certainly, these material benefits are a source of pride and outward security. But—the other side—tempered in almost two centuries of conduct, character, and service of the highest order—is the most important, if America is to endure.

This is the soul of America. We are a republic built upon the solid foundation of the inalienable rights of man. To let this foundation erode—to let our ideals and values be compromised—is as lacking in patriotism as would be abject surrender to our foes. Prayer, undaunted courage, and self-sacrifice are the building blocks of our Nation—Freedom is the keystone.

Its spark sprang into flame in this country—and has never been extinguished. It is a grand concept of life, liberty, and the pursuit of happiness.

Our growth stems from the principles we live by as a nation and from the goals we have always sought. As a result, we have become the symbol of hope for mankind: A free society, under a free government of self-disciplined individuals—who freely adhere—to their own self-made rules of society. We have long known—and sometimes forgotten—that the foundation of our government is government by law; that without order, justice and freedom will disappear. In the final accounting, our national security—and that of others—will rest upon our adherence to our principles.

We are in a period of intense self-inspection, and there are those who say our principles are outmoded—that times have changed—that truth, honor, justice, adherence to law are all outdated. There are a lot of things I could say to that, but I guess *Hogwash!* will have to suffice. We need nothing new, except perhaps a rededication to our principles.

The Declaration of Independence, the Constitution, the Bill of Rights spell out our national principles in clear, coherent language. Not just the language of the times, but the language for all time. Just listen: "And for the support of this Declaration, with a firm reliance on the protection of a divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor." That is the last sentence of our Declaration of Independence. Nothing depicts more clearly dedication to principle.

No, we need no new principles—for in the recorded history of man, our principles are still new, untarnished by the passage of time. America, the America we know, and the America our children will know—is still the great experiment—the raw young upstart among world cultures—the great hope of humanity.

What we do need is the steadfast dedication to those principles shown by Patrick Henry, Nathan Hale, John Paul Jones, Abraham Lincoln, General Marshall, and the unknown soldiers who lie in Arlington. Character, honor, loyalty, integrity, devotion to duty and tenacity of purpose—these are the bedrock of our existence. They have sustained us for nearly two hundred years.

Today, let us renew our dedication to our American principles—as thousands of American troops renewed it in the swamps and jungles of Vietnam—to keep faith with our Founding Fathers. Let us express our pride in America—and take our stand unflinchingly for the cause of freedom.

COMMONSENSE AND THE EFFECTS OF FORCED SCHOOL BUSING

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, May 22, 1972

Mr. GRIFFIN. Mr. President, in a statement made on September 24, 1971, I said that forced school busing would be counterproductive in terms of achieving the goals of racial harmony and a society without discrimination.

At that time I had no scholarly study conducted by Harvard experts to back up my commonsense appraisal. Indeed, the studies then available seemed to point in the opposite direction.

However, over the weekend I was interested to read about a new, major study of the effects of busing in five cities. As described in the Washington Post, this study, by Harvard Prof. David J. Armor, demonstrates that busing simply does not work; it does not lead to the results sought by its advocates. The study determined that in some cases busing has "led to a worsening of race relations, rather than improvement."

Mr. President, I ask unanimous consent that an article reporting on the study, published in the Washington Post of May 21, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ACHIEVEMENT, TOLERANCE UNIMPROVED: STUDY CASTS DOUBT ON BUSING

(By Lawrence Feinberg)

A major study of school desegregation by busing in five Northern cities concludes that achievement test scores of black students have not been raised. Moreover, the busing experiments, in several cases, have led to a worsening of race relations, rather than an improvement.

The study reports that the grades of Negro students generally fell when they were transferred to predominantly white schools because grading standards were higher.

Black youngsters in these schools, the study says, have a stronger sense of racial identity and a greater desire for black separatism than do students in predominantly black schools.

The report suggests that much of the research on race and education done before the late 1960s and widely used in court integration decisions is now outdated because it fails to take into account the new militancy and pride of many black students.

The 64-page study was written by David J. Armor, an associate professor of sociology at Harvard University who previously had conducted research for the U.S. Civil Rights Commission.

It includes research on a city-suburb desegregation program in Boston, which Armor conducted himself, plus data on similar programs in Ann Arbor, Mich., Hartford, Conn., Riverside, Calif., and White Plains, N.Y.

Overall, about 5,000 students, ranging from grades one to 12, have participated in these busing programs. The data that Armor compiled from 1965 to 1971 follows the children for from one to five years.

Armor's study has been presented at a seminar at Harvard, and it is scheduled for publication this summer in The Public Interest magazine.

He said in an interview that his study is the largest showing the "before and after" effect of long-term busing projects by using the same tests to compare bused children with others.

In the mid-1960s Armor worked on a government research project, headed by James S. Coleman, which compiled a massive report on race and education. The report concluded that lower-class black students make some academic gains in predominantly middle-class white schools.

But in his new study Armor notes that the tests Coleman used were all given at the same time—in the fall of 1965. Thus, conclusions about the effect of integration were made, he said, by comparing youngsters in schools with different proportions of black and white students, rather than by following the same children after they had switched from a predominantly black school to a predominantly white one.

"NO SIGNIFICANT GAINS"

In four of the programs he studied, Armor said, black children bused to suburban schools made "no significant gains" when compared to other black students who stayed in inner-city schools or to whites who took the same achievement tests.

In the fifth program, Hartford, the results were mixed. Negro children in suburban schools did better in some grades. But in others, the children in their neighborhood schools scored higher.

Armor, whose prime field of work is research methods and statistics, said he also reviewed reports on over a dozen other desegregation programs, including Berkeley, Calif., and Rochester, N.Y. All of them, he said, were seriously flawed, either by including different tests at different times or by not having a control group against which to check the progress of the students who were bused.

Besides the data on achievement, Armor's study contains the results of questionnaires and psychological tests given to measure children's attitudes toward themselves and toward other races.

Contrary to expectations based on earlier research, Armor said the aspirations of black children were slightly lower in mostly white schools than in all-black ones. But in both types of schools, he said, their ambitions—for white-collar jobs and a college education—were generally high.

One factor in the slight decline, he said, may be the lower grades that many Negro students get in predominantly white schools. He said that in his study their marks averaged about half a grade lower in these schools—about C compared to a B-minus in the mostly black schools.

"Since black students are behind white students (on standard achievement tests)", he said, "we should expect their grades to fall when they are taken from all competition in an all-black school to the competition in a predominantly white school."

In the measures of racial attitudes, Armor said the data indicated that "integration heightens racial identity and consciousness (and) enhances ideologies that promote racial segregation."

This finding, he said, is "the converse . . . of one of the central sociological hypotheses in integration policy . . . that integration should reduce racial stereotypes, increase tolerance, and generally improve race relations."

Instead, he said, "the effect is the opposite."

One indicator of this, he said, was the question he asked black students in Boston: "If you could be in any school you wanted, how many students would be white?"

Among those bused to suburban schools the proportion wanting a school less than half white increased from 51 per cent to 81 per cent between 1968 and 1970. For a group of their brothers and sisters who stayed in city schools, the proportion increased less markedly—from 47 per cent to 66 per cent.

The bused students also became "much more likely to support the idea of black power," Armor said, and between 1969 and 1970, they reported "less friendliness from whites, more free time spent with members of their own race, more incidents of prejudice, and less frequent dating with white students."

"In other words," he concluded, "the longer the contact with whites, the fewer the kinds of interracial experiences that might lead to a general improvement of racial tolerance."

He said the trend is "clearest" for older black students, but also occurred in the elementary grades. "It seems to be true for whites also," he said, "insofar as their support for the integration program decreases and own-race preferences increase as contact increases."

Even though "in the formal sense . . . all races are treated equally" in an integrated school, Armor said the integration itself "does very little in the short term to eliminate the socio-economic and academic status differentials." Thus, he said, stereotyped beliefs can be reinforced.

"For black students," he said, "initial stereotypes about white students as snobbish, superior, and straight may be partially confirmed by actual experience; the same may be true for white stereotypes of black students as non-intellectual, hostile, and having different moral standards."

Pride in their own culture, he said, has been one of the main elements in the change in black attitudes, especially those of young Negroes, during the past decade.

"It would be a mistake," he added, "to view the increased racial solidarity of black students as a completely negative finding (for) . . . a certain amount of culture conflict (is) inevitable and even necessary if an integrated society is to be realized."

Armour, who is white and lives in a Boston suburb, said his own children attend a school to which black youngsters are bused in a voluntary program and he urged that such programs be continued.

In his study Armor also presented data from two reports showing that black students in suburban schools are more likely to go to prestige colleges than those attending inner-city schools. This "channelling effect," he said, supports one of the hoped-for gains of integration.

But, Armor said, the "integration policy model," advanced by sociologists and courts, also contends that integration will "enhance black achievement, aspirations, and self-esteem, and (improve) race relations."

All four of these goals, he said, have "failed to be supported by the data." And this, he said, "calls into question" the value of mandatory busing programs.

SIMEON GOLAR DAY

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. GETTYS. Mr. Speaker, Simeon Golar is the distinguished chairman of the New York City Housing Authority. He is a native of Chester, S.C., in my congressional district. The citizens of Chester gave a testimonial dinner in honor of Chairman Golar when he returned to his boyhood home and Mayor Edward H. Dawson proclaimed May 13 as "Simeon Golar Day." Mr. Golar delivered a splendid address at the dinner held in his honor. His remarks are worthy of wide attention and I insert them in the RECORD at this point:

ADDRESS OF SIMEON GOLAR

Governor West, Mayor Dawson, Congressman Gettys, Mr. Stanback, Larry Foster, Milburn Richburg, distinguished guests, my good friends here in Chester and my friends and colleagues who have come here from New York, all of you who have made this possible:

I thank you for all of this. I shall remember it and be grateful all the days of my life.

I am particularly grateful to Larry Foster, who got all this started.

I am grateful to Milburn Richburg and his committee for all the wonderful things they have done—for this marvelous dinner that brought us together today, and more.

And Mayor Dawson, I am ever so grateful for your proclamation, declaring this Simeon Golar Day in Chester, South Carolina, and for this key to the City of Chester. I shall cherish this and these moments all of my life.

Life sometimes brings great joy and sadness at one and the same time. This is such a time for me. I feel such joy, I am so grateful and proud and humbled today at all of this; and I am glad that my daughters Charlotte and Katherine and so many good friends are here to share this day with me; and yet I feel the pain of sadness that my parents, Sim and Mary Golar, who worked so hard, and dreamed so long, and had so much faith and hope could not have lived to be here today, and in fact never lived to even guess that one day the sickly child born on Cemetery Street whom they took as their own, and more than once nursed and prayed back from the edge of death, would receive an honor such as this.

I am grateful to you, Governor West, for the honor you pay me by your presence here today.

I might be expected to feel some of these things, I suppose, on finding that the Governor of this great State has seen fit to be present today. But my gratitude, my pride and humility are enlarged by my knowledge of the particular man who happens to be the Governor of the State of South Carolina at this time in our history.

For Governor John West stands tall in the nation as a leader of the New South that we rightly hear a good deal about these days, alongside Governor Askew of Florida and Governor Carter of Georgia.

Governor, we know of you and your good works in New York and elsewhere in the country, beyond the borders of South Carolina, and I am particularly grateful that you saw fit to come here today.

Yet, as proud as I am of the personal honor you pay me, I am not unmindful of the fact that you do more than honor me as an individual today.

I suspect you have come, in part, because of the symbolism of this occasion and its deeper and larger meaning.

For we have come to this place this afternoon, all of us, across the gulf of space and time, across the divide of class and color and social condition—some of us who have been poor and have known oppression, and some of us who are poor and know oppression still—to break bread together and drink the draught of friendship and brotherhood and be reminded of the essential oneness and unity of our condition, our condition as Southerners or Northerners, as Americans whose forbears and kin by toil and labor and love have built this nation and fought and died in all its wars, as men and women, brothers and sisters under the fatherhood of God, and as creatures of this earth, mankind, engaged in a common struggle against man's age-old enemies of hunger, poverty and disease, and of ignorance, unreason and intolerance, and anger and war and death.

But my sense of the larger meaning of this occasion does not diminish for me my personal delight at coming home. It has been a long time, and now I have come home. And my heart swells to overflowing!

For ten thousand times I have recalled this place: The grey frame house on Cemetery Street where I was born, and the Raineys and the Whites who lived on either side; running barefoot in summertime with pretty Rosa Lee Rainey, with long braids down her back; picking blackberries; collecting grasshoppers in Prince Albert tobacco cans; and june bugs and honeysuckle.

And Zion Church, and Sunday School and revival meetings and bits of hymns and spirituals that come back to me still, that I pause silently to sing from time to time.

And my first day of school—the old schoolhouse on Loomis Street, and the night it burned down and we watched the red and yellow flames leap skyward from our back porch.

And the National Exchange Bank where Daddy worked, and the day it closed, and Daddy being out of work for a long, long time.

And I recall the day we took the railroad train for New York City. And then the cold winters and cold tenement houses where we lived; and the hot summers—the hot littered, asphalt streets of Williamsburg, Brooklyn, where I played and fought and grew up.

And ten years of college and law school and work at night in New York City's subways.

And then, my proud achievement of becoming a lawyer—and years of arranging bail and trying cases, battling prosecutors and judges, and closing titles to over-mortgaged, hard-bought ghetto houses.

And those long hours and days and months and years I walked the streets of Bedford-Stuyvesant organizing and making speeches and getting signatures on designating petitions, and getting votes, for candidates for public office. And some of you here today, who had faith in me and what I was doing, walked and worked with me and stand by me still.

Some of you were there when I raised my hand to take office under Mayor Robert Wagner, and the half-dozen times since then when I was sworn in by Mayor John Lindsay as I rose toward wider and larger responsibility and opportunity to serve.

So, like the mother in the words of Langston Hughes' poem,

Well, son, I'll tell you:
Life for me ain't been no crystal stair.
It's had tacks in it,
And splinters,
And boards torn up,
And places with no carpet on the floor—
Bare.
But all the time
I'se been a-climbin' on,
And reachin' landin's,
And turnin' corners,
And sometimes goin' in the dark
Where there ain't been no light.
So, boy, don't you turn back.
Don't you set down on the steps
'Cause you finds it's kinder hard.
Don't you fall now—
For I'se still goin', honey,
I'se still climbin',
And life for me ain't been no crystal stair.

And so, after it all, it is good to come home and receive the sweet approbation of brothers and sisters and friends.

But I suppose life "ain't been no crystal stair" for many people here today, and for tens and tens of thousands beyond this place, white and black—whether in the cold, rat-infested Old Law tenements of New York City or in the shanties and shacks of South Carolina.

Governor West, you have pledged in your administration to "eliminate . . . any vestige of discrimination because of race, creed, sex, religion or any other barrier of fairness for all citizens," and you have pledged to work for the elimination of hunger and malnutrition and the provision of adequate housing and health care in the State of South Carolina. And you have repudiated the politics of divisiveness in South Carolina as its ugliness and destruction grow elsewhere in the land, including in Forest Hills in New York City.

Indeed, recent history suggests that the worst travail of the South may be behind it, while in the North we have yet to really get at the root of our problems. Roots are important, and in the South both races have deep roots. The bones and blood of black and white men alike are mixed ineluctably in the soil of the South. Both have toiled; both know one another; both *have* lived together; both at this time, I think, respect one another.

This is not to say that I speak without hope for the North. Quite the contrary. What I am saying is that decency and progress know no sectional boundaries and that we can learn from one another.

Many have prayed, as my folks did, for the Promised Land. The Bible says: "Thy kingdom come . . ." "Thy kingdom come on *earth*, as it is in heaven." And it says, "Thy will be done."

And then it says:

"For I was an hungered, and ye gave me meat; I was thirsty, and ye gave me drink; I was a stranger and ye took me in;

"Naked, and ye clothed me; I was sick, and ye visited me; I was in prison and ye came unto me.

* * * * *

"And the King shall answer and say unto them, Verily I say unto you, Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."

And so, Governor West, you who have pledged yourself and have worked to feed the hungry, shelter the homeless, and end injustice—you, and I, who have been blessed with opportunities to serve those same poor and homeless—we come to this place by separate paths, but with a common purpose, to do battle with man's common age-old enemies of ignorance and injustice, and to build God's kingdom.

Thy kingdom come, *on earth*, as it is in heaven . . .

It is in this spirit that I have come home again.

DELAWARE GENERAL ASSEMBLY EXPRESSES SHOCK

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Monday, May 22, 1972

Mr. BOGGS. Mr. President, the General Assembly of the State of Delaware has passed a concurrent resolution deploring the senseless attack upon the Governor of Alabama, the Honorable George C. Wallace.

The resolution also supports "full punishment to those extremists of our society who attack persons engaged in our political system of campaigning for public office."

Mr. President, I ask unanimous consent that the complete text of the resolution be printed in the Record.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

House Concurrent Resolution No. 53

Expressing shock and indignation over the attempted assassination of Alabama Governor George C. Wallace and offering prayers for his speedy recovery and for peace on present and future political scenes

Whereas, on the afternoon of May 15, 1972, the distressing news was announced to the world of another attempt to assassinate an American presidential candidate, namely Governor George C. Wallace of Alabama; and

Whereas, citizens throughout Delaware, regardless of their political views or party affiliations, expressed great shock at this latest encroachment upon our Democratic way of life; and

Whereas, this detestable act of violence which was perpetrated upon Governor Wallace is deplored by all Delawareans who share the feelings and words of the Governor of Delaware who stated "This senseless crime should make us reaffirm our commitment to reduce violence in America."

Now therefore:

Be it resolved by the House of Representatives of the 126th General Assembly of the State of Delaware, the Senate concurring therein, that its members offer prayers for the speedy recovery of Alabama Governor George C. Wallace and others injured at the scene of his attempted assassination.

Be it further resolved that this General Assembly go on record as being totally abhorrent of our era of violence, which appears to be particularly directed toward our political figures, as they are acting in the American process of openly running for public office.

Be it further resolved that this General Assembly also go on record as totally backing the Federal law of full punishment to those extremists of our society who attack persons engaged in our political system of campaigning for public office.

Be it further resolved that copies of this Resolution be forwarded to Governor and Mrs. George C. Wallace, to U.S. Senators J. Caleb Boggs and William V. Roth, Jr., and to Congressman Pierre S. duPont, IV, and Governor Russell W. Peterson.

JERRY FORD 1972 QUESTIONNAIRE

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. GERALD R. FORD. Mr. Speaker, I am today announcing the tabulation of my questionnaire results. More than 20,000 Kent and Ionia County, Mich., residents sent completed questionnaires back to me.

Michigan Fifth District residents responding to my 1972 questionnaire reject an unconditional pullout from Vietnam and endorse the basic terms of President Nixon's latest peace proposal.

On Vietnam, I gave my constituents a choice between the referendum question on the November 2, 1971, Grand Rapids, Mich., ballot and a withdrawal from Vietnam tied to release of U.S. prisoners of war, an Indochina ceasefire, and the holding of an internationally supervised election in Vietnam.

President Nixon's latest peace offer calls for withdrawing all American ground troops from Vietnam within 4 months after an Indochina ceasefire and return of U.S. war prisoners. He has dropped the election provision.

Fifth District residents voted 68 percent in favor of withdrawal tied to an Indochina ceasefire and return of American POW's and only 22 percent for the referendum proposal.

The referendum question, which had passed by a large margin, urged that the U.S. "declare a ceasefire within the nation of Vietnam and immediately withdraw all American military personnel therefrom."

I believe my questionnaire results show conclusively that Fifth District residents prefer a withdrawal linked with return of American POW's and declaration of an Indochina ceasefire by both sides.

I drew up my questionnaire so that newly eligible voters, 18 through 20 years old, could have their views tabulated separately from those of persons 21 years and older. On Vietnam, the 18- to 20-year-olds voted 53 percent in favor of the administration's peace plan and 27 percent for the referendum proposal.

The percentages do not add up to 100 because the remainder did not answer the question one way or another.

Summing up the questionnaire results, I find that Fifth District residents responding favor a moratorium on forced busing to achieve racial balance coupled with special Federal aid to disadvantaged schools—64 percent to 31—favor Federal legislation to prevent national emergency strikes in transportation—80 to 17—oppose diverting some of the highway user tax revenue to finance urban mass transit systems—57 to 38—favor Federal revenue sharing with the States and local units of government—63 to 28—favor an increase in military spending to offset advances made by the Soviet Union—52 to 43—favor continuing price and wage controls until inflation is curbed—82 to 13—favor—slightly—a substantial increase in social security benefits if it means higher social security taxes—49 to 47—prefer the administration's health care proposal—requiring employers to pay 65 to 75 percent of health insurance premiums and placing health insurance companies under Federal regulation—to Senator KENNEDY's plan for a federalized health insurance system paid for through Federal payroll taxes and the Federal Treasury—58 to 19.

On health care, I learned that many Fifth District residents are opposed to both the administration and the KENNEDY plans. They want the Federal Government to stay out of health care altogether.

Because so many persons hold this view, more than 20 percent of the Fifth District respondents did not answer the health insurance question.

I am a primary sponsor of the administration's health insurance bill, but with an amendment providing Federal financial help for small businessmen who would find it a heavy burden to pay the bulk of their employees' health insurance premiums.

I also have cosponsored legislation which would prevent crippling strikes in transportation. Under this bill, the President would have the option of appointing a panel which could order a binding settlement. The panel could choose the better of the final offers made by labor and management and use this as a solution.

On busing, I favor legislation which would prevent forced busing to achieve racial balance. I also am backing a proposed constitutional amendment which would ban forced busing altogether.

The complete results of the questionnaire voting are shown below, listed in percentages rounded off to the nearest full digit. Percentages given do not add up to 100 percent because the remainder did not answer the question.

JERRY FORD 1972 QUESTIONNAIRE

	18- to 20-year-old		Overall total	
	Yes	No	Yes	No
1. Do you favor a moratorium on forced busing to achieve racial balance, coupled with special Federal aid to disadvantaged schools?	53	42	64	31
2. Do you favor Federal legislation to prevent national emergency strikes in transportation (railroads, airlines, shipping and trucking)?	61	31	80	17
3. Do you favor diverting some of of the highway user taxes to finance urban mass transit systems?	40	52	38	57
4. Do you favor sharing of Federal income tax revenue with the cities and States on a fixed percentage basis?	53	35	63	28
5. In the last 4 years the Soviet Union has increased its strategic missile capability and greatly expanded its naval forces. Do you favor an increase in U.S. military spending to offset this?	33	60	52	43
6. Do you favor continuing wage and price controls until inflation is curbed?	68	23	82	13
7. Do you favor a substantial increase in social security benefits if this means higher social security taxes?	36	54	49	47

MULTIPLE CHOICE

	18- to 20-year-old	Overall total
8. On health insurance, which do you favor?		
A. An improved nationwide private health insurance system, wth employers required to pay 65 to 75 percent of the premiums and employees the rest, and with insurance companies placed under Federal regulation and control	47	58
B. A Federal Government program financed with special payroll taxes	21	19
9. On Vietnam, the U.S. Government should:		
A. Declare a cease-fire within the nation of Vietnam and immediately withdraw all American military personnel therefrom	27	22
B. Withdraw all American forces from Souh Vietnam, conditioned on release of U.S. prisoners of war, a cease-fire throughout Indochina and the holding of an internationally supervised presidential election in South Vietnam	53	68

LIST OF IMPOUNDED FUNDS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, May 22, 1972

Mr. METCALF. Mr. President, approximately $11 billion which Congress has appropriated have been withheld from expenditure by the executive branch.

The amount of "budgetary reserves," as the administration calls them, or "impounded funds," the phrase which the distinguished Senator from Maine (Mr. MUSKIE), the distinguished Senator from North Carolina (Mr. ERVIN), and I prefer, has been reduced by approximately $1 billion since January. I assume that as the November election approaches, these funds will be released more rapidly.

On Thursday, May 18, I discussed these impounded funds with OMB Deputy Director Caspar W. Weinberger, who will soon be the Director. I appreciate his and his associates' comments regarding the congressional contribution to budgetary problems, through late handling of appropriation bills. I hope that as a result of our colloquy, OMB officials have a renewed appreciation of congressional interest in having the funds which we appropriate spent rather than impounded, and in obtaining a list of impounded funds on a regular basis.

In order that Senators may conveniently see which funds are impounded, I ask unanimous consent to have printed in the RECORD the list which Mr. Weinberger provided me yesterday, along with related correspondence. Persons who wish to compare currently impounded funds, by agency, with a similar report from OMB to the distinguished senior Senator from North Carolina (Mr. ERVIN) are referred to the March 13 CONGRESSIONAL RECORD, page 8031.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MAY 4, 1972.

Hon. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. SHULTZ: This week my staff requested a current list of appropriated funds which have been impounded or placed in reserve. Assistant Director for Budget Review Samuel Cohn stated that OMB did not have a current list, that the information would have to be collected from a number of different offices within your agency, and that I should make a formal request to you to obtain the information.

I hereby make that request. I suggest that the format of the response be comparable to the 25 January 1972 list which had been distributed on request to some Members of Congress. Please have the list current as of this date, or some other date this month. I hope that this information will be in my office by this coming Monday.

On 17 May OMB is scheduled to testify before the Senate Subcommittee on Intergovernmental Relations regarding S. 448, a bill relating to the budget process of regulatory commissions and your agency. I shall preside at these hearings and hope the OMB witness will be prepared to discuss methods of readily and regularly publicizing the amounts of funds that have been appropriated but are impounded or held in reserve.

Very truly yours,

LEE METCALF.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 16, 1972.

Hon. LEE METCALF,
Committee on Government Operations,
U.S. Senate, Washington, D.C.

DEAR SENATOR METCALF: Enclosed is a current list of budgetary reserves as requested in your letter of May 4. I should point out that apportionments and reapportionments are reviewers and revised frequently, particularly at this time of year, as we try to discharge our responsibilities under the Anti-Deficiency Act (31 U.S.C. 665) "to prevent . . . a necessity for deficiency or supplemental appropriations . . . and . . . to achieve the most economical and effective use of the funds appropriated." As a result, the amount being held in reserve is likely to continue to decline during the remainder of the fiscal year.

This response to your letter could not have been made as promptly had our staff not started work on the enclosed compilation immediately after Mr. Reinemer, of your office, telephoned last week.

Sincerely,

CASPER W. WEINBERGER,
Deputy Director.

BUDGETARY RESERVES, APRIL 1972

Under authority delegated by the President, the Office of Management and Budget operates a system of apportioning the funds provided by the Congress. The apportionments generally are for the current fiscal year and limit the amounts the agencies may obligate during specified periods.

There are occasions when the amounts of available funds are not fully apportioned. That is, some amounts are either withheld from apportionment, or their use is temporarily deferred. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by both Republican and Democratic Administrations as a customary part of financial management.

The reasons for withholding or deferring the apportionment of available funds usually are concerned with routine financial administration. They have to do with the effective and prudent use of the financial resources made available by the Congress. Thus, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective us of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available). In other cases the funds may be withheld in accordance with provisions of the Anti-Deficiency Act (31 U.S.C. 665) for such reasons as a change in conditions since they were appropriated or to take advantage of previously unforeseen opportunities for savings.

Table A, attached, lists the items and amounts currently reserved for such routine financial administration. They total $9.4 billion, which is a reduction of more than $1 billion since January of this year. This reduction is indicative of the fact that amounts are frequently released from reserve—and put to use—during each fiscal year as plans, designs, specifications, studies, project approvals, and so on are completed. As a result, the total amount held in reserve usually reaches a low point at the end of the fiscal year.

The reserves established for reasons of routine financial administration are recognized by all concerned to be temporary deferrals, and their need or wisdom is usually not questioned. In addition, however, there has been a long-standing and consistent practice in both Republican and Democratic Administrations to establish some—a much smaller amount of—reserves for reasons other than routine financial administration. It is these latter reserves which have sometimes been criticized as "impoundments" of funds.

Amounts being held in reserve for reasons other than routine financial administration generally could be used (i.e., obligated) during the apportionment time period. They have not been apportioned from time to time for such reasons as the Executive's responsibility to (1) help keep total Government spending within a congressionally-imposed ceiling, (2) help meet a statutory limitation on the outstanding public debt, (3) develop a governmentwide financial plan for the current year that synchronizes program-by-program with the budget being recommended by the President for the following year, or (4) otherwise carry out broad economic and program policy objectives.

Table B, attached, lists the items and amounts currently held in reserve for reasons other than routine financial administration. They total $1.6 billion, a reduction of almost $200 million from the amount so reserved in January of this year.

The total of all current reserves (i.e., Tables A and B) is 4.6% of the total unified budget outlays estimated for fiscal 1972. The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5% to 8.7%. At the end of fiscal 1967, it stood at 6.7%, and a range in the neighborhood of 6% has been normal in recent years. The amount currently reserved is expected to decline still further during the remainder of the fiscal year.

TABLE A.—*Budgetary reserves for routine financial administration, April 1972*

(In thousands of dollars)

Agency and account:	*Amount*
Executive Office of the President:	
Council on Environmental Quality and Offices of Environmental Quality	53
Apportionment awaits development of proposals for contract studies of environmental problems.	
National Security Council	108
Apportionment awaits development by the agency of approved plans.	
Special Action Office for Drug Abuse Prevention	682
Apportionment represents the balance of appropriation which cannot be utilized by the Office in 1972 due to late enactment of legislation. Release will occur as needed in 1973 operations.	
Funds appropriated to the President:	
Appalachian Regional Development Programs	40,000
Apportionment awaits development of approved plans and specifications.	
Economic Stabilization Activities	300
A total of $100 thousand is reserved for subsequent use, as needed and anticipated, by the U.S. Courts in support of the Temporary Emergency Court of Appeals. The remainder is reserved for contingencies and will be apportioned as required.	
International Security Assistance:	
Foreign military credit sales	98,100
Apportionment awaits development by affected agencies of coordinated plans and specifications.	
International development assistance:	
Prototype desalting plant	20,000
Apportionment awaits development by the agency of approved plans and specifications.	
Inter-American Foundation	41,624
Amount represents balance of initial funding from AID transfer to cover first 4 years of the Foundation's operations. Apportionments will continue to be made annually as plans and specifications are developed.	
Department of Agriculture:	
Agricultural Research Service:	
Construction	70
Represents residual amount of appropriation for planning that is not required for that purpose. Apportionment awaits additional appropriation for construction.	
Scientific Activities Overseas (special foreign currency program)	352
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Animal and Plant Health Service	2,049
This amount is in excess of current estimate of 1972 needs. The funds will be apportioned, if needed, for animal and pest control	
Farmers Home Administration:	
Mutual and self-help housing grants	729
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Direct loan account (farm operating loans limitation)	49,453
Amount reflects balances of loan authority now held pending demonstration of the need for funds.	
Consumer and Marketing Service:	
Consumer protective marketing, and regulatory programs	850
Amount shown here is in excess of 1972 needs. If conditions change and funds are needed, apportionments will be made.	
Perishable Commodities Act Fund	1
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Forest Service:	
Forest protection and utilization:	
Cooperative range improvement	624
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Youth Conservation Corps	1,730
These funds will be released later for the fiscal year 1973 portion of the calendar year summer program.	
Forest roads and trails	402,040

TABLE A.—*Budgetary reserves for routine financial administration, April 1972*—Cont.

Reserve reflects amount of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.	
Expenses, brush disposal	13,303
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Forest Fire Prevention	115
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Department of Commerce	
Bureau of the Census:	
19th Decennial Census	11,028
These funds are to be used for printing costs and will be apportioned when needed for this purpose.	
Regional Action Planning Commissions:	
Regional Action Planning Commissions	300
Funds will be released when Mississippi Valley Regional Commission is formed.	
Promotion of industry and commerce:	
Trade adjustment assistance (financial assistance)	50,000
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Inter-American Cultural and Trade Center	5,446
Funds will be released when plans for participation in U.S. Bicentennial are completed and approved.	
National Oceanic and Atmospheric Administration:	
Research, development, and facilities	294
These funds are for disaster relief to fisheries. Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.	
Research, development, and facilities: (special foreign currency program)	411
Apportionment awaits development of research contracts with foreign organizations.	
Promote and develop fishery products and research pertaining to American fisheries	257
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
National Bureau of Standards:	
Plant and facilities	1,495
Funds are for a new laboratory now in the planning stage. Apportionment awaits development of approved plans and specifications.	
Department of Defense—Military	
Shipbuilding and conversion	1,388,946
For use in subsequent years; these projects are fully funded when appropriated.	
Other procurement programs	21,020
For use in subsequent years; these projects are fully funded when appropriated.	
Military construction and family housing	302,602
Apportionment awaits development by the agency of approved plans and specifications. tions.	
Civil defense programs	1,080
Amount is in excess of currently estimated needs. It will be used, as needed, in subsequent fiscal years.	
Special foreign currency program	4,903
Apportionment awaits development by the agency of approved plans and specifications.	
Department of Defense—Civil	
Corps of Engineers:	
Construction, general:	
Lafayette Lake, Ind.	183
Funds are being held in reserve because of local opposition to initiation of construction of the project.	
Lukfata Lake, Oklahoma	450
Funds are being held in reserve because the State of Oklahoma is considering designating one of the streams to be inundated as a wild and scenic stream.	
New York Harbor Collection and Removal of Drift	80
Funds are being held in reserve because, although the project has been authorized by the Congress for initiation and partial accomplishment, initiation of construction must await approval of the Secretary of the Army and the President. The Secretary of the Army has neither approved the project nor sent the project report to the President.	
Panama Canal Government:	
Capital outlays	850
Under a proposal now pending before the Congress, these fiscal year 1972 funds will be combined with the 1973 appropriation for the purchase of major items of capital equipment.	
Wildlife conservation	474
Includes estimated receipts not needed for current year program. Will be used in subsequent years.	
Department of Health, Education, Welfare:	
National Institutes of Health:	
Buildings and facilities	2,565
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Office of Education:	
School assistance in federally affected areas	4,996
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Higher education	1,462
Apportionment awaits development by the agency of approved plans and specifications.	
Educational activities overseas (special foreign currency program)	16
Apportionment of this amount awaits development of approved plans and specifications by the agency.	
Social Security Administration:	
Construction	12,095
Apportionment awaits development of approved plans and specifications by the agency. These plans will depend at least in part on the outcome of legislation pending before the Congress to authorize acquisition of these facilities through purchase contracts that will provide for installment payments.	
Special Institutions:	
Gallaudet College	516
This part of an appropriation for a national continuing education program for the deaf is being held pending the development of a plan for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved.	
Howard University	3,714
Apportionment of this amount awaits development of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Office of Child Development	54
Apportionment of this amount awaits development of approved plans and specifications.	
Department of Housing and Urban Development:	
Model cities programs	105,000
The 1972 appropriation is available for use in 1972 and 1973; the amount reserved is being allocated among cities to cover obligations to be made early in 1973. Thus, each such city will have in advance a target figure against which to plan.	
Department of the Interior:	
Bureau of Land Management:	
Public lands development, roads and trails	16,694
Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.	
Bureau of Indians Affairs:	
Road construction	53,699
Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.	
Bureau of Outdoor Recreation:	
Land and water conservation fund	30,000
Consists of 1972 annual contract authority which the 1973 budget shows as not being obligated. This contract authority, which was made available annually through fiscal year 1989 by Public Law 91-308, approved July 7, 1970, is not being used because the Federal agencies purchasing park lands have found annual contract authority cumbersome to administer. Instead, they prefer ordinary appropriations to finance such land	

purchases and the budget proposes appropriation of the full $300 million annual authorization for the fund, of which about $98 million is for Federal land purchases in 1973.	
Bureau of Mines:	
Drainage of anthracite mines	3,623
Funds are spent on a matching basis with Pennsylvania as that State and the Department of the Interior develop projects for this purpose. Apportionment awaits development of approved plans and specifications.	
Bureau of Sport Fisheries and Wildlife:	
Construction	9,075
Appropriated funds for D.C. Aquarium withheld because authorized facility cannot be constructed within the funding limits established by the authorization.	
National Park Service:	
Parkway and road construction	73,589
Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.	
Bureau of Reclamation:	
Construction and rehabilitation	1,055
Funds are being held in reserve pending completion and review of the economic restudy to determine the most effective use of funds for the Second Bacon Siphon and Tunnel Unit, Wash.	
Operation and maintenance and replacement of project works, North Platte project	84
This amount fulfills the legal requirements for this account of an annually established contingency reserve.	
Department of Justice:	
Federal Prison System:	
Buildings and facilities	4,299
The apportionment awaits development by the affected agency of approved plans and specifications.	
Department of State:	
Education exchange fund (earmarked proceeds of payment by Finland on World War I debt)	22
Apportionment awaits development by the agency of specific plans for the exchange of students.	
Bureau of Educational and Cultural Affairs:	
International Educational Exchange Activities (special foreign currency program)	5
Funds represent recent recovery of prior year obligations in excess of current year needs. These funds are expected to be utilized in the future.	
Department of Transportation:	
Coast Guard:	
Acquisition, construction and improvements	7,607
Funds are for equipment or improvements and will not be needed until construction on seven projects is in an advanced stage. They will be released when needed.	
Alteration of bridges	1,000
Apportionment awaits development of approved plans and specifications.	
Retired pay	571
Appropriation is in excess of needs due to a lag in voluntary retirements.	
Federal Aviation Administration:	
Facilities and equipment (Airport and Airway trust fund)	53,639
Grants-in-aid for airports (Airport and Airway trust fund)	56,458
Construction, National Capital Airports	900
U.S. International Aeronautical Exposition	218
Civil Supersonic aircraft development termination	4,506
Apportionment of the above FAA accounts awaits development of approved plans and specifications.	
Federal Highway Administration:	
Territorial Highways	5,000
New program established by the 1970 Highway Act, effective December 30, 1970. No appropriation was provided until August 1971, although $4.5M of contract authority was authorized for each of 1971 and 1972. Territories were not prepared to handle program and have just begun to organize agencies and prepare studies for use of the funds. Total obligations through December 31, 1971, were about $93,000.	
Federal-aid highways:	
(1) 1973 contract authority	5,700,000
(2) Remaining balance from prior reductions to meet outlay ceilings and abate inflation	246,798
Urban Mass Transportation Administration:	
Urban mass transportation	299,970
The Congress provided a total of $3.1B of contract authority for the five-year period 1971–1975. Executive Branch apportionments will result in $1.0B of this amount having been used by June 30, 1972, another $1.0B (including this $300M) will be apportioned July 1, 1972, for fiscal 1973, leaving $1.1B, or $550M per year for the fiscal years 1974 and 1975. By appropriation action in fiscal years 1971 and 1972, the Congress effectively limited the amount of the contract authority that could be used each fiscal year. Thus, the $300M shown is the difference between the $600M apportioned for 1972 and the $900M upper limit for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation: "Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than $900,000,000 in fiscal year 1972." (Underlining supplied.)	
Treasury Department:	
Office of the Secretary:	
Construction, Federal Law Enforcement Training Center	22,239
Apportionment awaits development by the agency of approved plans and specifications.	
Expenses of administration of settlement of World War Claims Act of 1928	1
Amount shown here is in excess of current estimate of 1972 administrative costs. If conditions change and funds are needed, apportionment will be made.	
Bureau of the Mint:	
Construction	79
Apportionment awaits the completion of studies for the effective use of funds.	
Atomic Energy Commission:	
Operating expenses:	
Reactor development—	
Funds held in reserve for the Liquid Metal Fast Breeder Reactor (LMFBR) demonstration plant awaiting the completion of detailed negotiations now underway involving AEC and the Commonwealth Edison Company and TVA	43,350
Biomedical Research—	
Funds held in reserve pending development of a plan for effective utilization	370
Plant and capital equipment:	
Funds held in reserve awaiting AEC's development of firm plans or specifications for two projects in the nuclear materials and weapons programs	175
Funds held in reserve awaiting AEC's completion of feasibility studies or the results of research and development efforts for the national radioactive waste repository and two other projects	3,133
Funds held in reserve for possible cost overruns and other contingencies	5,000
Environmental Protection Agency:	
Operations, research and facilities	35,294
Awaiting completion of EPA study of requirements for Cincinnati laboratory ($28.0M) and other laboratory facilities ($7.294M).	
General Services Administration:	
Operating expenses, Public Buildings Service	5,000
Amount shown here is in excess of the current estimate of 1972 needs. It reflects revised estimates of rent and utility costs. If conditions change and the funds are needed, apportionments will be made.	
Construction, public buildings projects	45,514
San Antonio, Texas, project awaiting Congressional approval of revised prospectus—$7,402 thousand.	
Philadelphia project—additional awards awaiting completion of present construction works—$23,046 thousand.	
$10,803 thousand proposed in the 1973 budget for obligation in accordance with legislation now pending in the Congress to authorize private financing and installment payment/purchase of various projects.	
$4,263 thousand is reserved to meet possible contingencies that might arise in the course of construction.	
Sites and expenses, public buildings projects	14,665

TABLE A.—*Budgetary reserves for routine financial administration, April 1972*—Cont.

Reserved to meet possible contingencies or for use in subsequent years—10,380 thousand.	
Projects involving space for Postal Service are being restudied—$4,285 thousand. Apportionment awaits the completion of this action for the effective use of the funds.	
Operating expenses, Property Management and Disposal Service	769
Amount shown here is in excess of the current estimate of 1972 needs for stockpile disposals. If conditions change and the funds are needed, apportionments will be made.	
Veterans Administration:	
Grants to States for extended care facilities	8,420
State plans and requests for funds have not been presented to the extent originally expected.	
Other Independent Agencies	
Cabinet Committee on Opportunities for Spanish-Speaking Peoples	30
Potential savings—	
The obligation rate has been lower than anticipated because of operation under continuing resolution for two quarters.	
Federal Communications Commission: Salaries and expenses (construction)	460
These funds are intended for replacement of a monitoring station. They cannot be used until the Congress raises the current limitation on FCC's 1972 construction program. It is expected that this will take place before the end of fiscal year 1972.	
Federal Home Loan Bank Board:	
Interest adjustment payments	46,888
Amount which can be effectively utilized by the Board in the current year has already been apportioned.	
Foreign Claims Settlement Commission: Salaries and expenses	19
Apportionment awaits development by the agency of approved plans.	
Payment of Vietnam and Pueblo prisoner of war claims	150
Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.	
Smithsonian Institution:	
Salaries and expenses, Woodrow Wilson International Center for Scholars	11
Reserved for contingencies. Will be apportioned if and when needed.	
Temporary Study Commissions:	
Commission on Highway Beautification	25
Amount being held for completion of Commission's work in 1973.	
Commission on Population Growth and the American Future	30
A small contingency amount is set aside to cover any increases in contracted costs after the Commission completes its work and disbands in May, 1972.	
National Commission on Consumer Finance	50
For terminating the Commission in 1973 after the report is completed.	
Aviation Advisory Commission	587
Funds in 1972 reserve will be used in 1973 to carry Commission through its expiration date of March, 1973.	
United States Information Ageny:	
Salaries and expenses (special foreign currency program)	407
Special international exhibitions	746
Apportionment of the above accounts awaits development of approved plans and specifications.	
Water Resources Council:	
Salaries and expenses	25
Funds in reserve pending establishment of new river basin commissions.	
Total	9,394,669

TABLE B.—*Reserves for reasons other than routine financial administration, April 1972*

(In thousands of dollars)

Agency and account:	*Amount*
Department of Agriculture:	
Rural Electrification Administration—	
Loans	[a] 107,000
Farmers Home Administration:	
Sewer and water grants	[b] 58,000
Department of Housing and Urban Development:	
Rehabilitation loans	[c] 53,042
Grants for new community assistance	[a] 5,000
Basic water and sewer grants	[d] 500,000
Department of Transportation:	
Federal-aid highways	623,000
Rights-of-way for highways	50,000
Urban mass transportation	[e] [299,970]
Atomic Energy Commission	17,655
NERVA-Nuclear Rocket	(16,990)
Plowshare	(665)
National Aeronautics and Space Administration:	
NERVA-Nuclear Rocket	22,400
National Science Foundation:	
Educational and institutional support	[a] 21,000
Graduate traineeships	[f] 9,500
Reserves established pursuant to President's August 15, 1971, directive to curtail previously planned Federal employment levels	[g] 85,300
Total	1,551,897

[a] Apportionment of entire amount is planned on July 1, 1972.

[b] This amount is planned to be used for continuation of the water and sewer grant program after the fiscal year 1972.

[c] Funds remaining from the 1972 appropriation for rehabilitation loans will be apportioned on July 1, 1972.

[d] This amount is planned to be used for continuation of the water and sewer grant program in 1973 and subsequent years.

[e] This item is listed here only because of public and congressional interest. It is not counted in the total of Table B because its planned use is consistent with congressional intent. The Congress provided a total of $3.1 billion of contract authority for the five-year period 1971–1975. Executive Branch apportionments will result in $1.0 billion of this amount having been used by June 30, 1972, another $1.0 billion (including this $300 million) will be apportioned July 1, 1972, for fiscal 1973, leaving $1.1 billion, or $550 million per year for the fiscal years 1974 and 1975. The $300 million shown is the difference between the $600 million apportioned for 1972 and the $900 million *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation:

"Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (Underlining supplied.)

[f] Apportionment awaiting NSF review of how these funds can be used effectively to help meet the Nation's scientific and engineering manpower needs without stimulating an oversupply of manpower with specialized capabilities.

[g] These funds are the remainder of $280 million in reserve established initially under the President's directive of August 15, 1971. Reserves are being released as required to meet costs of recent pay raises and other essential purposes. The current reserves include $15,616 thousand pending congressional approval for application to pay raise purposes together with other amounts that will also be apportioned during the fourth quarter for pay raise needs.

HATCHET JOBS IN THE NAME OF SCIENCE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. BRAY. Mr. Speaker, hatchet jobs masquerading as scientific studies are not new and the latest sport, developed over the past few years, has been to direct them against American Presidents or presidential candidates.

The latest is a so-called psychohistory of President Nixon. The following editorial from the May 17, 1972, Martinsville, Ind., Reporter, by Robert Kendall, effectively and thoroughly demolishes this most recent cheap shot:

ANOTHER HATCHET JOB

Remember back during the 1964 election campaign when a bunch of psychiatrists did a neat hatchet job on Barry Goldwater?

The experts replied to a questionnaire sent out by one of that era's shorter-lived and less respected magazines, making it the most spectacular case of long-distance psychoanalysis since Sigmund Freud explained the hidden meaning of Leonardo Da Vinci's babyhood dreams at four centuries remove.

It didn't take a degree to know that Barry was close to the edge. Why, he advocated a massive infusion of U.S. troops into Vietnam, bombing, defoliation. Fortunately, the American people rejected that nut and elected a man who did not suffer from such delusions of grandeur.

Now, just in time for the 1972 election, someone has performed a similar service in the case of one Richard M. Nixon.

Bruce Mazlish, professor of history at Massachusetts Institute of Technology, with training in psychoanalysis, has founded a new discipline he calls "psychohistory," a fusion of psychoanalysis and history. First fruit of this fusion is his book, "In Search of Nixon," subtitled "A Psychohistorical Inquiry."

While the history may be dubious, there is no doubt about the psycho part.

"Nixon," Mazlish informs us, "is a man torn between his mother's dislike of warfare and his father's sharp competitiveness: thus he is extremely ambivalent about his aggressive impulses and tends to deal with them by projection onto others."

Right now, of course, he's projecting onto the North Vietnamese, who were good enough to stage an invasion of South Vietnam and thus offer him a pretext.

Furthermore, says Mazlish, "He (still speaking of you-know-who) is wracked by indecision and by the question of his own courage, especially in a crisis. He has had a serious problem with death wishes. . . ."

In regard to the latter, Mazlish suggests that Nixon's "need for crisis" may partially be "motivated by the need to confront his death fears, repeatedly and constantly."

This is but a sampling from a book that is all the more remarkable for having been written by an author who has never met his subject.

Forget that Richard Nixon did not start the Vietnam war. Forget that in foreign affairs, except for Vietnam, his overall record in the past four years has been one of removing the causes of the crises that have periodically wracked the world for more than two decades.

Forget the Okinawa treaty with Japan, the SALT disarmament talks with Russia, the President's historic visit to China.

With candidate Nixon neatly disposed of, now all the voters have to do is find a man who doesn't have this "need for crisis" and we can all sit back and enjoy four years of national tranquility undisturbed by the North Vietnamese, the Russians, the Chinese, the cost of beef, the corn blight, the San Andreas Fault or the Fates.

RURAL ECONOMIC DEVELOPMENT: NORTHWEST TEXAS IS PLACE TO WATCH

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. PURCELL. Mr. Speaker, the story of contemporary life in rural America rarely wins in the daily battle for front page news. Unable to compete with the tension-packed developments in international affairs and forced to take a back seat to the star-studded "glamour" news of domestic politics, the story of what is happening to life in the small rural communities of this country is not getting the widespread public and governmental attention it deserves.

The story which needs to be told is that the quality of life for citizens living in rural communities of this country is on a steady decline while the news of this tragic situation goes unheralded by the majority of the American people and by the Government responsible for their welfare.

Mechanization in farming is displacing workers in rural areas as automated equipment makes the harvesting of farm commodities faster, easier, and cheaper. Whereas machines supplant much of the human labor involved with farming, machines do not attend schools, marry, rear families, and contribute to the vitality and development of the community.

Enrollment in rural area schools has been declining at an increasing pace for the past decade. School buildings are in need of replacement, but the declining number of students makes such projects unfeasible.

The dual problems of a decreasing labor supply and distant location from the marketplaces of industrial goods compounds the difficulty of maintaining light industry presently located in rural areas and in securing new enterprises. As existing buildings vacate, retail facilities downtown follow suit, for merchants must follow their customers to the already burgeoning cities.

Political reapportionment, hot on the footsteps of an outwardly migrating population, further diminishes the political voice of rural areas. Politicians are forced to the cities just as the merchants pursue buyers.

The cities of Quanah, Paducah, Childress, and Crowell are rural communities in the 13th District of Texas. Each of these towns has problems common to scores of communities across the country that make up rural America. The mechanization of agriculture and the concentration of economic activity in the cities is sapping these towns of their most important resource—their own sons and daughters. As the young people of Quanah quit their hometown to find economic security in the cities, the place they left behind grew a little older and lost a little more of its vitality.

Citizens who remain in these communities rest all of their hope for the future in rural economic development. Spearheading a search for economic solutions to the problems of this area are two promising groups made up of local citizens. Their work deserves nationwide attention. The Economic Opportunities Advancement Corp. and the Four Winds Industrial Foundation recently formed to provide organization and leadership to a self-help campaign that may ultimately change the face of towns throughout the Texas northwest. The efforts of these two groups may also prove to be a dynamic and successful model for similar efforts in other parts of the country.

Mr. Speaker, the resourcefulness of the two groups I refer to above have buoyed the spirit of thousands of citizens in the 13th District. They are creating a new sense of hope where before there was only despair. The burden therefore shifts upon the Government not to dash those hopes. Rural development legislation which I have coauthored will soon come before the House. This is a major step toward providing rural areas with the opportunities they deserve. Once this measure is approved the administration will have to be prodded to assure that Federal money actually gets to the townspeople that require it and that the will of the Congress will prevail.

I am proud of the area I represent and am pleased to see such constructive self-improvement forces being generated. I intend to use everything at my command to see to it that the bureaucratic buck-passing tendencies of Government do not squash this drive before it has a chance to flourish.

Representatives who share with me in the struggle and the promise of developing the rural communities of this country should read the following account of the constructive efforts already under taken in northwest Texas. It is a well documented report of what will have to be done if the story of rural America is to be changed from one of pessimism, hard luck, and personal struggle to an upbeat record of growth, rejuvenation, and new promise for the future. The article follows:

ECONOMIC DECAY STALKS RURAL UNITED STATES

(By James E. Vance)

Dilapidated houses along roadsides and empty stores around town squares present a haunted and frightening appearance.

They linger as monuments to deterioration and evidence of tragedy in rural America.

Even more alarming were thoughts that these eerie sights would not disappear with darkness and emerge as a new look at dawn.

The river of migration which swept people from the coutrysides and small towns in a flood to cities also cut an ugly gash and spawned economic gangrene.

"We know we are in trouble, and we need help," said Judge Bob Arnold of Wilbarger County. "We feel we still have enough solid foundation on which to rebuild. We are ready and willing."

Judge Arnold was among the first of town and county officials and civic and agricultural leaders who "laid the whole thing out" to federal and state agency representatives in an honest look, appraisal and plea for help during a 250-mile tour on the Rolling Plains.

U.S. Reps. Bob Price of Pampa and Graham B. Purcell of Wichita Falls, both members of the House Committee on Agriculture, were on the two-day trip through Wilbarger, Childress, Hardeman, Cottle and Foard counties.

There were small businesses, no businesses, Head Start and senior citizen's programs, salt deposits which contaminated streams, "gyp" water, empty cotton compresses, 100 workers in a railroad shop that once employed 600, and fertile soil idled by government farm programs.

You name a problem. These people could show it as real. They did.

There also were evidences of deep concern, willingness to work together and for self-help, frustration, hope, bureaucratic buck-passing and the attitude that money is not the total answer.

It could be a viable embryo from which to hatch new economy.

The Great Depression triggered the flow of economic decay in rural areas. It initiated what was to become the export of this nation's most valuable resource—young people.

The man on the land also was victim of the mechanization and other technical advancements in agriculture which permitted production efficiency unparalleled in other phases of the economy. While in the 1930s one farmer could produce for himself and six or eight other people, he now does it for himself and 45 others.

The result was no room on the farm. The older people had to stay. The younger ones were forced to leave.

The trend also continues as cost of production went up and prices remained the same. Even good farmers fell by the wayside.

"I've watched this migration. Most all our young folks have left," explained Calvin Walser, a farmer and rancher in Hardeman County. "My dad worked 160 acres. paid for the land and raised five children. I have a son studying at Texas A&M University to become a lawyer.

"I'd like for him to come back, but not to the way it is now. He wouldn't stand a chance of making a living."

In Cottle County, Judge Neil Parker said that 22 per cent of the five-county population is more than 65 years of age.

"We had 10,000 people in this county and it's withered away to half that many. Where 160 acres once supported a family, the average farm or ranch is 1,300 acres, and families are smaller," Parker explained. "Cee Vee community (we were passing by it) had 1,000 voters. Now there are 79.

"There's one school in the county. One of the real tragedies is that most of the people who left were of child-bearing age.

"This hurts everything, but mainly it took away opportunities to grow," added Joe D. McClellan II, chairman of First National Bank of Chillicothe. "Even if we were standing still we'd still be slipping back. All these closed buildings show it."

Bankers throughout the area admitted that even though deposits showed a good record this wasn't a true barometer of economic conditions. In many towns bankers said they had extended their financing loans to legal limit.

Mayors and judges noted that some towns and counties were out of debt, but not in financial condition to attract or support new industry which might locate and offer jobs and turnover of dollars. Some municipalities had "stretched bond issues and taxes and other fund-raising methods to the limits," as one person phrased it.

Additional efforts were made by organizing the Four Winds Industrial Foundation, headquartered near Quanah, to seek industry—and payrolls—into a four-county area. To show even closer togetherness with and abolition of mythical municipal and county lines in seeking assistance an Economic Opportunities Advancement Corp. was formed.

The tour was convincing enough that this area still is stocked with a breed of people who want to do something for themselves. There's labor available, as evidenced by job applications.

"We received 2,000 applications for employment. Of this number we figured 1,500 were valid as potentially good workers," said Dr. Frankie Williams, superintendent of Vernon's new Center for Mental Health and Retardation.

This center, Vernon's new junior college under construction, a plastic fishing worm factory at Crowell, Lancer Mobile Home adjacent to Childress' mammoth airport which was formerly a military installation, and Georgia-Pacific, near Childress, which can turn out 1.5 million board feet per day of wall board from gypsum mined nearby, are a few examples of promise.

This area, like other areas, experienced entanglement within the web of government, particularly the bureaucracies when their delegations presented evidence in hopes of qualifying for loans with which to improve housing, utilities and other facilities to attract industry.

The system was described as a sterling example of the saying that "the left hand doesn't know what the right hand is doing." With bare-knuckled evidence that "no matter what the program" leaders assured qualification and justification for assistance.

Could a government "founded to help people not in a position to help themselves" also have become one of the biggest problems facing rural America?

Bill Carpenter, an equipment dealer and tour guide at Quanah, pointed to Panhandle Compress Co.'s vast and empty warehouses. He said the government's idling of cotton acreage compressed a year-round work force of 75 to about 50 for only two or three months at peak season. It put an end to a seed-processing business, too.

The mayor of Paducah, V. L. Hutchinson, added, "We went to one agency with some of our problems. We were told that we could be recommended to a team from the University of California at Los Angeles which would make a study and recommendation, which could then be submitted to the Ford Foundation for assistance. We've got empty buildings and people who want to go in business. All they need is a small business loan."

Purcell told a banquet audience in Childress, "Whether we like it or not the Bureau of the Budget is the hatchet arm of the administration, and if the administration doesn't want something to occur (with use of federal money) it most generally won't."

James V. Smith, administrator of the Farmers Home Administration, said the FHA had requested funds in the new budget which could enhance construction of residences badly needed in towns with up to 10,000 population, and water and sewage up to 5,500. These improvements were described as "critical and necessary to attract people to small towns."

"We feel our maximum loans to farmers will be increased from $60,000 to $100,000, and from $35,000 to $50,000 for short-term operating capital," Smith said. "Farmers and ranchers in these five counties have borrowed $2.5 million from FHA so far this year, but are repaying it. In fact, 99 per cent of FHA loans to Texas farmers and ranchers are repaid."

The people within these counties also have learned about "politics and terminology" for qualifying for government loans:

Jails now are "short-term detention centers," a traditional museum must be an "interpretive center" and mesquite "eradication" is taboo. It's brush control locally, and federal workers refer to it as "grasslands research."

Price contended emphatically that local areas should be given tax advantages to establish industry and train people for their jobs.

Purcell and Price agreed that a new rural development bill in Congress is "the first step" toward providing rural areas with opportunities equal to those provided for urban development. It basically would "beef up the FHA and other agencies for making loans to small cities with qualified opportunities for businesses."

Cities attracted the first attention. This is where the most voters are. However, the headwaters of the flood of problems that swept into cities actually were far up into the rural areas.

Now, the lawmakers appear to be applying to people a lesson started by soil and water conservationists three decades ago. Stop the flow from its source before it causes further destruction.

As Hutchinson summed it up, "A man told a friend, 'I'm going to Paducah to die.' Well, our town's not in debt and most of our churches are paid for. Not for fancy funerals.

"We don't intend to die, economically. We've been 35 years getting into this condition, and we'll recover, but not overnight."

How? This wasn't answered. An "eye opener" in only one small part of rural America provided a haunting residue.

STREET CRIME

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. CELLER. Mr. Speaker, of all our urban ills, the proliferation of street crime in recent years is perhaps the most frightening. Legitimate fears restrict basic freedom of movement enjoyed by Americans in our inner cities. Many feel unable to walk our streets without fear, particularly in nighttime hours. If government cannot provide basic peace of mind, then its very legitimacy and its ability to achieve other goals are greatly strained.

Much national energy has been expended in recent years in analyzing the increase of criminal activity in our cities. Importantly, each analysis has told us that it is not possible to isolate crime as a problem apart from the larger urban crisis, that the foundation of any national strategy against crime must be a relentless effort to achieve social justice. The President's Commission on Law Enforcement and the Administration of Justice, for example, cited the fundamental importance of "reducing poverty, discrimination, ignorance, disease, and urban blight, and the anger, cynicism or despair those conditions can inspire." With this in mind, then, let us understand there are no simple mechanisms for controlling crime. But there are concrete steps to be taken.

The primary responsibility for police protection and crime prevention lies at the local level with the cities and the States. There is no national police force nor should there be. Citizens must look to their city councils, to their mayors, to their State legislators, and to their Governors. These authorities should take immediate steps to ensure increased and more highly visible police patrol of high-crime urban areas. In addition, they should explore every means possible to upgrade their police and correctional facilities.

This is not to suggest that the Federal Government does not have a very vital role to play. In fact, because, as with all areas of increased national commitment, the battle against street crime begins with increased levels of funding, the Federal Government with its enormous resources must shoulder an increased burden. Federal assistance to States and localities for purposes of law enforcement totaled only $447 million in 1971. Most of those moneys—some $340 million—were provided by the Law Enforcement Assistance Administration—LEAA—an arm of the Department of Justice. LEAA funds are distributed as block grants to the States, each State's share based on its population. New York's share in 1971, for example, was approximately $32 million. But much of this money was never directed to those areas of high street crime where it is so badly needed. A revision of the existing LEAA program, with expanded grants directly to our cities or to our metropolitan regions, would be a step in the right direction. Beyond that, built-in incentives for upgrading police and correctional facilities, whereby local jurisdictions could increase their share by the presentation of workable plans for improvements in these areas, would greatly enhance the value of increased Federal funding.

It is above all important that attention be focused on every level of our criminal justice process. We must upgrade our police, but those efforts will be useless if we do nothing to alleviate the problems that plague our crowded courts. We must make the administration of our courts more functional, but those efforts will in turn become useless if judges must send our criminals to corrections facilities that do not rehabilitate, but only embitter the criminal mind.

If we must start somewhere, however, it is with a national commitment to improve police manpower. Increasing the quality of trained police personnel is a particularly immediate challenge. Improvements should be fashioned on two levels. First, an effort should be made to attract better educated recruits by increasing salary levels and by developing college education programs for police. Second, major new emphasis should be given to the training of already recruited personnel, particularly in areas of police-community relations. Recruitment and appropriate deployment of minority group officers would greatly legitimize the process of law enforcement in the eyes of the inner city citizens.

But even on less abstract levels, we can take immediate action against the street criminal. Legislation implementing the constitutional guarantee of a speedy trial, for example, would do much to combat the troublesome problems of crime committed by those on bail. Gun registration and control, particularly with regard to handguns, would greatly reduce violent crime in this country. The outrageous assaults on our political leaders and on our police serve to underscore the urgent need for stricter Federal controls on firearms. The FBI tells us that 125 police officers were slain in 1971, and that 96 percent of these killings were committed with firearms. Handguns were used in 74 percent of those killings. I have introduced in the House of Representatives a Gun Control, Registration, and Licensing Act. As part of that legislation, the importation, manufacture, transfer, and transportation of any handgun except by law enforcement officers, military personnel, or persons licensed by the Secretary of the Treasury, is prohibited. As chairman of the House Committee on the Judiciary, I recently announced that a judiciary subcommittee will hold public hearings on the importance of gun control legislation beginning in June of this year.

Additionally, I have always believed that the mugger, the rapist, the purse snatcher, the armed robber, is a person who lurks in the shadows and whose courage is in inverse proportion to the lighting which illuminates his place of business. For that reason, I recently called to the attention of New York State and city authorities three funding provisions in the existing Federal Omnibus Crime Control and Safe Streets Act of 1968, under which LEAA funds seem already available to New York City for increased street lighting to control crime. In those letters, I have strongly urged that more funds be used for that purpose.

Under the 1968 act, which I authored and helped pilot through the Congress, we embarked on a momentous effort to improve and strengthen law enforcement throughout the Nation. Unquestionably, one extremely important tool in deterring crime is increased street lighting in high crime areas; its effectiveness has been demonstrated repeatedly. I am hopeful that in the future State and city planners will give lighting programs the higher priority they deserve in the distribution of LEAA moneys.

Finally, the issues of street crime and drugs cannot be divorced. Each feeds upon the other, with so much street crime resulting from the addict's need to support his habit. We must be mature and compassionate in addressing drug-related problems, but we must also realize that organized crime plays its part, police corruption plays its part, abysmal prison conditions play their part.

We cannot, of course, hope to halt the crime problem overnight. But we can expect the excitement of the challenge to sustain us through the difficult years ahead if we truly commit our will to winning these battles. It is, of course, a cliche to speak of the stakes involved and the price that inaction or misdirected action will exact. We need not dwell on "roll up your sleeve" calls to action. We know what goes on in the streets of our cities. Now we must act to stop it.

FRANCIS P. LONG RECEIVES "GOOD FELLOW AWARD"

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. GAYDOS. Mr. Speaker, every year the Catholic War Veterans of McKeesport, Pa., and their ladies auxiliary single out for public acclaim an individual who has given unselfishly of time and talent for the betterment of his community and his fellowmen.

This year's recipient of Post 1559's "Good Fellow Award" is a gruff, outspoken man who does not waste words or time. When he sets his sights on something, he pulls all stops to get the job done as quickly as possible and get it done right. He has mastered the art of converting ambition, ability, and hard work into outstanding success.

These are the traits which have carried Francis P. "Red" Long, a carrot-topped 11-year-old messenger boy in 1906, to the silver-haired business executive of today. The road was not easy. "Red" worked as a steelworker, an insurance broker, a fireman, and a police officer before becoming the owner of a successful trucking business in the city of Duquesne, Pa. Along the way, he married Henrietta V. Wier of Duquesne. The couple raised a family of 12 children and on January 22 of this year they observed their 55th wedding anniversary.

"Red" has been active in numerous community ventures, but the primary beneficiary of his civic pride has been the Duquesne Sanitary Authority. He has served as chairman of that body since 1966, and under his leadership the Duquesne sewage treatment plant has received national and international recognition for design and efficiency of operation. It has been the subject of several engineering articles and even the Japanese were impressed enough by what they heard to personally come to Duquesne and inspect the facility. Early this year Allegheny County paid tribute to "Red's" ability and efforts by awarding him the county's Community Citation of Merit for his work with the county solid waste advisory committee.

Mr. Speaker, it is with great pleasure I insert into the RECORD a brief biography of "Red" which was published by the Catholic War Veterans:

BIOGRAPHY OF FRANCIS P. "RED" LONG

(Married to Henrietta V. Wier—12 children. Resides at 128 Friendship Ave., Duquesne, Pa. 15110.)

Being the 13th recipient of the Good Fellow Award may cause some concern in the mind of a person with a penchant to being superstitious, but such is not the case with Francis "Red" Long, the 1972 honoree. If Red had been superstitious he could not have worked himself up from a messenger boy at age 11 in the Duquesne Coal Docks, to a highly respected and successful businessman, well known throughout the state. The fact that Red has been able to rise to such prominence in the community and accomplish what he has without the benefit of much formal education as we know it today, attests even more to his belief that hard work, determination and the will to succeed, tempered with a bit of good fortune, is the key to success.

It all started in 1906 when a lean 11-year-old with bright red hair started working as a messenger boy at the Duquesne Coal Docks. By the time he was 17 years old Red had worked himself up to weighmaster at the docks. In 1915, Red felt it was time for another move and he entered the Duquesne Apprentice School and served as an apprentice to the millwright on the No. 2 openhearth, eventually being promoted to an assistant foreman's job. The post-war recession hit the area in 1921 and Red recalls the work being slow and jobs hard to come by. To fill in the gap he once more diversified himself and studied insurance and was issued a state Insurance Brokers License. Red was on the move again by 1923 and joined the Duquesne Fire Department. While a fireman he supplemented his income by promoting boxing shows in 1926 and '27 at the Duquesne Place Athletic Field. After 10 years on the force he was then appointed to the city's Police Department as the Health and Ordinance Officer, a position he held until 1945. It was while Red was on the police force that he began what is now known as Long's Hauling Co., delivering domestic coal to Duquesne residents. His sons were handling most of the business then, but when five of his boys entered the Armed Forces prior to World War II. Red quit the department and devoted full time to running the company in which he is still active daily. Running a successful trucking business is not enough to satisfy a man as energetic as Red Long, however. At the time when CVW Post 1559 was making its first Good Fellow Award presentation, Red was assuming duties as Chairman of the Duquesne Sanitary Authority.

Under his leadership the Sanitary Authority has prospered and the Sewage Treatment Plant has received national recognition for its efficiency. In the field of solid waste disposal Red received the Community Citation of Merit from the County Commissioners this February for his outstanding work as a member of the county Solid Waste Advisory Committee. In addition to the above mentioned activities, Red is a past Exalted Ruler of the Duquesne Elks, is presently serving as a Director of the Penna. Motor Truck Association, is a member of the Refuse Disposal Association of Penna. and is a life member of the city, county, state and national lodges of the Fraternal Order of Police.

Francis P. Long, truly a worthy recipient of the 1972 Good Fellow Award.

FOOD PROGRAMS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mrs. GRIFFITHS. Mr. Speaker, as part of its 2-year study of public welfare programs, during 1972 the Subcommittee on Fiscal Policy of the Joint Economic Committee has held hearings in Washington, D.C., New York City, and Detroit. For the benefit of all, I would like to place in the RECORD the statement submitted to the subcommittee by Maryann Mahaffey, chairwoman of Detroit's Mayor-Common Council Task Force on Hunger and Malnutrition. This is an excellent description of the flaws in the operation of the Nation's food programs:

TESTIMONY OF MARYANN MAHAFFEY

The Detroit Task Force on Hunger and Malnutrition was established by resolution of Common Council and members were chosen jointly by the Mayor and President of the Common Council in the fall of 1970. The charge given this Task Force was to assess the extent of hunger and malnutrition in the city, assess and monitoring existing programs designed to alleviate the problem, and to explore and recommend improvements in existing programs or alternative programs.

Scientific studies and surveys clearly indicate that cumulative poor diets create cumulative deficiencies in growth; that high infant mortality rates, delayed and retarded growth, small size and lower performance rates are all associated with under and improper nutrition, which occurs most often in poverty and low income households. Dr. John Churchill of Wayne State University Medical School states that 35 nutrients are needed for healthy growth and the lack of any one of them can create organic brain damage, retarded growth and learning rates, increased vulnerability to disease, withdrawal, apathy, alienation, and frustration.

There is no one simple laboratory test for determining malnutrition or undernutrition. The White House Conference on Food, Health and Nutrition concluded that a person or family living on less than the lowest cost budget figure established by the Bureau of Labor Statistics would have inadequate income to consistently purchase or procure foods containing the 35 necessary nutrients. The Detroit Task Force accepted that statement as a guide in measuring the existence of hunger and malnutrition.

STATISTICAL DATA

1970 census material is not yet available to us that documents income figures correlated with census tract, age, etc. In the absence of those figures we rely on our annual report of February 1972. There continues to be a lack of a uniform recording and/or reporting base among the various governmental units. Over 20% of Detroit's population is living in poverty, and over 49% of all senior citizens in the city live on an income of less than $3000 per year, while $1855 is the median income of older persons living alone.

Un and underemployment lead immediately to low income situations which studies indicate generally lead to improper eating and nutrition. With electricity, rent and gas being fixed and mandatory expenditures, food is the only flexible budget item. Studies document that poor families pay the rent and utilities first, emergencies such as medical bills and shoes for school second, with food a poor third.

As you know, Detroit continues to be classified as a Class C area by the Department of Labor, due to its high and persistent unemployment rate. The business and industrial growth rate is slower in Detroit than in surrounding areas. Plants are moving out or closing out, with workers laid off, pension benefits lost, cut or jeopardized. The cost of living has climbed up some six per cent in the last year, with the wage increase set at 5.5% under Phase II. The minimum wage level is inadequate, as is social security. When social security goes up, rents go up in both the private and public sector of housing, so that senior citizens slowly slip backwards in purchasing power.

In addition, discrimination continues against the Black worker, the worker over 45, women and teen-agers. If one is 45 and laid off, it takes longer and is harder to find a new job. Often such workers find they have exhausted their unemployment benefits, and face going on welfare, or early retirement with reduced benefits, or loss of pension credits, or an expensive move to another area, away from friends and family, to a job whose stability might be questioned given our recent economic history.

There is always the problem of matching skills and jobs, as well as transportation resources and job location. The quarterly MESC report for the Detroit Metropolitan area dated September 1971, lists three pages of job classification titles where there is no demand for workers and it's hard to place people. Only three job classifications were listed as having a persistent shortage: Registered Nurse, Licensed Practical Nurse and MSW social worker. (My students at the Graduate School of Social Work at Wayne State University will tell you that there must be some mistake in listing the MSW social worker as in persistent short supply—lead them to those jobs!) The WIN training currently given is not concentrated in the health professions. Forty per cent (40%) of the people in the WIN Program are women, and are given to understand that there are few jobs available to women. Other social problems that affect families include the inadequacies of housing available to the poor. It is estimated that 27% of Detroit's residents (some 380,000) qualify for the 35,000 public housing spaces available. In addition, studies that have been made in the last few months document that costs in inner city food stores, whatever the reason, range from 20 to 40% higher than in major chain stores. Chain store supermarkets are scarce within the city. (Thirteen chain supermarkets moved from the city in 1970–71; five are slated to move in 1972.) There has been a failure of the private sector to create employment, and the governmental programs are too small to be effective.

GRANT LEVELS

Many add up all the possible benefits available to a family on welfare, assuming that all families utilize all benefits to their maximum. A variety of studies and statistics themselves disprove this. In fact, Michigan grants are set at a figure below the poverty line. The 1971 poverty line was set at $3968 per year, and Michigan grants are at $3792. The budgets are computed on the basis of the Bureau of Labor Statistics economy food plan, which the U.S. Department of Agriculture designates as for "emergency use only" and further indicates that it requires nutritional planning skill, equipment, storage space and availability of low market costs in order to be able to manage.

A family of 4, according to the BLS Index in February of 1972, would need $33.48 per week for a low-cost budget diet. Food stamps equal a purchasing power of $27.00 per week. Beginning July 1, 1972, a family of 4 will pay down $86.00 per month to receive $112.00 per month in food stamps. The assumption on the part of many is that the $26.00 bonus will then represent money savings to supplement the food diet. However, the regular grant budget does not include money for transportation, personal hygiene supplies, a newspaper, and sufficient clothing. So there are other demands for that money.

To further complicate the picture, a survey in April of two food markets, one a chain and the other a non-chain market in the inner city, documented the 20 to 40% mark-up of food in the inner city market. A 20% mark-up reduces the $26.00 bonus to $3.60. A 40% mark-up wipes out the bonus and reduces purchasing power by $18.80. The low cost budget, according to USDA nutritionists, assumes considerable sophistication in managing one's food budget, including figuring unit price costs (only one market does this uniformly). The low-cost budget also assumes that one has sufficient storage space, transportation that permits one to carry the food home in quantity, cash available to buy in quantity once a week, equipment to freeze or store the food, and supermarket facilities that offer the prices of the suburban supermarkets, or that carry the nutritionally recommended foods.

In addition, it is important to remember that food used in quantity by the poor often has lost nutrients as a result of processing, so that there is a great need for passage of food enrichment legislation requiring processors to restore nutrients to rice, flour, cornmeal, and grits among other foods.

The poor are also subject to the pressures of the mass media, constantly pushing prepared foods, snack foods, and the like. Hence the nutritional problems of the poor adolescent at times appears to be similar to that of the middle-class youngster, barraged by the seductions of mass advertising into thinking that certain foods are quick energy pick-ups and nutritious. The food industry is free to enrich these products, yet it does not.

AVAILABLE FOOD PROGRAMS

There are two major food programs available in Detroit, and three other programs servicing a much more limited number, financed by the public sector. *Emergency food* is available only through private organizations, e.g. Mother Waddles Perpetual Mission, St. Peter Claver Community Center, and church organizations, including the Salvation Army. All state loud and clear that they are swamped with requests, and cannot continue to carry the whole load. Governmental agencies send people to the private organizations when checks are stolen, or late, etc.

Each program was established by the government to meet a different need, to cover a different segment of the population. The *School Lunch Program* was established to care for school age children, and in Detroit about one-half of the eligible children (eligible for free or reduced rate lunch) actually receive them. The *Breakfast Program* is in some 16 elementary schools. The problems in this program are detailed in our Annual Report, and include the fact that federal guidelines do not take cognizance of the dietary patterns and culture of many youngsters, and nutrition education services are not available in sufficient quantity. School facilities are limited, and personnel need continuing in-service training, which is not available, in order to eliminate discrimination against the low-income children and improve the nutritional training available for the youngsters in the program.

SENIOR CITIZENS

We have no Meals on Wheels Program available in Detroit for the homebound senior citizen. Our group meals program for the elderly is a demonstration project that serves 1500 seniors a week. The estimated need is 40,000. Funding ends this summer. Funding under the new feeding program for the elderly will not be available until January 1973, and then only to cities with an existing viable group meals program. We are desperately searching for state money to keep this program alive. Some cities have a program offered by private business of reduced rate lunches for the elderly at certain off-business hours. This is not available in Detroit. In addition, many elderly live in hotels or rooming houses, are not allowed to cook food in their rooms, and thus eat in restaurants. They cannot use food stamps in restaurants and thus lose the benefits of food stamps, and continue with inadequate diets. (Research has demonstrated that elderly citizens obtain greater benefits nutritionally from food eaten in company with others, than alone.)

The Nation Nutrition Survey and the Michigan section of that Survey specified that the most prevalent disease is iron deficiency anemia, and that this is a particular problem of the elderly, including men and infants and young children, and is directly related to income. The lower the income the greater the rate of incidence.

The *Supplemental Food Program* is financed under the EFMS Section of the OEO budget, and is designed to provide high protein and iron enriched foods to supplement the diets of pregnant and post-partum women and the infants and young children to their sixth birthday. In Detroit, it is a prescription program available through the Maternal and Infant Care Clinics to medically indigent mothers. The need is determined medically, based on hematocrits and blood iron range. In Detroit, some 60% of the recipients are also receiving food stamps. The food stamps are not enough. We are currently attempting to secure an additional supplement, iron fortified formula, through one of the manufacturers of the product. It would be available at cost, whereas now the mother is likely to spend twice that amount in the stores available to her. The results of these programs are excellent. One study documented that whereas 40.8% of the babies at birth had a below normal hematocrit, by the third clinic visit (while on the iron fortified formula) this had been reduced to 13.3% and none were considered severely anemic.

This program (Supplemental Food) in Detroit now services approximately 10,000 of the estimated 70,000 minimal need. The program is certified by USDA to service 15,000. The program is in jeopardy. Although there is ample scientific evidence of its effectiveness in reducing damage to the youngster, the budget request for this program for 1972–73 is set at 3.5 million and the funds restricted to use for Indians and migrant programs. There are other mothers probably eligible for this program, who scrape together the money to pay a private doctor, and thus do not go through public health clinics. In addition, the Maternal and Infant Care Clinics, we are given to understand, are in danger of being closed due to funding cut-offs proposed in Congress.

If the Supplemental Food Program is eliminated, and the Maternal and Infant Care Clinics closed, there will be tremendous negative impact on nutrition and consequent increase in infant and maternal mortality rates, etc. in Detroit. Detroit's infant mortality rate through the first two weeks of life is already 17 per thousand births as compared to a national rate of 14 per thousand and a European rate of 7 per thousand. The infant mortality rate from birth to one year in the inner city is 27.4 per thousand in Detroit. When infant mortality is plotted by census tract, the rate falls precipitously (and is better than the national average) as one nears the outer edges of the city.

The Supplemental Food Program is inadequate, in that the quantity and quality of the food leaves much to be desired, only nine of the 24 commodities are available, there is much red tape, and inadequate funding for administrative costs. The packaging and delivery system is very inadequate when compared to that of the private commercial sector. Medically, the program has proven its value, as well as the inadequacies of the Food Stamp Program, since 60% of those in the Supplemental Food Program are also using food stamps.

Congress appropriated 36 million for the program in 1971–72; however, the Office of Management and Budget has refused to authorize the expenditure of all the money. As a result, only some 14.7 million will be spent this fiscal year with the remainder returned to the Treasury. The budget of the United States will therefore look more balanced, while the mothers and their babies who could have had their diets supplemented, and anemia reduced or wiped out, will suffer.

THE FOOD STAMP PROGRAM

The Food Stamp Program is supposed to be the program that services all people, and makes it unnecessary for there to be any other supplemental food programs. In the above description of food programs, evidence has been given that the Food Stamp Program is inadequate, for a variety of reasons. It was intended to help both those on Public Assistance, and those with low income, or on unemployment compensation, social security, etc.

There have been six food stamp sales offices in Detroit, and one in western Wayne County at Wayne County General Hospital at Eloise. There is at present no accurate means of determining the total number of families in Wayne County classifiable as working poor (Non-Public Assistance recipients) who may be eligible and have not applied. The Department of Social Services does not have a statistical breakdown separating Detroit from Wayne County.

The Detroit Community Renewal Project "Population and Housing Survey" of 1969 records 292,000 persons (or slightly less than 100,000 households) living below the poverty line in Detroit. If one assumes that Detroit's population represents 80% of the Social Services Department population of the County, and 80 % of the poor live in Detroit, then the total poor population in the County could be about 365,000 people. Seventy thousand (70,000) households participate in the Food Stamp Program. Twenty per cent (20%) of those living outside Detroit and in the County would number 14,000 households. One can estimate that there are 44,000 non-assistance households in Detroit eligible for food stamps and not using them.

Barriers to participating in the program were listed by a variety of citizens at the Task Force Public Hearings, July 26, 1971.

1. Many families have trouble getting together the money for the stamps. In addition, in the past, a flat sum had to be purchased each time with no flexible amounts available depending on special needs. The Department of Social Services does not break the budget down into items for clothing, personal hygiene, school supplies, transportation, prescriptions, etc. In fact, the Department stated in a recent budget presentation that the Public Assistance budgets do not meet the standards of Michigan law. As a result, when children need shoes, the budget that can be squeezed is the food budget. September and December are periods when purchases drop as people purchase school clothing and Christmas gifts. There are additional problems in that if one misses in purchasing stamps, one has to be recertified, and there are insufficient certification offices.

2. *Shortage of and inaccessibility of food stamp sales offices*. Testimony at the Public Hearing of July 26, 1971, brought out the following:

"I have to catch three buses to get to the food stamp office to buy my stamps and it sometimes takes me all day to get back home after you wait all that time for buses. One runs only every 45 minutes. You get there late and then you have to wait in a long line when you get there. Lots of times you're lined up around the corner on the street. If you take your child with you, it's worse. I feel like I can't keep asking my neighbors to watch my kids while I get the stamps, and I can't pay someone to watch them, so I have to take them with me."

"No sales center at one of the main welfare intake offices at 640 Temple. (And now no certification or sales center at the main food stamp office on Lyndon.)"

"Only seven sales places in Wayne County, and long lines at all of them, standing outside in all kinds of weather."

"Difficulty of senior citizens and the handicapped in getting to certification and sales centers by bus, and then waiting in line.'

Many requested that a proxy system be developed for some, and that food stamps be mailed to those requesting same.

2. *The unavailability of good food values in many sections of the city.*

"In inner city stores the nutritious food is often not on the shelves."

"The bad meat and bad vegetables you get at the inner city market."

"If you do get to a supermarket chain store you get there cause you have a friend with a car, or you hassle the groceries on a bus, sometimes two or three buses."

4. *Size of the bonus.*

The new guidelines reduce the bonuses for those on Public Assistance cutting purchasing power even more.

"There needs to be an increase in the bonus because you can't buy enough food now, with prices what they are."

5. *The purchasing system.*

"Recipients are not issued an ID card with their picture on it. Most do not have drivers licenses. Therefore thievery is easy. It's been a year since the Governor's Welfare Study Commission recommended ID cards."

"The Authorization to Purchase cards mailed from Lansing have a line on them reading "to be purchased in 5 days". If the ATP card is late, the recipient may take the card literally, not purchase stamps and if it happens several times in a row, have to reapply and be recertified. The County Department permits the recipient more than five days to purchase stamps, but many don't know this."

6. *The eligibility standards are a nightmare.*

A Food Stamp Program employee testified that "a family called in need of food help. The mother was ill with a heart condition, had to be taken to Ann Arbor for treatments once a month. The family was told, on application, that they were ineligible for food stamps, even though review of their budget and expenditures documented that they did not have enough money for sufficient food. A review of the family's total case explained that the family's monthly car payment could have been deducted if they were applying for Public Assistance thus allowing them to be eligible. But although in this case a car was a necessity (mother too ill to ride buses, and ordered not to do housework or any physical activity) it could not be deducted from income to qualify for food stamp assistance. The man was employed, but so underemployed that his wages would not meet the family's needs.

"Arrangements were made for the family to obtain a Thanksgiving basket. The mother, overjoyed, cooked the turkey and suffered a fatal heart attack leaving a husband and four children."

PROBLEMS OF ADMINISTRATION OF THE PROGRAM

1. Stores that discount food stamps.

"These stores buy food stamps from some people who need money. There's only a few who sell them, but nobody ever does anything about making the store stop."

A Wayne County Department of Social Services official indicated that it's the food stamp users who report the violations.

There appear to be two difficulties in correcting these problems:

(a) Weak enforcement powers of the USDA agents when the store is reported. In addition, there are a limited number of inspectors on duty, and their hours are 8 a.m. to 5 p.m. Therefore, there is no coverage for the party store.

(b) Failure of the County Prosecutor's Office to prosecute cases. There appears to be an attitude that not enough money is involved.

2. Lack of money from the State Department of Social Services to engage in an outreach program though mandated to do so by the USDA.

3. Lack of outreach workers to go to the homebound.

4. Need for outreach materials in Spanish.

5. PA recipients records are computerized but food stamp recipients records are processed by hand, thus not computerized, limiting the efficiency of the program, both for the department and the food stamp user. It would be cheaper to hire a private firm to computerize the program than to continue with conditions as they are.

6. The lack of sufficient phones to handle inquiries so people have difficulty ascertaining eligibility short of long bus trips to the office.

7. The new guidelines which appear determined to make the program difficult to get into, requiring a great deal more paper work, and different eligibility standards than other programs. The recipient will have to fill out a 5 to 6 page form, the worker a two page one, eligibility will be reviewed every six months, even though the person may continue to be on Public Assistance, and budgets will be computed on income, not reflecting family size.

8. Inability to negotiate more food stamp sales centers with Detroit banks, etc. The U.S. Post Office informed the Task Force, and the Mayor that they would follow through on sale of food stamps in post office substations, in January of 1971. This is currently being done in King County, Washington, and the state of Arizona. It would increase the number of sales offices from 7 to about 34. We have heard nothing more. Post office sales would make it possible for people to purchase stamps 5½ days a week, from 8 a.m. to 5 p.m.—far better hours than currently available.

Negotiations have begun with currency exchanges. The banks in Detroit were asking $1.50 per transaction, the post office at approximately 80c, currency exchanges at 80 to 90c.

Where and how does one obtain more sales centers?

A proposal was made by the Director of Security of Chatham Supermarkets in September 1971, that Detroit banks and businesses consider replicating a Philadelphia program wherein the benefits for a recipient are mailed to the bank, with food stamps deducted and the transaction accomplished when the person picks up their check. This was regarded as having multiple benefits; eliminating the difficulty many recipients have in cashing checks, being a dignified and safe way of distribution of grants, and on the other hand, eliminating cash loss, reduction of bank charges, and reducing investigative expense.

Problems experienced, included that some bank branches did not have sufficient lobby space, and many recipients did not like the designation of a food stamp or welfare window openly segregating people. Some bank customers were unhappy because many welfare recipients would bring the whole family (i.e. children) with them. Bank holidays and hours also presented problems.

The statement is made that "We discuss the checkless society in our industry (banking). I would hope that as our sophistication in use of computers develops, it also progresses in the governmental agency area as well."

We still don't have enough sales and certification offices.

9. We still know that people will not buy stamps because they feel there is a stigma attached, that they are personally responsible for being unemployed, and knowing how society looks down on the poor, do not want to accept charity even in the form of food stamps. Separate windows, the red tape, the suspicions of others all make some avoid the program.

10. Therefore, a massive recruitment program is also in order, via low wage employers, such as in small shops, service industries, etc., community groups, doctors and dentists, and grocery stores.

RECOMMENDATIONS

1. Increase food stamp allotments to provide for the low cost diet plan of the Department (rather than the emergency plan) regionally adjusted on the basis of Bureau of Labor Statistics information.

2. Increase eligibility income levels to the low income figure established by the Bureau of Labor Statistics, regionally adjusted.

3. Revise application and certification procedures to provide for self-certification and application by mail.

4. Reimburse state and local units in full for increased administrative costs.

5. Fully fund outreach programs designed to reach and serve the eligible.

6. Uniform eligibility requirements and guides for figuring budgets among all the programs.

7. Eliminations of lengthy reports and red tape.

8. Increase the number of sales and certification offices.

9. Computerize food stamps. It is ridiculous that if a person is on welfare, and changes his address, he can't make one phone call about the change and take care of all of his records. As it stands now, there is no cross referencing between food stamps and Public Assistance.

SUMMARY

This country lacks a national policy relative to food and nutrition. We do not have a national mandate to feed the hungry and malnourished. We should. That national policy should be to *ensure to all people adequate food and nutrition services to ensure attainment of optimum nutrition for all* with special emphasis on the crucial period of early childhood, including the pre-natal and post-natal period. Our elderly should be ensured a decent old age.

As one examines the records of the various food programs, a pattern emerges. It is a pattern of beginning programs, offering them as solutions, and then when they begin to catch hold, increasing the limitations, limiting accessibility, developing more restrictive requirements, and withholding money.

Congress authorized 36 million for the Supplemental Food Programs. The Office of Management and Budget refuses to permit the money to be used. That program was begun in 1968. Less than 6 months later, when 13,500 of a potential of 780,000 mothers were enrolled, a memo came from USDA stating that the program was getting out of hand, and all new programs would be authorized in Washington, rather than in the regional offices.

The number on food stamps has increased, and now the proposal is made to prohibit food stamps to those on welfare if RH1 is passed.

We have multiple food programs because of individual needs, and the inadequacies of existing programs. Each one proves itself, and when coverage increases, efforts are made to reduce the number covered. We end up with unreasonable eligibility ceilings, conflicting regulations, over-crowded facilities and inadequate funding. The surplus commodities in the Supplemental Food Program are below standard both in the quality of food and the packaging. Yet we cannot do without it, for food stamps are not enough, and the program has dramatically proven itself by reducing iron deficiency anemia, maternal and infant death rates, and the incidence of organic brain damage.

As Dr. Lowe of the National Institute of Child Health and Human Development stated in a letter to the *New York Times*, April 22, 1972, "The consequences of inadequate health care for poor children are readily apparent: infant mortality (2 to 1), mental retardation (at least 10 to 1), maternal mortality (4 to 1), prematurity (2 to 1), chronic illness (2 to 1) and other forms of morbidity selectively affect the disadvantaged. Medicaid provides emergency or episodic health care for 8.7 million children; yet only 1.5 million children receive the comprehensive health services commonly available to middle-class children."

There is irony in the persistent efforts to limit food programs, erecting barriers to limit the eligible population to keep the costs down, at the same time that the newspapers are replete with stories of wastage of 9.1% in the auto industry, subsidies to agribusiness, inadequate amounts of money for public service jobs, and tax write-offs that add up to $720,000 per year for some wealthy families compared to the average subsidy of $16.00 per year for those living on less than $3000 per year. Every year we fight for renewal of the Summer Lunch Program, extension of the School Lunch Program, food for mothers and infants; yet, 28% of total income of farmers, small business men, and professional goes unreported, a total of 4.7 billion. 1.4 billion of income from interest goes unreported, representing 34% of the total income from interest.

HIGHER EDUCATION CONFERENCE REPORT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. QUIE. Mr. Speaker, after 9 weeks of long and often difficult negotiation the conference committee on S. 659, the Education Amendments of 1972, has resolved all differences.

As one member of the conference I feel that the bill is indeed, as the Washington Post characterized it in its Sunday edition, a breakthrough for higher education. I understand that the very lengthy conference report and statement on the part of the managers will be filed tomorrow. At that time I hope to insert a summary of the report to give our colleagues a quick overview.

Both the Washington Post, in a May 21, 1972, editorial and the New York Times in an editorial dated May 19, have highlighted the significant education features of the report.

Although I feel the conference resolved the differences on busing in a manner favorable to the House, it would be sad, indeed, if this unrelated issue prevented the enactment of this historic higher education bill.

Mr. Speaker, for the benefit of my colleagues, I am inserting the two editorials which I have just mentioned:

[From the New York Times, May 19, 1972]

THE BUSING SIDESHOW

The agreement reached by Senate-House conferences on the so-called public school anti-busing amendment should remove the most serious obstacle to enactment of the historic higher education aid bill. It is a compromise that has already drawn fire from Southern segregationists, who wanted to ram an anti-integration rider down the conference committee's throat, and from some civil rights groups, who consider any restriction on busing unacceptable.

Unquestionably any amendment that attempts to use the higher education bill as a means of interfering with the totally unrelated issue of public school integration has an element of shoddiness about it. But given the hysteria that surrounds the busing issue, the conferees are entitled to credit for producing a compromise that extracts the segregationist teeth from the dreadful provision presented to them by the House.

The amendment would delay for up to nineteen months, pending all appeals, any Federal court orders requiring busing to achieve racial balance. On that basis, it does not prohibit busing necessary for school desegregation. It merely adheres to the Supreme Court's ruling that it is proper for the lower courts to order busing to achieve integration but not to create racial balance.

Far from bowing to the House order to prohibit the use of Federal desegregation aid to pay for busing, the amendment allows the expenditure of such funds for busing if local communities request them. It does not prevent Federal civil rights enforcement agencies from ordering such expenditures provided they are "constitutionally required."

The anti-busing debate is a red herring politically magnified by Governor Wallace and given bogus respectability by President Nixon. The conference compromise, which closely resembles the earlier Scott-Mansfield amendment, is designed to do as little harm as possible. Its liberal authors would undoubtedly agree that it serves no constructive purpose in its own right; rather it is a shield for saving the college campuses without actively sabotaging school integration.

In its key provision, the bill provides a $1,400 annual subsidy to which every college-age youth is theoretically entitled—minus the amount the family can reasonably be expected to cover. In practice, this would mean that students from homes with incomes in the neighborhood of $4,500 a year would collect the full "entitlement." This contribution would be reduced gradually until it disappears at approximately the $13,000 income level. In addition, existing direct grants, loans and work-study aid would be continued and could be added to the basic allowance, according to the need.

At the same time, a college would collect "cost of education" grants computed on the number of the federally aided students it enrolls. This aid would be augmented by direct grants for each graduate student, the most costly level of higher education.

The approach is revolutionary because it offers students, regardless of their economic condition, maximum choice of campuses, without the need to apply hat-in-hand. Since the colleges would thus be competing for students who, though not affluent, would bring with them a Federal reward to the institution, there would be premium on social responsibility in opening up expanded educational opportunity for needy students. And if students invest their allowance in seeking quality education, there will be pressure on the institutions for continuous self-improvement.

The conferees have wisely rejected across-the-board handouts despite their short-range appeal at a time of great fiscal need. They responded instead to the particularly acute crisis among the private colleges and universities by projecting that 39 per cent of the allocations would go to these institutions, even though they enroll only about 26 per cent of the nation's students.

Unless this measure is passed now, it is unlikely to be revived next year when the elementary and secondary schools will move to the forefront of Congressional attention. Meanwhile opportunities would close for many students caught between recession and inflation, while the disastrous academic depression could easily lead to the collapse of some colleges and to a decline in quality for most others.

This—and not the extraneous anti-busing controversy—is the real issue. Congress, by its response, can affect the fate of American higher education for generations to come.

[From the Washington Post, May 21, 1972]

A BREAKTHROUGH FOR HIGHER EDUCATION

It is a measure of our national transfixion with the busing issue that the agreement reached by the exhausted House and Senate education conferees as the dawn was breaking on Wednesday morning was universally received as a "busing agreement." And yet the bill to which the irrelevant busing clauses were added may well be the most far-reaching legislation to come to a final vote in this Congress. Although we are generally suspicious of such hyperbole we suspect that Congressman John Brademas is right when he describes it as "the most significant advance in the history of federal support for higher education since the Land Grant College Act was signed by President Lincoln over a century ago."

The most important provision of the bill is the establishment of a new program of financial assistance for needy students called Basic Education Opportunity Grants. Under this program any student admitted to an accredited institution of higher education would be entitled to a federal grant based solely on his need. The grant would be equal to $1400 minus what his family could reasonably be expected to contribute, but could not exceed 60 per cent of what he needed to meet his educational costs.

This program would, of course, not be the first federal student aid program—grants, fellowships, loan and work-study programs are already on the books. But the existing programs are erratic in their effects and have failed to reach large numbers of needy young people who aspire to education beyond high school. Funds have been allocated in a complicated fashion, first to states and then to colleges and universities to be doled out by their student aid officers as they saw fit. As a result equally needy students have often been treated differently depending on where they happened to apply to college. Many are left out altogether. So much uncertainty surrounds the programs that high school students from poor families are unable to plan for further education because they cannot be sure they will be able to get assistance or tell what size grant they may obtain. The Basic Education Opportunity Grants program would remove much of this uncertainty. For the first time the federal government would be saying loud and clear to all young people: "If you can meet the academic qualifications for education beyond high school you will not be denied the opportunity because your family is poor."

The bill does not abolish the older student aid programs. It preserves them as a way of providing additional help to students who need more than the basic grants, especially to meet the higher costs of private colleges. Loan programs, which have helped middle-income families cope with the high cost of college, are continued and a new mechanism is provided for attracting more capital into the student loan market.

A second landmark feature of the bill is that for the first time it would provide general support for institutions of higher education on a continuing basis. The amount of aid an instittuion would receive would depend mainly on the number of basic grant recipients in its student body and the amounts of other federal student aid received by its students, with the special needs of smaller institutions getting extra weight. Again it would not be the first time that the federal government has given money to colleges and universities, but past programs have been earmarked for specific purposes—buildings, scientific research, language programs and so forth. The new bill would explicitly recognize that if the federal government is to encourage more students to go to college by offering student aid it must help institutions meet the additional costs that these students create by providing general purpose institutional aid.

Other significant features of the bill include strong provisions to combat sex bias in colleges and universities, funds for innovative teaching projects, encouragement to states to increase their scholarship programs, emergency funds for institutions in temporary fiscal difficulties, and special assistance for community colleges. It would also broaden student aid programs, reducing their purely academic focus by making students in proprietary vocational schools eligible for assistance.

While the major impact of the bill would be on higher education, it would also authorize a new agency to improve the effectiveness of education generally. A National Institute of Education, modeled on the National Institutes of Health, would be created to promote basic and practical research in the processes of learning and teaching.

This bill represents the culmination of a lengthy and often frustrating effort to hammer out compromises among opposing views of how federal aid to higher education should be structured and allocated. It is one of the few instances in which this administration and the Congress have actually managed to work together to produce a piece of legislation. Senators Pell, Mondale and Javits, and Representatives Green, Perkins, Quie and Brademas, among others, have all provided leadership and have all been forced at various times to give in on particular points in order to move the legislation ahead. The bill bears the marks of compromise—some unbelievably complex provisions were clearly last-minute attempts to resolve disputes—but we believe that the major compromises have been wise ones. The bill represents a true breakthrough for higher education. It would go a long way toward equalizing opportunity for higher education in 20th century America, and it would relieve the oppressive fiscal crisis facing so many colleges and universities.

We believe it would be tragic if so much effort to meet a national need were to go to waste. We strongly urge both houses to pass the omnibus education bill.

VISIT TO WASHINGTON BY KENT STATE UNIVERSITY STUDENTS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. SEIBERLING. Mr. Speaker, the night after the President's television address announcing the mining of Haiphong and other ports in North Vietnam, I received a telephone call from Dr. Glenn A. Olds, president of Kent State University. The city of Kent, Ohio, is a neighbor of my home city of Akron. Dr. Olds stated that several thousand Kent State students had gathered on the campus and were deliberating possible courses of action to express their profound disapproval of President Nixon's action.

Dr. Olds said that the situation was quite tense, with the moderate student leaders seeking to insure that any action on the part of the student body be peaceful and constructive in character. He expressed the belief that it would help them if they could announce that I would be willing to receive a delegation of Kent State students in Washington and help arrange meetings between them and other Members of Congress. I agreed to do so.

As a result, a delegation of over a hundred Kent State students, from all over Ohio, traveled to Washington, most of them at their own expense, some in a bus the cost of which was personally paid for by Dr. Olds. They were here for 2 days and called upon their respective Representatives and both Ohio Senators.

I can say without reservation that the trip was a genuine success from the viewpoint of both the students and the Members of Congress who met with them.

On Wednesday, an advance group of about 20 students came into my office to work out details and to contact the various Ohio Congressmen to arrange meetings with them. Representative Thomas P. O'Neill of Massachusetts, the distinguished majority whip, graciously gave about a half hour of his time to meet with these students in his office to have an exchange of views on how young people can work most effectively in the system to bring about peace in Vietnam. I believe those present found it a most instructive and rewarding session. He described to the students how other groups had organized effective "grass roots" organizations on a nationwide basis to get their views across to Members of Congress.

A representative delegation from the larger group met with Carl Marcy, Staff Director of the Senate Foreign Relations Committee, and with Senator William Saxbe. The students who met with Mr. Marcy reported having an illuminating and constructive dialog. Those who met with Senator Saxbe reported that he listened to them with great interest and congratulated them for taking the initiative to come down and inform him as to the student point of view.

On Thursday, May 11, an informal hearing was arranged by Representative Donald Fraser of Minnesota in the subcommittee hearing room of the House Foreign Affairs Committee. Mr. Fraser, who is a member of the committee, agreed, at my request, to send an invitation to all the other members of the Foreign Affairs Committee. The hearing was attended by a dozen Members of Congress, mostly members of the Foreign Affairs Committee and Members of Congress from Ohio.

Over a hundred students were present at the hearing. Each of the student witnesses made a brief statement of his viewpoint about the current situation in Vietnam and his feeling and the feelings of the students as to what ought to be done. Following each student statement, various Representatives asked questions and engaged in dialog with the students. Not all of the Representatives agreed with all the recommendations of the students, but all expressed to me their feeling that the meeting was very worthwhile to them. Many of the students said that it gave them a much better understanding of some of the problems that Members of Congress are up against and a better feeling of what Members of Congress are trying to do to bring American involvement in Vietnam to an end.

The whole thrust of the dialog was on how young people can work within the political system to make their views felt at the policy level of Government. One of the things that impressed Members of Congress who met with the students was their sincerity and the obvious effort they were making to seek some responsible way of dealing with the tragic and dangerous situation the country is in.

I think these students from Kent State set an example for all university groups throughout the country. If all will follow this example, it will help us get through this time of national division and will revitalize our democratic political institutions.

Great credit is due to Dr. Glenn A. Olds for his untiring and unselfish efforts to encourage students to shun violence and to work within the political system.

Finally, I believe commendation is in order for those Members of Congress who took time from their crowded schedules to exchange views with these students, most of whom were not even their constituents, in an effort to keep communications open with a group of young people sincerely seeking to make their views effective within the framework of our existing political system.

For the benefit of those Members of Congress who were not able to be present to hear the students' testimony, I ask that their formal statements be printed in the Record immediately following these remarks. I believe no one can fail to be impressed by their directiveness and dignity, their poignancy and their persuasiveness.

The statements follow:

Testimony of William J. Brown at Ad Hoc Foreign Affairs Committee Hearing

The present crisis we now face in Indochina is a direct result of our present administration's policies of war and peace in Vietnam. We were told three and one-half years ago, by President Nixon that he would end the war in Indochina and do it honorably. I seriously question the President's military policy and his seemingly justified, honorable out for the United States.

Mr. Nixon's "winding down" of the war by militarily equipping the South Vietnamese to take over has failed the test. Although this military solution of vietnamization has fallen through, he has continued the bombing raids, increased our naval power to a record number of six carriers and roughly 50,000 men stationed in the Gulf of Tonkin, added four more squadrons of F-4 fighter bombers, bringing the total number of American planes in Indochina to over 1000 and finally mining Haiphong and all other harbors of North Vietnam.

This addition to a military showdown has not only cancelled the "winding down" of the war, but has become an international threat and has involved the lives and security of many nations.

This use of military strength is the means President Nixon saw for an honorable out for both himself, as President, and for our country as a major world power without tarnishing either one. Here we come to the question of "saving face" and what is the price we must pay for it. Are honor and prestige more important than the lives of tens of thousands of human lives? To be alive is to have honor; to be threatened is to have prestige.

We have fallen short in our universal commitment to our fellow human beings. We bomb their villages and defoliate their earth to insure peace for them. While we assure them that they will get the only right kind of government, the best for them, ours; we get wrapped up in our own politics and totally forget about the people's basic right, the right to exist.

Two years ago at Kent, on May 4, I saw the effects of aggression used to fight aggression; and grieved at the loss of precious lives. Violence cannot be fought with violence! Why is it that all forms of disagreement must be decided with force?

Because of his fear for our honor, President Nixon led the United States away from a nonviolent end to the war and dragged us on into a possible world humiliation at the defeat of South Vietnam. Would it have been too hard to have tried to solve the conflict non-violently and weather the mistake of our commitment in South East Asia?

Let the meek inherit the Earth; Power to the Peaceful.

Testimony of Michele A. Klein at Ad Hoc Foreign Affairs Committee Hearing

I come here today with contradictory feelings. What I have to say is personal and brief. I am feeling hopelessly optimistic. Hopeless in the despair and disenchantment that my fellow students across the country; optimistic in the hope that you are listening.

On campus I am a representative of the Center for Peaceful Change. This new academic branch of the university was formed shortly after the tragedy of May 4, 1970. It is an organization which seeks viable nonviolent alternatives to our current method of conflict resolution. Who in this age of explosive playthings can deny the need for such alternatives? President Nixon has made repeated statements about the "honor" of America. I wonder what the Black people of America think about the honor of America. I wonder what the American Indian thinks about the honor of America. I know what the students of Kent State University thought of the honor of America on May 4, 1970.

For four years, my schoolwork has been interfering with my education. The other night, shortly before the most important rally we've had on campus this year, I had to make the decision as to whether or not I would go to the rally or to my Biology lab scheduled for the same hour—and dissect a pig. My priorities were clearly geared to the rally.

I wonder where Nixon's priorities are—if indeed he has any.

Testimony of Michael Romer at Ad Hoc Foreign Affairs Committee Hearing

It is much more than just interesting, it is vital to us as a nation to take note of what the demonstrations of the past few days are saying to us.

The realization must be made that the activist groups now operating are not composed primarily of radical anarchists, but of people like myself. As a citizen of a small Ohio town, I never had been into demonstrations as a means of registering my discontent. Before, I figured that a showing of this type would not help. But now, after being dealt repeated half-truths for years . . .

Now, after becoming more and more aware of the terrifying automated warfare assaulting the Vietnamese . . .

Now, after feeling more and more helpless to stop a political-economic war machine from resisting the will of the nation, I, make no doubt about it, and others like myeslf, are in a sense, radicalized.

We are alienated.

We are indignant.

We are scared.

We are fed up.

We are asking Congress to help us end this war.

Only God knows what will happen if the President persists in his irresponsible actions.

It is absurd that such flagrant disregard for the opinions of the American people exist in our Government.

Testimony of Craig Sarbeck at Ad Hoc Foreign Affairs Committee Hearings

Having been aware of the war since my days in elementary school, I've reached the rather obvious conclusion that our present action in Vietnam surpasses in absurdity the most atrocious acts of the war.

The government ignored the humanitarian demands of the pacifists of the early 1960's. As reflected so very well in the innumerable acts of barbarity perpetuated by both sides in the war and reflected again in the yawning attitude of the American masses subjected to accounts of these acts, the value of human life is a worthless point of argument.

Political arguments concerning the righteousness of any government involved have become lost in the same fog surrounding the Gulf of Tonkin incident.

The tremendously forceful economic realities of the war have been shown to the people and are seen only as rows of meaningless figures lost in "mindsfull" of jumbled statistics.

The pleas for an end to the war have gone unheeded until today we find ourselves in a confused moment of brinking on insanity. The threat of global confrontation now looms before us all. Now we can only hope that the immediate threat upon our own existence forces men in power to act towards the goal which human compassion and rational argument has failed to direct them. Let us pray they act quickly.

Testimony of Laura L. Hadden at Ad Hoc Foreign Affairs Committee Hearings

If fate had been different, we could have been born in Vietnam—it doesn't really matter whether our birth occurred above or below the 17th parallel. We would know no other life but war.

Is it possible for us to imagine for even the most minute part of a second the extent of death and destruction we would see during the course of our lifetime? What would it be like to see about 80% of our homes and villages destroyed, and over one-third of our land bombed? How can you farm a B-52 crater? And then what can we do when we see more of our land ruined with herbicides and defoliant sprays? Can we even comprehend the futile feelings—the absolute hopelessness that we as Vietnamese people would feel? The destruction is the least of the trials we must face. The most horrifying, incomprehensive atrocities we would face everyday would be the mutilation of our families and friends.

Maybe tonight will be the first quiet night we've experienced in a long time. We'll drop off to sleep with maybe a faint sensation of a hope we thought we lost long ago—the hope of peace. But, suddenly, the nightmare begins again. We're jolted awake by the roar of the bombers overhead. In the moment that we lie paralyzed with fear, our brothers and sisters become mangled and bloody in their beds—another corpse to add to a body count—one less Vietnamese to "Vietnamize," but above all, another life banished from this earth.

For most of us, even this limited type of "family life" is non-existent. Our fathers and husbands have long ago been unwillingly conscripted into the army. There is a little communication with them at first—then none at all. As our villages are continually bombed and invaded, we are forced to pack what little we have left and become refugees, travelling from village to village and province to province with only one thought in mind—to escape the war. As for our fathers and husbands—we will never see them for the rest of our lives—however short and hell-like they may be. Our existence in Vietnam is a living nightmare.

But this is the United States, and we are not Vietnamese, but American. Does this make the deaths any more bearable? It shouldn't because it is *we* who are continuing this slaughter by continuing our support—both economic and military—of the Vietnam War.

I am *pleading* with you gentlemen, to pay close heed to the reactions of both citizens and students that the President has wrought upon this country by his latest military actions in South-East Asia. Please listen and then act accordingly, for I can see a time when the Vietnam I have described for you today could very well be the United States of tomorrow.

I found a note from one of our friends from Kent in the bottom of my knapsack sometime late last night. It said simply: "Please make them listen—give peace a chance!"

That's a desperate plea, gentlemen, will you listen?

Testimony of Elizabeth Anne Carter at Ad Hoc Foreign Affairs Committee Hearing

If any one of you gentlemen were to ask any American what he thought of the "Founding Fathers," I am sure that you would get a long story about how democratic they were, and how much they believed in government by and for the people. Founding that government must have been a hard struggle—nothing like it had ever been tried before. Yet, no one interfered. Everyone, that is, all the great world powers of that time, sat back and let America make its own mistakes. They knew mistakes would be made, but that it was inevitable.

In 1956, America was in a similar position—watching a new nation struggle for existence. Only the Vietnamese people were not allowed the luxury of making their own mistakes, of deciding their fate for themselves. America took it upon herself to do it for them. America felt that it was her duty to play policeman and decide what was best for the Vietnamese people, and in the process of doing so, is killing off the population and destroying the land of the people who were born there. Gentlemen, America's reputation for oppression is terrible enough. America was once one of the greatest slave empires in the history of the world. America degraded and humiliated one of the proudest people ever alive—the Indians. Aren't these marks on the American slate black enough? Do we have to add the blood of innocent Vietnamese babies? Do we have to add the blood of Vietnamese mothers and daughters busy only with the business of living? This massacre cannot go on—not if we are to live with ourselves for generations to come. What will you tell your grandchildren, when they ask why so many innocents were slaughtered? I hope you will think up a good answer. We'll need one.

Testimony of Mary Ann Fearon at Ad Hoc Foreign Affairs Committee Hearing

As I and others might have thought, Congressmen, you are not a foreboding group. Quite to the contrary, I feel you are our only hope within the democratic system. You have put yourself in the position to hear us, but gentlemen what we are really interested in is hearing from you—not in rhetorical terms, but we want to hear from you through your voting record . . . where it counts.

As a student from Kent State, and indeed as one of the "people," in light of the present crisis facing our country and the entire world, I(we) feel a desperate need to have our opposition represented and acted upon by you, who are the muscle of the democratic process. We are in essence pleading with you to arrest the atrocities of this war through legislative action that would support any and all legislation introduced for the war; to put policy decisions into the hands of the Congress and bring an end to this war. Gentlemen, I am thankful for your time but I will be infinitely more grateful for your action.

THE PRESIDENT AS DIPLOMAT

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. FRENZEL. Mr. Speaker, in this morning's New York Times, an article by C. Gregg Petersmeyer describes President Nixon as a man more to be remembered for accomplishments than for glamour. I could not have said it better myself. I commend the article to my colleagues as a rare example of the equal-time doctrine in the New York Times:

[From the New York Times, May 22, 1972]

The President as Diplomat

(By C. Gregg Petersmeyer)

Cambridge, Mass.—Administrations vary greatly. One administration may be remembered for the romance generated, more for its glamour than its accomplishments. It may have great emotional appeal, and may be remembered best for its ability to stir people, and for its grandiloquent articulation of great dreams. Another administration might be remembered for the sense of urgency generated. It may be noted for its voluminous legislation and apparent generosity, for its constant preoccupation with the exercise of power and the accompanying tense confrontations, exhortations and historic miscalculations.

There is another type of administration. Its dreams may be called prosaic, the same dreams that free men have had since the Age of Pericles. Its voice may be quieter; its exercise of power more prudent. But in the end it may well result in progress more permanent and far-reaching than even its supporters imagine. This is the goal that underlies President Nixon's policies, both foreign and domestic.

A government's opportunity to achieve such a noble end is increased if the policies of that government are designed with the nature of man in mind. Many of this Administration's major initiatives were thought out in just this way, and history may point to them as bringing about that most permanent and far-reaching progress.

For example, the Administration's demonstrated determination to open diplomatic relations and pursue exchanges with the People's Republic of China, with Russia and her satellites behind the Iron Curtain reflects the conviction that lasting peace will be realized only through partnership.

The Family Assistance Plan, by common consensus the most important piece of social legislation in four decades, is rooted in the premise that total dependency erodes human dignity and frustrates desire for self-support.

An administration is a reflection of its

President. The President is not an ordinary man. He possesses a powerful intellect, but is neither intellectually arrogant nor deceived by fanciful expectations. He is a man of modest demeanor, with a superbly analytical mind. His power stems from his perceptiveness. Consistently he is five steps ahead of others in an outside meeting or discussion. He is innovative and has shown the same courage and tenacity in office that he showed through political defeats.

Above all, Richard Nixon is an eminently decent human being. He is at peace with himself. He seems quietly confident that this nation will be peacefully directed out of a hyperemotional decade of domestic turbulence and foreign war and threats of war.

In 1968 Richard Nixon did not seek the Presidency to rule over the erosion of the greatness and dignity of this Republic. He sought the office motivated by a desire to regenerate and renew a spiritually bankrupt people who had endured a decade of unparalleled racial and generational discord. In three years he has substantially calmed a troubled land.

Quietly, significant accomplishments have been made that have been responsible, in part, for the general easing of tensions. Several times as many Southern schools have been desegregated than during the last two administrations combined. Far more funds have been pumped into black education and black enterprise. Proposals for revenue sharing, family assistance, the first comprehensive governmental reorganization since the Hoover Commission, a 37-point environmental protection program, the Postal and Selective Service reforms a new health care plan all aim toward a radically different America for the future.

It may be more than coincidence that open warfare in the Middle East has long since stopped, that tension in Berlin has been considerably eased, that the SALT talks are proceeding toward agreement, that trade relations have developed with the Communist nations, that an international monetary agreement has been reached, that the United States signed an accord agreeing to the abolition of germ warfare, that we are withdrawing from Vietnam without turning that part of the world into a bloodbath, and that the People's Republic of China is opening up for the first time in twenty years.

History can bestow no greater honor upon a national and international leader than that of peacemaker. For a leader, no greater goal exists. President Nixon may realize that goal not only at home in America and in Southeast Asia, but in the Middle East, with Russia and with China.

THE PLIGHT OF SOVIET JEWS

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 1972

Mr. BELL. Mr. Speaker, the plight of Soviet Jews has deservedly received a great deal of publicity of late. I witnessed this situation firsthand when I visited Russia with the Select Subcommittee on Education earlier this year.

To underline further the harassment and anxiety these individuals who desire to emigrate to Israel are experiencing, I submit the text of a recent recorded telephone conversation between my constituent Stuart J. Lotwin of Los Angeles and Lev Lerner of Leningrad.

I urge a careful and thoughtful reading of this revealing exchange:

TELEPHONE CONVERSATION (MARCH 11, 1972) BETWEEN LEV LERNER, LENINGRAD, U.S.S.R. AND S. J. LOTWIN, LOS ANGELES, CALIF.

Re: *Soviet Jewish Immigration to Israel*

S.L. Hello; is this Lev?

L.L. Yes.

S.L. Lev, this is Stuart Lotwin again in Los Angeles.

L.L. Yes.

S.L. How are you?

L.L. We are bad because we do not get the permission to go to Israel.

S.L. You still have not received your permission?

L.L. We have heard that they will give the permission only in 1974.

S.L. 1974, they said?

L.L. This is very hard news for us—do you understand?

S.L. Yes, yes, keep talking. Who told you "in 1974?"

L.L. I was said by OVIR. This is the Soviet organ who gives the permission . . . OVIR.

S.L. Oh, O.V.I.R., right?

L.L. Yes. I know that many of my friends cannot get the permission too.

S.L. Yes, I know that.

L.L. Only a few permissions between my friends . . . do you understand?

S.L. Yes, only a few of your friends have received permission. . . . Let me talk a second, Lev. You were told that you cannot get permission until 1974.

L.L. Yes. It was said by the KKB. Do you understand?

S.L. Yes, I understand . . . I understand. I see. Lev, are you working now?

L.L. Yes, I am working but at my work was a collective meeting who offered to me to refusal from my desire to go to Israel.

S.L. Yes, I remember that.

L.L. After my refusal, they decided I shall be dismissed. But, no, I am working for the present time.

S.L. Well, that's good.

L.L. Yes, and the same meeting was of the work of my wife.

S.L. Yes, the same with your wife.

L.L. Yes.

S.L. I see. Are you working as a mechanical engineer?

L.L. Yes, I am mechanical engineer. But no, I was sent as a mover of the vegetable cases during 15 days.

S.L. I see. You went back to work in 15 days.

L.L. Yes.

S.L. And your profession is as an engineer?

L.L. Yes, I am mechanical engineer at present.

S.L. Lev, let me tell you some other things that are going on here; first about you and then about things otherwise. Now, OK are you listening?

L.L. Yes.

S.L. Your name and the city Leningrad and the message that you gave us last time, "Do not forget us" is on a big sign on one of the busiest streets in Los Angeles.

L.L. Yes.

S.L. So that your name is up there for everyone to see and many people have seen it.

L.L. Yes, thank you very much.

S.L. The other thing that has happened—I was in Washington, the capital of the United States several weeks ago, and our last conversation was put on tape and this was played for a number of United States Senators who said that they are going to try to help you.

L.L. Yes, thank you very much.

S.L. And your name and this conversation will be read on the floor of the United States Senate Sunday, next week, for every Senator to hear. Now, in the meantime, these people are trying to help you specifically to get out of Russia to immigrate to Israel.

L.L. Yes, thank you.

S.L. And we are trying very hard to make this happen.

L.L. Yes, thank you for your help.

S.L. Well, we are trying.

L.L. Yes, and our greetings to all our friends.

S.L. Fine. We are talking about everyone but specifically with you.

L.L. Yes.

S.L. Now, also, let me tell you some of the other activities that are going on in the United States in regard to people within the Soviet. First, on the end of April, the last day of the month of April, across the Country, a day called "Solidarity Day for Soviet Jews," meaning that everyone is standing behind them. Petitions (several millions of people are signing these) are going to our President Nixon so that when he goes to Moscow in May, to ask him to influence his counterparts in Russia to help free the political prisoners, to grant the equal rights to everyone and to speed the visas.

L.L. We sent a letter to President.

S.L. You did? Good, good.

L.L. This was our application to him for the help.

S.L. I see; when did you send the letter?

L.L. Near three weeks ago.

S.L. Three weeks ago? OK, we have a way to find out maybe if they have been received. Let me tell you some other things before getting back so you can tell other people what's happening. In the United States Congress there is what we call legislation to be able to provide money to Israel to resettle people coming from Russia.

L.L. Yes.

S.L. A very, very important thing is the Information Agency here having regular ten minute broadcasts at 49 meters or 6040 KC at 7:15 a.m. on Sundays, and 11:15 p.m. on Mondays. This will be a program beamed only about Jewish people within Russia.

L.L. Yes.

S.L. The United States State Department, the Foreign Office, is starting to print up and distribute to the Country pamphlets, books about the mistreatment of Jews in Russia.

L.L. Yes.

S.L. I heard Congressman Bell—remember he was in Leningrad in January?

L.L. This year!

S.L. That's right, this year. I heard him speak. He spoke before a gathering of about a thousand or two thousand influential people Thursday night in Los Angeles, telling what the situation is and what everyone, as well as the Government, should do to help. So tell the people that many people of high influence in this Country are very concerned and are working very hard to make it 1972 instead of 1974.

L.L. Yes.

S.L. So, I have not written to you, but I will this week. I have been busy trying to help you in other areas.

L.L. Yes, thank you.

S.L. Will you write right away because I am also talking to the Postal Service of the United States and have complained to them about the letters. And if you write to me and I don't receive it, this will be very helpful. So they will complain about the mail not going through.

L.L. Yes.

S.L. Good. So anyway, the important thing is that there is a great feeling within the United States of many people: not only Jewish people, but non-Jewish people. They want to do everything that they can so that you and others like you will be able to go to Israel to live in your homeland as you desire.

L.L. Send our thankful for their confidence.

S.L. I will. Our thanks will be when we hear that you are in Israel; that is the thanks. That is the important thing and we are trying hard, and I know that you are trying very hard too; so do keep your confidence up and your strength and courage that it will happen before the OVIR has said to you.

L.L. Yes.

S.L. How is your wife? Is she working?

L.L. My wife is OK now but she really want to go to Israel. It is very hard for her—the waiting.

S.L. Yes, I imagine it is. And your daughter, how is she?

L.L. OK too.

S.L. Good; is she going to school?

L.L. Yes, she go to school.

S.L. That's good. Now one other thing. In the month of April, Lev, an acquaintance of mine is going to be in Russia. He will be in Moscow. I have asked this man to call you when he is there. It will be easier to talk, you know, as far as the transmission is concerned.

L.L. Yes.

S.L. We will let you know his name and when he will be there and if there is anything you would like us to send either for yourself or for other people; if you will tell him, when he gets back he will tell me and I will arrange to have it sent. That is probably the easiest way to do it.

L.L. Yes, I understand.

S.L. I see. How is Genrich Mirkin?

L.L. He is waiting for the permission too.

S.L. Is he working?

L.L. Yes, he is working but his wife was dismissed.

S.L. What kind of work did she do?

L.L. She is an engineer too.

S.L. I see. He is working and you are working as engineers?

L.L. No, he is on the light work and she does not get the new work.

S.L. I see. Does your wife speak English, Lev?

L.L. No. Only a little; not much.

S.L. Does she speak Hebrew?

L.L. Not much.

S.L. She is right there with you isn't she?

L.L. Yes.

S.L. What is her name?

L.L. Zina.

S.L. And what is your daughter's name?

L.L. Asya.

S.L. That's a very pretty name—Zina and Asya; they are pretty names. I have one other thing about your visa to Israel. I am going to try to work on that here, myself, with the help of the Senators of the United States that I have been talking to. I have one question: In your work before, you were dismissed, did you have a Class I Security Classification?

L.L. What? Repeat that.

S.L. Did you have a Security Classification; was your work secret?

L.L. No. I was not connected with secret work.

S.L. You were not?

L.L. Yes.

S.L. I see; because there is a law in Russia. . . .

L.L. Yes.

S.L. OK, well that's important because I'll be asked that since you're an engineer. Well, what I'll do now is get back with these Senators of the United States and tell them that you have been told that you cannot leave until 1974, and ask them to put whatever influence they can to make 1974, 1972, God willing.

L.L. Yes, of course.

S.L. OK, so we'll try and you wait until we'll be calling you later and when my contact does go to Moscow he will talk to you and there will be more time for you to talk. Give our best regards to your wife, to your friends, to your family . . .

L.L. Yes, thank you and give our greetings too.

S.L. Yes, we will; our hearts are with you.

L.L. Thank you.

S.L. I do hope that I will see you this year in Jerusalem and that we'll be together in the not too distant future. Finally, Passover, which will be coming soon, at our Synagogue there is a big sedar and we are all going to be talking about the true meaning this year of "Let my people go," for people like yourself into Israel. I especially want to give you special greetings for Passover because this is the true exodus that is happening in our life time.

L.L. Yes, I understand.

S.L. We will be with you in spirit and will continue to work hard to make this dream become a fact.

L.L. Yes, thank you.

S.L. So please give our regards and we will see you in Jerusalem and our goal is that we will see you in Jerusalem this year not 1974.

L.L. Bashana Hazot (In this year).

S.L. Yes, I understand what you said, but I don't speak Hebrew well. I repeat the same to you. You are better than I am at Hebrew.

L.L. Yes, Yes.

S.L. L'hitraot. (See you soon).

L.L. I hope that we shall meet in Israel this year.

S.L. Absolutely; absolutely. That's our goal, and we will try to make that come true. So you keep your courage and spirit up, and we'll be talking to you again in April.

L.L. Yes, yes, of course.

S.L. Good, So, Shalom and a Happy Pesach (Passover).

L.L. Yes, Shalom.

S.L. Good-bye.

ACTION FOR SENIOR CITIZENS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. BEGICH. Mr. Speaker, in a recent proclamation by the Governor of Alaska, William A. Egan, the month of May 1972 was set aside as "Senior Citizens Month in Alaska." It is fitting that I take this opportunity to insert that proclamation and additionally important material.

During my service in the House, this has been an extremely vital issue for me. So that older Alaskans might see what legislation I am proposing on their behalf, I am attaching a list of all bills for older Americans which I have introduced and cosponsored.

The following bills and resolutions represent a recognition of our responsibilities to America's senior residents and as Alaska's only Congressman, I am proud to be a major participant in their design:

1. House Resolution 118: To create a nonlegislative Select Committee on Aging. This select committee would function as an investigative body and report to the House various findings from time to time.

2. H.R. 2163: To create a national system of health security. This bill would guarantee every American proper health care through a national health insurance program.

3. H.R. 4245: Amends the Social Security Act to include compensation for qualified drugs, requiring a physician's prescriptions or certification and approved by a Formulary Committee under the hospital insurance program.

4. H.R. 5875: To permit all compensation paid at regular rates to certain employees of the Alaska Railroad to be included in the computation of their civil service retirement annuities.

This act would require that the overtime rail workers put in, that they are not compensated for, be included in the computation of their civil service benefits.

5. H.R. 7682: To provide for the payment of chiropractor's services under the program of Supplementary Insurance Benefits for the Aged.

6. H.R. 7744: "Mobile Teachers Retirement Assistance Act."

This act would provide for retirement benefits for teachers who cross state lines and forfeit the amounts credited to their retirement compensation fund. The federal government would pay into the individual state retirement systems for teachers who retire after enactment of the bill for service out of state.

7. H.R. 7752: Provide for a 50% across-the-board increase in Social Security Benefits and raise the limit for outside earnings a beneficiary may have without suffering deductions from benefits to $250.

8. H.R. 8238: To increase the lump sum death benefits payment under the Social Security Act from $255 to $750.

Although funeral costs have risen astronomically in the past twenty years, no change to date has been made in social security death benefits payments. This bill would bring the benefits back into range of costs. Even though those expenses are well over $750, this would at least prevent any severe financial setback because of funeral costs.

9. H.R. 8403: To amend Title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the armed forces.

The purpose of this bill would be to recompute the benefits received by those members who retired prior to May 31, 1958 and require an automatic raise in retired pay when current active duty pay is raised.

10. H.R. 8917: To provide for the continued funding of nutrition projects under the Older Americans Act.

This Act would provide $1,926,750 for eighteen demonstration projects for one year. These projects are for the improvement of nutrition services for the elderly.

11. H.R. 10255: To amend the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder.

This bill would allow recipients of Social Security Benefits to supplement their income without limit and not forfeit or decrease their benefits.

12. H.R. 10257: To amend the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' services and eye glasses.

13. H.R. 10258: To amend the Internal Revenue Code to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age.

This bill would allow senior citizens to supplement their benefits with an outside income up to $5,000, without penalty.

14. H.R. 10261: To amend the Social Security Act in order to provide for payment of Chiropractors Services under the program of supplementary medical insurance benefits for the aged.

15. H.R. 10372: To amend the Internal Revenue Code to provide that personal exemption allowed a taxpayer for a dependent will be available without regard to income.

This would allow for a personal tax deduction for those who are supporting or helping to support older members of their family. Those over 65 would be treated as those under 19 years of age, with the exception that there would be no limit on their income.

16. H.R. 12136: Older Americans Act of 1972. To make available comprehensive programs which include a full range of health, education and social service to our older citizens who need them.

The purpose would be to furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, through the creation of these programs. The programs would be undertaken in partnership of community, state, and local governments with federal assistance.

17. H.R. 13215: To require that an additional $4 per month (reflecting post-1970 across-the-board increases in social security and railroad retirement benefits) be passed along to public assistance recipients.

This bill would close a loophole in the Social Security Act, which left the elderly, blind, and disabled recipients of both public assistance and social security benefits in danger of losing the 5% increase in social security benefits by a decrease in public assistance benefits.

18. H.R. 13750: Senior Citizens Transportation Act of 1972.

To prohibit common carriers in interstate commerce from charging elderly persons, 65 and older, more than half fare for their transportation during non-peak periods of travel.

19. H.R. 13869: To amend the Social Security Act to provide that the remarriage of a widow, widower, or parent shall not terminate his or her entitlement to widow's, widower's, or parents insurance benefits, or reduce the amount thereof.

20. H.R. 14118: Senior Citizens Job Corps Act of 1972. To aid our older citizens living on fixed incomes (social security) that suffer from the continuing rise in the cost of living.

The bill would provide 50,000 jobs for persons of low income 62 years of age and older. This would give all senior citizens the opportunity to supplement their retirement benefits with earnings. Earnings are limited to the ceiling set by the Social Security Act as the maximum amount one can earn without reducing his other benefits.

21. House Joint Resolution 1145: Authorizes the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

This bill would call attention to the problems of arthritis and those organizations dedicated to combating them.

The resolution of the Governor of Alaska is as follows:

PROCLAMATION: SENIOR CITIZENS' MONTH

Traditionally, the month of May has been set aside to acknowledge and honor the accomplishments and needs of older men and women throughout America.

Particularly in Alaska, our older citizens have been pioneers who have endowed our State with moral values and achievements that have been in the most honored tradition of those who have built America.

Alaska's older generations, through their wisdom, skills, and the personal qualities that come with experience, serve as an inspiration to all of us.

Older Alaskans, through discussions, forums, and workshops, have played an active role in the 1971 White House Conference on Aging, which has designated 1972 as the "Year of Action."

Therefore, as Governor of the State of Alaska, I, William A. Egan, do hereby proclaim the month of May, 1972, as Senior Citizens' month in Alaska and urge all citizens to be mindful of the debt we owe our older Alaskans who have contributed to the advancement of our great State that it may be a secure, peaceful, and successful place to live, work, and retire.

Dated this 24th day of April, 1972.

PEACE IN OUR TIME

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. ARENDS. Mr. Speaker, under leave to revise and extend my remarks I am inserting in the RECORD an excellent editorial entitled "Peace In Our Time" which appeared in the Beacon-News of Paris, Ill., on Saturday, May 13.

I am placing this editorial in the RECORD because I believe it expresses the point of view of the vast majority of the people throughout the country.

It will also have special interest to us because it was written by our former colleague from Illinois, Ed Jenison, publisher of the Beacon-News. Ed served in this body with great distinction.

The editorial follows:

PEACE IN OUR TIME

President Nixon's hard decision to take one more step—and a big one—toward possible resolution of the Vietnam problem has provided this week's biggest headlines. At the same time, his courageous action has opened the door to the possibility, at least, that peace can be won, in our time, without the fear that it might remain dubious for the future.

Monday night's bold announcement that the United States would launch a counteraction to offset the intensified enemy invasion of South Vietnam by mobilizing air and sea power to cut off the supply lines of war materials for North Vietnam obviously was preceded by agonizing hours of consideration of the countless risks involved. Yet the important factor lost sight of is the obvious fact that the situation was precipitated by a determined enemy.

Most Americans will agree it was high time to take this step which might well have been taken long ago. But many do not, and that was predictable, too, as the prompt renewal of anti-war disturbances on college campuses and elsewhere has confirmed. That was a calculated risk, and perhaps an acceptable one. Here there is freedom for dissent, although that should not be extended to include mob violence, vandalism and worse. There has been far too much of that.

But the problem posed in Vietnam will not go away, regardless of the actions of the relatively small percentage of demonstrators who see the solution a simple matter of "walking away." The President knows that, and, we believe, so do the vast majority of the American people.

It is essential to remember at least the highlights of recent history in order to appraise properly the most recent move to resolve the situation. This is not President Nixon's war. He came into office after eight years of escalation of combat at a time when some 600,000 American troops were deployed in the battle field. He pledged he would bring those ground troops home, and he has done that. More than half a million men who were there when he took office are home now. The withdrawal program has moved on schedule and it will continue to do so unless events beyond American control dictate otherwise.

Nor should it be forgotten that every avenue toward peace has been pursued by the President while the military effort continued. The Paris peace conference grew out of American good faith, but it has been frustrated by a bitter and arrogant enemy to the point where continued sessions have become an exercise in futility providing only a forum for enemy propaganda.

Through it all, President Nixon has stated and restated again that the goal of the American people is not conquest but freedom—freedom of choice for people everywhere and freedom from the threat of armed conquest by power-mad aggressors, whatever their political motivation might be. He knows—and most of us should know—that freedom can not be extinguished in one corner of this constantly shrinking world without threatening freedom everywhere else.

In taking one more step to curb Communist aggression, the President has been guided by the imperative need to protect the lives of Americans who are still locked in combat and to rescue those who are in enemy hands as prisoners of war. Who, in a position of responsibility, would do otherwise?

Naturally, political foes of the President are exploiting the situation in the hope of personal advantage. That is their right, if they choose. But the President, to his everlasting credit, has risen above the temptations of personal popularity to follow what his judgment tells him is the proper, if more difficult, course.

In the language of the day, it's all on the line now. We have passed the point of no return. In the lonely hours of decision, it is obvious that the only alternative was surrender. There is no surrender in the President, and no more among the vast majority of the people of the United States of America.

In the critical days ahead, President Nixon deserves nothing less than total national unity if we are to prevail over a foe counting on internal dissent to defeat the United States.

Illinois Governor Richard B. Ogilvie has called on all Illinois citizens to support the President's course.

"His goals are goals that all of us share," the Governor said, "the release of our prisoners of war in enemy hands, the safety of more than 60,000 American troops and the end of the killing in this regrettable war."

The blockade of ports and the halt in the flow of supplies of war to the enemy could be mighty steps toward peace, but the greatest force for ultimate success could come right here at home in a unity of support for the President's program to do what must be done to achieve the essential goal of peace in our time—for all time.

REPUBLICAN PROMISES

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mrs. ABZUG. Mr. Speaker, there appeared in this morning's New York Times a letter which quoted a number of the major elements of the Republican platform on which Richard Nixon was elected in 1968. Their own words reveal only too well the depth and extent of the fraud which they have perpetrated upon this Nation in the past 4 years, and I insert the letter at this point:

1968 G.O.P. PLATFORM REVISITED

TO THE EDITOR:

Nearly four years ago, in its national party platform, the Republican party made the following pledges to the American people:

"We must urgently dedicate our efforts toward restoration of peace both at home and abroad.

"We must bring about a national commitment to rebuild our urban and rural slum areas. We must bring about quality education for all.

"We must assure every individual an opportunity for satisfying and rewarding employment.

"We must attack the root causes of poverty and eradicate racism, hatred and violence.

"We must give all citizens the opportunity to influence and shape the events of our time.

"We must give increasing attention to the views of the young and recognize their key role in our present as well as the future."

The Republican party also promised to:

". . . put an end to increases in the cost of living.

"[make] a vigorous effort, nationwide, to transform the blighted areas of cities into centers of opportunity and progress, culture and talent.

". . . avoid such economic distortions as wage and price controls.

". . . reduce the heavy tax burden."

It said that "the balance-of-payments crisis must be ended, and the international position of the dollar strengthened."

It called for "modernization of the Federal judicial system to promote swift, sure justice" and pledged "vigorous efforts to assure jobs for returning Vietnam war veterans."

In the conclusion to the platform, the Republican party said:

"Beyond freedom we emphasize trust and credibility. We have pledged only what we honestly believe we can perform. In a world where broken promises become a way of life, we submit that a nation progresses not on promises broken but on pledges kept."

I leave it to the reader to decide how many "pledges" this Administration has kept.

FRED HOSKINS.

FAMILY FARMS ARE ESSENTIAL TO RURAL AMERICA

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. ZWACH. Mr. Speaker, there have been many changes in agriculture in the past years. Some of these changes have been for the better, some have not.

Dr. Dale O. Anderson, professor of agricultural economics and director of the North Dakota Water Resources Institute at North Dakota State University, recently wrote a chapter on economic means of farm groups in a book published by the Iowa State University Center for Agricultural and Rural Development.

I would like, at this point, and with your permission, to insert into the CONGRESSIONAL RECORD some of the pertinent facts included in the chapter by Dr. Anderson.

FAMILY FARMS ARE ESSENTIAL TO RURAL AMERICA

A system of family farms, not factory farms, is necessary to provide a quality life for rural America. And research should center on effective means of maintaining farm numbers at their present level, says Dr. Dale O. Anderson, professor of agricultural economics and director of the North Dakota Water Resources Institute at North Dakota State University, in a chapter on economic means of farm groups written for a book recently published by the Iowa State University Center for Agricultural and Rural Development.

The book, Size, Structure and Future of Farms, is edited by A. Gordon Ball and Earl O. Heady.

The development of American agriculture has been characterized by important structural changes resulting from technological developments, Anderson says. The total number of farms in the United States in 1900 was slightly over 5.7 million, with average farm size about 146 acres. The number of farms continued to increase until 1935 when there were slightly over 6.8 million farms with an average size of 155 acres. After 1935 the number of farms dropped to about 3.4 million farms in 1964, while the average size increased to 333 acres.

With net returns declining, farmers have been continually searching for ways of maintaining income goals. The individual farmer discovers he cannot influence market price, so he must attempt to lower his per unit costs of production, sell more output at the existing cost-price margin, or use some combination.

Farmers are continuing to increase the size of their units in an attempt to lower their per unit costs of production. Not enough is known about the effect of economies of size to make a judgment concerning the future of the family farm, but it appears that a substantial portion of the cost economies can be realized by firms consistent with the family farm concept, Anderson says.

Although the family farm is the dominant unit in American agriculture, there is a significant number of extremely large farms. In 1964, there were 31,401 farms in the United States with product sales of $100,000 or more, accounting for 24 per cent of all product sales.

The future size, number, and decision-making control mechanism of the producing units that provide the nation's food and fiber are topics of vital concern. Will the family farm continue to be the dominant structure in agriculture, or will the family farm structure be replaced by a highly industrialized agriculture where a system of factory farms becomes the dominant structure?

The social and environmental problems associated with the concentration of population in metropolitan areas are becoming increasingly difficult. Solutions will involve development in rural areas, with emphasis on population balance and redistribution throughout the country. Incentives are needed to create employment opportunities in less populated areas. The future structure of agriculture will certainly be influenced by public policy developed to solve problems in metropolitan areas, Anderson points out.

The control mechanism of the farm firm of the future will be an expansion of the family farm unit. There will be a trend toward two-man and three-man operations to permit more economic use of capital, machines, labor and land. We will maintain an agricultural system with a relatively small number of large farms, a large group of relatively large farms, and a substantial number of part-time, hobby and recreational farms.

American agriculture can be characterized as having an expanding number of relatively large farms and a contracting group of relatively small farms. The farm is a part of the community, and the viability of the community, especially in a nonindustrial area, is highly dependent upon the wealth of the agricultural sector. The total system—farm firms, agribusiness, services and households—should be considered rather than directing efforts at making the commercial farm firm more efficient. Research should center on effective means of maintaining farm numbers at their present level.

"A point has been reached in the development of our economy where maintaining or expanding research and extension programs to achieve greater efficiency through increased production is providing greater declining benefits," Anderson says. "A system of family farms, not factory farms, is necessary to provide a quality life for rural America. If this is achieved, social and environmental problems of our metropolitan areas have a much better chance of solution."

NATIONAL ORGANIZATION FOR RAW MATERIALS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. ZWACH. Mr. Speaker, I have been watching, with interest, the growth of a new agricultural organization, the National Organization for Raw Materials, Inc. While based in Texas, the group has nationwide membership and its goal is to achieve prices that reflect a fair return to the producer of raw producers.

The Agriculture Committee of this organization has formulated recommendations for a farm bill that would bring prices that reflect the cost of production. Without objection, I would like to insert these recommendations at this point for the benefit of my colleagues here in the House.

The recommendations follow:

NATIONAL ORGANIZATION OF RAW MATERIALS, INC.

The Agriculture Committee of N.O.R.M., Inc. makes the following report and recommendations:

(1) We recognize the tremendous importance of agriculture in the national economy, so important that it would be considered a public utility, and therefore;

(2) Because of its extreme importance to the nation, there are certain obligations that the nation owes to the agriculture community to see that it remains healthy and prosperous, not solely as a benefit to the agriculture community alone, but to the benefits received by the total nation indirectly by keeping a healthy agriculture community, and therefore;

(3) Because of its "public utility" status there are certain responsibilities which the agriculture industry must assume in relation to the rest of the nation, among which the most important is the production of an abundant supply of food at a reasonable cost to the nation's citizens. In return for this guarantee, and because of the unique nature of agriculture being unable to protect itself from price fluctuations, it becomes necessary that certain protections be established by the Congress of the United States to see that the agriculture industry is allowed to share in the economic growth and prosperity of the nation by:

(4) Laws which will protect the agriculture industry from undue competition from foreign nations whose citizens maintain a much lower standard of living than the U.S. citizen making it possible for those nations to produce and sell their agriculture commodities much cheaper than the U.S. agriculture producers, and—

(5) Laws which will establish a minimum price for all agriculture commodities which will guarantee the agriculture producer a return equal to his cost of production plus a reasonable profit, just as labor has a minimum wage law which protects labor from unfair labor practices on the part of employers.

It is the thinking of this committee that past and present agriculture programs have failed to bring about the conditions which they were originally incorporated to do, namely to protect the producer with a fair price, keep supply in relative balance with demand, and protect the consumer with an abundant supply of food at a reasonable price.

Although the last priority, that of protecting the consumer with an abundant supply of food at a reasonable price, has been successful as far as the consumer is concerned, the "cheapest possible price" has been carried too far; so far in fact, that at the present time food costs represent less than 16% of the disposable income of the average American family, 30% less than 20 years ago. This fact, though commendable on the one hand, is deplorable on the other hand since it reflects a raw material price which is forcing thousands of producers from their farms each year, and at the same time is robbing the nation of the new wealth so vital to keep our economy prosperous and growing.

After much study and research from the Agriculture Committee of N.O.R.M., the following list of recommendations as to what a successful agriculture program must do was drawn up.

(1) It must be beneficial to the nation as a whole.

(2) It must satisfy the farmer and agriculture industry.

(3) It must bring agricultural income up to an equitable standard with the least possible increase in food costs.

(4) It must satisfy the consuming public and voter.

(5) It must be acceptable to Congress and the administration.

(6) It must control supply based on the needs of the nation.

(7) It must help to manage the sale and distribution of the supply.

(8) It must establish and enforce a minimum or floor price.

(9) It must provide a means of disposal of excess production, without that disposal affecting the price of that which is needed by the nation.

(10) It must be equitable to all segments of the nation's producing areas.

(11) It must reduce the cost to the government, both in direct payments and in administration costs of USDA and other agencies.

(12) It must provide for the continuation of more exports of agricultural goods and less imports of those commodities that the U.S. agricultural industry can supply.

The Agriculture Committee of N.O.R.M. wishes to emphasize the extreme importance of the agriculture industry to the nation and to remind the nation of a basic fact which we so often tend to forget . . . there are three basic requirements for life: air, water, and food. The first two God gave us in abundance, the third he gave us the ability and the responsibility to produce. If we fail to meet this responsibility it will be because of the failure to set a price which will give the producer an incentive to continue to produce. A price which will return him a fair profit in relation to the profit enjoyed by other segments of our economy. Let us not forget that food is the one thing that we produce which is demanded and consumed three times a day by *every* living person in our nation, and without it, our nation will perish.

With these thoughts in mind, the Agriculture Committee of N.O.R.M., Inc., wishes to recommend the following basic farm program be incorporated as soon as possible:

Item 1. 100% true parity, based on the 1946 through 1950 prices as indicated in the 1962 Economic Report of The President, be restored to all agriculture commodities.

Item 2. Imports of all commodities in direct or indirect competition with U.S. agriculture commodities, be restricted to enter U.S. ports of Entry at prices no less than 110% of true parity, F.O.B. port.

Item 3. All import charges will be placed in an import-export fund which will be used to supplement exports of all agriculture commodities in order to insure that U.S. commodities will remain competitive in world trade.

Item 4. It is felt that import restrictions will alleviate the possibility of any excess production above the national needs. If any excesses should develop, we further recommend that the following program be incorporated:

1. A Board, within or without the USDA, or other Government agency, would determine annually the basic needs, this to be done with the assistance of commodity groups and producer representation. The producer would be given incentive to produce within that need, that being, that this production would be sold at a full parity price on a true base period, not one that is being continually adjusted.

2. A strict management of supply by the A.S.C.S. or other agency that would insure that only such projected portion was marketed. The balance would go into storage at the producer's expense, not the Government's. Any certificate commodity stored by the producer until such time as needed by the market, will draw an incentive payment from the buyer to cover storage, handling, and shrinkage. The local county ASCS producer committees would be given much more responsibility to see that the program is administered properly and for the benefit of the producer. This management supply is to cover both domestic and export goods.

3. The establishment of a minimum price by the continuation of a Government Loan to insure that purchasers pay at least the parity price. Full interest if in Government Loan, would be paid by producer. Government would never take over the commodity, but producers that overproduce would store commodity until next marekting season and produce less that year.

4. A check-off would be paid on each commodity into a fund which would be used to finance the administration of the program. This check-off would be considered a marketing expense, added to the price of the commodity, and paid for by the ultimate purchaser of the commodity.

5. The basis for each operator's production would still be his crop history average, as determined by the local ASCS, each being thrown back against the nation's need as adjustments were necessary.

6. Those producers not currently participating in the program and without crop history, but who had been producing a particular commodity, would in some way need to be taken into the program, based on their proportionate amount of cultivated acres. The producer would be free each year to plant and harvest whatever he chooses, but he would only be free to sell his proportionate amount of the nation's needs. Certificates to market would be issued, and only upon the presentation of such certificates would this commodity be sold. If a producer suffered a complete crop loss, or if he produced less than his certificate entitled him to sell, he would be free to sell such certificate to another who had an over-production. This would not increase the amount of the commodity coming up for sale in excess of the amount originally required by the nation.

7. Over-production on the part of an individual would require that he provide his own storage, either on his own farm or in commercial warehouses. Said individual would be required to pay all cost of this storage and this amount in storage would be ineligible for a Government Loan.

8. Any excess production of the nation would be considered as a National Consumer's Food and Fiber Reserve, with Federal safeguards to see that none found its way to the market place except in the event of a national emergency, and could then be purchased and taken out to go into the trade at 110% of parity.

SAMPLE OF AUDIENCE RESPONSE TO EDITORIALS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. HARRINGTON. Mr. Speaker, it has become increasingy evident over the last few years that a sense of hopelessness and powerlessness is pervading the Nation. The causes of this national malaise are many—an administration which acts in secret and allows the "democratic process" to work only after it has made its decisions; a Congress which has abdicated its responsibilities under the Constitution; and a general feeling of being a cog in some vast corporate machine.

The problem often manifests itself in the guise of apathy, a numbed acceptance of what is, without the hope of effecting change. It was therefore refreshing to read the editorial written by Mr. Martin Snider of Brookline. Mr. Snider made his comments on "Feedbacks," a program sponsored by WBZ in Boston. While Mr Snider articulates the frustration that is felt by millions of Americans, he had made the effort to become involved in the political process by publicly airing his views. I commend the following editorial to the attention of my fellow Members:

[WBZ–TV 4/WBZ—EDITORIAL]

FEEDBACK—THE PEOPLE SPEAK, NO. 1

(WBZ–TV now presents Feedback, a sampling of audience response to our station's editorials. Today's spokesman is Martin Snider of Brookline.)

Mr. SNIDER. WBZ's Editorial Department says it is bothered by apathy. And now the television station has devoted a whole week to the basic issue of communication. All that is fine. But I still wonder what I, as an individual, can do to help.

I see all kinds of problems around me—pollution, crime, dirty politics and the like. I want to do something about it. But what? Suppose I write my Congressman. What are the chances he'll do anything about the problem? I'm not even sure he'll see or read the letter. The top of the power structure is so far away from those of us down here at the bottom that an apathetic feeling is bound to develop. I'm not trying to support or condone apathy. I'm trying to obliterate it, just like WBZ. Only I don't know how.

If politicians really cared, they'd get started right now on some solid programs to produce action—just as we decided to go to the moon 10 years ago. But these people don't care because they've got re-election to worry about, money to raise for campaigns and their egos to maintain. These guys are running my life, and it seems there's nothing I can do about it.

Older people look at me and say I feel like this because I'm 20 years old and going through a stage. They say they went through it themselves along with the Depression and World War II. And they say we need something drastic to make us see what life is really like.

Both generations have their problems, but only the older one has the power to fix the big ones that exist today. Sure younger people can vote now. But what good is that if you don't have much choice and you don't know whether the candidates will do what they say after they're elected? I want to get involved. I really hope WBZ will help me and others find some sensible, positive direction to follow.

THE PERSPECTIVE OF YOUTH ON NATIONAL PRIORITIES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. CLAY. Mr. Speaker, I would like to share with my colleagues, the remarks of a young woman who participated in a forum at Harvard University, April 5–7, 1972, on the reordering of national priorities.

The forum, sponsored by the Congressional Black Caucus, the Harvard Institute of Politics and three major newspapers—the Chicago Sun-Times, the Boston Globe, and the Philadelphia Evening Bulletin—discussed the establishment of national priorities for blacks in the areas of law and justice, housing, health, education, communication, and employment.

Participants came from all areas of the society to develop a program in each of these areas from which legislation can be drawn.

The forum coordinator was Mr. Warren Jackson of the Philadelphia Evening Bulletin, and the remarks which I am inserting are those of his daughter, Tenley. The perceptions of this remarkable young lady should enlighten those who continually disparage the maturity of concern of the youth of this country. Her awareness of the problems confronting black and poor people today, and her concern and dedication to solving these problems encourages my faith that the youth of this Nation will move their ideals forward to reality. Her remarks follow:

YOUNG BLACK WOMAN WITH A DREAM

(By Warren Jackson)

The hope of the world is in our young people, Malcolm X said many times—both black and white.

With that thought in mind my 16-year-old daughter Tenley is my guest columnist this week. Tenley attended the National Priorities Forum as a member of my staff last week at Harvard University.

Tenley from a fond father's point of view is an unusually sensitive and intelligent person. Even at 16 she has already charted the priorities in her life.

She wants to go to law school and become a public defender. She feels very deeply the discrimination against blacks, other minorities and the poor. She plans to dedicate her life to fighting for equality for all people.

Nobody in our family doubts for a moment that she will do exactly what she has cut out for herself. We know her too well to doubt.

Tenley will embark on this long journey next year. She will do this because she has already won her first case—against her parents: staying home another year versus going to college early. We lost because Tenley's in a hurry.

Some people might figure she has two strikes against her being black and female, but not me. I've lived with her determination for enough years and I'd like to warn the world: Watch Out. Here's Tenley:

As I observed the Forum on National Priorities April 5–7, 1972, the injustices administered to the poor and the black crossed my mind. America is reputed throughout the cultivated world as being a country bent on preserving freedom, and a land for the people. In reality, it is a country whose domestic problems are threatening to alter the entire social system.

The Forum can best be described as a math problem. Add black leaders across the nation, multiply the years of oppression the poor and the black have endured, then divide by the pressing problems which blacks are faced with, to come out with an answer which shall be eternally constant . . . success.

While participating in the law and justice segment of the forum I began to relive some of the nightmares which justified blacks in demanding an end be put to discrimination. The imprisonment of Angela Davis, the murder of George Jackson, the assassination of Malcolm X and Martin Luther King Jr. all point to the prejudicial hate with which America has been afflicted.

The discussion of prison reforms seemed to remind many that those in prison were still blood relations and should not be left to stand alone at the mercy of a penal system which is corrupt. Alternative suggestions along the lines of prisoners being paid the minimum wage for the tasks they do in prison, that their right to vote be respected, and that the barring of family be forbidden were introduced and were met with enthusiastic approval.

A thought which touched me, and many of my peers, immediate world was the desperate necessity for qualified black lawyers. However, black lawyers will never survive if they are not staunchly supported by their own people. Henry Owens, an eminent young black lawyer and councilman from Cambridge, Mass., summed it up perfectly by saying, "black lawyers cannot be effective if blacks continue on the path of slave mentality in thinking the white lawyer is superior."

The issue of police versus the public brought to mind the tragic death of the policemen shot and killed in the act of duty. Death, is inevitable, but to die by the hatred of another only emphasizes the problems of an insane and immoral society.

Barbara Sizemore, director of the Woodlawn Experimental School Project in Chicago, recommended the total disarmament of the police and citizens. Trust has not proved to be one of the stepping stones upon which America was built, nor will it ever be if animosities continue to prevail.

Charles R. Jackson Jr. the chief criminal investigator of this county and my uncle, stated that law was a necessary entity for all black communities, and that blacks must stop being unwilling profiteers of a discriminating system.

John Conyers, a member of the Congressional Black Caucus expressed a point with which I agree. He reflected that the law, if it is to be effective must be understood, interpreted, and then voted upon. The black vote is presently one of the few methods which can bring about change, and until more effective methods are discovered the cooperation of every black citizen is needed.

The outcome of the law and justice session, and the Forum itself remains to be seen, yet the fact is that concerned blacks and whites from every aspect of society, were talking with and relating to each other's ideas which would make realities out of their dreams, their aspirations, and out of 400 years of political, economic, and social bondage. Somewhere it is written that a united people will deflate the power of any oppressor. The people are united, the people are ready, and it's a beautiful sight.

I have a dream, an inspiration, to see the black man standing on equal footing with his white brother, to see the poor man sitting at the Ritz with a J. P. Morgan; and emerging out of the shadows of youth come many more like me, who are ready to make this dream a reality.

SOUND OF SPRING BALL FOR QUEENS SPEECH AND HEARING SERVICE CENTER

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. WOLFF. Mr. Speaker, on Saturday, May 13, 1972, I had the pleasure and privilege of attending the 12th annual Sound of Spring ball sponsored by the Women's Auxiliary of the Queens Speech and Hearing Service Center.

This center was incorporated in 1939 to establish financial support for a program of speech and hearing reeducation at Queens College. The Women's Auxiliary has worked tirelessly to raise the funds necessary to provide fellowships for graduate students in training and to make available the excellent care of the facility to many individuals who might otherwise be unable to take advantage of this service.

I would like to commend the following people for their fine work in making this affair such a success and thereby helping to support the extremely important work of the Queens Speech and Hearing Service Center:

LIST

Mrs. Ralph H. Kress, Chairman; Mrs. Norman S. Gould, Honorary Chairman.

OFFICERS OF THE WOMEN'S AUXILIARY

Mrs. Jack E. Bronston, President; Mrs. Richard L. Geist, Vice President; Mrs. Alvin Benerofe, Treasurer; Mrs. Theodore Fuchs, Recording Secretary; Mrs. Samuel Fleisher, Executive Secretary.

SOUND OF SPRING COMMITTEE

Mrs. Joseph R. Albanese, Mrs. Vincent M. Albanese, Mrs. Paul Beloff, Mrs. Alvin Benerofe, Mrs. Jack E. Bronston, Mrs. Edward H. Dawson, Mrs. Robert S. Dillworth, Mrs. Samuel Fleisher, Mrs Henry L. Fox, Mrs. Theodore Fuchs, Mrs. John T. Gallagher, Mrs. Richard L. Geist, Mrs. Ben Geizhals, Mrs. N. Henry Granoff, Mrs. Irving J. Klein, Mrs. Kenneth M. Kupferberg, Mrs. Michael J. Lazar, Mrs. Leon Levy, Mrs. Stanley Maas.

Mrs. Donald Manes, Mrs. Hugh F. McShane, Jr., Mrs. Harold Merahn, Mrs. Joseph S. Murphy, Mrs. Frank Padavan, Mrs. Nicholas M. Pette, Mrs. Morton Roberts, Mrs. Maurice Rogers, Mrs. Sylvia Rosenthal, Mrs. Helen Savarese, Mrs. Frederic Savedoff, Mrs. Harry Savin, Mrs. Irving Schlein, Mrs. Chester Schwimmer, Mrs. Jean E. Smalbach, Mrs. Jule E. Stocker, Mrs. Michael Studdert-Kennedy, Mrs. Paul Weprin, Mrs. Abraham Werfel, Mrs. Israel Woloshin.

OFFICERS

Mr. Joseph R. Albanese, President, QSHC; Dr. Joseph S. Murphy, President, Queens College; Dr. Joel Stark, Director, Speech and Hearing Center.

Joseph R. Albanese, President; Morton Roberts, M.D., Vice-President; Hon. Ralph H. Kress, Vice-President; Theodore Fuchs, D.D.S., Secretary; Norman S. Gould, Treasurer; William J. Wright, Assistant Treasurer; Mrs. Samuel Fleisher, Executive Secy.

OWNERSHIP OF FIREARMS IS THE PEOPLE'S BEST ASSURANCE OF LIBERTY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. RARICK. Mr. Speaker, as the antigun crowd tries to capitalize on the Wallace shooting by converting the tragic event into a new disarmament crusade, it becomes more and more apparent that the antigun lobby does not even understand the thinking of those who defend the right to keep and bear arms.

Those Americans who are unwilling to surrender their guns understand that the citizen soldier—not the military—is the strength and the defense of this country from foreign or domestic takeover. The patriotic citizen—who may or may not be a gun enthusiast or sportsman—knows full well there are other reasons he must keep his firearms. Too many great countries that have fallen because of political betrayal first suffered the indignity of government supported confiscation of its citizens weapons, thus rendering them unable to resist tyranny and aggression.

The crime escalation and the manipulated assassination syndrome are not reasons or justification for the American to forfeit his guns—rather they are all the more reason to keep them.

The GSA alone reports that 63 Federal installations were bombed since 1970. There are Federal laws against bombing, yet they fail to prevent the actions of those bent on violence and destruction. Why should the American people be deceived into believing that Federal gun control laws would be any more effective against crime, assassination, or revolution?

I ask that related news clippings follow my remarks.

[From the Washington Post, May 20, 1972]

SIXTY-THREE FEDERAL PLANTS BOMBED SINCE 1970; 1,620 THREATS

(By Ken Ringle)

It was a little more than 14 months ago, on March 1, 1971, that a bomb shattered a marble-lined men's room on the ground floor of the U.S. Capitol.

Until yesterday, that had been the most symbolic bombing attack yet on the federal government, apparently by antiwar radicals, but it was far from being the only one.

The General Services Administration, which owns or leases 10,000 buildings across the nation, says there have been 62 federal buildings bombed since Jan. 1, 1970. The Pentagon blast was No. 63. In that same period, 1,620 federal buildings have been threatened with bombings.

A GSA spokesman placed the cost of the bombings at $829,400, "not counting thousands and thousands of dollars for evacuating buildings when we get a bomb threat."

The attacks on public buildings are only a part of a much wider incidence of bombings that appears in the statistics of American crime. In the first four months of 1972, according to FBI figures, there were 607 bombings in the United States and its territories at a cost of 10 lives, 56 injuries and uncounted thousands of dollars damage.

Many of the targets have been personal, and some have been targets of the political right, like the buses used to carry out court-ordered school desegregation in Pontiac, Mich.

A spokesman at the National Bomb Data Center here estimates that "53 per cent of the bombings have some sort of political motivation—right wing or left."

Some institutions, particularly on the West Coast, are recurring targets: A Bank of America branch in Ben Lomand, Calif., was bombed 62 times between Jan. 1 and July 31, 1971.

The Capitol and Pentagon bombings have followed a pattern set by one of the earliest of the apparent New Left bombings—the destruction of a six-story, $6 million Army Math Research Center at the University of Wisconsin on Aug. 24, 1970.

The blast, which also killed a graduate student, was preceded by a telephone alert and was followed by claims from radical groups of responsibility for the incident.

The groups have identified themselves in letters after similar bombings under such names as "The Proud Eagle Tribe," "The Quarter Moon Tribe," or—in the case of an Oct. 8, 1970, bombing of a National Guard Armory in Santa Barbara, Calif.—"The Perfect Park Home Grown Garden Society."

Virtually all have claimed kinship under the umbrella of the Weathermen—the violent splinter group of the Students for a Democratic Society.

In October, 1970, the Weathermen unleashed a "fall offensive" of bombings around the nation, after which the GSA tightened security at all federal buildings across the nation. GSA protects almost all federal buildings—including the FBI building.

Richard Vawter, director of information for GSA, said yesterday the tightening of security included closing off most entrances to government buildings except for those that were guarded.

In 1970, he said, most agencies did not have identification systems for their own personnel, and guards were instructed to inspect all packages.

Once the identification systems were devised, he said, guards were instructed to inspect packages only for those people without identification cards.

Recently, he said, even that restriction has been dropped, and guards were instructed to inspect only "suspicious packages," or those carried by suspicious persons. He added that the protection offered by any inspection system is "mostly psychological."

Modern explosives are so sophisticated, he said, they can be rolled out like a sheet of paper or fitted around a person's body and never detected by a guard.

[From the Manchester Union Leader, May 19, 1972]

OPPOSES "A GIRL'S BEST FRIEND"

(By William S. Loeb)

Speaking at Princeton and taking full advantage, in his usual demagogic fashion, of the attempted assassination of Governor Wallace, presidential candidate ——— said he doesn't know what handguns are for. He said he knows what shotguns are for, for shooting birds, and he knows what rifles are for, for shooting deer, but he doesn't know what handguns are for.

Well, this newspaper is delighted to be able to tell ——— what handguns are for. Handguns are for the protection of millions, and millions and millions of Americans who have been placed at the mercy of the criminals ——— permissive ideas, implemented by sob-sister courts, have let loose on the American people.

American men and women know the police cannot be everywhere and that, with the horde of criminals now loose in the nation, their only chance for real protection against assault, murder, rape and the arson of their homes and stores is to have a gun handy and know how to use it. The criminals are not deterred by the police because they know they have only a limited number and they also know that even if they are caught some soft-hearted, soft-minded judges will, in most cases, let them off. So the only effective protection the average American citizen has is to own and know how to use his own handgun.

It is so perfectly obvious to any sensible person that legislation against handguns will not work—any more than Prohibition did—that one can only conclude that the politicians who advocate it are nothing less than demagogues who want to ride a wave of temporary public hysteria until they can do away with handguns. If they gain their objective, they will be no more successful than were the pious frauds who advocated prohibition—with all the disastrous results that produced.

What is needed, as this newspaper has said time and time again, is a mandatory 10-year sentence on top of whatever other penalty is levied on a criminal convicted for the commission of a crime in which he used a gun.

Criminals faced with such a certain penalty are going to be very, very careful about using guns.

Then if, on top of that, our bleeding-heart courts would stop crippling the police with ridiculous rules and restrictions, and would hand out harsh sentences to those who commit violent crimes, this situation could be brought under control.

Why punish millions of innocent Americans and deprive them of their protection in order to get at just a few criminals—who are going to have guns, anyhow, regardless of any anti-gun laws?

All you do when you pass stiff gun laws is to disarm the honest people and leave them at the mercy of the criminals.

The left-wingers have a new smear word. They call the small, inexpensive guns that many a housewife has bought out of the family budget a "Saturday night special," the implication being that these guns are the guns that are used on Saturday nights to kill people.

The answer, of course, is that these are not Saturday night specials. They would be much better called "a girl's best friend."

YOUR OPINION, PLEASE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. BRAY. Mr. Speaker, next to the mailman the Member of Congress is the Federal official closest to the individual citizen. This is often overlooked or ignored. Also seldom realized is the fact that through the Congressman the citizen has a direct and rapid pipeline to the Federal Government—any part of it—at any time on any matter. This is a very real freedom that must be preserved and strengthened.

A public opinion poll is probably the very best way of keeping this pipeline open, and in constant use. It enhances the regular communication I have with my constituents and generates new and widespread interest in pending issues. As in past years, the results from the poll will be tabulated and inserted into the CONGRESSIONAL RECORD, with everyone being polled getting a copy of the insert.

Following are the questions for Your Opinion, Please—1972:

YOUR OPINION, PLEASE

(1) Do you favor busing school children for racial reasons?

(2) Should draft evaders and military deserters who fled abroad be allowed to return without penalty?

(3) Do you favor a nationwide, federally-financed child care system?

(4) Do you favor legalization of marihuana for personal and private use?

(5) Do you favor total abolition of the draft and reliance solely on an all-volunteer Army?

(6) Environmental spending is high, and climbing. Federal outlays went up 600% between 1969 ($431 million) and 1973 ($2.5 billion proposed). Private industry will spend $4.9 billion this year and must spend another $22.8 billion to meet current anti-pollution regulations. Do you feel this indicates progress?

(Please write the number of the question most important or of greatest interest to you ——.)

INAUGURATION OF CHIANG KAI-SHEK

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. HUNT. Mr. Speaker, May 20, 1972, marked the inauguration of Chiang Kai-shek for his fifth consecutive 6-year term as President of the Republic of China.

Despite the ouster from the United Nations of this stable nation of some 15 million people—a faithful rules-abiding, dues-paying charter U.N. member—it is eminently clear that the Republic of China will survive more than adequately as a viable, constructive member of the world community.

Second only to Japan, Taiwan's economy is expanding with a better than 10-percent growth rate in its annual gross national product. Foreign trade, surprisingly, in volume and value, is comparable to that of Communist China with its 750 million people, 50 times the population of the Republic of China. Further evidence of the stability and reputation this remarkable country has built is the observation of Henry Kearns, president of the U.S. Export-Import Bank, who says the Republic of China is "here to stay, offers a good market and has the ability to pay" and goes on to state that long-term credits will be provided on an unlimited basis. Substantial investments from the United States, Japan, and Austria have contributed significantly to the growth of Taiwan's economy and there is an energetic program to attract more foreign capital with tax benefits, lower labor costs, and bright prospects for proliferating development. Strongly anti-Communist, the Republic of China can be counted on to continue to offer an economic climate in which foreign investments will thrive without fear of nationalization of excessive govvernmental regulation.

Mr. Speaker, this is a fundamentally democratic, sturdy, and reliable nation that will not simply be swept off the map. What more could we ask in this hostile world than to have more countries of the character of the Republic of China on whom we can depend despite the humilating rejection of Taiwan's bid to retain its seat in the U.N.? That loss, however, will be seen in history as a major loss to the U.N. and the cause for which it purports to stand.

My congratulations and best wishes for an even more prosperous 6-year term go out to President Chiang Kai-shek and his administration.

REFLECTIONS ON PRESIDENT NIXON'S ESCALATION OF THE INDOCHINA WAR

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. DRINAN. Mr. Speaker, since May 8, when President Nixon qualitatively escalated American military activities in Indochina, I have received more than 2,000 letters from constituents in opposition to the escalation. More than 98 percent of my mail on this issue opposes the President's actions.

I have today sent to a number of constituents my thoughts on this tragic war and our failure to end it.

I would like to share those thoughts with my colleagues.

Fifteen months ago a small group of Congressmen and myself had breakfast with Senator GEORGE MCGOVERN. On that occasion Senator MCGOVERN predicted, with sorrow but with certainty, that the war in Vietnam would be the key issue in the Presidential election of 1972.

I am not certain that I agreed with Senator MCGOVERN on that occasion but his logic was flawless and his prediction accurate.

The speech of the President on the evening of May 8, 1972, demonstrated what Senator MCGOVERN predicted. Vietnamization has failed, the invasion of Cambodia was fruitless, and the revival of the air war was as unsuccessful as the officials quoted in the Pentagon Papers had predicted.

The president stated on May 8 that he expects to use "decisive military action to end the war." He categorically rejected the other two options of withdrawal or negotiation.

The first 2 weeks of reaction and development after the unprecedented escalation of the war announced on May 8 unfortunately yield no evidence that the mining of Haiphong harbor will do anything except involve the United States in Indochina on a virtually indefinite basis. Any intimation of hope that the Nixon administration had worked out some informal arrangement with Russia to bring the war to an end cannot be substantiated by any credible interpretation of whatever facts are known.

The mining of Haiphong Harbor is possibly the most egregious error ever made in the long history of this war. Russia and China may not have the naval power to respond in kind but there is no reason to think that they will not continue to escalate their own efforts to send more sophisticated weapons to North Vietnam. The mining of the harbor, an act which brings great risks for almost nonexistent benefits, is militarily unsound since it simply will not work. The Central Intelligence Agency—CIA—stated, as quoted in the Pentagon Papers, that:

> The mining of the water approaches to the major port . . . would not be able to cut off the flow of essential supplies.

A statement in a National Security study prepared by Henry Kissinger, as published in the April 20, 1972 Washington Post, corroborates this conclusion by stating that the office of the Secretary of Defense and the CIA:

> Believe that (if all imports from the sea were denied) the over-land routes from China could provide North Vietnam enough material to carry on, even with an unlimited bombing campaign.

In a statement on May 9, I concluded that the action of the President was illegal, unconstitutional, and totally unjustifiable—even if one accepts the validity of President Nixon's stated military and political objectives in Indochina.

The determination of the President to engage in "decisive military action to end the war" has had a broad impact on officials in the administration. Secretary of State Rogers has testified before a congressional committee that the President's proposed withdrawal 4 months after a cease-fire does not mean that the 100,000 Army, Navy, and Air Force personnel in and around Indochina would refrain from hostile military action if it appeared that the status quo in South Vietnam were being changed. The Navy's top official, Admiral Zumwalt, in response to a question at a press conference, stated that the United States will stop all ships even though it is known that these ships contain only food for civilian consumption.

WILL THE PENTAGON EVER LEARN?

The President's determination to engage in "decisive military action to end the war" can hardly be achieved by the military forces of South Vietnam. A study prepared for Henry Kissinger has recently revealed that in 1969 the South Vietnamese Army had the astonishingly high desertion rate of 34 percent on an annual basis. This means that during that year the South Vietnamese Army was losing the equivalent of one division a month.

There is overwhelming evidence, moreover, indicating that the Army of South Vietnam has the most serious morale problems—attributable in part to the fact that the regime of President Thieu has followed the old French custom of not allowing peasants to become military officers. Consequently the core of field officers, selected in part for political considerations, did not surprise anyone in South or North Vietnam when they broke and ran ahead of their troops in retreat from the battle at Quang Tri.

The cumulative evidence of the unwillingness or the inability of the South Vietnamese to carry out the objectives arrived at by the White House and President Thieu was overwhelmingly clear long before this tragic moment. That evidence was clear a generation ago when the Truman administration in the years 1950 to 1954 paid three-quarter of the total cost of the war of the French which ended at Dienbienphu!

The political and military experts at the Pentagon, furthermore, cannot be unaware that the demilitarized zone, agreed to in the Geneva accords in August 1954, was an arbitrary line designed to be enforced only until an election of all of the Vietnamese people would occur. Since that election was prevented by President Diem, with the help of the United States, the 17th parallel has no legal or political or moral meaning for any nation in the world. Consequently it is contrary to fact to state that the North Vietnamese have been "an aggressor."

AN ANGUISHED AND BEWILDERED CITIZENRY REACT

I received at least 2,000 letters and telegrams in the 2 weeks following the President's May 8 reescalation of the war. I doubt if more than 10 of these 2,000 urged me to "support the President." At least 100 implored for the impeachment of the President.

Thousands of students, clergymen, and others have come to Washington in a desperate hope that they would be able to accomplish something. It is increasingly difficult to know what to advise these devoted persons. I have spoken to many groups including students from Kent State, clergymen from all over the Nation, and a group of some 300 physicians that gathered in Faneuil Hall in Boston on May 12.

I urged all these groups to become better informed about the tragedies in Vietnam with the hope that they could persuade Members of Congress and others that there was no reason under the SEATO Treaty why the United States should have intervened in South Vietnam originally nor is there any national interest of the United States involved in the political ideology of an area of the world smaller than New England and more than 10,000 miles from our shores.

I also remind the many audiences who ask me to talk to them that they should be fully aware of the provision in the SEATO Treaty to the effect that each signatory nation agrees to intervene only after all of the constitutional processes of that particular nation have been complied with. In view of this fact and many other circumstances it is clear beyond doubt that the President has no authorization for the institution of a blockage or the broadening of the war in such a way that a confrontation with mainland China and Russia is not impossible.

I also point out to the countless individuals and groups who desire peace that in the ultimate analysis it is not merely the President and the Congress that have continued the war in Vietnam but the voters themselves. After all, the voters, if they had been aware of the folly of the U.S. intervention in Indochina, had the opportunity in 1966, 1968, and 1970 of changing that policy by changing the Congress. The citizens of America have allowed the war to continue because of their political illiteracy.

In talking about the war I try to be nonpartisan. The awful fact is, however, that in the 40 months of the present administration over 2 million Cambodian refugees have been created and the bombing in Laos has been double that under President Johnson. Mr. Nixon has dropped more than 3.3 million tons of bombs in Indochina—more bombs than have been dropped by any leader in history. Mr. Nixon has increased the number of B–52s from 40 to 130, attack planes from 350 to nearly 900, aircraft carriers from two to six and other naval vessels from 10 to 55. While the number of American soldiers on the ground in South Vietnam has been substantially diminished there are now some 40,000 airmen in Thailand the 40,000 naval personnel in the Gulf of Tonkin. The present situation is the first time in history that a nation has placed more men outside of a nation to conduct automated war than it has involved in the ground war.

President Nixon stated on May 8 that:

> Throughout the war in Vietnam, the United States has exercised a degree of restraint unprecedented in the annals of war.

This statement is simply erroneous in view of the fact that between 1965 and 1972 the United States has created over 23 million bomb craters, dropped over 100 million pounds of herbicide destroying an estimated 5 million acres of crops and forest land and has been responsible for the creation of over 6 million refugees in South Vietnam and 2.4 million additional refugees in Laos and Cambodia.

One of the most impressive and moving events conducted by persons coming to Washington to work for peace occurred on the morning of May 11 at 6 a.m. on the steps of the Capitol. This was the actual day and hour when the mines in Haiphong harbor were activated. Twenty-one Congressmen were joined by Senators KENNEDY, HUGHES, CRANSTON, and TUNNEY in speaking to a crowd of more than 1,000 persons who had come for a vigil as the dawn broke over Washington and a new and terrifying danger came into being in the Far East.

In talking and praying with all of the groups that I encountered in the 2 weeks after the May 8 address of the President I became more and more aware of the incredible situation in which the American people find themselves. The President stated that:

> An American defeat in Vietnam would encourage . . . smaller nations, armed by their major allies, to attack neighboring nations at will, in the Mideast, in Europe and other areas.

This unbelievable throwback to the worst rhetoric of the cold war absolutely disregards the fact that nothing damages American credibility in the world more than the horrifying spectacle of the mightiest nation on earth attempting to bludgeon a small, agrarian nation into submission.

The President on May 8 asked the question:

> Do we leave the South Vietnamese to a long night of terror?

That long night of terror was present in South Vietnam 3 years ago when I visited that country as a part of an American team to investigate South Vietnamese citizens in jail as political prisoners. Indeed, the "long night of terror" started 1 million Indochinese lives ago. The "long night of terror" came in the form of men of a strange and different race with whom the Vietnamese could not even communicate. The "long night of terror" was present in Vietnam where two tons of bombs were exploding every 60 seconds during the 17 minutes of the President's address on May 8 during which he solemnly declared "I, too, want to end this war." "The long night of terror" was present in a particularly tragic way to the 200,000 or more refugees moving from Hue to Danang as the President spoke. They were fleeing not from the North Vietnamese whom the President called "international outlaws" but from the anticipated savage bombing of the U.S. Air Force.

The illegality, the unconstitutionality and the general futility of the most recent action of the Nixon administration become even more incomprehensible when one remembers the words of Mr. Nixon 3 weeks before the 1968 election:

> I want to make one thing clear: those who have had a chance for four years and could not produce peace should not be given another chance.

WILL THE CONGRESS ACT?

Prior to the May 8 address of the President there was solid hope that the House of Representatives would finally face up to its constitutional duty of either declaring war or defunding the hostilities in Indochina. The Democratic Caucus—a body of the 256 Democrats in the Congress of 435—resolved in April by a vote of 144 to 58 to terminate hostilities in Indochina as soon as feasible.

A bill written pursuant to the resolution of the Democratic Caucus called for total withdrawal on or before October 1, 1972.

This bill did not actually call for the defunding of the war but a proposal sponsored by Senator MIKE GRAVEL of Alaska and myself, introduced on March 23, was designed to cut off all appropriations for the war in Southeast Asia. The Gravel-Drinan bill, which has the endorsement and total support of all of the major peace groups and of Common Cause, would terminate all hostilities within 30 days of enactment, secure the return of American POW's and encourage a political settlement of the differences in Indochina.

Hopes for the enactment of the Gravel-Drinan bill were somewhat dimmed by the dilution of the Case-Church amendment in the Senate on May 16. This bill, designed to terminate the war, was substantially weakened by the addition of a proposal made by Senator BYRD of West Virginia which in effect would support President Nixon's offer of withdrawal 4 months after a cease-fire by the North Vietnamese. The strongest antiwar proposal ever to come to a vote in the Senate was almost nullified on May 17.

Even if, however, the Gravel-Drinan bill were enacted, President Nixon would almost certainly veto it. The two-thirds required to override his veto would not be available so that the war would go on. The impact of a Presidential veto would nonetheless be tremendous on the people.

I wish that I could predict at this time that some meaningful antiwar legislation would pass the Congress. The simple and tragic fact is that the House of Representatives on four separate occasions in 1971 refused to stop the war. The highest number of votes was 193—218 are required—for the Mansfield amendment while only 163 were obtained for the cancellation of the appropriation for the war which was the subject of the Boland amendment voted on by the House on November 17, 1971. The House of Representatives is still, as it has been called so often, the silent House of hawks.

CONCLUSIONS AND RECOMMENDATIONS

As a person and as a Member of Congress I shudder to think what one-half of humanity who live in Asia think of the conduct of the most affluent nation of the earth using the world's most advanced technology to rain terror on the most devastated and bombed nation in the entire history of mankind. I have the hope that public opinion will become aroused throughout the Nation so that the Gravel-Drinan bill (H.R. 14055) will be enacted and that no further funds will be utilized for naval bombardment, napalm bombs, incendiary devices or chemical agents to wound or kill the people in the four nations of Indochina.

I urge you with all of the persuasion at my command to work patiently but persistently in all of the ways available to you to end the war in Indochina which Senator George McGovern rightly said is the "greatest military, political, economic and moral blunder in our national history."

I am fully aware of the intense frustration which almost everyone in the peace movement now experiences in an intensified form. In all probability that frustration will become even more intense as the President carries out his implementation of "decisive military action to end the war."

Against that type of determination only the most resourceful, heroic and persistent political, moral and spiritual endeavor can possibly succeed. I pledge that I shall continue to labor day and night, in season and out of season, to bring back to America a form of government in which the Congress and the people will never again be required to pay massive taxes for an undeclared war that they did not start and cannot terminate.

A PRAYER FOR THE EARTH

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 1972

Mr. HOSMER. Mr. Speaker, last January, I had the privilege of participating in the groundbreaking ceremonies for water factory 21, a joint project of the Orange County Water District and the U.S. Office of Saline Water, in the city of Fountain Valley, Calif.

At that ceremony, the Reverend James DeLange, pastor of Faith Lutheran Church, in Huntington Beach, offered a most meaningful invocation. His inspired words called upon man to replenish the earth as he takes from it.

I have received a copy of Reverend DeLange's splendid prayer and include it in the Record for the benefit of all:

A PRAYER

O Lord, when you entrusted the world you made to us, you commanded us to have dominion over it and to replenish it. Forgive us, Lord, the many times we have taken without replenishing; the times we have filled without exercising dominion over our growth.

Give us a sense of awe at this world you have entrusted to us. Stimulate the minds of men and women who can give us the technical skill to replenish and have dominion over the earth. Stir the hearts and minds of our political leaders and all of us with responsibility for the future so that we will take, but replenish, fill, but not destroy.

Grant that what we as mere men dedicate today be a step in this direction. Guide us, O Lord, for without your help we can do nothing. Amen.

MORE DISSENSION IN THE UKRAINE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. BROOMFIELD. Mr. Speaker, the most recent wave of arrests in the Ukraine have demonstrated once again that freedom is but a myth in the captive nations of Eastern Europe. Locked under the iron rule of the Soviet Union, liberty is little more than a transparent phrase which gives lie to the realities of life under a dictatorship.

While the U.S.S.R. has signed and endorsed the U.N. Declaration of Human Rights, their past actions toward the captive peoples of Europe and the religious minorities within their own domain have insulted and despoiled the very spirit and letter of that resolution.

In the Ukraine, where a growing trend toward national identification, culturally and politically, has been discernible in recent years, the crackdowns and arrests of the Russian secret police have been more severe. Writers, artists, and teachers who have dared to express the truth about the Russian tyranny of the last 52 years have been seized and summarily sentenced to years of imprisonment.

Mr. Speaker, the subjugation of the basic human rights of any people should not go unnoticed. I, therefore, rise to express my admiration and support for those brave Ukrainians who have risked their lives by their words and actions in support of freedom and self-determination for their countrymen.

Their courageous actions prove once again that regardless of the physical strength of any tyranny, that power cannot control the thoughts and desires of free men. The urge for freedom will not be stilled. Indeed, by these latest reprisals, the Soviets have only served to bring the weight of public opinion to bear upon their repressive policies. The Ukrainian intellectuals who have been seized and sentenced after trials, which by any measure of justice were a mockery, have in fact become martyrs to the cause of independence.

For example, Valentyn Moroz, a young history professor, was sentenced to 14 years imprisonment for his writings which were critical of the Kremlin's Russification program in his homeland. After his trial, this young patriot of Ukrainian independence gave the following summation to those who had judged and punished his expression of free speech:

> Faith is born where there are martyrs. And you have given them to us. . . . To sit behind bars is not easy. But to have no respect for oneself is even more difficult. And so we shall fight.

Mr. Speaker, the might and power of tyranny may be able to chain people behind walls, it may be able to interrupt or force underground the movement for freedom among the patriots of the Ukraine but most assuredly it cannot and never will destroy the drive and the will for freedom.

Ideas are not so easily captured. Indeed, as Moroz has suggested, the process of reviving the spirit of the Ukrainian people once begun is irreversible. In their attempts to choke off the inevitable movement of the Ukrainians for freedom, the Soviets have only succeeded in fanning the flames of nationalism and self determination.

Nevertheless, Mr. Speaker, the harassment and incarceration of Ukrainian intellectuals continues even today. Furthermore, we in the United States are witnessing but the tip of an iceberg. For each arrest which reaches the West through the underground news network, there are many, many more arrests which go unreported.

Mr. Speaker, we Americans have been most fortunate. We have been born free. The young Ukrainians who now lead the struggle for independence and liberty against oppression have not been so blessed. It has been said that to be born free is an accident, to live free is a challenge, and to die free is an obligation.

I concur with the sentiments of that statement and furthermore suggest that in the Ukraine the validity and truth of that maxim is being tested and tried despite the greatest obstacles. To the people of the Ukraine, I therefore offer my admiration and sincere hope that their sacrifices today will be rewarded with true freedom tomorrow.

THE SPACE SHUTTLE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mrs. ABZUG. Mr. Speaker, when the NASA appropriation for fiscal year 1973 is considered on the House floor tomorrow, Representative Les Aspin and I will offer an amendment to delete all funding for the space shuttle.

There are three basic reasons for our

position: First, while a program such as this might be justifiable if we had funds to spare, we are severely shortchanging such desperately needed domestic programs as child care, housing, health care, and education. Our Nation's needs demand that we reorient our priorities to these and similar domestic programs, rather than spending our limited dollars on additional space activities.

Second, it is becoming increasingly apparent that the shuttle's uses will be substantially military in character. With the possibility of meaningful arms limitations finally beginning to come into view, we should not be building space vehicles designed to carry armaments into space.

Third, while we support full employment as a national policy, this is not the kind of program that should be used to create it. This money could be used to employ the same 50,000 people to build houses or schools, thus giving the Nation a positive product in addition.

I insert at this point the text of the amendment which I will propose tomorrow:

AMENDMENT TO H.R. 15093, HUD, SPACE APPROPRIATIONS

Page 11, lines 23 and 24: delete "$2,550,000,000, to remain available until expended."

And insert in its place "$2,350,000,000, to remain available until expended: *Provided*, That no amount appropriated pursuant to this Act shall be used to further in any way the research, development or construction of any reusable space transportation system or space shuttle."

KEY FEATURES OF COMPREHENSIVE OLDER AMERICANS SERVICES BILL

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. GONZALEZ. Mr. Speaker, as we have become more sensitive to the serious problems which face the older segment of our American society, we have also come to recognize the need to take definite action to provide assistance for those of our American community who have too long been ignored because they have had no powerful political influence to use. Congress has taken a significant step toward the beginning of this kind of action when it passed the nutrition program for the elderly, which I sponsored. I may add that I hope funds will soon be received so that the programs anticipated may begin to function.

Relative to this issue, I would like to bring to your attention and the attention of my colleagues the comprehensive older Americans services bill, which I have cosponsored with Congressman BRADEMAS and other Members of Congress, and which, hopefully, will soon be moving out of the subcommittee.

As you are no doubt aware, the programs made possible under the Older Americans Act to aid and serve the elderly will expire soon, on June 30, 1972. However, the need for those services will not cease. The comprehensive older American services bill grew out of a response to the White House Conference on the Elderly, and this bill is meant to extend and intensify the work that has to be done to bring a more comfortable life for those people who are older.

Among the key and important features of the comprehensive older Americans services bill are:

First, strengthened role of the Administration of Aging in the Department of Health, Education, and Welfare;

Second, expanded services under the Older Americans Act;

Third, low-cost transportation;

Fourth, expanded work service opportunities, including strengthening the retired senior volunteer program—RSVP—and the foster grandparents programs;

Fifth, effective coordination of Federal aging programs;

Sixth, preretirement training program;

Seventh, health, nutrition, education, and other social services;

Eighth, improved system of delivering services to older citizens and meaningful employment opportunities;

Ninth, gerontological centers to study the aging process; and

Tenth, senior citizen community centers.

Recently, the Democratic Policy Council's planning group on "Problems of the Elderly"—in their investigating and researching these difficulties—identified the five critical issues which concern older Americans:

In their thorough study, they found that meaningful retirement, the problem of fixed income, health care, housing, and transportation are the vital areas. Several recommendations were made to deal with these problems; among these were the following: Guaranteed annual income, increases in social security benefits, national health insurance, low-income housing, and property tax relief for the elderly.

It is indeed a distortion of values when we force people to fear growing older; instead of revering and honoring them for their greater experience and for their wisdom which only age can give. We have preferred to turn our backs to them because they can no longer produce as in their earlier years. A civilization which thinks of its older citizens as useless refuse shows a distressing lack of enlightenment and hardness of heart.

If we can understand that we are talking about very real people who are too many times suffering degradations which no person should have to experience, and if we can admit that being old is not a crime, perhaps we will be able to see the importance of taking concrete action. The comprehensive older Americans services bill should expand and reinforce the work that has already begun; I would urge you to consider it with care and compassion.

REGIONAL INVESTMENT BANKS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. HANNA. Mr. Speaker, as one who has long adhered to a balance of power, so to speak, both between the Federal Government and private enterprise, I have from time to time spoken out in this context on various issues facing the Congress and the various sectors of our economic structure.

Being a member of the Banking and Currency Committee and having a strong concern for the housing needs of the country, I have most often addressed myself in this regard to the issue of Federal regulation and control of the savings and loan industry. Other areas of our economic community, however, face a similar problem—resulting partly from the well-known tendencies of money and its managers to seek and develop their own geographical centers of operation, but also resulting from certain ill-advised legislative actions of our various levels of government. I believe another segment of our financial community—the investment banker—may well be facing just such a challenge to its regional-oriented concept of operation and it is to this timely concern that I address myself today.

There are clear regional realities which militate strongly for this focus for the investment banker. Being organized and constructed to serve a given locality, the regional investment banker is an integral part of that local area and as such maintains a strong community identification. In many instances, the regional investment banker may well be the sole source of necessary capital, both for the local municipality and small manufacturing firms, in many areas of the country. One might well describe this aspect as the grassroots of the investment banking industry. This essential function is clearly illustrated by the fact that during the year 1970 such regional firms served as the primary underwriters for all but one of the 636 new security issues of $500,000 or less, issues which aggregated $198 million. Equally significant figures can be cited in even larger issues—59 percent of issues ranging from $500,000 to $1 million, an aggregate of $56 million, and 45 percent of issues ranging from $1 to $5 million, an aggregate of $664 million, were also managed by these regional investment firms.

These firms, however, do not confine themselves just to this singularly important activity, but function as well as distributors for segments of many larger security issues nominally marketed through the larger, New York-based firms. For example, 30 percent of the $1.4 million A.T. & T. preferred stock issued was distributed by these smaller, locally oriented investment firms.

Looking back over the 1960's, it is imperative that we in the Congress not take any action which may detract from the contribution these firms make to our continued economic growth—a contribution which totaled well over $300 billion in essential funds to both local business and State and local governments during the past decade. Preliminary statistics point to an even better record of performance for the 1970's, a potential we cannot ignore even in the most productive of times, let alone in times such as today with our lagging economy.

It should be obvious that a diversified economy such as ours cannot function well with the overly concentrated investment structure we see in Europe and Japan. Our Federal structure and multilevel governments as well as our highly diversified economy requires the variety we have to date maintained in the investment financing field. The wide choice and flexibility in such a system cannot be lost.

NASSAU'S FINEST

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. WOLFF. Mr. Speaker, the May 1972 edition of Response contains an article entitled "Nassau's Finest," which describes the work of the Nassau County Civil Defense Auxiliary Police organization. I think that the fine work of this dedicated group will be of interest to my colleagues and I insert the text of the story following my remarks.

The article follows:

NASSAU'S FINEST

NASSAU COUNTY, N.Y.—One of the largest and most active Civil Defense Auxiliary Police organizations in the United States is in Nassau County, a large suburban community to New York City. Obviously proud of the organization, Brig. General Otho C. Van Exel, Nassau County Civil Defense Director, is quick to cite specific examples of how the men bring ready help to the people they serve.

Item—When an auxiliary policeman noticed that another car traveling on a county road had caught on fire without the driver apparently noticing it, he put on a burst of speed, flagged its woman driver off the road, and got her out of the car just before it exploded.

Item—When another auxiliary policeman saw three joyriding youths smash into a parked car and then run from the scene, he gave chase, collared them, and held them until regular police arrived. It turned out the car they were using had been stolen from a nearby village.

SAVE GIRL'S LIFE

Item—Two auxiliary officers spotted a young girl sprawled on a park bench. Quickly, they arranged for her to be rushed to a hospital. Doctors there reported she had suffered a heart attack, and credited the action of the two men with saving her life.

The 1,500-man uniformed Nassau County Civil Defense Auxiliary Police organization is composed of men from all walks of life—salesmen, engineers, real estate brokers, electricians, lawyers, carpenters, teachers, pharmacists, airlines employees, to name a few. Annually, they put in more than 100,000 man-hours on park patrols, and are also called to assist regular police at parades, festivals and other special events as well as in emergencies, such as hurricanes, floods, snow alerts, and blackouts.

"There is no vigilante element in the makeup of Nassau's Auxiliary Police," Civil Defense Director Van Excel said, "because the volunteers are checked out by the County Police Department and are given a training course totaling 34 hours over a period of 17 weeks."

ALWAYS ON DUTY

Even when they are going about their normal civilian activities, Nassau's Auxiliary Policemen regard themselves as duty-bound to help in an emergency. Trained in first aid, they have saved youngsters from drowning, aided motorists trapped by fallen trees and wires, and helped people out of burning houses.

The Auxiliaries conduct some of their patrols in Auxiliary Police cars purchased by their units. But frequently the volunteers will use their own cars, and pay the costs of the gasoline, oil, and upkeep out of their own pockets. Command posts with two-way radio communications with Auxiliary Police cars on patrol have been established at Nassau County's police precinct stations.

Director Van Exel said a Cadet Auxiliary Police program, for young men between the ages of 18 and 21, was recently started in the county to get more young people to participate in Civil Defense and to involve them in volunteer service to the community. Also, consideration is being given to the establishment of a Marine unit of Auxiliary Police.

AGRICULTURAL ECONOMIC PROSPECTS FOR 1972

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. HAMILTON. Mr. Speaker, I include the text of my Washington Report on the agricultural economic prospects for 1972:

WASHINGTON REPORT—AGRICULTURAL ECONOMIC PROSPECT FOR 1972

The agricultural economic prospects for 1972 include some improvement in net income, record-setting government payments, a further decline in the farm population, a continuation of the unparalleled productive capacity, and more searching for effective production adjustment programs—all this according to a report recently prepared by the Library of Congress.

The farmer's net income is expected to set a new record—yet it will be only slightly higher than the net income levels of 1947.

The report states that farm prices last year were only 5 percent higher than in the 1947–1949 period, while wholesale prices increased 44 percent in that period, and the consumer price index rose 73 percent, and the hourly wages paid nonagricultural workers in private employment increased by 183 percent.

Given this cost-price squeeze, it is not surprising that there has been an exodus from the farms—about 1 million Americans each year. We now have 9.4 million people living on farms, as compared to 25.8 million in 1947. The number of farm workers also has declined by more than one-half, from 10.4 to 4.4 million workers.

The farmers have reacted to the long decline in farm prices and income since World War III by increasing their productivity. In the last 24 years, U.S. farm production has increased 60 percent. Output per manhour of labor on the farm is now more than four times what it was in 1947, and improved seeds, fertilizer, and pesticides have also increased the crop production by 67 percent per acre.

This increased farm production, in spite of low prices and low farm income, has helped to keep farm prices and farm income depressed, even though rapid increases have occurred in consumer incomes. Farm prices and income would have declined even further in the 1950's except for the farm price-support loans and the accumulation of large Commodity Credit Corporation inventories of crops.

Since 1955, when a record $8.2 billion was tied up in CCC loans and inventories, the surpluses have been gradually reduced by increasing exports, and by more effective adjustment programs.

Farmers can look forward to the best income on record this year, largely because of record government payments and favorable livestock prices. Increased exports, acreage-adjustment programs, and government price-support loans have all been important in improved balance in crops and livestock in recent years.

Agriculture exports have more than doubled in the last 24 years, and, equally important, some 50 to 60 million acres of crop land have been held out of production by government price-support and adjustment programs in four out of the last five years. The expected increase of $1.5 to $2 billion in the farmers' net income in 1972 over 1971 is the result of an increase of about $2 billion in livestock receipts, $1.25 billion in government payments and a slowing rate of increase in production expenses. Government payments in 1972 are expected to account for close to 25 percent of the farmer's net income—a new record.

Farm exports this year are expected to maintain about the same level as in 1971. Farm program payments are expected to be $4 billion, also a new record. Crop production in 1972, on the basis of the March 16 planting intentions report, will be excessive in relation to the market outlets available, in spite of the increased set-aside programs.

Export markets must continue to expand, inflationary forces must be held in check, and effective production adjustment programs must be reinstituted to assure reasonable incomes for the farmers and to avoid another build-up of surplus stocks such as occurred in the 1950's.

A DECADE LATER: CRISIS

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. BLACKBURN. Mr. Speaker, I feel that the following article, "A Decade Later: Crisis," by columnist John Crown is worthy of my colleagues' attention. This column appeared in the Atlanta Journal of May 11, and contains facts of which all Americans could well be reminded in the context of the courageous action recently taken by President Nixon in the Vietnam struggle.

A DECADE LATER: CRISIS

(By John Crown)

Momentous events resemble lightning in that one may strike close to but not at the precise time and place as did an earlier one and as will a later one.

Thus it is with the United States and her crises in which the fate of the nation and the world could hang in the delicate balance.

This year marks the tenth anniversary of the last such crisis we faced—that concerning the installation of Soviet Union missiles in Cuban silos.

Thus it was in October 1962 that President John F. Kennedy, weighing all possible risks, came to the conclusion that the only realistic course of action for this nation was to confront the Soviet Union. Thus it was that he knowingly risked nuclear war with the Russians by placing a naval blockade around Cuba. It was his considered decision that the stakes were worth the risk.

Thus it is now, in May 1972, an exact decade later to the year—but not to the day and the month—that President Richard M. Nixon, weighing all possible risks, has come to the conclusion that the only realistic course of action for this nation is to, in effect, confront the Soviet Union. He has knowingly risked possible war with the Russians by placing a naval blockade around the ports of North Vietnam. It is his considered decision that the stakes are worth the risk.

And it is ironic that one of those crying out, 'Woe and lament,' is President Kennedy's only surviving brother.

Crises of such magnitude are easily remembered.

When President Kennedy's Cuban missile crisis broke in 1962 I was on duty with the 5th Marine Regiment, 1st Marine Division, at Camp Pendleton, Calif. At that time the division's three infantry regiments took turns on a rotating schedule as the "ready regiment." This would be the first regiment mounted out on a crash basis should a national emergency require such action.

When the 1962 crisis broke, our regiment had completed its cycle as the "ready regiment" only a short time earlier. But we were informed what the situation was and what it might turn into. And we were to prepare to move out immediately should the crisis continue. We began packing.

The days were marked by tension and uncertainty. Every morning when I left home there was a reasonably good chance that I would not return in the evening.

The Marines from the 1st Division who did load out were embarked on troop ships off Cuba, ready for whatever contingency might evolve.

Then, suddenly it was all over.

And I recall that I was dismayed then over the hoopla generated by the Russians backing down. Key figures in President Kennedy's administration rushed into print with accounts of how we had forced the Russians to a showdown, how we were eyeball-to-eyeball with them and they blinked.

It was one thing for the Russians to back down, I remember thinking at the time, and it was something else for us to rub salt in the wound. The Russians have long memories and they would not forget our global laughter at their discomfiture.

And, I wondered then, what would be their reaction the next time such a crisis occurs. Would they, remembering how we exulted over their blinking, hold longer to a collision course in the belief that this time we would do the blinking?

We may have the unpleasant opportunity of finding out in this tenth year since the last such crisis.

The odds were in our favor in 1962. We then had unquestioned missile superiority over the Soviet Union. But in 1972 we are reaping the harvest of seven devastating years with Robert Strange McNamara as secretary of defense. And the net result of Mr. McNamara's dubious stewardship is that the missile balance has tilted.

Despite this, however, President Nixon could take no other course than the one he took. It is not easy at any time to make the stand that Richard M. Nixon is making off the coast of North Vietnam. It is excruciatingly painful to do in a presidential election year.

He has weighed the alternatives and has come to the conclusion that there are none. So he has taken his stand, and we should be there standing with him.

THE VIOLENT ALWAYS WITH US

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. MICHEL. Mr. Speaker, once again, after an attempted assassination, we have pronouncements from public figures who should know better that it is another example of how "sick" our society really is today.

An editorial appearing in the May 17, 1972, edition of the Peoria Journal Star spotlights the absurdity of that argument and I insert it in the RECORD at this point:

THE VIOLENT ALWAYS WITH US

Once again, after an attempted assassination, we have solemn commentaries that it is another growth of a "sick society."

That is pure bunkum, and an easy way to dodge the problem.

The only thing "sick" about our society in this regard is this tendency to blame anything wrong on everybody (society) and thus avoid fixing any real responsibility for their conduct on anybody.

In any society of more than 200,000,000 people you have some who are prone to violence, and some with very shaky mental and emotional stability. The larger the population, the larger the percentage.

We are surrounded by "societies" which for their size are consistently more "violent" in their politics than we, and by others who have less public violence because of total repressive systems and total protective systems for their leaders.

In China, half the Politiburo has just simply disappeared. Nobody has been shot going out to shake hands with unorganized crowds, but the president of their biggest university was tossed out of an upper window to his death. In China, that isn't a "sick society," it goes under the bland name of "Cultural Revolution." Uplifting!

In this matter of political assassination and assassination attempts there are two clear elements involved in the nature of such crimes in the United States.

A fanatic who was mentally unbalanced tried to shoot F.D.R. A fanatic group of Puerto Rican nationalists tried to shoot their way into the White House and kill Truman.

A communist-oriented pro-Castro crackpot shot President Kennedy. A communist-oriented Arab fanatic shot presidential candidate Robert Kennedy.

This is the overwhelmingly dominant pattern on back through McKinley, and the long series of presidential assassinations and assassination attempts—including the shooting of Teddy Roosevelt while in the losing campaign against Wilson in 1912.

Among the forces at work on the unstable psyches of these killers and would-be killers, there needs to be included the social weight of a society that regards such a killer as basically responsible for his act and regards the act as intolerable. (Blaming "society" simply removes one basic restraint in the mix of motives that precede such action.)

Among the forces at work on the unstable psyches of these killers is the public atmosphere and the "image" of the man they consider to be "fit to be shot."

There is little doubt that Jack Ruby thought he would be a "hero" for killing Harvey Oswald.

Sirhan Sirhan thought he would become an Arab hero for killing Robert Kennedy—and he has been hailed as such, indeed, in Arab lands.

Hence, there is a responsibility on those who are regarded as "opinion leaders" and "image-makers" to deal with facts and issues—and to avoid those levels of vituperation and emotion-juggling that give any political figure the "image" of a man who deserves to be shot.

One can go a long, long way in disagreement on issues, and even the moral values, and still tell the difference between the kind of name-calling, and threat-evoking exaggeration that one knows marks a man for hate and as "fit to be shot" in the minds of thousands.

Especially, those whose audience of millions on national networks has to number thousands of unstable persons must be held accountable for keeping within bounds—and not playing games with people's emotions.

One wonders sometimes if they don't come up with their solemn "sick society symptom" routine to evade their personal share in the "climate" and "devil-image" views that contribute to this sort of thing.

They have to lay off of Wallace now, and they ought to lay off the extreme stuff on Agnew. They certainly ought to use reason and restraint rather than inflammatory hocus-pocus regarding the President!

TEVYE'S PEOPLE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. BRASCO. Mr. Speaker, in the past year, the world has noted with surprise and admiration the indomitable surge of the Jews of Russia to be free to practice their religion and to emigrate, if that is their desire, to other nations, notably Israel.

At first the Soviets sought to treat these Russian Jews as dissenters have historically been treated; as traitors, lunatics, or criminals. One generation of Russian Jews after another had been subjected first to czarist oppression and then to Soviet intimidation and restriction. None of these policies, singly or cumulatively, had much success in extinguishing the burning desire of these people to be free.

No single case better illustrates this state of affairs than that of Boris Kochubievsky, a Russian-born engineer. Born in Kiev, he was orphaned, as were so many other Jewish children, by Nazi genocide. In late 1941, much of the Jewish population of Kiev was taken to a ravine named Babi Yar and slaughtered methodically, and in broad daylight.

The native militia of the area carried out much of this butchery, under the auspices of the Nazis. Pits were dug and the Jewish population of Kiev was marched steadily, in family groups, to the edge of these pits and shot down. Kochubievsky's parents were among these innocent people.

It is well to note historically that the Soviet regime has sought, in vain, to prevent the remembrance and commemoration of this atrocity, which was only one of many perpetrated upon the Jews of Europe. Raised in an orphanage, he attended a trade school and eventually became an engineer.

The harsh realities of Jewish life in Russia brought out his own pride in his background, and he shortly became a Jewish activist, seeking to assert his rights to practice his faith and to emigrate to Israel.

After the amazing triumph of Israel in 1967, a meeting was called in his factory to condemn the Israelis. Rather than participate, he stepped forth, proclaiming his Jewishness and pride in Israel and her accomplishments. Afterward, he insisted on seeking to commemorate the Babi Yar massacre, in the process singlehandedly challenging the entire Soviet system. He then applied to authorities for permission to emigrate to Israel. Eventually he was arrested and brought to trial, in the same courthouse where the Mendel Beiliss trial was held. During the course of that trial, traditional anti-Semitic hostility was much in evidence.

Kochubievsky's demeanor throughout the ordeal was exemplary, as he maintained that he wishes to emigrate because of the continuation within Russia of anti-Semitism. He asserted, with great truth, that official Soviet policy engendered hostility and hate on the part of the Russian population against Jewish citizens.

He was sentenced to 3 years in a labor camp. But before this, he managed to smuggle out a letter that he had sent to Brezhnev, and it is one of the most moving statements of identity and courage I have ever had the privilege to read. I include it here at this point in my remarks:

NOVEMBER 28, 1968.

To: The Secretary General of the CPSU Central Committee—Brezhnev.

The First Secretary of the (Ukraine CP) Central Committee—Shelest.

Copy: To the Investigator of the Prosecutor's Office of the Shevchenko Region of the city of Kiev—V. V. Doroshenko.

From: The accused of slander against Soviet reality—B. L. Kochubievsky, Jew.

I am a Jew. I want to live in the Jewish State. This is my right as it is the right of a Ukrainian to live in the Ukraine, the right of a Russian to live in Russia, the right of a Georgian to live in Georgia.

I want to live in Israel.

This is my dream, this is the purpose not only of my life, but also of the lives of hundreds of generations which preceded me, of my ancestors expelled from their land.

I want my children to study in a school in the Hebrew language. I want to read Jewish papers, I want to go to a Jewish theater. What is bad in this? What is my crime? Most of my relatives were shot by the facists. My father was killed and his parents were killed. Were they alive now, they would stand at my side. Let me go!

I have appealed many times to various authorities and I have achieved only this: dismissal from my job; the expulsion of my wife from the Institute; and, to crown it all, a criminal charge of slandering Soviet reality. Of what does this slander consist? Is it slander that in the multi-national Soviet state only the Jewish people cannot teach its children in Jewish schools? Is it slander that in the USSR there are no Jewish papers? Incidentally, no one even denies this. Perhaps it is slander that for over a year I have not succeeded in obtaining an exit permit for Israel? Or is it slander that people don't want to talk to me, that there is no one to complain to? Nobody reacts. But even this isn't the heart of the matter. I don't want to be involved in the national affairs of a State in which I consider myself an alien. I want to go away from here. I want to live in Israel. My wish does not contradict Soviet laws.

I have an affidavit from relatives; all the formalities have been observed. Is that why you are instigating a criminal case against me?

Is that why my home was searched?

I am not asking for mercy. Listen to my voice of reason:

Let me go!

As long as I am alive, as long as I am capable of feeling, I shall devote all my strength to obtain an exit permit for Israel. And even if you should find it possible to sentence me for this, I shall, if I live till my release, be prepared to make my way to the homeland of my ancestors even if it means going afoot.

B. KOCHUBIEVSKY.

Boris Kochubievsky became a world cause celebre. Protests were held in many places, including this country. Many voices were raised on his behalf, including my own on the floor of the Congress. And the Soviet regime got the point and released him.

When he came here a few weeks ago, I sponsored a luncheon for this man. Some two dozen Members of the House attended that luncheon to hear him appeal to us on behalf of the Jews still in Soviet bondage. All of us were moved. His central theme was that we should communicate our concern to the President on the eve of his trip to Moscow, indicating our wish that he bring up the plight of Russia's Jews to the Soviet leaders on a face-to-face basis. Many of these concerned Members of the House have done so.

At the luncheon, Members in attendance were presented with plaques reading, "In grateful recognition of your aid to Soviet Jewry."

With Boris was Irena Markish, wife of David Markish, a well-known Russian poet, who seeks to emigrate but cannot because of the regime's recalcitrance. Their most recent act of repression against these people is to call them to active army duty, a strategem reminiscent of czarist days, when young Jews were forcibly dragooned into the service for as long as 10 years' time. Such service was almost always performed thousands of miles away from the home village of the people in question.

How foolish are these latter-day czars. No dictatorship, no matter how determined or sophisticated, can murder an idea whose time has come or a way of life and belief that has endured through the ages and all kinds of persecution.

They fear the Jewish love of liberty and worship of human dignity. Such concepts do not easily lend themselves to the socialist conformity demanded by the Kremlin. It has been ever thus.

Kochubievsky was aware of his heritage in spite of no formal education in its tenets. The young Russian Jews everywhere spring to an awareness of their heritage, culture, and language, as if it is fed to them in a vacuum. How incredible. How fascinating. How enduring.

Almost every American is aware of or has seen and heard the play and movie, "Fiddler on the Roof," which portrays in microcosm the Jewish life in the Russian pale of the era around the turn of this century. Its hero is the dairyman, Tevye, who in his own person epitomizes the survival at that time of the Jewish people of that time and place.

Not an eye is dry in the theater at the conclusion of this presentation. One leaves wondering what became of them. Many emigrated? Many remained? We know now what became of them. Their children perished in the holocaust. Their grandchildren are the Boris Kochubievskys.

The march of history continues, inexorable, and methodical. The dictators will be ground to dust. The Jewish spirit lives and will thrive. Somewhere and somehow, it will, I know, prevail.

PRAYER AND VIETNAM

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. SCHWENGEL. Mr. Speaker, the President's decision to step up bombing and mine harbors in North Vietnam on May 8 was calculated to cut supplies to the North, force a cease-fire in Vietnam, gain release of American prisoners, and protect American troops in the process of withdrawal. The President's words gave all Americans cause to once more consider U.S. involvement in Vietnam.

Regardless of political views, world peace must be the goal of our national policy. At the request of a constituent, I am placing an editorial from the Christian Science Monitor in the RECORD. It is a well-stated and thoughtful comment which is well worth considering in time of crisis:

VIETNAM: A CALL TO PRAYER

We believe it pertinent to the cause of peace that citizens pause at this moment to consider another level of approach to the Vietnam problem. Prayer. Individually and collectively to turn to the one divine governing power and humbly, expectantly seek God's guidance, wisdom, and protection.

There is precedent for so doing. The Bible contains throughout a vivid history of a people's deliverance through spiritual alertness. And in this century those who lived through the two great wars often sensed the forces of good prevailing over the assertions of wrong impulses, and felt the guiding hand of a higher power sustaining them.

In regard to Vietnam, it is best not to consider the war simply a United States issue, or a Southeast Asian issue, or a Big Three power issue. There is no such thing as a Southeast Asian peace or a U.S. peace or Big Three stalemate peace. World peace is indivisible. And it is in a willingness to see that peace is above and yet available to the participants, supported in a divine plan and impulsion for harmony among men, that efforts toward peace can begin. The idea that will bring harmony to this situation exists now. All that men have to do is recognize it, and listening prayer will reveal it. Peace has always been elusive. But by men's raising their vision above the evidence of battle to the spiritual norm of harmony and peace, the inspiration and courage to secure peace will be found.

This is not to cover one's eyes to the nature and course of the war. The daily reportage of this newspaper from the battle scene and from Washington and Paris indicates we believe in the most realistic scrutiny of the passage of events.

And yet it must be recognized that peace is ultimately spiritual and must be unfolded through divine power in individual thought. It cannot be planted by force, only in righteousness.

Mary Baker Eddy, the leader of the Christian Science movement and founder of the newspaper, once urged her followers when the United States was at war: "Pray that the divine presence may still guide and bless our chief magistrate, those associated with his executive trust, and our national judiciary, give to our congress wisdom, and uphold our nation with the right arm of His righteousness." This counsel pertains today and is equally applicable to the welfare of all nations, their leaders, and their peoples.

For some time now, the Vietnam experience has generated negative feelings of disgust, futility, fear. This is not the time, however, to let ourselves be consumed by such feelings. Nor is it the time to dwell too much on "where we (or they) went wrong." To do so is to fix thought on the issues that divide, and to deflect attention from the goal of harmonious world relations. It is also to fail to see that what is good in American history—the high regard for freedom and self-governance which it shares with various other lands—survives as the thread guiding its role in the progress of nations.

Again, the seed of peace can take root only in the prayerful thought of men. The Revelator described the promise of this seed in what he called "the tree of life," whose leaves "were for the healing of the nations." In prayer we become aware of the divine plan which impels the burgeoning of that tree. Let each of us pray earnestly and daily that the seed of international peace take root in his own consciousness.

WHAT GENERATES CRIME?

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. HAGAN. Mr. Speaker, Americans are frequently called upon to account for certain happenings that disturb our country. One of the more serious riddles before us now is that of determining the origin of crime in this country.

We know that there is much violence portrayed in the movies and on television. Some believe that the exposures are an accurate portrayal of our society rather than being the generator of the violent acts.

The movie producers and the television stations are saying that they are merely presenting society as it is in this country and that they should not be blamed for creating such conditions. Now, how do we answer this "which comes first, the hen or the egg" question? It is another riddle before us which all right-thinking Americans should ponder in an attempt to come up with the right answer, and then try to do something about it before we are engulfed.

David Hendin, newspaper columnist, presents some of the facts in his column of May 9, 1972, as it appeared in the Dublin, Ga. Herald Courier, as follows:

SCREEN VIOLENCE: IS IT CONTAGIOUS?

(By David Hendin)

The recent Surgeon General's report on the effects of TV violence on children is being supported in several ways by the research of a University of Utah psychologist.

The psychologist, Dr. Victor B. Cline, adds motion pictures to the list of media that may be leading Americans into an era of unrelenting violence and exploitive sex devoid of love and responsibility.

"Evidence is mounting that motion pictures and television can alter behavior patterns, influence values and attitudes and possibly contribute to changes in life styles," Cline remarked after conducting a recent study of theater fare in his home town.

"By making violence appear glamorous and exciting and illicit sex normal and desirable, these media are setting the stage for a society based on aggression and irresponsibility," he added.

To examine some of today's theater offerings, Cline and four of his research assistants sat through 37 movies in one week in Salt Lake City. After carefully analyzing the films' content, themes, values, behavior of heroes, etc., they found the following in the 37 films:

833 aggressive acts.
566 sexual acts or displays.
59 murders.
89 "justifiable killings."
76 attempted murders.
11 massacres.
six bombings.
168 nude scenes.

It all averaged out to some 23 acts of violence and 15 episodes of sex per film. And these weren't "skin flicks." Cline says, because there are no hard-core pornographic theaters in Salt Lake City. Breaking down the films by ratings, 16 per cent were "X," 24 per cent "R," 46 per cent "PG" and 14 per cent "G."

In 57 per cent of the films the movie-watchers found that dishonesty was presented in a heroic light. In 38 per cent, criminal activity was made to "pay off," and was presented as a successful, exciting pastime with no negative consequences.

In 43 per cent of the films the heroes were lawbreakers or antisocial characters. In 60 per cent of the films, premarital and extramarital sexual relations were presented as "normal, acceptable and desirable."

Only one film out of the 37 depicted sexual relations between a man and a woman legally married to each other.

According to the Surgeon General's report, there is a causal link between the exposure of some children to television violence and subsequent aggressive behavior.

"Psychologists have for years demonstrated, for example, that you can overcome a person's fear of snakes by gradually exposing him to others who casually play with snakes," Cline noted. "It stands to reason that you can also change attitudes and emotional responses to violence, sex and various antisocial behavior by repeated exposure."

The real question raised by all of this research, however, is this: Is the violence in television and the movies the cause of troubles in our society? Or is the trouble in our society, perhaps, being accurately portrayed by these media?

It all boils down to the chicken or the egg riddle, and since we don't know where these behavior patterns come from, we are hard put to find ways to stop them.

THE CHINESE JEWS OF KAIFENG

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. HALPERN. Mr. Speaker, President Nixon's recent trip to mainland China has brought about an increased awareness of that country among the American people. We are learning more each day of the Chinese medical, social, political, and military traditions. I recently came across an interesting and quite informative article on a rather unique facet of Chinese history. The article appeared in the American Zionist magazine and was entitled, "The Chinese Jews of Kaifeng," by Mr. Leon Ilutovich.

The fact that Jews lived and prospered in China well before the arrival of Marco Polo is interesting indeed. In fact, the article describes the rise and fall of the small Jewish Chinese population. The assimilation, the floods, famine, and destruction of their "Kaifeng Temple," all accounted for the eventual disappearance of the large Jewish community. Mr. Speaker, I would like to insert into the RECORD this excellent article dealing with the early Jewish community in China.

[From the American Zionist, May 1972]

THE CHINESE JEWS OF KAIFENG

(By Leon Ilutovich)

During my long World War II peregrinations I arrived in China for what I thought would be a few months' stopover. Yet only four weeks after I landed in Shanghai the night of Pearl Harbor came, and I awakened the following morning to see Japanese tanks patrolling the city. Thus any route of escape had been sealed off. This time I was stranded for good. After nine months in Japan my stay in the Far East was extended to six long years.

From Shanghai, in December 1946, I went to Switzerland to attend the 22nd World Zionist Congress as delegate of the General Zionists in China, and immediately upon arrival in Basle I found myself surrounded by a group of newspaper correspondents curious to have a look at the "exotic" newcomer. They had apparently expected to meet a Jew whose appearance, name, and speech would leave no doubts of his Chinese origin. Their disappointment was obvious at discovering just one more Jew of European descent.

Quickly recovering from their disillusionment the journalists began to question me about my constituency. "Well," they said, "we now understand that you represent the European Jews in China. But what about those real Chinese Jews who have lived there for centuries? Where are they?"

It was the same intriguing question that I myself had had in mind when I came to China, and one which has been repeatedly and universally asked of me in this country. Here then is what I learned of the "real Chinese Jews."

The story goes as far back as the first century C.E. when groups of Jews, probably remnants of the tribes of Israel, came to China from the Near East by way of Persia. At that period and in the course of the following centuries they traversed the continent of Asia as merchants engaged primarily in silk trade. According to another version these Jews together with the Arabs later introduced cotton into China, a product that figures most prominently in Chinese trade and industry up to the present.

With the opening of maritime routes, Jewish merchants from India reached Canton and penetrated from the coast into the interior, settling in widely scattered places. Their biggest and most important center, however, had been set up during the twelfth century in the city of Kaifeng, in the northern province of Honan, where about a hundred Jewish families established themselves permanently, organized a community and erected the first synagogue on a site granted by the Chinese Emperor.

After the Mongols invaded and conquered China, the Jews for the first time appeared on the political scene and began to exert influence in government circles and in the army. Some of them were even appointed to high office and became part of the Mongolian bureaucracy which did not feel safe with the Chinese educated class and distrusted Confucianism. It was at this time that the almost legendary Marco Polo appeared among the many foreign-born who, besides the Jews, occupied positions of importance in the Mongol administration.

In many respects Jewish life under Mongol rule resembled on a small scale the magnificent era of the development of the Jewish communities under the Arabs in Spain. And although Jews never suffered persecution in China, here as in Spain their influence faded quickly, after the fall of the Mongol dynasties, the restoration of Chinese monarchy and the reestablishment of Confucianism, more powerful than ever before.

Yet their economic position was enhanced for several generations under the lenient and tolerant rule of Mongols and continued for a time under the Chinese. But along with the gathering of wealth and the enhancement of unhampered relations with the Chinese population the first symptoms of Jewish communal disintegration started to appear.

During the 14th, 15th and 16th centuries intermarriage and cultural assimilation proceeded rapidly, resulting in radical changes in the life of this small community which struggled hard for the preservation of its national and religious identity against the constant pressure of an age-old culture, in a vast sea of hundreds of millions of Chinese.

It should be recalled that during all this time the Chinese Jews were isolated from the rest of the Jewish world, which hardly knew of their existence. Even their link with the small Jewish communities in Southwestern Asia was cut after the Jews in China shifted from international trade to business on the local market. They heard nothing of the Inquisition, persecutions, and dispersions of their fellow-Jews in Europe. They spoke and dressed like Chinese, adopted Chinese customs and finally the children borne by their Chinese wives gradually introduced a strong Chinese element in their features. Their only connection with the past was expressed in their adherence to Jewish religious tradition and in the communal life around the temple at Kaifeng—the only place where organized Jewish life could ever be traced.

At the beginning of the 17th century a disastrous flood, a frequent catastrophe in China, levelled ancient Kaifeng almost to the ground. All the inhabitants and the Jews among them escaped. They returned later, decimated by famine and epidemics, to find their splendid synagogue ruined and most of the Holy Scriptures lost. They plunged into a magnificent effort to rebuild it, and according to reports of foreign travelers in the early 18th century, the new house of worship was again the spiritual center for the new faithful who gathered again in their unhappy home-town. Now very few in number and poor in means—all other Jewish communities in China had long since disappeared—the Jews of Kaifeng never regained their once flourishing state. It was the beginning of the end.

According to information I obtained in Shanghai, their last rabbi, who still knew a little Hebrew, died early in the 19th century and with his passing, Jewish religious services, the only means to attract the last Israelites of China to their faith and people, ended.

Some time later, the synagogue was sold to local Moslems who used its building material for a mosque. A few scrolls of the Pentateuch, the last remaining priceless treasure of Chinese Jews were sold to Christian tourists toward the end of the 19th century.

Missionaries who visited Kaifeng on the eve of the First World War found an ancient memorial stone standing forlornly on the site of the ruined synagogue. They bought it from the remaining Jews for the Mission of the Church of England in Kaifeng, where it was placed under one of the pavilions on the grounds of the Church. On its tablets, in Chinese characters, is engraved the old history of the tribes of Israel and a full account of the arrival of their children into the remote Chinese exile. One can find them there today, silent witnesses of a vanished Jewry in the great country of sorrow.

In 1900 a group of Sephardic Jews in Shanghai organized a committee with the aim of rescuing at least a few of the Jews of Kaifeng. They brought several of them to Shanghai, gave them some money, installed them in small business and cared for their purely religious re-education. It was a nice but futile gesture. In this case, history did not admit of any return.

Ten years ago I read in the London *Jewish Chronicle* of October 12, 1962 a letter by a Mrs. R. D. Abraham, formerly of Shanghai, then a resident of Hong Kong. She wrote that one of the Jews of Kaifeng named Lee was a friend of her family. He was buried in the Jewish cemetery in Shanghai, and a tombstone in Chinese was erected on his grave. His son Samuel was brought up by Mrs. Abraham's father and was educated at the Shanghai Jewish School. He returned to his native Kaifeng after the Second World War, and died there a few years ago.

A Jewish-English newspaperwoman told me of an incident which occurred to her in Shanghai on Yom Kippur Eve in 1940. Late in the afternoon, shortly before Kol Nidre, she dropped into a florist's. As she was choosing a basket of flowers, the Chinese owner hurried her, saying that he must close the store. When asked why the haste, he explained in a mixture of English and Chinese that on that night began his great holiday, with a fast which would continue until next sunset. She was baffled, and looked more closely at him trying in vain to trace some Jewish features in his face. She nevertheless understood. He was a Chinese Jew.

This is the story—a wistful chapter of a wandering people whose sons grew roots in a strange but hospitable land.

Perhaps the best answer to the question put to me by the newspapermen in Basle is given by Pearl Buck in the introduction to her beautiful novel *Peony*, devoted to the Chinese Jews, of whom she says: "Today even the memory of their origin is gone. They are Chinese."

THE UNIVERSITY OF ILLINOIS REHABILITATION CENTER

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. SPRINGER. Mr. Speaker, I am inserting the concluding articles in the series on the University of Illinois Rehabilitation Center written by Carol Mathers, staff writer for the Champaign News-Gazette.

I am sure everyone who has followed this series and who has personal knowledge of a handicapped individual has been impressed with what this center at the University of Illinois is doing and its plans for the future. The center has been in operation for 25 years and is continually looking ahead for better ways to help the handicapped live productive and useful lives. The fruit of its efforts are human beings, life's most important and valuable product. As the director has said, "the work is never done" and may I add that it continue to be successful.

The articles follow:

Education Also Important at Rehabilitation Center

(By Carol Mathers)

As its name implies, the University of Illinois Rehabilitation-Education Center is concerned not only with rehabilitation, but with education as well. The center's teaching program, though less visible than its rehabilitation program, involves both handicapped and able-bodied students.

On the less formal level, graduate assistants participate in the programs of several departments at the center. A dozen or so of these assistants usually work in physical therapy, recreation, blind services, and counseling every semester.

Our graduate assistants receive some instruction as to the needs of our students and the reasons behind our methods," physical therapist Chuck Elmer explained. "This is not a formalized program, but we do have training sessions for them."

The center also instructs students engaged in programs leading to graduate and undergraduate degrees. Although no degrees in rehabilitation are offered by the university, many students working on degrees in guidance and counseling, blind education, driver education and recreation use the facilities at the center.

The only formal undergraduate course taught by the center's staff is kinesiology—the study of muscles and joints in relation to movement. The course is taught to occupational therapy students in their junior year.

Elmer and Pat McLean, the center's occupational therapists, instruct the course, the enrollment for which has almost doubled in the past year.

"We have 38 students in kinesiology this semester—really too many for the kind of course we like to teach," Elmer said. "Beginning next fall the course will be offered both semesters instead of just one," he added.

Elmer explained that his course is "slanted toward the medical and therapeutic applications" and that it combines a lecture and a lab.

"A good deal of the work involves observation of students at the center: our OT (occupational therapy) students have to spend an entire day observing a handicapped student and then submit a report of their observations and impressions," Elmer said.

He added that the center's students are also involved in the class's work with muscle testing and range of motion studies.

"This kind of experience, working directly with a rehab patient, is very valuable," Elmer emphasized. "First of all, the OT students get instant feedback from our kids—there's a kind of immediate rapport because they're all students.

"Just as important is the fact that the OT students don't have to put up a front of complete competence, which is a definite advantage," Elmer continued. "Most of our kids know more about occupational therapy than the OT students do, so its not unusual for one of our kids to correct an OT student in some testing procedure. This helps to OT students modify his techniques and learn from a situation firsthand."

In addition to stressing manual muscle examination and the use of machines to measure range of joint motion, Elmer's course in kinesiology also aims to give the students a basic background in the physiology of therapeutic exercise, crutch walking, passive exercise, wheelchairs and their prescription and activities of daily living skills.

The biggest benefit of using the center as a teaching resource, according to Elmer, is that OT students have a chance to observe first-hand what can be accomplished in the field of rehabilitation.

"Our students are excellent examples of where rehabilitated patients can go," Elmer said. "Our OT students have something to strive for when they see our kids."

Using the center's resources, Elmer also teaches a shorter course in rehabilitation nursing to various student nurse groups in Champaign-Urbana.

Graduate students are involved in almost every phase of the center's program. Director of Recreation Stan Labanowich estimates that he has anywhere from two to six graduate students per semester working in his department on master's or doctoral degrees in therapeutic recreation.

"Many students seeking credit to fulfill a requirement of the therapeutic recreation curriculum spend time with us—particularly if they are interested in recreation for the orthopedically handicapped," Labanowich said. "We supply the practical experience with handicapped people which is so essential to the student."

Labanowich noted that graduate students in recreation study all the aspects of this field, including leadership, administration, teaching skills—even corresponding with other groups.

Another type of education in which the center's recreation department is involved takes place on the road with the UI Gizz Kids. "We hold clinical seminars at various universities while we're on tour to demonstrate to students and professional people just what can be done in the field of rehabilitation," Labanowich explained. "Many of these seminars are taped by the universities for continued use in their own educational programs."

Services for the blind and deaf provide another area of practical experience for graduate students in orientation and mobility.

Department supervisor Ron Texley expects his first intern this month, a graduate student from the University of Nebraska. "She will do her practicum under my supervision and I'll be teaching her things like how to teach mobility in public schools, individual instruction of the blind in improving daily living skills and braille skills and listening training," he said.

Other center staff members are actively involved in the teaching of various university courses in many different colleges and departments. Director Timothy Nugent said that his staff members are frequently invited to lecture or to act as advisers to master's and doctoral candidates working in research.

The center has an elaborate environmental control laboratory—equipped with treadmill, respiratory gas analysis mechanisms, electrocardiogram, machines which measure energy expenditure, and video-tape recorders—in which extensive research is conducted on patients with all types of physical disabilities. Nugent estimates that an additional quarter-million dollars is needed to complete the lab.

In addition, Nugent is now developing "a master's curriculum in comprehensive rehabilitation administration and master level studies in several specialities," which will be taught in conjunction with the center.

"The center is a valuable resource, and we encourage its use as such," Nugent said. "We can do many kinds of teaching and research that is not possible anywhere else because of the available disabled-student population.

"The center is a wonderful teaching tool—and in the future we hope to use it even more extensively," he said.

University of Illinois Rehabilitation Center Has International Impact—Many Architectural Barriers to Handicapped Eliminated by Center's Work

(By Carol Mathers)

The University of Illinois Rehabilitation-Education Center is rebuilding the lives of hundreds of UI students every year, but its sphere of influence goes beyond the campus—its reputation and its work are having national and international impact.

"For example, almost all of the research which has been done on American standards (for making buildings and facilities accessible to the physically handicapped) was done here at the center," said director Timothy Nugent. Nugent was director of research and development on the American standards projects.

In 1971 the standards resulted in federal legislation to eliminate many of the architectural barriers which, in Nugent's words, "result in a tremendous loss of human resources by preventing the physically handicapped from pursuing their aspirations, developing their talents and exercising their skills."

Some of the barriers with which the center's research is especially concerned include the construction of ramps instead of or in addition to stairs, widths of doorways and hallways, the design of public restrooms, safety factors such as audible and visual warning signals, the design of public telephones, the design of public restaurants and hotels and the design of public recreation and assembly areas.

"Of course, you can't make all public buildings and facilities accessible overnight," Nugent acknowledged. "We're going to be using our present buildings for decades to come—so these must be modified in all ways possible to permit their use by the physically handicapped. But buildings which are currently being designed or built can and must take these people into consideration."

Every building constructed on the Champaign-Urbana campus in the past 13 years has been required to have its plans previously approved by Nugent to insure its accessibility. More than 100 ramps have been constructed and numerous other modifications made in the older buildings on campus.

"The campus today is quite accessible," Nugent said. "But downtown, in the community—that's another story. We can cut curbs on campus and construct ramps into buildings, but it's harder to get these things done in town."

Most of the standards which resulted from the research done at the center can be incorporated into public buildings without loss of space or function to the able-bodied person, and without any extra cost.

Furthermore, Nugent noted, the recommended standards would benefit not only the physically handicapped but the general public as well.

"For example," Nugent said, "we designed a fold-away shower seat to enable a wheelchair person or an able-bodied person to use the same shower stall. When we installed them we expected them to last several years. But they wore out in less than six months—and we discovered that all the AB students preferred to use the showers with the seats down, too!"

Another example is the use of ramps on campus. A survey revealed that about 80 per cent of the students and professors on campus use the ramps instead of the stairs, even when the two were constructed side by side.

When Nugent, his staff and students aren't engaged in research on architectural barriers, they are exploring other matters relating to the function of the permanently disabled. Extensive research has been done at the center on heat adjustment of the paralyzed person, the mechanics and energy expenditure of wheeling, range and motion of the orthopedically handicapped and recreation skills.

In addition, lining the walls of Nugent's office there are scores of theses summarizing research on paraplegia done in cooperation with the center on a wide variety of subjects including adaptive equipment, social adjustment, analysis of daily living activities, employer prejudice, driver skills (and their relation to insurance laws), sports participation—even an analysis of the dreams of paraplegics.

Transportation research is another field in which the center and its staff have pioneered. Twenty years ago Nugent designed a hydraulic lift which could be built into a standard bus to enable wheelchair patients to use public transportation.

"Today we're still the only people to have buses like that," Nugent said. "In fact, I had a call last month from Washington—the government wants to buy 22 of our buses, and seven mass transit districts have been here to review our system."

In addition to all his other duties, Nugent is serving his second term as president of the National Paraplegia Foundation. The Foundation is promoting research on spinal cord injury through research seminars and the establishment of a $10,000 annual award, the first of which will be granted this summer "to the individual who has made the most significant contribution toward a cure for paraplegia."

"We've come a long way in the treatment of spinal cord injury and in the rehabilitation of paraplegics and quadriplegics—but there's still a lot to be done," Nugent stressed. "We've got to do more than preach prevention—we've got to try to find a cure."

Recreation Is Important at Rehabilitation Center

(By Carol Mathers)

Being a college student—disabled or otherwise—isn't easy. It means a lot of long hard hours pounding the books.

But the University of Illinois Rehabilitation-Education Center's staff has always believed that its students should be involved in all phases of university life—both academic and extra-curricular.

In fact, so committed is the center to this total involvement that it sponsors a broad range of activities for its students and, according to one quadriplegic, "If you don't have time to get into some of these activities, you'd better make time!"

Probably the best-known of these activities are the wheelchair sports events. Organized wheelchair basketball was born at the University of Illinois, and since the first national tournament in 1949, has spread across the nation to include more than 60 organized teams in 11 conferences.

Stan Labanowich, recreation and athletics supervisor at the center for the past nine years, urges every student at the center to become involved in an activity program. "Between track and field events, football, basketball, swimming, bowling, table tennis, archery, square dancing, fencing and volleyball, we involve almost all the students," Labanowich said. "Kids who don't participate directly in the sports are involved in other ways—as cheerleaders, managers, or ticket-takers.

"In fact, we regard activities and recreation as one of the most important services of the center," Labanowich added. "The enthusiasm of the kids is reflected in the intensity of their participation."

Playing is serious business around the center. In 1969 and 1970 the Gizz Kids, the UI wheelchair basketball team, won the national championship. The team practices at least three times a week with Labanowich, who coaches all the center's teams.

But the importance of sports participation goes beyond the game itself, according to Labanowich. "Playing sports offers these kids opportunities they've never had before. Most of them have never played wheelchair games of any kind before they come here—and kids crippled from childhood have never thrown a ball, even though they may have wanted to, because their parents sheltered them too much," he said.

For students who make the Gizz Kids team, the experiences are even more far-reaching. "We go on tour every January between semesters," Labanowich explained. "We spend 10 days traveling out of state, playing other wheelchair teams and putting on demonstrations for the public. For some of our kids, this is the first time they've ever been in a motel or a nice restaurant or on an airplane," he said.

With only three other college wheelchair basketball teams in the country, the Gizz Kids play most of their games against community wheelchair teams—like the C–U Black Knights, many of which are UI graduates and themselves former Gizz Kids. There are no other college wheelchair football teams in the country.

"We get inquiries all the time about how to start these teams at colleges," Labanowich noted, "but there's always the problem of facilities and money." All fund-raising for the UI team is done by the Gizz Kids themselves.

Two organizations promoting the expansion of wheelchair sports are the Wheelchair Basketball Assn. and the National Wheelchair Athletic Assn., which supervises all wheelchair sports except basketball. Under the auspices of the NWAA, national games are held in New York every year. Teams from the center never fail to —— —— they've been national champs nine out of 12 years for men and six out of nine years for women.

In addition to the national games, international games are held annually in England. Every fourth year, these games are moved to the site of the Olympics for the "Paraolympics."

Except in basketball, competitors are grouped by classes according to the severity of their disability. According to Labanowich, every player competes in a wheelchair, even if he is not usually confined to one.

"The wheelchair is the common denominator," Labanowich explained. "It's like hockey—if everyone out there is on skates, you don't have one guy playing in rubber boots."

The growth of wheelchair sports has been "fantastic," according to Labanowich. "It's doubled in the past few years and will mushroom in the future," he predicted.

Its greatest impact may very well take place off the field. "The more games we play the more people we come in contact with," Labanowich said. "And the more people we meet, the more chance we have to educate the public about physically disabled people.

"On our tours, for instance, we are very effective in breaking down preconceived attitudes toward the handicapped. It's amazing the impact we have on professionals and students in rehabilitation training, as well as the general public," he added.

"But most of all, this is our chance to do for others. By example, we can show people in other communities just what is possible, what activities they can organize for handicapped people in their area," Labanowich said.

"For example, our kids don't particularly like to square dance. But when we go on tour, we always put on a demonstration of square dancing because, like I tell the kids, even though it's not popular here it might be very popular someplace else. The more ideas we can give people, the better," Labanowich stressed. "We have an obligation to educate the public."

Another organization at the center, dedicated to educating the public and doing for others, is Delta Sigma Omicron. DSO is a service fraternity whose members are all physically disabled. It began almost 25 years ago, when the program was still on the Galesburg campus, to prove that "the best rehabilitation therapy is to serve others and not wait for others to serve you."

Since its incorporation in 1949, DSO had taken that pledge seriously, contributing more than $30,000 to charitable organizations all over the country. Since then it has also sponsored the National Wheelchair Basketball Invitational Tournament every year.

In addition, DSO members publish a yearbook which has become one of the Center's chief educational and public relations tools. "Sigma Signs" graphically explains the center and its operation, and helps to show the public what the rehabilitated can accomplish.

DSO, its members say, exists to serve others. It holds an orientation week for new students each fall, lectures to many on- and off-campus groups, sends entertainment groups to hospitals and nursing homes and finances special center needs and activities.

Said one member, "DSO is our way of giving back some of what we have received."

Rehabilitation Center Graduates Have Normal Lives

(By Carol Mathers)

Jackie and Don Grazier have been married almost five years.

They live in a first-floor, two-bedroom apartment which Jackie, although she works full time, maintains by herself.

Don is employed by the University of Illinois office of administrative studies and goes to school part-time. He is majoring in accountancy.

The Graziers would seem to typify young married America. They even have young married America's biggest reason to be happy—they are expecting their first child.

All this would not be extraordinary except for the fact that the Graziers are both severely physically disabled. Jackie is a partial paraplegic (paralysis in the lower extremities) and Don is a victim of birth defects which left him with underdeveloped, useless arms and legs.

Don and Jackie attribute their present lifestyle to the University of Illinois Education-Rehabilitation Center where they both were students.

"It's hard to say what life would have been like without the center," Don reflected, "but it certainly wouldn't have been anything like this!"

Until he came to the university, Don had spent most of his life in institutions of one kind or another. "Some doctor—I wish now I could get my hands on him—told my parents that I'd never be able to do anything and that they should put me in a custodial care home as soon as possible," Don recalled.

"They did—and I was there for more than six years, until I was 19," he added. "What a waste of time!"

Then Don was sent to the New York Institute of Physical Medicine for evaluation. "There they discovered that I wasn't exactly stupid," Don said with a wry smile. "I was allowed to finish high school through a correspondence course, and then I attended New York University night school for a year."

But Don's dream was a college education—in every sense of the term. "In 1969 when I was looking for a school, Illinois was the only place where they would take wheelchair students," Don said. "Oh, there were other schools that said they'd take me—but only if I brought a fulltime attendant with me. I just couldn't see that."

Far from requiring an attendant, the center emphatically forbids them. "When I arrived here for my interview, they told me I'd have to push myself up the ramp (leading to the center's front door) before they'd talk to me.

"It took me three hours to go about thirty feet—but I finally made it," Don said with a satisfied smile.

But getting accepted at the center was hardly half the battle. "I'd never been independent before," Don said, "and it wasn't easy being on my own. It was fun—but it wasn't easy."

Unassisted, it took three hours for Don to dress himself with the use of various helping devices. "With a full study load, I just couldn't afford that kind of time," he said. "But the way they stress independence at the center—I really didn't want to tell Tim (Nugent, the center's director) that I couldn't dress myself."

Finally, though, the process became too impractical, so Don broke down and went to see Nugent. "I finally convinced him it just wasn't worth it and told him that I had decided to pay a roommate to help me," Don recalled. "Tim was understanding, but not exactly overjoyed. He said, 'O.K.—but officially we don't know anything about this.' "

That was the only concession which the center—or Don—made in his fight to overcome his physical disability and achieve functional independence. Using his mouth and several simple devices held in his teeth, Don performs all other activities of daily living that an able-bodied man does.

Holding a short hooked stick in his mouth, Don compensates for his useless hands. He is able to read, write, dial a phone—even cook a meal—without assistance.

"I used to write holding the pen in my mouth—but being that close to the paper gave me eye strain," Don explained. "I designed my pen-holder—and most of my other devices—myself. The simpler the better."

While Don was becoming self-sufficient, Jackie was also making adjustments in her life, which had been drastically changed at age 16 when she fell off a ladder and pinched her spinal cord.

"That accident changed my life," Jackie said. "In a way it was even a blessing in disguise. There were five kids in my family and I never gave college a thought—until my accident," Jackie said.

When she returned to high school after lengthy hospitalization, the school nurse began trying to convince Jackie that the University of Illinois had everything Jackie needed.

"We couldn't have afforded college before, but after my accident. I was eligible for benefits from the Division of Vocational Rehabilitation," Jackie explained.

"I was still afraid of going away to school, but my father just said of course I was going, since I had the opportunity, and that was that," she added.

Jackie was a sophomore, majoring in elementary education, when she met Don at the center. They admit they weren't too impressed with each other at first glance.

"Talk about an on again-off again relationship—that was ours!" Jackie said with a laugh.

But eventually they decided to marry. Reaction to their announcement was generally favorable, although Don recalled that his father was not convinced it was a sound idea.

"He just said he hoped I knew what I was getting into and washed his hands of the whole thing," Don said.

As soon as Jackie's teaching position with Unit 4 was confirmed, they were married. With Don's job at the university, they lived a comfortable life.

"But I decided that classroom teaching wasn't for me," Jackie said, "and about the time I decided that classroom teaching really wasn't for me," Jackie said, "and about the time I decided to leave, I sort of fell into the job as receptionist at the center."

Shortly thereafter a position in the department of blind services opened up, and Jackie took the job. She's been there ever since.

"I hadn't been working at the center very long before Mr. Nugent started urging me to take driving lessons," Jackie said. "I was absolutely terrified, and for a long time he couldn't convince me."

But Nugent can be very persuasive and he usually accomplishes what he sets out to do. "Once I started taking lessons, I gained a little confidence," Jackie recalled. "Chuck Elmer (the center's physical therapist and driver education teacher) was wonderful and very patient."

Learning to drive was a big financial plus—the Graziers had been spending about $100 a month on cab fares. "I knew what an advantage it would be and I wanted to surprise Don—so I kept my lessons a secret for six months," Jackie said.

Don added, "At Christmas she presented me with her driver's license and a diary she'd kept of all her experiences. I was so shocked, I couldn't speak!"

He was also very proud. Today the Graziers can travel independently any time they want to. Last spring they went to Philadelphia—"just the two of us, and Jackie drove every mile of the way," Don beamed.

Achieving the independence of being able to drive was a big step—but not nearly as big as the one the Graziers are about to take.

"It's still a little unreal—parenthood," Don admitted. "We're awfully excited about this baby—but fathers have their own hang-ups during pregnancy, you know. It isn't easy for us, either!"

Jackie has been "almost too busy to worry" with all the arrangements to make. "Actually, we're not making any major alterations in the apartment," she said. "Just the usual stuff like moving dangerous household items out of the reach of children."

"We know our child is going to have some unusual adjustments to make," Don said. "For example, if someone hands me something, I have to take it in my mouth. So maybe our child will go around shoving things into people's mouths for a while. But he'll learn."

"He'll have the outlook of both worlds—two different perspectives," Jackie added.

So the nursery is shaping up and the prospective parents have names all picked out. "We're just about ready," they said.

But their shining eyes said more than that. "We're not just ready—we're ecstatic."

UNIVERSITY OF ILLINOIS REHABILITATION CENTER NOT COMPLACENT

(By Carol Mathers)

The rehabilitation-education program at the University of Illinois is celebrating its 25th anniversary. It is a time for pride for the Rehabilitation-Education Center and its staff.

But it is also a time for looking into the future. The center's director, Timothy J. Nugent, is not a man to rest on his laurels.

Nugent believes that the work has only begun. Many doors have been opened—but people are just now beginning to go through them.

"We have a tremendous responsibility to educate the public," Nugent emphasized. He wants to overcome a long tradition of prejudice against the physically disabled—a prejudice born of ignorance, but a prejudice nevertheless.

"So often people have one singular association with a handicapped person and they lump all other handicapped people together," Nugent said.

"For example, I had a professor tell me he didn't want any more of our kids in his course because he said they simply couldn't do the work required," Nugent said. "He didn't know we had already graduated seven honor students in that same curriculum.

"It turned out that this prof had had one blind student who did very poorly. He assumed she was a bad student because she was blind," Nugent continues. "That wasn't it at all—she was a bad student just because she was a bad student, and it had nothing to do with her blindness."

Joe Konitzki, the center's admissions director, added that his department sometimes has trouble with professors who are prejudiced in the opposite respect.

"We still find some professors who grade handicapped students leniently because they think the kids need a break," Konitzki said.

The goal of public education is slowly but surely being achieved. Organizations such as Delta Sigma Omicron, the UI Gizz Kids, and the National Paraplegia Foundation, promote programs of public education which carry the message all over the world.

"This is a two-way street, of course," Nugent added. "A change in attitude on the part of the public comes only when there is a change in the attitude of the physically disabled. They have to be shown what they can do—and they have to be given a chance to do it."

That idea lies behind much of the standards research that Nugent and his staff at the center have done. "It all begins with accessibility," he stressed. "We can't shut out the physically disabled—and that's what we do when we erect architectural barriers."

The elimination of as many of these barriers as possible had top priority in the 1960's. In the 1970's, Nugent predicts more extensive medical research on spinal cord injury and increased accessibility.

"The medical research is essential," Nugent emphasized. "We can't innoculate against spinal cord injury and eliminate it the way we did so many other things. We can't wipe it out the way we did polio—for instance.

"On the contrary, since the majority of spinal cord injuries are the result of car accidents—which are on the increase—and leisure-time activities such as swimming and diving—which are also on the increase we can expect the incidence of spinal cord injury to increase as well," Nugent explained.

"As for the architectural barriers," he continues, "the battle is by no means won. But we've made a start. I'm constantly being called on to deliver addresses to various groups of architects, legislators, and city planners. Our message is getting through."

Nugent believes that more and more college campuses will become accessible to physically disabled students in the future. "We had to develop our campus and program the hard way—by ourselves," he said. "But now we are responsible for training the faculty of seven other universities. And in the future, more and more universities will be using our facilities as a training resource."

For the center itself, Nugent has great plans. His chief and most immediate objective is the completion of phase two of the center's building program.

"What we have here now is just phase one," Nugent explained. "Phase two will include a gym and swimming pool in a two-story addition, plus a new wing of offices and research labs."

No official steps to complete phase two of the center have yet been taken by the University, but Nugent said, "That phase two will be finished in two years or I won't be here."

The center will continue to grow in the future—not just in size, but in reputation also. It is in a unique position to be the number one rehabilitation-education program in the nation—or the world.

"We have 12 disciplines working together here," Nugent said. "With only seven full-time staff members—another area for future increases—we get more than 200 special requests a week on all phases of rehabilitation facilities, treatment, transportation, therapy, research.

"The work," he said, "is never done."

1970 CENSUS RESULTS FOR INDIANA'S NINTH DISTRICT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. HAMILTON. Mr. Speaker, I include the text of my Washington Report on the 1970 Census results for Indiana's Ninth District:

WASHINGTON REPORT—CENSUS REPORT

If you would like to know how you compare with your Hoosier neighbors in age, life style, housing and voting, you will find interesting the following information from the 1970 Bureau of the Census report on the new Indiana Congressional Districts.

The 19-county Ninth District has the least number of residents per square mile of any of the state's 11 Congressional Districts. More than half of its residents, 54.4 percent to be exact, are classified as rural residents. It has the least number of residents living in metropolitan areas, and is the only Congressional District without a "central city" designation.

While the Census information is a statistical report of population distribution, housing patterns and election trends, it nonetheless provides many insights into the makeup and character of the Ninth District and Southeastern Indiana. The report includes the following facts:

POPULATION

The Ninth District has 472,321 residents, 9.1 percent of the state's population. The median age (that point at which exactly one-half the residents are above or below) is 27.7 years. The median voting age (18 and over) is 43.1 years. The Ninth District has the smallest percentage of blacks (1.8%) and other minority groups of any of Indiana's 11 Congressional Districts.

The District has mirrored the state's population growth. The District's population increased by 11.1 percent in the 1960–1970 period. The state's population increased by 11.4 percent in that time. The median age in Indiana—27.3 years—is about the same as the District's 27.7 years.

The rural makeup of the District is emphasized through some comparisons with state statistics. There are 78 persons per square mile in the District, as compared to 143.9 for the state as a whole, and 2,894.2 persons per square mile in the First District in Lake County.

According to the Census figures, 64.9 percent of Indiana's residents live in urban areas, as compared to 45.6 percent in the Ninth District. There are 311,393 Ninth District residents living in non-metropolitan areas, by far the highest total among the 11 Districts.

There are more females (241,827) than males (230,494) in the District. The population breakdown by age is not significantly different from the breakdowns among the state's other 10 Districts. The age makeup of the District includes:

Under 5 years, 42,733; 5 to 13, 90,813; 14 to 17, 38,640; 18 to 20, 21,129.

Twenty-one to 24 years, 26,930; 25 to 34, 59,155; 35 to 44, 53,132; 45 to 64, 92,742; over 65 years, 47,047.

HOUSING

The Ninth District has 155,905 housing units, 75.8 percent of them owner-occupied. This is the second highest percentage among the 11 Districts. Of the total number of housing units, however, 21,017 lack some or all plumbing facilities, and this is the highest total. The median value of owner-occupied housing units in the Ninth District is $12,800, as compared to a state median value of $13,800.

The median rent in the Ninth District is listed as $68 per month, the second lowest in the state. The state median for rent is listed as $83, and rentals range from $66 in the Eighth District to $95 in the Eleventh District.

ELECTIONS

The Census Bureau reports that 169,617 Ninth District residents went to the polls to vote for a Congressional candidate in 1970. This was the second highest voter turn-out total among the 11 Districts. In 1968, the Ninth District voters were third in total turnout for the Congressional Race.

Ninth District voters ranked second in turn-out for the Presidential election in 1968, and third in the Presidential election in 1964.

REGIONAL COUNCILS CONCENTRATE FEDERAL POWER AND CONTROL OVER STATE AND LOCAL GOVERNMENTS AND THE LIVES OF THE AMERICAN PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. RARICK. Mr. Speaker, on February 16, 1972—page 4272—I called the attention of our colleagues to Executive Order 11647, "Federal regional councils," which established a Federal regional council for each of the 10 standard Federal regions supposedly to develop "closer working relationships between major Federal grantmaking agencies and State and local governments and improved coordination of the categorical grant system."

President Nixon campaigned on a promise to bring the workings of Government closer to the people. Indeed, he has, but rather than bringing the people closer to or into the Government, Executive Order 11647 brings the watchful eye of the bureaucracy and the awesome power of the Government closer to the people and strengthens already extensive Federal control over every aspect of American life. The menacing "Big Brother" of Orwell's "1984" comes even closer because of Executive Order 11647.

A letter from the Associate Director of the Office of Management and Budget explaining the President's actions and his interpretation of the effect of this Executive order along with the text of the Executive order follows my remarks:

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 18, 1972.
Hon. JOHN RARICK,
House of Representatives,
Washington, D.C.

DEAR MR. RARICK: I am taking the liberty of writing you in reference to Executive Order 11647 and the effect of establishing a uniform pattern of regional organization for Federal agencies and ten Federal Regional Councils. Your remarks on this subject in the Congressional Record of February 16 have recently been called to my attention.

Three years ago, the President was faced with the problem of a chaotic pattern of regional organization among Federal agencies responsible for programs of grant assistance to State and local governments. The regional offices of the Departments of Housing and Urban Development, Labor, Transportation, and Health, Education and Welfare, as well as other grant assistance agencies such as the Office of Economic Opportunity and the Small Business Administration, had been located in a variety of cities over the years. As a result it was necessary, for example, for the mayor of a city in Pennsylvania or the Governor's Office in working with Federal agencies to travel to Charlottesville, Virginia, Washington, D.C., and Philadelphia to contact Federal regional officials.

The President determined at that time that a more uniform pattern of Federal regional organization and greater coordination among Federal programs at the regional level were essential to promote more effective and economical working relationships among the various levels of government—Federal, State, and local. To this end he established in the spring of 1969 a standard pattern of regional boundaries and ten regional headquarters cities for the principal Federal departments and agencies with programs of assistance to State and local government. He also directed the establishment of the Federal Regional Councils to promote coordination among the Federal agencies and improved working relationships with State and local governments. The President intended that Federal Regional Councils not in any way create a new bureaucratic layer between Federal agencies and State and local government, but rather that they provide a forum to facilitate coordination of the hundreds of Federal programs which aid States and local governments.

The President issued Executive Order 11647 on February 10, 1972, to strengthen the Federal Regional Councils which he had established in 1969, and to direct them to be more active in both interagency and intergovernmental cooperation and coordination. It has been the purpose of the President from the beginning, and this Order is no exception, to assure that Federal agencies act to strengthen and reenforce State and local government. All of the Federal Regional Councils and their members, the regional directors of seven Federal departments and agencies, are dedicated to this principle. You will find I am certain that in no way do they in practice or substance subvert the constitutional powers of State government.

I hope that this information will persuade you of the seriousnes of the President's dedication to improving the functioning of all levels of government in our Federal system. I would be glad to discuss this matter further with you if you would like.

Sincerely,

FRANK C. CARLUCCI,
Associate Director.

THE PRESIDENT

EXECUTIVE ORDER 11647

Federal Regional Councils

The proper functioning of Government requires the development of closer working relationships between major Federal grantmaking agencies and State and local government and improved coordination of the categorical grant system.

I have heretofore directed the Domestic Council to:

(1) receive and develop information necessary for assessing national domestic needs and defining national domestic goals, and to develop for the President alternative proposals for reaching those goals;

(2) collaborate with the Office of Management and Budget and others in the determination of national domestic priorities for the allocation of available resources;

(3) collaborate with the Office of Management and Budget and others to assure a continuing review of ongoing programs from the standpoint of their relative contributions to national goals as compared with their use of available resources; and

(4) provide policy advice to the President on domestic issues.

Furthermore, I have assigned to the Office of Management and Budget the responsibility for assisting the President in developing efficient coordination mechanisms to implement Government activities and to expand interagency cooperation. Three years ago I directed that the senior regional officials of certain of the grantmaking agencies convene themselves in regional councils to better coordinate their services to Governors, Mayors, and the public.

I have now determined that the measures prescribed by this Order would assure improved service to the public.

Now, therefore, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. *Federal Regional Councils.* (a) There is hereby established a Federal Regional Council for each of the ten standard Federal regions. Each Council shall be composed of the directors of the regional offices of the Departments of Labor, Health, Education, and Welfare, and Housing and Urban Development, the Secretarial Representative of the Department of Transportation, and the directors of the regional offices of the Office of Economic Opportunity, the Environmental Protection Agency, and the Law Enforcement Assistance Administration. The President shall designate one member of each such Council as Chairman of that Council and such Chairman shall serve at the pleasure of the President. Representatives of the Office of Management and Budget may participate in any deliberations of each Council.

(b) Each member of each Council may designate an alternate who shall serve as a member of the Council involved whenever the regular member is unable to attend any meeting of the Council.

(c) When the Chairman determines that matters which significantly affect the interests of Federal agencies which are not represented on any such Council are to be considered by that Council, he shall invite the regional director or other appropriate representative of the agency involved to participate in the deliberations of the Council.

SEC. 2. *Functions of the Councils.* Each Federal Regional Council shall be constituted as a body within which the participating agencies will, under the general policy formulation of the Under Secretaries Group, and to the maximum extent feasible, conduct their grantmaking activities in concert through:

(1) the development of short-term regional interagency strategies and mechanisms for program delivery;

(2) the development of integrated program and funding plans with Governors and local chief executives;

(3) the encouragement of joint and complementary grant applications for related programs;

(4) the expeditious resolution of interagency conflicts and coordination problems;

(5) the evaluation of programs in which two or more member agencies participate;

(6) the development of long-term regional interagency and intergovermental strategies for resource allocations to better respond to the needs of States and local communities;

(7) the supervision of regional interagency program coordination mechanisms; and

(8) the development of administrative procedures to facilitate day-to-day interagency and intergovernmental cooperation.

SEC. 3. *Under Secretaries Group for Regional Operations.* There is hereby established an "Under Secretaries Group for Regional Operations" which shall be composed of the Under Secretaries of Labor, Health, Education, and Welfare, Housing and Urban Development, and Transportation, the Administrator of the Law Enforcement Assistance Administration, the Deputy Director of the Office of Economic Opportunity, the Deputy Administrator of the Environmental Protection Agency, and the Associate Director of the Office of Management and Budget, who shall serve as the Chairman of the Group. When the Chairman determines that matters which significantly affect the interest of Federal agencies which are not represented on the Group are to be considered by the Group, he shall invite an appropriate representative of the agency involved to participate in the deliberations of the Group. The Under Secretaries Group for Regional

Operations shall, consistent with the objectives and priorities established by the President and the Domestic Council, establish policy with respect to Federal Regional Council matters, provide guidance to the Councils, respond to their initiatives, and seek to resolve policy issues referred to it by the Councils. The Under Secretaries Group, under the Chairmanship of the Associate Director of the Office of Management and Budget, shall be responsible for the proper functioning of the system established by this Order.

SEC. 4. *Construction*. Nothing in this Order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

RICHARD NIXON.

THE WHITE HOUSE, *February 10, 1972*.

THE REPUBLIC OF CHINA

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. FISHER. Mr. Speaker, horizontally bisected by the Tropic of Cancer, the 78-island complex that encompasses the Province of Taiwan—base of the Republic of China—covers 14,000 square miles—equivalent to Delaware, Maryland, and Rhode Island combined—and is home to more than 15 million people.

The province is comprised of two groups of islands—14 of them in the Taiwan group and 64 in the Penghus or Pescadores, including Kinmen—Quemony—and the Matsus which lie immediately off the coast of mainland China.

The main island, Taiwan, has a sphere of strategical influence that dominates the Taiwan Straits separating it from the South China Province of Fukien and gives it potential naval and air patrol range over the East China Sea northeast to Japan and the South China Sea southwest to the critical Gulf of Tonkin.

Second only to Japan, its economy is booming with an annual gross national product growth rate in excess of 10 percent. Its per capita income in 1971, as compared with that of Red China's $60–$90, was $330, second highest in all Asia. Its 1972 per capita income is running at $418.

In 1971, the same year that saw Communist China seated in the United Nations at the expense of the charter UN member and faithful, rules-abiding, dues-paying Republic of China, the ROC's gross national product jumped 11.4 percent. External private investment set a record of $163 million. Foreign trade reached $4.1 billion with a 36.7 percent increase in exports and a 27.6 percent rise in imports—comparable, incidentally, to the foreign trade of Communist China with 750 million people and 4 million square miles of territory.

For many years, until 1971, the United States has been the principal private investor in the ROC economy. Last year an Austrian combine called VOEST put up $66 million for a large, integrated steel mill to serve Taiwan's growing industrial plant. But of the nearly $800 million so far invested in the ROC's private sector, most has come from the United States and, secondly, from Japan. Now a campaign is afoot to interest Western European industrialists, particularly those in West Germany, to help Taiwan's expansion and enjoy the tax benefits, lower labor costs and proliferating development under the Republic of China's capital.

Despite "doomsday" prognostications of a stifled economy in the wake of the U.N. ouster of the ROC and the international recognition of Peking, two-way trade in the Republic of China showed a 41.6 percent increase in the first quarter of 1972 over the first 3 months of 1971.

The January–March totals showed exports of $574 million and imports of $526 million, leaving a trade surplus of $48 million for the ROC. In that same quarter, industry showed a growth of 26.1 percent in comparison to the same period of 1971. The money supply totaled nearly U.S.$1.2 billion or an increase of nearly 30 percent. Wholesale prices climbed 1.42 percent while consumer prices went up 2.13 percent. Foreign investment amounted to $16 million in the first 3 months of 1972, a gain of 1.08 percent over the corresponding period last year.

The growth in foreign trade suggests that by the end of this year, the Republic of China may be reporting a total volume in excess of $5 billion, considerably above the amount projected at the present time for Communist China, which has been at or below the $4 billion mark since before the so-called cultural revolution.

Far more indicative of the future of Taiwan and the Republic of China's plans for survival and growth in the face of recent adversity is the following:

First, Henry Kearns, president of the U.S. Export-Import Bank, says long-term credits will be provided the Republic of China on an unlimited basis because the ROC is "here to stay, offers a good market and has the ability to pay." Kearns said Chinese officials and business executives showed him a shopping list of more than three-quarters of a billion dollars—demonstrating an extremely viable economy which the Nixon administration is determined to acknowledge.

Second, a spokesman for the Council for International Economic Cooperation and Development—CIECD—announced on May 6 that loans from the Overseas Private Investment Corporation—OPIC—will be provided in both medium and long terms to the industrial, agricultural, and commercial enterprises in Taiwan. OPIC is a U.S. Government operation which, through private channels, funnels loans of U.S. dollars or local currencies and guarantees repayment of the loans from private U.S. lending institutions.

An announcement from the ROC in Taipei stated:

> Most OPIC loans will be in amounts ranging from US $50,000 to US $2,000,000, while loans to be covered by an OPIC guaranty will normally be denominated at a minimum of U.S. $250,000.

Third, two-way trade by the ROC with Western Europe in the first 3 months of 1971 totalled nearly $135 million, suggesting that within a short time the annual export-import total to Western Europe alone will reach $600 million. What is more, the balance was definitely in Taiwan's favor.

Fourth, U.S. investments in the ROC climbed to $7.7 million from a 1971—first quarter—total of $1.5 million according to U.S. Ambassador to Taipei Walter P. McConaughy. He noted that U.S. investment through 1971 accounted for nearly 55 percent of all foreign investment in Taiwan which has now approached the three-quarter billion dollar mark. Furthermore, over the past 5 years the rate of growth of ROC exports to the United States has been 50 percent per annum as compared to a 30 percent annual growth in all ROC exports.

Fifth, the Mitsui industries of Japan will invest more than $2 million in Taiwan to turn out titanium oxides for pain relief, paper, textiles and rubber products, according to an announcement in mid-April. This, the largest single investment by Japan in the ROC economy since the U.N. showdown last fall, follows Japanese investments in Taiwan's electronics industry of more than $35 million and more than $20 million in the ROC chemical industry.

Sixth, Taiwan passed Japan as principal exporter of black and white TV sets in 1971, sending nearly a quarter of a million to the U.S. in that year. Now one of the leading Japanese manufacturers of television sets plans to use Taiwan to mass produce color sets.

Seventh, the Asian Development Bank, which has already extended loans of $98 million to the ROC, has agreed to make additional loans as needed for Taiwan development. This was learned during an ADB meeting in Vienna in late April and early May.

Some other facts that point up the thriving economy of the ROC: Since 1952, the production of rice—Taiwan's principal cash crop—has grown 60 percent on the same amount of acreage. A similar rate of growth in productivity has been achieved for sugarcane. The production of pineapples, bananas, tea, and other crops for both domestic consumption and export has risen at appreciable rates. Most of the increase in farm production is attributable to the introduction in the early 1950's of a land reform—called "land to the tiller"—program which made most of Taiwan's farmers independent and solvent operators.

For the past 10 years, industrial productivity under the ROC in Taiwan has grown at the rate of 8.6 percent per year. This compares with a questionable but claimed growth rate in productivity of 2.4 percent on the Red Chinese mainland.

Whereas sugar and rice once were the principal export commodities of Taiwan, in the past two decades under ROC direction textiles, metals and machinery, canned foods, electrical and electronic items, and chemicals have become the principal exports. It is now projected that while textiles may show a tapering off among exports, electronic equipment and chemicals will probably advance to the one-two spot on the export list in 1972–73.

Significantly for an island complex that was once agriculturally impoverished, Taiwan is now a major exporter of some fruits and nuts and an important exporter of grains including corn as well as rice, wheat and some cereals, beans, peas, and mushrooms. It is also prospering in its fisheries industry, forest products, ores and other natural resources.

Despite typhoons last year, total agricultural output climbed 2 percent in 1971. There was a 2.5-percent increase in livestock, a 7.4-percent rise in forest products and a 6.2-percent jump in fishery production.

At the same time these gains are being made, the number of farmers on Taiwan is declining as more and more opportunities for better paying jobs in industry open up. The farm population presently amounts to about 36 percent of the ROC total and by 1980 it will be down to 25 percent. In Communist China, the farm population is about 80 percent. Industries that will need more people are manufacturing, construction and power. Transportation and service industries are expected to register the fastest employment growth.

Interesting is the fact that this year the ROC will become the world's top ship salvager. An estimated 250 ships weighing over 2 million tons will be salvaged in Taiwan's second biggest city and largest international port, Kaohsiung, at the southern tip of the main island.

It should be noted that illiteracy has been virtually wiped out on the islands under ROC administration. There are some 85 universities, independent colleges and junior colleges available. Government expenditures for education are high on the list of national priorities.

The government is fundamentally democratic and most public officeholders were born and raised on Taiwan as opposed to the popular misconception that mainlanders are given preference at the expense of socalled Taiwanese. Most of the 600,000-man military forces of the ROC are native born in Taiwan. (With the exception of less than half a million aborigines on the main island, all of the population is Chinese in origin.)

This—then—is the Republic of China today, an extremely viable and valuable member of the family of nations, growing "by leaps and bounds" without U.S. financial assistance and on its own terms.

GUN CONTROL

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. GUDE. Mr. Speaker, we all regret the shooting of Gov. George Wallace, but what can we do to reduce the opportunities for such tragedies?

The Christian Science Monitor, in an editorial on Wednesday, May 17, suggested several excellent steps. Here is the editorial:

> In the wake of the unconscionable shooting of Gov. George Wallace, for whom one prays a swift recovery, there are at least two constructive public things the American people can do.
>
> The first is resolving to come to grips with the symbol and instrument of assassination and violence in America—the handgun. There are now probably 30 million handguns in the United States, and that total is being swelled by another 2.5 million each year. This is enough for every other household in the country to have such a weapon.
>
> One can concede that stricter national gun control would not of itself disarm criminals nor thwart the would-be political assassin. It is true that it is people's thought, not a piece of metal, that harbors or releases murderous intent.
>
> And yet given the staggering totals of weapons in private hands in America, and the totals of aggression involving those weapons, in good conscience one can only conclude that strict and effective gun control laws must be adopted forthwith. We would like to see the recall of all handguns, the melting down of most of them, and the use of the remainder only for special purposes and by special permit.
>
> We believe that this is politically attainable, despite the pessimism of skeptics. Therefore, we urge that such stern control measures be pushed. Even differences in ethnic makeup cannot account for the discrepancy between American gun-crime levels and those of other nations. Britain, for instance, a year ago had only 1/300th as many gun-murders as the U.S., with one fourth the U.S. population. A return to saner levels of social conduct can only come about when the number of arms in private hands is drastically reduced. If citizens would only match the pressures brought on Congress by firearms proponents, by writing letters to their legislators, this lamentably tardy gun control could be won.
>
> The second constructive step the people can take following the Wallace shooting is to consider the full range of violence-inciting aspects of modern life. Movies which glorify cruelty, television violence, magazines whose editorial lenses distort all events into strife—these daily poison the social climate. More basically, Americans should expose old myths about the legacy of frontier life and every-man-for-himself lawlessness. The opposite of violence is humane, honest, and democratic dealing. If one looks to a higher power for guidance in private and national affairs, having obeyed all moral and legal responsibilities, he is acting to replace violence by peace and decency.
>
> A final point is to stress again the hopes and prayers of citizens for Mr. Wallace's swift recovery. His political viewpoint has a right to representation in national affairs. To attempt to remove him from the campaign is to infringe not only on the Governor's right to seek office, but on the rights of his supporters. This is an injustice to them and a threat to the democratic political system, which must register all views to function truly.
>
> It would be premature to say with any certainty what the effect of the shooting incident will have on the Democratic nomination or Governor Wallace's role in it. All that can be said is that the dark cloud of violence of the past decade has appeared again, and profoundly resolute prayer and action are needed to dispel it.

DEMOCRATIC CONVENTION—1972

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. UDALL. Mr. Speaker, this year, the Democratic National Convention in Miami Beach will be unlike any in history. Perhaps even more interesting than the dramatic contest for the presidential nomination will be the cross-section of America represented by the delegates.

As a result of the McGovern reforms this country will witness, for the first time, a national nominating convention that reflects all facets of American society. Our Arizona delegation is a good example of that delegate diversity.

There are the somewhat predictable delegates such as big-city lawyers Richard Wilks, John Ahearn and Bob Begam from Phoenix; a Congressman from Tucson and a former Ambassador to Bolivia.

Then there are copper miners from the mountains, like George Baca and David Duarte. There are students from the campuses like Larry Sparling and Ed Pastor of Phoenix and Frank Maish and Julie Ferdon of Tucson. And there is ethnic group representation in an Indian, Lawrence Enos, a Phoenix factory worker.

But possibly the most unusual example of delegate selection reform at work is a Roman Catholic nun, who plans to stay at a convent when she travels to Miami Beach.

Sister Claire Dunn, a teacher at Salpointe High School in Tuscon, is a delightful and remarkable woman and I would like to take this opportunity to share with my colleagues a recent newspaper column in the Tucson Daily Citizen about her.

[From the Tucson Daily Citizen, May 11, 1972]

NUN FOR McGOVERN: NO SMOKE-FILLED CONVENTS

(By Asa Bushnell)

> Politics, like religion, hold up the torches of martyrdom to the reformers of error—Thomas Jefferson.
>
> As the typical national delegate looks down the campaign trail at his party's nominating convention, he jubilantly views it as his party's party.
>
> Plush oceanside hotels, Countless cocktail parties. Smoke-filled rooms. Political string-pulling out of TV range.
>
> One Democratic delegate from Tucson is atypical. Her only budgeted expense will be transportation to and from Miami Beach. She will avoid booze bashes like the plague.
>
> Instead of billeting at a $40 a day hostelry, she will seek free thought—and free lodging—at the nearest convent.
>
> "It's important to me to give public witness to my feelings," explains Sister Claire Dunn. "It's important to me to keep myself free from manipulation."
>
> The 38-year-old Tucson nun, a history and political science teacher at Salpointe High School, believes it woud be hypocritical of her actions as a delegate were not consistent with her principled way of life as a servant of God.
>
> Needless to note, the Roman Catholic hierarchy has faith in Sister Claire. "As long as I'm responsible, I have the approval of the

church and my religious supervisors," she says.

Bishop Francis J. Green indicated no objection whatsoever when the attractive, articulate teacher ran successfully for state delegate last January. Her supervisors were concerned only that "everything be for the right reasons."

Actually, sisters these days are much more civic-minded than ever before—with the church's blessing. In response to a call of the Vatican Council, the National Assembly of Women (NAWR) promotes the active participation of sisters in public affairs.

Sister Claire, a member of the executive board of the Sisters Council for the Diocese of Tucson, thinks such activity is her colleagues' natural inclination by education. Now it is bolstered by NAWR's impact.

This 3-year-old organization plumps for social justice, emphasizing the peace movement and prison reform. Sister Claire finds the aims in harmony with those of Sen. George McGovern, for whom she is a dedicated delegate.

"We have known where McGovern stands for a very long time," observes the idealistic nun, using "we" to show that she represents a number of sisters. "He has spoken out clearly and forcefully on justice for the poor and against the war. We like his position on tax equity."

A coterie of Tucson sisters, which counseled, encouraged and supported Sister Claire as she earned one of the 25 delegate spots, has "no trouble identifying with an underdog." (They admit his status has improved in recent weeks with the addition of primary bite to challenger's bark.)

Sister Claire, a local teacher since 1965 and a gung-ho precinct worker, also admits complete surprise over her quick climb up the political ladder. It has served as a real motivation to get her Salpointe students involved.

"Students who always feel so powerless became interested," she recalls. "Some campaigned for votes for themselves to attend the state convention. It caught fire throughout the school, helping the faculty and the young people. It was the best example of our belief that the system still works."

Clad in color-coordinated nun's veiling and knee-length skirt, with a McGovern button to set off her fresh white blouse, Sister Claire symbolizes a new breed of sisters. They "look at all the angles," so she's politically hip.

Arizonans who fear the delegation's "amateurs" may be manipulated by the old pros, Mo Udall, Sam Goddard and Bob Begam (in spite of the collapse of their presidential choices), can allay these fears.

There are no smoke-filled convents—not even in Florida.

STEREOTYPED SEX ROLES

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. FRASER. Mr. Speaker, a May 17, 1972, Wall Street Journal article addresses the question of stereotyped sex roles and its effects on boys and girls. Feminists have mustered evidence to indicate that the schooling experience limits women's job opportunities. They insist that the submissive roles depicted in folklore and the entire children's educational process, contribute to pressuring children subtly or otherwise into stereotyped sex roles.

In Boston, for example, a survey of the city's two vocational high schools found that girls could choose from only four major vocational courses—cosmetology, commercial art, culinary arts, and apparel arts. Boys, on the other hand, could pick from 12 major courses in well-paying trades.

I commend the article to my colleagues:

[From the Wall Street Journal, May 17, 1972]

What Are Little Girls Made of? Try Snips, Snails, Puppies' Tails

(By Rona Cherry)

Snow White is a household drudge for six or eight freaky-looking male dwarfs. Cinderella is another servant, and it takes a prince to take her away from the Electrolux and the Venetian-blind cleaning and all that. And Sleeping Beauty wakes and lives it up happily ever after only after a prince (not Cinderella's) finds her in bed.

Such are the submissive roles that folklore, and the whole children's educational process, thrust upon women. That, at least, is the way many feminists in the women's liberation movement see it. From early childhood, these women say, children are pressured subtly or otherwise into stereotyped sex roles. Girls get dolls, teacups and exhortations to become nurses; boys get firetrucks, baseballs and exhortation to become doctors. And schools, the feminists say, reinforce the stereotypes.

Now, many mothers and women schoolteachers who themselves reject traditional female roles—along with some male supporters—are trying to change all that. They're focusing on alleged sexism in school curricula, on textbook content and on educational practices that limit the access of girls to some courses.

MARRIAGE AND MOTHERHOOD

These efforts are beginning to provoke intense controversy. Many persons, male and female, are extremely sensitive to any real or imagined threat to their children's sexual identity, and these persons are by no means all close-minded bigots. James Malfetti, a professor of education at Columbia University who is sympathetic to the women's movement, recalls how startled he was when his basketball-playing son enrolled in a homemaking course. "And if it raised a question in my mind, I could see other parents trying to yank him out or question his identity," Mr. Malfetti says.

Moreover, while the feminist movement can claim some substantial influence over schooling in a few places, in many others around the land women's liberation is just a phrase. For girls in many towns, cheerleading remains the most prestigious activity, and marriage and motherhood, rather than a career outside the home, beckon in the future.

Nonetheless, things are stirring. Big-city feminists say they have received letters from all over the country, even from towns as small as Slippery Rock, Pa. (pop. 4,949), expressing an interest in changing the schools.

Some schools have changed radically. An example is Brooklyn's private Woodward School, one of the first to try to eliminate all traces of "sexism." Woodward acted after a committee of mothers complained to the faculty that traditional sex-role attitudes were limiting opportunities for some children, especially girls. "It's crucial that we don't limit little girls," says Andrea Ostrom, a committee member. "They should have the opportunity to do what they want."

A GIRL ASTRONAUT

A few years ago, Woodward had two playrooms for younger children: one with dolls, where the girls tended to congregate, and one with blocks and other more-active toys, which the boys seemed to prefer. Even when the girls did visit the other room, all they did was build block houses for their dolls and help the boys put up more complex structures.

But this year, boys and girls are taking part equally in building cities, garages and roads. Boys are encouraged to hug and kiss dolls. "Sally can have her dolls, but Jimmy can have them, too, if he wants them," says Gertrude Goldstein, the school's director. "And if at classroom play a girl wants to be an astronaut and a boy says no, a teacher intervenes and asks why not?"

Teachers also try not to let "sexism" in books go unchallenged. "When we discuss Cinderella, we say her sisters were ugly because of the way they behaved, and Cinderella was kind of ugly for letting herself be passive and masochistic," says Mrs. Goldstein. "Anyway, what's so great about having a small foot? It implies she's small and helpless. A woman who has a big foot is a woman who gets around and does things."

At San Francisco's Primary Life School, teachers also try to make children more aware of sex stereotyping. In class, pupils are urged to question why a textbook portrays only boys as astronauts. And teachers actively try to break the sex barriers in play by, for example, leading girls in a game of baseball instead of hopscotch.

Under pressure from feminists, some public schools also have changed their practices. At John Witherspoon Elementary School in Princeton, N.J., boys and girls now attend the same gym classes, and girls are urged to take up traditional boys' chores like lugging books for teachers.

Some schoolteachers and administrators have only reluctantly sided with the anti-stereotyping movement. To combat their reluctance, many school systems, like the Princeton Regional School System, have held sessions for teachers to examine their own sex biases. In Ann Arbor, Mich., one school official balked at opening woodworking classes to girls because, he said, "then we could only deal with crafts." The classes were opened only after the school system issued an order forbidding sex discrimination in such fields as industial arts and physical education. The Ann Arbor system has since permitted girls to become hall monitors, and it plans to review stereotyping in its textbooks.

But most schools have taken little action. "Basically, we're standing still," says Cheri Register, a member of Minnesota's Emma Willard Task Force on Education, a women's group studying the state's system. "The state department of education admits sexism might be something they should be concerned with, but they're putting the burden on us to prove it's a problem." For now, the feminists there have contented themselves by providing teachers with material that suggests they may be limiting girls and burdening boys with sex stereotypes.

Other feminists are taking after textbook publishers. Women on Words and Images, a Princeton group, found that 75% of the heroes in 15 widely used textbook series it surveyed were men. In primers, the group found, nearly 70% of women were housekeeping mothers, while the fathers had exciting jobs as politicians, astronauts and explorers. The Princeton group, supported by the National Organization for Women, has asked major publishers to revise their textbooks.

Some publishers have begun to respond. A statement that "girls are only smart enough to sew" was deleted from one fifth-grade workbook. Another statement cut out of the same book asked, "After all, who built this country but men and boys? The girls just sat around sewing." Dan Lacy, senior vice president for editorial development for McGraw-Hill, says his company is reviewing its books, and he expects to find "some instances of sex stereotyping."

Feminists have mustered evidence to indicate that schooling limits women's job opportunities. In Boston, for example, a survey of the city's two vocational high schools found that girls could choose from only four major vocational courses—cosmetology, commercial art, culinary arts and apparel arts. Boys, on the other hand, could pick from 12 major courses in such well-paying trades as plumbing, painting and carpentry. In addition, boys could take courses in nonvocational subjects such as physics, geometry, chemistry and trigonometry, while the only one offered girls was biology.

On graduation, the Boston survey found, 95% of the boys found jobs related to their major course, and they got a median salary of $124.50 a week. Only 11% of the girls got jobs for which they were trained, and their median starting pay reached just $77 a week. "It was appalling," says Gail Bryan, a member of the Boston women's group that made the survey. The group now is trying to open each of the city's vocational schools to both sexes.

The feminists insist they aren't trying to force girls into male roles. "What we're trying to do now is create a more accepting, open society and let it filter down to children," says Ann Grant West, a member of NOW. "It's important they know there are alternatives." Some conservatives, however, are skeptical of the feminists' aims. "I think we're allowing a fringe group—and I don't want to say lunatic fringe—to dictate to a vast majority of the public their aim to reorder society," New York State Assemblyman Dominick DiCarlo says.

YOUNG LEGISLATORS PROPOSE IMPROVEMENT TO CAMPAIGN SPENDING ACT

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. VEYSEY. Mr. Speaker, I recently sponsored a Legislative Youth Conference in Riverside, Calif., where outstanding young people from throughout the 38th Congressional District grappled with a number of the problems faced by this body. I was pleased by the constructive suggestions that resulted from this conference. Today I would like to share with my colleagues the text of a bill I have now introduced to implement one of the proposals generated at that conference.

My bill, H.R. 14959, recognizes the difficulty faced by an official appointed by any political party in retaining complete fairness and, just as important, the appearance of fairness while riding herd over something as partisan and complex as the election of the entire House of Representatives. In place of the Clerk of the House and Secretary of the Senate, my bill would establish a Federal Elections Commission with three Members from each major political party appointed by the President with the advice and consent of the Senate.

Such a commission would assure every voter that his vote counts as much as anyone else's. The text of the bill follows:

H.R. 14959

A bill to amend the Federal Election Campaign Act of 1971 to establish a Federal Elections Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF COMMISSON

SECTION 1. (a)a Title III of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following new section:

"FEDERAL ELECTIONS COMMISSION

"SEC. 312. (a) There is hereby created a commission to be known as the Federal Elections Commission, which shall be composed to six members, not more than three of whom shall be members of the same political party, who shall be chosen from among persons who, by reason of maturity, experience, and public service, have attained a nationwide reputation for integrity, impartiality, and good judgment, are qualified to carry out the functions of the Commission, and shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, one for a term of ten years, and one for a term of twelve years, beginning from the date of enactment of this section, but their successors shall be appointed for terms of twelve years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

"(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission, and four members thereof shall constitute a quorum.

"(c) The Commission shall have an official seal which shall be judicially noticed.

"(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(e) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget but not in excess of $100 per day, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

"(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place.

"(g) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of subchapter III of chapter 73 of title 5, United States Code, notwithstanding any exemption contained in such subchapter.

"(h) The Commission shall appoint an Executive Director without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to serve at the pleasure of the Commisssion. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Commission. However, the Commission shall not delegate the making of regulations regarding elections to the Executive Director.

"(i) The Chairman of the Commission shall appoint and fix the compensation of such personnel as it is deemed necessary to fulfill the duties of the Commission in accordance with the provisions of title 5, United States Code.

"(j) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(k) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request."

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Executive Director, Federal Elections Commission."

CONFORMING AMENDMENTS

SEC. 2. (a) (1) Section 102 of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following new paragraph:

"(7) The term 'Commission' means the Federal Elections Commission established by section 312."

(2) Sections 104(a) (3) (C), 104(a) (4) (B), 104(a) (5), 105, and 308(c) of such Act are each amended by striking out "Comptroller General" wherever it appears and inserting in lieu thereof "Commission".

3 Section 301(g) of such Act is amended to read as follows:

"(g) 'Commission' means the Federal Elections Commission established by section 312."

(4) Sections 302(d), 302(f) (2) (A) and (B), 303(a), 303(b) (11), 303(c), 304(a), 304 (b) (12), and 306 (b), (c), and (d), the section heading for section 308, and sections 308(a), 308(b), and 308(d) (1) of such Act are each amended by striking out "supervisory officer" wherever it appears and inserting in lieu thereof "Commission".

(5) Section 304(a) of such Act is amended by striking out "appropriate supervisory officer" and inserting in lieu thereof "Commission".

(6) Sections 304(a) and 308(a) (1) and (4) of such Act are each amended by striking out "him" and inserting in lieu thereof "it".

(7) Section 307 of such Act is amended by striking out "Comptroller General of the United States" and inserting in lieu thereof "Commission".

(8) Sections 308(a) (7) (B) and (C), 308 (a) (9), and 308(d) (1) of such Act are each amended by striking out "he" and inserting in lieu thereof "it".

(9) Section 309(a) of such Act is amended by striking out "a supervisory officer" and inserting "the Commission".

(b) The second sentence of section 303(a) of such Act is repealed (but such repeal shall not affect any obligation existing under such sentence on the effective date of this subsection).

EFFECTIVE DATE

SEC. 3. The amendments made by section 1 of this Act shall take effect on the date of enactment of this Act. The amendments made by section 2 of this Act shall take effect thirty days after the date of enactment of this Act.

A PLAN OF ACTION TO HELP AMERICA

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. BYRON. Mr. Speaker, many people talk about what is wrong with our

Nation, but too few people speak out on exactly what can be done to solve the problems that confront us. In a recent front page editorial, M. Virginia Rosenbaum, crusading editor of the Citizen newspaper of Finzel, Frostburg, Md., offered up a plan of action for the citizens of all communities throughout the United States.

It may not be the only solution to help America, but it is a fresh idea, and certainly one of the few detailed outlines I have read on this subject in some time. I think it is based on sound logic and is worthy for all of us in Congress to read and discuss, and I therefore submit it to you at this time:

SAVE AMERICA BLOCK BY BLOCK

(By M. Virginia Rosenbaum)

The senseless attempt on the life of Governor George C. Wallace was the straw that broke the camel's back with "permissiveness," so far as this editor is concerned!

America is facing the greatest crisis in her history, when it is no longer safe to walk the streets at night in our cities, and where it is necessary for business men to put bars on their windows and doors in an often futile attempt to preserve their property.

It is easy to place "blame," and to generalize but that is not our purpose here. We know that there is only one solution to our sick society—and that is to find a practical way in which America can heal herself!

IT STARTS ON A BLOCK

To say that we will make America safe again is a sweeping statement that staggers the mind and causes us to shake our heads and enter our homes and lock our doors and hope that the "government" (they) can do something about it!

But we are they.

And since we are such little people individually, we must bring this problem down to a little, individual solution.

We must Save America . . . Block by Block!

Now when you look at your block . . . which, in this area may include only one or two houses, and in a city may contain only twenty or thirty, it is not too overwhelming a problem, is it?

BUT WHAT DO WE DO?

If you are in a small town, you call a town meeting, first of all. If you are in a city, you call a meeting of the block. Every person must be informed and there is no better way than to have printed or mimeographed enough copies of a sheet telling where the meeting will be held, the time, and date. In a town, it can be held in a church, school, firehall . . . in a block, it can be held in someone's home, or a public building if one is available on that block.

No, you won't know everyone in a town or a block, but if this problem is to be solved, you must know each other and this is one way to get acquainted . . . black and white and brown and yellow. It doesn't matter because this is America's problem!

Where are you going to get the money to buy the paper and pay for the printing or mimeographing? Well, folks, if you are the leader, you are just going to have to dig down and pay a little, or you might approach a church, school or business with such a machine, or approach your neighborhood printer, and you will find that everyone is as anxious to do something as you are, and each will contribute of his talents!

Where there is a will, there is a way. We mention this small detail, because we find that many important things are left undone because of such a small detail as a dollar for paper!

AT THE MEETING—FIND THE PROBLEM

Each community has its own problem. Only by discussing it can one mark down that community or that block's problem.

The problem may be drugs. The block may an area where pushers find their victims. If this is true, and there are not enough homes on your block, it may be a problem for the authorities.

But let's say yours is the average small town or average residential block.

Teams of parents could be assigned to patrol the block at peak trouble times such as weekends, with each parent taking his turn. When such a patrol is established, signs could be placed at each end of the block reading "This block is Parent Controlled."

In a small town, teams of parents, each taking his turn, could patrol the entire town since the area is small. "This Town is Parent Controlled."

What is the duty of the parent patrol?

First, a curfew should be set for a reasonable time for each person under 21 to be off the street. Then if they are not off the street, the Parent Patrol escorts them home, wakes up the parents and makes sure they know where their child is and what time he is getting home. Since it is "parent" talking with "parent," it will soon become the "in" thing to make sure it is not your child being escorted home by the Parent Patrol.

In this way, parents can see whether or not their children are drinking, on drugs, disheveled from an intimate parking session, or what have you.

If your problem is drag racing on the public highways, Parent Patrols can patrol the highways, taking down license numbers of cars involved, and reporting them, being ready to testify against the culprit, regardless of what family might be involved.

This frees the police to watch those areas of known trouble that take expert, trained handling.

MANY OTHER SOLUTIONS

When a group of concerned parents get together, many ideas will pour forth for solving the problems confronting the community. Solutions will be brought forth not dreamed of here.

INVOLVEMENT

Today, the first thing one thinks of when reading something like this is "Fine, but I don't want to get involved."

In fact, this lack of involvement is so prevalent that when Governor Wallace had been shot and the Wallace Campaign workers in Cumberland were seeking a Church in which to hold a prayer service, one Minister refused to permit the use of his Church because he "did not want to get involved."

Now when parents don't want to get involved, it's sad but maybe understandable . . . but when a Minister, who is supposed to lead in a spiritual way, doesn't want to "get involved," that man has missed his calling and should be fired by his flock! And to substantiate what we are saying, if you must, contact any of the Wallace workers and they will be glad to tell you who it was.

So we must all get involved! If America is to be saved, every person in these United States must get involved!

THE TREND MUST BE REVERSED

If America is to be saved and the permissiveness to be reversed, it will take the combined effort of every media to encourage parents to get involved and become part of the Block By Block Crusade!

Madison Avenue must include it in its campaigns. Every radio station and TV station, newspaper and magazine in the land must start beaming its commercialism to "Get Involved."

Involvement and Parent Control must now be made the in thing, and slowly, slowly we can reverse the trend . . . slow down the wheel to a grinding halt and reverse it!

Every politician should make this a part of his platform and it should be a part of the national platform of both major political parties.

This should be done if for no other reason than to make it safe once again for a man to campaign safely. The Secret Service cannot protect a candidate . . . nor a President. President Kennedy was surrounded by Secret Service; so was Governor Wallace. We are not sure of the Secret Service coverage of Martin Luther King, or of Robert Kennedy. But the tragedy of their untimely deaths and the near death of Governor Wallace must not be in vain!

SAVE AMERICA NOW—BLOCK BY BLOCK

Don't just lay this aside and forget it. Think about it. Discuss it with your neighbor. Send it to some influential person. Write letters to your friends in distant cities. Enclose your copy. Listen to fresh ideas. Get people talking about what we can do about saving America . . . about making America safe again . . . about stopping the permissiveness in our society.

Get together with your neighbor, your Pastor, your Priest . . . set up a neighborhood meeting now . . . not tomorrow . . . right now . . . today!

And feel free to use any or all of this material in any way you wish, free of charge.

May God guide us all!

NEW BAILOUT FOR LOCKHEED

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. ASPIN. Mr. Speaker, Secretary of Defense Melvin Laird has requested that the House Armed Services Committee provide a new $50 million bailout for the Lockheed Corp. of Marietta, Ga.

I am publicly releasing today Secretary Laird's request which was contained in a letter to the distinguished Chairman of the House Armed Services Committee, the gentleman from Louisiana (Mr. HÉBERT) and distributed to all members of the committee.

In his letter, dated April 27, Mr. Laird asked that part of the $226 million deleted by the Senate Armed Services Committee, from the AWACS aircraft program be used to buy additional A–7, C–130, and F–5B aircraft.

It is interesting to note, Mr. Speaker, that Secretary Laird's request to Chairman HÉBERT for the new Lockheed funds was made within 24 hours of the Senate panel's decision to cut $226 million from the AWACS program.

What amazed me at the time is that Secretary Laird is ready to give up AWACS so easily. In testimony earlier this year, both Department of Defense witnesses and Department of the Air Force witnesses described AWACS as "vital to the national security."

After Secretary Laird's request to the House Armed Services Committee, I received a letter from Henry Durham who first alerted me to this potential bailout. Mr. Durham, a former Lockheed employee, charged in his letter to me that Lockheed was seeking $50 million in what Mr. Durham termed "a blatant bailout" for 12 C–130 transport planes. The transport planes, according to Lockheed officials, are needed to keep the line open at the Marietta plant. In addition, Mr. Durham asserted, that political pressure even at the White House was being used by Lockheed to win this $50 million bail-out.

As many of my colleagues may know, Mr. Durham earlier has charged waste, mismanagement, and collusion in the Lockheed C–5A program and his charges of a $400 million overpayment by the Air Force to Lockheed have been substantiated by a recent General Accounting Office report.

The timing of a Laird letter indicates that Durham is right. This seems to be a fix motivated by political considerations, not considerations for the national defense.

It is my belief, Mr. Speaker, that it is foolish to award Lockheed for its miserable performance on the C–5A with a new $50 million contract for 12 C–130 transports.

In addition, I will seek a complete review of this move by the House Armed Services Committee when it begins final consideration of this year's defense procurement operation authorization bill.

I have also written to Secretary Laird and asked him to respond to Mr. Durham's charges. Since Mr. Durham has been such a perceptive critic in the past, I am most interested in learning the Department's position on this matter.

I am also asking Secretary Laird to explain why AWACS was given up so easily by the Pentagon.

It appears that politics comes before national security, at least in this case. It is the interest of giant contractors and not the interests of the national security that seem to be foremost in the Pentagon's mind today.

I am including at this point in the Record Secretary Laird's letter to Chairman Hébert, Mr. Durham's letter to me, my letter to Secretary Laird, and an article which appeared in this morning's Washington Post by Michael Getler. The letters and article follow:

The Secretary of Defense,
Washington, D.C., April 27, 1972.
Hon. F. Edward Hébert,
Chairman, Committee on Armed Services,
House of Representatives.

Dear Mr. Chairman: Yesterday the Senate Armed Services Committee deleted $309.9 million in Aircraft Procurement funding for the AWACS for the Air Force. It added $83 million in RDT&E, Air Force, for AWACS. The net effect of these actions is to support both Procurement and R&D. It has also permitted a reduction in the total budget of $226.9 million. This action is acceptable to us.

During the course of my testimony before your Committee, a concern was expressed that production for the A–7, C–130, and F–5B aircraft would be terminated after the FY 1972 buys. It was emphasized that in the event of additional requirements for these aircraft, it would be extremely costly to restart the lines and that as a matter of prudence small quantities of these aircraft could be procured to sustain a production base at reasonable costs. Additionally, it was pointed out that there is a current requirement for the aircraft, but as a consequence of priority considerations, they could not be included within the budget totals. The current invasion of South Vietnam has increased aircraft losses and emphasized the need for continued production, particularly in the case of the C–130 and the F–5B. In fact, the F–5B aircraft are needed for training for the South Vietnamese Air Force.

Following my appearance before your Committee, I concluded that as a prudent measure we should release the $5.8 million of A–7 advance procurement funds added by the Congress to the FY 1972 DoD budget request. It is now recommended that a portion of the authorization which would otherwise have been required for the FY 1973 AWACS Program be applied to the procurement of 24 A–7s, 12 C–130s and 7 F–5Bs. An amount of $50 million would be required for the C–130s, $12 million for the F–5Bs, and $90 million for the A–7s. The latter amount is to cover the amount of aircraft procurement plus squadron equipage. The total of $152 million can be partially offset by an amount of $60 million in savings from prior year A–7 programs. These savings in the Fiscal Year 1971 and prior Aircraft Procurement, Air Force appropriation could be transferred to the FY 1973 account. Thus authorization for new appropriation in the net amount of $92 million would be required.

This request has been cleared with the Office of Management and Budget.

Sincerely,

Melvin R. Laird.

Marietta, Ga.,
May 9, 1972.
Representative Les Aspin,
U.S. House of Representatives,
Washington, D.C.

Dear Representative Aspin: The other day I sent you one of the form letters I am attempting to send to all members of Congress, concerning the Lockheed situation and its ramifications. However, I particularly wanted to write you a personal letter to solicit your help in this important matter.

As mentioned in my previous letter, the GAO substantiated the very serious charges I leveled at Lockheed and the Air Force last September concerning gross mis-management, waste and collusion on the C–5 Program.

I am writing to request your assistance in combating efforts by the Lockheed Georgia Company to force another "give-away" of public money. As can be seen from the enclosed clippings, there are three key areas.

First, the company is desperately seeking funding for twelve additional C–130's which they say is necessary to keep the production line open. There is actually no need for additional C–130's, and as it stands now, the twelve C–130's are not in the 1973 Procurement Bill. According to news reports, the Georgia delegation is apparently abandoning its plans to amend the Procurement Bill to include the twelve planes and will attempt to obtain a "Programatic Extension" of the present C–130 Contract from the Pentagon. One member of the Georgia delegation even alluded to "a series of talks with the White House" regarding the planes. Last year, funds for twelve C–130's were included in the 1972 Bill at the last moment for the same reason. The cost would be around 55 to 60 million hard-earned tax dollars.

From any viewpoint, these efforts constitute another blatent "bail-out" attempt for the very same Lockheed management team that botched the C–5 Program. Why continue to reward these people for corrupt and inept management? If the Pentagon has 55 to 60 extra million dollars to blow for unneeded C–130's, it could more profitably be used to start paying back the $400 million C–5 overpayment revealed by Senator Proxmire in the March 27 hearing.

The second area is Lockheed's attempt to win the Production Contract for the Advanced Short Take-Off and Landing Aircraft (AMST). In my opinion, the Lockheed Company . . . particularly the Lockheed Georgia Company . . . should not even be remotely considered for another military contract in view of their absolutely horrendous track record of the C–5 Program. Again, here are the very same people who mis-managed the C–5 Program being offered an opportunity to "win" another lucrative contract involving vast sums of public money. Why is Lockheed even considered for additional contracts? Why were they even asked to bid?

The third area is the deep cloud of suspicion surrounding the $250 million loan guarantee because of Treasury Secretary Connally's refusal to testify or release records regarding the loan arrangement. Is this another "under the table" bail-out of the Lockheed Corporation?

If everything is honest and above-board, why would it be necessary to hide the facts and refuse to open the books to the American people who are footing the bill?

I desperately need your help at this crucial time. Would you please openly, publicly and forcefully raise the same questions to help thwart this latest attempt at grand theft of public funds? Would it be possible for you to take immediate and positive action? I would be most grateful for your assistance.

With best wishes and kindest regards.

Sincerely,

Henry M. Durham.

Congress of the United States,
House of Representatives,
Washington, D.C., May 19, 1972.
The Honorable Melvin Laird,
Secretary of Defense,
The Pentagon,
Washington, D.C.

Dear Mr. Secretary: I am enclosing a letter that I have recently received from Mr. Henry Durham, a former employee of Lockheed Aircraft Coporation in Marietta, Georgia.

In his letter, Mr. Durham charges that Lockheed Corporation is seeking a $50 million "bailout" for the production of 12 additional C–130 aircraft. I hope that you are able to respond to Mr. Durham's charges. Since Mr. Durham has been such a perceptive critic in the past, I would be interested in learning of the Department's position on this matter.

I am also interested in learning why AWACS was given up so easily by the Pentagon. Earlier in the year, AWACS was described as "vital to the national security" by various witnesses from the Department of Defense and the Department of the Air Force. Your sudden switch in priorities indicates to me that, in fact, AWACS was not considered vital to the national security. I hope that you will also present the Department's official position on this matter.

Thank you very much for your cooperation.

Sincerely,

Les Aspin,
Member of Congress.

Laird Asks Fund Shift For Planes

(By Michael Getler)

A day after the Senate Armed Services Committee cut $226.8 million from a supposedly high-priority Air Force national defense project, Defense Secretary Melvin R. Laird wrote to the Chairman of the House Armed Services Committee and told him those cuts were "acceptable" to the Pentagon.

In that same letter, Laird recommended that the House committee allow the Pentagon to transfer $152 million of the money saved by the Senate cut back to buy other aircraft whose production lines might otherwise close soon and which had not been scheduled to receive any more funds in the current $83.4 billion military budget request for fiscal 1973.

Laird's recommendation would allow the Air Force to buy 24 more A–7 attack planes from Ling-Temco-Vought in Texas at a cost of $90 million, 12 more C–130 transports from Lockheed in Georgia at a cost of $50 million and seven of the small F–5B export fighters built by Northrop in California for $12 million.

The Defense Secretary's letter, written April 27 and made available to The Washington Post yesterday, has drawn a sharp response from Rep. Les Aspin (D-Wis.). Aspin is a freshman congressman, former Pentagon civilian analyst and House Armed Services Committee member who now regularly bombards the Pentagon with charges of waste and wrongdoing.

Aspin charges that the 12 extra C–130 transports constitute "a new $50 million bailout" for Lockheed.

He also cites a letter from Henry Durham, a former Lockheed aircraft production manager who has testified before Congress on the C5A transport cost overruns, that says "political pressure, even at the White House, was being used by Lockheed to win this $50 million bailout."

Asked about this yesterday, White House spokesman Gerald Warren said, "We have no evidence of any pressure being exerted or anything like that."

Aspin in a statement to The Post yesterday, said he would ask Laird to respond to Durham's charges and also to explain why the Pentagon gave up so easily on the Senate's cutback of the Air Force's Airborne Warning and Control System (AWACS) project.

In testimony earlier this year, Aspin noted, "Department of Defense officials described AWACS as 'vital' to the national security."

AWACS involves an Air Force plan to develop and build a fleet of radar and computer-packed airplanes that would provide early warning against a possible Soviet bomber attack on the United States. The Air Force wants a fleet of 42 of these planes at a total cost estimated at about $2.7 billion over the next several years.

Despite inclusion of $474 million in the Air Force fiscal 1973 budget request for AWACS and Laird's overt support, there is known to be considerable high-ranking opposition within the Nixon administration to the United States making any major new investment in defense against a very limited Soviet bomber threat.

In January, administration officials hinted that AWACS might wind up being limited to a much smaller number of planes that could be used to plug air defense gaps or in localized air control situations. There is also a group forming in the Senate to oppose AWACS.

In his letter to House Armed Services Committee Chairman F. Edward Hébert (D-La.), Laird noted the Senate committee cuts and said, "This action is acceptable to us."

When Laird volunteered this opinion, the House committee had not voted on the military authorization bill that includes AWACS. The committee still has not passed on the measure and Aspin—who as a Pentagon critic is in a distinct minority on the committee—now says he will ask his colleagues to review the bill again because of the Lockheed situation.

The Senate committee had actually cut out $309.9 million in AWACS procurement, but added $83 million to allow research-and-development work to continue on the project, causing a net reduction of $226.9 million.

Laird went on to explain to Hébert that "during the course of my testimony before your committee, a concern was expressed (by some committee members, Defense officials say) that production for the A–7, C–130 and F–5B aircraft would be terminated after the FY 1972 purchases.

"It was emphasized," the letter continues, "that in the event of additional requirements for these aircraft, it would be extremely difficult to restart the lines and that as a matter of prudence small quantities of these aircraft could be procured to sustain a production base at reasonable costs.

"Additionally, Laird wrote, "it was pointed out that there is a current requirement for the aircraft, but as a consequence of priority considerations they could not be included within the budget totals."

Citing "the current invasion of South Vietnam," and "increased aircraft losses," Laird said this "emphasized the need for continued production, particularly in the case of the C–130 and the F–5B." The latter, he said is used for training the South Vietnamese Air Force. Following the Senate Committee action in cutting AWACS, Laird said "it is now recommended that a portion of the authorization which would otherwise have been required for the FY 1973 AWACS program be applied to the procurement of 24 A–7s, 12 C 130s and 7 R–5Bs."

While this would cost $152 million, Laird said there was still $60 million saved from earlier A–7 funds and thus a net amount of $92 million would have to be authorized.

The four-engine C-130 is the workhorse of the U.S. tactical airlift forces in South Vietnam and is also an excellent gunship.

The Air Force, however, has 350 of these planes already operating, 12 more on order from last year which will be delivered in 1974, and 1975 in the reserve fleet, according to Air Force figures.

Durham, the former Lockheed official, wrote to Aspin on May 9 and included a short news article from the May 5 edition of the Marietta (Ga.) Daily Journal.

The article reported that the head of Lockheed's C–130 program had told a local Kiwanis meeting that the company had enough C–130 orders to keep the production line running through 1973 "and is working on 1974 now. He didn't mention," the article states, "the hoped-for Air Force order of an additional 12 planes in the 1972–73 budget which the company has said are needed to fill a future gap in the line."

Durham said he was writing to Aspin to prevent another "giveaway" of public money to Lockheed. "If the Pentagon," he wrote, "has 55 to 60 extra million dollars to blow for unneeded C–130s, it could more profitably be used to start paying back the $400 million C–5 overpayment revealed by Senator (William) Proxmire in the March 27 hearing."

Durham's charges of Lockheed mismanagement on the C–5A program were attacked as "highly inaccurate" by Lockheed, but the former manager's charge of overpayments made to the firm by the government were substantially validated by the General Accounting Office during hearings last March.

SPECIAL REPORT ON THE ENERGY CRISIS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. HOSMER. Mr. Speaker, there follows the text of a special report on the energy crisis which I am issuing to residents of the 32d Congressional District of California, whom I am honored to represent:

The Energy Crisis

Q. Is there an energy crisis?

A. You bet. Our nation has prospered largely because of an abundance of cheap energy. Now we face the possibility of being unable to meet our requirements. We are faced with the certainty of being unable to meet them cheaply. A debate has emerged over whether they ought to be met to the extent that they have in the past. Meanwhile, the growing population seems likely to nullify any over-all energy savings made by any foreseeable per capita cut-backs in enregy use.

Q. What went wrong, who's responsible?

A. Everybody and nobody. Domestic oil and gas exploration isn't very profitable. New environmental requirements and public concern over oil spills delay offshore and Alaskan fields. Cleaning up coal is a tough R&D task and reclaiming land ruined by strip mining is expensive. Nuclear plants are taking longer to build than planned while a prudent regard for the environment and public health and safety indicates a "go slow" approach to licensing them. If we had a unified fuels policy we would have spotted our energy problem sooner, but not necessarily solved it any quicker. It usually takes a crisis to do that.

Q. Where do we get our energy, what do we use it for?

A. Presently 44% comes from oil, 33% from gas, 20% from coal, 3.7% from hydro and only .3% from the infant nuclear power industry. We use energy about this way: 25% to make electricity, 20% for transportation, 20% for heating and cooling, and 35% for commerce, industry and agriculture.

Q. Can we have clean energy?

A. Chemically non-polluting nuclear electricity could replace ¼ to ½ of all other fuels now in use—60% in the case of automobiles—but that will take time. Meanwhile many pollution abatement steps are needed. President Nixon asks for a tax on sulphur oxides. I support emission taxes on sulphur tants so industry will find it cheaper to stop pollution than to pay taxes. We will clean things up with some rise in prices, but without any more taxes on the people. Cleanliness is next to godliness, but it doesn't come free.

Q. Are nuclear plants safe?

A. They aren't risky, neither are they riskless. No member of the public has ever been injured by a nuclear accident. But no one can guarantee that one will never happen. The issue is not absolute safety, but one of balancing risks against benefits—Do the benefits to society of having nuclear electricity out-weigh whatever costs and risks there are from (a) generating it, or (b) going without it?

Q. Is southern California about to lose part of its natural gas supply?

A. Were fighting to keep it, but shortages have caused the Federal Power Commission to hold hearings on rationing imports into California. I've told FPC that deficiencies should be allocated where air pollution is less critical. I've also asked Southland utilities, when they must burn oil, to burn it at remote locations and save the cleaner gas for use in plants at population centers, like Rossmoor Leisure World.

Q. Can we produce more gas?

A. Yes. Rate increases will get more of it out of the ground. Another way is to use underground nuclear explosions to break up tight gas formations in the Rocky Mountains and let the gas flow. It seems safe and I've introduced legislation moving in this direction, but with industry instead of the taxpayers footing the bill.

Q. Are oil imports a good way to conserve our own resources?

A. Not really. They consume ever increasing billions of dollars in foreign exchange and can be cut off unexpectedly. The Kremlin ultimately controls much Mideast oil. Our major reliance for all fuels should be on domestic energy resources.

My report also includes the appropriate forms requesting absentee ballots in Los Angeles and Orange Counties. Since the primary and general elections of 1954, it has been my custom to encourage voter participation by the reproduction of such forms.

The current form for Los Angeles County is as follows:

CONSOLIDATED PRIMARY ELECTION—JUNE 6, 1972—APPLICATION FOR ABSENT VOTER'S BALLOT—BY MAIL

(Read Instructions on Back Before Filling in this Application)

If you have moved prior to April 13, 1972, you must re-register before you can obtain an absent voter's ballot. A voter moving within this county within 54 days or to another county within 90 days prior to this election, may obtain an absentee ballot. A voter moving within this county over 54 days or to another county over 90 days and who has not registered prior to the resignation closing date for this election is not eligible to vote. (Elections code, Sec. 14621.55)

Applications are accepted for mailing absent voter's ballot:

First day—May 8, 1972.
Last day—May 30, 1972.

ABSENT VOTER'S BALLOT WILL NOT BE AVAILABLE UNTIL MAY 8, 1972

JAMES S. ALLISON,
Registrar of Voter's Office,
Los Angeles, Calif.

DEAR SIR:

I, ---------------------- am a voter of Los Angles County.

My registered address is: ----------------

1. I am presently residing at the above address: -- yes or -- no.

(If answer is "yes", do not complete item 2 below.)

2. If answer to item 1 is "no", indicate date of move and check appropriate box:

Date of move --------------.

-- Permanent move from registered address.

-- Temporary move (will return to Los Angeles County).

The only reasons a voter may vote an absent voter's ballot are as follows:

-- I expect to be absent from my election precinct.

-- I will be leaving -----------.
Phone -----------------.

--Because of physical disability, I will be unable to vote in my election precinct.

—The tenets of my religion will prevent me from attending the polls throughout that day.

—I reside more than 10 miles from polling place by the most direct route for public travel.

I am therefore making application for an absent voter's ballot for the above named election.

Please mail ballot to me at------.
Date of signing------.
Signature of applicant------.

If you have registered within the last 60 days, pease give date of registration and affidavit number.

Social Security No. ------.
Date of Registration------.
Affidavit number------.

Important: This application will not be accepted without the proper signature of the applicant.

Office use only—Work record:

IDX--TL--Aff. No--- Addressed by-- CK'D & Stuffed---.

PB--RS-- Aff. to DPD-- Re-checked by-- Date of mailing---.

RP-- HC-- Grouped by-- Ballot No--- Date of pick-up---.

Posted-- Voted in office---.
Precinct------.
Group------.
Party------.
Name------.

The current form for Orange County is as follows:

APPLICATION FOR ABSENT VOTER'S BALLOT

To: Registrar of Voters, P.O. Box 11298, Santa Ana, Calif.

This application must be received by the Registrar on or before May 30, 1972.

First day ballots will be available for mailing, May 8, 1972.

I hereby apply for an absent voter's ballot for the primary election, June 6, 1972.

I will be unable to go to the polls for reason checked:

—Expect to be Absent from my precinct on election day.

—Because of Physical Disability.

—I reside more than 10 miles from nearest polling place.

—My religion prevents me from attending.

—I reside within a 30 or less precinct.

Name ------.
Address ------.
Mail ballot to City ------.
State ------.
Signature ------.
Date ------.

If your residence address is other than that shown on your Affidavit of Registration, you must complete the following:

I moved on ------ from the address that is shown on my affidavit to:

New address: ------

If you have moved (within this county to another precinct) prior to ------; you must reregister before you can obtain an absentee ballot. (A voter moving within this county within 54 days or to another county within 90 days prior to this election, may obtain an absentee ballot. A voter moving within this county over 54 days or to another county over 90 days and who has not registered prior to the registration closing date for this election is not eligible to vote.)

DO NOT WRITE IN THIS AREA—FOR OFFICE USE ONLY

Party affiliation ------.
Precinct ------.
Affidavit No. ------.
Ballot No. ------. Group No. ------.
Date of mailing or delivery ------.
Ballot returned ------.

TYPE

—Regular Mail.
—Air Mail.
—War voter.
—War Voter + Affidavit.
—Voted In Office.
—Took Ballot.

Other California jurisdictions will generally honor written requests for absentee ballots which contain the substance of the content of either of these forms.

SEEKS TO ESTABLISH THE KOSCIUSZKO HOME AS NATIONAL HISTORIC SITE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. EILBERG. Mr. Speaker, the Heritage Council of the Philadelphia Bicentennial Corp., composed of representatives of approximately 70 ethnic groups of the Delaware Valley region, has unanimously adopted a resolution calling for the preservation, protection, and enhancement of the Kosciuszko home in Philadelphia.

As sponsor of H.R. 6759, which seeks to establish the Kosciuszko home as a national historic site, I wholeheartedly endorse the position of the Heritage Council. As you may know, the Senate approved this proposal as S. 1973 on March 23, while hearings have not even been held as yet in the House.

The council's resolution is herewith entered in the RECORD for the attention of my colleagues:

RESOLUTION

Whereas, Thaddeus Kosciuszko was an extraordinary military engineer and planner who made indispensable contributions to the success of the American Revolution in both the North and the South; and

Whereas, after helping to achieve American independence, he returned to his beloved Poland and devoted the next decade of his life in an unsuccessful struggle to free his country from foreign domination; and

Whereas, when he was exiled, which was intended to silence his voice and end his fight for freedom, he decided to keep alive the torch of freedom and picked Philadelphia, the cradle of liberty, to hold the torch as high as he could; and

Whereas, the building at 301 Pine Street is the only remaining house in Philadelphia that General Kosciuszko occupied and its protection and restoration would be a significant contribution to the vitality of Philadelphia's "Historic Square Mile", an area that will certainly be a major focal point for visitors during the United States Bicentennial in 1976; and

Whereas, without a clearcut recommendation of the Nixon administration and the Secretary of the Interior, the architectural and historical significance of Kosciuszko's last residence in America would suffer; now, therefore, be it

Resolved: By the Philadelphia 1976 Bicentennial Corporation, That we hereby respectfully memorialize the President of the United States and the Secretary of the Interior to take affirmative action now to preserve, protect and enhance the historically significant house that General Kosciuszko occupied in Philadelphia; and be it

Further resolved: That the Senate and House Interior Committee hold public hearings as soon as possible on the merits of proposed legislation to create a Kosciuszko Shrine in Philadelphia; and be it

Further resolved: That the Philadelphia 1976 Bicentennial Corporation transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the House Committee on Interior and Insular Affairs, to the Senate Committee on Interior and Insular Affairs, to the Chairman of the American Revolution Bicentennial Commission, to the two United States Senators from Pennsylvania and to each Representative from Philadelphia in the Congress of the United States.

A SPECIAL SALUTE TO GIRL SCOUT TROOP NO. 450 OF BOGGSTOWN, IND.

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. BRAY. Mr. Speaker, in the hurried life of the 20th century many things are passed by, and forgotten, and neglected. I have been concerned to read, too, assertions that our citizens, and especially our young people, have no thought for the future and only wish to burn themselves out in the present, while scorning the past. But not all things are forgotten; and this gratuitous slur against American youth is not true, as the following story makes clear.

Indiana is dotted with small, often

remote, and mostly neglected old cemeteries, some dating back over 150 years. The stones, where they still stand, are often worn so smooth by time and nature that they can no longer be read. Only the memories of the oldest inhabitants of an area serve as guides to the persons who are buried there. These graveyards are the last resting places of the Hoosier State's earliest settlers and pioneers, and serve as direct links and reminders to the days when the American Republic was young.

Such a spot was an historic but little known cemetery located north of Boggstown, Ind., on the London Road. Cluttered with debris, overgrown with weeds, and even young trees, it was almost totally forgotten, neglected, and abandoned. Little is known about who is buried there, but it is certain that one grave is that of a veteran of the War of 1812. As in many such cemeteries, the tombstones are worn smooth and the inscriptions are no longer visible, but it is certainly 150 years old, at least.

It would have remained that way if it had not been for Girl Scout Troop No. 450 of Boggstown, Ind., and their leaders. In the finest traditions of reverence and respect and without any great amount of fuss or ceremony, they cleaned away the accumulation of weeds and debris.

Now, this in itself was a small thing. But the spirit and the example shine large and bright, indeed. American youth are not rootless, drifting, uncaring and unthinking persons that some would have them be. They still have within them—and, I know, always will have—those qualities that have made our country great in the past and will make it greater in the future.

The names of the leaders and members of the Troop No. 450 follow:

Leader—Mrs. Sandra Robinson; Assistant Leader: Mrs. Dorothy Osborne; Committee Chairman: Mrs. Janet Joesten; Committee Co-Chairman: Mrs. Joanne Eck.

Troop members: Stacy Robinson: Deanna Osborne; Cathy Mink; Debbie Michael; Cheryl Michael; Suzanne Kinnett; Diane Kinnett; Nan-Ellen Joesten; Diana Haverly; Lisa Guy; Ronette Eck; Marneta Darby; Krista Cradic; Mary Jo Crowder; Dana Chaney; Pam Atnip; April Arnold; Susan Hill; Becky Kirby; Donna Beemer; Anna Higdon.

PROFESSIONALS FOR PEACE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. SCHWENGEL. Mr. Speaker, May 20 was Armed Forces Day in America. The following editorial honors those veterans, past and present, standing in defense of this Nation. It was written by Mr. George Nickolas, a constituent of mine from Davenport, Iowa, and former State commander of Disabled American Veterans:

PROFESSIONALS FOR PEACE

(By Geoge T. Nickolas)

Every citizen of the United States of America owe the men and women of our Armed Services special thanks and a vote of confidence. These outstanding Americans have been placed in a fish bowl, their activities are closely monitored, and their mistakes are magnified by the press and others who look to attack our society.

Our combat troops have had to fight two limited wars with restraints that have subjected them to increased dangers. It was not always so!! Twenty-eight years ago the 6th of June men of this country's Armed Forces launched the mightiest invasion ever undertaken by man. On that day, ten thousand of the cream of America's manhood died. They were of all branches of the armed forces, all ages and all races, but they stood united in a common cause. They fought, in what a few call, a "Just War". No war is "just"!! As long as men wish to dominate other men, as long as men use force of arms to achieve their goal of domination, we must stand ever ready to repell aggression. We must maintain a corps of professional military men who are willing to forego some of their personal liberty and freely give many of the productive years of their lives to unselfishly serve this country. The title "Professionals for Peace" is truly a fitting title.

These "Professionals for Peace" come from the same stock that the ten thousand who fought, sacrificed and finally paid with their lives on D-Day to allow all of us to enjoy freedom. Others have died in countless other spots which history so lightly records and many others live and carry the mental and physical scars of those battles as a reminder of their contribution to freedom.

The observance of Armed Forces Day should remind every citien that the men and women of our armed forces stand ready to sacrifice, fight, and, if necessary, even die for every man, woman, and child in the United States of America.

THE CONTINUING ILLEGAL ALIEN CONTROVERSY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. BADILLO. Mr. Speaker, for the past several months we have witnessed a raging controversy over the plight of the exploited, intimidated, and frightened aliens who are in the United States illegally. We have heard countless charges and countercharges over the illegal aliens' effect on the economy, over their political beliefs and aspirations and over their actual numbers.

As I have mentioned on earlier occasions, the majority of charges are irresponsible and baseless. It is claimed, for example, that they are depriving Americans of their jobs, yet the majority of "illegals" are doing work which most Americans would not even consider performing.

The campaign to purge the country of illegal aliens has, unfortunately, primarily focused on the Spanish-speaking. In addition, I am fearful we are coming dangerously close to establishing some form of national identification system in order for one to prove that he is a citizen.

These and other issues are discussed in a well-written and penetrating article by Christopher Norwood in the May 11 issue of the Village Voice. As Norwood aptly observes, if Federal and State authorities would effectively enforce minimum wage laws and measures stipulating decent working conditions, the conditions in which illegal aliens are now forced to work would not exist and the economic benefits accruing to unscrupulous employers by hiring them would vanish. The same holds true for the effective enforcement of laws which prohibit the illegal importation of farmworkers by large agribusiness concerns.

Much of what Mr. Norwood has written makes a great deal of sense. As this is an issue with which we are being confronted in various forms—such as in the original version of the minimum wage bill and pending legislation in the House Immigation Subcommittee—I believe we should all very carefully consider every possible aspect of it. I commend Mr. Norwood's article to our colleagues' attention and present it herewith for inclusion in the RECORD:

ILLEGAL ALIENS: 'THE LATIN PERIL'

(By Christopher Norwood)

It is one of those axioms peculiar to American history that, as an immigrant country, mistrust of the "strange" people in our midst has repeatedly restricted the very freedoms which incited our birth as a nation. Other countries have imposed police states on various pretexts—fear of revolutionaries, fear of counter-revolutionaries, etc., but in the United States the alleged treachery of aliens has always led us the closest to internal controls we have come, beginning with the Alien and Sedition Acts of 1798 and continuing with many intervening incidents, through the Japanese internment camps of World War II.

The question this time around is not what to do about immigrants we have admitted purposely, but what action to take against the some two million aliens in the United States illegally. The measures that the Nixon administration, along with support from strange quarters, is currently promoting to get rid of some "wetbacks" are suspiciously out of proportion to the problem. These aliens are close to providing the final excuse to put the whole country under some form of "national identification," i.e., internal passports.

It comes as a surprise to most people to learn that there are so many illegals in the country and they wonder vaguely why they haven't heard about it before. The number of illegals began escalating when the Immigration Act of 1965 not only put a quota on Latin America for the first time, but made it more difficult for Latin Americans to enter than Europeans. (Latins, mostly Mexican, constitute at least 80 percent of the illegals; the rest are mainly Canadian, Chinese, British West Indian, Greek, Philippine, English, and Italian.)

Nobody much minded the illegals, since poverty placed the majority of them in the exclusive position of being exploitable by almost every power group in the country—from big business to big labor. Fear of being turned over to the Immigration Department and sent back home to starve made them accept anything. (I know of one woman in New Jersey whose employer, upon learning she was an illegal, attached a buzzer to her desk. He buzzes whenever he get that good old-fashioned feeling.) In the Southwest particularly, the government winked at the situation. Large farms were importing illegals to provide a hedge against Cesar Chavez.

Except when their presence hampered organizing, the big unions were usually delighted by the illegals. They presented endless opportunities for sweetheart contracts, pay-offs for membership, and just collecting dues without the expense of aiding the membership.

The illegals also singlehandedly provided a retirement fund for officials in some areas of the country. Chicago now has the second largest Mexican population of any United States city, perhaps half of whom are illegal. The Chicago Sun-Times recently reported charges that on payday the police were standing outside factories where illegals were known to work. They demanded $50 to $100 from each Mexican on the threat of deportation. Travel agents, notary publics, and a variety of crooks and forgers, including some lawyers, have preyed on the aliens' desperation to secure legal status and have set themselves up in the business of "getting" papers for aliens. The going rate for papers in New York now ranges from $500 to $2000, payable in advance.

With so many people making so much money out of the illegals, nobody minded too much. Then, of course, the United States decided to have a depression. These aliens, who had been serving our purposes most admirably for years, became a hot item. Politicians now denounce them for "stealing jobs from Americans." The conservative press, having discovered that "illegal alien" is the new password for slandering certain nationalities, has pounced on the issue. A series in the New York Daily News accused the aliens of "flooding the labor market," "selling drugs," "raping our economy," and being "dedicated Communists."

The Immigration and Naturalization Service says it has no evidence to back these charges and that nearly all the 345,000 deportable aliens it discovered last year were doing nothing but working. As for the aliens "stealing jobs," the majority are apparently doing work that Americans won't touch any more at any price, even during hard times. In cases where aliens have shut out American workers, it is a result of the exploitation that their illegal status leaves them open to—from them being underpaid, submitting to union pay-offs, etc. That is a different matter than presenting the vision of aliens "raping our economy" as an excuse to promote the legislation now before Congress.

Nevertheless, the combination of racial differences and an exaggerated economic threat is a time-honored and powerful drawing card. When brown-skinned and slit-eyed people are accused of "stealing" American jobs, Congress begins passing measures that in other circumstances wouldn't be considered. The government's main concern now is the fastest way to get rid of the illegals—not how to enforce present laws which could halt the worst abuses. After tacitly permitting the problem to grow so large, the logistics of ferreting out the illegals and deporting them are horrendous. So the Nixon administration has decided on what looks like the simple method of "cutting off the flow at its source." The administration has been pushing a bill making it a crime (punishable by a $1000 fine and a year in jail) for an employer to "knowingly" hire an illegal. The alien would be equally punished for the crime of working. Senators Kennedy and Muskie have backed similar measures, with the "liberal" difference that the alien would not be put in jail.

This clumsy attempt to blame our economic problems on aliens has startling implications. In country with the heterogenous population of the United States it says one of two things.

First, employment discrimination will be legalized. That is, most minority groups, as well as several million naturalized citizens who still retain accents or other characteristics which distinguish them from "Anglo" Americans, will have to prove they are citizens when applying for jobs. (This will be quite a feat for the millions of people of working age who didn't have their births registered or who don't have documentation to prove they were born here.) Of course, no congressman would have dared propose a law which singled out white Americans for such a burden.

However, since the courts probably won't permit any law to be enforced so discriminatorily, there is a second method. Every citizen and legal resident of the United States will have to be identified and filed. Most suggestions along this lines center on making the Social Security card into a national identifier, possession of which would be considered proof that you legally existed. (Remember when the law was passed how the records were supposed to be confidential and for insurance purposes only?) Many congressmen have denounced the Social Security Administration for "giving" illegal aliens cards and thus enabling them to work. But Social Security has no authorization to investigate the national origin of applicants. It is just supposed to assign a name and a number. The excuse illegals present to finally get everybody located, investigated, filed, and laminated should be taken seriously.

The recent Senate Finance Committee hearings on President Nixon's appointment of Mrs. Ramona Banuelos as Treasurer of the United States brought out the droolings. Mrs. Banuelos, in one of the highly publicized raids the Immigration employes' union has been staging to dramatize the plight of its "over-worked" men, was found to be employing illegals at her tortilla-processing plant. Her hearing turned into a hearing on aliens. Arthur Hess, Deputy Director of Social Security, was called to testify on Social Security's inability to distinguish legals from illegals. He pointed out that the card was not designed to be a "reliable identification or work permit cards."

Several senators, led by Russell Long, asked why Social Security couldn't investigate and fingerprint every card recipient. Hess, turning a whiter shade of gray, said it would be too expensive and he felt the American people might object. "They don't object when they want the benefits, do they?" countered Long.

With sentiments like this lurking behind the bill, with its racial inspiration, and with the Labor and Education Committee's purposeful neglect to hold the public hearings it should hold for a measure of such implications, one must seriously question if this pernicious little law, which has come so far so quietly, represents a genuine concern with American working conditions. (The bill was rammed through under union pressure. However, while the unions publicly take the required stance of protecting American labor, it would be hard to name one union in the country which isn't happily collecting dues from illegals.)

The hypocritical politics of the bill's presentation aside, what makes it especially suspect is that there are already adequate remedies to prevent aliens from "stealing" American jobs, if that is the only purpose of this law. However, if current laws aren't being enforced, why will this one be enforced against aliens instead of just being used to turn life into a nightmare of proof, identification, and restriction, first for minorities and finally for every body? That is why it is surprising to find people like Kennedy and Muskie backing it.

Kennedy's office admits the major abuses with illegals could be solved "administratively" under present law. Among other things, if the federal and state Labor Departments would ever get around to enforcing the minimum wage laws, decent working conditions, and other things they are supposed to enforce, alien labor could not be used to squeeze out Americans. Further, federal authorities can already nab employers who are deliberately importing aliens. Many large farms, for instance, have their own smuggling operation. That's five years in jail, but I haven't noticed any "agribusiness" chiefs being prosecuted—or, for that matter, unions being prosecuted for payoffs.

Kennedy has tried, without success, to see that measures to minimize the problem are enforced and has "reluctantly concluded" that the illegal employment bill, despite its possible consequences, is the only solution left. In other words, and as usual, because law enforcement doesn't extend to people who are well-connected politically, let's have the kind of dangerous and all-encompassing legislation that makes everyone suffer.

So this rider, neatly buried in the minimum wage bill (which is sure of passage), waits for a Congress which is not averse to invoking "the Latin peril" for our own economic blunders—or to seeing the country law and ordered once and for all.

"Oh boy," said the public relations lady at the Social Security Administration, "that reporter from the Daily News called up here demanding to know why we couldn't investigate aliens and do this and that. Just wait until he has to be investigated. He'll be calling back."

Well, we can wave goodbye to the wetbacks with hands blackened from the fingerprint pad.

BUSING STUDY CASTS DOUBT ON SYSTEM

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. COLLINS of Texas. Mr. Speaker, throughout our country the citizens who are concerned with improvement in education read Dr. David Armor's report with keen interest. Dr. Armor has made an extensive study of busing and his conclusions are that it improves neither student achievement nor racial tolerance.

When President Nixon voices opposition to busing he is said to have limited vision. When Governor Wallace speaks out against busing, he is called a racial bigot.

I ask all of my open-minded colleagues to analyze this study made by Dr. David Armor who is a professor at Harvard University. His analysis and report is factual and documented. He is a scholar who has made an exhaustive study of the greatest domestic issue.

Harvard University is to be congratulated on contributing this excellent report. You will find the article by Lawrence Feinberg to be most challenging. From the front page of yesterday's Washington Post you can read the article as it follows:

ACHIEVEMENT TOLERANCE UNIMPROVED—CASTS DOUBT ON BUSING

(By Lawrence Feinberg)

A major study of school desegregation by five Northern cities concludes that achievement test scores of black students have not been raised. Moreover, the busing experiments, in several cases, have led to a worsening of race relations, rather than an improvement.

The study reports that the grades of Negro students generally fell when they were transferred to predominantly white schools because grading standards were higher.

Black youngsters in these schools, the study says, have a stronger sense of racial identity and a greater desire for black separatism than do students in predominantly black schools.

The report suggests that much of the research on race and education done before the late 1960s and widely used in court integration decisions is now outdated because it fails to take into account the new militancy and pride of many black students.

The 64-page study was written by David J. Armor, an associate professor of sociology at Harvard University who previously had conducted research for the U.S. Civil Rights Commission.

It includes research on a city-suburb desegregation program in Boston, which Armor conducted himself, plus data on similar programs in Ann Arbor, Mich., Hartford, Conn., Riverside, Calif., and White Plains, N.Y.

Overall, about 5,000 students, ranging from grades one to 12, have participated in these busing programs. The data that Armor compiled from 1965 to 1971 follows the children for from one to five years.

Armor's study has been presented at a seminar at Harvard, and it is scheduled for publication this summer in The Public Interest magazine.

He said in an interview that his study is the largest showing the "before and after" effect of long-term busing projects by using the same tests to compare bused children with others.

In the mid-1960s Armor worked on a government research project, headed by James S. Coleman, which compiled a massive report on race and education. The report concluded that lower-class black students make some academic gains in predominantly middle-class white schools.

But in his new study Armor notes that the tests Coleman used were all given at the same time—in the fall of 1965. Thus, conclusions about the effect of integration were made, he said, by comparing youngsters in schools with different proportions of black and white students, rather than by following the same children after they had switched from a predominantly black school to a predominantly white one.

"NO SIGNIFICANT GAINS"

In four of the programs he studied, Armor said, black children bused to suburban schools made "no significant gains" when compared to other black students who stayed in inner-city schools or to whites who took the same achievement tests.

In the fifth program, Hartford, the results were mixed. Negro children in suburban schools did better in some grades. But in others, the children in their neighborhood schools scored higher.

Armor, whose prime field of work is research methods and statistics, said he also reviewed reports on over a dozen other desegregation programs, including Berkeley, Calif., and Rochester, N.Y. All of them, he said, were seriously flawed, either by including different tests at different times or by not having a control group against which to check the progress of the students who were bused.

Besides the data on achievement, Armor's study contains the results of questionnaires and psychological tests given to measure children's attitudes toward themselves and toward other races.

Contrary to expectations based on earlier research. Armor said the aspirations of black children were slightly lower in mostly white schools than in all-black ones. But in both types of schools, he said, their ambitions—for white-collar jobs and a college education—were generally high.

One factor in the slight decline, he said, may be the lower grades that many Negro students get in predominantly white schools. He said that in his study their marks averaged about half a grade lower in these schools—about C, compared to a B-minus average in the mostly black schools.

"Since black students are behind white students (on standard achievement tests)," he said, "we should expect their grades to fall when they are taken from the competition in an all-black school to the competition in a predominantly white school."

In the measures of racial attitudes, Armor said the data indicated that "integration heightens racial identity and consciousness (and) enhances ideologies that promote racial segregation."

This finding, he said, is "the converse . . . (of one of the central sociological hypotheses in integration policy . . . that integration should reduce racial stereotypes, increase tolerance, and generally improve race relations."

Instead, he said, "the effect is the opposite."

One indicator of this, he said, was the question he asked black students in Boston: "If you could be in any school you wanted, how many students would be white?"

Among those bused to suburban schools the proportion wanting a school less than half white increased from 51 per cent to 81 per cent between 1968 and 1970. For a group of their brothers and sisters who stayed in city schools, the proportion increased less markedly—from 47 per cent to 66 per cent.

The bused students also became "much more likely to support the idea of black power," Armor said, and between 1969 and 1970, they reported "less friendliness from whites, more free time spent with members of their own race, more incidents of prejudice, and less frequent dating with white students."

"In other words," he concluded, "the longer the contact with whites, the fewer the kinds of interracial experiences that might lead to a general improvement of racial tolerance."

He said the trend is "clearest" for older black students, but also occurred in the elementary grades. "It seems to be true for whites also," he said, "insofar as their support for the integration program decreases and own-race preferences increase as contact increases."

Even though "in the formal sense . . . all races are treated equally" in an integrated school, Armor said the integration itself "does very little in the short term to eliminate the socio-economic and academic status differentials." Thus, he said, stereotyped beliefs can be reinforced.

"For black students," he said, "initial stereotypes about white students as snobbish, superior, and straight may be partially confirmed by actual experience; the same may be true for white stereotypes of black students as non-intellectual, hostile, and having different moral standards."

Pride in their own culture, he said, has been one of the main elements in the change in black attitudes, especially those of young Negroes, during the past decade.

"It would be a mistake," he added, "to view the increased racial solidarity of black students as a completely negative finding (for) . . . a certain amount of culture conflict (is) inevitable and even necessary if an integrated society is to be realized."

Armor, who is white and lives in a Boston suburb, said his own children attend a school to which black youngsters are bused in a voluntary program, and he urged that such programs be continued.

In his study Armor also presents data from two reports showing that black students in suburban schools are more likely to go to prestige colleges than those attending inner-city schools. This "channelling effect", he said, supports one of the hoped-for gains in integration.

But, Armor said, the "integration policy model," advanced by sociologists and courts, also contends that integration will "enhance black achievement, aspirations, and self-esteem, and (improve) race relations."

All four of these goals, he said, have "failed to be supported by the data." And this, he said, "calls into question" the value of mandatory busing programs.

THE GREEK ECONOMY: ILLUSIONS AND REALITY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. FRASER. Mr. Speaker, John Pesmazoglu is widely recognized as Greece's leading economist. A political moderate, a man still in his 40's, he helped achieve Greece's associate membership in the Common Market.

Mr. Pesmazoglu, the first Greek recipient of an Eisenhower Fellowship, was formerly assistant director of the Bank of Greece and professor of economics at Athens University. He is a friend of the United States. The NBC "Today" Show recently interviewed him during a series on Greece.

On April 29, 1972, he issued a statement in Athens analyzing the state of the Greek economy.

A few days later he was placed under arrest by the dictatorship, charged with "damaging the national economy."

The tragedy of this arrest reflects the larger tragedy of Greece. Force is rewarded, and moral and intellectual honesty are punished. Again and again the men who may well form the future leadership of a democratic Greece are arrested. And our Government continues to support the jailers.

Under leave to extend my remarks, the Pesmazoglu analysis follows:

SUMMARY STATEMENT ON THE GREEK ECONOMY

(By John Pesmazoglu)

ILLUSIONS AND REALITY

At the beginning of 1967 the Greek economy was strong with a safe monetary and balance of payments situation. Nothing could justify the suspension of democratic procedures for the alleged promotion of economic development. Such an argument is in any case hardly acceptable, since it would also imply that democratic rule should be discontinued whenever a country faces economic difficulties.

Neither would Greek economic developments in the last five years justify ex post the coup of April 1967, although the argument could again be hardly acceptable, morally and politically. With the application of internationally established criteria it can be ascertained that progress in crucial economic magnitudes has significantly slowed down since 1967, while at the same time the constraints on growth are becoming tighter, in particular, from the balance of payments, the basic credit relationships and the suspension of major parts of Greece's Agreement of Association with the European Community.

Certain appearances, which are being frequently emphasized in Greece and abroad, are misleading and cannot form the basis for an accurate assessment of Greek economic achievements and perspectives since 1967. The increase of per capita income, which reached the 1000 dollar mark in 1971, was almost exclusively the product of the development mechanisms set in motion before 1967 and was realized despite the decline of the average annual rate of growth of gross national product from 7.65 per cent in the four year period 1963–66 to 6.2 per cent in the four year period 1967–70 or 7 per cent in the four year period 1968–71. Total private consumption (as a measure of the overall standard of living) increased since 1967 at an average annual rate of about 6.3 per cent which was the rate of improvement over the whole ten year period 1957–66 as against 7.6 per cent in the four year period 1963–66. The manifestations of an expanding modern consumer society are the consequence of a number of developments such as (a) the increase of urban incomes which was followed by an acceleration in the growth of demand for consumer durables, such as cars, electrical appliances or television sets, (b) the major expansion of bank credit associated with "credit leakages" which reinforced the liquidity and spending power of the borrowing business community, their associates and other professionals and induced a significant expansion of sales on credit, (c) the resumption of mass emigration and of tourist expansion leading to the spread of modern consumer patterns in the provincial urban centers.

These manifestations however can not affect the conclusions on the developments and perspectives of Greek productive development drawn from the following considerations, based on published statistics and on estimates and announcements by various government departments or other agencies.

THE RELEVANT CONSIDERATIONS

1. Major slowdown in the development of the agricultural sector.

The average annual rate of increase of income from agriculture at constant prices has fallen from 4.2 per cent in the four year period 1963–66 to 2 per cent in the four year period 1968–71. The rates after 1967 correspond to about half or less than half the 5 per cent rate, which was the target of the regime for the five year period 1968–72.

The relative decline of growth rates is more pronounced for income from agricultural activities at current prices, from an annual rate of 9.1 per cent in 1963–66 to 4.7 or 4.0 percent in 1967–70 or 1968–71, respectively. The decline of 5 percentage points in the rate of increase of agricultural income corresponds in four years to a loss of more than the total amount of agricultural debts cancelled by the regime in 1968.

The slowdown in agricultural progress is not unconnected with the sharp fall of the average annual rate of increase in agricultural exports from about 12 per cent in 1963–66 to 2.6 in 1967–70 or less than 2 per cent in 1968–71. The difficulties and uncertainty in the exports of agricultural products are largely due to the suspension of "agricultural harmonisation" provided in Greece's 1961 Agreement of Association with the European Economic Community for the permanent application of common agricultural policies to the benefit of Greek export products. Major parts of this Agreement were set in abeyance after the suspension of democratic rule in April 1967.

2. Significant decline in the rate of increase of private fixed capital investment in manufacturing.

The average annual rate of real increase of private fixed capital investment in manufacturing declined to half or two thirds of the corresponding rate before 1967, from 25.3 per cent in 1963–66 (four years) to 11.3 per cent in 1967–70 (four years) and 15–16 per cent estimated for 1968–71 (four years).

The continued rise in industrial production and exports after 1967 results from investments, ⅔ of which are estimated to have been already realized before 1967 by firms already operating at that time.

3. Public Finance: Exceptional tax treatment for the benefit of economically powerful groups; low rates of increase in expenditure for education and social services.

Favourable tax arrangements were introduced since 1967 in favour of various categories of "non-labour" income, such as dividends and shipping profits but the resulting benefits to economic development are at best doubtful. The exemption of larger ships, engaged in international transportation from taxes on inheritance, donations and dowries is a serious breach of a principle of major economic and social importance.

The average annual increase of public expenditure (current prices) in the three year period 1967–69 (complete statistics for the 1970 financial year are not yet available) was 7 per cent for the Ministry of Education, 8 per cent for the combined Ministries of Social Services and Labour and 21 per cent for defense and public security. The relative orders of magnitude would not be significantly different if corresponding national account statistics were used or if the four year period 1967–70 were covered.

4. The rate of expansion of bank credit is significantly higher (double in the two year period 1970–71) than the corresponding rates of increase in the national product, industrial production and private fixed capital investment.

The annual rate of increase of bank credit to the private sector rose from 14 per cent in 1963–66 to 19 per cent in 1967–70 and reached 22.5 per cent in 1970–71. The last rate is more than double the average annual increase of 1970–71 of gross national product (at current prices), industrial production and private fixed capital formation.

According to other estimates the ratio of financing from domestic bank credit and identifiable external sources to private investment rose since 1967 by 40 to 70 per cent, over the corresponding average ratios for 1963–66.

These findings suggest a smaller and falling participation of own funds in investment which would imply a weaker risk taking and a declining borrowing capacity for future business ventures.

5. Major increase in the deficit on current account and in the "basic" deficit of the balance of payments.

The rate of increase in export earnings declined from 13.5 per cent in the four year period 1963–66 to 11.1 per cent in the four year period 1967–70 or 8.5 per cent in the four year period 1968–71. Although the rate of increase in payments for imports declined and current invisible earnings sharply rose in the last two years, the balance of payments deficit on current account (which is the net balance of payments for imports of goods minus earnings from exports and net current invisibles) increased from 264 million dollars in 1966 to 361 million dollars in 1971. The increase in the deficit by more than 35 per cent between 1966 and 1971 makes rather unlikely the achievement of the 10 per cent decline in the deficit between these two years, which constituted the target of the present rulers.

Developments in the balance of payments are internationally analysed with the help of the so-called "basic" balance or deficit, i.e. the difference between the deficit on current account and the net inflow of long term capital, private and public, excluding short-term capital and accommodating finance by the monetary authorities. According to the estimates of the International Monetary Fund a "basic" surplus over the period 1960–66 (as presented in the IMF Annual Report) was reversed into average annual deficits of 67 and 101 million dollars in the 1967–70 and 1968–71 four year periods, respectively, with a corresponding estimate of 145 million dollars for 1971.

Greece was deprived of about 200 million dollars in earnings from the decline of tourism in the five years 1967–71. This loss was not offset by the significant rise in 1970 and the sharp increase in 1971 in receipts from tourism. The economy was also deprived of an estimated total of about 200 million dollars in the form of long term loans or other capital over a period of about five years following the suspension of the financial assistance provisions of the Agreement of Association of Greece with the European Community. The total loss of 400 million dollars of resources on these two counts represent the shortfall which, until 1971 inclusive, is directly imputable to the suspension of democratic rule in Greece in April 1967. As against this shortfall 440 million dollars in the four year period 1967–70 or 600 million dollars in the four year period 1968–71 were raised through short or medium term distress borrowing for the maintenance of overall equilibrium in the balance of payments. Total external debt of the country rose from an estimated total of about 1100 at the end of 1966 to about 2400 million dollars (excluding pre-war debt) at the end of 1971.

The increase in official reserves from 273 million dollars at the end of 1966 to 503 million dollars at the end of 1971 is largely the result of the increase in short term foreign exchange deposits and borrowing by the Bank of Greece. The ratio of official reserves to obligations maturing within twelve months declined from 0.95 at the end of 1966 to 0.74 at the end of 1971 while the same ratio for total reserves, i.e. including the special gold sovereign fund at the Bank of Greece, declined from an estimated 1.25 at the end of 1966 to an estimated 0.78 at the end of 1971.

6. Widening of economic inequalities.

(a) The per capita income at current prices from agricultural activities rose at an annual rate of 11 per cent in 1963–66 and 6–6.5 per cent in the four year periods after 1967. Since the rate of increase in per capita urban income remained unchanged, these developments led to a widening of the gap between the two income categories.

(b) The average annual increase since 1967 in money earnings of civil servants, of the employees of public corporations and banks and of minimum wages varies between 5.2 and 7 per cent and is substantially lower than the corresponding rates of increase of 8–9 per cent in 1963–66. Weekly and monthly earnings by workers and employees in industrial establishments with hired personnel of 10 or more, rose by annual rates varying between 7 and 9 per cent which are slightly lower than the corresponding annual rates in 1963–66. The relatively more rapid increases of wages and salaries in industry compared to minimum wages in 1968–71 should be accounted for by the resumption of mass emigration in numbers probably twice as high as the increase in urban employment over the last four years.

(c) The exceptional tax treatment to the advantage of economically powerful groups, with at least doubtful results for the development of the national economy, does not contribute to the narrowing of economic inequality.

7. "Order and tranquillity" without representative government, does not promote entrepreneurial activity according to recent Greek experience.

The inflow of private productive capital with the approvals and guarantees of Greece's special legislation as well as of "other" business capital, declined since 1967. The *gross* total of such inflows has fallen from 377 million dollars in 1963–66 to 320 million dollars in 1968–71 (excluding the value of aircraft hired, not purchased, by Olympic Airways). But if repatriation is deducted the total *net* inflows declined from about 350 million dollars in 1963–66 to about 200 million dollars in 1968–71.

Despite the acceleration of the rise in bank credit and tax or other powerful inducements, the average annual rate of increase in total private fixed capital investment declined from an average of 15 per cent in the four year period 1963–66 to about 13 per cent in the four year period 1968–71 and to 5 per cent in the two year period 1970–71 according to recent official statistics.

A GLIMPSE OF THE FUTURE

Greek economic experience since 1967 is associated with a grave loss of opportunities, resources and strength. The origin and character of the present regime make reliance on increasing profit inducements and concessionary deals inevitable. Under such impulses and arrangements economic development is found to suffer either from difficulties in securing rapid and abnormal profits—as has already appeared in the breakdown of almost all major foreign investment contracts concluded in recent years—or by wild rapid profit-seeking undertakings. Nevertheless growth is likely to proceed on the mechanisms already established and there will be an appearance of improvements in social conditions as long as mass emigration continues.

Despite the fallout of the world tourist explosion and possible further increases in current invisibles, the balance of payments constraint will very likely become increasingly pressing. However, the rise in spending and consumption may continue and a climate of euphoria may be maintained, as long as "windfalls" and "window-dressing" or other "distress action" postpone the moment of reckoning.

The long-term prospects of the Greek economy largely depend on the restoration of democratic procedures. For it is only on the strength of popular support and social acceptance that the conditions of economic and social progress can be secured in Greece. These should include: (a) social peace based on the rule of law in the form of democratically enacted legislation, as distinct from stillness enforced by intimidation and arbitrary action; (b) an increasingly wide and active participation in decision-making and in the fruits of progress of farmers and workers, trained specialists and technicians; (c) the political ability to undertake drastic action and essential reforms and to enter into lasting contractual arrangements; (d) an international position commanding respect and allowing effective negotiation and protection of vital Greek interests.

With such conditions, the long-term prospects of the Greek economy are bright. Political antagonism frequently became heated in the past but many causes of social strife, such as the racial or religious discrimination encountered in developed and underdeveloped countries, are absent in Greece. Poverty still exists in the rural areas, yet repeated land reforms since the early part of the century have almost eliminated large-scale landownership. Despite marked inequalities in wealth and income there has been continued improvement in social conditions over the last sixty years.

With brief interruptions (about 12 in almost 130 years) representative government from about the middle of the nineteenth century secured substantial democratic advances and significant progress in labor and social legislation in comparison with many Western countries. A profound attachment to the ideals of freedom is associated in the Greek people with a feeling of repulsion towards totalitarianism practices of any kind.

These characteristics explain why an authoritarian regime has small chance of ever gaining popular support in Greece. These same features imply that only by the respect of the democratic principles in public life can real long-term social peace and permanent improvements in government be secured.

Within such a perspective, the principal force of Greek economic development would be the available, still underemployed and untapped human resources. Imagination and drive in business initiatives could become a constructive factor only within a wider international framework and in co-operation with a truly representative government. A rapid expansion and improvement of the educational system would release an increasing number of responsible experts, managers and State officials, who would become a leading force for progress in a Greek society playing its full part in the emerging European context.

ISRAEL AT 24 FAIR AND EXPOSITION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. WOLFF. Mr. Speaker, on May 7 I served as honorary cochairman of the Israel at 24 Fair and Exposition held at C.W. Post College. I want to take this opportunity to inform my colleagues in the House that this fair was an overwhelming success.

The exposition was particularly meaningful because it graphically illustrated numerous aspects of Israeli life and culture and served to demonstrate the commitment of the people of Long Island to the ideals of the State of Israel.

It was a great pleasure for me to participate in and attend this important event. I would like at this point in the RECORD to include the people and organizations who devoted their efforts to this exposition.

LONG ISLAND COMMITTEE FOR THE CELEBRATION OF ISRAEL INDEPENDENCE DAY AND THE AMERICAN ZIONIST FEDERATION OF LONG ISLAND PRESENT ISRAEL AT 24 FAIR AND EXPOSITION, SUNDAY, MAY 7, 1972, C. W. POST COLLEGE, BROOKVILLE, N.Y., MARCH 21, 1972.

Chairman Mel Dubin.

Hon. Chairman, Hon. Ralph G. Caso.

Chairmen of the Board, Mrs. Jack Eisen, American Zionist Federation of Long Island.

Mrs. Harry Newman, Mrs. Murray Singer, L.I. Comm. for Celebration of Israel Ind. Day.

Honorary Co-Chairmen, Sen. Jacob J. Javits, Hon. Stanley Harwood, Hon. Norman Lent, Hon. Francis T. Purcell, Hon. Michael J. Tully, Jr., Hon. Lester Wolff, Hon. John W. Wydler.

American Zionist Fed. Reg. Dir., David Disenhouse.

Coordinator, David L. Posner.

Liaison, Mrs. Philip Levy.

Treasurer, Hank Bruder.

Legal Counsel, Norman Feiden.

CONSTITUENT ORGANIZATIONS

Long Island Committee for the Celebration of Israel Independence Day

American Jewish Committee, Harold Applebaum, Walter Brecher.

American Jewish Congress, Mrs. Gustave N. Goldman, Dr. Stanley Greenberg, Stanley S. Kreutzer, Harry Minkoff.

Anti-Defamation League, Joel Komarow.

B'nai B'rith, Mrs. Sydelle Miller, Harold Stangler.

Chai Committee, David L. Posner.

Hebrew Academy of Nassau County, Rabbi Meyer Fendel.

Jewish War Veterans, Rick Drawas, Commander.

L. I. Committee for Soviet Jewry, Mrs. Inez Weissman.

Mid Island YM-YWHA, Percy Abrams.

Nassau-Suffolk Board of Rabbis, Rabbi Krohn.

New York Board of Rabbis, Rabbi William Berkowitz.

ORT, Mrs. Morton Shumsky.

United Synagogue of America, Irving I. Silverman.

National Council of Jewish Women, Sylvia Monk.

Workman's Circle, Harry Levine.

L.I. Council of Jewish Organizations, Rabbi Julius Goldberg.

American Zionist Federation of Long Island

Americans and Canadians for Alliyah.

American Jewish League for Israel, Judah Richards.

Americans for Progressive Israel, Norman Rabinowitz.

B'nai Zion, Joseph Brown.

Hadassah, Mrs. Alfred Dreisman, Mrs. Gerald Shukow.

Hapoel Hamizrachi Women.

Labor Zionist Alliance, Ben Barlas.

Mizrachi Women, Mrs. Joseph Fuller.

Pioneer Women, Mrs. Leonard Berger.

Religious Zionists of America, Norman Feiden.

United Zionist Revisionists of Amer.

Zionist Organization of America, Nat Schwartz, Martin Altman.

All Zionist Youth and Student Organizations. Israel Aliyah Center, Yehoshua Yadlin.

Midway Jewish Center, Phillip Krieger.

L.I. Assn. of Reform Rabbis.

Rabbinical Assembly Nassau Suffolk Region.

ADVISORY COMMITTEE

Nachum Golan, Dir. Israel Aliyah Center.

Mrs. Shirley Kalb, American Zionist Youth Foundation.

Yeshoshua Leor, Dir. Sherut La'am Service, to our people.

Zalman Segal, V.P. First Israel Bank.

Yehuda Shiv, V.P. Leumi Securities.

Shaul Peer, Dir. Kibbutz Aliyah Desk.

A. Ady Gelber, El-Al Airlines.

Mordechai Peled, Dir. Youth Aliyad.

Abram Salomon, Exec. V.P. Jewish Nat'l Fund.

Pinhas Friedenberg, Summer Programs & Study in Israel.

Nahum Eshkol, Israel Consul, Cultural Affairs.

Ram Oren, Sect. Gen. Israel Students Organ.

Arie Shiby, Israel Gov't Tourist Agency.

Irving Green, Bar Ilan University.

Harry Levine, Treas., Amer. Comm. for Weizmann Inst.

Dr. Sol Stein, NCLI (Histadrut).

Rafael Aldor, Israel Consul, Israel Coins and Medals.

Shimon Topor, Dir. Tour V'Aleh.

Yitzhak Leor, Consul, Consulate General of Israel.

Hon. LESTER WOLFF,
Port Washington, N.Y.

DEAR MR. WOLFF: It is with great pride and pleasure that we look forward to your joining us for the opening ceremonies on Sunday, May 7th, 1972 at 12:30 P.M., C. W. Post College.

Nearly an acre of indoor and outdoor facilities will be utilized to accommodate the expected attendance of 25,000 people. Ambassador David Rivlin, Counsel General of Israel in New York is our special guest this year. We have also requested a taped message from Prime Minister Golda Meir which I have just learned is on the way.

The day promises to be one of great excitement and entertainment. I want to thank you for your cooperation and participation above and beyond the call of duty in many areas. Looking forward with pleasure to seeing you on Saturday, March 25th at the Franklin Square Post Office and Sunday, May 7th at C. W. Post.

Cordially yours,

LYNN SINGER, *Chairman.*

BREIDNER CHAIRMAN OF COMMON COUNCIL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. WOLFF. Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared recently in the Ledger referring to the election of Mr. Samuel Breidner to the position of chairman of the Northeast Queens Common Council.

I take this opportunity to congratulate Mr. Breidner and the other officers and directors on their election and to commend them for their fine efforts in getting the community involved in local affairs. The article follows:

BREIDNER CHAIRMAN OF COMMON COUNCIL

Samuel Breidner of Douglaston was elected chairman of the Common Council of Northeast Queens at a meeting last week in the St. Anastasia's Catholic Church hall.

William T. Glover was elected vice chairman, Norman George, recording secretary, Seymour Seplowe, corresponding secretary, and Samuel Abrahamer, treasurer.

Directors are Mrs. Rose Simon, Mrs. Anne Jawin, Robert Homsey, Mrs. Edna Dwyer, John N. Smith, Robert Denigar, Mrs. Helene Zaro, Mrs. Marilyn Lipner, Louis Butti, Frank Padazan, Harry Shea and Milton Horowitz.

The purpose of the council, which includes the area north of Hillside Avenue and east of Francis Lewis Boulevard, is to inform communities of proposed changes in public service, land use and laws and to take appropriate action in fact-finding and formulating recommendations.

Breidner, an English teacher at Benjamin Cardozo High School said the key to the council's success would be to get "everyone involved," despite differences in politics and despite the fact that the many members represent dozens of organizations in the area, each serving different purposes.

LOUISIANA SENATE SUPPORTS PRESIDENT'S ACTION IN VIETNAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. RARICK. The Senate of the Louisiana Legislature recently passed a resolution in support of the bombing and mining of North Vietnamese harbors as an effort to protect the lives and safety of our troops and of our allies.

I insert a copy of Senate Resolution No. 18 as approved by the upper house of the Louisiana Legislature in the RECORD at this point.

The resolution follows:

A resolution to express to the President and the Congress of the United States the support of the Senate of Louisiana for the recent action taken by the President in the Vietnam conflict

Whereas, there are some 60,000 American troops engaged in the Vietnam conflict and fourteen to fifteen hundred American soldiers remain confined in prisoner-of-war camps in Vietnam, who have loved ones in the United States anxiously awaiting their return; and

Whereas, the interests of world peace and the welfare of all peoples make it imperative that the Govrenment of the United States do everything possible to protect the lives and safety of our troops and of our allies in South Vietnam because men cause wars, weapons do not; and

Whereas, there is a need to terminate this terrible war but in an honorable manner.

Therefore, be it resolved by the Senate of the Legislature of Louisiana that members of the Senate do hereby express to the President and the Congress of the United States their support for the recent action taken by the President in the Vietnam conflict.

Be it further resolved that a copy of this Resolution shall be sent to the President of the United States, the members of the Louisiana Congressional delegation, the Department of Louisiana Veterans of Foreign Wars and the Department of Louisiana American Legion, the latter two both located at the Old State Capitol in Baton Rouge.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

PHILADELPHIA PORT

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. EILBERG. Mr. Speaker, since the colonial period the Philadelphia port has been one of the Nation's leading ports. It has a long history of excellent service both to the shipper and other businesses which use its facilities.

At this time I enter into the RECORD a statement from the city government about the increasing facilities and service at the port:

PHILADELPHIA PORT

Associated Container Transport (ACT) inaugurated a twice monthly container service from the Port of Philadelphia to Australia and New Zealand ports today, City Representative and Director of Commerce Harry R. Belinger announced.

The first of five containerships to call at the Packer Avenue Marine Terminal "ACT 3" arrived today. The vessels are capable of carrying 1,183 twenty-foot containers of which 556 are refrigerated. In addition, every ship has 168,000 cubic ft. of space for lifts too large or too heavy for containers.

ACT is a consortium of four major steamship companies which for the past year have been operating a fleet of new containerships between the East Coast of North America and Australia/New Zealand under the name PACE Line. PACE is a short title for Pacific American Container Express.

Michael B. Northen, president of ACT said that Philadelphia was selected as one of the ports to be served directly because the volume of cargo makes it economic to do so.

"In fact," Northen added, "many of our customers surveyed particularly stated a preference for Philadelphia. It now offers very modern container facilities and in many cases, more favorable inland transportation rates."

Lavino Shipping Company, which operates the Packer Avenue Marine Terminal, has been appointed agents for ACT's PACE Line Service in the Pennsylvania area. They will be responsible for all export and import activities including operations and sales.

POLICE PAY HIKES

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. HOGAN. Mr. Speaker, all of us know that a key element in the success the District of Columbia has had in reducing crime has been the dedication and expertise of the men and women of the District of Columbia Police Department.

But despite their tremendous achievements and the great risks they take every day, they have not had a raise since 1969.

In a recent editorial, WMAL AM-FM-TV called on Congress to end this inequity. I agree wholeheartedly with WMAL and its call for police raises and have indicated to the House District of Columbia Committee my strong support for pending legislation to give the police and firemen a much-deserved raise. I insert the WMAL editorial in the RECORD:

POLICE PAY HIKES

We can't help but be impressed with the way in which the D.C. Police Department continues to chop away at the crime problem. According to the latest statistics, serious crime was down again in March, more than 27% under March a year ago. That rolls the serious crime level back to where it was in 1966.

All this in the face of rising crime just about everywhere else, including the Washington suburbs.

And Police Chief Wilson predicts the rate will continue to drop here.

Not bad when you consider that District police, and firemen as well, have the lowest starting salary in this area. They haven't had a raise since 1969, while the salaries of federal and D.C. workers were going up 17%. So that's what the police and firemen are asking Congress for now.

This low pay has taken its toll. Over the past two years, about 1100 policemen with less than two years service have quit, many to join police units in the suburbs. Money was a major reason.

It's time Congress put an end to this inequity at least.

SUPPORT URGED FOR VEHICLE COST SAVINGS ACT

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. NELSEN. Mr. Speaker, I wish to urge congressional support today for a bill intended to help reduce car repair costs caused by structural, manufacturing deficiencies. This measure was drafted by the Interstate and Foreign Commerce Committee on which I serve.

Known as the Motor Vehicle Information and Cost Savings Act, the legislation would direct the Department of Transportation to establish Federal bumper standards to reduce damages sustained in low-speed collisions. It would also establish a consumer information program intended to stimulate competition among manufacturers to produce cars more resistant to damage and less costly to repair. It would prohibit any tampering with odometers to mislead buyers about the actual milage of a car.

Certainly, there is not a car owner in the Nation who has not seen repair costs grow by leaps and bounds in recent years. Nationally, we are now spending between $25 and $30 billion a year to get our cars repaired, and billions more for accident insurance coverage.

Yet reputable tests have shown that better bumper construction in cases of minor accidents would help enormously to reduce these repair costs, since about 60 percent of all automobile accidents occur at impact speeds of 5 miles per hour or less. The legislation we have drafted is carefully designed to stimulate car manufacturers to build better bumpers that will withstand these minor bangs and bumps without requiring major structural repairs. We know the technology already exists to do the job.

I believe consumers will be well served by this and other features of this measure, and recommend its passage wholeheartedly.

SENATE—*Tuesday, May 23, 1972*

The Senate met at 12 noon and was called to order by Hon. LAWTON CHILES, a Senator from the State of Florida.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who has taught us that even good leaders must themselves be lead, that wise governors must themselves have a wiser governor, that wielders of power must themselves be under a higher power, be to us that leader, governor, and higher power. We beseech Thee to grant to the President and to all in positions of public trust that higher wisdom, that nobler vision, and that stewardship of power which leads to peace and righteousness on this earth. Keep those who labor here cheerful when things go wrong, persevering when things are difficult, serene when things are irritating, strong in mind and resourceful in spirit until the day is done. Then grant them Thy peace.

Through Him who is our light and our salvation. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 23, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. LAWTON CHILES, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. CHILES thereupon took the chair as Acting President pro tempore.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 22, 1972, the following reports of a committee were submitted on May 22, 1972:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 1915. An act to provide for the conveyance of certain real property of the United States (Rept. No. 92-800).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 3230. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket No. 279-A, and for other purposes (Rept. No. 92-799).

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on May 18, 1972, the President had approved and signed the following act and joint resolution:

S. 1379. An act to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes; and

S.J. Res. 234. Joint resolution deploring the attempted assassination of Gov. George C. Wallace, of Alabama.

REPORT ON OCCUPATIONAL SAFETY AND HEALTH—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. CHILES) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

On-the-job protection of American workers continues as a high priority goal in this Administration's effort to improve the quality of life for all Americans.

The Occupational Safety and Health Act of 1970, which I signed into law on December 29, 1970, is a major step towards improving workplace conditions. As I said at that time, this legislation is one of the most important measures ever taken in behalf of those American workers who are covered by the provisions of the act.

The accompanying President's Report on Occupational Safety and Health describes what has been done to implement the act during the first year of its operation, and it also indicates the magnitude and direction of the task ahead. The report examines the responsibilities of the Department of Labor for setting safety and health standards, and for gaining compliance with those standards. Another part of the report explores the activities of the Department of Health, Education, and Welfare in research and training.

Like many problems that we face today, the improvement of job safety and health cannot be accomplished by simply pressing a button. If we are to reduce the injuries, the illnesses, and the deaths connected with working conditions, we must take determined actions: we must increase the number of people who are trained in health and safety techniques; knowledge of the causes of accidents and illnesses must be developed; this knowledge must be translated into effective standards; employers and employees require adequate instructions; and standards must be enforced through energetic and rigorous inspection programs.

Above all else, if we are to be successful, the full collaboration of private industry, the States and the employees must be enlisted.

The Occupational Safety and Health Act of 1970 recognizes the need of reinforcing the role of the States in resolving our national problems. As a consequence, the implementation of the act has emphasized cooperative programs with State Governments. The involvement of the States in these programs has been gratifying. It is a testimonial to the flexibility and vigor of our Federal-State system that the 50 States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands have all expressed a willingness to develop plans for setting and enforcing standards that are at least on a par with the Federal requirements fixed by the act.

In addition, many States are actually aiding the Federal Government by gathering superior statistical data that will provide a basis for charting the future direction of safety and health programs. Many States, too, are now assisting the Federal Government in the enforcement of standards.

In short, I feel that the essential groundwork has been laid for genuine progress in one-the-job safety and health. This report describes the structures that have been set in place, and it outlines how the building process will continue.

Richard Nixon.

The White House, *May 22, 1972.*

REPORT ON COMMUNICABLE DISEASE CONTROL ACTIVITIES—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Chiles) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

As required by Public Law 91–464, I hereby transmit a report on communicable disease control activities prepared by the Secretary of Health, Education, and Welfare.

Richard Nixon.

The White House, *May 22, 1972.*

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 22, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO HAVE UNTIL MAY 30, 1972, TO FILE ITS REPORT ON S. 3419

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare have until May 30, 1972, to file its report on S. 3419.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 762, 763, and 764.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SIX-MONTH EXTENSION OF LIFE OF NATIONAL COMMISSION ON CONSUMER CREDIT

The joint resolution (S.J. Res. 211) to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Consumer Credit Protection Act (82 Stat. 165) is amended as follows:

(1) in section 404(b), by striking out "July 1, 1972" and inserting "December 31, 1972" in lieu thereof;

(2) in section 406(e), by striking out "Ninety days after" and inserting "After" in lieu thereof; and

(3) in section 407, by striking out "$1,500,000" and inserting "$2,000,000" in lieu thereof.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–795), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF RESOLUTION

This resolution would extend the life of the National Commission on Consumer Finance (authorize and establish pursuant to title IV of the Consumer Credit Protection Act of 1968) until December 31, 1972.

Currently the Commission is due to report on or before July 1, 1972, and expire 90 days thereafter. The Commission is performing original research in the consumer credit field and obtaining empirical data never previously collected. Due to the originality of the Commission's research efforts, certain unseen delays arose in the data gathering; creditor responses to requests for information far exceeded expectations and increased the scope of the survey and at the same time increased the accuracy of the results.

In addition the Commission was late in commencing its work. Although authorized in late 1968 it was not until the spring of 1970 that all of the Commission members were named and appointed, and the administrative and technical staff were employed. For these reasons, the 6-month extension proposed by this resolution is necessary.

The 6-month extension which would be granted by this resolution does not contemplate a 90-day period for the Commission to wind down its work beyond December 31, 1972. The Commission believes that it can arrange for its winding-down activities within the 6-months' extension provided in the resolution.

The resolution also authorizes the additional appropriation of $500,000 to carry the activities of the Commission through the extension proposed by this resolution. These funds are necessary, principally, to cover greater than anticipated expenses incurred in carrying out the central data gathering project which was largely contracted for with the Bureau of the Census as well as such costs as salaries, rent, and other administrative items. Since this was the first time that a project of this nature has been undertaken, it was impossible for the Bureau of the Census to estimate the cost of such data gathering with any degree of accuracy. The additional funds provided by this resolution should be sufficient to cover the data gathering project costs and all other expenses of the Commission including the printing of the final report.

The resolution was reported by the committee without objection. The committee recommends favorable action by the Senate.

CORDON RULE

In the opinion of the committee, it is necessary to dispense with the requirements of subsection 4 of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate in connection with this report.

AMENDMENT OF THE YOUTH CONSERVATION CORPS ACT OF 1970

The Senate proceeded to consider the bill (S. 2454) to amend the Youth Conservation Corps Act of 1970 (Public Law 91–378; 84 Stat. 794) to expand the Youth Conservation Corps pilot program, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, after the enacting clause, insert "That the Act of August 13, 1970 (84 Stat. 794) is hereby amended to read as follows:"; on page 4, line 23, after the word "programs", insert "as well as any liability for personal injury or property damage stemming from such use"; on page 5, after line 2, strike out:

"(b) The provision of title II of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 270) shall not apply to appointments made to the Corps, to temporary supervisory personnel, or to temporary program support staff.

At the beginning of line 7, strike out "(c)" and insert "(b)"; in line 8, after the word "to", strike out "appointments of youth employees to" and insert "employment in"; at the beginning of line 10, strike out "(d)" and insert "(c)"; in line 13, after the word "the", strike out "Act." and insert "Act upon non-Federal public lands and water areas."; and, in line 22, after the word "centum", strike out "nor be less than 10 per centum"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 13, 1970 84 Stat. 794) is hereby amended to read as follows:

"POLICY AND PURPOSE

"Section 1. The Congress finds that the gainful employment during the summer months of American youth, representing all segments of society, in the healthful outdoor atmosphere afforded in the national park system, the national forest system, the national wildlife refuge system, and other public land and water areas of the United States creates an opportunity for understanding and appreciation of the Nation's natural environment and heritage. Accordingly, it is the purpose of this Act to further the development and maintenance of the natural resources of the United States by the youth, upon whom will fall the ultimate responsibility for maintaining and managing these resources for the American people.

"YOUTH CONSERVATION CORPS

"Sec. 2. (a) To carry out the purposes of this Act, there is hereby established in the Department of the Interior and the Department of Agriculture a Youth Conservation Corps (hereinafter referred to as the 'Corps'). The Corps shall consist of young men and women who are permanent residents of the United States, its territories, or possessions, who have attained age fifteen but have not attained age nineteen, and whom the Secretary of the Interior or the Secretary of Agriculture may employ during the summer months without regard to the civil service or classification laws, rules, or regulations, for the purpose of developing, preserving, or maintaining lands and waters of the United States as determined by the Secretary of the Interior, and the Secretary of Agriculture.

"(b) The Corps shall be open to youth of both sexes and youth of all social, economic, and racial classifications, with no person being employed as a member of the Corps for a term in excess of ninety days during any single year.

"SECRETARIAL DUTIES

"SEC. 3. (a) The Secretary of the Interior and the Secretary of Agriculture shall:

"(1) determine with other Federal agencies, areas under their administrative jurisdictions which are appropriate for carrying out programs using employees of the Corps; and to determine and select appropriate work and education programs and projects for participation by Corps employees;

"(2) determine the rates of pay, hours, and other conditions of employment in the Corps: *Provided*, That members of the Corps shall not be deemed to be Federal employees, other than for the purposes of chapter 171 of title 28, United States Code, and chapter 81 of title 5, United States Code;

"(3) provide for such transportation, lodging, subsistence, and other services and equipment as they may deem necessary or appropriate for the needs of members of the Corps in their duties. The Secretary of the Interior and the Secretray of Agriculture may contract with any public agency or organization or any private nonprofit agency or organization which has been in existence for at least five years for the operation of any Youth Conversation Corps project. Whenever economically feasible, existing but unoccupied Federal facilities and surplus and/or unused equipment, of all types, including military facilities and equipment, shall be utilized for the purposes of the Corps, where appropriate and with the approval of the Federal agency involved. To minimize transportation costs Corps members shall be employed on conservation projects as near to their places of residence as is feasible;

"(4) promulgate regulations to insure the safety, health, and welfare of the Corps members;

"(5) provide, to the extent possible, that permanent, or semipermanent facilities used as Youth Conservation Corps camps be made available to local schools, school districts, State junior colleges and universities, and other educational institutions for use as environmental/ecological education camps during periods of nonuse by the Youth Conservation Corps program. Costs for operation, maintenance, and staffing of these facilities during periods of use by non-Corps programs as well as any liability for personal injury or property damage stemming from such use shall be the responsibility of the entity or organization using the facility and shall not be a responsibility of the Secretaries or the Corps.

(b) The provisions of section 3110, title 5, United States Code shall not apply to employment in the Corps

"(c) The Secretary of the Interior and the Secretary of Agriculture are hereby authorized to establish a pilot Federal-State cost-sharing program with the States, territories or possessions for purposes as outlined in the Act upon non-Federal public lands and water areas.

"(1) The funds appropriated for any program year shall be made available to States requesting participation, and determined by the Secretary of the Interior and Secretary of Agriculture to have qualified programs to meet the objectives of the Act.

"(2) The total number of employees of the Corps in State cost-sharing programs shall not exceed more than 25 per centum of the total number of employees in the Corps in any program year. The Federal share of the cost of the participating States program shall not exceed 80 per centum in any program year.

"SECRETARIAL REPORTS

"SEC. 4. Upon completion of each year's program the Secretary of the Interior and Secretary of Agriculture shall prepare a joint report detailing the contribution of the program toward achieving the purposes of the Act and providing recommendations. Each report shall be submitted to the President not later than one hundred and eighty days following completion of that year's program. The President shall transmit the report to the Congress for review and appropriate action.

"AUTHORIZATION OF FUNDS

"SEC. 5. There are hereby authorized to be appropriated amounts not to exceed $150,000,000 annually to be made available to the Secretary of the Interior and the Secretary of Agriculture to carry out the purposes of this Act."

Mr. JACKSON. Mr. President, I am happy to support S. 2454, a bill to expand and make permanent the Youth Conservation Corps, which Congress so wisely initiated in 1970, by passage of the Youth Conservation Corps Act. Congress, in adopting the original Youth Conservation Corps Act, decisively demonstrated its concern for our young people and the conservation of our natural resources. Now is the time to reaffirm that commitment and to push forward with a permanent and a greatly expanded Youth Conservation Corps program.

Senators will recall that the original act, Public Law 91–378, established in the Departments of the Interior and Agriculture a 3-year pilot program designed to provide summer employment for young people in the outdoors and at the same time provide the Nation's young men and women an opportunity to undertake vitally needed conservation and resource projects on our public lands. In addition to supplying needed job opportunities, the act also included important provisions for environmentally oriented education, and not to be discounted, the opportunity for young people to learn the value and meaning of a day's hard work.

Mr. President, S. 2454 as reported by the committee would provide additional employment opportunities for young people while at the same time enabling an intensified effort to be made to further the proper development, protection, and maintenance of the natural resources of the United States. In addition, the new Youth Conservation Corps program would: first, permit the establishment of a new pilot program of Federal support to States in their administration of Youth Conservation Corps programs on State lands; second, authorize the Youth Conservation Corps to utilize surplus and/or unused Federal property; third, make available for on-season use by local educational institutions Youth Conservation Corps facilities; and, fourth, exempt appointments to the Youth Conservation Corps from coverage under section 3110, title 5, United States Code, pertaining to the employment, promotion, or advancement of relatives.

I think that a brief review of last summer's Youth Conservation Corps program would be helpful in the Senate's consideration of S. 2454.

First, there was greater enthusiasm on the part of the public and participants than was anticipated. Even with the little advance publicity given to the program, over 124,000 young people applied for the 2,600 positions that were available. Ninety-eight percent were turned down, not because they were ineligible, but because there were no positions for all who wanted to participate. The 2,600 teenagers who were accepted attended 64 YCC camps of which half were coeducational. The camps were located in 37 States, the District of Columbia, and in American Samoa.

These young people, aged 15 to 18 years, took on some difficult and unglamorous jobs in the management of our recreation areas and public lands. Tasks undertaken included campground and trail construction, maintenance, erosion control, range management, and improving wildlife habitat. They worked long hard hours at their assigned tasks on conservation projects. Yet, in spite of the hard work and often rugged and primitive living conditions, only 4 percent of the young people involved dropped out of the program.

I had an opportunity to ask one young woman who participated in the program what she liked about the Youth Conservation Corps. Her response reaffirmed my own faith in our young people. Her answer: "Work."

Second, I think everyone was surprised at the amount of useful and important work that was accomplished by these young people. Their enthusiasm for hard work often outpaced everyone's expectations and jobs were completed in record time. In the words of one administrator of the program:

> One thing we gained was a new respect for the Nation's teenagers . . . Our main problem this summer was keeping up with them.

There can be no question that these youngsters made a valuable contribution to resource management. Based on testimony submitted by the administration during the hearing on S. 2454, the total cost of the program for last summer was $2,423,000. The value of the work accomplished was $1,762,000. This means that for every tax dollar that went into the program about 73 cents was directly returned in the form of actual physical labor performed for the benefit of the public on Federal lands. This leaves 27 cents per dollar to be accounted for, which brings me to the third point I would like to make in reviewing last summer's program.

It is my belief that the indirect benefits such as the value to society of having these youngsters gainfully employed, the conservation education they receive, and the broadening social experience that they experience more than make up for that 27 cents. The youngsters in the program learned to live and work with people of diverse backgrounds. Beyond this, they gained a new respect for the Nation's natural environment and heritage. What value to our society can we place on our young people learning the virtues of hard work and caring for our Nation's resources? In the long run I think it is clear that the benefits will far exceed the costs.

The action by the Senate Interior and Insular Affairs Committee in reporting the bill was unanimous. I urge the Senate to act promptly and affirmatively by forwarding this measure to the House of Representatives for its consideration.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-796), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

It is the view of the members of the Interior and Insular Affairs Committee that because of the success of the Youth Conservation Corps program established by Public Law 91-378, it should be made permanent by the enactment of S. 2454. The new program would provide additional employment opportunities for young people while at the same time enabling an intensified effort to be made to further the proper development, protection and maintenance of the natural resources of the United States. In addition, the new Youth Conservation Corps program would (1) permit the establishment of a new pilot program of Federal support to States in their administration of Youth Conservation Corps programs on State lands; (2) authorize the Youth Conservation Corps to utilize surplus and/or unused Federal property; (3) make available for off-season use by local educational institutions Youth Conservation Corps facilities; and (4) exempt appointments to the Youth Conservation Corps from coverage under section 3110, title 5, U.S. Code, pertaining to the employment, promotion or advancement of relatives.

COMMITTEE AMENDMENTS

Most of the amendments made by the committee to S. 2454 are minor or technical in nature and were designed to clarify committee intent. However, one amendment would affect the scope of the recommended legislation and a brief explanation of this action is believed necessary in order that the intent of the committee is clear.

The committee amended the bill by striking the phrase "nor be less than 10 per centum" on page 5, line 17, of the measure. Since the section provided that employees in the State cost-sharing programs could not be less than 10 percent of the total number of employees in the Corps, the participation in the State cost-sharing program could limit the overall participation in the program. For example, if there were few participants in the State cost-sharing program, the overall program would have had to be correspondingly limited. The committee believes that the number of participants in the overall program should not be constrained by the number of participants in the State cost-sharing program.

BACKGROUND

Several attempts in the past decade to establish a youth-oriented conservation program were culminated in the 91st Congress by enactment of Public Law 91-378 which provided for the creation of a pilot Youth Conservation Corps program to be administered by the Secretaries of Interior and Agriculture.

The summer of 1971 provided the first full-scale test of the concepts embodied in Public Law 91-378. As evidenced by the committee during hearings held on October 14, 1971, regarding S. 2454, the results of and enthusiasm for the Youth Conservation Corps exceeded all expectations.

With very little advance publicity, over 124,000 young people applied for the 2,600 positions available in the program. In addition to the number of young people who expressed an interest, the contribution made by the corpsmen to the husbanding of our natural resources far surpassed expectations. It is estimated that for every dollar spent on the program, 73 cents were directly returned in the form of physical labor performed for the benefit of the public on public lands.

These youngsters, aged 15 to 18 years, took on some of the roughest jobs in the management of our recreation areas and public lands. Tasks included, but were not limited to, campground and trail construction and maintenance, erosion control, range management, and improving wildlife habitat. Their enthusiasm for hard work was greater than anticipated, and jobs were completed in record time. As recorded in the hearings on S. 2454, a healthy attitude on the part of American youth is typified by the response of one young lady who was asked what she liked about the program. Her answer: "Work."

It is the sound performance of the Departments in administering the first year's program and the high degree of enthusiasm by the participants which leads the committee to recommend expansion of the program upon enactment of this legislation.

SAWTOOTH NATIONAL RECREATION AREA, IDAHO

The Senate proceeded to consider the bill (H.R. 6957) to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That, in order to assure the preservation of, and to protect the scenic, historic, pastoral, fish and wildlife, and other recreational values of the Sawtooth Mountains and adjacent lands, there is hereby established, subject to valid existing rights, the Sawtooth National Recreation Area.

Sec. 2. The boundaries of the recreation area shall be those shown on the map entitled "Proposed Sawtooth National Recreation Area" dated March 1971, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereinafter called the "Secretary") shall, as soon as practicable after the date this Act takes effect, publish in the Federal Register a notice of the establishment of the Sawtooth National Recreation Area, together with a detailed description and map showing the boundaries thereof.

Sec. 3. The Secretary shall administer the Sawtooth National Recreation Area in a manner that will best provide for (1) the protection and conservation of the salmon and other fisheries; (2) the conservation and development of scenic, historic, pastoral, wildlife, and other values, contributing to and available for public enjoyment, including the preservation of sites associated with and typifying the economic and social history of the American West; and (3) on federally owned lands, management, utilization, and disposal of natural resources, such as lumbering, grazing, and mining, that will not substantially impair the purposes for which the recreation area is established.

Sec. 4. Subject to the limitations hereinafter set forth, the Secretary may acquire by purchase with donated or appropriated funds, by gift, exchange, bequest, or otherwise, such lands or interests therein, including mineral interests, within the boundaries of the recreation area as he determines to be needed for the purposes of this Act. But, any property or interest within the recreation area owned by the State of Idaho or any political subdivision thereof may be acquired under the authority of this Act only by donation or exchange.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property or interests therein located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property or interests therein within the State of Idaho under the jurisdiction of the Secretary, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value: *Provided,* That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become parts of the recreation area and of the national forest within or adjacent to which they are located.

Sec. 5. (a) The authority of the Secretary to acquire an interest in private property within the recreation area, other than mineral interests, without the owner's consent and by means of condemnation shall be limited to—

(1) the acquisition of scenic easements when the private owner is unwilling to use his property in conformance with the standards of a use provided for in subsection (c) of this section; and

(2) the acquisition of easements for access to and utilization of public property; and

(3) the acquisition of nonresidential land for recreation and other administrative facilities; and

(4) the acquisition of preexisting nonresidential uses, where the nature of the use is incompatible with the purposes of this Act, and with the standards of use provided for in subsection (c) of this section: *Provided,* That acquisitions under (2), (3), and (4) hereof shall not exceed 5 per centum of the total acreage of all private property within the recreation area as of the effective date of this Act.

(b) Nothing in this Act shall be construed as limiting the authority of the Secretary of Agriculture to acquire mineral interests in lands within the recreation area, with or without the consent of the owner. Upon acquisition of any such interest by the Secretary of Agriculture, the lands and minerals covered by such interest are by this Act withdrawn from appropriation under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(c) The Secretary shall make and publish regulations setting standards for the use, subdivision, and development of privately owned property within the boundaries of the recreation area. Such regulations shall be generally in furtherance of the purposes of this Act and shall have the object of assuring that the highest and best private use, subdivision, and development of such privately owned property is consistent with the purposes of this Act and with the overall general plan of the Sawtooth National Recreation Area. Such regulations shall be as detailed and specific as is reasonably required to accomplish such objective and purpose. Such regulations may differ amongst the several parcels of private land in the boundaries and may from time to time be amended by the Secretary. All regulations adopted under this section shall be promulgated in conformity with the provisions of the Administrative Procedure Act. The United States District Court for the District of Idaho shall have jurisdiction to review such regulations after their effective date, upon a complaint filed by any affected landowner, in an action for a declaratory judgment.

(d) To assure that private land within the boundaries of the national recreation area is used in a manner which is not detrimental to the purposes of this Act, the Secretary is authorized to procure by gift, purchase with donated or appropriated funds, or otherwise, scenic easements within the boundaries of the recreation area.

As used in this Act the term "scenic easement" means the right to control the use of land in order to protect the esthetic values for the purposes of this Act, but shall not preclude the continuation of any use exercised by the owner as of the date of this Act.

(e) Where an owner of private property within the exterior boundaries of the recreation area as of the date of this Act, or his heirs and devisees, desires to dispose of such property to the Federal Government, the Secretary shall purchase said property at a price that shall include compensation for any decrease in the value thereof not previously compensated for under the provisions of this Act that may have resulted from the promulgation of regulations, standards, or other consequences of the establishment of the recreation area. In the event the Secretary and the owner are unable to agree upon the purchase price, and the Secretary declines to complete the purchase, the owner may file a complaint setting out these facts, together with a good and sufficient deed to the property, in the United States District Court for the District of Idaho. After the filing of an answer by the United States, the case shall be treated to the extent possible, in the same manner as an action for the condemnation of property brought by the United States: *Provided, however*, That the provisions of this subsection shall cease to be in effect after a period of ten years from the date of the enactment of this Act.

Sec. 6. (a) In accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Sawtooth Primitive Area, as generally depicted as the "Sawtooth Wilderness—Proposed" on the referenced map in section 2 of this Act, is hereby designated as the Sawtooth Wilderness within and as a part of the Boise National Forest, Challis National Forest, and Sawtooth National Forest, comprising an area of approximately two hundred and one thousand acres.

(b) As soon as practicable after this Act takes effect, the Secretary shall file a map and a legal description of the Sawtooth Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

(c) The Sawtooth Wilderness shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(d) The previous classification of the Sawtooth Primitive Area is hereby abolished.

Sec. 7. Provisions for review, recommendations, and other procedures of the Wilderness Act of September 3, 1964, shall apply to the Sawtooth National Recreation Area. The Secretary of Agriculture shall comply with the requirements of section 3 of said Act in relation to national forest lands within the Sawtooth National Recreation Area in an expeditious manner.

Sec. 8. The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this Act, including, but not limited to, the restoration and maintenance of the historic setting and background of the frontier ranch-type town of Stanley.

Sec. 9. Nothing in this Act shall diminish, enlarge, or modify any right of the State of Idaho, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

Sec. 10. Nothing in this Act shall affect the jurisdiction or responsibilities of the State of Idaho under other provisions of law with respect to hunting and fishing.

Sec. 11. The jurisdiction of the State and the United States over waters of any stream included in the Sawtooth National Recreation Area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time of enactment of this Act shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implies claim or denial on the part of the Federal Government as to exemption from State water laws.

Sec. 12. In order to permit adequate time to study and determine the provisions desirable and necessary for management of the Federal lands described in section 2 of this Act, said lands are hereby withdrawn, subject to valid and existing claims, from all forms of location, entry, and operation under the mining laws of the United States.

Sec. 13. The Congress hereby recognizes and declares the need to take action to regulate the use of, and protect the surface values of, the Federal lands described in section 2 of this Act, and directs that rules and regulations necessary to carry out this section shall be promulgated and issued by the Secretary of Agriculture. Such regulations shall include, when deemed necessary, provisions for control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of such Federal land in connection with any authorized activities on such land, including but not limited to mineral prospecting, exploration, or development operations.

Sec. 14. Patents shall not hereafter be issued for locations and claims heretofore made in the area described in section 2 under the mining laws of the United States.

Sec. 15. Money appropriated from the land and water conservation fund shall be available for the acquisition of lands and scenic easements for purpose of establishing the Sawtooth National Recreation Area. There is hereby authorized to be appropriated not more than $45,000,000 for the development of recreation and related facilities and for the acquisition of land and interests in land pursuant to this Act.

Sec. 16. (a) The Secretary of the Interior, in consultation with appropriate Federal, State, and local agencies, shall make a comprehensive analysis of the natural, economic, and cultural values of the Sawtooth National Recreation Area and the adjacent Pioneer Mountains for the purpose of evaluating the potentiality of establishing therein a national park or other unit of the national park system. He shall submit a report of the results of the analysis along with his recommendations to the Congress by December 31, 1974.

(b) His report shall show that in making the aforesaid recommendations he took into consideration, among other things—

(1) the feasible alternative uses of the land and the long and short term effect of such alternative uses upon, but not limited to, the following:

(A) the State and local economy,

(B) the natural and cultural environment,

(C) the management and use of water resources,

(D) the management of grazing, timber, mineral, and other commercial activities,

(E) the management of fish and wildlife resources,

(F) the continued occupancy of existing homesites, campsites, commercial and public recreation enterprises, and other privately owned properties and the future development of the same,

(G) the interrelation between recreation areas, wilderness areas, and park lands, and

(2) the establishment of a national park in the mountain peaks and upland areas, together with such portions of the national recreation area as may be necessary and appropriate for the proper administration and public use of and access to such park lands, leaving the valleys and low-lying lands available for multiple-use purposes.

(c) Any recommendation for the establishment of a unit of the national park system shall be accompanied by (1) a master plan for the development and administration of such unit, indicating proposed boundaries, access or other roads, visitor facilities, and proposed management concepts applicable to such unit; (2) a statement of the estimated Federal cost for acquisition, development, and operation of such unit; and (3) proposed legislation for establishment of such park administrative unit.

(d) There are authorized to be appropriated not more than $50,000 to carry out the provisions of this section.

Sec. 17. If any provision of this Act is declared to be invalid, such declaration shall not affect the validity of any other provision hereof.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–797), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The basic purpose of this legislation is to establish as the Sawtooth National Recreation Area some 750,000 acres of the Sawtooth, White Clouds, and Boulder Ranges and adjacent forest and high mountain valley lands located in or adjacent to the Sawtooth, Challis, and Boise National Forests in south central Idaho. The proposed area would include the 201,000-acre Sawtooth Primitive Area, which would be designated as wilderness by the bill. The bill, as amended by the Committee, would require the Secretary of the Interior to develop a specific proposal for the creation of a national park in this area and to submit his recommendations to the Congress no later than December 31, 1974.

DESCRIPTION AND LOCATION OF AREA

The area involved in H.R. 6957, as amended, totals about 750,000 acres of some of the nations most scenic mountain country.

Historically, because of its rugged character, it has remained relatively undeveloped and sparsely populated, but now, with more people seeking outdoor recreation opportunities and improved transportation to the region, pressures are beginning to mount. About a million and a half people live within 250 miles from the proposed recreation area in cities like Boise, Salt Lake City, Spokane, and Missoula. While outdoor recreation opportunities in the West are more abundant than they are in other parts of the country, there is a noticeable increase in the use and enjoyment of these areas by people coming from more distant locations.

Located in south-central Idaho, the jagged peaks of the Sawtooth country pierce the frequently clear, blue sky offering the visitor a scenic panorama that is difficult to surpass. Forty-two of them jut more than 10,000 feet into the air. Scattered throughout these mountains, along the glacially scarred valleys, and among the lush meadows are some 180 gem-like lakes ranging up to 2000 acres in size. Traversing this setting are several hundred miles of rushing streams which form the tributaries of five important water sources of the Columbia River Basin—the Salmon River and its East Fork, the South Fork of the Payette River, and the North and Middle Forks of the Boise River.

The Sawtooth Valley is bounded on the west by the rugged peaks of the Sawtooth Mountains, while Stanley Basin lies at the north end of that range. The barren high peaks of the White Clouds and the Boulder Mountains provide the backdrop on the east and some of the region's loveliest uplands.

For the most part, the higher elevations are bare rock capable of supporting only the most meager amounts of vegetation except for the verdant alpine meadows which are interspersed throughout the region. By way of contrast, the lower slopes are timbered and the valleys are lush and green.

It is this spacious, peaceful setting which most visitors come to enjoy. The view across the broad open ranch lands, a mountain meadow, or an emerald lake with the rugged crest of the mountains in the background gives the Sawtooths their grandeur.

ECOLOGY OF THE AREA

Nothing has a more pronounced effect on the ecology of this area than its geologic and geomorphic features. The largest geologic formation in the State is the Idaho batholith which underlies most of the area and which is now exposed over a 20,000 square mile area. During the Eocene and Oligocene periods, the Sawtooth batholith intruded into the older batholith and is now exposed in the high eastern part of the Sawtooth Range.

Over the centuries, the surface has been gouged by glaciers and eroded by the waters and winds to form the soils typically found in the area. Coupling soil development with the geomorphic influences on the weather and drainage systems, it is apparent that the vegetation characteristic of the region reflect the influence of the physical land features. The type of animal life in the area is closely associated with the food supply available in the ecological chain.

Man's activities in this region are largely controlled by these same features. They make the area attractive for outdoor recreation, and because of their rugged physical characteristics, they remain largely unchanged. They are rich in mineral values, but they cannot be extracted without a cost to the general environment.

HISTORICAL BACKGROUND

The earliest known man to frequent this locality came to the area primarily to hunt along the edges of the retreating glaciers. Later, a band of the Shoshoni Indians, known as the Sheepeaters, came to inhabit the mountain area of central Idaho, but most white men avoided the rugged terrain until after 1800 when mountain men came looking for beaver. After they left the scene, in the early 1830's there was little interest in the area until 1860, when gold was discovered at Orofino Creek 150 miles to the north. By 1863, discoveries within 10 miles of the Sawtooth Mountain Range brought intensive mining activity to this area—an activity which has persisted to this time. As a matter of fact, five of six low grade roads into the White Clouds provided access to mining operations.

Although grazing began earlier, ranching in the area did not get underway to any significant extent until the turn of the century when many people filed homesteads in the Sawtooth Valley. Agriculture however, did not prove to be very profitable and many of the homesteaders sold their lands to sheep ranchers who still operate substantial ranches in the valley.

CREATION OF THE FOREST RESERVE

It has been said that some of the ranges were severely overgrazed prior to the creation of the 1,950,000-acre forest reserve by President Theodore Roosevelt in 1905. In 1906, that area was expanded to about 3⅓ million acres and, later, it was divided into the three principal national forests that now blanket much of this region—the Sawtooth, Challis, and Boise National Forests. Subsequently, in 1937, a 200,942-acre Sawtooth Primitive Area was created in order to retain a portion of the lands in their natural state without roads or habitations.

While the recreational value of this outstanding scenic area cannot be minimized, it must be recognized that restrictions on the use at Federal lands may have severe effects since the Federal Government is the dominant landowner in the area. It is generally agreed that ranching, for example, is compatible with and, in fact, beneficial to the general setting of the recreation area. Numerous ranching operations depend upon this area for summer and fall forage and more than two-thirds of the livestock ranches in the Sawtooth Valley and Stanley Basin rely, at least in part, on grazing privileges on national forest lands.

NEED FOR NATIONAL RECREATION AREA

The establishment of a national recreation area will give national recognition to the scenic and recreational values of the area. While other activities and uses may continue to the extent that they do not interfere with the outdoor recreation objective of the area, the dominant purpose of the area is the enhancement of those values which maximize the recreation objectives. Special provisions have been included in the legislation to protect the surface values of the land until a complete study can be made and recommendations for a specific park proposal formulated for the consideration of a future Congress. This area includes all of Sawtooth Valley, a portion of Stanley Basin, and the White Clouds and Boulder Mountains.

THE WILDERNESS AREA

H.R. 6857, as amended, would designate the 201,000 acre Sawtooth Primitive Area as a unit of the National Wilderness Preservation System but includes the proposed wilderness area within the recreation area. This area is to be administered in accordance with the provisions of the Wilderness Act, except that future mineral locations are prohibited under provisions of this Act.

The legislation also directs the Secretary of Agriculture to review the undeveloped and unimproved portions of the recreation area as to suitability or nonsuitability for preservation as a part of the National Wilderness Preservation System.

OTHER VALUES

In addition to the scenic values of this area, the fishery resource is extremely important—both economically and as a recreation resource. The numerous lakes, streams and rivers which are located within the boundaries provide a varied habitat for many species of fish. Probably the most interesting and unique of these are the anadromous fish—chinook salmon, sockeye salmon, and steelhead trout—which travel upstream nearly 800 miles from the Pacific Ocean to spawn and die. Among the numerous sport fish are rainbow, cutthroat, eastern brook, and California golden trout.

Hunting is also a relatively popular activity at the lower elevations where deer and elk are the domoinant big game animals. A small number of mountain goats and numerous other animals and birds inhabit the area, as well.

Naturally, such an outstanding area has many demands which do not particularly compliment general public outdoor recreation. One of the potential threats to the recreation objective is the prospect of the subdivision of the presently privately owned, undeveloped lands which form the foreground of the mountain setting. While practically no one objects to broad open pasture lands with an occasional ranch house and associated outbuildings, the intensive development of summer cottage subdivisions on lots as small as one-eighth of an acre would severely detract from the setting which H.R. 6957 seeks to preserve. There is ample authority in the legislation to allow the Secretary to develop standards of land use which will permit ranching operations to continue, but there is also authority for the Secretary to acquire any lands which are being used, or which are obviously in danger of being used, in a manner which would not be compatible with the recreation objectives of the legislation.

Another use which threatens to undermine the recreation objective of the legislation is the potential development of a large molybdenum deposit in the vicinity of the White Cloud Peaks. Extensive preliminary explorations have apparently confirmed the existence of a major ore body which might justify a substantial investment. Extraction of the ore, however, could result in considerable earth excavation if open pit mining is utilized; while underground mining would require the construction of above ground structures that would probably be considered objectionable intrusions on the scene. Either mining method would require waste areas of substantial proportions.

The validity of at least some of the claims involved is not in question. Valid, unpatented mining claims on public lands are property rights. They cannot be taken without just compensation.

While the legislation does not contemplate the acquisition of these claims at the present time, it does contain three important provisions bearing on the issue:

First, it withdraws all Federal lands within the recreation area from all forms of location and entry under the Federal mining laws so that no new claims can be established;

Second, it authorizes the Secretary of Agriculture to establish regulations to control the use of motorized or mechanical equipment on any Federal lands within the recreation area; and

Third, it precludes the issuance of patents on claims.

WATER RIGHTS

Section 11 provides that the jurisdiction of the State and the United States over waters of any stream included in the proposed recreation area shall be determined by established principles of law. Any taking of a water right vested under either State or Federal law would entitle the owner to just compensation.

HUNTING AND FISHING

The proposed recreation area offers outstanding hunting and fishing and attracts a large number of people to participate in these activities. The influx of hunters substantially extends the season of resorts and businesses in the area. The bill provides that the State will continue its present jurisdiction over hunting and fishing.

REVERSE CONDEMNATION

Section 5(e) permits a reverse condemnation action being filed in Federal District Court. Within 10 years from the date of enactment the owner of private property within the boundaries of the recreation area may file a complaint together with a good and sufficient deed to his property with the court, and the case shall be treated to the extent possible in the same manner as an action for condemnation of property brought by the United States. This provision affords the private owner a reasonable time to consider, without risking a loss in value during that period, the effects of the establishment of the recreation area and the desirability of disposing of his property to the government.

AMENDMENTS

The Committee amended S. 1407 before substituting its text for that of H.R. 6957, the House-passed bill. This included language to make sure that the Forest Service could condemn nonresidential land without the owner's consent, for access to and utilization of public property, administrative facilities, and to halt pre-existing nonresidential uses incompatible with the purposes of the Act. Language was also inserted in the bill to avoid any limitation on the Secretary of Agriculture to acquire mineral interests in lands within the area, with or without the consent of the owner, and to provide that such acquisitions be withdrawn from appropriation under the mining laws.

Other amendments would make permanent, subject to valid existing claims, the withdrawal of the lands in the recreation area from future location, entry, and operation under the mining laws, and would prohibit granting of patents on existing claims. Original language had called for a five-year moratorium on future locations.

Still another amendment would include the adjacent Pioneer Mountains in the evaluation to be made of the area for possible inclusion of a portion in the national park system.

COST

The bill, as amended, authorizes to be appropriated not more than $45,000,000 for the development of recreation and related facilities and for the acquisition of land and interests therein. An additional $50,000 is authorized to be appropriated to conduct the study and formation the specific park recommendation contemplated by section 16.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs in executive session on May 17, 1972, unanimously recommended the enactment of H.R. 6957, as amended.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(This order was subsequently modified to provide for the Senate to convene at 11 a.m. tomorrow.)

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my 3 minutes to the United States and in the interest of silence.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMPULSORY BUSING

Mr. HARRY F. BYRD, JR. Mr. President, a major study on school desegregation by busing at five Northern cities concludes that:

> . . . achievement test scores of black students have not been raised. Moreover, the busing experiments in several cases, have led to a worsening of race relations, rather than an improvement.

Mr. President, the article I am quoting from is a significant one, published on the front page of last Sunday's Washington Post. The Washington Post, I might add, is not noted for its objectivity in matters of this kind. But the 64-page study, to which the article refers, was written by David J. Armor, associate professor of sociology at Harvard University, who previously had conducted research for the U.S. Civil Service Commission.

The study reports that—

> The grades of Negro students generally fell when they were transferred to predominantly white schools because grading standards were higher.
>
> Black youngsters in these schools, the study says, have a stronger sense or racial identity and a greater desire for black separatism than do students in predominantly black schools.
>
> The report suggests that much of the research on race and education done before the late 1960s and widely used in court integration decisions is now outdated because it fails to take into account the new militancy and pride of many black students.

Mr. President, at the appropriate time, I shall ask unanimous consent that the entire text of this article dealing with this important study be printed in the RECORD, but before doing that, I want to say that Congress has an obligation to the people of this country, as I see it, to meet the busing issue headon. So far, Congress has refused to do that. In the report on higher education which will be submitted to the Senate at 12:30 p.m. today, it, too, has refused to meet the issue of busing. Yet the overwhelming majority of the people of this country are strongly opposed to compulsory busing for the purpose of achieving an artificial racial balance.

The study I have just quoted from indicates that the very people it is trying to help, supposedly by compulsory busing, are being hurt by compulsory busing. The evidence, to me, is clear, that compulsory busing is wrong. It is unjust and it is not in the public interest.

Mr. President, the question of compulsory busing has been forced on the people of this Nation by the Federal courts and by the Department of Health, Education, and Welfare here in Washington, D.C. And the Congress of the United States in submitting to pressure groups has refused to come to the aid of the mothers and fathers whose children are being taken from their homes and bused a long ways across communities for the sole purpose of achieving an artificial racial balance in those schools.

I think this is a sad day for the United States. The Congress, the representatives of the people, wil not meet this issue and will not give some protection to the parents of the schoolchildren throughout the Nation.

Mr. President, this is a most significant study. I ask unanimous consent that the article from the Washington Post by Lawrence Feinberg, a Washington Post staff writer, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 21, 1972]

STUDY CASTS DOUBT ON BUSING

(By Lawrence Feinberg)

A major study of school desegregation by busing in five Northern cities concludes that achievement test scores of black students have not been raised. Moreover, the busing experiments, in several cases, have led to a worsening of race relations, rather than an improvement.

The study reports that the grades of Negro students generally fell when they were transferred to predominately white schools because grading standards were higher.

Black youngsters in these schools, the study says, have a stronger sense of racial identity and a greater desire for black separatism than do students in predominantly black schools.

The report suggests that much of the research on race and education done before the late 1960s and widely used in court integration decisions is now outdated because it fails to take into account the new militancy and pride of many black students.

The 64-page study was written by David J. Armor, an associate professor of sociology at Harvard University who previously had conducted research for the U.S. Civil Rights Commission.

It includes research on a city-suburb desegregation program in Boston, which Armor conducted himself, plus data on similar programs in Ann Arbor, Mich., Hartford, Conn., Riverside, Calif., and White Plains, N.Y.

Overall, about 5,000 students, ranging from grades one to 12, have participated in these busing programs. The data that Armor compiled from 1965 to 1971 follows the children for from one to five years.

Armor's study has been presented at a seminar at Harvard, and it is scheduled for publication this summer in The Public Interest magazine.

He said in an interview that his study is the largest showing the "before and after" effect of long-term busing projects by using the same tests to compare bused children with others.

In the mid-1960s Armor worked on a government research project, headed by James S. Coleman, which compiled a massive report on race and education. The report concluded that lower-class black students make some academic gains in predominantly middle-class white schools.

But in his new study Armor notes that the tests Coleman used were all given at the same time—in the fall of 1965. Thus, conclusions about the effect of integration were made, he said, by comparing youngsters in schools with different proportions of black and white students, rather than by following the same children after they had switched from a predominantly black school to a predominantly white one.

"NO SIGNIFICANT GAINS"

In four of the programs he studied, Armor said, black children bused to suburban schools made "no significant gains" when compared to other black students who stayed in inner-city schools or to whites who took the same achievement tests.

In the fifth program, Hartford, the results were mixed. Negro children in suburban schools did better in some grades. But in others, the children in their neighborhood schools scored higher.

Armor, whose prime field of work is research methods and statistics, said he also reviewed reports on over a dozen other desegregation programs, including Berkeley, Calif., and Rochester, N.Y. All of them, he said, were seriously flawed, either by including different tests at different times or by not having a control group against which to check the progress of the students who were bused.

Besides the data on achievement, Armor's study contains the results of questionnaires and psychological tests given to measure children's attitudes toward themselves and toward other races.

Contrary to expectations based on earlier research Armor said the aspirations of black children were slightly lower in mostly white schools than in all-black ones. But in both types of schools, he said, their ambitions—for white-collar jobs and a college education—were generally high.

One factor in the slight decline, he said, may be the lower grades that many Negro students get in predominantly white schools. He said that in his study their marks averaged about half a grade lower in these schools—about C, compared to a B-minus average in the mostly black schools.

"Since black students are behind white students (on standard achievement tests)," he said, "we should expect their grades to fall when they are taken from the competition in an all-black school to the competition in a predominantly white school."

In the measures of racial attitudes, Armor said the data indicated that "integration heightens racial identity and consciousness (and) enhances ideologies that promote racial segregation."

This finding, he said, is "the converse . . . (of one of the central sociological hypotheses in integration policy . . . that integration should reduce racial stereotypes, increase tolerance, and generally improve race relations."

Instead, he said, "the effect is the opposite."

One indicator of this, he said, was the question he asked black students in Boston: "If you could be in any school you wanted, how many students would be white?"

Among those bused to suburban schools the proportion wanting a school less than half white increased from 51 percent to 81 percent between 1968 and 1970. For a group of their brothers and sisters who stayed in city schools, the proportion increased less markedly—from 47 percent to 66 percent.

The bused students also became "much more likely to support the idea of black power," Armor said, and between 1969 and 1970, they reported "less friendliness from whites, more free time spent with members of their own race, more incidents of prejudice, and less frequent dating with white students."

"In other words," he concluded, "the longer the contact with whites, the fewer the kinds of interracial experiences that might lead to a general improvement of racial tolerance."

He said the trend is "clearest" for older black students, but also occurred in the elementary grades. "It seems to be true for whites also," he said, "insofar as their support for the integration program decreases and own-race preferences increase as contact increases."

Even though "in the formal sense . . . all races are treated equally" in an integrated school, Armor said the integration itself "does very little in the short term to eliminate the socio-economic and academic status differentials." Thus, he said, stereotyped beliefs can be reinforced.

"For black students," he said, "initial stereotypes about white students as snobbish, superior, and straight may be partially confirmed by actual experience; the same may be true for white stereotypes of black students as non-intellectual, hostile, and having different moral standards."

Pride in their own culture, he said, has been one of the main elements in the change in black attitudes, especially those of young Negroes, during the past decade.

"It would be a mistake," he added, "to view the increased racial solidarity of black students as a completely negative finding (for) . . . a certain amount of culture conflict (is) inevitable and even necessary if an integrated society is to be realized."

Armor, who is white and lives in a Boston suburb, said his own children attend a school to which black youngsters are bused in a voluntary program, and he urged that such programs be continued.

In his study Armor also presents data from two reports showing that black students in suburban schools are more likely to go to prestige colleges than those attending inner-city schools. This "channeling effect," he said, supports one of the hoped-for gains of integration.

But, Armor said, the "integration policy model," advanced by sociologists and courts, also contends that integration will "enhance black achievement, aspirations, and self-esteem, and (improve) race relations."

All four of these goals, he said, have "failed to be supported by the data." And this, he said, "calls into question" the value of mandatory busing programs.

Mr. GRIFFIN. Mr. President, I commend the distinguished Senator from Virginia for calling the attention of the Senate to the article which appeared in the Washington Post on Sunday. I read that particular article with great interest.

Back on September 24, 1971, I made a statement expressing my opposition to forced busing and said that it would be counterproductive in terms of achieving the goals of racial harmony and a society without discrimination.

Mr. President, at that time I had no scholarly study conducted by Harvard experts to back up that commonsense appraisal. Indeed, the studies then available seemed to point in the opposite direction.

However, this study which the Senator has referred to and which was described in the Washington Post article, made by a Harvard professor merely substantiates what many people of all political philosophies and of all colors have known for quite a while as a matter of plain commonsense.

Mr. President, today at 12:30 the Senate will take up the conference report on higher education.

It seems to me that the least we can do in the consideration of this conference report is to insist that the conferees agree to the strongest language that is available, and that would be the language that is in the House-passed bill.

Mr. President, the House has already instructed its conferees on two occasions to insist in conference on the House language with respect to the busing provisions.

Before we vote up or down on the conference report and at the appropriate time, I will move that the conference report be recommitted to the committee on conference, with instructions that the conferees on the part of the Senate be instructed to recede from the position of the Senate with respect to the busing provisions and concur in the position taken by the House relative thereto.

If the Senate will do that and instruct its conferees to accept the House provisions, then a further meeting of the conferees should be a rather perfunctory formality. Since the House has already instructed its conferees to take precisely the same action, conferees would have nothing to decide. Their further meeting would be a mere formality to adopt and report back a conference report with the stronger busing language of the House-passed bill.

COMPENSATION FOR VICTIMS OF VIOLENT CRIME

Mr. MANSFIELD. Mr. President, the weekend press carried an account of a victim of violent crime. The man suffered permanent disability. He was Mr. Payton Bailey, a 33-year-old cab driver. And as the story in the Washington Post puts it:

> Mr. Bailey was shot in the back of the head on the night of March 19, 1971, after he jumped out of his cab at the intersection of Eastern Avenue and 63rd Street, SE., to try to stop the purse-snatch robbery of a woman who had been waiting for a bus.

This was a tragic and deplorable act of violence. Tragic and deplorable—but not unusual. It is not unusual that a crime was committed, nor that serious injury resulted from the commission of that crime.

What is significantly different about the outcome in the case of Mr. Bailey is that the Maryland Compensation Board awarded him $45,000 for the personal injuries suffered at the hands of the criminal assailant. I do not mean to suggest that $45,000 is compensation enough for a "good Samaritan," who himself is permanently disabled for the heroic act of endeavoring to aid a purse-snatch victim, but I do wish to call the Senate's attention to this example of how humane and just the concept of criminal victim compensation functions in the framework of our law enforcement and criminal justice system.

Had this crime occurred solely within the District of Columbia and had it been committed against one who is a resident of the District of Columbia, it is certain that no compensation award would have been possible. It is certain that Mr. Bailey—regardless of his courageous and selfless act—would not have been entitled to seek compensation for the injuries he sustained. Maryland is one of only six States within the United States that has incorporated the rights of the victim into its system of criminal justice.

There has been pending in the U.S. Senate for some time a proposal that is designed to establish such a compensation system within the Federal criminal jurisdiction. Once again I must voice my concern that the Senate has not acted yet in behalf of those who suffer the ravages of violent crime within the Federal jurisdiction. Compensating the criminal victim was the exclusive objective of S. 750, introduced by me early in the first session of this Congress. In setting such an objective, S. 750 sought to revive within our system of criminal justice both at the Federal level and with inducement for State programs as well, what so many modern societies have long recognized—that the innocent victim of crime deserves consideration, that the citizen who suffers at the hands of the arsonist and the rapist should be compensated for the injuries he personally sustains. Senate bill 750 would have afforded all citizens of this Nation what is already afforded to those who happen to reside in just six of our States.

I am optimistic, however, about the outlook for this proposal in the coming weeks. I am particularly encouraged by the actions of the able and distinguished chairman of the Subcommittee on Criminal Laws and Procedures which is now processing the crime victim proposal. Along with several related measures, Senator McClellan incorporated S. 750 into an overall Omnibus Victims of Crime Act, which we introduced together at the close of the first session and which has been cosponsored by 41 of our colleagues on both sides of the aisle. As subcommittee chairman, Senator McClellan has advised me that he expects to bring this measure to the floor of the Chamber sometime during the month of June, in advance of the adjournment for the July convention.

There is one factor that has arisen in connection with this measure that disturbs me, however. To date, it is my understanding that the administration has not formally gone on record with regard to the concept of compensating victims of violent crime. It is unfortunate that such an endorsement has not yet been forthcoming as this is the type of issue, in my judgment, that deserves to get underway with the full backing and support of the U.S. Government. Already, law enforcement officers have been singled out for special consideration when victimized by the criminal, and the police compensation proposal has been incorporated along with S. 750 into the provisions of S. 2994, the Omnibus Victim Act. Compensating all criminal victims has now been embraced by a wide, bipartisan crossection of the Senate; and I would hope that the proposal would soon receive similar consideration downtown.

To assist those responsible, it should be pointed out that under this administration—as under past administrations—the U.S. Government has paid out millions of dollars to compensate citizens of foreign lands who happen to be victims of crimes committed by U.S. servicemen abroad.

I wish to repeat the last sentence: "The U.S. Government has paid out millions of dollars to compensate citizens of foreign lands who happen to be victims of crimes committed by U.S. servicemen abroad." There is simply no justification in my judgment for treating foreign nationals more favorably than citizens of the United States with respect to this issue. Nevertheless, that is the law. Under the Foreign Claims Act, which is set forth in title X of the United States Code, section 2734, it is provided that personal injury or death at the hands of U.S. military personnel abroad is to be compensated. Under this provision, inhabitants of foreign lands may collect awards if they are victims of crime caused by military or even civilian employees of the military departments. It is my understanding that Army Regulation 27–20 which implements the Foreign Claims Act provides that in determining an appropriate award, local standards are generally applied. In investigating this matter, I have found that since 1970, over 17,000 claims have been approved in amounts approaching a total of $10 million. A substantial percentage of these awards covered claims for assaults, thefts, murders, and the like committed by our military and civilian employees against foreign nationals. This past March alone, approximately 40 percent of the dollars paid out under the Foreign Claims Act went to compensate victims of criminal acts.

What I am urging then is that we extend to U.S. citizens what we grant to citizens of other lands with respect to acts of criminal violence committed by citizens of the United States. We owe the same consideration to victims of violence who happen to reside here in our land—our own citizens.

I cited this only as further justification for endorsing and adopting the criminal victim compensation proposal now pending before the Subcommittee on Criminal Laws and Procedures. Only then will American citizens residing in all States be afforded the same opportunities and rights that are now extended to those citizens of foreign lands who happen to be victimized.

Mr. President, I urge the prompt consideration of this matter. It is my hope that the Committee on the Judiciary will report this measure just as soon as possible so that the Senate can add its stamp of approval to the concept of giving consideration to the criminal victim, who for too long has been ignored within our system of criminal justice.

Mr. President, I do not have the slightest doubt in my mind but that the Senate will approve overwhelmingly, if not unanimously, this proposal.

I ask unanimous consent to have printed in the Record an article contained in last Saturday's edition of the Washington Post.

There being no objection, the article was ordered to be printed in the Record, as follows:

Man Hurt Fighting Thieves Gets Award

(By Douglas Watson)

Annapolis, May 19.—A Maryland board has ruled the state can pay up to $45,000 in compensation to a Capitol Heights man who was shot in the head while trying to halt a robbery that occurred just inside Washington.

After Maryland Gov. Marvin Mandel interceded, the Criminal Injuries Compensation Board reversed an earlier ruling that had denied an award to Payton Bailey, a 33-year-old cab driver.

Bailey was shot in the back of the head on the night of March 19, 1971 after he jumped out of his cab at the intersection of Eastern Avenue and 63d street, SE to try to stop the purse-snatch robbery of a woman who had been waiting for a bus.

Bailey collared one youth, but he was set upon by three others and in the ensuing scuffle was shot. The assailants, who took $5 from the woman, fled and have not been apprehended.

The three-member Maryland board had ruled that since Bailey apparently was shot just inside the District line—Eastern Avenue being the boundary between Maryland and Washington—he did not qualify for compensation under the Maryland law that provides funds to innocent victims of crime.

Martin I. Moylan, executive director of the three-member board, said today that Mandel recently had called him and asked that the board reconsider its earlier decision.

After a hearing on Wednesday attended by Mr. and Mrs. Bailey, the board decided that at least part of Bailey's struggle with his assailant apparently had occurred inside Maryland and he is qualified for the compensation.

Because Bailey has been found by doctors to be 100 per cent disabled by the bullet that is still lodged in his head, he is likely to receive the full $45,000 that any one person can receive under the Maryland law, Moylan said.

Bailey, of 846 Brooke Rd., said today that he feels a lot better than he did a few days ago. His injury has affected his memory, impaired his speech and his coordination.

Mrs. Bailey said of the award, "It's long overdue. He really deserves it." She said that about a year before his injury, her husband had leaped out of their car and apprehended an alleged rapist. "He's just a Good Samaritan," she said.

Moylan said that the Baileys, who have four children will not receive the money in a lump sum, but that the board will immediately pay off unpaid medical bills and then pay them a monthly amount, perhaps about $360 per month.

Mrs. Bailey said the award assures the family that they will not lose their home because of overdue mortgage payments incurred because Bailey has been unable to work since the shooting.

SCHOOL BUSING

Mr. GURNEY. Mr. President, I was in the Chamber earlier when the distinguished Senator from Virginia spoke on the school busing problem, and also when the distinguished Senator from Michigan, the assistant Republican leader, made his remarks on that subject. I, too, wish that we could instruct the conferees in language other than appears in the Senate version and the House version of these respective bills, which really does not do the job of preventing the busing that is going on in this country, as we all know.

If this bill were before this body after some of the Presidential primaries that have been going on up and down the country had been concluded, and the people of those primaries had spoken in uncertain terms on the matter of busing, probably the language in both the Senate version and the House version would have been quite different than we have it now, and a good deal stronger in preventing this asinine bus business.

I listened with great interest as the Senator from Michigan stated it was his intention to propose a motion instructing our conferees to go back to conference, to accept at least the best terms of the two bills so far as prohibiting this busing business is concerned. I wish we could go further but obviously that is as far as we can go. I do intend to support the effort of the Senator from Michigan when the time arrives later today.

I, too, hope that the committees of the Senate assigned to do this job can get on with some of the bills that have been pending before them, the administration's bill as well as the constitutional amendment we have in one of our committees. We must do a beter job of prohibiting busing as it exists around the country. In my tenure in public office, and I have been in public office around here for 10 years, I doubt if a situation has ever arisen in this country where the representatives of the people, in the Senate and in Congress, have refused to listen to winds of opinion back home, that are generating hurrican winds now and trying to make their feelings felt about the busing that is going on in this country.

I predict that unless we take action pretty soon to stop it, some heads will fall in Congress, both in this body and in the other body, when the people back home in all States where they have this problem recognize their representatives are not responsive to the wishes of the people.

SCHOOL BUSING

Mr. TALMADGE. Mr. President, I listened with interest to the remarks of the distinguished Senator from Virginia, the distinguished minority whip, the Senator from Michigan; and the distinguished Senator from Florida. I fully concur with the remarks they have made.

It was the intention of the Senator from Georgia to move to recommit this conference report to the conference, with instructions to accept the House amendments. The distinguished minority whip has indicated he will make such a motion and I will defer to him in that regard.

If there is one thing the American people are fed up with at the present time, it is transporting our schoolchildren long distances in this country to achieve a racial balance construed by some Federal judge or some bureaucrat in the Department of Health, Education, and Welfare.

In my State—and I think in many areas of our country—it has rendered a grave disservice to our educational process. In addition to reducing the effectiveness of our schools, Mr. President, it has created tyranny in America that people are not content to let continue. That goes for blacks as well as whites.

In my own State and in many areas, children are required to get up before daylight, stand in the sleet and snow, in the darkness, waiting for school buses to transport them long distances into areas in our country where they do not want to go to school, where their parents do not want them to go to school, where the public does not want them to go to school, where the general electorate does not want them to go to school.

That situation, Mr. President, is largely confined to the Southern States at the present time. Under the report that has been brought in by the conferees on this particular bill, there is some temporary relief in other areas of the country. But there is no relief in the Southern States, where all rights of appeal have been exhausted.

If busing is bad—and the conferees seem to indicate that future busing is bad, but not that present busing is bad—then busing is bad, present or future, and ought to be dealt with accordingly.

I have read polls taken in this country by Mr. Harris and Mr. Gallup which indicate that almost 80 percent of the American people are opposed to school busing to achieve a racial balance. When one looks at the recent primaries that have taken place in Tennessee, in Florida, in North Carolina—yes, in Michigan, it confirms those polls by overwhelming majorities.

I hope that the Senate will act today to stop insane school busing that has so divided our people. I think the best way we can act today is to recommit the bill to the conferees with instructions to accept the amendments as proposed by the House.

In my judgment, the amendments that have been proposed by the House do not go far enough, but I think those amendments are far more desirable than the conference report that our conferees have brought back to us to act upon.

I hope that at a later date, when we have another opportunity, we can act even more strongly than the House amendments provide and lay to rest once and for all what I thought we did in title IV of the Civil Rights Act of 1964, which stated that children should not be assigned or transported to schools to achieve a racial balance.

I yield the floor.

THE VIETNAM VETERANS ACT OF 1971

Mr. MATHIAS. Mr. President, almost a year ago I introduced legislation to provide greater educational assistance for our veterans. This bill, S. 2163, the Vietnam Veterans Act of 1971, would authorize the Veterans' Administration to provide up to $1,000 directly to educational institutions to pay the costs of tuition, books, fees, and related supplies for each eligible veteran. Twenty of my Senate colleagues have joined in cosponsoring this bill, a gratifying demonstration of support for this principle.

On February 17 of this year, I stated on the floor of the Senate that we could delay no longer in enacting legislation to increase the educational benefits of veterans. Shortly thereafter, the House passed H.R. 12828 to increase educational benefits for veterans and the Senate Veterans' Affairs Committee began hearings on my bill and other proposals to improve educational benefits.

On March 24, I testified before the Veterans' Affairs Committee in support of my bill and to urge the committee to adopt legislation that would institute the concept of direct payment for tuition, books, fees, and supplies, as would my bill, and a similar proposal offered by the American Legion.

As we approach June, it has been almost a year since my bill was introduced and still there has been no veterans legislation reported by the Senate Veterans' Affairs Committee. Time is running out. We are at the end of 1 academic year. Within 3 months, another academic year will have begun for millions of veterans. Today, there is no Senate bill to go to the House so that we can get legislation to the President in order to allow implementation of badly needed improvements in this program to serve millions of Vietnam veterans by this coming school term.

Concern for our veterans is widespread in our Nation. Last week I called the attention of the Senate to an article from Time which described the urgency which today's veterans attach to obtaining better educational benefits in general and a direct tuition allowance specifically. The National Association of Collegiate Veterans, at its recent meeting urged enactment of legislation to expand the monthly allowance and to provide up to $1,000 per year for tuition, books, and fees.

The distinguished columnist, David Lawrence, stated in his April 14 column that the GI bill should be updated and our veterans "have the right to expect their Government to see that their benefits will provide the means to return to civilian life without additional burdens."

The veteran has enough problems when he returns home without having to face the fact that he is unable to obtain his educational objectives due to lack of funds. The very least we can do for him is to put him into a competitive position with his peers through education. The Vietnam war continues to wrack the life of our country. Yet, these men who have fought, to whom we owe so much, are receiving so small a part of our interest and our concern. We tell them that we cannot provide them with tuition, books, fees, and supplies in college now because there were some abuses in a similar program under the old GI bill a generation ago. If we can protect against abuses in Federal grant-in-aid programs which exist today, and which provide millions of dollars of assistance to institutions and individuals each year, then we certainly can protect against abuses in a program to provide our veterans with the cost of tuition.

As it stands now, our veterans are distressed, annoyed, and frustrated because their representatives in the U.S. Congress have not sent legislation which would help them to the President for signature. The Congress has indeed been callous to the needs of our Vietnam veterans. We pass measures which support the war effort in which so many of them have suffered serious, perhaps lifetime, wounds, both mentally and physically. But this very same Congress has yet to give them a substantially improved veterans educational benefits program. This failure to act is a war crime against those who have served their country.

I urge my colleagues on the Senate Veterans' Affairs Committee, all of whom are dedicated to meeting this issue and who have worked hard for our veterans in so many ways, to do all that they can to see that a veterans education bill is reported in the near future so that our veterans can receive the assistance that they so much deserve. We owe them so much, yet we are giving them so little.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. All time for transaction of routine morning business has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for 6 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS GRAVEL AND PROXMIRE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order tomorrow, the distinguished Senator from Alaska (Mr. Gravel) be recognized for not to exceed 15 minutes, and that he be followed by the distinguished Senator from Wisconsin (Mr. Proxmire) for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the unanimous-consent orders recognizing Senators for 15 minutes tomorrow, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield to the Senator from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

POLICIES IN CONNECTION WITH EXPANSION OF ANTIETAM NATIONAL BATTLEFIELD

Mr. MATHIAS. Mr. President, I am very grateful to the distinguished senior Senator from New York for yielding me a minute to call to the attention of the Senate a very remarkable report which has been submitted to me and to my colleague from Maryland (Mr. Beall) dealing with the land acquisition policies of the National Park Service.

The particular instance to which I refer arose in connection with my proposal for the expansion of the Antietam National Battlefield. This would involve, of course, acquisition of private property. This acquisition of private property by the Park Service and by the Department of the Interior differs from the normal procedures followed in areas which are relatively unpopulated, unsettled, and practically wilderness, because Antietam is a highly populated area which has been settled and civilized for 300 years.

The local community exhibited a great deal of leadership in connection with the proposed expansion. The Board of Commissioners of Washington County appointed an Antietam National Battlefield Advisory Committee, composed of local leaders, to examine all the facts and facets of land acquisition for the expansion of Antietam National Battlefield, and they have today submitted a detailed report. I would hope that it might be a model for the entire country because this is a healthy procedure in which policy develops at the grassroots. It is democracy in action.

I hope the Department of the Interior will carefully study the recommendations that have been made by this committee and that legislation can be enacted which will result in the expansion of the Antietam National Battlefield.

Having received this report, I intend to draft such legislation to implement the recommendations contained therein.

I ask unanimous consent that the report be printed in the Record at this point.

There being no objection, the report was ordered to be printed in the Record, as follows:

Final Report: The Antietam National Battlefield Advisory Committee

Office of the County Commissioners,
Hagerstown, Md., May 22, 1972.

Hon. Charles McC. Mathias, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Mathias: The Board of County Commissioners is pleased to present the Final Report of the Antietam National Battlefield Advisory Committee.

It has been a pleasure to provide this document for you, and we trust that it will be of assistance in preparation of legislation for the Antietam National Battlefield Site.

If we may at any time be of further service, please do not hesitate to call upon us.

Very truly yours,

Lem E. Kirk,
President.

Office of the County Commissioners,
Hagerstown, Md.

In formulating the following recommendations, the Antietam National Battlefield Advisory Committee has endeavored to strike an equitable balance between the wishes of involved property owners and the desire to protect and preserve the Antietam National Battlefield Site as an important part of our American Heritage.

Each parcel proposed by the National Park Service for inclusion in the General Development Plan and Land Acquisition Plan has been individually reviewed by the Committee. Of the fifty-one (51) property owners involved in the proposal, thirty-three (33) expressed their wishes in writing to the Committee. In addition to a parcel by parcel evaluation, recommendations concerning implementation and administration of the proposal are submitted below.

The procedure followed by the Committee in arriving at its final recommendations was as follows:

1. A request was made by Senator Charles McC. Mathias to Lem E. Kirk, President of the Board of County Commissioners of Washington County, to work with the property owners included in the proposed expansion of the Antietam National Battlefield Site.

2. The Antietam National Battlefield Advisory Committee was appointed by Mr. Kirk on August 10, 1971, with members chosen to represent a wide variety of interests:

Rome F. Schwagel, who served as Chairman of the Committee, represented the County Commissioners.

Leroy R. Burtner was chosen to represent the Washington County Planning and Zoning Commission.

Donald L. Spickler served as a representative of the Washington County Historical Advisory Committee.

Fred Kramer was chosen as an owner of a farm who was willing to sell.

Millard Kefauver was selected as an owner of a farm who was not willing to sell.

Mayor Elmer Koontz and Vice-Mayor Thurman Jamison represented the Town of Sharpsburg.

Massey Roe represented the Washington County Sanitary Commission, which provides water service to the area.

Mrs. John McCollom was selected as an interested citizen of Sharpsburg.

3. The Committee met for the first time on September 7, 1971, at which time it was disclosed that the recommendation of the Washington County Historical Advisory Committee endorsing expansion of the Battlefield had been approved by the County Commissioners.

4. On January 12, 1972, letters were sent to all property owners included in the proposed expansion, notifying them of a public meeting on the proposal.

5. A public meeting was held in the Washington County Court House on January 31, 1972, at which time the expansion proposal was explained by representatives of the National Park Service. The Committee verbally requested letters from property owners at the meeting and by letter on February 1 and February 17.

6. In workshop session on February 28, the Committee reviewed each letter received, made recommendations on each, as well as on properties on which letters had not been received. Further comments on each parcel were requested from the National Park Service.

7. At the next workshop on March 27, the National Park Services' comments on each parcel were presented to the Committee.

8. A Preliminary Report was drafted, and forwarded for review on April 10, to the Washington County Historical Advisory Committee and the historical staff of the National Park Service.

9. At the final workshop session on April 24, the comments of the Washington County Historical Advisory Committee and the historical staff of the National Park Service were considered prior to preparation of the Final Report.

Cooperation in this matter between the National Park Service, the Committee, and all other parties involved, was excellent. The procedures followed in providing for participation by property owners, local citizens, their elected officials, and the National Park Service, have served to be what we feel is a most desirable approach in projects of this type.

Recommendations

MAP 76

Owner, Parcel, and Acreage [1]

Hugh D. Chapman, 89, 5.39.

A scenic easement should be acquired on the back portion of this property from the west corner of The Antietam National Cemetery to the corporate limit of Sharpsburg along High Street. The remainder of the parcel should be deleted from the Plan.

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[1] Total acreage owned. In several cases, only a portion of total acreage has been proposed for inclusion in the Plan.

Gale H. Lyon, 190, 68.99.

A scenic easement should be acquired on this entire parcel.

David H. Harris, 198, 56.16.

A scenic easement should be acquired on this entire parcel.

Paul B. Shade, 182, 136.27, I (Map 80), 84.24.

Both of these properties should be obtained through fee acquisition.

Rene Burtner, 16, 211.

A scenic easement should be acquired on that portion of this property within the boundaries of the Plan, consisting of approximately 50 acres, due to its proximity to Burnside Bridge.

Charles E. Ritchie, 14, 130, 15, 161.

A scenic easement should be acquired on parcel 14, as well as on the approximately 60 acres of parcel 15 within the boundaries of the Plan.

William H. Cunningham, 5, 165.

A scenic easement should be acquired on this entire parcel as it is located in the middle of the Plan boundaries.

C. Dudley Pry, 40, 66.63.

A scenic easement should be acquired on this entire property.

Howard E. Miller, Jr., 4, 179.50.

Approximately 5 acres of this parcel situated on Bloody Lane, should be obtained through fee acquisition. A scenic easement should be acquired on the remainder of the tract, as it is located in the middle of the Plan boundaries.

Albert B. Deatrick, 3, 98.

A scenic easement should be acquired on that portion of this property within the boundaries of the Plan, consisting of approximately 40 acres.

George H. Poffenberger Estate, 100, 151.

A scenic easement should be acquired on this property.

Fred G. Ellis, 22, ——.

A scenic easement should be acquired on this property. In no case should the property be obtained through fee acquisition and the existing home demolished.

Alden C. Kefauver, Jr., 19, 113.25.

A scenic easement should be acquired on this property.

Leo B. Wyand, 20, .96.

A scenic easement should be acquired on this property. In no case should the property be obtained through fee acquisition and the existing home demolished.

Eleanora E. Poffenberger, 2, 7.70.

This property should be obtained through fee acquisition and a life estate granted to the present occupant.

Richard K. Hershey, 31, 11.40.

This property should be obtained through fee acquisition.

Floyd E. Gatrell, 178, 2.17.

A scenic easement should be acquired on this property.

Wilfred E. Grayson, 176, 5.61.

A scenic easement should be acquired on this property.

James E. Poffenberger, 173, lot, 168 lot.

These properties should be obtained through fee acquisition.

Mumma's Graveyard, 86,——

A scenic easement should be acquired on this property.

Charles A. Lohman, 95, 3.88.

This property should be obtained through fee acquisition, as it is situated on Bloody Lane.

MAP 72

Owner, parcel, and acreage

John D. Flook, 8, 165.

A scenic easement should be acquired on that portion of this property within the boundaries of the Plan, consisting of approximately 150 acres.

James F. Colpo, Sr., James F. Colpo, Jr., 86, 18.

A scenic easement should be acquired on this property.

Harvey C. Poffenberger, 89, 143.66.

All of this parcel should be obtained through fee acquisition.

Fred Kramer, 124, 120.

This entire parcel should be obtained through fee acquisition.

Leon S. Price, 9, 173.25.

A scenic easement should be acquired on that portion of this property within the boundaries of the Plan, consisting of approximately 50 acres.

Alan R. Wilson, 11, 43.23.

This owner should be given the choice of accepting all scenic easement or all fee acquisition on his property.

Paul M. Culler, 20, 143.99.

The owner should be given the choice of accepting all scenic easement or all fee acquisition on his property.

Mrs. Hubert P. Stine, 92, .50.

This property should be obtained through fee acquisition, and a life estate granted to the present occupant.

Millard D. Kefauver, 10, 155.50, 13, 115.65, 12, 12.

The Demonstration Farm should be relocated from this site, and the owner given the choice of accepting scenic easement or fee acquisition on all three of his properties.

Mary L. Shank, 84, 152.50.

The owner should be given the choice of accepting all scenic easement or all fee acquisition on the approximately 40 acres of this property within the boundaries of the Plan.

Virginia R. Blickenstaff, 112, .35.

This property should be obtained through fee acquisition, with or without a retained use of up to 25 years granted to the owner.

Bernard A. Milburn, 91, .35.

In view of the recommended relocation of the Demonstration Farm, this parcel should be deleted from the Plan.

Marvin L. Jamison, 129, 1.21.

This property should be obtained through fee acquisition, with or without a retained use of up to 25 years granted to the owner.

MAP 80

Owner, parcel, and acreage

Kermit S. Midthun, 2, 106.30.

A scenic easement should be acquired on that portion of this property within the boundaries of the Plan, consisting of approximately 60 acres.

William Dorsey, 3, 154.50.

A scenic easement should be acquired on that portion of this property within the boundaries of the Plan, consisting of approximately 20 acres.

Richard E. Eichelberger, 219, lot.

A scenic easement should be acquired on this property.

Charles V. Rupp, 185, lot.

A scenic easement should be acquired on this property.

Albert L. Hetzel, 164, 5.98.

A scenic easement should be acquired on this property.

II—FURTHER RECOMMENDATIONS

A. In several instances, scenic easements only have been suggested on properties. These particular recommendations we believe to be most acceptable to the property owner affected, while at the same time, fulfilling the wishes and needs of the National Park Service. To provide flexibility for both the National Park Service and property owners, however, it is recommended that on properties where a scenic easement only has been proposed, the owner be given the alternative of accepting fee acquisition.

B. As proposed, a large portion of the Battlefield expansion will be executed through acquisition of scenic easements. This arrangement will impose certain restrictions on property owners so affected, and will require authorization from the Secretary of the Interior, or in this case, the Battlefield Superintendent acting as his Designee, prior to undertaking certain improvements. It is recommended that provision be made for two County citizens to be appointed by the County Commissioners for one-year terms, to act in an advisory, non-voting capacity in working with the National Park Service Representative on administration of scenic easements.

C. Prior to introduction of Battlefield legislation, existing laws and statutes should be carefully examined to determine the manner in which scenic easement restrictions would affect property tax assessment.

OFFICE OF THE COUNTY COMMISSIONERS,
Hagerstown, Md., May 15, 1972.

Hon. CHARLES MCC. MATHIAS,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: It is our understanding that the National Park Service has requested funds from Congress for the purpose of connecting the Visitors Center at the Antietam National Battlefield Site to the water system of the Town of Sharpsburg.

The Antietam National Battlefield Advisory Committee requests any assistance you can provide to assure that monies are made available for this project at the earliest possible date.

Your attention to this request will be greatly appreciated.

Sincerely,

ROME F. SCHWAGEL,
Chairman, Antietam National Battlefield Advisory Committee.

APPENDIX

COMMENTS OF MEMBERS OF THE ANTIETAM NATIONAL BATTLEFIELD ADVISORY COMMITTEE RESPONDING ON THE COMMITTEE'S FINAL REPORT

SHARPSBURG, MD.,
May 9, 1972.

ANTIETAM NATIONAL BATTLEFIELD, ADVISORY COMMITTEE.

Attn.: Rome Schwagel:

The final report meets my approval.

Sincerely,

THIRMAN E. JAMISON.

TERRACE LIQUOR STORE,
Hagerstown, Md., May 12, 1972.

Attn: Mr. Rome Schwagel.
WASHINGTON COUNTY COMMISSIONERS,
Court House,
Hagerstown, Md.

DEAR ROME: Just a line to let you know I'm happy with the fund report of our committee, and you should be congratulated on the job you did chairing the committee.

It was a pleasure working with you. If I can be of any further help please call.

FRED KRAMER.

WASHINGTON COUNTY PLANNING AND ZONING COMMISSION,
Hagerstown, Md., May 12, 1972.

Re: Final Report of the Antietam National Battlefield Advisory Committee.

Mr. ROME F. SCHWAGEL,
Chairman, Antietam National Battlefield Advisory Committee, County Commissioners Office, Court House Annex, Hagerstown, Md.

DEAR MR. SCHWAGEL: I have read the Final Report and am pleased to say that it has my approval.

It was a pleasure to serve on this Committee and to participate in the detailed decision-making process. I feel that *every* effort was made by you, the Committee members and the Planning and Zoning Commission Staff, to review and act on the proposed Antietam National Battlefield Development Plan and Land Acquisition Plan in relationship to the historical, existing, and possible future uses of the involved properties.

My congratulations to you for serving as a fine Chairman and for a job well done.

Sincerely,

LEROY R. BURTNER.

WASHINGTON COUNTY
HISTORICAL ADVISORY COMMISSION,
Clear Spring, Md., May 9, 1972.

Hon. ROME F. SCHWAGEL,
Chairman, The Antietam National Battlefield Advisory Committee, Washington County Court House, Hagerstown, Md.

DEAR ROME: I approve the Final Report of The Antietam National Battlefield Advisory Committee. It has been a real pleasure to work with you and the rest of the committee. I hope our work will produce the desired results.

Sincerely,

DONALD L. SPICKLER.

SHARPSBURG, MD.,
May 10, 1972.

ROME F. SCHWAGEL,
Chairman, Antietam National Battlefield, Advisory Committee.

DEAR ROME: I have examined the Final Report and agree that the said report recommendations, made by the Advisory Committee, are as fair as we can make to the Property Owners involved, and to the National Park Service. I can not see where we can make any changes to better the situation.

It has been a pleasure to work with you and the other members of the Advisory Committee, on the subject of enlarging the Antietam National Battlefield. Lets protect it.

Sincerely,

ELMER C. KOONTZ,
Mayor of Sharpsburg.

WHAG–TV,
Sharpsburg, Md., May 10, 1972.

Mr. ROME F. SCHAWAGEL,
Chairman, Antietam National Battlefield Advisory Committee, Office of the County Commissioners, Hagerstown, Md.

DEAR ROME: This letter is to confirm my approval of the Final Report of the Antietam Battlefield Advisory Committee.

No doubt it has already come to your attention that the line "A scenic easement should be acquired on this property" was left off page 7 under Albert L. Hetzel.

I appreciate very much having been a member of this committee and say "well done" to those people who worked long and faithfully to compile this report.

Please call on me at any time if I can be of further service to the battlefield preservation.

Sincerely yours,

BEVERLY MCCOLLOM.

KEEDYSVILLE, MARYLAND,
May 8, 1972.

Mr. ROME F. SCHWAGEL,
Chairman, Antietam National Battlefield Advisory Committee, Hagerstown, Md.

DEAR MR. SCHWAGEL: Referring to your letter of May 3, 1972, enclosing your Final Report on the Antietam National Battlefield Advisory Committee.

As advised you and the committee at our meeting on April 24, 1972, I do not want to part with my home, farm, to the Park Service or any one else at any price, this home, farm, has family history, further back than the Civil War, and we just don't want to part with it. I have worked very, very hard here myself, as well as my family in the past 23 years that I have owned it, and sacrificed a lot to make it what it is today, and still have much I want to do.

We are not interested in scenic easement or fee acquisition.

Sincerely,

MILLARD D. KEFAUVER,
Land, Farm Owner.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 635) to amend the Mining and Minerals Policy Act of 1970, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. CHILES) laid before the Senate the following letters, which were referred as indicated:

Report on Vietnamese Support Costs

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a confidential report relative to Vietnamese support costs (with an accompanying report), to the Committee on Appropriations.

Report on the Appropriations "Contingencies, Defense"

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, on the appropriation "Contingencies, Defense", for the period July 1, 1971–March 31, 1972; to the Committee on Appropriations.

Report on Facilities Projects Proposed To Be Undertaken for the Naval and Marine Corps Reserves

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on facilities projects proposed to be undertaken for the Naval and Marine Corps Reserves; to the Committee on Armed Services.

Report on Facilities Projects Proposed To Be Undertaken for the Air National Guard

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on facilities projects proposed to be undertaken for the Air National Guard; to the Committee on Armed Services.

Proposed Transfer of Submarine

A letter from the Assistant Secretary of the Navy, installations and logistics, reporting, pursuant to law, on the proposed transfer of the submarine U.S.S. *Silversides* (ex–AGSS–236) to the Combined Great Lakes Navy Association, Chicago, Ill.; to the Committee on Armed Services.

Parts II, III, and IV of 1970 National Power Survey

A letter from the chairman, Federal Power Commission, transmitting, pursuant to law, parts II, III, and IV of the 1970 National Power Survey (with an accompanying document); to the Committee on Commerce.

Report on Implementation of the National Transportation Policy

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on implementation of the National Transportation Policy (with an accompanying report); to the Committee on Commerce.

Proposed Increase of Appropriation Authorization of the National Advisory Committee on Oceans and Atmosphere

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to increase the annual appropriation authorization of the National Advisory Committee on Oceans and Atmosphere (with accompanying papers); to the Committee on Commerce.

Proposed Amendment of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

A letter from the Assistant to the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide relocation payments for persons displaced by local code enforcement in the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Status, Progress, and Problems in Federal Agency Accounting During 1970 and 1971," dated May 19, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Opportunities For Improving Administration of Government-wide Indemnity Benefit Plan of Health Insurance for Federal Employees and Annuitants," Civil Service Commission, dated May 22, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Observations on Dredging Activities and Problems," Corps of Engineers (Civil Functions), Department of the Army, dated May 23, 1972 (with an accompanying report); to the Committee on Government Operations.

Proposed Grant for Research Project

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed grant with the Pennsylvania State University, University Park, Pa., for a research project entitled "Demand for and Supply of Labor in Minerals and Mineral Fuels Industry" (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Proposed Contract With University of Alaska

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with the University of Alaska, Fairbanks, Alaska, for a research project entitled "Design of a Beneficiation System for Evaluation and Recovery of Gold and Accessory Minerals from Alaskan Beach Deposits" (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Proposed Contract for a Research Project

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with MSA Research Corporation, Pittsburgh, Pa., for a research project entitled "Experience Survey of Dust Control Methods in Non-Coal Mines" (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Contract for Research in Airborne Dust

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a proposed contract for a research project entitled "Characterization of Metal and Non-Metal Mine Airborne Dust" (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Core Drilling in Utah

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a copy of a proposed grant with the University of Utah, Salt Lake City, Utah, for a research project entitled "Informational Core Drilling in Utah's Tar Sand Deposits" (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Veterans' Legislation

A letter from the Administrator of Veterans' Affairs submitting proposed legislation to amend title 38, U.S.C., to provide more equitable standards under which the Administrator of Veterans' Affairs may waive recovery of overpayments of veterans' benefits and release or waive liability with respect to certain home loans (with accompanying papers); to the Committee on Veterans' Affairs.

Proposed Concession Permits

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, proposed concession permits for certain recreational areas (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Chiles):

A resolution of the Senate of the State of California; to the Committee on Foreign Relations:

"Senate Resolution 47

"Relative to the Soviet Union

"Whereas, In the Soviet Union men and women are denied religious freedoms recognized as basic by all civilized countries of the world and by the Soviet Constitution itself; and

"Whereas, Jews and other religious minorities in the Soviet Union are being denied the means to exercise their religion and sustain their identity; and

"Whereas, The government of the Soviet Union is presecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union and by discriminating against Jews in cultural activities and access to higher education; and

"Whereas, The right freely to emigrate, which is denied Soviet Jews who seek to maintain their identity by moving elsewhere, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations; and

"Whereas, These infringements of human rights are an obstacle to the development of better understanding and better relations between the people of the United States and the people of the Soviet Union; now, there, be it

"Resolved by the Senate of the State of California, That the Members hereby respectfully memorialize the President and the Congress of the United States to call upon the Soviet government to permit the free exercise of religion by all its citizens in accordance with the Soviet Constitution, to end discrimination against religious minorities and permit its citizens to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

"This is to certify that the above resolution was adopted by the Senate on May 11, 1972.

"Darryl R. White,
"Secretary of the Senate."

A resolution adopted by the Joseph Priestley District of Unitarian Universalist Societies, Devon, Pa., calling upon the President to cease the bombing in Vietnam; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1295. A bill to establish the Amistad National Recreation Area in the State of Texas (Rept. No. 92–801).

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment:

S. 3607. A bill to authorize appropriations to the Atomic Energy Commission in accordance with Section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 92–802).

By Mr. BOGGS, from the Committee on Public Works, with amendments:

S. 3568. A bill to designate the Federal Bureau of Investigation Building now under construction in Washington, District of Columbia, as the "J. Edgar Hoover Federal Building" (Rept. No. 92–803).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. RIBICOFF:

S. 3632. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Housatonic River, Connecticut, as a potential addition to the wild and scenic rivers system; and

S. 3633. A bill to establish the Housatonic River Valley Trust, to preserve and conserve the said area, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 3634. A bill to provide continued rail transportation in rural America. Referred to the Committee on Commerce.

By Mr. GURNEY:

S. 3635. A bill to make Level III of the Executive Schedule applicable to the Special Assistant Attorney General, and to make Level IV of the Executive Schedule applicable to the United States Attorney for the Central District of California. Referred to the Committee on Post Office and Civil Service.

By Mr. BROCK:

S. 3636. A bill to amend the Occupational Safety and Health Act of 1970 to provide technical assistance to comply with standards, to extend the time for compliance with standards, to update standards, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. HRUSKA (for himself, Mr. Bayh, Mr. Bennett, Mr. Bible, Mr. Brock, Mr. Brooke, Mr. Burdick, Mr. Cannon, Mr. Chiles, Mr. Cook, Mr. Curtis, Mr. Dominick, Mr. Fannin, Mr. Fong, Mr. Goldwater, Mr. Gurney, Mr. Jordan of North Carolina, Mr. Mansfield, Mr. Mathias, Mr. McGee, Mr. Moss, Mr. Pastore, Mr. Percy, Mr. Proxmire, Mr. Scott, Mr. Stevens, Mr. Talmadge, Mr. Thurmond, and Mr. Young):

S.J. Res. 236. A joint resolution to authorize and request the President to proclaim the week beginning October 15, 1972, as "National Drug Abuse Prevention Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIBICOFF:

S. 3632. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Housatonic River, Connecticut, as a potential addition to the wild and scenic rivers system; and

S. 3633. A bill to establish the Housatonic River Valley Trust, to preserve and conserve the said area, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

THE HOUSATONIC RIVER VALLEY

Mr. RIBICOFF. Mr. President, the Housatonic River Valley must be saved.

Many demographers and land use planners predict that Connecticut, now composed of urban, suburban, and rural areas, may be the first State to become one large city from border to border.

If this predicted growth is allowed to occur without sufficient controls, most of Connecticut's natural resources will disappear. In an attempt to avoid the destruction of the cultural and physical environment of the Connecticut River Valley, in 1969 I introduced legislation to create a Connecticut Historic Riverway. This measure has twice passed the Senate unanimously and is now awaiting action in the House of Representatives.

The Connecticut River is only one of the regions in Connecticut in need of restoration and protection. The Housatonic River, which flows from Massachusetts along the western edge of Connecticut to Long Island Sound, is also seriously threatened by pollution and uncontrolled development. If we do not begin to reverse these destructive trends, in a short time the important natural resources of the Housatonic will be lost.

The towns along the upper Housatonic River Valley are living reminders of Connecticut's and the Nation's early years and should be preserved for future generations to enjoy. Beginning with a settlement by a group of Puritans at the river's mouth in 1639, a number of small towns developed along the valley. Within a few years settlements spread up the valley. In 1642 a trading post was established at the junction of the Housatonic and Naugatuck Rivers. New Milford was founded in 1707 and by the start of the Revolutionary War, Litchfield County was dotted with small villages and farms.

The first half of the 19th century saw a substantial increase in manufacturing activity in the valley. By 1842 trains were running all the way to Canaan on the Massachusetts border.

This initial burst of activity quickly changed direction. After the Civil War, industry began withdrawing from the upper valley and expanded in the lower valley. As a result of this and a steady decline in population, many villages and towns and much of the upper river's shoreline remain close to the condition which existed 100 years ago. Now is the time to begin to protect this entire area.

In some sections of America, preservation is a relatively easy task. In the Far West, for example, the land is lightly populated and often Government owned. The opposite situation prevails in New England. There, most of the land is privately owned, often by descendants of the original settlers, and the local traditions are well established.

Because the Housatonic River flows across State lines and through many municipalities, no concerted effort has ever been made to preserve it. In fact, 11 towns share jurisdiction over the stretch of the river between the Massachusetts border and its confluence with the Shepaug River. These are Salisbury, North Canaan, Canaan, Sharon, Cornwall, Kent, Sherman, New Milford, Bridgewater, Brookfield, and Newtown.

The State of Connecticut has established State parks and State forests in some sections, but has been unable to preserve the entire riverway. Only Federal leadership working closely with local residents and landowners can mount the necessary effort to save the river and valley. The Federal Government can serve as the catalyst for bringing all the diverse elements of the region together for one common purpose—the preservation of the cultural and physical environment of the upper Housatonic River Valley.

While developing my Connecticut Historic Riverway legislation, I followed three basic rules. They are equally applicable to the Housatonic River Valley. First, do not rely solely on established Federal programs. Any new preservation effort should be geared to the nature of the resource to be preserved. It must reflect the needs and concerns of the local people themselves. Otherwise, progress is not possible. Second, insure that the local citizens have equal powers with Federal Government over the design, development, and operation of any program. Third, recognize that preservation takes time and that no program can or should be rushed through immediately.

I am today, with Representative Ella Grasso, taking three basic steps to determine what Federal action may be needed to preserve and protect the river valley. These proposals are the first step in what I hope will be a long-range project, sponsored by Housatonic River Valley residents, to save the river and the valley and protect it from future encroachments.

First, I am introducing legislation to add the Housatonic River between the Massachusetts border and the Shepaug River to the Wild and Scenic Rivers Act—Public Law 90–542. This act was designed to preserve close to their existing state certain rivers which possess remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or similar values.

Under the Wild and Scenic Rivers Act, the river itself is protected by a prohibition against the construction of power dams and other encroachments. The land alongside the river is protected in three possible ways: first, complete public ownership; second, partial public ownership through acquisition of scenic or other easements, or third, local zoning ordinances.

When the legislation was passed in 1968, eight rivers were designated for immediate inclusion in the system and 27 others were chosen for further study for possible future designation. This bill would add this section of the Housatonic River to those 27 now being studied.

If approved by Congress, the Department of the Interior will then make a survey of the river to determine whether it should be designated for permanent inclusion in the wild and scenic rivers system.

Because there is no guarantee of permanent inclusion and because the Wild and Scenic Rivers Act only protects a thin strip of land along the shore, I am introducing a second bill creating a Housatonic River Valley Trust.

The Trust would encompass a far larger area outside the river's immediate shoreline and would offer the local citizens greater control. Under the Trust three basic classifications of land would be established.

The first category is lands forever wild—those areas where scenic or ecological values are so great that no development should be permitted on them.

The second classification is scenic preservation lands—those areas in which the intensity of development should not be increased over what it is now.

The third category is town lands—those areas to which future development should be confined and in which local government would have complete authority and responsibility for any decision.

Control over the development and administration of the Trust would be shared by the Secretary of the Interior and the Housatonic River Valley Trust Commission. The Commission would be comprised of town, State and Federal representatives to insure local participation in the decisionmaking process.

I do not expect passage of the Trust bill this year; nor do I want it. Before Congress takes action on legislation of this magnitude, it should first be studied by the residents of the area who are concerned with the future of the Housatonic River Valley.

Land preservation is a delicate undertaking involving many environmental, economic, and political pressures. But, based on my experience in the Connecticut River Valley, I am confident that permanent legislation can and will be developed which will enjoy widespread community support. The final product might be based on the Trust or it could be a completely new concept. It is important, however, that each and every possible method be considered by the local citizens.

When there is a consensus—and it is agreed that the Federal Government can help—I will then introduce legislation the residents agree will be most beneficial to the region. We can succeed no other way.

Finally, preserving the land in the river valley is not the only action needed. The water quality of the Housatonic and its tributaries must also be restored. To assist in that restoration, I have asked the Senate Public Works Committee to authorize the Corps of Engineers' wastewater task force to analyze the water quality problems in the Housatonic River Basin.

With the passage of strong Federal clean-water standards, the communities and businesses along the river should know of all the options available to them. When completed, this study will provide an inventory of those choices, thus enabling area residents to choose what system best fits their needs.

Time is running out on many of our great natural resources, including the Housatonic River Valley. But those interested in preserving the valley, which lies on the edge of a rapidly urbanizing area, simply cannot wall out all future development.

What is needed is a vehicle to channel the inevitable forces of development in such a way as to protect the cultural and natural resources without disrupting the local economy and the residents' lifestyles.

I hope that in the months ahead government officials, environmental organizations, and private citizens in northwestern Connecticut will study and comment on these proposals. We must begin a dialog directed toward saving this area before it is polluted by uncontrolled progress.

Mr. President, I ask unanimous consent that the following items be printed in the Record at this point:

First, the text of S. 3632, adding the Housatonic River to the wild and scenic rivers study list;

Second, the text of the Wild and Scenic Rivers Act, Public Law 90–542;

Third, the text of the Agriculture and Interior Departments' guidelines for additional wild and scenic rivers;

Fourth, the text of S. 3633, a bill to create a Housatonic River Valley Trust; and

Fifth, a memorandum outlining the proposed Corps of Engineers wastewater management study.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housatonic River Act of 1972."

Section 5(a) of the Wild and Scenic Rivers Act is amended by adding at the end thereof the following:

"(28) Housatonic, Connecticut.—The segment between the Massachusetts-Connecticut boundary and the confluence of Shepaug River."

[Public Law 90–542, 90th Congress, S. 119, Oct. 2, 1968]

An act to provide for a National Wild and Scenic Rivers System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

(c) The purpose of this Act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

Sec. 2. (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and the segment of the Wolf River, Wisconsin, which flows through Langlade County.

(b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

(1) Wild river areas—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

Sec. 3 (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) Clearwater, Middle Fork, Idaho.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) Eleven Point, Missouri.—The segment of the river extending downstream from Thomasville to State Highway 142; to be administered by the Secretary of Agriculture.

(3) Feather, California.—The entire Middle Fork; to be administered by the Secretary of Agriculture.

(4) Rio Grande, New Mexico.—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(5) Rogue, Oregon.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(6) Saint Croix, Minnesota and Wisconsin.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided,* That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act.

(7) Salmon, Middle Fork, Idaho.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(8) Wolf, Wisconsin.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

Sec. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of landownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress. No river or portion of any river shall be added to the national wild and scenic rivers system subsequent to enactment of this Act until the close of the next full session of the State legislature, or legislatures in case more than one State is involved, which begins following the submission of any recommendation to the President with respect to such addition as herein provided.

(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

Sec. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) Allegheny, Pennsylvania: The segment from its mouth to the town of East Brady, Pennsylvania.

(2) Bruneau, Idaho: The entire main stem.

(3) Buffalo, Tennessee: The entire river.

(4) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

(5) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

(6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

(7) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(8) Gasconada, Missouri: The entire river.

(9) Illinois, Oregon: The entire river.

(10) Little Beaver, Ohio: The segment of the North and Middle Forks of the Little Beaver River in Columbiana County from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinty of East Liverpool, Ohio.

(11) Little Miami, Ohio: That segment of the main stem of the river, exclusive of its tributaries, from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.

(12) Maumee, Ohio and Indiana: The main stem from Perrysburg, Ohio, to Fort Wayne, Indiana, exclusive of its tributaries in Ohio and inclusive of its tributaries in Indiana.

(13) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(14) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(15) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

(16) Penobscot, Maine: Its east and west branches.

(17) Pere Marquette, Michigan: The entire river.

(18) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

(19) Prise, Idaho: The entire main stem.

(20) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided*, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the chanels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

(21) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(22) Saint Joe, Idaho: The entire main stem.

(23) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(24) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(25) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(26) Upper Iowa, Iowa: The entire river.

(27) Youghiogheny, Maryland and Pennsylvania: The segment from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national wild and scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within ten years from the date of this Act: *Provided, however*, That with respect to the Suwannee River, Georgia and Florida, and the Upper Iowa River, Iowa, such study shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within two years from the date of enactment of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national wild and scenic rivers system.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

SEC. 6. (a) The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 3 of this Act, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation, and lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) If 50 per centum or more of the entire acreage within a federally administered wild, scenic or recreational river area is owned by the United States, by the State or States within which it lies, or by political subdivision of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the appropriate secretary jurisdiction over such lands for administration in accordance with the provisions of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) The appropriate Secretary is authorized to accept donations of lands and interests in lands, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g) (1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term "improved property", as used in this Act, means a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before, January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonable necessary for the enjoyment of the dwelling for the sale purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national wild and scenic rivers system and publish notice to that effect in the Federal Register, and

(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national wild and scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national wild and scenic rivers system under section (2)(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of approval of this Act. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in shall likewise inform him of any such proceedings, studies, or other activities which section 5, subsection (a), of this Act. They are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–5 et seq.).

SEC. 8. (a) All public lands within the authorized boundaries of any components of the national wild and scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that—

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance or leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system.

SEC. 10. (a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national wild

and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local wild, scenic and recreational river areas. He shall also, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such wild, scenic and recreational river areas.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild, scenic and recreational river areas.

SEC. 12. (a) The Secretary of the Interior, the Secretary of Agriculture and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national wild and scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

SEC. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

(b) The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.

(f) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

(g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act.

SEC. 14. The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

SEC. 15. As used in this Act, the term—

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

(c) "Scenic easement" means the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

SEC. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than $17,000,000, for the acquisition of lands and interests in land under the provisions of this Act.

Approved October 2, 1968.

GUIDELINES FOR EVALUATING WILD, SCENIC AND RECREATIONAL RIVER AREAS PROPOSED FOR INCLUSION IN THE NATIONAL WILD AND SCENIC RIVERS SYSTEM UNDER SECTION 2, PUBLIC LAW 90-542

FEBRUARY 1970.

PURPOSE

The following criteria supplement those listed in Section 2 of the Wild and Scenic Rivers Act, which states that rivers included in the National Wild and Scenic Rivers System shall be free-flowing streams which possess outstandingly remarkable scenic, recreational, geological, fish and wildlife, historic, cultural and other similar values.

These guidelines are intended to define minimum criteria for the classification and management of free-flowing river areas proposed for inclusion in the national system by the Secretary of the Interior or the Secretary of Agriculture, and for State rivers included in the system by the Secretary of the Interior.

In reading these guidelines and in applying them to real situations of land and water it is important to bear one important qualification in mind. There is no way for these statements of criteria to be written so as to mechanically or automatically indicate which rivers are eligible and what class they must be. It is important to understand each criterion; but it is perhaps even more important to understand their *collective* intent. The investigator has to exercise his judgment, not only on the specific criteria as they apply to a particular river, but on the river as a whole, and on their relative weights. For this reason, these guidelines are not absolutes. There may be extenuating circumstances which would lead the appropriate Secretary to recommend, or approve pursuant to Section 2 (a) (ii), a river area for inclusion in the system because it is exceptional in character and outstandingly remarkable even though it does not meet each of the criteria set forth in these guidelines. However, exceptions to these criteria should be recognized only in rare instances and for compelling reasons.

The three classes of river areas described in Section 2(b) of the Wild and Scenic Rivers Act are as follows:

"(1) Wild river areas—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

"(2) Scenic river areas—Those rivers or

sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

"(3) Recreational river areas—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past."

GENERAL CHARACTERISTICS

The Wild and Scenic Rivers Act, Section 10(a), states that, "Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area."

In order to qualify for inclusion in the national system, a State free-flowing river area must be designated as a wild, scenic, or recreational river by act of the State legislature, with land areas wholly and permanently administered in a manner consistent with the designation by any agency or political subdivision of the State at no cost to the Federal Government, and be approved by the Secretary of the Interior as meeting the criteria established by the Wild and Scenic Rivers Act and the guidelines contained herein. A river or related lands owned by an Indian tribe cannot be added to the national system without the consent of the appropriate governing body.

In evaluating a river for possible inclusion in the system or for determining its classification, the river and its immediate land area should be considered as a unit, with primary emphasis upon the quality of the experience and *overall* impressions of the recreationist using the river or the adjacent riverbank. Although a free-flowing river or river unit frequently will have more than one classified area, each wild, scenic, or recreational area must be long enough to provide a meaningful experience. The number of different classified areas within a unit should be kept to a minimum.

Any activity, use, or development which is acceptable for a wild river is also acceptable for scenic and recreational river areas, and that which is acceptable for a scenic river is acceptable for a recreation river area. Activity and development limitations discussed below should not necessarily be interpreted as the desired level to which development or management activity should be planned. Hunting and fishing will be permitted, subject to appropriate State and Federal laws.

The Wild and Scenic Rivers Act provides that rivers must be in a free-flowing natural condition, i.e., flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes which are without impoundment, diversion, straightening, rip-rapping or other modification of the waterway. However, low dams, diversion works, and other minor structures will not automatically preclude the river unit from being included in the National Wild and Scenic Rivers System, providing such structures do not unreasonably diminish the free-flowing nature of the stream and the scenic, scientific, geological, historical, cultural, recreational, and fish and wildlife values present in the area.

The river or river unit must be long enough to provide a meaningful experience. Generally, any unit included in the system should be at least 25 miles long. However, a shorter river or segment that possesses outstanding qualifications may be included in the system.

There should be sufficient volume of water during normal years to permit, during the recreation season, full enjoyment of water-related outdoor recreation activities generally associated with comparable rivers. In the event the existing supply of water is inadequate, it would be necessary to show that additional water can be provided reasonably and economically without unreasonably diminishing the scenic, recreational, and fish and wildlife values of the area.

The river and its environment should be outstandingly remarkable and, although they may reflect substantial evidence of man's activity, should be generally pleasing to the eye.

The river should be of high quality water or susceptible of restoration to that condition. A concept of nondegradation whereby existing high water quality will be maintained to the maximum extent feasible will be followed in all river areas included in the national system.

All rivers included in the national system should meet the "Aesthetics—General Criteria" as defined by the National Technical Advisory Committee on Water Quality in the Federal Water Pollution Control Administration's *Water Quality Criteria*, April 1, 1968. Water quality should meet the criteria for fish, other aquatic life, and wildlife, as defined in that document, so as to support the propagation of those forms of life which normally would be adapted to the habitat of the stream. Where no standards exist or where existing standards will not meet the objectives of these criteria, standards should be developed or raised to achieve those objectives. Wild river areas can be included in the national system only if they also meet the minimum criteria for primary contact recreation, except as these criteria might be exceeded by natural background conditions. Scenic or recreation river areas which qualify for inclusion in the system in all respects except for water quality may be added to the system provided adequate and reasonable assurance is given by the appropriate Federal or State authority that the water quality can and will be upgraded to the prescribed level for the desired types of recreation, and support aquatic life which normally would be adapted to the habitat of the stream at the prescribed level of water quality. At such time as water quality fully meets the criteria, it may be desirable to change the classification of a river.

New public utility transmission lines, gas lines, water lines, etc., in river areas being considered for inclusion in the national system are discouraged. However, where no reasonable alternative exists, additional or new facilities should be restricted to existing rights-of-way. Where new rights-of-way are indicated, the scenic, recreational, and fish and wildlife values must be evaluated in the selection of the site in accordance with the general guidelines described in the Report of the Working Committee on Utilities prepared for the President's Council on Recreation and Natural Beauty, December 1968.

Mineral activity subject to regulations under the Act must be conducted in a manner that minimizes surface disturbance, sedimentation and pollution, and visual impairment. Specific controls will be developed as a part of each management plan.

CRITERIA FOR RIVER DESIGNATION

The following criteria for classification, designation, and administration of river areas are prescribed by the Act. These criteria are not absolutes, nor can they readily be defined quantitatively. In a given river, a departure from these standards might be more than compensated by other qualities. However, if several "exceptions" are necessary in order for a river to be classified as wild, it probably should be classified as scenic. If several "exceptions" are necessary in order for a river to be classified as scenic, it probably should be classified as recreational.

Wild River Areas

The Wild and Scenic Rivers Act states that "these represent vestiges of primitive America," and they possess these attributes:

1. "Free of impoundments"
2. "Generally inaccessible except by trail"
3. "Watersheds or shorelines essentially primitive"
4. "Waters unpolluted"

Classification criteria.

Despite some obvious similarities, the "wildness" associated with a wild river is not synonymous with the "wildness" involved in wilderness classification under the Wilderness Act of 1964. One major distinction, in contrast to wilderness, is that a wild river area also may contain recreation facilities for the convenience of the user in keeping with the primitive setting.

1. An "impoundment" is a slack water pool formed by any man-made structure. Except in rare instances in which esthetic and recreational characteristics are of such outstanding quality as to counterbalance the disruptive nature of an impoundment, such features will not be allowed on wild river areas. Future construction of such structures that would have a direct and adverse effect on the values for which that river area was included in the national system, as determined by the Secretary charged with the administration of the area, would not be permitted. In the case of rivers added to the national system pursuant to Sec.2(a)(ii), such construction could result in a determination by the Secretary of the Interior to reclassify or withdraw the affected river area from the system.

2. "Generally inaccessible" means there are no roads or other provisions for overland motorized travel within a narrow, incised river valley, of if the river valley is broad, within ¼ mile of the riverbank. The presence, however, of one or two inconspicuous roads leading to the river area will not necessarily bar wild river classification.

3. "Essentially primitive" means the shorelines are free of habitation and other substantial evidence of man's intrusion. This would include such things as diversions, straightening, rip-rapping, and other modifications of the waterway. These would not be permitted except in instances where such developments would not have a direct and adverse effect on the values for which that river area was included in the national system as determined by the Secretary charged with the administration of the area. In the case of rivers added to the national system pursuant to Section 2(a) (ii), such construction could result in a determination by the Secretary of the Interior to reclassify or withdraw the affected river area from the system. With respect to waterseheds, "essentially primitive" means that the portion of the watershed within the boundaries has a natural-like appearance. As with shorelines, developments within the boundaries should emphasize a natural-like appearance so that the entire river area remains a vestige of primitive America. For the purposes of this Act, a limited amount of domestic livestock grazing and pasture land and cropland devoted to the production of hay may be considered "essentially primitive." One or two inconspicuous dwellings need not necessarily bar wild river classification.

4. "Unpolluted" means the water quality of the river at least meets the minimum criteria for primary contact recreation, except where exceeded by natural background conditions, and esthetics as interpreted in the Federal Water Pollution Control Administration's *Water Quality Criteria*, April 1,

1968. In addition, the water presently must be capable of supporting the propagation of aquatic life, including fish, which normally would be adapted to the habitat of the stream. Where no standards exist or where existing standards will not meet the objectives of these criteria, standards should be developed or raised to achieve those objectives.

Management objectives.

The administration of a wild river area shall give primary emphasis to protecting the values which make it outstandingly remarkable while providing river-related outdoor recreation opportunities in a primitive setting.

To achieve these objectives in wild river areas, it will be necessary to:

1. Restrict or prohibit motorized land travel, except where such uses are not in conflict with the purposes of the Act.
2. Acquire and remove detracting habitations and other nonharmonious improvements.
3. Locate major public-use areas, such as large campgrounds, interpretive centers or administrative headquarters, outside the wild river area. Simple comfort and convenience facilities, such as fireplaces, shelters, and toilets, may be provided for recreation users as necessary to provide an enjoyable experience, protect popular sites, and meet the management objectives. Such facilities will be of a design and location which harmonize with the surroundings.
4. Prohibit improvements or new structures unless they are clearly in keeping with the overall objectives of the wild river area classification and management. The design for any permitted construction must be in conformance with the approved management plan for that area. Additional habitations or substantial additions to existing habitations will not be permitted.
5. Implement management practices which might include construction of minor structures for such purposes as improvement of fish and game habitat; grazing; protection from fire, insects, or disease; rehabilitation or stabilization of damaged resources, provided the area will remain natural appearing and the practices or structures will harmonize with the environment. Such things as trail bridges, an occasional fence, natural-appearing water diversions, ditches, flow measurement or other water management devices, and similar facilities may be permitted if they are unobtrusive and do not have a significant direct and adverse effect on the natural character of the area.

Scenic River Areas

The Wild and Scenic Rivers Act states that scenic rivers:

1. Are "free of impoundments".
2. Are "accessible in places by road".
3. Have "shorelines or watersheds still largely primitive and shorelines largely undeveloped".

Classification criteria.

1. An "impoundment" is a slack water pool formed by any manmade structure. Except in rare instances in which esthetic and recreational characteristics are of such outstanding quality as to counterbalance the disruptive nature of an impoundment, such features will not be allowed on scenic river areas. Future construction of such structures that would have a direct and adverse effect on the values for which that river area was included in the national system as determined by the Secretary charged with the administration of the area, would not be permitted. In the case of rivers added to the national system pursuant to Section 2(a) (ii), such construction could result in a determination by the Secretary of the Interior to reclassify or withdraw the affected river area from the system.

2. "Accessible in places by road" means the roads may occasionally bridge the river area. Scenic river areas will not include long stretches of conspicuous and well-traveled roads closely paralleling the riverbank. The presence, however, of short stretches of conspicuous or longer stretches of inconspicuous and well-screened roads or screened railroads will not necessarily preclude scenic river designation. In addition to the physical and scenic relationship of the free-flowing river area to roads, consideration shouted be given to the type of use for which such roads were constructed and the type of use which would occur within the proposed scenic river area.

3. "Largely primitive" means that the shorelines and the immediate river environment still present an overall natural character, but that in places, land may be developed for agricultural puposes. A modest amount of diversion, straightening, rip-rapping, and other modification of the waterway would not preclude a river from being considered for classification as a scenic river. Future construction of such structures would not be permitted except in instances where such developments would not have a direct and adverse effect on the values for which that river area was included in the national system as determined by the Secretary charged with the administration of the area.

In the case of rivers added to the national system pursuant to Section 2(a) (ii), such construction could result in a determination by the Secretary of the Interior to reclassify or withdraw the affected river area from the system. "Largely primitive" with respect to watersheds means that the portion of the watershed within the boundaries of the scenic river area should be scenic, with a minimum of easily discernible development. Row crops would be considered as meeting the test of "largely primitive," as would timber harvest and other resource use, providing such activity is accomplished without a substantially adverse effect on the natural-like appearance of the river or its immediate environment.

4. "Largely undeveloped" means that small communities or any concentration of habitations must be limited to relatively short reaches of the total area under consideration for designation as a scenic river area.

Management objectives.

A scenic river area should be managed so as to maintain and provide outdoor recreation opportunities in a near natural setting. The basic distinctions between a "wild" and a "scenic" river area are degree of development, type of land use, and road accessibility. In general, a wide range of agricultural, water management, silvicultural and other practices could be compatible with the primary objectives of a scenic river area, providing such practices are carried on in such a way that there is no substantial adverse effect on the river and its immediate environment.

The same considerations enumerated for wild river areas should be considered, except that motorized vehicle use may in some cases be appropriate and that development of larger scale public-use facilities within the river areas, such as moderate size campgrounds, public information centers, and administrative headquarters, would be compatible if such structures were screened from the river.

Modest facilities, such as unobtrusive marinas, also would be possible if such structures were consistent with the management plans for that area.

Recreational River Areas

The Wild and Scenic Rivers Act states that recreational rivers:

1. Are "readily accessible by road or railroad";
2. "May have some development along their shoreline";
3. May have "undergone some impoundment or diversion in the past."

Classification criteria.

1. "Readily accessible" means the likelihood of paralleling roads or railroads on one or both banks of the river, with the possibility of several bridge crossings and numerous river access points.

2. "Some development along their shorelines" means that lands may be developed for the full range of agricultural uses and could include small communities as well as dispersed or cluster residential developments.

3. "Undergone some impoundment or diversion in the past" means that there may be water resources developments and diversions having an environmental impact greater than that described for wild and scenic river areas. However, the degree of such development should not be to the extent that the water has the characteristics of an impoundment for any significant distance.

Future construction of impoundments, diversions, straightening, rip-rapping, and other modification of the waterway or adjacent lands would not be permitted except in instances where such developments would not have a direct and adverse effect on the values for which that river area was included in the national system as determined by the Secretary charged with the administration of the area. In the case of rivers added to the national system pursuant to Section 2(a) (ii), such construction could result in a determination by the Secretary of the Interior to reclassify or withdraw the affected river area from the system.

Management objectives.

Management of recreational river areas should be designed to protect and enhance existing recreational values. The primary objectives will be to provide opportunities for engaging in recreation activities dependent on or enhanced by the largely free-flowing nature of the river.

Campgrounds and picnic areas may be established in close proximity to the river, although recreational river classification does not require extensive recreational developments. Recreational facilities may still be kept to a minimum, with visitor services provided outside the river area.

Adopted:

HARRISON LOESCH,
Department of the Interior.
EDWARD P. CLIFF,
Department of Agriculture.

SUMMARY [1]

Attributes and management objectives of the three river classifications for inclusion in the National Wild and Scenic River System

FEBRUARY 1970.

Attributes

Wild

1. Free-flowing. Low dams, diversion works or other minor structures which do not inundate the natural riverbank may not bar consideration as wild. Future construction restricted.
2. Generally inaccessible by road. One or two inconspicuous roads to the area may be permissible.
3. Shorelines essentially primitive. One or two inconspicuous dwellings and land devoted to production of hay may be permitted. Watershed natural-like in appearance.
4. Water quality meets minimum criteria for primary contact recreation except where such criteria would be exceeded by natural background conditions and esthetics [2] and capable of supporting propagation of aquatic life normally adapted to habitat of the stream.

Scenic

1. Free-flowing. Low dams, diversion works or other minor structures which do not inundate the natural riverbank may not bar consideration. Future construction restricted.
2. Accessible by roads which may occasionally bridge the river area. Short stretches of conspicuous or longer stretches of inconspicuous and well-screened roads or railroads paralleling river area may be permitted.

Footnotes at end of article.

3. Shoreline largely primitive. Small communities limited to short reaches of total area. Agricultural practices which do not adversely affect river area may be permitted.

4. Water quality should meet minimum criteria for desired types of recreation except where such criteria would be exceeded by natural background conditions and esthetics[2] and capable of supporting propagation of aquatic life normally adapted to habitat of the stream, or is capable of and is being restored to that quality.

Recreation

1. May have undergone some impoundment or diversion in the past. Water should not have characteristics of an impoundment for any significant distance. Future construction restricted.

2. Readily accessible, with likelihood of paralleling roads or railroads along river banks and bridge crossings.

3. Shoreline may be extensively developed.

4. Water quality should meet minimum criteria for desired types of recreation except where such criteria would be exceeded by natural background conditions and esthetics[2] and capable of supporting propagation of aquatic life normally adapted to habitat of the stream or is capable of and is being restored to that quality.

Management objectives

Wild

1. Limited motorized land travel in area.

2. No unharmonious or new habitations or improvements permitted.

3. Only primitive-type public use provided.

4. New structures and improvement of old ones prohibited if not in keeping with overall objectives.

5. Unobtrusive fences, gauging stations and other management facilities may be permitted if no significant adverse effect on natural character of area.

6. Limited range of agriculture and other resource uses permitted.

Scenic

1. Motorized vehicles allowed on land area.

2. No unharmonious improvements and few habitations permitted.

3. Limited modern screened public use facilities permitted, i.e. campgrounds, visitor centers, etc.

4. Some new facilities allowed, such as unobtrusive marinas.

5. Unobtrusive fences, gauging stations and other management facilities may be permitted if no significant adverse effect on natural character of area.

6. Wide range of agriculture and other resource uses may be permitted.

Recreation

1. Optimum accessibility by motorized vehicle.

2. May be densely settled in places.

3. Public use areas may be in close proximity to river.

4. New structures allowed for both habitation and for intensive recreation use.

5. Management practice facilities permitted.

6. Full range of agricultural and other resource uses may be permitted.

FOOTNOTES

[1] To be used only in conjunction with the text.

[2] Federal Water Pollution Control Administration's Water Quality Criteria, April 1, 1968.

S. 3633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATEMENT OF POLICY

SECTION 1. The Congress finds that the Housatonic River Valley possesses unique scenic, ecological, scientific, historic, recreational, and other values contributing to public enjoyment, inspiration, and scientific study. The Congress further finds that it is in the best interests of the citizens of the United States for the United States to take action to preserve and conserve such values for the enjoyment of present and future generations, to preserve and conserve the natural ecological environment, and improve the recreational potential of the area, and to encourage maximum complementary action by State and local governments and private individuals, groups, organizations, and associations.

HOUSATONIC RIVER VALLEY TRUST

SEC. 2. In order to provide for preservation and conservation of the scenic, ecological, scientific, historical, and other values contributing to public enjoyment consistent with the well-being of present and future residents of the area, there is hereby established the Housatonic River Valley Trust (hereinafter referred to as the "Trust"). The area comprising such Trust shall be as described hereinafter. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the Trust from time to time with a view to carrying out the purposes of this Act, with the approval of a majority of the Housatonic River Valley Trust Commission, as established and described in section 3 of this Act and hereinafter referred to as the "Commission".

HOUSATONIC RIVER VALLEY TRUST COMMISSION

SEC. 3. (a) There is hereby established the Housatonic River Valley Trust Commission.

(b) Such Commission shall be composed of members appointed for a term of three years by the Secretary as follows:

(1) a member appointed to represent the State of Connecticut. Such appointments shall be made from recommendations of the Governor of the State of Connecticut.

(2) a member appointed to represent the towns of North Canaan, Canaan, Salisbury, Sharon, Cornwall, Kent, New Milford, Sherman, Bridgewater, Brookfield, and Newtown. Such appointments shall be made from recommendations of the boards of selectmen of such towns.

(3) a member to be designated by the Secretary:

(4) two members appointed to represent private nonprofit preservation or conservation groups or associations active in the Housatonic Valley. Such appointments shall be made from recommendations of the Members of the Senate and the House of Representatives of the United States from the State of Connecticut.

(c) The Chairman of the Commission shall be elected by the membership thereafter for a term of not to exceed eighteen months. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made. All members of the Commission except those appointed under paragraph (3) of subsection (b) of this section shall be either voting residents of Trust lands, or taxpaying residents of such lands for at least five years.

(d) All members of the Commisison shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on the presentation of vouchers signed by the Chairman.

(e) The Secretary or his delegate shall consult regularly with the Commission with respect to all matters relating to the Trust, and with respect to carrying out the provisions of this Act, including but not limited to matters relating to the acquisition of lands, the issuance of regulations specifying standards for zoning ordinances, and the administration of the Trust.

TRUST BOUNDARIES

SEC. 4. The boundaries of the Trust shall encompass the following towns in the State of Connecticut:

(a) North Canaan;
(b) Canaan;
(c) Salisbury;
(d) Sharon;
(e) Cornwall;
(f) Kent;
(g) New Milford;
(h) Sherman;
(i) Bridgewater;
(j) Brookfield; and
(k) Newtown.

CLASSIFICATION OF TRUST LANDS

SEC. 5. (a) Lands within the boundaries of the Trust shall be assigned to one of the classifications listed in subsection (b) of this section.

(b) Classifications of Trust lands:

(1) CLASS A: LANDS FOREVER WILD.—Lands so designated shall remain forever free of development or improvements, as defined hereinafter, of any kind. If improvements or developments exist on any lands so designated on the date of enactment of this Act, then the Secretary shall permit a right of use and occupancy to the owner or owners thereof, or their successors or assigns, for a term of no longer than twenty-five years. Access to such lands shall be free and open, subject only to regulations issued by the Commission and approved by the Secretary.

(2) CLASS B: SCENIC PRESERVATION LANDS.—Lands so designated shall not be developed beyond their present intensity of use. Owners of such lands, or of improvements thereon, or of both, on the date of enactment of this Act, may transfer, sell, assign, or demise such land or improvements, or both; such owners may not, however, cause to be constructed any additional improvements on such lands. Reasonable replacement, repair, and extension shall be permitted, under regulations issued by the Commission and approved by the Secretary.

(3) CLASS C: TOWN PLANNED LANDS.—Lands so designated shall remain within the jurisdiction of the town in which located for purposes of land use planning and zoning ordinances: *Provided*, That such planning and zoning ordinances must be approved by the Commission and the Secretary as consistent with the purposes of this Act.

ACQUISITION OF LANDS

SEC. 6. (a) Within the boundaries of the Trust, the Secretary may acquire for fair market value but without the consent of the owner such privately owned lands, waters, and interests therein which he shall designate as being presently or from time to time needed to carry out the purposes of this Act: *Provided*, That the Secretary may acquire a fee title only in cases where, in his judgement, the acquisition of scenic easements or other less-than-fee interests would not be adequate to carry out the purposes of this Act. The remaining privately owned property not so designated may not be acquired by the Secretary without the consent of the owner or owners (hereinafter referred to as "owner") for one year following the date of enactment of this Act, nor thereafter for so long as an appropriate local planning or zoning agency, or the Commission, shall have in force and applicable to such a property a duly adopted, valid planning or zoning ordinance approved by the Secretary. In order to carry out the provisions of this section, the Secretary shall issue regulations specifying standards that are consistent with the purposes of this Act. Such regulations, and any amendments thereto, must receive the approval of a majority of the Commission before issuance.

(b) The standards specified in such regulations shall have the object of:

(1) regulating new commercial and in-

dustrial or other uses of such property consistent with the purposes of this Act and in the public interest; and

(ii) promoting the preservation and conservation of such property by means of acreage, frontage, setback design, and subdivision controls, and by prohibiting the cutting of timber, burning of undergrowth, quarrying, removing soil or other landfill, and dumping or storing refuse in such a manner that would detract from the natural or traditional valley scene: *Provided,* That such standards shall not discourage the constructive development and use of land for commercial and other uses which are consistent with the purposes of this Act and with the public interest.

(c) Following issuance of such regulations the Secretary and the Commission shall approve any planning or zoning ordinance or any amendment thereto submitted to them that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved, unless the regulations be changed thereafter in a substantial manner.

(d) No planning or zoning ordinance or amendment thereof shall be approved by the Secretary and the Commission which:

(i) contains any provisions that they consider adverse to the preservation and conservation and development of such property in accordance with the purposes of this Act; or

(ii) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception or amendment made to, the application of such ordinance or amendment.

(e) If any property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this section, is made the subject of a variance under, or becomes for any reason an exception to, such planning or zoning ordinance, or is subject to any variance, exception, or use, that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such ordinance, the suspension of the Secretary's authority to acquire such property by condemnation is terminated: *Provided,* That the owner of such property shall have ninety days after written notification from the Secretary to discontinue the variance, exception, or use referred to in such notification.

(f) The Secretary shall furnish to any party in interest, upon request, a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

SEC. 7. (a) The Secretary is authorized to acquire the lands, waters, and interests therein (including scenic easements) within the trust boundaries by donation, negotiated purchase with donated or appropriated or borrowed funds, transfer, exchange, or condemnation except that such authority to acquire by condemnation shall be exercised only in the manner and to the extent specifically provided in section 6 of this Act.

(b) With the exception of any lands which the Secretary determines are presently or from time to time needed to carry out the purposes of this Act, any owner of improved property on the date of its designation for acquisition by the Secretary may elect, as a condition to such acquisition to retain a right of use and occupancy of the improved property for noncommercial residential and agricultural purposes for a period ending at the death of the owner or his spouse, or for a fixed term not to exceed twenty-five years, which ever occurs later. The Secretary shall pay to the owner the fair market value of the property on the date of its acquisition less the fair market value on such date of any right retained by the owner. Any retained right of use and occupancy may be transferred or assigned, subject to the election specified in this subsection. Whenever the Secretary finds that the property or any portion thereof has ceased to be used for noncommercial residential purposes, he may terminate the right of use and occupancy upon tendering to the holder thereof an amount equal to the fair market value of the portion of said right which remains unexpired on the date of termination.

(c) As used herein, the term "improved property" shall mean a one-family dwelling the construction of which was begun before June 1, 1972, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling and land for noncommercial residential or agricultural purposes, together with any structures accessory to the dwelling which are situated on the land so designated: *Provided,* That the Secretary may exclude from the land so designated any water bodies together with so much of the adjacent land as he deems necessary for public access thereto.

(d) Any property or interests therein within the Trust which are owned by a State or by any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the Trust may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration by him as part of the Trust.

ADMINISTRATIVE PROVISIONS

SEC. 8. (a) The Secretary shall administer and protect the Trust with the primary aim of preserving and conserving the natural resources located within it and preserving the area in as nearly its natural state and condition as possible. No development or plan for the convenience of visitors shall be undertaken in the Trust which would be incompatible with the overall lifestyle of residents of the area, generally accepted ecological principles, the preservation of the physiographic conditions now prevailing, or with the preservation of such historic sites or structures as the Secretary may already have designated or may designate.

(b) The Trust shall be administered and protected by the Secretary in accordance with the provisions of this Act and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), except that the Secretary may utilize any other statutory authority available to him for the conservation, preservation, and management of natural resources to the extent he finds such authority will further the purposes of this Act.

(c) The Secretary shall permit hunting, fishing, and trapping, on lands and waters under his jurisdiction within the Trust in accordance with the applicable laws of the State of Connecticut and the United States, except that the Secretary may designate zones where, and establish periods when, no hunting, no fishing, and no trapping shall be permitted for reasons of public safety, fish or wildlife management, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary prescribing any such restrictions shall be issued only after consultation with the appropriate agency of said State.

GENERAL USES

SEC. 9. (a) The Secretary shall undertake no development or plan for the convenience of visitors to Trust lands which would be incompatible with the preservation and conservation of the unique scenic, ecological, scientific, and historic features thereof: *Provided,* That the Secretary may provide for the public enjoyment and understanding of such features by establishing such trails, observation points, and exhibits, and by providing such services as he may deem desirable for such public enjoyment and understanding: *Provided further,* That the Secretary may develop such portions of Trust lands as he deems especially adaptable for public uses including but not limited to camping, swimming, boating, the appreciation of historic sites and structures, and natural features of Trust lands.

(c) In any development or plan for the convenience of visitors he undertakes, the Secretary shall not unreasonably diminish for its owners or occupants the value or enjoyment of any improved property within the Trust lands.

PRIVATE NONPROFIT ORGANIZATIONS

SEC. 11. (a) Notwithstanding the provisions of section 6 and section 7 herein, or any other provision herein or in any other provision of law, the Secretary's authority to acquire lands by condemnation shall be suspended when:

(i) lands or interests therein which he shall designate as being presently or from time to time needed to carry out the purposes of this Act are in the ownership of private nonprofit conservation, preservation, historic, or other organizations and associations, and the restrictions against development of such lands meet the standards referred to in section 7 herein; and

(ii) lands or interests therein which he shall designate as being presently or from time to time needed to carry out the purposes of this Act are, to his satisfaction and within twenty-four months after enactment of this Act, irrevocably committed to be sold, donated, demised, or otherwise transferred to such organizations or associations.

(b) The Secretary is authorized to provide technical assistance to State and local governments, private organizations, and associations, and individuals with respect to the preservation and conservation of Trust lands.

(c) The Secretary shall apply the provisions of this section only to those organizations and associations which he determines are bona fide and general purpose.

POLLUTION

SEC. 12. The Secretary shall cooperate with the appropriate State and local agencies to provide safeguards against pollution of the waters in and around Trust lands, and against unnecessary impairment of the scenery thereof.

FREEZE DATE

SEC. 13. (a) Beginning thirty days after enactment of this provision, no construction of any improvement, whether for residential, commercial, industrial, or any other purpose, shall be permitted to commence on any lands classified herein as "Forever Wild." Construction of improvements shall be permitted on any lands classified as "Town Planned Lands" only upon the granting of specific approval therefor by the governing body of the particular town, after a showing of the need therefor. Construction of improvements shall be permitted on any lands classified as "Scenic Preservation Lands" only upon the granting of specific approval therefor by the appropriate governing body, after a showing of the need therefor.

(b) In the case of any hardship caused by the provisions of subsection (a) of this section, the Secretary and the Commission shall, on the basis of rules and regulations developed and approved by the Secretary and the Commission, make a valuation thereof and shall award fair recompense to any individual for whom hardship is demonstrated.

APPROPRIATIONS

SEC. 14. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Housatonic River Basin, Conn.

WASTEWATER MANAGEMENT STUDY

The goal of the investigation that would be undertaken by the Corps is to formulate alternative wastewater management plans in order that the people of the basin may have the opportunity to choose the degree and method of treatment they themselves consider appropriate for immediate and long-term implementation. Among the alternative basin plans to be formulated and evaluated are plans (1) to achieve highest levels of wastewater treatment no later than 1990 and (2) to meet current requirements in the most cost-effective way. Both land treatment and physical, biological, and chemical processes will be considered. All alternative plans will be capable of implementing current regulations (18 CFR 601.32 and 601.33) for planning in connection with Federal grants for construction of treatment works. Area-wide plans will also be completed for portions of designated area-wide planning areas lying within the basin.

In this regard the Corps would seek to assist State, local, and other Federal agencies in identifying and planning alternatives for wastewater management which will incorporate the highest water quality goals and the most efficient uses of our resources, without limitations placed upon technologies and regional scale opportunities. The technical water quality goal would seek to reduce the added impurities in wastewater to natural background levels in the receiving water courses. There is growing evidence that we cannot solve the problem of water pollution while our standards permit waste discharges above these background levels. This planning would build upon and extend current wastewater planning efforts in the basin.

The planning would be directed toward identifying and developing the most efficient alternatives for incorporating resource reuse into wastewater management systems. It would provide for the maximum efficient reuse of the wastewater effluent and constituents in meeting the region's needs.

Plans will be formulated by considering the technological approaches that can be used in solving wastewater problems. Land treatment and treatment plants are two basic approaches. Initially, an alternative will be formulated employing each approach to identify effective means of achieving program technical goals. Additional alternatives are developed as modifications or combinations of these initial alternatives. These are subsequently reduced in number with the remaining alternatives refined in further detail. At successive stages of development of the alternatives, there will be a continued interface between planning, design, and evaluation. This will assure that the plan, in meeting its technical goals, is also achieving and contributing to the planning objectives of the region; thereby eliminating or minimizing the detrimental environmental, hygienic, social, aesthetic, and economic impacts associated with the plan.

Open planning will be employed to provide all segments of the public an opportunity to contribute to development of the alternatives. Public meetings will be held, formal coordination conducted, and advisory groups enlisted to assure that the alternatives accurately reflect the desires of the public.

Existing institutions will be identified but will not constrain the development of optimal wastewater management systems. Subsequent to the selection of a plan, the impacts of the plan on existing institutions will be analyzed and alternative implementation plans developed.

Primary emphasis will be placed upon developing complete, detailed technical systems, costs, effects, and required public involvement to gain state, and local acceptance of the optimal wastewater systems developed in these studies.

Under current guidelines developed by OMB, the study would require that non-Federal interests participate in the sharing of the costs of such a study on a 50–50 basis in terms of services and product. This is currently the basis upon which EPA planning grants are made. With the final passage of the water quality bills currently pending with the Congress, provision is made for such studies to be totally financed by the Federal government.

By Mr. MONDALE:

S. 3634. A bill to provide continued rail transportation in rural America. Referred to the Committee on Commerce.

RURAL TRANSPORTATION ADMINISTRATION

Mr. MONDALE. Mr. President, I am introducing today legislation to establish within the Department of Transportation, a Rural Rail Transportation Administration.

This legislation is an effort to provide rural community groups with a means to continue rail service when it is important to the economic growth and development of communities.

The Rural Rail Transportation Administration would have the responsibility of aiding the continuation and improvement of rail service in rural America. It authorizes loans or loan guarantees to reestablish service of an abandoned railroad line or to continue and improve service on a line to be abandoned. This type of financing program would enable cooperatives or other nonprofit organizations made up of shippers and residents to purchase and operate short line railroads. In my judgment, this is the only alternative in many cases.

In the bill I have not included a ceiling on the size of loans. This is done with the assumption that the Commerce Committee, through hearings and appropriate study, will be able to establish fair and practical limits and percentages.

Increased reliance on motor carriers is not the answer for farmers or for other residents of rural America. In my home State of Minnesota, a recent study indicates that 304 communities will lose railroad service by 1980. Of those communities, 98 now have roads which are restricted to less than 9-ton carrying capacity. The Minnesota Highway Department informed me that it would cost State and county governments $79.7 million in additional highway construction money to provide unrestricted access to those communities.

I am afraid that many rural communities would be left to die, because of the prohibitive cost of providing adequate transportation facilities to replace railroads.

Corporations which presently own the railroads want to abandon rural lines. They have shown clearly that they do not want to live up to their responsibilities. Service to rural communities has been declining for several years.

Mr. President, I recently had a first-hand look at some of the rail lines in the State of Minnesota which are slated for abandonment. The rails are old. Most being original equipment which was layed when the railroads were built during the late 1800's. Ties are rotted out. Most places, it is not evident whether there are any ties, because the entire roadbed is covered with sod. Trains have to go slow and even then derailments are common.

The railroads argue that this faulty equipment is a reason to be granted permission to abandon the branch lines.

But the poor condition of the track and roadbed are not the fault of the shippers and rural communities serviced by the lines. Who else but the companies owning the railroads is at fault?

Not too long ago railroads were allowed to abandon passenger service to all major cities. They said they needed to do that in order to run freight trains profitably. Now they want to abondon freight service in rural areas. They say this is necessary to keep main freight lines operating. And so it goes on. A dangerous trend continues and rural America is the victim.

Walter Shirra, the former astronaut, appears in a television advertisement on behalf of the railroads. He says:

> Who needs the railroads? We all do.

How ironic that Shirra's former employer, NASA, plans to spend $35 billion for a space shuttle to carry a few astronauts around the earth—while the Interstate Commerce Commission silently permits rail service to be cut. A few men can orbit the world, but farmers in the Midwest cannot get their grain to market.

I think it is an astronomical irony that railroads continually are trying to get out of the railroad business. They continually ask for more Government assistance. But rail service does not improve.

In my judgment, what is needed is a transportation program similar to the Rural Electrification Administration. The REA has been one of our Nation's truly great rural development successes. Rural electric cooperatives, owned and operated by rural residents and farmers, provide services that big business cannot or will not provide. And REA's pay back every cent that they get from the Government.

Three or four decades ago opponents of the REA effort said it would never work. They said:

> Farmers don't need electricity, and if they had it they couldn't pay for it.

Today rural America has electric power. All the bills get paid. And I am convinced that the labor saving accomplished by electricity on the farm has contributed greatly to the farmer's productivity which is the envy of businessmen all over the world.

I believe in investing in people and entrusting our Nation's resources to organizations run by the people. Rural electric cooperatives have a fine record showing what can be done by such organizations. The Rural Rail Transportation Administration authorized by this legislation would do so also.

Mr. President, I do not claim that this will completely solve the transportation crisis. I still strongly support efforts to declare a moratorium on the abandonment of railroad lines until after an overall national transportation plan can be developed. But the Rural Rail Transportation Administration is needed to help continue rail service in rural communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural America Rail Transportation Act of 1972."

RURAL RAIL TRANSPORTATION ADMINISTRATION

SEC. 2. The Secretary of Transportation (hereinafter referred to as the "Secretary") shall establish within the Department of Transportation a Rural Rail Transportation Administration which shall be headed by an Administrator who shall be appointed by the President by and with the advice and consent of the Senate and shall be compensated at the rate provided for level IV of the Executive Schedule in title 5, United States Code. The Secretary shall carry out his functions under this Act through such Administration.

STUDIES, RESEARCH AND DEMONSTRATION PROGRAMS

SEC. 3. (a) In order to promote the continuation and improvement of rail service in rural areas of the United States the Secretary is authorized to contract or enter into other arrangements for studies, research, and demonstration programs as may be necessary to—

(1) develop improved equipment for such service;

(2) determine means of continuing and improving such service under existing railroad management;

(3) determine means of restoring such service where it has been discontinued.

(b) In carrying out the provisions of this section the Secretary shall consult and cooperate with appropriate State and local agencies, shippers, railroads, and other appropriate organizations and groups.

LOANS AND LOAN GUARANTEES TO RESTORE ABANDONED SERVICE

SEC. 4. (a) The Secretary is authorized to make loans or loan guarantees pursuant to this section to reestablish service on an abandoned railroad line, or to continue service on a line to be abandoned, in any case in which he determines—

(1) a valid need for such service in order to maintain economic growth and development of areas along the line;

(2) that the applicant has the capability of providing such service and for the purpose of this section any applicant which is a non-profit organization made up of shippers and residents, or is a State or local government agency, of the area to be served, shall be given preference;

(3) that the applicant has complied with the provisions of the Interstate Commerce Act to provide such service; and

(4) that the provision of such service is, or can be made, economically feasible.

(b) Any such loan or loan guarantee—

(1) shall be made in accordance with the provisions applicable to loans and loan guarantees made pursuant to section 7(b)(5) of the Small Business Act (15 U.S.C. 636 (b)(5)), except as otherwise provided in this section;

(2) may be made for costs of any necessary acquisition of tracks and right-of-way and other real property and necessary acquisition and improvement of equipment;

(3) may be made for not to exceed —— per centum of such costs or $——; and

(4) may be made subject to such other terms and conditions as the Secretary determines necessary to carry out the purpose of this Act.

(c) As part of any loan guarantee under this section the Secretary shall pay such portion of the interest on the guaranteed loan as may be necessary to make the cost of such interest to the borrower equal to the interest cost of a direct loan from the Secretary.

AMENDMENT OF INTERSTATE COMMERCE ACT

SEC. 5. Part I of the Interstate Commerce Act is amended by inserting after section 13a a new section as follows:

"ABANDONMENT OF LINES

"SEC. 13b. (a) The Commission shall not consider the request of any common carrier by railroad for a certificate authorizing the abandonment of all or any portion of a line of railroad, or the operation thereof, until after a five year period following the date of such request to the Commission and during which the carrier has provided public notice of such request, in accordance with regulations of the Commission in the area affected by such abandonment. In determining whether the public convenience and necessity permit the granting of such request, the Commission shall give thorough consideration to the economic importance of such line to all areas which it serves.

"(b) As a condition to the granting of any certificate authorizing such abandonment the Commission shall require such carrier to—

"(1) cooperate to the extent possible with communities served by such line in efforts to restore operations on such line, including making the right-of-way and tracks available for lease on a reasonable basis; and

"(2) not disturb the tracks and roadbed of such line for five years after the date on which such certificate was granted.

"(c) The Commission shall notify the Secretary of Transportation of the receipt of any request for a certificate of abandonment pursuant to ths part and shall to the extent possible give priority to any proceedings initiated to continue or restore rail operations on an abandoned railroad line.

"(d) The Commission may reduce the five year period required by subsection (a) or subsection (b) (2) of this section in any case in which it determines, after notice and public hearing, that the public convenience and necessity does not require such period."

AUTHORIZATION

SEC. 6. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

By Mr. BROCK:

S. 3636. A bill to amend the Occupational Safety and Health Act of 1970 to provide technical assistance to comply with standards, to extend the time for compliance with standards, to update standards, and for other purposes. Referred to the Committee on Labor and Public Welfare.

OCCUPATIONAL SAFETY AND HEALTH ACT AMENDMENTS OF 1972

Mr. BROCK. Mr. President, in 1970, Congress passed the Occupational Safety and Health Act to assure safe and healthful working conditions for working men and women. Although I am in total support of this national commitment to the cause of employees safety, I have been disturbed by some of the unnecessary and unrealistic requirements which have been developed by way of regulations designed by the Department of Labor.

In contrast with the action taken on the Federal level, I have been most pleased with the work done on the State level in Tennessee by the State commissioner of the Department of Labor. The commissioner of the Department of Labor of the State of Tennessee has had virtually unlimited power in the regulation of safety and general working conditions in workshops, factories, offices, retail stores, and other business establishments.

Records pertaining to industrial safety in Tennessee—and particularly those concerning manufacturers—are not as complete as might be desired—nor are they in many other States—but to the extent that they may be compared to other States, Tennessee's record is most favorable. In Tennessee great progress has been made in the past 10 years in the development of statistical information in connection with industrial health and safety.

The Tennessee General Assembly recently adjourned adopted a lengthy measure which completely revamped the occupational safety and health laws of Tennessee to the end that Tennessee will be enabled, under the Federal Occupational Safety and Health Act, to administer new and updated safety and health laws, rules, and regulations along the lines and in conformity with the Federal act on this subject. I am most pleased that the Tennessee Assembly has taken this step for I feel that much of the problem under the Federal law is the totally unrealistic approach taken by the Federal bureaucracy and its hordes of insensitive inspectors.

One of the major problems under the Federal law is the assumption that the employer is not interested in, or even aware of, the real need for safety practices. Most manufacturers and people in the construction business as well as small employers are acutely aware of the need for good safety practices not only because of the extremely high cost of workmen's compensation insurance but more especially because of the cost to employers who have lost time by trained and experienced employees. A much better approach would be in the education of employees and employers under an effective safety program by the Department of Labor.

As it now stands, if the employer seeks help and advice from the Department of Labor, he is faced instead with a prompt walk-around inspection of his premises, and a mandatory citation is issued on the spot, carrying a penalty of up to $1,000 for each violation alleged. To illustrate statistically how voluminous the citations are becoming, consider the following box score compiled by the National Safety Council:

In the 7-month period, July 1, 1971, through January 31, 1972, the OSH Administration conducted 16,162 inspections in 14,741 establishments. Of these, only 3,089—21 percent of the total—were found to be in compliance with the OSH standards. As for the remainder, 11,856 citations were issued alleging 42,942 violations. The proposed penalties amount to $1,003,250. The number of employee complaints regarding occupational safety and health hazards submitted to the OSH Administration through the end of January totaled 1,519. The number of cases contested before the Occupational Safety and Health Review Commission is nearing 700.

The practical effect of the present law as it is being administered is to give the inspector the power to act on the spot as a policeman, judge, and jury. Although there are review procedures, so far as the small employer is concerned the expense of relief through the appeals procedure is prohibitive. If the objectives of the law are to be achieved in a fair and effective manner, it is essential that the vindicative mandatory penalty for first offenses be replaced with some mechanism for flexibility in the administration of the law to provide for cooperation between those regulated and the regulator.

Another source of concern stems from the very unwise delegation of authority by Congress to the Department of Labor to issue legally binding regulations without due process through hearings. The Occupational Safety and Health Act adopts whole bodies of preexisting criteria and guidelines, set up by private organizations and called "national consensus standards." Under the act, these were put into effect wholesale, without any review in legislative hearings or in administrative rule-making proceedings. The Administrative Procedure Act was explicitly bypassed. As a result, many employers must try to comply with requirements that have no applicability or feasibility as applied to them, and regarding which they have never had a chance to be heard.

This unrealistic and unfair approach should be corrected by requiring the Secretary of Labor to determine the applicability of each standard to each class of business in each industry. The Administrative Procedure Act should be followed to assure fairness.

Another problem has arisen from the failure to allow sufficient time for employers to become familiar with the regulations and to bring themselves into good-faith compliance. The regulations are literally too complex and voluminous for the employer, particularly the small business firm, to cope with. When published, they filled 744 columns of the Federal Register. There are seven pages dealing with stepladders alone. The Labor Department's handbook is nearly 300 pages in length, and offers no help in figuring out which regulations are applicable and which are not. Every conceivable detail is covered. The small employer has never faced any regulatory scheme so demanding and bewildering. He may not even know that the laws exist. Even if he does, he typically lacks the skill, manpower, and expertise needed to inform himself of its requirements.

It is a deplorable situation when a small businessman who is struggling to survive in a world of big business, big government, and big labor, is visited by a Federal inspector who literally throws a book of this magnitude at him with a citation and demands immediate compliance. Relief is essential in two areas. First, technical advice, assistance, and consultation, either directly or by way of grant, should be provided to employers to assist them in complying with the applicable standards when such appears to be necessary. Second, additional time should be allowed from the receipt of citation from an employer to correct a violation.

I feel that that harassment of the small employers—the farmers, the shopkeepers, the contractors, the merchants—must be ended. Many small businessmen cannot afford to make the changes required of them and may be compelled to close. And, most important, the objectives of the act to protect the employees health and safety will not be realized in the hostile environment that now exists by the enforcement approach taken under the act. It is only through true cooperation between Government and its citizens that these objectives can be achieved. I am today introducing amendments to the Occupational Safety and Health Act of 1970 to solve many of these inadequacies and to promote the goal of occupational safety and protection for all workers.

The amendments which I propose to the Occupational Safety and Health Act of 1970 are as follows:

First, section 6 of the Occupational Safety and Health Act of 1970 requires the Secretary of Labor to put the national consensus standards into effect without complying with the usual rulemaking procedures. My amendment would not set aside these standards, but would require the Secretary of Labor to evaluate all of the regulations, distinguish the various facets of a given general form of business, and determine if the rule should apply to each facet. Experience shows that requirements which may be reasonable for a "hazardous" form of business can be oppressive as applied to a "nonhazardous" facet, and that current requirements often fail to make these distinctions. For example, in the construction business a distinction should be made between "heavy construction" and "light residential construction."

Second, my amendment would provide that if the provisions of the Administrative Procedure Act were not followed in adopting a safety standard, failure to comply with that standard cannot be used as evidence of negligence or wrongdoing on the part of the employer in a separate civil action. Since the usual administrative procedures for adoption of rules were not followed under the Occupational Safety and Health Act of 1970, it seems unfair and unwise to create a legal presumption based on those rules. My amendment would eliminate that inequity in the law.

Third, section 9 of the law would be amended to require that a citation would not only have to fix a reasonable time for the abatement of a violation but it would have to spell out the action that is necessary to be taken by the employer for such abatement of the violation. In view of the considerable confusion in connection with the regulations and standards which have been promulgated under the law, it seems only fair that an employer be fully and accurately informed on the steps necessary to comply with the law and regulations.

Fourth, it would amend section 10 of the law to provide that the Secretary of Labor shall allow 180 days from the receipt of a citation for an employer to correct a violation. Many employers have complained that they are faced with a citation for the violation of a regulation that is totally unintelligible and are required to comply immediately or face severe penalties. The application of the law by the Secretary of Labor in many instances has been most unfair and unreasonable and this amendment would provide for a reasonable approach to the problem. The Secretary is given authority to extend the time in which an employer shall correct a violation if he determines that the purposes of the act will be served.

Fifth, it would eliminate subsections (d) and (c) of section 17 of the act which empower the Secretary to arbitrarily assess civil penalties up to a thousand dollars based on a single inspection. One of the most serious faults with the act is that it in effect empowers an inspector to issue numerous citation violation penalties from a walk-around inspection. This arbitrary power would be eliminated.

Sixth, a new subsection to section 28 of the act would be added to empower the Secretary to provide technical advice, assistance and consultation, either directly or by way of a grant, to employers to assist them in complying with the applicable standards when such appears to be necessary. A good-faith effort to comply with all requirements of the law could literally bankrupt a small company. In addition, the present law does not provide a clear-cut channel for technical advice to employers who are attempting to understand and comply with the complex regulations. This provision would remedy both situations.

Mr. President, I ask unanimous consent that the complete text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Act Amendments Act of 1972."

SEC. 2. (a) Section 6 of the Occupational Safety and Health Act of 1970 is amended by adding at the end thereof the following new subsections:

"(h) The Secretary shall evaluate as soon as practicable after the date of enactment of the Occupational Safety and Health Act Amendments of 1972 existing standards established pursuant to subsection (a) or (b) of this section in order to determine the applicability of each such standard to each class of business concern within each industry or form of business. After such evaluation, the Secretary shall determine as part of each standard, the class or classes of employers to which that standard is applicable and any class of employers to be excluded from the application of that standard, after a determination that the inclusion of any such class would be unreasonable. Such evaluation and determination shall be a part of the establishment of all standards after the effective date of the Occupational Safety and Health Act Amendments of 1972.

"(i) (1) Failure of an employer or employee to comply with an occupational safety and health standard which has been adopted or promulgated without compliance with the procedures of chapter 5, title 5, United States Code, shall not in itself be used in any civil action or proceeding as evidence of negligence, or wrongdoing, on the part of said employer or employee, or give rise to a presumption, or inference thereof. This provision shall not, however, be interpreted to imply the contrary is provided by this Act even though there was compliance with said chapter 5, title 5, United States Code, with respect to a standard.

"(2) Paragraph (1) shall not be applicable in actions brought by, or against, the Secretary pertaining to the enforcement of this Act."

(b) The third sentence of section 9 of such Act is amended by inserting before the period a comma and the following: "and the action that is necessary to be taken by the employer for such abatement of the violation."

(c) Section 10 of such Act is amended to read as follows:

"Sec. 10. (a) If the Secretary has reason to believe that an employer has failed to correct a violation for which a citation has been issued within 180 days of receipt of such citation the Secretary shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 17 by reason of such failure, and that the employer has 15 working days within which to notify the Secretary that he wishes to contest the Secretary's notification or the proposed assessment of penalty. If, within 15 working days from the receipt of notification issued by the Secretary, the employer fails to notify the Secretary that he intends to contest notification or proposed assessment of penalty, the notification and assessment, as proposed, shall be deemed a final order of the Commission and not be subject to review by any court or agency.

"(b) If an employer notifies the Secretary that he intends to contest a citation issued under section 9(a), or notification issued under subsection (a) of this section, or if, within 15 working days of the issuance of a citation under section 9(a), any employee or representative of employees files a notice with the Secretary alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the Secretary shall immediately advise the Commission of such notification, and the Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a) (3) of such section). The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty, or directing other appropriate relief, and such order shall become final thirty days after its issuance. Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, and that abatement has not been completed because of factors beyond his reasonable control, the Secretary, after an opportunity for a hearing as provided in this subsection, shall issue an order affirming or modifying the abatement requirements in such citation. The rules of procedure prescribed by the Commission shall provide affected employees or representatives of affected employees an opportunity to participate as parties to hearings under this subsection.

"(c) At any time the Secretary determines the purposes of this Act will be best served by so doing he shall have the authority to extend the time in which an employer shall correct a violation for which a citation or notification was issued to a reasonable time under the circumstances then prevailing. Failure of an employer to correct such violations, may be taken into account in resulting enforcement and penalty procedures."

(d) Section 11 of such Act is amended by striking out "(c)" where it appears in the first sentence of subsection (a) and inserting in lieu thereof "(b)", and by striking out "or (b)" in the third sentence of subsection (b).

(e) Section 17 of such Act is amended by striking subsections (b) and (c) and redesignating subsections (d) through (j) as subsections (b) through (h), respectively.

(f) Section 28 of such Act is amended by adding at the end thereof the following new subsections:

"(e) (1) Whenever it appears to the Secretary that it is necessary to assist employers during the preceding calendar year to comply with the applicable standards promulgated pursuant to section 6 of this Act or standards adopted by a State pursuant to section 20 of this Act, the Secretary shall provide technical advice, assistance, and consultation, either directly or by way of a grant, to such employers to assist them in so complying.

"(2) The assistance provided by this subsection shall not include the actual cost of devices or procedures required by this Act.

By Mr. HRUSKA (for himself, Mr. Bayh, Mr. Bennett, Mr. Bible, Mr. Brock, Mr. Brooke, Mr. Burdick, Mr. Cannon, Mr. Chiles, Mr. Cook, Mr. Curtis, Mr. Dominick, Mr. Fannin, Mr. Fong, Mr. Goldwater, Mr. Gurney, Mr. Jordan of North Carolina, Mr. Mansfield, Mr. Mathias, Mr. McGee, Mr. Moss, Mr. Pastore, Mr. Percy, Mr. Proxmire, Mr. Scott, Mr. Stevens, Mr. Talmadge, Mr. Thurmond, and Mr. Young):

S.J. Res. 236. A joint resolution to authorize and request the President to proclaim the week beginning October 15, 1972, as "National Drug Abuse Prevention Week." Referred to the Committee on the Judiciary.

NATIONAL DRUG ABUSE PREVENTION WEEK

Mr. HRUSKA. Mr. President, on May 15 I indicated in this Chamber my intention to introduce a resolution authorizing and requesting the President to proclaim the week beginning October 15, 1972 as "National Drug Abuse Prevention Week."

I now send that resolution to the desk and ask that it be appropriately referred. In addition, I ask unanimous consent that the resolution be printed in full in the Record at the conclusion of my remarks.

Mr. President, I am gratified by the fact that 28 of my colleagues have joined me in cosponsoring the introduction of this proposal. Hopefully, this resolution will receive early consideration and approval in both Houses of Congress so that the executive branch and the entire Nation will have ample time to prepare for the observance of this week on October 15.

Express congressional support for the commemoration of National Drug Abuse Prevention Week will be a small but very meaningful step in the current struggle against drug abuse in America. The President and the people deserve this support, and I am hopeful that we can present this resolution to the President without undue delay.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

Senate Joint Resolution 236

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to heighten the awareness of the people of the United States with regard to the national threat of drug abuse, and to provide an opportunity for a period of special emphasis on this problem, the President is authorized and requested to issue a proclamation designating the week beginning October 15, 1972 as "National Drug Abuse Prevention Week", and calling upon the people of the United States and interested groups and organizations to observe such period with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1295

At the request of Mr. Bible, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 1295, a bill to establish the Amistad National Recreation Area in the State of Texas.

S. 1447

At the request of Mr. Cranston, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 1447, the San Diego and Orange County Marine Sanctuary Act.

S. 1734

At the request of Mr. Metcalf, the Senator from Oklahoma (Mr. Harris) was added as a cosponsor of S. 1734, the Forest Lands Restoration and Protection Act.

S. 3049

At the request of Mr. Javits, the Senator from New Jersey (Mr. Williams), the Senator from Maryland (Mr. Mathias), the Senator from Massachusetts (Mr. Brooke), the Senator from Delaware (Mr. Boggs), the Senator from Ohio (Mr. Taft) were added as cosponsors of S. 3049, a bill to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities.

S. 3050

At the request of Mr. Javits, the Senator from New Jersey (Mr. Williams) and the Senator from Maryland (Mr. Mathias) were added as cosponsors of S. 3050, a bill to authorize the Attorney General to make grants to certain cities where the need to combat crime is the greatest as determined by certain eligibility criteria and for other purposes.

S. 3051

At the request of Mr. Javits, the Senator from New Jersey (Mr. Williams), the Senator from Maryland (Mr. Mathias), and the Senator from Minnesota (Mr. Mondale) were added as cosponsors of S. 3051, a bill to encourage criminal justice professions development, particularly in regard to needs within the corrections systems professional personnel areas.

S. 3227

At the request of Mr. Tunney, the Senator from Nevada (Mr. Cannon) was added as a cosponsor of S. 3227, a bill to amend the Internal Revenue Code of 1954 to allow a business deduction under section 162 for certain ordinary and necessary expenses incurred to enable an individual to be gainfully employed.

S. 3517

At the request of Mr. Javits, the Senator from Oklahoma (Mr. Harris) was added as a cosponsor of S. 3517, a bill to amend certain provisions of the Controlled Substances Act relating to Federal criminal penalties for private possession and use of marihuana.

S. 3630

At the request of Mr. Tower, the Senator from Colorado (Mr. Dominick) was added as a cosponsor of S. 3630, a bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry.

SENATE RESOLUTION 303—SUBMISSION OF A RESOLUTION NAMING THE ADDITIONAL SENATE OFFICE BUILDING THE "STYLES BRIDGES OFFICE BUILDING"

Mr. COTTON. Mr. President, about a week ago a measure was introduced regarding the name of the Old Senate Office Building. Shortly thereafter, I introduced a bill with reference to naming the New Senate Office Building but discovered that, by unanimous consent, the first bill was referred to the Committee on Rules and Administration; and my bill was referred to the Committee on Public Works. The resolution that I now submit is part of the bill. These two bills, Mr. President, I would hope would be considered by the same committee and, therefore, I ask unanimous consent that the resolution I am sending to the desk be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, the resolution will be received and appropriately referred, and, without objection, will be referred to the Committee on Rules and Administration.

The resolution reads as follows:

S. Res. 303

Resolved, That insofar as concerns the Senate, the additional office building for the United States Senate constructed under the provisions of the Second Deficiency Appropriation Act of 1948, approved June 25, 1948 (62 Stat. 1028), including the extension to such building authorized by Public Law 85-591, approved August 6, 1958 (72 Stat. 495, 496), is hereby designated, and shall be known as the "Styles Bridges Office Building."

Sec. 2. Any law, rule, regulation, document, map, or record of the United States in which reference is made to the additional office building for the United States Senate referred to in the first section of this Act shall be held and considered to be a reference to the Styles Bridges Office Building.

Sec. 3. The Committee on Rules and Administration is hereby authorized and directed to place an appropriate marker or inscription at a suitable location or locations within the additional office building for the United States Senate to commemorate and designate such building as provided herein. Expenses incurred in connection therewith shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of said committee.

SENATE RESOLUTION 304—SUBMISSION OF A RESOLUTION AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON TERMINATION OF THE NATIONAL EMERGENCY

(Referred to the Committee on Foreign Relations.)

LET'S END THE NATIONAL STATE OF EMERGENCY

Mr. MATHIAS. Mr. President, on behalf of Senators Pell, Hart, Church, Gravel, Eagleton, Cooper, Stevenson, Williams, Javits, Mansfield, Hartke, Case, Chiles, Cranston, and myself, I submit a resolution which is 20 years overdue. As my colleagues will recall, last year, with the cosponsorship of 15 other Senators, I submitted Senate Concurrent Resolution 27 to establish a special joint committee to study the effects of terminating the state of national emergency declared by President Harry Truman in 1950. Today I am introducing a revised version of that resolution which reflects its consideration by the Senate Foreign Relations Committee, the Department of State, and a variety of concerned citizens and groups throughout the country.

It may surprise some to learn that we are still in a state of national emergency proclaimed in the depth of the Korean war. And that while the Korean war has passed into history, the emergency proclaimed to deal with that war remains in force.

Based on authority granted by the Emergency Banking Act of 1933, a President can, by the simple expedient of declaring a national emergency, assume a vast web of powers rendering the Congress expendable. This is not simply an interesting anachronism without practical force. The powers available to the President under this state of emergency are not trivial—fully some 200 special powers accrue to the President from it. In January 1968, for example, President Johnson used it to control American investments abroad in an effort to ease that year's balance-of-payments crisis. In February 1971, President Nixon invoked the same authority to suspend the provisions of the Davis-Bacon Act.

In this past year, we have witnessed a striking application of Presidential emergency powers. With a single speech on August 15, President Nixon did more than months of Senate hearings to dramatize the enormous arsenal of powers within the grasp of the Executive. Wielding authority granted him by law, the President drastically changed the economic course of the Nation and the world. By the time Congress returned 3 weeks later, it was required to legislate in a radically altered political and economic context.

While the President's new economic policies represent a bold and necessary response to a serious crisis and they have my support, the powers he was able to invoke emphasize anew the scope of authority which Congress has relinquished to the Office of the President. In thus adding power over the dollar to his command of American military forces and his influence over mass media, the President has lent support to the conclusion of Prof. Duane Lockard, chairman of the department of politics at Princeton, that—

> In essence the Presidency has become an elective kingship with decisive power in a broad range of matters . . . He can start a war or end one; he can breathe life into a domestic project or smother it.

This situation is not without legislative precedent. Alas, Congress has frequently been accomplice in its own decline, conceding initiatives to the Executive and tolerating procedural abuses when their ends were agreeable. One need only name the Formosa resolution of 1955, the Middle East resolution of 1957, the Cuba resolution of 1962, and the Gulf of Tonkin resolution of 1964 to illustrate how readily Congress delivered up to the President large elements of its constitutional jurisdiction.

Mr. President, the resolution which I am introducing today seeks to restore the constitutional balance between the Presidency and the Congress. It establishes a bipartisan Senate committee to study the problems which may arise as the result of terminating our protracted state of national emergency and to consider the necessary or desirable legislative actions toward this end. It is expected that the committee's recommendations would, among other things, have the effect of restoring to Congress its full constitutional authority to regulate commerce, and would clearly define a national emergency. Together with the war powers bill which was passed by the Senate in April, this would serve to assure that emergency powers would only be applied for the duration of genuine emergencies.

In the effort to restore the constitutional balance between the executive and legislative branches of our Government, the war powers bill and now the emergency powers resolution, represent a good start. We must press forward to see them passed this year. And we must repel any effort to bring them into the arena of partisan politics in this election year. Restoring to Congress its constitutional responsibility is an effort which must be joined by Republicans and Democrats, liberals and conservatives. Can we really afford the cavalier disdain of George Washington Plunkett, a Tammany Hall wardheeler who once asked:

> What's the Constitution among friends?

I believe not. I believe it is now our task to press on in trying to make the Constitution work—among friends.

Mr. President, upon introduction of my emergency powers resolution last year, I spoke at length about the long and lamentable history of accumulation of power in the office of the President. I do not wish to take up my colleague's time today by reiterating my remarks, but I ask unanimous consent that they be printed in the Record at this point, together with the text of my resolution.

There being no objection, the remarks and resolution were ordered to be printed in the Record, as follows:

Remarks of Mr. Mathias

Mr. Mathias. Mr. President, last year, Congress revoked the Gulf of Tonkin Resolution of 1964. It was a first step in the long-overdue effort to restore to Congress its responsibilities under the Constitution for questions of war and peace.

In February of this year, Senator Javits introduced S. 731, A Bill to Regulate Undeclared War. Also in February, Senator Church introduced Senate Joint Resolution 48 to repeal the Formosa Resolution of 1955. I was pleased to co-sponsor both. In the next weeks, I shall introduce legislation to repeal the Middle East Resolution of 1957 and the Cuba resolution of 1962.

Today, I rise to present a Senate Concurrent Resolution aimed at terminating the state of national emergency proclaimed by President Truman in December, 1950 in the depths of the Korean War. It is a sad paradox that this country has remained officially in a state of emergency since that time. Indeed, it may be useful at this point briefly to review how Congress—with barely a whimper—relinquished important parts of its constitutional authority to the office of the President.

On May 9, 1933, at a moment of dire Depression emergency, Franklin D. Roosevelt convened the Congress and demanded, in effect, that it revamp the Constitution before midnight. The purpose of the reform was to make Congress—and the Constitution—optional at the discretion of the President, as the national interest required.

The demand came as part of the Emergency Banking Act, an omnibus bill reorganizing the nation's then collapsing banking system and retroactively legitimizing the President's Bank Holiday proclamation of three days before. Referred to the Banking and Currency Committee—with instructions that it be reported out in an hour—the bill was not printed and was not available for Senators to read. Senator Long complained that he did not know what was in it until it was read by the clerk. Most Senators indicated that they had grave reservations about what they understood to be the bill's provisions and Senator Long protested the extraordinary powers it granted to the President. But in the extremity of the crisis at hand, Congress felt it had to act immediately as the President demanded. The bill was passed by both houses before midnight and the American constitutional Republic has been in its Damoclean shadow ever since.

The key provision, not much remarked by the Congress at the time, came in an amendment to Section 5b of the Trading with the Enemy Act of 1917. As enacted in 1917, Section 5b shifted from Congress to the President the power to regulate trade and financial transactions between Americans and foreigners *in wartime*. The 1933 amendment to 5b authorized the President—by the simple expedient of declaring a national emergency—to assume in peacetime these extensive wartime emergency powers.

By declaring in the 1933 amendment that the President could assume emergency powers by declaration in peace time, Congress established a principle with reverberations going far beyond the legislation at hand. For the courts have interpreted the principle as creating a virtually unlimited executive prerogative that now applies to some 200 laws granting special powers to the President during national emergencies. But neither Congress nor the courts have set criteria to define the kind of crisis which would justify invocation of these multifarious powers. Since 1933 they have been available essentially as the President wishes.

In accord with President Roosevelt's approach, the President is left to determine by himself when a national emergency exists and when it ends—when the executive should have access to the near dictatorial authority conveyed in emergency legislation. The President decides when he should share power with Congress as the Constitution prescribes, and when Congress can be made optional by proclamation.

This assignment of emergency powers has worked very smoothly over the years. Since that dire extremity of 1933, there have been six Presidents—four Democrats and two Republicans. They have disagreed on many issues. But they have been unanimous on the question of when the country is in a state of national emergency and when the Congress, on a wide range of issues, is optional. Their answer, quite simply put—in a word—is: always. In the last 37 years, the country has passed through many vicissitudes of war and peace. But Presidential powers have been continuously "at war." Not once during that period has a President allowed his special powers to lapse. The result, described by Jeffrey G. Miller and John R. Garson in an excellent article in the February 1970 issue of the *Boston College Industrial and Commercial Law Review*, is that "some 60 percent of the nation's population have lived their entire lives under a continuous unbroken chain of national emergencies."

A court did judicially acknowledge—in 1962—that the Depression had ended. But no authority has yet recognized the end of the Korean emergency, proclaimed by President Truman on December 16, 1950 and still in effect today. Since the President declared with reference to Korea that "world conquest by communist imperialism is the goal of the forces of aggression," the State Department has interpreted the emergency as meaning the Cold War.

This interpretation, however, has not limited the emergency powers to military matters affecting the protracted conflict with the Communists. The Korean authority, in fact, was most recently invoked in 1968 in relation to our economic competition with our European allies. President Johnson felt he would have difficulty securing from Congress the broad powers he needed to deal with the deficit which had been emerging for several years in the nation's balance of payments. Yet the Constitution clearly reserves to the Legislative branch all powers for regulating Foreign Commerce. So the President invoked the emergency powers granted in 1950 in relation to the Korean war and signed Executive Order 11387, "Governing Certain Transfers Abroad." The Department of Commerce immediately issued the Foreign Direct Investment Regulations (FDIR). The Executive Order and the FDIR restrict the amounts of capital that American investors may transfer to or accumulate in foreign affiliates and compel repatriation of short term liquid balances such as foreign bank deposits.

Without citation of the Korean war powers, these measures clearly represent an unconstitutional encroachment on legislative authority. The courts have upheld them, however, and they remain the law of the land. It is currently the law of the land, therefore; that the state of national emergency proclaimed by President Truman in 1950 in relation to the Korean conflict can be invoked in relation to a balance of payments deficit 18 years later. Similarly, regulations against gold hoarding, activated by the Depression emergency, are continued under the 1950 proclamation. Other measures invoked under 5b pursuant to the Korean proclamation include the Foreign Assets Control Regulations, the Egyptian Assets Control Regulations, and the Cuban Assets Control Regulations. The Cuban trade embargo of 1962 was also based in part on the 1950 emergency.

Among the nearly 200 other Emergency laws are measures permitting the President to sell stocks of strategic materials, revoke leases on real and personal property, suspend rules and regulations applicable to broadcasting stations, detain enlisted troops beyond the term of their enlistments, detail military men to the governments of other countries, and exercise control over consumer credit. Among hundreds of local properties available to the Executive, the President may take over parts of Howard University, and in my own state of Maryland, he may close Fort McHenry—the birthplace of the "Star Spangled Banner"—and "use it for such period thereafter as the public needs may require."

These powers infringe on so many crucial constitutional rights and principles that collectively they may be seen as placing our system of democratic government in jeopardy. Certainly the deprivation of rights and property is authorized without due process. But perhaps most important, these measures threaten the Constitutional balance of powers between the executive and legislative branches. Because a state of official emergency has obtained continuously since 1933—and has been upheld by the courts to validate actions unrelated to the original crisis—the national emergency powers have accumulated and become institutionalized in the executive. The Presidency, already enhanced by modern trends, has been further aggrandized by the paradox of the continuous emergency.

Unless we accept the principle of an optional Constitution and an optional Congress, we must reject the concept of national emergencies declarable by the President at his discretion in peace time without termination dates. Since this concept has been upheld in essence by the Courts, it is up to the Congress to recover by legislation the constitutional role that it has allowed the executive to usurp. We must reassert the principle that emergency powers are available only for brief periods when Congress is unable to act and for purposes directly related to the emergency at hand.

This is easier said than done. We discover that the continuous and cumulative and institutionalized emergency is also almost irrevocable. So many executive agencies and procedures are rooted in emergency powers that it is extremely difficult to rescind them without major administrative disruptions. With this in mind, the distinguished Majority Leader, Mr. Mansfield, joined with me during the last session in S.J. Resolution 166, a resolution which, among other things, proposed the creation of a special committee to explore with the executive the consequences of terminating the Korean Emergency. In the aftermath of the Cambodia incursion, however, our proposals were not acted upon. And so I am now re-introducing the resolution as a Senate Concurrent Resolution. It calls for the establishment of a commission to study and make recommendations terminating the state of national emergency.

It is to be expected that the commission's recommendations would, among other things, have the effect of restoring to Congress its full constitutional authority to regulate commerce, and would clearly define a national emeregency. Together with S-731, An Act to Regulate Undeclared War, which was introduced in February by the distinguished Senator from New York, Mr. Javits, this would serve to assure that emergency powers would only be applied for the duration of genuine emergencies. The Constitution did not envision a state of national emergency to be the normal state of affairs.

Under the best of circumstances, the Congress will not find it easy to maintain its historic constitutional role in the modern age. Modern communications, national interdependence, and international involvement coverage to enhance the Presidency; real emergencies continually arise requiring the kind of decisive response the executive is best equipped to give. But if the Congress allows these national executive advantages to be expanded by special emergency powers responding to unspecified emergencies without determination or limit, the balance of powers between the branches of our government may be irreparably broken.

I believe that we do face today a national emergency—even a paradoxically continuous one. It emerged during the depression and has been with us for several decades. It is a crisis that throws our whole system of Constitutional government into jeopardy. This emergency—if I may use the term so loosely—is the atrophy of Congress. It is not an emergency which calls for the decisive exercise of executive powers. It calls for the decisive recovery of legislative powers.

Only Congress can redeem itself; but in serving itself, it can also save the Constitution. And I believe that to save the Constitution is to save the most precious heritage of our country.

S. Res. 304

Whereas, the existence of the state of national emergency proclaimed by the President on December 16, 1950, is directly related to the conduct of United States foreign policy and our national security, now, therefore, be it

Resolved, That (a) there is hereby established a special committee of the Senate to be known as the Special Committee on the Termination of the National Emergency (hereinafter referred to as the "special committee").

(b) The special committee shall be composed of eight Members of the Senate equally divided between the majority and minority parties to be appointed by the President of the Senate, four of whom shall be members of the Committee on Foreign Relations.

(c) The special committee shall select a chairman and vice chairman from among its members. A majority of the members of the special committee shall constitute a quorum thereof for the transaction of business, except that the special committee may fix a lesser number as a quorum for the purpose of taking testimony. Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee.

Sec. 2. (a) It shall be the function of the special committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation Numbered 2914, dated the same date. In carrying out such study and investigation the special committee shall:

(1) consult and confer with the President and his advisers;

(2) consider the problems which may arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency, including consideration of the desirability and consequences of terminating special legislative powers that were conferred on the President and other officers, boards, and commissions as the result of the President proclaiming a national emergency.

Sec. 3. For the purposes of this resolution the special committee is authorized from date of agreement to this Resolution through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold such hearings, (4) to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, (6) to take such testimony, (7) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of Section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 4. The expenses of the special committee under this resolution shall not exceed $100,000, of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants, or organizations thereof as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

Sec. 5. The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

Sec. 6. Expenses of the special committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the special committee.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 273

At the request of Mr. Hart, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of Senate Resolution 273, relating to extension of the nuclear test ban treaty to include underground testing.

FOREIGN RELATIONS AUTHORIZATION ACT—AMENDMENT

AMENDMENT NO. 1023

(Ordered to be printed and to lie on the table.)

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

FAIR LABOR STANDARDS AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 1204

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. DOMINICK. Mr. President, I send to the desk an amendment in the nature of a substitute in connection with the minimum wage bill, and ask that it be printed and appropriately referred.

The PRESIDING OFFICER. The amendment will be received and printed, and appropriately referred.

Mr. DOMINICK. Mr. President, this is an effort to provide an alternative to the proposals which are presently pending before executive meetings of the full Committee on Labor and Public Welfare. The substitute bill as introduced here will provide an alternative proposal to what is now before the committee, in effect retaining present coverage and staggering the increase in minimum wages in the same manner as was carried out by the House of Representatives.

It is, in my opinion, at a time when we are both trying to fight inflation and also to give some substance to the economy, a measure which would be far more fruitful in accomplishing its goals than the one we are now considering.

Mr. President, I ask unanimous consent that the text of my amendment be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 1204

Strike all material after the enacting clause, and in lieu thereof, insert the following:

INCREASE IN MINIMUM WAGE

Nonagricultural Employees

Sec. 2. (a) Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(1) not less than $1.80 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972, and not less than $2.00 an hour thereafter, except as otherwise provided in this section;"

(b) Section 6(b) of such Act is amended by striking out paragraphs (1) through (5) thereof and inserting in lieu thereof the following:

"(1) not less than $1.70 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972;

"(2) not less than $1.80 an hour during the second year from such effective date; and

"(3) not less than $2.00 an hour thereafter."

Agricultural Employees

Sec. 3. Paragraph (5) of section 6(a) is amended to read as follows:

"(5) If such employee is employed in agriculture, not less than $1.50 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972 and not less than $1.70 an hour thereafter."

Employees in Puerto Rico and the Virgin Islands

Sec. 4. Section 6(c) of such Act is amended by substituting the following new paragraphs 2(A) and 2(B):

"(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1972 increased by 12.5 per centum unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972, or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under Section 5, whichever is later.

"(B) Effective one year after the applicable effective date under paragraph (A), the rate or rates prescribed by Paragraph (A), increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1972 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C)."

Employees in the Canal Zone

Sec. 5. Section 6(a) of such Act is amended by adding the following new paragraph:

"(6) if such employee is employed in the Canal Zone, not less than $1.60 per hour."

EXPANDING EMPLOYMENT OPPORTUNITIES FOR YOUTHS

Special minimum wages for employees under 18 and students

Sec. 6. Section 14(b) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(b)(1) Notwithstanding the minimum wage rates required by section 6(a)(1) or 6(b), any employer may, in compliance with applicable child labor laws, employ any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) a fulltime student under the age of 21,

at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.60 per hour, whichever is higher.

"(2) Notwithstanding the minimum wage rates required by section 6(a)(5), any employer may, in compliance with applicable child labor laws, employ in agriculture any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) a full-time student under the age of 21,

at a wage rate which is not less than 80 percentum of the otherwise applicable minimum wage rate prescribed by such section or $1.30 per hour, whichever is higher.

"(3) The special minimum wage for such employees in Puerto Rico, the Virgin Islands, and American Samoa shall be 80 per centum of the industry wage order rate otherwise applicable to them: Provided, that in no case shall such special minimum wage be less than that provided for under a wage order issued prior to the effective date of the Fair Labor Standards Amendments of 1972."

"(4) The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable."

MISCELLANEOUS

Equal Pay for Executive, Administrative or Professional Employees

Sec. 7. Section 13(a) of the Fair Labor Standards Act of 1938, as amended, is amended by inserting after "section 6" the following:

"(other than Section 6(d) in the case of paragraph (1) of this subsection)."

Child labor in Agriculture

Sec. 8. Section 13(c) (1) of such Act is amended to read as follows:

"(c)(1) Except as provided in paragraph (2) the provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee—

"(A) is employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person; or

"(B) is employed on the same farm at which his parent or person standing in place of his parent is employed; or

"(C) is twelve years of age or older, and such employment is with the written consent of his parent or person standing in place of his parent; or

"(D) is fourteen years of age or older."

Resident Employees at Apartment Buildings

Sec. 9. Section 3(s) of such Act is amended by adding at the end thereof the following new paragraph:

"In determining whether an apartment building, the gross annual rentals of which are less than $250,000, is part of an 'enterprise engaged in commerce or in the production of goods for commerce' within the meaning of this subsection, the fact that the owner of such building has retained a management agent to perform management services in connection with the operation of such building shall be disregarded."

INJUNCTIVE AND OTHER EQUITABLE RELIEF

Sec. 10. Section 17 of such Act is amended to read as follows:

"INJUNCTIVE AND OTHER EQUITABLE RELIEF

"Sec. 17. The district courts, together with the United States Court for the District of the Canal Zone, the District Court of the Virgin Islands, and the District Court of Guam shall have jurisdiction, for cause shown, to restrain violations of section 15, including in the case of violations of section 15(a)(2) the restraint of any withholding of payment of minimum wages or overtime compensation found by the court to be due to employees under this Act (except sums which employees are barred from recovering, at the time of the commencement of the action to restrain the violations, by virtue of the provisions of section 6 of the Portal-to-Portal Act of 1947). In any claim under this section arising out of willful violation of the Act, the district courts may, in addition to restraining the withholding of payments as authorized above, award as further equitable relief an amount not to exceed the minimum wages or overtime compensation found to be due."

TECHNICAL AMENDMENTS

Sec. 11. (a) Section 6(c)(2)(C) of such Act is amended by substituting "1972" for "1966".

(b) Section 6(c)(3) of such Act is repealed and section 6(c)(4) is renumbered 6(c)(3).

(c) Section 7(a)(2) of such Act is repealed and Section 7(a (1) is renumbered 7(a).

(d) Section 14(c) of such Act is repealed and Section 14(d) is renumbered 14(c).

(e) Section 18(b) is amended by striking out "section 6(b)", and inserting in lieu thereof "section 6(a)(6)", and by striking out "section 7(a)(1)" and inserting in lieu thereof "section 7(a)."

EFFECTIVE DATE

Sec. 12. Except as otherwise provided in this Act, the amendments made by this Act shall take effect sixty days after enactment. On and after the date of enactment of this Act, the Secretary is authorized to promulgate necessary rules, regulations, or orders with regard to the amendments made by this Act.

ADDITIONAL STATEMENTS

ATTEMPTED ASSASSINATION OF GOVERNOR WALLACE

Mr. SCOTT. Mr. President, I know that all Senators share my shock at the attempted assassination of Gov. George Wallace. Have they not already done so, I believe they will be interested to read the commentary on this reprehensible act by ABC's Harry Reasoner. I ask unanimous consent that the commentary be printed in the Record.

There being no objection, the commentary was ordered to be printed in the Record, as follows:

Commentary by Harry Reasoner on the "ABC Evening News With Howard K. Smith and Harry Reasoner" on May 16, 1972

I'd like to say a couple of words in behalf of the country. I'm sure that a number of comments have already gotten into print about the dark streak of violence in the American soul and it's easy to understand why. After yesterday we all do come back to the question: "Are we, after all, only the world's largest banana republic?" Well, we may be, but it's not because of some dark inbred streak of violence.

What our problem is, is not that we are somehow more violent, more gun-loving, than other people—our problem is that we have something over 200 million people, that we have something less than adequate gun control legislation, that we have a greater diversity of people and aspirations than any other major nation, and that in consequence we have more than the average number of nuts running around loose. In at least two of the major political assassinations of the '60's, and apparently again in yesterday's attempt, the villain was not the employee or the embodiment of an organized hate—he was a loose screw in society's machine, working for nothing except his own pathology.

It's not an excuse, it's an explanation. And when I say I am speaking in behalf of the country, what I hope is that we would not give up our aspirations because they are profoundly difficult.

We have lost far too many people in political life out of violence in the last 50 years—dozens, I suppose, and we should be highly self-critical—self-critical, but not really interested in criticism from countries where the law has presided over the murder of millions.

No one else, ever, now, or in history, has had either our problems or our opportunities. In this state of affairs, it would be too bad for us to lapse into hypochondria and masochism, the easy way to avoid solving the problems or achieving the opportunities."

BLACK LUNG BILL

Mr. ROBERT C. BYRD. Mr. President, I am greatly pleased that President Nixon decided to sign the Black Lung Benefits Act of 1972. By signing the measure, the President helped to correct years of injustice, and he brought joy to the hearts of thousands of miners and their families.

After the bill was sent to the President, I contacted the White House on four occasions. I telegrammed the President on Wednesday, May 10; spoke to him by telephone at his Camp David, Md., retreat on Wednesday, May 17; met with three top White House aides on Thursday, May 18; and met privately with the President the afternoon of Friday, May 18.

On each of those occasions, I urged that the President sign the bill, notwithstanding the strong pressure from governmental agencies that it be vetoed.

The President, by his action last Saturday, indicated that he understands that this benefits act is necessary to provide an adequate program for miners with pneumoconiosis. It also is necessary to correct the oversights of the Coal Mine Health and Safety Act of 1969, which excluded children and orphans of miners disabled by black lung. The new bill includes such children.

I heartily commend the President for taking the humanitarian view of this bill.

DUBIOUS PREMISE FOR BUSING REFUTED

Mr. BROCK. Mr. President, on April 27, in a major policy statement on education, I referred to the well known Coleman report, which purported to indicate that black exposure to a white environment was necessary for equal educational opportunity. As a direct result of conclusions drawn from this report, massive busing was ordered in many cities.

David J. Armor, an associate professor of sociology at Harvard, was one of those who participated in the preparation of the original Coleman report. Armor has now completed an additional study on the subject based on projects in five Northern cities which concludes that achievement scores of black students have not been raised by such measures. The report goes a step further to show that in several cases, busing experiments have led to a serious worsening of race relations rather than otherwise. Is it not time that we face facts and admit that not only is massive busing for racial balance opposed by a majority of parents, but also that it is failing to produce any of the desired results?

I ask unanimous consent that article entitled "Study Casts Doubts on Busing," published in the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDY CASTS DOUBT ON BUSING

(By Lawrence Feinberg)

A major study of school desegregation by busing in five Northern cities concludes that achievement test scores of black students have not been raised. Moreover, the busing experiments, in several cases, have led to a worsening of race relations, rather than an improvement.

The study reports that the grades of Negro students generally fell when they were transferred to predominantly white schools because grading standards were higher.

Black youngsters in these schools, the study says, have a stronger sense of racial identity and a greater desire for black separatism than do students in predominantly black schools.

The report suggests that much of the research on race and education done before the late 1960s and widely used in court integration decisions is now outdated because it fails to take into account the new militancy and pride of many black students.

The 64-page study was written by David J. Armor, an associate professor of sociology at Harvard University who previously had conducted research for the U.S. Civil Rights Commission.

It includes research on a city-suburb desegregation program in Boston, which Armor conducted himself, plus data on similar programs in Ann Arbor, Mich., Hartford, Conn., Riverside, Calif., and White Plains, N.Y.

Overall, about 5,000 students, ranging from grades one to 12, have participated in these busing programs. The data that Armor compiled from 1965 to 1971 follows the children for from one to five years.

Armor's study has been presented at a seminar at Harvard, and it is scheduled for publication this summer in The Public Interest magazine.

He said in an interview that his study is the largest showing the "before and after" effect of long-term busing projects by using the same tests to compare bused children with others.

In the mid-1960s Armor worked on a government research project, headed by James S. Coleman, which compiled a massive report on race and education. The report concluded that lower-class black students make some academic gains in predominantly middle-class white schools.

But in his new study Armor notes that the tests Coleman used were all given at the same time—in the fall of 1965. Thus, conclusions about the effect of integration were made, he said, by comparing youngsters in schools with different proportions of black and white students, rather than by following the same children after they had switched from a predominantly black school to a predominantly white one.

"NO SIGNIFICANT GAINS"

In four of the programs he studied, Armor said black children bused to suburban schools made "no significant gains" when compared to other black students who stayed in inner-city schools or to whites who took the same achievement tests.

In the fifth program, Hartford, the results were mixed. Negro children in suburban schools did better in some grades. But in others, the children in their neighborhood schools scored higher.

Armor, whose prime field of work is research methods and statistics, said he also reviewed reports on over a dozen other desegregation programs, including Berkeley, Calif., and Rochester, N.Y. All of them, he said, were seriously flawed, either by including different tests at different times or by not having a control group against which to check the progress of the students who were bused.

Besides the data on achievement, Armor's study contains the results of questionnaires and psychological tests given to measure children's attitudes toward themselves and toward other races.

Contrary to expectations based on earlier research, Armor said the aspirations of black children were slightly lower in mostly white schools than in all black ones. But in both types of schools, he said, their ambitions—for white-collar jobs and a college education—were generally high.

One factor in the slight decline, he said, may be the lower grades that many Negro students get in predominantly white schools. He said that in his study their marks averaged about half a grade lower in these schools—about C, compared to a B-minus average in the mostly black schools.

"Since black students are behind white students (on standard achievement tests)," he said, "we should expect their grades to fall when they are taken from the competition in an all-black school to the competition in a predominantly white school."

In the measures of racial attitudes, Armor said the data indicated that "integration heightens racial identity and consciousness (and) enhances ideologies that promote racial segregation."

This finding, he said, is "the converse . . . (of one of the central sociological hypotheses in integration policy . . . that integration should reduce racial stereotypes, increase tolerance, and generally improve race relations."

Instead, he said, "the effect is the opposite."

One indicator of this, he said, was the question he asked black students in Boston: "If you could be in any school you wanted, how many students would be white?"

Among those bused to suburban schools the proportion wanting a school less than half white increased from 51 per cent to 81 per cent between 1968 and 1970. For a group of their brothers and sisters who stayed in city schools, the proportion increased less markedly—from 47 per cent to 66 per cent.

The bused students also became "much more likely to support the idea of black power," Armor said, and between 1969 and 1970, they reported "less friendliness from whites, more free time spent with members of their own race, more incidents of prejudice, and less frequent dating with white students."

"In other words," he concluded, "the longer the contact with whites, the fewer the kinds of interracial experiences that might lead to a general improvement of racial tolerance."

He said the trend is "clearest" for older black students, but also occurred in the elementary grades. "It seems to be true for whites also," he said, "insofar as their support for the integration program decreases and own-race preferences increase as contact increases."

Even though "in the formal sense . . . all races are treated equally" in an integrated school, Armor said the integration itself "does very little in the short term to eliminate the socio-economic and academic status differentials." Thus, he said, stereotyped beliefs can be reinforced.

"For black students," he said, "initial stereotypes about white students as snobbish, superior, and straight may be partially confirmed by actual experience; the same may be true for white stereotypes of black students as non-intellectual, hostile, and having different moral standards."

Pride in their own culture, he said, has been one of the main elements in the change in black attitudes, especially those of young Negroes, during the past decade.

"It would be a mistake," he added "to view the increased racial solidarity of black students as a completely negative finding (for) . . . a certain amount of culture conflict (is) inevitable and even necessary if an integrated society is to be realized."

Armor, who is white and lives in a Boston suburb, said his own children attend a school to which black youngsters are bused in a voluntary program, and he urged that such programs be continued.

In his study Armor also presents data from two reports showing that black students in suburban schools are more likely to go to prestige colleges than those attending inner-city schools. This "channeling effect", he said, supports one of the hoped-for gains of integration.

But, Armor said, the "integration policy model," advanced by sociologists and courts, also contends that integration will "enhance black achievement, aspirations, and self-esteem, and (improve) race relations."

All four of these goals, he said, have "failed to be supported by the data." And this, he said, "calls into question" the value of mandatory busing programs.

HOW STUPID CAN WE BE? AND HOW WISE CAN WE BE?

Mr. ERVIN. Mr. President, some time ago Fred B. Helms, a distinguished member of the North Carolina bar from Charlotte, N.C., spoke to the Charlotte Kiwanis Club on the subject of Peace. I ask unanimous consent that the text of the talk, entitled "How Stupid Can We Be? And How Wise Can We Be?" be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

HOW STUPID CAN WE BE? AND HOW WISE CAN WE BE?

Fellow Kiwanians. Let's stop being stupid! Let's stop killing each other! It's as simple as that. It's as serious as that. Whether you accept the theory of evolution or the biblical story, human beings (homo sapiens) have been killing each other from our very earliest records or histories. Human beings, in spite of being the highest form of animal life on the face of the earth, have by far the worst and most inexcusable record of killing each other of any of the forms of animal life. This business of killing each other is humanity's greatest and most expensive curse. Wars have been and are our most efficient and effective means of killing each other. This scourge of war—killing each other—is self-imposed by human beings and only human beings can stop it. So far, nations cannot or will not stop the senseless killings of war. All nations profess to earnestly desire peace but seem utterly unable to agree upon any of the basic or essential terms of peace. "Peace treaties," if any, are laboriously worked upon but the limited areas of agreement between nations—in the main—and at best—are designed to limit and humanize warfare but each succeeding war—of the global type, such as World Wars I and II—become far more efficient in killing and in destruction and far more horrible than any of the previous wars.

In May 1958, the Federal Civil Defense Administration (the officers and Board of Trustees of the association were among the very top men in business, science, education and labor in America) estimated that by 1970 in the event of a nuclear attack upon the United States by Russia sixty percent (60%) of the population of the United States would be killed or injured. A similar or greater percentage of the people in Russia would be killed or injured by a nuclear attack upon Russia by the United States. God alone knows how much worse it would be today. Admittedly, the two superpowers, Russia and the United States, possess enough nuclear power to blast the other off the face of the earth!

Let me digress briefly to assure you (i) I am still a Baptist and have not become a Quaker or a pacifist. We Baptists are never happy unless we are in a fight or in debt—or both—and we, usually, are in both. It would probably take another Civil War to bring peace between the northern Baptists and the southern Baptists; (ii) this talk by me with you is not on the subject of "Vietnam"—except as it may be a part of the overall subject. In passing, however, I call your attention to the fact that our Vietnam policies whether right or wrong, wise or unwise, have been evolved by four Presidents of the United States, two of whom were Democrats and two of whom were Republicans. Personally, I have no doubt but that each of the four Presidents of the United States has done or will do, in Vietnam, what he regarded or regards as the best and wisest course for the United States in particular and the world in general.

I realize that the use of the term "stupid" is not in the finest tradition of diplomacy or literature. As a high school student, I paraded day and night for the re-election of Woodrow Wilson because "he kept us out of war." A few months after his re-election, I joined him as our Commander-in-Chief of our armed forces in a *"war"* to Make The World Safe for Democracy. I also heard Franklin D. Roosevelt with all of his emphasis say and repeat the statement "I hate *war*." You will, therefore, pardon me for using the word "stupid"—which I believe those of us "in the street' understand.

I shall not bore you with a lot of statistics, but a few might be helpful:

1. In all wars including World Wars I and II and in the Korean and Vietnam wars, the United States alone has sustained a total of at least 2,350,000 casualties.

2. Upon the basis of our peace time budgets, more than fifty percent of all taxes paid to the Federal government are expended for wars past, present and prospective. In war times, it has been over 70%.

3. In 1970, the reseachers at the United States Arms Control and Disarmament Agency announced that from 1963 to 1969 the world had spent over one trillion ($1,000,000,000,000) on its arms and armed forces—and that is 1000 billions!

4. In the face of the incredible waste of our resources—our finest young men and our natural resources—two out of every three members of the human race go to bed hungry at night.

5. Unless I completely misread the "signs of the times," the masses of humanity are "sick and tired" of wars and killing of each other. In the United States alone, except for the Civil War, our people have never been as sharply divided as they are on the current Vietnam war. Personally, I believe, that our leaders looked upon our part in the Korean war and in the Vietnam war as a police action to restrain or to prevent aggression and war either directly or indirectly by more powerful nations against weaker ones, but I know there is sharp division among us on these questions.

6. Under modern birth control knowledge and practicality, the old Malthusian theory that war and famine perform the desirable functions of keeping the population of the earth under control is no longer tenable—if indeed, it ever was tenable.

I could go on and on about the insanity or stupidity of the killing of human beings by human beings but let us look ahead and try to see.

HOW WISE CAN WE BE?

According to reliable estimates world population in June 1971 was 3 billion 600 million (3,631,797,000).

Approximately 2½ billion (2,500,000,000) of the inhabitants of the earth are members of the great religions of the world—both theistic and humanistic. There are more than ½ billion (500,000,000) people in the world who belong to various other religious organizations.

So far as I know all of the great religions, both humanistic and theistic, and all of the other religions are opposed to the killing of human beings by other human beings in wars or otherwise—except in self-defense.

The Supreme Court of California has held recently that the State has no right to kill—put to death—the most hardened criminal—even though he may be guilty of the most horrible crime known to man. The Supreme Court of the United States is wrestling with this very question at this time. In my opinion, there is an even chance that the Supreme Court of the United States will hold that a State government and the Federal Government have no right to kill—put to death—a human being, even though he may be a hardened criminal and guilty of the most horrible crime. Strange as it may seem, the chances are that if the Supreme Court does so hold, it may uphold the death penalty for a spy in time of war—even though the spy might turn out to be one of the finest young men in his native country but who through the fortunes of war was compelled to engage in espionage by his country against our country.

So far as I know there has never been any world wide attempt of a serious nature to marshal the moral forces of the great religions of the world in an effort to stop human beings from killing each other and in an effort to rid human kind of its self-imposed scourage and curse of war. I am fully aware of the hair-splitting debates with reference to moral force or moral forces.

The question necessarily follows how can humanity be as wise in the future as it has been unwise in the past in killing each other? First of all the leaders of and the more than 3 billion members of religious organizations in the world would simply adopt a basic declaration of morality that "we are opposed to the killing of each other, except in self-defense." This would not require the merger of any religious organization with any other. It would not require any change in the individual's relation to his particular religion. It would not require any change in any government or in the relationship between any citizen and his government. It would not require any agreement between nations. It would simply say as human beings we are going to stop killing each other and we are going to end the insanity of war, except in self-defense. It would say positively that instead of wasting the resources of the earth in men and materials in killing each other and in wars we would turn our resources in men and materials to the elimination of poverty, hunger and destituion.

Obviously, for the present and in the foreseeable future there will be necessity for a world police force. Such a force must be along the lines envisioned in the charter of the United Nations and not in, merely, a one nation or two nation police force. A one or two nation world police force can be and probably would turn out to be the old "wolf, balance of power" in the "sheep's clothing" masquerading under the guise of "world policemen."

How can humankind implement such a declaration by world religions. Fortunately, we are not without substantial experiments and experiences which can be used as guide lines among which are the following:

1. The United Nations. It has had and still has its limitations, shortcomings and handicaps. The charter of the United Nations badly needs revisions. If the charter could not be revised because of lack of agreement between the present members, a new similar organization might have to be set up. The Washington World Conference on World Peace Through Law in September 1965 was the largest and most influential international assembly of lawyers and judges in history. More than 3,200 high court justices and leading attorneys from 121 countries participated in the conference. It included the President of the United States, the President of the United Nations, the Chief Justice of the United States Supreme Court and the Chief Justices of many other Courts. Not a single member attending this conference had any suggestion of any worldwide organization other than the United Nations which held out any practical hope for world peace. I do not know of any other practical suggestion since then.

2. The International Court of Justice is one of the branches of the United Nations. This Court has never been able to function properly or adequately due to the fact that the members of the United Nations, including the United States, have severely limited its jurisdiction.

3. The World Peace Through Law Center is for the purpose of establishing and maintaining "World Peace Through Law." This amazing organization was conceived by, started by and has been promoted under the leadership of Charles S. Rhyne, a farm boy from Mecklenburg County. He started it when he was President of the American Bar Association several years ago. It has brought and brings together each year in worldwide conferences the greatest aggregation of jurists and lawyers ever assembled in the history of the world. Its basic purpose is to substitute the rule of law for war in the settlement of disputes among nations and peoples of the earth. Recently, I discussed with Charles Rhyne the proposal for mobilizing the moral forces of world religions in support of world peace under law and in stopping the killing of human beings by human beings and, of course, in stopping war except in self-defense. He feels very positively that such a movement would strongly undergird the United Nations or a similar organization, the World Court or a similar Court and the promotion of world peace under law. He has stated to me that he will be glad to attend and participate in a conference for the purpose of initiating steps to bring about the mobilization of the moral forces of the world religions. As he has stated to me, law, itself, is based upon morals.

4. A plan is underway for a convocation later this year under the sponsorship of Interpreters' House at Lake Junaluska founded by Dr. Carlyle Marney. Interpreters' House is an ecumenical organization which is non-denominational. Its Board of Directors and fellows is composed of leaders in religious organizations such as Roman Catholics, Protestants and Hebrews. The outlook and the program of Interpreters' House is ecumenical and worldwide. The plan is to have, also representatives of the great humanistic religions on the program of the convocation. Of course, all of us recognize that such a convocation is merely one step in the right direction.

5. Great foundations such as the Carnegie Peace Fund should be enlisted and assisted in their efforts to end wars and bring about peace throughout the world.

In conclusion, I am convinced that the peoples of the earth not only are tired of war and of killing each other but also are more willing than ever to move positively to bring about the end of killings of humans by humans and the end of war. Obviously this cannot occur overnight but when killings and wars are ended, humankind can apply its resources in men and materials to the elimination of poverty and destitution and to the establishment of the more abundant life which is now possible.

HEROISM BY THE SOUTH VIETNAMESE

Mr. SCOTT. Mr. President, "Heroism at Anloc" was the title of yesterday's syndicated column by Joseph Alsop in the Washington Post. It detailed the valiant efforts put forth by the beleaguered and outnumbered South Vietnamese troops who, literally, are fighting for survival. Their heroism should be an inspiration to each of us at home.

Mr. Alsop makes many interesting points in his column, but the one that drives home so vividly the outstanding defenses that have been accomplished over these more than 43 days is the following:

> If American units had been defending the wretched little town of Anloc, the whole country would now be glowing with pride.

Alsop then cites the exceptional and spirited defense these troops have made against crack armored divisions. The doughty effort by our allies should be an indicator to those disbelievers and gloom painters that this remarkable defense of Anloc will lift the morale of all the forces. Alsop says:

> The story of Anloc's defense also illustrates the misleading incompleteness of the story of Hanoi's climatic offensive in South Vietnam, as that story is being told in this country.

Mr. President, all the facts apparently have not been presented. I suggest Americans do have the right to know what is going on in this miserable war so that they can have hope that our allies are fighting—and fighting well.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Heroism at Anloc

If American units had been defending the wretched little town of Anloc, the whole country would now be glowing with pride. Or at least those Americans would be glowing with pride who still admire grim courage for national ends; for the South Vietnamese defense of Anloc has been genuinely heroic.

The story of Anloc's defense also illustrates the misleading incompleteness of the story of Hanoi's climactic offensive in South Vietnam, as that story is now being told in this country. So it is probably just as well to begin at the beginning, which was COSVN's reason for ordering Anloc to be taken "at all costs."

The reason was the successful elimination of the native Vietcong by the pacification program. In the old days, the Vietcong would have been used to "prepare the battlefield" by building up all kinds of supply, providing guides and supporting units, and so on and on. In the old days, therefore, the crucial battle on the approaches to Saigon would have taken place much further forward. But now, there are almost no Vietcong.

Hence Anloc was chosen as the enemy's main target because it is at the back of beyond—a "province capital" with a population of 7,000, in a province that is almost empty of people. A road concealed under a tree canopy jungle also connects it with the Cambodian border, so an attack there could be supplied by truck.

The siege of Anloc began on April 7 with a ferocious artillery barrage followed by a tank-led infantry assault. At that time, the town was held by two regiments of one of ARVN's less admired divisions, the fifth, commanded by Brig. Gen. Le Van Hung.

The first assault came close to penetrating to the provincial headquarters, and actually reached the fringes of the fifth division command post. But for want of anything better, the ARVN troops (who included some very brave regional force companies) killed the tanks at almost point blank range with their bazooka-like anti-tank weapons. What remained of the enemy was then thrown out of town.

About 10 days later, this reporter flew over Anloc with the chief American officer in the area, the brave and picturesque Maj. Gen. James Hollingsworth. You could hear the coolly professional talk of the senior American adviser on the ground, Col. William Miller. But you could not see Anloc itself because of the never-lifting smoke of battle. By then, a brigade of South Vietnamese airborne troops had been lifted in to help the regiments of the fifth division. All the same, Gen. Hollingsworth said:

"They're taking real hell in there. I can't tell you whether they can hold."

One could understand Hollingsworth's doubts. The unit besieging Anloc was Hanoi's crack division in the South, the ninth. The ninth division was augmented with a entire regiment of T-54 tanks. The normal artillery was ferocious. Initially, too, the enemy's ninth division had some help from the enemy's fifth.

The Anloc perimeter was repeatedly penetrated. The tanks came into town again and again, only to be destroyed where they were. The American news agencies announced the fall of Anloc at least five times. But Anloc did not fall. Instead, by April 26th, Hanoi's once awe-inspiring ninth division had just about expended itself. The division commander was then allowed to pull his men out after a stinging reprimand from COSVN.

Hanoi's fifth division thereupon moved up. The fifth's commander, Col. Hai Bien, had boastfully promised to take Anloc in three days time. He tried hard, between May 10 and May 15. After the fifth North Vietnamese division also had been expended. It, too, had to be pulled back. Two whole enemy divisions had thus broken themselves in Anloc.

That leaves only one point to cover. The miserable little unfortified town has an area of perhaps three square kilometers. Even when there were no ground assaults, the enemy artillery continued—each day never less than a thousand rounds; in normal times, generally about two thousand rounds; and when an assault was coming, seven to eight thousand rounds. Often, it must have been like being on the receiving end of one of Marshal Zhukov's special barrages in the last big war.

All this time, too, there was no medical evacuation from Anloc. Yet when this reporter was on the scene, there were already a thousand wounded. So was this really "pitiful" and "craven," to quote one U.S. reporter on the subject of ARVN? And how many U.S. units would have held on as well as the South Vietnamese at Anloc?

NEW BUDGET BUREAU DIRECTOR INVITED TO TOUR RURAL AREAS IN ORDER TO UNDERSTAND THEIR NEEDS

Mr. TALMADGE. Mr. President, last Friday I sent a letter to the Honorable Caspar W. Weinberger, whom President Nixon has recently designated as the Director of the Office of Management and Budget.

In my letter, I asked Mr. Weinberger to tour some rural areas of Georgia with me so that he can get a better understanding of the needs of small-town America.

Just last week representatives of four small towns in my State met with me and officials of the Farmers Home Administration to determine what could be done to meet emergency situations that had developed in those towns insofar as water and sewer needs are concerned. Also present were Congressman Jack Brinkley and Dawson Mathis, who ably represent their districts.

The Farmers Home officials listened with sympathy and understanding, and although some means will be sought to assist these fine local officials, the basic problem is money.

I am naturally sympathetic with the needs of my own constituents. I am aware that the inadequate funding of Farmers Home water and sewer loans and grants is a major problem. I have learned that to meet existing needs throughout rural America, it would require the expenditure of $13 billion. This is a national problem.

But the administration has consistently seen fit not to fund even the amounts appropriated by this Congress. Clearly, the people who make the decisions at the Office of Management and Budget need to reexamine their priorities. While on the one hand the Environmental Protection Agency puts increasing pressure on local officials to clear up water pollution, the agency that has the power to help these small town mayors comply, the Farmers Home Administration, is continually strapped for funds.

We must either allow these towns to continue to pollute ground water supplies—which is obviously unthinkable—or we must give them the help they need to do the job.

Because I believe there is a reordering of budgetary priorities here, I have requested that Mr. Weinberger tour these four towns with me so that he can get a better understanding that the needs of these small town are emergency needs. Decent water and sewer facilities are essential if rural areas are to grow and prosper, but for many towns in our country, we are not talking about rural development. We are talking about survival.

If raw sewage regularly flowed in the gutters of Washington, D.C., if the Capital City went without water for 3 days, we would call this a major national tragedy. The press would publish it on page 1 throughout the land. But situations like these are occurring right now in the four towns of Georgetown, Talbotton, Lumpkin, and Richland in my State of Georgia, and it is occurring in hundreds of other small towns throughout rural America.

Congress has spoken on this matter many times in a positive way. Now I believe it is time for the people who control our Nation's purse strings to gain the same understanding that we in Congress have.

Mr. President, I ask unanimous consent that my letter to Mr. Weinberger be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

May 18, 1972.

Hon. Caspar W. Weinberger,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

Dear Mr. Weinberger: I wish to congratulate you on your appointment to the position as Director of the Office of Management and Budget. I know that you bring to your new position the same qualities of dedication that you have always exhibited and I know that you will exert every effort to make more efficient use of the taxpayer's dollar.

As you know, I have been extremely interested in obtaining a larger share of our federal budget for the development and revitalization of rural areas. You participated in discussions on my amendment to the Agricultural Act of 1970, an amendment which is known as Title IX, the Rural Development Title, of that Act. As you will recall, this title commits the Congress to a sound balance between rural and urban America. It states that the Congress considers this balance so essential to the peace, prosperity and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

Unfortunately, the commitment of Title IX has received no recognition in the Administration's budget. Not only has the Administration failed to request sufficient funds for rural development purposes for fiscal year 1973, it has impounded badly needed funds which Congress appropriated for rural development purposes for fiscal year 1972. There are a number of rural programs for which Congress appropriated badly needed funds, but which the Administration failed to release.

A striking example of these impoundments is the water and sewer grant program of the Farmers Home Administration. Congress appropriated $100 million for this program for fiscal 1972. The Administration has impounded $58 million of these funds. The $42 million of funds that were made available do not go very far when allocated to the states. My own state's allocation was only $1,211,000 for fiscal year 1972. All of this money has already been spent. The release of impounded funds would mean that Georgia's allocation would more than double.

This morning I met with representatives of four small towns in my state and the story they told was quite pathetic. All of these towns are very small. The city of Richland has only about 1,823 residents; the city of Georgetown has 863 residents; the city of Talbottom has 1,100 population; and the city of Lumpkin has a population of 1,500. All have extremely critical water and sewer needs.

The town of Lumpkin was forced to go without water for three days recently. The water supply continues to deteriorate and the city is faced with a real crisis. This town desperately needs a fifty percent grant from Farmers Home Administration. However, such a grant would total over $400,000, which is more than one-third of Georgia's total FHA allocation.

Another good example of desperate need is the city of Georgetown, Georgia. This town has a population of only 863 residents, but it does have a potential to grow. The town has lost an opportunity to get several new industries because of the lack of a good water and sewer system. The state health department has refused to allow the building of new federally subsidized housing because of inadequate sewage facilities.

Presently Senate and House conferees are working on important legislation designed to develop and revitalize rural America. However, the small towns that I am referring to are not just trying to develop—they are fighting for their very existence. The tax bases in these towns are extremely small. Some have a high percentage of aged and a high percentage of welfare recipients. In one town the conditions are so bad that sewage is actually running in open ditches.

It is extremely unfortunate that towns of this size receive little attention in our national press, in our national dialogue—and most importantly in national budgetary considerations. I believe that Congress means what it said when it passed Title IX. I believe that it is committed to a sound rural-urban balance. However, if the federal government feels that small towns such as Talbotton, Lumpkin, Richland, and Georgetown have no place in twentieth century America, it should say so. If it is going to continue to ignore the needs of these small towns and if it is so determined to let them die, then it should honestly say so.

However, I feel that if the people who make budgetary considerations in Washington really understand the problems of rural areas—if they understood the promise as well as the plight of rural America—they would be more receptive to providing adequate funds for rural development. Therefore, I would like to invite you, as the new Director of the Office of Management and Budget, to tour with me the four towns that I have mentioned. Hopefully, we can at a mutually convenient time take one day to examine the situation that exists in these four towns that need funds for water and sewer systems.

The towns I have mentioned have all submitted applications to the Farmers Home Administration. Some have been given false hope. Some have been led to believe that they will receive funds which are nonexistent. All are in desperate need of help.

I hope that you will apprise me of a time when it would be convenient for you to make such a tour.

With every good wish, I am
Sincerely,
Herman E. Talmadge.

FEDERAL URBAN RENEWAL PROGRAM

Mr. BROCK. Mr. President, the Secretary of Housing and Urban Development recently stated that the Federal urban renewal program is an ineffective drain on the taxpayers' pocketbook.

Our total failure to provide adequate remedies to combat the housing problems of inner city areas has brought us to yet another juncture. The question now is, Do we accept the advice of the so-called experts who annually come before the Congress and tell us to deepen the involvement of the Federal Government in housing by increasing subsidies, and taxes, to individuals and groups? Or do we seek other alternatives?

The next question, of course, is, While we are seeking the alternatives, do we continue programs proven to be ineffective and in many cases tend to compound the problems at hand? The effect of greater Federal involvement in urban renewal is to raise the already overinflated value of land in core city areas. By introducing this artificial factor to land costs, the Federal Government has created a Pandora's box where people search out blight areas, purchase the properties at low cost, and hold it until they sell it for urban renewal.

Who is to blame? Not the administrative agency; they only implemented the program. Not the Executive; he only signed the bill sent to him by Congress. Not Congress; they only responded to the expertise of "authorities" in the field of housing. In truth, all must share this responsibility. Certainly all the intentions were good, but the inner city areas and the American people come out the big losers by having had an ineffectual program foisted upon them under the guise of keeping our cities viable.

Mr. President, a recent newspaper account entitled "Romney Denounces Renewal" details some of the more unbelievable statistics of the urban renewal program. I ask unanimous consent that the article, written by Mr. Eugene Meyer, be printed in the Record at the conclusion of my remarks.

It is important to note that the urban renewal program purports to prevent the deterioration of the inner city, yet it creates more problems than it solves, places more and more Americans in a position where they are dependent on the Federal Government, and in fact has little redeeming value whatsoever.

Mr. President, we need something more than a demonstrated concern coupled with access to the taxpayers' bank account to resolve this dilemma. We must seek alternatives which address the fundamental questions and refrain from stopgap measures. Until we can do so, it is not fair to ask why are housing problems worse each year.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 18, 1972]

Romney Denounces Renewal

(By Eugene L. Meyer)

George Romney, secretary of Housing and Urban Development, has denounced the urban renewal program that his agency administers as a waste of the taxpayers' money and a factor in the decay, rather than the salvation, of inner cities.

Romney said urban renewal has been so unsuccessful that he is considering barring subsidized housing in the future in parts of 20 central cities, including Washington, on the grounds that they are not "reasonably viable or an area of acceptable risk." He said this in testimony before the House HUD Appropriations Subcommittee that was made available yesterday.

Romney offered no specific alternatives to urban renewal, but suggested it was time for the Congress, which approved the programs in 1949, to reexamine it closely.

His remarks came in response to questions about the April 9 edition of The Washington Post. The article reported that, under urban renewal, 54 modest, low-income town houses under construction in Shaw will cost the taxpayers $52,200 each, or $76,000 if debt service is included. HUD later placed the net figure at $53,254 per unit.

The town houses are the only low-income units planned in Shaw for individuals earning from $4,000 to families earning $9,800. Other projects planned or under construction there are primarily for families with incomes of from $6,000 to $12,000. Experience with subsidized housing nationwide has not been fortuitous, however, as many units have become vacant and vandalized.

Romney said the "key" question he is facing is whether to tell Washington and other major cities that "certain parts of the city are so dead and so bad that even (HUD) is going to abandon them, and we are not going to help in those areas of the city."

Romney added, "What I am saying is the conventional urban renewal program is not working in such areas. It doesn't make sense in such areas . . ."

Romney's proposed policy change could, in effect, result in HUD's subsidizing and insuring mortgages only in the suburbs or beyond the fringes of the inner cities. The government pursued this course in the 1950s and 1960s and was criticized for contributing to urban decay.

HUD's most recent site selection policy has been aimed at avoiding concentrations of minority groups. This policy, in effect since Feb. 7, generally gives preference in the allocation of housing subsidy funds to suburban locations.

Romney has repeatedly said that the "real city" is not defined by political boundaries but includes the suburbs as well as the inner core. He has maintained that inner city problems must be solved regionally, with a dispersal of the poor across entire metropolitan areas.

On the urban renewal program generally, the HUD chief told the subcommittee: "I think we are putting money into land purchased that is unwise. I think we are wasting money doing this. I think we are keeping up land values in these central city areas at a time when, if we permitted the land to find its natural values on the market-price basis, ultimately the land would be purchased at a much lower price.

"But what the federal government is doing with its urban renewal program and its housing programs to a considerable extent in these deteriorating areas of the central city is that we are holding up the level of prices and we are creating an artificially high market for such land and for such prices.

"But it is still what Congress has told us to do . . . It doesn't look very good when you see it in operation, but that is what it is."

Romney's testimony was his most outspoken public attack on the 23-year old urban renewal program.

He has been critical of federal housing programs but, until now, has said little about renewal itself. Under this program, the government designates a neighborhood as "blighted" and then purchases land at "fair market value" for resale at a substantial discount to redevelopers.

More than half the total cost of the town houses in Shaw was for acquisition of 2.33 acres of inner city land, the largest chunk of it zoned for light industrial use. Under renewal procedures, the "fair market value" established by two government-approved appraisers was paid the property owners. The price of two parcels was increased either after threat of court action or court action.

It was to these fundamental elements of urban renewal—land acquisition, fair market value, appraisals and "writedowns," the discount to redevelopers—that the House Subcommittee addressed itself. The testimony based on the Shaw town houses consumed parts of three days of hearings, two of them closed sessions, and 87 pages of printed text.

Romney appeared on Monday, April 10, the lead-off witness on HUD's budget request for fiscal year 1973. Three days later, Assistant Secretary Floyd Hyde testified on the town houses and sought to mute Romney's attack with a defense of urban renewal. The following Monday, Hyde appeared again with officials of the D.C. Redevelopment Land Agency, and together they defended the Shaw town houses.

This came after Romney told the Subcommittee that the Shaw town houses were being built in accord with present laws, but these laws needed congressional review.

"One of the things I think Congress should properly take a look at," Romney said, "is its policy with respect to the writedown of land values (for the redeveloper) included in the urban renewal concept . . .

". . . In this case, you are dealing with something that is going on in this country quite extensively. Now, if it is wrong, Congress ought to change the policy . . ."

Romney said he agreed with Rufus Lusk, Jr., publisher of a real estate directory here and quoted in the Post article, that the city's urban renewal agency was "taken brutally" in the price it paid for part of the Shaw property.

Romney said: "I think there are people who are identifying areas of blight and going out and picking up the property at low prices and holding it until they sell it for urban renewal at high prices . . . I think the intentions (of urban renewal) were wonderful, but the results are not."

Rep. J. Edward Roush (D-Ind.) expressed shock that the total cost to the public would be $76,000 per house: "I cannot believe Congress would ever approve that."

"That is what you did," Romney said, meaning that Congress had approved both the urban renewal and the low-income housing programs.

"I do not know of a single member here who would ever vote for a program wherein we were going to pay $76,000 per house for low-income housing," Roush said.

Romney said the cost to the public has been increased by the shift away from downtown and upper-income residential renewal to housing for poor families. Much of that housing has since been abandoned and come under HUD ownership through mortgage foreclosures.

Why, then, Romney was asked, did HUD approve the Shaw town house project?

"Because this was the result of the policies that had been in being, and because the character of this problem has become apparent gradually."

That is why, Romney said, he is considering barring subsidized housing from blighted inner cities. "A block like the one you were talking about there (Shaw)," he told the Subcommittee, "is not an area that is reasonably viable or an area of acceptable risk."

"I am telling you here today that I am taking a look at the question of whether I am going to tell 20 cities in this country, 'There are certain areas of your city we are not going to put any more money in because it will be wasted, because the social conditions and other conditions do not justify it.'

"The minute I do that, I can tell you what is going to happen. They are going to be down here on your backs asking you to get me to change that because I am dictating the death of certain of these central cities."

On Thursday, after Romney testified, Assistant Secretary Hyde defended the cost of the town houses within the context of the entire 680-acre Shaw urban renewal program. A former condemnation lawyer and mayor of Fresno, Calif., Hyde noted the average cost for the 591 housing units planned for Shaw was $26,265.

Hyde said the town house project was atypical of the program and he produced figures showing the per unit land cost of the town houses to be roughly twice that of several other Shaw projects.

On the town houses, Hyde said, "That cost is an investment to preserve a greater area. . . . We have to look at the building of communities."

RLA's acquisition of the property, Hyde said, was "not only proper and appropriate, but I think in the best interests of the program and the interests of the taxpayers."

Three days later, Rep. Robert N. Giaimo (D-Conn.) told Hyde, "I have been a defender of the redevelopment program, but I am beginning to think it is not working. . . . I'm not so sure that if we spent millions of dollars in that area, for example, in helping people to rehabilitate their existing homes, that we wouldn't be better off."

Giaimo was especially critical of RLA's purchase for the town houses of 1.2 acres at 14th and S Streets NW from Westminister Investing Corp. for $755,000, six years after the firm paid $398,260 for it. The property was one of 78 Westminister bought across the country at the time. The other town house locations are 11th and M and 11th and N Streets NW.

Giaimo said he thought the RLA or the public housing authority could have bought existing town houses for less. Hyde acknowledged this possibility, but argued that they would be at scattered locations. An urban renewal plan for an entire neighborhood created stability and justified the cost, Hyde said.

THE INTENT TO COMMIT GENOCIDE

Mr. PROXMIRE. Mr. President, critics of the Treaty for the Prevention and Punishment of Genocide argue that certain aspects of the treaty are ambiguous or unreasonable. They are particularly concerned with the differentiation between genocide and homicide. How can the Government determine whether the murder of one or two individuals represents the beginning of an assault on an entire ethnic, racial, religious, or national group?

The fine point of interpretation here focuses on the intent of the belligerent. If he intends to undertake a systematic attack on a particular group, in whole or in part, then his actions can be interpreted as acts of genocide. If, however, such attacks are directed toward individuals as individuals, without consideration or violent bias against the larger group to which the victims might belong, then the charge must be homicide and handled according to the laws of the land.

Intent is the crucial factor, and it must be proven if charges of genocide are made. As always, the burden of proof lies with the accuser and not with the accused. No international treaty can alter the age-old guarantee of innocence until proven guilty. Still, if a man commits violence against others with the expressed intent of harming a specific group of people, or even if he simply acts out such an intent without articulating his goal, the crime of genocide becomes apparent.

Needless to say, the slaughter of even one human being is just as reprehensible as the slaughter of two or three or more. Our horror may increase with the number of dead, but the insanity and inhumanity of the crime is evident with each individual death. Civilized nations have long had laws to outlaw murder. It is high time that these same nations joined together to outlaw the crime of mass murders as well. One law does not preempt the other. They are differentiated by the intentions of the transgressor and these intentions will determine the charge of homicide or genocide.

This aspect of the Genocide Convention is abundantly clear, as are most of the articles of the treaty. It is a humanitarian declaration which deserves our support; therefore, I urge the Senate to move for immediate ratification.

MICHELE McDONALD, BUTLER, PA., MISS U.S.A. FOR THE PAST YEAR

Mr. SCOTT. Mr. President, the Commonwealth of Pennsylvania has had the distinction of having one of its own young ladies serve as Miss U.S.A. for the past year. Michele McDonald, from Butler, has done an outstanding job in representing the Commonwealth and the Nation in her travels around the world. Her fresh and wholesome outlook on life should serve as an example to all the young people of Pennsylvania. I wish her much luck and success in the future.

CORPORATION FARMING

Mr. MONDALE. Mr. President, on March 28, 1972, the approximately 200 television stations in the Public Broadcasting Service—PBS—network carried the 1-hour program entitled "The Advocates." The question debated that night was: "Should large corporations be driven out of farming?" As is always the case, members of the viewing audience were invited to send in postcards showing how they would vote on the question. The result of this wholly voluntary balloting was:

Yes (81% plus)	4,111
No (18% minus)	899
Other (1% minus)	42
Total	5,052

The result of the balloting is of interest to all of us, but especially to the Senator from Wisconsin (Mr. NELSON) and the Senator from Oklahoma (Mr. HARRIS). In this Congress, Senator NELSON has introduced the Family Farming Act of 1972, frequently mentioned on the program, which would accomplish the result favored by a majority of viewers of "The Advocates," Senator HARRIS was one of the expert witnesses whose testimony helped the prevailing Advocate, Howard Miller, to win this overwhelming victory.

Senator NELSON's bill, S. 2828, will soon be the subject of hearings before the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary. Hearings on a companion House bill, H.R. 13740, have already begun before a House Judiciary Subcommittee. Chairman EMANUEL CELLER is presiding at the House subcommittee hearings, and the principal sponsor of the House bill is the Honorable JAMES ABOUREZK, of South Dakota.

Mr. President, as a cosponsor of Senator NELSON's bill, I wish to stress again the importance of this legislation which would allow continuation of the family farm, an institution which has done much to make our Nation great. I am looking forward to the Senate hearings on this legislation, and I urge all Senators to follow them closely.

Mr. President, I ask unanimous consent that the transcript of the March 28 session of the distinguished public television broadcast, "The Advocates," be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

SHOULD LARGE CORPORATIONS BE DRIVEN OUT OF FARMING?

Participants:

Advocate Howard Miller (pro); James Hightower, Director of the Agribusiness Accountability Project, Washington; Senator Fred Harris (D.-Okla.)

Advocate William Rusher (con); Russell Jeckel, Hog Farmer, Delavan, Illinois; Howard Marguleas, President of Agricultural Operations, Tenneco; Williard F. Williams, Professor, Texas Tech University.

Moderator: Michael Dukakis.

ANNOUNCER. Tonight, from Boston, The Advocates. (Applause.) Howard Miller, William Rusher and the moderator, Michael Dukakis. (Applause.)

DUKAKIS. Good evening and welcome to The Advocates. Every week at this time, we look at an important public issue in terms of a practical choice and we invite you to participate in the political process by listening to our debate and then sending us your votes. Tonight's issue concerns farming, and specifically our question is this: Should large corporations be driven out of farming? Advocate Howard Miller says "yes."

MILLER. Large financial conglomerates are farming rural America for a harvest of dollars and leaving behind them enormous human costs which we all pay for. With me tonight to urge that industrial companies get out of agriculture are Jim Hightower, Director of the Agribusiness Accountability Project, Washington, and United States Senator from Oklahoma, Fred Harris. (Applause.)

DUKAKIS. Advocate William Rusher says "no."

RUSHER. Tonight's proposal is an attempt to turn back the clock of American agriculture fifty years. It will drive up your food bill, increase your taxes and not even help the small farmers it pretends to protect. With me tonight to tell you why are Russell Jeckel, corn and hog farmer from Delavan, Illinois, Howard Margulas, President for Agricultural Operations at Tenneco and Professor Willard Williams of Texas Tech University. (Applause.)

DUKAKIS. Thank you, gentlemen. And now for some background on tonight's question. (Film).

DUKAKIS. The small farmer in America is an endangered species. In the last twenty years, two million family farmers have been driven off the land and Secretary of Agriculture, Earl Butz, predicts another million of the 2.9 million remaining will leave their farms in the next decade. The farmer, particularly the small farmer, is being squeezed out of business. Increased food prices have mostly benefited the middle man, not the farmer. While the basic price paid for farm produce has remained relatively stable, the cost of everything the farmer needs to raise that produce has increased dramatically. Farms have survived by becoming more efficient. Thirty years ago, the average farmer worked 167 acres of land, today the average farm has grown to almost 400 acres. In short, the process that sees fewer and fewer people in farming is a process that sees the land itself being concentrated in larger and larger holdings. Coincident with the decline of the small farm has been the emergence of a new agricultural institution—the giant diversified corporation with farms and non-farm holdings. Such agribusiness giants now account for a growing share of farm production in America. While that share is still relatively small, the impact of corporations able to control every aspect of food production from the field to the supermarket shelf has been profound. The cry of alarm that has arisen from the small farm in America has resulted in legislation now before Congress that would drive the diversified corporate giants out of farming. The legislation, introduced by Democratic Senator Gaylord Nelson of Wisconsin, is called the Family Farm Act of 1972. In the words of the act, it is designed to restore competition to the agricultural industry and to provide for the continuance of the family farm.

(End of film).

DUKAKIS. Specifically, the Family Farm Act of 1972 would require any individual or corporation that owned more than three million dollars of non-farm assets to divest itself of all of its agricultural holdings. It would prohibit certain contractual arrangements between individual farmers and farm processors and it would encourage individual farmers to market or sell their products through farmer cooperatives. Senator Nelson and others supporting the bill believe that it is an important and necessary first step in reversing American farm policy, particularly as it affects the family farmer. The bill is now in committee, but sponsors of the bill hope to have it on the floor for debate during this session of Congress. And now to the cases. Mr. Miller, why should large corporations be driven out of farming?

MILLER. The family farm, according to agricultural efficiency studies of the Department of Agriculture, is happily the most efficient farm in the country; the one to two man farm, no matter what it is—dairy, peaches, vegetables or anything else. That farm, agriculturally efficient, cannot compete against the non-farming industrial company that is today coming into agriculture. Pyrex growing strawberries ad Boeing potatoes. Why not? Because the non-agricultural company can use financial tax benefits that have nothing to do with agricultural efficiency. Tax write-offs, make little profit but hold on to the land for capital gains, bargain for volume discounts—what the small farm cannot do, and so the small farmer is threatened and the balance sheet of the large industrial company may, on occassion show a profit. But it's profit without value, because in its wake the large industrial company that drives small farmers out of business leaves behind human costs that are on no one's balance sheet—our system of accounting does not tell us how true the cost is when people must leave the farm, even though they're efficient, and move to cities. What's happened to Ellis Hail and Joe Weisshaar does not appear on any corporate balance sheet, but nevertheless, it is a human loss to all of us and to the United States.

(Film).

ANNOUNCER. Here in Arkansas, Ellis Hale tells us how he used to have a chicken farm but got driven out by the big corporations.

HALE. This is broiler house number one, over there is number two—number three and four was located down over the hill. We were putting out about a quarter of a million birds out of these buildings every year. Since 1962, we haven't grown one single solitary broiler. Not one chicken has come off this place since 1962. And the reason that no chickens have come off our farm since 1962 is because the big corporations blacklisted us, and were in conspiracy among themselves to stop a broiler growers organization that we were instrumental in forming. I think that the farmer is definitely the most exploited man in the country. And he's being exploited not only by the corporations, but he's being exploited by the Department of Agriculture. I didn't contribute to any political fund. I'm just an individual farmer and that's where the difference is. The corporations have the money, they have the power, they have the politicans. They have enough politicians bought and paid for that they can control the laws that are enacted and the administration of those laws.

ANNOUNCER. Up in Iowa, Joe Weisshaar can see that the big corporations are about to move into the hog raising area. He told us about the danger he sees.

WIESSHAAR. The way corporations are going to get into hog farming is . . . many of them start in this way now . . . They offer breeding stock to put out for shares or contract and at first you're not tied down to a contract of where you have to sell the product. This is going to come later. It's kind of a creeping thing and the contracts get tighter and tighter just like they did in the poultry industry. And after a while, you're going to be told where you have to market your products. You're going to be told what feed have to be fed if your contract's tied in with a feed company. And, in effect, what you're going to be is just a laborer for them. You're going to lose all your management decisions. They'll be made by someone else. I don"t see how corporations with hired labor can do as good a job as the family farmer who's willing to sacrifice all these things. He's using family labor, hours mean nothing to him. He's willing to make these sacrifices.

Announcer. Ellis Hale is one of millions of farmers who've been forced off the land in the past thirty years. That fact gives Joe Weisshaar a lot to think about.

(end of film)

Miller. That can happen all over the United States, and to tell us why we must try and stop it now, I've asked to join us tonight Jim Hightower. (applause)

Dukakis. Welcome to The Advocates, Mr. Hightower.

Miller. Jim Hightower is Director of the Agribusiness Accountability Project in Washington, D.C. Mr. Hightower, is there a threat to the family farmer today? What is it?

Hightower. Well, there certainly is. The threat essentially is, since about 1945 the rise of corporate power in rural America. Involved here are not just family corporations and minor corporations, but literally the corporate strength in America, the same giant conglomerates that sit on Wall Street in New York City, all across the country right across to Montgomery Street in San Francisco. I.T.T., for example, is involved, Boeing Aircraft is involved, Tenneco. Just the giant corporations, the conglomerates that are moving into agriculture. In addition to the conglomerates, there is an enormous rise in vertically integrated agribusinesses. Involved here are the giant processing corporations, the brand names that you find on your grocery store shelves. You can literally just go down a grocery store shelf and practically for every brand name there—Delmonte, Heinz, Campbell Soups, Swift—you can assume that most of those are vertically integrating production.

Miller. But don't those large companies bring efficiency to agriculture, or do they just bring the advantages of their money?

Hightower. Well, they do mostly bring the advantages of their money. Efficiency is a myth that has been perpetrated by agribusiness and by its apologists both in Congress and elsewhere. Efficiency is—for years we've had in this country a family farm system that produced food as efficiently as anybody can produce it. It produced good food and food at a relatively cheap price. Corporate efficiency can be more a matter of business than it is a matter of farming. Business and farming are two separate pursuits. A corporation like I.T.T. might be good at getting the telephone installed but it's not terribly good at getting farms.

Miller. What about this remedy that the bill suggests—having the large industrial companies divest themselves of their agricultural holding? Is that unusual for us in this country?

Hightower. No, it's not unusual at all. I think it's a very appropriate step at this time to take. Essentially, we're dealing with the Clayton Act which is the basic antitrust document in this country. When the Clayton Act was passed, agriculture was exempt and essentially what this bill does is just put agriculture back in there.

Dukakis. I think I'll have to break in at this point. Mr. Rusher has some questions to ask you Mr. Hightower and in the course of your answering them, would you tell us what it means to be a vertically integrated corporation?

Mr. Rusher. Would you do that briefly to begin with?

Hightower. Yes, vertically integrated corporations of agriculture simply means a non-farming corporation that is controlling production.

Rusher. Why doesn't it also mean a farming corporation that's controlling production? What is there about vertical integration that exclusively pertains to non-farming corporations?

Hightower. Well, it's the non-farming corporations that are vertically integrating backwards and forwards into the production of food. Now some farm corporations might move forward themselves——

Rusher. How about co-ops? There are a lot of co-ops that are vertically integrated aren't there?

Hightower. Co-ops, though, are only controlled by farmers.

Rusher. Yes, but they're monopolies in their field. Citrus juice co-ops control 70% of the American production of citrus juice. Why are they not mentioned in the Nelson bill?

Hightower. Because those are co-ops of farmers, those are producers, and not vertically integrated.

Rusher. A monopoly conducted by farmers themselves is good?

Hightower. Well they're not monopolies, the issue tonight is not co-op power, the issue tonight is corporate power.

Rusher. Well, the issue tonight is maybe comparing corporate and co-op power and why you exclude one from the bill and include the other.

Hightower. Well if you can show me a co-op that has the resources of I.T.T. then I think we'll be talking at the same level.

Rusher. I would have thought that Sunkist had plenty of resources——

Hightower. Not on the level of I.T.T.

Rusher. Oh well, come on, I.T.T. has the resources for what it does. Let's ask you this, the Nelson bill to begin with doesn't just apply to large corporations at all, does it?

Hightower. It applies to corporations with assets of over three million dollars.

Rusher. Not just to corporations does it?

Hightower. Persons, partnerships——

Rusher. Persons too.

Hightower. Corporations, conglomerates.

Rusher. Partnerships also. As well as corporations. In point of fact then, the Nielson bill is not aimed exclusively at large corporations at all, is it?

Hightower. It is aimed at persons, conglomerates, corporations, partnerships, with assets of more than three million dollars.

Rusher. A great deal more, yes. Suppose a large corporation, or a bigger individual farmer for that matter, does have advantages from the size of his operation, either efficiency advantages or simply, from size, getting credit, things like that, and suppose further that he does pass along his savings to the consumer in the form of lower prices? Are you saying or suggesting that we should pay higher prices to the small farmer in order to preserve the values of the small farm?

Hightower. No, I'm not saying that at all. I've said in my opening statement that efficiency is not a factor of bigness.

Rusher. Well, I'm coming to efficiency, but but assuming that there were an advantage to bigness, even just getting credit for example, as there sometimes is, should the consumer be willing to pay the higher price to the small farmer?

Hightower. There are values on the small farm that are worth preserving.

Rusher. That's what I was getting at. And you do feel that it would be appropriate to pay a slightly higher price in order to preserve those values?

Hightower. I'm not sure that we have to pay a slightly higher price to do that. I'm not willing to concede that you do have to pay a slightly higher price.

Rusher. If you're not willing to concede, well let's examine that question. If you don't want to concede that, you spoke and Mr. Miller did, of the larger operations not in fact being more efficient. But, in the broiler chicken industry which Mr. Miller's first farmer had been in which was shown to us on film, Ralph Nader's Task Force in 1971 reported that, thanks to the new technology, chickens used to cost in 1960 60¢ a pound, in 1970 the price was 42¢ a pound.

Hightower. The price, though, is a good deal more than 42¢ a pound. The price is also several thousand small farmers, like Mr. Hale in the south that are devastated.

Rusher. Now, that's what I'm asking you. Should we be paying higher prices for chickens in order for Mr. Hale to continue?

Hightower. But that the price has gone down is not a function of efficiency.

Rusher. Well, it certainly was sufficient to get Mr. Hale out of the business—the price——

Hightower. If that's the efficiency you're after——

Rusher. Well, it certainly is a human value of sorts isn't it? Isn't it a human value if we're able to pay 42¢ instead of 60¢ a pound for chicken.

Hightower. But you pay on April 15th as well as you pay at the supermarket.

Rusher. Exactly, and Mr. Hale is not on—as I understood it he has another business, he is not on welfare, so that isn't a question. He's probably paying taxes like the rest of us.

Tell me, can't the Sherman and the Clayton antitrust acts and the Federal Trade Act be used to prevent the kind of conspiracy and blacklisting that Mr. Hale accused, Mr. Hale, the farmer who had been in the chicken broiler business—he accused unnamed people there of conspiracies and blacklisting, why can't the acts that I have mentioned, Sherman, Clayton and Federal Trade Act be used to go after those people?

Hightower. I don't know why they haven't done it before, but the regulatory agencies generally have not been very effective and have certainly not been involved in agriculture. You take the F.T.C., which finally has filed an action against United Brands. But with two thousand farmers a week leaving the land, I don't think that the farmers of this country are going to be willing to wait.

Rusher. I don't know. Are you saying that people are not enforcing the laws—the laws would work if they were enforced?

Hightower. It sounds like it to me.

Rusher. You think they're going to enforce then the law that you want passed?

Hightower. I think that there will be actions under this law that are not now being taken. It's an emphasis, a focus that we need on the family farm system in the country.

Rusher. What about farmers who want to sign up with non-farm corporations like Tenneco?

Hightower. The bill does not prevent them.

Rusher. The bill does not prohibit them from signing up with Tenneco?

Hightower. Not at all.

Rusher. I think what you mean is that it does not prevent them from selling to Tenneco.

Hightower. It does not prevent them from selling——

Rusher. I said signing up with—actually becoming a part of the Tenneco operation. For example, Tenneco harvests the crops in large areas of California.

Hightower. Why should Tenneco be allowed to harvest the crops?

Rusher. Why shouldn't the farmer let them harvest them if he wants to?

Hightower. Because the farmer—because one farmer is not the issue, the issue is productivity and the entire agricultural economy. That's how Ralston Purina began, with one farmer. I think the lesson is in Ralston Purina.

Rusher. So that's the answer——

Dukakis. I think I have to break in at this point gentlemen. Thank you very much, Mr. Hightower, for being with us. (Applause.) Mr. Miller.

Miller. The bill prohibits an industrial concern from controlling agricultural production, whatever that involves. Prices of broilers fell. But there's no evidence that it fell because of Ralston Purina or other companies assumed ownership. We do know that Ralston Purina and other companies were found by the Department of Agriculture to have done that illegally, to have violated many acts in the process. In fact, the one family farm, the one or two man family farm *is* the most efficient in the country. Its productivity rose twice as fast as that of industrial concerns. The only reason larger companies can enter agriculture is because of the accidents of their financial and tax abilities. Nothing to do with agricultural efficiency. Let's protect agricultural efficiency and the human values of the family farm.

Dukakis. Thank you, Mr. Miller, we'll be coming back to you later for your rebuttal case, but now let's turn to Mr. Rusher to find out why large corporations should not be driven out of farming.

Rusher. Once upon a time, the small family farm was the perfect way to carry out agricultural production. In some cases, it still is. But in many others, the small farmers have had to incorporate and enlarge their own operations or band together in big co-operatives to process and market their products efficiently. In a few instances, corporations in other lines of business have thought it might be worth while to go into farming. From the seed to the consumer, so to speak. Using their capital and their marketing know-how to do what the average farmer could not reasonably be expected to do. Tonight's proposal pretends to concentrate on running those few large corporations out of farming, supposedly to help the small farms.

But the truth is that this bill would create chaos in a huge section of American agriculture, including all the most productive parts of it. And the irony is that it would still not do a blessed thing for the large part of American agriculture that really needs help—the 60% of American farms that make less than $1,700 a year. In short, the Nelson bill might be called the "Farm State Politicians Scapegoat Act of 1972." Let's hear first from an independent hog farmer who competes with corporations quite successful, Mr. Russel Jeckel. (applause)

(film)

Jeckel. Well, I was married during my last year at the University of Illinois and I graduated in vocational agriculture, and I came back to the farm in 1950. And at that time, the farm was a general farm. We had a number of different kinds of livestock, pigs and cows, milk cows, chickens, and so it became fairly obvious that if this farm was to support two families that we were going to have to specialize and raise a good deal of livestock. So we decided to go into the hog business and from that point, the farm has grown from a 135 acre rented farm to something over 500 acres now. We have title to this land, and we also have a pork production unit which is capable of producing in excess of 5,000 hogs per year.

(end of film)

Rusher. Mr. Jeckel has left the farm in the hands of his father and one assistant to be with us tonight. Mr. Jeckel. (applause)

Dukakis. Welcome to The Advocates, Mr. Jeckel.

Rusher. As I said before, Mr. Jeckel is a corn and hog farmer from Delavan, Illinois. Mr. Jeckel, your farm, as we saw, started rather small and has prospered. How did that come about?

Jeckel. Well, for the last two generations, almost two generations, it's being operated as a family enterprise. We've tried to adopt new and better methods and ideas as they've come along. We've taken the profits from the business and, along with borrowed money, put this back into the business to help it grow. We've tried to adopt efficient business management ideas and along with what we think is a good deal of enthusiasm and optimism and plain hard work, we've tried to make a real go of it.

Rusher. Mr. Jeckel, you saw Mr. Miller's hog farmer on film expressing his fear of the corporations moving in on hog farmers. How do you feel? Do you fear the competition of the corporations?

Rusher. Why not?

Jeckel. Well, we've seen some large corporations try to get into this business, especially our type of business, and very frankly, the management know-how is just not available and they seem to have all sorts of difficulties. It takes a good deal of experience to sort of put this know-how together.

Rusher. One last question. Would the Nelson bill, if it were passed, help you or hurt you?

Jeckel. No, I don't think it would hurt us too much. I can see maybe in the future that the possibility might exist, if we needed large amounts of capital, that some of the sources of capital would not be available to us.

Rusher. And I take it it would not help you, you feel?

Jeckel. Right.

Rusher. I have no further questions.

Dukakis. Mr. Miller has some questions for you, Mr. Jeckel.

Miller. Mr. Jeckel, you run a successful operation and you think there's value in the family farm in the United States?

Jeckel. Right.

Miller. A great value in it. And, I take it you agree with the Department of Agriculture reports which you told us that the family farm not only can be but is as efficient as a large corporate farm.

Jeckel. I think so.

Miller. Now, you talk about competing with the large corporate non-farming corporation. Now there are non-farming corporations that have entered agriculture not for the return from agriculture for example, but simply to hold on to the land and wait for capital appreciation. They don't care much about that immediate profit return. Do you think you could compete with such a corporation?

Jeckel. Sir, I've got to primarily tell you about my own experiences, and those that I've seen in cases where they've tried to get into our type of business where sizeable knowledge and where a lot of technology and know-how is needed, they just haven't been able to put this together.

Miller. We're going to hear from a subsequent witness who I think thinks large corporations can do very well. *The Farm Quarterly Journal* reports in 1969 that the size of corporations makes a real difference. It reports cases of up to a 10% discount for large industrial corporations in buying farm equipment when they order over a quarter of a million dollars or more. That is, the amount of the purchase gives them enormous discounts on farm equipment. That's true isn't it?

Jeckel. Well, I would think it would help, yes.

Miller. Would you think, Mr. Jeckel—a very interesting question that Mr. Rusher raised and I'm interested in your view of—suppose that large corporations could enter and, for whatever advantage, lower prices somewhat, let's not talk about the amount but a bit, do you think it's worth it for the country, because of the value of the family farm, the family farms that now exist, do you think it worth it for the country to preserve it because of the social values, because of preserving rural life, preserving the kind of life you lead?

Jeckel. I rather feel that it's the kind of efficient system that's going to evolve that's real important part of this thing and I'm not sure who's exactly going to get to do this, whether it's an individual, a corporation, the family farm, but I think that if we continue with a free enterprise system, as we would all hope that we would, the real efficient unit will prevail.

Miller. So it wouldn't bother you if large, even non-farming corporations that could get discounts on farm machinery, get lower rates on bank loans, get tax write-offs against non-farm profits, if those organizations came in and hurt family farmers, that wouldn't bother you?

Jeckel. Sir, the real measure is going to be whether they do an efficient job out on the farm. I think that the things you mention may be incidental.

Miller. But their tests of efficiency are quite different. I mean, they may have lower costs having nothing to do with farm efficiency because of their ability to get money, equipment and write-off against other profits. They may simply have a different balance sheet from you because they have lots of non-farm business. So, what's profit to them may not be profit to you.

Jeckel. But it's an interesting thing—we've not seen these things materialize and——

Miller. It's happened all over the south in the broiler industry, that's exactly what happened. The industrial concerns going in with the capacity to tie up farmers by selling them seed, tie them up on long-term contracts and simply because they didn't care. They had other profits so they could stand farm losses. How can you compete against the company that looks at losses differently? You have to make a profit to survive. A company that can write farm losses off against its profits—how can you compete against that?

Dukakis. Gentlemen, I'm sorry, but I have to interrupt and say thank you very much for being with us and keep the cost of pork chops down, would you please. Mr. Jeckel. Thank you. (applause) Mr. Rusher.

Rusher. Now, what about those farmers who have chosen to work with the so-called conglomerates? In Indio, California, the date capital of the United States, the date growers were in trouble. In 1969, they made a contract with H.M.T., a subsidiary of Tenneco, to buy, process and market their dates. Today, the date processing plant in Indio is in full swing. Sales are up, prospects are bright. Here is what date grower, Don Mitchell thinks of the new arrangement with H.M.T.

(Film).

Mitchell. H.M.T. has been in the date business for two years. The big carry-over that was breaking our backs is now gone. We do have a more hopeful picture of the future.

Announcer. You had a big inventory a couple of years ago before H.M.T. came in?

Mitchell. We had a carry-over that had accumulated over a number of years that we couldn't sell without giving it away, and the change has been very healthy.

Announcer. How has your income been affected by your relationship with them?

Mitchell. Well, there's been not an enormous increase but enough better so that I feel far happier about the future than I did before.

Announcer. Do you feel that they're competing with you in any way?

Mitchell. Well, they're selling my fruit, why should they compete with me?

Announcer. They're not buying date gardens or buying property?

Mitchell. No, but I don't think I'd object if they did if we got a fair deal from them.

Announcer. They're not putting anybody out of business or driving the family farmer off his land?

Mitchell. No, they've improved the picture here for the date growers. There's no question about that. (end of film)

Rusher. And now, let's hear from the chief executive of H. M. T., that very large corporation, Mr. Howard Marguleas. (applause)

Dukakis. Welcome to The Advocates, Mr. Marguleas.

Rusher. Now Mr. Marguleas, as I said, is President of H. M. T. which is the agricultural division of Tenneco. Mr. Marguleas, you are the president of a very large corporation engaged in agriculture. Does your operation represent a threat to the small farmers?

Marguleas. Not at all, in fact, just the opposite. We depend greatly on the small farmer. 80% of our sales of fresh fruits and vegetables are derived from small farmers and only 20% are derived from our own farmlands, so without the small farmer, we would find ourselves without a product and virtually out of business.

Rusher. What do you provide for them?

Marguleas. We provide a vehicle, in reality, to them or for them in order to market their crops. We provide marketing expertise, we provide advertising, promotions, we provide packing houses for them. If it were not for our providing this, the small farmer who has got twenty or forty acres would find himself in a position of frankly not knowing what to do with his products.

Rusher. I wanted to ask you, what if the Nelson bill became law and your corporation was forced out of the farming business altogether? What would happen to the farmers like Don Mitchell, the date grower from Indio?

Marguleas. I think Mr. Mitchell pretty well answered it, and I think there's plenty of Mr. Mitchells all over the State or California, in that not only would we be put out of business, I think that the small farmer, he too, would be put out of business because of the passage of the Nelson bill.

Rusher. Has Tenneco, to your knowledge, ever been accused of squeezing out a small farmer?

Marguleas. Frankly, Tenneco is accused of a lot of things every day and I would imagine that some of the accusations are part of driving the small farmer out of business, but to the best of my knowledge, this is untrue, completely so.

Rusher. In other words, to your knowledge, there has not been such a case.

Marguleas. None whatsoever, no.

Rusher. What benefits does Tenneco's operation provide for consumers, lastly?

Dukakis. This will have to be a very short answer.

Marguleas. We feel that the—our Sun Giant program which will be a national brand, quality control, high-flavored attempt on our part to distribute fresh fruits and vegetables throughout the United States, similar to what Delmonte is doing in the canned food area, we feel that this is going to be a real asset to the consumer and that we're going to make available to her high quality fresh fruits and vegetables.

Rusher. No further questions.

Dukakis. Thank you, Mr. Miller has some questions for you.

Miller. Mr. Marguleas, up until 1970, you weren't part of Tenneco, it was your own company.

Marguleas. Correct.

Miller. And you just became a member of Tenneco. And would you have been barred, if you were not part of Tenneco? Does your operation require more than three million dollars in nonfarm assets?

Marguleas. In non-farm assets?

Miller. Yes.

Marguleas. No.

Miller. No, so that just as you were doing before 1970, you would simply not be a part of Tenneco, you would continue to do everything—

Marguleas. Except, Mr. Miller, one point and that is that we would only be about 10% as effective as I think we are today, because we need the capital with which to advertise and to promote and distribute, and without Tenneco and without the resources behind us, we wouldn't be able to do what we are doing for Mr. Mitchell on his dates.

Miller. Well let's see if that's true. The bill says you can't control production. You don't have to control date production to advertise it and sell it throughout the United States. Throughout this country there are dozens of companies that buy and sell, as wholesalers—you don't need to control the date production do you?

Marguleas. True, but, by the same token, we provide many other services other than just sales and promotion to him.

Miller. But you don't need to control the date production to do what you do. You do it very well and you have no need to control the date production.

Marguleas. Well, we feel we're doing a more effective job for Mr. Mitchell by controlling it for him.

Miller. Do you control it? Do you have to control it? That's what I'm asking you, do you have to control it?

Marguleas. Control? What do you mean by control?

Miller. Well, tell me what you do. What do you have to do? Everything that you have told me is permitted. Buying from him, advertising, selling, as long as you don't control the production.

Marghleas. Right. Well, along with dates, we harvest his crop for instance and harvest the crop of many others. We provide the equipment and machinery and tools with which to do it.

Miller. He could do that himself.

Marguleas. No, the ten acre grower, I'm sorry, he couldn't do it.

Miller. He could form a cooperative and do that.

Marguleas. He had a co-op and the co-op went broke, that's why we're there now.

Miller. Before you did his selling for him, of course. But you could make an arrangement with him.

Marguleas. I don't know, all I know is prior to our entry into it, the co-op was bankrupt and they asked us to come in and I think we've saved the industry.

Miller. I think you've done very well and I think you could do well with Nelson bill and I congratulate you.

Marguleas. Thank you.

Miller. You do more than market, Tenneco also owns land, doesn't it?

Marguleas. Yes, we do.

Miller. It owns lots of land.

Marguleas. Yes, we do.

Mieeer. It owns 130,000 acres?

Marguleas. Approximately 100,000 acres in Kern County—

Miller. In Kern County and San Joaquin Valley?

Marguleas. Yes.

Miller. And you've recently sold some also?

Marguleas. Yes, we've just recently sold a substantial amount of acres.

Miller. There's a real difference in the San Joaquin Valley between towns that are near large landholdings and small landholdings, aren't there? Are you familiar with the classic study of two towns in the valley, the town of Arvin and the town of Dinuba and the impact of being near a large or small holding?

Marguleas. You mean of Dinuba?

Miller. Yes. And that the study found that Dinuba which was near the small towns had twice as many retail stores, twice as large retail sales. Whereas in the large landholding town two thirds were employed as farm laborers and in the small town only one-third. Their social costs, the question I'm getting to, do your balance sheets reflect the cost you put on a community near your landholding?

Marguleas. No, but our balance sheets also reflect that we spend over twelve million dollars in two plants in Bakersfield alone to take care of small growers' products and we're employing in excess of twelve hundred people. That without the infusion of our capital there, these people would be without a job.

Miller. No, no. The contrasting study, because that was the purpose of the Arvin-Dinuba study, the classic study of towns near small landholdings, near large landholdings, the purpose was that the towns near small landholdings were economically healthier, provided more retail trade, had more self-employed people than the towns near large landholdings. Now that impact on the towns near you, you don't really care about it.

Marguleas. Well, they are near us, both of them.

Miller. Yes, both of them are near you.

Marguleas. Right. We do care.

Miller. You do care?

Marguleas. Certainly we care.

Miller. And if there were small landholdings, if you didn't own 100,000 acres, if those were broken up, perhaps even as the reclamation act might require, into twenty acre parcels, perhaps all those towns would be healthier.

Marguleas. Oh, I think that's just a supposition on your part.

Dukakis. On that note we'll have to end it. Thank you very much, Mr. Marguleas.

Marguleas. Thank you very much. (applause)

Dukakis. Mr. Rusher, another witness.

Rusher. Now let's hear a view of this from the standpoint of agricultural economics. I call upon Professor Willard Williams. (applause)

Dukakis. Welcome to The Advocates, Professor Williams.

Rusher. Professor Williams is Professor of Agricultural Economics at Texas Tech University in Lubbock, I believe.

Williams. Yes.

Rusher. Professor, we've heard a lot about the threat of giant corporations to the small farmer. Just how serious is it?

Williams. In my view it's unadulterated exaggeration that is designed to take the attention off the real problems that are faced in agriculture today.

Rusher. I take it there are real problems in American agriculture.

Williams. There are and there have been for a half century or more. These have nothing to do with corporations today.

Rusher. What are those problems?

Williams. The matter of substantial improvements in technology over the years, the absolute demand to have larger farmers and fewer farms. This was coming regardless of the issues here today. These are the problems that are affecting the giants today as well as the small ones. The matter of highly varying prices, the matter of persistently low returns to resources invested in agriculture, the need for a great deal more capital.

Rusher. Now, suppose the Nelson bill were passed. Would it help this situation in any serious way?

Williams. In fact, I agree with you, it would cause chaos in a great part of the agriculture that I know about. We have a great many large-scale partnerships, individuals who own more than three million dollars outside agriculture—these are some of the white hope we have for agriculture that perhaps will be able to cause it to survive under the low price food policy of the government today.

Rusher. And the affect of the Nelson bill would then be what with respect to the farming?

Williams. Well, it would disrupt the structure, the organization of a good part of agriculture, and cause sort of a caste system to develop in agriculture. You would be saying to agriculture, you must stay there, you can't be anything else.

Rusher. But, don't giant corporations drive out the small farmer, as Mr. Miller and his witnesses have suggested?

Williams. No, in more cases than otherwise—and this is widely recognized by the farm papers and by producers—they are helping producers more than otherwise and some of the larger ones are investing in large acreage in, let's say, northern Florida, that need to be drained, have heavy capital investments, in the desert areas of California, in eastern Oregon, areas that need enough capital that no individual farmer can possibly afford.

DUKAKIS. Mr. Williams, I'm going to have to break in and let Mr. Miller ask you some searching questions on these subjects. Mr. Miller.

Mr. MILLER. Professor Williams, as an agricultural economist, do you think there is a value for the country in preserving the family farm?

WILLIAMS. Well, we've always had the argument about what the value of a family farm is. I know a family farm that owns three million dollars.

MILLER. No, well, you know what we're talking about.

WILLIAMS. Yes, I do——

MILLER. It's a hot debate in agricultural policy.

WILLIAMS. If you're talking about the family farm of the 1920's, it's gone——

MILLER. No. I'm talking about the family farm that exists today, the 400-acre, one- or two-man farm.

WILLIAMS. What is the family farm today?

MILLER. What *is* the family farm today?

WILLIAMS. Yes.

MILLER. Let me give you the size that it's gone to—380, 400 acres——

WILLIAMS. That is a mid-west farm. I know many family farms in the mid-west, grain farmers that are three or four or five thousand acres. I know some in Texas that are several hundred sections.

MILLER. You know what I'm asking you and I'd like the answer. The question is, given the average size farm that exists, that's farmed by one family—the kind of farm that Mr. Hale had, the kind of farm that Mr. Weisshaar had, the kind of farm that Mr. Jeckel has—is there a virtue to the country in having policies trying to preserve that family farmer?

WILLIAMS. I grew up on such a farm and I was told what prices I would pay and I was told what prices I would receive and I was told by the bank how we would live and I moved out of agriculture because I didn't want that kind of freedom.

MILLER. I have to just ask you the question again—just have to ask you the question again. Is the kind of farm that Mr. Jeckel has and that we've heard about worth preserving, assuming that there are a great many more like him and there are?

WILLIAMS. If you agree that if we permit him to grow and develop to the kind of industrialized and commercialized agriculture that we must have to fit your supermarkets, to fit your consumer requirements, to fit the kind of society we've developed today, then I agree with you. But if you do not, that is if you're saying let's keep him the same size he is or let's keep these small farmers out here struggling and living the same way I've seen a great many live——

MILLER. Oh, but you know no one's saying that, that's not what the bill says and——

WILLIAMS. Yes I do, it's my business to know.

MILLER. Of course you know no one's saying that. Do you agree with the Department of Agriculture that the most efficient farming unit in the country generally is the one to two man farm?

WILLIAMS. This is changing very rapidly. A one to two man farm can operate several thousand acres.

MILLER. I know that but that's what the studies conclude, isn't it.

WILLIAMS. I know many that own elevators, that own feed lots. We have multi-million dollar feed lots operated by families.

MILLER. What is the virtue then of permitting non-farming corporations who have to have assets of over three million dollars, after all, to come in the Nelson bill, what's the virtue of permitting them to farm?

WILLIAMS. The virtue is this, that the big problem of agriculture is acquiring enough capital in some way or other to survive. In no area of the country is the average size farm equal to the optimum, to the size that can operate efficiently. They've always been behind.

MILLER. We can help the farms acquire capital, can't we?

WILLIAMS. And the big corporations have been able to help, in many instances, farmers develop the kind of capital, by drilling the wells, by developing the land, by putting in the drainage and many of them have then turned the land over to farmers to use.

MILLER. Yes, and there's no other way the capital could be acquired?

WILLIAMS. They've had a big problem. They have had the government trying to help for fifty years now.

MILLER. Very succesesfully. I mean farm productivity is much greater in terms of rise in industrial productivity.

WILLIAMS. We haven't solved these problems where we get thirty dollar hogs one year and sixteen dollar hogs the next.

MILLER. How do you——

DUKAKIS. Gentlemen, I have to interrupt. Professor Williams, thanks for being with us. (applause) Mr. Rusher.

RUSHER. It isn't altogether clear, but if I understand what Mr. Miller is probing at, he seems to be saying that because there is a certain virtue or mystique in the family farm as he imagines it—as Professor Williams said, about fifty years ago—that there should be some sort of subsidy by the government or by someone to keep it there. I don't think that the farmers of America themselves want that. I think they're too individualistic to ask it.

DUKAKIS. Thank you, Mr. Rusher and now let's return to Mr. Miller for his rebuttal argument in favor of driving large corporations out of farming.

MILLER. There's no need for a subsidy, though I think if one were required to preserve the family farm and the kind of advantages and the towns surrounding the family farms, it would be worth paying. There's no need for a subsidy because the one to two man farm *is* the most efficient farm. What's happening is that others that simply know how to manage money better are affecting it. And it's justified in the name of competition. But for the father of United States Senator, Fred Harris, it's not competition, it's a stacked deck.

(film)

ANNOUNCER. From Oklahoma, the father of Senator Harris talks about his smalll farm and what the big corporations are doing to him.

HARRIS, SR. Well I think they're cutting us plum out because the big corporations can operate cheaper than the little farmer can operate. Just like your chain stores, your big chain stores, can buy—they can sell groceries cheaper than the little operations. And that's what your big corporations are doing, they're cutting the little guys plum out. We can't live on what we're doing. Well, they can take the volume of business and they can make money out of it, but look at the poor people they're cutting plum out. Well, what I'm trying to get at now is that I think that every man was created equal and if you give him a chance to do what he wants to do I think every man has got enough pride in all to want to do it by himself. And he don't want nobody to tell him how to do it, he needs to be smart enough to do it himself. But the big corporations that think well, hell, he can't make it and we'll just help him make it, we'll give him two dollars a day or three dollars a day and we'll run it and we'll make the damn money. And that's the way it looks to me and I don't want nobody to tell me how to do it or when to do it. I'm too old for that, I'm sixty-four years old, I've always made my own living, I've never been on relief, I've never drawn no commodities, don't have no education, and I think if you give people a chance they will do the same thing. I'm no smarter than anybody else. I just try to make my own living. I've lived on this place all my life. When I was raised up, there was a family owned every quarter of the land there was in this country and everybody was happy and everybody was making a living. They didn't have a lot of money but they was all living, they was happy. There was a family on every quarter. Now then, there's a family on about every eight or ten miles. (end of film)

MILLER. We have with us Mr. Harris' son, United States Senator Fred Harris. (applause)

DUKAKIS. Welcome to the Advocates, Senator Harris. If anybody who has been watching us has been counting, I think this is your third appearance in as many months and we really appreciate your coming to us again and sharing your thoughts and concerns in these issues with us.

HARRIS. Thank you Mr. Dukakis.

MILLER. Senator Harris, is it in the natural order of things that industrial companies get into agriculture, that Ralston Purina grow chickens and Dow grows lettuce and Pyrex grow strawberries?

HARRIS. No, it's really unnatural. They're not more efficient at farming. They're more efficient at harvesting from us, the federal taxpayers, with tax subsidies and labor law subsidies, irrigation water law subsidies. Even college agricultural economists help them out sometimes with federal money.

MILLER. We've talked about the effect on rural America, but when farmers leave the land and come to the cities, does that have an effect on urban America as well?

HARRIS. Yes, I served on the Kerner Commission as you probably know, which made that study of the cities back in 1967. And one of the things we found was absolutely true, that if you to continue to have, as we do now, 800,000 people a year coming on into these cities, you simply can't catch up with what are already insoluble problems.

MILLER. Is there a virtue in farming or in any place else simply in being bigger? Is that something we ought to promote?

HARRIS. No, I think that generally you'd say that bigness is bad if it's for private profit and if it means that you're exploiting labor, if it means that you get control of markets so that you can drive up prices. I think by and large that's what's happened and I don't think that's good in America.

MILLER. Tell us about the affect on the country. I've spoken about the Arvin-Dinuba study—is there a value in preserving the family farm and the country that surrounds it, the community?

HARRIS. Yes. Thomas Jefferson thought so. And a lot of other smart people have felt that our kind of democracy probably thrives better where people can be small enough, are in a small enough community to belong to things, to have organizations, to have smaller retailers, to have churches, and so forth. The Arvin-Dinuba study is just a landmark study and it shows in California one town with a big corporation owning nearly everything and one with a lot of small farmers. There was twice as many political and social organizations and so forth in the place where there were small farmers. I think that's good for America.

MILLER. What should our national policy be? Should we encourage large companies to take over or should we really be promoting other things in rural America?

DUKAKIS. A very short answer to this, Senator.

HARRIS. We should stop subsidizing their take-over of agriculture.

MILLER. Thank you, Senator.

Dukakis. Your old friend, Mr. Rusher is going to ask you some questions.

Rusher. Senator, am I correct in believing that from 1954 to 1969 under Section 22, the State Constitution of Oklahoma, corporations were prohibited from farming in the State of Oklahoma?

Harris. Yes, but it is my impression, though I haven't been in the Attorney General's office or anything, that that was not a self executing provision in our law.

Rusher. No, but it was however, the uniform interpretation. Then, in 1969, the court ruled that they could farm, is that correct?

Harris. I'm not familiar with the exact details of it, but by and large——

Rusher. By and large that will be true?

Harris. No, well, I don't know whether that's true. I was just going to say, Oklahoma, North Dakota and Kansas, I think rightly, said a long time ago that corporate agriculture is bad. We haven't enforced that as well as we ought to though.

Rusher. Well, what I'm getting at is how could your old pappy tell us about his small farm and what the big corporations did to it and how they're just driving the little fellows plum out of it, if corporations were not even permitted under the State Constitution of Oklahoma?

Harris. Well, that's exactly what *is* happening. For example, in vertical integration——

Rusher. Was it just the thought of them that drove him out of it or——

Harris. No, the vertical integration of the livestock industry, for example, has not been prohibited. It isn't under the Kansas anticorporate law. So, you're getting a lot of oil companies, for example, now getting into huge livestock production operations which ought to be prohibited in my view.

Rusher. Mr. Miller seems to think that the Nelson bill, if passed into law, wouldn't affect Tenneco's operations. Do you agree? And do you approve?

Harris. Well, why are you against it if it doesn't, then?

Rusher. I'm not sure that I consider Tenneco what I am here to defend. I am here to defend higher values. But tell me, Mr. Miller went through quite an elaborate elocution to prove that Tenneco wouldn't be put out of the farming business. Do you think it should be?

Harris. No, I think he was asking——

Rusher. Are you for Tenneco being in its farming operations?

Harris. I'm strongly opposed to that. I think that's really bad for America. Terrible for California too.

Rusher. Don't you think Senator Nelson ought to re-draft his bill to include something about that?

Harris. Well I think it already applies to them, and if he doesn't——

Rusher. Do you disagree with Mr. Miller about the interpretation?

Harris. No, and I think Mr. Miller doesn't take any different position from what I do.

Rusher. Well, maybe not. I don't know. It seemed to me he did.

Harris. Your man from Tenneco you brought on as a witness should be in favor of the Nelson bill. I took it he was against it.

Rusher. He is, but he's fascinated by Mr. Miller's interpretation that it doesn't apply to him.

Dukakis. Mr. Rusher, let me break in for a second. Senator, nobody has mentioned farm laborers here and it's my impression that Cesar Chavez and his people have had an easier time organizing big farmers, big corporate farmers, than small farmers. They can get collective bargaining with them much more easily. Now you're a man who's concerned about farm labor, isn't one argument for big corporate farms that the farm laborer can be treated better because he can bargain collectively with him?

Harris. No, I don't think that's so. First of all, the biggest part of corporate agriculture is totally unorganized and wildly opposed to being organized. But if you're a small grower, you're worried about having to compete with all these big subsidies that these corporations get and so you don't want to be organized as one more disadvantage as against those big corporations. If we could break them up, then I think it would be easier for everybody to be organized, and I'm for them being organized and for a minimum wage in agriculture across the board, small or large.

Rusher. I might add that if Senator Harris is on The Advocates much more, we'll have to get him a card in AFTRA so that he can be organized too. Senator tell me, back to efficiency, I have here a report of the United States Department of Agriculture's Economics Research Survey dated November 1971 entitled *Midwestern Corn Farms*, with which I assume you might be to some degree familiar. It says in the abstract at the top of it: "Rates of return on investment are greater for the large operations because of economies of size."

Harris. Are you arguing with the United States Department of Agriculture?

Rusher. Are you?

Harris. No. And your agricultural economist, as I understood, said yes, the USDA is right. At least he didn't disagree with it as far as the present situation.

Rusher. I don't think he said the USDA was right in this, I don't think he said that the USDA was right in saying that small farms were necessarily as efficient. What about the statement? "Rates of return on investment are greater for the large operations because of economies of size." Is that right or wrong?

Harris. Show me the balance sheet, but you cannot deny that one or two——

Rusher. Well come on! (laughter)

Harris. —one or two family farms, one or two man farms, according to the USDA, you surely don't discount that source, are just as efficient as the larger farms.

Rusher. Far from discounting that source, I am holding its report in my hand and trying to get you to agree with it.

Harris. Well, you're trying to pick up an isolated example.

Rusher. An isolated example like midwest corn farms?

Harris. Well that certainly is an isolated example.

Rusher. I see.

Harris. Do you disagree with the USDA's figures for——

Rusher. I agree exactly with what they have said. Tell me, should we favor corner grocery stores over supermarkets?

Harris. In what capacity, in what way?

Rusher. In any capacity.

Harris. We ought not to subsidize——

Rusher. Do they have a value—do they have a value to preserve? Isn't it in the interest, really of all the people in the United States, including in the very long run the little old corner grocer who is running a small operation, that we should eventually get more efficient larger operations?

Harris. Listen, if the little one is driven out, like they are in agriculture, by tax subsidies, labor law subsidies, irrigation water law subsidies——

Rusher. Aside from that.

Harris. —and are in violation of antitrust.

Rusher. I'm talking about the value.

Harris. Well, you're not either. The antitrust laws are being violated and they ought to be enforced. I would just want to make those antitrust laws available in agriculture.

Rusher. Why aren't they available now?

Harris. Well, they're not, the law doesn't allow it. That's what we're trying to do.

Rusher. What do you mean, it doesn't allow it?

Harris. That's what the whole argument is about.

Rusher. The Sherman Antitrust Act and the Clayton Act don't exclude farming by any means.

Harris. Why, they certainly do.

Rusher. Where and when?

Harris. When the Clayton Act, which is the basic act, was written——

Rusher. The Sherman Act is the basic act.

Harris. Well, talk about the Clayton Act because that's what the Nelson bill goes to. It applies in industry, it ought to apply in agriculture.

Rusher. Yes, so what about the Sherman Act? Why can't the laws we have be used?

Harris. Well, if you like the laws, what's the matter with the Nelson law?

Rusher. Because we don't need it. It's going to hurt all sorts of people in an attempt to reap vengeance on a few large corporations, it's going to hurt an awful lot of small people.

Harris. Yes, obviously that's where I and my dad, who's a farmer, disagree with you and others——

Rusher. I'm not worried about him as long as that Constitution of the State of Oklahoma stays there and keeps them at it. You suggest——

Harris. I would enforce the Constitution of Oklahoma.

Rusher. Well, why don't you. I think that's not a bad idea. Do you mear to tell me that unenforced corporations drove your dad to these straits that he told us about?

Harris. It's a big part of it, that's true. All around America, that's exactly right.

Rusher. You suggested——

Harris. And they're getting all these big farm subsidies and tax subsidies to do it.

Rusher. You suggested, at one point, that farming should be made attractive to keep people from moving to our crowded cities.

Harris. Exactly.

Rusher. Wouldn't it be more sensible to make it attractive for business and industry, light industries appropriately, to move out into what is now strictly rural territory and so thin out the ghettos just a little bit? Isn't that the appropriate direction rather than subsidizing some kind of a green rural Arcadia where people will stay and therefore not——

Dukakis. Senator Harris, I can't, I can't——

Harris. You're subsidizing a take-over——

Dukakis. I can't let you answer that question. It's nice to know where you get that accent. Obviously it was from your dad. Thanks very much for being on The Advocates again. (applause) Mr. Miller, you have one minute to summarize your case.

Miller. The case of Tenneco is instructive, because it does different things. It owns 130,000 acres of land in the San Joaquin Valley and its large landholdings contribute to a more depressed economic pattern for all the towns around these large landholdings. It would have to sell those landholdings under the bill. It could however, like any other corporation, buy produce and sell it and market it and advertise it. The bill doesn't stop that. What the bill goes to is the effect on rural America, the harmful effect of the large landholdings, subsidized not because they are more efficient, not like the supermarket that drives the corner grocery store out of business, that is on a level of competition, but because the large corporations work on a different balance sheet. They can afford losses, they get the tax write-off. Let's have genuine competition based on what agriculture can do.

Dukakis. Thank you, Mr. Miller. Mr. Rusher, you too have one minute to summarize your case.

Rusher. To hear Mr. Miller talk, you would think that tonight's proposal will chase Wall Street out of farming, reduce tensions in our cities and transform rural America into a bucolic landscape of small, green, family farms. But the real affect of this bill, as

Professor Williams pointed out, would be to create havoc among thousands of partnerships and similar enterprizes which, by no stretch of the imagination can be called giant conglomerates, but which produce two thirds of America's food. And even driving out the few conglomerates would only force farmers like Don Mitchell, the date farmer who you saw earlier who works with the conglomerates, back to uneconomic methods. Ultimately into bankruptcy. Is that progress? Wouldn't it be far better for Mr. Miller and Senator Nelson and Senator Harris to devote their talents to helping to train or relocate the 60% of America's farmers who earn less than $1,700 a year. Perhaps there are votes to be had by blaming the ills of American agriculture on the larger operations that inevitably accompany progress. But in the long run, everybody pays for such demagoguery. The taxpayer, the consumer and even the small farmer himself. I urge you to vote no on tonight's question.

Dukakis. Thank you, gentlemen. And now it's time for you at home to act and to express your views on tonight's question. And it's important that you do so because Senators and Congressmen and others who are in government have told us how closely they follow THE ADVOCATES and particularly THE ADVOCATES poll. Those opinions that you, our viewers send in. Over half a million letters have been received since THE ADVOCATES poll first started two and a half years ago. So, write us. THE ADVOCATES, Box 1972, Boston 02134. And, as week in and week out THE ADVOCATES debate questions calling for action by the people who represent us in government, it is a way for you at home to register your views on what America should be doing and to know that these views will be counted and that the results will be passed on to the people who represent you in Washington. So, we urge you to write for the common good that results when a government knows how the citizens feel about the vital issues of the day. Yes or no—what do you think? The question on which you'll be voting: Should large corporations be driven out of farming? Remember that address: THE ADVOCATES, Box 1972, Boston 02134. Recently, THE ADVOCATES debated the question: Should the states raise all public school funds and distribute them equally? Of the more than 2,700 viewers across the country who sent us their votes, 1,562 or 57% were in favor of the proposal, and 1,151 or 42% were opposed. 24 expressed other views. And now, let's look ahead to next week.

(Film.)

Announcer. The sale of sex is estimated to be a two and a half billion dollar a year business. It is viewed by many as not only a tragedy, but an affront to any decent society. Some sociologists, however, feel that while prostitution may be both degrading and exploitive, it is, at worst, a victimless crime and law enforcement could better spend its time and energies in combatting more serious problems of violence and robbery, as well as white collar embezzlement and government corruption. Should prostitution be legalized? A question next time for THE ADVOCATES.

Dukakis. Thanks to our advocates and to our witnesses. I'm Michael Dukakis. Please join us again next week at the same time. Thank you and goodnight. (applause)

CONSUMERS MISLED ON FARM COSTS

Mr. CURTIS. Mr. President, in recent months the agricultural interests of our country have been grossly maligned. One of the most outstanding cases was that conducted by Esther Peterson in behalf of Giant Food Stores. Because the off-the-farm costs in reference to many foods are unreasonably high, these deceivers attempt to mislead the consumers. Mr. Lacey Fosburgh has written an article, entitled "High Meat Prices Laid to Rackets," which was published in the New York Times of May 9, 1972. Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

High Meat Prices Laid to Rackets

(By Lacey Fosburgh)

The infiltration of organized crime into key positions in the New York City meat industry has artificially inflated the retail prices for fresh meat in supermarkets by 15 per cent, according to information developed by the Manhattan District Attorney's Office and other law-enforcement agencies here and in Washington.

Consumers buying meat in the New York-New Jersey area, they say, are putting at least a million dollars a week directly into the coffers of organized crime.

YEARS OF COLLUSION ALLEGED

Racketeers—both in the industry and in the unions that service it—have reportedly been in collusion for at least two years "systematically" extorting "week by week, month by month," as one source put it, "vast sums of money" from the supermarket chains and the wholesale suppliers.

"This is the price they pay to stay in business," another source said, "the price of labor peace."

This picture of extortion, bribery and the ultimate victimization of the consumer emerged from a series of interviews in the last few weeks with Federal and state law-enforcement officials, members of a Congressional subcommittee investigating the meat industry and experts on organized crime in general.

Possible collusion between key figures in the industry and the unions—principally Local 174 of the Amalgamated Meat Cutters and Butchers Workmen's Union—has been the focus of an investigation by the Manhattan District Attorney's office for more than a year.

Several weeks ago a grand jury was convened to hear evidence on such crimes as extortion, coercion, grand larceny, bribe receiving by labor officials and commercial bribery.

Through the years racketeers have gained control periodically of various branches of the food industry, such as trucking operations, and have been implicated in crimes involving processed and kosher meats. The sources generally agreed, however, that the system operating in New York now was far more pervasive.

Sources have disclosed that the daily operation is rather straightforward. Representatives of both the retail and wholesale outfits are approached by racketeers who make it clear that unless they inflate their prices and hand over the extra money, their companies will no longer be able to stay in business because of severe labor troubles.

'THEY'RE BUYING PROTECTION'

"It's really very scary," said one Federal source. "They're threatened, and they pay off. They have to, I suppose. They're buying protection."

Representative John Melcher, Democrat of Montana, whose House Subcommittee on Livestock and Grain has been looking into the meat industry for more than a year, said:

"The activity of organized crime in meat sales in New York is much broader than anything uncovered before. We're talking about quarters and sides of meat, vast volumes of beef sold every day of the week. We're talking about a drain from the consumers that runs into over a million a week."

Alfred J. Scott, the Chief Assistant District Attorney for New York County, and Assistant District Attorney Franklyn Snitow are in charge of the investigation, here, but they have refused to comment on the case.

The key question disturbing most officials aware of the dimensions of the problem is precisely how much the consumer is being affected. Virtually all sources questioned said New York prices were inflated approximately 15 per cent.

They said they had arrived at the 15 per cent average in two ways. In the first place, they said, the evidence uncovered by the Manhattan prosecutors and various Federal agencies—with the use of electronic surveillance, informants and cooperative witnesses—indicates that the racketeers' take ranges from 2 to 3 cents a pound on some items to as much as 30 or 35 on others.

Secondly, the point to the consistent discrepancy in meat prices here and in Chicago where, according to the Bureau of Labor Statistics, during the last year virtually all meat sold was 30 to 60 cents a pound cheaper than here.

As Representative Melcher put it: "It's out of whack." A study of both cities, he said, shows that they have comparable costs for transportation and distribution and that wages are lower here than in Chicago.

"There's no logical reason for such a discrepancy," he said. "Somebody is getting a big bite of it somewhere."

The year-long investigation by the Manhattan District Attorney's office came to light about a month ago, when Mr. Snitow appeared in State Supreme Court to ask that Herbert Newman, president of Transworld Fabricators, a meat brokerage concern at 40 Gransevoort Street, be ordered to testify before the grand jury.

Several principals in the company had close contact in the past with organized-crime figures, and individuals indirectly associated with the *concern* are among the targets of the District Attorney's inquiry.

LINKS TO ORGANIZED CRIME

One of the leading credit-clearing houses for the food industry, Market Services, Inc., lists Sol Steinman as its vice president. A source there described him as the brother of Moe Steinman, who is the director of labor relations for Daitch-Shopwell.

Moe Steinman was a key witness at the State Commission of Investigation's 1969 hearings into the infiltration of organized crime into legitimate business. He admitted during the hearings that he had a close social relationship with John Dioguardi, who is known as Johnny Dio and is described by law-enforcement officials as a captain in the crime-syndicate family operated by the late Thomas Luchese.

In addition Mr. Newman, who has been given immunity to testify before the grand jury, and Mr. Steinman were formerly the owners of another meat-brokerage concern, Kaylo Associates of 408 West 14th Street.

In 1969, however, according to sources in the meat industry, ownership of Kaylo was transferred, for unknown reasons, to Charles Anselmo, a man described by officials as a major loanshark with strong organized-crime connections. In 1966 he was convicted here on a number of charges involving conspiracy, extortion and bribery in the meat industry and was sentenced to 18 months in prison.

PROBLEMS OF THE ENVIRONMENT

Mr. BENTSEN. Mr. President, I am sure we are all well aware of our Nation's concern over problems of the environment. One of the most crucial dilemmas facing our Nation at the present time is the growing conflict over meeting ever-increasing energy needs, while at the same time protecting the environment and conserving our precious natural resources. The Nation faces an energy crisis which has been compounded by our environmental concern.

Looking into the future, our society's energy demands are expected to double by the mid-1980's. This means our Nation must not only improve its ability to meet present energy needs, but must also develop new means which can supplement our needs in the future. Yet, these energy needs must be recounciled to the delicate balance of our environment. This is where the dilemma ties, and where our concern should be directed.

We must continue our present course of developing rigid standards for curbing the pollution of our environment, yet we must not lose sight of certain economic priorities which are necessary for the continued growth and development of our Nation.

I ask unanimous consent to have printed in the Record a speech delivered recently by M. Frederik Smith to the conference board's meeting on energy and public policy in New York City which outlines this national problem. Mr. Smith, an associate of Laurance S. Rockefeller and consultant to the Rockefeller family, has been widely recognized for over 40 years for his work in the related fields of conservation and outdoor recreation.

Mr. Smith's remarks reveal a clear understanding of our Nation's energy-environment problems.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Problems of the Environment

(By M. Frederik Smith)

In the entire environmental phenomenon, nothing provides so effective a rallying point as the production and use of energy.

In any widespread movement, a villain is an essential requirement—and here is a handy-dandy, ready-made, prepackaged concentration of villains. The energy producers spill oil on beaches and kill ducks. They lay pipelines that threaten ecology and disturb wildlife. They frighten the universe with wayward atoms that might get out of hand. They pollute the air, heat the waters, massacre fish, and clutter the landscape. They attempt to build new generating plants that will encourage more factories and thereby increase pollution. They don't supply enough power to prevent brownouts, and occasionally cause blackouts. Those poor souls involved in energy production are the World's Champion Universal Villains: they can't be right for being wrong, and everything they do becomes a propagandized crime against the public interest.

Somewhere along the line we need far less rhetoric, not so many dramatic accusations, a vacation from headlines, and fewer lawsuits in which the plaintiffs have no responsibility for the ultimate impact of their actions. Instead, we could use more hard-headed analysis that would reveal the dangers of simplistic, instant solutions. Sooner or later a few homely but essential truths need to be surfaced.

Somehow the public must come to recognize that we can't develop or grow—or even stay where we are—without a reasonable increase in energy resources. Development and growth may not be an essential objective of the Republic, but the Republic cannot continue to exist without enough economic growth to generate the increasing funds necessary to keep the show on the road. Whether or not to curb growth is far from an academic question.

This is particularly true in the case of electrical energy, because that's the only kind we can produce expeditiously where we want it when we want it in necessary quantities. If one of our basic needs is to disperse industry in an effort to decentralize population—and it is—we need first to disperse power availability, and this means new systems and growth of existing systems. We will need more power in more places.

Community and industrial pollution have serious consequences, and practical solutions are necessary. There are two possible approaches: one is to eliminate industries and communities; the other is to apply new power-devouring equipment to reduce pollution or dispose of the spoil. Only a handful of extremists with stars in their eyes and little else in their heads would suggest the first alternative, so we are left with the second. I said this in a conference once, and a little man in the second row jumped up and said my trouble was that I didn't have a population policy. That of course is a third alternative: get rid of people. But even zero population growth would take a couple of generations to produce effective results, and I doubt that anyone really wants to spend two generations in the dark, tottering on the edge of economic disaster.

We have a problem, and it is a humdinger. There is an irreducible, inescapable need for reasonable growth—which translates into power production—and we must find ways to reconcile supplying this need with the undeniably fragile aspects of the environment. It cannot be done with rhetoric or political incantations. We simply have to get down to cases:

1) We must all agree that protection of the environment is a commanding consideration in virtually all the plans we make in the public and private sectors. It is an unavoidable factor in all social and economic accounting. I think all but a few unreconstructed industrial rebels—fortunately a vanishing race—are agreed on that.

2) There are three variables that need to be balanced if the essential job is to be done effectively and with all due dispatch: these variables are time, money, and the degree of purity that must be achieved both in the short term and over a longer period of time. It makes no cost-benefit sense to launch a crash program designed to meet an unnecessary degree of purity too fast, even if all social and ethical affects are fully accounted for in the benefit end of the equation.

3) Searching for a greater quality of life does not start and stop with treating dirty water, unpolluting air, stopping annoying noise, or preserving wildlife, landscape and green space; it also involves economic stability, the capacity of poor people to escape poverty, the restoration of personal independence and pride, the availability of employment, the capacity to buy and own material things, and the fiscal viability of cities. History proves beyond question that the availability of economical power, of energy, is the source from which all these other blessings flow. Sabotage power, and you sabotage the future.

So what do we do about it? We stop confusing ultimate, idealistic objectives with means to a desirable end Federal administrators and officials—and those in states, too, for that matter—must stop seeking notoriety and inviting editorial kudos by espousing impossible immediate standards of purity wrapped in rhetorical emperor's clothes. They'd better roll up their sleeves and get to the point: what is really necessary, how fast, and how can a feasible, workable system be set up to achieve the essential ends? This of course calls for constructive thinking and planning before governmental edicts are pronounced or appropriations called for, and governments so far have displayed no talent for that. Somehow cost-benefit analysis, realistic planning and sound organization must be injected into the democratic system if that system is to survive and we are to achieve anything of importance.

Everybody—in Abe Lincoln's' concept of everybody being smarter than anybody—must raise a voice above the din of the simplistic vocal minority; because about how far, how fast, at what cost, than the anybodies being nourished so lavishly by the controversy-hungry media.

And there is evidence that the Everybodies are beginning at last to be heard.

We are over the hump. The time has come to get on with the job.

NATIONAL AGRICULTURAL INSTITUTE TOUR "OPERATION FACT"

Mr. FANNIN. Mr. President, on April 18, 1972, the National Agricultural Institute, an organization headquartered here in Washington, devoted to the goal of presenting agriculture's true story to the American public, launched an 11 day tour under the theme "Operation Fact."

The tour team was composed of four farmers: John Barringer, a cattleman from Tennessee; Gene Moos, a wheat-grower from Washington; Thurman Gaskill, a soybean-hog farmer from Iowa; and Jack Francis, a cotton producer from Peoria, Ariz.

These four men visited with consumer groups, students, housewives, and media representatives in Washington, Chicago, Seattle, Houston, Atlanta, Boston, and New York.

Such a program has been needed for many years and I am encouraged by reports I have received on the results of "Operation Fact." I also know that Senator Curtis from Nebraska and Representative George Mahon of Texas were instrumental in organizing and encouraging this group, and I want to extend my compliments and contratulations to them as well as to Secretary of Agriculture Earl Butz, who participated in the Washington kickoff press conference on Operation Fact.

I feel that Senators will be most interested in the results of the tour as well as some of the information gathered by the four farmers who made the trip.

For that reason, I ask unanimous consent to have printed in the Record a statement by my good friend and fellow Arizonian, Jack Francis, which sets forth his impressions of the 11-day trip. Jack is a longtime agricultural leader from my home State. He has been active in many agricultural organizations, both on the State and national levels. He is regarded by all who know him as an intelligent, progressive, forthright spokesman for American and Arizona agriculture. In presenting his statement which appeared in the May issue of the National Agricultural Institute's Newsletter entitled, "Agriculture, USA," I want to commend Jack and his colleagues for taking on such a job and for carrying it out in the manner in which they did.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Never Prejudge the Public

I've never had that lesson hammered home more clearly than during 11 days of talking with housewives, students, consumer spokesmen and media representatives all across the country.

The consumer's attitudes toward the farmer must be pretty fuzzy—maybe even downright antagonistic. That's how I felt at the outset: uncertain, not knowing what to expect, resigned to the seemingly inevitable confrontation. I had prejudged the public and I'm glad to say, to a quite erroneous degree.

Consumers are much more accessible and willing to listen and much less hostile and antagonistic than I had expected. They are interested; they want to hear what we have to say; and they are more than willing to give American agriculture a fair hearing.

But does that mean all goes well for the farmer in megalopolis? Hardly; it merely means that there is much more potential for genuine, effective communication than many of us had dared to realize. We still have problems; the encouraging thing is that our problems have satisfactory and workable solutions. We can help the public become more accurately and completely informed about American agriculture.

How do we go about it? In my opinion, while consumers do have a generally favorable attitude toward farmers, they do not have enough information about agriculture. They seem generally unaware of what agriculture contributes to the economy of the United States, which really gives them very little direct incentive for wanting that contribution continued.

Because of consumer concern about food prices, there seems to be an increasing tendency to pin the blame on someone. That approach, of course, implies that someone is guilty of making exorbitant profits—which runs contrary to most available evidence. This approach—if permitted to gain sufficient momentum—would divert tremendous public attention and energy away from the more responsible approach of improving the system.

And finally, consumers are perplexed about farm programs. Generally they see the programs as a misguided form of welfare for people who don't need welfare. If the programs serve their intended purpose of contributing toward economic stability, then they need to be explained and debated in that context. Then it becomes possible—just possible—for the consumer to change his view.

His mind is not closed. That, after all, is the real lesson about prejudging the public; it's up to us to do the convincing.

VISION SCREENING OF CHILDREN AND YOUTH

Mr. MONDALE. Mr. President, I ask unanimous consent to have printed in the Record materials concerning the importance of vision screening for children and youth.

The first document, entitled "Why the Need for Early and Periodic Screening, Diagnosis, and Treatment of Individuals Under 21," is a statement prepared by the American Optometric Association. This professional organization developed the statement in response to the recent decision of the Committee on Finance to postpone and dilute implementation of the "early and periodic screening" program under medicaid. The AOA statement outlines clearly the possible effects of undiagnosed visual defects upon the school performance as well as the health of a child. The statement further notes that late detection of visual disabilities is particularly harmful to youngsters who come from disadvantaged families—the same group which the "early screening" program is designed to aid.

Following the AOA statement, I ask unanimous consent to have printed in the Record a series of excerpts from "Vision Screening of Children," a publication of the Public Health Service of the U.S. Department of Health, Education, and Welfare. This publication too notes that:

> Visual defects are reported to occur more frequently among children . . . of low socioeconomic levels.

It points out also that—

> All children should be tested periodically, regardless of whether signs of possible visual problems are present or not, and that it is important to provide adequate followup of children referred for diagnosis.

This information is being placed in the Record in support of my previously announced intention to attempt to reverse the restrictive actions of the Finance Committee on this important program. Specifically, the committee voted to postpone full implementation of the program by 2 years—to July 1, 1975—and not to require all States to provide certain services within the program. Children in as many as 18 States, for example, could be deprived of eyeglasses they need if the Finance Committee's action is allowed to stand.

There being no objection, the items were ordered to be printed in the Record, as follows:

Why the Need for Early and Periodic Screening Diagnosis and Treatment of Individuals Under 21

Good vision is critical to the intellectual and social development of our children and should be given a high priority in any child development program. Vision is at the heart of the learning process and any impairment of this precious resource can seriously impede a child's learning and maturation process.

Because reading is the primary educational skill, it is estimated that over 80% of all learning takes place through the visual process, resulting in a direct relationship between reading skills and adequate vision. Yet, millions of children suffer from child related visual defects such as binocular visual impairment, amblyopia or lazy eye blindness, strabismus or cross vision, and unsatisfactory muscle coordination all of which, if undetected and untreated, have an adverse effect upon his reading skills and, consequently, his educational development.

Proper binocular vision is especially critical for the achievement, of a child's maximum reading potential. Yet, thousands of children, even those with so-called "perfect vision" of 20/20 visual acuity, have not learned to maintain binocular visual performance so as to make effective use of the impulse signaled by the eyes to the brain. This impairment, according to a study by the *U.S. Public Health Service* in 1965, affects 7.4% of the American children at age 6 and grows to 17.2% at age 11.

Another child related visual defect is amblyopia or what is commonly known as "lazy eye blindness." This visual defect which is a result many times of nutritional deficiencies and is therefore prevalent in economically and socially deprived areas, leads to a general dimming of vision in the child. Unfortunately, it occurs without any external manifestation so, unless a child's behavior is radically affected, it usually is undetected until it reaches an advanced stage. An article in the *American Journal of Public Health* in 1965 estimated that amblyopia may affect 6% of the American children, with the majority affected being of pre-school age.

These particular disorders, along with strabismus and unsatisfactory muscle coordination do not necessarily have to result in the tragedy of impeding a child's educational and social development. All of these visual disorders, if detected early, can very often be corrected or at least ameliorated by the techniques and devices of modern visual science.

Vision care practitioners, such as optometrists, have long pioneered in the area of learning theory as it relates to visual disorders and from this long involvement has developed techniques and instruments to treat these damaging defects.

The tragedy, then, of child visual disorders and their consequent effect upon learning and development, lies not in the fact that they can be detected and corrected, but in the fact that, for thousands of our children, such disorders go undetected, particularly in children of pre-school and early school ages and especially in children from economically and socially deprived circumstances. Although this tragedy is an individual one for the particular child suffering from a visual disorder and stunted development, it is easily translated into a larger social tragedy when these children experience the frustrations of impeded intellectual and emotional development.

For the child or youth hampered with a vision problem which adversely affects his ability to read or learn becomes, quite naturally, frustrated, and more often than not, he vents this frustration on his teachers, school, parents, community and general society. It is not coincidental that up to 80% of delinquents and semi-delinquents studied by the White House Conference on Juvenile Delinquency had learning difficulties, especially in reading, and poor vision was found to be a contributing labor in 50% of these cases.

Nor is it coincidental that the same White House Conference found that inner-city ghetto children appear to have a much higher—in some cases almost twice as high—incidence of learning disabilities, perceptual difficulties, and developmental visual problems than do the more advantaged children in other parts of the city.

Clearly, the dimensions of childhood visual disorders should represent a challenge to all of us. If it is so acceptable to state that every American has a right to adequate health care, then it should be acceptable to state that every American child has a right to the unimpeded attainment of his educational potential, and, where anything interferes with this attainment, a child should have a right to services which can correct such interferences.

Importance of Vision Screening

Impaired vision in children can seriously impede learning and contribute to the development of emotional and behavior problems. If vision defects are discovered and treated early, however, serious impairment and its consequences can often be prevented, In recent years a considerable amount of knowledge has accumulated on vision problems and their early detection through vision screening. This report summarizes the main principles, problems, and methods in vision screening and briefly reviews the estimated prevalance of eye problems among children.

Unlike adults, children with impaired vision are often unaware of their handicap and so do not complain or seek help. It is up to the adults responsible for their health care and supervision to uncover these problems. Ideally, each child should have a professional eye examination in infancy and at regular intervals thereafter throughout childhood. But lack of public awareness of the value of such examinations, insufficient trained personnel, and the high cost of professional care are some reasons why this goal is more ideal than practical.

Vision screening is less satisfactory but it will identify children who are in need of professional eye care. Screening of preschool children is especially important because amblyopia ("lazy-eye blindness"), which is reported to occur in 1–6 percent of children can often be prevented if the condition is detected and treated in the first years of life.

Screening activities have expanded considerably, particularly in regard to preschool children, for whom there was little screening being done a few years ago. Vision screening in the Head Start projects, for example, means many more thousands of children are being reached (about 650,000 children were in Head Start in 1968, of whom most were screened for visual acuity). Preschool screening programs that are reported to the National Society for Prevention of Blindness have been growing rapidly (from 86 projects screening 52,500 children in 1963–64 to 289 projects screening 156,000 children in 1965–66). Nevertheless, in relation to the total 3- to 6-year-old population, it would appear that only a small fraction is being screened.

Vision tests should be a part of the periodic physical examination, and vision screening should be incorporated into any program undertaking the total health care of children. Vision screening should also be conducted in those places where children can be reached as captive groups, such as day care centers, nursery schools, and elementary and high schools.

When vision screening programs are established in a community, every effort should be made to call the public's attention to their existence and to encourage their use. It is also important that the difference between a professional eye examination and a vision screening test be explained to the parents of children tested. Parents should be instructed to seek professional help whenever they have any doubt about their children's vision, regardless of how recently the child has had a vision screening test with normal results.

Prevalence and Types of Vision Problems

A survey by Crane et al. in St. Louis found that 27 percent of the school children had eye problems which required treatment or observation. On the basis of this study, the Children's Bureau estimated that, in 1960, 10,200,000 children between 5–17 years of age had eye conditions requiring special care. The number projected for 1970 is 12,500,000.

The prevalence of visual problems among preschool children is more difficult to determine, for there has been no entirely satisfactory means of screening children in this age group, and what constitutes normal vision in the preschool years has remained to some extent a controversial subject. The rate of referrals from various screen programs among preschool children ranges from 1 to 30 percent.

Of the 156,252 preschool children who were screened during July 1965—June 1966 in projects reported to the National Society for the Prevention of Blindness, more than 8,700, or about 5.5 percent, were referred for professional eye care. Analysis of the results of professional examinations of the children referred from 109 projects revealed that 75 percent of those examined were in need of eye care, giving a defect rate of 29 per 1,000 screened. Of the children for whom a specific abnormal condition was reported, refractive errors were diagnosed in 87 percent, muscle imbalance in 22 percent, and amblyopia in 11 percent. Since these findings are based on incomplete reporting of results, they probably underestimate the proportion of preschool children with visual problems. The rapidly expanding vision screening programs for preschool children should result in better knowledge about vision in this age group.

Visual problems are more prevalent among older children than among younger children. In the St. Louis study, 31 percent of the sixth grade students required eye care or observation, while only 23 percent of the first grade students needed such attention. In the Orinda (Calif.) study visual problems were found in 18 percent of the children between 5 and 7 years of age and in 31 percent of the 13-15-year-old-group. Partially seeing children, defined as those with a visual acuity of 20/70 or less in the better eye after the best correction possible, are estimated to number 1 in 500 in both the preschool and school-age groups. Children who are legally blind (defined as visual acuity of 20/200 or less in the better eye after correction, or acuity better than 20/200 but visual field in the better eye restricted to less than 20 degrees in the widest diameter) number about 1 in 8,000 in the preschool group and 1 in 1,400 in the school-age group.

The two major correctable visual defects among preschool and school age children in the United States are refractive errors and muscle imbalance, both of which are considered causative factors of amblyopia. In the St. Louis study, refractive errors were found in 20.5 percent of the children examined (hypermetropia, hypermetropic astigmatism or both in 12.3 percent, and myopia or myopic astigmatism or both in 8.2 percent), and muscle imbalance in 4.4 percent.

Visual defects are reported to occur more frequently among children with mental retardation, cerebral palsy, or hearing loss, and among children of low socioeconomic levels. Fletcher et al. reported that 76 percent of 102 mentally retarded children who were given a complete eye examination had abnormal findings. The rate of referral in a vision screening program conducted by the Michigan Health Department among a group of mentally retarded children was three times that found among regular classroom children. In a group of 98 children with cerebral palsy, age 4 to 10 years, Schachat et al. found that 68 percent had either an ocular defect or a refractive error, or both. Suchman reported that 58 percent of a group of 103 children with impaired hearing had some visual abnormality. Of considerable significance is the fact that although 90 percent of the visual defects found in this group of children were considered correctable by the authors, 87 percent were not even partially corrected. A study conducted by the Michigan Health Department indicated that children from low socioeconomic areas have twice as many visual defects as children from high socioeconomic areas.

Defective color vision, which is hereditary in most cases, occurs with much greater frequency among boys than girls in the general population. The reported prevalence varies considerably among the surveys. According to "Services for Children with Eye Problems" published by the American Public Health Association, about 8 percent of boys and one-half of 1 percent of girls in the average school population have evidence of defective color vision. Higher and lower figures have been quoted by other sources. Color blindness varies with race; for example, red-and-green blindness is reported by Pickford to be more frequent among whites than among Negroes.

Until recently the prevalence of color blindness and the male-female ratio of cases were thought to be the same for the mentally retarded as for the general population. Studies now indicate a substantially higher prevalence in the retarded and a nearly even male-female ratio among the cases. It is possible, however, that the higher rate found among the retarded derives from their difficulty in comprehending the test and in following the directions, and further studies are needed of this question.

Basic Principles of Vision Screening Programs

PURPOSE AND SCOPE

The main purpose of a vision screening program is to identify children who are in need of special eye care and to refer them for diagnosis and therapy.

Although it is not included in the definition of screening per se and not discussed here in detail, a referral system through which children who are found to require eye care can be properly channeled should be included in all vision screening programs. Of equal importance is a followup system to ensure that recommendations made for children who need eye care are carried out. Followup will also indicate the efficiency of the screening procedures in terms of the number of over-referrals and under-referrals. A vision screening program which does not include referral and followup procedures cannot be considered complete, for without them much of the effort directed at screening will be wasted.

Vision screening procedures should thus be regarded only as part of an overall program, the ultimate aim of which is the provision of complete diagnostic and therapeutic eye care services for those who need them.

COMPONENTS OF SCREENING

Vision screening should consist of two parts: screening by clinical history and screening by vision test or tests.

CLINICAL HISTORY

A carefully taken history will often provide invaluable clues to the diagnosis of visual problems in children. The Michigan Health Department reported that half of the preschool children who failed its vision screening tests had either a family history of eye disease or clinical signs or symptoms suggestive of eye problems. Yet clinical history is sometimes overlooked as part of a screening program. While histories taken by trained personnel may be more accurate, where this is not feasible questionnaires may be distributed to parents to be answered before vision screening tests are conducted.

Clinical histories which include any of the following circumstances would classify a child as high risk: (1) family history of visual defects such as defective color vision, refractive errors, strabismus, and congenital cataract, of inborn errors of metabolism like diabetes, galactosemia, lipidoses, albinism, and retinoblastoma; (2) a history during pregnancy of the mother of rubella, toxoplasmosis, syphillis, or taxemia; (3) birth history of prolonged or difficult labor or low birth weight; (4) difficulties in the neonatal period, particularly respiratory difficulty which required prolonged oxygen therapy; and (5) evidence of mental retardation, deafness, or cerebral palsy.

Complaints such as frequent headaches, dizziness, sensitivity to light, and blurred vision, or actual signs such as crossed eyes, eyes turned out, constant rapid movements of the eyes (nystagmus), red, swollen, or encrusted eyelids, watery eyes or discharges, haziness in the pupils, etc., should of course be given professional attention.

Certain types of behavior are suggestive of visual problems: holding books unusually close to or far from the eyes while reading, frequent blinking, squinting, or rubbing of the eyes, abnormal head tilting or turning inattention in blackboard, wall-chart or map lessons, poor alignment in written work, unusual choice of colors in art work, confusion of certain letters of the alphabet in reading such as o's and a's, e's and c's, b's and h's, n's and r's, inability or reluctance to participate in games requiring distance vision or visual accuracy, irritability when doing close work, or difficulty in doing work which requires visual accuracy, etc. Teacher observations are often valuable and should be included in the history as available.

Vision testing

Theoretically, many components of the visual sense should be tested—central visual acuity (distance and near), peripheral vision, binocular vision, color sense, etc. However, procedures which cover numerous visual components are too time consuming and complicated to be practical for mass application. Many authorities agree that a test for central distance visual acuity is the single most important test of visual ability in children. Programs based on this test have identified more children in need of eye care than those based on any other vision test. This test and a clinical history should be considered the basic *minimum* procedures in any screening program. Whenever possible, tests for accommodative ability, muscle balance, and color vision should also be given. It should be noted, however, that tests of accommodative ability are considered by some to be not very useful for the early years of childhood, when almost all children have great powers of accommodation and are characteristically still somewhat hyperopic. The investigators in the Orinda study concluded that the Modified Clinical Technique was the most accurate means of screening. However, this technique consists of a battery of tests ("visual acuity, objective estimate of refractive error by means of skiametry and lens bar with motion-picture cartoon for fixation, cover test far and near, observation and internal examination for pathology and anomalies is indicated") that must be administered by professional examiners.

To be applicable as a screening procedure, a vision test should be relatively simple so that it can be reliably administered by nonprofessional personnel after appropriate training and supervised practice. The test should not be time-consuming, since a relatively large population is to be screened within a short period of time. It must nevertheless be sufficiently sensitive so that neither over-referrals nor under-referrals occur with undue frequency, although some such referrals are unavoidable. Between over-referrals and under-referrals, the latter have a more serious implication. On the other hand, too many over-referrals are likely to diminish public confidence in such screening programs and result in poor cooperation. In order to reduce the number of over-referrals, it has been suggested that children who do not pass a vision screening test be retested on another day, and that only those who fail the screening test twice be referred. Spot checks of the screening might be done by an optometrist or ophthalmologist acting as consultant for the program. Lastly, equipment used in screening should be relatively inexpensive and simple. In short, vision screening tests should be reasonably accurate and yet permit economy in manpower, time, and money.

SCHEDULE FOR SCREENING

Although it is desirable that screening programs provide each child with a thorough vision screening every year, this is often not possible. It has therefore been suggested that each child be given the basic minimum screening procedure once a year, and a more comprehensive screening every 2 or 3 years. Where a lack of resources makes such a schedule impossible, a schedule aimed at screening children during certain critical periods may have to be adopted. After an initial screening in the preschool years, the children should be tested again at 9–10 years of age because refraction in many school children gradually changes from slight hyperopia to myopia at this age, and the rate of referral in most school screening programs increases abruptly at the fifth grade level. Adolescence, a time of rapid growth and development, is another period when vision screening should be done. Color vision should be tested, preferably in the preschool years, but at least before the end of the intermediate grades (4th to 6th). Although defective color vision is not correctable, those affected should be aware of their limitation. Awareness of the defect is especially important when children begin considering occupations to prepare for.

NEED FOR COOPERATIVE EFFORT AND PUBLIC EDUCATION

A successful large-scale vision screening program for children requires the coordinated effort of ophthalmologists, optometrists, pediatricians, nurses, social workers, school authorities, teachers, public educators, interested public and voluntary agencies and groups such as local health departments, education departments, and PTA's. The various professions and groups will need to work together in planning screening programs that will be readily available to all children in the community. Attention must be given not only to the actual screening procedures, but also to careful selection and training of the testers, preparation of the public for such a program beforehand, and adequate followup of children referred for diagnosis.

The public, particularly parents, should be made aware of the fact that all children should be tested periodically, regardless of whether signs of possible visual problems are present or not. The importance of early diagnosis of visual defects should be explained. The public's attention should be called to the existence of vision screening programs in the community, and the purpose, meaning, and limitations of these programs should be made clear. Parents and others should be acquainted with the common signs and symptoms of visual problems, and be advised to seek help whenever suspicions of such problems arise, even if the children have just passed a vision screening test. Dissemination of information on what circumstances indicate high risk insofar as vision is concerned will further increase their index of suspicion.

With improved organized effort directed toward large-scale vision screening and increased public interest in such programs, we can expect significant reduction among children of vision loss and impairment from preventable causes.

FEDERAL ELECTIONS CAMPAIGN ACT OF 1971

Mr. MATHIAS. Mr. President, President Nixon recently signed into law the Federal Elections Campaign Act of 1971. This landmark legislation came about, largely, because of a veto and a promise.

The veto—President Nixon's—was given to a bill which was admittedly inadequate and unfair. It purported to cut down on campaign spending but applied only to broadcasting in general elections. It was unfair because it discriminated against broadcasters and, because of its unrealistically low limits, tended to favor incumbent candidates.

The promise—Senator HUGH SCOTT's—was given to the Senate at the time the President's veto was sustained. The Republican Leader pledged to introduce a comprehensive bill in the next Congress which would meet all the problems of modern day election campaigns. That bill dealt with full reporting and disclosure of campaign funds, tax incentives for political contributions and reduced-rate broadcasting and newspaper advertisements. Each of those components was to be included in the bill which Congress finally passed almost 1 year later.

This is only one example of Senator SCOTT's support for clean, honest election laws. I ask unanimous consent to place a list of some of his other accomplishments in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

92D CONGRESS

Legislation

S. 956—To revise the Federal Election laws.

S. 1385—To provide for a uniform closing time for polling places in Federal Elections.

S. 3056—To amend Public Law 92–178, the "Revenue Act of 1971."

S.J. Res. 7—Proposing an amendment to the Constitution of the U.S., extending the right to vote to citizens 18 years of age or older.

Amdt. 321 to S. 382 Federal Elections Campaign Act of 1971. To prohibit the extension of unsecured credit, by certain federally regulated industries, to candidates for Federal office.

Amdt. 340 to S. 382 Federal Elections Campaign Act of 1971. To create an independent Federal Elections Commission to oversee campaign spending.

Amdt. 359 to S. 382 Federal Election Campaign Act of 1971. To establish qualification for membership on the FEC.

Votes

Voted to extend the right to vote to citizens age 18 or older—proposed Constitutional Amendments.

Voted for the Federal Elections Campaign Act of 1971.

91ST CONGRESS

Legislation

S.J. Res. 59—To amend the Constitution of the U.S. to provide that U.S. citizens shall be entitled to vote nationally without excessive residence or physical presence requirements.

S.J. Res. 147—To amend the Constitution of the U.S. to extend the voting rights to citizens age 18 or older.

S. 2876—To provide Congressional candidates with opponents the opportunity to purchase communications broadcast time at low cost.

Votes

Voted to abolish restrictive residency requirements as a precondition to voting for President and Vice President, and to establish uniform nationwide standards relative to absentee registration and voting in presidential elections.

Voted to reduce the voting age from 21 to 18 years of age, effective January 1, 1971.

Voted to sustain veto of the Political Broadcasting amendment to the Federal Comunications Act, which would have discriminated against challengers in elections.

Voted for direct popular election of the President and Vice President.

90TH CONGRESS

Votes

Voted to broaden the prohibition against soliciting political contributions from Federal employees, under the Elections Reform Act of 1967.

Voted to require disclosure of gifts and certain compensation by any Senator or by any candidate seeking nomination or election as Senator.

89TH CONGRESS

Legislation

S. 3435—Election Reform Act—To require all candidates and all committees supporting candidates to fully disclose details of all contributions and expenses over $100; to limit to $5,000 the total amount that can come from any single source to the campaigning of any candidate; to provide for special tax deductions of up to $100 for contributions to candidates.

Votes

Voted for proposed constitutional amendment regarding Presidential succession and inability.

Voted for proposed constitutional amendment permitting apportionment of one house of a bicameral State legislature using population, geography, and political subdivisions as factors.

87TH CONGRESS

Legislation

S. 480—To prohibit application of unreasonable literacy requirements to right to vote.

S. Res. 311—To authorize the Senate Judiciary Committee to examine and investigate the establishment of congressional and State election districts to ensure against any unfair practices.

86TH CONGRESS

Legislation

S. 957—To provide for retention and preservation of Federal election records.

S. 2868—To eliminate poll tax as prerequisite to voting in national elections.

Votes

Voted to make Federal election laws applicable to primary elections.

Voted to revise the Federal election laws.

Voted to provide that the right to vote in national elections shall not be denied because of failure to pay poll tax.

HEALTH SCIENCE AND SOCIETY

Mr. MONDALE. Mr. President, the Senator from California (Mr. TUNNEY) recently gave an excellent talk at a conference on "The Impact of Genetic Engineering on Society." He wisely called attention to the danger that—

> When complex problems appear too terrifying or too mysterious, some people seek simple solutions which are inadequate or improper.

The Senator reviewed the state of the art in genetic engineering and thoughtfully pointed out the challenges which are presented by progress in this field. Then he recommended a number of steps which we must take. I am very pleased that, among them, was a call for action by the House on my proposed resolution, Senate Joint Resolution 75, passed by the Senate last December.

The resolution authorizes a 2-year study of the ethical, social and legal implications of advances in biomedical research aid technology.

I fully endorse the opinion about these implications with which the Senator concluded his address:

> We cannot begin too soon to consider them.

Mr. President, I commend this illuminating talk to Members of the Senate and the House. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR JOHN V. TUNNEY—GIVEN AT CONFERENCE ON "THE IMPACT OF GENETIC ENGINEERING ON SOCIETY, CALIFORNIA INSTITUTE OF TECHNOLOGY

Many of you here today have dedicated your lives to expanding and perfecting man's knowledge. You do this in part because of a desire to satisfy your curiosity about how things hang together, in part to make a living, and in part because you desire to make the world a little better or a little more interesting for your having been here.

Now, today, the impact of science and applied science has raised for many the cry that our science has been too fruitful. This cry has been raised with regard to the nuclear sciences. It could well be raised in the near future with regard to the biomedical sciences.

As a lawyer and a legislator I, too, am concerned about the possibilities inherent in the biomedical sciences. I am concerned about these possibilities both because of their potential scientific impact and because of their potential social impact.

Any science which has within its potential the alteration or the modification of human genes has awesome implications. Any responsible citizen would be concerned about such potential.

The political impact of these possibilities, however, might be just as powerful as the scientific impact. For when powerful ideas and dramatic concepts threaten popular attitudes about order or security, the social response can be fashioned out of fear and directed toward repression.

When complex problems appear too terrifying or too mysterious, some people seek simple solutions which are inadequate or improper. When people get scared, they might seek panaceas.

That is the climate which produces demagogues and despots. It is fertile ground for repression. For there will be political charlatans who will be willing to offer these simple solutions because they offer security, not because they are right.

If these charlatans are successful, we might witness the erosion of our most precious freedoms. Once freedoms are lost, they might never be recovered. Political alteration—just like genetic alteration—might be irreversible.

Consequently, the most important and enduring of our political freedoms are, in my mind, linked with the manner in which the biomedical sciences are understood and applied by our political system.

Today we share a common interest: How can we put to their best use the fruits of your efforts as scientists?

As scientists, your task is to provide new and dependable knowledge. As members of society, each of us has an obligation to help make the best possible use of the knowledge you have provided.

I hope that my experience and background in law and government will enable me to be of some help in the discussions here today.

The experience and background of Professor Sinsheimer has clearly enabled him to describe and discuss the provocative—and vitally important—developments in the general area of genetic engineering. Even as a scientist, however, Professor Sinsheimer has touched upon some of the most important ethical considerations which face society as it begins to consider the technical possibilities inherent in the biomedical sciences.

The very existence of this conference, and the fact that you have invited me to participate, indicates that the issues raised by the biomedical sciences and genetic engineering cut across several disciplines. They raise questions which are legal, medical, philosophical, social, religious, ethical—and profoundly political.

I am pleased that you have provided me with the opportunity to consider some of these concerns. In approaching these questions, I find myself wearing several hats. The first "hat," if you will, is a multifaceted one, and is fashioned around my own personal background; my own social, philosophical, and ethical beliefs.

The second "hat" is a legal one, obtained after studying the law and participating in it over a period of years.

The third "hat" is a legislative one, obtained from the unique perspective to which I am privileged as a United States Senator, helping to propose, evaluate, and create the laws of this land.

It is important to recognize that all political figures will bear "hats" of this nature. They will all be different, depending upon the individual background and experience of the politician, but they will influence him as he evaluates and determines policy in an area as sensitive and as potentially explosive as genetic engineering.

Before discussing the ethical, legal, or legislative view, however, it is important to set forth what I believe are the most salient espects of genetic engineering. These are concerns upon which my ethical, legal, and legislative analysis will focus.

Where are we technically? What is the genetic state of the art?

I have delineated six general classifications of what we might broadly refer to as the technology of genetic engineering.

First, Abortion and Amniocentesis. I understand that the technique of amnicentesis, frequently used to provide advice on therapeutic abortions, is available, and that the procedure is *relatively* safe, but that we do not yet have the ability, with amnicentesis, to detect all genetic defects. I have been advised that within five years, most monogenic gene defects that we understand will be detectable thereby, but that even then, questions will remain unanswered as to whether amniocentesis affects the eventual intelligence of the child.

Second, Mass Genetic Screening. Here, too, we appear to be on the threshold. The technique is available for many diseases and not yet available for others. For those defects which we understand, we can do mass genetic screening, but it has already become evident that many people will oppose mass genetic screening—whether of children or of adults—for a variety of personal reasons. Some feel it is an invasion of personal rights; others do not want children with genetic defects to know that they have them. Again, however, the technology is increasingly available.

Third, Modification of Certain Cells in Terms of Their Genes, or Monogenic Gene Therapy. Monogenic gene therapy, I have been advised, has not yet been performed successfully. I understand, however, that it should be a possibility for certain diseases within five years and that as we gain more knowledge about monogenic defects the possibility of monogenic gene therapy will become more of a reality in broader areas.

Fourth, in Vitro Fertilization. I understand that both in vitro fertilization and reimplantation in the uterus of the female have been performed successfully in experimental animals. I have learned that, if the research in this area is not seriously inhibited by external controls, the technology for in vitro fertilization and forre-implantation in human beings should be available within five to ten years, or even earlier. I read last week that a Yugoslavian scientist has advised a conference in Tokyo that he had developed an instrument for oocyte (or egg) transplant into the uterus.

Fifth, Cloning. Cloning of frogs has already been successful. I have been told that the technology for the cloning of mammals will be available within five years and that, if it is not stopped, the technology for the cloning of human beings could be available within anywhere from ten to twenty-five years.

Sixth, Polygenic Gene Therapy. I have been advised that, in comparison to the other techniques just mentioned, we are very far away—perhaps fifty to one hundred years still—from achieving polygenic gene therapy. Our understanding of polygenic gene defects is still extremely primitive. The ability to isolate and trace a polygenic trait, I am told, is considerably more complicated than the isolation and comparable ability with regard to monogenic traits.

Qualitative distinctions exist between certain of the technologies I have just mentioned. Despite these distinctions, I have mentioned all of those technologies because they have all been discussed in some parts of the literature as aspects of the broad field of genetic engineering. Certain implications of each must be evaluated independently of the others. Yet, I believe that all of them—almost as a generic group, even if one with a myriad of possible internal distinctions—raise ethical, legal, and legislative considerations which, in some very important ways, can be approached together.

One of the most powerful arguments presented in favor of employing one or more of the technologies of genetic engineering in the direction of genetic intervention is that man's genetic load is increasing. In other words, the total number of genetic defects carried by man has been increasing. This has been occurring as a result of the increased mutation rate and the decreased natural selection rate occasioned by modern medicine and technology. About one child in twenty is said to be born with a discernible genetic defect.

The question then arises: should the human species attempt to employ these new technologies to deal with this increased genetic load? Paul Ramsey of Yale has stated that "It is no answer to say that changes are already taking place in human kind, or that men are constantly modifying themselves by changes now consciously or unconsciously introduced. . . ." He argues, as a Protestant theologian, that scientific intervention in this area is a questionable human aspiration, as he puts it, "To Godhood."

Regardless of the merits of Ramsey's position, the very vigor with which he defends it suggests the extent to which ethical issues are at stake.

The ethical questions raised by the possibilities implicit in genetic engineering are no less fundamental than the issues of free choice, the quality of life, the community of man, and the future of man himself.

Thus, it becomes evident that one's own sense of ethics, one's personal view of right and wrong, one's own standards of conduct or moral code, are essential components of decision-making in this extremely sensitive area.

Many political scientists like to believe that political decisionmaking can be objectified, that a process can be delineated by which political decisions are made. Through such a process, it is assumed, decisions and actions can be predicted.

I question the wisdom of these political scientists. I question it for a variety of reasons. One of the most important of these reasons is the significant subjective component of political decision-making—the large realm left to one's own values and ethics.

This realm affects all aspects of law-making. It is especially important in any political or even legal approach to genetic engineering. One's own values or ethics must inevitably be brought to bear upon a variety of important questions in this area which can only be evaluated by subjective criteria. In an effort to rationalize some of the issues involved, I will attempt to draw some distinctions, and to articulate some criteria for analysis. Some of these criteria have been suggested by Professor Sinsheimer and others, and some of them are my own. I suggest them not as a definitive list but as a reminder that it will be very important to apply some criteria such as these to any legislative or legal analysis of the implications of genetic engineering.

Let me posit a list of ten general considerations suggesting possible ethical distinctions:

First, if we are to engage in any eugenics, negative or positive, we must confront three vital questions which pervade this entire subject:

(A) What traits are to be considered desirable?

(B) Who is to make that determination? and

(C) When in the course of human development will the choice be made?

These questions cannot be under-estimated in their importance to the future of man, particularly when we are considering biological alternatives which might not be reversible.

Second, and related to the first concern, we must ask whether the genetic engineering or "improvement" of man would affect the degree of diversity among men. Does it presume a concept of an "optimum" man? Is diversity important as a goal in itself? Does—or should—man seek an "optimum" or does he seek a "unique"? What would the quest for an "optimum" do for our sense of tolerance of the imperfect? Is "tolerance" a value to be cherished?

Third, and also related to the first question, we should consider whether it might be appropriate to delineate different biological times or moments—at least in humans—during which experimentation might occur. Do different ethical considerations apply if we attempt to distinguish between experimentation on (A) an unfertilized sperm or egg; (B) a fertilized sperm or egg; (C) a fetus; (D) an infant; (E) a child, perhaps until it becomes an adult; (F) an adult, or at any particular moment during any of those stages? Might the factors to be balanced in making a decision as to whether experimentation is proper vary at different stages of human development?

A fourth and related concern is this: is there a workable difference between genetic "therapy", defined as therapy to correct genetic factors known to cause somatic disease, and genetic "engineering", defined as techniques to alter man in terms of some parameters other than somatic disease? Might it be appropriate to attempt such a distinction in definitions in this emotionally-charged area? Might the term "genetic therapy" evoke less emotionally charged reactions than the term "genetic engineering"? Might it, in fact, be preferable to respond more receptively to those areas of genetic work which are primarily "therapeutic"? Or is such a distinction unworkable?

Fifth, it would seem to me to be advisable to ask whether a particular technique or technology is devised for the therapeutic treatment of an individual—or whether it is designed to have a broader societal impact. That potential distinction has a variety of ramifications. For example, it should be asked whether techniques developed for the therapy of an individual patient automatically diffuse into the general public for purposes other than this therapy. Are physicians in fact operationally capable of restricting the use to one group, or does societal pressure in fact make them semiautomatic dispensers of seemingly desirable technologies?

Sixth, we might ask whether any eugenics program—whether it is positive or negative, voluntary or compulsory—does not imply a certain attitude toward "normalcy": toward a proper norm for human activity and behavior; and toward expectations with regard to the behavior of future generations of human beings. Implicit in that question are distinctions with regard to positive versus negative eugenic programs and also with regard to compulsory versus voluntary eugenics programs.

Seventh, and related to the above consideration, is the following: how are words such as "normal", "abnormal", "health", "disease" and "improvement" defined? Are they words which can be operationally used to determine what should be done?

Eighth, we must ask if the quest for genetic improvement would be continuous. Would it invariably make all children "superior" to their parents? What would be the social consequences of this? Would it institutionalize generation gaps and isolate communities by generations as education may have done?

Ninth, we should consider whether the institutionalization of a quest for genetic improvement of man is likely to lead to his perception of himself as lacking any worth in the state in which he is. What does this do to the concept of the dignity of man in his or her own right and regardless of some "index of performance?"

Tenth, if we have a well-developed ability to perform genetic therapy as an assault upon certain diseases and such therapy is not available for all who have the affliction or who desire the "cure", the question will immediately arise as to how to determine which patients will receive the cure. Are some classes or groups of people more desirable patients or more worthy of treatment? How will selection be made? By what criteria will those decisions be reached?

Questions such as those ten can be answered only by appealing to ethical or so-called moral arguments. When we enter this realm, it is important to remember that no one has a greater claim to wisdom than anyone else. All men have a stake in this area and all men have a right to be heard.

I would like to offer three additional thoughts in this area, which might affect all of the ethical judgments involved. Two are caveats and one might be a preliminary guide for analysis.

The two caveats are reminders of the imprecision of measurement and the difficulty of meaningful analysis in this area. As for the imprecision of measurement, caveat number one, Ramsey states that "many or most of the proposals we are examining are exercises in 'what to do when you don't know the names of the variables.'" While that might be somewhat harsh, he is accurate in his suggestion that prediction of behavior or even of most genetic disease will be very difficult, due *not only* to polygenic factors, but also to such other imponderables as pinpointing a recessive trait in its heterozygous state and predicting the influence of environmental factors.

The second caveat is the difficulty of meaningful analysis. Some values we will be asked to compare will be like comparing apples and oranges. How can one compare the possible deep satisfaction for an infertile woman of carrying and bearing a child which was fertilized *in vitro* and reimplanted in her uterus with the one or two or five percent chance that it will be deformed? In measuring eugenic traits to be cherished, how can one compare intelligence (even assuming it can be defined) with love?

In making genetic choices—and in selecting those who will make them—such caveats should not be forgotten.

The last of these attempts at ethical classification is an effort to ask the question of just *where* in the process of the broad field of "Genetic Engineering" the ethical issues will arise. At what level in the process? Professor Abram Chayes of the Harvard Law School has suggested that at least three levels can be discerned at which the questions posed above might arise:

First, the general level of research. Should research be pursued which might lead to technologies which will give science the capacity to genetically engineer human beings?

Second, the level of treating human disease. Questions will, of course, be raised as to what exactly *is* a human disease—and how it is defined. But, assuming that those questions can be answered, ethical considerations will arise with regard to the issue of whether the disease should be treated with a newly available genetic technique.

Third, at the broad level of attempting to affect society or at the level of what some will consider an improvement of the human species.

These levels overlap to some degree with the questions that I have already raised; and it would appear clear to me that the ethical pressures which will be directed against the continuation of the activity will become increasingly strong as we move from the first to the second and then to the third level.

While these considerations by no means exhaust the ethical realm, they do suggest the enormity of the problems with which we are attempting to deal. Perhaps also the attempt—however primitive—at ethical classification might also offer the lawyer some general guidance.

It might be asked, for example, whether there are legal as well as ethical distinctions between negative and positive eugenics. Are there legal differences between an attempt, on the one hand, to treat an individual for disease by either monogenic or polygenic gene therapy, versus an attempt, on the other hand, to control behavior or otherwise alter society's norms or its inhabitants? Does it matter—legally—when in the state of human development the therapy or the engineering is conducted: whether in the stage of birth control, in the realm of abortion, in treating a minor or an adult? Does it matter—legally—how the therapy or the engineering is conducted, whether it is voluntary or compulsory, whether for punitive or eugenic reasons, or whether the physician has freely and openly obtained the consent of the patient?

Clearly, these distinctions ought to be important—legally as well as ethically. They touch upon fundamental and traditional legal principles, principles which have been applied in Anglo-American jurisprudence in a variety of situations for a number of years. They offer the lawyer a variety of factors which will help in his analysis.

Let us examine the manner in which the American legal system is likely to deal with the subject.

Law, at least in the United States, can be said to operate on three broad tiers or levels. First, we have Constitutional law, or the legal framework which is set forth by the Constitution of the United States and by the courts in interpreting the Constitution. Second, we have statutory law, or law which is enacted by statute—either of a state or of the federal government. No statute can contravene a constitutional requirement. But in the absence of a constitutional prohibition or pre-emption, federal and state legislatures can enact statutory standards for concerns such as health and welfare. Third, in the absence of a controlling constitutional or statutory provision, the courts rely upon the body of law which is known as the common law—those legal principles which have emerged from judicial decisions.

The issues raised by the technology of genetic engineering affect constitutional, statutory, and common law principles. I shall consider briefly each of these legal tiers. At least three constitutional factors clearly emerge when one considers the general subject of genetic engineering. The first issue is the right to privacy. The fourth amendment to the Constitution declares that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. . ." This language has been interpreted to guarantee to the individual a constitutional right of privacy. This entire subject raises questions with regard to the extent and inviolability of that right.

Second, questions might be raised with regard to the rights protected in the fifth and fourteenth amendments which guarantee that no person shall be deprived of life, liberty, or property, without due process of law.

Third, and perhaps the most important factor which the Constitution brings to bear upon genetic engineering is the approach of Constitutional law—the method of analysis which courts have developed for dealing with constitutional issues. Apart from the technicalities inherent in whether state action is or is not involved and that is a threshold question in any constitutional analysis—constitutional law requires the government to show a more compelling governmental need when the abridgement of fundamental freedoms is involved.

Let us take two examples. Contrast, for example, a governmentally-sponsored program of negative eugenics, made compulsory, designed to eliminate a certain genetic disease with a governmentally-sponsored program of positive eugenics, made compulsory, designed to control behavior. As both programs are compulsory, both could infringe the fundamental freedoms of procreation and possibly marriage. But a more compelling state interest could arguably be demonstrated in eliminating a disease than in controlling or altering behavior. I do not offer this dichotomy in an effort to support the negative eugencis program. In fact, I would probably oppose it. But I do think that a constitutional analysis of the two approaches would bring different factors into being—and might yield different results in the two cases.

Moving from constitutional law to statutory law, it should be noted at the outset that a variety of statutes in numerous American jurisdictions have attempted to impose eugenics controls. Professor William Vukowich of Georgetown has written that:

"In the early 1895s, many states enacted laws that prohibited marriage by criminals, alcoholics, imbeciles, feebleminded persons, and the insane. Today most states prohibit marriage by persons with venereal disease, but only a few states have laws which are similar to those of the early 1900's. Washington and North Dakota, however, still prohibit marriage by women under forty-five and men of any age, unless they marry women over forty-five, if they are an imbecile, insane, an habitual criminal, a common drunkard, feebleminded, or (a) person who has . . . been afflicted with hereditary insanity."

A number of the more recent developments in the field of genetic engineering, however, go entirely unregulated. Sperm banks which may be used as a source of sperm for artificial insemination by third party donors, for example, are an excellent example of an area in which statutes do not exist and which, therefore, are left in their administration entirely up to the persons operating the sperm banks.

That is an example of an instance in which our third legal tier, the tier of the common law, must be our guide. In the absence of constitutional or statutory guidance, we must turn to the common law for our standards. Here again, the law is neither silent nor comprehensive. It falls somewhere in between. Assume this set of possibilities: Amniorcentesis is an everyday practice, and is held by most doctors to be free of harmful effects, such as infection. A lady, who has not been offered amniocentesis, gives birth to a mongoloid child. Is her obstetrician liable for malpractice?

Common law tort principles of malpractice would probably hold that the doctor is, in fact, liable. That is because the common law tends to follow whatever is the accepted medical practice for a particular community in determining negligence.

Is this an appropriate result? Would it be appropriate to require amniocentesis even if the mother—or the doctor—has strong religious convictions which preclude the consideration of an abortion under any circumstances? What about *offering* amniocentesis under those circumstances?

What about the the legal rights to an egg which has been fertilized and grown in a test tube? Does the "father" have any rights? What rights does the "mother" have? Or the doctor? Do common law tort or property rights apply to this question?

However you come out on these issues, you must recognize that the issues must be faced. And if you do not wish to face them with the guidance only of the common law, the result will be the consideration of new legislation. To the extent that current law is inadequate, legislation must be developed.

In considering that possibility—the possibility that legislation must be developed—I am painfully aware of the potential inadequacy of the legal and the legislative process to respond to the issues presented by science.

Science may be, in the area of genetic engineering, outpacing the legal and legislative process. It might be presenting challenges to which our lawyers and legislators are ill-equipped to respond.

The legislative system might be poorly equipped to respond to these problems because of at least two inherent difficulties: its speed and its scope.

Our legislative process generally works slowly. Senator Mondale, for example, first introduced legislation which called for a commission to study the effects of genetic engineering—almost five years ago. That bill passed the Senate unanimously last year, but it has not yet been acted upon by the House of Representatives. Just initiating a study commission on so momentous a subject has already, then, taken over five years and has still not been enacted into law.

Our political system is not only slow. It is, obviously, only national in scope. Generally, that is not a significant problem to the people in Washington who are considering different legislative proposals. Most of those proposals are only national in scope—or less. But, genetic engineering is clearly an international concern. It will require, if any controls or guidelines are to be effectively suggested, international agreements. That also will serve as a political or legislative constraint.

Understanding these constraints, however, I believe that certain constructive steps can be taken—steps that will begin to offer legislative rationalization to the field. If the legislative system begins to consider these problems now, it might be possible to respond politically and legislatively before it is too late.

On the other hand, I fear the consequences which could be wrought if informed legislative consideration of the issues inherent in genetic engineering does not soon begin. If the legislative response comes as a result of dramatic scientific breakthroughs—developments which scare the public—the result might be hasty and unwise political action predicated upon inadequate information and fear. If debate and discussion begins now, legislative decisions might emanate from deliberate political action predicated upon reasoned analysis.

I do not believe that at this point it would be appropriate to suggest answers to the momentous issues that are raised by genetic engineering. But I do believe that we know enough to undertake certain legislative initiatives. Let me suggest three.

First, the Congress should enact the "Mondale Bill", S.J. Res. 75, providing for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology. The proposed study commission could serve as a preliminary vehicle for educating the public into the foreseeable social consequences of biological advances. I might add that such a commission might best be an international one, but that is logically a second step.

Second, and perhaps equally important, is the initiation of technology assessment in all institutions which disburse funds, direct research, or provide grants which are related to biomedical concerns. It has long ago become obvious that technological developments have implications which affect society in a variety of ways, and that their impact cannot be limited to an analysis of the technical aspects of the product or of the innovation. Similarly, the myriad implications of the developments of biomedical research reach out to all segments of society. Technology assessment should be a part of any analysis of any project which involves a potential new biomedical development.

Third, it might be appropriate for the Congress to earmark a small proportion of health research funds (say one quarter or one half of one per cent) for research into the possible social consequences of biological technologies presently available or to be foreseen.

It should be evident that these potential legislative proposals include a common underlying thread: bringing science and society closer together; bringing the scientific community, particularly that aspect of it which is involved in the biomedical sciences, closer to the general public and making the general public more aware of the dramatic potential inherent in the biomedical sciences.

This might be done in a variety of other ways as well. For it is not only the legislature which can initiate this improvement in communication and this expansion of public awareness and of concern with these issues. Four other suggestions might be worthy of consideration:

1. Private foundations might be urged to initiate programs to bridge presently existing gaps between the sciences and the humanities, exposing people in each area to people in the other, and making the ideas of each readily available and understandable to the other.

2. Universities should consider establishing additional programs whereby students in the humanities may be exposed to scientific methodologies and vice versa. The two general groups should feel a closer relation to and understanding of each other in universities as well as elsewhere. The effective separation of these two groups in universities, particularly at the graduate level, but even at the undergraduate level (especially once the students have reached their Junior year) helps to begin the line of demarcation between those in the sciences and those in the humanities, with very inadequate and narrow bridges to unite the two general areas.

3. Research proposals in the biological area should perhaps be assessed by institutional research review committees which include non-scientists. Some form of technological assessment, in other words, or a consideration of the ethical, moral, and social implications of biological projects—by non-scientists—should be considered at the level of all research proposals in this general area.

4. It might be appropriate for the medical profession itself to study how far the technologies which it uses for the benefit of individual patients may affect society as a whole if used for purposes other than the cure of individual patients. The individual treatment versus social engineering dichotomy should be considered clearly and carefully by the medical profession and should probably be emphasized more strongly than it currently is.

These efforts to bring society and the biomedical sciences closer together are, in my opinion, essential. Dr. Andre Hellegers has testified before the United States Senate that:

"Nothing could be worse than that society should come to fear scientific progress . . . I can foresee that the occasional seemingly sensational scientific episode will so frighten society as to undermine the very support which science needs to continue to make the vast contributions which it has to improve the lot of mankind . . . It is high time that there be started an educative process which explains to the country the precise nature and the limitations of the scientific process and the place which it occupies in man's control of his environment, which in one form or another has gone on since the beginning of time. No segment of society can stand apart in this interdependent society. If it attempts to do so it is bound to cease being supported. The sooner the relationship of science to society is examined and explained for all to see, the better it will be both for science and society."

That testimony touches upon two very important facts of American political life, neither of which should be forgotten: First, the theory of political accountability. If the public supports something financially, the public is entitled to know what it is supporting. Second, the foundation of political democracy. Thoughts, suggestions, proposals, and policies should be scrutinized in the marketplace of ideas. Political debate and public discussion is healthy and is conducive to the best analysis of any position.

Particularly in an area as fraught with subjectivity as this one, it is important that the issues raised be aired, discussed, and debated. It is important to recognize that we are dealing with an area in which there is no monopoly of expertise—where men trained in a variety of different areas, or even in no special area, bring to bear their own special perspective or, if you will, "expertise." We are dealing with a subject in which morality or one's own subjective sense of ethics is pervasive. We are, therefore, dealing with an area in which all persons have a right and a special claim to be heard.

There are certain suggestions that I would offer in any debate on this subject. I would suggest that among the values which man ought to protect most fully are the values of humility, of compassion, of diversity, and of skepticism. I would suggest that any scientific or technical initiatives in one generation which would foreclose or eliminate the options of future generations—any decision today that implies an ability to predict the human traits that will be most cherished tomorrow—smacks of arrogance and should be avoided. I would suggest that man should exercise the utmost caution in this sensitive field and that decisions which will be genetically irreversible might require a wisdom which we do not possess.

I would also suggest that there is no reason why the ethics or morality of any one of us are better than those of another. Each of us has an equal claim to wisdom in the realm of morality.

Therefore, the issues raised by the biomedical sciences must be debated. The debate must begin now. If we postpone debate in this area, we might find irreversible trends not only in genetics but also in political freedoms. For, if the polity responds to the scientific community through fear and mistrust it might delegate authority to a despot or a demagogue who appeals to the people with the promise of "curbing scientific abuses". If people are sufficiently frightened—if they feel they need to be rescued from a menace they do not understand—they are more likely to delegate freedoms and less likely to respond with restraint.

All segments of society should be involved in the debate which these new technologies demand. The techniques must be discussed and debated among lawyers, doctors, theologians, legislators, scientists, journalists, and all other segments of society. The issues raised require interdisciplinary attention.

I hope that, as a lawyer, a legislator, and a citizen with my own personal values and ethics, I have been able to raise some of the important issues here today. We cannot begin too soon to consider them.

Thank you very much.

TUCSON DAILY CITIZEN'S HIGH SCHOOL PUBLIC OPINION POLL

Mr. FANNIN. Mr. President, the Tucson Daily Citizen recently conducted its fifth annual metropolitan high school public opinion poll.

The results of this poll, printed in the Citizen on May 15, 1972, are very interesting.

It shows that President Nixon has very strong support among the students. It shows that the students have high respect for law enforcement officers, that many of them believe religion is a very important force in their lives, and that two out of three students are opposed to busing as a means of achieving racial balance in schools.

Mr. President, I ask unanimous consent that the Citizen article and results of this poll be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

High School Opinion Poll Gives Nixon Vote of Confidence

(By Kathleen MacDonald)

Tucson area high school students have given President Nixon a thumping vote of confidence.

They also:

Disapprove of busing as a means of achieving racial balance in schools.

Overwhelmingly respect policemen in their role as defenders of law and order.

These were the highlights of the results of the 1972 Metropolitan High School Opinion Poll in which a record 12,322 students from 15 Tucson area schools voted. In its fifth year and sponsored by the Tucson Daily Citizen, the poll was conducted in April and early May.

Seven presidential candidates—Shirley Chisholm, Hubert H. Humphrey, Henry M. Jackson, George S. McGovern, Edmund S. Muskie, Richard M. Nixon and George C. Wallace—were listed on the computerized ballot. Nixon drew an even 37 per cent of the vote. Runner-up was McGovern with 20.72 per cent.

Reached by telephone in Washington today, Ken W. Clawson deputy director of communications for the White House, said Nixon was "gratified that the young potential voters of Tucson enjoy his leadership and think it's meaningful."

Clawson said he felt that the "many substantive decisions" the President has made, including requests for changes in the draft laws, "should endear him to the younger citizenry of the country."

The student vote against busing hit 66 per cent. Only 20.73 approved.

Fifty-seven per cent of the students expressed their respect for police officers, while 12 per cent indicated a dislike for them.

Legalization of marijuana, a much-debated topic among young people everywhere, got a favorable response. Seventy-four per cent voted for making legal or relaxing the punishment for its possession. Another 26 per cent thought it should remain as a felony offense.

On amnesty for draft evaders and capital punishment, feelings were almost evenly split.

The near-draw in the amnesty question—44 per cent for and 39 per cent against—prompted U.S. Rep. Morris K. Udall, who furnished the question for the poll, to say:

"Students in Tucson high schools are obviously widely split. I would guess that this split prevails in the adult population as well."

He added, "I think the question of amnesty is not easily answerable by 'yes' or 'no'. I suspect students and the general public are quite sophisticated on this controversial and complex issue and are inclined to view questions of amnesty on a case-by-case basis."

The other two guest questions, from Mayor Lew Murphy and Supt. of Public Instruction Weldon P. Shofstall, concerned students' confidence in city officials and the relevancy of history in daily life.

Murphy said he was pleased that 23 per cent of the students feel Tucson public officials do a good or excellent job conducting city business. Forty-four per cent indicated, however, that their confidence in city officialdom is ONLY "fair."

Murphy said he hopes to improve the percentage during the next years of his administration.

"I think it is significant, too, that the students voiced more approval for this administration than they did in 1970."

In 1970 when Mayor James N. Corbett was in office, nearly 50 per cent of the students cast negative votes in answer to a question on confidence in the integrity and competence of city officials.

Shofstall said he wasn't "disappointed" in the results that about 52 per cent of the students feel history is important—the other 48 per cent do not—but it "does confirm a hunch of mine."

"I have believed for a long time that history is considered by most students to be fairly irrelevant. I believe we're too much making our decisions based on present day thinking. I don't think we've taught our kids to respect the experience of mankind."

This year's record vote of nearly 12,500 compares with last year's 11,950. Tucson has about 25,000 high school students, so about 50 per cent responded in the voluntary balloting. In the five years of the poll's existence, 59,259 students have cast ballots.

Two questions that appeared on the 1971 ballot came up for a vote again this year, though in somewhat different form.

In 1971, about 35 per cent of the students voted for legalization of marijuana.

This year 43 per cent favored abolishing punishment for possession of the drug.

Last year 22 per cent thought laws governing abortions should be abolished and 42 per cent believed in liberalizing the current law.

This year, in answer to a slightly different question, students voiced nearly 34 per cent support for legal abortions and about 55 per cent for voluntary birth control.

Differences between freshmen and seniors were marked, indicating that attitudes change a great deal during high school years.

On the subject of marijuana legalization, 39 per cent of the freshmen endorsed it but 12 per cent more, 47 per cent, of the senior class favor legalization.

The older students were more opinionated on every issue, tallying fewer "no opinion" answers than the younger students.

For instance, in the question about whether interscholastic sports should be de-emphasized, 24.9 per cent of the freshmen had no opinion, but only 13.6 of the seniors failed to register feelings about the issue.

Older students also were more determined against busing to achieve racial balance.

A total of 57 per cent of the freshmen voted against busing, but a resounding 72 per cent of the seniors opposed it.

The importance of organized religion seems to shrink as students get older.

Nearly 50 per cent of the seniors felt religion is not important. But only 36 per cent of the freshmen expressed that opinion.

The opinions of Tucson's high school students might be a surprise to some adults.

The youngsters have reinforced the long-held belief that the American voting public is unpredictable.

If that is true, young people are following **their parents' example.**

RESULTS—FIFTH ANNUAL METROPOLITAN HIGH SCHOOL OPINION POLL

	Vote	Percent
Guest question—Tucson Mayor Lew Murphy wants to know: How would you rate your confidence in present Tucson city officials?		
Excellent	250	2.06
Good	2,624	21.71
Fair	5,382	44.54
Poor	2,291	18.96
Don't know	1,535	12.70
Guest question—Representative Morris K. Udall wants to know: Do you feel that we should grant amnesty to those Americans who left the country, or were imprisoned, in order to avoid serving in the armed forces during the Vietnam war?		
Yes	5,427	44.94
No	4,815	39.87
Don't know	1,833	15.18
Guest question—State Superintendent of Instruction W. P. Shofstall wants to know: Does the time-tested basic knowledge recorded in books, art, etc. (history), help people in the solution of the modern, practical, complex, and personal problems we all face today and will face in the future?		
Yes, in most situations	1,019	8.42
Yes, in some situations	5,372	44.42
Yes, but seldom	2,375	19.64
No, but interesting	858	7.09
No, turns me off	1,029	8.51
Don't know	1,438	11.89
If you were voting in the presidential election today, who would be your choice for President?		
Shirley Chisholm	871	7.35
Hubert H. Humphrey	2,045	17.27
Henry M. Jackson	166	1.40
George S. McGovern	2,453	20.72
Edmund S. Muskie	1,159	9.79
Richard M. Nixon	4,380	37.00
George C. Wallace	761	6.43
The best way to control overpopulation of the future is by:		
Voluntary limit through birth control	6,616	55.70
Legalized abortions	3,984	33.54
Legislation making abortion or sterilization mandatory	1,277	10.75
Would you favor a staggered 12-month school year if you were required to attend only 9 months, as you do now?		
Yes	4,729	39.28
No	7,309	60.71
Do you believe interscholastic sports should be de-emphasized in the Tucson schools?		
Yes	2,567	21.29
No	7,225	59.92
No opinion	2,264	18.77
Do you approve of busing as a means of achieving racial balance in schools?		
Yes	2,512	20.73
No	7,996	66.00
No opinion	1,606	13.25
The educational level I plan to complete is:		
High school	2,520	20.90
Junior college	1,766	14.64
4-year college	4,090	33.92
More than 4-year college	2,825	23.43
Vocational	854	7.08
If you thought you had venereal disease, which would you do first?		
Secretly go to a free clinic	6,336	52.56
Tell my parents	2,813	23.33
Go to my family doctor	2,254	18.69
Wait for further symptoms	651	5.40
Should women be exempted from military draft?		
Boys answer:		
Yes	2,606	22.75
No	2,235	19.51
Girls' answer:		
Yes	3,970	34.66
No	2,641	23.06
What is your attitude toward police officers?		
I dislike them	1,439	12.00
I respect them	6,927	57.77
Too great an expense to taxpayers	289	2.41
Worthy of greater tax support	1,233	10.28
Indifferent	2,102	17.53
Do you think church (or organized religion) plays an important part in your life?		
Yes	5,641	46.66
No	5,305	43.88
No opinion	1,142	9.44
In order to avoid urban sprawl, should future growth be restricted to the present limits of Tucson?		
Yes	4,813	39.93
No	4,888	40.55
No opinion	2,351	19.50
Should individual Americans alter or change their life styles in order to preserve their ecological environment?		
Yes	8,769	72.49
No	1,875	15.50
No opinion	1,452	12.00
Archie Bunker, the "friendly bigot" of Television, is:		
A disgrace to thinking persons	792	6.55
Reflects human attitudes	5,775	47.81
Harmless fun	3,913	32.39
No opinion	1,598	13.23
Should juvenile offenders have the right to trial by a jury of their peers?		
Yes	7,770	63.97
No	2,860	23.54
No opinion	1,516	12.48
Should the possession of marihuana—		
Be legalized?	5,225	43.11
Remain as a felony?	3,115	25.70
Be reduced in penalty to a misdemeanor?	3,779	31.18
Should capital punishment be abolished in Arizona?		
Yes	5,473	44.98
No	5,033	41.36
No opinion	1,661	13.65
Has the counseling service offered at your school benefited you in ways other than schedule changes and paperwork?		
Yes	4,756	39.36
No	7,326	60.63
Should the electoral college be abolished and the President and Vice President be chosen by popular vote?		
Yes	7,288	59.96
No	2,837	23.34
No opinion	2,029	16.69

SAM ERVIN: CONSTITUTIONALIST

Mr. ALLEN. Mr. President, sometime ago the well known columnist Mr. Marquis Childs wrote an article entitled "Sam Ervin: Constitutionalist." The article pays high tribute to our colleague the able and distinguished Senator from North Carolina (Mr. ERVIN).

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAM ERVIN: CONSTITUTIONALIST

(By Marquis Childs)

As the foremost constitutional lawyer in the Senate, Sam Ervin of North Carolina is a good man to have on your side. It follows, as the inquiry into Richard Kleindienst and ITT is now demonstrating, that he is a formidable adversary.

Ervin says that unless the White House relents and allows Peter Flanigan to testify on the role he played in the ITT antitrust settlement he will block Kleindienst's confirmation to be attorney general. If the Judiciary Committee simply closes the hearings with no resolution of the Flanigan matter, he will carry the fight to the Senate floor. And there he seems to be rapidly gaining recruits.

The craggy, stern-voiced North Carolinian will this week go before the Supreme Court to challenge the administration on another constitutional issue. For he believes beyond mere lip service, profoundly and without equivocation, in the freedom guaranteed by the Constitution and in the independence of the three separate and coordinate branches of government.

Ervin will speak for a committee of senators, both Republicans and Democrats, as friend of the court in the case of Sen. Mike Gravel of Alaska. While the administration holds to the right to keep an executive agent (Flanigan) from speaking out, the Department of Justice tried to force a Gravel aide to talk to a federal grand jury on the charge that the senator had violated national security by releasing and bringing about the publication of a greatly amplified version of the Pentagon Papers.

A Federal District Court and later a Court of Appeals upheld the right of both Gravel and his aide to refuse to testify. The appeal to the Supreme Court is on the publication of the papers as read by Gravel into the record of his subcommittee.

In a brief filed with the Supreme Court

Ervin cited Article I, Section 6, of the Constitution which declared that "for any speech or debate in either house, they (members of Congress) shall not be questioned in any other place." While making it plain that they have no brief for Gravel, the senators intend to protect the independence of the Senate. If any discipline is due Gravel for reading the secret papers into the record, the Senate itself must administer that discipline.

That Ervin should be a Daniel come to judgment in the Kleindienst ITT affairs is hardly surprising. Along with his respect for the Constitution goes a healthy regard for the common or garden variety of honesty. The mishmash of half-truths, lies skirting on perjury and just plain obfuscation developed during the hearings persuaded a normally conservative Southerner that something was very wrong and only the testimony of Flanigan as to his part in the settlement could sort truth from falsehood.

The performance of ITT's executives has shocked not only conservatives in the Senate but the business community. W. R. Merriam, head of the company's Washington office, appeared to be openly contemptuous of the Judiciary Committee in the course of his meandering testimony covering when he would lie and what he would not. The company's chief executive, Harold Geneen, came off rather better, but only because he pleaded ignorance of much of what had gone on.

Corporate executives are privately wringing their hands over the damage they believe the ITT affair has done to the corporate image. The maladroit way the company's public relations have been handled—above all, the buffoonery surrounding the hapless Dita Beard—seemed an invitation to committee wrath. All the old prejudice against the business giants out of the early New Deal days has been aroused, countering the long campaign of propaganda aimed at picturing the beneficence of the false enterprise system.

Senate passage of the war powers bill by a majority of 63 to 16 shows the acute sensitivity to the independence of the three separate branches of government. In the view of many critics the measure is a serious infringement of the powers of the chief executive to protect the nation. But, with the power of the executive so great, the other two branches of government are fearful of being crowded out entirely.

RAIZA PALATNIK, HEROINE OF ODESSA

Mr. MATHIAS. Mr. President, there has come to my attention an article entitled "Raiza Palatnik, Heroine of Odessa," published by the Student Struggle for Soviet Jewery. It is a revealing and touching chronology of events leading to the arrest and imprisonment of Raiza Palatnik, a Soviet Jew who became disenchanted with the Soviet Union and whose crime was to desire to emigrate to Israel. I recommend her story to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the story was ordered to be printed in the Record, as follows:

Raiza Palatnik, Heroine of Odessa

Raiza Palatnik, a product of the miraculous Jewish renaissance in the Soviet Union today, was arrested on December 1, 1970. Her real "crime" is that she sought to be a Jew and to leave for the Jewish Homeland.

Before her arrest, Raiza Palatnik wrote the following letter which she left with her friends.

AN OPEN LETTER FROM RAIZA PALATNIK

After the latest questioning at the KGB, where I was again threatened with arrest, I decided to write this letter because I am afraid that I won't have the time to tell my friends and my near ones of what I have lived through in the 35 years of my life.

I was born in a small town in a Jewish family. I was taught the Jewish language and customs at home. There were no Jewish schools there, and I therefore went to a Russian school. From childhood, I always felt myself Jewish and subconsciously looked for a possibility of a national self-determination. In the eighth grade I refused to study the Ukrainian language, stating that my native tongue was Jewish, and by this I brought the school directors to a great confusion.

I was 14 years old when there began the unbridled campaign of anti-semitism, known as the struggle against cosmopolitans without kith or kin. I remember the atmosphere of fear and confusion at home, in expectation of something terrible and inevitable. At that time I wrote a diary. Now, looking through it again before destroying it so that it should not fall into the hands of the KGB, I live again through the pain of those times, through the bitterness, the indignation and the anger. Even at that time I could not understand why it was enough to be a Jew to be rejected.

But Stalin died. The physicians were rehabilitated. Beria was shot. With childish naivite I rejoiced and I believed that justice had triumphed. I entered the Moscow Library Institute. I remember with what enthusiasm I accepted the condemnation of the cult of Stalin at the 20th Congress of the CPSU. But why had not a word been said about the physical annihilation of the best representatives of the Jewish intelligentsia in the post-war years? Why had anti-semitism, which had been raised to the level of domestic state policy, not been condemned? Why did they not open Jewish schools, theaters, newspapers and magazines? These and other questions confused me. I understood how illusory was my belief in the elimination of anti-semitism when I graduated from the Institute and began to look for work. Nobody was interested in my knowledge and my professional qualities. My attachment to the Jewish nationality tightly closed before me any possibility of working in a library of high standard. With difficulty, I managed to get work in Odessa, in a library of the lowest grade, where I am still working. Dozens of questions arose before me with a new force and answers to them were given to me by life itself—a life full of bitterness and disappointment. Not finding an answer in the official literature, I began to read the Samizdat (the unofficial secretly-printed Russian literature). The judicial violence against Yosef Brodsky I understood as a new phase of Soviet anti-semitism. The poet was sentenced on the basis of clearly anti-semitic testimonies of the witnesses, who were not even acquainted with him. Samuel Marshak, Korany Chukovsky, Konstantin Paustovsky and others, who raised their voices in Brodsky's defense, found themselves powerless.

In my searching for a way out, I began to think about Israel more and more often. The beginning of the Six-Day war shocked me. It seemed to me that the entire world was looking with indifference while millions of well-armed armies were preparing to finish the work of Hitler—to destroy the Jewish people, and to erase from the face of the earth the State of Israel, resurrected after two thousand years. On the eve of the war, when the Aqaba Straits were closed, when the U.N. troops were withdrawn and the Arab armies came to the borders of Israel and Federenko was cynically saying in the U.N., "Don't dramatize events", I suddenly felt my personal responsibility for the fate of the Jewish State. I felt that I was a living cell of this united organism, the name of which is the Jewish people. Then I understood the entire groundlessness of my connection with the land where I was born, and that I have no other way but the one with my much-suffering people, in the ancient land of my ancestors. I remember my feeling of unbounded pride and joy when the resurrected David again overthrew Goliath. The currents of vilification the anti-Israel hysteria in the Soviet press, radio and television raised in me a storm of outrage. I felt an almost physical pain because I had no possibility of saying to all that in this difficult moment—"I was with you, my people, my Homeland, my Israel."

I began to be actively interested in everything pertaining to Israel, to Jewish history and culture. I acquired friends who thought like me, with whom we discussed the possibility of going to Israel. The notorious press conference organized in March 1970 by the authorities, at which Jewish loyal subjects condemned Israel in the name of the Soviet Jews—and therefore in my name too—raised a decisive protest in me. How could one say that this was a lie, that the majority thought otherwise? And suddenly, I heard over the radio the letter of the 39 Moscow Jews, who stated to the whole world that the people who had come out at this press conference with anti-Israel slogans, had no right to come out in the name of all the Soviet Jews, that nobody empowered them to do this and that they, the 39, consider Israel their sole historical Homeland. How sorry I was that I had not been able to put my signature as well under that letter! I recorded it on tape and typed it out, so that my friends should also be able to know about it.

I applied to (Israel's) Post Office Box 92 with the request to look for my relatives in Israel. And this was when the agencies of State Security became interested in me. A search was made in my home and material about Israel, its economy, culture and politics and simply books in the Jewish language were confiscated. I am constantly being called for questioning and threatened with arrest. My friends, relatives and fellow-workers are also called for questioning and asked to testify to some sort of an "anti-Soviet activity" on my part.

I understand that arrest and perhaps many years of imprisonment await me. But I know one thing firmly—my fate is tied fast with Israel and no deprivations will part me from you, my people. I am certain that the arrests in Leningrad, Riga and Kishinev will not stop the struggle of the Jews of the USSR for their immigration to Israel.

Unfortunately, I don't know the language of my people—Hebrew—but at the trial I shall aim an accusation against all anti-semites in Yiddish, a language that my father and mother had taught me.

(signed) Raiza Palatnik,
November 1970.

In the spring of 1971, a document chronicling Raiza Palatnik's remarkable heroism was brought from the USSR. Following are essential excerpts:

In the afternoon of October 14, 1970, two men entered the library in Odessa where Raiza Palatnik was in charge of the subscription section. They introduced themselves as officials of the Criminal Investigation Department and asked Raiza to follow them. They put her into a car and drove her home. Near her house, four people were waiting—three men and a woman. The latter introduced herself as Rymova, an investigator from the Criminal Investigation Department.

Rymova showed to Raiza a search order for "finding and confiscating property stolen from school no. 56"

The search took five hours concluding with the removal of a typewriter and a number of articles on Israel and on Russian life.

Raiza refused to sign the document of the search, stating that all the above items were her personal property and had no relation whatsoever to the "stolen property" of school no. 56.

On October 15, 1970, a KGB investigator, Alekseyev, came to her at her place of work and ordered her to follow him. He put her into a car and took her to the KGB. In the office there were several persons, the oldest of whom introduced himself as Ponomarev. The cross-examination lasted six hours. Raiza refused to answer the questions and stated that the literature confiscated was not anti-Soviet and that she considered the search and the interrogation as persecution because of her desire to go to Israel.

During her interrogation, there was a parallel interrogation of the persons employed in the library where Raiza worked—five Jewish women and one Russian. They were asked whether Palatnik had given them Zionist literature to read, whether she agitated among them to go to Israel, whether Raiza had met with Chaplia (her husband) and with the Averbuch brothers, whether she had met any of those arrested in Leningrad, Kishinev and Riga (photographs were shown to them) etc.

The interrogation of Raiza continued for 2–3 days, for many hours. Each time they threatened her: "Today you won't go out from here." Raiza refused to give them any answers to these questions and demanded that, in accordance with the Soviet legislation, she should be informed what was the charge against her and also stated that she would answer only in her own language—Yiddish.

After the first interrogation, Raiza wrote a complaint against the illegal persecution to which she was subjected by the KGB because of her desire to go to Israel and addressed it to the First Secretary of the Odessa Regional Committee of the Communist Party of the Ukraine, Kozyr, and to Leonid Brezhnev. Raiza received confirmation that the complaints had been handed to them, but no answers to the complaints came.

On November 20th, the KGB authorities also made a search in the home of Raiza's aged parents in the town of Balta, with the object of "confiscating literature of slanderous anti-Soviet contents." The search was accompanied with humiliating actions with the aim of discrediting Raiza's father in the eyes of his neighbors and at his place of work. Nothing was found during the search.

Meanwhile, the KGB called for interrogation of dozens of persons in connection with the "Palatnik case"—relatives, acquaintances, friends and complete strangers.

On December 1, 1970, the agents of the KGB of the Odessa region arrested Raiza Palatnik.

On the day following Raiza's arrest, Katia, Raiza's 22 year old sister, went to the KGB together with Raiza's husband, Alexander Chaplia, and demanded that the investigator Larionov should show them the warrant for the arrest and should explain what was the charge against her. Larionov answered that he was not obliged to render accounts to Katia. Katia, excited, exclaimed: "This means that you can do what you like to her, beat her and kill her and you don't have to render account?" Larionov answered mockingly: "If it will be necessaary, we shall beat her and we can also kill her."

Katia and Chaplia applied to the Procurator for Supervision over the KGB Dubrovin with a complaint against Larionov. Dubrovin said that this could not be, that Larionov was an experienced investigator and that even had he thought so, he would not have said it out loud. He said that Raiza was suspected of spreading deliberately slanderous fabrications, vilifying the Soviet government and the social system, corresponding to section 187 of the Penal Code of the Ukrainian SSR. To Chaplias' reply that a person could not be arrested for wanting to know and to say the truth, and that this was merely a pretext for the arrest, while the real reason was Raiza's desire to go to Israel, the procurator answered nothing convincing.

After Raiza's arrest, her parents were also summoned for questioning. Raiza's father, Anatoly Solomonovich Palatnik, who had been a political prisoner himself in the past, came alone to the KGB. He made a resolute protest against the summoning of Raiza's mother for questioning. He said that she had already been caused great suffering by the arrest of her innocent daughter and that it was inhuman to torture her with questionings. The investigators tried to make the father admit that his daughter had fallen under the influence of criminal Zionist elements. Anatoly Solomonovich answered that he had always been proud of his daughter's principles, honesty and humaneness, and that, consequently, she could not have bad frineds. He demanded to be shown on the basis of what evidence his daughter was charged. The investigator answered that he was not obliged to show anything and would not do so. Anatoly Solomonovitch then stated that he was completely convinced with his daughter's innocence and that she was being subjected to persecution only because of her desire to go to Israel. He said that he considered the bringing of a criminal charge against Raiza as a new Beilis case.

In March 1971 Chaplia requested permission to see Raiza. The investigator Larionov explained to him that he doubted Raiza's mental normalcy—because "normal people" cannot behave and think like Raiza. This attempt to fabricate psychiatric illness, was unsuccessful. The conclusion of the psychiatrists' examinations in March was unanimous; and absolute normal mentality.

Having failed with this invention, Katia was then subjected to a three-hour brainwashing on March 17, so that she should denounce her sister and Zionist delusions, that Raiza was a "criminal against the State", that "Israel was a festering boil on the healthy neck of mankind", etc. The investigator refused to give his name.

After the arrest, there arose the insoluble problem of finding a lawyer for Raiza. Those few lawyers in Moscow who had a reputation of taking risks were unable to accept the case. Some of them said outright that they are willing to defend Raiza, but are not permitted to do so (Kalistratova and Kaminskaya). Others refused under various pretexts.

Chaplia then applied to the Chairman of the Presidium of the college of Moscow Lawyers with the request to permit one of the Moscow lawyers mentioned by him to defend Raiza. The chairman replied that in regard to such cases, no Moscow lawyer would receive permission to undertake defense. When Chaplia objected that this was a crude violation of the rules of the legal profession, the chairman answered that he would be responsible for the violation of the rules to the person concerned. As for the Odessa lawyers, they agreed to undertake the defense only on condition that at the trial they would ask only for a more lenient punishment, but would not argue that there had been no crime.

On April 22, 1971, Raiza Palanik declared a hunger strike in prison, protesting against her unlawful detention in custody and against brutality of her interrogators.

CLEARCUTTING

Mr. STEVENS. Mr. President, the issue of clearcutting is being debated throughout the Nation with well-meaning advocates on both sides. In 1965 an article appeared in a national magazine which declared that a 1,500-acre clearcut logging operation on Admiralty Island had created a "desolate, obscene ruin" that resembles a "battlefield somewhere near the gates of hell."

The article went on to say that—

> No honest witness can believe anything more substantial than devil's club will ever again grow in that eroded wasteland.

Herbert E. McLean, a freelance magazine writer from Provo, Utah, traveling with a group of Brigham Young University students, recently visited Admiralty Island to make an up-to-date report on that "desolate, obscene ruin" that would never grow anything more substantial than devil's club.

What did he find? He found vigorous stands of sitka spruce, 6 to 8 feet high. Hemlocks by the thousands. Blueberry, huckleberry, salmonberry, wild current, and others. Birds and bears. Black bears and brown bears.

The Alaska Department of Fish and Game reported that the salmon yield had increased fourfold.

The forest is there again, 7 years later, newer but stronger.

Mr. President, I ask unanimous consent that Mr. McLean's article published in a recent issue of the New Alaskan, be printed in the Record.

There benig no objection, the article was ordered to be printed in the Record, as follows:

Clearcutting

The Forest Service reeled as hundreds of letters flooded their Washington and Juneau offices six years ago. At issue: Admiralty Island, where a 1500-acre clearcut logging operation had triggered the ire of Field and Stream.

The Tongass National Forest had created a "desolate, obscene ruin" that resembles a "battlefield somewhere near the gates of hell."

Had caused a "rape of the land."

Had made a "barren, wet Appalachia" out of the nation's greatest remaining wilderness.

Had, in short, ruined Admiralty Island's Whitewater Bay to the point that "no honest witness . . . can believe anything more substantial than devil's club will ever again grow in that eroded wasteland."

So said Richard Starnes, writing in the August, 1965 issue of Field and Stream in an article titled "Night Comes to Admiralty."

Starnes, in copy calculated to move the most laconic armchair bear hunter to his typewriter, was shouting about a logging project which, he undoubtedly believed, would totally destroy not only Admiralty's forests, but her superb bear hunting as well.

The clearcutting issue being what it is, I decided to check up on Starnes-the-prophet last June. I was in Southeast Alaska with a group of Brigham Young University writing students, and I took my assistant instructor and one of my student photographers in a chartered float plane.

We zoomed off in Ken Loken's Turbo-Beaver from Gastinau channel in Juneau, prepared for the worst.

The water sparkled under a perfectly brilliant summer day—the kind that make Juneauites dance. As we rose into the air the whiteness of the immense Juneau Ice Cap to the east glimmered and bounced back the early morning sun. Gill netters, seiners and Salmon Derby pleasure boats bobbed in the deep blue waters of Gastinau and Stephens Passage as the Admiralty's velvet greenness loomed in front of us to the south. High in the watershed above Pack Creek, Sitka spruce and hemlock climbed high on rocky flanks, then gave way to barren rock and spring-melting snow.

We cleared the crest of Admiralty's 70-mile-long backbone, then Ken nosed down a couple of degrees for our descent into Whitewater.

There it lay on the shores of Chatham Strait—a delightful snug-harbor inlet surrounded by deep, deep greenness.

But where were the scars?

Where the "barren . . . Appalachia?"

Where the "sullen garbage dumps," the "eroded gullies," the rape stains so vividly defined and convincingly photographed by Starnes?

Ken banked deep for a tight turn over the bluewater bay, then dipped for a glassy-smooth approach on a lagoon so clear I could see bottom, in all but the dark blue depths of the center of the lagoon. We skimmed across the inlet, then sided up to a mooring spot. We jumped ashore.

Minutes later, with a 30.06 in one hand and a copy of Starnes' article in the other, I set out on a walking tour to find our "desolate ruin" with Wally Barrus and Mike Nielson.

We never found it.

Because it doesn't exist.

Instead we found a vibrant, lush forest literally springing to life on the 1500 acres of the Whitewater Bay tract logged between 1963 and 1967.

Throughout the clearcut area, vigorous Sitka spruce were rearing their heads six and eight feet high. Hemlocks by the thousands, and a whole year-by-year progression of saplings and younger trees, were coming along right behind them. Blueberry and huckleberry, salmonberry and wild currant, elderberry, alder and wild columbine provide a carpet so thick we could scarcely make our way through. Birds of all descriptions chirped and chattered as we approached.

What once were logging roads are now nearly closed in by alder overgrowth, making them trails for the most part. At the site of a logging road bridge (removed by the loggers as required by the Forest Service following operations), we waded thigh-deep across the chill waters of the Whitewater river-waters as clear as any I'd ever seen in Alaska. Looking across a grassy meadow, we gazed at a magnificent unnamed falls surrounded by a spruce-hemlock forest which, I learned later, had sprung up following a clearcut operation 43 years before.

But what of the bears? We saw four brown bear cubs skittering down a snowbank as we flew in that morning. Everywhere along the trail was fresh evidence of bear, and Pilot Ken reported seeing both black and brown bear often in the grown-over clearcut area.

Otter and mink were thick here, as evidenced by the mussel and cockle shells they'd carried from salt water some distance inland.

Unfolding Starnes' article, I searched until I found the huge stump of a "murdered Admiralty monarch." It was literally surrounded by lush hemlock, alder and spruce trees.

The garabage dumps? Only a barely recognizable, overgrown depression was left to suggest their past presence.

It was a little early in the season to find any salmon in the river, but when I returned to Juneau I checked official Alaska Department of Fish and Game counts for that area, and learned that peak counts for last year, 15,000, show an almost four-fold increase over the years 1960–63 before logging commenced—making it all most difficult for me to understand why Starnes had stated: "It is impossible . . . to believe that the Whitewater watershed will ever again produce any substantial harvet of trees, salmon, or brown bear."

Our hike up the little valley was memorable for its placid beauty—if you can appreciate what happens when a whole new forest springs to life. The rushing clear water, the sounds of innumerable birds, the mature stands of conifers left here and there for landscape effect and as a seed source—they all worked with the new forest to produce a picture of harmony, of rebirth, of regeneration in the Alaskan rainforest.

That last word—"rainforest"—is of course the key.

Upward of 100 inches of rain per year will bring up new forests like the Whitewater regrowth. They'll bring along a harvest of Sitka spruce and hemlock in less than 100 years. How do I know? One little spin over the area immediately adjacent to Whitewater with a logger's map shows clearcuts dated 1965, 1942, 1928, 1924, 1920—in fact all the way back to 1860. If you didn't have that map you couldn't locate most of the cuts. All you see is thick, vigorous forest—a little healthier than the surrounding older stands with their dominant snap-topped trees.

Nevertheless I'm sorry we can't bring back Starnes' magnificent monarchs—this year.

I'm sorry that roads are necessary for logging.

I'm sorry, in a way, that people use so much paper, so much lumber.

But if Mr. Starnes will just climb into a plane and hop out to Whitewater one of these days, he'll find a whole new morning on Admiralty to replace the night he so darkly described.

If he has a genuine concern for the needs of future generations for "magnificent monarchs," and for paper, for lumber, for places to hunt bear and catch salmon—he might look at the new Whitewater forest, and even manage a forced little nod of assent to the Forest Service and gruff Alaska loggers.

PROFILES OF CHILDREN

Mr. MONDALE. Mr. President, on March 7 the Committee on Finance voted to postpone and dilute a program that would provide health services to millions of poor children—the "early and periodic screening, diagnosis, and treatment" program under medicaid.

After a 4-year delay in issuing guidelines, the Department of Health, Education, and Welfare ordered States to offer these health services to eligible children under 6 starting in February of this year; and gave States until July 1, 1973, to phase in programs for children and youth from 6 through 21.

The Committee on Finance, however, voted to postpone the requirement for services to 6 through 21-year-olds by 2 years—until July 1, 1975. In addition, the committee announced that under an amendment it adopted States would not be required to offer additional medical treatment for diseases discovered in the screening process. The effect of this could be to deny needed eyeglasses, dental care and hearing aids to an unknown number of children.

I have previously announced that when this legislation comes to the floor of the Senate, I will do all I can to see that the program is implemented as soon and as fully as possible. In the meantime, I would like to insert in the Record for the information of my colleagues some data which I believe bear on the Finance Committee's action.

This information consists of excerpts and paraphrases from "Profiles of Children," a publication of the White House Conference on Children. These statistics show that many youngsters have health problems which go untreated, including nutritional deficiencies which can cause serious health problems in later life. It portrays concisely why it is so important to bring the "early and periodic screening, diagnosis, and treatment" program to fruition as soon as possible. The information is as follows:

> These diseases are still a threat to the health of children: syphillis, hepatitis, gonorrhea, and tuberculosis. Twenty-six percent of reported cases of hepatitis occur in children under 14; three percent of reported cases of syphillis and one percent of cases of gonorrhea occur in children under 14; and 11 percent of reported cases of tuberculosis are found in children under 15.
>
> One out of every 12 children between the ages of 6 and 11 has a speech defect.
>
> One out of 4 children between the ages of 5 and 14 has never seen a dentist.
>
> Poor children have greater dental needs than children in more affluent families. In families with an income of under $3,000, children aged 6 to 11 have an average of less than one tooth filled each year. In families with an income of $3,000 to $4,999 per year, children of the same age have an average of a little more than one tooth filled; while three decayed teeth go untreated.
>
> Proper nutrition is basic to the good health of the child. Pre-schooler's diets often lack adequate amounts of important nutrients. Fifty-one percent of boys under six and 56 percent of girls the same age receive inadequate amounts of Vitamin A. Twenty-one percent of boys under six and 27 percent of girls in the same age group receive inadequate amounts of Riboflavin.

ADDRESS BY SENATOR JAVITS BEFORE UNITED STATES CHAMBER OF COMMERCE

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Record the text of an address delivered by me before the 26th Annual Hemispheric Insurance Day Luncheon of the Chamber of Commerce of the United States on May 16, 1972.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Crisis Facing Regional Integration in the Americas

> I welcome this opportunity the U.S. Chamber of Commerce has provided me to talk about Western Hemisphere affairs. While the attention of our policy makers and the press is directed towards the more vivid threats to world peace, to our constitutional processes and to our system of checks and balances—it is nevertheless likely that the future shape of world society may be influenced as much by what happens in Latin America over the next decade.
>
> The topic of my address is: The Crisis Facing Regional Integration in the Americas. I am aware that continent-wide regional economic integration for Latin America is a subject that is not being pursued actively at this time either by major Latin American governments or by the United States. By economic integration of Latin America, I mean significantly closer economic cooperation between the countries of Latin America leading to the establishment of a Latin American Common Market, actually a customs union with relatively free movement of labor and capital.
>
> While Canada's decision of last week to join the Inter-American Development Bank (IDB) is welcome, Canada continues to tiptoe around the edges of a significant involvement in matters of the hemisphere. One must note that this decision took years and also

that Canada still is not a member of the Organization of American States (OAS). Canada is a productive nation—a mature democracy—and needs to play a more significant role in inter-American affairs. With British Commonwealth ties loosening as Britain joins the European Common Market, Canada could play a major and vital role in the affairs of the Western Hemisphere aside from joining the Inter-American Development Bank. A Canadian commitment to the Western Hemisphere is now needed; in bilateral U.S.-Canadian relations, revision of the safeguards in the Automotive Products Agreement and other steps to achieve a proper balance in trade agreements and monetary matters between the two countries are increasingly urgent.

As to Latin American integration, my concern is that a mood may be growing that regards the solemn commitment that the Presidents of the Americas entered into at Punte Del Este in April, 1967, "to create progressively, beginning in 1970, the Latin American Common Market, which shall be substantially in operation in a period of no more than fifteen years" as somewhat of a dead letter.

If this were to happen, it would be a most regrettable development. If this regional integration goal is not pursued at the very time that Western Europe is moving toward a strengthened Common Market and Japan into economic super power status, it is my view that Latin America will have relegated itself to an almost permanent position of economic and political weakness.

In my mind, arguments for Latin American integration remain valid. These include:

1. Integration would make Latin American industry more competitive in relation to the rest of the world, thereby strengthening the Latin American export base for semi-manufactured and manufactured goods where world demand will be buoyant in the years ahead;

2. Integration would justify certain infrastructure projects in Latin America that otherwise would not be justified;

3. Integration would cause import substitution to be looked at on a regional basis and could lead to efficient continent-wide industrial planning which would give a considerable impulse to industrialization;

4. Integration would strengthen Latin America's bargaining power re the rest of the world;

5. Integration would permit working toward a multilateral payments union in Latin America; and

6. Integration's above mentioned economic benefits could give an impulse to job creation, political stability and social justice—problems that have plagued Latin America in the modern era.

And, of course, the summation of these preceding benefits—if successfully nurtured—could provide a giant step for Latin America in approaching its century old dream of some day achieving a Latin American political union.

For those of us interested in a broader scheme of Latin American economic integration, the evolution of the Andean Pact grouping to date, while causing some disquiet, also gives grounds for hope. I realize that in Latin America, as well as in the United States, the Andean Pact is controversial, particularly as it relates to the "code of behavior" for private foreign investment. The Andean Pact is also controversial in terms of the effect it will have on the possibility of the broader economic integration of Latin America.

Regarding this latter point, one school of thought strongly questions the economic compatibility of this grouping and is concerned that as the Pact grows and strengthens, it will be increasingly difficult to work out smooth relations between the Andean Pact countries and the rest of Latin America. Concern is expressed that industries may be established that—while being optimal in terms of the economic needs of this specific regional grouping—clearly are not optimal in terms of a broader Latin American integration. In other words, it is argued that if the Andean Pact gets in the way of economies of scale, this could be a disastrous development for Latin America.

The optimists—and I include myself as one—are hopeful that Venezuela soon will accede to the Pact and that this act will soften some of the Pact's present rigidities. The accession of Venezuela could help trigger the application of Argentina. As the Pact strengthens, negotiations with the "giants" of the area—Mexico and Brazil—would become mutually desirable and mutually profitable as would negotiations with the Central American Common Market. The evolution of the Andean Pact thus could become the linchpin of a broader integration plan which would replace the relatively defunct Latin America Free Trade Area (LAFTA). This optimistic assessment is clouded by the immense political diversity of the countries making up the Andean grouping. It cannot be doubted that Chile is the present weak link.

The self-made economic problems of Chile are staggering, and the deterioration of the economic situation unfortunately does not seem to have run its course. This rapid economic deterioration is characterized by persistent production problems in both the agricultural and manufacturing sector; accelerating inflationary pressures, mounting product scarcities including essential food items, and a serious foreign exchange crisis aggravated by continuing labor difficulties fomented by the Marxist unions in the major Chilean copper mines. These are the kinds of problems that have political consequences.

I realize that the alleged inappropriate behavior of one major American corporation in Chile—behavior which was not supported by other American corporations in Chile or by the U.S. Government as the Anderson papers made clear—makes it all too easy for political leaders facing a difficult situation to point the finger at a foreign scapegoat. This is a favorite political tactic the world over. But, the tactic must not be allowed to obscure the root causes of the present Chilean economic, social and political problems.

Leaving aside the unique problems Chile is causing the Andean grouping, the whole question of the relationship of the Andean Pact countries to the LAFTA and the Central American Common Market—which is recovering nicely from the disastrous war between Honduras and El Salvador—is an open question. The shape of future relations first with Venezuela and then with Argentina, Mexico and Brazil is also relatively undefined. Beyond this is the question of the future of the relations of the Andean Pact countries and/or a broader economic unit with the other nations and major trading blocs of the world.

Regarding the present role of the United States. Latin America under President Nixon's "low profile" policy, we can no longer be seen as the colossus of the North, and paradoxically, this now seems to be causing some resentment.

Over the short-term, I share the view that Dr. Joseph Grunwald puts forward in his perceptive new book, *Latin American Economic Integration and U.S. Policy*, that "the United States, because of the Vietnam war and the Congress's attitude towards foreign aid, was in no position to make substantial and definite commitments in support of Latin American integration." I would add that these factors constraining U.S. policy are not likely to alter significantly over at least the short run. New bilateral and multilateral aid programs remain in deep trouble in the Congress, trade preferences remain down the road as long as the present protectionist mood persists and there is an emphasis in the Administration on bilateral relations rather than more ambitious integration plans. It would be my hope that the larger nations of Latin America—Brazil, Mexico and Argentina—would take up the slack and make a more definite commitment to a broader Latin American integration along with Canada and that these relative giants would make the concessions that would be necessary to get a broader integration movement back on the tracks.

Any speech on Latin American integration would be remiss if it did not mention the role of private foreign investment. The fear of foreign domination has had a deterrent effect on the forward movement of regional integration schemes. In my order of priorities, I feel that the protection of U.S. business interests should be subordinate to the U.S. broader economic objectives which hopefully again will include the promotion of Latin American integration as a priority objective.

In viewing the future role of private foreign investment, I think that there are some points on which almost everyone can agree. The first of these areas of agreement is that the developing world will require the transfers of technology that are an inherent element of private foreign investment for a long time to come. Increasingly, I feel the developing world is regarding such transfers of technology as being more important than transfers of capital.

Equally acceptable I hope is the fact that the developing world will have to pay for the technology and capital they receive as these transfers will not descend on the developing world as "manna from heaven." In turn, it is incumbent on the developing world to make a better definition of the areas in which they want technological transfers—and capital transfers.

In viewing new private foreign investment, acceptance also seems to be growing that a joint venture or multinational venture arrangement in many cases is preferable to a 100 percent ownership position. A joint venture immediately creates a vital interest by nationals of the country in the project. The idea of foreign ownership extending into perpetuity is also becoming a casualty of our age. I note that the ADELA and some U.S. corporations have adopted disinvestment policies. Also, it is clear that if takeover situations stir concern in Western Europe and Canada, this concern undoubtedly is heightened in the developing world including Latin America. The recent promulgation of Canadian policy concerning takeovers will not be lost on the nations of the developing world.

Heightened American business sensitivity on matters such as these could go a long way toward alleviating tension between the foreign investor and Latin American nations.

On the legislative front, I do not feel that the broad purposes of any group have been well served by Hickenlooper-type amendments—be they tacked on to our bilateral assistance or multilateral assistance programs.

In my view, just as the Hickenlooper amendment, which affects our bilateral aid has not been an effective policy instrument in our relations with Latin America, I cannot see why the Gonzales amendment affecting our multilateral lending programs should be any more effective.

Finally, in reviewing the foreign investment area, I remain concerned that there are still too many grey areas and a lack of definition continues to lead to unnecessary conflict and at times unnecessary legislation. There are intensive discussions going forward regarding the rules of the game as regards international trade and international monetary matters; but, discussions of similar intensity are not going forward—and they should be—as regards private foreign investment with the exception of the Burke-Hartke bill, and this is solely a domestic battle which must be fought and won at home.

I reiterate the suggestion I made in Mexico City approximately one year ago that the United States and Latin America should convene a high-level meeting that would look toward the evolution of a continent-wide private foreign investment policy which would safeguard the sovereign rights of each country. Perhaps such a meeting could then commission a small group of men, representative of the Western Hemisphere, thoroughly to review this matter with a view toward defining the role of private foreign investment and foreign capital and technological and managerial inputs required by Latin America over the next decade. Review of the adequacy of present institutional structures in the private foreign investment area could also fall within their mandate.

It is my view that a multilateral mechanism—a GATT for private foreign investment—to set forth guidelines of behavior both as to obligations and rights by investor and host has never been more essential if the law of the jungle is not to take over in private foreign investment matters, with all the sad consequences this would entail for international and inter-American relations. I will continue working to promote these ideas.

WASHINGTON EDUCATORS RETIRE

Mr. JACKSON. Mr. President, the future of the United States of America will greatly depend upon a population well educated in the moral and social values, as well as the technical skills, which have become a part of our history and birthright.

These values and skills are being imparted to the youth of the United States every day by dedicated classroom teachers in our public schools.

This school year Skamania County School District 303, Stevenson-Carson Public Schools in the State of Washington will retire six teachers who have spent a total of 187½ years in public education. They are Mrs. Dorothy Hoffman, librarian, 20 years; Margaret Heller, elementary, 18 years; Harold Grossie, commercial, 24 years; Ted Vaux, mathematics, 41 years; Harry Cameron, social science, 44 years; Donald E. Leer, director, vocational and industrial arts program, 40½ years. Mr. Leer retired December 30, 1971. The others will retire in June 1972.

The dedication of these individuals to the youth of this one part of our State, and to youth whom they served in other parts of these United States is beyond measure. They have not only been fine educators, but have provided leadership and example. Their efforts have made a major contribution to their fellow men and the communities in which they have lived.

It is in recognition of their outstanding service to the people of Washington State that I ask Senators to share with us in honoring these teachers and their thousands of colleagues throughout the country who are retiring this year, and to join me in honoring these teachers who have contributed so much.

FOREIGN FISHING OFF U.S. SHORES

Mr. STEVENS. Mr. President, the intensification of foreign fishing off our shores in the last decade presents severe complications as our representatives prepare for the 1973 Law of the Seas Conference.

Many communities in the United State depend entirely on fishing for their total economic support. At the annual fisherman's forum held at Point Judith Rhode Island recently, the statement was made that "Everything depends on the fishing industry directly or indirectly in Provincetown, Mass." I have repeatedly stated that many Alaskans depend entirely on the sea for their livelihood. It is no exaggeration, then, to say that the fleets that are taking fish off the shores of the United States must be brought under the same restrictions that apply to our own fishermen if we are to conserve this resource and protect the rights of Americans.

Today, 309 foreign vessels are fishing in waters just off Alaska's shores: 97 Russians are fishing for groundfish, black cod and perch; 211 Japanese are fishing for crab, herring, black cod and perch; and one Korean is fishing herring. These alien vessels are in waters close to Alaska in the Bering Sea, along the Aleutian chain and around the shores of the Gulf of Alaska.

If we are to stop the decline of the United States as a fishing power, the rights of the United States fishermen must be enforced and protected over the interests of foreign fishermen.

MISSOURI BOTANICAL GARDEN

Mr. EAGLETON. Mr. President, on May 12, 1972, Dr. H. Guyford Stever, Director of the National Science Foundation, took part in the dedication of a building at the Missouri Botanical Garden, a building made possible in part through the generous help of the Foundation.

The city of St. Louis and the State of Missouri have always been justly proud of its Missouri Botanical Garden, an excellent research institution located in St. Louis which has been supported mainly by the contributions of private citizens.

The National Science Foundation has recently awarded a 5-year grant totaling $668,000 to the Missouri Botanical Garden. This grant will help support the garden's herbarium, one of the Nation's largest with 2.2 million specimens from all over the world.

The grant will be used so that scientists and students throughout the world will be able to work in St. Louis at the garden or borrow materials for study elsewhere.

The National Science Foundation is to be congratulated for its generosity and the recognition of the importance of institutions such as the Missouri Botanical Garden.

I ask unanimous consent that the pertinent and illuminating remarks of Dr. H. Guyford Stever concerning the problems facing science and the cities delivered at the Missouri Botanical Garden on May 12, 1972, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SCIENCE AND THE CITY

It is an honor to join with you in dedicating this beautiful structure in memory of John S. Lehmann. The Missouri Botanical Garden, known far and wide both as an excellent research institution and an outstanding amenity for the city of St. Louis, is greatly enhanced by the addition of this multipurpose building. While the National Science Foundation contributed to the project, it was mainly your efforts as public-spirited citizens that were responsible for getting it built.

By your dedication to this great civic asset, you have again set a valuable example for other cities of our nation. As a trustee of the Pittsburgh Symphony Society, I visited another of St. Louis' amenities, the Powell Symphony Hall, which inspired Pittsburgh to renovate one of its theaters into the impressive Heinz Hall for the Performing Arts.

I think examples such as these tend to highlight the recognition that the second half of the 20th century may go down in history books as a period of both great crisis and renewal for American cities. If that chapter is to have the happy ending I think is coming, it will be owed largely to concerned, influential citizens who cared enough about cities to preserve and enhance them. Certainly the economic and demographic forces at work in our cities cannot continue unchecked if we are to avert ever-growing trouble. Inward migration of the poor, outward migration of the afluent, declining tax base coupled with increased demand for services, breakdowns of services, breakdowns of traffic, ever-dirtier air—these are some of the familiar dynamics of urban decay.

Governments—Federal, State, and local—are taking steps to reverse these processes. However effective these steps may be, the key to urban rejuvenation lies with individual citizens, in private capacities as well as in public offices, who care about the future of our cities.

Increasingly, it is our urban areas that provide an indication of how well or how poorly man is doing as an inhabitant of the earth and the master of its resources. In the 20th century, the so-called population explosion has been accompanied by what Philip Hauser calls the "population implosion"—that is, the increasing concentration of the peoples of the world on relatively small portions of the earth's surface. Hauser estimates that the 20 percent of the world's people who lived in urban areas in 1950 will increase to perhaps 50 percent by the end of the century. In the United States, the pace of this urbanization has been spectacular. When our first census was taken in 1790, 95 percent of the American people lived on farms or in small villages. Half a century ago, about 50 percent of our population lived in urban areas. Today, about three out of four Americans do. And, incidentally, in that 80 years, the center of population in the United States has marched steadily from the East to a location not too far from St. Louis.

What's more, our new-found concern for how mankind manages the earth's resources—using them with minimum waste or pollution—is increasingly an urban matter. In our own country, urban areas account for about 80 percent of the annual consumption of raw materials. Problems associated with that consumption are found everywhere in our cities.

I think a word is appropriate here about a proper perspective on mankind the prodigal consumer of resources. As much as we deplore waste—and there are sound reasons for doing so—it is constructive to accept as unchangeable the fundamental fact that man is a different kind of agent of change than other forms of nature on this planet. By virtue of his superior abilities, man is at the top of the predatory pyramid. If we are to convert the vast majority of human beings to conservation causes—saving endangered species, for example—we must do so on sound and persuasive arguments that promotion of the cause benefits man himself.

By the same token, it does not seem a realistic strategy to plan to have people sacrifice certain conveniences they have come to know in our technological culture when such sacrifice would contribute little to the solution of our problems. Recently, I read in a newspaper about a group of ecology-minded high school girls in Cleveland who have stopped using electric hair dryers. While that is a touching gesture to save a small amount of electricity, it would not seem to be, pardon the pun, the wave of the future. Rather, the solution lies in more efficient use of materials and energy in the process of transforming raw material into finished product, building products that have greater usefulness—whether it is cars that last longer or urban transit systems that make cars undesirable for commuting—and then recycling products at the end of their lives of usefulness.

Likewise, the answer to city problems is not to disperse the urban population among villages—which is what suburbs would be if there were no "urbs." In many ways, suburbs are more prodigal consumers of materials and energy than central cities are. The central city, on the other hand, was created for the purpose of processing and distributing resources efficiently and as a concentrated pool of human resources—and the city, when well managed, is still the best place for effecting economies.

Moreover, there is a sense in which cities are like those rich and variegated environments that Darwin found much better suited for adaptation to change than small islands with limited variety among species. Just as diversity in genetic makeup increases the chances for survival of a species under environmental change, so the diversity of human talents one finds in a city lends itself to innovation and experiment. New enterprises find customers, new commodities find a market, and new ideas find an audience more readily in a city than in smaller communities.

But cities can also become overly rich environments—too many people, too much noise, too many sensory inputs of all kinds. Those impassive, almost growling faces one observes in overcrowded cities often belong to people suffering sensory overload. There is a need to provide in our urban environments space to move around in, places for solitude, places that offer refuge from noise and bustle. I think St. Louis suffers this deficiency far less than many other cities. Certainly there is no more tranquil patch of city land, meant for escape from urban pressures and appreciation of nature's handiwork, than the Missouri Botanical Garden.

Our cities are worth saving. They are sensible environments for the human inhabitants of technologically advanced societies. They must be made pleasant, safe, and fulfilling environments for those who live there, and restored as an appealing habitat for those who have sought escape from cities.

To develop urban environments in ways that will allow continuing exploitation of natural resources, but with responsibility for using those resources wisely, will require the help of science and technology. I know it is customary these days to castigate science and technology as the handmaidens of waste and pollution, since it is upon scientific and technological accomplishments that so much modern industry is based.

Yet, it is clear that we could not have come this far in our journey through history without the help of science and technology. And we will not continue much further without the wisest development and application of new science and technology. Natural resources are characterized by greater scarcity and inaccessibility as time goes on, since the most accessible sources are always exploited first. It is progress in scientific understanding and ingenuity in technology that permits man to progress to lower-grade sources and to alternative raw materials when a resource is approaching exhaustion. As minerals become scarce at the earth's surface, mankind invents machines to dig deep into the earth to find new sources. He finds new processes for handling lower-grade ores. He discovers ways to make refining more efficient. To lower costs of processing, he finds ways to utilize by-products. When resources must be carried ever-greater distances to the point of ultimate consumption, man puts his ingenuity to work to find new and cheaper modes of transport.

Notice that fresh air, which used to be of such abundance as to be labeled a "free good," is now a natural resource of increasing rarity, and hence increasingly a product of technology—that is, of air conditioners and pollution control devices in factory chimneys and cars.

Increasing scarcity is a goad to technological innovation, but often man's restless spirit is creating new resources far ahead of need. Nuclear power generation is being perfected and implemented far in advance of the day when our fossil fuel supplies will be exhausted. Under sponsorship of the National Science Foundation, a number of scientists are investigating alternative sources of useful energy, such as waste heat from power plants, oil separated from low-grade oil shale by biochemical means, methane produced through photosynthesis, and solar energy used to produce synthetic fuels or converted to heat energy that can then be used to produce electricity.

Man's quest for scientific understanding and technological innovation thus are grounds for optimism. With ingenuity, we will make do with the earth's endowments for the lifetime of the planet. Unquestionably, some of our needs, and some of the luxuries we come to call needs, will become more costly. Over time, the possible increments of greater efficiency in processing a natural resource become smaller, and the alternative sources of a raw material become fewer; hence, the possibilities for new cost savings become circumscribed. Moreover, costs of energy and finished products will rise as we implement our determination to make waste treatment an integral part of processing natural resources.

Through scientific and technological research, we can also improve our urban environments, so that they become more pleasant habitats as well as more responsible consumers of natural resources. Again, let me cite some examples under NSF sponsorship. In cooperation with the Department of Housing and Urban Development, we are supporting studies of a more efficient way to supply electricity, water, heating, and other services—and to handle residential wastes—under a concept called the Integrated Utility System. Another project is seeking to improve instrumentation for use in measuring environmental pollutants that is more rapid, accurate, and economical than present devices and sensitive to a broader range of polluting substances. Here in St. Louis, NSF is sponsoring a study of the influence of pollutants and waste heat from the city on local weather patterns. Also under way in St. Louis, is a study of the effects of carbon monoxide on inner city inhabitants. Other studies are applying a systems approach toward the improvement of municipal services such as refuse collection, utilities, and transportation. Last year, a team of researchers from the State University of New York at Stony Brook saved the city of New York millions of dollars through a rescheduling of garbage collection—and developed new mathematical insights in the process. They were able to match manpower on the streets to the peaks and ebbs of garbage accumulation in the city without hiring additional men and in a way that was fair and acceptable to the employees of the sanitation department.

Science and technology can contribute to the rescue of our cities, but I return to my opening contention—that it will take active, concerned citizens to effect the renewal and rejuvenation of urban environments. St. Louis is fortunate to have a tradition of civic pride and leadership among its most successful and influential citizens. This new building, and the magnificent gardens that surround it, are testimony to their dedication. On an occasion like this, there are no grounds for pessimism about the future of your city.

EARTH DAY 1970

Mr. BAKER. Mr. President, Earth Day 1970 was an event of national importance. It focused clearly on the very serious threats to our existence which we have ignored for too long. Clean air, clean water, and a healthier environment are the goals toward which we must continually strive.

But now that Earth Day is but a mere remembrance of things past, where do we go now? What lies ahead? For one thing, we must look to our elected representatives for the guidance and wisdom to restore our environment. One man who has always lent his help is Senator Hugh Scott.

Every day is Earth Day for our esteemed minority leader and Pennsylvania's senior Senator, Hugh Scott. His enviable record on environment and conservation matters should be an example for all of us to follow. I ask unanimous consent that a statement of his achievements be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Conservation and Environment

92D CONGRESS—LEGISLATION

S. 391—Consolidated Farmers Home Administration Act to increase the aggregate annual limit on grants for water and waste facilities constructed to serve rural areas and to increase the aggregate annual limits on grants for plans for the development of such facilities.

S. 745—Federal Environmental Pesticide Control Act of 1971, to protect the public health and welfare and the environment through improved regulation of pesticides.

S. 1012—To amend the Federal Water Pollution Control Act, to increase appropriations for purposes of State and interstate water pollution control programs.

S. 1015—To establish an Environmental Financing Authority to assist in the financing of waste treatment facilities.

S. 1016—To control the generation and transmission of noise detrimental to the human environment.

S. 1116—To require the protection, management, and control of wild free roaming horses and burros on public lands.

S. 1156—To provide for a Great Lakes Basin conservation program.

S. 1238—To regulate the dumping of material in the oceans, coastal and other waters.

S. 1431—To promote more effective management of certain related functions of the executive branch by reorganizing and consolidating functions in a new Department of Natural Resources.

S. 1841—To provide for the establishment of the Tinicum Environmental Center in the Commonwealth of Pennsylvania.

S. 2981—To provide for environmental improvement in rural America.

S. 3000—To provide for a program for the regulation of surface mining of coal to protect the environment.

S.J. Res. 15—Designating the third week of April of each year as "Earth Week."

S.J. Res. 115—To instruct the Secretary of State to call for an additional moratorium of 10 years on the killing of all species of whales.

Amdt. 477—An amendment permitting taxpayers to obtain the investment tax credit for anti-pollution and mine safety devices as well as the amortization deductions now available under present law.

92D CONGRESS—VOTES

Voted to establish a joint committee on the environment.

Voted to regulate public exposure to sonic booms.

Voted for the Marine Protection and Research Act of 1971.

Voted for the Alaska Native Claims Settlement Act of 1971.

Recorded in favor of the Federal Water Pollution Control Act Amendments of 1971.

1970

LEGISLATION

Environmental quality package for the 1970's

Senator Scott introduced the Administration's 7 environmental quality bills in the Senate on February 18. These bills would amend the Clean Air Act to provide national air quality standards, regulate dangerous emissions from stationary sources, and improve controls over motor vehicle emisisons. They would establish an Environmental Financing Authority to aid financing of water treatment facilities, authorize the Council on Environmental Quality to make recommendations concerning the reclamation and recycling of solid waste materials and amend the Federal Water Pollution Control Act to clean up the nation's waterways.

Environmental quality administration act

Senator Scott introduced S. 3388 on February 4. This bill would consolidate Federal programs in the three basic areas of air, water, and solid waste disposal by transfering programs now administered by the Departments of Health, Education and Welfare, Housing and Urban Development and Interior into a new Environmental Quality Administration.

Health hazards of Pollution Act

Senator Scott, on January 25, co-sponsored S. 3316, which would require an immediate in-depth study by the Department of Health, Education and Welfare of the hazards posed by pollution to the Nation's health to determine what *immediate* steps can be taken to reduce these hazards while longer term programs are being developed.

Resource conservation amendments

Senator Scott, on March 17, co-sponsored S. 3598, which would authorize Federal assistance through the Department of Agriculture for land utilization programs to promote fish, wildlife, and recreation development. The Senate has passed S. 3598 and sent it to the House of Representatives for action.

Federal low emission vehicle procurement act

Senator Scott co-sponsored S. 3261 on March 9. This bill would stimulate the development, production and distribution in interstate commerce of low-emission motor vehicles in order to provide the public with increased protection against the hazards of vehicular exhaust.

Environmental financing authority

Senator Scott co-sponsored S. 3468. This bill established an Environmental Financing Authority to assist in the financing of waste treatment facilities.

Wildlife Restoration Act

Senator Scott co-sponsored S. 3860. This bill revised and clarified the Federal aid in Wildlife Restoration Act and the Federal aid in Fish and Restoration Act.

Small business environment action

Senator Scott co-sponsored S. 3528 on March 2. This bill would help small business concerns to effect conversions required to meet Federal or State pollution control standards.

Great Lakes Disposal Act

Senator Scott co-sponsored S. 3763 on April 23. This bill prohibits open water disposal of pollution dredge spoil which is destroying the few remaining fresh water fishery sources in the Great Lakes.

VOTES

Senator Scott voted for water, air, and solid wastes pollution controls.

Senator Scott voted for an increase from $200 to $500 million funds for grants for basic water and sewer facilities in metropolitan areas.

Senator Scott voted to ban disposal of any chemical or biological warfare agent unless rendered harmless to man or his environment, except in an emergency to safeguard life.

1969

LEGISLATION

Susquehanna River Basin Compact

Senator Scott, on February 19, introduced a bill to develop the Susquehanna River Basin. This bill creates a Commission composed of representatives of Pennsylvania, New York, and Maryland plus a direct representative of the President. This Commission would be charged with the responsibility of developing comprehensive water resources programs. These programs would deal with such matters as water supply, water quality management and control, recreation, fish and wildlife protection, and the preservation of scenic sites. Senator Scott has been named as Republican member of a special subcommittee to expedite hearings.

Amendment to Federal Water Pollution Control Act

Senator Scott co-sponsored a bill to provide tough policing and penalty provisions for owners of offshore facilities, vessels, and onshore facilities that discharge oil into navigable waters. The final bill included the Scott Amendment, providing for training of waste treatment plant operators. Enacted into law as P.L. 91–224.

Endangered Species Preservation Act

Senator Scott co-sponsored and testified in support of a bill to protect fish and wildlife in danger of extinction. Enacted into law as P.L. 91–135.

Environmental Quality Improvement Act

Senator Scott co-sponsored S. 2391 on June 12. This bill provides for the more effective coordination of Federal air quality, water quality, and solid waste disposal programs. It would coordinate all Federal research programs which improve knowledge of environmental modifications resulting from increased urban concentration.

Environmental Reclamation Education Act of 1969

Senator Scott co-sponsored S. 3237 on December 11. The bill would authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning ecological-environmental education and to establish a National Advisory Commission on Technology and the Environment.

VOTES

Senator Scott voted for a top level *Council on Environmental Quality* to review national resources and the environment. Conservationist Russell Train has been appointed Chairman of this Council. Enacted into law as P.L. 91–190.

Senator Scott voted for an amendment to the *Clean Air Act* to extend research activities to curb air pollution from motor vehicles. Enacted into law as P.L. 91–137.

Senator Scott voted for a full $1 billion appropriation for the *Federal Clean Water Program*. The final appropriation of $800 million is almost four times that for 1968 and the $47.5 million allocated for Pennsylvania should guarantee funds for all 73 pollution-control projects pending in the Commonwealth. Enacted into law as P.L. 91–144.

1968

LEGISLATION

Potomac National River

Senator Scott co-sponsored S–3157 to establish the Potomac National River Basin. This bill would have increased water pollution control efforts along the length of the river by giving the Department of the Interior greater authority in this area.

VOTES

Senator Scott voted against amendments to the Land Water Conservation Fund Act which would have stripped the program of funds and crippled its effectiveness.

Senator Scott voted to allow farmers in amortized tax deduction for assessments levied by soil and water conservation districts.

1967

LEGISLATION

National mining and minerals policy

Senator Scott co-sponsored S–522 to establish a national mining and minerals policy.

Land and Water Conservation Act Amendments

Senator Scott co-sponsored a bill to use fees collected for the use of outdoor recreation facilities in the Land and Water Conservation Fund Program. Enacted into law as P.L. 90–401.

Delaware's Water Gap National Recreation Area

Senator Scott co-sponsored S–729 to give the Secretary of the Interior the authority to acquire additional land in the Delaware Water Gap area.

Pollution Abatement Incentive Act of 1967

Senator Scott co-sponsored S–734 to allow a tax credit for expenditures incurred in the construction of air and water pollution control facilities.

Great Lakes River Basin Compact

Senator Scott co-sponsored a bill to register the consent of Congress to the Great Lakes Basin Compact. Enacted into law as P.L. 90–419 it established a Great Lakes Commission to study water conservation problems.

National Water Commission Act

Senator Scott co-sponsored S–20 to establish a Commission composed of 7 members to study water pollution problems and coordinate the activities of existing Federal agencies. Enacted into law as P.L. 90–515.

U.S. tidal and Great Lakes shoreline authorization for appraisal

Senator Scott co-sponsored S–1262 authorizing the Army Corps of Engineers to initiate a 3-year appraisal report of our national tidal and Great Lakes shoreline.

National Park Service Natural Science Research Act

Senator Scott co-sponsored S–1684 to establish an office of Natural Science Research in the National Park Service and to create a system of fellowships for the support of research in the natural sciences.

Wild and Scenic Rivers Act

Senator Scott co-sponsored the Wild and Scenic Rivers Act. Enacted into law October 2, 1966. It designates certain rivers as "scenic" rivers. These rivers are to be preserved in their free flowing state. The act also authorizes the Secretary of the Interior to study other rivers with the object of including them in the program at some future date. Pennsylvania rivers designated for this study are the Allegheny, Clarion, Delaware, Youghiogheny, and Pine Creek.

Research in the Great Lakes

Senator Scott introduced S–2344 to provide for research to devise means of control over those species of aquatic life which adversely affect the fish resources and ecological balance of the Great Lakes.

Redwood National Park

Senator Scott co-sponsored a bill to provide for the establishment of the Redwood National Park in California. Enacted into law as P.L. 90–545.

VOTES

Senator Scott voted for increased appropriations for the Interior Department.

Senator Scott voted in favor of the Air Quality Act of 1967.

1966

LEGISLATION

Water and air pollution—investment credit for private industry

Senator Scott co-sponsored S–2857 to increase the investment credit allowed to private industry for their air and water pollution control expenditures. This bill was designed to encourage private air and water pollution control efforts.

Great Lakes Basin Compact

Senator Scott co-sponsored S–2922 granting the consent of Congress to the Great Lakes Basin Compact.

Amendment to the Water Quality Act of 1965

Senator Scott co-sponsored S–2947 to improve the "Clean Water" program. Enacted into law as P.L. 89–753.

Redwood National Park in California

Senator Scott co-sponsored S–2962 to establish the Redwood National Park.

Independence National Historical Park

Senator Scott co-sponsored S–3095 to authorize the acquisition of property for the Independence National Historical Park.

National Water Commission

Senator Scott co-sponsored S–3107 to provide a comprehensive review of national water resources problems and programs.

Extension of Independence National Historical Park

Senator Scott co-sponsored a bill to extend the Independence National Historical Park.

Mining and Minerals Policy Act of 1966

Senator Scott co-sponsored S–3636 to establish a national mining and minerals policy.

Acquisitions of land for the Delaware Gap Recreation Area

Senator Scott co-sponsored S–3717 to provide authority for the acquisition of land in the Delaware Water Gap area.

VOTES

Senator Scott voted for the Wild Rivers Act.

Senator Scott supported passage of the Clean Air Act Amendments.

Senator Scott voted for the Federal Water Pollution Control Act Amendments and the Clean Rivers Restoration Act of 1966.

1965

LEGISLATION

Appalachian Region Development Act

Senator Scott co-sponsored S–3 to stimulate the economic development of the Appalachian Region. Enacted into law as P.L. 89–195. Pennsylvania has received $20 million for land restoration under this act.

Assateague Island National Seashore

Senator Scott co-sponsored S–20 to establish the Assateague Island National Seashore in Maryland and Virginia. Enacted into law.

Tocks Island National Recreation Area

Senator Scott co-sponsored S–36 to establish the Tocks Island National Recreation Area in Pennsylvania and New Jersey. Enacted into law as P.L. 89–158.

Appalachian Trail

Senator Scott co-sponsored S–622 to promote Federal, State, local, and private cooperation for the Maintenance and preservation of the scenic Appalachian Trail.

Highways coordinated for protection of fishing, hunting and recreation

Senator Scott introduced S–2074 to establish a procedure for the protection of wildlife and recreation areas threatened by Federal highway construction programs.

Scenic development and road beautification

Senator Scott co-sponsored S–2084 to provide for the scenic development and road beautification of the Federal-aid highway systems. Enacted into law.

Water pollution construction reimbursement

Senator Scott co-sponsored S–2636 to make construction grants available for State and local water pollution control construction. Enacted into law as Public Law 89–753.

VOTES

Senator Scott voted for the Water Quality Act of 1965.

Senator Scott supported passage of the Appalachian Region Development Act of 1965.

Senator Scott supported the passage of S–2084 providing funds for scenic development and beautification of the Federal-aid highway system.

1964

VOTES

Senator Scott voted in favor of conservation amendments to the Interim Convention on Conservation of North Pacific Fur Seals.

Senator Scott voted for ratification of the International Convention for Prevention of Pollution of the Sea by Oil.

Senator Scott voted for passage of the Appalachian Region Development Act.

1963

LEGISLATION

Tocks Island national recreation area

Senator Scott co-sponsored S–606 to establish the Tocks Island National Recreation Area.

Prohibit foreign fishing in U.S. waters

Senator Scott co-sponsored S–1988 to prohibit foreign fishing interest from diminishing the supply of fish in U.S. territorial waters.

Johnstown Flood National Monument

Senator Scott introduced S–3305 to establish the Allegheny National Historic Site and the Johnstown Flood National Memorial.

Wildlife agencies consultation

Senator Scott co-sponsored S–2150 to provide for advance consultation with the Fish and Wildlife Service and with State Wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological control.

VOTES

Senator Scott supported passage of the Wilderness Act of 1963.

Senator Scott voted for the Federal Water Pollution Control Act Amendments.

1962

LEGISLATION

Anthracite conservation

Senator Scott introduced a bill to amend the 1955 act and increase the effectiveness of national anthracite coal resources programs.

Tocks Island national recreation area

Senator Scott co-sponsored S–3530 to authorize the establishment of the Tocks island National Recreation Area. The bill was introduced in a subsequent Congress enacted into law 1965.

Susquehanna River basin

Senator Scott co-sponsored this bill to create a regional intergovernmental compact relating to the Susquehanna River Basin.

1961

LEGISLATION

National wilderness preservation system

Senator Scott co-sponsored S–174 to establish a National Wilderness Preservation System.

Public hearings on air pollution

Senator Scott co-sponsored S–455 to provide for public hearings on air pollution problems.

Delaware River Basin

Senator Scott co-sponsored S–856 to create a regional inter-governmental compact for the Delaware River Basin.

National fuels study

Senator Scott co-sponsored S. Res. 105 to create a special committee to study the national fuels picture.

Water resources planning

Senator Scott co-sponsored S–1629 to provide financial assistance to the States for comprehensive water resources planning.

VOTES

Senator Scott voted for ratification of the Columbia River Basin Treaty.

Senator Scott voted to ratify the International Convention for the Prevention of Pollution of the Sea by Oil.

Senator Scott supported passage of a bill authorizing the purchase of wetlands for the conservation of migratory birds.

Senator Scott voted in favor of S–174 which established a National Wilderness Preservation System.

1960

LEGISLATION

Air pollution

Senator Scott co-sponsored S–3108 to provide for public hearings on air pollution problems of more than local significance, and to extend the duration of the Federal Air Pollution Control Law.

Fort Necessity battlefield site

Senator Scott introduced S–3438 to provide additional land for the battlefield site.

VOTES

Senator Scott voted to increase Interior Department appropriations and provide more funds for the improvement of wildlife preservation and public recreation facilities.

1959

LEGISLATION

Great Lakes Basin Compact

Senator Scott co-sponsored S–548 to grant the consent of Congress to the Great Lakes River Basin Compact.

Study of strip mining in the United States

Senator Scott introduced S–1097 to authorize the Secretary of the Interior to study strip mining operations and report his findings to Congress.

Marine sciences

Senator Scott co-sponsored S–2692 to provide a 10 year program of research and construction designed to advance the marine sciences.

LEGAL RIGHTS FOR NATURAL OBJECTS

Mr. HART. Mr. President, having just read through a most enjoyable and informative law review article, I take this opportunity to share it with the Senate.

In "Should Trees Have Standing?—Toward Legal Rights for Natural Objects," reprinted from the Southern California Law Review, vol. 45, No. 2, 1972, the author, Prof. Christopher D. Stone, presents several thought-provoking arguments for expanding the concept of standing to sue in environmental protection cases. Among other readers, Justice Douglas has found the article persuasive, citing it with approval in his eloquent dissent in the recently decided Sierra Club against Morton.

Several of the problems of existing environmental litigation discussed by Professor Stone are also addressed in S. 1032, the Environmental Protection Act of 1971. Two weeks ago the Subcommittee on the Environment of the Committee on Commerce reported to the full committee an amended version of the bill. While the solutions of the bill and those advocated by Professor Stone differ to some degree, the thrust of the two approaches is similar.

I ask unanimous consent that Professor Stone's article be printed in the Record for the purpose of promoting discussion of these concepts and of providing for anyone who wishes it a most delightful reading experience.

There being no objection, the article was ordered to be printed in the Record, as follows:

Should Trees Have Standing?—Toward Legal Rights for Natural Objects

(By Christopher D. Stone*)

INTRODUCTION: THE UNTHINKABLE

In *Descent of Man*, Darwin observes that the history of man's moral development has been a continual extension in the objects of his "social instincts and sympathies." Originally each man had regard only for himself and those of a very narrow circle about him; later, he came to regard more and more "not only the welfare, but the happiness of all his fellowmen"; then "his sympathies became more tender and widely diffused, extending to men of all races, to the imbecile, maimed, and other useless members of society, and finally to the lower animals. . . ."[1]

The history of the law suggests a parallel development. Perhaps there never was a pure Hobbesian state of nature, in which no "rights" existed except in the vacant sense of each man's "right to self-defense." But it is not unlikely that so far as the earliest "families" (including extended kinship groups and clans) were concerned, everyone outside the family was suspect, alien, rightless.[2] And even within the family, persons we presently regard as the natural holders of at least some rights had none. Take, for example, children. We know something of the early rights-status of children from the widespread practice of infanticide—especially of the deformed and female.[3] (Senicide,[4] as among the North American Indians, was the corresponding rightlessness of the aged).[5] Maine tells us that as late as the Patria Potestas of the Romans, the father had *jus vitae necisque*—the power of life and death—over his children. A fortiori, Maine writes, he had power of "uncontrolled corporal chastisement; he can modify their personal condition at pleasure; he can give a wife to his son; he can give his daughter in marriage; he can divorce his children of either sex; he can transfer them to another family by adoption; and he can sell them." The child was less than a person: an object, a thing.[6]

The legal rights of children have long since been recognized in principle, and are still expanding in practice. Witness, just within recent time, *In re Gault*,[7] guaranteeing basic constitutional protections to juvenile defendants, and the Voting Rights Act of 1970.[8] We have been making persons of children although they were not, in law, always so. And we have done the same, albeit imperfectly some would say, with prisoners,[9] aliens, women (especially of the married variety), the insane,[10] Blacks, foetuses,[11] and Indians.

Nor is it only matter in human form that has come to be recognized as the possessor of rights. The world of the lawyer is peopled with inanimate right-holders: trusts, corporations, joint ventures, municipalities, Subchapter R partnerships,[12] and nation-states, to mention just a few. Ships, still referred to by courts in the feminine gender, have long had an independent jural life, often with striking consequences.[13] We have become so accustomed to the idea of a corporation having "its" own rights, and being a "person" and "citizen" for so many statutory and constitutional purposes, that we forget how jarring the notion was to early jurists. "That invisible, intangible and artificial being, that mere legal entity" Chief Justice Marshall wrote of the corporation in *Bank of the United States v. Deveaux*[14]—could a suit be be brought in *its* name? Ten years later, in the *Dartmouth College* case,[15] he was still refusing to let pass unnoticed the wonder of an entity "existing only in contemplation of law."[16] Yet, long before Marshall worried over the personifying of the modern corporation, the best medieval legal scholars had spent hundreds of years struggling with the notion of the legal nature of those great public "corporate bodies," the Church and the State. How could they exist in law, as entities transcending the living Pope and King? It was clear how a king could bind *himself*—on his honor—by a treaty. But when the king died, what was it that was burdened with the obligations of, and claimed the rights under, the treaty *his* tangible hand had signed? The medieval mind saw (what we have lost our capacity to see)[17] how *unthinkable* it was, and worked out the most elaborate conceits and fallacies to serve as anthropomorphic flesh for the Universal Church and the Universal Empire.[18]

It is this note of the *unthinkable* that I want to dwell upon for a moment. Throughout legal history, each successive extension of rights to some new entity has been, theretofore, a bit unthinkable. We are inclined to suppose the rightlessness of rightless "things" to be a decree of Nature, not a legal convention acting in support of some status quo. It is thus that we defer considering the choices involved in all their moral, social, and economic dimensions. And so the United States Supreme Court could straight-facedly tell us in *Dred Scott* that Blacks had been denied the rights of citizenship "as a subordinate and inferior class of beings, who had been subjugated by the dominant race. . . ."[19]

In the nineteenth century, the highest court in California explained that Chinese had not the right to testify against white men in criminal matters because they were "a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point . . . between whom and ourselves nature has placed an impassable difference."[20] The popular conception of the Jew in the 13th Century contributed to a law which treated them as "men *ferae naturae*, protected by a quasi-forest law. Like the roe and the deer, they form an order apart."[21] Recall, too, that it was not so long ago that the foetus was "like the roe and the deer." In an early suit attempting to establish a wrongful death action on behalf of a negligently killed foetus (now widely accepted practice), Holmes, then on the Massachusetts Supreme Court, seems to have thought it simply inconceivable "that a man might owe a civil duty and incur a conditional prospective liability in tort to one not yet in being."[22] The first woman in Wisconsin who thought she might have a right to practice law was told that she did not, in the following terms:

> "The law of nature destines and qualifies the female sex for the bearing and nurture of the children of our race and for the custody of the homes of the world . . . . [A]ll life-long callings of women, inconsistent with these radical and sacred duties of their sex, as is the profession of the law, are departures from the order of nature; and when voluntary, treason against it . . . . The peculiar qualities of womanhood, its gentle graces, its quick sensibility, its tender susceptibility, its purity, its delicacy, its emotional impulses, its subordination of hard reason to sympathetic feeling, are surely not qualificaitons for forensic strife. Nature has tempered woman as little for the juridical conflicts of the court room, as for the physical conflicts of the battle field . . . .[23]"

The fact is, that each time there is a movement to confer rights onto some new "entity," the proposal is bound to sound odd or frightening or laughable.[22a] This is partly because until the rightless thing receives its rights, we cannot see it as anything but a *thing* for the use of "us"—those who are holding rights at the time.[24] In this vein, what is striking about the Wisconsin case above is that the court, for all its talk about women, so clearly was never able to see women as they are (and might become). All it could see was the popular "idealized" version of *an object it needed*. Such is the way the slave South looked upon the Black.[25] There is something of a seamless web involved: there will be resistance to giving the thing "rights" until it can be seen and valued for itself; yet, it is hard to see it and value it for itself until we can bring ourselves to give it "rights"—which is almost inevitably going to sound inconceivable to a large group of people.

The reason for this little discourse on the unthinkable, the reader must know by now, if only from the title of the paper. I am quite seriously proposing that we give legal rights to forests, oceans, rivers and other so-called "natural objects" in the environment—indeed, to the natural environment as a whole.[26]

As strange as such a notion may sound, it is neither fanciful nor devoid of operational content. In fact, I do not think it would be a misdescription of recent developments in the law to say that we are already on the verge of assigning some such rights, although we have not faced up to what we are doing in those particular terms.[27] We should do so now, and begin to explore the implications such a notion would hold.

TOWARD RIGHTS FOR THE ENVIRONMENT

Now, to say that the natural environment should have rights is not to say anything as silly as that no one should be allowed to cut down a tree. We say human beings have rights, but—at least as of the time of this

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writing—they can be executed.[28] Corporations have rights, but they cannot plead the fifth amendment;[29] *In re Gault* gave 15-year-olds certain rights in juvenile proceedings, but it did not give them the right to vote. Thus, to say that the environment should have rights is not to say that it should have every right we can imagine, or even the same body of rights as human beings have. Nor is it to say that everything in the environment should have the same rights as every other thing in the environment.

What the granting of rights does involve has two sides to it. The first involves what might be called the legal-operational aspects; the second, the psychic and socio-psychic aspects. I shall deal with these aspects in turn.

THE LEGAL-OPERATIONAL ASPECTS

What it means to be a holder of legal rights

There is, so far as I know, no generally accepted standard for how one ought to use the term "legal rights." Let me indicate how I shall be using it in this piece.

First and most obviously, if the term is to have any content at all, an entity cannot be said to hold a legal right unless and until *some public authoritative body* is prepared to give *some amount of review* to actions that are colorably inconsistent with that "right." For example, if a student can be expelled from a university and cannot get any public official, even a judge or administrative agent at the lowest level, either (i) to require the university to justify its actions (if only to the extent of filling out an affidavit alleging that the expulsion "was not wholly arbitrary and capricious") or (ii) to compel the university to accord the student some procedural safeguards (a hearing, right to counsel, right to have notice of charges), then the minimum requirements for saving that the student has a legal right to his education do not exist.[30]

But for a thing to be *a holder of legal rights,* something more is needed than that some authoritative body will review the actions and processes of those who threaten it. As I shall use the term, "holder of legal rights," each of three additional criteria must be satisfied. All three, one will observe, go towards making a thing *count* jurally—to have a legally recognized worth and dignity in its own right, and not merely to serve as a means to benefit "us" (whoever the contemporary group of rights-holders may be). They are, first, that the thing can institute legal actions *at its behest;* second, that in determining the granting of legal relief, the court must take *injury to it* into account; and, third, that relief must run to the *benefit of it.*

To illustrate, even as between two societies that condone slavery there is a fundamental difference between S_1, in which a master can (if he chooses), go to court and collect reduced chattel value damages from someone who has beaten his slave, and S_2, in which the slave can institute the proceedings *himself* for *his* own recovery, damages being measured by, say, *his* pain and suffering. Notice that neither society is so structured as to leave wholly unprotected the slave's interests in not being beaten. But in S_2 as opposed to S_1 there are three operationally significant advantages that the slave has, and these make the slave in S_2, albeit a slave, a holder of rights. Or, again, compare two societies, S_1, in which pre-natal injury to a live-born child gives a right of action against the tortfeasor at the mother's instance, for the mother's benefit, on the basis of the mother's mental anguish, and S_2, which gives the child a suit in its own name (through a guardian *ad litem*) for its own recovery, for damages to it.

When I say, then, that at common law "natural objects" are not holders of legal rights, I am not simply remarking what we would all accept as obvious. I mean to emphasize three specific legal-operational advantages that the environment lacks, leaving it in the position of the slave and the foetus in S_1, rather than the slave and foetus of S_2.

The rightlessness of natural objects at common law

Consider, for example, the common law's posture toward the pollution of a stream. True, courts have always been able, in some circumstances, to issue orders that will stop the pollution—just as the legal system in S_1 is so structured as incidentally to discourage beating slaves and being reckless around pregnant women. But the stream itself is fundamentally rightless, with implications that deserve careful reconsideration.

The first sense in which the stream is not a rights-holder has to do with standing. The stream itself has none. So far as the common law is concerned, there is in general no way to challenge the polluter's actions save at the behest of a lower riparian—another human being—able to show an invasion of *his* rights. This conception of the riparian as the holder of the right to bring suit has more than theoretical interest. The lower riparians may simply not care about the pollution. They themselves may be polluting, and not wish to stir up legal waters. They may be economically dependent on their polluting neighbor.[31] And, of course, when they discount the value of winning by the costs of bringing suit and the chances of success, the action may not seem worth undertaking. Consider, for example, that while the polluter might be injuring 100 downstream riparians $10,000 a year *in the aggregate*, each riparian separately might be suffering injury only to the extent of $100—possibly not enough for any one of them to want to press suit by himself, or even to go to the trouble and cost of securing co-plaintiffs to make it worth everyone's while. This hesitance will be especially likely when the potential plaintiffs consider the burdens the law puts in their way.[32] proving *e.g.*, specific damages, the "unreasonableness" of defendant's use of the water, the fact that practicable means of abatement exist, and overcoming difficulties raised by issues such joint casuality, right to pollute by prescription, and so forth. Even in states which, like California, sought to overcome these difficulties by empowering the attorney-general to sue for abatement of pollution in limited instances, the power has been sparingly invoked and, when invoked, narrowly construed by the courts.[33]

The second sense in which the common law denies "rights" to natural objects has to do with the way in which the merits are decided in those cases in which someone is competent and willing to establish standing. At its more primitive levels, the system protected the "rights" of the property owning human with minimal weighing of any values: "*Cujus est solum, ejus est usque ad coelum et ad infernos.*"[34] Today we have come more and more to make balances—but only such as will adjust the economic best interests of identifiable humans. For example, continuing with the case of streams, there are commentators who speak of a "general rule" that "a riparian owner is legally entitled to have the stream flow by his land with its quality unimpaired" and observe that "an upper owner has, prima facie, no right to pollute the water."[35]

Such a doctrine, if strictly invoked, would protect the stream absolutely whenever a suit was brought; but obviously, to look around us, the law does not work that way. Almost everywhere there are doctrinal qualifications on riparian "rights" to an unpolluted stream.[36] Although these rules vary from jurisdiction to jurisdiction, and upon whether one is suing for an equitable injunction or for damages, what they all have in common is some sort of balancing. Whether under language of "reasonable methods to use," "balance of convenience" or "the public interest doctrine,"[37] what the courts are balancing, with varying degrees of directness, are the economic hardships on the upper riparian (or dependent community) of abating the pollution vis-a-vis the economic hardships of continued pollution on the lower riparians. What does not weigh in the balance is the damage to the stream, its fish and turtles and "lower" life. So long as the natural environment itself is rightless, these are not matters for judicial cognizance. Thus, we find the highest court of Pennsylvania refusing to stop a coal company from discharging polluted mine water into a tributary of the Lackawana River because a plaintiff's "grievance is for a mere personal inconvenience; and . . . mere private personal inconveniences . . . must yield to the necessities of a great public industry, which although in the hands of a private corporation, subserves a great public interest."[38] The stream itself is lost sight of, "a quantitative compromise between *two* conflicting interests."[39]

The third way in which the common law makes natural objects rightless has to do with who is regarded as the beneficiary of a favorable judgment. Here, too, it makes a considerable difference that it is not the natural object that counts in its own right. To illustrate this point, let me begin by observing that it makes perfectly good sense to speak of, and ascertain, the legal damage to a natural object, if only in the sense of "making it whole" with respect to the most obvious factors.[40] The costs of making a forest whole, for example, would include the costs of reseeding, repairing watersheds, restocking wildlife—the sorts of costs the Forest Service undergoes after fire. Making a polluted stream whole would include the costs of restocking with fish, water-fowl, and other animal and vegetable life, dredging, washing out impurities, establishing natural and/or artificial aerating agents, and so forth. Now, what is important to note is that, under our present system, even if a plaintiff riparian wins a water pollution suit for damages, no money goes to the benefit of the stream itself to repair its damages.[41] This omission has the further effect that, at most, the law confronts a polluter with what it takes to make the plaintiff riparians whole; this may be far less than the damages to the stream,[42] but not so much as to force the polluter to desist.

For example, it is easy to imagine a polluter whose activities damage a stream to the extent of $10,000 annually, although the aggregate damage to all the riparian plaintiffs who come into the suit is only $3000. If $3000 is less than the cost to the polluter of shutting down, or making the requisite technological changes, he might prefer to pay off the damages (i.e., the legally cognizable damages) and continue to pollute the stream. Similarly, even if the jurisdiction issues an injunction at the plaintiffs' behest (rather than to order payment of damages), there is nothing to stop the plaintiffs from "selling out" the stream, i.e., agreeing to dissolve or not enforce the injunction at some price (in the example above, somewhere between plaintiffs' damages—$3000—and defendant's next best economic alternative). Indeed, I take it this is exactly what Learned Hand had in mind in an opinion in which, after issuing an anti-pollution injunction, he suggests that the defendant "make its peace with the plaintiff as best it can."[43] What is meant is a peace between *them,* and not amongst them and the river.

I ought to make clear at this point that the common law as it affects streams and rivers, which I have been using as an example so far, is not exactly the same as the law affecting other environmental objects. Indeed, one

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would be hard pressed to say that there was a "typical" environmental object, so far as its treatment at the hands of the law is concerned. There are some differences in the law applicable to all the various resources that are held in common: rivers, lakes, oceans, dunes, air, streams (surface and subterranean), beaches, and so forth.[44] And there is an even greater difference as between these traditional communal resources on the one hand, and natural objects on traditionally private land, e.g., the pond on the farmer's field, or the stand of trees on the suburbanite's lawn.

On the other hand, although there be these differences which would make it fatuous to generalize about a law of the natural environment, most of these differences simply underscore the points made in the instance of rivers and streams. None of the natural objects, whether held in common or situated on private land, has any of the three criteria of a rights-holder. They have no standing in their own right; their unique damages do not count in determining outcome; and they are not the beneficiaries of awards. In such fashion, these objects have traditionally been regarded by the common law, and even by all but the most recent legislation, as objects for man to conquer and master and use—in such a way as the law once looked upon "man's" relationships to African Negroes. Even where special measures have been taken to conserve them, as by seasons on game and limits on timber cutting, the dominant motive has been to conserve them for us—for the greatest good of the greatest number of human beings. Conservationists, so far as I am aware, are generally reluctant to maintain otherwise.[45] As the name implies, they want to conserve and guarantee our consumption and our enjoyment of these other living things. In their own right, natural objects have counted for little, in law as in popular movements.

As I mentioned at the outset, however, the rightlessness of the natural environment can and should change; it already shows some signs of doing so.

Toward having standing in its own right

It is not inevitable, nor is it wise, that natural objects should have no rights to seek redress in their own behalf. It is no answer to say that streams and forests cannot have standing because streams and forests cannot speak. Corporations cannot speak either; nor can states, estates, infants, incompetents, municipalities or universities. Lawyers speak for them, as they customarily do for the ordinary citizen with legal problems. One ought I think, to handle the legal problems of natural objects as one does the problems of legal incompetents—human beings who have become vegetable. If a human being shows signs of becoming senile and has affairs that he is de jure incompetent to manage, those concerned with his well being make such a showing to the court, and someone is designated by the court with the authority to manage the incompetent's affairs. The guardian [46] (or "conservator" [47] or "committee" [48]—the terminology varies) then represents the incompetent in his legal affairs. Courts make similar appointments when a corporation has become "incompetent"—they appoint a trustee in bankruptcy or reorganization to oversee its affairs and speak for it in court when that becomes necessary.

On a parity of reasoning, we should have a system in which, when a friend of a natural object perceives it to be endangered, he can apply to a court for the creation of a guardianship.[49] Perhaps we already have the machinery to do so. California law, for example, defines an incompetent as "and person, whether insane or not, who by reason of old age, disease, weakness of mind, or other cause, is unable, unassisted, properly to manage and take care of himself or his property, and by reason thereof is likely to be deceived or imposed upon by artful or designing persons." [50] Of course, to urge a court that an endangered river is "a person" under this provision will call for lawyers as bold and imaginative as those who convinced the Supreme Court that a railroad corporation was a "person" under the fourteenth amendment, a constitutional provision theretofore generally thought of as designed to secure the rights of freedmen.[51] (As this article was going to press, Professor Byrn of Fordham petitioned the New York Supreme Court to appoint him legal guardian for an unrelated foetus scheduled for abortion so as to enable him to bring a class action on behalf of all foetuses similarly situated in New York City's 18 municipal hospitals. Judge Holtzman granted the petition of guardianship.[52]) If such an argument based on present statutes should fail, special environmental legislation could be enacted along traditional guardianship lines. Such provisions could provide for guardianship both in the instance of public natural objects and also, perhaps with slightly different standards, in the instance of natural objects on "private" land.[53]

The potential "friends" that such a statutory scheme would require will hardly be lacking. The Sierra Club, Environmental Defense Funds, Friends of the Earth, Natural Resources Defense Counsel, and the Izaak Walton League are just some of the many groups which have manifested unflagging dedication to the environment and which are becoming increasingly capable of marshaling the requisite technical experts and lawyers. If, for example, the Environmental Defense Fund should have reason to believe that some company's strip mining operations might be irreparably destroying the ecological balance of large tracts of land, it could, under this procedure, apply to the court in which the lands were situated to be appointed guardian.[54] As guardian, it might be given rights of inspection (or visitation) to determine and bring to the court's attention a fuller finding on the land's condition. If there were indications that under the substantive law some redress might be available on the land's behalf, then the guardian would be entitled to raise the land's rights in the land's name, i.e., without having to make the roundabout and often unavailing demonstration, discussed below, that the "rights" of the club's members were being invaded. Guardians would also be looked to for a host of other protective tasks, *e.g.*, monitoring effluents (and/or monitoring the monitors), and representing their "wards" at legislative and administrative hearings on such matters as the setting of state water quality standards. Procedures exist, and can be strengthened, to move a court for the removal and substitution of guardians, for conflicts of interest or for other reasons,[55] as well as for the termination of the guardianship.[56]

In point of fact, there is a movement in the law toward giving the environment the benefits of standing, although not in a manner as satisfactory as the guardianship approach. What I am referring to is the marked liberalization of traditional standing requiremental action groups have challenged federal government action. *Scenic Hudson Preservation Conference v. FPC* [57] is a good example of this development. There, the Federal Power Commission had granted New York's Consolidated Edison a license to construct a hydroelectric project on the Hudson River at Storm King Mountain. The grant of license had been opposed by conservation interests on the grounds that the transmission lines would be unsightly, fish would be destroyed, and nature trails would be inundated. Two of these conservation groups, unitied under the name Scenic Hudson Preservation Conference, petitioned the Second Circuit to set aside the grant. Despite the claim that Scenic Hudson had no standing because it had not made the traditional claim "of any personal economic injury resulting from the Commission's actions," [58] the petitions were heard, and the case sent back to the Commission. On the standing point, the court noted that Section 313(b) of the Federal Power Act gave a right of instituting review to any party "aggrieved by an order issued by the Commission"; [59] it thereupon read "aggrieved by" as not limited to those alleging the traditional personal economic injury, but as broad enough to include "those who by their activities and conduct have exhibited a special interest" in "the aesthetic, conservational, and recreational aspects of power development. . . ." [60] A similar reasoning has swayed other circuits to allow proposed actions by the Federal Power Commission, the Department of Interior, and the Department of Health, Education and Welfare to be challenged by environmental action groups on the basis of, *e.g.*, recreational and esthetic interests of members, in lieu of direct economic injury.[61] Only the Ninth Circuit has balked, and one of these cases, involving the Sierra Club's attempt to challenge a Walt Disney development in the Sequoia National Forest, is at the time of this writing awaiting decision by the United States Supreme Court.[62]

Even if the Supreme Court should reverse the Ninth Circuit in the Walt Disney-Sequoia National Forest matter, thereby encouraging the circuits to continue their trend toward liberalized standing in this area, there are significant reasons to press for the guardianship approach notwithstanding. For one thing, the cases of this sort have extended standing on the basis of interpretations of specific federal statutes—the Federal Power Commission Act,[63] the Administrative Procedure Act,[64] the Federal Insecticide, Fungicide and Rodenticide Act,[65] and others. Such a basis supports environmental suits only where acts of federal agencies are involved; and even there, perhaps, only when there is some special statutory language, such as "aggrieved by" in the Federal Power Act, on which the action groups can rely. Witness, for example, *Bass Angler Sportsman Society v. United States Steel Corp.*[66] There, plaintiffs used 175 corporate defendants located throughout Alabama, relying on 33 U.S.C. § 407 (1970), which provides:

> "It shall not be lawful to throw, discharge, or deposit . . . any refuse matter . . . into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water . . ." [67]

Another section of the Act provides that one-half the fines shall be paid to the persons or persons giving information which shall lead to a conviction.[68] Relying on this latter provision, the plaintiff designated his action a *qui tam* action [69] and sought to enforce the Act by injunction and fine. The District Court ruled that, in the absence of express language to the contrary, no one outside the Department of Justice had standing to sue under a criminal act and refused to reach the question of whether violations were occurring.[70]

Unlike the liberalized standing approach, the guardianship approach would secure an effective voice for the environment even where federal administrative action and public-lands and waters were not involved. It would also allay one of the fears courts—such as the Ninth Circuit—have about the extended standing concept: if any ad hoc group can spring up overnight, invoke some "right" as universally claimable as the esthetic and recreational interests of its members and thereby get into court, how can a flood of litigation be prevented? [71] If an ad hoc committee loses a suit brought *sub nom.* Committee to Preserve our Trees, what happens when its very same members reorganize two years later and sue *sub nom.* the Massa-

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pequa Sylvan Protection League? Is the new group bound by res judicata? Class action law may be capable of ameliorating some of the more obvious problems. But even so, court economy might be better served by simply designating the guardian de jure representative of the natural object, with rights of discretionary intervention by others, but with the understanding that the natural object is "bound" by an adverse judgment.[72] The guardian concept, too, would provide the endangered natural object with what the trustee in bankruptcy provides the endangered corporation: a continuous supervision over a period of time, with a consequent deeper understanding of a broad range of the ward's problems, not just the problems present in one particular piece of litigation. It would thus assure the courts that the plaintiff has the expertise and genuine adversity in pressing a claim which are the prerequisites of a true "case or controversy."

The guardianship approach, however, is apt to raise two objections, neither of which seems to me to have much force. The first is that a committee or guardian could not judge the needs of the river or forest in its charge; indeed, the very concept of "needs," it might be said, could be used here only in the most metaphorical way. The second objection is that such a system would not be much different from what we now have: is not the Department of Interior already such a guardian for public lands, and do not most states have legislation empowering their attorneys general to seek relief—in a sort of *parens patriae* way—for such injuries as a guardian might concern himself with?

As for the first objection, natural objects *can* communicate their wants (needs) to us, and in ways that are not terribly ambiguous. I am sure I can judge with more certainty and meaningfulness whether and when my lawn wants (needs) water, than the Attorney General can judge whether and when the United States wants (needs) to take an appeal from an adverse judgment by a lower court. The lawn tells me that it wants water by a certain dryness of the blades and soil—immediately obvious to the touch—the appearance of bald spots, yellowing, and a lack of springiness after being walked on; how does "the United States" communicate to the Attorney General? For similar reasons, the guardian-attorney for a smog-endangered stand of pines could venture with more confidence that his client wants the smog stopped, than the directors of a corporation can assert that "the corporation" wants dividends declared. We make decisions on behalf of, and in the purported interests of, others every day; these "others" are often creatures whose wants are far less verifiable, and even far more metaphysical in conception, than the wants of rivers, trees, and land.[73]

As for the second objection, one can indeed find evidence that the Department of Interior was conceived as a sort of guardian of the public lands.[74] But there are two points to keep in mind. First, insofar as the Department already is an adequate guardian it is only with respect to the federal public lands as per Article IV, section 3 of the Constitution.[75] Its guardianship includes neither local public lands nor private lands. Second, to judge from the environmentalist literature and from the cases environmental action groups have been bringing, the Department is itself one of the bogeys of the environmental movement. (One thinks of the uneasy peace between the Indians and the Bureau of Indian Affairs.) Whether the various charges be right or wrong, one cannot help but observe that the Department has been charged with several institutional goals (never an easy burden), and is currently looked to for action by quite a variety of interest groups, only one of which is the environmentalists. In this context, a guardian outside the institution becomes especially valuable. Besides, what a person wants, fully to secure his rights, is the ability to retain independent counsel even when, and perhaps especially when, the government is acting "for him" in a beneficent way. I have no reason to doubt, for example, that the Social Security System is being managed "for me"; but I would not want to abdicate my right to challenge its actions as they affect me, should the need arise.[76] I would not ask more trust of national forests, vis-a-vis the Department of Interior. The same considerations apply in the instance of local agencies, such as regional water pollution boards, whose members' expertise in pollution matters is often all too credible.[77]

The objection regarding the availability of attorneys-general as protectors of the environment within the existing structure is somewhat the same. Their statutory powers are limited and sometimes unclear. As political creatures, they must exercise the discretion they have with an eye toward advancing and reconciling a broad variety of important social goals, from preserving morality to increasing their jurisdiction's tax base. The present state of our environment, and the history of cautious application and development of environmental protection laws long on the books,[78] testifies that the burdens of an attorney-general's broad responsibility have apparently not left much manpower for the protection of nature. (*Cf. Bass Anglers*, above.) No doubt, strengthening interest in the environment will increase the zest of public attorneys even where, as will often be the case, well-represented corporate pollutors are the quarry. Indeed, the United States Attorney General has stepped up anti-pollution activity, and ought to be further encouraged in this direction.[79] The statutory powers of the attorneys-general should be enlarged, and they should be armed with criminal penalties made at least commensurate with the likely economic benefits of violating the laws.[80] On the other hand, one cannot ignore the fact that there is increased pressure on public law-enforcement offices to give more attention to a host of other problems, from crime "on the streets" (why don't we say "in the rivers"?) to consumerism and school bussing. If the environment is not to get lost in the shuffle, we would do well, I think, to adopt the guardianship approach as an additional safeguard, conceptualizing major natural objects as holders of their own rights, raisable by the court-appointed guardian.

Toward recognition of its own injuries

As far as adjudicating the merits of a controversy is concerned, there is also a good case to be made for taking into account harm to the environment—in its own right. As indicated above, the traditional way of deciding whether to issue injunctions in law suits affecting the environment, at least where communal property is involved, has been to strike some sort of balance regarding the economic hardships *on human beings*. Even recently, Mr. Justice Douglas, our jurist most closely associated with conservation sympathies in his private life, was deciding the propriety of a new dam on the basis of, among other things, anticipated lost profits from fish catches, some $12,000,000 annually.[81] Although he decided to delay the project pending further findings, the reasoning seems unnecessarily incomplete and compromising. Why should the environment be of importance only indirectly, as lost profits to someone else? Why not throw into the balance the cost *to the environment?*

The argument for "personifying" the environment, from the point of damage calculations, can best be demonstrated from the welfare economics position. Every well-working legal-economic system should be so structured as to confront each of us with the full costs that our activities are imposing on society.[82] Ideally, a paper-mill, in deciding what to produce—and where, and by what methods—ought to be forced to take into account not only the lumber, acid and labor that its production "takes" from other uses in the society, but also what costs alternative production plans will impose on society through pollution. The legal system, through the law of contracts and the criminal law, for example, makes the mill confront the costs of the first group of demands. When, for example, the company's purchasing agent orders 1000 drums of acid from the Z Company, the Z Company can bind the mill to pay for them, and thereby reimburse the society for what the mill is removing from alternative uses.

Unfortunately, so far as the pollution costs are concerned, the allocative ideal begins to break down, because the traditional legal institutions have a more difficult time "catching" and confronting us with the full social costs of our activities. In the lakeside mill example, major riparian interests might bring an action, forcing a court to weigh *their* aggregate losses against the costs to the mill of installing the anti-pollution device. But many other interests—and I am speaking for the moment of recognized homocentric interests—are too fragmented and perhaps "too remote" casually to warrant securing representation and pressing for recovery: the people who own summer homes and motels, the man who sells fishing tackle and bait, the man who rents rowboats. There is no reason not to allow the lake to prove damages to them as the prima facie measure of damages to it. *By doing so, we in effect make the natural object, through its guardian, a jural entity competent to gather up these fragmented and otherwise unrepresented damage claims, and press them before the court even where, for legal or practical reasons, they are not going to be pressed by traditional class action plaintiffs.*[83] Indeed, one way—the homocentric way—to view what I am proposing so far, is to view the guardian of the natural object as the guardian of unborn generations, as well as of the otherwise unrepresented, but distantly injured, contemporary humans.[84] By making the lake itself the focus of these damages, and "incorporating" it so to speak, the legal system can effectively take proof upon, and confront the mill with, a larger and more representative measure of the damages its pollution causes.

So far, I do not suppose that my economist friends (unremittent human chauvinists, every one of them!) will have any large quarrel in principle with the concept. Many will view it as a *trompe l'oeil* that comes down, at best, to effectuate the goals of the paragon class action, or the paragon water pollution control district. Where we are apt to part company is here—I propose going beyond gathering up the loose ends of what most people would presently recognize as economically valid damages. The guardian would urge before the court injuries not presently cognizable—the death of eagles and inedible crabs, the suffering of sea lions, the loss from the face of the earth of species of commercially valueless birds, the disappearance of a wilderness area. One might, of course, speak of the damages involved as "damages" to us humans, and indeed, the widespread growth of environmental groups shows that human beings do feel these losses. But they are not, at present, economically measurable losses: how can they have a monetary value for the guardian to prove in court?

The answer for me is simple. Wherever it carves out "property" rights, the legal system is engaged in the process of *creating* monetary worth. One's literary works would have minimal monetary value if anyone could copy them at will. Their economic value to the author is a product of the law of copyright; the person who copies a copyrighted book has to bear a cost to the copyright-holder because the law says he must. Similarly, it is through the law of torts that

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Footnotes at end of article.

we have made a "right" of—and guaranteed an economically meaningful value to—privacy. (The value we place on gold—a yellow inanimate dirt—is not simply a function of supply and demand—wilderness areas are scarce and pretty too—but results from the actions of the legal systems of the world, which have institutionalized that value; they have even done a remarkable job of stabilizing the price). I am proposing we do the same with eagles and wilderness areas as we do with copyrighted works, patented inventions, and privacy: *make* the violation of rights in them to be a cost by declaring the "pirating" of them to be the invasion of a property interest.[85] If we do so, the net social costs the polluter would be confronted with would include not only the extended homocentric costs of his pollution (explained above) but also costs to the environment *per se*.

How, though, would these costs be calculated? When we protect an invention, we can at least speak of a fair market value for it, by reference to which damages can be computed. But the lost environmental "values" of which we are now speaking are by definition over and above those that the market is prepared to bid for: they are priceless.

One possible measure of damages, suggested earlier, would be the cost of making the environment whole, just as, when a man is injured in an automobile accident, we impose upon the responsible party the injured man's medical expenses. Comparable expenses to a polluted river will be the costs of dredging, restocking with fish, and so forth. It is on the basis of such costs as these, I assume, that we get the figure of $1 billion as the cost of saving Lake Erie.[86] As an ideal, I think this is a good guide applicable in many environmental situations. It is by no means free from difficulties, however.

One problem with computing damages on the basis of making the environment whole is that, if understood most literally, it is tantamount to asking for a "freeze" on environmental quality, even at the costs (and there will be costs) of preserving "useless" objects.[87] Such a "freeze" is not inconceivable to me as a general goal, especially considering that, even by the most immediately discernible homocentric interests, in so many areas we ought to be cleaning up and not merely preserving the environmental status quo. In fact, there is presently strong sentiment in the Congress for a total elimination of all river pollutants by 1985,[88] notwithstanding that such a decision would impose quite large direct and indirect costs on us all. Here one is inclined to recall the instructions of Judge Hays, in remanding Consolidated Edison's Storm King application to the Federal Power Commission in *Scenic Hudson:*

> "The Commission's renewed proceedings must include as a basic concern the preservation of natural beauty and of natural historic shrines, keeping in mind that, in our affluent society, the cost of a project is only one of several factors to be considered." [89]

Nevertheless, whatever the merits of such a goal in principle, there are many cases in which the social price tag of putting it into effect are going to seem too high to accept. Consider, for example, an oceanside nuclear generator that could produce low cost electricity for a million homes at a savings of $1 a year per home, spare us the air pollution that comes of burning fossil fuels, but which through a slight heating effect threatened to kill off a rare species of temperature-sensitive sea urchins; suppose further that technological improvements adequate to reduce the temperature to present environmental quality would expend the entire one million dollars in anticipated fuel savings. Are we prepared to tax ourselves $1,000,000 a year on behalf of the sea urchins? In comparable problems under the present law of damages, we work out practicable compromises by abandoning restoration costs and calling upon fair market value. For example, if an automobile is so severely damaged that the cost of bringing the car to its original state by repair is greater than the fair market value, we would allow the responsible tortfeasor to pay the fair market value only. Or if a human being suffers the loss of an arm (as we might conceive of the ocean having irreparably lost the sea urchins), we can fall back on the capitalization of reduced earning power (and pain and suffering) to measure the damages. But what is the fair market value of sea urchins? How can we capitalize their loss to the ocean, independent of any commercial value they may have to someone else?

One answer is that the problem can sometimes be sidestepped quite satisfactorily. In the sea urchin example, one compromise solution would be to impose on the nuclear generator the costs of making the ocean whole somewhere else, in some other way, *e.g.*, reestablishing a sea urchin colony elsewhere, or making a somehow comparable contribution.[90] In the debate over the laying of the trans-Alaskan pipeline, the builders are apparently prepared to meet conservationists' objections half-way by re-establishing wildlife away from the pipeline, so far as is feasible.[91]

But even if damage calculations have to be made, one ought to recognize that the measurement of damages is rarely a simple report of economic facts about "the market," whether we are valuing the loss of a foot, a foetus, or a work of fine art. Decisions of this sort are always hard, but not impossible. We have increasingly taken (human) pain and suffering into account in reckoning damages, not because we think we can ascertain them as objective "facts" about the universe, but because, even in view of all the room for disagreement, we come up with a better society by making rude estimates of them than by ignoring them.[92] We can make such estimates in regard to environmental losses fully aware that what we are really doing is making implicit normative judgments (as with pain and suffering) laying down rules as to what the society is going to "value" rather than reporting market evaluations. In making such normative estimates decision-makers would not go wrong if they estimated on the "high side," putting the burden of trimming the figure down on the immediate human interests present. All burdens of proof should reflect common experience; our experience in environmental matters has been a continual discovery that our acts have caused more long-range damage than we were able to appreciate at the outset.

To what extent the decision-maker should factor in costs such as the pain and suffering of animals and other sentient natural objects, I cannot say; although I am prepared to do so in principle.[93] Given the conjectural nature of the "estimates" in all events, and the roughness of the "balance of conveniences" procedure where that is involved, the practice would be of more interest from the socio-psychic point of view, discussed below, than from the legal-operational.

Toward Being a Beneficiary in its Own Right

As suggested above, one reason for making the environment itself the beneficiary of a judgment is to prevent it from being "sold out" in a negotiation among private litigants who agree not to enforce rights that have been established among themselves.[94] Protection from this will be advanced by making the natural object a party to an injunctive settlement. Even more importantly, we should make it a beneficiary of money awards. If, in making the balance requisite to issuing an injunction, a court decides *not* to enjoin a lake polluter who is causing injury to the extent of $50,000 annually, then the owners and the lake ought both to be awarded damages. The natural object's portion could be put into a trust fund to be administered by the object's guardian, as per the guardianship recommendation set forth above. So far as the damages are proved, as suggested in the previous section, by allowing the natural object to cumulate damages to others as prima facie evidence of damages to it, there will, of course, be problems of distribution. But even if the object is simply construed as representing a class of plaintiffs under the applicable civil rules,[95] there is often likely to be a sizeable amount of recovery attributable to members of the class who will not put in a claim for distribution (because their pro rata share would be so small, or because of their interest in the environment). Not only should damages go into these funds, but where criminal fines are applied (as against water polluters) it seems to me that the monies (less prosecutorial expenses, perhaps) ought sensibly to go to the fund rather than to the general treasuries. Guardians fees, including legal fees, would then come out of this fund. More importantly, the fund would be available to preserve the natural object as close as possible to its condition at the time the environment was made a rights-holder.[96]

The idea of assessing damages as best we can and placing them in a trust fund is far more realistic than a hope that a total "freeze" can be put on the environmental status quo. Nature is a continuous theatre in which things and species (eventually man) are destined to enter and exit.[97] In the meantime, co-existence of man and his environment means that *each* is going to have to compromise for the better of both. Some pollution of streams, for example, will probably be inevitable for some time. Instead of setting an unrealizable goal of enjoining absolutely the discharge of all such pollutants, the trust fund concept would (a) help assure that pollution would occur only in those instances where the social need for the pollutant's product (via his present method of production) was so high as to enable the polluter to cover *all* homocentric costs, plus some estimated costs to the environment *per se*, and (b) would be a corpus for preserving monies, if necessary, while the technology developed to a point where repairing the damaged portion of the environment was feasible. Such a fund might even finance the requisite research and development.

(Incidentally, if "rights" are to be granted to the environment, then for many of the same reasons it might bear "liabilities" as well—as inanimate objects did anciently.[98] Rivers drown people, and flood over and destroy crops; forests burn, setting fire to contiguous communities. Where trust funds had been established, they could be available for the satisfaction of judgments *against* the environment, making it bear the costs of some of the harms it imposes on other right holders. In effect, we would be narrowing the claim of Acts of God. The ontological problem would be troublesome here, however; when the Nile overflows, is it the "responsibility" of the river? the mountains? the snow? the hydrologic cycle? [99]

Toward Rights in Substance

So far we have been looking at the Characteristics of being a *holder of rights*, and exploring some of the implications that making the environment a holder of rights would entail. Natural objects would have standing in their own right, through a guardian; damage to and through them would be ascertained and considered as an independent factor; and they would be the beneficiaries of legal awards. But these considerations only give us the skeleton of what a meaningful rights-holding would involve.

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To flesh out the "rights" of the environment demands that we provide it with a signficant body of rights for it to invoke when it gets to court.

In this regard, the lawyer is constantly aware that a right is not, as the layman may think, some strange substance that one either has or has not. One's life, one's right to vote, one's property, can all be taken away. But those who would infringe on them must go through certain procedures to do so; these procedures are a measure of what we value as a society. Some of the most important questions of "right" thus turn into questions of degree: how much review, and of which sort, will which agencies of state accord us when we claim our "right" is being infringed?

We do not have an absolute right either to our lives or to our driver's licenses. But we have a greater right to our lives because, if even the state wants to deprive us of that "right," there are authoritative bodies that will demand that the state make a very strong showing before it does so, and it will have to justify its actions before a grand jury, petit jury (convincing them "beyond a reasonable doubt"), sentencing jury, and, most likely, levels of appellate courts. The carving out of students "rights" to their education is being made up of this sort of procedural fabric. No one, I think, is maintaining that in no circumstances ought a student to be expelled from school. The battle for student "rights" involves shifting the answers to questions like: before a student is expelled, does he have to be given a hearing; does he have to have prior notice of the hearing, and notice of charges; may he bring counsel, (need the state provide counsel if he cannot?); need there be a transcript; need the school carry the burden of proving the charges; may he confront witnesses; if he is expelled, can he get review by a civil court; if he can get such review, need the school show its actions were "reasonable," or merely "not unreasonable," and so forth?[100]

In this vein, to bring the environment into the society as a rights-holder would not stand it on a better footing than the rest of us mere mortals, who every day suffer injuries that are *damnum absque injuria*. What the environment must look for is that its interests be taken into account in subtler, more procedural ways.

The National Environmental Policy Act is a splendid example of this sort of rights-making through the elaboration of procedural safeguards. Among its many provisions, it establishes that every federal agency must:

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment . . .[101]

These procedural protections have already begun paying off in the courts. For example, it was on the basis of the Federal Power Commission's failure to make adequate inquiry into "alternatives" (as per subsection (iii)) in *Scenic Hudson*, and the Atomic Energy Commission's failure to make adequate findings, apparently as per subsections (i) and (ii), in connection with the Amchitka Island underground test explosion,[102] that Federal Courts delayed the implementation of environment-threatening schemes.

Although this sort of control (remanding a cause to an agency for further findings) may seem to the layman ineffectual, or only a stalling of the inevitable, the lawyer and the systems analyst know that these demands for further findings can make a difference. It may encourage the institutions whose actions threaten the environment to really *think about* what it is doing, and that is neither an ineffectual nor a small feat. Indeed, I would extend the principle beyond federal agencies. Much of the environment is threatened not by them, but by private corporations. Surely the constitutional power would not be lacking to mandate that all private corporations whose actions may have significant adverse effect on the environment make findings of the sort now mandated for federal agencies. Further, there should be requirements that these findings and reports be channeled to the Board of Directors; if the directors are not charged with the knowledge of what their corporation is doing to the environment, it will be all too easy for lower level management to prevent such reports from getting to a policy-making level. We might make it grounds for a guardian to enjoin a private corporation's actions if such procedures had not been carried out.

The rights of the environment could be enlarged by borrowing yet another page from the Environmental Protection Act and mandating comparable provisions for "private governments." The Act sets up within the Executive Office of the President a Council on Environmental Quality "to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment."[103] The Council is to become a focal point, within our biggest "corporation"—the State—to gather and evaluate environmental information which is to pass on to our chief executive officer, the President. Rather than being ineffectual, this may be a highly sophisticated way of steering organizational behavior. Corporations—especially recidivist polluters and land despoilers—should have to establish comparable internal reorganization, *e.g.*, to set up a Vice-President for Ecological Affairs. The author is not offering this suggestion as a cure-all, by any means, but I do not doubt that this sort of control over internal corporate organization would be an effective supplement to the traditional mechanisms of civil suits, licensing, administrative agencies, and fines.[104]

Similarly, courts, in making rulings that may affect the environment, should be compelled to make findings with respect to environmental harm—showing how they calculated it and how heavily it was weighed—even in matters outside the present Environmental Protection Act. This would have at least two important consequences. First, it would shift somewhat the focus of courtroom testimony and concern; second, the appellate courts, through their review and reversals for "insufficient findings," would give content to, and build up a body of, environmental rights, much as content and body has been given over the years, to terms like "Due Process of Law."

Beyond these procedural safeguards,would there be any rights of the environment that might be deemed "absolute," at least to the extent of, say, Free Speech? Here, the doctrine of irreparable injury comes to mind. There has long been equitable support for an attorney-general's enjoining injury to communal property if he can prove it to be "irreparable." In other words, while repairable damage to the environment might be balanced and weighed, irreparable damage could be enjoined absolutely. There are several reasons why this doctrine has not been used effectively (witness Lake Erie).[105] Undoubtedly, political pressures (in the broadest sense) have had an influence. So, too, has the failure of all of us to understand just how delicate the environmental balance is; this failure has made us unaware of how early "irreparable" injury might be occurring, and, if aware, unable to prove it in court. But most important I think, is that the doctrine simply is not practical as a rule of universal application. For one thing, there are too many cases like the sea urchin example above, where the marginal costs of abating the damage seem too clearly to exceed the marginal benefits, even if the damage to the environment itself is liberally estimated. For another, there is a large problem in how one defines "irreparable." Certainly the great bulk of the environment in civilized parts of the world has been injured "irreparably" in the sense of "irreversably"; we are not likely to return it to its medieval quality. Despite the scientific ring to the term, judgments concerning "irreparable injury" are going to have to subsume questions both of degree of damage and of value—to all of "us" including the environment, *i.e.*, to "spaceship earth"—of the damaged object. Thus, if we are going to revitalize the "irreparable damages" doctrine, and expect it to be taken seriously, we have to recognize that what will be said to constitute "irreparable damage" to the ionosphere, because of its importance to all life, or to the Grand Canyon, because of its uniqueness, is going to rest upon normative judgments that ought to be made explicit.

This suggests that some (relatively) absolute rights be defined for the environment by setting up a constitutional list of "preferred objects," just as some of our Justices feel there are "preferred rights" where humans are concerned.[106] Any threatened injury to these most jealously-to-be-protected objects should be reviewed with the highest level of scrutiny at all levels of government, including our "counter-majoritarian" branch, the court system. Their "Constitutional rights" should be implemented, legislatively and administratively, by, *e.g.*, the setting of environmental quality standards.

I do not doubt that other senses in which the environment might have rights will come to mind, and, as I explain more fully below,

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Footnotes at end of article.

would be more apt to come to mind if only we should speak in terms of their having rights, albeit vaguely at first. "Rights" might well lie in unanticipated areas. It would seem, for example, that Chief Justice Warren was only stating the obvious when he observed in *Reynolds v. Sims* that "legislators represent people, not trees or acres." Yet, could not a case be made for a system of apportionment which *did* take into account the wildlife of an area? [107] It strikes me as a poor idea that Alaska should have no more congressmen than Rhode Island primarily *because there are in Alaska all those trees and acres, those waterfalls and forests.*[108] I am not saying anything as silly as that we ought to overrule *Baker v. Carr* and retreat from one man-vote to a system of one man-or-tree one vote. Nor am I even taking the position that we ought to count each acre, as we once counted each slave, as three-fifths of a man. But I am suggesting that there is nothing unthinkable about, and there might on balance even be a prevailing case to be made for, an electoral apportionment that made some systematic effort to allow for the representative "rights" of non-human life. And if a case can be made for that, which I offer here mainly for purpose of illustration, I suspect that a society that grew concerned enough about the environment to make it a holder of rights would be able to find quite a number of "rights" to have waiting for it when it got to court.

Do we really have to put it that way?

At this point, one might well ask whether much of what has been written could not have been expressed without introducing the notion of trees, rivers, and so forth "having rights." One could simply and straight forwardly say, for example, that (R_1) "the class of persons competent to challenge the pollution of rivers ought to be extended beyond that of persons who can show an immediate adverse economic impact on themselves," and that (R_2), "judges, in weighing competing claims to a wilderness area, ought to think beyond the economic and even esthetic impact on man, and put into the balance a concern for the threatened environment as such." And it is true, indeed, that to say trees and rivers have "rights" is not in itself a stroke of any operational significance—no more than to say "people have rights." To solve any concrete case, one is always forced to more precise and particularized statements, in which the word "right" might just as well be dropped from the elocution.

But this is not the same as to suggest that introducing the nation of the "rights" of trees and rivers would accomplish nothing beyond the introduction of a set of particular rules like (R_1) and (R_2), above. I think it is quite misleading to say that "*A* has a right to . . ." can be fully explicated in terms of a certain set of specific legal rules, and the manner in which conclusions are drawn from them in a legal system. That is only part of the truth. Introducing the notion of something having a "right" (simply *speaking* that way), brings into the legal system a flexibility and open-endedness that no series of specifically stated legal rules like R_1, R_2, R_3, . . . R_n can capture. Part of the reason is that "right" (and other so-called "legal terms" like "infants," "corporation," "reasonable time") have meaning—vague but forceful—in the ordinary language, and the force of these meanings, inevitably infused with our thought, becomes part of the context against which the "legal language" of our contemporary "legal rules" is interpreted.[109] Consider, for example, the "rules" that govern the question, on whom, and at what stages of litigation, is the burden of proof going to lie? Professor Krier has demonstrated how terribly significant these decisions are in the trial of environmental cases, and yet, also, how much discretion judges have under them.[110] In the case of such vague rules, it is *context*—senses of direction, of value and purpose—that determines how the rules will be understood, every bit as much as their supposed "plain meaning." In a system which spoke of the environment "having legal rights," judges would, I suspect, be inclined to interpret rules such as those of burden of proof far more liberally from the point of the environment. There is, too, the fact that the vocabulary and expressions that are available to us influence and even steer our thought. Consider the effect that was had by introducing into the law terms like "motive," "intent," and "due process." These terms work a subtle shift into the rhetoric of explanation available to judges; with them, new ways of thinking and new insights come to be explored and developed.[111] In such fashion, judges who could unabashedly refer to the "legal rights of the environment" would be encouraged to develop a viable body of law—in part simply through the availability and force of the expression. Besides, such a manner of speaking by courts would contribute to popular notions, and a society that spoke of the "legal rights of the environment" would be inclined to legislate more environment-protecting rules by formal enactment.

If my sense of these influences is correct, then a society in which it is stated, however vaguely, that "rivers have legal rights" would evolve a different legal system than one which did not employ that expression, even if the two of them had, at the start, the very same "legal rules" in other respects.

THE PSYCHIC AND SOCIO-PSYCHIC ASPECTS

There are, as we have seen, a number of developments in the law that may reflect a shift from the view that nature exists *for men*. These range from increasingly favorable procedural rulings for environmental action groups—as regards standing and burden of proof requirements, for example—to the enactment of comprehensive legislation such as the National Environmental Policy Act and the thoughtful Michigan Environmental Protection Act of 1970. Of such developments one may say, however, that it is not the environment *per se* that we are prepared to take into account, but that man's increased awareness of possible long range effects on himself militate in the direction of stopping environmental harm in its incipiency. And this is part of the truth, of course. Even the far-reaching National Environmental Policy Act, in its preambulatory "Declaration of National Environmental Policy," comes out both for "restoring and maintaining environmental quality *to the overall welfare and development of man*" as well as for creating and maintaining "conditions under which *man and nature can exist in productive harmony.*" [112] Because the health and well-being of mankind depend upon the health of the environment, these goals will often be so mutually supportive that one can avoid deciding whether our rationale is to advance "us" or a new "us" that includes the environment. For example, consider the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) which insists that, *e.g.*, pesticides, include a warning "adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals." [113] Such a provision undoubtedly reflects the sensible notion that the protection of humans is best accomplished by preventing dangerous accumulations in the food chain. Its enactment does not necessarily augur far-reaching changes in, nor even call into question, fundamental matters of consciousness.

But the time is already upon us when we may have to consider subordinating some human claims to those of the environment *per se*. Consider, for example, the disputes over protecting wilderness areas from development that would make them accessible to greater numbers of people. I myself feel disingenuous rationalizing the environmental protectionist's position in terms of a utilitarian calculus, even one that takes future generations into account, and plays fast and loose with its definition of "good." Those who favor development have the stronger argument—they at least hold the protectionist to a standstill—from the point of advancing the greatest good of the greatest number of people. And the same is true regarding arguments to preserve useless species of animals, as in the sea urchin hypothetical. *One* can say that we never know what is going to prove useful at some future time. *In order* to protect ourselves, therefore, we ought to be conservative now in our treatment of nature. I agree. But when conservationists argue this way to the exclusion of other arguments, or find themselevs speaking in terms of "recreational interests" so continuously as to play up to, and reinforce, homocentrist perspectives, there is something sad about the spectacle. One feels that the arguments lack even their proponent's convictions. I expect they want to say something less egotistic and more emphatic but the prevailing and sanctioned modes of explanation in our society are not quite ready for it. In this vein, there must have been abolitionists who put their case in terms of getting more work out of the Blacks. Holdsworth says of the early English Jew that while he was "regarded as a species of res nullius . . . [H]e was valuable for his acquisitive capacity and for that reason the crown took him under its protection." [114] (Even today, businessmen are put in the position of insisting that their decent but probably profitless acts will "help our company's reputation and be good for profits." [115]

For my part, I would prefer a frank avowal that even making adjustments for esthetic improvements, what I am proposing is going to cost "us," *i.e.*, reduce our standard of living as measured in terms of our present values.

Yet, this frankness breeds a frank response—one which I hear from my colleagues and which must occur to many a reader. Insofar as the proposal is not just an elaborate legal fiction, but really comes down in the last analysis to a compromise of *our* interests for *theirs*, why should we adopt it? "What is in it for 'us'?"

This is a question I am prepared to answer, but only after permitting myself some observations about how *odd* the question is. It asks for me to justify my position in the very anthropocentric hedonist terms that I am proposing we modify. One is included to respond by a counter: "couldn't you (as a white) raise the same questions about compromising your preferred rights-status with Blacks?"; or "couldn't you (as a man) raise the same question about compromising your preferred rights-status with women?" Such counters, unfortunately, seem no more responsive than the question itself. (They have a nagging ring of "yours *too*" about them.) What the exchange actually points up is a fundamental problem regarding the nature of philosophical argument. Recall that Socrates, whom we remember as an opponent of hedonistic thought, confutes Thrasymachus by arguing that immorality makes one miserably unhappy! Kant, whose moral philosophy was based upon the categorical imperative ("Woe to him who creeps through the serpent windings of Utilitarianism" [116]) finds himself justifying, *e.g.*, promise keeping and truth telling, on the most prudential—one might almost say, commercial—grounds.[117] This "philosophic irony" (as Professor Engel calls it) may owe to there being something unique about ethical argument.[118] "Ethics cannot be put into words", Wittgenstein puts it; such matters "make themselves manifest." [119] On the other hand,

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perhaps the truth is that in any argument which aims at persuading a human being to action (on ethical or any other bases), "logic" is only an instrument for illuminating positions, at best, and in the last analysis it is psycho-logical appeals to the listener's self-interest that hold sway, however "principled" the rhetoric may be.

With this reservation as to the peculiar task of the argument that follows, let me stress that the strongest case can be made from the perspective of human advantage for conferring rights on the environment. Scientists have been warning of the crises the earth and all humans on it face if we do not change our ways—radically—and these crises make the lost "recreational use" of rivers seem absolutely trivial. The earth's very atmosphere is threatened with frightening possibilities: absorption of sunlight, upon which the entire life cycle depends, may be diminished; the oceans may warm (increasing the "greenhouse effect" of the atmosphere), melting the polar ice caps, and destroying our great coastal cities; the portion of the atmosphere that shields us from dangerous radiation may be destroyed. Testifying before Congress, sea explorer Jacques Cousteau predicted that the oceans (to which we dreamily look to feed our booming populations) are headed toward their own death: "The cycle of life is intricately tied up with the cycle of water . . . the water system has to remain alive if we are to remain alive on earth." [120] We are depleting our energy and our food sources at a rate that takes little account of the needs even of humans now living.

These problems will not be solved easily; they very likely can be solved, if at all, only through a willingness to suspend the rate of increase in the standard of living (by present values) of the earth's "advanced" nations, and by stabilizing the total human population. For some of us this will involve forfeiting material comforts; for others it will involve abandoning the hope someday to obtain comforts long envied. For all of us it will involve giving up the right to have as many offspring as we might wish. Such a program is not impossible of realization, however. Many of our so-called "material comforts" are not only in excess of, but are probably in opposition to, basic biological needs. Further, the "costs" to the advanced nations is not as large as would appear from Gross National Product figures. G.N.P. reflects social gain (of a sort) without discounting for the social *cost* of that gain, *e.g.*, the losses through depletion of resources, pollution, and so forth. As has well been shown, as societies become more and more "advanced," their real marginal gains become less and less for each additional dollar of G.N.P.[121] Thus, to give up "human progress" would not be as costly as might appear on first blush.

Nonetheless, such far-reaching social changes are going to involve us in a serious reconsideration of our consciousness towards the environment. I say this knowing full well that there is something more than a trifle obscure in the claim: is popular consciousness a meaningful notion, to begin with? If so, what is our present consciousness regarding the environment? Has it been casually responsible for our material state of affairs? Ought we to shift our consciousness (and if so, to what exactly, and on what grounds)? How, if at all, would a shift in consciousness be translated into tangible institutional reform? Not one of these questions can be answered to everyone's satisfactions, certainly not to the author's.

It is commonly being said today, for example, that our present state of affairs—at least in the West—can be traced to the view that Nature is the dominion of Man, and that this attitude, in turn, derives from our religious traditions.

"Whatever the origins, the text is quite clear in Judaism, was absorbed all but unchanged into Christianity, and was inflated in Humanism to become the implicit attitude of Western man to Nature and the environment. Man is exclusively divine, all other creatures and things occupy lower and generally inconsequential stature; man is given dominion over all creatures and things; he is enjoined to subdue the earth. . . . This environment was created by the man who believes that the cosmos is a pyramid erected to support man on its pinnacle, that reality exists only because man can perceive it, that God is made in the image of man, and that the world consists solely of a dialogue between men. Surely this is an infantalism which is unendurable. It is a residue from a past of inconsequence when a few puny men cried of their supremacy to an unhearing and uncaring world. One longs for a psychiatrist who can assure man that his deep seated cultural inferiority is no longer necessary or appropriate. . . . It is not really necessary to destroy nature in order to gain God's favor or even his undivided attention." [122]

Surely this is forcibly put, but it is not entirely convincing as an explanation for how we got to where we are. For one thing, so far as intellectual influences are to be held responsible for our present state of affairs, one might as fairly turn on Darwin as the Bible. It was, after all, Darwin's views—in part through the prism of Spencer—that gave moral approbation to struggle, conquest, and domination; indeed, by emphasizing man's development as a product of chance happenings, Darwin also had the effect—intended or not—of reducing our awareness of the mutual interdependency of everything in Nature. And besides, as Professor Murphy points out, the spiritual beliefs of the Chinese and Indians "in the unity between man and nature had no greater effect than the contrary beliefs in Europe in producing a balance between man and his environment"; he claims that in China, *tao* notwithstanding, "ruthless deforestation has been continuous." [123] I am under the impression, too, that notwithstanding the vaunted "harmony" between the American Plains Indians and Nature, once they had equipped themselves with rifles their pursuit of the buffalo expanded to fill the technological potential.[124] The fact is, that "consciousness" explanations pass too quickly over the less negative but simpler view of the situation: there are an increasing number of humans, with increasing wants, and there has been an increasing technology to satisfy them at "cost" to the rest of nature. Thus, we ought not to place too much hope that a changed environmental consciousness will in and of itself reverse present trends. Furthermore, societies have long since passed the point where a change in human consciousness on any matter will rescue us from our problems. More than ever before we are in the hands of institutions. These institutions are not "mere legal fictions" moreover—they have wills, minds, purposes, and inertias that are in very important ways their own, *i.e.*, that can transcend and survive changes in the consciousness of the individual humans who supposedly comprise them, and whom they supposedly serve. (It is more and more the individual human being, with his consciousness, that is the legal fiction.[125])

For these reasons, it is far too pat to suppose that a western "environmental consciousness" is solely or even primarily responsible for our environmental crisis. On the other hand, it is not so extravagant to claim that it has dulled our resentment and our determination to respond. For this reason, whether we will be able to bring about the requisite institutional and population growth changes depends in part upon effecting a radical shift in our feelings about "our" place in the rest of Nature.

A radical new conception of man's relationship to the rest of nature would not only be a step towards solving the material planetary problems; there are strong reasons for such a changed consciousness from the point of making us far better humans. If we only stop for a moment and look at the underlying human qualities that our present attitudes toward property and nature draw upon and reinforce, we have to be struck by how stultifying of our own personal growth and satisfaction they can become when they take rein of us. Hegel, in "justifying" private property, unwittingly reflects the tone and quality of some of the needs that are played upon:

"A person has as his substantive end the right of putting his will into any and every thing and thereby making it his, because it has no such end in itself and derives its destiny and soul from his will. This is the absolute right of appropriation which man has over all things." [126]

What is it within us that gives us this need not just to satisfy basic biological wants, but to extend our wills over things, to objectify them, to make them ours, to manipulate them, to keep them at a psychic distance? Can it all be explained on "rational" bases? Should we not be suspect of such needs within us, cautious as to why we wish to gratify them? When I first read that passage of Hegel, I immediately thought not only of the emotional contrast with Spinoza, but of the passage in Carson McCullers' *A Tree, A Rock, A Cloud,* in which an old derelict has collared a twelve year old boy in a streetcar cafe. The old man asks whether the boy knows "how love should be begun?"

The old man leaned closer and whispered: "A tree. A rock. A cloud."

"The weather was like this in Portland," he said. "At the time my science was begun. I meditated and I started very cautious. I would pick up something from the street and take it home with me. I bought a goldfish and I concentrated on the goldfish and I loved it. I graduated from one thing to another. Day by day I was getting this technique. . . .

. . . "For six years now I have gone around by myself and built up my science. And now I am a master. Son. I can love anything. No longer do I have to think about it even. I see a street full of people and a beautiful light comes in me. I watch a bird in the sky. Or I meet a traveler on the road. Everything. Son. And anybody. All stranger and all loved! Do you realize what a science like mine can mean?" [127]

To be able to get away from the view that Nature is a collection of useful senseless objects is, as McCullers' "madman" suggests, deeply involved in the development of our abilities to love—or, if that is putting it too strongly, to be able to reach a heightened awareness of our own, and others' capacities in their mutual interplay. To do so, we have to give up some psychic investment in our sense of separateness and specialness in the universe. And this, in turn, is hard giving indeed, because it involves us in a flight backwards, into earlier stages of civilization and childhood in which we had to trust (and perhaps fear) our environment, for we had not then the power to master it. Yet, in doing so, we—as persons—gradually free ourselves of needs for supportive illusions. Is not this one of the triumphs for "us" of our giving legal rights to (or acknowledging the legal rights of) the Blacks and women? [128]

Changes in this sort of consciousness are already developing, for the betterment of the planet and us. There is now federal legislation which "establishes by law" [129] the human ethic that animals should be accorded the basic creature comforts of adequate housing, ample food and water, reasonable handling, decent sanitation, sufficient ventilation, shelter from extremes of weather and temperature, and adequate veterinary

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care including the appropriate use of painkilling drugs. . . .[130]

The Vietnam war has contributed to this movement, as it has to others. Five years ago a Los Angeles mother turned out a poster which read "War is not Healthy for children and other living things." [131] It caught on tremendously—at first, I suspect, because it sounded like another clever protest against the war, *i.e.*, another angle. But as people say such things, and think about them, the possibilities of what they have stumbled upon become manifest—in its suit against the Secretary of Agriculture to cancel the registration of D.D.T., Environmental Defense Fund alleged "biological injury to man and other living things." [132] A few years ago the pollution of streams was thought of only as a problem of smelly, unsightly, unpotable water *i.e.*, to us. Now we are beginning to discover that pollution is a process that destroys wondrously subtle balances of life within the water, and as between the water and its banks. This heightened awareness enlarges our sense of the dangers to us. But it also enlarges our empathy. We are not only developing the scientific capacity, but we are cultivating the personal capacities *within us* to recognize more and more the ways in which nature—like the woman, the Black, the Indian and the Alien—is like us (and we will also become more able realistically to define, confront, live with and admire the ways in which we are all different).[133]

The time may be on hand when these sentiments, and the early stirrings of the law, can be coalesced into a radical new theory or myth—felt as well as intellectualized—of man's relationships to the rest of nature. I do not mean "myth" in a demeaning sense of the term, but in the sense in which, at different times a history, our social "facts" and relationships have been comprehended and integrated by reference to the "myths" that we are co-signers of a social contract, that the Pope is God's agent, and that all men are created equal. Pantheism, Shinto and Tao all have myths to offer. But they are all each in its own fashion, quaint, primitive and archaic. What is needed is a myth that can fit our growing body of knowledge of geophysics, biology and the cosmos. In this vein, I do not think it too remote that we may come to regard the Earth, as some have suggested, as one organism, of which Mankind is a functional part—the mind, perhaps: different from the rest of nature, but different as a man's brain is from his lungs.

Ever since the first Geophysical Year, international scientific studies have shown irrefutably that the Earth as a whole is an organized system of most closely interrelated and indeed interdependent activities. It is, in the broadest sense of the term, an "organism." The so-called life-kingdoms and the many vegetable and animal species are dependent upon each other for survival in a balanced condition of planet-wide existence; and they depend on their environment, conditioned by oceanic and atmospheric currents, and even more by the protective action of the ionosphere and many other factors which have definite rhythms of operation. Mankind is part of this organic planetary whole; and there can be no truly new global society, and perhaps in the present state of affairs no society at all, as long as man will not recognize, accept and enjoy the fact that mankind has a definite function to perform within this planetary organism of which it is an active part.

In order to give a constructive meaning to the activities of human societies all over the globe, these activities—physical and mental—should be understood and given basic value with reference to the wholesome functioning of the entire Earth, and we may add of the entire solar system. This cannot be done (1) if man insists on considering himself an alien Soul compelled to incarnate on this sorrowful planet, and (2) if we can see in the planet, Earth, nothing but a mass of material substances moved by mechanical laws, and in "life" nothing but a chance combination of molecular aggregations.

. . . As I see it, the Earth is only one organized "field" of activities and so is the *human person*—but these activities take place at various levels, in different "spheres" of being and realms of consciousness. The lithosphere is not the biosphere, and the latter not the . . . ionosphere. The Earth is not *only* a material mass. Consciousness is not only "human"; it exists at animal and vegetable levels, and most likely must be latent, or operating in some form, in the molecule and the atom; and all these diverse and in a sense hierarchical modes of activity and consciousness should be seen integrated in and perhaps transcended by an all-encompassing and "eonic" planetary Consciousness.

Mankind's function within the Earth-organism is to extract from the activities of all other operative systems within this organism the type of consciousness which we call "reflective" or "self"-consciousness—or, we may also say to *mentalize* and give meaning, value, and "name" to all that takes place anywhere within the Earth-field. . . .

This "mentalization" process operates through what we call culture. To each region of, and living condition in the total field of the Earth-organism a definite type of culture inherently corresponds. Each region is the "womb" out of which a specific type of human mentality and culture can and sooner or later will emerge. All these cultures—past, present and future—and their complex interrelationships are the collective builders of the Mind of humanity; and this means of the *conscious Mind of the Earth*.[134]

As radical as such a consciousness may sound today, all the dominant changes we see about us point in its direction. Consider just the impact of space travel, of world-wide mass media, of increasing scientific discoveries about the interrelatedness of all life processes. Is it any wonder that the term "spaceship earth" has so captured the popular imagination? The problems we have to confront are increasingly the world-wide crises of a global organism: not pollution of a stream, but pollution of the atmosphere and of the ocean. Increasingly, the death that occupies each human's imagination is not his own, but that of the entire life cycle of the planet earth, to which each of us is as but a cell to a body.

To shift from such a lofty fancy as the planetarization of consciousness to the operation of our municipal legal system is to come down to earth hard. Before the forces that are at work, our highest court is but a frail and feeble—a distinctly human—institution. Yet, the Court may be at its best not in its work of handing down decrees, but at the very task that is called for: of summoning up from the human spirit the kindest and most generous and worthy ideas that abound there, giving them shape and reality and legitimacy.[135] Witness the School Desegregation Cases which, more importantly than to integrate the schools (assuming they did), awakened us to moral needs which, when made visible, could not be denied. And so here, too, in the case of the environment, the Supreme Court may find itself in a position to award "rights" in a way that will contribute to a change in popular consciousness. It would be a modest move, to be sure, but one in furtherance of a large goal: the future of the planet as we know it.

How far we are from such a state of affairs, where the law treats "environmental objects" as holders of legal rights, I cannot say. But there is certainly intriguing language in one of Justice Black's last dissents, regarding the Texas Highway Department's plan to run a six-lane expressway through a San Antonio Park.[136] Complaining of the Court's refusal to stay the plan, Black observed that "after today's decision, the people of San Antonio and the birds and animals that make their home in the park will share their quiet retreat with an ugly, smelly stream of traffic. . . . Trees, shrubs, and flowers will be mown down." [137] Elsewhere he speaks of the "burial of public parks," of segments of a highway which "devour parkland," and of the park's heartland.[138] Was he, at the end of his great career, on the verge of saying—just saying—that "nature has 'rights' on its own account"? Would it be so hard to do?

FOOTNOTES

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[1] C. Darwin, Descent of Man, 119, 120–21 (2d ed. 1874). *See also* R. Waelder, Progress and Revolution 39 *et seq.* (1967).

[2] *See* Darwin, *supra* note 1, at 113–14:

> . . . No tribe could hold together if murder, robbery, treachery, etc., were common; consequently such crimes within the limits of the same tribe "are branded with everlasting infamy"; but excite no such sentiment beyond these limits. A North-American Indian is well pleased with himself, and is honored by others, when he scalps a man of another tribe; and a Dyak cuts off the head of an unoffending person, and dries it as a trophy . . . It has been recorded that an Indian Thug conscientiously regretted that he had not robbed and strangled as many travelers as did his father before him. In a rude state of civilization the robbery of strangers is, indeed, generally considered as honorable.

See also Service, *Forms of Kinship* in Man an Adaptation 112 (Y. Cohen ed. 1968).

[3] *See* Darwin, *supra* note 1, at 113. *See also* E. Westermarck, 1 The Origin and Development of the Moral Ideas 406–12 (1912).

The practice of allowing sickly children to die has not been entirely abandoned, apparently, even at our most distinguished hospitals. *See Hospital Let Retarded Baby Die, Film Shows*, L. A. Times, Oct. 17, 1971, § A, at 9, col. 1.

[4] There does not appear to be a word "gericide" or "geronticide" to designate the killing of the aged. "Senicide" is as close as the Oxford English Dictionary comes, although, as it indicates, the word is rare. 9 Oxford English Dictionary 454 (1933).

[5] *See* Darwin, *supra* note 1, at 386–93. Westermarck, *supra* note 3, at 387–89, observes that where the killing of the aged and infirm is practiced, it is often supported by humanitarian justification; this, however, is a far cry from saying that the killing is *requested* by the victim as his right.

[6] H. Maine, Ancient Law 153 (Pollock ed. 1930). Maine claimed that these powers of the father extended to all regions of private law, although not to the Jus Publicum, under which a son, notwithstanding his subjection in private life, might vote alongside his father. *Id.* at 152. Westermarck, *supra* note 3, at 393–94, was skeptical that the arbitrary power of the father over the children extended as late as into early Roman law.

[7] 387 U.S. 1 (1967).

[8] 42 U.S.C. §§ 1973 *et seq.* (1970).

[9] *See* Landman v. Royster, 40 U.S.L.W. 2256 (E.D. Va., Oct. 30, 1971) (eighth amendment and due process clause of the fourteenth amendment require federal injunctive relief, including compelling the drafting of new prison rules, for Virginia prisoners against prison conduct prohibited by vague rules or no rules, without disciplinary proceedings embodying rudiments of procedural due process, and by various penalties that constitute cruel and unusual punishment). *See* Note, *Courts, Corrections and the Eighth Amendment: Encouraging Prison Reform by*

Releasing Inmates, 44 S. Cal. L. Rev. 1060 (1971).

[10] *But see* T. Szasz, Law, Liberty and Psychiatry (1963).

[11] *See* notes 22, 52 and accompanying text *infra.* The trend toward liberalized abortion can be seen either as a legislative tendency back in the direction of rightlessness for the foetus—or toward increasing rights of women. This inconsistency is not unique in the law of course; it is simply support for Hohfeld's scheme that the "jural opposite" of someone's right is someone else's "no-right." W. Hohfeld, Fundamental Legal Conceptions (1923).

Consider in this regard a New York case in which a settlor S established a trust on behalf of a number of named beneficiaries and "lives in being." Desiring to amend the deed of trust, the grantor took steps pursuant to statute to obtain "the written consent of all persons beneficially interested in [the] trust." At the time the grantor was pregnant and the trustee Chase Bank advised it would not recognize the proposed amendment because the child *en ventre sa mere* might be deemed a person beneficially interested in the trust. The court allowed the amendment to stand, holding that birth rather than conception is the controlling factor in ascertaining whether a person is beneficially interested in the trust which the grantor seeks to amend. *In re* Peabody, 5 N.Y. 2d 541, 158, N.E.2d 841 (1959).

The California Supreme Court has recently refused to allow the deliberate killing of a foetus (in a non-abortion situation) to support a murder prosecution. The court ruled foetuses not to be denoted by the words "human being" within the statute defining murder. Keeler v. Superior Court, 2 Cal. 3d 619, 87 Cal. Rptr. 481, 470 P.2d 617 (1970). But see note 52 and accompanying text *infra.*

Some jurisdictions have statutes defining a crime of "feticide"—deliberately causing the death of an unborn child. The absence of such a specific feticide provision in the California case was one basis for the ruling in *Keeler. See* 2 Cal. 3d at 633 n.16, 87 Cal. Rptr. at 489 n.16, 470 P.2d at 625 n.16.

[12] Int. Rev. Code of 1954, § 1361 (repealed by Pub. L. No. 89–389, effective Jan. 1, 1969).

[13] For example, *see* United States v. Cargo of the Brig Malek Adhel, 43 U.S. (2 How.) 210 (1844). There, a ship had been seized and used by pirates. All this was done without the knowledge or consent of the owners of the ship. After the ship had been captured, the United States condemned and sold the "offending vessel." The owners objected. In denying release to the owners, Justice Story cited Chief Justice Marshall from an earlier case: "This is not a proceeding against the owner; it is a proceeding against the vessel for an offense committed by the vessel; which is not the less an offense . . . because it was committed without the authority and against the will of the owner." 43 U.S. at 234, quoting from United States v. Schooner Little Charles, 26 F. Cas. 979 (No. 15,612) (C.C.D. Va. 1818).

[14] 9 U.S. (5 Cranch) 61, 86 (1809).

[15] Trustees of Dartmouth College v. Woodward, 17 U.S. (4 Wheat.) 518 (1819).

[16] *Id.* at 636.

[17] Consider, for example, that the claim of the United States to the naval station at Guantanamo Bay, at $2000-a-year rental, is based upon a treaty signed in 1903 by José Montes for the President of Cuba and a minister representing Theodore Roosevelt; it was subsequently ratified by two-thirds of a Senate no member of which is living today. Lease [from Cuba] of Certain Areas for Naval or Coaling Stations, July 2, 1903, T.S. No. 426; C. Bevans, 6 Treaties and Other International Agreements of the United States 1776–1949, at 1120 (U.S. Dep't of State Pub. 8549, 1971).

[18] O. Gierke, Political Theories of the Middle Age (Maitland transl. 1927), especially at 22–30. The reader may be tempted to suggest that the "corporate" examples in the text are distinguishable from environmental objects in that the former are comprised by and serve humans. On the contrary, I think that the more we learn about the sociology of the firm—and the realpolitik of our society—the more we discover the ultimate reality of these institutions, and the increasingly legal fictiveness of the individual human being. *See* note 125 and accompanying text *infra.*

[19] Dred Scott v. Sandford, 60 U.S. (19 How.) 396, 404–05 (1856). In Bailey v. Poindexter's Ex'r, 56 Va. (14 Gratt.) 132, 142–43 (1858) a provision in a will that testator's slaves could choose between emancipation and public sale was held void on the ground that slaves have no legal capacity to choose:

"These decisions are legal conclusions flowing naturally and necessarily from the one clear, simple, fundamental idea of chattel slavery. That fundamental idea is, that, in the eye of the law, so far certainly as civil rights and relations are concerned, the slave is not a person, but a thing. The investiture of a chattel with civil rights or legal capacity is indeed a legal solecism and absurdity. The attribution of legal personality to a chattel slave—legal conscience, legal intellect, legal freedom, or liberty and power of free choice and action, and corresponding legal obligations growing out of such qualities, faculties and action—implies a palpable contradiction in terms."

[20] People v. Hall, 4 Cal. 399, 405 (1854). The statute there under interpretation provided that "no Black or Mulatto person, or Indian shall be allowed to give evidence in favor of, or against a white man," but was silent as to Chinese. The "policy" analysis by which the court brings Chinese under "Black . . . or Indian" is a fascinating illustration of the relationship between a "policy" decision and a "just" decision, especially in light of the exchange between Hart, *Positivism and the Separation of Law and Morals,* 71 Harv. L. Rev. 593 (1958) and Fuller, *Positivism and Fidelity to Law—A Reply to Professor Hart, id.* at 630.

[21] Schechter, *The Rightlessness of Mediaeval English Jewry,* 45 Jewish Q. Rev. 121, 135 (1954) quoting from M. Bateson, Medieval England 139 (1904). Schechter also quotes Henry de Bracton to the effect that "a Jew cannot have anything of his own, because whatever he acquires he acquires not for himself but for the king. . . ." *Id.* at 128.

[22] Dietrich v. Inhabitants of Northampton, 138 Mass. 14, 16 (1884).

[23] *In re* Goddell, 39 Wisc. 232, 245 (1875). The court continued with the following "clincher":

"And when counsel was arguing for this lady that the word, person, in sec. 32, ch. 119 [respecting those qualified to practice law], necessarily includes females, her presence made it impossible to suggest to him as *reductio ad absurdum* of his position, that the same construction of the same word . . . would subject woman to prosecution for the paternity of a bastard, and . . . prosecution for rape."

Id. at 246.

The relationship between our attitudes toward woman, on the one hand, and, on the other, the more central concern of this article—land—is captured in an unguarded aside of our colleague, Curt Berger: " . . . after all, land, like woman, was meant to be possessed. . . ." Land Ownership and Use 139 (1968).

[23a] Recently, a group of prison inmates in Suffolk County tamed a mouse that they discovered, giving him the name Morris. Discovering Morris, a jailer flushed him down the toilet. The prisoners brought a proceeding against the Warden complaining, *inter alia,* that Morris was subjected to discriminatory discharge and was otherwise unequally treated. The action was unsuccessful, on grounds that the inmates themselves were "guilty of imprisoning Morris without a charge, without a trial, and without bail," and that other mice at the prison were not treated more favorably. "As to the true victim the Court can only offer again the sympathy first proffered to his ancestors by Robert Burns. . . ." The Judge proceeded to quote from Burns' "To a Mouse." Morabito v. Cyrta, 9 Crim. L. Rep. 2472 (N.Y. Sup. Ct. Suffolk Co. Aug 26, 1971).

The whole matter seems humorous, of course. But what we need to know more of is the function of humor in the unfolding of a culture, and the ways in which it is involved with the social growing pains to which it is testimony. Why do people make jokes about the Women's Liberation Movement? Is it not on account of—rather than in spite of—the underlying validity of the protests, and the uneasy awareness that a recognition of them is inevitable? A. Koestler rightly begins his study of the human mind, Act of Creation (1964), with an analysis of humor, entitled "The Logic of Laughter." And *cf.* Freud, *Jokes and the Unconscious,* A Standard Edition of the Complete Psychological Works of Sigmund Freud (J. Strachey transl. 1905). (Query too: what is the relationship between the conferring of proper *names, e.g.,* Morris, and the conferring of social and legal *rights?*)

[24] Thus it was that the Founding Fathers could speak of the inalienable rights of all men, and yet maintain a society that was, by modern standards, without the most basic rights for Blacks, Indians, children and women. There was no hypocrisy; emotionally, no one *felt* that these other things were men.

[25] The second thought streaming from . . . the other South [is] the sincere and passionate belief that somewhere between men and cattle, God created a *tertium quid,* and called it a Negro—a clownish, simple creature, at times even lovable within its limitations, but straitly foreordained to walk within the Veil. W. E. B. DuBois, The Souls of Black Folk 89 (1924).

[26] In this article I essentially limit myself to a discussion of non-animal but natural objects. I trust that the reader will be able to discern where the analysis is appropriate to advancing our understanding of what would be involved in giving "rights" to other objects not presently endowed with rights—for example, not only animals (some of which already have rights in some senses) but also humanoids, computers, and so forth. *Cf.* the National Register for Historic Places, 16 U.S.C. § 470 (1970), discussed in Ely v. Velde, 321 F. Supp. 1088 (E.D. Va. 1971).

As the reader will discover, there are large problems involved in defining the boundaries of the "natural object." For example, from time to time one will wish to speak of that portion of a river that runs through a recognized jurisdiction; at other times, one may be concerned with the entire river, or the hydrologic cycle—or the whole of nature. One's ontological choices will have a strong influence on the shape of the legal system, and the choices involved are not easy. *See* notes 49, 73 and accompanying text *infra.*

On the other hand, the problems of selecting an appropriate ontology are problems of all language—not merely of the language of legal concepts, but of ordinary language as well. Consider, for example, the concept of a "person" in legal or in everyday speech. Is each *person* a fixed bundle of relationships, persisting unaltered through time? Do our molecules and cells not change at every moment? Our hypostatizations always have a pragmatic quality to them. *See* D. Hume, *Of Personal Identity,* in Treatise of Human Nature bk. 1. pt. IV, in The Philosophical Works of David Hume 310–18, 324 (1854); T. Murti, The Central Philosophy of Buddhism 70–73 (1955). In Loves Body 146–47 (1966) Norman O. Brown observes:

The existence of the "let's pretend" boundary does not prevent the continuance of the real traffic across it. Projection and introjection the process whereby the self as distinct from the other is constituted, is not past history, an event in childhood, but a present process of continuous creation. The dualism of self and external world is built up by a constant process of reciprocal exchange between the two. The self as a stable substance enduring through time, an identity, is maintained by constantly absorbing good parts (or people) from the outside world and expelling bad parts from the inner world. "There is a continual 'unconscious' wandering of other personalities into ourselves."

Every person, then, is many persons; a multitude made into one person; a corporate body; incorporated, a corporation. A "corporation sole"; every man a parson-person. The unity of the person is as real, or unreal, as the unity of the corporation.

See generally, W. Bishin & C. Stone, Law, Language and Ethics Ch. 5 (1972)

In different legal systems at different times, there have been many shifts in the entity deemed "responsible" for harmful acts: an entire clan was held responsible for a crime before the notion of individual responsibility emerged; in some societies the offending hand, rather than an entire body, may be "responsible." Even today, we treat father and son as separate jural entities for some purposes, but as a single jural entity for others. I do not see why, in principle, the task of working out a legal ontology of natural objects (and "qualities," *e.g.*, climatic warmth) should be any more unmanageable Perhaps someday all mankind shall be, for some purposes, one jurally recognized "natural object."

[27] The statement in text is not quite true; *cf.* Murphy, *Has Nature Any Right to Life?*, 22 Hast. L.J. 467 (1971). An Irish court, passing upon the validity of a testamentary trust to the benefit of someone's dog, observed in dictum that "'lives' means lives of human beings, not of animals or trees in California." Kelly v. Dillon, 1932 Ir. R. 255, 261. (The intended gift over on the death of the last surviving dog was held void for remoteness, the court refusing "to enter into the question of a dog's expectation of life," although prepared to observe that "in point of fact neighbor's [sic] dogs and cats are unpleasantly long-lived. . . ." *Id.* at 260–61).

[28] Four cases dealing with the Constitutionality of the death penalty under the eighth and fourteenth amendments are pending before the United States Supreme Court. Branch v. Texas, 447 S.W.2d 932 (Tex. 1969), *cert. granted,* 91 S. Ct. 2287 (1970); Aikens v. California, 70 Cal. 2d 369, 74 Cal. Rptr. 882, 450 P.2d 258 (1969); *cert. granted,* 91 S. Ct. 2280 (1970); Furman v. Georgia, 225 Ga. 253, 167 S.E.2d 628 (1969); *cert. granted,* 91 S. Ct. 2282 (1970); Jackson v. Georgia, 225 Ga. 790, 171 S.E.2d 501 (1969), *cert. granted,* 91 S. Ct. 2287 (1970).

[29] *See* George Campbell Painting Corp. v. Reid, 392 U.S. 286 (1968); Oklahoma Press Pub. Co. v. Walling, 327 U.S. 186 (1946); Baltimore & O.R.R. v. ICC, 221 612 (1911); Wilson v. United States, 221 U.S. 361 (1911); Hale v. Henkel, 201 U.S. 43 (1906).

[30] *See* Dixon v. Alabama State Bd. of Educ., 294 F.2d 150 (5th Cir.), *cert denied,* 368 U.S. 930 (1961).

[31] For example, *see* People *ex rel.* Ricks Water Co. v. Elk River Mill & Lumber Co., 107 Cal. 221, 40 Pac. 531 (1895) (refusing to enjoin pollution by an upper riparian at the instance of the Attorney General on the grounds that the lower riparian owners, most of whom were dependent on the lumbering business of the polluting mill, did not complain).

[32] The law in a suit for injunctive relief is commonly easier on the plaintiff than in a suit for damages. *See* J. Gould, Law of Waters 958: § 206 (1883).

[33] However, in 1970 California amended its Water Quality Act to make it easier for the Attorney General to obtain relief, *e.g.*, one must no longer allege irreparable injury in a suit for an injunction. Cal. Water Code § 13350(b) (West 1971).

[34] To whomsoever the soil belongs, he owns also to the sky and to the depths. *See* W. Blackstone, 2 Commentaries *18.

At early common law, the owner of land could use all that was found under his land "at his free will and pleasure" without regard to any "inconvenience to his neighbour." Acton v. Blundell, 12 Meeson & Welsburg 324, 354, 152 Eng. Rep. 1223, 1235 (1843). "He [the landowner] may waste or despoil the land as he pleases. . . ." R. Megarry & H. Wade, The Law of Real Property 70 (3d ed. 1966). *See* R. Powell, 5 The Law of Real Property ¶725 (1971).

[35] *See* Note, *Statutory Treatment of Industrial Stream Pollution,* 24 Geo. Wash. L. Rev. 302, 306 (1955); H. Farnham, 2 Law of Waters and Water Rights § 461 (1904); Gould, *supra* note 32, at § 204.

[36] For example, courts have upheld a right to pollute by prescription, Mississippi Mills Co. v. Smith, 69 Miss. 299, 11 So. 26 (1882), and by easement, Luama v. Bunker Hill & Sullivan Mining & Concentrating Co., 41 F.2d 358 (9th Cir. 1930).

[37] *See* Red River Roller Mills v. Wright, 30 Minn. 249, 15 N.W. 167 (1883) (enjoyment of stream by riparian may be modified or abrogated by reasonable use of stream by others); Townsend v. Bell, 167 N.Y. 462, 60 N.E. 775 (1901) (riparian owner not entitled to maintain action for pollution of stream by factory where he could not show use of water was unreasonable); Smith v. Staso Milling Co., 18 F.2d 736 (2d Cir. 1927) (in suit for injunction, right on which injured lower riparian stands is a quantitative compromise between two conflicting interests); Clifton Iron Co. v. Dye, 87 Ala. 468, 6 So. 192 (1889) (in determining whether to grant injunction to lower riparian, court must weigh interest of public as against injury to one or the other party). *See also* Montgomery Limestone Co. v. Bearder, 256 Ala. 269, 54 So. 2d 571 (1951).

[38] Pennsylvania Coal Co. v. Sanderson, 113 Pa. 126, 149, 6 A. 453, 459 (1886).

[39] Hand. J. in Smith v. Staso Milling Co., 18 F.2d 736, 738 (2d Cir. 1927) (emphasis added). *See also* Harrisonville v. Dickey Clay Co., 289 U.S. 334 (1933) (Brandeis, J.).

[40] Measuring plantiff's damages by "making him whole" has several limitations; these and the matter of measuring damages in this area generally are discussed more fully at notes 83–93 and accompanying text *infra.*

[41] Here, again, an analogy to corporation law might be profitable. Suppose that in the instance of negligent corporate management by the directors, there were no institution of the stockholder derivative suit to force the directors to make *the corporation* whole, and the only actions provided for were direct actions by stockholders to collect for damages *to themselves qua* stockholders. Theoretically and practically, the damages might come out differently in the two cases, and not merely because the creditors' losses are not aggregated in the stockholders' direct actions.

[42] And even far less than the damages to all human economic interests derivatively through the stream; *see* text accompanying notes 83–84, 120 *infra.*

[43] Smith v. Staso, 18 F.2d 736, 738 (2d Cir. 1927).

[44] Some of these public properties are subject to the "public trust doctrine," which, while ill-defined, might be developed in such fashion as to achieve fairly broad-ranging environmental protection. *See* Gould v. Greylock Reservation Comm'n, 350 Mass. 410, 215 N.E.2d 114 (1966), discussed in Sax, *The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention,* 68 Mich. L. Rev. 471, 492–509 (1970).

[45] By contrast, for example, with humane societies.

[46] *See, e.g.,* Cal. Prob. Code §§ 1460–62 (West Supp. 1971).

[47] Cal. Prob. Code § 1751 (West Supp. 1971) provides for the appointment of a "conservator."

[48] In New York the Supreme Court and county courts outside New York City have jurisdiction to appoint a committee of the person and/or a committee of the property for a person "incompetent to manage himself or his affairs." N.Y. Mental Hygiene Law § 100 (McKinney 1971).

[49] This is a situation in which the ontological problems discussed in note 26 *supra* become acute. One can conceive a situation in which a guardian would be appointed by a county court with respect to a stream, bring a suit against alleged polluters, and lose. Suppose now that a federal court were to appoint a guardian with respect to the larger river system of which the stream were a part, and that the federally appointed guardian subsequently were to bring suit against the same defendants in state court, now on behalf of the river, rather than the stream. (Is it possible to bring a still subsequent suit, if the one above fails, on behalf of the entire hydrologic cycle, by a guardian appointed by an international court?)

While such problems are difficult, they are not impossible to solve. For one thing, pretrial hearings and rights of intervention can go far toward their amelioration. Further, courts have been dealing with the matter of potentially inconsistent judgment for years, as when one state appears on the verge of handing down a divorce decree inconsistent with the judgment of another state's courts. Kempson v. Kempson, 58 N.J. Eg. 94, 43 A. 97 (Ch. Ct. 1899). Courts could, and of course would, retain some natural objects in the res nullius classification to help stave off the problem. Then, too, where (as is always the case) several "objects" are interrelated, several guardians could all be involved, with procedures for removal to the appropriate court—probably that of the guardian of the most encompassing "ward" to be acutely threatened. And in some cases subsequent suit by the guardian of more encompassing ward, not guilty of laches, might be appropriate. The problems are at least no more complex than the corresponding problems that the law has dealt with for years in the class action area.

[50] Cal. Prob. Code § 1460 (West Supp. 1971). The N.Y. Mental Hygiene Law (McKinney 1971) provides for jurisdiction "over the custody of a person and his property if he is incompetent to manage himself or his affairs by reason of age, drunkenness, mental illness or other cause. . . ."

[51] Santa Clara County v. Southern Pac. R.R., 118 U.S. 394 (1886). Justice Black would have denied corporations the rights of "persons" under the fourteenth amendment. *See* Connecticut Gen. Life Ins. Co. v. Johnson, 303 U.S. 77, 87 (1938) (Black, J. dissenting): "Corporations have neither race nor color."

[52] *In re* Byrn, L. A. Times, Dec. 5, 1971, § 1, at 16, col. 1. A preliminary injunction was subsequently granted, and defendant's cross-motion to vacate the guardianship was denied. Civ. 13113/71 (Sup. Ct. Queens Co., Jan. 4, 1972) (Smith, J.). Appeals are pending. Granting a guardianship in these circumstances would seem to be a more radical advance in the law than granting a guardianship over communal natural objects like lakes. In the former case there is a traditionally recognized guardian for the object—the mother—and her decision has been in favor of aborting the foetus.

[53] The laws regarding the various communal resources had to develop along their own lines, not only because so many different persons' "rights" to consumption and usage were continually and contemporaneously involved, but also because no one had to bear the costs of his consumption of pub-

lic resources in the way in which the owner of resources on private land has to bear the costs of what he does. For example, if the landowner strips his land of trees, and puts nothing in their stead, he confronts the costs of what he has done in the form of reduced value of his land; but the river polluter's actions are costless, so far as he is concerned—except insofar as the legal system can somehow force him to internalize them. The result has been that the private landowner's power over natural objects on his land is far less restrained by law (as opposed to economics) than his power over the public resources that he can get his hands on. If this state of affairs is to be changed, the standard for interceding in the interests of natural objects on traditionally recognized "private" land might well parallel the rules that guide courts in the matter of people's children whose upbringing (or lack thereof) poses social threat. The courts can, for example, make a child "a dependent of the court" where the child's "home is an unfit place for him by reason of neglect, cruelty, or depravity of either of his parents. . . ." Cal. Welf. & Inst. Code § 600(b) (West 1966). *See also id* at § 601: any child "who from any cause is in danger of leading an idle, dissolute, lewd, or immoral life [may be adjudged] a ward of the court."

[54] *See* note 53 *supra*. The present way of handling such problems on "private" property is to try to enact legislation of general application under the police power, *see* Pennsylvania Coal Co. v. Mahon, 260 U.S. 393 (1922), rather than to institute civil litigation which, though a piecemeal process, can be tailored to individual situations.

[55] Cal. Prob. Code § 1580 (West Supp. 1971) lists specific causes for which a guardian may, after notice and a hearing, be removed.

Despite these protections, the problem of overseeing the guardian is particularly acute where, as here, there are no immediately identifiable human beneficiaries whose self-interests will encourage them to keep a close watch on the guardian. To ameliorate this problem, a page might well be borrowed from the law of ordinary charitable trusts, which are commonly placed under the supervision of the Attorney General. *See* Cal. Corp. Code §§ 9505, 10207 (West. 1955).

[56] *See* Cal. Prob. Code §§ 1472, 1590 (West 1956 and Supp. 1971).

[57] 354 F.2d 608 (2d Cir. 1965), *cert. denied*, Consolidated Edison Co. v. Scenic Hudson Preservation Conf., 384 U.S. 941 (1966).

[58] 354 F.2d 608, 15 (2d Cir. 1965).

[59] Act of Aug. 26, 1935, ch. 687, Title II, § 213, 49 Stat. 860 (*codified* in 16 U.S.C. § 8251 (b) (1970).

[60] 354 F.2d 608, 616 (2d Cir. 1965). The court might have felt that because the New York-New Jersey Trial Conference, one of the two conservation groups that organized Scenic Hudson, had some 17 miles of trailways in the area of Storm King Mountain, it therefore had sufficient economic interest to establish standing; Judge Hay's opinion does not seem to so rely, however.

[61] Road Review League v. Boyd, 270 F. Supp. 650 (S.D.N.Y. 1967). Plaintiffs who included the Town of Bedford and the Road Review League, a non-profit association concerned with community problems, brought an action to review and set aside a determination of the Federal Highway Administrator concerning the alignment of an interstate highway. Plaintiffs claimed that the proposed road would have an adverse effect upon local wildlife sanctuaries, pollute a local lake, and be inconsistent with local needs and planning. Plaintiffs relied upon the section of the Administrative Procedure Act, 5 U.S.C. § 702 (1970), which entitles persons "aggrieved by agency action within the meaning of a relevant statute" to obtain judicial review. The court held that plaintiffs had standing to obtain judicial review of proposed alignment of the road:

"I see no reason why the word 'aggrieved' should have different meaning in the Administrative Procedure Act from the meaning given it under the Federal Power Act. . . . The 'relevant statute,' i.e., the Federal Highways Act, contains language which seems even stronger than that of the Federal Power Act, as far as local and conservation interests are concerned."

Id. at 661.

In Citizens Comm. for the Hudson Valley v. Volpe, 425 F. 2d 97 (2d Cir. 1970), plaintiffs were held to have standing to challenge the construction of a dike and causeway adjacent to the Hudson Valley. The Sierra Club and the Village of Tarrytown based their challenge upon the provisions of the Rivers and Harbors Act of 1899. While the Rivers and Harbors Act does not provide for judicial review as does the Federal Power Act, the court stated that the plaintiffs were "aggrieved" under the Department of Transportation Act, the Hudson River Basin Compact Act, and a regulation under which the Corps of Engineers issued a permit, all of which contain broad provisions mentioning recreational and environmental resources and the need to preserve the same. Citing the *Road Review League* decision, the court held that as "aggrieved" parties under the Administrative Procedure Act, plaintiffs similarly had standing. Others decisions in which the court's grant of standing was based upon the Administrative Procedure Act include: West Virginia Highlands Conservancy v. Island Creek Coal Co., 441 F. 2d 231 (4th Cir. 1971); Environmental Defense Fund, Inc. v. Hardin, 428 F. 2d 1093 (D.C. Cir. 1970); Allen v. Hickel, 424 F. 2d 944 (D.C. Cir. 1970); Brooks v. Volpe, 329 F. Supp. 118 W.D. Wash. 1971); Delaware v. Pennsylvania N.Y. Cent. Transp. Co., 323 F. Supp. 487 (D. Del. 1971); Izaak Walton League of America v. St. Clair, 313 F. Supp. 1312 (D. Minn. 1970); Pennsylvania Environmental Council, Inc. v. Bartlett, 315 F. Supp. 238 (M.D. Pa. 1970).

[62] Sierra Club v. Hickel, 433 F.2d 24 (9th Cir. 1970), *cert. granted sub nom.* Sierra Club v. Morton, 401 U.S. 907 (1971) (No. 70–34). The Sierra Club, a non-profit California corporation concerned with envirnomental protection, claimed that its interest in the conservation and sound management of natural parks would be adversely affected by an Interior permit allowing Walt Disney to construct the Mineral King Resort in Sequoia National Forest. The court held that because of the Sierra Club's failure to assert a direct legal interest, that organization lacked standing to sue. The court stated that the Sierra Club had claimed an interest only in the sense that the proposed course of action was displeasing to its members. The court purported to distinguish *Scenic Hudson* on the grounds that the plaintiff's claim of standing there was aided by the "aggrieved party" language of the Federal Power Act.

[63] 16 U.S.C. §§ 91(a) *et seq.* (1970). *See* note 59 and accompanying text *supra*.

[64] 5 U.S.C. §§ 551 *et seq.* (1970). Decisions relying upon 5 U.S.C. § 702 are listed in note 56 *supra*.

[65] 7 U.S.C. §§ 135 *et seq.* (1970). Section 135b(d) affords a right of judicial review to anyone "adversely affected" by an order under the Act. *See* Environmental Defense Fund, Inc. v. Hardin, 428 F.2d 1093, 1096 (D.C. Sir. 1970).

[66] 324 F. Supp. 412 (N.D., M.D. & S.D. Ala. 1970), *aff'd mem., sub nom.* Bass Anglers Sportsman Soc'y of America, Inc. v. Koppers Co., 447 F.2d 1304 (5th Cir. 1971).

[67] Section 13 of Rivers and Harbors Appropriation Act of 1899.

[68] 33 U.S.C. § 411 (1970) reads:

"Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of sections 407, 408, and 409 of the title shall . . . be punished by a fine . . . or by imprisonment . . . in the discretion of the court, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction."

[69] This is from the Latin, "who brings the action as well for the King as for himself," referring to an action brought by a citizen for the state as well as for himself.

[70] These sections create a criminal liability. No civil action lies to enforce it; criminal statutes can only be enforced by the government. A qui tam action lies only when expressly or impliedly authorized by statute to enforce a penalty by civil action, not a criminal fine.

324 F. Supp. 412, 415–16 (N.D., M.D. & S.D. Ala. 1970). Other *qui tam* actions brought by the Bass Angler Sportsman Society have been similarly unsuccessful. *See* Bass Anglers Sportsman Soc'y of America v. Scholze Tannery, 329 F. Supp. 339 (E.D. Tenn. 1971); Bass Anglers Sportsman's Soc'y of America v. United States Plywood-Champion Papers, Inc, 324 F. Supp. 302 (S.D. Tex. 1971).

[71] Concern over an anticipated flood of litigation initiated by environmental organizations is evident in Judge Trask's opinion in Alameda Conservation Ass'n v. California, 437 F.2d 1087 (9th Cir.), *cert. denied*, Leslie Salt Co. v. Alameda Conservation Ass'n, 402 U.S. 908 (1971), where a non-profit corporation having as a primary purpose protection of the public's interest in San Francisco Bay was denied standing to seek an injunction prohibiting a land exchange that would allegedly destroy wildlife, fisheries and the Bay's unique flushing characteristics:

"Standing is not established by suit initiated by this association simply because it has as one of its purposes the protection of the 'public interest' in the waters of the San Francisco Bay. However well intentioned the members may be, they may not by uniting create for themselves a super-administrative agency or a *parens patriae* official status with the capability of over-seeing and of challenging the action of the appointed and elected officials of the state government. Although recent decisions have considerably broadened the concept of standing we do not find that they go this far. [Citation.]

"Were it otherwise the various clubs, political, economic and social now or yet to be organized, could wreak havoc with the administration of government, both federal and state. There are other forums where their voices and their views may be effectively presented, but to have standing to submit a 'case or controversy' to a federal court, something more must be shown."

437 F.2d at 1090.

[72] *See* Note 49 *supra*.

[73] Here, too, we are dogged by the ontological problem discussed in note 26 *supra*. It is easier to say that the smog-endangered stand of pines "wants" the smog stopped (assuming that to be a jurally significant entity) then it is to venture that the mountain, or the plane earth, or the cosmos, is concerned about whether the pines stand or fall. The more encompassing the entity of concern, the less certain we can be in venturing judgments as to the "wants" of any particular substance, quality, or species within the universe. Does the cosmos care if we humans perists or not? "Heaven and earth . . . regard all things as insignificant, as though they were playthings made of straw." Lao-Tzu, Tao Teh King 13 (D. Goddard transl. 1919).

[74] *See* Knight v. United States Land Ass'n, 142 U.S. 161, 181 (1891).

[75] Clause 2 gives Congress the power "to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

[76] *See* Flemming v. Nestor, 363 U.S. 603 (1960).

[77] *See* the L. A. Times editorial *Water: Public. vs. Polluters* criticizing:

. . . the ridiculous built-in conflict of interest on Regional Water Quality Control Board. By law, five of the seven seats are given to spokesmen for industrial, governmental, agricultural or utility users. Only one representative of the public at large is authorized along with a delegate from fish and game interests.

Feb. 12, 1969, Part II, at 8, cols. 1–2.

[78] The Federal Refuse Act is over 70 years old. Refuse Act of 1899, 33 U.S.C. § 407 (1970).

[79] *See* Hall, *Refuse Act of 1899 and the Permit Program,* 1 Nat'l Res. Defense Council Newsletter i (1971).

[80] To be effective as a deterrent, the sanction ought to be high enough to bring about an internal reorganization of the corporate structure which minimizes the chances of future violations. Because the corporation is not necessarily a profit-maximizing "rationally economic man," there is no reason to believe that setting the fine as high as—but no higher than—anticipated profits from the violation of the law, will bring the illegal behavior to an end.

[81] Udall v. FPC, 387 U.S. 428, 437 n.6 (1967). *See also* Holmes, J. in New Jersey v. New York, 283 U.S. 336, 342 (1931): "A river is more than an amenity, it is a treasure. It offers a necessity of life that must be rationed among those who have power over it."

[82] To simplify the description, I am using here an ordinary language sense of causality, *i.e.,* assuming that the pollution causes harm to the river. As Professor Coase has pointed out in *The Problem of Social Cost,* 3 J. Law & Econ. 1 (1960), harm-causing can be viewed as a reciprocal problem, *i.e.,* in the terms of the text, the mill wants to harm the river, and the river—if we assume it "wants" to maintain its present environmental quality—"wants" to harm the mill. Coase rightly points out that at least in theory (if we had the data) we ought to be comparing the alternative social product of different social arrangements, and not simply imposing full costs on the party who would popularly be identified as the harm-causer.

[83] I am assuming that one of the considerations that goes into a judgment of "remoteness" is a desire to discourage burdensome amounts of petty litigation. This is one of the reasons why a court would be inclined to say—to use the example in the text—that the man who sells fishing tackle and bait has not been "proximately" injured by the polluter. Using proximate cause in this matter, the courts can protect themselves from a flood of litigation. But once the guardian were in court anyway, this consideration would not obtain as strongly, and courts might be more inclined to allow proof on the damages to remotely injured humans (although the proof itself is an added burden of sorts).

[84] *Cf.* Golding, *Ethical Issues in Biological Engineering,* 15 U.C.L.A. L. Rev. 443, 451–63 (1968).

[85] Of course, in the instance of copyright and patent protection, the creation of the "property right" can be more directly justified on homocentric grounds.

[86] *See* Schrag, *Life on a Dying Lake,* in The Politics of Neglect 167, at 173 (R. Meek & J. Straayer eds. 1971).

[87] One ought to observe, too, that in terms of real effect on marginal welfare, the poor quite possibly will bear the brunt of the compromises. They may lack the wherewithal to get out to the countryside—and probably want an increase in material goods more acutely than those who now have riches.

[88] On November 2, 1971, the Senate, by a vote of 86–0, passed and sent to the House the proposed Federal Water Pollution Control Act Amendments of 1971, 117 Cong. Rec. S17464 (daily ed. Nov. 2, 1971). Sections 101 (a) (and (a) (1) of the bill declare it to be "national policy that, consistent with the provisions of this Act—(1) the discharge of pollutants into the navigable waters be eliminated by 1985." S.2770, 92d Cong., 1st Sess., 117 Cong. Rec. S17464 (daily ed. Nov. 2, 1971).

[89] 354 F.2d 608, 624, (2d Cir. 1965).

[90] Again, there is a problem involving what we conceive to be the injured entity. *See* notes 26, 73 *supra.*

[91] N.Y. Times, Jan. 14, 1971, § 1, col. 2, and at 74, col. 7.

[92] Courts have not been reluctant to award damages for the destruction of heirlooms, literary manuscripts or other property having no ascertainable market value. In Willard v. Valley Gas Fuel Co., 171 Cal. 9, 151 Pac. 286 (1915), it was held that the measure of damages for the negligent destruction of a rare old book written by one of plaintiff's ancestors was the amount which would compensate the owner for all detriment including sentimental loss proximately caused by such destruction. The court, at 171 Cal. 15, 151 Pac. 289, quoted approvingly from Southern Express Co. v. Owens, 146 Ala. 412, 426, 41 S. 752, 755 (1906):

"Ordinarily, where property has a market value that can be shown, such value is the criterion by which actual damages for its destruction or loss may be fixed. But it may be that property destroyed or lost has no market value. In such state of the case, while it may be that no rule which will be absolutely certain to do justice between the parties can be laid down, it does not follow from this, nor is it the law, that the plaintiff must be turned out of court with nominal damages merely. Where the article or thing is so unusual in its character that market value cannot be predicated of it, its value, or plaintiff's damages, must be ascertained in some other rational way and from such elements as are attainable."

Similarly, courts award damages in wrongful deaths actions despite the impossibility of precisely appraising the damages in such cases. In affirming a judgment in favor of the administrator of the estate of a child killed by defendant's automobile, the Oregon Supreme Court, in Lane v. Hatfield, 173 Or. 79, 88–89, 143 P.2d 230, 234 (1943), acknowledged the speculative nature of the measure of damages:

"No one knows or can know when, if at all, a seven year old girl will attain her majority, for her marriage may take place before she has become twenty-one years of age. . . . Moreover, there is much uncertainty with respect to the length of time anyone may live. A similar uncertainty veils the future of a minor's earning capacity or habit of saving. Illness or a non-fatal accident may reduce an otherwise valuable and lucrative life to a burden and liability.

"The rule, that the measure of recovery by a personal representative for the wrongful death of his decendent is the value of the life of such decendent, if he had not come to such an untimely end, has been termed vague, uncertain and speculative if not, conjectural. It is, however, the best that judicial wisdom has been able to formulate."

[93] It is not easy to dismiss the idea of "lower" life having consciousness and feeling pain, especially since it is so difficult to know what these terms mean even as applied to humans. *See* Austin, *Other Minds,* in *Logic and Language* 342 (S. Flew ed. 1965); Schopenhauer, *On the Will in Nature,* in Two Essays by Arthur Schopenhauer 193, 281–304 (1889). Some experiments on plant sensitivity—of varying degrees of extravagance in their claims—include Lawrence, *Plants Have Feelings, Too* . . . Organic Gardening & Farming 64 (April 1971); Woodlief, Royster & Huang, *Effect of Random Noise on Plant Growth,* 46 J. Acoustical Soc. Am. 481 (1969); Backster, *Evidence of a Primary Perception in Plant Life,* 10 Int'l J. Parapsychology 250 (1968).

[94] *See* note 39 *supra,* and Coase, note 82 *supra.*

[95] *See* Fed. R. Civ. P. 23 and note 49 *supra.*

[96] This is an ideal, of course—like the ideal that no human being ought to interfere with any other human being. *See* Dyke, *Freedom, Consent and the Costs of Interaction,* and Stone, *Comment,* in Is Law Dead? 134–67 (E. Rostow ed. 1971). Some damages would inevitably be *damnum absque injuria. See* note 93 *supra.*

[97] The inevitability of some form of evolution is not inconsistent with the establishment of a legal system that attempts to interfere with or ameliorate the process: is the same not true of the human law we now have, *e.g.,* the laws against murder?

[98] Holmes, *Early Forms of Liability,* in The Common Law (1881), discusses the liability of animals and inanimate objects in early Greek, early Roman and some later law. Alfred's Laws (A.D. 871–901) provided, for example, that a tree by which a *man* was killed should "be given to the kindred, and let them have it off the land within 30 nights." *Id.* at 19. In Edward I's time, if a man fell from a tree the tree was deodand. *Id.* at 24. Perhaps the liability of non-human matter is, in the history of things, part of a paranoid, defensive phase in man's development; as humans become more abundant, both from the point of material wealth and internally, they may be willing to allow an advance to the stage where non-human matter has rights.

[99] *See* note 26 *supra.* In the event that a person built his house near the edge of a river that flooded, would "assumption of the risk" be available on the river's behalf?

[100] *See* Dixon v. Alabama State Bd. of Educ., 294 F. 2d 150 (5th Cir.), *cert. denied,* 368 U.S. 930 (1961); Comment, *Private Government on the Campus—Judicial Review of University Expulsions,* 72 Yale L.J. 1362 (1963).

[101] National Environmental Policy Act, 92 U.S.C. § 4332 (1970).

[102] *See* Committee for Nuclear Responsibility Inc. v. Schlesinger, 40 U.S.L.W. 3214 (Nov. 5, 1971) (Douglas, J. dissent to denial of application for injunction in aid of jurisdiction).

[103] 42 U.S.C. § 4342 (1970).

[104] As an indication of what lower-level management is apt to do, *see* Ehrenreich & Ehrenreich, *Conscience of a Steel Worker,* 213 The Nation 268 (1971). One steel company's "major concession [toward obedience to the 1899 Refuse Act, note 78 *supra*] was to order the workers to confine oil dumping to the night shift. 'During the day the Coast Guard patrols. But at night, the water's black, the oil's black; no one can tell.' " An effective corporation law would assure that the internal information channels within a corporation were capable of forcing such matters to the attention of high-level officials. Even then, there is no guarantee that the law will be obeyed—but we may have improved the odds.

[105] In the case of Lake Erie, in addition to the considerations that follow in the text, there were possibly additional factors such as that no one polluter's acts could be characterized as inflicting irreparable injury.

[106] *See* for example Justice Reed's opinion for the Court in Kovacs v. Cooper, 336 U.S. 77 (1949) (*but see* Mr. Justice Frankfurter's concurring opinion, 336 U.S. at 89–96), and United States v. Carolene Products, 304 U.S. 144, 152 n.4 (1938).

[107] Note that in the discussion that follows I am referring to legislative apportionment, not voting proper.

[108] In point of fact, there is no reason to suppose that an increase of Congressmen for Alaska would be a benefit to the environment; the reality of the political situation might just as likely result in the election of additional Congressmen with closer ties to oil companies and other developers.

[109] *See* Simpson, *The Analysis of Legal Concepts,* 80 Law Q. Rev. (1964).

[110] Krier, *Environmental Litigation and the Burden of Proof,* in Law and the Environment 105 (M. Baldwin & J. Page eds. 1970).

See Texas East Trans Corp. v. Wildlife Preserves, 48 N.J. 261, 225 A.2d 130 (1966). There, where a corporation set up to maintain a wildlife preserve resisted condemnation for the construction of plaintiff's pipe line, the court ruled that ". . . the *quantum* of proof required of this defendant to show arbitrariness against it would not be as substantial as that to be assumed by the ordinary property owner who devotes his land to conventional uses." 225 A.2d at 137.

[111] See Stone, *Existential Humanism and the Law*, in Existential Humanistic Psychology 151 (T. Greening ed. 1971).

[112] National Environmental Policy Act, 42 U.S.C. §§ 4321–47 (1970).

[113] *See* note 65 *supra*.

[114] W. Holdsworth, History of English Law 45 (5th ed. 1931).

[115] Note that it is in no small way the law that imposes this manner of speech on businessmen. *See* Dodge v. Ford Motor Co., 204 Mich. 459, 499–505, 170 N.W. 668, 682–83 (1919) (holding that Henry Ford, as dominant stockholder in Ford Motor Co., could not withhold dividends in the interests of operating the company "as a semi-eleemosynary institution and not as a business institution").

[116] I. Kant, Philosophy of Law 195 (Hastie Transl. 1887).

[117] I. Kant, *The Metaphysics of Morality*, in The Philosophy of Kant § 1 at 230–31 (J. Watson transl. 1908).

[118] Engel, *Reasons, Morals and Philosophic Irony*, in Language and Illumination 60 (1969).

[119] L. Whittgenstein, Tractatus Logico-Philosophicus §§ 6.421, 6.522 (D. Pears & B. McGuinness transl. 1961).

[120] Cousteau, *The Oceans: No Time to Lose*, L.A. Times, Oct. 24, 1971, § (opinion), at 1, col. 4.

[121] *See* J. Harte & R. Socolow, Patient Earth (1971).

[122] McHarg, *Values, Process and Form*, in The Fitness of Man's Environment 213–14 (1968).

[123] Murphy, *supra* note 27, at 477.

[124] On the other hand, the statement in text, and the previous one of Professor Murphy, may be a bit severe. One could as easily claim that Christianity has had no influence on overt human behavior in light of the killings that have been carried out by professed Christians, often in its name. *Feng Shui* has, on all accounts I am familiar with, influenced the development of land in China. *See* Freedman, *Geomancy*, 1968 Proceedings of the Royal Anthropological Institute of Great Britain and Ireland 5; March, *An Appreciation of Chinese Geomancy*, 27 J. Asian Studies 253 (1968).

[125] The legal system does the best it can to maintain the illusion of the reality of the individual human being. Consider, for example, how many constitutional cases, brought in the name of some handy individual, represent a power struggle between institutions—the NAACP and a school board, the Catholic Church and a school board, the ACLU and the Army, and so forth. Are the individual human plaintiffs the real moving causes of these cases—or an afterthought?

When we recognize that our problems are increasingly institutional, we would see that the solution, if there is one, must involve coming to grips with how the "corporate" (in the broadest sense) entity is directed, and we must alter our views of "property" in the fashion that is needed to regulate organizations successfully. For example, instead of ineffectual, after-the-fact criminal fines we should have more preventive in-plant inspections, notwithstanding the protests of "invasion of [corporate] privacy."

In-plant inspection of production facilities and records is presently allowed only in a narrow range of areas, *e.g.*, in federal law, under the Federal Food, Drug, and Cosmetic Art, 21 U.S.C. § 374 *et seq.* (1970), and provisions for meat inspection, 21 U.S.C. § 608 (1970). Similarly, under local building codes we do not wait for a building to collapse before authoritative sources inquire into the materials and procedures that are being used in the construction; inspectors typically come on site to check the progress at every critical stage. A sensible preventive legal system calls for extending the ambit of industries covered by comparable "privacy invading" systems of inspection.

[126] G. Hegel, Hegel's Philosophy of Right 41 (T. Knox transl. 1945).

[127] C. McCullers, The Ballad of the Sad Cafe and Other Stories 150–51 (1958).

[128] Consider what Schopenhauer was writing "Of Women," about the time the Wisconsin Supreme Court was explaining why women were unfit to practice law, note 23 *supra:*

"You need only look at the way in which she is formed, to see that woman is not meant to undergo great labour, whether of the mind or of the body. She pays the debt of life not by what she does, but by what she suffers: by the pains of childbearing and care for the child, and by submission to her husband, to whom she should be a patient and cheering companion. The keenest sorrows and joys are not for her, nor is she called upon to display a great deal of strength. The current of her life should be more gentle, peaceful and trivial than man's, without being essentially happier or unhappier.

"Women are directly fitted for acting as the nurses and teachers of our early childhood by the fact that they are themselves childish, frivolous and shortsighted; in a word, they are big children all their life long—a kind of intermediate stage between the child and the full-grown man, who is man in the strict sense of the word. . . .

"However many disadvantages all this may involve, there is at least this to be said in its favour: that the woman lives more in the present than the man, and that, if the present is at all tolerable, she enjoys it more eagerly. This is the source of that cheerfulness which is peculiar to woman, fitting her to amuse man in his hours of recreation, and, in case of need, to console him when he is borne down by the weight of his cares.

" . . . [I]t will be found that the fundamental fault of the female character is that is has *no sense of justice*. This is mainly due to the fact, already mentioned, that women are defective in the powers of reasoning and deliberation; but it is also traceable to the position which Nature has assigned to them as the weaker sex. They are dependent, not upon strength, but upon craft; and hence their instinctive capacity for cunning, and their ineradicable tendency to say what is not true. * * * For as lions are provided with claws and teeth, and elephants and boards with tusks, bulls with horns, and the cuttle fish with its cloud of inky fluid, so Nature has equipped woman, for her defense and protection, with the arts of dissimulation; and all the power which Nature has conferred upon man in the shape of physical strength and reason, has been bestowed upon women in this form. Hence, dissimulation is innate in woman, and almost as much a quality of the stupid as of the clever. . . ." A. Schopenhauer, *On Women*, in Studies in Pessimism 105–10 (T. B. Saunders transl. 1893).

If a man should write such insensitive drivel today, we would suspect him of being morally and emotionally blind. Will the future judge us otherwise, for venting rather than examining the needs that impel us to treat the environment as a senseless object—to blast to pieces some small atoll to find out whether an atomic weapon works?

[129] Of course, the phase one looks toward is a time in which such sentiments need not be prescribed by *law*.

[130] The "Purpose of the Legislation" in H.R. Rep. No. 91–1651, 91st Cong., 2d Sess., to the "[Animal] Welfare Act of 1970," 3 U.S. Code Cong. & Admin. News 5103, 5104 (1970). Some of the West Publishing Co. typesetters may not be quite ready for this yet; they printed out the title as "Annual Welfare Act of 1970."

[131] *See* McCall's, May, 1971, at 44.

[132] Environmental Defense Fund, Inc. v. Hardin, 428 F.2d 1093, 1096 (D.C. Cir. 1970). Plaintiffs would thus seem to have urged a broader than literal reading of the statute, 7 U.S.C. § 135(z) (2) (d) (1970), which refers to " . . . living man and other vertebrate animals, vegetation, and useful invertebrate animals."

E.D.F. was joined as petitioners by the National Audubon Society, the Sierra Club, and the West Michigan Environmental Action Council, 428 F.2d at 1094–95 n.5.

[133] In the case of bestowal of rights on other humans, the action also helps the recipient to discover new personal depths and possibilities—new dignity—within himself. I do not want to make much of the possibility that this effect would be relevant in the case of bestowing rights on the environment. But I would not dismiss it out of hand, either. How, after all, do we judge that a man is, say, "flourishing with a new sense of pride and dignity?" What we mean by such statements, and the nature of the evidence upon which we rely in support of them, is quite complex. *See* Austin, note 93 *supra*. A tree treated in a "rightful" manner would respond in a manner that, when described, would sound much like the response of a person accorded "new dignity." *See also* note 93 *supra*.

[134] D. Rudhyar, Directives for New Life 21–23 (1971).

[135] *See* Stone, note 111 *supra*.

[136] San Antonio Conservation Soc'y v. Texas Highway Dep't, *cert. denied*, 400 U.S. 968 (1970) (Black, J. dissenting to denial of certiorari).

[137] *Id.* at 969.

[138] *Id.* at 971.

JOHN CONNALLY'S RESIGNATION

Mr. GURNEY. Mr. President, on Tuesday, May 16, President Nixon announced the resignation of Secretary of the Treasury John Connally. It is with regret that I heard this news, for Secretary Connally has done an outstanding job in a tough situation. On his shoulders has fallen the task of implementing much of the President's wage-price control program, the success of which is now exceeding expectations. To him was assigned this delicate job of negotiating the new international trade and monetary agreements which have had such a steadying effect upon the value of the dollar. His record in the Department of the Treasury has been a record of accomplishment and he will be missed.

However, those who know, or know of, John Connally should not be surprised at this record of success. Throughout his career—as a twice-decorated naval officer, as a lawyer, as Secretary of the Navy, as a three-term Governor of Texas, and now as Secretary of the Treasury—he has shown himself to be a leader, a persuasive man who gets things done. We were fortunate to have his services at a time when forceful leadership was needed.

Those of us who have watched John Connally negotiate with foreign Finance Ministers, explain the wage-price freeze to the American people, or talk the supermarket chiefs into reducing meat prices are only too aware of his contribution to the success of the Nixon administration's program to control inflation and restore confidence in the dollar. In addition, his perseverance on the job, as shown by his willingness to serve 6 months more than he had originally agreed to, is a refreshing example of dedication at a time when such examples are badly needed. Although George Shultz is superbly qualified for the post, John Connally will certainly be missed at the Treasury Department. This Senator wishes him well and hopes that, as the President has indicated, he will soon be undertaking a new task in his accustomed manner.

POWER STRUGGLE IN THE KREMLIN

Mr. FULBRIGHT. Mr. President, "Power Struggle in the Kremlin: A Challenge to Brezhnev," is the title to a significant article in the Washington Post by Victor Zorza, one of the leading authorities on the Soviet Union.

The essence of his article is that in the Soviet Union among the members of the Politburo, consisting of 22 members and candidate members, there is vigorous adversary discussion of national policy among men of roughly equal power and status.

Although the Government of the U.S.S.R. is generally considered to be authoritarian in character, and under Stalin, of course, it was a tyrannical personal dictatorship; today according to Mr. Zorza, important policies are hammered out by prolonged and vigorous discussion among men who have achieved their position in the Politburo primarily as a result of long experience in the Government.

Mr. Brezhnev is the first among equals, but nevertheless he must persuade his colleagues of the wisdom of his policies. The experience of Nikita Khrushchev demonstrates that to take decisions without consultation with, and approval of, his colleagues may result in his permanent removal from power.

The real significance of this procedure of adversary discussion of policy among equals is that on balance the collective wisdom of the body of experienced men thus brought to bear is likely to avoid serious mistakes in judgment exposing the nation to dangerous risks of disaster. There is no practical substitute for thorough examination and discussion of complex problems by reasonably well-informed men of approximately equal status and power. Political geniuses have rarely appeared in history, and even they are often lead astray by their intellectual arrogance and isolation from reality.

The second virtue of genuine discussion and thorough consideration is that when the decision is finally taken, it has the genuine support of the overwhelming majority of the participants and therefore a minimum of criticism and dissent disturbs the people.

Decisions taken under such procedures are tied to the more cautious and conservative than those made by a single man. They may not be as innovative, original or daring as those of the individual leader, but they are less likely to be dangerous to the welfare of the Nation.

As a matter of fact, our Founding Fathers believed they were creating a procedure for thorough debate, by men of equal political power and status, when they gave the Congress the responsibility to initiate war with foreign nations and to give or withhold advice and consent to treaties with foreign countries. They did not anticipate that any President could change these procedures or powers with the acquiescence of the Congress. It is a remarkable and unanticipated development in our history that any President can go to a major meeting with a foreign government without the Congress being aware of what his plans or activities are. Whatever results from the Moscow meeting will come as a surprise to the Congress or to the people of our country. We all hope the surprise will be a pleasant one, but we shall have to wait and see.

In any case the procedures of our decision makers at the highest level of our Government, are scarcely in accord with the provisions of the Constitution.

I ask unanimous consent that Mr. Zorka's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POWER STRUGGLE IN THE KREMLIN: A CHALLENGE TO BREZHNEV?

(By Victor Zorza)

The transfer to Moscow of the Ukranian party boss Pyotr E. Shelest is only the tiny visible tip of the huge iceberg which hides from the rest of the world the Kremlin power struggles of recent months. There has been no lack of evidence of the disputes between the hardliners and the moderates in the Soviet leadership during the preparation for the Moscow summit, though the prevailing view has been, and still is, that Brezhnev was so obviously in a position of ascendancy as to make it possible for him to defeat easily any challenge from his opponents. This is how the apparent demotion of Shelest, who has been deprived of his power base in the Ukraine while being kicked upstairs to the subordinate post of Deputy Premier in Moscow, is being generally interpreted now—but the interpretation could be wrong.

What is undoubtedly true is that during the week or two preceding the Summit Brezhnev has had to justify his foreign policy to a critical group within the leadership, and that he prevailed in the end, though not without difficulty. The evidence for this is contained in Soviet press articles which took a markedly defensive, argumentative tone towards the end of that period, as if to explain to party critics why it was in the best interests of the Soviet Union to go ahead with the summit after all.

Immediately after Mr. Nixon's announcement of the new Vietnam escalation early this month, the Soviet press took a waiting attitude, which meant that there was no agreed Kremlin decision on how to react to the new American policy. Even the White House was uncertain at that stage whether the summit was still on or not, because the issue was still being debated in the Kremlin. But when Brezhnev won the debate, and told the White House that the summit was on, the defensive tone of the Soviet press, and its references to unidentified opponents of the summit meeting, showed that the opposition had not been completely defeated.

Shelest's new appointment identifies one member of this opposition, but not necessarily its chief member. To judge from the nuances in the speeches of other Soviet leaders, his views were shared by Marshal Andrei Grechko, the Defense Minister, and Yuri Andropov, the secret police boss, as well as by Alexander Shelepin, the former police chief who remained in the politburo after his demotion in an earlier power struggle. While Brezhnev was stressing the prospects of cooperation with the United States, Andropov was saying that "we certainly have no illusions, and are not exaggerating the possibilities of such cooperation."

He was supported in the name of the military by Grechko, who argued that the relaxation of tension "does not mean that the bellicose circles of the United States . . . have lost their spirit of militarism, or have renounced their aggressive intentions." Substitute "the Soviet Union" for "the United States," and it might have been the Pentagon speaking.

Grechko was contradicted almost directly by Andrei Kirilenko, one of Brezhnev's closest allies in the politburo. Grechko had argued that "reactionaries" in the West were "trying to find a way out of unresolvable contradictions by causing an aggravation of the international situation." This was the old Marxist argument that the "capitalists" would seek a way out of their internal economic contradictions and crisis by creating a war situation, and that the Soviet Union must therefore always be prepared for the worst.

Kirilenko retorted that the capitalist economic and political crisis had indeed occurred but "it has not been accompanied by any aggravation of the general international situation." In his view "the imperialists dared not to resort to their usual method of sharpening the war danger as a way out of their predicament." Therefore, he argued "the international climate has improved," and his implied conclusion was that it was safe to go ahead with the Summit and with the East-West agreements which would be resented by the military, including a SALT agreement to limit strategic arms.

Grechko maintained that "we military people perceive even more fully (than before) our role, our mission in international affairs—a role and a mission conditioned by the great influence of our military might on the entire course of world events." His pretensions were answered in the party's main journal, "Kommunist," which argued that it was Brezhnev's foreign policy—rather than, by implication, Soviet military power—that now constituted the best way of achieving Soviet aims.

The evidence suggests that the argument in Moscow, as in Washington, is not so much between those who want to vanquish the adversary by arms alone, or only by clever foreign policy moves, as between those who advocate a "policy mix" in which the harder or the softer components should prevail. Shelest was not only a hard-liner on the arms issue with Grechko, and on the need to guard against Western "ideological" penetration, with Andropov, but also appears to have had reservations about the policy of reconcilation with Germany, and about internal economic reforms which might lead to some degree of political liberalization in the Soviet Union.

It is on this cluster of issues that the political opposition to the Brezhnev-Kosygin duumvirate is centered. There is reason to believe that some members of the politburo and many members of the central committee are opposed to the duumvirate on individual issues. This is especially so, to judge from their speeches, on domestic isses, but there is every reason to believe that these conservative leanings are also reflected in their foreign policy attitudes.

Because Brezhnev, as party secretary, has "organizational" control of the central committee, he has been able to prevent the coming together of the opposition to challenge his power. But the demotion of Shelest alone, when he was by no means the only or even the chief challenger, shows that Brezhnev's victory is far from decisive.

Grechko with the army, Andropov with the secret police, and Shelepin with his widely developed network of supporters in various parts of the power apparatus are obviously in a good position to continue raising objections to Brezhnev's policies. Perhaps this explains why Shelest has not been dismissed outright, but appointed Deputy Premier in Moscow—so that Brezhnev could argue that, far from having been demoted, he has been brought closer to the center of power where he could exercise an even weightier voice in the making of policy on behalf of the conservatives.

This is a classic political ploy which has often been used in power struggles. But it has misfired on more than one occasion. Shelest may have been brought to Moscow so that Brezhnev could keep an eye on him—but, so long as the Ukrainian party boss remains in the politburo, he will continue to speak out on behalf of the conservative wing of the party. Enough is known both of his personal character and his political attitudes to make this virtually certain. The arguments in the politburo which preceded the summit will not be settled by the Nixon-Brezhnev communique on the Moscow talks. The two factions will continue to argue about the concessions made by each side, as they always have continued to argue, after each of the previous Kremlin crisis. There are bound to be times when a crisis here or there—a new turn of the screw in Vietnam, for instance—might weaken Brezhnev's position. With Shelest in Moscow, rather than in the Ukraine, the conservative power alignment could at a time like this prove to be Brezhnev's undoing. Brezhnev may have intended to demote Shelest, but the conservatives have enough strength in Moscow to save him.

MAN'S ROLE IN WILDLIFE

Mr. STEVENS. Mr. President, on April 23, 1972, on page 6 of the Sunday Denver Post, an article entitled "Man's Role in Wildlife Control" written by Herb Stoenner appeared. This article extensively discussed the Pribilof seal harvest and the methods used therein.

The article was based on an interview with American Humane Association wildlife consultant, Richard Denney, a noted expert in the field of wildlife management who has done extensive research with the Pribilof seal herd. Mr. Denney accompanied a group of six veterinarians, members of the Veterinarian Medical Association who traveled at the request of the Department of Commerce to the Pribliofs last year and made an extensive and objective study of the Pribilof seal harvest.

Mr. Denney's conclusions are both practical and objective. They represent the views of one knowledgeable in the field and concerned.

I ask unanimous consent that article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Man's Role in Wildlife Control

(By Herb Stoenner)

Mankind has interfered historically with the ecological balance and the critical factors of wildlife and sea mammals, and, therefore, mankind is committed to manifesting a presence in the management of these creatures' lives.

This concept which embraces harvesting, cropping or taking of animals' lives "to create optimum conditions for the species" is another major facet behind the controversy in the U.S. Congress, where eight bills are pending on the protection of wildife, particularly sea mammals. The House has defeated the Harris-Pryor version and has approved the Anderson bill.

This idea of rational management or harvesting is being strongly promulgated by the American Humane Association (AHA) through its national headquarters in Denver which, along with a number of other national organizations, finds Senate bill S3161 proposed by Sen. Ted Stevens, R–Alaska, to be the best approach to mankind's presence in the lives of animals.

At the opposite end of the spectrum is the view that there should be no taking of life and that nature should be allowed to harvest or let live without interference. This stance is being touted by the Friends of Animals national organization under the direction of Ms. Alice Herrington and a number of other organizations. It was the subject of an article in the March 12 Contemporary on protecting sea mammals.

The Harris-Pryor bill would have established a hands-off policy; the Stevens bill provides for harvesting moratorium possibilities at the discretion of the Secretary of Interior or Commerce to protect endangered species. The AHA also favors placing all the regulatory powers in the Interior Department instead of having them shared by two departments.

The AHA is a national federation of agencies dealing in services and information to member agencies. It is not in the animal control business, such as the Humane Society or the Dumb Friends League. Its function is primarily research, and it operates under corporate laws in the United States and has some branches abroad. Its funding mainly is through bequests, but also through donations and membership dues.

The national office at 5351 S. Roslyn, near the Colorado Education Association Building, contains a complete printing office for its many publications to member agencies. The headquarters moved to Denver from New York about 17 years ago. In addition to its animal-welfare work, the agency has been involved traditionally in fighting child abuse. Rutherford T. Phillips is the executive director of the organization.

AHA Wildlife Consultant Richard Denney testified at length recently in support of the Stevens bill in the Senate. He is a member of the Wildlife Management Panel, embracing the National Wildlife Federation, the Wildlife Society, the Wildlife Management Institute, and, to a large extent, the Audubon Society. The Audubon Society didn't agree with all particulars of the Stevens bill, but it was the bill the group that came closest to supporting, Denney said.

Denney has been deeply involved in on-the-spot research for alternate methods to kill seals than clubbing. The research project is being financed by the AHA. He is also somewhat like a human guinea pig in that he has eaten the meat of animals he has drugged to prove that there are no residual ill effects on human beings. "In fact, it makes the meat more tender," he said in an interview.

"Much of the concern of the public is not the killing or harvesting of the seals, but the manner in which it is done," he said. "There is a violent movement, and the public reacts sensitively to the idea of clubbing. Until some of the mass media like the movies, documentaries and television covered various aspects of the harvest involving killing, the public didn't have much feelings about it. But then they see the swinging of the club, associate it with being a primitive method and therefore feel it is cruel. In reality, I guess one could do a documentary about an abattoir or slaughterhouse, and many people would feel the same way about the slaughter of domestic stock . . . maybe more so because the animals were raised only for that purpose. But they don't make these documentaries, and very few people have ever visited a slaughterhouse."

Trying to determine if clubbing is a humane method for killing seals is one of the many involvements of AHA. This research had been going on prior to the task force of 1968, but this was the first attempt to try a number of alternative methods. The spectrum of techniques used by the task force ranged from frangible bullets, electrocution, nitrogen narcosis and humane slaughterhouse instruments to euthanasia.

"None of the alternative methods used by the task force turned out to be as efficient or humane as the clubbing," Denney said. "So last summer a group of six veterinarians, part of the Veterinarian Medical Association, went up to St. Paul Island. I was fortunate enough to accompany them on this trip. We went into it from a physiological and anatomical aspect in trying to determine when clinical death was reached. We observed several thousand animals being harvested by Aleut crews. We came up with the same result that other independent and varied individuals had observed. Clubbing is the most efficient and humane method of harvesting the animals available to date."

Last summer, Denney explained, he tried a combination of methods that hadn't been tried before by immobilizing the animals with a muscle relaxant and then using a humane slaughtering instrument before they were bled. He described his method as not more humane but perhaps being more esthetically acceptable to the public. He used a capture gun to shoot a syringe of drug into the neck of the seal. Denney said that he was unable to kill a large number of animals under this system, but that he was able to try it on a large enough sampling to feel that the idea has merit.

"I wouldn't recommend the capture gun," said Denney. "What I'm trying to do now is to develop a probe or a cane with an automatic injecting device to meter out, say, one cubic centimeter of the drug into the animal as you reach it with the cane. All this can be done in the same organizational manner being used by the clubbers. It wouldn't cut down on employment and wouldn't have any real effect on the efficiency of the operation in terms of felling and bleeding the animals, but I believe that it would be more acceptable because there would be no violent actions involved."

Clubs would still be necessary to protect the Aleuts but not for beating the animals. They would be used in front of attacking animals so that the animals would bite the club instead of the man.

Aside from acceptable methods of harvesting, Denney commented at length on the critical factors affecting the well-being of wildlife. "All of the species have one or more critical factors that limit their welfare and propagation," he said. "And since man has changed the ecological conditions, man must continue to manipulate the habitats or populations in relation to the critical factors of wildlife." (Such manipulation is a goal of the Stevens bill in the Senate.)

Denney believes that species that have become extinct have not been exterminated by other species, unless man was a contributory predatory species. "Either they've been scheduled to be phased out historically through a lack of adapting or evolving to changes in environment or time, or they are species that haven't been subjected to management.

Denney gave as an example something close to home—the deer and elk in Colorado. "You bring through the winter the number you can carry in good condition on the winter range . . . and that is limited. They talk about stopping the hunting of deer and elk before they become extinct, but we have in Colorado more deer and elk right now than we had 50 years ago. They are on a sustained-yield basis. And there is competition for winter range like the herds of sheep, for example, and the Game Department manages the deer and elk in such a manner as to get a cropping. It's the same idea as the rancher who wouldn't keep more cows than he can feed."

Denney emphasized that sports hunting is one of the tools of management and that the hunters are very sensitive to the antisports concepts being sought in legislation. "The interesting thing about it is that none of the species that are the goal of the hunter is extinct or endangered other than the possibility of the polar bears, and they have never been in great numbers anyway. The reason we still have seeable and huntable species is that the people who have been buying the licenses are footing the management bill and they are the ones being criticized."

Denney cited a classic case of the no-hunting, overprotection policy; the plight of the mule deer on the Kaibab Plateau in Arizona in the 1920s. They literally ate themselves out of house and home because of limits to the carrying capacity of the habitat.

In the case of seals, he explained, density of the population on the rookeries is a critical factor. Overpopulation creates a rise in hookworm disease, malnutrition and starvation of the pups. There is also a rise in accidental death as the pups are run over by the bulls and cows.

And there is an international factor. Commercial fishing in the Bering Sea by the Russians, Japanese and Koreans has intensified, Denney said.

"They (fishermen) are coming in all around the Pribilofs and the Aleutians outside the 12-mile limit." Denney warned, "The concern is over the starvation of the pup when the cow goes out to sea to feed. Usually that is four or five days, and the pup pods up or sleeps on the rookery. With diminishing food supplies (as a result of fishing), the cows must go farther out to sea and stay away longer.

"There is talk about extending our international boundary line now, and I have recommended a 100-mile radius around the Pribilof Islands," Denney said. "This would certainly give a long enough cruising range for the cows to come back to their pups. So you see, you just can't leave it to nature, because man has already interfered."

Denney said that the Northern Fur Seal is the only one species of all the sea mammals included in the bills that seems most vulnerable to a lack of management in the eyes of AHA. "We wouldn't argue over most of the species, except this seal, which has flourished very well under the management system that basically started in 1911," Denney said.

It is possible that the Department of the Interior has erred in judgment at times, for example, in the taking of too many female seals in the late '50s and '60s. But this was an effort to reduce the total population. That is the beauty of management. If you have erred, you can rectify it in time. Under a hands-off policy, you just have to let nature take its course.

Denney was bitter about protectionists who frequently create an emotional mother-offspring syndrome out of the white coat seal or the pup of the Harp Seal. They are fluffy balls of fur and have appealing brown eyes. This type is hunted in Canada and has nothing to do, in reality, with the U.S. legislation regarding harvesting of these mammals, except indirectly in possible banning of products taken from these fields.

Denney described the Stevens bill in the Senate as providing a rational direction to the issue of management. "Basically," he said "it provides for the management of the specific marine mammal species involved to declare a moratorium on the killing of that species, or just to continue it under a management program, such as in the case of fur seals."

As defined in the Stevens bill, management means "the collection and application of biological information for the purpose of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat. Management includes the entire scope of activities that constitute a modern scientific resource program, including, but not limited to research, census, law enforcement, and habitat acquisition and improvement. Also included within this term, when and where applicable, is the periodic or total protection of species or populations as well as regulated taking."

Denney outlined the position of AHA on management. "We feel that if moratoria are required for different mammals, we are for them (moratoria). But we believe that these should be imposed administratively, based on facts by a secretary and not a legislatively imposed moratorium, because you have an unwieldly situation then that may preclude management. Moratoria should be based on the needs of that species. Once you get a law on the books, it is very difficult to do anything about it."

The bill provides also for a marine mammal commission which will be advisory to the secretary. This committee would consist of nine scientists knowledgeable in marine ecology and marine mammal affairs and would be appointed by the chairman with the advice of the director of the National Science Foundation, the chairman of the National Academy of Sciences, and the secretary of the Smithsonian Institution."

The bill further requires reporting procedures to inform the president, the public and the states of the status of these animals. It would also provide additional incentives to curb porpoise mortality in relation to tuna, in particular.

The bill provides also that federal legislation wouldn't preempt states' rights, for example, in states already administering marine mammals (manatees) in Washington, Oregon and Florida.

Denney urged that citizens who prefer a management program on a scientific basis write to the chairman of the Senate subcommittees Sen. Warren G. Magnuson, D-Wash., or Sen. Ernest F. Hollings, D-S.C.

The AHA was founded almost 100 years ago and has as its primary objectives the prevention of cruelty and suffering of children and animals. The association and its affiliated agencies represent about 350,000 individuals. It has been instrumental or assisted in the passage of such federal legislation as the Humane Slaughter Act of 1958, the Laboratory Animal Welfare Act of 1966, the Animal Welfare Act of 1970, and the Horse Protection Act of 1970.

ACCOMPLISHMENTS OF SENATOR SCOTT IN FIELD OF LAW ENFORCEMENT

Mr. HRUSKA. Mr. President, the level of crime and violence in America continues to receive major attention by President Nixon and the Congress. As a member of the Committee on the Judiciary, the Senator from Pennsylvania (Mr. Scott) has been in the forefront of efforts to improve and strengthen our criminal laws. As a Member of this body, he has been vigorously active on the floor of the Senate in his support and with his votes.

Since 1968, the Federal Government has spent millions of dollars assisting States and local governments in their fight against crime. These funds have been used for riot control, for the training of law enforcement personnel and for prison rehabilitation programs. Senator Scott's efforts to strengthen these and other essential programs have been noteworthy. I ask unanimous consent to place in the Record Senator Scott's accomplishments in the field of law enforcement.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Law Enforcement

THE 92D CONGRESS

Legislation

S. 120—To prohibit assaults on State and local law enforcement officers, firemen, and judicial officers.

S. 1428—To establish an Institute for Continuing Studies of Juvenile Justice.

S. 1509—To encourage and help implement improvements in the judicial machinery of State and local courts by creating an Institute for Judicial Studies and Assistance.

S. 2228—To amend the U.S. Code to provide for appellate review of sentences imposed in criminal cases arising in the district courts of the United States.

S. 2994—To provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity.

S.J. Res. 120—To designate the week of August 1, 1971, as "American Trial Lawyers Week."

S. Con. Res. 8—Relating to the Control of international drug traffic.

VOTES

Voted for amendment calling for President to take all possible means through international cooperation to reduce illegal importation of heroin and other narcotic drugs into the U.S.

Recorded in favor of the Convention for suppression of unlawful seizure (hijacking of aircraft).

THE 91ST CONGRESS

Legislation

S. 1509—To provide for appointment of court executives for each judicial circuit to administer activities of court in order to facilitate smooth functioning of court and to ensure the defendants and the public prompt justice in all cases.

S. 1510—To require each judge and justice of the United States to file an annual financial report in order to maintain judicial integrity and public confidence in the courts.

S. 1516—To establish a Commission on Judicial Disabilities and Tenure with powers to investigate any judge whose good behavior or judicial fitness is in question in order to promote the honorable and efficient administration of justice.

S. 2827—To allow college president to seek Federal court order to prevent campus disorders at any institution assisted by Federal funds.

S. 3175—To establish an Institute for Continuing Studies of Juvenile Justice to act as coordinating center for information in field of juvenile delinquency and control and to serve as training center for local, State and Federal officials who are connected with the treatment and control of juvenile offenders.

S. 3289—National Court Assistance Act—To establish an Institute for Judicial Studies and Assistance to promote the development and adoption of improvements in the judicial system at all levels, with power to make grants to local and state courts for the purpose of studying and implementing changes to ensure speedy and efficient justice in all cases.

S. 3541—To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968.

S. 4454—To make available Federal assistance to law enforcement agencies to halt attacks on policemen, firemen, and judicial officers.

Votes

Voted to ratify treaty concerning offenses committed to board aircraft.

Voted for the Organized Crime Control Act of 1970.

Voted for the Narcotics and Dangerous Drugs Control Act of 1970.

Voted to authorize a "no-knock" forcible entry by an officer under a search warrant issued where there was probable cause to believe the property sought will be destroyed or disposed of.

Voted for the Controlled Dangerous Substances Act of 1969 stating the Congressional findings and declaration relating to the uses and abuses of drugs. Asserts the need to establish control over illegal drug traffic, and for other purposes.

Voted for the Comprehensive Drug Abuse Prevention and Control Act of 1970 including under the Community Mental Health Centers Act persons suffering with drug abuse and drug dependence problems, and increasing the appropriations for Community Health Centers.

Voted to strengthen laws concerning the illegal use, transportation, or possession of explosives.

Voted for the Omnibus Crime Control Act of 1970.

Voted to reject the findings and recommendations of the Commission on Obscenity and Pornography which would have liberalized obscenity laws.

THE 90TH CONGRESS

Legislation

S. 676—To prohibit obstruction of Federal criminal investigations by any person.

S. 917—Safe Streets and Crime Control Act—Provides for a 5-year program of planning and program grants to States and local government to plan and execute programs to improve their police, courts, and correctional systems.

S. 1033—To establish within the Department of Justice the Office for Judicial Assistance in order to make studies and disseminate information pertaining to improvement in the administration and procedure of local and State courts; authorizes the Office to make grants to courts and organizations to make studies and implement improvements in court systems.

S. 2050—To prohibit electronic surveillance by persons other than duly authorized law enforcement officers.

S. 3304—To authorize the Bureau of Prisons to assist State and local governments.

Votes

Voted to expand Title I of the Omnibus Crime Control and Safe Streets Act, relating to the recruiting and training of community service officers.

Voted to provide that a voluntary confession be admissible in evidence in any criminal proceeding brought by the United States.

Voted to provide that a confession made while under detention shall not be inadmissible solely because of delay between arrest and arraignment of a person charged with an offense against the United States or the District of Columbia.

Voted to allow Federal courts to reverse State cases involving admissions and confessions admitted as voluntarily given in cases where the highest court of the State had affirmed.

Voted to provide that law enforcement assistance grants be made directly to the States (block grants).

Voted for the Omnibus Crime Control and Safe Streets Act of 1968.

Voted to provide that an institution of higher education, after notice and hearing to a student or an employee convicted of certain stated crimes or who had refused to obey a lawful regulation or order of such institution, could deny payment to such individual under Federal programs assisted higher education.

THE 89TH CONGRESS

Legislation

S. 647—To provide that convicted persons will receive credit toward service of their sentences for time spent in custody for lack of bail.

S. 1409—To authorize the Secretary of Health, Education and Welfare to make grants to public or nonprofit agencies to improve the effectiveness of State and local police forces.

S. 1808—To facilitate rehabilitation of persons convicted of Federal offenses; to permit certain prisoners to work at paid employment or undertake community training courses while continuing as inmates.

S. 2113—To authorize civil commitment in lieu of criminal punishment for certain narcotic addicts.

THE 88TH CONGRESS

Legislation

S. 864—To provide for right of persons to be represented by attorneys in matters before Federal agencies.

S. 1057—To provide for representation of financially indigent criminals in U.S. Court cases.

THE 87TH CONGRESS

Legislation

S. 403—To provide for appointment of additional circuit and district judges.

S. 2984—To establish matching grant program, under the Department of Health, Education and Welfare, to improve education, training, and recruitment of State and local police forces.

THE 86TH CONGRESS

Legislation

S. 818—To provide for appointment of three additional district judges for eastern, and two for western Pennsylvania.

THE DISCIPLINING OF JUSTICE FORTAS

Mr. ROBERT C. BYRD. Mr. President, the Chicago Sun Times for April 23, 1972, contained a review of Robert Shogan's recent book entitled "A Question of Judgment." The review was written by Philip B. Kurland, of the University of Chicago Law School. Mr. Kurland is one of the Nation's outstanding constitutional authorities. The review pays a high compliment to the distinguished Senator from North Carolina (Mr. ERVIN).

I ask unanimous consent that the review be printed in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

THE DISCIPLINING OF JUSTICE FORTAS

(By Philip B. Kurland)

This book is a first-rate reportorial job on an event of no mean constitutional significance. It is first-rate not only because it is so lucidly written and so well-informed but because it is objective. In this day, when the press is given so much to polemical writing, Robert Shogan's commitment to facts is enlightening and heartening.

"A Question of Judgment" is neither an attack on nor a defense of former Supreme Court Justice Abe Fortas. It does show how Fortas contributed to his own downfall by the exercise of demonstrably bad judgment. It also shows that his acts of commission and omission do not support charges of dereliction of duty or malfeasance in office. If Fortas was guilty of anything, so far as the public record shows, he was guilty of an unbecoming arrogance. And there is much irony in the fact that his arrogance failed him at the crucial moment when he could have stood up to his accusers and challenged them to prove their damning inferences.

If Fortas looks bad in this book, the other participants in the events so ably and fully described look no better. The coalition of forces engaged in an attempt to remove Fortas from the Supreme Court by extra-constitutional means is vividly detailed. The conclusion is easily reached that their objective was to remove a "liberal" member of the Court rather then to remove a dishonest one. In a way, Fortas was a victim of the Vietnam war, for those in power who liked him as a judge detested him for his super-hawk role in the Johnson administration. In his time of crisis, they abandoned him.

Of all the public participants in these events, only Senator Sam Ervin of North Carolina—certainly no supporter of Fortas' Supreme Court opinions—stood upright in the political winds that levelled everyone else.

He recognized the constitutional crisis. He admonished his Senate brethren that, as putative judges in the event of an impeachment, they should better remain silent than speak on the basis of rumors that were officially sponsored but not officially proved or even acknowledged. He reminded them "that judges could be impeached only for violation of the law, and not for their political views or for the decisions they handed down while on the bench."

And he sought to inform the White House that the Constitution "confers no role on the President in matters of removal. A federal judge is immune from action by the President, and care should be taken in all cases not to establish any precedent suggesting that the President has any power or influence to discharge a member of the judiciary from office."

Neither the Members of Congress nor those of the executive branch heeded the sound advice tendered by the Senate's leading constitutional lawyer. The White House and the Attorney General, ably abetted by the news media, removed a Supreme Court Justice without resort to the sole constitutional means for doing so.

It is not clear what the role of the Chief Justice was in this enterprise. All that is known is that John Mitchell held a secret meeting with Earl Warren about Fortas' conduct.

But, as Ervin also said: "Courts are ill-equipped to discipline their own members, and it would be an unfortunate development if any court or judge—even the Chief Justice—had any role in resolving questions as the one we now face."

Shogan's tragic but well told tale is an intriguing story of political maneuvering and those who engage in it.

He reveals objectively all the events that an experienced and able reporter could uncover. His presentation records not merely the deeds that were done but the men who did them. It is a book that deserves a wide readership. And it has the virtue of being eminently readable. Only partisans of the one side or the other will find it unpalatable because of its single-minded commitment to the facts.

Shogan provides the facts, the reader must draw his own conclusions. For, with all the facts, the essential mystery remains: Why did a man of Fortas' obvious capacities and foresightedness behave so stupidly?

CONSOLIDATION OF FEDERAL SOCIAL SERVICES PROGRAMS

Mr. MATHIAS. Mr. President, President Nixon recently asked for support for the Allied Services Act of 1972, aimed at consolidating and streamlining the vast array of Federal social services programs established piece by piece over the last decade. I wish to announce my enthusiastic cosponsorship of this long-needed reform measure.

Today, more than 200 different assistance programs are administered by the Department of Health, Education, and Welfare, and delivered to needy citizens through a variety of local service institutions. Those seeking the aid of such programs must spend most of their time filling out forms and traveling from office to office. What is worse, human problems can rarely be so easily categorized: mental health, vocational rehabilitation, food and nutrition, education, juvenile counseling, public health, alcoholism and drug abuse—each of these services speaks to just one aspect of humanity. Rather than force those in need to tailor their problem to fit the program, we must shape our social programs to recognize the interrelatedness of human needs. The Allied Services Act, by promoting a unified delivery system utilizing integrated service institutions, would do much toward increasing the effectiveness of the social services we have worked so hard to develop.

I also applaud this proposal's emphasis on greater responsibility for State and local officials in planning and delivery of social services. As is evidenced by growing national support for Federal revenue sharing, the time to return responsibility to our local officials is long overdue.

Mr. President, Congress is presently considering several measures seeking to reduce the confusion and inefficiency of our Federal bureaucracy. Revenue sharing, executive reorganization, the Intergovernmental Cooperation Act of 1972, and now the Allied Services Act, represent modern, streamlined approaches to governing this complex Nation. I am sure that I speak for countless citizens who are fed up with the time-consuming, mind-boggling process of dealing with our bureaucracy, in calling for rapid action on these very fundamental reforms.

POWER OF THE COURTS

Mr. THURMOND. Mr. President, I invite the attention of Senators to recent article by William F. Buckley, Jr., entitled "Curb the Courts?" Mr. Buckley discusses the objections raised to the President's proposed antibusing legislation on grounds that Congress may not limit jurisdiction of Federal court decisions concerning busing of schoolchildren.

The author cites the specific example of the uncontested Norris-LaGuardia Act of 1932, in which Congress saw fit to limit jurisdiction of Federal courts in labor disputes. He also points out further examples of congressional rights in this area, including a decision of the Supreme Court during the Second World War which limited jurisdiction of the Federal courts in a decision of the Office of Price Administration.

Mr. President, I feel that the article is a particularly timely discussion of the relationship of Congress and the courts. Although many are inclined to believe that the courts are all-powerful, they do not realize that much of this power exists only because Congress has seen fit to allow it, and is not due solely to constitutional guarantees.

Mr. President, I ask unanimous consent that the article published in the May 4, 1972, issue of the Charleston, S.C., News & Courier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CURB THE COURTS?

(By William F. Buckley, Jr.)

The boys are becoming hysterical over the proposal that Congress should in any way intervene to protect the community from courts that have decided to make a vocation out of integrating the schools, sparing the pupils no expense whatever, and themselves only the expense of rigorous thought. The complaint is (a) against amending the Constitution to forbid wild court decisions on the subject of busing; and (b) against Richard Nixon's suggestion that the whole business be referred to Congress. In the first instance, the critics say, you would be reversing the 14th Amendment to the Constitution—and simply denying people their rights. In the second instance, you would be denying the superior power of the Constitution by seeking to override it via mere legislative action.

I have it from Mr. C. Dickerman Williams of New York, who is the best thing to hit the Constitution since the Founding Fathers, that the second objection is utter nonsense.

He cites with particular force what Congress did in 1932 in the Norris-LaGuardia Act. That act, however infamous in social effect and intention, has not been challenged as to constitutionality, and in it Congress very simply denied to federal courts jurisdiction over certain classes of labor disputes. To be sure, at no point has a federal court, citing that act, denied access to its services someone seeking to make a Constitutional claim. It happens that no one has tried. The crucial fact remains: that Congress saw fit to, and did, limit the jurisdiction of the federal courts in certain types of cases, intending by procedural maneuver to make a substantive point.

Moreover, during the war the Supreme Court itself upheld Congress' right to limit the jurisdiction of the federal courts in a decision involving the Office of Price Administration. It was Lockherty vs. Phillips, citing a decision 100 years old, and the court said in part. "The Congressional power to ordain and establish inferior courts includes the power 'of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good.' "

Moreover, it was Congress which in the first instance invited the federal courts to accept cases based on the meaning of the Constitution—in April of 1871. The court could be deprived of authority to entertain claims made under the Constitution by the simple (and terrible) expedient of repealing Section 1331 of the Judicial Code. Nobody is saying Congress ought to do that, but everybody should be reminding himself that Congress has the power to do that, and it is not inappropriate occasionally to whisper in the court's ear, "The people who gave you 1331 can take away 1331."

No, there are less drastic things to be done. For instance the deprivation of jurisdiction. Or, for instance again, requiring that issues of fact be determined by a jury—or a combination of the two. Everyone is nowadays agreed that no school district should assign pupils to schools with reference to their race.

But the policies of many of the courts have as we all know gone far beyond this in their hot pursuit of de facto segregation, and remedial legislation based on the form of the Norris-LaGuardia Act would need merely to hold that "No court of the United States shall have jurisdiction to issue any temporary or permanent order, injunction, or decree in a case relating to the assignment of students to, or their enrollment in, an educational institution, other than to forbid assignment or enrollment on the basis of the race, creed or color of the students . . ." And it might be specified that juries would decide the factual point.

The purposes of the exercise is to get the federal courts out of the business of administration. Mr. Williams contributes as lagniappe a quotation from a speech by Chief Justice Hughes:

"And I tell you, ladies and gentlemen, no more insidious assault could be made upon the independence and esteem of the judiciary than to burden it with these questions of administration—questions which lie close to the public impatience, and in regard to which the people are going to insist on having administration by officers directly accountable to them."

THE CONSEQUENCES OF WAR

Mr. HUGHES. Mr. President, the war in Indochina, has affected the United States in many ways besides the terrible losses of life, the disruption of our economy, and the now common mistrust of our Government. This war has turned us against one another and has led us into a frightening era of political violence. It has diverted us from our true national purposes of helping to alleviate hunger and suffering at home and abroad.

We have lost sight of our noble goals and have become obsessed with the means of destruction and death.

Our people have undergone profound changes of mood and opinion on this war. The support for the President's policies was stripped away by the growing concern over continuing escalation, the credibility of official statements, and the mounting costs and casualties. There can be no doubt that now the American people overwhelmingly want a rapid end to this war in all its forms, along with the safe return of our troops and prisoners.

An article in today's Wall Street Journal documents these changes of mood over the years by focusing on a single town—Dodge City, Kans. As reporter Everett Groseclose writes:

> From a groundswell of support for American involvement in Vietnam in 1966, sentiment here by mid-1967 had shifted to war weariness and deepseated doubts. And by late 1969 many residents of this prairie town of 17,000 had turned downright dovish.
>
> Now, another shift has come. It is characterized by pessimism, cynicism, fear and outright hostility for continuing U.S. efforts in Vietnam. . . .
>
> But far more than just the war and the fact that it is continuing now is involved. Many residents hereabouts contend that they are engulfed in a new feeling of helplessness and frustration that is affecting all

aspects of their lives. The major reason, they contend, is the war.

It is worth while to note, Mr. President, how far the real damage of this war has extended, how much our current angers and frustrations are a direct result of this war.

When we read so much about demonstrations in major cities against the war and about activism of college students, it is instructive to see how deeply rooted opposition to this war really is. I have found it in the farms and towns of Iowa; now it is being discovered in the Kansas prairie.

Because of this conviction that the overwhelming majority of our people, in all walks of life and in all sections of the country, want this war brought to an end by congressional action, I have joined with Senator CRANSTON in asking my colleagues to cosponsor a national peace poll, so that millions of Americans can tell us whether or not they want the Congress to bring the war to an end by cutting off the funds. By encouraging the distribution of postcard ballots throughout the country, we hope to find out what the people think Congress should do.

The evidence from Dodge City, Kans., is another indication that they will vote "Yes" to peace.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETURN TO DODGE: IN A SMALL COMMUNITY IN KANSAS, ANTIWAR SENTIMENT TURNS INTO GENERAL FRUSTRATION

(By Everett Groseclose)

DODGE CITY, KANS.—Once again, the mood has changed.

From a groundswell of support for American involvement in Vietnam in 1966, sentiment here by mid-1967 had shifted to war weariness and deep-seated doubts. And by late 1969 many residents of this prairie town of 17,000 had turned downright dovish.

Now, another shift has come. It is characterized by pessimism, cynicism, fear and outright hostility for continuing U.S. efforts in Vietnam. It developed over the past several months, and it hasn't changed noticeably since the U.S. started mining the harbors of North Vietnam and stepped up the bombing of military targets in the North.

But far more than just the war and the fact that it is continuing now is involved. Many residents hereabouts contend that they are engulfed in a new feeling of helplessness and frustration that is affecting all aspects of their lives. The major reason, they contend, is the war.

A SYMBOLIC FAILURE

"Vietnam is symbolic of our failure—the failure of our government and institutions of all kinds—to come to grips with our problems," says Charles M. Barnes, president of Dodge City's Community Junior College. "The war dramatizes our national predicament, our negative attitude toward all kinds of things." Aside from focusing attention on the scarcity of alternatives in Vietnam, he adds, the blockade has done nothing to change the basic outlook and sentiment of Dodge residents.

Mr. Barnes' view that the war has made deep inroads into the way people think and live in grass-roots America is relatively common around the "Cowboy Capital," as Dodge proudly calls itself. Although, of course, not everyone agrees, many residents here repeatedly talk about what the war has done and continues to do to American character, morals, integrity and willingness to place trust in elected leadership.

Indeed, to a visitor who comes to Dodge City for the fourth time in the past six years to gauge the impact of Vietnam, it's clear that things have changed enormously—not only since the first visit in the spring of 1966, but also since the most recent visit in the fall of 1969.

On the campuses of Dodge's two colleges, where attitudes of both faculty and students changed from hawkish in 1966 to active involvement in peace demonstrations in 1969, the mood now is one of despair and dejection. "You sit in the student union and try to talk to people about it, and you get disgusted reaction," says Kathy Ridgway, the president of the student body at St. Mary of the Plains College, a four-year institution. "They feel the subject has been talked to death, and they've given up on having any influence" with peace demonstrations, rallies and the like, she adds.

TOWN AGREES WITH GOWN

Around town, strikingly similar sentiment crops up. "People are just fed up with this war. They're frustrated. They've had it up to here," says W. D. Janousek, touching his throat while he sips midmorning coffee at Schafer's Cafe on Gunsmoke Street (named after the television show whose locale is Dodge). Mr. Janousek, who owns a retail TV and appliance store across the street, adds: "There's a feeling of helplessness. We all feel it, and we don't know what to do about it."

Almost all of Dodge's civic and business leaders blame the mood for voter rejection on April 4 of two issues that many believe would have been beneficial to the community. One was a $160,000 revenue-bond proposal, which wouldn't have involved a tax increase, to help finance a new park, swimming pool and recreation area for the town. The other was a one-year, one-mill assessment to help finance a search for new industry.

Moreover, many say that this mood helped elect a new group of city councilmen, headed by a man whose only campaign promise was negative—to fire Dodge's city manager, regarded by some as an able and conscientious man who had done much for the community. (Once elected, the new council majority promptly made good on its leader's promise.)

NEGATIVE FEELINGS EVERYWHERE

"There seems to be a negative feeling on just about everything—and especially anything that looks like an added tax burden," laments John E. Winter, Dodge's part-time mayor, who works full time as a teacher of driver education at Dodge City Junior High School. He adds: "All this disenchantment and unhappiness isn't just local. It's everywhere, all across the country."

It is impossible to determine precisely how much of such general discontent can be traced to the war and how much can be attributed to other factors—such as uneasiness about the economy, high taxation and racial strife. Nonetheless, the consensus of residents here is that the war's impact is a major element.

Why the dejection?

A few days in Dodge talking with townspeople turns up a number of considerations. The U.S. role in Vietnam combat—and thus U.S. casualties—has been scaled down dramatically in the past couple of years through troop withdrawals, but many residents say the strength of Hanoi's invasion that began on Easter Sunday only proves the failure of the so-called Vietnamization program.

Many also believe that the potential for reescalation is very real—especially after the U.S. mining of Haiphong harbor. A few pessimists even envision the possibility, unlikely though they admit it may be, that the U.S. could commit more troops, especially if the blockade fails to blunt the North Vietnamese invasion.

"I get the feeling that people around here just aren't willing to see more American lives lost over there, because the way things have been going, you have to wonder if they're lost in vain," says Mrs. William Merrill, executive secretary of the Red Cross chapter in Dodge.

Indeed, casualties play a large part in the sentiment of Dodge's residents. Thus far, 11 men from Dodge and its immediate vicinity have been killed in the war. About that many more have returned gravely wounded, some of them badly disfigured. And almost everyone recalls the shock that was felt in late July and early August 1970. In a three-week period two young men died in the war; both had lived in the tiny community of Wright, about five miles northeast of Dodge.

One of the men was Greg F. Steimel, the son of Mr. and Mrs. Alfred Steimel. Mr. Steimel is chairman of the board of trustees at Dodge's junior college and manager of a large farmer's co-op in Wright; Mrs. Steimel is a well-known feature writer for the Dodge City Daily Globe, the local newspaper. Until her son's death, says a tearful Mrs. Steimel, who has written a number of articles about the war, "like so many other people we had always just accepted the war, the necessity for men to fight in it." Now, however, she says, "we're completely opposite. All that has changed."

A PEACE PLEA—TOO LATE

Mrs. Steimel and others view what happened at Greg Steimel's funeral as suggestive of the quiet intensity of antiwar sentiment in central Kansas. As is customary in cases of combat deaths, the Steimel family planned to have a military funeral service. Then a delegation of 12 students, all of whom had been Greg's friends at St. Mary of the Plains, called on the Steimel family to ask that military services be rejected.

By that time, however, it was too late to change plans. A daughter of Mr. and Mrs. Steimel made leather peace symbols, which the family and others wore during the services. Among those who wore the symbols—and no one refused one—was the Army man assigned to escort the body. "He told me he absolutely believed in the peace movement," Mrs. Steimel says.

The other casualty from Wright was Richard J. Conrardy. In 1966, when I first assessed the impact of the war on Dodge, Richard's father, Eugene A. Conrardy, expressed fear for the life of an older son, Donnie, who had just been drafted. Mr. Conrardy, then a hawk but now a dove, also complained about having to cut back on the family's farming interests (he has 900 acres) because Donnie wouldn't be around to lend a helping hand. As it turned out, Donnie served in Vietnam without injury; his younger brother wasn't so lucky.

At the post-office building in Dodge, Mrs. Elwood Augerot, who has been the clerk of local draft board 23 since the war began heating up, says that these days, "things are actually pretty quiet," especially compared with two year ago. At that time draft calls were still high, and many parents were openly expressing hostility toward the war and personal resentment at her role in drafting their sons.

"The kids are still coming in from time to time wanting to know where they stand, but that's about all," Mrs. Augerot says. For the young men, she adds, "It's just a feeling of helplessness. There seems to be nothing they can do about the war, and that frustrates them." In the past year, Mrs. Augerot's draft call has been almost nonexistent. She has been told to induct only one man, and a volunteer turned up to fill that space.

PROBLEMS FOR RECRUITERS

Across the hallway from Mrs. Augerot's office, however, a Marine recruiter says the absence of the draft threat is making recruiting considerably more difficult. And down the hall, a youthful Army recruiter allows that "you really have to get out there and hustle" to find enlistees. Even then, few are willing to sign up for infantry training "because they figure they'll go straight to Vietnam." Instead, he adds, "they all want to go to Europe or Hawaii."

In fact, there is substantial evidence around Dodge that a growing number of young men are determined to resist any connection with the military forces. Just a few weeks ago, for example, 20-year-old Stanley McMillen, the son of a local power-plant employe, returned home after making national headlines.

By young Mr. McMillen's account, he and nine other young men who had sought release from the Army on conscientious-objector grounds were "hastily discharged" at Fort Sam Houston, Texas, after being imprisoned for almost a week in a maximum-security stockade at Fort Hood, Texas. He contends that he faced "trumped-up" court-martial charges involving disrespect, disobedience and unwillingness or inability to adapt to military life. "The Army just wanted to get rid of us," he says.

VETERANS SEEKING TO FORGET

Over at the First Presbysterian Church, 31-year-old Tom Owen, whose mother is Mrs. Merrill at the Red Cross, works as a custodian full time and attends classes at the junior college in his spare time. He relates his opposition to the Vietnam war on moral grounds and says the deaths of several friends in Vietnam caused him to give up a military career after 10 years as a Navy medic. "I have a wife and two children," he says, "and I didn't like the thought of those children growing up without me."

Mr. Owen is also treasurer of the Vietnam Veterans Club, organized last October at the junior college. Club members, he says, hardly ever speak of their common memories of the war. Instead, they devote their time and interest to social projects, including the operation of a bus shuttle from homes for the aged to shopping areas. "Most of us just want to forget all about the war," Mr. Owen says.

Leaders of peace demonstrations two years ago agree that the situation is drastically changed. The Rev. Paul Palmer, pastor of the First Presbyterian Church, was one of the first Dodge residents to publicly oppose the war. "I have continued to make my opposition known, but I've found it less necessary to do it from a radical stance because I find that so many people are siding with me now," he says. Still, he is disappointed with the lack of peace-related activities on campus. "There haven't been any rallies in the last year or so, and that's part of the cynicism," he says.

Such attitudes also go a long way toward explaining Dodge's disenchantment with other things, according to James S. Maag, a second-term state representative, who teaches history at Dodge's junior college. He says such attitudes also contribute to "a general discontent with government at all levels—local, state and national—and their apparent inability to solve our problems." Voter rejection of Dodge's revenue-bond issue and of the assessment to finance a search for new industry, he adds, "is a classic example of the expression of that discontent."

But others in Dodge are expressing their dismay in other ways. Don C. Smith, a 46-year-old attorney, says his opposition to the Vietnam war caused him to change his political affiliation from Republican to Democratic slightly less than a year ago. "The war has affected my life, the way I think and the way I feel like no other single thing," he says. "I'm terribly concerned about the possibility of reescalation."

Mr. Smith, who now is a local Democratic leader, expressed his opposition to the war May 13 at the First District Democratic Convention in Pratt, Kan., when he introduced an emotional resolution against continuation of the conflict. The resolution, in toned-down form, was adopted. Mr. Smith also helped deliver seven of Ford County's eight delegates at the district convention to Sen. George McGovern, largely because of the Senator's promise to promptly withdraw from Vietnam. (The session elected six delegates to the national Democratic convention in Miami Beach; none of the delegates is formally committed, but Mr. Smith and others believe most of the delegates lean toward Sen. McGovern.)

A RARE SPECIES

Not everyone in Dodge, of course, sides with Mr. Smith and like-minded doves, but out-and-out hawks who favor a step-up in military action are indeed rare these days. Nonetheless, many residents contend that President Nixon had little realistic alternative to his blockade of North Vietnam.

One such man is Kenneth S. Johnson, an attorney in downtown Dodge. "Everybody wants to get out, but they want an honorable withdrawal," he says. "They don't want to just walk away." Like many other residents of Dodge, Mr. Johnson also complains that "these days you just don't know who you can believe—not the government, not what you hear on TV and read in the newspapers—you just don't know what the real situation is."

Six years ago the leaders of Dodge's small manufacturing community were complaining about late deliveries of goods, drafted workers and soaring prices. Now they say their problems that were brought on by the war have eased, largely because of lower draft calls, suppliers eager to please after the recession and the effects of economic controls. Business, they say, is generally improving, and they are optimistic about sales and earnings for the year.

But when the subject turns to Vietnam, their optimism vanishes. Stuart Curtis, president of Curtis Manufacturing Co., a maker of gearboxes, says that while he supports the Nixon policy, he is nonetheless dismayed that their seems to be no solution. Down the street at Speed King Manufacturing Co., a maker of conveyor systems, Hector Campbell, president, says: "Nixon has staked his whole future on Vietnamization, but what has happened so far is very discouraging. It appears to date that all the bombing we've done has accomplished exactly nothing, and I guess we'll just have to wait and see what cutting off their supplies will do."

Whatever the sentiment concerning the war, a number of people in Dodge are glad they accomplished certain things before attitudes changed. Mr. Barnes, the president of the junior college, proudly shows a visitor through the institution's gleaming new buildings on the campus northwest of downtown Dodge. "Seven years ago," he says, "we passed a 2.5 million revenue bond issue" to help finance the school's 4.8 million construction program. "Seven out of every 10 voters supported it," he adds. "Thank goodness we did it when we did. Today, with attitudes being what they are, there's just no way we'd ever get it approved."

COMMENCEMENT AT REGIS COLLEGE, DENVER, COLO.

Mrs. SMITH. Mr. President, it was my honor and privilege to give the commencement address at Regis College in Denver, Colorado on May 14, 1972. Because I was most impressed with the various statements made at these exercises, other than my own, I ask unanimous consent to place them in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

INVOCATION

(By Virginia A. Roberts, Class of 1972)

In the name of the Father, and of the Son and of the Holy Spirit.

"For everything there is a season, and a time for every matter under heaven:

a time to be born, and a time to die;
a time to plant, and a time to pluck up what is planted;
a time to kill, and a time to heal;
a time to break down, and a time to build up;
a time to weep, and a time to laugh;
a time to mourn, and a time to dance;
a time to cast away stones, and a time to gather stones together;
a time to embrace, and a time to refrain from embracing;
a time to seek, and a time to lose;
a time to keep, and a time to cast away;
a time to rend, and a time to sew;
a time to keep silence, and a time to speak;
a time to love, and a time to hate;
a time for war, and a time for peace."

—Ecclesiastes 3: 1–9

"What we call an end, the poet tells us, is often a beginning.

What we are is the answer that we are giving to the call of a future still in the making. Today we graduate and receive the human signs of accomplishment and learning, the reward of labor and the prize of perseverance.

This end, too, is a beginning, the point from which a person takes a new step, and begins to take the measure of the house that is still to be built, of the house that he and all men must call home, a home as small as the heart, and as wide as a world."

—"Home Celebration"
Lawrence Moser, S.J.

And so Lord, we thank you for the blessings of the past four years: for Your guidance, for the knowledge Regis has given us, for the love of our families and friends, most especially our mothers and fathers. They have helped to make us who we are. We ask for Your continued love and guidance. We ask also for these tools that we many take proper measure of the house to be built. First, we ask wisdom of choice and strength of purpose in fulfilling our responsibilities to the future. Next we ask sense of humor so that we may never lose sight that, while we might take our work seriously, we never take ourselves too seriously. We ask finally, serenity of soul and the integrity to be whole men and women, worthy to be Your children. We ask these, Father, that like Jesus, Your Son, the carpenter of Nazareth, we may build a better world for man. We ask these through that Son.

In the name of the Father, and of the Son and of the Holy Spirit. Amen.

ADDRESS OF MICHAEL T. SULLIVAN

"Today is May 22, 1968. It is really no different than yesterday was. Nor is it any different than tomorrow will be. The sun has been rising in the east and setting in the west and will most probably continue to do the same. Yet, in recent months we seniors graduating here tonite have been taking a closer look at our lives and futures, not anymore as kids rising from bed in the morning, wandering through the schoolday, and falling into bed at night, but as young men and women setting out with a determination to make this world a better place in which to live."

Four years ago as a senior in high school, that seemed like a rather gallant paragraph with which to begin. It was only four years ago that I had the opportunity to speak at my high school graduation. And in preparing for this morning I took time to go back over some of the things that were said that night.

"Kids rising from bed in the morning, wandering through the schoolday, and falling into bed at night—no not anymore. It might be more accurate NOW to say rising in the afternoon, stumbling through the evening, and literally collapsing into bed at night, if we are lucky enough to make it that far.

"Young men and women setting out with a determination to make this world a better place in which to live—I think here again we have left something to be desired."

In recalling some of these things previously said, I found it very disturbing to see that so many of these ideas, spoken by an immature, idealistic high school senior were still very applicable and could very easily again be said by a yet immature but possibly not quite so idealistic college senior.

And I ask myself why are these things still so applicable. Possibly we have built for ourselves here at Regis a stagnant environment where we not only could not grow but did not even want to grow. Or possibly the entire college and university system is somewhat of an escape from education which might attribute to this failure to grow. Or possibly just because these ideas are so general they will always be applicable to any age group in any environment. Regardless, the evaluation of our years here at Regis can only be made on an individual level.

What is it, though, that can again be said?

Too often many of us, possibly all of us, can easily fall into the category of—which we will call for lack of a better word—"Joe Good-guy." We pay our taxes, go to church on Sundays (at least once in a while), never do anything too seriously wrong, and enclose ourselves in our own little protective bubble of personal interests. In doing this, it is not difficult for us to lose sight of the vast world around us—a world that is in a state of chaos. And unless we pop our bubbles before it is time to leave this confusion for good, we might never find out what life is all about, life that is lived to the fullest.

Today's world truly is a terrifying place, full of injustice, war and poverty. But no matter how harsh, how irrational, how terrifying a place this world is, it is the only world we've got. So as young adults, one of the first decisions we face is how to cope with it.

One quick solution might be to drop out altogether. The route for this escape need not only be in alcohol or reality—blunting drugs—but more often this escape may be a luxury hideaway or even a city's suburb where life centers around the daily bridge or golf game and a jug of martinis. These dropouts thrive off the society in which they live, but assume no responsibility for it.

A second solution might be not to drop out of the world, but to flee from it in order to find some new Eutopia of peace free from the world's problems. The fallacy in this solution is that the frontiers are gone; there are no longer places to run because the world's problems have infested nearly every corner of its immensity.

Then there are some active and idealistic young people who believe that the world can be changed only through force. Since this society is hopelessly bad, they advocate smashing it and building something better on its ruins. But it is only a matter of time before the evils which these violent revolutionists fought so valiantly to overthrow sprout up again from the seeds of their ruins.

Another solution does remain, and that is to try to change the world gradually, one clod at a time. This method is neither grand nor glorious; its results are not found in bold headlines; it demands patience, hard work forming the world in this way usually presents ten new problems for every one conquered. Yet, by facing these realities, men can not only improve the lot of all mankind but also find true meaning in their own lives, and what can be more important than this? We are left to make the choice—to drop out, to flee, to revolt, or to change gradually. And for our own sake as well as the world's, may all of us make this last strategy a vital part of our adult lives.

For the heroes of our generation will not be the dropouts, the escapees or the professional revolutionists; but the heroes will be the peacemakers who strive to erase the hatred between men, the racial prejudice in the community and the international distrust among nations; the heroes will be the young parents who from the day their firstborn comes home, foster in those homes the healthy attitudes which are so very necessary if all races, colors and creeds are ever to live together in harmony; the heroes will be the young people who while they are still free voluntarily give themselves to the underprivileged at home and abroad in order that the extreme poverty which exists may be just slightly lessened; the heroes will be the writers and artists who fire up our generation to meet the tasks ahead of us; maybe the heroes should be the men throughout the world who have left their homes to risk their lives that freedom may survive, but there are those who believe that Vietnam has proved this to be wrong; and finally, the heroes will be all the deeply concerned men and women who contribute only their prayers to our world reformation.

In surveying our futures it might do us well to toss the word "contentment" out of our thinking. For there can and should be no such thing. Nor can we ever do our share and then quit. For when we put any limit on our service to others we are doing nothing other than prohibiting ourselves from partaking in the greatest happiness, the greatest self-satisfaction that this life can bring. If we want to accomplish our mission we can never let ourselves becomes so comfortable that we lose sight of the human misery which flanks us on all sides. And unless we are to assume our roles now while we are young, our minds can easily settle into a state of lifelong dullness.

Both as Americans and as Christians, and just as human beings, we have taken on the conviction that in all men there is some value. As in a seed, this value may remain dormant unless it meets the right conditions. Our greatest challenge is to secure these conditions. The struggling peasants who can't defend themselves against bitter and unjust aggression, the sick in every corner of the earth whom medication has never reached, the hungry who are begging for food, the ghetto children who face this world with their hands and feet tied together from the very start, the Vietnam veterans who return to an unsympathetic homeland with no jobs awaiting them, the unwed mothers who often are completely ostracized from society—these are just a few cases that are crying for our involvement and that can provide each of us with an immediate challenge.

We cannot afford to be discouraged by the difficulty of these problems. We must not be discouraged by their immensity because if they were easy, they would have been solved a long time ago. And furthermore, we are not committed to just the easy ones, and it is the tough problems that will really put us to the test. In order to solve them it will take moral courage, intelligence and stamina. At no time in our history has there ever been a greater need for these qualities, especially in the young people, the generation of which we are a part. If in fifty years we look back over our lives and cannot see that we have made this world a better place in which to live cannot point out people who have profited by our existence, and cannot have attained any great self-satisfaction in life itself, then won't it have almost have been a waste of time? A waste of work? A waste of life?

In closing, without being overly dramatic but yet trying effectively to tie together all the loose ends, I would like to read an excerpt from Kahlil Gibran's masterpiece, *The Prophet*, which sums up more than just my words and ideas but an emotion that I am trying to communicate today:

"Then said a rich man, Speak to us of Giving.
And he answered:
You give but little when you give of your possessions.
It is when you give of yourself that you truly give.
For what are your possessions but things you keep and guard for fear you may need them tomorrow?
And tomorrow, what shall tomorrow bring to the overprudent dog burying bones in the trackless sand as he follows the pilgrims to the holy city?
And what is fear of need but need itself?
Is not dread of thirst when your well is full the thirst that is unquenchable?
There are those who give little of the much they have—and they give it for recognition and their hidden desire makes their gifts unwholesome.
And there are those who have little and give it all.
These are the believers in life and the bounty of life, and their coffer is never empty.
There are those who give with joy, and that joy is their reward.
And there are those who give with pain, and that pain is their baptism.
And there are those who give and know not pain in giving, nor do they seek joy, nor give with mindfulness of virtue;
They give as in yonder valley the myrtle breathes its fragrance into space.
Through the hands of such as these God speaks, and from behind their eyes He smiles upon the earth.
It is well to give when asked, but it is better to give unasked, through understanding;
And to the open-handed, the search for one who shall receive is joy greater than giving.
And is there aught you would withhold?
All you have shall some day be given;
Therefore give now, that the season of giving may be yours and not your inheritors.
You often say, "I would give, but only to the deserving."
The trees in your orchard say not so, nor the flocks in your pasture.
They give that they may live, for to withhold is to perish.
Surely he who is worthy to receive his days and his nights is worthy of all else from you.
And he who has deserved to drink from the ocean of life deserves to fill his cup from your little stream."

Today is May 14, 1972. It too is really no different than yesterday was. Nor is it any different than tomorrow will be. The sun again rose in the east and will set in the west, and will most probably continue to do the same. Today most of us had no more purpose for living than we had yesterday. But tomorrow we can, if we want. We have all been brought up with the teaching that the acknowledgment of our faults and shortcomings is always good for our souls, but at this time it again seems as it seemed four years ago, that an honest rethinking of our purpose in this world might be even better.

Happy Mother's Day to all the moms. And thank you.

Response of Thomas J. Casey, S.J. Acting President of Regis College

The response called for by Michael's remarks is not a few flowery phrases by me but rather a renewed resolve by each of us to strive to achieve a purposeful living of the days and years ahead.

Michael was kind enough to provide me with a copy of his remarks in advance and I would like to share with you some brief reflections on his thoughtful words.

Towards the close of his remarks, just before the excerpt from *The Prophet,* he stated:

"If in fifty years we look back over our lives and cannot see that we have made this world a better place in which to live, cannot point out people who have profited by our existence, and cannot have attained any great satisfaction in life itself, then won't it almost have been a waste of time? A waste of work? A waste of life?"

Just this past week I read in a recent issue of the *New York Review of Books* a sentence which caused me to ponder anew the meaning of my own existence. W. H. Auden, the English-American poet, in the course of a book review wrote: "I have always felt that to be walking this earth is a miracle I must do my best to deserve."

Looking back over a half century to his youth, he counted some of his blessings—the love his parents lavished on him, possessing excellent health, being paid by society for doing what he enjoyed doing, achieving a certain measure of success and a number of wonderful friends whom he loves dearly.

May these blessings, and many more, be yours—members of the 1972 graduating class of Regis College.

Central to Mr. Auden's outlook is his belief that life is a miracle. If we are to give purpose to our lives we must commit ourselves to a fundamental belief about the meaning of our existence as members of the human family. I submit that our Catholicism—or more properly our Christian commitment—provides such a foundation for our lives. I do not mean primarily a commitment to a cult or a creed or a code, though these have their place too, but rather a sense of religious values and spiritual concerns which impel us to find, discover and communicate meaning to one another about the realities of our lives—of love and belief, of hope and fulfillment, of death and sin, of reconciliation and the redemption of the basic meanings of our everyday existence.

Finally, it is my hope that as the years lengthen you will recall your days here at Regis first with amusement, then with affection, and later perhaps even with appreciation.

My time with you has been brief, but long enough to express my appreciation to you—a special word of appreciation to you young women who courageously integrated Regis four years ago—to have affection for you, and to share my amusement with you that providence should have made me your president during your senior year.

As I stated in my remarks recently at the Regis College Civis Princeps Awards Banquet, "I like young people."

I believe that your questions and concerns about the issues of our day—war, poverty and prejudice—are genuine and valid. You have asked us to reexamine our opinions, attitudes—yes, and even our convictions. You don't profess to have all the answers, sometimes you even doubt whether you have the right questions. You have asked us to be open and honest with you. You have invited us to be our true selves so that we might assist you to become your best selves. For this and more we are in your debt. Thank you.

Benediction

(By William T. Hart, Class of 1972)

At the risk of sounding like Jane Fonda the night she received the Academy Award for best actress, there is much to say, but little time to say it. However, I have been advised by many of my fellow seniors, that if I knew what was good for me, I'd keep this short.

There is one thing I would like to say, but it was said before some time ago in a song entitled, "Go Where You Want to Go." Basically, what the song said was that people should do what they want, when they want, and where they want.

A Catholic priest once told me that one thing he noticed at a person's deathbed, as their life passed quickly before them, was a certain remorse, a remorse stemming from the realization that they had lived a life someone else wanted them to live. That they had done things not because they wanted to do them, not because they felt they should do them, but because someone else expected them to do those things.

Let us hope and pray on this day, that we will not experience that remorse; that our ambitions will be our own ambitions; that we will indeed go where we want to go, and realize that one of the greatest things man can acquire is not wealth, not social position, or political power, but the genuine respect of his fellow man. An honor which is so cherished because it cannot be bought or demanded, but only given freely from one to another, and given because that person was a man.

REMARKS OF DR. BOYCE M. GRIER, PRESIDENT EMERITUS OF LANDER COLLEGE, GREENWOOD, S.C., AT DEDICATION OF CECIL BRUCE BARKSDALE PHYSICAL EDUCATIONAL BUILDING

Mr. THURMOND. Mr. President, on May 6, 1972, Dr. Boyce M. Grier, the distinguished president emeritus of Lander College in Greenwood, S.C., delivered the memorial remarks at the dedication of the Cecil Bruce Barksdale Physical Education Building at the college. His remarks were an eloquent summation of the eminent career of Cecil Bruce Barksdale in the business and civic affairs of his community and State.

Mr. President, I ask unanimous consent that his statement, including a poem relating to the qualities of Mr. Barksdale, be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Given by Boyce M. Grier, Cecil Bruce Barksdale Physical Education Building Dedication

My thoughts today are of Cecil Bruce Barksdale and of our mutual friends—those who are with us still, and those who have answered the call of immortality. Bruce Barksdale was a distinguished leader in the fields of religion, education, and civil affairs of life, not only on the community level but on state and national levels. In a variety of ways, all these areas of life were much enriched because of his life.

His primary devotion rested in his home and his church. His Christian home was a joy and inspiration to all who knew him. He was a life-long member of the First Presbyterian Church of Greenwood and served his church officially as a Deacon, an Elder, and a Trustee. He was a frequent delegate to the South Carolina Presbytery and Synod. A delegate on many standing committees of the church courts. As a Moderator of the South Carolina Presbytery he was particularly interested in the development of Camp Fellowship, and his interest through the years helped to make Camp Fellowship what it is today.

He was a native of Greenwood, the son of George A. and Mary Tarrant Barksdale. He graduated from Greenwood High School, attended Erskine College, the University of South Carolina, and the University of Kansas. He received from Lander College the honorary degree of Doctor of Engineering.

His business interests were many and varied, but in all of these he revealed to the public in general a wholesome life, a friendly and helpful hand. Those who knew him best knew that he believed that people come first in life.

Bruce Barksdale was president of the Greenwood Telephone Company, and was several times president of the South Carolina Association of Independent Telephone Companies. He was a director of the County Bank, Colonial Life Insurance Company, and the Greenwood Savings and Loan Association. He was a member and past president of the Rotary Club of Greenwood, and active in the local and state Chambers of Commerce, having served as president of both organizations.

He was a patriot of the first rank. Participating in three major engagements during World War I he was cited for bravery on the battlefield. In the second World War he served in the United States Air Corps, attaining the rank of Lieutenant Colonel. He was a Mason, serving as Eminent Commander of the Commandery; he was an active member of the American Legion and the Sons of the American Revolution.

Today we are particularly interested in his efforts to promote the cause of education. His interest in education was expressed in his support of the public schools of his community. He also served education through being a very active member of the Board of Trustees of Presbyterian College at Clinton. In many ways he gave freely of his time, his talent, his business ability and his financial support to help the cause of education.

It was in the school year of 1947–48 that Lander College was secured from the Methodists to become a Greenwood County Institution, and Bruce Barksdale became the first chairman of the Lander Foundation Board of Trustees, serving as chairman for ten years, and continuing on the Board as an active member until his death of July 16, 1966. Always he was vitally interested in Lander's welfare, and in her development.

Certainly it is fitting that this building be named for Bruce Barksdale.

Bruce Barksdale answered his call to immortality in line with this poem's expression:

As a marsh hen secretly builds on the watery sod,
I will build me a nest upon the greatness of God.
I will fly in the greatness of God as a marsh hen flies
In the freedom that fills all the space betwixt marsh and the skies.
By so many roots as a marsh grass sends into the sod,
I will heartily lay me a hold upon the greatness of God.

U.N. CONFERENCE ON THE ENVIRONMENT

Mr. TUNNEY. Mr. President, I have been following events leading up to the U.N. Conference on the Environment with much interest. It is important that now—before any more time passes—we highlight the need for all nations to be concerned with and involved in eliminating various forms of pollution.

Sadly, however, I have become aware that the world meeting which begins in

Stockholm on June 5, may not accomplish what it could—what it must.

Perhaps it was ill-conceived in the first place to set up an "action" conference to involve most of the nations of the world when it was clear that an agreement, if any, among all of them, with respect to curbing pollution worldwide, would have to be the lowest common denominator of what any of them thought was essential to save the environment.

On the other hand, it is most important that all countries who are interested be as vitally involved as possible. We must not forget that the environment and its problems are world problems.

For this reason, and because organizational efforts are near completion, it seems to me that we must make the best of what we have. In order to do this, I would urge the U.S. delegation to be far more forward and open on all issues than it has been to date. Specifically:

First, the use of cold war strategy by the United States already threatens to keep the countries of Eastern Europe out of the conference. The issue arises because of our refusal to give voting status to the German Democratic Republic—East Germany—and the retaliatory threat from the Russians that they will keep the entire Eastern bloc away. There is still a chance that an accommodation can be reached on the matter—perhaps by President Nixon in Moscow. But many say that the leadtime required for the Eastern Europeans to get their delegations in order will still prevent them from participating effectively. It is a shame that we have let the big power balance impede and confuse efforts to have the world environment.

Second, a recent briefing by the U.S. delegation to members of the Committee on Public Works would indicate an affirmative avoidance by our delegation of policy established by Congress in various areas of pollution control.

The notion of pollution controls at source by the use of best technology is not part of the U.S. position and will not even be put on the table by the U.S. delegation in Stockholm. This is despite the fact that the Clean Air Act Amendments of 1970 and the Senate-passed version of the Water Quality Control Act provide such a standards system.

Instead, the official U.S. position at Stockholm will be that control of water pollution should be adjusted according to "beneficial uses" which could range from recreational to waste-disposal uses. Pollution is then allowed up to the "assimilative capacity" of the beneficial use.

One must ask why we had to retreat, in advance, to a system which sanctions the creation of sewers in some waterways. Would not an agreement to provide controls at source at the earliest possible date do an enormous amount to dispel fears of economic disadvantage which critics argue that pollution controls will impose on domestic-produced goods? It seems to me that we would save the world environment and strengthen the U.S. economy if we would, at least, put this issue on the table at Stockholm.

Third, a most disturbing article appeared in the New York Times yesterday. The article, written by E. W. Kenworthy, and entitled "Some Delegates Critical of U.S. Approach to U.N. Conference on Ecology" portrays the frustrations of some of the 10 congressional members of the 35 member U.S. delegation who have been instructed that they must "support without question" the official U.S. position on all the recommendations—over 200—drawn up by the U.N. preparatory committee "even when they do not agree."

In addition, the article goes on to state that some environmental scientists and "most" environmental organizations are angered because the U.S. delegation contains no environmental scientists, only one representative of a nongovernmental environmental organization, and because of its cautious approach to the agenda.

The article then describes a meeting last week at which the members of the delegation were presented with a "scope paper" and other position papers by delegation chairman Russell E. Train, head of the Council on Environmental Quality, and vice chairman Christian A. Herter, Jr., special assistant to the Secretary of State for Environmental Affairs. It is reported that delegates were told to "hew precisely" to the positions presented.

While I can see the necessity of a delegation taking a unified position while negotiations are in process, I do not understand why the congressional members of the delegation—and, indeed, why Senator BAKER's task force which was set up some months ago—could not have been included, and could not still be included, in prenegotiation discussions on the U.S. position.

I ask unanimous consent that the article which I have been describing be printed in the RECORD. I remain hopeful that forward steps can be taken before the U.S. delegation arrives at Stockholm.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From New York Times, May 22, 1972]

Some Delegates Critical of U.S. Approach to U.N. Conference on Ecology

(By E. W. Kenworthy)

WASHINGTON, May 21.—Two weeks before the opening of the United Nations Conference on the Human Environment in Stockholm, the State Department, which is responsible for preparing the United States position, finds itself the target of assorted angers, frustrations, resentments and suspicions.

Some of the 10 Congressional members of the 35-member United States delegation are resentful because they have been instructed that they must support without question the official United States position on all the recommendations—totaling about 200—drawn up by the United Nations preparatory committee for conference discussion and action, even when they do not agree.

Some environmental scientists and most environmental organizations are angered because the United States delegation contains no environmental scientists and only one representative of a nongovernmental environmental organization. They are frustrated because, in their view, the State Department has taken a limited and cautious approach to the agenda, seeking to eliminate or evade contentious issues.

PROPOSALS CALLED IGNORED

Some of the members and most of the staff of the Secretary of State's Advisory Committee on the Stockholm Conference—a group of 28 businessmen, industrialists, environmentalists, labor leaders and public officials headed by Senator Howard H. Baker Jr., Republican of Tennessee—are resentful because, they say, their recommendations were not only ignored but also not even discussed with them by Russell E. Train and Christian A. Herter Jr.

Mr. Train, who is chairman of the White House Council on Environmental Quality, is chairman of the United States delegation. Mr. Herter, who is special assistant to the Secretary of State for environmental affairs, and has been in charge of preparing the United States position, will be vice chairman of the delegation. They have been advised by an intergovernmental committee.

The Administration hopes that some of the frustrations and disappointments of the scientists and environmental groups will be worked off at an Environmental Forum that will be held concurrently with the two-week United Nations conference beginning June 5.

At this forum, which the Swedish Government has helped to organize and which also has United Nations support, scientists and environmentalists will read papers and hold discussions. They are expected to cover more ground and more controversial matters than the conference will.

What does have the Administration and State Department deeply worried, however, is a people's forum at Stockholm, which is being organized by activist groups in Europe. Several thousand are expected to attend, and the Administration is fearful that there will be demonstrations against United States bombing and defoliation in Vietnam.

There have been the following developments in the last few days in connection with the United States' participation in the conference:

DELEGATE INSTRUCTION

Last Wednesday, Mr. Train and Mr. Herter met all day with the delegation. The delegates were given a Scope Paper setting forth "five critical issues on which the delegation must firmly oppose recommendations contrary to the specific United States position."

First, the delegates were told they must oppose any effort to convert the United Nations voluntary Environmental Fund, expected to be authorized by the conference, into a development fund. The United States wants the fund to be used strictly for environmental studies and monitoring of environmental conditions, and not used as supplementary aid to less developed countries.

Second, the delegates were also told they must oppose any move to set up a new specialized United Nations agency for the environment, and support the United States position that the fund and its staff should be put under the Economic and Social Council.

OPPOSE RISE IN AID

Third, the delegates were instructed to vote against any recommendation for an increase in the goal set by the United Nations for aid to developing nations by the developed world. The goal was 1 per cent of gross national product by 1972. United States aid now amounts to about five-tenths of 1 per cent.

Fourth, the delegates were told they must oppose any attempt to provide money for an environmental cleanup by increasing the budgets of other specialized United Nations agencies.

Finally, they were told to "hew precisely" to the position paper if any attempt was made to amend the language of the preparatory committee's recommendation on nuclear testing. This reads: "Man and his environment must be spared the serious effects of further testing or use in hostilities of weapons, particularly those of mass destruction."

The position paper on nuclear testing, classified "secret," will be given to the delegates, along with some other classified position papers, on arrival in Stockholm.

On Wednesday, the delegates, in addition to the Scope Paper, were given all other position papers. It was some of these positions that gave pause to Congressional members, particularly Senators.

For example, the United States position on control of water pollution is that the pollution should be adjusted according to the "beneficial uses," ranging from swimming to a receptacle for industrial wastes. Therefore, pollution would be allowed up to the "assimilative capacity" of the water for any use. However, all the Senators have voted for a bill that would abandon this concept and control pollution at the source by the use of "best practicable" technology at first, and later of "best available" technology.

It is expected that some Senators on the delegation—possibly Clifford P. Case, a Republican, and Harrison A. Williams Jr., a Democrat, of New Jersey, and Gaylord Nelson, Democrat of Wisconsin, who are environmentalists, and Frank E. Moss, Democrat of Utah, sponsor of freedom of information legislation—may balk at not being able to speak their minds even if they have to vote as instructed.

According to one participant in Wednesday's meeting, Mr. Train told the delegates "to read the position papers, study them and not argue with them."

At a news briefing yesterday, Mr. Train said: "We take a very positive view as a nation of the conference and the opportunity it presents." And, he added, the composition of the delegation was evidence of President Nixon's "commitment and concern."

That is not the view of environmentalists. In an interview, Barry Commoner, head of the Center for the Biology of Natural Systems at Washington University in St. Louis and author of the "Closing Circle," said: "The nongovernmental representation is notable for its innocence on those matters."

The head of one of the most prestigious conservation groups, who asked not to be named, said that he was frankly appalled at some of the delegates chosen. He was particularly critical of the appointment of Frank N. Ikard, president of the American Petroleum Institute.

Amazement was also expressed at the selection of Shirley Temple Black and John W. Rollins, president of the Rollins Leasing Company of Delaware.

In an article in the current Harpers magazine, Dr. Commoner is particularly critical of the State Department, which he holds responsible for a shift in direction of the conference from "basic issues" to an emphasis on measurement of pollution, technical controls and their economic "feasibility."

Dr. Commoner wrote that "while the original proposals emphasized the economic and social causes of environmental problems, the final program of The United Nations preparatory committee dealt only with the economic and financial implications of [environmental] policies and programs." He linked this shift to a speech by Mr. Herter at the second meeting of the committee in February, 1971, in which he recommended that the agenda be limited to the topics that were eventually decided on.

The advisory committee has had an uncertain existence. It was named by Secretary of State William P. Rogers in May, 1971, about two months after the preparatory committee had decided on an agenda.

However, when the advisory committee received this agenda in May and was given three or four days to comment on it, Sydney Howe, a member who is head of the Conservation Foundation, said in an interview, "the committee was told that it was a 'highly tentative first draft.'"

"It was impossible to react in that time," Mr. Howe said.

By December, 1971, the committee had not been given authority to hire a staff and had done "nothing substantive," Mr. Howe said.

At a meeting in December, according to Dennis Hayes, a member who represented Environmental Action, "half the advisory committee was ready to walk out unless a staff was hired."

Senator Baker went to the Secretary of State and a staff was hired in January, 1972.

However, Mr. Hayes said in an interview, "There was no real interchange between the advisory committee and its staff and Mr. Herter and his. There was 'utter disregard' by the State Department and the intergovernmental committee of the advisory committee's recommendations on key issues."

Mr. Howe said that he thought some of the recommendations went beyond what the Stockholm conference could be expected to deal with.

NEW YORK TIMES WRITER OPPOSES COMPREHENSIVE CHILD DEVELOPMENT PROGRAM

Mr. TOWER. Mr. President, the Senate will soon be considering S. 3617, the 1972 version of last year's child development legislation which the President vetoed. In the technical sense, S. 3617 represents some improvement over the legislation that the President vetoed. However, it basically accepts the underlying theory of comprehensive child development, therefore I cannot support it.

When the President vetoed last year's bill he called for a national debate on the subject of comprehensive child development legislation. While this national debate has not occurred, some responsible members of the liberal community have joined with Senators like myself in opposing the basic concept behind this legislation. For instance, Mr. William V. Shannon wrote an article, published in the Sunday New York Times Magazine of April 30, 1972, that strongly criticized a national child development program. While I must disassociate myself from his suggestion that the Government should directly pay mothers to stay home with their preschool children, as an alternative to comprehensive child development, I find his critique to be well developed and worthy of careful study.

I ask unanimous consent that Mr. Shannon's article be printed into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A RADICAL, DIRECT, SIMPLE, UTOPIAN ALTERNATIVE TO DAY-CARE CENTERS

(By William V. Shannon)

WASHINGTON.—I must share the view of those of its supporters who proclaim this to be the most radical piece of legislation to emerge from the 92d Congress.

I also hold the conviction that such far-reaching national legislation should not, must not, be enacted in the absence of a great national debate upon its merit and broad public acceptance of its principles.

Few contend that such a national debate has taken place—in a veto message.

—PRESIDENT NIXON.

One of the most irresponsible statements I have seen in my many years in public life . . . cruel, hysterical and false—commenting on the veto message.

—SENATOR WALTER MONDALE.

Last Dec. 9, President Nixon vetoed an antipoverty bill which had as its major component the Comprehensive Child Development Act of 1971, sponsored by Senators Walter Mondale, Minnesota Democrat, and Jacob Javits, New York Republican. The child-development bill, one of the most far-reaching measures ever passed by Congress, ranking in financial cost and social implications with Medicare or Federal aid to education, deserves much more thorough discussion than it has received. The bill has never been the subject of a question at one of Mr. Nixon's (admittedly infrequent) news conferences. It is rarely, if ever, brought up during Sunday TV interviews, in which his Democratic rivals are regular participants. It rarely made the front page of any newspaper until Mr. Nixon vetoed it.

The "great national debate" which President Nixon called for has not taken place but the legislative scene has already been set for passing the bill again. Ignoring G.O.P. predictions of a second Nixon veto, the House of Representatives on Feb. 17 approved a poverty bill which includes a much expanded Head Start program and which Senator Mondale intends to use as a vehicle for adding a revised version of his child-development plan.

If another bill passes Congress this year, President Nixon is sure to veto it again, and conservatives have the votes to sustain that veto. Over the longer term, however, a bill bearing some resemblance to Mondale's is likely, sooner or later, to become law. The political arithmetic of the growing number of working mothers guarantees that.

If the centers set up under such a law are adequately financed, ideally staffed and well run, they would, in my judgment, help some of those youngsters who are the worst victims of poverty and neglect. The centers are, however, neither necessary nor desirable for the great majority of children. Moreover, because they are likely to be underfinanced, understaffed and overcrowded, I sincerely doubt they will achieve many of their objectives. Unless Congress undergoes a radical change of heart, it will try to do a $30-billion job on a $3-billion budget.

Although I am a liberal, I do not share the liberal enthusiasm for day-care centers. Such centers are not a satisfactory or desirable substitute for the full-time care and devotion of a child's own mother. President Nixon may have politically expedient motives of his own, but I nevertheless agree with the premise of his veto message, which stated: "All other factors being equal, good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed, and religious and moral principles are first inculcated."

Liberals may deprecate these Nixon words as all wet and reactionary, but much hard-earned human wisdom lies behind them. Excessive emphasis on day-care centers can weaken the family at a time when it needs strengthening. Having said that, however, I do not think the status quo is good enough. I have a radical proposal of my own to advance. It would be an alternative to day care that would enable the poor and the working poor—except those families which are most severely deprived and damaged psychologically—to take care of their own children.

But before advancing my own views, I shall set forth the argument of the advocates of comprehensive child-development centers. And it is a powerful argument.

For any child, the years from birth to 6 are critical for his physical, intellectual and psychological development. Yet traditionally in the United States, the Government takes no official interest in a child between his arrival, when a birth certificate is required, until he is 6 years old, when the compulsory school attendance law takes effect. The assumption has been that families took care of these early childhood years. Yet the evidence is all around us that for some children, the family system has completely broken down and is not doing the necessary job of nurturing their characters, and preparing them for life. For other children, the family is still a viable emotional unit providing some strengths, but the fathers and mothers are so overwhelmed by adverse circumstances—sickness, ignorance, mental illness, inability to hold a steady job, or inability to cope with competitive, sophisticated city life—that those families need help in preparing their young children for school and later life. Still other children have parents who can cope with life in adult terms but who—out of ignorance, or irresponsibility, or selfishness—are not giving priority to their duties as parents; these children also need help.

Society can ignore the needs of the children in these various unfortunate circumstances but it cannot ignore them indefinitely or without cost. Sooner or later, a sizable number of them are going to show up as juvenile delinquents, as mentally retarded children, as emotionally disturbed patients in institutions, as adolescent drug addicts. Some may survive the school years but show up in prisons as young adult criminals, or in hospitals as mentally ill, or on the welfare rolls as unemployable. One or two may even show up on television screens as a Presidential assassin.

(Why *all* deprived, damaged children do not come to a dismal end, why some actually develop from this adversity a thriving will to succeed, is a blessing and a mystery. But one can speculate that behind each hard-hit child who later makes it in life there is someone—an older brother or sister, a devoted grandmother, a minister, a teacher, an athletic coach—who cared a lot and provided the youngster with a model and with guidance.)

The Mondale bill which President Nixon vetoed is based on the theory that a big investment of money and effort in children, especially in the years from birth to 6, would save some of them from disasters later on and might actually reduce the amount of money that society now has to spend on juvenile-delinquent centers, prisons, mental hospitals, and other kinds of human repair and rehabilitation. In asserting the Government's comprehensive interest in these formative early years, the bill has many precedents, such as the long campaign against child labor, the public health effort to cut down infant mortality, the White House conferences on children and youth held once a decade since 1909, and the widely popular Head Start program enacted as a part of the poverty program.

Building on the Head Start model, the bill would go far beyond merely providing a convenient place near home or work where an employed mother could leave a child. It would establish child-development centers in every community. A child could get one, two or more meals, depending upon how many hours he stayed each day. A center would contract with outside doctors or clinics to provide medical, dental or psychiatric diagnosis and care. It would begin the education of preschool children and make available to them, as well as to older children, "summer, weekend, vacation and overnight programs." Parents would serve on the board of the center, and, if unemployed, they might be enlisted as volunteer workers or paid employes. In some circumstances, a mother might be paid to care for four or five children—her own as well as others—in her own home. This is called "family day care." Where needed, a professional or a trained volunteer would be sent out from the center to instruct and assist uneducated, inexperienced or underconfident mothers in baby and child care.

In short, this comprehensive approach is intended to be an active, responsible partner to every mother and, if a mother is absent, ill or indifferent, to serve as the best possible substitute. An ambitious concept realized in only a comparatively few existing centers, it signifies much more than the less expensive and more common day-care centers where children are, in effect, only in protective custody. "Custodial" child care is a dirty word among the experts in this field.

The Mondale bill covers all children from birth through 14. There is comparatively little controversy, however, about the older children in the 6-to-14 age group who attend school. For them, the problem is primarily to find a place where they can play or otherwise usefully occupy themselves for two or three hours after school until their parents pick them up.

The conflict over comprehensive child-development programs concerns the 22 million children under the age of 6. In theory, the bill would permit a rich woman—Mrs. Nelson Rockefeller or Mrs. Robert Kennedy—to send her child to a development center if she wanted to pay the fee. But, as a practical matter, the bill is primarily intended to help the children of working mothers and those in poverty families. About seven million children in the under-6 age group have mothers who work. (The number of mothers in the work force has doubled since 1950, and the trend seems to be steadily upward.) About four million children live in families which are in dire poverty and about an equal number in families which are above the poverty line but still in straitened circumstances.

Poverty children are not identical with the children of working mothers, although the two groups overlap. In fact, proportionately more mothers work in families with annual incomes above $10,000 than in families with incomes below $3,000. This paradox is understandable because more middle-class women have marketable skills and have the money to pay for maids, babysitters, private nursery schools and other forms of child care. But some of the confusion that surrounds the child-development issue is caused by the fact that mothers in quite different circumstances—the highly paid advertising woman who lives in Scarsdale, the factory worker's wife trying to eke out her budget in Queens the 17-year-old unwed mother just arrived in Bedford-Stuyvesant from a farm in South Carolina—are lumped together for purposes of discussion, and arguments which would be applicable to the family circumstances of one woman are used to justify or attack programs to help women in entirely different circumstances.

Although children from every kind of family could conceivably participate, the real emotional force behind the drive for comprehensive child development is the desire of liberal, compassionate people to improve the chances in life of children from the nation's worst-off families—migrant laborers and sharecroppers, unemployed miners in Appalachia, impoverished Mexicans, Puerto Ricans, Indians and blacks. Two-thirds of the places in the child-development centers would be reserved for the children of these low-income families.

In testimony before a Senate subcommittee, John Niemeyer, president of the Bank Street College of Education in New York City, graphically described the plight of families trapped in a city slum. "These families needed all kinds of help," Niemeyer reported. "Typically there was a mother with four or five children, a father not in the picture regularly—although that is not true in all of the cases—and the needs run in this order, as far as we could ascertain them:

"First of all, these adults are physically ill. Secondly, they live in constant physical fear—and very real fear. Fear of the pusher, fear of the person breaking in and stealing everything out of your meager little apartment, fear of the children getting run over in the heavy traffic in the streets. . . .

"And then the third great need, particularly on the part of mothers, is help with loneliness, with a tremendous feeling of vacancy in their lives. In fact, I am inclined to believe one of the problems that surrounds the whole question of . . . birth control, and so on, with people of this kind, is the problem of loneliness. Because I feel that many of these mothers, (when they have a baby) for two or three years have something to love and to fondle, and so on. I really think this fills a void in their lives, and I don't think that a knowledge of birth control will make a significant difference as long as we have these particular human emotional needs. . . .

"Now this seems almost unbelievable, but I think that it is easy for us to put ourselves into the position of a person like this, women who spend all day in bed because there is nothing in the home except a television. And the television, of course, has been the greater pacifier and mesmerizer of children because almost the minute they can see, they are propped up to watch this image that is flickering there—it's almost, I think, like hypnotism."

In what is rather an understatement, Niemeyer concluded: "These are the parents and families for which intervention is necessary."

Not all welfare mothers and their children are in the desperate circumstances described by Niemeyer. Some have personal strengths. But the apathy, physical squalor and fear are brutal realities. So are the low-grade infections and correctible physical defects which sap their energies. The question is what the state can effectively do to help. In an interview, Senator Mondale told me:

"In the last several years of traveling around the country and holding hearings on different aspects of the poverty problem, I examined all the different approaches—manpower training, enriched education, rehousing, and so on—and I kept coming back to the view that we have to reach these children in their first five years and do everything we can to improve their chances in life. For most of us, this is a great, rich, wonderful society full of hope and opportunity. But some people are outside the mainstream of American life. Are we content to say that hundreds of thousands of children because they were cheated at birth and in their early years are to be condemned to lives of failure and frustration?

"Consider a child, white or black or brown, who grows up in a community where he doesn't have enough to eat, lives in squalid, unsanitary housing, grows up without books or any kind of help, grows up in a broken home, grows up amid a depressed environment, without any health care, and then goes to what is often the worst school in town. The reactionaries of this country are trying to describe efforts to help that child as welfare, which is the code word by which we deliver money from 'decent, hard-working Americans' to this child and others like him, when in fact the issue is justice, permitting children to have the same chance in American society."

If a desire to improve the lot of impoverished children is one force behind proposals for comprehensive child development, the program's political appeal is enhanced by the benefits it offers three other groups of families: There are the families in modest economic circumstances with husbands who work but barely earn a subsistence income and wives who work part-time or full-time to pay for a few comforts beyond the family's necessities; these are the "working poor." A second group consists of middle-class women who ordinarily would not have to work when their children are small but who are driven back into the job market prematurely because of divorce, or the death or illness of their husbands. Third, there are the families in which husbands earn a satisfactory income but the women work by choice. These middle-class wives often argue for day care in terms of women's "liberation."

A fourth category might be families in which the husbands earn adequate incomes and wives do not pursue careers, but might do so if high-quality day care were available. In other words, comprehensive day care is not only a response to the increasing number of working mothers but its existence would probably serve to accelerate that trend.

Since the working poor, the widowed or divorced heads of middle-class families, and the "liberated" career women comprise a huge number of people, it is not astonishing that politicians in both parties climbed aboard the comprehensive child-development bandwagon. The bill passed the Senate, 63 to 17. Yet it is the inclusion of these other categories of people that also triggers the opposition. Their coverage makes it unmistakably clear that the Government is not setting out to cope with a limited and—if all goes well—diminishing number of impoverished children. Rather, it is embarking upon a program which could cover virtually all children and would not only recognize but confirm a profound change in the way in which Americans rear their children.

The opposition in and out of Congress has formed on both economic and cultural grounds. In the original version of his bill, Mondale proposed spending $2-billion in the first year of operation, $4-billion in the second year and $7-billion in the third. These subsequent authorizations were dropped from the modified version that passed the Senate, and news stories usually referred to the bill as having "a $2-billion price tag." Once the program was fully under way, however, even if all eligible children did not participate and many of those who did were charged modest fees, the annual cost would be in the range of $20-billion to $30-billion a year. The cost of quality care for children in which food, toys, equipment and medical care are provided is at least $2,000 a year for each child. Dr. Jerome Kagan, chairman of the White House Conference's panel on day care, offered these rough estimates in Senate testimony:

"As you might expect, private centers run more efficiently than public centers. My impression is that, if you are working with preschool children 2½ to 5 years of age, $45 a week [per child] will run a pretty good private center. A public center which has more bureaucracy will probably be given $55 or $60 a week. You have to add 10 to 20 per cent for infants. It is more expensive to have a center for the first two years of life. . . . If this becomes a popular and approved way of raising American children, one could have half the population of children aged 0 to 6 requesting day care. You could spend all the money you want: 13 million children at $60 a week, which is $3,000 a child a year. If you pause to multiply those figures you have an enormous amount of money—$39-billion."

As it developed, President Nixon vetoed the bill for broad reasons having little to do with fee schedules or financial cost. The cost is probably not a decisive consideration for those on either side of the argument.

It gives hostile critics a handle with which to attack the bill, but most conservatives, when candid, admit that they would not like the program even if it cost only half as much. Liberals meanwhile dismiss the financial argument with the assertion that if this country can afford to subsidize aerospace companies and build a space shuttle, it can afford to invest huge sums in its own children.

More fundamental to the debate is the philosophy underlying the bill, which President Nixon attacked head-on, thereby evoking the angriest response from the bill's advocates. Liberals were quick to point out that his veto was a sop to the right wing of the President's party and that the Presidential candidacy of Representative John Ashbrook, a convinced conservative ideologue, may have had more than a little to do with Mr. Nixon's decision.

Most conservatives on Congress bitterly oppose President Nixon's Family Assistance Plan, better known as "welfare reform," a creditable if modest attempt to introduce the principle of a minimum income for every family. In opposing the Comprehensive Child-Development Bill, they argue in much the same way as they do against President Nixon's Family Assistance Plan. Unstated but clearly visible is their conviction that a guaranteed minimum income for poor families would merely encourage them to have more babies. Their second conviction is that the poor are financial failures solely because of moral turpitude or personal weakness. If they are poor, they deserve to suffer the consequences. (This is the converse of the sentimental liberal view that the poor cannot be held mortally accountable to any degree for their behavior and that society is to blame for everything.) Rejecting the evidence of new psychology and old common sense, conservatives insist upon applying a rationalistic carrot-and-stick economic theory as if welfare mothers were so many calculating Benthamites. If only the right economic pressures can be found, these conservatives believe, welfare mothers can be squeezed off welfare and onto private payrolls—as if a woman's employability in the market place were the highest test of her moral worth or her usefulness to society.

In trying to sell the Family Assistance Plan, Mr. Nixon has pandered to these conservative prejudices—and involved himself in a glaring contradiction. Thus, his welfare bill would provide $750-million annually to pay for day-care centers for the children of welfare mothers, so that these women can be trained and can work. It would apply initially to women with children over 6 and, after a short time, to those with children over 3. But in vetoing the Mondale child-development bill last December, Mr. Nixon piously warned against committing "the vast moral authority of the national Government to the side of communal approaches to child rearing over against the family-centered approach." Why is it right to coerce welfare mothers to put their children in Government-financed day-care centers in order to go to work and wrong to assist other women who voluntarily want to do the same thing?

Libarals and radicals, on the other hand, argue vigorously in behalf of comprehensive child-development centers for reasons which have only indirectly, if at all, to do with children and the family. They want child-care centers to energize the parents and get them involved in the community. Mrs. Maurien McKinley, associate director of the Black Child Development Institute in Washington, expressed a view put forward by numerous witnesses: "We believe that child-development centers can be the catalyst for total community development. It is to the advantage of the entire nation to view the provision of day-care/child-development services within the context of the need for a readjustment of societal power relationships. . . . As day-care centers are utilized to catalyze development in black and other communities, the enhanced political and economic power that results can provide effective leverage for the improvement of the over-all social and economic condition of the nation."

Translated from sociological jargon, this is the community-action theory which underlies the poverty program and the Model Cities program. It is the theory that only if the poor are organized and power taken away from "the Establishment" is progress possible. All the establishments—the politicians, the schoolteachers, the social workers, the doctors and medical administrators—are regarded as more harmful than helpful to the poor because of their heavy-handed paternalism. Without getting into the pros and cons of this complicated argument, one can see that the community action has more to do with helping adults to fight City Hall than with helping fathers and mothers to rear their children.

Politics aside, however, President Nixon's argument against actively encouraging the shift from the family to day-care center as the prime agent in child-rearing goes to the heart of the issue. Are child-development centers desirable for any children other than the most damaged and deprived? The unpopular truth is that any community facility—call it a day-care center or a child-development center—is at best an inadequate unsatisfactory substitute, and at worst a dangerous, destructive substitute for a child's own mother.

In the months of infancy, a child's whole universe consists of himself and the person who feeds him, dresses him and responds to his cries and other signals for attention. Although the development of a human being is imperfectly understood since babies cannot talk, intensive research by Dr. Margaret Mahler and other experts on what psychiatrists call the "separation-individuation process" shows that in the period from approximately 6 months of age to 2 years, critically important events are taking place in the formation of a child's personality. During those months, he learns that his mother is not just an extension of himself, that he is a person in his own right, that his mother can leave him and that there are other persons in the world besides himself and her.

Superficially, it is true that anybody can feed a baby or change his diapers. But in the most profound emotional sense, a baby's whole sense of himself depends upon the warmth and consistency of the relationship that he has with the person who takes care of him. If he is indifferently or inconsistently treated by a succession of various adults—as he would tend to be if left in a day-care center for 8 or 10 hours a day—he is truly a deprived child. Psychological research indicates that anxieties, depression, passivity and other serious handicaps may develop. From 2 to 3 years of age, a toddler learning to talk and to run about can begin to stutter or suffer other impairments, from slight to serious, if he is subjected to severe emotional upheaval—such as a shift from family care to day care. In the years from 3 to 6, other important though less dramatic stages of development unfold in the child's life. For these reasons, most well-run nursery schools which serve middle-class and upper-class families rarely take children before they are 2½ or 3 years old, and do not keep them more than three or four hours a day until they are at least 5 years old.

Day-care centers have become important institutions in this country in recent years as the number of working mothers has increased, but other nations have had much longer and more extensive experience with them. Dr. Dale Meers, a Washington psychiatrist, has reported on a study of programs in the Soviet Union, Hungary, East Germany, Czechoslovakia, Greece, Israel and France. The report, published by the U.S. Office of Economic Opportunity and entitled, "International Day Care: A Selective Review and Psychoanalytic Critique," is hardly an encouraging document. In the Soviet Union, Dr. Meers reports, senior officials who run the day-care centers do not make use of them for their own children. "Their preference [is] to use their incomes to employ someone to care for their childern at home." Dr. Meers found that Hungarian officials hoped eventually to eliminate day care for children under 3 because of the "manifest unhappiness" of the child. In Czechoslovakia, the best day care "appeared hygienic, sterile and depressing." In every country, Communist and non-Communist alike, officials encountered serious problems of staffing and rapid turnover.

"Nursing staff covertly resist continuity of care of one or more babies. Indeed, it was a common experience, internationally, that care-givers often could not readily identify their children by name and, with babies, did not know with certitude whether each one had been fed. . . . The younger and less active the child in the day nursery, the smaller the amount of attention he received.

"Multiple mothering all too frequently provides an uncoordinated octopus. The multiplicity of care-givers, their overlapping of shifts, their replaceability for illness or holidays, their departures for other employment, all leave the very young child accommodating first to one and then to another."

The enthusiasts of day care more often point to Israel where many children are communally reared in the kibbutz. But more sophisticated advocates agree that Americans have a tendency to idealize the Israeli situation. "One must draw on one's own cultural tradition, one's own identities," for the institutions that will solve the problems, Dr. Urie Bronfenbrenner of Cornell University observed to the Mondale subcommittee. Israel is a small, beleaguered nation with the uniquely high morale of people who feel themselves under siege and fighting for their very existence. No comparable sense of common danger and communal life in the United States, a vast rich, diverse and relatively sheltered country. A kibbutz, moreover, is a small, agricultural community where the parents work in the fields close by the "children's house" and are available to their children for three or four hours a day in the late afternoon and early evening.

Israeli practices in communal child rearing are the subject of intense controversy both within Israel and among outside experts. The evidence is not all in because really thorough scientific studies are only now being conducted, but there is some indication, as Dr. Bruno Bettelheim reported in his book, "The Children of the Dream," that kibbutz-raised children show significant personality differences from children raised in the conventional family. For example, the kibbutz children get along well with their peers and are very loyal to their group, but often seem incapable of deep emotional attachments and creative intensity.

In short, the experience of other countries with state-provided communal child care on a large scale does not suggest that this is a course on which the United States should enthusiastically embark. The risks for many, though not all, children range from mild neuroses and developmental lags to serious maladjustments.

Nor does the evidence cited in the Mondale Subcommittee's own hearings support the exaggerated claims made for parental involvement and control. The A.F.L.-C.I.O., a principal supporter of the bill, submitted a lengthy, glowing report on a day-care center operated in Chicago by the Amalgamated Clothing Workers Union for its own members. The report states: "Because the parents work, they are not free to come into the center during the day to investigate its benefits; after work, they are tired, with little interest in coming to evening parents' meetings. Therefore, education of the parents with regard to center capabilities is a slow process. There has been only one parents' meeting held, on a Sunday. Attendance was 50 per cent. The parents do bring the children in the morning and pick them up at night, so there is a brief opportunity to see what the children are doing and to visit with the staff."

That is the actual degree of parent participation in a center which the AFL-CIO describes as "a Rolls-Royce of day care."

There is a radical alternative to child-care centers which I believe would avoid the staffing difficulties, the psychic risks and the other drawbacks of communal care: Pay mothers to take care of their own children in their own homes.

Many years ago, Dr. Benjamin Spock put forward the ideal solution in his characteristically simple, straightforward language. In "Baby and Child Care," he wrote: "Some mothers have to work to make a living. Usually their children turn out all right because some reasonably good arrangement is made for their care. But others grow up neglected and maladjusted. It would save money in the end if the Government paid a comfortable allowance to all mothers of young children who would otherwise be compelled to work. . . . It doesn't make sense to let mothers go to work making dresses in a factory or tapping typewriters in an office, and have them pay other people to do a poorer job of bringing up their children."

A comparison of costs suggests that the Federal Government, if it chooses to do so, can as easily pay a mother to take care of her own children as to finance them in a day-care facility. Most working mothers, unless they have high professional qualifications, would consider themselves fortunate if they found work paying $150 a week ($7,800 a year). After deductions for Federal and state incomes taxes, Social Security, union dues, lunches and carfare, their take-home pay would be about $100 a week, or $5,200 a year. To provide the kind of comprehensive child care which the Mondale bill envisages could easily cost $2,600 a year a child. If that sum were paid directly to the mother of two children, she would have as much income as if she went out to work.

Such an approach would not solve all the problems of all the broken and overwhelmed families at the bottom of the heap. They and their children would still need the kind of direct help that social workers have long tried to provide. But the direct approach would meet the needs of the millions of children of the working poor and of those middle-class single parents—widows, widowers and divorcees—who are perfectly capable of coping with life and taking care of their own children if only they had more money. The financially well-off mothers who work only for their own satisfaction would not benefit, because any family allowance they received could be largely offset by higher taxes.

True equality between the sexes is wholly desirable, but the liberation of women must not become a potential defeat for young preschool children. Women should try to combine a full-time job with raising small children. It is a rare and exceptionally gifted woman who does something more important in the outside world than she does during those critical first six years when she is helping to form the personality and character of a child.

Essentially, it is a matter of making a rational choice. If a young woman decided to join the Peace Corps, she would know that she was signing up for two years of her life. If she decided to go to medical school, she would know that she was committing herself to four years of hard work. I suggest that if a woman decides to have a baby, she should know that she is signing up for six years before she can return to work full time.

The direct, simple method of paying parents to stay at home with their children is perhaps utopian, basically because Americans do not believe in the family as much as they think they do. No one can say when or if Americans will reinvigorate those values which make parenthood the most serious human vocation, which are essential to sustain happy, effective families and which, if practiced, would truly make this country what it now mistakenly thinks it is—a child-centered society.

RESOLUTIONS AND MESSAGES ON THE DEATH OF JAMES F. BYRNES

Mr. THURMOND. Mr. President, James F. Byrnes was a close associate and friend of the late Senator Ben Tillman from South Carolina. Mr. Byrnes served in the House of Representatives while Senator Tillman served in the Senate. In addition to their close personal friendship, they had many things in common, but perhaps none was closer to them than Clemson College, now Clemson University. Mr. Byrnes served as a life member of the board of trustees of Clemson for over 30 years. I ask unanimous consent to have printed in the RECORD the resolution adopted by the trustees following Mr. Byrnes' death and also a resolution adopted by the Clemson Student Senate.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the members of the Board of Trustees of Clemson University desire to record their profound sorrow upon the death on April 9, 1972 of their good friend and esteemed associate, James Francis Byrnes, whose service as a member of the Board of Trustees of Clemson University spanned a period of thirty-one years; and

Whereas, as a member of the Board he gave unstintingly and effectively of his time, talents, resources, counsel and advice to further the growth of Clemson University and to develop its academic excellence; and

Whereas throughout his illustrious career of dedicated public service he benefited, not only the peoples of his native state, but those of the nation and the world, through the offices which he held of national and international significance, formulating through his wisdom, tempered by humaneness, actions and policies inuring to the benefit of his fellow man; and

Whereas, in his death, Clemson University, the State of South Carolina, the United States of America, and the world at large have lost an unselfish and untiring servant and a truly outstanding and public-spirited world citizen.

Now, therefore, be it resolved, That the Board of Trustees of Clemson University makes formal acknowledgement of its grievous loss in the passing from this life of James Francis Byrnes, a great and good leader who labored well in the love of service to his fellow man, whose leadership and guidance were an inspiration to the peoples of this state and nation, and who dedicated himself in word and deed to the struggle of man for a more perfect existence.

ONE OF SOUTH CAROLINA'S FINEST

Whereas, the great South Carolina statesman, James F. Byrnes, has recently passed away, and

Whereas, the Student Government of Clemson University wishes its condolences be known to the family of James F. Byrnes,

Be it resolved by the Clemson University Student Senate in regular session assembled the following:

I. That we, the Student Government of Clemson University, offer our condolences to the family of the great South Carolina statesman, James F. Byrnes.

II. That we further recognize the accomplishments of James F. Byrnes to Clemson University, to the State of South Carolina, to the United States of America, and to the world.

III. Copy to: the family of James F. Byrnes

Mr. President, in addition to serving on the board of trustees of Clemson, Mr. Byrnes also served on the board of trustees of Converse College, a liberal arts college of national recognition for women in Spartanburg, S.C., of which Mrs. Byrnes was a graduate. I ask unanimous consent that the resolution adopted by the Converse board of trustees be placed in the RECORD at the conclusion of these remarks.

Whereas, James Francis Byrnes exemplified in his lifetime a devotion to principles and duty characteristic of the greatest of statesmen, and

Whereas, collectively, he served with singular distinction in more elective and appointive offices in his native state and nation than any other public servant in this country's history, and

Whereas, his service redounded to his honor and to the honor and glory of South Carolina and the United States, therefore

Be it resolved, that we, the Board of Trustees of Converse College do stand in prayerful tribute and with grateful hearts for the privilege of having known and served with James Francis Byrnes, lawyer, Congressman, Senator, Supreme Court Justice, statesman, Governor, and Honorary Life Member of the Board of Trustees of this institution, and

Be it further resolved, that a copy of this resolution remain forever inscribed in the annals of Converse College, and that a copy be sent to his beloved wife and helpmate, Maude Busch Byrnes, Class of 1902.

Mr. President, people from all walks of life have expressed sorrow at the passing of James Francis Byrnes and paid tribute to this distinguished South Carolinian. Many messages were received in Columbia. I ask unanimous consent that these now be placed in the RECORD following these remarks.

I have held highly in esteem Mr. Byrnes, as a great American statesman who has helped shape the history and future of your country and whose death was a great loss to the United States as well as to the world.

NOBUHIKO USHIBA,
Ambassador of Japan.

It is with gratitude that we remember his (Mr. Byrnes) efforts for the reconciliation between the American and the German peoples during the years from 1945 to 1947 which were fateful to us Germans. We think of him in respect and gratefulness.

WALTER SCHEEL,
Federal Minister of Foreign Affairs, West Germany.

Few men in our history have had such a profound impact upon the lives of Americans and have been in a position to use their talents in as many ways to benefit our citizens His deeds will long stand as a monument to him.

J. EDGAR HOOVER,
Director, Federal Bureau of Investigation, U.S. Department of Justice.

The name of James F. Byrnes will be remembered for the long and distinguished service which is unparalleled in our time. He has left an indelible mark on the country he loved.

My colleagues in the Department of State join, too, in paying tribute to the memory of the man whose efforts helped shape our world.

WILLIAM P. ROGERS,
Secretary of State.

As a member of the House of Representatives, Senator, Supreme Court Justice, the number one assistant to President Roosevelt, Governor of South Carolina and Secretary of State, Mr. Byrnes was the greatest American statesman for more than two generations. Just last week I reread his book. My life was enriched by his friendship and I mourn his passing.

CARL VINSON,
Former Chairman of the House Armed Services.

Even though I have not had the privilege of seeing him (Mr. Byrnes) in recent years, I feel a definite loss in the passing of a cherished friend.

During his public life I began in the late Thirties to consult and work with him on many matters of domestic and international nature and greatly respected his judgment and valued his friendship. His broad experience and diverse responsibilities elevated him to a position of great distinction.

JOHN W. SNYDER,
Former Secretary of the Treasury.

Governor Byrnes was one of the greatest and wonderful men I ever had the privilege of meeting. He was one of the greatest statesmen in American history. I shall never forget his many kindnesses to me. I shall always cherish his memory.

Rev. BILLY GRAHAM.

"The memory of his (Byrnes) fruitful life and his wonderful friendship will be with us always."

JACK BELL,
Formerly of the Associated Press, and now a newspaper columnist for Gannett Newspapers.

"The country has lost a great statesman, a great American."

EDWARD BALL,
President, Jacksonville Properties, Inc.

"I never worked for a man I admired more than Jimmy Byrnes. No man of this century enjoyed a more distinguished public career."

WILLIAM BENTON,
Former Senator from Connecticut and Assistant Secretary of State under Mr. Byrnes.

"The nation has lost a great statesman, and I have lost a great friend."

DAVID LAWRENCE, *Columnist.*

"He was indeed a great man and a warm friend."

ALLEN SHIVERS,
Former Governor of Texas.

". . . Jim was my inspiration, in many ways, from the time of my arrival in Washington. Some time later when I joined with Frank (Hogan) in law practice, Jim, as Frank's cousin and devoted adviser, became my fast friend. I shall miss him knowing that his strength, wisdom and cheerful manner are no longer at hand."

NELSON T. HARTSON,
Senior Member of the Legal Firm of Hogan and Hartson, of which Mr. Byrnes was "of counsel" between his service as Secretary of State and Governor.

He (Governor Byrnes) was a great executive, legislator and judge to whom the nation owes much. I know that General Marshall prized his advice and counsel.

MARSHALL S. CARTER,
President, George C. Marshall Research Foundation.

I join the millions of Americans who admired Mr. Byrnes as one of the great men of our time and who mourn his death. His accomplishments as a public servant will live and be an inspiration to Americans for generations to come.

DONALD E. JOHNSON,
Administrator, Veterans' Administration.

I consider the opportunities that I had to be associated with him (Mr. Byrnes) one of the highest privileges that I have experienced.

LEWIS B. HERSHEY,
General, USA, Adviser to the President.

From all quarters and nations at this hour will come great tributes to this great man. And at such a time I feel I must speak on behalf of the mentally ill of this state, of yesterday and of today and of the future, who will look to Mr. Byrnes' tremendous contributions, both as Governor and personally, toward the better treatment and comfort and understanding of the sick. The impetus he gave this state's mental health program during his term as Governor, still exists today and we are all so grateful for his lifelong compassionate interest in the welfare of the mentally ill.

WILLIAM S. HALL, M.D.
State Commissioner, S.C. Department of Mental Health.

OMNIBUS HOUSING AND COMMUNITY DEVELOPMENT

Mr. MONDALE. Mr. President, as Congress proceeds this session with its deliberations on major omnibus housing and community development legislation, I feel it is appropriate for the Members to consider the full context into which these new programs will operate. Much has been written with respect to the role and scope of the present administration's urban policies. However, a great deal of this material remains shrouded in partisan rhetoric during an election year.

An excellent article has recently been published which avoids this subjective political pitfall. This article, from the February–March issue of the Journal of Housing, is entitled "1972: A Year of Truth For the Future Course of Urban Affairs." It is an excellent objective analysis of the directions any administration can lend to Federal assistance programs without legislative mandate from Congress. The article, by Mary K. Nenno, Director, Division of Program Policy and Research of the National Association and Redevelopment Officials, is an interesting and enlightening documentation of the Nixon adminstration's goals and direction in urban affairs.

It traces the general trends in administrative and legislative initiatives which have occurred over the past three and a half years and identifies two major trends: a shift away from Federal "lead responsibility" for problem solving with more reliance on local responsibility; and the creation of a "new bureaucracy" in line with the Nixon administration's focus on "new federalism." These two changes have been accomplished mainly through administrative action, although the thrust of the administration's legislative program is geared to the same ends and the article discusses the legislative program from this viewpoint.

Mr. President, I suggest that this article, which also analyzes the proposed HUD budget for fiscal year 1973 in light of the new directions of the Nixon administration, should be closely read by all who are concerned about our national policy toward cities and urban areas. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

1972: A Year of Truth for the Future Course of Urban Affairs

(By Miss Mary K. Nenno, Director, NAHRO Division of Program Policy/Research)

(Administrative changes, made over the past two years, mostly without legislation, have already shifted the direction of housing and community development programs. Basic new authorities in proposals now before the Congress for action in 1972 can accelerate or trim these directions. The 1972 Presidential election will seal or adjust, but probably not completely reverse, the present course.)

The basic goals of the Nixon Administration in urban affairs, particularly in housing and community development, are becoming more and more visible in the structure and direction of federal assistance programs. What began, in 1969, as an *objective*, is becoming, in 1972, a *fact*.

In December 1968, on the eve of the entrance into office of the Nixon Administration, the Journal of Housing identified these early indications of the goals for urban programs . . . "Bringing the nation together toward the center . . . modernizing the machinery of government . . . channeling more of the action through private enterprise, state and local government, and voluntary institutions."

In August 1970, the Journal saw evidences of progress toward these goals by the Nixon Administration in mid-stream: ". . . the major policy directions remain intact, although they are being shaped by shifts in personalities and the political process and, most of all, by the continuing pressures of the Vietnam War, inflation, and the tight federal budget. The first major attempts to implement the goals came in the budget for fiscal 1971 and in the August 1970 message on the 'new federalism,' accompanied by 1970 legislative proposals on welfare reform, general revenue sharing, and consolidation of housing programs."

In February 1971, the Journal saw the theme of the "new federalism" gradually dominating the direction of urban affairs in the Nixon Administration, moving away from the stress in the 1960's on "urban problems" as the focus of domestic action to the six goals of the "new American Revolution: renewing state and local government . . . welfare reform . . . general revenue sharing and special revenue sharing . . . reform of the federal government . . . restoring the natural environment."

In February 1972, the Journal sees many of the Administration's goals already operative, largely through administrative initiatives in 1970 and 1971. The Presidential messages of 1972 on the state of the union, the economy, and the budget contain no new policy or legislative initiatives—nor, in fact, any extensive comment on urban affairs; there is only a short plea for passage of legislation already submitted. But the basic direction of the Administration in urban programs is already being implemented, without legislation.

The question remains as to how any legislative action in 1972 will accelerate or trim the direction already in process. A further question is how fast the full development of this direction can occur under the continuing stresses on the national economy and budget. A final question is whether the American electorate will approve or reject these changes. There is little evidence that the direction of urban programs will be a major issue in the 1972 Presidential election, except as a residual one related to the debate over the defense budget, or as a spin-off from the proposals to relieve the local tax burden. While a rejection of the Administration could result in a reconsideration of the direction of the past four years in urban programs, it is unlikely that it would completely reverse it. An election victory by the Administration would seal and expand it.

Changing Concepts of Federal Assistance Programs: The initiatives of the Nixon Administration in federal assistance, now in substantial effect, are a basic, reversal of the concepts that have dominated the federal approaches to domestic affairs since the 1930's. These earlier concepts were based on identifiable "programs" supported by the federal government and designed to move the nation as a whole toward broad national objectives. Part of the reason for the shift is found in disillusionment over ambitious federal program initiatives of the 1960's that failed to live up to expectations, particularly the "war against poverty." The shift is also related to the increasing complexity of achieving results in a rapidly changing urban society.

The underlying philosophy behind the shift is a faith in decision-making by individuals, particularly as they make choices as to how they spend their money at the local level, rather than in decision-making by the federal government. Some observers see the new direction as the beginning of a new era of freedom and opportunity for solving problems at their source; others see it as a rejection of federal leadership, which, they believe, alone can pull all local areas together toward common objectives and minimum standards. Like most reforms, there is also a middle-ground. The developments of 1972 could well determine whether the prevailing direction, for the next decade, will represent a middle-ground or a shift to the complete "individual and local direction" of the Nixon Administration. There is little enthusiasm anywhere for the massive federal policy initiatives that disappointed many liberal leaders in the 1960's.

The "staying power" of the new concepts is also related to two more subtle changes that have taken place over the past four years: the absorption of traditional programs and program loyalties into a "functional" organization and, more importantly, the installing of a "new bureaucracy" in the federal departments. As the reforms of the New Deal lived on long after the 1930's in the structure of government and in government personnel policies folded into the federal establishment, so too the approaches of President Nixon's "new federalism" appear slated to survive in the new functional organization and in the civil service system, under which the federal establishment will be run for several future years, regardless of a change in the Presidency.

Administrative Initiatives in Housing and Community Development: 1969–71: Beginning in late 1969, a number of administrative actions were undertaken by the Department of Housing and Urban Development, in basic accord with the general policy directions of the Nixon administration. These actions, reflected also in HUD budgets, move away from "programs" to "functions," and from a federal "lead role" to "local initiative" in what housing and community development actions should be undertaken. These initiatives can be summarized under the following general headings: Washington office reorganization; decentralizaiton into area offices; consolidation of categorical programs; allocation of federal assistance by formula; and a new focus on general purpose local government. These initiatives have long-term implications: the traditional "programs" have all but lost their identity at the federal level; a new "bureaucracy" has been installed to run housing and community development programs, particularly in the area offices.

Organization of the Washington Office of HUD: In November 1969, HUD Secretary George Romney annouced the first of two major reorganizations of the Washington office of HUD. This first organization provided for a realignment of program responsibilities of the assistant secretaries of the department, which has been in effect since the organization of the new cabinet department in February 1966. In the 1966 organization, for example, the public housing and urban renewal programs were combined under one Assistant Secretary for Renewal and Housing Assistance; they were clearly identified as integral programs, each headed by a deputy assistant secretary. In the November 1969 reorganization, the public housing program was split between production and management, with functions assigned to two assistant secretaries; there was no high public official designated to run the public housing "program."

In the second reorganization of February 1971, the urban renewal program was absorbed under an Assistant Secretary for Community Development, becoming just one program among many. As the table on budget outlays on page 67, shows, the proportion of community development funds allotted to urban renewal programs has declined from 71 percent to 40 percent over the period since 1969. The categorical programs for community development have already been consolidated in the administrative structure of HUD, without waiting for proposed legislation to pass the Congress. If proposed legislation is passed in 1972, it likely will provide new flexibility for local governments to use "block grants" of federal assistance for a broad range of purposes, without restriction to previous categorical programs.

The President's "executive reorganization" legislation presently pending before the Congress would be a still further move toward functional—rather than program—organization in a new Department of Community Development. The assistant secretaries for the new department would be staff officers dealing with such functional responsibilities as research and technology, equal opportunity, audit and inspection, and financial policy. Four administrators would head the following functions: urban and rural development, community transportation, housing, and federal insurance.

"Urban" community development would become one of a dozen community development areas under the Administrator for Urban and Rural Development; public housing activity would remain separated under the functional designations of associate administrators for housing production and for housing management. The depth of the shifts in departmental organization can be seen by recalling that, prior to the creation of HUD in 1965, the urban renewal and public housing programs were both headed by commissioners, loosely coordinated by the administrator of the Housing and Home Finance Agency. The public housing commissioner was appointed directly by the President. It is clear that traditional program identities are being rapidly absorbed in a new functional structure.

Decentralization of HUD into Area Office: Beginning in March 1970, HUD began the decentralization of its operating programs to 39 newly-created area offices. In February 1972, this task has been substantially completed. The impact of this decentralization can be seen clearly in the following table:

PERMANENT FULL-TIME PERSONNEL: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 1969–73

	Comparable June 30, 1969	Estimated June 30, 1972	Estimated June 30, 1973
Central office	4, 456	3, 308	3, 308
Field offices:			
Regional offices	3, 836	1, 220	1, 220
Area and insuring offices	6, 203	10, 255	11, 005
Audit and investigation staff	277	417	417
Subtotal	10, 316	11, 892	12, 642
Total	14, 772	15, 200	15, 950

	Comparable June 30, 1969	Estimated June 30, 1972	Estimated June 30, 1973
Distribution of field office staff by activity:			
Housing production and mortgage credit	[1] 6, 292	7, 250	7, 850
Housing management	[1] 930	1, 550	1, 675
Community planning and management	333	350	375
Community development	992	1, 000	925
Fair housing and equal opportunity	356	275	350
Federal Insurance Administration			20
Research and technology		50	30
Regional management and services	1, 136	1, 000	1, 000
Audit and investigation	277	417	417
Total	10, 316	11, 892	12, 642

[1] 6,292—FHA insuring offices; 930—Housing assistance (public housing) offices.

In 1969, 30 percent of the HUD personnel was in the Washington office, 26 percent in regional offices, and 42 percent in FHA area insuring offices. By 1973, it is anticipated that only 21 percent of the HUD personnel will be in Washington, 8 percent in regional offices, and 68 percent in area and FHA insuring offices. In the functional distribution of employees, "community development" largely the urban renewal program, has shown a net decline in personnel over the five-year period. Behind the numbers are the shifts to new faces. Transfers from Washington and regional offices have resulted in a large number of retirements by existing personnel. Presidential orders for staff cut-backs in 1971 have further accelerated personnel changes. While the gross number of employees of HUD shows only a modest change since 1969, it obscures the fact that the persons behind the numbers are not the same. A "new bureaucracy" now runs the housing and community development programs.

Consolidation of Programs and Allocations by Formula: A still further initiative by HUD over the last two years has been to consolidate the categorical housing assistance and community development programs. Legislative proposals involving consolidation—the proposed *Housing Consolidation and Simplification Act* and the *Special Revenue Sharing for Urban Community Development Act*—are currently awiting action by the Congress. (A full description of this legislation is shown in the foldout chart in the 1971 No. 9 Journal.) Actions to consolidate, however, have not waited on the passage of legislation. As indicated above, changes in the organization of the Washington office of HUD, also reflected in the new area office organization, have consolidated categorical programs under new functional headings.

Both the "proclaimer" policy (see 1970 No. 6 Journal) and the "annual arrangements" techniques (see 1971 No. 4 Journal) are methods by which separate categorical programs for federal assistance can be combined in a local community program and funded as a "block." The inauguration by Assistant Secretary Eugene Gulledge in 1971 of a "fair share" method of disbursing housing assistance funds by a "formula" related to population and housing need factors, rather than at the individual requests of localities, is further evidence of consolidation, as well as a preparation for the pending legislation that involves "revenue sharing" formulas. New legislation will only confirm and give further impetus to changes already underway.

A New Focus on General Purpose Local Government: Implicit also in the recent initiatives of HUD, both legislative and administrative, is a new dependence on general units of local government—and in consequence—a move away from special authorities, such as local housing and renewal authorities. The pending legislation submitted by the Administration on *Special Revenue Sharing for Urban Community Development* calls for assistance to go directly to general units of local government, with local authorities receiving their funds through this source. Pending legislation on "planning and management" (see 1971 No. 8 Journal, page 395) would provide new assistance funds to strengthen the capacity of local government to direct and coordinate local programs, including community development programs. The "planned variations" experiments of the model cities program (see 1971 No. 10 Journal, page 547) are the first steps to transform this program from an "operating" program to a "coordinating" mechanism in the mayor's office.

HUD Policy Initiatives: At the same time as basic changes were being pursued in the administrative structure and processes of HUD, the department was undertaking a series of complimentary initiatives in important policy areas. These initiatives began in 1969 with the decision to accelerate housing production and to demonstrate the use of industrialized housing techniques and proceeded in 1970 to include departmental initiatives in the area of "equal housing opportunity." At the same time, with the support of special research authorizations by the Congress, the department began to explore both "housing abandonment" and "housing allowances." The HUD research budget for fiscal 1973 also reflects an increasing emphasis on the area of "housing management," related to the creation of a separate Assistant Secretary for Housing Management in February 1971, as well as increasing concern with Section 236 rental housing program.

A number of policy areas have dominated the public addresses of top HUD officials but have not yet become major policy initiatives: "housing allowances" has remained a research effort, despite the frequent references by Secretary Romney to "the need for a basically new approach to federal housing assistance." Also an expanded HUD effort in the area of "urban growth and new communities," while anticipated in a 1970 draft of a proposed bill prepared by the department, never was launched. In 1971, Secretary Romney spoke increasingly of the need to develop policies related to the "real city," the combination of central cities and their surrounding areas.

In early 1972, the Secretary announced a series of conferences in major cities focused on the question of "neighborhood abandonment," but concerned with area-wide solutions to this growing phenomenon. Rumors that a new policy initiative in this area, "Operation Tacle" (Total American Community Living Environment) would be part of the President's 1972 state of the union message failed to materialize. Undoubtedly, the decision not to undertake major policy actions in these areas was directly related to fiscal constraints resulting from national economic conditions and a tight federal budget.

Expanded Housing Production and "Operation Breakthrough": The earliest major policy initiative of the department was the decision to accelerate housing production and, in particular, to apply new technology to the methods of housing production. The Housing and Urban Development Act of 1968, adopted in the summer immediately preceding the advent of the Nixon Administration, called for the development of 26 million new housing units over a 10-year period, 6 million of which would be for low- and moderate-income families. The new Administration, spurred by the committees of the Congress, accepted the achievement of the housing goals as a major task.

In addition, on May 8, 1969, Secretary Romney announced Operation Breakthrough, designed to achieve low-cost, high-volume housing production through the use of industrialized housing technique (see 1969 No. 5 Journal, page 227). Increased housing subsidies for low- and moderate-income housing, particularly the Section 235 homeownership and the Section 236 rental programs—the interest rate subsidy programs adopted in the 1968 HUD act—were included in the HUD budgets in an accelerated fashion.

Likewise, Operation Breakthrough became the major component of HUD's research and technology program, comprising some 30 million dollars each year, out of a total research appropriation of about 45 million dollars. Indigenous to Breakthrough was the concept of "aggregating housing markets," which involved new arrangements with private builders and public agencies concerned with developing new housing.

This production emphasis has been a mainstay of departmental policy to date. However, beginning in 1971, two developments appeared to put this position in question: one, increasing concern over the rising amount of housing asistance payments in the federal budget; second, the rising rate of mortgage defaults and foreclosures, as well as evidence of poor quality construction in some of the assisted housing developments under the Section 235 and Section 236 programs. These concerns led to departmental decisions in the HUD budget submissions for fiscal 1973 to cut back on the total new units to be started under the HUD housing assistance programs and, in particular, the Section 236 program, including rent supplement backup.

These cutbacks were proposed despite the fact that progress toward the original assisted programs housing goals projected in the 1968 HUD act was about 400,000 units behind, as the table on this page indicates. This gap was largely as a result of decisions not to develop public housing and rent supplements at the levels projected in the original 1968 act goals. The decisions to be made by Congress in 1972 on the HUD budget for fiscal 1973 could determine whether achievement of expanded housing production called for in the 1968 act goals will continue to be a dominant policy. In addition, the year 1972 may also be a "year of truth" for Operation Breakthrough, when it must show through its completed demonstration projects the extent to which industrialized methods and market aggregation techniques result in reduced housing costs and more efficient production methods.

Equal Housing Opportunity and the Project Selection Criteria: Another major area of HUD initiative since 1969 is an area of equal housing opportunity. As in the case of housing and urban development legislation, the Nixon Administration came into office on the heels of a major piece of legislation in the area of civil rights. The Civil Rights Act of 1968 established (1) a national policy on fair housing, (2) a mechanism for handling complaints of discrimination in housing, and (3) an obligation on the part of federal agencies to take affirmative action to further the goals of fair housing. As detailed in the article in the July 1971 issue of the JOURNAL by HUD Assistant Secretary for Equal Opportunity Samuel J. Simmons, the department moved early to undertake actions designed to process complaints on housing discrimination on a case-by-case basis. The department also took early action to stimulate the passage of fair housing laws in the various states; in 1971 HUD tentatively recognized 24 states as having fair housing laws substantially equivalent to Title VIII of the 1968 federal act.

In the second area of activity relative to equal housing opportunity, however—that of administering HUD programs in such a way as to correct discrimination as well as stimulate new housing opportunities—action was slower. As Assistant Secretary Simmons points out in his article, from the very day that Title VI of the Civil Rights Act of 1964 went into effect there was "confusion, controversy and endless discussion as to what the act really comes down to in specific terms." One of the early problems faced by the new Administration in 1969 was the vesting of program responsibility for this activity in each program assistant secretary, rather than in the Assistant Secretary for Equal Opportunity. Approval for transfer of responsibility to this single assistant secretary was not implemented until June 1971, when President Nixon signed an order to this effect. The Assistant Secretary for Equal Housing Opportunity now has full responsibility for Title VI civil rights enforcement, except approval of tenant selection and assignment plans for local housing authorities.

Up until June 1971, HUD activities in the "program administration" area were largely "ad hoc," involving testing on an individual locality basis of the conditioning of HUD assistance on actions by the locality to provide housing opportunities for low- and moderate-income families. The statement by the President in June 1971 on "Federal Policies Relative to Equal Housing Opportunity" triggered a new series of HUD initiatives in the entire area of equal housing opportunity, but particularly in the area of "program administration." In a press conference on June 14, Secretary Romney laid down a broad general foundation for a series of HUD implementing procedures designed to put into action the concepts set forth in the President's Message. On June 15, he told the Civil Rights Commission that he was concerned about "devising and implementing strategies." In late 1971, the Secretary came out strongly in support of the "fair share" formula for distributing assisted housing in a metropolitan area, pioneered by the "Dayton plan."

The major initiative by HUD in 1971 to use "program administration" to stimulate equal housing opportunity was the "project selection criteria" to be applied both to the urban renewal program and the housing assistance programs (see 1971 No. 10 JOURNAL, pages 537–544). Basically, the new criteria establish rating systems to be used by area offices in determining priorities for funding. The "housing site" criteria are aimed at promoting the development of housing in areas outside concentrations of low-income population and include such factors as need for low-income housing, improved location for low-income housing, relationships to orderly growth and development, relationship to physical environment, potential for creating minority employment and business opportunities, and provision for sound housing management.

The proposed "community development" criteria, relating to the urban renewal program, include such factors as: local effort and coordination; local equal employment effort; impact on the area, capacity to administer; local need based on median family income; commitment of local, state, and federal government; and expansion of the housing supply of low- and moderate-income families. The criteria were officially promulgated to be effective on February 1, 1972. However, the objective of promoting housing opportunities in metropolitan areas, to which the new criteria are weighted, has raised debate as to the fate of housing assistance and renewal programs in central cities. It is probable that the proposed criteria will continue to be a subject of debate for some time in terms of the needs of the central cities.

The Presidential Messages of 1972: The Presidential Messages of 1972 on the state of the union, the economy, and the budget, as they relate to urban programs, are notable for the lack of new initiatives and for abbreviated attention. The major theme of the three messages in the domestic area is a plea for passage and implementation of reform legislation already submitted to the Congress.

The State of the Union Message—January 20: In a state of the union message, delivered in person to the Congress on January 20 and comprising four pages of condensed type, the references to urban programs include some six lines, the longest reference being a plea for passage of federal revenue sharing legislation. In the expanded text sent to the Congress to accompany the oral message, covering 14 pages of condensed type, a special reference to urban programs came under a four-paragraph section titled "The Commitment to Our Cities" and included the following statement: "Our commitment to balanced growth also requires a commitment to our cities—to old cities threatened by decay, to suburbs now sprawling senselessly because of inadequate planning, and to new cities not yet born but clearly needed by our growing population . . . My recommendations for transportation, education, health, welfare, revenue sharing, planning and management assistance, executive reorganization, the environment—especially the proposed Land Use Policy Act—and my proposals in many other areas, touch directly on community development . . .

One of the keys to better cities is better coordination of these many components. Two of my pending proposals go straight to the heart of this challenge. The first, a new Department of Community Development, would provide a single point of focus for our strategy for growth. The second, Special Revenue Sharing for Urban Community Development, would remove the rigidities of categorical project grants which now do so much to fragment planning, delay action, and discourage local responsibility. My new budget proposed a $300 million increase over the full year level which we proposed for this program a year ago . . . The Department of Housing and Urban Development has been working to foster orderly growth in our cities in a number of additional ways.

A Planned Variation concept has been introduced into the Model Cities program, which gives localities more control over their own future. HUD's own programs have been considerably decentralized. The New Communities Program has moved forward and seven projects have received final approval. The Department's efforts to expand mortgage capital, to more than double the level of subsidized housing, and to encourage new and more efficient building techniques through programs like Operation Breakthrough have all contributed to our record level of housing starts. Still more can be done if the Congress enacts the administration's Housing Consolidation and Simplification Act, proposed in 1970. The Federal Government is only one of many influences on development patterns across the land. Nevertheless, its influence is considerable. We must do all we can to see that its influence is good."

The major innovative proposals carried in the state of the union message, are proposals to expand the research and technology effort of the federal government, to reduce the burden of the local property tax, and to develop a new "delivery system for social services." This latter proposal will be followed by special legislation to be presented to the Congress under the title of *The Allied Services Act;* the concept involves a restructuring of programs of the Department of Health, Education, and Welfare to provide a delivery system "based around people and not around programs."

The Economic Message—January 27: The economic message of the President, submitted to the Congress on January 27, projects an expansionary picture for the American economy in 1972 based on the conclusion that inflation, unemployment, and the balance of payments will be brought under control. The two dramatic shifts in economic policy undertaken in August 1971 involving price and wage controls and the suspension of dollar convertibility on the world market are the major economic determinants. The sequels and consequences of these economic decisions will, in the words of the economic report, be "the real economic news of 1972." The prospects for 1972 are "rising output, diminishing unemployment, and a stronger United States position in the world economy."

As in 1971, the major link between the economic report and the federal budget is the projection of the Gross National Product (GNP), which becomes the basis for determining estimates of national income. Another important link is the rate of unemployment, because, for the second straight year, the federal budget ceiling is related to a "full employment" budget—the taxes that would be produced if there were full employment. The estimates in the economic message for 1972 are particularly sensitive, since the 1971 message forecast a grossly overrated growth in the GNP and resulted in a budget deficit estimated to exceed even a "full employment" ceiling figure.

The 1971 economic message forecast a GNP in 1971 of 1.065 trillion dollars, the actual level estimated to be achieved is 1.047 trillion dollars. The resulting gap in national income and federal revenue is in large measure responsible for the estimated deficit for the fiscal 1972 budget of 38.8 billion dollars; the original 1972 budget forecast a deficit of only 11.6 billion dollars. Even if the 1972 deficit is measured in terms of the full employment concept—the revenues that would be available in a full employment situation—the 1972 budget for the year ending June 30 is expected to show a deficit of 8.1 billion dollars. The President's 1972 budget message views this deficit beyond the "full employment" concept, as "able to be absorbed for a time" but not for an extended period. Using this same concept, the projected federal budget for fiscal 1973 is anticipated to run an actual deficit of 25.5 billion dollars, and a "full employment" surplus of 0.7 billion dollars.

The 1973 Budget Message—January 24: The federal budget for the 1973 fiscal year beginning on July 1, 1972 is estimated to total 220.8 billion dollars, an increase of 10 billion dollars, or 4 percent, over fiscal 1972. Budget receipts are estimated at 220.8 billion dollars, leaving an actual deficit of 25.5 billion dollars. This is the third year of budget deficit but the projected 1973 figure is 13 billion dollars less than the deficit of 1972. As indicated in the report on the economic message above, this deficit under the "full employment concept" bcomes a thin surplus of 0.7 billion dollars.

The receipts projected in the budget reflect a reduction of 6.9 billion dollars resulting from the tax cuts made under the revenue act of 1971; 5 billion dollars of this reduction involves cuts in individual income taxes. This additional personal income is anticipated to spur consumer purchasing and serve as a boost to the economy. The close margin of receipts over expenditures, even using the full employment concept, has led to speculation about new federal taxes, such as a "value-added" national sales tax. However, the likelihood of such action in the 1972 election year is remote.

In terms of budget priorities, the budget message points out, as it did in 1970 and 1971, that the spending for human resources exceeds the expenditures for national defense—45 percent, as against 32 percent. However, the 1973 budget also shows the largest annual increase in defense spending since 1969. The 1973 budget for national defense calls for an increase of 6 billion in budget authority, largely to develop new weapons systems.

A major fact about defense expenditures made particularly clear in the 1973 budget document is that the "peace dividend" originally forecast to be made available as the war in Vietnam ended has evaporated. A forecast five years ago had estimated a surplus of about 30 billion dollars by 1976. The 1973 conclusion is that increased expenditures for existing programs and reduced taxes have virtually eliminated any budget margin that might be used for domestic needs. It is also clear that additional revenue, or offsetting reductions in existing programs, will be necessary to undertake any new initiatives.

Most federal departments are budgeted at the same level of expenditures, or with only slight increases. The budget for the Department of Housing and Urban Development, covered in more detail below, makes up 1.7 percent of total federal outlays in fiscal 1973, a gain over the 1.4 percent proportion of 1972. The comparable proportion for 1969 was 0.8 percent. Thus, HUD outlays are comprising slightly higher percentages of the total federal budget.

HUD Budget—Increased housing payments; community development consolidation: Appropriations requests to the Congress by HUD in fiscal 1973 total 4.7 billion dollars, an increase of 827 million dollars, or 21 percent, over fiscal 1972. Actual outlays for the year are estimated at 4.2 billion dollars. By far the largest share in the increase in appropriations requests comes from increased payments for assisted housing—over 500 million dollars—reflecting the expanded production over the past three years of units now reaching the management stage. This increased budget impact by housing payments has caused some concern, as the discussion above on the policy initiatives of the department indicates. This concern over budget impact, as well as over the quality of housing being produced under the Section 236 rental housing program, has led to the decision in the fiscal 1973 budget to cut back on the number of new housing units placed under contract.

A special appropriation of 195 million dollars is requested for the special risk insurance fund, to cover losses from foreclosures and to put foreclosed properties in saleable condition. In fiscal 1973, HUD proposes to make commitments for only 174,200 new units of Section 236 housing and only 20,000 units of add-on rent supplements, in contrast to 239,000 and 27,900 such units in fiscal 1972. In public housing, the new budget proposes a level of 110,000 units for the new budget year—7,000 more than in 1972. However, only 75,000 of these units will be for new construction or rehabilitation, while the balance of 35,000 units will be for existing housing using the Section 23 leasing program; a substantial part of these 35,000 units are anticipated to be used for demonstrating the use of "housing allowances." There will be 8600 fewer units involving new construction placed under contract than in 1972. For more detail, see the table on page 65.

The largest single dollar outlay in the 1973 HUD budget—2.1 billion dollars—is for community development, including the categorical assistance programs consolidated under one assistant secretary during the past fiscal year. The 1973 budget proposes to add the open space land program to the categorical programs previously combined. Unlike the budget proposal for fiscal 1972, however, the department proposes separate line-item budget requests for each of the categorical programs in fiscal 1973, pending the enactment by the Congress of legislation for a combined block-grant community development program. However, the appropriation total includes an undesignated request of 490 million dollars for "urban community development," to be used when the new legislation is enacted. Remaining balances in categorical accounts will be transferred to the new community development program at this point. The urban renewal appropriation is projected at a level of 1 billion dollars, a level that has been fairly constant as an outlay level since 1970, although the actual appropriation for fiscal 1972 was 250 million dollars more. Some 500 million dollars of urban renewal contract authority is being held by administrative action to cover estimated increased costs of relocation benefits under the 1970 uniform relocation act.

No additional appropriation is requested for the Section 312 rehabilitation loan program. The unused balance of 50 million dollars from the fiscal 1972 appropriation will be utilized.

A significant new initiative in the area of research and technology is represented in the proposed increase in appropriations from 45 to 60 million dollars. This is the largest research budget proposed in the history of the department and is particularly significant in that the Operation Breakthrough portion of this total is anticipated to decline to 4.5 million dollars in fiscal 1973, leaving a larger allocation for other types of research. This expansion in research effort is also in line with the new research emphasis in the entire Administration, as noted in the President's state of the union message.

In terms of federal contributions for public housing operating services, the budget document indicates that HUD plans to spend 185 million dollars in annual contributions for operating services in the fiscal year ending June 30; this figure includes 150 million dollars of annual contributions contract authority specifically earmarked for operating services and an additional 35 million dollars from general contract authority to cover special family subsidies for the elderly, large, and very low-income families. In fiscal 1973, the budget anticipates spending the full 150 million dollars earmarked operating subsidy and 20 million dollars for special family subsidies—a total of 170 million dollars. The drop in the allocation for special family subsidies anticipates the passage in 1972 of the pending legislation on housing consolidation, which would combine all operating subsidies under one fund. The Administration's housing bill (S2049; HR 9331) would set a ceiling of 200 million dollars on contributions for operating services; the Brooke-Mondale amendments to this bill would set the ceiling at 300 million dollars. It is anticipated that there would be a balance of unused public housing contract authority of 97 million dollars at the end of fiscal year 1973; however, 15 million dollars of this amount would have to be committed to special family subsidies in the event that the housing consolidation bill does not pass the Congress. Thus, only 82 million dollars of additional contributions authority could be committed to new public housing development.

New authorizations from the Congress are required to cover a number of the proposed appropriations in the HUD budget for fiscal 1973. A listing of these requirements is shown in the chart on page 67. These amounts must be approved by the substantative housing committees and passed by the Congress before the appropriations committees can consider appropriations action.

A complete breakdown of the proposed HUD appropriations is shown in the following chart:

JOURNAL OF HOUSING "INDEX" ON NIXON ADMINISTRATION URBAN POLICIES

(December 1968/January 1972)

Basic Goals

1968 Journal No. 11, pages 558-561—"The Nixon Administration: bringing the nation together toward the center . . . modernizing the machinery of government . . . channeling more of the action through private enterprise, state and local governments, and voluntary institutions: these are the early indications of what may be the directions in which urban programs will be going over the next four years."

1969 Journal No. 4, pages 173–175—"Presiident Nixon Announces Domestic Policies; Budget for Coming Year."

1970 Journal No. 2, pages 67–69—"Key Messages May Reflect New Administration Goals."

1970 Journal No. 7, pages 352–54—"The Nixon Administration . . . Mid-Stream."

1971 Journal No. 2, pages 60–64—"The Presidential Messages of 1971 on the State of the Union, the Economy, and the Budget . . . They stimulate a new national debate on how the nation shall order its domestic affairs . . . directions for the next 40 years may be in the balance."

People

1969 Journal No. 3, pages 118–119—"How Will Decisions be made by the Nixon Administration in the Domestic Area?"

Money: Budgets/Inflation

1969 Journal No. 4, page 175—"Budget for Coming Year."

1969 Journal No. 9, pages 455–456—"1969; The Year of Inflation."

1971 Journal No. 3, page 117—"NAHRO, Mayors, Builders Ask for Release of Funds."

Processes

1969 Journal No. 8, pages 394–395—"President Nixon Calls for a New Federalism, 'a new approach in which the power, funds, and responsibility would flow from Washington to the states and the people.' "

Legislation

1970 Journal No. 1, pages 14–21—"Housing and Urban Development Act of 1969: unexpected scope in an atmosphere of inflation, tight budgets, and tax reform."

1970 Journal No. 3, pages 121–126—"Nixon 1970 Housing Bill Combines Current Programs."

1970 Journal No. 6, pages 293–297—"NAHRO Testifies on 1970 Housing and Urban Development Legislation . . . 'we are losing the fight to develop new housing adequate for the needs of the 1970's. And we are losing the fight to maintain the existing housing supply in urban areas.' "

1971 Journal No. 1, pages 17–26—"Housing and Urban Development Legislation of 1970" . . . a Presidential veto of original appropriations bills for the Department of HUD and a stormy ride for the 1970 HUD Act on the House floor cannot detract from the major bipartisan accomplishments of the Congress.

1971 Journal No. 4, pages 165–66—"President Submits Major Executive Reorganization." Includes proposed creation of a new Department of Community Development.

1971 Journal No. 5, pages 216–17—"Special Revenue Sharing Introduced in Senate." Includes proposed Special Revenue Sharing for Urban Community Development.

1971 Journal No. 6, pages 268–269—"Housing Consolidation is on Congressional Agenda." Includes proposed consolidation of HUD housing programs.

HUD

1969 Journal, No. 4, page 202—"HUD Regional Boundaries Changed." HUD boundaries made the same as five other federal departments and agencies.

1969 Journal No. 5, pages 227–230—"'Breakthrough,' that's what HUD Secretary Romney calls his new program for achieving low-cost, high volume production of low-income housing."

1970 Journal, No. 3, pages 127–139—"'Breakthrough' Begins; Housing Enters the Industrial Age."

1970 Journal No. 4, pages 180–187—"What's Happening at HUD: what is the reorganization of the Department of Housing and Urban Development all about?"

1970 Journal No. 6, page 298—"Proclaimer' Procedure Begins—new administrative device for cutting red tape for urban renewal projects on the way."

1970 Journal No. 11, pages 580–83—"Reform . . . and Urban Renewal," Norman V. Watson calls for renewal reform.

1971 Journal No. 4, pages 185–186—"Gary Indiana gets one-year bundle of HUD commitments in return for committing itself to series of 'federal interests'. New process called "Annual arrangement."

1971 Journal No. 7, pages 329–334—"Minority Americans: here's what the Department of Housing and Urban Development is doing in their behalf."

1971 Journal No. 10, pages 537–40—"HUD's New Project Selection System, a Review and Analysis."

1971 Journal No. 11, pages 582–87—"HUD Secretary George Romney speaks extemporaneously to NAHRO's 33rd National Conference." Reinforces views on decentralization, funding of urban programs, governmental coordination, metropolitan focus, equal housing opportunities.

PROGRESS TOWARD 1968 HOUSING GOALS FOR LOW- AND MODERATE-INCOME FAMILIES

[In dwelling units, starts, and rehabilitations, evened to nearest hundred]

	Original goals 1969–73	Actual housing units 1969–72	Estimated housing units: fiscal 1973	Gap in goals progress
Public housing	795,000	395,000	90,000	−310,000
Sec. 235 (homeownership)	570,000	398,300	177,400	+5,700
Sec. 236 (plus other rentals)	615,000	464,000	256,000	+105,000
Rent supplements	260,000	76,000	32,100	−151,900
Rehabilitation loans and grants	110,000	38,700	10,800	−60,500
Total	2,350,000	1,372,000	566,300	−411,700

Source: for original housing goals: Department of Housing and Urban Development hearings before the subcommittee on housing and urban affairs of the Senate Committee on Banking, Housing and Urban Affairs March 1968, pt. 2, table 1–c, p. 1325: for actual and estimated starts: President's Third Annual Report on National Housing Goals, 1971, p. 8, and HUD budget, fiscal year 1973.

NEW UNIT RESERVATIONS AND COMMITMENTS HUD ASSISTED HOUSING UNITS: 1971–73

Program	Fiscal year— 1971	1972 (estimate)	1973 (estimate)
Public housing:			
New or rehabilitation	85,375	93,588	75,000
Existing without rehabilitation	3,332	9,412	35,000
Total	88,707	103,000	110,000
Rent supplements:			
Market rate	11,103	32,300	18,000
Piggy back	19,305	27,900	20,000
Total	30,408	60,200	38,000
Rental housing (sec. 236)	158,892	239,200	174,200
Homeownership (sec. 235):			
New or rehabilitated	133,692	177,500	177,500
Existing, without rehabilitation	8,462	21,100	21,100
Total	142,154	198,600	198,600
Rehabilitation loans and grants:			
Substantial rehabilitation	10,400	9,400	11,800
Other	10,382	9,435	11,775
Total	20,782	18,835	23,575
Grand total	440,743	619,835	544,375

APPROPRIATIONS REQUESTED FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—FISCAL YEAR 1973

[In thousands of dollars]

	Appropriations 1971–72 actual	1972–73 request
Housing production and mortgage credit:		
Special risk insurance fund		$195,000
Nonprofit sponsor fund	$4,000	1,000
Housing production and mortgage credit—Continued		
Interstate land sales	830	1,230
Total	4,830	197,230
Housing Production and Mortgage Credit—GNMA:		
Restoration of capital—special assistance funds		119,369
Participation sales insufficiencies	36,259	26,020
Total	36,259	145,389
Housing Management:		
Housing payments:		
Public housing	824,500	1,105,000
College housing	10,000	8,000
Rent supplements	91,300	147,000
Sec. 235 (homeownership)	299,000	428,000
Sec. 236 (rental)	149,000	190,000
Counseling services (homeownership)[1]	3,250	
Total	1,377,050	1,878,000
Community planning and Management:		
Comprehensive planning grants (701)[2]	100,000	100,000
Community development training	3,500	3,500
New community assistance grants	10,000	5,000
Total	113,500	108,500
Community Development:		
Urban community development (proposed legislation)[3]		490,000
Urban renewal programs	1,250,000	1,000,000
Rehabilitation loans (312)[4]	90,000	
Model cities[5]	150,000	515,000
Water and sewer grants[6]	500,000	
Neighborhood facilities grants	40,000	40,000
Open space land programs	100,000	100,000
Total	2,130,000	2,145,000
Federal Insurance Administration:		
National flood insurance	6,000	10,000
Research and Technology	45,000	60,000
Fair Housing and Equal Opportunity	8,250	9,100
Departmental Management:		
General management, administration, staff services	25,408	24,175
Regional management and services	23,000	22,300
Salaries and expenses, functional programs	63,718	60,580
Total	112,126	107,055
Total HUD appropriations	3,833,015	4,660,274

[1] Counseling services for fiscal year 1973 will be funded out of HUD research and technology.

[2] Appropriation total for fiscal year 1972 includes a proposed supplemental appropriation of $40,645,000,000.

[3] Proposal for special revenue sharing for community development requires authorizing legislation.

[4] Carry-over of $50,000,000 is anticipated from $90,000,000 appropriated in fiscal 1972 to cover program activity for fiscal 1973.

[5] Program activity level for model cities in fiscal 1973 is anticipated at $620,000,000, including carryover appropriation from fiscal 1972.

[6] Program activity level for water and sewer grants is anticipated at $200,000,000 in fiscal 1973, financed from uncommitted appropriations remaining from fiscal 1972.

NEW AUTHORIZATIONS REQUIRED TO COVER HUD FISCAL APPROPRIATIONS REQUESTS

[In thousands of dollars]

Sec. 235 (homeownership)	$115,000
Sec. 236 (rental)	125,000
Public housing	68,000
College housing	4,300
Neighborhood facilities grants	4,000
Comprehensive planning grants	81,000
Federal Insurance Administration	1,500,000
Total	1,897,300

DISTRIBUTION OF ANNUAL OUTLAYS FOR DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT ACTIVITY, 1968–73

[In thousands of dollars]

Activity	Fiscal years 1969	1970	1971	1972 (est.)	1973 (est.)
Urban renewal	$572.2	$1,053.7	$1,031.4	$1,000.0	$1,000
Neighborhood facilities grants	10.6	23.4	22.5	35.0	35
Rehab loans (312)	24.7	35.0	41.5	40.7	40
Open space grants	43.3	43.4	39.2	70.0	80
Water and sewer grants	80.2	109.0	120.6	130.0	150
Land acquisition	0.1				
Urban transportation	$2.0				
Public facilities loans	47.3	$40.5	$41.3	$36.4	$36
Model cities	15.4	85.8	328.2	450.0	625
General community development					490
Total	795.8	1,390.8	1,584.7	1,762.1	2,456

Source: Budgets of the Department of Housing and Urban Development 1971–73.

PROPOSED UTILIZATION OF CONTRACT AUTHORITY IN PUBLIC HOUSING: HUD BUDGET—FISCAL 1973

[In thousands of dollars]

Total contract authority available:	
General contract authority (for debt service, modernization, and special family subsidies)	$1,424.2
Contract authority for operating services only	150.0
Total	1,574.2
Contract authority to be utilized:	
General contract authority:	
Debt service obligations	1,219.7
Modernization	87.5
Special family subsidies [1]	20.0
Contract authortiy for operating services only	150.0
Total	1,477.2
Unused contract authority:	
General contract authority	97.0
Contract authority for operating services only [2]	
Total	97.0

[1] This is a reduction of $15,000,000 from the fiscal 1972 level of $35,000,000.

[2] The proposed Housing Consolidation and Simplification Act presented by the Administration in 1971 proposes increasing the contract authority ceiling for operating services to $200,000,000; the Brooke-Mondale Housing Reform Amendments bill raises the ceiling to $300,000,000.

WORLD TRADE WEEK

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Indiana (Mr. HARTKE), I ask unanimous consent that Senator HARTKE's statement on World Trade Week and accompanying material be printed in the RECORD.

There being no objection, the statement and accompanying material of Senator HARTKE was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HARTKE

Mr. President, the entire nation, in the midst of World Trade Week, has become aware that the United States remains in a trade crisis of unprecedented proportions. Even official administration figures indicate that last year our policies resulted in a trade debacle.

What has been kept from the American public is the true extent of our international trade and investment muddle. While the administration claims that 1971 showed the first trade deficit ever, a more realistic look at the trade figures shows that we had a trade deficit as early as 1966. The same realistic approach would show a deficit in 1971 of $6.7 billion, not the $2 billion figure that is given general currency.

Our illusions about our foreign trade position have been fed by a uniquely American way of calculating foreign trade figures. On the export side, we include such items as military grants in aid, AID loans and grants and shipments of agricultural commodities under the PL-480 program. In other words, when we give wheat, arms or American machinery to a foreign country, this aid is counted as an export. These programs have no bearing on our ability to compete internationally, they bring no dollars back into our economy, and they say nothing about our trade situation.

This overstatement on the export account is compounded by persistent understatement on the import account. We do not include the cost of insurance and freight in computing our imports—even though most countries, the United Nations and the International Monetary Fund all use the C.I.F. (Cost, Insurance, Freight) method.

Calculating our imports on the C.I.F. basis and deducting aid grants from our exports, we have had a trade deficit position since 1966. And our position has grown steadily worse. We passed the billion dollar mark in 1968 and plummeted to $6.7 billion in 1971.

These sobering statistics translate into a million lost jobs for American workers, many endangered American industries, and the loss of a once pre-eminent position in foreign trade.

As we celebrate World Trade Week and the promise of growing international cooperation, we must not lose sight of our own desperate trade situation. Burying our heads in false statistics is no answer. To keep clear the record, I call your attention to our true trade picture as shown in the following figures.

ESTIMATED U.S. TRADE BALANCE, 1966-71

[In millions of dollars]

Year	U.S. exports: Total, including reexports	U.S. exports: Military grant-aid	U.S. exports: AID loans and grants	U.S. exports: Public Law 480 shipments	U.S. exports: U.S. exports excluding military grant-aid and Public Law 480	U.S. imports: F.o.b. value	U.S. imports: Estimated c.i.f. value	U.S. trade balance, based on estimated c.i.f.-valued imports and exports excluding military grant-aid—AID Law 480 shipments
1966	31,430	940	1,186	1,306	26,998	25,618	27,745	−747
1967	31,622	592	1,300	1,237	28,493	26,889	28,745	−252
1968	34,636	573	1,056	1,178	31,929	33,226	[1] 35,519	−3,690
1969 [1]	37,988	674	994	1,018	35,302	36,052	38,539	−3,237
1970	43,224	565	957	957	40,745	39,952	42,389	−1,644
1971	44,137	581	914	971	41,671	45,602	48,384	−6,713

[1] Preliminary data.

Source: Former Secretary of Commerce Stans, testimony before Ways and Means, May 12, 1970, 1966-69; Department of Commerce, 1970-71.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time designated for the transaction of routine morning business having expired, morning business is concluded.

EDUCATION AMENDMENT OF 1972—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore (Mr. CHILES). Under the previous order, the Chair lays before the Senate a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

The Senate proceeded to consider the report.

(For text of the conference report, see proceedings of the House today.)

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. JAVITS. Mr. President, I believe that the conference report which has been brought in is going to require some considerable discussion, because of the fact that it is probably the most important achievement in the field of higher education for a century and also because it has tremendous connotations in other aspects, including an extremely vexing and trying problem in the field of desegregation and equal opportunity for education.

The Senator from Michigan (Mr. GRIFFIN) has announced this morning that he is going to make a certain motion. The manager of the bill and I, as the ranking minority member of the committee, feel that it might be well for the Senate to know what that motion is, and have it before us, as it will have to be voted on anyway, if in order, before the conference report.

So, as far as I am concerned, if it is agreeable to the Senator from Rhode Island (Mr. PELL), I am prepared to yield so that the Senator from Michigan may obtain the floor and raise the question he has in mind.

Mr. PELL. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. PELL. Should not the pending business be the question on agreeing to the conference report, or does a recommittal motion lie?

The ACTING PRESIDENT pro tempore. As the Chair has already stated, the pending question is on agreeing to the conference report.

Mr. PELL. That is the pending question?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. JAVITS. Mr. President, in order to propound a parliamentary inquiry which I wish to make concerning it, I now yield to the Senator from Michigan for the purpose of making his motion.

Mr. GRIFFIN. Mr. President, I thank the distinguished ranking minority member of the committee for yielding.

On behalf of myself and the Senator from Florida (Mr. GURNEY), I send to the desk a motion and ask that it be stated.

The ACTING PRESIDENT pro tempore. The motion will be stated.

The assistant legislative clerk read as follows:

> Mr. Griffin moves that the conference report (92–798) be recommitted with instructions that the conferees on the part of the Senate be instructed to recede from the position of the Senate with respect to title VIII of S. 659, and concur in the position taken by the House relative thereto.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JAVITS. Is such a motion in order, and in order to be voted on, before the conference report is voted up or down?

The ACTING PRESIDENT pro tempore (Mr. CHILES). The motion of the Senator from Michigan takes precedence over the adoption of the conference report.

Mr. JAVITS. Will the Chair be kind enough to inform the Senator from New York as to either the authority or the rule upon which the Chair's ruling is based?

The ACTING PRESIDENT pro tempore. Had either body agreed to the conference report, the conferees would have been discharged. Prior to the agreement of either body to the conference report, a motion for recommittal takes preference over a motion to adopt the conference report, as provided in rule XXII.

Mr. JAVITS. That is, recommittal to the existing conference committee?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. GRIFFIN. Mr. President, if the distinguished Senator from New York will yield to me, I shall make only a very brief statement at this time, because obviously the manager of the legislation and the ranking minority member are entitled to make their opening statements first.

I am informed that there is a technical error in the motion, and I modify the motion as follows: The reference should be to title XIII of the Senate bill, rather than title VIII.

The ACTING PRESIDENT pro tempore. The motion will be modified.

Mr. JAVITS. Mr. President, I ask unanimous consent that the motion, as modified, be restated to the Senate.

The ACTING PRESIDENT pro tempore. The motion, as modified, will be stated.

The assistant legislative clerk read as follows:

> Mr. Griffin . . . moves that the conference report (92–798) be recommitted with instructions that the conferees on the part of the Senate be instructed to recede from the position of the Senate with respect to title XIII of S. 659, and concur in the position taken by the House relative thereto.

Mr. JAVITS. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I yield.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JAVITS. Is the conference report now before the Senate in such a way that the committee of conference could itself, without any further instructions, go out and modify it and bring back a modification to the Senate?

The ACTING PRESIDENT pro tempore. No; the conference report has been submitted to the Senate and is now pending before the Senate. Without going back to conference the report could not be modified.

Mr. JAVITS. So the conference report as it stands before the Senate is final, subject to the action of the Senate?

The ACTING PRESIDENT pro tempore. Subject to the action of the Senate in recommitting the report to the conferees.

Mr. JAVITS. I thank the Chair. I now yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, just this brief statement:

If the only option available to the Senate at this point were an up or down vote on the conference report, this Senator would vote for the conference report. To be sure, the language of the conference report would provide some temporary relief from busing orders in some circumstances. I would be concerned if I thought my motion, in the event it prevailed, would lead to rejection of the bill by the Senate. I am very much in favor of this higher education legislation, and I would not want to see it defeated altogether, because of the busing provisions. But I am convinced that would not be the case.

I make this point for the Senate's consideration:

The House of Representatives, on March 11, 1972, by a vote of 275 to 124, instructed its conferees to insist on the House amendments with respect to the busing provisions. If the Senate should see fit to adopt the pending motion, and we in the Senate should instruct our conferees to agree to the same provisions, then obviously there would be nothing for the conferees to do except to go through the formalities of a meeting and to report back in accordance with identical instructions by a majority in both Houses. For the Senate, adoption of this motion would be similar to the Senate recommitting a bill to a Senate committee, and instructing the committee to report back forthwith with certain amendments.

If my motion is adopted, we would then be able to have a conference report before us with the strongest antibusing provisions available within the limits of the parliamentary situation that confronts us with respect to this legislation.

I thank the distinguished Senator from New York again for yielding.

Mr. JAVITS. Mr. President, the normal procedure which should be followed, as this is a highly important and very complex bill in terms of its length, though not in the individual provisions, would be for the distinguished Senator from Rhode Island to proceed first. I sat through practically all the conference, and Senator PELL, whatever may be the final outcome, has thoroughly performed a miracle in producing any result at all. He should assuredly be entitled to the full benefit of a complete explanation of every aspect of this bill. There is no question about the fact that it is a monumental achievement of a most constructive character in respect of education.

The real battle comes upon the question of what to do about the really unrelated question of busing. Is it big enough to jettison the bill, or, considering everything that is at stake in terms of proportion, shall those of us who feel as strongly as I do about equal educational opportunity and desegregation swallow hard and take the conference report?

But Senator PELL is entitled to the first opportunity to develop the strength of the conference report as he sees it.

So, Mr. President, I just wish to state that although I have very grave reservations about what we did on busing, they are completely opposite from the reservations of the Senator from Michigan and those who side with him. Therefore, I wish to announce that I shall, with every strength I have, oppose the motion to recommit with those instructions.

At this point I yield the floor, so that Senator PELL may speak.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. PELL. I yield.

Mr. HARRY F. BYRD, JR. Is there a time limitation on this matter?

Mr. PELL. No.

Mr. HARRY F. BYRD, JR. The reason why I inquire is that the conference report became available only at 10:30 this morning. I would hope that if any request is made for a time limitation, the Senator from Rhode Island would object in my behalf until I can return to the Chamber. It is a tremendously important piece of legislation, and I believe adequate time should be taken to consider it.

Mr. PELL. I would hope that the Senator from Virginia would ask that of the majority leader, also.

Mr. HARRY F. BYRD, JR. I will ask it of the majority leader, the minority leader, and the manager of the bill.

Mr. PELL. I would hope that if we do not have a vote on it today, tomorrow would be agreeable.

Mr. HARRY F. BYRD, JR. I am concerned mainly that I cannot understand the provisions of the bill. The debate is just starting. I do not know how long it will take me to understand it, but I would like to have a reasonable length of time.

Mr. PELL. It is extremely unlikely that there will be a vote today.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. JAVITS. Mr. President, out of respect for just such feelings, I refused to agree to a time limitation. But I really believe with the Senator that it will not take an inordinate length of time for Senators to be able to encompass the details. Nonetheless, I refused a unanimous-consent request for a certain number of hours, for that reason.

Mr. HARRY F. BYRD, JR. I join with the Senator from New York.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. BAKER. Mr. President, I apologize to the manager of the bill for coming into the Chamber as the distinguished assistant minority leader was making his remarks with reference to a motion to recommit.

Might I at this time inquire of the Chair what is the pending business?

The ACTING PRESIDENT pro tempore. The pending question is on the adoption of the motion of the Senator from Michigan to recommit the conference report with instructions.

Mr. BAKER. Mr. President, I have shared with the distinguished assistant minority leader the responsibilities and the victories and the defeats in battle over the busing issue on the floor of the Senate over several months. We have exactly the same point of view with respect to this matter. I must express some reservations about the motion at this time, and I must express them in frank and personal terms.

I share the desires of the conferees of the House to have a stiffer bill and to have the provisions of the House bill included in the conference report; but I believe that this bill carries such significant relief for my State and for the situation that I would be fearful of losing this provision or jeopardizing it.

I inquire of the distinguished manager of the bill—to be very exact, indeed—whether the provisions of this bill relating to busing would in fact apply to, say, my situation in Nashville, Tenn., where a district court order has been handed down on busing but the case is on appeal to the Sixth Circuit Court of Appeals and no doubt will be appealed to the U.S. Supreme Court. My query is this: Under that state of affairs, is it clear that the language before the Senate in this conference report would stay that case?

Mr. PELL. My understanding is that it would. I am not a lawyer. I think the Senator should ask the Attorney General for his interpretation. My interpretation of the language is that it would stay the case.

Mr. BAKER. So it is the opinion of the distinguished manager of the bill that it would stay the case.

Mr. PELL. That is correct.

Mr. BAKER. In view of that, I must respectfully urge that we give careful consideration to the motion by the distinguished assistant minority leader. I do not want to jeopardize the good that has come of this bill. I do not criticize the Senator from Michigan for wanting to do better, but I urge that we consider this matter carefully. At this time I cannot support the motion.

Mr. GRIFFIN. Does the Senator from Tennessee have the floor?

Mr. BAKER. No, I do not.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. JAVITS. Mr. President, I say to the Senator from Tennessee that one of the things that is troubling me very deeply is that if one is a conferee, as I was, one really has some obligation in good faith to accept a version of what this means, and that is what is giving me the most trouble about this matter.

I agree with the Senator that if we took it the way its author construed it, though I think it defies its language and assumes a constitutionality which it does not have, then his answer is correct. But by my silence, I would not wish to mislead the Senator respecting the imprecision of the language, which I think is not affected by the conference agreement, and the question of constitutionality. If we take the construction of the House of what it meant by its language, which is the language incorporated in this bill, and if the court rules that way, then Senator PELL is correct in his interpretation.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. BAKER. I would agree with the Senator from New York, obviously, on the question of constitutionality. No amount of legislative history is going to affect the constitutionality of this issue. That, I judge, will be decided ultimately by the highest court. But my question does not touch that. It presupposes that it is constitutional, as the Senator from New York has pointed out. We just have to take our chances on that.

The point I wanted to make here before I made my statement in opposition to the motion of the distinguished Senator from Michigan was that it was the view of the distinguished manager of the bill that that language does cover this situation, wholly aside from the question of constitutionality.

Mr. PELL. As I said earlier, that is my understanding. I think that the Attorney General would be able to render a legal interpretation.

Mr. BAKER. I owe a debt of gratitude to the distinguished manager of the bill for yielding and to the Senator from New York.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. GRIFFIN. Mr. President, I can understand the concern of the distinguished Senator from Tennessee. I must admit that I thought a long time about the dilemma which confronts us. I have no doubt, however, on reflection, that if the conferees follow the instructions of the Senate, which they would be directed to do, we would have a conference report back before us in short order, with the stronger House provisions in it. I am convinced that such a conference report would be adopted by the Senate.

Mr. President, after some consideration the Parliamentarian advises that the motion which I have submitted should read "to title VIII" rather than "to title XIII." I therefore modify my motion accordingly.

The PRESIDING OFFICER (Mr. STEVENSON). The motion is so modified.

Mr. PELL. Mr. President, I would remind my colleagues that if the bill is to be attacked, from the right and from the left, those efforts can result in the defeat of the bill. If that should happen and the conference report is not approved, I can see that with the mood of the country and the intensity of feeling on these subjects, that there would be no higher education bill through this and perhaps next year. Even a continuing resolution would become subject to this same problem. If this were the case, with the expiration of the higher education programs on June 30, the Federal support of higher education would end. Is this the result we want?

I would therefore hope that those who criticize the bill, from both the right and the left, as being too probusing or too antibusing would bear with the conference managers who worked laboriously and very hard—as some of my colleagues may not be aware, until 5:30 one morning—to try to get some ground of agreement.

In order to get agreement, there had to be some "give" on both sides. This is the best job we could do.

In connection with the bill, the higher education portion is really the main portion, but like an iceberg, only a small bit shows through. The educational part of the bill is the least visible—with the extraneous issue of busing which has been added as the iceberg's tip, gaining all the attention of our Nation.

The bill covers a whole spectrum of educational measures. It is most lengthy and detailed. Although spoken of as a higher education bill, it is in truth much more.

Title I covers higher education; title II, vocational education; title III, a reorganization of the Office of Education; title IV, Indian education; title V, miscellaneous subjects; title VI, youth camp safety; titles VII and VIII, emergency school aid and transportation of schoolchildren; title IX, sex discrimination; title X, direct aid to institutions of higher education.

The conference met 20 times over a period of 9 weeks. There were many major issues to resolve, issues which were, in truth, an outgrowth of the difference in philosophical approach to Federal support of higher education. Since the discussions turned on abstract concepts, we did not have the luxury of simply splitting the differences. Nevertheless, most of the conferees were dedicated and wanted to finish work on a bill. The document you have before you, Mr. President, reflects their diligence and success.

I shall not in this statement touch upon every matter contained in the bill. Each element is fully explained in the joint statement of the managers. Suffice it to say, the conferees have brought to you a 3-year bill which extends certain of the present programs and authorizes new programs through fiscal year 1975.

To my mind, the major portion of the legislation contains the amendments to the Higher Education Act of 1965. Before discussing some specific actions taken by the conference, I would like to point out the different approaches to the role of the Federal Government in support of higher education in each bill. The Senate bill sought to change the thrust of Federal student assistance to an approach which directs the emphasis of Federal support to the student, funnels Federal funds to institutions which are providing an education to those students, and supports innovation and experimentation in higher education. The House amendments, while going quite far, were in effect simply a reauthorization of existing programs, with an institutional aid provision which provided for a single per capital payment to the schools.

A major new program of assistance to students is now established. The basic educational opportunity grant program provides for an entitlement—not as a privilege but as a matter of right—of $1,400, from which is deducted an expected family contribution, to every student in good standing who desires to attend a postsecondary institution. This program would be limited, of course, by considerations revolving around appropriations—and the formula we worked out gives a break, in that case, to those students who have the greatest need. It also helps not only children from poor families, but also children from the lower middle-income and middle-income families, who have responsibilities that presently make it very difficult to send their youngsters to college.

Present programs of student assistance are continued as supplements to the new basic educational opportunity grant program. None of them is eliminated. By utilizing the basic grant program and the other available programs such as the supplemental grant program, the national defense student loan program, and the work-study program, a student will be able to attend either a lower or higher cost institution, according to his abilities and his special interests. What has been achieved is a basic floor for each student, upon which that student can build a package of student assistance to meet his or her specific educational needs, and which gives that student a degree of certainty in planning his educational future.

Following the Senate philosophy, the institutional aid provisions revolve around those students who are receiving Federal student assistance funds. All but 10 percent of the institutional aid provisions are tied to the student assistance provisions. Forty-five percent of the funds appropriated for institutional aid will be allocated on the basis of the number of students receiving a basic grant. Forty-five percent of the funds will be allocated on the basis of the amount of Federal student assistance received by students in that institution. The institutional assistance is for graduate students and is greater for the smaller school than for the larger one. However, we do recognize the work being done by graduate schools, and a per-capita allowance is provided for them.

The conference report contains in title IX an amendment which would bar discrimination by sex in higher education. It is a most admirable provision, and was easily accepted by the conference. Some question has been raised as to the interpretation of this language. I have received a letter from Julian H. Levi at the University of Chicago which raises some interesting questions, which have been discussed in a letter to me from Senator BAYH. I ask unanimous consent to have these letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF CHICAGO, THE
DIVISION OF THE SOCIAL SCIENCES,
Chicago, Ill., March 22, 1972.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Education, Senate Committee on Labor and Public Welfare, Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: A number of faculty at the University of Chicago have considered a number of points regarding the Bayh Amendment.

While the major thrust of the Amendment speaks of admissions to educational institutions, the legislative history makes clear that faculty selection and appointment are intended to be covered. It is here that we see particular problems.

This is always a temptation in these matters for the examining agents to turn to a statistical report and then, purely on the basis of percentages, to thrust the burden upon the institution. This has resulted in some places responding somewhat akin to the reasoning in the busing cases, that past discrepancies now justify reverse discrimination. Thus, some of us are now in receipt of letters from other institutions asking not that we suggest candidates for faculty appointment without discrimination, but rather confining the inquiry to either women or Blacks.

As you know, the selection of faculty has more to do with the excellence and future direction of a university than anything else. These decisions have to be made upon merit, as well as the future direction of the department—probable retirements, vacancies and strengths. This leads to four points:

1. In recruitment of faculty a reasonable, good faith search should suffice—otherwise, the costs and the burden can get completely out of hand.

2. There ought to be specific recognition of the right of the institution to make a merit judgment.

3. The Amendment ought not justify the development of quotas, percentages, etc.

4. On looking at Section 1003, in contrast to Section 1002, we do not understand whether taking judicial review will postpone action or not. The consequence of a cut-off of Federal support is so grievous and divisive between departments of the university that we would hope that full rights of judicial review and stay would be fully recognized.

Finally, would Section 2000e of the Civil Rights Act apply to these problems?

May we add the obvious—these suggestions are not made in opposition to the spirit of the Bayh Amendment. We appreciate that the problems are difficult and that past history leaves a heavy burden to be corrected. We are further convinced, however, that no one wishes for one moment to impede the efforts of universities and colleges throughout the country in their search for excellence.

We are most grateful for your consideration.

Sincerely yours,

JULIAN H. LEVI.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., May 18, 1972.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR CLAIBORNE: I am pleased to respond to the questions raised by Julian H. Levi and his colleagues at the University of Chicago concerning my sex-discrimination amendment to the higher education bill.

As you know, the House attached a floor amendment specifying that the legislation would not require specific quotas. I did not include such a provision as part of the Senate amendment because I believe my amendment already states clearly that no person, male *or* female, shall be subjected to discrimination. The language of my amendment does not require reverse discrimination. It only requires that each individual be judged on merit, without regard to sex.

Of course my amendment does not preclude a decision by enforcing agencies to use comparisons between female and male admissions or hiring rates as one indication of the presence or absence of sex discrimination. Indeed, Mrs. Green specifically addressed this question during the 1970 hearings held by her Special Subcommittee on Education; I enclose a copy of her statement for your reference. It is helpful to remember that the provisions of my amendment in question are parallel to those found in the 1964 Civil Rights Act. Since 1964, there has been ample opportunity to establish enforcement procedure with respect to discrimination on the basis of race; enforcement of my amendment will draw heavily on these precedents.

As to judicial review, the amendment specifically provides that review would be subject to the provisions of Chapter 7 of Title 5, United States Code. Section 705 of that Chapter provides that when an agency finds that justice so requires, either may postpone the effective date of agency action.

In response to Mr. Levi's final question, Title VII of the 1964 Civil Rights Act, as amended by P.L. 92-261, would certainly apply to employment of individuals by a university.

Thank you for giving me the opportunity to respond to Mr. Levi's questions. I certainly appreciate the significant impact which these considerations can have on our universities.

Sincerely,

BIRCH BAYH.

STATEMENT OF MRS. GREEN

Thank you very much, Dr. Norris.

I think the heart of the matter is contained in the two paragraphs on page 5 of your statement, which point out that in many places women are required to have a higher grade point average and greater ability, but in terms of minority groups we lower the admission standards in order to have more numerically. It seems to me that one of the criteria, in fact the major criterion, that has been used by the Enforcement Division of Civil Rights is that the absence of a black, for example, is proof in and of itself of discrimination, or the absence of a certain ratio of blacks to whites, or whites to black, is in and of itself proof of discrimination.

I have letters in my files, and there are innumerable documents where the Federal Government has shown the absence of Negroes in a classroom to be in and of itself proof of discrimination. The absence of a certain ratio of ethnic minorities among employees of an industrial plant or of a bank or construction firm has confirmed discrimination and the Enforcement Division on Civil Rights has so ruled.

It seems to me the same criteria should be used insofar as women are concerned. If the criterion is logical in one place, it ought to be in another. If the percentage of women in a medical school is much lower, then it seems to me the same criteria should be applied as in judging minority groups.

Of course, this is the reason for the amendment which I have offered to title VI of the Civil Rights Act, because now colleges and universities, or any schools that the Federal Government supports, are perfectly free to discriminate on the basis of sex whenever they want to, and nothing can be done about it.

I would invite my colleague from California and the group here today to work on a rewording of that amendment so we do not run into the problem of this provision being applied to all-male schools or all-female schools. If this were the case there would be tremendous opposition by those who still hold the view there is a justification for an all-boys' or all-girls' school.

I must say I have not completely resolved this in my own mind. But in those schools where they do admit both men and women or both boys and girls, then I think there ought to be an end to discrimination, and the same criteria should be applied against such discrimination as we do against discrimination on the basis of creed or race or nationality.

I speak for women who are interested and becoming more vocal and more militant. I welcome that, because I guess it is the only way we can persuade a world which is run by men of the injustices that are occurring and the brain power and energies lost to the Nation through the consistent and systematic discrimination against girls.

I cited a few minutes ago the apprenticeship program. I just do not understand how the Congress, which has been concerned about minority groups not being in the apprenticeship program, can let year after year go by with only token participation by girls.

We have a Conservation Corps proposed. It was originally designed for boys only. We finally got the law changed so girls would be included. But we do not see the establishment of a quota, and I would be willing to predict if there are any girls in it, it will be token representation only.

So, we systematically discriminate against girls or women in every field, whether it be in apprenticeship and Job Corps training or in graduate study at our greatest colleges and universities.

Mr. PELL. Mr. President, to put it succinctly, we must be sure that this type of amendment is not used to establish quotas for sex, ethnic, and religious groups. In the past, quotas have been used to bar admissions at some of the better schools of our country. I would not like to see them reinstituted in the name of fairness.

Still seeking to support innovation, S. 659 contains, in title III and other titles, what is in effect a complete restructuring of the Federal education bureaucracy. The bill establishes within the Department of Health, Education, and Welfare an Education Division headed by an Assistant Secretary of HEW for Education. Within the Education Division there are two agencies: the Office of Education headed by the Commissioner of Education, and the National Institute of Education headed by the Director of the Institute. The National Institute of Education is also under the governance of the National Council on Education Research, which is charged with the responsibility for setting general policy for the Institute. That National Council also has an advisory function for the Department of Health, Education, and Welfare with respect to education.

It is not intended that the newly established Assistant Secretary have any administrative responsibilities except for those related to the emergency schoool assistance program. The primary responsibility for education programs continues to be vested in the Commissioner of Education. Nor is there any intention on the part of the conferees to elevate any responsibilities now carried on in the Office of Education to the Assistant Secretary.

In addition to this structure, the conference report takes a major step toward legislating the internal structure of the Office of Education. There is established a Bureau of Occupational and Adult Education and a bureau-level Office of Indian Education. The bill also establishes a unit for coordinating community college programs. As manager on the part of the Senate conferees, I wish to make clear that the community college unit is not intended to be part of either the Bureau of Higher Education or the Bureau of Occupational and Adult Education. Indeed, it could not have been placed in either, since one of the purposes of the unit is to coordinate the activities of both bureaus as they relate to community colleges.

It should be noted that the Congress has departed from its past policy against legislating the internal organization of the Office of Education. We have done this with a great deal of reluctance, but are convinced that it had to be done if there is to be stability within the Office. The Department of Health, Education, and Welfare was given due warning of the possibility of changing policy on this matter in the report of the Committee on Labor and Public Welfare on our last major bill, the 1970 elementary and secondary education amendments. It is hoped that this action will bring about such stability within the Office of Education that future action of this type will not be needed.

The third major portion of the bill is found in titles VII and VIII, the controversial emergency school aid and busing amendments. These titles grow out of S. 1557, a bill enacted by the Senate on April 26, 1971, and certain actions taken by the House of Representatives when it passed its version of the higher education bill. The two bills pertaining to emergency school aid, while seemingly different on their face, were quite easy to bring together in conference, for a close study of them indicated that while the House bill mainly sought to assist those school systems presently desegregating, the Senate provision dovetailed those efforts with assistance to school districts voluntarily attempting to meet the problems of desegregation. Therefore, as you study the conference report, you will see in many cases that provisions from both bills are included.

The conference report contains a 2-year, $2 billion measure. It will assist desegregating school districts and provide assistance to local educational agencies which wish to meet desegregation problems. It continues the authorization for educational television contained in the Senate bill. In addition, while I regret that it deletes the mandatory requirement for education parks, it does make provision for the optional building of an education park as part of the program for metropolitan areas.

The amendment offered by the junior Senator from Mississippi (Mr. STENNIS) has been brought back unchanged in spite of great opposition on the part of the House. Indeed, to assuage the House, we also included their version of the Stennis amendment. Some would ask why we did this. In answer, the House amendment covered only the emergency school aid provision itself, while the Senate amendment also covered title VI of the Civil Rights Act and section 182 of the Elementary and Secondary Education Amendments of 1966. Here we have the agreeable option of taking one provision from each bill to accomplish the same end. The action of the conferees in no way weakens or expands the language of subsection (b) of section 2 of Public Law 91–230.

The conferees struggled long and hard over the so-called busing amendments. The conference report adopts verbatim the Broomfield amendment, except that the duration of the amendment is limited to January 1, 1974. During conference discussion, there was disagreement as to the meaning of the Broomfield language. Here I would say that a literal reading of the language by a nonlawyer would indicate that if a local educational agency is under an appealable order to transport students to achieve racial balance, that local educational agency can receive a stay of that order whether it has been implemented or not. I expect that today's debate will bring disagreement from those who have more of a legal background on this subject than I. However, I would say that the Senate is not in the habit of enacting frivolous language, and those who interpret our work as a sham and a fraud do injustice to both the Senate and the House.

My remarks, Mr. President, cover the main thrusts of the conference report. Other Senators, I am sure, will wish to take note of specific portions. The Senate should accept this conference report with alacrity. We have in effect brought back the Senate bill. The basic philosophy underlying the higher education provisions has been adopted. Many of the provisions contained in the Senate bill are included in this conference report, such as community colleges, emergency institutional aid, Indian education, State scholarships, and a new section on State postsecondary education commissions.

Unfortunately however, when the vote in the Senate takes place, it will not revolve around the education portion of the bill, but all too likely will be focused on the busing question. Here, I believe, the Senate can also accept what the conference report returned. The language we have brought back is much stronger than the original provision. The Mansfield-Scott amendment remains. We have in effect added a moratorium on intradistrict transportation for 18 months, as opposed to the previous Senate moratorium on interdistrict transportation for a year.

The measure will perhaps not satisfy all in the Senate, but it should be satisfactory, and I would hope that it will be accepted by the Senate.

In closing, Mr. President, I would plead with the Senate to accept this conference report. It is the fruit of many years' work by many people. One newspaper recently called it the most important piece of legislation which may come out of this

Congress. Others have called it the most important higher education measure since the Land-Grant College Act. It is truly a landmark bill, for from the time it becomes law, it will assure all youngsters in our Nation the right of some form of postsecondary education. It has often been said that the wealth of our Nation lies in the education of its citizens. This bill would invest much in that citizenry. It could perhaps even signal a change in our national priorities, which up until now has meant value on hardware rather than people. I move that the Senate adopt the conference report on S. 659.

Mr. President, in conclusion I plead with my colleagues, both those on the left and on the right, the liberals and the conservatives, to agree to the conference report. If they were to make an unholy alliance together, there would be no question whether the bill would be sunk. And, if it were sunk, in the end the higher education innovations in a major bill of this sort would be lost for a substantial period of years.

I hope that while my colleagues recognize that parts of this measure may be hard for them to swallow, will be able to swallow those parts that they do not like in order to enact into law the very good piece of legislation that is pending before the Senate at this time.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that the privilege of the floor be granted to the following members of the staff of the Senate Committee on Labor and Public Welfare, in addition to the allocated slots, during the debate on the conference report: Stephen J. Wexler, Richard D. Smith, Roy Millenson, Nik Edes, and Dan Moyle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I ask unanimous consent that the members of the staff of the Subcommittee on Education be granted the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. I ask unanimous consent to have printed in the Record an article entitled "Backing Seen for Higher Education Bill," written by Carol J. Young and published in today's Providence Journal, and an article entitled "Conferees Extend Bus Curbs; Back Pell on School Aid," written by Douglas C. Wilson and published in the Providence Journal of May 18, 1972.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Providence Journal, May 23, 1972]

BACKING SEEN FOR HIGHER EDUCATION BILL

(By Carol J. Young)

The higher education aid bill reported out of a House-Senate conference committee last week after two months of deliberations will have the reluctant support of several national higher education organizations, it was disclosed here yesterday.

A key element in the conference bill is a new kind of "basic opportunity grant" for students—an aid scheme developed by Sen. Claiborne Pell, chairman of the Senate education subcommittee.

Almost all of the major national higher education groups originally refused to support Senator Pell's direct student aid approach and favored instead the alternative proposal of direct institutional aid as contained in the House version of the omnibus higher education bill. . . . Survival of the student aid plan in conference is considered a major victory for Mr. Pell.

John F. Morse, director of federal relations for the American Council on Education (ACE), told a group meeting at the Biltmore Hotel yesterday afternoon that the ACE leadership has decided within the last couple of days that it has "no choice" but to support the results of the House-Senate conference.

This action is being taken, he added, in spite of a recent meeting with Senator Pell's counterpart in the House, Rep. Edith Green, D-Ore., in which she suggested that ACE and other national organizations oppose the conference bill. It was Mrs. Green who fought hard to get approval for the institutional aid concept favored by most higher education leaders.

"Aren't we selling her (Mrs. Green) down the river?" one member of the audience asked.

"The gentle lady from Oregon would say, yes, we are," Mr. Morse responded.

But, it seemed wiser to start off with "something" and hope to improve it later than to argue for its defeat and start over, he explained.

He said he knew of several other organizations, including the National Association of State Universities and Land-Grant Colleges, which also are falling in line behind the conference measure.

Senator Pell has been openly critical of the national higher education lobby for its resistance to his student aid plan.

Mr. Morse was the luncheon speaker at the sixth annual meeting of the Eastern Association of Student Financial Aid Administrators, the men and women who will be responsible for much of the red tape tied to the new legislation if it meets with Congressional approval.

About 225 representatives from colleges and universities in several eastern states are attending the meeting which began Sunday and ends after a business session today.

Senator Pell made a last-minute appearance at the meeting Sunday night. He outlined the key elements of the massive bill and responded to questions. He reportedly won support for his concept from some financial aid officers during an informal social gathering later that evening.

Under the Pell aid plan, students admitted to college and occupational schools are eligible to receive up to $1,400 a year in basic grants "minus the amount his or her family can reasonably be expected to contribute."

The grant would be figured out on a complicated formula adjusted to the total amount of funds available, family income, and a variety of other factors.

A certain amount of institutional aid will follow those students who already receive federal aid under existing programs or who qualify for the basic grants. But the amounts would be considerably lower than the per-student institutional aid proposed by Mrs. Green and her House education committee.

Senator Pell repeatedly has characterized the basic opportunity grant approach as "landmark legislation" which establishes for the first time "the right to a post-secondary education for all our nation's citizens."

Although Mr. Morse did not refer directly to Senator Pell's comments about the concept, he did say that there has been an "enormous amount of rhetoric" surrounding the basic grant plan.

The problem is that there is no indication that the grants will be backed up with an adequate appropriation, he said. appropriation, he said. Without adequate funding, "we're in a worse credibility gap than we've ever been in before," he said.

Mr. Morse urged the financial aid officers at the meeting to analyze the bill carefully in an attempt to come up with a lump sum necessary to make the grant approach work. Nobody knows at this point how much money is needed as a minimum, he said. But, he cautioned, if the funding turns out to be too low, the grants will be distributed in "dribs and drabs all over the country" and it will have been better to have none at all.

Earlier in the day, the Pell plan for direct aid to students drew strong support from Dr. Harry F. Evarts, president of Bryant College.

Dr. Evarts said the aid-to student approach "allows a student to make the choice of colleges himself . . . to buy what he wants to buy." In addition, he said, institutional aid might have had the effect of subsidizing for a while longer those colleges which shouldn't survive.

Dr. Evarts was a member of a panel in which college presidents were asked to discuss what they thought the role of financial aid should be at their institutions.

Dr. Joseph F. Kauffman, president of Rhode Island College, emphasized that the office which doles out the loans, grants, scholarships and work-study money, should be made an integral part of the entire student personnel function of an institution. The student who needs money or must work might also need some good counseling, he said.

Jack P. Hudnall, president of Bristol Community College, Fall River, said the financial aid administrator should play a key role in seeing that college priorities are carried out. If a college has a commitment to serve adults, part-time students, high risk students, disadvantaged student and other categories, then the aid should be distributed to make sure the enrollment reflects these goals, he said.

[From the Providence Journal, May 18, 1972]

CONFEREES EXTEND BUS CURBS; BACK PELL ON SCHOOL AID

(By Douglas C. Wilson)

WASHINGTON.—Senate and House conferees agreed yesterday on an aid-to-higher-education bill that includes a compromise antibusing proposal and an unprecedented program of federal grants for students.

Agreement on the student assistance plan was a victory for Sen. Claiborne Pell, chairman of the Senate education subcommittee, who devised the program.

Mr. Pell also ended a conference deadlock on the busing controversy by agreeing to impose a moratorium on busing for an extra six months.

Thus, in its final form, the conference bill would halt implementation of court-ordered busing for a period of 18 months, until Jan. 1, 1974.

President Nixon called earlier this year for a 12-month busing moratorium.

Agreement on the 19-billion-dollar education package came at 5:15 a.m. yesterday after an all-night work session that ended two months of meetings to work out differences between the House and Senate versions of the measure.

The most controversial differences involved the busing issue, with the House bill carrying antibusing provisions that were much stronger than those passed by the Senate.

The compromise bill now faces obstacles to final passage in the House, where antibusing forces may complain that it is too weak, and in the Senate, where civil rights advocates may say its prohibitions on busing are too strong.

It is expected that majorities in both Houses will accept the measure, however.

The conferees weakened the House provisions against busing by dropping a House amendment that would have imposed an outright ban against the use of any federal funds to support busing for school desegregation.

They accepted, instead, a milder Senate version that would allow the federal government to continue to support busing financially if school officials ask for the money. Under this provision, which was part of the Senate's so-called Scott-Mansfield amendment, federal spending for busing would be prohibited only when the time or distance of the busing "is so great as to risk the health of the children or significantly impinge on the educational process," or when the busing would mean sending a child away from a good school to an inferior school.

But the Senate side yielded to the House position on another antibusing provision, accepting, in essence, a House amendment that would not allow any court-ordered busing to take effect until all court appeals of the order had been exhausted.

The conferees accepted this in the form of a moratorium by imposing the 18-month limit on its effect.

The Senate conferees yielded to the stronger House position, slowly and reluctantly. First the senators, including Mr. Pell, were willing to accept only a three-month moratorium.

PELL BREAKS DEADLOCK

By 3 a.m. yesterday the House conferees were holding the line for an 18-month suspension and the Senate conferees had agreed to a moratorium as long as 12 months. Neither side would yield further, and the conference was deadlocked.

Mr. Pell finally broke the deadlock by agreeing to go for the 18-month proposal and by helping Sen. Peter H. Dominick, R-Colo., the ranking minority member of his subcommittee, to round up supporting votes from two senators who were sleeping at home.

The tie-breaking senators they roused at 3 a.m. were Harrison A. Williams Jr., D-N.J., and Richard S. Schweiker, R-Pa.

Mr. Pell said yesterday that he "had to take the bull by the horns. The House had already given a great deal. As chairman I had to get through a bill that's acceptable to the House."

Noting strong opposition to the 18-month plan by such senators as Edward M. Kennedy, D-Mass., and Walter F. Mondale, D-Minn., Mr. Pell said, "I guess on this issue their enthusiasm for busing is greater than mine."

Throughout the debate on the higher education bill, Mr. Pell has regarded the landmark new assistance programs as its most important provisions.

GRANTS FOR NEEDY STUDENTS

Under the Pell student-grant program, needy students who qualify for college or occupational schools after high school could receive up to $1,400 a year in federal assistance grants, "minus the amount his or her family can reasonably be expected to contribute."

The grant would be figured out on a complicated formula adjusted to the total of funds available, family income, the number of college-age children in the family, etc. No stipend could amount to more than half the student's college costs.

Mr. Pell said the overall cost of the student aid program would be about 850 million dollars a year.

He has described the plan as one which would establish "the right to a post-secondary education for all of our nation's citizens. This is the first bill which clearly states that the United States has a responsibility to provide some form of post-secondary education to all students."

Acceptance of the plan was a clear victory for Mr. Pell's Senate proposals over alternatives voted by the House.

The original House measure did not give direct grants to students. It simply would have continued the Educational Opportunity Grant program, a smaller program distributed through the states and then through the colleges and the universities.

CONTROVERSIAL HOUSE PLAN

And instead of creating a new program of student aid, the House bill would have launched a controversial new program of institutional aid to support private and religious as well as public institutions of higher learning. This aid would have had few strings attached, and some observers felt it might violate the constitutional separation of church and state.

The conference bill does provide federal aid to colleges and universities on a large scale for the first time. This and other innovations in the bill prompted one conferee, Rep. John Brademas, D-Ind., to call it "the most important higher education bill since Abraham Lincoln signed the college land grant bill."

Rather than using the House approach to aiding institutions, however, the conference bill is hinged more on the approach used in Mr. Pell's Senate bill: It would allocate aid to the colleges on the basis of their federally-financed student enrollment.

One asset of this approach is that it is less vulnerable to a constitutional challenge, since the support is given simply to help colleges meet the cost of educating students supported by the government.

QUORUM CALL

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

(The remarks of Mr. COTTON when he submitted Senate Resolution 303 are printed in the RECORD under Submission of a Resolution.)

SENATOR SCOTT'S LEGISLATIVE RECORD ON BEHALF OF AMERICAN BUSINESS

Mr. COTTON. Mr. President, after several years of an extremely frustrating economic slump, the economy shows encouraging signs of growth. The number of jobs has increased, business investment has been stimulated, and there has been some improvement in our balance of payments.

One of the keys to this economic growth is a strong, viable business sector. More business means more jobs, higher salaries and wages, and a more stable future. Congress has helped sustain this growth through the enactment of certain tax incentives, for example, which enable businesses to invest in new machinery and equipment.

The distinguished senior Senator from Pennsylvania (Mr. SCOTT) is a friend of the businessman and his record proves it. I am sure that others in this Chamber share my admiration of the legislative and voting record of our distinguished minority leader seeking to promote the interests of American business. I, therefore, ask unanimous consent to have his legislative activities printed in the RECORD.

There being no objection, the legislative and voting record was ordered to be printed in the RECORD, as follows:

COMMERCE AND INDUSTRY

THE 92D CONGRESS

Legislation

S. 646—To provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings.

S. 647—To provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions.

S. 1457—To amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

S. 1729. To supply general service freight cars to meet the needs of commerce, users, shippers, national defense, and the consuming public.

S. 2365—To provide for orderly trade in iron and steel products.

S. 3232—To provide more effective means for protecting the public interest in emergency disputes involving the transportation industry.

Votes

Voted to allow a greater expansion of export trade for the United States.

Voted for amendment requiring approval of Congress prior to the instituting of wage and price controls by the President.

Recorded in favor of an amendment to provide a 10 per cent investment tax credit to industries creating new jobs in rural areas and in certain cities with 6 per cent or more unemployment.

THE 91ST CONGRESS

Legislation

S. 766—Unfair Competition Act of 1969—to provide for registration and protection of trademarks, etc.

S. 864—Orderly Trade Expansion Act—to authorize the President to enter into trade agreements with foreign countries, etc.

S. 1164—Iron Ore, and Iron and Steel Orderly Trade Act to limit the amount of iron ore, pig iron and steel mill products which may be imported into the United States by giving the President authority to negotiate agreements establishing import quotas.

S. 2143—To authorize the Secretary of Commerce to develop a national travel policy, to encourage and improve domestic travel facilities, and to coordinate and act as the Federal Government's liaison with State and private tourist organizations. Provides funds for new activities of the U.S. Travel Service.

S. 3615—To provide for orderly trade in textile articles, designed to provide relief for the American textile industry from ruinous threat of foreign imports.

S. 3723—To provide for orderly trade in textile articles and articles of Leather Footwear.

Votes

Voted against the nomination of Carl J. Gilbert to be Special Representative for Trade Negotiations because of his total commitment to free trade at the expense of some of our hard-pressed domestic industries.

Voted to authorize the President to impose tariffs, and other import restrictions as he deems necessary, and requiring the President to reciprocate when other countries remove import quotas on U.S. goods.

Voted for Newspaper Preservation Act, to exempt joint newspaper operating arrangements from any antitrust law if only one of the newspapers involved is a financially sound publication.

Voted for the Bank Holding Company Act Amendments of 1970 to permit banks to engage in certain non-banking, but related activities.

Voted for Securities Investor Protection Act of 1970 to provide for greater protection for customers of registered brokers and dealers and members of national securities exchanges.

Voted for temporary prohibition of railway strikes or lockouts.

Voted for railway labor-management dispute—imposed settlements.

Voted to create an independent presidentially appointed 3-member review commission to adjudicate contested enforcement cases under the Occupational Health and Safety Act of 1970.

THE 90TH CONGRESS

Legislation

S. 612—To regulate imports of milk and dairy products, etc.

S. 1796—To impose quotas on importation of various manmade or natural articles of textile fibers.

S. 3335—To apply an acceptable credit risk standard for loans to small business concerns in certain high-risk areas.

Votes

Voted to suspend foreign aid to any country which seize or penalized a U.S. fishing vessel until that country reimbursed the United States for its payments to owners of such vessels.

Voted *not* to reduce by 122 million the authorizations for U.S. Maritime programs.

THE 89TH CONGRESS

Legislation

S. 949—To promote State and regional centers to place finding of science usefully in hands of American enterprise.

S. 1858—To promote the expansion and replacement of U.S. nonsubsidized merchant and fishing fleets.

S. 2022—Orderly Marketing Act: to afford foreign supplying nations a fair share of the growth or change in U.S. market.

S. 3530—To create Federal Maritime Board-Administration.

Votes

Voted to exempt Rural Electrification Administration-financed cooperatives from Federal Power Commission jurisdiction.

Voted to authorize a qualified State to administer the safety standards contained in Federal Metal and Nonmetallic Mine Safety Act.

88TH CONGRESS

Legislation

S. Res. 30—To grant legislative authority to the Select Committee on Small Business.

S. 627—To promote State commercial fishery research and development.

S. 1773—To provide construction subsidies for merchant fleets.

Votes

Voted for the Commercial Fisheries Research and Development Act of 1963.

Voted *not* to reduce by 21⅔ percent the proposed subsidy for fishing vessel construction.

Voted for the United States Fishing Fleet Improvement Act.

87TH CONGRESS

Legislation

S. 610—To establish an Office of International Travel and a Travel Advisory Board within the Commerce Department.

S. 852—To encourage and promote the expansion through private enterprise of domestic exports in world markets.

S. 1722—To protect and equalize rights in distribution of merchandise identified by a trade-mark, brand or trade name.

Votes

Voted to strengthen and pass the Communications Satellite Act of 1962.

Voted to restore the "peril-point" provisions of existing law into the Trade Expansion Act of 1962.

Voted to provide for financial assistance to firms and workers adversely affected by the above Act.

Voted *not* to limit payments to displaced workers in affected industries to amounts they would receive under regular State unemployment compensation programs.

Voted to require the President to transmit to Congress a copy of each trade agreement entered into, with a statement of his reasons therefore.

Voted for the Trade Expansion Act of 1962.

Voted *not* to cut by $14.2 million funds for ship construction, Maritime Administration.

86TH CONGRESS

Legislation

S. 2663—To provide for equalizing conditions of competition between domestic industries and foreign industries with respect to level of wages and working conditions in the production of articles imported into the U.S.

S. 2692—To provide for a ten year program of research, construction, etc., to advance the marine sciences.

S. 1362—To encourage and stimulate production of conservation for coal; authorize the Secretary of the Interior to contract for coal research.

Votes

Voted to provide a program of assistance to correct inequities in the construction of fishing vessels.

QUORUM CALL

Mr. COTTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

Mr. WEICKER. Mr. President, to paraphrase Charles Dickens:

> This is the best of days and the worst of days. This is the highest of ideals and the lowest of emotions.

A dilemma faces each of us today as we come to the final decision on a bill which but for one section is a landmark of creative excellence in America's higher education. Unfortunately that one small section erodes the Constitution of the United States for 18 months. And that is like one bite out of the apple. There just is not such a reality as "once." What to do? We are offered an indivisible package of excellence and muck. This is not the normal compromise which moves legislation through these halls every day. This compromise our whole reason for being—as Senators—as a United States of America.

Mr. President, how ironic it is that in the same vote we are asked to both further the educational and condemn the constitutional future of our children.

Busing is not the issue. I do not know anybody that claims it as the answer to equality of educational opportunity. Some courts have allowed its use as a tool in those parts of the country where the law stated that all men are not equal.

The issue is what portion of the legal rights of every American are to be traded for the painless attempt at achieving equality of educational opportunity in this country.

Now, my fellow Americans, maybe giving up a portion of our constitutional rights does not hurt as much as increased taxes or seeing customs shattered or suffering the noises of despair heretofore quarantined, but, believe me, we are leaving our children, not just their's, with a United States that is morally and legally cheaper than that which our parents gave to us. We have amassed wealth of every kind to a fantastic degree in this country. Within this struggling Nation of 100 minorities, whether in an ethnic, occupational, physical, religious, income or color sense, most of us have made it. How, rather than thank God and Constitution by building a bigger boat, we have opted to beat back into the water those struggling to get aboard.

This is the point for a Bill Klem.

S. 659 is over the line.

Mr. President, I intend to vote no on the conference report, and I urge all of my colleagues who are sworn to "support and defend the Constitution of the United States" to do the same. Maybe that is the greatest boost we can give to higher education in this country.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEICKER). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I rise in opposition to the motion made by the Senator from Michigan (Mr. GRIFFIN). I do this without regard to my own position on this conference report, because right now I am planning to vote against it, but simply in the interests of the work of the Senate and the work of the conference.

It is my judgment that this information should be made available, Mr. President, to all those who have an interest in this bill, which represents probably the most important single higher education bill since the last century. The tragedy which will appear to all, is that it represents such a monumental achievment in the educational field and is not, I assure every Member of the Senate, to be lightly forgone. On the contrary, I consider this one of the most important decisions I have to make myself, in terms of my legislative life and as the ranking Republican member of the committee which has produced the Senate bill and the conference report.

But, Mr. President, this would all be shattered without hope of recovery, in my judgment, were we to go back to conference with these instructions, for then this particular conference report would, if Senator GRIFFIN's motion were agreed to, be made to carry a load truly backbreaking, not only to me, but it should be backbreaking to the overwhelming majority of the Members of the Senate, and anathema to the interests of the country in terms of equal opportunity in education which is contained in the conference report with what is required by the Griffin amendment, which is of a completely different order of magnitude.

I have myself—and I shall discuss them in a minute—very grave doubts, Mr. President, as to the constitutionality or the effectiveness of the so-called Broomfield amendment adopted by the conferees. But what Senator GRIFFIN would have us do is adopt the House provisions as they were passed, which would not only break the back of transportation in terms of busing for desegregation, but break the back of desegregation in every way in this country, and would represent such a regression in terms of the law as to really be alarming for the country's future.

Indeed, Mr. President, notwithstanding the two instructions voted by the House of Representatives to its own conferees, even the House conferees were compelled to recede in very material ways from the congeries of amendments which they presented to us, and which Senator GRIFFIN's instructions would now require us as conferees to accept.

I invite Senators' attention to the whole of title VIII. It is always very important to read the fine print. The motion which is before us would require the Senate conferees to acept the whole of title VIII, including every provision in it; and every provision in it goes far beyond what the conferees adopted. In addition to problems of unconstitutionality, there are problems of just plain deep injustice which would be the result of the adoption of these instructions to the conferees.

The real problem for us all—and it certainly is not solved by the Griffin motion—is that this is, and I shall detail that also, in every other way an admirable bill, doing things which cry out to be done, in terms of facilitation of higher education, in terms of helping with the desegregation of education at the public school and secondary school levels, in terms of occupational education, in terms of Indian education, and in terms of individual students, including, in all fairness, students of minority groups who suffer adversely from the antibusing provisions, in giving them an enhanced opportunity for higher education, where busing is not in question at all one way or the other.

But with these provisions, Mr. President, both for those who support the conference report as being what they consider a necessary compromise of the views of the House and those of the Senate, and for those who oppose the conference report on the ground that it goes too far in inhibiting constitutional rights or trying to inhibit them, even if it cannot, with respect to equal opportunity for education, the motion which is before us is disastrous and regressive. Therefore, Mr. President, whatever may be the outcome upon which the Senate works its will, this is certainly not the way to go. It would just be compounding all the difficulties which we already face.

The rationale of those who would vote for the conference report is clear. They would feel that the high desirability of the educational provisions outweighs the difficulty, where there is validity, of the so-called antibusing provisions. The problem for those would vote against the conference report is that the balance is tipped by denial of equal opportunity in the educational field by forbidding courts to order desegregation in situations where segregation still persists, and that the bill, notwithstanding its admirable provisions on education, is being used as a vehicle for that purpose and, therefore, we cannot accept it in terms of the conference report and let the balance then go the other way. As I have indicated before, that is my position.

But, Mr. President, to send this report back to the conferees with instructions to accept the worst of what the House originally passed in terms of antibusing and antidesegregation simply compounds what was already a problem for both those who would vote for and those who would vote against and, therefore, in my judgment, unless they feel so dug in that the antibusing provisions and the antidesegregation provisions preponderate over everything else in the bill, I can hardly see how they can support this motion.

So in my judgment, Mr. President, both sides on the basic controversy should vote against the motion.

Now moving, Mr. President, to the basic controversy which is involved: The real difficulty which arose in the conference may not be so much in the words of the amendment which is inserted, the so-called Broomfield amendment—because it is a fact that it was limited in its operation to 18 months—as in the legislative purpose and intent which is described as being carried by those words. Whether or not the courts will go along with that interpretation no one knows; and whether or not the courts will hold the provision constitutional, even if they went along with the construction of the language according to the legislative intent described by the sponsors of Broomfield on the House floor, nobody knows. But it seems to me that we are presented with a dilemma that if you vote for it, you must in good faith accept what the House says it means. The only way you can undo or protest or challenge what the House says it means is by voting against it. That is a very different course from the course which is offered to us by the Senator from Michigan.

The Senate also adopted a version of the Broomfield amendment, but a version which, in my judgment, is much more likely to be constitutional and much more acceptable. Indeed, I supported it and was one of its architects.

If we go back to conference as a result of the action of this body without such instruction as Senator GRIFFIN has given us, I think there is a real likelihood that the Senate will then have stood its ground, as the House in two successive instructions stood its ground.

The House conferees were able to take a very strong position in the conference. They were almost inflexible on the Broomfield amendment in conference. Indeed, the only part on which they gave was a time limitation—although a lengthy one, considering what is at stake. They felt themselves deeply fortified by the instructions of the House.

Mr. President, the Senate conferees would feel themselves just as deeply fortified by the unwillingness of the Senate to accept Broomfield even in its present form. Therefore, I feel that there would be great likelihood of working out a compromise on this subject far more acceptable to many of us. So that it is not totally illogical to say, if you do not like this conference report, send it back to conference, but to send it back to the conferees with such instructions that Senator GRIFFIN would give us, to move from what is already a hot frying pan into the fire—I hope the Senate will not choose to do that. It is no answer to attempt to forgo the whole controversy by complete surrender to the unconstitutional and highly regressive and unjust provisions which were passed by the other body and which we would then be instructed by the Griffin motion to accept without any choice whatever.

In short, Mr. President, we should be going in the other direction, away from Broomfield, even in the form reported by the conferees, rather than in the direction of the other body. We should not sacrifice the distance which the House conferees have already traveled in yielding even the small amount they did yield in terms of fixing a date respecting the operation of the Broomfield amendment.

Mr. President, why do I say that about the House amendments? We have a right to argue those. Though they are not in the conference report, as originally adopted in the House, they are what the Griffin motion wishes us to adopt. The Ashbrook, Green, and Broomfield amendments are included in this motion, the Broomfield amendment, without a date. It is simply something we could not do.

What the House does in the so-called Ashbrook amendment, is to absolutely prohibit any kind of expenditure out of Federal education funds for the transportation sometimes necessary to achieve school desegregation, even if asked for voluntarily by the local education agency, and without any qualification or limitation of any kind; so that even if a local school district felt on its own that it wanted to work out a desegregation plan with furnishing some busing, it could not get help from the very funds of the Federal Government which are set up to help them desegregate voluntarily or to comply with the desegregation order.

Then we move to the Green amendment, which seeks to inhibit even State or local funds being used for transportation in order to work out school desegregation, which in a sense tightens the noose around the neck of the effort to desegregate the schools—again, without any limitation of any kind or character regardless of the requirements of the Constitution.

In addition, the Green amendment, as the House has written it, goes even further than that, but it strikes at orders of the Department of Health, Education, and Welfare. I feel that it completely invalidates the most present application of title VI of the Civil Rights Act of 1964, by which the Department is instructed to enforce nondiscrimination requirements, facilitating where appropriate, school desegregation through the utilization of funds and authorities in respect of aid to education in the Federal establishment.

Should the Green amendment be enacted, we would then have the anomalous situation of taxpayers' money—which includes the money of people flagrantly discriminated against—being used for the purpose of denying them the equal opportunity for education which the Constitution affords them.

Then, Mr. President, we come to the Broomfield amendment, which was finally compromised as between the two bodies, and here again we have an absolutely flat, automatic stay of any order until appeals have been exhausted. At least, if you take the language for what the House sponsors say it means—and I will discuss that in a moment—you have an automatic stay for 18 months of any lower court order which would seek either to transfer or to transport students in respect of what again I say the amendment's House sponsors claim is an effort to desegregate in order to comply with the Constitution.

I might point out that that is exactly the point made this morning in the colloquy between Senator PELL and the Senator from Tennessee. I can understand perfectly why the Senator from Tennessee would expect that the interpretation put upon this provision by the Members of the other body would be the interpretation which he would expect to be carried out.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. JAVITS. First, I should like to read what the conference report managers said about this amendment. I think it will help the Senator from Tennessee in his questioning.

Mr. BAKER. All right.

Mr. JAVITS. The managers in the conference, in commenting on the question of the Broomfield amendment, say the following in their report:

> The House amendment provided that notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. An identical provision was contained in the Senate bill but is applicable only to court orders requiring transportation of students between local educational agencies or consolidation of two or more such agencies. The Senate amendment provides that the section shall expire at midnight on June 30, 1973.
>
> The conference agreement contains the precise language of the House amendment and provides that this section shall expire midnight January 1, 1974. This section does not authorize the reopening of final orders, however, appealable orders are considered to be within the scope of this amendment. The conferees are hopeful that the judiciary will take such action as may be necessary to expedite the resolution of the issues subject to this section.

Now I am happy to yield to the Senator from Tennessee.

Mr. BAKER. I thank the Senator for yielding. I understand the point he is making but do not entirely agree with the representation advanced. The interpretation of the Senator from Tennessee is not dependent on the interpretation given in the House report. Rather, instead, it is my position that the language reported to the Senate in this conference form, as elaborated by the Senator from Rhode Island (Mr. PELL), is the fair import of the proposed statutory language, without reference to what the House says or believes.

Briefly put, it is this, that, putting aside the question of constitutionality, which the Senator from New York and I have discussed previously, and assuming the situation he described, that is, a busing order issued by the U.S. District Court which has been put into effect but which is on appeal now in the U.S. Sixth Circuit Court of Appeals and no doubt will be appealed to the Supreme Court by one side or the other, in that situation, not in view of the House language but in view of the managers' understanding of that situation, I ask, does this language stay the effectiveness of this order? My understanding is that the Senator from Rhode Island (Mr. PELL) indicated it was his understanding of the language. So I rise only to make the point that this has nothing to do with the House's interpretation but it has to do with the colloquy on the floor of the Senate with respect to an understanding of the language now before us.

Mr. PELL. The recollection of the Senator from Tennessee is correct. That is my understanding.

Mr. BAKER. I thank the Senator.

Mr. JAVITS. This exactly bears out what I said a minute ago, that the reason for rejecting the Griffin motion is as much within the purview of the Senator from Tennessee, taking his position, as within my purview. In short, it is my judgment—and I will analyze it in great detail—not only that the provisions which the conferees have brought back are unconstitutional but that it does not, in its own terms, say what the Senator from Rhode Island, who speaks for the managers—claims it says, with regard to applicability to the particular case raised by the Senator from Tennessee. But, again, that is neither here nor there in terms of the Griffin motion which does us both "in," as it were, if passed. That was the basic point I was trying to make. The Senator may disagree with me thoroughly on constitutionality. He may disagree with me thoroughly on construction of the language. I have pointed out the grave difficulty, notwithstanding what I consider to be the tremendous appeal of the educational provisions of voting yea on the conference report, lest one is willing to subscribe to the very interpretation the Senator from Rhode Island (Mr. PELL) has described.

I know that he will understand I am perfectly free to argue that this language means something different from what the Senator from Rhode Island (Mr. PELL) interpreted it to mean. But he is right about the fact that the application of the provision to school desegregation is the managers' interpretation, expressed not only on the floor of the House but also on the floor of the Senate, now that a majority of the conferees have brought in the conference report.

Mr. BAKER. I fully agree with the Senator from New York that this does not bear directly on the motion before the Senate, that is, the motion to recommit. However, this colloquy is important because this is an issue, a point, and a salient point, vital to the final determination of the attitudes and positions of Senators on this conference report. I thought it especially important to have an elaboration of the point of view of the managers of the bill so that we could use that as legislative language further to serve our purposes, whether we disagree or agree on how we will vote.

Mr. JAVITS. I thoroughly agree with the Senator and would like to point out, in all fairness to the conferees, that they themselves have invited early attention of the courts to the unresolved issues. Of course, what we seek to do here will be very much dependent on how the courts deal with the question. They will not be bound by it but they will want to know what we thought we were doing—at least a majority.

Now, Mr. President, to proceed to the essential elements of the bill; but before I go into the question of constitutionality and the construction of the language of the so-called Broomfield amendment, I would also like to make the point respecting a comparison of the Broomfield—as they term it in the conference report—with the version of the Broomfield amendment which was passed by the Senate. It is as different as day and night.

First, as to the bill itself, I take unusual pride in the contributions of the minority to the educational aspects of the bill. I pay special tribute to the Senator from Colorado (Mr. DOMINICK) who was the ranking member of the subcommittee, and to Senators SCHWEIKER, BEALL, and STAFFORD, as well as to the majority, led by the Senator from Rhode Island (Mr. PELL)—which I have already done.

I say that because it is my belief that the educational provisions will survive and that we will work out some resolution of the busing business in respect of the votes which are impending. I hope and pray that we do not go the Griffin way. Even if we reject the conference report for reasons which I have stated in respect of the Broomfield concept which was adopted, the educational provisions will survive, so that that part of the job has been done. It is truly historic. It includes a grant program.

Mr. President, I interrupt momentarily to yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I would ask unanimous consent that at 4 p.m. today agreement be given to a vote on tabling the Griffin motion to refer the conference report back to the conference.

Mr. JAVITS. Mr. President, I would wish that the Senator from Rhode Island would withdraw that. I do not wish to object to it, but I will object if I have to; for this reason: I do not wish to be taken off my feet. I expect to be through well before 4 p.m. today, but I do not wish to be taken off my feet at 4 o'clock. I, therefore, suggest to the distinguished Senator that he give notice of what he is going to do and that at 4 o'clock or as close to that as he can, he will seek the floor in order to move to table. I believe that it will work out. I can assure the Senator that my cooperation will be fully on hand.

Mr. GRIFFIN. Mr. President, will the Senator from New York yield for an observation?

Mr. JAVITS. I yield.

Mr. GRIFFIN. I would agree with the Senator because it would be awkward for the Senator from Michigan to agree to such unanimous consent.

But, a motion to table is the privilege of the Senator from Rhode Island. If he wants to notify the Senate and he then gets the floor to do that, there is, obviously nothing any Senator can do about it.

Mr. JAVITS. I take it that that is agreeable to the Senator from Rhode Island and he will give me notice at 4 p.m. that he will move to table.

Mr. PELL. That is correct.

The PRESIDING OFFICER (Mr. WEICKER). Does the Senator from Rhode Island withdraw his request?

Mr. PELL. Yes, Mr. President, I withdraw the request.

Mr. GURNEY. Mr. President, will the Senator from New York yield for a quick question?

Mr. JAVITS. I yield.

Mr. GURNEY. I was called away as the Senator was discussing the House provisions, insofar as the busing question is concerned. Is it my understanding, in the Senator's general description of what the House provisions were, that those provisions would be much tougher as regards antibusing than those presently in the conference report?

Mr. JAVITS. If constitutional, if the language were construed as its sponsors in the House have construed it. So it would be much tougher—than even the provision, that I am unhappy with which is in there already.

Mr. GURNEY. I thank the Senator.

Mr. JAVITS. Mr. President, to proceed with the question of educational achievement, which we hope very much after consideration will be a closed book no matter how we go on the conference report, such achievements include a grant program to stimulate innovation in higher education. This is extremely desirable and one very strongly favored by the administration.

It includes matching grants to the States, a State student incentive program, to provide educational assistance to encourage State programs for students in financial need so they might obtain a higher education. This provision would be one of the most important and stimulating and broadening opportunities to obtain a college education which was in the bill.

We have the inclusion of half-time or part-time students in the educational opportunity grant programs.

We have the establishment in poverty areas and in ghetto areas of Educational Opportunity Centers to counsel the poor and others on entering college. Again, this is critically important, because too often these people suffer from lack of information or from misinformation.

We have an important advance in vocational and adult education by establishing a bureau in the Office of Education, as well as a new grant program for occupational education.

There is an amendment which deals with discrimination against particular categories of students in the guaranteed loan program not only with respect to race and sex discrimination, but also with respect to the requirement that a certain amount be deposited in a given bank, which inhibits in many cases poorer students from getting this kind of guaranteed loan.

We have in the bill the authorization, for funds to remove architectural barriers that hamper handicapped persons in attending college.

We have provisions in the emergency school aid part of this law, which authorizes $2 billion, that is of tremendous assistance to schools that are seeking to desegregate. That is also part of the bill.

Mr. President, there are many other provisions which are very much to be favored in the educational section. For the first time we have the concept of the entitlement of a student to a Federal grant so as to enable him to go to college. We have the Student Loan Marketing Association—Sally Mae—the secondary market loan facility to make more additional funds available for banks for guaranteed student loans.

We have a landmark memorial to one of our former colleagues, the late Senator Winston Prouty, who fought for so long to bring about the establishment of a National Institute of Education to foster educational research.

This has been provided for in this law, with the opportunity to extend that work not only in the field of research, but also to support demonstration and innovation programs.

We have $40 million of rescue funds for financially hard-pressed colleges and universities that are in imminent danger of closing.

This program was sponsored by the Senator from Maryland (Mr. BEALL) about whom I have spoken before, and the Senator from Colorado (Mr. DOMINICK). It is a most important program.

We have a new program in the legislation for vocational education for Indians.

We also have a new ethnic educational program to deal with ethnic groups in the United States. That amendment was sponsored by the Secretary from Pennsylvania (Mr. SCHWEIKER).

All in all the bill is a really remarkable achievement in respect of education. So many of us are so deeply depressed by the fact that, notwithstanding this magnificent achievement in the field of education, we have to contend with the use of this really great bill as a vehicle for endeavoring to perpetuate for an additional 19 months the conditions of oppression for individual Americans who are segregated or discriminated against in respect of educational opportunities.

Mr. President, I turn now to the unconstitutionality of the so-called Broomfield amendment provision, which has been brought back to the Senate in much worse form than it was adopted by the House and also with respect to the construction of the language itself which, I feel, may not affect even the automatic stay on desegregation which the managers claim for it.

Mr. President, obviously my point is not to accord with the construction put on this section by the managers, but to voice a contrary view.

The amendment says—and I now read from it:

> Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. This section shall expire at midnight on January 1, 1974.

That is exactly the same as adopted by the House, except as to the date.

It will be noted that this section, unlike the Green and Ashbrook section adopted by the House, does not speak of desegregation. It speaks of balance. It is a fact that it does not speak of racial balance. However, it has a totally new formulation. It speaks of achieving a balance among the students with respect to race, sex, religion, or socioeconomic status.

Mr. President, as far as I know, the courts are not issuing orders respecting socioeconomic status, which is here included. There is nothing in the Constitution which says that a person is entitled as a right under the Constitution to an education with or without a particular socioeconomic group. Nevertheless, that is in this particular amendment.

We have been through a number of provisions of law which talk about using funds for the purpose of achieving racial balance, a different formula from that which is contained here. The word "racial" is omitted here.

The courts have held in respect of this particular provision that they are not the same as desegregation orders—either HEW orders or court orders—and that it depends upon the educational law of each State as to whether it is permissible to shift students around for the purpose of achieving racial balance.

There is nothing in the Federal Constitution which makes any special requirement as to race or racial balance. Therefore, the courts have tended to say that these provisions are without effect.

It is my view that that could very well be said about this provision. It omits the word "racial" before the word "balance." If it included it, it would come within these cases. But, in effect, it said the same thing, namely to achieve a balance among students with respect to race, sex, religion, and it then goes on to the socioeconomic status. The construction which its original House sponsors contend for is that this would include all desegregation orders.

Whether one is for or against this amendment, his position is compounded by the use of the word "transfer" which occurs in this amendment which was agreed to by the conferees—not only transportation, but also "transfer." "Transfer" would include a walking transfer, a transfer from one school to another school, even a transfer where busing was not involved.

So the combination and use of the word "transfer" and the failure to use the same words which the court has said is ineffective respecting a desegregation definition, "racial balance," lays this open to a very adverse construction so that any desegregation order could be construed as coming within its terms. I believe that the cases state that racial balance is not desegregation and that racial balance is not required by desegregation of a kind which the courts redress. The courts might dismiss that provision as they did the racial balance provision when it came to the desegregation issue.

I hope if this provision becomes law, the courts do that, but no one can assure that, especially if there is adopted the construction of this provision adopted by the sponsors of the provision in the House and presumably, those who signed the conference report on the part of the Senate and the House.

The other challenge to this particular provision, and this was even recognized by the conferees themselves in their invitation to the courts to expedite consideration of the matter, is the question of constitutionality. I believe this provision of the conference report is unconstitutional and I rely mainly on the case of Alexander against Holmes County, Miss., which decision was handed down in 1969. In that case petitioners were seeking delays in court ordered desegregation throughout Mississippi. The principle which this case established I will argue in a moment. The Supreme Court said it was establishing a constitutional principle that dual school systems, to wit, those guilty of de jure segregation, must be terminated at once and that the Court could brook no delay under the Constitution.

We are talking about the Supreme Court, which is not inhibited by the Broomfield amendment.

This is what the court said:

> The question presented is one of paramount importance, involving as it does the denial of fundamental rights to many thousands of school children, who are presently attending Mississippi schools under segregated conditions contrary to the applicable decisions of this Court. Against this background the court of appeals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.

It seems to me clear, as that was a circuit court of appeals decision the Supreme Court was dealing with, that the court held unconstitutional any modification such as Broomfield would make, regarding the time when segregated districts must be desegregated, and this provision seeking to freeze into law a 19-month stay would be struck down as unconstitutional.

Another legal principle derived from the 14th amendment renders this provision unconstitutional, the principle that racial classifications may not be made. In Lee against Nyquist, a 1970 case in which the judgment of a three-judge district court was later affirmed by the Supreme Court, at issue was a New York statute prohibiting the implementation of plans designed to alleviate racial imbalance. In holding the New York law unconstitutional, the three-judge court said, citing the 1969 Suprme Court case of Hunter against Erickson:

> The State creates an 'explicitly racial classification' whenever it differentiates between the treatment of problems involving racial matters and that afforded other problems in the same area.
>
> The Statute—creates a single exception to the broad supervisory powers the State Commissioner of Education exercises over local public education.

The Broomfield amendment treats school cases involving a balance of race, religion, sex, or socioeconomic status differently from other school cases the district courts may be asked to decide. In singling out these criteria, of which race is obviously the major factor, it creates a constitutionally proscribed classification.

I have expressed my views, one, that the provision brought in may not be construed to do what the managers and the proponents seem to say it does and what the House says it will do, to wit, give a statutory or automatic stay to all desegregation orders in the 19-month limitation, and, two, if the House sponsors' construction is correct, it is unconstitutional on that ground. I support and voted for, the compromise adopted here with respect to a version of Broomfield, to wit, inhibiting for 1 year the question of final decision on two issues: One, the consolidation of school districts in court-ordered desegregation; that is, consolidating them for the purpose of moving students from one to the other where they were contiguous; and two, crossing district lines in the assignment of students to achieve desegregation.

It was much closer then because in that case, in the measure the Senate adopted, we were dealing with two novel questions not decided by the Supreme Court. It seems to me there was a chance, and I said so at the time—I was not positive about it, but there was a chance—that with the one-year hiatus, we were giving opportunity for all relevant new law to be the same throughout the United States and that one year was a reasonable time to give the Supreme Court the opportunity to consider the question as it came from the different circuits and have the question decided so the law would be uniform throughout the United States.

That is different than congressional intercession, the justification for the part of the conference report with which we are dealing here.

Mr. President, I would like to conclude as follows: there are, many will say, highly complex and highly esoteric questions of law, of constitutionality, or the meaning of given words which I have been discussing, but they come at a time which is tremendously meaningful in terms of national policy, and this must dictate votes like mine. Let us remember there is a tremendous feeling many seem to read, which is moving and sweeping the country. The example which is most often given to us is the example of the primaries, especially the primary in Michigan where the question is a very hot one; it has been interpreted to mean that the country is against busing—so-called involuntary busing—that is busing that is an element of court-ordered desegregation; this, notwithstanding the limitations the Supreme Court put on busing, which are very real, in the Swann case, which relate to the health of the child, and whether the child's learning is interfered with by the nature of the busing. In the Scott-Mansfield amendment, the Senate sought to add another guideline, to which I expect the courts will be receptive, to wit that the busing does not interfere with the education of any of the children participating in a desegregation program of which busing is an element.

That is our reasonable and honorable limitation, to the extent anyone would wish to give long delayed justice to those who have endured second-class citizenship, because they were sentenced at 5 or 6 years of age, because they were black, or because they were Polish, or because they were Mexican Americans, or because they were Jewish, or for some other reason of minority status.

With this kind of tide running in this country and with so many people in this country hungering for some sense of reassurance that we in public office understand their real and legitimate problems, I believe the Senate acted responsibly in adopting reasonable and fair limits on busing as a remedy. Yet we should not and cannot sweep aside the elemental promise of justice in this country; does it not seem elementary that, since we are people of conscience, we will stand up for the victims of discrimination, that this will not mean our joining a parade and moving with the tide against progress and movement, because of fear of one kind or another or an unwillingness to accept the principle that all Americans are equal, no matter what may be their color, race, or national origin?

That is what the issue is. It is climatic, but it is true. That, as I see it, is the basic issue which we face.

I think it is most regrettable that this great education bill has been used as a vehicle for endeavoring to turn the clock back in our country for millions of people in the minority. Mr. President, that is it. There is no choice about it. So we simply have to decide, each of us. It is not a matter of exhortation. This is a deep question of conscience for each of us. What weighs the heaviest in our consciences? Let this not be a notice to millions upon millions of Americans that some sentiment is sweeping the country which is inimical to their future and their progress. If, as I believe, this is an excellent education bill, we will find a way to make it into law if the Senate stands its ground, without the necessity to yield and go along with the bill notwithstanding the injustice for which it has been made the vehicle.

It seems to me this is the most conclusive argument against the Griffin motion—that it will turn the clock back even further and give an even worse signal to millions of American people who look to us for a sense of responsibility and a sense of justice and a sense of restraint, whatever may be a prevailing public sentiment.

For those reasons—and that is the immediate issue before us—I hope the Senate will reject the motion of the Senator from Michigan.

I yield the floor.

Mr. DOMINICK. Mr. President, I thank the Senator from New York for giving me some time before I understand a motion, probably by myself and the Senator from Rhode Island, will be made to table the motion of the distinguished Senator from Michigan to recommit the bill. I will vote to table and am supporting that move.

I think the reasons ought to be outlined first informally and then perhaps we can get the motion to table agreed to and get to the effect of the bill on the educational process of this country.

I listened to the Senator from New York (Mr. JAVITS) with great interest and with considerable sympathy. I know the problems with which he has been faced insofar as the busing issue is concerned.

The Senator from Colorado, perhaps as well as any Senator in this hall, realizes the controversies, the fears, the violence, and unrest which can flow, and which have flowed from mandatory busing proposals of the courts. The capital city of my State is presently awaiting the Supreme Court's decision on its case which well may provide the definitive national busing statement we have all been waiting for. My concerns for a sane resolution to the busing controversy have led me first to cosponsor Senator GRIFFIN's joint resolution to amend the Constitution, and later to seek national guarantees of equal educational opportunity through introduction of President Nixon's Equal Educational Opportunities Act of 1972. My involvement in and concern for the problems of mandatory busing are thus substantial. Yet, I do not intend that such an issue should torpedo a bill as necessary, as promising, and as comprehensive as this.

Assuming that one can still remain practical in the barrage of emotional rhetoric swirling around the busing issue, no Senator should allow busing alone to dictate his vote on this report. The proponents of mandatory busing must reorganize the political exigencies of the present situation.

A defeat of the conference report will not end the busing debate. It will continue until the Supreme Court finally decides the issue or Congress works out other methods to support quality education for all people.

On the positive side, the conference report contains language substantially similar to the Senate adopted Scott-Mansfield amendment concerning the expenditure of Federal funds and Federal requirements concerning the expenditure of State and local funds for busing. In fact, it was somewhat strengthened by virtue of using the language in subsection (a) of the Scott-Mansfield amendment.

The conference report also contains the House-approved Broomfield amendment staying the effectiveness of busing orders until all appeals are exhausted or the time for appeals has run, effective about January 1, 1974. In essence, the modified Broomfield amendment guarantees schoolchildren—this is another way to look at it, I might say—the right to continue attending their present school through final decision of the case, rather than shuttling them from school to school each time a district court order is implemented and then reversed. To guarantee less educational tranquility would, in my opinion, produce counterproductive educational results—and educational results are what we are all interested in.

A consequence for civil libertarians advocating defeat at all costs of the Broomfield amendment is the concurrent death of numerous programs contained in the report expressly or substantially for the disadvantaged or minority student. The shallowness of such logic is blatantly obvious for those who read the bill instead of their own headlines and rhetoric.

Killed in the heat of such anti-Broomfield rhetoric would be programs such as the entire student assistance program in S. 659 which is structured, more than ever before, for the needy students by the inclusion of the basic educational opportunity grant "entitlement" for such students. Even without the BEOG or the expanded authorizations of S. 659, during fiscal year 1971, approximately 1,280,000 national defense loans, college work/study jobs, and educational opportunity grants were distributed to America's poor students.

Additionally, 1,080,739 guaranteed student loans were made in fiscal year 1971 with 70 percent of them to students from families with adjusted family incomes below $9,000. Also, 90 percent of the institutional assistance program is specifically written to encourage the enrollment of poor students. Part I of title I contains a special graduate fellowship program for students from disadvantaged backgrounds. A vote against the conference report is a vote against authorizations of $96 million, $100 million, $100 million, and $100 million respectively for the next 4 years for the special programs for students from disadvantaged backgrounds. These three programs—upward bound, talent search, and special services for disadvantaged students—assisted 143,000 disadvantaged students toward postsecondary education in 1971 alone. Also killed would be special educational programs, such as the Indian Education Act with authorizations of $116 million, the strengthened Teacher Corps, and special bilingual and migrant education programs contained in part E of title I and title V, all over the busing fight.

Mr. President, if the conference report fails to pass, then the poor child's opportunity to escape poverty through the new $850 million Occupational Education Act or the extended Vocational Education Act fails also. Dying with the bill would be the $25 million ethnic heritage program and the $80 million consumers education program. And, finally, as a last note in a pool of chaos, the civil libertarians would vote against a $2 billion emergency school assistance program designed to assist school districts in meeting the special needs incident to desegregation, to encourage voluntary integration, and to aid schoolchildren in overcoming the educational disadvantages of minority group isolation. The record should be clear that those who vote against the conference report, because of special allegiances to mandatory busing do so with the full knowledge that they are consigning the abovementioned meritorious education programs for the disadvantaged to the junk heap.

To those who oppose the conference report, because the effect of the Broomfield language is ambiguous or not strong enough, may I point out that this was the best we could get. The automatic stay which is put in will give the Supreme Court time to decide the cases that are presently pending before it, or, in the alternative, will give Congress the chance to fashion either new legislation or a constitutional amendment to present to the American people, to see how they feel about it. But I would point out that we gain very little by defeating the bill on the ground that the antibusing language is not strong enough, when in the process of so doing, we are destroying the very educational processes which may make busing unnecessary for the future.

All I would say to my colleagues is that I hope we will not recommit this bill, that we will be able to table the Griffin motion, and that we can get on with the job of providing the necessary authorization for programs which, as I say, may finally at some point lay at rest the very emotional and highly volatile issue of mandatory busing.

Mr. TALMADGE. Mr. President, I wish to make one thing emphatically clear. If the Griffin motion is agreed to, it will not delay this bill, it will not kill this bill, and it will not harm this bill. The House of Representatives has voted twice, by overwhelming votes on both occasions, instructing its conference to agree to the House amendments. If the Griffin motion is agreed to, it will be the same action that the House has already taken twice, so that both bodies will be in complete harmony. All the conferees would have to do at that point would be to meet, to take the action that the House and the Senate had agreed upon, and they could resolve the matter in about 5 minutes. All they would have to do would be sign their names to the conference report and perfect the language.

A lot has been said about how the American people feel on this issue. I do not think there is anything clearer today on the horizon of this country than how the American people feel about forced school busing. We have had referendums in Texas, in Florida, and in Tennessee, all with overwhelming results. We have also had Presidential primaries, and George Wallace, the Governor of Alabama, a deep Southern State, has polled more votes in those primaries to date than any other candidate. Why? Because he did not equivocate on this issue of forced school busing. As a matter of fact, he was so emphatic on the issue that he swept Michigan, which is supposed to be the most liberal industrial State in the United States. That ought to be emphatic enough as to how the people feel on this issue. It is time for us to stop ignoring the clear mandate of the people we serve.

Nationwide, according to the Gallup poll, 69 percent of the people opposed forced busing to achieve racial balance. Moreover, according to the same poll, 46 percent oppose busing and are in favor of a constitutional amendment.

The Gallup poll pointed out that the principle of desegregation is accepted in all walks of life, North, South, East, and West. It is not a regional issue any more. Busing as a technique to achieve desegregation is another matter. Most people everywhere, North and South, oppose busing and favor neighborhood schools.

As a matter of fact, the Black Caucus that was held in Gary, Ind., overwhelmingly voted against forced school busing.

Mr. President, 75 percent of the people interviewed by the Gallup poll were outside the South. Sixty-eight percent of those outside the South opposed forced busing. Seventy-four percent in the South opposed forced busing.

Mr. President, the issue involved here is more than just whether or not the American people favor a certain principle. The issue involved is whether or not the American people, the fathers and mothers and guardians, possess the most sacred right that can be given our citizens—to determine the school that their children are going to attend, and whether all parents in all parts of the country possess this right to an equal degree.

I wish all Senators could see some of the hundreds and thousands of pitiful letters that I have received, not only from my constituents but from people who live elsewhere. For instance, a lady in Savannah, Ga., has her children bused 15 miles every day.

Also in Savannah, a 10-year-old girl who lives 2 blocks from one school is bused 15 miles to another one. She will travel over 5,000 miles in that bus in 1 year.

In Chatham County, Ga., a girl is bused 20 miles to school each day.

One family in Pooler, Ga., has six children. The two older boys go to a school 10 miles away. Two smaller boys go to school 4 miles in the opposite direction. In each case, they have to walk a mile to get to the buses.

This is a quotation from a letter:

> There are four primary public schools within three miles of my home, however, my fifth and sixth grade children were assigned to a school 16 miles away . . . children that got home at 3:15 last year aren't coming home now until 6:15.

Here is another one:

> We live within 100 yards of a neighborhood school and our child is being bused 10 miles each way.

A writer in Savannah says:

> Savannah children in the first through sixth grades are having to get up at 6:00 a.m. in order to be 30 minutes late daily for their classes due to this busing. Many of them are not getting home until 5:30 and 6:00 p.m.

Another letter:

> I have a son 8 years of age, we have three elementary schools within walking distance of our home. The Fifth Circuit Court of Appeals has seen fit to order this boy bused 24 miles each day to a foreign neighborhood.

Finally, in Wilkinson County, Ga., every day, the school buses travel as far from Washington, D.C., to Miami, Fla., and half way back. Forced school busing will cost this little county $133,000 next year. In Chatham County, the bill will run $850,390.

Mr. President, that is going on largely in southern States and is going on in some degree outside the South. That is not improving education. On the contrary, it is destroying public education in many sections of our country. That is not promoting racial harmony. On the contrary, it is creating more ill will between the races than our country has known since the War Between the States.

The time has come for this body and this Congress to step in and take corrective action. We thought that the Supreme Court in 1954, in the Brown decision, when it held that the children could not be classified by race for assignment to public schools, had put that issue to rest. We find that it did not. We thought, also, in 1964 that the provision in the Civil Rights Act, part 4, that said that children could not be assigned to public schools to achieve a racial balance had laid the issue to rest. But we find that the Department of Health, Education, and Welfare, and particularly our Federal courts, have completely disregarded and misconstrued the law. They are now classifying children by color, particularly in the South and in a few isolated areas outside the South, forcing them to go to schools, because of their color and to travel long distances in many areas of our country against their will.

I say that is not education. It does nothing to further education. It destroys education. It is tyranny. I hope Congress will lay it to rest once and for all by sending the conferees back to conference with instructions to accept the House amendment.

I yield the floor.

Mr. SCOTT. Mr. President, Abraham Lincoln once said that no question is settled until it is settled right. This is a very important bill. It involves more than $21 billion over 4 years. It is probably the best major educational bill of its nature to be offered to Congress.

The conferees have worked 6 or 7 weeks. One session was perhaps the longest ever held by conferees between the two bodies. They have made compromises.

The impress of the Mansfield-Scott amendment is still upon the bill to a degree. We had sought some stay of one of the most exacerbating aspects of the busing issue in order to give a breathing spell, but this was not enough for the other body; and while they have not put in the Ashbrook or Green amendments, they have put in the Broomfield amendment. I believe, as others have said, that this amendment is unconstitutional. I hope it will be declared unconstitutional. I hope that a court test will be presented for that purpose, so that we may have an early end to the confusion that surrounds the entire question of busing and all the emotion involved in it.

So that I have to say that I see a bill most of which is good and one aspect of which goes beyond what I would have wished, beyond what the distinguished majority leader and I sought to achieve in arriving at some middle ground between the point of view of those who were opposed to all busing and those who were in favor of busing under almost all circumstances. Our position was a moderate position, in between. We thought it was reasonable and logical and I say that the impress is still there.

But while this bill, in my opinion, goes too far in one regard, I can fully understand the sentiments of those who are not satisfied with the conference report and those who would wish to send it back. In my view, if it goes back, we will never get a bill, and that is what motivates me most of all. I cannot imagine the same conferees enduring the presence of each other with such infinite patience for an additional period of time. There are times when even nature rebels against the forced juxtaposition of widely opposing views. I am afraid that that would be the future of another conference.

Therefore, I regret very much that I have to disagree with some of my esteemed colleagues on this matter and perhaps disagree with others in various places of authority. It is my view that I can only vote to table the motion to recommit, because I would rather have this excellent bill, marred, as I see it, in only one or two respects, than to have no bill at all. As so happens in my particular case, my position probably will please nobody, and that is all right with me, too.

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from Florida.

Mr. GURNEY. I thank the Senator.

Mr. President, I strongly support the motion of the Senator from Michigan to recommit the conference report with instructions to the conferees to adopt the House provisions on busing.

Without belaboring the point, those of us who have had experience in the business of busing—and all of us in the Southern States have; Florida has been one of the States most widely affected by busing—know that it is not helping the matter of education, that is hurting the matter of education. It is not helping the matter of race relations; it is hurting the matter of race relations.

All over the United States where the problem of busing has occurred, the people have shown, in overwhelming numbers, that they oppose busing. The polls range between 70 and 80 percent, and it does not make much difference whether they are taken in my State or Michigan or California or any other State where busing has taken place. The people are overwhelmingly opposed to it.

I do not suppose that in the history of representative government in this country Congress has more arrogantly ignored what the people want than with respect to busing.

As other speakers have pointed out, the House provisions, in the House bill, were much stronger than the Senate provisions and much stronger than those in the conference report.

I hope the Senate will adopt the motion of the Senator from Michigan and instruct the conferees to adopt the House provisions.

Mr. PELL. Mr. President, I yield to the junior Senator from Florida, and then I intend to offer the motion which I have already announced to the Senate.

Mr. CHILES. Mr. President, the key question is whether or not recommittal will help in a situation of busing. The question I especially am asking myself is what it will do to my State of Florida if we send it back.

It has been said that the motion to recommit with instructions to the conferees will bring the tougher versions of the House. What are the tougher versions of the House? We are talking about two things. We are talking about the Ashbrook amendment. The Ashbrook amendment says "no Federal funds for busing," period. What about all the areas in the South, particularly in Florida, that are under busing orders, in which the local school board wants to use some Federal funds for busing? We are under a busing order. It is final. The Ashbrook amendment would do nothing to give us any relief. It just says that we cannot use any Federal funds.

The conference committee report says that if a school board wants to say in writing that they need to use these Federal funds, they can use them.

So my State will be better off with the conference report than with the Ashbrook amendment. Then we have the Green amendment which says there will be no Federal inducement to encourage State funds for busing. That will do nothing for Florida. That is less applicable to some States that do not have busing. We are already busing in Florida. It is already required. The tougher House version we talk about is not tougher at all for Florida. In fact, we will be much better off in Florida with the conference report, such as it is, to instruct the conferees to go back and accept the House version, because all we are doing is cutting ourselves off from the use of Federal funds where the local school boards are required to bus, and then will have to use local tax dollar funds—ad valorem tax dollar funds—to comply with the busing because the Ashbrook amendment will cut off those funds. So I am going to support the motion to table and be against the motion to recommit.

Mr. PELL. Mr. President, I thank the Senator from Florida.

Mr. RIBICOFF. We are on the verge of taking a long step backward in our struggle for racial equality. Ironically, this step will be taken in the name of higher education reform.

The antibusing provisions of the conference report on S. 659, the Higher Education Act, represent the first official sanction of America's drift toward a racially separate society. Some have attacked these provisions for being too lenient, while others have praised them as an acceptable compromise. There is a point, however, where we cannot compromise on the issue of human rights, and this bill is surely it. I opposed the compromise the Senate adopted 3 months ago, and I will vote against the conference report and its even stronger restrictions on the rights of minority-group children.

I do this recognizing that the bill contains many important reforms in Federal higher education programs. But the real issue is not higher education. It is whether the Nation will continue its commitment to a unified society where race is an irrelevant factor. Unfortunately, in this election year, with politicians stumbling over each other in their rush to support the fake issue of busing, race is the dominant factor.

How can Congress say it is concerned with improving higher education opportunities, when at the same time it is restricting the opportunities of elementary and secondary school students who happened to have been born with black or brown skin? By consciously limiting millions of minority group children to an inferior education, we necessarily prevent them from ever taking advantage of the positive reforms contained in this bill. Unless these noxious provisions are eliminated, higher education will be an option available only to white Americans—what a future tragedy to encourage.

The reforms contained in S. 659 are needed—but not at the price the conferees ask us to pay.

Mr. TALMADGE. Mr. President, I support the motion to recommit the conference report on the higher education bill.

It is hard to say, with any certainty exactly what the language in the conference report which deals with the subject of forced schoolbusing really means. The actual effect of it will be determined by the bureaucrats who will administer it, and the judges who will interpret it. Based on past performance, this does not give those of us from the South much reason for optimism.

But regardless of how it is interpreted, Mr. President, one thing is clear—it offers no relief to the schoolchildren in this Nation who are currently being bused, and whose time for appeal has expired.

Let us take a real look, Mr. President, at what we are doing here today. We have enacted limitations on the future busing of schoolchildren for the purpose of achieving a racial balance. Why would we do such a thing? There can be only one logical answer—because we are beginning to have doubts about this remedy which is, in reality, a Frankenstein monster created by judges and bureaucrats who are not directly responsible to the people.

I can remember several years ago, Mr. President, when this country was swept by a "cranberry scare." The Federal Government, recognizing that the product in question might well be dangerously defective, not only stopped its flow into the stores, but took the cranberries which were already in the stores, off the shelves.

Well, the remedy of busing our children for the purpose of achieving a racial balance is now suspected of being dangerously defective. I, myself, have thought for a long time that this particular shipment of cranberries was rotten. What we have done, today, is stop the flow of these cranberries to the stores, but allowed those which have already been sent to the stores to remain on the shelves. In other words, Mr. President, these cranberries may be too dangerous for the children in the rest of the Nation, but they are all right for the southern children.

Those who support this shameful solution will, once again, rely on distinctions such as, "de facto" and, "de jure" to support their position. They will tell us that there are really two different kinds of school systems in this country—one in the South, and one in the rest of the Nation.

Mr. President, there is simply no basis in fact for such an argument. My very able and distinguished colleague, the junior Senator from Mississippi, has presented to the Senate statistics which conclusively prove that the southern schools are the most desegregated schools in our Nation.

Mr. President, my record on forced schoolbusing is clear—I oppose it. It is costing us a horrendous amount of money, but it is costing us something a great deal more precious.

It has deprived many American parents of their right to choose where their child will go to school. This is a right, incidentally, which enables many of the supporters of this practice to send their children to private schools to escape its effects.

Let us think for a moment, Mr. President, about how fundamental and important this right really is. I would think that few people, if any, are completely satisfied with what they have accomplished in this life. But one of the things which keeps us all going, is the abiding dream that things for our children and grandchildren will be better than they were for us. A common bond which unites all parents is the desire that their children will have the best life has to offer, insofar as it is within the ability of the parent to secure it for them.

This is a right which belongs equally to black and white Americans. The supporters of forced schoolbusing may argue that in the past, the right of parents to select schools for their children has been abused, to the detriment of black Americans. If this is so, the way to solve it is to provide, to every American, the right to attend any school he may select. What could be simpler than that?

In 1954, Mr. President, the Brown decision struck out against so-called State action which resulted in segregation. Now what does this really mean? It means that State governments will no longer be allowed to tell parents where their children must attend school. And in 18 years, see how far we have come. Now, the Federal Government tells all children where they must attend school. We have rescued this precious right from alleged abuse by State governments only to sacrifice it to the Federal Government. And the parents and children of this Nation are poorer for it.

In closing, Mr. President, what we have done here today is very simple. We have acknowledged that there may well be something wrong with forced school busing. So we are going to hold it in check for awhile and take another look at it. That is, we are going to hold it in check for all children except those who have suffered under it the longest. Now, Mr. President, there is either something wrong with forced schoolbusing, or there is not. If there is nothing wrong with busing as a medicine, then let us administer it wherever it is needed. But if there is something wrong with it, then let us extend equal protection to all the children of America. One way or the other. Mr. President, it is time to put a stop to this shameful hypocrisy.

Mr. PELL. Mr. President, on behalf of the junior Senator from Colorado (Mr. Dominick), the ranking minority member of the subcommittee, and myself, I move that the Senate table the Griffin motion.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Weicker). The question is on agreeing to the motion of the Senator from Rhode Island to table the motion of the Senator from Michigan (Mr. Griffin) to recommit the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. METCALF (when his name was called). On this vote, I have a pair with the distinguished Senator from Massachusetts (Mr. Kennedy). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote, I have a pair with the distinguished Senator from Mississippi (Mr. Eastland). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from North Carolina (Mr. Jordan), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. Inouye) and the Senator from Utah (Mr. Moss) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. Hartke) would vote "yea."

On this vote, the Senator from South Dakota (Mr. McGovern) is paired with the Senator from Louisiana (Mr. Long). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Louisiana would vote "nay."

On this vote, the Senator from Minnesota (Mr. Humphrey) is paired with the Senator from Alabama (Mr. Sparkman). If present and voting, the Senator from Minnesota would vote "yea" and the Senator from Alabama would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Wyoming (Mr. Hansen), and the Senator from Idaho (Mr. Jordan) are absent on official business.

The Senator from Colorado (Mr. Allott), the Senator from Utah (Mr. Bennett), the Senator from Massachusetts (Mr. Brooke), the Senators from Kentucky (Mr. Cook and Mr. Cooper), the Senator from Kansas (Mr. Dole), the Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. Hatfield) and the Senator from Illinois (Mr. Percy) would each vote "yea."

On this vote, the Senator from Massachusetts (Mr. Brooke) is paired with the Senator from Wyoming (Mr. Hansen). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Wyoming would vote "nay."

The result was announced—yeas 44, nays 26, as follows:

[No. 184 Leg.]

YEAS—44

Aiken
Anderson
Beall
Bentsen
Boggs
Burdick
Case
Chiles
Cranston
Dominick
Eagleton
Fulbright
Harris
Hart
Hughes
Jackson
Javits
Magnuson
Mathias
McIntyre
Miller
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams
Young

NAYS—26

Allen
Baker
Bible
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Cotton
Curtis
Ellender
Ervin
Fannin
Gambrell
Goldwater
Griffin
Gurney
Hollings
Hruska
Proxmire
Roth
Spong
Stennis
Talmadge
Thurmond
Tower

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Mansfield, for.
Metcalf, against.

NOT VOTING—28

Allott
Bayh
Bellmon
Bennett
Brooke
Church
Cook
Cooper
Dole
Eastland
Fong
Gravel
Hansen
Hartke
Hatfield
Humphrey
Inouye
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
McClellan
McGee
McGovern
Moss
Mundt
Percy
Sparkman

So Mr. Pell's motion to table the Griffin motion to recommit the conference report was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. PELL. Mr. President, I move to lay that motion on the table.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion was agreed to.

ORDER FOR ADJOURNMENT TO 11 A.M.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, after consultation with the joint leadership on both sides and the interested parties—and we hope that we have touched all bases—I would like to ask unanimous consent that when the Senate adjourns tonight, it stand in adjournment until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, it is my understanding that two 15-minute speech orders have already been entered. I ask unanimous consent that after those Senators who have already been granted that privilege have finished with their speeches, there be a period of not to exceed 15 minutes for the conduct of routine morning business with a time limitation of 3 minutes attached thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 14852) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

ORDER SETTING TIME FOR VOTE ON CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote occur on the final passage of the conference report at the hour of 3:30 tomorrow afternoon.

Mr. JAVITS. Mr. President, reserving the right to object, and I hope I shall not object——

Mr. MANSFIELD. Mr. President, I want to get a time limitation agreement if this request is granted.

Mr. JAVITS. Mr. President, I would like to make it clear that we have stipulated with the majority leader that there will be 3 hours of debate. There may be intervening motions or other business. Those 3 hours are to be equally divided between the proponents and opponents of the conference report.

Mr. MANSFIELD. The Senator is correct. I was going to make that request if we got the time situation agreed to.

Mr. JAVITS. It should be built into the time.

Mr. MANSFIELD. It will be.

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, I have not decided if I will speak tomorrow or not. If I do, I would like to speak for 20 minutes. Could I be accommodated for 20 minutes?

Mr. MANSFIELD. The Senator can be assured of that time.

The PRESIDING OFFICER. Is there objection?

Mr. CHILES. Mr. President, reserving the right to object, I did not understand how the time is going to be divided. I may want to speak for 10 or 15 minutes. I wonder if there will be sufficient time.

Mr. MANSFIELD. Yes. The Senator can be assured he will get that time.

Mr. STENNIS. Mr. President, reserving the right to object, what was the time that was requested?

Mr. MANSFIELD. The vote will occur at 3:30.

Mr. STENNIS. How much time?

Mr. MANSFIELD. I want to get this out before I ask for that.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, if my calculations prove to be correct, at about 10 minutes of 12 tomorrow we will be through with speeches and morning business.

I ask unanimous consent that time from then on to 3:30 p.m. be equally divided between the proponents, the distinguished manager of the bill (Mr. PELL), and the opponents, not necessarily the minority leader, but just to keep the record straight, whomever he may designate.

Mr. JAVITS. Mr. President, it is adequate that it go to the minority leader or if for any reason there is a change in position I will yield to others.

Mr. MANSFIELD. I will substitute the name of the distinguished senior Senator from New York.

Mr. SCOTT. With the understanding the distinguished senior Senator from New York will work it out with the Senator from Colorado (Mr. DOMINICK).

Mr. JAVITS. If he is on the side of the Senator from Rhode Island (Mr. PELL). But I would like to stipulate.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, will the Chair please request staff members to take their seats and remain seated, and Senators to take our seats?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, the thing I wish to be sure of is that we will have 3 hours of debate, with an hour and a half on each side. In view of intervening motions, quorum calls, and so forth, that is not guaranteed necessarily. So I would ask the majority leader if he would be good enough to build into his unanimous-consent request the fact that the opponents and the proponents will be assured an hour and a half in that period.

Mr. MANSFIELD. Yes. Mr. President, I amend my unanimous-consent request to that extent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, reserving the right to object, can I be assured of 7 or 8 minutes?

Mr. MANSFIELD. Yes.

Mr. President, I ask unanimous consent that in opposition the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) be recognized for not to exceed 20 minutes and that the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for not to exceed 10 minutes; and in favor, I assume, the distinguished Senator from Florida (Mr. CHILES) for not to exceed 15 minutes.

Mr. ERVIN. I would like to have 10 minutes in opposition.

Mr. MANSFIELD. And 10 minutes for the Senator from North Carolina. I am going outside of my sphere in doing this.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. With the assurance of 3 hours, all Senators can be accommodated.

Mr. MANSFIELD. Almost 4 hours.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY BEFORE THE SENATE THE CONFERENCE REPORT ON THE HIGHER EDUCATION BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, at the close of routine morning business, the Chair lay before the Senate the conference report on the higher education bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 a.m. After the two leaders have been recognized under the standing order, the Senator from Alaska (Mr. GRAVEL) will be recognized for not to exceed 15 minutes and he will be followed by the Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 15 minutes with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will resume consideration of the conference report on the higher education bill, S. 659. There is a time agreement thereon, with a vote to occur on adoption of the conference report at 3:30 p.m. tomorrow. That vote will be a yea-and-nay vote.

Following disposition of the conference report tomorrow, it is unclear at the moment as to whether the Senate will then be able to proceed to the consideration of S. 1478, the hazardous substances bill.

If not, the Senate will resume consideration of the unfinished business, S. 3526, the State-USIA authorization bill.

ADJOURNMENT TO 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until tomorrow at 11 a.m.

The motion was agreed to; and, at 5:02 p.m., the Senate adjourned until tomorrow, Wednesday, May 24, 1972, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, May 23, 1972*

The House met at 12 o'clock noon.

Mr. Norman Hogan, Department of Social Sciences, Freed-Hardeman College, Henderson, Tenn., offered the following prayer:

Holy Father, we praise Thee for Thy creative power which has given us life, Thy sustaining power which has given us stability, and Thy wonderful love which has given us Thy Son. May we be filled, not only with a sense of Thy strength and might, but also with Thy goodness and grace.

We are thankful for today's blessings, privileges, opportunities, and responsibilities. We invoke Thy help in efforts to obtain peace and provide for domestic tranquillity. Grant us the strength to meet our obligations with courage and calmness.

Bless, we pray, the deliberations of this day, that wisdom and understanding may prevail and all things will be done for the betterment of mankind and to Thy ultimate glory. In the name of Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments a bill of the House of the following title in which concurrence of the House is requested:

H.R. 9580. An act to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles.

TRIBUTE TO NORMAN HOGAN

(Mr. JONES of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. JONES of Tennessee. Mr. Speaker, offering the opening prayer today was my good friend Norman Hogan, of Henderson, Tenn.

Mr. Hogan, an ordained minister of the Church of Christ, is a member of the Bible and history faculties of Freed-Hardeman College and is currently minister of the Rives Church of Christ in Obion County, Tenn. I first became acquainted with Mr. Hogan when he began his ministry in my home community at the Yorkville-Lemalsamac Church.

He attended Freed-Hardeman Junior College, and when he received his B.S. degree from Bethel College in McKenzie, Tenn., I was honored to be the commencement speaker. He received his M.A. in history from Memphis State University and taught history and sociology at Abilene Christian College in Abilene, Tex., for 7 years prior to accepting his present position at Freed-Hardeman.

In addition to his regular ministerial and teaching duties, Mr. Hogan also participates as minister-evangelist in approximately 12 gospel meetings per year. He estimates that he has participated in 250 such meetings since he began his career in the ministry.

Mr. Hogan is married to the former Jean Marilyn Greene of the Bonicord Community in Dyer County, Tenn., and they have one child, Marilyn Ann, who is 13 years of age.

I am pleased that Brother Hogan accepted the invitation to offer the opening prayer today, and I am honored to count him among my close personal friends.

EXPRESSION OF THANKS TO THE PRESIDENT FOR SIGNING THE BLACK LUNG COMPENSATION BILL

Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker and Members of the House, I want to take this opportunity to thank the President of the United States for signing the black lung compensation bill. I think it took courage to do so because there was very strong opposition to one section of that bill, especially in view of the fact of the rise in the cost involved. However, he took into consideration the great need and great good which this legislation will do.

I also want to thank my good friend from Pennsylvania, John Saylor, for his untiring efforts in obtaining the passage of this bill and the gentleman from Pennsylvania (Mr. McDade) from the hard coal area for his efforts. Also in the other body I wish to express my appreciation to the two Senators from Pennsylvania who were stalwarts in this fight to get final action on this bill.

I might say to the Members of the House that in the next few days I will send you a recapitulation of all payments paid out to date.

It will appear in the Record as of this date.

In every State of the Union there are a number of individuals being paid black lung compensation. I felt then as I feel now, that it was unfair to put this cost upon the States, 40 of 50 States that have no coal mines within their boundaries, and if we had not received the 1-year extension in the coverage by the Federal Government most States would have had a tremendous burden to bear.

I appreciate the support of the House in this endeavor.

PERSONAL EXPLANATION

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, on Thursday last, May 18, it was necessary for me to be in my congressional district on business and missed the following recorded teller votes:

Recorded teller No. 159—had I been present I would have voted "no."

Recorded teller No. 160—had I been present I would have voted "aye."

Recorded teller No. 161—had I been present I would have voted "no."

Recorded teller No. 162—had I been present I would have voted "no."

Recorded teller No. 163—had I been present I would have voted "no."

Recorded teller No. 164—had I been present I would have voted "no."

CALL OF THE HOUSE

Mr. FUQUA. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 168]

Abernethy
Alexander
Ashbrook
Ashley
Badillo
Bevill
Bingham
Blanton
Brown, Ohio
Byrne, Pa.
Cabell
Caffery
Carey, N.Y.
Celler
Chisholm
Clark
Clay
Daniels, N.J.
Dellums
Denholm
Diggs
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Esch
Eshleman
Evins, Tenn.
Fish
Galifianakis
Gallagher
Goldwater
Gray
Hansen, Wash.
Harrington
Hawkins
Hébert
Holifield
Keating
Kee
Kluczynski
Leggett
Long, Md.
McKay
McMillan
Macdonald, Mass.
Mann
Mazzoli
Metcalfe
Miller, Calif.
Nichols
Patman
Pelly
Pike
Poage
Podell
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Randall
Rees
Reid
Rhodes
Rodino
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roy
Runnels
Sandman
Scheuer
Schmitz
Skubitz
Springer
Stephens
Stubblefield
Stuckey
Teague, Tex.
Terry
Thompson, N.J.
Ullman
Waggonner
Wyman

The SPEAKER. On this rollcall, 346 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON S. 659, HIGHER EDUCATION AMENDMENTS

Mr. PERKINS submitted the following conference report and statement on the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes:

Conference Report (H. Rept. No. 92–1085)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related acts, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Education Amendments of 1972".

GENERAL PROVISIONS

Sec. 2. (a) As used in this Act—

(1) the term "Secretary" means the Secretary of Health, Education, and Welfare; and

(2) the term "Commissioner" means the Commissioner of Education;

unless the context requires another meaning.

(b) Unless otherwise specified, the redesignation of a section, subsection, or other designation by any amendment in this Act shall include the redesignation of any reference to such section, subsection, or other designation in any Act or regulation, however styled.

(c) (1) Unless otherwise specified, each provision of this Act and each amendment made by this Act shall be effective after June 30, 1972, and with respect to appropriations for the fiscal year ending June 30, 1973, and succeeding fiscal years.

(2) Unless otherwise specified, in any case where an amendment made by this Act is to become effective after a date set herein, it shall be effective with the beginning of the day which immediately follows the date after which such amendment is effective.

(3) In any case where the effective date for an amendment made by this Act is expressly stated to be effective after June 30, 1971, such amendment shall be deemed to have been enacted on July 1, 1971.

TITLE I—HIGHER EDUCATION

Part A—Community Service and Continuing Education Programs

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

Sec. 101. (a) Section 101 of the Higher Education Act of 1965 is amended by striking out all that follows "authorized to be appropriated" and inserting in lieu thereof the following: "$10,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

SPECIAL PROGRAMS AND PROJECTS RELATING TO NATIONAL AND REGIONAL PROBLEMS

Sec. 102. (a) (1) Sections 106, 107, 108, 109, 110, and 111 of the Higher Education Act of 1965, and all references thereto, are redesignated as sections 107, 108, 109, 110, 111, and 112, respectively. Title I of such Act is amended by inserting after section 105 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO NATIONAL AND REGIONAL PROBLEMS

"Sec. 106. (a) The Commissioner is authorized to reserve from the sums appropriated pursuant to section 101 for any fiscal year an amount not in excess of 10 per centum of the sums so appropriated for that fiscal year for grants pursuant to subsection (b).

"(b) (1) From the sums reserved under subsection (a), the Commissioner is authorized to make grants to, and contracts with, institutions of higher education (and combinations thereof) to assist them in carrying out special programs and projects, consistent with the purposes of this title, which are designed to seek solutions to national and regional problems relating to technological and social changes and environmental pollution.

"(2) No grant or contract under this section shall exceed 90 per centum of the cost of the program or project for which application is made.".

(2) Section 103(a) of such title I is amended by striking out that part of the language which precedes ", the Commissioner" and by inserting in lieu thereof "From the sums appropriated pursuant to section 101 for any fiscal year which are not reserved under section 106(a)."

(b) The amendments made by the second sentence of paragraph (1) of subsection (a) and by paragraph (2) of such subsection shall be effective after June 30, 1972, and then—

(1) only with respect to appropriations for title I of the Higher Education Act of 1965 for fiscal years beginning after June 30, 1972; and

(2) only to the extent that the allotment to any State under section 103(a) of such title is not less for any fiscal year than the allotment to that State under such section 103(a) for the fiscal year ending June 30, 1972.

EVALUATION OF ACTIVITIES

Sec. 103. (a) During the period beginning with the date of enactment of this Act and ending July 1, 1974, the National Advisory Council on Extension and Continuing Education, hereafter in this section referred to as the National Advistory Council, shall conduct a review of the programs and projects carried out with assistance under title I of the Higher Education Act of 1965 prior to July 1, 1973. Such review shall include an evaluation of specific programs and projects with a view toward ascertaining which of them show, or have shown, (1) the greatest promise in achieving the purposes of such title, and (2) the greatest return for the resources devoted to them. Such review shall be carried out by direct evaluations by the National Advisory Council, by the use of other agencies, institutions, and groups, and by the use of independent appraisal units.

(b) Not later than March 31, 1973, and March 31, 1975, the National Advisory Council shall submit to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report on the review conducted pursuant to subsection (a). Such report shall include (1) an evaluation of the program authorized by title I of the Higher Education Act of 1965 and of specific programs and projects assisted through payments under such title, (2) a description and an analysis of programs and projects which are determined to be most successful, and (3) recommendations with respect to the means by which the most successful programs and projects can be expanded and replicated.

(c) Sums appropriated pursuant to section 401(c) of the General Education Provisions Act for the purposes of section 402 of such Act shall be available to carry out the purposes of this section.

Part B—College Library Programs

AUTHORIZATION OF APPROPRIATIONS

Sec. 111. (a) (1) Sec. 201 of the Higher Education Act of 1965 is amended by striking out "and" after "1970," and inserting in lieu thereof "and $18,000,000 for the fiscal year ending June 30, 1972,".

(2) Section 221 of such Act is amended by striking out "and" after "1970," and inserting in lieu thereof "and $12,000,000 for the fiscal year ending June 30, 1972,".

(b) (1) Title II of the Higher Education Act of 1965 is amended by striking out "Part A—College Library Resources" and by striking out all of section 201 and inserting in lieu thereof the following:

"COLLEGE LIBRARY PROGRAMS; TRAINING; RESEARCH

"Sec. 201. (a) The Commissioner shall carry out a program of financial assistance—

"(1) to assist and encourage institutions of higher education in the acquisition of library resources, including law library resources, in accordance with part A; and

"(2) to assist with and encourage research and training persons in librarianship, including law librarianship, in accordance with part B.

"(b) For the purpose of making grants under parts A and B, there are authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1973, $85,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975. Of the sums appropriated pursuant to the preceding sentence for any fiscal year, 70 per centum shall be used for the purposes of part A and 30 per centum shall be used for the purposes of part B, except that the amount available for the purposes of part B for any fiscal year shall not be less than the amount appropriated for such purposes for the fiscal year ending June 30, 1972.

"(c) For the purposes of this title—

"(1) the term 'library resources' means books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related library materials, including necessary binding; and

"(2) the term 'librarianship' means the principles and practices of the library and information sciences, including the acquisition, organization, storage, retrieval and dissemination of information, and reference and research use of library and information resources.

"Part A—College Library Resources"

(2) (A) The first sentence of section 202 of such title II is amended to read as follows: "From the amount available for grants under this part pursuant to section 201 for any fiscal year, the Commissioner shall make basic grants for the purposes set forth in section 201(a) (1) to institutions of higher education, to combinations of such institutions, to new institutions of higher education in the fiscal year preceding the fiscal year in which students are to be enrolled (in accordance with criteria prescribed by regulation), and other public and private nonprofit library institutions whose primary function is to provide library and information services to institutions of higher education on a formal, cooperative basis.".

(B) Section 203 of such title II is amended by striking out that part of the first sentence which precedes "supplemental grants" and inserting in lieu thereof the following: "From that part of the sums appropriated pursuant to section 201 for the purposes of this part for any fiscal year which remains after making basic grants pursuant to section 202, and which is not reserved for the purposes of section 204, the Commissioner shall make", and by striking out "section 201" where it appears after "set forth in" and inserting in lieu thereof "section 201(a) (1)".

(C) (i) Section 204(a) (1) of such title II is amended to read as follows:

"(1) From the sums appropriated pursuant to section 201 for the purposes of this part for any fiscal year, the Commissioner is authorized to reserve not to exceed 25 per centum thereof for the purposes of this section.".

(ii) Section 204(a)(2) of such title II is amended by striking out that part of the first sentence which precedes "may be used to make" and inserting in lieu thereof "Sums reserved pursuant to paragraph (1)".

(iii) Section 204(a)(2) of such title I is further amended by striking out "and" immediately preceding "(C)", and inserting before the period at the end of the first sentence the following: ", and (D) to other public and private nonprofit library institutions which provide library and information services to institutions of higher education on a formal, cooperative basis".

(iv) Section 204(a) of such title II is amended by striking out paragraph (3).

(3)(A) Part B of such title II is amended by striking out sections 221 and 222 and inserting in lieu thereof the following:

"TRAINING AND RESEARCH PROGRAMS

"Sec. 221. From the amount available for grants under this part pursuant to section 201 for any fiscal year, the Commissioner shall carry out a program of making grants in accordance with sections 222 and 223. Of such amount, 66⅔ per centum shall be available for the purposes of section 222 and 33⅓ per centum shall be available for the purposes of section 233."

(B) Section 223(a) of such Act is amended to read as follows:

"Sec. 223. (a) The Commissioner is authorized to make grants to institutions of higher education and library organizations or agencies to assist them in training persons in librarianship. Such grants may be used by such institutions, library organizations or agencies (1) to assist in covering the cost of courses of training or study (including short term of regular session institutes) for such persons, (2) for establishing and maintaining fellowships or traineeships with stipends (including allowances for traveling, subsistence, and other expenses) for fellows and others undergoing training and their dependents, not in excess of such maximum amounts as may be prescribed by the Commissioner, and (3) for establishing, developing, or expanding programs of library and information science. Not less than 50 per centum of the grants made under this subsection shall be for the purpose of establishing and maintaining fellowships or traineeships under clause (2)."

(C) Section 223(b) of such Act is amended by inserting after "institution of higher education" the following: "and library organizations or agencies".

(D) Such part B is further amended by striking out section 225; and sections 223 and 224 of such part, and all references thereto (except those references thereto in section 221 of such part, as amended by subparagraph (A)), are redesignated as sections 222 and 223, respectively.

(b) The amendments made by subsection (a) shall be effective after June 30, 1972, and only with respect to appropriations for the fiscal year ending June 30, 1973, and succeeding fiscal years.

WAIVER OF MAINTENANCE OF EFFORT REQUIREMENT

Sec. 112. (a) Section 202 of title II of the Higher Education Act of 1965 is amended by redesignating clauses (c) and (d), and all references thereto, as clauses (2) and (3), respectively, and by striking out clauses (a) and (b) and inserting in lieu thereof the following:

"(1) provides satisfactory assurance that the applicant will expend during the fiscal year for which the basic grant is sought, from funds other than funds received under this part—

"(A) for all library purposes (exclusive of construction), an amount not less than the average annual amount it expended for such purposes during the two fiscal years preceding the fiscal year for which assistance is sought under this part, and

"(B) for library resources, an amount not less than the average amount it expended for such resources during the two fiscal years preceding the fiscal year for which assistance is sought under this part,

except that, if the Commissioner determines, in accordance with regulations, that there are special and unusual circumstances which prevent the applicant from making the assurances required by this clause (1), he may waive that requirement for one or both of such assurances;".

(b)(1) The second sentence of such section 202 is amended by striking out "not exceed" and inserting in lieu thereof the following: ", for any fiscal year, be equal to the amount expended by the applicant for library resources during that year from funds other than funds received under this part, except that no basic grant shall exceed".

(2) Clause (1) of section 203(a) of such title II is amended by striking out that part thereof which follows "section 202" and inserting in lieu thereof a semicolon.

(c) The amendments made by this section shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1971.

INCREASE IN MAXIMUM AMOUNT OF SUPPLEMENTAL GRANTS

Sec. 113. (a) Section 203(a) of the Higher Education Act of 1965 is amended by striking out "$10" and inserting in lieu thereof "$20".

(b) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

AUTHORIZATION OF APPROPRIATIONS FOR COLLEGE AND RESEARCH LIBRARY RESOURCES

Sec. 114. (a) Section 231 of the Higher Education Act of 1965 is amended by striking out "and the succeeding fiscal year" and inserting in lieu thereof "and $9,000,000 for the fiscal year ending June 30, 1972, $12,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $9,000,000 for the fiscal year ending June 30, 1975".

(b) The amendments made by subsection (a) shall be effective after June 30, 1971.

EVALUATION AND REPORT

Sec. 115. (a) Part C of title II of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"EVALUATION AND REPORT

"Sec. 232. No later than March 31 of each calendar year the Librarian of the Congress shall transmit to the respective committees of the Congress having legislative jurisdiction over this part and to the respective Committees on Appropriations of the Congress a report evaluating the results and effectiveness of acquisition and cataloging work done under this part, based to the maximum extent practicable on objective measurements, including costs, together with recommendations as to proposed legislative action,".

(b) The amendment made by section (a) shall be effective after June 30, 1972.

Part C—Developing Institutions; Emergency Assistance to Institutions of Higher Education

REVISION OF TITLE III (STRENGTHENING DEVELOPING INSTITUTIONS)

Sec. 121. (a) Title III of the Higher Education Act of 1965 is amended to read as follows:

"TITLE III—STRENGTHENING DEVELOPING INSTITUTIONS

"AUTHORIZATION

"Sec. 301. (a) The Commissioner shall carry out a program of special assistance to strengthen the academic quality of developing institutions which have the desire and potential to make a substantial contribution to the higher education resources of the Nation but which are struggling for survival and are isolated from the main currents of academic life.

"(b)(1) For the purpose of carrying out this title, there are authorized to be appropriated $120,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"(2) Of the sums appropriated pursuant to this subsection for any fiscal year, 76 per centum shall be available only for carrying out the provisions of this title with respect to developing institutions which plan to award one or more bachelor's degrees during such year.

"(3) The remainder of the sums so appropriated shall be available only for carrying out the provisions of this title with respect to developing institutions which do not plan to award such a degree during such year.

"ELIGIBILITY FOR SPECIAL ASSISTANCE

"Sec. 302. (a)(1) For the purposes of this title, the term 'developing institution' means an institution of higher education in any State which—

"(A) is legally authorized to provide, and provides within the State, an educational program for which it awards a bachelor's degree, or is a junior or community college;

"(B) is accredited by a nationally recognized accrediting agency or association determined by the Commissioner to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

"(C) except as is provided in paragraph (2), has met the requirement of clauses (A) and (B) during the five academic years preceding the academic year for which it seeks assistance under this title; and

"(D) meets such other requirements as the Commissioner shall prescribe regulation, which requirements shall include at least a determination that the institution—

"(i) is making a reasonable effort to improve the quality of its teaching and administrative staffs and of its student services; and

"(ii) is, for financial or other reasons, struggling for survival and isolated from the main currents of academic life.

"(2) The Commissioner is authorized to waive the requirement set forth in clause (C) of paragraph (1) in the case of applications for grants under this title by institutions located on or near an Indian reservation or a substantial population of Indians if the Commissioner determines such action will increase higher education for Indians, except that such grants may not involve an expenditure of funds in excess of 1.4 per centum of the sums appropriated pursuant to this title for any fiscal year.

"(b) Any institution desiring special assistance under the provisions of this title shall submit an application for eligibility to the Commissioner at such time, in such form, and containing such information, as may be necessary to enable the Commissioner to evaluate the need of the applicant for such assistance and to determine its eligibility to be a developing institution for the purposes of this title. The Commissioner shall approve any application for eligibility under this subsection which indicates that the applicant is a developing institution meeting the requirements set forth in subsection (a).

"(c) For the purposes of clause (A) of paragraph (1) of subsection (a) of this section, the term 'junior or community college' means an institution of higher education—

"(1) which does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree);

"(2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education (or the recognized equivalent of such a certificate); and

"(3) which does—

"(A) provide an educational program of not less than two years which is acceptable for full credit toward such a degree, or

"(B) offer a two-year program in engineering, mathematics, or the physical or biological sciences, which program is designed to prepare a student to work as a technician and at the semiprofessional level in engineering, scientific, or other technological fields, which fields require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

"SEC. 303. (a) There is hereby established an advisory Council on Developing Institutions (in this title referred to as the 'Council') consisting of nine members appointed by the Commissioner with the approval of the Secretary.

"(b) The Council shall, with respect to the program authorized by this title, carry out the duties and functions specified by part C of the General Education Provisions Act and, in particular, it shall assist the Commissioner—

"(1) in identifying developing institutions through which the purposes of this title may be achieved; and

"(2) in establishing the priorities and criteria to be used in making grants under section 304(a).

"USES OF FUNDS: COOPERATIVE ARRANGEMENTS, NATIONAL TEACHING FELLOWSHIPS, AND PROFESSORS EMERITUS

"SEC. 304. (a) The Commissioner is authorized to make grants and awards, in accordance with the provisions of this title, for the purpose of strengthening developing institutions. Such grants and awards shall be used solely for the purposes set forth in subsection (b).

"(b) Funds appropriated pursuant to section 301(b) shall be available for—

"(1) grants to institutions of higher education to pay part of the cost of planning, developing, and carrying out cooperative arrangements between developing institutions and other institutions of higher education, and between developing institutions and other organizations, agencies, and business entities, which show promise as effective measures for strengthening the academic program and the administrative capacity of developing institutions, including such projects and activities as—

"(A) exchange of faculty or students, including arrangements for bringing visiting scholars to developing institutions,

"(B) faculty and administration improvement programs, utilizing training, education (including fellowships leading to advanced degrees), internships, research participation, and other means,

"(C) introduction of new curricula and curricular materials,

"(D) development and operation of cooperative education programs involving alternate periods of academic study and business or public employment, and

"(E) joint use of facilities such as libraries or laboratories, including necessary books, materials, and equipment;

"(2) National Teaching Fellowships to be awarded by the Commissioner to highly qualified graduate students and junior faculty members of institutions of higher education for teaching at developing institutions; and

"(3) Professors Emeritus Grants to be awarded by the Commissioner to professors retired from active service at institutions of higher education to encourage them to teach or to conduct research at developing institutions.

"(c)(1) An application for assistance for the purposes described in subsection (b)(1) shall be approved only if it—

"(A) sets forth a program for carrying out one or more of the activities described in subsection (b)(1), and sets forth such policies and procedures for the administration of the program as will insure the proper and efficient operation of the program and the accomplishment of the purposes of this title;

"(B) sets forth such policies and procedures as will insure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds be made available for the purposes of the activities described in subsection (b)(1), and in no case supplant such funds;

"(C) sets forth policies and procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

"(D) provides for such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this title to the applicant; and

"(E) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this title, and for keeping such records and affording such access thereto, as he may find necessary to assure the correctness and verification of such reports.

The Commissioner shall, after consultation with the Council, establish by regulation criteria as to eligible expenditures for which funds from grants for cooperative arrangements under clause (1) of subsection (b) may be used, which criteria shall be so designed as to prevent the use of such funds for purposes not necessary to the achievement of the purposes for which the grant is made.

"(2)(A) Applications for awards described in clauses (2) and (3) of subsection (b) may be aprpoved only upon a finding by the Commissioner that the program of teaching or research set forth therein is reasonable in the light of the qualifications of the applicant and of the educational needs of the institutions at which applicant intends to teach.

"(B) No application for a National Teaching Fellowship or a Professors Emeritus Grant shall be approved for an award of such a fellowship or grant for a period exceeding two academic years, except that the award of a Professors Emeritus Grant may be for such period, in addition to such two-year period of award, as the Commissioner, upon the advice of the Council, may determine in accordance with policies of the Commissioner set forth in regulations.

"(C) Each person awarded a National Teaching Fellowship or a Professors Emeritus Grant shall receive a stipend for each academic year of teaching (or, in the case of a recipient of a Professors Emeritus Grant, research) as determined by the Commissioner upon the advice of the Council, plus an additional allowance for each such year for each dependent of such person. In the case of National Teaching Fellowships, such allowance may not exceed $7,500, plus $400 for each dependent.

"ASSISTANCE TO DEVELOPING INSTITUTIONS UNDER OTHER PROGRAMS

"SEC. 305. (a) Each institution which the Commissioner determines meets the criteria set forth in section 302(a) shall be eligible for waivers in accordance with subsection (b).

"(b)(1) Subject to, and in accordance with, regulations, promulgated for the purpose of this section, in the case of any application by a developing institution for assistance under any program specified in paragraph (2), the Commissioner is authorized, if such application is otherwise approvable, to waive any requirement for a non-Federal share of the cost of the program or project, or, to the extent not inconsistent with other law, to give, or require to be given, priority consideration of the application in relation to applications from institutions which are not developing institutions.

"(2) The provisions of this section shall apply to any program authorized by title II, IV, VI, or VII of this Act.

"(c) The Commissioner shall not waive, under subsection (b), the non-Federal share requirement for any program for applications which, if approved, would require the expenditure of more than 10 per centum of the appropriations for that program for any fiscal year.

"LIMITATION

"SEC. 306. None of the funds appropriated pursuant to section 301(b)(1) shall be used for a school or department of divinity or for any religious worship or sectarian activity.".

(b) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations made for fiscal years beginning after, June 30, 1972.

EMERGENCY ASSISTANCE FOR INSTITUTIONS OF HIGHER EDUCATION

SEC. 122. (a)(1) The Congress hereby finds and declares that—

(A) the Nation's institutions of higher education constitute a national resource which significantly contributes to the security, general welfare, and economy of the United States;

(B) considerable evidence has been advanced which indicates that many institutions of higher education are in financial distress resulting from many causes, including, among others, efforts on the part of such institutions to increase enrollments, to improve the quality of education and training, and to enlarge educational opportunities; and

(C) various proposals have been presented to the Congress, in response to such condition of financial distress, for providing financial assistance to the Nation's institutions of higher education but, except for that necessary to justify payments provided for reimbursement for part of the cost of instruction as provided in title X of this Act, insufficient information is available on the basis of which the Congress can determine, with any degree of certainty, the nature and causes of such financial distress or the most appropriate means with which present and future conditions of financial distress may be dealt.

(2) It is the purpose of this section to provide to institutions of higher education, which are determined in accordance with this section to be in serious financial distress, interim emergency assistance to enable them to determine the nature and causes of such distress and the means by which such distress may be alleviated, and to improve their capabilities for dealing with financial problems using, to the extent appropriate, assistance authorized under the Higher Education Act of 1965 and all other sources of financial assistance.

(b)(1) There is authorized to be appropriated for the period beginning with the date of enactment of this Act, and ending June 30, 1974, $40,000,000 for the purpose of making grants under this section. Sums so appropriated shall remain available for obligation and expenditure until expended.

(2)(A) The Commissioner is authorized to make grants to institutions of higher education which are in serious financial distress, as such term is defined in regulations of the Commissioner, in accordance with the provisions of this section.

(B) A grant under this subsection may be made only upon application therefor to the Commissioner. Such applications shall be submitted at such time, in such form, and containing such information, assurances, policies, and procedures, as the Commissioner may require in order to enable him to carry out his functions under this section. The Commissioner shall not approve any such application unless he finds that—

(i) in the case of a public institution of higher education, the institution has submitted its application for emergency assistance under this subsection to the appropriate State agency, as provided by the law of the State in which it is located and in accordance with regulations of the Commissioner, if any such agency exists with respect to such State, and such State agency has made a finding, in accordance with criteria established by the Commissioner, that such institution is in serious financial distress and (I) is in need of financial assistance under this section to continue its operation, or (II) will have to discontinue or substantially curtail its academic programs to the detriment of the quality of education available to its students;

(ii) in the case of a nonpublic institution of higher education, the institution either has complied with the procedure set forth in clause (i) for public institutions, or has submitted an application directly to the Commissioner and the Commissioner has determined that the institution meets the condition set forth in either clause (i)(I) or (i)(II), and has submitted a copy of the appropriate State agency, as determined under the law of the State in which it is located and in accordance with regulations of the Commissioner, for comment;

(iii) such institution has developed, adopted, and submitted a plan which the Commissioner determines provides reasonable assurance that, if the institution receives the grant for which it is applying, such institution will be able, during and after the period covered by such grant, to continue the educational services, programs, and activities with respect to which such grant is sought;

(iv) such institution is making a major contribution to the overall higher educational system of the area of the State in which it is located, or of the Nation; and

(v) such institution has included in such application such policies and procedures for the use of funds received under the grant as will insure that such funds will not be used for a school or department of divinity or for any religious worship or sectarian activity, and as will insure that such funds will be solely used for the purposes for which the grant is made.

(C) An application shall be approved under this subsection only if it includes such information, terms, and conditions as the Commissioner finds necessary and reasonable to enable him to carry out his functions under this section, and as he determines will be in the financial interest of the United States, and the applicant agrees—

(i) to disclose such financial information as the Commissioner determines to be necessary to determine the sources or causes of its financial distress and other information relating to its use of its financial resources;

(ii) to conduct a comprehensive cost analysis study of its operation, including income-cost comparisons and cost per credit hour of instruction for each department, in accordance with uniform standards prescribed by the Commissioner; and

(iii) to consider, and either implement or give adequate reasons in writing for not doing so, any financial or operational reform recommended by the Commissioner for the improvement of its financial condition.

(D) The Commissioner shall not approve an application for a grant under this section without first obtaining the advice and recommendations of a panel of specialists who are not regular, full-time employees of the Federal Government and who are competent to evaluate the applications as to the relative degree of financial distress of the applying institutions.

(c) As used in this section—

(1) the term "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) has been in existence for at least five years prior to the date upon which it makes application under this section, (D) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit towards such a degree, (E) is a public or other nonprofit institution, and (F) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution which is accredited, and, for the purpose of this clause, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(2) the term "State" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands; and

(3) the term "school or department of divinity" means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.

PART D—STUDENT ASSISTANCE

REVISION OF PART A OF TITLE IV (EDUCATIONAL OPPORTUNITY GRANTS)

SEC. 131. (a)(1)(A) The first sentence of section 401(b) of the Higher Education Act of 1965 is amended by striking out that part which precedes "to enable the Commissioner" and inserting in lieu thereof: "There are hereby authorized to be appropriated $170,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for each of the succeeding fiscal years ending prior to July 1, 1975,".

(B) Section 408 of such Act is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to June 30, 1975".

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b)(1) Part A of title IV of such Act is amended to read as follows:

"PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

"STATEMENT OF PURPOSE; PROGRAM AUTHORIZATION

"SEC. 401. (a) It is the purpose of this part, to assist in making available the benefits of postsecondary education to qualified students in institutions of higher education by—

"(1) providing basic educational opportunity grants (hereinafter referred to as 'basic grants') to all eligible students;

"(2) providing supplemental educational opportunity grants (hereinafter referred to as 'supplemental grants') to those students of exceptional need who, for lack of such a grant, would be unable to obtain the benefits of a postsecondary education;

"(3) providing for payments to the States to assist them in making financial aid available to such students; and

"(4) providing for special programs and projects designed (A) to identify and encourage qualified youths with financial or cultural need with a potential for postsecondary education, (B) to prepare students from low-income families for postsecondary education, and (C) to provide remedial (including remedial language study) and other services to students.

"(b) The Commissioner shall, in accordance with subparts 1, 2, 3, and 4, carry out programs to achieve the purposes of this part.

"Subpart 1—Basic Educational Opportunity Grants

"BASIC EDUCATIONAL OPPORTUNITY GRANTS: AMOUNT AND DETERMINATIONS; APPLICATIONS

"SEC. 411. (a)(1) The Commissioner shall, during the period beginning July 1, 1972, and ending June 30, 1975, pay to each student who has been accepted for enrollment in, or is in good standing at, an institution of higher education (according to the prescribed standards, regulations, and practices of that institution) for each academic year during which that student is in attendance at that institution, as an undergraduate, a basic grant in the amount for which that student is eligible, as determined pursuant to paragraph (2).

"(2)(A)(i) The amount of the basic grant for a student eligible under this subpart for any academic year shall be $1,400, less an amount equal to the amount determined under paragraph (3) to be the expected family contribution with respect to that student for that year.

"(ii) In any case where a student attends an institution of higher education on less than a full-time basis during any academic year, the amount of the basic grant to which that student is entitled shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with a schedule of reductions established by the Commissioner for the purposes of this division. Such schedule of reductions shall be established by regulation and published in the Federal Register not later than February 1 of each year.

"(B)(i)) The amount of a basic grant to which a student is entitled under this subpart for any academic year shall not exceed 50 per centum of the actual cost of attendance at the institution at which the student is in attendance for that year.

"(ii) No basic grant under this subpart shall exceed the difference between the expected family contribution for a student and the actual cost of attendance at the institution at which that student is in attendance. If with respect to any student, it is determined that the amount of a basic grant plus the amount of the expected family contribution for that student exceeds the actual cost of attendance for that year, the amount of the basic grant shall be reduced until the combination of expected family contribution and the amount of the basic grant does not exceed the actual cost of attendance at such institution.

"(iii) no basic grant shall be awarded to a student under this subpart if the amount of that grant for that student as determined under this paragraph for any academic year is less than $200. Pursuant to criteria established by the Commissioner by regulation, the institution of higher education at which a student is in attendance may award a basic grant of less than $200 upon a determination that the amount of the basic grant for that student is less than $200 because of the requirement of division (i) and that, due to exceptional circumstances, this reduced grant should be made in order to enable the student to benefit from postsecondary education.

"(iv) For the purpose of this subparagraph and subsection (b) the term 'actual cost of attendance' means, subject to regulations of the Commissioner, the actual per-student charges for tuition, fees, room and board (or expenses related to reasonable commuting), books, and an allowance for such other expenses as the Commissioner determines by regulation to be reasonably related to attendance at the institution at which the student is in attendance.

"(3)(A)(i) Not later than February 1 of each year the Commissioner shall publish in the Federal Register a schedule of expected family contributions for the succeeding academic year for various levels of family income, which, except as is otherwise provided in division (ii), together with any amendments thereto, shall become effective July 1 of that year. During the thirty-day period following such publication the Commissioner shall provide interested parties with an opportunity to present their views and make recommendations with respect to such schedule.

"(ii) The schedule of expected family contributions required by division (i) for each academic year shall be submitted to the President of the Senate and the Speaker of the House of Representatives not later than February 1 of that year. If either the Senate or the House of Representatives adopts, prior to May 1 of such year, a resolution of disapproval of such schedule, the Commissioner shall publish a new schedule of expected family contributions in the Federal Register not later than fifteen days after the adoption of such resolution of disapproval. Such new schedule shall take into consideration such recommendations as may be made in connection with such resolution and shall become effective, together with any amendments thereto, on July 1 of that year.

"(B)(i) For the purposes of this paragraph and subsection (b), the term 'family contribution' with respect to any student means the amount which the family of that student may be reasonably expected to contribute toward his postsecondary education for the academic year for which the determination under subparagraph (A) of paragraph (2) is made, as determined in accordance with regulations. In promulgating such regulations, the Commissioner shall follow the basic criteria set forth in division (ii) of this subparagraph.

"(ii) The basic criteria to be followed in promulgating regulations with respect to expected family contribution are as follows:

"(I) The amount of the effective income of the student or the effective family income of the student's family.

"(II) The number of dependents of the family of the student.

"(III) The number of dependents of the student's family who are in attendance in a program of postsecondary education and for whom the family may be reasonably expected to contribute for their postsecondary education.

"(IV) The amount of the assets of the student and those of the student's family.

"(V) Any unusual expenses of the student or his family, such as unusual medical expenses, and those which may arise from a catastrophe.

"(iii) For the purposes of clause (I) of division (ii), the term 'effective family income' with respect to a student means the annual adjusted family income, as determined in accordance with regulations prescribed by the Commissioner, received by the parents or guardian of that student (or the person or persons having an equivalent relationship to such student) minus Federal income tax paid or payable with respect to such income.

"(iv) In determining the expected family contribution with respect to any student, any amount paid under the Social Security Act to, or on account of, the student which would not be paid if he were not a student, and one-half any amount paid the student under chapters 34 and 35 of title 38, United States Code, shall be considered as effective income for such student.

"(C) The Commissioner shall promulgate special regulations for determining the expected family contribution and effective family income of a student who is determined (pursuant to regulations of the Commissioner) to be independent of his parents or guardians (or the person or persons having an equivalent relationship to such student). Such special regulations shall be consistent with the basic criteria set forth in division (ii) of subparagraph (B).

"(4)(A) The period during which a student may receive basic grants shall be the period required for the completion of the undergraduate course of study being pursued by that student at the institution at which the student is in attendance, except that such period may not exceed four academic years unless—

"(i) the student is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over five academic years; or

"(ii) the student is, or will be, unable to complete a course of study within four academic years because of a requirement of the institution of such course of study that the student enroll in a noncredit remedial course of study;

in either which case such period may be extended for not more than one additional academic year.

"(B) For the purposes of clause (ii) of subparagraph (A), a 'noncredit remedial course of study' is a course of study for which no credit is given toward an academic degree, and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to such a degree.

"(b)(1) The Commissioner shall from time to time set dates by which students must file applications for basic grants under this subpart.

"(2) Each student desiring a basic grant for any year must file an application therefor containing such information and assurances as the Commissioner may deem necessary to enable him to carry out his functions and responsibilities under this subpart.

"(3)(A) Payments under this section shall be made in accordance with regulations promulgated by the Commissioner for such purpose, in such manner as will best accomplish the purposes of this section.

"(B)(i) If, during any period of any fiscal year, the funds available for payments under this subpart are insufficient to satisfy fully all entitlements under this subpart, the amount paid with respect to each such entitlement shall be—

"(I) in the case of any entitlement which exceeds $1,000, 75 per centum thereof;

"(II) in the case of any entitlement which exceeds $800 but does not exceed $1,000, 70 per centum thereof;

"(III) in the case of any entitlement which exceeds $600 but does not exceed $800, 65 per centum thereof; and

"(IV) in the case of any entitlement which does not exceed $600, 50 per centum thereof.

"(ii) If, during any period of any fiscal year, funds available for making payments under this subpart exceed the amount necessary to make the payments prescribed in division (i), such excess shall be paid with respect to each entitlement under this subpart in proportion to the degree to which that entitlement is unsatisfied, after payments are made pursuant to division (i).

"(iii) In the event that, at the time when payments are to be made pursuant to this subparagraph (B), funds available therefor are insufficient to pay the amounts set forth in division (i), the Commissioner shall pay with respect to each entitlement an amount which bears the same ratio to the appropriate amount set forth in division (i) as the total amount of funds so available at such time for such payments bears to the amount necessary to pay the amounts indicated in division (i) in full.

"(iv) No method of computing or manner of distribution of payments under this subpart shall be used which is not consistent with this subparagraph.

"(v) In no case shall a payment under this subparagraph be made if the amount of such payment after application of the provisions of this subparagraph is less than $50.

"(C)(i) During any fiscal year in which the provisions of subparagraph (B) apply, a basic grant to any student shall not exceed 50 per centum of the difference between the expected family contribution for that student and the actual cost of attendance at the institution in which the student is enrolled, unless sums available for making payments under this subsection for any fiscal year equal more than 75 per centum of the total amount to which all students are entitled under this subpart for that fiscal year, in which case no basic grant shall exceed 60 per centum of such difference.

"(ii) The limitation set forth in division (i) shall, when applicable, be in lieu of the limitation set forth in subparagraph (B)(i) of subsection (a)(2).

"(4) No payments may be made on the basis of entitlements established under this subpart during any fiscal year ending prior to July 1, 1975, in which—

"(A) the appropriation for making grants under subpart 2 of this part does not at least equal $130,093,000; and

"(B) the appropriation for work-study payments under section 441 of this title does not at least equal $237,400,000; and

"(C) the appropriation for capital contributions to student loan funds under part E of this title does not at least equal $286,000,000.

"Subpart 2—Supplemental Educational Opportunity Grants

"PURPOSE; APPROPRIATIONS AUTHORIZED

"SEC. 413A. (a) It is the purpose of this subpart to provide, through institutions of higher education, supplemental grants to assist in making available the benefits of postsecondary education to qualified students who, for lack of financial means, would be unable to obtain such benefits without such a grant.

"(b)(1) For the purpose of enabling the Commissioner to make payments to institutions of higher education which have made agreements with the Commissioner in accordance with section 413C(b), for use by such institutions for payments to undergraduate students for the initial academic year of a supplemental grant awarded to them under this subpart, there are authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975. Funds appropriated pursuant to this paragraph shall be appropriated separate from any funds appropriated pursuant to paragraph (2).

"(2) In addition to the sums authorized to be appropriated by paragraph (1), there are authorized to be appropriated such sums as may be necessary for payment to institutions of higher education for use by such institutions for making continuing supplemental grants under this subpart, except that no appropriation may be made pursuant to this paragraph for any fiscal year beginning more than three years after the last fiscal year for which an appropriation is authorized under paragraph (1). Funds appropriated pursuant to this paragraph shall be appropriated separate from any funds appropriated pursuant to paragraph (1).

"(3) Sums appropriated pursuant to this subsection for any fiscal year shall be available for payments to institutions until the end of the fiscal year succeeding the fiscal year for which they were appropriated.

"(4) For the purposes of this subsection, payment for the first year of a supplemental grant shall not be considered as an initial year payment if the grant was awarded for the continuing education of a student who—

"(A) had been previously awarded a supplemental grant under this subpart (whether by another institution or otherwise), and

"(B) had received payment for any year of that supplemental grant.

"AMOUNT AND DURATION OF GRANTS

"SEC. 413B. (a) (1) From the funds received by it for such purpose under this subpart, an institution which awards a supplemental grant to a student for an academic year under this subpart shall, for such year, pay to that student an amount determined pursuant to paragraph (2).

"(2) (A) (i) The amount of the payment to any student pursuant to paragraph (1) shall be equal to the amount determined by the institution to be needed by that student to enable him to pursue a course of study at the institution, except that such amount shall not exceed—

"(I) $1,500, or

"(II) one-half the sum of the total amount of student financial aid provided to such student by such institution,

whichever is the lesser.

"(ii) No student shall be paid during all the academic years he is pursuing his undergraduate course of study at one or more institutions of higher education in excess of $4,000 or in the case of any student to whom the provisions of subsection (b) (1) (B) apply, $5,000.

"(iii) For the purposes of clause (II) of division (i), the term 'student financial aid' includes assistance payments to the student under subpart 1 of this part and parts C and E of this title, and any assistance provided to a student under any scholarship program established by a State or a private institution or organization, as determined in accordance with regulations, shall be deemed to be aid provided such student by the institution.

"(B) If the amount determined under division (i) of subparagraph (A) with respect to a student for any academic year is less than $200, no payment shall be made to that student for that year.

"(C) Subject to subparagraphs (A) and (B), the Commissioner shall prescribe, for the guidance of institutions, basic criteria and schedules for the determination of the amount of need to be determined under division (i) of subparagraph (A). Such criteria and schedules shall take into consideration the objective of limiting assistance under this subpart to students of financial need, and such other factors related to determining the need of students for financial assistance as the Commissioner deems relevant but such criteria or schedules shall not disqualify an applicant on account of his earned income if income from other sources in the amount of such earned income would not disqualify him.

"(b) (1) (A) A student eligible for a supplemental grant may be awarded such a grant under this subpart for each academic year of the period required for completion by the recipient of his undergraduate course of study in the institution of higher education from which he received such grant.

"(B) A student may not receive supplemental grants under this subpart for a period of more than four academic years, except that in the case of a student—

"(i) who is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over five academic years, or

"(ii) who is because of his particular circumstances determined by the institution to need an additional year to complete a course of study normally requiring four academic years,

such period may be extended for not more than one additional academic year.

"(2) A supplemental grant awarded under this subpart shall entitle the student to whom it is awarded to payments pursuant to such grant only if—

"(A) that student is maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution awarding the grant, and

"(B) that student is devoting at least half-time to that course of study, during the academic year, in attendance at that institution.

Failure to be in attendance at the institution during vacation periods or periods of military service, or during other periods during which the Commissioner determines, in accordance with regulations, that there is good cause for his nonattendance, shall not render a student ineligible for a supplemental grant; but no payments may be made to a student during any such period of failure to be in attendance or period of nonattendance.

"SELECTION OF RECIPIENTS; AGREEMENTS WITH INSTITUTIONS

"SEC. 413C. (a) (1) An individual shall be eligible for the award of a supplemental grant under this subpart by an institution of higher education which has made an agreement with the Commissioner pursuant to subsection (b), if the individual makes application at the time and in the manner prescribed by that institution, in accordance with regulations of the Commissioner.

"(2) From among those who are eligible for supplemental grants through an institution which has an agreement with the Commissioner under subsection (b) for each fiscal year, the institution shall, in accordance with such agreement under subsection (b), and within the amount allocated to the institution for that purpose for that year under section 413D(b) select individuals who are to be awarded such grants and determine, in accordance with section 413B, the amounts to be paid to them. An institution shall not award a supplemental grant to an individual unless it determines that—

"(A) he has been accepted for enrollment as an undergraduate student at such institution or, in the case of a student already attending such institution, is in good standing there as an undergraduate;

"(B) he shows evidence of academic or creative promise and capability of maintaining good standing in this course of study;

"(C) he is of exceptional financial need; and

"(D) he would not, but for a supplemental grant, be financially able to pursue a course of study at such institution.

For the purposes of clause (C) of this paragraph, in determining financial need, the expected family contribution shall be considered to be the contribution expected in the specific circumstances of the student as determined by the student financial aid officer at the institution in accordance with criteria promulgated by the Commissioner. Any calculation of the ability of a family to contribute shall include consideration of (i) family assets which should reasonably be available for such purpose, (ii) the number of children in the family, (iii) the number of children attending institutions of higher education, (iv) any catastrophic illness in the family, (v) any educational expenses of other dependent children in the family, and (vi) other circumstances affecting the student's financial need.

"(b) An institution of higher education which desires to obtain funds for supplemental grants under this subpart shall enter into an agreement with the Commissioner. Such agreement shall—

"(1) provide that funds received by the institution under this subpart will be used by it solely for the purposes specified in, and in accordance with, the provisions of this subpart and of section 463;

"(2) provide that, in determining whether an individual meets the requirements of clause (C) of paragraph (2) of subsection (a), the institution will—

"(A) consider the source of such individual's income and that of any individual or individuals upon whom he relies primarily for support, and

"(B) make appropriate review of the assets of the student and of such individuals;

"(3) provide that the institution, in cooperation with other eligible institutions where appropriate, will make vigorous efforts to identify qualified youths of exceptional financial need, and to encourage them to continue their education beyond secondary school through such programs and activities as—

"(A) establishing or strengthening close working relationships with secondary school principals and guidance and counseling personnel, with a view toward motivating students to complete secondary school and to pursue postsecondary school educational opportunities, and

"(B) making, to the extent feasible, conditional commitments for student financial aid by such institution to qualified secondary school students, who but for such grants would be unable to obtain the benefits of higher education, with special emphasis on students enrolled in grade 11 or lower grades who show evidences of academic or creative promise;

"(4) provide that the institution will meet the requirements of section 464;

"(5) include provisions designed to make grants under this subpart reasonably available, to the extent of available funds, to all eligible students in attendance at the institution;

"(6) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this subpart.

"APPORTIONMENT AND ALLOCATION OF FUNDS

"SEC. 413D. (a) (1) (A) From 90 per centum of the sums appropriated pursuant to section 413A(b) (1) for any fiscal year, the Commissioner shall apportion to each State an amount which bears the same ratio to such sums as the number of persons enrolled full-time and the full-time equivalent of the number of persons enrolled part time in institutions of higher education in such State bears to the total number of such persons in all the States. The remainder of the sums so appropriated shall be apportioned among the States by the Commissioner in accordance with equitable criteria which he shall establish and which shall be designed to achieve a distribution of the sums so appropriated among the States which will most effectively carry out the purpose of this subpart, except that where any State's apportionment under the first sentence for a fiscal year is less than its allotment under the first sentence of section 401(b) of this Act for the fiscal year ending June 30, 1972, before he makes any other apportionments under this sentence, the Commissioner shall apportion sufficient additional sums to such State under this sentence to make the State's apportionment for that year under this paragraph equal to its allotment for the fiscal year ending June 30, 1972, under such first sentence. Sums apportioned to a State under the preceding sentence shall be consolidated with, and become a part of, its apportionment from the same appropriation under the first sentence of this paragraph.

"(B) If the Commissioner determines that the sums apportioned to any State under subparagraph (A) for any fiscal year exceed the aggregate of the amounts that he determines to be required under subsection (b) for that fiscal year for institutions of higher education in that State, the Commissioner shall reapportion such excess, from time to time, on such date or dates as he shall fix, to other States in such manner as the Commissioner determines will best assist in achieving the purposes of this subpart.

"(2) Sums appropriated pursuant to section 413A(b)(2) for any fiscal year shall be apportioned among the States in such manner as the Commissioner determines will best achieve the purposes for which such sums were appropriated.

"(b)(1)(A) The Commissioner shall, from time to time, set dates before which institutions in any State must file applications for allocation, to such institutions, of supplemental grant funds from the apportionment to that State (including any reapportionment thereto) for any fiscal year pursuant to subsection (a)(1).

"(B)(i) From the sums apportioned (or reapportioned) to any State, the Commissioner shall allocate amounts to institutions which have submitted applications pursuant to subparagraph (A).

"(ii) Allocations under division (i) by the Commissioner to such institutions shall be made in accordance with equitable criteria established by the Commissioner by regulation. Such criteria shall be designed to achieve such distribution of supplemental grant funds among such institutions within a State as will most effectively carry out the purposes of this subpart.

"(2) The Commissioner shall, in accordance with regulations, allocate to such institutions in any State, from funds apportioned or reapportioned pursuant to subsection (a)(2), funds to be used as the supplemental grants specified in section 413A(b)(2).

"(3) Payments shall be made from allocations under this subsection as needed.

"Subpart 3—Grants to States for State Student Incentives

"PURPOSE; APPROPRIATIONS AUTHORIZED

"Sec. 415A. (a) It is the purpose of this subpart to make incentive grants available to the States to assist them in providing grants to eligible students in attendance at institutions of higher education.

"(b)(1) There are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, for payments to the States for grants to students who have not previously been awarded such grants.

"(2) In addition to the sums authorized to be appropriated pursuant to paragraph (1), there is authorized to be appropriated such sums as may be necessary for making payments to States to continue their grants to students made with incentive grants received by such States for previous years pursuant to paragraph (1).

"(3) Sums appropriated pursuant to paragraph (1) for any fiscal year shall remain available for payments to States for the award of student grants under this subpart until the end of the fiscal year succeeding the fiscal year for which such sums were appropriated.

"(4) For the purposes of this subsection, a payment on the first year of a student grant with respect to any student who has not been awarded a grant from appropriations pursuant to paragraph (1) during any previous year shall be considered, subject to regulations of the Commissioner, an initial award to be paid from appropriations pursuant to paragraph (1).

"ALLOTMENT AMONG STATES

"Sec. 415B. (a)(1)(A) From the sums appropriated pursuant to section 415A(b)(1) for any fiscal year, the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the number of students in attendance at institutions of higher education in such State bears to the total number of such students in such attendance in all the States.

"(B) For the purposes of this paragraph, the number of students in attendance at institutions of higher education in a State and in all the States shall be determined by the Commissioner for the most recent year for which satisfactory data are available to him.

"(2) The amount of any State's allotment under paragraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for the State student grant incentive program of that State shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under such part for such year, but with such proportionate amount for any of such States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year for carrying out the State plan; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this part during a year from funds appropriated pursuant to section 415A(b)(1) shall be deemed part of its allotment under paragraph (1) for such year.

"(b) Sums appropriated pursuant to section 415A(b)(2) for any fiscal year shall be allotted among the States in such manner as the Commissioner determines will best achieve the purposes for which such sums were appropriated.

"(c) The Commissioner shall make payments for continuing incentive grants only to those States which continue to meet the requirements of section 415C(b) (1), (2), (3), and (5).

"APPLICATIONS FOR STATE STUDENT INCENTIVE GRANT PROGRAMS

"Sec. 415C. (a) A State which desires to obtain a payment under this subpart for any fiscal year shall submit an application therefor through the State agency administering its program of student grants, at such time or times, and containing such information as may be required by, or pursuant to, regulation for the purpose of enabling the Commissioner to make the determinations required under this subpart.

"(b) From a State's allotment under this subpart for any fiscal year the Commissioner is authorized to make payments to such State for paying 50 per centum of the amount of student grants pursuant to a State program which—

"(1) is administered by a single State agency;

"(2) provides that such grants will be in amounts not in excess of $1,500 per academic year for attendance on a full-time basis as an undergraduate at an institution of higher education;

"(3) provides for the selection of recipients of such grants on the basis of substantial financial need determined annually on the basis of criteria established by the State and approved by the Commissioner;

"(4) provides for the payment of the non-Federal portion of such grants from funds supplied by such State which represent an additional expenditure for such year by such State for grants for students attending institutions of higher education over the amount expended by such State for such grants, if any, during the second fiscal year preceding the fiscal year in which such State initially received funds under this subpart; and

"(5) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State agency under this subpart, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this subpart.

"(c) Upon his approval of any application for a payment under this subpart, the Commissioner shall reserve from the applicable allotment (including any applicable reallotment) available therefor, the amount of such payment, which (subject to the limits of such allotment or reallotment) shall be equal to the Federal share of the cost of the student incentive grants covered by such application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments as he may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of the student grants with respect to which such reservation was made, and in the event of an upward revision of such estimated cost approved by him he may reserve the Federal share of the added cost only from the applicable allotment (or reallotment) available at the time of such approval.

"ADMINISTRATION OF STATE PROGRAMS; JUDICIAL REVIEW

"Sec. 415D. (a)(1) The Commissioner shall not finally disapprove any application for a State program submitted under section 415C, or any modification thereof, without first affording the State agency submitting the program reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a State program approved under this subpart, finds—

"(A) that the State program has been so changed that it no longer complies with the provisions of this subpart, or

"(B) that in the administration of the program there is a failure to comply substantially with any such provisions,

the Commissioner shall notify such State agency that the State will not be regarded as eligible to participate in the program under this subpart until he is satisfied that there is no longer any such failure to comply.

"(b)(1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State program submitted under this subpart or with his final action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

"Subpart 4—Special Programs for Students From Disadvantaged Backgrounds

"PROGRAM AUTHORIZATION

"SEC. 417A. (a) The Commissioner shall, in accordance with the provisions of this subpart, carry out a program designed to identify qualified students from low-income families, to prepare them for a program of postsecondary education, and to provide special services for such students who are pursuing programs of postsecondary education.

"(b) For the purpose of enabling the Commissioner to carry out this subpart, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"AUTHORIZED ACTIVITIES

"SEC. 417B. The Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) to make grants to, and contracts with, institutions of higher education, including institutions with vocational and career education programs, combinations of such institutions, public and private agencies and organizations (including professional and scholarly associations), and, in exceptional cases, secondary schools and secondary vocational schools, for planning, developing, or carrying out within the States one or more of the services described in section 417A(a).

"(b) Services provided through grants and contracts under this subpart shall be specifically designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation or who may be physically handicapped, to enter, continue, or resume a program of postsecondary education, including—

"(1) programs, to be known as 'Talent Search", designed to—

"(A) identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training,

"(B) publicize existing forms of student financial aid, including aid furnished under this title, and

"(C) encourage secondary-school or college dropouts of demonstrated aptitude to reenter educational programs, including post-secondary-school programs;

"(2) programs, to be known as 'Upward Bound', (A) which are designed to generate skills and motivation necessary for success in education beyond high school and (B) in which enrollees from low-income backgrounds and with inadequate secondary-school preparation participate on a substantially full-time basis during all or part of the program;

"(3) programs, to be known, as 'Special Services for Disadvantaged Students', of remedial and other special services for students with academic potential (A) who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant or contract, and (B) who, by reason of deprived educational, cultural, or economic background, or physical handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education; and

"(4) a program of paying up to 75 per centum of the cost of establishing and operating Educational Opportunity Centers which—

"(A) serve areas with major concentrations of low-income populations by providing, in coordination with other applicable programs and services—

"(i) information with respect to financial and academic assistance available for persons in such areas desiring to pursue a program of postsecondary education;

"(ii) assistance to such persons in applying for admission to institutions, at which a program of postsecondary education is offered, including preparing necessary applications for use by admission and financial aid officers; and

"(iii) counseling services and tutorial and other necessary assistance to such persons while attending such institutions; and

"(B) serve as recruiting and counseling pools to coordinate resources and staff efforts of institutions of higher education and of other institutions offering programs of postsecondary education, in admitting educationally disadvantaged persons.

The portion of the cost of any project assisted under clause (4) in the preceding sentence which is borne by the applicant shall represent an increase in expenditure by such applicant for the purposes of such project.

"(c) Enrollees who are participating on an essentially full-time basis in one or more services being provided under this section may be paid stipends, but not in excess of $30 per month except in exceptional cases as determined by the Commissioner.".

(2) The amendment made by paragraph (1) shall be effective after June 30, 1972.

(c) Section 461 of the Higher Education Act of 1965 is amended by striking out subsection (b) thereof and inserting in lieu thereof the following:

"(b)(1) For the purposes of this title, except part B, the term 'institution of higher education' includes any school of nursing; and any proprietary institution of higher education which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this title has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

"(2) For the purposes of this subsection:

"(A) The term 'school of nursing' means a public or other nonprofit collegiate or associate degree school of nursing.

"(B) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing.

"(C) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

"(D) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner.

"(3) For the purposes of this subsection, the term 'proprietary institution of higher education' means a school (A) which provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (B) which meets the requirements of clauses (1) and (2) of section 1201(a), (C) which does not meet the requirement of section clause (4) of section 1201(a), (D) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, and (E) which has been in existence for at least two years. For purposes of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(c) For the purposes of this title—

"(1) the term 'academic year' shall be defined by the Commissioner by regulations; and

"(2) the term 'in attendance', when applied to a student, means a student who attends an institution of higher education at least on a half-time basis, as defined by the Commissioner by regulation.".

(d)(1) Section 1201 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(i) The term 'school or department of divinity' means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.".

(2) The Higher Education Act of 1965 is amended by striking out the following provisions:

(A) The second sentence of section 113;

(B) The second sentence of section 207;

(C) The second sentence of section 526;

(D) The second sentence of section 609; and

(E) The second sentence of section 923.

INSURED STUDENT LOANS—EXTENSION OF PROGRAM

SEC. 132. (a)(1) The first sentence of section 424(a) of the Higher Education Act of 1965 is amended to read as follows: "The total principal amount of new loans made and installments paid pursuant to lines of credit (as defined in section 435) to students covered by Federal loan insurance under this part shall not exceed $1,400,000,000 for the fiscal year ending June 30, 1972, $1,600,000,000 for the fiscal year ending June 30, 1973, $1,800,000,000 for the fiscal year ending June 30, 1974, and $2,000,000,000 for the fiscal year ending June 30, 1975."

(2) Such section 424(a) is further amended by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1979".

(b) Paragraph (4) of section 428(a) of such Act is amended (1) by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1975" and (2) by striking out "shall end at the close of June 30, 1975" and inserting in lieu thereof "shall end at the close of June 30, 1979".

(c) Section 433(c) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(d) The amendments made by this section shall be effective after June 30, 1971.

INCREASE IN LOAN LIMITATION IN EXCEPTIONAL CASES

SEC. 132A. (a)(1) Section 425(a) of the Higher Education Act of 1965 is amended by striking out "$1,500" and inserting in lieu thereof the following: "$2,500, except in cases where the Commissioner determines, pursuant to regulations prescribed by him, that a higher amount is warranted in order to carry out the purposes of this part with respect to students engaged in specialized training requiring exceptionally high costs of education".

(2) The second sentence of section 425(a) of such Act is amended by inserting before the period a comma and the following: "in the case of any student who has not successfully completed a program of undergraduate education, and $10,000 in the case of any

graduate or professional student (as defined by regulations of the Commissioner and including any loans which are insured by the Commissioner under this part or by a State or nonprofit institution or organization with which the Commissioner has an agreement under section 428(b) made to such person before he became a graduate or professional student)".

(b)(1) Section 428(b)(1)(A) of such Act is amended (1) by striking out "$1,500" and inserting in lieu thereof the following: "$2,500, except in those cases where the Commissioner determines, pursuant to regulations prescribed by him, that a higher amount is warranted in order to carry out the purposes of this part with respect to students engaged in specialized training requiring exceptionally high costs of education."

(2) Section 428(b)(1)(A) of such Act is further amended by inserting before the semicolon the following: "in the case of any student who has successfully completed a program of undergraduate education, and $10,000 in the case of any graduate or professional student (as defined by regulations of the Commissioner and including any loans which are insured by the Commissioner under this part or by a State or nonprofit institution or organization with which the Commissioner has an agreement under this part made to such person before he became a graduate or professional student).".

(c) The amendments made by subsections (a) and (b) shall be effective with respect to loans made after the enactment of this Act, and insured by the Commissioner under part B of title IV of the Higher Education Act of 1965, or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b) of such part.

INSURANCE LIABILITY

Sec. 132B. (a) Section 425(b) of the Higher Education Act of 1965 is amended to read as follows:

"(b) The insurance liability on any loan insured by the Commissioner under this part shall be 100 per centum of the unpaid balance of the principal amount of the loan, plus interest. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under the provisions of section 430 or 437 of this part.".

(b) Section 427(a)(2)(D) of such Act is amended by striking out the following: "(but without thereby increasing the insurance liability under this part)".

(c) The last sentence of section 430(a) of such Act is amended by striking out "of the loan (other than interest added to principal)" and inserting in lieu thereof the following: "and interest".

AMENDMENTS TO INTEREST SUBSIDY PROVISIONS

Sec. 132C. (a) Section 428(a)(1) of the Higher Education Act of 1965 is amended to read as follows:

"(1) Each student who has received a loan for study at an eligible institution—

"(A) which is insured by the Commissioner under this part;

"(B) which was made under a State student loan program (meeting criteria prescribed by the Commissioner), and which was contracted for, and paid to the student, within the period specified by paragraph (4); or

"(C) which is insured under a program of a State or of a nonprofit private institution or organization which was contracted for, and paid to the student, within the period specified in paragraph (4), and which—

"(i) in the case of a loan insured prior to July 1, 1967, was made by an eligible lender and is insured under a program which meets the requirements of subparagraph (E) of subsection (b)(1) and provides that repayment of such loan shall be in installments beginning not earlier than sixty days after the student ceases to pursue a course of study (as described in subparagraph (D) of subsection (b)(1)) at an eligible institution, or

"(ii) in the case of a loan insured after June 30, 1967, is insured under a program covered by an agreement made pursuant to subsection (b),

shall be entitled to have paid on his behalf and for his account to the holder of the loan a portion of the interest on such loan (in accordance with paragraph (2) of this subsection) only if at the time of execution of the note or written agreement evidencing such loan his adjusted family income is—

"(I) less than $15,000 and the eligible institution at which he has been accepted for enrollment or, in the case of a student who is attending such an institution, at which he is in good standing (as determined by such institution)—

"(α) has determined the amount of need for such loan by substracting from the estimated cost of his attendance at such institution (which, for purposes of this paragraph, means the cost, for the period for which the loan is sought, of tuition, fees, room and board, and reasonable commuting costs) the expected family contribution with respect to such student plus any other resources or student aid reasonably available to such student, and

"(β) has provided the lender with a statement evidencing the determination made under clause (I)(a) of this paragraph and recommending a loan in the amount of such need; or

"(II) equal to or more than $15,000 and the eligible institution at which he has been accepted for enrollment or, in the case of a student who is attending such an institution, at which he is in good standing (as determined by such institution)—

"(α) has determined that he is in need of a loan to attend such institution,

"(β) has determined the amount of such need by substracting from the estimated cost of attendance at such institution the expected family contribution with respect to such student plus any other resources or student aid reasonably available to such student, and

"(γ) has provided the lender with a statement evidencing the determination made under clause (II) (β) of this paragraph and recommending a loan in the amount of such need.

In addition, the Commissioner shall pay an administrative cost allowance in the amount established by paragraph (2)(B) of this subsection with respect to loans to any student without regard to the borrower's need. For the purposes of this paragraph, the adjusted family income of a student shall be determined pursuant to regulations of the Commissioner in effect at the time of the execution of the note or written agreement evidencing the loan. Such regulations shall provide for taking into account such factors, including family size, as the Commissioner deems appropriate. In the absence of fraud by the lender, such determination of the need of a student under this paragraph shall be final insofar as it concerns the obligation of the Commissioner to pay the holder of a loan a portion of the interest on the loan.".

(b) Section 428(b)(1)(H) of such Act is amended to read as follows:

"(H) provides that the benefits of the loan insurance program will not be denied any student who has been determined (pursuant to section 428(a)(1)) to be in need of a loan except in the case of loans made by an instrumentality of a State or eligible institution;".

(c) Section 427(a)(1) of such Act is amended by striking out ", and (C) has provided the lender with a statement of the institution which sets forth a schedule of the tuition and fees applicable to that student and its estimate of the cost of board and room for such a student".

TECHNICAL AMENDMENTS

Sec. 132D. Section 437 of such Act is amended to read as follows:

"REPAYMENT BY THE COMMISSIONER OF LOANS OF DECEASED OR DISABLED BORROWERS

"Sec. 437. If a student borrower who has received a loan described in clause (A), (B), or (C) of section 428(a)(1) dies or becomes permanently and totally disabled (as determined in accordance with regulations of the Commissioner), then the Commissioner shall discharge the borrower's liability on the loan by repaying the amount owed on the loan.".

(b) Paragraph (1) of section 428(b) is amended (1) by striking out "and" at the end of clause (J) thereof, (2) by striking out the period at the end of clause (K) and inserting "; and" in lieu thereof, and (3) by adding at the end of such paragraph the following new clause:

"(L) provides that periodic installments of principal need not be paid, but interest shall accrue and be paid during any period (i) during which the borrower is pursuing a full-time course of study at an eligible institution, (ii) not in excess of three years during which the borrower is a member of the Armed Forces of the United States, (iii) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act, or (iv) not in excess of three years during which the borrower is in service as a full-time volunteer under title VIII of the Economic Opportunity Act of 1964."

(c) Section 428(e) of such Act is repealed.

(d) Paragraph (1) of subsection (c) of such section 428 is amended by striking out "adjusted family income of the borrower" and inserting in lieu thereof "the borrower's lack of need".

(e) Section 434 of such Act is amended by striking out "up to 15 per centum of their assets,".

ELIGIBILITY OF INSTITUTIONS

Sec. 132E. (a) Part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"ELIGIBILITY OF INSTITUTIONS

"Sec. 438. (a) Notwithstanding any other provision of this part, the Commissioner is authorized to prescribe such regulations as may be necessary to provide for—

"(1) a fiscal audit of an eligible institution with regard to any funds obtained from a student who has received a loan insured under this part, or insured by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b);

"(2) the establishment of reasonable standards of financial responsibility and appropriate institutional capability for the administration by an eligible institution of a program of student financial aid with respect to funds obtained from a student who has received a loan insured under this part, or insured by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b);

"(3) the limitation, suspension, or termination of the eligibility under this part of any otherwise eligible institution, whenever the Commissioner has determined, after notice and affording an opportunity for hearing, that such institution has violated or failed to carry out any regulation prescribed under this part.

"(b) The Commissioner shall publish a list of State agencies which he determines to be reliable authority as to the quality of public postsecondary vocational education in their respective States for the purpose of determining eligibility for all Federal student assistance programs."

(b) The amendment made by subsection (a) shall be effective on and after the sixtieth day following the enactment of this Act.

SAVINGS PROVISION

SEC. 132F. The amendments made by sections 132, 132A, 132B, 132C, and 132D, shall not be effective with respect to any loan made after the date of enactment of this Act, in whole or in part, to consolidate or convert a loan made or contracted for prior to its effective date.

STUDENT LOAN MARKETING ASSOCIATION

SEC. 133. (a) Part B of title IV of the Higher Education Act of 1965 is further amended by adding at the end thereof the following new section:

"STUDENT LOAN MARKETING ASSOCIATION

"SEC. 439. (a) The Congress hereby declares that it is the purpose of this section to establish a Government-sponsored private corporation which will be financed by private capital and which will serve as a secondary market and warehousing facility for insured student loans, insured by the Commissioner under this part or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b), and which will provide liquidity for student loan investments.

"(b) (1) There is hereby created a body corporate to be known as the Student Loan Marketing Association (hereinafter referred to as the 'Association'). The Association shall have succession until dissolved. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. Offices may be established by the Association in such other place or places as it may deem necessary or appropriate for the conduct of its business.

"(2) The Association, including its franchise, capital, reserves, surplus, mortgages, or other security holdings, and income shall be exempt from all taxation now or hereafter imposed by any State, territory possession, Commonwealth, or dependency of the United States, or by the District of Columbia, or by any county, municipality, or local taxing authority, except that any real property of the Association shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

"(3) There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare $5,000,000 for making advances for the purpose of helping to establish the Association. Such advances shall be repaid within such period as the Secretary may deem to be appropriate in light of the maturity and solvency of the Association. Such advances shall bear interest at a rate not less than (A) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such advances, adjusted to the nearest one-eighth of 1 per centum, plus (B) an allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses. Repayments of such advances shall be deposited into miscellaneous receipts of the Treasury.

"(c) (1) The Association shall have a Board of Directors which shall consist of twenty-one persons, one of whom shall be designated Chairman by the President.

"(2) An interim Board of Directors shall be appointed by the President, one of whom he shall designate as interim Chairman. The interim Board shall consist of twenty-one members, seven of whom shall be representative of banks or other financial institutions which are insured lenders pursuant to this section, seven of whom shall be representative of educational institutions, and seven of whom shall be representative of the general public. The interim Board shall arrange for an initial offering of common and preferred stocks and take whatever other actions are necessary to proceed with the operations of the Association.

"(3) When in the judgment of the President, sufficient common stock of the Association has been purchased by educational institutions and banks or other financial institutions, the holders of common stock which are educational institutions shall elect seven members of the Board of Directors and the holders of common stock which are banks or other financial institutions shall elect seven members of the Board of Directors. The President shall appoint the remaining seven directors, who shall be representative of the general public.

"(4) At the time the events described in paragraph (3) have occurred, the interim Board shall turn over the affairs of the Association to the regular Board so chosen or appointed.

"(5) The directors appointed by the President shall serve at the pleasure of the President and until their successors have been appointed and have qualified. The remaining directors shall each be elected for a term ending on the date of the next annual meeting of the common stockholders of the Association, and shall serve until their successors have been elected and have qualified. Any appointive seat on the Board which becomes vacant shall be filled by appointment of the President. Any elective seat on the Board which becomes vacant after the annual election of the directors shall be filled by the Board, but only for the unexpired portion of the term.

"(6) The Board of Directors shall meet at the call of its Chairman, but at least semiannually. The Board shall determine the general policies which shall govern the operations of the Association. The Chairman of the Board shall, with the approval of the Board, select, appoint, and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Association and shall discharge all such executive functions, powers, and duties.

"(d) (1) The Association is authorized, subject to the provisions of this section, pursuant to commitments or otherwise, to make advances on the security of, purchase, service, sell, or otherwise deal in, at prices and on terms and conditions determined by the Association, student loans which are insured by the Commissioner under this part or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b).

"(2) Any warehousing advance made under paragraph (1) of this subsection shall not exceed 80 per centum of the face amount of an insured loan. The proceeds from any such advance shall be invested in additional insured student loans.

"(e) The Association, pursuant to such criteria as the Board of Directors may prescribe, shall make advances on security or purchase student loans pursuant to subsection (d) only after the Association is assured that the lender (A) does not discriminate by pattern or practice against any particular class or category of students by requiring that, as a condition to the receipt of a loan, the student or his family maintain a business relationship with the lender, except that this clause shall not apply in the case of a loan made by a credit union, savings and loan association, mutual savings bank, institution of higher education or any other lender with less than $50,000,000 in deposits, and (B) does not discriminate on the basis of race, sex, color, creed, or national origin.

"(f) (1) The Association shall have common stock having a par value of $100 per share which may be issued only to lenders under this part, pertaining to guaranteed student loans, who are qualified as insured lenders under this part or who are eligible institutions as defined in section 435(a) (other than an institution outside the United States).

"(2) Each share of common stock shall be entitled to one vote with rights of cumulative voting at all elections of directors. Voting shall be by classes as described in subsection (c) (3).

"(3) The common stock of the Association shall be transferable only as may be prescribed by regulations of the Secretary of Health, Education, and Welfare, and, as to the Association, only on the books of the Association. The Secretary of Health, Education, and Welfare shall prescribe the maximum number of shares of common stock the Association may issue and have outstanding at any one time.

"(4) To the extent that net income is earned and realized, subject to subsection (g) (2), dividends may be declared on common stock by the Board of Directors. Such dividends as may be declared by the Board shall be paid to the holders of outstanding shares of common stock, except that no such dividends shall be payable with respect to any share which has been called for redemption past the effective date of such call.

"(g) (1) The Association is authorized, with the approval of the Secretary of Health, Education, and Welfare, to issue nonvoting preferred stock with a par value of $100 per share. Any preferred share issued shall be freely transferable, except that, as to the Association, it shall be transferred only on the books of the Association.

"(2) The holders of the preferred shares shall be entitled to such rate of cumulative dividends and such shares shall be subject to such redemption or other conversion provisions, as may be provided for at the time of issuance. No dividends shall be payable on any share of common stock at any time when any dividend is due on any share of preferred stock and has not been paid.

"(3) In the event of any liquidation, dissolution, or winding up of the Association's business, the holders of the preferred shares shall be paid in full at par value thereof, plus all accrued dividends, before the holders of the common shares receive any payment.

"(h) (1) The Association is authorized with the approval of the Secretary of Health, Education, and Welfare and the Secretary of the Treasury to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association. Such obligations may be redeemable at the option of the Association before maturity in such manner as may be stipulated therein.

"(2) The Secretary of Health, Education, and Welfare is authorized, prior to July 1, 1982, to guarantee payment when due of principal and interest on obligations issued by the Association in an aggregate amount determined by the Secretary in consultation with the Secretary of the Treasury.

"(3) To enable the Secretary of Health, Education, and Welfare to discharge his responsibilities under guarantees issued by him, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of Health, Education, and Welfare with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the months preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. There is authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary to pay the principal and interest on the notes or obligations issued by him to the Secretary of the Treasury.

"(i) The Association shall have power—

"(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

"(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

"(3) to adopt, amend, and repeal by its Board of Directors, bylaws, rules, and regulations as may be necessary for the conduct of its business;

"(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification or similar statute in any State;

"(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

"(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Association:

"(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

"(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof; and

"(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

"(j) The accounts of the Association shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants or by independent licensed public accountants, licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States except that independent public accountants licensed to practice by such regulatory authority after December 31, 1970, and persons who, although not so certified or licensed, meet, in the opinion of the Secretary, standards of education and experience representative of the highest standards prescribed by the licensing authorities of the several States which provide for the continuing licensing of public accountants and which are prescribed by the Secretary in appropriate regulations may perform such audits until December 31, 1975. A report of each such audit shall be furnished to the Secretary of the Treasury. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the Secretary shall have access to all books, accounts, financial records, reports files and all other papers things or property belonging to or in use by the Association and necessary to facilitate the audit and they shall be afforded full facilities for verifying transactions with the plances or securities held by depositaries, fiscal agents, and custodians.

"(k) A report of each such audit for a fiscal year shall be made by the Secretary of the Treasury to the President and to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the President and the Congress informed of the operations and financial condition of the Association, together with such recommendations with respect thereto as the Secretary may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Secretary of Health, Education, and Welfare and to the Association.

"(l) All obligations issued by the Association shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the Association pursuant to this section shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States. The Association shall, for the purposes of section 14(b)(2) of the Federal Reserve Act, be deemed to be an agency of the United States.

"(m) In order to furnish obligations for delivery by the Association, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Board of Directors may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Association. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Association shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

"(n) The Association shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress a report of its operations and activities during each year.".

(b) If any provision of the amendment made by subsection (a) of this section or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the amendment, and the application of such provisions to other persons or circumstances, shall not be affected.

(c)(1) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations or other instruments or securities of the Student Loan Marketing Association," immediately after "or obligations, participation, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

(2) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), is amended by adding at the end thereof the following new paragraph:

"(14) Obligations of the Student Loan Marketing Association shall not be subject to any limitation based upon such capital and surplus.".

(3) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)), is amended by inserting "or in obligations or other instruments or securities of the Student Loan Marketing Association;" in the second proviso immediately after "any political subdivision thereof".

(4) Section 8(8)(E) of the Federal Credit Union Act, amended (12 U.S.C. 1757(8)(E)), is amended by inserting before the semicolon at the end thereof the following: "or in obligations or other instruments or securities of the Student Loan Marketing Association".

EXTENSION OF THE EMERGENCY INSURED STUDENT LOAN ACT OF 1969

SEC. 134. (a) Section 2(a)(7) of the Emergency Insured Student Loan Act of 1969 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1974".

(b) The amendment made by subsection (a) shall be effective on and after July 1, 1971.

STATEMENT OF PURPOSE OF THE WORK-STUDY PROGRAM

SEC. 135. Section 441(a) of the Higher Education Act of 1965 is amended by striking out "from low-income families" and inserting in lieu thereof "with great financial need".

EXTENSION OF COLLEGE WORK-STUDY PROGRAM

SEC. 135A. (a) Section 441(b) of the Higher Education Act of 1965 is amended by striking out the word "and" after "June 30, 1970," and by adding after "June 30, 1971," the following: "$330,000,000 for the fiscal year ending June 30, 1972, $360,000,000 for the fiscal year ending June 30, 1973, $390,000,000 for the fiscal year ending June 30, 1974, and $420,000,000 for the fiscal year ending June 30, 1975,".

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

ALLOTMENTS FOR WORK-STUDY PROGRAM

SEC. 135B. (a)(1) The first sentence of section 442(a) of the Higher Education Act of 1965 is amended by striking out "The remainder" and inserting in lieu thereof "Ninety per centum of the remainder".

(2) Subsections (c), (d), and (e) of such section are redesignated as subsections (d), (e), and (f), respectively, and such section is amended by inserting after subsection (b) the following new subsection:

"(c) Sums remaining after making the allotments provided for in other provisions of this section shall be allotted among the States by the Commissioner in accordance with equitable criteria established by him which shall be designed to achieve a distribution of the sums appropriated to carry out this part among the States which will most effectively carry out the purpose of this part, except that where a States allotment under subsecion (b) for a fiscal year is less than its allotment under that subsection for the fiscal year ending June 30, 1972, before he makes any other allotments under this subsection, the Commissioner shall allot sufficient additional sums to such State under this sentence to make the State's allotment for that year under subsection (b) equal to its allotment under such subsection for the fiscal year ending June 30, 1972. Sums allotted to a State under this subsection shall be consolidated with, and become a part of, its allotment from the same appropriation under subsection (b)."

WORK-STUDY PROGRAM—SELECTION OF STUDENTS

SEC. 135C. (a)(1) Clause (3)(A) of section 444(a) of the Higher Education Act of 1965 is amended by inserting immediately after "such institution" the following: "(taking into consideration the actual cost of attendance at such institution)".

(2) The amendment made by subsection (a) shall be effective on and after July 1, 1971, with respect to appropriations for fiscal years beginning on and after July 1, 1971.

AUTHORIZING PARTICIPATION OF HALF-TIME STUDENTS IN WORK-STUDY PROGRAM

SEC. 135D. Section 444(a)(3)(C) of the Higher Education Act of 1965 is amended (1) by striking out "full time" both times it appears, and (2) by inserting after "student at the institution" and after "attendance there" the following: "on at least a half-time basis".

CONDITIONS OF AGREEMENT

SEC. 135E. (a) Section 444(a)(3) of the Higher Education Act of 1965 is amended (1) by striking out "from low-income families" and inserting in lieu thereof the following: "with the greatest financial need, taking into account grant assistance provided such student from any public or private sources", and (2) by amending clause (B) to read as follows: "(B) shows evidence of academic or creative promise and capability of maintaining good standing in such course of study while employed under the program covered by the agreement, and".

(b) Section 444(a) of such Act is amended by striking out clause (4).

WORK-STUDY FOR COMMUNITY SERVICE LEARNING PROGRAM

SEC. 135F. Part C of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"WORK-STUDY FOR COMMUNITY SERVICE LEARNING PROGRAM

"SEC. 447. (a) The purpose of this section is to enable students in eligible institutions who are in need of additional financial support to attend institutions of higher education, with preference given to veterans who served in the Armed Forces in Indochina or Korea after August 5, 1964, to obtain earnings from employment which offers the maximum potential both for effective service to the community and for enhancement of the educational development of such students.

"(b) There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972, and $50,000,000 each succeeding fiscal year ending prior to July 1, 1975, to carry out this section through local project grants, without regard to the provisions of section 442.

"(c) The Commissioner is authorized to enter into agreements with public or private nonprofit agencies under which the Commissioner will make grants to such agencies to pay the compensation of students who are employed by such agencies in jobs providing needed community services and which are of educational value.

"(d) An agreement entered into under subsection (c) above shall—

"(1) provide for the part-time employment of college students in projects designed to improve community services or solve particular problems in the community;

"(2) provide assurances that preference will be given to veterans who served in the Armed Forces in Indochina or Korea after August 5, 1964, in recruiting students in eligible institutions for jobs under this section, and that the agency, in cooperation with the institution of higher education which the student attends, will make an effort to relate the projects performed by students to their general academic program and to a comprehensive program for college student services to the community;

"(3) conform with the provisions of clauses (1)(A), (1)(B) and (1)(C) of section 444(a), and provide for the selection of students who meet the requirements of clauses (3)(A), (3)(B) and (3)(C) of section 444(a); and

"(4) include such other provisions as the Commissioner shall deem necessary or appropriate to carry out the purposes of this section, including provisions for oversight by the institution of higher education which the student participating in such a program attends.

"(e) For purposes of this section, the term 'community service' includes, but is not limited to, work in such fields as environmental quality, health care, education, welfare, public safety, crime prevention and control, transportation, recreation, housing and neighborhood improvement, rural development, conservation, beautification, and other fields of human betterment and community improvement.".

COOPERATIVE EDUCATION

SEC. 136. (a)(1) Section 451(a) of the Higher Education Act of 1965 is amended by striking out "the fiscal year ending June 30, 1971" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(2) Section 451(b) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(b)(1) Section 451(b) of the Higher Education Act of 1965 is amended by inserting after "training" the following: ", demonstration,".

(2) Section 453 of such Act is amended by inserting immediately before "or for research" the following: "for projects demonstrating or exploring the feasibility or value of innovative methods of cooperative education,".

(c) The amendments made by subsection (a) shall be effective after June 30, 1971.

DIRECT LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 137. (a)(1) Section 201 of the National Defense Education Act of 1958 is amended by inserting "each" after $375,000,000", and by inserting after "June 30, 1971," the following: "and for the fiscal year ending June 30, 1972,".

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b) Title IV of the Higher Education Act of 1965 is amended by striking out part F. Part E and sections 461, 462, 463, 464, and 469 of such title IV, and all references thereto are redesignated as part F and sections 491, 492, 493, 494, and 499, respectively. Such title IV is further amended by inserting after part D the following new parts:

"PART E—DIRECT LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

"APPROPRIATIONS AUTHORIZED

"SEC. 461. (a) The Commissioner shall carry out a program of stimulating and assisting in the establishment and maintenance of funds at institutions of higher education for the making of low-interest loans to students in need thereof to pursue their courses of study in such institutions.

"(b)(1) For the purpose of enabling the Commissioner to make contributions to student loan funds established under this part, there are hereby authorized to be appropriated $375,000,000 for the fiscal year ending June 30, 1972, and $400,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"(2) In addition there are hereby authorized to be appropriated such sums for the fiscal year ending June 30, 1976, and each of the three succeeding fiscal years as may be necessary to enable students who have received loans for academic years ending prior to July 1, 1975, to continue or complete courses of study.

"(c) Any sums appropriated pursuant to subsection (b) for any fiscal year shall be available for apportionment pursuant to section 462 and for payments of Federal capital contributions therefrom to institutions of higher education which have agreements with the Commissioner under section 463. Such Federal capital contributions and all contributions from such institutions shall be used for the establishment, expansion, and maintenance of student loan funds.

"APPORTIONMENT OF APPROPRIATIONS

"SEC. 462. (a)(1) From 90 per centum of the sums appropriated pursuant to section 461(b)(1) for any fiscal year, the Commissioner shall apportion to each State an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in institutions of higher education, as determined by the Commissioner for the most recent year for which satisfactory data are available to him, in such State, bears to the total number of persons so enrolled in all the States. The remainder of the sums so appropriated shall be apportioned among the States by the Commissioner in accordance with equitable criteria which he shall establish and which shall be designed to achieve a distribution of the sums so appropriated among the States which will most effectively carry out the purpose of this part, except that where any State's apportionment under the first sentence for a fiscal year is less than its allotment under section 202(a) of the National Defense Education Act of 1958 for the fiscal year ending June 30, 1972, before he makes any other apportionments under this sentence, the Commissioner shall apportion sufficient additional sums to such State under this sentence to make the State's apportionment for that year under this paragraph equal to its allotment for the fiscal year ending June 30, 1972, under such section 202(a). Sums apportioned to a State under the preceding sentence shall be consolidated with, and become a part of, its apportionment from the same appropriation under the first sentence of this paragraph.

"(2) Any sums appropriated pursuant to section 461(b)(2) for any fiscal year shall be apportioned among institutions of higher education in such a manner as the Commissioner determines will best accomplish the purpose for which they were appropriated.

"(b)(1) Any institution of higher education desiring to receive payments of Federal capital contributions from the apportionment of the State in which it is located for any fiscal year shall make an agreement under section 463 and shall submit an application therefor to the Commissioner, in accordance with the provisions of this part. The Commissioner shall, from time to time, set dates before which such institutions must file applications under this section.

"(2) The Commissioner shall pay to each applicant under this subsection which has an agreement with him under section 463, from the amount apportioned to the State in which it is located, the amount requested in such application. Such payment may be made in such installments as the Commissioner determines will not result in unnecessary accumulations of capital in the student loan fund of the applicant established under its agreement under section 463.

"(c)(1)(A) If the total amount of Federal capital contributions requested in the applications from a State for any fiscal year exceeds the amount apportioned to that State, the request from each institution shall be reduced ratably.

"(B) In case additional amounts become available for payments to student loan funds in a State in which requests have been ratably reduced under subparagraph (A), such requests shall be increased on the same basis as they were reduced, except that no request shall be increased above the request submitted under subsection (b)(1).

"(2) If the amount of an apportionment to a State for any fiscal year exceeds the total amount of Federal capital contributions requested in applications from that State, such excess shall be available for reapportionment from time to time on such date or dates as the Commissioner shall fix. From the aggregate of such excess for any fiscal year, the Commissioner shall reapportion to each State in which requests were reduced under subparagraph (A) of paragraph (1) an amount which bears the same ratio to such aggregate as the total amount of such reduction in that State bears to the total amount of such reductions in all the States.

"(d) The aggregate of the amounts of Federal capital contributions paid under this section for any fiscal year to proprietary institutions of higher education may not exceed the amount by which the sums appropriated pursuant to section 461(b)(1) for that fiscal year exceed $190,000,000.

"AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION

"SEC. 463. (a) An agreement with any institution of higher education for the payment of Federal capital contributions under this part shall—

"(1) provide for the establishment and maintenance of a student loan fund for the purposes of this part;

"(2) provide for the deposit in such fund of—

"(A) the Federal capital contributions,

"(B) a capital contribution by such institution in an amount equal to not less than one-ninth of the amount of such Federal contributions,

"(C) collections of principal and interest on student loans made from such fund,

"(D) charges collected pursuant to regulations under section 464(c)(1)(G), and

"(E) any other earnings of the funds;

"(3) provide that such student loan fund shall be used only for—

"(A) loans to students, in accordance with the provisions of this part,

"(B) administrative expenses, as provided in subsection (b),

"(C) capital distributions, as provided in section 466, and

"(D) costs of litigation, and other collection costs agreed to by the Commissioner in connection with the collection of a loan from the fund (and interest thereon) or a charge assessed pursuant to regulations under section 464(c)(1)(G);

"(4) provide that where a note or written agreement evidencing a loan has been in default for at least 2 years despite due diligence on the part of the institution in making collection thereon, the institution may assign its rights under such note or agreement to the United States, without recompense, and that in that event any sums collected on such a loan shall be deposited in the general fund of the Treasury; and

"(5) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this part as are agreed to by the Commissioner and the institution.

"(b) An institution which has entered into an agreement under subsection (a) shall be entitled, for each fiscal year during which it makes student loans from a student loan fund established under such agreement, to a payment in lieu of reimbursement for its expenses in administering its student loan program under this part during such year. Such payment shall be made in accordance with section 493.

"TERMS OF LOANS

"SEC. 464. (a)(1) Loans from any student loan fund established pursuant to an agreement under section 463 to any student by any institution shall, subject to such conditions, limitations, and requirements as the Commissioner shall prescribe by regulation, be made on such terms and conditions as the institution may determine.

"(2) The aggregate of the loans for all years made by institutions of higher education from loan funds established pursuant to agreements under this part may not exceed—

"(A) $10,000 in the case of any graduate or professional student (as defined by regulations of the Commissioner, and including any loans from such funds made to such person before he became a graduate or professional student);

"(B) $5,000 in the case of a student who has successfully completed two years of a program of education leading to a bachelor's degree, but who has not completed the work necessary for such a degree (determined under regulations of the Commissioner, and including any loans from such funds made to such person before he became such a student); and

"(C) $2,500 in the case of any other student.

"(3) Regulations of the Commissioner under paragraph (1) shall be designed to prevent the impairment of the capital of student loan funds to the maximum extent practicable and with a view toward the objective of enabling the student to complete his course of study.

"(b) A loan from a student loan fund assisted under this part may be made only to a student who—

"(1) is in need of the amount of the loan to pursue a course of study at such institution;

"(2) is capable, in the opinion of the institution, of maintaining good standing in such course of study;

"(3) has been accepted for enrollment as an undergraduate, graduate, or professional student in such institution, or, in the case of a student already in attendance at such institution, is in good standing; and

"(4) is carrying at least one-half the normal academic workload, as determined by the institution.

In any case in which a student has been determined to be eligible for a loan under the preceding sentence, and such student thereafter fails to maintain good standing, the eligibility of such student shall, upon notice to the Commissioner, be suspended, and further payments to, or on behalf of, such student shall not be made until such student regains good standing.

"(c)(1) Any agreement between an institution and a student for a loan from a student loan fund assisted under this part—

"(A) shall be evidenced by note or other written instrument which, except as provided in paragraph (2), provides for repayment of the principal amount of the loan, together with interest thereon, in equal installments (or, if the borrower so requests, in graduated periodic installments determined in accordance with such schedules as may be approved by the Commissioner) payable quarterly, bimonthly, or monthly, at the option of the institution, over a period beginning nine months after the date on which the student ceases to carry, at an institution of higher education or a comparable institution outside the States approved for this purpose by the Commissioner, at least one-half the normal full-time academic workload, and ending ten years and nine months after such date;

"(B) shall include provision for acceleration of repayment of the whole, or any part, of such loan, at the option of the borrower;

"(C) may provide, at the option of the institution in accordance with regulations of the Commissioner, that during the repayment period of the loan, payments of principal and interest by the borrower with respect to all outstanding loans made to him from student loan funds assisted under this part shall be at a rate equal to not less than $30 per month;

"(D) shall provide that the loan shall bear interest on the unpaid balance of the loan, at the rate of 3 per centum per annum, except that no interest shall accrue (i) prior to the beginning date of repayment determined under clause (A)(1), or (ii) during any period in which repayment is suspended by reason of paragraph (2);

"(E) unless the borrower is a minor and the note or other evidence of obligation executed by him would not, under applicable law, create a binding obligation, shall provide that the loan shall be made without security and without endorsement;

"(F) shall provide that no note or evidence of obligation may be assigned by the lender, except upon the transfer of the borrower to another institution participating under this part (or, if not so participating, is eligible to do so and is approved by the Commissioner for such purpose), to such institution; and

"(G) may, pursuant to regulations of the Commissioner, provide for an assessment of a charge with respect to the loan for failure of the borrower (i) to pay all or part of an installment when it is due or (ii) to file timely and satisfactory evidence of an entitlement of the borrower to a deferment of repayment benefit or a cancellation benefit provided under this part.

"(2)(A) No repayment of principal of, or interest on, any loan from a student loan fund assisted under this part shall be required during any period in which the borrower—

"(i) is carrying at least one-half the normal full-time academic workload at an institution of higher education or at a comparable institution outside the United States which is approved for this purpose by the Commissioner;

"(ii) is a member of the Armed Forces of the United States;

"(iii) is in service as a volunteer under the Peace Corps Act; or

"(iv) is in service as a volunteer under title VIII of the Economic Opportunity Act of 1964.

The period during which repayment may be deferred by reason of clause (ii), (iii), or (iv) shall not exceed three years.

"(B) Any period during which repayment is deferred under subparagraph (A) shall not be included in computing the ten-year maximum period provided for in clause (A) of paragraph (1).

"(3) The Commissioner is authorized, when good cause is shown, to extend, in accordance with regulations, the ten-year maximum repayment period provided for in clause (A) of paragraph (1) with respect to individual loans.

"(4) The amount of any charge under clause (G) of paragraph (1) shall not exceed—

"(A) in the case of a loan which is repayable in monthly installments, $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter; and

"(B) in the case of a loan which has a bimonthly or quarterly repayment interval, $3 and $6, respectively, for each such interval or part thereof by which such installment or evidence is late.

The institution may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the institution not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(d) An agreement under this part for payment of Federal capital contributions shall include provisions designed to make loans from the student loan fund established pursuant to such agreement reasonably available (to the extent of the available funds in such fund) to all eligible students in such institution in need thereof.

"(e) In determining, for purposes of clause (1) of subsection (b) of this section, whether a student who is a veteran (as that term is defined in section 101(2) of title 38, United States Code) is in need, an institution shall not take into account the income and assets of his parents.

"CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE

"SEC. 465. (a)(1) The per centum specified in paragraph (3) of this subsection of the total amount of any loan made after June 30, 1972, from a student loan fund assisted under this part shall be canceled for each complete year of service after such date by the borrower under circumstances described in paragraph (2).

"(2) Loans shall be canceled under paragraph (1) for service—

"(A) as a full-time teacher for service in an academic year in a public or other nonprofit private elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purposes of this paragraph and for that year has been determined by the Commissioner (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children described in clause (A), (B), or (C) of section 103(a)(2) of title I of the Elementary and Secondary Education Act of 1965 (using a low-income factor of $3,000) exceeds 30 per centum of the total enrollment of that school and such determination shall not be made with respect to more than 50 per centum of the total number of schools in the State receiving assistance under such title I;

"(B) as a full-time staff member in a preschool program carried on under section 222(a)(1) of the Economic Opportunity Act of 1964 which is operated for a period which is comparable to a full school year in the locality: *Provided*, That the salary of such staff member is not more than the salary of a comparable employee of the local educational agency, or

"(C) as a full-time teacher of handicapped children in a public or other nonprofit elementary or secondary school system; or

"(D) as a member of the Armed Forces of the United States, for service that qualifies for special pay under section 310 of title 37, United States Code, as an area of hostilities.

For the purposes of this paragraph, the term 'handicapped children' means children who are mentally retarded, hard of hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, or other health-impaired children who by reason thereof require special education.

"(3)(A) The per centum of a loan which shall be canceled under paragraph (1) of this subsection is—

"(i) in the case of service described in clause (A), or (C), of paragraph (2), at the rate of 15 per centum for the first or second year of such service, 20 per centum for the third or fourth year of such service, and 30 per centum for the fifth year of such service;

"(ii) in the case of service described in clause (B) of paragraph (2) at the rate of 15 per centum for each year of such service;

"(iii) in the case of service described in clause (D) of paragraph (2), not to exceed a total of 50 per centum of such loan at the rate of 12½ per centum for each year of qualifying service.

"(B) If a portion of a loan is canceled under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be canceled.

"(C) Nothing in this subsection shall be construed to authorize refunding any repayment of a loan.

"(4) For the purposes of this subsection, the term 'year' where applied to service as a teacher means academic year as defined by the Commissioner.

"(b) The Commissioner shall pay to each institution for each fiscal year an amount equal to the aggregate of the amounts of loans from its student loan fund which are canceled pursuant to this section for such year. None of the funds appropriated pursuant to section 461(b) shall be available for payments pursuant to this subsection.

"DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS

"SEC. 466. (a) After June 30, 1980, and not later than December 31, 1980, there shall be a capital distribution of the balance of the student loan fund established under this part by each institution of higher education as follows:

"(1) The Commissioner shall first be paid an amount which bears the same ratio to the balance in such fund at the close of June 30, 1980, as the total amount of the Federal capital contributions to such fund by the Commissioner under this part bears to the sum of such Federal contributions and the institution's capital contributions to such fund.

"(2) The remainder of such balance shall be paid to the institution.

"(b) After December 31, 1980, each institution with which the Commissioner has made an agreement under this part, shall pay to the Commissioner the same proportionate share of amounts received by the institution after June 30, 1974, in payment of principal and interest on student loans made from the student loan fund established pursuant to such agreement (which amount shall be determined after deduction of any costs of litigation incurred in collection of the principal or interest on loans from the fund and not already reimbursed from the fund or from such payments of principal or interest), as was determined for the Commissioner under subsection (a).

"(c) Upon a finding by the institution or the Commissioner prior to July 1, 1980, that the liquid assets of a student loan fund established pursuant to an agreement under this part exceed the amount required for loans or otherwise in the foreseeable future, and upon notice to such institution or to the Commissioner, as the case may be, there shall be, subject to such limitations as may be included in regulations of the Commissioner or in such agreement, a capital distribution from such fund. Such capital distribution shall be made as follows:

"(1) The Commissioner shall first be paid an amount which bears the same ratio to the total to be distributed as the Federal capital contributions by the Commissioner to the student loan fund prior to such distribution bear to the sum of such Federal capital contributions and the capital contributions to the fund made by the institution.

"(2) The remainder of the capital distribution shall be paid to the institution.".

(c) In the case of a loan made before July 1, 1972, until title II of the National Defense Education Act of 1958 not to exceed 50 per centum of such loan (1) shall be canceled for service by the borrower as a full-time teacher in a public or other nonprofit elementary or secondary school in a State, in an institution of higher education, or in an elementary or secondary school overseas of the Armed Forces of the United States at the rate of 10 per centum of the total amount of such loan for each complete academic year of such service, except that (A) such rate shall be 15 per centum for each complete academic year of service as a full-time teacher in a public or other nonprofit elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, as amended, and which for purposes of this paragraph and for that year has been determined by the Commissioner (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which there is a high concentration of students from low-income families, except that (unless all of the schools so determined are schools in which the enrollment of children described in clause (A), (B), or (C) of section 103(a)(2) of such title (using a low-income factor of $3,000) exceeds 50 per centum of the total enrollment of the school) the Commissioner shall not make such determination with respect to more than 25 per centum of the total of the public and other nonprofit elementary and secondary schools in any one State for any one year, (B) such rate shall be 15 per centum for each complete academic year of service as a full-time teacher of handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, or other health impaired children who by reason thereof require special education) in a public or other nonprofit elementary or secondary school system, and (C) for the purposes of any cancellation pursuant to clause (A) or (B), an additional 50 per centum of any such loan may be canceled, and (2) shall be canceled for service by the borrower after June 30, 1970, as a member of the Armed Forces of the United States at the rate of 12½ per centum of the total amount of such loan for each year of consecutive service, but only if such loan was made after April 13, 1970.

(d)(1) Upon enactment of this Act, the program authorized by part E of title IV of the Higher Education Act of 1965 as added by subsection (b) is, and shall be deemed to be, a continuation of the program authorized by title II of the National Defense Education Act of 1958. In accordance with regulations of the Commissioner, except as provided in subsection (c), all rights, privileges, duties, functions, and obligations under such title II prior to the enactment of this Act shall be deemed to be vested, as the Commissioner determines to be appropriate, under such part E. Any student loan fund established under an agreement under such title II shall, in accordance with regulations, be deemed to have been established under such part E; and any assets of such student loan fund of any institution shall be deemed to be the assets of a student loan fund established under an agreement of that institution with the Commissioner under such part E.

(2) Upon enactment of this Act title II of the National Defense Education Act of 1958 is amended by striking out section 206.

WAIVER OF MAINTENANCE OF EFFORT REQUIREMENTS IN CERTAIN CASES

SEC. 138. (a) Section 494(a) of the Higher Education Act of 1965 is amended by inserting before the period at the end thereof a comma and the following: "except that under special and unusual circumstances, pursuant to regulations, the Commissioner is authorized to waive the application of any provision of such an agreement which is required by this section".

(b) The amendment made by subsection (a) shall be deemed to be effective from the date of enactment of the Higher Education Act of 1965.

FURNISHING GUIDELINES

SEC. 139. Part F of title IV of the Higher Education Act of 1965 is amended by adding after section 494, as added by this Act, the following new section:

"FURNISHING GUIDELINES

"SEC. 495. Copies of all rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this title shall be provided to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives at least thirty days prior to their effective date.".

TRANSFER OF FUNDS BETWEEN PROGRAMS

SEC. 139A. (a) Part F of title IV of the Higher Education Act of 1965 is further amended by adding after section 495, as added by this Act, the following new section:

"TRANSFERS BETWEEN PROGRAMS

"SEC. 496. Up to 10 per centum of the allotment of an institution of higher education for a fiscal year under section 413D or 442 of this Act, may be transferred to, and used for the purposes of, the institution's allotment under the other section within the discretion of such institution in order to offer an arrangement of types of aid, including institutional and State aid, which best fits the needs of each individual student. The Commissioner shall have no control over such transfer, except as specifically authorized, except for the collection and dissemination of information.".

(b) The amendment made by subsection (a) of this section shall become effective with respect to fiscal years ending after June 30, 1972.

ELIGIBILITY FOR STUDENT ASSISTANCE

SEC. 139B. (a) Part F cf title IV of the Higher Education Act of 1965 is further amended by inserting after section 496, the following new section:

"ELIGIBILITY FOR STUDENT ASSISTANCE

"SEC. 497. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after June 30, 1972, and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized under this title. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any program authorized by this title.

"(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after June 30, 1972, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payments to, or for the direct benefit of, such individual under any program authorized by this title.

"(c)(1) Nothing in this section shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under this title to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

"(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

"(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.".

(b) Effective July 1, 1972, section 504 of Public Law 90-575 is repealed.

AFFIDAVIT OF EDUCATIONAL PURPOSE REQUIRED

SEC. 139C. (a) Part F of title IV of the Higher Education Act of 1965 is amended by inserting after section 497 the following new section:

"AFFIDAVIT OF EDUCATIONAL PURPOSE REQUIRED

"SEC. 498. (a) Notwithstanding any other provision of law, no grant, loan, or loan guarantee authorized under this title may be made unless the student to whom the grant, loan, or loan guarantee is made has filed with the institution of higher education which he intends to attend, or is attending, (or in the case of a loan or loan guarantee with the lender), an affidavit stating that the money attributable to such grant, loan, or loan guarantee will be used solely for expenses related to attendance or continued attendance at such institution.

"(b) Nothing in this section shall be construed to invalidate any loan guarantee made under this title.".

(b) The amendment made by subsection (a) of this section shall become effective after the sixtieth day after the date of enactment of this Act.

STUDY OF THE FINANCING OF POSTSECONDARY EDUCATION

SEC. 140(a)(1) It is the purpose of this section to authorize a study of the impact of past, present, and anticipated private, local, State, and Federal support for postsecondary education, the appropriate role for the States in support of higher education (including the application of State law upon postsecondary educational opportunities), alternative student assistance programs, and the potential Federal, State, and private participation in such programs.

(2) In order to give the States and the Nation the information needed to assess the dimensions of, and extent of, the financial crisis confronting the Nation's postsecondary institutions such study shall determine the need, the desirability, the form, and the level of additional governmental and private assistance. Such study shall include at least (A) an analysis of the existing programs of aid to institutions of higher education, various alternative proposals presented to the Congress to provide assistance to institutions of higher education, as well as other viable alternatives which, in the judgment of the Commission, merit inclusion in such a study; (B) the costs, advantages and disadvantages, and the extent to which each proposal would preserve the diversity and independence of such institutions; and (C) the extent to which each would advance the national goal of making postsecondary education accessible to all individuals, including returning veterans, having the desire and ability to continue their education.

(b)(1) There is hereby established, as an independent agency within the executive branch, a National Commission on the Financing of Post-secondary Education (referred to in this section as the "Commission"). Upon the submission of its final report required by subsection (d) the Commission shall cease to exist.

(2) The Department of Health, Education, and Welfare shall provide the Commission with necessary administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) for which payment shall be made in advance, or by reimbursement, from funds of the Commission and such amounts as may be agreed upon by the Commission and the Secretary of Health, Education, and Welfare.

(3) The Commission shall have authority to accept in the name of the United States, grants, gifts, or bequests of money for immediate disbursement in furtherance of the functions of the Commission. Such grants, gifts or bequests, after acceptance by the Commission, shall be paid by the donor or his representative to the Treasurer of the United States whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Commission for the purposes in each case specified.

(c) In conducting such a study, the Commission shall consider—

(1) the nature and causes of serious financial distress facing institutions of postsecondary education; and

(2) alternative models for the long range solutions to the problems of financing postsecondary education with special attention to the potential Federal, State, local, and private participation in such programs, including, at least—

(A) the assessment of previous related private and governmental studies and their recommendations:

(B) existing state and local programs of aid to postsecondary institutions;

(C) the level of endowment, private sector support and other incomes of postsecondary institutions and the feasibility of Federal and State income tax credits for charitable contributions to postsecondary institutions;

(D) the level of Federal support of postsecondary institutions through such programs as research grants, and other general and categorical programs;

(E) alternative forms of student assistance, including at least loan programs based on income contingent lending, loan programs which utilize fixed, graduated repayment schedules, loan programs which provide for cancellation or deferment of all or part of repayment in any given year based on a certain level of a borrower's income; and existing student assistance programs including those administered by the Office of Education, the Social Security Administration, the Public Health Service, the National Science Foundation, and the Veterans Administration; and

(F) suggested national uniform standards for determining the annual per student costs of providing postsecondary education for students in attendance at various types and classes of institutions of higher education.

(d) No later than April 30, 1973, the Commission shall make a final report to the President and Congress on the results of the investigation and study authorized by this section, together with such findings and recommendations, including recommendations for legislation, as it deems appropriate, including suggested national uniform standards referred to in subsection (c)(2)(F) and any related recommendations for legislation. No later than 60 days after the final report the Commissioner shall make a report to the Congress commenting on the Commission's suggested national uniform standards, and incorporating his recommendations with respect to national uniform standards together with any related recommendations for legislation.

(e) In order to carry out the provisions of this part, the Commission is authorized to—

(1) enter into contracts with institutions of postsecondary education and other appropriate individuals, public agencies and private organizations;

(2) appoint and fix the compensation of such personnel as may be necessary;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) utilize, with their consent, the services, personnel, information and facilities of other Federal, State, local, and private agencies with or without reimbursement; and

(5) consult with the heads of such Federal agencies as it deems appropriate.

(f)(1) The Commission is further authorized to conduct such hearings at such times and places as it deems appropriate for carrying out the purposes of this section.

(2) The heads of all Federal agencies are, to the extent not prohibited by law, directed to cooperate with the Commission in carrying out this section.

(g) (1) The Commission shall be composed of—

(A) two members of the Senate who shall be members of the different political parties and who shall be appointed by the President of the Senate;

(B) two Members of the House of Representatives who shall be members of different political parties and who shall be appointed by the Speaker of the House of Representatives; and

(C) not to exceed thirteen members appointed by the President not later than ninety days after the date of enactment of this Act. Such members shall be appointed from—

(i) members of State and local educational agencies;

(ii) State and local government officials;

(iii) education administrators from private and public higher education institutions and community colleges;

(iv) teaching faculty;

(v) financial experts from the private sector;

(vi) students;

(vii) the Office of Education; and

(viii) other appropriate fields.

(2) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(3) The majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(4) The terms of office of the appointive members of the Commission shall expire after submission of the final report.

(h) There are hereby authorized to be appropriated $1,500,000 for the period beginning on the date of enactment of this Act and ending July 1, 1973, for the purpose of carrying out the provisions of this section.

PART E—EDUCATION PROFESSIONS DEVELOPMENT

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 141. (a) (1) Title V of Higher Education Act of 1965 is amended—

(A) in section 511(b), by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal years ending June 30, 1971, and June 30, 1972";

(B) in sections 504(b), 518(b), 528, 532, and 543, by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972" in each instance.

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b) (1) Section 501 of the Higher Education Act of 1965 is amended by inserting "(a)" after "SEC. 501." and by adding at the end thereof the following new subsection:

"(b) For the purpose of carrying out the provisions of this title, there are authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1973, $300,000,000 for the fiscal year ending June 30, 1974, and $450,000,000 for the fiscal year ending June 30, 1975, of which—

"(1) not less than $500,000 shall be for the purposes of section 504;

"(2) not less than 25 per centum or $37,500,000, whichever is greater, shall be for the purposes of subpart 1 of part B;

"(3) not less than 5 per centum shall be for the purposes of part C;

"(4) not less than 5 per centum shall be for the purposes of part D;

"(5) not less than 5 per centum shall be for the purposes of part E;

"(6) not less than 10 per centum shall be for the purposes of part F; and

"(7) not less than 5 per centum of the amounts available for the purposes of part C or part D shall be used for the training of teachers for service in programs for children with limited English speaking ability.".

(2) The amendments made by paragraph (1) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

(c) (1) Effective on and after July 1, 1972, title V of the Higher Education Act of 1965 is amended by striking out the following provisions:

(A) Section 502(f);

(B) Section 504(b);

(C) Section 511(b) and "(a)" where it appears after "SEC. 511.";

(D) Section 518(b) and "(a)" where it appears after "SEC. 518.);

(E) Section 528;

(F) Section 532;

(G) Section 543; and

(H) Section 555.

(2) (A) (i) The caption head of section 518 of such title V is amended to read as follows: "PROGRAM AUTHORIZED".

(ii) Such section 518 is amended by striking out "during the fiscal year ending June 30, 1969, and the succeeding fiscal year,".

(B) Effective on and after July 1, 1972, section 519(a) of such title V is amended by striking out that part of the first sentence which precedes ", the Commissioner" and inserting in lieu thereof the following: "From the amount available for grants under this subpart for any fiscal year".

(3) Section 525(b) of such Act is amended by striking out all that follows "federally supported programs" and inserting in lieu thereof a period.

(4) The Department of Health, Education, and Welfare shall, under the authority of section 401(c) and of part C of the General Education Provisions Act, submit to the Congress an estimate of the sums necessary to carry out section 502 of such title V.

DELEGATION OF FUNCTIONS OF THE DIRECTOR OF THE TEACHER CORPS

SEC. 142. The third sentence of such section 512 is amended by inserting before the period at the end thereof the following: ", except that (1) the Commissioner may delegate his functions under this subpart only to the Director, and (2) the Director and Deputy Director shall not be given any function authorized by law other than that granted by this subpart".

RETRAINING OF TEACHERS AND EMPLOYMENT OF TUTORS AND INSTRUCTIONAL ASSISTANTS

SEC. 143. (a) (1) Section 518 of the Higher Education Act of 1965 is amended (1) by striking out "to (1)" and inserting in lieu thereof "(1) to", (2) by striking out "and (2)" and inserting in lieu thereof "(2) to", and (3) and by adding the following before the period: ", (3) to encourage volunteers (including high school and college students) for service as part-time tutors or full-time instructional assistants for educationally disadvantaged children, (4) to compensate such tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs, and (5) to provide necessary training to teachers to enable them to teach other grades or other subjects in which such agencies have a teacher shortage".

(2) Section 520(a) (2) of such Act is amended (A) by striking out "and (C)" and inserting in lieu thereof "(C) programs of such agencies to employ high school and college students as tutors or instructional assistants for educationally disadvantaged children, (D) programs of such agencies to compensate such tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs, (E) programs of such agencies to provide necessary training to teachers to enable them to teach other grades or other subjects in which such agencies have a teacher shortage, and (F)".

(3) Section 520(a) (3) of such Act is amended by inserting "or for the retraining of teachers" immediately before the semicolon at the end thereof.

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

PROVISION FOR ADMINISTRATIVE EXPENSES FOR OPERATION OF STATE PLAN

SEC. 144. (a) Section 520(a) (2) of the Higher Education Act of 1965 is amended, in clause (F) thereof, by (1) striking out "3" and inserting in lieu thereof "5", and (2) by inserting before the semicolon: "or, $20,000, whichever is greater".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

ELIMINATION OF CEILING ON EXPENDITURES FOR TEACHING AIDES

SEC. 145. (a) Section 520(a) of the Higher Education Act of 1965 is amended by striking out clause (5) thereof. Clauses (6) through (9) of such section 520(a), and all references thereto, are redesignated as clauses (5) through (8), respectively.

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

TRAINING FOR TEACHERS AND AIDES IN PRIVATE SCHOOLS

SEC. 146. (a) Clause (5) of section 520(a) of the Higher Education Act of 1965 is amended by inserting "is teaching, or" after "because he".

(b) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

FELLOWSHIPS IN SCHOOL NURSING

SEC. 146. A. Section 521 of the Higher Education Act of 1965 is amended by inserting "school nursing," after "such as library science,".

IMPROVING TRAINING PROGRAMS FOR THE EDUCATION OF TEACHERS AND RELATED EDUCATIONAL PERSONNEL

SEC. 147. (a) (1) Section 531(b) of the Higher Education Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof "; and", and by adding at the end thereof the following new clause:

"(11) programs or projects (including cooperative arrangements or consortia between institutions of higher education, junior and community colleges, or between such institutions and State or local educational agencies and nonprofit education associations) for the improvement of undergraduate programs for preparing educational personnel, including design, development and evaluation of exemplary undergraduate training programs, introduction of high quality and more effective curricula and curricular materials, and the provision of increased opportunities for practical teaching experience for prospective teachers in elementary and secondary schools.".

(2) Section 531(c) of such Act is amended by striking out the "or" at the end of clause (1) and the period at the end of clause (2), by inserting a semicolon and "or" at the end of clause (2), and by adding the following new clause:

"(3) projects or programs to improve undergraduate or other programs for training educational personnel.".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

PROGRAMS FOR TEACHERS OF MIGRANT CHILDREN

SEC. 148. (a) (1) Section 531(b) of the Higher Education Act of 1965 is further amended by striking out the period at the end of clause (11) and inserting in lieu thereof a semicolon and the word "and", and by adding at the end thereof the following new clause:

"(12) programs and projects designed to meet the need for the training of teachers for participation in education programs for migratory children of migratory agricultural workers, including teacher exchange programs.".

(2) Section 531(c) of such Act is amended by striking out "or" at the end of clause (2), and inserting in lieu thereof a semicolon and the word "or", and by adding at the end thereof the following new clause (4):

"(4) such activities as may be necessary to carry out the purposes of clause (12) of subsection (b), to the extent that such activities are not inconsistent with the other provisions of this part.".

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

PART F—INSTRUCTIONAL EQUIPMENT

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 151. (a) Subsections (b) and (c) of section 601 of the Higher Education Act of 1965 are each amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(b) The amendments made by subsection (a) of this section shall be effective after June 30, 1971.

PART G—ACADEMIC FACILITIES

TRANSFER OF THE PROVISIONS OF THE HIGHER EDUCATION FACILITIES ACT OF 1963

SEC. 161. (a) Title VII of the Higher Education Act of 1965 is amended to read as follows:

"TITLE VII—CONSTRUCTION OF ACADEMIC FACILITIES

"PART A—GRANTS FOR THE CONSTRUCTION OF UNDERGRADUATE ACADEMIC FACILITIES

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 701. (a) The Commissioner shall carry out a program of grants to institutions of higher education for the construction of academic facilities in accordance with this part.

"(b) For the purpose of making grants under this part, there are hereby authorized to be appropriated $50,000,000, for the fiscal year ending June 30, 1972, $200,000,000 for the fiscal year ending June 30, 1973, and $300,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975.

"(c) Of the sums appropriated pursuant to section 701(b), 24 per centum shall be reserved by the Commissioner and allotted among the States under section 702. The remainder of such sums shall be available for allotment among the States under section 703.

"PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

"SEC. 702. (a) Sums reserved pursuant to the first sentence of section 701(c) shall be available for allotments to States for providing academic facilities for public community colleges and public technical institutes.

"(b) From the sums available for any fiscal year for the purposes of this section, the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the product of—

"(1) the number of high school graduates of the State, and

"(2) the State's allotment ratio,

bears to the sum of the corresponding products for all the States. The amount allotted to any State under the preceding sentence for any fiscal year which is less than $50,000 shall be increased to $50,000, the total of increases thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than $50,000.

"(c)(1) From the sums available for any fiscal year for amount allotted to a State under this section shall be available for the payment of the Federal share of the development cost of approved projects for the construction of academic facilities within such State for public community colleges and public technical institutes.

"(2) Any portion of a State's allotment under this section for any fiscal year for which applications from an institution qualified to receive grants under this section have not been received prior to January 1 of such fiscal year by the State Commission created or designated pursuant to section 1202 shall, if the State Commission so requests, be available for payment of the Federal share of the development cost of approved projects under section 703.

"(d) All amounts allotted under this section for any fiscal year which are not reserved as provided in section 701(c) by the close of the fiscal year for which they are allotted shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for the purpose set forth in subsection (c)(1). Amounts reallotted under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

"(e) For the purposes of clause (2) of subsection (b), the 'allotment ratio' for any State shall be 1.00 less the product of (A) 0.50 and (B) the quotient obtained by dividing the income per person for the State by the income per person for all the States (not including Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam), except that (i) the allotment ratio shall in no case be less than 0.33⅓ or more than 0.66⅔, (ii) the allotment ratio for Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam shall be 0.66⅔, and (iii) the allotment ratio of any State shall be 0.50 for any fiscal year if the Commissioner finds that the cost of school construction in such State exceeds twice the median of such costs in all the States as determined by him on the basis of statistics and data as the Commissioner shall deem adequate and appropriate. The allotment ratios shall be promulgated by the Commissioner as soon as possible after June 30, 1972, and annually thereafter, on the basis of the average of the incomes per person of the State and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce.

"(f) For the purpose of this section, the term 'high school graduate' means a person who has received formal recognition (by diploma, certificate, or similar means) from an approved school for successful completion of four years of education beyond the first eight years of schoolwork, or for demonstration of equivalent achievement. For the purposes of this section the number of high school graduates shall be limited to the number who graduated in the most recent school year for which satisfactory data are available from the Department of Health, Education, and Welfare. The interpretation of the definition of 'high school graduate' shall fall within the authority of the Commissioner.

"INSTITUTIONS OF HIGHER EDUCATION OTHER THAN PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

"SEC. 703. (a) Sums appropriated pursuant to section 701(b) which remain after the reservation provided for in the first sentence of section 701(c) for any fiscal year shall be available for allotments to States for providing academic facilities for institutions of higher education other than institutions eligible for grants under section 702.

"(b) Sums available for the purposes of this section for any fiscal year shall be allotted among the States as follows:

"(1) The Commissioner shall allot to each State an amount which bears the same ratio to 50 per centum of such sums as the number of students enrolled in institutions of higher education in such States bears to the number of students so enrolled in all the States; and

"(2) The Commissioner shall allot to each State an amount which bears the same ratio to 50 per centum of such sums as the number of students enrolled in grades nine through twelve (both inclusive) of schools in such State bears to the total number of students so enrolled in all the States. For the purposes of this subsection (A) the number of students enrolled in institutions of higher education shall be deemed to be equal to the sum of (i) the number of full-time students and (ii) the full-time equivalent of the number of part-time students as determined by the Commissioner in accordance with regulations; and (B) determinations as to enrollment under either clause (1) or clause (2) shall be made by the Commissioner on the basis of data for the most recent year for which satisfactory data with respect to such enrollment are available to him.

The amount allotted to any State under the preceding sentence for any fiscal year shall not be less than $50,000.

"(c)(1) Any amount allotted to a State under this section for any fiscal year shall, except as provided in paragraph (2), be available, in accordance with the provisions of this title, for payment of the Federal share of the development cost of approved projects for the construction of academic facilities within such State for institutions of higher education which are not eligible for grants under section 702.

"(2) Any portion of a State's allotment under this section for any fiscal year for which applications from an institution qualified to receive grants under this section have not been received by the State Commission prior to January 1 of such fiscal year, shall, if the State Commission so requests, be available for payment of the Federal share of the development cost of approved projects under section 702.

"(d) All amounts allotted under this section for any fiscal year, which are not reserved by the close of the fiscal year for which they are allotted, shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for the purposes of this section. Amounts reallotted under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

"STATE PLANS

"SEC. 704. (a) Any State desiring to participate in the grant program authorized by this part for any fiscal year shall submit for that year to the Commissioner through the State Commission a State plan for such participation. Such plan shall be submitted at such time, in such manner, and containing such information as may be necessary to enable the Commissioner to carry out his functions under this part and shall—

"(1) provide that it shall be administered by the State Commission;

"(2) set forth objective standards and methods which are consistent with basic criteria prescribed by regulations pursuant to section 706, for—

"(A) determining the relative priorities of eligibile projects submitted by institutions of higher education within the State for the construction of academic facilities, and

"(B) determining the Federal share of the development cost of each such project;

"(3) provide that the funds apportioned for any fiscal year under section 702 or 703 shall be used only for the purposes set forth therein;

"(4) provide for—

"(A) assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State Commission and found by it otherwise approvable under the provisions of this part, and

"(B) approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share of the development cost of the project involved;

"(5) provide for affording to every applicant which has submitted a project to the State Commission an opportunity for a fair hearing before the State Commission as to the priority assigned to such project, or as to any other determination of the State Commission adversely affecting such applicant; and

"(6) provide for—

"(A) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State Commission under this part, and

"(B) making such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part.

"(b) The Commissioner shall approve any State plan submitted under this section if he determines that it complies with the provisions of this section and other appropriate provisions of this title.

"ELIGIBILITY FOR GRANTS

"SEC. 705. (a) Except as is provided in subsection (b), an institution of higher education shall be eligible for a grant under this part only if the State Commission determines in accordance with criteria prescribed by regulation, that the construction project for which assistance is sought will, either alone or together with other construction to be undertaken within a reasonable time, result in—

"(1) a substantial expansion of, or

"(2) in the case of a new institution, the creation of,

urgently needed (A) enrollment capacity, (B) the capacity to provide health care for students and institutional personnel, or (C) capacity to carry out extension and continuing education programs on the campus of such institution.

"(b) If the Commissioner determines, in accordance with criteria established by regulation, that the student enrollment capacity of an institution of higher education would decrease if an urgently needed academic facility is not constructed, the construction of such a facility may be considered, for the purposes of this section, to result in an expansion of the institution's student enrollment capacity.

"BASIC CRITERIA FOR DETERMINING PRIORITIES AND FEDERAL SHARE

"SEC. 706. (a) (1) The Commissioner shall, by regulation, prescribe basic criteria to which the provisions of State plans, setting forth standards and methods for determining relative priorities of eligible construction projects, and the application of such standards and methods to such projects under such plans, shall be subject.

"(2) Such basic criteria shall, at least—

"(A) be such as will best tend to achieve the objectives of this part, while leaving opportunity and flexibility to State Commissions for the development of State plan standards and methods that will best accommodate the varied needs of institutions in the several States;

"(B) give special consideration to the expansion of undergraduate enrollment capacity; and

"(C) give consideration to the expansion of capacity to provide needed health care to students and institutional personnel.

"(3) Subject to paragraph (2), such regulations may establish additional and appropriate basic criteria, including—

"(A) provision for considering the degree to which applicant institutions are effectively utilizing existing facilities;

"(B) provision for allowing State plans to group, or to allow grouping, in a reasonable manner, facilities or institutions according to functional or educational type for priority purposes; and

"(C) in view of the national objectives of this title, provision for considering the degree to which applicant institutions serve students from two or more States or from outside the United States.

"(4) In no event shall such basic criteria permit the readiness of an institution to admit out-of-State students to be considered as a priority adverse to such institution.

"(b) (1) The Commissioner shall prescribe, by regulation, the base criteria for determining the Federal share of the development cost of any eligible project under this part within a State, to which criteria the applicable standards and methods set forth in the State plan for such State shall conform.

"(2) In no case shall such basic criteria permit the Federal share to exceed 50 per centum of the development cost of a project.

"(c) Section 553 of title 5, United States Code, shall apply to the prescription of regulations under this section, notwithstanding clause (2) of subsection (a) thereof.

"APPLICATION FOR GRANTS; AMOUNT OF GRANTS

"SEC. 707. (a) (1) Any institution of higher education which desires to receive a grant under this part shall submit an application therefor at such time or times, in such manner, and containing such information as the Commissioner shall prescribe by regulation.

"(2) The Commissioner shall approve an application for a construction project under this part if he determines that—

"(A) it meets the requirements prescribed under paragraph (1);

"(B) the project for which assistance is sought is an eligible project under section 705;

"(C) such project has been submitted through, and been approved and recommended by, the appropriate State Commission;

"(D) such State Commission has certified to the Commissioner, in accordance with the State plan, the Federal share of the development cost of the project, and sufficient funds to pay such Federal share are available from the applicable apportionment of the State;

"(E) such project has, pursuant to the State plan, been assigned a priority that is higher than that assigned to all other projects within the State which are chargeable to the same apportionment, and meet the requirements of this section, and for which Federal funds have not yet been reserved;

"(F) the construction to be carried out under the application will be undertaken in a timely and economic manner and will not be of elaborate or extravagant design or materials;

"(G) in the case of a student health care facility, no assistance will be provided for such facility under title IV of the Housing Act of 1950; and

"(H) the application contains assurances or is supported by satisfactory assurances—

"(i) that title to the site is in accordance with regulations of the Commissioner relating thereto,

"(ii) that Federal funds received by the applicant will be solely used for defraying the development cost of the project covered by the application,

"(iii) that sufficient funds will be available to meet the non-Federal portion of such cost and to provide for the effective use of the academic facility upon completion, and

"(iv) that the facility will be used as an academic facility for at least the period of the Federal interest therein, as provided in section 781.

"(b) Amendments to applications submittted under this section shall, except as the Commissioner may otherwise provide by regulations, be subject to approval in the same manner as original applications.

"(c) (1) Upon his approval of any application under this section, the Commissioner shall reserve from the applicable allotment available therefor, the amount of such grant, which shall be equal to the Federal share of the development cost of the project covered by the application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine.

"(2) Upon approval of an amendment of an application, or revision of the estimated development cost of a project, for which there has been a reservation made under paragraph (1), the Commissioner may adjust the amount so reserved, accordingly. If an adjustment under the first sentence of this paragraph results in a greater amount being reserved, he may reserve the Federal share of the added cost only from the applicable allotment available at the time of such approval.

"ADMINISTRATION OF STATE PLANS; JUDICIAL REVIEW

"SEC. 708. (a) (1) The Commissioner shall not finally disapprove any State plan submitted under this part, or any modification thereof, without first affording the State Commission submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State Commission administering a State plan approved under this part, finds—

"(A) that the State plan has been so changed that it no longer complies with the provisions of section 704, or

"(B) that in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State Commission that the State will not be regarded as eligible to participate in the program under this part until he is satisfied that there is no longer any such failure to comply.

"(b) (1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 704, or with his final action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(2) The findings of fact by the Commissioner if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

"Part B—Grants for Construction of Graduate Academic Facilities

"AUTHORIZATION

"Sec. 721. (a) The Commissioner shall carry out a program of making grants to institutions of higher education to assist them in improving existing graduate schools and cooperative graduate centers, and in establishing graduate schools and cooperative graduate centers of excellence, in order to increase the supply of highly qualified personnel needed by communities, industries, and governments and for teaching and research.

"(b) For the purpose of making grants under this part, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1972, $40,000,000 for the fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, and $80,000,000 for the fiscal year ending June 30, 1975.

"APPLICATION FOR, AND AMOUNT OF, GRANTS

"Sec. 722. (a) (1) Any institution of higher education desiring to receive a grant under this part shall submit an application therefor at such time, in such manner, and containing such information as the Commissioner may require.

"(2) In determining whether to approve applications under this section, the order in which to approve such applications, and the amount of grants, the Commissioner shall give consideration to the extent to which the projects for which assistance is sought will contribute toward achieving the objectives of this part, and the extent to which they will aid in attaining a wider distribution of graduate schools and cooperative graduate centers throughout the States. In no case shall the total of the payments from appropriations for any fiscal year pursuant to section 721 made with respect to projects in any State exceed an amount equal to 12½ per centum of such appropriations.

"(3) For the purposes of this section, the term 'institution of higher education' includes cooperative graduate center boards.

"(b) The Commissioner shall not approve any application under this section until he has obtained the advice and recommendations of a panel of specialists who are not regular full-time employees of the Federal Government and who are competent to evaluate such application.

"(c) No grant under this part may be in an amount in excess of 50 per centum of the development cost of the project covered by the application.

"Part C—Loans for Construction of Academic Facilities

"AUTHORIZATION

"Sec. 741. (a) (1) The Commissioner shall carry out a program of making and insuring loans, in accordance with the provisions of this part.

"(2) The Commissioner is authorized to make loans to institutions of higher education and to higher education building agencies for the construction of academic facilities and to insure loans.

"(b) For the purpose of making payments into the fund established under section 744, there are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1972, $100,000,000 for the fiscal year ending June 30, 1973, $150,000,000 for the fiscal year ending June 30, 1974, and $200,000,000 for the fiscal year ending June 30, 1975. Sums appropriated pursuant to this subsection for any fiscal year shall be available without fiscal year limitations.

"ELIGIBILITY CONDITIONS, AMOUNTS, AND TERMS OF LOANS

"Sec. 742. (a) No loan pursuant to this part shall be made unless the Commissioner finds (1) that not less than 20 per centum of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this part, (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials, and (4) that, in the case of a project to construct an infirmary or other facility designed to provide primarily for outpatient care of students and institutional personnel, no financial assistance will be provided such project under title IV of the Housing Act of 1950.

"(b) A loan pursuant to this part shall be secured in such manner and shall be repaid within such period not exceeding fifty years, as may be determined by the Commissioner; and it shall bear interest at (1) a rate determined by the Commissioner which shall not be less than a per annum rate that is one-quarter of 1 percentage point above the average annual interest rate on all interest-bearing obligations of the United States forming a part of the public debt as computed at the end of the preceding fiscal year, adjusted to the nearest one-eighth of 1 per centum, or (2) the rate of 3 per cenum per annum, whichever is the lesser.

"GENERAL PROVISION FOR LOAN PROGRAM

"Sec. 743. (a) Financial transactions of the Commissioner under this part, except with respect to administrative expenses, shall be final and conclusive on all officers of the Government and shall not be reviewable by any court.

"(b) In the performance of, and with respect to, the functions, powers, and duties vested in him by this part, the Commissioner may—

"(1) prescribe such rules and regulations as may be necessary to carry out the purposes of this part;

"(2) sue and be sued in any court of record of a State having general jurisdiction or in any district court of the United States, and such district courts shall have jurisdiction of civil actions arising under this part without regard to the amount in controversy, and any action instituted under this subsection by or against the Commissioner shall survive notwithstanding any change in the person occupying the office of the Commissioner or any vacancy in such office; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Commissioner or property under his control, and nothing herein shall be construed to except litigation arising out of activities under this part from the application of sections 507(b) and 517 and 2679 of title 28, United States Code;

"(3) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan pursuant to this part; and, in the event of any such acquisition (and notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real property by the United States), complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property; except that (1) such action shall not preclude any other action by him to recover any deficiency in the amounts loaned and (2) any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property;

"(4) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

"(5) subject to the specific limitations in this part, consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or agreement to which he is a party or which has been transfererd to him pursuant to this section; and

"(6) include in any contract or instrument made pursuant to this part such other covenants, conditions, or provisions (including provisions designed to assure against use of the facility, constructed with the aid of a loan under this part, for purposes described in section 782(1)), as he may deem necessary to assure that the purpose of this part shall be achieved.

"REVOLVING LOAN FUND AND INSURANCE FUND

"Sec. 744. (a) There is hereby created within the Treasury a separate fund for higher education academic facilities loans and loan insurance (hereafter in this section called the 'fund') which shall be available to the Commissioner without fiscal year limitation as a revolving fund for the purposes of making loans and insuring loans under this part. The total of any loans made from the fund in any fiscal year shall not exceed limitations specified in appropriation Acts.

"(b) (1) The Commissioner shall transfer to the fund available appropriations provided under section 741(m) to provide capital for the fund. All amounts received by the Commissioner as interest payments or repayments of principal on loans, and any other moneys, property, or assets derived by him from his operations in connection with this part, including any moneys derived directly or indirectly from the sale of assets, or beneficial interests or participations in assets of the fund, shall be deposited in the fund.

"(2) All loans, expenses, and payments pursuant to operations of the Commissioner under this part shall be paid from the fund, including (but not limited to) expenses and payments of the Commissioner in connection with sale, under section 302(c) of the Federal National Mortgage Association Charter Act, of participations in obligations acquired under this part. From time to time, and at least at the close of each fiscal year, the Commissioner shall pay from the fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations paid out for loans under this part or available as capital to the fund, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Commissioner determines that moneys in the fund exceed the present and any reasonably prospective future requirements of the fund, such excess may be transferred to the general fund of the Treasury.

"ANNUAL INTEREST GRANTS

"Sec. 745. (a) To assist institutions of higher education and higher education building agencies to reduce the cost of borrowing from other sources for the construction of academic facilities, the Commissioner may make annual interest grants to such institutions and agencies.

"(b) Annual interest grants to an institution of higher education or higher education building agency with respect to any academic facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were the maximum rate specified in section 744(b)(2). The amount on which such grant is based shall be approved by the Secretary.

"(c)(1) There are hereby authorized to be appropriated to the Commissioner such sums as may be necessary for the payment of annual interest grants to institutions of higher education and higher education building agencies in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid to institutions of higher education and higher education building agencies in any year pursuant to contracts entered into under this section shall not exceed $5,000,000 which amount shall be increased by $6,750,000 on July 1, 1969, and by $13,500,000 on July 1, 1970 and on July 1 of each of the four succeeding years.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"(e) No annual interest grant pursuant to this section shall be made unless the Commissioner finds (1) that not less than 10 per centum of the development costs of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure a loan in the amount of the loan with respect to which the annual interest grant is to be made, from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this title, and (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials. For purposes of this section, a loan with respect to which an interest grant is made under this section shall not be considered financing from a non-Federal source. For purposes of the other provisions of this title, such a loan shall be considered financing from a non-Federal source.

"ACADEMIC FACILITIES LOAN INSURANCE

"Sec. 746. (a)(1) In order to assist nonprofit private institutions of higher education and nonprofit private higher education building agencies to procure loans for the construction of academic facilities, the Commissioner may insure the payment of interest and principal on such loans if such institutions and agencies meet, with respect to such loans, criteria prescribed by or under section 745 for the making of annual interest grants under such section.

"(2) No loan insurance under paragraph (1) may apply to so much of the principal amount of any loan as exceeds 90 per centum of the development cost of the academic facility with respect to which such loan was made.

"(b)(1) The United States shall be entitled to recover from any institution or agency to which loan insurance has been issued under this section the amount of any payment made pursuant to that insurance, unless the Commissioner for good cause waives its right of recovery. Upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payment with respect to which the payment was made.

"(2) Any insurance issued by the Commissioner pursuant to subsection (a) shall be incontestable in the hands of the institution or agency on whose behalf such insurance is issued, and as to any agency, organization, or individual who makes or contracts to make a loan to such institution or agency in reliance thereon, except for fraud or misrepresentation on the part of such institution or agency or on the part of the agency, organization, or individual who makes or contracts to make such loan.

"(c) Insurance may be issued by the Commissioner under subsection (a) only if he determines that the terms, conditions, maturity, security (if any), and schedule and amounts or repyaments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the prinicpal obligation oustanding as the Commissioner determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similiar loans and the risks assumed by the United States. The Commissioner may charge a premium for such insurance in an amount reasonably determined by him to be necessary to cover administrative expenses and probably losses under subsections (a) and (b). Such insurance shall be subject to such further terms and conditions as the Commissioner determines to be necessary.

"Part D—Assistance in Major Disaster Areas

"AUTHORIZATION

"Sec. 761. (a) The Commissioner shall carry out a program of financial assistance to public institutions of higher education, in accordance with the provisions of this part.

"(b) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this part.

"ASSISTANCE FOR CONSTRUCTION OF ACADEMIC FACILITIES

"Sec. 762. (a) If the Director of the Office of Emergency Planning determines that a public institution of higher education is, in whole or in part, within an area which, after June 30, 1971, and before July 1, 1975, has suffered a disaster which is a major disaster, and if the Commissioner determines with respect to such institution that—

"(1) the academic facilities of such institution have been destroyed or seriously damaged as a result of the disaster;

"(2) such institution is exercising due diligence in availing itself of State and other financial assistance available for restoration or replacement of such facilities; and

"(3) the institution does not have sufficient funds available from such other sources, including proceeds of insurance on the facilities, to provide for the restoration or replacement of such facilities;

the Commissioner is authorized to provide such assistance to such institution as is provided in subsection (b).

"(b)(1) Assistance under this section shall be a grant to an eligible institution, as determined under subsection (a), of an amount necessary to enable the institution to carry out the construction necessary to restore or replace the academic facilities determined under clause (1) of subsection (a) to be damaged or destroyed.

"(2) The maximum amount of a grant under this section shall not exceed the cost of construction incident to the restoration or replacement of the facilities determined to be damaged or destroyed under clause (1) of subsection (a) less the amount of additional assistance determined under clause (3) of subsection (a) to be available.

"(c)(1) Assistance under this section may include a grant of an amount necessary to enable the institution to lease, or otherwise obtain the use of, such facilities as are needed to replace, temporarily, facilities which have been made unavailable as a result of a major disaster.

"(2) An institution shall be eligible for assistance under this subsection if it qualifies for assistance under subsection (a), whether or not it receives assistance under subsection (b).

"EQUIPMENT AND SUPPLIES

"Sec. 763. If an institution is eligible for assistance under section 762(a), the Commissioner is authorized, whether or not such institution receives assistance under section 762(b), to make a grant to such institution of not in excess of an amount he determines necessary to replace equipment, maintenance supplies, and instructional supplies (including books, and curricular and program materials) destroyed or seriously damaged as a result of the major disaster.

"REPAYABLE ASSISTANCE IN LIEU OF A GRANT

"Sec. 764. If the Commissioner's determinations under clauses (2) and (3) of section 762(a) indicate that financial resources will become available to an institution otherwise qualified for assistance under section 762 at some future date or dates, he is authorized, subject to such terms and conditions as may be in the public interest, to extend assistance to such institution under section 762(b), 762(c), or 763 (or all such sections) with an agreement with such institution which provides that the institution will repay part or all of the funds received by it under this part.

"APPLICATIONS

"Sec. 765. No payment may be made to a public institution of higher education for academic facilities under section 762 or for assistance under section 763 unless an application therefor is submitted through the appropriate State Commission and is filed with the Commissioner in accordance with regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the institutions which have submitted approvable applications. No payment may be made under section 762(b) unless the Commissioner finds, after consultation with the State Commission, that the project or projects with respect to which it is made are not inconsistent with overall State plans, submitted under section 704(a), for the construction of academic facilities. All determinations made by the Commissioner under this part shall be made only after consultation with the appropriate State Commission.

"DEFINITIONS

"Sec. 766. For the purposes of this part—

"(1) the term 'major disaster' means a disaster determined to be a major disaster as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)); and

"(2) an institution of higher education shall be deemed to be a 'public institution of higher education' if such institution is found by the Commissioner to be under public supervision and control.

"Part E—General

"RECOVERY OF PAYMENTS

"Sec. 781. (a) The Congress hereby finds and declares that, if a facility constructed with the aid of a grant or grants under part A or B of this title is used as an academic facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal in value the amount of such grant or grants. The period of twenty years after completion of such construction shall therefore be deemed to be the period of Federal interest in such facility for the purposes of this title.

"(b) If, within twenty years after completion of construction of an academic facility which has been constructed in part with a grant or grants under part A or B of this title—

"(1) the applicant (or its succesor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as an academic facility, or the facility is used as a facility excluded from the term 'academic facility', unless the Secretary determines that there is good cause for releasing the institution from its obligation,

the United States shall be entitled to recover from such applicant (or successor) an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility financed with the aid of such grant or grants. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"(3) Notwithstanding the provisions of subsections (a) and (b), no facility constructed with assistance under this title shall ever be used for religious worship or a sectarian activity or for a school or department of divinity.

"DEFINITIONS

"SEC. 782. The following definitions apply to terms used in this title:

"(1)(A) Except as provided in subparagraph (B) of this paragraph, the term 'academic facilities' means structures suitable for use as classrooms, laboratories, libraries, and related facilities necessary or appropriate for instruction of students, or for research, or for administation of the educational or research programs, of an institution of higher education, and maintenance, storage, or utility facilities essential to operation of the foregoing facilities. For purposes of parts A, C, and D, such term includes infirmaries or other facilities designed to provide primarily for outpatient care of student and instructional personnel. Plans for such facilities shall be in compliance with such standards as the Secretary of Health, Education, and Welfare may prescribe or approve in order to insure that facilities constructed with the use of Federal funds under this title shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons.

"(B) The term 'academic facilities' shall not include (i) any facility intended primarily for events for which admission is to be charged to the general public, or (ii) any gymnasium or other facility specially designed for athletic or recreational activities, other than for an academic course in physical education or where the Commissioner finds that the physical integration of such facilities with other academic facilities included under this title is required to carry out the objectives of this title, or (iii) any facility used or to be used for sectarian instruction or as a place for religious worship, or (iv) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school or department of divinity, or (v) any facility used or to be used by a school of medicine, school of dentistry, school of osteopathy, school of pharmacy, school of optometry, school of podiatry, or school of public health as these terms are defined in section 724 of the Public Health Service Act, or a school of nursing as defined in section 843 of that Act.

"(2) The term 'construction' means (A) erection of new or expansion of existing structures, and the acquisition and installation of initial equipment therefor; or (B) acquisition of existing structures not owned by the institution involved; or (C) rehabilitation, alteration, conversion, or improvement (including the acquisition and installation of initial equipment, or modernization or replacement of built-in equipment) of existing structures; or (D) a combination of any two or more of the foregoing. For the purposes of the preceding sentence, the term 'equipment' includes, in addition to machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, all other items necessary for the functioning of a particular facility as an academic facility, including necessary furniture, except books, curricular and program materials, and items of current operating expense such as fuel, supplies, and the like; the term 'initial equipment' means equipment acquired and installed in connection with construction as defined in paragraph (2)(A) or (B) or, in cases referred to in paragraph (2)(C), equipment acquired and installed as part of the rehabilitation, alteration, conversion, or improvement of an existing structure, which structure would otherwise not be adequate for use as an academic facility; and the terms 'equipment', 'initial equipment', and 'built-in equipment' shall be more particularly defined by the Commissioner by regulation. For the purposes of clause (C) in the first sentence of this paragraph, the term 'rehabilitation, alteration, conversion, or improvement' includes such action as may be necessary to provide for the architectural needs of, or to remove architectural barriers to, handicapped persons with a view toward increasing the accessibility to, and use of, academic facilities by such persons.

"(3)(A) The term 'development cost,' with respect to an academic facility, means the amount found by the Commissioner to be the cost, to the applicant for a grant or loan under this title, of the construction involved and the cost of necessary acquisition of the land on which the facility is located and of necessary site improvements to permit its use for such facility. There shall be excluded from the development cost—

"(i) in determining the amount of any grant under part A or B, an amount equal to the sum of (I) any Federal grant which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction that is to be financed with the aid of a grant under part A or B, and (II) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant; and

"(ii) in determining the amount of any loan under part C, an amount equal to the amount of any Federal financial assistance which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction that is to be financed with the aid of a loan under part C.

"(B) In determining the development cost with respect to an academic facility, the Commissioner may include expenditures for works of arts for the facility of not to exceed 1 per centum of the total cost (including such expenditures) to the applicant of construction of, and land acquisition and site improvements for, such facility.

"(4) The term 'Federal share' means, except as provided in section 706(b)(2), in the case of any project a percentage (as determined under the applicable State plan) not in excess of 50 per centum of its development cost.

"(5) The term 'higher education building agency' means (A) an agency, public authority, or other instrumentality of a State authorized to provide, or finance the construction of, academic facilities for institutions of higher education (whether or not also authorized to provide or finance other facilities for such or other educational institutions, or for their students or faculty), or (B) any corporation (no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual) (I) established by an institution of higher education for the sole purpose of providing academic facilities for the use of such institution, and (II) upon dissolution of which, all title to any property purchased or built from the proceeds of any loan made under part C will pass to such institution.

"(6) The term 'public community college and public technical institute' means an institution of higher education which is under public supervision and control, and is organized and administered principally to provide a two-year program which is acceptable for full credit toward a bachelor's degree, or a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge; and the term includes a branch of an institution of higher education offering four or more years of higher education which is located in a community different from that in which its parent institution is located.

"(7) The term 'cooperative graduate center' means an institution or program created by two or more institutions of higher education which will offer to the students of the participating institutions of higher education graduate work which could not be offered with the same proficiency or economy (or both) at the individual institution of higher education. The center may be located or the program carried out on the campus of any of the participating institutions or at a separate location.

"(8) The term 'cooperative graduate center board' means a duly constituted board established to construct and maintain the cooperative graduate center and coordinate academic programs. The board shall be composed of representatives of each of the institutions of higher education participating in the center and of the community involved. At least one-third of the board's members shall be community representatives. The board shall elect by a majority vote a chairman from among its membership.

"(9) The term 'public educational institution' does not include a school or institution of any agency of the United States.

"(10) The term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.".

(b)(1) The programs authorized by title VII of the Higher Education Act of 1965 shall be deemed to be a continuation of the comparable programs authorized by the Higher Education Facilities Act of 1963.

(2) Effective July 1, 1972, the Higher Education Facilities Act of 1963 is amended by striking out titles I and II thereof.

(3) Effective July 1, 1972, such Act is amended by striking out section 306 thereof.

(4) The revolving fund created by section 744 of the Higher Education Act of 1965 shall be deemed to be a continuation of the revolving fund created by section 305 of the Higher Education Facilities Act of 1963. Any sums in the fund for higher education academic facilities created by such section 305 on the date of enactment of this Act shall be transferred to the fund created by section 744 of the Higher Education Act of 1965, and all such funds shall be deemed to have been made available for such fund. Notwithstand-

ing any other provision of law, unless enacted in specific limitation of the provisions of this sentence, any sums appropriated pursuant to section 303(c) of the Higher Education Facilities Act of 1963 for any fiscal year ending prior to July 1, 1973, which have not been loaned under title III of that Act of 1963 shall be deemed to have been appropriated pursuant to section 741(b) of the Higher Education Act of 1965 for the fiscal year ending June 30, 1973.

PART H—NETWORKS FOR KNOWLEDGE EXTENSION

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 117. Effective after June 30, 1971, section 802 of the Higher Education Act of 1965 is amended by inserting before the period at the end thereof "$5,000,000 for the fiscal year ending June 30, 1972, $10,000,000 for the fiscal year ending June 30, 1973, and $15,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975.".

INCLUSION OF LAW AND GRADUATE PROFESSIONAL SCHOOLS

SEC. 172. (a)(1) Section 801 (a) of the Higher Education Act of 1965 is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "The Commissioner shall carry out a program of encouraging institutions of higher education (including law and other graduate professional schools) to share, to the optimal extent, through cooperative arrangements, their technical and other educational and administrative facilities and resources, and to test and demonstrate the effectiveness and efficiency of a variety of such arrangements, in accordance with this title. The Commissioner is authorized to make grants to, and contracts with, institutions of higher education to pay all or part of the cost of cooperative arrangements and of pilot or demonstration projects designed to accomplish the purpose set forth in the first sentence of this subsection.".

(2) Clause (1)(A) of section 801(b) of such Act is amended by inserting after "libraries" a comma and "including law libraries", and by inserting after "collections" a comma and "including law library collections,".

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

PART I—GRADUATE PROGRAMS

NEW TITLE IX OF THE HIGHER EDUCATION ACT OF 1965 (GRADUATE PROGRAMS)

SEC. 181. (a) The Higher Education Act of 1965 is amended by striking out title IX and inserting in lieu thereof the following:

"TITLE IX—GRADUATE PROGRAMS

"PART A—GRANTS TO INSTITUTIONS OF HIGHER EDUCATION

"PURPOSES; AUTHORIZATION

"SEC. 901. (a) It is the purpose of this part to make financial assistance available to institutions of higher education—

"(1) to strengthen, improve and where necessary expand the quality of graduate and professional programs leading to an advanced degree (other than a medical degree) in such institutions;

"(2) to establish, strengthen, and improve programs designed to prepare graduate and professional students for public service; and

"(3) to assist in strengthening undergraduate programs of instruction in the areas described in clauses (2), (3), and (4), whenever the Commissioner determines that strengthened undergraduate programs of instruction will contribute to the purposes of such clauses.

"(b) The Commissioner shall carry out a program of making grants to institutions of higher education to carry out the purposes set forth in subsection (a).

"(c) There are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975, for the purposes of this part.

"APPLICATIONS FOR GRANTS

"SEC. 902. (a) The Commissioner is authorized to make grants to institutions of higher education in accordance with the provisions of this part. An institution of higher education desiring to receive a grant under this part shall submit to the Commissioner an application therefor at such time or times, in such manner, and containing such information as the Commissioner may prescribe by regulation. Such application shall set forth a program of activities for carrying out one or more of the purposes set forth in section 901(a) in such detail as will enable the Commissioner to determine the degree to which such program will accomplish such purpose or purposes, and such other policies, procedures, and assurances as the Commissioner may require by regulation.

"(b) The Commissioner shall approve an application only if he determines that the application sets forth a program of activities which are likely to make substantial progress toward achieving the purposes of this part.

"AUTHORIZED ACTIVITIES

"SEC. 903. (a) The funds appropriated pursuant to section 901(c) may be used for such purposes as the Commissioner determines will best accomplish the purposes of this part.

"(b) Such funds may be used solely for the purposes set forth in an application approved under section 902 and solely for the purpose of accomplishing the purposes stated in section 901(a), and to that end such funds may be used for—

"(1) faculty improvement;

"(2) the expansion of graduate and professional programs of study;

"(3) the acquisition of appropriate instructional equipment and materials;

"(4) cooperative arrangements among graduate and professional schools; and

"(5) the strengthening of graduate and professional school administration.

"(c) No sums granted under this part may be used—

"(1) for payment in excess of 66⅔ per centum of the total cost of such project or activity;

"(2) for payment in excess of 50 per centum of the cost of the purchase or rental of books, audiovisual aids, scientific apparatus, or other materials or equipment, less any per centum of such cost, as determined by the Commissioner, that is paid from sums received (other than under this part) as Federal financial assistance; or

"(3) for sectarian instruction or religious worship, or primarily in connection with any part of the program of a school or department of divinity.

"RESEARCH AND STUDIES

"SEC. 904. The Commissioner is authorized, directly or by contract, to conduct studies and research activities in connection with the need for, and improvement of, graduate programs in various fields of study in institutions of higher education throughout the United States.

"PART B—GRADUATE FELLOWSHIPS FOR CAREERS IN POSTSECONDARY EDUCATION

"APPROPRIATIONS AUTHORIZED

"SEC. 921. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this part.

"NUMBER OF FELLOWSHIPS

"SEC. 922. (a) During the fiscal year ending June 30, 1973, and each of the two succeeding fiscal years, the Commissioner is authorized to award not to exceed seven thousand five hundred fellowships to be used for study in graduate programs at institutions of higher education. Such fellowships may be awarded for such period of study as the Commissioner may determine, but not in excess of three academic years, except (1) that where a fellowship holder pursues his studies as a regularly enrolled student at the institution during periods outside the regular sessions of the graduate program of the institution, a fellowship may be awarded for a period not in excess of three calendar years. and (2) that the Commissioner may provide by regulation for the granting of such fellowships for a period of study not to exceed one academic year (or one calendar year in the case of fellowships to which clause (1) applies) in addition to the maximum period otherwise applicable, under special circumstances in which the purposes of this part would most effectively be served thereby.

"(b) In addition to the number of fellowships authorized to be awarded by subsection (a) of this section, the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this section but vacated prior to the end of the period for which they were awarded; except that each fellowship awarded under this subsection shall be for such period of study, not in excess of the remainder of the period for which the fellowship which it replaces was awarded, as the Commissioner may determine.

"AWARD OF FELLOWSHIPS AND APPROVAL OF INSTITUTIONS

"SEC. 923. (a) Of the total number of fellowships authorized by section 922(a) to be awarded during a fiscal year (1) not less than one-third shall be awarded to individuals accepted for study in graduate programs approved by the Commissioner under this section, and (2) the remainder shall be awarded on such bases as he may determine, subject to the provisions of subsection (c). The Commisioner shall approve a graduate program of an institution of higher education only upon application by the institution and only upon his finding that the application contains satisfactory assurance that the institution will provide special orientation and practical experiences designed to prepare its fellowship recipients for academic careers at some level of education beyond the high school.

"(b) In determining priorities and procedures for the award of fellowships under this section, the Commissioner shall—

"(1) take into account present and projected needs for highly trained teachers in all areas of education beyond the high school,

"(2) give special attention to those institutions which have developed new doctoral-level programs especially tailored to prepare classroom teachers,

"(3) consider the need to prepare a larger number of teachers and other academic leaders from minority groups, but nothing contained in this clause shall be interpreted to require any educational institution to grant preference or disparate treatment to the members of one minority group on account of an imbalance which may exist with respect to the total number or percentage of persons of that group participating in or receiving the benefits of this program, in comparison with the total number or percentage of persons of that group in any community, State, section, or other area,

"(4) assure that at least one-half of all new fellowship recipients have demonstrated their competence outside of a higher education setting for at least two years subsequent to the completion of their undergraduate studies,

"(5) allow a fellowship recipient to interrupt his studies for up to one year for the purpose of work, travel, or independent study away from the campus, except that no stipend or travel expenses may be paid for such period, and

"(6) seek to achieve a reasonably equitable geographical distribution of graduate programs approved under this section, based upon such factors as student enrollments in institutions of higher education and population.

"(c) Recipients of fellowships under this part shall be persons who are interested in an academic career in educational programs, beyond the high school level and are pursuing, or intend to pursue, a course of study leading to a degree of doctor of philosophy, doctor of arts, or an equivalent degree.

"(d) No fellowship shall be awarded under this part for study at a school or department of divinity.

"FELLOWSHIP STIPENDS

"SEC. 924. (a) The Commissioner shall pay to persons awarded fellowships under this part such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(b) The Commissioner shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course, of study, in lieu of tuition charged such person, such amounts as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs, except that such amount shall not exceed $4,000 per academic year for any such person.

"FELLOWSHIP CONDITIONS

"SEC. 925. (a) A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in section 404 only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time, employment by such institution in teaching, research, or similar activities, approved by the Commissioner.

"(b) The Commissioner is authorized to require reports containing such information in such form and to be filed at such times as he determines necessary from any person awarded a fellowship under the provisions of this part. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Commissioner, stating that such person is making satisfactory progress in, and is devoting essentially full time to, the program for which the fellowship was awarded.

"PART C—PUBLIC SERVICE FELLOWSHIPS

"AWARD OF PUBLIC SERVICE FELLOWSHIPS

"SEC. 941. (a) During the fiscal year ending June 30, 1973, and each of the two succeeding fiscal years, the Commissioner is authorized to award not to exceed five hundred fellowships in accordance with the provisions of this part for graduate or professional study for persons who plan to pursue a career in public service. Such fellowships shall be awarded for such periods as the Commissioner may determine but not to exceed three academic years.

"(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this part.

"ALLOCATION OF FELLOWSHIPS

"SEC. 942. The Commissioner shall allocate fellowships under this part among institutions of higher education with programs approved under the provisions of this part for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(1) provide an equitable distribution of such fellowships throughout the United States; and

"(2) attract recent college graduates to pursue a career in public service.

"APPROVAL OF PROGRAMS

"SEC. 943. The Commissioner shall approve a graduate or professional program of an institution of higher education only upon application by the institution and only upon his findings—

"(1) that such program has as a principal or significant objective the education of persons for the public service, or the education of persons in a profession or vocation for whose practitioners there is a significant continuing need in the public service as determined by the Commissioner after such consultation with other agencies as may be appropriate;

"(2) that such program is in effect and of high quality, or can readily be put into effect and may reasonably be expected to be of high quality;

"(3) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 901(a)(2); and

"(4) that the application contains satisfactory assurance that (A) the institution will recommend to the Commissioner, for the award of fellowships under this part, for study in such program, only persons of superior promise who have demonstrated to the satisfaction of the institution a serious intent to enter the public service upon completing the program, and (B) the institution will make reasonable continuing efforts to encourage recipients of fellowships under this part, enrolled in such programs, to enter the public service upon completing the program.

"STIPENDS

"SEC. 944. (a) The Commissioner shall pay to persons awarded fellowships under this part such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(b) The Commissioner shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs.

"FELLOWSHIP CONDITIONS

"Sec. 945. (a) A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in this part only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such fellowship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Commissioner by or pursuant to regulation.

"(b) The Commissioner is authorized to require reports containing such information in such form and to be filed at such times as he determines necessary from any person awarded a fellowship under the provisions of this part. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Commissioner, stating that such person is making satisfactory progress in, and is devoting essentially full time to, the program for which the fellowship was awarded.

"(c) No fellowship shall be awarded under this part for study at a school or department of divinity.

"PART D—FELLOWSHIPS FOR OTHER PURPOSES

"PROGRAM AUTHORIZED

"SEC. 961. (a) It is the purpose of this part to provide fellowships—

"(1) to assist graduate students of exceptional ability who demonstrate a financial need for advanced study in domestic mining and mineral and mineral fuel conservation including oil, gas, coal, oil shale, and uranium; and

"(2) for persons of ability from disadvantaged backgrounds, as determined by the Commissioner, undertaking graduate or professional study. The demonstration of financial need shall be determined in accordance with regulations prescribed by the Commissioner.

"(b)(1) The Commissioner is authorized to award under the provisions of this part not to exceed five hundred fellowships for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years. Appropriations made pursuant to section 965 for fellowships awarded under clause (2) of subsection (a) of this section may not exceed $1,000,000 in any fiscal year.

"(2) In addition to the number of fellowships authorized to be awarded under paragraph (1), the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this part but vacated prior to the end of the period for which they were awarded except that each fellowship awarded under this paragraph shall be for such period of graduate or professional work or research not in excess of the remainder of the period for which the fellowship it replaces was awarded as the Commissioner may determine.

"(c) Fellowships awarded under this part shall be for graduate and professional study leading to an advanced degree or research incident to the presentation of a doctoral dissertation. Such fellowships may be awarded for graduate and professional study and research at any institution of higher education or any other research center approved for such purpose by the Commissioner. Such fellowships shall be awarded for such periods as the Commissioner may determine but not to exceed three years.

"AWARD OF FELLOWSHIPS

"SEC. 962. Recipients of fellowships under this part shall be—

"(1) persons who have been accepted by an institution of higher education for graduate study leading to an advanced degree or for a professional degree, or

"(2) persons who have completed all course work required for granting of a doc- such course work credited on the dissertation) and comprehensive examinations where appropriate, and whose doctoral dissertation (or other equivalent dissertation) proposal has been approved by appropriate officials of an institution of higher education.

"STIPENDS AND INSTITUTION OF HIGHER EDUCATION ALLOWANCES

"SEC. 963. (a) The Commissioner shall pay to persons awarded fellowships under this part such stipends as he may determine to be consistent with prevailing practices under comparable federally supported programs, except that the stipend shall not be less than $2,800 for each academic year study. An additional amount of $300 for each such year shall be paid to each such person on account of each of his dependents, not to exceed the amount of $1,500 per academic year.

"(b) In addition to the amount paid to persons pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study an amount equal to 150 per centum of the amount paid to such person, less the amount paid on account of each of such person's dependents, to such person, less any amount charged such person for tuition.

"(c) The Commissioner shall reimburse any person awarded a fellowship pursuant to this part for actual and necessary traveling expenses of such person and his dependents from his ordinary place of residence to the institution of higher education, library, archive, or other research center where he will pursue his studies under such fellowship, and to return to such residence.

"FELLOWSHIP CONDITIONS

"SEC. 964. (a) A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in this part only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such fellowship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Commissioner by or pursuant to regulation.

"(b) The Commissioner is authorized to require reports containing such information in such form and to be filed at such times as he determines necessary from any person awarded a fellowship under the provisions of this part. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Commissioner, stating that such person is making satisfactory progress in, and is devoting essentially full time to, the program for which the fellowship was awarded.

"(c) No fellowship shall be awarded under this title for study at a school or department of divinity.

"APPROPRIATIONS AUTHORIZED

"SEC. 965. There are authorized to be appropriated such sums as may be necessary for the purposes of this part.".

EXTENSION AND EXPANSION OF TITLE VI OF THE NATIONAL DEFENSE EDUCATION ACT

SEC. 182. (a) Section 601 of the National Defense Education Act of 1958 is amended to read as follows:

"LANGUAGE AND AREA CENTERS AND PROGRAMS

"SEC. 601. (a) The Secretary is authorized to make grants to or contracts with institutions of higher education for the purposes of establishing, equipping, and operating graduate and undergraduate centers and programs for the teaching of any modern foreign language, for instruction in other fields needed to provide a full understanding of the areas, regions, or countries in which such language is commonly used, or for research and training in international studies and the international aspects of professional and other fields of study. Any such grant or contract may cover all or part of the cost of the establishment or operation of a center or program, including the costs of faculty, staff, and student travel in foreign areas, regions, or countries, and the costs of travel of foreign scholars to teach or conduct research, and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this section.

"(b) The Secretary is also authorized to pay stipends to individuals undergoing advanced training in any center or under any program receiving Federal financial assistance under this title, including allowances for dependents and for travel for research and study here and abroad, but only upon reasonable assurance that the recipients of such stipends will, on completion of their training, be available for teaching service in an institution of higher education or elementary or secondary school, or such other service of a public nature as may be permitted in the regulations of the Secretary.

"(c) No funds may be expended under this title for undergraduate travel except in accordance with rules prescribed by the Secretary setting forth policies and procedures to assure that Federal funds made available for such travel are expended as part of a formal program of supervised study.".

(b) Section 603 of such Act is amended by striking out "and $38,500,000 for the fiscal year ending June 30, 1971," and by inserting in lieu thereof the following: "$38,500,000 for each of the fiscal years ending June 30, 1971, and June 30, 1972, $50,000,000 for the fiscal year ending June 30, 1973, and $75,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975,".

EXTENSION OF THE INTERNATIONAL EDUCATION ACT OF 1966

SEC. 183. Section 105(a) of the International Education Act of 1966 is amended by inserting after the second sentence thereof the following new sentence: "There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 3, 1975, for the purpose of carrying out the provisions of this title.".

PART J—IMPROVEMENT OF COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

AMENDMENT TO THE TITLE X OF THE HIGHER EDUCATION ACT OF 1965

SEC. 186. (a) (1) Title X of the Higher Education Act of 1965 is amended to read as follows:

"TITLE X—COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

"PART A—ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLEGES

"Subpart 1—Statewide Plans

"SEC. 1001. (a) Each State Commission (established or designated under section 1202) of each State which desires to receive assistance under this subpart shall develop a statewide plan for the expansion or improvement of post-secondary education programs in community colleges or both. Such plan shall among other things—

"(1) designate areas, if any, of the State in which residents do not have access to at least two years of tuition-free or low-tuition post-secondary education within reasonable distance;

"(2) set forth a comprehensive statewide plan for the establishment, or expansion, and improvement of community colleges, or both, which would achieve the goal of making available, to all residents of the State an opportunity to attend a community college (as defined in section 1018);

"(3) establish priorities for the use of Federal and non-Federal financial and other resources which would be necessary to achieve the goal set forth in clause (2);

"(4) make recommendations with respect to adequate State and local financial support, within the priorities set forth pursuant to clause (3), for community colleges;

"(5) set forth a statement analyzing the duplications of postsecondary educational programs and make recommendations for the coordination of such programs in order to eliminate unnecessary or excessive duplications; and

"(6) set forth a plan for the use of existing and new educational resources in the State in order to achieve the goal set forth in clause (2), including recommendations for the modification of State plans for federally assisted vocational education, community services, and academic facilities as they may affect community colleges.

In carrying out its responsibilities under this subsection, each State Commission shall establish an advisory council on community colleges which shall—

"(A) be composed of—

"(i) a substantial number of persons in the State (including representatives of State and local agencies) having responsibility for the operation of community colleges;

"(ii) representatives of State agencies having responsibility for or an interest in postsecondary education; and

"(iii) the general public;

"(B) have responsibility for assisting and making recommendations to the State Commission in developing the Statewide plan required under this section;

"(C) conduct such hearings as the State Commission may deem advisable; and

"(D) pursuant to requirements established by the State Commission, provide each State and local agency within the State responsible for postsecondary education an opportunity to review and make recommendations with respect to such plan.

"(b)(1) There is hereby authorized to be appropriated $15,700,000 during the period beginning July 1, 1972, and ending June 30, 1974, to carry out the provisions of this section.

"(2) Sums appropriated pursuant to paragraph (1) shall be allotted by the Commissioner equally among the States, except that the amount allotted to Guam, American Samoa, and the Virgin Islands shall not exceed $100,000 each. Such sums shall remain available until expended.

"(c) Each plan developed and adopted pursuant to subsection (a) shall be submitted to the Commissioner for his approval. The Commissioner shall not approve any plan unless he determines that it fulfills the requirements of this section.

"Subpart 2—Establishment and Expansion of Community Colleges

"PROGRAM AUTHORIZATION

"SEC. 1011. (a) In order to encourage and assist those States and localities which so desire in establishing or expanding community colleges, or both, the Commissioner shall carry out a program as provided in this subpart for making grants to community colleges in order to improve educational opportunities available through community colleges in such States.

"(b) For the purpose of carrying out this subpart, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975.

"APPORTIONMENTS

"SEC. 1012. (a) From the sums appropriated pursuant to section 1011(b) for each fiscal year the Commissioner shall apportion not more than 5 per centum thereof among Puerto Rico, Guam, American Samoa and the Virgin Islands according to their respective needs. From the remainder of such sums the Commissioner shall apportion to each State an amount which bears the same ratio to such remainder as the population aged eighteen and over in such State bears to the total of such population in all States. For the purpose of the second sentence of this subsection, the term 'State' does not include Puerto Rico, Guam, American Samoa and the Virgin Islands.

"(b) The portion of any State's apportionment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such apportionment is available, for carrying out the purposes of this subpart shall be available for reapportionment from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original apportionments to such States under subsection (a) for such year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out such portion of its State plan referred to in section 1001(a)(2) approved under this subpart, and the total of such reductions shall be similarly reapportioned among the States whose proportionate amounts are not so reduced. Any amount reapportioned to a

State under this subsection during a year shall be deemed part of its apportionment under subsection (a) for such year.

"ESTABLISHMENT GRANTS

"SEC. 1013. (a) The Commissioner is authorized to make grants to new community colleges to assist them in planning, developing, establishing, and conducting initial operations of new community colleges in areas of the States in which there are no existing community colleges or in which existing community colleges cannot adequately provide postsecondary educational opportunities for all of the residents thereof who desire and can benefit from postsecondary education.

"(b) For the purposes of subsection (a), the term 'new community college' means a board of trustees or other governing board (or its equivalent) which is established by, or pursuant to, the law of a State, or local government, for the purpose of establishing a community college, as defined in section 1018, or any existing board so established which has the authority to create, and is in the process of establishing, a new community college.

"EXPANSION GRANTS

"SEC. 1014. The Commissioner is authorized to make grants to existing community colleges to assist them—

"(1) in expanding their enrollment capacities,

"(2) in establishing new campuses, and

"(3) in altering or modifying their educational programs, in order that they may (A) more adequately meet the needs, interests, and potential benefits of the communities they serve, or (B) provide educational programs especially suited to the needs of educationally disadvantaged persons residing in such communities.

"LEASE OF FACILITIES

"SEC. 1015. (a) The Commissioner is authorized to make grants to community colleges to enable them to lease facilities, for a period of not to exceed five years, in connection with activities carried out by them under section 1013 or section 1014.

"(b) The Federal share of carrying out a project through a grant under this section shall not exceed—

"(1) 70 per centum of the cost of such project for the first year of assistance under this section;

"(2) 50 per centum thereof for the second such year;

"(3) 30 per centum thereof for the third such year; and

"(4) 10 per centum thereof for the fourth such year.

"APPLICATIONS; FEDERAL SHARE

"SEC. 1016. (a) (1) Grants under sections 1013 and 1014 may be made only upon application to the Commissioner. Applications for assistance under such sections shall be submitted at such time, in such manner and form, and containing such information as the Commissioner shall require by regulation.

"(2) No application submitted pursuant to paragraph (1) shall be approved unless the Commissioner determines that it is consistent with the plan approved by him under section 1001 from the State in which the applicant is located.

"(b) (1) No application for assistance under section 1013 or 1014 shall be approved for a period of assistance in excess of four years.

"(2) The Federal share of the cost of carrying out the project for which assistance is sought in an application submitted pursuant to this section shall not exceed—

"(A) 40 per centum of such cost for the first year of assistance;

"(B) 30 per centum thereof for the second year of assistance;

"(C) 20 per centum thereof for the third year of assistance; and

"(D) 10 per centum thereof for the fourth year of assistance.

"(c) (1) Funds appropriated pursuant to section 1011 and granted under section 1013 or 1014 shall, subject to paragraph (2), be available for those activities the Commissioner determines to be necessary to carry out the purposes of such sections.

"(2) Such funds may be used (A) to remodel or renovate existing facilities, or (B) to equip new and existing facilities, but such funds may not be used for the construction of new facilities or the acquisition of existing facilities.

"PAYMENTS

"SEC. 1017. From the amount apportioned to each State pursuant to section 1012, the Commissioner shall pay to each applicant from that State which has had an application for assistance approved under this subpart the Federal share of the amount expended under such application.

"DEFINITIONS

"SEC. 1018. As used in this title, the term 'community college' means any junior college, postsecondary vocational school, technical institute, or any other educational institution (which may include a four-year institution of higher education or a branch thereof) in any State which—

"(1) is legally authorized within such State to provide a program of education beyond secondary education;

"(2) admits as regular students persons who are high school graduates or the equivalent, or at least 18 years of age;

(3) provides a two-year postsecondary educational program leading to an associate degree, or acceptable for credit toward a bachelor's degree, and also provides programs of postsecondary vocational, technical, occupational, and specialized education;

"(4) is a public or other nonprofit institution;

"(5) is accredited as an institution by a nationally recognized accrediting agency or association, or if not so accredited—

"(A) is an institution that has obtained recognized preaccreditation status from a nationally recognized accrediting body, or

"(B) is an institution whose credits are accepted on transfer, by not less than three accredited institutions, for credit on the same basis as if transferred from an institution so accredited.

"PART B—OCCUPATIONAL EDUCATION PROGRAMS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1051. For the purpose of carrying out this part, there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, $250,000,000 for the fiscal year ending June 30, 1974, and $500,000,000 for the fiscal year ending June 30, 1975. Eighty per centum of the funds appropriated for the first year for which funds are appropriated under this section shall be available for the purposes of establishing administrative arrangements under section 1055, making planning grants under section 1056, and for initiating programs under section 1057 in those States which have complied with the planning requirements of section 1056; and 20 per centum shall be available only for technical assistance under section 1059(a). From the amount appropriated for each succeeding fiscal year 15 per centum shall be reserved to the Commissioner for grants and contracts pursuant to section 1059(b).

"ALLOTMENTS AND REALLOTMENTS AMONG STATES

"SEC. 1052. (a) From the sums appropriated under section 1051 for the first year for which funds are appropriated under that section (other than funds available only for technical assistance), the Commissioner shall first allot such sums as they may require (but not to exceed $50,000 each) to American Samoa and the Trust Territory of the Pacific Islands. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age or older in such State bears to the number of such persons in all the States, except that the amount allotted to each State shall not be less than $100,000.

"(b) From the sums appropriated for any succeeding fiscal year under such section (other than funds reserved to the Commissioner), the Commissioner shall first allot such sums as they may require (but not to exceed $500,000 each) to American Samoa and the Trust Territory of the Pacific Islands. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age or older in such State bears to the number of such persons in all the States, except that the amount allotted to each State shall not be less than $500,000.

"(c) The portion of any State's allotment under subsection (a) or (b) for a fiscal year which the Commissioner determines will not be required for the period such allotment is available, for carrying out the purposes of this part shall be available for reallotment from time to time, on such date or dates during such periods as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) or (b) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such States need and will be able to use for such period, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) or (b) for such year.

"FEDERAL ADMINISTRATION

"SEC. 1053. The Secretary shall develop and carry out a program designed to promote and encourage occupational education, which program shall—

"(1) provide for the administration by the Commissioner of Education of grants to the States authorized by this part;

"(2) assure that manpower needs in subprofessional occupations in education, health, rehabilitation, and community and welfare services are adequately considered in the development of programs under this part;

"(3) promote and encourage the coordination of programs developed under this part with those supported under part A of this title, the Vocational Education Act of 1963, the Manpower Development and Training Act of 1962, title I of the Economic Opportunity Act of 1964, the Public Health Service Act, and related activities administered by various departments and agencies of the Federal Government; and

"(4) provide for the continuous assessment of needs in occupational education and for the continuous evaluation of programs supported under the authority of this part and of related provisions of law.

"GENERAL RESPONSIBILITIES OF COMMISSIONER OF EDUCATION

"SEC. 1054. The Commissioner shall, in addition to the specific responsibilities imposed by this part, develop and carry out a program of occupational education that will—

"(1) coordinate all programs administered by the Commissioner which specifically relate to the provisions of this part so as to provide the maximum practicable support for the objectives of this part;

"(2) promote and encourage occupational preparation, counseling and guidance, and job placement or placement in postsecondary occupational education programs as a responsibility of elementary and secondary schools;

"(3) utilize research and demonstration programs administered by him to assist in the development of new and improved instructional methods and technology for occupational education and in the design and testing of models of schools or school systems which place occupational education on an equal footing with academic education;

"(4) assure that the Education Professions Development Act and similar programs of general application will be so administered as to provide a degree of support for vocational, technical, and occupational education commensurate with national needs and more nearly representative of the relative size of the population to be served; and

"(5) develop and disseminate accurate information on the status of occupational education in all parts of the Nation, at all levels of education, and in all types of institutions, together with information on occupational opportunities available to persons of all ages.

"STATE ADMINISTRATION

"SEC. 1055. (a) Any State desiring to participate in the program authorized by this part shall in accordance with State law establish a State agency or designate an existing State agency which will have sole responsibility for fiscal management and administration of the program, in accordance with the plan approved under this part, and which adopts administrative arrangements which will provide assurances satisfactory to the Commissioner that—

"(1) the State Advisory Council on Vocational Education will be charged with the same responsibilities with respect to the program authorized by this part as it has with respect to programs authorized under the Vocational Education Act of 1963;

"(2) there is adequate provision for individual institutions or groups of institutions and for local educational agencies to appeal and obtain a hearing from the State administrative agency with respect to policies, procedures, programs, or allocation of resources under this part with which such institution or institutions or such agencies disagree.

"(b) The Commissioner shall approve any administrative arrangements which meet the requirements of subsection (a), and shall not finally disapprove any such arrangements without affording the State administrative agency a reasonable opportunity for a hearing. Upon the final disapproval of any arrangement, the provisions for judicial review set forth in section 1058(b) shall be applicable.

"PLANNING GRANTS FOR STATE OCCUPATIONAL EDUCATION PROGRAMS

"SEC. 1056. (a) Upon the application of a State Commission (established or designated pursuant to section 1202), the Commissioner shall make available to the State the amount of its allotment under section 1052 for the following purposes—

"(1) to strengthen the State Advisory Council on Vocational Education in order that it may effectively carry out the additional functions imposed by this part; and

"(2) to enable the State Commission to initiate and conduct a comprehensive program of planning for the establishment of the program authorized by this part.

"(b) (1) Planning activities initiated under clause (2) of subsection (a) shall include—

"(A) an assessment of the existing capabilities and facilities for the provision of postsecondary occupational education, together with existing needs and projected needs for such education in all parts of the State;

"(B) thorough consideration of the most effective means of utilizing all existing institutions within the State capable of providing the kinds of programs assisted under this part, including (but not limited to) both private and public community and junior colleges, area vocational schools, accredited private proprietary institutions, technical institutes, manpower skill centers, branch institutions of State colleges or universities, and public and private colleges and universities;

"(C) the development of an administrative procedure which provides reasonable promise for resolving differences between vocational educators, community and junior college educators, college and university educators, elementary and secondary educators, and other interested groups with respect to the administration of the program authorized under this part; and

"(D) the development of a long-range strategy for infusing occupational education (including general orientation, counseling and guidance, and placement either in a job or in postsecondary occupational programs) into elementary and secondary schools on an equal footing with traditional academic education, to the end that every child who leaves secondary school is prepared either to enter productive employment or to undertake additional educational at the postsecondary level, but without being forced prematurely to make an irrevocable commitment to a particular educational or occupational choice; and

"(E) the development of procedures to insure continuous planning and evaluation, including the regular collection of data which would be readily available to the State administrative agency, the State Advisory Council on Vocational Education, individual educational institutions, and other interested parties (including concerned private citizens).

"(2) Planning activities carried on by the State Commission under this section shall involve the active participation of—

"(A) the State board for vocational education;

"(B) the State agency having responsibility for community and junior colleges;

"(C) the State agency having responsibility for higher education institutions or programs;

"(D) the State agency responsible for administering public elementary and secondary education;

"(E) the State agency responsible for programs of adult basic education;

"(F) representatives of all types of institutions in the State which are conducting or which have the capability and desire to conduct programs of postsecondary occupational education;

"(G) representatives of private, nonprofit elementary and secondary schools;

"(H) the State employment security agency, the State agency responsible for apprenticeship programs, and other agencies within the State having responsibility for administering manpower development and training programs;

"(I) the State agency responsible for economic and industrial development;

"(J) persons familiar with the occupational education needs of the disadvantaged, of the handicapped, and of minority groups; and

"(K) representatives of business, industry, organized labor, agriculture, and the general public.

"(c) The Commissioner shall not approve any application for a grant under section 1057 of this part unless he is reasonably satisfied that the planning described in this section (whether or not assisted by a grant under this section) has been carried out.

"PROGRAM GRANTS FOR STATE OCCUPATIONAL EDUCATION PROGRAMS

"SEC. 1057. (a} From the allotments available to the States under section 1052(b) (upon application by the State administrative agency designated or established under section 1055), the Commissioner shall make grants to any State which has satisfied the requirements of section 1058. Such grants may be used for the following purposes—

"(1) assist the State administrative agency designated or established under section 1055;

"(2) the design, establishment, and conduct of programs of post-secondary occupational education (or the expansion and improvement of existing programs) as defined by section 1060 of this part;

"(3) the design, establishment, and conduct of programs to carry out the long-range strategy developed pursuant to section 1056 (b) (1) (D) for infusing into elementary and secondary education occupational preparation, which shall include methods of involving secondary schools in occupational placement and methods of providing followup services and career counseling and guidance for persons of all ages as a regular function of the educational system;

"(4) the design of high-quality instructional programs to meet the needs for postsecondary occupational education and the development of an order of priorities for placing these programs in operation;

"(5) special training and preparation of persons to equip them to teach, administer, or otherwise assist in carrying out the program authorized under this part (such as programs to prepare journeymen in the skilled trades or occupations for teaching positions); and

"(6) the leasing, renting, or remodeling of facilities required to carry out the program authorized by this part.

"(b) Programs authorized by this part may be carried out through contractual arrangements with private organizations and institutions organized for profit where such arrangements can make a contribution to achieving the purposes of this part by providing substantially equivalent education, training, or services more readily or more economically, or by preventing needless duplication of expensive physical plant and equipment, or by providing needed education or training of the types authorized by this part which would not otherwise be available.

"ASSURANCES; JUDICIAL REVIEW

"SEC. 1058. (a) Before making any program grant under this part the Commissioner shall receive from the State Commission an assurance satisfactory to him that the planning requirements of section 1056 have been met and from the State administrative agency assurances satisfactory to him that—

"(1) the State Advisory Council on Vocational Education has had a reasonable opportunity to review and make recommendations concerning the design of the programs for which the grant is requested;

"(2) Federal funds made available under this part will result in improved occupational education programs, and in no case supplant State, local, or private funds;

"(3) adequate provision has been made by such agency for programs described in section 1057(a) (3);

"(4) provision has been made for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this part;

"(5) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served by an elementary or secondary school program funded under this part, provision has been made for the effective participation of such students; and

"(6) reports will be made in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this part.

"(b) (1) Whenever the Commissioner, after reasonable notice and opportunity for a hearing to the State administrative agency, finds that any of the assurances required by subsection (a) are unsatisfactory, or that in the administration of the program there is a failure to comply with such assurances or with other requirements of the part, the Commissioner shall notify the administrative agency that no further payments will be made to the State under this part until he is satisfied there has been or will be compliance with the requirements of the part.

"(2) A State administrative agency which is dissatisfied with a final action of the Commissioner under this section or under section 1055 (with respect to approval of State administration) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently but until the filing of the record the Commissioner may modify or set aside his action. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

"TECHNICAL ASSISTANCE; MODEL PROGRAMS

"SEC. 1059. (a) The Commissioner shall make available (to the extent practicable) technical assistance to the States in planning, designing, and carrying out the program authorized by this part upon the request of the appropriate State agency designated or established pursuant to section 1055 or section 1202 and the Commissioner shall take affirmative steps to acquaint all interested organizations, agencies, and institutions with the provision of this part and to enlist broad public understanding of its purposes.

"(b) From the sums reserved to the Commissioner under section 1051, he shall by grant or contract provide assistance—

"(1) for the establishment and conduct of model or demonstration programs which in his judgment will promote the achievement of one or more purposes of this part and which might otherwise not be carried out (or not be carried out soon enough or in such a way as to have the desirable impact upon the purposes of the part);

"(2) as an incentive or supplemental grant to any State administrative agency which makes a proposal for advancing the purposes of this part which he feels holds special promise for meeting occupational education needs of particular groups or classes of persons who are disadvantaged or who have special needs, when such proposal could not reasonably be expected to be carried out under the regular State program; and

"(3) for particular programs or projects eligible for support under this part which he believes have a special potential for helping to find solutions to problems on a regional or national basis.

"(c) In providing support under subsection (b) the Commissioner may as appropriate make grants to or contracts with public or private agencies, organizations, and institutions, but he shall give first preference to applications for projects or programs which are administered by or approved by State administrative agencies, and he shall in no case make a grant or contract within any State without first having afforded the State administrative agency reasonable notice and opportunity for comment and for making recommendations.

"DEFINITIONS

"SEC. 1060. For the purposes of this part—

"(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and (except for the purposes of subsections (a) and (b) of section 1052) American Samoa and the Trust Territory of the Pacific Islands.

"(2) The term 'postsecondary occupational education' means education, training, or retraining (and including guidance, counseling, and placement services) for persons sixteen years of age or older who have graduated from or left elementary or secondary school, conducted by an institution legally authorized to provide post-secondary education within a State, which is designed to prepare individuals for gainful employment as semi-skilled or skilled workers or technicians or subprofessionals in recognized occupations (including new and emerging occupations), or to prepare individuals for enrollment in advanced technical education programs, but excluding any programs to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally considered professional or which require a baccalaureate or advanced degree.

"PART C—ESTABLISHMENT OF AGENCIES

"ESTABLISHMENT OF BUREAU OF OCCUPATIONAL AND ADULT EDUCATION

"SEC. 1071. (a) There is hereby established in the United States Office of Education a Bureau of Occupational and Adult Education hereinafter referred to as the Bureau, which shall be responsible for the administration of this title, the Vocational Education Act of 1963, including parts C and I thereof, the Adult Education Act, functions of the Office of Education relating to manpower training and development, functions of the Office relating to vocational, technical, and occupational training in community and junior colleges, and any other Act vesting authority in the Commissioner for vocational, occupational, adult and continuing education and for those portions of any legislation for career education which are relevant to the purposes of other acts administered by the Bureau.

"(b)(1) The Bureau shall be headed by a person (appointed or designated by the Commissioner) who is highly qualified in the fields of vocational, technical, and occupational education, who is accorded the rank of Deputy Commissioner, and who shall be compensated at the rate specified for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

"(2) Additional positions are created for, and shall be assigned to, the Bureau as follows:

"(A) Three positions to be placed in grade 17 of such General Schedule, one of which shall be filled by a person with broad experience in the field of junior and community college education,

"(B) Seven positions to be placed in grade 16 of such General Schedule, at least two of which shall be filled by persons with broad experience in the field of postsecondary-occupational education in community and junior colleges, at least one of which shall be filled by a person with broad experience in education in private proprietary institutions, and at least one of which shall be filled by a person with professional experience in occupational guidance and counseling, and

"(C) Three positions which shall be filled by persons at least one of whom is a skilled worker in a recognized occupation, another is a subprofessional technician in one of the branches of engineering, and the other is a subprofessional worker in one of the branches of social or medical services, who shall serve as senior advisers in the implementation of this title.

"COMMUNITY COLLEGE UNIT

"SEC. 1072. (a) There is established, in the Office of Education, a Community College Unit (in this section referred to as the 'Unit') which shall have the responsibility for coordinating all programs administered by the Commissioner which affect, or can benefit, community colleges, including such programs assisted under this Act, and the Vocational Education Act of 1963.

"(b) The Unit shall be headed by a Director who shall be placed in grade 17 of the General Schedule under section 5332 of title 5, United States Code.".

(2) The positions created by section 1071 and section 1072 of the Higher Education Act of 1965 shall be in addition to the number of positions placed in the appropriate grades under section 5108, title 5, United States Code.

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

PART K—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

AMENDMENTS TO TITLE XI OF THE HIGHER EDUCATION ACT OF 1965

SEC. 191. (a) Title XI of the Higher Education Act of 1965 is amended by inserting "grant or" before "contract", and "grants or" before "contracts" wherever they appear.

(b) Clause (5) of section 1101(b) of such Act is amended to read as follows:

"(5) equipment and library resources; and".

(c) Section 1103 of such Act is amended by striking out "$340,000 for the fiscal year ending June 30, 1969", and by striking out "fiscal years ending June 30, 1970, and June 30, 1971", and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975". Such section is further amended by striking out the second sentence.

(d) The amendments made by this section shall be effective after June 30, 1971.

PART L—POSTSECONDARY EDUCATION COMMISSION, COMPREHENSIVE PLANNING, AND COST OF EDUCATION DATA

AMENDMENTS TO TITLE XII OF THE HIGHER EDUCATION ACT OF 1965

SEC. 196. Title XII of the Higher Education Act of 1965 is amended by adding after section 1201 the following two new sections:

"STATE POSTSECONDARY EDUCATION COMMISSIONS

"SEC. 1202. (a) Any State which desires to receive assistance under section 1203 or title X shall establish a State Commission or designate an existing State agency or State Commission (to be known as the State Commission) which is broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges (as defined in title X), junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four-year institutions of higher education and branches thereof.

"(b) Such State Commission may establish committees or task forces, not necessarily consisting of Commission members, and utilize existing agencies or organizations, to make studies, conduct surveys, submit recommendations, or otherwise contribute the best available expertise from the institutions, interest groups, and segments of the society most concerned with a particular aspect of the Commission's work.

"(c)(1) At any time after July 1, 1973, a State may designate the State Commission established under subsection (a) as the State agency or institution required under section 105, 603, or 704. In such a case, the State Commission established under this section shall be deemed to meet the requirements of such sections for State agencies or institutions.

"(2) If a State makes a designation referred to in paragraph (1)—

"(A) the Commissioner shall pay the State Commission the amount necessary for the proper and efficient administration of the Commission of the functions transferred to it by reason of the designation; and

"(B) the State Commission shall be considered the successor agency to the State agency or institution with respect to which the designation is made, and action theretofore taken by the State agency or institution shall continue to be effective until changed by the State Commission.

"(d) Any State which desires to receive assistance under title VI or under title VII but which does not desire, after June 30, 1973, to place the functions of State Commissions under such titles under the authority of the State Commission established pursuant to subsection (a) shall establish for the purposes of such titles a State Commission which is broadly representative of the public and of institutions of higher education (including junior colleges and technical institutes) in the State. Such State Commissions shall have the sole responsibility for the administration of State plans under such titles VI and VII within such State.

"COMPREHENSIVE STATEWIDE PLANNING

"SEC. 1203. (a) The Commissioner is authorized to make grants to any State Commission established pursuant to Section 1202 (a) to enable it to expand the scope of the studies and planning required in title X through comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire, and who can benefit from, postsecondary education may have an opportunity to do so.

"(b) The Commissioner shall make technical assistance available to State Commissions, if so requested, to assist them in achieving the purposes of this section.

"(c) There are authorized to be appropriated such sums as may be necessary to carry out this section.".

FURNISHING COST OF EDUCATION DATA

SEC. 197. Title XII of the Higher Education Act of 1965 is further amended by adding at the end thereof the following new section:

"COST OF EDUCATION DATA

"SEC. 1206. The Commissioner may require as a condition of eligibility of any institution of higher education—

(1) for institutional aid, at the earliest practical date, or

(2) for student aid, after June 30, 1973, that such institution supply such cost-of-education data as may be in the possession of such institution.

TITLE II—VOCATIONAL EDUCATION

SPECIAL PROGRAMS FOR THE DISADVANTAGED

SEC. 201. Section 102(b) of the Vocational Education Act of 1963 is amended by inserting after "1972," the following: "and for the succeeding fiscal years ending prior to July 1, 1975,".

CLARIFICATION OF DEFINITION OF VOCATIONAL EDUCATION WITH RESPECT TO INDIVIDUAL ARTS PROGRAMS; INCLUSION OF VOLUNTEER FIREMEN

SEC. 202. (a) Section 108(1) of the Vocational Education Act of 1963 is amended by inserting at the end thereof the following new sentence: "Such term includes industrial arts education programs in cases where the Commissioner determines by regulation that such programs will accomplish or facilitate one or more of the purposes of the first sentence of this paragraph.".

(b) Such section 108(1) is further amended by inserting immediately after the word "employment" the first time it appears in such section the following: "(including volunteer firemen)".

EXEMPLARY PROGRAMS AND PROJECTS

SEC. 203. Section 142(a) of the Vocational Education Act of 1963 is amended by striking out "two" and inserting in lieu thereof "five".

RESIDENTIAL VOCATIONAL SCHOOLS

SEC. 204. (a) Section 151(b) of the Vocational Education Act of 1963 is amended by striking out "the succeeding fiscal year" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(b) Section 152(a)(1) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1975".

(c) Section 153(d)(2) of such Act is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1 of each of the four succeeding fiscal years".

CONSUMER AND HOMEMAKING EDUCATION

SEC. 205. (a) Section 161(a)(1) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1972" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(b) Section 161(c) of such Act is amended by striking out "and the two succeeding" and inserting in lieu thereof "and the five succeeding".

COOPERATIVE VOCATIONAL EDUCATION

SEC. 206. Section 172(a) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1972" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

WORK-STUDY PROGRAMS

SEC. 207. Section 181(a) of the Vocational Education Act of 1963 is amended by inserting after "June 30, 1972," the following: "and for each of the succeeding fiscal years ending prior to July 1, 1975,".

CURRICULUM DEVELOPMENT

SEC. 208. Section 191(b) of the Vocational Education Act of 1963 is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1975".

NATIONAL ADVISORY COUNCIL

SEC. 209. Section 104(a)(4) of the Vocational Education Act of 1963 is amended by striking out "two" and inserting in lieu thereof "five".

TITLE III—AMENDMENTS RELATING TO THE ADMINISTRATION OF EDUCATION PROGRAMS

AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT

SEC. 301 (a) The General Education Provisions Act (title IV of Public Law 90-247) is amended—

(1) by redesignating parts A, B, and C thereof, and all references thereto, as parts B, C, and D and redesignating sections 401, 402, 403, 404, 405, 406, 411, 412, 413, 414, 415, 416, 417, 421, 422, 423, 424, 425, 426, 431, 432, 433, 434, 435, 436, 437, 438, and all references thereto, as sections 400, 411, 412, 413, 414, 415, 421, 422, 423, 424, 425, 426, 427, 431, 432, 433, 434, 435, 436, 441, 442, 443, 444, 445, 446, 447, and 448, respectively; and

(2) by inserting after section 400 (as redesignated by clause (1)) the following new part:

"PART A—EDUCATION DIVISION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

"THE EDUCATION DIVISION

"SEC. 401. There shall be, within the Department of Health, Education, and Welfare, an Education Division which shall be composed of the Office of Education and the National Institute of Education, and shall be headed by the Assistant Secretary for Education.

"ASSISTANT SECRETARY FOR EDUCATION

"SEC. 402. (a) There shall be in the Department of Health, Education, and Welfare an Assistant Secretary for Education, who shall be appointed by the President by and with the advice and consent of the Senate. The Assistant Secretary for Education shall be compensated at the rate specified for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) The Assistant Secretary shall be the principal officer in the Department to whom the Secretary shall assign responsibility for the direction and supervision of the Education Division. He shall not serve as Commissioner of Education or as Director of the National Institute of Education on either a temporary or permanent basis.

"THE OFFICE OF EDUCATION

"SEC. 403. (a) The purpose and duties of the Office of Education shall be to collect statistics and facts showing the condition and progress of education in the United States, and to disseminate such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country. The Office of Education shall not have authority which is not expressly provided for by statute or implied therein.

"(b)(1) The management of the Office of Education, shall, subject to the direction and supervision of the Secretary, be entrusted to a Commissioner of Education, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall serve at the pleasure of the President.

"(2) The Commissioner may not engage in any other business, vocation, or employment while serving in any such position; nor may he, except with the express approval of the President in writing, hold any office in, or act in any capacity for, or have a financial interest in, any organization, agency, or institution to which the Office of Education makes a grant or with which it makes a contract or other financial arrangement.

"SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

"SEC. 404. (a) Subject to the provisions of subsection (b), the Secretary is authorized to make grants to, and contracts with, institutions of postsecondary education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational institution or agency other than a nonprofit institution or agency) to improve postsecondary educational opportunities by providing assistance to such educational institutions and agencies for—

"(1) encouraging the reform, innovation, and improvement of postsecondary education, and providing equal educational opportunity for all;

"(2) the creation of institutions and programs involving new paths to career and professional training, and new combinations of academic and experimental learning;

"(3) the establishment of institutions and programs based on the technology of communications;

"(4) the carrying out in postsecondary educational institutions of changes in internal structure and operations designed to clarify institutional priorities and purposes;

"(5) the design and introduction of cost-effective methods of instruction and operation;

"(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering institutions and pursuing programs of study tailored to individual needs;

"(7) the introduction of reforms in graduate education, in the structure of academic professions, and in the recruitment and retention of faculties; and

"(8) the creation of new institutions and programs for examining and awarding credentials to individuals, and the introduction of reforms in current institutional practices related thereto.

"(b) No grant shall be made or contract entered into under subsection (a) for a project or program with any institution of postsecondary education unless it has been submitted to each appropriate State Commission established under section 1202 of the Higher Education Act of 1965, and an opportunity afforded such Commission to submit its comments and recommendations to the Secretary.

"(c) For the purposes of this section, the authority granted to the Commissioner in part D of this Act shall apply to the Secretary.

"(d) The Secretary may appoint, for terms not to exceed three years, without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service, not more than five technical employees to administer this section who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(e) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975, for the purposes of this section.

"NATIONAL INSTITUTE OF EDUCATION

"SEC. 405. (a) (1) The Congress hereby declares it to be the policy of the United States to provide to every person an equal opportunity to receive an education of high quality regardless of his race, color, religion, sex, national origin, or social class. Although the American educational system has pursued this objective, it has not yet attained that objective. Inequalities of opportunity to receive high quality education remain pronounced. To achieve quality will require far more dependable knowledge about the processes of learning and education than now exists or can be expected from present research and experimentation in this field. While the direction of the education system remains primarily the responsibility of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

"(2) The Congress further declares it to be the policy of the United States to—

"(i) help to solve or to alleviate the problems of, and promote the reform and renewal of American education;

"(ii) advance the practice of education, as an art, science, and profession;

"(iii) strengthen the scientific and technological foundations of education; and

"(iv) build an effective educational research and development system.

"(b) (1) In order to carry out the policy set forth in subsection (a), there is established the National Institute of Education (hereinafter referred to as the 'Institute') which shall consist of a National Council on Educational Research (referred to in this section as the 'Council') and a Director of the Institute (hereinafter referred to as the 'Director'). The Institute shall have only such authority as may be vested therein by this section.

"(2) The Institute shall, in accordance with the provisions of this section, seek to improve education, including career education, in the United States through—

"(A) helping to solve or to alleviate the problems of, and achieve the objectives of American education;

"(B) advancing the practice of education, as an art, science, and profession;

"(C) the strengthening of the scientific and technological foundations of education; and

"(D) building an effective educational research and development system.

"(c) (1) The Council shall consist of fifteen members appointed by the President, by and with the advice and consent of the Senate, the Director, and such other ex officio members who are officers of the United States as the President may designate. Eight members of the Council (excluding ex officio members) shall constitute a quorum. The Chairman of the Council shall be designated from among its appointed members by the President. Ex officio members shall not have a vote on the Council.

"(2) The term of office of the members of the Council (other than ex officio members) shall be three years, except that (A) the members first taking office shall serve as designated by the President, five for terms of three years, five for terms of two years, and five for terms of one year, and (B) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any appointed member who has been a member of the Council for six consecutive years shall thereafter be ineligible for appointment to the Council during the two-year period following the expiration of such sixth year.

"(3) The Council shall—

"(A) establish general policies for, and review the conduct of, the Institute;

"(B) advise the Assistant Secretary and the Director of the Institute on development of programs to be carried out by the Institute;

"(C) present to the Assistant Secretary and the Director such recommendations as it may deem appropriate for the strengthening of educational research, the improvement of methods of collecting and disseminating the findings of educational research and of insuring the implementation of educational renewal and reform based upon the findings of educational research;

"(D) conduct such studies as may be necessary to fulfill its functions under this section;

"(E) prepare an annual report to the Assistant Secretary on the current status and needs of educational research in the United States;

"(F) submit an annual report to the President on the activities of the Institute, and on education and educational research in general, (i) which shall include such recommendations and comments as the Council may deem appropriate, and (ii) shall be submitted to the Congress not later than March 31 of each year; and

"(G) meet at the call of the Chairman, except that it shall meet (i) at least four times during each fiscal year, or (ii) whenever one-third of the members request in writing that a meeting be held.

The Director shall make available to the Council such information and assistance as may be necessary to enable the Council to carry out its functions.

"(d) (1) The Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers and authorities as the Council, subject to the general supervision of the Assistant Secretary, may prescribe. The Director shall be responsible to the Assistant Secretary and shall report to the Secretary through the Assistant Secretary and not to or through any other officer of the Department of Health, Education, and Welfare. The Director shall not delegate any of his functions to any other officer who is not directly responsible to him.

"(2) There shall be a Deputy Director of the Institute (referred to in this section as the 'Deputy Director') who shall be appointed by the President and shall serve at the pleasure of the President. The Deputy Director shall be compensated at the rate provided for grade 18 of the general Schedule set forth in section 5332 of title 5, United States Code, and shall act for the Director during the absence or disability of the Director and exercise such powers and authorities as the Director may prescribe. The position created by this paragraph shall be in addition to the number of positions placed in grade 18 of the General Schedule under section 5108 of title 5, United States Code.

"(e) (1) In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this subsection, the term 'educational research' includes research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education).

"(2) Not less than 90 per centum of the funds appropriated pursuant to subsection (h) for any fiscal year shall be expended to carry out this section through grants or contracts with qualified public or private agencies and individuals.

"(3) The Director may appoint, for terms not to exceed three years, without regard to the provisions of title 5 of the United States Code governing appointment in the competitive service and may compensate without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such technical or professional employees of the Institute as he deems necessary to accomplish its functions and also appoint and compensate without regard to such provisions not to exceed one-fifth of the number of full-time, regular technical or professional employees of the Institute.

"(f) (1) The Director, in order to carry out the provisions of this section, is authorized—

"(A) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of the Institute;

"(B) to accept unconditional gifts or donations of services, money or property, real, personal or mixed, tangible or intangible;

"(C) without regard to section 3648 of the Revised Statutes of the United States (31 U.S.C. 529), United States Code, to enter into and perform such contracts, leases, cooperative agreements or other transactions as may be necessary for the conduct of the Institute's work and on such terms as he may deem appropriate with any agency or instrumentality of the United States, or with any State, territory or possession, or with any political subdivision thereof, or with any international organization or agency, or with any firm, association, corporation or educational institution, or with any person, without regard to statutory provisions prohibiting payment of compensation to aliens;

"(D) to acquire (by purchase, lease, condemnation or otherwise), construct, improve, repair, operate and maintain laboratories, research and testing facilities, computing devices, communications networks and machinery, and such other real and personal property or interest therein as deemed necessary;

"(E) to acquire (by purchase, lease, condemnation or otherwise) and to lease to others or to sell such property in accordance with the provisions of the Federal Property and Administrative Services Act, patents, copyrights, computing programs, theatrical and broadcast performance rights or any form of property whatsoever or any rights thereunder; and

"(F) to use the services, computation capacity, communications networks, equipment, personnel, and facilities of Federal and other agencies with their consent, with or without reimbursement. Each department and agency of the Federal Government shall cooperate fully with the Director in making its services, equipment, personnel and facilities available to the Institute.

"(2) All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5a). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276(c)).

"(g) Where funds are advanced for a single project by more than one Federal agency for the purposes of this section, the National Institute of Education may act for all in administering the funds advanced.

"(h) There are hereby authorized to be appropriated, without fiscal year limitations, $550,000,000, in the aggregate, for the period beginning July 1, 1972, and ending June 30, 1975, to carry out the functions of the Institute. Sums so appropriated shall, notwithstanding any other provision of law unless enacted in express limitation of this subsection, remain available for the purposes of this subsection until expended.".

(b)(1) The amendments made by subsection (a) shall be effective after June 30, 1972.

(2)(A) Effective July 1, 1972, sections 516 and 517 of the Revised Statutes of the United States (20 U.S.C. 1, 2) are repealed.

(B) Effective July 1, 1972, section 422 of the General Education Provisions Act is amended by striking out "(as set forth in section 516 of the Revised Statutes (20 U.S.C. 1))" and inserting in lieu thereof "(as set forth in section 403(a) of this Act".

LIMITATIONS ON AUTHORITY

SEC. 302. (a) Section 421 of the General Education Provisions Act (as so redesignated by section 301(a)(1)) is amended by adding at the end thereof the following:

"(c)(1)(A) Except in the case of a law which—

"(i) authorizes appropriations for carrying out, or controls the administration of, an applicable program, or

"(ii) is enacted in express limitation of the provisions of this paragraph,

no provision of any law shall be construed to authorize the consolidation of any applicable program with any other program. Where the provisions of law governing the administration of an applicable program permit the packaging or consolidation of applications for grants or contracts to attain simplicity or effectiveness of administration, nothing in this subparagraph shall be deemed to intefere with such packaging or consolidation.

"(B) No provision of any law which authorizes an appropriation for carrying out, or controls the administration of, and applicable program shall be construed to authorize the consolidation of any such program with any other program unless provision for such a consolidation is expressly made thereby.

"(C) For the purposes of this subsection, the term 'consolidation' means any agreement, arrangement, or the other procedure which results in—

"(i) the commingling of funds derived from one appropriation with those derived from another appropriation,

"(ii) the transfer of funds derived from an appropriation to the use of an activity not authorized by the law authorizing such appropriation,

"(iii) the use of practices or procedures which have the effect of requiring, or providing for, the approval of an application for funds derived from different appropriations according to any criteria other than those for which provision is made (either expressly or implicitly) in the law which authorizes the appropriation of such funds, or in this title, or

"(iv) as a matter of policy the making of a grant or contract involving the use of funds derived from one appropriation dependent upon the receipt of a grant or contract involving the use of funds derived from another appropriation.

"(2)(A) No requirement or condition imposed by a law authorizing appropriations for carrying out any applicable program, or controlling the administration thereof, shall be waived or modified, unless such a waiver or modification is expressly authorized by such law or by a provision of this title or by a law expressly limiting the applicability of this paragraph.

"(B) There shall be no limitation on the use of funds appropriated to carry out any applicable program other than limitations imposed by the law authorizing the appropriation or a law controlling the administration of such program; nor shall any funds appropriated to carry out an applicable program be allotted, apportioned, allocated, or otherwise distributed in any manner or by any method different from that specified in the law authorizing the appropriation.

"(3) No person holding office in the executive branch of the Government shall exercise any authority which would authorize or effect any activity prohibited by paragraph (1) or (2).

"(4) The transfer of any responsibility, authority, power, duty, or obligation subject to this title, from the Commissioner to any other officer in the executive branch of the Government, shall not affect the applicability of this title with respect to any applicable program.".

(b) The heading of such section 421 is amended to read as follows:

"ADMINISTRATION OF EDUCATION PROGRAMS"

(c) The provisions of section 421(c) of the General Education Provisions Act shall be effective upon the date of enactment of this Act. No provision of any law which is inconsistent with such section 421(c) shall be effective nor shall any such provision control to the extent of such inconsistency, unless such a law is enacted after the date of enactment of this Act.

AMENDMENTS TO THE COOPERATIVE RESEARCH ACT

SEC. 303. (a) Effective July 1, 1972, the Cooperative Research Act is amended—

(1) in section 2 by striking out paragraph (3) of subsection (a) and subsections (b) and (c) and by amending paragraph (1) of subsection (a) to read as follows:

"SEC. 2. (a)(1). In order to assist the Commissioner in carrying out the purpose and duties of the Office of Education, the Commissioner is authorized, during the period beginning July 1, 1972, and ending June 30, 1976, to make grants to, and contracts with, public and private institutions, agencies, and organizations for the dissemination of information, for surveys, for exemplary projects in the field of education, and for the conduct of studies related to the management of the Office of Education, except that no such grant may be made to a private agency, organization, or institution other than a nonprofit one."; and

(2) by striking out section 3 of such Act and inserting in lieu thereof the following:

"SEC. 3. There are authorized to be appropriated for purposes of section 2, $58,000,000 for the fiscal year ending June 30, 1973, $68,000,000 for the fiscal year ending June 30, 1974, and $78,000,000 for the fiscal year ending June 30, 1975.".

(b) Nothing contained in the amendments made by subsection (a) shall be construed to grant the Commissioner of Education any authority which he did not have under the Cooperative Research Act prior to July 1, 1972.

EVALUATION

SEC. 304. Part B of the General Education Provision Act is amended by adding at the end thereof the following new section:

"EVALUATIONS BY THE COMPTROLLER GENERAL

"SEC. 417. (a) The Comptroller General of the United States shall review, audit, and evaluate any Federal education program upon request by a committee of the Congress having jurisdiction of the statute authorizing such program or, to the extent personnel are available, upon request by a member of such committee. Upon such request, he shall (1) conduct studies of statutes and regulations governing such program; (2) review the policies and practices of Federal agencies administering such program; (3) review the evaluation procedures adopted by such agencies carrying out such program; and (4) evaluate particular projects or programs. The Comptroller General shall compile such data as are necessary to carry out the preceding functions and shall report to the Congress at such times as he deems appropriate his findings with respect to such program and his recommendations for such modifications in existing laws, regulations procedures and practices as will in his judgment best serve to carry out effectively and without duplication the policies set forth in education legislation relative to such program.

"(b) In carrying out his responsibilities as provided in subsection (a), the Comptroller General shall give particular attention to the practice of Federal agencies of contracting with private firms, organizations and individuals for the provision of a wide range of studies and services (such as personnel recruitment and training, program evaluation, and program administration) with respect to Federal education programs, and shall report to the heads of the agencies concerned and to the Congress his findings with respect to the necessity for such contracts and their effectiveness in serving the objectives established in education legislation.

"(c) In addition to the sums authorized to be appropriated under section 400(c), there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.".

TITLE IV—INDIAN EDUCATION

SHORT TITLE

SEC. 401. This title may be cited as the "Indian Education Act."

PART A—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

AMENDMENTS TO PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

SEC. 411. (a) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by redesignating title III as title IV, by redesignating sections 301 through 303 and references thereto as sections 401 through 403, respectively, and by adding after title II the following new title:

"TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Indian Elementary and Secondary School Assistance Act'.

"DECLARATION OF POLICY

"SEC. 302. (a) In recognition of the special educational needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational needs.

"(b) The Commissioner shall, in order to effectuate the policy set forth in subsection (a), carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted and had approved applications thereof in accordance with the provisions of this title.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 303. (a) (1) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to July 1, 1975, the Commissioner shall determine the number of Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

"(2) (A) The amount of the grant to which a local educational agency is entitled under this title for any fiscal year shall be an amount equal to (i) the average per pupil expenditure for such agency (as determined under subparagraph (C) multiplied by (ii) the sum of the number of children determined under paragraph (1).

"(B) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year unless the number of children under this subsection, with respect to such agency, is at least ten or constitutes at least 50 per centum of its total enrollment. The requirements of this subparagraph shall not apply to any such agencies serving Indian children in Alaska, California, and Oklahoma or located on, or in proximity to, an Indian reservation.

"(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily enrollment for whom such agencies provided free public education during such preceding fiscal year.

"(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 5 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

"USES OF FEDERAL FUNDS

"SEC. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

"(1) planning for and taking other steps leading to the development of programs specifically designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

"(2) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, specially designed to meet the special educational needs of Indian children.

"APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 305. (a) A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

"(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

"(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure porper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

"(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served, and for keeping such record and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

"(B) has been developed—

"(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

"(ii) with the participation and approval of a committee composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students of which at least half the members shall be such parents;

"(C) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated and evaluated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2) (B) (ii).

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"PAYMENTS

"SEC. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended by such agency in carrying out activities under such application.

"(b) (1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"SEC. 307. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.".

(b)(1) The third sentence of section 103(a)(1)(A) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows: "In addition, he shall allot from such amount to the Secretary of the Interior—

"(i) the amount necessary to make payments pursuant to subparagraph (B); and

"(ii) in the case of fiscal years ending prior to July 1, 1973, the amount necessary to make payments pursuant to subparagraph (C).".

(2)(A) Section 103(a)(1) of such title I is amended by adding at the end thereof the following new subparagraph:

"(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of Interior which meet the applicable requirements of section 141(a) and that the Department of the Interior will comply in all other aspects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 141(a) and 142(a)(3).".

(B) The fourth sentence of section 103(a)(1)(A) of such title I is amended by striking out "and the terms upon which payment shall be made to the Department of the Interior.".

(3) The amendments made by this subsection shall be effective on and after July 1, 1972.

(c)(1) Subsection (a) of section 5 of Public Law 874, 81st Congress, as amended, is amended by inserting "(1)" after "(a)" and by inserting at the end thereof the following new paragraph (2):

"(2)(A) Applications for payment on the basis of children determined under section 3(a) or 3(b) who reside, or reside with a parent employed, on Indian lands shall set forth adequate assurance that Indian children will participate on an equitable basis in the school program of the local educational agency.

"B) For the purposes of this paragraph, Indian lands means that property included within the definition of Federal property under clause (A) of section 403(1)."

(2)(A) The Commissioner shall exercise his authority under section 425 of the General Education Provisions Act, to encourage local parental participation with respect to financial assistance under title I of Public Law 874, 81st Congress, based upon children who reside on, or reside with a parent employed on, Indian lands.

(B) For the purposes of this paragraph, the term "Indian lands" means that property included within the definition of Federal property under clause (A) of section 403(1) of Public Law 874, 81st Congress.

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 421. (a) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 810. (a) The Commissioner shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

In the case of activities of the type described in clause (3) preference shall be given to the training of Indians.

"(b) The Commissioner is authorized to make grants to State and local educational agencies, federally supported elementary and secondary schools for Indian children and to Indian tribes, organizations, and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for Indian children. Grants may be used—

"(1) to provide educational services not available to such children in sufficient quantity or quality, including—

"(A) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(B) comprehensive academic and vocational instruction;

"(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

"(D) comprehensive guidance, counseling, and testing services;

"(E) special education programs for handicapped;

"(F) preschool programs;

"(G) bilingual and bicultural education programs; and

"(H) other services which meet the purposes of this subsection; and

"(2) for the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(d) The Commissioner is also authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities.

Grants for the purposes of this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences. In carrying out the programs authorized by this subsection, preference shall be given to the training of Indians.

"(e) The Commissioner is also authorized to make grants to and contracts with, public agencies, and institutions and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

"(f) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought:

"(2) in the case of an application for the purposes of subsection (c), subject to such criteria as the Commissioner shall prescribe, provide for the use of funds available under this section, and for the coordination of other resources available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section;

"(3) in the case of an application for the purposes of subsection (c), make adequate provision for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (b) or (c) unless he is satisfied that such application, and any documents submitted with respect thereto, show that there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under this section, the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(g) For the purpose of making grants under this section there are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for each of the two succeeding fiscal years.".

(b)(1)(A) The third sentence of section 202(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(B) The third sentence of section 302(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(C) Clause (B) of section 612(a)(1) of Public Law 91-230 is amended by striking out "July 1, 1972," and inserting in lieu thereof "July 1, 1973,".

(2) For the purposes of titles II and III of the Elementary and Secondary Education Act of 1965 and part B of title VI of Public Law 91-230, the Secretary of the Interior shall have the same duties and responsibilities with respect to funds paid to him under such titles, as he would have if the Department of the Interior were a State educational agency having responsibility for the administration of a State plan under such titles.

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

AMENDMENT TO THE ADULT EDUCATION ACT

SEC. 431. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto, as sections 315 and 316, respectively, and by adding after section 313 the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS

"SEC. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies, and to Indian tribes, institutions and organizations, to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving emploment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public agencies, and institutions, and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for each of the two succeeding fiscal years.".

PART D—OFFICE OF INDIAN EDUCATION

OFFICE OF INDIAN EDUCATION

SEC. 441. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Office of Indian Education" which, under the direction of the Commissioner, shall have the responsibility for administering the provisions of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of title III of the Elementary and Secondary Education Amendments of 1966, as added by this Act. The Office shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the Commissioner of Education from a list of nominees submitted to him by the National Advisory Council on Indian Education.

(b) The Deputy Commissioner of Indian Education shall be compensated at the rate prescribed for, and shall be placed in, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall perform such duties as are delegated or assigned to him by the Commissioner. The position created by this subsection shall be in addition to the number of positions placed in grade 18 of such General Schedule under section 5108 of title 5, United States Code.

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

SEC. 442. (a) There is hereby established the National Advisory Council on Indian Education (referred to in this title as the "National Council"), which shall consist of fifteen members who are Indians and Alaska Natives appointed by the President of the United States. Such appointments shall be made by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and shall represent diverse geographic areas of the country.

(b) The National Council shall—

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810, title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and with respect to adequate funding thereof;

(2) review applications for assistance under title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of the Adult Education Act, as added by this Act, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate program and projects carried out under any program of the Department of Health Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress); and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

(c) With respect to functions of the National Council stated in clauses (2), (3), and (4) of subsection (b), the National Council is authorized to contract with any public or private nonprofit agency, institution, or organization for assistance in carrying out such functions.

(d) From the sums appropriated pursuant to section 400(c) of the General Education Provisions Act which are available for the purposes of section 411 of such Act and for part D of such Act, the Commissioner shall make available such sums as may be necessary to enable the National Council to carry out its functions under this section.

PART E—MISCELLANEOUS PROVISIONS

AMENDMENT TO TITLE V OF HIGHER EDUCATION ACT OF 1965

SEC. 451. (a) Section 503(a) of the Higher Education Act of 1965 is amended by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians,".

(b) Part D of title V of the Higher Education Act of 1965 is amended by adding after section 531 the following new section:

"TEACHERS FOR INDIAN CHILDREN

"SEC. 532. Of the sums made available for the purposes of this part, not less than 5 per centum shall be used for grants to, and contracts with, institutions of higher education and other public and private nonprofit agencies and organizations for the purpose of preparing persons to serve as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior, including public and private schools operated by Indian tribes and by nonprofit institutions and organizations of Indian tribes. In carrying out the provisions of this section preference shall be given to the training of Indians.".

AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 452. Section 706(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"SEC. 706. (a) For the purpose of carrying out programs pursuant to this title for individuals on or from reservations serviced by elementary and secondary schools operated on or near such reservations for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency, as such term is used in this title.".

DEFINITION

SEC. 453. For the purposes of this title, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian".

TITLE V—MISCELLANEOUS

ADMINISTRATION OF PROGRAMS AND PROJECTS

SEC. 501. Section 434 of the General Education Provisions Act is amended by—

(1) amending the caption head thereof to read "ADMINISTRATION OF EDUCATION PROGRAMS AND PROJECTS";

(2) striking out "(a)" after "SEC. 434." and inserting in lieu thereof "(a)(1)" and striking out "(b)" and inserting in lieu thereof "(2)";

(3) adding at the end thereof the following new subsection;

"(b) Each application for assistance under any applicable program, with respect to which the Commissioner determines that this subsection should apply, whether such application is approved by the Commissioner or by an agency administering a State plan approved by him and each State plan submitted to the Commissioner under any applicable program shall, as a precondition for approval—

"(1) provide for such methods of administration as are necessary for the proper and efficient administration of the program or project for which application is made;

"(2) make provision for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under the application; and

"(3) provide for making such reports as the Commissioner may require to carry out his functions.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS OF TITLE III OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

SEC. 502. (a) The sentence of section 301 of the National Defense Education Act of 1958 is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1975".

(b) The second sentence of such section 301 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1975".

STUDY AND REPORT ON RULES AND REGULATIONS

SEC. 503. (a) The Commissioner shall conduct a study of all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary of Health, Education, and Welfare (or any of their delegates) in connection with, or affecting, the administration of any program to which the General Education Provisions Act applies, which have been issued after June 30, 1965. Such study shall include a review of each such rule, regulation, guideline, interpretation, or order as it relates to the statutory or other legal authority upon which it is based, and to committee reports relating to such statutory authority.

(b) No later than one year after the enactment of this Act, the Commissioner shall submit a report on the study conducted pursuant to subsection (a) to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives which report shall include the specific legal authority of each section, or other division, of each rule, regulation, guideline, interpretation, or other order to which this section applies.

(c) Not later than sixty days after the date of submission of the report required by subsection (b) of this section, all rules, regulations, guidelines, interpretations, or other orders to which this section applies shall be published in the Federal Register. During the sixty-day period following such publication, the Commissioner shall provide interested parties an opportunity for a public hearing on the matters so published.

(d) After a study of comments and recommendations offered to the Commissioner during the sixty-day period specified in subsection (c), he shall submit a report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives on such comments and recommendations, and any action he has taken as a result thereof, and he shall, not later than sixty days after the period specified in subsection (c), republish all rules, regulations, guidelines, interpretations and orders in the Federal Register, which shall supersede all preceding rules, regulations, guidelines, interpretations and orders issued in connection with, or affecting, any program to which the General Education Provisions Act applies, and become effective thirty days after such republication.

ETHNIC HERITAGE STUDIES PROGRAM

SEC. 504. (a) The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IX—ETHNIC HERITAGE PROGRAM

"STATEMENT OF POLICY

"SEC. 901. In recognition of the heterogeneous composition of the nation and of the fact that in a multiethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace, and in recognition of the principle that all persons in the educational institutions of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group, it is the purpose of this title to provide assistance designed to afford to students opportunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of the other ethnic groups of the Nation.

"ETHNIC HERITAGE STUDIES PROGRAMS

"SEC. 902. The Commissioner is authorized to make grants to, and contracts with, public and private nonprofit educational agencies, institutions, and organizations to assist them in planning, developing, establishing, and operating ethnic heritage studies programs, as provided in this title.

"AUTHORIZED ACTIVITIES

"SEC. 903. Each program assisted under this title shall—

"(1) develop curriculum materials for use in elementary and secondary schools and institutions of higher education relating to the history, geography, society, economy, literature, art, music, drama, language, and general culture of the group or groups with which the program is concerned, and the contributions of that ethnic group or groups to the American heritage;

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools and institutions of higher education throughout the Nation;

"(3) provide training for persons using, or preparing to use, curriculum materials developed under this title; and

"(4) cooperate with persons and organizations with a special interest in the ethnic group or groups with which the program is concerned to assist them in promoting, encouraging, developing, or producing programs or other activities which relate to the history, culture, or traditions of that ethnic group or groups.

"APPLICATIONS

"SEC 904. (a) Any public or private nonprofit agency, institution, or organization desiring assistance under this title shall make application therefor in accordance with the provisions of this title and other applicable law and with regulations of the Commissioner promulgated for the purposes of this title. The Commissioner shall approve an application under this title only if he determines that—

"(1) the program for which the application seeks assistance will be operated by the applicant and that the applicant will carry out such program in accordance with this title;

"(2) such program will involve the activities described in section 903; and

"(3) such program has been planned, and will be carried out, in consultation with an advisory council which is representative of the ethnic group or groups with which the program is concerned and which is appointed in a manner prescribed by regulation.

"(b) In approving applications under this title, the Commissioner shall insure that there is cooperation and coordination of efforts among the programs assisted under this title, including the exchange of materials and information and joint programs where appropriate.

"ADMINISTRATIVE PROVISIONS

"SEC. 905. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of institutions of higher education, (2) the special knowledge of ethnic groups in local communities and of foreign students pursuing their education in this country, (3) the expertise of teachers in elementary and secondary schools and institutions of higher education, and (4) the talents and experience of any other groups such as foundations, civic groups, and fraternal organizations which would further the goals of the programs.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of establishing and carrying out the programs, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Commissioner) to individuals receiving training as part of such programs, including allowances for dependents.

"NATIONAL ADVISORY COUNCIL

"SEC. 906. (a) There is hereby established a National Advisory Council on Ethnic Heritage Studies consisting of fifteen members appointed by the Secretary who shall be appointed, serve, and be compensated as provided in part D of the General Education Provisions Act.

"(b) Such Council shall, with respect to the program authorized by this title, carry out the duties and functions specified in part D of the General Education Provisions Act.

"APPROPRIATIONS AUTHORIZED

"SEC. 907. For the purpose of carrying out this title, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973. Sums appropriated pursuant to this section shall, notwithstanding any other provision of law unless enacted in express limitation of this sentence, remain available for expenditure and obligation until the end of the fiscal year succeeding the fiscal year for which they were appropriated.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1972.

CONSUMERS' EDUCATION

SEC. 505. (a) (1) The Congress of the United States finds that there do not exist adequate resources for educating and informing consumers about their role as participants in the marketplace.

(2) It is the purpose of the amendment made by this section to encourage and support the development of new improved curricula to prepare consumers for participation in the marketplace to demonstrate the use of such curriculums in model educational programs and to evaluate the effectiveness thereof; to provide support for the initiation and maintenance of programs in consumer education at the elementary and secondary and higher education levels; to disseminate curricular materials and other information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, and community and labor leaders and employees, and government employees at State, Federal, and local levels; to provide for Community Consumer education programs; and to provide for the preparation and distribution of materials by mass media in dealing with consumer education.

(3) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"CONSUMERS' EDUCATION PROGRAMS

"SEC. 811. (a) There shall be within the Office of Education, a Director of Consumers' Education (hereafter in this section referred to as the 'Director') who, subject to the management of the Commissioner, shall have primary responsibility for carrying out the provisions of this section.

"(b) (1) (A) The Director shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private agencies, organizations, and institutions (including libraries) to support research, demonstration, and pilot projects designed to provide consumer education to the public except that no grant may be made other than to a nonprofit agency, organization, or institution.

"(B) Funds appropriated for grants and contracts under this section shall be available for such activities as—

"(i) the development of curricula (including interdisciplinary curricula) in consumer education;

"(ii) dissemination of information relating to such curricula;

"(iii) in the case of grants to State and local educational agencies and institutions of higher education, for the support of education programs at the elementary and secondary and higher education levels; and

"(iv) preservice and inservice training programs and projects (including fellowship programs, institutes, workshops, symposiums, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with consumer education.

In addition to the activities specified in the first sentence of this paragraph, such funds may be used for projects designed to demonstrate, test, and evaluate the effectiveness of any such activities, whether or not assisted under this section. Activities pursuant to this section shall provide bilingual assistance when appropriate.

"(C) Financial assistance under this subsection may be made available only upon application to the Director. Applications under this subsection shall be submitted at such time, in such form, and containing such information as the Director shall prescribe by regulation and shall be approved only if it—

"(i) provides that the activities and service for which assistance is sought will be administered by, or under the supervision of, the applicant;

"(ii) describe a program for carrying out one or more of the purposes set forth in the first sentence of paragraph (2) which holds promise of making a substantial contribution toward attaining the purposes of this section;

"(iii) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application;

"(iv) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in this section, and in no case supplant such funds;

"(v) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of an accounting for Federal funds paid to the applicant under this section; and

"(vi) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

Applications from local educational agencies for financial assistance under this section may be approved by the Director only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

"(2) Federal assistance to any program or project under this subsection, other than those involving curriculum development, dissemination of curricular materials, and evaluation, shall support up to 100 per centum of the cost of such program including costs of administration; contributions in kind are acceptable as local contributions to program costs.

"(c) Each recipient of Federal funds under this section shall make such reports and evaluations as the Commissioner shall prescribe by regulation.

"(d) There is authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $35,000,000 for the year ending June 30, 1975, for carrying out the purposes of this section.".

(b) The amendment made by this section shall be effective after June 30, 1972.

LAND-GRANT STATUS FOR THE COLLEGE OF THE VIRGIN ISLANDS AND THE UNIVERSITY OF GUAM

SEC. 506. (a) The College of the Virgin Islands and the University of Guam shall be considered land-grant colleges established for the benefit of agriculture and mechanic arts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C. 301–305, 307, 308).

(b) In lieu of extending to the Virgin Islands and Guam those provisions of the Act of July 2, 1862, as amended, relating to donations of public land or land scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated $3,000,000 to the Virgin Islands and $3,000,000 to Guam. Amounts appropriated pursuant to this section shall be held and considered to have been granted to the Virgin Islands and Guam subject to the provisions of that Act applicable to the proceeds from the sale of land or land scrip.

(c) The Act of August 30, 1890 (26 Stat. 417; 7 U.S.C. 3–22–326) is amended by adding at the end thereof the following new section:

"SEC. 5. There is authorized to be appropriated annually for payment to the Virgin Islands and Guam the amount they would receive under this Act if they were States. Sums appropriated under this section shall be treated in the same manner and be subject to the same provisions of law, as would be the case if they had been appropriated by the first sentence of this Act.".

(d) Section 22 of the Act of June 29, 1935, as amended (49 Stat. 439; 7 U.S.C. 329), is further amended—

(1) by striking out "and Puerto Rico" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking out "$7,800,000" and inserting in lieu thereof the figure "$8,100,000"; and

(3) by striking out "$4,320,000". and inserting in lieu thereof the figure "$4,360,000".

(e) The Act of March 4, 1940 (54 Stat. 39; 7 U.S.C. 331) is amended—

(1) by striking out "and Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking out "or Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, or Guam"; and

(3) by striking out "State" wherever it appears in the third proviso of that Act and inserting in lieu thereof the following: "State, Puerto Rico, the Virgin Islands, or Guam".

(f) Section 207 of the Agricultural Marketing Act of 1946 (60 Stat. 1091; 7 U.S.C. 1626), is amended by striking out the period at the end of the section and inserting in lieu thereof the following: ", and the term 'State' when used in this chapter shall include the Virgin Islands and Guam.".

(g) Section 3 of the Act of May 8, 1914, as amended (38 Stat. 373; 7 U.S.C. 343), is further amended by inserting "(1)" immediately after the designation of subsection (b) thereof and by adding at the end of subsection (b) thereof a new paragraph (2) as follows;

"(2) There is authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.".

(h) Section 10 of the Act of May 8, 1914, is amended by striking out "and Puerto Rico" and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam".

(i) Section 4 of the Act of October 10, 1962 (76 Stat. 806; 16 U.S.C. 582a–3), is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof the following: ", except that for the fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement hereof shall not be applicable to the Virgin Islands and Guam, and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research.".

(j) Section 8 of the Act of October 10, 1962 (76 Stat. 807; 16 U.S.C. 582a–7), is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", the Virgin Islands, and Guam.".

(k) Section 1 of the Act of August 11, 1955 (7 U.S.C. 361a–361i), is amended by striking out the period at the end of the second sentence and inserting in lieu thereof the following: "Guam and the Virgin Islands," and striking out "and" between the words "Hawaii and Puerto Rico.".

(l) Section 3 of the Act of August 11, 1955 (7 U.S.C. 361a–361i) is amended by redesignating subsection (b) as paragraph (1) of subsection (b), and adding a new paragraph (2) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.".

(m) With respect to the Virgin Islands and Guam, the enactment of this section shall be deemed to satisfy any requirement of State consent contained in laws or provisions of law referred to in this section.

(n) The amendments made by this section shall be effective after June 30, 1970.

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 WITH RESPECT TO MIGRATORY CHILDREN OF MIGRATORY AGRICULTURAL WORKERS

SEC. 507. (a) Section 141(c)(1) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out the word "and" at the end of clause (B) of such section, by redesignating clause (C) of such section as clause (D), and by inserting immediately after clause (B) the following new clause (C):

"(C) that, effective after June 30, 1972, in planning and carrying out programs and projects, there has been adequate assurance that provision will be made for the preschool education needs of migratory children of migratory agricultural workers, whenever such agency determines that compliance with this clause will not detract from the operation of programs and projects described in clause (A) of this paragraph after considering the funds available for this purpose; and".

(b) Section 141(c)(3) of such title I is amended by adding at the end thereof the following new sentence: "Such children who are presently migrant, as determined pursuant to regulations of the Commissioner, shall be given priority in the consideration of programs and activities contained in applications submitted under this subsection.".

(c)(1) The Commissioner shall conduct a study of the operation of title I of the Elementary and Secondary Education Act of 1965 as such title affects the education of migratory children of migratory agricultural workers. Such study shall include an evaluation of the specific programs and projects assisted under such title I for such children, with a view toward the assessment of the effectiveness, and shall include a review of the administration of such programs and projects by the States.

(2) Not later than December 31, 1973, the Commissioner shall submit a report on the study required by paragraph (1), which report shall contain a statement with respect to the effectiveness of individual programs and projects assisted under such title I with respect to migrant children, an evaluation of State administration of such programs and projects, and make recommendations for the improvement of such programs and projects.

TECHNICAL AMENDMENT WITH RESPECT TO NEGLECTED OR DELINQUENT CHILDREN

SEC. 508. Section 103(a)(7) of title I of the Elementary and Secondary Education Act of 1965, is amended by striking out "for children in institutions for neglected or delinquent children" and inserting in lieu thereof the following: "for children in institutions for neglected or delinquent children or in adult correctional institutions, if such funds are used solely for children".

CONFORMING AMENDMENTS WITH RESPECT TO OCCUPATIONAL EDUCATION

SEC. 509. (a)(1) Section 203(a)(3) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" at the end of clause (B), striking out the semicolon at the end of clause (C) and inserting in lieu thereof ", and", and by inserting a new clause as follows:

"(D) provide assurance that equal consideration shall be given to the needs of elementary and secondary schools for library resources, textbooks, and other printed and published materials utilized for instruction, orientation, or guidance and counseling in occupational education."

(2) Section 303(b)(3) of such Act is amended by redesignating clauses (C), (D), (E), (F), (G), (H), (I), and (J), respectively, as clauses (D), (E), (F), (G), (H), (I), (J), and (K), and by inserting a new clause as follows:

"(C) programs designed to encourage the development in elementary and secondary schools of occupational information and counseling and guidance, and instruction in occupational education on an equal footing with traditional academic education;".

(3) Section 503(4) of such Act is amended by redesignating clauses (A), (B), and (C), respectively, as clauses (B), (C), and (D), and by inserting a new clause as follows:

"(A) the development in elementary and secondary schools of programs of occupational information, counseling and guidance and instruction in occupational education on an equal footing with traditional academic education.".

(b)(1) Section 104(a)(2) of the Vocational Education Act of 1963 (relating to the duties of the National Advisory Council on Vocational Education) is amended by inserting after "under this title" each time it appears ", and under part B of title 8 of the Higher Education Act of 1965,".

(2) Section 104 of such Act is further amended by redesignating subsection (c) as subsection (d) and by inserting a new subsection as follows:

"(c) State advisory councils also shall perform with respect to the programs carried out under part B of title X of the Higher Education Act of 1965 functions identical with or analogous to those assigned under this title, and the Commissioner shall assure that adequate funds are made available to such Councils from funds appropriated to carry out part B of that title (without regard to whether such funds have been allotted to States) to enable them to perform such functions.".

POLICY STATEMENT CONCERNING STUDENTS ON BOARDS OF TRUSTEES

SEC. 510. It is the sense of the Congress that the governing boards of institutions of higher education should give consideration to student participation on such boards.

TITLE VI—INVESTIGATION OF YOUTH CAMP SAFETY

SEC. 601. The Secretary of Health, Education, and Welfare shall make a full and complete investigation and study to determine (1) the extent of preventable accidents and illnesses currently occurring in youth camps throughout the Nation, (2) the contribution to youth camp safety now being made by State and local public agencies and private groups, (3) whether existing State and local laws adequately deal with the safety of campers in youth camps, (4) whether existing State and local laws relating to youth camp safety are being effectively enforced, and (5) the need for Federal laws in this field.

REPORT

SEC. 602. The Secretary of Health, Education, and Welfare shall make a report to the Congress before March 1, 1973, on the results of his investigation and study under this title. Such report shall include his recommendations for such legislation as may be necessary or desirable.

AUTHORIZATION OF FUNDS

SEC. 603. There is authorized to be appropriated $300,000 for carrying out the purposes of this title.

TITLE VII—EMERGENCY SCHOOL AID

SHORT TITLE

SEC. 701. This title may be cited as the "Emergency School Aid Act".

FINDING AND PURPOSE

SEC. 702. (a) The Congress finds that the process of eliminating or preventing minority group isolation and improving the quality of education for all children often involves the expenditure of additional funds to which local educational agencies do not have access.

(b) The purpose of this title is to provide financial assistance—

(1) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

(2) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students;

(3) to aid school children in overcoming the educational disadvantages of minority group isolation.

POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

SEC. 703. (a) It is the policy of the United States that guidelines and criteria established pursuant to this title shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

(b) It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

APPROPRIATIONS

SEC. 704. (a) The Assistant Secretary shall, in accordance with the provisions of this title, carry out a program designed to achieve the purpose set forth in section 702(b). There are authorized to be appropriated for the purpose of carrying out this title, $1,000,000,000 for the fiscal year ending June 30, 1973, and $1,000,000,000 for the fiscal year ending June 30, 1974. Funds so appropriated shall remain available for obligation and expenditure during the fiscal year succeeding the fiscal year for which they are appropriated.

(b)(1) From the sums appropriated pursuant to subsection (a) for any fiscal year, the Assistant Secretary shall reserve an amount equal to 5 per centum thereof for the purposes of section 709.

(2) From the sums appropriated pursuant to subsection (a) for any fiscal year, the Assistant Secretary shall reserve an amount equal to 13 per centum thereof for the purposes of sections 708 (a) and (c), 711, and 713, of which—

(A) not less than an amount equal to 4 per centum of such sums shall be for the purposes of section 708(c); and

(B) not less than an amount equal to 3 per centum of such sums shall be for the purposes of section 711.

APPORTIONMENT AMONG STATES

SEC. 705. (a)(1) From the sums appropriated pursuant to section 704(a) which are not reserved under section 704(b) for any fiscal year, the Assistant Secretary shall apportion to each State for grants and contracts within that State $75,000 plus an amount which bears the same ratio to such sums as to the number of minority group children aged 5–17, inclusive, in that State bears to the number of such children in all States except that the amount apportioned to any State shall not be less than $100,000. The number of such children in each State and in all of the States shall be determined by the Assistant Secretary on the basis of the most recent available data satisfactory to him.

(2) The Assistant Secretary shall, in accordance with criteria established by regulation, reserve not in excess of 15 per centum of the sums appropriated pursuant to subsection 704(a) for grants to, and contracts with, local educational agencies in each State pursuant to section 706(b) to be apportioned to each State in accordance with paragraph (1) of this subsection.

(3) The Assistant Secretary shall reserve 8 per centum of the sums appropriated pursuant to subsection 704(a) for the purpose of section 708(b) to be apportioned to each State in accordance with paragraph (1) of this subsection.

(b)(1) The amount by which any apportionment to a State for a fiscal year under subsection (a) exceeds the amount which the Assistant Secretary determines will be required for such fiscal year for programs or projects within such State shall be available for reapportionment to other States in proportion to the original apportionments to such States under subsection (a) for that year, but with such proportionate amount for any such State being reduced to the extent it exceeds the sum the Assistant Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amounts reapportioned to a State under this subsection during a fiscal year shall be deemed part of its apportionment under subsection (a) for such year.

(2) In order to afford ample opportunity for all eligible applicants in a State to submit applications for assistance under this title, the Assistant Secretary shall not fix a date for reapportionment, pursuant to this subsection, of any portion of any apportionment to a State for a fiscal year which date is earlier than sixty days prior to the end of such fiscal year.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, no portion of any apportionment to a State for a fiscal year shall be available for reapportionment pursuant to this subsection unless the Assistant Secretary determines that the applications for assistance under this title which have been filed by eligible applicants in that State for which a portion of such apportionment has not been reserved (but which would necessitate use of that portion) are applications which do not meet the requirements of this title, as set forth in sections 706, 707, and 710, or which set forth programs or projects of such insufficient promise for achieving the purpose of this title stated in section 702(b) that their approval is not warranted.

ELIGIBILITY FOR ASSISTANCE

SEC. 706. (a)(1) The Assistant Secretary is authorized to make a grant to, or a contract with, a local educational agency—

(A) which is implementing a plan—

(i) which has been undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of minority group isolation in such schools; or

(ii) which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools; or

(B) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan for the complete elimination of minority group isolation in all the minority group isolated schools of such agency; or

(C) which has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement, a plan—

(i) to eliminate or reduce minority group isolation in one or more of the minority group isolated schools of such agency,

(ii) to reduce the total number of minority group children who are in minority group isolated schools of such agency, or

(iii) to prevent minority group isolation reasonably likely to occur (in the absence of assistance under this title) in any school in such district in which school at least 20 per centum, but not more than 50 per centum, of the enrollment consists of such children, or

(D) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement a plan to enroll and educate in the schools of such agency children who would not otherwise be eligible for enrollment because of nonresidence in the school district of such agency, where such enrollment would make a significant contribution toward reducing minority group isolation in one or more of the school districts to which such plan relates.

(2)(A) The Assistant Secretary is authorized, in accordance with special eligibility criteria established by regulation for the purposes of this paragraph, to make grants to, and contracts with, local educational agencies for the purposes of section 709(a)(1).

(B) A local educational agency shall be eligible for assistance under this paragraph only if—

(i) such agency is located within, or adjacent to, a Standard Metropolitan Statistical Area;

(ii) the schools of such agency are not attended by minority group children in a significant number of proportion; and

(iii) such local educational agency has made joint arrangements with a local educational agency, located within that Standard Metropolitan Statistical Area, and the schools of which are attended by minority group children in a significant proportion, for the establishment or maintenance of one or more integrated schools as provided in section 720(6).

(3) Upon a determination by the Assistant Secretary—

(i) that more than 50 per centum of the number of children in attendance at the schools of a local educational agency is minority group children; and

(ii) that such local educational agency has applied for and will receive at least an equal amount of assistance under subsection (b); the Assistant Secretary is authorized to make a grant to, or contract with, such local educational agency for the establishment or maintenance of one or more integrated schools as defined in section 720(7).

(b) The Assistant Secretary is authorized to make grants to, or contracts with, local educational agencies, which are eligible under subsection (a), for unusually promising pilot programs or projects designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools, if he determines that the local educational agency had a number of minority group children enrolled in its schools, for the fiscal year preceding the fiscal year for which assistance is to be provided, which (1) is at least 15,000, or (2) constitutes more than 50 per centum of the total number of children enrolled in such schools.

(c) No local educational agency making application under this section shall be eligible to receive a grant or contract in an amount in excess of the amount determined by the Assistant Secretary, in accordance with regulations setting forth criteria established for such purpose, to be the additional cost to the applicant arising out of activities authorized under this title, above that of the activities normally carried out by the local educational agency.

(d)(1) No educational agency shall be eligible for assistance under this title if it has, after the date of enactment of this title—

(A) transferred (directly or indirectly by gift, lease, loan, sale, or other means) real or personal property to, or made any services available to, any transferee which it knew or reasonably should have known to be a nonpublic school or school system (or any organization controlling, or intending to establish, such a school or school system) without prior determination that such nonpublic school or school system (i) is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools, and (ii) does not otherwise practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in the operation of any school activity;

(B) had in effect any practice, policy, or procedure which results in the disproportionate demotion or dismissal of instructional or other personnel from minority groups in conjunction with desegregation or the implementation of any plan or the conduct of any activity described in this section, or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency (or other personnel for whom the agency has any administrative responsibility);

(C) in conjunction with desegregation or the conduct of an activity described in this section, had in effect any procedure for the assignment of children to or within classes which results in the separation of minority group from nonminority group children for a substantial portion of the school day, except that this clause does not prohibit the use of bona fide ability grouping by a local educational agency as a standard pedagogical practice; or

(D) had in effect any other practice, policy, or procedure, such as limiting curricular or extracurricular activities (or participation therein by children) in order to avoid the participation of minority group children in such activities, which discriminates among children on the basis of race, color, or national origin;

except that, in the case of any local educational agency which is ineligible for assistance by reason of clause (A), (B), (C), or (D), such agency may make application for a waiver of ineligibility, which application shall specify the reason for its ineligibility, contain such information and assurances as the Secretary shall require by regulation in order to insure that any practice, policy, or procedure, or other activity resulting in the ineligibility has ceased to exist or occur and include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application.

(2) Applications for waivers under paragraph (1) may be approved only by the Secretary. The Secretary's functions under this paragraph shall, notwithstanding any other provision of law, not be delegated.

(3) Applications for waiver shall be granted by the Secretary upon determination that any practice, policy, procedure or other activity resulting in ineligibility has ceased to exist, and that the applicant has given satisfactory assurance that the activities prohibited in this subsection will not reoccur.

(4) No application for assistance under this title shall be approved prior to a determination by the Secretary that the applicant is not ineligible by reason of this subsection.

(5) All determinations pursuant to this subsection shall be carried out in accordance with criteria and investigative procedures established by regulations of the Secretary for the purpose of compliance with this subsection.

(6) All determinations and waivers pursuant to this subsection shall be in writing. The Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives shall each be given notice of an intention to grant any waiver under this subsection, which notice shall be accompanied by a copy of the proposed waiver for which notice is given and copies of all determinations relating to such waiver. The Assistant Secretary shall not approve an application by a local educational agency which requires a waiver under this subsection prior to 15 days after receipt of the notice required by the preceding sentence by the chairman of the Committee on Labor and Public Welfare of the Senate and the chairman of the Committee on Education and Labor of the House of Representatives.

AUTHORIZED ACTIVITIES

SEC. 707. (a) Financial assistance under this title (except as provided by sections 708, 709, and 711) shall be available for programs and projects which would not otherwise be funded and which involve activities designed to carry out the purpose of this title stated in section 702(b):

(1) Remedial services, beyond those provided under the regular school program conducted by the local educational agency, including student to student tutoring, to meet the special needs of children (including gifted and talented children) in schools which are affected by a plan or activity described in section 706 or a program described in section 708, when such services are deemed necessary to the success of such plan, activity, or program.

(2) The provision of additional professional or other staff members (including staff members specially trained in problems incident to desegregation or the elimination, reduction, or prevention of minority group isolation, and the training and retraining of staff for such schools.

(3) Recruiting, hiring, and training of teacher aides, provided that in recruiting teacher aides, preference shall be given to parents of children attending schools assisted under this title.

(4) Inservice teacher training designed to enhance the success of schools assisted under this title through contracts with institutions of higher education, or other institutions, agencies, and organizations individually determined by the Assistant Secretary to have special competence for such purpose.

(5) Comprehensive guidance, counseling, and other personal services for such children.

(6) The development and use of new curricula and instructional methods, practices, and techniques (and the acquisition of instructional materials relating thereto) to support a program of instruction for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups.

(7) Educational programs using shared facilities for career education and other specialized activities.

(8) Innovative interracial educational programs or projects involving the joint participation of minority group children and other children attending different schools, including extracurricular activities and cooperative exchanges or other arrangements between schools within the same or different school districts.

(9) Community activities, including public information efforts, in support of a plan, program, project, or activity described in this title.

(10) Administrative and auxiliary services to facilitate the success of the program, project, or activity.

(11) Planning programs, projects, or activities under this title, the evaluation of such programs, projects, or activities, and dissemination of information with respect to such programs, projects, or activities.

(12) Repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of instructional equipment and the lease or purchase of mobile classroom units or other mobile education facilities.

In the case of programs, projects, or activities involving activities described in paragraph (12), the inclusion of such activities must be found to be a necessary component of, or necessary to facilitate, a program or project involving other activities described in this subsection or subsection (b), and in no case involve an expenditure in excess of 10 per centum of the amount made available to the applicant to carry out the program, project, or activity. The Assistant Secretary shall by regulation define the term "repair or minor remodeling or alteration".

(b) Sums reserved under section 705(a) (2) with respect to any State shall be available for grants to, and contracts with, local educational agencies in that State making application for assistance under section 706 (b) to carry out innovative pilot programs and projects which are specifically designed to assist in overcoming the adverse effects of minority group isolation, by improving the educational achievement of children in minority group isolated schools, including only the activities described in paragraphs (1) through (12) of subsection (a), as they may be used to accomplish such purpose.

SPECIAL PROGRAMS AND PROJECTS

SEC. 708. (a) (1) Amounts reserved by the Assistant Secretary pursuant to section 704 (b) (2), which are not designated for the purposes of clause (A) or (B) thereof, or for section 713 shall be available to him for grants and contracts under this subsection.

(2) The Assistant Secretary is authorized to make grants to, and contracts with, State and local educational agencies, and other public agencies and organizations (or a combination of such agencies and organizations) for the purpose of conducting special programs and projects carrying out activities otherwise authorized by this title, which the Assistant Secretary determines will make substantial progress toward achieving the purposes of this title.

(b) (1) From not more than one half of the sums reserved pursuant to section 705 (a) (3), the Assistant Secretary, in cases in which he finds that it would effectively carry out the purpose of this title stated in section 702(b), may assist by grant or contract any public or private nonprofit agency, institution, or organization (other than a local educational agency) to carry out programs or projects designed to support the development or implementation of a plan, program, or activity described in section 706(a).

(2) From the remainder of the sums reserved pursuant to section 705(a) (3), the Assistant Secretary is authorized to make grants to, and contracts with, public and private nonprofit agencies, institutions, and organizations (other than local educational agencies and nonpublic elementary and secondary schools) to carry out programs or projects designed to support the development or implementation of a plan, program, or activity described in section 706(a).

(c) (1) The Assistant Secretary shall carry out a program to meet the needs of minority group children who are from an environment in which a dominant language is other than English and who, because of language barriers and cultural differences, do not have equality of educational opportunity. From the amount reserved pursuant to section 704 (b) (2) (A), the Assistant Secretary is authorized to make grants to, and contracts with—

(A) private nonprofit agencies, institutions, and organizations to develop curricula, at the request of one or more educational agencies which are eligible for assistance under section 706, designed to meet the special educational needs of minority group children who are from environments in which a dominant language is other than English, for the development of reading, writing, and speaking skills, in the English language and in the language of their parents or grandparents, and to meet the educational needs of such children and their classmates to understand the history and cultural background of the minority groups of which such children are members;

(B) local educational agencies eligible for assistance under section 706 for the purpose of engaging in such activities; or

(C) local educational agencies which are eligible to receive assistance under section 706, for the purpose of carrying out activities authorized under section 707(a) of this title to implement curricula developed under clauses (A) and (B) or curricula otherwise developed which the Assistant Secretary determines meets the purposes stated in clause (A).

In making grants and contracts under this paragraph, the Assistant Secretary shall assure that sufficient funds from the amount reserved pursuant to section 704(b)(2)(A) remain available to provide for grants and contracts under clause (C) of this paragraph for implementation of such curricula as the Assistant Secretary determines meet the purposes stated in clause (A) of this paragraph. In making a grant or contract under clause (C) of this paragraph, the Assistant Secretary shall take whatever action is necessary to assure that the implementation plan includes provisions adequate to insure training of teachers and other ancillary educational personnel.

(2)(A) In order to be eligible for a grant or contract under this subsection—

(i) a local educational agency must establish a program or project committee meeting the requirements of subparagraph (B), which will fully participate in the preparation of the application under this subsection and in the implementation of the program or project and join in submitting such application; and

(ii) a private nonprofit agency, institution, or organization must (I) establish a program or project board of not less than ten members which meets the requirements of subparagraph (B) and which shall exercise policymaking authority with respect to the program or project and (II) have demonstrated to the Assistant Secretary that it has the capacity to obtain the services of adequately trained and qualified staff.

(B) A program or project committee or board, established pursuant to subparagraph (A) must be broadly representative of parents, school officials, teachers, and interested members of the community or communities to be served, not less than half of the members of which shall be parents and not less than half of the members of which shall be members of the minority group the educational needs of which the program or project is intended to meet.

(3) All programs or projects assisted under this subsection shall be specifically designed to complement any programs or projects carried out by the local educational agency under section 706. The Assistant Secretary shall insure that programs of Federal financial assistance related to the purposes of this subsection are coordinated and carried out in a manner consistent with the provisions of this subsection, to the extent consistent with other law.

METROPOLITAN AREA PROJECTS

SEC. 709. (a) Sums reserved pursuant to section 704(b)(1) shall be available for the following purposes:

(1) A program of grants to, and contracts with, local educational agencies which are eligible under section 706(a)(2) in order to assist them in establishing and maintaining integrated schools as defined in section 720 (6).

(2) A program of any grant to groups of local educational agencies located in a Standard Metropolitan Statistical Area for the joint development of a plan to reduce and eliminate minority group isolation, to the maximum extent possible, in the public elementary and secondary schools in the Standard Metropolitan Statistical Area, which shall, as a minimum, provide that by a date certain, but in no event later than July 1, 1983, the percentage of minority group children enrolled in each school in the Standard Metropolitan Statistical Area shall be at least 50 per centum of the percentage of minority group children enrolled in all the schools in the Standard Metropolitan Statistical Area. No grant may be made under this paragraph unless—

(A) two-thirds or more of the local educational agencies in the Standard Metropolitan Statistical Area have approved the application, and

(B) the number of students in the schools of the local educational agencies which have approved the application constitutes two-thirds or more of the number of students in the schools of all the local educational agencies in the Standard Metropolitan Statistical Area.

(3) A program of grants to local educational agencies to pay all or part of the cost of planning and constructing integrated education parks. For the purpose of this paragraph, the term "education park" means a school or cluster of such schools located on a common site, within a Standard Metropolitan Statistical Area, of sufficient size to achieve maximum economy of scale consistent with sound educational practice, providing secondary education, with an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, and which is representative of the minority group and nonminority group children in attendance at the schools of the local educational agencies in the Standard Metropolitan Statistical Area, or, if the applicant is a single local educational agency, representative of that of the local educational agency, and a faculty and administrative staff with substantial representation of minority group persons.

(b) In making grants and contracts under this section, the Assistant Secretary shall insure that at least one grant shall be for the purposes of paragraph (2) of subsection (a).

APPLICATIONS

SEC. 710. (a) Any local educational agency desiring to receive assistance under this title for any fiscal year shall submit to the Assistant Secretary an application therefor for that fiscal year at such time, in such form, and containing such information as the Assistant Secretary shall require by regulation. Such application, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Assistant Secretary. The Assistant Secretary may approve such an application only if he determines that such application—

(1) in the case of applications under section 706, sets forth a program under which, and such policies and procedures as will assure that, (A) the applicant will use the funds received under this title only for the activities set forth in section 707 and (B) in the case of an application under section 706(b), the applicant will initiate or expand an innovative program specifically designed to meet the educational needs of children attending one or more minority group isolated schools;

(2) has been developed—

(A) in open consultation with parents, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

(B) except in the case of applications under section 708(c), with the participation of a committee composed of parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, of which at least half the members shall be such parents, and at least half shall be persons from minority groups;

(3) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated in consultation with, and with the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2)(B);

(4) sets forth such policies and procedures, and contains such information, as will insure that funds paid to the applicant under the application will be used solely to pay the additional cost to the applicant in carrying out the plan, program, and activity described in the application;

(5) contains such assurances and other information as will insure that the program for which assistance is sought will be administered by the applicant, and that any funds received by the applicant, and any property derived therefrom, will remain under the administration and control of the applicant;

(6) sets forth assurances that the applicant is not reasonably able to provide, out of non-Federal sources, the assistance for which the application is made;

(7) provides that the plan with respect to which such agency is seeking assistance (as specified in section 706(a)(1)(A) does not involve freedom of choice as a means of desegregation, unless the Assistant Secretary determines that freedom of choice has achieved, or will achieve, the complete elimination of a dual school system in the school district of such agency;

(8) provides assurances that for each academic year for which assistance is made available to the applicant under this title such agency has taken or is in the process of taking all practicable steps to avail itself of all assistance for which it is eligible under any program administered by the Commissioner;

(9) provides assurances that such agency will carry out, and comply with, all provisions, terms, and conditions of any plan, program, or activity as described in section 706 or section 708(c) upon which a determination of its eligibility for assistance under this title is based;

(10) sets forth such policies and procedures, and contains such information, as will insure that funds made available to the applicant (A) under this title will be so used (i) as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources for the purposes of the program for which assistance is sought, and for promoting the integration of the schools of the applicant, and for the education of children participating in such program, and (ii) in no case, as to supplant such funds from non-Federal sources, and (B) under any other law of the United States will, in accordance with standards established by regulation, be used in coordination with such programs to the extent consistent with such other law;

(11) in the case of an application for assistance under section 706, provides that the program, project, or activity to be assisted will involve an additional expenditure per pupil to be served, determined in accordance with regulations prescribed by the Assistant Secretary, of sufficient magnitude to provide reasonable assurance that the desired funds under this title will not be dispersed in such a way as to undermine their effectiveness;

(12) provides that (A) to the extent consistent with the number of minority group children in the area to be served who are enrolled in private nonprofit elementary and secondary schools which are operated in a manner free from discrimination on the basis of race, color, or national origin, and which do not serve as alternatives for children seeking to avoid attendance in desegregated or integrated public schools, whose participation would assist in achieving the purpose of this title stated in section 702(b),

provides assurance that such agency (after consultation with the appropriate private school officials) has made provision for their participation on an equitable basis, and (B) to the extent consistent with the number of children, teachers, and other educational staff in the school district of such agency enrolled or employed in private nonprofit elementary and secondary schools whose participation would assist in achieving the purpose of this title stated in section 702(b) or, in the case of an application under section 708(c), would assist in meeting the needs described in that subsection, such agency (after consultation with the appropriate private school officials) has made provisions for their participation on an equitable basis;

(13) provides that the applicant has not reduced its fiscal effort for the provision of free public education for children in attendance at the schools of such agency for the fiscal year for which assistance is sought under this title to less than that of the second preceding fiscal year, and that the current expenditure per pupil which such agency makes from revenues derived from its local sources for the fiscal year for which assistance under this title will be made available to such agency is not less than such expenditure per pupil which such agency made from such revenues for (A) the fiscal year preceding the fiscal year during which the implementation of a plan described in section 706(a)(1)(A) was commenced, or (B) the third fiscal year preceding the fiscal year for which such assistance will be made available under this title, whichever is later;

(14) provides that the appropriate State educational agency has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Assistant Secretary;

(15) sets forth effective procedures, including provisions for objective measurement of change in educational achievement and other change to be effected by programs conducted under this title, for the continuing evaluation of programs, projects, or activities under this title, including their effectiveness in achieving clearly stated program goals, their impact on related programs and upon the community served, and their structure and mechanisms for the delivery of services, and including, where appropriate, comparisons with proper control groups composed of persons who have not participated in such programs or projects; and

(16) provides (A) that the applicant will make periodic reports at such time, in such form, and containing such information as the Assistant Secretary may require by regulation, which regulation may require at least—

(i) in the case of reports relating to performance, that the reports be consistent with specific criteria related to the program objectives, and

(ii) that the reports include information relating to educational achievement of children in the schools of the applicant,

and (B) that the applicant will keep such records and afford such access thereto as—

(i) will be necessary to assure the correctness of such reports and to verify them, and

(ii) will be necessary to assure the public adequate access to such reports and other written materials.

(b) No application under this section may be approved which is not accompanied by the written comments of a committee established pursuant to clause (2)(B) of subsection (a). The Assistant Secretary shall not approve an application without first affording the committee an opportunity for an informal hearing if the committee requests such a hearing.

(c) In approving applications submitted under this title (except for those submitted under sections 708(b) and (c) and 711), the Assistant Secretary shall apply only the following criteria:

(1) the need for assistance, taking into account such factors as—

(A) the extent of minority group isolation (including the number of minority group isolated children and the relative concentration of such children) in the school district to be served as compared to other school districts in the State,

(B) the financial need of such school district as compared to other school districts in the State,

(C) the expense and difficulty of effectively carrying out a plan or activity described in section 706 or a program described in section 708(a) in such school district as compared to other school districts in the State, and

(D) the degree to which measurable deficiencies in the quality of public education afforded in such school district exceed those of other school districts within the State;

(2) the degree to which the plan or activity described in section 706(a), and the program or project to be assisted, or the program described in section 708(a) are likely to effect a decrease in minority group isolation in minority group isolated schools, or in the case of applications submitted under section 706(a)(1)(C)(iii), the degree to which the plan and the program or project, are likely to prevent minority group isolation from occurring or increasing (in the absence of assistance under this title);

(3) the extent to which the plan or activity described in section 706 constitutes a comprehensive districtwide approach to the elimination of minority groups isolation, to the maximum extent practicable, in the schools of such school district;

(4) the degree to which the program, project, or activity to be assisted affords promise of achieving the purpose of this title stated in section 702(b);

(5) that (except in the case of an application submitted under section 708(a)) the amount necessary to carry out effectively the project or activity does not exceed the amount available for assistance in the State under this title in relation to the other applications from the State pending before him; and

(6) the degree to which the plan or activity described in section 706 involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served.

(d)(1) The Assistant Secretary shall not give less favorable consideration to the application of a local education agency (including an agency currently classified as legally desegregated by the Secretary) which has voluntarily adopted a plan qualified for assistance under this title (due only to the voluntary nature of the action) than to the application of a local educational agency which has been legally required to adopt such a plan.

(2) The Assistant Secretary shall not finally disapprove in whole or in part any application for funds submitted by a local educational agency without first notifying the local educational agency of the specific reasons for his disapproval and without affording the agency an appropriate opportunity to modify its application.

(e) The Assistant Secretary may, from time to time, set dates by which applications shall be filed.

(f) In the case of an application by a combination of local educational agencies for jointly carrying out a program or project under this title, at least one such agency shall be a local educational agency described in section 706(a) or section 708 (a) or (c) and any one or more of such agencies joining in such application may be authorized to administer such program or project.

(g) No State shall reduce the amount of State aid with respect to the provision of free public education in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title.

EDUCATIONAL TELEVISION

SEC. 711. (a) The sums reserved pursuant to section 704(b)(2)(B) for the purpose of carrying out this section shall be available for grants and contracts in accordance with subsection (b).

(b)(1) The Assistant Secretary shall carry out a program of making grants to, or contracts with, not more than ten public or private nonprofit agencies, institutions, or organizations with the capability of providing expertise in the development of television programing, in sufficient number to assure diversity, to pay the cost of development and production of integrated children's television programs of cognitive and effective educational value.

(2) Television programs developed in whole or in part with assistance provided under this title shall be made reasonably available for transmission, free of charge, and shall not be transmitted under commercial sponsorship.

(3) The Assistant Secretary may approve an application under this section only if he determines that the applicant—

(A) will employ members of minority groups in responsible positions in development, production, and administrative staffs;

(B) will use modern television techniques of research and production; and

(C) has adopted effective procedures for evaluating education and other change achieved by children viewing the program.

PAYMENTS

SEC. 712. (a) Upon his approval of an application for assistance under this title, the Assistant Secretary shall reserve from the applicable apportionment (including any applicable reapportionment) available therefor the amount fixed for such application.

(b) The Assistant Secretary shall pay to the applicant such reserved amount, in advance or by way or reimbursement, and in such installments consistent with established practice, as he may determine.

(c)(1) If a local educational agency in a State is prohibited by law from providing for the participation of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by paragraph (12) of section 710(a), the Assistant Secretary may waive such requirement with respect to local educational agencies in such State and, upon the approval of an application from a local educational agency within such State, shall arrange for the provision of services to such children enrolled in, or teachers or other educational staff of, any nonprofit private elementary or secondary school located within the school district of such agency if the participation of such children and staff would assist in achieving the purpose of this title stated in section 702(b) or in the case of an application under section 708(c) would assist in meeting the needs described in that subsection. The services to be provided through arrangements made by the Assistant Secretary under this paragraph shall be comparable to the services to be provided by such local educational agency under such application. The Assistant Secretary shall pay the cost of such arrangements from such State's allotment or, in the case of an application under section 708(c), from the funds reserved under section 704(b)(2)(A), or in case of an application under section 708(a), from the sums available to the Assistant Secretary under section 704(b)(2) for the purpose of that subsection.

(2) In determining the amount to be paid pursuant to paragraph (1), the Assistant Secretary shall take into account the number of children and teachers and other educational staff who, except for provisions of

State law, might reasonably be expected to participate in the program carried out under this title by such local educational agency.

(3) If the Assistant Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by paragraph (12) of section 710(a) he shall arrange for the provision of services to children enrolled in, or teachers or other educational staff of, the nonprofit private elementary or secondary school or schools located within the school district of such local educational agency, which services shall, to the maximum extent feasible, be identical with the services which would have been provided such children or staff had the local educational agency carried out such assurance. The Assistant Secretary shall pay the cost of such services from the grant to such local educational agency and shall have the authority for this purpose of recovering from such agency any funds paid to it under such grant.

(d) After making a grant or contract under this title, the Assistant Secretary shall notify the appropriate State educational agency of the name of the approved applicant and of the amount approved.

EVALUATIONS

SEC. 713. The Assistant Secretary is authorized to reserve not in excess of 1 per centum of the sums appropriated under this title, and reserved pursuant to section 704(b)(2), for any fiscal year for the purposes of this section. From such reservation, the Assistant Secretary is authorized to make grants to, and contracts with, State educational agencies, institutions of higher education and private organizations, institutions, and agencies, including committees established pursuant to section 710(a)(2) for the purpose of evaluating specific programs and projects assisted under this title.

REPORTS

SEC. 714. The Assistant Secretary shall make periodic detailed reports concerning his activities in connection with the program authorized by this title and the program carried out with appropriations under the paragraph headed "Emergency School Assistance" in the Office of Education Appropriations Act, 1971 (Public Law 91-380), and the effectiveness of programs and projects assisted under this title in achieving the purpose of this title stated in section 702(b). Such reports shall contain such information as may be necessary to permit adequate evaluation of the program authorized by this title, and shall include application forms, regulations, program guides, and guidelines used in the administration of the program. The report shall be submitted to the President and to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. The first report submitted pursuant to this section shall be submitted no later than ninety days after the enactment of this title. Subsequent reports shall be submitted no less often than two times annually.

JOINT FUNDING

SEC. 715. Pursuant to regulations prescribed by the President, where funds are advanced under this title, and by one or more other Federal agencies for any project or activity funded in whole or in part under this title, any one of such Federal agencies may be designated to act for all in administering the funds advanced. In such cases, any such agency may waive any technical grant or contract requirement (as defined by regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose. Nothing in this section shall be construed to authorize (1) the use of any funds appropriated under this title for any purpose not authorized herein, (2) a variance of any reservation or apportionment under section 704 or 705, or (3) waiver of any requirement set forth in sections 706 through 711.

NATIONAL ADVISORY COUNCIL

SEC. 716. (a) There is hereby established a National Advisory Council on Equality of Educational Opportunity, consisting of fifteen members, at least one-half of whom shall be respresentative of minority groups, appointed by the President, which shall—

(1) advise the Assistant Secretary with respect to the operation of the program authorized by this title, including the preparation of regulations and the development of criteria for the approval of applications;

(2) review the operation of the program (A) with respect to its effectiveness in achieving its purpose as stated in section 702(b), and (B) with respect to the Assistant Secretary's conduct in the administration of the program;

(3) meet not less than four times in the period during which the program is authorized, and submit through the Secretary, to the Congress at least two interim reports, which reports shall include a statement of its activities and of any recommendations it may have with respect to the operation of the program; and

(4) not later than December 1, 1973, submit to the Congress a final report on the operation of the program.

(b) The Assistant Secretary shall submit an estimate in the same manner provided under section 400(c) and part D of the General Education Provisions Act to the Congress for the appropriations necessary for the Council created by subsection (a) to carry out its functions.

GENERAL PROVISIONS

SEC. 717. (a) The provisions of parts C and D of the General Education Provisions Act shall apply to the program of Federal assistance authorized under this title as if such program were an applicable program under such General Education Provisions Act, and the Assistant Secretary shall have the authority vested in the Commissioner of Education by such parts with respect to such program.

(b) Section 422 of such General Education Provisions Act is amended by inserting "the Emergency School Aid Act;" after "the International Education Act of 1966;".

ATTORNEY FEES

SEC. 718. Upon the entry of a final order by a court of the United States against a local educational agency, a State (or any agency thereof), or the United States (or any agency thereof), for failure to comply with any provision of this title or for discrimination on the basis of race, color, or national origin in violation of title VI of the Civil Rights Act of 1964, or the fourteenth amendment to the Constitution of the United States as they pertain to elementary and secondary education, the court, in its discretion, upon a finding that the proceedings were necessary to bring about compliance, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

NEIGHBORHOOD SCHOOLS

SEC. 719. Nothing in this title shall be construed as requiring any local educational agency which assigns students to schools on the basis of geographic attendance areas drawn on a racially nondiscriminatory basis to adopt any other method of student assignment.

DEFINITIONS

SEC. 720. Except as otherwise specified, the following definitions shall apply to the terms used in this title:

(1) The term "Assistant Secretary" means the Assistant Secretary of Health, Education, and Welfare for Education.

(2) The term "current expenditures per pupil" for a local educational agency means (1) the expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay and debt service, or any expenditure made from funds granted under such Federal program of assistance as the Secretary may prescribe, divided by (2) the number of children in average daily attendance to whom such agency provided free public education during the year for which the computation is made.

(3) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(4) The term "equipment" includes machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

(5) The term "institution of higher education" means an educational institution in any State which—

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) is legally authorized within such State to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's degree; or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(D) is a public or other nonprofit institution; and

(E) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner for the purposes of this paragraph.

(6) For the purpose of section 706(a)(2) and section 709(a)(1) the term "integrated school" means a school with an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, in which the proportion of minority group children is at least 50 per centum of the proportion of minority group children enrolled in all schools of the local educational agencies within the Standard Metropolitan Statistical Area, and which has a faculty and administrative staff with substantial representation of minority group persons.

(7) For the purpose of section 706(a)(3), the term "integrated school" means a school with (i) an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, and in which the Assistant Secretary determines that the number of nonminority group children constitutes that proportion of the enrollment which will achieve stability, in no event more than 65 per centum thereof, and (ii) a faculty which is representative of the minority group and nonminority group population of the larger community in which it is located, or, whenever the Assistant Secretary determines that the local educational

agency concerned is attempting to increase the proportions of minority group teachers, supervisors, and administrators in its employ, a faculty which is representative of the minority group and nonminority group faculty employed by the local educational agency.

(8) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a federally recognized Indian reservation, or such combination of school districts, or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school and where responsibility for the control and direction of the activities in such schools which are to be assisted under this title is vested in an agency subordinate to such a board or other authority, the Assistant Secretary may consider such subordinate agency as a local educational agency for purpose of this title.

(9)(A) The term "minority group" refers to (i) persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, Oriental, Alaskan natives, and Hawaiian natives and (ii) (except for the purposes of section 705), as determined by the Assistant Secretary, persons who are from environments in which a dominant language is other than English and who, as a result of language barriers and cultural differences, do not have an equal educational opportunity, and (B) the term "Spanish-surnamed American" includes persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

(10) The terms "minority group isolated school" and "minority group isolation" in reference to a school mean a school and condition, respectively, in which minority group children constitute more than 50 per centum of the enrollment of a school.

(11) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(12) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(13) The term "Standard Metropolitan Statistical Area" means the area in and around a city of fifty thousand inhabitants or more as defined by the Office of Management and Budget.

(14) The term "State" means one of the fifty States or the District of Columbia, and for purposes of section 708(a), Puerto Rico, Guam, American Samoa, and the Virgin Islands, and the Trust Territory of the Pacific Islands shall be deemed to be States.

(15) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

TITLE VIII—GENERAL PROVISIONS RELATING TO THE ASSIGNMENT OR TRANSPORTATION OF STUDENTS

PROHIBITION AGAINST ASSIGNMENT OR TRANSPORTATION OF STUDENTS TO OVERCOME RACIAL IMBALANCE

SEC. 801. No provision of this Act shall be construed to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR BUSING

SEC. 802(a). No funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan for racial desegregation of any school or school system, except on the express written voluntary request of appropriate local school officials. No such funds shall be made available for transportation when the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process of such children, or where the educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

(b) No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education), the Department of Justice, or any other Federal agency shall, by rule, regulation, order, guideline, or otherwise, (1) urge, persuade, induce, or require any local education agency, or any private nonprofit agency, institution, or organization to use any funds derived from any State or local sources for any purpose, unless constitutionally required, for which Federal funds appropriated to carry out any applicable program may not be used, as provided in this section, or (2) condition the receipt of Federal funds under any Federal program upon any action by any State or local public Officer or employee which would be prohibited by clause (1) on the part of a Federal officer or employee. No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education) or any other Federal agency shall urge, persuade, induce, or require any local education agency to undertake transportation of any student where the time or distance of travel is so great as to risk the health of the child or significantly impinge on his or her educational process; or where the educational opportunities available at the school to which it is proposed that such student be transported will be substantially inferior to those offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

(c) An applicable program means a program to which the General Education Provisions Act applies.

PROVISION RELATING TO COURT APPEALS

SEC. 803. Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. This section shall expire at midnight on January 1, 1974.

PROVISION AUTHORIZING INTERVENTION IN COURT ORDERS

SEC. 804. A parent or guardian of a child, or parents or guardians of children similarly situated, transported to a public school in accordance with a court order, may seek to reopen or intervene in the further implementation of such court order, currently in effect, if the time or distance of travel is so great as to risk the health of the student or significantly impinge on his or her educational process.

PROVISION REQUIRING THAT RULES OF EVIDENCE BE UNIFORM

SEC. 805. The rules of evidence required to prove that State or local authorities are practicing racial discrimination in assigning students to public schools shall be uniform throughout the United States.

APPLICATION OF PROVISO OF SECTION 407(a) OF THE CIVIL RIGHTS ACT OF 1964 TO THE ENTIRE UNITED STATES

Sec. 806. The proviso of section 407(a) of the Civil Rights Act of 1964 providing in substance that no court or official of the United States shall be empowered to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards shall apply to all public school pupils and to every public school system, public school and public school board, as defined by title IV under all circumstances and conditions and at all times in every State, district, territory, Commonwealth, or possession of the United States, regardless of whether the residence of such public school pupils or the principal offices of such public school system, public school or public school board is situated in the northern, eastern, western, or southern part of the United States.

TITLE IX—PROHIBITION OF SEX DISCRIMINATION

SEX DISCRIMINATION PROHIBITED

SEC. 901. (a) No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that:

(1) in regard to admissions to educational institutions this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education;

(2) in regard to admissions to educational institutions, this section shall not apply (A) for one year from the date of enactment of this Act, nor for six years after such date in the case of an educational institution which has begun the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Commissioner of Education or (B) for seven years from the date an educational institution begins the process of changing from being an institution which admits only students of only one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Commissioner of Education, whichever is the later;

(3) this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization;

(4) this section shall not apply to an educational institution whose primary purpose is the training of individuals for the

military services of the United States, or the merchant marine; and

(5) in regard to admissions this section shall not apply to any public institution of undergraduate higher education which is an institution that traditionally and continually from its establishment has had a policy of admitting only students of one sex.

(b) Nothing contained in subsection (a) of this section shall be interpreted to require any educational institution to grant preferential or disparate treatment to the members of one sex on account of an imbalance which may exist with respect to the total number or percentage of persons of that sex participating in or receiving the benefits of any federally supported program or activity, in comparison with the total number of percentage of persons of that sex in any community, State, section, or other area: *Provided*, That this subsection shall not be construed to prevent the consideration in any hearing or proceeding under this title of statistical evidence tending to show that such an imbalance exists with respect to the participation in, or receipt of the benefits of, any such program or activity by the members of one sex.

(c) For purposes of this title an educational institution means any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such term means each such school, college, or department.

FEDERAL ADMINISTRATIVE ENFORCEMENT

SEC. 902. Each Federal department and agency which is empowered to extend Federal financial assistance to any education program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 901 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made, and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however*, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

JUDICIAL REVIEW

SEC. 903. Any department or agency action taken pursuant to section 1002 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 902, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of section 701 of that title.

PROHIBITION AGAINST DISCRIMINATION AGAINST THE BLIND

SEC. 904. No person in the United States shall, on the ground of blindness or severely impaired vision, be denied admission in any course of study by a recipient of Federal financial assistance for any education program or activity, but nothing herein shall be construed to require any such institution to provide any special services to such person because of his blindness or visual impairment.

EFFECT ON OTHER LAWS

SEC. 905. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

AMENDMENTS TO OTHER LAWS

SEC. 906. (a) Sections 401(b), 407(a)(2), 410, and 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000c(b), 2000c–6(a)(2), 2000c–9, and 2000h–2) are each amended by inserting the word "sex" after the word "religion".

(b)(1) Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by inserting after the words "the provisions of section 6" the following: "(except section 6(d) in the case of paragraph (1) of this subsection)".

(2) Paragraph (1) of subsection 3(r) of such Act (29 U.S.C. 203(r)(1)) is amended be deleting "an elementary or secondary school" and inserting in lieu thereof "a preschool, elementary or secondary school".

(3) Section 3(s)(4) of such Act (29 U.S.C. 203(s)(4)) is amended by deleting "an elementary or secondary school" and inserting in lieu thereof "a preschool, elementary or secondary school".

INTERPRETATION WITH RESPECT TO LIVING FACILITIES

Sec. 907. Nothwithstanding anything to the contrary contained in this title, nothing contained herein shall be construed to prohibit any educational institution receiving funds under this Act, from maintaining separate living facilities for the different sexes.

TITLE X—ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

Sec. 1001. (a) Part A of Title IV of the Higher Act of 1965 is amended by inserting at the end thereof the following new subpart:

"Subpart 5—Assistance to Institutions of Higher Education

"PAYMENT TO INSTITUTIONS OF HIGHER EDUCATION

"SEC. 419. (a) Each institution of higher education shall be entitled for each fiscal year to a cost-of-education payment in accordance with the provisions of this section.

"(b)(1) The amount of the cost-of-education payment to which an institution shall be entitled under this section for a fiscal year shall be, subject to subsection (d), the amount determined under paragraph (2)(A) plus the amount determined under paragraph (2)(B).

"(2)(A)(i) The Commissioner shall determine the amount to which an institution is entitled under this subparagraph on the basis of the total number of undergraduate students who are in attendance at the institution and the number of students who are also recipients of basic grants under subpart 1, in accordance with the following table:

"If the total number of students in attendance is—	The amount of the grant is—
Not over 1,000	$500 for each recipient.
Over 1,000 but not over 2,500	$500 for each of 100 recipients; plus $400 for each recipient in excess of 100.
Over 2,500 but not over 5,000	$500 for each of 100 recipients; plus $400 for each of 150 recipients in excess of 100; plus $300 for each recipient in excess of 250.
Over 5,000 but not over 10,000	$500 for each of 100 recipients; plus $400 for each of 150 recipients in excess of 100; plus $300 for each of 250 recipients in excess of 250; plus $200 for each recipient in excess of 500.
Over 10,000	$500 for each of 100 recipients; plus $400 for each of 150 recipients in excess of 100; plus $300 for each of 250 recipients in excess of 500; plus $100 for each recipient in excess of 1,000.

"(ii) In any case where a recipient of a basic grant under subpart 1 attends an institution receiving a cost-of-education payment under this subpart on less than a full-time basis, the amount determined under this subparagraph with respect to that student shall be reduced in proportion to the degree to which that student is not attending on a full-time basis.

"(iii) If during any period of any fiscal year the funds available for making payments on the basis of entitlements established under this subparagraph are insufficient to satisfy fully all such entitlements, the amount paid with respect to each such entitlement shall be ratably reduced. When additional funds become available for such purpose, the amount of payment from such additional funds shall be in proportion to the degree to which each such entitlement is unsatisfied by the payments made under the first sentence of this division.

"(B)(i) The Commissioner shall determine with respect to each institution an amount equal to the appropriate per centum (specified on the table below) of the aggregate of—

"(I) supplemental educational opportunity grants under subpart 2;

"(II) work-study payments under part C; and

"(III) loans to students under part E;

made for such year to students who are in attendance at such institution. The Commissioner shall determine such amounts on the basis of percentages of such aggregate, and the number of students in attendance at institutions during the most recent academic year ending prior to such fiscal year, in accordance with the following table:

"If the number of students in attendance at the institution is—	The percentage of such aggregate shall be—
Not over 1,000	50 per centum.
Over 1,000 but not over 3,000	46 per centum.
Over 3,000 but not over 10,000	42 per centum.
Over 10,000	38 per centum.

"(ii) If during any period of any fiscal year the funds available for making payments on the basis of entitlements established under this subparagraph are insufficient to satisfy fully all such entitlements, the amount paid with respect to each such entitlement shall be ratably reduced. When additional funds become available for such purpose, the amount of payment from such additional funds shall be in proportion to the degree to which each such entitlement is unsatisfied by the payments made under the first sentence of this division.

"(3)(A) In determining the number of students in attendance at institutions of higher education under this subsection, the Commissioner shall compute the full-time equivalent of part-time students.

"(B) The Commissioner shall make a separate determination of the number of students in attendance at an institution of higher education and the number of recipients of basic grants at any such institution at each branch or separate campus of that institution located in a different community from the principal campus of the institution pursuant to criteria established by him.

"(c)(1) An institution of higher education may receive a cost-of-education payment in accordance with this section only upon application therefor. An application under this section shall be submitted at such time or times, in such manner, and containing such information as the Commissioner determines necessary to carry out his functions under this title, and shall—

"(A) set forth such policies, assurances, and procedures as will insure that—

"(i) the funds received by the institution under this section will be used solely to defray instructional expenses in academically related programs of the applicant;

"(ii) the funds received by the institution under this section will not be used for a school or department of divinity or for any religious worship or sectarian activity;

"(iii) the applicant will expend, during the academic year for which a payment is sought, for all academically related programs of the institution, an amount equal to at least the average amount so expended during the three years preceding the year for which the grant is sought; and

"(iv) the applicant will submit to the Commissioner such reports as the Commissioner may require by regulation; and

"(B) contain such other statement of policies, assurances, and procedures as the Commissioner may require by regulation in order to protect the financial interests of the United States.

"(d)(1) The Commissioner shall pay to each institution of higher education for each fiscal year the amount to which it is entitled under this section.

"(2) Of the total sums appropriated to make payments on the basis of entitlements established under this section and on the basis of entitlements established under part F of title IX—

"(A) 45 per centum shall be available for making payments on the basis of entitlements established under paragraph (2)(A) of subsection (a);

"(B) 45 per centum shall be available for making payments on the basis of entitlements established under paragraph (2)(B) of subsection (a); and

"(C) 10 per centum shall be available for making payments on the basis of entitlements established under part F of title IX.

"(3) No payments on the basis of entitlements established under paragraph (2)(A) of subsection (a) may be made during any fiscal year for which the appropriations for making grants under subpart 1 does not equal at least 50 per centum of the appropriation necessary for satisfying the total of all entitlements established under such subpart. In no event shall, during any fiscal year, the aggregate of the payments to which this paragraph applies exceed that percentage of the total entitlements established under such paragraph (2)(A) which equals the percentage of the total entitlements established under subpart 1 which are satisfied by appropriations for such purpose for that fiscal year.

"VETERANS' COST-OF-INSTRUCTION PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

"SEC. 420. (a)(1) During the period beginning July 1, 1972 and ending June 30, 1975, each institution of higher education shall be entitled to a payment under, and in accordance with, this section during any fiscal year, if the number of persons who are veterans receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or veterans receiving educational assistance under chapter 34 of such title, and who are in attendance as undergraduate students at such institution during any academic year, equals at least 110 per centum of the number of such recipients who were in attendance at such institution during the preceding academic year.

"(2) During the period specified in paragraph (1), each institution which has qualified for a payment under this section for any year shall be entitled during the succeeding year, notwithstanding paragraph (1), to a payment under and in accordance with this section, if the number of persons referred to in such paragraph (1) equals at least the number of such persons who were in attendance at such institution during the preceding academic year. Each institution which is entitled to a payment for any fiscal year by reason of the preceding sentence shall be deemed, for the purposes of any such year succeeding the year for which it is so entitled, to have been entitled to a payment under paragraph (1) during the preceding fiscal year.

"(b)(1) The amount of the payment to which any institution shall be entitled under this section for any fiscal year shall be—

"(A) $300 for each person who is a veteran receiving vocational rehabilitation under chapter 31 of title 38, United States Code, or a veteran receiving educational assistance under chapter 34 of such title 38, and who is in attendance at such institution as an undergraduate student during such year; and

"(B) in addition, $150, except in the case of persons on behalf of whom the institution has received a payment in excess of $150 under section 419, for each person who has been the recipient of educational assistance under subchapter V or subchapter VI of chapter 34 of such title 38, and who is in attendance at such institution as an undergraduate student during such year.

"(2) In any case where a person on behalf of whom a payment is made under this section attends an institution on less than a full-time basis, the amount of the payment on behalf of that person shall be reduced in proportion to the degree to which that person is not attending on a full-time basis.

"(c)(1) An institution of higher education shall be eligible to receive the payment of which it is entitled under this section only if it makes application therefor to the Commissioner. An application under this section shall be submitted at such time or times, in such manner, in such form, and containing such information as the Commissioner determines necessary to carry out his functions under this title, and shall—

"(A) meet the requirements set forth in clauses (A) and (B) of section 419 (c) (1);

"(B) set forth such plans, policies, assurances, and procedures as will insure that the applicant will make an adequate effort—

"(i) to maintain a full-time office of veterans' affairs which has responsibility for veterans' outreach, recruitment, and special education programs, including the provision of educational, vocational, and personal counseling for veterans,

"(ii) to carry out programs designed to prepare educationally disadvantaged veterans for postsecondary education (I) under subchapter V of chapter 34 of title 38, United States Code, and (II) in the case of any institution located near a military installation, under subchapter VI of such chapter 34,

"(iii) to carry out active outreach, recruiting, and counseling activities through the use of funds available under federally assisted work-study programs, and

"(iv) to carry out an active tutorial assistance program (including dissemination of information regarding such program) in order to make maximum use of the benefits available under section 1692 of such title 38, except that an institution with less than 2,500 students in attendance (I) which the Commissioner determines, in accordance with regulations jointly prescribed by the Commissioner and the Administrator of Veterans' Affairs (hereinafter referred to as the 'Administrator'), cannot feasibly itself carry out any or all of the programs set forth in subclauses (i) through (iv) of this clause, may carry out such program or programs through a consortium agreement with one or more other institutions of higher education, and (II) shall be required to carry out such programs only to the extent that the Commissioner determines, in accordance with regulations jointly prescribed by the Commissioner and the Administrator, is appropriate in terms of the number of veterans in attendance at such institution. The adequacy of efforts to meeet the requirements of clause (B) in the preceding sentence shall be determined by the Commissioner, based upon the recommendation of the Administrator, in accordance with criteria established in regulations jointly prescribed by the Commissioner and the Administrator.

"(2) The Commissioner shall not approve an application under this subsection unless he determines that the applicant will implement the requirements of clause (B) of paragraph (1) within the first academic year during which it receives a payment under this section.

"(d) The Commissioner shall pay to each institution of higher education which has had an application approved under subsection (c) the amount to which it is entitled under this section. Payments under this subsection shall be made in not less than three installments during each academic year and shall be based on the actual number of persons on behalf of whom such payments are made in attendance at the institution at the time of the payment.

"(e) No less than 50 per centum of the amount of payments received by any institution under subsection (d) of this section in each academic year shall be applied by such institution to implement the requirement of subclause (i) of clause (B) of paragraph (1) of subsection (c) of this section, and, to the extent that such 50 per centum amount is not exhausted, the requirements of subclauses (ii), (iii), and (iv) of such clause, except that the Commissioner may, in accordance with criteria established in regulations jointly prescribed by the Commissioner with the Administrator, waive the requirement of this subsection to the extent that he finds that such institution is adequately carrying out all such requirements without the necessity for such application of such amount of the payments received under this subsection.".

(b) Title IX of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part:

"Part F—General Assistance to Graduate Schools

"General Assistance Grants

"Sec. 981. (a) Each institution of higher education shall, during the period beginning July 1, 1972 and ending June 30, 1975, be entitled to a general assistance grant (hereinafter in this section referred to as 'grant') in accordance with the provisions of this section.

"(b) The amount of a grant to which an institution shall be entitled for any fiscal year shall be $200 multiplied by the number of students in full-time enrollment (including the full-time equivalent of the part-time enrollment for credit) at such institution who are pursuing a program of post-baccalaureate study.

"(c) In order to be eligible for the grant to which it is entitled, an institution shall make application therefor to the Commissioner. Such application shall be submitted at such time or times and in such manner as the Commissioner shall prescribe by regulation. Such application shall be approved if the Commissioner determines that it—

"(1) describes general educational goals and specific objectives of the graduate programs of the institution, and the amount of institutional income needed to meet such goals and objectives;

"(2) provides satisfactory assurance that—

"(A) the proceeds of the grant will be used for programs of the applicant consistent with such goals and objectives,

"(B) current operating support from non-Federal sources for educationally related graduate programs of the applicant has not been reduced in anticipation of funds to be received under this section, and

"(C) the applicant will make such reports as the Commissioner may require including a summary report describing how the grant was expended and an evaluation of its effectiveness in achieving such goals and objectives; and

"(3) contains such provisions as the Commissioner may require by regulation in order to protect the financial interests of the United States.

The Commissioner may waive the requirement set forth in clause (2)(B) in the preceding sentence for any fiscal year if he determines, in accordance with criteria prescribed by regulation, that such waiver would promote the purposes of this section.

"(d)(1) The Commissioner shall pay to each applicant the amount for which it is eligible under this section.

"(2) If, during any period, the funds available for making payments pursuant to paragraph (1) are insufficient to satisfy fully the amounts for which all institutions are eligible under this section, the amounts for which all applicants are eligible shall be ratably reduced.

"(e) None of the proceeds from a grant may be used to support a school or department of divinity or for religious worship or sectarian instruction.

"(f) The Commissioner shall report to Congress not later than 120 days after the end of each fiscal year regarding the effectiveness of assistance under this section in achieving the goals and objectives of institutions of higher education and in encouraging diversity and autonomy among such institutions of higher education. The Commissioner, in such report, shall include such recommendations as may be appropriate regarding the continuation, modification, or extension of assistance under this section.".

(c)(1) Section 401(a) of the Higher Education Act of 1965 is amended (A) by striking out the word "and" at the end of paragraph (3) of such section; (B) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word "and"; and (C) by adding at the end thereof the following new paragraph:

"(5) providing assistance to institutions of higher education.".

(2) Section 401(b) of such Act is amended by striking out "and 4" and inserting in lieu thereof "4 and 5".

(3) Section 491(b)(1) of such Act is amended by inserting after "For the purposes of this title," the following "except subpart 5 of part A,".

(d) The total of the payments made under subpart 5 of part A of title IV of the Higher Education Act of 1965 (except section 420) and under part F of title IX of such Act may not exceed $1,000,000,000 during any fiscal year.

And the Senate agree to the same.

Carl D. Perkins,
Frank Thompson, Jr.,
John H. Dent,
Roman C. Pucinski,
John Brademas,
Lloyd Meeds,
Joseph M. Gaydos,
Romano L. Mazzoli,
Albert H. Quie,
Alphonzo Bell,
Ogden Reid,
John N. Erlenborn,
John Dellenback,
Marvin L. Esch,
William A. Steiger,
Orval Hansen,
Managers on the Part of the House.

Claiborne Pell,
Jennings Randolph,
Harrison Williams,
Thomas F. Eagleton,
Alan Cranston,
Peter H. Dominick,
Richard S. Schweiker,
J. Glenn Beall, Jr.,
Robert T. Stafford,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related acts, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment was a substitute for the House amendment to the text of the Senate bill which struck all after the enacting clause and inserted a new text. The conference report recommends a substitute text for both the Senate amendment and the House amendment. Except for minor, technical, and clarifying differences, this statement describes the actions of the conferees in resolving differences in the two amendments.

Short title.—The Senate amendment provided that the Act may be cited as the "Education Amendments of 1972". The House amendment provided that it may be cited as the "Higher Education Act of 1971." The conference report provides that the Act may be cited as the "Education Amendments of 1972".

General provisions.—The Senate amendment contained general provisions controlling the amendments and other provisions of the Act as follows: definitions, the redesignation of cross references, and effective date provisions. There are no comparable House provisions. The House recedes with an amendment clarifying the effective date of amendments contained in the House amendment.

It is the intention of the conferees that in extending expiring provisions of existing law there is no intention to affect the authority of the contingent extension provisions in the General Education Provisions Act.

HIGHER EDUCATION

Community service and continuing education programs

Authorization of appropriations.—The Senate amendment authorized appropriations for title I of the Higher Education Act of 1965 for fiscal years 1972 through 1975; the House amendment authorized appropriations for fiscal years 1972 through 1976 The authorization levels are as follows:

	Senate	House
Fiscal year:		
1972	$60,000,000	Such sums.
1973	60,000,000	Do.
1974	60,000,000	Do.
1975	60,000,000	Do.
1976		Do.

The conference agreement authorizes the appropriation of $10,000,000 for the fiscal year 1972, $30,000,000 for the fiscal year 1973, $40,000,000 for the fiscal year 1974, and $50,000,000 for the fiscal year 1975.

Special programs and projects relating to national and regional problems.—The Senate amendment amended title I to authorize the Commissioner, beginning in fiscal year 1973, to reserve up to 10 per centum of the appropriation for grants and contracts for paying up to 90 per centum of the cost of carrying out special programs and projects which are designed to seek solutions to national and regional problems relating to urbanization, technological and social changes, and environmental pollution. The amount reserved for the purposes of such grants and contracts could not result in the decrease of any State's allotment below the fiscal year 1972 level. The House amendment contained no comparable provision. The conference report adopts the provision of the Senate amendment, except that it does not refer to national and regional problems relating to urbanization.

Metropolitan area programs.—The Senate amendment amended title I to authorize the Commissioner to make grants to institutions (and combinations thereof) which are located within, or adjacent to, Standard Metropolitan Statistical Areas to assist them in planning, developing, and carrying out comprehensive programs designed to apply their resources to the problems of urban communities within Standard Metropolitan Statistical Areas. The Senate amendment authorized $5,000,000 to be appropriated for each of fiscal years 1973, 1974, and 1975. The term "Standard Metropolitan Statistical Area" is defined as "the area in and around a city of fifty thousand inhabitants or more as defined by the Director of the Office of Management and Budget". The House amendment contained no comparable provision. The Senate recedes.

Evaluation.—The Senate amendment required the Commissioner to review the operation of title I and to report his findings to the Committee on Labor and Public Welfare and the Committee on Education and Labor. The review was to evaluate specific programs and projects funded under title I prior to July 1, 1973, with a view toward ascertaining which of them show the greatest promise and the greatest return for the resources devoted to them. The Commissioner was to make reports on such evaluations by March 31, 1973, and March 31, 1975. Such reports shall include "(1) an evaluation of the program authorized by title I of the Higher Education Act of 1965 and of specific programs and projects assisted through payments under such title, (2) a description and an analysis of programs and projects which are determined to be most successful, and (3) recommendations with respect to the means by which the most successful programs and projects can be expanded and replicated". Funds appropriated for the purposes of section 402 of the General Education Provisions Act shall be available to pay the cost of the review of title I. The House amendment contained no comparable provision. The conference report adopts the Senate amendment, except that the duty of reviewing and reporting is given to the National Advisory Council on Extension and Continuing Education.

College library programs

Authorization of appropriations for parts A and B.—The House amendment continued the approach in existing law of having separate authorizations for parts A (college library resources) and B (research and training) of title II of the Higher Education Act of 1965 whereas the Senate amendment, beginning in fiscal year 1973 combines the authorizations, earmarking 70 per centum of the appropriation for part A and 30 per centum for part B. The amounts authorized to be appropriated in the respective versions are as follows:

Senate			House
Fiscal year:			
1972	Pt.A	$90,000,000	"Such sums", plus $5,000,000 for research.
	Pt.B	38,000,000	
1973		130,000,000	"Such sums", plus $10,000,000 for research.
1974		130,000,000	"Such sums", plus $20,000,000 for research.
1975		130,000,000	"Such sums", plus $35,000,000 for research.
1976			"Such sums", plus $40,000,000 for research.

The conference report adopts the provision of the Senate amendment in combining authorizations and earmarking appropriations for parts A and B. The amounts authorized to be appropriated under the conference substitute are $30,000,000 for the fiscal year 1972, $75,000,000 for the fiscal year 1973, $85,000,000 for the fiscal year 1974, and $10,000,000 for the fiscal year 1975. For the fiscal year 1972, $18,000,000 are authorized for part A and $12,000,000 for part B.

Program authorization.—The Senate amendment altered the manner in which parts A and B of title II are authorized beginning in fiscal year 1973. In addition to the combined authorization discussed above, the Senate amendment changed existing law in the following respects:

(a) It mandated the Commissioner to carry out the library resource training and research program, whereas under existing law the Commissioner is authorized to carry out such programs.

(b) Law library resources were specifically listed as among the library resources eligible for support under part A, and law librarianship was specifically mentioned as among the types of research and training programs in librarianship eligible under part B. There were no comparable House provisions. The House recedes on these provisions.

Allocation of authorization.—Under existing law, which the House amendment did not change, appropriations for part A are divided as follows:

(a) From 75 per centum of the appropriation, grants of up to $5,000 are made to institutions of higher education as basic grants under section 202 and grants of up to $10 per student are made as supplemental grants under section 203.

(b) From 25 per centum of the appropriation, 60 per centum thereof is available for special purpose grants under section 204, and the remainder is to be used for supplemental grants under section 203.

Under the Senate amendment, the amount available for part A must be used as follows:

(a) first, all *basic* grants of up to $5,000 must be satisfied;

(b) then, any remainder (except for the amount reserved for special purpose grants) is to be used for *supplemental* grants; and

(c) up to 25 per centum may be reserved for special purpose grants.

The House recedes on these matters.

Eligible participants for basic grants.—The House amendment expanded eligibility for participation in the basic grant program to include "other public and private nonprofit library institutions whose primary function is to provide library and information services to institutions of higher education on a formal, cooperative basis". There was no comparable Senate provision. The Senate recedes.

Eligible participants for special purpose grants.—The House amendment expanded eligibility for participation in the special purpose grant program to include "other public and private nonprofit library institutions whose primary function is to provide library and information services to institutions of higher education on a formal, cooperative basis". There was no comparable Senate provision. The Senate recedes.

Allocation of library training and research moneys.—Under the Senate amendment, of the amount made available under the one authorization for library training and research, 66⅔ per centum shall be available for training and 33⅓ per centum shall be available for research. The House amendment provided a separate authorization for training and a separate authorization for research. The House recedes.

Allocation of library training funds.—The House amendment required that no less than 50 per centum of the grants made for training and librarianship be utilized for the purpose of establishing and maintaining fellowships or traineeships. There was no comparable Senate provision. The Senate recedes.

Eligible participants in part B.—The House amendment expanded eligibility for participation in the library training programs to include "other library and educational organizations or agencies". There were no comparable Senate provisions. The conference agreement contains the House provision with an amendment which limits the expansion of eligibility only to library organizations or agencies. It is the understanding of the conferees that this expansion of authority should only be used to allow participation of institutions having particular experience and resources to provide such services to institutions of higher education.

Maintenance of effort requirement.—(a) Both amendments authorized the Commissioner to waive the maintenance of effort requirement for the basic grant program in special and unusual circumstances. The Senate amendment, but not the House amendment, required the Commissioner to make his determination "in accordance with regulations". The Senate amendment, but not the House amendment, deleted existing language using fiscal year 1965 as an optional base period for determining effort. The House recedes on both of these points.

(b) The Senate amendment further revised the basic grant authority so as to provide institutions with a basic grant entitlement equal to the amount expended for library resources or $5,000 whichever is the lesser. The House recedes.

Maximum amount of supplemental grants.—The House amendment increased the maximum amount of supplemental grants from the existing maximum of $10 to a maximum of $20 beginning in fiscal year 1973. The Senate amendment increased the the maximum to $15 for fiscal year 1973 and fiscal year 1974 and then to $20 for fiscal year 1975. The Senate recedes.

Authorization for part C—Library of Congress acquisition and cataloging.—The respective versions authorized appropriations as follows:

	Senate	House
Fiscal year:		
1972	$15,000,000	$9,000,000
1973	15,000,000	9,000,000
1974	15,000,000	9,000,000
1975		9,000,000
1976		9,000,000

The appropriations authorized in the conference substitute are $9,000,000 for fiscal year 1972, $12,000,000 for fiscal year 1973, $15,000,000 for fiscal year 1974 and $9,000,000 for fiscal year 1975.

Program administration.—Under existing law, funds are appropriated to the Commissioner of Education to enable him to transfer such funds to the Library of Congress for the acquisition and cataloging program. The Senate amendment eliminated the transfer authority, with the result that funds would be appropriated directly to the Librarian of Congress for carrying out the purposes of part C. There was no comparable House provision. The Senate recedes.

Evaluation and report.—Both amendments amended part C of title II by adding a new section which required the submission of an evaluation report on part C. The two sections differed in that—

(a) the Senate amendment required the report to be submitted to the "Committees on Education and Labor and on House Administration" of the House and Committees on Labor and Public Welfare and on Rules and Administration of the Senate, while

(b) the House amendment required that the report be submitted to "the respective committees of the Congress having legislative jurisdiction over" part C. The Senate recedes.

Developing institutions

Authorization of appropriations.—The Senate amendment authorizes appropriations for title III of the Higher Education Act of 1965 for fiscal years 1972 through 1975; the House amendment authorized appropriations for fiscal years 1972 through 1976. The authorization levels are as follows:

	Senate	House
Fiscal year:		
1972	$91,000,000	$120,000,000
1973	100,000,000	120,000,000
1974	100,000,000	120,000,000
1975	100,000,000	120,000,000
1976		120,000,000

The conference substitute authorizes appropriations for fiscal years 1972 through 1975. The authorization levels are $91,000,000 for fiscal year 1972 and $120,000,000 for each of the three succeeding fiscal years.

Program authorizations.—The Senate amendment rewrote the statement of purpose and authorization for title III making the following changes:

(a) A mandate that the Commissioner carry out the program of strengthening developing institutions;

(b) Elimination from the description of a developing institution of the following language—"for financial and other reasons";

(c) Addition to such description of the following language—"which enroll a significant proportion of students who have been educationally deprived or who have limited English-speaking ability". There is no comparable House provision.

The House recedes on its (a) and (b), while the Senate recedes on item (c).

Allocation of funds.—Under existing law, 23 per centum of title III funds are earmarked for junior colleges. The Senate amendment, but not the House amendment, increased the support to 24 per centum. The House recedes, with a technical amendment making changes in the Senate language.

Earmarking funds.—The Senate amendment required not less than 50 per centum of title III funds to be used for institutions which enroll a significant proportion of students who have had inadequate secondary school preparation or have come from educationally, culturally, or economically deprived backgrounds. There is no comparable House provision. The Senate recedes.

Requirements for developing institutions status.—(a) Existing law requires a developing institution to meet such other requirements as the Commissioner may prescribe by regulation. Under the Senate amendment, this requirement is modified so as to require the Committee to seek the advice of the title III Advisory Council before prescribing such regulations. The Senate recedes. (b) Under the Senate amendment, such requirements which the Commissioner prescribed by regulations must include at least a determination of whether the institution—

(1) is making a reasonable effort to improve its quality;

(2) is struggling for survival and is isolated; and

(3) enrolls a significant portion of students who may have had inadequate secondary school preparation or who come from educationally, culturally or economically deprived backgrounds.

The latter consideration does not appear in existing law and was not included in the House amendment. The first two considerations are statutory requirements in the definition of "developing institutions" under existing law rather than requirements to be prescribed by the Commissioner by regulation. Conference report contains the Senate revision on technical points, but does not contain the new substantive requirement referred to in clause (3) above.

Waiver of five-year existence requirement for eligibility.—Under present law, which the House amendment continued unchanged, in order to be eligible for assistance under title III, an institution must have been in existence for five years prior to its application for assistance. (a) The Senate amendment continued this 5-year requirement, adding, however, the requirement that the institution be either accredited or seeking accreditation for that five years. (b) The Senate amendment authorized a waiver of these requirements for (1) junior and community colleges or (2) such institutions located in Alaska, California, or Oklahoma or on, or in proximity to, an Indian reservation if the Commissioner determines that such action will increase the availability of higher education to Indians. Grants pursuant to such applications may not involve an expenditure of funds in excess of 10 per centum of the amount earmarked for junior and community colleges. The conference substitute contains the Senate provision in (a). On the matter described in (b), the conference substitutes for the provision in the Senate amendment a provision authorizing waivers for applications by institutions located on or near Indian reservations or near substantial populations of Indians where the Commissioner determines such action will increase higher education for Indians, but the grants with respect to which waivers are made may not involve an expenditure of funds in excess of 1.4 per centum of the sums appropriated for any fiscal year for the purposes of this title.

Approval of application.—The Senate amendment required the Commissioner to obtain the advice of the Advisory Council on Developing Institutions when approving applications for title III funds. There was no comparable House provision. The Senate recedes.

Establishing list of developing institutions.—The Senate amendment required the Commissioner, with the assistance of the Council, not later than thirty days after the fiscal year ending June 30, 1972, to establish a list of developing institutions which are eligible for assistance under title III. Such list must be established on the basis of applications, such list must be published in the Federal Register each year. There were no comparable House provisions. The Senate recedes.

The definition of "junior and community colleges" that appears in title X of this Act defines such institutions as including branches thereof located in communities different from the parent institution. It is the intention of the conferees that this definition should be applied consistently with respect to junior and community colleges.

Advisory council.—Existing law, which the House amendment continued without change, established in the Office of Education an advisory council consisting of one representative each of any Federal agency which the Commissioner designates as having responsibilities with respect to developing institutions, and eight additional members appointed by the Commissioner with the approval of the Secretary. Under the Senate amendment, the Council would consist of nine members appointed by the Commissioner with the approval of the Secretary. The House recedes.

National Teaching Fellowships.—Under existing law, which the House amendment continued unchanged, the language authorizing National Teaching Fellowship program is a separate program in title III. Under the Senate amendment, National Teaching Fellowships language is included in the same section authorizing activities eligible for support under title III under the heading "Uses of Funds." Existing law establishes a $6,500 ceiling on the stipend and a $400 ceiling on the allowance per dependent paid fellows; under the Senate amendment, there is no statutory dollar limitation. The conferees have agreed to establish a stipend ceiling of $7,500, plus $400 per dependent, but in other respects the conference agreement is the same as the Senate amendment.

Professors emeritus program.—Under existing law and the House amendment the professors emeritus program is a separate program in title III. Under the Senate amendment, the professors emeritus language is included among activities eligible for support under title III under the heading "Uses of Funds". The professors emeritus program authorization contained in the Senate amendment differs from existing law in the additional following respects: (a) Under existing law the Commissioner is statutorily directed to undertake a program of dissemination of information concerning the professors emeritus program; this specific requirement is eliminated in the Senate amendment. (b) Under existing law, professors emeritus grants may be awarded for such period of teaching or research as the Commissioner may determine, while in the Senate amendment, a professors emeritus grant is limited to a two-year period, except that the grant may be extended "as the Commissioner upon the advice of the Council, may determine in accordance with policies of the Commissioners set forth in regulations". (c) Existing law authorizes grants to professors emeritus in such amounts as may be determined by the Commissioner upon the advice of the Council; under the Senate amendment, stipends and allowances for dependents are authorized as determined by the Commissioner, upon the advice of the Council. The House recedes.

Participation of developing institutions in other programs.—Under the Senate amendment, in connection with titles II, IV, VI, and VII of the Higher Education Act of 1965, developing institutions would be eligible for (1) a waiver of any non-Federal share requirement (the total amounts expended under grants for which the waiver is granted may not exceed 10 per centum of the appropriations for the program involved) and (2) to the extent consistent with law, priority consideration for their applications when they are considered in competition with applications from nondeveloping institutions. The House recedes on the first point (with a technical language change). The Senate recedes on point (2).

EMERGENCY ASSISTANCE FOR INSTITUTIONS OF HIGHER EDUCATION

(a) The Senate amendment authorized $150,000,000 for the period from the date of enactment through fiscal year 1974 for a new interim emergency assistance to institutions of higher education in serious financial distress and in need of additional assistance either (1) to continue operation of the institution or (2) to prevent substantial curtailment of academic programs to the detriment of the quality of education available to students. There was no comparable House provision.

(b) The Senate amendment further authorizes grants for planning and management capability improvement to institutions receiving emergency assistance and to other institutions for demonstration grants having national significance for improving the planning and management capabilities of institutions of higher learning. Grants for this purpose could not exceed the full-time equivalent enrollment multiplied by $5, or $15,000, whichever is greater. There was no comparable House provision.

(c) The Senate amendment directed the Commissioner of Education to conduct a study of the financial conditions of institutions of higher education in order to assess the dimensions of and extent of the financial crisis confronting those institutions. The study is to include an analysis of the various proposals presented to the Congress relating to institutional assistance; the costs, advantages and disadvantages, and the extent to which each proposal would preserve the diversity and independence of institutions; and the extent to which each proposal would advance the national goal of making higher education accessible to all individuals having the desire and ability to continue their education. Not later than July 1, 1973, the Commissioner would be required to prescribe uniform accounting standards for determining average per-student costs. Any institution of higher education which desired to receive funds authorized under the Higher Education Act of 1965 would be required to present cost data to the Commissioner in this form before he could make any award. The Commissioner is to report the results of the study to the President and the Congress not later than December 31, 1972. The Senate bill authorized such sums as may be necessary for the period from the date of enactment until June 30, 1974 for this purpose. There was no comparable House provision.

The conference agreement authorizes the program of emergency assistance that was contained in the Senate bill with the following limitations:

(1) The authorization is reduced to $40 million,

(2) The authority to make grants for planning and management,

(3) Capability is eliminated, and

(4) The study referred to in subsection (c) above is consolidated with similar study provisions discussed later in this statement.

Student assistance

In General.—The Senate amendment but not the House amendment consolidated in a single title of the Higher Education Act of 1965 a number of programs providing assistance to students at institutions of higher education. The Senate amendment established two separate programs of student assistance grants; the House amendment on its part extended and revised the existing program. The conference substitute adopts the general pattern of the Senate amendment.

BASIC EDUCATIONAL OPPORTUNITY GRANTS

The Senate amendment established a new program under which students at colleges and universities were entitled to basic grants to assist them to pursue their education. The amount of the basic grant was $1,400 less the amount the student or the family of the student could reasonably be expected to contribute toward his education, the "family contribution." The amount of the grant could not exceed one half the actual cost of attendance at the institution the student is attending. The program is viewed as the foundation upon which all other Federal student assistance programs are based.

The conference substitute adopts the substance of the Senate amendment but with the following significant changes:

(1) The conference substitute places limitations on the amount of the basic grant by providing that such grant may not exceed the difference between the student's expected family contribution and the actual cost of attendance at the institution and by providing that in the event appropriations are not sufficient to meet the full entitlement for basic grants then such grant could not exceed one-half of the student's actual need, unless the appropriation amounts to 75 percent or more of full entitlement, in which case such grant could not exceed 60 percent of the student's actual need.

(2) The conference agreement limits the Senate amendment by providing that Social Security benefits and one-half of Veterans' benefits will be considered as effective income for the student.

(3) The conference substitute contains a limitation which controls under circumstances in which appropriations are insufficient to pay all entitlements under the program. Under these provisions where appropriations are insufficient each entitlement which exceeds $1,000 will be paid at the 75 percent rate, each entitlement which exceeds $800 but does not exceed $1,000 shall be paid at a 70 percent rate, each entitlement which exceeds $600 but does not exceed $800 shall be paid at a 65 percent rate, and each entitlement which does not exceed $600 will be paid at a 50 percent rate. Where the amounts appropriated are insufficient to pay even at these reduced rates, provision is made for payments on a pro rata reduced basis.

(4) The Senate amendment provided that no basic grant would be made where the entitlement was less than $200. The conference substitute imposes a $50 limitation whenever the program is less than fully funded.

(5) The conference substitute contains provisions which limit basic educational opportunity grants in relation to other student assistance programs. Under these provisions none of these new basic educational opportunity grants will be awarded for any fiscal year in which the appropriation for supplemental educational opportunity grants is less than $130,093,000, the appropriations for work-study programs is less than $237,400,000, or the appropriations for institutional student loan programs is less than $286,000,000.

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS

The Senate amendment and the House amendment each provided for programs for making educational opportunity grants which were closely related to the present provisions of law governing such grants. The significant differences are discussed below.

Educational Opportunity Grants authorization of appropriations.—Existing law separately authorizes $170,000,000 for initial-year grants, and such sums as may be necessary for continuations for fiscal year 1971. The conference report retains, in section 131, certain technical amendments relating to extension of existing educational opportunity grant programs. These provisions have only technical applications. The authorizations for Supplemental Educational Opportunity Grants in the Senate bill and for Educational Opportunity Grants as in the House amendment are as follows:

	Senate	House
Fiscal year:		
1972	$170,000,000 for initial year plus such sums.	$295,000,000.
1973	$200,000,000 for initial year plus such sums.	Such sums.
1974	do	Do.
1975	do	Do.
1976		Do.

The conference substitute authorizes the appropriation of $170,000,000 for fiscal year 1972, $200,000,000 for fiscal year 1973, and each of the two succeeding fiscal years, for carrying out this program. In addition, the conference substitute, as would the Senate amendment, authorizes the appropriation of such sums as may be necessary for educational opportunity grants for years other than the initial year of the award of such grant.

Amount of grants.—Existing law limits the maximum grant to the lesser of $1,000 or one-half the amount of student aid provided the student by the institution of higher education and any State or private scholarship program. The Senate amendment continued this ceiling for supplemental grants, raising it to $1,200 in the case of a student who, during the preceding academic year, is determined to have ranked in the upper half of his class at an institution of higher education. The House amendment raised the ceiling to $1,500 but provided that no student shall be paid more than $4,000 in Educational Opportunity Grants funds during his undergraduate education ($5,000 in the case of a student pursuing a course of study where five academic years is the normal period needed to complete the course, in accordance with regulations of the Commissioner). The conference substitute contains the ceilings provided in the House amendment.

Determination of need.—The Senate amendment for supplemental grants provide for determinations of need for assistance to be made by the institution of higher education; the House amendment added that such determinations are to be made in accordance with regulations of the Commissioner. The Senate amendment authorized the Commissioner to prescribe, for the guidance of institutions, basic criteria and schedules for the determination of need. The House amendment provided such authority "subject to the other limitations of this part" and expressly states that "such criteria or schedules shall not disqualify an applicant on account of his earned income if income from other sources in the amount of such earned income would not disqualify him". There is no comparable Senate provision. The Senate recedes.

Minimum grant.—The Senate amendment provided that, if the amount determined with respect to the need of a student is less than $200, no payment shall be made. The House recedes.

Amendments affecting duration of grants.—Existing law, which the Senate amendment continued unchanged for supplemental grants, provided that the duration of the grant shall be the period required for the completion of the undergraduate course of study being pursued by the student. The House amendment provided that a student may be awarded a grant for each academic year of the period required for completion of his undergraduate course. The Senate recedes.

Period of eligibility.—Existing law limits an Educational Opportunity Grant to four academic years. The Senate amendment for Supplemental Educational Opportunity Grants provided that in the case of the student pursuing a course of study leading to a first degree in a program of study designed by the institution to extend over five academic years, or a student unable to complete a course of study in four academic years because of an institutional requirement that he enroll in a noncredit remedial course of study, the period may be extended for not more than one additional academic year. The House amendment provided that a student's eligibility may, in accordance with regulations of the Commissioner, be extended for up to an additional academic year where five academic years is the normal period needed to complete the course of study or where the student, because of his particular circumstances, is determined by the institution to need an additional year to complete a course normally requiring four years. The Senate recedes.

Determination of financial need.—Existing law which the Senate amendment continued unchanged for Supplemental Educational Opportunity Grants, provides that in determining financial need, the institution will consider the source of the student's income and that of any individual upon whom the student relies primarily for support. The House amendment provided that expected family contributions shall be considered to be the contribution expected in the specific circumstances of the applicant, as determined by the student financial aid officer. Any calculation of the ability of a family to contribute shall include consideration of family assets, value of any social welfare services provided to the family by public or private agencies, number of children in the family, number of children attending institutions of higher education, any catastrophic illnesses in the family, business failures, educational expenses of other dependent children in the family, and other circumstances affecting the student's financial need. The conference substitute contains the substance of the House provision with the following exceptions: (1) limits family assets to those reasonably available for education purposes, (2) requires the Commissioner to establish rules and regulations defining educational expenses, and (3) deletes references to business failures and the value of social services.

Agreements with institutions—Use of funds.—Existing law which the Senate amendment continued unchanged authorized the use of funds for administrative expenses. The House amendment does not. The House recedes.

Agreements with institutions—Determination of eligibility.—Existing law, which the Senate amendment continued unchanged for Supplemental Educational Opportunity Grants provides that an institution must agree to consider a student's source of income and that of any individual upon whom he relies primarily for support and make appropriate review of the assets of the student and of such individuals. The House amendment provided for the consideration of the student's income (a) "including as a part thereof any expected contribution from parents or others upon whom the student may rely for support," (b) "except that there shall be deemed to be no expected contributions from the parents of a veteran." The House recedes.

Agreements with institutions—Encouraging talented high school students.—Existing law, which the Senate amendment continued unchanged for supplemental grants, provides for conditional commitments of grants for qualified secondary students enrolled in grade 11 or lower grades who show evidences of academic or creative promise. The House amendment provided for such commitments to students "who but for such grants would be unable to obtain the benefits of higher education, with special emphasis" on promising students in grade 11 or lower. The Senate recedes.

Agreements with institutions—Maintenance of effort.—Existing law, which the Senate amendment continued for supplemental grants cross-references the maintenance of effort requirement to section 464. The House amendment repeated the language of that section as an institutional assurance. The House recedes.

Agreements with institutions—Miscellaneous provisions.—Existing law and the House amendment authorize the inclusion of such other provisions as may be necessary to protect the financial interest of the United States "and promote the purposes of this part." The Senate amendment deleted the quoted language. The Senate recedes.

Apportionment among States.—The existing law, continued by the Senate amendment, apportioned grant funds among the States according to the relative numbers of students in the State. The House amendment adopted a uniform method of apportionment for this program and the work-study and student loan programs. Under that formula funds would be allocated one-third according to relative numbers of students, one-third according to relative numbers of high-school graduates in the State, and one-third according to relative numbers of children from low income families. Ten percent was reserved for discretionary allotment by the Commissioner. The conference substitute adopts the Senate provisions with a change making 10 percent of the funds available to the Commissioner for discretionary allotment as provided by the House. Savings provisions are included to ensure that no State's allotment is reduced below its 1972 level.

Reapportionment of funds among States.—Existing law and the House amendment provide that if the sums determined to be necessary for any State are less than the State's allotment, the Commissioner may reallot the remainder. The Senate amendment for supplemental grants provided that if the Commissioner determines that the sums apportioned to any State exceed the aggregate of the amounts he determines to be required, he shall reapportion such excess. The House recedes.

Apportionment of continuation grants.—Existing law and the Senate amendment for supplemental grants provide that the Commissioner shall apportion funds appropriated for continuation grants in such manner as he determines will best assist in achieving the purposes of the part. The House amendment did not distinguish between initial year and continuation grants. The House recedes.

Within-State allocations to institutions.—Existing law, which the Senate amendment continued for supplemental grants, provides that the Commissioner shall make allocations to institutions within the State according to equitable criteria and authorizes reapportionment of continuation grants. The House amendment deleted the word "equitable" and does not contain reapportionment authority for funds within State. The House recedes.

State Student Incentive Grant Programs

The Senate amendment, but not the House amendment, authorizes grants to States to assist them in providing student incentive grants to eligible students in attendance at institutions of higher education, with an authorization of $50,000,000 for each year from fiscal year 1973 through fiscal year 1975 for payments to States for initial year student incentive grants. In addition, there was authorized such sums as may be necessary for continuation grants to individuals who have already been awarded student incentive grants. Funds shall be allotted among the States on the basis of the relative number of students in attendance at institutions of higher education. From any State's allotment the Commissioner is authorized to pay 50 per centum of the amount of student incentive grants pursuant to a program administered by a single State agency with grants not to exceed $1,500 per academic year for attendance on a full-time basis, selection of recipients on the basis of substantial need, and payment of the non-Federal portion of such grants from State funds which represent an additional expenditure for such year by such State over the amount expended by it for such grants during the second fiscal year preceding the fiscal year it initially receives funds under the program. The conference substitute adopts the substance of the Senate provision with variations to make it clear that the incentive feature of the program applies to the States rather than to the students. Revisions are made in the reallotment formula to reduce the discretion given the Commissioner. Also, provision is made to insure that there will be a continuing review of the eligibility of students for assistance under this part.

Special Programs for Students From Disadvantaged Backgrounds

Both the Senate amendment and the House amendment consolidated the three existing programs for students from disadvantaged backgrounds. The two provisions differ in the following respects:

(a) *Authorization of Appropriations.*

	Senate	House
Fiscal year:		
1972	$96,000,000	Such sums.
1973	100,000,000	Do.
1974	100,000,000	Do.
1975	100,000,000	Do.
1976		Do.

The conference substitute adopts the Senate figures.

(b) *Authority to contract with profit-making organizations.* The Senate amendment allowed the Commissioner to contract only with public and private nonprofit agencies and organizations. The House amendment allowed contracts with both profit and nonprofit private organizations. The Senate recedes.

(c) *Eligibility.* The House amendment continued existing law under which physically handicapped students are eligible for services. In the Senate amendment the word "physically" is deleted. The Senate recedes.

(d) *Continuation of separate programs.* The Senate amendment provided that there are to be programs entitled Upward Bound, Talent Search, and Special Services for Disadvantaged Students while the House amendment continued the activities provided for these programs in existing law, but did not prescribe that there shall be three separate programs. The House recedes.

(e) *Establishment of educational opportunity centers.* The Senate amendment authorized the Commissioner to pay up to 75 per centum of the cost of establishing and operating educational opportunity centers which would serve areas with major concentrations of low-income populations by providing information concerning academic and financial assistance available for postsecondary education, by assisting such persons in applying for admission at institutions, and by providing counseling, tutorial, and other necessary services to such persons while attending an institution. In addition, such centers would serve as recruiting and counseling pools to coordinate the recruiting resources of postsecondary institutions in admitting educationally disadvantaged persons. The House amendment had no comparable provision. The House recedes, with the understanding that this provision should not be interpreted to reduce the admission standards of the institution.

(f) *Authorization of stipends.* The House amendment authorized the Commissioner to pay stipends of up to $30 per month to enrollees participating on an essentially full-time basis in one or more of the services authorized in the House amendment. The Senate bill had no comparable provision. The Senate recedes.

Appropriations for award of continuation grants to students receiving Educational Opportunities Grants on the date of enactment.—The Senate amendment authorized such sums as may be necessary for each fiscal year though fiscal year 1975 in order to provide continuation grants to those students who were receiving Supplemental Educational Opportunity Grants under the existing Educational Opportunity Grants program. The House amendment had no comparable provision. The Senate receded.

Definition of institution of higher education.—Under existing law students in proprietary institutions are not eligible to participate in the Educational Opportunity Grants program. The Senate amendment amended section 461(b) of the Higher Education Act, with respect to the definition of "proprietary institution of higher education" by striking the section and inserting a new section which defines the term "institution of higher education" for the purposes of part A of the Senate amendment, except for subpart 5 (cost of instruction allowances), as including any (1) school of nursing and any (2) proprietary institution of higher education which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students. The effect of this change would be to allow students attending eligible proprietary institutions to participate in the basic and supplemental programs in the Senate amendment. The House amendment allows students attending proprietary institutions to receive Educational Opportunity Grants. The House recedes.

Definition of school or department of divinity.—The Senate amendment provided for a single definition of "school or department of divinity" as follows: as an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (a) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (b) to prepare them to teach theological subjects. This definition would be applicable to the entire Higher Education Act wherever the term occurs. The House amendment continued existing law under which similar definitions appear in separate programs. The House recedes.

Insured Student Loans

Extension of the insured loan program.—The Senate amendment extended the insured loan program through fiscal year 1975 whereas the House amendment extended the program through fiscal year 1976. The total principal amount of new loans which may qualify for Federal loan insurance specified in the Senate bill and the House amendment were as follows:

	Senate	House
Fiscal year:		
1972	$1,400,000,000	$1,600,000,000
1973	1,400,000,000	1,800,000,000
1974	1,400,000,000	2,000,000,000
1975	1,400,000,000	2,200,000,000
1976		2,400,000,000

The conference agreement contains the following limitation on the amount of new loans which may qualify for Federal loan insurance:

$1.4 billion for fiscal year 1972
$1.6 billion for fiscal year 1973
$1.8 billion for fiscal year 1974
$2.0 billion for fiscal year 1975

Loan limitations.—Under present law, the total of the loans made to a student in any academic year which may be covered by Federal loan insurance or by that of a State or private nonprofit agency or institution may not exceed $1,500 per year. The aggregate unpaid principal amount on all insured loans which a student may have outstanding at any time is $7,500. The House amendment, but not the Senate bill, increased the aggregate limitation from $7,500 to $10,000. The House amendment further raised the annual limitation from $1,500 to $2,500. The House amendment further authorized the Commissioner to waive these maximums with respect to students in specialized training resulting in exceptionally high costs of education. The Senate amendment allowed the annual limitation of $1,500 to be exceeded when the financial aid officer determines, in accordance with general criteria of the Commissioner, that a student is in need of a larger amount. However, in no case could a loan exceed an annual limitation of $2,500. The Senate recedes with an amendment limiting the aggregate loan ceiling to $7,500.

Interest subsidy provisions.—The House amendment eliminated the $15,000 adjusted family income ceiling as a requirement for a subsidized loan and substituted in lieu thereof an institutional decision that the student has a need for the amount of such subsidized loan. The House amendment required the institution to provide the lender with a statement certifying that the student has evidenced need and stating the amount of the subsidized loan. There was no comparable Senate provision.

The conference substitute contains features drawn from both the Senate and House amendments. Under it a student would be eligible for an interest subsidy if his adjusted family income is less than $15,000 The student's school will furnish the lender with a statement concerning its determination of the amount of the student's need for the loan and a recommendation as to amount of the subsidized loan. In the case of students whose adjusted family income is over $15,000, the school may determine that he is in need of a loan to attend the institution. If it so determines, it shall provide the lender with a statement evidencing the school's determination of the amount of his need and a recommendation as to amount of the subsidized loan.

Insurance liability.—(A) Under existing law, insurance liability extends only to the unpaid portion of the insured loan. The House amendment, but not the Senate bill, provided that the insurance liability of the United States on insured loans includes liability to pay all aggregate interest. (B) The House amendment further pledged the full faith and credit of the United States to pay the amounts which may be required because of the default, death, or disability of the borrower. There are no comparable Senate provisions. The Senate recedes.

Eligibility of part-time students.—Under present law, in order to qualify for an insured loan, a student must be carrying at least one-half of the normal full-time workload as determined by the institution. The House amendment, but not the Senate amendment, would allow loans to be made to students studying on part-time basis. The House recedes.

Administrative allowance.—The House amendment, but not the Senate amendment, authorized the Commissioner to pay to each eligible institution an administrative allowance for the purpose of reimbursing institutions for their costs in determining eligibility of students for interest subsidy payments. The allowance paid to an institution may not exceed 1 per centum of the amount of insured loans made to students at the institution during each fiscal year. The Senate recedes.

Terms of loans.—The House amendment required that State loan or private nonprofit loan programs include provisions for allowing deferment of principal repayment during periods of service by the borrower in the armed services, Peace Corps, or while a full-time student. Provisions of existing law which merely encourage the inclusion of such a moratorium in State and private nonprofit loan programs are deleted. There are no comparable Senate provisions. The Senate recedes.

Participation of credit unions.—The House amendment, but not the Senate amendment, eliminated the existing limitation that not more than 15 per centum of the assets of Federal credit unions be available for making insured loans. The Senate recedes.

Eligibility of institutions.—The Senate amendment authorized the Commissioner to prescribe regulations which may be necessary to provide for (a) fiscal audit of lending institutions with regard to any funds obtained from a student borrower; (b) the establishment of reasonable standards of financial responsibility and appropriate institutional capability for the administration of a student loan program; and (c) the limitation, suspension, or termination of the eligibility of the lender whenever the Commissioner has determined, after notice and opportunity for a hearing, that such institution has violated or failed to carry out any regulation prescribed under part B of title IV of the Higher Education Act. There was no comparable House provision for items (a) and (b) above. With respect to item (c), the House amendment authorized the Commissioner to suspend, limit, or terminate eligibility whenever he determines, after affording an opportunity for a hearing, that such termination is necessary in order to carry out the purposes of the student loan program. The House recedes on each of these points.

Eligibility of vocational education institutions.—The Senate amendment, but not the House amendment, required the Commissioner to publish a list of State agencies which he determines to be reliable authority as to the quality of vocational education in the several States for the purpose of determining eligibility for all Federal student financial assistance and other matters of Federal assistance in higher education. The conference agreement requires that the Commissioner shall publish a list of State agencies which he determines to be reliable authorities as to the quality of public postsecondary vocational education in their States for the purpose of determining eligibility for all Federal student assistance programs.

Savings provision.—The House amendment, but not the Senate amendment, exempts from the effect of these amendments any loan made after enactment which is made for the purpose of consolidating loans made prior to enactment. The Senate recedes.

STUDENT LOAN MARKETING ASSOCIATION

Duration of the Association.—The House amendment provided that the Student Loan Marketing Association, established by this part, shall have succession until dissolved by Act of Congress, whereas under the Senate amendment, authority of the Association to deal in student loans and issue obligations shall terminate five years after the enactment of these amendments. Upon such termination, the Board of Directors shall proceed to take whatever steps are necessary to dissolve the Association. The Senate recedes with subsequent language which limits the authority of the Federal Government to guarantee obligations of the Student Loan Marketing Association to July 1, 1982.

Advances to the Association.—The Senate amendment authorized an appropriation of $5,000,000 to the Secretary of Health, Education, and Welfare for making advances to help establish the Association, while the House amendment authorized such sums as may be necessary. The House recedes.

Interest on advances to the Association.—The Senate amendment required that advances to the Association bear interest at not less than the rate determined by the Secretary of the Treasury plus an allowance adequate in the judgment of the Secretary of Health, Education, and Welfare to cover administrative costs and probable losses. The Senate amendment further provided that the payment of advances shall be deposited into miscellaneous receipts of the Treasury. There is no comparable House provision. The House recedes.

Designation of the Chairman of the Board of the Association.—Under the Senate amendment, the Chairman of the Board of Directors for the Association is to be designated by the Board members, whereas under the House amendment, the Chairman is to be appointed by the President. The Senate recedes.

Appointment of the Board of Directors.—Under both amendments, the President is to appoint seven directors for the permanent board. The House amendment, but not the Senate bill, requires that the Board members appointed by the President be representative of the general public. The Senate recedes with the understanding that members representing the general public should not represent eligible lenders or eligible institutions.

Term of the Board of Directors.—Under the Senate amendment, presidential appointees to the Board serve at the pleasure of the President and all directors serve until their successors have been appointed and have qualified. Under the House amendment, all directors serve on an annual basis with the presidential appointments, but not the other directors, serving until their successors have been appointed and qualified. The House recedes.

Meetings of the Board of Directors.—The House amendment, but not the Senate amendment, required the Board of Directors to meet at least semiannually. The Senate recedes.

Restrictions regarding servicing of insured student loans.—Under the Senate amendment, but not the House amendment, the Association may only deal in student loans of a lender if with respect to such lender the Association finds—

(1) that such lender (A) did not discriminate against any particular class or category of students by (i) requiring that the student or his family maintain a business relationship with the lender (except in the case of credit unions), and (ii) refusing to make loans to students for their freshman year of study, and (B) did not discriminate on the basis of sex, color, creed, or national origin; and

(2) that the lender's institution is in the geographical vicinity of the student's legal residence, or the loan was obtained only after the student had exercised reasonable efforts to obtain a loan from eligible lenders in the geographical vicinity of the student's legal residence, or the student obtained the loan with a lender outside the geographical vi-

cinity of the student's legal residence because the lender maintained a business relationship with the student or his family.

The conference agreement provides that the Association shall make advances on security or purchase student loans only after being assured that (A) the lender does not discriminate by pattern or practice against a particular class of students by requiring a previous business relationship, except that this provision does not apply to credit unions, saving and loan associations, mutual savings banks, or institutions of higher education or to lenders with less than $50,000,000 in deposits; (B) that the lender does not discriminate on the basis of race, sex, color, creed, or national origin.

Common stockholders.—Under both amendments lenders who are qualified as insured lenders under part B of title IV may be common stockholders. The House amendment also allowed "eligible institutions" as defined in section 435 (other than an institution outside the United States) to be common stockholders, whereas the Senate amendment does not. The Senate recedes.

Guarantee of Association's obligations.—The Senate amendment (within such limits as may be specified in appropriations Act) authorized the Secretary of Health, Education, and Welfare to guarantee payment when due of principal and interest on obligations issued by the Association. Under the House amendment, the Secretary was so authorized but without regard to any limitations in appropriations Acts. The Senate recedes.

Obligations of the Secretary of Health, Education, and Welfare.—The Senate amendment authorized the Secretary of Health, Education, and Welfare, when discharging responsibilities under guarantees issued by him, to issue to the Secretary of the Treasury notes or other obligations subject to such terms and conditions as may be prescribed by the Secretary of Health, Education, and Welfare with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriations Acts. Under the House amendment, the Secretary of Health, Education, and Welfare was also authorized to issue such obligations. However, there was no reference to limitations in appropriations Acts as is the case in the Senate amendment. The Senate recedes.

Audit.—With respect to the auditing of the Association, the respective amendments differ as follows:

(a) Under the Senate amendment, the financial transactions of the Association will be audited by the Secretary of the Treasury, whereas under the House amendment, the accounts of the Association will be audited by independent certified public accountants or by independent licensed public accountants. The Senate recedes.

(b) Under the Senate amendment, the audit must be in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as the Secretary of the Treasury may prescribe, whereas under the House amendment, audits must be conducted in accordance with generally accepted auditing standards. The Senate recedes.

(c) The Senate amendment, but not the House amendment, specified that the audit shall be conducted at the place or places where the accounts of the Association are normally kept. The House recedes.

(d) The Senate bill, but not the House amendment, provided representatives of the Secretary with access to the Association accounts. The House recedes.

(e) Under the Senate amendment, appropriations of such sums as are necessary are authorized to cover the expenses of audits. The Association was required to reimburse the Treasury Department for the full cost of such audits, and these sums will be reimbursed to the Treasury as miscellaneous receipts. The House amendment had no comparable provision. The Senate recedes.

(f) The House amendment required that each audit report be furnished by the Secretary of the Treasury, whereas under the Senate amendment, the Secretary of the Treasury carried out the audit requirement and furnish a copy to the Secretary of Health, Education, and Welfare. The Senate recedes.

(g) Under both amendments, a report of each audit for a fiscal year must be made to the President and to the Congress. Under the Senate amendment, the report was to be accompanied by such recommendations as the Secretary of the Treasury may deem advisable, whereas under the House amendment, the report was to be made with such recommendations as the Secretary of Health, Education, and Welfare deems advisable. The House recedes.

Separability.—The House amendment but not the Senate bill contained a separability section. The Senate recedes.

EMERGENCY INSURED STUDENT LOAN ACT

Authority for paying special allowances on insured loans.—The Senate amendment extended the authority contained in the Emergency Insured Student Loan Act for paying special allowances on insured student loans through fiscal year 1973, whereas the House amendment extended such authority through fiscal year 1976. The conference substitute extends this authority through fiscal year 1974.

COLLEGE WORK-STUDY PROGRAM

Statement of purpose of college work-study program.—Under existing law, the purpose of the college work-study program is stated as "stimulation and promotion of part-time employment of students, particularly students from low income families". The House amendment but not the Senate bill, deleted "from low income families" and substitutes in lieu thereof "with great financial need" The Senate recedes.

Extending college work-study.—The Senate amendment extends the program through fiscal year 1975, whereas the House amendment extended the program through fiscal year 1976 with the following annual authorization of appropriations:

	Senate	House
Fiscal year:		
1972	$320,000,000	$330,000,000
1973	320,000,000	360,000,000
1974	320,000,000	390,000,000
1975	320,000,000	420,000,000
1976		450,000,000

The conference substitute provides authorizations for the program through fiscal year 1975, and at the rates provided for in the House amendment for those years.

Allotments to States.—The Senate amendment did not change existing law with respect to allotment of work-study funds to States. The House amendment provided a uniform formula for allotting funds for work-study and student loan and EOG programs. That formula was the same as the existing law except that 10 percent is received for discretionary allotment by the Commissioner. The conference substitute provides separate allotment formulas and continues the existing formula for work-study, except that the feature reserving 10 percent for the Commissioner is retained as provided by the House. Savings provisions are included to ensure that no State's allotment will be reduced below its 1972 level.

Selection of students.—The Senate amendment, but not the House amendment, modified the eligibility criteria for students participating in the college work-study program so as to require that the actual cost of attendance at the institution be taken into consideration in connection with determining whether students meet the criteria that employment is necessary in order to pursue a course of study at such institution. The House recedes.

Part-time students.—Only full-time students presently may participate in the college work-study program. The House amendment, but not the Senate amendment, expanded eligibility to allow participation of students who are attending an institution on at least a half-time basis. The Senate recedes.

Preference for participation.—Under present law, preference for participation in college work-study is extended to students from "low-income families". The House amendment, but not the Senate amendment, modified the preference so as to include students "with the greatest financial need taking into account grant assistance provided such students from any public or private source". The Senate recedes.

Student eligibility.—Under present law only a student who is capable in the opinion of the institution of maintaining a good standing while employed under the work-study program is eligible for participation. The House amendment, but not the Senate amendment modified this criteria by deleting "is capable in the opinion of the institution" and substituting in lieu thereof "shows evidence of academic or creative promise and capability of maintaining good standing". The House recedes.

The House amendment eliminated the restriction on the hours a student may work while participating in the work-study program. No comparable Senate provision. The Senate recedes.

Work-study for community service learning.—The House amendment, but not the Senate amendment, added a new section to the college work-study program which authorized the Commissioner to enter into agreements with public or private nonprofit agencies for the purpose of implementing work-study for community service learning programs. These are special work-study programs designed to provide students with opportunity for service to the community as well as the enhancement of their educational development. The program provides a preference for veterans of the Armed Forces who served in Indo-China or Korea after August 5, 1964. Authorized an appropriation of $50,000,000 for fiscal year 1972 and each of the four succeeding fiscal years. The Senate recedes with amendment limiting authorizations to $25,000,000, for fiscal year 1972, and $50,000,000 in each of the three succeeding fiscal years.

COOPERATIVE EDUCATION

Amendments extending cooperative education programs.—The Senate amendment extended the program through fiscal year 1975, whereas the House amendment extended the program through fiscal year 1976 with the following annual authorization of appropriations:

(a) Grant Program:

	Senate	House
Fiscal year:		
1972	$10,000,000	Such sums.
1973	10,000,000	Do.
1974	10,000,000	Do.
1975	10,000,000	Do.
1976		Do.

(b) Research training program:

	Senate	House
Fiscal year:		
1972	$750,000	Such sums.
1973	750,000	Do.
1974	750,000	Do.
1975	750,000	Do.
1976		Do.

The conference substitute extends both programs through fiscal year 1975, and at the level of authorization provided in the Senate amendment.

Use of cooperative education funds.—The House amendment, but not the Senate amendment, expanded the training and research provision so as to authorize for the first time support of "projects demonstrating or exploring the feasibility or value of innovative methods of cooperative education." The Senate recedes.

DIRECT STUDENT LOANS

Direct loans to students.—The Senate amendment amended title IV of the Higher Education Act to add provisions comparable with those of title II of the National Defense Education Act. The House amendment extended title II of the National Defense Education Act. The House recedes.

Form of authorization.—Under the Senate bill, the Commissioner of Education was directed to carry out a program of low-interest loans, whereas the House amendment continued the National Defense Education Act title II, wherein funds are authorized for the purpose of enabling the Commissioner to carry out the program of low interest student loans. The House recedes.

Authorization of appropriations.—The Senate amendment authorized appropriations beginning in fiscal year 1972 through fiscal year 1975 for the direct loan program, whereas the House amendment extended title II of the National Defense Education Act through fiscal year 1976 with the following respective authorization.

	Senate	House
Fiscal year:		
1972	$375,000,000	$425,000,000
1973	375,000,000	475,000,000
1974	375,000,000	575,000,000
1975	375,000,000	675,000,000
1976		675,000,000

The conference substitute authorizes appropriations through fiscal year 1975. Level of authorizations are $400,000,000 for each year of the program's duration, except that for fiscal year 1972 the authorization is $375,000,000.

Use of capital contributions.—Under the National Defense Education Act, title II, which the House amendment continued, Federal capital contributions and all other contributions from participating institutions must be used for the establishment and maintenance of student loan funds, whereas under the Senate amendment, such contributions shall not only be used for the establishment and maintenance of student loan funds, but also for their expansion. The House recedes.

Apportionment of appropriations.—Under existing law, the appropriation of funds under title II of the National Defense Education Act is allotted among the States. The House amendment, but not the Senate amendment revised the statutory formula for the allotment to make it uniform with the formula applicable to the Educational Opportunity Grants and Work Study programs. The conference substitute retains the allotment formula of the Senate amendment except that 10 percent of the appropriations are to be reserved by the Commissioner for equitable allotment in the manner which he considers will be most effective. Savings provisions are included to insure that no State will receive a reduced allotment by reason of this provision.

Manner in which funds are paid to institution.—Under title II of the National Defense Education Act, which the House amendment continued, the Commissioner of Education is authorized to make payment to student loan funds in such installments as the Commissioner determines which will not result in unnecessary accumulations. The Senate amendment provided for payments by the Commissioner which will not result in unused accumulations. The Senate recedes. The Conferees agreed that in determining whether accumulations are unnecessary the Commissioner may not take the availability of other student assistance programs into consideration.

Reallotment of funds.—The method for reallotment of funds under the new direct loan program is substantially the same as that presently authorized in title II of the National Defense Education Act—that is, on the same basis as the statutory formula. The provisions differ in that under existing law, excess funds are reapportioned to all States, whereas under the Senate amendment, excess funds are reapportioned only to States which had in the same fiscal year received less than the amount requested. The House amendment revised the reallotment authority by authorizing the Commissioner to reallot National Defense Education Act title II funds pursuant to such criteria as he may determine. The House recedes.

Agreements with institutions of higher education.—(a) Under title II of the National Defense Education Act, which the House amendment continued, the agreement between the Commissioner and the institution must provide for the establishment of a student loan fund for the purposes of the program, whereas, under the Senate amendment, such agreement must provide not only for the establishment but also for the maintenance of a student loan fund. The House recedes.

(b) Under title II of the National Defense Education Act which the House amendment continued, the agreement must provide that student loan funds will only be used for loans to students in accordance with provisions of the agreement between the Commissioner and the institution, whereas under the Senate amendment, funds may only be used for loans to students in accordance with provisions of the statute. The House recedes.

(c) Under title II of the National Defense Education Act which the House amendment continued, the student loan fund may also be used for the cost of litigation and for other collection costs agreed to by the Commissioner, whereas under the Senate amendment, funds may be used only for litigation and such collection costs which are authorized by the Commissioner by regulation. The Senate recedes.

(d) The House amendment would allow the assignment of its rights to the United States under any loan to the United States, when such loan has been in default for at least one hundred and eighty days. There was no comparable Senate provision. The conference report retains this provision with a modification requiring that the loan must have been in default for two years.

Terms of loans.—Under title II of the National Defense Education Act, which the House amendment continued, loans to any student are subject to such conditions, limitations, and requirements as the Commissioner may prescribe by regulation or in the agreement with the institution. Under the Senate amendment, such loans will be subject to only conditions, limitations, and requirements which the Commissioner shall prescribe by regulation. The House recedes.

Loan limits.—Under title II of the National Defense Education Act, a loan may not exceed $2,500 in the case of a graduate student, $1,000 in the case of any other student, with an aggregate limitation of $10,000 in the case of a graduate or professional student, and $5,000 in the case of any other student. The Senate amendment increased the annual limit for undergraduate students from $1,000 to $1,500 and the aggregate limit from $5,000 to $7,500. The House amendment retained the $10,000 and $5,000 aggregate limit, set a $2,500 aggregate limit for the first two years of study leading to a bachelor's degree, and eliminated the annual ceilings of $2,500 for graduate students and $1,000 for any other student. The Senate recedes.

Repayment of loans.—Under title II of the National Defense Education Act, which the House amendment continued, the repayment period commences nine months after the date on which the borrower ceases to carry at an institution of higher education or a comparable institution outside the United States at least one-half the normal full-time academic workload. Under the Senate amendment, the language "or at a comparable institution outside the United States" was deleted. Existing law, which the House amendment continued, provided for repayment in equal installments (or graduated periodic installments determined in accordance with schedules approved by the Commissioner) payable quarterly, bimonthly, or monthly (at the option of the institution). The Senate amendment provided for making repayments in installments. The Senate recedes.

Assessment of charges for failure to repay.—Under title II of National Defense Education Act, an institution (pursuant to regulations of the Commissioner) may assess charges for failure to pay all of part of an installment when it is due, or failure of a recipient to file timely and satisfactory evidence of deferment or forgiveness of entitlement. Under the Senate amendment, such charges may be levied by the institution only if the agreement between the institution and the student provides for such assessment. The House recedes.

Eligibility of veterans.—The House amendment, but not the Senate amendment, provided that in determining the need of a veteran for a National Defense Education Act loan, an institution is not to take into account the income and assets of the veterans' parents. There was no comparable Senate provision. The Senate recedes.

Forgiveness.—(a) *Regular forgiveness.*—The Senate amendment but not the House amendment continued existing law under which a full-time teacher in a public or private elementary or secondary school, in an institution of higher education, or in an Armed Forces elementary or secondary school overseas, may have up to 50 per centum of his loan forgiven at the rate of 10 per centum per year. The Senate recedes.

(b) *Veterans' forgiveness.*—The Senate amendment but not the House amendment continued existing law under which up to 50 per centum of a loan may be forgiven for military service at the rate of 12½ per centum per year for each year of consecutive military service. The conference substitute provides this forgiveness only for military service in areas of hostilities.

(c) *Forgiveness for teachers of handicapped students.*—The House amendment continued existing law under which 100 per centum of a loan may be forgiven at the rate of 15 per centum per year for service as a teacher of handicapped children. The Senate amendment provided that forgiveness on account of a teacher of handicapped children shall be at the following rates: 15 per centum for the first and second years; 20 per centum for the third and fourth years; and 30 per centum for the fifth year. The House recedes.

(d) *Forgiveness for preschool teachers.*—The House amendment but not the Senate amendment expanded the forgiveness feature so as to provide forgiveness at the rate of 15 per centum per year up to a maximum of 100 per centum for service as a full-time staff member in a preschool program carried on under the Headstart section of the Economic Opportunity Act. In order to qualify, the program must be operated on a full school year basis and the salaries of staff members must be no more than the salaries of comparable employees of the local educational agency. The Senate recedes.

(e) *Forgiveness for service as a teacher of disadvantaged children.*—Under existing law, service as a teacher in a school determined by the Commissioner to be a school in which there is a high concentration of students from low-income families, qualifies for forgiveness at the rate of 15 per centum per year up to a maximum of 100 per centum. Only 25 per centum of the total public and private elementary and secondary schools in the State may be designated as such by the Commissioner unless more than this number have enrollments of qualifying students which exceed 50 per centum of the total enrollment. The Senate amendment provided up to 100 per centum forgiveness for teachers of children from low-income families (determined under section 103 of title I of the Elementary and Secondary Education Act) at the rate of: 10 per centum for the first and second years; 20 per centum for the third and fourth years; and 30 per centum for the fifth year. No more than 50 per centum of the number of schools in any State may qualify teachers for this type of forgiveness. Under the House amendment, up to 100 per centum of a loan may be forgiven at the rate of 15 per centum per year for service in any school in which the enrollment of low-income children (using a low-income factor of $3,000) is 40 per centum or more of the total enrollment. The Senate recedes, but with an amendment reducing the 40 percent of total enrollment to 30 percent and an amendment which would assure that not more than half of the schools getting title I assistance would qualify.

Terms of loans.—The House amendment continued existing law with respect to the requirement that student borrowers must take an oath of allegiance to the United States to be eligible to receive a National Defense Education Act loan. The Senate amendment would not impose this requirement on borrowers under part E of title IV. The House recedes.

Transfer of funds.—The House amendment authorized each institution of higher education to transfer not to exceed 10 per centum of its allotment under the Educational Opportunity Grants and college work-study programs between these two programs. The Senate amendment has no comparable provision. The Senate recedes.

Submission of regulations.—The House amendment required that copies of all rules, regulations, guidelines, instructions, and application forms published or promulgated under title IV of the Higher Education Act be provided to the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor at least thirty days prior to their effective date. There was no comparable Senate provision. The Senate recedes.

Waiver of maintenance of effort in certain cases.—The House amendment, but not the Senate amendment, authorized the Commissioner to waive the maintenance of effort requirement in the Educational Opportunity Grants and work-study programs "under special and unusual circumstances". The Senate recedes with the understanding that waivers be granted in accordance with rules and regulations promulgated by the Commissioner.

Eligibility for student assistance.—The Senate amendment transferred to title IV of the Higher Education Act language relating to eligibility for student assistance currently contained in section 504 of Public Law 90–575, except that the Senate language dropped from the coverage of this section fellowships awarded under titles II, III, and V of the Higher Education Act; and titles IV and VI of the National Defense Education Act. The House amendment had no comparable provision. The House recedes.

Affidavit of educational purposes.—The Senate amendment required that any student who receives a grant, loan, or loan guarantee under title IV of the Higher Education Act file with the institution of higher education which he attends an affidavit stating that the money he receives will be used solely for expenses related to attendance or continued attendance at such institution. If the institution determines that any student has violated the affidavit he has filed, the student is to be required to return any assistance subject to the violation and shall not be eligible for any further assistance under title IV of the Higher Education Act after the date of the violation. The House amendment had no comparable provision. The House recedes with an amendment striking the provision dealing with violations with understanding that any violations will be subject to the normal penalties provided under the law for false or fraudulent statements.

FINANCING POSTSECONDARY EDUCATION

The Senate amendment in two places required studies of financial conditions of institutions of higher education in order to assess the dimensions and extent of the financial crisis confronting those institutions. One study was to be conducted by the Commissioner; one by the Secretary. Each study was to be presented to the President and the Congress no later than December 31, 1972. The House amendment created within the executive branch the National Commission on the Financing of Postsecondary Education to conduct a similar study. The Commission was to report to the President and the Congress by June 30, 1973.

The conference agreement incorporates the purposes enunciated in the three studies and establishes the National Commission on the Financing of Postsecondary Education to conduct such a study and report to the Congress no later than April 30, 1973. The Commission shall suggest national uniform standards for the determining of the annual student cost of providing postsecondary education for students in all types and classes of institutions. Not later than sixty days after the final report of the Commission, the Commissioner shall make a report to the Congress commenting upon the Commission's suggested national uniform standards and incorporating his recommendations with respect to such standards as well as any related recommendations for legislation. The conference agreement authorizes $1,500,000 for the purposes of carrying out this study.

EDUCATION PROFESSIONS DEVELOPMENT

Authorization of appropriations.—The Senate amendment continues the separate authorizations of appropriations for the various parts of the title, as contained in existing law, only for fiscal year 1972; for fiscal year 1973 through fiscal year 1975, it authorized a single appropriation. The House amendment continued existing separate authorizations through fiscal year 1976. The authorizations are as follows:

	Senate	House
Fiscal year:		
1973	$600,000,000	Such sums.[1]
1974	600,000,000	Do.[1]
1975	600,000,000	Do.[1]
1976		Do.[1]

[1] Separately authorized for each part.

The conference agreement authorizes $200,000,000 for fiscal year 1973, $300,000,000 for fiscal year 1974, and $450,000,000 for fiscal year 1975.

Training of teachers of children with limited English-speaking ability.—The Senate amendment, but not the House amendment, earmarked not less than 5 per centum of the amounts available for the purposes of part C or part D for the training of teachers for service in programs for children with limited English-speaking ability. The House recedes.

Removing the ceiling on institutional payment under fellowship program.—Effective in fiscal year 1973, the Senate amendment removed the $3,500 limitation on institutional cost of education payments which accompany stipend-holders under part C. The Commissioner would only be limited to paying an amount he determines to be consistent with prevailing practices under comparable federally supported programs. The House amendment contained no comparable provision. The House recedes.

Estimate of sums necessary to support national advisory council.—The Senate amendment required the Department of Health, Education, and Welfare to submit to the Congress an estimate of the sums necessary to support the National Advisory Council, under the authority of section 401(c) (salaries and expenses) and part C (advisory councils) of the General Education Provisions Act. As noted above, the House amendment continued the separate authorization of appropriations. The House recedes.

Functions of, and compensation for, the Director of the Teacher Corps.—The Senate amendment promoted the Director of the Teacher Corps from a GS–17 to a GS–18, and increased the rank of the Deputy Director from a GS–16 to a GS–17, specifically providing that both positions shall be in addition to the number of positions in those grades under title V of the United States Code. There was no comparable House provision. The Senate recedes.

Delegation authority.—The Senate amendment provided that the Commissioner may delegate his functions with relation to the Teacher Corps only to the Director, and that neither the Director nor the Deputy Director shall be assigned any function unrelated to the Teacher Corps. The House amendment contained no comparable provision. The House recedes.

Under present law, the Director of the Teacher Corps is placed in the General Schedule at the level of grade 17 and the Deputy Director is placed in the General Schedule at the level of grade 16. The Senate amendment amended the provisions of present law to raise the Director and Deputy Director of the Teacher Corps to grades 18 and 17, respectively.

The Senate conferees stated that the purpose of these amendments was to make clear that the Teacher Corps was to have direct reporting authority to the Commissioner of Education, and that the Teacher Corps was not to be subjected to administrative direction at lower levels within the Office of Education.

The House conferees refused to accept this provision of the Senate amendment for reasons other than disagreement with the purpose of the Senate amendment, and agreed that the amendment was unnecessary to attain the objectives of the Senate amendment. It is the understanding of the conferees in rejecting the Senate amendment that the status of the Teacher Corps within the Office of Education should be the same as was originally intended with the enactment of the Higher Education Act of 1965: the Teacher Corps is intended to be independent of the regular bureaucratic structure of the Office of Education, and the Director of the Teacher Corps is not intended to be subjected to the administrative direction of persons other than the Commissioner of Education. The House conferees did agree to that part of the Senate amendment which relates to the delegation of authority of the Commissioner to the Director of the Teacher Corps, in line with that intention.

Tutors and instructional assistants—volunteer services.—Both amendments amended the program of attracting and qualifying teachers to meet critical teacher shortages by authorizing programs involving tutors and instructional assistants. The Senate amendment authorized grants to States to enable them to employ high school and college students as tutors or instructional assistants for educationally disadvantaged children, to compensate them at rates consistent with prevailing practices under comparable federally supported work-study programs, and to provide necessary training to teachers to enable them to teach other grades or other subjects in which there is a shortage. The House amendment differed only in that its grants are to encourage volunteers, including high school and college students, for service as part-time tutors or full-time instructional assistants for educationally disadvantaged children. The House recedes.

State plans.—The Senate amendment amended the State plan section of the program of attracting and qualifying teachers to include a requirement that the plan reflect the amendment above, permitting funds to be used for these new activities. The House amendment amended the section to include only teacher retraining as a permissible expenditure under the State plan. The House recedes.

Fellowships in school nursing.—The House amendment added fellowships in school nursing as eligible for support under part C (fellowships). The Senate amendment contained no comparable provision. It is the understanding of the conferees that the expanded authorization in this section shall not duplicate the existing authority in the Public Health Service Act.

Improving training programs for the education of teachers and related educational personnel.—The Senate amendment authorized programs for the improvement of undergraduate programs for preparing educational personnel. The House amendment authorized programs for the development, expansion, or improvement of such programs. The House recedes.

Employment of tutors.—The Senate amendment authorized programs to employ tutors or instructional assistants especially for educationally disadvantaged children and children with limited English-speaking ability. There was no comparable House provision. The Senate recedes.

The encouragement of volunteers.—The House amendment provided for programs to encourage volunteers, including high school and college students, for service for part-time tutors or full-time instructional assistants especially for disadvantaged students. There was no comparable Senate provision. The Senate recedes.

Programs for teachers of migrant children.—The Senate amendment authorized programs designed to meet the need for the training of teachers for participation in education programs for migratory children of migratory agricultural workers, including teacher exchange programs. The House amendment contained no comparable provision. The House recedes.

INSTRUCTIONAL EQUIPMENT

Authorization of appropriations.—The Senate amendment extended title VI (instructional equipment grants) for four years, through fiscal year 1975 at the fiscal year 1971 authorization level of funding. The House amendment extends it for five years at the same level through fiscal year 1976. The conference substitute provides a four year extension.

ACADEMIC FACILITIES

Transfer of Higher Education Facilities Act to the Higher Education Act.—The Senate amendment amended the Higher Education Act by creating a new title VII—"Construction of Academic Facilities", with provisions comparable to the existing Higher Education Facilities Act. The House amendment continued the Higher Education Facilities Act as a separate statute with certain amendments. The conference substitute adopts the Senate approach of transferring the facilities program to the Higher Education Act.

UNDERGRADUATE FACILITIES GRANTS

Authorization of appropriations.—The Senate amendment authorized appropriations beginning in fiscal year 1972 through fiscal year 1975 for undergraduate facilities grants, whereas the House amendment extended the existing undergraduate facilities authority through fiscal year 1976 with the following respective authorizations:

	Senate	House
Fiscal year:		
1972	$936,000,000	Such sums.
1973	936,000,000	Do.
1974	936,000,000	Do.
1975	936,000,000	Do.
1976		Do.

The conference agreement authorizes the appropriation of $50,000,000 for fiscal year 1972, $200,000,000 for fiscal year 1973, $300,000,000 for fiscal year 1974, and the succeeding fiscal year.

Distribution of undergraduate facilities appropriations.—Existing law, which the House extended, provided that 24 per centum of the funds appropriated for undergraduate facilities grants are to be used for providing academic facilities for public community colleges and public technical institutes, whereas the Senate amendment provided that not less than 24 per centum nor more than 33⅓ per centum of such funds are to be reserved by the Commissioner and allotted to States for this purpose. The Senate recedes.

Allotments to States for public community colleges and public technical schools.—Under title I of the Higher Education Facilities Act, which the House amendment continued, each State is allotted a minimum of $50,000 for academic facilities; the amount of funds necessary to award $50,000 to those States which would not receive this sum by application of the statutory formula is derived by ratably reducing the amount awarded to those States which receive more than the minimum. The Senate amendment continued the $50,000 minimum figure, but did not provide for ratable reduction. The Senate recedes.

Determination of a State's allotment ratio.—Existing law, extended by the House, provided that the allotment ratio of a State shall be .50 for any fiscal year if the Commissioner finds that the cost of school construction in such State exceeds twice the median cost of such costs in all the States as determined by him on the basis of an index of the average per pupil cost of constructing minimum school facilities in the States as determined for such fiscal year under section 15(6) of the Act of September 23, 1950 (Public Law 815) or, in the Commissioner's discretion, on the basis of such index and such other statistics and data as the Commissioner shall deem adequate and appropriate. The Senate amendment (1) dropped the requirement for comparison with the Public Law 815 index and allows the Commissioner to make the determination on the basis of statistics and data which he deems adequate and appropriate and (2) added the Trust Territory of the Pacific Islands as an eligible recipient of funds. The House recedes.

Amendments relating to the definition of the term "high school graduate" for the purpose of determining a State's allotment.—Existing law, extended by the House, defined the term "high school graduate" as it is used in language relating to the State allotment formula as a person who has received formal recognition (by diploma, certificate, or similar means) from an approved school for successful completion of four years of education beyond the first eight years of schoolwork, or for demonstration of equivalent achievement. The Senate amendment did not define the term. The Senate recedes.

Eligibility for grants.—(a) The Senate bill required the State Commission to determine, in accordance with criteria established by regulation, that proposed construction will result within a reasonable time in a substantial expansion or creation of facilities at an institution of higher education. Existing law, extended by the House, requires that the determination be made, but does not specify who is to make such determination. The House recedes.

(b) Existing law, extended by the House, provides that if the Commissioner finds that the student enrollment capacity of an institution would decrease if an urgently needed academic facility is not constructed, construction of such a facility may be considered to result in expansion of the institution's student enrollment capacity for the purpose of meeting basic eligibility criteria. The Senate amendment would require the Commissioner to make such determination in accordance with criteria established by regulations. The House recedes.

Basic criteria for determining priorities and Federal share.—(a) Existing law, extended by the House, provides that criteria developed by the Commissioner shall give consideration to expansion of capacity to provide needed health care to students and institutional personnel; the Senate amendment dropped "and institutional personnel". The Senate recedes.

(b) Existing law, extended by the House, requires the Commissioner to prescribe by regulation basic criteria for determining the Federal share of the development cost of any eligible project under the undergraduate facility grant authority and requires that State standards and methods for making such determinations in State plans conform to such criteria in the absence of a uniform statewide Federal share specified in or pursuant to such plan; the Senate amendment dropped the italicized words. The House recedes.

(c) Existing law, extended by the House, limits the Federal share of any undergraduate facility to 50 per centum of the development cost; the Senate amendment would raise this percentage to 66⅔ in the case of developing institutions. The Senate recedes.

Applications for grants, amount of grants, and conditions for approval.—(a) Existing law, extended by the House, provided that the Commissioner shall approve a project if he finds it to be in compliance with several requirements, including that the project has been approved and recommended by the State Commission; the Senate amendment amends this language by requiring that the project be submitted through, and approved and recommended, by the State Commission. The House recedes.

(b) The Senate amendment required the Commissioner to determine that the construction to be carried out under the application will be undertaken in a timely and economic manner. Existing law, extended by the House, merely requires a determination that the construction will be accomplished in an economic manner. The House recedes.

Payment of undergraduate facility grants.—Existing law, extended by the House, provides that the Commissioner shall pay the amount of approved applications in advance or by way of reimbursement, and in such installments, consistent with construction progress, as he may determine. The Senate amendment merely provides that the Commissioner shall pay the amount reserved to the applicant. The Senate recedes.

GRADUATE FACILITIES GRANTS

Authorization of appropriations.—The Senate bill authorized appropriations beginning in fiscal year 1972 through fiscal year 1975 for graduate facilities grants, whereas the House amendment extends the existing graduate facilities authority through fiscal year 1976 with the following respective authorizations:

	Senate	House
Fiscal year:		
1972	$60,000,000	Such sums.
1973	60,000,000	Do.
1974	90,000,000	Do.
1975	90,000,000	Do.
1976		Do.

The conference substitute authorizes the appropriation of $20,000,000 for fiscal year 1972, $40,000,000 for fiscal year 1973, $60,000,000 for fiscal year 1974, and $80,000,000 for fiscal year 1975.

Loans for Construction of Academic Facilities

Lending authority and authorization of appropriations.—(a) Existing law, extended by the House, provides that the Commissioner may make loans; the Senate amendment directs that the Commissioner shall carry out a program of making loans. The House recedes.

(b) The Senate amendment provided that in the case of an application for a loan to construct an undergraduate academic facility, the institution of higher education or building authority must have submitted an application which is approvable under part A (the undergraduate facility grants authority). The Senate recedes.

(c) The Senate amendment authorized appropriations for transfer to the revolving fund beginning in fiscal year 1972 through fiscal year 1975, whereas the House amendment authorized these appropriations through fiscal year 1976. The respective levels of authorization are:

	Senate	House
Fiscal year:		
1972	$200,000,000	Such sums.
1973	200,000,000	Do.
1974	200,000,000	Do.
1975	200,000,000	Do.
1976		Do.

The conference substitute authorizes the appropriation of $50,000,000 for fiscal year 1972, $100,000,000 for fiscal year 1973, $150,000,000 for fiscal year 1974, and $200,000,000 for fiscal year 1975.

Eligibility conditions.—Existing law, extended by the House, provides that no loan shall be made under this program unless the Commissioner finds that not less than 25 per centum of the development cost of the facility will be financed from non-Federal sources; the Senate amendment changes this figure to 20 per centum. The House recedes.

General provisions for the loan program.—Existing law, extended by the House, authorizes the Commissioner to foreclose on property; the Senate amendment provided that such action shall not preclude any other action by him to recover any deficiency in the amounts loaned. The House recedes.

Revolving loan fund.—Existing law, extended by the House, provides that whenever the Commissioner determines that moneys in the fund exceed the present and any reasonably prospective future requirements of the fund, such excess may be transferred to the general fund of the Treasury. The Senate amendment provided that such excess shall be available for the purposes of the under graduate facilities grant program and shall be deemed to have been appropriated pursuant to such authority. The Senate recedes.

Annual interest grants.—(a) The Senate amendment but not the House amendment added language which would require that applications for construction of undergraduate facilities be approvable under the undergraduate facility grant program before an institution of higher education or a building agency could receive an annual interest grant. The Senate recedes.

(b) The Senate amendment increased the aggregate amount of annual interest grants which may be paid by $13,500,000 in fiscal year 1972 and in each of the three succeeding fiscal years. There was no comparable House provision. The House recedes.

Academic facilities loan insurance.—Both amendments include a new authority for Federal insurance of academic facilities loans. The House provision limited such insurance to facilities at nonprofit private institutions of higher education, while the Senate provision allowed the Commissioner to insure loans for construction at public institutions as well. The Senate recedes.

Constitution Assistance in Major Disaster Areas

Extending construction assistance in major disaster areas and relating to the amount of assistance.—(a) The Senate amendment, but not the House amendment, extended the program of grants in major disaster areas, through fiscal year 1975. The House recedes.

(b) Existing law limits the assistance provided to a school for the purpose of carrying out construction necessary to restore or replace destroyed or damaged facilities to one-half of the costs of restoration or replacement. The Senate amendment authorized a maximum grant of up to the total replacement cost, minus any insurance funds or other funds available to the institution. There was no comparable House provision. The House recedes.

Advances.—Present authority, in the disaster assistance provision, authorizes assistance for either construction or equipment in the form of a repayable advance "subject to such terms and conditions as the Commissioner feels to be in the public interest". Under the Senate amendment, repayable assistance may be provided, only if the Commissioner determines that financial resources will become available to an institution at some future date or dates. Upon that determination he is authorized to make funds available to an institution in accord with an agreement which provides that the institution will repay part or all of the funds received. The House recedes.

Applications procedures.—Existing application provisions relating to construction and equipment assistance in major disaster areas, require that an application be submitted for construction assistance and/or equipment assistance. The Senate amendment contained application requirements with respect to assistance for facilities but not for equipment assistance. The Senate recedes.

General Provisions

Recovery of payments.—(a) The House amendment added language which would allow the Secretary of HEW to release an institution from its obligation to use a facility constructed with grant aid as an academic facility for twenty years when he determines that there is good cause for releasing the institution. The Senate amendment had no similar provision. The Senate recedes.

(b) Both amendments added language which prohibited the use of facilities constructed with Federal assistance from ever being used for religious worship or a sectarian activity or for a school or department of divinity. The Senate amendment applied this prohibition to any facility constructed with grant aid, a loan, or loan insurance. The House amendment extended only to facilities constructed with Federal grant assistance. The House recedes.

Definition of academic facility.—The House amendment added language which require that plans for facilities constructed with Federal funds under the Higher Education Facilities Act have due consideration for excellence of architecture and design consistent with economical construction. The Senate amendment had no similar provision. The House recedes.

Amendments relating to definitions.—The House amendment continued existing law in which "public educational institution" is defined as not including an institution or institutions of any agency of the United States. The Senate amendment did not contain this definition with the result that institutions of higher education owned by the United States become eligible for assistance under the Higher Education Facilities Act. The Senate recedes.

Continuation of annual interest grants program.—The Senate amendment continued the annual interest grants program in the incorporation of the Higher Facilities Act into title VII of the Higher Education Act. The authority for this program as a part of title VII of the Higher Education Act would be effective as of the date of enactment of this legislation; however, the Senate amendment struck section 306 of the Higher Education Facilities Act, which currently authorizes the annual interest grants program, as of July 1, 1971. There were no comparable House provisions. The conference substitute includes this provision with appropriate revision to make the dates current.

NETWORKS FOR KNOWLEDGE

Amendment affecting authorization of appropriations.—The Senate amendment extended "Networks for Knowledge" for four years through fiscal year 1975. The House amendment extends it for five years through fiscal year 1976. The respective authorizations are as follows:

	Senate	House
Fiscal year:		
1972	$15,000,000	Such sums.
1973	15,000,000	Do.
1974	15,000,000	Do.
1975	15,000,000	Do.
1976		Do.

The conference substitute authorizes the appropriation of $5,000,000 for fiscal year 1972, $10,000,000 for fiscal year 1973, $15,000,000 for fiscal year 1974, and the succeeding fiscal year.

Program authority.—(a) The Senate amendment but not the House amendment revised the statement of purpose and authority governing "Networks for Knowledge." (1) Under existing law, extended by the House, the Commissioner is authorized to carry out a program of contracts and grants to meet certain objectives whereas under the Senate amendment, the Commissioner is directed to carry out the program. (2) Under existing law, but not under the Senate amendment, one of the purposes of the program is to test and demonstrate the effectiveness and efficiency of a variety of cooperative arrangements. (3) The Senate amendment but not under existing law specifically includes law and other graduate professional schools as eligible recipients of grants. The conference substitute adopts the provisions of the Senate except that the provision of existing law described in (2) above is retained.

Eligible activities.—Among the eligible projects specified in existing law is the joint use of facilities such as classrooms and libraries or laboratories. The Senate amendment but not the House amendment expanded this list of types of eligible activities to include joint use of law library facilities. Existing law authorizes projects affording access to specified library collections. The Senate amendment but not the House amendment expanded this authority to include law library collections. The House recedes.

GRADUATE PROGRAMS AND FELLOWSHIPS

The Senate amendment consolidated in a new title of the Higher Education Act the separate categorical programs for graduate schools and fellowships. Part A of that title authorized a program of grants to institutions of higher education for activities similar to those which were authorized to be carried out under title IX—Education for the Public Service, title X—Improvement of Graduate Programs, title VI—NDEA Language Development and the International Education Act. The Senate amendment authorized $100 million for each of the fiscal years 1973 through 1976 and earmarked $18 million of that for support of the kinds of activities previously carried out under the International Education Act and title VI of NDEA. Part B of the Senate amendment authorized a new program of Federal Fellowships which included the authorization of fellowships in some of the areas covered by the separate programs extended by the House—title IX—Public Service Education, title IV—NDEA Graduate Fellowships, title VI—Language and Area Studies. There was authorized to be appropriated such sums as necessary for each of the fiscal years the bill was extended.

The House amendment extended without amendment title IX—Public Service Education for five years and authorized such sums as may be necessary. Similarly title X—Improvement of Graduate Education was extended without amendment for five years with an authorization of such sums as may be necessary. The House amendment extended the International Education Act for five years without amendment and authorized such sums as may be necessary. The House amendment extended titles IV and VI of NDEA with certain changes and authorized to be appropriated such sums as may be necessary for each of the fiscal years the law was extended.

The conference agreement provides for a new title IX—Graduate Programs—of the Higher Education Act. Part A authorizes a program of grants to institutions of higher education similar to title X—Improvement of Graduate Programs and title IX—Public Service Education, of existing law. For the purposes of Part A there is authorized to be appropriated, $30 million for fiscal year 1973, $40 million for fiscal year 1974, and $50 million for fiscal year 1975.

Part B—Graduate Fellowships for Careers in Post-Secondary Education—authorizes 7,500 fellowships for study in graduate programs that lead to teaching positions in institutions of higher education. This part is identical to title IV of the National Defense Education Act as amended by the House amendment.

Part C—Public Service Fellowships—authorizes fellowships for graduate or professional study for persons who plan to pursue a career in public service. There is authorized to be appropriated for fiscal years 1973–1975 such sums as may be necessary. This part is virtually identical to part B of title IX—Education for the Public Service.

Part D—Fellowships for Mineral Resource Conservation and for other purposes incorporates the nonduplicative provisions of the Senate amendment and authorizes a new program of fellowships for advanced study in domestic mining, mineral and fuel conservation and authorizes fellowships for persons from disadvantaged backgrounds who are undertaking graduate or professional study. The conference report does not include that portion of the Senate amendment which would have authorized fellowship programs in areas relating to study of environmental problems because the conferees were convinced that a substantial program was currently being operated by the National Science Foundation and further the Director of the National Science Foundation assured that the program was going to continue and expand in the future. Therefore, the conference report does not contain that duplicatory language.

The conference report extends title VI of the National Defense Education Act with those amendments adopted by the House. It provided authorizations of $50,000,000 for fiscal year 1973; and $75,000,000 for each of the two succeeding fiscal years.

The purpose of the amendment is to give effect to the conviction that additional emphasis should now be placed on undergraduate education in language and area studies. The changes made by the conference report also reflect the intention that the center approach be modified to include a more program-oriented concept of language and area studies, including the study of problems international in nature.

The modifications include authority for research fellowships for individuals who will be available for elementary and secondary teaching, as well as teaching in institutions of higher education as presently provided for by the Act.

Finally, a new subsection is added to Section 601 of the Act requiring that funds for undergraduate travel be expended only as part of a formal program of supervised study in accordance with the regulations promulgated by the Secretary.

The conference report extends without amendment the International Education Act and authorizes such sums as may be necessary through fiscal year 1975. It provides authorizations of $20,000,000 for fiscal year 1973, $30,000,000 for fiscal year 1974, and $40,000,000 for fiscal year 1975.

Interns for Political Leadership

The Senate amendment authorized the Commissioner of Education to develop and carry out an internship program under which students would be provided practical political involvement with elected officials in the performance of their duties at all levels of government through internships in such officials' offices, provided that such internship duties will not involve campaign or other partisan political activities. Interns would be selected from among students whose names are proposed by participating institutions of higher education. Internships would be distributed among the States in the same ratio as the number of Members of Congress from a State bears to the total number of Members of Congress. Federal payments for internships in State and local offices were limited to one-half of the total costs. The Commissioner was authorized to prescribe stipends as well as duration and other terms of the internships. $10,000,000 is authorized for fiscal year 1972 and each of the two succeeding years. There were no comparable House provisions. The Senate recedes.

Improvement of Mineral Conservation Education

The House amendment established a program for the improvement of mineral conservation education, to include the establishment and maintenance of regional mineral resource conservation institutes for the training of mineral engineers and scientists. Further sums were authorized for research grants relating to (1) the conservation, production, and development of mineral resources; and (2) the protection and enhancement of the health and safety of persons employed in the mineral industries.

Grants were also authorized to pay 50 per centum of the cost of purchasing equipment and supplies used for the education and training of individuals at the regional institutes. There were no comparable provisions in the Senate amendment. The House recedes.

IMPROVEMENT OF COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

The Senate amendment contained provisions establishing a program for the improvement of community colleges. The House amendment, in unrelated provisions, established a program of grants for occupational education. The conference substitute retains, in a single title, the major provisions of both amendments. Changes which would be made in the respective programs are described below.

ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLEGES

Community college planning.—The Senate amendment authorized grants to States to enable committees established by the State Commissions, established under section 1202, to conduct surveys of postsecondary education programs throughout the States and to develop statewide plans for the expansion and improvement of postsecondary education programs in community colleges. Plans so formulated would be submitted through the State Commissions to the Commissioner.

The conference substitute provides that the State Commissions, rather than statutorily required committees, will prepare the statewide plans. The provision in the Senate amendment requiring committees is replaced in the conference substitute by a requirement for the establishment of State advisory councils on community colleges. These councils will have representation of appropriate interests and, will make recommendations to the State Commissions on the preparation of the statewide plans. The conference substitute also gives State and local postsecondary education agencies opportunities to review and make recommendations with respect to the plans.

The provision in the Senate amendment requiring State plans for other education programs to be modified to conform to this new statewide plan has been dropped from the substitute.

Grants for community colleges.—The Senate amendment authorized a program of grants to assist States and localities in establishing and expanding community college systems. Appropriations of $50,000,000 for fiscal year 1973, $75,000,000 for fiscal year 1974, and $150,000,000 for fiscal year 1975 were authorized. Appropriations would be apportioned among the States on the basis of relative populations aged 18 and over. The Commissioner was authorized to make three types of grants: (1) establishment grants to new community colleges to assist in their planning, developing, and establishment; (2) expansion grants to existing community colleges to expand enrollments, establish new campuses, and expand and modify educational programs; (3) leasing grants to enable community colleges in connection with their establishment or expansion to lease facilities. In the case of establishment and expansion grants, the Federal share was not to exceed 40 percent of the project cost for the first year of assistance; 30 percent for the second year; 20 percent for the third year; and 10 percent for the fourth year. In the case of grants for leasing facilities, the Federal share was not to exceed 90 percent of the cost for the first year; 70 percent for the second year; 50 percent for the third year; 30 percent for the fourth year and 20 percent for the fifth year.

The conference agreement retains the Senate provisions, except that the Federal share for leasing grants will be 70 percent the first year, 50 percent the second year, 30 percent the third year, and 10 percent the fourth year.

OCCUPATIONAL EDUCATION PROGRAMS

The House amendment authorized a new program of grants to strengthen occupational preparation, counseling, and placement in elementary and secondary schools, and to improve postsecondary occupational education. For these purposes $100,000,000 was authorized for fiscal year 1972, $250,000,000 for fiscal year 1973; $500,000,000 for fiscal year 1974; and such sums as may be necessary for each year thereafter. From the fiscal year 1972 funds, 80 percent would be allotted to the States and 20 percent would be reserved to the Commissioner for technical assistance.

For each year thereafter the allotment and reservation would be 85 percent and 15 percent respectively. The State allotment would be determined by the number of persons sixteen years of age and older in each State relative to other States except that no State would receive less than $100,000 for fiscal year 1972 and no less than $1,000,000 each year thereafter. Any State wishing to receive funds was required to designate or establish a State agency to administer the program. Grants to the States were authorized in fiscal year 1972 for setting up State agencies and for comprehensive planning. Thereafter, grants to States would be for State agency expenses, planning, and actual operational costs of the program. The Secretary of Health, Education, and Welfare and Commissioner of Education were charged with specific responsibilities in developing and carrying out programs to promote occupational education.

The conference substitute retains the substance of the House provisions, but with alterations described below:

The House amendment required a comprehensive program of planning for the establishment and carrying out the occupational education program. The State was required to designate a State agency which would be responsible for comprehensive planning. The conference substitute retains the planning requirements of the House amendment, but it requires that the State agency selected to do the planning be the State Commission established under section 1202. It also authorizes the Commissioner to make technical assistance available to these commissions for planning.

Appropriations are authorized in the amount of $100,000,000 for fiscal year 1973, $250,000,000 for fiscal year 1974, and $500,000,000 for fiscal year 1975.

ESTABLISHMENT OF AGENCIES

Bureau of Occupational and Adult Education.—The Senate amendment created within the Office of Education a Bureau of Occupational, Career, and Adult Education headed by an Associate Commissioner responsible for the Office's vocational, occupational, adult, and continuing education programs. The House amendment created a Bureau of Occupational Education within the Office of Education responsible for all adult, vocational, and occupational education programs and manpower training programs within the Office of Education.

The conference substitute establishes within the Office of Education, a Bureau of Occupational and Adult Education. The new Bureau will have the responsibilities given it by both the Houses, which includes responsibility for career education. The substitute retains the authority granted by the Senate amendment with respect to the appointment of a limited number of persons to so-called supergrade positions.

Community college unit.—The Senate amendment provided for establishing in the Office of Education a Community College Unit to coordinate all programs in the Office of Education affecting junior colleges. It also authorized supergrade positions for the head of the Unit. The conference substitute adopts the Senate provisions.

Law School Clinical Experience Programs

Grant authority.—The Senate amendment, but not the House amendment, expanded the Commissioner's authority by authorizing grants as well as contracts. The House recedes.

Statement of purpose.—The Senate amendment, but not the House amendment, amended the title's statement of purpose, adding that the program authorized is intended to provide law students with experience, based on effective experimental programs, in dealing directly with the problems of the disadvantaged and other societal groups adversely affected by circumstances beyond their control. The Senate recedes.

Program authorized.—The Senate amendment, but not the House amendment, removed preference for programs providing clinical experience to students in the practice of law. Instead, it authorized student clinical experience programs in providing legal services and advice. The Senate recedes.

Authorized expenditures.—The Senate amendment, but not the House amendment, included library resources as eligible for Federal support. The House recedes.

Authorization of appropriations.—The Senate amendment extended the title for four years, through fiscal year 1975; the House amendment extended it for five years, through fiscal year 1976. Authorizations are as follows:

	Senate	House
Fiscal year:		
1972	$7,500,000	Such sums.
1973	7,500,000	Do.
1974	7,500,000	Do.
1975	7,500,000	Do.
1976		Do.

The conference agreement extends the program through fiscal year 1975 and authorizes $1,000,000 for fiscal year 1972, $5,000,000 for fiscal year 1973, and $7,500,000 for each of the two succeeding fiscal years.

Cost of Education Data

The Senate amendment required the Commissioner to prescribe national uniform standards for determining average per pupil costs to institutions for providing postsecondary education. He would then require as a condition for receipt of assistance under the Higher Education Act that the institution supply cost of education data determined in accordance with the national uniform standards. The House amendment had no comparable provision. The conference substitute adopts, in lieu of the Senate provision, a provision authorizing the Commissioner to require as a condition of eligibility for institutional aid at the earliest possible date or student aid prior to June 30, 1973 that the institution supply such cost of education data as may be in its possession.

Postsecondary Education Commission and Comprehensive Planning

The Senate amendment provided for the designation or creation by each State of a State agency (called a "State Commission") which would have two types of functions. First, the State Commission would perform the functions which present law assigns to certain existing State commissions; and in addition, as discussed above, these new State Commissions would, through committees, develop and adopt statewide plans for the expansion and improvement of postsecondary programs in community colleges. The second type of function which the new State Commissions would perform would be to carry out comprehensive planning for statewide postsecondary education systems.

The House amendment also provided for the designation or creation of a State agency or commission which would be directed to do comprehensive planning for statewide postsecondary education systems in generally the same manner as is provided under the Senate amendment. The House amendment did not, however, assign to the State Commissions the responsibilities assigned to State commissions by existing law. The House amendment did authorize the State Commissions to establish committees to develop and adopt a statewide plan for the expansion and improvement of community postsecondary education programs.

The conference substitute provides that States which wish to receive grants for comprehensive planning or for community college and occupational education programs provided under the newly created title X of the Higher Education Act must establish a State Commission or designate an existing agency or commission as the "State Commission". As in the case of State Commissions provided for under both the Senate and House amendments, it will be broadly representative of the public and public and private nonprofit and proprietary institutions of postsecondary education.

The conference substitute permits, but does not require, the State Commissions to use committees (which need not be composed entirely of Commission members) and other sources of expertise.

The conference substitute permits, but, unlike the Senate amendment, does not require, the State to designate the State Commission to perform the functions assigned by present law to State agencies or institutions. These provisions of the present Higher Education Act are title I (Community Service and Continuing Education Programs), section 603 (Equipment Grants), and section 704 (higher education facilities construction).

The conference substitute follows the House amendment in providing a separate program of grants for comprehensive planning.

VOCATIONAL EDUCATION

Special vocational education programs for the disadvantaged.—The Senate amendment authorized appropriations for three additional years through fiscal year 1975 at the fiscal year 1972 funding of $60,000,000 for special vocational education programs for the disadvantaged, for each year. There was no comparable House provision. The House recedes.

Definition of vocational education.—The Senate amendment amended the definition of vocational education in the Vocational Education Act to include training for volunteer firemen and to include industrial arts programs where the Commissioner finds it appropriate. There were no comparable House provisions. The House recedes.

Extension of exemplary programs and projects.—The Senate amendment authorized appropriations for three additional years through fiscal year 1975 at the fiscal year 1972 funding level of $75,000,000 each year for vocational education exemplary programs and projects. There was no comparable House provision. The House recedes.

Authorization for residential vocational schools.—The Senate amendment authorized appropriations for three additional years through fiscal year 1975 with $75,000,000 authorized each year for demonstration residential vocational schools and $15,000,000 each year for grants to States to provide residential vocational facilities. There was no comparable House provision. The House recedes.

Consumer and homemaking education programs.—The Senate amendment authorized appropriations for three additional years through fiscal year 1975 at the fiscal 1972 funding level of $50,000,000 for each year for consumer and homemaking education programs. There was no comparable House provision. The House recedes.

Cooperative vocational education.—The Senate amendment authorized appropriations for three additional years through fiscal year 1975 at the fiscal year 1972 funding level of $75,000,000 for each year for cooperative vocational education. There was no comparable House provision. The House recedes.

Work-study programs for vocational education students.—The Senate amendment authorized appropriations for three additional years through fiscal year 1975 at the fiscal year 1972 funding level of $45,000,000 each year for work-study programs for vocational education students. There was no comparable House provision. The House recedes.

Program of curriculum development in vocational and technical schools.—The Senate amendment authorized appropriations for three additional years through fiscal year 1975 at the fiscal year 1972 funding level of $10,000,000 for each year for program of curriculum development in vocational and technical schools. There was no comparable House provision. The House recedes.

National Advisory Council on Vocational Education.—The Senate amendment extended the authorization for an additional three years through fiscal year 1975 at the fiscal year 1972 funding level of $150,000 for each year for National Advisory Council on Vocational Education. There was no comparable House provision. The House recedes.

Amendments Relating to the Administration of Education Programs

Education Division.—The Senate amendment added a new part A to the General Education Provisions Act which established an Education Division within the Department of Health, Education, and Welfare, and under the Commission of Education.

The Division was to be composed of the Office of Education, a National Foundation for Postsecondary Education, and the National Institute of Education. The House amendment had no comparable provision. The House recedes with an amendment to exclude the Senate provision for a National Foundation for Postsecondary Education and an amendment to give the head of such Division the title of Assistant Secretary for Education. The amendment stipulates that the Assistant Secretary may not serve as Commissioner of Education or as Director of the National Institute of Education.

Duties of the Office of Education.—The Senate amendment restated the purpose of the Office of Education and limited its authority to that expressly provided by statute and provided that "nothing in this section, or any other provision of law, shall be construed to grant the Office of Education any authority which is not expressly provided for by statute or implied therein." The House amendment contained no comparable provision. The House recedes with technical and clarifying amendments.

Management of the Office of Education.—(a) The Senate amendment established the position of Deputy Commissioner of Education to be appointed by the President with the advice and consent of the Senate. The House amendment had no similar provision. The Senate recedes.

(b) The Senate amendment provided that the Commissioner of Education was to be compensated at the rate of a Level IV in the Executive Schedule and that the Deputy Commissioner was to be compensated at the rate of a Level V in the Executive Schedule. The House amendment had no similar provision. The Senate recedes. The conference agreement described in "Education Division" above describes the details of the conference action.

(c) The Senate amendment created six additional positions within the OE at the GS–18 level. The House bill did not contain a comparable provision. The Senate recedes.

Amendments relating to the National Foundation for Postsecondary Education.—Senate amendment authorized a program of grants; to provide assistance for the design and establishment of innovative structures for providing postsecondary education and innovative modes of teaching and learning; to expand the ways and patterns of acquiring postsecondary education and to open opportunities for such education to individuals of all ages and circumstances; to strengthen the autonomy, individuality, and sense of mission of postsecondary educational institutions, and to support programs which are distinctive or of special value to American society; and to encourage postsecondary educational institutions to develop policies, programs, and practices responsive to social needs, and to provide an organization concerned with the rationalization of public policies toward postsecondary education. A National Foundation for Postsecondary Education was established to administer this program. The Foundation was to be subject to the general regulations of the Commissioner for its management. The Foundation is authorized to make grants to, and contracts with, institutions of higher education and other public and private educational institutions and agencies to improve postsecondary educational opportunities. A total of $250,000,000 was authorized for the Foundation for use during fiscal years 1973–1975. The House amendment had no comparable provisions.

The conferees agreed to the new grant authority, but not to the creation of a new Foundation. This authority is given to the Secretary of HEW. For purposes of this new program, the Secretary is given authority under the General Education Provisions Act to appoint advisory committees. It is expected that the Secretary will do so to assist in the policymaking and administration of this new program. He also may appoint no more than five individuals, for terms not to exceed three years, without regard to the provisions of title 5 of the United States Code, to administer this program.

There is authorized to be appropriated $10,000,000 for the fiscal year 1973, $50,000,000 for the fiscal year 1974, and $75,000,000 for the fiscal year 1975, for this new program.

The Secretary is required to send copies of each application for a grant received from institutions of higher education to the appropriate State Commission (established under section 1202 of the Higher Education Act as amended by this new Act), giving the State Commission a reasonable amount of time to submit any comments and recommendations it might have. The intent of this provision is to provide the Secretary additional information to help in the decision-making process of this program.

The conferees view this program as being important to the process of change in postsecondary education and to provide those extra funds which are necessary to bring about significant innovation and reform. As such, we do not see this program supplanting in any way funds which would otherwise be available to grant recipients from Federal, State or other sources.

Purpose of the National Institute of Education.—The House amendment declared it to be the policy of the United States to provide every person an equal opportunity to receive an education of high quality regardless of race, color, religion, sex, national origin, or social class. It further stated that the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process. The Senate amendment had no statement of purpose for the National Institute of Education. The Senate recedes.

Organization of the National Institute of Education.—The Senate amendment provided that the National Institute of Education shall consist of a Director and a National Council on Educational Research responsible for general policies with respect to the powers, duties, and authorities of the Institute. The House amendment established a position of Director and a council which is advisory in nature. The House recedes.

The conference agreement adopted the Senate amendment which established a National Council on Education Research responsible for general policies related to the Institute's powers, duties, and authorities. The conferees believe that both an independent Council with decision-making authority and a strong Directorship are needed to lead a vigorous Institute. It is intended that the Director of NIE have full responsibility for specific program policies and for the management of the Institute. The Council would establish overall policies leaving to the Director decisions about programs, initiatives, and funding.

During fiscal year 1973 the Council, along with the Director, will be developing policies and procedures for the NIE. To ensure continuity of programs previously operated by the OE, we expect the Director of the NIE during fiscal year 1973 to be responsible for providing direction and leadership to these programs and projects.

Reporting relationships of the National Institute of Education Director.—The Senate amendment provided that the National Institute of Education shall be subject to general regulations of the Commissioner promulgated for its management. The House amendment provided that the Director shall perform such duties as are prescribed by the Secretary of Health, Education, and Welfare and shall be responsible to the Secretary, and not to or through any other officer of Health, Education, and Welfare. The House amendment further prohibited the Director of the National Institute of Education from delegating any of his functions to any other officer who is not directly responsible to him. Senate recedes with conforming amendments, providing that the Director will report to the Assistant Secretary for Education.

Compensation of the Director.—The Senate amendment provided that the Director is to be compensated at the rate of an executive level V position; the House amendment provided that the Director is to be compensated at the same rate as the Commissioner of Education (currently an executive level V). The House recedes.

Deputy Director.—The Senate amendment created the position of Deputy Director at the salary level of a GS–18. The House amendment had no similar provision. The House recedes.

Creating additional GS positions.—The Senate amendment created three additional positions at the GS–18 level in the National Institute of Education. The House amendment had no similar provision. The Senate recedes.

Function of the National Institute of Education.—The functions of the National Institute of Education outlined in the House amendment and the Senate amendment are essentially the same, except that the House language expressly provides that "research" may be either basic or applied research and the Senate language specifically includes career education within the purview of "demonstrations in the field of education". Conferees agreed on language embodying both House and Senate provisions and to the language in the House Report describing the role of the National Institute of Education relating to dissemination.

The conferees intent is that the whole complex set of dissemination/utilization functions that are desirable in this area are a major responsibility of the National Institute of Education. This set of functions should include, but not be limited to, the present and proposed fiscal year 1973 activities of NCEC (the National Center for Educational Communication) such as the following: ERIC, PREP, Publishers Alert, the three pilot state dissemination centers, the program to identify and validate exemplary products and practices. These functions also should include other dissemination activities that might be tailored to the Institute's products and programs in the future. In the transfer of NCEC to the Institute, we feel that the Director must have the opportunity to evaluate and modify existing programs to conform with the mission, functions, and program thrust of the Institute. This range of functions will provide the Institute with an array of dissemination capabilities, from the single most significant machine information retrieval system to the present system of dissemination agents in the field, who work with states, local agencies and teachers to help them apply the best of current knowledge to their problems.

Because of the transfer by the conference report of NCEC to the Institute, the Institute will need those funds and positions previously related to the NCEC. However, it should be made clear that the Director of the Institute will have the right to choose all Institute employees regardless of their prior affiliation with NCEC. Therefore, the present NCEC slots and appropriations requests should be considered integral to the Institute. Further, the Conferees intend that dissemination activities be a separate line item in the Institute budget in order to protect against future encroachment on education R&D funds.

Obviously, the Office of Education must have the capability to disseminate information about its own programs and their results. The conferees expect, therefore, that the Office of Education will continue these functions with respect to the publication of information about specific categorical or formula grant programs that have been authorized by law. The conferees do not, however, intend that the Office of Education undertake the major responsibilities of dissemination, which are vested in the Institute. Joint dissemination activities are provided for in the appropriate section.

Expenditure of National Institute of Education funds.—The House amendment provided that not less than 90 per centum of the National Institute of Education's funds are to be expended through grants or contracts with qualified public or private agencies and individuals. The Senate amendment had no similar provision. The Senate recedes.

The conference agreement requires that in-house research should at no time comprise more than 10% of the total research program. To determine the application of the 90% and 10% ratio of program funds, we understand that the cost of administering the agency will be excluded from the determination of the percentage requirements.

Appointment of personnel outside of the Civil Service.—The Senate amendment allowed the Commissioner to give up to three-year appointments to professional and technical employees without regard to civil service laws, and full-time appointments to up to one-fifth of its regular technical or professional employees without regard to civil service laws. The House amendment required that officers and employees be appointed according to chapter 57 of title 5, United States Code. The House recedes.

General provisions.—The House amendment gave broad powers to the National Institute of Education to make rules and regulations; accept gifts; enter into contracts; acquire real and personal property; acquire, lease, and sell property; and use services, personnel, equipment, facilities, and so forth of other Federal agencies. The Senate amendment had no similar provisions. The Senate recedes.

Joint funding waiver authority.—The House amendment (1) provided that, where more than one Federal agency provides funds for a project, the National Institute of Education may act for all agencies in administering the funds advanced and (2) allowed other participating agencies to waive any technical grant or contract requirement which is inconsistent with similar requirements of the National Institute of Education or requirements which the National Institute of Education does not impose. There were no comparable Senate provisions. The Senate recedes on item (1) and the House on item (2).

Authorization of appropriations.—The House amendment and the Senate amendment authorized appropriations for the National Institute of Education at the following levels.

Senate amendment.—$550,000,000 in the aggregate for use during fiscal years 1973, 1974 and 1975. The House recedes.

House amendment.—"Such sums as necessary" for fiscal year 1972 and for each year thereafter. The House recedes.

Amendments repealing certain sections of the Cooperative Research Act.—The Senate amendment repealed sections 2 and 3 of the Cooperative Research Act, effective July 1, 1972. The House amendment had no similar provision. Senate recedes with amendments to extend the Cooperative Research Act through June 30, 1975. Section 2 of such Act is amended to include the language in the Senate provision relating to dissemination of information, surveys, exemplary projects. Authorizations are $58 million for fiscal year 1973; $68 million for fiscal year 1974 and $78 million for fiscal year 1975.

The conference foresees a limited use of the Cooperative Research Act because of the creation of the new National Institute of Education. The specific dollar authorizations reflect what the conference determines to be legitimate functions of the Office of Education. We are especially concerned that its traditional function of providing the Nation with accurate, timely and useful information and statistics about education in our country be strengthened. We expect, in accordance with information supplied by the Department of HEW, that no less than $14.9 million under the Cooperative Research Act will be spent on this function in fiscal year 1973.

It is the intention of the conferees that of the $58,000,000 authorized to be appropriated for fiscal year 1973 approximately $12,000,000 to support the Right to Read program; $17,000,000 for educational technology (including the "Sesame Street" and "Electric Company" programs) and $14,000,000 for demonstration models of career education.

The stated figures are to be viewed as maximum amounts for fiscal year 1973.

General Education Provisions Act.—(a) For fiscal years 1973, 1974, and 1975, the Senate amendment authorized the Commissioner to make grants to and contracts with public and private organizations for the dissemination of information, for surveys, for exemplary projects in the field of education, and for conduct of studies related to the management of the Office of Education. No more than $25,000,000 is authorized to be appropriated pursuant to section 401(c) of the General Education Provisions Act (salaries and expenses) for these activities for any year. There was no comparable House provision. The Senate recedes, but as explained above the new language in the Cooperative Education Act provides for these activities.

(b) Further the Senate amendment prohibited unauthorized program consolidation and limitation on appropriations not specifically authorized by law and created within the Office of Education a Bureau of Elementary and Secondary Education which shall have divisions of: Compensatory Education, Bilingual Education, School Assistance in Federally Affected Areas, Assistance to States. There was no comparable House provision. The House recedes with amendments which clarify and reduce to some extent the scope of the Senate provisions prohibiting certain practices in the Office of Education. The Senate recedes on that portion of this item which would have created in the Office of Education a Bureau of Elementary and Secondary Education.

The Senate amendment contained a provision which specifically prohibits unauthorized program consolidation and unauthorized limitations on the use of appropriations. The conference report contains this provision from the Senate amendment, with two modifications:

(1) Clause (iii) of subparagraph (C) of the proposed section 421(c)(1) is modified to make clear that the Commissioner's authority under present law with respect to normal administrative procedures under existing education programs is not diminished. The modification of such clause is also intended to make clear that criteria governing the approval of applications may be derived by reasonable implication in the law, and such authority need not be stated expressly. It is the intention of the conferees that the basis for criteria for the approval of applications must be found in statutory law, and that criteria for which there is no such basis may not be used in the approval of applications.

(2) The second modification of this amendment changes the language of clause (iv) of such subparagraph (C). This modification consists of the inclusion of language designed to make clear that the Office of Education can not as a matter of general policy make the approval of applications under one program dependent on the approval of applications under another program. This does not preclude, however, any action on the part of the Commissioner to make an individual application under one program dependent upon the approval of an individual application under another program, if both applications come to the Commissioner from a single local educational agency.

This latter procedure is permitted on the basis of a project-by-project evaluation by the Commissioner, from which the Commissioner determines that the statutory purpose of both programs from which the appropriations are to be drawn is enhanced if their approval is joined.

The conference committee adopted a further clarifying provision which is a new sentence in subparagraph (A) of section 421(c)(1). The new sentence provides that where the provisions of law governing the administration of applicable programs permit the packaging or consolidation of applications for grants and contracts, if such procedure is for the purpose of attaining simplicity or effectiveness of administration, nothing in subparagraph (A) shall be determined to interfere with such packaging or consolidation. The conferees added this sentence in order to make clear that subparagraph (A) does not prohibit consolidation where it is specifically authorized by law. However, the conferees do not intend that this additional sentence be construed to grant the Office of Education any authority which is not already provided in existing law.

The Senate amendment contained a provision which would have established a Bureau of Elementary and Secondary Education within the Office of Education. The Conference Report does not contain such a provision.

The Senate agreed to recede from its amendment on the subject of the Bureau of Elementary and Secondary Education, after the conferees were assured by the Secretary of Health, Education, and Welfare that the Bilingual Education Program, which was intended by the Department to be in a bureau other than of elementary and secondary education, would by the end of May be transferred to the Bureau of Elementary and Secondary Education with divisional status.

(c) Specific new authority is granted in the Senate bill for an educational renewal site strategy for reform of education and for funding of the "Right to Read" program. There is no comparable House provision. The Senate recedes.

In rejecting the Senate language providing new authority for educational renewal, we do not wish to make any judgment as to the merits of "educational renewal" at this time. However, we intend to make clear that in our view inadequate authority exists at this time to provide a legal basis for carrying out the renewal program. If the Department wishes to proceed with the Renewal concept, the Committee invites submission of appropriate legislation in order that it may be considered.

Evaluation of Office of Education programs.—The House amendment provided that upon request of a congressional committee having legislative jurisdiction, or upon request of a member of such committee, the Comptroller General shall conduct studies of existing education statutes and regulations; review the policies and practices of Federal administering agencies; review the evaluation procedures adopted by the agencies; and evaluate particular projects or programs. The Comptroller General would collect necessary data and report his findings back to the Congress, with his recommendations. Special attention was to be given to the practice of private contracting with firms, organizations, and individuals for studies and services, and the Comptroller General was directed to report his findings regarding contracting to appropriate agencies and the Congress regarding their effectiveness in serving the intent of educational legislation. The House amendment provided for the authorization of such sums as may be necessary to carry out the provisions of this title. There were no comparable Senate provisions. The Senate recedes.

INDIAN EDUCATION

The Senate amendment added a new title to the Act of September 30, 1950 (P.L. 81–874), school assistance in federally affected areas, to provide financial assistance to local educational agencies for elementary and secondary education programs to meet the special educational needs of Indian children. The amount of the grant to which a local educational agency would be entitled would be equal to the average per pupil expenditure multiplied by the number of Indian children enrolled in the agency as determined by the Commissioner. The Senate amendment also authorized the Commissioner to make grants for projects designed to test the effectiveness of programs for improving Indian educational opportunities; programs to provide educational services not available to Indian children in sufficient quality or quantity; training programs for educational personnel; and for dissemination and evaluation of the results of federally assisted programs. The amendment authorized $25,000,000 for fiscal year 1973 and $35,000,000 for each of the two succeeding fiscal years for such purposes. The Senate amendment extended the present set-asides for Indian education in the ESEA through fiscal year 1973.

The Senate amendment amended the Adult Education Act by authorizing pilot and demonstration projects, research, evaluation, and operation of adult education programs for Indians. For the purpose of making these grants, $5,000,000 would be authorized for fiscal year 1973 and $8,000,000 for each of the two succeeding fiscal years.

The Senate amendment provided for the establishment of a bureau level Office of Indian Education. The Office, headed by a Deputy Commissioner, would administer the provisions of this new title. It also created a National Advisory Council on Indian Education consisting of 15 members appointed by the President. The National Council would furnish a list of nominees from which the Commissioner would be required to select the Deputy Commissioner created by this part. The National Council would also advise the Commissioner, review and evaluate programs, and provide technical assistance to local educational agencies and Indian organizations.

The Senate amendment, expanded the Commissioner's appraisal of education personnel needs to include such needs in Indian education. The Senate amendment created a 5 per centum set-aside from part D of the Education Professions Development Act for the in-service and preservice training of persons serving as teachers in schools for Indian children operated by the Department of the Interior.

The conferees agreed to all the Senate's provisions with an amendment requiring that preference be given to Indians in the training programs.

The House receded to the Senate provision regarding Indian education on the condition that in the administration of the newly authorized programs priority in funding would be given whenever possible to applications submitted by public and private nonprofit schools owned or operated by Indian tribes or Indian educational organizations.

MISCELLANEOUS

Administration of Office of Education programs and projects.—The Senate amendment added a new subsection to the General Education Provisions Act setting forth a series of requirements relating to program administration, maintenance of effort, evaluation, fiscal control, fund accounting, and reporting, which are to be applicable with respect to any application for assistance under any program to which the Commissioner determines the new subsection should apply. The conference agreement adopts this provision except those portions relating to maintenance of effort and evaluation.

Title III of the National Defense Education Act.—The Senate amendment extended title III of the National Defense Education Act through fiscal year 1975 at the current authorization level. The House amendment extended the title through fiscal year 1976 at the current authorization level. The conferees agreed to extend the program through fiscal year 1975.

Study and report on rules and regulations.—The Senate amendment required the Commissioner to conduct a special study of the rules, regulations, and guidelines affecting education programs and to make a report on such study no later than one hundred and twenty days after enactment of the Act and to republish them in the Federal Register no later than one hundred and fifty days after enactment of the Act. There was no comparable House provision. The House recedes with amendments extending the periods of time given to the Commissioner of Education to comply with these provisions.

The conferees wish to make it clear that the requirement imposed by section 503(d) that the Commissioner republish all rules, regulations, guidelines, interpretations, and orders in the Federal Register no later than 485 days after the enactment of the Act is intended to provide a single reference point for all such material. It is not intended to preclude his publication of such material during such period as his study of any single program is completed.

Ethnic Heritage program.—The Senate amendment added a new title to the Elementary and Secondary Education Act authorizing grants for Ethnic Heritage Studies Centers. These Centers would develop and disseminate curriculum materials, and encourage and promote activities related to ethnic heritage studies. Grants would be made to nonprofit public or private educational agencies, institutions, or organizations. Applicants were required to consult with a local advisory council composed of representatives of ethnic groups and cultural and educational resources from the area to be served. A National Advisory Council on Ethnic Heritage Studies, appointed by the Secretary, was established to assist and advise the Commissioner in coordinating the program. Appropriations of $10,000,000 for fiscal year 1972 and $20,000,000 for fiscal year 1973 were authorized. Funds were to be used for establishing, equipping, and operating centers, but not for construction. There were no comparable House provisions. The House recedes making the following modifications in the Senate provisions.

(1) Deleting the authorization for fiscal year 1972 and reducing the fiscal year 1973 authorization to $15,000,000.

(2) The reference to "centers" throughout the amendment was deleted. Rather, there will be grants made for projects.

Consumers' education program. The Senate amendment, but not the House amendment, amended title VIII of the Elementary and Secondary Education Act by adding a new section which would (1) provide for a Director of Consumers' Education in the Office of Education to coordinate consumers' education activities in the Office of Education and administer a consumers' education program; and (2) authorize grants for such activities as the development of curricula (including interdisciplinary curricula) in consumer education; dissemination of information relating to such curricula; in the case of grants to State and local educational agencies and institutions of higher education, for the support of education programs at the elementary and secondary and higher education levels; and preservice and inservice training programs and projects (including fellowship programs, institutions, workshops, symposiums, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with consumer education. For these purposes, $20,000,000 is authorized for fiscal year 1973, $25,000,000 for fiscal year 1974, and $35,000,000 for fiscal year 1975. The House recedes, except that the provisions establishing a GS–17 position for the Director has been eliminated.

Assistance to the College of the Virgin Islands and the University of Guam.—The House amendment authorized a lump sum appropriation of $3,000,000 for each for the College of the Virgin Islands and the University of Guam to be used as an endowment. In addition, the House amendment authorized an annual appropriation of $450,000 for each institution. The Senate amendment provided land grant status to the College of the Virgin Islands and the University of Guam, with (a) an endowment grant in lieu of land and (b) conforming amendments to a number of Acts under which Land Grant institutions receive annual appropriations. The Conference agreement retains the House provision with respect to endowment grants and the Senate conforming amendments relating to Land Grant status for such institutions. The Senate amendments are modified, however, so as to provide an annual authorization in this Act equivalent with that provided under the Senate amendments.

Migratory children.—(a) The Senate amendment required the Commissioner of Education to establish criteria for the allocation of title I, Elementary and Secondary Education Act funds for the education of migrant children after considering areas of the State which have the highest concentration of migrant children. There was no comparable House provision. The Senate recedes with the understanding that the Commissioner will study the extent to which children of migratory workers are provided for under title I, Elementary and Secondary Education Act.

(b) The Senate amendment amended title I, Elementary and Secondary Education Act to include preschool programs especially for migrant children, provided that funds for the operation of such programs will not be detracted from other programs already authorized. There was no comparable House provision. The House recedes.

(c) The Senate amendment further amended title I, Elementary and Secondary Education Act so as to give priority for programs serving children who are presently migrant. There was no comparable House provision.

(d) The Senate amendment required the Commissioner of Education to conduct a study of the operation of title I, Elementary and Secondary Education Act with respect to the education of migratory workers and to report the results of such study. There was no comparable House provision. The House recedes.

Neglected or delinquent children.—The Senate amendment expanded the title I, Elementary and Secondary Education Act program of assistance for neglected and delinquent children to include children in adult correctional institutions. There was no comparable House provision. The House recedes.

National Commission on School Finance.—The Senate amendment increased the number of members on the Commission from fifteen to eighteen. There was no comparable House provision. The Senate recedes.

Youth camp safety.—The Senate amendment established a Youth Camp Safety Program designed to protect the health and safety of youth attending day camps. There was authorized $30,000,000 for each of the next six fiscal years, that is, through fiscal year 1977, to pay up to 50 per centum of the cost of approved State plans. The House amendment required the Secretary of Health, Education, and Welfare to report by January 1, 1973, to the Congress on existing conditions in youth camps and the need for Federal standards and authorized $300,000 for such purpose. The Senate recedes with an amendment requiring the Secretary of HEW to report by March 1, 1973.

PROVISIONS NOT INCLUDED

Amendments allowing waiver of matching requirements in certain cases.—The House amendment allowed the Commissioner to waive matching requirements for institutions of higher education in accordance with regulations establishing objective criteria for a determination that such action is required in furtherance of the purpose of the applicable program. The House recedes.

Puerto Rico, Guam, and the Virgin Islands.—The House amendment but not the Senate amendment amended the following programs so as to treat Puerto Rico, Guam, and the Virgin Islands as States for the purpose of distributing funds: Titles I, V, and VI of the Higher Education Act of 1965; the Higher Education Facilities Act; titles II and III of the National Defense Education Act; and titles II, III, and V of the Elementary and Secondary Education Act. House recedes. The conferees had inadequate data to evaluate the impact of this proposal and strongly urge that the Secretary of HEW undertake a study to determine how best to treat Puerto Rico, Guam, and the Virgin Islands in present and future legislation, especially those statutes containing formulas for allotment of funds.

EMERGENCY SCHOOL ACT

Short title.—The House amendment cited this title as the "Emergency School Aid Act of 1971." The Senate amendment cited this title as the "Emergency School Aid and Quality Integrated Education Act of 1971." The conference substitute provides that the title may be cited as the "Emergency School Aid Act".

Findings.—The Senate amendment contained a congressional finding that the process of establishing and maintaining stable, quality, integrated schools and eliminating minority group isolation improves the quality of education for all children and often involves the expenditure of additional funds to which local educational agencies do not have access. The House amendment contained no comparable provision. The conference substitute retains the Senate provision but rephrases the reference to the improvement of the quality of education as another process (in addition to eliminating minority group isolation) requiring additional fundng and deletes the reference to stable, quality, integrated schools.

Purpose.—The House amendment stated the purpose of the title as providing financial assistance to meet the special needs incident to desegregation and to encourage voluntary integration. The Senate amendment stated the purpose as encouraging comprehensive planning for the elimination of minority group isolation, as providing financial assistance to establish stable, quality, integrated schools, as assisting in eliminating minority group isolation, and as aiding schoolchildren in overcoming the educational disadvantages of minority group isolation. The conference substitute retains the House provision with the one addition of the Senate reference to aiding schoolchildren in overcoming the educational disadvantages of minority group isolation.

Policy with respect to the application of certain provisions of federal law.—The House amendment stated the policy of the United States that guidelines and criteria established pursuant to this title shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation. The Senate amendment stated the policy of the United States that guidelines and criteria established pursuant to Title VI of the Civil Rights Act, section 182 of the Elementary and Secondary Education Amendments of 1966, and this title shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation. The conference substitute retains both the Senate and House provisions but deletes the reference in the Senate amendment to this title. The conference substitute's version of the Senate provision, therefore, restates the policy contained in section 2(a) of Public Law 91–230 and in no way supersedes subsection (b) of such section.

Administration.—The House amendment provided for administration of the program by the Secretary of Health, Education, and Welfare. The Senate amendment provided for the administration by the Commissioner of Education. The conference substitute vests authority for the administration of this program in the newly created Assistant Secretary of Health, Education, and Welfare for Education.

Appropriations.—The House amendment authorized appropriations for $500 million for fiscal year 1972 and $1 billion for fiscal year 1973. The Senate amendment authorized $500 million from the period beginning with the enactment of this title and ending June 30, 1973 and $1 billion for fiscal year 1974. The conference substitute contains the House provision for fiscal year 1973 and the Senate provision for fiscal year 1974.

Reservations of appropriations.—Both the House amendment and the Senate amendment reserve at least 4% of the total appropriations for bilingual education programs. In addition to this reservation the House amendment reserved 6% of the appropriations to the Secretary for evaluations and for special programs. The Senate amendment reserved 15% of the appropriations for metropolitan area projects, not less than 3% for educational television, 8% for special programs, and 1% for evaluation. The Senate amendment further reserved, from the amounts apportioned to the States, not more than 22% for compensatory education programs and not less than 15% for grants and contracts with private non-profit and public agencies. The conference substitute retains the 4% reservation for bilingual education, retains the House's 6% for special programs and for evaluation, adopts the Senate reservation of 3% for educational television, reduces the Senate reservation for metropolitan projects to 5%, and reserves 8% of the total appropriations for private groups. The conference substitute reserves not more than 15% of the total appropriation, from the amounts for compensatory education to be apportioned among the States.

Allotments among States.—The House amendment allotted 90% of the appropriations among the States by alloting each State $100,000 plus an amount based upon its relative number of minority group children, The Senate amendment apportioned unreserved funds among the States according to their relative number of minority group children, except that no State would receive less than $100,000. Portions of each State's apportionment were reserved for compensatory education and private groups. The conference substitute reduces the initial amount apportioned to $75,000 per State and retains the Senate guarantee of a minimum of $100,000 per State. It also reduces the funds apportioned to conform with the additional reservations of appropriations.

Reallotment.—The Senate amendment, but not the House amendment, provided that the portion of each State's apportionment reserved for private groups must be used solely for that purpose in any reapportionment of funds. The House amendment, but not the Senate amendment, provided that the Secretary could not reallot funds earlier than 60 days prior to the end of the fiscal year. The conference substitute retains both the Senate and House provisions.

Eligibility for Assistance.—The House amendment, but not the Senate amendment, included as eligible for assistance school districts implementing plans undertaken pursuant to a final order of any State agency or official of competent jurisdiction. The conference substitute retains the House provision.

The House amendment included as eligible for assistance to prevent minority group isolation school districts with schools having an enrollment of at least 10% but not more than 50% minority group students. The Senate amendment contained the same category of eligibility but specified a minimum minority group enrollment of 20% and did not specify any upper limit. The conference substitute retains the Senate provision with a maximum limit of 50% minority group students.

The Senate amendment, but not the House amendment, provided that applicant school districts in order to be eligible must establish at least one stable, quality, integrated school and must have adopted a comprehensive district-wide plan for the elimination of minority group isolation to the maximum extent possible in all schools of such agencies. The conference substitute does not contain the Senate provision.

The House amendment included as eligible school districts voluntarily enrolling and educating children who would not otherwise be eligible for enrollment because of nonresidence. The Senate amendment authorized grants to local educational agencies for interdistrict projects within Standard Metropolitan Statistical Areas. The conference substitute retains the Senate provision and also the House provision.

The House amendment provided that a school district, a majority of whose students are minority group students, may apply for assistance if it established or maintained at least one school, the enrollment of which may be up to 70% non-minority. The Senate amendment contained the same category of eligibility but specified 60% non-minority enrollment. The conference substitute specifies this percentage at 65%.

The House amendment authorized grants for compensatory education to school districts applying for funds under section 706(a) with 15,000 minority students and 50% minority enrollment. The Senate amendment contained the same provision for such districts but permitted the minority enrollment to be either 15,000 or 50%. The conference substitute retains the Senate provision.

Grants or contracts with private non-profit or public agencies.—The House amendment provided that the Secretary may assist by grant or contract any public or private nonprofit agency (other than a local educational agency) to carry out programs designed to support the development or implementation of an eligible plan or activity. The Senate amendment contained similar grants and contracts but expressly excluded grants to non-public elementary and secondary schools and did not require that every grant and contract must be designed to carry out programs in support of an eligible local educational agency's plan or activity. The conference substitute contains both provisions, but limits the Senate provision to grants and contracts to carry out programs designed to support the development or implementation of an eligible plan or activity. One-half of the sums reserved for this purpose are to be used for grants and contracts under authority of the Senate provision and one-half under authority of the House provision.

Ineligibility for Assistance.—The Senate amendment, but not the House amendment, barred assistance to school districts for transfers of property to private schools if the district knew or reasonably should have known that the transferee was a private school and if the district did not make a prior determination that such private school was not operated on a segregated basis. The conference substitute retains the Senate provision.

The Senate amendment, but not the House amendment, barred as ineligible any school district which had in effect a discriminatory policy against minority group employees if such policy has resulted in the disproportionate demotion or dismissal of such employees. The conference substitute does not contain the Senate provision.

The Senate amendment, but not the House amendment, excluded from the prohibition against separation of minority group children from non-minority group children bona fide ability grouping used as a standard pedagogical practice. The conference substitute retains the Senate provision.

Waivers of ineligibility.—The Senate amendment, but not the House amendment, required school districts which had received assistance under the temporary Emergency School Assistance program to submit a special application containing additional information if they wanted to receive a waiver of ineligibility for prohibited conduct. The conference substitute does not contain the Senate provision.

The Senate amendment, but not the House amendment, required that all waivers of ineligibility be approved only by the Secretary, that the Secretary may not approve an application for assistance without first determining that the applicant is not ineligible, and that notice of intention to grant a waiver be given to the appropriate Congressional committees at least 30 days before approval of such a waiver. The conference substitute contains the Senate provision but reduces the time period before a waiver can be granted to 15 days.

Authorized activities.—The Senate amendment, but not the House amendment, limited its list of authorized activities to only nine specific activities but excluded from this restriction grants for metropolitan area projects, the Assistant Secretary's special programs, bilingual education, educational television, and grants to private groups. The conference substitute contains the Senate provision.

The House amendment, but not the Senate amendment, authorized the provision of additional professional and other staff. The Senate amendment, but not the House amendment, authorized in-service teacher training and the recruiting, hiring, and training of teacher aides. The conference substitute contains both the Senate and House provisions.

The Senate amendment, but not the House amendment, authorized the acquisition of instructional materials and the offering of courses in the language and cultural heritage of minority groups. The conference substitute contains the Senate provision. The House amendment, but not the Senate amendment, authorized educational programs using shared facilities. The conference substitute contains the House provision.

The House amendment, but not the Senate amendment, authorized innovative interracial educational programs. The conference substitute contains the House provision, but the managers want to make clear to the Department that it is to exercise great care in approving funding for this type of program so that frivolous projects are not funded under the guise of attempts to achieve integration or desegregation.

The Senate amendment, but not the House amendment, required that repair or minor remodeling may not exceed 10% of any school district's grant. The conference substitute contains the Senate provision.

The Senate amendment, but not the House amendment, stated in the authorized activities section that funds appropriated would be available for grants to local educational agencies implementing court-ordered plans of desegregation. The conference substitute does not contain this provision. Districts implementing court-ordered plans of desegregation are clearly eligible for assistance under section 706(a) of the conference substitute.

Criteria for approval.—The Senate amendment, but not the House amendment, required that prior to approval of an application the Secretary had to determine that the comprehensive districtwide plan submitted by the applicant must be reasonably expected to eliminate minority group isolation to the maximum extent possible in all schools of the applicant and that the funding for the stable, quality, integrated schools must be at a sufficient level. The conference substitute does not contain the Senate provision.

The Senate amendment, but not the House amendment, required that the Secretary must approve first those applications which place the largest numbers and the greatest percentages of minority children in stable, quality, integrated schools. The conference substitute does not contain this provision.

The House amendment, but not the Senate amendment, required that the Secretary must consider only six factors before he approves an application. The conference substitute contains the House provision.

The House amendment, but not the Senate amendment, specifically barred the Secretary from giving less favorable consideration to the application of a school district voluntarily adopting a plan of integration than to that of a school district legally required to adopt such a plan. The conference substitute contains this provision.

Applications.—The Senate amendment, but not the House amendment, required that all applications and related documents must be made readily available to the public. The conference substitute contains this provision.

The Senate amendment, but not the House amendment, restricted its requirements concerning applications to those submitted by local educational agencies. The conference substitute contains the Senate provision, but the managers want to make clear that the Assistant Secretary must publish regulations regarding all his requirements for all other applications.

The House amendment required applicants to make assurances concerning their activities in the projects to be funded and to provide other information. The Senate amendment required specific information from the applicants concerning their conduct and required periodic reports. The conference substitute contains the Senate provision.

The Senate amendment, but not the House amendment, forbade supplanting of local or State funds by funds provided under this title. The conference substitute contains the Senate provision.

The Senate amendment required funds under this program to be coordinated with funds provided under other Federal programs. The conference substitute contains the Senate amendment, but the managers want to make clear their intention that if any doubt arises in the interpretation of this provision it is superseded by the amendments to the General Education Provisions Act contained elsewhere in this act.

The Senate amendment required applicants to use funds provided under this title for implementation of their comprehensive districtwide plans and for the establishment of stable, quality, integrated schools. The House amendment required that applicants provide assurances that they will comply with the plans upon which their eligibility is determined. The conference substitute contains the House provision.

The Senate amendment, but not the House amendment, required that an additional amount of sufficient magnitude must be spent on students under these programs in order to assure that funds will not be dispersed and that the applicants will submit information insuring that the funds available under the title will be used solely to pay the additional costs of carrying out the plans. The conference substitute contains both these provisions.

The Senate amendment, but not the House amendment, required that every local educational agency applying for funds must establish a committee to consider the application for funds and to be involved in the operation of the program. The Senate amendment barred approval of any application by the Commissioner unless it is accompanied by a detailed written statement of approval or disapproval by this committee. The conference substitute does not contain this latter requirement.

The Senate amendment, but not the House amendment, forbade States from reducing the amount of State aid paid to the local educational agencies under this program. The conference substitute contains this provision.

The House amendment, but not the Senate amendment, required that the Assistant Secretary must notify each local educational agency whose application has been rejected of the reason for his disapproval and to afford the agency a reasonable time to modify its application. The conference substitute contains the House provision and requires the Assistant Secretary to provide an appropriate opportunity to the applicant to modify its application.

Special programs.—The House amendment provided that from the funds reserved to him for this purpose the Secretary could fund special programs in local educational agencies including special bilingual educational programs. The Senate amendment provided that from these funds the Commissioner could make grants to and contracts with State and local educational agencies and with other public and private nonprofit agencies for special programs. The conference substitute contains the Senate provision but deletes the authorization to make grants to and contracts with private nonprofit agencies.

Metropolitan area projects.—The Senate amendment, but not the House amendment, provided that from the funds reserved to him for this purpose the Commissioner could make grants for interdistrict projects, for Standard Metropolitan Statistical Area planning, and for education parks. The conference substitute contains the Senate provision but restricts the definition of education parks to those providing education from the 7th grade through the 12th grade. The managers, however, would urge districts receiving these grants to provide education beyond the 12th grade in these parks. The conference substitute specifically deletes the requirement that grants to be made for education parks providing pre-school and elementary education.

Educational television.—The Senate amendment, but not the House amendment, provided for an educational television program. The conference substitute contains the Senate provision.

Payments.—The House amendment, but not the Senate amendment, provides for a by-pass for the benefit of children in private non-profit schools when State law forbids their participation in programs funded under this title. The conference substitute contains this provision.

Definitions.—The House amendment, but not the Senate amendment, defined "State" as including Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands for the purpose of receiving grants for the Assistant Secretary's special programs. The conference substitute contains the House provisions.

The Senate amendment, but not the House amendment, included a definition of general applicability of the term "integrated school." The conference substitute does not contain this definition.

The House amendment, but not the Senate amendment, included among the groups affected by this title Alaskan natives and Hawaiian natives. The Senate amendment, but not the House amendment, included Portuguese among these groups. The conference substitute contains both the Senate and the House provisions.

Evaluations.—The House amendment authorized evaluations to be conducted either directly by the Assistant Secretary or by grant or contract. The Senate amendment only authorized grants and contracts to public and private agencies for evaluation. The conference substitute contains the Senate provision.

Attorney fees.—The Senate amendment, but not the House amendment, authorized the payment of attorneys fees to successful plaintiffs in suits brought for violation of this title, Title VI of the Civil Rights Act, or the fourteenth amendment to the Constitution. The conference substitute contains this provision.

Use of Funds for Transportation.—The House amendment, but not the Senate amendment, forbade use of any funds provided under this title for transportation services. The conference substitute does not contain this separate provision in light of the conference action on similar provisions of broader applicability, as discussed later.

Neighborhood schools.—The House amendment, but not the Senate amendment, required that nothing in this title could be construed as requiring any local educational agency which assigns students to schools on the basis of geographic attendance areas drawn on a racially nondiscriminatory basis to adopt any other method of student assignment whether or not the use of such geographic attendance areas results in the complete desegregation of the schools of such agency. The conference substitute contains the House provision except for the reference to whether or not the use of such areas results in the complete desegregation of the schools of such agency.

GENERAL PROVISIONS RELATING TO ASSIGNMENT OR TRANSPORTATION OF STUDENTS

Use of funds for transportation.—(a) The Senate amendment provided that no provision of the Senate bill shall be construed to require the assignment or transportation of students or teachers in order to overcome racial imbalance. There was no comparable House provision. The House recedes.

(b) The House amendment amended the General Education Provision Act to provide that no funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system. The Senate amendment contained an identical prohibition but provided an exception "on the express written request of appropriate local school officials" and added a proviso that no court or officer of the United States shall order the making of such a request and no funds shall be available for transportation when time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process. The conference agreement does not amend the General Education Act, but contains the language of the House amendment, which provides the following exception: "on the express written voluntary request of appropriate local school officials" and adds a further limitation to that exception by requiring that no funds shall be available for transportation when the time or the distance of travel is so great as to risk the health of the children or significantly impinge on the educational process and adds a further limitation that the educational opportunities available at the school to which it is proposed that such student be transported must be substantially inferior to those offered at the school to which the student would otherwise have been assigned.

(c) The House amendment provides that no officer or employee of the Department of Health, Education, and Welfare (including the Office of Education) or of any other Federal agency shall, by rule regulation, order, guideline, or otherwise, (1) urge, persuade, induce, or require any local educational agency, or any private nonprofit agency, institution, or organization, to use any funds derived from any State or local sources for any purpose for which Federal funds appropriated to carry out any applicable program may not be used, as provided in this section, or (2) condition the receipt of Federal funds under any Federal program upon any action by any State or local public officer or employee which would be prohibited by clause (1) on the part of a Federal officer or employee. Almost identical language appears in the Senate amendment modified as follows: (1) The Department of Justice is specifically mentioned and (2) the prohibited activities enumerated in clause (1) are permitted if constitutionally required. In addition, the Senate amendment prohibited any officer of any Federal agency from urging, persuading inducing or requiring any local educational agency to undertake transportation of any students where the time or distance of travel is so great as to risk the health of the child or significantly impinge on his or her educational process; or where the educational opportunities available at the school to which it is proposed that such student be transported will be substantially inferior to those offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zone established without discrimination on account of race, religion, color, or national origin. The House recedes.

Court appeals.—The House amendment provided that notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. An identical provision was contained in the Senate bill but is applicable only to court orders requiring transportation of students between local educational agencies or consolidation of two or more such agencies. The Senate amendment provides that the section shall expire at midnight on June 30, 1973.

The conference agreement contains the precise language of the House amendment and provides that this section shall expire midnight January 1, 1974. This section does not authorize the reopening of final orders, however, appealable orders are considered to be within the scope of this amendment. The conferees are hopeful that the Judiciary will take such action as may be necessary to expedite the resolution of the issues subject to this section.

Amendments authorizing intervention in court orders.—The Senate amendment, but not the House amendment, provided that a parent or guardian of a child transported to a public school in accordance with a court order to seek to reopen or intervene in the further implementation of such order, currently in effect, if the time or distance of travel is so great as to risk the health of the student or if the effect of the order is alleged to be significantly to impinge on the quality of his or her educational process. Such right of intervention shall extend to intervention as a class in respect of such busing plan on behalf of such student and all other students similarly affected thereby.

The conference agreement contains the substance of the Senate amendment. The language relating to time or distance of travel was conformed to be identical with the restriction contained in section 802.

Amendments affecting rules of evidence.—The Senate bill, but not the House amendment, requires that the rules of evidence required to prove that State or local authorities are practicing racial discrimination in assigning students to public schools shall be uniform throughout the United States. The House recedes.

Application of proviso of section 407(a) of the Civil Rights Act.—The Senate amendment restated a portion of the language of section 407(a) of the Civil Rights Act of 1964 and provided that such language shall apply to all public school pupils and systems, under all circumstances and conditions everywhere in the United States, its territories, and possessions. There was no comparable House provision. The House recedes.

PROHIBITION OF SEX DISCRIMINATION

Both the Senate amendment and the House amendment provided that no person in the United States may, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Both versions however contained a number of exceptions which are discussed below.

(a) The House amendment exempted from the prohibition all undergraduate admissions to institutions of higher education. The Senate amendment exempted admissions to all institutions except institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education which do not have a traditional policy of admitting only students of one sex. The House recedes.

(b)(1) Both amendments postponed the effective dates of the prohibition during periods when an institution is changing from one-sex status to coeducation. Under the House amendment, the institution was exempted, whereas under the Senate bill, only the admissions policy of the institution is exempted. The House recedes.

(2) Under the House amendment, an institution had seven years to undergo the transition to coeducation, whereas under the Senate amendment, all institutions were exempt for one year from date of enactment, and institutions undergoing transition are exempt for an additional six years. The conference agreement retains both provisions.

(c) The Senate amendment provided a specific exemption for institutions preparing individuals for military service or merchant marine service. The House recedes.

(d) The House amendment, but not the Senate amendment, provides that nothing in the language shall be interpreted to require preferential or disparate treatment of the members of one sex. The Senate recedes.

(e) The definition of "educational institution" in the House amendment included "any institution of higher education". The comparable language in the Senate amendment is "any institution of vocational, professional, or higher education". Under the Senate amendment, but not the House amendment, a department of an educational institution which is an administratively separate unit is deemed to be an educational institution. The House recedes.

(f) In addition, the House amendment, but not the Senate amendment, provided that nothing in the title authorizes action by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment. The House recedes.

(g) The House amendment, but not the Senate amendment, also prohibited discrimination against the blind in educational programs and activities. The Senate recedes.

(h) Both amendments repealed the exemption in title VII of the Civil Rights Act for educational institutions. The Senate amendment, but not the House amendment, creates an exemption in title VII for educational institutions with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such institution of its religious activities. The Senate recedes.

(i) The Senate amendment amended title IV of the Civil Rights Act to include sex within the term "desegregation" and as such authorizes the Attorney General to bring suit in discrimination cases. There was no comparable House provision. The House recedes.

(j) The Senate amendment, but not the House amendment, authorized the Civil Rights Commission to investigate discrimination on the basis of sex. The Senate recedes.

(k) The Senate amendment required the Commissioner of Education to conduct a survey to determine the extent of discrimination on the basis of sex in educational institutions. There was no comparable House provision. The Senate recedes.

(l) The House amendment, but not the Senate amendment, specified that institutions may maintain separate living facilities on the basis of sex. The Senate recedes.

Miscellaneous

Membership of the Advisory Commission on Intergovernmental Relations.—The Senate amendment expanded the Advisory Commission on Intergovernmental Relations from twenty-six to twenty-eight by adding two members appointed by the President from a panel of four elected school board officials submitted by the National School Boards Association. Such additional members shall serve for two years. There was no comparable House provision. The Senate recedes.

Students on boards of trustees.—The Senate amendment declared the sense of the Congress that one elected student should be a fully enfranchised member of the governing board of every institution of higher education in America and required the Secretary of Health, Education, and Welfare to report within twelve months on the implementation of this title. There was no comparable House provision. The conference report contains the following provision: "It is the sense of the Congress that the governing boards of institutions of higher education should give consideration to student participation on such boards."

ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

Title I of the Senate amendment provided that each institution of higher education at which a recipient of a Basic Educational Opportunity Grant was in attendance would be entitled to a cost-of-instruction allowance, the amount of which would be determined in accordance with the total number of students enrolled at the institution, as follows:

"If the total number of students in attendance is—	The amount of the grant is—
Not over 1,000	$500 for each recipient.
Over 1,000 but not over 2,500	$400 for each recipient or, if the number of recipients is at least 100, $50,000, plus $400 for each recipient in excess of 100.
Over 2,500 but not over 5,000	$300 for each recipient or, if the number of recipients is at least 250, $110,000, plus $300 for each recipient in excess of 250.
Over 5,000 but not over 10,000	$200 for each recipient or, if the number of recipients is at least 500, $185,000, plus $200 for each recipient in excess of 500.
Over 10,000	$100 for each recipient or, if the number of recipients is at least 1,000, $235,000, plus $100 for each recipient in excess of 1,000.

The Senate amendment also provided that cost-of-instruction allowances would be made available to institutions only upon submission by an institution of an application therefor which included assurances that the funds received would be used solely to defray instructional expenses, and would not be used for a school or department of divinity or for religious worship or sectarian activity. The Senate amendment further required that such applications include assurances that an applicant institution would not increase tuition rates charged to recipients of Basic Educational Opportunities Grants above the rate charged by the institution during the 1971–72 academic year, that an applicant institution would not expend less for its academically related programs during an academic year for which a cost-of-instruction allowance was sought than the average amount it expended for such purposes during the preceding three years, than an applicant institution would submit such reports to the Commissioner as he might require by regulation, and that the Commissioner might require by regulation that such applications contain other statements of policies, assurances, and procedures that he determined necessary to protect the financial interest of the United States.

The Senate amendment further provided that in the event that a Basic Grantee attended an applicant institution on less than a full-time basis, the cost-of-education allowance to which the institution would be entitled for that student would be reduced in proportion to the degree to which that student did not attend on a full-time basis. The Senate amendment further provided that in the event that during any fiscal year appropriations for the purpose of cost-of-instruction allowances were insufficient to pay in full all institutions' entitlements, the amount paid with respect to each such entitlement would be ratably reduced. By its terms, no method of computing entitlements or distributing payments could be used other than that specified in the Senate amendment.

No cost-of-instruction allowances could be paid under the Senate amendment during any fiscal year in which appropriations for the purpose of paying Basic Educational Opportunity Grant entitlements were insufficient to pay all such entitlements, or in which appropriations for Supplemental Educational Opportunity Grants, Work-Study payments, and National Defense Student Loan capital contributions did not at least equal appropriations for such purposes for the fiscal year ending June 30, 1972.

Part A of title VIII of the House amendment contained findings that an emergency condition has arisen which threatens the continued ability of many institutions of higher education to provide the education necessary to enable citizens to make their full contribution to the nation's economic and cultural development, and declared that the purpose of Part A was to meet such critical need through general assistance to such institutions.

The House amendment authorized appropriation of such sums as necessary to carry out its provisions, and provided that of the sums appropriated for such purposes during any fiscal year, two-thirds would be available only for general assistance grants to institutions of higher education as follows:

$100 for each student enrolled full time (including the full-time equivalent of students enrolled part-time) in the first two years of post-secondary education at an institution;

$150 for each student enrolled full time (including the full-time equivalent of students enrolled part-time) in the second two years of post-secondary education at an institution; and

$200 for each student enrolled full time (including the full-time equivalent of students enrolled part-time) at an institution.

The House amendment also provided that in addition to the sums paid to institutions as indicated above, each institution would be entitled to an additional $300 for each of 200 students, and an additional $200 for each of 100 students. In the event that two-thirds of the sums appropriated for the purpose of making grants as indicated above were insufficient to pay in full the amounts all institutions were entitled to receive, the House amendment provided that the grant to each institution would be an amount bearing the same ratio to the amount to which it was entitled that two-thirds of the sums appropriated bore to the total amount all institutions were entitled to receive under that part of the House formula based on numbers of students.

The House amendment further provided that of the sums appropriated for each fiscal year for the purpose of making grants under Part A, one-third would be available only for the purpose of making grants to institutions in accordance with the aggregate of (1) Educational Opportunity Grant, Work-Study and National Defense Student Loan funds available for payments to students at each institution for such fiscal year, and (2) 40 per centum of the amount paid to veterans (who served on active duty in the Armed Forces for at least 180 days subsequent to August 4, 1964) under section 1682 of title 38, U.S. Code. Each institution would be paid a sum equal to a percentage of such aggregate, as follows:

50 percent of such aggregate if the number of full-time students, and the full-time equivalent of the number of part-time students, enrolled in such institution during the most recent academic year ending prior to such fiscal year did not exceed 1,000;

46 percent of such aggregate if the number of full-time students, and the full-time equivalent of the number of part-time students, enrolled in such institution during the most recent academic year ending prior to such fiscal year exceeded 1,000, but did not exceed 3,000;

42 percent of such aggregate if the number of full-time students, and the full-time equivalent of the number of part-time students, enrolled in such institution during the most recent academic year ending prior to such fiscal year exceeded 3,000 but did not exceed 10,000; and

38 percent of such aggregate if the number of full-time students, and the full-time equivalent of the number of part-time students, enrolled in such institution during the most recent academic year ending prior to such fiscal year exceeded 10,000.

The House amendment further provided that in the event that one-third of the sums appropriated for the purpose of making grants to institutions as indicated above were insufficient to pay in full the amounts that all institutions were entitled to receive, the grant to each institution would be an amount bearing the same ratio to the amount to which it was entitled that one-third of the sums appropriated bore to the total amount of all institutions were entitled to receive under that part of the House formula based on the aggregate of Federal financial assistance paid to students.

The House amendment further provided that institutions of higher education might receive a grant under Part A only upon application therefor, and that such an application might be approved if the Commissioner determined that it described the general educational goals and specific objectives of the applicant institution and the amount of institutional income needed to meet such goals and objectives, and contained satisfactory assurance that the proceeds of such a grant would be used for programs of the institution consistent with its goals and objectives, that current operating support of the institution from non-Federal sources had not been reduced in anticipation of funds to be received under Part A, that the applicant institution would make such reports as the Commissioner might require, and that the application contained such provisions as the Commissioner required by regulation to protect the financial interest of the United States.

The House amendment further provided that no grant under Part A might be made to, or used to support, a school or department of divinity, or for religious worship or sectarian instruction.

The agreement reached by the conferees with respect to the differing institutional assistance provisions of the House and Senate amendments provides that:

45% of the funds appropriated for institutional aid shall be paid on the basis of the aggregate amount of Supplemental Educational Opportunity Grant, Work-Study, and Direct Student Loan funds paid to students at each institution, according to the following table:

If the total number of students in attendance at the institution is—	The percentage of such aggregate shall be—
Not over 1,000	50 per centum.
Over 1,000 but not over 3,000	46 per centum.
Over 3,000 but not over 10,000	42 per centum.
Over 10,000	38 per centum.

45% of the funds appropriated for institutional aid shall be paid on the basis of the number of Basic Educational Opportunity Grant recipients at each institution, according to the following table:

If the total number of students in attendance at the institution is—	The amount of the institutional aid payment under this segment will be—
Not over 1,000	$500 for each recipient.
Over 1,000 but not over 2,500	$500 for each of 100 recipients; plus $400 for each recipient in excess of 100.
Over 2,500 but not over 5,000	$500 for each of 100 recipients; plus $400 for each of 150 recipients in excess of 100; plus $300 for each recipient in excess of 250.
Over 5,000 but not over 10,000	$500 for each of 100 recipients; plus $400 for each of 150 recipients in excess of 100; plus $300 for each of 250 recipients in excess of 250; plus $200 for each recipient in excess of 500.
Over 10,000	$500 for each of 100 recipients; plus $400 for each of 150 recipients in excess of 100; plus $300 for each of 250 recipients in excess of 250; plus $200 for each of 500 recipients in excess of 500, plus $100 for each recipient in excess of 1,000.

10% of the funds appropriated for institutional aid shall be paid on the basis of the number of graduate students at each institution at the rate of $200 per capita.

The conferees' agreement also provides that the portion of institutional assistance determined on the basis of the number of Basic Educational Opportunity Grant recipients enrolled at each institution may not be paid until the Basic Educational Opportunity Grant program is funded at a level sufficient to satisfy 50% of the amount to which each Basic Grant recipient is entitled. When the level of funding of the Basic Grant program reaches the point where sufficient funds are available to satisfy 50% or more of the amount to which each Basic Grant recipient is entitled, that portion of institutional aid determined according to the number of Basic Grant recipients may be paid at the same level at which Basic Grant entitlements are being satisfied. No similar limitation is placed on payment of those portions of institutional aid determined on the basis of (a) the aggregate amount of Supplemental Educational Opportunity Grant, Work-Study and Direct Student Loan funds paid to students at each institution, or (b) the number of graduate students enrolled at each institution.

The conferees' agreement further provides that if during any period of any fiscal year the appropriations available for paying sums to which institutions are entitled are insufficient to fully satisfy all such entitlements, the amount paid with respect to each such entitlement shall be ratably reduced. When additional funds become available for making such payments, the amount paid to each institution shall be in proportion to the degree to which such institution's entitlement is unsatisfied by payments previously made for such fiscal year.

The conferees' agreement adopts the relevant provisions of the Senate amendment with respect to applications for payments under those portions of the report under which institutional assistance is determined in accordance with the number of Basic Grant recipients enrolled at each institution, and the aggregate of Supplemental Educational Opportunity Grant, Work-Study and Direct Student Loan funds paid to students at each institution, but with one exception: the requirement that such applications contain assurance that an applicant institution will not increase tuition rates with respect to Basic Grantees above the rate charged by the institution during the 1971–1972 academic year is dropped.

The conferees' agreement also adopts unchanged the relevant provisions of the House amendment with respect to applications for payments under that part of the report under which institutional assistance is determined in accordance with the number of graduate students enrolled at each institution. That provision of the House amendment allowing the Commissioner to waive the requirement that operating support from non-Federal sources for educationally related programs of the applicant institution have not been reduced in anticipation of the receipt of Federal assistance monies is retained, as is the requirement, but only with respect to that portion of institutional assistance determined in accordance with the number of graduate students at each institution.

The provision of the House amendment requiring the Commissioner to report to Congress not later than 120 days after the end of each fiscal year regarding the effectiveness of Federal institutional assistance in achieving the goals and objectives of institutions, and in encouraging diversity and autonomy among all institutions, is retained, as is the prohibition on the use of funds for support of a school or department of divinity, or for religious worship or sectarian instruction, but only with respect to that portion of institutional assistance determined in accordance with the number of graduate students enrolled at each institution. For the purpose of this and other provisions of the conferees' agreement, the report utilizes the House language, "students . . . who are pursuing a program of post-baccalaureate study" to indicate "graduate students" as the term is used here.

Limitation on payments to institutions.—The conference agreement imposes an overall limitation of $1,000,000 on payments under the program.

Cost of instruction grants for veterans.—The Senate bill would provide cost-of-instruction payments to institutions of higher education on behalf of veterans in attendance at such institutions. In order to be eligible, an institution must increase the number of veterans in attendance at such institution by 10 per centum the first year. If an institution is eligible for a payment, the amount of that payment shall be (1) $300 for each veteran and (2) in addition, $150 for each veteran who has participated in one of the special remedial veterans programs. In case of payments in this latter category, no payment would be made on behalf of a veteran if the institution receives a payment in excess of $150 on behalf of that veteran under the cost of instruction allowances section.

When appropriations are not sufficient to meet such institutional entitlements, the Commissioner of Education shall use funds from the National Service Life Insurance Fund and give such Fund noninterest bearing notes that the Secretary of the Treasury is authorized and directed to purchase. There are no similar House provisions.

The conference agreement establishes a program of cost of instruction payments to institutions of higher education on behalf of veterans similar to that in the Senate amendment. The conference amendment contains the following limitations:

(1) The authorization to make payments from the National Service Life Insurance Fund when appropriations are insufficient to meet institutional entitlements is deleted.

(2) The Administrator of Veterans' Affairs and the Commissioner of Education must jointly prescribe regulations.

(3) 50 percent of the funds received by an institution of higher education pursuant to this section must be utilized to provide special services for veterans students.

The conferees expect that the Commissioner, in determining the number of undergraduate students in attendance at qualifying institutions under section 420(a), would take guidance from VA regulations governing payments of educational assistance allowance to eligible veterans under chapter 31 or 34 of title 38 of the United States Code. Thus, it is expected that GI bill trainees attending such institutions of higher education under subchapter V or VI of such chapter 34 would be counted as part of such institutions' total number of "undergraduate students" in attendance during any academic year.

Carl D. Perkins,
Frank Thompson, Jr.,
John H. Dent,
Roman C. Pucinski,
John Brademas,
Lloyd Meeds,
Joseph M. Gaydos,
Romano L. Mazzoli,
Albert H. Quie,
Alphonzo Bell,
Ogden Reid,
John N. Erlenborn,
John Dellenback,
Marvin L. Esch,
William A. Steiger,
Orval Hansen,
Managers on the Part of the House.

Claiborne Pell,
Jennings Randolph,
Harrison Williams,
Thomas F. Eagleton,
Alan Cranston,
Peter H. Dominick,
Richard S. Schweiker,
J. Glenn Beall, Jr.,
Robert T. Stafford,
Managers on the Part of the Senate.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATIONS, 1973

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 990 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That during the consideration of the bill (H.R. 15093) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes, all points of order against the provisions contained under the heading "National Science Foundation" beginning on page 15, line 1, through page 17, line 3, are hereby waived.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 990 simply provides that all points of order are waived against the provisions contained under the heading "National Science Foundation" during consideration of H.R. 15093, making appropriations for the Department of Housing and Urban Development, for space, science, veterans, and certain other independent agencies for fiscal year 1973. The language against which the waiver is granted begins on page 15, line 1 and continues through line 3 on page 17.

The amount of the appropriation for the Foundation is within the amount of the authorization as it passed the House. However, the authorization bill has not yet passed the Senate and become enacted into law and that is the reason for the waiver.

Mr. Speaker, I urge the adoption of the rule.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, do I understand from the gentleman from Indiana's statement that we are waiving the rights of individual Members to make points of order against only that portion of the bill that applies to the National Science Foundation because it has not yet been authorized by law?

Mr. MADDEN. That is my understanding, yes.

Mr. HALL. All the other subsections with which this appropriation deals have been enacted into law; is that correct?

Mr. MADDEN. That is correct.

Mr. HALL. May I ask the distinguished gentleman who requested this waiver of points of order before the Committee on Rules?

Mr. MADDEN. Mr. Speaker, I will yield to the chairman of the subcommittee, the gentleman from Massachusetts (Mr. Boland) for the purpose of answering the gentleman's question.

Mr. BOLAND. Mr. Speaker, in response to the gentleman from Missouri's inquiry, it was at the request of the full committee that the waiver of points of order was requested, and the chairman of the full committee asked for the waiver.

Mr. HALL. In other words, I simply want to point out that it was the chairman of the Committee on Appropriations who requested the waiver, the self-same gentleman who stood in the well of the House here the other day and castigated the Committee on Ways and Means, of which both the Committee on Appropriations and the Committee on Banking and Currency are split-offs or children, historically and traditionally in the organization of the House, for asking the same thing on the so-called revenue sharing bill now pending before the Committee on Rules. As a matter of fact, "I welcomed the gentleman to the club," of those who are opposed to waiving the rights of individual Members at that time, but this is a peculiar reversal of that position. It defies the basic principle of not appropriating—or operating—with the taxpayers' money until the legislative committees have made the necessary check and have passed into law the authorizing measure from that legislative committee, before the Committee on Appropriations can act.

I understand the need for this procedure if we are going to adjourn by time of the conventions, or the election, or even Christmas, for that matter; but it defies the legislative process, and its inherent system of checks and balances. I intend to point that out each time that we waive points of order. It would appear that it depends on whose ox is being gored.

Again, Mr. Speaker, I thank the gentleman for yielding.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the gentleman from Indiana (Mr. Madden) this resolution simply waives points of order on the National Science Foundation, which authorization has passed the House, but has not as yet been enacted into law. So that we can proceed with the appropriation bill which I believe is less than the authorizing legislation. I urge the adoption of House Resolution 990.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file special reports.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATIONS, 1973

Mr. BOLAND. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15093) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes; and, pending that motion I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from North Carolina (Mr. Jonas) and myself.

The SPEAKER. Is there any objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15093, with Mr. O'Hara in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Massachusetts (Mr. Boland) will be recognized for 1 hour, and the gentleman from North Carolina (Mr. Jonas) will be recognized for 1 hour.

The Chair recognizes the gentleman from Massachusetts (Mr. Boland).

Mr. BOLAND. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, this subcommittee and the full Committee on Appropriations brings a very important and a very large bill before the House today, and a bill on which the committee has held extensive hearings.

As chairman of that subcommittee, I want to express my appreciation to all of the subcommittee members who have worked for so many months to bring this bill to the floor—the distinguished gentleman from Tennessee (Mr. Evins), the distinguished gentleman from Illinois (Mr. Shipley), the distinguished gentleman from Connecticut (Mr. Giaimo), the distinguished gentleman from Arkansas (Mr. Pryor), and the distinguished gentleman from Indiana (Mr. Roush). On the minority side, the very able and distinguished gentleman from North Carolina (Mr. Jonas), the distinguished gentleman from California (Mr. Talcott), the distinguished gentleman from Pennsylvania (Mr. McDade) and the distinguished gentleman from California (Del Clawson).

I want to also express the appreciation of this subcommittee to the very fine staff with which this subcommittee works—G. Homer Skarin, Hunter L. Spillan and Paul E. Thomson.

This bill is the handiwork of my colleagues on the subcommittee. As is customary, the burden of the minority party on any subcommittee is carried by the ranking minority member. The distinguished Member from North Carolina (Mr. Jonas) has served on this subcommittee for many years. He has been ranking minority member for some time.

It is with considerable regret that I say to the House that this is the last time that this tremendously important appropriation bill—one that touches so many facets of governmental activities and concerns millions of our people—this is the last time that it will bear the imprimatur of Charles Raper Jonas.

As all of us know, Charles has decided, after 20 years of service in this House, to take a well-deserved retirement.

On this subcommittee, he will be sorely missed. His penetrating and incisive questioning, his brilliant mind and his constant courtesy, without regard to political party or philosophy, are the hallmarks of his great service to this committee.

The respect in which he is held by the full committee and the entire Congress has been earned by the devotion, dedication and uncanny knowledge he has always shown in committee and on this floor. No Member, on either side of the center aisle, is held in higher esteem. He richly deserves this distinction and honor. We are all indebted to him for his long and honorable service—his district, his State, and the country share this gratitude.

I know that his lovely wife, Annie Elliott, and he, will take with them, as they return to North Carolina, the respect and admiration and best wishes of all who have been privileged to know them during their years in the Nation's Capital.

Mr. Chairman, it is the considered judgment of this subcommittee, and of the full committee, that this is a good bill. It provides for some of the most important activities of our Government. In addition to the Department of Housing and Urban Development, the bill provides for the Veterans' Administration, the National Science Foundation, the National Aeronautics and Space Administration, the Federal Communications Commission, the Securities and Exchange Commission, and a number of other agencies.

Briefly, Mr. Chairman, the committee recommends a total of $19,718,490,000 in new budget obligational authority for the agencies covered by the bill for the fiscal year 1973.

This is $1,323,386,000 over the $18,395,104,000 provided for the current year; but it is $454,695,000 below the budget estimate of $20,173,185,000.

In addition, the bill contains a total of $130,700,000 in additional annual contract authorizations to provide for the various housing subsidy programs in fiscal 1973. Additional amounts are warranted, especially for the section 235 homeownership assistance and section 236 rental housing assistance programs, but since the House has not considered legislation necessary above the levels provided in the bill, these additional amounts are not recommended at this time.

The committee also recommends a total of $213,321,000 for administrative and nonadministrative expenses of the Federal Housing Administration and the Federal Home Loan Bank Board.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

With respect to the Department of Housing and Urban Development, on August 4, 1971, the committee's surveys and investigations staff initiated a study of the subsidized housing programs of the Department of Housing and Urban Development. This report was completed in March of this year, and is printed in part 3 of the subcommittee hearings beginning on page 1294. The investigative staff report contains some 119 pages of very close inspection of the subsidized housing programs throughout the United States.

All facets of the subsidy programs were examined by the investigative staff and the results are concisely stated in the report.

The committee held an extensive hearing on the findings of the report and this, too, is recommended reading for Members of Congress.

The Secretary is to be commended in that he established a new Office of Inspector General to review the operations and management of the Department even before the investigation was complete. The Secretary, his top staff, and all the employees of the Department cooperated fully with our investigators. This includes the central office in Washington as well as the regional and area offices scattered throughout the United States.

I would like to cite a few examples from the report to give all of you a flavor of that report.

Our investigators found that for the past 12 years HUD has basically "rubber stamped" the approval of the LHA operating budgets. The report concludes that an estimated $26 million in housing subsidies could have been saved in fiscal year 1972 in HUD had been informed and had conducted reviews annually of local housing authority budgets.

Section 208 of the 1970 act revised the Brooke amendment and this revision resulted in great declines in revenues to LHA's. The combination of added deductions and exemptions for both elderly persons and families, as provided for in the 1970 act, has resulted in drastically reduced revenues and greatly increased HUD operating subsidies. The exclusion of income of full-time students as provided for in the 1970 act and HUD's interpretation of the provision has resulted in some cases of full-time students paying no rent and receiving payments for their utilities.

Inducements to participate in the section 236 program are pitched to promote project construction in lieu of promoting long-term ownership. As a result, unneeded projects were constructed, mortgage amounts were inflated, and project management was weak.

Several projects have approached or are approaching the condition of being slum properties.

HUD officials in the central office and field offices admitted that they are concerned that HUD may eventually accumulate a large inventory of 236 projects once the sponsors have taken advantage of the tax shelter benefits.

Certain HUD offices have created a "soft market" or an oversupply of subsidized rental units in certain cities as a result of: First, not making an adequate analysis of the market areas where 236 projects were planned; and second, not determining the effect the proposed projects would have on existing conventional and subsidized rental projects located in areas where the 236 projects were planned.

In connection with the section 235 homeownership assistance program, several problems were encountered.

Numerous houses had been passed by HUD staff, fee appraisers, Veterans' Administration or Farmers Home Administration appraisers, with little or inadequate requirements for repairs or improvements, even though the inspections showed significant deficiencies existed when the appraisals had been made. There was little or no supervision or review of the appraisals made under the program.

Some houses had little chance of lasting the life of the mortgage, much less of maintaining a resale value that was at all comparable to the mortgage amount. In many cases, major deficiencies, not noticeable at the time of purchase, became apparent after initial occupancy by the purchasers and resulted in major repair bills or subsequent default. The most common deficiencies that have occurred all over the Nation are faulty plumbing; leaky basements; leaky roofs; cracked plaster; faulty or inadequate wiring; rotten wood in floors, staircases, and ceilings; lack of insulation; and faulty heating units.

Real estate speculation was a major problem in some areas, particularly in the inner city. Houses had been purchased by speculators, given minimal repairs, and then sold to lower income buyers at inflated prices. In some instances, even after repair, homes were in violation of the intent of the minimum property standards.

The above are only a small indication of some of the problems involved in the subsidized housing programs.

We have admonished the Secretary to take positive action on these problems including legislative recommendations where warranted.

The committee will continue to watch these programs closely.

The committee recommends a total program for the Department of Housing and Urban Development that is within the legislative authorities enacted at this time. There are programs which warrant additional funds, but the House has not acted upon legislation this year to provide additional authorities. Some examples are the section 235 homeownership assistance program, the section 236 rental housing assistance program, and the comprehensive planning grants program.

In addition, proposals for revenue sharing are pending before the authorizing committee. Revenue sharing proposals are not included in the bill before you today.

The bill does, however, provide substantial new increments of Federal funds for housing and urban development programs in virtually every area. These include urban renewal, model cities, open space land, housing assistance to the elderly and low-income families, diverse mortgage credit programs, and a far-reaching housing research and technology effort.

The total appropriations recommended for the housing and urban development programs in the next fiscal year are $3,711,088,000. This compares with $3,315,469,000 appropriated for 1972, or a net increase of $395,619,000.

The Secretary advised the committee, during testimony, that if the subsidized housing programs in the budget were approved, we would be reaching a $66 billion to $100 billion commitment plateau. Notwithstanding the fact that we lack legislative authorization to provide for the full budget request, we will nonetheless reach a total commitment of between $65 billion and $93 billion in payout costs for the rent supplement, homeownership assistance, rental housing assistance, college housing, and low-rent public housing programs.

Notwithstanding the heavy investment being put into the housing, we will be able to satisfy only 25 percent of the people who qualify over the 10-year period with our present housing goals.

Some of the specific items contained in the bill for the Department of Housing and Urban Development are as follows:

For the rent supplement program a total of $48 million in new annual contract authorization is recommended by the committee.

There is not a sufficient amount of annual contract authority presently available under the sections 235 and 236 programs to fully fund the budget estimate of $170 million for section 235 and $150 million for section 236. There is only $55 million currently authorized for the homeownership assistance program and $25 million for the rental housing assistance program. These amounts are recommended in this bill.

For the new communities program the bill provides a total of $5 million, which, when taken together with the $5 million that the Department has held in reserve during the current year, will provide a total program of $10 million for fiscal year 1973.

The committee recommends the full budget request of $1 billion for urban renewal. This amount will allow the Department to continue the programs under this head at the same reservation level which has existed in recent years. Of the total urban renewal funds available to HUD in 1972, a total of $500 million has been reserved for relocation payments as authorized by law.

No estimate was submitted for funds for the rehabilitation loan program; because of $100 million appropriated by the Congress in 1972, $50 million will not be used this year and is planned to be carried forward for use in 1973. This bill provides $50 million for 1973 which, when taken together with the $50 million carry forward balance, will provide a total of $100 million in new funds for this very important rehabilitation program.

The full budget request of $100 million for the open space land program is recommended in this bill; $36 million is currently authorized for grants for neighborhood facilities, and that amount is included in this bill.

The Department requested $60,170,000 for research and technology. The committee recommends a total of $46 million in this bill.

THE VETERANS' ADMINISTRATION

The committee recommends a total of $11,877,278,000 for the veterans' programs. This is an increase of $54,380,000 over the budget estimate, and $941,522,000 over the current appropriations. This is the largest amount ever provided for the Veterans' Administration in its long history.

The amounts recommended in the bill should amply provide for the country's 28.3 million veterans, 65.6 million members of their families, and 3.7 million survivors of deceased veterans.

The only significant change in the budget request is a total of $54,580,000 added to the estimate for the medical care appropriation.

In the 1972 act there was language which supported an average daily patient census of 85,500 veterans. The Veterans' Administration does not plan to achieve an annual average daily patient census higher than 83,500 in the current year, and the budget proposes to decrease this number to 83,000 in 1973. This decrease is included in the budget notwithstanding that new hospitals and hospital additions will add a net increase of 673 beds in 1973.

The committee has again included language that seeks to assure the resources necessary for the hospitals to accommodate an average daily patient load of 85,500. To accomplish this objective it will be necessary for the Veterans' Administration to operate 98,500 beds. To insure that adequate staff is available to properly take care of the patient load, an average staff-patient ratio of 1.49 to 1 will have to be maintained in the hospital system. Language in the bill will provide for these items.

Another change proposed by the committee has to do with construction of medical facilities. In recent years the Veterans' Administration has funded construction out of a single appropriation. In addition, the Administrator has had complete flexibility in reprograming these funds. For example, without specific congressional approval, the VA had reprogramed a total of almost $14 million during the current fiscal year through April 1972.

The bill provides now for two specific appropriations for construction. One, construction, major projects, provides that specific congressional approval is required for any project estimated to cost $1 million or more. The other appropriation, construction, minor projects, will provide for minor projects estimated to cost less than $1 million.

The largest appropriation included in the bill for the Veterans' Administration is $6,448,000,000 for compensation and pensions. It is estimated that 2,208,920 veterans will receive disability compensation in 1973, 1,079,181 will receive pensions, and survivors of 1,663,393 deceased veterans will receive compensation, pensions or dependency and indemnity compensation. An estimated 11.3 percent of living veterans will be receiving benefits under this appropriation.

THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

We are recommending a total of $3,349,210,000 to carry on our efforts in space. This amount is $58,440,000 below the budget estimate and is $39,088,000 above the amounts available in the current fiscal year.

The report accompanying the bill explains the committee's action, but I would like to comment briefly on one thing.

When Apollo 17 returns from the moon next year, the manned planet exploration will cease for some time to come.

I think this subcommittee, the full Committee on Appropriations and the entire Congress can take great pride in the part they have played in this magnificent program.

NATIONAL SCIENCE FOUNDATION

The National Science Foundation requested a total of $654,418,000 for 1973. The bill contains a total of $626 million, which is a reduction of $28,418,000. There is requested and approved in these totals $7 million for the special foreign currency program.

The committee recommends an appropriation of $619 million for the regular appropriation in support of National Science Foundation programs in 1973.

OTHER AGENCIES

The Federal Communications Commission requested $34,173,000, and the committee approved that recommendation.

The bill provides $480 thousand for the National Aeronautics and Space Council to carry out its responsibilities.

A total of $2.1 million is recommended for the Office of Science and Technology. This office is charged with the responsibility of advising the President in all scientific matters.

The full budget request is recommended for the Securities and Exchange Commission. The bill contains $29,761,000 for this Commission to carry out its responsibilities.

For the Renegotiation Board, the committee recommends $4.9 million.

Since the Board's inception, it has made 4,155 determinations of excessive profits totaling $1,095,546,576 through fiscal year 1971. There have also been voluntary refunds and price reductions of $1,362,204,915, for a total of $2,457,751,491 that is attributable to the functioning of the renegotiation process.

A total of $83.5 million is recommended in the bill for the Selective Service System. This amount will enable this agency to carry out its responsibilities in 1973. The last item I would like to mention is the Federal Home Loan Bank Board.

This Board is in the corporate section of the bill. I will say only that the committee has not recommended the $50 million request for interest adjustment payments. For fiscal year 1971 the appropriation for this program was $85 million, and for 1972 it was $62.5 million, for a total of $147.5 million. Of this total, the FHLBB expects to use only $76,658,000, which means that $70,842,000 has either already lapsed or will lapse by June 30, 1972. The HOAP program was terminated by the Board on December 31, 1971. A new program to replace HOAP is not contemplated.

Mr. Chairman, this concludes the summary I had planned to make. If there are any specific questions, I shall do my best to answer them.

Many of the other subcommittee members here will, in a few moments, participate in the general debate on this bill.

I now am delighted to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Where, if I may ask, is the principal increase in this bill over last year? This bill is $1.3 billion plus over spending last year for, I believe, the same agencies. Or am I wrong in that?

Mr. BOLAND. The gentleman is essentially correct. The principal increase in the $1,323,386,000 over the appropriations made for the current fiscal year comes in the Veterans' Adminstration. That is an increase of $941,522,000, for a total VA appropriation of $11,877,278,000. This item is going to continue to climb as the veterans return from Vietnam.

I might note in passing that when Congressman JONAS and I joined the subcommittee some years ago the total amount appropriated for the Veterans' Administration was about $4 billion. Here we are today with appropriations of about $12 billion.

The other major item is in the area of the activities of the Department of Housing and Urban Development. That increase in fiscal year 1973 over 1972 is $395,619,000.

These are the two major increases.

Mr. JONAS. Will the gentleman yield?

Mr. BOLAND. I am delighted to yield.

Mr. JONAS. I think it should be noted right here that much of that increase comes about by reason of an increase in the mandatory subsidies in the subsidized housing programs.

We are now up to $1.8 billion and that is $426,200,000 over last year.

Mr. BOLAND. The gentleman is correct, and, that is going to continue to rise.

At this point we will put a table in the RECORD indicating the runout cost of selected subsidized housing programs.

RUNOUT COSTS OF SELECTED SUBSIDIZED HOUSING PROGRAMS

	Contract authority	Cost	
		Minimum	Maximum
PROGRAMS APPROVED THROUGH APPROPRIATIONS PROCESS			
Rent supplement (40 years):			
Through 1972	$232,000,000	$7,899,868,000	$9,280,000,000
For 1973	48,000,000	1,491,559,000	1,920,000,000
Total	280,000,000	9,391,427,000	11,200,000,000
Homeownership, sec. 235 (30 years):			
Through 1972	495,000,000	3,888,587,000	14,850,000,000
For 1973	55,000,000	346,513,000	1,650,000,000
Total	550,000,000	4,235,100,000	16,500,000,000
Rental housing, sec. 236 (40 years):			
Through 1972	525,000,000	8,405,275,000	21,000,000,000
For 1973	25,000,000	406,000,000	1,000,000,000
Total	550,000,000	8,811,275,000	22,000,000,000
College housing (40 years):			
Through 1972	$35,600,000	$1,175,000,000	$1,424,000,000
For 1973	2,700,000	89,000,000	108,000,000
Total	38,300,000	1,264,000,000	1,532,000,000
Total of above:			
Through 1972	1,287,600,000	21,368,730,000	46,554,000,000
For 1973	130,700,000	2,333,072,000	4,678,000,000
Total	1,418,300,000	23,701,802,000	51,232,000,000
PROGRAMS APPROVED BY BASIC LEGISLATION, NOT THROUGH APPROPRIATIONS			
Public housing (40 years leasing):			
Through 1972	1,041,750,000	36,278,905,000	36,278,905,000
For 1973	178,000,000	5,144,680,000	5,144,680,000
Total	1,219,750,000	41,423,585,000	41,423,585,000
Grant total:			
Through 1972	2,329,350,000	57,647,635,000	82,832,905,000
For 1973	308,700,000	7,477,752,000	9,822,680,000
Total	2,638,050,000	65,125,387,000	92,655,585,000

I think the question of subsidies to the homeownership assistance, rental housing assistance, rent supplement, and college housing programs, as well as other programs is one that continually perplexes not only this subcommittee but I think the Congress and the American people as a whole.

There have been some great problems with these programs.

It is the hope of this subcommittee that the authorizing committee, the Committee on Banking and Currency, will get hold of these programs and go into them in depth. I know that the investigative committees of the Congress are doing this, one of which is chaired by the gentleman from Connecticut (Mr. MONAGAN), and that two committees on the Senate side are looking into them.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. BOLAND. Yes, I yield further to the gentleman from Iowa.

Mr. GROSS. And, so, in the instance of the gentleman's response with respect to veterans and the $900 million increase for them, the moral to be taken from that is, I assume, that we ought to quit sticking our long nose into the affairs of everyone else around the world. We must quit trying to police the world if we are not to be confronted with bills of this proportion.

Would the gentleman agree?

Mr. BOLAND. The gentleman totally agrees. I could not have made a better statement myself.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. Yes, I yield to the gentleman from Connecticut.

Mr. MONAGAN. I would like to thank the gentleman for his kind remarks and also take this opportunity to compliment the gentleman from Massachusetts, his subcommittee and staff on the survey to which he has referred.

I have looked over this study and members of my staff have looked it over and it is our feeling that this is the fairest and most comprehensive survey of these programs that we have seen.

I anticipate that a quick count would reveal that there are at least 18 different housing subsidy programs which are set out in a recent study that was made by the Joint Economic Committee.

So, the gentleman's study in simply numbering the programs, pointing out what they are and indicating what the ultimate commitment of the taxpayer to their maintenance will be, it is doing a very important and constructive service.

Mr. BOLAND. I appreciate the remarks of the gentleman from Connecticut. I know that his committee, his staff, and the gentleman himself has given considerable time and attention to this problem.

It is my opinion that the American taxpayer objects to paying for certain subsidized programs, but does not object to paying for subsidized programs if they are good programs. Take, for instance, the section 235 program—the homeownership assistance program—the mortgages run for 30 years and just on those units that have already been funded the minimum cost is estimated to be $3,888,587,000. The cost could be as high as $14 billion. With what is provided for in this bill, between $346,513,000 and $1,650,000,000 will be needed.

Then, there is the section 236 program, a 40-year program. That program could cost up to $22 billion. These two programs combined with the college housing, rent supplement, and public housing programs will cost between $65 billion and about $93 billion.

I might say that there has been considerable criticism of the public housing program. However, all I can say is that it does provide for 1.2 million units for low-income families. An average of 4 to 5 people live in those units, with the result that public housing today provides housing for about 5 million people in the United States.

It is housing that is absolutely necessary. It is housing that when run properly is good housing. It is housing that today provides some problems but I think that if the local housing authorities shore up their management, many of these problems would be solved. That is exactly what the Department of Housing and Urban Development is attempting to do; if they can accomplish this change, then we can have a program that all of us will be proud of.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I want to take this brief moment to commend the distinguished Chairman of the Subcommittee on HUD-Space-Science-Veterans for the extraordinary manner in which the gentleman conducted the hearings. As the gentleman pointed out in his colloquy with the gentleman from Iowa and the gentleman from Connecticut, and others, there are some serious problems involved in the administration of the local housing programs. Those problems certainly are not resulting from a lack of determination or intelligence or the willingness of Secretary Romney to do his best. I think the gentleman in the well would agree with me he has done an outstanding job in running this Department, and perhaps the best we have ever seen.

Mr. BOLAND. In response to the gentleman from Pennsylvania, let me say that I am delighted that the gentleman brought out this fact, because it is absolutely true. I know of no man who serves the U.S. Government with more dedication than Secretary Romney. He has one of the toughest jobs in the Government, one with some of the most difficult problems. He is a good administrator.

However, as the gentleman from Pennsylvania (Mr. McDADE) knows, because he serves on this subcommittee, you cannot do a good job without an adequate staff. This bill provides every single employee that the Department of Housing and Urban Development has requested. We think that with adequate staff resources HUD can clean up some of the very serious problems that have been presented in the subsidy programs. But I do thoroughly agree with the gentleman's statements about Mr. Romney.

Mr. McDADE. Mr. Chairman, will the gentleman yield further?

Mr. BOLAND. I yield further to the gentleman from Pennsylvania.

Mr. McDADE. I simply wanted to conclude this portion of my remarks by saying that the gentleman from Massachusetts (Mr. BOLAND) in my judgment has played an uncommon role in this legislation, and one devoid of any political partisanship in doing his very best to see that the taxpayers' dollar is used properly and in an effort to see that in creating housing for those less fortunate individuals in this country that the taxpayer's money is used in an appropriate way, and in an efficient way.

Again I want to express my deep commendation to the gentleman.

Mr. BOLAND. I am grateful for the gentleman's remarks.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I listened to what the gentleman from Pennsylvania had to say about Mr. Romney, and I must disagree with the gentleman. Mr. Romney has never had any hesitation about turning back on the Congress the responsibility for some of the mismanagement in HUD. I will have more to say about that under the 5-minute rule.

Mr. BOLAND. I will listen with interest to the gentleman from Iowa.

Mr. JONAS. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, I support this bill. It is the product of long hearings, study, and deliberation. Our hearings encompass important, sensitive programs which are in the throes of dramatic change and strong pressures. The gentleman from Massachusetts (Mr. BOLAND) permitted thorough examination of witnesses and a completely fair presentation of views in a spirit of objective cooperation. All of us were permitted to pursue our inquiries. All views of the Congress and this committee were presented fully and openly. Compromises of differing positions were resolved with the intent of expressing the national consensus rather than insisting upon provincial interests or personal views. Our bill is a compromise, but a good resolution of the differences. The committee was able to unanimously recommend this bill.

Although it is considered inappropriate to single out one member for special comment, I would be remiss in not expressing appreciation for the extraordinary contributions to the work and product of this committee by the gentleman from North Carolina (Mr. JONAS). Mr. JONAS is one of the most knowledgeable students of the appropriations process, one of the most skilled legislative technicians, one of the most persuasive advocates, a thorough examiner. He always put the Congress and the committee above any special district or constituent interest—most importantly, he is a thoroughly gentle and wise man, and a decent person. He has no peer in my judgment—and all of us will miss him. I believe that the gentleman from North Carolina knows and understands the appropriations process, including the operation of the Office of Management and Budget and the various agencies of the executive branch as well as any Member of the Congress. All of us owe him a considerable debt of gratitude. I am grateful for my association with him, and I thank him for his extraordinary contributions to this committee and the Congress.

Although I support passage of this important bill, I must express several words of caution.

In general terms, our Federal Government is stingy in its expenditures for research, test, and development. Every successful business and institution allocates a larger share of its resources to research, testing, and development than does our Federal Government. A sizable proportion of this bill is allocated to research and testing—directly to NASA, HUD, and VA, and indirectly to NSF.

If the Federal Government was operating with a smaller deficit and if inflation were less, we could responsibly spend more. Under the present circumstances we are appropriating a reasonable amount.

Housing requires our thorough consideration. It is popular to advocate more and more Federal appropriations for housing. We should remember that our citizens occupy the best housing in the world. Our poor enjoy better housing than the well-to-do in most countries. Even so we are experiencing a housing boom, more than 2 million new units, a 20-percent increase in mobile homes, a large increase in almost every federally subsidized program. This provides both jobs and shelter, both of which have great appeal.

Most housing is produced by private industry without Government subsidy. This should be encouraged.

Federal housing programs are expensive. The runout, long-term costs may be exceeding our expectations and our abilities to pay.

Two aspects worry me. We seem so engrossed with production goals that we neglect the original quality and the long-term care, maintenance, and repair to protect our investments and to maintain our housing inventory. I believe HUD officials are aware of this problem and are undertaking procedures to improve quality and insure effective maintenance and operation. The Congress must support improvements in quality, management, and oversight to insure the best value for our taxpayers' investments.

Another long-range concern which demands awareness, if not attention, is the accelerating runout costs. Our committee proposes to provide additional new obligational authority for two housing programs, sections 235 and 236. The runout costs for these two relatively new programs are between $13 billion and $38 billion. Runout costs can reach as much as $100 billion for our current Federal housing programs. We are certain to greatly increase the obligational authority in supplemental bills this year and after.

This clearly demonstrates that the Federal Government is making extraordinary expenditures for housing.

The runout costs will continue to accelerate.

My concern is for the future generations of taxpayers who will be obligated to pay these runout costs for housing which they did not plan, approve, or use, and which may have already been condemned or razed while they are still paying.

When we encumber our future taxpayers so heavily; when we mortgage our future generations, we deprive them of many options. They may have different goals and different priorities, but their tax revenues will already be obligated for the housing we are funding today. They are certain to have devised new housing techniques, methods, styles, and materials. Other social needs may be deemed more urgent than housing, but their choices may be greatly curtailed or circumscribed by the obligations we are now incurring. If we truly care about young people and their future, we should be cautious about mortgaging their future and obligating such large amounts of their tax revenues for a few programs.

Our bill appears to recommend appropriations of $454,695,000 under the budget. This is somewhat misleading. The budget recommendation is $330 million above the authorization in four items: section 235; section 236; college housing; and rent supplements. When the authorization bill is later enacted, another supplemental appropriation will be requested. The full budget request may not be justified, but certainly the appropriation for housing will be increased and our "saving" from the budget request will be considerably less.

The figures for appropriations, beds, new construction, and employee/patient ratios for the Veterans' Administration are explicitly detailed in the hearings and the report. The proposed appropriation for the various programs of the Veterans' Administration is the largest in history. Our Government provides the most comprehensive benefits for our veterans of any nation. VA facilities rank with the best private facilities in the country. I hope that both the taxpayer and the veteran will be pleased with this bill.

I urge the adoption of this bill.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman.

Mr. McDADE. Mr. Chairman, I want to take these few brief moments on behalf of myself and of every member of this subcommittee which has worked long and hard on this bill—to express our deep gratitude to the gentleman from North Carolina, the ranking Republican member, for the efforts he has made in shaping and improving this legislation, not just this year but over a period of years, and in making it a better bill for the Nation. His leadership through the years has assisted and enlightened every member of our committee.

As all of us know, this is an extremely wide ranging piece of legislation dealing with the areas of Housing, Veterans Affairs, Science, Space, certain regulatory agencies, and other areas. I know of no individual Member of the Congress who has demonstrated to all of us more pointedly the worth of effective hard work and intensive questioning and a willingness to stare the facts straight in the eye, no matter how difficult, than the gentleman from North Carolina. I say with every bit of sincerity that I can that his retirement this year represents an incalculable loss to the members of this subcommittee who try to bring an effective bill to the floor.

Mr. Chairman, I know that his State and the Nation will search long and hard to try to find a Member who can accomplish and contribute as much as the gentleman from North Carolina. I certainly wish him well in his future years.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. I yield to the distinguished gentleman from Texas.

Mr. MAHON. Mr. Chairman, I take great pride in the honor I have as chairman of the 55-member Committee on Appropriations. We do not of course have identical political philosophies, but all members of the committee do have an identical interest in and devotion to the basic proposition that our country comes first. We try to do our work without regard to sectional or political considerations other than those in the overall best interests of the country.

In my time here, which seems relatively short, but which has encompassed the time since I was elected to the House of Representatives in 1934, I have not seen a more stalwart and able Member than the very distinguished gentleman from North Carolina (Mr. Jonas). I have always known where he stood without asking him because I understand his philosophy. I know of his devotion to our country. I do not think it is possible for any of us to exaggerate the value that this man has been to the House of Representatives.

He is as solid as a rock and as straight as an arrow, a man of unimpeachable integrity.

So I salute him along with my colleagues on both sides of the aisle as we consider the last annual appropriation bill which he has so directly helped to write. I know he will continue to be active and interested in our country and in doing what he can to create an atmosphere and a sentiment that will contribute to the presentation of our great institutions and the further development of our great Nation.

I thank my colleague for yielding.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. Jonas).

Mr. JONAS. Mr. Chairman, it is with some embarrassment that I follow the able and distinguished chairman of our committee and the distinguished and able chairman of the subcommittee and my distinguished friends from Pennsylvania and California, who have gone far beyond the call of duty in paying compliments to me and my service here during the last 20 years. At the outset of my remarks I wish to say that while I do not believe I deserve all that they had to say about me, I am very grateful to them for entertaining such views and expressing them so eloquently. I thank all who have publicly and privately expressed their good wishes as I transfer the scene of my activities at the end of this session to those that come up in private life and withdraw from the public scene, so to speak, or at least from public service and office.

This has been a rewarding experience for me, 20 years in Congress, and a challenging one. I am very grateful to the people of my district for sending me here to represent them during 10 successive elections. I am hopeful that back home I can spend some more time with them than has been possible during these recent years, and that I can enjoy a more relaxing atmosphere than is possible here in Congress with the constantly increasing tensions and pressures that we all understand and are exposed to.

Then I would like to say, because this is indeed the last time I shall have the opportunity of participating in debate on a bill out of our subcommittee, how much I have enjoyed the work and association with my colleagues on the subcommittee. I started out with this committee under the chairmanship of former Congressman John Phillips of California. He was a gentleman in every respect of the word. He was a student, an able chairman, and he taught me many valuable lessons.

Then for a number of years I served under the able chairmanship of the late Congressman Albert Thomas of Texas. I never served with a man whom I admired more than I did Albert Thomas. He had an unusually broad grasp of the matter involved in bills considered by our subcommittee. I profited greatly by seeing him in operation and following his leadership on the committee and on the floor.

Then he was followed by my able friend from Tennessee (Joe Evins). He devoted an unusual amount of time and effort in preparing for the hearings, conducting the examinations, and in his study of the bill that we had under consideration. We had a very close working relationship. I enjoyed greatly the opportunity of serving under his leadership and direction as chairman of the subcommittee.

After having served under the able leadership of these three men, I thought there was nowhere to go except down, until my distinguished friend from Massachusetts, (Eddie Boland) took over the chairmanship of the subcommittee. I should like to take advantage of this opportunity to concur in all the remarks made about him by my friends from Pennsylvania (Mr. McDade) and California (Mr. Talcott). I have never noticed one iota of partisanship displayed by the chairman of our subcommittee, or by any member of it so far as that is concerned. We have our differences within the committee, but we usually iron them out by compromise or adjustment. I know of no angry word that has been spoken to or about any member of the subcommittee by any other member. We have worked in close cooperation, and I think we have been able to do that because of the outstanding leadership of the gentleman from Massachusetts (Eddie Bodand).

He and I have been friends for many years, ever since we have served on the subcommittee. He has an interest in my State of North Carolina, having attended college there where he was a football and basketball star in a college close to my hometown.

We have often talked about North Carolina and about Massachusetts and about other things of mutual interest, including legislative matters. I genuinely and deeply appreciate what the gentleman had to say about me and to realize that he entertains those views. I can certainly reciprocate, and will say that I have not known a Member of the Congress that I have felt closer to than the gentleman from Massachusetts. While we sit on opposite sides of the aisle, in our separate ways we are both trying to do our dead-level best to promote the best interests of our country. I know no Member of the House who is more able, conscientious or dedicated than Eddie Boland. I shall always cherish the friendship I have enjoyed with him.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to my distinguished friend, the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I hesitate to ask the gentleman to yield, but I do want to concur in the views the distinguished gentleman from North Carolina has expressed in regard to the gentleman from Massachusetts (Eddie Boland). I think I can speak authoritatively, because I have observed Eddie Boland ever since he came to Congress. I take great pride in the remarkably fine record which he is making, and I just could not refrain from asking the gentleman from North Carolina to yield so that I could concur in the remarks he is making about the distinguished subcommittee chairman.

Mr. JONAS. Mr. Chairman, I am so glad the gentleman from Texas asked me to yield in order to interpose those remarks. They are well deserved. I share the gentleman's respect for and his confidence in the gentleman from Massachusetts (Eddie Boland). As far as I am concerned, the country is safe in his hands. I predict he will grow in influence as he continues a very distinguished and illustrious career here in the House of Representatives.

I would like to pay my respects also to all the members of the subcommittee with whom I have worked very closely down through the years and tell them in this way how much I appreciate their friendship and how grateful I am for the opportunity that has been given me to work with them on matters of importance to the Nation.

Mr. Chairman, having gotten rid of some conventions that usually are followed by a Member who is soon to take his leave of this body, let me turn now to a short discussion of some parts of this bill. I am not going to plow over the same ground that was so well handled by the chairman of the subcommittee. He delivered a very thorough analysis of the bill and while there may be those in the Committee of the Whole who do not concur in all the results of what we accomplished in the subcommittee, at least the Members are able to understand what was done after listening to the detailed and very able explanation by the distinguished chairman of the subcommittee, the gentleman from Massachusetts. All I will do, therefore, is to highlight a few points and reemphasize some that I have made on previous occasions when we had the HUD part of the bill on the floor.

I think it is worthy of note that, while we deal in this bill with the subsidized and federally assisted programs such as public housing, rent supplements, sections 235 and 236, college housing, and FHA insured housing, these programs account for only a part of the houses that are being built in the country today.

We will start in the current year that ends June 30 about 2 million housing units in the United States, plus about another half million mobile homes that will come on stream. Of those approximately 2 million new housing starts it might be interesting to those who are not familiar with the record to know that 500,000 of these starts, in round numbers are subsidized. They are units directly subsidized out of the Federal Treasury. Reference to this has already been made by the gentleman from Massachusetts.

About half that number, or nearly 250,000 units, are financed under the FHA insurance program; unsubsidized, but many of them would have been impossible without the Government insurance.

About 750,000 of those units were conventionally constructed; that is, constructed by people who go to the savings and loan associations and borrow money on the strength of the security of the lot and the house without any direct or indirect subsidization by the Federal Government.

So we have about 750,000 conventional housing units, about 500,000 subsidized, and about 250,000 FHA units.

With respect to the subsidized units, I believe it is important for the Record to show just exactly what impact these subsidies are having on the taxpayers of the United States.

I recall in 1969 and again in 1970 and again in 1971, when I was discussing comparable bills on the floor, that I pointed out that when we talk in terms, for example, of $100 million for section 235 Housing, we must multiply $100 million by 30, because it is contract authority that runs for 30 years with respect to section 235 Housing.

When we talk about $25 million under section 236 Housing that sounds like a small sum when we are considering a budget of hundreds of billions of dollars. However we have to multiply that by 40 to get the total impact on the taxpayers of one little program that looks on its face to have a $25 million price tag.

The same thing is true with respect to public housing and the same thing is true with respect to the rent supplement program.

Let me point this up by showing for the Record how these subsidies on the various subsidized programs have grown in recent years.

In 1970, for example, it cost the taxpayers $525 million to pay the subsidies on these programs. In 1971 it cost $808 million. In 1972 it will cost $1,310 million. This year the mandatory subsidies, over which we have no control in the committee, will cost the taxpayers $1.8 billion.

So these subsidies have grown from $525 million 4 years ago to $1.8 billion, and they will continue to grow as long as this law stays on the books. I see no prospect of it being eliminated.

Mr. GROSS. Would the gentleman be good enough to yield?

Mr. JONAS. I will be glad to yield to my good friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Was it not intended that rent supplements be a temporary proposition?

Mr. JONAS. Well, if it was, somebody made a mistake, because the department is authorized to enter into contracts that run for 40 years to pay these supplements, and I do not know how you can get out of a contract until it runs its course.

On rent supplements, I may say to my friend, if he is particularly interested in that, there are $280 million outstanding in contract authority, including what is in this bill, and this is going to cost over the 40-year period that these contracts run somewhere between $9.3 billion and $11.2 billion. No one can be absolutely sure until the contracts expire.

The theory advanced by some people is that some of the clients or tenants under rent supplements will grow out of their eligibility as they move up the economic ladder and will no longer be entitled to the subsidy. That is why you cannot tell exactly what the total will be. But it will be a minimum of $9.3 billion to $11.2 billion just for that one program.

Mr. GROSS. I doubt that anyone in advocating the payment of rent supplements—and I would have to research prior debate, of course—could have forecast a cost figure even remotely approaching $9 billion to $11 billion. No one, I will wager, had that in mind at that time as the cost of the rent supplement program when it was originally sold to the House.

Mr. JONAS. If I may refresh my friend's memory, you will recall, I am sure, for 2 or 3 successive years we had a big fight on this floor before the rent supplement program was inaugurated. You will not remember it, but I happen to have brought along with me a speech I made on this floor in discussing the independent offices bill in 1969 in which I made it very clear at that time that this program was to extend for 40 years and that when we talk in terms of $100 million in contract authority we have to multiply that by 40 in order to know the maximum impact of that program on the taxpayers.

Mr. GROSS. Mr. Chairman, I intend in no way or in any wise to criticize the gentleman from North Carolina, because he has been very observing and prophetic in his treatment of these programs as they were initiated through the years, particularly in the decade of the 1960s. Time and events are proving the gentleman from North Carolina to have been altogether right in predicting what would happen.

The gentleman in the committee hearings alluded to—what do you call it? Negative rents? Would the gentleman explain briefly to the Members of the House the meaning of negative rents?

Mr. JONAS. I will get to that right now.

Mr. McDADE. Will the gentleman yield?

Mr. JONAS. I yield to my friend from Pennsylvania.

Mr. McDADE. Before this subject is left, the gentleman has made a very informative statement about the eventual cost to the taxpayers of just what we are doing now, and I think it might be appropriate to indicate that when we talk about the subsidy that the gentleman mentioned we are talking about a subsidy sort of at the front end of the project.

We have not discussed the subsidies in the form of tax shelters that apply at the other end of the project, for example, the rent supplement program which is under discussion and the sections 235 and 236 programs. All of them provide additional subsidies in the form of——

Mr. JONAS. Accelerated depreciation.

Mr. McDADE. Yes; accelerated depreciation and tax relief.

There is a study from the Joint Economic Committee which indicates two items which some people prefer to call loopholes, and that is the deductibility of interest payment and the deductibility of local property tax wherein the cost to the Treasury in fiscal year 1970—and this is an estimate of the Joint Economic Committee—is $4.8 billion in that year alone.

So, when the gentleman hits that important question of cost to the Nation, I think it is important that we recognize the front end subsidy and also the accelerated depreciation portion of it.

Mr. JONAS. The gentleman from Pennsylvania is entirely correct and I appreciate his calling attention to that point.

All of this becomes pertinent, not so much with respect to this bill now under consideration today, but my remarks, at least, are directed to our friends on the Committee on Banking and Currency. That committee is the only committee that can correct these programs and take care of the errors that have developed in them.

I agree with what the gentleman from Pennsylvania has said and as concurred in by the gentleman from Massachusetts. I think the management down at HUD this year is outstanding. We have talked with Secretary Romney on many occasions and I might add while I agree with everything that has been said about Secretary Romney, I think he is an able and dedicated administrator of the housing programs and in my opinion he is doing his dead level best to operate the department more efficiently and to provide housing at a minimum of cost.

As the gentleman from Massachusetts says, he is working with an almost unworkable system. We have program piled on top of program and it is almost impossible for one man to comprehend all of the different programs and understand the different rules that apply to each one of them.

But I would like to say also—and I am sure both of my friends, the gentleman from Massachusetts and the gentleman from Pennsylvania, will agree with me that the department is losing a very able man when Under Secretary Dick Van Dusen leaves at the end of this year.

We have had the privilege of discussing these programs back and forth across the table for several years now and I have been impressed by his knowledge and by his ability and by his willingness to reason with us and discuss these problems and try to work out a solution that is mutually satisfactory. I think it will be a big blow to the housing programs when he leaves. I wish publicly, to commend him for his service to his country as Under Secretary of HUD.

Now, Mr. Chairman, I could go on and discuss the other subsidized program, but I will not do that, but will include at the end of my remarks a table I have prepared showing in detail—that is, unless the gentleman from Massachusetts plans to put this table in with his remarks—the runout cost of these subsidized programs over the 30-year period and the 40-year period.

Now, with respect to the question raised by the gentleman from Iowa, may I say that our attention was first directed to this situation in our investigative report.

As the gentleman from Massachusetts has pointed out, this is a very lengthy and detailed report. It involved months of investigation by an outside staff of investigators, and you will find it incorporated in volume III of our hearings.

All of you who are interested in these housing programs would profit by reading this investigative report. We discussed its contents in detail with the Secretary and his associates. He has instituted steps to try and correct some of the things that need correcting. We had a very useful discussion of the needs for improvement in the program.

It turns out from this report that a number of tenants, public housing tenants, wind up paying zero rent for their occupancy of the housing unit; and it also turns out that in some cases a public housing tenant not only pays zero rent, but he gets a check back from the housing authority for his utility bill. He is able to do that by reason of the law, not by something the Department is doing.

I want to read into the record a statement of Mr. Eiseman of the Department of HUD which appears on page 1376 of our hearings. I had asked him some questions, and I asked Secretary Romney some questions about how the so-called Brooke amendments are interpreted, and Mr. Eiseman read the following from the statute itself, and it will explain how some public housing tenants not only pay zero rent, but get checks back from the public housing authority:

> In defining income for purposes of applying the one-fourth of family income limitation set forth above . . .

That is the Brooke amendment, which provides that a public housing tenant will not be required to pay more than 25 percent of his net income in rent.

> . . . the Secretary shall consider income from all sources of each member of the family residing in the household who is at least 18 years of age, except that: (*a*) nonrecurring income, as determined by the Secretary and the income of full time students shall be excluded; (*b*) An amount equal to the sum of, (1) $300 for each dependent, (2) $300 for each secondary wage earner, (3) 5 per centum of the family's gross income (10 percent in the case of elderly families) and, (4) those medical expenses of the family properly considered extraordinary. . . .

Shall be excluded in calculating net income upon which is based the 25-percent limitation on rent.

If after all of these exclusions are taken into consideration you have the case of a tenant whose monthly rent is $25. His utility bill may be $30. Since the utility bill is considered part of the rent, the housing authority would have to send this tenant $5. He would pay no rent, and the housing authority would reimburse him for $5 of the $30 utility bill. If his utility bill is $35, he would get a check back for $10.

So that is how you get to the point of zero rent or negative rent. There are tenants in public housing units who are actually getting checks back from the housing authority instead of having to pay.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman.

Mr. GROSS. Does the FHA have a hotel at Pebble Beach, Calif.? Is not that the place where they have a famous golf course?

Mr. JONAS. I do not know about that. But we have some pretty luxurious apartment houses in Washington that have been taken over by the Housing Authority and used to house tenants whose rents are subsidized.

While I am on that subject, I think you might be interested to know that although we read in the papers a lot about the acute shortage of housing in the city of Washington, D.C., there are 700 housing units vacant—public housing units vacant in the city of Washington, D.C., right now. They are there and they are uninhabitable and have been vandalized and have not been kept in a state of repair.

Mr. GROSS. Yet we are buying more land to erect more of them; are we not?

Mr. JONAS. You saw in the papers that recently the District of Columbia Land Redevelopment Commission has gone into the Shaw urban renewal neighborhood for the construction of some townhouses that are going to cost quite a large sum of money, about $54,000 a unit. It is the value of the land that runs the cost up so high.

Mr. GROSS. Congress never directed those who are in the business of administering HUD to spend $76,000 per unit; is that not true?

Mr. JONAS. No, that is not exactly true. The Congress provided that when a housing development is built in an urban renewal area, the cost of the land, if it had been previously zoned for commercial or industrial use, shall be marked down to an amount that would be equivalent to its value for use for housing. Congress did that—not the housing administration. It is in the law, just as this Brooke amendment is in the law—and I am directing these remarks to the attention of the Committee on Banking and Currency because that is the only committee that can correct this. I think correction should be made in the next housing bill.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, the Congress never directed this sort of thing. It made it possible for the administrator of the law to do it. The Congress never directed it be done in this way.

Mr. JONAS. The Congress did not pass a law telling the administration to approve the Shaw project or any other specific project but I have tried to explain that the law provides that when housing is put in an urban renewal area, the cost of the land is marked down so that it will reflect the value for housing rather than for commercial and industrial uses.

Mr. Chairman, I have used more time that I intended to. The gentleman from Massachusetts, as I have already said, has thoroughly explained and discussed this bill, and I will not use any more time. But I will insert here a copy of the run-out costs of the subsidized housing programs mentioned in the course of my remarks.

RUN-OUT COSTS OF SELECTED SUBSIDIZED HOUSING PROGRAMS

Programs approved through appropriations process	Contract authority	Cost	
		Minimum	Maximum
Rent supplement (40 yrs.):			
Through 1972	$232,000,000	$7,899,868,000	$9,280,000,000
For 1973	48,000,000	1,491,559,000	1,920,000,000
Total	280,000,000	9,391,427,000	11,200,000,000
Homeownership sec. 235 (30 yrs.):			
Through 1972	495,000,000	3,888,587,000	14,850,000,000
For 1973	55,000,000	346,513,000	1,650,000,000
Total	550,000,000	4,235,100,000	16,500,000,000
Rental housing sec. 236 (40 yrs.):			
Through 1972	525,000,000	8,405,275,000	21,000,000,000
For 1973	25,000,000	406,000,000	1,000,000,000
Total	550,000,000	8,811,275,000	22,000,000,000
College housing (40 yrs.):			
Through 1972	35,600,000	1,175,000,000	1,424,000,000
For 1973	2,700,000	89,000,000	108,000,000
Total	38,300,000	1,264,000,000	1,532,000,000
Total of above:			
Through 1972	$1,287,600,000	$21,368,730,000	$46,554,000,000
For 1973	130,700,000	2,333,072,000	4,678,000,000
Total	1,418,300,000	23,701,802,000	51,232,000,000
Programs approved by basic legislation, not through appropriations:			
Public housing (40 yrs; 20 yrs. leasing):			
Through 1972	1,041,750,000	36,278,905,000	36,278,905,000
For 1973	178,000,000	5,144,680,000	5,144,680,000
Total	1,219,750,000	41,423,585,000	41,423,585,000
Grant total:			
Through 1972	2,329,350,000	57,647,635,000	82,832,905,000
For 1973	308,700,000	7,477,752,000	9,822,680,000
Total	2,638,050,000	65,125,387,000	92,655,585,000

Mr. BOLAND. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. GIAIMO), a distinguished member of the subcommittee.

Mr. GIAIMO. Mr. Chairman, I rise in support of this appropriation measure. The subcommittee has worked very diligently on the many parts of this legislation. I think it merits the support of the committee and of the House.

I would certainly like to commend our chairman, ED BOLAND of Massachusetts, who does an outstanding job as always, year after year, and certainly understand the subjects and the agencies which come before him. He is to be commended for the dedication and effort which he puts into reporting out a good appropriation bill.

It is with a great deal of sadness that we bid adieu to the ranking Republican member of the committee, Mr. JONAS, of North Carolina, who is certainly one of the most able, incisive, knowledgeable Members of this body. The American people are fortunate, indeed, to have a man of the caliber of CHARLES JONAS to represent them, and who concerns himself with the problems that face us as a people.

I have had the privilege of working with CHARLIE JONAS for 8 or 9 years, and I can think of no finer public servant in my entire life of public service than CHARLIE JONAS.

Mr. JONAS. Mr. Chairman, will the gentleman yield ?

Mr. GIAIMO. I am delighted to yield to the gentleman from North Carolina.

Mr. JONAS. I would not want this opportunity to pass without thanking my friend from Connecticut for his generous words. It has been a pleasure to serve with him on the subcommittee. We have worked together trying to develop a good bill. He has always been pleasant and courteous, as well as very knowledgeable. It has been a genuine pleasure for me to have had this association with him on the committee, on the floor, and on the outside.

Mr. GIAIMO. I thank the gentleman.

My colleagues, I take this time primarily to stress something of great concern not only to me but to the committee and also to the legislative committee, the Committee on Science and Astronautics, the committee which authorizes appropriations for the National Science Foundation. For some years there has been an effort on the part of the National Science Foundation to get away from the purpose for which it was originally designed, which was to upgrade the scientific capability of this Nation. This meant emphasis on institutional support for science, efforts to upgrade the capabilities of the teachers of science, fellowships, graduate school moneys for those who concern themselves with basic, solid, pure research, out of which most of the technological developments of this great Nation have come and have been developed in this decade, and certainly in this century.

This change in emphasis, away from basic research and general association for science concerned this Congress, concerned the Space Committee, and concerned our Appropriations Committee. There is an effort on the part of the National Science Foundation to get away from assistance to scientific institutions and to scientific scholars, those concerned with pure, basic research and, instead, to concern itself with developing to an even greater extent what we could loosely call applied scientific research. This can be seen in this budget in the yearly tremendous increases in the RANN program, Research Applied to National Needs. I think it is necessary. I think it is important. I have nothing against applied research.

This Government of ours spends over $15 or $16 billion a year on research, most of it in other budgets, and much of it for applied research.

What I do not want to see is an imbalance. I do not want to see basic research, which is conducted usually at the university levels, suffer because of constringencies in the budget and budget cuts in other agencies; in other departments of research there has been a setback in applied research.

The National Science Foundation has apparently been given the mission of trying to pick up some of this loss and do more in the area of applied research.

Some years ago we frequently read that there was a brain drain from other countries, particularly Europe, the United States because of the high degree of research conducted in this country, both applied and basic, and because of the great technology boom in this country. Now, today, we are hearing of a reverse brain drain away from the United States to other countries. We can see this in many specific instances. We are seeing this reverse brain drain away from our country. Our hearing record will demonstrate specific instances of this. Remember this: The United States depends to a great extent, in all of its activities, on a very high degree of technology. We cannot compete with the rest of the world in low technological production items. It is the high technological items where America has been in the forefront and must remain.

Remember also that any cutback in scientific knowledge, scientific research, and equally importantly, any cutback in the efforts to upgrade the teaching of science in the secondary schools and in the universities will reflect themselves in harm to the United States, not necessarily today, not necessarily next year, but very definitely they will in 7, 8, or 9 years.

Once we set this course in motion, we cannot recoup our losses, and we cannot make up our losses in 7 or 8 years, because there are long leadtimes in the accumulation of knowledge, particularly scientific knowledge. Any injury which we do to science today will be irreparable, and we will suffer as a people 8 or 10 years from now.

The pure basic research which is being conducted in this country must be supported, it must be assisted. It may not have any immediate application now. I know of people in my hometown of New Haven who are working on solid physics and on cold physics. Their studies may not have any immediate application now, but as we learn from the past, it very certainly will have application in future years.

The National Science Foundation, whatever it may wish to do in applied research, must not cut back its commitment in the area of institutional support for science and the allied areas. This subcommittee has made it very clear and directed the Foundation to see to it that it did not fall back in its efforts in this regard.

We directed the Foundation last year and it did fall behind. We are directing it once again to do it, and I hope this time the Foundation will listen, or else we will have to take stronger steps to compel it to listen.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I congratulate the gentleman from Connecticut in the well for his remarks. I associate myself with his remarks and pledge myself to further that development. I agree it is, indeed, important, especially at this time when we are trying to make our domestic economy competitive with our trading partners.

Mr. Chairman, I congratulate the gentleman, and I appreciate his stand on this issue.

Mr. GIAIMO. I thank the gentleman from New York.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I compliment the gentleman from Connecticut on his very fine statement. His opinion is shared by other members of the subcommittee with respect to this matter. I know that the members of the committee who are on the floor today and the Members of the House would like to know that during the testimony developed on the budget of the National Science Foundation, the gentleman from Connecticut, assisted by other members of the subcommittee, very ably conducted the inquiries and questioning incident to the request for the National Science Foundation's 1973 budget request.

The report of the subcommittee indicates the feeling of the gentleman from Connecticut was shared by those who serve on this committee. I would like just to read from the report substantially what the gentleman from Connecticut has been referring to.

> A new emphasis has developed in National Science Foundation programs in recent years. This appears to put more emphasis on techniques and methodology, and less emphasis on fundamentals and substance. The often expressed concern of knowledgeable individuals that the Foundation may assume the role of directing instead of supporting research in our Nation appears to be evolving in the RANN program, and in other new approaches that are proposed in the budget.

I am delighted the gentleman from Connecticut highlights this item on the floor today. It is one we will be constantly looking at, and we remind the National Science Foundation to be aware of our concern.

Mr. Chairman, I appreciate very much the comments of the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I appreciate the comments of my chairman.

Mr. JONAS. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, let me ask the chairman of the subcommittee if these research grants were funded by the committee to the extent of $20,900,000? Was the full request approved?

Mr. BOLAND. With respect to which program?

Mr. GROSS. The grants to the foreign research as well as domestic research. I assumed that is what the gentleman from Connecticut was addressing himself to.

Mr. BOLAND. I believe the gentleman from Connecticut was addressing himself to our concern about the area into which the National Science Foundation is placing some of its grants. Much emphasis has now turned to applied research. One of the large programs developed last year was research applied to national needs.

Mr. GROSS. These are grants by NASA, is that correct?

Mr. BOLAND. Yes. The grants you mentioned are grants made in connection with the earth resources survey including the earth resources technology satellite.

Mr. GROSS. Let me see if I can identify some of them, taken from the committee's hearing record:

To Chile, a grant for the study of "Annual and seasonal changes in the use of soil."

To Japan, a grant for the "Investigation of the environmental change pattern of Japan," whatever that means.

To Japan, a grant to study "meso scale phenomena, winter monsoon clouds and snow area."

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. As I understand it, these are grants which are made by the National Aeronautics and Space Administration to support investigators and experiments incident to the combined earth resources experiment package and the earth resources technology program.

Some of the programs the gentleman just outlined are research which require some foreign researcher's participation.

Mr. GROSS. The appropriation was requested by Dr. Charles Matthews, Associate Administrator for Applications of NASA.

Mr. BOLAND. The gentleman is correct, as I have explained. NASA is engaged in research of this type.

Mr. GROSS. I cannot understand why we should be making grants to Japan for the purposes as stated.

Mr. BOLAND. I would presume the reason why we make grants to Japan is because we need a particular knowledge and expertise some individual in Japan has in this area.

Mr. GROSS. Japan is doing far better than we are financially and economically. I see no reason why we should be making grants to South Africa to "monitor vegetation growth in mine dumps," or to Switzerland to make a "snow survey and study vegetation growth in the Swiss Alps."

Switzerland is doing even better than Japan in terms of financial and economic well-being, so far as I know. Both countries are in a position to finance their own research along these lines.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Chairman, will the gentleman yield me 1 additional minute?

Mr. JONAS. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. I thank my friend, the gentleman from North Carolina, for yielding me this additional time.

I do not understand why there should be a grant to the Tri-State Transportation, New York City, to "Investigate satellite imagery for regional planning." What in the world is that? Does that have something to do with the operation of the defunct subway in New York City?

Mr. BOLAND. I am not familiar with the specific facts. I presume that it is a program in which satellite imagery may be used for the purpose of planning a better community in the area in which it is used. There is an effort to apply techniques developed in the space program to other programs including those of cities and communities.

Mr. JONAS. Will the gentleman yield?

Mr. BOLAND. I yield to the gentleman.

Mr. JONAS. I think it should be understood that the NASA has hundreds of investigators. We cannot monitor all of these grants. I assure you, as a member of the subcommittee, that I have been very critical of some of these grants, and if you read the hearings—and I am sure you do—you will find that we took them over the coals about some of them. We cannot monitor the grants, but we had them prepare the list, to which you refer, for the record.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONAS. I yield the gentleman 1 additional minute.

I will admit the way the law is written they have pretty wide discretion in how they shall expend their money, and they have an answer to every one of our questions.

Mr. GROSS. But of one thing we can be dead sure and certain: The $21 million, if it is provided in this bill, will be spent. Will it not?

Mr. JONAS. Ultimately it will be spent, I can assure you of that.

I will say to my friend from Iowa we just crossed this bridge 2 or 3 weeks ago when we authorized another program for the National Aeronautics and Space Administration. When I say "we" I mean the Congress.

Mr. GROSS. I did not vote for it, and I doubt that the gentleman from North Carolina, having the high regard for economy that he has consistently displayed, voted for it, either.

Mr. BOLAND. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. Mr. Chairman, I thank the gentleman from Massachusetts for yielding this time to me.

I do want to commend him for the work that he and his subcommittee have done on this bill and the very important investigative report of the staff to which I have previously referred. He has highlighted, between his discussion on the bill and the investigative report which the subcommittee and its staff have produced, many of the extremely critical problems that exist in this housing program today and, unfortunately, are going to increase in intensity as time goes by if something is not done about them.

For example, even though I had voted for the authorizing legislation, I had only a dim realization of the scope of the housing subsidy programs before I took over the chairmanship of the Subcommittee on Legal and Monetary Affairs of the House Committee on Government Operations last year. As one looks at one rather definitive study of subsidy programs, that of the Joint Economic Committee, he finds that there are 18 subsidy programs relating to housing alone, and such amounts involve $2 billion a year on one tax subsidy and $2.8 billion on another tax subsidy. Mention has been made of the tens of billions of dollars of interest costs when extended over the period of 30 or 40 years envisaged by these programs. The total estimated amount for 1970 was $8.4 billion.

So, this investigative report which I hope will have great currency, has highlighted these programs and these problems, and as important as this function is, it has also pointed out what the gentleman from North Carolina mentioned before and that is that there are other committees of the Congress which have responsibility in these matters in addition to the legislative committee.

It is a source of satisfaction to me and I think some guarantee that there will be improved efficiency in the operation of these programs, that these various committees, not the least in importance of which is the gentleman's subcommittee, will take a look at these matters.

I should like to say a word about the administration of these programs in HUD which has been discussed here today. I think as has been suggested, that the Secretary is dedicated, that he is energetic and that he wants to do a good job. But it is clear that there is not much depth on his bench as we say in baseball. He has not been receiving the cooperation to which he is entitled and that the impact and failure of many of these programs has hit him with a great deal of surprise.

I think the current shakeup he is making in personnel, including the recent appointment of the Inspector General Mr. Haynes is a forward step down the proper road to improvement.

Mr. Chairman, this subcommittee has also pointed out another area to which great attention must be given and that is the area of the FHA insurance funds. I compliment the chairman of the subcommittee on not making available at this time funds from general appropriations for the special risk insurance fund. The liabilities of this fund have increased tremendously in recent years with the tragic increase in acquisition of properties by FHA.

In Detroit alone, these are the figures: In December 1971, 5,200 properties; in March 1972, 6,000 properties, and most recently, on May 1, 1972, 7,600 properties in this one city alone, where the inner city average loss larger than the general FHA average has been $10,000 a property. At this rate the total loss could be $76 million.

So, the question of how these risks are allocated, whether they should be put in the general fund or a special risk fund and the obtaining of a full accounting of these matters should be determined before we simply go ahead and place funds from general taxation as a matter of course in this insurance fund.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. BOLAND. Mr. Chairman, I yield the gentleman 1 additional minute.

The CHAIRMAN. The gentleman from Connecticut is recognized for 1 additional minute.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. Yes, I yield to the gentleman from Massachusetts.

Mr. BOLAND. I want to compliment the gentleman who chairs the Subcommittee on Legal and Monetary Affairs of the very important Committee on Government Operations.

As the gentleman has so correctly pointed out, the purpose of this investigative report was to highlight some of the very difficult problems in the field of subsidized housing. We think the report has done that. But, in order to make any substantial change, I think it is important that other committees that have something to do with these programs give some attention in these areas. I am delighted that your subcommittee is doing it. I know that the Committee on Banking and Currency is going into this area also.

However, the programs will never be corrected unless we spotlight the difficulties with which they are plagued. We know what some of the problems are, we know what some of the solutions are, and we hope they will be put into effect.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I want to express my appreciation to the gentleman from Connecticut for the work he is doing.

I hope when his subcommittee continues to look at this problem, they will look very clearly and carefully at the effort to harness the free enterprise system to produce housing. I say this because I have serious questions when I see a mortgage banker get a guaranteed mortgage and make loans at the prevailing interest rate, and has to meet no additional duties, either with respect to the adequacy of the property, or the reliability of the loan, then I think we are relieving them of all responsibility, and at the same time guaranteeing their mortgage. However, that is the way the legislation has been set up. It has been set up in such a way that it may be incapable of efficient and capable administration. As it is now we sort of encourage everyone to close their eyes and that is true of the developer, the realtor, the mortgagor and virtually the entire private sector.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. BOLAND. Mr. Chairman, I yield 1 additional minute to the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. Mr. Chairman, there is something in what the gentleman from Pennsylvania has said, but I do not think it is possible to entirely disregard the responsibility which the administrators of FHA have had for the proper administration of this program and the extent of their nonfeasance.

It is true the Congress did legislate some changes in policy, but we never legislated the use of criminal agents, corrupt appraisers, inept financiers, and pathetically bad administrators, and all these elements that have led to the scandalous volume of acquisitions that have taken place in the larger cities.

Mr. McDADE. If the gentleman will yield further, I do not believe anyone has suggested that. What I am saying is that it well may be that it is the way we have set these programs up, not putting any real risk on the savings and loan industry, the mortgage brokers industry, and those who develop the projects, and those who take advantage of the accelerated tax depreciation shelter. I wonder if we ought not to put the bee on them to make certain that they share more of the risk. Certainly if you and I go to our local savings and loan institution and try to get a loan on a home they will have an inspector out there in the morning to make certain that that home is a sound investment before they put a nickel in it. But here they get a guaranteed mortgage, legislated by the Congress with the full faith and credit of the U.S. Government, and therefore they have not been engaging in vigorous inspection. And maybe we owe it to the taxpayers, to the Department of Housing and Urban Development, and to ourselves to try to make certain that that situation is corrected.

Mr. MONAGAN. I fully agree with the gentleman on this insulating from risk and responsibility. I am sure this will be a part of our subcommittee's recommendation.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Chairman, I rise today in support of H.R. 15093. This bill is more than just another appropriations measure. This bill deals with human lives and human needs. This bill appropriates moneys which will benefit those who sacrificed so much for our Nation.

The passage of this legislation is a way of saying "thank you" to the thousands upon thousands of veterans who have fought to preserve our freedom.

Mr. Chairman, we must make certain that our men who are returning from Vietnam receive proper benefits. We must make certain that these men are not slighted. Many of us, following World War II, took advantage of veterans programs and these benefits helped us to get a fair chance in civilian life. These young veterans need a fresh start—and we must give them a chance for this start.

This bill will go a long way toward helping these men.

I would like to talk for a moment regarding the appropriations in this bill for hospital care. As a member of the Subcommittee on Hospitals, this is of great interest to me. The committee has appropriated an increase of $54,580,000 over the budget estimate.

I maintain that these funds are needed. This increase is for the medical care program and includes $22,317,000 for the operation of 44 drug dependence treatment units. This is an increase of 12 from last year. This increase also provides the necessary resources for the hospitals to maintain an average daily patient census of 85,000 next year. This increase will also insure an average staff/patient ratio—of 1.49 to 1 in the veteran hospital system. I maintain that it is false economy not to allow the veterans hospitals to have these moneys.

We must take care of these veterans—and take care of them properly. The drug treatment centers are playing an important role in our Vietnam rehabilitation program. I have seen programs such as these firsthand. I have spent may hours in the Marion Indiana Veterans Hospital in my district and am convinced that we have to all dedicate ourselves to the goal of making our veterans hospitals the best possible. It is my hope that every Member of Congress will vote for this appropriation bill.

Mr. JONAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Chairman, I take this time in order to address a question to the committee:

I notice in the report that so far as the Veterans' Administration is concerned, that you have specified three new hospitals. Not only did the VA not request these hospitals, but in the list that they submitted to the committee and in the other body they suggested that one of the sites where a hospital should be built, because the need is greatest, is Philadelphia. Philadelphia is not included in this bill.

I have no objection to the three hospitals you have specified; but since you did include them, why did you exclude Philadelphia? I would like to have anyone answer that question who can.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I will be happy to yield to the gentleman from Massachusetts.

Mr. BOLAND. As the gentleman says, there are recommendations for new hospitals in Augusta, Ga., Richmond, Va., and southern New Jersey.

I think it is the feeling of the committee, and the feeling of the Congress, that perhaps Members of Congress ought to have something to say, or at least their judgments ought to be considered in the location of the Veterans' Administration hospitals. I am fully aware that this committee cannot arrange for a hospital in every single district for each Member of the Congress.

There are, however, some guidelines which have been established, and which were established long before I arrived in this committee, and they will be there long after I go. One of them is that it has been the hope of the subcommittee that when any Veterans' Administration hospital is constructed, that it would be built in close conjunction with medical schools. It is our understanding that in southern New Jersey the construction of a huge new medical school is being planned, and because the hospital is a very important part of the plans for a medical school, they should be tied together.

What happens when this bill gets to the other body, I do not know. We include southern New Jersey in this bill because we feel that it is a good arrangement and makes for a better training program for the school itself and it makes, I think, for a better hospital.

Mr. SAYLOR. I will say to my colleague, I agree that these new hospitals should be built where there is a medical center. But Philadelphia has more medical centers than any other city in the country, and if this was a criteria, then I think Philadelphia should probably have been the city that was selected rather than southern New Jersey where you only hope that a medical center will be built.

Mr. BOLAND. As the gentleman knows, Philadelphia has a great number of medical facilities and is one of the great medical centers of the world. As a matter of fact, second only to Boston, as I recall. But as I understand it, I think Philadelphia already has a veterans hospital.

Mr. SAYLOR. Yes, and it is one of the older hospitals and one of those that the Veterans' Administration says should be replaced.

Mr. BOLAND. When the Veterans' Administration comes up with a suggestion for a medical center for Philadelphia, I am sure the opinion of the gentleman from Pennsylvania will be honored and we will be delighted to have the gentleman appear before us and we will follow up on that question.

Mr. SAYLOR. I thank my colleague. I want to say, I have no objection whatsoever to your committee authorizing the sites for hospitals rather than leaving it to the Veterans' Administration to do it on its own.

The fact of the matter is I have a bill in at the present time that says the Veterans' Committee, both of this body and of the other body, should have a consensus as to the site and then they can come to you and ask for the money.

Mr. BOLAND. Mr. Chairman, I yield such time as he may require to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, as a member of the Committee on Science and Astronautics which exercises oversight over the National Science Foundation, it seems to me that perhaps a couple of comments would be in order on the point raised by the distinguished gentleman from Connecticut (Mr. GIAIMO) and also one of the points raised by the gentleman from Iowa (Mr. GROSS).

The point was made that there has been a tendency in the NSF to focus on applied research instead of basic research. Of course, the National Science Foundation is quite aware of the possible conflict between the two, as is the Committee on Science and Astronautics.

We have exercised our powers of surveillance to focus, and keep the focus on basic research. But at the same time, I think most of us on the committee feel that it is extremely important that some general research agency in the Government have the power to apply some of our research funds to meet our current needs.

Some of these are borderline cases. For example, we had some very fine testimony this morning before the Science, Research, and Development Subcommittee concerning the importance of research into superconductivity. This may sound like an esoteric subject, but if we are going to be able to meet our energy needs in the next generation, and in the next 20 years, there will have to be enormous increase in the number of electrical generating transmission systems to transmit electricity at low cost.

There are some who think we simply may not make it, either in terms of transmisssion systems to be built or in terms of the actual land that is needed for electric transmission lines, unless we move ahead and develop superconducting cables which would transmit electricity with far greater efficiency and without using millions of acres of additional land for transmission lines.

The distinguished speaker, Professor Mathias, who addressed our subcommittee on this subject today, pointed out that there is a serious deficiency in terms of research in this very, very important subject.

One of the institutions that he recommended to support further research on this was the National Science Foundation. If we merely wave this aside and say, "Well, this is applied research as opposed to basic research," we might very well be overlooking one of the most important means for meeting our energy crisis in the decade to come.

With respect to the question asked by the gentleman from Iowa about the project on satellite imagery for purposes of urban planning, let me say, as a former member of a Regional Planning Commission, that I can think of no more striking example of the use of the technology developed in the space program to meet some of our practical problems right here on the ground than that kind of project.

One of the problems we have with some of the rapidly developing metropolitan areas like New York, Cleveland, or Chicago is the fact that the development is taking place faster than the planners and the census takers can keep track of it, and if you are going to have the facilities, transportation, sewage, housing, hospitals, schools, and other urban amenities to meet the needs of the population of these expanding urban areas, you need to keep abreast of the changing conditions. Satellite photography and satellite observation is one of the great possibilities for developing new tools to meet the problems of our cities at lower costs.

While I am not familiar with the particular projects to which the gentleman from Iowa referred, it does seem to me that this is the very kind of thing that the National Science Foundation ought to be focusing on, and I think it is a worthwhile example of research applied to national needs.

Mr. BOLAND. Mr. Chairman, I wish to compliment the gentleman from Ohio on his remarks. There is no basic difference between what the subcommittee is trying to accomplish and what the Science and Astronautics Committee is trying to accomplish.

Mr. SEIBERLING. Mr. Chairman, may I make one observation, and that is that even if you assume that the full authorization for this coming fiscal year, which is $80 million for research applied to national needs, would be spent under this appropriation, it still amounts to only about 13 percent of the total appropriation for the National Science Foundation, which is a fairly modest percentage.

Mr. BOLAND. But that does represent a $22,844,000 increase for RANN over 1972. It may not be all they want or all they would like to spend, but it is getting funded more each year.

Mr. SEIBERLING. That is correct. There was quite a discussion on this in the Science, Research and Development Subcommittee, and while there was not a unanimity of opinion, I believe the final vote was unanimous, because it was our feeling that not only are the projects involved worthwhile from the standpoint of the overall national interest, but if we are to continue to retain the public support for these very important basic reserach programs, we must also be addressing ourselves to some of the other more immediate needs the people see every day. That is important.

Mr. BOLAND. I would again compliment the gentleman. I think he is absolutely correct. I think the funding that has been permitted here will perhaps lead us in that direction. I thank the gentleman very much.

Mr. Chairman, I have no further requests for time.

Mr. DRINAN. Mr. Chairman, I support the provisions of this bill for $11.87 billion in new budget authority for the 1973 programs of the Veterans' Administration. I support the provision for a $54.38 million increase in the VA medical care program over the original administration request.

However, Mr. Chairman, I am not satisfied that the needs of veterans—and, particularly, veterans of the Vietnam war—are adequately provided for in this bill or in other legislation affecting veterans which is likely to be voted in Congress this year.

Wholly apart from the annual debate between the present administration—which continues to seek a decrease in the number of available beds in VA hospitals—and Congress—which, fortunately, has resisted these pressures, there are a number of key issues with which we must come to grips, issues not adequately dealt with yet.

In my judgment, among the improvements in veterans services which the Congress should enact are the following:

First, a substantial increase in the GI educational bill of rights is merited. The educational benefits available to the veterans of the Vietnam war are substantially less than those available to the veterans of the Second World War. The veterans who secured their education at the expense of the Government in the years 1945–53 received from the Government reimbursement for all of their tuition, books, and a generous stipend for their living expenses. Veterans from America's most recent war receive only a monthly stipend which is far too meager to cover even a small portion of their educational costs and their living expenses.

Second, although officials of America's veterans hospitals seek in every way possible to extend optimum care to their patients the fact is that many patients, and especially paraplegics, receive nothing much beyond custodial care. The number of paraplegics has tragically increased very sharply as a result of the Vietnam war. These men deserve to receive the best possible rehabilitation care which now in many instances can return such individuals to a relatively normal and very productive life.

Third, during 1972 almost 1 million young men will finish their military service. For thousands of individuals in this category who desire job training rather than formal schooling there must be a very substantial increase in the benefits allowed to them. On March 6, 1972, I voted on behalf of the Veterans Education and Training Amendments of 1972—a bill which will give an increase of 48 percent in subsistence allowance for veterans taking on the job or apprentice training. While this is an encouraging development it still does not really permit the vast majority of veterans to forgo gainful occupation and engage themselves in a full-time training program.

I urge my colleagues, in considering veteran-related legislation such as this, to reflect on the fact that the veterans of the war we are now fighting in Indochina are simply not getting their fair share of benefits. Facing a high unemployment rate at a time when advanced education and specialized training are more necessary then ever, these men and women who have served their country deserve better. At the very least, I would propose a national policy that would make available to Vietnam veterans benefits comparable to those made available to veterans of World War II. We need an updated GI bill of rights for 1972 and hereafter.

Mr. TEAGUE of Texas. Mr. Chairman, as chairman of the House Committee on Veterans' Affairs, I want to express my very special appreciation to the chairman of the subcommittee which considers appropriations for the Veterans' Administration, the gentleman from Massachusetts (Mr. BOLAND). Over the years, he has demonstrated outstanding leadership and cooperation in connection with appropriations to operate the Veterans' Administration. This subcommittee, which also consists of the gentleman from Tennessee (Mr. EVINS) the gentleman from Illinois (Mr. SHIPLEY); the gentleman from Connecticut (Mr. GIAIMO); the gentleman from Arkansas (Mr. PRYOR); the gentleman from Indiana (Mr. ROUSH); the gentleman from North Carolina (Mr. JONAS); the gentleman from California (Mr. TALCOTT); the gentleman from Pennsylvania (Mr. McDADE); and the gentleman from California (Mr. CLAWSON); have worked diligently again this year to bring before the House a carefully considered request for funding the VA program for fiscal 1973. They have made some much needed additions; however, subsequent legislative developments and other circumstances may require additional action and funding in future supplemental appropriations.

Mr. Chairman, it is significant to note that as a result of committee studies, Congress has added a total of almost $300 million in fiscal years 1971 and 1972 to the administration's original budget requests for medical care appropriations. These funding additions have provided better quality medical care for our Nation's sick and disabled veterans, and they have been vital to maintaining and improving care throughout 166 hospitals and hundreds of clinics in the VA system. The compassionate response by this committee to the medical needs of America's veterans is deserving of the highest praise and special recognition by thousands of veterans who receive medical care every day in VA hospitals throughout our country.

Of particular significance last year was the action taken by your committee to insert into the Appropriations Act of 1972 (Public Law 92–78), the provision setting the average daily patient census for the VA hospital system at 85,500, and the operating bed level at a minimum of 97,500.

Mr. Chairman, it is once again clear that the Office of Management and Budget has—and is—continuing its efforts to flaunt the will of Congress. The law is clear. Public Law 92–78, enacted by Congress on August 19, 1971, was clearly disregarded by the Office of Management and Budget. The law provided that the appropriated funds be apportioned to provide for the stated minimum average number of operating beds and the stated average daily patient census during fiscal 1972. OMB originally apportioned the funds on September 22, 1971. However, OMB informed VA that it would have to apply for a reapportionment in order to comply with the President's August 15, 1971 Executive order. OMB did not reapportion the funds appropriated by Congress for 1973 until November 8, 1971.

Mr. Chairman, on October 20, 1971, after having conducted a lengthy review of the situation which included contacting a number of hospital directors, I wrote to the Administrator of Veterans' Affairs and expressed my concern that the hospitals had not been funded at the higher level voted by the Congress, even though 4 months of the fiscal year had elapsed.

Mr. Chairman, on October 27, 1971, the Administrator of Veterans' Affairs responded to me, in part, as follows:

> Your assumption that a tentative Primary Fund Allocation was made to field stations based on the President's January 1971 budget level of 79,000 average daily patient census is correct. This allocation was made in February of 1971. Adjustments to these allocations have been made subsequent to February; however, adjustments to increase the station allocations to funding levels to support an average daily patient census of 85,500 have not been made.
>
> The reason such adjustment were not forthcoming earlier was due to our not receiving an apportionment from the Office of Management and Budget until September 22, 1971. Prior to receipt of our apportionment we received Bulletin No. 72–5, dated August 25, 1971, from the Office of Management and Budget outlining the guidelines with respect to Federal civilian employment reductions. A letter dated September 21, 1971, from the Office of Management and Budget established new employment ceilings for the Agency. This letter directed operations within prescribed limits and requires submission of revised reapportionment requests to reflect the savings to be achieved. Therefore, even with the receipt of an apportionment from OMB for $2,307,700,000, it was clear funding would not be available in that magnitude and the apportionment would of necessity have to be revised.
>
> To comply with the revised scope of available funding and the reduced employment available therein, a reassessment has been made and new ADPC levels are being issued to field stations. These will provide for an average of 85,500 for the remaining eight months of Fiscal Year 1972. This will mean a full year accumulative average daily patient census of approximately 83,000.

Mr. Chairman, I also requested the Administrator of Veterans' Affairs to furnish me with data as to the use of funds and other personnel data relating to veterans' medical care as provided in Public Law 92–78. The following table was furnished in response to my request:

	(a) Fiscal year 1972 President's original budget	(b) Fiscal year 1972 President's budget amended by Congress[1]	(c) Fiscal year 1972 operating plan as revised by OMB bull. 72–5	(d) Difference—col. (c)+ col. (b)—
Full-time equivalent employment	140,293	149,912	144,017	−5,895
Full-time permanent employment	133,153	142,691	134,641	−8,050
Total employment	151,352	163,490	152,097	−11,393
Personal service dollars	$1,499,269	$1,720,778	$1,649,551	−$71,227
Total appropriation for obligation	$2,027,750	$2,307,700	$2,236,473	−$71,227

[1] In thousands of dollars.

Mr. Chairman, the above chart clearly shows that because of the OMB edict, medical care for America's sick and disabled veterans was adversely affected as follows:

First. Total medical care employment was reduced by 11,393 over what Congress intended for fiscal 1972.

Second. A total of $71,227,000 was withheld which could have better staffed VA hospitals in fiscal 1972. Congress had voted these funds to achieve better VA hospital staffing ratios, but OMB refused to allow the Veterans' Administration to spend these funds for that purpose.

Mr. Chairman, at the same time OMB was imposing these arbitrary fiscal and personnel impediments on the VA hospital system, veterans were waiting to be admitted to VA hospitals for much needed medical care.

At the end of June 1973, 13,539 were waiting.

At the end of July, 14,814 were waiting.

In August, 15,776 were waiting.

In September, 17,058 were waiting.

In October, 18,071 were waiting.

Mr. Chairman, interrelated with this problem was the arbitrary order from the Office of Management and Budget directing the Veterans' Administration to undertake an average grade reduction of general schedule employees by one-tenth of a grade by June 30 of 1972.

Mr. Chairman, this combined arbitrary action of the Office of Management and Budget is creating chaotic conditions and serious morale problems throughout the VA medical system. For instance, when a highly trained nursing assistant at a GS–5 or GS–6 level retires or leaves the Veterans' Administration, under present circumstances, in an effort to meet the grade reduction quota ordered by OMB, hospital directors are finding it necessary to replace the GS–5 or GS–6 nursing assistant with an untrained or less experienced GS–2 applicant who is unable to render the quality of support and care of his predecessor.

Since this order was invoked, many VA hospital personnel who were serving their apprenticeship in a variety of positions with the promise that if their performance was satisfactory, they would be promoted, now find that they cannot be promoted because of the grade deescalation order requiring hospital management to hold the line until their average grade reduction goal is achieved. Such conditions have resulted in deserved promotions being indefinitely delayed. Morale problems have resulted. In many metropolitan areas especially, personnel who have been trained at VA expense are able to move into the private sector with an immediate increase in pay and those who stay feel that they have been unduly imposed upon.

Mr. Chairman, the following language appearing on page 19 of the report on the 1973 Appropriations Act for the Veterans' Administration stating:

> The committee is concerned that current fictitious employee ceilings and general schedule grade distributions are hindering the efforts to hire and retain sufficient high quality staff in the medical programs.

And

> If this situation is not corrected, the committee will have to consider corrective action at an early date.

I presume that means that unless prompt executive action is taken to remove these highly restrictive personnel impediments in delivering proper hospital care to our veterans, your committee plans to take early action to insure that no part of the medical care, medical and prosthetic research, medical administration and miscellaneous operating expenses, or construction of hospital and domiciliary facilities appropriations shall be restricted as to availability by imposition of administrative controls on the grade distribution and personnel ceiling of employees engaged in programs financed by such appropriations.

Mr. Chairman, just a few weeks ago, a comprehensive questionnaire was sent to each hospital director in an effort to determine directly from them the impact of personnel restrictions on their stations, and the adequacy of funding allowances based on the 1973 budget which was submitted to Congress. From a preliminary tabulation, it appears that there may be a need for some additional funding in various programs; however, for the information of my colleagues, I want to place in the record a number of responses which were received from hospital directors that are typical of many others received to the committee questionnaire relating to the impact of grade deescalation on their hospitals.

From Iowa City, Iowa:

PROBLEMS AS THE RESULT OF AVERAGE GRADE DE-ESCALATION

1. This hospital has made a very conscientious effort to attain the average grade de-escalation goal for June 30, 1972. We have consistently recruited and filled positions one grade lower than what they were when vacated.

2. It appears as if we will attain our June 30 goal, but at a tremendous expense in equity, uniformity and morale of our employee staff. It is also without a doubt that continuation of this kind of persistent grade reduction will adversely affect patient care. An excellent example of this is the fact that one half of all members of our first class of nursing assistants to begin their in-service training after the average grade de-escalation program was emphasized, have already left the hospital and have undoubtedly been lost not only to this hospital, but to the health care field. The reason they left was, in our opinion, two fold. First they saw very little opportunity to be promoted under the current de-escalation program and; secondly, they had never worked as nursing assistants before and did not possess the aptitude for nursing assistants. At the same time we were hiring those GS–2's we were turning down well qualified LPN's who would not come to work for less than a GS–4 or well trained former military medics or corpsmen who could not afford to come to work at the GS 2 or 3 level. The latter instance seems contrary to a goal of the Veterans' Administration of full employment of our returning Vietnam veterans. We have unfortunately not been able to hire Vietnam veterans appearing at our door, ready and willing to go to work, well trained, and undoubtedly capable of providing excellent patient care in a minimum of time because they could not afford to work for a salary at the GS 2 or 3 level.

3. We have an inequity existing in the Dental Service which has resulted in dental assistants currently being employed at the GS 2, 3 and 4 levels, all possessing the same talents and performing the same work. We have approximately 35 employees who came to work prior to the average grade de-escalation, fully expecting to be promoted to the next higher level when completing a specific period of time or accruing required skills. These employees have not been able to be promoted and consequently, they are making themselves available for employment elsewhere.

4. Another situation which must be faced if this program continues, is the fact that journeyman level positions such as laboratory technologists, ward secretaries, transcriptionists, etc., will have to be re-engineered downward resulting in compounding the inequities and downgrading personnel already occupying these positions. It is impossible to re-engineer to a lower level ward secretary positions who perform the same type of duties on all wards, laboratory technologists who perform the same type of laboratory procedures, and are required to do so to provide coverage other than normal tours of duty, dictating machine transcribers who perform at the same level. Any other method creates the inequities spelled out above. It is felt that if average grade de-escalation is being used to reduce salary costs, this method is very costly in terms of morale and hospital image.

Continuation of this program connotates a manpower policy which is inconsistent with relative shortages of health care personnel and creates inequities. This is manifested in the fact that DM&S personnel and wage administration personnel are not under the same restrictions and have consequently been receiving promotions right along. During the last seven months of this fiscal year, we will have had only four promotions. This compares with 113 in the same period last year. There has been no upgrading since the inception of this program.

The grade deescalation policy has had a noticeable effect on direct patient care. We have been unable to fill all essential positions with fully qualified people.

We have been unable to recruit fully qualified people for many positions and as a result selection has been slower and in some cases positions have not been filled for long periods.

Grade deescalation has had a serious effect on employee morale. People who had expected and deserved promotions have not received them. Also, new employees have not been hired with the expectation of career promotions. As a result, some medical corpsmen hired under the VRA authority in positions below their skill levels have become disenchanted with the lack of opportunity to advance and have resigned.

From Dallas, Tex.:

The effect is adverse. To comply we must lower the standards of education, training, and experience to find people who will accept the lowered grade. Technically trained candidates, such as laboratory technologists, licensed vocational nurses, and the general paramedical group, are not interested in low grade employment. Patient care can only deteriorate as the quality of the new employees declines.

The damaging factor is the concept of *average* grade reduction. For example, eliminating a GS–13 does not help a great deal unless one or more people are hired below our grade average of approximately GS–5, 6. The good candidates are not interested in affiliating with an organization which is not advancing, and the better ones already on the staff are becoming doubtful about the future. Elimination of grade deescalation will not repair the damage which has been done because those lesser qualified people will occupy the jobs and will have Civil Service protection.

Approximately 58% of the employees are GS and subject to deescalation. The remaining 42% (DM&S and Wage Board) are exempt. The 58% were willing to cooperate at first. Now they feel subjected to discrimination because 42% have no limitations. Dissatisfaction is spreading not only with the GS employees but with Service and Division Chiefs. An example is Pathology where a new Chief began eliminating high-graded, poor employees only to have them replaced by poorly educated and trained people who qualified for the lower grades we were forced to offer. If the program continues through FY 73, the organizational damage will be extensive, and it will probably take much longer to correct the situation than it took to cause the impairment of functions.

From Providence, R.I.:

Quality is unavoidably affected adversely when lesser qualified and lower graded personnel must be used to replace those leaving—if such are available.

We are experiencing difficulty in the hiring of LPN's, Medical Technicians and Technologists, Therapists, and other specialized paramedics at lower grades.

A subject of discussion among employees, with some effect on morale, commitment promises made for promotions not kept due to inability to certify that promotions would be within station's plan for deescalation.

From East Orange, N.J.:

Severely adverse. Upgrading of capabilities of staff such as PM&R Therapists, Inhalation Therapists, X-ray Technicians, Nursing Aides has been slowed or stopped. We have been unable to fill vacancics for Social Workers in our Drug Abuse Treatment Program. We have not fully utilized the potential services of our Nursing Assistants; because we could not promote to the GS–4 and GS–5 levels, we have not trained individuals and assigned responsibilities for more intensive and complex patient care activities.

Severely adverse, including specifically areas such as Social Work and Pharmacy. Has been more difficult in filling jobs at lower levels. We have hired less experienced individuals for most vacancies when, in most cases, experienced people, at higher grades, were available. This has been true in the occupations of Social Workers, Pharmacists and Medical Technologists.

Increasingly poor, as employees are not assigned higher graded duties to avoid upgrading, employee disappointment is evident. There is growing concern and we anticipate more formal complaints if the deescalation policy continues. Staff who were promised promotions based on good service have not received them. Incentives for self-improvement to provide better care and qualify for promotions have been lost.

From Knoxville, Iowa:

It has been adversely affected due to the necessity of hiring low grade unskilled personnel to replace skilled para-medical personnel, whom, if employed, would have prevented us from meeting our assigned Average Grade Reduction goal.

We have to delay the filling of four higher grade positions. Additionally, we anticipate that delaying the promotion of eligible GS employees will have an adverse effect by increasing the number of resignations, thereby increasing our recruitment activities.

The grade deescalation has had a decided negative affect upon employee morale. It is difficult for our GS employees to comprehend why the deescalation is limited to GS employees and does not affect wage system and Title 38 employees.

From Marion, Ind.:

Since we are required to assign duties within each employee's position description, an extended reduction of the average GS grade would adversely affect the quality of patient care because we are prohibited from assigning higher grade level (i.e., higher quality) patient care duties to employees. For example, when GS–4 and GS–5 Nursing Assistant positions became vacant and we are not able to fill those vacancies above the GS–2 and GS–3 grade level, the quality of care would gradually be reduced.

Employee morale has been adversely affected in many ways. Restrictions on promotions have this effect in general. This is especially true for positions which offer career promotion to the full performance level after a certain period of experience and/or training. Qualified employees in such positions have been denied promotions promised them at the time they entered their positions. This is more depressing when no similar restriction has been placed on promotions in Wage Administration positions. Now GS employees are being hired from one to two grades lower than persons employed prior to grade de-escalation. Most of these employees would normally have been hired at a higher grade and they know it. For example, many Vietnam era veterans are employed as Nursing Assistants. Several former military hospital corpsmen have been hired at the GS–2 grade level and are better qualified than other veterans with no previous hospital experience who were hired as GS–3 Nursing Assistants prior to grade deescalation.

From Danville, Ill.:

In our opinion, patient care has been adversely affected by the grade deescalation program. The program has forced us into grade and position manipulation to satisfy an arbitrary numerical goal accomplished by more lower graded positions. In the matter of patient care, quantity does not replace the quality available only with the highest professional levels attainable. Grade deescalation defeats this objective.

Recruitment quality has been adversely affected. Actually, recruitment has been made easier because we are recruiting in lower grades. Unfortunately, we are attracting "less than the best" for our veteran patients in the process!

Delayed promotions, abolished or downgraded vacancies, and dim outlook for progression has had an adverse effect on incentive and consequently affects morale. In addition, disparity between pay systems, i.e. GS, DM&S and Wage Grade, has created an irreparable morale problem among the 60% of employees who are General Schedule.

From Gainesville, Fla.:

With the continuation of grade de-escalation the quality of patient care is in danger of deteriorating as a result of having to forego filling positions at the technical level, i.e., heart pump technician, cardiac-catheterization technician, etc. In addition, due to the necessity of filling positions on a temporary basis in order to meet the grade de-escalation plan, we are unable to attract quality applicants for necessary positions.

As stated above, we have had to resort to filling more positions on a temporary basis. We find it impossible to attract qualified applicants for positions such as medical technologist, microbiologist, and other technicians. The quality applicant has a responsible position and will not jeopardize that position for a temporary appointment. In addition to the necessity to fill positions at lower grades, we cannot attract qualified applicants. The delay in receiving authority to fill positions above grade "9" has also caused us to lose well-qualified candidates.

There is no question that the restrictions under which we must operate has affected morale. This is due to our inability to honor commitments made to employees who are in training positions, and the necessity of holding up promotions of qualified individuals. In order to meet grade de-escalation, we are able to make new appointments on a permanent basis only at the GS–5 and below level. This has a deteriorating effect on morale.

From Grand Junction, Colo.:

It will have a dilatorous effect on patient care because as the hospital has more of the lower qualified employees, patient care suffers. Already two nurses have been replaced by two GS–2 Nursing Assistants.

Filling positions at lower grades means lower qualifications and quality experience. Temporary appointments also limits the opportunity to recruit quality candidates, since they will not leave present employment for temporary positions.

Employees feel that since verbal commitments cannot be honored, they cannot trust management. There is no use in really trying to do a better job, because it would not lead to a promotion. An organization without promotions stagnates.

From Los Angeles, Calif.:

It has impaired the Drug Dependence Program primarily as there are pressures to provide greater or more comprehensive care which require employees in the higher brackets. It has not been possible to do so. The volume of work is more than the fixed Table of Organization can handle adequately, and expansion is precluded. Without the ability to take on the needed personnel the program is impaired to the degree that the deescalation imposes.

Recruitment has been difficult—at best—and some outstanding applicants have balked at accepting part time employment—the only duty basis we can offer above the GS–4 level.

Employee morale has suffered in that promotion opportunity announcements are not being issued, and they see the few opportunities for promotion they had dwindling away with no hope for future advancement.

Mr. Chairman, the appropriations bill which we are considering here today provides the highest amount in history for VA medical care. While it will permit a number of advances, it likewise leaves many status quo areas where the medical care program will just stand still, and advances which could be made, will be postponed. Other areas of activity may fall behind, so it is incumbent upon us to carefully monitor this situation in the weeks ahead.

Accordingly, Mr. Chairman, I want to make it clear to both my colleagues here in the Congress, as well as America's veterans and their families that in the matter of adequate staff, sufficient operating funds, construction and modernization of hospital facilities, and any other proposals affecting the scope and quality of VA hospital care, I along with all the other members of the Veterans' Affairs Committee will do everything possible, with your able assistance, to fully and promptly carry out the responsibilities we have to those who have served their Nation.

Mr. ANDERSON of California. Mr. Chairman, I rise in opposition to the amendment that will be offered which would delete the funds for the space shuttle.

The key to future space applications and exploration is the space shuttle—a reusable space vehicle that takes off like a rocket, flies like a spacecraft, and lands like an airplane.

This device will radically reduce the cost of space operations. Rather than placing a payload in space at a cost of $800 to $4,000 a pound, which is currently the case, the shuttle can transport a satellite to orbit for approximately $120 per pound.

With the resulting savings, it is expected that the shuttle will greatly increase the use of space by Government agencies and commercial users.

This will enable us to better survey the earth's resources, monitor and predict weather, improve worldwide communications, and enlarge our knowledge of the earth and the solar system.

The space shuttle will be capable of carrying out almost every type of space mission the Nation desires—short duration flights to place space satellites in orbits, prolonged journeys for scientific exploration, even rescue missions to retrieve satellites that have malfunctioned.

Mr. Chairman, the space shuttle is the United States only manned space program planned for the quarter of the century.

We must not abandon space to the Russians, who are currently accelerating their space expenditures beyond anything we spent during the Apollo program.

We must defeat this amendment. We must continue to fund the space shuttle which represents a new era in space exploration.

Mr. HOGAN. Mr. Chairman, I rise today in support of H.R. 15093, the appropriations bill for HUD, space sciences, veterans, and certain independent agencies. Some in the Chamber would like to see the space budget cut back even more than it has been. Already we are running our program on a barebones budget. We have canceled three Apollo flights to the moon to conserve money. We can only pare this budget so far. I submit that we have cut as much as we possibly can from this program.

Mr. Chairman, the space program has brought us many benefits.

At this point in time we have global live television via satellite. We can turn on our TV sets in our living rooms and see events as they happen in Europe, Asia, India, practically anywhere on earth. Today our President is in Moscow for talks with the Soviet leaders. Tonight on the 6:30 news we will see some of his activities as they were recorded live and transmitted back to this country via satellite. We experienced this same sort of coverage when the President went on his historic trip to China just a few short months ago.

Another area where satellites effect our everyday lives is in the field of weather forecasting. Every night as we watch the 6 o'clock news we are shown satellite pictures of cloud systems over our country which enable the weathermen to tell us what our weather is going to be like the next day. As the meteorologist learns more about the movement of these complex weather systems, the accuracy and reliability of their forecasts will increase drastically. This can mean the saving of millions of dollars in agriculture alone, not to mention the saving of thousands of lives each year when adequate warning can be given before the approach of hurricanes. I learned recently of research going on at the University of Maryland in connection with our space program which might enable us to predict earthquakes.

Medical science is another area where great progress has been made as a result of discoveries made in our space program.

If the acquisition of knowledge is not goal enough—and to me it is—we need the space program to help us to improve our way of life and that of others throughout the world.

I would also like to mention that, although the proposed budget is the highest in the VA's history, it should be noted that the huge amount takes into account the growing number of veterans in the civilian economy, the increased number of dependents and survivors, the accelerated withdrawal of our Armed Forces from South Vietnam and their early separation from active duty, the advancing age of World War I and World War II veterans and the liberalization in an expansion of eligibility for medical services.

While requests for increased appropriations are anathema in our inflationary economy, we must recognize that the high cost of living in our economy is in part due to our involvement in the Vietnam war. Recognizing this, I believe we should also be prepared to care adequately for our returning veterans and the families of the deceased and disabled.

All veterans, and especially our newest veterans, are deserving of equitable treatment.

I think it is appropriate that the Congress of the United States approve this piece of legislation to keep in step with the needs of our society.

Mr. PREYER of North Carolina. Mr. Chairman, I want to express the gratitude of the people of North Carolina for the distinguished service of my colleague Congressman JONAS—a service typified by his leadership in efforts to reverse the decision to move the Federal Home Loan Bank from our State. This has not been a case of boosterism for our State or for Greensboro. It has been an undertaking in the national interest—an undertaking consistent with Congressman JONAS' determination to promote economy and commonsense management in government. We in Greensboro and North Carolina are particularly grateful to him but every American should be just as appreciative.

It is common knowledge in my State that Congressman JONAS has frequently been urged to seek statewide office. He very likely could have won any he sought. Instead he chose to serve here for 20 years rendering a tremendous contribution as the faithful servant of his people and of his country.

We are thankful for him.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 15093, a bill that appropriates the fiscal year 1973 funds for the Veterans' Administration.

Within this century, this Nation has been involved in several costly wars, in which the men of this country have fought. These men served in times of national need, many died, and countless more have been disabled for life.

It is the purpose of the Veterans' Administration to serve these men and their families who have so bravely answered the call of their country, and it is the duty of this Congress to provide funds so that the Veterans' Administration can adequately fulfill its purpose.

Embodied within these appropriations is $44.7 million designated to construct, relocate, and modernize VA hospital facilities in the State of California. This is a $28.4 million increase over current appropriations for VA construction in California.

A portion of these funds will be allocated for the design and initial construction of a new VA hospital in close proximity of the Loma Linda School of Medicine. This is projected to be a 630-bed hospital to replace the facilities destroyed by the earthquake in the San Fernando Valley in February 1971.

With funds allocated in this bill, a new 440-bed VA hospital and boiler plant is to be completed in San Francisco.

The architectural designs and initial construction of VA medical facilities to replace those found to be structurally inadequate at Wadsworth will be funded by a $20.1 million appropriation.

In addition, two new nursing home care buildings will be constructed in Long Beach and Speulveda. Appropriations were also made for an air conditioning system at the Long Beach VA medical facilities.

In addition, this bill includes a $135,000 appropriation for improved outpatient care facilities at Palo Alto.

Mr. Speaker, the funds appropriated by H.R. 15093 for the Veterans' Administration are beyond a doubt needed and necessary, so that those men who served our Nation so bravely when called can be provided with adequate medical care and other benefits embodied in this bill.

Mr. VANIK. Mr. Chairman, the Committee on Appropriations has taken a step in the right direction on behalf of our veterans. By increasing the budget of the medical care services of the Veterans' Administration, the committee has begun to respond to the dismaying conditions of VA hospitals. But these increased funds are only a beginning—we will have to continue to upgrade medical services for our veterans.

The budget increase will improve aspects of medical care for veterans, but VA services will still fall far short of being totally adequate. The committee has appropriated funds to support an average daily patient census of 85,500, the same as in 1972. But, as in 1972, this number will prove inadequate. As of the end of 1971, approximately 7,000 veterans were on waiting lists to enter VA hospitals, and this number was twice as large as it had been 1 year before. Four out of every 10 applicants for spaces in hospitals are necessarily rejected. VA hospitals rejected 400,000 veterans in 1970. We cannot tolerate such treatment of our veterans.

The average age of the World War II veteran is now 52; every year more World War II and Korean war servicemen will require the services of the VA. The influx of Vietnam casualties plus the advancing age of veterans of previous wars will combine to increase the load on the VA hospitals in the next few years. Maintaining the same daily patient census will prove insufficient—we must act to increase the capacity of the VA hospitals.

This bill raises the staff/patient ratio in VA hospitals to an average of 1.49 to 1. This is improvement, but it is not at all adequate. The average community hospital has a staff/patient ratio of 2.7 to 1 and university hospitals have ratios of 3.5 or 4 to 1. Despite the increase in 1973 VA medical funds, the staffs will remain inadequate and too many sick veterans will not receive the care they must have.

The psychiatric problems posed by returning Vietnam veterans are more acute than they have been in any previous war. Fighting an unseen enemy in an unpopular war has mentally crippled thousands of returning Vietnam soldiers. Facing unemployment and rejection at home, these veterans have trouble adjusting to being back home and sometimes turn to crime and narcotics as their lifestyles. Many veterans return home addicted to heroin, and existing VA facilities cannot cope with all these cases. Donald E. Johnson, VA Administrator, stated last November that 18 to 25 percent of the drug addicts in America are Vietnam veterans, a vastly disproportionate figure. A drug addiction treatment center in New York had only 22 beds and 198 veterans on its waiting list in 1970, and the drug problem has gotten drastically worse since then. Over 60 percent of VA drug patients are addicted to heroin. Testimony before the Subcommittee on Veterans' Affairs by psychiatrists revealed the gross inadequacies of VA psychiatric and rehabilitation facilities.

The aspect of VA medical services which is most appalling is the general acceptance of the fact that VA services are by definition less adequate than community services. The staff/patient ratios reflect this fact. We have, in fact, been punishing veterans by caring for them less than if they had entered community or university hospitals. Our veterans are in no way different from our other citizens, and are certainly as deserving of medical care, yet we have applied a double standard to treatment of veterans and other citizens. A man wounded in the service of his country should not receive lower quality medical care if he does not possess the economic resources to receive private treatment. Our veterans, who many times actually need more care and attention due to the nature of their wounds and the ensuing mental stresses, receive approximately half the care they would receive in a community hospital. We have accepted such a double standard, but we cannot in clear conscience continue it. We must commit ourselves to raising the quality of VA hospitals to level comparable to public hospitals. Staffs must be increased, equipment modernized, and the facilities must be increased to be able to care for all veterans in need of medical care.

On another issue, I am opposed to the appropriations for the start of the space shuttle program at this time. A Rand Corp. study compiled for the Air Force has estimated that total expenditures for the space shuttle program will amount to over $140 billion. The money which we are being asked to commit today may be the point of no return on this fantastically expensive project. Further study may ultimately save the taxpayers billions upon billions of dollars.

Mr. RYAN. Mr. Chairman, I should like to comment briefly upon one aspect of the recommended appropriations for the National Aeronautics and Space Administration, and that is the space shuttle program for which more than $200 million is recommended.

On April 20, I supported the Aspin amendment to the NASA authorization bill which would have deferred the space shuttle program for 1 year. I believe that the space shuttle program should not be funded at this time for several reasons.

First, there are no reliable cost estimates for this program at present. NASA's claim that the total cost of the space shuttle will be $5.15 billion has been challenged by a number of eminent scientists. Dr. Oskar Morgenstern and Dr. K. P. Heiss, the two authors of the NASA space shuttle study, stated in testimony before the Senate Aeronautical and Space Committee that "considerable cost uncertainty exists."

On April 27 of this year, I wrote to the Comptroller General of the United States and requested that the General Accounting Office undertake an immediate cost/benefit analysis of the space shuttle program, including a close examination of the 1971 Mathematica study which claimed that this program would be cost-effective. I felt that such an analysis is necessary in order that Congress might have a more reliable estimate of the total cost of this new program.

The General Accounting Office is currently preparing a cost/benefit analysis of the space shuttle program but it will not be completed until the first of June. Yet, until we have the benefit of the GAO analysis, I do not see how we can appropriate money to launch a program the total cost of which is so speculative.

Second, although NASA officials have attempted to justify the space shuttle program, in part, on the grounds that it lead to the creation of a substantial number of new jobs, the fact is that only 50,000 new jobs will be created, to be spread out in 30 States. I think that this figure can hardly be considered sufficient cause for beginning a new program of this nature.

Finally, the program's precise mission has yet to be defined by NASA. When the NASA authorization bill for fiscal year 1970 came to the floor of the House on June 10, 1969, I offered an amendment to reduce the amount authorized for the NERVA nuclear rocket program. At that time, I said that before authorizing money for a specific program:

> We should be aware of what NASA intends for the future. Although no specific decision may have been made, once the investment has been made, NASA will argue, "There is so much money invested in this program that the investment will be completely wasted if we do not continue."

And today, after an expenditure of some $2 billion, the NERVA nuclear rocket engine program has been abandoned.

Therefore, I say that we must not make the same type of mistake again today. We must not appropriate money for a program that will entail increasingly large outlays of money, particularly since this is a program whose specific mission has not been defined and the precise costs of which have yet to be determined.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes, namely:

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FINDLEY: On page 2, line 3, strike "purposes, namely:" and insert the following: "purposes: *Provided*, That money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1973, only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond 86 percent of the total aggregate net expenditures estimated therefor in the budget for 1973 (H. Doc. 215), namely:"

Mr. FINDLEY. Mr. Chairman, this amendment is the familiar Bow amendment, which was offered on several occasions about 3 years ago, the only difference being that the percentage figure in it is now 86 percent instead of 95 percent as Congressman Bow used it. That difference simply reflects the fact that the prospective budget for fiscal year 1973 is that much further out of balance compared with the prospect in 1967 or 1968.

One of the curiosities of the age is that the revenue committee of the House of Representatives, the Ways and Means Committee, has just brought to the Rules Committee and received a rule on what amounts to an appropriation bill with no revenue at a time when we need more revenue rather than more appropriation. It would seem much more appropriate if the Ways and Means Committee, recognizing the fiscal plight of the country and the added debt that is in prospect for the next fiscal year, instead would be bringing in a bill for new revenue, rather than bringing in a bill for revenue sharing.

I want to congratulate the members of the Subcommitee on Appropriations who have brought before us the bill today, because it is below the budget request. It is below the budget request by 2.2 percent, which I believe is the best report that any Appropriations Subcommittee has made so far for the next fiscal year.

But lest we rejoice too much, it can also be said that contrasted with the level of appropriation for these related items which would put the budget in balance for fiscal year 1973, it has a great deal of red ink in it. The budget request was for a little more than $20 billion. In order to bring the budget request down to a balanced budget level, it would have required a 14-percent reduction from the budget request—or $2.8 billion. That means in order to have a balanced budget, considering the relationship of this one appropriation bill to the total budget, the figure reported to us should have been $17.3 billion, instead of the amount recommended in the bill of $19.7 billion. In a sense we could say that this bill has $2,369,550,000 in red ink in it. It is 11.8 percent red ink.

As I said, I do congratulate the subcommittee for pairing below the budget request, but I hope one of these days before we start appropriating money we will have the good sense to take a full view of the budget for the coming fiscal year, make some fundamental decisions as to expenditure control and as to the amount of revenue we need in order to take care of the public business.

Reading the introductory language of this and other appropriation bills, the casual observer might reach the conclusion that we are spending money that is in the Treasury. Well, we are spending what there is, that is for sure, but we are spending a considerable amount more.

I am not too optimistic about this amendment being accepted. I realize that there are some mandated items in this appropriation bill, as there are in every appropriation bill. In fact, about half the money in this bill probably cannot be reduced. It is for fixed items that certainly do not lend themselves too much in the way of cutting. Yet the simple bare fact is that we are not going to have enough revenue coming in in the next fiscal year to cover all appropriations being made by these various bills that are now coming before us.

As I said earlier, I hope the day is coming, and very soon, when Congress will have the good judgment in the beginning of the business year to adopt a resolution and in that resolution provide the details of a comprehensive budget for the Federal Government, and then as the appropriation bills come forward, match these carefully against that budget and reject those that exceed it.

Mr. Chairman, tomorrow, during consideration of H.R. 15097, making appropriations for the Department of Transportation and related agencies, I will offer the following amendment:

> On page 24, after line 15, insert the following new section:
>
> "SEC. 315. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1973, only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond 86 per centum of the total aggregate net expenditures estimated therefor in the budget for 1973 (H. Doc. 215)."

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

I am sure all Members of the House appreciate the statement the gentleman from Illinois has made. He articulates it very well. Expenditures are a matter Congress ought to address itself to at the appropriate time.

As he so honestly states, this really is the Bow amendment dressed up in the fine Findley knit.

A reduction of the magnitude proposed would cause serious damage to this bill. A 14-percent reduction would mean a cut of about $2.6 billion. The Veterans' Administration alone would be affected to the extent of $1.6 billion.

A little over half of the moneys appropriated under this bill are mandated.

We have to pay veterans compensation and pensions. We have to pay readjustment benefits. I do not believe anybody would want to cut back on the veterans' hospital program, a $2.6 billion program.

As the gentleman from Iowa so well pointed out, if we continue to have wars we will continue to have tremendous expenditures in this area.

I point out again that when I first came to the committee to serve with my distinguished and beloved friend from North Carolina (Mr. Jonas), the budget for the Veterans' Administration was about $4 billion, and today it is $11,877 million.

We appreciate very much the efforts of the gentleman from Illinois but I would hope that his amendment would be treated as it was on the State, Justice, Commerce, and Judiciary bill.

I ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Findley).

The amendment was rejected.

Mr. BOLAND. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Are there any points of order to be made to any provision of the bill? If not, are there any amendments to be proposed?

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I note that of the $3.7 billion provided in this bill for the Department of Housing and Urban Development, exactly $1 billion is to be spent on so-called urban renewal projects.

In that connection, it is interesting to note that during the hearings on this bill, HUD Secretary George Romney tried to duck the responsibility for the enormous waste of the taxpayers' money by blaming Congress for it.

I agree with Mr. Romney that the Congress was the initial culprit, but he has had almost 4 years to curb the incredible blunders that have plagued the urban renewal program and I have seen few signs that he has done very much about it.

I am sure many Members will recall the public outcry that forced Mr. Romney to abandon his plans to transform a luxury housing development in Montgomery County, Md., into a public housing project. It was public outrage—not Mr. Romney's concern—that forced this action.

More recently, it has been revealed that the District of Columbia Redevelopment Land Agency—financed by Mr. Romney's Department and with its blessing—is going to build townhouses for the poor that will cost up to $76,000 each in the heart of one of the worst slum and high crime areas in Washington, D.C.

But still another Romney-approved project in the Nation's Capital has come to my attention and if anyone thought $76,000 for a townhouse was bad, permit me to outline the facts of what I will call the Great Wax Museum Giveaway.

Mr. Chairman, the District of Columbia Redevelopment Land Agency has almost completed acquisition of the property known as Square 515, a block of land bounded by Fourth, Fifth, K and L Streets in Northwest Washington, on which is located the Wax Museum, several vacant buildings and a parking lot. Three of the four parcels of land in this block have already been acquired and the fourth is in process of condemnation.

The RLA—with George Romney's full approval—has paid the owners a total of $8,235,000 for this land, which it will now sell to a private developer for construction of a high rise apartment building which will have a maximum of 30 percent of its units reserved for low rent, subsidized public housing. The remaining 70 percent of the units can be as luxurious as the traffic will bear.

The RLA paid $8,235,000 for this land, Mr. Chairman, and I have learned that it did so with the knowledge that it can expect to receive no more than $2.5 million when it sells it. I should add here that this estimated resale price of $2.5 million is by far the most generous to date and appears to have been made merely to sweeten this deal, because the RLA originally estimated a resale value of $1,042,000. This much lower original estimate, it is interesting to note, was later judged by HUD officials to be vastly over-optimistic. They estimated the agency would receive only $223,000 for the land when it was sold.

I am informed that officials of the Redevelopment Land Agency and of HUD were not interested—when they set up this deal—in what the owners paid for the land. Well, I am, and I found out that the owners paid $2.5 million for it—exactly the same amount the RLA—which bought it for over $8 million—thinks it can resell it for.

Let me provide a few details on the profits the owners of this land have made—thanks to the generosity of Mr. Romney and his subordinates.

The owner of the Wax Museum paid $1,077,000 for his parcel of land and received $3,775,000 for it from the Redevelopment Land Agency. This is a tidy profit of 251 percent.

The owner of the parking lot, the bankrupt Parkwood, Inc., paid $1,418,014 for it and received $4,420,000 for it from the RLA—a profit of 212 percent.

These two parcels make up over 98 percent of the total area of the block.

To boil it down, Mr. Chairman, George Romney and his minions have made a deal that smells to high heaven and one which will cost the poor, unsuspecting, unprotected taxpayer almost $6 million.

When Mr. Romney appeared before the Appropriations subcommittee to justify the huge expenditures by his Department, I noticed that he was in full cry, denouncing urban renewal as a waste of the taxpayers' money.

I find it impossible to equate that with his approval of this outrageous project which amounts to nothing less than an unconscionable raid on the taxpayers.

Mr. Chairman, this is the sort of stupid spending that the American public is fed up with. This is the type of boondoggle that has made Mr. and Mrs. Average Citizen sick and tired to the point of nausea.

I recall that Mr. Romney claimed a few years ago that he had been brainwashed. I submit that somebody had to give him another going over to get him to approve this Wax Museum project.

AMENDMENT OFFERED BY MRS. ABZUG

Mrs. ABZUG. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

National Aeronautics and Space Administration

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; and purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, $2,550,000,000, to remain available until expended.

The Clerk read as follows:

Amendment offered by Mrs. Abzug: Page 11, lines 23 and 24: delete "$2,550,000,000, to remain available until expended."

And insert in its place "$2,350,000,000, to remain available until expended: *Provided*, That no amount appropriated pursuant to this Act shall be used to further in any way the research, development or construction of any reusable space transportation system or space shuttle."

Mrs. ABZUG. Mr. Chairman, this amendment proposes to delete from the bill before us the $200 million earmarked for the space shuttle program and to forbid the use of any of the NASA appropriation for fiscal 1973 for the development of such a system. There are three reasons why I am opposed to funding this program at this time, and I want to go into each very briefly before committing this amendment to the tender mercies of my colleagues.

First, our Nation has other needs which are far more important than the shuttle. We are talking about $200 million for this year, but the amount will swell in the future until we spend between $8 billion and $20 billion on this program over the next 20 years.

Last December, President Nixon vetoed a $2 billion child care bill as fiscally irresponsible.

During 1971, the Nixon administration withheld over $200 million which had been appropriated for food stamps for the poor.

For fiscal 1972, only $35 million was appropriated for bilingual education programs for the 5 million American children who need such help.

Few Americans—rich or poor—receive adequate health care due to the lack of trained personnel, the lack of coordination of delivery systems, and the absence of quality control.

Millions of Americans live in grossly substandard housing quarters, though only one-fifth of the amount of money to be spent on the shuttle would construct more than 1½ million new low and moderate income housing units.

With these very real problems staring us in the face here at home, I do not see how we can divert these funds to the manned space program. For one thing, there is no guarantee that it will ever be at all useful to us in a scientific sense. For another, there does not appear to be any reason why we cannot wait a few years before beginning it in earnest, taking the intervening period to reassess both the shuttle proposal and the state of our domestic affairs.

My second reason for opposing the shuttle is closely connected to the first. When pushed to the wall on the substantive reasons for not going ahead with the shuttle at this time, its proponents invariably take refuge in the claim that it is worth 50,000 jobs, and that to delay it would put 50,000 individuals out of work.

While it appears to be true that the shuttle program will provide 50,000 jobs at its peak point, this is barely a drop in the bucket. Right now, over 5 million Americans—100 times this 50,000 figure—are without work; 300,000 of these—or six times the 50,000 figure—are aerospace workers.

We are fooling both ourselves and our constituents if we attempt to justify this program as a panacea for our massive unemployment crisis.

I would not want to make one more American jobless, and I do not believe that deleting the funds for the shuttle should or would do that. There is no reason in the world why we cannot put these skilled individuals to work constructing facilities to be used here on earth to better the daily lives of the American people. For one thing, they could work on the design and construction of those 1½ million housing units; and, I have little doubt that their ability could give us new, better, and cheaper ways to do this.

My third reason for opposing the space shuttle is that I believe that it is a backdoor entrance into outerspace for the military. Under increasingly heavy fire for its shoddy procurement policies and its grossly swollen share of the Federal budget, the Pentagon is allowing NASA to carry the ball for it here.

We are told that this program is needed to advance scientific research, but we are never given any details on just what the shuttle's mission will be. Even the Mathematica report, which approves the shuttle system, estimates that one-quarter of its use will be military in character. Air Force Secretary Seamans, testifying on April 1, stated that the shuttle "could accommodate both DOD and NASA," and Chairman TEAGUE, who chairs the Manned Space Flight Subcommittee, writing in the April 1972 issue of Aerospace, stated that "the shuttle is being designed with careful attention to the special requirements of the military services." Chairman TEAGUE goes on to say:

> We do not hear a great deal about military employment of satellites because of the classified nature of many of the payloads, but the Department of Defense launches space systems with greater frequency than does NASA, a factor which additionally underlines the need for shuttle development.

I have little doubt that the space shuttle is a DOD project in NASA clothing. The Pentagon's credibility is at an all-time low, so they are hitching a ride on the back of a civilian agency fresh from triumphs on the moon.

It is bad enough to be spending our money on the manned space program, but to be spending it on a military vehicle compounds the felony.

In addition to funding the wrong project at the wrong time and for the wrong reasons, we are misdirecting our national priorities in a way which will cost us dearly in the future. It is time that we took our eyes from the stars, at least for now, and instead looked to the fundamental needs of our constitutents all over the country, in our cities, in our rural areas, and in our suburban areas.

Mr. McCORMACK. Mr. Chairman, I rise to oppose the amendment offered by the gentlewoman from New York (Mrs. ABZUG).

The gentlewoman cites three reasons for offering her amendment. The first is that there are other needs for our expenditure of national funds. I could not agree more. There are many needs that we have. The gentlewoman discussed some of them, and I agree with her in these, but I do not agree that because there are other needs we should not spend this money for the space program. I believe we need the space program; and that we need it for good and valid reasons.

The lady's second point was that the space program provides no panacea providing jobs for unemployed engineers of this Nation. That also is certainly true, but the space program does provide jobs for many scientists, engineers, technicians, and craftsmen who would be unemployed, and who would add to our unemployment rolls if this program were suspended. Taken in its very worst concept, the space program is at least the best work assistance program we have in this Nation. Every scientist or engineer who is hired causes the employment of approximately 12 other persons.

The third point that the lady from New York makes is that there may be possible military uses for the shuttle. I think this is true also. The military does—and I think justifiably—use every type of transportation system that has ever been devised. I am sure that if the space shuttle is completed and if it is placed in operation, there will be military uses for it. Today our military services launch all sorts of satellites into orbit, most of them going into high orbit for observation and reconnaissance. There are failures in these launches, however, and these failures are expensive. If we can lift these satellites into low orbit with the shuttle, and then place them into high orbit, this will be a far more reliable and much less expensive method of launching.

The lady from New York stated that there is no guarantee that there will be any scientific value derived from this project. I suppose this depends on the interpretation of the word "guarantee." I think there is every likelihood that there will be great scientific value derived from the shuttle. I think the odds favor this result—overwhelmingly.

I would like to comment that there is a great need for the shuttle that has not been discussed here today. This is the fact that we need research in the area of solar energy. We who have been working on the Task Force on Energy in the Committee on Science and Astronautics have heard many experts who have been testifying before our task force during these recent months, and they have concurred day after day and week after week on the overwhelming importance to this Nation of developing solar energy.

There are two types of solar energy. One is terrestrial, where we spread the heat collecting devices out on the surface of the desert beneath the sun. The other type involves placing solar converters in high orbit.

This is a collosal scheme, but it brings with it the possibility of providing almost limitless quantities of essentially free and absolutely pollution-free electricity directly to the load centers of our major cities. The potential benefit to our Nation so far as the economy and our industry is concerned, and so far as the environment is concerned, is overwhelming.

We do not know for sure what the schedule for researching this area will be. We do not know for sure what the schedule for research for the shuttle will be, but we do not dare under any circumstances to delay either one. They are far too valuable and they are inescapably interlinked. The whole satellite solar energy program depends upon the shuttle.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman.

Mr. McCLORY. Mr. Chairman, I rise in opposition to the amendment proposed by the gentlewoman from New York.

The byproducts of the space program appear to be greater than those in any other area of scientific research and development. When we curtail our interest and explorations in space, we will have given clear evidence of a decline in our spirit and determination. This spirit which we associate with exploration of all kinds and with the American pioneer is indeed the motivating influence in our lives which compels us to move forward toward better and fuller lives.

The skylab and shuttle programs which are next on the program of NASA hold forth promise of improving the quality of life on our planet earth and helping to resolve threats to the earth environment. The benefits to be realized extend far beyond those which are directly involved and may, indeed, help produce improvements in education, health, housing, and many other fields of human interest which can benefit all mankind. I support the space shuttle program and I urge the defeat of the pending amendment.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman.

Mr. TEAGUE of California. Mr. Chairman, I compliment the gentleman from Washington on his statement on this subject. I, too, oppose the amendment. I do not have the distinguished scientific background of the gentleman in the well, but for the reasons he has so well expressed, I repeat—I am strongly opposed to this amendment.

Mr. McCORMACK. I thank the gentleman.

Mr. HORTON. Mr. Chairman, I rise in opposition to the pending amendment to delete funds for the space shuttle.

At a time when we are all concerned about our inability to solve our economic, social, and environmental problems with the limited resources available, I believe it is healthy for Congress to closely scrutinize any appropriation of the magnitude under consideration today. As we seek to redirect our spending priorities to problems here at home, it is understandable that the space program—and specifically the space shuttle—are among the most heavily contested budget items.

In preparation for this vote on the NASA appropriations measure, I have endeavored to weigh in my own mind the pros and cons on the space shuttle issue. In sum, I have concluded that the space shuttle is a wise investment. It is perhaps one of the most promising and least expensive methods for seeking answers to many or our most pressing domestic problems. My reasoning is more fully explained in a statement entitled "The Space Shuttle: A Good Investment for Earth," which I released to my constituents last month. I include the text of that statement in the debate in hopes that it will contribute to the retention of funds for NASA's space shuttle program:

> There has been a great deal of discussion the last few years about the necessity for realigning our country's priorities in accordance with the most urgent and, in many cases, neglected problems facing us now and in the future. Our metropolitan centers are expanding at a rate far beyond our capacity to solve the resulting crises of housing, mass transportation, health care, education, pollution, and unemployment, to name only a few. For several years I have voted in the House to provide more funds for innovative programs and research dealing with these critical but underfinanced problems. Through a careful re-examination of our foreign aid programs and defense budget and the impending cessation of our military activities in Southeast Asia, we can secure additional funds for domestic programs without sacrificing either our aid programs or our national security.
>
> One of the most promising and least expensive methods for finding answers to many of our modern-day domestic questions is NASA's space shuttle program. The shuttle, the only American manned space probe planned for after 1973, is a reusable vehicle which will use smaller craft and satellites for research missions. At a substantially lower cost, the shuttle could provide us with possible answers to our anticipated fuel crises, pollution, and farming problems.
>
> If we are to satisfy American and world demand for power in the future, we must find new supplies of current energy sources and new types of energy. Further space exploration by the shuttle could enable scientists to harness the sun's energy, beam it down to Earth, and offer an alternative to solving our power problems without polluting the atmosphere. Just recently, NASA probes revealed two forms of matter called quasars and pulsars which emit energy. These could prove to be useful in the years ahead as we develop this presently unknown source.
>
> Continued development of weather satellites to be launched by the shuttle will improve the accuracy of weather forecasts with resulting major economic benefits to farmers and others whose products depend on the weather. Our current program has given meteorologists the ability to accurately predict weather for 48-hour spans. Through sophisticated information, scientists should soon be able to forecast the weather over two-week periods. The shuttle will also provide us with a means to take a quick look at natural disasters. From this space vantage point, trained personnel can assess the damage and provide help as quickly as possible.
>
> Satellites are being developed which will allow us to monitor our natural resources—water, minerals, and food-stuffs. Through the launch of these satellites from the shuttle, we can keep track of snow coverage and run-off; make vegetation surveys to measure crop quantity, quality, and distribution; and determine the amount and value of ocean resources. An integrated satellite-shuttle research program will enable scientists and technicians to obtain up-to-date information on how land is being used today and how future development can best be accomplished. It is conceivable that with the routine access to space that the shuttle will provide, a global environmental monitoring system could be developed to preserve our resources here on Earth.
>
> Technologically superior to present spacecraft, the shuttle is far less expensive over the long run than previous programs. The ability to use space booster vehicles more than once will cut down considerably the cost of each individual flight. Less time and fewer personnel will be needed to carry out a launch and mission from beginning to end. For the first time, it will be possible to go into space quickly—on a moment's notice if necessary.
>
> In addition, the size and weight capacity of the orbiter will free designers from constraints which made design more difficult and costly. This will make it possible to use relatively inexpensive standard laboratory equipment in place of specially-constructed, highly miniaturized equipment which is expensive to develop and test.
>
> The cost of the entire American space program is about 1½¢ of each tax dollar. Without reducing the space science, applications, aeronautics, and technology programs, the shuttle can be developed during the next six years with no increase of the present annual NASA budget of under $3.2 billion. Development costs of the shuttle program, including research, development and testing as well as evaluation expenses of two flight test orbiters and two boosters are estimated at $5.5 billion during the next six years. Additional expenditures will only be incurred through construction of initial operating facilities ($300 million each) and boosters ($50 million each.)
>
> The tremendous advances in communications, land management, weather forecasting, and medicine as a result of our present space program are evidence of the promise which lies ahead. Through communications satellites, it is possible that education can be provided for the inhabitants of the remotest corners of the earth. Power to operate the world's life-support systems, food to feed the hungry, and sufficient resources to assure a happy, ecologically sound future are but a few of the benefits available if we continue our quest for knowledge beyond our own small planet. To my mind, it is well worth the investment, and, in fact, this program is a necessity to cope with the problems of an expanding population.

Mr. KOCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I should like to ask a question of the gentleman who immediately preceded me in the well, Mr. McCormack, in opposition to the amendment. I would first preface my statement by saying I disagree with him. I am opposed to the additional authorization and appropriation for the space shuttle. I was struck by his argument that this was the best kind of work project. If we accepted that kind of argument, should we not have accepted that argument with the SST? Maybe the gentleman was for the SST. I opposed the SST. I know that argument was made, that engineers needed jobs, but I thought the SST was bad for the country and I opposed the SST. The gentleman is evidently supporting this because he perhaps supported the SST for the same reason—jobs.

But is the space shuttle improving living conditions here on earth? Why not build housing for the poor and middle income people of this country instead?

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman.

Mr. McCORMACK. I would repeat what I said—I said that under the worst and the poorest interpretation it is still the best-work project program in this country

I think all the other arguments I said gave top priority to the argument for supporting this shuttle. But even if we abandon all of them, I still think it is the best kind of work program.

Mr. KOCH. Does not the gentleman think we could find jobs for people in building schools and housing and mass transit and all of the things that people need right here on earth before we enter into the space shuttle age?

Mr. McCORMACK. I think we can and should provide for the needs before us today, but unless we have the foresight and the courage to plan for the future, we are going to find ourselves in the very near future without the energy to do the things that we must do including protecting the environment.

Mr. KOCH. I served on the science and astronautics committee in my first term and I remember the testimony coming before the committee when I was there which was the following effect—we were then paying five times the cost of unmanned space for a manned space program which would not benefit the country substantially over and above the unmanned space aircraft, but would for psychological reasons provide the country with a lift. That is substantially what they said when they came before the committee on which I then served. Today I wonder, when we think of all of our needs and know that we have spent five times what it would have cost to obtain the same scientific knowledge through unmanned space travel—does the gentleman think it was worth that expenditure for the psychological lift?

Mr. McCORMACK. I will only state

that under no conditions would I concede that unmanned space projects can give us as much scientific knowledge as manned space exploration.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentlewoman.

Mrs. ABZUG. I would also like to ask a question about the remarks the gentleman made in the well.

Is it not true that the unmanned space shuttle only goes up about 200 miles? What you are talking about in terms of space generation of power would require our going to at least 25,000 miles into space?

Mr. McCORMACK. The gentlewoman is essentially correct. The shuttle is a low orbit vehicle. In addition, for synchronous orbiting you need a secondary propulsion system, perhaps an IM pulse engine.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Wisconsin.

Mr. ASPIN. I would like to associate myself with the remarks of the gentleman from New York. I would also like to point out that if you were in the process of creating jobs, many more jobs can be created with a given amount of money in almost anything other than space, even defense. A billion dollars spent in housing or a billion dollars spent in education or a billion dollars spent in almost any other field creates a lot more jobs than if you spend a billion dollars in space.

The question of creating many additional jobs is another area of misinformation perpetrated by NASA's massive public relations campaign. The question of more jobs to be created by the space shuttle is a falacious argument. As we all know some 300,000 people are currently idled within the aerospace industry. Acceptance of the shuttle program will not bring these individuals back to employment. Only a very small percentage will be employed—50,000 during the peak years and some 10,000 to 20,000 on the average—according to NASA's own figures.

With all the talk of savings and economy that we have heard from NASA with regard to the shuttle program, the fact remains that dollars spent on the shuttle will not create significantly more jobs. Money spent in virtually any other sector of the economy gives many more people gainful employment. The following figures illustrate this point:

Jobs $1,000,000,000 could buy

Industry, sector, and number of jobs created	
NASA space shuttle	*10,000
Defense (civilian beyond DOD)	[1] 35,000
Education:	
Teachers	[2] 100,000
Teacher Corps (includes training)	[3] 111,000
School construction	[4] 49,887
Health:	
Nurses (including training)	[5] 77,000
Hospital construction	[4] 56,894
Housing:	
Public housing	[4] 75,889
Single unit—private	[4] 66,455
Pollution control:	
Sewer construction	[4] 75,687
Other areas:	
Accelerated public works	[6] 87,500
Public service jobs	[7] 132,000
Job Corps (including training)	[8] 151,000
GNP growth—adjusted	80,000
GNP growth—unadjusted	50,000

*Based on shuttle cost, at $5,000,000,000 creating 50,000 jobs.

[1] Statistics from Comptroller's Office, DOD.

[2] Office of Education.

[3] Teacher Corps.

[4] Bureau of Labor Statistics.

[5] Bureau of Health Manpower, HEW.

[6] Senate Public Works Committee.

[7] Public service jobs—Current performance.

[8] Job Corps Office, Department of Labor.

As everyone in the House is aware, attempts to elicit a full and impartial analysis and evaluation of NASA's space shuttle have failed. There is no doubt in my mind that additional efforts to this end will also fail. Therefore, I do not wish to protract our debate in fruitless attempts to sway opinion. There is no question that NASA will be given an overwhelming vote of confidence for their program today.

There is little need to go into an extended explanation of my strong and serious reservations concerning the space shuttle. The pages of the RECORD tell the story, both in this Chamber and in the Senate. Congress has its mind made up: the shuttle survives another year. Taxpayers will spend another $200 million for development of a space shuttle that will eventually cost billions and billions of dollars that this Nation can ill afford.

Over the past few months we have asked for facts and an honest, straightforward accounting of NASA's plans for space. Thus far, all that NASA has presented is an artful and voluminous array of vague promises. In a zealous effort to sell the shuttle, NASA has been guilty of the worst kind of deceptive and irresponsible claims attesting to "savings" through this program. With a kind of bureaucratic. Orwellian newspeak, spend and spend and spend has been magically transformed into a saving.

Moreover, the military aspects of the shuttle program have not been disclosed to the Congress and it is evident that the military use will be significant. In fact, NASA's entire rationale for economy claims hinge on a vastly increased space program—for the military, scientific and other undefined uses—that has not been reviewed or given approval by Congress.

As a result, NASA has succeeded in selling a program based on a glib and glittering public relations campaign. Every independent and impartial individual or expert body of scientists who has examined the space shuttle concludes that this program would not be cost-effective or useful from a scientific criterion.

As I have said before, questions raised concerning the shuttle deserve answers:

What is the Nation's space program to be?

Do we need a manned presence in space?

Precisely how will the space shuttle contribute to our program?

If the answers to these questions justify a shuttle program, then a whole array of specific questions that focus on the shuttle itself require attention and answers.

Then, Congress can act to make a credible decision.

These issues are fundamental to every decision before the deliberation of this body. We do not have these answers. Until we do, we cannot in clear conscience commit the taxpayer to spend untold billions of dollars.

We may lose this battle today; we have lost before, but this war against waste and bureacratic deception is not over.

Mr. KOCH. Mr. Chairman, I have one further comment to make to the fiscal conservatives in the House. When I served on the Science and Astronautics Committee the figure that was used as the ultimate cost of the Space Shuttle was to $5.15 billion, it was not $20 billion but was a projected $40 billion. When we appropriate the $200 million in this bill, you must know that next year you are going to be told that you cannot go back. You have got to spend the balance. That is why it is so important that if you are interested in preventing the ultimate expenditure of $40 billion on this particular project that you vote down the initial $200 million.

Mr. CASEY of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. CASEY of Texas. Mr. Chairman, I rise in opposition to the amendment of the gentlewoman from New York, and I wish to commend the chairman of this subcommittee, the gentleman from Massachusetts, and his committee for the bill they have presented including funds for the vital space shuttle which will further our development of space technology for the benefit of all mankind.

It is true that one of the ultimate goals of our space program is a new source of energy from the sun, and it is also true that the space shuttle is a relatively low-orbiting craft which cannot be used for this purpose. I would point out to the opponents of our space program that you must walk before you can run, and the space shuttle is the first step. I am confident that given enough money we could skip the first step and reach out for an energy retrieval unit immediately, but this is not the intelligent, logical, and economical way to reach our ultimate goal.

All that has gone before in our space exploration program has been prolog to the space shuttle we now seek, and I am confident the benefits that will flow from this space shuttle will far exceed the prediction of benefits that have been made by other Members on the floor here today.

I urge my colleagues to defeat this amendment so we may surge forward with a space program second to none that will benefit rich and poor alike and make a better life for all. I again commend the committee for its vision and foresight in funding this vital program.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. BOLAND. This subcommittee and the entire Congress, as a matter of fact, has shown by the expression of support on the authorization that it believes the space shuttle will be the keystone to a well balanced and forward-looking space program. With the space shuttle we think we will be able to do more in space, we will be able to do it better, and we will be able to do it at less cost; and I am speaking of down-to-earth applications, in monitoring our weather, in communications, in surveying and managing the earth's limited resources, and in monitoring our environment to detect and police sources of pollution.

One of the reasons I support the shuttle program goes to the very heart of the debate that has taken place here a few moments ago. My colleagues who oppose the shuttle contend that those who would advance our Nation's research and development programs are somehow "short-changing" child care, housing, health care, and other national needs. The implication is that huge sums are being spent on space to the detriment of urgent societal and environmental programs. Solutions for these programs will be expensive, and because funds are not unlimited, rational priorities must be assigned to expenditures.

But to imply that money spent on the space program and technological progress should be diverted in order to achieve these solutions just does not ring true. The space budget is but a small fraction of the Federal budget, less than 1.3 percent of the fiscal 1973 budget.

Federal spending for human resources—education, health, income security, and so on—amounts to almost half the Federal budget—45 percent in fiscal year 1973.

If the entire space program was eliminated this year and the funds somehow transferred to those programs, it would increase them by less than 3 percent. And if, as proposed, the funding for the shuttle for this year were eliminated and again somehow automatically applied to those programs, they would be increased by almost two-tenths of 1 percent.

And at what cost to the Nation? Critics of the shuttle overlook the impetus the space program has had and will continue to provide in advancing our national capabilities literally across the entire spectrum of advanced science and technology.

Increasingly, to meet the pressing social problems of our time requires above all a sound economy to generate the tax revenues required at all levels of government. To do this, we must increase our productivity in an increasingly competitive world, year after year, and decade after decade. The only way to do this consistently is through new technology—and no one can dispute this.

We must not run now from our pressing social problems, and this bill does not turn away from our pressing social problems. But in our zeal to solve them today, we must not weaken our technological leadership. We must not in the long run weaken our national strength, social and economic.

The space program is but one of our high technology programs, but it is one of the most successful and promising programs for the future. We should constantly examine and reexamine our national priorities.

We are doing it in all the appropriation bills that come to the floor, but when we appreciate how much we get as a return from our limited investment in space, I believe we will conclude that space well justifies its present position in any objective ranking of those priorities.

I ask the members of this committee to consider the vote taken on the authorization bill. We plowed this ground before. The Congress has previously expressed its judgment of what we want to do in the space shuttle program.

The amendment that was offered by the very fine gentlewoman from New York was defeated 103 to 11 on this floor, and the same amendment was defeated in the Senate 61 to 21.

Mr. Chairman, I ask that the committee vote down this amendment.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. Seiberling, and by unanimous consent, Mr. Boland was allowed to proceed for 1 additional minute.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I agree in general with the statement the gentleman has made. I would like to ask one question, and I asked the same question of the gentleman from Texas (Mr. Teague) in the debate on the authorization.

If one-quarter of this space shuttle is for military uses, should not the military share pro rata a portion of the appropriation, not just the element of operating expenses, but the actual development cost?

Should not that portion be in the military budget instead of here?

Mr. BOLAND. The gentleman has indicated that the military share of the shuttle could be one-quarter. There was no evidence before our committee that indicated this was so—but it might be so. I think there may be some military application for the space shuttle program just as there could be for many new technological products. I do not think anybody could deny it. How much or what percentage could be considered military has not been developed. Those who appeared before our subcommittee from the military gave us the indication it was very litle. We will look into this matter next year.

Mr. BELL. Mr. Chairman, I rise in opposition to the amendment proposed by my colleagues from Wisconsin and New York.

Time and again we have heard the call of those who insist that we must cut spending on nonessential programs and, in so doing, increase the flow of money into those programs designed to enhance the quality of life for all Americans.

I am among those who have advocated and continues to advocate this position, and it is for this reason that I strongly urge my colleagues to soundly defeat the amendment designed to eliminate appropriations for the space shuttle program.

It must be remembered that the reestablishing and reordering of priorities does not mean, nor should it be construed to mean, the complete elimination of worthwhile programs in exchange for those thought to be more valuable.

Rather it means keeping our Nation's needs in perspective.

Aside from the direct benefits of space exploration, space technology has been responsible for numerous developments in the fields of medicine, mass transit, nutrition, communications, and education.

Yet, this list is only a small indication of the potential benefits to all mankind which will result from the continuation of the space shuttle program.

It is my firm belief that it would be an injustice to the citizens of this country, and perhaps, to the citizens of the world, if our efforts to harness and develop the assets of space exploration were to come to a sudden halt.

The space shuttle program is absolutely vital if we are to continue at a pace consistent with our talents and if we are to realize the full value of our previous sacrifices.

I ask you, therefore, to defeat this amendment.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask the chairman of the subcommittee if, based upon the hearings before his committee, these are to be test vehicles, not even operational?

Mr. BOLAND. What page is the gentleman referring to?

Mr. GROSS. On page 929 I read the following:

> Mr. Jonas. The $6.5 billion cost includes all costs related to the development of the Shuttle, but no operational cost; is that correct?
>
> Dr. Fletcher. It includes all research and development costs. It does not include, of course, operations costs; it also does not include facilities.
>
> Mr. Jonas. How about hardware?
>
> Dr. Fletcher. It will pay for the procurement of two vehicles, but if we need more vehicles downstream——
>
> Mr. Jonas. Two vehicles complete?
>
> Dr. Fletcher. Yes.

Mr. BOLAND. That is precisely correct. Mr. Jonas raised a question about the $5.5 billion cost related to the development of the shuttle. It does not include operational costs.

I do not believe anybody contends that this program is going to cost only $5.5 billion.

Mr. GROSS. Dr. Fletcher also says:

> These vehicles will be used in connection with the research and development program, as test articles. It has not been decided whether they will be used operationally or not.

Mr. BOLAND. That is true in all research and development programs. Oftentimes test vehicles are not used as operational vehicles. This has been true in most of the research and development on some of our great advances in aircraft. So what Dr. Fletcher says is true.

Mr. GROSS. And it was also established in the committee that launching facilities for the shuttle may cost an additional $300 million to $400 million and that a second launch site for the shuttle is suggested for later development at a cost of $400 million to $600 million.

Mr. BOLAND. The space shuttle program is going to require a considerable amount of facilities. The $300 million Dr. Fletcher refers to will be for new facilities for the space shuttle program. Dr. Fletcher, I presume, is giving honest answers to the questions raised by the gentleman from North Carolina (Mr. JONAS).

Mr. GROSS. So all we are seeing here is the tip of the iceberg, and the bare tip of it. If this foot is planted in the door here today, that door swings wide open soon, we will really be trapped.

I do not often agree with the gentlewoman from New York (Mrs. ABZUG). We are usually as far apart as the distant poles, but in this case I agree with her 100 percent and I support her amendment.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from North Carolina.

Mr. JONAS. Of course, the gentleman understands there is a difference between development and operational cost. When one develops a new automobile one can buy it for $3,000 or $4,000, and then operate it for 10,000 or 15,000 miles. We do not count the operational cost as a part of the cost of the automobile.

Mr. GROSS. I am thinking in terms of the taxpayers of this country, who cannot stand any more of this kind of business until we come somewhere near to balancing the books on expenditures. It is just that simple with me.

Mr. JONAS. I was just saying that we cannot confuse operational cost with development cost. Nobody ever contended that operational cost ad infinitum would be included in the construction cost.

Mr. GROSS. But the end result is that billions upon billions of dollars will be spent upon this project. It is money we do not have, money we will have to borrow and pay interest on.

Mr. DELLUMS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman and my colleagues, I rise in support of the amendment placed before you by the gentlewoman from New York. I think the statement she made was clear, concise, and extraordinarily articulate. On that basis I will not attempt to be repetitious.

I would only suggest the following: There are problems in domestic America that desperately need our full and vital attention at this moment. It would seem to me that the financing of such programs as the space shuttle is a form of escapism; I would label it celestial escapism.

It would seem to me that we do not need to spend millions of dollars to learn how to maneuver in space when we desperately need to spend billions of dollars learning how to walk down here on the ground as human beings.

So I urge members of the committee to vote in favor of the amendment offered by the gentlewoman from New York (Mr. ABZUG).

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. ABZUG).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 32, after line 18, insert the following:

"SEC. 406. No part of any appropriation contained in this Act shall be used to pay, directly or indirectly, the salary of any officer or employee of the United States who refuses, except upon the basis of a constitutional privilege and within that scope absolutely protected by a right which he enjoys under the Constitution, to testify on any matter before any joint committee, committee, or subcommittee of the Congress or of either House of Congress.".

Page 32, line 19, strike out "406." and insert in lieu thereof "407."

Mr. DINGELL. Mr. Chairman, the function of the amendment is very simple.

My colleagues will recall that during the consideration of the last appropriation bill I offered a similar amendment which I reminded my colleagues was for the purpose of assuring that all persons who are in Government service under the purview and provisions of the particular appropriation bill should be made available to the Congress for the purposes of giving testimony on matters of policy.

I pointed out then to my colleagues in the Congress that for years we have been losing the privilege to get before us witnesses who would be able to assist us significantly in understanding the policies of this Government. We confirm ostensibly the major policymaking officers in Government, all of the Cabinet officers and Secretaries. In point of fact, however, the decisionmaking process has been moving very rapidly from the offices of the Secretaries of the various departments to the sundry and assorted secretaries within the executive departments.

If one would view the officers of the Executive Office of the President, one would find there has come to be a tremendous number of people not subject to confirmation who do in fact lay down policies, where the Secretaries, the Cabinet officers, and the subordinates in the various Government departments have virtually ceased to be the policymaking officers inside the executive branch at all and are simply water carriers and carriers out of the policies set forth by these faceless, unconfirmed bureaucrats inside the Executive Office of the President.

The result of this, apart from a change of the most striking sort inside the Executive in terms of the policymaking operation is that the Congress is to an increasing degree being excluded from the decisionmaking processes of the Government, with the result that it is no longer possible in most instances for congressional committees and subcommittees, such as that which has been handling the bill before us on the floor to procure testimony and to receive advice and consent and to get the assistance to understand what the long-range policies are.

Now, let us take one example that I think is very noteworthy. Recently the President visited China. He was accompanied by Mr. Kissinger and by Mr. Rogers.

When the President visited Mao Tse-tung for foreign policy discussion, he was accompanied not by Mr. Rogers, the Secretary of State, but by Mr. Kissinger, for some reason I cannot understand. Mr. Kissinger and the President allowed to be excluded from that meeting our Secretary of State. However, Mr. Kissinger does not testify before committees of Congress, but Mr. Rogers does.

The result is that a large part of the policymaking input that might be available to all of us in Congress is foreclosed to us.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Yes, I would be pleased to yield to the gentleman from Washington.

Mr. PELLY. As I understand the gentleman's amendment, if I were to plead the fifth amendment, I would be fired?

Mr. DINGELL. No, the purpose of the amendment——

Mr. PELLY. I know what the purpose of the amendment is.

Mr. DINGELL. The amendment is very carefully recast—and I will make a copy of the amendment available to the gentleman from Washington—and I am sure he will find that we have very carefully protected the fifth amendment of the constitutional rights of all citizens.

Mr. Chairman, I think it is noteworthy, however, that Mr. Rogers, the Secretary of State during this period of the President's visit to China, was meeting with some third-level functionaries inside the Ministry of Foreign Affairs in China.

Now, when congressional committees have witnesses up from the departments, we receive not the judgment of the policymakers, but, rather, simply the testimony of someone who, perhaps, might be equivalent to the permanent assistant secretary for the particular department and one who has no real policymaking function but one who simply is in charge of the bookkeeping operations and routine day-to-day operations and not of making determinations and decisions on the great policy questions of the day.

The result is that the Congress is to a very great degree sterilized in getting witnesses to help us make judgments. This in my opinion to a very great degree was responsible for our getting involved in Southeast Asia in a situation in which we found that we could not extricate ourselves.

I think the only way we will be able to head off that kind of situation in the future is to see to it where these questions of this sort are involved we are able to get witnesses who are at the highest policymaking levels of Government.

You will note that the bill now pending before us does not provide for the payment of the salary of the President. For this reason, the amendment here does not specifically provide for any action against the President. It simply says that those who are making the policy decisions around him should be available to the Congress for the purpose of giving testimony when called upon. I think that is the proper way to see to it that the Congress achieves its rightful place in the decisionmaking of this Government.

Mr. Chairman, it is my hope, for that reason, that my colleagues will support the amendment.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, insofar as this particular bill is concerned, I am pleased to state to the members of the committee that we have had no difficulty in getting witnesses to appear from any of the departments or agencies with which this bill is concerned.

I can understand the position of the gentleman from Michigan and I voted for his amendment when it was offered to the Departments of State, Justice, Commerce, and the Judiciary appropriations bill the other day.

I would say to the gentleman that I would hope we will not have to have a teller vote on this amendment today. That amendment was defeated, although I voted for it, 180 to 132; and I think the gentleman has made his point. He has directed attention to a problem.

After suitable hearings are held, the proper legislative committee should come out with some substantive legislation if this is required.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank my friend, the gentleman from Massachusetts, for yielding, and I want to express my high regard for him and for the minority member on the subcommittee who is handling the bill before us. And I admire the fact that the Committee on Appropriations, unlike other committees, has been quite successful with the appearance of witnesses before it, and I do not want to make any attempt here to end that success or to put difficulties in the path of that committee, but this is an honest attempt to see to it that the other committees of the Congress have the same ability and success with their witnesses as does the Committee on Appropriations.

Mr. BOLAND. I appreciate the remarks of the gentleman from Michigan. I reread in depth the record of the May 18 debate on the amendment in which there were doubts raised by the Members as to the constitutionalty of the amendment. I do think the gentleman from Michigan (Mr. DINGELL) raises a very important and very serious problem, and I would hope that that problem can be solved.

Mr. JONAS. Mr. Chairman, I move to strike the last two words.

Mr. Chairman, if I may have the attention of my friend, the gentleman from Michigan who has offered this amendment, I hope the gentleman will withdraw his amendment.

The gentleman did not say anything in the course of his remarks in support of his amendment, or in the colloquy with our distinguished chairman of the subcommittee, the gentleman from Massachusetts (Mr. BOLAND) that would indicate that his amendment even applies to this bill.

The gentleman from Massachusetts (Mr. BOLAND) has stated that we have no difficulty with witnesses, no one has ever declined to testify before our subcommittee. So I would most respectfully suggest to my distinguished and beloved friend, the gentleman from Michigan, that he let us handle the affairs of our own subcommittee, and that when we have any trouble getting people to testify we will ask for some help from the floor.

I would respectfully request him to withdraw his amendment. It might more properly have applied on the bill last week, and he had a teller vote on it and lost by 180 to 132.

I cannot understand why this amendment is proposed to the bill now before the committee because, as our chairman has said, we have had no difficulty whatsoever in this field.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I speak with very great affection and respect for my good friend and colleague, the gentleman from North Carolina (Mr. JONAS), but I do intend to offer this amendment on each and every appropriation bill that comes before us. And I would again remind my good friend, the gentleman from North Carolina, that other committees do not have the same success that our friends on the Committee on Appropriations have in terms of securing the cooperation of witnesses.

Mr. JONAS. Mr. Chairman, I urge the defeat of the amendment offered by the gentleman from Michigan (Mr. DINGELL).

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Michigan (Mr. DINGELL).

Mr. Chairman, the amendment here offered is the amendment offered by the gentleman from Michigan (Mr. DINGELL) on the previous appropriation bill, but with the added language that provides the exception, "except upon the basis of a constitutional privilege, and within the scope absolutely protected by a right which he enjoys under the Constitution."

I feel that those who voted on this amendment the last time did not fully understand that this amendment does fit precisely within constitutional confines. It first of course protects persons who may assert a fifth amendment right. Second, it is written so that it will not entrench upon the powers which the President exercises as against the Congress and in which he may assert his privilege of not testifying before this body, just as we would protect our rights against others.

But let me point out that this amendment has to be offered on an appropriations bill. It is not in any wise for the purpose merely of protecting the appropriations hearing process. But rather it is applied at the only place where this body has the leverage to enforce its own constitutional rights.

The real power that this body exercises and the most important clout it has in order to enforce its own prerogatives is its control of appropriations. All this amendment says is that if a person who is required to appear before us and who, upon pretense of the exercise of a constitutional privilege not to appear, tries to hide under the veil of such a privilege and says, "I will not testify," his salary is withheld.

That is the purpose of this amendment. It seems like everyone in this House who is concerned with the effective process of Congress, irrespective of party, would agree to this principle.

I ask for a "yea" vote on the amendment.

Mr. SEIBERLING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask the gentleman from Texas a clarifying question, if I may.

Mr. Chairman, I support the gentleman's amendment and I think if the Congress is ever going to regain its rightful place in Government, then we are going to have to take such action. Otherwise the erosion of the power of Congress is going to continue.

I would like to ask if the gentleman intends the "except" clause here to mean that the person who refuses to testify must not only assert the constitutional privilege, but must in fact be able to show that he has that constitutional privilege.

Mr. ECKHARDT. Yes, sir; that is exactly the point.

Presently when one asserts a constitutional privilege we seldom, I think I could almost say never, cite him for contempt even if he may not have the constitutional privilege. Of course, he tends to urge it in any case whether he has it or not.

But what the except clause says is that two things must occur to create the exception: He must make his assertion of immunity upon the basis of constitutional privilege and his immunity must, in fact, be within that scope absolutely protected by the right which he enjoys under the Constitution.

Mr. SEIBERLING. I thank the gentleman. His clarifying point makes a great deal of sense.

Mr. Chairman, I would like to commend the gentleman from Texas and the gentleman from Michigan for taking the initiative to press forward with this amendment. I hope that, whatever happens to it in this particular bill, they will continue to do so.

One of the reasons that impelled me to leave my own occupation and become a Member of this House is that I felt that, as citizens, we needed to do everything in our power to restore the rightful place of the Congress in the family of institutions created by the Founding Fathers.

To me, it is way, way past time that we started to take action to do just that. It would seem to me that this would be a very modest but a very significant step in that direction.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. Mr. Chairman, I yield to the gentleman.

Mr. DENNIS. I just wanted to ask the gentleman from Texas or the gentleman from Ohio, whoever may wish to answer me—under this amendment, as proposed, if a man says or refuses to answer on the ground that he is entitled to refuse because of executive privilege, you are going to have to test it out in the court just as you do now to find out whether he is right or wrong and whether he is, in fact, absolutely protected or whether he is not, are you not?

Mr. SEIBERLING. I yield to the gentleman from Texas.

Mr. ECKHARDT. I feel that if a man refuses to testify on the grounds of constitutional privilege and he is wrongfully asserting that privilege, he may jeopardize his salary. I think that a man under those conditions will only exercise the privilege when it in fact exists.

Mr. DENNIS. I might point out to my friend that if he is wrong now he could be held in contempt of Congress.

Mr. SEIBERLING. Mr. Chairman, I yield to the gentleman from Texas again for an answer.

Mr. ECKHARDT. That is true, but I know of no case where a charge of contempt of Congress has been used in this sense, though it has been recommended by a committee at a time when the House had some question about it. I think as a practical matter it has not been used.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. As I read this amendment, it appears to me that none of the civil service rights which are given to approximately 2,300,000 civilian employees of the Federal Government are protected. There is no right of appeal. There is no proceeding by which an employee's case before the Civil Service Commission can be decided. If he on either good or bad grounds refuses to testify, his pay stops. He cannot appeal the decision to the Civil Service Commission. All of his protections under our existing laws are ended. Is that correct?

Mr. SEIBERLING. I yield to the gentleman from Michigan for reply.

Mr. DINGELL. The language of the amendment must be read again so my good friend from Michigan will understand it. It states:

> Except on the basis of a constitutional privilege and within that scope absolutely protected by a right which he enjoys under the Constitution, to testify on any matter.

For the benefit of my good friend from Michigan, first of all, it is a personal right, not a right that the individual concerned asserts on behalf of some third person. Second, with regard to the matter, his rights are fully protected, because if he refuses to testify and the committee then says that having failed to cooperate he is not entitled to his salary, then what happens is that he can go to court. He can sue for his salary, damages, attorney's fees, and so forth.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(On request of Mr. GERALD R. FORD, and by unanimous consent, Mr. SEIBERLING was allowed to proceed for 5 additional minutes.)

Mr. SEIBERLING. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. May I ask this hypothetical question, if the gentleman from Ohio will yield: Suppose an employee of the Federal Government, protected fully by Civil Service because of tenure, is called before a committee to testify, but he refuses to testify, and his refusal is not predicated on constitutional grounds, but he still refuses to testify. As I understand this amendment, his pay stops immediately. Is that correct?

Mr. DINGELL. The gentleman is correct, unless his refusal is on constitutional grounds.

Mr. GERALD R. FORD. What rights under existing civil service legislation that is now on the statute books does he have? Does he have a right of appeal to protect his rights?

Mr. DINGELL. No.

Mr. GERALD R. FORD. He has none?

Mr. DINGELL. No, he has a right to protect his constitutional rights. Under the amendment as drawn, as I read it, he has no right to assert any other right to pay if he refuses to cooperate with the Congress.

Mr. GERALD R. FORD. In other words, he cannot go through the regular process of appeal to the Civil Service Commission to see whether the charge was founded or unfounded?

Mr. DINGELL. If the gentleman will yield——

Mr. GERALD R. FORD. I think that is a simple question that ought to be answered categorically yes or no.

Mr. DINGELL. I want to answer my friend. First of all, the amendment does not deal with questions like whether or not a person may go into court, and the court might very well view the amendment otherwise than I do. This has happened in earlier cases.

But the fact of the matter is that, as I read it, the amendment does not affect his right to litigate. All those rights remain intact. But as I read the amendment, his pay stops, and if the gentleman is asking me to predict what would happen, I would say that he would not collect any salary, because no part of the funds under this bill shall be used to pay any salary to one who refuses to appear.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Texas.

Mr. ECKHARDT. May I say this, that there is no doubt actually that a man either does or he does not testify before Congress, and if he has no privilege on which he stands, what is to be litigated? What is to be determined?

The man has refused to testify before Congress without a constitutional privilege which removes him from that duty.

Mr. GERALD R. FORD. Let me ask the gentleman from Texas: Does the gentleman think that decision which that individual makes ought to undercut whatever protection he has under existing civil service legislation?

Mr. ECKHARDT. I think if a man refuses to testify to that body which must determine the standards under which he acts, that body may withhold his pay.

Mr. GERALD R. FORD. In other words, by this proposed amendment the gentleman is amending the civil service legislation. The answer has to be categorical. Obviously the gentleman is.

Mr. DINGELL. Mr. Chairman, if the gentleman will yield, we are asserting a paramount right to Congress. We are saying if they cooperate, they will get paid. If not, they have got to do so on the basis of a constitutional right, or they do not get paid. The existing Civil Service protection remains, but if they do not cooperate on a privileged basis, they simply would not be paid under the amendment.

Mr. GERALD R. FORD. If the gentleman will yield, of course, Congress has the right to pass this, but I doubt if it is wise to pass it in this way on an appropriation bill and undercut existing Civil Service legislation.

Mr. DINGELL. Mr. Chairman, I intend to offer this amendment again and again as these bills come forward, but I point out this does not usurp the Post Office and Civil Service Committee, but we say we in the Congress have a paramount right to have witnesses and to have them answer and to obtain information.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is the same amendment we defeated the other day by a vote of 180 to 132. At that time the gentleman from Texas and I, as some may recall, had an interesting colloquy on the subject. As I pointed out, or tried to point out, at that time, what this amendment really does, if it does anything at all, is to get into a very serious fundamental constitutional question which runs back to the very beginning of the Republic, as to where and what are the limitations of the Executive and the so-called executive privilege, and as to where and what are the rights of Congress, and as to where we draw the lines between.

We cannot really do that on an appropriation bill, in my judgment. If the gentleman from Michigan is really serious about this proposition—and it is a serious proposition—it should be tackled in a serious way and not in a partisan way, because sometimes we have one party in control of the executive, and sometimes another, and sometimes we have one party in control of the Congress, and sometimes another. But we have the same problem exactly, and it has always been with us.

Right now, if a man comes in and says, "I refuse to answer, because I assert executive privilege," and if we do not think he has the privilege, we can cite him for contempt and litigate that. We can do that under this amendment. It does not change a thing really. We can do it under this amendment, and we can do it without the amendment. But if we want to address this problem seriously, the thing to do is to bring in a bill or resolution which attempts to define the privilege and to say how or when it would exist, rather than try to approach it in this way.

In the Senate they have attempted to do that with regard to the war powers of the President—which is another interesting question—and there is a Senate bill which attempts to define the President's warmaking powers. It does not happen to be a bill I favor, but we can take the same approach. We can have a bill or a resolution in here which will address itself to this very important question, and we can have hearings on it, and we can have testimony on it, and we can have a vote on it. We do not have to do it on an appropriation bill.

With all due respect, it is really rather foolish, and I would say almost verging on electioneering, to try to do it on a series of appropriation measures, rather than by getting down to the very fundamental constitutional question, which the Congress certainly has a right to debate under the proper circumstances.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

I feel I should say something about the amendment being offered. I have served in the Congress for some time and I have served as a member of a number of committees, and I have never served on a committee which did not find it possible to secure testimony from a witness of the executive branch.

I am a strong Democrat, and I have no hesitancy in saying so, but I feel that the executive and legislative branches need to work together during any and all administrations insofar as they reasonably can. I see no use in laying down the gauntlet and leaving the implication that the agencies covered in this bill have not been cooperative with the committee and with the Congress as witnesses and in giving information. That is certainly the experience of the Appropriations Committee.

I just do not believe we have a serious problem on the legislation which most committees consider in getting testimony. I believe it would be better to take up this legislation in some other forum—perhaps after the election of next November—and work out something if that needs to be done. At this time it seems inappropriate, and I rise in opposition to it.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. Will not my distinguished friend concur in the view also that it is most inappropriate to offer this amendment on this particular bill when the chairman of the subcommittee and I both have announced we have never had any difficulty in getting witnesses to testify?

I do not see the purpose in offering it on this bill, when we have made that announcement. We have never run into this problem.

Mr. MAHON. I do not see any reason to have it on any appropriation bill. If any agency or Department of Government refuses to cooperate with the Congress, we have the power of the purse, if we desire to use it, and we can cut their budgets to ribbons if this is necessary in order to get proper consideration. Government officials should never refuse to testify appropriately before the committees of the Congress.

It seems to me that adoption of an amendment such as proposed would reflect no credit on Congress. I would not want to admit to my constituents that committees of the Congress are not able to secure testimony of appropriate witnesses. It may be just a matter of pride, but I do not feel that the proposed amendment adds to the power and prestige of Congress. I hope what I have said is not too far from the mark.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if all committees of the House had the ability to "cut the budgets to ribbons" there would be no problem. That is precisely why the amendment is appropriate to appropriation language.

Let me assure the gentleman from Texas and the members of this committee that there are committees of the Congress which do encounter refusals of representatives from the executive branch—yes, and even from the independent agencies—to give testimony to the committees.

I believe the gentleman from Texas is aware that for 16 years I chaired the Subcommittee on Information. I filed with the House rather voluminous reports, covering administrations from Eisenhower through Johnson; and in each administration refusals were made, not all based on executive privilege, because obviously the independent regulatory commissions have no executive privilege, whatever "executive privilege" means, and I have yet to have a definition of it.

At this moment there are committees of the Congress unable to get witnesses or information. One of them is the Subcommittee on Information which I no longer chair, which is a part of the Committee on Government Operations. I know that the Committee on Banking and Currency has had problems in getting information.

I recall that just a little over a year and a half ago the Committee on Interstate and Foreign Commerce encountered serious problems in getting information and testimony from the Federal Communications Commission.

This pattern of refusal of information to the Congress is a growing one and it is becoming increasingly sophisticated in the methods of denying information to the Congress.

In my judgment, we are at a moment of constitutional crisis in having a Congress capable of discharging its duties as a responsible legislative body. We have permitted the executive branch and the independent agencies to grow tremendously, and with their growth they have controlled ever more the sources of information we have to look to and upon which we must rely in order to discharge our legislative obligations.

Now we have been told we should not bring this matter up now; after all, it might be taken as a partisan matter. Well, my credentials on being a critic of Democratic administrations I think make it clear that I fought this long before this administration took office. Withholding is worse, and it will be worse under the next administration, and it will be worse under the succeeding administration unless the Congress gets the gumption at least to insist upon congressional privilege; privilege asserted on behalf of the people of this country. At least say to the Executive "You and you alone shall not judge the scope of whatever privilege you assert. We have a responsibility, and we intend to discharge it as knowledgeable individuals, and we are not going to take your refusals."

The only way we can effectively deal with it is in the appropriation bill, because one of the few things that the Executives have not challenged over the years is the fact that the Congress does ultimately control the purse strings, although through the old Bureau of the Budget and the new Office of Management and Budget some of them have expressed grave doubts that we mean what we say when we appropriate, and I think they have voiced reservations that we even know what we are doing when we appropriate.

If there was half the diligence in protecting the rights of the Congress, rights clearly set forth in the Constitution, that is evidenced here in protecting the rights, the outrageous claims of rights, on the part of the Executive, then the Congress would not be a body of declining stature and importance in our system of presumably coequal government.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

I take it from reading this amendment that the amendment only goes to the employees covered under this bill. I do not think there is any question about it.

I would like to ask whether there is anybody in the House Chamber who has spoken on behalf of this amendment who can tell me of a single instance either in this administration or the last administration or the one before that—of a single instance, one instance—where any employee covered under this bill has failed to testify on any matter before any joint committee, any committee, or subcommittee of the Congress.

Mr. MOSS. Will the gentleman yield?

Mr. BOW. I am glad to yield to the gentleman.

Mr. MOSS. I will be very pleased to do so. Before the Committee on Interstate and Foreign Commerce the chairman of the Federal Communications

Commission and at least two of his colleagues who were members of that commission, leading to a citation for contempt voted by the Committee on Interstate and Foreign Commerce, voted late in the last Congress and too late to be called up here on the floor of the House; but it was a flat and blatant refusal to give information to the Committee on Interstate and Foreign Commerce.

Mr. BOW. The gentleman has given one instance, one case, but the gentleman has also proven that the Congress has an adequate remedy in cases of that kind, and this broad authority is not needed.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. Yes, I yield to the gentleman from California.

Mr. MOSS. I will be happy to further inform the gentleman that if he would like to refer to the volumes of reports filed by the Committee on Government Operations, the Subcommittee on Government Information, in the period from 1955 to 1970, the period of my chairmanship, I can give him literally dozens of similar instances.

Mr. BOW. It may be, but I doubt in this group that is covered under this bill that that would be the case.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. BOW. Yes, I yield to the gentleman from Michigan.

Mr. DINGELL. I have been informed by members of the Committee on Banking and Currency that they have from time to time called the Secretary of the Department of Housing and Urban Development which comes under this particular bill to appear before them and he refused to do so.

Mr. BOW. I have never heard of the Secretary of the Department of Housing and Urban Development refusing to appear before a committee. This is something completely new. I would like to have the gentleman give us the information on that. And the time and place.

If that is all we have, it seems to me there are very few cases which have been shown and I would suggest as my chairman has that we should vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 33, after line 2, add:

"SEC. 407. No part of the funds appropriated by this Act shall be used to furnish Government-purchased or leased limousines or luxury sedans or chauffeurs for any employee of the United States other than those defined in 5 U.S.C. 5312."

Mr. JACOBS. Mr. Chairman, one thing it seems to me that we all agree upon is that people who are required to give up money involuntarily, commonly known as taxpayers, should not have to give up money to buy luxuries for public employees. The necessities, yes, but not luxuries.

Now, in that connection that youngest nephew of mine told me last weekend, and I quote him:

Unk, I need some bubble gum.

Further, Mr. Chairman, I remember when I was in the service about 100 of us had been brought out of action to be rotated home. We were put in a so-called rear echelon outfit. The facilities in which we were quartered had light. They had a generator at the end of the street, but one night someone had done something wrong and the company commander ordered that generator turned off.

There were some of us who counted it a mere luxury just not to be in any danger, but I remember very distinctly one of our fellow marines telling him that it was just inhumane to take light away from people.

So, what is a necessity and what is a luxury I suppose is in the eye of the beholder.

But, I would think that most taxpayers of the United States would pretty much agree that a limousine is a luxury and that a sedan and a chauffeur have to be put into the luxury category.

Therefore, I ask your support of this amendment to dismiss the easy riders on the taxpayers again from the appropriations that this bill represents.

Mr. Chairman, in keeping with my past policy, I yield back a gigantic balance of my time.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

I rise only to inform the House that we considered this very amendment last Thursday in connection with the State, Justice, Commerce, and Judiciary Appropriation bill. You recall we had general debate on that bill last Wednesday and Thursday. While reading the bill many amendments were offered and finally we reached the happy hour at 6 o'clock in the evening. This amendment was offered at that time and was agreed to.

It ought not to carry on this bill today. There are many reasons why it should not have carried on the other bill, but it did.

There is only one limousine and 12 medium sedans in the Department and 10 other agencies we are talking about here today. It is my judgment that those agency heads and Assistant Secretaries who come in early in the morning and work late into the night should have them. I have one in mind, the Under Secretary for the Department of Housing and Urban Development. Mr. JONAS has called your attention to Richard Van Dusen, the Under Secretary who probably will be leaving his current position in a few months as he has indicated. There is no finer, more dedicated public servant than Dick Van Dusen.

I think he ought to have some of the appurtenances of his office. This is a man taken out of private life and given a relatively small salary in comparison to that which he commanded before taking his present position. I am sure he can make a six-figure salary outside the Government. He is a dedicated and interested public servant, and he is vitally interested in making a success out of the very difficult programs in the Department.

I think that people such as these are entitled to some of the prerogatives, and I think they are entitled to some of the luxuries, if you can call a medium sedan a luxury.

Mr. Chairman, I would hope that the good sense of this Committee will prevail, and that perhaps my friend, the gentleman from Indiana (Mr. JACOBS) would withdraw his amendment on this bill.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. Of course I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, I think the record should show—and this is a very important point—that in 1914, when the Congress passed 31 United States Code 638(a) it made it a crime for practically any employee in the Federal Government to use a Government-owned automobile to pick him up at his home and bring him into work. Now this is being done rampantly. Where is the law and order we have been hearing about right here in our own Government, in River City?

Mr. BOLAND. Again I would say that there is only one limousine and 12 medium-sized sedans for the department and 10 agencies who are funded in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The question was taken; and on a division (demanded by Mr. JACOBS), there were—ayes 24, noes 59.

So the amendment was rejected.

Mr. BOLAND. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. O'HARA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15093) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the

Speaker announced the ayes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. DELLENBACK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DELLENBACK. Mr. Speaker, is this vote on final passage?

The SPEAKER. Yes, it is.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 367, nays 10, not voting 54, as follows:

[Roll No. 169]

YEAS—367

Abbitt
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bergland
Betts
Biaggi
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kemp
King
Koch
Kyl
Kyros
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, La.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Quie
Quillen
Railsback
Rangel
Rees
Reid
Reuss
Riegle
Robinson, Va.
Roe
Rogers
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—10

Ashbrook
Bennett
Clancy
Crane
Findley
Gross
Hall
Landgrebe
Rarick
Skubitz

NOT VOTING—54

Abernethy
Alexander
Bevill
Bingham
Blanton
Brown, Ohio
Byrne, Pa.
Clawson, Del
Clay
Daniels, N.J.
Denholm
Dowdy
Dwyer
Edmondson
Eshleman
Evins, Tenn.
Galifianakis
Gallagher
Goldwater
Hansen, Idaho
Hansen, Wash.
Holifield
Keating
Kluczynski
Kuykendall
Lennon
Long, Md.
McKay
Mann
Mazzoli
Metcalfe
Miller, Calif.
Minshall
Nichols
Poage
Podell
Pryor, Ark.
Pucinski
Purcell
Randall
Rhodes
Roberts
Robison, N.Y.
Rodino
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roy
Runnels
Scheuer
Schmitz
Stubblefield
Stuckey
Waggonner

So the bill was passed.

The Clerk announced the following pairs:

Mr. Waggonner with Mr. Brown of Ohio.

Mr. Rooney of New York with Mr. Robison of New York.

Mr. Rodino with Mr. Rhodes.

Mr. Daniels of New Jersey with Mr. Del Clawson.

Mr. Holifield with Mr. Goldwater.

Mr. Bevill with Mrs. Dwyer.

Mr. Nichols with Mr. Schmitz.

Mr. Miller of California with Mr. Minshall.

Mr. Mazzoli with Mr. Keating.

Mr. Kluczynski with Mr. Kuykendall.

Mr. Byrne of Pennsylvania with Mr. Eshleman.

Mr. Alexander with Mr. Hansen of Idaho.

Mr. Abernethy with Mr. Gallagher.

Mr. Stubblefield with Mr. Bingham.

Mr. Denholm with Mr. Metcalfe.

Mr. Roberts with Mr. Podell.

Mr. Evins of Tennessee with Mr. Galifianakis.

Mr. Blanton with Mr. Edmondson.

Mr. Clay with Mr. Scheuer.

Mrs. Hansen of Washington with Mr. Lennon.

Mr. Long of Maryland with Mr. Runnels.

Mr. Rooney of Pennsylvania with Mr. Pucinski.

Mr. Roncalio with Mr. Randall.

Mr. Purcell with Mr. Pryor of Arkansas.

Mr. Stuckey with Mr. Mann.

Mr. Roy with Mr. McKay.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include charts, tables, and other extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I take this time to announce to the House that the program for this week has been changed from that originally scheduled. The revenue-sharing bill will not be considered on tomorrow. In place of that we will consider the Department of Transportation appropriation bill, and this means that we will conclude the business of this week on tomorrow afternoon, hopefully a little early.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM WEDNESDAY, MAY 24, UNTIL TUESDAY, MAY 30, 1972

Mr. BOGGS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 619) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, May 24, 1972, it stand adjourned until 12 o'clock meridian, Tuesday, May 30, 1972.

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I only wish to inquire why the program for this week has been scrapped, or for all practical purposes, since consideration of the famous share-the-revenue bill has been postponed.

Mr. BOGGS. The program as announced on last week was always tentative. The change was made to suit the convenience of a great many Members, to be quite frank with the gentleman, and we have very substantial business tomorrow in the consideration of the Department of Transportation appropriation bill.

Mr. GROSS. When is it expected that this bill will be brought up that was supposed to come up tomorrow?

Mr. BOGGS. I am not prepared to answer that question at this time, but I can assure the gentleman that it is the intention of the leadership to call up the bill just as soon as possible, and the gentleman from Iowa will have ample notice of when it is to be called up.

Mr. GROSS. With this recess being taken, I suppose it will be announced tomorrow so that we will know when it is to come up.

Mr. BOGGS. It is not the intention of the leadership to call up the revenue sharing bill next week.

Mr. GROSS. Not next week? Which gives ample time for us to hear from all the mayors and others in our districts.

Mr. BOGGS. I would say to the gentleman from Iowa that it is not unusual for proponents of legislation to make their views known.

The **SPEAKER.** The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 13361, TIME EXTENSION, TOBACCO QUOTA TRANSFERS

Mr. ABBITT. Mr. Speaker, I call up the conference report on the bill (H.R. 13361) to amend section 316(c) of the Agricultural Amendment Act of 1938, as amended, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 15, 1972.)

Mr. ABBITT (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The **SPEAKER.** Without objection, it is so ordered.

There was no objection.

The **SPEAKER.** The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ABBITT. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The **SPEAKER.** Without objection, it is so ordered.

There was no objection.

REMARKS OF SECRETARY ROMNEY ON HUD'S HOUSING SUBSIDY PROGRAMS AND URBAN RENEWAL PROGRAMS

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, I rise today to call attention to a series of remarks made over the past few months by Secretary of Housing and Urban Development George Romney. These remarks, concerning HUD's housing subsidy programs and the urban renewal program, have been irresponsible and highly misleading, and, taken together, can only further damage Federal programs in the eyes of millions of Americans. I want to bring these statements to the attention of the House and clarify the record.

Over the past year, Secretary Romney has taken every possible opportunity to take credit on behalf of the administration:

For producing in 1971 more than 2 million housing units for the first time in history.

For achieving a record number of subsidized housing units in 1 year—about 500,000 during this fiscal year—and

For producing—these are his words—"a revolution" in the way housing is produced through his "Operation Breakthrough" program.

At the same time, when Secretary Romney is confronted with some of the abuses that have arisen in HUD's housing programs—for example, the widespread abandonment of FHA housing in Detroit, or the virtually substandard existing homes approved by FHA under the 235 program—he places the blame squarely on the past administration and the Congress. The subsidized housing programs, he says, are defective, badly thought out, and virtually impossible to administer. It is the fault of the Congress, he says, which gave him such ill-conceived programs.

Most recently, he attacked the urban renewal program. Testifying before the House Appropriations Committee, he placed, again on the Congress, the blame for HUD permitting 54 public housing townhouses—costing $76,000 each, including land—to be built on high-priced urban renewal land in Washington, D.C. He said:

> It is a result of policies that Congress has laid down: now, if it is wrong, Congress ought to change the policy.

I think this is more than just loose talk by the Secretary. It is irresponsible talk which discredits the efforts of all Members of the Congress. Let me comment on these remarks.

First, our Federal housing programs are neither Democratic nor Republican programs. They were passed by the entire Congress with overwhelming majorities of both parties supporting them.

Furthermore, it is not Mr. Romney's impressive mass production know-how that produced a record number of subsidized housing units this year. Those units were produced because the Congress appropriated the funds for them. No subsidy programs have ever been as popular in the Congress as the sections 235 and 236 programs and the turnkey public housing program. Since this administration has been in office, the Congress has provided every penny asked by the administration for these programs, and sometimes more. There are still funds authorized by the Congress for these programs which the administration simply will not ask the Congress for.

We all know that mass production technique is not the key to building houses. The key is to have the subsidy money available for the millions of people who need the housing but could not otherwise afford it. So it strikes me as misleading to hear the Secretary praise his production record, and yet call these programs defective, not well thought out, and impossible to administer efficiently.

Second, the House is increasingly familiar with the tremendous number of abuses uncovered in the section 235 homeownership program, most of them brought to the Secretary's attention by the Banking and Currency Committee. As you know, the 235 program was passed in 1968 and did not really get underway until early 1969, when this administration took office. Virtually all of the defective houses with the inflated appraisals were approved by the FHA during Mr. Romney's administration. What kind of departmental management would permit a speculator to buy up a block of substandard houses at $6,000 each, give them a quick paint job, and sell them to low-income people at $14,000 each? And have it all approved by the FHA? Lawyers have a phrase for that sort of thing—"res ipsa loquitor," the thing speaks for itself.

No, when something like that happens, it is not the fault of the program, it is the fault of the FHA and Mr. Romney who administer the program. Mr. Romney admitted as much in a recent speech in Detroit. He said that he did not fully appreciate the difficult task of providing housing for the inner-city poor, and that his Department had made many mistakes in the administration of these programs.

HUD's deficient management record has even been documented by the Department's office of audit, which reviewed the administration of the sections 235 and 236 programs. One quotation from that report should be adequate to underline HUD's dismal administration of these programs:

> We believe that the significant problems encountered in the administration of section 235 result, directly or indirectly, from three primary factors:
>
> The attitude of certain HUD–FHA personnel (including management, supervisory and line staff) regarding socio-economic aspects of the program;
>
> The quality vs. quantity of appraisals and inspections both by staff and fee appraisers; and
>
> The lack of effective supervision and review of the work of appraisers and inspectors by middle management.

Yet, in the 3 years Mr. Romney has served as HUD Secretary, he has not recommended any basic changes in these programs. Not a single substantive change in the basic nature of these programs. If these programs are defective, 3 years should be adequate time to ask the Congress to make changes.

In short, it is not the fault of the programs. It is the fault of an administration which wants to take the credit for production records which the Congress made possible through adequate funding, and blame the programs where its own lax and naive administration is at fault.

Third, Mr. Romney's "revolution" in housing production through "Operation Breakthrough." In 1968 the Congress—again with bipartisan support—passed a research program to look into new methods of producing housing. Mr. Romney attached a Madison Avenue title to it—"Operation Breakthrough."

What has "Operation Breakthrough" produced, up to this point, after 3 years? According to a recent HUD publication, 24 projects have been approved covering 5,000 units in 14 cities. By the end of June, an additional 20,000 units are expected to be approved.

Mr. Speaker, industrialized housing had been on the market for at least two decades when Secretary Romney arrived at HUD. It is expanding for one reason only—the demand for housing is growing every year and housing of all kinds is needed for our growing population. No one can doubt that industrialized housing would have expanded just as quickly if no one had ever heard of "Operation Breakthrough." In fact, as Senator PROXMIRE said recently, not a single new building technique has been developed for "Operation Breakthrough" that was not already on the market.

And, fourth, it is not enough for the Secretary to say simply that $76,000 townhouses result from policies laid down by the Congress, and that if the Congress does not like it, it should change those policies. Cabinet heads are expected to exercise some judgment in administering programs. HUD has adequate opportunity to review the acquisition prices of land in the Shaw urban renewal area and to suggest alternative land uses for those townhouse sites.

Furthermore, Congress has a right to expect the HUD Secretary to recommend changes in Federal policies, not simply to lay the blame at the Capitol steps. Yet in 3 years, Secretary Romney has made no substantive recommendations for changes in the urban renewal law. The program would simply be continued through his special revenue sharing proposal.

Mr. Speaker, there is a very important point involved here. The Secretary's attack on our housing and renewal programs is not a partisan matter. The Congress must provide the funds for these programs if our people are to be decently housed and our cities renewed. It took many years to get the Congress behind these programs, which, at other times, the Secretary has called a national success. Every time this administration calls existing programs "defective," without recommending any changes in the programs, it hurts the efforts of men like WRIGHT PATMAN and BILL WIDNALL, and many many others of both parties, to keep these programs going and provide for the needs of our people. We should demand a stop to it.

SIMPLE FAIRNESS TO A FRIEND

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, yesterday I introduced a bill to redeem our national honor and keep a pledge which we made in good faith 28 years ago to our good friends and neighbors in Mexico. The bill is H.R. 15109.

In 1944, the United States solemnly agreed by treaty to deliver to the Republic of Mexico a minimum of 1.5 million acre-feet of water annually from the Colorado River which flows through both our countries. Implicit in that agreement was the natural assumption that water so delivered would be usable water, reasonably free from serious pollution or artifically induced contamination.

For some 17 years all went well. Beginning in 1961, however, in the area of the Wellton-Mohawk irrigation project in Arizona, U.S. interests began drawing from subterranean strata extremely heavy concentrations of salt. To prevent the harmful mineral from endangering agricultural lands in our own country, U.S. authorities diverted these harmful brackish waters and conveyed them by canal to the Gila River at a point near its confluence with the Colorado a few miles above the Mexican border. From this point, the saline infested waters have been flowing directly into the Morelos International Dam from which Mexico receives its agreed quantity of water.

A large region of our neighboring country—notably including the Mexicali Valley, once the richest and most productive agricultural area in all of Mexico—is utterly dependent upon this source for its municipal, industrial, and agricultural water supply.

As result of this process of pumping and diversion, the saline content of the water upon which northwestern Mexico must rely abruptly rose from a natural level of approximately 900 parts per million to a new and menacing level variously measuring from about 2,500 to almost 5,000 parts per million.

This obviously was highly unacceptable for most common purposes, including agriculture. In April of 1968, our own Department of the Interior published a study establishing any saline content in the range of 2,000 parts per million as wholly unsuitable for ordinary cultivation except for a very few salt-resistant crops. And most of those crops are climatologically unsuited to the affected area.

Clear and indisputable damage induced by the United States thus was being inflicted upon the people of northwestern Mexico.

Our Mexican friends have repeatedly called this critical fact to our attention. In my opinion, they have been patient far beyond our right to expect patience from even the best of friends. In every annual Interparliamentary Conference since 1963, Mexican lawmakers have pleaded with U.S. Congressmen to take note of the gravity and magnitude of this problem and to take steps to alleviate the truly grievous affliction it visits upon their citizens.

Yet the condition has continued largely unabated for more than 10 years. Life-giving crops have been destroyed annually by these contaminated waters. Poverty has begun to stalk what once was a fertile valley of productivity. Now the gruesome specter of irreversible ecological damage begins to hang like a dark cloud over the future of the region. Lands repeatedly contaminated by salt ultimately turn to desert.

In recognition of the problem we have attempted various cheap expedients. But they are only palliatives. They have not solved the problem. With each succeeding year, more harmful mineral pollution is spilled upon the land of our good neighbors.

To temporize further with this demonstrably injurious condition would grotesquely miscast our Nation as a willfully bad neighbor, indeed, as an international Simon Legree.

Already there have been deep repercussions in our neighboring country. Farm and student groups have engaged in demonstrations against their own Government officials for their failure to achieve rectification from the United States. The good relations so carefully nurtured by a generation of good deeds are jeopardized by this intolerable situation.

But, more than that, it is a matter of simple and elemental justice. Exactly as it would be unfair in a neighborhood of people for any person knowingly to befoul the vital water supply of his neighbor, just so is it manifestly unjust—and unjustifiable—for the United States to dispose of its contaminated water in Mexico.

There is one clear and workable solution. This is for the United States to divert these mineral-poisoned waters not into the Gila River and thus onto Mexican soil but rather into the Gulf of California where natural dilution will render them harmless. I have introduced a bill to do just this.

Such a diversionary canal can be constructed for an estimated $8 million. Compared with billions we have spent to help foreign countries of sometimes questionable empathy, this is a small amount indeed to honor a commitment made in good faith to a friend.

When we consider that the water pollution bill passed in both Houses of this Congress commits us over the next few years to expenditures of some $27 billion—approximately $5 billion annually—to clean up the waters of our own country, we must conclude that $8 million is comparatively very little as a one-time investment to make good on our promise of 28 years' standing.

This is not a problem that we can toy with and delay. The need is urgent. In a few more years the ecological damage inflicted upon our neighbors could become irremediable. It should shame us that we have allowed the injuries to go so long unattended. In the name of common decency, we owe it both to our neighbors and to ourselves to correct this situation without delay.

For these reasons, I am earnestly requesting that early hearings be granted, and legislative action be taken as soon as possible, in order that we may redress this legitimate grievance and reestablish the good faith of our Nation.

FLORIDA'S CRIME-FREE TOWNS

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, I take pride in noting that of the towns in Florida which were free of major crimes in 1971, four are in Florida's first and finest district. The Florida Department of Law Enforcement reported 10 towns where no murder, rape, robbery, or assault took place. Listed from my district were Chipley in Washington County, DeFuniak Springs in Walton County, Valparaiso in Okaloosa County, and Sneads in Jackson County. All but one of the 10 were small towns in the northern part of Florida. Congratulations are due these fine communities for showing the way to a happier crime-free America.

UNITED AIR LINES CELEBRATES 25TH ANNIVERSARY OF SERVICE TO HAWAII BY FLYING PINEAPPLES TO CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 30 minutes.

Mr. MATSUNAGA. Mr. Speaker, my distinguished colleagues, the golden Hawaiian pineapple which each Member of the Congress received today was sent through the courtesy of United Air Lines and the Pineapple Growers Association of Hawaii in celebration of United's 25th anniversary of its air service between Hawaii and the continental United States. The pineapples were picked fresh from the fields of Oahu within hours before they were boxed, loaded, and flown on one of United's luxurious 747 Friendship aircraft, nonstop to Chicago and then to Washington. These will be the freshest pineapples many of you will have ever tasted—thanks to the miracle of air transportation. It actually took less than half a day to transport Hawaii's famous fruits from Honolulu to Washington. It would have taken more than a week to bring them in by surface transportation.

Mr. Speaker, it was on May 1, 1947, that a westbound commercial aircraft, the DC–6, flew from California to Hawaii to inaugurate United Air Lines' service to the Pacific islands. It was an event of considerable significance in the history of air travel. In a very real sense, it brought the then Territory of Hawaii closer to the continental United States, culminating in its admission as the 50th State of the Union in 1959.

On May 1, 1972, in ceremonies marking the 25th anniversary of United's service to Hawaii, a 747 aircraft was christened in Honolulu in honor of Mr. Pat Patterson, president of United for more than 30 years and chairman of the board before he retired in 1966. Mr. Patterson, who was born in Hawaii, booked passage at the age of 13 on a sugar schooner sailing from Honolulu to San Francisco. The voyage lasted 23 days. Young Patterson vowed that he would never cross the Pacific by ship again. He kept that promise. When he returned to Honolulu many years later, he was on board United's inaugural flight to Honolulu on that westbound DC–6.

As Hawaii's Representatives to Congress, Mrs. MINK and I are grateful for the significant contribution which United Airlines has made toward the economic growth of the Aloha State. We are happy, therefore, to participate in United's celebration of its 25th anniversary by helping to deliver a bit of Hawaiian aloha to our colleagues in the House. It is our hope that before long every Member of Congress will have visited United's "little corner of the world."

In the confident belief that my colleagues and readers of the CONGRESSIONAL RECORD will be interested in knowing a bit of the experiences, the problems and successes which United Airlines has had to face in its quarter century of service to Hawaii, I submit for the RECORD the following speech delivered on May 2, 1972, in Hilo, Hawaii, by United's president, Mr. Edward E. Carlson:

SPEECH OF EDWARD E. CARLSON, PRESIDENT OF UNITED AIRLINES

Over the years, I've visited the Islands many times, both on business and on vacation. This particular trip was prompted by business but the requirements have been so delightful that if anyone asks if I'm here on business or pleasure, I'll have to say I really haven't been able to distinguish one from the other.

Yesterday, I saw old friends in Honolulu and took part in ceremonies marking the twenty-fifth anniversary of United's service to the Islands. As part of that observance, a 747 Friend Ship was christened in honor of Pat Patterson, president of United for more than thirty years and chairman of the board before retiring in 1966.

Pat spent his boyhood in the town of Waipahu, just about ten miles from the site of Honolulu's International Airport. At the age of thirteen, he booked passage on a sugar schooner, the "Annie Johnson," and sailed to San Francisco. The voyage lasted twenty-three days, Pat recalls, and he was seasick most of the time. He promised himself never to cross the Pacific by ship again and he kept that promise. When he returned to Honolulu on May 1, 1947, it was by airplane—the westbound DC–6 which inaugurated United's service between California and the Islands.

Along with many other successes, Pat has been able to realize the desire and ambition many of us cherish, and that is to contribute in some small or large way to the progress and well-being of our home areas. I suppose you could call this a kind of local patriotism—a sense of heritage, an obligation to our place of origin. In my case, I have feelings of loyalty and the wish to be of good service to my home town, Seattle, and the Pacific Northwest, and I know you are moved to act in the same manner for the benefit of Hilo and Hawaii.

As a born-and-bred Islander, Pat Patterson gave his word in 1947 that United would provide Hawaii with the best service possible, and that fares would be placed on a basis comparable with those on the Mainland. In keeping with this pledge, the company's first one-way fare between Honolulu and the West Coast was $135, compared with the $190 fare in effect before United arrived on the scene. Upon this reduction, the average cost of air transportation between California and Hawaii declined to 5.6 cents per mile. That was on propeller planes. Today, on jets much faster and far more comfortable, the average cost is only 3.6 cents a mile. This is a genuine achievement, the more so when you consider the inflationary pressures of recent years and the disappointing financial performance of the air transport industry.

As a side comment, there are those who believe the price of pleasure travel has been going up steadily at the same rate as other goods and services. This is correct, but only if you exclude air transportation and refer specifically to related elements of travel, such as meals, lodging and sightseeing. Air travel stands out as a bargain. Consequently, the airlines alone should not be expected to stimulate greater growth of pleasure travel, through price reductions. Travel agents, hotels, suppliers of ground transportation and other segments of the travel industry must all do their share in the spirit of cooperation, in the expectation that increased travel volume will increase profits.

A moment ago, I indicated that sentiment was involved in Pat Patterson's interest in having United serve Hawaii. That's true but the sentiment had sound economic support. The company proceeded to invest many millions in promoting and advertising the Islands and this, combined with quality service and the latest type of aircraft, was rewarded. In the 1960's United's share of the market exceeded fifty per cent. Net earnings from Hawaiian operations increased to the point of accounting for almost half of United's annual corporate profits.

And then something happened. In 1969 the Civil Aeronautics Board awarded Hawaiian routes to five additional trunk carriers, increasing the total to eight. The CAB evidently assumed that continued rapid expansion of the market would provide adequate portions for new and old participants. Well, as you know, the growth failed to materialize and instead of modest prosperity for all, there were losses for all.

Last year United sustained a loss of more than $17 million in serving the Islands. Our Mainland operations produced a profit, but not large enough to wash out Hawaiian red ink and UAL, Inc., lost $5 million for the year. Despite the adverse economics of the situation, we are moving ahead with confidence and the expectation that the Hawaiian market will once again reward our efforts. The commitment of Pat Patterson to develop, improve and innovate continues to apply.

Here at Hilo, you'll recall that when trunk line service began about five years ago, United was one of the three original carriers. Two of the three have retreated. United has not only held steadfast, but has actually improved and expanded its Hilo schedules. On Friday one of our 747 Friend Ships will begin service at General Lyman Field, operating once a week to Los Angeles. The 747 is the supreme accomplishment of the Boeing Company in civil aviation to date, and United has added its own embellishments. And believe me, a $23 million 747 is at the far end of the scale from retreat and retrenchment.

Our expenditures last year for Island advertising, including special promotions such as co-sponsorship of the Hawaiian Open Golf Tournament, was substantial and the commitment will continue this year. Delights of a vacation in the Fiftieth State will be repeatedly brought to the attention of Mainlanders through our new advertising campaign, geared to the theme of "Your Land is Our Land."

We have ninety-eight tour packages of the Islands on the shelf this year, the widest variety ever. Sixty-one are Independent Tours and thirty-seven are Group Inclusive Tours, a very popular concept. As the name implies, Group Inclusive Tours—or GIT's, as they're known in the trade—are designed for groups traveling in specified numbers, large enough to qualify for special low fares which provide the core of very attractive offerings.

As an example, one of the packages called the Aloha Islander makes it possible to fly round trip from New York City and enjoy a fourteen-day visit in the Islands for a basic price of $599. This includes hotel; visits to the Big Island, Oahu, Maui and Kauai; all transfers on the Islands; and the services of a tour escort. Incidentally, the price decreases with distance, going down to $529 at Grand Rapids, Michigan, and to $499 at Chicago.

We have tours that feature golfing, condominiums and rental cars. And there's one for the Big Island designed especially for bicycling enthusiasts. That sounds rather arduous to me, but if bicycling is someone's way to relax, we can arrange to provide a two-wheeler.

Last Thursday, before enplaning for Hawaii, I reported results of the first quarter at the annual meeting of shareholders of UAL, Inc., the parent company of United and Western International Hotels. Consolidated net loss for the quarter totaled $12,336,000—hardly a figure to cheer, but it represents an improvement of more than $21 million, compared with last year's first quarter loss of $33,206,000. The loss in both periods came from United's operations, while the hotel subsidiary continued profitable.

United's first quarter passenger miles rose almost 12 per cent over the corresponding three months a year ago. The average passenger load factor was 49.4 per cent compared with 44.3 per cent in the first quarter of 1971. And operating revenues were 15 per cent higher.

Apart from statistics, it's fair to say that United is gathering new momentum and, with growing consumer confidence and further strengthening of the national economy, we expect better financial results for the year.

Based on some thirty years of business experience and observations at home and in other countries, I am firmly convinced that private enterprise results in a superior economic system. Profit is at the heart of that system. If profits were snuffed out for all participants, the system would wither away, just as companies wither away because of profitless operations.

The airlines are striving to achieve reasonable profits, following two lean and hungry years. Aside from creating employment, stimulating technological advances, and serving as the basic generator of business for a host of other enterprises, the carriers serve the public interest, the national interest. And they serve those interests best when they operate at profit levels that assure economic health and the ability to innovate and improve.

The first three months showed an uptrend, as I said, but inflationary pressures continue and we're fighting to keep down costs. In our business, there always seems to be one more unusual, or unanticipated item that requires additional dollars. The recent rash of skyjackings and sabotage threats, for example, had no appreciable effect on traffic but they resulted in a sharp increase in our costs for security measures. It's money well spent—surely not begrudged for the purpose—but it's an added expense peculiar to airline operations, over and above normal business security measures and normal business costs.

Sabotage threats and skyjackings are the acts of misguided persons. Airline management is deeply concerned by the wrong inflicted on innocent travelers, the inconvenience imposed on them, and their exposure to potential harm.

What's to be done?

One proposal is that airlines should be barred from negotiating with saboteurs and skyjackers. I disagree because this approach overlooks what I regard as first and paramount—the safety of passengers and employees. The hands of airline management should not be tied, if it's a question of arriving at a settlement which safeguards passengers and crew. We need that leeway, even though it places us in the position of meeting criminal demands.

As a deterrent, I believe that prosecution and sentencing should proceed rapidly in every case. If possible, justice should be done while the incident is still fresh in the public mind. And serious consideration should be given to capital punishment, depending on the gravity of the specific act.

On the question of greater policing efforts by the airlines, that would seem to be a gross misassignment. The business of the airlines is to fly passengers, property and mail. Policing—the apprehension of criminals—is a function of government and it clearly must remain there.

It's unpleasant to talk about skyjacking and saboteurs, particularly so in Hawaii, where the environment is harmonious, compared with other parts of the world. As we know, the volume of visitors seeking Island serenity had a somewhat slower growth rate in the last two years, but I feel sure greater demand was stored up in that interval. Present signs are that a resurgence of growth is underway.

We look forward to that resurgence, confident in the ability of United States to do its job well; confident that Hawaii's tourist industry will do its job well, so that those coming here will return home with the satisfaction of having enjoyed all they expected.

I have said many times that other vacation areas have sunlight, shore and surf, but Hawaii has something not found beyond its borders. I'm referring to the Aloha spirit—the willingness to serve, to be genuinely friendly and accommodating. My comments today have been offered in that spirit on behalf of United Air Lines and all who represent United. Aloha.

BUFFALO PORT COUNCIL OUTSTANDING AFL–CIO MARITIME TRADE UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, yesterday National Maritime Day, we honored the U.S. shipbuilding industry and the American merchant marine, which is comprised of the vast fleet of privately owned U.S. vessels that sail the seven seas, Great Lakes, and inland waterways.

Each year since 1933, when the Congress designated the anniversary of the first transatlantic voyage by a steamship, the SS *Savannah*, on May 22, 1819, as National Maritime Day, successive Presidents have issued proclamations calling for public observance of that day.

The importance of the American merchant marine to both our economy and our national defense cannot be overemphasized. As General Eisenhower stated in 1944:

> When final victory is ours, there is no organization that will share its credit more deservedly than the American Merchant Marine. We were caught flat-footed in both world wars because we relied too much upon foreign owned and operated shipping to carry our cargoes abroad and to bring critically needed supplies to this country. America's industrial prosperity and military security both demand that we maintain a privately operated mechant marine adequate in size and of modern design to insure that our lines of supply for either peace or war will be safe. I consider the merchant marine to be our fourth arm of defense and vital to the stability and expansion of our foreign trade.

Mr. Speaker, these words are as true today as when General Eisenhower spoke them. It is vital that America maintain a merchant marine second to none.

I am honored to pay tribute today to our merchant marine and the American shipbuilding industry and I would like to call particular attention to the accomplishments of the Maritime Port Councils.

The Maritime Port Councils of the AFL–CIO Maritime Trades Department are a critical part of the Department's efforts to serve the needs of the maritime community, the trade union community, and the local community.

The Port Councils' central concern has been the future of the American merchant marine in all of its aspects and all of its ramifications with respect to American society.

On this day which honors our merchant marine, I would like to pay tribute to Mr. William O. Hoch, president of the Buffalo Port Council, and the others of the Buffalo Council for their hard work and numerous achievements which have advanced our cause of a revitalized and strengthened merchant marine.

Mr. Speaker, others in the Buffalo Port Council who deserve special mention are: Ray J. Boudreau, secretary-treasurer; vice presidents, Samuel F. Cariola, Donald J. Blair, Raymond G. Schlemmer, and John Stochzynski; trustees, James E. Lindsay, John Nelson, and Kenneth Carlucci; and sergeant at arms, Patrick J. Mangan, Jr. We should also call attention to the expert advice and counsel of the national officers; president, Paul Hall and executive secretary-treasurer, Peter McGavin. The residents of the Great Lakes area are fortunate to have these dedicated individuals working on their behalf.

The citizens of western New York have another reason to feel proud and pleased this day. Michael Diem of Amherst, N.Y., who is a high school student from my district, has won a second prize in the 1972 National Maritime Poster Contest.

Michael was among 45 winners in the nationwide contest which drew hundreds of entries from high schools in 33 States. He attends Amherst High School and designed the poster under the direction of Dr. Victor R. Lalli.

Each poster submitted this year depicted the theme "Ship American." The contest was sponsored by the American maritime industry in cooperation with the Maritime Administration, U.S.

Department of Commerce, and the U.S. Postal Service.

Mr. Speaker, today on National Maritime Day we rededicate our national commitment to our merchant marine and pledge to improve the competitive position of our shipbuilding industry. I include at this time the President's Proclamation for National Maritime Day, 1972:

PROCLAMATION 4123—NATIONAL MARITIME DAY, 1972

The spirit of America has long been recognized in the speed of her ships and the skill of her sailors. Long ago, the French historian de Tocqueville told the story of meeting an American sailor on his 1831 visit to this country and asking him to explain why American ships seemed built to last but a short time. The sailor replied with no hesitation that the finest of vessels would become useless if it lasted beyond a few years because the art of navigation was making such rapid progress.

In the sailor's certainty that with tomorrow would arrive something new and better, de Tocqueville recognized the attitude upon which "a great people direct all their concerns." Over the years other nations have built upon the success of our example—and they have built merchant fleets able to compete successfully with our own.

In America, the Merchant Marine Act of 1970 is once again awakening that venturesome spirit of maritime enterprise that has contributed so significantly to the strength and development of our Nation. Today we have a national commitment and program to revitalize our merchant marine and improve the competitive position of our shipbuilding industry.

This new program will generate the construction of many new ships, advanced in design and highly productive. It should help to ensure that the American merchant marine is once again one of the most modern and efficient in the world by the end of this decade.

It is important that all Americans realize the importance of our merchant marine to the Nation's economy and security. To promote such public awareness, each year since 1933, when the Congress designated the anniversary of the first transatlantic voyage by a steamship, the *SS Savannah*, on May 22, 1819, as National Maritime Day, successive Presidents have issued proclamations calling for public observance of that day.

Now, therefore, I, Richard Nixon, President of the United States of America; do hereby urge the people of the United States to honor our American merchant marine on May 22, 1972, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

In witness whereof, I have hereunto set my hand this thirteenth day of April, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

THE FOUR M's OF SOUTHERN CALIFORNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 5 minutes.

Mr. VEYSEY. Mr. Speaker, Mr. John J. Lyman, vice president of Security Title Insurance Co., Riverside, Calif., recently analyzed the reasons for southern California's dynamic growth and why it will continue at the 21st annual San Bernardino County and Riverside County Business Outlook Conference in Ontario, April 27, 1972.

Mr. Lyman's enthusiasm for southern California was expressed with a vigor and vitality that cannot be conveyed by the written word, but for the possible interest of my colleagues I insert a summary of his remarks:

I'm going to talk to you about what I call the 4 M's in Southern California and how they affect the area we're working today. But before I get into my talk, I feel I ought to give you the basic ground rules on the talk I'm giving you today. Because of all the things that have been happening to our economy and because it is an election year, out of the woodwork come a whole host of phony economists, soothsayers, tea leave readers, gypsies, ouija board operators, numerologists and otherwise unqualified people like your speaker this noon who are going to tell you what's happening to the economy. So for anybody that might be taking notes, I want to tell you that the talk I'm giving today is based solely on my personal prejudices, but I have seasoned it throughout with my political biases and at no time will I dilute it with any facts or figures that might blight anything I tell you.

On that basis, what are we talking about when we talk about the 4 M's and their need for successful and proper growth of southern California?

One hundred and twenty years ago in 1850 we had 4 M's but they weren't the same 4 M's, with one exception. At that time, the first concern with an M was the Mexican Government. The second, was the Missions—what were they going to do with all this land? If we just get the Missions out of here, we can get our hands on this ranchland, which later they did. The third thing, of course was the Miners. They didn't present a problem except on Saturday night when they came into town. And then the fourth thing, the one that is still with us, is the interesting phenomena of our wonderful southern California, which I call Migration.

Now before I get into this, let's talk just a little bit about the area where we are. I have been familiar with southern California all of my life, and the opportunities in Riverside and San Bernardino Counties, have just been scratched. I don't think they've been gone into any depth at all. We will continue the flight from the cities and I don't think there is any question that the Metropolitan areas have flight. We have a tremendous group of people who cannot or do not want to leave the metropolitan area, but they want to get away sometime during the week from the noise, air pollution, and people. They want to get into the areas where they can have peace and quiet. This can be mountains, lakes, high deserts, low deserts.

Incidentally, I would like to congratulate that real estate man who thought up the terms "high" desert and "low" desert. I think they are wonderful. I have quite a problem on the east coast explaining to investors what a "high" desert is versus a "low" desert. They say, "I thought a desert was a desert," and I say, "Well, not in California. The 'high' desert is where cool winds blow all summer; in the 'low' desert, you don't get the chilling winter winds they do in the 'high' desert."

But let's go back a little bit and talk about some of the things that make the economy of the area we live in, the Market. We are living today in an incredible market . . . where southern California real estate is southern California growth. If you don't believe me, talk to any real estate board. They've never had it as good as they had it in the last year. The demand for housing, for real estate investments, and for all kinds of California investments was never greater than it is now. I'll tell you how I know. I go around and talk to a lot of real estate boards. Four years ago, you could have had induction ceremonies for new members in a telephone booth and had plenty of room to make a couple of telephone calls. Today they have to hire an auditorium. Why? because they are selling properties just about as fast as they can get a listing on them. The market for southern California real estate was never more active or better than it is right now.

Merchandise is probably selling for several reasons. First of all, I don't think there's any question that inflation is going to continue. I can certainly tell you that the eastern investors think it's going to continue, and of course, as long as we continue to operate a deficit pattern in our federal and state and county governments, we're going to have some continued inflation. We are committed to a deficit pattern of operation for our government.

Money is pretty plentiful as it now stands. It's very hard for me to conceive, although one of the most brilliant economists I've heard (from Solomon Brothers) is convinced that money is going to rise in cost. They talk in terms of one-fourth and one-half a percent raise, particularly in short term money, which is 90 to 180 day prime rate money. This is completely out of line with the interest rates on long term money, and so there is a disparity of thinking here. I think long term, which is what most of us are basically interested in for development pattern, is going to remain relatively constant, certainly for the balance of the year.

Now, let is get down to Migration, because this is my favorite talk. Over the past several years we have had a temporary slow down in migration for a variety of reasons, but don't kid yourself, we're going to have a tremendous input of people in the next 10 years. I want to give you a few reasons why I think that because I don't see any way out of it. First of all, examine your own reasons for being here. You didn't come here for economic reasons. I'll tell you why you came and why you live here. It's because you get more for your average day, your average working dollar in southern California more than anywhere else that I know of in the world. I don't even have any land for sale so I've got nothing to sell you except that you live in the finest place to live for the average person that we have in the whole United States. And 99% of the population believe it and if you don't believe it, talk to them sometime when you go back east. Those people are going to come here because the average man gets more in Riverside, San Bernadino, San Diego, I don't care where it is, for his daily work, his daily production, than almost any place Ive ever seen. And they're going to come out here whether we like them or don't like them.

I'm going to read just a little bit from the Pacific Banker and Business for March of this year, "Close the Border." It talks about armed guards at California's borders to thwart new residents. Well, of course, we're not going to do that. But this is an article based on a report by Enoch Black, former University of California at Davis Chancellor, whose committee of 14 members were appointed to study the in-migration, and he says that southern California cannot possibly miss having at least another 10 million people within the next 10 years and 20 million people within 20 years. If you think you've got problems with the traffic now on the freeway, wait until you get another 10 million on it. You'll draw a number at Van de Camps to drive up on the freeway so you can sit there.

Don't let them kid you that we're the only place with smog or we're the only place with traffic or we're the only place that has "urban sprawl." They all have, they all have. This is indigenous to the pattern of our growth. It's correctable. Everything man has done, he can correct. All I hope is that in correcting this we correct it as an engineering and not as an emotional problem. We will never stop pollution by hitting some supervisor over the head with a placard on a pole. That's not going to correct pollution. We will correct pollution by the same pattern that we created pollution, and that's by applying engineering and intelligent principles to it. Evertyhing we have done, in my opinion, we can reverse if we must.

My closing comments are these: groups such as yours indicate to me that we have what it takes in San Bernardino and Riverside to continue a proper, orderly, wonderful growth for our areas. You've got it coming. You're right in the middle of the gunfight. Don't kid yourself. If you'd taken any of the early settlers in San Bernardino or Riverside or Redlands and shown them what you've done, they wouldn't believe it. This is the only community I know where if you don't visit the town once every 10 years you get lost. I got lost in Rialto. Now who can get lost in Rialto? I did. Why? because I hadn't been there for some time, and while I was gone they moved the whole town up to Foothill Blvd.

The people back in the New England states or the Atlantic seaboard say, "You people are all wrong, you don't know what you're talking about." You know what their idea of a big growth pattern is in New England? Sy Haskins adds a room on his farmhouse and they go down and look at it on Sunday!

Any of you who have ever driven out on this freeway or on the San Diego freeway, driven on 101 North and looked at that growth pattern we have, it's phenomenal. I don't care whether you want it or don't want it, it's here and it's going to be yours, I think the future of California lies in groups like yours directing this intelligently.

All I hope is that my gland pills keep working for the next 10 to 15 years. I would like to see what it's like when this thing hits with another 10 million people and see us take care of it in the fine way we've always taken care of people we had, because we have more people living happily than in almost any other area I know of. We've got some unhappy people, we always have unhappy people anywhere, but the basic pattern is that the average man in the inland empire areas gets more for his living day and living dollar than almost any other place in the United States.

THE NEED FOR A DEPARTMENT OF VETERANS' AFFAIRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, in the executive branch of the Government of the United States there are seven agencies with budgets in excess of $5 billion. Six of these agencies are Cabinet-level departments; one is not. There are four agencies which have more than 100,000 full-time permanent employees. Three of these agencies are Cabinet-level departments; one is not. There are three agencies which make annual outlays for education, according to budget estimates, in excess of one-half billion dollars. Two of these agencies are Cabinet-level departments; one is not. Again, there are two agencies which yearly expend more than $1 billion in providing direct Federal hospital and medical services, and there are two agencies which expend more than $5 billion in the form of cash benefits for income security programs. In both cases, one agency is a Cabinet-level department, and one is not.

In every one of the instances I have just cited, the agency which is not a Cabinet-level department is the same—the Veterans' Administration. This situation clearly does not make any sense. It is an organizational monstrosity, and it is high time that something be done to correct it.

I am therefore introducing legislation in this 92d Congress, as I have introduced legislation in every Congress since 1962, to create a Cabinet-level Department of Veterans' Affairs which will assume the functions of the present Veterans' Administration. If I found the arguments supporting the creation of such a department convincing in 1962, I find them compelling today.

In the past 7 years the already heavy responsibilities of the Veterans' Administration have been further expanded not only by the rapid growth of the veteran population as a result of our Vietnam commitment but also by a great deal of legislation which has provided new and expanded benefit programs for our veterans. Today there are 28,590,000 U.S. veterans, and, when the members of their families are also taken into account, there is a total of over 100 million citizens—as much as half the population—potentially eligible for some type of veterans' benefits or services. On an average day there are over 100,000 veterans receiving care in a Veterans' Administration institution; veterans currently receiving educational assistance under the GI bill number in the hundreds of thousands; millions of home loans have been guaranteed by the Veterans' Administration. The list could go on and on.

It is therefore even more important now than ever before that we establish a Cabinet department for the conduct of our veterans' programs, which involve such great sums of money, which affect such a large proportion of our population, and which are so deeply involved in such vital areas as health, education, housing, rehabilitation, and income maintenance. This is not a matter of status. It is a matter of fitting the machinery to the job. As a Cabinet department, the Veterans' Administration would be better able to perform its functions and to coordinate its activities with those of the other departments. Such a change would be advantageous for the veterans' programs, for the programs of the existing Cabinet agencies, and, in the long run, for the American people in general.

FORCED BUSING OPPONENTS MUST VOTE AGAINST CONFERENCE REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, within a few days we will have a very significant vote facing us. It is not very often that we twice instruct House conferees to insist on our recorded House position. It is not often that we have three votes with overwhelming margins on a single issue. It is not often that all of this happens and our position is abandoned in conference anyway. This unique situation has now occurred as a result of the conference report which was agreed to last week on the Education Amendments of 1972. As all Members know, antiforced busing amendments which represented the overwhelming judgment of this Body were attached to that legislation. Yet, our position was bargained away in conference. It is as if we had never expressed our will at all.

Mr. Speaker, if this conference report is adopted we are virtually in the position we found ourselves before the House voted on three occasions, overwhelmingly I might add, to prohibit Federal funds for forced busing of any kind. Reread the debates of last November on this legislation. We are back where we were, pure and simple. Not quite, because the $100 million set aside for Metro schools is a bigger boost to bureaucratic plans to bus school children than anything we had before us at that time.

The sponsors of the bill correctly stated last November that nothing in the bill would force communities to adopt busing plans. What the bill did was to provide funds for those communities which might be under court order to bus or HEW compliance orders, and also, for those communities which had voluntary plans for forced busing. The word "voluntary" is used loosely because in some cases it was very clear that school districts came up with so-called voluntary plans only after the carrot and stick approach by HEW had brought them to this drastic step. Prince Georges County, Md., is a good example of HEW withholding Federal funds until busing plans are voluntarily adopted.

Note the statements of the sponsors during the debates of last November. Mr. BELL of California stated:

> Mr. Speaker, despite assertions to the contrary, this legislation does not require any school districts to do anything.
>
> It does, however, provide the resources to allow school districts to comply with the requirements of the Constitution and other laws.
>
> And it also provides assistance to those school districts which, on their own initiative, voluntarily implement a plan to reduce or eliminate the facial isolation which is taking a disastrous human toll.

The chairman of our committee, Mr. PERKINS, stated basically the same thing:

The bill was designed to assist school districts operating elementary and secondary schools. There are a number of broad categories of school districts eligible for grants under his bill:

Those districts implementing plans to desegregate or integrate under an order from a Federal or State court or from the Department of Health, Education, and Welfare operating under title VI of the Civil Rights Act. Local educational agencies implementing plans to desegregate or integrate pursuant to orders issued by State agencies or officials are also eligible under this category.

School districts which have voluntarily adopted and are implementing, or which will voluntarily adopt and implement, plans for the complete integration of their schools.

School districts which have adopted and are implementing, or which will adopt and implement, plans for the elimination, reduction, or prevention of racial isolation.

The ranking minority member, Mr. Quie, said:

If a school district wants to voluntarily desegregate, it seems to me that is their business.

Here we have an opportunity to use some Federal money the President has promised to make available, $1.5 billion, for aiding schools with the increased cost of desegregation. Whether the segregation was de jure or de facto, the assistance would be made available to them.

On the question of busing, I would say I should like to leave this to the local school district, to make that decision, rather than to have us prohibit the use of any money for busing.

Mr. Pucinski told the House that he was opposed to busing but the proper approach was to sign the discharge petitions on constitutional amendments, not to attach antibusing amendments to the bill. He concluded:

But if, indeed, a school district is under a court order and ordered to do certain things against the will of the community, the parents and the teachers, at least you would provide some financial assistance here to meet the crisis of such desegregation.

My colleagues from Michigan, Mr. William D. Ford and Mr. O'Hara properly called the bill the "Back Door School Bus Financing Bill of 1971." No one was fooled. The votes were on straight up or down issues.

Despite all of these statements, the Members of this body saw the issue very clearly. It was not whether or not the Emergency School Aid Act of 1971 would require—repeat, require—school districts to spend the funds provided for forced busing. It was whether or not Federal funds should be utilized in these forced busing schemes whether voluntary or not, whether under court order or not, whether under HEW compliance or chicanery or not. The overwhelming majority voted against any use of Federal funds. Not just once, Mr. Speaker, but three times.

Mr. Speaker, here is a breakdown of the three votes which clearly indicate that the House took a categorical position against forced busing:

RECORD VOTES ON FORCED BUSING ISSUE

No. 1—Vote on Ashbrook amendment as amended, Congressional Record, vol. 117, pt. 30, p. 39322. Amendment would prohibit Federal funds for busing where purpose is racial balance. Yes vote was against forced busing. Amendment carried 233–124.

No. 2—Vote on motion to instruct House conferees to insist on Ashbrook-Green-Broomfield amendments and uphold House position. Passed 272–139 on Mar. 8, 1972, p. 7562 of Congressional Record. Yes vote is against forced busing.

No. 3—House again voted, 275–124, to instruct House conferees not to yield on Ashbrook-Green-Broomfield amendments on May 11, 1972. Congressional Record p. 16841, 16842. A yes vote was a vote against forced busing.

	1	2	3
DEMOCRATS			
Abbitt	Yes	Yes	Yes.
Abernethy	Yes	Yes	Yes.
Abourezk	No	No	No.
Abzug	No	No	No.
Adams	No	No	No.
Addabbo	No	No	Yes.
Albert	No		
Alexander	Yes	Yes	Yes.
Anderson, California	No	Yes	Yes.
Anderson, Tennessee	Yes		
Andrews, Alabama			Yes.
Annunzio	No	Yes	Y s.
Ashley	No	No	No.
Aspin		No	Yes.
Aspinall		Yes	Yes.
Badillo	No	No	No.
Baring, Nevada	Yes		Yes
Barrett		No	No.
Begich	No	No	No.
Bennett	Yes	Yes	Yes
Bergland	No	No	No.
Bevill	Yes	Yes	Yes.
Biaggi	Yes	Yes	Yes.
Bingham	No	No	No.
Blanton		Yes	Yes.
Blatnik	No		No.
Boggs	No	No	No.
Boland, Massachusetts	No	No	No.
Bolling, Missouri	No	No	No.
Brademas	No	No	No.
Brasco	No	No	No.
Brinkley	Yes	Yes	Yes.
Brooks	Yes	Yes	
Burke, Massachusetts	No	No	No.
Burleson, Texas	Yes	Yes	Yes.
Burlison, Missouri	Yes	Yes	Yes.
Burton	No	No	No.
Byrne, Pennsylvania	No	No	No.
Byron	Yes	Yes	Yes.
Cabell		Yes	Yes.
Caffery	Yes	Yes	Yes.
Carey	No	No	Yes.
Carney		No	No.
Casey	Yes	Yes	Yes.
Celler	No	No	No.
Chappell	Yes	Yes	Yes.
Chisholm	No	No	No.
Clark	Yes		
Clay	No	No	No.
Collins, Illinois	No	No	No.
Colmer	Yes	Yes	Yes.
Conyers	No	No	No.
Corman	No	No	No.
Cotter	Yes	Yes	Yes.
Culver		No	No.
Curlin		Yes	Yes.
Daniel, Virginia	Yes	Yes	Yes.
Daniels, New Jersey	No	No	No.
Danielson, California	No	Yes	Yes.
Davis, Georgia		Yes	Yes.
Davis, South Carolina	Yes	Yes	Yes.
de la Garza	No	Yes	Yes.
Delaney	Yes	Yes	Yes.
Dellums	No		No.
Denholm	No	Yes	Yes.
Dent, Pennsylvania	No	No	Yes.
Diggs		No	No.
Dingell	Yes	Yes	Yes.
Donohue	No	No	No.
Dorn	No	No	No.
Dow	No	No	
Dowdy, Texas		Yes	
Downing, Virginia	Yes	Yes	Yes.
Drinan	No	No	No.
Dulski	Yes	Yes	Yes.
Eckhardt	No	No	No.
Edmondson	Yes	Yes	
Edwards, California	No	No	No.
Edwards, Louisiana			
Eilberg	Yes	Yes	Yes.
Evans, Colorado	No	No	
Evins, Tennessee	Yes	Yes	Yes.
Fascell	No	No	No.
Fisher	Yes	Yes	Yes.
Flood	Yes	No	No.
Flowers	Yes	Yes	Yes.
Flynt	Yes	Yes	Yes.
Foley	No	No	No.
Ford, William D	Yes	Yes	Yes.
Fountain	Yes	Yes	Yes.
Fraser	No	No	No.
Fulton, Tennessee	Yes	Yes	Yes.
Fuqua	Yes	Yes	Yes.
Galifianakis	Yes	Yes	Yes.
Gallagher		No	
Garmatz	Yes	Yes	Yes.
Gaydos			Yes.
Gettys	Yes	Yes	Yes.
Giaimo	Yes	Yes	Yes.
Gibbons	Yes	Yes	Yes.
Gonzalez	No	No	
Grasso	Yes	Yes	Yes.
Gray, Illinois		Yes	
Green, Oregon	Yes	Yes	Yes.
Green, Pennsylvania	No	No	No.
Griffin, Mississippi	Yes	Yes	Yes.
Griffiths, Michigan		Yes	Yes.
Hagan, Georgia	Yes	Yes	
Haley	Yes	Yes	Yes.
Hamilton		Yes	Yes.
Hanley	No	No	Yes.
Hanna	No	Yes	Yes.
Hansen, Washington	Yes	No	No.
Harrington	No	No	No.
Hathaway	No	No	No.
Hawkins	No	No	No.
Hays	Yes	Yes	
Hébert		Yes	Yes.
Hechler, West Virginia	No	No	No.
Helstoski	No	No	No.
Henderson	Yes	Yes	Yes.
Hicks, Massachusetts	Yes	Yes	Yes.
Hicks, Washington	No	No	No.
Holifield	No	No	No.
Howard		No	No.
Hull	Yes		
Hungate	Yes	Yes	Yes.
Ichord	Yes	Yes	Yes.
Jacobs	Yes	Yes	Yes.
Jarman		Yes	Yes.
Johnson, California		Yes	Yes.
Jones, Alabama	Yes	Yes	Yes.
Jones, North Carolina	Yes	Yes	Yes.
Jones, Tennessee		Yes	Yes.
Karth	No	No	No.
Kastenmeier	No	No	No.
Kazen	No	Yes	Yes.
Kee, West Virginia		Yes	Yes.
Kluczynski	Yes	Yes	Yes.
Koch		No	No.
Kyros	No	No	No.
Landrum	Yes	Yes	
Leggett	No	No	No.
Lennon	Yes	Yes	Yes.
Link, North Dakota	No	No	No.
Long, Louisiana		Yes	Yes.
Long, Maryland	Yes	Yes	
McCormack	No	No	No.
McFall	No	No	No.
McKay	No	Yes	Yes.
McMillan	Yes	Yes	Yes.
Macdonald, Massachusetts	Yes		
Madden	No	No	No.
Mahon, Texas	Yes	Yes	Yes.
Mann	Yes	Yes	Yes.
Mathis	Yes	Yes	Yes.
Matsunaga	No	No	No.
Mazzoli	Yes	No	No.
Meeds	No	No	No.
Melcher	No	No	No.
Metcalfe		No	
Mikva	No	No	No.
Miller, California			Yes.
Mills, Arkansas		Yes	Yes.
Minish	No	No	No.
Mink	No	No	No.
Mitchell	No	No	No.
Mollohan	Yes	Yes	Yes.
Monagan, Connecticut	No	Yes	Yes.
Montgomery	Yes	Yes	Yes.
Moorhead	No	No	No.
Morgan	No	No	No.
Moss	No	No	No.
Murphy, Illinois	No	Yes	Yes.
Murphy, New York	No	No	No.
Natcher	Yes	Yes	Yes.
Nedzi	Yes	Yes	Yes.
Nichols	Yes	Yes	Yes.
Nix	No	No	No.
Obey	No	No	No.
O'Hara	Yes	Yes	Yes.
O'Neill	No	No	No.
Passman, Louisiana	Yes	Yes	
Patman, Texas		Yes	Yes.
Patten, New Jersey	No	No	No.
Pepper	No	No	Yes.
Perkins	No	No	No.
Pickle	Yes	Yes	Yes.
Pike	Yes	No	Yes.
Poage		Yes	Yes.
Podell	No	No	Yes.
Preyer, North Carolina	Yes	No	
Price, Illinois	No	No	No.
Pryor, Arkansas	Yes		Yes.

RECORD VOTES ON FORCED BUSING ISSUE—Continued

	1	2	3
DEMOCRATS—Continued			
Pucinski	Yes	Yes	Yes.
Purcell	Yes	Yes	Yes.
Randall, Missouri	Yes	Yes	Yes.
Rangel, New York	No	No	
Rarick	Yes	Yes	Yes.
Rees		No	No.
Reid, New York	No	No	No.
Reuss	No	No	No.
Roberts		Yes	Yes.
Rodino	No	No	No.
Roe	Yes	Yes	Yes.
Rogers	Yes	Yes	Yes.
Roncalio	No	No	No.
Rooney, New York	No	No	No.
Rooney, Pennsylvania	Yes	Yes	Yes.
Rosenthal	No	No	No.
Rostenkowski	No	Yes	Yes.
Roush	Yes	Yes	Yes.
Roy	Yes	Yes	No.
Roybal	No	No	No.
Runnels	Yes	Yes	Yes.
Ryan	No	No	No.
St Germain	Yes	Yes	Yes.
Sarbanes	Yes	Yes	Yes.
Satterfield	Yes	Yes	Yes.
Scheuer		No	
Seiberling	No	No	No.
Shipley	Yes		Yes.
Sikes	Yes	Yes	Yes.
Sisk		No	Yes.
Slack	Yes	Yes	Yes.
Smith, Iowa	No	No	No.
Staggers, West Virginia		Yes	Yes.
Stanton, James V	Yes	Yes	Yes.
Steed, Oklahoma	Yes	Yes	Yes.
Stephens		Yes	Yes.
Stokes	No	No	
Stratton	Yes	Yes	Yes.
Stubblefield	Yes		
Stuckey		Yes	Yes.
Sullivan	Yes	Yes	Yes.
Symington	No	No	No.
Taylor		Yes	Yes.
Teague, Texas		Yes	Yes.
Thompson, New Jersey	No	No	No.
Tiernan	Yes	Yes	
Udall		No	No.
Ullman	Yes	No	No.
Van Deerlin	No	No	No.
Vanik	Yes	No	No.
Vigorito	Yes	Yes	Yes.
Waggonner	Yes	Yes	Yes.
Waldie	No	No	No.
White, Texas			Yes.
Whitten	Yes	Yes	Yes.
Wilson, Charles H		Yes	Yes.
Wolff	No	No	No.
Wright		Yes	Yes.
Yates	No	No	No.
Yatron	Yes	Yes	Yes.
Young, Texas	Yes	Yes	Yes.
Zablocki	Yes	Yes	Yes.
REPUBLICANS			
Anderson, Illinois	No	No	No.
Andrews, North Dakota	Yes	Yes	Yes.
Archer	Yes	Yes	Yes.
Arends	Yes	Yes	Yes.
Ashbrook	Yes	Yes	Yes.
Baker		Yes	Yes.
Belcher		Yes	Yes.
Bell	No		No.
Betts	Yes	Yes	Yes.
Biester	Yes	Yes	Yes.
Blackburn	Yes	Yes	Yes.
Bow	Yes	Yes	Yes.
Bray	Yes	Yes	Yes.
Broomfield	Yes	Yes	Yes.
Brotzman	Yes	Yes	Yes.
Brown, Michigan	Yes	Yes	
Brown, Ohio		No	No.
Broyhill, North Carolina	Yes	Yes	Yes.
Broyhill, Virginia		Yes	Yes.
Buchanan	Yes	Yes	Yes.
Burke, Florida		Yes	Yes.
Byrnes, Wisconsin	Yes	Yes	Yes.
Camp, Oklahoma	Yes	Yes	Yes.
Carlson			Yes.
Carter	Yes	Yes	Yes.
Cederberg	Yes	Yes	Yes.
Chamberlain	Yes	Yes	Yes.
Clancy	Yes	Yes	Yes.
Clausen, Don H	Yes	Yes	Yes.
Clawson, Del	Yes	Yes	Yes.
Cleveland	Yes	Yes	Yes.
Collier	Yes		Yes.
Collins, Texas	Yes	Yes	Yes.
Conable	Yes	Yes	Yes.
Conte	No	No	No.
Coughlin	Yes	Yes	Yes.
Crane	Yes	Yes	Yes.
Davis, Wisconsin	Yes	Yes	Yes.
Dellenback	No	No	No.
Dennis		Yes	Yes.
Derwinski		Yes	Yes.
Devine	Yes	Yes	Yes.
Dickinson	Yes	Yes	Yes.
Duncan	Yes	Yes	Yes.
du Pont	Yes	Yes	Yes.
Dwyer		No	Yes.
Edwards, Alabama	Yes	Yes	Yes.
Erlenborn	No	No	No.
Esch	Yes	Yes	Yes.
Eshleman	Yes	Yes	
Findley		No	No.
Fish, New York	Yes	Yes	Yes.
Ford, Gerald R	Yes	Yes	Yes.
Forsythe	Yes	Yes	Yes.
Frelinghuysen	Yes	Yes	Yes.
Frenzel	No	No	No.
Frey		Yes	Yes.
Goldwater	Yes	Yes	Yes.
Goodling	Yes	Yes	Yes.
Gross	Yes	Yes	Yes.
Grover	Yes	Yes	Yes.
Gubser		Yes	Yes.
Gude, Maryland	No		No.
Hall	Yes	Yes	Yes.
Halpern		Yes	Yes.
Hammerschmidt	Yes	Yes	Yes.
Hansen, Idaho		No	No.
Harsha	Yes	Yes	Yes.
Harvey	Yes	Yes	Yes.
Hastings	Yes	Yes	Yes.
Heckler, Massachusetts	No	No	No.
Heinz	Yes	Yes	Yes.
Hillis	Yes	Yes	Yes.
Hogan	Yes	Yes	Yes.
Horton	Yes	Yes	Yes.
Hosmer		Yes	Yes.
Hunt	Yes	Yes	Yes.
Hutchinson	Yes	Yes	Yes.
Johnson, Pennsylvania	Yes	Yes	Yes.
Jonas	Yes	No	
Keating	Yes	Yes	Yes.
Keith	Yes	No	
Kemp, New York	Yes	Yes	Yes.
King	Yes	Yes	Yes.
Kuykendall	Yes	Yes	
Kyl	Yes	Yes	Yes.
Landgrebe	Yes	Yes	Yes.
Latta	Yes	Yes	Yes.
Lent, New York	Yes	Yes	Yes.
Lloyd		Yes	Yes.
Lujan		Yes	Yes.
McClory	No	No	No.
McCloskey	No	No	No.
McClure		Yes	Yes.
McCollister	Yes	Yes	Yes.
McCulloch		No	No.
McDade	Yes	Yes	Yes.
McDonald, Michigan	Yes	Yes	Yes.
McEwen	Yes	Yes	Yes.
McKevitt	Yes	Yes	Yes.
McKinney	Yes	Yes	Yes.
Mailliard		No	No.
Mallary		No	No.
Martin		Yes	Yes.
Mathias, California	Yes	Yes	Yes.
Mayne	No	No	No.
Michel	Yes	Yes	Yes.
Miller, Ohio	Yes	Yes	Yes.
Mills, Maryland	Yes	Yes	Yes.
Minshall, Ohio	Yes	Yes	Yes.
Mizell	Yes	Yes	Yes.
Morse, Massachusetts			
Mosher	No	No	No.
Myers	Yes	Yes	Yes.
Nelsen	Yes	Yes	Yes.
O'Konski	Yes	Yes	Yes.
Pelly	Yes	Yes	Yes.
Pettis	Yes	Yes	Yes.
Peyser	Yes	Yes	Yes.
Pirnie		Yes	Yes.
Poff	Yes	Yes	Yes.
Powell	Yes		Yes.
Price, Texas	Yes	Yes	Yes.
Quie	No	No	No.
Quillen	Yes	Yes	Yes.
Railsback		No	No.
Rhodes	Yes	Yes	Yes.
Riegle	No		No.
Robinson, Virginia	Yes	Yes	Yes.
Robison, New York	No	No	No.
Rousselot	Yes	Yes	Yes.
Ruppe		No	No.
Ruth	Yes	Yes	Yes.
Sandman	Yes	Yes	Yes.
Saylor	Yes	No	No.
Scherle	Yes	Yes	Yes.
Schmitz	Yes	Yes	Yes.
Schneebeli	Yes	Yes	Yes.
Schwengel	Yes	Yes	No.
Scott	Yes	Yes	Yes.
Sebelius		Yes	Yes.
Shoup	Yes	Yes	Yes.
Shriver	Yes	Yes	Yes.
Skubitz		Yes	Yes.
Smith, California	Yes	Yes	Yes.
Smith, New York		Yes	Yes.
Snyder	Yes	Yes	Yes.
Spence	Yes	Yes	Yes.
Springer	Yes	Yes	Yes.
Stanton, J. William			Yes.
Steele	Yes	Yes	Yes.
Steiger, Arizona	Yes	Yes	Yes.
Steiger, Wisconsin	No	No	No.
Talcott	Yes	Yes	Yes.
Teague, California	Yes	Yes	Yes.
Terry	Yes	Yes	Yes.
Thompson, Georgia	Yes	Yes	Yes.
Thomson, Wisconsin	Yes	Yes	Yes.
Thone	Yes	Yes	Yes.
Vander Jagt	Yes	Yes	Yes.
Veysey	Yes	Yes	
Wampler	Yes	Yes	Yes.
Ware	Yes	Yes	Yes.
Whalen	No	No	No.
Whalley	Yes	Yes	
Whitehurst	Yes	Yes	Yes.
Widnall	Yes	Yes	Yes.
Wiggins		Yes	Yes.
Williams	Yes	Yes	
Wilson, Bob		Yes	Yes.
Winn	Yes	Yes	Yes.
Wyatt, Oregon		Yes	
Wydler	Yes	Yes	Yes.
Wylie, Ohio		Yes	Yes.
Wyman, New Hampshire	Yes	Yes	Yes.
Young, Florida	Yes	Yes	Yes.
Zion		Yes	Yes.
Zwach	No	No	No.

Mr. Speaker, the conference report puts us back where we were. No matter what oratory will develop in the weeks ahead, unless this report is voted down our three previous votes will have been negated. What has happened to the integrity of the House? How many votes does it take to convince our conferees that we do not want to yield on such a basic issue?

The House conferees yielded across the board. Funds for forced busing will be allowed where the local plans are voluntary. This is what the bill provided for in the first place. Funds will be made available for forced busing schemes where courts have ordered them. This is what the bill provided for in the first place. Even the Broomfield amendment was gutted by adding a termination date. The busers can live with that. The old theory of riding the waves for a while and then back to business as usual. Even worse, the set-aside for metro schools compounds the travesty inflicted upon this body. Not only will the bureaucrats get everything they wanted, they will have $100 million to induce city districts to advance busing plans to integrate inner city schools with the suburbs. No one has yet suggested that these students will walk to their newly ordered school so it is obvious that forced busing out of neighborhoods will be the chief tool in implementing metro schools. Here is an article on the metro school which appeared in the Washington Star on December 13, 1971:

MARLAND SUPPORTS METRO-SCHOOL IDEA

(By John Mathews)

Joining cities and suburbs into metropolitan school districts, says U.S. Commissioner of Education Sidney P. Marland Jr., can be one solution for ending the isolation of black students in large cities.

Marland, who completes his first year in office Saturday, said in an interview that imaginative solutions must be found "to correct the racial isolation that exists in our country . . . and schools are a very fundamental part of that isolation."

Where it is "feasible, pertinent and workable," Marland added, metropolitan school districts can be the answer.

The commissioner avoided commenting directly on pending federal court decisions, like one in Richmond where the city has asked a federal judge to order consolidation

> of city schools with those of adjacent Chesterfield and Henrico Counties.
>
> Marland did say, however, that he generally favors local initiatives rather than court orders, since "local people working together can come up with better plans than any court."
>
> Such plans should avoid busing students "grotesque distances," he said.
>
> Marland said another alternative for dealing with the increasing concentration of poor and black children in city districts is to make "city schools so good, people won't leave them or will return to them."
>
> The controversial issue of consolidation was highlighted earlier this year when a federal judge ordered schools in Detroit and its suburbs to devise a merger plan. The judge found that city students, many of them black and poor, were denied equal education because artificial boundaries were established between the largely white suburbs and the major black city schools.
>
> Marland dealt cautiously with questions about the current Nixon administration study of ways for revamping the tax structure in order to decrease the dependence on local property taxes for the support of schools.
>
> Proposals under consideration reportedly include a federal subsidy to poorer districts or a national value-added tax applied to business and earmarked for education.
>
> Marland said the public "should not assume that there will be a larger federal role" in support of schools. He said he personally has favored for years federal aid of 25 to 30 percent to local districts compared to the current 7 or 8 percent level.
>
> He said the top priority for increased federal support should be for big city school systems, which are reaching taxing limits and having large numbers of low-income students.
>
> One of his major objectives within the Office of Education, Marland said, is a plan now being developed to concentrate unearmarked or discretionary funds in some 100 to 200 school districts in order to gain greater impact for the dollars spent.
>
> About 85 percent of his budget of $5.3 billion is earmarked to states and local school districts.
>
> In what he calls his "educational renewal program," Marland hopes to have school districts compete for $150 million in federal funds annually—by submitting plans for comprehensive programs to improve the achievement levels of students from low-income families.
>
> Marland acknowledged that he may have difficulty persuading Congress that his planned flexible use of federal funds conforms with the intent of legislation.

Note that Commissioner Marland says that plans should avoid busing students "grotesque distances." What is a grotesque distance, one might ask? The House conferee, in yielding on metro schools, virtually mandate more forced busing rather than less.

You will be told that the conferees stood by the House position. This is not so. They capitulated lock, stock and barrel on the forced busing issue. Writing in the New York Times, David E. Rosenbaum summed it up this way in his article on the conference report:

> The compromise would also permit Federal money to be used for busing if this was sought by local officials, and it would allow Federal officials to encourage busing under the Civil Rights Act of 1964.
>
> The conferees basically accepted the Senate language, outlawing busing only if it endangered the health of pupils or required them to be sent to inferior schools.
>
> The House bill would also have delayed court-ordered busing until appeals had run their course, but it would have set no time limit on such delays. It also would have prohibited the use of any Federal money to pay for busing and would have forbidden Federal agents to encourage communities to use their own money for busing.

This article appeared in the May 18, 1972, Times and appropriately had a heading which read "House Group Yields As Joint Panel Completes Action on Bill on Aid to Education." Yield the conferees did—across the board.

In a smug editorial, the New York Times on May 19, 1972, heralded the conferees desertion of the House position by saying:

> The amendment would delay for up to nineteen months, pending all appeals, any Federal court orders requiring busing to achieve racial balance. On that basis it does not prohibit busing necessary for school desegregation. It merely adheres to the Supreme Court's ruling that it is proper for the lower courts to order busing to achieve integration but not to create racial balance.
>
> Far from bowing to the House order to prohibit the use of Federal desegregation aid to pay for busing, the amendment allows the expenditure of such funds for busing if local communities request them. It does not prevent Federal civil rights enforcement agencies from ordering such expenditure provided they are "constitutionally required."
>
> The anti-busing debate is a red herring politically magnified by Governor Wallace and given bogus respectability by President Nixon. The conference compromise, which closely resembles the earlier Scott-Mansfield amendment, is designed to do as little harm as possible. Its liberal authors would undoubtedly agree that it serves no constructive purpose in its own right; rather it is a shield for saving the college campuses without actively sabotaging school integration.

Mr. Speaker, probably the worst concession that the conferees made was to remove the application of my amendment from the General Education Provisions Act. I carefully had my anti-forced busing amendment drafted so that it would apply to this section. In this way, the amendment applied not just to the bill before us in November, the Emergency School Aid Act of 1971, but to all programs administered in the Office of Education.

Not only have the amendments themselves been stripped, their application has also been diluted. On page 219 of the conference report statement, this House concession is made clear in this language:

> The Conference agreement does not amend the General Education Act, but contains the language of the House amendment which following exception: "on the express written voluntary request of appropriate local school officials."

Thus we got a double end run. The amendments were diluted to nothing. Everything that the pro-busers wanted before they have now, and more. Also, the application of the remains of the Ashbrook-Green amendment is now limited only to the bill and not to the various other programs administered by the U.S. Office of Education. As I pointed out in November, it was no real restriction to limit an anti-busing amendment to the desegregation bill—even HEW would buy that—because money for busing schemes could be readily made available out of ESEA or other educational programs. Thus, by the action of the House conferees it can be seen that busing will be expanded, not limited as this body mandated on three occasions.

The American people will be watching this vote very carefully. It will be necessary for at least 50 Members of this body to switch their position to pass this conference report. There is no way a Member can say what he is against forced busing if he votes for this conference report. Of course other issues are involved and the higher education bill is at stake. It will not die if Members vote to uphold their previously declared position on forced busing, however.

There are two transcending issues here. First, whether or not we should approve a conference report in which our conferees capitulated completely despite two record votes instructing them to insist on our position.

Second, whether or not there are 50 Members who will reverse their position and vote for the conference report with its forced busing provisions when they only recently voted against forced busing. These issues cannot be evaded.

CLARK CLIFFORD ON VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, on May 18, 1972, the Committee on Foreign Affairs was privileged to hear testimony by former Secretary of Defense Clark Clifford on the committee print joint resolution calling for termination of U.S. miltary involvement in Indochina.

I believe, as did several other members of the committee, that Mr. Clifford's statement was one of the most significant, persuasive and well-considered statements the committee has had the good fortune to hear in a number of years.

He argued convincingly that President Nixon's current policy in Vietnam will not end the war, but will prolong it, and that it risks a major confrontation with the Soviet Union and China in an area in which U.S. security interests are not threatened. Clifford points out clearly the perils of the choice which the President himself says he made: "a decisive military action to end the war."

Mr. Clifford's testimony will be published within a few weeks by the Committee on Foreign Affairs. But it is such an important statement that I ask that it be placed in the RECORD so that all Members of Congress and concerned American citizens may learn from it now.

Statement of Clark M. Clifford to House Foreign Affairs Committee in Support of Joint Resolution Calling for Termination of U.S. Military Involvement in Indo-China Subject to Release of U.S. Prisoners of War and Safe Withdrawal of U.S. Troops, May 18, 1972

> Mr. Chairman:
>
> I welcome your invitation to testify this morning in support of the Committee print of the Joint Resolution calling for the termination of U.S. military involvement in

Indo-China subject to the release of U.S. prisoners of war and safe withdrawal of U.S. forces there.

You are considering this important resolution at another tragic and dangerous juncture in our long and sad involvement in Vietnam. The President has taken certain steps which, in my opinion, can lead only to prolongation of the war, more deaths on all sides, heightened world tension, and continued division at home.

One would hope that the necessary and inevitable debate on this question could be conducted with as much light, and with as little heat as possible.

In this regard, I suggest that it is exceedingly unfortunate for Secretary of the Treasury Connally to impugn the patriotism of those who differ with President Nixon on the wisdom of this policy. It constitutes a distinct disservice to the country at a time when calmness and reason are required. This is especially true when the decision, in this instance, was made without consulting the Congress, and with such disregard for legislative prerogatives, that the legality of such action is subject to serious question.

The act of President Nixon in mining the harbors and escalating our localized Vietnam involvement into a major risk of conflict with Russia and China raises a grave question of the President's constitutional authority to take such action.

The SEATO Treaty provides no justification. It states only that in the event of armed attack each party "agrees that it will in that event act to meet the common danger in accordance with its *constitutional processes.*" The United States Constitution entrusts to the Congress the power to declare war and thus the responsibility for acts of war against foreign countries. Recognizing this, President Johnson obtained in the Gulf of Tonkin Resolution of 1964 the authorization to take action to defend American forces and come to the assistance of South Vietnam. Both Houses of Congress have since repealed the Gulf of Tonkin Resolution. In addition, Congress, in November 1971, declared it to be the policy of the United States to terminate, at the earliest practicable date, all military operations in Indo-China, and to withdraw by a date certain, subject to certain conditions.

Under these circumstances, there can be no valid contention that the President's power as Commander-in-Chief permits him to expand our involvement in Indo-China and to precipitate a confrontation with the Soviet Union and China. His action does not protect our troops, nor is it necessary to their withdrawal. In mining the harbors of Vietnam, President Nixon has not only denied access to foreign shipping, regardless of the cargoes carried, but he has also penned in those ports the ships of foreign flags that entered them in full compliance with international law. There can be no doubt about the significance to a sovereign state of an action that requires its ships to refrain from and even to remain in foreign ports on peril of their destruction. The power thus to make war on foreign countries is not entrusted by the Constitution to the unilateral decision of any one man. For the President of the United States to arrogate this power to himself is a defiance of constitutional principles and provides a clear warning that Congress must act and act immediately to reassert its jurisdiction.

In opposing the course the Administration is following, I hope to focus attention on what I believe to be the serious mistakes in policy that have been made, and why the members of this House should take action on the Joint Resolution. Despite the atmosphere of crisis which understandably pervades the country, I hope to offer some useful thoughts on the Indo-China problem.

To understand where we are today in Vietnam, and where we are going, we must briefly review where we have been. All of us—or at least almost all of us—shared in the basic misunderstanding that existed with reference to the threat against the United States. This was not confined to the Executive Branch of our government, for the Congress also took part by passing measures such as the Gulf of Tonkin Resolution. This is not said in an effort to apportion blame, but because it is important that we not continue to make the same mistakes.

The national security of the United States is not threatened in Vietnam, regardless of the outcome of the fighting. Once it was believed that in Indo-China we were watching the forward edge of a relentlessly expanding and monolithic communist bloc, directed from Moscow and Peking. In the days when that was believed, we knew nothing about the independent nature of the North Vietnam leadership, and had failed to read correctly the early evidence of a Sino-Soviet split. Our experience in Europe after World War II with an aggressive Soviet Union led us to believe that centrally directed communist expansion was being repeated in Southeast Asia.

Today we know this to have been a serious misevaluation. The small, under-developed, non-industrial nation of North Vietnam constitutes no threat to us, and it is equally clear that Russia and China are not on the march in Southeast Asia. The war itself has been essentially an internal struggle among Vietnamese—a civil war—in which the Saigon government is being aided by the United States, and its opponents by Russia and China.

Our national security is not at stake and our national interest has never warranted the investment in lives and treasure which we have made. One would hope that, by this late stage in the war, there would be no disagreement on this basic assessment. We are in Vietnam today only because we got into Vietnam yesterday.

The American people have two major interests: to get our forces—all our forces—safely out of Indo-China and to get our prisoners back. It is clear that President Nixon's policies will not accomplish either of these goals. On the contrary, his policies are involving us more deeply all the time and making our withdrawal progressively more difficult.

The President is committed to the preservation of the regime in South Vietnam, and because his negotiating demands are unacceptable to the Communists, United States military forces will be in South Vietnam for the indefinite future. Although he had before him when he entered the White House an impressive array of evidence that the Saigon regime lacked will and competence, and was ridden with nepotism and corruption, he nevertheless decided that it was both necessary and possible to win what he ambiguously called a "just peace." On November 3, 1969, he explained that he was proceeding on two tracks: "a peace settlement through negotiations or, if that fails, ending the war through Vietnamization." On June 3, 1970, he pledged "to end this war" and insisted moreover that Vietnamization would lead to a "just peace."

Year after year, many Americans have been confused by the ambiguity of the President's stated goals, and have believed his claims that Vietnamization would fulfill their hopes for an end to our involvement in the war. But others of us have long believed that his policy was instead a commitment to an indefinite American presence in Indo-China. I have believed that the policy was to reduce our troop levels to a residual force of 30,000 or 50,000 men to maintain American air, helicopter, logistic and naval forces; and thus to provide indefinite support for the Thieu regime. The American force would help build up and support South Vietnamese armed forces of more than one million men for a continuing conflict.

Vietnamization, however, was never a process that could end the war. Giving the Saigon regime more arms and more money would reenforce its resistance to a compromise settlement. Yet this assistance would not strengthen Saigon's forces sufficiently to defeat Hanoi or to force a settlement on Saigon's terms. It soon became apparent that Vietnamization meant for Mr. Nixon a partial, but far from total, U.S. force withdrawal, combined with a strengthening of ARVN that would confront the other side with a joint U.S.-South Vietnamese posture of *unassailable* and *permanent* military strength. It is therefore quite understandable that he has refused to set a date for complete U.S. withdrawal without unrealistic conditions. He never intended to withdraw totally unless Hanoi accepted his negotiating demands. In Mr. Nixon's formulation, an "end to the war" and a "just peace" meant Hanoi's formal or informal recognition of its defeat.

We are now able to assess the quality of President Nixon's judgment with respect to the three basic elements he faced in 1969. He was counting on (1) an inherent capacity of the Saigon regime and its army to "hack it"; (2) sufficient support in the United States for the war to permit the indefinite retention of significant American fighting forces in Vietnam; and (3) reasonable limits to the tenacity and fighting strength of the North Vietnamese.

What is the situation today?

The South Vietnamese army has no doubt improved, yet it has shown that without massive American air and naval support it cannot withstand the forces of North Vietnam;

Domestic political pressures for withdrawal have proved stronger than anticipated, thus forcing faster-paced and larger-scale reductions than President Nixon would have wished;

The Hanoi leadership has proved to be not only tenaciously "unreasonable", but more ingenious in its planning and execution, and better able to regenerate its military power, than had been anticipated in either Washington or Saigon.

Thus, today, three and a half years after President Nixon proclaimed his new policies, there have been almost $50 billion in additional war costs, 20,000 more Americans killed, hundreds of thousands of additional Vietnamese military and civilian casualties, as well as spreading devastation and deterioration in Cambodia and Laos. Our country faces today a more perilous political and military situation than it did in 1969.

The current North Vietnamese offensive has forced the President to change his strategy because Vietnamization has failed the test; indeed without massive increases in the level of American support, the Saigon government might well have already collapsed. The President has intensified the bombing to unprecedented levels and the bombs have been falling at an awesome rate. He has put six carriers in the Gulf of Tonkin, more than ever before. He has reactivated an air base in Thailand and added four squadrons of F-4's, and now he has mined the harbors and inland waterways of North Vietnam. He has done all this to preserve his insistent goal of a secure regime in Saigon.

But even the mining and more bombing will not allow him to reach his goals. They merely increase our chances for more war. I believe that the mining, and other steps now being taken, are egregious mistakes, for four main reasons:

1. They are dangerous and reckless moves which raise the risks of a confrontation with either China or Russia.

2. They will not achieve their stated objectives, for China and Russia both have the means to see that supplies get through to North Vietnam.

3. They will have no immediate effect on the outcome of the fighting in the South, and probably little effect for many months.

4. They will not end the war, but will prolong it.

Underlying all these reasons, the President's actions are wrong because they are based on a completely misguided vision of our stake in the war. Mr. Nixon still perceives each problem of international relations as part of a global chess game between the United States and the Soviet Union (at times it is a three-sided game in which China is also a contestant). In this game, one player's gain is automatically the other player's loss. This is an obsolete view, because it fails to acknowledge the reality that many countries, and indeed large areas of the world, have long since demonstrated a progressive independence and neutrality in the Great Power struggle. It is also, with respect to Vietnam, a dangerous view because it assums the Soviet Union possesses decisive leverage in Hanoi, when in fact it does not.

Operating on this invalid premise, Mr. Nixon has thus seen the recent North Vietnamese offensive not as a gain for Hanoi versus Saigon, but as a gain for Moscow versus Washington. He has concluded that, as a matter of our national prestige, the American President must even the score. What is so dangerous about the decision to mine Haiphong and establish an air and naval blockade of North Vietnam is that it constitutes a confrontation with the Soviet Union, and insists that the Russians terminate their assistance to North Vietnam. Whatever the misjudgments of past administrations, the policymakers of those years were careful never to widen the bitter local contest in Vietnam into a global confrontation of the superpowers, with all the imponderable risks of such a move. Thus the President is jeopardizing the basic American national interests involved in our relations with the Soviet Union for the sake of his policies in Indo-China.

In his speech of May 8, 1972, the President allowed us a brief but important glimpse at where he is now taking us in Indo-China, when he said:

"We now have a clear, hard choice among three courses of action: immediate withdrawal of all American forces; continued attempts at negotiations; or decisive military action to end the war."

Let me stress those extraordinarily revealing words, describing that choice which he then went on to take: *"a decisive military action to end the war."*

This is 1972, and it alarms me to hear a President talk of "decisive military action to end the war." For surely we have learned over the last ten years, in the most painful possible way, that there is no "decisive military action" that will end the war. These revealing words illuminate the tragic truth about the policy that the Administration is really following—a policy which assures a continuation of the war, and may well confront the President soon with another series of difficult and dangerous choices.

The President has told us that these measures will "stop the killing." I do not believe this because of the tenacity of the enemy, the incapacity of the Saigon regime and the limited effectiveness of the new military measures.

When we hear the President's claim that his blockade and new bombing will bring an end to the war, we also hear echoes of earlier statements:

In ordering troops into Cambodia on April 30, 1970, the President said, "We take this action . . . for the purpose of ending the war in Vietnam and winning the just peace we all desire." A month later, he reported success: "This operation," he said, "has clearly demonstrated that our Vietnamization program is succeeding."

Less than a year later, the President ordered the invasion of Laos. This time he went even further. On April 21, 1971, he said, ". . . tonight I can report that Vietnamization has succeeded."

Of course, it had not succeeded, and now once again American military action has been called in to make up for deficiencies in Saigon's will and capacity to fight. These deficiencies were brought to President Nixon's attention early in his term, when the first Kissinger national security study described the South Vietnamese armed forces in the following manner:

"RVNAF (Republic of Vietnam Armed Forces) faces severe motivation problems. The officer problem is still mixed in politics and little has been done to correct it. Poor leadership and motivation contributes to regular ground combat forces deserting (net) at an annual rate of 34 percent of their strength. Total RVNAF desertions (net) are equivalent to losing one ARVN (Army of the Republic of Vietnam) division a month."

We know from past experience that bombing is not decisive. In World War II we dropped two million tons of bombs. In the Korean War one million tons. While in the war in Indo-China, we have dropped 6.6 million tons of bombs. Even this staggering total did not prevent the 1968 and 1972 offensives. Increasing bombing means more U.S. prisoners of war, more civilian casualties and refugees, and more planes lost.

The mining and blockading are not likely to be effective because Russian ships can unload at Chinese ports and their cargo can be transported overland to North Vietnam. Increased shipments can be sent by rail from the Soviet Union. There may be lulls, periods of reduced fighting, accompanied no doubt by spokesmen claiming that the other side is "fading away." The current offensive may stall, particularly as the rainy season sets in, but the war will go on so long as Hanoi finds the situation in the South incompatible with its interest.

"Decisive military action to end the war"—I find it by far the most dangerous goal that the Administration could seek in Vietnam. It means either further escalation in an effort to save Vietnam by destroying it, or a policy of improvisation designed to stave off defeat for weeks or months, to keep the war going, and to wait for something to turn up so that the President can avoid making the only choice that can truly end the war.

That choice is a logical four-point plan for settlement which could have extricated us from the war at any time in the last three and one-half years and could extricate us now. The plan is short and simple. It consists of the following:

The United States would agree to two actions:

(1) Withdraw all U.S. Military personnel from South Vietnam, Laos and Cambodia on a date certain;

(2) End all ground, air and naval activity by U.S. forces in South Vietnam, North Vietnam, Los and Cambodia by the same date.

North Vietnam and the National Liberation Front would also agree to two actions:

(1) Return all U.S. prisoners held by North Vietnam and the National Liberation Front as U.S. troops withdraw;

(2) Refrain from attacks that would threaten the safety of U.S. military personnel during the period of withdrawal.

It is my firm conviction that if this plan were agreed to, political forces would surface in South Vietnam that would institute negotiations between the Vietnamese leading to an overall settlement. I further believe that by the time of our final withdrawal, the war in Vietnam would have ended.

If a settlement is reached in this manner, I do not believe that any so-called blood bath would follow. I think it would be the disposition of the parties to try to find the means to heal the wounds of twenty years of war. If, however, the end comes while the war is still in progress, then one would expect difficulty as pockets of resistance are eliminated. Surely we must keep in mind that the best way to prevent a blood bath is to stop the one that is occurring daily in both North and South Vietnam.

My deep concern over our policy in Vietnam has led me in the past to make certain predictions. After the Cambodian invasion in April 1970, I suggested, in an article in Life Magazine, that such action had merely spread the war and would not hasten its end. By the summer of 1971, I was even more troubled and stated, in the New York Times, that the North Vietnamese would launch a major military offensive in the winter of 1972, and that, in response, President Nixon would re-escalate our military involvement.

My concern now is greater than ever before, so I feel impelled to make the following predictions. These are not cheerful thoughts, but these are not cheerful times.

It is my conviction that if we follow the path we are now taking:

The war will continue indefinitely;

The United States will be involved indefinitely;

The United States will continue to have men killed and wounded indefinitely;

More civilians will die in Indo-China;

American taxpayers will continue to spend billions of dollars in support of the Saigon regime;

Russia and China will continue to supply North Vietnam with the necessary materials of war;

The United States will continue to lose planes and helicopters;

We will not get our prisoners back;

The number of prisoners will increase;

The Administration will have to ask Congress for still more money;

Our relations with China and Russia will be jeopardized;

Our standing with the rest of the world will sink lower and lower;

And if the South Vietnamese Army cannot hold, the President will climb the next step on the escalator.

We must not let all this happen.

I support without qualification the excellent joint resolution that is before this Committee. Any effort to amend it by including language proposing a cease fire would emasculate it. The President's past negotiating efforts have failed; a major stumbling block has been his demands for a cease fire that would preserve the present government in Saigon.

There are those who find comfort in the fact that the President's harsh statement on decisive military action was accompanied by a rephrasing of his settlement proposals. But, as always, our negotiating position takes back with one hand what it offers with the other. Hanoi is told that we will withdraw, but only four months after the complete return of our prisoners and acceptance of an internationally supervised ceasefire. The proposal for a ceasefire naturally strikes a responsive chord in everyone. But Hanoi believes that the institution of a ceasefire, without a political settlement, would be tantamount to their losing the war. An internationally supervised ceasefire would mean the insulation of the Thieu Government from both military and political pressures. It would deprive North Vietnam of the chance to protect its supporters in that part of the South controlled by Saigon. It would give President Thieu's police a free hand to uncover and destroy his regime's opponents.

The conditions imposed by the President are thus unrealistic and unrealizable. They make illusory the promise of a date certain for American withdrawal. They only make certain that our men will remain captive and that the war will go on.

The President's program will not work. His "decisive military action" will not end the war. His proposals for settlement will not bring peace. Neither course will work because they offer the other side nothing but defeat.

The President has never offered the simple four-point program that I have described. It is the way to end the war. It is completely consistent with the Joint Resolution before you.

I urge the adoption of the Resolution promptly, and without crippling amendment.

NO HELP FOR 200,000 VIETNAMESE REFUGEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, hundreds of thousands of Vietnamese refugees are receiving no help from the Saigon regime according to information contained in a memo written by U.S. Ambassador Ellsworth Bunker, which I am publicly releasing today.

More than 200,000 needy refugees created by the current offense have been given no aid by the Thieu regime. In addition, the Saigon government has allocated only approximately $1.25 per person to assist the estimated 675,000 new refugees driven from their homes by the Communist's thrust.

Mr. Speaker, Ambassador Bunker's report is just another sign that the Thieu regime is totally incapable of helping the South Vietnamese people.

I have written to Secretary of State William Rogers today requesting that the U.S. Government provide additional funds to alleviate the senseless human suffering occurring in Vietnam today. The American people have a moral responsibility to assist the innocent victims of this tragic and needless war.

Specifically, Ambassador Bunker reported to Secretary Rogers on May 6 of this year, that 60 percent of 250,000 refugees in Danang were receiving no government assistance. In addition, 200,000 refugees are in transit, seeking refuge with friends and relatives or otherwise caring for themselves in the Northern sector of the country. Only $335 million Vietnamese piasters have been allocated to refugee relief, hence each of the 675,000 refugees will receive approximately 500 piasters or $1.25.

The Agency for International Development is repeating past efforts by providing bulgur wheat to refugees during this current offensive. Even AID admits that the Vietnamese will not eat bulgur and instead they feed it to pigs and cattle. I simply do not understand why the Agency is repeating the same foolish error.

Previously, I publicly released another memorandum written by Ambassador Bunker which indicated that bulgur was used to feed pigs and cattle.

In conclusion, Mr. Speaker, it appears clear that since the United States has again escalated the war, at least we can aid the innocent victims of this horrible conflict.

Ambassador Bunker's memo and my letter to Secretary Rogers follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 23, 1972.

The Honorable WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am enclosing a memorandum written by our Ambassador in Vietnam concerning the current plight of approximately 675,000 Vietnamese refugees. Careful study of the memorandum indicates to me that more than 200,000 needy refugees are receiving no aid from the Thieu regime. In addition, the Saigon government has allocated only approximately $1.25 per person for refugee assistance.

I am writing to you today to request that the American government provide additional funds to alleviate the senseless human suffering occurring in Vietnam today. American people have a moral responsibility to assist the innocent victims of this tragic and needless war.

I would also like to call your attention that the Agency for International Development is repeating past errors by providing bulgur wheat to refugees. Even AID admits that the Vietnamese won't eat bulgur and instead they feed it to pigs and cattle. Why is AID repeating the same foolish error?

I also note that in his memorandum, Ambassador Bunker says that "additional funds will undoubtedly be necessary" for the refugee program. I urge that you provide all the funds needed to assist every single refugee.

Since the United States has again escalated the war, at least we can aid the innocent victims of this horrible conflict.

I look forward to an early response.

Sincerely,

LES ASPIN,
Member of Congress.

REFUGEES AND WAR VICTIMS GENERATED SINCE APR. 1

Region and province [1]	Estimated number generated
MR 1:	
Quang Tri	250,000
Quang Nam	3,150
Quang Tin	9,700
Quang Ngei	29,150
Thun Thien	200,000
Total	492,000
MR 2:	
Dinh Dinh	36,000
Kontun	30,000
Phu Bon	3,700
Phu Yen	3,900
Pleiku	20,000
Total	93,600
MR 3:	
Binh Duong	4,200
Binh Long	30,000
Mau Nghia	6,200
Phuoc Long	7,000
Phuoc Tuy	3,900
Tay Ninh	15,500
Total	66,700
MR 4:	
Ba Xuyen	800
Chau Doc	1,000
Chuong Thien	9,900
Kien Giang	700
Kien Phong	3,600
Kien Tuong	4,000
Vinh Binh	2,000
Total	22,000
Grand total	674,300

[1] Province where generated, not necessarily where taking refuge.

[Telegram]

Control: 6582 (Saigon)
Date: May 6, 1972, 0613152
Charge: US Aid
Action: Secretary State Washington, D.C. Priority
Saigon 6582
Aid AC
Attention: Nooter for Refugee Hearing
Subject: Refugee Situation
Reference: Saigon 6470

1. See reftel for number refugees generated. Brief info on current status by region:

a. MR 1. Estimated 250,000 Quang Tri and Thua Thien refugees now in Danang, with perhaps 40 percent receiving some GVN assistance. At least 160,000 are counted in 10 large and 120 small reception sites throughout the city. Perhaps 65,000 people now in large sites. Virtually every church, pagoda, and school is occupied by refugees. Improvement of water and sanitary facilities necessary at most sites as refugees continue to pour in. Travel by foot, bus, boat, truck, etc. Military trucks go north with ammo, return with refugees. National Police and Vietnamese Information Service direct refugees to camps. Police also provide security for refugees and, where possible, check identification for NVA infiltrators. Estimated 30,000 refugees still in Hue sites all receiving aid. No estimate on number sites occupied there now, but 65 sites in use last week. No official sites between Hue and Danang. Perhaps 200,000 people in transit, taking refuge with friends and relatives, or otherwise caring for themselves in Thua Thien and Quang Nam. About 50 percent of Quang Nam, Quang Tin refugees receiving aid.

b. MR. 2. Of estimated 90,400 refugees, 30 percent are identified and receiving assistance from the GVN. About 9,500 helped in Binh Dinh; 7,000 in Pleiku; 7,500 in Kontum; 1,500 from Pleiku and Kontum helped in Nhatrang City. Many who fled in anticipation of military action require no aid. Many others are located in areas (particularly in Binh Dinh and Kontum) where assistance cannot reach.

c. *MR 3.* Refugees generated in Tay Ninh Province now up to 15,500. Of 62,700 estimated total MR 3 refugees, about 20 percent (some 30,000 people) are receiving aid. 17,300 Binh Long and Phuoc Long refugees being cared for in Binh Duong. Small numbers have been assisted in all other affected provinces with the exception of Binh Long, which is still contested.

d. *MR 4.* Many of the 11,450 listed are actually war victims. Perhaps 4,500 (about 40 percent), most from Kien Phong, have received aid. Many are returning home or rebuilding; others caring for themselves.

2. 335 million piasters in GVN-allocated refugee relief funds are being used mainly for purchase of rice (average VN $90 per kilo) but also for purchases of canned fish, salt, sugar, milk, vegetables, utensils, blankets, mats, firewood, candles, etc. An estimated 50 percent of the total allocation has been spent. Amounts allocated as follows (millions of piasters):

MR 1 (236):	
Danang	72
Quan Tri	75
Quang Nam	5
Quang Tin	17
Quang Ngai	11
Thua Thien	56
MR 2 (37):	
Binh Dinh	18
Kontum	5
Phu Bon	3
Phu Yen	3
Pleiku	8
MR 3 (43):	
Binh Duong	20
Binh Long	6
Hau Nghia	3
Phuoc Long	9
Phuoc Tuy	2
Tay Ninh	3
MR 4 (19):	
Ba Xuyen	1
Chuong Thien	7
Kien Phong	2
Kien Tuong	5
Vinh Binh	4

Major GVN refugee conference in Danang May 7 will discuss MR 1 situation. Attending will be Minister of State Phan Quang Dan, Minister Social Welfare, and concerned MR 1 officials. CORDS representatives (Saigon and MR 1) will participate. If, as hoped, additional or refined data is presented at this conference, we will transmit to you by phone.

3. *Logistics Support.* From Saigon, Air America planes have flown 237 large tents; some 426,000 pounds of medical supplies, canned food, blankets, and rice; and a large number of tarpaulins and cooking sets to help refugees in a number of areas.

AIRLIFT OF REFUGEE RELIEF SUPPLIES—APRIL 2 TO MAY 2

[In pounds]

Destination	Tents with accessories	Medical supplies	Canned food	Blankets	Rice
Ban Me Thuot	47	18, 433	0	1, 020	0
Pleiku	83	2, 530	8, 546	2, 000	0
Phu Bon	0	0	10, 554	0	0
Song Be	19	23, 416	12, 500	640	167, 200
Nha Trang	0	16, 982	0	0	0
Hue	62	17, 600	6, 430	8, 000	0
Tay Ninh	0	36, 877	0	0	0
Danang	26	64, 485	18, 737	9, 965	0
Total	237	180, 323	56, 767	21, 625	167, 200

Trucks contracted by the Vietnamese Central Logistics Agency transported the following commodities from Saigon to Danang: 138 metric tons canned fish, 11 mt clothing, 6 mt medicine, and 5,000 sheets aluminum roofing.

4. *USAID Food for Peace* data is as follows: *Assuming 500,000 MR 1 refugees to be fed, current stocks in Danang will last for about 60 days*. Assuming 500,000 additional refugees to be assisted in all other regions of the country, stockpiles at Nha Trang and Tu Duc will last for approximately 90 days.

STOCKS AVAILABLE COUNTRYWIDE AS OF APR. 30

Stockpiled at—	Bulgur	Flour	CSM	Milk	Vegetable oil
Thu Duc	2,500 tons (98,600 bags)	3,050 tons (120,300 bags)	1,250 tons (49,300 bags)	0	1,120 tons (42,300 cases).
Da Nang	1,260 tons (49,700 bags)	1,610 tons (63,500 bags)	800tons (31,600 bags)	0	370 tons (14,000 cases).
Nha Trang	230 tons (9,100 bags)	340 tons (3,400 bags)	140 tons (5,500 bags)	30 tons (1,100 bags)	90 tons (3,400 cases).

DISTRIBUTIONS IN MR 1

Quang Tri: Mar 31 to Apr 25	18.9 tons (747 bags)	93 tons (3,670 bags)	6.7 tons (260 bags)		2.9 tons (111 cases).
Quang Nam: Apr. 13 to May 5	11.7 tons (460 bags)		11.7 tons (460 bags)		
Quang Tin: Apr. 26 to May 3		24.1 tons (952 bags)	10.4 tons (410 bags)		
Quang Ngai: Apr 24 to May 4	76 tons (3,000 bags)	49.4 tons (1,950 bags)	76 tons (3,000 bags)		9.8 tons (338 cases).
Thua Thien: Mar. 31 to Apr. 25	237.8 tons (9,380 bags)	442.2 tons (17,440 bags)	245.9 tons (9,700 bags)		53.2 tons (2,100 cases).

Distribution information for other regions is unavailable.

5. *Medical Assistance*. The Minister of Health has developed a comprehensive plan which provides for regional and provincial levels to handle civilian war casualties and provide health services in refugee camps. Hospitals have managed so far to keep pace with the flow of civilian casualties. Provincial health services have sprayed refugee camps to protect against malaria, are supervising the construction of latrines, and insuring the availibility of potable water. *Immunization have begun in most of the camps (except for Danang)*. So far, there have been no major health problems except for some cases of non-cholera diarrhea. The major difficulty has been to overcome the shortage of water but this is being addressed by trucking tanks of water into the camps in Binh Duong and Danang provinces. The MOH (with the MSW) is prepositioning wells and latrines in pre-selected temporary refugee sites in Nha Trang and Ban Me Thuot in anticipation of increased refugee flow from Kontum and Pleiku. There are adequate medical supplies at regional and provincial levels in the event they are required.

6. *Voluntary Agency Assistance*. To date five foreign voluntary agencies have provided commodities in response to the emergency refugee situation in Vietnam:

Agency	Food	Clothing	Amount (millions of piasters)	Other
World Vision	800 cases assorted foodstuffs			2,000 hygiene kits.
CARE	416 cases sardines, 6,500 pounds powdered milk, 2,300 7-kilo cartons hi protein biscuits.		VN$2. 0	
World Relief Commission	2,000 loaves of bread daily	28,000 lbs.	VN$0. 413	
Catholic Relief Services		900 bales	VN$11. 0	1,000 lbs. soapflakes, 5 cartons toothbrushes.
Vietnam Christian Service			VN$2. 6	

Aside from commodities, voluntary agencies are making a significant contribution through assigning personnel to refugee work. Many agencies are assigning nurses and social workers to work in refugee camps. Total in-country foreign personnel are estimated at 125 persons and these agencies have several hundred local personnel who can assist in refugee relief.

Although the five major agencies have just about exhausted available stores of canned foods, there still are limited amounts of clothing, medicines and other commodities. The voluntary agencies do not plan large fund-raising drives for Vietnam because priority for most agencies has shifted to Bangladesh. Assistance given by voluntary agencies will continue to be distributed through channels they have already established.

7. Additional Resources have not yet been quantified or tapped. USARV has made available for refugee relief large amounts of excess food supplies which are now being inventoried. Additional funds will undoubtedly be necessary. The most pressing requirements not located in Vietnam to date are additional tents and large water containers. Transportation is also likely to become a problem.

Drafted by: CORDS/WVD:

CSteele:ap

5/6/72

Approving Officer: ADPROG:MNReed

NOTES ON REFUGEES, SOUTH VIETNAM, MAY, 11, 1972

(Sources: interviews with CORDS personnel Social Welfare Ministery, on scene visits to Quang Tri, Hue, Kontum, Pleiku, Binh Dinh, Route 13 towns)

U.S. estimates 700,000 refugees since communist offensive begun April 30.

300,000 now in Danang.

40,000 people still in Hue, refugees estimate 20,000 still in Cua Valley (north of Cua Viet River), 20,000 still in Kontum, 250,000 in liberated areas in Binh Dinh, estimated 17,000 still in An Loc, 10,000 in Quang Tri city.

Saturation bombing by US and VNAF, tactical aircraft and B–52s, of An Loc, Quang Tri city, entire area north of Cua Viet River, three liberated districts in Binh Dinh.

Refugees from Cam Lo, Gi Linh, Quang Tri City report heavy civilian casaulties from bombing, which begins as soon as communists troops enter areas.

No evacuation of wounded from An Loc for five weeks; heavy civilian casaulties believed there.

Politics, not humanitarian considerations decide civilian fate.

(1) attempts made by provincial authorities in Kontum, An Loc, Quang Tri initially, when an area is threatened, not to let people leave; belief is that once an area is abandoned, troops will not fight for it (troops' families and those who work for Americans are evacuated).

(2) when area finally under attack, argued too late for evacuation.

(3) no plans of any sort for large scale evacautions; only area where organized evacuations underway is Hue, where boats are used, in Kontum only Chinooks (helicopters which hold 55 persons) are being used; no one in Social Welfare of CORDS trying to get transport planes.

(4) provincial officials often refuse refugees entrance to major cities, saying they are security risks; examples of this in Quang Ngai, Hue.

(5) In Hue, province chief cut off food to camps to force people to move outside of city; refugees afraid to go because is outside defensive perimeter (issue no longer being pushed as everyone fled to Danang).

Situation in Phuoc Tuy province, where Saigon govt trying to move people from I corps (plans for one year to do this, govt using current crisis as way forcing many people who refused to move before to move).

Plans to move 100,000 from Danang, still planned.

(1) in Phuc Le, province capitol of Phuoc Tuy, are 1900 refugees in the football stadium, who were moved in last week, who

can't be sent to resettlement area because of fighting in province.

(2) In Suoi Nghe village, 1300 people transferred in Jan from Cam Lo and Giolinh, people can no longer make a living because they can't travel outside town on roads because of fighting; town has been shelled by communists and govt troops.

(3) 1400 refugees from insecure areas in province are now in provincial capitol with no where to go.

On the political aspects of refugee evacaution, Deputy Province Senior Advisor in Kontum, when pressed by me to organize evacuation (May 1st) said, "This is a battle for people, not territory. The battle for Kontum is for people. If the people want us to defend their town, they must stay here too."

POLLUTION OF THE HOUSATONIC RIVER VALLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO) is recognized for 10 minutes.

Mrs. GRASSO. Mr. Speaker, Connecticut's Sixth Congressional District is blessed with a wealth of scenic beauty. The Housatonic River Valley—with its flowing waters and rolling hills—is balm to the spirit and pleasure to the eye.

Yet, sadly, pollution mars the river in its course through western Connecticut from Massachusetts to Long Island Sound. Advancing development begins to mar more of its banks. The environmental quality that nature gave to this lovely region is in jeopardy and must be restored.

In the summer of 1970, before my election to Congress, I called for an action program for the preservation and protection of the Housatonic River and its tributaries. At that time I said:

> It is the joint responsibility of citizens, members of conservation groups and representatives of government at all levels to explore alternatives and develop proposals for consideration by appropriate legislative agencies where such action is required.

My suggestion that these waters be included in a scenic river system under the Wild and Scenic Rivers Act was well received.

The future of the Housatonic River Valley is a grave concern to residents of northwestern Connecticut. Ten towns share jurisdiction over the Housatonic River in my district. They are Bridgewater, Brookfield, Canaan, Cornwall, Kent, New Milford, North Canaan, Salisbury, Sharon, and Sherman. The people of these towns express their concern to me often—individually and through the conservation and environmental organizations representing them. Now they must talk at length and in depth with each other. They must discuss alternative proposals for charting the future of this area. And they—the residents—must decide on the plan or plans that will most effectively implement the goals of clean water and sufficient land resources.

Ultimately, success will depend on the effectiveness of cooperative action between citizens and their government—the dedicated citizen groups, local units of government whose cooperation and support must be encouraged, and the appropriate agencies of State and Federal Government that might be involved.

To stimulate a lively and meaningful dialog among residents of this area, I am today, with Senator ABE RIBICOFF, introducing two legislative proposals and requesting the U.S. Army Corps of Engineers to make a wastewater management and water quality control study of the Housatonic River and its tributaries.

These bills are by no means final legislative proposals. They are only a beginning—a basis for discussion. For the residents must consider every approach to restoring the environmental quality of this area. If at the end of the dialog the local citizens agree that the Federal Government can help, we will introduce legislation that has their support. Meanwhile, I am taking the following action in the House.

My first proposal would amend the National Wild and Scenic Rivers Act of 1968—Public Law 90–542—to include the Housatonic River between the Massachusetts border and the Shepaug River as a potential component of the wild and scenic rivers system. The Housatonic would be added to a list of 27 rivers for detailed study. The system itself is now comprised of eight rivers with such outstanding attributes that they shall be "preserved in free-flowing condition * * * and their immediate environments shall be protected for the benefit and enjoyment of present and future generations."

Unfortunately, we cannot be sure that our proposal will succeed. In any event, the protection afforded by the act extends only to a narrow strip of land along the shore. For this reason, I am at the same time introducing a bill to create a Housatonic River Valley trust.

This legislation would establish the Housatonic River Valley Trust Commission with Federal, State, and town representatives, assuring adequate local participation in all decisions. The Secretary of the Interior would share development and administration of the trust with the Commission.

The trust would establish three basic classifications of land. On the first category of "lands forever wild," no development should be allowed because of the outstanding scenic or ecological value of the land. On so-called "scenic preservation lands," existing development should not be increased. And in areas designated "town lands," local government alone would have the authority to make decisions.

Today, I have also written to the chairman of the House Committee on Public Works, requesting that the committee adopt a resolution authorizing the U.S. Army Corps of Engineers to make a wastewater management and water quality control study of the Housatonic River and its tributaries. This study has the support of the Housatonic Valley Association, Inc. Its purpose would be confined to determining the feasibility of wastewater management facilites, including measures for water quality control, wastewater collection, purification, and/or reuse. I requested that the study be undertaken, wherever possible, with the cooperation and participation of local organizations, State and local governmental agencies and area scientists. Also, public hearings and other informational efforts would be encouraged.

Such a study would have to be an integral part of any effort to restore the environment in this area. We cannot have clean waterways without clean water. The quality of water depends on the disposal of sewage in the river and its tributaries. This study could furnish the basis for a sound, long-term, comprehensive program for managing wastewater over the entire basin.

For too long, "God's god earth" of natural beauty and rich resource has been wasted without shame in our Nation. The result in so many areas is air that is poisoned and water fouled, as well as scarred land.

Let the residents of northwestern Connecticut unite in the knowledge that change will happen, but change can be controlled. There is still time to preserve the unsurpassed beauty of our area. There is still time to clean our water and keep unwanted development from creeping through our midst.

The task is great. The call is clear. The future of northwestern Connecticut is at stake.

CHARLES R. MOTT, JR., CITED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, Mr. Charles R. Mott, Jr., recently was cited and spotlighted in an employee publication of South Central Bell for his outstanding work and contributions to that organization over a period of many years.

Since 1966, Mr. Mott has been general marketing manager for the State of Tennessee for South Central Bell and has played a significant and successful role helping that organization meet the problems and demands for radical change which have evolved in the communications field.

In the article Mr. Mott speaks excitedly of the challenges and opportunities for service open to the Bell System in the years to come and optimistically looks to youth and new ideas to meet these challenges. Mr. Mott says:

> Our success will continue as more new people come into the business and bring fresh energy and ideas and a better understanding of how we can fit in and keep up in a world evolving at breakneck speed.

Mr. Speaker, it has been my privilege and pleasure to count Charles Mott as a personal friend for many years. He is a man who has contributed tremendously not only to his firm but to our community. In addition Charley Mott has one of the finest families of any man I know. It has been my pleasure to have had his oldest son, Mike, work on my staff as a summer intern. Mike is now a lieutenant in the U.S. Marine Corps and this month will receive his wings as a pilot flying F–4's. In so doing he follows in the steps of his father who was a decorated Army Air Corps fighter pilot in World War II.

Mr. Speaker, I include the closing paragraphs of the article, "Charles Mott Takes a Look at Change and Competition" in the RECORD at this point:

As he talks, Charles looks back on almost 25 years of telephone work. His first job was in 1948 as a student supervisor in Commercial, following his graduation from Vanderbilt with a B.A. degree. Charles' college education had been postponed due to World War II. In 1941 he joined the U. S. Army Air Corps as a Flying Cadet and served in both the European and Pacific Theatres as a fighter pilot. He was awarded the Distinguished Flying Cross, the Air Medal with two Oak Leaf Clusters, and the Presidential Unit Citation with Oak Leaf Cluster. He held the rank of Captain when he left active service in 1946.

During this time, Charles met and married Edythe Whitehead, also a native of Nashville. Edythe worked as a service representative in the Nashville business office while Charles finished his education.

During his early career, Charles held several Commercial positions in Nashville and East Tennessee. In 1955 he was named division personnel relations supervisor in Middle Tennessee and in 1957 he became division public relations manager in New Orleans. Charles then served as district plant manager in Shreveport, returning to Nashville as district manager in 1959. In 1964 he was named division commercial manager for West Tennessee, a position he held until 1966 when he was appointed assistant vice president for Tennessee. He became the state's general marketing manager in November of that year.

The Motts have two sons, Mike, 22, and Bill, 18. Mike, who graduated from Vanderbilt University School of Engineering in 1971, is now a lieutenant in the U. S. Marine Corps and is attending flying school at Pensacola. When he receives his wings in May he will be assigned to Cherry Point, N.C., where he will be flying in F–4's as a naval flight officer.

Bill is a senior at Battle Ground Academy in Franklin and plans to go to Ole Miss this fall, where he hopes to pursue his interests in drama and speech.

Edythe works in the development directors' office at George Peabody College for Teachers in Nashville, where she also is taking college courses. A qualified genealogist, Edythe is a member of the National Genealogical Society. She says that she might one day devote all her spare time to tracing family histories. She has traced her own family to the time prior to the American Revolution. She is a member of The National Society of The Colonial Dames of America in Tennessee, as well as the National Society of Daughters of the American Revolution.

Charles devotes much of his time to the Nashville community where he has served as general campaign chairman and president of the United Givers Fund. Well-known for his leadership in the Boy Scouts of America, he is vice president of the Middle Tennessee Council, a member of the National Council and the Executive Committee of Region V. His involvement with Scouting goes back to his own days as an Eagle Scout, and as a volunteer leader, he has received the Silver Beaver and Silver Antelope Awards "For Distinguished Service To Boyhood." Spare time is scarce, but Charles enjoys golf, hunting and fishing whenever possible.

The Motts are members of First Presbyterian Church, where he serves as an officer.

SPECIAL ORDER OF THE HONORABLE DAN ROSTENKOWSKI—MAY 23, 1972—PROJECT INCREASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI), is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, among the many serious problems that our cities must face daily, none rank as high as those connected with mass transportation. Nationally, we are just beginning to recognize the desperate condition of our urban mass transit systems. We face the seemingly impossible task of attempting to service the constantly growing demands of the public with dilapidated equipment.

In my city of Chicago, the Chicago Transit Authority (CTA) has developed what promises to be an effective, efficient, and even pleasant urban bus system. The CTA has just initiated a new innovative transit marketing program called "Project Increase"—introductory new CTA research effort in advertising service and equipment. Included in this new project are two suggestion buses which contain displays of several types of bus interiors; seating arrangements, wall coverings, and so forth. These buses will be examined by the public for 15 days throughout the city, and each person will be poled as to their preferences in the display.

Project increase was made possible through a grant from the Urban Mass Transportation Administration of the U.S. Department of Transportation. The grant will also enable the CTA to purchase 1,000 new buses.

Each step of increase is centered around public needs and wants, as well as public likes and dislikes. New and improved express lines, test routes, and experiments in different phases of advertising will be part of the project.

Chicago has always been the forerunner in urban transportation. This latest effort of the Chicago Transit Authority deserves high praise and encouragement. I am proud that, once again, my city of Chicago is leading the way to a hopefully more livable urban environment.

END THE WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, I am today introducing legislation to end the torment of our involvement in Indochina, to stop the senseless killing, to facilitate a solution there and to return this Nation to sanity. My bill provides for the following actions:

An immediate halt to all bombing and shelling by U.S. forces in Indochina, including deactivation of the mines in coastal waters;

No later than 30 days following the date that an agreement is reached for the release of prisoners, a complete and final withdrawal of all U.S. military personnel and equipment from Indochina; and,

Beginning 30 days following the date that an agreement is reached for the release of prisoners, termination of all military assistance to the present Government of South Vietnam.

I am aware of the fact that our Foreign Affairs Committee is considering legislation to get us out of Indochina, but I am quite dissatisfied with their working draft, which calls for withdrawal by October 1 of this year subject to the release of all prisoners of war. The two major deficiencies of this proposal, as I see them, are that: First, it makes no mention of the bombing and mining which must be stopped and stopped now; and second, it can be interpreted to require that the prisoners actually be released before we withdraw.

My bill satisfies the first of these objections by terminating all bombing, shelling and mining, all over Indochina, immediately upon enactment. It satisfies the second objection by requiring that an agreement for prisoner release, rather than the final release itself, be reached prior to withdrawal.

In addition, this bill wholly terminates our military involvement with the Thieu regime by cutting off all military assistance to it once a prisoner release agreement has been reached. Our continuing support of the Thieu dictatorship has been the stumbling block to peace in Indochina, and the withdrawal of this support would bring about the swift return of our POW's and peace in Vietnam.

The Vietcong have made it quite clear that they are prepared to accept a tripartite coalition government in South Vietnam. What they will not do, and should not accept is continuing power for the Thieu government, which exists solely because of massive American military support and which has always been an American puppet government.

All of the end-the-war legislation pending in Congress ignores this crucial political precondition of a settlement in Indochina. I think that it is far too late in the game to be kidding ourselves about the situation there, and candor demands that we recognize the need to totally stop our support of President Thieu if we are to have peace.

We must remember that the prisoner release issue is a red herring. The withdrawal of all American military support from the Thieu regime will facilitate the formation of a true coalition government in South Vietnam and will assure the swift return of all of our prisoners.

The text of my bill follows:

H.R. 15117

A bill to provide for an end to United States involvement in hostilities in and over Indochina, secure the withdrawal of all United States forces therefrom, and assure the establishment in South Vietnam of a coalition government reflecting the military and political realities there

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

(a) the Congress finds and declares that the best interests of the people of the United States, Indochina, and the entire world will best be advanced by—

(1) the immediate cessation of all United States involvement in hostilities in Indochina;

(2) the withdrawal of all United States military forces from Indochina as soon as an agreement for the release of American prisoners of war is reached; and

(3) the establishment of a coalition government in South Vietnam which reflects the military and political realities there.

(b) in order that the ends set forth in subsection (a) of this section may be assured, it is intended by the Congress that sections 2, 3, and 4 of this Act be interpreted strictly against the President and those under his command, and that no exceptions, direct or indirect, to the requirements of such sections shall be permitted.

SEC. 2. No funds heretofore or hereafter appropriated may be expended after the date of enactment of this Act to conduct or continue offshore naval bombardment or mining of, or to bomb (including the use of napalm, other incendiary devices, or chemical agents), rocket, or otherwise attack by air, from any type aircraft, any target within Laos, Cambodia, Thailand, the Republic of Vietnam, or the Democratic Republic of Vietnam, including the territorial waters of those nations and the high seas adjacent to such territorial waters.

SEC. 3. No later than thirty days following the date that an agreement is reached providing for the release of all American prisoners of war held by the Government of the Democratic Republic of Vietnam and forces allied with such Government concurrently with the withdrawal of American personnel, equipment, and supplies provided for in this section, and for an accounting for all Americans missing in action who have been held by or known to such Government or such forces, all American military and paramilitary personnel, equipment, and supplies shall be totally, completely, and finally withdrawn from Laos, Cambodia, Thailand, the Republic of Vietnam, and the Democratic Republic of Vietnam.

SEC. 4. Beginning thirty days after the date that an agreement is reached providing for the release of all American prisoners of war held by the Government of the Democratic Republic of Vietnam and forces allied with such Government concurrently with the withdrawal of American personnel, equipment, and supplies provided for in section 3, and for an accounting for all Americans missing in action who have been held by or known to such Government or such forces—

(a) no funds theretofore or thereafter appropriated may be expended to support the deployment of United States military or paramilitary forces, or any other military or paramilitary personnel under the control or in the pay of the United States in, or the conduct of military or paramilitary operations in or over the Republic of Vietnam, the Democratic Republic of Vietnam, Laos, Cambodia, or Thailand; and

(b) no funds theretofore or thereafter appropriated may be expended to provide, directly or indirectly, any military assistance to the Government of the Republic of Vietnam.

WEBB AIR FORCE BASE CREDIT SEEKS ADVICE FROM YOUNG PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 5 minutes.

Mr. PATMAN. Mr. Speaker, more and more credit unions throughout the country are beginning to establish programs to encourage the young members of the credit union to take an active part in the affairs and operation of the credit union.

Already there are large student-run credit unions in Kentucky and Massachusetts. And recently Webb Air Force Base Federal Credit Union at Big Spring, Tex., announced that it was forming a youth advisory board "to reach the youth of today and give them a voice in their financial future and the future of the credit union." The youth advisory board will advise on new services the credit union could offer, changes in policy and how to promote and reach the youth of today. In a letter addressed to the younger members of the credit union seeking their participation in the youth board, credit union officials wrote:

> In correlation with new rights and responsibilities young people are facing one of the most complex financial environments our society has ever known. It is now time that the youth of this nation be given a voice in the financial affairs that directly affect them.

The youth advisory board, which is open to members of the credit union from 16 to 21, will meet once a month to discuss questions pertinent to the financial future of youth. The chairman of the advisory board will report the recommendations of the board to the credit union's board of directors, and plans are also being made to have the youth advisory board meet with the credit union board from time to time.

Some of the questions that the youth advisory board will tackle include: What can a credit union do for me, and how could financial organizations better serve present and future needs? A discussion of the misleadings of financial organizations including the questions: Are they helping people or themselves, and how deceptive or misleading are the interest rates, and what can young people do to fight inflation?

It is indeed gratifying to see that the Webb Air Force Base Credit Union is taking such an active interest in its younger members and that it recognizes that someday the operations of its credit union will be guided by the young people of today. By giving these young people an early start in credit union operation, they are indeed making certain that the future will be left in good hands.

ASTRONAUT CHARLES DUKE AND THE AMERICAN IMAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. GETTYS) is recognized for 5 minutes.

Mr. GETTYS. Mr. Speaker, Col. Charles M. Duke, Jr., the Apollo 16 astronaut from my congressional district, has held up to the world the image of an American which cannot but endure, for it represents the qualities which have made and preserved our Nation. There were pioneer spacemen who went ahead of Charlie Duke and whose successes and perfected equipment gave confidence and assurance to those who followed. There were on the Apollo 16 three men, Thomas K. Mattingly II, John W. Young, and Colonel Duke, and I pay honor to them all. They deserve the compliments of all Americans. But Charlie Duke holds a special place in the hearts and memories of my people of the Fifth Congressional District of South Carolina, and with me. He and his family are my friends. Colonel Duke was appointed to the Naval Academy by my predecessor in office, Congressman James P. Richards, in whose hometown of Lancaster, S.C., Charlie Duke has lived and where his family still lives.

Charlie Duke is the true American. He is what a lot of us would like to be. He is physically fit, mentally capable and alert, competent in his field, prepared through long dedication to the spaceflight cause, fresh, eager, and unafraid. He makes no pretense of striving for perfection. He is not forgetful of his great obligations and responsibilities and of the demands upon him and is cool in times of stress. Withal, he is human and happy and projects a personality which led one commentator to say, near the end of the Apollo 16 flight:

> Thanks to NASA for sending Charlie Duke. He has made the project live.

He has more than justified the faith and confidence which America has in him.

There are those who say the moon flights are dangerous, costly, and unnecessary. Of course there are dangers, but men like Charlie Duke have welcomed the hazards because they believe as I do in these missions. Of course they are costly. But they are peaceful pursuits of knowledge and have yielded data which has been invaluable in the fields of medicine, computer science, communications, and in other areas of science and technology. Benefits which have derived and will ensue from these flights will be useful to us all and to those yet unborn. And they are necessary in the sense that man cannot stand still in this search for knowledge and understanding of matter and energy and life. What is learned from these flights has already been put to use, and there is much being learned which will be a legacy for the future.

Columnist D. J. R. Bruckner has written:

> The Apollo program has been a work of merit, even of glory in a dark time of U.S. history. If any achievement of mankind is remembered this one will be. To ask whether anything is worth it is to ask whether anything is worth what it costs. I for one would rather be counted a citizen of that nation which opened the heavens and sent men to the moon than one of a nation which built more highways than any in history or was richer than any in history or a citizen of that nation which, at unspeakable cost, went to Vietnam.

The Apollo flights and the space program will prove their worth over and over in tangible and intangible values, not the least of the latter by far being the projection of the image of our American astronauts, backed by the miracles of American know-how and hardware, and carrying the American flag out into the unknown.

Astronaut Duke, we salute you and your colleagues in the space program. And because you are a South Carolinian we are particularly proud of you and your achievements.

IN MEMORY OF FREDERIC R. COUDERT, JR. OF THE 17TH SILK STOCKING DISTRICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, Frederic R. Coudert, Jr. who occupied the seat which I now have the honor of representing, died this past Sunday at the Presbyterian Hospital of congestive heart failure. He was 74 years old. Fritz Coudert, as he was so popularly known, was one of the city's major Republican leaders in the 1940's and 1950's and was in this House until he chose not to run for reelection in 1958.

He was born the scion of a leading family. He was a great grandson of Benjamin F. Tracy, secretary of the Navy in the Cabinet of Benjamin Harrison. During World War I, Mr. Coudert was a first lieutenant in the 27th Division with the Allied Expeditionary Forces in France. He received his B.A. from Columbia College in 1918 and a degree from the Columbia Law School in 1922, when he was a Kent scholar. After his retirement from Congress in 1958, he served on Governor Rockefeller's first State commission to investigate the affairs of the city.

Among the honors he received was the French Legion of Honor and Columbia's University Medal for distinguished public service. He was a past president of the Federation of French Alliances in the United States.

He leaves surviving him his wife, a son Frederic 3d; a daughter, Mrs. William C. Rand Jr.; two brothers, Ferdinand W. and Alexis C., and six grandchildren.

I know I speak for my colleagues in the House who knew him when I say that they send their condolences to his family.

REVENUE-SHARING MIRAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. Monagan) is recognized for 5 minutes.

Mr. MONAGAN. Mr. Speaker, in the near future the House may consider H.R. 14370, State and Local Fiscal Assistance Act of 1972, what is euphemistically called "revenue sharing." It is extremely doubtful that I will support the legislation. There are many good points of criticism deserving of note.

Connecticut presently has about 1.5 percent of the Nation's population. Although 2 percent of the Nation's Federal income tax revenues are derived from our State, only 1.37 percent of the available Federal grant funds are allocated to Connecticut under the H.R. 14370 formula. It is estimated that for every $1 collected in the State only 65 cents is returned under the present Federal-grant program. Therefore, the taxpayers of Connecticut presently contribute far more to the Federal coffers than they receive in return.

The implementation of the distribution formula embodied in the State and Local Fiscal Assistance Act would not appreciably improve this disparity. Connecticut and its municipalities would not receive a fair share of the funds available since only 68 cents of every $1 allocated from revenues derived in the State would be returned.

Another point is that Connecticut falls below the national average in the distribution of funds. The State government would receive $7.04 per capita while the national average is $8.73 per capita. The local and State governments combined would receive $23.82 per capita while $25.70 is the national average. Hardly a bargain for Connecticut taxpayers.

Another disadvantage to Connecticut is the lack of recognition of the town structure of government unique to Connecticut. City and county governments are the basic local units recognized in the bill for distribution of funds. Connecticut has no county government. Many of the towns, which are distinct municipal units of government, have populations far in excess of some of the cities and yet they have not been included in the distribution tables.

Until these areas of concern have been clarified and until Connecticut and all 50 States are treated rationally and equitably, I shall not support this legislation.

I commend the following editorial from the May 18 edition of the Ansonia Evening Sentinel entitled "Revenue-sharing Mirage" to the attention of my colleagues:

Revenue-sharing Mirage

Just about everybody seems to think that revenue-sharing is a good idea.

Under revenue-sharing, the federal government would raise funds through federal taxes and send some of the money to states, cities and towns to support their governmental activities.

Governors are clamoring for revenue-sharing because it would give them millions of dollars in federal funds. Mayors and selectmen are urging it because it would bring additional federal money to their cities and towns. The President and many senators and representatives favor it because this is an election year and they want the people to think they have done something for them recently.

Yes, it seems to be a pretty good idea.

But it isn't—at least from the point of view of taxpayers in the Valley and the rest of Connecticut. The reason is simple:

Connecticut taxpayers would pay out to the federal government for the revenue-sharing program much more money than the federal government would send back to Connecticut.

Inquiry by The Evening Sentinel the other day revealed that, for each dollar Connecticut taxpayers send to Washington for revenue-sharing purposes, only 68 cents would be returned to the state government of Connecticut and to cities and towns within the state. The other 32 cents would go to other states.

In other words, revenue-sharing is a plan to "milk" Connecticut taxpayers (and taxpayers of some other states). Connecticut taxpayers would, in effect, subsidize the governments of other states, and cities and towns in other states.

Rep. John S. Monagan, a Democrat, who represents the Fifth Congressional District, told The Sentinel he opposed current revenue-sharing proposals. He is taking the correct stand on the question.

Sen. Abraham A. Ribicoff, Democrat, and Sen. Lowell P. Weicker, Republican, told The Sentinel they supported revenue-sharing. They added, however, that they would do what they could to see that Connecticut got its fair share of the funds.

Their position is less defensible than Monagan's, for two reasons:

1. A supposedly "rich" state like Connecticut is always going to pay a larger proportion of federal taxes than supposedly "poor" states. Congress just will not approve a revenue-sharing formula that will be fair to Connecticut.

2. The idea of the federal goverment's raising funds for state and local governments is, in principle, bad. Each level of government should raise its own funds. This would bring maximum efficiency, maximum public control over the amount raised and maximum responsibility on the part of public officials for every dollar spent.

Rather than having the federal government take on more of the job of raising taxes and supporting local governments through revenue-sharing schemes, it would be better for the federal government to move toward the abolition of federal grant programs as they exist.

This would not be as difficult as it might seem. Let the federal government take over the welfare program. Let the state raise enough money for state purposes, perhaps through a state income tax. And let the federal government get out of the business of raising money for distribution to the states and localities—and reduces federal taxes at the same time.

The benefits to the taxpayers of the Valley and of the rest of Connecticut would be enormous.

TWENTY-SIXTH ANNUAL FATHER AND SON BANQUET

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on the evening of May 10, the Shoreham Hotel here in Washington was the scene of a truly magnificent program, the 26th Annual Father and Son Banquet, sponsored by one of our area's oldest and foremost educational institutions, St. John's College High School.

The school was founded in 1851, and through the years it has carried on a tradition of providing a truly exemplary educational program for young men in the general Washington area. The school is conducted by the Christian Brothers, of the Baltimore Province.

Throughout our Nation you will find graduates of this fine school functioning in capacities quite significant to the traditions and progress of our Nation. The motto of the school itself is quite descriptive, "Building boys is better than mending men."

The present principal of this fine institution is Brother Edward Adams, FSC. He and his faculty are indeed entitled to great commendation for providing the type of program available at St. John's College.

On the occasion of the banquet, five citations were presented on the basis of outstanding service to St. John's and the Washington community. In addition, an eloquent address was delivered by Congressman Hugh Carey.

For the benefit of my colleagues, I am attaching the citations associated with the various awards, along with the text of Congressman Carey's remarks:

Citations

Most people talk a great deal about the weather without, of course, being able to do anything about it. It is fashionable these days to complain and bemoan the many problems facing contemporary society such as war, poverty, crime, drug addiction, etc.

It is my privilege tonight to cite a distinguished citizen of this Capital City who has vigorously and effectively tackled head on some of these major problems confronting us. While noted as an organizer and planner, foremost, he is a leader. He has been found in front of his men where the action is. A modest self-styled man, he started at the bottom as a Private in Old No. 7 Precinct in Georgetown. Today, he leads and heads the Metropolitan Police Department. He has won the respect of our citizens and has been especially commended by the President of the United States for performing the extremely difficult task of protecting the rights of others, and preserving law and order while at the same time being careful to respect man's civil rights and especially his right to protect. He was clearly in the middle of things slightly more than a year ago when the protest movement in a massive way on that memorable May Day, 1971 threatened with violence the rights, property, and people in this city. We salute this man for his courage and tact in the outstanding performance of his duty and we support him and his Police Force whole-heartedly for defending the public interest.

This Capital City owes him a great debt of gratitude. Further, the encouraging news of the pronounced crime reduction can be attributed to the Chief's successful efforts not to instill fear of his force but to build and develop respect for law and order. He is succeeding in his efforts to educate the public to better understand the Department's Service to its people. With a sophisticated public relations program, the image of our law enforcement units has been remarkably and deservingly improved.

I know that Park Police Chief Wright and Fire Chief Mattare join me in extending the gratitude and congratulations of all at St. John's to him . . .

This President's Medal is an expression of our esteem and respect for *Metropolitan Police Chief Jerry V. Wilson.*

A long time friend and legal advisor to the Christian Brothers, Baltimore Province, the next medalist was a graduate of St. John's. He excelled as a scholar as he graduated from the Catholic University Law School—Summa Cum Laude. During 1942 he joined the faculty of Columbia University Law School and then began a distinguished career in his Practice of Law.

Since 1958 he has been Legal Counsel for the Washington Heart Association. He became the first non-medical President of the Heart Association in 1971. Vice President of the Bar Association in the early fifties, he has also been serving on several Boards of Director including the Boards at the Metropolitan Health Facilities Planning Council, Trinity College and St. John's.

His generous, whole-hearted efforts over the years in behalf of St. John's are his response to his late beloved father's directive to return as best he can the good things St. John's had meant to the family. In recognition of the enthusiastic support he has continuously given as a member of the St. John's Board of Directors; for his generosity and loyalty demonstrated by his sustaining membership in the 1225 Club and for his friendship, I am pleased to present the President's Medal to Bill Hannan.

The giant step from Vermont Avenue to its new location on Military Road proved to have more than geographic advantages for St. John's. The new Chevy Chase location happily placed the school within the boundaries of the Shrine of the Blessed Sacrament Parish. The friendly benevolent pastor did not wait to establish a cordial relationship. He made it public knowledge from the outset that he was the Pastor of St. John's—our Pastor.

Those of us who were around during those transition years knew that we had a warm, understanding, supportive shepherd and friend. He was clearly as proud to have us within his jurisdiction as we were happy to find ourselves so welcome and so much at home in our newly found close relationship with Blessed Sacrament Parish. It was evident from the outset that this great man and this great parish were open and available to us.

The Church became the scene of happy occasions for the school such as the Annual Baccalaureate Mass, the reception of the Superior General, the Ceremony for the taking of the Religious Habit by the Brothers. It was the scene of sad but memorable occasions as friends gathered there for the funerals of Brothers Luke, Brendan and Mark.

So much has already been said and so much more can be said of this great friend of St. John's for his life time contribution far beyond St. John's—to the people of Chevy Chase. This is St. John's hour to speak to our great friend and spiritual leader. Pastor, Santa Clause, friend—these titles have deep significance—because of you. This President's Medal is our way of expressing with affection our deep and lasting gratitude. Need I identify our former Pastor, our present friend and our perennial Santa Claus—Monsignor Edward H. Roach.

"Unless you give of yourself during life—you do not live fully"

This seeming paradox well sums up the character of the person it is my pleasure to honor to recognize with the President's Medal. He has an astonishingly unlimited capacity for giving.

To some admirers—

He is a learned man with exceptional perspective which makes him stand out as a pillar or a rock to many during these troubled times.

He is a man of deep faith. One cannot mistake his clearly religious convictions which are evident in his life, his work, his words.

He is a man of compassion—much of his life is spent comforting the sick and dying and consoling those who grieve. He has time for job and laugher and his presence adds much to life's lighter moments. He adds to the solemnity of occasions when this is called for. He seems to be always available—to be so happy to say "yes" to favors and reluctant to refuse anything.

Time will not permit further citing the long list of good things he has done for St. John's during the past several years.

Who could dream that this school could be so fortunate as to receive a worthy successor to Monsignor Roach but this blessing we did receive in the person of the man I am describing, our beloved Pastor, Monsignor Louis Quinn.

If at last year's banquet our good friend, Father Bellwoar, was very much surprised when he was selected for the President's Medal, I fear that our next medalist will be beyond surprise—he will be shocked!

He has been so much a part of St. John's that it is easy to take him for granted just as we, too often, take for granted such a great thing as Motherhood.

"This man is a special choice because he represents Brotherhood"

Educated at St. John's, Educator at St. John's, past Administrator at St. John's and again Educator here—this Brother, both as a Christian Teacher and Administrator, has been characterized by essential qualities of any great educator: Optimism, enthusiasm and cheerfulness. He does not merely teach classes or German—he teaches Christian living by his very exurberance for life and his deep and warm feeling for people, especially for those who make up the St. John's Community—his students, fellow-teachers and parents.

So long as his spirit prevails, St. John's will be a great institution. With him St. John's is above personal gain. Throughout the years, with all the good resulting from the many changes as well as the demands these have made on his dynamic personality, he has particularly in recent years been noted for his loyalty and support. His attitude whenever the school faced challenges has been simply, "Let's make the most of it." This is the time for us at St. John's to make the most of it for you, Johnny, in the name of all here—I present the Medal to *Brother George Heil.*

Speech of Hon. Hugh L. Carey

I am delighted to have this opportunity this evening to meet with you this Twenty-Sixth Annual Father-Son Banquet.

The key word for me this evening is "Pluralism"—what it is, what it is worth—whether it can survive. Pluralism has many different meanings.

To Monsignor Baroni in Washington it may mean the value of our ethnic watersheds.

To the political observers, such as Fred Dutton, it is the newest political movement substituting people, issues, and cause for the parties and organizational patterns.

To Father Reinert in his splendid work on private colleges, "Turn the Tide," it is potential—potential for change, for innovation—for choices.

And to the St. John's football team, it is defeating Gonzaga High by a score of 16–14 last November!

On the theme of pluralism I want to assure you that I and the majority of my colleagues in the House of Representatives recognize the enormous importance of the contributions made to education in the United States by the private and church-sponsored schools.

The fact of a dual and pluralistic system of education in the United States is a most unique and precious asset.

No other people in the world support such a system which I believe maximizes real educational opportunity for the student, academic freedom for the school, and educational quality in the broadest sense.

So I say that our most important national priority should be to maintain this system intact and strengthened—not weakened!

We all want the best possible educational opportunities that money can buy and devotion can afford for all our public school children, their bretheren in the alternative schools, and for our handicapped in need of special education.

The desire for improvement can be and must be a unifying force in our country.

It is therefore a fallacy to state that those who seek a common objective must contribute to division in our society because they represent one sector of our pluralistic educational system.

In proof of this thesis I cite the record of many all inclusive Federal aid programs to education. In the ten years that I served on the House Education and Labor Committee, every major Federal aid enactment was designed to treat both private and public institutions equitably.

The Elementary and Secondary Education Act of 1965, the Vocational Education Act and the Handicapped Children's Act all make provisions for all children in all schools.

The Higher Education Facilities Act of 1963, the NDEA amendments of 1964, and the Higher Education Act of 1965 all provided some benefits for every student in every college and university.

This massive Federal involvement in elementary, secondary, and higher education must be considered a relatively recent phenomenon when compared to the number of years that military schools and other private institutions have been providing leadership training for students. Indeed, St. John's

College has been teaching leadership and self-discipline since 1851.

Today, we need leadership in order to preserve the essential freedoms won nearly two hundred years ago.

At that time the founding fathers knew the value of private institutions. But today, by a series of events, we know that the free enterprise of education is in serious financial difficulty.

A major cause for this difficulty is due to the fact that we presently have a tax system which is being maligned as out of date, out of proportion, and out of pocket for both the blue and white collar workers of this Nation.

It is a tax system which fails to recognize the enormous sacrifices which parents and faculties make in order to preserve our private schools.

It is also a tax system which fails to recognize that there are costs over and above the tuition involved in sending a child even to a public school—lunches, transportation, clothing, locker fees, student activity fees, etc.

We must develop an innovative and imaginative tax system which recognizes the "burden sharing" carried by parents of all school-aged children.

Therefore, I plan to propose without delay that my committee, the Ways and Means Committee, begin consideration of tax incentives to encourage support for both public and non-public education.

Such legislation would provide an educational tax credit for the amount paid to any school system public or private—for costs relating to education.

Whether such legislation will pass or not depends upon the constituencies we are able to develop politically for such an idea which I believe has a sound basis in equity.

Another example of uses to be made of an imaginative tax system is related to the playing fields of St. John's College, playing fields on which such rivals as Gonzaga High were defeated.

Aware of the need to improve and expand our physical fitness resources, I plan to use our tax laws to create a national athletic and physical fitness foundation.

By levying a small excise tax on admission tickets to all sports events, funds would be raised to finance a foundation which would:

(1) Study existing sports and recreational facilities for youth in the United States.

(2) Plan for any necessary expansion of existing or construction of new sports and recreational facilities.

(3) Plan for the financing of the construction of these facilities through grants and loans to communities and educational institutions.

(4) Make recommendations with respect to the establishment of urban physical fitness centers and of other new kinds of sports and physical fitness facilities in urban areas.

We must recognize the need for a national effort to provide physical fitness.

We must preserve and develop the competitive spirit to combat delinquency through the teaching of fair play and wholesome sports activity.

We must channel the energies of young people into healthful and character-building activities, both indoor and outdoor. We must support community action in this area, especially among the underprivileged and disadvantaged.

Finally, we must inspire young people through the example of the lives, characters, and accomplishments of our sports heroes. I note that one of your own alumni, Collis Jones, is now playing for the Dallas Chaparrals.

As Supreme Court Justice Byron White, a University of Colorado football player, Rhodes scholar, wrote in Sports Illustrated:

"Sports constantly make demands on the participant for top performance, and they develop integrity, self-reliance, initiative, and leadership."

All of the efforts of the Christian Brothers and all of the sacrifices and commitments of the fathers and sons here tonight are designed to produce these important qualities.

I ask you to recall that our Nation's first great politicians were our ablest, most respected, most talented leaders, men who moved from one field to another with enormous initiative and versatility. A contemporary described Thomas Jefferson as "a gentleman of 32, who could calculate an eclipse, survey an estate, tie an artery, plan an edifice, try a cause, break a horse, dance a minuet, and play the violin."

Leadership and versatility also existed on the frontier. Missouri's first Senator, Thomas Hart Benton, was described in these words in his obituary: "With readiness that was often surprising he could quote from a Roman law or a Greek philosopher, from Virgil's Georgics, the Arabian Nights, Herodotus or Sanchez Panza, from the sacred carpets, the German reformers or Adam Smith: from Fenolon or Hudibras, from the financial reports of Mecca or the doings of the Council of Trent, from the debates on the adoption of the Constitution or the intrigues of the kitchen cabinet or from some forgotten speech of a deceased Member of Congress."

And, one-hundred years later, speaking at Capetown, South Africa, on June 6, 1966, the late Senator Robert F. Kennedy spoke of the leadership of youth to an assembled group of students:

"Our answer is the world's hope; it is to rely on youth. The cruelties and obstacles of this swiftly changing planet will not yield to obsolete dogmas and outworn slogans. It cannot be moved by those who . . . prefer the illusion of security to the excitement of danger. It demands the qualities of youth: not a time of life but a state of mind, a temper of the will, a quality of the imagination, a predominance of courage over timidity, of the appetite for adventure over the love of ease."

Such is the spirit of the youth at St. John's College.

NEW ENGLAND TURBOS VANISH

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on April 17 I wrote to Mr. Gerald D. Morgan, vice president of government affairs for Amtrak, expressing my concern that New England would be without turbotrain service for several weeks during Transpo 1972. Indications then were that New England turbo would be displayed at Transpo while the only other turbo in the United States, would be in the shop for servicing.

Mr. Morgan assured me at that time that servicing of the second train would take place after Transpo, thus freeing it to operate between Boston and New York during Transpo, and preventing any cutoff of turbo service to New Englanders.

I was therefore disturbed to learn that the spare train is in the shop for servicing right now, that the New England turbo has already left for Transpo, and as a result, New England is without any turbotrain service whatsoever. The end product of this unhappy series of events is a considerable decrease in service to New Englanders. Despite Mr. Morgan's assurances, New England citizens are now without their most modern piece of equipment, and without the service to which they are accustomed and entitled.

Because of this unexpected and unannounced transportation shortage, I have again written to Mr. Morgan suggesting that this situation can be avoided in the future either through the leasing of turbotrains from Canada or through the purchase of additional turbos by Amtrak itself. I enclose a copy of this letter at the close of my remarks.

I am pleased to be joined in these efforts to improve rail passenger service to New England by the New England Council. Mr. Thomas Easley, executive vice president of the New England Council, has written to Secretary of Transportation John A. Volpe, protesting the temporary removal of the turbotrain from New England, and suggesting that both turbos be returned to service on the New England run immediately. I also enclose this letter for the RECORD.

THE NEW ENGLAND COUNCIL,
May 19, 1972.

Hon. JOHN A. VOLPE,
Secretary, Department of Transportation,
Washington, D.C.

DEAR SECRETARY VOLPE: The New England Council is deeply disappointed and very much concerned with recent developments which has deprived New England of Turbo Train passenger service between Boston and New York.

The decision to assign one of the two Turbo Trains to the Washington, D.C.-Parkersburg, West Virginia route, reducing Boston-New York Turbo Train service from nine round trips per week to five, was difficult, if not impossible, to understand. Negligible patronage and substantial financial losses in its three months of operation and the subsequent mechanical failure of the Turbo Train, in service for which it was not designed, should convince all concerned that this so-called experiment is a complete failure and should be terminated at once and the equipment returned to the Boston-New York corridor.

The subsequent decision to remove the only remaining Turbo Train from Boston-New York service is equally incomprehensible.

Since its inauguration, with two Turbo Trains operating and building up to a nine round-trip per week schedule, ridership has steadily increased and the traveling public, both business and pleasure, was being weaned back to rail travel with clean equipment, improved running time, and dependable schedules.

Increasingly greater numbers of the traveling public were readjusting their travel habits away from plane and automobile and, as a result, New England interests have been urging that schedules be increased from nine round trips per week to four round trips per day. We believe this to be a realistic and justified request and a logical improvement, not only for Boston-New York traffic but also a natural extension of improvement in connections with New York-Washington, D.C., service.

We view the decision, with literally no notice, to remove the one remaining Turbo Train from Boston-New York service so as to put it on display at the International Transportation Exposition in Washington was a mistake which will seriously set back the reputation of convenience and dependability that the Turbo Train has been earning. Furthermore, public convenience and necessity has been completely disregarded by misguided priorities which assigns this equipment for display purposes rather than serving the public.

Anyone seriously interested in inspecting the Turbo Train could do so with little inconvenience at either the New York or Boston terminals or, better still, arrange to ride the train under operating conditions.

We realize that it is probably too late to reverse the decision to put the one remaining operative Turbo Train on display; however, we urge its return as soon as possible and also that the disastrous Washington, D.C.-Parkersburg, West Virginia, experiment to be terminated and the equipment returned to Boston-New York service.

We further urge that upon the return of both Turbo Trains that a four round-trip per day schedule be instituted.

Sincerely,

A. Thomas Easley,
Executive Vice President.

Mr. Gerald D. Morgan,
Vice President, Government Affairs, AMTRAK, Washington, D.C.

Dear Mr. Morgan: On April 17, I wrote to you to express my concern over the possible loss of Turbotrain service for New England during TRANSPO 1972. Indications were that the New England Turbo would have to leave its route for display at TRANSPO because the Parkersburg Turbotrain would need servicing and be unavailable for display. In your April 7 reply, you stated that servicing of the Parkersburg Turbo would take place after TRANSPO. This would free the Parkersburg train to operate between Boston and New York during TRANSPO, and prevent a cut-off in Turbo service to New Englanders while their own Turbo is on display.

I was, therefore, disturbed to learn that the Parkersburg train is in the shop for servicing right now, that the New England Turbo has already left for TRANSPO, and as a result, New England is presently without any Turbotrain service whatsoever.

The result of this unfortunate series of events is a decrease in service. This loss of the Turbo leaves New Englanders without their standard equipment, and temporarily widens the gap between performance and the transportation goals which Congress had in mind when it established AMTRAK.

In your letter of April 27 you noted that AMTRAK is considering the leasing of two of the Turbotrains presently in Canada. Such an arrangement could have prevented the current Turbo problem in New England. I would thus suggest that you look further into this possibility, and would appreciate a status report on where this matter presently stands. I would also again suggest that AMTRAK give further consideration to the purchase of additional Turbotrains.

Sincerely yours,

John S. Monagan,
Member of Congress.

HOUSING SCANDALS AND THE ROLE OF THE FEDERAL HOUSING ADMINISTRATION

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the Subcommittee on Legal and Monetary Affairs of the House Committee on Government Operations has recently completed another phase of our investigation of the operations of the Department of Housing and Urban Development, with special emphasis on the operations of the Federal Housing Administration.

During the course of this investigation, I have endeavored to bring to the attention of my colleagues significant articles that have appeared as a result of our subcommittee's investigation and the shocking disclosures before the Senate Subcommittee on Antitrust and Monopoly, chaired by Senator Philip A. Hart.

I can report that, as a result of subcommittee prodding beginning last fall, the Department of Justice has now established housing strike forces in a number of major cities where criminal activity appears rampant and that coordinating efforts are now underway between DHUD and Justice to insure a prompt, effective response to the charges of criminal fraud and conspiracy which continue tc grow at an alarming rate. The recent indictment of a former HUD Area Office Director in Philadelphia on charges of accepting $70,000 in bribes should place us on notice that the fraud involved in these transactions is not confined to slum landlords and slum real estate brokers, as some would have us believe. There are increasing signs that a number of high-level Federal employees have conducted themselves in a manner casting doubt upon their integrity. The full implications of what appears to be a sickening manipulation of FHA employees by builders and mortgage lenders are as yet unknown.

The recent appointment by Secretary Romney of Charles Haynes to the newly created position of Inspector General of HUD is a salutary step. Mr. Haynes is an experienced criminal investigator having served in a supervisory role in the FBI for a number of years and as chief trouble shooter for NASA and AID. He also served as Director of Investigations and Surveys of the House Appropriations Committee. His testimony before our subcommittee on last Tuesday was straightforward and remarkedly candid. The steps he has taken in the little over 2 months he has held this position were reassuring. The fact that he reports directly to the Secretary is significant as is the fact that he has received authority for the hiring of 15 criminal investigators. He has instituted a series of meetings with HUD employes and to date he and his staff have reminded over 4,000 employees of the conduct expected of them under Federal Conflict of Interest Statutes and HUD regulations. The subcommittee hopes that the steps being taken are not too late.

Pledges of reform must be matched by the commitment of sufficient resources and the adoption of efficient procedures to eliminate the unscrupulous victimizing of the poor and minimize the loss to the taxpayer. As a subcommittee, we intend to do everything in our power in order to insure that Mr. Haynes receives the help he needs to bring a period of stability to HUD operations.

A recent series of articles appearing in the New York Times emphasizing different aspects of the current crisis will illustrate the complexity of the issues involved. I am inserting them in the Record to assist my colleagues in reaching a judgment as to the efficiency of HUD operations in their own Congressional Districts as the time draws near for action on three major bills: The Housing Act of 1972, the HUD Appropriation for fiscal year 1973, and the creation of a new Department of Community Development.

[From the New York Times, Sunday, May 7, 1972]

FHA—From Suburb to Ghetto—Subsidy Role Brings Problems

(By H. Erich Heinemann)

These are palmy days for the housing and home-finance market. Record housing starts, a massive flow of new deposits to mortgage lenders and the prospect of fat profits for just about everybody are the theme this year.

Yet the picture is not without blemish. Housing starts have been uneven across the country, with the central cities, in particular, largely excluded from the boom atmosphere characteristic elsewhere.

Private mortgage lenders are being criticized for alleged participation in a sweeping "financial conspiracy" to undermine ghetto neighborhoods, and the lenders' role in the Government's many housing subsidy programs is being questioned in a most fundamental way.

Within the last six weeks, a broad investigation by the United States Attorney's office in Brooklyn has resulted in accusations of widespread fraud by both private lending agencies and Government officials.

Of still greater long-term significance, the Senate Antitrust and Monopoly subcommittee, chaired by Senator Philip A. Hart, Democrat of Michigan, began questioning last week the manner in which the housing markets have been functioning in the black and Puerto Rican ghettos of New York City.

One central fact, of major importance to all lending institutions, lies behind these two separate, but related inquiries by the Justice Department and Congress.

This is the transformation in the last few years, largely unnoticed by the public, in the nature and character of the Federal Housing Administration, which today is the principal agency through which Federal housing subsidies are administered.

In a comparatively short time, this agency has been changed from a relatively obscure arm of the Department of Housing and Urban Development that primarily helped white, lower-middle-income America buy a house in the suburbs, to one of the front-line agencies in the battle to halt the physical and social decay of the black inner cities.

Inasmuch as the F.H.A. functions principally as a guarantor of long-term credit extended by private lenders, banks, thrift institutions and insurance companies have also been pulled into the urban fight—perhaps without fully appreciating the significance of the events of which they have become a part.

The extent of the transformation is startling. Last year, for example, total new subsidized housing came to about 450,000 units, or about 22 per cent of total housing starts of slightly more than 2 million.

Almost two-thirds of the 450,000 subsidized housing units were accounted for by F.H.A. subsidy programs—principally by the Section 236 [of the Federal Housing Act] rent-subsidy and Section 235 home-ownership assistance programs. By contrast, prior to 1961, in practice, subsidized housing in the United States was public housing, that is, buildings constructed, owned and operated by public housing authorities.

According to Miles Colean, a Washington, D.C., housing economist and consultant, who is closely associated with the Mortgage Bankers Association of America, the big change came with the Housing Act of 1968, which set a goal of 26 million new and rehabilitated housing units over the next decade.

"This arbitrary requirement," Mr. Colean said the other day, "which was readily assumed to be beyond achievement by the forces of the market place, changed the rate of subsidization from glacial to avalanche proportions."

It has long been recognized that the F.H.A. was ill-prepared for its new task. George Romney, Secretary of Housing and Urban Development, remarked in a recent talk, that the agency was a "sitting duck" for unscrupulous operators in the housing markets as it relaxed its traditionally stiff credit and appraisal requirements to make available subsidized ghetto housing.

In a remarkable mea culpa delivered to the Detroit Economic Club in late March, Mr. Romney admitted that he had not recognized the change in the F.H.A.'s nature until it was too late to prevent the abuses that developed. At the same time, he argued that the wholesale loss of confidence in the central city was a problem far too big for any program limited primarily to the production of housing.

As is evident from the 500-count indictment handed down by a Federal grand jury in Brooklyn in late March—naming, among 49 other defendants, Dun & Bradstreet, Inc., the big credit reporting agency—the Justice Department is trying to identify and halt the multiple abuses that have cropped up in the F.H.A. program.

In addition, Mr. Romney has been tightening up his administration to curb the possibility of speculative profits in government-backed housing rehabilitation projects. Where violations have been detected, companies have been suspended from doing business with the F.H.A.

Two recent examples are the Citizens Mortgage Corporation and the Huron Valley Mortgage Corporation—both situated in the Detroit area, where defaults on F.H.A. mortgages have skyrocketed. Each of the concerns was barred from doing business with the F.H.A. for 30 days for "negligence" in submitting applications for F.H.A. insurance.

But to experts in the field, it is not at all clear that Mr. Romney was justified, in mid-March, in proclaiming that "speculation (in F.H.A. programs) is over, and the fastbuck artist is out of business."

And in any event, HUD itself is estimating that it will lose $24-million on defaults on mortgages insured by the F.H.A.'s Hempstead, L.I., office, where the problems involved in the Dun & Bradstreet indictment were centered.

However, far more fundamental questions are being asked, in effect, by Senator Hart and by Jack A. Blum, assistant counsel of the subcommittee, who has been masterminding the investigation.

They have raised the issue of whether it is proper for private financial institutions—with overriding responsibilities to their depositors and/or their stockholders—to administer a major program of public subsidies.

Some members of the subcommittee staff, indeed, argue, in effect, that no matter how good their intentions, private lenders are not equipped to make the social and political judgments required in dealing with advanced urban decay.

Senator Hart alluded to this argument some weeks ago in announcing the hearings on New York City housing problems that opened last week. Referring to an earlier investigation in Boston, when the subcommittee looked into the operation of a $100-million pool set up by major banks to finance low-down-payment loans for housing, he said:

"An apparently noble idea—to provide housing for about 1,200 families with F.H.A. insured mortgages—resulted in the extension of the ghetto and great unrest in the communities."

One of the witnesses before the subcommittee last week, John H. Payne Jr., president of the Empire National Bank in Newburgh, N.Y., dwelled on a dilemma that, he said, private mortgage lenders face. They try to accommodate social pressures for sharply increased lending in the inner-core areas, but have an obligation "to keep a man from drowning himself in debt service that he cannot possibly meet."

Mr. Payne noted that "pronounced criticism" had been expressed when delinquency ratios on inner-city loans got too high. "It is almost a case," he said, "of being damned if you do and damned if you don't."

So in one sense, the kickbacks, payoffs, fraudulent appraisals and windfall profits that the subcommittee and the Justice Department have uncovered may be merely symptoms of a basic design fault in the Government's housing subsidy program.

This is not to say that all publicly subsidized, privately sponsored housing projects have been poorly conceived, shot through with corruption or inordinately profitable. Quite the contrary. As a case in point, the mutual savings banks in New York State have made more than $300-million in lending commitments for low- and moderate-income housing projects in the state ($100-million of that in New York City), and so far none of these ventures has been criticized for alleged abuses.

Some of them—for example, the joint venture between the Bowery Savings Bank and the New York Bank for Savings to build "turnkey" housing projects in conjunction with the Upper Park Avenue Community Association—have been cited as models in their field.

Then, too, most allegations of misdeeds have been leveled at smaller, relatively marginal concerns. The major banks—the big, "nice" names—have yet to be tarred with the investigators' brush.

Yet thoughtful observers have been wondering aloud how long it will take the Senate investigators to question the mortgage-lending officers of some of the large commercial and mutual savings banks about the degree of care they exercise in buying F.H.A. loans, or in providing working-capital loans to mortgage bankers.

Mortgage bankers generally do not make long-term mortgage loans. The Eastern Service Corporation, which was indicted along with Dun & Bradstreet, and the Inter-Island Mortgagee Corporation, whose chairman, Stanley Sirote, refused to testify before the Hart subcommittee last week, are two examples.

Rather, they originate the mortgages, and then sell them—at a profit they hope—to a permanent lender, such as a savings bank or an insurance company. Often, they will "service" the loans they sell (that is, collect the payments) in return for a percentage fee.

Because they carry a Government guarantee, F.H.A.-insured mortgages trade widely in a national mortgage market, most often in multimillion-dollar blocs. For this reason, lenders insist, it is impossible to check the circumstances surrounding the creation of each loan. If the insurance appears to be proper, they say, they have no alternative except to accept it at face value.

But as problems in F.H.A. operations have proliferated, some lenders are double-checking the Government's appraisals to detect any inflated property valuations before it is too late.

The East River Savings Bank, for instance, "inspects" all local properties on which it makes F.H.A.-insured loans before agreeing to the loans. James V. Sorrentino, a mortgage officer at the bank, conceded in an interview last week, that these inspections were well short of a formal appraisal, but he added that an experienced inspector could usually spot any problems by looking at the property and the neighborhood.

East River has been an important buyer of mortgages originated by the Inter-Island Mortgage Corporation. Mr. Sorrentino said that no special problems had turned up among these loans.

As a group, mortgage bankers have been especially critical of the growth of the F.H.A.'s subsidy role, for, not surprisingly, the "unsubsidized" portion of the F.H.A. program has been shouldered aside to make room for inner-city financing. They face the threat that the traditional F.H.A. mortgage—the bread and butter of the typical mortgage-banking operation—might go out of existence.

Oliver H. Jones, executive vice president of the Mortgage Bankers Association, has stated that "the demise of F.H.A. unassisted programs, whether through the short-sighted view that they are no longer needed or through simple neglect by F.H.A. and HUD, would be a serious loss to the economy, the home buyer, the builder and the saver, as well as to the mortgage banker."

Mr. Jones's solution is a complete separation of the traditional F.H.A. mortgage-insurance operation from its newer, and far more troublesome, subsidy functions.

"F.H.A. is dead," he said recently; "Long live F.H.A."

[From the New York Times, May 8, 1972]

Federal Agencies Press Inquiry on Housing Frauds in Big Cities

(By John Herbers)

Washington, May 7.—Prompted by the disclosure of widespread scandals, the Justice Department has begun special coordinated investigations of housing frauds in a number of major cities.

In a shift of policy, Federal law enforcement agencies have moved investigations of housing violations from a low to a high priority, according to testimony before Congress this week and a survey of developments in representative cities during the last few weeks.

Henry E. Peterson, Assistant Attorney General in charge of the Criminal Division, told the Legal and Monetary Affairs Subcommittee of the House committee that major investigations were under way in New York, Newark, Philadelphia, Chicago, Detroit and Miami and that United States Attorneys elsewhere were moving against alleged housing fraud.

In St. Louis, the United States Attorney's office announced soon after Mr. Peterson's testimony that it was asking Washington for more assistance in its investigation of violations in the huge forfeits there of Government guaranteed mortgages and inflated credit ratings.

FOR ONLY SIX MONTHS

Mr. Peterson told the subcommittee, "In all honesty, we didn't begin to focus on this problem until six months ago." Violations were difficult to trace, he said, and were intertwined with "the morals of the marketplace." Housing scandals have occurred in the past in four-year cycles, he added.

However, the current scandals have disturbing aspects that were not significantly present in the past. First, abuses of the Federal programs are speeding the decay and abandonment of large areas of the central cities, leaving both white and minority residents angry and embittered.

The second factor is the deep complicity in the scandals of the Federal Housing Administration, which is charged with administering the housing programs. George Romney, Secretary of Housing and Urban Development, gave an indication of the extent in a recent memorandum to all employes that said:

"I am sick and tired of the cases being brought to my attention by the press, the Congress, the Justice Department and our office of inspector general, which show that some of our employes are accepting favors in the form of meals, gifts, entertainment, preferential treatment in business dealings and other gratuities from those who participate in our programs. There is no excuse for this kind of petty chiseling and in some cases outright bribery."

TEAMS SET UP

After the scandals were publicized in several cities, Mr. Peterson said, the Justice Department studied a number of cities for common violations and set up to each city teams of attorneys, Federal Bureau of Investigation agents and representatives of the Housing Department and the Internal Revenue Service.

There have been some indictments, Mr. Peterson said: "In Newark, there are five outstanding indictments and 11 defendants; 12 in Brooklyn, with 50 defendants; nine in Philadelphia, with 36 defendants, and 12 in Detroit, with 16 defendants.

He and committee sources indicated more widespread indictments were expected. In Chicago, for example, Mr. Peterson said, the names of a number of persons indicted have not yet been released because "we haven't yet had the kind of breakthrough we like to crow about."

The investigations have centered on one of several kinds of fraud or abuse in the housing programs—the sale of used housing in which a speculator applies for a commitment from the F.H.A. for mortgage insurance.

"FRIENDLY" APPRAISER

To obtain such a commitment, an appraisal must be made by a housing administration inspector, who assigns a value to the house as of the time it was bought by the speculator and a "restored value" after certain designated repairs have been made.

"The ideal situation requires a 'friendly' appraiser, either an F.H.A. staff appraiser who is bribed, or a fee appraiser, usually a real estate broker or agent, who works part-time for F.H.A., and who will perform the favor on a reciprocal basis," Mr. Petersen said.

"However, the scheme need not die because of an honest appraisal. The scheme could then operate through an unscrupulous contractor or tradesman, who will certify that repairs have been made when they have not been made. A second party to the scheme is a mortgage company which will submit the documents to F.H.A. for mortgage insurance, the mortgage company having knowledge of the true condition and worth of the property."

"The ultimate victim of the scheme, a low-income purchaser, is simple to find," he continued. "Frequently these victims rely on the speculators to make applications for approval, which includes false information later substantiated by a 'friendly' credit agency. The F.H.A. relies on this documentation, and the inspection of the property may have been performed by a corrupt or incompetent inspector."

Shortly after moving in, the new homeowner is faced with repairs he cannot afford, Mr. Petersen said, adding: "He soon abandons the property and the F.H.A. finds itself in possession of another inner-city dwelling. The property is then placed in the hands of an area management broker, a local real estate agent designated by F.H.A. as their agent, to rehabilitate and resell the property. Depending upon the honesty of the broker, the cycle may well begin again."

This process has contributed greatly to the bombed-out appearance of many central cities, where block after block of structurally sound housing has been abandoned or is in acute state of disrepair.

Secretary Romney outlined to the subcommittee reforms he had instituted. However, the chairman, Representative John S. Monagan, Democrat of Connecticut, said there was "serious concern over whether the resources of the department are adequate to respond to the crisis." The F.H.A. is a part of the Department of Housing and Urban Development.

Following are some of the points of concern, as brought out in Congressional testimony and a survey of developments in several cities.

Aside from being closely tied to the real estate and lending institutions involved, the F.H.A. is subject to the political spoils system. Mr. Romney reportedly has been unable to dismiss suspect officials in Florida because of their ties to Senator Edward J. Gurney, Republican of Florida. Lawrence S. Katz, as F.H.A. director in Milwaukee, was one of the few in the country who ran an exemplary inner city housing program, including sales of homes to welfare mothers without scandal. Yet he was dismissed because he did not meet the patronage requirements of the Wisconsin Republican Committee.

Mr. Romney sought to prevent public disclosure of fee appraisers involved in fraudulent sales and was successful until ordered to disclose their names by a Federal Court in Philadelphia. Mr. Romney's reason, he said, was that the appraisals were subject to reversal and the department should take any blame. After losing the court case, David O. Maxwell, general counsel of the Housing Department, told a House subcommittee that henceforth all names would be released on demand.

The Philadelphia Inquirer brought the successful suit after a series of articles detailing how the industry, with the F.H.A.'s cooperation, fleeced thousands of low-income buyers. A highlight of the series came in December when the United Brokers' Mortgage Company, exclusive servicing agent for F.H.A. rehabilitation loans in Philadelphia, took the real estate brokers and others who had been bilking inner city residents on a luxury cruise to Puerto Rico.

One of the sidelights of the Philadelphia case was that one of the stockholders and salesmen at United Brokers was Edward E. Pilch, a $17,000-a-year aide to Senator Hugh Scott, the Senate minority leader.

In Miami, the F.H.A. director, William Pelski, was suspended for accepting a home loan on generous terms from a banker who had won approval of a large housing project. The Miami Herald disclosed also that the Miami office awarded one-third of all contracts under the Section 235 housing subsidy program to one corporation, in violation of Federal regulations.

The Section 235 commitments are highly prized because they are limited and reach a segment of the market that unsubsidized housing cannot. The distribution of the commitments had been concealed when the corporation set up "front" companies.

In the face of increasing responsibilities, the housing department has been cutting back on personnel under President Nixon's economy order. Robert J. Piscopink of the General Accounting Office said that although F.H.A. regulations called for periodic checks on appraisals, he had found that in Detroit, reviews had been made of only 1.1 per cent of the appraisals, and of these most constituted an inspection of only the outside of the house. A shortage of personnel was given as the reason.

The Senate Antitrust and Monopoly Subcommittee began hearings this week that are expected to link the fraudulent practices with prominent financial institutions.

[From the New York Times, May 16, 1972]

FANNIE MAE SAYS 25% OF ITS FEDERAL MORTGAGES ARE IN ARREARS

(By Edith Evans Asbury)

WASHINGTON, May 15.— An executive of the Federal National Mortgage Association told a Senate subcommittee today that about 25 per cent of the Government-insured mortgages for one-family to four-family houses in New York City held by his company were in arrears.

The executive, Kenneth A. Duncan, is vice president for the region that includes New York City. His company, known as "Fanny May,' 'is a privately held concern whose stock is traded on the New York Stock Exchange. It was originally set up by the Government to buy Government-insured mortgages to make more money available for that purpose. It still has Government representatives on its board.

Mr. Duncan was the first witness before the Senate Subcommittee on Antitrust and Monopoly as it opened a second phase of hearings into the failure of Federal housing programs in New York City.

The first phase of hearings, held the first week in May, produced evidence of questionable activities among mortgage-banking concerns and their employees in their dealings with brokers, speculators and buyers in the purchase and sale of Government-insured houses in New York.

In reply to questions from Senator Philip A. Hart, Democrat of Michigan, chairman of the subcommittee, Mr. Duncan said Fanny May buys mortgages from private companies subject to only two requirements: that the company be approved by the Federal Housing Administration as a mortgagee and that its principal business be the sale of mortgages.

In the case of mortgages insured by the Veterans' Administration, the requirements are that the company be a supervised banker engaged in the mortgage business and have a capital net worth of at least $100,000, Mr. Duncan said.

The mortgage bankers are required to own stock in Fanny May and three of the 15 directors on the Fanny May board are mortgage company officers, Mr. Duncan said.

Fanny May is the largest single investor, in government-insured mortgages in the New York area and its 25 per cent arrearages represent a total worth of $70-million to $75-million, according to Jack Blum, assistant counsel of the subcommittee.

In answer to questions from Mr. Blum, Mr. Duncan testified that Fanny May relied solely on F.H.A. or V.A. for credit checks and accepted whatever they approved for purchase.

Two of the biggest problems with mortgages in New York were delay in foreclosure and failure to receive notice that mortgaged houses were being condemned, Mr. Duncan said.

Foreclosures can take up to three years to process, he said. Mr. Blum asked what arrangements Fanny May made during that period for maintenance of services in the foreclosed building and collection of rents from its tenants.

Fanny May does not consider itself responsible for taking care of this, Mr. Duncan replied.

Sometimes when a building is foreclosed, Fanny May discovers the building has been condemned and is unable to collect the F.H.A. or V.A. insurance because it cannot convey a clear title, Mr. Duncan said.

In an effort to arrange for advance notice of condemnation, Fanny May wrote a letter to Mayor Lindsay but "found it a kind of go-around situation," Mr. Duncan said.

Mayor Lindsay referred the letter to Albert A. Walsh, City Housing and Development Administrator, who referred it to the Corporation Counsel with whom a Fanny May counsel "spent two days to ascertain whether we could get notice," Mr. Duncan said.

"We ended up with the assumption we couldn't get it," he added.

[From the Philadelphia Inquirer, May 12, 1972]

EX-FHA DIRECTOR HERE INDICTED ON $73,000 BRIBERY CHARGES

(By Ray Holton)

The former director of the Federal Housing Administration in Philadelphia was charged Thursday with receiving $73,000 in bribes from a building contractor during 1968 through June 1971.

A Federal grand jury probing the FHA scandal named Thomas J. Gallagher Jr. in two indictments accusing him of soliciting and accepting the bribes and evading payment of $29,000 in income taxes on the kickbacks.

The investigation so far has resulted in 14 indictments, naming 50 individuals in connection with alleged irregularities in FHA programs here.

Gallagher is the former director of the Philadelphia Insuring Office of FHA who resigned last September after The Inquirer began a series revealing irregularities in the sale of substandard housing to low-income families under an FHA program.

Gallagher, of 3004 Teesdale st., had worked as a consultant for the Central Mortgage Co., a subsidiary of Industrial Valley Bank, after resigning his $29,500-a-year post with FHA.

U. S. Attorney Carl Melone refused to disclose the name of the contractor who allegedly paid four separate bribes to Gallagher over the three-year period.

"In order to secure his cooperation he asked for immunity," Melone said, referring to the contractor.

The bribes were allegedly given to Gallagher to put through "with rapidity" FHA approval of four multi-family housing projects—three in Bucks County and one in Philadelphia, according to Assistant U.S. Attorney Malcolm Lazin, who is in charge of the FHA grand jury probe.

Lazin also refused to identify the four projects, which were constructed for low and moderate income families.

Lazin said the building contractor has received full transactional immunity in exchange for his testimony before the grand jury. Under transactional immunity the contractor cannot be charged for any crime arising from his testimony in the case.

Lazin said revelation of the contractor's name "might possibly prejudice him," although his name will come out during the trial.

Gallagher joined FHA in 1938 and served as the Philadelphia director from February 1964 through June 1971.

In June, the Department of Housing and Urban Development realigned its FHA offices nationally and Gallagher was being considered for appointment as area director of the Philadelphia office.

Gallagher, father of two sons, has refused to talk to the press or to return telephone calls from reporters.

HOW TO SAVE MONEY AND INCREASE TRADE

(Mr. MOORHEAD asked and was given permission to extend his remarks at this point in the Record.)

Mr. MOORHEAD. Mr. Speaker, last week Pakistan devalued its rupee and, in the process, the United States lost more than $344 million in the value of its current and future U.S.-owned foreign currency holdings without 1 single penny's benefit to the United States. That figure comes from the Department of the Treasury.

Since 1954 our country has lost more than $2 billion because of such devaluations, inflation, and exchange rate adjustments. This is absolutely ridiculous. When are we going to put our U.S.-owned foreign currencies to work for America?

One proposal to do just that has been put forward by some 40 Members of the House of Representatives. It is H.R. 11508 and a number of companion bills now pending before the Committee on Foreign Affairs. This totally bipartisan legislation would authorize the use of foreign currencies and debt payments to cover the cost of foreign import duties on American exports. For example, the money lost in Pakistan would have financed the import duties on more than $3.4 billion worth of American exports over coming years.

H.R. 11508 would make the cost of American manufactured products more competitive with Western European and Japanese products all over the world—and at the same time help reverse our trade and budget deficits. I urge all Members to join in this effort for the sake of American labor, industry, and all taxpayers.

THE GAINER FAMILY OF WEST FLORIDA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I have previously commented on some of the large family groups for which the First District in western Florida is noted. These family groups are the descendants of pioneer settlers, many of them who came to Florida from other States very soon after the transfer of Florida from Spain to the United States in 1821. They have had a strong influence on the development which has taken place and many of their members have held public positions of trust and responsibility.

One such family which enjoys special recognition is the Gainer family. It was founded by William Gainer, surveyor and mathematician, who came to western Florida with the U.S. Forces under the command of Gen. Andrew Jackson in his expedition of 1818. He liked what he saw and after completing his Army duties, he began making plans to return to Florida to establish his permanent home.

He was particularly attracted by the area along Econfina Creek, a swift-flowing, spring-fed stream which rises in a range of hills about 40 miles north of the gulf coast. This clear stream flows during much of its course over sandy bottoms interspersed with limestone. It was then and remains today one of Florida's most beautiful and unspoiled streams. The Econfina is an Indian word said to mean "underground stream." It is thought to have acquired that name from a natural bridge which for years was found near the midportion of the stream's course. The bridge collapsed more than a century ago.

At his home near Augusta, Ga., Gainer completed his plans for the long trip to the shores of the Econfina. He had picked a particularly attractive place near a great spring on the western side of Econfina as his first home. It was only a few miles north of the present location of Panama City, Fla.

Moving more than 300 miles from Augusta on horses and farm wagons while driving their cattle before them was a hard and dangerous task. It was made even more dangerous by the presence of Indians, some of them hostile, who still roamed West Florida areas. One of the Gainer kinswomen, in fact, was murdered by Indians near the Econfina several years after a settlement had been established beside the creek.

William Gainer, born in North Carolina in 1787, was the son of Samuel Gainer, a Revolutionary War soldier. He married Jane Watts in Augusta in 1813, and they moved to Florida in 1824, just 3 years after Florida had been ceded by Spain to the United States. The pioneer couple had 12 children and 44 grandchildren, thus becoming the progenitors of one of western Florida's larger family groups. Their descendents have played leading roles in the affairs of a half dozen counties. Their contributions as business leaders and public officials have been recognized throughout the State of Florida and in many parts of the Nation.

The descendants of William and Jane Watts Gainer and their kin are now numbered in the hundreds. As in the case of other well-known west Florida families, they follow the delightful custom each year of returning each September to a point near the old home place for a family reunion.

Many of them, after the reunion program has ended and they have renewed their family ties, make a pilgrimage to the old homesite and the nearby family cemetery. It is here that they pay respectful tribute to their departed ancestors and kinsmen and renew their sentimental and emotional ties with the pioneer past.

The old family home disappeared long ago, leaving the spring and the nearby cemetery nestling among a heavy growth of hardwoods, sand pine, junipers, cedars, and the quietness that comes from being far, far away from highways, cities, and people. Forests have reclaimed the land here, except for the well-kept graves in the cemetery and the threads of a two-trail road. Residents of the Econfina community long ago joined the exodus of rural people to the cities and towns, leaving the idyllic area to be reclaimed by nature.

The Gainer family reunion tradition carries on a custom that signifies strong and meaningful ties. It is a day of fellowship, feasting, renewing kinship's ties, reminiscing. It is also a day of thanksgiving. That their descendants would gather year after year is a tribute to their character and that of their pioneer ancestors, who were God-fearing, hard-working, frugal, home-loving people who set lofty examples for their children.

Those children, and their children's children and their descendants have made good use of their heritage of example and guidance. They have furnished an amazing amount of leadership in many fields of endeavor throughout the State and Nation. Surely their faith in the values of good citizenship, exemplified by their pioneer ancestors, is rekindled and strengthened with each journey "home," in company with those with whom they share a common heritage. The custom is one that may well be commended to other families across the Nation.

SPEECH ON THE McINTIRE-STENNIS ACT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, last week it was my privilege to have placed in the Congressional Record remarks of the distinguished Senator from Mississippi, the Honorable John C. Stennis, on the occasion of the 10th anniversary of the McIntire-Stennis Act at Mississippi

State University. On this occasion our distinguished former colleague, the Honorable Cliff McIntire, also was a featured speaker on this program. I am confident members of the House and Senate will welcome an opportunity to read Mr. McIntire's remarks and I take pleasure in submitting them for reprinting in the Record.

Response of Clifford G. McIntire, Mississippi State University, April 25, 1972

President Giles, Senator Stennis, Dean Clapp, Dean Kaufert, my long-time personal friend, Al Nutting, distinguished guests and friends:

Thanks for this beautiful plaque and the honor of the citation. I am deeply appreciative of your kindness.

It is a great pleasure to be in Mississippi and an added privilege to be present on an occasion that honors your distinguished Senator, the Honorable John Stennis.

The United States Senate has no finer gentleman, no more able legislator. No greater American has ever served in the United States Senate.

This is a most memorable occasion for me as you can all understand. We mark a decade of progress in cooperative forestry research under authorization of the McIntire-Stennis Act. There has been a marked strengthening of Schools of Forestry across the Nation, both in facilities and faculty and expanded opportunities for young people to advance their training and skills through graduate study.

Words are inadequate for me to express my appreciation to Al Nutting for his presence here tonight. We were undergraduates together at the University of Maine. Our friendship has spanned four decades. As a result of Al's discussions with me on his plans for strengthening the School of Forestry at the University of Maine through graduate study and research, I became deeply interested in the great importance of expanding graduate study and research in the Nation's schools of forestry which led to the introduction of H.R. 8535 on August 7, 1961. The bill was introduced by Senator Stennis on August 11, 1961, as S. 2403.

In the House Committee on Agriculture the bill was assigned to the Subcommittee on Forests for hearings and report to the full Committee. The Subcommittee Chairman was the Honorable George Grant of Alabama. He was deeply interested and very helpful in the legislative developments. I believe there were 24 witnesses heard and their suggestions were very helpful. In executive session the language of H.R. 8535 was modified in a few places.

It was suggested a clean bill be introduced and reported to the full Committee. As Mr. Grant was chairman it was customary that the chairman introduce the clean bill. The chairman, of course, is of the same party as the chairman of the full Committee and the party in the majority in the House of Representatives. I recommended the chairman introduced the clean bill but Mr. Grant said that I should do it as I had introduced the original bill and followed it through from drafting to Committee action. Through his graciousness, H.R. 12688 carried my name. It is not often that a bill goes through Congress with the name of both a Republican and a Democrat. I shall always be indebted to George Grant for the fact that this law is known as the McIntire-Stennis Act. But it would not have been enacted if it had not been for the distinguished Senator from Mississippi. Senator Stennis introduced a bill identical with H.R. 12688 as reported unanimously by the House Committee on Agriculture. That bill was S. 2403. Let me go back just a month. All during the formative stages and legislative work on the House side I had the valuable assistance of Mr. R. H. Westweld, director of the Schools of Forestry at Missouri. His work was invaluable in getting support and understanding among the many people interested in a legislative effort toward the objective in mind.

Few are his equal in ability, kindness of character, and persistence. I am greatly indebted to him for his valuable assistance in the legislative period. Many others, including Dr. Les Harper of the Forest Service, were also very helpful and I am indebted to them for valuable assistance.

The 1964 issue of the "Missouri Log," a publication of the School of Forestry at the University of Missouri, was dedicated to Senator Stennis and myself. This dedication was prepared by Director Westweld. Let me read the last paragraph as it reports a very vital period in the birth of P.L. 87–788:

"The legislation appeared for a time to bog down in the Senate. Two amendments tacked on the bill threatened to render the bill unpalatable to Senator Stennis and other supporters of the forestry schools throughout the country. In a very significant moment on the floor of the Senate, the amendments were rejected on motion of Senator Stennis. With this, H.R. 12688 was passed and sent to the President for his signature."

President Kennedy signed the bill into law on October 10, 1962.

May I add another point of historical interest. A fine article entitled "The McIntire-Stennis Program," authored by John Sullivan and George Burks was carried in the April 1969 issue of "American Forests." I appreciate this article very much.

Federal appropriations under the authority of this act have totaled $27,224,000 in the decade we appraise on this occasion. Money is important and greater sums can be used effectively. I find rich reward in the memories of this legislative effort, in the outstanding leadership and abilities given by the fine individuals who have and are serving on the Advisory Committee and the Advisory Board, th administrative leadership devoted to this program by the people in USDA. But above all, the doors have been opened more widely to young people to expand their education and graduate study. The knowledge gained by research and the strengthening gained by professional training has contributed greatly to all aspects of forest land resources management.

Thanks so very kindly for the honor of your citation and of being present.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Mazzoli (at the request of Mr. Boggs) for today on account of official business.

Mr. Alexander (at the request of Mr. McFall) for today, May 23, and Wednesday, May 24, on account of official business.

Mr. Del Clawson (at the request of Mr. Gerald R. Ford) on account of the death of his son, Larry Clawson.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Moorhead, for 30 minutes, on Thursday, May 25; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. McKinney) to address the House and to revise and extend their remarks.)

Mr. Kemp, for 15 minutes, today.

Mr. Veysey, for 5 minutes, today.

Mr. Halpern, for 5 minutes, today.

Mr. Ashbrook, for 30 minutes, today.

(The following Members (at the request of Mr. Link) and to revise and extend their remarks and include extraneous matter:)

Mr. Fraser, for 10 minutes, today.

Mr. Aspin, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mrs. Grasso, for 10 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mr. Rostenkowski, for 5 minutes, today.

Mrs. Abzug, for 10 minutes, today.

Mr. Patman, for 5 minutes, today.

Mr. Gettys, for 5 minutes, today.

Mr. Koch, for 5 minutes, today.

Mr. Monagan, for 5 minutes, today.

Mr. Dent, for 30 minutes, on May 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Bell, immediately following the remarks of Mr. Boland in the Committee of the Whole today, on the space shuttle.

(The following Members (at the request of Mr. McKinney) and to include extraneous matter:)

Mr. Whitehurst.

Mr. Mathias of California.

Mr. Derwinski in three instances.

Mr. Shoup.

Mr. Anderson of Illinois in two instances.

Mr. Collins of Texas in three instances.

Mr. Zwach.

Mr. Hosmer in two instances.

Mr. Don H. Clausen.

Mr. Thone.

Mr. Erlenborn.

Mr. Horton.

Mr. Broyhill of Virginia in two instances.

Mr. Robison of New York.

Mr. McCloskey.

Mr. Bob Wilson.

Mr. Rousselot.

Mr. Kemp in two instances.

Mr. McDade.

Mr. Hillis.

Mr. Conte.

Mr. Railsback.

Mr. Schwengel in two instances.

Mr. Steiger of Wisconsin.

Mr. Carter.

Mr. McCulloch.

Mr. Halpern in three instances.

Mr. Wyman in two instances.

Mr. du Pont.

Mr. Quie.

Mr. Burke of Florida.

(The following Members (at the request of Mr. Link) and to include extraneous matter:)

Mr. Fisher in five instances.

Mr. Montgomery.

Mr. Badillo in four instances.

Mr. Gonzalez in three instances.

Mr. Randall.

Mr. Rangel.

Mr. Hagan in three instances.

Mr. Rarick in five instances.

Mr. Rogers in five instances.

Mr. Hungate in three instances.

Mr. Ryan in five instances.

Mr. Bolling in two instances.

Mr. Anderson of California in three instances.

Mr. Minish.

Mr. Stokes.

Mr. Brasco.

Mr. Griffin in two instances.

Mr. Fraser.

Mr. Karth.

Mr. Vanik in two instances.

Mr. Caffery.

Mr. Bergland in five instances.

Mr. Price of Illinois.

Mr. Hamilton.

Mrs. Sullivan.

Mr. Scheuer.

Mr. Hawkins.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14582. An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

ADJOURNMENT

Mr. LINK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 24, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2020. A letter from the Assistant Secretary of Health, Education, and Welfare for Legislation, transmitting excerpts of testimony before various committees of Congress on administration bills on school busing and equality of educational opportunity; to the Committee on Education and Labor.

2021. A letter from the Director, Defense Security Assistance Agency, transmitting a report of excess defense articles programed to be furnished on a grant basis to various countries to the extent such articles were not included in the report previously submitted to Congress, pursuant to section 8(d) of Public Law 91-672; to the Committee on Foreign Affairs.

2022. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with the University of Alaska, Fairbanks, for a research project entitled "Design of a Benefication System for Evaluation and Recovery of Gold and Accessory Minerals from Alaska Beach Deposits," pursuant to Public Law 89-672; to the Committee on Interior and Insular Affairs.

2023. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed grant with The Pennsylvania State University, University Park, Pa., for a research project entitled "Demand for and Supply of Labor in Minerals and Mineral Fuels Industry," to the Committee on Interior and Insular Affairs.

2024. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Walter C. McCrone Associates, Inc., Chicago, Ill., for a research project entitled "Characterization of Metal and Non-Metal Mine Airborne Dust," pursuant to Public Law 89-672; to the Committee on Interior and Insular Affairs.

2025. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with MSA Research Corp., Pittsburgh, Pa., for a research project entitled "Experience Survey of Dust Control in Non-Coal Mines," pursuant to Public Law 89-672; to the Committee on Interior and Insular Affairs.

2026. A letter from the Secretary of Transportation, transmitting the first annual report on the implementation of the national transportation policy as required by section 3(b) of the Airport and Airway Development Act of 1970; to the Committee on Interstate and Foreign Commerce.

Received From the Comptroller General

2027. A letter from the Comptroller General of the United States, transmitting observations on dredging activities and problems of the Corps of Engineers (Civil Functions), Department of the Army; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee of conference. Conference report on S. 659 (Rept. No. 92-1085). Ordered to be printed.

Mr. BOLLING: Committee on Rules. House Resolution 994. Resolution providing for the consideration of H.R. 9669, a bill to amend the Subversive Activities Control Act of 1950, as amended (Rept. No. 92-1087). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 995. Resolution providing for the consideration of H.R. 12846, a bill to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces, and for other purposes (Rept. No. 92-1088). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 996. Resolution providing for the consideration of H.R. 14370, a bill to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes (Rept. No. 92-1089). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. H.R. 5158. A bill for the relief of Maria Rosa Martins; with amendment (Rept. No. 92-1086). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 15114. A bill to prohibit discrimination by financial institutions or any other persons on the basis of sex or marital status in connection with federally related mortgage transactions, and to require all parties to any such transaction to submit appropriate reports thereon (containing specified information) for public inspection; to the Committee on Banking and Currency.

H.R. 15115. A bill to amend the Truth in Lending Act, to prohibit discrimination by creditors against individuals on the basis of sex or marital status with respect to the extension of credit; to the Committee on Banking and Currency.

H.R. 15116. A bill to prohibit discrimination by any federally insured bank, savings and loan association, or credit union against any individual on the basis of sex or marital status in credit transactions and in connection with applications for credit, and for other purposes; to the Committee on Banking and Currency.

H.R. 15117. A bill to provide for an end to U.S. involvement in hostilities in and over Indochina, secure the withdrawal of all U.S. forces therefrom, and assure the establishment in South Vietnam of a coalition government reflecting the military and political realities there; to the Committee on Foreign Affairs.

By Mr. CORMAN (for himself, Mr. Pettis, Mr. Sisk, Mr. Johnson of California, Mr. McFall, Mr. Mathias of California, Mr. Don H. Clausen, Mr. Waldie, and Mr. Leggett):

H.R. 15118. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on olives; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 15119. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FRASER:

H.R. 15120. A bill to protect the rights of employees of air carriers involved in mergers, acquisitions, and similar transactions; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON:

H.R. 15121. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mrs. GRASSO:

H.R. 15122. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Housatonic River, Conn., as a potential addition to the wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

H.R. 15123. A bill to establish the Housatonic River Valley Trust, to preserve and conserve the said area, and for other puposes; to the Committee on Interior and Insular Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 15124. A bill to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets; to the Committee on Agriculture.

By Mr. HILLIS:

H.R. 15125. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

H.R. 15126. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to the effective date of the non-Federal share of the costs of certain programs of that act, and for other purposes; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 15127. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. KYROS:

H.R. 15128. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLURE (for himself, Mr. Brinkley, Mr. Del Clawson, Mr. Derwinski, Mr. Devine, Mr. Hosmer, Mr. Kyl, Mr. Mann, Mr. Mathis of Georgia, Mr. Melcher, Mr. Pike, Mr. Snyder, Mr. Talcott, Mr. Taylor, Mr. Thompson of Georgia, Mr. Waggonner, Mr. Whitehurst, and Mr. Winn):

H.R. 15129. A bill to amend the Internal Revenue Code of 1954 to provide that certain homeowner mortgage interest paid by the Secretary of Housing and Urban Development on behalf of a low-income mortgagor shall not be deductible by such a mortgagor; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 15130. A bill to amend section 351 of title 38, United States Code, to enlarge the class of persons entitled to benefits thereunder to include veterans suffering injury or death as a result of natural disaster occurring while they undergo treatment in a Veterans' Administration facility, and the dependents of such veterans; to the Committee on Veterans' Affairs.

By Mr. ST GERMAIN:

H.R. 15131. A bill to protect the public health from the distribution of drugs manufactured in establishments not meeting current good manufacturing practices by amending the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN:

H.R. 15132. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits thereunder, to increase the amount of earnings counted for benefit and tax purposes, and to make appropriate adjustments in social security tax rates; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 15133. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.R. 15134. A bill to amend the Occupational Safety and Health Act of 1970, with respect to its application to small employers; to the Committee on Education and Labor.

H.R. 15135. A bill to repeal the Gun Control Act of 1968, to reenact the Federal Firearms Act, to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. McDONALD of Michigan:

H.R. 15136. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government; to the Committee on Government Operations.

H.R. 15137. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 15138. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for depreciation on capital expenditures incurred in connecting residential sewer lines to municipal sewage systems; to the Committee on Ways and Means.

By Mr. PUCINSKI:

H.R. 15139. A bill to amend title 18 to penalize the use of firearms in all crimes and to forbid plea bargaining in connection with such crimes; to the Committee on the Judiciary.

By Mr. VANIK (for himself, Mr. Corman, and Mr. Green of Pennsylvania):

H.R. 15140. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuels containing sulphur and on certain emissions of sulphur oxides; to the Committee on Ways and Means.

By Mr. BADILLO:

H.J. Res. 1209. Joint resolution to provide for the issuance of a special postage stamp in commemoration of Luis Munoz Rivera; to the Committee on Post Office and Civil Service.

By Mr. SNYDER (for himself, Mr. Kemp, Mr. O'Konski, Mr. Mallary, Mr. McKevitt, Mr. Schneebeli, Mr. Mathias of California, Mr. McKinney, Mr. Duncan, Mr. Powell, Mr. Daniel of Virginia, Mr. Broyhill of North Carolina, Mr. Grover, Mr. Teague of California, Mr. Brown of Michigan, Mr. Bob Wilson, and Mr. Clark):

H. Con. Res. 620. Concurrent resolution expressing the sense of the House of Representatives with respect to the withdrawal of all American forces from Vietnam; to the Committee on Foreign Affairs.

By Mr. HILLIS:

H. Res. 997. Resolution to express the sense of the House that a Federal building in Washington be designated as the "J. Edgar Hoover F.B.I. Building"; to the Committee on Public Works.

By Mr. ROONEY of Pennsylvania:

H. Res. 998. Resolution expressing the sense of the House of Representatives that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program; to the Committee on Appropriations.

By Mr. ROYBAL:

H. Res. 999. Resolution calling for peace in Northern Ireland and the establishment of a United Ireland; to the Committee on Foreign Affairs.

By Mr. THOMPSON of New Jersey:

H. Res. 1000. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 142; to the Committee on House Administration.

By Mrs. ABZUG:

H. Res. 1001. Resolution urging supplemental appropriations to implement the President's message of March 17, 1972, calling for equal educational opportunities; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. STEELE:

H.R. 15141. A bill for the relief of Luis Leon Cascone and Danilo Luis Leon Cascone; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 15142. A bill for the relief of Maj. William J. Pelham, U.S. Air Force; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

237. By the SPEAKER: Petition of the city council, Beverly Hills, Calif., relative to American involvement in Vietnam; to the Committee on Foreign Affairs.

238. Also, petition of Michael D. Martindale, Bay City, Mich., relative to release of prisoners; to the Committee on Foreign Affairs.

239. Also, petition of Frank B. W. Davidson, San Luis Obispo, Calif., relative to redress of grievances; to the Committee on the Judiciary.

240. Also, petition of William Moyer, Richard Richeson, and Earl Hanson, Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

WILLARD B. VAN HORNE, SR., OF EAST CHICAGO, IND.

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. MADDEN. Mr. Speaker, Willard B. Van Horne, Sr., of East Chicago, Ind., the oldest practicing attorney in Indiana, and also a pioneer legislator dating back to the Indiana General Assembly in 1911 to 1916, will celebrate his 93d birthday on June 4 of this year. I, along with thousands of his friends in the Calumet region of Indiana, have admired his vitality and activity in legal and civic circles for many years.

Mr. Van Horne's son-in-law, Charmes M. Squarcy, assistant to the Vice President of Inland Steel Co., has advised me of some of his father-in-law's outstanding accomplishments during his long service to his community, county, State, and Nation, which I hereby include with my remarks:

WILLARD B. VAN HORNE, SR.

Perhaps the most incredible fact of all about Willard B. Van Horne, Sr. is that at the age of ninety-three he is still actively engaged in the practice of law on a full five day a week basis. His practice is a general one and any refusal of cases is solely on account of lack of time. One company, the Washington Lumber and Coal, has been his client continuously since 1913. Several of his private clients are third generation. He served in the Indiana General Assembly in 1911, 1913 and 1915 and is fond of telling you that in the 1913 session he was one of four Republicans, 95 Democrats and one "Bull-Mooser." He is still sufficiently interested in politics to have appeared before the Indiana General Assembly last February, making a few very well chosen purposely innocuous remarks, as he said it would abuse the privilege of an ex-member to say anything which could be construed as lobbying.

Two years ago in spite of a cast on his leg, from ankle to groin, he flew to Washington to attend the annual meeting of the Chamber of

Commerce of the United States, because he particularly wanted to hear and see President Nixon at the opening session.

He participates regularly in the local and state bar association, Kiwanis, Shrine and Elks. The list of other community activities is too long to enumerate. Like his cousin, William Van Horne, who was knighted by the British government for his construction of the Canadian Pacific Railroad, he has an enormous appetite for gourmet food and good cigars. Although he has a housekeeper three days a week and an elderly son who lives with him, he is fond of cooking, and would still be gardening if his waistline would permit.

He communicates regularly with his five children, eight grandchildren and five great-grandchildren and enjoys their accomplishments as his own most important success.

Born on June 4, 1879, in Grant Park, Illinois, of Dr. G. W. Van Horne and Sarah Mather (both of distinguished early American families) he was graduated from Valparaiso University in 1901, and from Kent College of Law in 1902. This June 5 with as many of his friends as can crowd into the spacious office he now shares with his eldest son, he will celebrate the 93rd anniversary of his birth and the 71st year of his admission to the bar of the State of Indiana.

THE MINING OF NORTH VIETNAMESE HARBORS

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 23, 1972

Mr. CRANSTON. Mr. President, the mining of North Vietnamese harbors raises the possibility of a naval confrontation with the Soviet Union for the first time since the Cuban missile crisis 10 years ago. This dangerous escalation was undertaken in the name of protecting our troops in South Vietnam by cutting off supplies from the north.

The Los Angeles Times of May 18 published an article showing that the mining of North Vietnamese harbors has only dubious military validity. The article was written by Mr. Leslie Gelb, formerly the Director of Pentagon Policy Planning and Arms Control and Director of the Pentagon Papers project for the Secretary of Defense. Mr. Gelb estimates that after an initial period of adjustment, total transport into North Vietnam would probably not be reduced by more than 50 percent or even 25 percent.

Mr. President, I ask unanimous consent that Mr. Gelb's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Mines in Haiphong Harbor Will Not Keep All Supplies Out of Hanoi's Hands

(By Leslie H. Gelb)

For three years, President Nixon has been warning Hanoi and Moscow. If Hanoi stepped up the level of military activity in South Vietnam and endangered Vietnamization, the President said he would take "decisive action." Now, he has taken these actions: mining North Vietnamese ports, interdicting cargo transfers to smaller craft, bombing the rail links with China and attacking military targets in the North. But will these actions be "decisive"? And when?

I am not an expert on military supply problems. I am, however, familiar with the supply situation with respect to North Vietnam. Corrections, of course, would be welcome from the Pentagon if my facts or reasoning are faulty. My facts and reasoning are fully consistent with CIA estimates as revealed in the Pentagon Papers and by more recent CIA studies divulged by Senator Mike Gravel (D-Alaska.)

The first question is what will Russia and China do? They provide nearly all the arms, ammunition and petroleum used by the North Vietnamese. Without their aid. Hanoi would have to change its strategy. But Moscow and Peking are not very likely to cut off or cut down on their aid. There is no reason to believe that they would leave their ally without bullets any more than we would. Moreover, Hanoi does not need as much aid as Saigon. U.S. aid to Saigon totals 8 to 10 times the Soviet-Chinese aid to Hanoi.

The next question is can Russia and China continue to supply North Vietnam in the face of the naval quarantine and bombing? The alternatives are: ship, plane, train, truck and people.

A maximum of about 75% of the supplies reaching North Vietnam come by sea. The Russians could challenge the quarantine with mine sweepers and subs. The Chinese could launch air attacks against U.S. ships. But they are unlikely to do so given the enormous U.S. sea and air conventional superiority in the area and the risks of global confrontation. If mines are swept, new ones can be emplaced. North Vietnamese fast boats, armed with long-range ship-to-ship missiles, could attack and badly damage or sink some U.S. vessels. But such actions would not break the quarantine. Barges and small boats emanating from the China coast and landing on beaches and small ports at night could get through. In sum, the quarantine could be 90% effective. But the point is sea transport is a convenience, not a necessity.

The Russians have a large fleet of heavy cargo aircraft, big enough to haul tanks. This would be the fastest and easiest way to make up the sea transport deficit—especially if they could overfly China. President Nixon has not discussed this possibility, but is unlikely to shoot down Soviet aircraft.

The capacity of the two rail lines connecting China and North Vietnam could be increased significantly. Even if the United States blows up the tracks by day, they can be repaired in a matter of hours. Therefore, fully loaded trains could even result in no decrease in rail transport by present levels.

Trucks coming from China also would put a hefty bite into the sea transport deficit. Roads would need improvement, but sufficient trucks are available. Night-driving trucks are not easy to destroy, as indicated by the U.S. bombing experience on the Ho Chi Minh Trail.

Supplies for rail and trucks could be unloaded by Soviet ships docking at South China ports.

If worse comes to worse, people can carry supplies on their backs. The Chinese have done it before. The North Vietnamese lugged tons of heavy equipment to the hills surrounding Dien Bien Phu in 1954.

All of this would take a period of adjustment, say one to three months. When this period is completed, my guess is that total transport into North Vietnam would not be reduced by more than 50% and probably closer to 25%.

Meanwhile, the North Vietnamese have extensive stock-supplies of equipment and ammunition in the North. In Laos and Cambodia, and in South Vietnam itself—not to mention what they can capture. These supplies probably could last months. If not six months, depending on rates of consumption. In other words, were Hanoi to adopt a less offensive posture in the coming months, their supplies would last a long time. Moreover, there would be little to fear from a successful counter-offensive by Saigon. Saigon forces are not well enough led or motivated for such a venture.

Will the President's actions, then, be decisive? No. Certainly not in the short run. where Hanoi has sufficient supplies for the present offensive. The current battles over Hue and Kontum will not be affected at all. Nor will his actions be decisive in the long run. Hanoi will once again have to tighten its belt. It may even be compelled to moderate its offensive in three or four months. Hanoi can and will fight on.

The difference between X and Y tons of supplies is not what this war is all about. It is a civil war and a war for national independence that began in the early 1940s. Hanoi had more to fear militarily in the late 40s against the French and in 1968 when faced with more than half a million U.S. forces.

In time, the quarantine and the stepped-up bombing will be seen for what they are—another tragic phase in a war that cannot be won by outside force.

MISSISSIPPI TO LOSE SERVICES OF THREE GREAT MEN

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. MONTGOMERY. Mr. Speaker, with the close of the second session of the 92d Congress we will also witness the end of service in the U.S. House of Representatives of three of my very able colleagues from Mississippi. Congressman Bill Colmer, Congressman Tom Abernethy, and Congressman Charles Griffin have all announced their plans to retire thus ending a total of 75 years of outstanding public service to their district, State, and Nation. I would like to share with my colleagues the resolutions passed recently by the Mississippi Legislature recognizing these three men and commending them for their unselfish devotion to duty. The resolutions are as follow:

A Concurrent Resolution Recognizing the Outstanding Contributions of a Truly Great and Public-Spirited Mississippian, William M. Colmer, Upon the Occasion of His Retirement From Congress After 40 Years of Service of the Highest Order of Statesmanship

Whereas, the State of Mississippi is extremely fortunate to have been represented in the United States Congress by William M. Colmer for forty productive years; and

Whereas, Congressman Colmer has announced his intention to retire at the end of this year so that it is fitting and proper to pause and take note of some of his more outstanding accomplishments; and

Whereas, William M. Colmer was born in Moss Point, Mississippi, the youngest of five sons in a family of nine children, and at the age of nine began earning his own way, stencilling the brand name on lumber for a sawmill, making Fifty Cents a day; and

Whereas, having been frugal and industrious, Bill Colmer worked his way through Gulfport High School doing janitorial work and clerking in a store and earned his funds for college by serving as a newspaper correspondent, among other things; and

Whereas, just out of Millsaps College, Bill Colmer taught school at D'Lo in 1912 and was Superintendent of the Lumberton

School from 1914 to 1917, during which time he studied law at night; and

Whereas, on September 19, 1917, W. M. Colmer made the best investment of his life when he claimed the hand of Miss Ruth Miner in marriage; and

Whereas, to that union were born three fine sons, namely: W. M. Colmer, Jr., James H. Colmer and Thomas W. Colmer, all of whom are veterans of World War II as members of the U.S. Navy and who now are making honorable contributions to society in their chosen vocations; and

Whereas, when World War I began, Bill Colmer enlisted in the Army as a Buck Private and advanced to the rank of Regimental Sergeant Major before being discharged two years later; and

Whereas, upon his discharge, Bill Colmer began his law practice in Pascagoula and soon was elected County Attorney and later became District Attorney; and

Whereas, in 1932 Bill Colmer was elected to represent the Sixth Congressional District and made one promise to the people which he has faithfully kept, the promise being "to represent my district, my state and my nation to the very best of my ability, placing the welfare of all of the people above self and party"; and

Whereas, Representative William M. Colmer, who is now the third ranking member of the United States House of Representatives in point of years served, took over as Chairman of the powerful House Rules Committee in 1967 and streamlined the procedures, instituting a schedule of regular meetings and exhibiting such a cooperative spirit that one Washington commentator noted, "The Rules Committee is losing its aura as a bone of contention with the House leadership"; and

Whereas, Congressman Colmer is the senior member of the National Forest Reservation Committee; and as Chairman of the House Post War Economic Policy and Planning Committee, Colmer played a key role in recommending legislation to provide a smooth reconversion of the nation to a peacetime economy after World War II, a role which he considered his greatest single accomplishment in his first twenty years of service in Congress; and

Whereas, in 1945 when Congressman Colmer returned after a conference with Stalin and advocated a "get tough" policy with Russia, his recommendation fell on deaf ears in the administration and he organized the Committee of 78, a group of Southern Democrats on whom he could depend to serve as a check or balance of power group against damaging administration legislation, which group has worked effectively through the years under his leadership; and

Whereas, a financial conservative by nature, Bill Colmer has advocated a balanced budget and a curb on deficit spending during his many years in the Congress; and

Whereas, as early as 1952 Representative Colmer set forth his ten-point plan to balance the nation's budget and stated on many occasions, "I fear the Russian menace less than the danger of the collapse of the fiscal structure"; and

Whereas, Congressman Colmer has advocated progressive legislation in the fields of agriculture, rural electrification, veterans' affairs, aid to the elderly, rights of the working man, river and harbor development and development of South Mississippi industrially and recreationally, most recently having been the author of the bill to establish the Gulf Islands National Seashore Park; and

Whereas, Bill Colmer, known as an "unreconstructed" States' Rights Democrat who has refused to compromise his convictions and principles, has been honored nationally on many occasions, including being listed in *Who's Who in America*, *Who's Who in Law*, *Bench and Bar of Mississippi*, and Rowland's *Mississippi Heart of the South;* being the first Mississippian ever to be awarded the American Good Government Society's George Washington Day Award; being made an honorary member of the Executive Committee of the Pine Burr Area Council of the Boy Scouts of America; being rated 100% in conservative voting according to the Americans for Constitutional Action in 1965 and 1966 and being granted their Distinguished Service Award; being honored at a Congressional Appreciation Dinner in 1968; having his portrait hung in the United States House Rules Committee Room; and being named Man of the Year in 1970 by the Mississippi Broadcasters Association; and

Whereas, a winsome leader, as early as 1956 a newsman stated of Colmer: "The Coast Congressman is regarded today by many as the most influential individual member of the United States House of Representatives 'without any clubs to wield.' His House following is due to the high personal regard and esteem in which he is held by most of his colleagues"; and

Whereas, although Colmer has received and answered over one million appeals from the people of South Mississippi during his tenure of office, he has never been too busy to lend a helping hand to the most humble constituent; and

Whereas, a gentle and gracious man, with warm good humor, enjoying a joke on himself, Bill Colmer at a dinner in his honor once stated that he worked for the *Jackson Daily News* during college days and was paid the munificent sum of $1.00 a column, to which his former employer, the late Major Frederick Sullens, quipped, "and at times he almost earned his pay"; and

Whereas, for the past forty years his constituents in Mississippi would avow that Congressman Colmer "almost earned his pay" in protecting his nation's economy, foreign and domestic policies and principles of greatness from her enemies, both within and without:

Now, therefore, be it resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein, That we do hereby recognize and commend Congressman William M. Colmer of Pascagoula, Mississippi, for his forty years of devoted service to his people in the Congress of the United States and extend to him every good wish and pray God's blessings on him during the long and happy days of his retirement.

Be it further resolved, That we join his many friends in congratulating him on his translation into daily living of the admonition of Holy Writ that says: "A man that hath friends must shew himself friendly."

Be it further resolved, That a copy of this Resolution be sent to Congressman Colmer and that copies be furnished to the Capitol Press Corps.

A Concurrent Resolution Commending Representative Thomas Gerstle Abernethy for His Many Years of Outstanding Service in the Congress of the United States of America on the Occasion of His Retirement

Whereas, Congressman Thomas G. Abernethy has served North Mississippi for fifteen consecutive terms in the House of Representatives in the Congress of the United States of America; and

Whereas, he has announced that he will not seek reelection but shall retire, leaving behind a service record of which any statesman could be justly proud; and

Whereas, it is altogether fitting and proper that we do pause to give official recognition of his many accomplishments in public and private life; and

Whereas, Thomas G. Abernethy was born in Eupora, Mississippi, on May 16, 1903, and received his high school diploma there, later attending the University of Alabama, receiving his LL.B. from Cumberland University in 1924, and then doing further work one year at the University of Mississippi; and

Whereas, in 1925 he established his law practice in Eupora where he was elected Mayor; and

Whereas, in 1929 he moved to Okolona continuing his practice of law and in 1935 was elected District Attorney; and

Whereas, on July 5, 1936, Thomas G. Abernethy made his "declaration of dependence" on the love and companionship of Miss Alice Margaret Lamb, as their marriage was consummated that day; and

Whereas, in 1942 he was elected to represent his Congressional District in Mississippi in the United States House of Representatives, a post to which he has lent dignity and stature during the long and difficult years in which he served; and

Whereas, the farmers around the nation, as well as the farmers in North Mississippi, never had a better friend than Thomas G. Abernethy of Mississippi; and

Whereas, he strongly defended farm price subsidies, liking the principle thereof to what government was doing for the factory worker by establishing unemployment compensation; and

Whereas, battling valiantly against the northern monied dairy interests, he was able to gain repeal of laws that discriminated against the production and sale of oleomargarine which was produced primarily from southern cottonseed oil; and

Whereas, Congressman Abernethy has worked his way up to a position of prominence as the third ranking senior member of the Committee on Agriculture and as the twelfth ranking member in point of seniority out of the entire 435-member House; and

Whereas, though too young to serve in the Armed Services in World War I, he has ever been an advocate of the veteran by working in Congress for the G. I. Bill of Rights, the Veterans' Preference Program in employment practices, and other benefits to veterans and their families; and

Whereas, in religious and civic circles, as well as in the political arena, Thomas G. Abernethy has served tirelessly, being a Methodist, a Mason and Shriner, and a member of Lambda Chi Alpha and Alpha Kappa Psi fraternities; and

Whereas, his contributions to society have not gone unnoticed, for in 1962 the Mississippi Farm Bureau Federation presented him its award for "Outstanding and Meritorious Service to Agriculture"; in 1964 the Disabled American Veterans bestowed on him the National Commander's Award for "his long years of dedicated service in behalf of America's war disabled veterans"; in 1965 Americans for Constitutional Action cited him for "his support of constitutional government"; and the Federal Land Banks presented to him their Golden Medallion for his outstanding contributions to American agriculture; and

Whereas, the father of two daughters, Mrs. Gail Abernethy Doty and Mrs. Kay Abernethy Martin, and one son, Thomas G. Abernethy Jr., all of whom attended the University of Mississippi, Representative Abernethy is concerned about the education of our youth and has a deep and abiding love for that Mississippi institution affectionately referred to as "Ole Miss," as evidenced by his recent donation to the University of his Congressional papers for the use of posterity; and

Whereas, while he and his wife have retained their good health, they intend to return to Mississippi for a retirement of happiness and fulfillment:

Now, therefore, be it resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein, That we do commend and congratulate Representative Thomas G. Abernethy for his aggressive and productive three decades of service in the Congress of the United States of America and welcome him and Mrs. Abernethy back home to Mississippi to stay and invest in retirement those many talents with which he served in Congress for so well and so long.

Be it further resolved, That a copy of this Resolution be furnished to Congressman Abernethy and to members of the Capitol Press Corps.

A Concurrent Resolution Commending Hon. Charles H. Griffin Upon His Retirement From the U.S. House of Representatives for the Third Congressional District of Mississippi for Devoting Over One-Half of His Lifetime to Public Service

Whereas, Charles H. Griffin was born on May 9, 1926, near Utica, Mississippi, the son of Mrs. Nora Shelton Griffin who still resides in Utica and the late Charles Farris Griffin; and

Whereas, he was graduated from Utica High School and Hinds Junior College, receiving his bachelor of science degree in public administration from Mississippi State University and in 1949 joined the staff of Congressman John Bell Williams in Washington, D.C., being named his Administrative Assistant in 1955; and

Whereas, Charles Griffin served in the United States Navy during the years 1944 to 1946 in the Pacific Theater aboard the USS Tennessee, the USS St. George and the USS Floyd's Bay; and

Whereas, in 1953 Charles Griffin married the former Angelina Pedrotti of Gloucester, Massachusetts, affectionately known as "Angie," who was employed by the United States Navy Department and who has been his mainstay and chief supporter and served as campaign manager for him; and

Whereas, Charles Griffin was initially elected to Congress over six opponents to fill the unexpired term of former Congressman John Bell Williams of the Third Congressional District; and

Whereas, Charles Griffin was renominated for a full term over three opponents and reelected for a second full term to be concluded on January 3, 1973; and

Whereas, Charles Griffin has served faithfully and ably on the House Banking and Currency and House Merchant Marine and Fisheries Committees and on the Small Business, Bank Supervision and Insurance, International Trade, Oceanography, Coast Guard and Geodetic and Survey and Navigation Subcommittees; and

Whereas, he has a constructive legislative record and has sponsored and supported legislation dealing with such major issues as the Fish Farming Act, extension of the Hill-Burton Act, price controls, freedom of choice in public schools, effective crime control measures, has consistently opposed forced integration, guaranteed annual income, foreign aid, gun registration and inflationary legislation, having voted on over 2,100 bills during his terms as Congressman; and

Whereas, he has been recognized and honored by the United States Capitol Historical Society, was presented the Distinguished Service Award of the Americans for Constitutional Action for his conservative voting record in support of economy in government and other basic Constitutional principles, received the "Watchdog of the Treasury" award for his voting record for economy and fiscal responsibility in government, and has a voting record of one hundred percent in support of legislation promoting the defense and security of the United States according to the American Security Council; and

Whereas, he is a member of the First Christian Church of Utica, the American Legion, the Veterans of Foreign Wars, the Masonic Order, the Loyal Order of the Moose, the Mississippi State University Alumni Association and the Mississippi Historical Society; and

Whereas, Congressman Griffin has announced his intention to retire at the conclusion of his current term, at which time he and his charming wife "Angie" plan to return to Mississippi to reside:

Now, therefore, be it resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein, That we do commend and congratulate Representative Charles H. Griffin for his long devotion to public service and welcome him and Mrs. Griffin back home to Mississippi upon his retirement from Congress.

Be it further resolved, That a copy of this Resolution be furnished to Congressman Griffin and to members of the Capitol Press Corps.

BEAUTIFICATION AND RESTORATION PROGRAM OF SAVANNAH, GA.

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 23, 1972

Mr. TALMADGE. Mr. President, the city of Savannah, Ga., one of our Nation's oldest and most historical seaports, is receiving national acclaim for its beautification and restoration program that signifies urban planning and modern living at their best.

Savannah, "the Mother City of Georgia," was planned and laid out by Gen. James Oglethorpe when he first established the Georgia colony on a beautiful bluff overlooking the Savannah River. According to Wolf Von Eckardt, the architectual and city planning expert for the Washington Post:

> Oglethorpe's system of arranging his city in a neat pattern of open squares was—and remains—a real innovation in urban design. It still holds the key to urbane livability and orderly urban growth.

The city's restoration program, started by the Historic Savannah Foundation and aided by private interests, is attracting visitors, urban planners, and historians all over the country. To date, approximately 800 of Savannah's more than 1,100 certified historic buildings have been restored as much as possible to their original beauty and charm. The civic-minded citizens of Savannah are to be commended for demonstrating such an outstanding spirit of urban improvement. This has been a community project, with individuals, families, and private businesses acquiring and restoring historic building after building. According to Southern Living magazine:

> The balance within the two-square-mile old city gradually shifted from decay to a new bloom of health.

Savannah is certainly well on its way to becoming one of the Nation's showcase cities. All Georgia is proud of the work going on there.

Mr. President, I invite the attention of the Senate to a very fine article written by Wolf Von Eckardt and published in last Saturday's Washington Post, and also a splendid article on the restoration of Savannah, published in the May edition of Southern Living magazine. I ask unanimous consent that they be printed in the Extensions of Remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

The Vamp of Savannah

(By Philip Morris)

Walled and green Savannah of the squares. The walls are houses and buildings that closely line its streets. The green reaches out over sidewalks and unfolds bountifully in square after square across the old town.

Walk down Bull Street under canopies of live oak through historic Johnson, Wright, Chippewa, Madison, and Monterey Squares and end up at the beaux arts fountain in Forsyth Park. Then thank the stars or moonlight through Georgia pines that it's all still there. For it almost wasn't.

Old Savannah has endured a number of trials since it was founded in 1733 by James Edward Oglethorpe on a bluff above the Savannah River (see the 1734 drawing on page 77). There were the great fires of 1796 and 1820. Epidemics. Revolutionary and Civil Wars. But each time the city recovered, altered somewhat but still intact.

Savannah's greatest trial came only in the first half of this century. The place once toasted by President George Washington and the Marquis de Lafayette had entered a long era of neglect during which building after building disappeared. Neighborhoods declined beyond recognition. The malaise was slow but as destructive as any fire. A city carved from forest, built according to Oglethorpe's imaginative paper plan and embellished with life, landscape, and buildings for more than two centuries faced a parking lot future.

Then in the mid-1950's something happended. The proverbial tennis shoe group got into gear, though seven-league boots better describes their long-range effect. Nine ladies, led by Mrs. Anna Hunter, formed Historic Savannah Foundation, Inc. Dismayed by the destruction of a grand old city market and encouraged by the successful Trustee's Garden restoration done some time earlier by Mrs. Hansell Hillyer, they drew the line in front of a fine Georgian structure about to be laid to rest for a funeral home parking lot.

Davenport House, now a museum with Historic Savannah cozy in its basement, was saved. But more important, the group—growing in membership—went on to draw a larger line around the entire old city.

There was certainly precedent for it in the city's past: Savananah was on its way to saving itself again.

By 1959, Historic Savannah Foundation was well-organized and had won broad backing from the community. A survey of 2,500 structures was made, with volunteer help from the Junior League. Some 1,100 buildings were rated as notable, excellent, and exceptional—worthy of something better than providing used brick for suburban buildings. With donated funds, more and more threatened structures were purchased by the foundation for resale—with restrictions—to people interested in renovating them.

The method worked. Individuals, families, businesses acquired and renovated building after building. The balance within the 2-square-mile old city gradually shifted from decay to a new bloom of health. Today, approximately 850 of those 1,100 designated buildings have been renovated or are on their way toward that end. Squares that 10 years ago were dirt patches surrounded by chain-link fencing or cut through with automobile ruts have been redesigned, rebuilt, and re-landscaped.

Over their long history, Savannah's distinctive squares have proved most flexible. At the earliest age, the first examples were rudimentary places for water wells, bake ovens, and such. These central places have since evolved into civic places adorned with monuments, while the recently renovated squares in outer residential wards—added as the city grew through the 19th century—now serve as outdoor living rooms for their neighborhoods. Most Savannah townhouses also have private pocket gardens to the rear (instead of to the side as at Charleston).

Many architecturally important structures like the Davenport, Owens-Thomas, and Wayne-Gordon Houses are now museums. But most rescued Savannah buildings have gone back into everyday use. Neighborhood children play near monuments. And people who eat their lunches on benches in Johnson Square downtown undoubtedly do some gossiping like early Savannahians did when the community well was there.

Wayne Cunningham, who is in the shipping business (Savannahians were the first to send a steam-powered ship across an ocean and built the first lighthouse on the South Atlantic Coast), described how the momentum built in favor of the old city. "For quite a number of years it was the same individuals who redid houses because they enjoyed it. Then it caught on with more and more young families. When I moved my family here, we were the only ones around with children. Now there are 20 kids under seven years old on our block."

But Cunningham indicated that the city mix of ages and interests, which they like, is still there. He does detect some irony in first the neglect and then the new popularity of the district. "It's certain that if Savannah had been a boom town 20 years ago, only half of what's left would be here now. And now the value of many old structures has been increased by demand to the point that it isn't as practical to do as it was a few years ago."

From the start, practicality has been a Savannah concern, even though, as Wayne Cunningham vocally underlined, "Quality is the key word we've held to, both for old and new. Everything should revolve around that—develop fully the best standard of quality and taste for the city."

Renovation, rather than the precise and costly art of architectural restoration, has been the rule in this liveable renaissance. Young attorney Wiley Ellis, who recently renovated a house for his family, explained, "As long as we kept the outside true to its past, Historic Savannah expected us to have a comfortable, up-to-date house to live in."

Though there are exceptions, a typical townhouse now costs from $15,000 up to $18,500 to purchase, according to Reid Williamson, executive director of Historic Savannah. Renovation costs range from $10,000 to $15,000 per floor. (Most houses have three or four floors.) "Usually you need to go back to the studs, just start all over," Williamson commented. And though the popularity of the concept has caused an increase in initial costs from what they were several years ago, it has not slowed down the number of renovation "starts," which are higher than ever before.

Putting valued old buildings to alternative use has also had much to do with Savannah's success in saving its overall architectural character. Some former houses hold restaurants or fine shops. And along the remarkable Factors' Row, which once housed the city's great cotton industry along the waterfront, the lower wharf side it being occupied by interesting restaurants, pubs, and museums, while the upper stories have been converted to office space. The Savannah Chamber of Commerce now occupies the superb Romanesque-style Savannah Cotton Exchange located in Factors' Row.

This flexible approach to usage and renovation made sense because, for one thing, Savannah does not have the exquisite collection of 18th-century buildings found in Charleston. A handsome and domestically scaled townhouse predominates in Savannah, mostly from the mid-century. Such renovation proved reasonable for a wide range of residents. And since it was, from the start, a community effort with individuals picking up houses to redo and banks making loans for the work, the saving of Savannah had to meet real needs.

Besides its one-of-a-kind plan that counts 20 squares—each with its own personality—spaced throughout the historic areas, the thing that sets Savannah apart from most of the other admirable restoration-renovation projects across the South is its size and diversity. The district involves literally the whole center of town, from its quiet townhouse streets to the new hustle at the waterfront.

It is interesting to note, too, that Savannah represents a very urban and relatively formal counterpart to the latest open-space community planning in the South where buildings are clustered together but share common recreation and scenic land.

Savannah leaders are the first to admit that much remains to be done to assure, simultaneously, the city's past and its future. Broughton, the central shopping street, is like Main Street anywhere, with its hard commercial look out of character with the surrounding districts. There are plans to redo the commercial rows to fit the character of the city—in many cases by stripping off inappropriate modernizations and by sign control.

Lee Adler II, former president of Historic Savannah, sees the high rise as a threat to the architectural scale of the city and urges adoption of historic district zoning of the sort that has protected Charleston and New Orleans' Vieux Carré for decades.

In attempting to set standards for gaps in the architectural continuity of the historic area—some buildings, remember, were not worth saving and others had been destroyed before the renovation movement got rolling—Savannah has sponsored a document that might well find good use in many cities throughout the South. Prepared by Atlanta Architects Muldawer and Patterson, AIA, the handbook describes a formula for gauging, not the particular style of new buildings planned for the area, but their general appropriateness.

There are 16 design criteria set forth, ranging from scale to materials to roof shapes to height. Only if a proposed building related to surrounding structures on at least six of the criteria, could it be built. There is great hope that application of the formula will assure that sections of old Savannah needing major rebuilding and the occasional gaps in established areas will be structured in character with the whole community. In severely diminished sections where federal urban renewal tools are being employed and for which the formula was originated it is expected to be adopted as a guide.

While all this remains to be seen (and many Southern cities and towns will be watching), the best of Savannah past waits to be seen now—brightened and proud to receive visitors.

There are many ways to look at Savannah. Handsome and understated brick attached buildings predominate, but there are wood exceptions and the stucco on certain fine Regency houses and otherwise Gothic-styled churches is a delight.

The Owens-Thomas House ($1 per person) by William Jay and the Independent Presbyterian Church by John Holden Greene are among the chief architectural ornaments of the country and should be sought out.

Museums include the Low House (admission free); Davenport House ($1); Ships of the Sea Museum ($1 adults, 50 cents children), with access to the *Cruz del Sur*, an old sailing vessel moored nearby; and Georgia Historical Society (no charge).

Many restaurants in the district are located in restored structures.

Visitors to Savannah have a good guide to the historic highlights of the city and to its recent history-making restoration efforts in the Historic Savannah Foundation Tours. The little buses hold comfortably-sized groups and if Mrs. Betty Lee's driving-talking foray is a measure, the tours make guests feel quite at home and knowledgeable. The tours depart regularly from the Georgia Welcome Center at the foot of the Talmadge Bridge, the DeSoto Hilton, and Pirates House Restaurant.

An informative walking or driving guidebook called "Sojourn in Savannah" ($2) is also available, and the excellent and comprehensive *Historic Savannah* ($17.50), a hardbound volume of text and illustrations about the city, is available locally or on request to Historic Savannah Foundation, Inc., P.O. Box 1733, Savannah, Georgia 31402.

Savannah, Key to Urbane Livability

(By Wolf Von Eckardt)

It is a tragedy for American cities that the immigrants heading West did not pass through Savannah.

Had they seen Georgia's harbor town as James Oglethorpe planned it in 1733, says John W. Reps, one of our foremost urban historians, they might well have imitated this sort of urban plan, rather than stamp our cities with the gridiron uniformity that could only lead to urban sprawl.

Oglethorpe's system of arranging his city in a neat pattern of open squares was—and remains—a real innovation in urban design. It still holds the key to urbane livability and orderly urban growth.

What is more, this much needed lesson in urban design is most charmingly alive. Oglethorpe's "showy little city," as an English visitor called it more than a hundred years ago, has largely withstood the wrack and ruin of "progress" and is now being adroitly restored.

Savannah's unique methods of comprehensive restoration, in fact, offer another important lesson, though they are now at a decisive turning point.

It is an unusual and almost dreamlike experience to walk the nearly two-and-a-half square miles of Savannah's Historic Landmark District on a sunny spring day. The shaded streets are of a most agreeable width that is at once airy and intimate. They are lined by all manner of houses, some free-standing, some in rows, that display a variety of architectural styles, materials and colors, a variety unified by the buildings' common desire to be polite, to speak softly, as it were, in a melodious Southern murmur.

And then, at every other block in either direction and always beckoning you, the street opens into a square—a garden, really, a lush, green oasis. Each is differently landscaped. Some are adorned with fountains and statuary. Most are roofed by the leafy branches of huge, old oaks, heavily hung with Spanish moss. All the squares are comfortingly enclosed by buildings. You are still in the city. There is no pretense of natural countryside trapped in a park, like animals in a zoo. These are urban parks, elegant outdoor salons.

Salons for the public life. Most of the squares are churches and schools and stores. They are neighborhood centers. They offer not only trees, flowers, water, benches, and breathing space, but also open spontaneous sociability into the city. They open up the town and bring it together at the same time. And they slow vehicle traffic, which must circle them, of course, as they slow the pace that so often becomes hectic in crowded cities. There is none of the usual confusion here that efficient movement requires speed. What matters is how you move, not how fast.

As Oglethorpe planned it and as, indeed, it worked out, Savannah grew, not along indeterminate streets, boulevards and avenues that spread a town's residents and life all over the countryside. It grew square by square, ward by ward, in an accretion of complete neighborhoods. These wards interlock, forming a tightly woven fabric that no one is ever on the outer edge, an outsider of. Everyone belongs.

By the time the Civil War arrested its growth, Savannah had 24 of these squares and the highway builders, by some miracle, paved only two of them in their haste towards urban ruin. A century later the remaining 22 were largely surrounded by slums. The fine old buildings decayed and began to be razed for parking lots. Most were exploited for "Savannah Grays," the handsome, reddish-gray brick of which they were built. This brick is no longer made and became a snobbish fashion for the new, phony-Colonial houses in suburbia.

Restoration started as a private effort by concerned citizens in the mid-1950's aided by, of all things, the Savannah Gas Company. Among the most charming places to live in Savannah is a restored, old apartment house complex in the shadow of a huge gas tank. Then, enraged by the destruction of the old city market, Mrs. Anna Hunter, an artist and writer, mobilized six of her lady friends. When yet another beautiful historic house was to be bulldozed into a parking lot, they fumed and sputtered and . . . why, they bought it!

That brilliant brainstorm started a unique new mechanism of historic preservation which has to date saved some 800 of Savannah's more than 1,100 certified historic buildings. The seven ladies were soon joined by savvy and idealistic businessmen like Lee Adler. Together they organized the Historic Savannah Foundation which set up a revolving fund to buy threatened buildings from the wreckers and re-sell them under a protective convenant which enjoined their new owner to restore them to rigid specifications.

Lee Adler, who is now a director of the National Trust for Historic Preservation, still bubbles with gleeful enthusiasm over the feat.

"Ten years ago we learned that a wrecker and bought this house over there for $6,500, just for the Savannah gray brick," he told us, as he showed us around.

"That same day we got it from him for $8,500. Now look at it." We looked at a matchless Regency house, glowing with immaculate, modest pride.

A great number of well-to-do people, some from as far away as New York, have come to restore and live in these jewels and in ambience as enchanting as any you find in the most famous old towns of Europe, only more tranquil than any French or Italian tourist attraction of the same vintage. The city fathers caught on to a good thing. They landscaped the squares, helped things along and began to promote the tourist trade.

All this has now proven so successful, that Old Savannah's restoration has become official business. The city planner, bureaucrats, builders, promoters, zoners, and federal urban renewers with their surveys, new ambitions and gobbledegook have gotten into the act.

Historic preservation, in short, has become part of "progress" in Savannah. It was, perhaps, inevitable.

So now there is that humdrum new Hilton hotel, a fearfully inappropriate high-rise apartment tower and a $10 million Civic Center that awkwardly tries to harmonize its modern bulk with the historic gentility of its neighbors. The result of this compromise is not architecture, but a silly charade.

But all is by no means lost. The urban renewers have worked out thoughtful design criteria that should assure that new construction will blend reasonably well with the present character of Historic Savannah. But the city still lacks a review board, like Georgetown's Fine Arts Commission, to enforce these noble intentions.

The greatest cause for optimism, however, is the work already done by the founders and first leaders of the Historic Savannah Foundation. Their great and historic accomplishment can no longer be seriously spoiled.

With any luck, Oglethorpe's town will remain a delight—and become a model for America's new towns to come.

STUDENT TRANSPORTATION MORATORIUM BILL

HON. WILLIAM M. McCULLOCH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. McCULLOCH. Mr. Speaker, the Committee on the Judiciary is presently hearing testimony on various measures introduced to meet the problem of schoolbusing. A recent proposal, H.R. 13916, would place a moratorium on any new or different busing so that Congress might have time for dispassionate consideration of another bill which would also limit busing.

It is my considered opinion that the moratorium legislation is not necessary. It is not necessary because if Congress can enact an unprecedented moratorium on a constitutional right and deliberately weigh all the implications of such a step without the alleged benefits of a moratorium, it can just as well consider more orthodox legislation to set standards for busing without a moratorium. The history of this Nation is replete with crises which Congress met with legislation, legislation that was hammered out midst great controversy. Congress need not be "protected" from the feeling of the people. In fact, I had thought that the very opposite was necessary: That the people's representatives be ever aware of how the people feel. Thus if the purpose of the moratorium bill is to allow Congress to consider the busing issue in a pressureless atmosphere, then it would seem necessary not to enact the bill.

However, even if it were enacted, the moratorium bill would not be effective. It would not bring quiet to this controversy. It would cause a new flurry of litigation. And, in my opinion, the courts could only reach one conclusion—that the moratorium bill is unconstitutional. And such a ruling would only increase, not decrease, passions. The moratorium bill can serve its purpose only if it withstands judicial scrutiny. Otherwise, the bill will accomplish what it seeks to prevent.

The committee has received the opinion of 135 legal scholars on the wisdom and the constitutionality of the moratorium bill. It appears that the legal community does not think highly of the legislation. Of the 135, only one has been in favor; 134 have been in opposition.

I do not think that is a very good showing.

The committee has heard testimony from a lawyer I greatly admire, Lloyd N. Cutler, who represented the Lawyer's Committee for Civil Rights Under Law. His carefully reasoned, well-documented analysis of the legislation I have been discussing should be of interest to every Member of this body. It is as follows:

STATEMENT OF JOHN DOAR AND LLOYD N. CUTLER BEFORE THE HOUSE COMMITTEE ON THE JUDICIARY CONCERNING HOUSE JOINT RESOLUTION 620 AND H.R. 13916, APRIL 12, 1972

Mr. Chairman and Members of the Committee:

We appear here today at the Committee's invitation to testify concerning H.J. Res. 620 and H.R. 13916.

We are the present Co-Chairmen of the Lawyers' Committee for Civil Rights Under Law. The Committee is a non-profit, tax-exempt organization. It was formed in 1963 at the request of President Kennedy and it has continued its activities at the request of every succeeding President.

The Committee's purpose is to mobilize the legal resources and the moral force of the nation's lawyers to defend and uphold the civil and constitutional rights of the nation's racial minorities and other disadvantaged citizens. Our Board of Trustees consists primarily of leading lawyers throughout the country who, in today's vernacular, would be regarded as part of the legal "Establishment."

Our principal activity is to take part in the trial and appeal of cases that raise significant issues relating to the rights of minority and other disadvantaged groups. We function as lawyers, not as a political or pressure group. Attached to our statement is a copy of our most recent annual report, which describes our activities in detail and contains the names of our national Board of Trustees and members of our local committees in Atlanta, Boston, Chicago, Indianapolis, Kansas City, New York, Philadelphia, San Francisco and Washington.

Mr. Chairman, as a matter of policy our Committee, as such, does not advocate the passage or defeat of any legislation. In response to your invitation, we are submitting our opinion, as lawyers with some qualification in this field, as to the constitutionality of the moratorium bill and as to the constitutional implications of the proposed constitutional amendment. We should also note that the views we express were unanimously approved after appropriate notice by a quorum present at a regular meeting of the Executive Committee of our Board of Trustees in Washington, D.C. on April 3, 1972. Nevertheless, since we are presenting a professional legal opinion, we present it only as the opinion of the Executive Committee members whose names are attached to the statement, and who either attended the meeting on April 3 or subsequently notified us of their concurrence.

We shall first address H.R. 13916, the Student Transportation Moratorium Act, and then the Joint Resolution providing for a constitutional amendment.

H.R. 13916

We believe H.R. 13916, the moratorium bill, is unconstitutional for the reasons set forth below.

Proponents of the bill have urged that Congress may lawfully impose a stay on the effectiveness of future judicial orders providing specific relief for an adjudicated impairment of a constitutional right, when Congress finds the stay necessary to allow it time to enact another measure intended to provide standardized and at least equally effective remedies.

The question so framed is one of first impression, one that, in our judgment, would be very difficult to answer. However, it is not the question we see posed by H.R. 13916. For this bill—whether taken on its own terms or in conjunction with the companion Equal Educational Opportunities Bill that the Administration has also proposed (H.R. 13915)—has not been shown to be necessary for, or likely to result in, the enactment of standardized and equally effective remedies for adjudicated impairments of constitutional rights. To the contrary, and accepting its stated intentions, it appears on its fact to enact a congressional limitation on judicial remedies for previously adjudicated constitutional rights, while Congress considers other measures that would impose still further limitations on those rights and remedies.

Congress, of course, has constitutional power to create lower federal courts and to define their jurisdiction, as well as power to make exceptions to the appellate jurisdiction of the Supreme Court. But like any other constitutional power, this power is not an absolute one. It must be exercised consistently with other constitutional grants of power and other declarations of constitutional rights.

For example, no one would suggest, we assume, that Congress could enact a statute denying original or appellate access to any federal court for all claimed violations of First Amendment rights. The federal judicial power granted under Article III extends to "*all* cases in law and equity arising under this Constitution," (emphasis supplied) and Congress cannot constitutionally bar *all* federal courts from exercising this power. *Martin* v. *Hunter's Lessee,* 14 U.S. 304 (1816); *Eisentrager* v. *Forrestal,* 174 F.2d 961, 966 (D.C. Cir. 1949), reversed on other grounds *sub nom. Johnson* v. *Eisentrager,* 339 U.S. 763 (1950).

To take an even more obvious example, Congress could hardly define the jurisdiction of the lower federal courts so as to require that, notwithstanding the Sixth and Seventh Amendments, all cases must be tried without juries. Perhaps Congress could constitutionally abolish the lower federal courts entirely, although Mr. Justice Story's opinion in *Martin* v. *Hunter's Lessee, supra,* suggests that it could not. But having created the lower federal courts and conferred on them jurisdiction over cases arising under the Constitution, Congress cannot limit this jurisdiction in ways that violate other provisions of the Constitution or prevent courts from granting effective relief.

Nothing in the Norris-La Guardia experience or in *Ex Parte McCardle,* 74 U.S. 506 (1868) is to the contrary. The curtailment imposed by the Norris-La Guardia Act on the right to an injunction in a labor dispute had the effect of protecting the First Amendment right of peaceful picketing It did not deprive employers of a constitutionally protected right or remedy, and when the Supreme Court upheld the Act, it had no need to consider any such issue. See *Lauf* v. *Shinner,* 303 U.S. 323 (1938). In *Ex Parte McCardle,* the Supreme Court held only that Congress could lawfully take away the right of direct appeal it had previously granted under a particular Reconstruction era *habeas corpus* statute; the power of the lower federal courts to grant writs of *habeas corpus* to persons detained in violation of their constitutional rights remained unimpaired, as did the discretionary appellate power of the Supreme Court to review lower court *habeas corpus* decisions under the Act of 1789 granting it the right to issue writs of certiorari. *Ex Parte Yerger,* 75 U.S. 85 (1869). And in other cases where the congressional power to bar federal courts from issuing injunctions has been upheld, the decisions have made clear that other adequate judicial remedies remained available. *Phillips* v. *Commissioner,* 283 U.S. 589 (1931); *Younger* v. *Harris,* 401 U.S. 37, 45 (1971).

Moreover, the Supreme Court has held many times that the congressional authority to grant or remove jurisdiction in broad classes of cases does not include the authority to review decisions within a court's jurisdiction before permitting those decisions to become effective, or to require the court's jurisdiction before permitting those decisions to become effective, or to require the courts to decide such cases in congressionally specified ways. This has been true ever since *Hayburn's Case,* 2 U.S.408 (1972).

The principle has been reaffirmed in a long line of cases, of which the most important are the opinion of Chief Justice Taney in *Gordon* v. *United States,* 173 U.S. 167 (1864); *United States* v. *Klein,* 80 U.S. 128 (1871); and *Muskrat* v. *United States,* 219 U.S. 346 (1911). Even *Ex Parte McCardle* notes the unconstitutionality of "the exercise of judicial power by the legislature, or legislative interference with courts in the exercise of continuing jurisdiction." 74 U.S. at 514.

When jurisdiction has been conferred on the federal courts to adjudicate the existence of a constitutional right, the courts must have the power to grant an effective remedy. This is the clear import of Chief Justice Hughes' opinion for the Court in *Sterling* v. *Constantin,* 287 U.S. 378 at 403 (1932). As Mr. Justice Rutledge put the matter in *Schneiderman* v. *United States,* 320 U.S. 118, 168–9 (1943) (concurring opinion):

"Congress has, with limited exceptions, plenary power over the jurisdiction of the federal courts. But to confer the jurisdiction and at the same time nullify entirely the effects of its exercise are not matters heretofore thought, when squarely faced, within its authority."

In the light of these principles, the moratorium bill would plainly be unconstitutional if the moratorium were of indefinite duration. Viewed as an attempt to deprive the courts of power to adjudicate Fourteenth Amendment rights and provide adequate remedies, it could not possibly stand. Viewed as an attempt to modify or stay judicial decisions within jurisdiction previously conferred, or to require that future cases be decided in a particular way, it would be equally invalid. Viewed as an attempt to deprive the courts of power to grant the only remedy for an adjudicated impairment of constitutional rights that the courts have found adequate on the facts of a particular case, its unconstitutionality would be clear.

The bill, of course, does not provide for a moratorium of indefinite duration; it specifically limits the period of the moratorium to July 1, 1973, or such earlier date as the Congress enacts the contemplated legislation defining what constitutes a denial of equal educational opportunities and of the equal protection of the laws, and providing standardized remedies. As we said at the outset, a moratorium bill carefully limited to the period required to accomplish such an objective would present a constitutional issue of first impression* Constitutionality in our view would depend on whether Congress clearly demonstrated that the moratorium was needed to enable Congress to enact the contemplated remedial legislation, and that in the remedial legislation Congress intended to protect and enforce rather than to limit the Fourteenth Amendment rights involved, and to provide at least equally effective remedies for their impairment.

One might perhaps argue that because seventeen years have already passed since the Supreme Court issued its opinion in *Brown* v. *Board of Education,* 349 U.S. 294, 301 (1955) (Brown II), Congress may lawfully delay effective relief for an additional year today. But Congress today must take into account the long line of Supreme Court decisions culminating in *Carter* v. *West Feliciana Parish School Board,* 396 U.S. 290 (1970), placing ever greater urgency on school desegregation and suggesting strongly that any delay in the implementation of court-ordered plans inflicts continuing and irreparable harm on schoolchildren. In *Griffin* v. *County School Board of Prince Edward County,* 377 U.S. 218 (1964), the court said that the time for mere "deliberate speed" had run out; in *Green* v. *School Board of New Kent County,* 391 U.S. 430, 438–9 (1968), the Court said the burden on school boards is to come forth with desegregation plans that "promise[s] realistically to work *now*"; in *Alexander* v. *Holmes County Board of Education,* 396 U.S. 19, 20 (1969), the Court said that the "deliberate speed" standard for desegregation "is no longer constitutionally permissible," and ruled that "the obligation of every school district is to terminate dual school systems at once. . . ."

If a lower court enters a busing order that goes beyond what is necessary to remedy the impairment of a constitutional right, that error can of course be corrected on appeal. But if, on the facts of a particular case, the courts finally determine that some form of busing is the only presently available means of achieving the effective remedy required by the Constitution, then for Congress to deny anyone that remedy, even for an additional school year, is a very serious matter. Frustration or denial of court-ordered remedies for school desegregation can no longer be distinguished from frustration or denial of the underlying Fourteenth Amendment right. See *Cooper* v. *Aaron,* 358 U.S. 1, 17 (1958); *Griffin* v. *School Board of Prince Edward County, supra,* 377 U.S. at 232. Action that perpetuates an unconstitutional dual school system not only delays the remedy, it compounds the harm of such a system. *Green* v. *School Board of New Kent County, supra,* 391 U.S. at 438. Thus Congress itself would be imposing constitutional injury on schoolchildren by staying the effectiveness of any new busing order which the courts have finally found in a particular case to be an indispensable element of prompt and effective relief. Such an act would raise serious questions under the Fifth Amendment (see *Bolling* v. *Sharpe,* 347 U.S. 497 (1954); *Gautreaux* v. *Romney,* 448 F.2d 731, 740 (7th Cir. 1970)). The only possible countervailing constitutional justification would be a clear demonstration of facts convincingly establishing the necessity of a moratorium to enable Congress to enact standardized and nationwide remedies that are at least equally effective.

These facts would have the status of constitutional or jurisdictional facts, in the sense that a court considering the constitutionality of the moratorium would be entitled to satisfy itself that Congress had demonstrated a compelling need for such a postponement of effective relief for an impairment of a constitutional right. *Sterling* v. *Constantin, supra*; *Ng Fung Ho* v. *White,* 259 U.S. 276 (1922); see Hart, *The Power of Congress to Limit the Jurisdiction of Federal Courts; An Exercise in Dialectic,* 66 Harv. L. Rev. 1362, 1386 ff. (1953). Examination of the moratorium bill and the companion Equal

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*The only Supreme Court decision dealing with a legislative moratorium on judicial action is *Home Building & Loan Ass'n* v. *Blaisdell,* 290 U.S. 398 (1934), which sustained a Minnesota statute allowing courts to extend the redemption period of mortgages and thus postpone judicial foreclosure, but did so on the ground that the mortgage contract was inherently subject to modification by state law so that the constitutional ban on impairing the obligation of contracts had not been violated. The case is no precedent for a moratorium which by definition postpones the only relief a court finds effective for the adjudicated impairment of a constitutional right.

Educational Opportunities Bill persuades us that this essential demonstration has not been made.

To begin with, the findings contained in Section 2 of H.R. 13916 contain no statement or other showing that the moratorium is needed to enable Congress to enact the contemplated definitive legislation. Instead, the bill merely contains a finding (Section 2(a)(5)) of "a substantial likelihood that pending enactment of such legislation, many local educational agencies will be required to implement desegregation plans that impose a greater obligation than that required by the Fourteenth Amendment and permitted by such pending legislation, and that these plans will require modification in light of the legislation's requirements. . . ."

Even if this were so, it does not demonstrate that the moratorium is needed to enable Congress to enact the contemplated remedial legislation. The moratorium would apply only to the effectiveness of subsequently issued busing orders, leaving existing busing orders in effect. However, Section 406 of the Equal Educational Opportunities Bill would authorize the reopening and require the conforming modifications of all busing orders "in effect on the date of enactment of this Act." Aside from its own constitutionality, which we doubt, the reopening provision would reach orders issued during the moratorium period just as effectively as orders already issued. If orders already issued need not be stayed at once to enable Congress to enact remedial legislation, it is difficult to understand why orders hereafter issued need be stayed for this purpose. We therefore believe it would be most difficult for Congress to sustain its burden of showing a compelling public need to stay new busing orders to remedy adjudicated impairments of constitutional rights while the Equal Educational Opportunities Bill is being considered.

A further flaw in the present moratorium bill is that it prohibits *all* new busing orders, even those that would later be permitted under the contemplated definitive legislation.

For example, Section 402 of the Equal Educational Opportunities Bill would permit a court, as its seventh and last relief option, to order compulsory busing above the sixth grade if the court finds that no other adequate remedy for the denial of Fourteenth Amendment rights is available. H.R. 13916, however, would stay such relief during the moratorium period *even though* the court finds no other adequate remedy is available, and even though the relief concededly does not, in the words of Section 2(a)(5) of the moratorium bill, impose on educational agencies a "greater obligation than that required by the Fourteenth Amendment and permitted by [the] pending legislation." In this important respect, the moratorium bill plainly exceeds its own stated objective.

Since the justification claimed for the moratorium bill is to allow time to enact the contemplated definitive legislation, the constitutionality of the moratorium bill also depends upon whether the provisions of the contemplated definitive legislation are themselves constitutional.

It may well be, as Professor Archibald Cox has recently suggested, that under Paragraph 5 of the Fourteenth Amendment Congress may enact a uniform nationwide program of effective remedies for school desegregation that replace or modify remedies previously decreed by the courts. (Cox, *The Role of Congress in Constitutional Determinations*, 40 Cincinnati L. Rev. 199, 259 (1971)). However, we believe that some provisions of the contemplated definitive legislation go beyond the broadest permissible reading of this congressional power and well beyond the terms of the hypothetical legislation outlined by Professor Cox in his article.*

The most glaring example is Section 403 of the Equal Educational Opportunities Bill. Subsection (a) of Section 403 imposes an absolute prohibition on any court-ordered busing plan that increases over the levels of the preceding year either the average daily distance or the time traveled by all students in sixth grade or below, or the average daily number of such students who are bused. It contrasts starkly with Subsection (b), which would allow such busing for students above the sixth grade if the court finds by "clear and convincing evidence" that there is no other adequate remedy for the impairment of their Fourteenth Amendment rights. The plain intent of the Section as a whole is to forbid any court orders that would result in a net increase in busing for children in the first six grades of any school district, even if the court finds on the facts of the particular case that there is no other adequate remedy for an adjudicated and unrelieved infringement of their constitutional rights.

In *Swann* v. *Charlotte-Mecklenburg*, 402 U.S. 1 (1971), Chief Justice Burger recognized that travel times should be taken into account in framing busing orders, particularly for younger students (402 U.S. at 31). But the need to consider this factor can hardly justify an absolute congressional prohibition on future court orders requiring the busing of additional students in the first six grades. In this connection, it is significant that on the same day the court decided *Swann* v. *Charlotte-Mecklenburg*, it also decided *North Carolina State Board of Education* v. *Swann*, 402 U.S. 43 (1971), in which the Chief Justice and a unanimous court struck down a North Carolina statute imposing "an absolute prohibition" on involuntary busing of any student on grounds of race or to bring about racial balance. The court said that this ban "would inescapably operate to obstruct the remedies granted" in the *Charlotte-Mecklenburg* case, and noted that "bus transportation has long been an integral part of all public educational systems and it is unlikely that a truly effective remedy could be devised without continued reliance upon it." (402 U.S. at 46)

If a state anti-busing statute violates the Fourteenth Amendment "when it operates to hinder vindication of federal constitutional guarantees," it is difficult to conclude that a congressional statute achieving the same result could possibly be constitutional.

The absolute prohibition of busing in the first six grades beyond previous year levels seems unconstitutionally arbitrary in other important respects. It would prevent a court from ordering an agency to bus children at the voluntary request of their parents as, for example, when a black child wants to shift from a majority black school to a majority white school—a remedy that Chief Justice Burger said was "indispensable" in *Swann* v. *Charlotte-Mecklenburg* "for those students willing to transfer to other schools in order to lessen the impact on them of the state-imposed stigma of segregation." 402 U.S. at 26. In this respect, it goes even farther than the North Carolina statute struck down in the second *Swann* case. Moreover, as applied to any given educational agency, these prior year ceilings are arbitrarily and randomly affected by agency decisions to increase or decrease busing for reasons wholly unrelated to segregation or race. Such limits cannot possibly have the "standardized" or uniform effect throughout the country that is the assumed congressional objective, since their future application must necessarily depend on the many differing factors that affect present and future busing patterns in each school district.

For all of the above reasons, Mr. Chairman and Members of the Committee, we believe that H.R. 13916, taken either on its own bottom or in conjunction with the contemplated Equal Educational Opportunities Bill, is unconstitutional.

H.J. Res. 620

Turning our attention to the Joint Resolution, we find no question of constitutionality presented by the proposed to amend the Constitution in the manner that the Constitution provides. As to the constitutional implications of that proposal, however, we share the concern voiced by others about "trivializing" the Constitution by an amendment that tries to resolve in 22 words issues as fluid and transitory as busing and school assignments, that limits the basic human rights guaranteed by the Fourteenth Amendment, and that bars even the busing of minority children whose parents want them to be used to better and less segregated schools. We believe that such an amendment would be a backward step in our steady progress toward becoming a nation no longer divided against itself.

MEMBERS OF THE EXECUTIVE COMMITTEE OF THE BOARD OF TRUSTEES OF THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW CONCURRING IN THE FOREGOING STATEMENT

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* In the most recent decisions considering the scope of Section 5 of the Fourteenth Amendment, several of the opinions suggest that the congressional power to enforce the Amendment does not include the power to limit the rights it confers. *Katzenbach* v. *Morgan*, 384 U.S. 641, 651 (1966); *Oregon* v. *Mitchell*, 400 U.S. 112, 128–9 (1970). The same principle would seem applicable to the denial of an effective remedy.

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ATTEMPTED ASSASSINATION OF GOV. GEORGE WALLACE

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 23, 1972

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "We Are All Guilty," published in the Christian Science Monitor of May 19, 1972.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

We Are All Guilty

Immediately after the assassinations of President John Kennedy, Martin Luther King and Sen. Robert Kennedy, Americans were subjected to the most sustained self-flagellation in history. One after another, commentators and columnists, theologians and teachers, psychologists and sociologists insisted that "we are all guilty," and proceeded to bludgeon 200 million Americans with the crime of collective guilt.

The attempted assassination of Gov. George Wallace rekindled some of that same effort to indict an entire society, the very thing Edmund Burke said he did not know how to do. But for the most part there was commendable restraint all around. We don't know if it will continue that way, but for now the TV and radio networks have not once again subjected viewers and listeners to swarms of accusers trying to saddle them with the guilt of specific violent acts.

The United States has suffered more than its share of violence throughout its turbulent history. . . . It seems to us likely that certain historical and social factors, such as a heterogeneous society, instant communications and impassioned politics, may influence at least the way violence is expressed. But that is a far cry from the accusation that violence proves Americans somehow a cut below the rest of humanity. For while violence can be found in the American tradition, a larger part of that tradition is willingness to work within the bounds of tolerance and fair play to resolve differences.

Accusations of collective guilt are really moral cop-outs because they destroy moral judgment altogether. By denying that men have even the most fundamental control over their behavior, the notion of collective guilt rejects the very essence of our Judeo-Christian tradition. By viewing society as an organic whole instead of as an aggregate of individuals, it rejects the unique individuality in each person.

Further, open-ended accusations against "society" may well breed rather than diminish violence by spreading guilt feelings among those who are clearly not guilty, and by failing to place responsibility on those who clearly are. Logically, if everybody is guilty, then it follows that no one is really guilty.

It is important to deplore every aggressive act. It is important to try to understand and eliminate the frustrations that feed aggression. But it is likewise important to repudiate the dangerously fashionable notion that all of us pulled the triggers of the guns in Dallas, Memphis, Los Angeles, and Laurel, Md.

THREE-YEAR REPORT ON ACTIVITIES OF LOS ANGELES URBAN COALITION

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 23, 1972

Mr. CRANSTON. Mr. President, Martin Stone, president of the Greater Los Angeles Urban Coalition, recently presented a 3-year report on the activities of the coalition. The report summarizes the coalition's accomplishments and Mr. Stone's conclusions about the need to involve poor people in such projects. I think the statement is a particularly insightful argument for giving poor people a full opportunity to help themselves.

I ask unanimous consent that it be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Greater Los Angeles Urban Coalition 3-Year Report

The purpose of this report is to summarize my observations after having served as Chairman and later as President of the Los Angeles Urban Coalition for the past three years.

In reviewing these comments, please understand that this is my personal evaluation of some of the problems of our City and the activities of the Coalition. They are not necessarily the official positions of the Coalition, and a number of the members of our Board of Directors would disagree on some of the statements which follow.

The reason for my initial interest in the Coalition was my feeling that government and private charitable efforts to improve conditions amongst the poor of our urban centers were not sufficient. The Federal and local governments operating in this field had assumed that they could devise programs that would end poverty, create organizations to administer those programs, and that progress would shortly follow.

Now, in retrospect, it seems that our single greatest error in attempting to deal with the problems of the poor has been our national attitude of a charitable approach to the problem. The charitable concept has validity in programs to aid those who are helpless, but it actually does harm to those who have the present or undeveloped capacity to aid themselves. Poor people should be given no more and no less than a full opportunity to help themselves.

We must recognize that the most important asset in aiding a poor person is his own capability. It is this asset that the Federal Government and local agencies have failed to use properly. In fact, their approach has been so demeaning of individual self-respect and responsibility as to be harmful to the broad masses of the poor.

For the past three years, the Urban Coalition has been going about things differently. We have developed a truly representative organization in which black members or Chicano members have as much control over its processes and activities as any other group. Since most of the poor in Los Angeles are concentrated within the black and Chicano communities, we have asked these communities to tell the Coalition about the problems of the poor. After a period of testing the validity of this concept, the black members and the Chicano members have separately developed agendas which are designed to improve substantially living conditions in the minority and poor communities of our City.

The result of this activity is that I now feel that we are probably the only organization in the Los Angeles area in which the minority group members can come together with members of religious organizations, business groups, and labor representatives as fully equal participating members. This fact is our greatest strength. It is a strength in that we have strong ties into the minority communities and a sound basis of trust by those who have come in contact with the Coalition. In this way we have become a unique resource for the City; able to bring together on a moment's notice many of the different groups to discuss serious problems and attempt to work out practical solutions. It enables us to obtain reliable information regarding people, organizations, and problems in the minority communities quickly and in a constructive atmosphere. It enables us to involve key people within the minority communities in efforts to resolve immediate problems and develop constructive long-term approaches to some basic community problems.

At the same time, the extent to which the minority groups now participate in true shared control of the Coalition has caused some in the business community to question our objectivity. Some of the business leaders who originally participated in the Coalition no longer lend their support to Coalition activities. It is my opinion that this occurred as a result of two conditions. The first relates to the previously noted commitment many businessmen retain to the Federal Government and charitable organization concept of aid to the poor. These men believe that programs should be designed to help the poor without substantial involvement by the poor themselves.

The second condition concerns Coalition involvement in police-community problems. With respect to this issue, we attempted to work with the Police Department in developing community support for community relations activities of the Department. We supported the Police Department in its efforts to obtain higher salaries for policemen. We advocated measures such as the greater use of the "O.R. System" (release of minor offenders on their own recognizance without bail) and the tests of the "Citation System" (use of tickets instead of arrests for certain minor and non-dangerous offenses) to reduce inequities to the poor and reduce the possibilities of "incidents" in minority communities arising from arrest procedures. We tried to warn the Police Department of potentially dangerous tensions arising in the Chicano communities long before these tensions erupted in a series of riots in the Fall and Winter of 1970 and the beginning of 1971. We called attention at an early date to dangerous tensions building in Venice. We advocated more comprehensive hearings of citizen complaints against police practices. We brought police officials and leaders of the Chicano Moratorium marches together to attempt to work out ground rules which would eliminate the possibility of violence in marches and demonstrations.

We weren't always successful, but we did make some valuable contributions. Our pressures, along with others, brought about a change in administration and practices in

Venice which substantially relieved tensions. We did help bring police and demonstration leaders together in East Los Angeles. The Police Department has expanded the use of the "O.R. System" and is testing the "Citation System." The City Council and later the Police Commission did, at least in a minor way (though not nearly in an adequate fashion), open up citizen complaint procedures.

What must be stressed, however, is that the Coalition could not have avoided police-community questions and maintained its claim to be an institution where minority members had an equal voice. A broad spectrum of minority leaders, representative of all segments of the black and Chicano communities, brought concerns about local law enforcement agencies and practices to the Coalition. The only honest response possible was to take up these questions. Otherwise, we might have retained an organization framework; but we would not have had a real coalition. Because of our involvement, we may be the best resource the City has for bringing people together to peacefully explore police-community problems and attempt to work out improvements of the situation.

But involvement in police-community matters has constituted only a small fraction of our efforts. We have evolved into a class-action Ombudsman, working with the poor and under-represented minorities of our community. In this respect, we have initiated broad citizen involvement in the Twenty-Year Plan for South-Central Los Angeles. We are developing a national conference on Chicano immigration and employment problems. We have developed specific recommendations for improving Chicano representation in our elective offices. We were instrumental in the establishment of a Civil Rights Oversight Subcommittee in the United States House of Representatives Judiciary Committee. We were instrumental in the establishment of the Mexican-American Education Commission and, indirectly the Black and Asian Education Commissions. We are analyzing and developing school finance proposals for use in the minority communities.

We also serve as a valuable forum for the County. For the past three years, ideas and problems have been discussed at Coalition meetings which have developed sensitivity and fostered change which goes beyond the bounds of Coalition activities. In addition, we organized and coordinated local hearings held by the Commission of the Cities in the '70s, updating the Kerner Commission Report.

At times we initiate projects on a demonstration basis. Our veterans' program is helping hundreds of returning vets learn of their GI Bill of Rights and get into college. The Urban Corps has helped additional hundreds of poverty-background students continue their education by providing meaningful part-time jobs. Our support effort for the Summer Jobs for Youth program provided thousands of dollars worth of free media advertising for that program.

We also assist worthwhile community-based projects in getting started. We have constructed a community center in South-Central Los Angeles which has served thousands of black youths and which is now run by a community organization. The Coalition was the only multi-racial organization willing to assist the Brotherhood Crusade in establishing a black charitable funding organization in the City. We have been asked and have agreed to assist the Chicano community in establishing a similar effort.

In addition, we serve as an area-wide coordinator in several fields. We have surveyed the major juvenile delinquency programs in Los Angeles County, and next month will bring the administrators and funders of these programs together for a major conference which should substantially improve administration and resources for these programs. We have helped to coordinate community patrol activities for the past three years at the Watts Summer Festival. We have successfully linked together universities and minority education advocates working on comprehensive reform of the Los Angeles City Schools Reading Program. And we plan to link together environmentalists and minority community members concerned with the constant deterioration of our inner city.

All of this activity has been undertaken in an agency whose budget has not exceeded $200,000 in any year, and whose actual operating funds have decreased through outright cuts and inflation costs between 25% and 30% since its inception four years ago.

There are, however, ways in which the Coalition can become more effective. First, we need greater participation on the part of business and labor leaders who are willing to be involved, sometimes in controversial problems, and to use their influence when they believe our approach is correct. We have enjoyed the support and advocacy of the past Chairman of the Board of the Bank of America, the present President of the First Western Bank, the Secretary-Treasurer of the AFL–CIO, the Western Region head of Prudential Insurance Company, the last three presidents of the Los Angeles County Bar Association, the local head of McGraw-Hill, and others. We need, however, far more widespread support from business and labor in the Los Angeles area.

We also need meaningful access to the broadcast medias, radio and television. When I was first appointed Chairman of the Coalition, I was invited to appear on as many as two or three television programs a week to discuss the Coalition; but it is my opinion that these "public service" programs have very little overall public impact. They are "throw-away" programs with totally inadequate budgets—appearing at times when the viewer audience is small. I think far more would be accomplished if television would vastly reduce the number of "throw-away" public service hours and instead concentrate on a lesser number of high quality programs in prime time hours, such as CBS' "The Chicano."

I would now like to shift the thrust of this report from the Urban Coalition to the problems of Los Angeles. I hope that the comments which follow will elicit some response from members of our business community. With respect to the improvement of the quality of life in our urban core areas and reduction of tensions, the most basic single recommendation I would make would entail a massive decentralization of responsibility and authority over the areas of greatest community concern—education and law enforcement. To date, our bureaucrats have opposed this approach, claiming the possibility of reduced efficiency.

No one with knowledge of the facts, however, can argue that educational opportunity is adequate in our minority communities. Schools in such communities are a disastrous failure.

Our massive Los Angeles City School District should be broken up into a large number of small, parent-controlled school districts. We must clearly acknowledge the fact that the primary party of interest in the field of education is not the administration or the teacher, it is the student. We must put into proper perspective questions of job seniority or personal privilege and concentrate on educational quality. If we as a society haven't got the courage to face up to this issue, then we deserve the failures we now have and the tragic consequences which will continue to follow.

With respect to law enforcement, I am convinced that the prime requisite to success in this field is not departmental efficiency or better equipment, but rather the support of the community in which police officers function. At the present time the attitude of many people in the minority communities towards police officers is that of fear and hostility. These are not their public servants; they are more an occupying force. This condition must cease. People in the minority communities don't want less police protection—they want more protection, but they want it from people who are sensitive to their needs and who are directly responsbile to them. When this kind of relationship exists, the police will have the support of the communities and be able to carry out their assignments more effectively and with less danger to individual policemen than now exists.

To sum up, it is my opinion that the best way to develop meaningful police-community relations in the minority communities is to create localized police forces subject to the direction not of any centralized police bureaucracy, but of a locally elected community council.

I have avoided discussing the questions of housing, jobs, transportation, and the environment. These are matters which will be dealt with in subsequent reports. In this report I wanted to convey my views on education and police-community problems—matters which have been the subject of the greatest concern expressed by our minority caucuses over the past few years.

This concludes my report, I have offered a brief glimpse of the Urban Coalition's history where it would help to understand present circumstances and explained our present capability and operating objectives.

I hope that this letter has stimulated some further interest on your part to Coalition objectives and that we can count on your future support in making Los Angeles a better place for all of our citizens.

Sincerely,

MARTIN STONE.

JEFFERSON COLLEGE

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. GRIFFIN. Mr. Speaker, last week marked the 170th anniversary of the founding of Jefferson College in Washington, Miss.

Jefferson College, named for President Thomas Jefferson, was founded in 1802 in the territorial capital of Mississippi. This was the first institution of higher learning in what was then the vast western wilderness of a young nation. Its influence and importance was to be felt for many years.

The historical significance of Jefferson College has not been limited to Mississippi. Not only did the college serve as a site for the birth of the State of Mississippi but the reminders of the beginning of a nation and the administrations of Adams, Jefferson, and Madison are clearly etched in the history of Jefferson College.

The contributions of those who have passed through its doors as students, faculty, and visitors have been great. The names of Jefferson Davis, John James Audubon, Andrew Jackson, and Aaron Burr are all a part of Jefferson College. The contribution of the college is also measured in those thousands who over the years received an education here, and who, yet nameless to memory, served to guide and build a State and nation.

The people of Mississippi have long recognized the historical importance of this college and efforts are underway to restore it. Not only can it serve as a reminder to a proud past but its potential to the area as an historical attraction is unlimited. In further recognition of this landmark in our history, Jefferson College Day was recently held to observe the 170th anniversary as well as the beginning of the restoration projects. It was on this occasion that the distinguished Mississippi attorney and noted historian, Mr. Frank Everett, delivered an address on the history of Jefferson College.

I certainly believe it was a most fitting address and fine tribute to the colorful history of Jefferson College. I would like to include in my remarks a copy of Mr. Everett's address and commend it to my colleagues:

JEFFERSON COLLEGE—MAY 13, 1972

Let us pretend that we are gathered at this very place exactly 170 years ago on May 13, 1802. Thomas Jefferson is in his second year as President of the United States. W. C. C. Claiborne, a Virginian appointed by Jefferson, has been in office as the second Governor of the Mississippi territory only five months. Just three months ago on February 1, 1802, the territorial capitol was moved from Natchez here to Washington, a scattered hamlet, more map than village, astride a beaten trail disappearing into a mysterious endless forest of lurking dangers, the Natchez trace. We are located in a rich green meadow shaded by virgin oaks near a rippling clear creek fed by cool flowing springs.

James Foster, a soldier of the Revolutionary War, and his family claimed and settled these lands just after independence was won.

President George Washington, to settle confusion about the line between Spanish and American territory in 1795, appointed a crochety Pennsylvania Quaker, Andrew Ellicott, as Commissioner to represent the U.S. in fixing, surveying and marking the separating boundary at the 31st degree of latitude. (Now the Louisiana line just below Woodville.)

Arriving in Natchez early in 1797, Ellicott encountered frustrating delays from the Spanish authorities. Tensions developed and so did yellow fever, so Ellicott with his escort and survey party moved here in July, 1797, and encamped around the clear springs that bear his name to this day.

While impatiently waiting Ellicott, in September, 1797, surveyed and platted the townsite of Washington for John Foster who owned much of the land. Several years earlier he had helped lay out and survey Washington, D.C., the National Capitol.

The 31° line being fixed, the Mississippi territory was formed on April 7, 1798, a very long narrow strip extending from the Mississippi River east to the Chattahoocie River in Georgia between a north line at the mouth of the Yazoo River and a south line along the 31° surveyed by Ellicott.

John Adams appointed as first Governor Winthrop Seargent of Massachusetts who came on the scene August 6, 1798. As a federalist in politics, his views were incompatible with the Jeffersonian Republicanism of his new constituents.

After a confused beginning, Seargent managed to get the territorial government organized.

In 1802 this was a very remote and isolated area. A few miles south below the 31° line was Spain, a foreign power. Across the Mississippi River lay France, controlled by Napoleon. Only a short distance North and East stretched a vast area controlled by erratic and often hostile Indian nations.

The nearest settlement to the east was on Tombigbee River north of Mobile almost two hundred miles away. The nearest settlements to the north were at the Tennessee River and Nashville. New Orleans under Spanish rule in 1802 closed its doors to American products, causing consternation and excitement in the territory.

The Natchez trace trail, while designated as a post road in 1880, was still in the slow stages of adequate marking and crude improvement. Travellers were harassed, robbed, beaten and killed by the merciless outlaws Harpe, Mason and others. As a road, the trace was primitive and unsafe.

No road led to the east. None would exist for five years when the "Three-Chopped Way" was hacked on the trees in 1807.

Steamboats were not known. Powerless flatboats floated south with the river current in one way traffic. It would be nine years until the first steamboat plied the Mississippi in 1811.

With the introduction of mechanical ginning in Mississippi in 1795, cotton had become the major crop replacing tobacco and indigo which were not thereafter grown.

As soon as the government was set up in Washington survival demanded the establishment of law and order.

The militia was organized. Fort Dearborn was built on the north edge of Washington near this site on 50 acres purchased for $15 per acre.

Rewards were offered for capture of the Mason-Harpe gang and within two years these bandits were exterminated.

Most significantly, the very next important act of the territorial legislature was "to establish a college in the Mississippi territory" to "bear the name of Jefferson College in honor of Thomas Jefferson, President of the United States, and President of the American Philosophical Society," the act passed May 13, 1802.

The preamble to the act came directly to the point: "Whereas, education conduces to the happiness and improvement of man, and is particularly necessary to the support and purity of republican governments . . ."

The most important men of the territory were named as trustees, the very top political, business and educational leaders.

The institution was authorized "to confer the degrees of bachelor and master of arts". The trustees were directed to select a site at "some healthy and central situation." They were further empowered to raise by lottery a sum not exceeding $10,000.

Only two months previously, March, 1802, the U.S. Military Academy at West Point was authorized. The schools were therefore almost twins.

There was no institution of college stature closer than Nashville, Lexington, Kentucky, and Knoxville.

The trustees first considered Greenville in Jefferson County as a site, but after visitation that location was rejected. Then it was decided to locate at Selsertown. It was finally determined by legislative act to fix the permanent site upon a 47-acre "parcel of land, including a spring commonly called Ellicott's Spring, presented by John and James Foster, and Randal-Gibson." The act was passed November 11, 1803.

I must pause there to reflect that Jefferson College will live again because of the energetic and faithful leadership of a direct descendant of an original land donor, James Foster. Mrs. Nan Foster Schuchs has skillfully brought us to this point and I feel confident that her goal of restoration will be delightfully accomplished.

It was a happy day on December 20, 1803, when Governor Claiborne went to New Orleans to receive the Louisiana Purchase for the United States. Three months later on March 27, 1804, the Mississippi Territory was extended north to the Tennessee line.

On February 2, 1807, intense excitement vibrated through the little town of Washington. By this time there was probably a small assembly hall, a few scattered residences, several businesses and stores, and probably a couple of rustic taverns or inns.

Eleazer Carter would this year establish in Washington one of the very first industries in the Territory. He manufactured an improved cotton gin which was in great demand.

The Lorenzo Dow Methodist Church had not been built. No buildings and no school had been started on the grounds of Jefferson College.

None of the great Natchez mansions had been built, only a number of modest Spanish-period cottages and buildings.

The legislature was in session and the Supreme Court consisting of Judges Thomas Rodney and Peter Bruin had convened. A 72-man jury venire had responded to a summons for grand jury duty to consider the charges against former Vice President Aaron Burr for treason.

Burr had been intercepted on his mission down the Mississippi River and arrested at Bruinsburg by order of Acting Governor Cowles Mead. The militia officers making the arrest were two very prominent young men, George Poindexter and William B. Shields. Burr had surrendered to the civil authorities of the territory and was placed under bond to await the action of the grand jury.

On this day, Aaron Burr would appear in court to determine whether he would be tried or held or released.

The village was overrun with people, officials, legislators, jurymen, militiamen, lawyers and spectators. There was no enclosed building that could hold the court and jurymen. It had been a very cold winter and Judge Rodney reported that the temperature was 10° above zero—a very cold day indeed.

Nevertheless, the court, for lack of space, was virtually forced to meet outside under the dignified protection of the spreading live oaks still standing here today. It is certain that there were many fires lit to warm the spectators and participants.

By a strange twist of circumstances, Poindexter showed up in his official capacity as prosecuting attorney and his former companion in arresting Burr, William B. Shields, appeared with Lyman Harding as defense counsel for Burr.

Both Poindexter and Shields agreed that the territorial court had no jurisdiction to try Burr for treason against the United States. Poindexter contended that Aaron Burr should therefore be held and turned over to Federal authorities for trial.

Burr would not hear to this. He demanded that the charges be considered by the grand jury or that he be released. Judge Bruin agreed with Burr. Rodney was opposed to releasing Burr. Incidentally, Judge Rodney's son was Caesar Augustus Rodney, Attorney General of the United States in the cabinet of Thomas Jefferson, Burr's enemy.

The matter was submitted to the grand jury which declined to indict Burr and returned a ringing presentment criticizing acting Governor Mead for his conduct in the affair. Shields, Burr's attorney, then jumped to the defense of Mead. Judge Rodney rebuked the jury for its unwarranted criticism and court was recessed until February 5th when Burr was to appear again for further action of the court.

Fearing and anticipating that he would be detained and delivered to Federal hands, Burr jumped bond, refused to appear and escaped in the night.

On February 5 when court met, there was no Aaron Burr, but the day was not a total loss because Judge Rodney then performed a wedding ceremony uniting attorney William B. Shields to Miss Victoria Benoist.

Aaron Burr was later captured at Fort Stoddard near Mobile, taken to Richmond for trial and ultimately acquitted.

After a decade of struggle Jefferson College finally opened on November 11, 1811. It had acquired Washington Academy from Rev. James Smylie and constructed a frame building on the grounds to house the classrooms.

The next year, 1812, Lorenzo Dow built his little Methodist church on the front of this tract. The building was 28 feet by 38 feet. Lower walls were of brick and the upper part of wood. There was a small gallery and two rooms above reached by inside stairs. On the main floor were six pews partitioned down the middle and four foot aisles along each wall with no center aisle. Four stoves, two along each side wall, heated the building.

The War of 1812 brought the next excitement to the Washington community and Jefferson College. Andrew Jackson assembled an army of Tennessee volunteers bound for New Orleans to fight the British invaders. Jackson arrived at Natchez February 15, 1813, intending to camp his troops at Fort Dearburn adjacent to Jefferson College. He found the old fort delapidated and unusable, and pitched camp on a "handsome plain" one mile west of Washington and four miles from Natchez.

A month later the impatient Andy received surprising orders to dismiss and discharge his restless men on the spot since their services at New Orleans would not be needed.

Angered and exasperated Jackson refused to disburse his men and assumed personal responsibility for their return to Nashville in good order at his own expense. Following the Old Trace, the dejected volunteers filed past the gates of Jefferson College. It was a difficult, long, disappointing march and earned for Andrew Jackson the lifelong nickname of "Old Hickory."

Two years later, after the battle of New Orleans, General Jackson and Rachael set out for Nashville via Natchez where they were enthusiastically welcomed on April 20, 1815. Leaving Natchez in a carriage accompanied by a contingent of victorious lighthearted veterans of the battle, Andrew Jackson and Rachael were given a great public ovation at Washington as they rode the trace overarched with oaks on the campus of Jefferson College. The details are lacking, but most certainly the college was deeply involved in this warm tribute to the national hero.

Another great drama would unfold on the grounds of Jefferson College, birthplace of the State of Mississippi in July and August of 1817.

The distinguished historian, J. F. H. Claiborne, whose father F. L. Claiborne was a trustee of Jefferson College in its early years, described Washington of 1817 as follows:

"There were three large hotels, and the academic department of Jefferson College—was in successful operation. The Society was highly cultured and refined. The conflicting land titles had drawn a crowd of lawyers . . . The medical profession was equally well represented . . . It was a gay and fashionable place, compactly built for a mile or more from East to West, every hill in the neighborhood occupied by some gentleman's chateau."

In this setting the constitutional convention met in the five year old Methodist Church on the edge of the college property. Forty seven distinguished delegates attended.

For six hot weeks in mid summer the convention labored seriously and industriously until final agreement was reached.

One hundred dollars was paid to the Methodist Church as compensation for use of the building.

During this convention period construction was started on the East Building of the college. The old frame building had to this time been used to house the academic rooms. Apparently no steward's facilities existed until the early 1830's, and students probably boarded out with townspeople. The East Building was completed in April 1819. It is the same age as the State of Mississippi. The college department also opened in 1817.

In the year following the constitutional convention 1818, Jefferson Davis at the age of 10 years was a student for a short while until the county academy of Wilkinson was organized. He then returned home to Rosemont at Woodville and went daily from home to school.

Many men of noteworthy academic and scientific learning have been connected closely with Jefferson College.

One of the most distinguished was B. C. L. Walles, a truly great student and teacher of geology and science.

John James Audubon, renowned naturalist and ornithologist, taught at Jefferson College in 1823 and 1824 as he prepared his "Birds of America."

William Dunbar, an original trustee, was one of the most learned and resourceful scholars of his time in all America.

David Ker, lawyer, minister, judge and educator, was another founding trustees. In 1795 Ker had aided in the creation of the University of North Carolina where he was the first professor and president before coming to Mississippi in 1880.

There are many others of equal interest.

For several years the old Methodist church was utilized by the college for a primary or elementary school department. Title to the church was conveyed to Jefferson College in August 1833.

Construction of the west wing of the school, presently standing, began in 1838 and was completed in 1839.

About the same time the President's home was built and a steward's house and kitchen added.

The college department operated successfully, with the exception of one year, until the entire school closed in 1863 during the Civil War.

When the war ended, Jefferson College reopened with success comparable to the boom times of the 1830's in spite of reconstruction chaos. Its president, during most of this period, J. S. Raymond, was recommended highly by General Robert E. Lee. Raymond served from October 1872 for 35 years.

In 1895 the center building was constructed as a gymnasium.

These very beautiful grounds are identified with the entire scope of American history. No single geographical location in Mississippi, or maybe anywhere else, has been the locale of so many important events. The cavalcade of America has passed in review over this grass and under these oaks. This campus is the central focal point of inspiration for the birth and growth of Mississippi. From George Washington, John Adams and Thomas Jefferson to the present direct reminders exist here.

The cultural and historical impact of Jefferson College continues much alive. We are not viewing the remains of a dead past, but a vivid resurrection to new life and a new future.

Jefferson College is entering a new phase of teaching this and future generations, like Williamsburg, these restored grounds and buildings will silently speak of the foundations of American Government and life.

Jefferson College and the events it has witnessed and physically embraced is a positive demonstration to men everywhere of the priorities and verities necessary for the endurance of a nation.

These are:

First—the establishment and maintenance of law and order.

Second—strong, sound education.

Third—deep patriotism that inspires sacrifice for the national welfare.

Many millions walk here to learn and reaffirm these truths.

What a glorious achievement it would be to restore and recreate the Washington of 1817. It can be done. What we do at Jefferson College can be the first step.

Let us here create a living light of learning to illuminate the perilous paths of the future.

OPPORTUNITIES IN ENVIRONMENTAL CAREERS

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 23, 1972

Mr. TALMADGE. Mr. President, overpopulation, mismanagement of our natural resources, and pollution of the air and water have seriously degraded the quality of life. Continued and accelerating urbanization has packed 70 percent of America's people into 2 percent of its land. We have reached the point where our attitudes and behavior must reflect a clear understanding of man's relationships to the environment and, indeed, of the interrelationships of all living things. The survival of mankind depends upon changes in our attitudes and behavior.

Last weekend more than 200 high school students from Georgia and surrounding States gathered at Northside High School, in Atlanta, to consider those problems at a pioneering conference entitled "We the Concerned." The keynote address was given by Mr. Odom Fanning, a native of Atlanta and a former science reporter for the Atlanta Journal. Before moving to Washington in 1965, Mr. Fanning was for a time associated with my friend Dr. Peter C. Goldmark at CBS Laboratories. Now as a special assistant to the Assistant Secretary of Commerce for Science and Technology, Mr. Fanning specializes in environmental science and is author of "Opportunities in Environmental Careers," a vocational guidance manual which has recently gone into its second printing.

The conference at which Mr. Fanning spoke was presented by Students Toward Environmental Participation—STEP—whose copresidents are Fiona Turnbull, of Marietta High School, and Cathy Koeningkramer, of McEachern High School, Powder Springs. It was sponsored by the environmental education project of the Atlanta public schools, whose coordinator is Mrs. Cora Kay Blackwelder. This project, incidentally, is currently the only one in Georgia funded under the Environmental Education Act of 1970, Public Law 91–516.

Mr. Fanning's remarks to the students on the subject of careers are particularly appropriate to our need for manpower to study problems of rural development. Consequently, I ask unanimous consent that excerpts from Mr. Fanning's excellent speech be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Opportunities in Environmental Careers

(By Odom Fanning)

Conservation and restoration of the environment can be accomplished only by people working at it. Volunteers have their place, but in addition we must have full-time workers, educated in the fundamentals of ecology and economics, trained to perform some task requiring skills and experience, provided with the tools and supplies resulting from the science and technology in which they are involved, and employed as members of teams at various levels of government and private industry or in service or consulting firms or universities.

How many such people will be gainfully employed in environmental management in the United States in the years to come? Surprisingly, no one really knows. In my book "Opportunities in Environmental Careers" I identify about 70,000 men and women working at professional and para-professional (requiring training beyond high school but less than four years of college) vocations in the United States. I estimate that this total will double—to 1,400,000—by 1980. I am continuing these studies, and in one limited area—conservation of natural resources and outdoor recreation—I recently surveyed employers and found a surprising result. Almost every agency which responded to my questionnaire said that it could not project eight to 10 years ahead, but that it had vacancies now that it was authorized to fill. The sad truth, however, is that few of these agencies can fill any of their authorized openings because their budgets have been cut. On the basis of my limited sample, I believe that public and private agencies could employ 10 percent more staff now—if they had the funds—and that 70,000 persons could be employed and should be employed now in meeting vital problems of the environment.

New opportunities are constantly being created by new technology. I know of no better example than the study called the "New Rural Society." While the pilot project on new and imaginative uses of telecommunications is being conducted in northeastern Connecticut, much of its impetus comes from Georgia. The genius behind it is Dr. Peter C. Goldmark, formerly president of the CBS Laboratories and now president of Goldmark Communications Corporation. The latter has a grant from the Department of Housing and Urban Development, through Fairfield University, to study the new rural society. Its objective is to demonstrate that telecommunications between widely separated business units can permit the creation and revitalization of new communities in essentially rural areas.

Senators Herman E. Talmadge and Hubert H. Humphrey were far-sighted in recognizing the implications of Dr. Goldmark's project, and they recently appointed him as an advisor to the Rural Development Subcommittee of the Senate Committee on Agriculture and Forestry. Senator Talmadge, Chairman of the Committee, said that it was clear that in order to provide decent social and economic conditions in America's small towns, and to stop rural outmigration, it would be necessary to apply the nation's vast technological capabilities to such problems.

Millions of American have been displaced from their rural homes by changing patterns of farming and lack of educational, cultural, and economic opportunities in rural areas. It is the Senators' belief—and Dr. Goldmark's—that many of these people would have preferred to remain near their homes and loved ones. A major issue of national policy is involved, for we now have 90 percent of the population living on only 10 percent of the land. This imbalance threatens to improverish the countryside, and at the same time it is bringing incredible problems to our overcrowded urban areas.

This is an environmental problem of the first magnitude—perhaps greater than those of pollution or transportation—and I am pleased that technological development is being given a chance to prove that it might have some answers to such social and economic challenges.

TO TRADE OR NOT TO TRADE

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. BERGLAND. Mr. Speaker, to trade or not to trade—that is the question. With unemployment around 6 percent—coupled with a record $1.5 billion trade deficit for this first quarter of 1973—it is only natural that the issue of trading policies should be discussed in labor councils, the business community, among farming interests, and by leaders in Government. I am submitting for the Record an analysis of our trade problems entitled, "A Positive Response to Burke-Hartke," prepared by the Cargill Corp., a Minneapolis, Minn., based grain firm. This paper raises some points that should be of interest to any student of the issue:

A Positive Response to Burke-Hartke

THE PROBLEM

Since approximately 1965, the United States has found itself in an increasingly difficult and puzzling economic situation. The $6.8 billion trade surplus in 1964 was transformed into an approximately $3 billion deficit in 1971. Much of this reversal was the product of a very rapid rise in imports into the U.S. During the 1960s, while exports rose only about 120 percent, imports jumped fully 165 percent. During the same period, unemployment declined from 5.2 percent in 1964 to 3.5 percent in 1969 and then rose swiftly to 6 percent by the end of 1971. At the same time, the U.S. experienced serious and continuing price inflation. This inflation undermined the competitiveness of U.S. exports, as two recent studies indicate. One study . . . is a set of preliminary estimates, by Robert E. Lipsey and Irving B. Kravis of the National Bureau of Economic Research, comparing international price changes between 1962 and 1970. It shows that, in terms of each country's currency, price levels for internationally traded manufactured goods rose 16% in the United States over the eight-year period, 26% in Britain, but only 9% in Germany and 7% in Japan.[1]

The second study, done by the Council of Economic Advisers . . . compares unit labor costs in manufacturing for the United States with those of its major trading partners. It shows that, from 1964 to 1969, unit labor costs rose 13.2% in the United States as against 6.4% for its major partners.[2]

Because of these inflationary pressures, the U.S. dollar came to be clearly overvalued.

Since the dollar occupied a central role in international finance, both as a vehicle for international transactions and as a means of holding international reserves, the U.S. was not able to devalue its currency as easily as other nations. Moreover, in spite of complaints about the increasing U.S. deficit in its balance of payments (BOP), other nations proved unwilling to revalue their currencies upward against the dollar, since they did not wish to lose the competitive edge the dollar's over-valuation gave their exports. The New Economic Policy announced by President Nixon on August 15, 1971, was an attempt to implement new tools to deal with these mounting difficulties, traditional methods having proved inadequate. The major features of the NEP for our purposes were: (1) the 90-day freeze on wages, rents and prices, which has been transformed in Phase II to price, wage and rent controls; (2) suspension of convertibility of the dollar into gold; and (3) a temporary 10 percent import surcharge on goods not subject to mandatory import quotas. The dollar has not yet been made convertible, even in a limited way, but the surcharge was removed after agreement was reached on a new alignment of currencies which combined revaluation upward of the yen and the mark and devaluation of the dollar. In addition, some limited trade concessions were secured from the European Community and Japan.

This selective history of economic events over the past decade identifies several important problems. First, after a period when unemployment was reduced to acceptable levels, unemployment again spurted to high and unacceptable levels. Secondly, in the same period, the U.S. saw its trade surplus evaporate as imports rose more rapidly than exports. Thirdly, the U.S. went through a period of serious and largely uncontrolled inflation, one major consequence of which was to make the U.S. less competitive in international trade, with both her prices for internationally traded manufactured goods and her unit labor costs climbing more rapidly than for her major trading partners. Finally, because of the unique role occupied by the dollar in international monetary arrangements and because of the unwillingness of other nations to yield up the trade advantages accruing to them through the dollar's over-valuation, the U.S. was unable to correct the mounting currency imbalance in timely fashion, being forced to wait until the situation had reached nearly crisis proportions.

Against this backdrop, the AFL-CIO has projected the following picture:

Between 1966 and 1969 U.S. foreign trade produced the equivalent of a net loss of half a million American jobs.

During this period, although the number of export-related jobs increased, the number of jobs required to produce imported goods increased at a faster rate. If this trend held true in 1970—as it probably did—jobs required domestically to produce imported commodities which compete with American-made goods exceeded the number of jobs connected with export trade last year, or a net deficit existed in jobs related to foreign trade.

For manufacturing, this reversal has already taken place—by 1969 there was a net deficit of jobs in non-agricultural industries of 33,000 compared to a surplus of 328,000 only three years earlier.

Some industries are particularly hard hit. For example, employment of production workers in the consumer home entertainment electronics industry has declined from 128,600 to 96,600 since 1966 as imports continue to rise. Twenty-four thousand production jobs have been eliminated from the footwear industry since 1966.[3]

This analysis really involves two kinds of employment effects: First, hypothetical job losses—that is, if one could assume that jobs would have been created in the U.S. to produce the goods that were imported, there would have been x many jobs involved in that production; and secondly, actual jobs lost in certain industries, the production personnel employment decreases that occurred in those industries during the period examined. Clearly, these are two different categories of "employment". Actual job losses are certain and real social costs. Hypothetical job losses are uncertain. What factors are included in measuring these hypothetical losses can make large differences. Moreover, there is an important distinction between job losses and employment opportunities.

Footnotes at end of article.

Where actual jobs are lost, the worker also loses his employment opportunity, since his immediate employment opportunity was his job. But if the economy is generating new employment opportunities, the displaced worker will find a new job. There is, of course, slippage between actual jobs and new jobs arising from new employment opportunities. These can present serious problems which demand attention—temporary loss of income, loss of insurance benefits and other security, depleted savings, loss of seniority. Such problems make the distinction between actual jobs and new employment opportunities a focus of serious policy discussion.

The same is not true for hypothetical jobs lost in one (the import-competing) sector as compared with new employment opportunities generated within the economy as a whole. Both types of employment are prospective, so no real economic losses can be assigned to a hypothetical decline in employment opportunities, the policy questions are: (1) what strategy will create employment opportunities most closely in step with demand for new employment; and (2) what strategy will create employment opportunities which add the most to the material well-being and security of workers.

One way of posing these important policy questions is to ask whether a given increment in import-substituting production would have the same employment and welfare consequences as the same increment applied to production for export. Indications are that, of these two policy alternatives, the export-promoting alternative would have more positive employment consequences. For example, as Krause and Mathieson point out, " . . . it should be remembered that U.S. exports are labor-intensive relative to U.S. imports, as Leontief established and others subsequently confirmed".[4] In other words, the labor input into exports is proportionately greater than into a similar quantity of current U.S. imports. The reason for this seeming paradox is that the U.S. has historically invested rather heavily in education and training, making the U.S. relatively highly endowed with human capital.[5] Moreover, this relatively high endowment of human capital gets reflected in and helps to explain the higher wage rates prevailing in the U.S. as compared to her major trading partners. In a study designed to measure both the direct and indirect consequences of imposing import quotas to protect industries currently facing intense import competition, Professor Anne O. Kreuger's analysis revealed some of the welfare consequences of protecting jobs through import substitution rather than through a policy of export promotion. Two striking conclusions emerge. First, the wage range for industries where employment would be increased by quotas had a much higher concentration of wages at the lower end of the scale than did the industries where employment would be decreased by quotas. Secondly, the industries where employment would decline as a result of protectionist measures had an unweighted average annual wage in 1967 approximately 127% of the average annual unweighted wage for the industries where employment might be increased by quotas ($6,758 as compared with $5,335).[6] This is consistent with what one would expect: the greater intensity of human capital in exports is reflected in higher wage rates.

Thus, in contrast to labor's view that hypothetical jobs would become real jobs through import substitution, with a consequent increase in worker welfare, the human-capital intensity of exports implies that more and better-paying jobs would result from export promotion than from import substitution policies.

The AFL-CIO's other employment argument is that competition from imports has thrown sizeable numbers of workers out of their jobs. They have extended this argument further, suggesting that this unemployment results from the relatively liberal foreign direct investment policy pursued by the U.S. In effect, asserts the AFL-CIO, the foreign direct investments of multinational corporations have resulted in an "export" of American jobs. Many of those multinational corporations have responded by showing that, in spite of their foreign investments, they have increased their domestic employment and their exports of products from the U.S. more rapidly than the average for manufacturing enterprises in the U.S. Again, this reflects the distinction which needs to be made between shifts in certain kinds of jobs and the net effect on employment opportunities. Perhaps the best survey in this area is one made by the Emergency Committee for American Trade, which analyzed the domestic and international operations of 74 U.S. corporations, with aggregate sales of $113 billion in 1970 (18 percent of total U.S. shipments of manufactured products), over the period 1960 through 1970. Among its findings were the following. These 74 multinational enterprises:

Increased the number of their domestic employees by nearly 900 thousand from 2,452 thousand to 3,348 thousand.

Increased the book value of their fixed assets in U.S. manufacturing facilities from $15.3 billion to $34.1 billion, a gain of $18.8 billion,

Increased their sales from American facilities from $58 billion to $113 billion, a gain of $55 billion,

Increased their exports from the United States to the rest of the world from $4.3 billion to $12.2 billion, a gain of $7.9 billion,

Increased their net surplus of exports over imports from $3.2 billion to $6.6 billion, a gain of $3.4 billion. . . .

Increased their domestic employment (exclusive of employment gain through acquisition) more rapidly than the average manufacturing firm. Their rate of new job creation was about *75 percent* greater than that of all other manufacturing firms. . . .

Increased their sales from domestic facilities *twice* as much as from their overseas operations,

Exported a growing proportion of their domestic production. Their ratio of exports to domestic production in 1970—*10.8 percent—double* that of the average U.S. manufacturing firm,

Accounted for a *small* and (except for U.S.-Canadian automobile trade) *declining* proportion of total U.S. imports.[7]

From this analysis it is clear that, whatever may be the case for isolated segments of some industries or for specific plants or communities, the *net aggregate* employment and production effects on the U.S. economy of the operations of these multinational corporations has been distinctly positive.

Moreover, whatever specific job displacements have been caused by increasing import competition, they have had a minimal effect on the total employment picture in the U.S. For example, Krause and Mathieson have studied the direct and indirect employment effects of the $1 billion net reduction in the U.S. trade balance between the first quarter of 1970 and the first quarter of 1971. They found that this sizeable decline in the U.S. net trade position accounted for a loss of 16,600 jobs.

To put the results somewhat differently, if unemployment had increased only because of trade dislocations, the unemployment rate would have risen from 4.16 percent to 4.18, rather than to the actual 1971: [1] average of 5.93 percent.[8]

It is important not to exaggerate the conclusions that the data assembled above support, either positively or negatively. But the following conclusions seem to be substantiated by this information: (1) to pursue a policy of import substitution in order to protect existing industries would retard the growth of export industries in the U.S.; (2) because of the high intensity of human capital in U.S. exports, a policy of import substitution rather than export promotion would be likely to have adverse consequences both on the level of employment in the U.S. and on the welfare and standard of living of American workers (and this appears to be true even without including the reduced purchasing power left to the American consumer as a result of substituting more costly domestically produced goods for current imports); (3) that the available evidence suggests that, in the aggregate, multinational enterprises have contributed more to domestic employment, domestic production and U.S. exports than have manufacturing enterprises as a whole; and (4) that domestic fiscal and monetary policies are much more important than trade policies in securing the policy objective of full employment.

This is not to say that labor has not identified some serious economic problems that deserve careful attention and constructive solutions. Plant closings and job losses are serious personal, community and national problems. But the proposals supported by some segments of organized labor in the Burke-Hartke bill sweep much more broadly than is necessary to come to grips with these problems and, more importantly, those policies would produce consequences—both domestically and through foreign retaliation in the area of international commercial policies—which would be counter-productive to increasing employment and improving labor welfare. They would also unfairly burden economic activities that have not been the source of the identifiable problems and which, in fact, help to generate the strength the nation needs to cope with the problems that are real. In effect, to tax the export-oriented and dynamically growing, more successful and more highly paying industries is a short-sighted policy that would disadvantage this area of the economy without achieving a long-term solution to the underlying problems.

Perhaps one handle on the real concerns of labor can be achieved by a brief review of the events which brought labor from its traditional position as a supporter of free trade to its present position as an advocate of protectionism. Of course, not all of labor by any means has made this turn-about; significant sectors of labor remain convinced of the long-term advantages for them and for the economy as a whole of freer trade and investment policies. But the reversal in position by a substantial segment of the labor community is a striking development which needs to be understood.

There have always been vested interests in this nation which have felt jeopardized by the increasing liberalization of trade and investment policies we have generally experienced since the Reciprocal Trade Agreements Act of 1934. Through much of this period, labor was a steadfast supporter of liberal trade policies. Their support was important in securing passage of the Trade Expansion Act of 1962, providing the tariff-cutting authority which underpinned U.S. participation in the "Kennedy Round".

Portions of the labor community, however, were adopting a basically protectionist position as early as 1962, reflected in increasing Congressional dissatisfaction with the "relatively pure free trade approach"[9] they believed was embodied in the Trade Expansion Act. This drift toward protectionism accelerated gradually until 1967, and then emerged quite strongly with the lapse of tariff-negotiating authority in that year.

It is difficult to argue that this shift was caused by rising unemployment, since much of labor had moved to a basically protectionist position by the time unemployment stood at its post-Korean War low of 3.5 percent in 1969. This is not to say, however, that high

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levels of unemployment do not contribute to protectionist pressures. The strong push behind the so-called "Mills bill" of 1970 and, now, behind the "Foreign Trade and Investment Act of 1972" are clear indications that political demands for protectionist legislation are greater in periods of high unemployment. Most economists agree, however, that trade policies are insignificant, when compared to the tools of monetary and fiscal policy, in dealing with problems of aggregate unemployment levels that are politically unacceptable. What seems to be the case, then, is that high levels of unemployment in the economy amplify the political pressures for protectionist trade and investment legislation, even though a declining trade balance and rising unemployment throughout the economy as a whole are largely unrelated economically.[10]

The causes of labor's concern seem to be somewhat narrower, although no less important from a policy standpoint, than levels of aggregate unemployment. In the period just after World War II, when many of the present multinational institutions—like the General Agreement on Tariffs and Trade and the International Monetary Fund—became active, U.S. industry did not face any serious competition from industries in other nations. Today, Japan and the European Community are healthy, expanding industrial areas, fully able to compete with the U.S. on an equal basis. When the U.S. underwent a prolonged period of serious inflation after 1965, these nations were well-equipped to capitalize on the increasing over-valuation of the U.S. dollar compared to other currencies. They rapidly expanded their exports to the U.S. Certain domestic industries began to experience serious import competition from foreign industries, imposing large burdens of adjustment on these industries and the companies and workers in them.

The Adjustment Assistance provisions of the Trade Expansion Act of 1962 proved to be inadequate to cope with these problems, both in their conception and in their interpretation and implementation. With the heightened degree of import competition and the increasing pace of change it entailed, the costs of adjustment imposed on those industries most exposed mounted rapidly, without any adequate policy tools to ease their burdens of adjustment. In the absence of an industrial and manpower strategy for the nation as a whole, designed to anticipate and to meet these challenges, those forced to bear a disproportionate share of the burdens of adjustment began to question whether the acknowledged advantages of freer trade were worth the price they were being asked to pay.

The multinational enterprise has come to play an important role in these developments. In the first place, it constitutes a vehicle by which technology can be diffused from the U.S. to other nations. Of course, it is also a vehicle for bringing foreign technology to the U.S., including the basic oxygen steel-making process, the rotary engine, the radial tire and many other basic processes or products. Thus, the multinational enterprise is a very visible vehicle and a very important element in the accelerated pace at which change now occurs in an increasingly interdependent world. Moreover, whatever has been true of the growth of multinational enterprises in general, several of them have obviously replaced U.S. plants and sources with foreign plants and sources. But, to put this aspect of multinational activities into context, if automotive imports resulting from the U.S.-Canadian Automotive Agreement are excluded, imports from U.S.-owned plants abroad represent only 2.4 percent of total U.S. imports. Even though these developments can be justified in terms of meeting foreign competition and even though they contribute to a general improvement in our economic well-being, they have become a focal point of criticism of the dislocation which follows upon economic integration, specialization and interdependence.

In many ways, it appears that this is labor's greatest concern. The greater freedom of investment, plant location decisions and movement of investment capital have weakened labor's ability to negotiate with companies, weakened labor's ability to protect the jobs and security of some of their workers and, in some cases, eroded the membership base for the unions themselves. It is not clear that declining union membership in certain industrial sectors and even for the manufacturing sector as a whole should be a public policy concern of the highest priority. But the rising insecurity for certain segments of the labor force, the loss of seniority, pension rights, health and life insurance, the collapse of one-industry communities—in other words, the burdens placed upon those who bear the major costs of adjustment in the economy (costs which are justified by the positive benefits they produce for the nation as a whole) do deserve the highest policy attention. Ironically, this may be the greatest misfortune of the protectionist efforts of supporters of Burke-Hartke—that the needs of those most harmed by the more rapid pace of change in today's technologically-dominated economy are not served by protectionism in the long run, but the long-term solutions to these problems are forestalled by pursuit of spurious objectives.

An effective long-term solution to these very real problems points, at the very least, to the need for a national industrial and manpower policy coordinated with such additional objectives as balanced economic growth through a diversification of the productive base and a regional balancing of economic development. In addition, in periods of relatively high unemployment, there will be a further need for aggressive fiscal, monetary and, perhaps, price and income policies to reduce aggregate levels of unemployment.

The industrial and manpower policy itself should be guided by the following objectives. First of all, it needs to be conceived as a method for anticipating necessary adjustments and not simply reacting to past, painful dislocations. This naturally means greater planning of educational, training and employment policies than the U.S. has had in the past. It will also require the development of a national clearinghouse for information on local employment and production opportunities. These activities almost necessarily must be undertaken at the federal level. Many people in the business community may find such radical alterations in traditional freedom of operation in labor and other factor markets disturbing, and their concern underlines the need for maintaining flexibility within this planning and coordinating policy. But those who would reject this alternative out of hand ought to ask themselves whether they prefer the alternative—increasing intervention in the flow of change itself through protectionist measures like that of Burke-Hartke. The U.S. can either seek to improve its capacity for and reduce the costs of factor—including labor—adjustment or it can seek to retard change by isolating the U.S. from the change going on in the rest of the world. If we are willing to accept the challenges of the former alternative, we may also be in a position to learn from the experiences of many European countries as well as Japan, who in many ways have moved far beyond the U.S. in the direction of coordinated manpower, industrial and regional development programs.

Secondly, where dislocations do occur in spite of the efforts to anticipate their effect and direction, programs must be devised to meet the human needs arising from those dislocations. For the workers and communities involved, more is at stake than simply the loss of current earning power. Seniority rights within the union and within the company are lost; health and life insurance protection is lost; pension benefits accrued through service are lost or reduced; the tax base which supports a community's welfare services, its police and fire protection, its educational and other community facilities and its health and sanitation services is eroded; finally, the entire economic health of the community can be jeopardized by the sudden loss of income of a significant portion of its wage earners. Obviously, not all of these losses can be recouped directly or through public policies. But many things can and ought to be done on a planned basis to support the economic and social well-being of individuals and communities caught up in this painful dislocation process.

Thirdly, training programs for displaced workers have to be improved. Moreover, some foresight in planning the skills which will be offered is necessary, so that a retrained individual is employable when he completes the program. Placement of workers also needs to be coordinated on a regional and national basis more effectively. These efforts link up with the planning steps discussed above.

As companies adapt to the increasingly interdependent economic world now emerging, labor unions and the labor movement will also have to adapt to new needs. They must come to recognize the shortcomings of past union policies in this new economic environment. This will mean not only new contract-negotiating strategies and objectives but also new membership policies. For example, greater international labor organization may have to be undertaken. Perhaps unions will have to move into previously unorganized areas. Moreover, as some union leaders—like George Meany—have publicly recognized, strike-enforced collective bargaining may be becoming too expensive for the union membership itself. It is difficult to map out what new directions will need to be taken, but unions will have to recognize that the best interests of their membership may be better served by new policies and new objectives.

On the industrial and production side, it appears that greater attention must be paid to developing and marketing products which reflect our comparative advantage. A recent study by Robert B. Stobaugh and associates at the Harvard Business School attempted to compare, through intensive examination of 9 case histories, the effects of making a foreign direct investment with what would have happened if the investment had not been made. This in-depth approach complements well the survey methods used by several others who have looked at the multinational corporation at a more generalized, aggregated level. This study reached two conclusions that need to be highlighted here.

In the first place, it concluded that the net "aggregate effects of U.S. foreign direct investment on U.S. employment and balance of payments are positive."

U.S. foreign direct investment provides jobs for production workers manufacturing components for further processing or assembling in foreign plants, goods for resale abroad or for sale on a commission basis that would otherwise not be sold abroad (so-called associate exports), and capital equipment for use in the foreign plants. Further jobs are provided for white-collar workers in the home office providing services for the foreign plants, technical personnel providing engineering and similar services, and research and development activities that could not be justified without the possibility of gaining income from the foreign plants.[11]

In addition, the study concludes that "if U.S. foreign direct investment did not exist U.S. exports would be lower than they otherwise would be . . . for most U.S. exports of manufactured goods are transitory until plants are built abroad." [12]

Secondly, the study pointed to one major source of U.S. comparative advantage, one which could be continued and expanded through investment in research and develop-

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ment and in human capital. Greater concentration by industry on the creation of new products and new jobs not only would strengthen the U.S. industrial base but would also strengthen our export performance and concentrate growth in higher income areas:

The factor that has enabled U.S. exports of manufactured goods to increase has been the continuous introduction of new products into old industries and the start of new industries. Today our technologically advanced industries [sic]), such as computers and aircraft, are very large exporters with increasing net trade balances, both in absolute terms and as a percentage of U.S. production . . .

The overall trade balance in technology-intensive goods has continued to increase—from around $6 billion in 1960 to $9.1 billion in 1965 and $9.6 billion in 1970. And the rise between 1965 and 1970 would have been some $1.5 billion higher except for the special provisions of the U.S.-Canadian auto pact . . .

Because of the higher incomes associated with the new technology-intensive industries generating new products, aiding these industries and making it easier to move resources into them rather than attempting to keep resources in the older, noncompetitive industries presumably would increase the U.S. national income. An added incentive, besides higher income, is the greater opportunity for coping with change in an expanding industry than in a retrenching one.[13]

Since the U.S. remains the largest market for new products, since the human-capital intensity of new technologies yields the U.S. a natural comparative advantage in these areas, industrial policy would better serve the needs of the society as a whole as well as industries and companies facing difficult adjustment problems if it were directed at expanding horizons rather than at retrenching to protect established but declining industries. This argument is even stronger when one adds to new products the potentialities of new production processes. As one example of the possibilities here, agricultural exports have been one of the most dynamically growing U.S. export areas, and that growth has resulted in great part from the continuous application of new technologies to production. As a result, agricultural productivity has increased dramatically and much more rapidly than for industry. An area for potential future growth will be development and manufacture of more efficient pollution-abatement devices.

Obviously, this process will involve shifts to new industries as well as shifts within established industries. For example, some of the greatest import competition the U.S. has experienced has been in consumer electronics and in certain areas of chemical production. But because of the introduction of new products in the areas of computers and other electronics fields and because of the development of new industrial chemicals, polymers and pharmaceutical goods, both of these industries as a whole have been able to maintain continued and growing trade surpluses.[14] Continued strength in these and other industrial areas will be achieved best not by seeking to protect established industries against the natural shifts in industrial and product cycles which occur in an increasingly interdependent world but by capitalizing on America's growing demand for new products and her ability to meet that new demand by investment in research and development and in human capital.

Obviously, there is nothing easy or simple about this alternative. Its difficulties may cause some to prefer the more short-sighted but simpler approach of retreating into a protectionist policy in an attempt to preserve the status quo. But, as with all attempts to stand in one place in the face of change all about, such a strategy leads to isolation.

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CONCLUSION

The problems of adjusting to change are serious and real ones. They point up the fact that the United States has not, in the past, developed a balanced policy of freer trade and investment. We have become complacent about the problems of adjustment to change because in earlier periods change came less rapidly and shifts of workers and resources to new employment could be accommodated more easily. That complacency is out of place in today's dynamic and highly competitive world economy. But the reversal of U.S. trade and investment policy envisioned by the Burke-Hartke bill is equally out of place. I have already attempted to show how it is counter-productive and how it imposes substantial burdens on certain sectors of the economy—like agriculture—that rely heavily on export markets. To the extent that the rationale behind Burke-Hartke lies in the belief that the U.S. is the only relatively "open" market for imports, there are serious questions concerning both the accuracy of such a view—especially in view of the proliferation of non-tariff barriers to imports erected by the U.S. in the past few years in contrast to European and Japanese efforts, however much we might criticize their pace, in the opposite direction—and whether closing the U.S. market serves the goal of balancing international flows of goods and capital. Finally, to the extent that the rationale behind Burke-Hartke lies in the belief that protectionism will solve the continuing problems of adjusting to change, proponents of such a position have grossly ignored the costs of such a tactic. Those costs are well summarized in a dissent by William R. Pearce to a section of the Williams Commission report dealing with the problem of adjustment:

"The costs of protection are many and varied. Import restrictions protect both competitive and noncompetitive firms in the protected industry. They undermine the restraints imports place on inflation both by permitting protected industries to accept excessive wage demands because they can be passed on to consumers and by restricting the availability of many low-cost consumer items. Protection does not avoid the costs of adjustment. It simply transfers them to other workers and industries, since we are forced under GATT rules either to compensate our trading partners or run the risk of retaliation. Moreover, to the extent that protection persists over an extended period of time, the costs of protection—in contrast to the once-and-for-all costs of adjustment assistance—are multiplied.

"Given this situation, I see little justification for—correctly—recommending adjustment assistance for limited dislocation but then reversing course and recommending protection where major industries are involved. Such an approach might be forced on the government by political realities—since the funds for adjustment assistance must be appropriated by the Congress whereas the cost of protection is hidden in higher product prices borne by users of protected goods—but it does not constitute good public policy. If major industries are to receive protection, this decision should be reached with full knowledge that the economic costs of such protection will heavily outweigh those of programs of adjustment assistance."[15]

This statement well expresses the issue posed by the problems of change and the approach Burke-Hartke proposes to take toward those problems. Congress is designed to arrive at the interests of the nation as a whole by piecing together the individual interests of separate districts and states. Instances of dislocation are readily identifiable, and the political pressures to take action radiate strongly from those instances. The costs of protection as the policy solution to those problems are diffuse and less frequently articulated. As long as those costs remain hidden from public view, they will not be weighed adequately in public policy decision-making, especially when the policy choice appears to be between facing up to the real costs of adjustment through a coordinated industrial and manpower policy for the country and covering up those costs temporarily by measures which, in the first instance, discriminate against our foreign trading partners and which only after a lag come to discriminate against other sectors of the U.S. economy.

Most public discussion and most of the analysis here focus on the economic dimensions of Burke-Hartke. Economies, however, do not exist in a vacuum, as the disastrous experience under the Smoot-Hawley tariff law demonstrated. More recently, the economic measures President Nixon announced on August 15, 1971, illustrated once again that investment and trade policy, monetary policy and foreign policy are inextricably inter-twined. The 10 percent import surcharge stirred serious discussion of retaliation, and most observers believed that if that surcharge had become anything but a temporary device, we would have seen retaliation against U.S. exports and foreign investments from a number of quarters. Burke-Hartke proposes an essentially permanent regime of trade and capital restraints which would be certain to provoke retaliation.

In addition to undermining our relations with Europe, Canada, Japan and other industrialized nations, Burke-Hartke would also seriously undercut another dimension of our foreign policy. For several decades now, it has been a part of our foreign policy to aid the less developed countries (LDCs) of the world to begin the long and arduous struggle towards greater development and a better standard of living for the two-thirds of the world's population that lives in these LDCs. By erecting barriers to labor-intensive manufactured products—both through quotas and through restraints on the transfer of capital and technology to these LDCs—Burke-Hartke in effect blunts the promise which our past foreign policy has held out to these countries.

As Hugh Patrick notes:

"The United States is in danger of retreating into comprehensive economic protectionism. . . . The problem is not just textiles. Already it is steel, and consumer electrical appliances. Soon it may well be automobiles, a wide range of standardized, mass-produced, skill-simple consumer appliances, and even consumer goods. And it is not just Japan. Already in textiles it is Hong Kong, Korea, Taiwan. In specific industries there are half a dozen Japans around the corner—Brazil, Mexico, Singapore, any country that becomes successful in industrializing and learning to reduce real costs. . . .

Economic protectionism will inevitably result in loss of America's leadership role internationally, and lead to political isolationism."[16]

We have already noted above that Burke-Hartke does not really constitute an effective long-term solution to the problems of dislocation and adjustment which a more rapid pace of change has brought in its wake. We have also noted the tremendous economic costs of such an approach—both domestically and through retaliation. The point here is that Burke-Hartke also exacts tremendous diplomatic costs as well. One must seriously question the equity of transferring the burdens of adjustment onto the shoulders of the economically fragile LDCs, removing from them the one hope they have for closing the gap between the haves and the have-nots. One must also question seriously the wisdom of the reversal of our foreign policy implicit in Burke-Hartke. That bill would mean the withdrawal by the U.S. of the promise we have held out to them through the history of our foreign aid and most recently through the development of a generalized preference scheme for manufactured exports of the LDCs—that there would be a growing U.S. market for the industrialization we have encouraged these nations to undertake. At the very least, Burke-Hartke would alter this past policy so drastically as to deserve careful and considered study before any action is taken.

In the interim, those who do believe that the protectionist policies embodied in Burke-Hartke are short-sighted should identify and communicate those concerns to Congress. Agriculture can play an instrumental part in this process by forcefully and cogently communicating to Congress the costs protectionism would exact from it. Other industries will have to join in. In addition, efforts must be made to recognize the serious burdens of adjustment rapid change means. Again, the agricultural community can play an active role in this process, since it has come to appreciate the importance of a balanced regional development policy, embracing rural and urban needs within a common program. The problems of adjustment in an increasingly interdependent economic world pose the same challenge—developing a balanced industrial and manpower policy which permits society as a whole to secure the advantages of more liberal trade and investment while facing up to the costs some are asked to bear while making the needed adjustments. The challenge is two-fold: to make it politically impossible to ignore the costs of a protectionist strategy while making it politically feasible to deal directly with the limited problems that change entails.

FOOTNOTES

[1] "Trade Deficit: A Fact in Search of a Theory," International Economic Letter, February, 1972, First National City Bank, 8.

[2] *Ibid.*, 8.

[3] Needed: A Constructive Foreign Trade Policy, *op. cit.*, 62.

[4] "How Much of Current Unemployment Did We Import?, Lawrence B. Krause and John A. Mathieson, Brookings Papers on Economic Activity, 2: 1971, 421. A study summarized by Andrews Brimmer, a member of the Board of Governors of the Federal Reserve System, also points out that when one adds to employment generated by exports employment gains from processing and marketing imports and employment gains from the greater purchasing power low-cost imports provide, "these jobs clearly exceed the number of 'hypothetical' jobs which might result if competitive imports were produced in the United States. See Congressional Record, vol. 118, pt. 8, pp. 9467–9652.

[5] See "Trends in U.S. Trade and Comparative Advantage," William H. Branson and Helen B. Junz, *ibid.*, 322ff.

[6] "Quotas on American Imports Would Reduce Employment in American Industry," Anne O. Kreuger, Congressional Record, vol. 117, pt. 32, p. 42230. The relative distribution of wages in the industries Kreuger studied (ground on the basis of industries where quotas would increase employment and industries where quotas would decrease employment) can be summarized as follows:

Wage range	Number of industries in group where employment is increased by quotas	Number of industries in group where employment is decreased by quotas
Less than $4,000	1	0
$4,001 to $4,500	2	1
$4,501 to $5,000	2	0
$5,001 to $5,500	1	0
$5,501 to $6,000	1	3
$6,001 to $6,500	1	6
$6,501 to $7,000	1	3
More than $7,000	1	2

It is also interesting to note that Kreuger's analysis bears out Leontief's conclusion that U.S. exports are more labor-intensive than her imports. Comparing direct and indirect employment effects arising from demand for exports with direct and indirect employment effects of replacing U.S. imports with domestic production (and assuming that the latter alternative would not shift costs up and consumer demand down, which is, as she says, an "extreme assumption"), she found that for the industries she studied, import substitution would *decrease* total employment by approximately 150,000 or 15 percent.

[7] "The Role of the Multinational Corporation in the United States and World Economies", based on an analysis by the International Economic Subcommittee of the Emergency Committee for American Trade of the Domestic and International Activities of 74 U.S. Corporations (February 1972), 4–5.

[8] "How Much of Current Unemployment Did We Import?" *op cit.*, 421.

[9] "Crisis in United States Trade Policy", C. Fred Bergsten, Foreign Affairs, July, 1971.

[10] As Krause and Mathieson note, ". . . while the trade balance was declining from $6.8 billion in 1964 to $0.7 billion in 1969, unemployment also declined from 5.2 percent to 3.5 percent." "How Much of Current Unemployment Did We Import?", *op. cit.*, 418.

[11] "U.S. Multinational Enterprises and the U.S. Economy: A Research Study of the Major Industries that Account for 90 Percent of U.S. Foreign Direct Investment in Manufacturing", Robert B. Stobaugh and associates, Harvard Business School, January 1972, 30.

[12] *Ibid.*, 30.

[13] *Ibid.*, 32–34.

[14] *Ibid.*, 32.

[15] United States International Economic Policy in an Interdependent World, *op. cit.*, 318–19.

[16] "United States & Japan: Danger Ahead", United States-Japan Trade Council (December 1, 1971), 9.

TOWARD ENVIRONMENTAL HARMONY—II

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 23, 1972

Mr. TUNNEY. Mr. President, millions of Americans feel that only an environmental disaster such as a "killer smog" can jolt our government into taking significant action toward cleaning up our environment and protecting the quality of life which we have known in the past.

But that feeling need not prevail. Congress is working diligently in many areas of pollution control, and some very important measures have already been passed. We owe it to ourselves, and to our children, to continue our endeavors in this field. I have heavily committed my time and energy to the challenge of developing strong and effective legislation to deal with the environmental crises which we are facing.

The area which requires our immediate attention and concern is what I have referred to as the triangle of pollution: Air, water, and noise. I have been involved in major legislative efforts in all three areas, and as a member of the Air and Water Pollution Subcommittee, I feel that we on that subcommittee are making significant strides forward. Every American must be willing to bear a portion of the burden of the huge task facing us in cleaning up our air and waters and combating the rampant spread of unbearable noise.

All my efforts are based on my campaign commitment to the aims and philosophy of the Santa Barbara Declaration of Environmental Rights, which states:

> It is manifest that centuries of careless neglect of the environment has brought mankind to the final crossroads. The quality of our lives is eroded and our very existence is threatened by our abuse of the natural world.

Unquestionably, we must seize the opportunities offered by the great variety of legislation now before Congress and continue to enact measures which will return our Nation to the environmental balance and harmony it once knew.

AIR POLLUTION

I am proud to have supported the Clean Air Act of 1969 when I was a Congressman. This legislation applies stringent standards on motor vehicle emissions for the 1972, 1973, and 1974 model years. The 1970 amendments to the act specify that all 1975 models must achieve a like reduction of carbon monoxide and hydrocarbon emissions from the 1970 levels. They further state that all 1976 models will achieve a like reduction in nitrogen oxide emissions from the 1971 models. The Environmental Protection Agency is provided with the authority to control or prohibit the sale of vehicles which endanger the public health and welfare.

I stand by strict enforcement of these laws, and I urge assembly line inspection of vehicles to insure that they meet these standards. I support the recent decision by EPA Administrator William Ruckelshaus that no extensions will be granted to automobile manufacturers and oil companies on compliance with the Clean Air Act.

In March, I held a hearing in Los Angeles on the administration of the Clean Air Act. As a result of that hearing, I became convinced that it is necessary for the Congress to take appropriate action to protect our citizens from the effects of auto pollution. I have made numerous recomendations to the Air and Water Pollution Subcommittee, based on the need for an integrated approach to clean, safe, quiet, drivable, and efficient automobiles. I will pursue this matter throughout the coming years, while watching carefully to insure that the consumer is not required to pay an unfair cost of production of air pollution control devices in automobiles.

NOISE POLLUTION

An estimated 10 to 40 million Americans have some degree of hearing impairment caused primarily by overexposure to excessive noise. The unwanted sound which threatens public health, peace of mind, and the value of property, is a serious and mounting problem. Noise must be recognized as a threat to all of us as human beings and dealt with before the unpleasant inconvenience of today follows the course of air and water pollution to require major efforts to control.

Consequently, I introduced in March the Noise Pollution Control Act of 1972, cosponsored by Senator Muskie. This bill shared many of the features of the House-passed noise legislation, but I felt that a more comprehensive attack on the problem was necessary. Hearings have been held in both San Francisco and Washington, and we are now proceeding with the work of combining various solutions into one final noise control bill.

WATER POLLUTION

Industrial, municipal, and agricultural wastes are the chief sources of water pollution. I am proud of having joined Senator MUSKIE in the introduction of the original legislation in this area: The omnibus water quality bill, S. 523. Extensive hearings were held last spring, culminating in the lengthy closed committee sessions to report out a final bill. At this time I introduced amendments to this legislation to establish by 1976 a national minimum water quality standard, with strict procedures for the extension of deadlines, to make our Nation's water safe for swimming and to protect fish and wildlife. Additionally, my "Tahoe Amendment" became a part of the final bill, as my efforts to save the tremendous beauty and fragile ecology of the lake basin continue. S. 2770, the resultant bill, was passed by the Senate on November 2, 1971. This legislation will be the major structure for efforts to clean up America's waterways for the benefit of ourselves and our children. The House passed a similar, but less stringent and comprehensive, piece of legislation this session, and the differences are being discussed and settled in a conference before the President receives a final version.

In addition, I am cosponsoring several other measures which will fight the rampant pollution of our waters. One such bill would give special aid to the one-third of the Nation not served by sewer systems and the 5 percent of the existing systems which discharge waste directly without any treatment. Another bill is S. 1017, the Clean Lakes Act of 1971, which calls for a coordinated program of increased waste treatment and lake cleansing for fresh water lakes.

To help combat oil pollution, I support bridge-to-bridge communications for all ships flying under the American flag. This I feel would lessen the chances of such collisions as the one in San Francisco Bay last year which spilled oil into the bay. I have also joined in offering S. 673, which would put a moratorium on drilling in the Santa Barbara Channel.

Thermal pollution, the discharge of heated effluents from electrical powerplants and other sources, is another threat to our aquarian environment. I favor tough and strictly enforced standards curbing thermal pollution, as approved by the Administrator of the Environmental Protection Agency.

In each of these areas, and new fields as they come in, I support strong legislation to curb pollution in our Nation. As a member of the Air and Water Pollution Subcommittee of the Senate Public Works Committee, I will continue to work for solid legislation.

SOLID WASTES

Bottles, cans, cartons, paper, and other refuse fill our dump sites and litter our countryside and cities. Scattered refuse is one of the most evident, and least desirable, forms of environmental pollution.

I am sponsoring a series of 16 bills which would commit the Federal Government to use recycled materials. These measures involve many agencies, projects, and so forth, and include the printing and publication of such documents as the CONGRESSIONAL RECORD. In addition, I am cosponsoring S. 856, which provides Federal assistance to the States to carry out programs to remove abandoned or junked cars.

PESTICIDES

Evidence linking pesticides to injury and death of a variety of life forms, continues to mount. We must not permit ourselves to be sold by the marvels of science without making certain that they will protect all facets of the environment. I am cosponsoring S. 1794, to study and develop biological and cultural methods of pest control, and S. 573, which gives the EPA authority to regulate the use of hazardous substances. The former bill passed the Senate and is presently awaiting action by the House Agriculture Committee.

RADIATION

I support the tightest controls on the utilization of nuclear power to produce electrical energy. However, the heart of the problem is the need to understand and meet the growing demands for energy. Power production in California has doubled every 8 years. We must educate ourselves as consumers to the need for changes, and we must find new sources of "clean" energy.

I am also deeply concerned about the potential danger to human beings exposed to extensive microwave radiation. This is a form of electromagnetic energy which is generated during the operation of such devices as radar, communication relay systems, electronic—microwave—ovens, medical and dental diathermy apparatus, and so forth. We know that microwave radiation can cause severe damage to the eye, leading to blindness, cause sterilization and severe burns, and possibly cause severe psychological problems.

In an attempt to gain some knowledge into the effects of prolonged exposure to this form of energy, I have introduced S. 3487, which authorizes $10,000,000 for research on the biological effects of microwave radiation. These funds have been suggested by HEW to supplement the Radiation Control for Health and Safety Act of 1968. I sincerely hope that we will soon ascertain exactly what are the dangers of microwave radiation and what might be done to prevent overexposure.

ANIMAL PROTECTION

To protect endangered species, I have cosponsored many measures. Last December, one of these, S. 1116, to protect wild horses and burros on public lands, was signed into law by the President. In addition I am involved in Senate Joint Resolution 84, to establish a Tule Elk National Wildlife Refuge; S. 2141, to create a Desert Pupfish National Monument; S. 3362, to create a Seal Beach National Wildlife Refuge; S. 2241, to create the San Francisco Bay National Wildlife Refuge; and S. 1315, to protect ocean mammals. So many species of animals are being placed on "endangered" or "rare" lists; it is time to assist those who have been working to protect our national wildlife heritage.

PARKS

The annual overcrowding of Yosemite National Park and the lack of public access to California's beaches clearly demonstrate the need for more park areas.

I have introduced S. 689, which creates a Channel Islands National Park. I will incorporate this in my future legislation to create a California Coastline National Park. In addition to the Channel Islands, this park could include coastal portions of the U.S. Marine Base at Camp Pendleton, the ocean frontage at Vandenburg Air Force Base, the Los Padres National Forest along the Big Sur Coast, and the Point Reyes National Seashore.

I have also joined in legislation to create another recreation area in California: a Golden Gate National Recreation Area (S.2342). I will soon be introducing legislation to designate Lake Berryessa in Northern California as a national recreation area.

WILDERNESS AND WILDLIFE AREAS

To preserve and protect our lands, I have sponsored a number of bills including S. 1017, to increase Federal funding for reclamation projects in 17 Western States; S. 1592, to establish a commission to study clearcutting of timber resources of the United States on Federal lands; and S. 1245, to protect archeological sites threatened by Federal projects. This last measure passed the Senate and was referred to the House for action on August 6, 1971.

I am also involved in many legislative attempts to protect our wilderness areas for public enjoyment. There are four bills which I have sponsored now pending in the Senate to establish: the Snow Mountain Wilderness Area (S. 2680), Lopez Canyon National Wilderness (S. 3027), and S. 1920, to acquire lands and interests within the San Bernardino National Forest.

On May 17, I introduced another bill, S. 3618, which designates 14 new wilderness areas in California. Located throughout the State, these Federal lands total 1.725 million acres and will comprise wildernesses, parks, and monuments. The proposals for this bill were developed by California citizens. I feel that frequently the official proposals of the Department of Interior and the Forest Service are not adequate nor within the spirit of the Wilderness Act; thus, this measure insures that these proposals will receive equal treatment and consideration by the Congress.

POPULATION

I have cosponsored Senate Joint Resolution 108 which would declare it U.S. policy to achieve population stabilization by voluntary means. I also advocate legislation to provide birth control information and devices to those who need but cannot afford them.

NATIONAL ENVIRONMENTAL LABORATORY

The pace of innovation in science and technology has surpassed our ability to control their detrimental byproducts. We must regain control. Consequently, I favor efforts such as S. 1113, which creates a National Environmental Laboratory with a $1 billion program for research and development related to environmental protection. Extensive Senate support enabled this measure to pass in December of last year, and it is now being considered by the House. It is especially important to California as it would provide research and development opportunities for many of our presently unemployed, highly trained scientists, and it could make new gains in our fight to save our environment.

I look forward to sponsoring and supporting more legislation in this vital area. And I trust that Congress will pursue the various means of improving the quality of life, following through with the bills which are now being considered. We must, in every instance, consider the merits of a bill in relation to the economy as well as the environment. We will never be able to regain the environmental state the Indians knew—our technology and industry have advanced too far without precaution to return to an ideal state. Our goal must now be an ecoindustrial society; we must achieve a balance between our environmental needs and our industrial advancement.

Congress must adopt legislation which is both innovative and responsive. We should embrace and implement the sense of ecological balance of the first Americans by enacting legislation consonant with their environmental wisdom, a wisdom indispensable to our survival and to improving the quality of our lives.

TRAGIC SHOOTING OF GOVERNOR WALLACE

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. GRIFFIN. Mr. Speaker, once again America has felt the savage and senseless blow of the assassin's bullet. Our political process is again marred by deplorable violence. All Americans are justifiably angry and bitter that such acts would occur in our Nation.

It is indeed a sad occurrence that in our great democratic Nation a man must take such great risks simply to express his political views and to participate in political campaigns. Gov. George Wallace, the leading advocate of law and order in this presidential race, has become the latest victim of lawlessness and violence. It is a tragic commentary but ironic that George Wallace continues to send us a clear message of the problem of lawlessness that has gripped this country, and which continues as a growing menace to us all.

During his campaign Governor Wallace has seized the imagination of the voters of this Nation as they attempt to have their voices heard. He has expressed the growing disenchantment with big and unresponsive government. He understands the fears and struggles of the workingman. He expresses their desire for a return to law and order—a return to the fundamental principles upon which our Republic was founded—and a return to a government that strictly adheres to those principles.

As of today, I understand that Governor Wallace has received more popular votes in the primaries than any other candidate. This has been a clear, unmistakable message from a people grown weary of taxation to finance countless government programs of dubious merit. It is the legitimate voice of responsible concern crying out. It must not be ignored.

I certainly wish Governor Wallace a most speedy recovery that he might be able to continue his efforts as a voice for the many millions of Americans throughout this Nation who are concerned about the direction of our Government.

A PLEA FOR JUDICIAL RESTRAINT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, my distinguished colleague from California (Mr. Wiggins) recently addressed himself to one of the most important questions of the day in an insightful and timely special report to his constituents entitled, "A Plea for Judicial Restraint." I would like to call this report to the attention of the entire House because it cogently examines the implications of the growing trend toward judicial activism for our system of shared powers between the branches of Government. In warning that recent actions of the judicial branch may be threatening to upset the delicate balance of mutual restraint on which that system of shared powers rests, Congressman Wiggins underscores arguments that have previously been made by some of our leading constitutional scholars, including the late Supreme Court Justice Felix Frankfurter and Prof. Alexander Bickel of Yale University.

Congressman Wiggins points out that the traditional role of the courts has been "to provide a forum for the fair and peaceful resolution of private wrongs" and that they have generally left to the legislative bodies "the duties of defining a public wrong and providing redress for it." In taking on decisions involving broad policy matters and addressing themselves to alleged public wrongs which affect all of society, the courts are tilting the balance of power and responsibility among the branches of Government in such a way as to pose a threat to the fundamental constitutional design.

Moreover, this inordinate extension of the courts comprises but one thread of a wider sequence of trends coalescing in frontal challenge to our national system of divided authority:

> The States are rapidly becoming merely administrative appendages of the Federal Government, the executive branch has dominated the legislative, and now the judiciary is assuming an activist role in shaping national policy.

Congressman Wiggins cites, in particular, the thrust of a variety of recent decisions in which the courts have asserted themselves by the use of "affirmative orders," which not only prescribe future conduct, but require highly detailed agendas for affirmative action by the defendant—be he a private citizen or a governmental agency—to undo the wrong previously committed. Certainly few would disagree, including my colleague from California, that the power to enjoin illegal or unconstitutional actions is properly and necessarily within the judicial purview, as is the authority to prescribe general remedies. But by going beyond that point and assuming responsibility to specify and administer detailed affirmative policies, the courts are in danger of becoming bogged down in a "political thicket of policymaking" that in the long-run will only jeopardize their position of objective detachment and impartiality—a necessary requisite of public confidence and support.

Congressman Wiggins is especially concerned, as we all should be, that in taking on this authority, the courts are depriving the people of powers and responsibilities which are rightfully theirs. He reminds us that, according to the basic principles of democracy, "decisions involving policy matters should be made by a democratically selected political body directly answerable to the people" and that recent judicial activism "is inconsistent with tradition and represents a dangerous shift of power from the people, acting through their elected representatives, to judges answerable only to their conscience." His final warning is a warning to everyone, including the courts:

> If the people should lose confidence in the ability of the courts to discharge their functions with justice, objectivity, and traditional restraint, the people may exercise that authority which is ultimately theirs in a manner which could upset a balance in governmental power which was struck two centuries ago and which is worth preserving.

A PLEA FOR JUDICIAL RESTRAINT

(By Hon. Charles E. Wiggins)

In this special report I wish to focus attention upon the changing role of the courts as one of the co-equal and coordinate branches of government.

We all recall from our early civics classes that the genius of the American political experiment fashioned in Philadelphia in 1789 was the fragmented nature of the government which was proposed. The framers of our Constitution divided political power between the federal and state governments, and within the federal structure, a further division was established so that the executive, legislative, and judicial branches each exercised a check and balance against the others.

Without question, this fragmentation of governmental authority was a deliberate act by our founding fathers and was intended by them to preserve to a maximum extent an individual's freedom from the only creature capable of taking it away: an irresponsible government.

We were told that these political innovations were fundamental to our form of government and not susceptible of change save by the will of the people themselves; but these great principles which once provided us with a sense of security and comfort can no longer be viewed as immutable. The states are rapidly becoming merely administrative appendages of the federal government, the executive branch has dominated the legislative, and now the judiciary is assuming an activist role in shaping national policy.

"Checks and balances" is rapidly becoming a slogan without meaning or substance. To the extent that this carefully structured system is being eroded, individual freedom itself may be in jeopardy.

It is surely obvious to all that there is an uneasiness which pervades this land concerning the recent activities of the judicial branch of government. Perhaps the word "uneasiness" is not fully descriptive of the public attitudes which are developing and which must be of concern to all thoughtful citizens. "Disrespect and distrust" may be more appropriate.

At the outset, it is well to bear in mind the historic function of the courts. Simply stated, courts exist to provide a forum for the fair and peaceful resolution of private wrongs. To illustrate: a private wrong might include a typical automobile accident case or a land dispute or a divorce. The essence of the litigation is a private controversy between identifiable litigants disputing a transaction or event which affects them. A public wrong, on the other hand, affects all of society, such as widespread hunger or illiteracy.

Traditionally, courts have confined themselves to the resolution of private wrongs and have left to legislative bodies the duties of defining a public wrong and providing a redress for it. This is as it should be, since public wrongs do not lend themselves to judicial solutions. The reason for this is the limitation upon a court's fact-finding processes and the essentially political nature of public wrongs and remedies. Private litigants presumably know and can inform the court of all of the facts which bear upon their claim, but public questions involve policy considerations, national goals, geographic differences, and spending priorities. Only a broadly based representative body can bring the collective judgment and experience to bear upon these factors in order to place them into focus.

Perhaps more fundamentally, decisions involving policy matters should be made by a democratically selected political body directly answerable to the people.

Quite properly, the courts have played a role in limiting excesses in the exercise of legislative and executive power. But they have done so within the context of private litigation and have carefully avoided challenging governmental policy, as distinguished from constitutional power to act.

The traditional role of the courts, however, is changing. More and more, pioneering judges are entertaining litigation which is aimed at asserted public wrongs. If a legislature should frustrate the wishes of a class of citizens by rejecting their claims, the courts are being asked to fashion a remedy. This judicial activism is inconsistent with tradition and represents a dangerous shift of power from the people, acting through their elected representatives, to judges answerable only to their conscience. It is a trend which is bad for the courts and worse for the country.

If the people should lose confidence in the ability of the courts to discharge their functions with justice, objectivity, and traditional restraint, the people may exercise that authority which is ultimately theirs in a manner which could upset a balance in governmental power which was struck two centuries ago and which is worth preserving.

Crusading judges should ponder the obvious truth expressed by the late Justice Frankfurter:

"The Court's authority—possessed of neither the purse nor the sword—ultimately rests on sustained public confidence in its moral sanctity. Such feeling must be nourished by the Court's complete detachment—in fact and in appearance—from political entanglements and by abstention from injecting itself into the clash of political forces in political settlements."

Within recent years, Mr. Justice Frankfurter was the most consistent advocate of judicial restraint. It has been the failure of courts at all levels to heed his advice that is the core of the problem.

All too frequently, decisions are rendered for no other reason than that the judges disagree with the legislature on matters of policy. The judgment may be couched in language challenging the constitutionality of an enactment, but the real complaint is that the legislative enactment is simply unwise. A classic illustration of judicial activism of this sort was the recent decision of the California Supreme Court declaring the death penalty to be "cruel or unusual punishment" contrary to the California Construction. There is absolutely no doubt that the death penalty was not intended to be unconstitutional by the drafters of the California Constitution or by the people who ratified it. The judges of the California Supreme Court simply decided that the original wisdom of the people was no longer valid.

The late Justice Stone, who served for sixteen years with distinction as a member of the United States Supreme Court, expressed the following view, which apparently was not appealing to the California justices:

"The power of the courts to declare a statute unconstitutional is subject to two guiding principles of decision which ought never to be absent from judicial consciousness. One is that courts are concerned only with the power to enact statutes, not with their wisdom. The other is that, while unconstitutional exercise of power by the Executive and Legislative branches of government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self restraint. For the removal of unwise laws from the statute books appeal lies not to the courts but to the ballot and to the processes of democratic government."

Another area in which courts are asserting themselves with disturbing frequency involves the use of "affirmative orders." To illustrate the problem, if an individual is pursuing a course of conduct which is legally wrong and which harms another, the injured party wants the conduct stopped, ncw and in the future. Courts possess the power in appropriate cases to grant such relief by issuing an injunction, or order, prohibiting future conduct. "Affirmative orders," however, go one step further. Not only is future conduct proscribed, the court requires affirmative action designed to undo the wrong previously committed.

All well and good—in some cases—but when the wrongdoer is a governmental agency, the requirement that it undertake a specific course of future conduct transfers governmental decision-making from the legislative to the judicial branch.

This technique has been employed extensively in the school desegregation cases. Schools are not only being ordered to stop acts and policies which tend to discriminate against racial minorities (a wholly proper requirement), but also are being affirmatively directed with regard to a wide range of future school policies—the location of district boundaries, the sites for specific schools, the racial composition of faculty and students within each school, the transportation of students by racial quotas to particular schools, the propriety of textual materials, test techniques, etc., etc.

These are areas which courts should shun, since the effect of these orders requires a diversion of funds to comply with them. It is no proper business of courts to choose between the expenditure of public funds for school buses or remedial reading materials, for instance. Nor is the court the proper unit of government to determine that tax funds should be channeled into education, rather than for national defense purposes or programs to protect our environment. But that is the effect of many of these affirmative orders issued by over-zealous judges.

In my opinion, it is not necessary, in order to halt illegal government action, that courts involve themselves in the political thicket of policy-making.

I should not be understood as damning all affirmative orders issued against governmental agencies. Proper cases for such a remedy obviously exist. I plead only for restraint. The alternatives are not pleasant to contemplate: continued erosion of public respect for the judiciary and the risk of repressive laws, which, under other circumstances, would not be seriously considered.

An orderly society cannot exist without the agency of a respected judiciary. It would be to further the cause of true justice and to re-establish a balance between the judiciary and the other branches of government if judicial activism were tempered by self-restraint and discretion, the foundation upon which continued national respect for the court's authority largely depends.

ELDERLY NEEDS LOW-RENT HOUSING

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. RAILSBACK. Mr. Speaker, over the past several months many constituents have contacted me about the need for funding of low-rent public housing for the elderly. This body shares their concern and must make every effort to see that the Federal Government fulfills its obligations to the millions of families whose incomes are too low to be able to afford decent housing.

As we consider appropriations for the Department of Housing and Urban Development, I wish to express my concern over the withholding by the administration of funds already appropriated by the Congress for low-rent public housing and urge reconsideration of that action.

According to the National Association of Housing and Redevelopment officials, whose statistics were based on the total number of approved applications for construction starts and ones that are pending or have been denied, the demand for low-rent public housing is somewhere between one-half and 1 million additional units. Of the total, approximately 40 percent of the units can be expected to be for housing senior citizens. As urban deterioration continues, the needs will continue to rise sharply.

A goal of 795,000 units for public housing for fiscal years 1969–73 was set by HUD in 1968 but to date only 395,000 have been started through fiscal year 1972 with 90,000 units scheduled for fiscal 1973. Thus, we will have fallen 310,000 unts or 40 percent short of the original goal. In addition an original HUD goal of 200,000 new public housing units per year has now been lowered to 100,000 units per year.

Since 1937 when the low-rent housing program was initiated, the Congress has authorized $1.5 billion to build low-rent units. Of this amount, the Government has expended approximately 93 percent of the money authorized for the program. According to the latest figures I have, however, only 67 percent of available contract authority money for new low-rent public housing will be used in fiscal year 1972 and that $130 million in available authority is being withheld. This $130 million would have resulted in approximately 80,000 new units being developed.

A review of HUD's proposed budget reveals that only 65 percent of available contract authority will be used in fiscal year 1973 and at least $97 million in available authority will be withheld. The projected withholding for fiscal year 1973 would result in 60,000 new units. This is based on the appropriation figure of $150 million for contract authority contained in today's bill.

No administration in recent years, regardless of party, has been immune to the practice of withholding or delaying the release of moneys until an opportune time. The procedure is presently being used in several other programs in addition to the low-rent public housing, including the water and sewer grant programs of Agriculture and HUD and the highway program of the Transportation Department. In many instances, the reasons involve complex questions of financial administration and broad economic objectives with which I can agree. But because I believe adequate housing—especially for the elderly—is one of the country's most critical needs, I call upon the administration to order the release of the funds for the low-rent public housing purpose for which they were intended.

THE DAILY, HUMAN AGONY OF WAR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. STOKES. Mr. Speaker, the recent escalation of the war in Indochina means continued, escalated human suffering. I have received thousands of letters calling for a halt to this senseless conflict. One of the recent letters eloquently expresses the human cost of the war. It states, simply and directly, the reasons why we must end the conflict. Here and in Southeast Asia people are suffering and dying needlessly.

Mr. Speaker, I call upon my colleagues to read the letter which I insert here, and to search their consciences for the strength to end this suffering.

CLEVELAND, OHIO.

Congressman LOUIS STOKES,
Cleveland, Ohio

DEAR CONGRESSMAN STOKES: I know that you detest this war. But you can't realize the hurt I feel after three days since my brother, Lt. j.g. Clemie McKinney was reported missing somewhere in a place that I can't even pronounce. You can't imagine the pain our mother is suffering after we have struggled, as poor people like we are must, to eduate him, to prepare him to live, only to have him risk and maybe give his life so needlessly to save face in a war that this nation can only lose face in.

If your voice can be raised louder, if your influence can be used more forcefully, bring our brothers, sons, and husbands home now!

There are people in B-52's!

There are people in F-4 Phantoms!

There are people under the bombs!

There are people on both sides of the guns.

This letter may have been his last request of me. I pray that it reaches a place that can help him or at least someone like him.

Sincerely,

FREDDIE L. POLLARD.

A TEXAS STRIKE

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. GONZALEZ. Mr. Speaker, for about 3 weeks, employees of the Farah Manufacturing Co. have been on strike in various Texas locations. I do not know the details on each side of this dispute, and can only hope that the issues will soon be settled. The strike, however, is a classic example of how Texas labor law frequently exacerbates disputes and works to raise needless tensions and render far more difficult the process of reaching a reasonable and just settlement.

Last week, for example, 177 persons were arrested in El Paso, Tex., for violating the Texas law against mass picketing. Under that law, it is illegal to have more than one or two pickets in front of a given plant entrance, and even those pickets must remain a considerable distance apart. In effect, this law makes it illegal for a Texas labor organization to conduct anything more than a sort of half-hearted informational picketing operation. The people who were arrested in El Paso last week have been released on bond, which was set at $400 a person. Despite the fact that none of these people has been jailed, all of those arrested will certainly be embittered by the experience, especially as there appears to be no claim that they were doing anything other than peacefully carrying out the kind of activity that is legal almost everywhere else and under almost any normal circumstance. Under the Texas statute, I suppose that the people who protested against the Stamp Act could have been arrested and charged with violating strictures against mass picketing.

The Texas laws also make it illegal to have a closed shop contract. This sort of statute makes it very difficult to maintain a union, even if one is organized. I can remember very well that before this law passed in Texas, all of the major garment makers in San Antonio were unionized; since then I believe every union contract in the city's garment industry has expired, and no plant remains effectively organized.

Aside from the illegality of a closed shop contract, Texas laws do not allow a dues checkoff, which makes it doubly difficult to maintain a union once it is organized. Texas up until very recently did not even have a minimum wage law, and its industrial safety code was distinguished mostly by its complete absence.

All of this has made Texas labor relations among the most primitive in the country. Texas still has the bitter kind of strife that the rest of the Nation has largely forgotten.

I believe that if the Texas labor code were modernized, if the repressive State laws were abandoned or at the very least modernized, it would be possible to avoid much conflict. Certainly a great deal of the conflict that exists in the State today is needlessly complicated by the existence of statutes that serve no real purpose, and which in the long run only serve to damage the interests of both industry and labor.

It has been the State's reluctance to act that has been responsible for many needless arrests and harrassments, and responsible for so much simple harassment, that has more and more led to Federal legislation and control. Perhaps that is the answer. Certainly, enforcing antiquated and patently unjust statutes is no way to obtain strike settlements, but it is a sure way to guarantee a bitterness that will only harden the way to settlements, whether it be the Farah dispute or any one of so many others that have taken place over the years.

A related article follows:

[From the Wall Street Journal, May 22, 1972]

FARAH OPERATING LOSS OF $1.2 MILLION POSTED FOR APRIL 30 QUARTER

EL PASO, TEXAS.—Farah Manufacturing Co. said it had an operating loss of $1.2 million in the second quarter, ended April 30, compared with net income of $1.7 million, or 31 cents a share, in the like period last year.

In the latest quarter there was a $248,000 special credit, resulting from a write-down of the prior year's royalty accrual, which narrowed Farah's net loss for the period to $942,000. Sales were up slightly to $44.2 million from $42.6 million.

For the fiscal first six months the company had an operating loss of $2.7 million, compared with net income of $3.3 million, or 60 cents a share, in the 1971 first half. The same $248,000 special credit brought the net loss for the latest half down to $2.4 million. Sales rose to $78.2 million from $73.4 million.

The company didn't give reasons for the loss. But it did say it expects results in coming periods to be hurt by a continuing strike at its El Paso and San Antonio operations. According to Farah, "The disruption of the company's business is of uncertain duration. The effect it will have on results cannot yet be measured, but it will have a severe effect on earnings. There have been no interruptions of deliveries to customers."

The strike, effecting 12% of the slacks maker's 9,500 workers, is 19 days old. Farah said that "about one-third of those who walked out have been replaced. There appears to be sufficient number of applicants to replace all of them when and as needed." Warrants for the arrest of 177 picketing Farah employes were issued in a local justice of the peace court. The workers were charged with violation of a city ordinance prohibiting mass picketing.

Sheriff Mike Sullivan Jr. of El Paso said that as of late last Thursday over 150 of the people named in the misdemeanor warrants had voluntarily been booked and had bond set at the county jail. "I expect that the rest of them will be in soon," said the sheriff. "Bond of $400 has been set and has been paid by the Amalgamated Clothing Workers of America for each person charged," he added.

A sergeant in the jail division of the sheriff's department said yesterday that "roughly 205 to 210" picketing Farah employes had been booked and released.

Antonio Sanchez, a spokesman for the union, said the workers are "only exercising their constitutional rights and trying to establish decent wages and conditions," including recognition by Farah of Amalgamated as their union.

The Amalgamated Clothing Workers said it plans to picket stores carrying Farah slacks in cities throughout the country. And the representative of the El Paso local of the Teamsters union said the Teamsters would honor the picket lines at Farah plants.

CONGRESSIONAL ATTENDANCE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. BURKE of Florida. Mr. Speaker, the attention of the public is being spotlighted on attendance on rollcall voting in congressional sessions. Senator MARGARET CHASE SMITH's bill, Senate Joint Resolution 20, to amend the Constitution by requiring 60 percent attendance by Members of Congress at all sessions, and similar legislation introduced in the House, has made the American people conscious of the Members' attendance in the Congress. This is a good thing. The American people have a right to expect that their elected representatives will attend congressional sessions and vote regularly as possible.

However, not too many of our citizens are aware of the complexity of the job of their Congressman or of the Senators. Sometimes conflict arises between two equally important functions. The importance of each duty must then be weighed by the Member with the benefit or detriment to his or her home district, and he must then choose which is the more important. No matter which alternative is picked, the Representative might be criticized, although both might be functions of his position.

Surveys show that the average Congressman spends approximately 60 hours a week at his job when the Congress is in session. This is average and some Congressmen spend much more time, although others spend less. I feel that the average tips in favor of the greater. This is 20 hours more per week than most Americans spend on their jobs. An average Congressman's workweek breaks down approximately as follows:

Fifteen hours on the House floor; 7 hours on legislative research and reading; 7 hours in committee; 7 or more hours in answering mail; 5 hours in handling constituent problems in Washington; 4 hours on committee work outside of committee; 2½ hours with various individuals or groups that visit; and 2 hours on miscellaneous work.

In addition, the average Congressman spends about 6 days per month in his district even during times when the Congress is in session.

The crux of the problem is that America has changed a great deal since 1789. The change in the workload of the Congressman has been most dramatic since World War I. Before World War I, Congress was in session usually only 6 to 8 weeks each year. However, since World War I, and especially since the late 1920's, the myriad of problems faced by the Nation has forced the Congress into longer and longer sessions. Today, Congress is in almost continuous session from January to December.

Many of the activities of Members of Congress are traditional but many others have been acquired. They range from the most elementary to the most sophisticated; from sending baby books to young mothers; responding to quorum and rollcalls; obtaining tours of the Capitol; answering letters on any and all subjects; writing legislation; testifying before committees; and attendance and the participation in floor debate on legislation directly affecting those whom they represent. True, many in the Senate, in this Presidential election year, have been remiss in attendance for rollcalls.

However, the situation in the House of Representatives is much different from that in the Senate. Most House Members have attained good attendance records despite the many demands on their time. My own attendance record was 94 percent for the first session of the 92d Congress despite the fact that I was ill for 14 days. My attendance has been 96 percent overall since I came to Congress in January 1967. Nevertheless we should not underrate the requirement of being called upon to be in two places at the same time. Thus the opportunity of having a perfect score is not good. In fact it is unfair to use this score to judge the responsibility of a Member of Congress because his legislative duties fairly require more than attendance on the House floor.

During the first session of the 92d Congress from January 21, 1971, to December 17, 1971, there were 472 recorded votes in the House, 152 quorum calls, 212 yea-and-nays votes, and 108 recorded teller votes.

But there are many kinds of votes also. There are voice votes, division votes, teller votes, and yea-and-nay votes. Of these only the recorded teller votes and the yea-and-nay votes are recorded. The other recorded procedure is the quorum call. For the House to conduct business 218 Congressmen must be present, and for the Senate to conduct business 51 Senators must be present. If there is an insufficient number the Chamber must recess. I know but one instance since I have been a Member that the House could not muster a quorum.

Because the House is in full year session my personal schedule as Congressman must generally be set up 6 months in advance and this is subject to cancellation due to legislative business scheduled in conflict thereof. This creates a problem, both to the Members of Congress and to organizations which asked the Congressman to address them. Frankly, until internal procedures are established, which will allow Members to be notified in advance of the days when there will be votes, this conflict of duty will not be diminished. Legislative business on the House floor is presently announced only 1 week prior to the consideration of the legislation.

A constitutional amendment to my mind is not necessary to call attention to the attendance problem of some Members in the Congress. The problem is an administrative problem and one that should be worked out by the respective leadership of both the House and Senate. There always will be a few individuals who will not by design or otherwise fail to serve their constituency by voting regularly. However, I think it is time that the public become aware that the large majority of Members of Congress are diligent and responsible individuals, who work hard to fulfill their assigned roles as members of their respective bodies and to the best of their ability do a conscientious job.

THE GREAT FRANKFURTER HOAX

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. BRASCO. Mr. Speaker, this begins a series of articles aimed at alerting American consumers to the inferior content of many popular food items.

Consider the American hotdog, beloved of America in song, story, and digestion for decades. Alas, it has fallen upon hard times, indeed, mainly because the Federal agencies in charge of overseeing how it is produced have decided to put private interest ahead of public safety.

Once in the long ago of the Great Depression, the hotdog was a feast. Today it has become close to a public health menace. Yet nowadays, because the cost of most meats have joined our satellites in orbit, millions of unsuspecting American families consider it a staple of their diet. If they knew what really goes into the average frankfurter, their indigestion would only be matched by their indignation.

Consider the following tidbits of information. Consumers Union, the most respected organization of its kind, observes that frankfurters are being padded with such nutritious items as excess fat and water. Almost all franks contain approximately 30 percent pure fat.

Many franks, again according to Consumers Union, are contaminated by bacteria, preserved with chemicals that may lead to cancer, and are only 60 percent as nutritious as their depression counterpart.

A recent study by the General Accounting Office revealed that the Food and Drug Administration, charged with enforcement of food preparation and inspection legislation, is not doing its proper job. Its shortages of qualified inspectors allow most food preparation plants to operate on the edges of the law with impunity.

Consumers Union further reports that the protein content of frankfurters has fallen from 19.6 percent in 1937 to 11.7 percent today.

All 32 brands tested contained "a compound of either nitrate or nitrite as an additive." Chemical and bacterial action turns the nitrates in meat to nitrites. Nitrites can be highly toxic.

About 5 grams of sodium nitrite is lethal for an adult, according to U.S. Department of Agriculture standards. An adult eating two hot dogs would ingest about 0.02 grams of nitrite. By itself, such a dose poses no danger. A child, however, has less tolerance to nitrites, and accordingly, its safety margin is appreciably lower.

Dr. Charles Edwards, Commissioner of the Food and Drug Administration, has said that nitrites may be a factor in development of cancer in people. Consumers Union suggests that FDA act swiftly to ban nitrites.

The hot dog is also found guilty of other charges by this same survey. Among them are the following:

Forty percent of tested samples had begun to spoil. Almost 19 percent of the samples had evidence of insect and rodent contamination.

As the protein level of franks has fallen, the fat level in them has risen.

Of 32 brands examined, 12 proved to contain water content beyond the 10 percent maximum established by the Department of Agriculture. Yet the Department seems loathe to enforce the laws forbidding such violations. This scandal, for such it is, highlights the sorry state of Federal food inspection, particularly in respect to meat.

The 1967 Wholesome Meat Act was designed to close the loopholes through which plants processing meat for intrastate use and sale was often laxly inspected. Under the act, States are permitted to retain inspection control for intrastate plants, which sell products only within borders of their States. But this would be only as long as the State inspection system is equal to that of the Federal Government. Otherwise the Department of Agriculture must take over a State's intrastate inspection.

Many State-operated inspection programs are inferior to the Federal program, although the Agriculture Department has given them "equal to" ratings. Accusations have been leveled that State programs fall short because of low pay for inspectors, political interference by State officials, aging plants, and inadequate funds.

Last summer we had the great botulism scare in soup episode, plus mercury in swordfish, and PCB chemicals in poultry. These were not rare happenings. Rather, they were just spectacular occurrences of widespread and longstanding problems.

What it all boils down to is that the food we eat is less often inspected than we would like it to be—that the Federal Government is not enforcing pure food and drug laws as we somehow believe it is doing on our behalf—and that in some instances, such as in the frankfurter, industry has been allowed to take great liberties with contents of such products at the expense of public health.

So we can temporarily look askance at the good old American hot dog. Once a staple of the American family diet, it has now been brought into doubt and question. What price digestion?

Simultaneously, it is only fair for us to ask why a product as basic as this is far less nutritious and safe than it was in 1937. And why the Department of Agriculture and the Food and Drug Administration, charged with responsibility for this product, should have done so lax a job. And why the public has to learn by exposé.

Finally, it is evident that even though most people believe that in some way the Government protects them from such a situation, this in fact is not true.

Hot dogs, anyone?

JOEL LAFAYETTE FLETCHER

HON. PATRICK T. CAFFERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. CAFFERY. Mr. Speaker, with the passing of Joel Lafayette Fletcher, the Nation has lost one of its most respected educators, and the thousands of students whose lives he touched have lost an old and dear friend.

Joel Fletcher served on the faculty of the University of Southwestern Louisiana from 1920 to 1940 and as president of that university from 1941 until his retirement in 1966.

He shepherded Southwestern's growth from a small rural college into the great, vibrant university which today bears everywhere the marks of his gentle and scholarly influence.

In the sterling qualities of his life he stood as one of the finest men Louisiana has ever produced. Honor. Diligence. Truth. Tolerance. Courage. These were the words which guided his life and to which he held with quiet and unswerving devotion. But he did more. He gave these words new meaning, and through him they became living thought and unselfish action.

In his early service as president, higher education in Louisiana was at a premium. In the 1930's and 1940's the struggling economy of the largely rural, greatly impoverished South gave little encouragement to many young men and women who looked to the halls of higher learning, and the families who could afford to send a son or daughter to college were few.

Joel Fletcher said: Send them to Southwestern. We will find a way.

He found a way. He put them to work. The small college operated its own farm and produced its own milk and butter and cheese and vegetables that were served on the table. The boys worked in the fields and milked cows and raised crops. The girls worked in the offices and held the jobs they could. The students operated the laundry and worked whenever and wherever they were able—to buy, through their work, their own learning.

After the second war, with the return of the veterans and the beginning of the building of south Louisiana as a petrochemical giant, the economy prospered and a thriving people now gratefully sent their sons and daughters to Southwestern by the thousands, and looked to Joel Fletcher for leadership in the academic excellence he never failed to provide.

His counsel was always spare but strong. I remember in 1953 when I was beset as student body president by the weights and woes of my administration which seemed then so serious and large, I turned to President Fletcher for advice. He gave me no advice. He simply looked at me and said smilingly:

> Heavy is the head that wears the crown.

I worked out whatever problem it was. He had driven home his lesson in a dramatic way.

It is said he would never permit a student to resign without a personal interview to discover why. If it were for financial reasons, he would try to find work, or a loan. If a personal or an academic problem seemed to loom as a barrier, more often than not he would ferret it out and seek a solution with the understanding guidance which was his hallmark.

The intellect and compassion of this rare man drew no lines on things such as poverty or wealth or color, and perhaps one of the most brave pages in the unstinting annals of his life has never been generally known. It made no headlines. There were no stories. No camera crews. No interviews. But the fact is that at a time when in many regions racial integration occurred only with violent upheaval and dislocation, Southwestern's doors in the early 1950's quietly opened to the blacks. His handling of this social transition stands today as a model of leadership. Although his words were never recorded I believe he must have simply said:

> You are welcome here. Enter into these doors the young minds of every race, creed and color who thirst for knowledge, and we shall share with you the books and pencils and paper of a new tomorrow. You who have shared with us your sweat in the sugar cane fields in the wet, black soil to the south and the red clay cotton fields to the north, come, it is time. Share with us your minds, for we shall be together the inheritors of a sweet land.

There was no trouble. There were no riots or disturbances or parades with confetti. It was done, and the pages of history closed and moved on, without a word.

The other night while returning to Louisiana for the weekend I met my friend Willis Ducrest on the plane. He is the able head of the Southwestern music department. He told of how, on the night of Mr. Fletcher's death, word was received at the university shortly before a choral concert that the beloved former president had fallen. Professor Ducrest told a stunned audience the sad news but said:

> If he were here, President Fletcher would want us to sing and be happy.

I know the clear voices of Louisiana's sons and daughters rang in special tribute that night, to the memory of a man whose worth was as large as the

love and gratitude we all feel toward him.

It is with sadness that Louisiana says goodbye to a man who was great and good.

"ON REASON AND THE OPEN SOCIETY"

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. BOLLING. Mr. Speaker, a wise and timely conversation with an eminent thinker, Sir Karl Popper, appears in the British publication, Encounter, of May 1972. It follows:

ON REASON AND THE OPEN SOCIETY—A CONVERSATION

Q.—You are primarily a philosopher, but can you tell us a little about your "political" biography?

POPPER. I became a Marxist in about 1915, when I was thirteen years old, and an anti-Marxist in 1919, shortly before my seventeenth birthday. I remained a socialist until I was thirty, although I began to doubt more and more whether freedom and socialism are compatible.

The incident that turned me into an anti-Marxist was of crucial importance. It occurred in my native Vienna. Shooting broke out during a demonstration by young unarmed Socialist and Communist workers, and several of the youngsters were killed. I was horrified and indignant at the police, but also at myself because I felt that, as a Marxist, I bore part of the responsibility—at least in principle—for the tragedy. Marxist theory demands that the class struggle be sharpened and intensified. It asserts that an intensification of the class struggle speeds our approach to socialism and that, although revolution may claim some victims, capitalism daily claims more victims than the whole socialist revolution would ever do.

That was the Marxist analysis. I now asked myself whether we could ever rationally defend such a calculation. I began to read Marx critically, and I discovered what scant foundation there was for the Marxist beliefs in the historical inevitability of the coming of socialism, the prevalence of a malignant social system, and in such notions as that of so-called *Spätkapitalismus*.

What really exists is people, their joys and sorrows. I was, and I still am, an individualist in the sense that I realised that what mattered was that justice should prevail between individuals, and that concepts such as Mankind—let alone Class—are abstractions, perhaps important in some theoretical context, but sometimes exceedingly dangerous. What are we to say, for instance, of those Marxists who are prepared to sacrifice concrete individuals for the sake of an abstract Humanity—who believe that the worse human beings fare, the better it is for the inevitable Social Revolution, and thus for Mankind? Of course there are conflicts of interest in society, but it is extremely doubtful whether the intensification of these conflicts would lead to a better society or to a worse one (such as, for example, a fascist society).

My critical attitude towards Marxism did not, at first, shake my socialist convictions in the least. To me, socialism was an ethical postulate—nothing more or less than the idea of justice. A social order which managed to combine abject poverty and great affluence struck me as both inequitable and intolerable. However, my growing realisation that institutionalised socialism renders the state too unwieldly and bureaucrats too powerful *vis-a-vis* citizens prompted me to abandon my youthful convictions. I have never regained my belief in the compatibility of socialism and freedom. I have become convinced, moreover, that every simple formula is misleading. If "socialism" means "the socialisation or nationalisation of the means of production", then it is clear that this is not a remedy for all social evils, but rather—and this is most important—a threat to the freedom of the individual.

Q. But still, politics of another sort changed your life.

POPPER. At the age of twenty-eight I was appointed as a teacher at a secondary school in Vienna. I had written a great deal in the interim, but had published virtually nothing. Encouraged by friends, I now wrote two books. The second of these, published in 1934 under the title *Logik der Forschung*, propelled me, almost against my intentions, into academic life. Austria at that time was ruled by a fascist dictatorship, and I realised that Hitler would soon invade the country and make it part of Germany. Being of Jewish descent, I decided to emigrate. My book brought me an invitation to give lectures in England, and on Christmas Eve, 1936, I was offered an appointment as a University lecturer in New Zealand. It was there, in March 1938, that I learned of Hitler's entry into Austria and decided to publish my two critiques of Fascism and Marxism, *The Open Society and Its Enemies* and *The Poverty of Historicism*. In the spring of 1945 I was offered a post in England, and left New Zealand. I taught at London University from 1946 to 1969 with intermediate spells as a Visiting Professor in America and, for brief periods, in Austria, Japan and Australia. I retired—if that is the right word—three years ago, but I am now working harder than ever.

Q—How, and where, during these travels did you come to a new view of society?

POPPER. I first visited England in the years 1935–6. Coming from Austria, which, while governed by a comparatively mild dictatorship, was menaced by its National Socialist neighbours, I now found that I could at last breathe freely. It was as if the windows had been flung open. The term "open society" (which, as I later found, had been used by Bergson in a different sense) derives from this experience.

What do I regard as the characteristic features of an open society? I would quote two. First, that free debate and especially debate about the wisdom or otherwise of governmental decisions, should be possible within a society and should exert an influence on politics; and, secondly, that institutions should exist for the protection of freedom and the protection of the poor and the weak.

To take the second point first, the state protects its citizens from physical violence by means of legal and social institutions, and can also shield them from abuse by economic force. This is already happening, and it is susceptible to improvement. We must, in fact, construct social institutions which protect the economically weak against the economically ruthless. Political power can control economic power. Marxists underrate the potential of politics and, in particular, of what they disparagingly term "formal freedom."

I, therefore, stress the central role of political institutions in social reform. It is far less important who governs than how governments are influenced and controlled. The old question "Who should rule?", which was regarded as being the central question of political theory from Plato to Marx, is wrongly put. This brings me back to my earlier point, namely, the major significance of public debate. The United States is the most important of those countries which possess a relatively open social order; all the rest are dependent on its fate. Little more than a century has passed since the emancipation of America's Negro slaves, since the conclusion of almost five years of Civil War between North and South. It was a terrible national crisis; a crisis of conscience. Now the United States is, once again, going through a terrible crisis of conscience with regard to the Negro problem and simultaneously with regard to Viet Nam.

This clearly shows us what is most relevant to the openness of a society: freedom of speech and the existence of an influential opposition. America's major newspapers and the most influential television commentators are sharply critical of government policy. The opposition calls for the withdrawal of American forces from Viet Nam; and the Government has indeed accepted this as its programme at the prompting of the opposition. We encounter here a unique occurrence which would be inconceivable save in an open society; after a war lasting for years, the Government concedes, under the pressure of public debate, that the war was a grievous mistake and should be terminated as soon as possible.

I would not, of course, want to represent American democracy as an ideal. Far too many crimes and acts of violence take place in America. Furthermore the country seems to have changed with remarkable speed since the assassination of President Kennedy. Before that, the mood was one of hope, and of confidence in America's moral superiority. Now, the country is in the throes of a spiritual depression which has been deepened still further by the murders of Martin Luther King and Robert Kennedy and by the war in Viet Nam. The Americans are no longer certain that their country and form of government are the best. These acts of violence may, in part, be a consequence of some American frontier traditions, but they are not a consequence of the form of government or of a so-called authoritarian system. Life styles and convictions do, in fact, change very rapidly in America: open societies are not very stable, precisely because they are exposed to critical discussion. Dictatorships are more stable, and are utopias, which are always represented as static.

Q.—You say the state can protect its citizens from economic violence, by means of political institutions. It certainly could do so—but Marxists argue that these same institutions are manned by the ruling groups and therefore become ineffective.

POPPER. I think this is a gross exaggeration. Every institution in a democracy is manned by different groups—often opposed—at different moments of time. That much is obvious. But the idea that institutions in a democracy are, so to speak, permanently controlled by the bourgeoisie is simply a version of the Marxist myth of class dictatorship: that every state is a dictatorial state and that so-called "formal democracy" is nothing more than a class dictatorship. To repeat, I regard that as a fantasy.

Q.—But isn't that evidence of at least elements of class dictatorship when, as in the West German Republic, 70% of newly created private wealth accrues to the smallest group of "self-employed" persons whereas the seven times larger group of employees is fobbed off with the remaining 30%? When the tax system one-sidedly favours a small section of society? When owners of capital continue to amass wealth without personal effort while most employees are compelled to expend their entire income and can therefore never become owners of capital themselves?

POPPER. You are posing several questions at once. The word "class" can have many misleading connotations. Marxists claim that all democracies are disguised class dictatorships, but this misleading assertion has little to do with the existence of wide variations in wealth. One can, for example, conceive of a free society which grants equal opportunities to all—all enjoy the same education, and death duties distribute all wealth equally—but which nonetheless exhibits great contrasts in newly-created wealth. Provided there is no poverty, this can scarcely be accounted an evil: large fortunes are almost entirely invested and make it possible to innovate. The same kind of society might also contain extremes of poverty and wealth. And while I should regard this as a great evil, rich and poor would not constitute *classes* in the Marxist sense.

But your remark was aimed at the West German Republic, which you reproached for great inequality in the distribution of newly-created wealth. This proves little about its class character and nothing about a class dictatorship. You also assert that the tax system one-sidedly favours a small section of society. If that be so, democracy has a *remedy* of a sort which can be observed in the British and even in the American systems of taxation. Marx believed that a progressive system of income tax was incompatible with "capitalism", but in Great Britain, a very large part of the national income goes to the state in the form of taxes: income tax, corporation tax, and indirect taxes. (Besides, there are nationalised industries.) But the burden of taxation can become so great that the entire economy—including the lowest-paid—suffers in consequence.

This demonstrates the untenability of the Marxist doctrine that all democracies are disguised dictatorships. And although it may be possible to speak of "elements of class dictatorship," as you did, one may claim with equally strong arguments that the various democracies embody differing degrees of approximation to a classless society.

Q.—Don't you believe that the formally democratic political structure must be based on democracy and equality in the economic sphere before it can become fully alive?

POPPER. Allow me to restate your question in a slightly more primitive form. "Is the co-existence of wealth and poverty an intolerable social evil?" My answer is, yes, poverty is a great evil and becomes still more iniquitous when it coexists with great wealth. More important than the contrast between poverty and wealth, however, is the contrast between freedom and its absence—the contrast between a new class, a new ruling dictatorship, and citizens in disfavour who are banished to concentration camps or elsewhere.

Thus I regard the possibility of free rational discussion and the influence of such critical discussion upon politics as the greatest virtue of a democracy. This places me in diametrical opposition to those who believe in force or violence, particularly to the Fascists and to some adherents of the New Left. Similarly, I am opposed to those revolutionary Marxists or neo-Marxists who assert that there is no such thing as an "objective" discussion: before engaging in a debate with someone they have to be certain that he shares the revolutionary Marxist approach to society—in other words, that he radically rejects the so-called capitalist society of today. This precludes any serious discussion of central problems.

Fascist anti-intellectuals and these revolutionary Marxists are, thus, agreed that one cannot and should not debate with an opponent. Both groups reject all critical discussion of their own standpoints.

But consider what this rejection means. It implies that, once in power, one suppresses all opposition. It implies a rejection of the open society, a rejection of freedom, and an adoption of a philosophy of coercion.

Being influenced by such considerations, Marxists and neo-Marxists are blind to the achievements of democracy, which alone permits them to disseminate their ideas without persecution. Their theory teaches them that political liberties are worthless, or almost so, because they are no more than a cover for a sinister dictatorship.

But this is wholly unrealistic, as one can see from the fact that the recent revival of Marxist ideology has occurred in all the open societies of the West. Democracies are always open to ideas, especially dissenting ideas. Far from being disguised dictatorships, these democracies are always prepared to doubt themselves: they know perfectly well that much is not as it should be. Only in an open society do ideas have a chance to prevail, and Marxists, who believe that democracies are merely disguised dictatorships, fail to see that all dictatorships, whether of the Right or Left, are fundamentally similar to each other, and dissimilar to democracies.

All this stems from false theories which are liable to blind us to the importance of the critical battle of ideas, to intellectual debate.

Q.—Your "open society" presupposes a pluralism of forces and universal equality of opportunity which is embodied in the constitutions of the Western democracies. But it does not necessarily form part of political reality. Do you believe that the "open society" already exists, or has it still to be built?

POPPER. I believe it to be both a reality and an ideal. There are, of course, various degrees of openness. In one democracy, society may be more mature, evolved, and open than in another. How good or bad it is will depend on several factors: on its prior history, its traditions, its political institutions, its educational methods and, finally, on the human beings who alone can bring these institutions to life. I would suggest that a fairly sharp distinction should be drawn between democracies and dictatorships. People live in a democracy if institutions exist which enable them to oust their government without using violent means; in other words, without shooting it down. That is the characteristic of a democracy. Even in a democracy, however, the road to a widely open and pluralist society may remain a long one. It is a gradual process; and it is always in danger of a setback.

Q.—Do you believe, then, in the fundamental power of reason?

POPPER. I do not, of course, believe that an attitude of reasonableness is easy to adopt, or that all human beings are consistently rational: they are only rarely so. Nor do I believe in the "force" of reason or the "power" of reason. Rather, I believe that we have a choice between reason and force. I further believe that reason is the sole alternative to the use of violence; and I regard as criminal the use of force or violence where it could be avoided.

But Marxists nowadays do not believe in reason because they think that all arguments merely conceal or "rationalize" social interests. It is, of course, true that interests—and economic interests in particular—play a major role in politics. It is equally clear, however, that a role is played by very different factors, such as the wish to be just and equitable.

Because it is based on an extremely shrewd speculative theory, Marxist practice is not quite as anti-intellectual as Fascist practice, but it only too often amounts to the same thing: it is, in effect, anti-intellectualistic and irrational, despite its dependence on a somewhat over-intellectualistic and dialectical theory.

Violence embroils one ever more deeply in violence. Violent revolutions kill off revolutionaries and vitiate their ideals. The sole survivors are those who specialize most efficiently in survival.

One certain result of a Revolution of the Left would be the loss of the freedom to criticize and oppose. (Whether the resulting dictatorship is of the Right or Left, reactionary or radical, depends partly on chance, and is often only a difference in nomenclature.) I claim that only a democracy, an open society, gives us a chance to remedy evils. If we destroy a democratic social order by a violent revolution we not only incur responsibility for the heavy casualties that a revolution inflicts but we are also likely to establish a new social order in which it will be impossible to struggle to abolish social evils, injustice, and oppression. As a believer in individual freedom, I am second to none in my detestation of bureaucratic powers and official arrogance. But government is a necessary evil. Total absence of government is an impossibility, and —another regrettable truth—the more people, the more government. Humanity can be very easily destroyed by violence in our time. What is required is that we work for a more sensible society in which our basic conflicts are resolved in an increasingly rational manner.

I said "more sensible". There are, in fact, no sensible societies, but there is always one which, being a little more sensible than the existing one, we should aspire to. That is a realistic demand and not one which is utopian.

Q.—In your "Logic of Scientific Discovery" (1959) and in "Conjectures and Refutations" (1963) you developed a scientific-theoretical approach which has been called "critical rationalism." Another name you give to your views is "fallibilism." Can you explain these ideas?

POPPER. Socrates remarked in his wonderful *Apology:* "I know that I know nothing, and scarcely that—yet the Delphic oracle describes me as the wisest of men." After some reflection, Socrates hit upon the following solution: "I am aware of my ignorance. Perhaps it is this awareness of my limitations which makes me a little wiser than the others, who do not even know that they know nothing." Socrates also said that a politician or a statesman should be wise. What he meant was, a politician ought to be even more aware of his ignorance because a heavy responsibility rests on him. This responsibility should lead him to an understanding of his limitations and so to intellectual modesty.

I agree with Socrates, and this is the point at which I can best formulate my basic quarrel with modern Marxists. Modern Marxists believe that they know a great deal. They are wholly lacking in intellectual modesty. They flaunt a little knowledge in an oversized terminology.

My reproach does not apply to Marx or Engels. They were formidable and original thinkers who did have new ideas, many of which were not easy to formulate. The man who has something fresh and important to say is concerned to be understood. He will attack the utmost value to writing as simply and comprehensively as he can, though he may not succeed. Difficult language is the easiest thing in the world to write. What I dislike most in contemporary Marxist intellectuals is their love for the big word, their parade of learning in highly pretentious verbiage. Nothing could be further from their minds than intellectual modesty. They take their cue from Hegel, not from Socrates or from Kant. I believe, like Socrates, that we know little or next to nothing. Our ignorance is vast. But that is clearly not all: we cannot, of course, overlook the existence of the natural sciences and their brilliant successes. Yet when we examine these sciences somewhat more closely we discover that they consist not of positive or certain knowledge, but of bold hypotheses which are continuously improved—or even eliminated altogether—by rigorous criticism. This produces a gradual approximation to the truth. We have, then, no positive or certain knowledge. But there is such a thing as hypothetical or conjectural knowledge.

Above all, there is scientific progress. In critically discussing our hypotheses, we always evaluate them from a definite aspect—we favour those which strike us as a closer approximation to the truth, those which can better withstand our efforts at refutation. Thus there is no point of rest in science, no point at which we can say: "Now at last we have got hold of the truth!" There are only daring hypothetical theories which we endeavour to critcise and to replace by better ones. The more scientific revolutions the better—that is the rule of science. So the Marxian battle-cry—"permanent revolution"—has at least this validity.

Q.—So you are, at least in this sense, a revolutionary?

Popper. I have been charged with inconsistency on the grounds that my revolutionary theory of science ought logically to turn me into a political revolutionary. But this is a grave misconception. Radicalism in the theoretical and moral domains—the bold theoretical devising of new revolutionary theories and the subversive critical overthrow of theories old and new—is just what may enable us to avoid all acts of violence in the political domain. To illustrate my thesis more clearly, permit me to compare the struggle for existence in the animal and plant worlds with the "struggle for existence" of our hypotheses.

Plants and animals throw up changes or mutations, and those rare mutations that facilitate better adaptation to the conditions of life are those likely to resist elimination by natural selection. Less well-adapted mutations are eliminated by the extinction of the plants and animals which are the carriers of such bad mutations: they either fail to survive, or produce so few offspring that they ultimately die out. A hypothesis may be compared with a mutation. Instead of producing new mutations, human beings sometimes advance new hypotheses or theories. If they are uncritical, those who support ill-adapted or bad hypotheses are eliminated.

But rational critical discussion enables us to eliminate bad hypotheses and to dismiss them as erroneous without exterminating their authors or proponents. That is the major achievement of the critical method. It enables us to recognise the falsity of hypotheses and to condemn them—without condemning those who support them.

Critical debate is a method which permits our hypotheses to die for us—whereas the uncritical method of the fanatic demands that we testify as martyrs to our hypotheses: if they are faulty, we perish with them. Rigorous criticism, revision, and re-examination of our hypotheses can thus replace the violence of the struggle for existence. In the same way, a revolutionary change in our ideas, theories, or hypotheses can deputise for the violent revolutions which have claimed so many human lives.

It is interesting that I should recently have been labelled a "positivist" in Germany by my Marxist opponents, obviously people who don't quite understand what they are talking about. Positivists are philosophers who oppose speculative theories: they try to adhere as closely as possible to what is "given" or can be perceived. But I try to teach: "be bold in advancing speculative hypotheses but merciless in criticising and reexamining them thereafter."

Q.—You call for revolution in science and thought—but not in practice. You also say that science itself can never provide certain knowledge, only hypotheses which have not—for the moment—been refuted. How does that look from the point of view of social problems?

Popper. Very similar. We also have ideas and theories in the social sphere. We are deeply indebted to revolutionary social ideas. We evolve theories for the elimination of social ills, try to work out their consequences critically, and then assess our theories accordingly.

Q.—But what do "social ills" mean in this context? Surely, social defects of this type can only be measured against conceptions of value. How can one prove which of these values are correct and which are not?

Popper. One cannot, any more than one can prove anything in the natural sciences. But one can discuss the question, and compare various social attitudes and their real effects. In the last analysis the adoption or repudiation of a social value is a matter for decision.

Q.—So one can't ultimately prove one's social or political axioms—only make a personal decision for or against them! Then your idea of the "open society" is founded on a basic decision of this sort, namely, a decision in favour of rationality?

Popper. Rationalism esteems argument, theory, and empirical examination. But one can't justify one's decision in favour of rationalism by recourse to argument and experience. Although even this problem is open to debate, it ultimately demands from us a human decision—some decision in favour of faith in reason and the value of human lives. This decision in favour of reason is moral and not simply intellectual. It influences our entire attitude to other people and the problems of social life. Closely connected with it is a faith in the rational unity of man, in the value of every human being. Rationalism lends itself better to association with a humanitarian approach than does irrationalism, with its doctrine of the chosen elite. Individual human beings are unequal in many respects, of course; but this does not militate against the claim for equal treatment and equal rights. "Equality before the law" is not a fact but a political demand based on a moral decision. Superiority creates duties rather than rights.

Faith in reason—the other man's reason included—implies the idea of impartiality and tolerance, and includes the rejection of all claims to authority.

Q.—In conclusion, a question of principle: do you regard revolution, or the forcible imposition of that which is held to be better, as altogether unthinkable?

Popper. We must distinguish between revolution against a democracy (including the kind which Marxists call "purely formal") and revolution against a real dictatorship. This, although a legitimate revolution, regrettably seldom succeeds in eliminating it. What is more, the word "revolution" can signify non-violent upheavals as well as violent ones. Marxism has left this ambiguity open; but the historical consequence of violent upheaval has often proved to be a dictatorship. Thus it was with the English revolution of the 17th century, which led to Cromwell's dictatorship; with the French revolution, which led to Robespierre and Napoleon; and with the Russian revolution, which led to Stalin. Violent revolutions which succeed in realising their aims are rare: the American revolution is perhaps the one great exception, but even some of its ideas have been doubtful blessings. I greatly admire, as I made very clear in my *Open Society*, the ideas which inspired the French in 1789 and I am aware of our indebtedness to them. But revolutionary ideas and their supporters are almost invariably destroyed by the revolution itself. Non-violent changes are altogether different. They enable us to watch for the unintended and undesirable consequences of our social policies and to modify their effects in good time when they become manifest. They thus create an atmosphere in which pertinent public criticism of existing social institutions need not be forcibly suppressed, and a social framework which affords human scope for humane reforms.

TRIBUTE TO WILLIAM C. DENNIS

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. HILLIS. Mr. Speaker, today I would like to take a moment to pay tribute to the father of one of our Members. The late William C. Dennis, father of Congressman David W. Dennis, has recently been chosen to join the ranks of illustrious names in the Indiana Academy.

The academy was organized near the close of 1970 to pay tribute to the men and women of Indiana's past and present who made outstanding contributions to society.

The following is a brief biography of William Dennis which was published in last Sunday's Indianapolis Star:

William C. Dennis

Born Dec. 22, 1878, at Richmond; died Sept. 14, 1962, at Richmond. He was president of Earlham College from 1929 to 1946 and won international recognition as an attorney. He received preparatory education in Germany and Scotland before being graduated from Earlham and Harvard University. He was admitted to the bar in 1902 but served as a professor at the University of Illinois, Stanford, Columbia and George Washington universities. Beginning in 1906 he also was an assistant solicitor in the United States State Department. He was the U.S. agent in arbitration involving Venezuela and a steamship company in 1911 and took part in boundary disputes in South American countries in 1917. In 1918 he was legal adviser for the Chinese government at Peking. After retiring from Earlham, he practiced law at Richmond and also had a private practice in Washington, D.C. He was a Quaker by birth. He received honorary degrees from Indiana and DePauw universities, and served as vice-president of the American Society of International Law.

LENNA YOST

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, I should like to take this opportunity to pay a final tribute to a longtime and devoted friend of mine, Mrs. Lenna Yost, who died recently in Alexandria, Va.

Mrs. Yost was admired and loved by all who knew her, and I believe our colleagues as well as her many friends throughout the Nation will be interested in the article in the Washington Post concerning her many and varied political activities.

The article follows:

Lenna Yost, Prominent in GOP, Dies

Lenna Lowe Yost, a leader in the Republican Party as well as in the women's suffrage movement and the Women's Christian Temperance Union, died Friday at Jefferson Memorial Hospital in Alexandria. She was 94.

Mrs. Yost had lived at the Hermitage, a Methodist home in Alexandria, for the past 10 years.

Born in Marion County, W. Va., she headed the Women's Christian Temperance Union in West Virginia from 1908 until 1918. President Warren G. Harding appointed her U.S. representative to the International Congress Against Alcoholism in Lausanne, Switzerland, in 1921 and in Copenhagen in 1925.

Mrs. Yost was president of the West Virginia Suffrage Association from 1917 to 1919 and helped lead the fight for that state's ratification of the 19th Amendment.

After adoption of the Women's Suffrage Act, she organized the Republican Women of West Virginia and was the first woman to preside over a Republican state convention and the first woman to act as a counting teller during the Republican National Convention in Chicago in 1920.

Mrs. Yost was chairman of the platform committee at her state convention in 1922, was chairman of the executive committee of Republican Women of West Virginia in 1920–1922 and a member of the executive committee of the Republican National Committee from 1928 to 1932.

In 1930, she was named director of the women's division of the Republican National Committee.

She served as the first woman on the West Virginia state board of education from 1921 to 1933. She was also a trustee of her alma mater, West Virginia Wesleyan College.

Mrs. Yost backed laws for establishment of juvenile courts, child labor regulations, public library legislation and other similar reforms.

She worked for a federal prison for women, which eventually was located by Congress in Alderson, W. Va. She was the widow of Ellis A. Yost, a former member of the West Virginia legislature and chief examiner of the old Federal Radio Commission.

She is survived by a son, Leland L. Yost, of Alexandria, a granddaughter and four great-grandchildren.

VALUES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. ZWACH. Mr. Speaker, I talk so much about the joys and fulfillments of countryside living that some of my colleagues may think I am playing a broken record.

But I am not the only one who voices praise for countryside living.

With your permission, I would like to insert into the CONGRESSIONAL RECORD an editorial from the Madison Press in our Minnesota Sixth Congressional District which speaks eloquently of what we like to refer to as "the good life." The editorial follows:

VALUES

A lot of people living in our so-called sophisticated urban societies enjoy looking down their collective noses at their country-cousins. Many big city folks think that small town morals are so funny that laughter about them can often drown out the tinkling of glasses at a cocktail party, the cry of a neighbor being assaulted a few doors away or the peal of sirens answering a robbery call a few blocks away.

Cities are populated for the most part by strangers. Few people know much about their neighbors and could care less. This makes for an atmosphere of easy morality. This isn't true in small communities where everyone knows everyone else and who is getting into what kind of sin.

In our cities it would be easy to point an accusing finger at our institutions: the schools, the churches, and so forth and say, "they sure are falling down on the job."

It would be easy, but it would not be putting the blame where it belongs.

There are two primary areas of failure.

One is the family.

The old business of bending a twig in the right direction is still a pretty good rule of life to follow. Parents either do the job of providing their children with the fundamental principles of honesty, integrity, loyalty, and duty or the job doesn't get done. The traditional family circle has gone by the boards.

There is no such thing as instant morality. You can't buy a child a set of values to pack along with his or her clothes when they finally leave your bed and board. If they haven't found them in your own day-to-day living, they aren't going to come by them when they start rubbing shoulders with strangers.

The other aspect of this crisis concerns the community and community leaders.

There are far too many older people of influence around today who advocate an "anything goes" approach. They argue young people should be allowed to try anything once. They preach that experimenting is the way to live and that society's rules aren't important. They also argue that being poor and staying clean is just asking too much. To this group, doing an honest day's work for an honest day's pay is exacting too great a price and finally that loyalty to family, to friends, to employers, to the community, the state and the nation is questionable at best.

They take great delight in ridiculing anyone who dares suggest we return to some of our old-fashioned ways of living.

There was a lot of yesterday we don't need today but some of it was worth hanging on to.

Because we've failed to keep what should have been kept, we are going to pay the moral piper a higher and higher price as time goes by.

POINT OF VIEW ON THE BICENTENNIAL COMMISSION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. SCHWENGEL. Mr. Speaker, as has been indicated a number of times before, I have a real concern about the present, very apparent inadequacy of the Bicentennial Commission. I have written in some detail to Mr. Mahoney about these, but I shall not speak of them for the record until I have a chance to hear from Mr. Mahoney in response to some questions I am raising.

Mr. Speaker, however there is continuing evidence of concern among people who are interested in history. A recent example of this is an article by Louis Leonard Tucker, State historian of New York, entitled "A Point of View." This perceptive historian does have a point of view and I suggest its perusal by my colleagues and any and all who are interested in America doing what we could and should do to properly, thoroughly and adequately commemorate the bicentennial.

The article follows:

A POINT OF VIEW

During the past two years I have seen many documents which list "goals" for the American Revolution bicentennial. They really "cover the waterfront." They include such items as: alleviating air pollution, purifying our lakes and rivers, rehabilitating our cities, improving our transportation system, eliminating racism—and so on *ad infinitum*. Practically all of these goals come under the rubric of improving the quality of life.

There is one goal I have yet to see listed, and I find it to be a surprising omission: educating the American public on the "true" American Revolution. As a former teacher and a student of early American history, I submit that the general American public has a faulty knowledge of the critical Revolutionary era. Few have studied this period intensively. Most Americans have a thought structure which is saturated with myths about the Revolution. They regard this period of American history as Nathan Hale writ large. They have been victimized by the shoddy scholarship of the nineteenth century romantic nationalists who portrayed the Revolution as a simplistic saga of "good guys versus bad guys," of virtue triumphing over evil. Tom Paine's characterization of George III as the "Royal Brute" lives on in America.

Let's clean up our air and lakes and rivers. Let's rebuild our cities, develop rapid transit systems, abolish racism—and so on. But let's not forget the Revolution itself. Let's institute a massive educational program on the "true" history of the Revolution. Let's strip it of its myths. Is this not a laudable goal for the bicentennial? Would not the eradication of myth improve the quality of life in our nation?

LOUIS LEONARD TUCKER,
State Historian of New York.

PERFORMANCE OF F-111 IS PRAISED BY AN EXPERT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. FISHER. Mr. Speaker, the May 1972, issue of the Armed Forces Journal contains an article written by Benjamin F. Schemmer. The article, relating to the F-111 fighter-bomber, contains a fair and responsible appraisal of that plane.

The author was formerly connected with a competing manufacturer which failed to win the competition for the F-111. This adds to the objectivity. Typical of his attitude is his statement at the beginning of the article that—

> Had the aircraft I flew at Nellis AFB early in April been in Southeast Asia when North Vietnam poured through the DMZ on 31 March, Defense Secretary Melvin R. Laird might not have had to spend such long weekend hours in the National Military Command Center sweating out the biggest Vietnam crisis since Tet 1968.

That statement, and the whole article for that matter, confirms my own belief, and one shared by a rapidly growing number in the Congress, that whatever else may come about in our defense structure the F-111 production line must be kept going. It is the only aircraft of its kind in this country, or in the world.

The article in its three parts and the chart which accompanies it are as follows:

"I LIKE MY JOB": AN F-111 CREW SHOWS WHY

(By Benjamin F. Schemmer)

Had the aircraft I flew at Nellis AFB early in April been in Southeast Asia when North Vietnam poured through the DMZ on 31 March, Defense Secretary Melvin R. Laird might not have had to spend such long weekend hours in the National Military Command Center sweating out the biggest Vietnam crisis since Tet, 1968.

In the first three days of the North Vietnamese offensive, bad weather limited tactical air strike sorties to an average of only 23 a day near the DMZ, one-seventh the number of strikes flown daily as weather cleared on 3, 4, and 5 April and one twenty-third the daily attack sorties being flown in all of SVN as this issue went to press. From 31

March through 2 April, the only "all-weather" system that could put the heat on NVN troops heading for Hue, Dong Ha, and Quang Tri Province were a few Navy A-6s.

The airplane American taxpayers have spent a fortune building for just all-weather and night interdiction work—the F-111 wasn't there.

The plane turns out to be a fortune well spent, even in the view of one of its bitterest, most outspoken critics. Put the F-111 where the heat is and the odds of blunting another North Vietnamese invasion or avoiding another July 1950 Korean War near-disaster are bound to change in our favor. Put another way: if your son got tagged with flying a strike near Hanoi, you'd want him to make it in the plane Tactical Air Command let me fly three weeks ago.

It took about 2½ hours in the F-111 to understand why. Taking off with 32,500 lbs. of full internal fuel on full after-burner, Air Force Captain Joe Cabuk—an instructor pilot from the 442nd "Black Bat" Tactical Fighter (Training) Squadron—showed what the F-111 is all about as he eased into a 200-mile low-level ride on automatic terrain-following 500′ above Nevada's desert floor and headed North for the White Pine/Ruby Mountain range at about eight-tenths the speed of sound.

Somewhere in our side-by-side but crowded cockpit, a dial I couldn't find told him we were flying 812 feet-per-second—which may explain why F-111 crews worry more about bird strikes than they do the airplane not working. Birds don't focus very well on objects moving that fast. But if the terrain-following radar malfunctions, the F-111 automatically goes into a 3 "g" pull-up. Thus, chances of hitting a bird are better than hitting a mountain, even with hands-off flying.

The F-111's swing wing was swept about 45 degrees (versus 72½ degrees for take-off) —and the ride was smooth. Unbelievably smooth. Even as we started to climb up (and then nose over) the 10,000′ bumps that punctuate Nevada's desert southeast of the Bonneville salt flats. Turning northwest and then south over the Tonopah live firing range, Cabuk showed what the F-111 feels like at 200′ and "hard ride" (you just dive over the reverse slope of each crest a little faster)—still smooth.

Look out the cockpit, though, at the chase plane tucked in under your right wing and you see him bumping up and down like a nervous porpoise. Cabuk explains that we're riding the same way—you just don't feel it.

By now you've covered about 300 miles on the deck. Cabuk climbs to 37,000 feet, sweeps the wing to 16 degrees, lites the afterburner, and shows you what four "g" maneuvers at Mach 2.1 feel like. That F-111 you've heard criticized so much can maneuver. Cabuk tells you, "This equates to the best." Whatever it is he does to keep the aircraft from stalling, he does more smoothly than my secretary changes typewriter ribbons. "No big deal," Cabuk tells you; "It's just one more edge."

He tells our chase plane crew, Majors Jim Walbridge and W. S. Gustafson, to take the lead and lets you feel what it's like to fly formation, rolling and turning and God knows what else at 3-4 "g"s with the planes so close together a mid-air collision seems inevitable.

But Cabuk is relaxed—not careless, not flip, just sure of the plane he's driving and the training he's had in it. Enough to trust it with his life and train other TAC crews to trust it as well—all the way from 200 feet "hands-off" to 39,000 feet playing tag with another pilot who swears by the plane everyone was swearing at not long ago.

Talking with the TAC pilots and crews who fly and maintain the controversial TFX does a lot to soften the impact of years-long criticism of the plane's cost overruns, schedule slippages, and early, well-publicized performance problems. Flying with them, you end up damned glad that the Air Force and General Dynamics stuck by their guns and brought the F-111 into being. Doing so was no small miracle.

"Little Orphan Annie" was the most over-managed development program in American military history. Former Defense Secretary Robert McNamara insisted on acting personally as the plane's mid-wife. He barely escaped becoming an abortionist.

In the words of Sen. John L. McClellan (D-Ark), "The program was headed for disaster" when McNamara assumed personal management of it in August of 1966 under the code name Project Icarus. He "managed" the program "without advice and counsel" from the Service program managers. It was months before he let military experts even attend the Icarus meetings (and then only as "observers"). As Sen McClellan summed it up when he reported in December of 1970 on the "longest and most unpleasant inquiry ever conducted" by the Senate, the net effect of Project Icarus was "to waste the time of the contractors and the services' technical experts." Five months after McNamara took over as the F-111's mid-wife, McClellan noted, "the President of General Dynamics complained at an Icarus meeting that he did not have enough time between meetings to solve the problems of the airplanes."

McNamara was so frantic to get *some* plane that worked in order to blunt Congressional criticism of the program that he invented new versions of the aircraft—before its basic design was in workable shape—like an oversexed rabbit trying to re-populate the prairies. What started as a hairy-enough Air Force challenge to build a common F-111A for TAC and F-111B for the Navy soon became an engineering/production nightmare. In quick succession, ten different configurations were in work:

The Navy's F-111B (canceled by Congress in 1968 after seven aircraft were built at a cost of $378-million);

Four attack versions for Tactical Air Command: 141 F-111As, operational now in Nellis' 474th Tactical Fighter Wing; 94 F-111Es, with a new air inlet, now operational at Upper Heyford, England; 96 F-111Ds with an uprated engine and new avionics system, being delivered to the TAC wing at Cannon AFB; and the F-111F with the 35% higher-thrust, Pratt & Whitney P-100 engine and simplified avionics for TAC's wing at Mountain Home AFB.

A SAC version, the FB-111 (ordered first in December of 1965 as a 263-plane buy, but since cut to 76 aircraft);

A British version, the F-111K (50 were ordered in 1966 but canceled in 1968 after a cost of $27-million);

Two reconnaissance versions, the RF-111A and RF-111D (only one was built before the idea was scrapped after $118-million had been spent);

An Australian version, the F-111C (first ordered in October, 1963, the 24 aircraft buy was almost canceled: Australia announced last December that it would take delivery and its crews are now training at Nellis).

Ten configurations being designed—and in some cases, produced—concurrently makes for a bad case of indigestion. Somehow, the Air Force survived it. Even the earliest model, the F-111A1 flew at Nellis, is a helluva credit to the Air Force officers and civilians who, and the General Dynamics team which managed the program—under the handicap of what Sen. Henry M. Jackson (D-Wash) once called "shoddy leadership at the highest levels of government."

The crews like it as much as the pilots. I expected to find in the 100-odd F-111As at Nellis just about that many different configurations. Not so. Despite the rash of Pentagon-ordered "fixes" to get the F-111 airborne, Nellis' F-111As comprise only three different configurations, and the differences are so small you could probably call it two. (Nellis is now averaging about 30 flight hours a month on each of its F-111s.)

Ask Airman First Class Perry D. Norris of the 429th Tactical Fighter Squadron, our crew chief, what it's like to maintain Little Orphan Annie: "It's great."

"How long have you been in the Service?"

"A year and a half."

"Are you going to stay in?"

"Yes, Sir."

"Why?"

"I like my job."

You can't give an airplane a better compliment.

A COWARD AND BITTER CRITIC BECOMES A CONVERT

(By Benjamin F. Schemmer)

For some years, Armed Forces Journal was one of the F-111's more pejorative critics. Our views softened ten months ago when then Pentagon Editor George Weiss took a detailed look at the program, talked to the men who were flying it, and convinced the editors to run an article in July, "Turkey or Tiger? The F-111: The Swing-Wing May Surprise You Yet." At least one Journal staffer, its editor, was still skeptical; recently I asked the Air Force to let me talk with the crews at Nellis and then "show me."

Turning this critic into an F-111 believer has got to be one of the most ironic and remarkable about-faces the Air Force has brought about. For one thing, I'm a coward in an airplane. Not just a "white-knuckle" flyer, but—ever since a DC-8 caught fire over Chicago in 1962—what psychologists call a "phobic flyer," one of those nuts who clutches the arm rests in morbid anxiety when a 747 sashays gently into an easy three-degree bank.

For another thing, I was Chief of Customer Liaison (sales manager, if you will) for Boeing's Military Aircraft Systems Division during the TFX competition. After we won four successive source-selection board recommendations, but lost the contract, I became somewhat bitter. (In 1965, an assistant secretary of defense asked me during our first meeting—it turned out to be an interview leading to three years in the Pentagon—what I "really thought" of the TFX. I blurted out instinctively: "TFX stands for "Terrible ——— Experience" in my book; you made a horrible mistake, but we never challenged your privilege to make it.") My anti-F-111 bias grew as I watched dedicated and honest officers work night and day in the Pentagon inventing "good news" Mr. McNamara could take to Congress about the program when there really wasn't any. They were hard pressed enough getting airplanes built for Vietnam—and their words too often were twisted by others into testimony that, as one Senator remarked kindly, served only to "suppress the truth at all costs." (I remember screaming "Hooray!" one night when another assistant secretary called me about 10 p.m. in the final throes of the budget cycle and told me to "Get that paper canceling the F-111" up to his office "fast." He became slightly incoherent when I protested that he had the wrong guy on the phone and he found out that the right guy had already left. The paper, I was told, went up the next day—but never came out of McNamara's office.

From 1962 through 1970, I read so many lies about the TFX from Presidential appointees that the F-111 in my lexicon added up to nothing more than a sorry episode in Air Force history. Even when George Weiss talked with TAC crewmen last summer and found them uniformly enthusiastic about "Little Orphan Annie," doubts still lingered that it was a "put up" front to make the best of a program hopelessly screwed up at higher echelons.

All it took to turn a coward and a critic into a convert was a few hours at Nellis flying that airplane with the men who trust their lives to it every day. First flight I've *enjoyed* in ten years. Little Orphan Annie turns out to be a chapter American airmen should be intensely proud of.

About that 747 ride back to Washington: It was terrifying, as usual.

BUILT TO FIGHT

The Air Force knew years ago, when the first TFX models were getting their worst press, that the aircraft could probably break about five world's records in quick order and pull off a stunt or two bound to make some front page headlines. But the F–111 was built to fight, not "entertain".

It's not just a "great" airplane to ride over Nevada in. Everything it does contributes to combat capabilities TAC hasn't had before. In most fighters, low level flight is hard and brutal punishment on the pilot—like riding a bicycle over railroad ties. The F–111's high-speed, low-level agility and its unique suite of black boxes are going to save lives and let TAC "carry the mail" farther, more accurately, and safer if the aircraft ever has to deploy for the crunch for which it was designed.

Had the F–111 not suffered so many program delays from so much over-management, there might be far fewer American air crewmen on the POW/MIA rolls today.

ACCIDENTS AT 150,000 CUMULATIVE FLYING HOURS

	F–100	F–101	F–102	F–104	F–105	F–106	F–4B	A–7	F–111
Accidents	118	67	65	98	60	40	71	51	24
Destroyed	59	34	31	71	45	19	34	49	18
Fatal	11	12	9	27	12	7	17	8	9
First flight	5–53	9–54	10–53	2–54	10–55	12–56	5–58	9–65	12–64
150,000 hours	3–57	3–60	9–58	11–62	6–63	12–62	4–64	2–69	2–72

CREATIVE FARMING

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, I would like to call to the attention of my colleagues an article which was printed in the April/May issue of the American Farmer. The story of the Fritz Meyer family and their unique promotion of the fruits of their orchards is typical of the kind of hard work and creative thinking evident in American agriculture today. The Meyers will soon celebrate the 50th anniversary of the founding of their farm.

The article follows:

PUT SOME ZIP INTO YOUR FRUIT SALES

(By Herb Kinnear)

They dream and they innovate, but above all, they work. That describes the folks who make things hum at Waldo Orchards, known as the "Go Place" of Sheboygan County.

It's a family affair for Frederic "Fritz" Meyer, his wife, Lola, and sons, Jeff, 16, and Tim, 15, at their Waldo Orchards located on Highway 28 west of Waldo, Wisconsin. In 1973 they will celebrate the family's Golden Anniversary in the fruit-growing business.

"We were born into the business," Fritz explains. The Meyers are helping carry on an "orcharding" tradition established in 1923 by Fritz's father, the late Arno Meyer, former president of the Wisconsin State Horticultural Society.

On their 110 acres, they have 75 acres of orchard, including 4 acres in pick-your-own cherries and 2 acres of Bartlett pears. The remainder of the orchard is in apples.

One of the big promotional items of this Wisconsin Farm Bureau member family is a 9-foot red apple made of fibre glass. It's much in demand for display at such spots as shopping centers, fairs and parades. Some of the Meyers' other promotional ideas are displayed in the pictures on this page.

These charter members of the Wisconsin Roadside Marketing Association appear frequently on TV and have an orchard movie which receives widespread showing.

One of their unique products is known as an "Apple Lick!"—frozen cider on a stick. This is one of the countless items sold at their on-the-farm country store featuring homemade apple jelly, plum jam, carmel apples and a host of other delicacies and curios.

The Meyers from their "Go Place" of Sheboygan County continuously preach the "Goodness of Apples" in countless ways. And, if the old adage, "an apple a day keeps the doctor away" is true, the Fritz Meyers and their converts will surely live forever.

NATE ROBERTSON—AN HONOR RICHLY DESERVED

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. McDADE. Mr. Speaker, on September 14, 1970, it was my great privilege to bring to the attention of this House the memorable appearance of the Boys' Clubs of Scranton, Pa. at the White House for the President's reception for Congress.

I pointed out at that time not only the excellence of the Gleeboys, as they are called, but their great popularity nationally. I am sure that some of my colleagues at that time took a good look at the Boys' Clubs in their own congressional districts and must have asked themselves: Who is it who has done such outstanding work in promoting such outstandingly worthwhile enterprises like these Boys' Clubs?

Mr. Speaker, the work of nurturing these fine organizations is done by a group of outstanding Americans, distinguished citizens who give their time, their devotion, and their contributions to make the Boys' Clubs of America the outstanding institutions they have become.

One such outstanding man, Nathaniel G. Robertson, Jr., has just been honored for his more than 50 years of unusually devoted service to the Boys' Club of Scranton, and has been awarded the national silver medallion by the Boys' Clubs of America.

For more than half a century, Nate Robertson has served the boys in northeastern Pennsylvania. He has worked on the camp, finance, personnel, program, and property committees. He has been chairman of the camp, finance, and property committees. He has served as president of the Boys' Club. And throughout all these years, his wise and often humorous counsel has been an inspiration to the successive executive directors of the Boys' Club.

This has not been his whole life. In fact, during the years he was devoting so much time to the work of the Boys' Club, he served also as secretary, vice president, president, and board chairman of the Scranton Lace Co. He served also as a director of Scranton's Northeastern National Bank, and as a director of the Virginia Coal and Iron Co.

We often wonder how we can crowd into the limited time at our disposal all the things which must be done. From those early days in his life when he served as a first lieutenant pilot in the aviation section of the U.S. Signal Corps in Europe, Nate Robertson has given all of us the model of how a man can have an overwhelmingly successful career in business, while also giving a portion of his life to the service of the young boys in America.

I know all of my colleagues here in the House will join me in offering our own warmest congratulations to Nate Robertson on the occasion of his receiving this award. By the work of such men will the lives of the young of our Nation always be made richer.

A NATIONAL COMMISSION ON MULTIPLE SCLEROSIS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. HORTON. Mr. Speaker, I have today sponsored legislation to give added impetus to the fight against multiple sclerosis, the disease known as the "great crippler of young adults."

This legislation, authored by our colleague from Massachusetts. Mrs. HECKLER, would create a National Commission on Multiple Sclerosis. The Commission would be charged with making a thorough study of current research in the field of multiple sclerosis to determine the most productive avenues of approach toward finding causes, cures and treatments for MS. The Commission would have 1 year in which to complete its investigation and report back to the President and Congress its recommendations for needed legislation, funding levels, and means by which the Federal Government can best participate in this effort.

Mr. Speaker, there is reason to hope that a concerted and coordinated attack against multiple sclerosis at this time may produce profound results. I commend Mrs. HECHLER for developing legislation that will give new momentum and direction to the fight against MS, and it is a privilege for me to add my support to this effort.

TRIBUTE TO JOHN PARKINSON, JR.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. ANDERSON of California. Mr. Speaker, on June 23, 1972, the many friends of John Parkinson, Jr., will honor him for his years of service and dedication as assistant general manager of the Los Angeles Harbor Department.

A native Californian, born in Palo Alto, John is a veteran of half a century of experience in steamship operation and transportation; first with Norton Lilly and Co., and later with Pope and Talbot, Inc. Mr. Parkinson also served with the U.S. Engineers during World War II.

Drawing upon his experience and knowledge in the field of maritime affairs, Mr. Parkinson joined the Los Angeles Harbor Department on April 25, 1955. He started as traffic manager, but two years later, on August 1, 1957, he was appointed assistant general manager.

A member of the World Trade and Harbor Affairs Committees of the Los Angeles Chamber of Commerce, John has been on Trade Missions to both the Far East and Europe.

As a founder of the Foreign Trade Association of southern California, he has served as director, secretary, and vice president of the Los Angeles Transportation Club. Mr. Parkinson is a former member of the Department of Commerce Export Expansion Council, and presently serves as a member of the Mayor's Council for International Visitors.

Active in community affairs, he served as harbor district chairman for the Boy Scouts of America in 1964, and has been a member of the Los Angeles Council Executive Board since that time. In 1967, he was awarded the Order of Merit by the Harbor District, and in 1970 he received the Silver Beaver from the Los Angeles Boy Scout Council.

As a resident of San Pedro, Calif., Mr. Parkinson has involved himself in activities designed to improve the area, and the business fraternity. He served as a member of the board of directors, vice president, and in 1969–70, president of the San Pedro Chamber of Commerce. He was also president of the Propeller Club of Los Angeles-Long Beach, 1969–1970, and a member of the board of directors of the Pacific Coast Association of Port Authorities. In 1970, Mr. Parkinson was the recipient of the World Trade Week Bronze Plaque.

In 1968, he received the Award of Merit from the Catholic Maritime Clubs, where he served as president for 3 years, and a member of the board of directors for 5 years.

Last year, he was elected executive vice president of the Pacific Coast Association of Port Authorities, a position he will continue in after his retirement from the Los Angeles Harbor Department.

Mr. Parkinson is a member of the San Pedro Lodge 966, B.P.O.E., and the Stanford Alumni Association.

He and his wife, Margaret, are the parents of a daughter, Cynthia.

Mr. Speaker, I am pleased to take this opportunity to pay tribute to John Parkinson, and to the many outstanding contributions that he has made to the "Cargo Capital of the West," the Port of Los Angeles; to his community; and to his State. It is the personal dedication of those connected with the harbor, exemplified by John Parkinson, that has made the port the thriving enterprise that she is today.

So, to John Parkinson, the retiring assistant general manager of the Los Angeles Harbor Department, in behalf of all who appreciate the devotion and the expertise that he has brought to his position, I say, "Thanks, John," for a job well done.

SUPPORT OF PRESIDENT'S VIETNAM POLICY BY WORLD ANTI-COMMUNIST LEAGUE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. DERWINSKI. Mr. Speaker, it is important to note that throughout the free world strong support has been expressed on President Nixon's determination to see that the open North Vietnamese invasion of South Vietnam does not succeed and that true peace and freedom can be established in Southeast Asia.

A very significant statement in support of President Nixon's Vietnam policy was issued by Dr. Ku Cheng-kang, honorary chairman of the World Anti-Communist League, in Taipei on May 10, 1972, which I insert into the RECORD at this point:

STATEMENT BY WACL HONORARY CHAIRMAN DR. KU CHENG-KANG ON PRESIDENT NIXON'S VIETNAM POLICY

As the war in Vietnam is entering a crucial and decisive stage, President Nixon of the United States has resolutely moved to mine the entrances to North Vietnamese harbors so as to keep external military supplies from reaching the Hanoi regime by sea. This action, the like of which should have been taken long ago, will certainly exert a tremendous influence in checking Vietnamese Communist aggression.

The future of the Vietnam War will decide not just the fate of the Vietnamese. It is inseparably related to the security of the Asian and Pacific region and the entire world as well as the destiny of free mankind as a whole. For this reason, all the free peoples should not only support President Nixon's move but, more importantly, also positively unite all the free nations in a policy to uphold the independence and freedom for the Republic of Vietnam. In particular, we earnestly hope that Asia's free nations will take joint actions to protect and preserve their common security.

PELHAM PARKWAY HOUSES

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. SCHEUER. Mr. Speaker, since the maintenance and improvement of public housing is such a crucial need in our urban society, I thought my colleagues would be interested in seeing this report of mine on improvements recently made at Pelham Parkway Houses in the Bronx:

DEAR FRIENDS: I am happy to be able to report to you on the results of several meetings with the New York City Housing Authority concerning the problems of Pelham Parkway Houses.

Several months ago I met with several of the residents of Pelham Parkway Houses including Selma Messinger, Financial Secretary; Paula Katz, Liaison-Tenants-Management Housing Authority; Santina Alberti, Treasurer; Fay DeMaio; Marilyn Salberg, past vice-president of Pelham Parkway Tenants Council and Mr. Holmes, the current Vice-President, to discuss some matters of concern to you.

After this meeting, I called Simeon Golar, Commissioner of the Housing Authority, and requested a meeting with him and his administrative staff.

On December 20, 1971, I met with Maye Shaw and five residents of Pelham Parkway Houses, and Commissioners Golar, Fried, and Gomez, Chief Daley, head of the Housing Authority Police, and several other relevant department heads. Marcus Levy, General Manager of the Housing Authority, chaired the meeting. We discussed several problems, including the improvement of wiring, an increase in police patrols and better maintenance. At the end of the meeting, the Housing Authority agreed to study the problems and meet with us again after my return from Russia.

At the second meeting, on March 10, 1972, after much discussion, the Housing Authority agreed to take the following steps:

1. Provide a scooter for patrols at Pelham Parkway Houses, giving more range and flexibility to the police and allowing quicker responses. This will be available as soon as the training of the officers is completed;
2. To add another maintenance man for the next six months, with the possibility of making him permanent;
3. Improve the outdoor lighting system during the summer;
4. Increase the lighting by the elevators (this has already been done as a result of the meeting);
5. Consider adding police protection from 12 A.M. to 8 A.M. in addition to the current 8 A.M. to midnight patrols;
6. Install a shower on the children's playground by July 1st;
7. Install new 14 cubic foot refrigerators for 5 room apartments now, rather than in several years, with an additional charge;
8. To study the costs of increased wiring to allow for air-conditioning and greater use of modern appliances.

I was told that the existing apartment entrance lock is a very durable, dead-bolt lock and that although the Housing Authority does not encourage tenants to install their own second locks, no tenant will be evicted for installing such a lock. However, it must be remembered that the tenant will bear any cost (generally no more than $5.00 for a brass plate when the lock is removed) rather than impose this expense on the Authority.

I was also told that an intercom system can be installed at a cost of $2.85 per month, per tenant.

Commissioner Fried told me that the Housing Authority is committed to keeping Pelham Parkway Houses a middle income project.

If I can be of any assistance to you, please do not hesitate to let me know.

Yours,

JAMES M. SCHEUER,
Member of Congress.

SUPPORT FOR PRESIDENT'S DECISIVE RESPONSE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. BOB WILSON. Mr. Speaker, in the past week, I have received many letters and wires expressing support for the President's decisive response to the current North Vietnamese offensive in the South, but few are as poignant as the words of a young man stationed at Phu Bai, recently published in the Salt Lake Tribune. With the current hue and cry of the antiwar protestors, we must not lose sight of the most important people in the present controversy—our remaining troops stationed in South Vietnam. Their welfare is uppermost in the President's mind and I am certain the strong support of the men in the field is very meaningful to the President. I am pleased to share Mike Sweeney's letter with my House colleagues:

LETTER FROM VIETNAM

Editor, Tribune: What with all the outcries and demonstrations being created in respect to President Nixon's current decision concerning Vietnam, you might be interested in a May 2 expression contained in a letter from one of our Utah boys, my son, Mike, who is stationed at Phu Bai, South Vietnam, which is several miles south of Hue and is our northernmost outpost. Mike wrote in part:

"I want to say how I feel and maybe 85 to 95 percent of the guys over here think about the reaction to the bombing of the North.

"Most of us feel if President Nixon hadn't had the guts to bomb the North there would have been some very sorry parents of all the soldiers who would have died. He really did save our lives. As you can see, the North, even with bombing, is doing a good job of cutting up the South, and they could have done a better and faster job if it weren't for the bombing. That is our only protection.

"But the attitude of some American students and people is there are no American brothers, sons, etc., over here and it is unjustified for us to bomb . . . Bunk. It wasn't Nixon or the South that invaded the North. I wonder what they would say if the police (example) would come busting into their homes? Would they fight back? I'll bet they would. The South isn't using other countries to station its troops in while they're trying to overthrow governments and kill civilians so that it can raid the North.

"The sad part about this mess is you can't really feel or know what's going on because the American press has a slanted viewpoint about this place. They're trying to sensationalize the things that happen.

"You tell me if we're not doing the right thing. Why don't those so-called 'know it alls stop the bombers' ask my Mama-san why the NVA killed her husband and baby? Why have they killed so many civilians since they came to the South to take over and free the people? Maybe freedom of a life not to live on this planet is the freedom they are giving them.

"The point is, if South Vietnam falls, will North Vietnam withdraw its troops from Cambodia, Laos and Thailand? Or do the American people care if these countries have thousands of people killed? Well this one does. If staying in Nam and stopping the North from taking over the South will help, which it will, I would stay. But the bombing of the North's supplies will do more good than my staying, so I can't see stopping the bombing. I would hate to see Thailand fall or any of the other countries. But it could happen.

"This place is a mess. Politics have screwed everything up. Don't get me wrong. I think this war should have never happened, and if we had had leaders with some insight, we would have never let this happen. But this is neither here nor there."

Mike had a low draft number and has completed about 10 months of his tour in Vietnam. He is married and is a recent graduate of Westminster College.

JACK SWEENEY.

NEW CITIZENS OF AMERICA

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. MINISH. Mr. Speaker, on Thursday, May 4, 1972, a most moving ceremony was held at Germantown Academy at Germantown, Pa., at which the students of grades 9, 10, and 11, were present when a number of people formally became American citizens.

A more meaningful ceremony can scarcely be imagined and the remarks of Mr. Edward J. Peszek, the famous Pennsylvanian industrialist and principal speaker of the day, so aptly describe the profound nature of American citizenship, that I include them in full at this point in the RECORD:

New citizens, young citizens of Germantown Academy, and the rest of us experienced citizens, our new citizens have come from 15 different countries. How fortunate we all are that our honored guests chose freely to join us as citizens of the United States. We are also fortunate that they will share with us their experience, their knowledge and their culture.

We often hear the term "cultural exchange." This ceremony is an example of the ultimate in culture exchange—it is truly a marriage of cultures.

Less than 200 years ago all the people who lived here were English subjects.

America is the land of the immigrant. Only the Indian is native here.

We all are familiar with the melting pot theory, where all immigrants were to completely forget the land of their origin and become a homogenized whole.

In this great age in which we are living, many former beliefs and theories are being reassessed. So too the melting pot theory. Many now are viewing the diversity of the American people and the realization of their identity as a mosaic, where differences in harmony produce beauty and strength.

For example, to obtain added strength and durability for a building, the use of pure cement is not sufficient—sand, pebbles and steel reinforcing bars must be added—or—to obtain steel with unusual properties, more than pure iron is needed. Carbon-manganese-nickel, and other elements are needed, so we see differences in harmony creating greater strength and versatility.

It seems to me that America's diversity of its people is not a weakness, rather a latent and secret strength.

James A. Michener points out in his book *Quality of Life:* "The United States has the oldest government in the world without a basic change in its system". Yes, it's also older without change than the governments of England, Sweden or Switzerland.

One of the principal reasons for the long life of our system of government is that it can change by amendment its *own* constitution by its *own* people.

America is like the Mississippi River, the Father of Waters, which is composed of the Ohio River, the Missouri River, the Illinois River, the Kentucky River, the Tennessee River and others all joining together to become the mighty Mississippi, forever one and inseparably flowing on together. This has been the history of the American people because, no matter how varied the contributions, they all merge into the American mainstream of life.

We have a right to be proud of our tributaries from which we flow into the American mainstream of life. Our principal duty to the Republic however, is to concern ourselves not so much from where our ancestors came, but how our children and our grandchildren can all go surging forward together as Americans.

You have indicated by your presence, that it is a high privilege to be an American citizen. I assure you, as an American, it is an equal privilege for us to welcome you.

RELIGIOUS LEADERS' STATEMENT WELCOMING THE REPORT OF THE PRESIDENT'S COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. DU PONT. Mr. Speaker, I am happy to place in the RECORD today the statement of 18 religious leaders of every denomination concerning the recent report of the President's Commission on Population Growth.

I concur with this statement and commend the individuals for their leaderships in this vital area.

The statement follows:

As individuals concerned with the religious life of this nation, we welcome the report of the President's Commission on Population Growth and the American Future as an important contribution to the search for solutions to the growing ecological crisis facing all nations today.

We regret the immediate condemnation of the report by some on doctrinal grounds, because of specific recommendations such as those on abortion law reform or wider access to contraception. Perhaps none of us may agree with all the recommendations in the report, for they deal with complex issues of ethics, cultural and religious attitudes, and public policy which cannot be lightly resolved. Controversy over these points should not be allowed to obscure the need for discussion of the Commission's call for a national population goal and policy.

We call on the President and other national leaders to give this report serious consideration and to publicly encourage other Americans to do the same. Only thus, in a pluralistic society, can a national population policy emerge consistent with moral principles, social justice, and democratic ideals, and sufficient to meet a crisis which threatens the well-being of people everywhere and of generations to come.

SIGNING THE STATEMENT*

Dr. Cynthia Wedel, President, National Council of Churches.

Mrs. David M. Levitt, President, National Federation of Temple Sisterhoods.

Mr. John Coventry Smith, an American President of the World Council of Churches.

Rt. Rev. Paul Moore, Jr., Bishop Coadjutor, Episcopal Diocese of New York.

Rabbi Henry Siegmund, Executive Vice President, Synagogue Council of America.

Mrs. Marcus Rohlfs, President, American Baptist Convention.

Dr. Robert N. West, President, Unitarian-Universalist Association.

Dr. Carl E. Thomas, Executive Secretary, Board of Social Ministry, Lutheran Church in America.

Dr. Foy Valentine, Executive Secretary, Christian Life Commission, Southern Baptist Convention.

Dr. Maurice Eisendrath, President, Union of American Hebrew Congregations.

Dr. George A. Chauncey, Director, Office of Church and Society, Presbyterian Church in the U.S.

Bishop John T. Walter, Suffragan Bishop of Washington, Episcopal Church.

Albert Vorspan, Director of Commission on Social Action, Union of American Hebrew Congregations.

Bishop John Wesley Lord, Past President, Council of Bishops, United Methodist Church.

Rabbi Balfour Brickner, Director of Commission on Interfaith Activities, Union of American Hebrew Congregations.

Dr. A. Dudley Ward, General Secretary, Board of Christian Social Concerns, United Methodist Church.

Dr. David Colwell, Moderator, United Church of Christ.

Mrs. Lois Stair, Moderator, United Presbyterian Church, USA.

POLLUTION CONTROL IN INDIANA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. HAMILTON. Mr. Speaker, one of the essential aspects of the Federal Government's efforts to bring about better water and air pollution controls is a continuing assessment of the effectiveness of the legislation we already have on the books.

It is only with this kind of monitoring that we can effectively gage new legislation or the impact of old legislation. With this in mind, I offer the following report on air and water pollution control programs in Indiana:

POLLUTION CONTROL IN INDIANA

I. WATER POLLUTION CONTROL

Funding. Administration of water pollution control programs and construction of control facilities in Indiana are funded separately.

(1) Administration. Under funding for administration of control programs, Indiana appropriated $432,255 in FY 1971 and the Federal government provided an additional $232,927 for a total $665,182.

In FY 1972, Indiana provided $535,024 for administration, the Federal government $350,000, for a total of $885,524.

The Indiana General Assembly has appropriated $535,024 for administration of water pollution control programs for FY 1973. Congress has not completed appropriations for FY 1973, so total funds available for administration purposes next year are not available.

(2) Construction. Under existing law, in order to receive federal funds for construction of water pollution control facilities, State and local government appropriations must match the federal share. The basis of the fund matching formula is: federal share, 50 percent; State share, 25 percent; and local share, 25 percent.

In FY 1971, the State Legislature appropriated $11.4 million to take full advantage of $25 million in Federal funds.

Since FY 1971, however, State appropriations for construction have decreased significantly.

In FY 1972, the State Legislature appropriated only $3.6 million for construction purposes, enabling Indiana to utilize only about $7.2 million of $41 million in Federal funds made available to Indiana that fiscal year.

For FY 1973, the State Legislature appropriated no funds for construction of water pollution facilities. Unless a special session of the legislature is called to appropriate funds, Indiana will receive no federal funds under the matching funds formula.

Staffing. The 1971 General Assembly authorized the Stream Pollution Control Board to fill existing vacancies and employ six more people for environmental control programs. This increase in the Board's staff provided 30 specialists, six secretary-typists and five laboratory technicians for water polution control activities.

Still, personnel on the Stream Pollution Control Board believe that the present staff should be increased to provide adequate monitoring. Consideration is being given to requesting an Environmental Protection Agency study of Board manpower needs.

An Environmental Protection Agency office in Evansville, part of the Chicago regional office, provides technical assistance to the Stream Pollution Control Board. The Evansville office employs 31 people and has an annual budget of $580,300.

Quality Standards. The Environmental Protection Agency approved the proposed interstate water quality standards submitted by Indiana in 1967. In 1971, approval was given for revisions which made the earlier standards more stringent. Indiana was one of the first ten states to have such approval.

Water quality standards serve as guidelines for industries and municipalities in their waste treatment efforts, and can be used by appropriate State agencies and the Justice Department in enforcement proceedings against polluters.

Enforcement. Since January 1970, the Stream Pollution Control Board initiated approximately 100 actions against polluters. Half of these actions have been resolved, the others are pending with completion dates reaching into 1974.

Actions against twenty-five municipal governments and eighteen industries were initiated in 1971. In twelve cases, orders for action have been prepared or pollution has been abated or controlled.

Needs. The needs assessment for FY 1972 has been estimated at $164.6 million cost for 142 projects with a Federal grant share at $82.3 million dollars.

Although approximately 98.5 percent of the sewage from the 3.25 million citizens served by municipal sewers receives treatment, improvements are needed: twenty-five of the 275 municipalities provide only primary treatment facilities; secondary treatment facilities are needed. Primary treatment facilities merely initiate the process of cleaning sewage by reducing its pollutant effect. Secondary treatment facilities treat chemically the liquids from primary facilities, removing some 80 to 90 percent of the remaining pollutants.

Sixty to seventy municipalities are located on streams that do not provide adequate year-round dilution for secondary effluents. Municipalities with effluent discharges upstream from lakes and impounds must yet provide nutrient removal facilities, as must municipalities with effluent discharges into streams with high algae content. Pollution from combination and storm sewer overflows must be controlled.

In many areas regional sewer and treatment systems are needed to solve problems of sewage disposal in suburban areas.

Generally, most industries are taking action to provide adequate treatment facilities. But continuing water pollution control programs are required to keep pace with industrial developments. Although confined animal breeders are making progress in waste control, efforts must be continued to minimize pollution problems from point sources and nonprofit sources from agricultural operations and erosion.

II. AIR POLLUTION CONTROL

Funding. In FY 1971, Indiana received $570,000 from the Federal government for air pollution control. The bulk of this—$482,000—was divided up among the localities for operation of local air pollution control agencies.

Staffing. The State Air Pollution Control Board had a total of fifteen people assigned to monitor air pollution as of December 31, 1971. The Board's staff will be increased to thirty-six in July of this year, and to seventy-five by July of 1973.

Quality Standards. Seventeen air quality control regulations have been adopted by the State Air Pollution Control Board, limiting particulant emissions, sulfur dioxide emissions, hydrocarbon emissions, carbon monoxide and nitrogen oxide emissions, and attempting to control smoke and open burning.

Enforcement. In calendar year 1971, five enforcement actions were initiated: two against municipalities, both of which resulted in cease and desist orders, and three against industries, one of which resulted in a cease and desist order.

Needs. The foremost need of the State Air Pollution Control Board is adequate funding. Last year the Board spent 3.1 cents per capita on air pollution control, an amount which many state environmentalists consider only one-third of what is needed.

Secondly, state and local efforts at enforcement of air quality standards should be increased. A strengthening of the present enforcement procedure may be necessary if the 1975 air quality standards are to be met.

Third, state motor vehicle inspection laws should require that pollution control devices be checked for efficiency.

Ninth District. With the exception of the Columbus area, a number of Ninth District interests have not compiled with Indiana's air pollution regulations. If compliance is not forthcoming, legal action will be initiated, according to the Air Pollution Control Board.

REMEMBER OUR VETERANS

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. THONE. Mr. Speaker, America has been derelict in showing appreciation for its war veterans, particularly those who are disabled or ill. Thank God there are those who remember and who help to make life brighter for these veterans.

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*Organizations listed for identification only.

. Today I pay tribute to all volunteers in America who serve at Veterans Hospitals. The VA Hospitals would be much less pleasant without these volunteers.

The volunteers who serve at the Lincoln, Nebr., Veterans' Administration Hospital are among the most dedicated, unselfish, and thoughtful people in the world. At the annual recognition ceremony at the hospital on May 7, 1972, two of the volunteers were honored for 20,000 hours of service. This service is equal to the amount of time that the average worker puts in during 10 years of employment.

At the Lincoln VA Hospital, volunteers sponsor recreation activities, give donations to provide extras at the hospital, serve coffee to those waiting to be admitted, aid in the work of the hospital, help conduct religious services, and provide assistance in counseling and social work. These volunteers do personal things for the veterans, such as visiting them regularly and helping them with their letter writing. The volunteers even go beyond the hospital, providing transportation to and from treatment clinics and visiting former patients now in community care facilities.

It is with pride that I call your attention to the individuals honored for voluntary service at the Lincoln Hospital on May 7, 1972:

INDIVIDUALS HONORED FOR VOLUNTARY SERVICE

Regularly Scheduled Volunteers receiving awards at the annual recognition ceremony at the V. A. Hospital, Lincoln, Nebraska, on May 7, 1972:

James H. Parke Achievement Award—20,000 Hours of Service:

Mr. Nathan Grossman, VFW.
Mrs. Helen Russell, AIA.

VA Silver Pin—2500 Hours of Service:

Mrs. Mattie DoRan, ALA.
Mrs. Bertha Jackson, ALA
Mrs. Gladys Schaefer, MOCA/VFWA.
Mrs. Myrtle Smith, USAM.
Mrs. Bertha Stalder, ALA.

VA Bronze Pin—1750 Hours of Service:

Mrs. Iris Porter, ALA.

Certificates of Devotion to Volunteer Duty—1000 Hours of Service:

Mr. Ray Bauman.
Mrs. James Delehant, WW I.
Mr. James Hutchinson, AL.
Mrs. Jessie Robertson, ARC.

Certificates of Outstanding Service—500 Hours of Service:

Mrs. Barbara Auer, ARC.
Mrs. Shirley Baker, NCCS.
Mrs. Berneice Boisen, VFWA/MOCA.
Mr. Louis Brown, VFW/MOC.
Mrs. Ila Coslett, VFWA.
Mr. Don Desch, MOC.
Mrs. Dorothy Dietz, DAVA.
Mr. Morell DoRan, ALA.
Mrs. Dorothy Kennedy, ARC.
Mrs. Leola Kreimer, ALA.
Mrs. Marie Kuska, ARC.
Mrs. Leona Opfer, ALA.
Mrs. Doris Schreiner, ALA.
Mrs. Wilma Slama, MOCA/VFWA.
Mrs. Eileen Slaughter.
Mr. Charles Spalding, MOC.
Mrs. Alice Wiles, ARC.
Junior Woman's Club.

Certificates of Merits—300 Hours of Services:

Mrs. Barbara Auer, ARC.
Mrs. Ruby Brington, ALA.
Mrs. Ann Brodecky, VFW/MOCA.
Mr. Tom Brown.
Mrs. Neva Copes, ALA.
Mrs. Goldie Green.
Mrs. Cleo Horstman, ALA.
Mrs. Dorothy Kennedy, ARC.
Mr. Joseph Klingel, MOC/WW I.
Mrs. Lulu Kruse, ALA.
Mr. Ervin Schmidt, WW I.
Mrs. Lydia Scott, ALA.
Mr. George Slama, MOC.
Mrs. Alice Wiles, ARC.
Mrs. Pat Williams, MOCA.

Certificates of Appreciation—100 Hours of Service to Youth Volunteers:

Matt Babcook.
Vance Kramer.
Jim Rhoades.
Rodney Shafer.
Burdette Slam, MOC sponsored.
Bill Sword.

Certificates of Appreciation—100 Hours Service to Adult Volunteers:

Mrs. Belle Benson, DUV.
Mrs. Jeri Brown.
Mrs. Marie Burd, ALA.
Mr. Thomas Clift, DAV.
Mrs. Pat Desh, Ala.
Miss Florence Ewing.
Mr. Charles Horstman.
Mrs. Helen Hovey.
Mrs. Iva Mae Hull, VFWA.
Mrs. Mickie Kirk, ALA.
Mrs. Kathryn Leseberg, VFWA.
Miss Rebecca Lewis.
Mrs. Agnes Llewellyn.
Mrs. Delpha Luhr.
Mrs. Lela McGurk.
Mrs. Gladys McNeil, ALA.
Mrs. Clara Magee, VFWA.
Miss Mary Martin.
Mrs. Hattie Rogers, ALA.
Mrs. Reva Roland.
Mrs. Dorothy Scheuman, ALA.
Mr. Ervin Schmidt, WW I.
Mrs. Barbara Seglin, ARC.
Mrs. Katherine Stoner, ALA.
Mrs. Aurelia Thomas.
Mrs. Catherine Vahle, NCCS.
Mrs. Florentine Walin, ALA.
Mr. Tom Weber.
Mrs. Reba Wroth.

THE UNKNOWN SOLDIER SPEAKS—ARLINGTON NATIONAL CEMETERY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. CARTER. Mr. Speaker, under leave accorded, I am including as part of these remarks, a poem bearing the title above indicated, and written some years ago by Maurice H. Thatcher, who was a Member of this body for five terms—1923–33.

The poem is altogether appropriate and timely for Decoration Day; and it applies to the original Unknown Soldier and to the other unknown soldiers as well:

THE UNKNOWN SOLDIER SPEAKS—ARLINGTON NATIONAL CEMETERY

(By Maurice H. Thatcher)

I am the Unknown Soldier! Here I rest
Beneath this white and stainless monument:
Above all others is my mem'ry blest,
I am the Nation's symbol; in me are blent
Ideals of valor and sacrifice.
Before the Day of Judgment none may know
My name or race, or hold the least surmise
Of who I am; or whether high or low.
"Rest!" did I say? Alone my dust is here:
My spirit ne'er may find respose until
There is an end to sceptred force and fear;
And man shall cease to ravage and to kill.
War's victims, all, must haunt a stricken world
Till war itself is dead; its banners furled!

NASA SKYLAB PROGRAM

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. PRICE of Illinois. Mr. Speaker, the next phase of the U.S. manned space effort will build on the enormously successful Apollo program. I refer, of course to the NASA "Skylab" project which is scheduled for its first mission on April 30, 1973. This first mission will send three astronauts into earth orbit for a period of 28 days. During this mission, and two longer missions to follow, the astronauts will perform scientific experiments which will greatly expand the frontiers of human knowledge and demonstrate beyond dispute the utility of manned space flight.

My good friend, Mr. Robert J. Boylan, of Washington, D.C., has written an excellent review of this important program which was published as an article in the April 1972 issue of Seapower magazine. Mr. Boylan is a writer with years of experience in the newspaper field and with the USIA. He is a retired Foreign Service officer and a former naval officer with service in World War II.

The article follows:

WARDROOM IN THE SKY

(By Robert J. Boylan)

It's true the job site is rather remote, but there are some attractive fringe benefits: a trip over China every week—look at the coverage the President got—a daily change of underwear with no laundry bills; quarters as big as a two-story row house with hot water bath and beds; regular, even *haute,* cuisine; and music and games.

There are, however, some hardships, seeming or otherwise, such as sleeping in a sack, missing golf, the Lucy Show, the Game of the Week, and not seeing the wife and kids for an extended spell.

Whatever the pros and cons of creature comfort, there have been no dearth of qualified applicants, and the final selection of nine out of 73 astronauts included seven military officers—four Navy, two Marine, one Air Force—and two civilians. The job? The next major program in space, the National Aeronautics and Space Administration's earth-orbiting Skylab.

Just how great an advance in many areas Skylab is can be inferred from a few simple comparisons. The first Mercury launches of the 1960s—remember how long ago that seems—were as close to returning to the womb as we are apt to get technologically. The astronaut was "tucked" into a capsule festooned with sensor wires in about as much space as a racing car cockpit. Even Apollo offered its three-man crew only 210 cubic feet of space; walk into your closet to get an idea how big that is. Skylab has about 13,000 feet and will offer all the amenities of home. And that is exactly what it will be for four weeks on the first mission and eight weeks on the second and third.

Perhaps because all three commanders of the three Skylabs will be officers of the naval service, the three-room craft has taken on some traditionally nautical designations. No dining room here, instead a wardroom. If it is the smallest ever to bear that distinctively naval designation, and will lack the time-honored green baize covering during off-duty hours, it will afford the main functions of the tradition it follows in name. For the first time, American astronauts will be able to sit down—or stand—at a table and eat a hot meal using knives and forks. At 2,500 calories per day and with a broad selection of menus, they will have fare many an earthbound executive might envy, including lobster newburg, filet mignon, brownie snacks and shrimp cocktail. (On moon flights the chow was modified C-rations eaten on their couches.) To work off those calories there will be a stationary bike in the "exercise room."

NO WORRY ABOUT "HOLE" CARD

And there will be the expected wardroom pleasures: good cassette and reel recorders with a wide range of music; up-to-date books and magazines; a dart board and cards. (No worry about lack of gravity. Skylab works with and against it. The cards have little clips to keep that "hole" card covered; and the darts have snuck something from fashion that threatens the zipper. The dart tips will be covered with those tiny plastic "hooks" while the board will be covered with the tiny "eyes.")

Now about those sacks which sound like something from a Charles Addams cartoon. Actually the bedrooms are narrow compartments containing a kind of restraining bag into which astronauts crawl at night. Since there is no up and down or weight . . . well, it's like sleeping on air.

Sound interesting? The first launch is scheduled to be televised in the best NASA tradition on April 30, 1973 and will consist of a two-stage Saturn V booster sending aloft as its unmanned payload Skylab—composed of the orbital workshop and living space, the airlock module, the multiple docking adapter, the Apollo telescope mount, and an instrument unit.

On the following day a smaller Saturn 1B will launch the command and service module to rendezvous with Skylab for docking and transfer of the three-man crew. Crews will return to earth by command module at the end of each flight period.

Over a period of eight months there will be a total of three manned earth-orbiting space flights in Skylab. The first manned flight is for 28 days, and the next two are for 56 days each, in the summer and fall.

NAVY COMMANDERS

For the first mission, the crew will be commanded by Captain Charles "Pete" Conrad, Jr., USN. Other members are Commander Joseph P. Kerwin of the Navy Medical Corps, an astronaut-scientist, and Commander Paul Weitz, USN. Captain Conrad is a true veteran—having been selected in the second group of astronauts nearly ten years ago. Most recently he was commander of the Apollo 12 lunar exploration mission.

Another veteran, Captain Alan L. Bean, USN, who explored the moon with Captain Conrad in Apollo 12, heads the crew for the second SKYLAB flight. With him will be Dr. Owen K. Garriott, a civilian, and Major Jack R. Lousma of the Marine Corps. For the third mission, the commander is Lieutenant Colonel Gerald P. Carr of the Marine Corps along with a civilian physician, Dr. Edward C. Gibson, and Lieutenant Colonel William R. Pogue of the Air Force.

The strong naval service presence on the important Skylab continues the excellent contribution of Navy and Marine officers to the pre-lunar and moon landing programs, Mercury, Gemini and Apollo.

They include such pioneers as Rear Admiral Alan Shepard, Jr., the first American launched into space (in a sub-orbital flight), who came back after a disability to command the highly successful Apollo 14 landing on the moon; Colonel John M. Glenn, the first American astronaut to orbit the earth; Neil Armstrong, the first man to land on the moon (although then a civilian, he earned his wings as a naval aviation cadet and flew many combat missions in Korea as a Marine aviator); Captain Scott Carpenter, USN, both an astronaut and an aquanaut; Captain Walter Schirra, Jr., USN; Captain James A. Lovell, USN; Captain John W. Young, USN; Captain Eugene A. Cernan, USN, Captain Richard F. Gordon, Jr., Captain Conrad and others.

The Apollo 16 moon landing mission is scheduled to be commanded by Navy Captain Young, with Commander Thomas K. Mattingly, II, and Colonel Charles M. Duke, Jr., USAF, as crew members. Apollo 17, the last moon flight, has Navy Captain Cernan as skipper and Commander Ronald E. Evans, and civilian scientist Harrison H. (Jack) Schmitt as the other members of the crew.

Skylab will follow the final two Apollo flights, scheduled for this month and next December. It will not truly be a substitute for the now abandoned Air Force Manned Orbital Laboratory (MOL), as Skylab was originally planned as an "Apollo Applications Program," but it will be a manned orbital *laboratory*, as distinguished from the earlier lunar space *vehicles*, operating for considerably longer periods in space, for both scientific and, we are confident, some military experiments in near space.

And it will be a prelude to NASA's Space Shuttle program, recently ordered by President Nixon to carry on the U.S. space program. When the latter flights begin, it is expected that astronauts and others from the naval service will continue to play major roles in the program.

LIVE AND WORK IN SPACE

The Space Shuttle is visualized as a system of reusable rocket boosters and spacecraft able to fly routinely into and out of space—much like conventional aircraft—vehicles that would be good for at least a hundred missions. Boosters in the past have been one-shot operations, as have command modules, the vehicles in which astronauts return to earth.

What is Skylab? Actually there are two definitions. One is that it is the name of the entire five-component space-train that will orbit the earth from a height of 235 nautical miles. The other definition is that it is essentially the two-story laboratory for work and living space—a cylinder 48 feet long and 22 feet wide—the first United States vehicle specifically created to enable man to live and work in space for extended periods.

For Skylab, NASA says it is planning these four types of investigatory missions to be carried on during the long periods aloft:

1. To increase man's knowledge of the biomedical functions of living organisms, human and other, by making observations under weightless conditions for long periods. For this purpose there will be a collection of white mice and insects (including the vinegar gnat) aboard for laboratory experiments and observation.

2. To increase man's knowledge of the sun and its importance to man's existence.

3. To develop techniques for observing earth phenomena from space in the areas of agriculture, forestry, geology, geography, air and water pollution, land use and meteorology, and the influence man has on these elements.

4. To develop improved techniques for space operations in the fields of how a crew lives together, the inter-relationships of men and machines, the feasibility of the space vehicle as a place for living over a long period and how supporting mechanisms work in making space livable over long periods.

Skylab may lack some of the glamor of moon flights but should produce a variety of useful scientific experiments, particularly with its Apollo telescope mount. Skylab will pass over the United States, much of Europe, all of Africa, Australia and China, almost all of South America, and the oceans between those areas. There will be a "window on the world" from which astronauts can have an excellent view of the terrain.

Three NASA authors writing for *Astronautics and Aeronautics* have this to say about Skylab:

"Designers had the luxury of 90 years from the invention of the steam engine to the introduction of the Pullman car, some 70 years from the introduction of the automobile to the current models and about 50 years from Kitty Hawk to the advent of the jetliner.

"A man first entered space in 1961 and now, just 12 years later, we are called upon to provide him with the facilities to combat a variety of unusual circumstances, such as weightlessness and vacuum, while performing the most complex set of space investigations yet defined: to look up and study the sun, to look down and study Earth, to look out and measure the surrounding contamination, to look in and evaluate his ability to work in zero-gravity and to truly delve deep into himself, to appraise his physiological fitness in this still relatively novel environment of space."

They conclude their article and answer the question "Wouldn't machines be preferable?" by pointing out, "We don't have any unmanned research laboratories, commercial aircraft, or medical clinics here on Earth. Computers are our servants, not the other way around. On Skylab, we hope to demonstrate this fact beyond controversy or cavil."

One of the three authors is certainly speaking from strength and conviction. He is Commander Joseph P. Kerwin of the Navy Medical Corps, who is going along on the first Skylab mission. The other authors are Edward J. McLaughlin of NASA and Colonel Stanley C. White of the Air Force.

In contrast to the manned moon flights and farther out stellar, unmanned flights, Skylab and the follow-on Space Shuttle will be earth-orbital missions. Thus they will not only provide an opportunity for a wide variety of scientific and technical experiments of immediate and later advantage to mankind, but could have important military implications. While NASA says little about this, the Pentagon in the past has pointedly noted the vital military aspects of much of the Soviet near earth space experiments. Indeed, the now-abandoned Air Force MOL largely was designed to determine whether military aerospace activities were necessary to American survival.

In an article in *Astronautics and Aeronautics* last year, Deputy NASA Administrator George M. Low said that man explored space "first as an adventurer, and then as an explorer . . . and [then] because his security and even his survival depend on it." Many Air Force officials have made even stronger statments along this line.

Beyond the immediate scientific experiments to be made by the first Skylab team, there are possible early applications for industry. Manufacturing techniques not possible on earth may be possible in zero gravity. They include, says NASA, casting of spheres, growth of crystal structures, development of foamed high strength materials, including ways of processing various materials, from crystals to pharmaceuticals to high strength structures. This could provide a major payoff for better living on earth.

THE ROMANCE OF AMERICA

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. ROBISON of New York. Mr. Speaker, we have all heard about the "American Dream," where an immigrant could come to this country with only his strong willingness to work, and find success. In my district lives a man who personifies that dream. He is Peter T. Campon. Mr. Campon arrived in this Nation from Italy at age 10.

His love for this, his chosen country, is best illustrated by the fact that he has, for many years, been speaking to numerous groups about the meaning of Americanism. Despite his age of 96, he still has a rather active speaking schedule.

In the past I have inserted Mr. Campon's speeches in the Extension of Remarks. His wisdom can teach all of us a lesson. Therefore, Mr. Speaker, I take great pleasure in inserting a recent speech of his so we can further benefit from his guidance.

The speech follows:

THE ROMANCE OF AMERICA

(Formation-Colonization: Development and Progress Compiled by Peter R. Campon, 1934 (Revised—1971))

"Cherish the spirit of our people and keep alive their attention. Be not too severe upon their errors, but reclaim them by enlightening them."

Those words are said to have been Thomas Jefferson's final message to his countrymen, and I take the liberty to use them as a text for a message on better understanding of each other as fellow Americans, with the request that you be not too severe upon my audacity, as my purpose is not so much to enlighten as to remind you of our responsibilities.

As Americans we seek spiritual union with all those who love liberty. Of many bloods and diverse national origins, we stand before the World as one people, united in a common determination to uphold human society which makes conscience superior to brute strength and maintain that ideal of freedom based on liberty and justice, rather than on tyrannical force in the governments of nations.

The discovery and settlement of America did much for the ideal of Democracy. Indeed, it is doubtful if this ideal could have been possible elsewhere had not America been discovered. The promise of freedom in the far away land, the sense that somewhere there could be independence for the common man, made common men everywhere more independent, and the discovery of America has long since been regarded as a rebirth of humanity.

Following the discovery, European needs sent out bold men in frail craft to search the seas, bent on discovery of further lands unknown. European ambitions equipped adventurers for their expeditions of conquests, which eventually led to establishment of New World colonies. The economic exigencies and political struggles of Europe sent floods of settlers to people them.

The settlers from Spain, France, England, Holland, brought all their home life, their institutions and their religions to the new Continent, and the English Colonists being the most numerous and the most active, established and shaped the basis of this great Nation which has gained so distinct a primacy on this Continent and in the World at large.

And so, out of the European lands to which the vast majority of us trace our origins, came millions of men and women—missionaries, pioneers, adventurers, farmers, artisans, men of commerce, rich and poor, old and young, all drawn irresistibly by the magnet of the New World. Victims of oppression, political and religious, made their way here from the four corners of the earth to find, as they still find, safe refuge and heartening hospitality. Here was new space for living and, infinitely more important, opportunity for all in a new way of life—based in liberty under law, and all men equal under the law.

Out of the rich virgin soil, a new Nation was founded and a new race of men grew up, courageous and strong in the invigorating air of freedom, a bold and independent people who scoffed at the idea of "divine right of kings"; but rather firmly believed in the divine right of men.

There foreigners who colonized the land, gradually lost their alien identities through their adoption of the typical Colonial Code of behavior and standards of living. Intermarriage too did much to obliterate the customs of their parents' home lands. Those who were less clannish and more pliable by nature were more readily accepted as "Americans," and so these people settled in many parts of the land—most of them had gone into some field of endeavor for which they seemed especially qualified, and had done some outstanding thing to enrich the New Nation.

A century and half later when some of our hard-boiled citizens expressed the fear that our "pure" American stock was in danger of contamination from European immigrants, Theodore Roosevelt reminded us "that our blood is no more mixed today than it was at the dawn of our Country," then added that "in every generation since our government was founded, men of foreign birth have stood in the foremost rank of good citizenship, not only in one, but in every field of American activity."

No one particular nationality created and developed America. It was the vision and the courage, the brain and brawn of men of many nationalities, working together as Americans, that accomplished it.

In 1924 the late President Coolidge rendered a service to both historical perspective and patriotic concept, when in addressing the American Legion at Omaha, he said, "Whether one traces his Americanism back 300 years to the Mayflower, or back three years to the steerage, is not half so important as to whether his Americanism of today is real and genuine. We all should realize that there are true Americans among us who do not happen to be born in any part of our Country, who do not attend our place of religious worship, who are not of our racial stock or who may not be proficient in our language. Divine Providence has not bestowed upon any race a monopoly of patriotism or of character." And as an immigrant who came over on the steerage, let me add, that regardless of when or what type of craft we came over on, we are now in the same boat. Let us be careful not to rock it, particularly in these critical days when solidarity and unity are so essential.

No nation in the history of the World has ever opened its gates so wide, to welcome into citizenship, people of other lands as our own United States, nor has any nation ever received such lavish treasures in return as has come to us from immigrants of other nations.

This is not a nation of any one particular nationality, but a combination of many nationalities, and tongues, and races and creeds from every corner of the earth, of men and women who left their native lands, their loved ones, friends and homes to cross strange seas, to where a language is spoken that is alien to them—To start life over again and begin at the very foundation, if they could satisfy the quest for what their spirits craved, knowing that whatever the customs, whatever the speech, there is but one longing and utterance of the human heart, and that is for liberty and justice, and they brought with them, their arts and hand craft and hands with which to work, and minds that could conceive, and hearts filled with home, stout hearts to drive willing hands, with the sunshine and music of their ancient and noble heritage and have laid them at the altar of our America.

We in the United States are amazingly rich in elements with which to build our culture. We have the best of man's past brought to us by people from every corner of the earth, and as we weave these precious fibers into a national pattern of beauty and strength, let us keep the original fibers intact that the finest of each, will manifest themselves into one harmonious whole.

We have the best standards of living in the World, past or present. We are better housed, better clothed and better fed, more luxuries, more comforts and more conveniences than any other nation.

We hold a position of moral and spiritual influence. We have more hospitals, more charitable institutions and more churches than any other nation, and yet, because of a War we should not have gotten into, we have been plagued with destructive demonstrations in disobedience to lawful authority, engineered by Radical agitators evidently indoctrinated with a foreign cankerous ideology used to "brain wash these gullible smart protestors" who become contaminated with this subversive propaganda, rather than hold fast to that which is good.

We have a governmental system that we know is good. It does have faults of operation which we endeavor to correct through experience, as we advance toward unknown horizons, but the faults are not traceable to the structure itself, but to the selfishness and greed of individuals and groups. The fundamental principles have been proven to be the best form of government for the welfare of all, and the finest instrument for human freedom, liberty and justice ever devised or tried by men.

Let them realize that we cannot smugly expect to be preserved by the valor and sacrifices of the founders, to whom the ideals of this young nation were dearer than life itself, that to each generation there comes a sacred responsibility and a patriotic duty and that only in our own willingness to sacrifice and endure as those before us have sacrificed and endured rests our national unity and hope for the future.

Let us hope from the lessons of the past several years, when the use of free speech and civil liberty seemed like "Donnybrook free for all", affairs that the eventual result might be, *free for none*, reflect on what happened in Hungary in 1956 and in Czechoslovakia in 1968 and I also remind you that this country was founded on majority rule, therefore, the rights of the minorities should end where the rights of the majorities begin.

All these facts prove the contrary of the protests and propaganda being fed into the minds of our youth so forcefully and so relentlessly. The facts really are that with only about 10% of the world's population, we have more young children in primary schools and older ones in high schools and colleges, more musical and literary organizations, than all the other 90% combined.

Let us end this casual acceptance of our benefits, and bring to life, with full appreciation, our blessings, our opportunities, and our responsibilities, and the exercise of our personal responsibilities is the golden key to a healthier and greater America.

If we are to preserve our Democratic form of government, we must simply and sincerely believe—but not in smugness or complacency—that the qualities which have brought America through the storms of the past will just as surely prevail against all storms of the present and of the future; and, the late President Roosevelt had said, "The state of this nation is good; the heart of this nation is sound; the spirit of this nation is strong; the faith of this nation is eternal".

And in these days of unbelievable chaos and confusion let us hold fast to faith. Faith in ourselves; faith in Divine assistance; Faith in our nation; Faith in our American way of life.

Americans who think and serve alike, possess a unity of interest which transcends all artificial barriers of Race or Creed, therefore in our world's present great confusion let us resolve to improve our own individual selves. To better know and help our fellow men: To prove tolerant, sympathetic and neighborly: To make our community and nation better known and loved: To leave something of ourselves in everything we do: To try our best to be our best and to do our best in all things and at all times.

The task before us may not be an easy one, but is not impossible of achievement. With minds attuned to each other's thinking, with hearts beating in unison for the common cause, there is no goal or no ideal too lofty of attainment; but one thing is absolutely necessary—it all depends on you, and you, and all of us to awaken in the minds and hearts of all Americans, (of whatever Nationality, Race or Creed) that we have a glorious future within our grasp—the future of a land in which any human being of whatever Nationality, Race or Creed may live in dignity, in comfort and in contentment—if one has the will to do so.

The late President Coolidge has written "that to be a citizen under the Constitution of the United States is the greatest privilege ever accorded the human race". To be born an American is a splendid distinction, but to those who come to our shores from other lands, and are honored with citizenship, it is a wonderful privilege and a cherished dream come true.

I am proud to say that I am a naturalized citizen—that I have taken an oath of allegiance to the U.S.A.—an allegiance to a great body of principles, to a great hope of the human race. I came to the United States as a 10 year old boy with no knowledge of the English language and with little opportunity for schooling, eventually pulled myself up by my own bootstraps and when I was elected President of our City Council in 1946, I accepted the gavel—60 years to the day I landed in New York—with the following statement: "To me this honor epitomizes the American spirit of our Democratic possibility and opportunity, for in no other country can a man so completely mould his own destiny, and I remind you that it is of equal importance for America to be born in a man as to have a man born in America".

Arguments have frequently been advanced on the superiority of one racial or national group over another. This question was recently put up to a head football coach of a prominent University. I quote to you his reply: "In the past 30 years I have had 58 different Nationalities on my teams; some of these of course were mixtures, but there were 58 different breeds, and it is my opinion that no one nationality can lay claim to any superior hold on courage or intelligence or competitive spirit. They all average about the same. Most of them are game enough and most of them can be taught by proper teaching. Of course, some years we have had much bigger men and faster men—natural athletes—but these are equipped by nature, not by any racial gifts". If we look over the line ups in baseball, football, basketball, etc. around the country, his statement seems to be verified. The lists are full of unpronounceable names and many of these boys of foreign extraction are splendid athletes and spendid Americans, taken from any angle you might name, which is further proof that the Melting Pot (God's Crucible) is functioning in a big way.

We frequently hear the question "What is an American?" I know of no better answer than the one depicted in a poster used extensively during the first World War to promote one of the Liberty Loans. It portrayed a figure of Peace holding in her hand a laurel wreath, poised to place on a monumental shaft, on which were inscribed such names as Nelson, Ostrodowski, O'Brien, Cohen, McFarlane, Martinelli, Cizka, Conimikas, Knutson, Polasek, and others difficult of pronouncing, but bearing this caption, "Americans All!!"

And, if we observed the honor rolls in our cities during the Second World War, we found them full of unpronounceable names, and yet these young men were Americans All, whether they descended from the adventure ships, the Mayflower or the steerage! They fought and they died that our American Way of life might be preserved. If we regard them as anything but fine upstanding young Americans, their fight for liberty and justice shall have been in vain.

America is heir to all of the World! We should not lose any part which is rightfully ours. We should not fear lest this Pantheon of many nationalistic ideals will turn into a pandemonium, for the American spirit is big enough to harmonize them all; and if Americanism declines to observe and interpret its characteristic environment, it may achieve certain cultural greatness; it may erect well equipped gymnasiums wherein to engage in dialectical exercises; it may clothe itself in literary and other arts, but it will not afford illumination or direction of our composite citizenship and complex civilization. These can only come from the spirit that is interested in material realities and courageously faces them frankly and sympathetically.

As Americans we have a two-fold task to perform for our own benefit. First, we should learn to understand and appreciate the best characteristics and aspirations of the rest of mankind. Secondly, we must avoid the destruction of the priceless heritage which the immigrants from the older nations bring to the Melting Pot of America. All true culture, to be true must be conscious of the process which induced it, and in the process of assimilation must not destroy the self respect of the immigrant or his descendants.

The America that arises from such a process of human conservation, and realizes such attainment will inevitably keep its place at the Zenith. What a glorious opportunity! America is great because it has received and absorbed much from all other Nations of the World. We must not lose this. The children of immigrant parents must remain proud of the language, the history, the art and the culture of their parents. If the false spirit of 100% American makes any single boy or girl forget the greatness of their parents' native country or be ashamed to speak their language, then America is robbed and made so much the poorer.

We all should be more friendly to our foreign born citizens. We should encourage their music, their handicrafts, their ancient experiences, their soulfulness. We should welcome every spiritual influence, every cultural urge, and in turn we should ask them to love America as we love it because it is holy ground—because it serves the World and humanity. Tell him and ourselves that America is not perfect, that we are striving to improve the bad conditions, that it is not a finished country, that it has possibilities that shall never end, and that their chances here and of their children and our children shall be in ratio to our zeal, ambition and devotion to our ideals.

I brought from my Motherland what I regard as the best of her spirit, surrendered everything material of the old life and cast my lot without reservation into the new—and while I have never ceased to love the land of my birth, as such memories are sacred and ought not to be put out of our hearts, because no man can ever amount to much who is not linked with the highest aspirations of his race, or who would despise the noble traditions of his father and mother. Nevertheless, I have sincerely dedicated myself to America, am proud to be the father of American children, and rejoice in my heart of the great ideals which have made America the hope of the World.

Our quest after ideals is the main central reason of life. Only the greatest of minds living in an age of tyranny could have foreseen the portrait of a free people, hence the Declaration of Independence which gave birth to our ideals and our great nation. And this was the First Declaration of Government by Men—the corner stone of a new structure, destined to do away with government based on conquest and subjection. And to throw into the discard the accumulated garbage of centuries of servitude and tyrants.

True love of country is not mere blind partisanship. It is regard for the people of one's country and all of them. . . . It is a feeling of fellowship and brotherhood for all of them. It is a desire for prosperity and happiness for all of them. It is kind and considerate judgment toward all of them. The first duty of self government is individual self control. The essential condition of true progress is that it shall be based on ground of reason—not on prejudice.

Lincoln's noble sentiment of "Charity for all and malice toward none" was not an exclusive specific for the Civil War alone, but a living principle of patriotic action. What our part may signify this living principle, we may not understand, but we are here to play it and now is the time with our Country at the cross roads of her destiny. This we know, it is a part of action, not of whining; it is a part of love, not of cynicism. It is for us to understand and cultivate each other as fellow-Americans, regardless of Race or Creed or terms of human helpfulness.

We all came to America, either ourselves or in the persons of our parents of one or more generations back, to improve the ideals of men, to make them see finer things than they had ever seen before; to get rid of things that divide and make sure of things that unite. It was but an historical accident, no doubt, that this great Nation was called the "United States of America," but we should be thankful for that significant title, and the man who seeks to divide man from man, group from group, class from class in this great Union is striking at its very heart. Rome endured just so long as she remained Roman. America will endure just so long as she remained American in spirit and in action.

Unless it be the Indian, there is no such thing as a 100% American. Let such self styled citizen boast as much as they please, they themselves come from all the Races of the Earth. Intelligence and thoughtful living and good citizenship comes out of all the Races. We should be proud of our ancestors, but not fret or brag about them either. Think of our own record here and now, because Americanism is not so much something that we inherit at birth, but more an attitude of mind. It is the way we look at exalted and worthwhile things and properly exemplify them, that makes us truly American, and Americanism too, is like charity—it begins at home.

The preservation of Democracy is of serious concern to our American people, and while Democracy in other parts of the world has been dealt vital blows, the best way to preserve it in our America is to make it work by practicing it in the home, in the schools, in the Churches, in the clubs and in the community, because while we frequently hear the facetious remark that "the first one hundred years are the hardest", we should have no illusions that the years ahead of us will be less easy. To the contrary, they will be years of challenge, years of social upheaval, years of changing tastes in all forms of daily living, particularly in the social, moral and economic life of our advancing nation.

This is our country! This is the land which we, in our admiring love for it—we, the men, women and children of this great Commonwealth, from all corners of the earth, are want to call not a country of any superior race or nationality, not a country of any favored denominational religious group,—but the land of the living God who bestowed the blessings upon it as a haven for oppressed humanity.

These impressions of Americanism, personal and of Americans, native and foreign born, have been assembled and presented to you as a sort of a mirror whereby we might see ourselves as others see us, and while they may some how reflect the soul of an immigrant, I believe, and hope that you will agree with me, that I have presented Americanism in its true light.

What America expects from all of us is everlasting pride of country, simple, honest and ever present—a pride that should be compatible with a sympathic regard for people of the Old World, whose civilization we have inherited. If we have that pride and keep the faith, we shall more appreciate our own responsibilities, and to the blessings and privileges of the great institutions which we enjoy we should pledge to each other the firm resolve that only in Americanizing ourselves can we truly serve America. Such self-education and application is our highest contribution to human progress and enlightenment.

If we can earnestly dedicate ourselves to such a standard of citizenship, then we can indeed merit the noblest title any man can bear, "An American Citizen".

Let us therefore revel in all the blessings we enjoy or goodness and grandeur, which we so frequently take for granted and be ever thankful that we are citizens of this great republic.

Let us go forward and onward with abiding Faith in Our Creator, and re-dedicate ourselves to the principles of the Declaration of Independence, which so eloquently spells out the magic of America.

FOOD STAMP ABUSES

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. FISHER. Mr. Speaker, I keep receiving reports of obviously well-to-do people going into grocery stores, purchasing commodities with food stamps, and so often going away in expensive automobiles. This is an abuse of welfare privileges which must not be tolerated. Those who administer the program should put a stop to it.

I included in my remarks an article from the May 14 issue of the San Antonio Evening News, which refers to another example of what I have referred to. The article follows:

STORE SCENE

How rich or how poor must a resident be to draw Food Stamps here?

"The other afternoon," writes a northsider, "I was in a supermart as a well-dressed lady produced some stamps to pay for her order at a checkout counter.

"Turned out she didn't have enough stamps," the letter goes on.

"So she opened her purse, out came a check book, and she proceeded to write a check for the unpaid balance.

"I was fascinated enough to stand outside the store and observe this lady as she left the parking lot. She was driving a nifty Chevrolet Impala."

Note: And the letter-writer was obliging enough to enclose the Impala's license number, in case welfare authorities are interested.

THE 50TH ANNIVERSARY OF LINCOLN MEMORIAL

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. CONTE. Mr. Speaker, this coming Memorial Day will mark the 50th anniversary of the dedication of the Lincoln Memorial. One of this Nation's best known and loved monuments, the Lincoln Memorial was authorized by act of Congress on February 9, 1911. Daniel Chester French, whose studio is located in Stockbridge, a part of my First Massachusetts Congressional District, was commissioned to sculpt the Lincoln figure for the memorial. Henry Bacon of Watseka, Ill., was chosen as the architect of the memorial.

I need not describe the beauty which resulted from that collaboration. For half a century, the Lincoln Memorial has attracted more visitors than any other monument erected in the District of Columbia. I, personally, am impressed by the magnificence and grandeur of this memorial each time I pass by or visit.

My old and dear friend, John G. W. Mahanna, has published a book on the memorial and on the statue, entitled "The Seated Lincoln." I would like to share with my colleagues his description of the dedication ceremonies on May 20, 1922:

A crowd of more than 50,000 gathered around the memorial for the dedication ceremonies.

Chief Justice William Howard Taft, chairman of the Lincoln Memorial Commission, had decreed that the dedication ceremonies be kept completely simple. After the opening prayer, the colors were presented by the Grand Army of the Republic.

Sharing the speakers' platform with President Warren G. Harding and Chief Justice Taft was Dr. Robert R. Moton, the Negro president of Tuskegee Institute.

Chief Justice Taft gave a short account of the labors of the Lincoln Memorial Commission.

Characterizing the memorial as "a shrine at which all can worship, an altar upon which the supreme sacrifice was made for liberty," he added, "it represents a sacred religious refuge in which those who love country and love God can find inspiration and repose."

President Harding, in accepting the memorial for the people, laid particular stress upon Lincoln's steadfastness under criticism.

"No leader was ever more unsparingly criticized or bitterly assailed," the President declared, adding, "he was lashed by angry tongues and ridiculed in press and speech until he drank from as bitter a cup as was ever put to human lips, but his faith was unshaken and his patience never exhausted."

And then, quoting Lincoln, President Harding recalled these words when the storm of criticism directed at the 16th President was at its height:

"If I were trying to read, much less answer, all the attacks made on me, this shop might as well be closed for any other business. I do the best I know how, the very best I can and I mean to keep on doing it to the end. If the end brings me out all right, that which is said against me will not amount to anything. If the end brings me out all wrong, 10 angels swearing I was right would make no difference."

The program, as described in Mr. Mahanna's book, concluded with Edwin Markham reading his poem to Lincoln. The last stanza reads:

And when he fell in whirlwind, he went down
As when a lordly cedar, green with boughs,
Goes down with a great shout up on the hills
And leaves a lonesome place against the sky.

Mr. Speaker, I find it regrettable that the National Park Service has no plans to commemorate the 50th anniversary of that historic occasion. But perhaps that is not necessary: the greatness of the man, and the beauty of his memorial are commemorated daily by the millions of Americans who have visited this shrine.

I would also like to extend an invitation to each and every one of my colleagues to visit Daniel Chester French's studio in the Berkshires, which is one of only six national historic landmarks in the painting and sculpture category in the United States.

The studio, which is maintained by his daughter, the gracious and talented Mrs. Margaret French Cresson, is open to the public from the middle of June until late in September.

Among the many works of art in the studio are the three models of the seated statue of Lincoln.

I would also suggest that this 50th anniversary might be an appropriate occasion for each of us to again visit the Lincoln Memorial and ponder anew on the unique greatness of Abraham Lincoln and of the country for which he gave his life.

ANALYSIS OF INTERNATIONAL DIPLOMACY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. DERWINSKI. Mr. Speaker, as the President begins his international negotiations with the leaders of the Soviet Union in Moscow, the intricacies of international diplomacy and the areas of agreement and disagreement between the United States and the Soviet Union will be constantly analyzed. One of the most penetrating and significant commentaries I have seen is that of Harry Homewood, news analyst for WAIT Radio, which was carried in the Economist of Thursday, May 18, which I insert into the RECORD at this point:

NEWS ANALYSIS—COMMENTS BY HARRY HOMEWOOD

President Nixon will be holding one major trump card when he goes to Moscow on May 22: the Soviet Union's need for detente with the West.

The Soviet wants to make some sort of arrangement with President Nixon that will guarantee peace along its western borders with Europe. The need for such an arrangement arises from the danger the Soviets face in the east, from China. If there is a Soviet weakness in this position it is that the Soviets have already taken considerable measures to protect their eastern borders before they accomplished the fact of a detente with the West.

There are now 44 Soviet divisions in place along the long border with China, almost half a million men supported by air power, light and heavy artillery, nuclear armed missiles and other weapons.

Across the border, on the China side, there are even greater numbers of Chinese troops equipped with nuclear missiles that can reach every major city in the Soviet Union including Moscow. The Chinese also have about 30 aircraft that can carry large nuclear bombs.

The increasingly belligerent display of the military might of the two nations is caused not only by a major ideological difference about Communism but also by a deeper division that is rooted in history.

In the 13th century the Empire of the Golden Horde, sometimes called the Khanate of Kipchak—Genghis Khan's empire—encompassed most of what is now Eastern European Russia and extended down to the borders of old Persia.

Many of China's leaders believe that what once belonged to Old China should belong to the China of today. They bristle as well about the loss to the Soviet Union of hundreds of thousands of square miles of their territory, gained by the Soviet Union in the past 100 years through the medium of defaulted treaties. The border fighting that broke out along the Ussuri River in March, 1969 was evidence of the continuing Chinese belief that their land had been stolen from them by the Soviet Union.

It was those border clashes that decided Chineses leaders to approach the United States, in order to neutralize if possible any intention the Soviet Union might have had about joining forces with the United States.

President Nixon's Peking visit literally stunned the Soviet Union. The Soviet leaders moved as swiftly as they could to mitigate any danger from the West while they armed their China border. That was the reason for the rapprochement with West Germany, the reason for talk of a nuclear arms limitation treaty with the United States and, of course, for President Nixon's visit to Moscow.

All of this weighs in President Nixon's favor, of course. But even so, the Soviets will not be easy to bargain with. The determined Soviet backing of North Vietnam's aggression into South Vietnam is a sign that the Soviets mean to be as tough as possible when Mr. Nixon sits down at the bargaining table.

WHY CAN THEY NOT PRAY?

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, a long-time personal friend of mine, Mr. W. H. M. "Bill" Stover, who formerly headed the Dale Carnegie Courses in the District of Columbia and nearby Maryland, Virginia, and West Virginia, recently composed an article concerning prayer in public schools, entitled "Why Can't They Pray?"

As I believe my colleagues may find Mr. Stover's commentary of interest. I insert it at this point in the Record:

Why Can They Not Pray?

(By "Bill" W. H. M. Stover)

1. Why, indeed? In 1962 the Supreme Court, by 5 to 4 vote, struck down prayer in the public schools. A year later the Court also banned Bible reading and recitation of the Lord's prayer in classrooms. People rose up in protest to little avail. Over 200 bills to correct this miscarriage of justice were allowed to die in House and Senate Committees of arbitrary chairmen.

When a bill was finally forced out of the Judiciary Committee, through discharge petition signed by 218 outraged Members of the House, a former staff employee of that Committee was paid with Federal funds to lobby against it. On November 8th the amendment failed to reach the required ⅔ by 28 votes—thanks largely to—guess who didn't want the little children to pray! It was (if you'll pardon the expression) the clergy. These were joined by the ever-present in times of putrifaction—the American Civil Liberties Union, etc. 240 Congressmen voted for and 162 voted against the right of the people to decide this vital issue for themselves.

2. Why were the chief executioners of school prayer the very men who claim to speak for the churches of America? "Incredible, but undisputably true," says one Member of Congress. "The amendment was scuttled by an hysterical lobbying campaign of church groups. They put on one of the best orchestrated lobby jobs I've ever seen" . . . against prayer in schools. Said another Member, "They have become so concerned with secular and political goals as to forget the purpose for which they are supposed to exist: to acknowledge and serve God."

Since when are loaded dice any more excusable when in the hands of clergy? Said one Catholic Congressman, "A 5 man executive committee testified against the amendment, presuming to speak for 300 bishops and the entire Catholic church in the United States—whose views were not even sought in advance." And two Protestant clergymen—one from the National Council of Churches, the other a staff employee of the American Baptist Convention—testified against the amendment, falsely claiming to represent 40 million Protestants.

Yet Monsignor Fulton J. Sheen and Dr. Billy Graham, each speaking only for himself, said they believed prayer should be restored to the classroom, and estimated that 85% of the people did also. Subsequent polls have not disproved this estimate. In fact, some estimates now go as high as 96%. One can only conclude that if the 85% estimate of these 2 pro-men is at all accurate, then the 2 con-men represented only 6 million of the 40 million Protestants and misrepresented the other 34 million.

Who authorized a few so-called religious leaders to misrepresent the people on the prayer issue? Was it by majority vote of the clergy, or of the people? Certainly not. No such vote of either was ever taken. So, by what right do these bureaucrats set themselves up as a religious Supreme Court and vote against the wishes of the people?

3. Was not the Constitution meant to protect the people's rights, rather than prevent them? Yes, says the Editor of the Indianapolis News. But, "The Supreme Court has taken the language and intention of the founders and used them to do exactly what the founders wanted to prevent. The Court has used a prohibition against Federal interference with religion as a pretext for causing Federal interference with religion."

The Constitution was not expected to be infallible. Provision was made in its terms for change, as the need arose, by the will and vote of the people. The prayer amendment was legally sought in what some bleeding hearts termed an "abortive effort to overrule the Supreme Court." What about the abortive effort of 5 of the 9-man Court to literally throw God and religion out of the public schools? Why should such fuzzy thinking go unchallenged in so vital an area as the religious life of a Nation's children? Why shouldn't attempts be made to restore legally the Constitution which has been so misapplied?

4. Why all the nonsense about the dire consequences of doing violence to the first sentence in the Bill of Rights? Which is more important, the first amendment, or the first commandment? As one reporter wrote, "The House, like the country, is full of people who trace the outbreak of promiscuity and violence to the Supreme Court's anti-prayer decision." And one Member on the floor of the House accused the anti-prayer forces of having cobwebs in your heads," as he chided, "Don't be concerned about what earthly judges will say, but about the Supreme Judge above."

5. Why all the phony flack about "Separation of Church and State?" For over 100 years, before the Supreme Court began to legislate, children were allowed to pray or not pray in school, and the world didn't come to an end. Why should it do so now if prayer and Bible reading are rightfully and constitutionally restored to the classroom through the will and vote of the people?

6. Why did 162 Members of Congress deny 200 million people the right to decide this controversial prayer issue for themselves? Why should 162 Members of Congress misrepresent and frustrate the will of 170 million people? If 85% of the people in America want prayer and the Bible restored to the classroom, then these 162 misrepresented 170 million people.

Furthermore, the prayer amendment did not seek the personal views of any Congressman on the merit of prayer in school or elsewhere. It sought only to give the people their Constitutional right to decide and vote on whether the children of this Nation should again be allowed to pray and read the Bible in school. What's wrong with that?

7. Why, in the first place, did 5 of the 9 Supreme Court Justices presume to banish religious belief and the recognition of Divine providence from official life? If atheism, communism and pornography aren't barred, why outlaw religion? Schools where prayer is prohibited have in effect established secular humanism, or agnosticism, if not atheism, as their religion.

8. Why is the educational system in such disrepute and disarray today? Isn't it due in large part to lack of morality? Integrity? Discipline? Religion? As one Congressman reminded his colleagues, "Surely today's students would be better engaged in prayer than in some of the anti-social activities which so many Members of the House think are a direct consequence of the Supreme Court's actions." At any rate, few could disagree with the Congressman who said, "I don't know of any case where prayer has spoiled anyone, physically, mentally or morally."

9. Why all this hullabaloo about prayer, anyway? One wonders, who really cares about prayer today? Who really prays? As one reads all the current bitter statements—even after its failure—of those who opposed the prayer amendment, we're reminded of the United Nation's fiasco after the expulsion of Taiwan.

Even after the prayer amendment was defeated, one so-called Man of God called the House Chaplain's prayer on the day of the vote "a pitch to the 40 Congressmen present." Then he added, "The issue is like a snake with its head cut off, but its tail continues to wiggle." If by that he means that

Godly forces will not be so easily overcome, he may be more prophetic than he knows.

Certain it is that had more prayer and less venom been poured into the prayer issue, better results might have come out of it.

10. So what do the people do now? Shall decent, patriotic, God-fearing people be overcome by an increasingly Godless, confused, lawless society? Shall the will of a few frustrate the will of the many to return to the faith of the founding fathers of this Nation?

Shall America travel down the broad road to that inevitable destruction which awaits any people who commit spiritual suicide? And shall little Godless children lead them? God forbid.

Instead, let not one of us—neither those pro or con—rest content without rethinking this matter through on bended knee, then rise to take such further action as his best self dictates.

Let us remember how the Lord appeared to King Solomon and said, "Solomon, I have heard thy prayer . . . If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and then turn from their wicked ways; then will I hear from Heaven, and will forgive their sin, and will heal their land."

May the God who reigns over all men bless this people and this Nation, today and in the days ahead.

May the words of our mouths, and the meditations of our hearts, and the deeds of our hands, be acceptable always in thy sight, Oh Lord, our strength and our Redeemer. Amen.

A SENSIBLE COMPROMISE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. ERLENBORN. Mr. Speaker, each of us comes to this Chamber to speak for about half a million people; and each of us has certain firm convictions about what is good for the country, and what is bad.

If we are to succeed as a legislator, we must mold those firm convictions—which, of course, differ widely—into useful compromises. Oftentimes in a compromise, nobody gets what he wants and we have to be satisfied with an agreement in which nobody has to take too much of what he does not want.

Good laws necessarily entail compromise.

I have just served on the conference committee on S. 659, the Education Amendments of 1972. We have worked hard for 2 months and a little more, and we have worked particularly hard to find language which was agreeable to us and to spokesmen for the other body on the busing of children to achieve racial balance.

If I were given the privilege of writing this section of the bill, I would write it differently; but I shall not have that privilege, and neither will any other Member of this House.

I look upon this as a sensible compromise, with language that is close to that upon which the House twice insisted. I think it is as close to the House consensus as we can be. If we are to try to nudge the compromise a little closer to what the House has demanded, we are inviting an impasse; and I doubt that would gain us anything.

Mr. Speaker, soon after the conference had made public its report, the Chicago Tribune treated the subject in its wise editorial columns. I include its editorial in the RECORD:

[From the Chicago Tribune, May 18, 1972]

SENSIBLE COMPROMISE ON BUSING

A joint conference committee of the Senate and House has arrived at a sensible compromise of differences in the language about busing in the pending higher education bill as passed by the two houses. The compromise would suspend, until Jan. 1, 1974, application of court busing orders until appeals were exhausted.

It adopts the Senate position permitting funds for busing to overcome segregation if such spending is requested by local schools or if ordered as required by the Constitution. House amendments would have flatly prohibited use of federal money for busing to mitigate segregation.

It is clear that the Supreme Court of the United States will have more to say about busing and segregation than it has yet said. Arguments on a case originating in Denever are already scheduled, with a decision confidently expected well before Jan. 1, 1974. The Supreme Court can be more effective, as well as more orderly and rational, in forming a national position on the subject than can a series of local and state campaigns for elective offices not charged with interpreting the federal Constitution. Until the Supreme Court clarifies the subject, the legal status of busing for desegregation can hardly become clear.

After the Supreme Court has spoken, the opinion of the court can provide guidance for subsequent action as nothing else can. Suspending the application of court orders, past and future, until the Supreme Court rules would defuse the issue until well after the 1972 elections; and this is a further recommendation for the congressional compromise.

Leaving the way open to use federal money for carrying out locally initiated action or to implement a Constitutional mandate from the Supreme Court is surely better than trying to screw down the lid even if one of those two conditions is met. In the busing furor as in every other major legal controversy, the structure of government is involved as well as the particular matter at issue. Especially when emotions run high, Congress should be careful not to tear the fabric of government, or to establish bad precedents which may be applicable to later and altogether different issues.

Thanks to both prejudicial and thoroughly respectable considerations, busing is a big issue. Even so, it is possible to exaggerate its importance. Busing hardly provides an adequate basis on which to choose a Presidential nominee. Nor does it serve law and order to resist unwelcome court directives on busing to the point of limiting judicial jurisdiction.

The House and Senate conferees have managed to agree on a compromise, tho we may be sure that individual senators and representatives still differ on the subject. The House and Senate as wholes should accept this compromise, and thus suspend a conversation that can hardly be advantageously pursued further before the Supreme Court speaks.

BLACK LEADERS IN A BLACK CAUSE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. STOKES. Mr. Speaker, the 1970's have been designated as the decade in which black Americans will attain the political and economic power that have been withheld for far too long. This is an expression of fact. It is not idle rhetoric.

A large element in our assuming this dual power involves the rejection of white leadership. While we will continue to welcome white support of our goals, we intend to lead the battle for political and economic power.

We recognize that this is not easily understood by the white liberal and that we risk the loss of many potential allies. On the other hand, we know that the test of a true friend of the black struggle, is his willingness to accept black leadership and direction.

On May 9, 1972, my colleague from Missouri (Congressman WILLIAM "BILL" CLAY) expressed his views on this matter in the Boston Globe. He exposed the transparent hypocrisies that are often mouthed by whites. And he asked this important question:

> Now blacks are planning, directing and leading the onslaught. The question is: can the white liberals follow the lead of blacks who have followed them for so many years?

He said that black Americans will no longer accept one black man here in this important position, another there. He wrote:

> To be the first black "anything" in the decade of the 70's is not an accomplishment.

I would like to share my colleague's perceptive analysis with the other Members of this Chamber. I, therefore, include the column, as it appeared in the Boston Globe:

[From the Boston Globe, May 9, 1972]

CAN WHITE LIBERALS FOLLOW THE LEAD OF BLACKS NOW THAT SHOE IS ON OTHER FOOT?

(By William L. Clay)

Black leaders have progressed to the stage of saying not what whites want to hear, but what whites need to hear. They view their role not as one of appeasement but one of education.

Many whites are shouting about so-called opportunities for black people. Government officials release statistics which say we never had it so good. The private business sector spends thousands of dollars trying to prove that they are "equal opportunity" employers. But when you look behind the rhetoric the results are not there. Black people still are the last hired and the first fired. No real commitment has been made to bring us into the mainstream of American life.

Some look at me and say—"Well, you made it, surely others can make it if they want to." And I say that my being the first black congressman from Missouri is not a verification of a system of opportunity, it is a tragedy.

To be the first black "anything" in the decade of the 70's is not an accomplishment. In my case, it inherently implies that millions of blacks have been denied legitimate representation.

When blacks look at American government and at American society, we see a structure of which we are not really a part. We hear white voices—telling us what we should do, or telling us why we must be more patient, and telling us why there can be no response to our needs and problems. This is what we have heard for more than a century.

In recent years, the new black politics has put the traditional white liberal in a new and perhaps uncomfortable role. For many years the white liberal planned, strategized, organized the fight for racial justice in this country. He determined the priorities, the issues, the battle plan, and the time of execution. He provided dedicated leadership in helping to create the national climate for racial change.

Now blacks are planning, directing, and leading the onslaught. The question is: can the white liberals follow the lead of blacks who have followed them for so many years?

The emergence of a black identity came much too slowly. The name of the game has been to stand and wait.

We waited for the end of slavery, waited for the extension of American citizenship, waited to be seated in movie houses and served at lunch counters. We have stood in line for education, for jobs, and for food. We have waited for decent housing, waited for white politics to deliver.

It is a question as to whether impatience gave birth to black pride and black power or whether the latter gave birth to our impatience. What is important is that the truth of our situation has been clearly established and recognized, and that, in the absence of black initiative, action and leadership, there can be no real progress for the black populace.

As a black man, I have been taught that there is no virtue in patience. The patience of black Americans has come to an end. We have learned that when the struggle for essential human rights is injected with patience, the struggle is only prolonged. America's Christian image, illuminated in a black light, is as hypocritical as her constitutional guarantees.

If we must become "irritants" in order to stir the consciences of all Americans, then "irritants" we must become.

When black men and women are elected to public office today, it is not a sign of tokenism, even though our numbers still make it appear so. They are elected because they have as much to offer as they do to gain.

Through the effective exercise of black politics, black Americans shall finally make their impact upon American law, American social policy, and American economics.

UNITED STATES COURTS COMMUNISTS WHILE LOSING REAL SUPERPOWER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. RARICK. Mr. Speaker, while our President junkets to Moscow and Peking for summit meetings with the new "superpowers," the two powers capable of truly being superpowers, Japan and West Germany, are being betrayed.

I insert reports from the Japanese political newspaper and a West German petition to the Congress of the United States to follow at this point.

[From Liberal Star, Published Monthly By The Liberal-Democratic Party Of Japan, Vol. 1, No. 2, February-March, 1972, Tokyo, Japan]

JAPAN SHOULD NEVER FORGET CONDITION FOR HER EXISTENCE

(By Yasuhiro Nakasone, Chairman, Executive Council, Liberal-Democratic Party of Japan)

In July last year, the news that President Nixon of the United States had decided to visit Peking, completely going over the head of Japan, heralded the arrival of the age of multi-polar diplomacy. To me, however, the news brought back memories of the historical developments of April 1962 when the German people were shocked by a rapprochement between the United States and Soviet Russia in respect to the Berlin problem, a step which was taken over the head of West Germany.

At the time, Prime Minister Konrad Adenauer of West Germany expressed his deep dissatisfaction to the United States. Since then, however, West Germany has been exerting efforts to adjust herself to the world trend toward peaceful co-existence between East and West. Today, she recognizes the need to maintain a status quo of the borders of Europe, and thus she has gained the trust, not only of her neighboring countries, but also of the world in general. It is even rumored that this autumn, both West Germany and East Germany will be admitted into the United Nations.

For his work in contributing to the peace of Europe through the status quo policy, West Germany's Prime Minister Willy Brandt last year was awarded the Nobel Prize for Peace.

On the part of Japan, she follows a policy of self-restraint, not being bound by such treaties as Germany is, although she may receive the same sort of shock as Germany. If Japan should stray from this policy, she would be thrown into a state of isolation and crisis. There is also even the extreme opinion which expresses the fear that the situation may lead to the possibility that Japan may again become extremely militaristic or may desire to possess nuclear arms.

In comparing the conditions of Japan and West Germany in respect to their international positions, it is noted that they have in common the same caution and fear of a state of militarism such as they experienced in the past and of any revival of it in the future.

Where the two countries differ is in the fact that in the case of West Germany, there is a strict vigilance against her ever becoming militaristic again imposed by the multi-national Treaty of Paris, while in the case of Japan, there is no such international treaty but she is carrying out a strong restriction on any such possibility in her domestic policy, including the provisions of her Constitution and the Three Principles of never making, possessing or using nuclear weapons. Consequently, with Japan becoming so powerful economically, it is only natural for the world, in particular the neighborhing countries, to have unusual concern of what would happen if Japan should ever stray from the self-imposed policy.

At this time I believe that it is necessary for Japan to reflect again on the condition for her existence and on this basis, strive to eradicate the suspicions of the world. What is the condition of which I speak? It is the fact that the Japanese are a maritime race.

Being an island nation, Japan must depend on trade for her existence. There is no other way. And in order to engage in trade, there must be freedom to sell and to buy. For this, ships must be free to go where they will without interference; people must also be able to come and go freely. That is to say, freedom and democracy are necessary to Japan. In the past, countries of this type were maritime nations owning large merchant fleets backed by powerful navies. Continental countries like China, Russia and France, which controlled large territories and had huge populations, usually sought to become self-sufficient on the strength of huge possessions of natural resources. They preferred to do everything on their own without trading. In efforts to become self-sufficient, however, the economy was bound to become a controlled one. This made it easy for the advent of totalitarianism and isolationism. The army became stronger. This was the trend in China, in France and in Russia.

In the War in Asia (culminating in World War II), Japan, which was an island nation which had to depend on trade, tried to become a continental nation, in addition to being a maritime race, by trying to take over Manchuria and China. Such an idea led to failure. In the process Japan saw her merchant fleet destroyed. She became lost.

No country should ever try to assume that sort of double standard. The welfare of our nation must always lie in keeping the Pacific Ocean peaceful. The main emphasis of our efforts is always to be directed to keeping commerce and trade free throughout the world. And to achieve this condition, the greatest factors are Japan and the United States. These two nations must both follow the basic guideline of keeping the Pacific a peaceful ocean through point efforts.

China undoubtedly holds a deep interest in the Pacific. In other words, it should be the goal of our diplomacy to work positively to have all the countries bordering on the Pacific to be in accord that the ocean is to be kept in peace. It is my belief that nothing should be allowed to disrupt the relations between Japan and the United States, both of which follow the same creed of life and have the same interests in trade. One of the manifestations of this joint effort is the Security Treaty. On the other hand, it should be recognized that conditions change and so will the contents of the treaty. Whatever else may change, however, the basic ties which are necessary to keep the Pacific peaceful are not to be disturbed.

It is for this reason that as Director General of the Defense Agency, I once stated that the U.S.-Japan Security Treaty is necessary on a semi-permanent basis. I was referring, of course, to our basic friendly relations. The results of the last war showed us what unhappiness can occur if we should deviate from the basic guideline. To prevent such unhappiness is one of the fundamental policies of the Liberal-Democratic Party and a basic national policy as well.

Without this basic guideline, our position in respect to China or Russia would be greatly weakened.

What can we present as our "sales point?" In diplomacy, some sort of trump card is always necessary. In the world today, nuclear weapons constitute a powerful trump card. We don't have such things, but what we do have is the capacity to trade. We offer economic assistance. But we must remember that without relations based on cooperation with other countries, our diplomacy cannot hope to succeed. It is our friendly relations with the United States which forms the core of such relationships.

Without the basis of this relationship between Japan and America, our voice would become weak. And it is on the basis of this basic relationship that we should establish new relationships between Japan, China, Russia and America.

[From Liberal Star, Feb.–Mar., 1972]

MULTI-POLAR INTERNATIONAL SOCIETY AND PROBLEMS FACING JAPAN

(By Shigeru Hori, Secretary General, Liberal-Democratic Party of Japan)

The year 1971 was one which will go down in history as having opened the way for the materialization of the reversion of Okinawa to Japan, an event which will actually take place officially in May 1972. At the same time, it was a year which raised the curtain on what is called the age of multipolarization in world politics.

In order to ensure Japan's continued prosperity and security in the multi-polar age, the most important factor will still be our relations with the United States, more so than with any other nation. To guarantee the security of our nation, maintenance of the U.S.-Japan Security Treaty is an indispensable condition. Moreover, it has been our economic exchanges with the United States which have played a vital role in the achievement of our present-day economic well-being, and this role will undoubtedly continue to hold sway in the future.

Last year, various frictions were seen, mainly in the economic field. It is my deep conviction, however, that the path toward placing Japanese-American relations on a permanent and stable basis will only be one which will lead to the building up of a state of mutual trust and a spirit of equal partnership. In order to attain this, it will not be enough merely to hold negotiations whenever a problem arises. Rather, what is desired is that a powerful movement of popular diplomacy be launched which will enable the exchange of unreserved views and which will serve to deepen mutual understanding between the two peoples.

Elsewhere, one of the greatest problems which Japanese diplomacy will face hereafter is that of the normalization of relations between Japan and China. The People's Republic of China, indeed, is our largest neighbor. With the entry of the People's Republic of China into the United Nations, it becomes highly unnatural for our nation not to have diplomatic relations with her. Such a state is most undesirable from the standpoint of establishing peace in the Far East. It is my aim to make every effort for the normalization of such relations. But we must remember that Sino-Japanese relations in the past have been marked by various unfortunate conditions which have resulted in a situation of distrust. One is not able to deny the existence of such problems as Taiwan, the differing political systems, the gap in ideologies and the difference in the process of economic development through history.

On the Chinese side, there are undoubtedly many conditions to be laid down. On the Japanese side we have our own position to consider. It means that Sino-Japanese relations must be established on a basis of mutual respect for each other's position. Problems which are of common concern should be discussed frankly and honestly. Such true and stable friendly relations must be realized as soon as possible.

We need hardly to stress the fact that our nation is part of Asia, and in Asia, there are many countries in the process of development. Being underdeveloped as yet economically and socially, these countries are still unable to extricate themselves from the yoke of poverty. Within Asia, too, there is much strife—the Vietnam war, a divided Korea, the confrontation between India and Pakistan. With full understanding of these fellow nations of Asia, it is Japan's role to provide every aid and cooperation possible to bring the permanent peace and economic stability which are the hope of these various countries.

Improvement of our relation with the Soviet Union, overcoming obstacles raised by difference in ideologies among all countries of economic and cultural exchanges, working for world peace and prosperity—these are also the tasks to which we must strive without letup.

Within Japan, we are faced, politically, with the continued confrontation between Left and Right. Regrettably, however, it must be admitted that none of the opposition political parties, including the Japan Socialist Party, has the ability to take charge of the government. It is to be expected, therefore, that for a considerably long time to come, the Liberal-Democratic Party will have to continue to govern.

Despite the narrow confines of Japan, the economy of Japan has built up a highly intensified society which finds its gross national product rating as the third highest in the world. However, with the so-called "dollar shock" last year as the impetus, we have come to reflect deeply on our economy policy of giving priority to production and export. This has led to a transformation of great importance, shifting weight to quality over quantity, with such new aims as improving the living environment, more effective use of the land, and raising the level of social welfare. We have also become more strongly conscious of the importance of our position and responsibility in the world economy.

At this great turning point in history, I believe that the Japanese economy with its tremendous energy should prime itself to meet the future as a truly peaceful nation which has overcome innumerable obstacles and has established a superlative society such as has never been seen in the world before. And making full use of this great store of energy accumulated, we should like to advance forward strongly to contribute to peace and prosperity for all mankind.

Betrayal by the USA Thrusts Germany Into the Bolshevists' Camp

(By Friedel Unger)

The honorable members of Congress and Senate of the United States of America.

The betrayal of Berlin is the separation of West Berlin from the Federal Republic of Germany by the USA under the four powers agreement. Through this agreement Berlin loses its right to free communications with West Germany. The renunciation of power by the USA "in this area" will serve as a passport for the annexation of Berlin by the Soviet zone of occupation (see enclosure I). This is kept secret from the German people.

The USA's insistence of the Moscow treaty is a betrayal of Germany.

According to the Bonn-Conventions of 26.5.1952, Article 2c, this treaty needs the agreement of the USA. Why does the USA agree to this treaty which is against all German interests?

Economic, scientific and technical co-operation with the Soviet Union is planned in the treaty. The Moscow treaty gives Russia what she herself does not have for her armaments industry—contact with modern technology, patents, know-how, computers, steel welding apparatus, war materials, motors for trucks, for armoured vehicles, for atomic rockets—and all on credit, which is naturally a great help to underdeveloped Russia.

But the USA is bent on arming Russia.

The Moscow treaty gives half of Germany to the Bolshevists—and this will then be legally binding. It makes Germany and Europe smaller and weaker in a dangerous way. It leaves Germany at the mercy of Soviet blackmail, exploitation and propaganda. All this is hushed up from the German people and shown them in a different light. Newspapers and radio stations in Germany are already red. Anyone who resists the Moscow treaty gets called a Nazi or a right-wing radical. The victors of 1945 broke up our press and built up a new left-wing press to stamp out the nationalism and racialism they ascribed to us. Under a red government the press is moving even more to the left. The red leaders of public opinion are too strong.

That the USA with the little protection it offers and with a reduction of its troops stationed in Europe is forcing the ratification of the eastern treaties, is the reason given by our red government, press and part of the opposition.

The people are afraid that the USA will leave us in the lurch, just as it betrayed us when the Berlin wall was built.

Betrayal is the reward for our remaining loyal to the alliance.

Our soldiers will not defend western Europe. Doubtful allies stand behind them, atomic rockets are in front of them—against which they are defenseless.

The USA is paving the way for Soviet advance.

"No" from President Nixon to the division of Berlin from West Germany and to all the eastern treaties would overthrow our red government and free us. Fairness, the alliance with Germany, your security and our security all call for this "No". You would show great courage against your communist-influenced press.

Germany is dependent on the USA. It would bow to President Nixon's' demand immediately if a guarantee were given for the security of Germany and Berlin. The German people would be willing to make great sacrifices for real security which at present is denied by the USA and for genuine help towards peaceful reunification.

The USA could make a lot of money through deliveries of arms to us. The USA could increase its own security and power if it would safeguard Germany and lead it. There was no need for the USA to devalue the dollar.

Up to last summer the Federal Republic accepted the dollar as payment at an excessive rate. By doing this it let Americans buy up large parts of its industry too cheaply. The Federal Republic supported the overvalued dollar by buying up—with great losses for our country which is already being exploited by France and other countries.

It would be able to break up the Common Market which is detrimental to all sides and which we were forced to join by the USA. The Common Market will not lead to a united Europe, which is turned down in any case by France, Great Britain and Denmark. The Common Market forces Germany to import agricultural produce from France and other member countries to pay double the world-market prices.

With German economic power—weakened in this case by the red elements—the USA could lead Europe. Germany is the most trustworthy ally in the world. It exploits no-one. It is exploited in a dreadful way itself.

The anti-German policies of the USA are also policies against the USA, as the two wars of the USA against Germany were wars against their own people.

The people of the USA ought to remember that they are of Germanic origin even if they descend from Northern Europe or from England. If the USA betrays Germany, it is betraying its own relations.

The USA has destroyed the safe German wall of protection against the Soviet Union. Now the USA is handing defenseless Germany over to the Bolshevists.

Because the USA disarmed us and gave us no security our red government is running right into the Communist net—simply out of fear.

Lenin said, "Whoever has Germany has Europe. And whoever has Europe has the world." How does the USA want to guard against atomic threat when large areas of the rest of the world are ruled by the Soviet Union? When an atomic war makes the world inhabitable.

Our downfall is your downfall.

Your betrayal of Germany is a betrayal of your own people.

I—The Betrayal of Berlin

(By F. Unger)

The four powers agreement on Berlin of September 3rd 1971 lays down about Berlin's western sectors: "that these sectors continue not to be a constituent part of the Federal Republic of Germany and not to be governed by it." (Part 2, Paragraph B). This means that Berlin is split off from the Federal Republic for ever and can never again be part of the Federal Republic of Germany.

But according to the constitutions of the Federal Republic and Berlin and according to decisions made by the Federal Constitutional Court Berlin is still a state ("Land") of the Federal Republic.

Only if Berlin is a part of the Federal Republic has it the right to free communications to the rest of the Federal Republic by land, by water and by air for all times.

According to valid international law and the decision of the International Court of Justice in the Hague this holds true for all separated parts of a country.

Should the Soviet zone of occupation break international law by disrupting traffic on the approach roads to Berlin, then the western allies and West Germany have the right to violate international law and to break treaties in respect of the Soviet zone. The same reprisals are justified in respect to the Soviet Union as long as the zone is not recognised as a country under international law.

If West Berlin is a part of the Federal Republic then all NATO allies are, according to article 5 of the NATO treaty, bound to protect Berlin and its approach roads as they would their own countries.

As a very poor alternative to West Berlin belonging to West Germany the four powers agreement offers a treaty which can be broken at any time by the Soviet Union or East Germany as soon as they can no longer use it to blackmail and exploit West Germany.

For Part 1, Paragraph 2 of the Berlin agreement contains the renunciation of force by the allies "in this area"—renunciation of force against the use of force by East Germany on the routes to Berlin, a renunciation of force against shots at West Berlin and against Russian planes over West Berlin. One day East Germany will use this renunciation of force as a passport to violent annexation of the whole of Berlin.

The renunciation of force means that the mighty USA is giving way to the government of East Germany—the elephant is giving way to the mouse. The Soviet ambassador has already forecast that West Berlin will fall into the hands of the German Democratic Republic.

The Soviet Union keeps to its treaties only as long as they have some use. To hush up this fact does not mean anything else but obscurantisme in regard to the German people.

President Nixon of the USA once said, "A four powers agreement does not safeguard the access roads to Berlin."

When the four powers agreement comes into force West Berlin will be taken by a surprise attack following a last respite or it will be cut off by a blockade until it falls into the hands of the East German dictators.

Until then the western allies can do good business with flights to Berlin. If Berlin belonged to the Federal Republic they would have to share this business with the German airlines.

But we are determined that West Berlin should always remain part of the Federal Republic, a state of the Federal Republic.

The supreme authority of the western allies and all rights of the western allies concerning West Berlin should be maintained. The rights of the western allies are above the rights of West Berlin and above the rights of the Federal Republic over West Berlin.

Because the western allies have supreme authority over West Berlin they also have the duty to respect and protect the Berliners' right to self-determination. Even Kennedy guaranteed this in his "three essentials" that the West-Berliners have a right to self-determination.

But now we can hear from Moscow "The Berliners don't want to belong to West Germany." Berliners, it is up to you to prove the opposite to the world! And it is necessary!

All four allies, even the Soviet Union, have signed the Charter of the United Nations. In Article 1, Paragraph 2 it defines that all peoples have the right to self-determination and to equal rights. According to this the Federal Republic and Berlin also have the right to self-determination.

If a treaty signed by any of the four powers is to be worth anything at all, they must adhere to this Charter and guarantee us the right of self-determination.

Fellow-countrymen, you must demand this right of self-determination, the right for Berlin to be part of the Federal Republic. Demand this right in letters to the Berlin Senate and to the Federal Parliament in Bonn.

Citizens of the USA demand from your President the right of self-determination for Berlin, the right for it to belong to the Federal Republic of Germany.

Only in this way can Berlin be saved.

Only because the West lets itself be blackmailed by the Bolshevists, will they blackmail it all the more.

Western governments have undergone a sudden change of opinion for the benefit of the Communist-orientated press and for their votegetting campaigns which has led them in times of momentary difficulties to give away whole countries. Now West Berlin with a population of two million people and East Germany with a population of seventeen million people are to be given away.

The result is that Russia is advancing all the time.

II—The Moscow Treaty

(By F. Unger)

The Moscow treaty guarantees our unlimited respect for the irrevocability of the borders between the different parts of Germany—in the valid Russian text.

The Moscow treaty gives away half of Germany—for absolutely nothing in return.

According to still valid law the stolen half of Germany still belongs to Germany—but following the ratification of the Moscow treaty this will no longer be the case.

Our government argues this point. It has found an unusual way to interpret its treaty to transfer land to other countries.

Yet the Soviet Union, all eastern block countries and France all declared immediately that the treaty is the binding recognition of the borders of the German Democratic Republic, Poland and all countries in Europe according to international law. Our government knows that all other countries, even the USA, wants to join in recognizing the Soviet occupied zone as a country in its own right. This means that all these countries want to recognise the permanent division of Germany as legally binding, they want to give up the right to self-determination to the 17 million Germans in East Germany and recognise the abandonment of half of Germany to the Soviet Union—and all as a result of the Moscow treaty. This will all happen at the latest following East German membership of the United Nations which is being planned by our government.

After that no country in the world can demand German reunification; this possibility is excluded by the legal maxim "venire contra factum proprium".

Although our government always asserts that it is maintaining the right to self-determination of all Germans, it acts in exactly the opposite manner and wants the Moscow treaty to be ratified under any circumstances.

Not even the victorious powers of 1945 who were seething with hatred committed a breach of international law by splitting up Germany. They merely divided the country into zones of occupation but keeping its legal unity. Germany will finally be divided by the present government at Moscow's command.

Is it clever to carry out Moscow's commands? To pursue Moscow's policies? Judge for yourself.

The allied powers Great Britain, the USA, Russia and France agreed in their "Declaration regarding the defeat of Germany" on June 5th 1945 in Article C, Paragraph 1 that Germany should continue within its borders of 31st December 1937. According to Article A they decided not to annex Germany. According to Article B they took over the supreme power in all matters concerning Germany as a whole.

The Atlantic agreement of August 14th 1941 which was signed by Britain and the USA was also assented to by the Soviet Union, Poland, Czechoslovakia and a total of twenty-six nations in the United Nations pact of January 1st 1942. These powers, including the Soviet Union commit themselves to the following articles:

"1. Their countries seek no aggrandisement, territorial or other.

2. They desire to see no territorial changes that do not accord with the freely expressed wishes of the Peoples concerned.

3. They respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self government restored to those who have been forcibly deprived of them."

Our government is giving away our rights under this agreement—and without anything in return.

In the United Nations Charter of June 26th 1945 the victorious powers, including Russia, bind themselves in Article 1, Paragraph 2 to "the principle of equal rights and self-determination of all peoples." In the Moscow treaty our government is giving away this right of self-determination because it recognises the Soviet zone of occupation as a state in its own right. For according to Article 2, Paragraph 7 of the United Nations Charter no right of intervention in matters which are within the domestic jurisdiction of any country can be deduced. On recognition of East Germany as a country we have lost all our rights to it which were guaranteed us by the United Nations Charter.

It was exactly for this reason that East Germany and Russia pressed so persistently and forcefully for the recognition of East Germany as a country.

Our government was stupid enough to do this—even establishing in its declaration at the beginning of the present parliament: "The German Democratic Republic is a state in its own right"—without anything in return. We received nothing in return for this gigantic present!

When East Germany joins the United Nations, urged on by our own government, it will according to Article 2 paragraph 1 of the United Nations Charter be recognised as a state of sovereign equality by all members of the UN and by all the world—although it is practically nothing but a colony of the Soviet Union with no rights of its own.

In Article 2, Paragraph 4 of the UN Charter Russia agrees to:

"All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." This package contains the renunciation of force by the Soviet Union—which it has broken everywhere where it was possible in the whole Eastern block including East Germany.

Why on earth has our government made another renunciation of force of treaty with the Soviet Union?

That is the same thing over twice.

Does our government think that if the Soviet Union signs something twice it is meant more sincerely than by just signing once??

The resolution of the UN Security Council on November 22nd 1967 which was unanimously agreed upon and signed by the Soviet Union too says that following the end of hostilities the conqueror must leave the occupied areas and the expelled population must be allowed to return.

That was old international law in 1945. But it is no longer valid for the stolen half of Germany when the Moscow treaty is ratified. Because under the Moscow treaty we are giving away half of Germany.

According to the United Nations convention of November 27th 1968 which was also signed by Russia, Poland and Czechoslovakia the stealing of land following a war and the colonisation of occupied areas is a breach of international law and is not subject to the statute of limitation.

Therefore we must eventually get back that part of Germany stolen from us, if we never give up our right to it and strive for our rights with all peacefull means—and there are very many means we can use.

On ratifying the Moscow treaty we give the robbers their booty. And after that half of Germany is irretrievable. That serves us right. Whoever supports the robbers, as we do, is no better than the robbers.

In the Bonn conventions of 26.5. 1952 Great Britain, the USA, France and the Federal Republic of Germany agree in Article 7 that a vital aim of their joint policies is to achieve a freely agreed upon settlement for the whole of Germany which should form the basis of a lasting peace. Until the conclusion of such an agreement the Federal Republic and the three allied powers will work together to achieve their joint aim by peaceful means: a re-united Germany with a democratic constitution similiar to that of West Germany, integrated in the European community.

The Moscow treaty frees the western allies from their obligation to work together for the re-unification of Germany. In it our government renounces al our rights to reunification. Our government made the western allies agree to this renunciation.

Our government is urging the convening of a European "security conference" to guarantee the permanent division of Germany by the USA and all European countries.

Like all treaties with the Soviet Union the planned insecurity treaty will bind our hands, not Russia.

Read the previously quoted passages from treaties with the Soviet Union in order to see how much one should believe in their signatures on treaties.

Following the guarantee that the border of East Germany is unalterable the Soviet Union is free to get even with China on its other distant border. Then it's our turn next—thanks to our policies.

Just at the time when Russia is at loggerheads with China our government renounces our rights to half of Germany—instead of using the situation to enforce our rights.

"The great victory of the Soviet Union", said Breshnev of the Moscow treaty.

"It is the binding recognition of the borders of the German Democratic Republic, Poland and all European countries under international law", said Breshnev, Honnecker, ministers of other Warsaw Pact countries and even of France. No country in the world will interpret the treaty in any other way.

Following our renunciations Moscow demanded in Pravda "Bonn must completely give up the idea of re-unification. Otherwise we shall not change our policies towards Bonn."

What use are our renunciations then?

The Soviets will never "change their policies towards us" by our renunciation policies. Why should they? Fulfillment of their demands has always encouraged the Soviets to make new demands.

The Moscow treaty will bring the economic exploitation of West Germany and political blackmail. It will lead to millions of reparation payments to the eastern block. It will lead to our economic ruin.

The co-operation in economic, scientific and technological fields which is agreed upon in the Moscow treaty will help to increase Russia's supply of arms—against us—and at our cost.

The Moscow treaty leads to credit being lent to the Soviet Union (with West Germany providing surety) which we will never get back, unless against even higher demands. Non-actionable credits are means of extortion in the hands of the debtor, just as the non-actionable four powers agreement on Berlin of 3. 9. 1971.

The Soviet Union will accuse us of breach of contract, will blackmail us and Berlin, if we refuse credit or deliveries of weapons, the surrender of patents, or scientific and technological co-operation.

Our work for Moscow, for the time being without payments, will make us all poor, will increase our inflation.

The Moscow treaty hands over seventeen million Germans forever to the terror of the Bolshevists, to pitiful communist poverty.

The Moscow treaty delivers up the men in East Germany to the Russians to be used as cannon-fodder in each of its wars—even in an atomic war against China.

Our government should at last ask: "What will the Moscow treaty bring us in concrete terms?"

Up to now nobody could say.

The people should be told the honest truth—without a smoke screen to camouflage our withdrawal and Soviet advance.

The "détente" is really only talk about a détente, delusion and deception in order to hoodwink us.

Everyone must see that, even the government and the parliament.

Everyone has the duty to tell the truth, including the government, the opposition, the parties and every journalist. It is the duty of every citizen to head off our fate.

[From the State Times, Baton Rouge, La., May 13, 1972]

SENSING THE NEWS: WEST GERMAN POLITICAL BREAKTHROUGH REMAINS RED GOAL

(By Anthony Harrigan)

MUNICH, GERMANY.—This 800-year-old Bavarian city, with its rich, comfortable life, symbolizes all that West Germany has accomplished in the generation since the end of World War II.

The citizens of Munich have lovingly restored the great churches destroyed in the last World War. Handsome new apartment houses, private dwellings and offices ring the old city areas. The city's transportation system is without parallel, including a new subway system. The old habits of the good German life persist, such as the two-hour lunch break. Yet hard work is a gospel. Labor is in such short supply that 180,000 Yugoslavs, Italians and Spaniards are recruited to man essential services.

This year, the world will discover Munich as never before when the Olympic games are held in the city.

Beyond the Iron Curtain, in Eastern Europe and the Soviet Union, there is keen understanding and envy of the wealth this and other West German communities have created in the past 27 years. The Communist world has not abandoned any of its ambitions with regard to West Germany, as indicated by the insistence on ratification of German treaties with the U.S.S.R. and Poland.

Recently, the Soviets altered tactics with regard to the European Common Market. In the past, the Red leadership described the European economic community as an imperialist device. The Soviets now appear to have accepted the community as an established fact and will deal with it directly.

The Soviet dealing with Western Europe, especially West Germany, has the objective of gaining access to the new technology of the West and Western economic credits. For all the Soviet successes in military projects and space, the U.S.S.R. still lags far behind the West in technological innovation, especially in computer technology. The Soviets want the new technology made available to them and they want the West to advance the money for new plants. This is one of the prime aims of the Reds' "Westpolitik."

At the same time, the Soviets hope to gain a new political foothold in West Germany. They see isolationism on the increase in the United States and a consequent gradual U.S. political and military withdrawal from Europe. Unquestionably, abrupt shifts in U.S. foreign policy and strategic theory have undermined European confidence in the U.S. as the leading superpower. This is why significant elements in Europe now look to the East.

Logically, the West Europeans, led by the West Germans, should utilize their new wealth and abundant manpower to build strong defenses against the Soivet Union. Europe has the capability of creating powerful nuclear and non-nuclear deterrents to the Soviets. But the U.S. has failed to urge the West Germans to create nuclear defenses in West Germany.

The Left parties and organizations oppose strong defenses, condemn the United States for its stand in Asia, and seek to radicalize German youth. These Left groups present the U.S.S.R. as a mellowing force.

There is only one Soviet Union, of course. The same U.S.S.R. that talks of "peace" and cooperation in Central Europe is the Soviet Union that pours arms into the hands of the North Vietnamese, encourages urban terrorism in Latin America, and builds powerful new naval forces in the Mediterranean and Indian Ocean. In short, the Soviets remain a militant Communist imperialist power dedicated to permanent revolution and the destruction of the capitalist progress achieved in Munich and other West European cities since the end of World War II. Americans need to point this out repeatedly, stressing the importance of Western economic and military solidarity.

Unfortunately, the presidential missions to Moscow may further undermine West Europe's confidence in the firmness of American resolve. The visit, furthermore, could give the Soviets a propaganda advantage—the appearance of a relaxation of tensions—that would assist the U.S.S.R. in making a political breakthrough in West Germany.

VOCATIONAL EDUCATION

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. SHOUP. Mr. Speaker, I would like to take this opportunity to submit a letter from one of my constituents, Mr. George E. Martin of Missoula, Mont., regarding vocational education.

I am sure many of my colleagues are aware of the problem of appropriate funding for this program. The following information, although relative to Montana, may bring some light to the problems facing our young people seeking vocational training in all areas of our country.

The letter follows:

MISSOULA TECHNICAL CENTER,
Missoula, Mont., May 4, 1972.

Ron. RICHARD SHOUP.
The House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE SHOUP: It has come to my attention that the House of Representatives will soon be considering appropriations for Vocational Education. I feel that it is my duty to inform you of the situation existing within Vocational Education in the state of Montana.

I am presently a Vocational Counselor at the Vocational Technical Center in Missoula.

While serving in this capacity I have, as a portion of my job, the opportunity to talk with many of the young people who are interested in Vocational Training. Most of these people are highly motivated and sincerely interested in training for future employment. Unfortunately, it also happens that I must tell many of these individuals that we cannot serve them due to our lack of space and teaching staff. The only solution to this problem is increased funding.

I would like to give you an idea of the types of individuals our institution serves. In September of 1971 our school accepted 605 students for enrollment. Unfortunately, we were forced to turn away an additional 250 individuals due to our lack of space and staff.

The average age of our September enrollees was 24 and over one-third were married and had dependent children. Approximately one-fourth of these students were veterans drawing benefits from the government. We also have 217 disadvantaged students, of which 63 have some form of physical or mental handicap. Of the total number of students who began in September, 128 had attended college for various lengths of time from one quarter to four years.

The aforementioned figures should give you an idea of the wide range of individuals we serve. I feel very strongly about the fact that we should be capable of serving more people who are motivated towards training and bettering themselves and their families. The only solution to this problem is increased funding.

Please consider the facts and feeling I have conveyed to you when Vocational Education appropriations are being considered by the House.

Sincerely,

George E. Martin,
Counselor.

BOB HOPE—AN AMERICAN INSTITUTION

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. HALPERN. Mr. Speaker, Leslie Townes Hope—Bob Hope, to millions of admirers around the world—has been entertaining American servicemen and women wherever their duty has caused them to serve for well over a quarter of a century.

He has a magnificent record of unselfish devotion to bringing something of the sights and sounds of home to those serving far from home. Bob Hope has traveled millions of miles, entertained millions of soldiers, sailors, marines, and airmen—and he has become one of America's best-loved and respected national institutions.

Starting in March of 1941, he staged his first show for servicemen and from that time until June of 1948 all of Bob Hope's weekly radio broadcasts originated at military installations.

He continued to visit Americans in uniform through the years of the Korean war, the period of cold war confrontation from Berlin to Greenland, and for many memorable Christmas seasons he has visited fighting men in the combat areas of Southeast Asia.

In addition to entertaining U.S. servicemen, Bob Hope has for many years been engaged in numerous activities on behalf of charitable, civic, and philanthropic groups. Throughout the country there are Bob Hope fund-raising foundations for less fortunate people—and the name Hope has come to mean just that to many a worthy cause.

America is fortunate that this talented, dedicated master of the "one-liner" came to this Nation when he was a youth—for his humanitarian and professional efforts have earned him a place in the hearts of all Americans. Years ago Bob Hope became identified with his theme song "Thanks for the Memory." For countless millions of us who have made up your audience down through the years Bob, it is our turn to say "Thanks for the Memory."

I would like to call to the attention of my colleagues a recent column by Norma Lee Browning about Bob Hope:

Homage to Hope

(By Norma Lee Browning)

Thanks for the Memories: America's favorite folk figure and No. 1 patriot, Leslie Townes Hope [he of the scooped snoot—more familiarly known as "Ski Nose" Bob Hope] has added a new laurel to his crown, which already includes [at last count] 19 honorary academic degrees and more than 800 awards for his humanitarian and patriotic efforts.

They include the Congressional Gold Medal from the late President Kennedy, the Medal of Freedom from President Johnson, the Medal of Merit from the late President Eisenhower, and the Navy's highest honor, the Distinguished Service Award.]

Last week at March Air Force Base [near Riverside, Cal.], with full military fanfare and all four branches of the service participating, the local chapter of the Noncommissioned Officers Association was formally named the "Bob Hope Chapter," honoring Hope for his "outstanding contributions to the morale and welfare of military men and women and their families."

It was an especially appropriate and poignant accolade, for it was exactly 31 years ago at March Field that Hope put on his first show for U.S. servicemen. Since then he has traveled more than a million miles entertaining more than 10 million troops, appearing at almost every military base in the world.

Not only was the local chapter named the Bob Hope Chapter in his honor, but the N.C.O.A. International Headquarters also honored him with the first Bob Hope Award, an award to be presented annually to the entertainer who makes the most outstanding contribution to the morale and welfare of the military community. Hope himself has been named "Entertainer of the Year" by the American Guild of Variety Artists [A.G.V.A.] for the second year in a row [the highest honor from colleagues in his own profession].

Bob's wife, Dolores, attended the March Field ceremonies with him, looking younger than ever [and so did he, for that matter] in a long, multicolored geometric print gown. He was in fine fettle as he cracked his rapid-fire jokes. ["Why am I still doing military shows at my age? I guess I'm hooked on the box lunches. Those were the days of old-fashioned wars, where you fought to win."]

But he was more than usually solemn when he said, "I am not one-tenth as rich as they say, but I am rich in memories. And whatever I have done for guys like you thru the years hasn't been a sacrifice, it has been a privilege. This world owes you more and more than it can ever repay."

Later in an informal group discussion, Hope was asked if he plans to go back to Viet Nam next Christmas. "I'll go back if anyone's there," he said. "I hope it will all be cleared up by then. Whenever anyone asks me if this is my last trip, I can only say I hope this is our last war. Maybe we don't all demonstrate or join parades, but we're all antiwar—especially those guys right up close to it."

IF THEY FAIL, THEY FAIL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. ASPIN. Mr. Speaker, on Wednesday, May 17, the Beloit Daily News published an excellent editorial entitled "If They Fail, They Fail." The editorial focuses on the growing problem of defense contractors who demand increases in the amount of their contracts. Specifically cited by the Daily News are Grumman Aircraft and Litton Industries. Both of these giant conglomerates are currently demanding huge increases in their defense contracts. The Daily News suggests that these two giants are seeking something akin to "corporate welfare." The Daily News argues that welfare for individuals is clearly more beneficial than this new form of corporate welfare. The individual welfare program at least insures the survival of a husbandless, jobless mother who must feed hungry children. The corporate welfare program only pays a company for being inefficient and wasteful.

In conclusion the Daily News suggests that—

> If Grumman and Litton cannot meet the terms of their present contracts without going bankrupt, then why should they not go bankrupt?

I wholeheartedly agree with the Daily News that we may be entering an era of corporation welfare payments. Unless the Congress stops this new welfare program, the taxpayers will be asked to pay billions of dollars for the gross inefficiency and mismanagement of these corporate giants.

I commend this excellent editorial to my colleagues for their careful study. The editorial follows:

If They Fail, They Fail

You know how those people are, always wanting handouts. They seem to think the world owes them a living and all they have to do is just ask for it. A lot of other people worked their own way back up when they didn't have a dime. Why can't they?

Then again, what can you expect from a defense contractor?

It was only last year that the contractors really began to realize how down and out they were. Then the Lockheed Aircraft Corporation, finding suddenly that it was zooming toward bankruptcy, yelled, "Help!", in the general direction of the federal government.

After struggling through a considerable amount of congressional turbulence, Lockheed finally got a federal guarantee on a $250 million loan, thus allowing the company to continue its development of the L–1011 Tristar airbus and also allowing the company to continue, period.

Now we are confronted with two companies, the Grumman Corporation and Litton Industries, who would like to profit from Lockheed's example.

Grumman said recently it must have a revision in its $5 billion contract with the Navy to produce 313 F–14 jet fighters. Without a revision, it said it would lose so much money it would be forced to close its Long Island subsidiary, which accounts for 95 per cent of Grumman's business.

Litton, meanwhile, reportedly is seeking substantial increases in its $1 billion contract to produce five Navy assault ships that are already 19 months behind schedule.

Both companies argue that costs have risen on their defense projects because of miscellaneous circumstances beyond their control—inflation primarily. They contend that the government should agree to pay them more to prevent economic disaster that would ruin them and harm the national economy by creating a chain reaction of unemployment.

Grumman is even demanding a profit boost be written into the new contract it wants, even though the General Accounting Office, the federal government's watchdog agency, recently reported that the $16.8-million Grumman F–14 would be inferior in some ways to the existing F–4 fighter, which costs about $4 million per plane.

The help Grumman and Litton want amounts to a big business welfare program, the "something for nothing" dole that is usually anathema to hard core capitalists.

But there are difinitive differences between this kind of government aid and welfare that assists individuals.

For one thing, the individual programs contain an element of sheer survival not present with corporations. A husbandless, jobless mother must feed hungry children.

If a corporation, even a large one, goes bankrupt, people may be out of work temporarily, but most of them will find new jobs—and at worst they will have the individual welfare programs to fall back on. As for the corporation's bosses, they will have paid the price of inefficiency but chances are none of them will go hungry.

More important, though, are the effects of the two kinds of welfare on the economy in general. When we help an individual, we improve the chances that he or his children will return to the economy, perhaps to contribute one of those creative sparks that make the free enterprise system work.

We cannot afford, however, the wrenching disruption of the economy that would occur if the government made a habit of saving failing companies. Our economy thrives on a survival-of-the-fittest atmosphere.

Sen James Buckley, Con.-N.Y., said last year that he feared the government aid to Lockheed would "pioneer a form of government intervention that would erode the market discipline required in a free enterprise system."

If Grumman and Litton cannot meet the terms of their present government contracts without going bankrupt, then why should they not go bankrupt?

WHOSE HAND REALLY AIMS THE GUN?

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. BRAY. Mr. Speaker, the following was editorial comment at one point in our Republic's history following an act of violence:

> We are disgraced as a nation by such an occurrence. What will foreigners think of us? . . . It begins to look as if we were in fact a lawless community . . . This . . . fool steps up and insults every law-abiding citizen of the land by his act.

Not after Jack Kennedy, nor Bobby Kennedy, nor Martin Luther King, nor George Wallace—but in 1881, after the murder of President James A. Garfield. Horror and revulsion at these senseless deeds—successful or not—have never been limited to any one period in history nor any one act.

And, cumulative impact of several, or of just one, many cannot help but feel, as William Butler Yeats wrote:

> Things fall apart, the center cannot hold,
> Mere anarchy is loosed upon the world,
> The blood-dimmed tide is loosed, and everywhere
> The ceremony of innocence is drowned;
> The best lack all conviction, while the worst,
> Are full of passionate intensity.

What can be said of assassins? Considering those in our Nation's past and present, there is no really distinguishable and predictable pattern, although a sort of composite emerges. Considering all of them, they add up to someone short, weak-sighted, white, a loner, who sees his problems in political terms, feels insignificant and powerless, is the product of an unstable home, and had a weak father.

One commentary noted that:

> Except for the attempt by Puerto Rican nationalists to kill President Truman, all American presidential assassination attempts apparently have been the work of disturbed men who acted out of private and seemingly irrational reasons.

I would have to differ somewhat with this. The Puerto Ricans tried to shoot their way into Blair House to get at Truman, with attainment of Puerto Rican independence their objective. I can scarcely term either the objective or the method as "rational" in any sense of the word.

If there is any one connecting link, then, it is madness in one form or another, and in varying degrees. Much has been written already on what the attempt on Governor Wallace proved. It did not necessarily prove anything, other than to reaffirm what has been true throughout all human history: Prominent men in public life are bound to have enemies, some of whom will hate them enough to want to kill them. Some will try to kill them. Some will succeed. Some will not.

It is with much regret that I see the incident also used as a handy vehicle to once again damn our country and its citizens for abominable and horrid degrees of neglect, hate, violence, and all manner of social ugliness. True, it is a national tragedy. It is particularly and personally tragic for the victim and his family. But such tragedies are particularly inappropriate times for moralizing or comment by "The idiot who praises, with enthusiastic tone, All centuries but this, and every country but his own."

There is, of course, the renewed clamor for more gun controls. An editorial in the May 18, 1972, Washington Daily News demolished this argument:

THE SUSPECT'S GUN

> As might be expected, the Wallace shooting has revived the clamor for more gun control.
>
> For instance, Sen. Birch Bayh says if a bill he has sponsored had been law, the gun used by Gov. Wallace's assailant would have been outlawed. Sen. Bayh wants a ban on handguns except for law enforcement officers and the type of guns used only for sporting purposes.
>
> Of course, a sporting gun can be just as deadly as a snubnosed revolver (altho perhaps less easy to conceal) if murder is the intent.
>
> Actually, if the gun used against Gov. Wallace had been imported, it would have been illegal. But, under a 1968 gun control law, a similar gun made in this country is not illegal.
>
> Last December, the suspect in the Wallace case was picked up in a Milwaukee suburb and charged with carrying a concealed weapon. The gun was identical to the one used last Monday, and police confiscated it.
>
> However, when the suspect was convicted the charge was changed from carrying a concealed weapon, a felony, to disorderly conduct, a misdemeanor.
>
> If that is the way gun laws are to be enforced, what good are they?
>
> Moreover, when the suspect five weeks later bought the same type of weapon in a Wisconsin gun shop, there apparently was no check on his previous arrest.
>
> The intent of the federal gun law is to keep these weapons out of the hands of criminals, crackpots, dope addicts and illegal aliens. Obviously, it isn't having that effect.
>
> Just passing a law won't cure any crime, unless the law is workable and unless judges and law agencies make the enforcement stick. We favor any law which will solve the problem, if any will, but up to now the advance rhetoric has far outdistanced the effective results.

The antigun argument is basically what I would call deviation of aim, and certainly one of the wildest. It ignores set patterns of social violence, mass and individual, in this country and abroad, that have shown repeatedly that any means at hand will be used to achieve an objective.

Consider the 82 recorded instances in our own history of either assassination or assaults upon public officeholders, ranging from Presidents down to minor public officials. A full 10 percent of these assaults were with objects other than guns: Knives, fists, canes, clubs, dynamite, and even rope. No one is going to be deterred, once his mind is made up, just because he does not have a gun.

I believe it is pretty well established that there are definite elements of instability and irrationality in these killers and would-be killers. What does it feed upon? At what point does the more or less mildly irrational move across the line into the area of madness and steadfast determination to kill? What moves it there?

I charge that these men are bound to take some form of encouragement—yes, encouragement—from what they may see as the prevailing social attitude of the time. They will find justification for what they intend to do in what they see and hear around them.

What is a potential assassin to think

when men and women who have taken holy orders talk casually of dynamite, destruction, kidnaping, and killing as a means to make their point?

What is a potential assassin to think when an impassioned plea is made for a convicted double-murderer and rapist on the grounds that he received a death sentence only because he was "poor, friendless, and black"?

What is a potential assassin to think when he hears public figures, at mass meetings, loudly and openly—and sometimes obscenely—call for "removal" of the President of the United States? Is his mind, already twisting and contorting in the earliest throes of the madness driving him, able to make the distinction between removal by ballot—or bullet? The words are so careless, these terms, used by demagogs to whip crowds into fever pitches of writhing, shrieking hatred against their government and the men at its head. What effect does this have on our would-be killer? Does this deter him in any way?

Like the Veil of the Temple, our budding assassin sees the very fabric of our society ripped asunder. In the name of "new morality" or "intellectual progress" or "cultural advancement" he will hear, from prominent spiritual, political, intellectual, and academic leaders, a truly revolting variety of causes advocated: homosexual marriages; constitutional right to all drugs; virtually unlimited abortion; legalization of prostitution; the doctrine of "victimless crimes"; "idealism" in students tearing great universities to pieces; in short, what seems to be a general, all-out assault mounted on what this country and society have always held to be moral and upright and correct.

Today, a person can find, with no trouble at all, some particularly vicious, savage, and cutting attacks on the "Jesus people"—"Jesus freaks" their detractors call them—these young people who have openly adopted and practice an intense and passionate form of Christianity. And from the very same source that so savagely carves up youth making an honest and sincere attempt to do right, we can find pleas for tolerance and understanding for criminals, draft dodgers, and deserters, drugs, rioters, and other individuals and things that a less permissive age would term dregs and backwash of society.

In truth, such incredible contradictions are enough to make the most stable and rational doubt his senses, that they would show him such a world. What does this do to the less stable? What does this do to our potential killer?

If anything, I say it would give him support in his conviction of the rightness of his cause. With all moral and ethical guideposts either torn down and cast aside, or at the very least hammered and chipped away at, what sort of direction can he possibly have?

How about the "we are all guilty" bit? This is so nonsensical I fail to see how any intelligent person could be duped by it. Edmund Burke, the English statesman, said centuries ago that—

> I do not know the method of drawing up an indictment against a whole people.

The present-day writer and philosopher, Sidney Hook, is a truly honest liberal in the finest, classical sense of the word and his credentials cannot be challenged by anyone. He is blunt and to the point in his condemnation of the collective guilt fallacy:

> The very doctrine of collective responsibility and/or guilt is self-defeating in its moral absurdity, since the descendants of the victims of any action justified by the dogma can invoke it to initiate a contemporary massacre.

Some persons simply cannot exist without constantly scourging themselves for real or imaginary crimes. Primarily imaginary; I cannot see how any but the most helplessly depraved could ever have indulged in so many sins of both omission and commission.

But I have no use at all for their attempts to involve the rest of their fellow citizens in this orgy of penance. These charges are the most repulsive and insulting drivel that could be propagated. Those advancing it have forever forfeited their right to any consideration as objective and thoughtful individuals.

Where does this leave us? First of all, there is no absolute, safe, and sure guard against assassination attempts. Not in our open democracy; not even in the most rigid and repressive totalitarian states is a public figure or head of state going to go anywhere with an absolute guarantee of his physical safety.

Russia under the czars was ruled with iron-clad absolutism. This neither kept guns nor dynamite out of the hands of the revolutionists, nor did it prevent the terrorist tactics of the period 1876–1911, when knives, dynamite, and guns struck down czar, secret police, and prime minister alike.

Nazi Germany was certainly totalitarian, with the harshest and most Draconian laws that were enforced with brutal enthusiasm. This did not deter the July 20, 1944, plot against Hitler.

And, in more modern times, even in today's Soviet Union, there was the case not long ago of a Soviet Army officer shooting at a car full of officials near the Kremlin.

We know nothing about the mental state of the officer in the case just mentioned. We do know that there was no madness in the officers' plot against Hitler, but a deep and steady determination to rid their country and the world of a madman who had caused the deaths of millions. We are less certain about the mental attitudes of the Russian revolutionaries under the czars but madness was not common among them as it has been among assassins in our country.

The unstable and unbalanced are especially vulnerable to influence from outside sources. What they observe of the movement of society around them is bound to have some effect on their behavior.

When we begin, in any way or form, to loosen, or advocate loosening, some of the restraints that have bound civilized society for centuries, we move into an area of grave danger. No matter how minor the restraints may seem, they at least have been symbolic of a collective moral force, more or less agreed upon, that sets certain limits on human action. It is as if mankind has said for centuries "Beyond this line you do not go," then the line begins to shift from its former position it has held for years, and move.

No such lines exist for assassins like, say, the German officers who plotted Hitler's death, nor for the Russian revolutionaries of the late 19th and early 20th century. This is because they are not inherently unstable to begin with. Therefore the shift has no effect. But what about others, who may need that one last angle, or idea, or justification, to convince them of the reason they should kill?

No one who speaks from a public platform may consider that he speaks only to a small and select group. Eyes that will not read his words for weeks or months hence, ears far beyond the range of his voice, may well belong to one who cannot comprehend the subtleties or sophistries of what he says.

What to one person is a rhetorical call to pick up a placard and march down the street is to another an injunction, or an indulgence, to kill. There is no way to avoid this conclusion.

So, if anyone's hand was on the gun other than the would-be-killer's, or if anyone is to share in his guilt, it must be those who have tacitly, and carelessly, and witlessly, given him this indulgence or injunction. They are the ones who must answer to a higher tribunal, somewhere, some day.

It is too much to expect them to realize what they are doing, or that they will stop, now. They are too intent upon proving their own points. In so doing, they betray a swinish insensitivity to the effect this has on others. They are morally blind to the ghastly and ghoulish spectacle they make of themselves, as they hammer out these points upon the coffins of the Kennedys, or over the probably paralyzed legs of Gov. George Wallace.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting into the RECORD the May 22, 1972, edition of the news bulletin of the American Revolution Bicentennial Commission. I take this action to help my colleagues stay informed of developments across the country leading to the bicentennial celebration of our Nation in 1976. The bulletin is compiled and written by the news staff of the communications committee, ARBC. The bulletin follows:

BICENTENNIAL BULLETIN

MAY MEETING ISSUE

The Full ARBC Commission voted on Tuesday, May 16 to reject the proposal submitted by the Philadelphia 1976 Bicentennial Corporation for an International Expo. Chairman David J. Mahoney said he would advise

President Nixon of the Commission's decision. He added that Philadelphia, as the cradle of liberty, will nevertheless play an important role in the Bicentennial.

At its Full Commission meeting in Boston, the ARBC also unanimously approved "Festival USA" as a theme representing the travel and cultural aspects of the Bicentennial. "Festival USA" replaces Open House USA.

George E. Lang, Chairman of the Festival USA Committee of the ARBC announced after his committee meeting in Boston that three Chairmen of that committee's three advisory panels of artists and cultural leaders have been appointed. The Chairman of the Invitation to the World Advisory Panel will be Joe Black, former pitcher for the Dodgers and presently Vice President for Special Markets for the Greyhound Corporation. Chairman of the Creative and Visual Arts Advisory Panel is Katherine Bloom, head of the Arts Education Program at the J. D. Rockefeller III Fund. Formerly she served as Arts Consultant for the Junior Leagues of America and established the U.S. Office of Education's Arts and Humanities Program. The Performing Arts Panel will be chaired by Howard Taubman, Journalist, author-critic of the New York Times. As music and drama critic for more than 30 years, he has maintained an interest in the arts as a total part of the society. Each will serve a term of one year commencing in June and will serve on the Festival USA Committee.

During the Tuesday Full Commission meeting George E. Lang, as Chairman of the Coins and Medal Advisory Panel, announced officially that the Philatelic-Numismatic Combination (PNC) will be issued on July 4th, through the cooperation of the U.S. Mint and the U.S. Postal Service. Mr. Lang was joined in making the announcement by Mr. Roy Cahoon, Assistant Director for Special Services of the Mint, and Mr. James Holland, Assistant Postmaster General. Orders for the official Bicentennial stamp and medal combination costing $5.00 will be accepted after July 1, and through the month of July.

The ARBC Procedures Manual was approved in principle at the ARBC meeting in Boston, with the proviso that an ad hoc committee consisting of an ARBC Program chairman. the Communications Committee Chairman and the Director would receive written comments from members for consideration in the final Manual. All written comments are to be incorporated in the final version which will be available at the earliest possible date.

The Commission endorsed a resolution expressing its support for a National Historic Records Program. The proposal came to the Commission from the Heritage '76 program committee and called for a matching grant program to assist institutions and individuals in locating, preserving and utilizing the nation's public and private records. The resolution, offered by Mr. James Biddle, Chairman of the ARBC's Heritage '76 Committee, passed with the unanimous approval of the Commission. The ARBC awards use of the official symbol of the Commission to the program.

"Call for Achievement," a new nationwide program which encourages localities and states to initiate goal setting-achieving programs, was officially approved at the ARBC Full Commission meeting in Boston on May 16th. Mr. Erik Jonsson, Chairman of the Horizons '76 Committee, who made the announcement at the meeting, stated, "Call For Achievement has the potential to touch the lives of every American citizen. It provides an effective, democratic means by which citizens can play a significant role in shaping the future of their community." "Call for Achievement" will place a strong emphasis on State Bicentennial Commissions as the coordinating agencies for the local goal setting-achieving programs, and the ARBC through the Horizons '76 Committee will provide consultation on how to conduct such programs.

On Tuesday, May 16, in a special luncheon for the ARBC at historic Faneuil Hall, Boston Mayor Kevin White unveiled preliminary plans for Boston 200, the city's observance for the Bicentennial, including activities spanning tourism, education, art and physical improvements, which will begin in 1975, the 200th anniversary of events at Lexington, Concord and Bunker Hill. "Boston 200 incorporates a new concept," the Mayor said. "We have rejected the traditional fair ground approach and have declared the new exposition grounds to be the city itself. This approach can be summarized in a phrase, 'The City is the Exhibit.' Its implementation relies not so much on new construction, but rather on what already exists—our historic resources, our institutions and our people."

During the Full Commission Meeting of State Presentations on Monday, May 15, Mr. Ronald Banks, Chairman of the Maine ARBC Planning Commission, announced that the State Commission will be officially established on June 10. He noted that the Commission will be working with private groups to commemorate significant events which occurred in Maine—such as Arnold's March and the burning of the Town of Falmouth.

Also, during the States' Presentation Mr. Walter H. Peters, New Jersey Treasury Department, discussed the State proposal for Liberty Park, on the Hudson, surrounding the Statue of Liberty and Ellis Island. It is the hope of the New Jersey Bicentennial planners to transform a degraded environment into "an oasis of open space in the midst of the most densely built area of the nation." Mr. Peters, using a slide presentation, pointed out that the Secretary of the Interior has asked the ARBC to consider as a Bicentennial need, improvements to the grounds and support facilities of the Statue of Liberty. "We in New Jersey would like to take this opportunity to take that wise recommendation further and call for the appropriate development of the Liberty Park environs," Mr. Peters added.

Senator Joseph J. C. DiCarlo, Chairman of the Massachusettts Revolutionary War Bicentennial Commission, welcomed the ARBC to Boston and discussed the multi-faceted plans of the Bay State for commemorating the Revolution. The format of the States Presentation also included reports and discussions by the following: New York plans, Dr. Louis L. Tucker, Executive Director, New York State ARBC; New Hampshire plans, Senator Nelle Holmes; Vermont plans, Mr. Peter Martin; Executive Assistant to the Governor; and the Honorable George F. McDonald, Jr. of the Rhode Island Bicentennial Commission urged all involved in planning and development of the Bicentennial observance "to get going now."

THE RIGHT TO INEXPENSIVE AIR TRAVEL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 1972

Mr. MIKVA. Mr. Speaker, millions of Europeans will enjoy low-cost summer vacations this year using readily available air travel charters. Eliminating unnecessary redtape for charters can go a long way toward guaranteeing American citizens of average means the same right to inexpensive air travel.

This hopeful prospect is detailed below by Shelby Southard, representing the Cooperative League of the USA, in remarks to the First World Congress on Air Travel and Tourism:

REMARKS OF SHELBY E. SOUTHARD TO THE FIRST WORLD CONGRESS ON AIR TRANSPORTATION AND TOURISM, MADRID, SPAIN, APRIL 17, 1972

I am very pleased to be able to speak to this significant assemblage because I believe the consumer can make an important contribution towards solving what has come to be known as the crisis in air transportation.

I'm not suggesting that we have all the answers, but I do feel that some of the industry's problems are due to, let's call it a misreading of the public need on the part of the airlines and the government agencies responsible for regulating air transportation. This World Congress on Air Travel provides an excellent forum for the expression of those needs. I am, of course, speaking of the situation as it affects the American consumer. And as I look at the variety of low-cost vacation opportunities that exist here in Europe, I'm beginning to wonder whether we do not share some of the blame for our own predicament—for failing to make our need known with sufficient force and clarity earlier in the game.

At any rate, American consumers came rather late into the discussion of air transportation and its problems, and although we have had some success, we are still a long way from the kind of air transportation system that truly meets the needs of the average American consumer—particularly with regard to the development of low-cost vacation travel.

As I sense the apparent reluctance of the air transport industry to provide genuine low-cost air travel opportunities, I get the feeling that they have come to believe the myth of the American tourist as an over-affluent, self-indulgent hedonist who demands the best of everything, regardless of cost. There are some like that, but I've never been able to see how a wider seat, more food and drink, and a little extra personal attention for a pretty stewardess is worth the extra $300 or $400 it costs to fly the Atlantic first class. I believe the majority of Americans feel pretty much the same way.

Most Americans, like most Europeans, or anybody else for that matter, are hard-working wage-earners who are very conscious of the value of a dollar. And in these days of rising costs, many of them—including the 20 million families represented by the Cooperative League of the U.S.A.—have turned to cooperatives as a means of increasing their purchasing power. They have learned that bulk purchasing makes sense: whether it is farm equipment, fertilizer, food, furniture, or a flying vacation.

We are all aware of the tremendous increase in bulk air transportation—chartering—that has taken place during the past decade, particularly across the Atlantic. Impressive as that growth has been, however, I believe that the potential for future growth is even greater—if the airline industry is prepared to adapt itself to meet the demand.

I would not presume to tell the airlines how to run their operations. I would simply point out that the demand for bulk air transportation is great, and the fact that 8.5 million northern Europeans will enjoy inexpensive package holidays in the sun this year seems to indicate that such services can be provided profitably. Many Americans are beginning to wonder why similar low-cost vacation opportunities are not available to them—either in their own country or abroad.

They are beginning to wonder, too, why chartering a plane has to be such a complicated business, even for an organization that meets all the qualifications required under the affinity regulations set by the Civil Aeronautics Board. As the Transportation Chairman of the Consumer Federation of America, I receive many letters from our member organizations concerning their problems with the affinity regulations. I would like to give you some examples of the major complaints I receive, and ask you to bear in mind that in many instances, the charter organizer is an unpaid volunteer—not a professional travel agent.

Eligibility Requirements: CAB regulations differ from IATA rules governing scheduled carrier charter activity. For example, CAB permits travel by a member's parents, provided they live in the same house; IATA does not.

Restriction on One-way Charter Passengers: One member writes: "If we operate three charter flights a year we are allowed a five percent movement of passengers from one charter flight to another. This is beneficial since it allows members who wish to stay over for a longer period to return on a later flight. However, if we operate four charter flights or more this suddenly becomes a great sin. No one is allowed to travel one way. This is unconstitutional discrimination against certain chartering groups who meet all other requirements of eligibility. It accomplishes only one thing: to restrict the development of chartering programs. It works against the interests of the consumer." No one suggests complete freedom in this area, but I believe that there is room for more flexibility than currently exists.

Unnecessary and Excessive Paperwork: Almost everyone who writes to me is angry about this. One member wrote: "Present regulations require a tremendous amount of documentation, charter applications, supporting information, manifests, copies of every advertisement, date of membership, certification of membership. Obviously this information would be helpful in determining that a given organization is violating regulations and would lead to their conviction. The problem is that the CAB seems to assume that every organization is a violator and subjects them to this same time consuming barrage of paperwork. Some people are not entitled to hold a driver's license. But we do not require every citizen applying for one to submit his life history, document his financial worth, and submit notarized affidavits from references, attesting to his date of birth and so forth."

Restriction on Split Charters: This limits the ability of small organizations to offer charter programs to their members, since not all groups can put together full planeloads of 160 to 250 members. More freedom in the area of split charters requiring 40 or more members, would permit many smaller chartering organizations to consolidate their efforts.

Like many consumers, I wonder about the need for such restrictions. Like many consumers. I believe that people should have the right to travel, and to do so at the lowest cost that is available to them. The burden of proof should be upon those who would abrogate that right and impose restrictions.

I was enormously encouraged the other day to read the views of the British government as expressed in the report of the U.K. Committee on Enquiry into Civil Air Transport, 1969. It bears repeating again and again:

"One of the odd things about statements on Civil air transport is that they very rarely talk about the customer in simple language. So let us say that in our view the primary long-term objective of a national policy towards commercial flying should be to see that each customer gets what he wants—not what somebody else thinks he ought to want—at the minimum economic price that can be contrived. Romantic, exciting, and important though the airline business may be, it is, in the last analysis, there to do the same job as butchers, bakers, and candlestick makers, *i.e.* to provide services for money. Many other objectives are talked about in connection with air transport, but we put this humdrum one right at the top. Moreover we believe that if any other objective conflicts with it, the onus of justification should fall on those who want to press that objective against the interests of the consumer."

I would like to see that statement printed in large letters in the offices of every member of the Civil Aeronautics Board, the top officials at the U.S. Department of Transportation, and any U.S. Senator or Congressman who has anything to do with civil aviation. Perhaps if they read it often enough, some of its intent might show up in their actions.

The Consumer Federation of America representing over 200 national, regional, and local organizations in the United States, recently expressed its views on charter restriction in the following terms:

"Consumers need access to all forms of transportation and the right to spend travel dollars as they choose. Several CFA members participate in low-cost educational, cultural, and recreational travel by chartered aircraft. These groups resent roadblocks placed on such travel by restrictive and complex rules of the Civil Aeronautics Board, some foreign governments, and the International Air Transport Association.

"CFA asks the CAB to loosen restrictions on travel group charters before taking final action on its proposed new travel group charter concept. We urge adoption of the European plan of inclusive tour charters; we further request the State Department to negotiate agreements with foreign governments that assure charter travelers the same landing and up-lift rights guaranteed to those using scheduled services."

I believe that the average consumer is enthusiastic about lowering the barriers to travel. The files of American Cooperatives, for example, are filled with correspondence from groups in other countries attempting to arrange cooperative interchanges or joint travel programs. Invariably, these efforts are thwarted by the restrictive regulations of their governments, or ours. If these barriers could be removed, I am convinced that it would open up almost limitless opportunities, not only for pleasure travel, but also for more meaningful journeys, educational trips, exchange programs, and similar activities contributing towards badly needed international cooperation and understanding.

I am convinced that bulk air transportation is the wave of the future—particularly for intercontinental pleasure traffic—and the sooner the airlines start preparing for this market, the faster it will develop. I should point out, however, that there are signs that they have already seen the handwriting on the wall—and that, despite their protestations, they are beginning to change. Some, like BOAC, have created charter subsidiaries. And, while scheduled traffic continues to increase in the North Atlantic, others—like Pan American and TWA—have been quietly increasing their transatlantic charter activities.

During the past four years, Pan American's charter traffic increased from 100,472 (in 1968), to 247,780 last year. TWA's charter traffic showed an even more dramatic jump—from 31,837 in 1968, to 151,612 last year.

As I say, perhaps they *are* getting the message.

HIGHER EDUCATION CONFERENCE REPORT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. QUIE. Mr. Speaker, the conference report on S. 659, "The Education Amendments of 1972," is being filed today.

As many have characterized it, this report could well stand as the most significant piece of postsecondary education legislation since the Land-Grant Act of over 100 years ago.

To me, it would be a tragedy if the emotion and misunderstanding which surrounds the issue of busing is allowed to overshadow the significant improvements the House and Senate have made in this education legislation. There are those who feel the busing compromise is too tough and those who feel it is not tough enough. They all know that this Congress will have additional opportunities to work its will on this complicated and controversial issue—it should not now be allowed to kill the education bill.

I will be doing whatever I can to see that the Congress does not abdicate its responsibility to the courts for developing reasonable and rational guidelines to help in carrying out our constitutional responsibility.

But, Mr. Speaker, let us all understand that we will not have another opportunity in the near future to agree on those major education advancements which are now so close to final passage.

Shall we say to 3 million high school graduates "You must wait another few years before we can find the money to open up wider educational opportunities for you"?

Do we say to over 2,500 colleges and universities "You must wait longer before the Federal Government will share your burden of staying financially solvent?"

Do we say to low- and middle-income parents "You must wait longer for the Federal Government to assist you in meeting the rising cost of education?"

I say we should not—for this authorizing legislation is very much needed by both low- and middle-income groups now. Our colleges need this bill now. Existing higher education legislation expires in less than 6 weeks.

Mr. Speaker, this legislation would stimulate colleges to enroll more of our Vietnam veterans. It would vastly increase programs for career education in our junior and senior high schools, postsecondary vocational and technical schools, and in our colleges.

It would stimulate the development of our community colleges which have burgeoned in enrollment in the past decade.

It would create a National Institute of Education to search out better answers to the process of learning and teaching. And it would do much more.

Mr. Speaker, all of us are hearing from our students, their parents, and our institutions about the great need for this legislation. After more than 2 years of hard work in both the House and Senate, and with great bipartisan effort, how can we explain to them that such a landmark bill could be held hostage by the unrelated issue of busing?

That issue is important. We must deal with it squarely and firmly. We have gone a good distance in that direction in this conference report and we will go further in the days ahead. But we need the time that this conference report allows in its moratorium on forced busing to tackle that issue without the atmosphere of threat and panic and inflamed rhetoric of this campaign season.

This conference report exceeds 200 pages and is highly technical in some areas. I would like, therefore, to briefly list the significant provisions of the report:

S. 659—Conference Report Highlights of Education Provisions

STUDENT ASSISTANCE

All existing programs, including College Work-Study, Direct Student Loans (NDEA), Educational Opportunity Grants, and Guaranteed Student Loans, continued for three years.

New program of Basic Educational Opportunity Grants, under which each student would be entitled to $1,400 per year less his expected family contribution. No grant could exceed 60% of what a student needed to attend a particular institution for any year.

Creation of a National Student Loan Marketing Association to buy, sell and warehouse Guaranteed Student Loans, and thereby stimulate new capital for such loans.

INSTITUTIONAL AID

$1 billion annually in direct aid to institutions, both public and private. Note: 45% of the aid would be based on the *number* of Basic Grant recipients at each institution; 45% on the aggregate *amount* of (Supplemental) EOG, Work-Study and Direct Student Loan (NDSL) funds paid to students at each institution; and 10% on the *number* of *graduate* students enrolled at each institution on the basis of $200 per student.

$40 million in emergency grants to institutions in severe financial distress.

Veterans Cost-of-Instruction Grants to stimulate the recruitment of Viet Nam veterans to institutions, in the amount of $300 for each veteran enrolled plus an additional $150 for each veteran who is in a special or remedial program.

COMMUNITY COLLEGES

Start-up and expansion grants for community colleges. Authorization: $275 million over three years.

OCCUPATIONAL EDUCATION

New program to help the States design, establish and operate postsecondary occupational education programs. Authorization: $850 million over three years.

NATIONAL INSTITUTE OF EDUCATION

New agency established within HEW to support, conduct, and disseminate the products of, research at all levels of education. Authorization: $550 million over three years.

HIGHER EDUCATION INNOVATION

New program of grants to institutions to encourage reform and innovation in higher education. Authorization: $135 million over three years.

INDIAN EDUCATION

$95 million over three years in grants to local education agencies for programs to help meet the special educational needs of Indian children.

EMERGENCY SCHOOL AID

New program of grants for local education agencies to facilitate desegregation and the elimination of minority group isolation. $2 billion authorized over two years.

OTHER NEW AUTHORITIES

State Student Incentive Grant program of matching grants to States which have student grant programs. Authorization: $150 million over three years plus such sums for continuation grants.

Work-study for community service learning program for students, with preference given to veterans. Authorization: $150 million over next three years.

National Commission on the Financing of Postsecondary Education to conduct a thorough study, including the development of standards for effective cost accounting, and report to the Congress by April 1973.

Other amendments relating to the prohibition of sex discrimination, consumer education, ethnic studies, evaluation of education programs, and Federal insurance for academic facilities loans.

EXTENSION OF EXISTING EDUCATION LEGISLATION

Existing categorical aid programs extended for three years, including: continuing education, libraries, developing institutions, undergraduate equipment, language and area studies, International Education Act, graduate programs and fellowships, NDEA III, and vocational education programs.

GAMMA GOAT TRUCK

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. ASPIN. Mr. Speaker, today I am publicly releasing a General Accounting Office report on the gamma goat truck. The release of this report coincides the beginning tomorrow of a special investigation of the gamma goat truck program by a special subcommittee chaired by my distinguished colleague from New York (Mr. PIKE).

Mr. Speaker, the gamma goat program has been a technical disaster. The program has suffered delays, cost overruns, and severe technical problems.

The gamma goat trucks' predecessor, the M715, cost approximately $4,000. The original estimates for the cost of the gamma goat truck were $7,700, but now, because of all the problems encountered, the truck will cost double, approximately $15,000 for each vehicle.

The General Accounting Office outlines numerous defects found on the truck. Among the problems encountered in a two phase testing program were overheating engines, engine failure, center differential failure, steering problems, suspension failures, failures of the front differentials, fanbelt transmission failures, accelerator pedal problems, and leakage. Before these problems were discovered, 4,400 trucks were built. Now the Army is retrofitting the 4,400 trucks to correct all the defects at a cost of $6.8 million. Retrofitting will be completed in February 1973.

Mr. Speaker, the Army is guilty of bungling and mismanaging this program. Apparently our armed services are incapable of building a decent truck at a reasonable cost.

Over and over again the Army has said the bugs are out of the program. But problems are continuing and the taxpayers' money is being wasted.

It is my hope that this investigation will determine whether the contractor or Army officials were guilty of negligence in their conduct of this program. Both the Army and the contractor, Consolidated Diesel Electric Co. of Old Greenwich, Conn. must show that they have corrected all deficiencies and explain how we got into this incredible mess in the first place. If the fault lies with the contractor, then the Government should take all necessary steps to insure that the contractor is penalized for possible default on the contract. If the Army is at fault, then action should be taken to discipline responsible officers.

In the long run, if we do not cut waste and inefficiency in defense programs, then we may bankrupt our Nation in the name of national defense.

MRS. OPAL CHRISTOPHER JONES

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. HAWKINS. Mr. Speaker, Mrs. Opal C. Jones is the executive director of the Neighborhood Adult Participation Project, Inc., of Los Angeles and the president of the Los Angeles Federation of Settlements and Neighborhood Centers. She is among the most highly lauded leaders of community action in southern California, for she has provided training and direction for most of the others in the field. In 1965 the Neighborhood Adult Participation Project, Inc., was founded in Los Angeles by Mrs. Jones. It became one of the largest antipoverty agencies in the Nation. It served as a model for the rest of America.

New outlooks on life, new professional opportunities, new careers, new paraprofessional concepts, new methods of job training and new job adaptation concepts may be credited to Mrs. Jones. Her accomplishments are legendary and yet very real and very meaningful to the community which she served. She has creatively met the ever expanding needs of her community. Her energies have been used to create and design new meaningful occupational and career opportunities for the sometimes called "hardcore" unemployed. Mrs. Jones has built pride, instilled self-confidence and helped innumerable persons to uplift themselves.

Mrs. Jones is a native of Tyler, Tex., and holds a B.A. degree in sociology from Prairie View College and M.S.W. from the Atlanta University School of Social Work. The associate directorship of the UCLA campus YMCA and the executive directorship of the Avalon-Carver-Community Center are the two respective positions Mrs. Jones held before founding the Neighborhood Adult Participation, Inc. Mrs. Jones has also served as president of the Los Angeles Federation of Settlements and Neighborhood Centers.

During the course of her professional life, Mrs. Jones has been cited as almost every organization's woman of the year, including Woman of the Year, 1960, by the city of Los Angeles. Her most recent distinction was her selection as International California Woman of 1971 by the Broadway-Germaine Monteil Concerns.

Other honors Mrs. Jones has received include the Outstanding Service Award from the California Youth Authority in 1964 for "significant contributions toward the control and treatment of juvenile delinquency," and the Zeta Phi Beta Sorority's 1962 Finer Womanhood Award.

She has been cited for "outstanding services to the community" by the following organizations and groups: Los Angeles Urban League Guild, 1964; Golden State Medical Auxiliary, 1965; Association for the Study of Community Organization, 1971; National Association of College Women, 1967; Coordination Council on Economic Development and Employment, 1966; Brotherhood Crusade, 1971; Jefferson Adult School, 1965; and the Zion Hill Baptist Church, 1967.

A WORD OF CAUTION

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. DAVIS of Wisconsin. Mr. Speaker, when I keynoted Ecology Week at Arrowhead High School in Hartland, Wis., in April, I stated some words of caution relating to the general environmental concern—that Congress has just about run the gamut of legislation and that we needed to look at the practical consequences of some of the things we are doing in the name of ecology and our environment.

John Shinners, a knowledgeable and civic-minded publisher of several weekly newspapers in southeastern Wisconsin, has echoed those words of caution in an editorial entitled "Building a Backlash," which appeared in a recent issue of the Hartford Times-Press. I believe it is thought-provoking and deserves the consideration of my colleagues.

The article follows:

BUILDING A BACKLASH

The price of rising antipollution laws that demand more than technology is capable of producing can be very high. A story by a Staff Reporter of The Wall Street Journal tells how billions of dollars of industrial outlays are involved in the installation of pollution abatement devices—some of which have yet to be adequately demonstrated as to their effectiveness.

For example, the Environmental Protection Agency requires power companies burning certain types of fuel to install "scrubbing systems" for removing sulphur dioxide from stack emissions. Says The Journal piece, "Standards for new steam-power units . . . include a sulphur-emission ceiling based on the alleged capabilities of such systems. Any plant constructed from now on, and perhaps many existing plants as well, would have to operate with the prescribed limit. The trouble is that the first full-scale operating tests of power-plant sulphur removal are only beginning." Difficulties are showing up that will take time to iron out. Meanwhile, the cost to utilities and their customers soars.

Gradually, the consuming and taxpaying public is learning that the environment means something besides an inspired crusade. It can mean laws that close doors and end jobs. It can mean confusion and waste. It can mean delay in such things as the siting of power plants and endless acrimonious debate that profits no one.

Unless care is taken, the word "environment" is going to become one of the most hated in the English language. It is too often used as a platform for harassment and punishment rather than as a symbol for guidance and improvement.

GREECE: THE TRUE FACTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. RARICK. Dr. Nicholas Destounis, M.D., national chairman of the Justice for Greece Committee, recently testified before the House Committee on Foreign Affairs in an effort to present the true facts about Greece and correct a "lot of misinterpretations, half-truths, and malicious lies" that have "been spread in these last 2 years about Greece and her Government."

So that our colleagues might have the benefit of Dr. Destounis's personal experience and insight into this matter, I include his testimony in the RECORD at this point:

TESTIMONY BY PROF. DR. NICHOLAS DESTOUNIS, M.D.

Gentlemen, I wish to express my deep gratitude for being given today this opportunity, to appear in front of your committee and, as an American citizen, present the true facts about Greece. Indeed a lot of misinterpretations, half-truths and malicious lies have been spread in these last years about Greece and her Government and I believe it is time that another voice be heard, a voice representing no personal interest in the administration or rather exploitation of the country, but adherence to the truth and the principles of fairness, justice and the well-being of the Greek Nation as an ally of our country and an invaluable member of NATO.

I believe it my duty to draw your attention to the fact that, were Greece to commit an error or seek orientations running counter to American interests, it would be causing harm to us. Just as you would be harming both us and Greece, should you commit an error of judgment in assessing the Greek situation, in spite of your good intention to serve both our country and our real friends. Greece is a real friend of ours. Greece has fought in two World wars on our side, was devastated after World War II by a communist aggression which lasted for almost five years and caused innumerable damage, both material and human, sent her sons, who fought gallantly at our side in Korea and, today, offers us the safety of her harbours and the cordiality of her people to our sixth fleet in the most strategic spot in the Mediterranean.

It has been often said, and also published that in Greece, the cradle of Democracy, democracy was abolished through the intervention of the Armed Forces on April 21, 1967. This false statement makes impressive reading but it is totally deceiving. Athens saw the birth of Democracy which, according to the greatest historian of the past, Thucydides, was operating only as a one man rule. Hellas was the sponsor of every sort of regime and forms of rule, from monarchy and aristocracy to tyranny and to the rigid communal-military dictatorship of Sparta, which incidentally lasted for 940 years. Democracy in Athens was a continuous rotation of people's rule through enlightened leadership, reverting to the rule of the mob, due to the intervention of the demagogues, followed by anarchy and resulting to the acquisition of power by the tyrants.

This vicious circle was taking shape in Greece in the years between 1960–1967 and the intervention of the Armed Forces prevented Greece from falling pray to a tyranny known as Communism and from which there is no return. The Greek Parliament of 1964 had been dissolved by the King and the leader of the opposition on the 3rd of April 1967. A popular front had been formed, which declared as its formost intention to withdraw Greece from NATO and close the Greek ports to the U.S. Sixth Fleet. Anarchy had taken over, street riots were the every day spectacle in down-town Athens, where the pedestrian was risking his safety if he had the courage to venture a walk in the center of the city.

Anyone who was in Athens during that time can assure you, that there is no exaggeration in what I said. A succession of strikes was devastating the economy of the country and finally politics in Greece had reached the extreme in graft and corruption. The Greek press of the time was stigmatising the utmost deterioration of the situation, but instead of offering a service to the people, was urging them to civil war. No lesser than Mrs. Eleni Vlachou, who has already appeared and testified last August before your committee, had written in her personal column in her daily paper on April 9, 1967: "Isn't there one patriotic sergeant, to put an end to the chaotic condition into which the Nation is led by its irresponsible leaders?"

The April 21, 1967 Revolution put an end to the chaos and stopped the catastrophy. The economy is booming under conditions of free enterprise and an unprecedented state of price stability. The vast expenditure for the infrastructure of the country is shaping Greece into a modern developing European nation, where the per capita income has surpassed the $1000 mark (as compared to $780 prior to the revolution). Unemployment is almost nil and Greece is forced, at many instances, to import foreign labor.

The next major target of the present Government has been the granting of free Education (from grade I to university graduation) to Greece's youth, which was neglected and almost fell prize to the communist "Lambrakis" movement. Over 1000 schools have been or are under construction at this moment in Greece. Over 9,600 teachers have been newly employed in the last five years, never was such a vast proportion of the Greek budget dedicated to Education as at present: 16% compared to 8% in the years before 1967.

A tremendous boost was also achieved in the sector of social welfare and social security. More than 20 hospitals have been built and outfitted, and today, if a person is in need of hospitalization, he is accepted without the intervention of a political figure, as was the procedure in the "democratic" past in Greece. . . . Today Greece enjoys free medical and pharmaceutical care.

The Ministry of Social Services has been remodelled and streamlined and the Greek working classes today enjoy an unprecedented benevolence, understanding and service on the part of the state in this important sector.

Since the Greeks have this evident endeavour on the part of the Government to really serve the people, it is no wonder that peace, tranquillity, law and order prevail in the country and today Greece is an Oasis amidst the turbulence raging in the whole world and particularly in the nearest vicinity of Greece: Turkey, after a bloody military take-over in 1962, is still ruled under martial law, enforced—how ironic—by her parliament and is a continuous prey of anarchy and instability. The presence of an American ship in any Turkish port is enough to cause street riots and the security of the crew is under question.

Almost the same conditions prevail in "democratic" Italy, from where willy-nilly the Sixth U.S. Fleet will be eventually forced to withdraw their bases. The U.S. Navy's move toward housing Mediterranean sixth fleet personnel and dependents in Greece is, in effect, a forced pushout of reliance on turbulent Italy. Our vital good fortune is that Greece is there for us to go. Greece, our NATO ally, is actually the only country in the entire eastern Mediterranean, where our Sixth Fleet can even congenially call. Greece is a strategic imperative for the United States. No emphasis is enough to stress the importance of Greece in the framework of NATO and the dangerous implications, resulting from that importance. Greece shares common borders extending for over 600 miles with 3 communist countries, while the seas surrounding the country are criss-crossed by a Soviet fleet, which, for the first time in history, supersedes both in quality and quantity the strength of the U.S. Sixth Fleet, according to astute military leaders of our country. The Greek Government fully supports NATO and our foreign policies as a whole. We have an ally, not an enemy, in Greece. And this is the essence of the American interest—or should be.

Thank you.

THE WAR AGAINST CHILDREN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. FRASER. Mr. Speaker, Dr. Haim G. Ginott is determined to reach parents and teachers to help them develop skills in the "language of caring." Ginott's methods are outlined in a New York Times May 20, 1972 feature story.

Ginott's work may help avoid the dilemma outlined in a May 19 Life magazine article, "The War Against Children," by James Mills. We cannot be proud that a judge feels compelled to sentence a child to jail rather than return him to his home situation because there is no other alternative.

Child abuse in our country has been rated by some as the No. 1 killer of children today. The number of runaway children increases daily. We need more people who care. Public apathy perpetuates the status quo. Life's effort to raise the public consciousness of this problem is commendable.

The Times article on Ginott and the Life piece follow:

[From the New York Times, May 20, 1972]

Talking to a Child—Ginott's Method

(By Robert McG. Thomas Jr.)

"There are 55 million parents and 3 million teachers in this country, and . . ." well, one way or another, Dr. Haim G. Ginott, the child psychotherapist who cited the statistics, says he is determined to reach them all.

And if there was only room for 18 mothers and teachers at yesterday's session of the guidance conferences that Dr. Ginott has held frequently for some seven years, you have to begin somewhere.

Where Dr. Ginott begins is with the basic communication between parent and child—"the shaming, blaming, accusing, threatening, promising, guilt-giving, labeling," and all the other destructive patterns that he says parents who are caring but unskilled use to defeat their own child-raising goals.

Dr. Ginott has outlined his approach in the best sellers, "Between Parent and Child," and "Between Parent and Teenager," and in his new book, "Teacher and Child." He emphasizes, among other things, the need for a parent to address a situation ("This room is a mess, it needs to be cleaned up") rather than to focus on the child-as-culprit ("You're lazy and messy and inconsiderate . . .").

The tenure of the mothers, several of whom have been attending the conferences from the beginning, reflects the difficulty parents face in trying to break what Dr. Ginott sees as the destructive patterns of communication that were ingrained in them as children.

"Its a constant struggle," said one mother, who finds mutual support and specific advice in the sessions, which are usually held every other week.

Like most of the women (who preferred that their names not be used with their anecdotes) she had written out a description of a parent-child encounter that had occurred since the previous session. ("It's our homework," one explained.)

Most of the reports reflected a triumph of the Ginott method: the mother who handled her 17-month-old's rejection of his high chair by giving him a choice between the high chair and a booster seat ("he switches back and forth from meal to meal"), the mother whose 10-year-old daughter had made progress toward giving up her pacifier by facing up to her own choice between "being comfortable or growing up."

But then there was the mother (a relative newcomer) whose handling of her teen-age son showed, according to Dr. Ginott, her emotional attachment to the punishment syndrome and an unwillingness to grant the validity of his feelings ("I don't want you to" she said, coming down hard on the word "I" as she had prohibited him from playing basketball. And then, of course, he played ball anyway). There was also the mother who had not mastered the Ginott fine points in dealing with an emotional family discussion that arose over her teen-age daughter's desire to have her ears pierced. ("It would have been better," Dr. Ginott explained, "if you had asked her to put her request in writing.")

Dr. Ginott, who says he dispenses with the $5-per-session fee for those who can't afford it, regards the two-hour meetings in an East Side apartment as his "laboratory."

They also serve as training sessions. Several of the mothers have started their own groups to spread the Ginott word, and it is not uncommon for the women to be approached by friends for help in solving their own family problems.

(One, who had been asked how to deal with a friend's son whose grades had dropped to the point of failure, suggested a special tutor. But Dr. Ginott had a better idea: "He should find a younger child to tutor, himself; the research shows that that's the best way to give him the sense of importance and self-esteem he needs to bring his own grades back up.")

After the meeting, Dr. Ginott explained how he had come to develop his theories. "As a psychologist working as a child psychotherapist, I began to ask myself what it was that I was doing that parents and teachers were not doing."

His answer focused on the use (more often misuse) of the language used by parents he began to see as "unskilled."

As an alternative he developed what he calls "the language of caring," which he teaches to parents through anecdotes and such aphorisms as: "congruent communication" (in which language accurately reflects the underlying emotion) and "information without derogation," which emphasizes the accurate description of a situation without resort to a vicious, counter-productive verbal assault on the child).

The result of his musings has been his venture into what he calls "preventive psychology," which recognizes the fact that there are more children than their are psychotherapists and centers on the need to educate parents and teachers.

What next?

"Well, when I spoke to a meeting of delegates of the United Federation of Teachers, they gave me two standing ovations and I'm now negotiating with the union to teach my methods to 500 teachers at a time in a series of training sessions with 100 from each group being trained to teach others and . . ."

As he says there are 55 million parents and 3 million teachers in the United States and Dr. Ginott is indeed determined to reach them all.

[From Life magazine, May 19, 1972]

The War Against Children

(By James Mills)

(NOTE: The names and some other identifying characteristics of children and families mentioned in this article have been changed.)

The courtroom has a sink on the wall, a bathroom mirror, peeling paint, and in fact resembles less a courtroom than a public toilet. Trials here are secret—lawyers may attend, but not the public, and newsmen enter only by permission. The defendants are children. As young as 7, they come accused of everything from rape and murder to simple truancy and staying out too late. The secrecy, it is said, protects these children. But it also protects a system which—fully exposed, scrutinized and properly dealt with—could not, one hopes, survive an instant.

In a waiting hall outside the courtroom, long brown benches and the brown tile floor are littered with the shrapnel of exploded families—crying children, distressed and tired parents, small clusters of sorrow who sit for hours awaiting their minute with the judge. A boy of 10 races between the benches, laughing, yelling, trying to play tag with a young Legal Aid attorney. The boy is dirty as only a street kid can be dirty. He is wearing torn sneakers, black pants, ragged green sweater and, on top of long tangled hair, a beret tipped slightly over one eye. He has survived the streets and subways and clearly finds nothing here worthy of alarm.

A uniformed officer emerges from the courtroom and calls a name. "Torres!" The boy stops playing and runs quickly up to the officer. Two Puerto Rican adults rise wearily from a bench and pass with the boy into the courtroom.

Half of all major crimes in the United States are committed by people under 18. The war against crime has become necessarily a war against children. This year 44,000 children will flood through New York City's Family Court, where 39 judges struggle to find homes and treatment that frequently do not exist. In this single squalid courtroom on Manhattan's East Side, 30 cases will be heard today. Some of the accused will be sent home, some to mental hospitals, some to state training schools, some back to the streets. Few if any will receive the care and treatment they require. The judge is a woman, 69-year-old Justine Wise Polier, who in 36 years on the bench has heard more children's cases than any other jurist in the nation. She knows better than anyone what this system does for and to children.

Tall, slender, gray-haired, Judge Polier sits at a desk across from a large paper calendar Scotch-taped to the wall. She is flanked by a court stenographer and a probation officer. She has open before her a thick folder of reports, studies and other documents concerning the Torres boy. His name is Manuel, and she remembers him from earlier appearances. Though he looks 10, he is in fact 14. His parents brought him to court for running away. But parents often minimize their reasons for seeking the court's assistance. Manuel says he runs away from home because his father gets drunk, beats him up and attacks his mother. He says his father once chased his mother out of the apartment with a gun. Last time in court the parents said Manuel had bitten their dog on the ear and pushed its nose into a light socket. The father said, in front of Manuel, that he wanted to get rid of the boy. Judge Polier asked if it would not be better to get rid of the dog. The father said that that was impossible because the dog protected them from drug addicts.

Manuel has three brothers and sisters in a children's home, another in a state training school, another in a mental hospital. Judge Polier reads again through the file. A psychologist writes that Manuel is "good-looking, bright, pleasant, alert, perceptive, cooperative, has many internal strengths and controls, is reaching out for support, starved for affection and recognition." A school report says "he makes a great effort, is thought well of by his teachers, attendance is regular." A social worker found the family's neighborhood "saturated with drug addicts . . . many robberies . . . living conditions far below standard. . . . Difficult to see how the boy can survive in this environment."

After an earlier trip to court, Manuel was taken from his home and placed temporarily in a children's jail called Juvenile Center. A social worker who saw him there reported that "he was scared and afraid that the other children would do bad things to him." Moved to a children's home, he ran away, claiming later that a guidance counselor "always wanted to watch us get undressed." When the psychologist asked Manuel what he wanted to do in life, the boy answered, "Be a policeman so I can get rid of the drug pushers." Manual said he had had a dream in which a man killed his mother and raped his sister. Manuel was a policeman and caught the man and took him to the gas chamber. Manuel says he wants to leave his parents and live in a foster home. The parents say they want that too. But at the moment no foster homes are available. Neither is there a place at a children's home. Judge Polier studies the files, studies the boy, studies the parents—and tries to think of what to do. There is no solution. She may return the boy to his home, where he is not wanted and does not want to go, and from which he will certainly run away, or she can send him to Juvenile Center, to jail. Between the hazards of ghetto streets and jail, she picks jail.

Manuel is sitting between his mother and a Legal Aid lawyer, elbows on the table, back straight, biting his thumbnail, beret on the table in front of him. The judge explains that the court will try to find a place for him where he can live and go to school, but meanwhile he will have to go to Juvenile Center. When he hears "Juvenile Center," his face contorts in anger and he grabs his beret. A court officer leads him to the door, and Manuel shouts back, "I'm going to run away!"

The judge shakes her head and puts the case down for next week, with instructions to the probation department to seek placement.

Judge Polier came to the bench strong, but not tough, and has managed to remain so. When she was 21 she took an $18-a-week job in a New Jersey cotton mill to investigate labor conditions. She was discovered, fired and threatened with arrest. She went to Yale Law School and in 1935 became the first woman in New York to hold a judicial post higher than magistrate. Female judges were so unheard of that when the first man to emerge from her courtroom was asked how it had gone, he replied, "Well, the judge wasn't there—but his wife treated me just fine."

On the bench, Judge Polier does not wear robes ("There is nothing about a black robe that encourages a child to talk to me like a human being"). But 36 years of judicial authority have given her a glance that does more than robes or a gavel to command respect. Confronted by a teen-age mugger in a deserted courthouse stairwell, she gave him her stern, reproving look, and he backed off. "I was just going to give you some money," he said. "Do you need some money? I thought maybe you needed some money for lunch." Then he ran.

A woman of enormous energy, she works 12-hour days, often skips lunch, sprints for taxis, goes coatless in near-freezing weather, and emerges from court after a 40-case day fresher and more lively than youthful court officers. Asked how she could possibly have endured 36 years of witnessing day by day the tragedies of children, she answers, "I tell myself each time that I am trying to do the best that can be done, or this one child in front of me now. And then, starting after court, I try to do what I can for the others like him." She works what she calls a "second day," beginning after court and extending often far into the night. She has created, chaired or served on scores of boards, committees and foundations working to broaden services to troubled children and their families. She is married to an attorney and has two sons (both attorneys) and a daughter.

"I have been very lucky," she says. "I have had love from my parents, love from my husband, love from my children. When you've always had love, it's easy to love. There's a tremendous amount of sanctimoniousness in us when we expect terribly troubled people to survive problems in their lives that we probably couldn't survive in our own. We expect a young woman who has never had an instant of security in her life, who never knew her parents, who was brought up in neglect and violence, totally without love—we expect this woman to be a sustaining, loving mother in a drug-ridden, crime-ridden ghetto, and wisely and successfully to raise her child to be a whole human being. The people in power are so alienated from the powerless."

The judge's day goes on and on, child after child, folder after folder. "The child comes in as a piece of paper." Judge Polier says, "and you look through the probation reports, psychiatric reports, psychological reports, the petition, searching for this child, to find some glimmer of who this child *is*."

Often it makes very little difference who the child is. After all the studies have been made—and few could wish them more voluminous or thorough—it develops that the treatment recommended is unavailable. In folder after folder, Judge Polier encounters severely disturbed children and the desperate demands of doctors that intensive treatment begin immediately. Rarely if ever is such treatment provided. Not infrequently the frantic prediction of a psychiatrist that the alternative to immediate, intensive treatment is murder or suicide ends up bloodily fulfilled.

Like most American cities, New York pays hugely, up to $24,000 a year, for the care of a child in a private institution. But these homes and hospitals insist on admitting only those children whom they can best serve. Judge Polier claims that these restrictive admission policies are maintained to protect the institutions' track record. "They want the children it's easy to help, the ones they know they can help. And what happens to the others?"

The others include children who are disruptive and difficult to treat—those with histories of assault, suicide attempts, drug use, absconding, those with low IQs, and those who simply happen not to fall within the institution's racial or religious preferences. In New York City, it happens that a black Protestant with an IQ below 70 *or* a history of assault, suicide attempts, drug use or absconding is not merely denied treatment. He is denied admission even to a state training school (which demands IQs over 69) and ends up in a children's detention center, endlessly awaiting placement in a state "school" for the retarded.

Even state mental hospitals—their budgets cut, staff reduced—often turn away psychotic children, certified schizophrenics with histories of attempted homicide or suicide. Sandra Rogers is a 15-year-old black girl with a schizophrenic mother. Investigators sent to her home reported "no beds . . . mattresses on floor . . . broken refrigerator . . . no hot water . . . garbage strewn about." The mother, who had five illegitimate children by three different men, was chronically alcoholic. She attacked Sandra with a knife, saying she hated the girl because she reminded her of Sandra's father. Sandra ran away from home, and was later hospitalized for an overdose of drugs. She told a psychiatrist she had hallucinations, seeing spiritual figures surrounded by clouds, and often heard voices calling her name. "Sometimes they are mean to me," she said. "Sometimes they tell me to do things I don't want to do." She said that sometimes she walks along the street in a daze and heads into the oncoming traffic. "She knows *she* is doing this but can't stop herself," the doctor reported.

A psychiatrist who examined her after the drug overdose diagnosed her as schizophrenic. "My recommendation," he wrote, "is urgently for prolonged hospitalization because Sandra is truly in danger of killing herself if she is not contained. It is patently absurd to leave this child in an open setting where she is free to destroy herself."

She was sent to Bellevue Hospital for a one-month study. The diagnosis was "schizophrenia, childhood type, chronic." A psychiatrist reported that "since she has a tendency to follow what the voices tell her to do—such as taking an overdose of pills, or walking in front of a car—she could be a danger to herself or others." Another Bellevue doctor wrote, "It was strongly felt that this young girl was in need of long-term psychiatric hospitalization in a state institution."

So she was dispatched to a state children's psychiatric hospital. But after an examination of only one hour, she was rejected as a possible patient and returned to Bellevue. Bellevue in turn packed her back to the court, with this apology: "Because Sandra's evaluation at [the state hospital] revealed no severe pathology, the patient was returned to Bellevue. We have exhausted every other possible avenue of approach in seeking placement for Sandra, to no avail, and have no other recourse than to return her to court for final disposition. Our facilities do not permit our keeping her here any longer."

The night before Sandra will appear in court, Judge Polier is at an Italian restaurant having dinner with her husband. "The way these children are knocked around like pawns, like inanimate objects, is absolutely indecent," she says. "That child is coming into court tomorrow and she's going to stand there and I have a choice of returning her to the community where she'll kill herself, or remanding her to Juvenile Center. The state hospital looked at her for *one hour*, ignored a one-month Bellevue study, and just turned her away."

Her husband tries to calm her. "You didn't turn her away, they did," he says.

"But she comes back to court. The child is on *my* doorstep. What do I do with this psychotic, suicidal child?"

"You can't take all the problems on your shoulders."

"But I'm the one who has to remand her."

"That's not your problem. You aren't doing it, they are. Don't take all these problems on yourself. What are you trying to do, save the universe?"

"Yes."

The next day Judge Polier faces Sandra Rogers in court—and orders her returned temporarily to Bellevue while attempts are made to force her admission to a state hospital. Then she takes a recess in a small office with desk, chair and telephone. Joan Strumer, a probation officer, comes in. "Your Honor, can you sign a warrant? Helen says she's going to be killed, and—" Helen is another probation officer. This morning Richard Holland, a 15-year-old escapee from a Bellevue psychiatric ward, called her and said he had a gun and was going to kill her.

When Richard was 11, he was caught mugging another boy in a Harlem subway station. A psychiatrist found no evidence of neurosis or psychosis, but nevertheless suggested therapy. None was given. Now, after many more robberies, many violent escapes—and no treatment—the diagnosis is paranoid schizophrenia. Richard is regarded as homicidal and extremely dangerous.

"Helen's scared to death," Joan Strumer says. "I called the youth squad and they said they'd stake out his house if they can get warrants."

"Talk to the intake judge," Polier says.

Judge Polier goes back to court and hears more cases. A 10-year-old boy heroin addict is ordered into a treatment program. He is furious. "Why do I have to go in a program? I can stop by myself when I want to."

A father demands that his divorced wife comply with the court's order to allow him to visit their son. The wife refuses angrily. Judge Polier explains that she must comply with the order. The woman screams hysterically and runs out of the courtroom. A court officer and Mrs. Strumer bring her back. "You cannot do this," the judge tells the mother. "You and your former husband must not use this child as a tool to hurt each other. He will have enough problems as he grows up. You must not burden him with your problems."

A 16-year-old girl heroin addict, who has given birth to an addicted child, refuses to attend a drug program. Her mother, who has given up on her and says so, is beside her. "I know you're going to send me to Juvenile Center anyway," the girl shouts at the judge, "so it don't make no difference what I say. My mother don't want me and I don't want her." The judge mentions a drug program. "I don't want no program. I ain't got no habit." The judge sends her to Juvenile Center while reports are prepared. "I'll kill myself," she screams. "And I ain't gonna talk to no psychiatrist neither. Next time I'm here I'll be in a coffin."

Two teen-age boys have broken into a blind woman's house, beaten her, robbed her and even taken her Braille wristwatch. The judge sets a trial date.

It is lunchtime.

Every day Judge Polier sees neglected infants, homicidal teen-agers, and all the stages of maturing violence between. Often she must attend helplessly at the early opening of wounds in which, she knows, hatred, madness and murder may take seed and fester. Not in the chaos of the squalid courtroom, but in the silent, subdued solemnity of her private chambers she talks to the parents, and takes the children in her arms. She meets the social workers, probation officers, police, doctors, lawyers, other judges—and grieves at the brutality of a system that studies, considers, suggests, reports, but rarely heals. She has in her chambers a 6-year-old girl, raised in love, who has never done anything more disturbing or criminal than temporarily refusing to eat her spinach. But now destruction threatens, and the law is on its side.

When Martha Jackson was 13, she was raped by her brother. She gave birth to a daughter, surrendered her to a placement agency, and was herself sent to a state training school. Now, five years later, Martha Jackson wants the girl back. Martha Jackson is mentally ill, unemployed, an alcoholic, and lives on welfare in a small, shabbily furnished ghetto apartment with a 6-month-old illegitimate son. Three days after birth, her daughter was placed with carefully selected, middle-class foster parents, and now at the age of 6 still lives with them and two older children. They want to adopt her. She wants to be adopted by them. But the law may prevent this. The case is before Judge Polier, who must decide not only if it is in the girl's best interests to stay with her foster parents, and to be adopted by them, but if the natural mother is herself unfit to care for the child. The law is very strong in this respect. The mother's alcoholism, instability and unemployment, the condition of her home and neighborhood—none of these is necessarily proof of unfitness. Nor are the findings and recommendations of doctors, social workers and probation officers. A psychiatrist said the mother "appeared incapable of providing adequate child care because of her own confusion, poor judgment, and lack of energy, motivation and resources." A probation officer said the foster parents "appear to be well-adjusted, stable, religious persons with noble ideals. Their sincere efforts appear to reflect in the well-adjusted appearance of the children. They hopes are to raise the children to be useful citizens. These plans include a college education." The report concluded, "Returning the child to her natural mother may indeed disturb, shock and profoundly disrupt her positive orientation to life."

Judge Polier is concerned that a ruling to permit adoption of the girl over the protests of her natural mother will be reversed in an appellate court. It has happened before. She has met the natural mother, and now wants to make a personal assessment of the girl and her foster parents. She asks the adoption agency to have them visit her at 9:30 in the morning.

They arrive early. She leaves the girl in a waiting room and takes the parents inside. She sits behind a large desk, and they settle nervously into chairs across from her. They are dressed as if for church. "I think you've done a wonderful job giving this girl a start," the judge says warmly. "I can realize from your faces how deeply you feel about the child. But in a guardianship proceeding like this the law is very strict. The question is whether or not the mother is unfit to raise her. I hope someday we have a better law, but this is the one we have now. I know it means so much to you, because you are her parents in truth."

Both parents nod.

"How long have you had Susan?" the judge asks, knowing the answer but trying to draw the parents out.

"Since she was five days old," the mother says, sitting up so straight her back does not touch the chair.

"What have you told her about her mother?"

"We've told her that when she was born her mother had some problems and she couldn't keep her, but that we are her foster parents and we want to adopt her if we can."

"What does she call you?"

"Mommy."

"And Daddy," the father says.

The judge talks with them a few more minutes and then asks them to wait outside while she sees the girl. She comes in shyly, wearing a dark skirt and white blouse. She stands in front of the judge's desk, quiet but not frightened. The judge smiles at her. "I've just been talking to your parents. They're lovely people."

She smiles.

"I know you think so, too."

"Yes, Ma'am."

She asks her about her school, how she likes her teachers, what she does after school, then she lowers her voice a tone, becomes just slightly more serious and says, "Susan, I'd like to ask you something that's hard, but I'd like you to be very honest with me. I know you haven't seen much of your mother. When you do see her, do you have a good time?"

"Yes." She is hesitant.

"What do you do?"

"Go to the movies. And to the park."

"Would you like to go live with her."

"I don't think I'd like to stay with her."

"Come here, dear," the judge says, and the girl walks around the desk to the judge's chair, moving up closely against her shoulder.

"When you talk to your mother, what do you talk about?"

"I say I want to stay with my other mother."

"What does she say?"

"Nothing."

"When you're with her, do you get any fun or happiness from her?"

"Not much."

"You like your parents?"

"Yes."

"If you stayed with your parents, would you like to keep seeing your mother?"

"No."

"You'd like to make it so they're your home?" She nods in the direction of the waiting room.

"Yes." She raises her hand and rests it on the arm of the judge's chair. The judge touches the lapel of the girl's blouse and says, "I don't want you to worry about this, because we're going to work it out." The girl smiles and the judge takes her face in her hands. "I'm delighted that you're doing so well and that you have parents who love you so much."

The girl nods. The judge walks out with her and sees them all to the elevator. Back in her chambers, her large eyes fire a look of anger and distress. "It's scary, isn't it?" she says. "That child may have to go back to her natural mother. Our courts still deal with these problems as though the rights of the mother are more important than what's best for the child. They seem too often to assume that *every* woman who bears a child is capable of giving that child love. Unfortunately, that's just not true. I must remove this little girl from this pre-adoptive home, the only home she has ever known, unless I find that the mother is unfit. Here are these people bringing out everything in this child, and I'm asked to put her back with a mother who is disturbed, alcoholic, who has been in and out of institutions, who—" She stops and draws on a cigarette. "And none of these things, by itself, necessarily makes her unfit. The courts have so held."

"What does?" she is asked.

"That's a good question, Every case is different."

Judge Polier eventually ruled in favor of the foster parents. The natural mother is appealing.

"Do you want him placed in an institution and put out of your home?" Judge Polier is in court questioning a middle-aged man, dressed in leather jacket, cap, and a pencil behind his ear.

"I'll just have to let him go back where I got him," says the man, stern and unshakable. He is talking about his 6-year-old grandson. The boy's mother is an alcoholic. Several months ago her neighbors heard screams, went in the apartment and found her hitting the boy's head on the floor and trying to choke him. He was naked except for a cotton shirt, and was spitting up blood. The mother then took him out to the street and told him to leave and not come back.

The boy was taken from the mother, who has since disappeared, and placed with an agency who located his grandfather and step-granddaughter, described in a probation report as "warm, open people, with a genuine interest in the boy." They agreed to care for the boy "until grown, if need be."

It was not long, however, before the grandparents called the court to complain that he was hard to control and had broken one of their children's bicycles. They wanted him to behave, and they wanted to be paid for keeping him.

Now, while the boy sits alone outside on a bench in the waiting hall, Judge Polier asks the grandfather what he thinks about keeping the boy.

He is annoyed. He says he works nights, seven nights a week, and should be home sleeping. "My wife is the one who takes care of the children. When I get home I go to bed and the door is closed. When I get up it's 11 o'clock and I'm gone. This boy, if he comes in and bothers me, out he go. All my responsibility—I just make sure my wife gets money for the family."

The judge says she wants to talk to the child alone. She goes out to the small office by the waiting hall and someone brings the boy in. She smiles at him and says hello and asks him to come around behind the desk and stand next to her. She puts an arm gently around his shoulder. A probation report described him as "reserved and serious as if too mature for his age, but it is not difficult to make him smile; a pleasant personality." He moves in against the judge's arm and smiles shyly. "I want to ask you something," she says. "And I want you just to tell me what you think." She asks if he is happy with his grandparents. He smiles and nods. "Are they nice to you?" He nods. "Is there anyone else you would like to see?" He shakes his head. "Just them?" He nods.

She returns to court. She explains to the grandfather that because he is related to the boy he cannot receive regular foster care payments. He can, however, receive a lesser amount from welfare. Will that be enough?

"No, $15 or $20 is not enough."

"Well," says the judge, "since he loves you and wants to be with you and has no one else, are you willing to keep him?"

"No." The man is solid-faced and adamant. "He'll just have to go, go back where we got him."

"It's going to be very hard on him. You know that?"

He shrugs. "It'll just have to be that way."

Judge Polier has lunch with a friend who has spent the morning in her court. "At least he was honest," she says of the grandfather. "He certainly had no pretensions of fatherhood." She thinks a moment. "When I put my arm around the boy, I could feel him react. He wants to be loved." The boy is black, Protestant and already 6 years old. "He'll be difficult for adoption," she says.

The friend asks her if she has seen an improvement over the years in the way troubled children are treated.

"It's getting worse," she says. "The delinquents and predelinquents today appear more disturbed than they used to be. I think it's because of the breakdown in the old basic controls, the conventional respect for one's parents, teacher, minister. There's so little help from any caring adult for these children. They don't get it in the schools, in the church or at home. Problems aren't spotted until something happens, until there's an assault or a theft or an overdose. And that's awfully late."

She stops talking and looks down into her plate. Her friend asks if it all makes her angry. She looks up. "I don't think angry is the word for me. It's not my way of functioning. I get *very* determined, and 'How do I break through this . . .' But I'll tell you when I really do get angry. When I sense in someone, 'Well, it's just part of the system. What are you breaking your neck for?' I get angry when I see a greater concern for the system than for what it's supposed to be doing. The system fails to reach out and serve the people it was created to serve. And it makes you terribly distressed and angry when you see this in terms of a child—a child like that boy today whose grandfather doesn't want him and who will be so difficult for adoption. A child—a human being—reaches out for love. And gets hit. And he reaches out again, and gets hit again. And he keeps reaching out, and every time he's denied. And then finally, defensively, he stops reaching. And in no longer looking for love, he loses the ability to love, and the ability to feel. The capacity to feel for another person is cut off, and he can destroy other people without reaction. And then you get rapes and robberies and murder. Take this little boy—he's tried to reach out and be loved. He's made a desperate effort. And he's been turned off. How long can you expect a child to keep reaching?"

TAX ON SULFUR POLLUTION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. VANIK. Mr. Speaker, every year 35 million tons of sulfur pollution threaten the health and living conditions of every American.

The most serious single consequence of air pollution is its impact upon the health of human beings. The sulfur oxides irritate the respiratory system, causing both temporary and permanent injury. When small particles are breathed in with sulfur oxides, the irritation and injury may increase significantly.

These health hazards have been demonstrated in a number of air pollution disasters—in the Meuse Valley in Belgium in 1930—in Donora, Pa., in 1948—in London in 1952, 1955, 1956, 1957 and 1962—in Rotterdam in 1959 and 1962. The greatest single tragedy took place in the "London Smog" of 1952, which took 4,000 lives. In all these episodes of acute air pollution, concentrations of sulfur oxides and particulates in the air increased sharply above normal levels—and so did the death rate.

In addition to increased deaths in these incidents, sickness increased. Hospital admissions rose. Absenteeism from work increased. But these acute short-term episodes of air pollution are only the tip of the iceberg. There is evidence that long-term exposures to air pollution with relatively low concentrations of sulfur oxides and particulates is related to increased illness.

Coughing, difficulty in breathing, bronchitis, asthma, heart disease, pneumonia, chest colds, may afflict a person who lives for a long time in a polluted area. Emphysema, the fastest growing cause of death in the United States, also has been linked to air pollution.

The total national health cost resulting from sulfur dioxide emissions are conservatively estimated at $3.3 billion annually.

Sulfur pollution not only threatens the health of our people, it has had an ugly and expensive corrosive effect on buildings and contents. Much of this damage results when sulfur oxides are converted into highly destructive sulfur acid. Particulates and sulfur oxides together are even a greater danger. Sulfur oxides physically deteriorate and discolor buildings. Limestone, marble, and other building stones, as well as mortar and roofing slate, are attacked by the acids formed by the interaction of industrial smoke and moisture. Many buildings and homes in Cleveland have been damaged by sulfur emissions, to the point where cleaning buildings is senseless, unless we control the pollution output.

Sulfur dioxide has had an incalculable effect in damaging vegetation. Sulfur dioxide can injure plant tissue, discolor leaves, stunt plant growth, and reduce crop yields.

In the Cleveland area in 1970, the most recent figures on SO_2 pollution indicate that the 10 largest sources of sulfur pollution account for 84 percent of the total emissions. The following industrial operations have been the major sulfur polluters:

The 1970 SO_2 Emissions in Cleveland[1]

Source:	Tons
Cleveland Electric Illuminating	78,480
Republic Steel	20,047
Muny	17,100
Dupont	4,750
Master Metals	1,540
Medical Center	1,650
Subtotal (84%)	123,567
Other coal, oil, incineration processes	20,745
Other processes	403
Transportation	2,385
Total SO_2 emissions in Cleveland in 1970 (100%)	147,100
Total SO_2 emissions in Cuyahoga County in 1970	227,000

[1] Data supplied by the Cleveland Division of Air Pollution Control.

In Greater Cleveland, more than one-third of the "home gardens" have been damaged by sulfur pollutants. Near certain factories almost nine out of 10 gardens were damaged by sulfur oxides. Severe vegetation damage has been noted as far as 52 miles downwind from Cleveland.

The large greenhouse industry in the Cleveland area has suffered severe damage as the air pollutants actually corrode the glass and deflect the needed rays of sun.

The damaging effects of sulfur dioxide on materials, property, and vegetation cost the Nation an estimated $5 billion annually. Health costs are approximately $3.3 billion. Therefore, the total damages of $8.3 billion amount to 25 cents for each pound of sulfur now emitted into our atmosphere.

But the total costs of air pollution are incalculable. Some specific cost can be measured—such as the cost of painting or cleaning a building, of depressed property values, of crop and livestock losses and of air travel disruptions. Other costs are immeasurable—the shortened human life with its reduced productivity.

The total costs of air pollution cannot be established precisely, because atmospheric contamination stems from a complex interaction of a multitude of factors. But all indications are that air pollution cost the people of the United States many billions of dollars every year. Economic studies are beginning to pinpoint a few estimates: The cost of painting steel structures damaged by air pollution or particulate matter is approximately $100 million a year. The cost of damage to agricultural crops and livestock from air pollution could be $500 million a year or more.

By far the largest sulfur polluter is the electric power industry, which emits 50 percent of the total sulfur pollution. Sulfur is an element in coal and oil, usually comprising 1 to 3 percent of the fuel, though sometimes as much as 7 percent. As of 1969, 59 percent of the fuel burned in fossil-fueled plants was coal, 12 percent was oil and 29 percent was natural gas. Since the power industry is growing at a much faster rate than other sources of sulfur pollution, its total portion of total emissions is growing.

In the United States in 1969, 33.4 million tons of sulfur dioxide were emitted—16.7 million tons of sulfur—primarily from the smokestacks of powerplants, smelters, and other industrial facilities. These dangerous air pollution emissions are increasing every year. It has been estimated that with the increasing generation of electric power and rising sulfur content of fuels burned, sulfur oxide pollution could increase fourfold by the year 2000.

These are increasingly important reasons why this country must research and develop new, efficient, and clean sources of energy. The next 10 years are predicted as critical years in which we are threatened with power shortages. As these fossil-fuel plants start galloping their operations to keep up with demand, the increase in sulfur pollution will be devastating, unless we can force these operations to control their own pollution.

I feel that the only efficient and effective means to control sulfur pollution is to tax the polluter. I am, therefore, introducing legislation to tax sulfur pollution. If this legislation were adopted it would be in the polluters self-interest to research for and to install the very best available pollution abatement equipment. This legislation embodies a five-point plan to curtail sulfur pollution.

First. That the charge on sulfur emitted into the environment be set at 20 cents per pound, and that this rate be achieved by 1975.

Second. That the charge be applied uniformly throughout the Nation, to keep the tax administratively simple, and to prevent pollutors from taking refuge in nontaxed areas.

Third. That Congress, rather than an agency, set the level of tax, so that the debate is out in the open.

Fourth. That the revenue not be earmarked, so that no program's funding is dependent on a lack of pollution control.

The administration has endorsed a legislative proposal for a solution to this problem of sulfur pollution. One provision states that the tax will not be applicable in areas of the country where the "ambient air" is already cleaner than existing Federal standards require. All but two of the 15 copper smelters in the country are in the West. These copper smelters are responsible for 4 million tons a year of sulfur dioxide pollution. Therefore, it seems to me that the administration can "stick another economic interest in its hat." It seems as though the copper companies will escape the tax because a copper smelter in Arizona, where the ambient air is cleaner that the Federal liimts, could theoretically put any amount of sulfur dioxide in the air and not be touched by the tax.

The fact of the matter is that the ambient air over a certain piece of the country does not give a true picture of the air pollution problem, because air pollution does not necessarily obey the boundaries of regions defined under the Clean Air Act. Any legislation that taxes according to regions defined under the Clean Air Act just does not make sense. At a time when tax reform and tax equality is so desperately needed, it seems unconscionable that this tax be selectively enforced. This selective enforcement would undermine the fundamental purpose of the tax—as well as lead to a gradual deterioration of the last remaining clean air regions of the Nation.

This tax on sulfur pollution is an economically sound way of dealing with the problem. This tax of 20 cents a pound on sulfur emittants is high enough so that competitive factors will force polluters to control their pollution, thereby preventing them from simply passing the tax onto the consumer. Since polluting will be more expensive than abatement, any firm which chooses to reduce its pollution will have a competitive advantage over any firm which has not chosen this least-cost alternative.

This legislation is not a revenue-raising measure for any specific programs. Although the concept of pollution taxes grew out of the conviction that the air and water should not be free dumping grounds, the goal of the tax is to make pollution control in the economic self-interest of the polluters, not to collect revenue. The revenue will decrease as the environmental quality improves.

It is my hope that my colleagues will support this measure so that the present and future dangers of sulfur pollution may be effectively controlled to protect the American citizens and their environment.

FREDERICK CHAMBER OF COMMERCE HONORED

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. BYRON. Mr. Speaker, recently the National Chamber of Commerce president, Mr. William S. Lowe, honored the Chamber of Commerce of Frederick County, Inc., for being charter member No. 1 of the chamber of commerce. Mr. Lowe congratulated Edward J. Daugherty, president, and Richard D. Hammond, executive vice president of the Frederick Chamber, at the 60th anniversary dinner of the chamber.

In 1912, there were 171 charter members of the newly formed National Chamber of Commerce. The Chamber of Commerce of Frederick County, Inc., was the first charter member and has retained that distinction until today. This active organization has done much to promote community spirit and economic development in Frederick County and worked diligently to benefit the local community. I congratulate them on these achievements.

THE CARPETING WAS RED

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. ROONEY of Pennsylvania. Mr. Speaker, in early March of this year it was my pleasure to escort 13-year-old Julie Wickert, an eighth grade student from Potomac, Md., on a guided tour and interview in the Soviet Embassy.

Julie's interest in the Soviet Union is commendable, and reflects, I think, a widespread attitude of respect, friendship, and interest in the Soviet Union among young Americans. This is a promising sign for the future of East-West relations and deserves a moment of reflection by all Americans.

I would like to call the attention of my colleagues to the following article from the Montgomery County Sentinel which relates some of Julie's impressions of the Soviet Union after her tour and interview with embassy officials:

THE CARPETING WAS RED—LOCAL GIRL TOURS SOVIET EMBASSY

(By Jacquie Hunt)

A Potomac student's initiative paid off in a recent visit to the embassy of the USSR.

Last Wednesday, 13-year-old Julie Wickert, daughter of Mr. and Mrs. William E. Wickert Jr., 12301 Espalier Place, accompanied by Rep. Fred B. Rooney (D-Pa.), was given a special tour of two reception areas of the Soviet Embassy by third secretary Yuri S. Bakenko and Anatoly P. Kotov, an attaché with the embassy's public relations division.

After the tour, Babenko and Kotov answered Julie's questions about the education system and social conditions in the Soviet Union.

"I really didn't expect it would work out," said Julie, "because I had called the embassy myself earlier and they said they didn't give tours. So as Congressman Rooney and I drove up I was feeling pretty excited and happy.

"SCAREY" AT FIRST

"When we first stepped on the doormat, bells went off inside and that was rather scarey. But we pushed the door buzzer, went in, and spoke to the man at the reception desk. Then Mr. Babenko and Mr. Kotov came down. They were so friendly and gracious and spoke such good English that I felt right at home."

Julie was not prepared for the embassy's elegance. "It was gorgeous, just like a palace," she said. "The hallway was lined with mirrors, divided into panes with gold. The hall, all the way up the stairs, and both reception rooms had red carpeting."

Familiar with Russian art since her visit to the Russian exhibit at the Corcoran Gallery, Julie appreciated the paintings. "I recognized the portrait of Lenin right away," she said, "as our textbooks showed that his picture hangs in all the school rooms in Russia.

"The painting I like best was all done in very soft colors. The Kremlin in the background was soft grey, the sky was all pink and blue, and there was a sled with horses in the foreground."

Although the large reception area was imposing, Julie preferred the smaller parlor where she sat and talked to Babenko and Kotov for half an hour. "It was sort of cozy," she said, "with a sofa, comfortable chairs and a coffee table."

Julie had prepared a list of questions which, she said, seemed to be answered fully and openly. "We talked mostly about the life style in Russia," she reported, "and I learned how everything is owned by the government. In some ways it sounds great, as you can go to the sports arena free instead of paying $6, and all education and medical expenses are paid for.

"I was really surprised about the education," she went on, "because I had expected it might be rather primitive. But it is much the same as here. Students must go to school for 10 years and then the ones who do well on their exams go on to college, without having to pay anything.

SOME CHANGED IDEAS

Julie felt that some of her ideas about the Soviet Union had changed since her visit. "Although the country is very strictly ruled and I wouldn't want to live there," she said, "it doesn't seem as bad as I thought. Mr. Babenko pointed out how people are much the same and how Moscow is a lot like New York."

The envy of her classmates, Julie will report on her experience to eighth grade geography students at Robert Frost Junior High School. They have been working on a four-week unit on the Soviet Union using a contract system whereby students undertake stipulated assignments to obtain predetermined grades.

Julie had already completed the required and optional assignments, including preparation of a Russian meal, when the idea of a visit to the embassy occurred to her.

She wrote to Rooney, a family friend, to ask for his help. A single call to the Soviet Embassy resulted in the visit and what Rooney described as a very warm and cordial reception.

BLUE CROSS AND AMERICAN ASSOCIATION OF BLOOD BANKS URGE TOTALLY VOLUNTEER BLOOD SYSTEM

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. VEYSEY. Mr. Speaker, two prominent health care organizations have recently called for a voluntary national blood program. The American Association of Blood Banks represents most of the Nation's nonprofit community blood banks and has long been dedicated to volunteerism in blood banking. On March 16, the AABB's Board of Directors approved a statement reaffirming the organization's committment to voluntary blood. The statement includes a recommended time schedule for all AABB members to achieve the goal of 100-percent volunteered blood.

The Blue Cross Association has also recognized the hazards of commercial blood. The governing body for the 74 Blue Cross plans recently urged the chapters to organize voluntary blood replacement programs to guarantee pure and safe blood for all 74 million Blue Cross subscribers. The Blue Cross Association also called for all blood to be labeled as to its original source—paid or volunteer.

My bill, H.R. 11828, would provide the basis for a totally volunteer blood system by appointing a director who would conduct a vigorous nationwide donor recruitment program, and set yearly percentage levels for volunteer blood. By this method we would gradually phase out paid donors as we no longer rely on them. My bill would also require the labeling of blood as to its source to give doctors and patients an understanding of the risks involved in each transfusion.

The texts of the AABB statement and the Blue Cross Association resolution follow:

THE AMERICAN ASSOCIATION OF BLOOD BANKS' AFFIRMATIVE APPROACH TO IMPROVING BLOOD BANKS AND BLOOD TRANSFUSIONS IN THE UNITED STATES

The American Association of Blood Banks (AABB) is the only national organization devoted exclusively to blood banking and blood transfusion service. It represents not only the majority of the nation's nonprofit community blood banks, but also over 1464 hospital blood banks and transfusion services which have the final responsibility of transfusing blood to patients. Its institutional members (blood banks) collect, process, and distribute over 3,300,000 units of blood and provide over 5,698,000 units of blood and components for transfusions annually.

Since its inception in 1947, the AABB has actively promoted the voluntary blood donor concept and the maintenance of high medical standards in the collection, processing, distribution, and transfusion of blood for the protection of not only the donor who gives blood, but also the ultimate "consumer"—the patient in the hospital needing blood transfusions.

The AABB's position, outlined on the following pages, recognizes that every patient's need for blood must be met. Any practical plan for a voluntary blood donor program to meet total patient needs must take into account local resources and requirements, by allowing variations in approach. Further, mechanisms which currently are serving the public's needs well, must not be impaired without adequate consideration of the impact on patients.

The American Association of Blood Banks is vitally interested in improving the nation's blood bank services and is concerned with maintaining adequate blood supplies in the unpredictable interim between the present and the future. The expertise and experience of blood collecting and transfusing facilities—large and small, hospital and community—are needed if the increasing demands for blood and blood components are to continue to be met efficiently and in the best public interest. No one organization or system alone has all the resources to accomplished this task.

AABB STATEMENT

To assure a safe, adequate and economical blood supply for blood transfusions, the American Association of Blood Banks:

1. Reaffirms the principle that the voluntary blood donor provides blood and blood components which are safest for patients, and urges member blood banks to move as rapidly as possible toward a goal of total voluntary blood supply.

2. Recommends to its member banks who are not already providing 100% voluntarily-donated blood, the following time schedule for achieving this goal: For the year ending December 31, 1973—75% voluntary; for the year ending December 31, 1974—90% voluntary; and for the year ending December 31, 1975—100% voluntary.

This time schedule was adopted in the knowledge that paid donors cannot be eliminated overnight without seriously jeopardizing the blood supply in some parts of the country. The complete elimination of paid donors depends on (1) improve blood management and the movement of blood of the right type to the right place at the right time, and (2) the public's awareness that it holds the key to assuring safe and adequate blood supplies by giving blood voluntarily.

The AABB's National Clearinghouse Program provides a mechanism for achieving these goals by enabling donors to replace blood voluntarily anywhere in the country, and by coordinating blood exchanges between banks to assure the better utilization of all available blood supplies, thus minimizing the use of paid donors and blood outdating.

To assist blood banks to reach the 100% voluntary goal, the AABB is engaging in a nationwide public information and donor recruitment program.

3. Reaffirms that the blood nonreplacement fee (deposit) concept in effect today is currently a necessary incentive for donor recruitment for many blood banks in this country.

The AABB believes that at the present time it is unrealistic to assume that a 100% voluntary donor goal can be achieved in the immediate future without allowance for the continuation of the nonreplacement fee and the individual or group credit concept.

In a recent study conducted by the Association,* 677 of 781 banks surveyed, representing a blood usage of over 3,325,000 units, place a moral and financial responsibility on patients to replace blood by charging a blood nonreplacement fee (weighted mean of $23.30). When blood replacements are made, or previously established credits are released in the patient's name, the fee is refunded or credited to the patient's account. This fee, therefore, is an important and inherent part of the donor recruitment programs of many blood banks and hospitals, and the motivating basis for participation in most blood assurance and predeposit plans.

The nonreplacement fee also has been instrumental in keeping the processing fee charged by blood banks for the collection and processing of blood at a minimum. Most blood banks are not subsidized by public funds through taxation or community fund drives and must be self-sustaining. Many banks, therefore, use the nonreplacement fee to subsidize part of their operating costs rather than increase their processing fee (weighted mean of $12.62). Thus, the patient who supports the local blood program through blood donations is able to receive blood at less cost than the patient who prefers to pay the nonreplacement fee rather than to seek blood replacement donors from among family and friends.

4. Urges the formation of a voluntary Commission on Blood Banks and Blood Transfusion Services, to be composed of representatives of the two major blood banking organizations in the United States—the American Association of Blood Banks whose members are concerned with total blood transfusion

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* "Fees and Replacement Policies of Institutional Members of the American Association of Blood Banks," March-April 1972 issue of Transfusion.

service, and the American National Red Cross whose 59 centers collect, process and distribute blood—as well as appropriate representatives of medical, hospital and consumer organizations. The purpose of this Commission would be to improve national coordination of blood bank systems and programs, particularly relating to donor recruitment, public educational, inventory management, standards, scientific activities and research.

Adopted by the AABB Executive Committee, February 8, 1972, and approved by the AABB Board of Directors, March 16, 1972.

HISTORICAL ROLE OF THE AABB IN NATIONAL BLOOD RECRUITMENT AND TRANSFUSION SERVICES

In keeping with its goals over the past 25 years, the AABB, through the voluntary efforts of its over 4200 individual members—physicians, scientists, blood bank administrators, medical laboratory technologists, nurses, and others closely allied to the field—has originated and implemented many programs and services in the public interest, and has played an active role in national blood recruitment and transfusion services.

In 1962, to re-emphasize its position to the public and to its members, the AABB Board of Directors adopted the following *Statement of Principles of Blood Procurement:*

1. Blood for transfusion is human living tissue and is not a commodity. Blood does not carry an expressed or implied warranty. Blood used for transfusion is a service. Blood is an integral part of the rendition of medical services to the individual.

2. Most blood banks operate on the voluntary donor replacement or predeposit donor systems. These policies are designed to obtain maximum voluntary donor participation in replacement of blood used by patients. These principles which have proven a successful method of blood procurement for over 25 years are endorsed by the American Association of Blood Banks as the primary method of obtaining human blood.

3. The insurance or assurance principle, when applied to blood banking as it relates to the provision of blood itself, should be based on the concept that payment of the premium is primarily by blood donation rather than by money.

Most recently, the AABB's Statement of Principles was embodied in the following *Summary of Statement* which was submitted as part of the testimony of the American Association of Blood Banks before the House Ways and Means Committee during its hearings on National Health Insurance, October 28, 1971:

1. *The motivation and recruitment of sufficient voluntary blood donors to keep pace with the increasing demand for blood is the main problem facing blood banks today.* In a nation of over 200 million people, with more than 100 million individuals qualified to give blood, only 3% of the eligible population are blood donors.

2. Recent studies indicate that blood from commercial sources is 10 times more likely to transmit hepatitis through blood transfusion than blood which is obtained from voluntary donors.

3. The Hepatitis Associated Antigen Test for the identification of blood that may be a carrier of serum hepatitis is estimated to be only 20–30% effective.

4. The public expects blood to be available and safe when needed for transfusion. To meet the increasing demand for quality blood, banks must get more voluntary donors. Blood is available only because of another individual's willingness to give.

5. Throughout the United States nonprofit blood banks offer to individuals, families and groups, blood assurance programs which will cover their blood and blood component requirements for a period of a year or more through voluntary blood donations.

6. To nourish voluntary replacement of blood, most blood banks place a monetary value on the blood itself—*a blood replacement or blood deposit fee.* This fee is kept relatively high, not to provide greater income for blood banks, but to provide a strong incentive for patients to seek blood donors. *When blood replacements are made, or previously established credits are released in the patient's name, the fee is refunded or credited to the patient's account.*

7. It is imperative that positive efforts be made to encourage voluntary blood donations in advance of need (predeposit and blood assurance programs), and to retain the moral and financial obligation for patients to replace blood they receive with blood, not dollars.

8. Blood banks cannot transfuse dollars. Monetary payment of the blood replacement fee by private health insurance or by the Government indirectly forces blood banks to turn to the use of paid donors or commercial blood sources in many communities.

AABB PROGRAMS AND SERVICES IN THE PUBLIC INTEREST

Among the many far-reaching accomplishments of the AABB and its member banks in improving the Nation's Blood Lifeline are the following programs and services:

1. A *National Clearinghouse Program,* initiated in 1953 to promote the voluntary replacement of blood anywhere in the country and to facilitate the "borrowing and lending" of blood between banks to minimize outdating and to provide better blood inventory control. Currently, over 900 blood banks and drawing stations utilize the services of the clearinghouse program for the benefit of patients in over 3400 hospitals and transfusion facilities throughout the United States. Through an interorganizational agreement between the AABB and the American National Red Cross, the services of the clearinghouse are extended also to patients receiving blood in hospitals supplied under the ARC Blood Program. Since its inception, over 2,000,000 blood replacement credits have been transferred for the benefit of patients, and over 1,000,000 units of blood have been shipped between banks under the coordination of the clearinghouse system.

2. A voluntary *Inspection and Accreditation Program,* implemented in 1958 to assure that blood shipped under the clearinghouse program is of the highest quality, and for the benefit of more than a thousand blood banks not under any city, state or federal licensing program. Over 1300 blood banks and transfusion services have been accredited by the AABB under this program, which is available to any blood bank regardless of whether or not it holds membership in the Association.

3. *"Standards for Blood Banks and Transfusion Services,"* which provides a basis for the AABB Inspection and Accreditation Program. Now undergoing its sixth revision, these standards, which cover all aspects of blood transfusion service from the collection of blood to its transfusion to patients, have been widely accepted throughout the world and have provided the basis for many State licensing programs.

4. *"Technical Methods and Procedures,"* an AABB manual which has helped to raise the standards of innumerable blood banks by providing an important reference document for the performance of laboratory tests to assure the safety of blood transfusions.

5. A network of 28 AABB *Regional Reference Laboratories* which offers valuable assistance to any blood bank or hospital encountering problems of crossmatching, transfusion reactions, and antibody identification.

6. A *Rare Donor File,* listing over 8171 rare blood donors, which is available on a no-fee, 24-hour basis to assist in locating compatible blood for patients worldwide.

7. A system of ten *Frozen Blood Depots* throughout the country which provide an immediate source of rare blood placed in storage for future use. "Super rare" blood has been placed in AABB storage at the Chelsea Naval Hospital in Chelsea, Massachusetts.

8. A *Certification in Blood Banking Program,* approved by the American Medical Association and sponsored in cooperation with the Registry of Medical Technologists of the American Society of Clinical Pathologists. Under this program, hundreds of qualified medical technologists have been trained in the specialty of blood banking technology.

9. A *Standby Contract with the Department of Defense* for the procurement of blood by AABB banks in times of national emergency.

Statement From Blue Cross Association

The Board of Governors of the Blue Cross Association, citing the high risk of infectious hepatitis among the recipients of blood from paid donor sources, has called for all blood programs to be built on the voluntary donor principle.

Human blood and blood product programs should be built on the principle of voluntary donation because of the proven higher safety record of such programs in comparison with those operating through paid-donor relationships, the Board said.

The resolution of the board calls on the nation's 74 Blue Cross Plans "to develop the means to make blood replacement programs available to their employees and to their 74 million subscribers." The Blue Cross Association, national coordinating body for the 74 Blue Cross Plans in the United States, has organized its own voluntary replacement program for employees of the Chicago headquarters.

According to the Board, patients who receive paid donor blood run greater risks of contracting infectious hepatitis than patients receiving volunteer blood. At present, the incidence of "transfusion hepatitis" causes a drain of about 450,000 hospital days on the nation's acute care institutions, according to one estimate. The most reliable screening tests for hepatitis are successful in detecting only about one-in-four cases.

About half of the nation's blood supply is derived from voluntary donor sources, according to the Board, and the other half is from paid donors.

Because paid-donor blood programs do not provide adequate supplies of low-risk blood, the Blue Cross Association "declares its strong support in the effort to provide an adequate supply of low-risk volunteer blood for the people of this nation," the Board said.

Blue Cross Plans should also encourage member hospitals to use only blood that has been labeled by donor sources, the governing body said.

Statement on Voluntary Donation and Replacement of Blood

In view of the Blue Cross system's interest in improving the health of Americans, it would be timely to strengthen the Blue Cross position on both voluntary blood donation and blood assurance programs. It is an accepted and statistically proven fact that a patient who receives paid donor blood runs a higher risk of contracting infectious hepatitis than a patient receiving volunteer blood. One blood expert estimates that approximately 450,000 hospital days a year are consumed by patients with transfusion hepatitis—a considerable drain on precious acute-care institutional resources. The recently developed Hepatitis Associated Antigen (HAA) screening test for hepatitis (now being used by most U.S. blood banks) detects approximately one out of four hepatitis carriers.

Currently, volunteer donors provide only half the needed U.S. blood supply; the rest is paid-donor. The key to doubling the number of volunteer donors and cutting the hepatitis rate lies with: 1) aggressive public education programs for more voluntary blood donations; 2) more blood assurance programs, where the volunteer is assured he will receive an adequate supply of low-risk blood, if needed for himself or family; and 3) immediate programs to end direct payment for human blood, because such payment discourages adequate supplies of low-risk blood and increases the hepatitis risk for all recipients.

Therefore be it resolved that:

The Board of Governors of the Blue Cross Association reaffirms its April 8, 1968, position that hospital and community blood programs should be built upon the principle of voluntary donation and replacement, and should encourage blood assurance programs which follow that principle, and that in designing benefits, urges Member Plans to take into account the need for an adequate supply of blood and blood components, encouraging donations and replacement programs of blood assurance in lieu of direct payment for blood.

In reaffirming this position, the Board of Governors recognizes that until such time as an adequate supply of low-risk blood is available, a few intermediate steps should be taken. Plans should refrain from offering new certificates which provide for payment for human blood. Plans should encourage their member hospitals to utilize only that blood which has been labeled by donor source.

Further, the Blue Cross Association, representing 74 Member Plans, operating within the United States, declares its strong support in the effort to provide an adequate supply of low-risk volunteer blood for the people of this nation. Blue Cross Plans are urged to develop the means to make blood replacement programs available to their employees and to their 74 million subscribers.

A STEP TOWARD PEACE IN EUROPE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. ROSENTHAL. Mr. Speaker, the vote last week in the West German Parliament which ratified the eastern treaties marked a momentous step in reducing tensions in Europe and in continuing that continent's progress toward normalized relations among its countries.

The voice of reason has been heard. The vigorous debates in the Bundestag preserved the democratic basis for this decisive step which Chancellor Willy Brandt has pursued so long and so well.

The American people can, I believe, be confident that future developments, as promising as this treaty ratification, will bring equally dramatic progress in the post-cold war era in eastern-western relations. The next step in these developments is the signing of the Berlin accord already agreed to by the four powers. The planning of the European Security Conference should follow promptly.

Chancellor Brandt spoke briefly on German radio and television last Wednesday following the Bundestag vote. I include his remarks below:

STATEMENT BY CHANCELLOR WILLY BRANDT

With the German Bundestag's approval of the treaties of Moscow and Warsaw, a new phase of the history of the Federal Republic has been inaugurated. After difficult and very vehement disputes, the way of reason has been taken—a way leading to the future.

The decision—which will most surely not be delayed by the Bundestrat (upper house)—holds good for the Federal Republic of Germany. It creates facts on the basis of which all responsible forces will have to proceed in future. All Democratic forces will respect this decision in their actions. This was also the case following the decision in the fifties on our integration in the western alliance system. The decision then and the decision today complement each other.

Today, it will be still more evident to our friends and partners in west and east than it has been in the past that the Federal Republic of Germany is determined to contribute its share to detente in Europe. The Federal Republic will adhere to the letter and the spirit of the treaties. It expects the same of the treaty-partners.

The Bundestag has approved by a large majority a resolution that makes plain the basic lines of our foreign policy. In a number of points it describes the position consistently taken by the government during the negotiations and after the signing.

Before us lies the task of putting life into the treaties. The call to do this also includes those who deemed it appropriate to abstain from voting on the matter.

Before us lies the task on which our policy centers: Living improvements for the people in divided Germany, peace along the borders, normalization of the relations between the two States, and thus a beginning permitting east and west in Germany and Europe to live with each other.

SEX DISCRIMINATION IN BANK LOANS AND CONSUMER CREDIT TRANSACTIONS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1972

Mrs. ABZUG, Mr. Speaker, this morning, I had the privilege of appearing before the National Commission on Consumer Finance, which is looking into sex discrimination in the granting of bank loans and consumer credit.

As Congresswoman LEONOR SULLIVAN, who chaired this morning's meeting of the Commission, stated, there is ample documentation of the breadth and pervasiveness of this discrimination. The primary question, then, is how to deal with it.

Today, I introduced three bills on this subject which would make it illegal for any federally related bank, credit union, or other financial institution to discriminate on the basis of sex or marital status, for any lender to discriminate on the basis of sex or marital status with respect to federally related mortage loans, and for any institution covered by the Truth In Lending Act, 15 U.S.C. 1601–1665, to discriminate on the basis of sex or marital status in the granting of consumer credit.

I include at this point the text of my statement before the Commission and the text of the three bills introduced today:

TESTIMONY BEFORE THE NATIONAL COMMISSION ON CONSUMER FINANCE

Mr. Chairman and Members of the Commission, I am pleased to have the opportunity to appear before you today to discuss sex discrimination in bank loans and consumer credit transactions.

Today, women in this country are treated as if they were totally dependent and unreliable when they apply for loans, consumer credit or mortgages. Under the present state of the law in many states, women have no credit rights *at all.*

In most states, women who are married, or have ever been married, find that credit, like domicile, follows the husband. A married woman thus receives credit *only* through her husband as his ward and not as an individual. She is a non-person for credit purposes. Credit cards and accounts are virtually always issued in the name of the husband and not the wife regardless of whether the woman is the applicant and regardless of whether she is a better credit risk. This is also true in many cases when women apply for mortgages or other kinds of loans.

All credit institutions—whether they be banks, department stores, credit unions, or mortgage companies—are able to do this because at present, neither the United States nor the individual states have passed legislation to prohibit credit discrimination based upon sex. Viable and vigorous legislation of this nature is needed in every state to correct this incredulous and dehumanizing practice against women.

I would like to cite a few cases where women in responsible business and professional positions have been denied credit in their names and told that they could only obtain credit through their husbands.

From a woman in Chicago, there is a typical story about Bank Americard:

"In April of 1970 I received a form letter notifying me as a First Card Holder that all First Cards would be revoked as of May 1, 1970, and that all holders in good standing would receive a Bank Americard to replace it. I had no reason to expect not to receive this new credit card, but it appears that to the First National Bank of Chicago members in good standing must be standing in a Men's room somewhere. My male friends received their cards automatically, I received only credit card applications. This surprised me because I had used my First Card not infrequently (once I reported an infraction on your First Card rules on the part of a member store, in letter and then by phone at request), paid my bills promptly also, and in April 1970 the sum of $2,232.24 in a Savings Account in your bank. My husband used his card much less than I, he paid his bills promptly also, and in April 1970 had $669.89 in his Savings Account in your bank. He received his card without question. I wrote two letters to the Bank. To the first letter I received another credit card application. The second letter was answered by a phone call from a Mr. Fletcher proceeded to try to ask me the questions on the credit application over the phone. This irked me, and as soon as I mentioned my husband's experience with his replacement card Mr. Fletcher changed his tone and I assume brightened my prospects of approval. He said he would have to process my application through a computer and when I talked to him later that afternoon and said that yes, I could have a Bank Americard, but he didn't want to send it out so near to Christmas because it might be in jeopardy in the Christmas mail with so much part time help. I would have my new card in January. I waited until March and then all but closed my account with your bank as you can see by the accompanying xerox copy of both my husband and my bank books showing the pertinent time period. I will never willingly put another penny in your bank, nor will I allow any money which I control to be entrusted to your case. If all the females who have been treated in this same high-handed fashion would take similar action I'm sure that you would have cause for much more regret than the removal of my $2,000 from a savings account. I hope someday they shall."

From Indiana, a woman describes her experiences with the Gulf Oil Company:

"My husband uses his card for business and keeps careful records of gas repairs etc. for his car. I use my car and use my own credit cards for gas, etc. so that when the bills pile in, he knows right away which belong to which car.

"Last January, I sent in the standard credit card application form to Gulf Oil with all information provided as it pertained to me—a wage earner in the 5 figure range, employed for the past 4 years . . . and received a letter in reply requesting that the form again be completed, by my husband! My husband has had an active account with Gulf Oil for several years. . . . Needless to say, we no longer have any business with Gulf Oil. I was really quite insulted and we promptly terminated our account."

These two examples—and there are many more like them—indicate that regardless of her credit-worthiness, a married or formerly married woman achieves the use of credit only as an appendage of the husband.

The Diner's Club blantantly sets forth this policy on its application by providing for "family head applicant" and "supplemental card" for the wife (with written permission from tne husband).

Single women find that when they get married creditors will usually either notify them that their account is cancelled and ask for the return of the credit card, or find out the name of the husband and re-issue the account to him.

Women who become divorced find that they have no credit rating and cannot get credit since all accounts during marriage were in the husband's name. The husband takes the credit rating with him, unaffected by the change in marital status. Women who had businesses and good credit ratings prior to marriage are amazed to find that they suddenly have no credit rating, even though in the same business and just as credit-worthy as before.

Credit discrimination on the basis of sex is not only irrevelant and unfair but a peculiarly paralyzing form of denial of opportunity: without credit, a woman cannot get loans and therefore cannot go into business.

The bills I am introducing today go directly to the problems articulated above:

The first bill covers all federally-insured banks savings and loans associations and credit unions. It would prohibit any of these institutions from discriminating against anyone because of their sex or marital status.

A study on banking practices done by the St. Paul, Minnesota Department of Human Rights revealed widespread abuses by banks in that city toward women. The conclusions of the report were that:

"Approximately 39% of the banks interviewed revealed discrepancies in the loan policies stated to males and females: Two banks allowed the male interviewed to obtain a loan when under the same set of circumstances they would not make any statement or commitment to the female interviewed. Three banks that had a policy of requiring both signatures on a loan would make an exception for the male interviewer but not the female interviewer. Two banks would allow the male interviewer to receive a loan without his wife's signature, but would not allow the female to receive the same loan without her husband's signature. Two banks would grant a loan to a married man but the same loan is an exception to policy for married women."

This bill would eliminate these abuses by making it illegal for institutions covered by the bill to engage in any of the practices just described.

The second bill relates to mortgage transactions. Loans which are federally-related mortgage loans will be subject to the same prohibition against discrimination because of sex or marital status. The coverage is broad. The term, federally-related loans include any loan which is secured by residential real property and is made in whole or in part by *any* bank or other financial institution, the deposits or accounts of which are insured by any agency of the Federal government. Other lenders are covered also, but the point I want to make is that this is a critical and necessary area that has long been ignored. The men that control the mortgage market have effectively prohibited women heads of households from exercising their right to use money for shelter, one of our basic rights.

The unique feature of these two bills is their disclosure requirements: the lender must disclose to the appropriate Federal Agency why credit applications were turned down, and keep records that will be available to the public so that banking practices can be documented and possibly used in suits against offending institutions.

The third bill amends the Truth-in-Lending Act to cover discrimination on the basis of sex or marital status in the granting of consumer credit.

It is time that women exercise their right to take part in *all* aspects of American economic life. There is no rational reason to have any sort of obstacle to women who want to exercise their economic rights. I hope that you and the Congress will support this legislation and end the discriminatory practices which have for too long prevailed in the area of finance and credit.

H.R. 15115

A bill to amend the Truth in Lending Act, to prohibit discrimination by creditors against individuals on the basis of sex or marital status with respect to the extension of credit

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Chapter 1 of the Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting at the end thereof the following new section:

"§ 115. Prohibition of discrimination based on sex or marital status.

"It shall be unlawful for any creditor to discriminate on the basis of sex or marital status against any consumer in connection with the approval or denial of any extension of credit."

SEC. 2. The analysis of chapter 1 of such Act is amended by inserting at the end thereof the following:

"115. Prohibition of discrimination based on sex."

SEC. 3. This act shall take effect 30 days after the date of its enactment.

H.R. 15114

A bill to prohibit discrimination by financial institutions or any other persons on the basis of sex or marital status in connection with federally-related mortgage transactions, and to require all parties to any such transaction to submit appropriate reports thereon (containing specified information) for public inspection

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it shall be unlawful for any party to a federally-related mortgage transaction—

(1) to discriminate on the basis of sex or marital status against any individual in connection with such transaction (whether such discrimination involves the approval or denial of a mortgage or loan, the imposition of different fees or charges or of different terms and conditions with respect to the loan or any item or service related thereto, the approval or denial of title insurance, mortgage insurance, or loan guaranty, or any other aspect of the transaction); or

(2) to refuse to submit any report with respect to one or more federally-related mortgage transactions as required by section 3, or to omit from any such report any information which is required by section 3 to be contained therein, or to include in any such report any information (required by section 3 to be contained therein) which is known to be false or is deliberately misleading.

(b) Whoever violates the provisions of subsection (a) shall be fined not more than $5,000 or imprisoned not more than 3 months, or both, for each such violation.

SEC. 2. For purposes of this Act—

(1) the term "federally-related mortgage transaction" means any federally-related mortgage loan (as defined in paragraph (3)) or any other loan secured by residential real property which is made by a Federal lending institution (as defined in paragraph (2)), and includes the application for such loan and any other activity or document directly related to such loan or required as a condition thereof;

(2) the term "Federal lending institution" means any bank or other financial institution—

(A) the deposits or accounts of which are insured by any agency of the Federal Government, or which is itself regulated by any agency of the Federal Government; or

(B) which makes any loan that is secured by residential real property and is—

(i) insured, guaranteed, supplemented, or assisted in any way by the Secretary of Housing and Urban Development or by any other officer or agency of the Federal Government, or

(ii) made in whole or in part under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency;

(3) the term "federally-related mortgage loan" includes any loan which—

(A) is secured by residential real property; and

(B) (i) is made in whole or in part by any bank or other financial institution the deposits or accounts of which are insured by any agency of the Federal Government, or is made in whole or in part by any bank or other financial institution which is itself regulated by any agency of the Federal Government; or

(ii) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by the Secretary of Housing and Urban Development or by any other officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency; or

(iii) is eligible for purchase by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or from any financial institution from which it could be purchased by the Federal Home Loan Mortgage Corporation; and

(4) the term "party" with respect to a federally-related mortgage transaction includes (in addition to the buyer and seller) any lender, attorney, title insurance company, real estate agent or broker, or other institution, agency, entity, or other person performing any function or providing any item or service which is a part of, or is required in connection with, such transaction.

SEC. 3. (a) Every party to a federally-related mortgage transaction shall, under regulations prescribed by the Secretary of Housing and Urban Development, prepare and submit to the Secretary a full and complete report of any acts and functions performed (or participated in) by such party as a part of or in connection with such transaction. Each such report shall contain full information with respect to any loan or other assistance which was denied or refused after proper application therefor, the terms and conditions imposed and charges made in connection with the transaction, previous transactions involving the same property (including the purchase price paid and the terms and conditions imposed and charges made, and any improvements to or changes in such property occurring after the last such previous transaction), and such other information as may be required by such regulations for the purpose of assuring that buyers, sellers, and other parties in federally-related mortgage transactions will fully understanding such transactions and the consequences of such transactions to them.

(b) The reports required of any person under subsection (a) shall be submitted by such person in such manner and form, and at such time or times (not less often than once a year), as the Secretary may require.

(c) Reports submitted by parties to federally related mortgage transactions under this section shall be organized and maintained by the Secretary in a convenient and accessible manner and shall be made available to the public for inspection at reasonable times and places for use in determining compliance or noncompliance with subsection (a)(1) of the first section of this Act and for such other uses as may be appropriate in determining the rights and remedies of affected individuals under laws relating to housing and urban development.

Sec. 4. Civil liability

(a) Any party to a federally related mortgage transaction which discriminates on the basis of sex or marital status against any person in a credit transaction or in connection with an application for credit is liable to that person in an amount equal to the sum of

(1) the principal amount of credit extended or applied for, whichever is larger, except that the liability under this paragraph shall

(A) not be less than $100 nor greater than $10,000 in an individual action, or

(B) in the case of a class action, not more than the greater of $50,000 or 2 per centum of the net worth of the party as of the end of the party's fiscal year immediately preceding the fiscal year in which the discrimination occurred; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(b) Any action under this section may be brought in any United States District Court, or in any court of competent jurisdiction, within one year from the date of the occurrence of the violation.

Sec. 5. Criminal liability

(a) Any party who willfully and knowingly violates the provisions of section 105 of this Act shall be fined not more than $15,000 for each violation,

(b) Any director, officer, or employee of any party who willfully and knowingly violates the provisions of section 105 of this Act shall be fined not more than $25,000 or imprisoned not more than six months, or both, for each violation.

Sec. 6. Effective date

The provisions of this Act shall take effect thirty days after the date of its enactment.

H.R. 15116

A bill to prohibit discrimination by any federally insured bank, savings and loan association, or credit union against any individual on the basis of sex or marital status in credit transactions and in connection with the applications for credit, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 101. Short title

This Act may be cited as the "Equal Credit Opportunity Act."

Sec. 102. Findings and purpose

The Congress finds that there is a need to insure that the various financial institutions engaged in the extension of credit exercise their responsibility to make credit available with fairness, impartiality, and without discrimination on the basis of sex or marital status. Economic stabilization would be enhanced and competition among the various financial institutions engaged in the extension of credit would be strengthened by an absence of discrimination on the basis of sex or marital status. It is the purpose of this Act to require that financial institutions engaged in the extension of credit make that credit equally available to all credit-worthy customers without regard to sex or marital status.

Sec. 103. Definitions and rules of construction

(a) The term "Board" refers to the Board of Governors of the Federal Reserve System.

(b) The term "credit" means the right granted by a creditor to a person to defer payment of debt, to incur debt and defer its payment, or purchase property and services and defer payment therefor.

(c) The term "application for credit" refers to any communication, either oral, written, or otherwise, by a person to a creditor requesting an extension of credit to that person or any other person.

(d) The term "creditor" means any bank whose deposits are insured under the Federal Deposit Insurance Act, any savings and loan association whose deposits, shares, or withdrawable accounts are insured under the Federal Home Loan Bank Act, and any credit union whose member accounts are insured or are required to be insured under Title II of the Federal Credit Union Act, as amended.

(e) The term "person" means a natural person.

(f) The term "State" refers to any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(g) Any denial of credit, or increase in the charge for credit, or restriction on the amount or use of credit imposed by a creditor solely on the basis of sex or marital status shall constitute discrimination.

(h) Any reference to any requirement imposed under this Act or any provision thereof includes reference to the regulations of the Board under this Act or the provisions thereof in question.

Sec. 104. Regulations

The Board shall prescribe regulations to carry out the purposes of this Act. These regulations shall contain such provisions as are necessary or proper to effectuate the purposes of this Act, to prevent circumvention or evasion thereof, and to facilitate compliance therewith.

Sec. 105. Prohibited discrimination

It shall be unlawful for any creditor to discriminate against any person in any extension of credit or in connection with any application for credit on the basis of sex or marital status.

Sec. 106. Administrative enforcement

(a) Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act, in the case of—

(A) national banks, by the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), by the Board;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i)) and 17 of the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation) in the case of any institution subject to any of those provisions; and

(3) Title II of the Federal Credit Union Act, by the Administrator of the Federal Credit Union Administration.

(b) For the purpose of the exercise by any agency referred to in subsection (a) of its powers under any act referred to in that subsection, a violation of any requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (a), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(c) The authority of the Board to issue regulations under this Act does not impair the authority of any other agency designated in this section to make rules respecting its own procedures in enforcing compliance with requirements imposed under this Act.

Sec. 107. Views of other agencies

In the exercise of its functions under this Act, the Board may obtain upon request the views of any other Federal agency which, in the judgment of the Board, exercises regulatory or supervisory functions with respect to any class of creditor subject to this Act.

Sec. 108. Effect on other laws

This Act does not otherwise annul, alter, or affect in any manner the meaning, scope, or applicability of the laws of any state relating to prohibition against discrimination on the basis of sex or marital status except to the extent that those laws are inconsistent with the provisions of this Act of regulations thereunder, and then only to the extent of the inconsistency.

Sec. 109. Required reports

(a) Not later than January 31 of each year after 1972, each creditor subject to the provisions of this Act shall prepare and file with that respective Federal agency referred to in Section 106(a) of this Act having an exercising examination authority over it a report in a form prescribed by the Board which shall show the extent of compliance with the provision of this Act. Such report shall contain—

(1) the total number of credit applications received by the reporting creditor during the preding calendar year;

(2) the total number of such credit applications which were denied;

(3) the name and address of each applicant for credit during the preceding calendar year, including an identification of each individual whose application was denied, together with the reason or reasons for each denial;

(4) such other information as the Board, by regulation, may require.

(b) Not later than May 1 of each year after 1972, each of the agencies referred to in Section 106(a) of this Act shall, respectively, make reports to Congress concerning the administration of their functions under this Act, including such recommendations as each, respectively, deems necessary or appropriate. In addition, each report shall include its assessment of the extent to which compliance with the requirements imposed under this Act is being achieved.

Sec. 10. Civil liability

(a) Any creditor who discriminates on the basis of sex or marital status against any person in a credit transaction or in connection with an application for credit is liable to that person in an amount equal to the sum of—

(1) the principal amount of credit extended or applied for, whichever is larger, except that the liability under this paragraph shall—

(A) not be less than $100 nor greater than $1,000 in an individual action, or

(B) in the case of a class action, not more than the greater of $50,000 or 2 per centum of the net worth of the creditor, as of the end of the creditor's fiscal year immediately preceding the fiscal year in which the discrimination occurred; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action toegther with a reasonable attorney's fee as determined by the court.

(b) Any action under this section may be brought in any United States District Court, or in any court of competent jurisdiction, within one year from the date of the occurrence of the violation.

SEC. 111. CRIMINAL LIABILITY

(a) Any creditor who willfully and knowingly violates the provisions of Section 105 of this Act shall be fined not more than $5,000 for each violation.

(b) Any director, officer, or employee of any creditor who willfully and knowingly violates the provision of Section 105 of this Act shall be fined not more than $25,000 or imprisoned not more than 6 months, or both, for each violation.

SEC. 112. EFFECTIVE DATE

The provisions of this Act shall take effect 30 days atfer the date of its enactment.

SIDNEY HOOK, EXPONENT OF DEMOCRACY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. BRAY. Mr. Speaker, the Wall Street Journal could not have picked a better title for their editorial page feature on Dr. Hook on Monday, May 22, 1972. It is a pleasure to insert the article into the RECORD.

For some years I have been among those who, if they have not always agreed with Dr. Hook, at least made it a definite point to read what he wrote and pay attention to what he said. I always found it stimulating and rewarding to read the observations of a man who is a truly great liberal in the classical sense of the word, a voice of reason and balance in an atmosphere often polluted by incredible irrationalities.

I believe the country owes him much for his contributions toward stemming the tide of student violence that threatened to swamp one great university after another not too long ago. In a speech I made in Indianapolis in May 1970, and later had reprinted, I quoted him twice:

> Some faculty apologists for the student rebels have sought to play down the enormity of the offenses against intellectual and academic freedom by dismissing them as inconsequential. "Just a few buildings burned," they say. This is as if one were to extenuate the corruption of justice by the numbers of magistrates not bribed, or lynchings by their infrequency. Sober fact is that violence has reached such proportions on the campuses today that the whole atmosphere of American—and many European and Japanese—universities has been transformed. The appeal to reason is no longer sufficient to resolve problems or even to keep the peace. In order to make itself heard in some of our most prestigious institutions, the appeal to reason must appeal to the police . . .

That was from his "The Perverse Ideology of Violence." Speaking before 2,500 educators in New York, he blasted the weakness of university administrators by saying:

> Moral courage is in a very short supply.

The article points out that although he will retire from teaching, he will continue to write. May his tribe increase.

The article follows:

SIDNEY HOOK, EXPONENT OF DEMOCRACY

(By Edwin McDowell)

"I've had a wonderful week," Sidney Hook once told a colleague. "I've had a fight every day."

In truth, Professor Hook, one of this century's pre-eminent philosophers, has never stopped fighting. But his battleground has been that of ideas and enduring values, his weapons have been the debate platform, public forums and the printed word.

Several years ago, Columbia University philosophy professor Robert Paul Wolff said of Mr. Hook: "For 40 years he has been pouring out books, articles and reviews at a pace that would do credit to an entire department of philosophy."

At that time Professor Hook's output, on such diverse subjects as moral philosophy, law, sociology, history, politics, metaphysics, and religion, included writing 21 books, editing 14 others, contributing to 63 others, publishing 517 articles in professional journals and writing countless reviews in the popular press. And that, remember, was several years ago. "If it is true that the academic world is ruled by the maxim 'Publish or perish'," added Professor Wolff, "then Mr. Hook must be virtually immortal."

"'Immortal' is one of the nicer things I've been called," Mr. Hook joked during a recent conversation at New York University, where he has taught for 45 of his 69 years. "You couldn't print many of the epithets directed at me." And indeed, few people are neutral about the slight, bespectacled scholar.

BLASTED BY RIGHT AND LEFT

For years he has been anathema to many right-wingers because of his insistence that socialism and freedom are compatible, because of his vigorous support of social welfare measures, and for his lifelong commitment to racial integration. Today he has alienated and enraged a good many left-wing former admirers who consider his independence virtual treason to their cause—a heresy for which he is regularly denounced in those esoteric journals that monitor ideological purity.

In fact, the only cause that Sidney Hook is deeply committed to is that of protecting the democratic social order and promoting those fundamental values that make democracy possible. "At one time those values were under attack from the right," he says, "but today the greatest threat comes from the left. Even freedom of speech and assembly, freedoms that liberals traditionally exhalted, are under heavy attack, and in the universities, of all places."

Mr. Hook's vigorous defense of those values and freedoms has not gone unnoticed in high places. President Nixon was so impressed with his testimony before the President's Commission on Campus Unrest that he publicly endorsed Mr. Hook's statement decrying student activism. Then, earlier this year, the President invited Professor Hook to the White House ceremony honoring Reader's Digest publisher DeWitt Wallace, and later named Mr. Hook to the 26-member council of the prestigious National Endowment for the Humanities. What made this attention from a Republican President all the more anomolous is that Sidney Hook has been a Socialist since 1916 and he remains a sympathetic, if critical, interpreter of Karl Marx.

Indeed, in the late 1920s, Mr. Hook had the distinction of being perhaps the only admitted Marxist professor in an American university, and he offered the first undergraduate course devoted to a critical evaluation of Marx.

It hasn't been easy being a lifelong ideological maverick. "When I was at Brooklyn Boys High School I helped organize the Young Socialists in opposition to World War I," Mr. Hook remembers vividly. "When Teddy Roosevelt described opponents of intervention as 'the Hun within the gates,' I called him a chauvinist. That word wasn't so well known then and the superpatriots thought I had profaned him, so a couple of times they beat me up, and in those days I often had to run for my life."

Later, when Mr. Hook was a student at City College of New York, a professor drove him from the classroom for preaching secession—and later barred him for preaching sedition.

In the mid-1930s, Mr. Hook, faculty colleague James Burnham, and the pacifist clergyman A. J. Muste organized the American Workers Party, a militant democratic Socialist party. Whereupon the Hearst papers launched a sustained nationwide editorial attack against them, charging they were more dangerous than the Communists and demanding that NYU dismiss Messrs. Hook and Burnham. "But Chancellor (Harry Woodburn) Chase and the board refused," he recalls with satisfaction, "and that turned out to be a turning point in the history of American higher education. After that, many other faculty members took increasingly bolder stances."

That incident was a major turning point in the struggle for academic freedom. And absolutely nothing starts the adrenalin flowing in Sidney Hook faster than threats to academic freedom. From every available pulpit he has defended the freedom of professionally qualified persons to inquire, discover, publish and teach the truth as they see it in the area of their competence.

AN OUTSPOKEN FOE

He was a council member of the American Association of University Professors in the stormy '30s. Several years ago he helped establish and served as president of the University Centers for Rational Alternatives, an organization of diverse scholars and teachers united only in their insistence that universities resist becoming instruments of political action to pressure the community to act on controversial matters. He remains an outspoken foe of student and faculty revolutionaries—those he has labeled "Gravediggers of academic freedom"—who punctuate their demands with force and violence.

To Sidney Hook, the lifelong educator, there is something contemptible about trying to effect political change by destroying educational institutions, those vulnerable citadels of reason and rationality. Even if the university were only a bulwark of the social and political status quo, Mr. Hook says, this would at most justify criticism and protest—not violent and lawless acts that would be equally illegitimate whether used to convert the university to an agency of conservatism and reaction or one of revolution.

But, he says, it's simply false to say that American universities are bulwarks of the social and political status quo. "There is no institution in the country in which dissent and criticism of official views, of inherited traditions, of the conventional wisdom in all fields, is freer and more vigorous than in the American university," he insists. He adds that trying to justify campus disruptions because they have resulted in some reforms "is like justifying arson because it has led to more efficient methods of putting out fires."

Mr. Hook has for years argued for curricular reform and improved teaching quality. But he insists that, although the university should invite participation and consultation by students on all educational matters, the ultimate decision on what to teach must be left to those who are professionally qualified.

Many of Professor Hook's views on education were shaped by John Dewey, under whom he studied while earning his doctorate at Columbia University and whom he considers his intellectual mentor. "Dewey had the greatest influence on me," he says, "not only because I accepted his point of views, particularly that democracy was not only a system of government but a way of life, but also because he was fair, open and humble—he lived his philosophy."

Mr. Hook was also strongly influenced by Morris R. Cohen, the noted philosophy teacher at CCNY, and by Bertrand Russell. Those who knows only that Messrs. Hook and Russell carried on a running debate over unilateral disarmament in the pages of the New Leader and elsewhere may be surprised to learn of Mr. Hook's longtime deep affection and admiration for Lord Russell, whom he regards as "one of the most brilliant minds of all time."

Mr. Hook prefers to argue principles, not personalities. Nevertheless, inevitably he has been involved in several bitter personal exchanges. If most of them were thrust upon him it's safe to conclude that he never avoided a challenge. And, as any number of adversaries can attest, he is a formidable polemicist.

Nevertheless, Mr. Hook apparently believes that some of the bitterest opposition to him is based on rumor rather than first-hand knowledge of his writings. If controversy continues long enough, he explains, "you're often judged by what others say about you, rather than by what you've actually said. And even by the time the *zeitgeist* has caught up with me, the only thing some of my opponents remember is that they differed with me, not that I may have been right."

However that may be, it is fair to say that Sidney Hook has never been dissuaded from taking a stand just because the *zeitgeist* was against him. When the tides of intellectual passion were at their flood, he wrote brilliant dissents and exegeses on such emotional topics as the Fifth Amendment (during the sit-in, lie-in, wade-in years) and the more recent assertion that ours is a "sick society."

Furthermore, Mr. Hook, like a skilled jouster, impales double standards with an accuracy and speed that any knight-errant would admire. At various times he has criticized those who:

Favor armed troops to achieve integration in Southern schools, but oppose using force to prevent rioters and revolutionaries from occupying and destroying universities;

Condemn Southern segregation, yet support black militant demands for segregated dorms or separate curricula;

Justify the actions of the revolutionaries because of "pressures of the Vietnam war" and other "objective conditions" yet would rightly dismiss as evasive apologetics any suggestion that the riotous behavior of white racists against Negro women and children was caused by the "objective conditions" in which they were nurtured;

Were quick to grasp the evil of nazism and fascism but are indulgent toward communism. This last is a particular *bete noire* of Mr. Hook, an early and unyielding critic of Sen. Joseph McCarthy. He has consistently maintained that "no one can expect to have his professions of liberalism taken seriously who is not outspokenly *both* anti-Communist and anti-Fascist."

And Mr. Hook has been both. Although when Hitler threatened he helped organize a group of leading intellectuals to endorse the 1932 Communist candidate for the presidency of the U.S. Lewis S. Feuer, philosopher and professor of sociology at the University of Toronto, said that in the latter 1930s "it often seemed that he was the only professor who had the courage to speak out against the evil of Stalinism." At a dinner four years ago honoring Mr. Hook's many contributions, Arthur Schlesinger Jr., praised him for having "enlightened a whole generation to the dangers of communism."

Professor Hook is not a dogmatist, not a myopic True Believer. Even his socialism is less an economic or political dogma than what he regards as a pragmatic way to extend the democratic process. But he opposes the completely planned economy ("we've seen the harm in that") and admits that he and other Socialists underestimated the way Western democracies could effectively use tax policy and the political process to modify economic institutions and establish social welfare.

REMEMBRANCE AND REGRETS

How would Sidney Hook like to be remembered? With only the slightest hesitation he replies, "As an exponent of the democratic way of life, for teaching that democracy and freedom can live in fruitful union."

Has he any regrets after so many battles over so many years? This time his hesitation is more pronounced. Then he replies slowly:

"Like John Dewey, I've always regarded intelligence as the central value in the moral economy. Intelligence indicates how to reconcile such conflicting values as love, kindness, virtue, duty and honor. But now, toward the close of my life, as a result of the upheavals on campus, I face a problem that Dewey and I never came to grips with—namely, that intelligence is necessary but it isn't sufficient for the good life. We need, in addition, moral courage to act on intelligence."

Professor Feuer has predicted that, "as time goes on, it becomes clearer that the one significant political philosopher that our country has produced this century has been Sidney Hook. . . . Of all America's philosophers, Sidney Hook was the one who kept its conscience alive." Conservative sociologist and psychoanalyst Ernest van den Haag dedicated his excellent book, "Passion and Social Constraint," to Mr. Hook, "who disagrees with much of my thought—and without whom I would not have thought as much."

Next year Sidney Hook will teach his last class at the Washington Square campus where he first taught NYU students in 1927. But he does not intend to vegetate. Already he has contracts for five books, including a political autobiography.

Has he a title for the autobiography? His eyes light up. Then, with that impish grin familiar to all who ever saw him setting forth to battle against what Orwell described as "all the smelly little orthodoxies which are now contending for our souls," he replied: "It's going to be titled 'Out of Step.' What else?"

What else, indeed.

EXPLOSION OF WORLD POPULATION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. SCHWENGEL. Mr. Speaker, recently I read with a great deal of interest a New York Times supplement entitled "Population, the U.S. Problem, the World Crisis" authored by a number of very perceptive thinkers, writers, public officials, educators, and students, including a message to Congress by President Nixon, a message entitled "A Call for Stabilization" by John D. Rockefeller III, messages from Representative Patsy Mink, and Rev. Theodore Hesburgh of the University of Notre Dame.

Mr. Speaker, all of these people have written eloquently, impressively, and knowledgeably on this subject. This subject is so important to us and to the world that I think it should be made a part of the permanent record of the Congressional Record and I am inserting it in the hope that all who have an interest in this subject will find it as worthwhile, stimulating, and challenging as I did.

The supplement follows:

"POPULATION, THE U.S. PROBLEM, THE WORLD CRISIS"

PART I: THE UNITED STATES PROBLEM

President Richard M. Nixon, Message to Congress on Population.

John D. Rockefeller III, A Call for Stabilization.

The Commission on Population Growth and the American Future, Population and The American Future.

Representative Patsy T. Mink, Women's Stake.

Rev. Theodore Hesburgh, A Concerned Catholic.

Black Perspectives: The late Rev. Martin Luther King, Jr.; Rev. Jesse Jackson; Representative Shirley Chisholm; Roy Wilkins.

PART II: THE WORLD CRISIS

Secretary-General Kurt Waldheim, The Role of the United Nations.

Rafael Salas, The U.N. Fund for Population Activities.

Robert S. McNamara, A Burden on Development.

Robert K. A. Gardiner, Africa.

Alberto Lleras Camargo, Latin America.

President Ferdinand Marcos, The Philippines.

Jaime Zipper, China.

Shri Uma Shankar Dikshit, India.

Julia Henderson, Worldwide Private Efforts.

Norman E. Borlaug, Man and Nature.

William H. Draper, Jr., Summing Up.

Sources for Further Reading.

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MESSAGE TO CONGRESS ON POPULATION

In a historic message, President Richard M. Nixon on July 18, 1969 called on the Congress and the American people to recognize the U.S. population problem and the world population crisis. The following are excerpts from that address.

In 1830 there were one billion people on the planet earth. By 1930 there were two billion, and by 1960 there were three billion. Today the world population is three and one-half billion persons. If this rate of population growth continues, it is likely that the earth will contain over seven billion human beings by the end of this century.

While there are a variety of opinions as to precisely how fast population will grow in the coming decades, most informed observers have a similar response to all such projections. They agree that population growth is among the most important issues we face. They agree that it can be met only if there is a great deal of advance planning. And they agree that the time for such planning is growing very short. It is for all these reasons that I address myself to the population problem in this message, first to its international dimensions and then to its domestic implications.

IN THE DEVELOPING NATIONS

It is in the developing nations of the world that population is growing most rapidly today. In these areas we often find rates of natural increase higher than any which have been experienced in all of human history. At present rates, many will double and some may *even* triple their present populations before the year 2000.

As a result, many already impoverished nations are struggling under a handicap of intense population increase which the industrialized nations never had to bear. Their standards of living are not rising quickly, and the gap between life in the rich nations and life in the poor nations is not closing.

It is our belief that the United Nations, its specialized agencies, and other international bodies should take the leadership in responding to world population growth. The United States will cooperate fully with their programs.

In addition to working with international organizations, the United Statees can help by supporting efforts which are initiated by other governments. In fact, I have asked the Secretary of State and the Administrator of the Agency for International Development to give population and family planning high priority for attention, personnel, research, and funding among our several aid programs.

IN THE UNITED STATES

In the United States our rate of population growth is not as great as that of developing nations. The present growth rate of about one percent per year is still significant.

In 1917 the total number of Americans passed 100 million, after three full centuries of steady growth. In 1967—just half a century later—the 200 million mark was passed. If the present rate of growth continues, the third hundred million persons will be added in roughly a thirty-year period. This means that by the year 2000, or shortly thereafter, there will be more than 300 million Americans.

This growth will produce serious challenges for our society. I believe that many of our present social problems may be related to the fact that we have had only fifty years in which to accommodate the second hundred million Americans. In fact, since 1945 alone some 90 million babies have been born in this country. We have thus had to accomplish in a very few decades an adjustment to population growth which was once spread over centuries. And it now appears that we will have to provide for a third hundred million Americans in a period of just 30 years.

The great majority of the next hundred million Americans will be born to families which looked forward to their birth and are prepared to love them and care for them as they grow up. The critical issue is whether social institutions will also plan for their arrival and be able to accommodate them in a humane and intelligent way. We can be sure that society will *not* be ready for this growth unless it begins its planning immediately.

It is for all these reasons that I today propose the creation by Congress of a Commission on Population Growth and the American Future.

I would take this opportunity to mention a number of additional government activities dealing with population growth which need not await the report of the Commission.

First, increased research is essential.

Second, we need more trained people to work in population and family planning programs, both in this country and abroad.

Third, the effects of population growth on our environment and on the world's food supply call for careful attention and immediate action.

FOR THE FUTURE

One of the most serious challenges to human destiny in the last third of this century will be the growth of the population. Whether man's response to that challenge will be a cause for pride or for despair in the year 2000 will depend very much on what we do today. If we now begin our work in an appropriate manner, and if we continue to devote a considerable amount of attention and energy to this problem, then mankind will be able to surmount this challenge as it has surmounted so many during the long march of civilization.

When future generations evaluate the record of our time, one of the most important factors in their judgment will be the way in which we responded to population growth. Let us act in such a way that those who come after us—even as they lift their eyes beyond earth's bounds—can do so with pride in the planet on which they live, with gratitude to those who lived on it in the past, and with continuing confidence in its future.

A CALL FOR STABILIZATION

The Commission on Population Growth and the American Future

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Vice Chairwoman, Grace Olivarez, *Executive Director, Food for All, Inc.*

Vice Chairman, Christian N. Ramsey, Jr., M.D., *President, The Institute for the Study of Health and Society.*

Joseph D. Beasley, M.D., *The Edward Wisner Professor of Public Health, Tulane University Medical Center.*

David E. Bell, *Executive Vice President, The Ford Foundation.*

Bernard Berelson, *President, The Population Council.*

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Charles F. Westoff, *Executive Director.*

Robert Parke, Jr., *Deputy Director.*

John D. Rockefeller 3rd, Chairman, Commission on Population Growth and The American Future.

The Commission on Population Growth and the American Future was created by an act of Congress in March 1970 and its members appointed by President Nixon. The mandate from the Congress states its purpose to be: to conduct and sponsor such studies and research and make such recommendations as may be necessary to provide information and education to all levels of government in the United States and to our people, regarding a broad range of problems associated with population growth and their implications for America's future.

Many of us on the Commission shared an interest in the relationship between population growth and America's future. But it was as students rather than experts that we came together, seeking to approach the issues objectively and suggest answers to the problems identified.

Over a two-year period we have met regularly each month in Washington, held hearings around the nation, and contracted for research on a broad spectrum of population-related questions.

Diversity of viewpoints and backgrounds is a vital aspect of America's strength. We believe we have benefited greatly from the nature of the Commission's composition. The great range in our vocations, ages, religions, races and experiences, when focused on such diverse issues, lends special strength to our final report. We had a great deal to learn from each other. It was remarkable that given such variety in our viewpoints we found ourselves in general agreement in formulating solutions for the problems addressed in fulfilling our mandate. Most important, we agreed on the need for an explicit population policy for the United States; the main themes of that policy are suggested in the following statement.

The submission of our final report discharges us from our formal responsibilities to the Congress, the President and the American people. But we fully realize that the success and significance of a Commission is not measured by its production of written materials; rather success or failure is found in the questions: Did this Commission generate wide public concern and understanding of the problems it addressed? More important, was it able to move the country beyond that concern to a program of meaningful action?

The final answers to these questions will be found only in what ultimately is achieved—by the Congress, the President, and most important by those private citizens who are stirred by our endeavor.

POPULATION AND THE AMERICAN FUTURE

A SUMMARY OF THE FINAL REPORT AND RECOMMENDATIONS, U.S. COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

Because of the pervasive impact of population growth on every facet of American life and its implications for the quality of life, the Commission has concluded that the time has come for the United States to adopt a deliberate population policy.

The United States today has a declining

birth rate, low population density, enormous amounts of open space, and population leaving the central cities—but that does not eliminate the concern about population. This country, or any country, always has a "population problem" in the sense of achieving a proper balance between size, growth, and distribution on the one hand, and the quality of life to which its citizens aspire on the other.

POPULATION ISSUES COMPLEX

Population issues involve virtually every aspect of our national life and hence any policies to deal with them must be correspondingly broad. But population policy is no substitute for social and economic planning and development. Successfully addressing the population problem requires that we also address our problems of poverty, sex discrimination and minority discrimination, careless exploitation of resources, environmental deterioration, and decaying cities.

The concern about population is as complex as it is consequential. There are no simple or immediate solutions. An attitude of indifference or complacency is unwarranted; so is the cry of early catastrophe and crisis.

In proposing this Commission to Congress in July, 1969, President Nixon said: "One of the most serious challenges to human destiny in the last third of this century will be the growth of the population. Whether man's response to that challenge will be a cause for pride or for despair in the year 2000 will depend very much on what we do today."

We have been asked to assess the impact that our growing population and changing patterns of settlement will have upon our government, economy, natural resources, and environment, and the various means by which our nation can achieve a population level properly suited for its resources and needs; and to make recommendations regarding a broad range of problems associated with population growth and its implications for America's future.

Our mandate is broad, reaching, in one way or another, into practically every aspect of American life. But, our perspective is population. Out of our deliberations have come major findings and recommendations that deserve careful consideration by this society and its government. Regardless of diverse approaches to the matter—whether one puts personal freedom or minority concerns or ecological balance at the center—the following points emerge.

FINDINGS AND CONCLUSIONS

The United States has a number of "population problems" that need close and continuous attention; two out of three Americans believe that the matter is "serious."

SHIFT FROM QUANTITY TO QUALITY

No substantial benefits will result from the continued growth of our population beyond that made almost unavoidable by the rapid growth of the past. On the contrary, it is our view that population growth of the current magnitude has aggravated many of the nation's problems and made their solution more difficult. The Commission believes that the gradual stabilization of population—bringing births into balance with deaths—would contribute significantly to the nation's ability to solve its problems, although such problems will not be solved by population stabilization alone. It would, however, enable our society to shift its focus increasingly from quantity to quality.

The nation has nothing to fear from a gradual approach to population stabilization. We have looked for, and have not found, any convincing economic argument for continued national population growth. The health of our economy does not depend on it, nor does the prosperity of business or the welfare of the average person. In fact, a reduction in the rate of population growth would bring important economic benefits, especially if the nation develops policies to take advantage of the opportunities for social and economic improvement that slower population growth would provide.

The Commission believes that slowing the rate of population growth would ease the problems facing the American government in the years ahead. Demands for governmental services will be less than they would be otherwise, and resources available for public support of education, health and other governmental activities would be greater. However, it would be a serious error to read these conclusions as comforting and reassuring. Under the most optimistic assumptions, at least 50 million more people will be added to the United States population before the end of the century, increasing the demands on governmental services and making more difficult the achievement of a participatory political process responsive to contemporary conditions. More important, these added demands and complexities will fall on governmental structures and processes already severely burdened—many would say overburdened—by the problems facing the nation.

In this framework we must face the fact that Americans have suddenly become a metropolitan people. In 1970, nearly 70 percent of the United States population was metropolitan—the figure will approach 85 percent by the year 2000. For better or for worse, we are in the process of becoming an almost totally urban society. Most metropolitan growth now results from natural increase, not migration. Thus, the trend toward bigness of metropolitan areas, if undesirable, cannot be substantially checked except as national growth is slowed or stopped.

Migration is from low-income rural areas and abroad to metropolitan areas, from one metropolitan area to another, and from central cities to suburbs. Nearly 40 million or one in five American change homes each year. About one in fifteen, a total of 13 million, migrate across county lines. What is needed is guidance and assistance.

BENEFIT TO RESOURCES & ENVIRONMENT

Along with the burgeoning urban problem is another of equal complexity and size: resources and the environment. Population growth is one of the major factors affecting the demand for resources and the impact on the environment in this country. From the standpoint of both resources and environment, considerable benefits would result over the next 30 or 50 years from a prompt reduction in our population growth. This conclusion emerges with particular clarity with regard to water, agricultural land, and outdoor recreation. Over this same period, we can, if we have to, solve the environmental and resource problems created by population growth, but we may not like some of the solutions. Continued growth incurs increasing risks, for we will be forced to adopt solutions to the consequences of growth before we understand their side effects.

Even a one-child difference in average family size makes an enormous difference over the decades. A century from now, with continued immigration, the two-child average would result in a population of 350 million, while growth at the three-child level would result in nearly a billion.

Demographic events have the quality of persisting over time—for example, the baby-boom generation born after World War II is still working its way through the age structure, with many repercussions. In view of its effect on the age distribution and the accommodations thus required, sharp shifts in most demographic trends are undesirable. Whether or not fluctuations occur, a slower average rate of population growth will result in an older age composition, with the problems of the aged in somewhat sharper relief.

It takes a long time to affect population growth rates in a democratically and ethically acceptable manner. Even with a two-child average from now on, it would take 60 years or so to achieve a nongrowing population. But precisely because the lead time is decades in length, it is necessary to face the issue now and come to deliberate and informed decisions about population problems—their burdens, their costs, their remedies.

POPULATION: EVERYONE'S AFFAIR

Slowing population growth in this country is everyone's affair: All segments of the society should participate; all segments will benefit. The major contribution to growth now comes from the advantaged majority in our society. Because of their smaller number, our "have-not" groups—our racial and ethnic minorities—do not bear the primary responsibility for population growth, and inducing them to limit the number of children they have would not in itself stabilize our population. However, there are strong connections between high fertility and the economic and social problems that affect the 13 percent of our people who are poor. Therefore, we recognize that unless we address our racism and poverty, we will not be able to resolve the question of population growth for our racial and ethnic minorities. As deprived groups are brought into the educational, occupational, and residential mainstream, their fertility will probably decline to the level of the people already there.

In every society, there are norms of behavior that affect fertility, and every legal structure contains (usually inadvertent) regulations that encourage or discourage childbearing. As nearly as we can tell, the social and legal pressures in the United States, while present, are not particularly powerful one way or the other; but on balance, the pressure is probably toward child-bearing.

UNWANTED FERTILITY SERIOUS

There is a serious problem of unwanted fertility in this country. Making it easier to avoid unwanted childbearing will make a substantial contribution to the lives of the people involved as well as to slowing growth—and in any case, it is consistent with American values and desirable on that ground.

Illegal immigration is more troublesome than legal immigration, and is numerically substantial. As for legal immigration, that is indeed a contributor to population growth; but, for many people, traditional political, cultural, and humanitarian values outweigh demographic considerations.

Our population will stabilize as the American people challenge the traditional assumptions of growth and appreciate what is at stake, both for the individual family and the society at large. Zero population growth is best understood as an average accommodating small fluctuations and not as a fixed rate. The average of two children per family, which would yield zero growth over the long term, can be reached through many different combinations of proportions married and of different size families. Indeed, such diversity is itself highly desirable. And if our annual rates fall below the two-child average for some periods of time, we should not react with alarm, but rather should recognize that this will hasten the advent of stabilization.

We view population policy not as an end in itself, but as a means to facilitate the achievement of social goals desirable in their own right. Above all, the Commission wishes to emphasize that the objective of the policies we advocate is the enrichment of human life, not its restriction; that the control of reproduction, by assuring greater opportunity to each person, frees man to attain his individual dignity and reach his full potential. Recognizing that the great majority of parents desire to have the knowledge and the means to plan their families, the Commission believes that the resolution of the population problems can and should be based on voluntary action determined by the individual's own best interest.

POLICY RECOMMENDATIONS

In the light of its two years of deliberation and based on the substantial research it contracted, the Commission reached a number of conclusions and recommendations. These recommendations speak simultaneously to population issues and other social values important in their own right. In the broadest sense, the policies recommended aim at promoting desirable social conditions by increasing opportunities to exercise freedom of choice. At the same time, the result of such policies would be to slow population growth and hasten the advent of population stabilization. Their implementation depends to a considerable extent on the attainment of the necessary funds, organizational change, and research, the details of which are elaborated in the full text.

The Commission recommends:

In order to better prepare present and future generations to meet the challenges arising from population changes, the federal government should enact a Population Education Act to assist school systems in establishing well-planned population education programs.

In order to maximize information and knowledge about human sexuality and its implications for the family, we should make sex education available through responsible community organizations, the media, and especially the schools; and similarly we should seek to improve the quality of education for parenthood throughout the society.

In order to improve the opportunities available for children, we should develop maternal and child health programs, provide adequate child-care arrangements for parents who wish to make use of them, eliminate discrimination against children born out of wedlock, and reform adoption laws.

In order to neutralize the legal, social, and institutional pressures that historically have encouraged childbearing, as well as to equalize opportunities generally, we should eliminate discrimination based on sex by adopting the proposed Equal Rights amendment to the Constitution.

In order to enable all Americans, regardless of age, marital status, or income, to avoid unwanted births and enhance their capacity to realize their own preferences in childbearing and family size, we should:

Increase investment in the search for improved means by which individuals may control their own fertility.

Extend subsidized family planning programs.

Liberalize access to abortion services with the admonition that abortion not be considered a primary means of fertility control.

Extend and improve the delivery of health services related to fertility—including prenatal and pediatric care, contraceptive services, voluntary sterilization, abortion, and the treatment of infertility—through public and private financing mechanisms.

In order to regulate the impact on population of migration from outside this country, we should not increase the present levels of legal immigration and we should stop illegal immigration.

In order to provide a framework for regional, state, and local planning and development, the federal government should develop a set of national population distribution guidelines.

In order to ease the problems created by population movement, we should develop programs for human resource development, counseling and assistance on worker relocation, and a growth center strategy to promote job opportunities in depressed areas.

In order to facilitate the accommodation of population movements, we need comprehensive planning on a metropolitan and regional scale which could be facilitated through greater public control over land use and the establishment of state and regional planning agencies and development corporations.

In order to increase freedom in choice of residential location, we should extend governmental provision of suburban housing for low- and moderate-income families and should take effective steps to promote genuinely free choice of housing within metropolitan areas on the part of racial and ethnic minorities.

In order to strengthen the basic statistics and research upon which all sound demographic, social, and economic policy must ultimately depend, the federal government should move promptly and boldly to implement specific improvements in these programs.

In order to improve the federal government's population-related programs and its capacity to evaluate the interaction between public policies, programs, and population, specific organization changes should be made. These include the creation of a National Institute of Population Sciences within the National Institutes of Health, and an Office of Population Growth and Distribution within the Executive Office of the President.

And finally, this nation should welcome and plan for a stabilized population.

What matters ultimately is the impact of population growth upon the quality of American life; changes in population are merely the means to such a goal. Does this country want to continue to invest its resources simply in meeting more demands for more services, more classrooms, more hospitals, more housing, more roads, more everything . . . as the population continues to grow? Or should we concentrate our energies and resources on improving the quality of such services and extending them to those for whom such quality is at best a hope rather than a fact? The population problem is the problem of achieving, consistent with political and ethical standards, a lasting and constructive balance between numbers of people and an evolving definition of "the good life" in this country and the world.

We end as we began: Our country can no longer afford the uncritical acceptance of the population growth ethic. Given the whole trend of human history to the contrary, that is not an easy lesson to learn. The growth ethic seems to be so imprinted in human consciousness that it takes a deliberate effort of rationality and will to overcome it, but that effort now seems necessary. The recommendations we propose are worthwhile for many reasons as well as appropriate to steering a prudent demographic course into a future filled with uncertainties.

WOMEN'S STAKE

(By Patsy T. Mink, U.S. Representative From Hawaii)

"Keeping women in the home may be the major contributor to excess population growth."

Women have a great stake in population stabilization in America. For if American families decide to have only two children, instead of three, it will mean a difference of at least fifty million people by the year 2000. At two years of home care per child, this free-choice system of control would produce 100 million woman-years of "liberation".

But in urging population control, we should be guided by one vital principle: there must be no discrimination. The policy must apply equally to all people, men and women, regardless of race, sex, or income level.

All too often, demands for population control are made in terms of a particular group, instead of the general society. Women, for example, are blamed for having too many babies when obviously men are just as responsible. Why should there be so much emphasis on birth control mechanisms for women? Why not spend Federal research funds equally on finding a way to prevent the man from fertilizing the ova? Why not push vasectomy? If women are truly equal, society would not establish birth control clinics only for women. Send the men!

MOST GROWTH FROM MIDDLE CLASS

As a member of the oppressed minority called women, I feel deeply concerned that so much of the drive for population control is directed at the ethnic minorities, as though it is all their fault for having too many babies. We hear the cry, "Solve the welfare problem, the problem of housing, slums, ghettos, crime—just about all the social ills, you name it—it's the fault of all the children those blacks and Puerto Ricans have". But, a Senate report projecting our population growth to 300 million by the end of this century stated: "The poor contribute only a small proportion of this overall increase, with most growth resulting from the fertility of middle-class families."

There have been encouraging signs over the past few years that people *are* having fewer children—accompanied by shifting social patterns of great interest to women. We are beginning to realize that the age-old tradition of keeping women "in the home" is not only destructive of equality, but may be the major contributor to excess population growth. Obviously, if a woman's only choice is to stay at home all day, for all of her life, she may as well have numerous children to occupy her time. If, on the other hand, we encourage policies which will permit women to choose other roles, many will leave the home and thus decide to have fewer children.

EQUAL WORK STATUS FOR WOMEN

We should encourage this movement of women into the work force for whatever reason—to add to family income or to seek the fulfillment that work offers—by removing the discriminatory barriers which presently make many of them decide against such a course. Most of the best jobs are reserved for men while women are assigned clerical, secretarial, and other secondary duties, without any hope for advancement.

It is logical to assume that as women achieve equal status in the professions, and have real opportunities for promotions to executive positions, they will have fewer children. This places the population control challenge squarely on all of our society. We must begin to change our entire attitude toward the roles of the sexes so it will not only be accepted, but expected, that women will become corporation board chairmen, university presidents—even President of the United States!

It is not coincidental that many of the goals of "Women's Liberation" center on getting out of the traditional home role. Women want to greatly expand the child-care system so that those who need or want to work will have a place where their children can receive beneficial care. I visualize these child-care centers as places where the health, recreational, educational and psychological needs of the child will receive full attention. This is women's rights, human rights, and population control, too.

ABORTION, A WOMAN'S RIGHT

Women are also concerned over the subject of abortion. While it is true that the "right" to have abortions would result in fewer childbirths, I view this issue as more of a woman's rights cause than of population control. Women seeking legalized abortion want the right of control "over their own bodies". From a population control standpoint, it makes more sense to prevent pregnancy than to seek its termination, but the right of termination must exist as a human choice.

It should be most clear that the course I am advocating—the changing of social patterns and the role of women—is radical and difficult to achieve. The prevention of unwanted birth by itself entails new programs in fertility control, advances in family planning services and education, contraceptive technology, adoption and abortion. None of these things, however, challenge the base of a male-oriented society which I see as the real cause of the population "problem". To get to the real cause, we will need elimination of the child-bearing bias of a society which seeks to impose home life on women by social indoctrination.

Women who have achieved positions of authority must take the lead in educating the country to the need for change. We need a revolution in the attitudes of the U.S. power structure—white, middle class and mostly male. This is an immense task, but I am heartened by the fact that women themselves have so much to gain by new and more enlightened policies. When we achieve population control, all society will benefit—but the women will win the most, with a new promise of equality.

A Concerned Catholic

(By Rev. Theodore Hesburgh, President, University of Notre Dame Chairman, U.S. Commission on Civil Rights)

"If we really made human dignity meaningful for everyone, then in large measure we would ultimately solve the population problem."

Among many people who discuss the population problem there is often the assumption that somehow Catholics do not admit the problem or that they minimize it, or, worse, that they complicate any possible solution to the problem. I cannot speak for Catholics, of course, but I can speak as a Catholic, one among some 500 million around the world. As one Catholic, then, I would make these points:

There is, and will increasingly be, a population problem in the world at large. Population growth is much a greater problem in the poor countries than in the industrialized countries, and this has little relation to whether they are mainly Catholic countries or not. Sweden, a non-Catholic, industrialized country, has the same low population growth (doubling every eighty-eight years) as Italy, a Catholic, industrialized country. The less affluent, non-Catholic countries of Morocco, Syria, and Pakistan have exactly the same high population growth (doubling every twenty-one years) as the less affluent, Catholic countries of Ecuador, Panama, and Paraguay. Rapid population growth is a greater problem in developing countries because it eats up all their gains in attempting to provide more education, food, health services, and housing.

Parents are responsible for the children they bring into the world. If they aren't, who is? Catholic theology points to three great elements of Christian marriage: love between husband and wife; the bearing of children; and their education and nourishment to adulthood. Love is forever—until death do us part; child-bearing is of relative short duration compared to absolute fertility; and education and nurturing of children will keep most parents busy past fifty years of age. In the past infant deaths and rural living kept families within manageable limits. Today parents may achieve a generous family early in marriage.

Rational and even generous Christian control of basic biological possibilities is in a very primitive state as one views the available means.

For this reason, I wish Catholics would help support basic research in all areas bearing on the biochemistry of human procreation. I am convinced that, with more imaginative and creative research, there will be many new means made available that will pass any moral, theological, or cultural test and provide adequate means of fulfilling one's obligation to all the essentials of a generous and loving marriage. Meanwhile, conscience must do what it can to meet obligations that often seem to work at cross purposes.

The space age has given us the image of the earth, seen from the moon, as a space craft with finite resources to sustain all of its passengers. Let us admit at once that some passengers are presently faring better than others. Twenty per cent of the present passengers are enjoying eighty per cent of the spacecraft's resources and, if present tendencies prevail, ten per cent will soon enjoy ninety per cent. For example, one nation, the United States, which represents six per cent of the world's population, annually uses forty per cent of the world's energy. We are blessed with a marvelous continent, the new world, but we complicate our living by having seventy-five per cent of our population on three per cent of our land. It is unthinking to disassociate population problems from land usage.

I wish Catholics who enjoy the largesse of this country would begin to concern themselves more with foreign aid. The U.S. Gross National Product this year exceeds a trillion dollars, the budget of the United States Government is almost one-fourth as large, and we give a mere one billion dollars to the U.S. Agency for International Development to help our spacecraft's lesser citizens, two-thirds of whom live on less than $200 a year. This, too, is part of the realities of the population problem that I hope U.S. Catholics will espouse as fifty million of God's favored nation.

One of the greatest evolutions of our times, human dignity, is becoming lost in the discussion of population growth. Never before has human dignity seized the imagination of man as it does today. Over many millenia, man has been enslaved by poverty, ignorance, war, malnutrition, dirt, squalor, and all the rest. Today we know better. Man need not live like this. Human development is the new name for peace among men.

AGAINST ABORTION, A RIGHT TO LIVE

If population growth is viewed alone as *the* one great crisis, then we will descend to all kinds of pragmatic and immoral initiatives. One of the most blatant of these is abortion as a means of population control. This degrades women as nothing else can, despite the protestations of the Women's Liberation Movement. As a priest, I have known of nothing that so shatters a woman psychologically and morally as the destruction of human life within her. One of her greatest assets is life-giving—not life-destroying. Cast her in this latter role and you ultimately destroy her. All too little has been said about the rights of a live, but yet an unborn human being who is often, for the most frivolous reasons, denied his or her most fundamental human right, the right to life which precedes liberty and the pursuit of happiness.

We are, especially in developed and affluent countries, facing a crisis of values and priorities that will destroy us much more quickly and far more efficiently than a crisis of population. It is difficult to differentiate the population problem from the problem of sex. All human beings are endowed with sex. Sex is one of the great realities of humanity—at the core of our literature and art. We should cherish sex, as it is, indeed, God-given. The modern world needs, not our sex-soaked culture, but a reasonable philosophy that transcends mere sexual thrills.

To be meaningful in our day, sex must signify love and the kind of communication that only love makes possible between man and woman. To redeem the times, the population problem as well, we must redeem sex—to make it once again the language of love, of generosity, of children responsibly and lovingly begotten; not sex—the haven of selfishness, childlessness, and empty pleasure.

What I am really saying is that if we fully gave ourselves to human development in a more equitable fashion aboard our spaceship earth, if we really made human dignity meaningful for everyone, then in large measure we would ultimately solve the population problem, too. Making population, as such, our single focus may be exactly the wrong way to proceed towards a world that can achieve what the other planets in our solar system seem to lack: life, liberty, and the pursuit of happiness.

Black Perspectives

(By the late Rev. Martin Luther King, Jr.)

"Negro and white have a common bond."

Negroes were once bred by slave owners to be sold as merchandise. They do not welcome any solution which involves population breeding as a weapon. They are instinctively sympathetic to all who offer methods that will improve their lives and offer them fair opportunity to develop and advance as all other people in our society.

For these reasons, we are natural allies of those who seek to inject any form of planning in our society that enriches life and guarantees the right to exist in freedom and dignity. For these constructive movements, we are prepared to give our energies and consistent support; because in the need for family planning, Negro and white have a common bond; and together, we can and should unite our strength for the wise preservation, not of races in general, but of the one race we all constitute—the human race.

"Population Control Is Subordinate to Wealth Control"

(By Rev. Jesse Jackson, President, Operation PUSH)

The nation's preoccupation with multiple crises is evidenced by the description of the population challenge as a population bomb. Yet, if life for us in the 1970's is more problem than possibility, we may well be in danger of losing that race which H. G. Wells described as "education's race with disaster . . ."—the race to create a sound and meaningful civilization.

The alarmist concern for "Zero" population growth is by and large predicated upon Malthusian premises about population growth as over against the ability to meet the needs of that growth. But modern technology increasingly makes Malthus' views obsolete. If there is any issue of human survival, it is one which must be defined on a new terrain, determined in large measure by the entitlement of the have-nots, worldwide and in this nation, to a larger share of the available resources.

In this country, the real issue is not an unmanageable surplus of people but a basic maldistribution of the resources. Over 20% of the nation's population, in Dr. Martin Luther King's words "languish on an island of poverty in a vast sea of affluence. . . ."

Another reason for suspecting the stridency of some population control advocates is that, despite reports predicting the inevitability of a big baby boom, reinforced by the spectre of 8.5 million women in prime reproductive years by 1970 and one million more by 1975, the baby boom has just not materialized. In fact, some population experts are admitting that, with a population of 200 million today and with the continuation of present trends, the projection of 300 million by the year 2000 may prove too high.

Without becoming simplistic in exploring a very complex problem, I would submit the following reservations which I have about the population control issue:

First, when the more militant of my colleagues refer to the total policy as the initial step to legitimizing genocide, they are considered down-right alarmists. Yet the timing of the population issue is a source of some concern. That this issue should surface simultaneously with the emergence of blacks and other non-whites as a meaningful force in the nation and the world appears more than coincidental.

BLACK STRENGTH IN NUMBERS

Second, blacks, devoid of economic strength, must seek to deploy skillfully the strength they have in numbers. But a population policy, such as is proposed, may well dilute that strength. There are now fifty locations in this nation where black people are 50% or more of the population, and over 200 locations where blacks are now 30% or more. This is a power of numbers which blacks cannot afford to think of lightly. Recent court decisions could mean hundreds of more black public officials at all levels, throughout the South. Thus, just the simple arithmetic of "one man, one vote" could so transform the face of politics in this nation as to make Dr. King's fondest dreams of Selma a fundamental fact of this democracy.

BLACK POVERTY CRITICAL

Third, black people need a vastly larger equity in the resources of this nation. For the poverty, which we must now freight to the political bargaining table, is itself evidence of our vulnerability. Black Americans possess only 2% of the total U.S. wealth. Black businesses had receipts in 1969–1970 representing $\frac{7}{10}$th of 1% of the total business receipts of the nation. Black banks presently control $\frac{1}{50}$th of 1% of the banking assets of the nation.

Black economic penury is a critical issue. It spotlights the relevance of our demands for a greater share of the resources while, at the same time, corroborating our central argument that the creation of a more equitable distribution system is of greater priority than population control. Population control is subordinate to wealth control. For a nation which engineered the Berlin airlift and the lift to the moon, the challenge is to wed its resources with its compassion to build a human community.

GIVEN THE OPPORTUNITY MANY WOMEN WILL CHOOSE TO HAVE FEWER CHILDREN

(By Shirley A. Chisholm, U.S. Representative from New York)

I have long been and still am an ardent advocate of family planning. I believe that every woman has the right to control her own reproductive process. The decision to have children, when and how many, is one of the most important decisions she will make in her entire lifetime. But too often, for a variety of reasons, she doesn't decide at all; the pregnancy just occurs.

One of the biggest problems is the lack of information about reproductive process and contraception. Studies have shown that most poor families as well as the American population in general desire a family of two or three children. The poor however have much less access to either good prenatal or postnatal care or information about contraceptive techniques.

The result, limited financial resources are insufficient and the family may sink even deeper in poverty. More than one-quarter of all families with four or more children are living in poverty. Their risk of poverty is two-and-a-half times that for families with three children or less.

Another serious and growing problem is illegitimacy. As of 1967 approximately 4.5 million children under the age of 18 in the United States were illegitimate. A recent study by the government of the District of Columbia showed that in 1970 the percentage of illegitimate births had exceeded 40% and projected that by 1973 over half the babies in the District will be born out of wedlock.

We can't ignore this. These children and this problem are not going to just fade away. We need to be concerned about the quality of these lives—both of the children and of their mothers.

Even though approximately 40% of the mothers of the 245,000 babies born illegitimately in the United States every year are women 19 years or younger, we still are not making information on birth control available to these young girls. Although many young people seem to be very sophisticated about sex, they, in fact, are frequently lacking in knowledge about the facts of life. By forcing a young girl to have an unwanted child, we are assigning her to society's trash heap. Young, confused, usually without skills or training, she will be cut off from avenues of opportunity.

My own experiences at the community level and other studies done after the introduction of the New York State abortion repeal law confirm the fact that given the opportunity many women will choose to have fewer children.

There are those who either for religious or personal convictions believe that abortion and certain forms of contraception are morally wrong and amount to killing a child; others believe that human life does not start until sometime after conception or at birth. I believe that this is a matter of personal conscience which should not be decided by the State. Under the present circumstances we are imposing the Catholic view of abortion on the entire population of the United States.

The lack of access to birth control information and materials and the archaic laws that prevail with regard to abortion amount to compulsory pregnancy.

At the other end of the spectrum are those who advocate sterilization and a limitation on the number of children a family may have, as a solution to the "population problem". While it is true that our population and that of the world is growing at an astounding rate and that we do need to be concerned about the conservation of human resources, forced sterilization or any compulsory directive is an anathema to the human spirit.

It is the suggestion of compulsory birth control regulations that has prompted concern among American Blacks about "race genocide". There have been instances when judges have ordered individuals, such as convicted felons to be sterilized, and there have been suggestions that women be "required" to use contraceptives or have an abortion as a prerequisite to receipt of public assistance. Indeed there are reports that some social workers already imply that those who don't attend family planning seminars will have difficulty with the welfare office.

There is a difference between making information and services available and coercion. It is a very important difference that we must jealously guard and respect. Women should neither be forced into having children they don't want nor restricted from having children they do want.

MINORITY GROUPS SHALL NOT BE DENIED ACCESS TO FAMILY PLANNING

(By Roy Wilkins, executive director, the National Association for the Advancement of Colored People)

The National Association for the Advancement of Colored People supports "the dissemination of information and materials concerning family health and family planning to all those who desire it."

In taking this position the NAACP does not ignore the traditional concern of the Association, indeed, the reason for its being, the racial discrimination against minority groups that is so prevalent in all aspects of American life. It recognizes that "the family constitutes the foundation of our society. . . . The general well-being of the family and all the services that affect it—are of paramount concern to this Association. It is further recognized that, although numerous health and welfare benefits are available, both overt and subtle forms of discrimination are practiced in the rendition of these services to minority groups."

Special emphasis is placed upon the welfare system and the myths which have been given wide currency in order, in part, to "justify" racial discrimination. There is, however, no ambiguity in the NAACP approach to the significant, but highly emotional, topic of family planning. The Association supports the dissemination of "information and materials" for those who wish it.

The NAACP does not purport to be a crusader for family planning. That is the task of those organizations specifically designed and equipped to render the services where requested. However, the NAACP does not believe that obstacles should be placed in the way of the dissemination of information on the subject.

There can be no question that family size beyond the capacities of available income or of health and educational resources, constitutes a genuine problem, outlined in graphic detail for any unbiased observer.

The basic determination of the NAACP is that minority group families, who must wrestle with myriad manifestations of racial discrimination, shall not be denied access to family planning help by reason of their racial and economic deprivations.

THE ROLE OF THE UNITED NATIONS

(By Kurt Waldheim, Secretary General, the United Nations)

"To slow population growth is an important prerequisite for future world stability."

The greatest challenge for the United Nations during the Second Development Decade is to promote peace with justice and, to achieve this end, to improve the conditions of life for the billions of men, women and children who will inhabit the earth in the coming decades. Our goal is not mere survival, but a life of dignity and peace with hope for each new generation. Therefore, the Second Development Decade will require a serious confrontation with our most basic problems of poverty and population growth.

The problem of poverty and the gap which separates the rich from the poor is a source of fundamental concern for the future security of man. It should also now be obvious to every man that rapid population growth strikes a heavy blow to the development efforts of many nations around the globe. An immediate commitment to slow population growth is an important prerequisite for future world stability.

Increasing productivity alone will neither eliminate the basis of poverty nor spark a transition to low birth rates. What is needed is also a more equitable distribution of this world's goods. We need to focus less on total economic growth and move on to specific social problems such as unemployment, malnutrition and illiteracy. We must assure the world's poor that the means for a better life will be made available to all.

This call for a new attitude towards development has implications for rich and poor nations alike. Within poor nations each decision on development strategy must be considered in terms of whether its effect will reach the vast majority of the population.

The year 1972 is a threshold that may well lead toward even more vital United Nations commitment. The Stockholm Conference on the Human Environment will bring together a critical mass of information, impetus, and leadership that must surely link the increasing pollution of the planet with the increasing population of the planet.

This spring the United Nations will be formally inaugurating preparations for the World Population Year 1974 and the World Population Conference. A worldwide review and appraisal will try to determine more precisely the effects of population growth and the measures needed to reduce excess growth.

To this review the United Nations itself must bring a broad perspective on population issues, keeping to the forefront three major levels of concern and action.

First, the United Nations must speak for the entire world community bearing always in mind that four billion people cannot live independently, without concern for one another's needs. The world of the twentieth century offers knowledge and opportunity that would have staggered our ancestors. A world of four billion people also faces constraints that past ages never knew and that we violate at our peril.

Second, the United Nations must speak to and with governments, for population policies remain within the sovereign domain of each nation. The General Assembly has recognized that governments should study population factors and adopt population policies. Some thirty member states have such policies; a hundred others do not and may need advice and resources to evaluate their needs.

Third, the United Nations must speak in behalf of individuals. The Universal Declaration on Human Rights proclaims the right of all parents freely and responsibly to determine the number of their offspring. Yet the information and services to exercise this right still do not exist in much of the world and may not exist in the future unless the United Nations can provide the assistance needed.

THE U.N. FUND FOR POPULATION ACTIVITIES

(By Rafael Salas, Executive Director, United Nations Fund for Population Activities)

"The U.N. is mounting a global population strategy."

A most important step towards mobilizing the energies and skills of all nations and all peoples to deal with world population problems was taken by the Secretary-General in 1967 when he established the United Nations Fund for Population Activities (UNFPA). He placed the new organization under the supervision of the Administrator of the United Nations Development Program (UNDP), thus making population a part of the overall development assistance being given to developing countries. By this step, the Secretary-General not only cleared the way for coordination and expansion of the population work within the United Nations system, but also opened up the possibility of mounting a global program with a global population strategy to which all countries could contribute according to their capabilities and from which all countries could benefit according to their need.

THE DEVELOPING PROGRAM

Given its mandate, the Fund has given more impetus and a wider scope to the population work of the specialized United Nations organizations, and the countries requesting assistance have thrown considerably more light on their own needs and priorities in the population field. As a result, the Fund can now identify many areas of special urgency. Some of these areas are already engaging the attention of the specialized United Nations agencies with Fund financing. Other areas call for new initiatives by the Fund itself.

Some 400 projects make up the bulk of the present program. However, the Fund recognizes that breakthroughs in research, in technology, in teaching and demonstration methods, particularly in regard to fertility control, might dramatically change the picture. Accordingly, the Fund is ready to take the lead, when appropriate, in developing new fields of activity which would sharpen and intensify the attack on population problems.

UNIQUE U.N. CONTRIBUTION

The year 1971 marked the second fully operational year of the Fund. Almost fifty countries have made voluntary contributions close to the $50 million mark for the support of the Fund's activities. The U.S. provided very helpful support. More than sixty countries have requested assistance in carrying out population projects costing almost the total amount of available resources. Many more countries are now taking a sober look at the effect population trends are having on their economic, social and environmental progress as a preliminary to embarking on their own population programs.

The work of the Fund confirms that the United Nations can bring into play three elements to arrest the deteriorating world population situation which no one country or international organization can provide.

First, impartiality. Population is a sensitive area where every individual, every group and every nation looks with suspicion at the proposals of his neighbors. Only a world organization of unassailable neutrality is capable of effective operation under such conditions.

Second, structure. Over twenty-five years, the United Nations has built up a network of interrelated and intercommunicating regional and national offices to serve its member nations in all corners of the earth. Through this network, the Fund can draw on the technology, skills and the experience of all nations to help solve the problems of individual nations.

Third, resources. No one will dispute that a program which coordinates the inputs of a wide range of United Nations agencies with special competencies, of numerous bilateral, nongovernmental and private organizations with active field operations, of countries with advanced research and technical programs and of those already coping with population pressures, can, and should, attract more substantial resources than a series of independent undertakings.

Taking these considerations into account, it is hard to think of an alternative to grasping the opportunity offered by the United Nations to engage in immediate, responsible and concerted action. After all we have only one world organization—and only one world.

"WITHOUT REALISTIC POPULATION POLICY, SOCIAL AND ECONOMIC DEVELOPMENT IS DOOMED TO FAILURE"

(By Robert S. McNamara, President, the World Bank)

The planet we live on is finite, and the population which it can support at a reasonable standard of living is likewise finite. One can debate what a reasonable standard of living ought to be, but what is beyond debate is that some two billion individuals of the human race currently are condemned by circumstances to a standard of living that is plagued by poverty, deprivation and indignity.

We are not talking about poverty that is a mere absence of affluence. We are talking about a poverty that is corrosive of human decency, characterized by hunger and malnutrition, high infant mortality, low life expectancy, widespread illiteracy and chronic unemployment.

COSTS OF RAPID GROWTH

It is in this context that the population issue must be faced. For broadly speaking, those countries which are caught up in this struggle against poverty are the same countries which are faced with dangerously high rates of population growth. In the past twelve months, the world's population has grown by more than seventy million people. Between 85 and 90% of this population growth has occurred in the poorer countries.

Overly rapid population growth in a poor country siphons away resources that are desperately required for reducing economic and social deprivation. At the national level, the government must devote a greater and greater amount of investment simply to provide minimal services to an ever-increasing number of children. At the family level, the same needs press in on the parents of large families. For roughly the first fifteen years of their lives children are consumers rather than producers. For both the government and the family, more children means more expenditure on food, on shelter, on clothing, on health, on education, on every essential social service.

As the children reach adulthood, the problem is compounded by mounting unemployment. There are not enough jobs to go around because the government—grappling with the daily demands of the increasing population—has been unable to invest in job-producing enterprises. Thus the cycle of poverty tightens, and the entire social and economic framework of the nation weakens under the massive weight of population.

Social tensions, political turbulence and the irrational eruption into violence are the final fruits of unmanageable population pressures. No society, no economy, no government can sustain such pressures indefinitely.

GOVERNMENTS MUST ACT NOW

The first step a government must take to avert these dangers is, of course, to recognize them. Some twenty-five countries, with over two-thirds of the population of the developing world, today have formally adopted an official population policy. Other governments are providing some family planning assistance to those parents who desire it.

Many governments in the developing world, however, have neither an official population policy, nor extend assistance to private family planning efforts. And without realistic population policy, overall social and economic development is doomed to failure.

What is important to understand is the explosive potential of population growth. Even, for example, in the unlikely event that the developing countries were by the year 2040 to reduce their net reproduction rate to one—that is, to an average of two children per couple—the present population in the developing world of 2.6 billion would increase more than five-fold to nearly 14 billion.

If the net reproduction rate of one could be reached two decades sooner, the ultimate size of the population of the developing countries alone would be more than 4 billion less, a figure in excess of the planet's total population today.

Two important conclusions can be drawn from these projections.

Each decade of delay in addressing the population problem in developing countries will lead to an ultimate population in those nations approximately 20% longer than would otherwise be the case.

Further, even in favorable conditions, the population in those nations will continue to grow rapidly for several decades, expanding perhaps four-fold from present levels and reaching a total of nearly 10 billion.

The implications for all who are engaged in development are clear: there must be an intensified effort in population planning, with the goal of shortening the time required to reduce the rate of growth.

WORLD BANK CONCERN

There can be no question, then, that effective population planning is an essential ingredient of a nation's social and economic development. That is why the World Bank is concerned with the problem. It is equally clear that primary responsibility for action in this matter lies with each individual country. No outside development agency can presume to solve the problem for a nation. What it can do is to point out the dangers of delay, offer counsel and technical information, and where feasible, make available financial assistance to aid a government in setting up its own program to deal effectively with the issue.

The population problem in the developing world cannot be solved with one five-year plan, or in a single decade, or even in what remains of this century. It is a problem that will require a long-term continuing effort. But above all, it is a problem that can no longer afford postponement or procrastination. Each day of delay makes the task more difficult.

The World Bank is ready to assist its developing member countries in their efforts to move towards a sound and sensible solution—and to move now. We are confident that ultimate success is possible, given the necessary leadership and resources and resolve.

AFRICA

(By Robert K. A. Gardiner, Executive Secretary, United Nations Economic Commission for Africa)

"The relationship of family planning to all aspects of life must be recognized."

To say that we, in Africa, are at the crossroads is putting it mildly. Only a few African countries achieved the minimum target of five per cent growth rate in national income in the First United Nations Development Decade. And our population continues to expand at a rate faster than anticipated. The ominous implications of this are clear, and this is precisely why the role of population in African development is important.

The current rate of population growth in Africa, at 2.8 per cent per annum, is at par with that of South Asia and Latin America. With a steady decrease in the death rate and with fertility remaining high, Africa would, from about 1980 onwards, have the highest rate of growth among all the major areas of the world.

In 2000 A.D., Africa's total population could be 734 million, or 818 million, or 906 million, depending on the actual paths fertility and mortality take. The 172 million difference between the high and the low estimates—slightly less than half Africa's present total population—shows the difference an effective population policy could make.

But policy formulations and action programs should not await the development of universal and perfect data collection systems. If action is to take effect in the future, the time to initiate it is now. The new entrants to the labor force in the next fifteen years have, for example, already been born; thus the size of the labor force will be affected only after fifteen years by any action program taken now. But a smaller family norm, if established now, would immediately make available additional resources that could improve the productivity of the existing labor force.

A national population policy should, of course, be made an integral part of the development process and not merely treated as an outside factor. Any population policy, to be viable and effective, must be coupled with economic and social policies aimed at improving the lives within all sectors of the population.

While broad economic and social considerations are expected to be the main factor for adopting national population policies and programs, considerations of the wishes of individual family members are an important complement to it. The decision as to the number and spacing of children should belong to every family.

BEYOND FAMILY PLANNING

At various meetings of the United Nations Economic Commission for Africa the view has been expressed that population problems in Africa should be seen in the total context of improving the quality of life, and not merely in terms of the reduction of the size of families. Having fostered this approach, we must find ways and means of promoting it.

Members of the Commission have also felt that the term "family planning" is not altogether satisfactory. It is seen as an inhibiting, almost a negative phrase. The general consensus has been that family planning programs, to be effective, must discard the one-sided approach of offering family planning services only. The relationship of family planning to all aspects of life must be recognized so that the programs can find their place and function within the other relevant and desirable services and institutions, such as maternal and child health services, educational services, and rural extension activities. The task, as we see it, is to go beyond family planning and to cover the whole area of family welfare.

Such an approach may be initially expensive, because in many areas this will, for example, mean building health centers. In the long run, I believe it will pay for itself by improved health, education, and skills and, therefore, by increased productivity and the enhancement of the quality of life.

Aware of the problems engendered by the present age-structure of the population and the high rates of growth, six African countries—Egypt, Ghana, Kenya, Mauritius, Morocco, and Tunisia—have adopted official population policies, and two others—Botswana and Nigeria—have included programs in their current development plans aimed at reducing the high rate of growth of population through a reduction in fertility. These eight countries account for 40% of the total population of Africa. About twenty other African countries, with 30% of the continent's population, have family planning programs in operation, either through voluntary associations, or as a part of health services. Of course, one cannot add these figures together and say that 70% of Africa's population is receiving family planning services.

The interest of African governments in population programs is of recent date. This is due mainly to the lack of trained nations, and the absence of studies for individual countries relating population growth to economic and social development. To meet the shortage of demographers, two regional institutes for population studies have recently been established in Accra and Yaounde, in addition to the one in Cairo.

LATIN AMERICA

(By Alberto Lleras Camargo, former President of Colombia, Chairman, Advisory Board, United Nations Fund for Population Activities)

"Population, the principal resource and ultimate object of development, is a restraint to progress."

During the last decades Latin America has undergone rapid progress. Economic and social reforms have been initiated on a large scale. Urban centers have grown at an unprecedented rate, but the economic and social advances of our nations are far from sufficient. Fulfilling the needs of the masses of Latin America is the major challenge of the century.

The very progress achieved has tended to modify the origins of our social and economic problems. Educational deficiencies, bourgeoning urban slums, unemployment, hunger and social and political unrest are simultaneously expressions both of developmental retardation and maturation. The fundamental key is the rapid incorporation of technological development with the expansion of the base of opportunity for the majority.

It is in this perspective that the rapid population growth rate of Latin America should be considered. Historically, the pressure of population growth was a positive force that actually formed the foundations for progress in Latin America by creating new opportunities, narrowing the agricultural frontiers and intensifying the urgency of economic and social reforms. Now, however, it is a serious handicap.

There were nearly sixty million Latin Americans in 1900 and there now are 290 million. At today's rate of growth, the population will double every twenty-four years. If such a growth rate continues, the population of Latin America will total 580 million by the end of the century.

My own country, Colombia, has twenty-three million inhabitants and a growth rate of 3.4%. Thus, this country will double its population in only twenty-one years and reach an estimated ninety million people by the year 2000. The figures for Mexico are even more disturbing. Given her present population of fifty-four million, and also a growth rate of 3.4%, Mexico will have over 200 million people in forty years. Brazil will, with present trends, have almost 200 million inhabitants by the beginning of the 21st century.

While the national populations as a whole are growing at unprecedented rates, the growth rates of our cities are even greater. Some of these are actually doubling their populations in 10 years. Worst of all, the terrible slums, our "favelas", "callampas", "villas miserias", "ranchose" and "tugurios" are growing faster than the cities themselves. As a result, in spite of financial investment, there has been an increase in unemployment and underemployment and an inadequate provision of schools, hospitals, doctors and housing. This offshoot of development is now surfacing. The circumstances in many Latin American cities are better defined in terms of misery than progress.

NEED TOTAL DEVELOPMENT STRATEGY

These social ills cannot be cured by merely reducing population growth. The salient consideration is that socioeconomic policies of development must be implemented with a decrease in the population growth rate to achieve the desired objectives.

Capital for the development of Latin America is scarce. Three units of investment are required to produce one unit of per capita income. Therefore, an annual capital investment increase of nine percent would be needed to produce a sustained growth rate of three percent in per capita income. The urgent need of investment in schools, hospitals, health centers, housing, agrarian reform and in the expansion of services to the poorer sectors of the population requires annual capital investment growth rates of twelve to fifteen percent. But purely economic measures, however, are unsatisfactory unless they are incorporated into a total strategy designed to conquer the misery, malnutrition, unemployment and low cultural level of the masses and the hopelessness of the sprawling slums.

We are faced with a paradoxical situation. The population, the principal resource and ultimate object of development, is becoming a restraint to progress. If the objectives of economic growth are not coordinated with the goals of improved levels of health and education and the establishment of social conditions which reflect the image of a better quality of life, it is probable that development strategies will be adopted which are characterized by enormous human suffering.

VOLUNTARY RESPONSIBLE CHOICE

High population growth rates offer an unprecedented challenge to the concurrent achievement of progress and humanitarian objectives. They have created the need to redefine the relationship between economic development and social justice.

In a more developed Latin America, human reproduction should be the result of conscious, responsible, voluntary decisions by the people. This dignified freedom of choice is part of the "cultural revolution" and forms an integral component of family welfare and maternal and child health. Family planning is an essential element of social modernization.

Obviously, each Latin American government should recognize the right of the citizen to plan the size of his family and should provide the services indispensable to civilized society. National social development plans must include an analysis of the problems of family welfare, goal proposals and specific programs.

Furthermore, it is the duty of the government to make all citizens aware of the population problem in order to establish a consensus which will serve as a base for a national population policy. It is my firm belief that the Latin American nations should adopt a policy of reduced, and therefore, moderate population growth as a component of their total social development programs.

THE PHILIPPINES

(By Ferdinand E. Marcos, President of the Philippines)

"Annual population growth rate will decline from 3.4% to 2.3% by 1976."

The population of the Philippines today is 38 million and is growing at the rate of 3.4 per cent a year. If this rate of growth continues, by the year 2000 there will be about 100 million Filipinos, a population which will be altogether too much for our small country to contain comfortably, and even more of a burden to support.

Not only would we have to contend with the enormous problems of food, housing, education and health, but we would have to face up to the pollution of our air and water, which population congestion inevitably brings. That was why on May 15, 1970, I issued an executive order creating the Commission on Population. This Commission was given the responsibility of formulating and implementing a long term population program to cope with the grave social and economic problems arising from rapid population growth.

The Commission also has the responsibility of promoting and publishing studies on all aspects of our population, and to assemble and disseminate technical and scientific information relating to medical, social, economic, and cultural phenomena as these effect or are affected by a growing population.

The campaign to deliver the service of family planning has expanded in the past year, reaching additional thousands of people. Family Planning clinics, presently numbering 1,256, were established all over the country with private medical practitioners actively participating in the program.

FIVE-YEAR TARGETS

The present goal is the establishment of a total of 2,000 clinics by 1976, with some 20,000 personnel needed to man them. The clinics also provide information, motivation, communication services, training, and undertake educational research, all of which are actively pursued as integral parts of the program.

The Commission on Population has set definite targets under its five-year program. The program aims at gaining three million acceptors by 1976. This means that during that period more than 50 per cent of the eligible women would have accepted some method of family planning.

The agencies engaged in clinical services have registered a total number of 547,000 new acceptors from 1970 to the first semester of Fiscal Year 1971–72. By the end of this year it is expected that at least another 600,000 new acceptors will have enlisted. Based on this performance, we feel that the annual population growth rate will decline to 2.3 per cent by 1976.

The increase in the number of acceptors is credited to the intensified motivational program launched by our National Media Production Center and Social Communication Center and the training of family planning personnel, here and abroad.

POPULATION EDUCATION FOR 12 MILLION STUDENTS BY 1976

This training, which is geared to support the family planning program, is provided by seven institutions. From July 1970 to June 1971, 14,445 physicians, nurses, mid-wives and lay motivators have been trained within the country, and 135 persons trained abroad. The lay motivators are trained to provide potential acceptors in their area with the right answers to questions about family planning.

Much effort has been concentrated on research. Research projects have been established to delve into various fields relating to population. Among these are program evaluation, demography, census and statistics, biomedical research and curriculum development.

The Commission has also programmed curriculum development and teacher training courses on Responsible Family Life. These are directly imparted to students in classrooms. By the end of five years, population education will have reached some twelve million students in both the elementary and secondary grades.

The program is being implemented not only by various organizations of diverse character, but it is being managed by a Commission composed of knowledgeable people of different backgrounds and professions. We feel that this diversity of talent has contributed to the success of the program. We hope that we can carry on with even greater dedication, a surer direction, and continuing success.

CHINA

(By Jaime Zipper, M.D., professor of physiology, University of Chile Medical School, inventor of "Zipper" Ring and co-developer of Copper T IUD)

"Family planning was introduced in China to guard against catastrophe."

Chinese party leaders and doctors at the Peking Hospital provided an up-to-date account of family planning in the People's Republic of China to a group of Chilean doctors on a visit we made to China in October 1971. Our purpose was to exchange information about all aspects of family planning.

OFFICIAL PHILOSOPHY

At one of the major briefings, a Chinese party leader read a statement of the official philosophy from a text which I took down nearly verbatim:

"Family planning was introduced in China by Chairman Mao to guard against catastrophe and to facilitate national planning. It will greatly influence future generations of Chinese and the prosperity of the entire nation.

Family planning is fundamental for the economic planning of the country. It involves an ideological revolution to change basic concepts and traditional ways. Furthermore, family planning represents the demands of the masses, especially of the many women who want to be freed of the burden of excessive children in order to be able to contribute to the reconstruction of the country.

An information campaign to popularize methods of population control was first undertaken in the People's Republic in 1957. But in order to control the growth rate and convert this nation into a planned economy, Chairman Mao declared that it was first necessary to produce a simple medicine to be taken orally or by injection. This decision signaled the start of scientific experimentation.

But this instruction for a new line of thinking did not reach the masses. Only in 1968, with the Cultural Revolution, did the technicians initiate a family planning action program with three objectives:

1. To develop vigorous support among the party cadres;
2. To educate the experienced older people as well as the middle-aged and young people;
3. To pursue scientific and clinical research to find the oral medicine which had been proposed by Chairman Mao.

It took only seventeen days of medical work to produce a compound. Researchers experimented with the drugs first on animals. In less than two months our scientists found a satisfactory formulation. To complete the tests women volunteered to take the drugs.

Family planning is a common cause promoted by the work of the masses. The educators have done the teaching. Because of their achievements, the medicine can now be widely used. It is easy to take and has few side effects."

BIRTH CONTROL METHODS

We later learned that a Czechoslovakian technician was instrumental in making possible the manufacture of these pills in China. These pills are distributed to married women in plain bottles of one hundred each and taken regularly for twenty-one days without complicated tabulations or different colors. The Chinese women seem to have no difficulty following this procedure.

Intrauterine devices have been used since 1958. Coils of non-rusting steel and plastic rings, based upon Japanese models, were most prevalent. Sterilization, both male and female, is occurring more frequently.

ABORTION READILY AVAILABLE

Abortion, which has been legal in China since 1957, has become popular in the last three or four years. The pattern is simple. First, women are provided with contraceptive methods; if these fail, abortion by vacuum aspiration is used. It is a simple, unspectacular occurrence. Actually, abortion offers special advantages in that women have the right to fifteen days of paid vacation afterwards. In China, this is exceptional because there are no vacations as we know them in the Western World. There is only one rest day each week.

REACHING THE PEASANTS

The real challenge of health care in China is reaching the peasants who live in rural communes. The "barefoot doctors" are China's answer. They are usually women with academic training in medicine who have worked at least two years in a commune or factory. They are then sent to a hospital for six months, where they are taught to distribute contraceptives, and to perform IUD insertions, abortions, vasectomies, and tubal ligations. After their hospital experience, the barefoot doctors return to their village and work from a crude clinic, usually in the cultural center of the commune.

URBAN BIRTH RATES LOW

Despite the current campaign in rural areas, the urban centers are so far having greater success in reducing birth rates. In the city of Peking, for instance, where the population is now 5 million, we were told that the birth rate was down to 6 and 7 per thousand and that the rate of population increase was registered at 0.1% annually the lowest in the world. For Peking province as a whole, Hopeh, the birth rate was given as 17 per thousand. The province has grown from 49 million people in 1957 to 60 million in 1970, an increase of nearly 2% annually.

Family planning in China is fundamentally justified as an emancipation of women, based on the equal rights of women to study, to participate in political decisions, to exercise their social conscience, and to work side by side with men in building a socialist society. Where once "having many children" was considered a blessing for women, now family planning is depicted everywhere as a benefit to the individual and to society. Family planning is therefore both a means and an end in the massive modernizing and restructuring of Chinese society.

India is quite capable of looking after its large and growing population from its own resources and its growing national income. But our rapid population growth has made the increment in the individual's share of that income smaller than it need be. Also, the quality of life and of the environment is diminished by too dense a population. That is why our Government felt it necessary to make family planning an official policy. India was the first nation in the world to do so. We view our family planning program as part of a larger welfare package for the individual, the family and the community.

Our birth rate is not going up; on the contrary it is going down. But the death rate—particularly infant mortality—is receding much faster. In some States of our country, it is nine deaths per thousand—the same as in the United States. This reflects the impressive success achieved by the country in public health. However, this means that our population is growing at a faster rate than before.

CLINICS IN ALL RURAL AREAS

Sometimes it is said that our adherence to tradition is an obstacle to innovation and change. Our remarkable success in agriculture is conclusive proof that the rich texture of our culture is capable of speedy adaptation.

We have set up a network of family planning clinics, fully backed by the machinery of mass media and extension work, which covers all parts of rural India. We have organized camps where people by the thousands come to have themselves sterilized or women come to have loops fitted.

It is notable that ten million men and women have taken to voluntary sterilization. This is about the same as the total number of persons sterilized in the rest of the world. This is the safest and best method for terminating conception.

Indian medical and research workers are rising to the challenges posed by this responsiveness of the people to accept family planning. Not only in sterilization techniques but also in the development of new contraceptives, our research workers and doctors are playing a pioneering role.

EXTENSIVE CONTRACEPTIVE PRODUCTION

A promising new oral contraceptive which is nonsteroidal and, therefore, without side effects, has been developed at one of our Research Institutes and is now being tested. It is the long-sought "morning-after pill" and the trials are encouraging. A new device which can be used by men or women has also been developed by this Institute. Experimentation is proceeding also into several herbal substances commonly used in our indigenous systems of medicine.

A public undertaking produces 140 million condoms each year. There is also a factory in the private sector. To meet the growing demand, yet another production unit is contemplated. A Government factory for loop production meets our total demand.

India has thus developed extensive productive as well as research capacity for contraceptives. Indeed, the success of family planning owes much to the innovative spirit of self-reliance of all those engaged in the program and in the research and training which backs it.

The combined efforts of Indian doctors, sociologists, extension workers and voluntary organizations have created a ferment of ideas making the small family the preferred choice of the people. Our approach to the new program is educational. Being a democracy we reject compulsion or coercion.

In 1971 India passed through great trials. Normally, involvement with such vast problems would have meant a slowing down of welfare programs. Yet, the family planning program has not only moved steadily forward, but at the end of our financial year in March, we set a new record.

WORLDWIDE PRIVATE EFFORTS

(By Julia Henderson, Secretary General, International Planned Parenthood Federation)

"If public and private efforts can be sustained, we need not despair for the future."

As we have added 1.7 billion people to world population in the years since 1930, so the concern to find safe, effective ways to control human fertility has grown into a mighty movement not only in North America and Europe but in many areas of the Third World. Nearly forty governments support national family planning programs. However, there is danger that the public may become deaf to the sounds of population projections to the year 2000 or 2040 or 2070.

One of the factors in determining whether our concern will grow and effectively motivate both families and political leaders to take action on the scale necessary will be the health of the voluntary movement for family planning.

FAMILY PLANNING PIONEERS

This movement in the United States will forever be linked to the name of Margaret Sanger. Perhaps not so well known are the pioneers in other countries who were, amongst others, her contemporaries: Shrimati Dhavanti Rama Rau of India, Mrs. Elise Ottesen-Jensen of Sweden, Dr. C. P. Blacker and Dr. Helena Wright of the United Kingdom, and Dr. van Emde Boas when these pioneers decided at a conference in Bombay, India to establish the International Planned Parenthood Federation (IPPF).

The aims of the Federation have steadily broadened as understanding grew that family planning could also contribute to the national welfare. In 1963, the Federation decided "to increase the understanding by people and governments of the demographic problems of their own communities and of the world as a whole." It tries to help its members achieve these goals through population education and sex education; through stimulating scientific research in the biological, psychological and social implications of human fertility and its regulation; research into methods of contraception; and making known the findings of such research to the workers in the front line who are making information and services available to the people who need them.

The fundamental approach is through the support of voluntary and autonomous national associations. Membership is limited to one association in each country which must clearly establish its leadership in the field and must not discriminate on the grounds of race, creed, color, politics or sex, nor be controlled by commercial interests.

FEDERATION GROWTH

As comprehension of the size of the problem facing us has grown, the Federation has had a phenomenal growth. Today there are seventy-nine national associations and the Federation is working in more than one hundred countries. The Federation's outreach to regions such as Latin America and Africa, where a very limited number of governments have any defined policy related to population, is particularly significant. Governments that are not yet brave enough to establish a policy or governmental services in this field often welcome the fact that their own citizens, through the voluntary movement, try to meet the urgent demands of their citizens for such information and services.

As the outreach has grown, the requirements for funds to help, particularly in forming and expanding the work of associations in the developing countries, have grown correspondingly. From a budget of $30,000 in 1961, a quantum leap was taken in 1965 with the first government grant to the Federation from Sweden. Seven years later we are working with a budget of $25 million for work in the developing countries while another $55 million is raised and spent through the voluntary movements in the United States, United Kingdom and European countries which do not receive grants. Thus, we can identify some $80 million flowing this year through the system of the IPPF as the private sector contribution to the solution of the world population problem. The U.S. Agency for International Development is today the single largest contributor to IPPF's budget for work in the developing countries. U.S. private fund-raising alone contributes in excess of $3 million of our private funds.

Thousands of volunteers still work faithfully and patiently in welcoming frightened or shy women in the clinics, making contacts with individual families, talking with groups of men or women, and doing the thankless chores in a clinic or in a hospital maternity ward (which is often the best place to find new clients for the program).

A CHALLENGING FUTURE

Naturally, an organization which has grown so rapidly in a situation which is constantly changing faces many problems. One of these is finding its proper role in countries in which governments and UN agencies are launching major programs. In these cases, IPPF seeks a division of labor in which governments provide clinical services and the IPPF affiliate concentrates its energies in information and education work basic to changing social climate and individual behavior. The IPPF has also pressed forward in its efforts to join forces with all agencies reaching the community level—women's organizations, trade unions, youth organizations, and professional organizations of nurses, midwives, teachers, and social workers.

If this interest can be sustained over a long enough period both through public and private sector efforts, hopefully joined with multilateral institutions such as the United Nations Fund for Population Activities, we need not despair for the future of our species. The growing concern with our human environment in the industrialized countries and the continuing drive for economic development and higher standards of living in the Third World are twin engines for giving new momentum to the world population movement.

MAN AND NATURE

(By Norman E. Borlaug, Nobel Peace Prize, 1970, Director, International Maize and Wheat Improvement Center, Rockefeller Foundation, Mexico)

"Exploding human population growth threatens many other species and eventually man himself."

The past several decades have seen a growing polarization of the world into the affluent and the poor nations—the have and have-not peoples. While one third of the world's population today lives in luxury inconceivable a generation ago, half of the globe's total human population often lacks even adequate food, the first necessity for life.

The affluent nations, in most cases, draw heavily on many of the "non-renewable" resources of the underdeveloped nations for their continued economic development. The affluent nations, thereby, inadvertently contribute to widening the gap between rich and poor nations. It is, therefore, obvious that the affluent nations cannot continue to remain aloof and isolated from the problems of the developing nations.

FOR A DECENT LIFE

The basic moral and survival issue for mankind for the next several generations is to find a way to assure that all who are born into this world will have an opportunity to acquire the basic necessities for a decent life. Unless this is achieved, there will be increasing numbers of national and international social and political disorders—with world civilization in jeopardy—as biologic man competes for the basic necessities of life. There will be no peace.

It should be obvious to all educated people that the first step towards providing a decent standard of living to all who are born into this world is to slow the increase in human numbers to manageable levels, and to stabilize populations as soon as feasible. Certainly, to do nothing and to rely upon the Malthusian principle to stabilize human numbers through starvation is immoral. Moreover, inaction in both irresponsible and unnecessary, considering that man, unlike other species, has a brain and mind which can analyze our present population predicament and project ahead and see the consequences for man and his civilization of the continued reckless increase in human numbers.

In recent years many studies of wild species of animals, birds, and fish have shown that there are natural laws which restrict growth of their populations long before shortage of food and starvation limits increase. Undoubtedly, man's increase in numbers long ago was governed in part by these natural laws. In the process of the development of his religious, ethical and humanistic philosophies which, in turn, contributed to the development of his cultures and civilization, these devices have been made ineffective and resulted in our present dilemma.

Man today must face up to the multifaceted, many-headed population monster if he is to avoid disaster. Exploding human population growth threatens first the survival of many other species, but later, of civilization and eventually the survival of man himself.

NO SIMPLE ANSWER

We must avoid seeking a simple answer to the complex and interrelated problems resulting from astronomical human numbers. It is unwise to continue to develop imbalanced attacks on single aspects of these complex problems, as has been done by some extremist environmentalists in the past. All too often this approach has led to alienating some segments of society—especially the underprivileged low income groups—both in the USA and the developing nations. The campaign by privileged people living in nonmalarial areas of the world to ban the use of insecticides—including DDT—for controlling this disease is questionable both from an ethical and tactical viewpoint, until other methods of control are available.

On the food production front, we can hold the line for the next 30 years—while hopefully population growth can be slowed—if agriculture is given the proper priority and support.

If the world is to be fed, however, more, rather than less, agricultural chemicals—including chemical fertilizers and pesticides—will be needed. To deny the developing nations their use is to abandon them to hunger and disorder. It goes without saying they should be used judiciously, just as with medicines.

Time is late and the obstacles are many to overcoming the problems which confront mankind. But when one looks back over the short span of 10,000 years since man first cultivated plants and domesticated animals, which made possible the development of modern civilization, one must be amazed at the progress. There is, however, no time to be lost in preening over past achievements. Instead, man must face up to the many growing problems caused by the wild increase in human numbers.

I have the feeling that if the people of the world are given the facts concerning the seriousness of the population problem man will show that his specific name Homo *sapiens* was not ill-chosen, and he will build a better world.

SUMMING UP

(By William H. Draper, Jr., Honorary National Chairman Population Crisis Committee)

"One dollar per person per year for world population stabilization."

On behalf of the Population Crisis Committee, I express my appreciation to those who made this publication possible—those who prepared articles, those who made contributions, our Executive Director who organized the project, and, above all, the U.S. Commission on Population Growth and the American Future, whose final report is featured.

In this historic and far-reaching report, the Commission, established by Congress and appointed by the President, calls for population stabilization in the United States as soon as possible by voluntary means, through responsible individual action and enlightened governmental policies. The United States thus becomes the first developed nation in the world to formulate an explicit, comprehensive, long-term population policy. After two years of study, the Commission has concluded that bigger is not better. Even in the richest country of the world with vast acres of arable land, the quality of life will suffer if the total population continues to grow. To any who still may think that power and prosperity depend on an unending proliferation of people, the Commission answers unequivocally "No."

National power has, in the past, been associated with population growth. When life was shorter and technology simpler, nations deliberately encouraged their citizens to breed more people to serve as soldiers or workers. Today, that concept is obsolete. A world of 7 billion people, which demographers project for the year 2000, will not bring power to anyone, only increasing poverty with national and international turmoil.

Since the end of World War II, the world has faced four new and global challenges:

Control of nuclear weapons by the developed nations;

Economic advancement for the underdeveloped nations;

Protection of the human environment on this planet; and

Limitation of the population explosion.

None of these problems are solved, but the governments of the world are gradually recognizing that mutual self-restraint and restriction—through international negotiation and agreement—will ultimately protect the world from a nuclear holocaust better than overskill in the hands of many different governments.

In the field of economic development and, more recently, in the environmental field, governments are also setting aside ideology to negotiate and cooperate with one another. At the United Nations Conference on the Human Environment this spring in Stockholm, governments will embark on arduous long-term negotiations for world-wide non-pollution. Governments are not moved by international philanthropy, but by a hard-headed recognition that mutual economic gains and mutually agreed upon environmental protection will achieve and maintain a higher quality of life for their citizens.

THE TIME IS NOW

In the population field, the time has now come to recognize that the proliferation of people, no less than the proliferation of nuclear weapons or international pollution, is against the long-range interests of the entire human race. We must move toward world population stabilization. International agreement on this objective would, of course, not involve coercing individuals in their personal behavior. It would focus the attention of governments through out the world on appropriate voluntary and humanitarian measures, much as the U.S. Commission on Population Growth and the American Future has recommended for this country.

The United States was not the first government to appoint a Population Commission. In fact, several developing countries have also established commissions to study national population problems and make recommendations. The United Nations is emphasizing the need for all governments to develop appropriate population policies and to appoint their own population commissions in connection with the World Population Conference and the World Population Year, scheduled for 1974.

World population stabilization, based on the recommendations of the different national populations commissions and designed to enhance not to restrict, individual opportunity, would not be cheap—any more than arms control, economic development, or environmental protection are in fact cheap. Continuing demographic study, the search for better birth control technologies, the expansion of health services, and the development of new educational programs all require considerable resources.

Programs to help the world reach population stabilization, and especially to help the developing countries where population growth most directly impedes the prospects of individual betterment, will, I estimate, require governmental expenditures during the 1970's of about $3 billion each year in the developing countries and perhaps half that much in the developed countries. The total costs, between $4 and $5 billion annually, will amount to approximately one dollar per person for the entire world. International assistance can be channelled through the U.N. Fund for Population Activities which since 1970 has allocated $40 million for population work in some 60 countries. National programs must be established within each country in the light of its own needs and through its own institutions, but all countries should be guided by studies and deliberations of their own as serious, as thoughtful, and as important as the work of the U.S. Commission summarized here.

A start has been made—in the United States, by the Congress, by three U.S. presidents, by the trail-blazing report of this Commission and by annual domestic expenditures of about $250 million as well as important program assistance overseas; in the international private sector, by the pioneering work of the International Planned Parenthood Federation, discussed by Julia Henderson; and in the United Nations by its increased commitment, proclaimed by Secretary-General Waldheim, and by the growing resources of its Population Fund, as discussed by Rafael Salas, Executive Director.

But much remains to be done. World population stabilization, achieved at the cost of roughly one dollar per person per year can help governments and individuals to improve the quality of life.

The amount needed for the developing world, where the problem is rapidly reaching crisis proportions, is about $3 billion, only one-tenth of one percent of the world's Gross National Product.

Is this too much to pay for survival?

SOURCES FOR FURTHER READING

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The Population Problem, Arthur McCormack. New York: T. Y. Crowell, 1970, 264 pp, $7.95. A concerned Catholic's assessment.

The Limits to Growth, Dennis L. Meadows, et al. New York: Potomac Associates/Universe Books, 1972, 208 pp, paperback, $2.75. A computer-aided, systems analysis of population prospects.

Rapid Population Growth: Consequences and Policy Implications, National Academy of Sciences. Baltimore: Johns Hopkins University Press, 1971, Two volumes, 768 pp. $20.00, paperback of volume I only, $2.45. Vol. I: An overview. Vol. II: Supporting technical papers.

Population, Valerie K. Oppenheimer. New York: Foreign Policy Association, 1971, 95 pp. $1.00. A concise consideration of world population growth.

Mankind's Great Need: Population Research, Population Crisis Committee (see organizations). 1971, 71 pp, $.25. 31 leading figures in population research assess latest developments.

World Population Situation in 1970, United Nations Department of Economic and Social Affairs. New York: United Nations Sales Section, 1971, 80 pp, $2.00.

Population Program Assistance, U.S. Agency for International Development. Washington, D.C.: U.S. Government Printing Office, 1971, 232 pp, $2.00 Country-by-country review.

From Now to Zero: Fertility, Contraception & Abortion in America, Leslie A. & Charles F. Westoff. Boston: Little, Brown, 1971, 358 pp, paperback, $3.95. Presents 1965 National Fertility Study.

Especially for children

Population, Robert J. Lowenherz. Mankato, Minn.: Creative Educational Society, 1970, 120 pp, $5.95. Grades 4–7.

Three illustrated, introductory books prepared by the Population Reference Bureau (see organizations):

This Crowded World, 1970, 60 pp, $1.50, Grades 4–6.

People!, 1968, 63 pp, $1.50, Grades 7–9.

The World Population Dilemma, 1972, 80 pp, $2.00, Grades 10–12 & undergraduate college.

Commission report

The Final Report of the U.S. Commission on Population Growth and the American Future will be available from the U.S. Government Printing Office, Washington, D.C. 20402. The report is a single volume of about 250 pages. The price is not yet determined. The report has also been published in paperback by the New American Library, 1301 Avenue of the Americas, New York, N.Y. 10019.

Several volumes of supporting research papers and testimony presented at the Commission's public hearings will also be available. These detail economic, environmental, social and governmental aspects of present and future population trends in America. A complete listing of titles and prices can be obtained from the U.S. Government Printing Office.

Other material

A sourcebook on population, 1969, 50 pp, $.50. Surveys whole population field; classified by topics and by books, articles, films and organizations. Available from the Population Reference Bureau (see organizations).

Social Education, April, 1972 edition, 144 pp, $1.50. Designed for teachers and devoted entirely to population education, curriculum development and teaching aids. Available from the National Council for the Social Studies, 1201 16th St., N.W., Washington, D.C. 20036.

Available from the Planned Parenthood Federation of America (see organizations) for $.25 each:

"A Small Library in Family Planning For the General Reader" (# 108)

"Paperbacks on Population, Family Planning & Related Subjects" (#107)

"A Selected Bibliography For Professionals" (#102)

"Planned Parenthood Publications" (#100)

"Guide to Information Sources" (#103)

"Population Research & Study Centers in the USA" (#104)

Ecologos, Spring, 1972, $.10. A listing of standard, recent and forthcoming books on ecology and related environmental sciences. Available from Sidney Kramer Books, 1722 H St., N.W., Washington, D.C. 20006.

Science for Society—A Bibliography, John Moore, 1971, $1.00. Over 4000 recent books & articles on science, population, health & society. Available from the American Association for the Advancement of Science, 1515 Massachusetts Ave., N.W., Washington, D.C. 20005.

Organizations

These private organizations are active in the population/family planning field and will furnish on request a full description of their activities and list of publications. Those offering memberships are asterisked (*).

International Planned Parenthood Federation, World Headquarters: 18–20 Lower Regent St., London, SW1Y–4PW. Western Hemisphere Region: 111 Fourth Ave., New York, N.Y. 10003. A non-profit federation serving as an active catalyst to increased private and public family planning efforts worldwide. Publishes "Situation Reports" on specific countries, a newsletter and various reprints.

Planned Parenthood Federation of America, Information & Education Office, 810 Seventh Ave., New York, N.Y. 10019. A non-profit organization maintaining offices in almost 200 communities throughout the United States. Extensive publications and source material available including "Family Planning Perspectives," a quarterly magazine and "Planned Parenthood Report," a bimonthly newsletter.

*Population Crisis Committee, 1835 K Street, N.W., Washington, D.C. 20006. A non-profit organization concentrating on public education. Publishes "Population Crisis," a periodic Washington newsletter; "Victor-Bostrom Fund Reports," chronicling latest worldwide developments; and "Population and Family Planning in the People's Republic of China." Also distributes reprints of President Nixon's "Message to Congress on Population" and "The Family Planning Services and Population Research Act of 1970."

Population Council, 245 Park Ave., New York, N.Y. 10017. A non-profit organization specializing in specific and scholarly presentations of population developments. Publishes "Studies in Family Planning" and "Country Reports."

*Population Reference Bureau, 1755 Massachusetts Ave., N.W., Washington, D.C. 20036. A non-profit organization which gathers, interprets & publishes educational & scientific information relating to population issues. Publishes "Population Bulletin," "Profiles," "Selections," and "Population Education Interchange." Recent "Bulletins" include "Man's Population Predicament" and "Population Activities of the United States Government," $.50 each.

*Zero Population Growth, 4080 Fabian Way, Palo Alto, Calif. 94303. A non-profit organization, actively lobbying for population stabilization policies at all levels of government. Includes over 300 local chapters and a Washington, D.C. office. Publishes the "ZPG National Reporter" and distributes educational materials.

FREEDOM OF INFORMATION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mrs. ABZUG. Mr. Speaker, the Foreign Operations and Government Information Subcommittee of the Government Operations Committee has been holding extensive hearings on the problem of congressional and public access to Government documents. Despite the enactment of the Freedom of Information Act of 1966, there has been little reform in this area, and Executive Order No. 11652, which is about to take effect, does more harm than good.

It is apparent that it is time for Congress to act legislatively in a manner which will limit or close altogether some of the loopholes in the Freedom of Information Act and the new Executive order.

At this point, I wish to include in the RECORD the text of my statement to the Foreign Operations and Government Information Subcommittee and the report of the Defense Science Board Task Force on Secrecy referred to therein:

STATEMENT OF CONGRESSWOMAN BELLA S. ABZUG

MAY 23, 1972.

Mr. Chairman and Members of the Subcommittee: I am grateful for the opportunity to testify on the Freedom of Information Act this morning. You and your staff are to be congratulated for the effort and expertise which you have mounted on behalf of this exhaustive inquiry. The whole morass of government record-keeping, classification of information, release of information on a selective basis, and so forth, is almost too complex to define or solve. Information is power, and, like power, is not easily surrendered by those who possess it.

The Freedom of Information Act of 1966 was a frontal assault on the bastion of Executive secrecy. For the first time, the burden was placed on the government to produce the records of its activities or justify its refusal or failure to do so. Under this Act, the citizen for the first time could appeal to the courts when denied information by a bureaucrat.

The Act has its limitations, however. Vital categories or types of information are exempted from its provision. The exemption most relevant to this inquiry is information that is "specifically required by Executive Order to be kept secret in the interest of the national defense and foreign policy."

The Executive order which covers this class of information is Executive Order 10501 of November 5, 1953. One week from today, Executive Order 10501 will be superceded by a new order, Executive Order 11652. This order, said to be the product of a year's study by a committee appointed by the President in response to the furor over the release of the Pentagon Papers, was issued by President Nixon on March 8 and is the subject of a National Security Council directive of May 17.

The new Executive order purports to speed up the process of declassification of records by providing, among other things, for a "mandatory review" at the end of ten years of all classified information to determine whether it should remain classified any longer. The new order further establishes a 30-year rule for the automatic declassification of records, giving the Archivist of the United States the authority to declassify records or to request their declassification.

These are improvements, but the time periods are far too long.

Leaving aside certain obvious problems with the language of the order, such as that "mandatory" review turns out to be not mandatory at all, I should like to address the question of just what classified information is.

Under the old order, classified information was "defense information", defined as "official information which requires protection in the interests of the national defense". Under the new order, classified information is expanded to include not only defense information *but also information concerning the foreign relations* of the United States. To quote from Executive Order 11652, "Security information" is "official information or material which requires protection against unauthorized disclosure in the interest of the *national defense or foreign relations* of the United States . . ." (Sec. 1) (emphasis added).

It has been said that war is too important to be left to the generals. I submit that the foreign relations of the United States, upon which depend in large part our internal well-being as well as the external relationships which bring war or peace around the globe, are too important to be left exclusively to the occupant of the White House. Our Constitution clearly gives Congress the duty and right to participate in the conduct of foreign relations.

Who is it, under this order, who decides what "Security Information" is? It is the President of the United States, advised *solely* by a review committee appointed by the National Security Council and chaired by a person designated by the President, presently Ambassador John Eisenhower. The members of the committee are to come *solely* from the Executive branch, without the participation of Congress or other outside members. (Sec. 7(A)).

Who has the authority to declassify "Security Information," once it has been so declared? Again, the President and his subordinates. Under the terms of the new Executive Order, they can refuse to declassify it in perpetuity if they so desire.

Far from being an improvement, this new Order is a dangerous and unwarranted expansion of the powers of the Executive. Like its predecessor, it appears to be unconstitutional, since by giving the President exclusive control over information, it usurps powers expressly granted to Congress in the fields of foreign affairs and national defense.

Further, Section 8 of this order exempts atomic energy information from its provisions, as required by statute. It is time for us to end our worship of the sacred cow of atomic energy. The Congress should take another look at the provisions of the Atomic Energy Act as they pertain to the release of information said to be "born classified" but now twenty-five years of age or more. Like the atom itself, unseen and unheard, this category of information permeates nearly every aspect of our daily lives and our relations with other countries, since it concerns the nuclear balance and our vital energy supplies. It is essential that Congress and the public be fully informed on these matters.

To those who would argue that either atomic energy information or defense information is "technical" or "scientific" information for which our legislators and our people have no need in order to make wise political decisions, I should like to refer to a recently "declassified" report of a Department of Defense Task Force on Secrecy which I wish to submit in full for the record. This board concluded in July 1970 that it was reasonable to suppose that scientific information originated by us would be discovered by others within a period of *one year*. This prestigious task force, composed of some of our most eminent scientists, believed that "more might be gained than lost if our nation were to adopt, *unilaterally if necessary, a policy of complete openness* in all areas of information . . ." (emphasis added).

The task force concluded with an even more remarkable statement: ". . . in spite of the great advantages that might accrue from such a policy [of complete openness], it is not a practical proposal at the present time. The task force believes that such would not be acceptable *within the current framework of attitudes*, both national and international, toward classification." (emphasis added)

The Pentagon's own technical advisory board on secrecy recommended a policy of complete openness and then declared that such a policy was not "acceptable." This, of course, was prior to the publication of the Pentagon Papers and other breaches of this ridiculous security classification system which have since occurred.

Let us hope that these hearings and others to come will demonstrate beyond a shadow of a doubt that the "current framework of attitudes" *has* changed.

But more is needed than a change of attitudes. We need to overhaul the entire apparatus of Cold War legislation which has made this miasma of secrecy possible. The Congress needs to take a fresh look at such basic legislation as the National Security Act, the Espionage Act, the Atomic Energy Act and others.

Some constructive legislation has already been proposed by the former chairman of this sub-committee, Mr. Moss, in association with my colleague from New York, Mr. Reid. H.R. 15006 would amend the Freedom of Information Act to provide for automatic cut-off of funds to agencies which fail to provide information on request after certification to a committee of Congress that they have done so. H.R. 9853, introduced by Congressman Hébert last July, would amend the National Security Act to establish a "Commission on the Classification and Protection of Information" composed of four members of Congress, four members appointed by the President, and four appointed by the Chief Justice. Such a broad group, if established on a permanent basis as a classification review committee, would certainly be an improvement over the National Security Council Review Committee established by the new Executive order.

Mr. Chairman, I understand you plan to introduce in the near future a major amendment to the Freedom of Information Act which would revamp the classification system to make it more responsive to the needs of a democratic society. That is something that needs to be done. I believe Congress should substitute its judgment for that of the Executive classifiers who have a built-in interest in perpetuating secrecy in government.

Another line of approach, which so far as I know has not yet been explored by the sub-committee, may be to amend the Federal Records Act of 1950 which governs records management. This act defines the duties of the Archivist of the United States under the General Services Administration, but gives him no real authority to set guidelines for the maintenance, use and disposition of government records.

Let me sum up this brief statement by urging this committee and other committees of Congress with jurisdiction in the field of information control to have the courage of their convictions. The Freedom of Information Act was "one small step for mankind". I believe it has done some good, but much more work lies before us.

[Report of the Defense Science Board, July 1, 1970]

TASK FORCE ON SECRECY

OFFICE OF THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING,
Washington, D.C., July 6, 1970.

Memorandum for the SECRETARY OF DEFENSE,
Through: The Director of Defense Research and Engineering.
Subject: Final Report of Task Force on Secrecy.

The following report of the Defense Science Board was prepared in response to a request of the Director of Defense Research and Engineering. The study was conducted by a special task force of the Board under the chairmanship of Dr. Frederick Seitz. In his memorandum of submittal. Dr. Seitz emphasizes the need for "major surgery" in the DoD security system.

With the approval of the Defense Science Board, I recommend this report to you for your consideration.

GERALD F. TAPE,
Chairman, Defense Science Board.

OFFICE OF THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING,
Washington, D.C., July 1, 1970.

Memorandum for the CHAIRMAN, Defense Science Board.
Subject: DSB Task Force on Secrecy Final Report.

The Task Force on Secrecy herewith submits its final report. This report, which has been coordinated with all members of the Defense Science Board, concludes the work of the ask Force.

The report addresses specific questions posed by the DDR&E in general terms since time and resources did not permit establishment of detailed steps required to correct the deficiencies identified in the present DoD scientific and technical information security classification system. These actions are more appropriately the responsibility of the cognisant DoD elements.

In addition, the Task Force ocnsidered security classification from the national long range and short range viewpoints. These combined considerations, i.e., the specific questions posed by the DDR&E and the national considerations, resulted in a general conclusion that the DoD security classification system requires major surgery if it is to meet the Defense national and international environment of today, specifically, we found that:

1. It is unlikely that classified information will remain secure for periods as long as five years, and it is more reasonable to assume that it will become known to others in periods as short as one year.

2. The negative aspect of classified information in dollar costs, barriers between U.S. and other nations and information flow within the U.S. is not adequately considered in making security classification determinations. We may gain far more by a reasonable policy of openness because we are an open society.

3. Security classification is most profitably applied in areas close to design and production, having to do with detailed drawings and special techniques of manufacture rather than research and most exploratory development.

4. The amount of scientific and technical information which is classified could profitably be decreased perhaps as much as 90 percent by limiting the amount of information classified and the duration of its classification.

General recommendations to correct these deficiencies are contained in the report.

FREDERICK SEITZ,
Chairman, Task Force on Secrecy.

PREFACE

Late in 1969 the Defense Science Board established the Task Force on Secrecy to consider questions pertinent to the classification of information in all stages of research, development, test and evaluation (RDT&E), as well as procurement and deployment.

The members of the Task Force were as follows:

Dr. Frederick Seitz (Chairman).

Dr. Alexander H. Flax.

Dr. William G. McMillan.

Dr. William B. McLean.

Dr. Marshall N. Rosenbluth.

Dr. Jack P. Ruina.

Dr. Robert L. Sproull.

Dr. Gerald F. Tape.

Dr. Edward Teller.

Mr. Walter C. Christensen (Staff Assistant).

In the course of its discussions, the Task Force consulted a number of individuals and groups, among whom were the following persons:

Dr. John S. Foster, Jr., Director of Defense Research and Engineering.

Dr. Gardiner L. Tucker, Principal Deputy Director of Defense Research and Engineering.

Dr. Luis W. Alvarez, Professor of Physics, University of California, Berkeley.

Mr. Joseph J. Liebling, Deputy Assistant Secretary of Defense (Security Policy).

Dr. Donald M. MacArthur, Deputy Director (Research & Technology), ODDR&E.

Lt. Colonel John M. MacCallum, Advanced Research Projects Agency.

Dr. Michael M. May, Director, and associates, Lawrence Radiation Laboratory.

Mr. Walter McGough, Acting Special Assistant (Threat Assessment), ODDR&E.

Mr. Rodney W. Nichols, Special Assistant to the Deputy Director (Research & Technology, ODDR&E.

Vice Admiral Hyman G. Rickover, USN, Director of Nuclear Power, Naval Ship Systems Command.

Rear Admiral Levering Smith, USN, Director, Strategic Systems Project Office, Naval Material Command.

Dr. Eugene Wigner, Professor of Physics, Princeton University.

SUMMARY

General Comments

1. The Task Force considered the matter of classification from several viewpoints; however, it focused its main attention on the classification of scientific and technical information.

2. The Task Force noted that it is unlikely that classified information will remain secure for periods as long as five years, and it is more reasonable to assume that it will become known by others in periods as short as one year through independent discovery, clandestine disclosure or other means.

3. The Task Force noted that the classification of information has both negative as well as positive aspects. On the negative side, in addition to the dollar costs of operating under conditions of classification and of maintaining our information security system, classification establishes barriers between nations, creates areas of uncertainty in the public mind on policy issues, and impedes the flow of useful information within our own country as well as abroad.

4. The Task Force noted that more might be gained than lost if our nation were to adopt—unilaterally, if necessary—a policy of complete openness in all areas of information, but agreed that in spite of the great advantages that might accrue from such a policy, it is not a practical proposal at the present time. The Task Force believes that such a policy would not be acceptable within the current framework of national attitudes toward classified Defense work. A number of areas of information in which classification may be expected to continue are listed in the text.

5. The Task Force noted that the types of scientific and technical information that most deserve classification lie in those phases close to the design and production, having to do with detailed drawings and special techniques of manufacture. Such information is similar to that which industry often treats as proprietary and is not infrequently closer to the technical arts than to science. The Task Force believes that most of the force of attention in classifying technical information should be directed to these phases rather than to research and exploratory development.

6. In the opinion of the Task Force the volume of scientific and technical information that is classified could profitably be decreased by perhaps as much as 90 percent through limiting the amount of information classified and the duration of its classification. Such action would better serve to protect that information necessarily classified since then the regulations concerning the enforcement of classification could be applied more rigorously than at present.

Recommendations

General

1. *Selectivity in classifying.* In overhauling our classification guides the advantages that might accrue from inhibiting the acquisition of the information by a competitor or potential enemy through classification should be balanced against the advantages of possibly speeding development in the U.S. through not classifying the information.

2. *Time limit on classification.* Whenever a document is classified a time limit should be set for its automatic declassification. This time limit should be adapted to the specific topic involved. As a general guideline, one may set a period between one and five years for complete declassification. (Note, however, the exemptions stated below for certain types of information.) This time limit should be extended only if clear evidence is presented that changed circumstances make such an extension necessary.

3. *Declassification of material now classified.* All material now classified should be reviewed as soon as possible after the adoption of the new policy; we hope this might be accomplished in as short a time as two years. The review should either declassify the document or set an appropriate date for its declassification.

Research, development and deployment

1. As a general rule, research and early development should be unclassified. Thus in the main, 6.1 and 6.2 should be open, while 6.3 may be classified. The partition between 6.2 and 6.3 is not rigid, and classification should be tailored to fit the individual circumstances.

2. In general, we expect classification to be most justifiable when the development approaches the "blueprint" stage. This coincides with the phase when expenditures become substantial. Protection is most desirable when an item requiring a considerable lead time for development is being prepared for deployment.

3. After deployment, classification may be reduced or canceled. At that stage, the information will have been disseminated to many people so tight classification may no longer be realistic. Secrecy will usually be most valuable in maintaining a technological lead during the period of development.

4. The Task Force believes that the "Confidential" category is not appropriate for R&D programs and that "special access" limitations are more likely than not to seriously impede difficult technical programs.

PLANS AND OPERATIONS

1. In contrast, the information involved in high-level planning requires rigid protecon a need-to-know basis. To declassify such information would not speed technical development; the contingencies envisaged in such planning may never arise, and their publication may cause ill feelings. The only reason for declassification is the interest of the historian. Stringently limited distribution and extended classification time limits may be justified in this category.

2. Information relating to specific operational plans should remain classified as

long as the plan is in effect—and perhaps even beyond, insofar as declassification could reveal genuine details of possible use to a potential enemy in develping countermeasures. If secrecy is required, the best protection is afforded by frequent changes in the pattern of operations. Classification of a specific operational plan should be promptly canceled if it becomes irrelevant.

Responses to Specific Questions

The Task Force's responses to specific questions posed in its charter are as follows:

Question: Is our security system generally effective in denying to potential enemies DoD information that affects the national security? As a corollary question, how long can we reasonably expect that classified information will remain unknown to potential enemies?

Response: Security has a limited effectiveness. One may guess that tightly controlled information will remain secret, on the average, for perhaps five years. But on vital information, one should not rely on effective secrecy for more than one year. The Task Force believes that classification may sometimes be more effective in withholding information from our friends than from potential enemies. It further emphasizes that never in the past has it been possible to keep secret the truly important discoveries, such as the discovery that an atomic bomb can be made to work or that hypersonic flight is possible.

Question: Granted that excessive use is being made of classification and limitations on distribution, what practical steps can be taken to better define the DoD information that should be protected in the interest of national security? Consideration of this question should include the cost and effect of controlling DoD information to the U.S. and its allies, versus the benefits to potential enemies of its open release.

Response: Starting from the premise that the interests of an open society and the speedy exploitation of technology are best served by minimal classification consistent with essential security, the Task Force identified a number of critical areas to be discussed below, in which continued classification appears justified. These critical areas span a much narrower region, however, than is now included under existing classification rules.

The Task Force felt equipped to recommend only general philosophy, as opposed to detailed classification guidelines. Also, we did not consider monetary costs of security measures but only their likely inhibition on U.S. technological development.

Specifically, it is recommended that the present emphasis, that promotes classification, be reversed to discourage classification by requiring in each instance of classification:

A meaningful written justification by the initiator of the classification action; and

A time limit on the classification, as short as possible, which could be extended with detailed justification.

Question: Are there key points in the research, development, production and deployment cycle at which information should be controlled? That is, should we adopt the policy that all DoD research be unclassified and freely available and therefore impose controls only on information pertaining to specific pieces of hardware? One point which should be carefully considered here is the additional lead time that will be available to a potential enemy if he obtains knowledge of our significant research and technology activities and thus can predict its end use in a weapon system.

Response: The Task Force has weighed the detrimental effect of security controls on the conduct of R&D programs against the need to meet other national objectives and to avoid disclosures beneficial to potential enemies. It appears that little is to be gained by classifying basic research; it is noted that DoD policy and practices are already in virtually complete accord with this view. Similarly, it seems that, as a general rule, much of the early exploratory development could be kept unclassified. Exceptions should require formal documentation and formal approval by OSD; each approval of classification in this category should be accompanied by a rigid deadline for declassification.

For all other development work, including advanced exploratory development and advanced development, classification procedures similar to those employed today are suitable. The criteria should be sharpened, however, so that classification may be imposed only to preclude major technological advantages to potential enemies, to prevent disclosure of information of major importance in the development of countermeasures, or to support national policy directives and regulations. Within this framework, the classification of each system, component, subsystem or technique in advanced development should be considered individually on its own merits. Here, too, a rigid schedule for declassification should be imposed from the beginning.

Major programmatic changes in any category of classified R&D should be accompanied by reconsideration of the program's security classification. Particularly, when a system is operationally deployed, the large increase in known system technology and its diffusion among many people should be recognized and classification should be revised accordingly, with major emphasis on preventing disclosure of system vulnerabilities and on forestalling the early development of specific countermeasures by potential enemies.

DISCUSSION OF PRIME FACTORS AND EFFECTS IN CLASSIFICATION

1. General signification of classification

Although the Task Force was composed of individuals whose backgrounds are in science and engineering, the group sought responses to its assignment from a broader viewpoint since it was felt quite strongly that the issue of classification and the way it is handled has a significant effect on the posture of our nation in the international community, particularly in relation to our ability to unite and strengthen the free nations of the world. To emphasize this point, one of the members quoted an opinion expressed by Niels Bohr soon after World War II that, while secrecy is an effective instrument in a closed society, it is much less effective in an open society in the long run; instead, the open society should recognize that openness is one of its strongest weapons, for it accelerates mutual understanding and reduces barriers to rapid development.

We believe that overclassification has contributed to the credibility gap that evidently exists between the government and an influential segment of the population. A democratic society requires knowledge of the facts in order to assess its government's actions. An orderly process of disclosure would contribute to informed discussions of issues.

When an otherwise open society attempts to use classification as a protective device, it may in the long run increase the difficulties of communications within its own structure so that commensurate gains are not obtained. Experience shows that, given time, a sophisticated, determined and unscrupulous adversary can usually penetrate the secrecy barriers of an open society. The Soviet Union very rapidly gained knowledge of our wartime work on nuclear weapons in spite of the very high level of classification assigned to it. The barriers are apt to be far more effective against restrained friends or against incompetents, and neither pose serious threats.

Beyond such general matters, the Task Force noted that there are frequent disclosures of classified information by public officials, the news media and quasi-technical journals. While the reliability and credibility of such information frequently may be in doubt, the magnitude of leaks indicates that, at present, our society has limited respect for current practices and laws relating to secrecy. It would be prudent to modify the present system to one that can be both respected and enforced.

2. Some major areas in which classification should continue

The Task Force recognized that there are major areas in which classification is either traditional or expected. The Task Force did not attempt to reach unanimity on the extent to which such classification is necessary. The following are examples of such areas:

2.1 International Negotiations

There are many international negotiations in which discussions are facilitated by secrecy, even though the results may eventually be disclosed. Secrecy permits greater freedom of discussion at the conference table and the consideration of a much wider framework of new ideas and proposals than might otherwise be the case.

2.2 Plans for Hypothetical Emergencies

It is frequently advantageous to classify plans for assumed emergencies in order to limit their circulation. Such plans may include alarming contingencies that may never occur at all—or, at least, not be realized in the way assumed when the plans were developed.

2.3 Tactical and Operational Plans

There are many tactical and operational plans that would lose their effectiveness, or even be jeopardized, if they were not maintained secure for at least a limited period of time. For example, detailed plans for the disposition and operation of the Polaris fleet, or the state of readiness of combat groups prior to engagement may, for purposes of effectiveness, deserve to be classified for a specified period of time.

2.4 Intelligence Information

Information gained through intelligence channels often must be classified for a period of time in order to protect the sources of information, that would dry up if revealed. Nevertheless, intelligence that is critical to an understanding of our national posture should be disseminated as soon as possible, and in as much detail as feasible (consistent with not compromising our collection capability). Careful consideration should be given to the question: To what extent could openness and international sharing of information gathered by physical observation improve our position?

2.5 Specific R&D efforts

There may be a good reason for limiting disclosure of the magnitude and direction of our efforts in specific fields of research and development for a time, when plans for production are congealing, in order to maximize the advantages gained through lead time. In all such cases we must continue to recognize that the lead gained will be transitory unless each advance is followed by another.

2.6 Vulnerabilities

It appears essential to restrict information concerning major weaknesses of operational systems, particularly before remedies for those weaknesses are completed. At the same time, one must ensure that such restrictions do not result in the lack of recognition of the problem or in failure to remedy the situation.

3. General classification philosophy

Some members of the Task Force are inclined to view that, as a nation, we would have more to gain in the long run by pursuing a policy of complete openness in all matters. For example, the Strategic Arms Limitation Talks (SALT) might be more realistic if they were accompanied by a full and open public disclosure of knowledge of weapons capabilities and state-of-the-art developments, preferably by both sides, but at least on our part—especially what we know about Soviet systems. In this way, the Congress and the general public would be better informed regarding the significance of the SALT discussions. Similarly, some members of the Task Force feel that public discussion of matters such as the Safeguard system would be given a more realistic basis if intelligence information and analysis were made openly available, even if this meant disclosing information on certain collection techniques, providing these would not be jeopardized by open discussion.

Nevertheless, the Task Force eventually agreed that it would be very difficult to obtain broad acceptance of highly radical changes in classification at this time because of understandable conservatism and deeply ingrained attitudes. Such attitudes would make it difficult to alter significantly present laws and regulations. The most that can be hoped for in the short run is that the present system might be overhauled extensively in order to make it more realistic, in which case it could be respected and enforced far more completely.

In spite of this area of agreement concerning the necessity for secrecy in limited cases, the Task Force emphasizes that there are very great disadvantages to extensive reliance on secrecy in our society.

4. Classification of technical information

With respect to technical information, it is understandable that our society would turn to secrecy in an attempt to optimize the advantage to national security that may be gained from new discoveries or innovations associated with science and engineering. However, it must be recognized, first, that certain kinds of technical information are easily discovered independently, or regenerated, once a reasonably sophisticated group decides it is worthwhile to do so. In spite of very elaborate and costly measures taken independently by the U.S. and the U.S.S.R. to preserve technical secrecy, neither the United Kingdom nor China was long delayed in developing hydrogen weapons. Also, classification of technical information impedes its flow within our own system, and, may easily do far more harm than good by stifling critical discussion and review or by engendering frustration. There are many cases in which the declassification of technical information within our system probably had a beneficial effect and its classification has had a deleterious one:

(1) The U.S. lead in microwave electronics and in computer technology was uniformly and greatly raised after the decision in 1946 to release the results of wartime research in these fields.

(2) Research and development on the peaceful uses of nuclear reactors accelerated remarkedly within our country, as well as internationally, once a decision was made in the mid-1950s to declassify the field.

(3) It is highly questionable whether transistor technology would have developed as successfully as it has in the past 20 years had it not been the object of essentially open research.

As a result of considerations of this kind, the Task Force believes that much of research and exploratory development (essentially all of 6.1, most of 6.2 and some of 6.3) should generally be unclassified; at the same time, we realize that the greatest value of classification rests in the preservation of designs and specialized techniques close to assembly and production and more akin to the technical arts.

In this connection one of the members emphasized that, to the extent that technical information should be safeguarded in behalf of national security, the greatest importance should be attached to what might be called proprietary technical information—information not unlike that relating to fabrication and production which industrial organizations attempt to preserve from competitors. Thus, significant advantages can be obtained in some areas of categories 6.4 and 6.6 by classification. Even here, however, it should be recognized that restrictions on the dissemination of such information may impede its exploitation within our national community at least as much as it impedes these foreign nations which would not scruple to attempt to obtain it through espionage.

5. Classification criteria and limitations

It is the considered opinion of the Task Force that past procedures—according to which classification rested largely on the desire to withhold information from other nations—should be modified to give greater consideration to the effects of classification on our own progress. It should be emphasized that a strong voice, that of the U.S. Congress, is primarily influenced by the requirement to withhold information from others. The effects of classification on our own progress will have to be carefully discussed. We believe that scientific and engineering information, short of detailed blueprints and critical techniques relevant to production, should be classified only after having been justified by very special reasons. At the time of classification, a date should be specified after which the classification would be removed. This period should be as short as possible, and an extension should be granted only when fully justified.

At present, a major proportion of technical information classified Top Secret is subject to a declassification pattern designated as 3-3-6, whereby they are downgraded to Secret in three years and to Confidential in another three, and made open after an additional six years. We believe that, for most technical items, this is much too long.

The Task Force was inclined to the view that the classification category of "Confidential," as applied at present to research and development not bearing immediately on field problems of military interest, is probably useless, or even detrimental, for it prevents normal diffusion of information without providing a really effective barrier to leaks. It probably would be much more realistic to confine this category of classification to matters bearing on military plans and readiness.

For somewhat different reasons, it appeared to the Task Force that the category of "Special Access," as applied to areas of research and technology, should be carefully monitored to avoid unduly limiting the number of competent technical minds that provide innovative contributions in the area. In the one case examined (Eighth Card), the Task Force believes that Special Access should never have been applied. In circumstances such as those that prevailed during World War II, when most of the best scientists and engineers were engaged in classified defense research, on a full-time basis, it may be feasible to bring to bear a suitably diverse spectrum of minds and talents even on those areas designated "Special Access." But this would be exceedingly difficult under present-day conditions when so many competent technologists are associated, if at all, only peripherally to military research and development. The more open the areas of investigation, the more dynamic will be our national approach to the exploratory phases of research and development.

6. Other observations

As a result of limitations on time and staff, the Task Force could not explore all facets of the field of classification. It did, however, attempt to gain an understanding of the way in which classification procedures work at the detailed level in a few cases. The following observations may be made:

(1) Although there are many alert and imaginative professional experts engaged in assigning and administering classification, as long as the classified material remains so voluminous it is obvious that routine procedure can become too burdensome. There is also a quite understandable bureaucratic tendency to overclassify and to continue classification too long. If the amount of classified material could be reduced to, say, 10 percent of its present volume, a much more thoughtful and effective control could be established across the board.

(2) It was noted that the laboratories in which highly classified work is carried out have been encountering more and more difficulty in recruiting the most brilliant and capable minds. One member of the Task Force made the pessimistic prediction that, if present trends continue for another decade, our national effort in weapons research will become little better than mediocre. In classified work, the increasing isolation and limited accountability to one's scientific peers contribute to this degradation. In addition, it is worth noting that the many scientists and engineers in academic circles who are willing to work on problems related to national defense would find it somewhat easier to do so in the environment which prevails at present if the classified areas were reduced greatly, as the Task Force believes should be the case.

(3) The Task Force emphasizes that modifications in the pattern of classification alone will not be a panacea for the difficulties the Defense establishment faces.

THE GROWING SURGE IN CAPITAL SPENDING

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, the recent issue of Business

Week contains a report on the growing boom in capital spending that I think bodes well for the continuing recovery of the economy. As I am sure my colleagues are aware, capital spending increased by only 1.9 last year, a figure which implies an actual decline in real outlays if inflation is accounted for. However, since the inauguration of the President's new economic policy last August, the picture has been steadily improving. When McGraw-Hill took its first survey of business spending plans for 1972 in the fall of last year, businessmen projected a moderate 7-percent increase in capital outlays. A second survey completed earlier this year indicated a considerably more healthy 11-percent increase in spending for plant and equipment. And now the results of the last survey, taken between mid-March and mid-April, reveal plans for a vigorous 14-percent expansion of capital outlays, the highest rate of increase since 1966.

Mr. Speaker, throughout modern times a strong upswing in capital spending has been the backbone of a healthy economic recovery. We are in the midst of such an upswing now, which, in my view, demonstrates that the President's economic program is proving to be a success—all the carping of the critics notwithstanding. Moreover, the current surge in capital spending underscores the wisdom of the President's proposals last year to liberalize depreciation of capital assets and to restore the investment tax credit. While I would certainly agree that the 15-percent increase in corporate profits that was registered during the first quarter of this year is primarily responsible for this new willingness to invest in plant and equipment, I do not think it can be denied that these tax measures have contributed in an important way to the corporate cash flow and liquidity that is a necessary precondition for expansion of outlays. It would therefore ill-behoove us, I think, to heed the advice of those who would now call for the repeal of these measures in the name of tax reform just when they are beginning to register a real impact on the economy.

CALIFORNIA'S 18TH CONGRESSIONAL DISTRICT—A RICH AGRICULTURAL AREA

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. MATHIAS of California. Mr. Speaker, I am proud to be able to report to my colleagues that the two counties I am privileged to represent in the House of Representatives were ranked again last year as two of the richest agricultural producing counties in the Nation. Tulare County ranks second in the Nation with a 1971 total field crop revenue of $402,550,000 and Kern County is third with a total revenue of $360,555,980. Fresno County, the No. 1 county, is adjacent to Tulare County.

My district is located in the agricultural heartland of California, an area which many years ago was a dry barren land. But now it is one of the richest agricultural areas in the world. In fact, agriculture is our number one industry.

Our farmers produce a wide variety of top quality food and fiber, including sugar beets, barley, tomatoes, table grapes, fruit and nuts, potatoes, livestock, dairy and poultry products, and cotton to mention only a few.

I would like to call attention to a May 15th article in the Bakersfield Californian entitled "Tulare Still Second in Ag Wealth" by Pat Geisler. This very fine article provides many facts and figures about the valuation of the 1971 crop in Tulare County, which is my home county. I recommend this article to my colleagues:

[From the Bakersfield Californian, May 15, 1972]

TULARE STILL SECOND IN AG WEALTH

(By Pat Geisler)

PORTERVILLE.—Despite a $5,498,000 dip in field crop revenues last year, Tulare County still is one of the richest agricultural counties in the nation.

It ranks second only to Fresno, which reported a 7 per cent increase of $507,930,000. Kern County is third at $360,555,980.

In his annual report, Agricultural Commissioner Elvin O. "Butch" Mankins of Porterville says field crop revenue dipped 6 per cent from the preceding year, accounting for $4,713,000 of the total decrease from $408,039,000 to $402,550,000.

Field crop valuation was $75,756,000, compared with $80,469,000 in 1970. Declines were noted in sugar beets, from $3,785,000 to $1,649,000; barley, $6,532,000 to $6,480,000; seed cotton, $5,272,000 to $4,027,000; alfalfa hay, $24,400,000 to $22,470,000. Biggest drop was in grain hay, from $210,000 to $81,411.

In most instances, less acreage was harvested than in 1970.

On the plus side, vegetable crop revenue rose 25 per cent from $10,820,000 to $13,526,000. Livestock and poultry revenues went up approximately three per cent, due to higher prices for beef, from $65,082,000 to $66,909,000.

Dairy and poultry products, through production of more milk and a higher price than in 1970, showed a 9 per cent gain at $52,329,000, compared to $48,111,000.

Bearing acreage in citrus was up more than 6,000; almonds, more than 400, wine grapes about 2,000; and orchards, nearly 3,000 acres. Walnut plantings accounted for half the increase; prunes, almonds and citrus, all the rest.

Table grape acreage decreased more than 2,000 acres and nearly 1,500 fewer acres were planted to raisin grapes.

Biggest element in increased vegetable crop revenue was a steady price on tomatoes for most of the season. Increases were noted in squash, cucumbers, peppers and green beans.

A total of 87,658 acres were planted to citrus in 1971; 68,739 in grapes; and 157,907 in deciduous orchards. Of the total, there were 74,026 bearing acres of deciduous and grapes.

Tomatoes harvested on 1,347 acres produced $9,988,000 in revenue compared to $7,095,000 for 1,248 acres in 1970.

Cucumbers grossed $247,000 compared to $153,000 the year before. Green beans for the fresh market brought $145,000 compared to $46,400; but beans for the cannery dropped from $637,000 to $594,000.

Fruit and nut crops were valued at $109,795,000 in 1971, compared to $200,221,000 in 1970; nursery products at $2,874,000 were down from $3,046,000; and apiary products stood at $200,000 compared to $194,000 in 1970.

Seed crop valuation was $101,000; vegetables, $13,526,000; fruits and nuts, $190,795,000; nursery products, $2,874,000; livestock and poultry, $66,969,000.

Mankins' report points up the growing dairy industry, noting that one new dairy comes into Tulare County each month. Dairymen are moving their operations here from Southern California because of increased land costs and the urban squeeze. Also, because the climate, location and "abundant availability of feed makes it even more profitable," said Mankins.

Most herds in the county are Holsteins, but some Guernsey, Jersey and Brown Swiss contribute toward the $45,519,000 in milk production and $2,653,000 in manufactured milk products.

FREDERICK POST EDITORIAL HAILS SUPREME COURT DECISION

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. BYRON. Mr. Speaker, recently, the U.S. Supreme Court ruled on a case involving the education of children of an Amish sect in Wisconsin. The Frederick Post of Frederick, Md., wrote an excellent editorial on this decision which I would like to share with my colleagues. The editorial follows:

RESTORING LIBERTIES

In a sweeping six to one decision of broad implications, the new Nixon Supreme Court has struck a blow for religious freedom sharply curbing the powers of the states in the field of public education.

With only ultra-leftist Justice William O. Douglas dissenting, the majority opinion read by Chief Justice Warren E. Burger has ruled unconstitutional a Wisconsin law requiring its tiny fragment of the 300-year-old Amish citizens to violate their "religious prohibitions" by sending their children to that state's public high schools.

These tightly knit Amish and some of their fellow Mennonite citizens, of whom there are several thousands near Frederick, both in Maryland and Pennsylvania, have, as the Chief Justice pointedly says in his majority opinion:

"Held for more than 300 years as part of their pacifistic and non-worldly religious creeds, ending the educational training of their children at the sixth grade; won the constitutional right to continue to do so, even though state laws prohibit such action."

Justice Burger's carefully drafted majority opinion, striking down the Wisconsin Supreme Court ruling and similar laws in other states, adds:

"Even a state's paramount responsibility to educate its children and young people must yield precedence when it impinges upon other, and, as in this case, rare instances, of fundamental rights and interests such as religious freedom and the traditional concern of parents with their children's religious upbringing."

But Justice Burger's ruling was careful to spell out that it was a "decision unique unto itself;" and that it should not serve as a "pretext for recent converts to some progressive or more enlightened processes for rearing and educating their children" to find in this placing a more than three centuries old tiny sect of rigid faith above the educational powers of the States," any hope that they, similarly, can hope to find legal sanctuary for defying the educational laws of any state."

In its six to one decision striking down the Wisconsin Supreme Court's decision ordering its Amish citizens to send their young people to public high schools, there are broad implications.

The Amish descendants of the 16th century Swiss *Anabaptists* founded by that great theologian, John Calvin, are dedicated to the Biblical command:

"Be not conformed to this world."

When Charles II of England, who owed the father of Quaker William Penn, the late Admiral Sir William Penn, what was in 1680 the huge debt of $80,000, he paid it off by granting to the humanitarian heir "a deed in fee simple conveying to him and his heirs all of the lands in North America west of the Delaware River between our colony of New York and Maryland;" together with such unlimited powers as to make him in essence a "sovereign," His Majesty asked only that it be named "Pennsylvania" in honor of his late beloved Admiral.

It was Penn, who by sending agents to the various minor German courts offering "complete religious freedom and generous land grants to settlers of all faiths," who first brought the persecuted Amish and Mennonites to America.

Here they by their closely-knitted hardworking, thrifty farming turned Central Pennsylvania and western Maryland into a "land literally flowing with milk and honey."

In his famous diary, our second President, John Adams, describing his visit while en route to the Continental Congress to their "magnificent church and finest organ in America" at Lancaster, Pa., wrote:

"Although they are pacifists and will not bear arms, even General Washington in a letter to the Continental Congress explaining that he has accepted their offer to permit their young men to serve as teamsters with the army in lieu of bearing arms, added that they are a highly admirable people, completely loyal to the Cause, and absolutely sincere in their peculiar religious creed."

Chief Justice Burger's six to one ruling upholding the 300-year-old deeply held nonconformity of these sectarians—who refuse to send their children to public high schools where they will receive no religious instruction of any character or even compensating moral or ethical training—means that carefully planned preliminary steps of the Amish to abandon the United States and emigrate to Canada will now be abandoned.

The Pilgrim Fathers on the cockleshell "Mayflower," who after a three-month saga of incredible suffering in crossing the North Atlantic in the dead of winter, paid an almost incredibly high price to "worship God according to their consciences" in tiny Plymouth Colony; like the Amish placed God above the State.

A decade later, the first tiny vanguard of the more than 50,000 similarly dissenting Puritans landing in Salem Harbor on the "Arbella" (to found the Massachusetts Bay Colony) served as an inspiration to the Amish and Mennonite dissenting sects gratefully accepting William Penn's not only pledged but fulfilled to the letter "guarantee of complete religious freedom," in his new completely owned colony of Pennsylvania.

Justice Burger's re-affirmation 300 years later of the transcending paramount right of "freedom of religious conscience" over the bureaucratic and naked exercise of the power of the state is a most welcome and clarion blow for "religious freedom."

This is the freedom for which our forefathers, at great sacrifice and property loss, abandoned their native European environments to carve out of the virgin wilderness this America, which today we so callously in the name of "conformity" would erode priceless liberties for which brave men and women paid an incalculable price in blood, sweat and tears.

This is more than a victory for a tiny sect refusing, even at the cost of again—after more than 300 years of living as highly respected Americans—fleeing to the sanctuary of neighboring Canada rather than consent to become mere "rubber stamps" of dominating state bureaucracies.

It is a straw in the wind. The new Nixon court in the days just over the horizon may, hopefully, restore to a constantly harassed formerly free American people some of the other "liberties" ruthlessly taken from them in the name of that sacred God—Conformity—by the Warren Court for which their forefathers paid a price so high that it cannot even be calculated today even by the most sophisticated computer.

SMITHSONIAN DRUG EXHIBIT

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. HALPERN. Mr. Speaker, I would like to call the attention of my colleagues to an article which appeared in this Saturday's New York Times entitled "Smithsonian Perspective." In this excellent article, Dana Adams Schmidt comments upon a most intriguing drug exhibit now being conducted at Washington's Smithsonian Institution.

This exhibit is noteworthy, as Mr. Schmidt so well points out, for its objective, historical approach to the centuries-old phenomenon—the use of narcotics—which is too often the subject merely of propaganda and scare tactics. For too long now our drug education campaigns have perpetrated the illusion that drug abuse is a problem which developed in the modern age, and that the connection between drugs and artistic or religious expression over the centuries is somehow qualitatively different from what is going on today on the street corners of our cities.

Actually, our society has blinded itself to the long history of drug use and abuse, thereby failing to learn from past mistakes—or even to benefit, medically, from past successes.

Educational campaigns in all the media depicting the horrors of narcotics abuse in current times are, of course, a necessary element of an ordered contemporary society. However, an objective investigation into the what, how and why of drug use over the ages can only further our attempts to understand this practice today.

It is for this reason, Mr. Speaker, that I insert into the RECORD the following informative article by Mr. Schmidt:

DRUGS THROUGH THE AGES, A SMITHSONIAN PERSPECTIVE

(By Dana Adams Schmidt)

WASHINGTON, May 19.—The season's tourists now beginning to flood into Washington may be puzzled by a "special exhibition" about drugs that they can hardly avoid.

Under a red-and-white canopy in the center of the most frequented building of the Smithsonian Institution, in the midst of the most popular attractions around the Mall, between the Capitol and the Washington Monument, it is "special" in the sense that it does not overtly preach the horrors of drug addiction.

Instead it employs all the devices of classical art, commercial art, pop art and graphic arts—plus neon lighting, vending machines and folk music.

The Smithsonian has tried to put drug abuse into the perspective of the drug-prone culture out of which it grew and of other drug-taking cultures both past and present.

From the permanent collection of space capsules and Charles A. Lindbergh's plane, The Spirit of Saint Louis, hanging from the ceiling of the Industries and Arts Building, the visitor is attracted to a 60-foot-high column whose four sides are illuminated in flashing red, green, blue and yellow lights spelling out the word drugs.

A TRIP TROUGH THE AGES

But first he must pass an expanse of hugely enlarged classic paintings beginning with Michelangelo's 16th-century painting, Expulsion from the Garden of Eden, from the Sistine Chapel ceiling in Rome.

Ronald Beckman, the director of the Research and Design Institute of Providence, R.I., which created this exhibition for the Smithsonian, views the snake depicted in the painting as the original pusher and Adam's acceptance of the fruit of the knowledge of good and evil as the first example of drug abuse.

Other paintings such as Hieronymous Bosch's Garden of Earthly Delights; the Mandala of Shamvara, a 16-century work from a Tibetan lamasery; and The Dream by Henri Rousseau, painted in 1910; were selected to show "what people have been questing after, the visionary and seemingly extrasensory, through the centuries," Mr. Beckman said.

EXPRESSIONS OF THE PAST

On the back of the portable racks displaying these paintings, a collection of old advertisements for patent medicines, many of which purveyed alcohol and morphine, has been assembled that will stir nostalgic sighs from those over fifty. Mr. Beckman sees a relationship between the two displays.

"The elevated experience, the great themes of civilization, which the artists expressed by their skill, this was sought by all in our culture, instantly, chemically," he said.

Here are Lydia Pinkham's Vegetable Compound; Ayer's sarsaparilla, which "purifies the blood, clears the complexion and make the weak strong," and Grove's "tasteless chill tonic," which "makes children and adults fat as pigs," and Burnett's "cocaine for the hair."

From a loudspeaker above one hears appropriate folk tunes, including a German ditty about a Dr. Eisenbart who sings that he "gave 10 pounds of opium to the sexton's son in Didelbaum. He slept night and day for years and hasn't wakened yet."

Around the top of a vending machine, a moving ribbon of illuminated words conveys information about drugs. One sample reads as follows: "Inhalants are airborne drugs, tobacco smoke, laughing gas, paint thinner, moth balls, aerosols, glue, pollutants."

To get into the next attraction, an inflated bubble containing five talking dummies, one must obtain from the machine for 25 cents a brightly colored box with a message about drugs on the back.

The dummies are translucent and illuminated from within by moving film strips of the live model, so that the illusion of life is startling.

Even more startling is the discovery that the dummies—an American Indian, a black man, a housewife, a hippie, and a Burmese woman—do not preach against drugs. Each simply defends his or her own particular kind of drug use.

A collection of photographs entitled "The Human Condition" illustrates the use of drugs in ritual, in medical science, as solace, and in a civilization of abundance.

The last panels display Carl Mydans's famous painting, "Singapore Opium Den," and other scenes of Bowery bums, addicts "shooting up" and a continuous moving picture of a heroin addict "nodding out."

Finally, under the heading "Deceased," are pictures of Marilyn Monroe, Edward R. Murrow, Janis Joplin and Jimi Hendrix, all of whose deaths could be attributed to some form of drug.

These and a concluding set of graphic statistics are the only touches of grimness in an exhibit whose message, according to a notice at the entrance, is that "drug use, misuse and abuse always occur in every * * *

FIFTH ARMY ADJUTANT GENERAL SERVES RESERVISTS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. ASPIN. Mr. Speaker, recently I wrote to Secretary of the Army, Robert Froehlke, requesting an exemption from summer camp duty for Vietnam veterans. Most of these men have already served their country on the battlefields of Vietnam. They believe, and justifiably so, that they have already been trained in combat.

Unfortunately, Secretary Froehlke was unable to grant a categorical exemption But I was informed that the Adjutant General's Office would consider exemptions and deferrals on a case-by-case basis. The Adjutant General's office has developed a fairly liberal policy in excusing men from summer camp duty on the basis of employment, family, personal hardship, or community hardship.

Twenty of my constituents have requested my aid in winning exemptions or deferrals. The Adjutant General's Office in St. Louis has made a decision in 12 of the cases. Eleven veterans have been granted an exemption from summer camp duty. There has been only one refusal.

The Adjutant General's Office in St. Louis has been quick, fair, and sympathetic in granting these exemptions. In a day when many citizens complain about a faceless bureaucracy, the Fifth Army Adjutant General's Office is clearly an exception.

I have written to the Adjutant General of the Fifth Army, Brigadier General Prost, and congratulated him for providing such prompt and efficient service to reservists who have a legitimate excuse from summer camp. The letter follows:

MAY 22, 1972.

Brig. Gen. LOUIS J. PROST,
Commanding, U.S. Army Reserve Components Personnel and Administration Center, St. Louis, Mo.

DEAR GENERAL PROST: I am writing to express my sincere thanks for the cooperation and leniency you have shown veterans—especially Vietnam veterans—who have requested either an exemption or deferral from summer camp.

The prompt and sympathetic attention given to these requests by the Office of the Adjutant General is very much appreciated by me, as well as the veterans and their families.

Sincerely,

LES ASPIN,
Member of Congress.

UNITED NATIONS DAY 1972

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. RARICK. Mr. Speaker, the President of the United States has proclaimed by Executive order that—

> On October 24, 1972, people around the world will celebrate U.N. Day.

In so doing, the President has proclaimed "honoring an international organization dedicated to the ideals of peace and justice among all nations."

Yet in his proclamation the President says:

> Decisions by some members have prevented the United Nations from acting to stop wars.

War or peace no longer being an objective or purpose for the United Nations, the President lauds its "not-so-well-known activities as setting standards for social and technical legislation in many countries."

Perhaps the social standards referred to by the President include the comprehensive child development programs which as late as last month were attributed to UNICEF by U.N. Secretary General Waldheim when he said:

> The process of child development has to be the concern of society as a whole—on the national and international level. From the very beginning, the leaders of UNICEF—both board and secretariat—clearly understood this, and I congratulate them for their foresight and vision.

If so, this was similar to the child development legislation that passed both houses and was vetoed by the President December 9, 1971. Despite the President's acknowledgement that the United Nations is not only inept, but refuses to act to stop wars and is dedicated to destruction of the American way of life, he would use his position to dignify a tax-exempt organization, the United Nations Association under the command of former Chief Justice Earl Warren by calling on the "people on all parts of our planet, State and local officials, citizens groups, and agencies of communication—press, radio, television, and motion pictures—to engage in appropriate observances of United Nations Day."

The tragedy of the world, the U.N., the defunct effort of men to realize our aspiration for peace is, therefore, used as an early effort for political expediency. The President has made his U.N. proclamation in May because he hopes that those who are uninformed will have forgotten about his international role by November when he again faces the American electorate, seeking their votes as an American leader.

I include the proclamation which appeared in the Federal Register, Volume 37, No. 100, Tuesday, May 23, 1972:

[From the Federal Register, Vol. 37, No. 100—Tuesday, May 23, 1972]

UNITED NATIONS DAY, 1972

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

On October 24, 1972, people around the world will celebrate United Nations Day. It is fitting that people on all parts of our planet should join on this day in honoring an international organization dedicated to the ideals of peace and justice among all nations.

The United Nations has faced great obstacles as it has worked toward the achievement of these goals. Political differences among nations have hindered its progress. Decisions by some members have prevented the United Nations from acting to stop wars. The organization's financial difficulties are also well-known.

Not so well-known, however, are many of the constructive activities of the United Nations which have achieved impressive successes over the years. The United Nations has made significant contributions, for example, by facilitating international transportation and communication, preventing the spread of diseases, and setting standards for social and technical legislation in many countries.

In recent months and years, the United Nations has also helped to establish safeguards to prevent the spread of nuclear weapons, helped to establish the rule of law in outer space and the oceans, provided technical assistance to the developing nations, promoted family planning, and worked to protect the environment. In addition, it has taken important steps to curb the traffic in addictive drugs, to protect diplomats from terrorism and travelers from hijackings, and to protect the rights of refugees and prisoners of war.

Any balance sheet of the performance of the United Nations must take these activities into account. They indicate that the United Nations and its affiliated agencies are working to build the foundations for a better world.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate Tuesday, October 24, 1972, as United Nations Day. I urge the citizens of this Nation to observe that day with community programs which will promote understanding and support for the United Nations and its affiliated agencies.

I have appointed Mr. Robert O. Anderson to be United States National Chairman for United Nations Day and, through him, I call upon State and local officials to encourage citizens' groups and agencies of communication—press, radio, television, and motion pictures—to engage in appropriate observances of United Nations Day in cooperation with the United Nations Association of the United States of America and other interested organizations.

In witness whereof, I have hereunto set my hand this nineteenth day of May, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

[FR Doc. 72–7828 Filed 5–19–72; 2:01 pm].

RIOTING IN LITHUANIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. DERWINSKI. Mr. Speaker, while the attention of the public is focused on the President's trip to Moscow, it is well for us to keep in mind that he is visiting the heads of a dictatorial state in which millions of non-Russians are constantly persecuted for their religious beliefs and their cultural and national traditions.

A story filed from the Chicago Tribune Press Service by its Moscow bureau chief, James Yuenger, which was carried in the Monday, May 22, edition of the Chicago Tribune, tells of a young Lithuanian Catholic who burned himself to death in protest against the oppression of Lithuanian people by the Russian occupiers of that previously free country. I believe this story deserves as much attention in Russia as it does here but, unfortunately, freedom of the press is not enjoyed in the USSR. This manipulation of the press is one of the vehicles used by the Soviets to suppress the nationalistic spirit of non-Russians such as the Lithuanians.

Mr. Speaker, I have written to our Embassy in Moscow enclosing this article asking that the President be appraised of this development.

The article follows:

IMMOLATION SPARKS RIOTING IN LITHUANIA

(By James Yuenger)

Moscow, May 21.—A young Lithuanian Catholic burned himself to death in the city of Kaunas on May 14, triggering two days of riots by young nationalists which brought the deaths of one and possibly two policemen.

There was no visible unrest in Kaunas today. Reliable sources reported that the streets of the big, bustling manufacturing city were still jammed with police arresting long-haired and other "suspicious" people.

POLICE STAND GUARD

The site near the center of town where suicide of Roman Talanta, 20, took place was cordoned off by police standing guard. Flowers thrown there by sympathizers had been removed.

The incident was the most striking in a week that has seen redoubled efforts by the authorities to prevent demonstrations during President Nixon's visit to the Soviet Union which begins tomorrow.

Scores of political dissidents and activist Jews have been warned to lie low during the visit. They have been threatened with terms in prison or labor camps. Jews were told that any demonstrating would foreclose their chances of emigrating to Israel.

JEWS SEND PETITION

Nonetheless, a new petition signed by 302 Jews from several cities has been forwarded to the American Embassy here. It speaks of new "reprisals" and appeals directly to Nixon to urge the Kremlin to permit more emigration of Russian Jews.

The story of Talanta's self-immolation filtered thru to Moscow during the last couple of days by telephone from Kaunas, a town of 400,000 which western newsmen are not permitted to visit.

All the details are not yet available, however, reliable sources provided this information:

Talanta, a factory worker and night school student, decided for "political reasons" to kill himself.

At noon on Sunday, May 14, he went to a park near the Kaunas Music Theater in the center of town, poured three liters of gasoline over himself, and set fire to it. He died 12 hours later.

The sources—which subsequently have been threatened with imprisonment on charges of "anti-Soviet slander" for transmitting the information to Moscow—were not able to say more about Talanta's motivations.

It is noteworthy, however, that he was Catholic. Lithuania contains most of the Soviet Union's estimated 3 million Catholics. Kaunas is a hotbed of both nationalist and religious feeling.

Two months ago its residents contributed a bitter petition in which more than 17,888 Lithuanian Catholics demanded of Communist Party Chief Leonid Brezhnev that he end suppression of Catholic religious practices there.

POLICE CAN'T CONTROL

Talanta's funeral was held Thursday. Almost immediately thousands of young Lithuanians swarmed into the streets shouting "freedom, freedom, freedom", and "Freedom for Lithuania."

Truncheon-swinging local police could not control them, and on Friday, troops of the feared "internal forces" were sent in.

The sticks and stones in the hands of the demonstrators were no match for the riot-helmeted troops, altho one policeman reportedly died later in a hospital of injuries inflicted by the rioters. The sources could not confirm that a second had died.

Apparently no guns were used by the authorities. Several hundred people were reportedly arrested. No count of total casualties among the rioters is available.

The rioting ended Friday. The local Communist Party newspaper, Kaunas Truth, said yesterday an examination of Talanta's personal effects showed that he had been mentally ill and a drug addict.

This report was predictable and widely disbelieved, the sources said. There is virtually no drug addiction in the Soviet Union and the authorities have often leveled the spurious charge that dissenters are insane.

CLAUD AIKMAN DISCUSSES MEAT PRICES AND THE FAMILY BUDGET

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 1972

Mr. FISHER. Mr. Speaker, much has been said recently about the price of meat. Cattle producers have, erroneously, received much of the blame. The fact is that costs for all commodities and services have risen sharply in recent years. But very little of this can be charged to producers.

Only recently has meat prices to producers exceeded parity—for the first time in 62 years. Those who raise cattle are finally recovering to the levels of 20 years ago, and this does not take into account the depreciated dollar.

The USDA reports farm food prices are up 7 percent in the past 20 years; yet during that same period production costs to the farmer have doubled, not including real estate taxes, farm machinery prices, and other cost factors. And it is significant that during this same 20-year period farmworker's output is more than three times what it was.

It has been determined that most of the increase in costs to consumers must be attributed to the middlemen.

An interesting and revealing discussion of the meat aspects of the family budget is contained in a letter to the editor of West Texas Livestock Weekly, May 11, 1972, issue, written by Claud E. Aikman. It is well worth reading. The article follows:

[From the West Texas Livestock Weekly, May 11, 1972]

LETTERS TO THE EDITOR

DEAR EDITOR: Along about the middle of April, I happened to be in Tulsa, and there picked up the April 14th issue of "Life Magazine." What prompted me, primarily, was the picture of a thick T-bone steak on the cover. Being near noon and a bit hungry, this appetizing picture made my stomach turn over, but the caption to the picture did a bit more than that to my feeble mind.

Said caption read: "Outrage at the check-out counter". "Who gets all that money for beef?" "How a family copes with food bills."

My hunger pains subsided as I eagerly opened the magazine to satisfy my mental hunger for the "vittels" within. Being a cattle raiser with a cow and calf operation up in the Flint Hills of Eastern Kansas, I knew for dadgum sure that I was not getting more than my fair share.

Turning to page 32B, there was the harried couple at the supermarket meat counter, and on page 37, there was the "meat" of this meaty deal, a porterhouse steak, cut up in five parts, each part showing how the cattle raiser, the feeder and others in the production line from the ranch to the table, divied up the ultimate selling returns from a pound of U.S. Choice steak.

The rancher came out tops with 81 cents, and down the line, the supermarket got 33 cents, the feedlot operator 30, the packing house 3 and the truckers also 3 cents. It seems that all made a little profit but no one got rich in the total operation.

On page 36, appear the Fred Green family, of Arizona, with their three children, Cheri, Robin, and Ricky. They are not what one would call "poor," as between them they take home upwards of $14,000 a year. Peeking into their budget, I found that they allocated $165 per month for food, which is about 14 percent of their monthly take home pay. I might add that this is 2 percent less than that of the average American head of family, and about one fourth of that in Russia and the Iron Curtain Countries.

Out of this $165 monthly food bill they spend about $53 per month for meat and poultry, explaining that one night they have hamburgers, at 98 cents per pound, and a second night, hot dogs at 73 cents a package. Myrna laments: "We haven't had a steak for I don't know how many months" and she goes on: "Food isn't gold plated. Why should it cost so much?"

Looking into their way of life, there were two station wagons parked at the doors of the garage, and here's the one that had me reaching for the Kleenex, the swimming pool with upkeep or payments at $56 per month. This little item is larger than the entire meat bill for the family. Dispense with it and Myrna could stuff the kids with tender, juicy pot roasts and yard-cooked steaks several times a week. And the bill at the dentists, for $86 per month might be less on a better diet.

While my heart bleeds for the Green family and others in the same plight, I will save some tears for the little cattle raiser, holding his flock together during long drouths by the feed he can buy through the kindness of his local banker, and the farm feed-lot owner, slushing through the mud and snow of winter days, finishing the animals for the table. I wonder how many of these hombres have a swimming pool, or even two station wagons?

CLAUD E. AIKMAN.